CITY OF GREATER GEELONG

MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 26 July 2016

Held at the
Council Conference and Reception Centre
City Hall, Little Malop Street, Geelong
commencing at 5.30p.m.

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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, 26 JULY 2016 COMMENCING AT 5.30P.M.

PRESENT: Dr K Alexander (Chair), L Gardner, P Dorling

Also present: K Spiller (Chief Executive Officer), D Frost (General Manager Strategy & Performance), P Bettess (General Manager Planning and Development), W Tieppo (General Manager City Services), L Quinn (General Manager Community Life), B Luxford (General Manager Investment and Attraction), L Barton (Acting Executive Manager People and Organisational Development), T McDonald (Manager Customer Service & Council Business), D Lever (Corporate Internal Auditor)

OPENING: The Chair declared the meeting open at 5.30pm

ACKNOWLEDGEMENTS:

Council acknowledged 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

CONFIRMATION OF MINUTES:

P Dorling moved, L Gardner seconded -

That the Minutes of the Ordinary Meeting held on 28 June and Special Meeting held on 28 June 2016, be confirmed.

Carried.

DECLARATIONS OF CONFLICTS OF INTEREST: Nil

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, the Interim Administrator 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.

Questions submitted prior to the Council Meeting were received from Hank Wylie and Elizabeth Cox. As they were not present at the meeting a written response will be forwarded.

Ross Harrison addressed the Administrators in relation to Council Report – Proposed Heritage Overlay - 9 Bridge Road, Barwon Heads asking that Council review the property in question as it has significant heritage value and is a very important landmark of Barwon Heads.

Peter Bettess responded that the house was originally identified as an Interwar bungalow and not considered as historically significant. Only recently has it been established as being one of the oldest buildings in Barwon Heads. At the time of assessment no one in the community came forward and said the building was incorrectly classified.

Kathy Alexander indicated Mr Harrisons comments would be taken on board.

Alice Vaillant indicated an objection to the inaccurate statement in the Council Notice/Agenda of next weeks Council Meetings regarding the renaming of Dog Leg Lane. This was used by the Geelong Advertiser to publish an article on this issue. It allowed the newspaper to portray myself and the neighbours as difficult people wasting Council money and two comments posted reflected this. I contacted the Geelong Advertiser about the inaccuracies on the article and they still proceeded to put an online poll based on that inaccurate information. The poll will be used to have the renaming of our section of Potter Street retain the name Dog Leg Lane which is not acceptable.

The question raised related to an Agenda item listed for consideration and was subsequently deferred pending further clarification. The matter will be re-considered at a forthcoming Council Meeting.

Sally Nicholas asked if the Administrators were aware that a petition was started on 2 July 2016 and that 2690 people signed this petition and that Change Org sent on an email to CoGG when a person signs. This number was achieved over only three weeks of people against the sand mine.

Did Administrators have the numbers passed onto them?

Kathy Alexander responded she would follow up.

Peter Bettess responded that the City adhered to all legislative requirements.

Priscilla Pescott asked whether a pedestrian refuge could be installed in Barrabool Road at Barwon Valley Park?

William Tieppo responded that Council will investigate the location.

Georgios Tolongos expressed concern in relation to the new truck/container operations to replace former Rocke Bros site at Josies, Lara.

Peter Bettess responded by saying that the business operated under existing land use rights and that Council worked with the business owner who have since relocated.

Judith Brooks invited the panel of Administrators to attend Barwon Heads as part of their Community Engagement activity.

Kathy responded, 'yes, we will organize a public meeting at a time to be determined'.

Grace Lewis asked if Council could please investigate improving lighting at all bus stops in the Geelong Public Transport System Area 3. Lighting in particular on Townsend Road, Whittington could be installed on both sides of the road. It is currently very poorly lit and very dark which reduces bus frequency in the evening. It is also close to the Geelong Clinic.

William Tieppo responded by saying that the City works closely with Public Transport Victoria (PTV), and would raise the issue with them. William also stated that the City's Bus Shelter Program provides for 10-12 bus shelters per year and the issue of lighting could be raised as a consideration.

PETITIONS: Nil

1. PLANNING APPLICATION 692/2015 – USE AND DEVELOPMENT OF THE LAND FOR STONE (SAND AND SOIL) EXTRACTION AND REMOVAL OF NATIVE VEGETATION – 405-455 SANDY CREEK ROAD AND 1720 BACCHUS MARSH ROAD, LITTLE RIVER

Source: **Planning and Development**
General Manager: **Peter Bettess**
Index Reference: **Planning Committee**

Purpose

The purpose of this report is to enable Council to consider the Planning Application 692/2015 – 405-455 Sandy Creek Road and 1720 Bacchus Marsh Road, Little River as well as the Section 191 Planning and Environment Act Committee Report on the application and to make a final decision on the application.

Summary

- The subject sites comprise of two regular shaped allotments at 405-455 Sandy Creek Road and 1720 Bacchus Marsh Road, Little River. The combined area of the two sites is 167.89ha. The site is predominately cleared farming land used for grazing. Both sites contain a dwelling. A sand extraction area of 5ha is located along the northern boundary of 1720 Bacchus Marsh Road and is accessed from Sandy Creek Road. Hovells Creek is also partly located in this lot which also contains significant River Red Gums. The You Yangs Regional Park is located approximately 500m to the south-east. Lara is approximately 8km to the south.
- The application proposes to use and develop the land for the purposes of stone (sand and soil) extraction and the removal of native vegetation (retrospective approval for the removal of one (1) dead scattered tree). The extraction area is proposed to be 82ha in area. Minor buildings and works are proposed in the form of site huts/offices, a weighbridge and car parking for staff and visitors.
- The sites are located within the Farming Zone and are subject to the Significant Landscape Overlay Schedule 1 – Foothills of the You Yangs.
- The application was advertised by way of letters to adjoining property owners and occupiers and two signs on-site. A total of 241 objections were received with two (2) letters of support. The objections predominately relate to detriment to the rural landscape and character, especially to the You Yangs; amenity impacts (including dust, noise, vibrations and visual); impacts on farming and non-compatibility with agriculture pursuits; increase in truck movements leading to conflicts with other road users; impacts on surface water/groundwater/bores; impacts on native vegetation and wildlife; impacts on tourism and the film industry; the extent of public notification and incomplete application. The permit applicant declined Council's offer of a consultation meeting.
- The proposal has been assessed against the Farming Zone, the Significant Landscape Overlay Schedule 1 and relevant state and local planning policies and particular provisions of the Greater Geelong Planning Scheme.
- Council resolved to establish a Section 191 Committee to hear submissions and make a recommendation to Council.
- The Section 191 Committee heard parties at a hearing on Tuesday 5th July 2016.
- The Hearing Committee considered that the proposal involves the exploitation of a sand resource that is neither valuable nor important. Planning policy supports exploitation of the sand resource, however this is not at any cost.

The Committee has assessed the various issues raised at the Hearing and found the proposal to be unsatisfactory, particularly in terms of the economic, visual, amenity and traffic outcomes.

- While this proposal has been the subject of scrutiny by various state authorities who do not oppose the grant of a permit, the Committee is not satisfied the proposal has satisfactorily passed a high level of scrutiny. In addition the Committee has found the applicant's documentation inadequate, particularly with respect to the key issues.
- Having considered all submissions and evidence presented with regard to the applicable policies and provisions of the Greater Geelong Planning Scheme, the Committee recommends that the permit be refused.
- While Council officers disagree with the Committee's assessment of the issues, it is considered that the Committee's recommendation should be accepted as it had the opportunity to hear submissions from all parties, including the applicant, objectors and Council officers.

L Gardner moved, P Dorling seconded -

That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to Refuse to Grant a Planning Permit for the use and development of the land for stone (sand and soil) extraction, buildings and works and removal of native vegetation at 405-455 Sandy Creek Road and 1720 Bacchus Marsh Road, Little River on the following grounds the proposal will:

1) **undermine the achievement of a diversified economy contrary to the objectives and strategies of Clause 11.07-7;**
2) **have an enduring and inappropriate impact on the landscape values of the region.**

Carried.

Background

The Site & Locality

The subject site is known as 405-455 Sandy Creek Road and 1720 Bacchus Marsh Road, Little River and is located on the western side of Sandy Creek Road and the eastern side of the Bacchus Marsh Road, Little River. The site consists of two titles, is regular in shape with a frontage of approximately 603 metres to Sandy Creek Road and approximately 608 metres to Bacchus Marsh Road with an overall combined area of approximately 167.89 hectares. The site is located within the Farming Zone and is covered by Significant Landscape Overlay Schedule 1 – Foothills of the You Yangs. The You Yangs are located approximately 500m to the south-east.

The Proposal

The application proposes to use and develop the subject sites for the purposes of stone (sand and soil) extraction and removal of native vegetation.

The permit applicant describes the proposal as follows:

This proposal seeks a planning permit for the use of the land to extract sand and soil, building and works associated with this use and the removal of native vegetation. The proposed extraction area covers approximately 82 hectares and will be accessed via the existing crossover from Sandy Creek Road. The proposed extraction works entail the staged use of conventional sand quarrying techniques to extract and process sand as outlined in Work Authority 1532.

Public Notification

The application is **not** exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act and pursuant to Section 52 of the Planning and Environment Act 1987 the following forms of advertising were undertaken:

- Notices were sent to owners and occupiers of adjoining land (including opposite)
- Two (2) A3 signs were placed on the land

As a result of public notification two hundred and forty one (241) objections were lodged and two (2) letters of support were received.

Officers Recommendation

The proposal has been assessed against the Farming Zone, the Significant Landscape Overlay Schedule 1 and relevant policies and particular provisions of the Greater Geelong Planning Scheme, and is considered an appropriate use and development of the site. It is recommended that the application be supported subject to conditions. (See Appendix 1, Council Officers Report).

Section 191 Committee

A Planning Committee was scheduled for 12 April 2016 to hear the planning application.

Due to the announcement that the Council were to be dismissed, a quorum of seven (7) councillors was unable to be achieved, therefore the meeting was cancelled.

As the item was called into a Planning Committee by Councillors, parties have an expectation of being heard by elected representatives.

With the dismissal of City of Greater Geelong Councillors on 15 April 2016 this was no longer possible.

At the Council Meeting of 28 June 2016, Council resolved;

That Council:

1) **appoints Lester Townsend (Chair), Kate Partenio and Adrian Vlok as a Committee under Section 191 of the Planning and Environment Act 1987 to hear and make recommendations on the following Planning Applications;**

   - **1679/2015 – 2-4 Waverly Road, Lara**
   - **692/2015 – 405-455 Sandy Creek Road and 1720 Bacchus Marsh Road, Lara**

2) **agrees to pay the reasonable fees and allowances of the persons' services to the Committee at the rates set by Planning Panels Victoria.**

Discussion

The Section 191 Committee heard parties for Planning Application 692/2015 at a hearing on Tuesday 5th July 2016.

Presenters at the Hearing included a Council Officer, the Applicant and 24 objectors.

Based on issues presented at the Hearing the Committee has identified the following issues for consideration:

- What is the importance of the sand resource to be extracted?
- Impacts on agricultural, recreation, tourism and film industry
- Visual impact on landscape values
- Impact from noise, vibration and dust
- Impact or conflicts with other road users
- Impact on surface water, flooding and ground water
- Impacts on flora and fauna
- Impacts on cultural heritage.

Details of the areas of concern to the Hearing Committee are briefly described. A full copy of the 191 Committees report can be found at Appendix 2.

- <u>Importance of the sand resource to be extracted</u>

  The Committee concludes from the evidence that the sand resource is not important for local and wider regional communities at this time. The Committee is not satisfied that there is, or is likely to be, an undersupply of sand resource in the region if the proposal does not proceed.

  <u>Officer Comment</u>

  VCAT has recently commented on the quality of an extracted resource in *Aerolite Quarries Pty Ltd v Greater Geelong CC (2014) VCAT 1611 (24 December 2014)* where the Members said that they *"do not accept that only the best grades are marketable or valuable".*

They also addressed the issue of alternative site locations:

The other argument raised was as to whether there are alternative sites off the land. It was suggested that, from a net community benefit point of view and more generally, there are plenty of other sites and deposits of basalt that can serve whatever need the community has for such products.

This argument has long since, indeed for decades, been recognised as irrelevant as a planning consideration. The question is always whether the proposal for this site is acceptable, irrespective of whether there are other sites, even other preferable sites, that may exist yet not be available to the proponent.

- Impacts on agriculture, recreation, tourism and film industry

  Given the significant and enduring adverse impact on landscape values, the Committee considered that it follows that the proposal is likely to impose significant economic costs on the recreation, film and tourism industries. On balance the Committee concluded that the proposal will work against the achievement of a diversified economy as sought by Clause 11.07-7 and Clause 21.02 (City of Greater Geelong Sustainable Growth Framework).

  Officer Comment

  It is noted that neither Parks Victoria nor Film Victoria expressly objected to the application or provided information on how the proposal may impact on the film industry or the recreational users of the You Yangs Regional Park.

- Visual impacts on landscape values

  In summary the Committee agrees with submissions that the proposal will result in an unreasonable and enduring impact on landscape values and the applicant has not provided credible evidence to the contrary. In the Committee's assessment, the applicant has not demonstrated the proposal adequately addresses Clause 42.03 (Significant Landscape Overlay), Schedule 1 to the Significant Landscape Overlay (Foothills of the You Yangs), relevant matters under the Farming Zone, Clause 11.07-4 (Geelong (G21) Regional Growth – Environmental Assets), Clause 12 (Environmental and Landscape Values) and Clause 52.09 (Stone Extraction and Extractive Industry Interest Areas), including:

  - *The effect of the extractive industry operation on the natural and cultural landscape of the surrounding land and the locality generally.*
  - *The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural systems or visual appearance of the surrounding area.*
  - *The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community.*

  Officer Comment

  The objectives and decision guidelines of the Significant Landscape Overlay Schedule 1 set out to achieve the statement of nature and key elements of the landscape of the schedule.

The Schedule states that the area is *"comprised of treeless foothills and plains at the base of the You Yangs. The You Yangs are the most prominent landscape feature in the northern area of the municipality providing panoramic views of Geelong. The surrounding foothills and plains create an open view path to the You Yangs, visually exposing them when viewed from the surrounding basalt plains.*

The key element of the landscape is its open character and contrast with the You Yangs."

The aim of the Schedule is to retain the You Yangs as being the dominate feature of the landscape and to provide a contrast of the You Yangs to the open plains at the foothills.

The location of the mine is noticeable in the landscape but when considered in the greater panorama of the views to and from the You Yangs, is a minor incursion into the landscape. The rehabilitation will still provide for an open character of the plains and will maintain the You Yangs as the dominant feature of the landscape.

- Impacts or conflicts with other road users

The Committee is not satisfied that the applicant has adequately considered impacts on the amenity and safety of other road users as required by Clause 52.09 (Stone Extraction and Extractive Industry Interest Areas).

Officer Comment

The application documents were reviewed by Council's Traffic department and by VicRoads. Neither authority objected or raised concerns as those raised by the Committee.

Council's Traffic department acknowledged that Sandy Creek Road is mostly sealed except for the northern section between the entrance to the Ford Proving Grounds and Little River – Ripley Road and those additional truck movements in this section (northern section) may have an impact on the frequency that Council maintains the road. However, in the main, any additional truck movements will not have an impact on the traffic in the region as they have very small traffic volumes.

Traffic did not raise any concerns that the current road pavement width, current speed limits or frequency of truck movements would have any impacts on other road users.

VicRoads provided a response that all vehicles movements associated with the use and development are the Sandy Creek Road access thereby not allowing access to Bacchus Marsh Road. It is not Council's role to assume VicRoads requirements and permissions to roads that they control regardless if they have provided permissions in the past.

- Impact on surface water, flooding and groundwater

The Committee noted proposed conditions 56 and 57 (requested by Southern Rural Water (SRW)) dictate that rainfall and surface water generated inside the mine pit cannot be used for quarry operations (for example sand washing and dust control) and water storage dams for quarry operations *"must only be filled with licensed groundwater extraction"*. If these conditions are to be complied with, there may not be adequate groundwater to undertake the operation. Furthermore the applicant would have to adequately clean and discharge sediment leaden surface water from the mine pit to Hovells Creek. The implications of these two conditions have not been addressed by the applicant's hydrogeological report or Work Authority document.

Officer Comment

The Committee expressed concerns that two conditions required by SRW, that if they were complied with, that there may not be adequate ground water to undertake the operation and that sediment laden surface water would have to be cleaned prior to discharge to Hovells Creek.

SRW requires groundwater that is used in the operation to be stored within dams located within the extraction area. The subject site has an extraction licence for 50 megalitres of groundwater per year as confirmed by SRW and that the operation will not impact on groundwater levels. This water extraction can therefore be stored in these dams as required by SRW.

SRW also requires that any direct rainfall that falls and is captured in the pit itself is directed to a sump and then pumped to a point where water will be returned to the natural receiving waterway. The Work Authority requires that all water that leaves the site to comply with recommended EPA techniques and that the EPA itself does not anticipate that the water quality of Hovells Creek will be impacted on as a result of the proposal.

It is also noted that apart from the concerns of the two SRW conditions, that the Committee is satisfied that the proposal can acceptably manage surface and ground water subject to compliance with the Work Authority and the conditions as proposed by the Council Officer.

Environmental Implications

Environmental implications have been considered as part of the Planning process.

Financial Implications

Net financial implications have been considered as part of the Planning process.

Policy/Legal/Statutory Implications

All Statutory implications have been considered as part of the Planning process.

Officer Direct or Indirect Interest

No Council Officers involved in the drafting of this report have a direct or indirect interest in the issue, in accordance with Section 80C of the Local Government Act.

Risk Assessment

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

Social Considerations

Social considerations are considered as part of the Planning process.

Human Rights Charter

The Human Rights Charter has been considered as part of the Planning process.

Consultation and Communication

The Planning Applications have been subject to consultation under the Planning and Environment Act.

The holding of a Section 191 Committee in lieu of a Planning Committee provided all parties to present their views prior to the Council deciding the applications.

All parties have been notified of the recommended process to determine the application.

Appendix 1 – Council Officer's Report

Application No:	**692/2015**
Applicant:	**TGM Group Pty Ltd**
Subject Land:	**405-455 Sandy Creek Road and 1720 Bacchus Marsh Road, LITTLE RIVER**
Owner:	**Bisinella Investments Pty Ltd**
Zone:	**Farming Zone**
Overlays:	**Significant Landscape Overlay Schedule 1 (Foothills of the You Yangs)**
Listed Buildings:	**None**
Existing Use:	**Farming (Grazing)**
Proposed Use:	**Use and Development of the Land for Stone (Sand and Soil) Extraction and Removal of Native Vegetation**

Summary

- The subject sites comprise of two regular shaped allotments at 405-455 Sandy Creek Road and 1720 Bacchus Marsh Road, Little River. The combined area of the two sites is 167.89ha. The site is predominately cleared farming land used for grazing. Both sites contain a dwelling. A sand extraction area of 5ha is located along the northern boundary of 1720 Bacchus Marsh Road and is accessed from Sandy Creek Road. Hovells Creek is also partly located in this lot which also contains significant River Red gums. The You Yangs Regional Park is located approximately 500m to the south-east. Lara is approximately 8km to the south.
- The application proposes to use and develop the land for the purposes of a Stone (sand and soil) Extraction and the removal of native vegetation (retrospective approval for the removal of 1 dead scattered tree). The extraction area is proposed to be 82ha in area. Minor buildings and works are proposed in the form of site huts/offices, a weighbridge and car parking for staff and visitors.
- The sites are located within the Farming Zone and are subject to the Significant Landscape Overlay Schedule 1 – Foothills of the You Yangs.
- The application was advertised by way of letters to adjoining property owners and occupiers and two signs on-site. A total of 237 objections were received with 2 letters of support. The objections predominately relate to detriment to the rural landscape and character, especially to the You Yangs; amenity impacts (including dust, noise, vibrations and visual); impacts on farming and non-compatibility with agriculture pursuits; increase in truck movements leading to conflicts with other road users; impacts on surface water/groundwater/bores; impacts on native vegetation and wildlife; impacts on tourism and the film industry; the extent of public notification and incomplete application. The permit applicant declined Council's offer of a consultation meeting.
- The proposal has been assessed against the Farming Zone, the Significant Landscape Overlay Schedule 1 and relevant state and local planning policies and particular provisions of the Greater Geelong Planning Scheme and is considered an appropriate use and development of the site.
- It is recommended that a Notice of Decision to Grant a Planning Permit be issued subject to the conditions contained in this report.

Recommendation

That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to Issue a Notice of Decision to Grant a Planning Permit for the Use and Development of the Land for Stone (Sand and Soil) Extraction and Removal of Native Vegetation at 405-455 Sandy Creek Road and 1720 Bacchus Marsh Road, LITTLE RIVER in accordance with the plans submitted with the application and subject to the following conditions:

Amended Plans

1. Prior to works commencing, amended plans must be submitted to and approved by the Responsible Authority. Such plans are to be drawn to scale with dimensions and three copies must be submitted. When approved the plans will be endorsed as evidence of their approval and will thereby become the endorsed plans in relation to this permit. The plans must be generally in accordance with the plans submitted to Council on the 11 September 2015, but modified to show:
   a) The Development Plan, Site Layout Plan (End Stage 3) and Rehabilitation Plan amended to accord with the Sandy Creek Road Frontage Concept Plan dated 20 November 2015 received by the Responsible Authority on 10 February 2016.
   b) The Development Plan and the Site Layout Plan (End Stage 3) amended to reflect the native vegetation to be protected and removed within and adjacent to the Work Authority area.

Amendments required to the Work Plan

2. Prior to works commencing, the Work Plan (text and plans) must be modified as follows:

   a) Section 1.5 Flora, Fauna & Native Vegetation Offsets:
      i. Further explanation as to what 'protection measures' for the existing trees within the buffer area of WA 1532 are to be put in place.
      ii. The second paragraph needs to be updated to reflect the correct number of trees being removed. Reports including those in Appendices also need to be updated.
      iii. Those 'management measures' to be used to limit potential injury to the kangaroos on the property within the operational areas must be further explained and identified in the report.

   b) Section 7.8 Vermin and Noxious Weeds:
      i. This section needs to make mention of a Pest Plant and Animal Management Plan.

   c) Section 7.10 Net Gain:
      i. All references to the amount of trees required for removal must be changed to reflect one (1) tree.
      ii. The date of the DEPI BAR report needs to be changed to reflect the most recent report submitted for the one (1) tree for removal.

   d) Section 8 Rehabilitation:
      i. The information within this section needs to be portrayed on the Rehabilitation Plan in Attachment 5.

   e) Appendix 3 DEPI Biodiversity Assessment Report:
      i. This report needs to be revised to reflect the removed one (1) scattered tree.

Endorsed Plans

3. The use and development as shown on the endorsed plan(s) must not be altered without the written consent of the Responsible Authority.

Working in Accordance with the Approved Work Plan

4. The use and development of the subject land must not commence until the Work Authority, including an Approved Work Plan is issued pursuant to the Mineral Resources (Sustainable Development) Act 1990 unless with the written consent of the Responsible Authority and the Department of State Development, Business and Innovation.

5. The use and development of the Land must proceed in the order of stages as shown on the endorsed plans unless otherwise approved in writing by the Responsible Authority and the Department of State Development, Business and Innovation.

Conditions Required by Clause 52.09-7

6. Except with a permit, no alteration may be made to the natural condition or topography of the land within 20 metres of the boundary of the land. This does not apply to driveways, drains, bund walls or landscaping.

7. Shrubs and trees must be planted and maintained to screen activity on the site to the satisfaction of the responsible authority.

8. Parking areas must be provided for employees' cars and all vehicles used on the site to the satisfaction of the responsible authority.

Environmental Management Plan

9. Unless otherwise approved in writing by the Responsible Authority, prior to the use and development commencing, an Environmental Management Plan (EMP) must be prepared by a suitably qualified person and submitted to the Responsible Authority for approval. The EMP must be to the satisfaction of the Responsible Authority. The EMP must provide for, but not be limited to:
   a) Water balance calculations including water sources, storage, internal drainage lines and sediment repositories;
   b) Measures to be undertaken to control sediment-laden water being discharged from the site;
   c) Emergency response procedures to be implemented and other measures required to control the discharge of sediment-laden water in flood events;
   d) Management of grey water and sewage generated on site; and
   e) Management of storage of fuels and other materials to prevent interaction with surface waters.

   When approved, the EMP will be endorsed and will then form part of this permit. The use and development must be undertaken in accordance with the approved EMP to the satisfaction of the Responsible Authority.

Groundwater

10. If groundwater is intercepted on the site, the permit holder must:
    a) Immediately cease excavation;
    b) Immediately contact the Responsible Authority and Southern Rural Water;
    c) Not recommence excavation until:
       i. The relevant water authority has advised that a groundwater licence is not required, or any necessary groundwater licence has been acquired.
       ii. The operation is modified to the satisfaction of the water authority and the Responsible Authority.

Air Emissions Management Plan

11. Prior to the use and development commencing, an Air Emissions Management Plan (AEMP) must be prepared by a suitably qualified person and submitted to the Responsible Authority for approval. The AEMP must detail, but not be limited to:
    a) a risk management strategy addressing measures to reduce air emissions at nearby sensitive locations (meaning residences and recreational areas) and to address the potential for nuisance dust off-site including details of the following:
       i. a baseline monitoring program of nuisance dust which must be completed prior to the commencement of the use;
       ii. how activities which generate dust on site will be managed to minimise dust emissions including spray bars on transfer points, application of water on haul roads, water cannons on stock piles;
       iii. the circumstances in which quarrying activities will cease on site due to weather conditions that will result in dust being discharged beyond the boundaries of the premises;
       iv. how dust will be monitored, such monitoring to be in compliance with the State Environmental Protection Policy (Air Quality Management) 2001 and the Protocol for Environmental Management: Mining and Extractive Industries and to include dust deposition gauges at locations to be determined in consultation with the Responsible Authority;
       v. contingency measures to deal with any elevated dust conditions or upset conditions.

To the satisfaction of the Responsible Authority.

Once approved, the AEMP will be endorsed as evidence that it is the AEMP approved under this condition.

12. The extraction operation must at all times be conducted in accordance with the AEMP to the satisfaction of the Responsible Authority. The AEMP may be amended to the satisfaction of the Responsible Authority.

13. Any failure to meet the standards of the State Environmental Protection Policy (Air Quality Management) and the Protocol for Environmental Management: Mining and Extractive Industries must be brought to the attention of the Environment Protection Authority and the Responsible Authority and such failure is to be rectified to the satisfaction of the Responsible Authority.

Landscaping

14. Prior to works commencing, a Landscape Plan for the entire site must be prepared by a suitably qualified Registered Landscape Architect and submitted to the Responsible Authority for approval. When approved, the landscape plan will be endorsed and will then form part of the endorsed plans of this permit. The Landscape Plan must include, but not limited to:
    a) details of existing conditions and vegetation (including windrows and road plantings) and details of this existing vegetation to be retained and/or removed as part of the bunding works;
    b) a rural character to the external road edge landscapes and visual layers to the landscape with multiple lines and returns within the planting system to imitate existing rural landscape forms;
    c) a landscape buffer system based around a combination of tall windrow plantations (Sugar Gums or mixed species plantations) along perimeter fence lines;
    d) dense screen planting and screen mounding within the site;
    e) planting to address the mitigation of views to the site generally in accordance with the recommendations of the Sandy Creek Road Frontage Concept prepared by Allan Wyatt (20 November 2015);
    f) use of suitable stockpiled soil in the mix of the material for the landscaping to encourage the establishment of planting in the buffer areas;
    g) species and planting densities of the vegetated buffer areas (avoiding species listed in the *'Garden Plants Going Bush... Pest Plants/Environmental Weeds'*, Version 8, City of Greater Geelong which must not be used); and
    h) an effective irrigation and watering regime during the establishment phase and for the ongoing maintenance.

15. Prior to the use commencing, the approved Landscape Plan must be implemented to the satisfaction of the Responsible Authority.

16. Screening vegetation and landscape planting in accordance with the endorsed plans must be planted and maintained for the operational life of the quarry to screen activity on the site to the satisfaction of the Responsible Authority. All vegetation that is dead must be replaced as soon as practicable to the satisfaction of the Responsible Authority.

17. Overburden must be maintained and located so as to minimise visual impact and be top soiled and hydro-seeded so as to reduce the event of erosion and degradation of the subject or surrounding land, to the satisfaction of the Responsible Authority.

Pest Plant and Animal Management Plan

18. Unless otherwise approved in writing by the Responsible Authority, prior to works commencing, a Pest Plant and Animal Management Plan (PPAMP) for the entire site must be submitted to the Responsible Authority for approval. The PPAMP must be to the satisfaction of the Responsible Authority. The PPAMP must include, but not be limited to:
    a) list of pest plant and animal species applicable to site;
    b) species targeted for control;
    c) management techniques including regular weed management along the bunds and perimeter landscaping; and
    d) monitoring and reporting.

    When approved, the Pest Plant and Animal Management Plan (PPAMP) will be endorsed as evidence of its approval and the use and development must be undertaken in accordance with the approved PPAMP.

Rehabilitation Plan

19. Prior to commencement of works, a Rehabilitation Plan for the entire site must be submitted to the Responsible Authority for approval. The Rehabilitation Plan must include, but not be limited to:
    a) existing conditions and vegetation (eg windrows and road plantings);
    b) objective of the end use (i.e. agricultural);
    c) progressive rehabilitation methodology of disturbed areas;
    d) staging and timing of rehabilitation; and
    e) species and planting densities on the basis that species listed in the *'Garden Plants Going Bush... Pest Plants/Environmental Weeds'*, Version 8, City of Greater Geelong must not be used.

    When approved, the Rehabilitation Plan will be endorsed as evidence of its approval.

20. The rehabilitation must be undertaken in accordance with the approved Rehabilitation Plan to the satisfaction of the Responsible Authority.

21. At least 6 months prior to the cessation of the use, the Rehabilitation Plan must be reviewed and if necessary amended to the satisfaction of the Responsible Authority.

Hours of Operation

22. The extraction, processing and sales must only occur between the following hours:

Monday to Friday	7:00am to 6:00pm
Saturday	7:00am to 1:00pm

    Sales and plant maintenance must only occur between the following hours:

Saturday	1.00pm to 6.00pm
Sunday & Public Holidays	No Work

    Works outside of these hours will only be for essential maintenance.

Truck Management

23. Heavy vehicles associated with the use must only access the site from Sandy Creek Road, Forest Road North, Windermere Road and Bacchus Marsh Road.

24. The operator must prepare a Truck Management Plan to the satisfaction of the Responsible Authority. When approved the Truck Management Plan will be endorsed as evidence of its approval. The Truck Management Plan must address:
    a) driver education concerning truck routes;
    b) covering of loads prior to exiting the site;
    c) measures that will be taken to educate truck drivers as to the operating hours of the quarry;
    d) strategies to prevent trucks arriving and queuing outside the site before operating hours;
    e) actions to be taken in the event that trucks attending or exiting the site do not comply with the Truck Management Plan.

Complaints Register

25. The operator must keep a register of any complaints by the public concerning the operations and the register must be made available to the Responsible Authority on request.

Drainage

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

27. Runoff from any workshop and/or re-fuelling areas must be appropriately bunded in accordance with current EPA Best Practice Guidelines to prevent contaminated stormwater from leaving the site.

Vehicle Access and Parking

28. Prior to the use commencing, the developer must:

    a) upgrade the existing vehicular crossing to a Rural B-double access standard with a minimum thickness 40mm Type H Asphalt surface for the whole of Sandy Creek Road where the required shoulder widening is to occur and the driveway to the gate. The works shall be undertaken in accordance with the requirements and standards of the City of Greater Geelong, or otherwise as approved and shall have drivable endwalls;
    b) remove any redundant vehicular crossings to Sandy Creek Road and reinstate the area to match existing conditions in the road.

    All to the satisfaction of the Responsible Authority.

29. Prior to the use commencing, the developer must construct the car park including access ways, surface with an all-weather surface to the satisfaction of the Responsible Authority.

Native Vegetation

30. No native vegetation shall be removed other than that marked on the endorsed plan, to the satisfaction of the Responsible Authority.

31. In order to offset the removal of one (1) scattered tree approved as part of this permit, the applicant must provide a native vegetation offset that meets the following

requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and *the Native vegetation gain scoring manual:*

The general offset must:

a) contribute gain of 0.002 general biodiversity equivalence units.

b) be located within the Corangamite Catchment Management Authority boundary or City of Greater Geelong municipal district

c) have a strategic biodiversity score of at least 0.080.

32. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and *the Native vegetation gain scoring manual*. Offset evidence can be either:

a) a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.

b) a credit register extract from the Native Vegetation Credit Register.

Any credit register extract from the Native Vegetation Credit Register must be submitted to the Environment Unit as a formal record of the offset evidence.

33. Prior to works commencing, the vegetation marked to be retained within or adjacent to the Work Authority area shall be protected by Tree Protection Fencing in accordance with *AS4970-2009 Protection of Trees on Development Sites*. An inspection is required to be undertaken by the Responsible Authority.

34. The Tree Protection Fencing must have signs attached around the fencing which clearly states - TREE PROTECTION ZONE - No Access Permitted. An inspection is required once the Tree Protection Fencing has been erected. Please contact the City's Environment Unit to arrange an inspection.

35. Except with the written consent of the Responsible Authority, none of the following are permitted to occur within the Tree Protection Zone:

a) vehicular or public pedestrian access.
b) trenching or soil excavation.
c) storage or dumping of tools, equipment, soil, stone or waste is to occur.
d) construction of entry and exit pits for underground services.
e) temporary or permanent installation of signs and utilities.

36. Water run-off must be designed to ensure that native vegetation to be protected is not compromised, to the satisfaction of the Responsible Authority.

37. Prior to works commencing, all persons undertaking works on site must be informed about the areas of native vegetation to be retained and all environmental conditions included as part of this planning permit. This information must be provided by means of an induction process, and records of this must be kept. A copy of the permit must be made available to all people working on the project.

VicRoads Condition

38. All vehicle movements associated with the use of development are to use the Sandy Creek Road access.

Ausnet Services Conditions

39. Details of any proposed extraction or excavation within 30 metres of the electricity transmission towers must be submitted to AusNet Transmission Group for approval prior to the commencement of any works.

40. If explosives are to be used, measures must be taken to prevent damage to transmission lines and towers. Electrical detonation of explosives must not be used.

41. Vehicles and equipment working within 20 metres horizontally of AusNet Transmission Group's lines and towers (ie any proposed works carried out at current ground levels) must not exceed 3 metres maximum operating height without prior written approval from AusNet Transmission Group.

42. The storage or handling of fuel, and refuelling of vehicles and equipment is not permitted within 20 metres of AusNet Transmission Group's transmission lines.

Corangamite Catchment Management Authority Conditions

43. Prior to the commencement of works, a separate application direct to Corangamite CMA must be made and approved for a new culvert crossing over the waterway on the track along the southern boundary.

44. Prior to the commencement of stage 3, a separate application direct to Corangamite CMA must be made and approved for a waterway diversion to divert all waterway flows entering the site at the northern boundary from the eastern waterway. This diversion must direst all flows around the site for all events up to and including the 1% AEP. It must discharge at the southern boundary at the location of the existing natural discharge point at the location of the culvert crossing in condition 1 above.

45. If at a later stage flows are reconnected to the western waterway from the neighbouring property, provision must be made to divert flows from the waterway to the downstream boundary discharge point in a similar manner as outlined in condition 2 above.

Southern Rural Water Conditions

46. Quarry operations must be carried out in accordance with the assessment and recommendations detailed in the hydrogeological assessment report prepared by Nolan Consulting (February 2015);

47. A groundwater monitoring program must be installed and be operational prior to any quarry operations commencing;

48. Prior to works commencing the collection of baseline groundwater monitoring data must be undertaken and recorded;

49. Groundwater monitoring results must be interpreted by a qualified person and the results forwarded to Southern Rural Water and other responsible agencies on a six monthly basis;

50. As a result of adverse monitoring data, Southern Rural Water may restrict groundwater extractions without the required prior notification;

51. Existing groundwater bores must be decommissioned in accordance with Southern Rural Water approval and any proposed new bores must be constructed in accordance with Southern Rural Water approval;

52. The use or extraction of groundwater for quarry operation must be licensed in accordance with an amended (to include groundwater monitoring conditions) take and use licence issued by Southern Rural Water

53. In the event that groundwater extractions for quarry operations significantly impact on neighbouring groundwater users, the quarry owner may be liable to compensate, supply water or reinstate the supply of water to affected persons;

54. Surface water management must be in accordance with approved plans and specifications, the approved Work Authority and in addition drainage works must consider any changes to adjoining upstream drainage works;

55. Proposed surface-water drainage works must be installed to the satisfaction of Southern Rural Water and the Catchment Management Authority prior to the commencement of quarry operations;

56. Proposed water storage dams for quarry operations must only be filled with licensed groundwater extraction;

57. No catchment water including direct rainfall shall be impounded and used for quarry operations. All catchment water must be diverted/passed downstream into the natural receiving waterway;

58. Catchment drainage discharges shall not be directed into an existing dam or be impounded by any dam located on the property;

59. All dams located on the works site or property without purpose must be decommissioned in accordance with responsible authority approval;

60. Completed drainage works must be inspected and approved prior to the commencement of quarry operations;

61. At the completion of quarry operations, the quarry owner must ensure that the approved catchment drainage regime is maintained and continues to operate so as no catchment water is directed into the pit or impounded;

62. The applicant shall implement controls to ensure that there is no polluted seepage from the work site into the groundwater or surface water resource. Controls must include an *appropriate* water quality monitoring program;

63. Works shall not interfere or impact on any waterway without the responsible authority approval;

64. Sediment runoff from the site shall be retained on site during and after operations. Controls particularly on steep slopes are to be in accordance with the *Environment Protection Authority (EPA recommendations detailed in the construction techniques for sediment pollution control No 275, May 1991.* Sediment control structures such as sediment basin, sediment fences and sediments traps must be installed prior to the commencement of operations and maintained post development; and

65. Any approval given by Southern Rural Water does not preclude the need to obtain other relevant Authority approval.

EPA Conditions

66. Upon completion of the extractive activities, the site must not be used as a landfill without seeking the appropriate approval of the EPA.

67. Process water or contaminated stormwater must not be discharged off site.

Expiry

68. This permit as it relates to the use and development of buildings will expire if one of the following circumstances applies:

    a) The development of the building(s) hereby approved has not commenced within two (2) years of the date of this permit.

    b) The use hereby approved has not commenced within two (2) years of the date of this permit.

c) The development of the building(s) hereby approved 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.

Notes:

1. Construction of the site stormwater connection/s is to be inspected by Council Representative prior to any backfilling. 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.

Report

The Site & Locality

The subject site is known as 405-455 Sandy Creek Road and 1720 Bacchus Marsh Road, Little River and is located on the western side of Sandy Creek Road and the eastern side of the Bacchus Marsh Road, Little River. The site consists of two titles, is regular in shape with a frontage of approximately 603 metres to Sandy Creek Road and approximately 608 metres to Bacchus Marsh Road with an overall combined area of approximately 167.89 hectares. The site is located within the Farming Zone and is covered by Significant Landscape Overlay Schedule 1 – Foothills of the You Yangs. The You Yangs are located approximately 500m to the south-east.

The site is currently agricultural land with two dwellings and associated farming sheds on each lot. The land has a natural depression (waterways) running west to east towards the southern section of the site and one running north-south towards the eastern section of the site. Generally, the site is covered by pockets of remnant native vegetation and broadacre farming areas. The site also contains a bore that is registered with Southern Rural Water.



Figure 1: Site context aerial photograph.

The subject land at 1720 Bacchus Marsh Road has had a small sand extraction operating from the site located half way along the northern boundary. The extraction area approved was 5ha in size with an extraction depth of 2m. The extraction has ceased and the area is currently being rehabilitated in accordance with the approved Work Plan.

The subject site and general locality are identified as being located in an Extractive Industry Interest Area (EIIA). EIIA's are applied to land that has been identified by the Department of State Development, Business and Innovation (DSDBI) as likely to contain stone resources of sufficient quantity and quality to support commercial extractive industry operations and where limited environmental and social constraints apply.

Directly to the north and east of 405-455 Sandy Creek Road are a number of properties subject to extraction activities with the land to the east of Sandy Creek Road zoned Special Use Zone 7 – Earth and Energy Resources Industry.

Land used for farming purposes adjoins the southern and north western boundary and also adjacent to the western boundary along Bacchus Marsh Road. Hovells Creek runs along the southern boundary of 1720 Bacchus Marsh Road and a small section of the south west corner of 405-455 Sandy Creek Road.

Proposal

The application proposes to use and develop the subject sites for the purposes of stone (sand and soil) extraction and removal of native vegetation.

The permit applicant describes the proposal as follows:

This proposal seeks a planning permit for the use of the land to extract sand and soil, buildings and works associated with this use and the removal of native vegetation. The proposed extraction area covers approximately 82 hectares and will be accessed via the existing crossover from Sandy Creek Road. The proposed extraction works entail the staged

use of conventional sand quarrying techniques to extract and process sand as outlined in Work Authority 1532.

The proposed works include:

- *The stripping of top soil to be stored temporarily and used for rehabilitation and landscaping as stages progress.*
- *Extraction of sand using excavators, scrapers and dozers.*
- *Processing and stockpiling of sand.*
- *Transportation of sand product from the subject site via delivery trucks.*
- *Staged rehabilitation of mined areas in accordance with the Works Authority requirements.*

Environmental works also proposed and detailed in the Work Authority include:

- *Diversion of surface water away from operation areas.*
- *Use of settling dams to recycle and manage water within the operational area.*
- *Removal of slime material from sand washing process to be dried and incorporated in the overburden material used in the rehabilitation works.*
- *The development of a landscaped screening bund along the frontage of Sandy Creek.*
- *Planting of screening plants along the access road adjacent to southern boundary of the subject site.*
- *The land will be progressively rehabilitated and ultimately sewn with pasture species.*
- *Noxious weeds will be regularly managed.*

The proposed building works as outlined in the Work Plan includes:

- *The development of a weighbridge, temporary office and amenities along the access road at the southern boundary of the property. The office and amenities are ancillary to the use and will be in the form of a non–permanent 'Atco' type building used for staff and provided at this location to manage truck and visitor movements. Car spaces will also be provided at this location for staff and visitor use. In addition, the existing dwelling near the western edge will continue to be used as an office and amenities for workers.*
- *Plant for extraction and screening will be mobile and brought to the site on an as needs basis.*
- *The existing work shop (near the dwelling) will be utilised for the servicing and maintenance of equipment. A bunded bulk storage diesel facility will be developed close to the workshop area to prevent fuel spills.*

Operating hours

Proposed operating hours for extraction, processing and sales are:

- *Monday to Friday 7:00am to 6:00pm*
- *Saturday 7.00am to 1.00pm*

Proposed operating hours for sales and plant maintenance only:

- *Saturday 1.00pm to 6.00pm*

The use will not operate on Sunday or on public holidays

Rehabilitation

Over its life the proposed stone extraction will be subject to progressive rehabilitation, with terminal faces smoothed and treated using stockpiled soil and overburden, with the land eventually being returned to pasture.

Removal of Native Vegetation

The application seeks retrospective approval for the removal of one dead river red gum which was located towards the southern boundary in proximity to the south-west corner of the Work Authority area.

Work Authority WA1532

WA1532 submitted with the application builds on the above and provides the following information regarding the proposed operation:

Anticipated Impacts of Proposed Development

The proposed excavation within WA1532 area will be shielded from roadside views with the establishment of screening bunds and plantations. The staged development and progressive rehabilitation of WA1532 will also help minimise the visual impact from more distant elevated views.

The nearest dwelling (outside of the subject land) is located approximately 1200m south of the site and therefore a considerable distance from the extractive operation. Given this distance and the proposed regulatory controls to manage operational emissions it is considered the proposed operation will meet all regulatory requirements. The processing plant and stockpile area will be located in the central portion of the property, within the extraction area. Further planting will be undertaken on the southern boundary to further minimise the visual impact of this facility.

Surface drainage leaving the site will be managed via diversion of runoff away from disturbed areas and the use of settling dams and EPA recommended techniques within disturbed areas to ensure there is no impact upon Hovells Creek. A minimum 30m buffer will be maintained to Hovells Creek with no disturbance extractive activities undertaken within this zone.

The existing Access to the Work Authority sites onto Sandy Creek Road will continue to be used for cartage of products from the site. An additional access onto the Geelong Bacchus Marsh Road will be sought at a later date.

Resource Information

The sand resources in the Bisinella property were investigated in 1995 with the drilling of 24 holes and testing of 365 samples. These works outlined an extensive fine quartz sand resource of estuarine or alluvial origin ranging from 13m to 34m thick. This is underlain by a coarser granitic sand resource which ranges from 1 m thick in the west to 13m thick in the east. These sands appear to be Tertiary in age and are probably within the Moorabool Viaduct Sand formation.

The sand resources are overlain by a thin capping of recent fine aeolian sand in parts of the elevated north western portion of the property. The fine quartz sand resource is variably feruginised and would be suitable for processing into unwashed and washed packing sands, mortar sands and for blending and washing with the coarser sands to produce fine aggregates for use in concrete.

Resource Estimates

The total sand resource within the proposed extraction area in WA1532 has been estimated at 10,700,000 cubic metres insitu to the base of the granitic sand resource.

Soil & Overburden Estimates

Top soil thickness appears quite variable but for rehabilitation purposes the top 200mm of material from the proposed extraction area within WA1532 will be kept. The total volume of this material is estimated at approximately 140,000 cubic meters insitu. The proposed extraction area within WA1532 is expected to yield approximately 3,460,000 m3 of overburden.

The overburden will initially be used for re−enforcing and lining water storage and settling dams and used as base filler to form internal roads, screening bunds as well as the base for the process plant and stockpile area. Beyond this excess overburden will be stored in a temporary out of pit storage and then used to backfill the worked out areas of the pit.

Geotechnical Constraints / Ground Water

The total depth of excavation in the proposed Extraction Pit will be approximately 25 – 40 metres below the natural ground surface.

Working faces will be cut at 1V:1H, with a minimum 15 metre wide bench and maximum 7.5m face height. The terminal faces will be cut at 1V:3H, with a 7.5 metre bench at 15m vertical intervals creating an overall batter slope of 1V:3.5H. Experience in the adjoining and nearby pits has shown these working and terminal batter slope configurations to be safe and stable.

A minimum 34m buffer will be maintained between the excavation edge and the high voltage transmission tower in the south eastern corner of the WA1532. A 60m buffer will be maintained to Sandy Creek Road.

DSDBI geotechnical guidelines is complied with around the site.

Ground water was not intersected in the original drilling program. A farm bore is located near the northern boundary of WA 1532. This bore will be monitored for any impacts from the pit development.

Markets

Sales from the site are estimated to be in the order of 30,000 tonnes per annum initially increasing to approximately 150,000 tonnes per year. It is anticipated the market for concrete, mortar and other construction sands will grow over the life of the site.

Extractive Buffer Zones

There will be a minimum 30m non−extraction buffer from the extraction edge to the Work Authority boundary on the southern boundary adjoining the Wooloomanata property.

A minimum 20m buffer will be kept to the adjoining WA 347 along the northern boundary although this area may be extracted if a common boundary agreement is reached with the adjoining WA holder.

A minimum 30m buffer will be maintained to the base of the transmission towers in the south eastern corner of the site.

A minimum 40m buffer will be kept to the WA boundary along the remainder of Sandy Creek Road north of the transmission towers.

Sand Extraction & Staging

Sand materials will be extracted using scrapers, dozers, excavators and dump trucks.

Extracted materials will either be dry screened within the extraction area using portable self powered plant or transported to the processing plant via dump trucks and/or slurry lines.

The final extraction limit will be surveyed and marked out with yellow posts. Terminal face positions will be monitored and surveyed to ensure that terminal extraction designs are achieved. The extraction will generally be staged as shown on the Development Plan, Figure 5.

Key points of each stage are summarised below:

- *remove topsoil in front of face (enough for 24 months extraction);*
- *place topsoil in prepared rehabilitation areas or into temporary bunds;*
- *remove overburden from ahead of extraction;*
- *place overburden into rehabilitation areas and grade to final profiles before topsoiling and planting or place in temporary storage areas for later use;*
- *extract sand using excavators, scrapers and dozers;*

Treated slimes materials will be incorporated into overburden used in rehabilitation works.

Explosives Use & Storage

Explosives will not be used on this site.

Water Control

Surface water entering the site will be diverted via cut off drains away from disturbed operational areas and will be directed into the external drainage system. Surface water within disturbed areas of the site will be collected via drains and channelled to settling dams and sumps. This water will be directed into surface storages or the extraction area for use as process water.

Process water will be recycled through a series of settling dams, prior to returning to the extraction area. All settling dams and storages on the site will be managed to maintain a minimum 1.0 metre freeboard.

Processing Operations

Material Transport

The predominant means of transporting materials from the pit to the plant will be scrapers and dump trucks although a slurry pipeline may also be used from time to time.

Once material is at the processing plant, pumps, conveyors and pipelines will transport material through the process, until product is placed on stockpiles. Products can then be loaded directly into road trucks for delivery or transported by dump trucks to other stockpiles away from the plant area.

Material Processing

Feed sand will be washed over screens to remove any large material prior to being further washed and sized. Secondary fines recovery equipment and processes may be utilised in conjunction with this method.

Product Handling & Storage

The majority of finished product will be stockpiled beneath cyclone and screen discharge points or by stacker conveyor. Other product stockpiles will be located in the vicinity of the plant and trucking areas. Product from the stockpile area will be loaded directly into delivery trucks with front end loaders.

Process Effluent Handling & Storage

Slimes generated in the sand washing process will be treated using a thickener to recover process water and reduce slimes volume. Thickened slimes will be stored in temporary surface storages within the extraction area before being either dried or placed in cells in the base of the pit and capped with overburden.

Further slimes dewatering systems may be used to recover more process water and allow the dried slimes to be incorporated with overburden for rehabilitation use.

Greater Geelong Planning Scheme

Definition and Nesting

Stone Extraction is defined in the Planning Scheme as:

Land used for the extraction or removal of stone in accordance with the Mineral Resources (Sustainable Development) Act 1990.

Stone Extraction is nested under Earth and Energy Resources Industry.

Under the Mineral Resources (Sustainable Development) Act 1990, stone is defined as:

(a) sandstone, freestone or other building stone; or

(b) basalt, granite, limestone or rock of any kind ordinarily used for building, manufacturing or construction purposes; or

(c) quartz (other than quartz crystals); or

(d) slate or gravel; or

(e) clay (other than fine clay, bentonite or kaolin); or

(ea) peat; or

(f) **sand, earth or soil**; or

(g) other similar materials;

Zone

Farming Zone

The subject site is located within the Farming Zone. The purpose of the Farming Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

Surrounding properties to the north, south and west are also within the Farming Zone. The land to the east of Sandy Creek Road is zoned Special Use Zone - Schedule 7 (Earth and Energy Resources Industry). The You Yangs are zoned Public Conservation and Recreation Zone and Bacchus March Road is a Road Zone Category 1.



Figure 2: Zoning

Overlay

Significant Landscape Overlay – Schedule 1

The subject site is affected by the Significant Landscape Overlay – Schedule 1 (Foothills of the You Yangs).

The Objectives and Decision Guidelines of the SLO1 seek to minimise impacts on the visual and open landscape values of the area including to the You Yangs and ensure that buildings and works are responsive to these values in their design and siting and facilitate rehabilitation of extractive industries upon completion of their economic life.

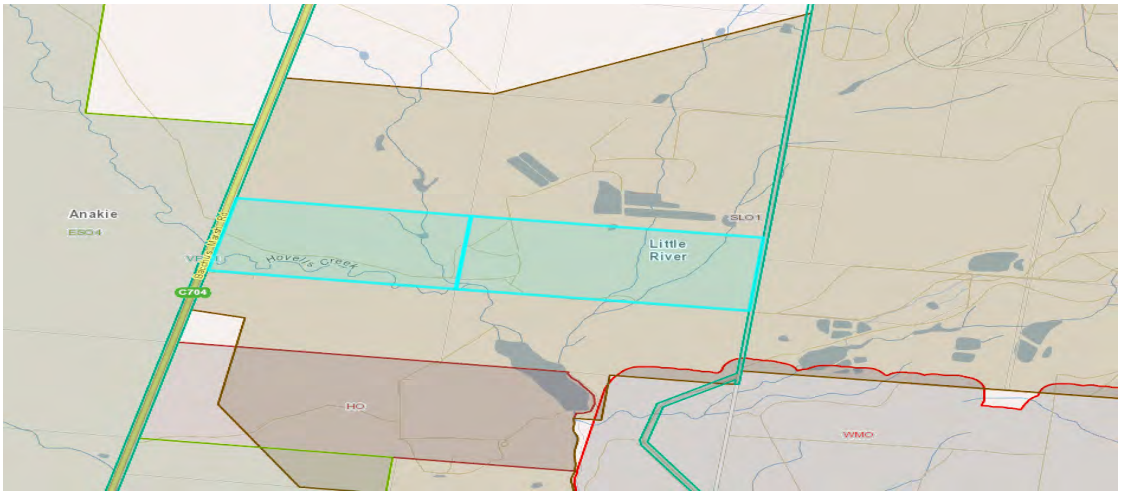


Figure 3: Overlay

Permit required clause and condition

Farming Zone

Pursuant to Clause 35.07-1 of the Farming Zone, Stone Extraction is a section 2 use requiring a permit. A permit is also required under Clause 35.07-4 to construct and carry out buildings and works associated with a section 2 use.

Significant Landscape Overlay – Schedule 1

Pursuant to Clause 42.03-2 of the Significant Landscape Overlay, a permit is required to construct and carry out buildings and works associated with the proposed stone extraction.

Clause 52.08 – Earth and Energy Resources Industry

Pursuant to Clause 52.08-1, a permit is required for the use and development of land for earth and energy resources industry.

Clause 52.17 – Native Vegetation

Pursuant to Clause 52.17, a permit is required to remove native vegetation.

Restrictive Covenant

There are no restrictive covenants listed on the Certificate of Titles.

Cultural Heritage Management Plan (CHMP)

The Aboriginal Heritage Regulations 2007 specify the circumstances in which a Cultural Heritage Management Plan is required for an activity or class of activity.

Part 2 - Division 2 of the Aboriginal Heritage Regulations 2007 specifies exempt activities which do not require a Cultural Heritage Management Plan. The proposal is not listed as an exempt activity.

Areas of cultural heritage sensitivity are defined within Part 2 - Division 3 of the Aboriginal Heritage Regulations 2007. Part 2 - Division 3 identifies the site or part of the site as within an area of cultural heritage sensitivity.

High impact activities are defined within Part 2 - Division 5 of the Aboriginal Heritage Regulations 2007. Part 2 - Division 5 lists the proposal as a high impact activity.

The site is not considered to have been the subject of significant ground disturbance which is defined as 'disturbance of (a) the topsoil or surface rock layer of the ground or (b) a way - by machinery in the course of grading, excavating, digging, dredging or deep ripping, but does not include ploughing other than deep ripping.

In accordance with the above assessment, a Cultural Heritage Management Plan is required and Cultural Heritage Management Plan Number 10511 has been approved. It is considered that the use and development is consistent with the approved CHMP as there are no recommendations in the approved CHMP relating to the extraction area. It is recommended that a note be placed any permit issued that requires works by accord with the approved CHMP.

Coastal Inundation and Erosion

Not applicable as the subject site is not located within 1km of the coast line.

Landfill Gas Risk Assessment

Before deciding on a Planning Permit application, a Responsible Authority is required to consider, amongst other things:

- Any significant effects the responsible authority considers the environment may have on the use or development [S 60(1) of the PEA].
- Clause 13.01-1 of The State Planning Policy Framework which aims to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

The EPA has adopted the "Best Practice Environmental Management, Siting, Design Operation and Rehabilitation of Landfills" (September 2010) or "Landfill BPEM.".

The Landfill BPEM identifies that:

- Risks associated with landfill gases may occur for at least 30 years post-closure.
- Appropriate buffer distances must be maintained between the landfill and sensitive land uses. The BPEM recommends a 500 metre buffer for landfills that contained putrescible waste and 200 metres for landfills that contained non-putrescible waste.
- Where the recommended buffers are unavailable, it must be demonstrated that risks are suitably mitigated.
- All buildings and structures and associated infrastructure should be considered.

The BPEM specifies that development undertaken within a buffer distance of up to 500 metres may be at risk. As the subject site is not located within 500 metres of an identified former landfill site, a risk assessment is not required.

Officer Direct or Indirect Interest

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

Car Parking

Clause 52.06 does not have a statutory car parking requirement for stone extraction and must be provided to the satisfaction of the Responsible Authority.

Bicycle Spaces

Clause 52.34 does not have a statutory bicycle parking requirement for stone extraction.

State Planning Policy Framework

10.02 - Goal

The State Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The objectives of planning in Victoria are:

(a) To provide for the fair, orderly, economic and sustainable use, and development of land.
(b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.

(c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
(d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.
(e) To protect public utilities and other facilities for the benefit of the community.
(f) To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e).
(g) To balance the present and future interests of all Victorians.

10.04 - Integrated Decision Making

Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social well-being affected by land use and development.

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Consistent with the objectives of local government under the *Local Government Act 1989*, municipal planning authorities are required to identify the potential for regional impacts in their decision-making and co-ordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.

11.05-3 - Rural Productivity

Objective

To manage land use change and development in rural areas to promote agriculture and rural production.

Strategies

Prevent inappropriately dispersed urban activities in rural areas.

Limit new housing development in rural areas, including:

- Directing housing growth into existing settlements.
- Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.
- Encouraging consolidation of existing isolated small lots in rural zones.

Restructure old and inappropriate subdivisions

11.07-4 – Environmental Assets

Objective

To protect, restore and enhance the region’s unique environment.

Strategies

Protect, restore and enhance the quality of land and marine areas, waterways, biodiversity and soils.

Maintain and protect the region's natural assets, including the region's parks and reserves.

11.07-5 – Agricultural Productivity

Objective

To secure food, water and energy resources.

Strategies

[…]
Support a productive, robust and self sustaining region by harnessing existing energy and natural resources while protecting and enhancing farming and natural assets.

Protect critical agricultural land, energy and earth resources required to support a growing population by focussing development to existing township areas and directing growth to towns which provide rural services.
[…]

11.07-7 – A Diversified Economy

Objective

To build the region's economy.

Strategies

[…]
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.
[…]

12.01-1 – Protection of Biodiversity

Objective
To assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.

Strategies

Ensure that decision making takes into account the impacts of land use and development on Victoria's high value biodiversity.

12.01-2 Native Vegetation Management

Objective

To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

Strategies

Apply the risk-based approach to managing native vegetation as set out in *Permitted clearing of native vegetation – Biodiversity assessment guideline*s (Department of Environment and Primary Industries, September 2013). These are:

- Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.
- Minimise impacts on Victoria's biodiversity.
- Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.

12.04-2 Landscapes

Objective

To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.

Strategies

Ensure sensitive landscape areas such as the bays and coastlines are protected and that new development does not detract from their natural quality.

Improve the landscape qualities, open space linkages and environmental performance in green wedges and conservation areas and non-urban areas.

Recognise the natural landscape for its aesthetic value and as a fully functioning system.

Ensure natural key features are protected and enhanced.

13.04-1 - Noise Abatement

Objective

To assist the control of noise effects on sensitive land uses.

Strategy

Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

13.04-2 - Air Quality

Objective

To assist the protection and improvement of air quality.

14.02-1 Catchment Planning and Management

Objective

To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

Strategies

Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments.

Retain natural drainage corridors with vegetated buffer zones at least 30m wide along each side of a waterway to maintain the natural drainage function, stream habitat and wildlife corridors and landscape values, to minimise erosion of stream banks and verges and to reduce polluted surface runoff from adjacent land uses.

Undertake measures to minimise the quantity and retard the flow of stormwater runoff from developed areas.

Encourage measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.

Ensure that works at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.

Ensure land use and development proposals minimise nutrient contributions to waterways and water bodies and the potential for the development of algal blooms.

14.02-2 Water Quality

Objective

To protect water quality.

Strategies

Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.

14.03 – Resource Exploration and Extraction

Objective

To encourage exploration and extraction of natural resources in accordance with acceptable environmental standards and to provide a planning approval process that is consistent with the relevant legislation.

Strategies

Protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and application of acceptable environmental practice.

Provide for the long term protection of natural resources in Victoria.

Recognise the possible need to provide infrastructure for the exploration and extraction of natural resources.

Planning schemes must not impose conditions on the use or development of land that is inconsistent with the Mineral Resources (Sustainable Development) Act 1990, the Greenhouse Gas Sequestration Act (2008), the Geothermal Energy Resources Act (2005),or the Petroleum Act (1998).

Planning permit applications should clearly define buffer areas appropriate to the nature of the proposed extractive uses, which are to be owned or controlled by the proponent of an extractive industry.

Buffer areas between extractive activities and sensitive land uses should be determined on the following considerations:

- Appropriate limits on effects can be met at the sensitive locations using practical and readily available technology.
- Whether a change of land use in the vicinity of the extractive industry is proposed.
- Use of land within the buffer areas is not limited by adverse effects created by the extractive activities.
- Performance standards identified under the relevant legislation.

Policy guidelines

Planning must consider as relevant:

- Mineral Resources (Sustainable Development) Act 1990.
  […]
- Geelong Supply Area - Extractive Industry Interest Areas – Geological Survey of Victoria Technical Record 1999/2.
  […]
- Any relevant State Environment Protection Policy.

15.03-2 Aboriginal Cultural Heritage

Objective

To ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Strategies

Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.

Provide for the protection and conservation of pre- and post-contact Aboriginal cultural heritage places.

Ensure that permit approvals align with recommendations of a Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006.*

Local Planning Policy Framework

Municipal Strategic Statement

The following policies of the Municipal Strategic Statement (MSS) are applicable to this application:

21.05-3 - Biodiversity

Objective

To protect, maintain and enhance the biodiversity of the municipality.

Strategies

Ensure that land use and development enhances areas of native vegetation and other habitats.

Ensure that land use and development minimises the fragmentation of areas of native vegetation and other habitats.

Ensure habitats of indigenous species are protected from the impacts of land use and development.

Ensure that land use and development does not aggravate existing salinity impacts or lead to the generation of newly affected areas, particularly through rising groundwater levels.

21.06-5 Heritage and identity

Objectives

To ensure that urban development enhances Geelong's sense of place and identity.

To conserve and enhance individual places and areas of pre and post contact cultural heritage significance.

Strategies

Protect places of Aboriginal cultural heritage significance.

21.07 – Economic Development and Employment

This clause outlines strategies in relation to economic development and notes the importance of farming and agriculture to the Anakie area:

- Farming and agriculture are important and valued activities in the northern area of the municipality, particularly in the Anakie area.

Relevant objectives and strategies at Clause 21.07-5 (Rural Areas) are:

- 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 a farmed rural landscape. Maintain rural land in large and productive parcels, in accordance with the schedules to the farming zones.
- Minimise non farming land uses in rural areas.
- Ensure that any non farming land uses will not compromise farming activity in the area.
- Ensure development in rural areas respects the farmed landscape character, particularly significant landscapes identified through the Coastal Spaces Landscape Assessment Study.

Particular Provisions

Clause 52.08 – Earth and Energy Resources Industry

A purpose of this clause is to encourage exploratory and extractive resources industry in accordance with acceptable environmental standards, and ensure relevant planning controls are consistent with other legislation governing these land uses.

The clause also provides application requirements and referral requirements for mineral extraction (which includes quarrying of sand).

The applicable application requirements and referral requirements of Clause 52.08 were met as part of the permit application.

Clause 52.09 – Stone Extraction and Extractive Industry Interest Areas

The purpose of Clause 52.09 is:

- To ensure that use and development of land for stone extraction does not adversely affect the environment or amenity of the area during or after extraction.
- To ensure that excavated areas can be appropriately rehabilitated.
- To ensure that sand and stone resources, which may be required by the community for future use, are protected from inappropriate development.

This clause sets out specific requirements for stone extraction proposals and requires all permit applications to be accompanied by:

- A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the *Mineral Resources (Sustainable Development) Act 1990.*

- The written notice of statutory endorsement under section 77TD(1) of the *Mineral Resources (Sustainable Development) Act 1990.*

- Any conditions specified under section 77TD(3) of the *Mineral Resources (Sustainable Development) Act 1990.*

The above documents were provided with the permit application.

Clause 52.17 – Native Vegetation

The purpose of Clause 52.17 (Native Vegetation) of the Particular Provisions is to:

- Protect and conserve native vegetation to reduce the impact of land and water degradation and provide habitat for plants and animals.
- To achieve the following objectives:
  - To avoid the removal of native vegetation.
  - If the removal of native vegetation cannot be avoided, to minimise the removal of native vegetation through appropriate planning and design.
  - To appropriately offset the loss of native vegetation.
- Provide for the management and removal of native vegetation in accordance with a property vegetation plan.
- Manage vegetation near buildings to reduce the threat to life and property from wildfire.

Referrals

INTERNAL

Authority/Department	Advice/Response/Conditions
Environment	Council's Environment Unit provided the following response: The Environment and Waste Services Unit have no objections to the proposal subject to the following conditions being included on any permit issued: **Please Note** that many of the below conditions are in line and form a consistent approach with those used for PP528/2014 issued for Aerolite Quarry, 255-355 Brownes Road, Anakie. 1. No native vegetation shall be removed other than that marked on the endorsed plan, to the satisfaction of the Responsible Authority. 2. Removal, including pruning, of native vegetation must be undertaken using a suitably qualified arborist and be carried out in accordance with *AS4373 – 2007; 'Pruning of Amenity Trees to the satisfaction of the Responsible Authority'*. The use of an excavator, backhoe, bulldozer blade or loader to trim branches of trees is not permitted. 3. Prior to any vegetation removal, vegetation to be removed must be clearly marked on site and accord with the endorsed plan. An inspection is required to be undertaken by the Responsible Authority. 4. Prior to any native vegetation removal, the vegetation to be retained on site shall be protected by Tree Protection Fencing in accordance with *AS4970-2009 Protection of Trees on Development Sites*. An inspection is required to be undertaken by the Responsible Authority. 5. No grazing must occur on native vegetation to be protected (unless permitted by a Management Plan approved by the Responsible Authority) to the satisfaction of the Responsible Authority. 6. Water run-off must be designed to ensure that native vegetation to be protected is not compromised, to the satisfaction of the Responsible Authority. 7. The Tree Protection Fencing must have signs attached around the fencing which clearly states - TREE PROTECTION ZONE - No Access Permitted. An inspection is required once the Tree Protection Fencing has been erected. Please contact the City's Environment Unit to arrange an inspection. 8. All vehicles, earth moving equipment and other machinery must be cleaned of soil and plant materials before entering and leaving the site to prevent the spread of weed and pathogens. 9. Prior to the commencement of works, all persons undertaking works on site must be thoroughly informed

	about the areas of native vegetation to be retained and all environmental conditions included as part of this planning permit. This information must be provided by means of an induction process, and records of this must be kept. A copy of the permit must be made available to all people working on the project. 10. Except with the written consent of the Responsible Authority, none of the following are permitted to occur within the Tree Protection Zone: f) vehicular or public pedestrian access. g) trenching or soil excavation. h) storage or dumping of tools, equipment, soil, stone or waste is to occur. i) construction of entry and exit pits for underground services. j) temporary or permanent installation of signs and utilities. 11. In order to offset the removal of 1 scattered tree approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and *the Native vegetation gain scoring manual:* The general offset must: d) contribute gain of 0.002 general biodiversity equivalence units. e) be located within the Corangamite Catchment Management Authority boundary or City of Greater Geelong municipal district f) have a strategic biodiversity score of at least 0.080. 12. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and *the Native vegetation gain scoring manual*. Offset evidence can be either: c) a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan. d) a credit register extract from the Native Vegetation Credit Register. 13. Any credit register extract from the Native Vegetation Credit Register must be submitted to the Environment Unit as a formal record of the offset evidence. 14. Any Eucalypt tree that has a Diameter at Breast Height >70 centimetres, and dead stags to be removed must

	be used as habitat to the satisfaction of the Responsible Authority. These trees must be salvaged so that they can achieve maximum habitat value. 15. Prior to the commencement of works for any relevant stage containing trees to be removed, a Stag Relocation Plan for each stage of subdivision must be submitted and approved by the Responsible Authority. The plan must include the following: a) Identification of each tree proposed for relocation. b) Species identification and size of each individual tree. c) Identification of the relocation sites. d) The proposed site preparation and protection measure to ensure each tree's structural integrity and protection after relocation is maximised. 16. Prior to the removal or lopping of any tree, the tree must be examined by a suitably qualified zoologist with relevant permits. If native fauna species are located, they must be salvaged and relocated to the closest suitable vegetation. 17. Dams filled as part of the approved development must be drained at least 48 hours prior to works commencing to enable the relocation or translocation of fauna. 18. Prior to the commencement of works, a Pest Plant and Animal Management Plan for the entire site must be submitted to and approved by the Responsible Authority. When approved, the Plan will be endorsed and form part of this permit. The Plan must include, but not be limited to: a) List of pest plant and animal species applicable to the site. b) Species targeted for control. c) Management techniques. d) Monitoring and reporting. The approved Pest Plant and Animal Management Plan must be implemented to the satisfaction of the Responsible Authority. 19. Prior to the commencement of works, a Landscape Plan for the entire site must be prepared by a suitably qualified Registered Landscape Architect and submitted to and approved by the Responsible Authority. When approved the Plan will be endorsed and form part of this permit. The Plan must include, but not limited to: a) Existing conditions and vegetation (i.e. windrows and road plantings) and details of this existing vegetation to be retained and/or removed as part of the bunding works. b) Height/profile of the vegetated bund similar to the bund around the Blue Circle Southern (Boral Cement, 80 Reservoir Road, Waurn

	Ponds). c) Species and planting densities of the vegetated bund. Species listed in the *'Garden Plants Going Bush… Pest Plants/Environmental Weeds'* City of Greater Geelong Version 08 must not be used. d) Use of suitable stockpiled soil in the mix of the material for the bunds to encourage the establishment of planting on the bunds. e) An effective irrigation and watering regime during the establishment phase and for the ongoing maintenance. f) The requirement for the vegetated bund to stay in place once the mine has been rehabilitated (if returned to agricultural land). 20. The approved Landscape Plan must be implemented to the satisfaction of the Responsible Authority. 21. Prior to the commencement of works, a Rehabilitation Plan for the entire site must be submitted to and approved by the Responsible Authority. The Plan must include, but not limited to: a) Existing conditions and vegetation (i.e. windrows and road plantings). b) Objective of the end use (i.e. agricultural). c) Progressive rehabilitation methodology of disturbed areas. d) Staging and timing of rehabilitation. e) Species and planting densities using local indigenous species listed in Zone 14 – Colluvial Plains East of the Brisbane Ranges & You Yangs Plains, of the City's Indigenous Plants of the Geelong Region guidelines. g) Species listed in the *'Garden Plants Going Bush… Pest Plants/Environmental Weeds'* City of Greater Geelong Version 08 must not be used. When approved, the Rehabilitation Plan will be endorsed and form part of the permit. 22. At least 6 months prior to the cessation of the use, the Rehabilitation Plan must be reviewed and if necessary amended to the satisfaction of the Responsible Authority.
Response: Noted. Recommended conditions will be included on any permit issued except for conditions in relation to removal/placement of stags as one additional native vegetation will be required to be removed.	

Authority/Department	**Advice/Response/Conditions**
Engineering Services	Council's Engineering Services Unit provided the following response:

	Drainage: It is noted that the CCMA is requiring a Surface Water Management Plan to demonstrate how the declared watercourse will be diverted around the worksite and that no sediment laden runoff leaves the site. This response is supported. **Vehicle Access & Car Parking:** Information suggests that the existing access off Sandy Creek Road is failing and not suitable for the proposed use. The access will need to be upgraded to allow B-Double Access with Sandy Creek overlayed / upgraded full width to a Type H Asphalt surface with a minimum thickness of 40mm for the full length where the pavement widening is required. Council will consider the use of the VicRoads standard for Truck access to Rural Properties, SD2065 is sight constraints make the use of SD265 impractical. Planning should consider if dust from internal vehicle movements will be an issue. Sealing of the driveway from Sandy Creek Road to the Workshop as part of stage 2 may be desirable. **Flooding & Coastal Inundation:** Comments from CCMA supported. **Permit Conditions:** The following conditions must be placed on the planning permit: **Drainage & Vehicular Access** a) The site must be drained to the satisfaction of the Responsible Authority and no concentrated or sediment laden storm water may drain or discharge from the land to adjoining properties. b) Runoff from any workshop and/or re-fuelling areas must be appropriately bunded in accordance with current EPA Best Practice Guidelines to prevent contaminated stormwater from leaving the site. c) Prior to the commencement of use, the developer must: a. Upgrade the existing vehicular crossing to a Rural B-double access standard with a minimum thickness 40mm Type H Asphalt surface for the whole of Sandy Creek where the

	required shoulder widening is to occur and the driveway to the gate. The works shall be undertaken in accordance with the requirements and standards of the City of Greater Geelong, or otherwise as approved and shall have drivable endwalls. b. Any redundant vehicular crossings to Sandy Creek Road must be removed and the area reinstated and to match existing construction in the street; all to the satisfaction of the Responsible Authority. *Note:* *1. Construction of the site stormwater connection/s is to be inspected by Council Representative prior to any backfilling. 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.* **Car Parking** Prior to the commencement of use, the developer must construct the car park including access ways, surface with an all-weather surface to the satisfaction of the Responsible Authority.
Response: Noted. Recommended conditions will be added onto any planning permit issued. With regards to dust caused by the internal accessway, dust suppression measures will be undertaken as part of the Work Plan and it is considered that sealing is not required on this occasion.	

Authority/Department	**Advice/Response/Conditions**
Traffic	Council's Traffic Unit provided the following response: It is difficult to determine how much additional traffic generation the proposal will have. All vehicle movements will be confined to Sandy Creek Rd, and the direction of the trucks leaving/accessing the site is dependant on where they are going. Sandy Creek Rd is mostly sealed except for the northern section between the entrance to the Ford Proving Grounds and Little River – Ripley Rd. Additional truck movements in this section may have an impact on the frequency that Council maintains the road. However, in the main, any additional truck movements will not have an impact on the traffic in the region as they have very

	small traffic volumes.
Response: Noted. No conditions required.	

EXTERNAL

In accordance with the Statutory Endorsement of Work Plans process, the relevant Work Plan was referred to relevant authorities by the Department of State Development, Business and Innovation (DSDBI) prior to lodgement of the planning application. These authorities included the Department of Environment, Land, Water and Planning (DELWP), Heritage Victoria, Powercor/SP AusNet and Corangamite Catchment Management Authority (CCMA). These referral authorities provided consent to the statutory endorsement of the Work Plan and any conditions requested were incorporated into the Work Plan conditions provided by DSDBI.

In addition to the referrals undertaken as part of the Statutory Endorsement process, the following referrals where undertaken by Council as part of the planning permit application process:

Section 55

Authority/Department	**Advice/Response/Conditions**
Powercor	Powercor Australia Ltd does not object to the issue of a planning permit subject to conditions.
Response: Conditions will be included on any permit issued.	

Authority/Department	**Advice/Response/Conditions**
VicRoads	VicRoads did not object to the issue of a planning permit subject to the following condition: All vehicle movements associated with the use of development are to use the Sandy Creek Road access.
Response: Condition will be added to any permit issued.	

Authority/Department	**Advice/Response/Conditions**
DELWP	DELWP did not object or require any conditions.
Response: Noted.	

Section 52

Authority/Department	**Advice/Response/Conditions**
CCMA – 1st Referral	In light of the above information and pursuant to *Section 56* of the *Planning and Environment Act 1987*, the Authority objects to the granting of a permit, on the following grounds: 1. The proposal does not satisfactorily address the designated waterways and floodplain issues existing on the site.
CCMA – 2nd Referral	Further to correspondence dated 24 July 2015 (Our Ref F-2015-0481 document 1), the Corangamite CMA hereby withdraws its objection to the above application.

	Pursuant to Section 56 of the Planning and Environment Act 1987, the Authority does not object to the granting of a permit, and recommends the following conditions: 1. Prior to commencement of works, a separate application direct to Corangamite CMA must be made and approved for a new culvert crossing over the waterway on the track along the southern boundary. 2. Prior to commencement of Stage 3, a separate application direct to Corangamite CMA must be made and approved for a waterway diversion to divert all waterway flows entering the site at the northern boundary from the eastern waterway. This diversion must direct all flows around the site for all events up to and including the 1% AEP. It must discharge at the southern boundary at the location of the existing natural discharge point at the location of the culvert crossing in condition 1 above. 3. If at a later stage flows are reconnected to the western waterway from the neighbouring property, provision must be made to divert flows from the waterway to the downstream boundary discharge point in a similar manner as outlined in condition 2 above.
Response: Noted. Recommended conditions will be added to any permit issued.	

Authority/Department	**Advice/Response/Conditions**
Southern Rural Water	Thank you for your referral regarding the above-mentioned planning permit application. It is noted that the proposal is located in a water sensitive area and that adjoining property owners have voiced their concerns that relate to potential impacts on groundwater and surfacewater resources. In addition, the proposal is also located in an area where there are several existing sand and stone extractions. The hydrogeological report prepared by Nolan Consulting is comprehensive and basically addresses issues that Southern Rural Water (SRW) would consider in assessing such a proposal. Taking all matters into consideration, SRW does not object to the proposal subject to conditions.
Response: Noted. Recommended conditions will be added to any permit issued.	

Authority/Department	Advice/Response/Conditions
Parks Victoria	Parks Victoria didn't object and provided the following response: The You Yangs Regional Park is located 55km south west of Melbourne—and attracts approximately 340,000 each year. These visitors enjoy the natural landscape scenery from lookouts, and experience activities such as bushwalking, mountain bike riding, scenic drives and enjoying the many species of flora and fauna found in the Park. There are various vantage points located within the Park, including the popular Flinders Peak Lookout. This Lookout takes in the views of the surrounding culturally rich landscape, including views to the northwest. Identified in the You Yangs Strategic Directions paper is the significant vegetation occurring along the banks of Hovells Creek and the surrounding foothills of the You Yangs. These communities include the Endangered Creekline Grassy Woodland and Vulnerable Hills Herb−rich Woodland. Some of these vegetation communities have previously been disturbed and this disturbance has contributed to the invasion if the highly noxious weed, Boneseed. Through nutrient competition and displacement of species, Boneseed endangers many threatened plant species and communities, including the Endangered brittle greenhood orchid found in the You Yangs and only at two other locations in Victoria. **Rehabilitation** The rehabilitation plan is not clear or detailed on the proposed sequence of extraction and therefore sequence or methods of rehabilitation. Parks Victoria requests further information on the rehabilitation plan, including extraction, rehabilitation and any planned revegetation or reseeding. Parks Victoria also requests further information on how the Applicant will endeavour to reduce the risk of spread of Boneseed and other disturbance−related weed species into the Park or nearby Hovells Creek. **View shed and Visitor Impacts** Page 22 of the Planning Permit Application No. 692/2015 states that the site is not visible within the public view shed of the You Yangs and that there will be no impacts. The site and surroundings mines are visible from popular visitor sites within You Yangs Regional Park, including *Flinders* Peak Lookout, East−West−Walk and Royalty Wall; accessed by walkers, scenic drivers and mountain bike riders. **Access and Visitor Safety** Given the estimated fifty (50) truck trips per day using Sandy Creek Road, Parks Victoria recommends the City of Greater Geelong consider implementing a speed restriction for the Applicant to ensure safe passage of visitors to the You Yangs Regional Park.

Response: Noted. The issue of weeds can be dealt with via a Weed Management Plan condition. In relation to speed limits, this is outside the realm of Planning however this issue has been conveyed to Council's Traffic department for their consideration.

Authority/Department	Advice/Response/Conditions
EPA	EPA did not object and provided the following response: Thank you for your correspondence in relation to the above planning permit application, referred to EPA on 25 June 2015. EPA is not a statutory referral Authority under Section 55 of the Planning and Environment Act 1987, since this proposal: a) does not require a licence or works approval or amendment to a licence or works approval; or b) is not proposed to be used for an industry or warehouse for a purpose listed in the table to Clause 52.10 shown with a Note 1 or for which the threshold distance is not to be met; and c) is not a proposed extractive industry intended to be used at a later date for land fill. EPA does not object to the issuing of a planning permit for the above application however offers the following comments to assist council's assessment of this application: A *Protocol for Environmental Management (PEM) for the Mining and Extractive Industry EPA publication 1191* is available on our website www.epa.vic.gov.au. This PEM is an incorporated document of the *State Environment Protection Policy (Air Quality Management) 2001 (SEPP AQM)*. It sets out the statutory requirements for the assessment and management of emissions to the air environment arising from activities undertaken in the operation of mining and extractive industries. All mining and extractive industries have a requirement to comply with SEPP (AQM). EPA notes that the work plan includes measures to control dust and prevent water from discharging from the premises and entering any waterways. The work plan states that drainage will be managed via diversion runoff away from disturbed areas and the use of settling dams and EPA recommended techniques within disturbed areas to ensure there is not impact upon Hovells Creek. The planning permit application report also states that surface water will be diverted away from mining operations and water used in the processing of the sand will be recycled by holding dams. Therefore in response to Council's question, given these measures being in place, EPA does not anticipate that the water quality of Hovells Creek will be impacted upon as a result of the proposal.

	In relation to noise, EPA notes that the work plan includes a Desktop Noise Assessment by Watson Moss Growcott (Ref. 11587-1ng.docx) dated 11 December 2014. The assessment has been based on modelling of noise emissions from the activities and equipment proposed for the site in conjunction with a three dimensional topographical model extending from the proposed sand quarry site, to the closest sensitive receptor, being a dwelling (Wooloomanata Homestead) approximately 1200m south west of the site. The report indicates that operation of the quarry as proposed will result in noise levels not exceeding those contained in EPA Publication 1411 *Noise from Industry in Regional Victoria* (NIRV, 2011). Therefore it appears that the proposal will not have an adverse impact on the amenity of the closest sensitive receptor. In addition to consideration of the comments above, EPA recommends Council also consider including a condition to the effect that at the completion of the extractive activities, the premises must not be used as a landfill without seeking the appropriate approval from EPA, as well as a condition to the effect that process water and contaminated stormwater must not be discharged off site.
Response: Noted. Conditions relating to water and no landfill will be added to any permit issued.	

AMENDMENT OF THE PROPOSAL PRIOR TO PUBLIC NOTIFICATION:

The application was not amended prior to public notification.

However additional information and plans were submitted as a result of a Council Request for Further Information letter dated 2 July 2015.

These are the plans and reports that form the basis of this report and formed part of the documents for public notification.

PUBLIC NOTIFICATION:

The application is **not** exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act and pursuant to Section 52 of the Planning and Environment Act 1987 the following forms of advertising were undertaken:

- Notices were sent to owners and occupiers of adjoining land (including opposite)
- Two (2) A3 signs were placed on the land

As a result of public notification two hundred and thirty-seven (237) objections were lodged and two (2) letters of support were received.

One objection received from a competing mine was rejected under Section 57(2A) of the Planning and Environment Act 1987 as it was considered that the objection had been made primarily to secure or maintain a direct or indirect commercial advantage as they raised concerns in relation to the profitability of their operation should the proposal be supported.

The permit applicant declined Council's offer of a consultation meeting.

Recently the *Planning and Environment Amendment (Recognising Objectors) Act 2015* amended the *Planning and Environment Act 1987* at Section 60(1B) and Section 84B(2)(jb). The amendment requires responsible authorities and VCAT to consider the number of objectors to a permit application and whether a proposed use or development may have a significant social effect.

The Advisory Note prepared to accompany the Amendment is clear in indicating that a large number of objections does not necessarily equate to evidence of a social effect. The content of objections and whether the issues raised in the objections are relevant planning considerations and relate to the reasons why the proposal requires a permit is a key issue.

In applying the new consideration Council continues to be required to:

- Determine if a social effect is relevant to the particular decision being made;
- Balance any significant social effects with any other significant effects that the proposal may have;
- Integrate the range of policies and planning provisions relevant to the issues to be determined;
- Consider whether the number of objectors indicate a significant social effect of a proposal;
- Decide whether the proposal produced an acceptable planning outcome that is in the interests of net community benefit.

While there are a significant number of objections raised, it is not considered that there is a significant social effect which has been identified and which would warrant refusal of the application. The majority of the concerns raised by objectors relate to the planning permissions required, but Council is required to consider whether the social impacts are significant and balance these with any other significant effects of the proposal having regard to:

- The objectives of the *Planning and Environment Act*;
- The provisions of the planning scheme;
- Relevant policies and decision guidelines in the planning scheme;
- Other considerations in sections 60 and 84B of the *Planning and Environment Act*.

As can be seen throughout this report, it is considered that the proposal results in an acceptable planning outcome and results in net community benefit.

AMENDMENT OF THE APPLICATION FOLLOWING PUBLIC NOTIFICATION

The application was not amended following public notification.

OBJECTIONS

The objections have been summarized and predominately relate to visual impacts on the rural landscape character and the You Yangs especially non-rehabilitation of existing mines, amenity impacts (including dust and noise), the proposal is inconsistent with the Farming Zone and policies relating to agriculture, impacts on tourism, impacts on the local film industry, removal of vegetation, impacts on wildlife, increase in truck movements, impact on surface water/groundwater/bores, impacts on Indigenous heritage, the extent of public notification, the application form was not completed correctly and it is a legal requirement to complete the application form in full and lack of net community benefit and need.

Objection - Visual impacts on the rural landscape character and the You Yangs and effects of non-rehabilitation of existing mines in the area

The main theme from the objections is the visual impact the proposed sand mine would have on the open, farming landscape at the foothills of the You Yangs. This concern is based from the public realm at ground level (Sandy Creek Road) and particularly when viewed from the elevated positions within the You Yangs Regional Park i.e Flinders Peak and Big Rock lookouts to name a few.

The subject site and area has been identified as having a significant landscape and is covered by the Significant Landscape Overlay Schedule 1 (SLO1) – Foothills of the You Yangs. This schedule recognises that this area covered by the overlay is an area comprised of treeless foothills and plains at the base of the You Yangs. The You Yangs are the most prominent landscape feature in the northern area of the municipality, providing panoramic views of Geelong. The surrounding foothills and plains create an open view path to the You Yangs, visually exposing them when viewed from the surrounding basalt plains. The key element of the landscape is its open character and contrast with the You Yangs.

The landscape objectives to be achieved are:

- To protect and enhance the open character, contrast and scenic quality of the landscape.
- To maintain an open view path to the regionally significant You Yangs.
- To protect the landscape from visual intrusion by inappropriate buildings and works and their siting, design or materials.
- To encourage the siting, design and landscaping of buildings and works to be responsive to the landscape values of the area.
- To facilitate the rehabilitation of extractive industries when they reach the end of their economic life.

It is noted that the overlay relates to viewing towards the You Yangs across the open plains and not the other way around.

It is also noted that the National Trust of Australia (Victoria) submitted a detailed objection in relation to the significance of the landscape as referenced in the DPCD South West Victoria Landscape Assessment Study 2013 and that the objection placed heavy weight on this document. However this document is not referenced in the Planning Scheme and therefore has little, if any, strategic weight in decision making.

The application is for a sand mine, which entails digging down below ground level rather than constructing above ground level. It is considered that when looking towards the You Yangs across the subject sites from Bacchus Marsh Road that this fact ameliorates any built form impacts on these plains. In addition, the gradual rehabilitation of the land will return the site back to the open plains that currently exist. The location of the mine and the fact that the works will predominately be below ground level will continue to provide for an open view path towards the You Yangs and will continue to provide a contrast with and visually expose the You Yangs from the surrounding open plains which is the key element of the landscape.

This conflict between a quarry and a Significant Landscape Overlay has recently been discussed in Aerolite Quarries Pty Ltd v Greater Geelong CC [2014] VCAT 1611 (24 December 2014), where Members Byard and Hadjigeorgiou said in paragraph 97:

As the schedule provisions recognise, it is important that new buildings and works should not compromise important aspects of this positive landscape. However, this proposal does not have that effect. Most of the works will be below the existing ground level. The stockpiling of material and the construction of bunds and rehabilitation are matters that can be appropriately dealt with in conditions and rehabilitation.

In paragraph 99, they said:

The proposal is basically an inconspicuous removal rather than to build a conspicuous intrusion. It is proposed to remove part of the apron which, in our judgement, is not a significant part of the landscape or of the concerns of the Significant Landscape Overlay. The proposed removal, when viewed from relevant points would be minor to minimal and generally imperceptible.

In our judgement the proposal does not threaten the landscape generally or in particular does not in relation to the three sisters hills, their intervening saddles or their skylines. We are not persuaded that there are any points of which the contrary would be true, and if there is such a point, its impact and importance must nevertheless be very minor. Significant impacts on significant landscapes do not include alterations that are very minor or imperceptible.

It is acknowledged that this decision relates to a different site and overlay, however the sentiments expressed are equally applicable to the subject sites.

The applicant is proposing boundary setbacks in accordance with or greater than those as required by Clause 52.09-7 of the Planning Scheme. The setbacks along the eastern (Sandy Creek Road) and southern boundaries will be planted with vegetation including River Red gums and Sugar gums to provide natural screening rather than relying on bund walls. This area will also include a new drainage channel to convey surface water flows from the north-east corner of the subject land to its natural exit point midway along the southern boundary. It is considered that the planting of vegetation along these boundaries will assist in screening the mine operation on site. It is also considered that as the works are below ground level, that the proposal continues to provide for a view across the open plains at the foot of the You Yangs.

Some objections also referred to the Decision Guideline in the overlay relating to the containment of extractive industries to ensure development and subsequent reclamation are carried out without significant detriment to recreational and scenic vaule of the surrounding area.

This does not preclude extractive industries in this area. It is considered that when viewing from the You Yangs (even though the overlay does not consider this view) that the location of the proposed mine is contained to an area of existing mines as shown below in Figure 4. It is also reiterated that this is a staged extraction so areas will be rehabilitated once that area has been exhausted of the product and will return the land to the open farmed landscape of the area.



Figure 4 – View from Flinders Peak looking out towards the existing mines circled in yellow. The area circled in red is the subject site.

Many objections also referred to other sand mines in the immediate area and the visual impacts the non-rehabilitation of these mines has had on the landscape. These mines were approved decades ago when mining requirements regarding rehabilitation were more lax then they are today.

Prior to the lodgement of the planning application, the applicant had to undergo a Statutory Endorsement process under the Minerals Resources (Sustainable Development) Act 1990.

This statutory endorsement includes a rehabilitation plan which will be staged over the lifetime of the extraction. In addition, the operators must pay the State government a bond/security that could be used by the government in the event that the land is not rehabilitated.

DSDBI is the relevant State government department that enforces the approved work plan and subsequent rehabilitation plans. It has been indicated that this department is currently in negotiations with the landowner of the mine directly to the north of the subject site to implement the rehabilitation of the land.

Overall, it is acknowledged that the proposal will be noticeable in the local landscape, however the mine will be a small feature within the whole landscape panorama, especially when viewed from vantage points within the You Yangs (see Figure 6). It is considered that the proposal does not present as an unacceptable or unreasonable "blight" in the wider panorama and does not warant refusal of the application.



Figure 5 – Panorama view looking west to north west from Flinders Peak

Objection – Impact on surface water/groundwater/bores

Many objections were received in relation to reduced surface water flows to Hovells Creek, impacts on groundwater/bores and contaminated water getting into Hovells Creek which will impact on the Ramsar wetlands further down the creek.

The issue of water is a relevant consideration especially as the application proposes to use water for dust suppression and in the cleaning of the sand.

The application was referred to the CCMA through the Statutory Endorsement process and the planning permit process and to Southern Rural Water and the EPA through the planning permit process. The authorities did not object to the granting of a permit.

The draft Work Plan includes measures to retain water on-site used through the washing process and the use of holding/settling dams. The water used here will come from on-site capture within the WA area and from a bore on-site. The EPA has confirmed that the measures required in the Work Plan to contain and reuse wastewater generated from the operation on-site will not impact on the water quality of Hovells Creek and therefore will not contaminate the Ramsar wetlands.

In relation to reduced surface water flow not reaching Hovells Creek, this is an existing condition caused by existing mines in the area. The DSDBI is currently working with mine operators upstream to rectify this issue and allow for the resumption of surface flows across the land.

In response to this issue, the application is seeking to construct a diversion channel around the Work Authority area with a connection point in the north east corner. This channel will divert along the eastern boundary before turning westwards to run along the southern boundary where it will discharge at the natural discharge point from the subject land and continue along the natural waterway to Hovells Creek and then onto Lascalles Dam located on the property to the south.

It is considered that returning natural surface water flows to Hovells Creek will assist in preserving the river red gums that have been showing signs of recent distress.

Objections have been received that the use of groundwater/bores will contaminate groundwater and also produce flow on effects to adjoining properties bores in reducing their water levels.

The applicant provided a hydrogeological report prepared by Nolan Consulting demonstrating that the proposal will not impact on the supply of groundwater to neighbouring property bores or that the extraction pit will penetrate groundwater levels.

The report and application in general was referred to Southern Rural Water (SRW) for comments on possible effects the proposal may have on groundwater quality and availability.

SRW reviewed the report and the application in detail and stated that:

The hydrogeological report prepared by Nolan Consulting is comprehensive and basically addresses issues that Southern Rural Water (SRW) would consider in assessing such a proposal.

The Nolan assessment adequately addresses potential impacts from extracting groundwater from the applicants bores on neighbouring bores, in particular bores located on the Wooloomanata property. The assessment concludes that a best estimate drawdown of 0.53 m at the nearest Wooloomanta bore. Southern Rural Water has estimated that this would equate to 6% which is in accordance with good groundwater management principle and therefore acceptable.

Taking all matters into consideration, SRW does not object to the proposal subject to conditions.

Overall, it is considered that the proposal has taken measures to limits impacts on water in general and that the conditions required by SRW are appropriate and will address issues relating to drainage and discharge control, dams and groundwater .

Objection – Increase in truck movements, conflicts with trucks, speed and road surfacing

Numerous objections were received in relation to the proposed 50 additional truck movements per day and the impacts this would have on traffic in central Lara and Little River, along Branch Road (main access to the You Yangs, across Grants (bluestone) Bridge and impacts on business/properties adjoining the truck routes.

The applicant considered the option of having direct access out onto Bacchus Marsh Road. When investigating this, the applicant found that the access would be unviable and the new access road would have a significant impact on Hovells Creek and native vegetation. In addition, VicRoads who are the road authority for Bacchus Marsh Road, was not supportive of this option.

As a result of the lack of support from VicRoads in relation to accessing Bacchus Marsh Road and the concerns raised by objectors about trucks, the applicant is agreeable to a condition on any permit issued that stipulates that all truck movements are via Sandy Creek Road, Forest Road North and Windermere Road out to Bacchus Marsh Road. This designated route would remove the trucks from Lara, Little River and Grants Bridge. It is recommend that this condition be placed on any permit issued.

In addition, the application was referred to both Council's Traffic Department and VicRoads for comments on the proposed truck movements. Both agencies did not raise any issues with the increased traffic movements nor did they require any conditions in relation to upgrading the road surface.

Other objections were received in relation to truck movements along Sandy Creek Road and possible conflicts with walkers, cyclists and horse riders especially in relation to truck speed.

The speed limit along this section of Sandy Creek Road is 100 km/h. The issue of speed and enforcing speed limits is beyond the control of the Planning Scheme and is enforced via other means. Council's Traffic Department are aware of the current issues relating to speed in this area and they, along with consultation with VicRoads, can reduce the speed limit.

Objection - Lack of net community benefit/scale of economies

A number of objections suggested that the proposal would only benefit the quarry operators; would not provide any net community benefit to the community; that there is an oversupply of sand resources in the local area; it is uneconomical and the quality is low and there are other areas in Victoria where sand extraction can be undertaken.

The issue of net community benefit, economics and the like and quarry operations has been discussed in numerous VCAT decisions.

In Aerolite Quarries Pty Ltd v Greater Geelong CC [2014] VCAT 1611 (24 December 2014), the above points were discussed by Members Byard and Hadjigeorgiou

In terms of quality and economics, the members said in paragraph 131:

We do not accept that only the best grades are marketable or valuable. The company has been warned that it may be taking a financial risk if it develops this quarry if it will not be able to produce processed basalt of freeway quality. That is a risk that it must assess for itself. It is not our responsibility to protect the company from itself, or to make financial decisions for it. We confine ourselves to considering whether the proposal is acceptable from the planning point of view.

This was in response to the quality of the product, which was considered to be on the lower grade.

In relation to net community benefit, they said in paragraph 133:

We consider that there is a net community benefit in this proposal in that it is to give rise to a product that is saleable and needed by the community, quite apart from providing employment and other business opportunities to suppliers of necessary goods and services.

They also addressed the issue of alternative site locations in paragraphs 136-138.

The other argument raised was as to whether there are alternative sites off the land. It was suggested that, from a net community benefit point of view and more generally, there are plenty of other sites and deposits of basalt that can serve whatever need the community has for such products.

This argument has long since, indeed for decades, been recognised as irrelevant as a planning consideration. The question is always whether the proposal for this site is acceptable, irrespective of whether there are other sites, even other preferable sites, that may exist yet not be available to the proponent.

In any event, although there may be considerable amounts of basalt in the district, if excessive and unreasonable demands and standards are applied, there may well be that little or none of it could be exploited. The question remains, is this an acceptable proposal. We consider that it is.

It is considered that there is a clear community benefit of quarrying. It provides natural resources for a variety of uses that benefit the community. In the case of sand quarrying, it provides a material used in the construction industry.

As required by Clause 10.04, Council is required to balance conflicting objectives in favour of net community benefit and sustainable development. In making this assessment it is necessary to balance up the suite of planning policy, the zoning provisions, particular provisions and the site context.

What needs to be balanced is the community benefit of quarrying the resource and the impacts that doing so has on the environment, landscape and amenity of others.

As noted, the use will make a contribution to the economy by providing direct employment and indirect employment for a range of others related to the operations of the site. The proposal also assists in ensuring the most effective use is made of an extractive industry interest area. The development of the site makes good use of a required resource for the construction industry with its continued contribution to the broader Victorian economy.

The investment and the generation of new employment is considered to provide for net community benefit. The assessment of the application concludes that the siting of the use and its development has been managed to ensure that there are no unacceptable emissions from the site, or unacceptable risks to the neighbouring properties and visitors to the You Yangs. Noise and dust emissions and provision of water have been considered in detail and recommended permit conditions will require relevant plans to be submitted and approved by Council.

Overall, it is considered that the proposal provides for a net community benefit.

Objection - Amenity impacts (including dust and noise)

Discussed below under Assessment section.

Objection - The proposal is inconsistent with the Farming Zone and policies relating to agriculture and will conflict with farming uses in the area

Discussed below under Assessment section.

Objection - Impacts on wildlife

Some objections were received in relation to the impacts on wildlife the proposal would have, especially on birds that inhabit Lascelles Dam and on the Golden Sun Moth, an endangered species found on the Wooloomanata property to the south.

The applicant has provided a letter from Ecology Australia (dated 14 December 2015) that explains that the subject site does not contain habitats that are favourable to these species as the area is dominated by exotic, low grade pasture.

The ecologist also states that the subject site is not suitable to the Golden Sun Moth and has disputed that the proposal would impact on the moths found on the Wooloomanta property unless the dust was so thick that the health of the grasses the moth relies on was compromised – a scenario they found unlikely to occur.

They also stated that there is no evidence that the subject land functions as a corridor or pathway for faunal movements considering that the land consists of exotic pasture and is devoid of trees.

They also said that the operation of the mine is unlikely to impact on the bird species found at Lascelles dam which is approximately 400m to the south and that most bird species are adaptable to noise and visual intrusion.

They have acknowledged that the additional truck movements may cause the potential of road-kill or injury, but recommended that truck movements are not conducted at night to protect nocturnal species.

In addition, the application was referred to DELWP under Section 55 of the Planning and Environment Act due to the presence of the Golden Sun Moth on the Wooloomanata property and for general comments on any impacts on wildlife including birdlife around Lascelles Dam.

DELWP did not object to the proposal and concurred with the observations and analysis contained in the Ecology Australia letter provided by the applicant in response to objectors concerns regarding wildlife and endangered species, especially the Golden Sun Moth.

Therefore it is considered that the proposal will have limited impacts on wildlife and does not warrant the refusal of this application.

Objection - Removal of vegetation

The draft work plan submitted with the application indicated that 8 river red gums were proposed to be removed. Concerns with the amount of vegetation to be removed resulted in the applicant changing the Work Authority boundaries so that 7 of the trees will be retained on site.

It is now proposed to remove one dead river red gum. It is noted that this dead tree had already been removed prior to the lodgement of this application and this is now a retrospective approval for the removal of this tree.

The application was referred to Council's Environment department who had no issues with the removal due to the offset required that can be accommodated on-site. Also, additional trees will be planted to provided screening to the mine.

The area where the extraction is located does not contain any native grasses.

Objection – Impacts on tourism and the local film industry

A few objections were received that related to impacts the proposal would have on tourism to the You Yangs and impacts to the local film industry who film in the area.

The underlying concern is that the appearance of the proposal and the noise and dust associated with it will stop people from visiting the You Yangs. This is hard to quantify as no supporting evidence was provide to support this claim. Mines already exist and abut the You Yangs and have operated without impacting on visitation numbers to the park to a detrimental level that would warrant a refusal of this application.

In relation to the film industry, it is acknowledged that the You Yangs and broader area have been used in filming due to its natural landscapes, adaptability to present a variety of locations and its proximity to Melbourne.

A letter from Film Victoria describes the importance of this location however it did not expressly object to the proposal or state how this proposal might possibly affect filming within the area. It is also noted that one of the mine sites itself was used as a set to film "The Pacific". Also other film/television examples given seem to be filmed on the eastern side of the You Yangs rather the western side where the proposed mine will be located.

It is considered that the proposal will have limited affects on the film industry.

It is considered that this is not a reasonable ground to refuse the application.

Objection - Impacts on Indigenous heritage and the Wooloomanata homestead to the south

The subject site contains an area of Aboriginal cultural sensitivity and as such a Cultural Heritage Management Plan (CHMP) is required as the proposal is a high impact activity.

CHMP #10511 was approved by the Department of Aboriginal Affairs Victoria on the 18 December 2008. The CHMP has found the proposed Work Authority area does not contain any areas of Aboriginal heritage.

Therefore while the area has cultural significance to the local indigenous people, the proposal will have no impacts on this heritage.

In relation to the Wooloomanata property, which is heritage listed, the objections relating to the impacts the proposal may have on this property are not a relevant planning consideration. Council can only assess post contact heritage if the subject site itself is covered by a heritage overlay, which it is not.

Objection - The application form was not completed correctly and it is a legal requirement to complete the application form in full

The application form was completed to the satisfaction of Council and allowed for a through and proper assessment of the application.

Objection - The extent of public notification

Public notification of the application comprised letters to adjoining land owners and occupiers and via two signs on-site in accordance with the requirements of the Planning and Environment Act 1987.

It is noted that there has been significant media and social media interest in this application. Interested third parties have provided information on various websites detailing how to object to the application. Given the above and the substantial number of objections received, it is considered that adequate public notification has been carried out and that objectors have raised many varied grounds.

Assessment

State and Local Planning Policy Frameworks

Relevant State and local policies encourage economic growth by building on the region's competitive strengths and encouraging the extraction of natural resources in accordance with acceptable environmental standards, whilst protecting the environment and agricultural land from inappropriate development and effects.

It is considered that the proposed use will encourage economic growth through the construction industry without compromising the continued use of surrounding land for agricultural production and other stone extractions, as has been demonstrated in the written submission and Work Plan provided with the permit application. It is noted that all relevant referral authorities have provided consent to the statutory endorsement of the Work Plan prior to the lodgement of the planning permit application and have not objected to the application when referred from Council.

It is acknowledged that there are strong state and local policies regarding the protection of agricultural land and to limit incompatible land uses that may conflict with agricultural uses.

However there is equally strong state policy regarding resource exploration and extraction. Clause 14.03 (Resource Exploration and Extraction) encourages exploration and extraction of natural resources in accordance with acceptable environmental standards and to provide a planning approval process that is consistent with the relevant legislation.

This policy also directs the assessment of planning applications to consider the *Geelong Supply Area - Extractive Industry Interest Areas – Geological Survey of Victoria Technical Record 1999/2.*

This document acknowledges that:

- *Geelong is an important centre dependent on locally derived extractive industry resources which are used as raw material for the manufacturing industry; and*
- *Geelong is also a regional centre with a substantial population and an important use of quarry products.*

The site and a substantial area surrounding it is identified as an Extractive Industry Interest Area (EIIA) in the document. Amongst other things, the purpose of the EIIAs is to provide a basis for ensuring the long term availability of stone resources for use by the community and at minimal detriment to the environment, and to create awareness that extractive industry is a possible land use within these areas.

The extraction of useful sand material is of importance and to be encouraged (and not frustrated) in suitable circumstances. This does not mean that anything goes, but it is nevertheless an important positive consideration. There will, no doubt, be circumstances where extraction will not be permitted from a planning point of view. There are always likely to be some constraints associated with extraction operation, but the present proposal is considered to be free of such constraints.

As discussed below, it is considered that the proposed quarry can operate with minimal detriment to the environment and agricultural uses in the area.

Farming Zone

The Farming Zone encourages the retention of productive agricultural land and seeks to ensure that non-agricultural uses do not adversely affect the use of land for agriculture. Further, it does not prohibit the use of land for stone extraction.

Farming of land in farming zones has to be regarded as robust rather than as a quiet rural or retreat. It is for this reason that such zoning is considered to be suitable for extraction activities. Of course, extraction can only take place where the resource to be won is available.

The subject site is currently used for agriculture (grazing). Its use for stone extraction would obviously reduce the ability to continue this use whilst in operation. However progressive rehabilitation is proposed, whereby ongoing pasture planting would be undertaken in worked out areas as soon as practical, providing opportunity for agricultural uses on-site to co-exist with the extraction area. Recommended permit conditions require progressive rehabilitation in accordance with the approved Work Plan. The extraction site is to be retained as a large single allotment which can be fully returned to agricultural production following the completion of the use.

It is noted that that the proposed extraction would not only be regulated by the planning permit but, as previously mentioned, by a Work Authority and a Work Plan required under the Mineral Resources Act. This enables ongoing regulation and ultimately rehabilitation of land quite apart from a planning permit and its conditions.

Both those requirements and planning permission can be expected to contain rehabilitation requirements pursuant to which the review site would progressively or ultimately be rehabilitated for farming purposes. This is mentioned because the second purpose of the Farming Zone includes the encouragement of the retention of agricultural land. That is a very appropriate purpose in itself, but in the event of land being temporarily withdrawn from agricultural use to enable some other justified activity, it is nevertheless relevant that the withdrawal should be temporary and the land ultimately restored in accordance with the purposes of that zone.

Another purpose of the Farming Zone is to ensure that non-agricultural uses do not adversley affect the use of the land for agriculture. This is particularly pertinent as the land directly to the south is currently farmed for cropping among other agricultural uses. This property has also objected on the grounds of incompatibility with their farming endeavours particularly in relation to dust and the effect this will have on their crops.

As discussed previously, the Work Plan has dust suppression measures incorporated within the document to reduce off-site impacts caused by dust. In addition to this, the applicant has provided a landscape plan that relocates the current access road from Sandy Creek Road away from the common boundary to within the site with the setback to be used for the surface water diversion channel and to be landscaped. It is recommended that an amended plans condition be included on any permit issued to require this new access/buffer design. Overall it is considered that the requirements of the Work Plan together with the revised buffer design along the southern boundary will reduce any impacts that the proposed extraction may have on the adjoining farming operation to the south to acceptable levels.

A number of objections to the application also raised concerns about the impact the quarry would have on the amenity of the residents of the Wooloomanata property to the south and visitors in general to the You Yangs. It is agreed that some level of amenity should be expected in the Farming Zone but agricultural activities themselves tend to lessen amenity. Once again provision within the Work Plan should reduce amenity impacts on neighbouring properties and visitors to the You Yangs.

Arguably, the Farming Zone is one of the zones best suited for extractive industry given the lower level of amenity that should be expected and the generous setbacks from sensitive uses and built-up areas.

Amenity

Various objections were received from landowners and visitors to the You Yangs concerned about the detrimental impact the proposed quarry would have on the amenity they currently enjoy. Amenity issues raised related to dust, noise, vibrations and visual impact.

The Farming Zone encourages agriculture, rural industry, timber production and economic development compatible with rural activities. Residential use, unless it specifically relates to agriculture, is not encouraged and the planning scheme is generally silent on the level of amenity a visitor to a regional park might expect to enjoy.

Nevertheless, the generation of noise, dust and vehicles on private land and country roads are manifestations of farming in general and have to be accepted. Vehicles of various sizes, including large tankers, cattle trucks and vehicles moving farm produce or bringing farm requirements are commonplace. Depending on circumstances, vehicles and equipment are used regularly, intermittently or seasonally at all hours of the day and night. Dust is generated by vehicles and unsealed roads, ploughing, harrowing, harvesting, spreading of fertilisers by a vehicle, crop dusting and so on.

Dust

In relation to dust, it is considered that extensive landscaping along the boundaries of the site and dust suppression measures required under the approved Work Plan will go some way to reduce the amount of dust that leaves the site. It is noted that the EPA has supported the dust suppression method as outlined in the Work Plan. Dust emissions are likely to be negligible when the quarry is operating at maximum depth provided surface areas under rehabilitation are appropriated grassed to limit exposed earth and dust suppression measures are followed. Given the surrounding land to the north-west, south and west is zoned Farming, where farming operations might include ploughing and other activities that cause dust and existing extractions to the east and north-east, it is anticipated that dust emissions would not be unreasonable given the context. Irrespective, it is recommended that a permit condition requires a Dust Management Plan.

Noise and Vibrations

No blasting is proposed.

The closest residence is located approximately 1200m from the proposed extraction area. Whilst no blasting is proposed, it is noted that this setback is consistent with the recommended separation distance for quarrying with blasting provided in *EPA Publication 1518 – Recommended Separation Distances for Industrial Residual Air Emissions*, March 2013.

Noise associated with day-to-day works requires consideration, particularly in the early stages of the quarry's life when the use will not benefit from depth to provide appropriate acoustic barriers. An acoustic assessment prepared by Watson Moss Growcott dated 11 December 2014 was provided with the permit application. This report concluded that noise modelling results have indicated that the quarry can operate as proposed while maintaining noise levels within the recommended maximum noise levels at the nearest adjacent dwelling located to the south at the Wooloomanata homestead.

This report was referred to the EPA for comments. The EPA also concluded, based on this report, that the proposal will not have any adverse impact on the amenity of the closest sensitive receptor (Wooloomanata).

Visual Impact

The visual impact on the broader surrounding area is discussed in the response to objections. In relation to visual impact for nearby properties, the proposed landscaping would protect the views from surrounding properties and from Sandy Creek Road. Screening the quarry has been illustrated in the application material.

Traffic

The proposed extraction will utilise the existing local road network. It is not anticipated that the output of the proposed extraction will generate truck movements which exceed the carrying capacity of the local road network.

It is proposed that all trucks accessing the quarry will use the designated truck routes. Council's Traffic Unit and VicRoads supports this arrangement. It is noted however that the applicant is willing to have a condition on any permit granted that requires trucks to access Bacchus Marsh Road via Windermere Road thus alleviating any issues of trucks within Lara, Little River and crossing Grants Bridge.

Significant Landscape Overlay – Schedule 1 (SLO1)

The entire site is affected by the Significant Landscape Overlay – Schedule 1 (Foothills of the You Yangs).

The Objectives and Decision Guidelines of the SLO1 seek to minimise impacts on the visual and landscape values of the area and ensure that buildings and works are responsive to these values in their design and siting.

The site forms part of the foothills of the You Yangs.

It is considered that appropriate vegetation screening works and setbacks from boundaries will ensure the quarry does not unreasonably impact on the landscape character of the SLO1.

Further justification for supporting the proposal in relation to the SLO1 is provided above as part of the response to objections.

Clause 52.09 - Stone Extraction and Extractive Industry Interest Areas

It is considered that the application meets the requirements of this clause in relation to effects on flora and fauna, impacts on cultural and historical significance, effects on the natural and cultural landscape of the surrounding land and locality, meets the requirements of the Mineral Resources Act, effects of vehicle traffic, noise and dust on the amenity of the area, ability to rehabilitate the land and the effects on surface and groundwater has been extensively detailed previously in this report.

Clause 52.17 – Native Vegetation

It is noted that the draft Work Plan indicates that 8 scattered trees were proposed to be removed that required a substantial offset.

Since the lodgement of the draft work plan with DSDBI and subsequent planning permit application, the work authority area was revised to retain 7 of the scattered trees and now requires the removal of one scattered tree.

This tree was removed prior to the lodgement of the planning permit in that this application seeks retrospective approval for the removal of one dead gum tree. The application as referred to Council's Environment department who were satisfied with the proposed offset and recommended conditions on permit to facilitate this offset.

It is considered that the application has avoided the removal of native vegetation to the best of its ability and the removal of one dead scattered tree that has been offset is considered to be appropriate.

Legislative Issues

The Planning and Environment Act 1987 and the Greater Geelong Planning Scheme are the relevant documents under which Council must consider this application.

Conclusion

The proposal has been assessed against the Farming Zone, the Significant Landscape Overlay Schedule 1 and relevant policies and particular provisions of the Greater Geelong Planning Scheme, and is considered an appropriate use and development of the site. It is recommended that the application be supported subject to the conditions in this report.

Report prepared by Hugh Griffiths

Planning and Environment Act 1987

Section 191 Committee Report

Greater Geelong City Council

15 July 2016

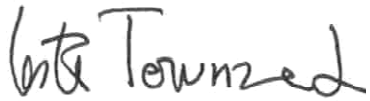
Planning Panels Victoria

Planning and Environment Act 1987

Committee Report pursuant to Section 191 of the Act

Greater Geelong City Council

15 July 2016



Lester Townsend, Chair



Kate Partenio, Member



Adrian Vlok, Member

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About this report

(i) Details of the process

Panel Process	
The Committee	Lester Townsend (Chair), Kate Partenio, Adrian Vlok
Council resolution to appoint	28 June 2016, Council Conference and Reception Centre, Little Malop Street, Geelong
Hearing	5 July 2016, City Hall, Gheringhap Street, Geelong
Site Inspections	Unaccompanied, 5 July 2016 Mr Vlok undertook an unaccompanied inspection of the land from various vantage points within the You Yangs on 9 July 2016 and provided other Committee members with photographs.
Date of this Report	15 July 2016

(ii) How is the Committee established

The Committee was appointed by resolution of the Council on 28 June 2016, under section 191 of the *Planning and Environment Act 1987* which provides:

> *A planning authority or responsible authority may nominate a committee of two or more persons to hear any person—*
> *(a) whom the authority is authorised or required to hear before it makes a decision; or*
> *(b) to whom the authority must give an opportunity to be heard before it makes a decision.*

(iii) What must the Committee consider

There was a view put that the 'calling in' of the application initiated, as the Committee understands, by Cr Nelson, somehow changed the basis on which the applications must be assessed. It was explicitly stated that a broader range of issues could be considered when Council considered an application compared to when it was considered by an officer under delegation. This is not the case.

Whoever makes a decision in this matter, an officer under delegation, Council, or Victorian Civil and Administrative Tribunal (VCAT) if there is an appeal, is bound to apply the same policies of the Planning Scheme. Different decision makers may give different weight to different policies or judge certain facts to be more relevant or less relevant, but the fundamental 'rules of the game' do not change.

In relation to balance, Clause 10.04 of the Geelong Planning Scheme – Integrated Decision Making – applies to all decision makers:

> *Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social well-being affected by land use and development.*
>
> *Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.*

It is clear from the recommendations that the Committee disagrees with the planning officers' assessments. A number of submission criticised one of the assessments. As with all contested planning applications there is a range of views about how conflicting objectives should be balanced.

Good planning outcomes rely on the checks and balances of the planning system. Most Councils run a planning system where less controversial issues are decided under delegation. This is widely considered to be good administrative practice. The fact that some applications are 'called in' for a decision by Council is not a defect of the system, it is the system working as it should.

1 Car Park Shade Structures, Lara

1.1 Summary

Application No:	1679/2015
Applicant:	ERM Australia Pty Ltd
Subject Land:	2-4 Waverley Road, Lara
Owner:	Coles Group Property Developments Limited
Zone:	Commercial 1 Zone
Overlays:	Design and Development Overlay, Schedule 29
Existing Use:	Retail Centre
Proposed Use:	Buildings and works for the construction of car park shade structures

The Committee heard from the applicant who spoke in support of the application.

The proposed development of shade structures within the car park of 2-4 Waverley Road is consistent with state and local planning policy and with aims of the *Lara Town Centre Urban Design Framework*, principally the provision of shelter.

Based on the relevant policies, reference documents and site context the Committee considers that the proposal is in accordance with the preferred development of the Lara Town Centre. In particular, it will improve pedestrian amenity within the car park and across the car park to the Waverley Road pedestrian crossing by providing '*shelter areas along paths and high traffic areas that are not bounded by buildings'* as set out in the *Lara Town Centre Urban Design Framework*, March 2006.

The design does not alter the landscaping that has been established within and around the car park.

While the design of the structures presents a low profile, they will never the less be visible and will obstruct some vistas. Of principal concern is the view line between Austin Park and the retail along The Centreway. This view line adds to the legibility of the overall town centre and a setback of some of the structures further from Waverley Road would provide a better balance between legibility of the town centre and the need for shelter.

It is recommended that the extent of the proposed shade structures be reduced to ensure that a good visual connection is maintained between Austin Park and the established town centre of The Centreway.

Recommendation

That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to Grant a Planning Permit for buildings and works for the construction of car park shade structures at 2-4 Waverley Road, Lara subject to the following conditions:

a) Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- **a reduction in length of the set of shade structures closest to Austin Park by 13 metres (5 car bay widths, to tree) and the centre set of shade structures by 6.5 metres (2½ car bay widths), from their Waverley Road ends.**

b) Other conditions as recommended by Council officers typical of a permit for development of this nature in Greater Geelong.

1.2 Site and locality

The subject site is located to the northeast corner of the intersection of Station Lake Road and Waverley Road in the Lara town centre.

The site is irregular in shape and has an area of 1.92 hectares. The site has been developed under planning permit 1487/2012/A for a primary tenancy supermarket, smaller tenancy shops, café and a convenience restaurant. Since the issue of this permit, the construction has been completed with Coles taking up the main tenancy.

The development permit allowed the reduction of car parking also, with a sufficient amount of car parking space to be supplied to the centre and western parts of the site, with frontage to Waverley Road. The carpark area also has an interface with the Public Park and Recreation zoned area of Austin Park, located adjoining the subject site, to the northeast.

The application proposes the construction of shade structures over three rows of the car park, being the row with the pedestrian access through the site, and the two rows adjacent to the northeast. The structures are proposed to be constructed of a galvanised steel frame covered by 'weatherproof carport fabric'. Four trees are located in the space proposed for the cover, to which cut-outs are proposed to allow the trees to grow through.

The area to be covered is approximately 1,400 square metres at a maximum height of 4.2 metres from ground level.

The site is located in the Commercial 1 Zone and covered by the Design and Development Overlay, Schedule 29, with both these provisions triggering the need for planning approval of the proposal.

The proposal has also been considered under the relevant policies of the State and Local Planning Policy Framework and the reference documents *Activity Centre Design Guideline*s (Department of Sustainability and Environment, 2005); S*afer Design Guidelines for Victoria* (Crime Prevention Victoria and Department of Sustainability and Environment, 2005); and *Lara Town Centre Urban Design Framework* (David Lock Associates, 2006).

1.3 What is proposed

This proposal seeks a planning permit for building and works associated with the installation of three sets of shade structures with the existing car park at 2-4 Waverley Road, Lara (Lara Village shopping centre) as shown on plans by the Buchan Group dated 09/04/13. The location of the site is shown in Figure 1.

The shade structures will include cut-outs to allow the existing trees within the car parking rows to grow 'through' the sails.

The aim of the proposal is to provide shelter for shoppers and their vehicles and to provide shelter along the pedestrian link across the car park between the shops within the Lara Village shopping centre and the retail and commercial land uses on the other side of Waverley Road.

The proposal does not seek to alter the car parking or landscaping on the site.

Figure 1 Locality Map (Source: Google Maps 2016)



1.4 What permissions are required

Clause 34.01 Commercial 1 Zone	Clause 34.01-4: A permit is required to construct a building or construct or carry out works
Clause 43.02 Design and Development Overlay Schedule 29 to the Design and Development Overlay – Lara Town Centre Expansion Area	Clause 43.02-2: A permit is required to construct a building or construct or carry out works
Cultural Heritage Management Plan	Not required
Landfill Gas Risk Assessment	Not required

1.5 Assessment

1.5.1 State planning policy framework

Clause 11.01-2 Activity centre planning contains the strategy:

> *To improve access by walking, cycling and public transport to services and facilities for local and regional populations.*

The proposal responds to this strategy by improving amenity through a covering of the central walkway linking the Lara Village shops to the bus stops on Waverley Road.

Clause 15 Built environment and heritage states planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and development and quality of urban design.

Planning should achieve high quality urban design and architecture that:

- Contributes positively to local urban character and sense of place.
- Reflects the particular characteristics, aspirations and cultural identity of the community.
- Enhances liveability, diversity, amenity and safety of the public realm.
- Promotes attractiveness of towns and cities within broader strategic contexts.
- Minimises detrimental impact on neighbouring properties.

By providing shelter along a key pedestrian route, among other benefits, the proposal will contribute positively to a sense of place, enhancing liveability and amenity. Sheltered walkways create a sense of place encouraging pedestrians to stop and converse with other passers-by in an area otherwise devoid of amenity.

1.5.2 Local planning policy framework

Municipal strategic statement Clause 21.13 Lara, sets out relevant key influences that include:

- The rural landscape setting is important to the character of the town.
- The strong reliance on the private motor car as a form of transport and active and public transport infrastructure and services need to be improved.

Relevant strategies include:

- Support the implementation of the principles and objectives contained in the Lara Town Centre Urban Design Framework, including expanding the town centre to provide additional retail and commercial land including a full-line supermarket and community and transport infrastructure.
- Consider alternative town centre layout options provided that all the aims and strategies of the Lara Town Centre Urban Design Framework are satisfied.

The subject car park has been landscaped and includes canopy trees throughout the car park to provide some limited shade and reflect the rural landscape. The design of the structures includes cut-outs to allow the trees to grow through and above the structure canopy as shown in the photo montage by the Buchan Group, 15.11.12, accompanying the application.

Aim 4 of the Lara Town Centre Urban Design Framework strongly encourages the use of shelters:

> ***4.44 Extend the shelter***
>
> *Lack of shelter is a significant reason why people choose not to walk in a centre. People want to be dry, shaded and comfortable wherever possible.*
>
> *Historically, large verandas covering the footpath were an integral part of any town or city centre in Australia. There is the opportunity to provide verandas on some shop fronts and new buildings in the town centre.*
>
> *Verandahs provide:*
> - *visual character*
> - *extension of indoor/outdoor activity areas*
> - *protection from the rain*
> - *historic reference.*
>
> *The majority of buildings within the town centre at present provide shelter in the form of verandas.*
>
> ***Future strategy:***
>
> *Australia has the highest incidence of skin cancer due to sun exposure. Protection from the sun by verandas and other structures is therefore paramount to ensuring a healthy town.*
>
> ***Proposal:***
>
> *All new buildings should provide shelter in the form of verandas or other structures, where appropriate. Such structures should not be developed where*

they detract from the significance of the building or the place. The existing awnings and verandas covering footpath areas should be retained.

The following strategies should be put in place:

- *Property owners should be encouraged to provide shelters and verandahs where they do not already exist, through the provision of design advice.*
- *Shelter areas along paths and high traffic areas that are not bounded by buildings should be developed.*
- *New buildings should be developed with verandahs directly fronting existing and proposed routes where they can provide cover over presently uncovered or undesirable places to walk or to be.*

The accompanying masterplan to the urban design framework shows buildings in the location of the subject car park which would have obstructed views between Austin Park and shops along The Centreway. The subject car park now forms part of the central car parking provided within the town centre. Within the central car park the masterplan calls for:

- *a central pedestrian link across the car park with a feature surface to promote shared pedestrian traffic and an events space the ability for part of the central car park to be used as an events space which is well connected to the town square and Austin Park.*

The proposed shade structures respond clearly to these elements of the urban design framework, providing shelter in inclement weather, improving amenity along the central pedestrian link, and providing the potential opportunity for an events space.

While the structures will be clearly visible, they are high enough to ensure casual surveillance is not obstructed but have a low profile that will allow the tree canopy within the car park to be visible as it matures and the more distant vistas to tree canopies beyond the centre to be unaffected from outside the site.

While the masterplan showed buildings limiting views between Austin Park and the retail along The Centreway these vistas have been established and the open views add to the legibility of the town centre, which is spread around the outskirts of the central parking areas. Setting back the centre and northeastern rows of the proposed shade structures further from Waverley Road would provide a better balance between providing shelter and not unduly impacting on the legibility of the town centre when approaching from east up Walkers Road and from within the western quadrant of Austin Park.

1.5.3 Particular provisions

Clause 52.06 Car parking has the following purposes:

- To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.

- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

The provision of shade structures is consistent with the purpose of this provision, being aimed at improving the amenity and creating safe environment for users of the car park and pedestrian walkway by providing shelter. The current landscaping will not be altered and the sails will be of a height not to affect visual surveillance from ground level.

2 Sandy Creek Road Quarry, Little River

2.1 Summary

Application No:	692/2015
Applicant:	TGM Group Pty Ltd on behalf of Bisinella Developments Pty Ltd
Subject Land:	405-455 Sandy Creek Road and 1720 Bacchus Marsh Road, Little River
Owner:	Bisinella Investments Pty Ltd
Zone:	Farming Zone
Overlays:	Significant Landscape Overlay Schedule 1 (Foothills of the You Yangs)
Listed Buildings:	Minor buildings and works are proposed in the form of site huts/offices, a weighbridge and car parking for staff and visitors
Existing Use:	Farming (Grazing)
Proposed Use:	Use and development of the land for stone (sand and soil) extraction and removal of native vegetation

Verbal submissions were made by 26 parties, including the applicant.

The proposal is for the development and use of land for stone (sand and soil) extraction and removal of native vegetation at 405-455 Sandy Creek Road and 1720 Bacchus Marsh Road [the site], Little River. Pursuant to the *Mineral Resources (Sustainable Development) Act 1990* the applicant has prepared and received endorsement for Work Authority (WA) 1532 from the then Department of State Development, Business and Innovation (DSDBI).

A total of 237 objections were received with two letters of support. The objections predominately relate to:

- detriment to the rural landscape and character, especially to the You Yangs
- amenity and health impacts (including dust, noise, vibrations and visual)
- impacts on farming and non-compatibility with agriculture pursuits
- increase in truck movements leading to conflicts with other road users
- impacts on surface water/groundwater/bores
- impacts on native vegetation and wildlife
- impacts on recreation, tourism and the film industry; the extent of public notification and incomplete application.

In addition to internal Council referral, the proposal was referred to Powercor, VicRoads, Department of Environment, Land, Water and Planning (DELWP), Corangamite Catchment Management Authority (CCMA), Southern Rural Water (SRW), Parks Victoria and Environment Protection Authority (EPA) for comment. Agencies did not oppose the grant of a permit, although most requested inclusion of conditions on any permit granted. None of these authorities attended the Hearing.

Council officers assessed the proposal against the Farming Zone, the Significant Landscape Overlay Schedule 1 and relevant state and local planning policies and particular provisions of the Greater Geelong Planning Scheme and considered the proposed use and development of the site appropriate.

The permit applicant declined Council's offer of a consultation meeting.

Council officers recommended that a Notice of Decision to Grant a Planning Permit be issued subject to the applicant's undertakings in WA 1532 and 68 conditions being imposed on the planning permit.

The proposal involves the exploitation of a sand resource that is neither valuable nor important. Planning policy supports exploitation of the sand resource, however, this is not at any cost. The Committee has assessed the various issues raised at the Hearing and found the proposal to be unsatisfactory, particularly in terms of the economic, visual, amenity and traffic outcomes.

While this proposal has been the subject of scrutiny by various state authorities who do not oppose the grant of a permit, the Committee is not satisfied the proposal has satisfactorily passed a high level of scrutiny. In addition the Committee has found the applicant's documentation inadequate, particularly with respect to the key issues.

Having considered all submissions and evidence presented with regard to the applicable policies and provisions of the Greater Geelong Planning Scheme, the Committee recommends that the permit be refused.

Recommendation

That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to refuse to Grant a Planning Permit for buildings and works for the use and development of the land for stone (sand and soil) extraction and removal of native vegetation at 405-455 Sandy Creek Road and 1720 Bacchus Marsh Road, Little River on the following grounds:

1. **The proposal will undermine the achievement of a diversified economy contrary to the objectives and strategies of Clause 11.07-7.**
2. **The proposal will have an enduring and inappropriate impact on the landscape values of the region.**
3. **The proposal will have an unacceptable impact on the amenity and safety of other road users.**
3. **The proposal will have an unknown impact of ground and surface waters and conditions proposed to manage these impacts may not be workable.**

2.2 The site and locality

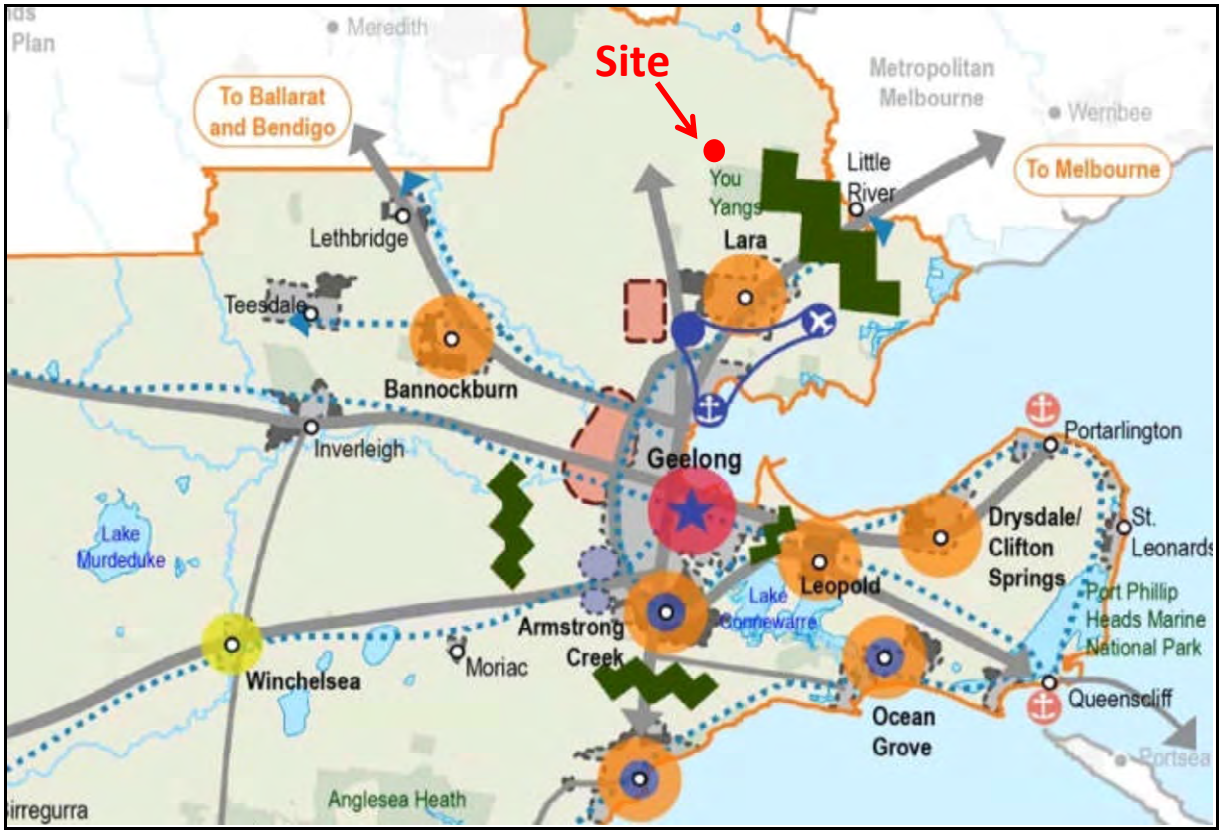
The site is located on the western side of Sandy Creek Road and the eastern side of the Bacchus Marsh Road, Little River (Figure 1). The site consists of two titles, is regular in shape with a frontage of approximately 600 metres to Sandy Creek Road and Bacchus Marsh Road. The site is currently agricultural land with two dwellings and associated farming sheds on each lot. Surface drainage runs into Hovells Creek via waterways running west to east

towards the southern section of the site and one running north–south towards the eastern section of the site. Generally, scattered trees and broad acre farming areas cover the site.

The site is 10 kilometres north of Lara, 25 kilometres north of Geelong, 11 kilometres west of Little River and 500 metres southeast to the You Yangs Regional Park.

The nearest house (outside of the site) is located approximately 1,200 metres south of the site. The house is associated with the Wooloomanata property.

Figure 1 Site Location



The site is located within the Farming Zone and is covered by Significant Landscape Overlay Schedule 1 – Foothills of the You Yangs. The You Yangs are located approximately 500 metres to the southeast.

The You Yangs Regional Park was declared under the National Parks Act 1975 in 1992. According to Visitor Guide the Park covers an area of about 1,967 hectares and:

> *The granite peaks of the You Yangs rise dramatically from the surrounding volcanic plains between Melbourne and Geelong. Although only 340 metres high, they dominate the landscape, and are clearly visible from as far away as the bay side of Melbourne and beyond.*

The Park provides the following recreation and tourism activities: hiking, bushwalking, picnicking, mountain bike riding, scenic drives, rock climbing and abseiling, horse riding and orienteering. The landscape values of the You Yangs are recognised through the Significant Landscape Overlay Schedule 1 (SLO1) and the South West Victoria Landscape Assessment Study (DELWP, June 2013).

In correspondence tabled by an objector, Film Victoria (8 May 2015) advises that:

> *… the You Yangs and surrounding districts is an exceptional filming location which can double as an African desert, the Middle East or the Wild West. It has been the home of numerous Australian and International productions including: The Dressmaker, Killer Elite, The Pacific, Thunderstone, The Kimes, We Can be Heros, Mad Max, Eye of the Storm, Ned Kelly and TV series The Man from Snowy River and The Secret River. What makes the You Yangs such a highly sought after filming destination is it stunning natural landscape within such close proximity to Melbourne.*

The Park guide indicates significant cultural value:

> *A family group of the Wada wurrung Aboriginal people known as the Yawangi balug enjoyed a rich lifestyle in the You Yangs for thousands of years. The name You Yangs comes from the Aboriginal word 'Wurdi Youang' or 'Ude Youang' meaning big mountain in the middle of the plain.*

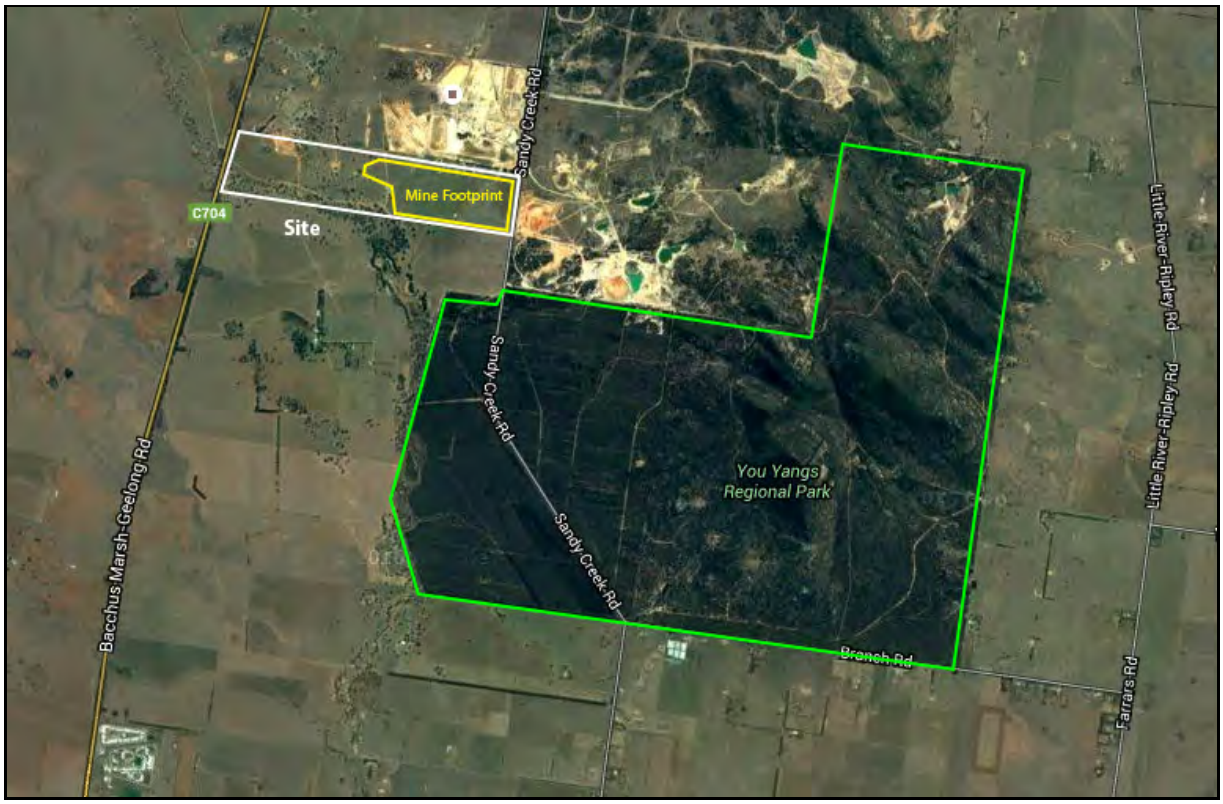
The Park provides a range of habitats for wildlife. More than 200 species of birds have been recorded in the park and koalas, kangaroos, wallabies, brush-tail possums, echidnas and lizards are commonly seen. Tall eucalypts such as Manna Gum, Yellow Gum and River Red Gum give way to sparse undergrowth of native shrubs and groundcovers, with patches of Wattle and Drooping She oaks. The endangered Brittle Greenhood Orchid is one of 30 species of orchids to be found in the Park.

The site is within an Extractive Industry Interest Area (EIIA) ID 884082, in the DSDBI 2003 publication *Melbourne Supply Area (MSA) – Extractive Industry Interest Areas Review*.

Directly to the north (WA 347) and east of the site land has been or is subject to sand extraction activities.

Land used for farming purposes adjoins the southern and northwestern boundary and also adjacent to the western boundary along Bacchus Marsh Road. Hovells Creek runs along the southern boundary of the site.

Figure 2 Site context aerial photograph.



2.3 What is proposed

The application proposes to use and develop the subject sites for the purposes of stone (sand and soil) extraction and removal of native vegetation.

The 167.89 hectare site fronts Sandy Creek Road and Bacchus Marsh Road. Except for scattered trees (River Red Gums) the site is predominantly cleared and used for agricultural purposes (cropping and grazing).

The site is located within the Farming Zone and is subject to the Significant Landscape Overlay Schedule 1 – Foothills of the You Yangs.

The applicant proposes to extract the quartz sand resource from approximately 83 hectares for processing into washed and some unwashed sands suitable for construction sands, mortar and concrete.

The sand resources are fine quartz sand of estuarine or alluvial origin ranging from 13 metres to 34 metres thick. This is underlain by a coarser granitic sand resource that ranges from 1 metre thick in the west to 13 metres thick in the east. The resource is estimated at 10,700,000 cubic metres, including 3,460,000 cubic metres of overburden. Sales are expected to be 150,000 tonnes per annum, with an extraction period of approximately 50 years, depending on the rate of extraction.

Minor buildings and works are proposed in the form of site huts/offices, a weighbridge and car parking for staff and visitors. Access to and from the site will be via Sandy Creek Road, Forest Road North, Windermere Road and Bacchus Marsh Road. It is estimated the proposal will generate 50 truck movements per day.

Proposed measures to avoid and mitigate potential impacts on amenity, health, safety and the environment are detailed in WA 1532.

The proposal includes:

- Staged stripping of 200 mm topsoil (140,000 cubic metres) to be stored and used for rehabilitation and landscaping.
- Staged removal and storage of overburden (3,460,000 cubic metres).
- Extraction of sand using excavators, scrapers and dozers.
- Excavation to 25–40 metres below the natural ground surface and above groundwater. Working faces will be cut at 1 V:1H, with a minimum 15 metre wide bench and maximum 7.5 metres face height.
- Mobile plant for processing (washing and screening) and stockpiling of sand.
- Transportation of sand product via trucks.
- Staged rehabilitation.
- Diversion of 'clean' storm water around operations and mine footprint.
- Collection and treatment (sediment ponds) of storm water within 'dirty' mine footprint into an 'in pit' water storage dam.
- Diversion of existing north–south tributary of Hovells Creek around the mine footprint, further east along Sandy Creek Road.
- Replace or rehabilitate existing bore and seek amendment to license to allow 40 ML groundwater extraction per annum.
- Mixing washed/screen 'slimes' (silts and clay) with overburden and used to backfill the mine pit.
- Landscaped screening bund along the frontage of Sandy Creek.
- Landscape screening along the access road adjacent to site southern boundary.
- Above ground storage of diesel.
- Operating hours:
- Monday to Friday 7:00am to 6:00pm
  - Saturday 7.00am to 1.00pm
  - Saturday 1.00pm to 6.00pm (sales and plant maintenance only)
  - No operations on Sunday or public holidays.
- Removal of one dead river red gum that was located towards the southern boundary in proximity to the southwest corner of the Work Authority area.
- 30 metres, 40 metres and 20 metres non−extraction buffer on the southern, eastern and northern boundaries respectively.

2.4 What permissions are required

Provision Trigger	Clause	Permit Required
Farming Zone	Clause 35.07-1	Use for Stone Extraction
	Clause 35.07-4	Construction of Building or Works
Significant Landscape Overlay – Schedule 1	Clause 42.03-2	Construction of Building or Works
Earth and Energy Resources Industry	Clause 52.08	Use and development of land for Earth and Energy Resources Industry
Stone Extraction and Extractive Industry Interest Areas	Clause 52.09	Use and development of land for stone (sand) extraction
Native Vegetation	Clause 52.17	Removal of native vegetation

The Planning Scheme (Victorian Planning Provisions) defines Earth and Energy Resources Industry as:

> *Land used for the exploration, removal or processing of natural earth or energy resources. It includes any activity incidental to this purpose including the construction and use of temporary accommodation.*

It includes Stone Extraction which is defined as:

> *Land used for the extraction or removal of stone in accordance with the Mineral Resources (Sustainable Development) Act 1990*

The proposed use of the land fits the meaning of Energy and Resources Industry and Stone Extraction. The purpose of the Energy and Resources Industry and Stone Extraction is "*To encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards*".

The purpose of Clause 52.09 (Stone Extraction and Extractive Industry Interest Areas) is "*To ensure that use and development of land for Stone Extraction does not adversely affect the environment or amenity of the area during or after extraction"* and "*To ensure that excavated areas can be appropriately rehabilitated"*. The Clause also sets out requirements for boundary setbacks, screen planting and car parking areas and that a permit is required to allow extraction within 20 metres of a boundary.

The decision guidelines that must be considered include:

- The effect of the proposed extractive industry on any native flora and fauna on and near the land.
- The impact of the extractive industry operations on sites of cultural and historic significance, including any effects on Aboriginal places.
- The effect of the extractive industry operation on the natural and cultural landscape of the surrounding land and the locality generally.
- The ability of the extractive industry operation to contain any resultant industrial emissions within the boundaries of the subject land in accordance with the Regulations associated with the Mineral Resources (Sustainable Development Act) 1990 and other relevant regulations.

- The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area.
- The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural systems or visual appearance of the surrounding area.
- The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community.
- The effect of the proposed extractive industry on groundwater and quality and the impact on any affected water uses.
- The impact of the proposed extractive industry on surface drainage and surface water quality.
- Any proposed provisions, conditions or requirements in a 'Work Authority' to be issued under the Mineral Resources (Sustainable Development Act) 1990.

Other decision guidelines are at Clause 65 (General Provisions). These require consideration to be given to a range of matters including State and Local planning policy, purpose of the zone, orderly planning, amenity and impact on the environment.

2.5 Assessment

Based on issues presented at the Hearing the Committee has identified the following issues for consideration:

- What is the importance of the sand resource to be extracted?
- Impacts on agriculture, recreation, tourism and film industry
- Visual impact on landscape values
- Impact from noise, vibration and dust
- Impact or conflicts with other road users
- Impact on surface water, flooding and ground water
- Impacts on flora and fauna
- Impacts on cultural heritage.

2.5.1 What is the importance of the sand resource to be extracted?

The Natural Resource Management policy at Clause 14.03 (Resource Exploration and Extraction) in the State Planning Policy Framework (SPPF) is:

> *To encourage exploration and extraction of natural resources in accordance with acceptable environmental standards and to provide a planning approval process that is consistent with the relevant legislation.*

Strategies under this clause include:

> *Provide for the long-term protection of natural resources in Victoria.*
>
> *Planning schemes must not impose conditions on the use or development of land that is inconsistent with the Mineral Resources (Sustainable Development) Act 1990.*

Washed and unwashed sand is used for various applications including construction sands, mortar and concrete.

Whether the applicant's proposal is commercially viable, is not the Committee's concern. The Committee is concerned with balancing competing community benefits and costs, including externalities, and whether the proposal is acceptable from a planning point of view.

As noted by the VCAT in Norville Nominees Pty Ltd v Strathbogie SC[1]:

> *There is an express policy that recognises that stone resources are location specific and it should be recognised that their exploitation must be contemplated.*

In making an overall assessment of the proposal, it is relevant to consider the nature of the resource in question, in terms of its qualities, quantities, availability and location.

Whether the sand resource is important or not, there is no overriding policy that the resource must be extracted; state policy also requires extraction to occur in accordance with environmental standards.

In balancing the various matters to be considered under the legislation and Planning Scheme, it is relevant to bearing in mind the importance of the resource to be extracted.

The applicant documents do not argue that the resource is particularly important by referring to its favourable properties, market demand, high quality, large size and scarcity. According to the then DSDBI[2], this sand is found throughout the region and Victoria, and the subject resource represents a very small fraction of the available resource in the Geelong region. Testing reveals that the sand found on the site is not high quality, due to the high clay and silt content. Good quality tertiary sand and gravel occurs to the north of Bacchus Marsh.

The Committee concludes from the evidence that the sand resource is not important for local and wider regional communities at this time. The Committee is not satisfied that there is, or is likely to be, an undersupply of sand resource in the region if the proposal does not proceed.

2.5.2 Impacts on agriculture, recreation, tourism and film industry

The recreation, tourism and film industry provides important renewable economic benefits to the community and businesses, as reflected in Clause 17 (Economic Development) and Clause 22.06 (Tourism Development in Rural Areas).

The Committee understands that these industries are underpinned and rely on the important landscape, natural and amenity values of the area and most of the 237 submissions objecting to the proposal are concerned the proposal will impact these values and the industries.

Concerns were also raised about the impact of operations on adjoining agricultural uses by way of the spread of weeds.

Again SLO1 is instructive and requires:

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1 [2007] VCAT 2389

2 Melbourne Supply Area – Extractive Industry Interest Areas Review, Olshina, A & P Burn, 2003.

> *The containment of extractive industries to ensure that development and subsequent reclamation are carried out without significant detriment to the recreational and scenic value of the surrounding area.*

The applicant failed to provide an Economic Impact Study and has not adequately demonstrated the economic benefits of the proposal outweighed the costs, including the impacts on other industry sectors. There is clear policy support for a diversified economy and the film and tourism industries support that diversity.

Given the significant and enduring adverse impact on landscape values, it follows that the proposal is likely to impose significant economic costs on the recreation, film and tourism industries. On balance the Committee the proposal will work against the achievement of a diversified economy as sought by Clause 11.07-7 and Clause 21.02 (City of Greater Geelong Sustainable Growth Framework).

2.5.3 Visual impact on landscape values

The main issue the 237 submissions raised is the visual impact of the proposal on the open rural landscape and the You Yangs. Of particular concern is the visual impact when viewed from elevated positions within the Park, for example Flinders Peak, East-West Walk, Royalty Wall and Big Rock.

It is an accepted principle in planning that the cumulative effects of a use can be a relevant consideration[3]. The Committee agrees with submissions that it is appropriate to consider the cumulative effectives of mining in this instance. The Committee accepts that the proposal may be better run than existing operations, but that does not mean that the existing operations become irrelevant in considering the impacts of the proposal because most if not all the impacts associated with the proposed mine are relevant to existing adjacent mining operations, whether active or inactive.

The impact of the proposed mine needs to be considered in the light of the current mining impacts.

The site and surrounds has been identified as having significant landscape values and is covered by the Significant Landscape Overlay Schedule 1 (SLO1) – Foothills of the You Yangs. This schedule recognises that this area covered by the overlay is an area comprised of treeless foothills and plains at the base of the You Yangs. The You Yangs are the most prominent landscape feature in the northern area of the municipality, providing panoramic views of Geelong. The surrounding foothills and plains create an open view path to the You Yangs, visually exposing them when viewed from the surrounding basalt plains. The key element of the landscape is its open character and contrast with the You Yangs.

The landscape objectives of SLO1 are:

> *To protect and enhance the open character, contrast and scenic quality of the landscape.*
>
> *To maintain an open view path to the regionally significant You Yangs.*

[3] VCAT Gippsland Coastal Board v South Gippsland Shire Council P3368/2007.

To protect the landscape from visual intrusion by inappropriate buildings and works and their siting, design or materials.

To encourage the siting, design and landscaping of buildings and works to be responsive to the landscape values of the area.

To facilitate the rehabilitation of extractive industries when they reach the end of their economic life.

The SLO1 decision guidelines require the following matters to be considered:

The landscape values of the edges of the foothills of the You Yangs.

The protection and appropriate enhancement of the landscape, having regard to:

- *Protecting landscape areas and vantage points of high quality.*
- *The conservation of significant areas of natural vegetation and significant stands of trees.*
- *The necessity of retaining a buffer strip of vegetation in the vicinity of watercourses, roads and property boundaries, in particular any remnant indigenous vegetation species.*

Whether the siting, height, scale, materials and form of proposed buildings and works has been designed to have least visual effect on the landscape and scenic views of the foothills of the You Yangs.

Whether approval of the proposed buildings and works is compatible with maintaining the visual and natural significance of the landscape.

The benefit of permit conditions requiring all building materials to be non-reflective and of colours which are complementary to those of the natural landscape.

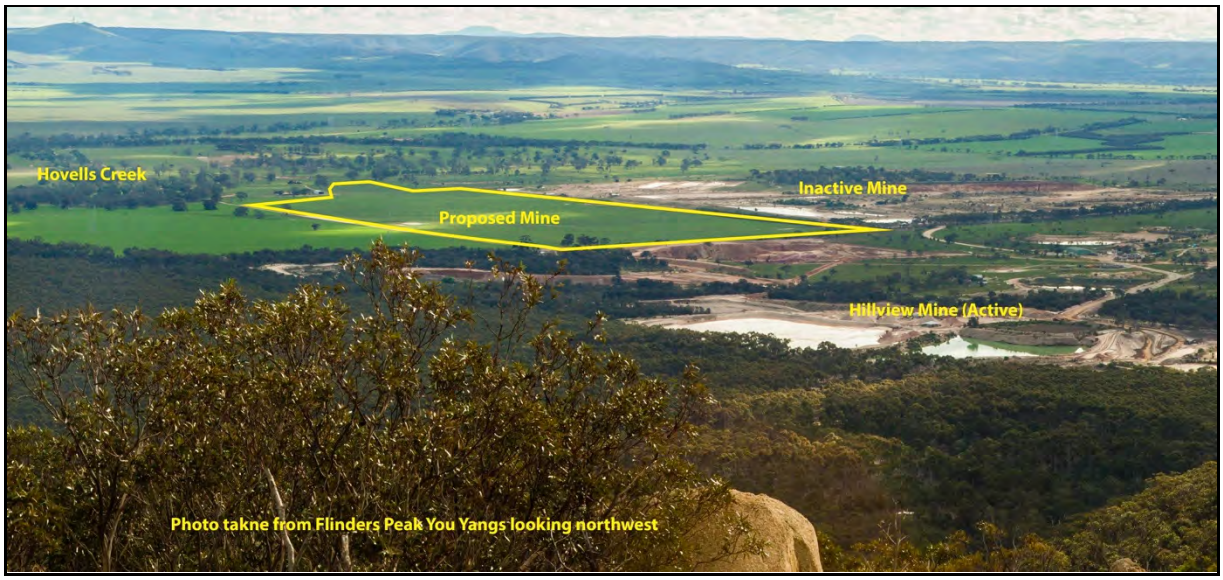
The benefit of conditions requiring the landscaping of buildings and works, while also having regard to the maintenance of existing viewlines.

Whether an alternative site is available on the land for the proposed buildings and works that would better meet the landscape objectives of this schedule.

The containment of extractive industries to ensure that development and subsequent reclamation are carried out without significant detriment to the recreational and scenic value of the surrounding area.

The applicant did not contest the importance of the landscape values and did not undertake a Visual Impact Study. The applicant did not table evidence supporting their repeated claim "*the subject site is not visibly within the public view shed of the You Yangs, the proposal will have no impact on the landscape values of the area"* The Committee found this claim to be without any foundation (Figure 3).

Figure 3 Photo from You Yangs (Flinders Peak)



The Council report argues that the SLO1 overlay relates to "*viewing toward the You Yangs across the open plains and not the other way around*". The Committee does not accept this interpretation. This is only one objective of the SLO. Reading the SLO1 holistically it is the Committee's opinion that views from the You Yangs should be regarded with equal or greater weight. This is because the landscape values worthy of protection are more visible from vantage points within the Park; vantage points where significant recreation and tourist visitation is encouraged and facilitated.

In the Committee's opinion the proposal is likely to have an unreasonable impact on landscape values. The applicant and Council's report argues that this impact can be mitigated for three reasons:

- the use is temporary
- construction of bunds along Sand Creek Road, screen planting and boundary setbacks will adequately screen the operation
- the mine will be rehabilitated back to the open plains that currently exist and reinstated for productive rural use.

The Committee is not satisfied 50 years is a temporary use. If demand for sand falls it is possible the mine life could be longer.

The applicant is not proposing bunds, screen planting and boundary setbacks beyond what would ordinarily be required for a sand mine. The Committee is not satisfied that these measures adequately respond to the site constraints and the SLO1 overlay objectives and decision guidelines. The inadequacy of bunds, screening and setbacks for adjacent mining operations support this conclusion.

The Committee is not satisfied that the Rehabilitation Plan proposed by the applicant will "*return the site back to the open plains that currently exist*".[4] The applicant's documentation

[4] Council report para 1, page 64.

shows the exhausted sand pit will have a depth of 12 to 40 metres, contain a 13.75 hectare water storage dam (15 metres deep). The pit will have steep erodible batters (30 per cent grade), making access problematic and unsafe for stock and vehicles. From a visual perspective the mine area is likely to resemble an exhausted sand mine pit, rather than an agricultural paddock consistent with the existing landscape as stated by the applicant.

Notwithstanding the topographical appearance the Committee is also not satisfied the pit floor and batters are likely to be returned to agricultural production. The mix of overburden and slimes will have a slit and clay content of approximately 50 per cent. Most topsoil will be stored for more than two years, reducing viability. The soil is likely to be sodic and have limited chemical and physical properties. The pit floor is likely to remain bare, being waterlogged in winter and hard in summer. Based on the limited information provided by the applicant the Committee has formed the view that the proposed species for revegetation are unlikely to survive. The applicant has not provided successful examples of comparable rehabilitation undertaken on exhausted sand mines in the Melbourne region and has not demonstrated the measures proposed reflect a level of rehabilitation commensurate with the protection of important landscape values.

In summary the Committee agrees with submissions that the proposal will result in an unreasonable and enduring impact on landscape values and the applicant has not provided credible evidence to the contrary. In the Committee's assessment the applicant has not demonstrated the proposal adequately addresses Clause 42.03 (Significant Landscape Overlay), Schedule 1 to the Significant Landscape Overlay (Foothills of the You Yangs), relevant matters under the Farming Zone, Clause 11.07-4 (Geelong (G21) Regional Growth – Environmental Assets)**,** Clause 12 (Environmental and Landscape Values) and Clause 52.09 (Stone Extraction and Extractive Industry Interest Areas), including:

- *The effect of the extractive industry operation on the natural and cultural landscape of the surrounding land and the locality generally.*
- *The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural systems or visual appearance of the surrounding area.*
- *The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community.*

2.5.4 Impact or conflicts with other road users

Numerous objections were received in relation to the additional 50 truck movements per day and the impacts this would have on local roads, central Lara and Little River, along Branch Road (main access to the You Yangs, across Grants (bluestone) Bridge and impacts on businesses and residents adjoining the truck routes.

The applicant has undertaken a Traffic Impact Assessment (Cardno, February 2014). The Study concluded there are suitable truck routes and the traffic volumes generated by the proposal "*would not result in an undue traffic impacts on the surrounding road network".*

It appears the applicant has not explored or even requested access via Bacchus Marsh Road from VicRoads. The documentation provided to the Committee is contradictory and does not support advice from Council that access onto Bacchus Marsh Road is unviable or lacks VicRoads support. The Traffic Impact Assessment indicates that VicRoads has already

granted (Work Authority 1389) direct access to Bacchus Marsh Road in 2009 for sand mining operations.

The applicant proposes a designated truck route – via Sandy Creek Road, Forest Road North and Windermere Road out to Bacchus Marsh Road. This route would remove the trucks from Lara, Little River and Grants Bridge. The Committee is unsure how this route will be practically monitored and managed by the applicant and how trucks from nearby mines that do not have to comply with this route will be distinguished.

The Committee notes that the Traffic Impact Assessment did not evaluate the impact on road pavements or the adequacy of pavement widths and speeds on vulnerable road users, such as cyclists, horse riders and walkers. The Committee understands that local roads are well used by cyclists, Sandy Creek Road is a 6-metre pavement and the speed limit is 100 km/h. The Committee is not satisfied that the applicant has adequately considered impacts on the amenity and safety of other road users as required by Clause 52.09 (Stone Extraction and Extractive Industry Interest Areas).

2.5.5 Impact on surface water, flooding and groundwater

Many submissions were concerned that the proposal would reduce or contaminate surface water flows to Hovells Creek and Lascelles Dam and impact groundwater bores.

The application was referred to the CCMA through the statutory endorsement process and the planning permit process and to SRW and the EPA through the planning permit process. The authorities did not object to the granting of a permit provided certain conditions were imposed.

The applicant provided a hydrogeological report prepared by Nolan Consulting. The report found that the proposal will not have a significant impact on the quality and levels of groundwater bores on the neighbouring property and sand extraction will not intersect groundwater.

The Committee understands the following:

- Creeks that currently flow across the property (e.g. Hovells Creek) will be maintained.
- Sediment laden water generated from disturbed areas (e.g. bunds, roads and stockpiles) outside the mine pit will be treated via settling dams, sediment traps and collection sumps before entering Hovells Creek.
- Sediment laden surface water generated from disturbed areas inside the mind pit will be directed to storage dams and used for operations (i.e. sand washing and dust control).
- The relevant state government department is currently working with the adjacent mine operators upstream to construct a diversion channel along the eastern boundary of the site before turning west along the southern boundary where it will discharge at the natural discharge point and continue along the natural waterway to Hovells Creek.

The Committee notes proposed condition 56 and 57 (requested by SRW) dictate that rainfall and surface water generated inside the mine pit cannot be used for quarry operations (for example sand washing and dust control) and water storage dams for quarry operations

"*must only be filled with licensed groundwater extraction".* If these conditions are to be complied with, there may not be adequate groundwater to undertake the operation. Furthermore the applicant would have to adequately clean and discharge the sediment laden surface water from the mine pit to Hovells Creek. The implications of these two conditions have not been addressed by the applicant's hydrogeological report or Work Authority document.

Apart from the issues raised by condition 56 and 57, the Committee is satisfied the applicant can acceptably manage surface and ground water and meet Clause 14 (Natural Resource Management) and Clause 52.09 (Stone Extraction and Extractive Industry Interest Areas), subject to compliance with the Work Authority and conditions proposed by Council.

2.5.6 Impacts from noise, vibration and dust

Noise and vibration

The closest residence (Wooloomanata homestead) is located approximately 1,200 metres from the site.

The applicant provided a desktop acoustic assessment (Watson Moss Growcott). Modelling indicates the proposal will comply with the EPA *Recommended Maximum Noise Levels from Commerce, Industry and Trade Premises in Regional Victoria (NIRV).*

The Committee notes that the noise from trucks operating on public roads was not assessed. In additional L_{max} noise levels were not assessed in relation to loud intermittent noise sources such as reversing beepers and empty trucks passing over the weighbridge. The noise report does not recognise or assess potential noise impacts on the film industry.

Notwithstanding the limitations of the acoustic report the Committee is satisfied the applicant can acceptably manage noise to meet EPA requirements, Clause 13.04-1 (Noise Abatement) and Clause 52.09 (Stone Extraction and Extractive Industry Interest Areas) subject to compliance with the Work Authority and conditions proposed by Council.

Dust

A number of submissions raised issues of dust from previous operations.

The applicant has committed to comply with the *Protocol Environmental Management (PEM) for the Mining and Extractive Industry* EPA publication 1191. This PEM is an incorporated document of the *State Environment Protection Policy (Air Quality Management) 2001* (SEPP AQM). It sets out the statutory requirements for the assessment and management of emissions to the air environment arising from activities undertaken in the operation of mining and extractive industries. All mining and extractive industries are required to comply with SEPP (AQM) at all times.

The Committee is satisfied the applicant can acceptably manage dust and meet SEPP (AQM), 13.04-2 (Air Quality) and Clause 52.09 (Stone Extraction and Extractive Industry Interest Areas), subject to compliance with the Work Authority and conditions proposed by Council.

2.5.7 Impacts on flora and fauna

Numerous submissions raised concerns regarding direct and indirect impacts on wildlife.

The applicant has provided a brief Flora and Fauna Survey (Ecology Australia, June 2015) of the site. The survey indicates the site does not contain significant flora or fauna habitat values. The DELWP did not object to the proposal and concurred with the observations and analysis contained in the Ecology Australia survey provided by the applicant in response to objectors concerns regarding wildlife and endangered species, especially the Golden Sun Moth.

The survey also indicates that the site does not function as a significant fauna corridor, though the Committee notes the methodology did not assess this matter in any detail.

While the survey did not assess the likelihood of increased road kill the applicant has accepted the concerns of the objectors and has agreed to exclude truck movements at night and the important fauna movement times of sunrise and sunset. This commitment would require amendments to truck operating hours, taking into account seasonal changes.

The Committee is satisfied the applicant can acceptably manage impacts on flora and fauna and meet Clause 52.09 (Stone Extraction and Extractive Industry Interest Areas), Clause 12 (Environmental and Landscape Values), Clause 21.05-3 (Biodiversity) and Clause 52.07 (Native Vegetation), subject to compliance with the Work Authority and conditions proposed by Council.

2.5.8 Impacts on cultural heritage

The site contains an area of Aboriginal cultural sensitivity and as such a Cultural Heritage Management Plan (CHMP) is required as the proposal is a high impact activity.

A CHMP (10511) has been approved by the Department of Aboriginal Affairs Victoria.

In relation to the Wooloomanata property, which is heritage listed, the objections relating to the impacts the proposal may have on this property are of limited relevance. The Committee can only give significant weight to post contact heritage if the subject site itself is covered by a heritage overlay, which it is not.

The Committee is satisfied the applicant can acceptably manage impacts on cultural heritage and meet Clause 22.09 (Cultural Heritage), Clause 15.03-2 (Aboriginal Cultural Heritage) and Clause 52.09 (Stone Extraction and Extractive Industry Interest Areas), subject to compliance with the Work Authority and conditions proposed by Council.

2. PLANNING APPLICATION 1679/2015 – BUILDINGS AND WORKS FOR THE CONSTRUCTION OF CAR PARK SHADE STRUCTURE – 2-4 WAVERELY ROAD, LARA

Source: **Planning and Development**
General Manager: **Peter Bettess**
Index Reference: **Planning Committee**

Purpose

The purpose of this report is to enable Council to consider the Planning Application 1679/2015 – 2-4 Waverley Road, Lara as well as the Section 191 Planning and Environment Act Committee Report on the application and to make a final decision on the application.

Summary

- The subject site is located to the north east corner of the intersection of Station Lake Road and Waverley Road in the Lara town centre.
- The site is irregular in shape and has an area of 1.92 hectares. The site has been developed under planning permit 1487/2012/A for a primary tenancy supermarket, smaller tenancy shops, cafe and a convenience restaurant. Since the issue of this permit, the construction has been completed with Coles taking up the main tenancy.
- The development permit allowed the reduction of car parking also, with a sufficient amount of car parking space to be supplied to the centre and western parts of the site, with frontage to Waverley Road. The car park area also has an interface with the Public Park and Recreation Zoned area of Austin Park, located adjoining the subject site, to the north east.
- The application proposes the construction of shade structures over three rows of the car park, being the row with the pedestrian access through the site, and the two rows adjacent to the north east. The structures are proposed to be constructed of a galvanised steel frame covered by 'weatherproof carport fabric'. Four trees are located in the space proposed for the cover, to which cut-outs are proposed to allow the trees to grow through.
- The area to be covered is approximately 1,400sqm at a maximum height of 4.2m from ground level.
- The site is located in the Commercial 1 Zone and covered by the Design and Development Overlay, Schedule 29, with both these provisions triggering the need for planning approval of the proposal.
- The proposal has also been considered under the relevant policies of the State and Local Planning Policy Framework and the reference documents "Activity Centre Design Guidelines" (Department of Sustainability and Environment, 2005); "Safer Design Guidelines for Victoria" (Crime Prevention Victoria and Department of Sustainability and Environment, 2005); and "Lara Town Centre Urban Design Framework" (David Lock Associates, 2006).
- Officers, in considering the relevant policies, reference documents and site context, considered that the proposal is not in accordance with the preferred development of the Lara Town Centre. The proposed shade structures serve to increase the dominance of the car park area and impede visual permeability and passive surveillance through the site, and in between the key features of the retail developments and the public open space of Austin Park.

Preferred car park design includes softening and shade provision through landscaping, to which the proposal is not in accordance with.

- The Section 191 Committee considered that the proposed development of shade structures within the car park of 2-4 Waverley Road is consistent with state and local planning policy and with aims of the *Lara Town Centre Urban Design Framework*, principally the provision of shelter.

- Based on the relevant policies, reference documents and site context the Committee considers that the proposal is in accordance with the preferred development of the Lara Town Centre. In particular, it will improve pedestrian amenity within the car park and across the car park to the Waverley Road pedestrian crossing by providing *'shelter areas along paths and high traffic areas that are not bounded by buildings'* as set out in the *Lara Town Centre Urban Design Framework,* March 2006.

- The design does not alter the landscaping that has been established within and around the car park.

- While the design of the structures presents a low profile, they will never the less be visible and will obstruct some vistas. Of principal concern is the view line between Austin Park and the retail along the Centreway. This view line adds to the legibility of the overall town centre and a setback of some of the structures further from Waverley Road would provide a better balance between legibility of the town centre and the need for shelter.

- It is recommended that the extent of the proposed shade structures be reduced to ensure that a good visual connection is maintained between Austin Park and the established town centre of The Centreway.

P Dorling moved, L Garnder seconded -

That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to Grant a Planning Permit for buildings and works for the construction of car park shade structures at 2-4 Waverley Road, Lara subject to the following conditions:

1) Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

   a) a reduction in length of the set of shade structures closest to Austin Park by 13 metres (5 car bay widths, to tree) and the centre set of shade structures by 6.5 metres (2½ car bay widths), from their Waverley Road ends.

2) The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

3) The development must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

4) This permit will expire if one of the following circumstances applies:

a) The development of the building(s) hereby approved has not commenced within two (2) years of the date of this permit.

b) The development of the building(s) hereby approved 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.

Carried.

Background

The Site & Locality

The subject site is located to the north east corner of the intersection of Station Lake Road and Waverley Road in the Lara town centre.

The site is irregular in shape and has an area of 1.92 hectares. The site has been developed under planning permit 1487/2012/A for a primary tenancy supermarket, smaller tenancy shops, cafe and a convenience restaurant. Since the issue of this permit, the construction has been completed with Coles taking up the main tenancy, and other tenants of the site including McDonalds, Anytime Fitness and the Reject Shop.

The car park area comprises approximately 6,0000sqm of the site arranged predominantly in five 90 degree space rows. Car spaces are also allocated around the edges with some of these spaces nominated for disabled and pram spaces.

Landscaping beds are arranged around the edges that interface with Waverley Road and Austin Park. Landscaping to the car park rows includes eight Eucalyptus leucacoxylon 'Rosea' or Eucalyptus mannifera 'Little Spotty' over the five rows.

The Proposal

The application proposes the construction of shade structures over three rows of the car park, being the row with the pedestrian access through the site, and the two rows adjacent to the north east. The structures are proposed to be constructed of a galvanised steel frame covered by 'weatherproof carport fabric'. Four trees are located in the space proposed for the cover, to which cut-outs are proposed to allow the trees to grow through.

The area to be covered is approximately 1,400sqm at a maximum height of 4.2m from ground level. The proposal will resemble three curved roof tunnel like structures running perpendicular to the main tenancy frontage.

Public Notification

The application **is** exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act, pursuant to Clause 34.01-7 of the Greater Geelong Planning Scheme for the Commercial 1 Zone.

The application is **not** exempt from the notice requirements of Section 52(1)(a), (b) and (d) of the Act, the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act, pursuant to Clause 43.02-2 of the Design and Development Overlay.

It is considered that no material detriment to surrounding owners or occupiers would result from the granting of a permit therefore public notification was not required.

Officers Recommendation

In considering the relevant policies, reference documents and site context it is considered that the proposal is not in accordance with the preferred development of the Lara Town Centre. The proposed shade structures serves to increase the dominance of the car park area and impede visual permeability and passive surveillance through the site, and in between the key features of the retail developments and the public open space of Austin Park. Preferred car park design includes softening and shade provision through landscaping, to which the proposal is not in accordance with. As such, the proposal is recommended for refusal... (See Appendix 1, Council Officers Report).

Section 191 Committee

A Planning Committee was scheduled for 12 April 2016 to hear the planning application.

Due to the announcement that the Council were to be dismissed, a quorum of seven (7) councillors was unable to be achieved, therefore the meeting was cancelled.

As the item was called into a Planning Committee by Councillors, parties have an expectation of being heard by elected representatives.

With the dismissal of City of Greater Geelong Councillors on 15 April 2016 this was no longer possible.

At the Council Meeting of 28 June 2016, Council resolved;

That Council:

1) **appoints Lester Townsend (Chair), Kate Partenio and Adrian Vlok as a Committee under Section 191 of the Planning and Environment Act 1987 to hear and make recommendations on the following Planning Applications;**

   - **1679/2015 – 2-4 Waverly Road, Lara**
   - **692/2015 – 405-455 Sandy Creek Road and 1720 Bacchus Marsh Road, Lara**

2) **agrees to pay the reasonable fees and allowances of the persons' services to the Committee at the rates set by Planning Panels Victoria.**

Discussion

The Section 191 Committee heard parties for Planning Application 1679/2015 at a hearing on Tuesday 5th July 2016.

Presenters at the Hearing included a Council Officer and the Applicant. A full copy of the 191 Committee report can be found at Appendix 2.

The Hearing Committee considered that the proposed development of shade structures within the car park of 2-4 Waverley Road is consistent with state and local planning policy and with aims of the *Lara Town Centre urban Design Framework,* principally the provision of shelter.

Based on relevant policies, reference documents and site context the Committee considers that the proposal is in accordance with the preferred development of the Lara Town Centre. In particular, it will improve pedestrian amenity within the car park and across the car park to the Waverley Road pedestrian crossing by providing *'shelter areas along paths and high traffic areas that are not bounded by buildings'* as set out in the *Lara Town Centre Urban Design Framework*, March 2006.

The design does not alter the landscaping that has been established within and around the car park.

While the design of the structures presents a low profile, they will never the less be visible and will obstruct some vistas. Of principal concern is the view line between Austin Park and the retail along The Centreway. This view line adds to the legibility of the overall town centre and a setback of some of the structures further from Waverley Road would provide a better balance between legibility of the town centre and the need for shelter.

It is recommended that the extent of the proposed shade structures be reduced to ensure that a good visual connection is maintained between Austin Park and the established town centre of The Centreway.

Environmental Implications

Environmental implications have been considered as part of the Planning process.

Financial Implications

Net financial implications have been considered as part of the Planning process.

Policy/Legal/Statutory Implications

All Statutory implications have been considered as part of the Planning process.

Officer Direct or Indirect Interest

No Council Officers involved in the drafting of this report have a direct or indirect interest in the issue, in accordance with Section 80C of the Local Government Act.

Risk Assessment

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

Social Considerations

Social considerations are considered as part of the Planning process.

Human Rights Charter

The Human Rights Charter has been considered as part of the Planning process.

Consultation and Communication

The Planning Applications have been subject to consultation under the Planning and Environment Act.

The holding of a Section 191 Committee in lieu of a Planning Committee provided all parties to present their views prior to the Council deciding the applications.

All parties have been notified of the recommended process to determine the application.

Planning and Environment Act 1987

Section 191 Committee Report

Greater Geelong City Council

15 July 2016

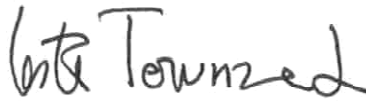
Planning Panels Victoria

Planning and Environment Act 1987

Committee Report pursuant to Section 191 of the Act

Greater Geelong City Council

15 July 2016



Lester Townsend, Chair



Kate Partenio, Member



Adrian Vlok, Member

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About this report

(i) Details of the process

Panel Process	
The Committee	Lester Townsend (Chair), Kate Partenio, Adrian Vlok
Council resolution to appoint	28 June 2016, Council Conference and Reception Centre, Little Malop Street, Geelong
Hearing	5 July 2016, City Hall, Gheringhap Street, Geelong
Site Inspections	Unaccompanied, 5 July 2016 Mr Vlok undertook an unaccompanied inspection of the land from various vantage points within the You Yangs on 9 July 2016 and provided other Committee members with photographs.
Date of this Report	15 July 2016

(ii) How is the Committee established

The Committee was appointed by resolution of the Council on 28 June 2016, under section 191 of the *Planning and Environment Act 1987* which provides:

> *A planning authority or responsible authority may nominate a committee of two or more persons to hear any person—*
> *(a) whom the authority is authorised or required to hear before it makes a decision; or*
> *(b) to whom the authority must give an opportunity to be heard before it makes a decision.*

(iii) What must the Committee consider

There was a view put that the 'calling in' of the application initiated, as the Committee understands, by Cr Nelson, somehow changed the basis on which the applications must be assessed. It was explicitly stated that a broader range of issues could be considered when Council considered an application compared to when it was considered by an officer under delegation. This is not the case.

Whoever makes a decision in this matter, an officer under delegation, Council, or Victorian Civil and Administrative Tribunal (VCAT) if there is an appeal, is bound to apply the same policies of the Planning Scheme. Different decision makers may give different weight to different policies or judge certain facts to be more relevant or less relevant, but the fundamental 'rules of the game' do not change.

In relation to balance, Clause 10.04 of the Geelong Planning Scheme – Integrated Decision Making – applies to all decision makers:

> *Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social well-being affected by land use and development.*
>
> *Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.*

It is clear from the recommendations that the Committee disagrees with the planning officers' assessments. A number of submission criticised one of the assessments. As with all contested planning applications there is a range of views about how conflicting objectives should be balanced.

Good planning outcomes rely on the checks and balances of the planning system. Most Councils run a planning system where less controversial issues are decided under delegation. This is widely considered to be good administrative practice. The fact that some applications are 'called in' for a decision by Council is not a defect of the system, it is the system working as it should.

1 Car Park Shade Structures, Lara

1.1 Summary

Application No:	1679/2015
Applicant:	ERM Australia Pty Ltd
Subject Land:	2-4 Waverley Road, Lara
Owner:	Coles Group Property Developments Limited
Zone:	Commercial 1 Zone
Overlays:	Design and Development Overlay, Schedule 29
Existing Use:	Retail Centre
Proposed Use:	Buildings and works for the construction of car park shade structures

The Committee heard from the applicant who spoke in support of the application.

The proposed development of shade structures within the car park of 2-4 Waverley Road is consistent with state and local planning policy and with aims of the *Lara Town Centre Urban Design Framework*, principally the provision of shelter.

Based on the relevant policies, reference documents and site context the Committee considers that the proposal is in accordance with the preferred development of the Lara Town Centre. In particular, it will improve pedestrian amenity within the car park and across the car park to the Waverley Road pedestrian crossing by providing '*shelter areas along paths and high traffic areas that are not bounded by buildings'* as set out in the *Lara Town Centre Urban Design Framework*, March 2006.

The design does not alter the landscaping that has been established within and around the car park.

While the design of the structures presents a low profile, they will never the less be visible and will obstruct some vistas. Of principal concern is the view line between Austin Park and the retail along The Centreway. This view line adds to the legibility of the overall town centre and a setback of some of the structures further from Waverley Road would provide a better balance between legibility of the town centre and the need for shelter.

It is recommended that the extent of the proposed shade structures be reduced to ensure that a good visual connection is maintained between Austin Park and the established town centre of The Centreway.

Recommendation

> **That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to Grant a Planning Permit for buildings and works for the construction of car park shade structures at 2-4 Waverley Road, Lara subject to the following conditions:**

a) Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- **a reduction in length of the set of shade structures closest to Austin Park by 13 metres (5 car bay widths, to tree) and the centre set of shade structures by 6.5 metres (2½ car bay widths), from their Waverley Road ends.**

b) Other conditions as recommended by Council officers typical of a permit for development of this nature in Greater Geelong.

1.2 Site and locality

The subject site is located to the northeast corner of the intersection of Station Lake Road and Waverley Road in the Lara town centre.

The site is irregular in shape and has an area of 1.92 hectares. The site has been developed under planning permit 1487/2012/A for a primary tenancy supermarket, smaller tenancy shops, café and a convenience restaurant. Since the issue of this permit, the construction has been completed with Coles taking up the main tenancy.

The development permit allowed the reduction of car parking also, with a sufficient amount of car parking space to be supplied to the centre and western parts of the site, with frontage to Waverley Road. The carpark area also has an interface with the Public Park and Recreation zoned area of Austin Park, located adjoining the subject site, to the northeast.

The application proposes the construction of shade structures over three rows of the car park, being the row with the pedestrian access through the site, and the two rows adjacent to the northeast. The structures are proposed to be constructed of a galvanised steel frame covered by 'weatherproof carport fabric'. Four trees are located in the space proposed for the cover, to which cut-outs are proposed to allow the trees to grow through.

The area to be covered is approximately 1,400 square metres at a maximum height of 4.2 metres from ground level.

The site is located in the Commercial 1 Zone and covered by the Design and Development Overlay, Schedule 29, with both these provisions triggering the need for planning approval of the proposal.

The proposal has also been considered under the relevant policies of the State and Local Planning Policy Framework and the reference documents *Activity Centre Design Guideline*s (Department of Sustainability and Environment, 2005); S*afer Design Guidelines for Victoria* (Crime Prevention Victoria and Department of Sustainability and Environment, 2005); and *Lara Town Centre Urban Design Framework* (David Lock Associates, 2006).

1.3 What is proposed

This proposal seeks a planning permit for building and works associated with the installation of three sets of shade structures with the existing car park at 2-4 Waverley Road, Lara (Lara Village shopping centre) as shown on plans by the Buchan Group dated 09/04/13. The location of the site is shown in Figure 1.

The shade structures will include cut-outs to allow the existing trees within the car parking rows to grow 'through' the sails.

The aim of the proposal is to provide shelter for shoppers and their vehicles and to provide shelter along the pedestrian link across the car park between the shops within the Lara Village shopping centre and the retail and commercial land uses on the other side of Waverley Road.

The proposal does not seek to alter the car parking or landscaping on the site.

Figure 1 Locality Map (Source: Google Maps 2016)



1.4 What permissions are required

Clause 34.01 Commercial 1 Zone	Clause 34.01-4: A permit is required to construct a building or construct or carry out works
Clause 43.02 Design and Development Overlay Schedule 29 to the Design and Development Overlay – Lara Town Centre Expansion Area	Clause 43.02-2: A permit is required to construct a building or construct or carry out works
Cultural Heritage Management Plan	Not required
Landfill Gas Risk Assessment	Not required

1.5 Assessment

1.5.1 State planning policy framework

Clause 11.01-2 Activity centre planning contains the strategy:

> *To improve access by walking, cycling and public transport to services and facilities for local and regional populations.*

The proposal responds to this strategy by improving amenity through a covering of the central walkway linking the Lara Village shops to the bus stops on Waverley Road.

Clause 15 Built environment and heritage states planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and development and quality of urban design.

Planning should achieve high quality urban design and architecture that:

- Contributes positively to local urban character and sense of place.
- Reflects the particular characteristics, aspirations and cultural identity of the community.
- Enhances liveability, diversity, amenity and safety of the public realm.
- Promotes attractiveness of towns and cities within broader strategic contexts.
- Minimises detrimental impact on neighbouring properties.

By providing shelter along a key pedestrian route, among other benefits, the proposal will contribute positively to a sense of place, enhancing liveability and amenity. Sheltered walkways create a sense of place encouraging pedestrians to stop and converse with other passers-by in an area otherwise devoid of amenity.

1.5.2 Local planning policy framework

Municipal strategic statement Clause 21.13 Lara, sets out relevant key influences that include:

- The rural landscape setting is important to the character of the town.
- The strong reliance on the private motor car as a form of transport and active and public transport infrastructure and services need to be improved.

Relevant strategies include:

- Support the implementation of the principles and objectives contained in the Lara Town Centre Urban Design Framework, including expanding the town centre to provide additional retail and commercial land including a full-line supermarket and community and transport infrastructure.
- Consider alternative town centre layout options provided that all the aims and strategies of the Lara Town Centre Urban Design Framework are satisfied.

The subject car park has been landscaped and includes canopy trees throughout the car park to provide some limited shade and reflect the rural landscape. The design of the structures includes cut-outs to allow the trees to grow through and above the structure canopy as shown in the photo montage by the Buchan Group, 15.11.12, accompanying the application.

Aim 4 of the Lara Town Centre Urban Design Framework strongly encourages the use of shelters:

> ***4.44 Extend the shelter***
>
> *Lack of shelter is a significant reason why people choose not to walk in a centre. People want to be dry, shaded and comfortable wherever possible.*
>
> *Historically, large verandas covering the footpath were an integral part of any town or city centre in Australia. There is the opportunity to provide verandas on some shop fronts and new buildings in the town centre.*
>
> *Verandahs provide:*
> - *visual character*
> - *extension of indoor/outdoor activity areas*
> - *protection from the rain*
> - *historic reference.*
>
> *The majority of buildings within the town centre at present provide shelter in the form of verandas.*
>
> ***Future strategy:***
>
> *Australia has the highest incidence of skin cancer due to sun exposure. Protection from the sun by verandas and other structures is therefore paramount to ensuring a healthy town.*
>
> ***Proposal:***
>
> *All new buildings should provide shelter in the form of verandas or other structures, where appropriate. Such structures should not be developed where*

they detract from the significance of the building or the place. The existing awnings and verandas covering footpath areas should be retained.

The following strategies should be put in place:

- *Property owners should be encouraged to provide shelters and verandahs where they do not already exist, through the provision of design advice.*
- *Shelter areas along paths and high traffic areas that are not bounded by buildings should be developed.*
- *New buildings should be developed with verandahs directly fronting existing and proposed routes where they can provide cover over presently uncovered or undesirable places to walk or to be.*

The accompanying masterplan to the urban design framework shows buildings in the location of the subject car park which would have obstructed views between Austin Park and shops along The Centreway. The subject car park now forms part of the central car parking provided within the town centre. Within the central car park the masterplan calls for:

- *a central pedestrian link across the car park with a feature surface to promote shared pedestrian traffic and an events space the ability for part of the central car park to be used as an events space which is well connected to the town square and Austin Park.*

The proposed shade structures respond clearly to these elements of the urban design framework, providing shelter in inclement weather, improving amenity along the central pedestrian link, and providing the potential opportunity for an events space.

While the structures will be clearly visible, they are high enough to ensure casual surveillance is not obstructed but have a low profile that will allow the tree canopy within the car park to be visible as it matures and the more distant vistas to tree canopies beyond the centre to be unaffected from outside the site.

While the masterplan showed buildings limiting views between Austin Park and the retail along The Centreway these vistas have been established and the open views add to the legibility of the town centre, which is spread around the outskirts of the central parking areas. Setting back the centre and northeastern rows of the proposed shade structures further from Waverley Road would provide a better balance between providing shelter and not unduly impacting on the legibility of the town centre when approaching from east up Walkers Road and from within the western quadrant of Austin Park.

1.5.3 Particular provisions

Clause 52.06 Car parking has the following purposes:

- To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.

- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

The provision of shade structures is consistent with the purpose of this provision, being aimed at improving the amenity and creating safe environment for users of the car park and pedestrian walkway by providing shelter. The current landscaping will not be altered and the sails will be of a height not to affect visual surveillance from ground level.

2 Sandy Creek Road Quarry, Little River

2.1 Summary

Application No:	692/2015
Applicant:	TGM Group Pty Ltd on behalf of Bisinella Developments Pty Ltd
Subject Land:	405-455 Sandy Creek Road and 1720 Bacchus Marsh Road, Little River
Owner:	Bisinella Investments Pty Ltd
Zone:	Farming Zone
Overlays:	Significant Landscape Overlay Schedule 1 (Foothills of the You Yangs)
Listed Buildings:	Minor buildings and works are proposed in the form of site huts/offices, a weighbridge and car parking for staff and visitors
Existing Use:	Farming (Grazing)
Proposed Use:	Use and development of the land for stone (sand and soil) extraction and removal of native vegetation

Verbal submissions were made by 26 parties, including the applicant.

The proposal is for the development and use of land for stone (sand and soil) extraction and removal of native vegetation at 405-455 Sandy Creek Road and 1720 Bacchus Marsh Road [the site], Little River. Pursuant to the *Mineral Resources (Sustainable Development) Act 1990* the applicant has prepared and received endorsement for Work Authority (WA) 1532 from the then Department of State Development, Business and Innovation (DSDBI).

A total of 237 objections were received with two letters of support. The objections predominately relate to:

- detriment to the rural landscape and character, especially to the You Yangs
- amenity and health impacts (including dust, noise, vibrations and visual)
- impacts on farming and non-compatibility with agriculture pursuits
- increase in truck movements leading to conflicts with other road users
- impacts on surface water/groundwater/bores
- impacts on native vegetation and wildlife
- impacts on recreation, tourism and the film industry; the extent of public notification and incomplete application.

In addition to internal Council referral, the proposal was referred to Powercor, VicRoads, Department of Environment, Land, Water and Planning (DELWP), Corangamite Catchment Management Authority (CCMA), Southern Rural Water (SRW), Parks Victoria and Environment Protection Authority (EPA) for comment. Agencies did not oppose the grant of a permit, although most requested inclusion of conditions on any permit granted. None of these authorities attended the Hearing.

Council officers assessed the proposal against the Farming Zone, the Significant Landscape Overlay Schedule 1 and relevant state and local planning policies and particular provisions of the Greater Geelong Planning Scheme and considered the proposed use and development of the site appropriate.

The permit applicant declined Council's offer of a consultation meeting.

Council officers recommended that a Notice of Decision to Grant a Planning Permit be issued subject to the applicant's undertakings in WA 1532 and 68 conditions being imposed on the planning permit.

The proposal involves the exploitation of a sand resource that is neither valuable nor important. Planning policy supports exploitation of the sand resource, however, this is not at any cost. The Committee has assessed the various issues raised at the Hearing and found the proposal to be unsatisfactory, particularly in terms of the economic, visual, amenity and traffic outcomes.

While this proposal has been the subject of scrutiny by various state authorities who do not oppose the grant of a permit, the Committee is not satisfied the proposal has satisfactorily passed a high level of scrutiny. In addition the Committee has found the applicant's documentation inadequate, particularly with respect to the key issues.

Having considered all submissions and evidence presented with regard to the applicable policies and provisions of the Greater Geelong Planning Scheme, the Committee recommends that the permit be refused.

Recommendation

That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to refuse to Grant a Planning Permit for buildings and works for the use and development of the land for stone (sand and soil) extraction and removal of native vegetation at 405-455 Sandy Creek Road and 1720 Bacchus Marsh Road, Little River on the following grounds:

1. **The proposal will undermine the achievement of a diversified economy contrary to the objectives and strategies of Clause 11.07-7.**
2. **The proposal will have an enduring and inappropriate impact on the landscape values of the region.**
3. **The proposal will have an unacceptable impact on the amenity and safety of other road users.**
3. **The proposal will have an unknown impact of ground and surface waters and conditions proposed to manage these impacts may not be workable.**

2.2 The site and locality

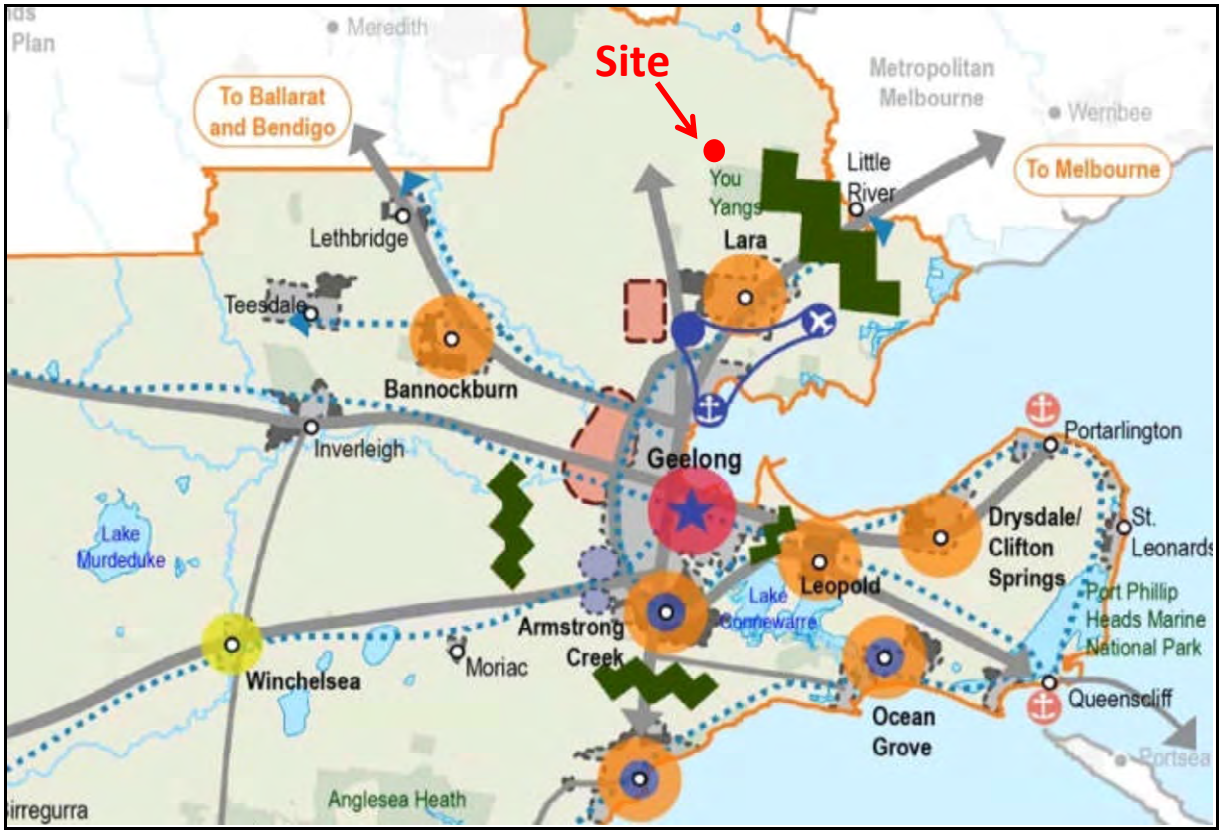
The site is located on the western side of Sandy Creek Road and the eastern side of the Bacchus Marsh Road, Little River (Figure 1). The site consists of two titles, is regular in shape with a frontage of approximately 600 metres to Sandy Creek Road and Bacchus Marsh Road. The site is currently agricultural land with two dwellings and associated farming sheds on each lot. Surface drainage runs into Hovells Creek via waterways running west to east

towards the southern section of the site and one running north–south towards the eastern section of the site. Generally, scattered trees and broad acre farming areas cover the site.

The site is 10 kilometres north of Lara, 25 kilometres north of Geelong, 11 kilometres west of Little River and 500 metres southeast to the You Yangs Regional Park.

The nearest house (outside of the site) is located approximately 1,200 metres south of the site. The house is associated with the Wooloomanata property.

Figure 1 Site Location



The site is located within the Farming Zone and is covered by Significant Landscape Overlay Schedule 1 – Foothills of the You Yangs. The You Yangs are located approximately 500 metres to the southeast.

The You Yangs Regional Park was declared under the National Parks Act 1975 in 1992. According to Visitor Guide the Park covers an area of about 1,967 hectares and:

> *The granite peaks of the You Yangs rise dramatically from the surrounding volcanic plains between Melbourne and Geelong. Although only 340 metres high, they dominate the landscape, and are clearly visible from as far away as the bay side of Melbourne and beyond.*

The Park provides the following recreation and tourism activities: hiking, bushwalking, picnicking, mountain bike riding, scenic drives, rock climbing and abseiling, horse riding and orienteering. The landscape values of the You Yangs are recognised through the Significant Landscape Overlay Schedule 1 (SLO1) and the South West Victoria Landscape Assessment Study (DELWP, June 2013).

In correspondence tabled by an objector, Film Victoria (8 May 2015) advises that:

> *… the You Yangs and surrounding districts is an exceptional filming location which can double as an African desert, the Middle East or the Wild West. It has been the home of numerous Australian and International productions including: The Dressmaker, Killer Elite, The Pacific, Thunderstone, The Kimes, We Can be Heros, Mad Max, Eye of the Storm, Ned Kelly and TV series The Man from Snowy River and The Secret River. What makes the You Yangs such a highly sought after filming destination is it stunning natural landscape within such close proximity to Melbourne.*

The Park guide indicates significant cultural value:

> *A family group of the Wada wurrung Aboriginal people known as the Yawangi balug enjoyed a rich lifestyle in the You Yangs for thousands of years. The name You Yangs comes from the Aboriginal word 'Wurdi Youang' or 'Ude Youang' meaning big mountain in the middle of the plain.*

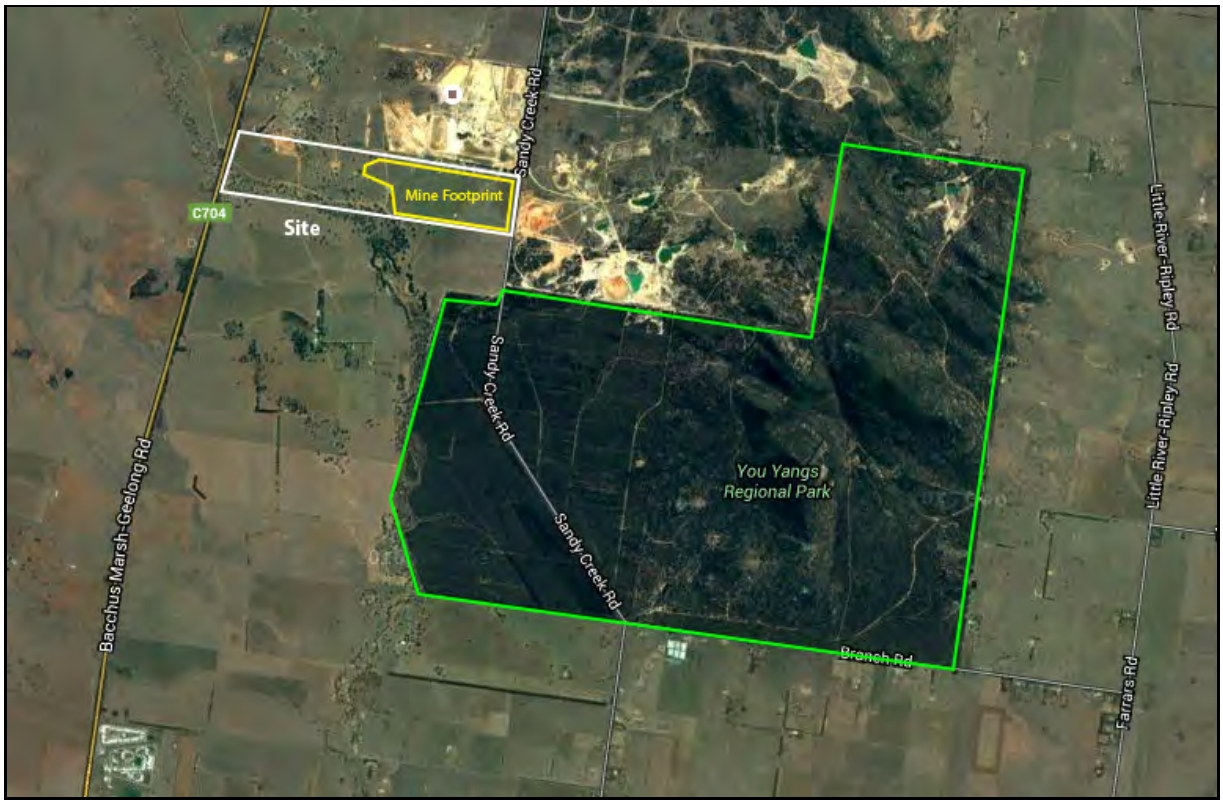
The Park provides a range of habitats for wildlife. More than 200 species of birds have been recorded in the park and koalas, kangaroos, wallabies, brush-tail possums, echidnas and lizards are commonly seen. Tall eucalypts such as Manna Gum, Yellow Gum and River Red Gum give way to sparse undergrowth of native shrubs and groundcovers, with patches of Wattle and Drooping She oaks. The endangered Brittle Greenhood Orchid is one of 30 species of orchids to be found in the Park.

The site is within an Extractive Industry Interest Area (EIIA) ID 884082, in the DSDBI 2003 publication *Melbourne Supply Area (MSA) – Extractive Industry Interest Areas Review*.

Directly to the north (WA 347) and east of the site land has been or is subject to sand extraction activities.

Land used for farming purposes adjoins the southern and northwestern boundary and also adjacent to the western boundary along Bacchus Marsh Road. Hovells Creek runs along the southern boundary of the site.

Figure 2 Site context aerial photograph.



2.3 What is proposed

The application proposes to use and develop the subject sites for the purposes of stone (sand and soil) extraction and removal of native vegetation.

The 167.89 hectare site fronts Sandy Creek Road and Bacchus Marsh Road. Except for scattered trees (River Red Gums) the site is predominantly cleared and used for agricultural purposes (cropping and grazing).

The site is located within the Farming Zone and is subject to the Significant Landscape Overlay Schedule 1 – Foothills of the You Yangs.

The applicant proposes to extract the quartz sand resource from approximately 83 hectares for processing into washed and some unwashed sands suitable for construction sands, mortar and concrete.

The sand resources are fine quartz sand of estuarine or alluvial origin ranging from 13 metres to 34 metres thick. This is underlain by a coarser granitic sand resource that ranges from 1 metre thick in the west to 13 metres thick in the east. The resource is estimated at 10,700,000 cubic metres, including 3,460,000 cubic metres of overburden. Sales are expected to be 150,000 tonnes per annum, with an extraction period of approximately 50 years, depending on the rate of extraction.

Minor buildings and works are proposed in the form of site huts/offices, a weighbridge and car parking for staff and visitors. Access to and from the site will be via Sandy Creek Road, Forest Road North, Windermere Road and Bacchus Marsh Road. It is estimated the proposal will generate 50 truck movements per day.

Proposed measures to avoid and mitigate potential impacts on amenity, health, safety and the environment are detailed in WA 1532.

The proposal includes:

- Staged stripping of 200 mm topsoil (140,000 cubic metres) to be stored and used for rehabilitation and landscaping.
- Staged removal and storage of overburden (3,460,000 cubic metres).
- Extraction of sand using excavators, scrapers and dozers.
- Excavation to 25–40 metres below the natural ground surface and above groundwater. Working faces will be cut at 1 V:1H, with a minimum 15 metre wide bench and maximum 7.5 metres face height.
- Mobile plant for processing (washing and screening) and stockpiling of sand.
- Transportation of sand product via trucks.
- Staged rehabilitation.
- Diversion of 'clean' storm water around operations and mine footprint.
- Collection and treatment (sediment ponds) of storm water within 'dirty' mine footprint into an 'in pit' water storage dam.
- Diversion of existing north–south tributary of Hovells Creek around the mine footprint, further east along Sandy Creek Road.
- Replace or rehabilitate existing bore and seek amendment to license to allow 40 ML groundwater extraction per annum.
- Mixing washed/screen 'slimes' (silts and clay) with overburden and used to backfill the mine pit.
- Landscaped screening bund along the frontage of Sandy Creek.
- Landscape screening along the access road adjacent to site southern boundary.
- Above ground storage of diesel.
- Operating hours:
- Monday to Friday 7:00am to 6:00pm
  - Saturday 7.00am to 1.00pm
  - Saturday 1.00pm to 6.00pm (sales and plant maintenance only)
  - No operations on Sunday or public holidays.
- Removal of one dead river red gum that was located towards the southern boundary in proximity to the southwest corner of the Work Authority area.
- 30 metres, 40 metres and 20 metres non−extraction buffer on the southern, eastern and northern boundaries respectively.

2.4 What permissions are required

Provision Trigger	Clause	Permit Required
Farming Zone	Clause 35.07-1	Use for Stone Extraction
	Clause 35.07-4	Construction of Building or Works
Significant Landscape Overlay – Schedule 1	Clause 42.03-2	Construction of Building or Works
Earth and Energy Resources Industry	Clause 52.08	Use and development of land for Earth and Energy Resources Industry
Stone Extraction and Extractive Industry Interest Areas	Clause 52.09	Use and development of land for stone (sand) extraction
Native Vegetation	Clause 52.17	Removal of native vegetation

The Planning Scheme (Victorian Planning Provisions) defines Earth and Energy Resources Industry as:

> *Land used for the exploration, removal or processing of natural earth or energy resources. It includes any activity incidental to this purpose including the construction and use of temporary accommodation.*

It includes Stone Extraction which is defined as:

> *Land used for the extraction or removal of stone in accordance with the Mineral Resources (Sustainable Development) Act 1990*

The proposed use of the land fits the meaning of Energy and Resources Industry and Stone Extraction. The purpose of the Energy and Resources Industry and Stone Extraction is "*To encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards*".

The purpose of Clause 52.09 (Stone Extraction and Extractive Industry Interest Areas) is "*To ensure that use and development of land for Stone Extraction does not adversely affect the environment or amenity of the area during or after extraction"* and "*To ensure that excavated areas can be appropriately rehabilitated"*. The Clause also sets out requirements for boundary setbacks, screen planting and car parking areas and that a permit is required to allow extraction within 20 metres of a boundary.

The decision guidelines that must be considered include:

- The effect of the proposed extractive industry on any native flora and fauna on and near the land.
- The impact of the extractive industry operations on sites of cultural and historic significance, including any effects on Aboriginal places.
- The effect of the extractive industry operation on the natural and cultural landscape of the surrounding land and the locality generally.
- The ability of the extractive industry operation to contain any resultant industrial emissions within the boundaries of the subject land in accordance with the Regulations associated with the Mineral Resources (Sustainable Development Act) 1990 and other relevant regulations.

- The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area.
- The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural systems or visual appearance of the surrounding area.
- The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community.
- The effect of the proposed extractive industry on groundwater and quality and the impact on any affected water uses.
- The impact of the proposed extractive industry on surface drainage and surface water quality.
- Any proposed provisions, conditions or requirements in a 'Work Authority' to be issued under the Mineral Resources (Sustainable Development Act) 1990.

Other decision guidelines are at Clause 65 (General Provisions). These require consideration to be given to a range of matters including State and Local planning policy, purpose of the zone, orderly planning, amenity and impact on the environment.

2.5 Assessment

Based on issues presented at the Hearing the Committee has identified the following issues for consideration:

- What is the importance of the sand resource to be extracted?
- Impacts on agriculture, recreation, tourism and film industry
- Visual impact on landscape values
- Impact from noise, vibration and dust
- Impact or conflicts with other road users
- Impact on surface water, flooding and ground water
- Impacts on flora and fauna
- Impacts on cultural heritage.

2.5.1 What is the importance of the sand resource to be extracted?

The Natural Resource Management policy at Clause 14.03 (Resource Exploration and Extraction) in the State Planning Policy Framework (SPPF) is:

> *To encourage exploration and extraction of natural resources in accordance with acceptable environmental standards and to provide a planning approval process that is consistent with the relevant legislation.*

Strategies under this clause include:

> *Provide for the long-term protection of natural resources in Victoria.*
>
> *Planning schemes must not impose conditions on the use or development of land that is inconsistent with the Mineral Resources (Sustainable Development) Act 1990.*

Washed and unwashed sand is used for various applications including construction sands, mortar and concrete.

Whether the applicant's proposal is commercially viable, is not the Committee's concern. The Committee is concerned with balancing competing community benefits and costs, including externalities, and whether the proposal is acceptable from a planning point of view.

As noted by the VCAT in Norville Nominees Pty Ltd v Strathbogie SC[1]:

> *There is an express policy that recognises that stone resources are location specific and it should be recognised that their exploitation must be contemplated.*

In making an overall assessment of the proposal, it is relevant to consider the nature of the resource in question, in terms of its qualities, quantities, availability and location.

Whether the sand resource is important or not, there is no overriding policy that the resource must be extracted; state policy also requires extraction to occur in accordance with environmental standards.

In balancing the various matters to be considered under the legislation and Planning Scheme, it is relevant to bearing in mind the importance of the resource to be extracted.

The applicant documents do not argue that the resource is particularly important by referring to its favourable properties, market demand, high quality, large size and scarcity. According to the then DSDBI[2], this sand is found throughout the region and Victoria, and the subject resource represents a very small fraction of the available resource in the Geelong region. Testing reveals that the sand found on the site is not high quality, due to the high clay and silt content. Good quality tertiary sand and gravel occurs to the north of Bacchus Marsh.

The Committee concludes from the evidence that the sand resource is not important for local and wider regional communities at this time. The Committee is not satisfied that there is, or is likely to be, an undersupply of sand resource in the region if the proposal does not proceed.

2.5.2 Impacts on agriculture, recreation, tourism and film industry

The recreation, tourism and film industry provides important renewable economic benefits to the community and businesses, as reflected in Clause 17 (Economic Development) and Clause 22.06 (Tourism Development in Rural Areas).

The Committee understands that these industries are underpinned and rely on the important landscape, natural and amenity values of the area and most of the 237 submissions objecting to the proposal are concerned the proposal will impact these values and the industries.

Concerns were also raised about the impact of operations on adjoining agricultural uses by way of the spread of weeds.

Again SLO1 is instructive and requires:

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1 [2007] VCAT 2389

2 Melbourne Supply Area – Extractive Industry Interest Areas Review, Olshina, A & P Burn, 2003.

> *The containment of extractive industries to ensure that development and subsequent reclamation are carried out without significant detriment to the recreational and scenic value of the surrounding area.*

The applicant failed to provide an Economic Impact Study and has not adequately demonstrated the economic benefits of the proposal outweighed the costs, including the impacts on other industry sectors. There is clear policy support for a diversified economy and the film and tourism industries support that diversity.

Given the significant and enduring adverse impact on landscape values, it follows that the proposal is likely to impose significant economic costs on the recreation, film and tourism industries. On balance the Committee the proposal will work against the achievement of a diversified economy as sought by Clause 11.07-7 and Clause 21.02 (City of Greater Geelong Sustainable Growth Framework).

2.5.3 Visual impact on landscape values

The main issue the 237 submissions raised is the visual impact of the proposal on the open rural landscape and the You Yangs. Of particular concern is the visual impact when viewed from elevated positions within the Park, for example Flinders Peak, East-West Walk, Royalty Wall and Big Rock.

It is an accepted principle in planning that the cumulative effects of a use can be a relevant consideration[3]. The Committee agrees with submissions that it is appropriate to consider the cumulative effectives of mining in this instance. The Committee accepts that the proposal may be better run than existing operations, but that does not mean that the existing operations become irrelevant in considering the impacts of the proposal because most if not all the impacts associated with the proposed mine are relevant to existing adjacent mining operations, whether active or inactive.

The impact of the proposed mine needs to be considered in the light of the current mining impacts.

The site and surrounds has been identified as having significant landscape values and is covered by the Significant Landscape Overlay Schedule 1 (SLO1) – Foothills of the You Yangs. This schedule recognises that this area covered by the overlay is an area comprised of treeless foothills and plains at the base of the You Yangs. The You Yangs are the most prominent landscape feature in the northern area of the municipality, providing panoramic views of Geelong. The surrounding foothills and plains create an open view path to the You Yangs, visually exposing them when viewed from the surrounding basalt plains. The key element of the landscape is its open character and contrast with the You Yangs.

The landscape objectives of SLO1 are:

> *To protect and enhance the open character, contrast and scenic quality of the landscape.*
>
> *To maintain an open view path to the regionally significant You Yangs.*

[3] VCAT Gippsland Coastal Board v South Gippsland Shire Council P3368/2007.

To protect the landscape from visual intrusion by inappropriate buildings and works and their siting, design or materials.

To encourage the siting, design and landscaping of buildings and works to be responsive to the landscape values of the area.

To facilitate the rehabilitation of extractive industries when they reach the end of their economic life.

The SLO1 decision guidelines require the following matters to be considered:

The landscape values of the edges of the foothills of the You Yangs.

The protection and appropriate enhancement of the landscape, having regard to:

- *Protecting landscape areas and vantage points of high quality.*
- *The conservation of significant areas of natural vegetation and significant stands of trees.*
- *The necessity of retaining a buffer strip of vegetation in the vicinity of watercourses, roads and property boundaries, in particular any remnant indigenous vegetation species.*

Whether the siting, height, scale, materials and form of proposed buildings and works has been designed to have least visual effect on the landscape and scenic views of the foothills of the You Yangs.

Whether approval of the proposed buildings and works is compatible with maintaining the visual and natural significance of the landscape.

The benefit of permit conditions requiring all building materials to be non-reflective and of colours which are complementary to those of the natural landscape.

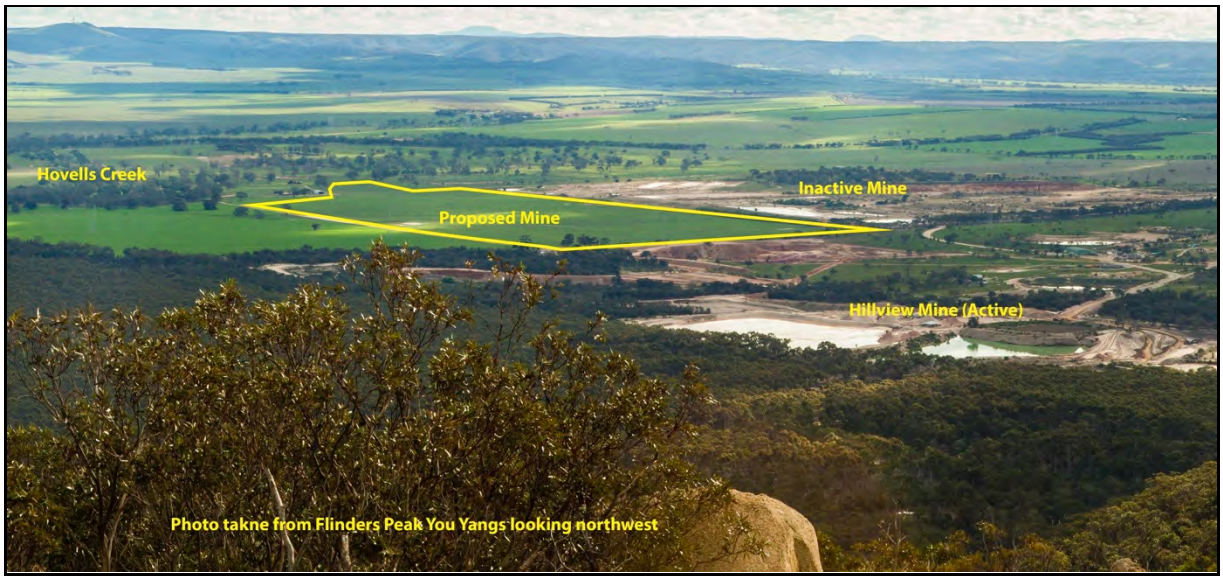
The benefit of conditions requiring the landscaping of buildings and works, while also having regard to the maintenance of existing viewlines.

Whether an alternative site is available on the land for the proposed buildings and works that would better meet the landscape objectives of this schedule.

The containment of extractive industries to ensure that development and subsequent reclamation are carried out without significant detriment to the recreational and scenic value of the surrounding area.

The applicant did not contest the importance of the landscape values and did not undertake a Visual Impact Study. The applicant did not table evidence supporting their repeated claim "*the subject site is not visibly within the public view shed of the You Yangs, the proposal will have no impact on the landscape values of the area"* The Committee found this claim to be without any foundation (Figure 3).

Figure 3 Photo from You Yangs (Flinders Peak)



The Council report argues that the SLO1 overlay relates to "*viewing toward the You Yangs across the open plains and not the other way around*". The Committee does not accept this interpretation. This is only one objective of the SLO. Reading the SLO1 holistically it is the Committee's opinion that views from the You Yangs should be regarded with equal or greater weight. This is because the landscape values worthy of protection are more visible from vantage points within the Park; vantage points where significant recreation and tourist visitation is encouraged and facilitated.

In the Committee's opinion the proposal is likely to have an unreasonable impact on landscape values. The applicant and Council's report argues that this impact can be mitigated for three reasons:

- the use is temporary
- construction of bunds along Sand Creek Road, screen planting and boundary setbacks will adequately screen the operation
- the mine will be rehabilitated back to the open plains that currently exist and reinstated for productive rural use.

The Committee is not satisfied 50 years is a temporary use. If demand for sand falls it is possible the mine life could be longer.

The applicant is not proposing bunds, screen planting and boundary setbacks beyond what would ordinarily be required for a sand mine. The Committee is not satisfied that these measures adequately respond to the site constraints and the SLO1 overlay objectives and decision guidelines. The inadequacy of bunds, screening and setbacks for adjacent mining operations support this conclusion.

The Committee is not satisfied that the Rehabilitation Plan proposed by the applicant will "*return the site back to the open plains that currently exist*".[4] The applicant's documentation

[4] Council report para 1, page 64.

shows the exhausted sand pit will have a depth of 12 to 40 metres, contain a 13.75 hectare water storage dam (15 metres deep). The pit will have steep erodible batters (30 per cent grade), making access problematic and unsafe for stock and vehicles. From a visual perspective the mine area is likely to resemble an exhausted sand mine pit, rather than an agricultural paddock consistent with the existing landscape as stated by the applicant.

Notwithstanding the topographical appearance the Committee is also not satisfied the pit floor and batters are likely to be returned to agricultural production. The mix of overburden and slimes will have a slit and clay content of approximately 50 per cent. Most topsoil will be stored for more than two years, reducing viability. The soil is likely to be sodic and have limited chemical and physical properties. The pit floor is likely to remain bare, being waterlogged in winter and hard in summer. Based on the limited information provided by the applicant the Committee has formed the view that the proposed species for revegetation are unlikely to survive. The applicant has not provided successful examples of comparable rehabilitation undertaken on exhausted sand mines in the Melbourne region and has not demonstrated the measures proposed reflect a level of rehabilitation commensurate with the protection of important landscape values.

In summary the Committee agrees with submissions that the proposal will result in an unreasonable and enduring impact on landscape values and the applicant has not provided credible evidence to the contrary. In the Committee's assessment the applicant has not demonstrated the proposal adequately addresses Clause 42.03 (Significant Landscape Overlay), Schedule 1 to the Significant Landscape Overlay (Foothills of the You Yangs), relevant matters under the Farming Zone, Clause 11.07-4 (Geelong (G21) Regional Growth – Environmental Assets)**,** Clause 12 (Environmental and Landscape Values) and Clause 52.09 (Stone Extraction and Extractive Industry Interest Areas), including:

- *The effect of the extractive industry operation on the natural and cultural landscape of the surrounding land and the locality generally.*
- *The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural systems or visual appearance of the surrounding area.*
- *The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community.*

2.5.4 Impact or conflicts with other road users

Numerous objections were received in relation to the additional 50 truck movements per day and the impacts this would have on local roads, central Lara and Little River, along Branch Road (main access to the You Yangs, across Grants (bluestone) Bridge and impacts on businesses and residents adjoining the truck routes.

The applicant has undertaken a Traffic Impact Assessment (Cardno, February 2014). The Study concluded there are suitable truck routes and the traffic volumes generated by the proposal "*would not result in an undue traffic impacts on the surrounding road network".*

It appears the applicant has not explored or even requested access via Bacchus Marsh Road from VicRoads. The documentation provided to the Committee is contradictory and does not support advice from Council that access onto Bacchus Marsh Road is unviable or lacks VicRoads support. The Traffic Impact Assessment indicates that VicRoads has already

granted (Work Authority 1389) direct access to Bacchus Marsh Road in 2009 for sand mining operations.

The applicant proposes a designated truck route – via Sandy Creek Road, Forest Road North and Windermere Road out to Bacchus Marsh Road. This route would remove the trucks from Lara, Little River and Grants Bridge. The Committee is unsure how this route will be practically monitored and managed by the applicant and how trucks from nearby mines that do not have to comply with this route will be distinguished.

The Committee notes that the Traffic Impact Assessment did not evaluate the impact on road pavements or the adequacy of pavement widths and speeds on vulnerable road users, such as cyclists, horse riders and walkers. The Committee understands that local roads are well used by cyclists, Sandy Creek Road is a 6-metre pavement and the speed limit is 100 km/h. The Committee is not satisfied that the applicant has adequately considered impacts on the amenity and safety of other road users as required by Clause 52.09 (Stone Extraction and Extractive Industry Interest Areas).

2.5.5 Impact on surface water, flooding and groundwater

Many submissions were concerned that the proposal would reduce or contaminate surface water flows to Hovells Creek and Lascelles Dam and impact groundwater bores.

The application was referred to the CCMA through the statutory endorsement process and the planning permit process and to SRW and the EPA through the planning permit process. The authorities did not object to the granting of a permit provided certain conditions were imposed.

The applicant provided a hydrogeological report prepared by Nolan Consulting. The report found that the proposal will not have a significant impact on the quality and levels of groundwater bores on the neighbouring property and sand extraction will not intersect groundwater.

The Committee understands the following:

- Creeks that currently flow across the property (e.g. Hovells Creek) will be maintained.
- Sediment laden water generated from disturbed areas (e.g. bunds, roads and stockpiles) outside the mine pit will be treated via settling dams, sediment traps and collection sumps before entering Hovells Creek.
- Sediment laden surface water generated from disturbed areas inside the mind pit will be directed to storage dams and used for operations (i.e. sand washing and dust control).
- The relevant state government department is currently working with the adjacent mine operators upstream to construct a diversion channel along the eastern boundary of the site before turning west along the southern boundary where it will discharge at the natural discharge point and continue along the natural waterway to Hovells Creek.

The Committee notes proposed condition 56 and 57 (requested by SRW) dictate that rainfall and surface water generated inside the mine pit cannot be used for quarry operations (for example sand washing and dust control) and water storage dams for quarry operations

"*must only be filled with licensed groundwater extraction".* If these conditions are to be complied with, there may not be adequate groundwater to undertake the operation. Furthermore the applicant would have to adequately clean and discharge the sediment laden surface water from the mine pit to Hovells Creek. The implications of these two conditions have not been addressed by the applicant's hydrogeological report or Work Authority document.

Apart from the issues raised by condition 56 and 57, the Committee is satisfied the applicant can acceptably manage surface and ground water and meet Clause 14 (Natural Resource Management) and Clause 52.09 (Stone Extraction and Extractive Industry Interest Areas), subject to compliance with the Work Authority and conditions proposed by Council.

2.5.6 Impacts from noise, vibration and dust

Noise and vibration

The closest residence (Wooloomanata homestead) is located approximately 1,200 metres from the site.

The applicant provided a desktop acoustic assessment (Watson Moss Growcott). Modelling indicates the proposal will comply with the EPA *Recommended Maximum Noise Levels from Commerce, Industry and Trade Premises in Regional Victoria (NIRV).*

The Committee notes that the noise from trucks operating on public roads was not assessed. In additional L_{max} noise levels were not assessed in relation to loud intermittent noise sources such as reversing beepers and empty trucks passing over the weighbridge. The noise report does not recognise or assess potential noise impacts on the film industry.

Notwithstanding the limitations of the acoustic report the Committee is satisfied the applicant can acceptably manage noise to meet EPA requirements, Clause 13.04-1 (Noise Abatement) and Clause 52.09 (Stone Extraction and Extractive Industry Interest Areas) subject to compliance with the Work Authority and conditions proposed by Council.

Dust

A number of submissions raised issues of dust from previous operations.

The applicant has committed to comply with the *Protocol Environmental Management (PEM) for the Mining and Extractive Industry* EPA publication 1191. This PEM is an incorporated document of the *State Environment Protection Policy (Air Quality Management) 2001* (SEPP AQM). It sets out the statutory requirements for the assessment and management of emissions to the air environment arising from activities undertaken in the operation of mining and extractive industries. All mining and extractive industries are required to comply with SEPP (AQM) at all times.

The Committee is satisfied the applicant can acceptably manage dust and meet SEPP (AQM), 13.04-2 (Air Quality) and Clause 52.09 (Stone Extraction and Extractive Industry Interest Areas), subject to compliance with the Work Authority and conditions proposed by Council.

2.5.7 Impacts on flora and fauna

Numerous submissions raised concerns regarding direct and indirect impacts on wildlife.

The applicant has provided a brief Flora and Fauna Survey (Ecology Australia, June 2015) of the site. The survey indicates the site does not contain significant flora or fauna habitat values. The DELWP did not object to the proposal and concurred with the observations and analysis contained in the Ecology Australia survey provided by the applicant in response to objectors concerns regarding wildlife and endangered species, especially the Golden Sun Moth.

The survey also indicates that the site does not function as a significant fauna corridor, though the Committee notes the methodology did not assess this matter in any detail.

While the survey did not assess the likelihood of increased road kill the applicant has accepted the concerns of the objectors and has agreed to exclude truck movements at night and the important fauna movement times of sunrise and sunset. This commitment would require amendments to truck operating hours, taking into account seasonal changes.

The Committee is satisfied the applicant can acceptably manage impacts on flora and fauna and meet Clause 52.09 (Stone Extraction and Extractive Industry Interest Areas), Clause 12 (Environmental and Landscape Values), Clause 21.05-3 (Biodiversity) and Clause 52.07 (Native Vegetation), subject to compliance with the Work Authority and conditions proposed by Council.

2.5.8 Impacts on cultural heritage

The site contains an area of Aboriginal cultural sensitivity and as such a Cultural Heritage Management Plan (CHMP) is required as the proposal is a high impact activity.

A CHMP (10511) has been approved by the Department of Aboriginal Affairs Victoria.

In relation to the Wooloomanata property, which is heritage listed, the objections relating to the impacts the proposal may have on this property are of limited relevance. The Committee can only give significant weight to post contact heritage if the subject site itself is covered by a heritage overlay, which it is not.

The Committee is satisfied the applicant can acceptably manage impacts on cultural heritage and meet Clause 22.09 (Cultural Heritage), Clause 15.03-2 (Aboriginal Cultural Heritage) and Clause 52.09 (Stone Extraction and Extractive Industry Interest Areas), subject to compliance with the Work Authority and conditions proposed by Council.

3. AMENDMENT C327 – REZONING OF THE "OLIVE GROVE" & ADJOINING PROPERTIES AT GEELONG-PORTARLINGTON ROAD, PORTARLINGTON

Source: **Planning and Development - Strategic Implementation**
General Manager: **Peter Bettess**
Index Reference: **Application: Amendment C327**

Purpose

The purpose of this report is to seek Council support to prepare and exhibit Planning Scheme Amendment C327 for land in Portarlington, subject to authorisation being obtained from the Minister for Planning.

Summary

- A Planning Scheme Amendment application has been lodged by Insight Planning on behalf of landowners to rezone five lots in Portarlington, bounded by Geelong-Portarlington, Batman, Allens and Tower Roads, from Farming Zone to General Residential Zone – Schedule 1.
- The largest of the lots 185-235 Geelong-Portarlington Rd, is currently used for olive production, hence the site is sometimes referred to as the "Olive Grove".
- The application has been the subject of extensive discussion with the proponent and consultation with referral authorities, particularly with respect to stormwater drainage matters given the site drains to wetlands in the Point Richards Fauna and Flora Reserve and west of Point Richards Road.
- The subject land has been identified within a Settlement Boundary for Portarlington for over twenty years. Rezoning of the land to allow residential subdivision and development is consistent with both the recently adopted 2016 Portarlington Structure Plan and the 2008 Portarlington Structure Plan.
- The subject land is the last remaining Farming zoned land within the Settlement Boundary and rezoning represents a logical rounding off of the Portarlington urban area.
- Land supply within Portarlington has been assessed and a strong case has been made that, by the time of development, land supply within the town will have diminished to the threshold for further residential growth set out in the Portarlington Structure Plan 2008 and the Greater Geelong Planning Scheme.
- A Development Plan Overlay (DPO) is being prepared to ensure the subdivision and development of the area occurs in an integrated manner, appropriately addresses interfaces with adjoining land and provides appropriate infrastructure.
- Design and Development Plan Overlay – Schedule 14 (DDO14) will be applied to the subject land, consistent with land to the north of Tower Road and given the elevated nature and views available from the subject land.
- A Section 173 Agreement will be prepared that will address development contributions.
- The proposal is supported by the State and Local Planning Policy Frameworks and is recommended for exhibition subject to the Minister's authorisation and finalisation of the DPO Schedule and S173 Agreement.

L Gardner moved, P Dorling seconded -

That Council:

1) **supports the preparation and exhibition of Amendment C327 to the Greater Geelong Planning Scheme to:**

    a) **rezone land bounded by Geelong-Portarlington, Batman, Allens and Tower Roads, Portarlington (151-179, 181-183 185-235 Geelong-Portarlington Road, 62-80 Pigdon Street and 2-20 Allens Road and the Pigdon Street road reserve) from Farming Zone to General Residential Zone – Schedule 1;**

    b) **apply a Development Plan Overlay to that land; and**

    c) **apply Design and Development Overlay – Schedule 14 to that land.**

2) **resolves to prepare and exhibit a draft Section 173 Agreement, as outlined in this report, concurrently with the Amendment; and**

3) **requests the Minister for Planning to authorise the preparation and exhibition of Amendment C327.**

Carried.

Background

Amendment C121 to the Greater Geelong Planning Scheme, exhibited in June and July 2006, proposed to rezone the subject land from the then Rural Zone to the then Residential 1 Zone, and to apply Design and Development Overlay – Schedule 14 and a Development Plan Overlay.

530 submissions on the Amendment were received, including 524 objections. Issues raised in objections included impact on the rural landscape, elements of inconsistency with the then Portarlington/Indented Head Structure Plan, the adequacy of existing lot supply in Portarlington, detrimental impact on nearby wetlands, increased traffic and the desirability of deterring consideration of the Amendment until the then new Portarlington Structure Plan.

In August 2006, Council deferred consideration of submissions pending adoption of the Portarlington Structure Plan. In April 2007, Council adopted the Portarlington Structure Plan. In May 2007, Council resolved to abandon Amendment C121 for the following reasons:

1) The Portarlington Structure Plan 2007 nominates the Smythe Street/Tower Road urban growth area as the first stage of future residential development; and

2) A review of the structure plan will be undertaken every 5 years and the rezoning of this area should be reconsidered when lot supply in Portarlington falls below 10-12 years.

Pre-application discussions on the current Amendment commenced in late 2014 and the Amendment application was formally submitted in February 2016. The Amendment application proposes to rezone five lots in Portarlington from Farming Zone and Public Use Zone to General Residential Zone – Schedule 1. The location of these lots is shown in the aerial photo in Appendix 1. Existing and proposed zoning is shown in Appendix 2 and Appendix 3.

The application has been accompanied by reports addressing stormwater management and quality and an urban and landscape concept masterplan. The amendment application report also refers to some reports prepared for the previous Amendment C121 and proposes to defer detailed consideration of some issues to the Development Plan stage.

Discussion

Location and Site Description

The subject land is located at the south-western entry to Portarlington. The land is bounded by the Geelong-Portarlington Road on the northwest, Batman Road on the south, Allens Road on the east and Tower Road on the north. Batman and Allens Road are unsealed rural roads; a portion of Allens Road adjacent to the subject land is a dry weather only road. The subject land comprises five lots, as detailed below. The total area of the proposed rezoning, including the Pigdon Street road reserve between Geelong-Portarlington Road and Allens Road, is approximately 28 ha.

Lot	Area
151-179 Geelong-Portarlington Road	1.52 ha
181-183 Geelong-Portarlington Road	4.07 ha
185-235 Geelong-Portarlington Road	15.06 ha
62-80 Pigdon Street	3.31 ha
2-20 Allens Road	3.29 ha

185-235 Geelong-Portarlington Road, the largest and southernmost of the lots, is currently used for olive production. Accordingly, the land subject of the Amendment is sometimes referred to as the "Olive Grove". A vineyard is located on a portion of 2-20 Allens Road. The remainder of the subject land is used for rural residential purposes, with a pottery studio on one of the lots. The land has mostly been cleared of native vegetation; a small area of scattered native vegetation (sheoaks) is located in the northwest of the area.

The land slopes from a high point in the southeast of the site (intersection of Batman Road and Allens Road) of about 77m AHD down to an elevation of about 31m AHD at the intersection of Geelong-Portarlington Road and Pigdon Street. In some parts of the site, particularly in the southwest, the slope exceeds 10%. Given this slope and the location of the lowest point, most of the site has an 'amphitheatre' topography. Much of the site enjoys panoramic views across Port Philip Bay. Conversely, the higher portions of the site are highly visible from some vantage points in Portarlington, such as the coast near Point Richards. Land immediately south of Batmans Road is within a Significant Landscape Overlay for Murradoc Hill.

Portarlington Structure Plan

At is meeting of 10 May 2016, Council adopted the Portarlington Structure Plan 2016. A Planning Scheme Amendment will incorporate the Structure Plan into the Greater Geelong Planning Scheme. The 2016 Structure Plan supersedes the previous Portarlington Structure Plan (adopted in 2007, incorporated into the Scheme in 2008).

The land subject of this proposed Amendment is located within the Settlement Boundary in the Portarlington Structure Plan (see Appendix 4). It is the only area identified for future growth and is the last land within the Settlement Boundary that is in the Farming Zone. The Structure Plan indicates that development of area should be undertaken in a staged manner to assist in dispersing land supply over a number of years and encourage infill development in other areas of the town. One of the directions of the Structure Plan is:

- Support extension of the residential area in a staged manner within the 'Olive Grove' growth area shown on the Portarlington Structure Plan Map 2 to General Residential Zone – Schedule 1.

The subject land has been within the identified Settlement Boundary for Portarlington since the 1993 Portarlington/Indented Head Structure Plan.

Section 3.0 of Part B of the 2016 Structure Plan provides more detailed comment and direction on the subject land. It reiterates that the Structure Plan supports the development of the 'Olive Grove' residential growth area, comprising the subject land. It notes that while the community has previously expressed concerns that development on the land will be detrimental to the landscape values of the Bellarine Hills, it is considered that the landscape impacts do not preclude development of the entire site. It also notes that application of appropriate overlays may be required to minimise visual intrusion (e.g. minimising building heights, ensuring use of appropriate building colours and materials, landscaping) and that a Development Plan would be a prerequisite to subdivision and development.

Section 3.0 goes on to specify that the Development plan will need to address a number of principles, including but not limited to:

- an urban design masterplan (including general subdivision layout, recognition of the rural and residential interface along Batman and Allens Road, provision of an attractive entrance treatment to the town, ensuring residential development addresses Geelong – Portarlington Road, open space location and development staging);
- a visual assessment showing how the ridgeline to the south of the subject land can be protected from visual intrusion of development and that the development would not have any greater visual impact than existing development on the foothills surrounding the town;
- a road network and traffic management plan (providing, inter alia, full construction of Batman Road, Allens Road and Pigdon Street, upgrading of the three intersections with Geelong-Portarlington Road and investigation of potential construction of a 1.5m wide pedestrian pathway on one side of Geelong-Portarlington Road between Tower Road and Smythe Street);
- physical infrastructure proposed in the urban design masterplan to meet Council standards or adopted guidelines;
- site stormwater management plan;
- staging plan; and
- a report on possible measures to retain some of the existing olive trees on 185-235 Geelong-Portarlington Road within the proposed subdivision layout.

Strategic Planning Justification

As identified above, the subject land has been identified within a Settlement Boundary for Portarlington for over twenty years. Rezoning of the land to allow residential subdivision and development is consistent with both the recently adopted 2016 Portarlington Structure Plan and the 2008 Portarlington Structure Plan incorporated into the Greater Geelong Planning Scheme.

The subject land is the last remaining Farming zoned land within the Settlement Boundary and the rezoning thus represents a logical rounding off of the Portarlington urban area.

The issue of land supply within Portarlington has been assessed and a strong case has been made that, after planning scheme amendment, development plan and subdivision processes are completed, land supply within Portarlington will have diminished to a point consistent with the threshold for further residential growth set out in the Portarlington Structure Plan 2008 and the Planning Scheme.

The amendment is well supported by state and local planning policy (see the "Policy/Legal/ Statutory Implications" section later in this report).

Design and Development Overlay – Schedule 14

The Design and Development Overlay – Schedule 14 (DDO 14) applies a planning permit trigger to dwellings over 7.5 metres in height in areas with access to views. The objective is to ensure that the siting, height and visual bulk of dwellings achieves a reasonable sharing of views between properties to significant landscape features such as the coast, Corio Bay and the You Yangs. DDO 14 is widely applied to coastal towns on the Bellarine Peninsula and applies to the residential area north of Tower Road, including the area that has been developed over the last decade.

In light of the elevated nature of much of the subject land and the views that it enjoys, it is appropriate to apply DDO 14 to the area to be rezoned by this Amendment.

Development Plan Overlay

A Development Plan Overlay (DPO) is proposed to be applied to the land. This is in order to ensure that the design of subdivision and development of the area occurs in an integrated manner, appropriately addresses the interfaces of the site with adjoining land and provides appropriate infrastructure.

While the precise wording of the Schedule to the Development Plan Overlay is still being finalised, the Schedule is likely to require the following components in the Development Plan:

- urban design masterplan
- landscaping masterplan
- staging plan
- road network and traffic management plan
- stormwater management plan
- native vegetation assessment
- servicing report
- site investigation report

Some of the matters to be addressed in the Development Plan are discussed below.

Stormwater Drainage

The site drains to sensitive wetlands in the Point Richards Fauna and Flora Reserve and west of Point Richards Road. Stormwater drainage has been the subject of considerable discussion between the proponent's consultants, Council officers and authorities (including Corangamite Catchment Management Authority).

A Site Stormwater Management Plan has been submitted showing no increase in peak flows over pre-development. The key issue is the impact of additional total stormwater runoff (across the year, rather than in peak flows) on the hydrological balance and ecology of the wetland either side of Point Richards Road. Council officers are confident that provisions in the DPO Schedule can feasibly require demonstration of no unacceptable impact on the wetlands.

Visual impact and Open Space

The potential visual impact of residential development of the site on the landscape values of the Bellarine Hills, which form an attractive rural backdrop to Portarlington, was a key issue raised in submissions on the previous Amendment C121 for the subject land. A Development Plan requirement will be a visual assessment showing how the ridgeline to the south of the subject land can be protected from visual intrusion of development and that the development would not have any greater visual impact than existing development on the foothills surrounding the town.

An urban and landscape concept master plan has been prepared by Tract and submitted in support of this Amendment request. It contains a conceptual subdivision layout (see Appendix 5). It should be noted that this is conceptual only and the summary land budget referring to residential lot density and yield is not necessarily an indication of the likely eventual development outcome.

The masterplan seeks to maximise coastal views from the site while creating a new, community-focused environment that responds to the site's character and context. Features of the concept masterplan include:

- an area of public open space at the highest point of the subject land, the south-eastern corner at the intersection of Batman and Allens Roads, which would reduce visual impact by helping keep buildings from breaching the ridgeline as viewed from vantage points such as the coast near Point Richards;
- an area of open space at the low point around the intersection of Geelong-Portarlington Road and Pigdon Street;
- a boulevard between these two open spaces; and
- exploration of opportunities to incorporate olive trees into streetscapes or open space.

Additionally, two visual impact impressions prepared by Orbit Solutions have been submitted showing how residential development of the site may appear from particular viewpoints. These are based on a typical development outcome rather than a specific exact proposal, but do indicate that development can occur without intruding on the ridgeline. More detailed visual assessment would still be required as part of a Development Plan.

Development Contributions and Section 173 Agreement

A draft Section 173 Agreement regarding development contributions will be prepared and exhibited alongside the Amendment. The development contributions would be payable as land is subdivided. They are proposed to be spent on community facilities within Portarlington or, if plans for those facilities in Portarlington are not sufficiently advanced by the relevant time, on nearby sub-regional facilities such as the Drysdale Library & Community Spaces redevelopment.

A contribution towards community facilities of $40,000 per developable hectare (ha) is proposed based on 15 dwellings per hectare. Council officers believe it would be appropriate to adjust the $40,000 per ha figure proportionally to reflect the actual density outcome. So, for example, should there be 12 dwellings per ha, a 20% reduction below the 15 dwellings per ha assumption, the contribution would also be reduced by 20% to $32,000 per ha.

The proposed contribution is in line with the new rates proposed by the State Government as part of its development contribution reforms which are yet to be implemented. Council has applied this rate recently with rezoning of two growth areas at St Leonards.

The S173 Agreement would also include any offsite works that may be required such as upgrades to existing roads and intersections.

Environmental Implications

The subject land is almost entirely cleared of native vegetation and has been used for rural and rural residential purposes for many decades; there is a small area of scattered native vegetation (sheoaks) on one of the lots. A native vegetation assessment will be required as part of the Development Plan.

A preliminary site investigation (soil contamination assessment) was undertaken for the site in 2005 as part of the previous Amendment C121. Its conclusions included the following:

- photos and records suggest the site has been used for farming and agriculture since at least the 1950s;
- the site is not registered with Victoria EPA as contaminated land;
- soil was sampled at ten locations for this preliminary investigation; the results indicate the site is suitable for low density residential land use;
- slightly elevated levels of barium, manganese, nickel and vanadium were identified in the southern and central portions of the site, but these concentrations are considered consistent with natural background concentrations are not significant for a low density residential land use.

More detailed assessment can be required at Development Plan stage if required.

Financial Implications

Negotiating a Section 173 Agreement on development contributions will assist in the provision of community facilities within the catchment of the proposed development.

Policy/Legal/Statutory Implications

The Amendment is consistent with the State Planning Policy Framework as follows:

- 11.02-1 (Urban growth – supply of urban land): Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur.

- 11.05-5 (Coastal settlement): Direct residential and other urban development and infrastructure within defined settlement boundaries of existing settlements that are capable of accommodating growth.

- 11.07 Geelong (G21) regional growth:

- 11.07-2: Provide a range of housing types with a mix of infill and greenfield options.

- 11.07-3: Provide for settlement breaks between towns to maintain their unique identities. Require a settlement boundary for all towns.

The following provisions in the Local Planning Policy Framework provide support for this proposal:

- 21.06-2 (Urban growth): Ensure development occurs within designated settlement boundaries.

- 21.14-2 (The Bellarine Peninsula): Ensure land use and development proceeds generally in accordance with the relevant Structure Plan maps included in this Clause.

Alignment to City Plan

The proposed Amendment C327 supports both 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 involved in the preparation of this report have any direct or indirect interest in the matter to which this report relates, in accordance with Section 80 (c) of the Local Government Act.

Risk Assessment

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

Social Considerations

The Portarlington Structure Plan, upon which this Amendment is based, has addressed the social implications of identifying areas for future growth. The Amendment will generate positive social impacts by providing new housing in an orderly planned manner and levying developers for contributions to deliver community infrastructure.

Human Rights Charter

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

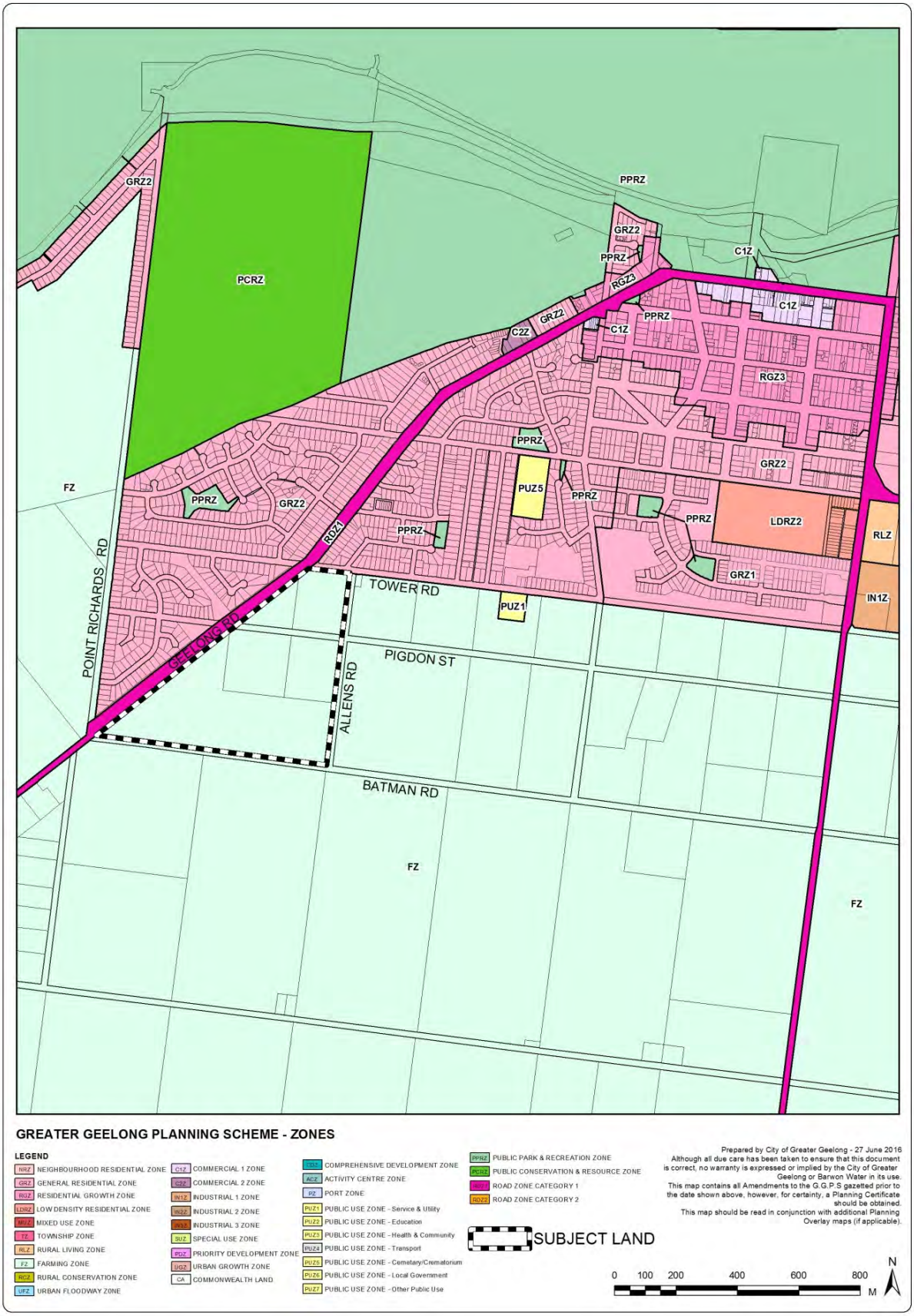
Consultation and Communication

Nearby landowners and occupiers, prescribed Ministers and other relevant agencies will be directly notified during the statutory exhibition period. The broader community will be notified through notices in local newspapers and the City of Greater Geelong website.

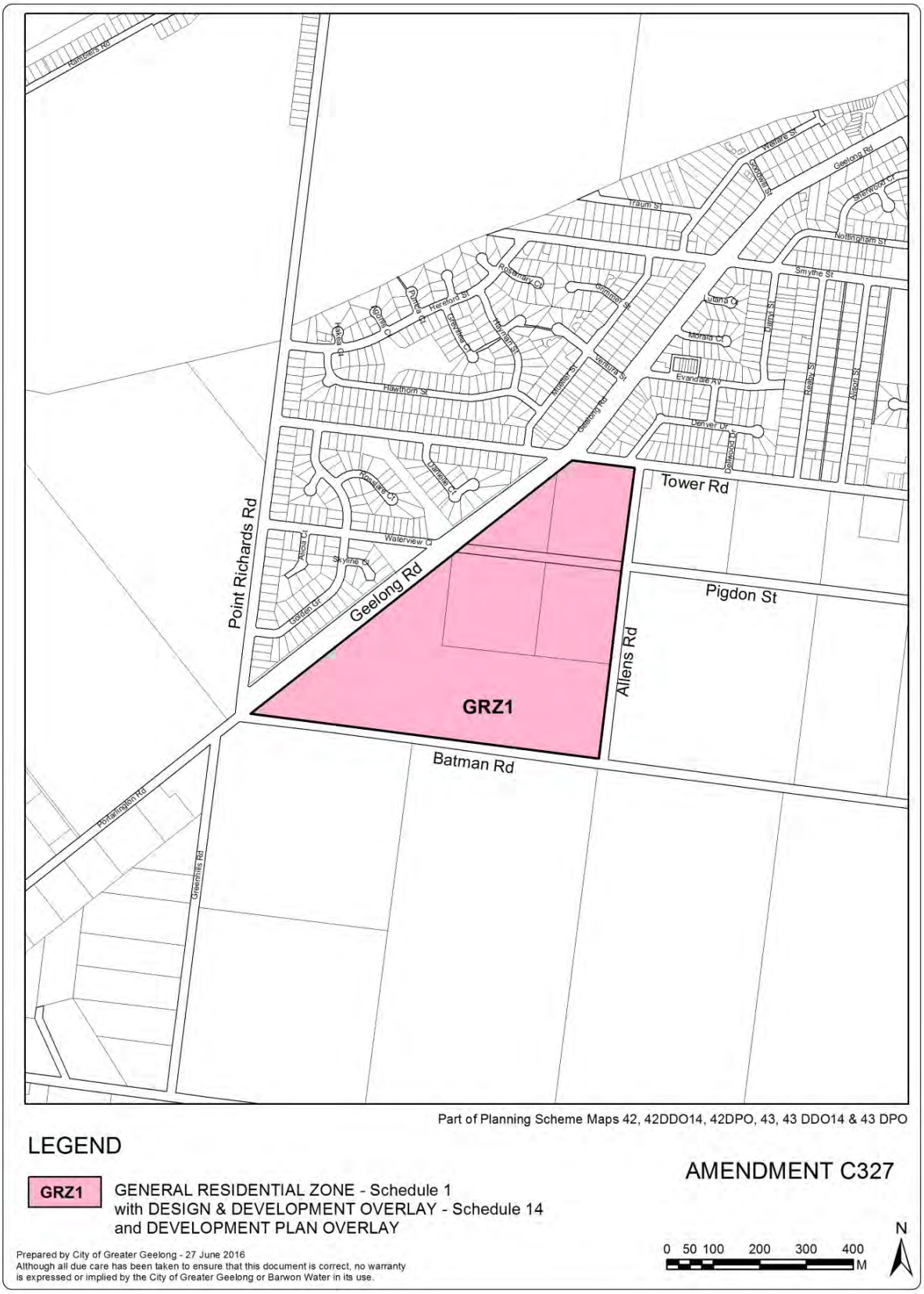
Appendix 1 – Location plan / aerial photo



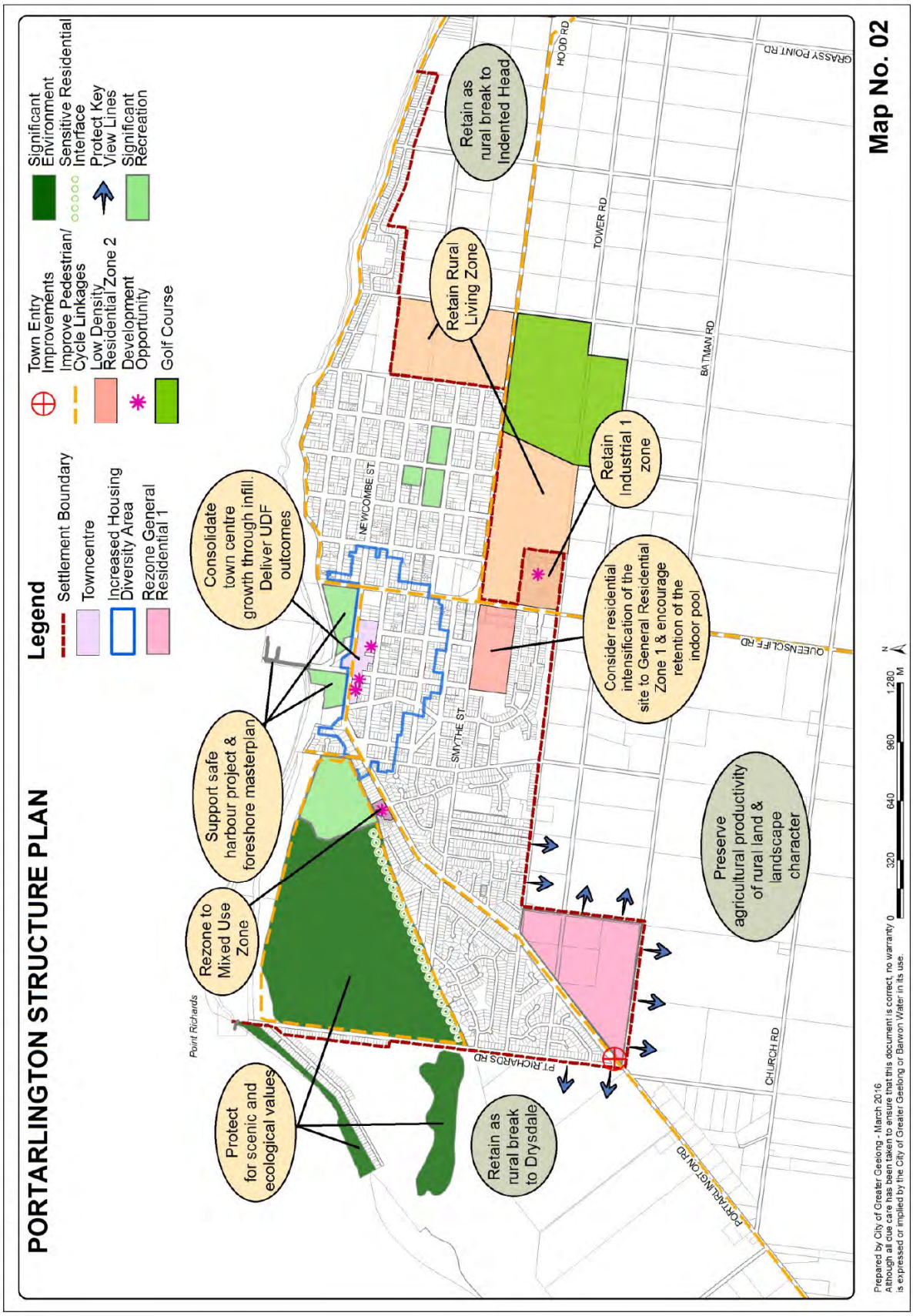
Appendix 2 – Existing zoning



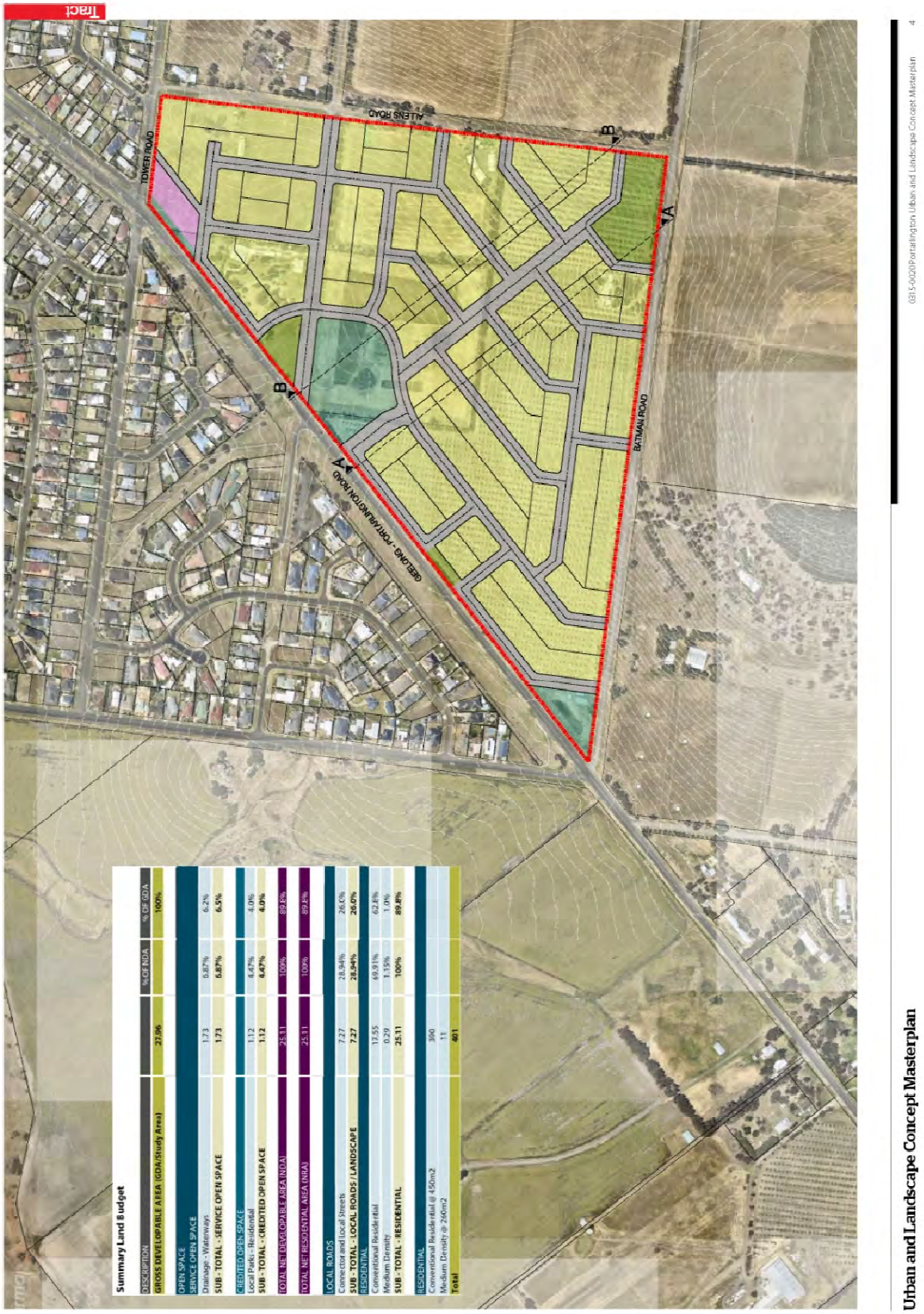
Appendix 3 – Proposed Zoning and Overlays



Appendix 4 – Portarlington Structure Plan Map 2016



Appendix 5 – Urban & Landscape Concept Master Plan



4. AMENDMENT C316 LARA HERITAGE REVIEW – CONSIDERATION OF PANEL REPORT & ADOPTION OF AMENDMENT

Source: **Planning & Development – Strategic Implementation**
General Manager: **Peter Bettess**
Index Reference: **Subject: Council Reports 2016 & Application C316**

Purpose

The purpose of this report is for Council to consider the Independent Panel report for Amendment C316 and to adopt the amendment.

Summary

- Amendment C316 as exhibited sought to change the Greater Geelong Planning Scheme by applying the Heritage Overlay over 24 individually listed significant places in Anakie, Lara, Little River and Lovely Banks, together with 3 sites in Anakie and Lara which are recommended for inclusion on the Victorian Heritage Inventory.
- Exhibition of the amendment between 11 June 2015 to 13 July 2015 resulted in the receipt of 6 submissions, five of which of which opposed or sought alterations to the amendment.
- Matters raised in the majority of submissions were able to be resolved which resulted in two submissions being withdrawn.
- Under delegated authority the submissions were considered on 23 December 2015 & all submissions were referred to an Independent Panel appointed by the Minister for Planning.
- The Panel conducted a hearing in Geelong on 16 March 2016 and has recommended that:
    - the amendment be adopted subject to a number of modifications, for the most part as proposed by Council, as set out in this report; and
    - alterations be made to three citations forming part of the Lara Heritage Review Phase 2: 2012-13, consistent with the Panel recommendations relating to the modifications to the planning scheme amendment.
- It is recommended that the amendment and the revised Lara Heritage Review be adopted and the Amendment forwarded to the Minister for approval.

P Dorling moved, L Gardner seconded -

That Council:

1) adopts the Lara Heritage Review, Phase 2 – Revised May 2016;

2) adopts Amendment C316 (Appendix 2 of this report); and

3) submits the adopted amendment and the prescribed information to the Minister for Planning requesting approval.

Carried.

Background

Amendment C316 implements the recommendations of the Lara Heritage Review, which contains detailed heritage assessments of properties within the study area. The study recommended that heritage protection be applied to the identified sites and precincts in the form of a Heritage Overlay.

The amendment was exhibited between 11 June 2015 & 13 July 2015 which resulted in the receipt of six submissions, five of which opposed or sought alternations to the amendment.

The relatively small number of objecting submissions is consistent with the generally positive community response to the extensive public consultation prior to the adoption of the Lara Heritage Review

The submissions were considered under delegated authority on 23 December 2015. This delegated authority report contained a detailed response to all the issues raised in the submissions with the majority of the issues being addressed by way of modifications to the amendment documentation and/or the citations for individual properties in the study report. As a result two of the objecting submissions were withdrawn.

All submissions were referred to an Independent Panel appointed by the Minister for Planning. A Directions Hearing was held in Geelong on 1 February 2016 and the Panel Hearing was held in Geelong on 16 March 2016. The Council and one objecting submitter appeared before the Panel.

Discussion

The Independent Panel has now submitted its report to Council and, in summary, has recommended that the amendment be adopted subject to a number of changes to the amendment documentation and the Citation contained in the study report. A copy of the Executive Summary of the Panel Report is Appendix 1.

It should be noted that the Panel report and recommendation makes reference to a new draft Incorporated Document initiated by Council. This Incorporated Document has been produced in response to submissions to remove application of overlay controls from out buildings and other specified minor works which have no impact on the heritage values of the property.

The next section of this report briefly summarises the responses to the original 6 submissions.

Submission 1 – 85 Curletts Road, Lara

The owner of this property is the only submitter who appeared at the Panel. Main concerns expressed about the amendment were potential loss of property value, additional planning “red tape”, outbuildings need to be adaptable, external painting should not be controlled, provisions too onerous, property only has local heritage interest.

The Council and the Panel agree that the exhibited provisions should be modified to remove external paint controls, reduce the area of the property over which the H.O will apply and include the property in the Incorporated Document referred to above. The submitter agreed at the hearing that these changes would address the specific concerns he raised.

Submission 2 – 110 – 120 Forest Road South and 155 Forest Road South, Lara.

The submitter sought notification of any submissions received by Council relating to these properties.

No submissions where received by Council relating to these properties and no further action is required. The property at 155 Forest Road South will be included in the new Incorporated Document referred to above.

Submission 3 – 10 Windermere Road Lara

The submitter considered that the architectural character of the dwelling had been substantially altered and there was insufficient basis for its inclusion in restrictive overlay controls.

Following a review of this submission, Council has advised the submitter that this property would be deleted from the amendment.

The Panel supports this action and recommends the Citation for this property be amended accordingly.

Submission 4 – 75 Staceys Road, Lovely Banks.

The submitter sought a reduction in the area of the Overlay to be applied to this rural property and a correction to be made to the Citation.

Council Officers agreed with these changes and also inclusion of the property into the Incorporated Plan referred to above.

The submitter subsequently withdrew the submission. The Panel supports Council's proposals outlined above.

Submission 5 – 51 Forest Road

The submitter advised the property address on the citation was incorrect and the overlay map also included the adjoining road reserve. The submitter also sought removal of the tree controls applying to this property.

Council agreed to make these changes and on this basis this submission was also withdrawn.

The Panel recommendation endorses Council's action.

Submission 6 – 125 Buckingham Street, Lara

The submitter considered the extent of the exhibited H.O. applied to this property was excessive and requested removal of the tree controls because most trees were planted in the 1980's. Additional information was also provided for inclusion in the Heritage Citation for this property.

Council and the Panel support these changes proposed by the submitter.

Amendment Recommended for Adoption

The revised amendment documentation recommended for adoption which includes all of the Panel's recommendation is at Appendix 2.

In summary, the changes to the exhibited amendment are:

- Removal of 10 Windermere Road, Lara from the H.O. map and a reduction of the extent of the H.O designations for 85 Curletts Road, 75 Staceys Road Lovely Banks, 51 Forest Road South Lara and 125 Buckingham Street, Lara.
- Changes to the Schedule to the Heritage Overlay as per track changes as shown.

- Introduction of a new Schedule to Clause 81.01 to include reference to the new Incorporated Document.
- Preparation of the new Incorporated Document as referred to in this report. Part A of the Incorporated Document will apply to rural properties and Part B will apply to the Lara Uniting Church complex at 1B Flinders Avenue Lara. (The Council – owned property at 11 Waverley Road, Lara proposed to be included in the Incorporated Document in the exhibited amendment, has been removed because of the existing permit exemption contained in Clause 62.02-1)

It should be noted that the Panel recommended the new Incorporated Plan referred to throughout this report should be finalised in consultation with affected property owners. This action is considered unnecessary because the Incorporated Plan will significantly reduce the effect of the Overlay provisions on all properties and it has already been circulated to the affected submitters.

The new Incorporated Document to be referred to in the scheme is at Appendix 3.

The Panel also recommended that, citations contained in the The Lara Heritage Review Phase 2 be altered consistent with the Panel's recommendations in relation to 85 Curletts Road, Lara, 75 Staceys Road, Lovely Banks, and 125 Buckingham Street, Lara. Copies of 'tracked changes versions of these citations, which were included as Appendix b of the Panel Report, are at Appendix 4.

Environmental Implications

The proposed changes to the planning scheme will have no adverse environmental implications.

Financial Implications

The proposed changes to the planning scheme will have no adverse financial implications for Council.

Policy/Legal/Statutory Implications

The amendment is considered to be consistent with State and Local planning policies as set out in the Explanatory Report which forms part of the amendment documentation.

The Panel has found that the amendment is:

- Supported by the relevant sections of the State and Local Planning Policy Framework; and
- Well founded and strategically justified.

Alignment to City Plan

The proposed amendment is consistent with the "Built and Natural Environment and Community Wellbeing" elements of City Plan.

Officer Direct or Indirect Interest

No Council officers involved in the preparation of this report have a direct or indirect interest, in accordance with Section 80(c) of the Local Government Act, to the matters to which this amendment relates.

Risk Assessment

There are no risks to Council from the adoption of the amendment as recommended by an Independent Panel.

Social Considerations

No adverse impacts on the community have been identified as arising from the adoption of this amendment.

Human Rights Charter

The processing of this amendment has both recognised and respected the rights of those whose properties are affected by the amendment.

Consultation and Communication

The Lara Heritage Review has been subject of an extensive community consultation process followed by the formal planning scheme amendment public exhibition process as required under the Planning and Environment Act.

All submitters were provided with an opportunity to appear before an Independent Panel appointed by the Minister for Planning.

Appendix 1

Executive Summary

Amendment C316 to the Greater Geelong Planning Scheme (the Scheme) seeks to apply the Heritage Overlay to 24 individual places at Lara, Little River, Lovely Banks and Anakie.
Of the six submissions lodged to the Amendment, one supported the Lara Heritage Review while three requested changes be made to the Amendment. These included reducing the area of land to which the Heritage Overlay would apply, and correcting the Statement of Significance Citations.
Two submitters opposed the application of the Heritage Overlay over their land. Following an inspection by Dr Rowe, it was agreed to delete 10 Windermere Road, Lara from the Amendment.
Mr Barber opposed another layer of control being applied to his property under this Amendment. He conceded that the changes Council had agreed to make to the Heritage Overlay address the specific concerns he raised in his submission. He supported the adoption of the draft Incorporated Plan which would exempt a number of works from having to obtain planning consent.

The Panel believes the Thematic Environmental History prepared for Lara and its environs was well researched and is comprehensive (as are the Citations prepared for each of the properties under the Amendment). The Panel notes the submitters did not dispute the research undertaken for the Lara Heritage Review which the Panel believes supports the Heritage Overlay as proposed by the Amendment. Some of the submitters provided additional information as part of their submissions and these are to be incorporated into the revised Citations for those properties.

The *Lara Heritage Review 2013, Volumes 1, 2 and 3* are proposed to be included as Reference Documents in Clause 22.09.

The Panel supports the adoption of the Incorporated Plan as presented at the Hearing. The items contained in this document are exempt from public notification and third party review and applications would currently be assessed under the VicSmart provisions of the Scheme. This being the case, the Panel believes the adoption of the Incorporated Plan will not transform the Amendment. The Panel believes it would be appropriate however for Council to consult with the owners of properties it will apply to.

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

Greater Geelong Planning Scheme Amendment C316 be adopted as exhibited subject to the following changes:

1 Apply the Heritage Overlay (HO1969) to 85 Curletts Road, Lara subject to:
   a) Amending the Schedule to the Heritage Overlay to include the word 'No' under the column 'External Paint Controls Apply?' as shown in Appendix A.
   b) Reducing the area on Map 18HO in accordance with the description in the revised Citation for the land, included in Appendix B.

2. Remove 10 Windermere Road, Lara (HO1986) from the Heritage Overlay Schedule and Map 19HO and amend the Citation for this property to state it is of 'historic interest' and it is not recommended for inclusion on the Heritage Overlay

3. Apply the Heritage Overlay (HO1988) to 75 Staceys Road, Lovely Banks subject to the revisions set out in the Citation included in Appendix B.

4. Apply the Heritage Overlay (HO1974) to 51 Forest Road South, Lara subject to:
   a) Amending the Map 18HO, to remove the land located in the adjoining road reserve.
   b) Amending the Schedule to the Heritage Overlay by including the word 'No' under the Column 'Tree Controls Apply?' as shown in Appendix A.
5. Apply the Heritage Overlay (HO1966) to 125 Buckingham Street, Lara, subject to:
   a) Amending the Schedule to the Heritage Overlay by including the word 'No' in the Column 'Tree Controls Apply?' as shown in Appendix A.
   b) Amending the description of the land to which the Heritage Overlay will apply and including the additional historical information in the Citation as set out in Appendix B.
6. Council finalise the draft Incorporated Plan, in consultation with property owners, for adoption under Clause 81.01.
7. Include the words 'Anakie, Lara & Lovely Banks Heritage Places' in the Schedule to the Heritage Overlay under the Column 'Name of Incorporated Plan under Clause 43.01-2' for HO1964, HO1965, HO1969, HO1971, HO1972, HO1976, HO1979, HO1980, HO1985 and HO1988.

Appendix 2

Planning and Environment Act 1987

GREATER GEELONG PLANNING SCHEME

AMENDMENT C316

INSTRUCTION SHEET

The planning authority for this amendment is the City of Greater Geelong

The Greater Geelong Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of sixteen (16) attached map sheets.

Overlay Maps

1. Amend Planning Scheme Map Nos. 13, 17 & 19 HO in the manner shown on the 7 attached maps marked "Greater Geelong Planning Scheme, Amendment C 316".

2. Insert new Planning Scheme Map Nos.12 16, & 18 HO in the manner shown on the 9 attached maps marked "Greater Geelong Planning Scheme, Amendment C316".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In Local Planning Policy Framework – replace Clause 22.09 with a new Clause 22.09 in the form of the attached document.

4. In Overlays – Clause 43.01 replace the Schedule with a new Schedule in the form of the attached document.

5. In General Provisions – Clause 61.03, replace the schedule with a new Schedule in the form of the attached document.

6. In Incorporated Documents – Clause 81.01, replace the Schedule with a new Schedule in the form of the attached document.

End of document

22.09 CULTURAL HERITAGE

21/07/2011
Proposed C316

This policy applies to all properties affected by a Heritage Overlay.

This policy includes an overall Heritage Policy and 50 individual local planning policies that apply to particular heritage areas within the municipality.

Policy Basis

The Municipal Strategic Statement identifies the need for a local policy to ensure the cultural heritage attributes and assets of the City of Greater Geelong are recognised and preserved.

The City of Greater Geelong's heritage, comprising individual buildings, precincts, structures, monuments, significant gardens and trees, natural environments and aboriginal sites, is a significant part of the City's attraction as a place in which to live, visit, do business and invest. It is through this heritage diversity that the City's community expresses its rich culture. The cultural heritage of the region brings economic and cultural benefits and improves the community's quality of life. The diversity of heritage places allows for interpretation of the region's development and the tastes and lifestyles from the past. It assists in understanding the City's foundation and growth from wool sales and exports, to gold discovery, through to expansion in industry and manufacturing. It also enables appreciation of individual house design and neighbourhoods that contribute to the character, image and sense of place of each of the City's heritage areas.

The largest concentration of these heritage assets is found in the inner area of Geelong and broadly defines the character of the inner City area. Beyond, there are significant concentrations of heritage places, namely within the suburban areas of Belmont, Hamlyn Heights and North Geelong together with concentrations in the rural/coastal townships of Lara, Barwon Heads, Drysdale and Fyansford. These have largely shaped the character of the City of Greater Geelong as it is known today.

The identification, assessment and protection of heritage places has occurred over a number of years as part of an on-going heritage study process. Recognition and protection of heritage places is seen as a crucial component of planning in the City of Greater Geelong. The development of good conservation practices will ensure the retention and viable re-use of the City's significant and contributory heritage places.

Objectives

- To encourage the retention of culturally significant and contributory heritage places within Heritage Overlay areas.
- To encourage development to be undertaken in accordance with the accepted conservation standards of the ICOMOS Burra Charter.
- To conserve and enhance the natural or cultural features of an area or site and to ensure that any alterations or development complement their form and appearance.
- To ensure that new development and external alterations of existing buildings make a positive contribution to the built form and amenity of the area.
- To encourage the retention or re-instatement of streetworks including street trees and bluestone kerbs, street construction form, asphalt footpaths, channels and crossovers.

Policy

Exercising discretion

Where a permit is required for demolition, it is policy to:

- Require an application for demolition to be supported with documentation which demonstrates:
  - That the demolition will contribute to the long-term conservation of the fabric of the part of the building being retained.
  - That the demolition involves the removal of later inappropriate modifications.
  - That the cultural heritage significance of the place will be enhanced.
  - That significant fabric removed will be re-instated when circumstances permit.

- Discourage demolition of sites that are not of cultural heritage significance within a heritage area until a planning permit for the replacement development is approved and a bona-fide contract for the new work has been confirmed.

Where a permit is required for subdivision, use or development, it is policy to:

- Require that all buildings and works should be in accordance with the City of Greater Geelong Heritage and Design Guidelines, 1997.
- In the case of major development and subdivision of a large or complex site, the preparation of a Conservation Management plan for the whole place should precede the application. The plan should be prepared in accordance with the principles of the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance (The Burra Charter).
- In the case of any development that causes ground disturbance that may impact on a known post contact archaeological site, an archaeological survey to assess the impact of the proposed development on the archaeological significance of the area should precede the application.
- Encourage replanting of a similar type of tree where the removal of a significant street tree is unavoidable.
- Encourage all new and replacement street furniture to be established in accordance with the City of Greater Geelong Urban Furniture Manual.
- Support the retention and maintenance of existing bluestone kerb and channel within the Heritage Areas (except in the Rocky Point, Girton Crescent, The Dell, Drydale and McLeods Waterholes Heritage Areas). Where this is not possible, Council will support the following:
  - Where a street is predominantly bluestone (70%), re-instatement of original street detailing should occur.
  - Where a street is fragmented between bluestone and concrete, this should form the basis of the kerb and channel in the street.
  - Where a street is predominantly concrete, this should form the basis of the kerb and channel in the street.
  - In laneways with bluestone detail, the bluestone detail should be retained and pavements should be reconstructed with either a chip seal and gravel or asphalt surface.
  - Where a concrete tray is used with bluestone kerb, the concrete should be treated with a colour mix to give a faded grey colour.
- Require an application to subdivide land to provide documentation which demonstrates:
  - That the pattern of the proposed subdivision will not adversely affect the significance of the original subdivision.
  - How the subdivision will enhance/conserve the significance of the surrounding heritage buildings and/or precinct.
  - That the effects of the subdivision on the cultural heritage significance of the place are minimised.

References

Geelong Region Historic Buildings and Objects Study Volumes 1-3, prepared by Allan Willingham for the Geelong Regional Commission, (1986).

Geelong City Urban Conservation Study, Volume 1, prepared by Graeme Butler for the City of Geelong, (1993).

Geelong City Urban Conservation Study, Volumes 2-5, prepared by Graeme Butler for the City of Geelong, (1991).

Geelong City Urban Conservation Study, Volume 4(a), prepared by Helen Lardner for the City of Greater Geelong, (1995).

City of Geelong West Urban Conservation Study, Volumes 1-2, prepared by Huddle, Aitken and Honman for the City of Geelong West, (1986).

City of Newtown Urban Conservation Study, Volumes 1-4, prepared by Context Pty Ltd for the City of Newtown, (1991).

City of Newtown Urban Conservation Study, Volumes 5(a) and 5(b), prepared by Richard Peterson for the City of Greater Geelong, (1997).

Bellarine Heritage Study, Volumes 1-3, prepared by Huddle, Howe, Lewis and Francis for the City of Greater Geelong, (1996).

City of Greater Geelong Heritage and Design Guidelines, (1997).

The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance (The Burra Charter), Australia ICOMOS (1988).

Greater Geelong Outer Areas Heritage Study, Volume 1 (excluding Belmont precincts) and Volume 2, prepared by Authentic Heritage Services Pty Ltd (2000).

Belmont Heritage Areas Report, Volume 1, prepared by Dr David Rowe, Authentic Heritage Services Pty Ltd (2007).

Belmont Heritage Areas: Inventory of Places, Volume 2, prepared by Dr David Rowe, Authentic Heritage Services Pty Ltd (2007) & peer reviewed by Wendy Jacobs, Architect & Heritage Consultant.

Belmont Heritage Report: Individual Citations, Volume 3, prepared by Dr David Rowe, Authentic Heritage Services Pty Ltd (2007).

Statement of Significance for the former stables to Armytage House and classrooms 19-21 Hermitage Road, Newtown, prepared by Dr David Rowe and Kevin Krastins (2003).

Geelong Sale Yards Conservation Management Plan, prepared by Dr David Rowe and Wendy Jacobs (September 2007).

Newtown Heritage Study, Volumes 1-3, Adopted July 2009, prepared by the City of Greater Geelong (2008).

Ashby Heritage Review, Stage 2, 2009, Adopted January 2010, prepared by Dr David Rowe and Wendy Jacobs.

Lara Heritage Review, Volumes 1, & 2 (February 2013 Revised May 2016) & Volume 3 (August 2013 Revised May 2016), prepared by Dr David Rowe and Wendy Jacobs.

20/08/2015
C274

SCHEDULE TO CLAUSE 81.01

Name of document	Introduced by:
14 Shepherd Court, North Geelong, Cotton On Office Redevelopment, July 2011	**C257**
Adventure Park Comprehensive Development Plan May 2014	**C288**
Advertising Sign Guidelines, City of Greater Geelong, November 1997, Amended October 2014.	**C296**
Anakie, Lara & Lovely Banks Heritage Places Incorporated Plan, May 2016	**C316**
Armstrong Creek East Native Vegetation Precinct Plan, May 2010	**C206**
Armstrong Creek East Precinct Structure Plan, May 2010 Amended November 2011.	**C214**
Armstrong Creek East Precinct Development Contributions Plan, Version 4.1 Alternate Version November 2011.	**C214**
Armstrong Creek Horseshoe Bend Precinct Structure Plan September 2014.	**C259**
Armstrong Creek North East Industrial Precinct Development Contributions Plan, May 2010.	**C207**
Armstrong Creek North East Industrial Precinct Growling Grass Frog Conservation Management Plan, May 2010.	**C207**
Armstrong Creek North East Industrial Precinct Native Vegetation Precinct Plan, May 2010.	**C207**
Armstrong Creek North East Industrial Precinct, Precinct Structure Plan, May 2010.	**C207**
Armstrong Creek Town Centre Precinct Structure Plan, March 2014	**C267**
Armstrong Creek Town Centre Development Contributions Plan, March 2014	**C267**
Armstrong Creek Town Centre Native Vegetation Precinct Plan, March 2014	**C267**
Armstrong Creek Urban Growth Plan Framework Plan, November 2008, Updated September 2012	**C240**
Armstrong Creek West Precinct Development Contributions Plan, February 2013	**C240**
Armstrong Creek West Precinct Native Vegetation Precinct Plan, November 2012	**C240**
Armstrong Creek West Precinct Structure Plan, September 2012	**C240**
Australian Standard AS 2021-1994, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction. Standards Association of Australia 1994.	**NPS1**
Batman Park, Indented Head Incorporated Plan, June 2015	**C274**
Environmental Weeds, City of Greater Geelong, September 2008	**C129(Part 1)**
Geelong City Urban Conservation Study Vol. 1 Restoration and Infill Guidelines, Commercial and Civic Buildings, Graeme Butler for the City of Geelong, 1993	**C258**
Geelong Library and Heritage Centre Redevelopment, March 2013	**C287**
Geelong Ring Road – Section 4C Incorporated Document, June 2010.	**C232**
Geelong TAC Office Development, October 2006.	**C142**
Heritage and Design Guidelines, City of Greater Geelong, 1997.	**NPS1**
Horseshoe Bend Precinct Development Contributions Plan September	**C259**

Name of document	Introduced by:
2014.	
Jetty Road Urban Growth Area Development Contributions Plan, September 2011	**C230**
Lara West Development Contributions Plan, Final Version – C246/C285, March 2014	**C285**
Lara West Growth Area, Lara, Native Vegetation Precinct Plan, September 2013	**C246**
Lara West Precinct Structure Plan, Revision J, 25 September 2013	**C246**
Melbourne Geelong Interconnection Project, June 2010.	**C229**
Manzeene Village, Lara, Native Vegetation Precinct Plan, June 2014	**C285**
Native Vegetation Precinct Plan, Geelong Ring Road Employment Precinct, March 2013	**C243**
Native Vegetation Precinct Plan, Horseshoe Bend Precinct, Armstrong Creek Urban Growth Area August 2014.	**C259**
Newtown Heritage Study Review Report, Volume 3, City of Greater Geelong, 2008	**C191**
New Station Estate Restructure Plan, July 2010	**C187**
Rail Infrastructure Projects (comprising the Rail Gauge Standardisation Project, the Regional Fast Rail Project and the Fibre Optic Project), December 2002.	**VC17**
Rail Upgrades at Geelong Port Project, May 2010.	**C211**
Rippleside Comprehensive Development Plan, February 2000.	**C2**
Rippleside Urban Design Guidelines, June 2000.	**C2**
Small Lot Housing Code, December 2012	**C267**
Thirteenth Beach Golf Resort Barwon Heads, Barwon Heads Comprehensive Development Plan, Land Design Partnership, Anthony Cashmore & Associates and the Planning Group, May 2001 amended September 2006.	**C54**
Waterfront Geelong Design and Development Code, Keys Young, July 1996	**NPS1**
West Fyans-Fyans Street Precinct Structure Plan, June 2009	**C205**

Additions to the Heritage Schedule

11/02/2016
C340
Proposed C316

SCHEDULE TO THE HERITAGE OVERLAY

The requirements of this overlay apply to both the heritage place and its associated land.

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO104	**Aberdeen Street Baptist Manse** 1 Aberdeen Street, Newtown	Yes	Yes	No	No	No	Yes		No
HO105	**Aberdeen Street Baptist Church (former)** 3 Aberdeen Street, Newtown	-	-	-	-	Yes Ref.No.H426	Yes		No
HO103	**Aberdeen Street Baptist Church (present)** 7 Aberdeen Street, Newtown	-	-	-	-	Yes Ref.No.H427	Yes		No
HO1206	**"Rosnashane", Reception Centre** 11 Aberdeen Street, Newtown	Yes	No	No	No	No	No		No
HO600	**Office** 14 Aberdeen Street, Geelong West	No	No	No	No	No	No		No
HO601	**Office** 16 Aberdeen Street, Geelong West	No	No	No	No	No	No		No
HO602	**Office** 18 Aberdeen Street, Geelong West	No	No	No	No	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO627	**Residence** 180 Autumn Street, Geelong West	Yes	No	No	No	No	No		No
HO628	**Residence** 201 Autumn Street, Geelong West	No	No	No	No	No	No		No
HO629	**Residence** 302 Autumn Street, Geelong West	No	No	No	No	No	No		No
HO59	**"Avalon"** Woolshed, 470 Avalon Road, Avalon	Yes	No	No	No	No	Yes		No
HO26	**"Avalon" Homestead,** 480 Avalon Road, Avalon	Yes	Yes	No	No	No	Yes		No
HO16	**"Elcho"** Homestead, 605 Bacchus Marsh Road, Lovely Banks	-	-	-	-	Yes Ref.No.H283	Yes		No
HO1964	**Residence** 785 Bacchus Marsh Road, Anakie To the extent of the dwelling and a curtilage of 10 metres.	No	No	No	No	No	No	Anakie, Lara & Lovely Banks Heritage Places	No
HO281	**"Wooloomanata"** Homestead, 1580 Bacchus Marsh Road, Lara	Yes	Yes	No	Yes- outbuilding	No	Yes		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO639	**Residence** 5 Bowlers Ave, Geelong West	No	No	No	No	No	No		No
HO1987	**Former Duck Ponds Parsonage and School** 25 Branch Road, Little River. To the extent of the former parsonage and school building, including a curtilage of 10 metres on all sides.	Yes	No	No	No	No	No		No
HO158	**"Greystanes"** House, 2 Brassey Avenue, Highton	Yes	No	Yes	No	No	Yes		No
HO54	**Breakwater** Breakwater Road, Breakwater	No	No	No	No	No	No		No
HO884	**Residence** 3 Breakwater Road, Breakwater	Yes	No	No	Yes- outbuildings	No	No		No
HO1712	Ruinous Cottage (to the extent of the area to the front boundary line, 5 metres to the north and south and 10 metres to the east from the ruinous cottage) 291-295 Breamlea Road, Connewarre	No	No	No	No	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO1725	**Geelong Christian College, Junior Campus** 39-47 Broughton Drive, Belmont	Yes	No	Yes- 1 Norfolk Pine tree only	No	No	Yes		No
HO887	**Residence** 4 Brown Street, Geelong	No	No	No	Yes-fence	No	No		No
HO1544	**St. John's Anglican Church** 11 Brown Street, Portarlington	Yes	No	No	No	No	Yes		No
HO888	**Residence** 13 Brown Street, Geelong	No	No	No	Yes- fence	No	No		No
HO1545	**Masonic Hall** former Temperance Hall only 28 Brown Street, Portarlington	Yes	No	No	No	No	Yes		No
HO1966	**"Laurence Park"** Residence, 125 Buckingham Street, Lara To the extent of the dwelling and outbuildings to a depth of 60 metres from the front boundary and 1500 mm either side of the outbuildings to the dwelling	Yes	No	NO	Yes Stone stables and ruins	No	No		No
HO1256	**"Sayonara"** Residence, 12 Buckland Avenue, Newtown	No	No	No	Yes- fence	No	No		No

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HO1968	**Tower and Lintel stone** Holy Trinity Church, 29 Curletts Road, Lara To the extent of the tower and Lintel stone only.	Yes	No	No	No	No	No		No
HO1969	**Cottage** 85 Curletts Road, Lara To the extent of the front fenced portion of the site, including the dwelling and attached structures, to a depth of 40 metres from the front boundary.	No	No	No	No	No	No	Anakie, Lara & Lovely Banks Heritage Places	No
HO661	**Residence** 5 Dearnley Street, Geelong West	Yes	No	No	Yes- fence	No	No		No
HO370	**Greenstones Axe Quarry** Off Dog Rocks Road, Batesford	No	No	No	No	No	No		No
HO662	**Residence** 4 Douglass Street, Geelong West	No	No	No	No	No	No		No
HO1555	**Ocean Grove Primary School** 23 Draper Street, Ocean Grove	No	No	Yes	No	No	Yes		No
HO1556	**Hall (former St. Peter's Church of England)** 33 Draper Street, Ocean Grove	No	No	Yes	No	No	Yes		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO1970	**Pioneers' Memorial Cairn** 1B Flinders Avenue, Lara To the extent of the surrounding curtilege bounded by the corner kerb (south west) and the footpath (north) encompassing the mulched area.	Yes	No	No	No	No	No		No
HO1971	**Lara Uniting Church Complex** 1B Flinders Avenue, Lara	Yes	No	No	No	No	No	Anakie, Lara & Lovely Banks Heritage Places	No
HO1972	**"The Pines"** Residence, 450 Flinders Avenue, Lara To the extent of the front portion of the site, including the front garden and side driveway, Edwardian dwelling and the rear yard of the dwelling enclosed by fencing.	No	No	No	No	No	No	Anakie, Lara & Lovely Banks Heritage Places	No
HO1668	**Shop** 1 Flinders Parade, Barwon Heads	Yes	No	No	No	No	Yes		No
HO382	**Matthew Flinders Memorial Plaques** Flinders Peak, You Yangs To the extent of all the land within 5 metres of the plaque.	Yes	No	No	No	No	No		No

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HO1973	**Limella Cottage** 31 – 45 Forest Road South, Lara	No	No	Yes To the peppercorn trees on the south side of the property.	No	No	No		No
HO1974	**Cottage** 51 Forest Road South, Lara To the extent of the entire site, to all the boundaries of the title.	No	No	No	No	No	No		No

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HO1975	**Former Lake Bank Hotel Complex** 110-120 Forest Road South, Lara To the extent of: • the part of the former hotel site, including the former hotel building and outbuildings, situated on lots 2 – 10 of Plan of Subdivision 708889; • the full length of of the stone wall that extends along the Forest Road boundary, with a 1 metre curtilege on each side of the wall; • the gabled outbuilding in the wall, with a 1 metre curtilege; • the Forest Road South road reservation immediately outside of the hotel building complex; and the south-eastern portion of the road reserve of Museum Place to the west of the building complex.	Yes	Yes	Yes	Yes	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO1976	**Clover Hill Farm** 155 Forest Road South, Lara To the extent of the surviving dwelling and land 5 metres each side and 20 metres to the rear and the land between the dwelling and the Forest Road South boundary.	Yes	No	No	No	No	No	Anakie, Lara & Loveley Banks Heritage Places	No
HO932	**Residence** 30 Foster Street, Geelong	Yes	No	No	No	No	No		No
HO1788	**Residence** 2 Francis Street, Belmont	No	No	No	No	No	No		No
HO1789	**Residence** 4 Francis Street, Belmont	No	No	No	No	No	No		No
HO1790	**Residence** 5 Francis Street, Belmont	No	No	No	No	No	No		No
HO1791	**Residence** 6 Francis Street, Belmont	No	No	No	No	No	No		No
HO1792	**Residence** 11 Francis Street, Belmont	No	No	No	No	No	No		No

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HO14	**"Merchiston Hall"** Residence, 2A Garden St, Geelong	-	-	-	-	Yes Ref.No.H192	Yes		No
HO937	**Residence** 8 Garden Street, Geelong	Yes	No	No	No	No	No		No
HO938	**Shop and Residence** 24 Garden Street, Geelong	Yes	No	No	No	No	Yes		No
HO939	**Residence** 77 Garden Street, Geelong	No	No	No	Yes- fence	No	No		No
HO940	**Residence** 102 Garden Street, Geelong	Yes	No	No	No	No	No		No
HO941	**Residence** 117 Garden Street, Geelong	Yes	No	No	No	No	No		No
HO943	**Residence** 185 Garden Street, Geelong	No	No	No	Yes- fence	No	No		No
HO1977	**Cottage complex** 80 Gebbies Road, Lara	Yes	No	Yes Peppercorn trees	Yes Former Kitchen, dairy, bakery and farm outbuilding in the south-east corner of the site.	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO1803	**Residence** 5 Herd Road, Belmont	No	No	No	No	No	No		No
HO1804	**Residence** 19 Herd Road, Belmont	No	No	No	Yes- front fence	No	No		No
HO1907	**Armytage House Stables and classrooms (former) and The Hermitage Church of England Girls Grammar School classrooms (former)** 19-21 Hermitage Road, Newtown	Yes	No	No	No	No	Yes		No
HO698	**Residence** 48 Heytesbury Street, Herne Hill	Yes	No	No	No	No	No		No
HO1978	**House and Dairy outbuilding** 30 Hicks Street, Lara To the grouping of buildings within the south-west corner of property.	No	No	No	Yes Small gabled stone outbuilding.	No	No		No
HO1805	**Residence** 84 High Street, Belmont	No	No	No	No	No	No		No
HO1806	**Residence** 86 High Street, Belmont	No	No	No	No	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO1103	**Alexander Miller Memorial Homes** 22A Park Street, Geelong	-	-	-	-	Yes Ref.No.H1182	No		No
HO1979	**"Lochnaben"** 295 Patullos Road, Lara To the dwelling and curtilege encompassing the tree-lined east and west property boundaries, front boundary and the row of trees on the east-west axis to the rear of the dwelling.	No	No	No	No	No	No	Anakie, Lara & Lovely Banks Heritage Places.	No
HO1980	**Tallaranie Homestead** 170 Peak School Road, Lara To the extent of the dwelling and the fenced-off homestead garden.	No	No	No	No	No	No	Anakie, Lara & Lovely Banks Heritage Places.	No
HO1846	**Residence** 2 Peary Street, Belmont	No	No	Yes- liquid amber, native and golden ash trees	No	No	No		No
HO1847	**Residence** 6 Peary Street, Belmont	No	No	No	Yes- front fence	No	No		No
HO1849	**Residence** 22 Peary Street, Belmont	Yes	No	No	Yes- front fence	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO1913	**Residence** 29 Regent Street, Belmont	No	No	No	No	No	No		No
HO1914	**Residence** 31 Regent Street, Belmont	No	No	No	No	No	No		No
HO1862	**St. Stephen's Anglican Church** 42-42A Regent Street, Belmont	Yes	No	No	No	No	Yes		No
HO1864	**Belmont Heights Neighbourhood Park** Fronting Regent Street and Amundsen Street, Belmont	Yes	No	Yes	No	No	No		No
HO280	**Corio Shire Hall (former)** 2 Rennie Street, Lara	Yes	No	No	No	No	Yes		No
HO1981	**Former Corio Shire Engineer's Residence** 8 Rennie Street, Lara	No	No	No	No	No	No		No
HO1401	**Residence & Convenience Shop** 9 Retreat Road, Newtown	Yes	No	No	No	No	Yes		No
HO1402	**Residence** 11 Retreat Road, Newtown	Yes	No	Yes	Yes- fence	No	No		No

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO1595	**"Edina Cottage"** Residence, 11 St. Leonards Street, Leonards	Yes	No	No	No	No	No		No
HO1988	**"Kia Ora"** Dwelling, 75 Staceys Road, Lovely Banks To the fence line approximately 15 metres north of the front wall of the dwelling; To a line parallel to and 8 metres to the west of the western wall of the dwelling; To a line parallel to and 14 metres to the east of the eastern most section of the eastern wall of the dwelling; To a line parallel to and 18 metres to the south of the southern-most hip roof on the southern side of the dwelling.	No	No	No	No	No	No	Anakie, Lara & Lovely Banks Heritage Places	No
HO1708	**Timber Cottage** 127-137 Staceys Road, Connewarre	No	No	No	Yes- outbuilding	No	No		No

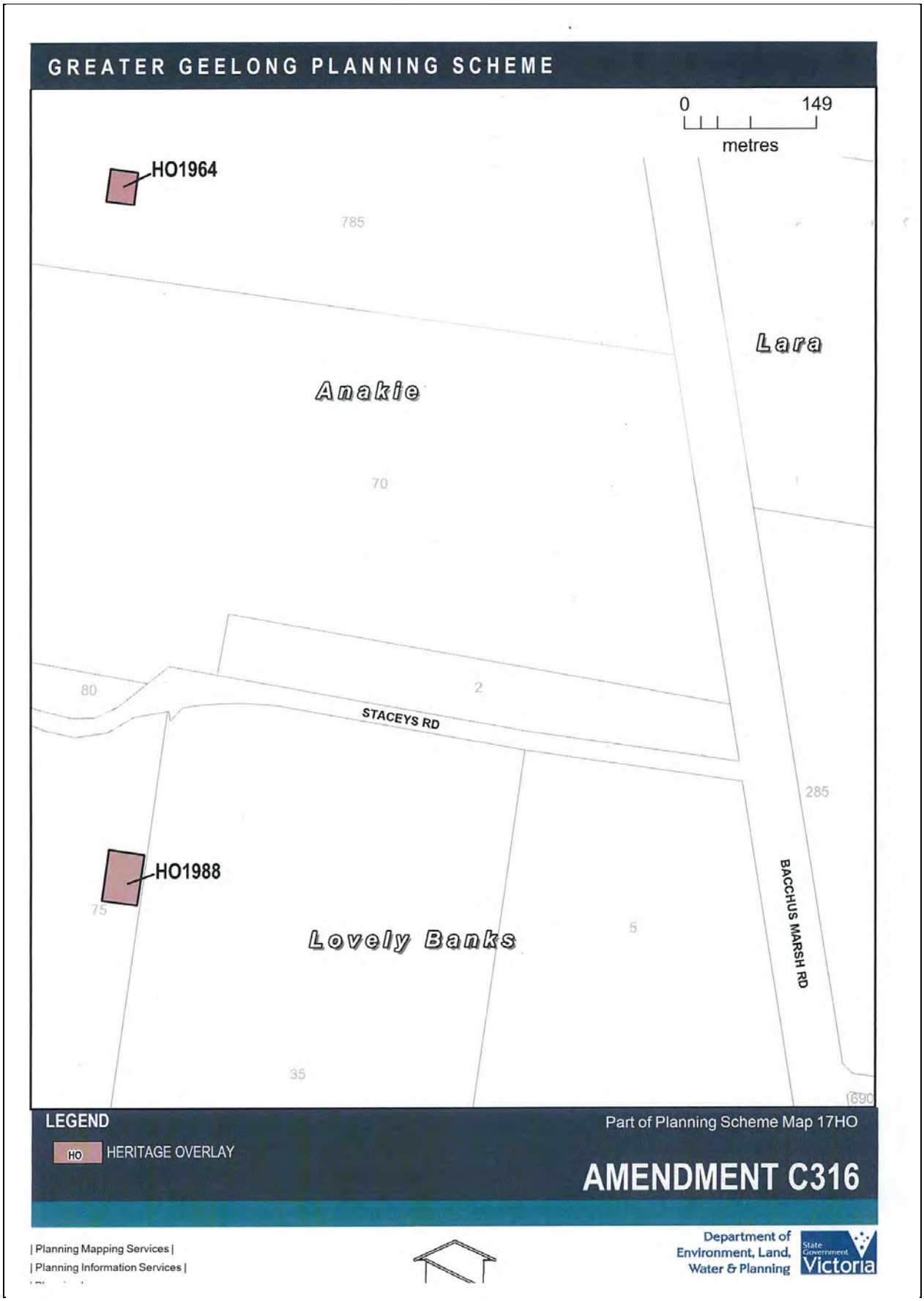
PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO1965	**"Roselea"** Residence, 450 Staceys Road, Anakie To the extent of the "Roselea" dwelling and immediate curtilage of the homestead garden and land to the Staceys Road boundary, as well as the land including the rear gabled outbuilding close to the rear of the dwelling.	No	No	No	Yes Small gabled outbuilding at the rear of the dwelling.	No	No	Anakie, Lara & Lovely Banks Heritage Places	No
HO1596	**Drysdale Weighbridge** Opposite 1-12 Station Street, Drysdale To the extent of all the land within 10 metres of the weighbridge.	Yes	No	No	No	No	No		No
HO1597	**Drysdale Railway Station** 2-10 Station Street, Drysdale To the extent of all the land within 20 metres of the railway station building.	No	No	No	No	No	Yes		No
HO24	**"Staughton Vale"** Homestead, 750 Staughton Vale Road, Staughton Vale	Yes	No	No	No	No	Yes		No
HO205	**"Newtown Brae"** House, 13-15 Stephen Street, Newtown	Yes	No	No	No	No	Yes		No

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HO776	**Residence** 38 Volum Street, Geelong West	No	No	No	No	No	No		No
HO1982	**Bills Trough** Corner Walker and Rennie Streets, Lara To the extent of a 5 metre perimeter around the trough.	Yes	No	No	No	No	No		No
HO1983	**Waverley** Residence, 14 Walkers Road, Lara	No	No	No	No	No	No		No

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HO1984	**Avenues of Honour, Cypresses, Memorial Gates & Fencing** Walkers Road, Lara To the extent of,:: • The Avenue of Honour of Pinus Lambertianas in Walkers Road; • Six Golden Lambertianas adjacent to the Memorial Gates & Fencing; • Remnant Soldiers' Avenue of Sugar Gums in the Recreation Reserve; • Rows of Pinus Lambertianas & Cypresses forming the boundary of the Recreation Reserve; and • The Memorial Gates & Fencing. Each to include a curtilage of 2 metres.	Yes	No	Yes The Avenue of Honour of Pinus Lambertianas in Walkers Road; Six Golden Lambertianas adjacent to the Memorial Gates & Fencing; Remnant Soldiers' Avenue of Sugar Gums in the Recreation Reserve; and Rows of Pinus Lambertianas & Cypresses forming the Northern boundary of the Recreation Reserve; Each to include a curtilage of 2 metres from the drip line of the tree.	Yes	No	No		No

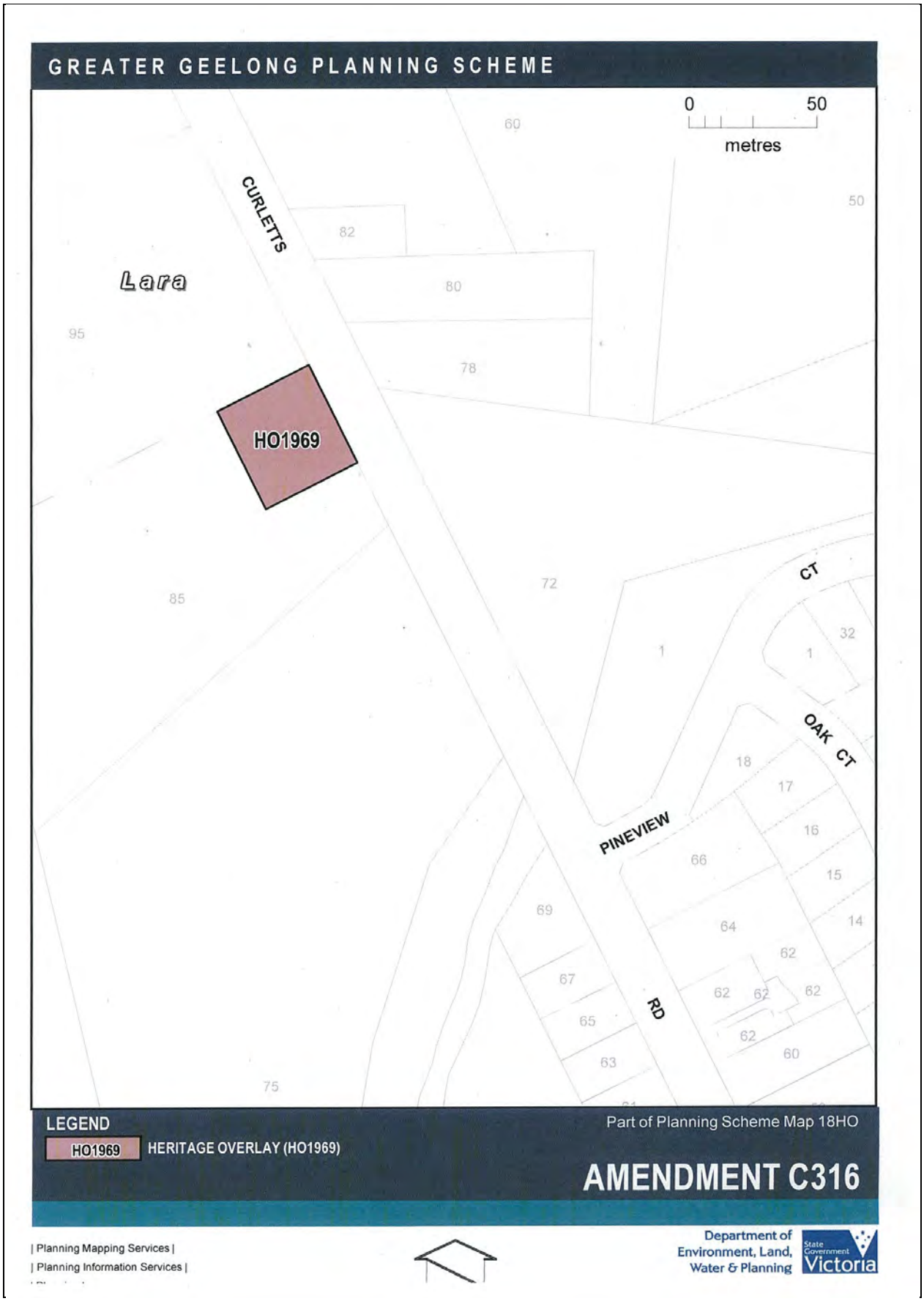
PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO1636	**Newington Cemetery** 309 Wallington Road, Wallington (C/A 17 Sec 4) To the extent of all the land within a 20 metre perimeter of the grave plaque.	No	No	No	No	No	No		No
HO1609	**Uniting Church** 376 Wallington Road, Wallington	No	No	No	No	No	Yes		No
HO1610	**Residence** 580 Wallington Road, Wallington	No	No	No	Yes- outbuilding	No	No		No
HO1611	**Wallington Hall** 610 Wallington Road, Wallington	No	No	No	No	No	Yes		No
HO1969	**Former Ropeworks Substation & Dining Hall** 2 Waratah Street Geelong West	Yes – electric sub-station building	No	No	No	No	Yes		No
HO1985	**Former Presbyterian Church** Lara Community Centre 11 Waverley Road, Lara	No	No	No	No	No	No		No

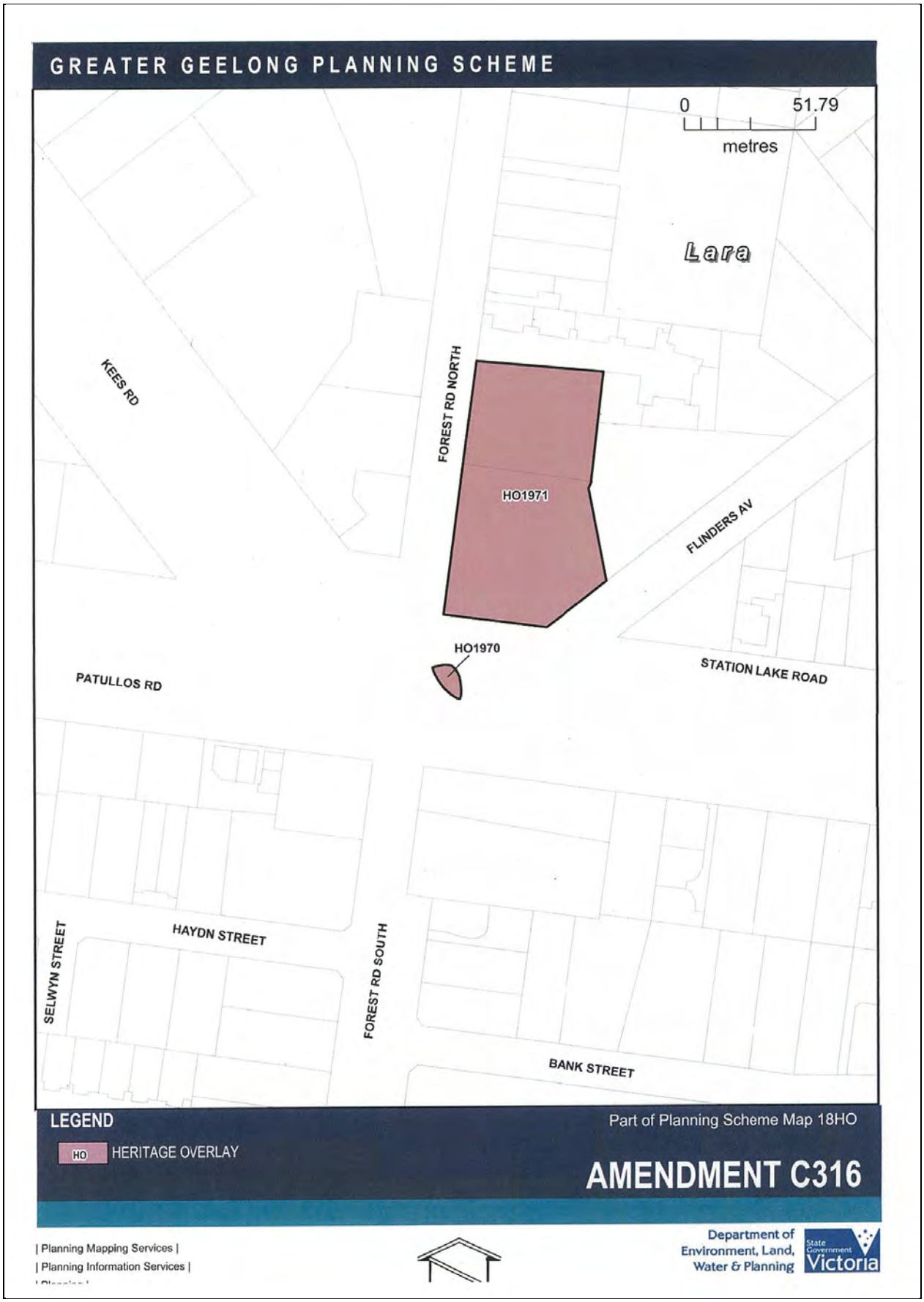
Heritage Overlay Maps

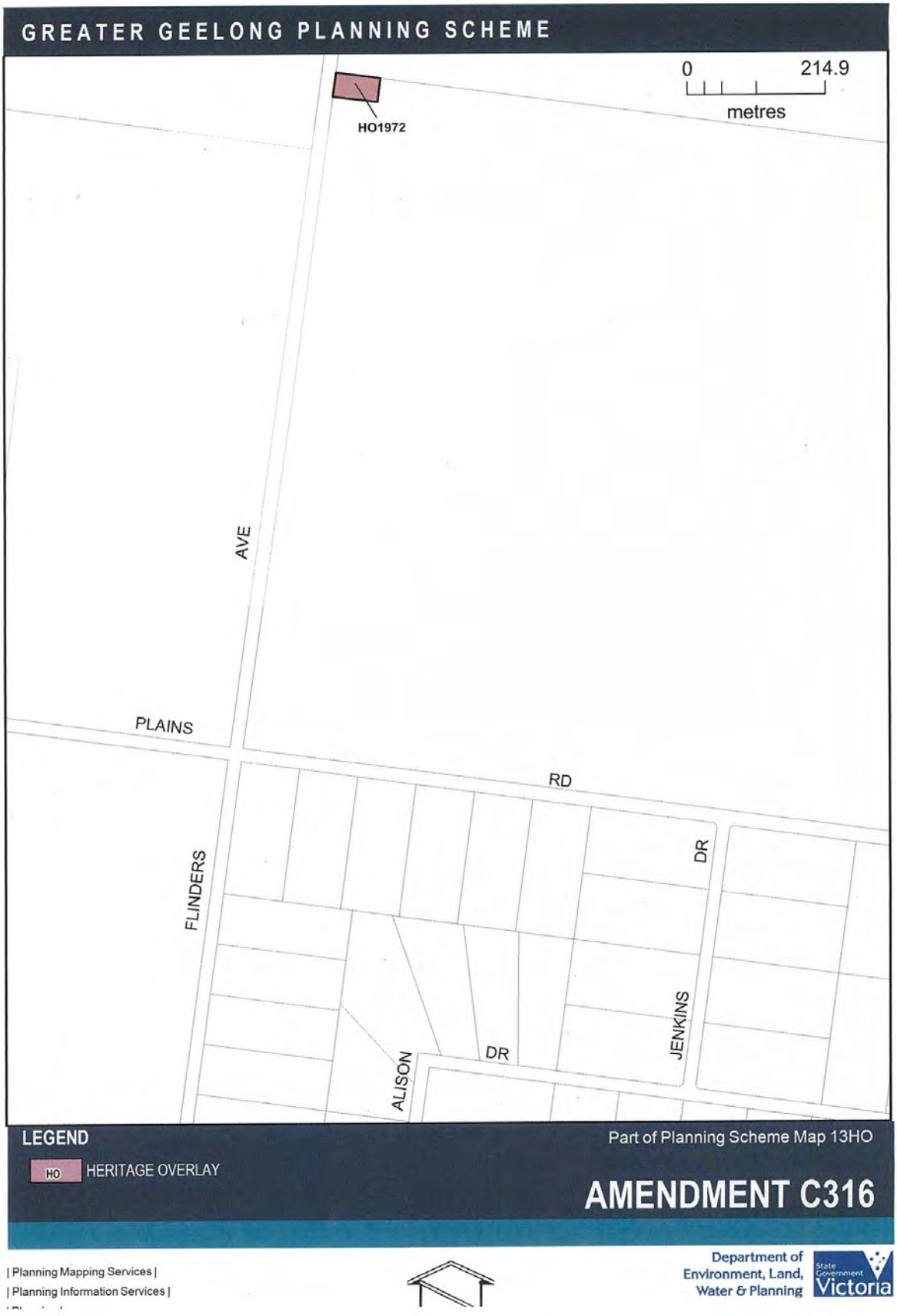



GREATER GEELONG PLANNING SCHEME
0
50
metres
Lara
BUCKINGHAM
AV
NANKEEN
DARTER
CT
HO1966
Mc HARRYS
RD
ST
GREBE
CT
GRAND
LAKES
WAY
MATHIESON
PL
LEGEND
HO1966
HERITAGE OVERLAY (HO1966)
Part of Planning Scheme Map 18HO
AMENDMENT C316
| Planning Mapping Services |
| Planning Information Services |
Department of Environment, Land, Water & Planning
State Government Victoria


GREATER GEELONG PLANNING SCHEME
0
31.33
metres
HO1968
FLINDERS AV
MARKSHILL PLACE
MELROSE STREET
CURLETTS RD
LEGEND
HO
HERITAGE OVERLAY
Part of Planning Scheme Map 19HO
AMENDMENT C316
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State Government Victoria

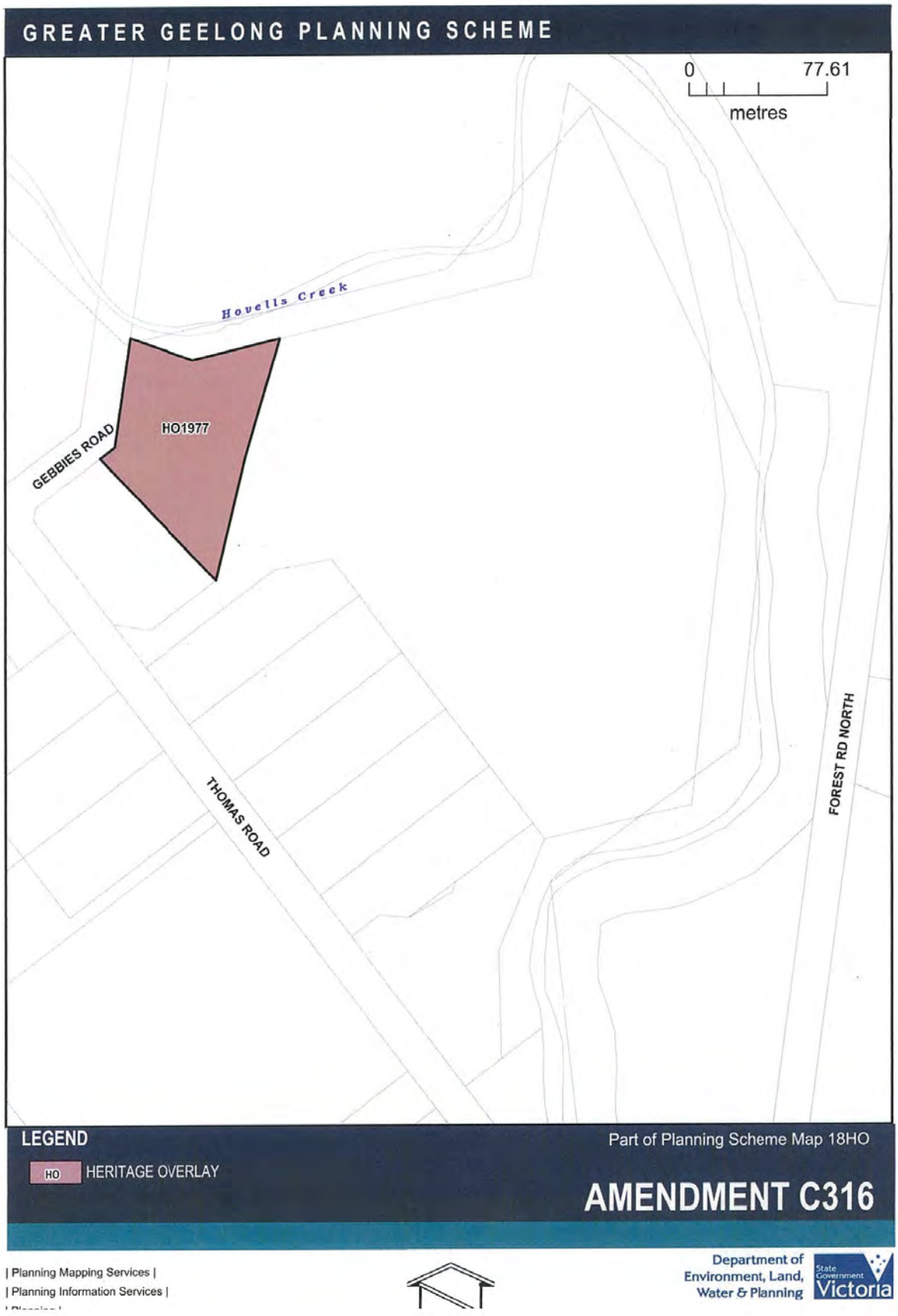

GREATER GEELONG PLANNING SCHEME
0
50
metres
CURLETTS
Lara
HO1969
PINEVIEW
CT
OAK CT
RD
LEGEND
HO1969
HERITAGE OVERLAY (HO1969)
Part of Planning Scheme Map 18HO
AMENDMENT C316
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State Government Victoria


GREATER GEELONG PLANNING SCHEME
0
51.79
metres
Lara
KEES RD
FOREST RD NORTH
HO1971
FLINDERS AV
HO1970
PATULLOS RD
STATION LAKE ROAD
SELWYN STREET
HAYDN STREET
FOREST RD SOUTH
BANK STREET
LEGEND
HO HERITAGE OVERLAY
Part of Planning Scheme Map 18HO
AMENDMENT C316
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| Planning Information Services |
Department of Environment, Land, Water & Planning
State Government Victoria


GREATER GEELONG PLANNING SCHEME
0
214.9
metres
HO1972
AVE
PLAINS
RD
FLINDERS
DR
JENKINS
DR
ALISON
LEGEND
HO
HERITAGE OVERLAY
Part of Planning Scheme Map 13HO
AMENDMENT C316
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State Government Victoria

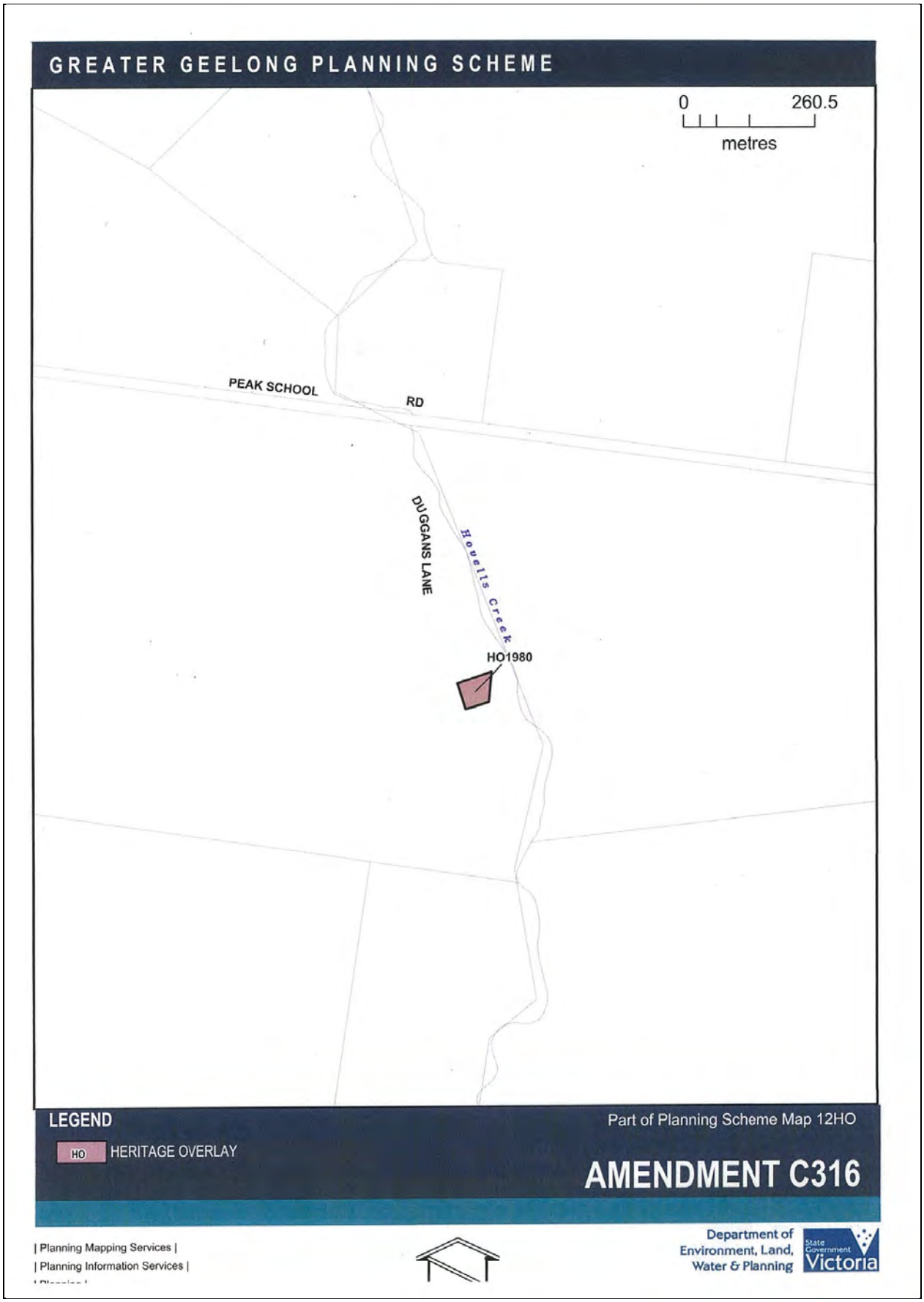

GREATER GEELONG PLANNING SCHEME
SAINTFIELD STREET
COUNTRY GARDENS DRIVE
MAGNOLIA COURT
MUSEUM PLACE
FOREST RD SOUTH
ROCK STREET
NEWELL STREET
SONIA COURT
MISTEN COURT
0
76.63
metres
HO1975
CANTERBURY ROAD E
MAGPIE CLOSE
SPARROW COURT
BLACKBIRD CIRCUIT
HO1976
LEGEND
HO HERITAGE OVERLAY
Part of Planning Scheme Map 18HO
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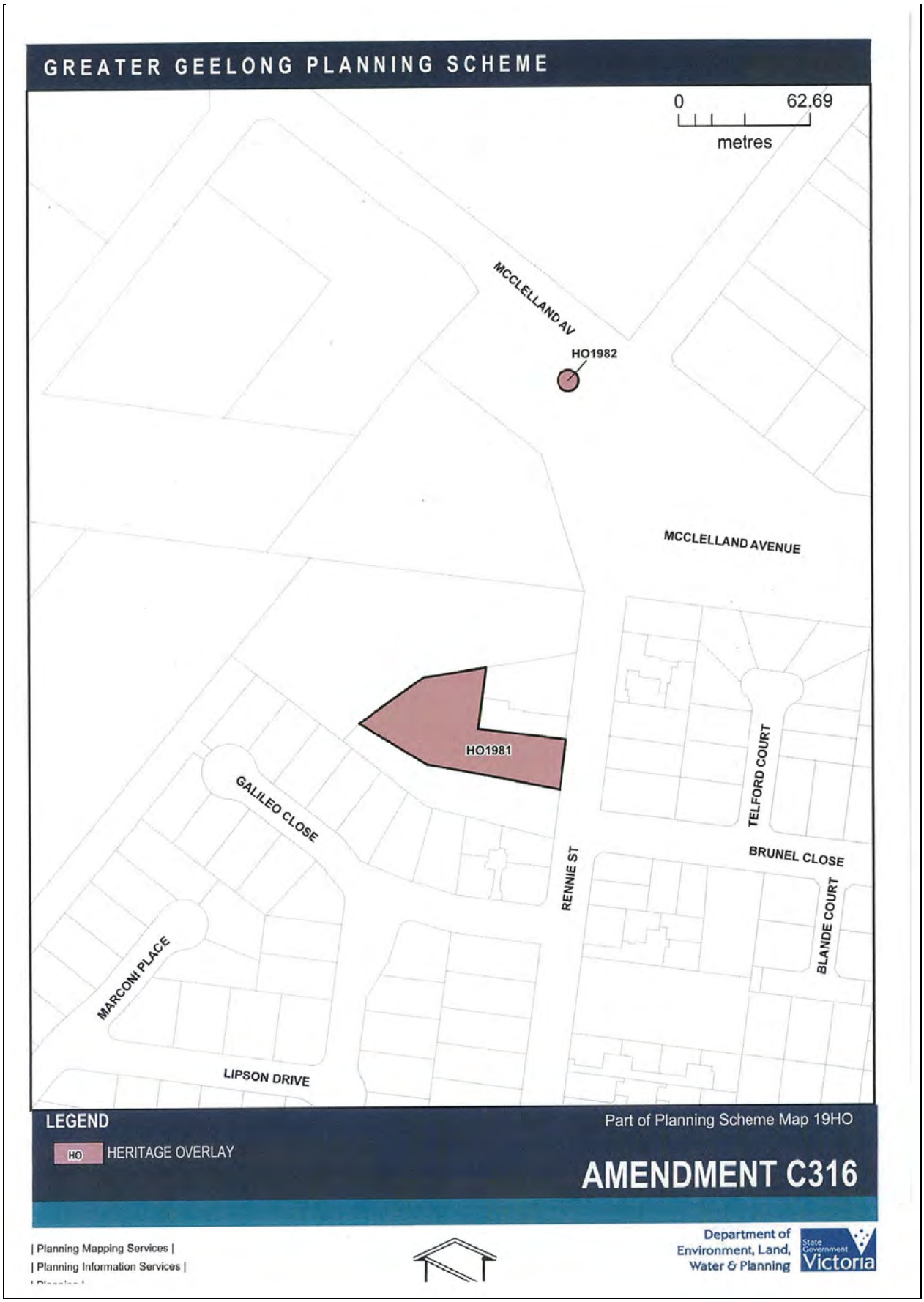

GREATER GEELONG PLANNING SCHEME
FISHER ST
0
50
metres
SOUTH RD
Lara
BUCKINGHAM ST
HO1973
HO1974
CT
VICTOR PL
FRANCIS
FOREST
RUBENA CR
Part of Planning Scheme Map 18HO
HO
HERITAGE OVERLAY
AMENDMENT C316
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State Government Victoria

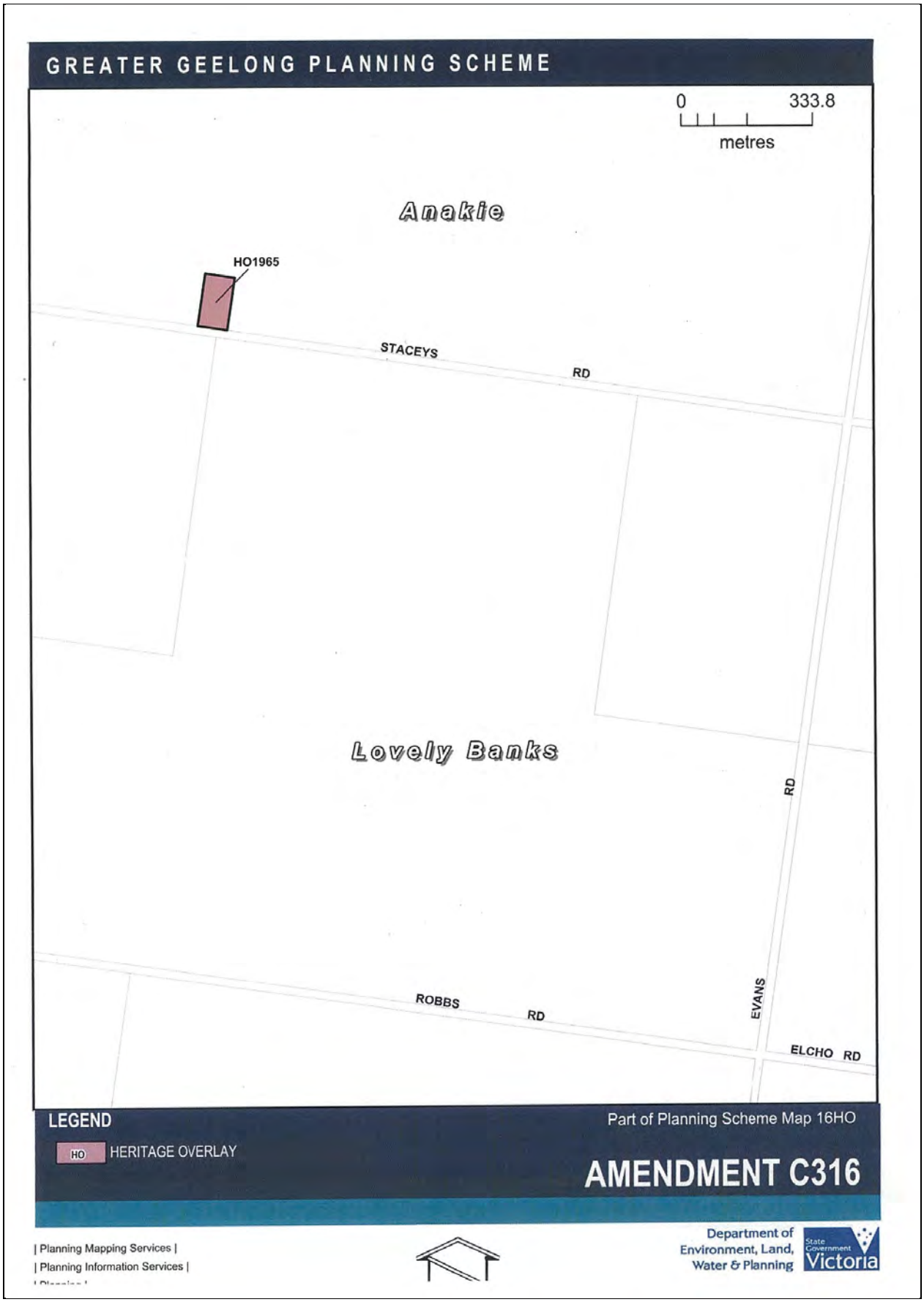

GREATER GEELONG PLANNING SCHEME
0
77.61
metres
Hovells Creek
HO1977
GEBBIES ROAD
THOMAS ROAD
FOREST RD NORTH
LEGEND
HO
HERITAGE OVERLAY
Part of Planning Scheme Map 18HO
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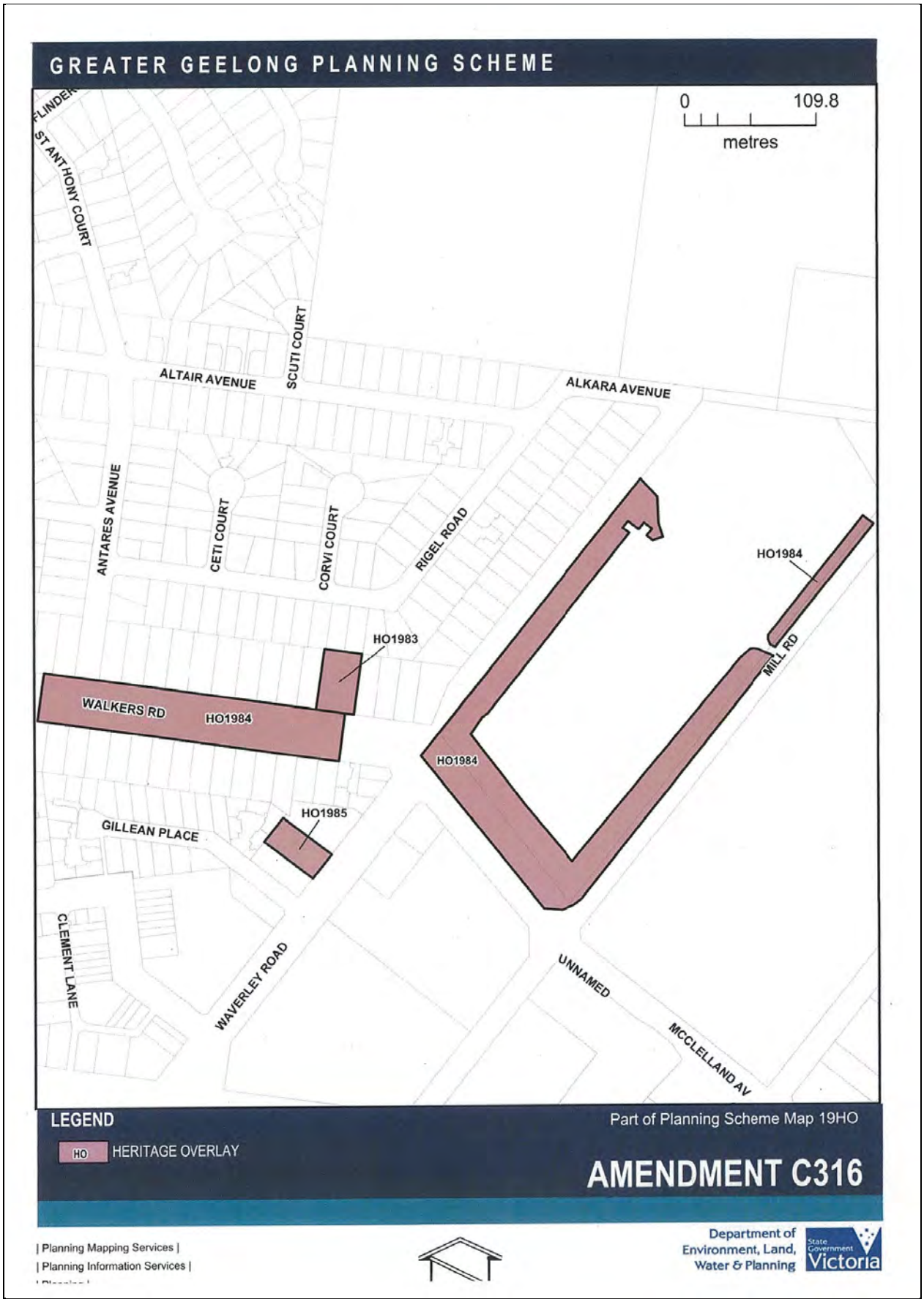

GREATER GEELONG PLANNING SCHEME
0
44.66
metres
HO1978
HICKS STREET
BATES ROAD
CLOVER STREET
BROWNLOW COURT
LEGEND
HO
HERITAGE OVERLAY
Part of Planning Scheme Map 19HO
AMENDMENT C316
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State Government Victoria


GREATER GEELONG PLANNING SCHEME
0
260.5
metres
HO1979
PATULLOS ROAD
LINKS
ST
ELCHO RD
LEGEND
HO
HERITAGE OVERLAY
Part of Planning Scheme Map 18HO
AMENDMENT C316
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State Government Victoria


GREATER GEELONG PLANNING SCHEME
0
260.5
metres
PEAK SCHOOL
RD
DUGGANS LANE
Howells Creek
HO1980
LEGEND
HO
HERITAGE OVERLAY
Part of Planning Scheme Map 12HO
AMENDMENT C316
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Water & Planning
State
Government
Victoria


GREATER GEELONG PLANNING SCHEME
0
62.69
metres
MCCLELLAND AV
HO1982
MCCLELLAND AVENUE
HO1981
GALILEO CLOSE
TELFORD COURT
BRUNEL CLOSE
RENNIE ST
BLANDE COURT
MARCONI PLACE
LIPSON DRIVE
LEGEND
HO
HERITAGE OVERLAY
Part of Planning Scheme Map 19HO
AMENDMENT C316
| Planning Mapping Services |
| Planning Information Services |
Department of Environment, Land, Water & Planning
State Government Victoria


GREATER GEELONG PLANNING SCHEME
0
333.8
metres
Anakie
HO1965
STACEYS
RD
Lovely Banks
RD
ROBBS
RD
EVANS
ELCHO RD
LEGEND
HO
HERITAGE OVERLAY
Part of Planning Scheme Map 16HO
AMENDMENT C316
| Planning Mapping Services |
| Planning Information Services |
Department of Environment, Land, Water & Planning
State Government Victoria


GREATER GEELONG PLANNING SCHEME
0
109.8
metres
FLINDER
ST ANTHONY COURT
SCUTI COURT
ALTAIR AVENUE
ALKARA AVENUE
ANTARES AVENUE
CETI COURT
CORVI COURT
RIGEL ROAD
HO1984
HO1983
MILL RD
WALKERS RD
HO1984
HO1984
HO1985
GILLEAN PLACE
CLEMENT LANE
WAVERLEY ROAD
UNNAMED
MCCLELLAND AV
LEGEND
HO
HERITAGE OVERLAY
Part of Planning Scheme Map 19HO
AMENDMENT C316
| Planning Mapping Services |
| Planning Information Services |
Department of Environment, Land, Water & Planning
State Government Victoria


GREATER GEELONG PLANNING SCHEME
0
111.7
metres
Little River
SANDY CREEK ROAD
TURNTABLE DRIVE
HO1987
BRANCH RD
FOREST RD NORTH
LEGEND
HO HERITAGE OVERLAY
Part of Planning Scheme Map 13HO
AMENDMENT C316
| Planning Mapping Services |
| Planning Information Services |
Department of Environment, Land, Water & Planning
State Government Victoria

Appendix 3 Anakie, Lara & Lovely Banks Incorporated Plan, May 2016

ANAKIE, LARA & LOVELY BANKS HERITAGE PLACES

INCORPORATED PLAN

May 2016

This document is an incorporated document in the Greater Geelong Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987.*

1.0 Application

This plan is incorporated into the Greater Geelong Planning Scheme under the Schedule to Clause
81.01.

This incorporated plan is divided into two parts:

- Part A: Specific properties in the Anakie, Lara and Lovely Banks areas.
- Part B: Lara Uniting Church Complex, 1B Flinders Avenue, Lara.

2.0 PART A

This incorporated plan applies to the following heritage places identified in the Greater Geelong Planning Scheme:

- 785 Bacchus Marsh Road, Anakie (HO1964).
- 450 Staceys Road, Anakie (HO1965).
- 85 Curletts Road, Lara (HO1969).
- 450 Flinders Avenue, Lara (HO1972).
- 155 Forest Road South, Lara (HO1976).
- 295 Patullos Road, Lara (HO1979).
- 170 Peak School Road, Lara (HO1980).
- 75 Staceys Road, Lovely Banks (HO1988).

No permit required

Pursuant to Clause 43.01-2, for land in HO1964, HO1965, HO1969, HO1971, HO1972, HO1976, HO1979, HO1980, HO1988, a permit is not required to:

2.1 Construct, demolish, remove or alter a farm fence (post and rail and/or post and wire) to the same height and design as existing farm fences. This does not apply if the fence is identified in the Schedule to the Heritage Overlay.

2.2 Demolish or alter an outbuilding or structure not identified in a statement of significance in the Lara Heritage Review (2013, revised 2016) and that is not attached to a significant building. This includes routine maintenance that would change the appearance of a building.

2.3 Construct a building provided that the building is:
- At least 5 metres behind the rear façade of the significant building/s.
- Built of non-reflective materials.

2.4 Install plant or equipment associated with hot water services or central heating units provided that the equipment is not attached to a front façade of a building identified in a statement of significance in the Lara Heritage Review (2013, revised 2016).

2.5 Construct equipment associated with a roof-mounted solar hot water system provided that the equipment is not situated on that part of the roof that faces directly toward a street or road.

2.6 Construct of a pool or associated fencing and works at the rear of a building identified in a statement of significance in the Lara Heritage Review (2013). This does not apply if it would require the removal, demolition or alteration of significant fabric.

2.7 Construct driveways, pathways and similar works provided that the works are graded away from, do not damage or submerge the subfloor portions of buildings identified in a statement of significance in the Lara Heritage Review (2013, revised 2016).

3.0 PART B

This incorporated plan applies to the Lara Uniting Church Complex, 1B Flinders Avenue, Lara, identified in the Greater Geelong Planning Scheme as HO1971.

No permit required

Pursuant to Clause 43.01-2, for land in HO1971, a permit is not required for external alterations and additions to the later 20th century Church building that are 2 m clear of the historic buildings. The historic buildings are the former Wesleyan Chapel at the south end of the site and the former Temperance Hall (former Methodist Church) at the north end of the site, as identified in the Lara Heritage Review (2013, revised 2016).

Appendix 4 Lara Heritage Review Phase 2 - Revised Citations May 2016

Lara Heritage Review Phase 2: 2012-13

Place No. Site 05

PLACE NAME : Cottage & Attached Structures

Assessment: Aug 2013 (revd. Mar 2016)

ADDRESS : 85 Curletts Road, Lara

Historic Theme(s):

Theme 4.1: Farming & Agriculture
Theme 6.2: Building Homes in Lara



Condition Good

Integrity Altered

Photograph Date 16 October 2012

CURRENT HERITAGE STATUS ON STATUTORY REGISTERS:

Victorian Heritage Register:

Heritage Inventory: Local

Planning Scheme:

CURRENT HERITAGE STATUS ON OTHER REGISTERS:

Register of the National Estate - Database No:

National Trust (Victoria) Register:

RECOMMENDED LEVEL OF SIGNIFICANCE: **Local**

RECOMMENDATIONS:

- ☐ Recommended for inclusion in the Victorian Heritage Register
- ☐ Recommended for inclusion in the Victorian Heritage Inventory
- ☒ Recommended for inclusion as a Heritage Overlay in the Planning Scheme
- ☐ Not Recommended for inclusion as a Heritage Overlay

Schedule to the Heritage Overlay

- ☐ External Paint Controls Should Apply
- ☐ Internal Alteration Controls Should Apply
- ☐ Tree Controls Should Apply
- ☐ Fences &/or Outbuildings of Note

Comments

It is recommended that the heritage overlay apply to the extent of the front fenced portion of the site, including the dwelling and attached structures, to a depth of 40 metres from the front boundary.

~~The rear gabled outbuildings immediately behind the dwelling also contribute to the significance of the place.~~

STATEMENT OF SIGNIFICANCE:

What is Significant?

The cottage at 85 Curletts Road, Lara, has significance for its associations with early farming developments in the Lara area from 1869, and particularly with William Harding (c.1833-1917), one of Lara's early farmers and builders. It was not until 1874 when he constructed the existing limestone dwelling and attached stone dairy and he occupied the property from January 1875. Harding's acquisition of the land was a consequence of the 42nd Clause of the amended Land Act that came into force in 1869. The Act enabled 'small selectors' to obtain freehold over a three or seven year period, so long as the land was cultivated and improved, and a permanent residence constructed. Harding purchased the land outright on 21 December 1875. He was one of the few builders in the locality in the 19th century. The existing cottage is a physical legacy of Harding's working life at Lara, and one of a small number of

Lara Heritage Review Phase 2: 2012-13

Place No. Site 05

PLACE NAME : Cottage & Attached Structures

Assessment: Aug 2013 (revd. Mar 2016)

ADDRESS : 85 Curletts Road, Lara

surviving Victorian vernacular styled dwellings in the area, all of which have experienced alterations. The significant fabric associated with the Harding era is defined to the front gabled portion, with its symmetrical composition, single storey height, limestone wall construction with bluestone quoinwork, front verandah that projects as an extension of the main roof, face brick chimneys, central front doorway and flanking window openings (the door and windows have been introduced) rear skillion wing and attached rear gabled wings also of limestone construction (including the dairy). The cottage appears to be in good condition when viewed from the road, although there is evidence of deterioration in the top of the northern chimney. The cottage is also one of a small number of surviving Victorian vernacular styled dwellings in the Lara area, all of which have experienced alterations.

How is it Significant?
The cottage at 85 Curletts Road, Lara, is historically significant at a LOCAL level.

Why is it Significant?
The cottage at 85 Curletts Road, Lara, is historically significant for its associations with 19th century farming developments and particularly with William Harding (c.1933-1917), early farmer and local builder who constructed the existing dwelling and rear dairy outbuilding in 1874, a consequence of Section 31 and the 42nd Clause of the amended Land Act ~~that came into force in~~ of 1869 (Criterion A). Harding carried on farming and more particularly his building business at Lara until his retirement in 1907. While the dwelling has been altered, it is one of a small selection of Victorian vernacular cottages that are an historical legacy of Lara's early post-European contact beginnings. All of these other dwellings have also been altered.

DESCRIPTION:

The cottage at 85 Curletts Road, Lara, is set on an irregularly-shaped rural allotment, with mature peppercorn and other exotic trees located on the northern boundary towards the front, and at the rear of the dwelling. The front garden is largely an open grassed area with perimeter flower beds and shrubbery. The front of the property is bound by an introduced timber picket fence to a height of approximately 1400 mm. At the rear of the site in the north-west corner are three outbuildings.

The property is especially characterised by the single storey, symmetrical, ~~rendered~~ painted limestone, Victorian vernacular styled cottage. It has a gable roof form that traverses the site, together with a large rear skillion ~~addition~~ wing that ~~appears to be~~ is linked to ~~two~~ three early gabled limestone ~~outbuildings~~ structures (one of these ~~outbuildings~~ structures ~~may represent~~ represents the original dairy). There is also a skillion addition on the south side. The roof forms are clad in corrugated sheet metal. The symmetry of the original dwelling is derived from the face brick chimneys at the northern and ~~and~~ southern ends (the capping of the northern chimney being in disrepair) and the central front doorway with flanking window openings. Other early features of the design include the bluestone quoinwork at the building corners and front door opening and the front verandah (formed as an extension of the main gabled roof). The timber framed awning windows, panelled timber front door and the timber verandah posts have been introduced.

HISTORY:

The site at 85 Curletts Road was part of reserved "Special Lands" in 1864. In 1865, Clause 42 of the amending Land Act allowed the use of lands on or adjacent to goldfields. Lara was adjacent to the Steiglitz Division of the Ballarat Mining District. In 1869 the land at 85 Curletts Road ~~it~~ comprised 25 acres and it was occupied by William Harding and his brother, David. William Harding (c.1833-1917) became the sole occupier although he was not listed in *Bailliere's Post Office Directory* in 1870 given that he had not occupied the land. It was at this time when he enclosed his land with 60 chains of fencing. In 1874 Harding constructed the existing limestone dwelling and attached stone dairy (described in 1875 as measuring 38 feet by 15 feet). It was from January 1875 when Harding resided on the property, after the completion of the dwelling. In 1875, both the dwelling and the dairy were described in a report by Mounted

Constable Finlayson as being "in very good repair" and the property included 20 chains of thorn hedge. Finlayson's report was an assessment of improvements to the property, a consequence of Section 31 and the 42nd Clause of the amended Land Act ~~that came into force in~~ of 1869. Harding had made application to occupy the site at this time. The Act allowed 'small selectors' to purchase land if the property was cultivated and improved and a permanent residence built. Payment for the freehold land was either three or seven years. On 21 December 1875, William Harding had paid out his land of 41 acres, 2 roods and 22 perches and it was at this time when he was recorded as the first owner of the land on the Woornaylook Parish Plan. While 15 acres had been previously cultivated, in 1875 Harding only had four acres under wheat and oat crops, given that building was his main occupation. He carried on his building business until 1907 when he retired to Box Hill. He died in 1917 leaving ~~left behind~~ a widow, Catherine, who he had married in 1864. They had 10 children.

Harding's landholdings had increased to 88 acres by the time it was sold to Daniel Callaghan, a patrolmen, in c.1907. Callaghan lived there for many years until around 1956. However, in 1945 and again in 1954 and 1970, Miss Margaret Mary Callaghan was listed as the sole owner and occupier.

COMPARATIVE:

Prevalent throughout the Lara area, particularly from the 1860s and 1870s (mainly as a consequence of the 42nd Clause of the amended Land Act of 1869), were smaller-scaled homes both within the Lara township and in the surrounding farmland. These dwellings are largely Victorian vernacular in design, mainly having gabled forms and front verandahs. They are also vernacular in construction, with most having been built of local materials close to the source. North of the Lara township near the southern foothills of the You Yangs, dwellings were mainly constructed of basalt or granite. Examples include the ruins of James English's farmhouse at 130 Branch Road (that was built in granite in c.1859), John McGillivray's house at 60 Branch Road (built of granite in 1871), and Maxwell Bell's cottage and outbuildings at 120 Duggans Lane (of bluestone construction, built c.1864-84).

Surviving Victorian vernacular dwellings in Lara built between the 1860s and 1900 are mainly constructed of limestone. All of these dwellings have experienced some form of noticeable alteration and/or addition but their original design and historical associations with the earlier years of Lara's development are clearly discernible. Other examples include: "Limella" cottage, 31-45 Forest Road South (the rendered limestone dwelling built by the Lara pioneer, John Spalding, father of A.J. Spalding senior, in 1872-73); limestone cottage, 51 Forest Road South (built in 1870 for Alfred John Spalding and initially owned by his father, John Spalding); Laurence Park, 125 Buckingham Street (built in 1874-75 for David McHarry, farmer and lime burner, early limestone stables also survive); and the cottage complex, 80 Gebbies Road (the first limestone buildings of the cottage complex having been built in 1869 for William Foot, lime burner and farmer, with the main dwelling and other buildings having been constructed in later years, including the former bakery used by Margaret Walker in c.1900).

REFERENCES:

'Special Lands: Parishes of Moranghurk & Woornyalook' map, 5 April, 1864, Geelong Heritage Centre collection.
Corio Shire Rate Books, 1869, 1885-86, 1893, 1900, 1904-05, 1915-16, 1923-24, 1933-34, 1945, 1954, Geelong Heritage Centre collection.
Sands & McDougall's Directory of Victoria, 1934, 1956. *Corio Division Electoral Roll*, Sutherland Subdivision, 1970.
Bailliere's Post Office Directory, 1870.
Wise's Post Office Directory, 1884-85, 1888-89, 1899-1900, 1891-92, 1904.
P. Jennings, 'Family Group Record for William Harding', November 2012, sourcing Victorian Births, Deaths and Marriages Indexes & Geelong Cemeteries Trust Database.

Lara Heritage Review Phase 2: 2012-13

Place No. Site 05

PLACE NAME : Cottage & Attached Structures

Assessment: Aug 2013 (revd. Mar 2016)

ADDRESS : 85 Curletts Road, Lara

Woornyalook Parish Plan, VPRS16171, Public Record Office Victoria.
D. Rowe & L. Huddle, 'Greater Geelong Outer Areas Heritage Study Stage 2', prepared for the City of Greater Geelong, 1998-2000.
The Argus, 29 September 1917.
M. Murray, 'Prayers and Pastures Moidart immigrants in Victoria, 1852-1920', PhD Thesis, School of History, Heritage and Society, Deakin University, 2007, p.278
W. Harding, Land Application under Clause 42 of the amended Land Act, VPRS 627, Unit 238, Public Record Office Victoria.
Descriptive notes on the Register of Applications, All Districts, Section 42, Amending Land Act 1865, VPRS 14140 Public Record Office Victoria.
Plan of the Mining District of Ballaarat, 25 June 1869, La Trobe Picture collection, State Library of Victoria.



Cottage showing front fence, 85 Curletts Road, 2012.



Cottage, 85 Curletts Road, 2012.



Woornyalook Parish Plan showing W. Harding as owner of lot 8A, 21 Dec 1875. Source: VPRS16171, PROV.



85 Curletts Road, 1998. Source: David Rowe.

Lara Heritage Review Phase 2: 2012-13

Place No. Site 53

(revd. Mar 2016

PLACE NAME : Kia Ora

ADDRESS : 75 Staceys Road, Lovely Banks

Historic Theme(s):

Theme 2.3 Promoting Settlement
Theme 4.1: Farming & Agriculture
Theme 6.2: Building Homes in Lara



Condition Fair

Integrity Moderately Intact

Photograph Date 24 August 2014

CURRENT HERITAGE STATUS ON STATUTORY REGISTERS:

Victorian Heritage Register:

Heritage Inventory: Local

Planning Scheme:

CURRENT HERITAGE STATUS ON OTHER REGISTERS:

Register of the National Estate - Database No:

National Trust (Victoria) Register:

RECOMMENDED LEVEL OF SIGNIFICANCE: **Local**

RECOMMENDATIONS:

- ☐ Recommended for inclusion in the Victorian Heritage Register
- ☐ Recommended for inclusion in the Victorian Heritage Inventory
- ☒ Recommended for inclusion as a Heritage Overlay in the Planning Scheme
- ☐ Not Recommended for inclusion as a Heritage Overlay

Schedule to the Heritage Overlay

- ☐ External Paint Controls Should Apply
- ☐ Internal Alteration Controls Should Apply
- ☐ Tree Controls Should Apply
- ☐ Fences &/or Outbuildings of Note

Comments

~~It is recommended that the heritage overlay apply to the "Kia Ora" dwelling and the immediate fenced garden surrounds.~~

It is recommended that the heritage overlay apply to:
- The fence line approximately 15 metres north of the front wall of the dwelling;
- A line parallel to and 8 metres to the west of the western wall of the dwelling;
- A line parallel to and 14 metres to the east of the eastern most section of the eastern wall of the dwelling;
- A line parallel to and 18 metres to the south of the southern most hipped roof on the southern side of the dwelling.

Subject to a planning permit, opportunities available to replace the existing roof cladding with corrugated galvanised steel cladding.

STATEMENT OF SIGNIFICANCE:

What is Significant?

"Kia Ora" at 75 Staceys Road, Lovely Banks, has significance as an historical legacy of the successful sheep grazing enterprise established by John Sutherland on the property in 1906. "Kia Ora" had been acquired by Hugh Mann Sutherland of the adjoining substantial homestead, Elcho, on behalf of his son, John Sutherland and his wife, Helen. H.M. Sutherland also engaged the Geelong architects, Laird and Barlow to design the existing dwelling in March 1906. While "Kia Ora" has experienced some alterations, the original Federation era design qualities are clearly discernible. These qualities include the single storey height and asymmetrical composition, horizontal timber weatherboard wall cladding, dominant

Lara Heritage Review Phase 2: 2012-13

Place No. Site 53

(revd. Mar 2016

PLACE NAME : Kia Ora

ADDRESS : 75 Staceys Road, Lovely Banks

hipped roof form at the front and the two minor rear hipped wings, rendered chimney with a terra cotta pot, elevated basalt base wall construction, and timber framed double hung windows. In addition, the timber lattice verandah fretwork and curved timber verandah brackets represents one of the few decorative features of the dwelling, being characteristic of other contemporary examples of the work of the architects. Overall, the dwelling appears to be in fair condition when viewed from the road. The historical significance is embodied in the surviving Federation era fabric.

How is it Significant?
"Kia Ora" at 75 Staceys Road, Lovely Banks, is historically significant at a LOCAL level.

Why is it Significant?
"Kia Ora" at 75 Staceys Road is historically significant for its associations with Hugh Mann Sutherland of Elcho Homestead, and particularly his son, John Sutherland, prize-winning breeder of Border Leicester sheep (Criteria A & H). H.M. Sutherland acquired the property and commissioned the Geelong architects, Laird and Barlow to design "Kia Ora" as a home for the newly weds, John and Helen Sutherland, in March 1906. During their tenure at "Kia Ora", John Sutherland was widely known for his successful sheep grazing and breeding, as reported in a number of Melbourne and interstate newspapers. "Kia Ora" is also associated with a notable number of farms established in the Lara area during the Federation era, although it is one of few that survive today. The significance of "Kia Ora" is embodied in the surviving Federation era fabric.

DESCRIPTION:

"Kia Ora" at 75 Staceys Road, Lovely Banks, is set on an undulating rural property and it has a substantial set back from the road. A tree-lined drive provides access to the dwelling whose garden is largely identified by mature exotic and native trees. At the rear are a number of farm outbuildings.

"Kia Ora" is a single storey, asymmetrical, horizontal timber weatherboard, Federation styled dwelling characterised by a dominant hipped roof form at the front, with two minor hipped wings extended at the rear. A return verandah is formed under the main front hipped roof. The roof forms are clad in ~~slate tiles~~ introduced timber shingles. At the rear are minor skillion additions with sheet metal roof cladding. There are two early chimneys, the front chimney being rendered and being capped with a terra cotta post.

Other early features of the design include the elevated basalt base walls, timber verandah posts, timber lattice fretwork verandah valances and timber verandah brackets, and the timber framed double hung windows. The large window on the east elevation of the rear hipped wing appears to have been introduced (based on aerial and pictometry imagery), as has the lattice in the verandah balustrade.

HISTORY:

The property at 75 Staceys Road, Lovely Banks, originally formed portion 158 in the Parish of Moranghurk, comprising 80 acres, 2 roods and 2 perches, owned by J.C. Wallace from 3 January 1856. This land and the adjoining allotment (portion 157 comprising 78 acres) were later acquired by William Stacey, farmer. He subsequently erected a dwelling and established a farm on the site. In 1901, a fire, which began in the granite paddock on the Staughton Vale estate, swept through the Anakie and Lovely Banks districts. William Stacey lost everything apart from his house and haystacks. The substantial losses caused Stacey to retire to Geelong West, where he died on 23 August 1901.

Stacey's property was subsequently acquired by Hugh Mann Sutherland of the adjoining Elcho Homestead. It seems that Sutherland purchased the property on behalf of his son, John Sutherland, who married Helen Marguerite McWilliams in 1906. This appears to have been the impetus for H.M. Sutherland to engage the Geelong architects, Laird and Barlow to design a weatherboard 'residence at

Lara Heritage Review Phase 2: 2012-13

Place No. Site 53

(revd. Mar 2016

PLACE NAME : Kia Ora

ADDRESS : 75 Staceys Road, Lovely Banks

Elcho' in March 1906. This residence is likely to have the existing dwelling, "Kia Ora".

H.M. Sutherland was born at Clashmore in the highlands of Scotland in 1848. He arrived in Melbourne in 1872, having been engaged by Thomas Chirnside to work at his Werribee estate for three years. He later worked at other Chirnside properties. In 1895, he leased Elcho Homestead, then comprising 6300 acres, eventually purchasing it in 1903. In acquiring Elcho, Sutherland continued his success as a sheep grazier.

Sutherland's success also passed to his son, John Sutherland (1881-1960). At "Kia Ora", John Sutherland became a well-known breeder of Border Leicester sheep. In 1913, Sutherland was successful at Australian Sheepbreeders' Association's Annual Exhibition in Sydney as reported in the *Adelaide Advertiser*: "In Border Leicesters Mr. John Sutherland, of Kia Ora, Lara, had things practically his own way, and he annexed the championships for ram and ewe." A year later in 1914, *The Leader* newspaper also commented on Sutherland's fine breed of prize-winning sheep:

"BORDER LEICESTERS. This fine breed of mutton sheep is attractively represented by a large number of high grade animals. Borders are steadily winning their way in Australia, their alertness and capacity as foragers standing them in good stead even under adverse conditions. Honors in this section easily went to John Sutherland, of Lara, who a few years ago imported some of the best sheep obtainable in Scotland, and is to-day reaping the reward of his enterprise. His four-year-old ram Allanfearn, who secured the championship, is a large, shapely sheep of gay carriage, marked by the great spring of rib and solid back, for which the breed is famous. His younger ram, another descendant of the imported ram Lord Elcho, and a fine representative of the breed, was given the reserve champion ribbons. J. Sutherland was also successful in other ram classes."

Possibly as a consequence of the failing health of his father, H.M. Sutherland, John and Helen Sutherland relocated to the substantial homestead of Elcho in c.1913-14. The death of H.M. Sutherland on 19 July 1916 brought about John and Helen Sutherland's permanent residency at Elcho and they leased "Kia Ora" to Percy Carr in 1913-14 and later to James Johnston. By 1926-27, the "Kia Ora" property had been sold to Leonard and Florence Crossley. From the mid to late 1940s, Mrs Crossley leased the house to Christopher John Bonney, a farmer.

The Architects: Laird and Barlow

The architectural firm of Laird and Barlow commenced in 1891. John Angus Laird was born on 25 May 1862 at Eddington Station in the Western District of Victoria. He was the son of Mr John Laird who was one of Victoria's early pioneers, arriving in 1852. John Angus Laird was educated under a tutor until he was fifteen and on his parent's removal to South Australia, he was placed at a cost of 300 Golden Sovereigns with Joseph Watts, Geelong Architect, making rapid progress and he eventually became Watts's supervising architect.

Laird worked both in Geelong and Melbourne for a brief period and upon returning to the practice of Watts was on the understanding that he would eventually take it over. Laird resigned from the firm on 1 December 1890 to commence business on his own account. On 1 June 1891, Laird took into partnership Fred J. Barlow of New Zealand.

Barlow was born in Christchurch, New Zealand on 24 January 1868, the son of John and Augusta Cecil Vere Barlow, formerly of Herefordshire and the Isle of Wight, England. He was first educated at the Papanui School before studying at Wiggin's Sumner College, and after completing his education he was articled to A.W. Simpson, architect of Christchurch in 1884. In 1905 Barlow left Geelong and established a

branch of the firm in Christchurch.

During the 1890s in Geelong, Tom Buchan was articled to J.A. Laird and in 1908 when both the Christchurch and Geelong practices were of the same size the Laird and Barlow partnership was dissolved. Buchan was admitted as a partner and the firm became Laird and Buchan. The design output of the Laird and Barlow and Laird and Buchan architectural practices was prolific. While most of their work was based in the Geelong region, their practice included commissions in the Western District and coastal towns and as far away as New South Wales.

COMPARATIVE:

Other Designs by Laird and Barlow

Locally, Laird and Barlow also designed "Tallarannie" homestead, 170 Peak School Road, in December 1906 for Charles Shannon (for his son, Archibald Shannon) and the Shire Engineer's Residence, 8 Rennie Street, Lara, in 1911 for the Corio Shire Council. "Kia Ora" has more of an affinity with the design of "Tallarannie", with its broad hipped roof forms and return verandah. However, "Kia Ora" is also especially comparable with the design of a homestead at Mirboo North, built in 1901 for Dr William Moir. The broad hipped roof form and return verandah of the Mirboo North homestead appears to have been the precedent for the design of "Kia Ora". The timber lattice verandah valances and curved timber verandah brackets at "Kia Ora" are also almost identical to the verandahs details on the dwellings at 94 Swanston Street, Geelong, and 15 Laurel Bank Parade, Newtown. Both of these dwellings were designed by Laird and Barlow in the same year as "Kia Ora", 1906.

Other Federation Styled Dwellings in the Lara Area

Architecturally, "Kia Ora" is one of a small number of surviving weatherboard Federation styled dwellings in the Lara area. In addition to "Tallaranie", other examples include "Glenoe" at 10 Windermere Road, built in c.1919; the timber dwelling at 785 Bacchus Marsh Road, built in 1906-07 for Richard Wisely; "Roselea" at 450 Staceys Road, "Lochnaben" at 295 Patullos Road built in 1910 for Benjamin Spalding, and "Waverley" at 14 Walkers Road built in c.1902-03 for David Walker, of the Waverley Lime Company, and the former Shire Engineer's residence at 8 Rennie Street, built in 1911 for the Corio Shire Council. Like the timber dwelling at 785 Bacchus Marsh Road, "Glenoe" and "Tallaranie", "Kia Ora" has experienced some alterations and additions but the original Federation design is discernible.

REFERENCES:

Corio Shire Rate Books, 1906-07, 1907-08, 1909-10, 1910-11, 1913-14, 1919-20, 1926-27, 1936, 1945, 1951, Geelong Heritage Centre collection.
Sands & McDougall's Directory of Victoria, 1934, 1956.
Corio Division Electoral Roll: Sutherland and/or Geelong North subdivision, 1970, 1984.
City of Greater Geelong Aerial imagery.
The Bacchus Marsh Express, 16 February 1901, p.3.
The Adelaide Advertiser, 29 July 1913, p.11.
The Pastoral Review, 16 August 1916, p.725.
Laird and Barlow Contact Book, 23 March 1906, p.114, Geelong Heritage Centre collection.
Information provided by Lorraine Huddle, heritage consultant, 2008.
P. Jennings, Family Group Record for John Sutherland, December 2012, sourcing Victorian Births, Deaths and Marriages Indexes & Geelong Cemeteries Trust Database.
Moranghurk Parish Plan, VPRS16171, Public Record Office Victoria.
Will and Probate of William Stacey', 1901, VPRS28/P2, Unit 628, Public Record Office Victoria.
The Argus, 26 July 1916, p.5.
Cazalys Contractor Reporter, 23 March 1906, State Library of Victoria.

R. Aitken, 'Edwardian Geelong: An Architectural Introduction', Research report, Deakin University, November 1979, p.34.



Hugh Mann Sutherland, n.d. Source: *The Pastoral Review*, 16 August 1916, p.725.



Homestead, Mirboo North, n.d. Source: L. Huddle.



HOMESTEAD OF MR. JOHN SUTHERLAND, "KIA ORA," LARA.
Flock of Border Leicester Ewes with lambs at foot in foreground.

Rear view of 'Kia Ora' 1909. Source: Journal of Agriculture (Victoria), 11 January 1909, p.56



'Kia Ora', 28 November 2012

Lara Heritage Review Phase 2: 2012-13

Place No. Sites 42 & 43

PLACE NAME : Laurence Park

Assessment: Aug 2013 (revd. Mar 2016)

ADDRESS : 125 Buckingham Street, Lara

Historic Theme(s):

Theme 4.1: Farming & Agriculture
Theme 6.1: Building the Lara Township
Theme 6.2: Building Homes in Lara
Theme 7.1: Local Government



Condition Good (Dwelling), Poor (Stables)

Integrity Altered

Photograph Date 16 October 2012

CURRENT HERITAGE STATUS ON STATUTORY REGISTERS:

Victorian Heritage Register:

Heritage Inventory: **Local**

Planning Scheme:

CURRENT HERITAGE STATUS ON OTHER REGISTERS:

Register of the National Estate - Database No:

National Trust (Victoria) Register:

RECOMMENDED LEVEL OF SIGNIFICANCE: **Local**

RECOMMENDATIONS:

- ☐ Recommended for inclusion in the Victorian Heritage Register
- ☐ Recommended for inclusion in the Victorian Heritage Inventory
- ☒ Recommended for inclusion as a Heritage Overlay in the Planning Scheme
- ☐ Not Recommended for inclusion as a Heritage Overlay

Schedule to the Heritage Overlay

- ☒ External Paint Controls Should Apply
- ☐ Internal Alteration Controls Should
- ☐ Apply Tree Controls Should Apply
- ☒ Fences &/or Outbuildings of Note

Comments

It is recommended that the heritage overlay apply to the dwelling & outbuildings to a depth of 60 metres from from the front boundary and 1500 mm either side of the the outbuildings to the dwelling.

~~It is also recommended that the stone stables ruins and mature peppercorn trees are noted in the Schedule to the Heritage Overlay~~

STATEMENT OF SIGNIFICANCE:

What is Significant?

"Laurence Park" and the stone stables ruins at 125 Buckingham Street, Lara, have significance for their associations with one of Lara's pioneers, David McHarry (c.1834-1910), who by 1870 had established a successful lime burning business at a time when a burgeoning lime industry had formed at Lara, given the high demand for the material and the complementary reports on the quality of the local lime in contemporary newspapers. In 1874-75, it appears that McHarry constructed the existing cottage and stone stables ruins where he continued his lime burning interests as well as farming. The existing cottage and stone stables ruins are a tangible legacy of the success of McHarry's business life. Although the cottage has been altered and extended, the significant associations with David McHarry are embodied in the original Victorian era fabric. This includes the front gable roof forms, single storey height, rendered

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limestone wall construction with face brick quoinwork, rendered chimneys, front verandah, and the front door opening and flanking timber framed double hung windows. The stone stables ruins and the mature peppercorn trees also contribute to the significance of the place. The dwelling appears to be in good condition when viewed from the street. The dwelling is also one of a small number of surviving Victorian vernacular styled dwellings in the Lara area, all of which have experienced alterations.

Why is it Significant?
"Laurence Park" and stone stables ruins at 125 Buckingham Street, Lara, are historically significant at a LOCAL level.

How is it Significant?
"Laurence Park" and the stone stables ruins at 125 Buckingham Street, Lara, are historically significant for its associations with David McHarry, pioneer of Lara who established an enduring farm and lime burning business from 1870 (Criteria A & H). McHarry (c.1834-1910), was a farmer and a lime burner whose success was reported in *Victoria and Its Metropolis* in 1888. He was one of the early lime burners who capitalised on the burgeoning industry at Lara in the 19th century that became well-known for the quality of lime. In addition to his business commitments, McHarry also contributed much to community life at Lara. He was a Councillor with the Corio Shire Council in 1881-1889 and 1900-1903, an inaugural Trustee of the Lara Recreation Reserve in 1880 and in 1886 he donated the land for the construction of the Lara Public Hall. He appears to have built his limestone dwelling and outbuildings (including the surviving stables ruins) in 1874-75.

DESCRIPTION:

"Laurence Park" at 125 Buckingham Street, Lara, is set on a contextually large rectangular allotment in a landscaped setting of mature peppercorn and gum trees and an introduced formal garden of circular paths, open grassed areas and perimeter plantings. The front garden of the cottage is also bound by an introduced timber post and woven fence. A recent raised garden bed framed by a timber retaining wall is located outside the front fence. Flanking the front fence of the garden are high corrugated sheet metal boundary fences. To the east of the cottage is a remnant limestone stables outbuilding (the gable roof having collapsed in recent years), together another gabled galvanised steel outbuilding. Smaller outbuildings are situated to the rear (south) of these outbuildings. A gabled garage has also been constructed towards the south-west of the cottage, with what appears to be remnant limestone walling of an earlier building integrated into the structure.

Of particular interest is the single storey, symmetrical, rendered limestone, Victorian vernacular styled "Laurence Park" cottage. It has an original gable roof form that traverses the site, with a rear gabled wing that appears to be early. At the front is a hipped concave verandah supported by timber posts with decorative iron valances and brackets. The timber posts appear to have been introduced as possible replacement of the original posts. Other early features of the design include the corbelled brick chimneys with terra cotta pots, face brick quoinwork to the building corners and window and door openings, and the timber framed double hung window. The front four panelled timber door has introduced glazing in the upper panels.

At the rear of the cottage are a range of skillion and gabled additions, terminating at the east end by a hipped roofed pavilion featuring a hipped monitor light.

HISTORY:

The site at 125 Buckingham Street originally formed part of the 640 acre landholdings of J. Austin and J. Kiddle from 11 February 1852. This land was soon subdivided and offered for sale as The Cheddar Farms estate. Allotments 21-26 of this estate, comprising 60 acres, were first purchased by James Hewitt. The

property was occupied by John Hardwick until 1873 when the Corio Shire Rate Books listed Mrs Hewitt as occupier, although no house was recorded.

In 1873-74, David McHarry, farmer and limeburner, purchased the property. It would appear to have been in 1874-75 when he constructed the front portion of the existing cottage as well as the stone stables, as the Rate Books listed 80 acres, "farm improved" with a £10 increase in the Net Annual Value. By the 1880s, the property had increased to 100 acres and "premises" was listed in the Rate Books for the first time in 1900.

David McHarry (c.1834-1910) had emigrated from Ireland in c.1855 when he was 21 years old. In 1888, Alexander Sutherland in *Victoria and Its Metropolis* gave a biographical overview of McHarry as follows:

"He was a blacksmith by trade, but, not being able to shoe horses, could not get work at his calling, so took the first job that offered, and went on a dairy farm milking cows. He proceeded to Daylesford (Jim Crow) diggings, had a puddling machine there, and remained about a year, doing fairly well, and then went to carting on the roads, but not liking the life, gave it up after three months, and next took the position of foreman of lime kilns, but was only a short time at that. On the outbreak of the New Zealand goldfields he proceeded to that colony, but did not do much there, and returned to Victoria in a few months. He then settled down at Lara, and, marrying Miss Margaret Millidge, commenced the lime business on his own account and on a small scale, Mrs. McHarry helping at the same time by doing dairying. About this time a large company was formed with the object of controlling the lime business, but Mr. McHarry declined to go into it. He had his lime tested by the Government, and it was declared to be of the first quality, the resulting being that his business began to increase at once, and he now ships some 8000 bags per month."

McHarry had commenced lime burning at Lara in 1870, before he acquired the property now known as "Laurence Park". He continued on this business throughout the remainder of the 19th century at a time when the lime burning industry at Lara was burgeoning given the demand for lime and the complementary reports on its quality in contemporary newspapers. By 1904 his business appears to have been carried on by his son, David McHarry junior, and known as D. McHarry and Co., lime merchants. This company had lime kilns immediately north of Windermere Road, adjacent to Hovells Creek as they are shown in the Elcho Estate subdivision plan of 1903. In addition, some of David McHarry senior's farming initiatives became well known throughout the district. In 1916, *The Leader* newspaper even humourously reported on McHarry's experience with lucerne:

"There is a tradition about Mr. McHarry, a very early settler in this district, having once put in a small paddock with lucerne, only he did not then know the value of the plant. He called it a weed, and tried to get rid of it by ploughing. He remarked that it was the most stubborn weed he had ever met with, as the more he ploughed it up in the effort to exterminate it the better and more persistently it grew."

David McHarry senior also contributed to community life. In 1881-1889 and 1900-1903 he was a Councillor with the Corio Shire Council. In 1880, he was one of the first Trustees of the Lara Recreation Reserve and in 1886 he donated land for the construction of the Lara Public Hall. In 1902, McHarry retired to Geelong. A farewell evening was held at Lara in his honour, as reported in *The Argus*:

"LARA.— On Friday evening about 70 residents of the district tendered a farewell social to Councillor D. McHarry, who for 45 years resided in the township. Mr. McHarry has removed to Geelong. The president of the shire (Councillor H. M. Sutherland) presided, and Captain Percy Chirnside, M.L.A., was present. A number of toasts were honoured, and Mr. McHarry was presented with a hand-painted address, bearing

photos, of Mr. and Mrs. McHarry. The Misses McHarry were the recipients of momentoes from the members of the local Sunday-school."

McHarry's property at 125 Buckingham Street was sold to Alfred J. Spalding, son of the pioneer of Lara, John Spalding, in c.1903. A.J. Spalding (1858-1935) started his working life as a wheelwright who conducted his business in the blacksmith's shop that had been built in 1877 by his father using limestone of the demolished Primitive Methodist Church once located in Forest Road North. The blacksmith shop was located between the two Spalding cottages (now 31-45 and 51 Forest Road South) and it has recently been demolished. A.J. Spalding was the second blacksmith in Lara (the first being a Mr Knight). As a wheelwright, he constructed a dray that won first prize in the Geelong Agricultural Society Show. With the death of his father, John Spalding, in 1893, A.J. Spalding took over running his father's store and he continued in this occupation until at least 1904. He took also into partnership William Hedges to operate the blacksmith's shop. By 1913, A.J. Spalding was in partnership with Steve, George and Tony Groves in the blacksmith business, although in 1914 *Wises Directory* listed him as a lime burner. It would appear that A.J. Spalding had become involved in the family's Lara Lime Works business by this time.

A.J. Spalding's ownership of the property at 125 Buckingham Street was to be short-lived. By 1909-10, it was owned by Ben and Lambert Spalding, A.J. Spalding's sons. From c.1911-12, Henry Arthur Hill, farmer, was listed as the owner and occupier of the 199 acre property, but from c.1926-27 the farm was owned by Arthur Henry and Henry Arthur Hill. In 1945, Arthur Henry and George Alfred Hill were the owners . In 1981, the cottage was owned by Owen Herbert Spalding, a cabinet maker.

Between 2005 and 2008, additions were carried out at the rear and to the east of the original cottage, with a hipped pavilion crowned with a monitor light being built at the east end.

According to the current owners in 2015:
"Over 95% of the trees included in the proposal are those planted by myself since 1984 or my father during the 1960-70's and have no historical significance. The shearing shed was built during the late 1960's after my father purchased the property and once again has no historical significance.

The old shed (S/W of the dwelling) has been repaired several times over the past 34 yrs due to walls cracking and ground movement due to the tree roots of the large peppercorn tree on the S/W corner of the shed that was obviously planted to close to the building. The front half of the shed was demolished and rebuilt but did manage to save the back half although large cracks are appearing(the shed or the tree "or both" will soon have to go to protect the other.)

In 1990 we employed a concrete renderer who worked for the National Trust to repair and renew most of the limestone render on the north side of the cottage as it was "falling off the walls". We noticed the brickwork in the corners underneath the original render and decided to leave it exposed (the brick quoinwork is not as the original). The chimney's pots in mention were put there by myself during the 1990's after we noticed that water would drop straight down the chimney when it rained. (the chimney pots are an addition and are not in keeping with this Victorian styled cottage).

The "stone stables" had a large tree branch fall it during 2010-11 and the roof collapsed. the picture included in your review was at the time when it was being repaired. In 2012-13 the stone stables building was renovated to an excellent state of preservation and is currently being used. The wall attached to the stone stables facing south is still in good condition after some wire bracing was established, however there is one peppercorn tree very close to the wall which the roots are slowly undermining the integrity of the wall itself and needs to be considered."

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COMPARATIVE:

Prevalent throughout the Lara area, particularly from the 1860s and 1870s (mainly as a consequence of the 42nd Clause of the amended Land Act of 1869), were smaller-scaled homes both within the Lara township and in the surrounding farmland. These dwellings are largely Victorian vernacular in design, mainly having gabled forms and front verandahs. They are also vernacular in construction, with most having been built of local materials close to the source. North of the Lara township near the southern foothills of the You Yangs, dwellings were mainly constructed of basalt or granite. Examples include the ruins of James English's farmhouse at 130 Branch Road (that was built in granite in c.1859), John McGillivray's house at 60 Branch Road (built of granite in 1871), and Maxwell Bell's cottage and outbuildings at 120 Duggans Lane (of bluestone construction, built c.1864-84).

Surviving Victorian vernacular dwellings in Lara built between the 1860s and 1900 are mainly constructed of limestone. All of these dwellings have experienced some form of noticeable alteration and/or addition but their original design and historical associations with the earlier years of Lara's development are clearly discernible. Other examples include: "Limella" cottage, 31-45 Forest Road South (the rendered limestone dwelling built by the Lara pioneer, John Spalding, in 1872-73); limestone cottage at 51 Forest Road South (built in 1879 for Alfred John and Mary Spalding and owned by John Spalding); cottage, 85 Curletts Road (of limestone construction built in 1874 by William Harding, farmer and builder); and the cottage complex, 80 Gebbies Road (the first limestone buildings of the cottage complex having been built in 1869 for William Foot, lime burner and farmer, with the main dwelling and other buildings having been constructed in later years, including the former bakery used by Margaret Walker in c.1900).

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I. Wynd, *So Fine A Country: A History of the Shire of Corio*, 1981, p.86, 273.
P. Jennings, 'Family Group Record for David McHarry', November 2012, sourcing Victorian Births, Deaths and Marriages Indexes & Geelong Cemeteries Trust Database.
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D. Rowe & L. Huddle, 'Greater Geelong Outer Areas Heritage Study Stage 2', prepared for the City of Greater Geelong, 1998-2000.
The Leader, 26 August 1916.
The Argus, 23 October 1902.
Geelong Advertiser, 18 September 1886.
Victoria Government Gazette, vol.13, 10 February 1882, p.383.
Bailliere's Post Office Directory, 1870.
Wise's Post Office Directory, 1884-85, 1888-89, 1899-1900, 1891-92, 1904.
City of Greater Geelong Aerial Imagery, 2001, 2005, 2008, 2009.

M. Murray, 'Prayers and Pastures Moidart immigrants in Victoria, 1852-1920', PhD Thesis, School of History, Heritage and Society, Deakin University, 2007, p.278.
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Stone stables ruins, 2012.



Remnant wall of early outbuilding to the south-west of the dwelling, 2012.



"Laurence Park" dwelling showing recent additions to the rear and east (left) side, 2012.



"Laurence Park" dwelling, 1998. Source: David Rowe.

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"Laurence Park" stables, 1998. Source: David Rowe



Repaired stables, 2015. Source: David Rowe

5. PROPOSED HERITAGE OVERLAY - 9 BRIDGE ROAD, BARWON HEADS

Source: **Planning and Development - Strategic Implementation**
General Manager: **Peter Bettess**
Index Reference: **Project - Proposed Rezonings**

Purpose

The purpose of this report is to seek Council approval to request the Minister for Planning to apply interim and permanent heritage controls to 9 Bridge Road, Barwon Heads (both building and cypress tree).

Summary

- A planning permit application 1669/2015 for 9 Bridge Road, Barwon Heads was lodged with Council last year. The application seeks to demolish the existing dwelling and construct a 3 storey building with 3 shops on the ground floor, 3 dwellings at the first and second floors and a rooftop terrace.
- The site is located on the south west corner of Bridge Road and Hitchcock Avenue immediately south of the main shopping strip and is zoned Residential Growth Zone (RGZ3).
- The house at 9 Bridge Road is not currently subject to a heritage overlay. It was initially identified as a 1930's interwar bungalow in the Stage 1 Assessment of the Outer Areas Heritage Study in 1998. It was proposed to be part of the Flinders Heritage Precinct. In Stage 2 the precinct was reduced in size and the property fell outside the precinct. Some individual properties had overlays applied but this one was not carried forward into the final study or the subsequent Amendment C49.
- A local resident objector to the permit application undertook research on the history of the existing single storey weatherboard building and found photographs that appear to date the house to the 1890's, much older than previously thought.
- The Barwon Heads Association and the local resident commissioned RBA Architects and Conservation Consultants to review the site's heritage values.
- RBA's report of May 2016 has found the subject house is likely to have been built circa 1890 during the first major wave of development in Barwon Heads and as such is amongst the earliest surviving houses in the town.
- The Barwon Heads Association wrote to Council on 1 June 2016 to "urgently request the Council to acknowledge the historical and aesthetic values of this property and apply for interim heritage controls with a view to introducing an individual heritage overlay in the near future."
- Council officers engaged heritage consultants Context Pty Ltd to peer review the RBA report in June 2016.
- The Context heritage assessment has established the threshold of 'Local Significance' for the house and cypress tree at 9 Bridge Road for their historic, architectural and aesthetic values. Context advise the site warrants the application of interim heritage controls.
- Based on this new information it is recommended that Council seeks a Ministerial amendment for an interim heritage overlay and follows up with a planning scheme amendment for a permanent control subject to the normal public exhibition process which will allow the landowner and other parties to make submissions.

L Gardner moved, P Dorling seconded -

That Council

1) **recognises the cultural and heritage significance of the building and cypress tree at 9 Bridge Road, Barwon Heads and its association with the early development of Barwon Heads.**

2) **requests the Minister for Planning to use his powers of intervention under section 20(4) of the *Planning and Environment Act 1978* to prepare, adopt and approve an amendment to the Greater Geelong Planning Scheme to apply an interim Heritage Overlay to 9 Bridge Road, Barwon Heads.**

3) **requests the Minister's authorisation to prepare and exhibit a planning scheme amendment to apply a permanent Heritage Overlay to 9 Bridge Road, Barwon Heads.**

Carried.

Background

The subject land at 9 Bridge Road Barwon Heads is located on the south west corner of Bridge Road and Hitchcock Avenue immediately south of the main shopping strip. The house is located in a prominent, elevated location and overlooks one of the main intersections in the town and is on the main road to Ocean Grove.

The site is zoned Residential Growth Zone Schedule 3 (RGZ3) with existing zoning shown in the map in Appendix 1.

The site is not covered by a Heritage Overlay or any other overlays. The current extent of Heritage Overlays in this part of Barwon Heads is shown in the map in Appendix 2.

Greater Geelong Outer Areas Heritage Study 2000

The Greater Geelong Outer Areas Heritage Study was commissioned in two stages between 1998-2000 by the City of Greater Geelong. The study area covered a vast outer rural region together with two suburban areas (North Geelong and Belmont) and many townships (including Barwon Heads). The study was prepared by a team of consultants led by Dr David Rowe and Lorraine Huddle of Authentic Heritage Services.

Stage 1 was a 35 week program in 1998 to identify and record all post-contact places of cultural heritage significance in the study area, identify heritage precincts and undertake historical research. A total of 1285 potential heritage places were identified.

Stage 2 occurred in 1999-2000 and involved further assessment of the places identified and provided recommendations on a heritage conservation program for the area.

Extensive community consultation was undertaken including with the Barwon Heads community.

The house at 9 Bridge Road was initially identified as a 1930's interwar bungalow in the Stage 1 assessment in 1998, due to the previously undocumented alterations that were made to the building between c. 1930 – 19 40. While the dwelling was proposed to be part of the Flinders Heritage Precinct, in Stage 2 the precinct was reduced in size and the property fell outside the precinct. Some individual properties had overlays applied but this one was not carried forward into the final study or the subsequent Amendment C49.

Current planning permit application

A planning permit application 1669/2015 for 9 Bridge Road, Barwon Heads was lodged with Council last year. The application seeks to demolish the existing dwelling and construct a 3 storey building with 3 shops on the ground floor, 3 dwellings at the first and second floors and a rooftop terrace. The permit application was advertised and numerous objections received.

A local resident objector to the permit application undertook research on the history of the existing single storey weatherboard building and found photographs that appear to date the house to the 1890's, much older than previously thought.

After discussions with Council officers, the residents were advised that further documentation would be required for Council to consider heritage controls for the site.

At the time of writing this Council report, no decision had been made on planning permit application 1669/2015.

Heritage assessments

The Barwon Heads Association and the local resident commissioned RBA Architects and Conservation Consultants to review the site's heritage values.

RBA's report of May 2016 has found the subject house is likely to have been built circa 1890 during the first major wave of development in Barwon Heads and as such is amongst the earliest surviving houses in the town.

The Barwon Heads Association wrote to Council on 1 June 2016 forwarding a copy of the RBA Report and stating:

"*The advice we have received, and forwarded to CoGG has supported and strengthened our belief that the house has significant heritage value and is very important to the heritage of Barwon Heads.*

We believe that the report from RBA Architects and Conservation Consultants "RBA" establishes beyond reasonable doubt the significance of the 19th century house situated at 9 Bridge Rd Barwon Heads.

The RBA report states that: "arguably the subject house is the most prominent 19th century house in the town, being located on a corner block at the southern end of the main street. It has landmark qualities particularly when considered together with the large cypress which is evocative of early beachside development. … Although the subject house has undergone alterations, it is considered that it has an integrity comparable with the group of 19th century houses currently protected by a Heritage Overlay."

We urgently request the Council to acknowledge the historical and aesthetic values of this property and apply for interim heritage controls with a view to introducing an individual heritage overlay in the near future. Our Heritage expert RBA and the Barwon Heads community have clearly articulated our belief and proven that this is a very important landmark in our village and seek your urgent support to protect it."

Council officers engaged heritage consultants Context Pty Ltd to peer review the RBA report in June 2016. Copies of the draft Context report and the RBA reports are in Appendix 3.

Context concurs with RBA findings that the house and cypress tree at 9 Bridge Road, Barwon Heads is of local historic, architectural and aesthetic significance to the City of Greater Geelong.

The Statement of Significance prepared by Context includes commentary that 9 Bridge Road is historically significant:

- as a result of its early date of construction (c1890) and its association with the initial development of the township of Barwon Heads. It is one of a relatively small group of nineteenth century timber houses and public buildings that have survived to enable interpretation of the first settlement in the township.
- for its association with Geelong architect A J Derrick who is credited with the design of the house; but also a prominent member of Wesley Church Geelong and the architect of Wesleyan churches in Barwon Heads, Wallington, Ocean Grove and Drysdale.
- for its long association with the Thomas family who owned the property from 1901 to 1992 and used it for holiday purposes. William Charles Thomas was the founder of W C Thomas & Sons, a successful and highly regarded milling company
- for the cypress tree (the remaining one of a pair planted in c1930s)

The statement indicates the single story house at 9 Bridge Road is:

- architecturally significant as representative of late Victorian architecture in Barwon Heads;
- aesthetically significant as part of the work of Geelong based architect A J Derrick whose Carpenter Gothic churches at Wallington, Ocean Grove, Barwon Heads and Drysdale are connected stylistically to the architecture of 9 Bridge Road;
- the house and the cypress tree are aesthetically significant for their prominent raised siting and landmark qualities at the end of Hitchcock Avenue.

Context advises that the heritage assessment has established the threshold of 'Local Significance' for the house and cypress tree at 9 Bridge Road for their historic, architectural and aesthetic values. The site is therefore deemed to warrant the application of interim heritage controls to allow for its inclusion in the Heritage Overlay (with specific tree controls noted in the schedule) to the extent of the whole property as defined by the title boundaries.

Discussion

The usual practice to apply heritage overlays is that sites are identified through heritage studies across precincts, suburbs or towns and exhibited through the normal amendment process. However, the planning system does allow for the Minister to intervene in special circumstances. Council officers consider the new information that has come to light (as clearly documented in the two heritage assessments) provides very strong evidence of the significance of 9 Bridge Road. It should be noted that requests to the City for interim heritage overlay controls are extremely rare. At the same time, the extent and quality of the research which has been provided in support of this application is also exceptional.

The Context Pty Ltd assessment of cultural heritage significance was undertaken in accordance with the VPP Practice Note Applying the Heritage Overlay. The values used in the identification and assessment of places are historic, scientific, aesthetic, social and spiritual values (as articulated in the Burra Charter). The Context assessment established the threshold of 'Local Significance' for the subject site. Local significance includes those places that are important to a particular community or locality.

Council officers consider it is therefore appropriate to seek the application of a heritage overlay.

The Minister for Planning (or his delegate) makes the final decision on the application of both interim and permanent heritage overlays. Council officers approached the State Government's Department of Environment, Land, Water and Planning (DELWP) for advice on it's current position on interim heritage overlays. The DELWP Geelong office provided a copy of a 2013 letter from DELWP to the City of Yarra which gives a good explanation of how the Department treats these types of requests. A copy of the letter is in Appendix 4.

The following excerpt from the letter is particularly relevant to a proposed overlay for 9 Bridge Road:

"Councils are expected to be particularly discerning when seeking interim Heritage Overlays in instances where a planning scheme amendment has not been exhibited.

Given that the intervention to introduce an interim control is an extraordinary use of the Minister's powers, the subject building/place should be of particular note. Because the imposition of interim controls also raises issues of fairness, a higher degree of justification is required. The sorts of tests which should be met include:

- The significance of the building must be beyond reasonable doubt. There should be little doubt that the significance of the building/place will stand the scrutiny of a Panel.
- The building will be of some degree of rarity and not well represented in council's planning scheme. For example, a request involving an isolated late 19th century timber dwelling might not be supported where numerous examples exist within existing Heritage Overlays for the municipality.
- The building must be of such significance that council or VCAT would be likely to refuse a planning permit to demolish the building. There is little point in pursuing an interim Heritage Overlay if it is highly likely that a planning permit will issue for demolition.
- The significance of the building is such that its importance would be widely understood and acknowledged by council and the community.

The council must also demonstrate a commitment and sense of urgency and be willing to expedite a planning scheme amendment to introduce a permanent Heritage Overlay. The purpose of this is to balance the need for heritage protection with the requirement to afford natural justice to the owner of the property by ensuring that an amendment to introduce a permanent Heritage Overlay is prepared and exhibited as soon as possible."

Given that two well regarded heritage experts – Context and RBA – have both assessed the site as being significant and given the strong community support, Council officers are confident the proposal meets the Department's tests as outlined above. The matter is being treated urgently and authorisation to exhibit an amendment to introduce a permanent heritage overlay is being sought simultaneously with the interim overlay request.

Environmental Implications

The proposed amendments will not have any adverse effects on the environment.

Financial Implications

There are no financial implications to Council beyond the cost associated with a planning scheme amendment.

Policy/Legal/Statutory Implications

The amendment will result in a good planning outcome ensuring the preservation of a locally significant heritage building. The amendment is consistent with both the State Planning Policy Framework and Local Planning Policy Framework, as outlined below:

Clause 43.01 Heritage Overlay of the Greater Geelong Planning Scheme states that the purpose of the Heritage Overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably

By applying the Heritage Overlay to 9 Bridge Road, Barwon Heads the heritage status of the property will be conserved under the provisions of the Planning Scheme.

The amendment will achieve the objectives of the State Planning Policy Framework (SPPF) Clause 15.03-1 Heritage Conservation- by ensuring the conservation of places of heritage significance.

The amendment will achieve the objectives of the Local Planning Policy Framework (LPPF) Clause 21.06-5 Heritage and Identity- by conserving and enhancing individual places and areas of pre and post contact cultural significance.

The statutory planning decision making for the current planning permit application is independent of the planning scheme amendment and subject to a separate process which could involve an appeal at VCAT.

The weight given to a proposed heritage overlay in the planning permit decision making will depend on how far the heritage overlay has advanced through the planning scheme amendment process.

Alignment to City Plan

The proposed amendment is consistent with the “Built and Natural Environment and Community Wellbeing” elements of City Plan

Officer Direct or Indirect Interest

No Council officers involved in the preparation of this report have a direct or indirect interest, in accordance with Section 80(c) of the Local Government Act, to the matters to which this amendment relates.

Risk Assessment

There is the risk that unless Council takes this positive action the building is likely to be demolished.

Social Considerations

Preparation of an amendment will have a positive social effect through the protection of this heritage place for the benefit of current and future generations. The protection of this place in the Planning Scheme will benefit the community by:

- Adding to the understanding of Greater Geelong's rich cultural history;
- Recognising and realising the positive contribution that culturally significant places make to the City of Greater Geelong;
- Heritage buildings provide a link to the past and gives us a sense of place, who we are - our cultural identity. Protecting our heritage helps to ensure that this identity and sense of place may be appreciated for present and future generations.

Human Rights Charter

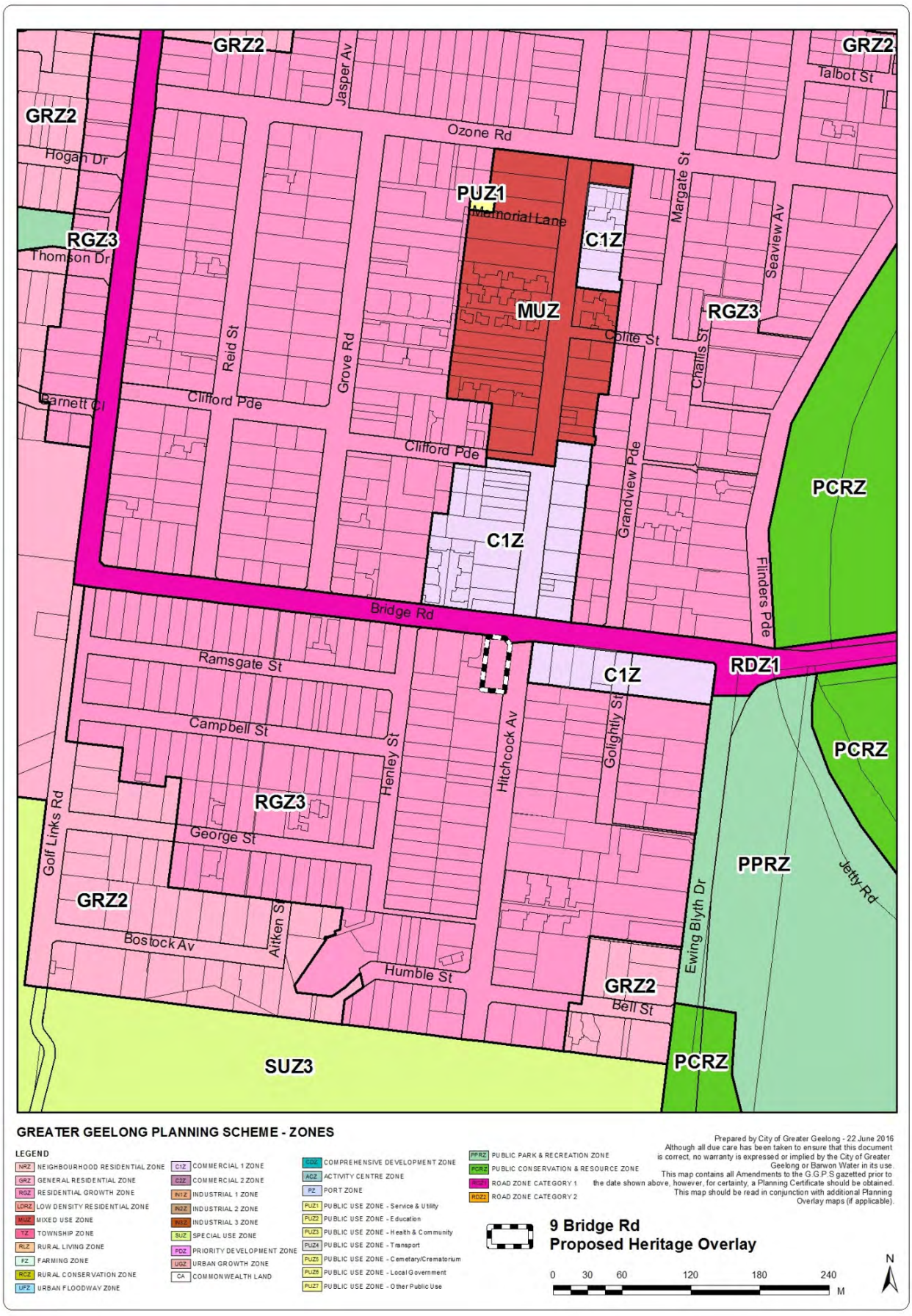
The proposal does not impact on human rights and responsibilities set out in the Charter. Planning legislation ensures that the proposed amendment to introduce a permanent control will follow an open community consultation process enabling people to freely express their views and if necessary obtain a fair hearing before an Independent Panel.

Consultation and Communication

Both the Barwon Heads Association and the owner of the site (through his lawyer) have been kept informed throughout this process and have copies of the two heritage assessment reports.

The planning scheme amendment for a permanent control (if authorised by the Minister) will be subject to a normal process of public exhibition, consideration of submissions and review by an independent Panel, allowing full participation by all stakeholders.

Appendix 1 – Site Location and Zoning Map



Appendix 2 – Existing Heritage Overlays



Appendix 3 – Context Pty Ltd Heritage Assessment (includes RBA Report)

people place heritage

CONTEXT

Peer review

HERITAGE REPORT

9 Bridge Road Barwon Heads

Final report
29 June 2016



Prepared for
City of Greater Geelong

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Project Team:
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Report Register

This report register documents the development and issue of the report entitled *9 Bridge Road Barwon Heads Heritage Report* undertaken by Context Pty Ltd in accordance with our internal quality management system.

Project No.	Issue No.	Notes/description	Issue Date	Issued to
2132	1	Draft report	21 June 2016	Peter Smith
2132	2	Final report	29 June 2016	Peter Smith

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EXECUTIVE SUMMARY

Background

Context was engaged to carry out a peer review of a heritage values report prepared by RBA Architects and Conservation Consultants for 9 Bridge Road, Barwon Heads. The City of Greater Geelong is seeking to ascertain a clear understanding of the heritage values imbued in this site to inform a current planning application for its redevelopment. It is understood that the current application for planning permit includes demolition of the building and removal of the cypress tree.

This site is not currently protected by the Heritage Overlay in the City of Greater Geelong Planning Scheme nor is it listed on any other historic place register.

A detailed history, description and comparative analysis was undertaken by RBA Architects & Conservation Consultants in their *Heritage Values Review* (2016, pp.10-13). This research has been evaluated and has been relied upon in preparing a statement of significance. The RBA report is attached at Appendix 1.

Methodology

A site inspection of the exterior of the property was undertaken on 13 June 2016 to review the current physical condition of the place including the cypress tree.

- A desktop review of relevant background material was undertaken.
- Some additional research on architect A J Derrick was undertaken.
- Following review by the City of Greater Geelong's Heritage Advisor the citation was edited and additional information added.

The assessment of cultural heritage significance was undertaken in accordance with the VPP Practice Note *Applying the Heritage Overlay*. The values used in the identification and assessment of places are historic, scientific, aesthetic, social and spiritual values (as articulated in the Burra Charter). A coherent and coordinated assessment against the HERCON established the threshold of 'Local Significance' for the subject site. Local significance includes those places that are important to a particular community or locality. The criteria for assessment are included as Appendix 2.

Conclusion

An assessment of the cultural significance of the place is required to identify the heritage values for the place and the threshold level of these values. The RBA *Heritage Values Review* provides a sound basis on which a draft statement of significance has been prepared.

RBA reviewed nine comparable 19th century houses in Barwon Heads and concluded that the subject site at 9 Bridge Road compared favourably to these places as a good example of a late Victorian house and, together with the cypress tree, is worthy of individual heritage overlay protection. We concur with this conclusion, and this has now been further substantiated by conducting an assessment of the heritage values of the place against the HERCON criteria and formulating a statement of significance for the site.

Recommendation

This heritage assessment has established the threshold of 'Local Significance' for the house and cypress tree at 9 Bridge Road for their historic, architectural and aesthetic values. (Criteria A, D, E and H). The photographic collection has the potential to further inform understanding o the property. (Criterion C). The site is therefore deemed to warrant the application of interim

heritage controls to allow for its inclusion in the Heritage Overlay (with specific tree controls noted in the schedule) to the extent of the whole property as defined by the title boundaries.

1.0 STATEMENT OF SIGNIFICANCE

9 Bridge Road Barwon Heads

What is significant?

The house and cypress tree (*Cupressus Macrocarpa*) at 9 Bridge Road, Barwon Heads comprising a late Victorian cottage built c.1890, and including the modifications made to the place up until c1930s is significant. Significant elements include the single storey gabled roof forms clad in corrugated sheet metal roofing, rendered chimneys, timber bargeboards with timber vertically-slatted gable infill and timber finials, timber weatherboard wall cladding, verandah, mature cypress tree. The siting and substantial setback of the house and the open front garden are also significant aspects of the place.

How is it significant?

The house and cypress tree at 9 Bridge Road, Barwon Heads is of local historic, architectural and aesthetic significance to the City of Greater Geelong.

Why is it significant?

9 Bridge Road is historically significant as a result of its early date of construction (c1890) and its association with the initial development of the township of Barwon Heads. It is one of a relatively small group of nineteenth century timber houses and public buildings that have survived to enable interpretation of the first settlement in the township. This historic significance is embodied in the late Victorian design elements of the house.

9 Bridge Road is historically significant for its association with prolific Geelong architect A J Dernick who is credited with the design of the house; but also a prominent member of Wesley Church Geelong and the architect of Wesleyan churches in Barwon Heads, Wallington, Ocean Grove and Drysdale. Dernick's successful practice in Geelong contributed the largest number of buildings in the area during 1860 – 1900. Dernick's later career as founding secretary of the Central Methodist Mission at Wesley Church, Melbourne resulted in his life being memorialised in a stained glass window at Wesley Church Yarra Street Geelong. (Criterion A)

9 Bridge Road is historically significant for its long association with the Thomas family who owned the property from 1901 to 1992 and used it for holiday purposes. The historical significance of the house is therefore also embodied in the early 20th century changes made to the house under the custodianship of the Thomas family. William Charles Thomas was the founder of W C Thomas & Sons, a successful and highly regarded milling company with mills in Murtoa, Beaufort, Ballarat, Newport and throughout the Wimmera and Mallee in Victoria. W C Thomas and Sons were significant exporters to the UK, South Africa and various Asian countries. W.C.Thomas is an important figure as an early adopter of the eight-hour day in the milling industry, a Councilor and later President of the Shire of Ripon and a lay preacher of the Methodist Church. (Criterion H)

The cypress tree (the remaining one of a pair planted in c1930s) is historically significant as part of the landscape of the early twentieth century phase of the house under the proprietorship of Thomas family. (Criterion A)

Early photographs in the possession of the Thomas family are significant as an associated collection and have the potential to further illuminate aspects of the property's evolution. (Criterion C)

As a late Victorian dwelling, the single story house at 9 Bridge Road is architecturally significant in demonstrating the surviving design qualities from 1891, together with the changes made to the place in c.1930. The house is a representative example of late Victorian architecture in Barwon Heads, a style characterised by the architectural form of main traversing gable roof and intersecting gabled wing decorated with timber slats and finial, horizontal weatherboard cladding, corrugated iron roof cladding and a cement rendered chimney with terracotta pots. The early nineteenth century changes made to the place by the Thomas family, including the addition of the gabled wing

and front verandah (subsequently enclosed), are representative of the types of modifications made to coastal holiday retreats.(Criterion D)

9 Bridge Road and the cypress tree (*Cupressus Macrocarpa*), are aesthetically significant for their prominent raised siting and landmark qualities at the end of Hitchcock Avenue. The house is aesthetically significant as part of the work of Geelong based architect A J Derrick whose modest Carpenter Gothic churches at Wallington, Ocean Grove, Barwon Heads and Drysdale are connected stylistically to the architecture of 9 Bridge Road.

Whilst having undergone extensions and alterations from the 1930s to the 1990s, the house still retains its late Victorian gable roofed form, decorative gable ends and its symmetrical composition as a result of alterations carried out in the 1930s. When compared with other nineteenth century houses surviving in Barwon Heads (and on the HO), 9 Bridge Road is comparable in terms of its integrity given that such changes to beach houses were commonplace and exhibited by almost all other examples of nineteenth century houses. (Criterion E)



Figure 1 9 Bridge Road Barwon Heads aerial photo, State library of Victoria, H91.160/598



Figure 2: Front elevation of the subject site at 9 Bridge Road, Barwon Heads (Source: Context 2016)



Figure 3: Rear of 9 Bridge Road, Barwon Heads (Source: Context 2016)



Figure 4: Cypress tree (Cupressus Macrocarpa) at 9 Bridge Road, Barwon Heads (Source: Context 2016)



Figure 5 'The Cottage' c.1900 (Source: CW Coates & M L Burrows (nee Thomas), The Thomas Family of Illogan, Cornwall and Beaufort, Victoria, p9) reproduced in RBA Heritage Values Review, 2016.

2.0 ADDITIONAL SUPPORTING EVIDENCE

2.1 Description and integrity

This section is based on a inspection on 13 June 2016.

The single storey weatherboard dwelling at 9 Bridge Road is prominently sited at the intersection of Bridge Road and Hitchcock Avenue. It has a substantial setback from Bridge Road and is centrally sited on a rise. The land has a steep incline towards the front of the property and a more gradual slope towards the rear boundary. The site is bordered by a non original but sympathetically period style picket fence, and accessed from Bridge Road via a centrally positioned gate at the front of the property and via a large wooden gate from Hitchcock Street towards the rear of the eastern boundary. This fence is supported by a bluestone wall along the front boundary of the property which was constructed during the mid-late 20th century.

The front elevation of the building on the site is quite symmetrical in appearance. It comprises two gable ends on the west and east side of the house and a forward projecting enclosed verandah with French doors extending between these two bays. The gable ends retain their original slatted timber detailing and finials, and feature tripartite windows with sashes to the side sections which are later alterations. The roof is clad in corrugated iron and one of the original rendered chimneys- complete with terracotta chimney pots- has been retained. A contemporary deck with a low wooden balustrade has been added to the front of the enclosed verandah.

To the rear of the house is a skillion roofed section which is likely to have been a later addition. The gable end remains exposed on the west side, next to which there is a freestanding outbuilding. A flat roofed freestanding carport is located adjacent to the gate providing access to Hitchcock Street through the timber paling fence.

Alterations and additions

The Thomas family continuously utilised the house as a holiday retreat up until 1992 when it was sold out of their ownership. Sometime c1900-1930 the house was enlarged on the east side with the introduction of another gable end matching that to the west side. The entrance was relocated from its central position to the eastern end of the veranda, and a window replaced the former door opening. It is possible that the frieze and posts to the verandah may have been replaced at this time.

In c1937 the front verandah was extended forward of the gable and enclosed with weatherboards below new window and door openings that appear to have been fitted with flyscreen. This 'sleep-out' type of enclosed verandah addition is reflective of the prevailing public attitudes regarding health during the 1930s. (RBA, 2016:7)

During the 1940s the windows to the gable ends were replaced with tripartite windows with double hung sashes at the sides. And the entrance again relocated to the east side of the house. Since the Thomas family sold the house in 1992, the verandah has again undergone changes – including the addition of a timber deck to the front of the house, accessed via new French doors inserted in the enclosed verandah. (RBA, 2016:7-8)

A 1936 aerial photograph (Fig 1) shows the house prominently situated on a rise with a well proportioned formally planned garden bordered by hedgerows. Both the garden and the house at this time had a symmetrical layout, accessed via a centrally positioned formal front gate and pathway running up the middle of the garden to the newly positioned door opening in the middle of the recently extended front verandah.

Photographic documentation

Early photographs survive which document the early 20th century appearance of the house and garden layout. This could allow for the reinstatement of some altered aspects of the site in accordance with this significant phase of the house, such as the original configuration of the verandah and windows, and landscaping.

Alterations and additions made to the building in the early twentieth century are important in the evolution of the house as another layer of historical development under the custodianship of the Thomas family.

2.2 History

Documenting the history of a place links to the particular environmental history of the locality and concludes with the history of the particular place based on ownership, designers (if known) and any other associations.

A detailed investigation of the place history has been undertaken by RBA Architects & Conservation Consultants in their *Heritage Values Review* (RBA 2016, pp.2-8). This report relies heavily on that historical research and provides a summary of the ownership for the purposes of assessing historic significance.

The following description of the early history of Barwon Heads is an excerpt from the Environmental History (*City of Greater Geelong Outer Areas Heritage Study*, Authentic Heritage Services, 2000, pp.15-17)

> *The first land was sold in 1871 in one and two acre lots, but there was no rush to purchase – there were only two buyers, both local farmers who bought six and ten acres respectively. There were further sales in 1885, 1886 and 1890; this time the buyers were mainly well known Geelong businessmen. Many of these sold to other Geelong identities, some of whom began building houses on their land e.g. Howard Hitchcock, of Bright & Hitchcocks department store, who built a house in 1886. But it was a company that got Barwon Heads on the move – the Barwon Heads Estate company limited; it bought some of the land already sold as well as a considerable area north of the original area. The latter it subdivided, laid out several streets, and sold, mostly to Geelong buyers.*

A description of the early development of Barwon Heads is also provided in the *Heritage Values Review* by RBA Architects & Conservation Consultants (2016, p.2):

> *The township developed largely as a destination for holiday makers and picnickers. In 1889 a coffee palace was built and a park established. A post and telegraph office offered a daily mail service to Geelong and in 1890 a coach service commenced. A jetty, recreation hall and hot and cold sea baths were constructed. Boat houses standing side by side were erected on the sand. By 1891 a general store was opened, a Methodist church was established and there were a total of 16 houses.*

The township plan of Barwon Heads shows that the subject site formed part of Allotment 1 Section A, a one acre parcel of land which was purchased by Alfred Hill Roadknight (a Geelong valuer and estate agent) for £27 on 22 June 1886.3 Currently the subject parcel of land represents about one quarter of the original one acre allotment.

AJ Derrick

Ownership of the allotment was transferred to Albert James Derrick (architect, Geelong) and John Alexander Dawson (electrician, Geelong) on 11 December 1888, who subdivided the allotment selling the western portion in August 1890 and retaining the eastern portion (which contained the subject land) until 1892 (refer diagram below). The 1890 rate book records A J Derrick and J A Dawson as owning a weatherboard cottage – this is likely to be a reference to the subject house, and as such could be the design of its architect owner A J Derrick.

The original part of the house at 9 Bridge Road, Barwon Heads was likely to have been designed by Derrick in c.1890 and is one of numerous buildings on the Bellarine Peninsula and in Geelong that are attributed to him. Derrick's influence and impact on the architecture of the wider Geelong area was extensive, particularly during the 1880s and 1890s. A J Derrick served his articles with Geelong-based architect Joseph Watts. Tenders advertised in Derrick's name appear from 1888 and cover several houses, offices and shops and a hotel in Geelong. He is also associated with James Durran and Angus Laird, the latter architect founding Laird and Buchan, a prominent architectural practice also based in Geelong.

Derrick's architectural output during the 1880s and early 1890s in Geelong and the wider district was prolific. For example, in 1890-91 he prepared designs for two alms cottages for Dr Mercer in

Yarra Street; a cottage in McKillop Street for J.M. Cargeeg; two houses in Sydney parade for Mrs Edmundson; a villa in Belmont for W.E. Gibson; a cottage in Belmont for Mr Byleveld; a dwelling at 66 Francis Street, Belmont for J. Haycroft; and a villa at Grovedale for a Mr Ward. Derrick is also well known for some substantial and intact two storey brick and late Victorian mansions, including Aberdeen Street Baptist Manse and James Strong's residence at 55 Kilgour Street in Geelong.

Derrick completed three churches on the Bellarine Peninsula including the Wesleyan Churches at Drysdale (1888), Ocean Grove (1888), and Drysdale (1892). It is thought that he may also have designed the Wesleyan Church in Hitchcock Avenue although no tender record has been cited for this building. Derrick left his architectural practice in 1893 to be founding secretary of the Central Methodist Mission at Wesley Church, Melbourne. His death was memorialised in 1934 by a stained glass window in Wesley Church Yarra Street Geelong. (MLAI)

Subsequent owners

In 1892, ownership was transferred to Joseph Gell (tailor, Geelong) and in 1901, ownership passed to William Charles Thomas (miller, Murtoa). William Charles Thomas was the founder of W C Thomas & Sons, a prominent and successful flour milling company in Victoria.4 A Thomas family history compilation records that family members enjoyed holidays at their Barwon Heads retreat from about 1899 onwards (although the certificate of title records that he did not own the property until 1901). W C Thomas appears in the rate book for 1902, where it is recorded that he owned a house and boatshed (RBA,2016:4)

William Charles Thomas was the founder of WC Thomas & Sons, a successful flour milling company based in Murtoa. The Thomas family enjoyed a respite from the summer heat of Murtoa and travelled to Barwon Heads from approximately 1899, purchasing the subject property in 1901.

William C Thomas had mills in Beaufort (1870), Murtoa (1876), Warracknabeal (1887), Rainbow, Beulah, Minyip, Ballarat, and Newport (1904). By the 1890s, the flour was being exported to the UK, South Africa and various Asian countries. W C Thomas was an early adopter of the eight-hour day in the milling industry. He was also a Councilor and later President of the Shire of Ripon, as well as being a lay preacher of the Methodist Church. He died on 19 October 1919. (Coates and Burrows, 2007)

In 1992, ownership of the subject site passed out of the Thomas family. The house acquired the name Honnington and it was run as a bed & breakfast and more recently as a holiday rental house. Alterations have included the introduction of a timber deck to the front of the house which is accessed through new French doors to the enclosed verandah.

2.3 Comparative analysis

Late Victorian houses

A comparative analysis has been undertaken by RBA Architects & Conservation Consultants in their *Heritage Values Review* (2016, pp.10-13). They reviewed nine comparable 19th century houses in Barwon Heads that were identified in Stage 2 of the *Greater Geelong Outer Areas Study* (Authentic Heritage Services 2000). A list of these places is as follows:

- 18 Ewing Blyth Drive (Flinders Heritage Area HO1649)
- 33 Flinders Parade (Flinders Heritage Area HO1649)
- 39 Flinders Parade (Flinders Heritage Area HO1649)
- 8 Grandview Parade (Flinders Heritage Area HO1649)
- 1 Margate Street (Flinders Heritage Area HO1649)
- 19 Ozone Road (Flinders Heritage Area HO1649)
- 11 Grove Road (Individual Heritage Overlay HO1676)
- 31 Ozone Road (Individual Heritage Overlay HO1695)

- 29 Seaview Avenue (Individual Heritage Overlay HO1700)

The *Heritage Values Review* concluded with the following observations:

All of the nine pre-1900 houses have undergone alterations and addition, such that their integrity has been reduced to varying degrees.

The heritage study rated the integrity of each house as being either Excellent, Good, Fair, Poor, Partially Excavated or Fully Excavated. Seven of the houses were given a rating of 'fair', one was 'good' and one was 'poor'. All three of the houses with an individual HO were only assessed as being of 'fair' integrity.

As many as four of the nine houses were relocated to their current site in the 1910s. It is possible that these houses originated outside of Barwon Heads. Several of the houses are largely concealed from view by vegetation.

9 Bridge Road is comparable in terms of style, period, condition and integrity with each of these places listed above which are all protected by either an individual or area Heritage Overlay in the City of Greater Geelong's Planning Scheme. The visual prominence of the house and cypress tree, due to their location in the centre of town and siting on top of a hill, further enhances the aesthetic value of this site.

Cypress trees in Barwon Heads

Mature cypress trees are characteristic of the wider Barwon Heads area, with many being protected by the Heritage Overlay. Protected plantings that are specifically noted in the City of Greater Geelong's local heritage policy (Clause 22.47) are "the Moreton Bay Fig and Pine Trees immediately south of the Barwon Heads Hotel fronting Ewing Blyth Drive; Palm Tree at 17 Ozone Road; Norfolk Pine and 'Monkey Puzzle' Trees at 1-3 Ozone Road; jetties at the eastern end of Ozone Road and east of the Barwon Heads Park, corner store at 1 Flinders Parade, and the substantial pine trees along the northern end of the Reserve (Frank Ellis) and along the southern end of Seaview Avenue.

Cypress trees are a common conifer in south-east Victoria, resilient to strong winds and coastal conditions. The cypress tree on the subject site, prominently located on a corner block in the centre of town, is as worthy of protection as other comparable conifers in Barwon Heads.

Other buildings by A J Derrick

The surviving buildings known to have designed by A J Derrick are weatherboard churches or houses in the Geelong and Bellarine localities. The churches are designed in the Victorian Carpenter Gothic style in timber with qualities including the central gable roof form, with a minor porch gable projecting towards the street frontage and transept gables projecting at the sides. Other intact qualities include the horizontal weatherboard wall cladding, galvanised corrugated iron roof cladding, timber framed and pointed arch leadlight windows, pointed arch timber entrance door, timber flying gable fretwork and finial. Other buildings such as the Aberdeen Street Baptist Manse display fine Victorian styling in di-chrome brickwork.

Some surviving buildings by A.J.Derrick include:

- Wesleyan Methodist Church, Wallington
- Wesleyan Church at 71 Hitchcock Avenue, Barwon Heads
- Former Methodist Church, The Parade, Ocean Grove
- Aberdeen Street Baptist Manse, Newtown

9 Bridge Road is similar to the churches stylistically and in its use of timber detailing and it is highly likely that it was designed by Derrick given this similarity and the fact that he was known to have been building churches in the locality at the same time. It also seems unlikely that Derrick would have contracted out the design of his own house to another architect.

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APPENDIX 1

Heritage Values Review, 2016

RBA Architects & Conservation Consultants



9 Bridge Road, Barwon Heads

Heritage Values Review

May 2016

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Appendix A
Photograph c.1895

Appendix B
Heritage Overlay Map

1 INTRODUCTION

1.1 Purpose

The purpose of this report is to provide an independent review of the heritage values of 9 Bridge Road, Barwon Heads (subject site). There is a current planning application for the subject site proposing the complete demolition of the extant 19th century house and its replacement with a three storey mixed-use building.

This report has been prepared by RBA Architects + Conservation Consultants on behalf of the Barwon Heads Association as part of a submission to Greater Geelong City Council seeking interim heritage controls for the subject site (including both the house and the cypress tree).

1.2 Location

The subject site is located on the south side of Bridge Road, at the west corner of its intersection with Hitchcock Avenue.



Aerial of subject site
(Source: Nearmap, showing December 2015)

1.3 Methodology

In preparing this report, the following has been undertaken:

- A site inspection from the street,
- Historical research regarding the subject site and Barwon Heads more generally,
- Comparative analysis with other sites in Barwon Heads protected by the Heritage Overlay,
- Review of the subject site's heritage values with regard to the 'Applying the Heritage Overlay' Practice Note (Dept. of Planning and Community, revised 2012).

2 SITE DETAILS

2.1 Introduction

This section of the report provides some historical information regarding Barwon Heads and the subject site, and a description of the existing site conditions as a basis for commenting upon its heritage value.

2.2 Historical Overview

2.2.1 Barwon Heads

The following description of the early development of Barwon Heads is taken from the Environmental History.

The first land was sold in 1871 in one and two acre lots, but there was no rush to purchase – there were only two buyers, both local farmers who bought six and ten acres respectively. There were further sales in 1885, 1886 and 1890; this time the buyers were mainly well known Geelong business men. Many of these sold to other Geelong identities, some of whom began building houses on their land e.g. Howard Hitchcock, of Bright & Hitchcocks department store, who built a house in 1886. But it was a company that got Barwon Heads on the move – the Barwon Heads Estate Company Limited; it bought some of the land already sold as well as a considerable area north of the original area. The latter it subdivided, laid out several streets, and sold, mostly to Geelong buyers.[1]

The township developed largely as a destination for holiday makers and picnickers. In 1889 a coffee palace was built and a park established. A post and telegraph office offered a daily mail service to Geelong and in 1890 a coach service commenced. A jetty, recreation hall and hot and cold sea baths were constructed. Boat houses standing side by side were erected on the sand. By 1891 a general store was opened, a Methodist church was established and there were a total of 16 houses. An 1892 Tourist's Guide gives the following favourable description of Barwon Heads:

In giving a description of this locality, there is a difficulty in compressing all the interesting features, which nature and art have combined to make it one of the most desirable to visit. The writer has heard more than one visitor declare that it is the best and healthiest seaside place in Victoria. The purity of the atmosphere, the close proximity to both ocean and river, and the facilities for boating and fishing, certainly make it a great favourite with many people.

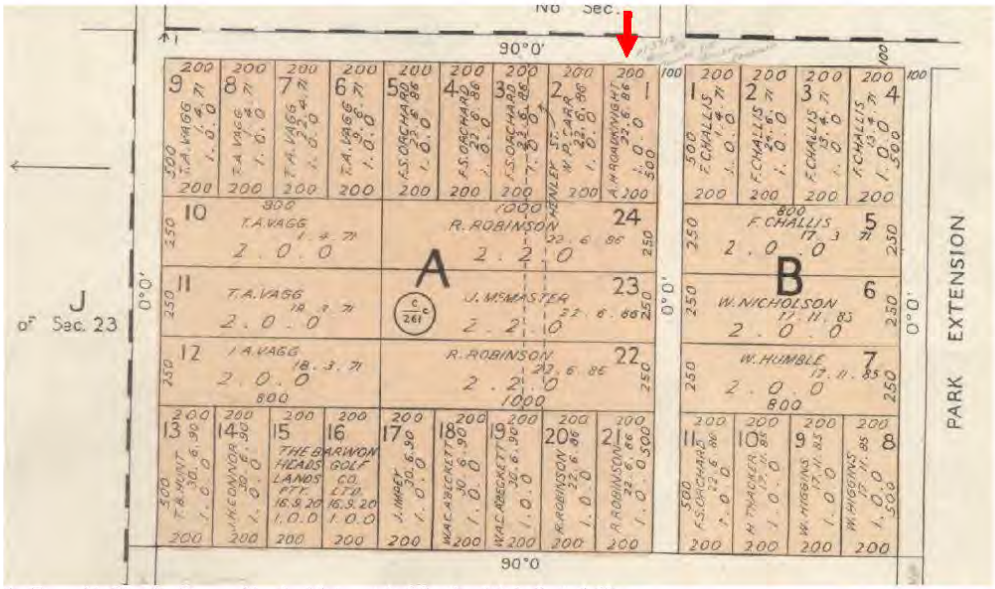
The township is laid out on the lakeside of the peninsula, and comprises some very pretty cottages and villas, chiefly owned by residents of Geelong.[2]

2.2.2 Subject Site

Pre-1900 Phase

The township plan shows that the subject site formed part of Allotment 1 Section A, a one acre parcel of land which was purchased by Alfred Hill Roadknight (a well-known Geelong valuer and estate agent) for £27 on 22 June 1886.[3]
Currently the subject parcel of land represents about one quarter of the original one acre allotment.

1 Authentic Heritage Services, *City of Greater Geelong Outer Areas Heritage Study*, Vol.2 Environmental History, 2000, pp15-17
2 M L Hutchinson (publisher), *The Tourists' guide to Geelong and the southern watering places on the bay and coast and popular holiday resorts*, 1892(?), p32
3 Original Crown Grant, Vol.2067 Fol.413222



Extract from the Township Plan for Barwon Heads. Allotment 1 of Section A is indicated. (Source: Public Record Office Victoria)

The allotment was located on a prominent corner site at the southern end of the main street and on the route linking Barwon Heads with Geelong and Ocean Grove. This remains a prominent location today.



Extract from the Township Plan for Barwon Heads. The star indicates the location of the subject site, and the route between Ocean Grove and Geelong via Barwon Heads is marked in yellow. (Source: Public Record Office Victoria)

Ownership of the allotment was transferred to Albert James Derrick (architect, Geelong) and John Alexander Dawson (electrician, Geelong) on 11 December 1888, who subdivided the allotment selling the western portion in August 1890 and retaining the eastern portion (which contained the subject land) until 1892 (refer diagram below). The 1890 rate book records A J Derrick and J A Dawson as owning a weatherboard cottage – this is likely to be a reference to the subject house, and as such could be the design of its architect owner A J Derrick who was a prolific Geelong based architect who designed many houses and several churches in the area.



From the Titles Office Record of Subdivision. The subject site formed part of the corner block indicated (it has since been truncated at the southern end).
(Source: Vol. 2067 Fol. 413222)

On 13 April 1892, ownership was transferred to Joseph Gell (tailor, Geelong). The house appears in the c.1895 photograph below.



'View of Barwon Heads looking south about 1895.' The Cobb & Co. stables can be seen the foreground. Refer appendix for full photograph. The subject house is indicated in the background.
(Source: copy held at Geelong Heritage Centre, 2009/01847/012)

On 7 January 1901, ownership passed to William Charles Thomas (miller, Murtoa). William Charles Thomas was the founder of W C Thomas & Sons, a prominent and successful flour milling company in Victoria.[4] A Thomas family history compilation records that family members enjoyed holidays at their Barwon Heads retreat from about 1899 onwards (although the certificate of title records that he did not own the property until 1901).

William and Elizabeth...created a holiday retreat at the seaside settlement of Barwon Heads, where they and their small children could sometimes escape the fierce heat of the summers in "up country" Victoria. Here all members of the family enjoyed holidays from about 1899 onwards and the original house was, until 1992, still in the possession of members of the family. From 1908 onwards the house was in even greater demand with all the family much closer to hand and in fact one son, Arthur, purchased a nearby house at Barwon heads for his own use.[5]

W C Thomas appears in the rate book for 1902, where it is recorded that he owned a house and boatshed.[6]

The c.1900 photograph below shows that originally the house, known to the Thomas family as 'The Cottage', only had one projecting gable end (west side). The front verandah had a striped roof and there was a double hung sash window either side of the centrally located entrance. It is possible that the verandah posts at this time may have been cast iron (difficult to determine from the photograph). The gable end featured a finial and vertical slatted timber detailing, and a window with sliding shutters. There were two chimneys, one to the west side and a central one to the rear. The

4 William C Thomas had mills in Beaufort (1870), Murtoa (1876), Warracknabeal (1887), Rainbow, Beulah, Minyip, Ballarat, and Newport (1904). By the 1890s, the flour was being exported to the UK, South Africa and various Asian countries. W C Thomas was an early adopter of the eight hour day in the milling industry. He was also a Councillor and later President of the Shire of Ripon, as well as being a lay preacher of the Methodist Church. He died on 19 October 1919. (C.W.Coates and M.L.Burrows (nee Thomas), *The Thomas Family of Illogan, Cornwall and Beaufort, Victoria*, 1985 + 2007)

5 C.W.Coates and M.L.Burrows (nee Thomas), *The Thomas Family of Illogan, Cornwall and Beaufort, Victoria*, 1985 + 2007, p9

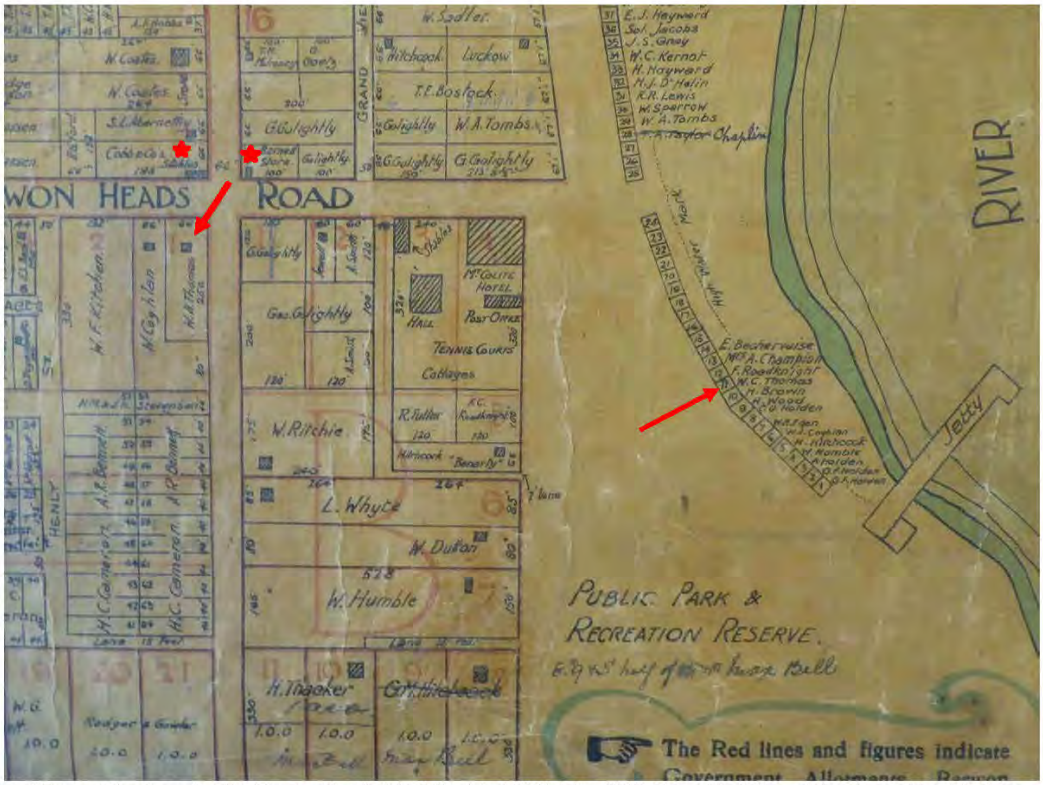
6 The subject site was not able to be identified in rate books prior to 1902.

photograph also shows timber picket fencing and established hedging and shrubs which are not evident in the earlier c.1895 photograph.



'The Cottage' c.1900. Note the fencing and established hedging and shrubs.
(Source: CW Coates & M L Burrows (nee Thomas), *The Thomas Family of Illogan, Cornwall and Beaufort, Victoria*, p9)

The c.1895 photograph above and the 1912 plan below show that the subject site was conveniently positioned opposite the Cobb & Co. stables and the general store.



Complete Plan of Barwon Heads, revised by Thomas Roadknight & Co dated 22 October 1912. The subject site and the Thomas' boatshed are indicated with arrows. The Cobb & Co stables and the general store are marked with stars.
(Source: State Library of Vicoria)

Early 20th Century Phase

Alterations were undertaken to the house over the course of the 20th century. Various Thomas family photographs taken over the period c.1930-1959 (reproduced below) illustrate the changes.

Sometime between 1900 and 1930 (more likely to have been 1900s-1910s than the 1920s) the house was enlarged on the east side with the introduction of another gable end matching that to the west side. The entrance was relocated

from its central position to the eastern end of the verandah, and a window replaced the former door opening. It is possible that the frieze and posts to the verandah may have been replaced at this time.



c.1930. The introduced gable end is on the left. The relocated entrance is indicated by an arrow. (Source: Thomas Family)



c.1933
(Source: Thomas Family)



c.1935
(Source: Thomas Family)



April 1936, prior to the alteration to the verandah. (Source: State Library of Victoria, H91.160/606)

In about 1937, the front verandah was extended forward of the gable ends and enclosed with weatherboards to the lower part and slightly arched window openings, most likely fitted with flyscreens, to the upper part (this was probably a sleep-out, a common feature of the Interwar period for its healthful benefits). The entrance was through the front of the enclosed verandah.



c.1939. Note the extended and enclosed verandah. (Source: Thomas Family)

During the 1940s the windows to the gable ends were replaced with tripartite windows with double hung sashes at the sides. Further changes were also made to the verandah with the entrance relocated to the east end and glass windows fitted to the western part of the verandah (two of the earlier flyscreen openings were retained to the eastern part). A pair of young cypress trees in the front yard are evident in photographs of this time.



1940s. Note the new windows to the gable ends. Two young cypress tree are visible in the front yard. (Source: Thomas Family)



1955. Note the glass windows to the western part of the verandah. (Source: Thomas Family)

Recent Decades

In 1992, ownership of the subject site passed out of the Thomas family. The house acquired the name 'Honnington' and it was run as a bed & breakfast and more recently as a holiday rental house. Alterations have included the introduction of a timber deck to the front of the house which is accessed through new french doors to the enclosed verandah.

2.3 Description

The single storey weatherboard house is centrally positioned on the highest part of the site. The land slopes downwards at the front and the rear of the property. The front yard is enclosed by a low timber fence (not the original, but sympathetic) which sits atop a bluestone retaining wall (dating to the mid-late 20th century) along the front boundary. In the front yard there is a large cypress tree (one of a pair planted c.1940).

The front elevation is comprised of two gable ends (west gable original, east gable early 20th century) either side of an enclosed verandah (enclosed c.1937) which projects about half a metre forward. The gable ends retain their original slatted timber detailing and worked timber finials (replaced c.late 20th century – 1950s photo shows east finial broken). The windows to the the gable ends, introduced during the 1940s, are tripartite with sashes to the side sections and replaced earlier windows in the same location with sliding timber shutters. The roof is clad in corrugated sheet metal (like original). The rendered chimney located to the rear (although visible from the front) is original and retains a pair of terracotta chimney pots. It appears that the second chimney to the west side no longer remains. A modern deck has been introduced to the front of the house with a low timber balustrade.



Front
(Source: https://aura.travel/accommodation/vic/barwon-heads/honnington-on-bridge.html)



Large cypress tree in front yard

To the rear there is a skillion/flat roofed section which may have been an addition or modified. The gable end remains exposed to the west. There is a freestanding timber outbuilding and a carport. The rear has some visibility from Hitchcock Avenue over the timber paling fence.



Rear of the house



Rear of the house

3 COMPARATIVE ANALYSIS

3.1 Pre-1900 houses in Barwon Heads

The following table outlines the nine pre-1900 houses that were identified in Stage 2 of the Greater Geelong Outer Areas Heritage Study (GGOAHS) and which are currently protected by heritage overlays either individually or within the Flinders Heritage Area (HO1649). It is noted that in addition to the subject site, there may be other 19th century houses which have not been identified and/or protected. Refer to Appendix B for Heritage Overlay map.

Description	Image
18 Ewing Blyth Drive Built c.1886-1890 Altered 1977, and post-2000 Integrity (according to GGOAHS): Fair Weatherboard house, corrugated sheet metal roof, 2 early chimneys, return verandah. Alterations include a skillion addition and a 2 storey rear addition. Almost entirely concealed by vegetation. Included in Flinders Heritage Area (HO1649)	 (Source: Google Maps)
33 Flinders Parade Built 1891 Altered 1893, 1922-23 Integrity (according to GGOAHS): Good Substantial weatherboard guesthouse, return verandahs, corrugated sheet metal roof. Alterations include substantial 19th century additions, the verandah and loss due to fire damage. Partly concealed by vegetation (front views). Included in Flinders Heritage Area (HO1649)	 (Source: Google Maps)
39 Flinders Parade Built 1890-91 Altered 1912, c.1990 Integrity (according to GGOAHS): Fair Weatherboard house, early chimneys, bay windows, shingling to gable ends, projecting flat roofed verandah with worked timber posts and frieze. Alterations include prominent c.1990 second storey gable addition with balcony. Substantial Norfolk pine trees at front. Entirely concealed by vegetation. Included in Flinders Heritage Area (HO1649)	 (Source: Google Maps)

Description	Image
	 (Source: GGOAHS)
8 Grandview Parade Built c.1891 Dates of alterations unknown Integrity (according to GGOAHS): Fair Weatherboard house, corrugated sheet metal roof, gable end to front with shingling and ventilator, finials, front skillion roofed verandah, multi-paned windows. Alterations include verandah details, chimney, recent windows to side, rear lean-to extension, freestanding garage. Visible from street. Included in Flinders Heritage Area (HO1649)	 (Source: Google Maps)
1 Margate Street Built c.1875 Altered 1918-19, 1978 Integrity (according to GGOAHS): Fair Weatherboard house, corrugated sheet metal hipped roof, concave front verandah. Alterations include aluminium framed windows, verandah posts, and the removal of a substantial pine tree in the front (post-2000). Relocated to site in 1918-19. Visible from street. Included in Flinders Heritage Area (HO1649)	 (Source: Google Maps)
19 Ozone Road Built c.1890 Altered 1918-19, c.1940 Integrity (according to GGOAHS): Poor Weatherboard house, corrugated sheet metal roof, return verandah, early chimney. Has been substantially altered and extended. Relocated to site in 1918-19. Visible from street. Included in Flinders Heritage Area (HO1649)	 (Source: Google Maps)

Description	Image
11 Grove Road Built c.1890 Alterations 1916-17, c.1973 Integrity (according to GGOAHS): Fair Weatherboard house, corrugated sheet metal gable roof, concave verandah. Alterations include chimney (c.1916), two storey rear additions, possibly front windows. Apparently relocated to site 1916-17. Visible from street. Individual Heritage Overlay (HO1676)	 (Source: Google Maps)
31 Ozone Road Built c.1890 Altered 1918-1919 Integrity (according to GGOAHS): Fair Weatherboard house, corrugated sheet metal gable roof, skillion front verandah, timber finials. Alterations include chimneys (c.1918), verandah posts and brackets. Apparently relocated to site 1918-19. Visible from street. Individual Heritage Overlay (HO1695)	 (Source: Google Maps)
29 Seaview Avenue Built c.1891 Altered 1977 Integrity (according to GGOAHS): Fair Weatherboard house, parallel gable roof forms with corrugated sheet metal, projecting gable end to front, front verandah, chimney. Alterations include, verandah posts, aluminium framed sliding windows. Partly obscured from street – large trees Individual Heritage Overlay (HO1700)	 (Source: Google Maps)  (Source: GGOAHS)

3.2 Observations

Some observations regarding these nine houses include:

- All of the nine pre-1900 houses have undergone alterations and additions, such that their integrity has been reduced to varying degrees.
- The heritage study rated the integrity of each house as being either Excellent, Good, Fair, Poor, Partially Excavated or Fully Excavated. Seven of the houses were given a rating of 'fair', one was 'good' and one was 'poor'. All three of the houses with an individual HO were only assessed as being of 'fair' integrity.
- As many as four of the nine houses were relocated to their current site in the 1910s. It is possible that these houses originated outside of Barwon Heads.
- Several of the houses are largely concealed from view by vegetation.

4 REVIEW OF HERITAGE SIGNIFICANCE

4.1 Introduction

Council have advised that the subject site had been identified in Stage 1 of the Outer Areas Heritage Study. It was originally to form a locally significant dwelling as part of a much larger proposed Flinders Heritage Area heritage overlay that included much of central Barwon Heads. During Stage 2 of the Heritage Study however, the Flinders Heritage Area was revised to a much smaller heritage area apparently due in part to a lack of community support and alterations to a number of the buildings. A number of places which were considered of sufficient integrity were proposed for individual heritage overlays, while others, including the subject site, did not proceed as a consequence of alterations to their appearance.

It is possible that details of the house's early construction were not understood at this time.

4.2 Discussion

The subject house is likely to have been built c.1890 during the first major wave of development in Barwon Heads and as such is amongst the earliest surviving houses in the town. During the period 1888-1892 the subject site was owned by prolific Geelong based architect Albert J Derrick, and as such he may have been responsible for the design. The site formed part of Allotment 1 Section A which was part of the original township. It is noted that there is currently only one 19th century house within the extent of the original township plan which is protected by a heritage overlay (18 Ewing Blyth Drive).

Arguably, the subject house is the most prominent 19th century house in the town, being located on a corner block at the southern end of the main street. It has landmark qualities particularly when considered together with the large cypress (70-80 years old) which is evocative of early beachside development.

Although the house has undergone alterations, it retains design features of its original late Victorian style including the gabled roof form, the original rendered chimney with terracotta chimney pots, timber slatted screens and finials to the gable ends, corrugated sheet metal roof cladding (not original fabric) and weatherboard wall cladding. It is noted that unlike a number of other 19th century houses in Barwon Heads which were relocated to their current site in the 20th century, the subject house has remained on its original site.

Like many of the other 19th century houses (and early 20th century houses) in Barwon Heads the subject house has been enlarged and modified over time. The introduction of a second gable at the east end was a relatively early alteration (likely 1900s-1910s) and is in keeping with the house's Victorian period origins in form and detailing. The enclosed verandah (c.1937), whilst not optimal, can be readily interpreted as an alteration and maintains a verandah-like space. The verandah was most likely enclosed as a sleep-out which was a popular practice during the Interwar period for health reasons in keeping with medical theory of the time. Although the subject house has undergone alterations, it is considered that it has an integrity comparable with the group of 19th century houses currently protected by a Heritage Overlay (refer section 3 of this report).

It is fortunate in this instance that clear photographic documentation survives of the house's earlier appearance (the 20th century photographs in particular), such that the missing details and configuration of the verandah and the windows to the gable ends could potentially be reconstructed to an earlier appearance.

The house has a strong association with the Thomas Family, being in their ownership from 1901 until 1992. William Charles Thomas, who purchased the house as a family holiday retreat, was the founder of W C Thomas & Sons, a prominent and successful milling company in Victoria.

4.3 Conclusion

The extant house and cypress tree at 9 Bridge Road are of local heritage significance for their historical and aesthetic values, and warrant the application of interim heritage controls with a view to introducing an individual heritage overlay in the future.

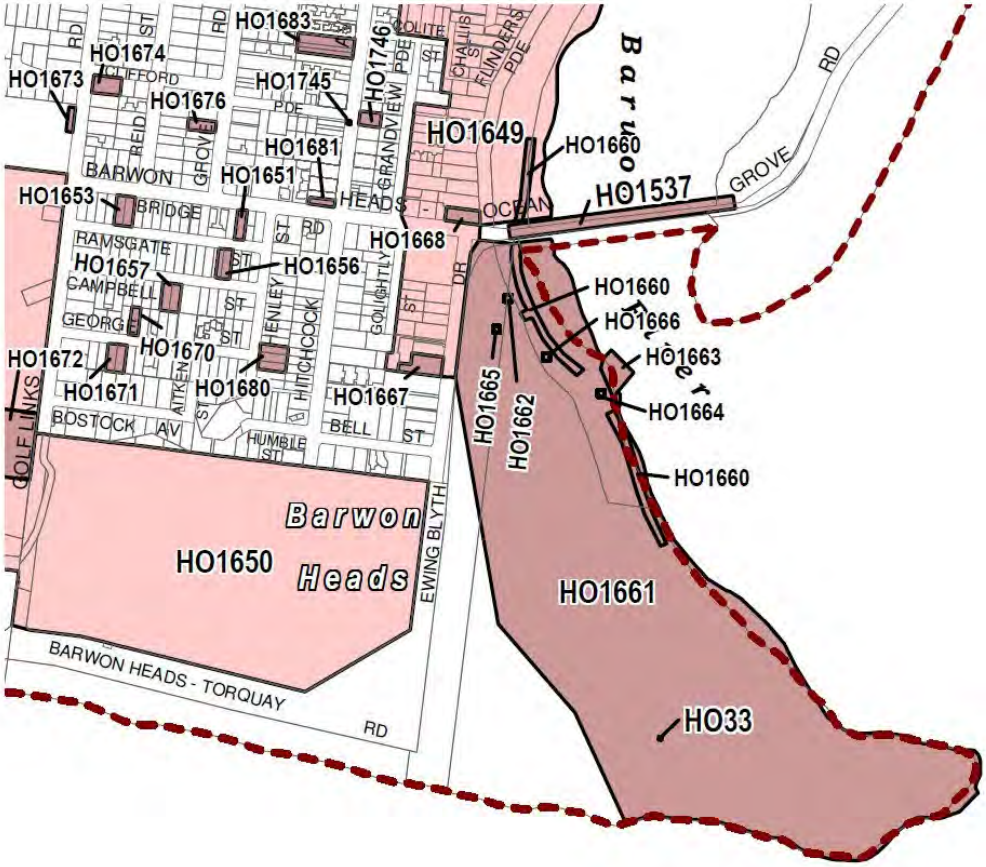
APPENDIX A- Photograph c.1895



Map No 81HO



Map No 88HO



APPENDIX 2

HERCON Criteria

Criteria for assessing cultural heritage significance (HERCON)
(Criteria adopted by the Heritage Council on 7 August 2008 pursuant to Sections 8(1)(c) and 8(2) of the Heritage Act 1995).

Criterion A:
Importance to the course, or pattern, of Victoria's cultural history.

Criterion B:
Possession of uncommon, rare or endangered aspects of Victoria's cultural history.

Criterion C:
Potential to yield information that will contribute to an understanding of Victoria's cultural history.

Criterion D:
Importance in demonstrating the principal characteristics of a class of cultural places and objects.

Criterion E:
Importance in exhibiting particular aesthetic characteristics.

Criterion F:
Importance in demonstrating a high degree of creative or technical achievement at a particular period.

Criterion G:
Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions.

Criterion H:
Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

Appendix 4 – Letter from DELWP to City of Yarra re Interim Heritage Overlays

[redacted]

31 October 2013

[redacted]
Acting Manager City Strategy
City of Yarra
PO Box 168
RICHMOND VIC 3121

Dear [redacted]

INTERIM HERITAGE OVERLAY CONTROLS

Thank you for your letter of 23 September 2013 requesting information about the department's approach to requests for interim Heritage Overlay controls.

Many requests for interim Heritage Overlay controls are received each year. It is the practice of the department (acting under delegation) to limit the application of interim Heritage Overlays to:

a) instances where a council receives a request for report and consent to demolish a building of potential heritage significance under sections 29A and 29B of the *Building Act 1993* (the Act)

b) instances where a planning permit application is received which involves the demolition or redevelopment of a building of potential heritage significance.

Sections 29A and 29B of the Act were introduced in 2000. These sections:

a) require a report and consent of the relevant responsible authority in relation to certain applications for a building permit for demolition

b) enable the suspension of certain applications for a building permit for demolition, pending amendment of planning schemes.

This legislation was introduced as a safety-net to 'stop the clock' on a building permit for demolition until an assessment could be made as to whether a Heritage Overlay should be introduced on an interim basis.

While it is not possible to set out all the circumstances in which the Minister for Planning will intervene, the following guidelines may prove useful. These have been prepared internally and applied since early 2013. Before submitting a request for an interim Heritage Overlay control, I recommend that you speak to your contact officer about the specific circumstances.

Requests for intervention where permanent Heritage Overlays have been exhibited as part of a current planning scheme amendment

In instances where a planning scheme amendment has been exhibited, a request to introduce an interim Heritage Overlay (following an application for demolition or redevelopment) is likely to be supported where the building is identified to be either individually significant, or contributory to a proposed heritage precinct, or where the proposed development will be prejudicial to the heritage significance of the place.

In this situation, the intervention to introduce an interim Heritage Overlay is to protect the integrity of the proposed amendment to a planning scheme until it can be dealt with by a Panel or council.

Requests for intervention where permanent Heritage Overlays have not been exhibited

Councils are expected to be particularly discerning when seeking interim Heritage Overlays in instances where a planning scheme amendment has not been exhibited.

Given that the intervention to introduce an interim control is an extraordinary use of the Minister's powers, the subject building/place should be of particular note. Because the imposition of interim controls also raises issues of fairness, a higher degree of justification is required. The sorts of tests which should be met include:

- The significance of the building must be beyond reasonable doubt. There should be little doubt that the significance of the building/place will stand the scrutiny of a Panel.

- The building will be of some degree of rarity and not well represented in council's planning scheme. For example, a request involving an isolated late 19th century timber dwelling might not be supported where numerous examples exist within existing Heritage Overlays for the municipality.

- The building must be of such significance that council or VCAT would be likely to refuse a planning permit to demolish the building. There is little point in pursuing an interim Heritage Overlay if it is highly likely that a planning permit will issue for demolition.

- The significance of the building is such that its importance would be widely understood and acknowledged by council and the community.

The council must also demonstrate a commitment and sense of urgency and be willing to expedite a planning scheme amendment to introduce a permanent Heritage Overlay. The purpose of this is to balance the need for heritage protection with the requirement to afford natural justice to the owner of the property by ensuring that an amendment to introduce a permanent Heritage Overlay is prepared and exhibited as soon as possible.

Other matters

The following types of requests will not normally be supported:

a) introducing blanket interim Heritage Overlays that mirror a proposed planning scheme amendment

b) introducing an interim Heritage Overlay where a planning permit has already been issued for redevelopment of the building or land

c) introducing an interim Heritage Overlay where consent under the *Building Act 1993* to demolish the building has been given.

If you have any concerns or further enquiries about this approach or would like to provide feedback please contact [redacted]

Yours sincerely

Jane Monk
Director, Planning Statutory Services

6. MOOLAP COASTAL STRATEGIC FRAMEWORK PLAN

Source: **Planning and Development - Planning Strategy and Urban Growth**
General Manager: **Peter Bettess**
Index Reference: **Moolap Costal Strategic Framework Plan**

Purpose

The purpose of this report is to provide an overview of recent strategic planning activities relating to the Moolap – Point Henry area including the Moolap Coastal Strategic Framework Plan (DELWP) and Point Henry 575 Master Plan (Alcoa).

Summary

- The Department of Environment, Land, Water and Planning (DELWP) have released for comment a Discussion Paper and Background Report which will ultimately inform the final Moolap Coastal Strategic Framework Plan to be completed in late 2016.
- The DELWP project study area covers an area of approximately 1200ha between Corio Bay and Portarlington Road (extending south to include the Moolap Industrial Estate), east of the CSIRO's Australian Animal Health Laboratories and west of Clifton Avenue, Leopold.
- The City of Greater Geelong has representatives on the Project Steering Committee and Technical Reference Group. The draft documents have been informed through input from a range of Council departments.
- The Discussion Paper identifies a draft vision and proposed principles and seven different land use scenarios for the study area to stimulate discussion. This report examines each of the scenarios and identifies where they are consistent or inconsistent with Council policy or raise particular issues or opportunities not readily reflected in the Discussion Paper. It is recommended that Council prepares a submission based on this analysis.
- Submissions on the Discussion Paper close on 22 July 2016.
- Alcoa as the major land holder in the DELWP project study area is currently undertaking the development of its own Master Plan (Point Henry 575) for its extensive land holdings. Alcoa recently completed its initial round of community consultation on its Shared Vision and Principles for the site to which Council provided input. Alcoa aim to release their Master Plan in October. It is anticipated this document will inform DELWP's Framework Plan.

P Dorling moved, L Gardner seconded -

That Council officers prepare a submission to the Moolap Coastal Strategic Framework Plan Discussion Paper based on the comments identified in this report.

Carried.

Background

The Department of Environment, Land, Water and Planning (DELWP) are preparing the Moolap Coastal Strategic Framework Plan to provide future strategic policy guidance to land use outcomes over an extensive precinct comprising a former saltworks, Alcoa land holdings (including former smelter and rolling mill), crown land, and industrial activities within the Moolap Industrial Estate and Moolap industrial precinct and rural activities.

The project is being led by DELWP, with the Ministers for Environment and Planning to approve the final plan in late 2016. The project governance structure includes a Project Steering Committee and Technical Reference Group on which Council is represented.

Study Area

The study area is within the suburb of Moolap on the eastern edge of Geelong. Located approximately 5km east of central Geelong's business district, the study area includes over 1,200 hectares of land and 10km of coastline.



The study area is complex with considerations including:

- Significant landscape, environmental, biodiversity and habitat values;
- Coastal inundation and drainage infrastructure challenges;
- Potential contamination from land fills, industrial activities, potential Coastal Acid Sulfate Soils, failed effluent systems etc;
- Existing established industries including Dow Chemicals and Winchester;
- Lack of reticulated sewerage;
- Areas of cultural heritage significance;
- Port assets;
- Mix of industrial, special use and farming zones; and
- Public access for recreational activities.

Council has informed the DELWP's analysis of a number of these considerations through the provision of data, studies and strategies.

The project to date has been informed by one stage of community consultation which explored current issues and future possibilities. The project is currently at stage 3 culminating with the release of a Discussion Paper for community engagement. A draft Plan is to be released in late 2016. Final approval of the Plan rests with the Ministers for Environment and Planning. The project timeline is shown below.



Alcoa project

Alcoa as the major land holder in the DELWP project study area is currently undertaking the development of its own Master Plan (Point Henry 575) for its extensive land holdings (575ha). Alcoa recently completed its initial round of community consultation on its Shared Vision and Principles for the site to which Council provided input. Alcoa plan to release their Master Plan in October 2016. It is anticipated this document will inform DELWP's Framework Plan.

The shared vision is:

The Point Henry 575 site will be a diverse and inclusive place that celebrates its coastal location and supports the prosperity of the Geelong region, whilst recognising and honouring the site's natural landscape and history.

This is underpinned by five themes each with guiding principles:

1. Support and build on the prosperity of the Geelong region:
    - Create opportunities for jobs
    - Outcomes are economically sustainable
2. Embrace and celebrate the coastal landscape:
    - Retain public access to the coast
    - Integrate existing landscape attributes and landforms
3. Create a diverse and inclusive place:
    - Offer a range of lifestyle and economic opportunities
    - Provide for a variety of connected public open spaces and environmental outcomes
4. Honour the various histories of the site:
    - Recognise the significance of the Indigenous, Settler and Alcoa histories
    - Explore existing built form and infrastructure for adaptation and reuse
5. Complement the Geelong region:
    - Complement Geelong's broader planning and strategic direction
    - Create a place that's valued by the community

Discussion

The DELWP has released for comment the Discussion Paper and Background Report which will ultimately inform the final Moolap Coastal Strategic Framework Plan. The Discussion Paper identifies a draft vision and proposed principles and seven different land use scenarios for the study area to stimulate discussion. The Discussion Paper is supported by a research document prepared by CERRF which provides a series of Australian and International case studies of brownfield redevelopments that have relevancy to potential future outcomes for this precinct. DELWP has also engaged consultants to prepare a Feasibility and Scenario Assessment which will inform the draft Framework Plan. The draft vision, supporting principles and seven scenarios are discussed below.

Draft Vision

To transition to sustainable land-uses for this significant site, in order to benefit the Geelong economy, environment and community, which responds to future change and is informed by the study area's history, constraints and opportunities.

Comment:

It is considered that the draft vision is both lengthy, non-specific and a little generic. It is considered however that the current vision reflects the fact that a single picture of how the area might be best developed has not been settled on and will evolve with the final Framework Plan. The significant elements of economy, environment and community are however reflected in it.

Draft Supporting Principles

The Discussion paper identifies a series of vision supporting principles:

Environment:

- Sustainably enhances significant environmental assets and values
- Ensures land-use and development is informed by environmental constraints and risks
- Recognises the potential economic value of environmental assets
- Acknowledges limitations and opportunities including as a result of climate change
- Provides landscapes that contribute to the unique character and attraction of the study area

Community:

- Creates a unique place with great spaces
- Connects and integrates with the surrounding community and wider Geelong
- Provides public access to the water and foreshore
- Creates a place that contributes to a healthy, prosperous and safe community
- Provides services and facilities for visitors and the local community, now and into the future
- Retains and enhances key vistas
- Provides public recreation opportunity

Economy:

- Complements central Geelong and the role of Geelong as Victoria's second city
- Enables opportunities for economic growth and jobs for the future in the context of industry in transition, market demand and a low carbon future
- Recognises existing businesses and their contribution to the Geelong economy
- Builds on the area's economic strengths and existing infrastructure
- Facilitates opportunities for businesses which are locationally dependent on the study area
- Facilitates opportunities that are economically feasible

Heritage:

- Respects and acknowledges the Indigenous, maritime and industrial heritage values for present and future generations
- Provides opportunities for people to remember, learn and interpret
- Considers opportunities to re-use heritage places and attract visitors

Infrastructure and Services:

- Considers the re-use, improvement and adaption of existing assets and infrastructure
- Improves connectivity and accessibility through the study area to surrounding areas and to the wider region
- Facilitates economic opportunities
- Supports land-uses
- Responds to environmental conditions, risks and assets

Additional/Supplementary:

- Is feasible and deliverable
- Considers impacts on and complements areas adjacent to the study area and beyond
- Considers relevant legislation, policy and strategies
- Enables staged delivery/realisation of the Moolap Plan over the long term
- Responds and takes advantage of the unique location and attributes
- Enables the opportunity to deliver something unique and innovative to Geelong
- Fosters innovation and creativity.

Comment:

While it is considered that a number of these principles could be consolidated they generally cover the more significant economic, social and environmental challenges and opportunities presented by the precinct. The vision and principles identified broadly align with those developed by Alcoa.

Scenarios

The Discussion Paper includes seven land use scenarios which explore a range of different lead and associated land use activities and advantages/disadvantages associated with each. The scenarios are not options but have been developed to respond to the various opportunities flagged through community consultation and research/constraint analysis to encourage feedback from the community on preferred scenarios or elements of scenarios. The final draft Plan will likely be a blend of scenarios.

Comment:

The identified scenarios provide a balanced mix of the potential land use outcomes for the area and the relative advantages and disadvantages reasonably captured. Officers have had the opportunity to provide preliminary advice to DELWP on the initial draft scenarios which has largely been reflected in the final Discussion Paper.

Each of these scenarios (refer Attachment 1 for scenario mapping/description) are responded to below in terms of policy consistency and identification of key scenario opportunities/disadvantages to inform a submission. It is considered that as a project participant it is more appropriate at this stage to comment on the relative merits of each scenario rather than identify a preferred scenario particularly given that a number of scenarios have local policy/strategy linkages. It is also important that Council consider the communities views before determining a view on a single preferred scenario. Council will be in a position to provide a further submission to the draft Framework Plan when it is released and inform the project outcomes through its participation in the Project Steering Committee.

The key local policies relied on to inform commentary on the scenarios include:

- Municipal Strategic Statement and Local Planning Policy Framework within the Greater Geelong Planning Scheme. The key policy areas relate to: clause 21.06 – Settlement and Housing, clause 21.07 - Economic Development and Employment, clause 21.05 – Natural Environmental, 21.14 – Bellarine Peninsula and clause 22.06 Tourism development in rural areas.

  Some of the critical elements of these policies include application of settlement boundaries and urban breaks, maintaining productive rural landscapes, retail centre hierarchy, industry buffers and protection of environmental including wetland values and climate change.

- Environmental Management Strategy;
- Low Carbon Growth Plan for Geelong;
- Climate Change Adaptation Strategy;
- Geelong Port-City 2050

While non-compliance with the above policy/strategy platforms should not prejudice the consideration of strategic opportunities but rather flag matters for consideration to inform a balanced outcome. The following summary comment table should be read in conjunction with Attachment 1.

Scenario	Advantages	Disadvantages
Business as usual	• Largely planning policy neutral • No planning scheme changes required • Allows existing industry to continue, expand/ reinvest. Accommodates new industrial/aquaculture uses • Maintains existing environmental values	• Does not maximise the opportunities presented within the precinct • Does not address issues associated with climate change or lack of sewerage infrastructure
Port in Moolap	• Allows for continuance of exploring industries and opportunities for further industrial investment • Utilises Port assets (pier) and proximity to shipping channel and consistent with port growth objectives • Accommodates coastal processes • Provides basis for extension of Bellarine Link Road	• Extends settlement boundary into settlement break to Leopold • In short-medium term potentially increases industrial traffic through the CBD • Port security requirements limits public access

	Comment: This scenario could allow use of coastal retreat area for conservation purposes.	
Marine Industry in Moolap	• Allows for continuance of existing industries and repurposes industrial components of Alcoa site and utilises Port infrastructure • Supports further research activities adjacent to AAHL providing an appropriate interface • Provides a major public park asset • Provides strategic opportunity previously identified for Geelong (Marine Industry Precinct)	• Creates a conflict between industry and new residential areas • Extends settlement boundary into rural break. Major drainage challenges presented with residential expansion • Conventional park would reduce environmental wetland and biodiversity values • Creates major management asset, largely inconsistent with open space/leisure needs strategies (i.e. low need)
	Comment: This scenario could allow public park to be used for conservation purposes without impacting industry activity. Considered that residential use is not consistent with this scenario and creates amenity/reverse amenity conflict.	
Production in Moolap	• Maintains settlement break and boundary • Largely policy consistent • Consistent with planning policy relating to rural production • Consistent with opportunities identified in the Low Carbon Growth Plan – carbon capture, sustainable energy including work to energy • Maintains existing industry activities • Would allow some level of continuance of biodiversity values	• Limited public access to coast • Loss of crown land • Stranded Port asset
	Comment: This scenario need not remove all potential conservation area opportunities or restrict more extensive crown land provision along the coast to provide for public access.	
Tourism in Moolap	• Provides significant mixed use opportunities building on landscape and heritage values • Provide for greater levels of open space and public access to the coast • Minimises impacts on shallow Stingaree Bay	• Loss of industrial activities and jobs • Inconsistent with retail hierarchy – potential economic impacts on Leopold sub-regional centre and Newcomb activity centres. • Inconsistent with settlement strategy including settlement break, presents major drainage challenges. No strategic justification for environmental residential development • Requires major coastal protection investment • Inconsistent with Victorian Coastal Strategy, Corio Bay Coastal Action Plan • Development of public park will diminish wetland/biodiversity

		values and create recreational assets for which there is little strategic justification
	Comment: This scenario would be more appropriate with removal of eastern residential node and more limited retail node and eastern public park being used in part for conservation purposes.	
Living in Moolap	• Provides for protection of biodiversity and habitat values • Provides extensive public open space areas and access to the coast • Eco tourism opportunities largely policy consistent • Allows for continuation of coastal processes	• Inconsistent with settlement strategy including settlement break, presents major drainage challenges. No strategic justification for environmental residential development • Requires major coastal protection works • Inconsistent with Victorian Coastal Strategy, Corio Bay Coastal Action Plan • Development of public park will diminish wetland/biodiversity values and create recreational assets for which there is little strategic justification • Results in loss of industry and employment
	Comment: The tourism and conservation elements are potential components of this scenario. It is considered the residential components are too extensive.	
Conserving Moolap	• Policy consistent – settlement, rural areas, conservation, tourism • Provides recreational use of pier • Protects and enhances biodiversity and habitat and cultural heritage values • Provides greater public access and access to coast • Allows for coastal processes • Maintains majority of industry and employment	• Results in loss of some industrial land • Creates asset requiring ongoing maintenance
	Comment: This scenario could accommodate an expanded eco-tourism node and retain existing industry.	

Environmental Implications

The Discussion Paper and Background Paper identify a range of environmental challenges for the site including sea level rise, habitat and biodiversity values, contamination including landfills, potential coastal acid sulfate soils etc. Council strategies including the draft Greenhouse Strategy, Environmental Management Strategy, Low Carbon Growth Plan, Climate Change Adaption Strategy etc, have informed comments in this report. The Environment is a key project principle in DELWP's project.

Financial Implications

This project has no immediate financial implications for Council. The final Framework Plans land-use mix and infrastructure outcomes may have longer term financial implications i.e. new assets to manage, new infrastructure provision requirements.

Policy/Legal/Statutory Implications

Comments in this report have been based on consistency with key Council strategies and policies including housing and settlement strategies, included in the Planning Scheme.

Alignment to City Plan

The project is consistent with:

- Growing our Economy by responding to the challenges associated with the closure of Alcoa and supporting existing businesses and encouraging new and emerging growth sectors;
- Community Wellbeing by providing opportunities to integrate the precinct with existing communities through linkages and providing access to recreation opportunities;
- Sustainable Built and Natural Environment by providing opportunities to protect and enhance important habitat values.

Officer Direct or Indirect Interest

Officers involved in preparing this report have no direct or indirect interest in the study area.

Risk Assessment

The DELWP Discussion Paper provides low levels of work to Council. Longer term works include impacts on assets impacted by sea level rise or the management and maintenance of new assets.

Social Considerations

The community is a key project principle. Issues of community infrastructure facilities, access to reserves, engaging business etc have been considered in the report.

Human Rights Charter

The project provides for extensive community consultation and engagement opportunities to understand impacts on individuals and the broader community.

Consultation and Communication

The Discussion Paper and Background Paper have been informed through an existing community engagement phase and been informed by reports from a range of Council Departments. Council has worked with DELWP to shape the Departments community engagement process.

Attachment - 1 Moolap Coastal Strategic Framework Plan – Discussion paper Scenarios

6.6. Scenario: Port in Moolap

Scenario Description

- Uses former aluminium smelter/rolling mill site at Point Henry (and potentially buildings) for additional facilities for Geelong Port
- Port facilities including secure loading and storing of dry bulk or liquid bulk products
- Marine infrastructure including wharf and upgraded Point Henry Pier
- Moolap Industrial Estate retained and significant expansion of the Moolap Industrial precinct east of Point Henry Road, with the provision of sewerage infrastructure.
- Coastal processes and sea level rise redefine the coastal edge, including inundation of the former salt works.
- Direct transport link from the tip of Point Henry to Avalon
- Retains a public park and beach access at the tip of Point Henry
- Some farmland retained along Clifton Avenue
- New road connection to the Geelong Ring Road.
- New rail connection to Geelong rail freight network.
- Environmental clean-up may be required where there is a change to a more sensitive land use

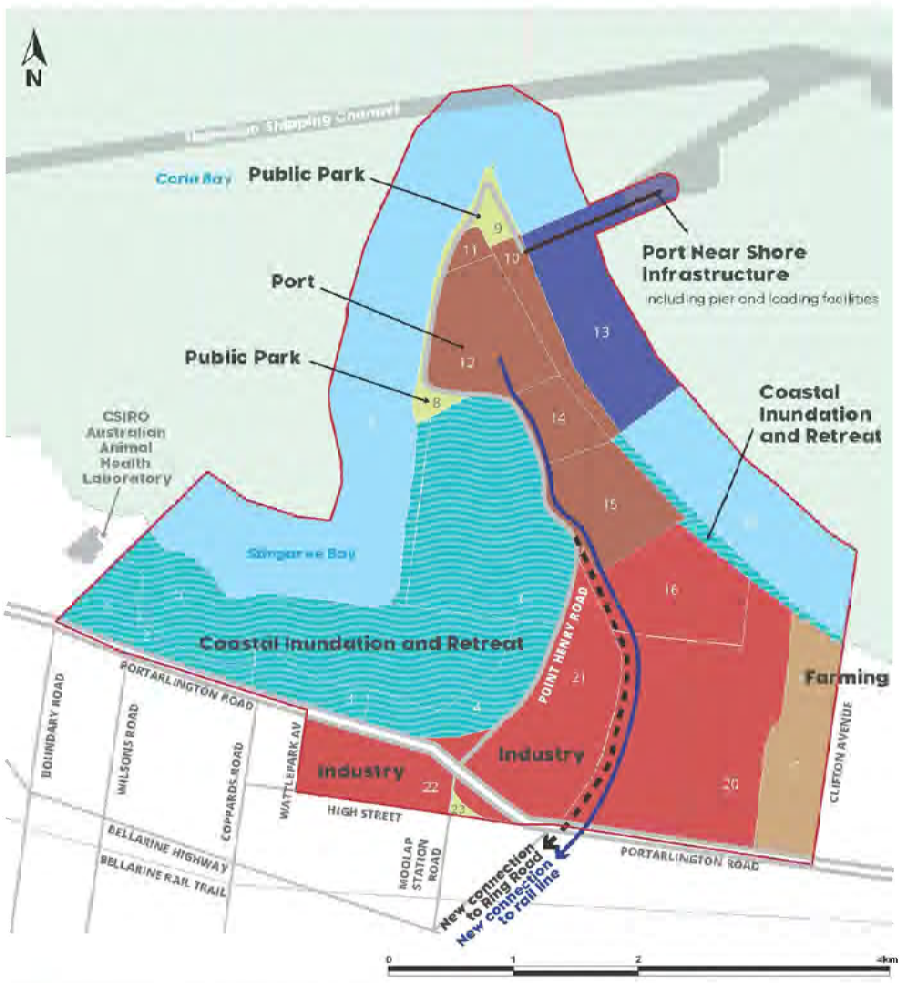
Scenario Advantages

- Takes advantage of existing port infrastructure (pier) and shipping channel access
- Meets the needs of the port to export bulk products and for potential port expansion
- Provides new jobs and a boost to the local economy building on Geelong's economic advantage
- Provides for a secure port facility, with buffer/setback far away from existing residential areas that could impact on operations and safety.
- Consistent with the Victorian Government policy to address the logistics need of the State including future bulk capacity at the Port of Geelong.
- Consistent with Victorian Government policy to prohibit new development of coastal areas that may be subject to inundation due to sea level rise and storm surges.
- Creates opportunities to invest in and retain business and hundreds of jobs in existing industrial areas.
- Provides for a road connection to the Geelong Ring road and reduces traffic through central Geelong.
- Provides for a rail connection to the existing rail freight network in Geelong, linking to other regions and reduces road (truck) traffic.
- Coastal inundation could increase the area available for seagrasses and wetland habitats.
- Some farming area retained (including Moolap grasslands) providing transition to rural activity/farming to the east.
- Provision of reticulated sewerage infrastructure supports development, reduces risk of contamination.

Scenario Disadvantages

- Need for security around the port may reduce public access to Point Henry and the nearby foreshore.
- May require retrofitting Point Henry Pier specifically for port needs
- Potentially significant cost of major transport access, rail and road.
- Changes to the existing coastal edge may result in a loss of environmental and heritage values
- Potential for a new costly seawall to the CSIRO, Portarlington Road and Point Henry Road
- Potential loss of wildlife corridor in the east of the study area.
- Does not create an unique publicly accessible destination at Point Henry
- No new pedestrian/ bicycle path connecting with surrounding areas including Inner Circle Geelong.
- Reduced amount and/or access to public land.
- Provision of reticulated sewerage infrastructure is likely to be costly.
- Views and recreational assets of the study area are not utilised to capacity
- Not located close to markets or major freight routes such as Melbourne and Avalon
- Change to existing eastern rural edge is inconsistent with Council's rural and settlement policies

PORT IN MOOLAP



As described in section 6.2 the precincts shown on the scenario map are to assist community engagement and may change in the draft Moolap Plan

6.7. Scenario: Marine Industry in Moolap

Scenario Description

- Uses former aluminium smelter/rolling mill site at Point Henry (and potentially buildings) for an industry hub that needs water access.
- Marine infrastructure including berthing services and cruise ship facilities at Point Henry Pier (requiring private purchase/lease of the pier).
- Marine industry area at Point Henry, separated from residential areas.
- Research and development park adjacent to CSIRO.
- Moolap Industrial Estate retained, with the provision of sewerage infrastructure.
- Significant public park on most of the former saltworks.
- Residential development in the east of the study area.
- Some farmland retained along Clifton Avenue.
- New road connection to the Geelong Ring Road.
- Wetland/retarding basins adjacent to Portarlington Road and on the eastern side of Point Henry.
- Environmental clean-up may be required where there is a change to a more sensitive land use.

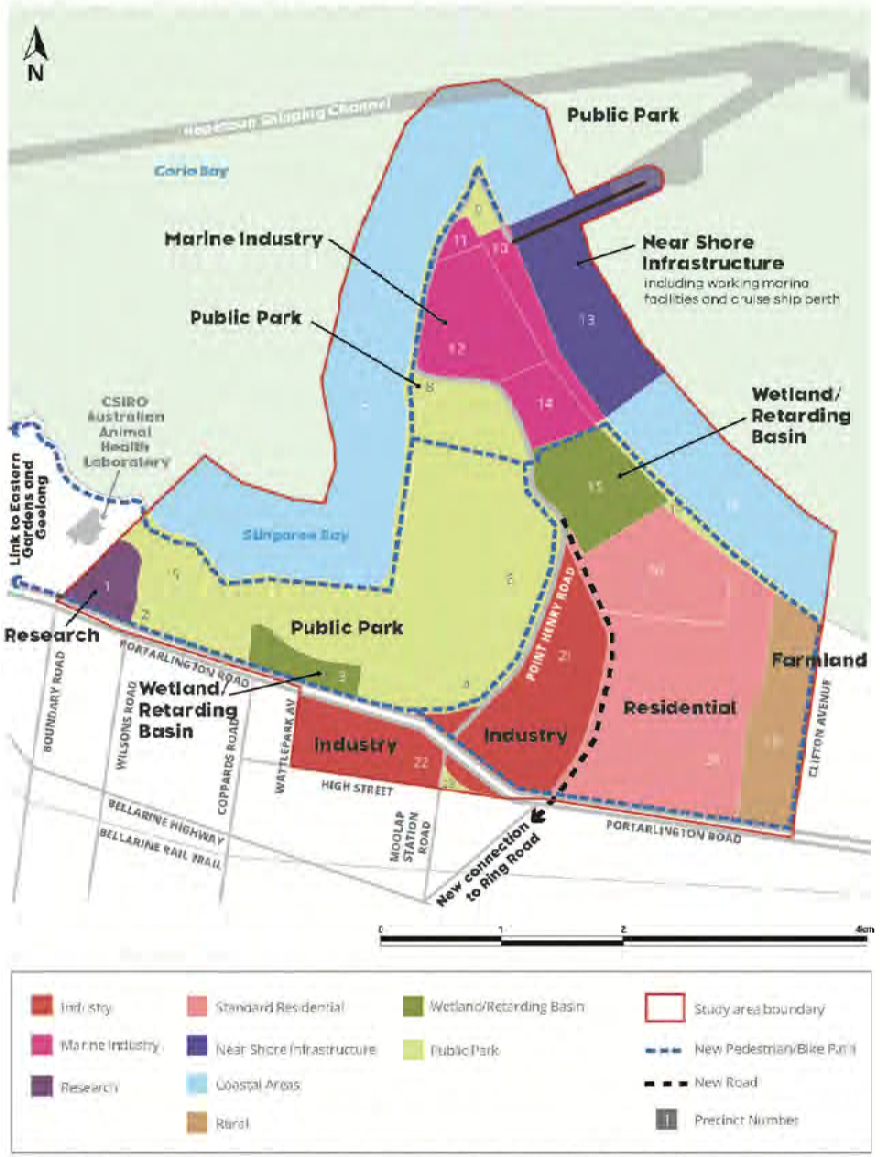
Scenario Advantages

- Consistent with State policies to provide maritime precincts.
- Takes advantage of existing shipping channel.
- The Point Henry Pier is upgraded and does not become a stranded asset.
- Provides jobs and a boost to the local economy, building on Geelong's economic advantage.
- Enables logistics and industry supply chain and related industries to establish and grow.
- Retains the majority of existing industry.
- Some farming area retained (including Moolap grasslands) providing transition to rural activity/farming to the east.
- Generally avoids development on land that is low lying and subject to inundation.
- Wetlands/retarding basins to improve storm water quality from adjacent development.
- Provides for a road connection to the Geelong Ring Road and reduces traffic through central Geelong.
- Pedestrian/bike path along main roads, the east and western coastline connecting back to central Geelong.
- Provision of reticulated sewerage infrastructure supports development, reduces risk of contamination and improves water quality.

Scenario Disadvantages

- Requires purchase of the Point Henry Pier to provide for boating industry use.
- Impacts upon environmental values and migratory birds.
- Does not retain the wildlife corridor in the east of the study area.
- Removal of saltpans for a park, impacts on environmental and heritage values.
- Potential conflict between existing industrial areas and new residential areas.
- Residential development potentially limited by landfill.
- Loss of business and jobs resulting from the removal of the industrial area on Hays Road.
- Potential cost of major transport and road access.
- Provision of reticulated sewerage infrastructure is likely to be costly.
- Not located close to markets or major freight routes such as Melbourne and Avalon.
- Cost to government of establishing and maintaining public land for wetland/retarding basin or for a park.
- Changes to existing eastern rural edge is inconsistent with Council's rural and settlement policies.

MARINE INDUSTRY IN MOOLAP



As described in section 6.2 the precincts shown on the scenario map are to assist community engagement and may change in the draft Moolap Plan

6.8. Scenario: Production in Moolap

Scenario Description

- Former saltworks, former aluminium smelter/rolling mill site and surrounds used for both food and energy production. This could include wind, solar, waste-to-energy and algae-to-energy.
- Potential re-use of the Point Henry Pier for ship products/material (requires private over lease or lease).
- The coastline could be used for production including aquaculture, and carbon capture in sea grass.
- Moolap Industrial Estate and Moolap Industrial precinct remained, with the provision of sewage infrastructure.
- Farmland retained in the east of the study area.
- New road connection to the Geelong Ring Road.
- Environmental clean-up required where there is a change to a more sensitive land use.

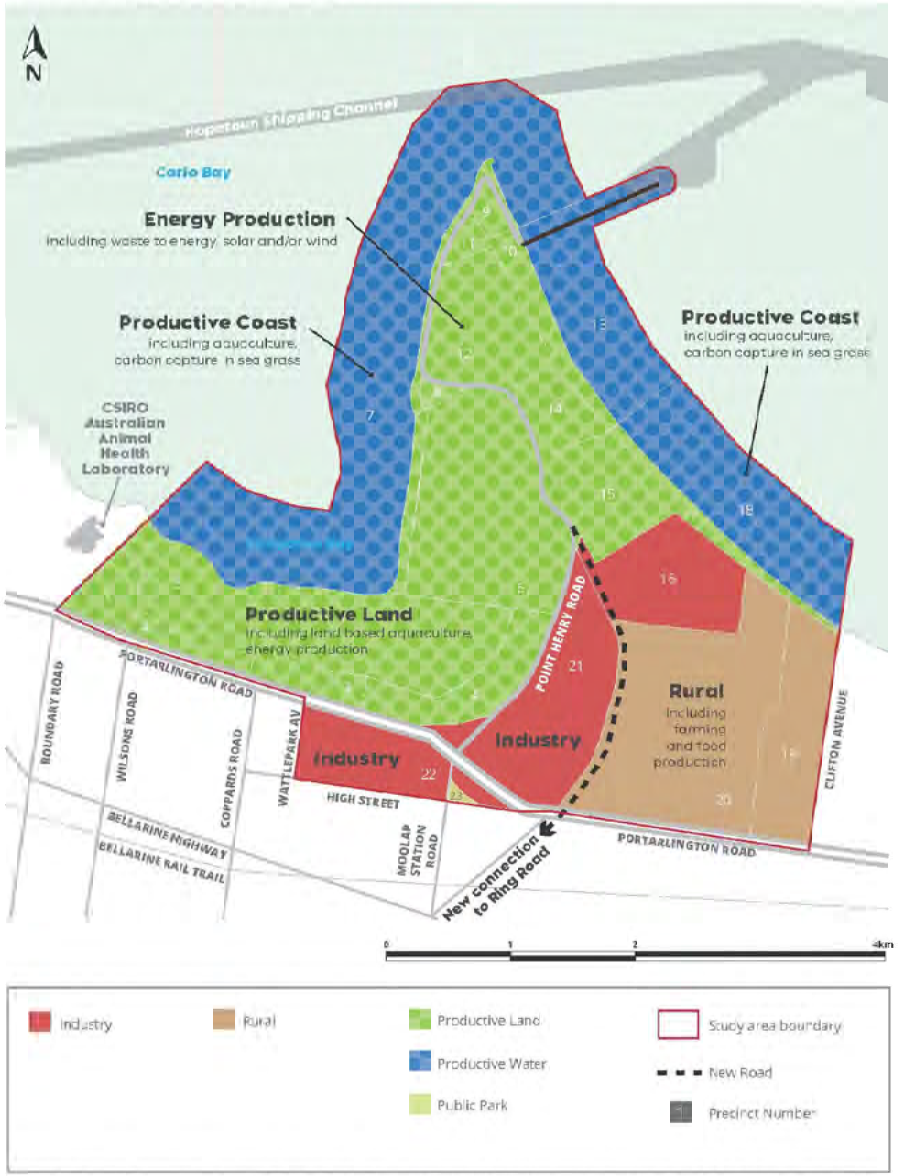
Scenario Advantages

- Takes advantage of potential blue carbon opportunities and aligns with State and local policies for a low carbon economy.
- Consistent with Victorian Government policy to support aquaculture and mariculture (marine based aquaculture) initiatives within planning and environmental controls that ensure environmental protection.
- Avoids intensive development on land that is low lying and subject to inundation.
- Creates opportunities to invest in and retain business and hundreds of jobs in existing industrial areas.
- Provision of reticulated sewerage infrastructure supports development, reduces risk of contamination and improves water quality.
- Allows for industrial uses with a sustainable focus.
- Reuses potentially contaminated sites for industry.
- Provides jobs and a boost to the local economy.
- Farming areas retained (including the wildlife corridor and Moolap grasslands), providing interaction to rural activity forming to the east.
- Could utilise existing transmission lines and substation.
- Provides a new road connection to the Geelong Ring Road, reducing traffic through central Geelong.

Scenario Disadvantages

- Inconsistent with Government policy to retain and establish public ownership of a foreshore strip for the full length of the Victorian coastline.
- Potentially inconsistent with Victorian Government policy and the Geelong planning scheme in relation to the location of windfarms on the coast.
- Environmental and heritage values may be lost, be modified.
- Potential impacts upon migratory birds.
- Requires the sale/lease of all Crown land.
- Food production in east of study area may be constrained by existing contamination.
- No public access to foreshore and Point Henry.
- Does not increase the amount and/or access to public land.
- Does not create a public destination at Point Henry.
- Views and recreational assets of the study area are not utilised to capacity.
- Potential cost of major transport access.
- Loss of business and jobs resulting from the removal of the industrial area on Hays Road.
- Provision of sewage infrastructure is likely to be costly.
- Not located close to markets or major freight routes such as Melbourne and Avalon.
- No pedestrian/cycle path connecting with surrounding area including back to central Geelong.

PRODUCTION IN MOOLAP



As described in section 6.2 the precincts shown on the scenario map are to assist community engagement and may change in the draft Moolap Plan.

6.9. Scenario: Tourism in Moolap

Scenario Description

- Use former aluminium smelter/alloy mill site at Point Henry for major tourism facilities
- Marine infrastructure at the Point Henry Pier and adjacent to the eastern coastline, including cruise ship facilities.
- Potential re-use of the Point Henry Pier to ship products/material (requires private purchase or lease)
- Coastal residential development south of the major tourism facilities integrates with the coasts on either side of Point Henry
- Residential development in the southeast of the study area replaces farmland and includes larger lots towards Clifton Avenue.
- New retail/commercial hub fronting Portarlington Road generally to the east of Point Henry Road.
- Moolap Industrial Estate retained with the provision of sewage infrastructure.
- Pedestrian/bike path along main roads, the east and western coastline connecting back to central Geelong.
- Expanded public park at the tip of Point Henry and along the eastern coastline.
- Public Park on the former saltworks including regional recreation facilities.
- New road connection to the Geelong Ring Road.
- Environmental clean-up required where there is a change to a more sensitive land use.

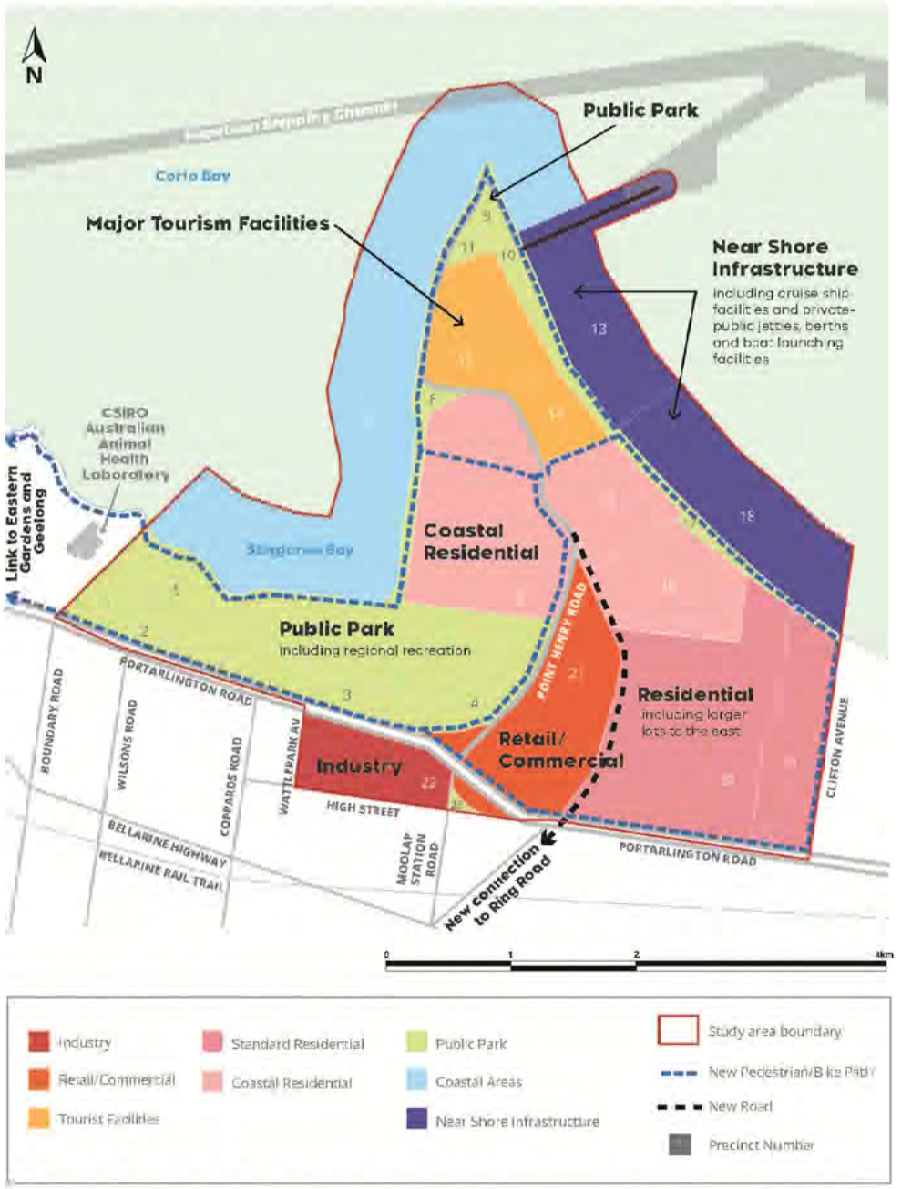
Scenario Advantages

- Enables new major tourism facilities.
- Marine infrastructure would support private and public recreation.
- Provides an opportunity to create a unique destination at Point Henry.
- Upgrades to Point Henry Pier will allow it to be used for cruise ships and other users.
- Avoids sale of Crown land to enable development to occur.
- Economic and job growth as a result of retail/commercial centre and major tourism facilities.
- Retail/Commercial will serve new and existing residential areas.
- Provision of reticulated sewerage infrastructure supports development; reduces risk of contamination and improves water quality.
- Expands public parks and access to all of the coastline.
- Pedestrian/bicycle paths along the entire coastline encourages use of public spaces and connection to surrounding areas.

Scenario Disadvantages

- Inconsistent with Victorian Government policy to prohibit new development in coastal areas that may be subject to inundation due to sea level rise and storm surges.
- Major tourism facilities located outside of central Geelong.
- Requires potential government purchase of Point Henry Pier and potential refitting to provide for safe public recreational and boating use.
- Impacts on environmental values and heritage values.
- Wildlife corridor and Moolap Wetlands potentially replaced/impacted by residential development.
- Provision of reticulated sewerage infrastructure is likely to be costly.
- New retail area potentially compromises existing retail centres.
- Loss of business and jobs resulting from the removal of the industrial area on Taylor Road.
- Potential interface issues between new residential development and surrounding rural areas to the southeast.
- Not located close to markets or major travel routes such as Melbourne and Avalon.
- Costly government of establishing and maintaining a tidal lake for a park.
- Changes the existing eastern rural edge is inconsistent with Council's rural and settlement policies.

TOURISM IN MOOLAP



As described in section 6.0 the precincts shown on this scenario map are to assist community engagement and may change in the draft Moolap Plan.

6.10. Scenario: Living in Moolap

Scenario Description

- Conservation area on the former saltworks (controlled public access).
- Part sale of Crown (public) land to pay for improvements to establish and maintain conservation areas.
- Medium density residential development on former aluminium smelter/rolling mill site including short term accommodation.
- Residential land abuts Portarlington Road and part of Point Henry Road, replacing the Moolap Industrial Estate and most of the Moolap Industrial precinct as well as farmland in the south of the study area.
- Tourism facilities at Point Henry headland could include small scale accommodation, restaurants and cafés.
- Eco-tourism hub including education/conservation/information centre focused on environmental and heritage values.
- Point Henry Pier includes improvements allowing for boating facilities and public recreation use.
- Public park at the tip of Point Henry with beach access, car parking and toilet facilities.
- Wetland/retarding basins to improve water quality to the east of the study area and in Stingaree Bay.
- Pedestrian/bike path along main roads, eastern coastline and connecting back to central Geelong along Portarlington Road.
- Environmental clean-up may be required where there is a change to a more sensitive land use.

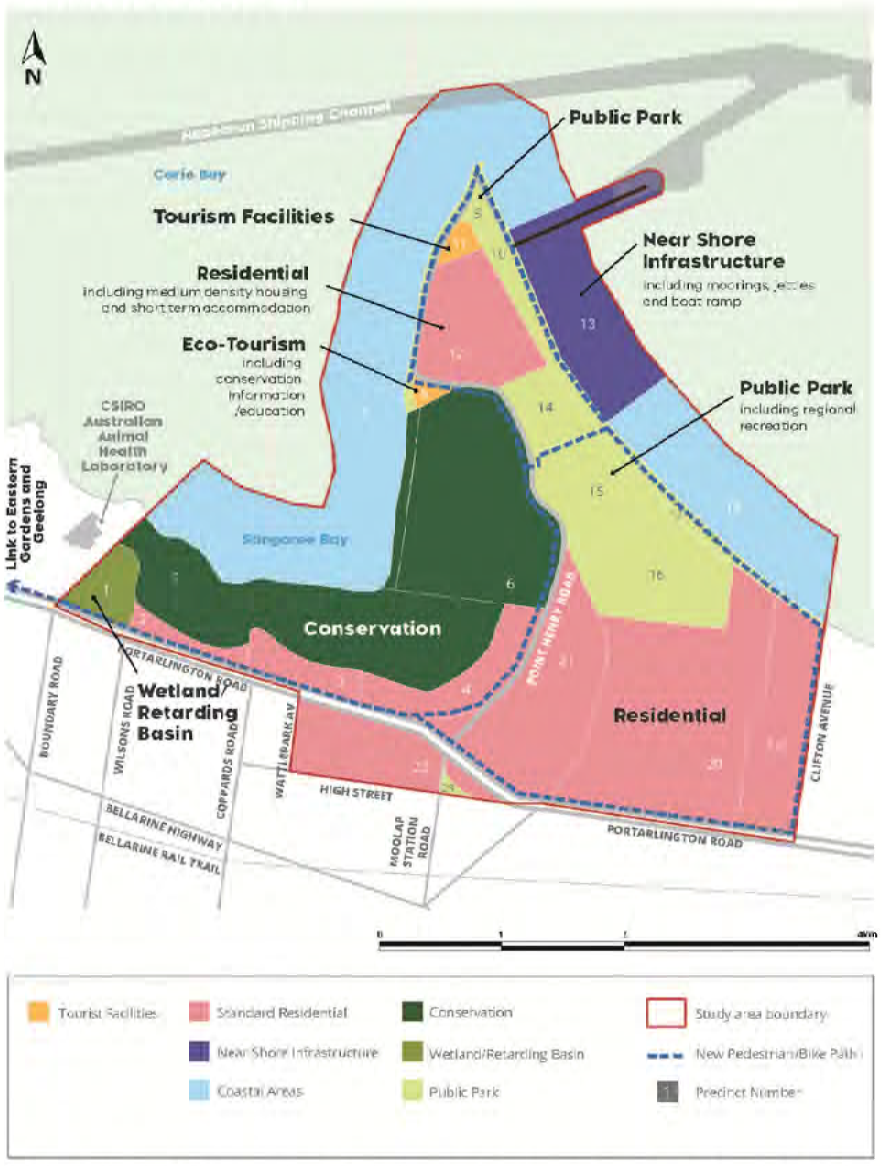
Scenario Advantages

- Provides benefits to the community and environment through a combination of conservation values, public open space and increased residential land supply.
- Protects environmental and heritage values of the former saltworks, including protection of bird habitat and heritage values.
- Generally avoids development on areas most susceptible to sea level rise.
- Residential development at Point Henry takes advantage of significant coastal vistas.
- Good integration with the surrounding communities through the provision of similar land uses (residential).
- Provides residential construction jobs and some ongoing jobs related to tourism facilities.
- Allows public access to the tourism facilities at Point Henry and the Point Henry Pier.
- Retains majority of Crown land in Crown ownership.
- Increases public access to the foreshore.
- Pedestrian/bicycle path encourages use of public space and connection to surrounding areas.
- Provision of reticulated sewerage infrastructure supports development, reduces risk of contamination and improves water quality.

Scenario Disadvantages

- Wildlife corridor and Moolap grasslands potentially replaced/impacted by residential development.
- Increased built form may increase freshwater runoff to conservation area.
- Residential development potentially limited by areas of landfill.
- Requires government to purchase Point Henry Pier and privately owned land in the former saltworks and the eastern part of the study area in order to put them in to public ownership.
- Cost to government of establishing and maintaining public land for conservation, wetland/retarding basin or for a park.
- Point Henry Pier and adjacent area would require infrastructure to allow for marina infrastructure and safe public recreational use.
- Displaces businesses and hundreds of ongoing jobs from the existing industrial areas.
- Potential interface issues between new residential development and surrounding rural areas to the south-east.
- Not located close to markets or major travel routes such as Melbourne and Avalon.
- Provision of reticulated sewerage infrastructure is likely to be costly.
- Change to existing eastern rural edge is inconsistent with Council's rural and settlement policies.

LIVING IN MOOLAP



As described in section 6.2 the precincts shown on the scenario map are to assist community engagement and may change in the draft Moolap Plan.

6.11. Scenario: Conserving Moolap

Scenario Description

- Conservation and on the former saltworks (controlled public access).
- Eco-tourism hub at Point Henry including education/conservation/information centre focused on environmental and heritage values.
- Regional Park on former aluminium smelter/rolling mill site with full public access.
- Wetlands/retarding basins to the northeast of the Moolap Industrial Estate and north of the Moolap industrial precinct.
- Pedestrian/bike path along main roads, eastern coastline and connecting back to central Geelong along Portarlington Road.
- Point Henry Pier to be used for recreational activities including boating and fishing.
- Moolap Industrial Estate and majority of the Moolap Industrial precinct retained, with the provision of sewage infrastructure.
- Majority of farmland retained along Clifton Avenue, including wildlife corridors and Moolap grasslands.
- Environmental clean-up may be required where there is a change to a more sensitive land use.

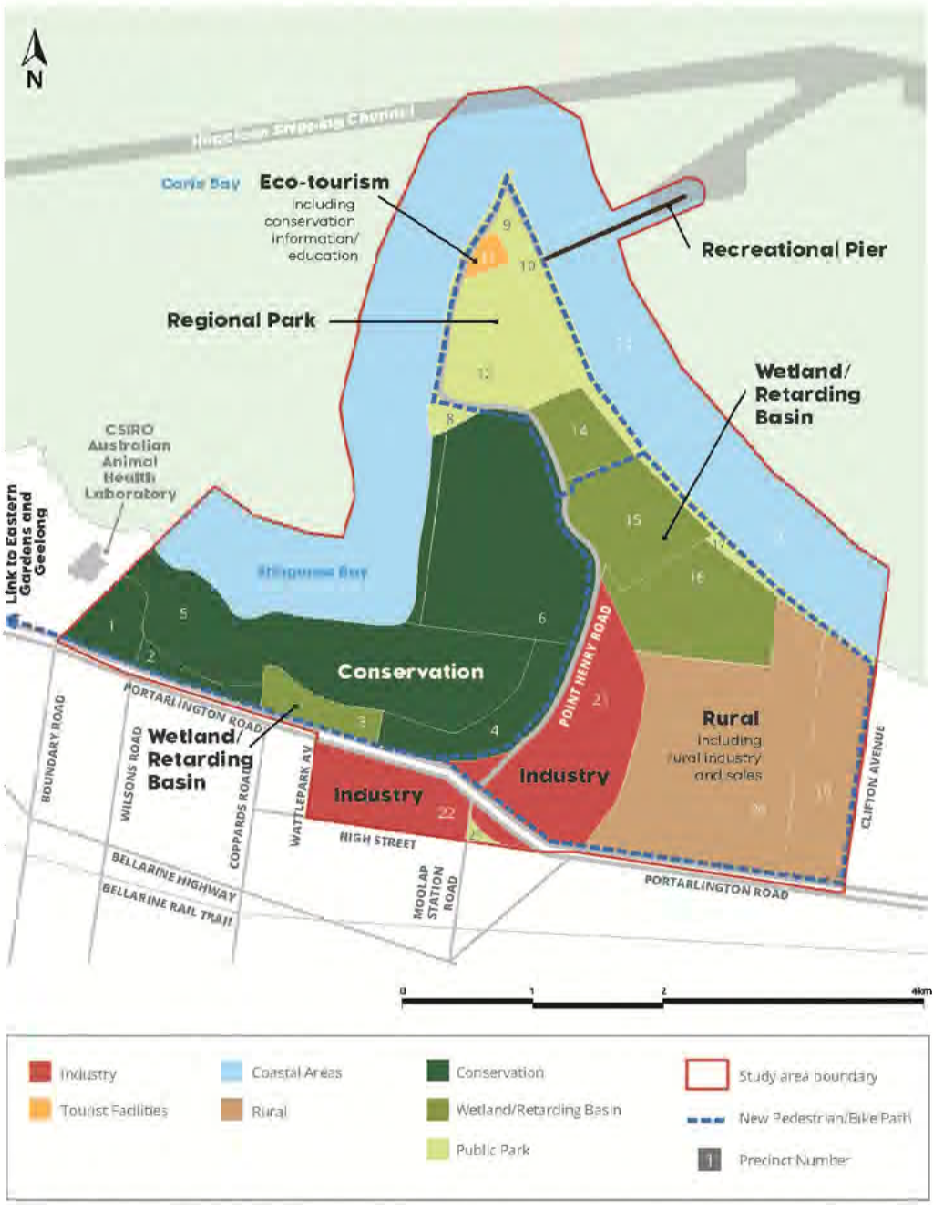
Scenario Advantages

- Protects environmental and heritage values of the former saltworks, including protection of bird habitat.
- Provides a unique opportunity for a large area of conservation within an urban context.
- Ecotourism profits can be partially used to maintain conservation and wetland areas.
- Consistent with State and Regional policies to promote a range of uses that include recreation and tourism that are compatible with the environmental values of wetland ecosystems.
- Wetlands/retarding basins to improve storm water quality from adjacent development.
- Provides a significant public park and increases public access to the foreshore.
- Pedestrian/bicycle path encourages use of public space and connection to surrounding areas.
- Provides public access to the Point Henry Pier for recreational purposes.
- Farming areas retained.
- Provide a buffer to industry and transition to adjacent rural activity/farmland.
- Retains businesses and hundreds of jobs in existing industrial areas.
- Provision of reticulated sewerage infrastructure supports development, reduces risk of contamination and improves water quality.
- Avoids development on coastal and low lying land subject to inundation.
- Maintenance of a rural edge is consistent with Council's rural and settlement policies.

Scenario Disadvantages

- Requires government purchase of Point Henry Pier and privately owned land at Point Henry along Hoys Road and part of the former saltworks, in order to put them in to public ownership.
- Point Henry Pier may need retrofitting to allow for safe recreational use.
- Provision of reticulated sewerage infrastructure is likely to be costly.
- Economic development limited to existing industrial areas and eco-tourism at Point Henry with only a small number of additional jobs likely to be generated.
- Loss of business and jobs resulting from the removal of the industrial area on Hoys Road.
- Cost to government of establishing and maintaining public land for conservation, wetland/retarding basin or for a park.

CONSERVING MOOLAP



As described in section 6.5 the precincts shown on this scenario map are to assist community engagement and may change in the draft Moolap Plan.

7. OLD GEELONG GAOL – REVIEW OF MANAGEMENT / OPERATION PROPOSALS

Source: **Strategy & Performance – Property & Procurement**
General Manager: **Dean Frost**
Reference: **SUB-16-1065 Council**

Purpose

The purpose of this report is to recommend that the Council enter into an option agreement with Barwon Health for the sale of the Old Geelong Gaol.

Summary

- In 1994 the Council took ownership of the Old Geelong Gaol (OGG) from the State Government and soon after installed Geelong Rotary as the head tenant. Geelong Rotary has been operating the main cell block as a museum tourist attraction and sub leasing other buildings and the courtyard areas for offices and car parking.
- Over the last 3 years the Council has firstly indicated that it wants to sell the OGG and, following advertising of its intention to do so, decided to retain ownership and examine ways of maximising its tourism potential.
- As a result of advertising for proposals in late 2015, 4 proposals were received from Barwon Health Future Fund Foundation (BHFFF), head tenant Rotary, Geelong branch of the National Trust and Katherine Elizabeth Events.
- Two of the submissions, Barwon Health and Rotary, in contrast to the Council's last stated position on ownership, propose that ownership be transferred. Proposals by the National Trust and KEE propose that Council retain ownership of the property.
- The BHFFF proposal is to have Barwon Health purchase the property and use it as part of a longer term strategy to develop properties south of Myers Street. An option agreement is sought allowing a due diligence to be carried out.
- Subject to acquiring the OGG, BHFFF has undertaken to lease the cell block to Rotary for a minimum of 10 years and, subject to any specific needs of BHFFF, Rotary could continue to sublet other buildings. The land used for parking by Barwon Health would be excluded from a future lease. Refer to Attachment 1.
- Rotary proposes that the OGG be transferred to a community trust and, over time, be developed for offices, café, parking and a child care centre. The main cell block is to be used as a museum and commercial kitchen.
- The other submissions propose that Council retain ownership and use the OGG for a museum and events facility.
- The OGG generated a net income in 2015 of $111,000 inclusive of rents and fee paying visits.
- There is an identified need for immediate expenditure of $1.559m on maintenance backlog and compliance works with the actual amount likely to be closer to $3m. The full development of the Rotary proposal has a capital cost estimate of $34.6m.
- While no comprehensive business plan has been prepared for the Rotary development proposal, it is unlikely that the revenue generated by the total project will justify the capital and operating costs required.

- As a tourist attraction the OGG is expected to attract modest visitors levels as the facility is not significant at a national level and it is noted that the Adelaide Gaol, being the most comparable, only attracts 15,000 visitors pa.
- The OGG does not qualify for any of the current Commonwealth grants and if successful for State programs any funding is likely to be insignificant in terms of the overall requirements.
- Of the proposals received it is recommended that the Council enter into an option agreement for Barwon Health to purchase the OGG subject to completion of due diligence by the purchaser. A sale to Barwon Health recognises the future growth in the provision of health services and allows the OGG to remain in public ownership.

P Dorling moved, L Gardner seconded -

That Council in relation to the Old Geelong Gaol ("the Gaol") at 202 Myers Street Geelong:

1) **enters into an option agreement for the sale of the Gaol to Barwon Health on terms to be agreed;**
2) **gives notice under section 189 of the Local Government Act 1989 ("the Act") of its intention to sell the Gaol and that public notice of and the right of a person to make a submission be given in the Geelong Advertiser and the Geelong Independent;**
3) **appoints the Submissions Review Panel to hear any submissions, and;**
4) **that a report be put to Council on the outcome of the submissions process and any potential terms of the sale.**

Carried.

Background

In 1994 the Council took ownership of the Old Geelong Gaol (OGG) from the State Government and soon after installed Geelong Rotary as the head tenant. Geelong Rotary has been operating the main cell block as a museum tourist attraction and sub leasing other buildings and the courtyard areas for offices and car parking.

Over the last seven financial years the average annual rent to Council from Rotary has been $35,700 and the average annual maintenance expenditure for the same period has been $30,700. Apart from replacement of the main gates, maintenance expenditure has been minimal and no improvements of any significance have been implemented since the OGG was decommissioned.

At present the income from sub tenancies to Rotary is approximately $117,000 per year, down from rent income in 2015, and under the lease Rotary is responsible for operating and utility costs. See Attachment 1 for a summary of income and expenditure for Rotary at the OGG.

Parts of the complex have been shut down due to structural deterioration, non compliance with building regulations and safety risks. The built infrastructure continues to deteriorate, mainly in the non masonry elements.

In recent years the Council has been considering the future of the property and has made various resolutions as follows:

On 25 June 2013 the Council resolved to:

1) Note the cost projections for the continued ownership of the Gaol:

2) Note that the projections will fund some outstanding maintenance and achieve a modest level of compliance without providing any improvements that will allow the property to be used for alternative uses;

3) (Recognise) that the preferred option is that Council does not wish to retain ownership of the subject property;

4) Establish the Old Geelong Gaol reference group for the purposes of receiving a report on potential future uses by a third party, prior to proceeding with the sale or transfer of ownership.

Having considered the findings of the Reference Group, on 10 June 2014 the Council resolved to:

1) Commence the procedures to sell the Gaol by expressions of interest;

2) Give notice under section 189 of the Local Government Act 1989 ("the Act") of its intention to sell the Gaol and that public notice of and the right of a person to make a submission be given in the Geelong Advertiser and the Geelong Independent;

3) Appoint the Submissions Review Panel to hear any submissions and report to the Council on any submissions received;

4) Make the Conservation Management Plan review publically available when the property goes on the market.

Having considered submissions received to the notice of intention to sell the property on 28 April 2015 the Council resolved:

That:

1) Council, over a 6 month period, investigate alternative ways of retaining ownership while funding the maintenance program and achieving its tourism potential including partnerships with other groups and entities;

2) *A report to be brought back to Council with recommendations in November (2015)*.

Discussion

This section of the report details submissions received, financial impacts and conclusions supporting the recommendation to sell the Gaol.

In October 2015 an invitation for proposals was placed in City News advising that Council was investigating ways of retaining ownership of the OGG and is interested in hearing from groups and entities about potential uses that can fund maintenance requirements and realise the tourism potential of the complex. A total of 4 proposals were received by the due date of 1 December 2015.

1) Barwon Health Foundation Future Fund

The Barwon Health Foundation Future Fund Limited (BHFFF) is an independent charitable body established by Barwon Health to act as an advisory body to establish strategies to position Barwon Health over the next 5 to 40 years.

BHFFF has recommended to the Barwon Health Board that consideration be given to acquiring the Gaol and the adjacent Australian Defence Force (ADF) land for the future development of the hospital.

It is proposed that the Council disclose the commercial terms on which it is prepared to sell the property, and if acceptable to BHFFF, an option agreement would be entered into for a 6 month period during which:

- Due diligence would be undertaken.
- Negotiations would be undertaken for purchase of the ADF site.

Subject to agreement by Barwon Health, the purchasing entity would be Barwon Health.

BHFFF intends that funding would be sourced for the maintenance works, and Barwon Health would continue its occupancy for parking.

In the longer term it is intended that both sites would be developed with the bulk of the development occurring on the ADF site.

Subject to acquiring the OGG, BHFFF has undertaken to lease the cell block to Rotary for a minimum of 10 years and, subject to any specific needs of BHFFF, Rotary could continue to sublet other buildings. The land used for parking by Barwon Health would be excluded from a future lease. Refer to Attachment 1.

2) Geelong Rotary

Geelong Rotary is the head tenant at the OGG and has been since 1994. Rotary has made submission in relation to both the future ownership of the OGG and its future use and development.

In relation to ownership, Rotary proposes that a special purpose vehicle (SPV) be established consisting of a trust and trustee for the purpose of holding the title to the OGG.

It is intended that the SPV will be a charitable organisation and a corporate trustee be established to both hold the OGG title and the income derived from the asset, with the income being paid or applied by the trustee in accordance with the charitable objectives of the trust. The holders of offices and shares in the corporate trustee would be people who hold particular positions within particular organisations (eg Rotary and Council).

Rotary would hold a lease or management arrangement with the registered proprietor (the SPV) and would be responsible for the day to day operations and commercial activities at the OGG.

Rotary has also made submissions on potential future uses of the OGG which will be implemented by the proposed trust arrangement. Select Group architects and Access Economics were used for this purpose.

Access Economics has provided recommended uses as follows:

Short term temporary uses	**Long term permanent uses**	**Uses requiring further assessment**
Car parking Sunday market Wine cellars Arts and crafts Gaol related tourism Men's shed Community garden Kitchen for community groups	Café restaurant Restaurant garden setting Function centre Offices Medical suites Gaol related tourism Multi storey car park Childcare	Student accommodation Backpacker's accommodation Youth hostel Serviced apartments Training centre Meeting centre Micro brewery

Select Group architects propose the following uses and structures in various sectors of the property.

1. **Zone 1. Governor's Residence** (2 storey building fronting Myers Street)

   Residential or office use with parking and access to the north west courtyard from Myers Street. New 2 storey structures.

2. **Zone 2. Myers Street entrance courtyard**

   Information centre and access point to adjacent zones.

3. **Zone 3. Warden's Residence** (single storey building fronting Myers Street)

   Café, function spaces, offices with outdoor dining and car parking. New 2-3 storey buildings.

4. **Zone 4. North East Courtyard**

   Demolish old laundry building. New mini cinema and auditorium with parking under. Presentations related to history of Geelong and the OGG.

5. **Zone 5. Northern section main cell block**

   Retain for tourist experience (museum).

6. **Zone 6. North west courtyard**

   Demolish existing building and build new building of 2 storeys for commercial floor space or OGG related museum. Parking with vehicular access from Myers Street via Zone 1, requiring a breach of the wall.

7. **Zone 7. South east courtyard**

   Multi level car park for Barwon Health and other users. Rotary has been in communication with International Parking Group which provides parking at hospitals in other States.

8. **Zone 8. Southern section main cell block**

   Up grade to provide a workable commercial kitchen for internal and external use.

9. **Zone 9. South west courtyard**

   Child care facility retaining the diagonal wall.

3) National Trust

The National Trust has provided a submission with information relating the heritage citation for the property, other National Trust Geelong properties and National Trust aims. The submission proposes that buildings should be restored and conserved for heritage interpretation, and functions, hire and exhibitions could take place but no permanent alternative use which detracts from the original history.

The submission points out that those operating tours at the Gaol should be properly trained in the accurate interpretation of the Gaol's history, and there remains a role for ghost tours etc. Museum Victoria provides free advice in museum management.

The submission proposes continued public ownership citing successful public ownership of the Old Melbourne and Bendigo Gaols and the unsuccessful private ownership of Pentridge and Beechworth Gaols (it is noted that in November 2015 Beechworth Gaol sold after being passed in at auction for $1.75m however the sale did not proceed).

The National Trust supports:

- Continued management by Geelong Rotary.
- Development of shared management arrangements with other community groups.
- Formation of Old Geelong Gaol Association modelled on Osborne House.
- Use by not for profit groups.
- Formation of a friends group.

4) Katherine Elizabeth Events (KEE)

This submission proposes that KEE would take over the everyday management with Council retaining ownership. KEE is experienced in tourism and events and has a vision to use the cell block for tourism, markets and events, retain existing tenants and open up the main cell block to new uses.

KEE proposes that 80% of the existing profit will be used for maintenance with the remainder being used for administration and marketing.

Uses proposed for the main cell block are:

- Ground floor: Exhibitions and a market.
- Second floor: Dedicated to Gaol history.
- Third floor: Training and paranormal tours.

Repairs and restoration costs not funded from rent income will be funded from grants offered by Victoria Heritage Restoration Fund, state and federal governments.

KEE proposes opening the Gaol for longer hours and targeting student tours with potential income of $120,000 pa.

The invitation for proposals process has resulted in four separate proposals of varying detail and intent. Two of the submissions, Barwon Health and Rotary, in contrast to the Council's last stated position on ownership, propose that ownership be transferred. Proposals by the National Trust and KEE propose that Council retain ownership of the property.

Maintenance and Capital Cost Projections

Technical reports commissioned indicate that known maintenance backlogs and compliance works are expected to cost $1,559,000. The actual maintenance cost will exceed that amount as the estimates were obtained using non invasive walk through techniques and do not account for contingencies relating to lack of documentation and conservation restrictions. It is possible that a fully documented maintenance and compliance program will cost at least $3m or double the current estimate.

If the maintenance works were implemented much of the deteriorating elements of the complex will be stabilised and increased allocations for recurrent maintenance will be required to ensure that maintenance backlogs do not re-accumulate.

These works will only stabilise the existing infrastructure and will not upgrade the complex to allow any new or innovative uses.

The capital works elements of the Rotary submission have been costed by a quantity surveyor at $34.6m. This estimate does not include the above maintenance and compliance costs, or any allowance for conservation works.

Revenue and Funding

Gross income to Rotary in 2015 was $159,000 including rents and fees against operating costs including rent to Council of $48,000.

None of the submissions received included demand or financial revenue projections, although Access Economics provided an indication of potential uses as part of the Rotary submission.

Commonwealth funding schemes include programs administered through the Commonwealth Department of the Environment.

- Community Heritage and Icons Grants
- Protecting National Historic Sites
- National Trusts Partnership Programs

The first two programs only allocate funding to buildings and sites on Australia's National Heritage List. The third program provides funding directly to State based National Trust organisations.

The OGG is not eligible for funding from any of the Commonwealth's funding sources.

At the State level there is the Victorian Heritage Register Places and Objects Fund providing grants of between $20,000 and $200,000 for places listed on the Victorian Heritage Register (which includes the OGG – H991).

Any plans to develop the Gaol as a significant tourist attraction, in addition to the cost, introduces business risks evidenced by comparison with other successful Australian tourism based gaols which have either national or international recognition of their heritage fabric.

The Old Geelong Gaol is not significant at this level and is not unique within Victoria. Without this basic criteria of significance or uniqueness there is doubt that the Gaol will, even with the considerable investment in staffing, marketing, maintenance and capital, achieve a level of visitation and income to justify the application of resources.

The Adelaide goal, being the most comparable to the OGG, has modest but professional management and achieves annual visitor numbers of 15,000pa. It is however acknowledged that visits to the OGG could experience a modest increase through improved marketing and professional tours.

Research concludes cell block gaol buildings (as opposed to land and other associated buildings) in general are not generating positive returns for owners and any adaptive use of goal buildings is difficult and limited. The financial difficulties the private owners of the remaining cell block parts of Pentridge have experienced over a lengthy period support this conclusion. No successful adaptive use of these elements has occurred since disposal in 1999 despite the efforts of the owners and significant concessions made in the planning permits for the sites.

One exception is the Bendigo Gaol which has been redeveloped in part for use as a community theatre which was built on vacant land within the complex with the cell bolck being adapted for associated services and entry. The project cost $25m and with the Council contributing $3m.

Conclusion

Council is free to consider its options for future ownership of the OGG including on-going ownership or sale.

Should Council continue to own the complex and neither fund the works backlog nor implement a preventative maintenance program, access to various parts of the complex over time will be further prevented including the main cell block where the central wooden skylight structure continues to deteriorate. At a minimum it is likely that unsupervised public access to the main cell block will be restricted. This option does not present a sustainable approach to the ownership of the OGG.

The option of on going arms length management of the Gaol by Council through a head and sub lease structure, while convenient, is neither generating sufficient funds to meet maintenance and compliance requirements, nor does it represent a sustainable model for long term management.

On going ownership of similar disused prisons in Victoria has not been supported either by the State or Councils, with the State Government having sold many to private owners and the Mt Alexander Shire Council having disposed of the Castlemaine Gaol in 2012. It is difficult to reconcile ownership of a disused Gaol with Council's primary role as a local government authority.

If Council continues to own the property and wants to develop it into a fully adapted use similar to that proposed by Rotary, it will need to budget for a project with an ultimate estimated capital cost of $34.6m and provide for increased operating costs for the on-going maintenance of the property along with resourcing the management of the museum functions to be located in the main cell block. While a detailed business case for such a project has not been completed it is unlikely that financial returns will justify the costs.

Due to the cost exposures of on going ownership and the limited public benefit to be gained though ownership, it is recommended that Council divest itself of ownership. In doing so Council has the option of either dealing directly with either Barwon Health or Rotary, or taking the property to the market to see what interest there is from a wider audience.

Placing the property on the market in the hope of finding potential buyers with the skills and resources to successfully develop the property is unlikely to achieve the desired outcome.

The Rotary proposal represents an innovative and responsive adaptive use plan that respects most of the elements of the CMP and recognises the potential demand for services and floorspace in this inner urban location. However there remain some issues with the proposal.

- There is no comprehensive business plan setting out costs and revenues for the Rotary proposal. The capital cost of $34.6m has been prepared by Council's quantity surveyor to which has to be added the substantial known and unknown maintenance backlog costs. Even if the potentially higher revenue parts of the plan where implemented first, it is difficult to see that cash flows would be sufficient to repay capital and generate the cash flow required to support the less viable elements of the plan.
- The proposed community trust structure, while separating ownership of the title from Council, appears to include Council in the future management arrangements as a potential corporate trustee. Any form of community ownership will inevitably leave Council exposed to demands for future funding.
- The community trust, while achieving some defined objectives, is complex and may not provide a sound management basis for the decisions required to bring together all the commercial and non commercial interests to make the proposal work.

The Barwon Health proposal, which is subject to a due diligence process, can provide an outcome of a preferred and natural use of the complex. A sale of the property to Barwon Health:

- Recognises that the health industry is one of the strongest growing sectors of the economy and will remain so into the future. Barwon Health is already the main tenant on the site and is the dominant land user in this sector of the city. Most other OGG tenants are or have been providers of human services of one kind or another.
- Retains the property with its community interest elements in public ownership.
- Allows an owner with resources and expertise to invest in and use the property to advance its service objectives.

Environmental Implications

While no environmental site assessment has been implemented, there are no known site contamination issues on the site.

Financial Implications

The Minister for Planning in June 2013 advised the Council that the interest free Government loan of $360,000 taken out by the Council in 1996 for the purchase of the OGG shall be repayable in full upon sale of the asset.

However the Minister also advised that upon repayment of the loan consideration will be given to establishing a Geelong Heritage Restoration Fund for the conservation of heritage places in the City of Greater Geelong.

Policy/Legal/Statutory Implications

In providing an option to Barwon Health to purchase the OGG it is recommended that Council advertise the proposed sale under s189 of the Local Government Act 1989. If submissions are received they are required to be heard and a further report will be put to Council prior to executing the option agreement.

If no submissions are received and the option is exercised by the purchaser, the property will be sold on the settlement date should the option be taken up.

Two recent valuations of the property have been obtained and will assist in defining the terms of the proposed option agreement.

Alignment to City Plan

The recommendation supports the action priority relating to Responsible and Sustainable Financial Management by avoiding significant maintenance and capital costs through the continuing ownership of the Old Geelong Gaol.

Officer Direct or Indirect Interest

No officers or contractors involved in the preparation of this report have a direct or indirect interest in matters to which this report relates.

Risk Assessment

On going ownership and arms length management of the property by Council in the absence of a commitment to fund maintenance and improvements represents an unacceptable risk.

Should Council continue to own the property it will be accepting risk relating to the use of buildings for which they were not designed along with growing and unavoidable cost of maintenance and capital improvements.

The risks associated with the sale of the complex can be managed by obtaining appropriate advice and following normal management procedures.

Social Considerations

There are no social considerations relating to the recommendation of this report.

Human Rights Charter

The recommendations of this report and the subsequent sale process have no implications relating to the Human Rights Charter

Consultation and Communication

All persons including tenants will be provided an opportunity to make a submission following the giving of notice of intention to sell the property under s189 of the Local Government Act. Anyone making a submission will have the opportunity to be heard.

Attachment 1

HARWOOD ANDREWS

Our ref: 1DNS:8PJS 21405946
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Certified B Corporation

21 June 2016

Alan Grant
Property and Procurement
City of Greater Geelong

Email: agrant@geelongcity.vic.gov.au

Alan,

Barwon Health Foundation Future Fund Limited (BHFFF)
Geelong Gaol

I confirm that I will be available to present to the Council briefing to be held at a time to be fixed after 2:30pm on 5 July.

I confirm that BHFFF has agreed with the Rotary Club of Geelong that if it were successful in acquiring the Geelong Gaol, it would agree to lease the gaol building to Rotary for a minimum period of ten years. Rotary would be able to continue to sub-let the gaol for use by such operators as ghost tours, and subject to any specific needs of BHFFF, could continue to receive income from sub-letting other parts of the site for office use or for charitable/not for profit purposes. That area of the gaol site which is currently used for car parking would revert for direct use by Barwon Health.

I am of course able to expand on these issues at the Council briefing on 5 July.

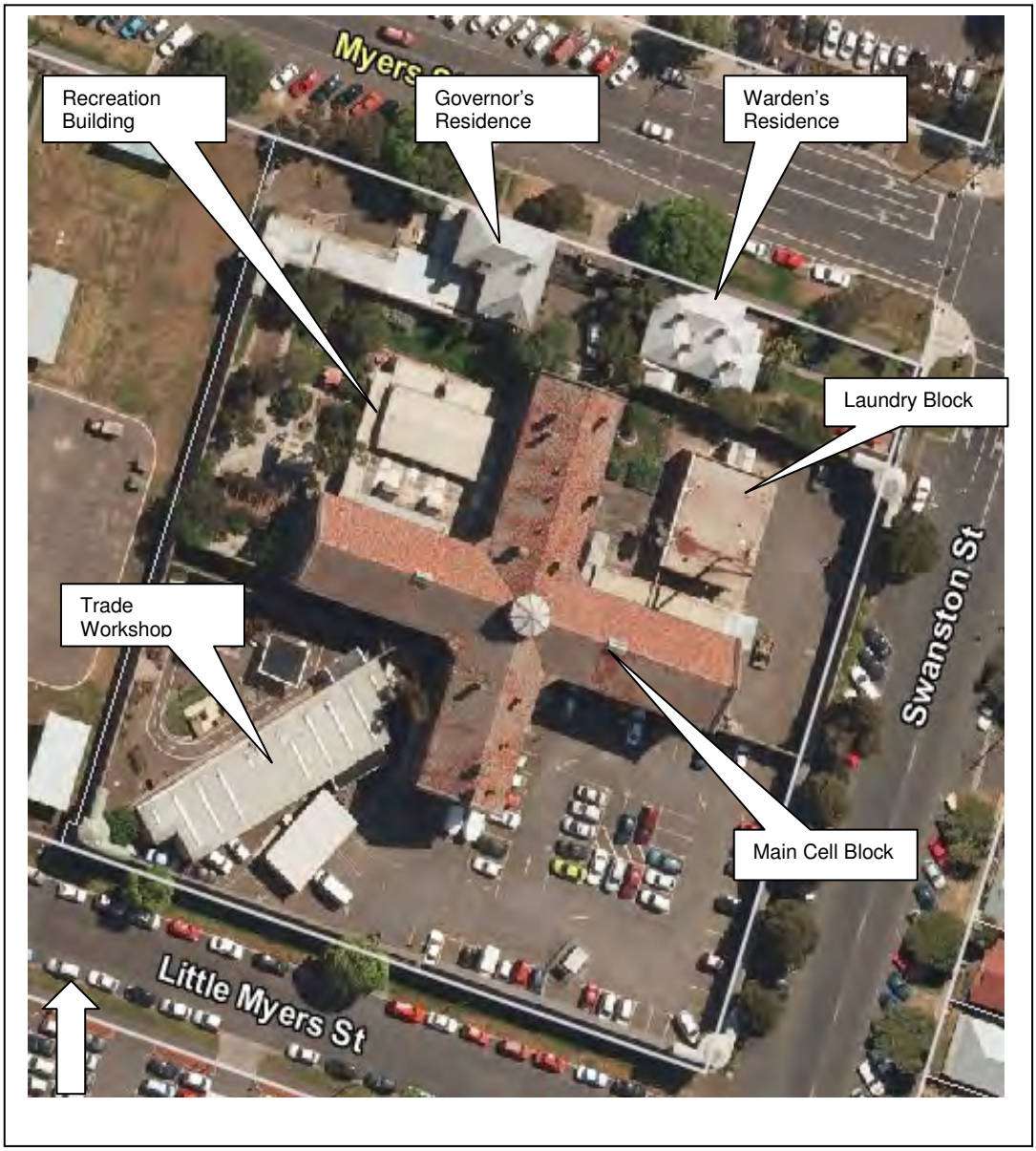
Yours faithfully,

Dan Simmonds
Managing Principal
HARWOOD ANDREWS

Copy to:

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Attachment 2



8. ENVIRONMENTAL UPGRADE AGREEMENT

Source: **City Services**
General Manager: **William Tieppo**
Index Reference: **Future Proofing Geelong**

Purpose

This report outlines the Environmental Upgrade Agreement (EUA) process as recently established under the Local Government Act, and recommends the Council offers EUAs in Greater Geelong, to encourage upgrades which achieve energy efficiency savings and reduce carbon emissions.

Summary

- EUAs may be used for the upgrade of existing non-residential buildings on rateable land across Victoria.
- Prior to 3 September 2015, Environmental Upgrade Agreements (EUA) were only available in the City of Melbourne.
- The Local Government Act 1989 (LGA) was amended on 3 September 2015 to enable all Victorian councils to offer EUAs.
- Through an EUA, lenders provide finance to a building owner for environmental upgrades, with the relevant council then collecting the repayments through its rate system and passing them on to the lender.
- EUAs may be used for works that improve the energy, water or environmental efficiency or sustainability of the building. This could include, for example, improving water or energy efficiency, installing on-site energy generation, reducing pollution or waste, or improving the efficiency of materials use.
- EUAs allow tenants to contribute financially to a project when permission is sought by the landlord to support the investment. Importantly, Both Landlords and tenants then benefit from the shared investment to achieve energy efficiency savings and carbon emissions reductions.

L Gardner moved, P Dorling seconded -

That Council:

1) agrees to offer Environmental Upgrade Agreements for buildings in accordance with the provisions of the Local Government Act 1989; and

2) by instrument of delegation, delegate to the Chief Executive Officer the following powers –

a) The power to enter into an environmental upgrade agreement on behalf of Council

b) The power to declare and levy an environmental upgrade charge.

Carried.

Background

EUAs are a council based funding mechanism to help businesses access funding for building works to improve energy efficiency, reduce waste and cut water use.

An EUA is an agreement between a property owner, a bank and local government that facilitates a building upgrade to improve efficiency.

EUAs allow for the tenants and building owners of commercial and industrial property to collaborate on energy, water and waste projects that will reduce the impact to the environment and reduce operating costs. Unlike other alternative finance options, EUAs allow tenants to contribute financially to the project when permission is sought by the landlord to support the investment. Importantly, EUA finance also offers 100% project finance, very competitive interest rates and long term finance.

For further information please see Appendix 1 - EUA Council FAQs.

Discussion

Under Section 181A to 181J of the Local Government Act 1989, primary parties (the Commercial Building owner/tenant, the lender and the local council) may enter into an EUA in respect of rateable land, with an existing building on it that is entirely or predominantly used for non-residential purposes.

Some of the key provisions for establishing EUAs include:

- The legislation does not prescribe a maximum or minimum loan. This will be determined by the lending body.
- Tenants may contribute to an EUA charge if they are formally notified and give their consent to pay the charge. If not all tenants agree to the charge, the EUA charge will only be passed onto those who have consented.
- A statutory declaration from the owner of the rateable land must be received by council at least 28 days before the agreement is entered into.
- The amount of the EUA cannot exceed the capital improved value of the land prior to any works that would be undertaken as part of the agreement.
- The owner who intends to be a primary party to the EUA must advise in writing any existing mortgagee in respect of the rateable land to which the agreement will apply.
- Council must levy an EUA charge by sending a notice to the person liable to pay it. This is payable by a date not less than 28 days after the date of issue of the notice.
- The total amount of an EUA charge received by council must be used to make repayments to the lending body in accordance with the EUA but does not include the proportion of the charge that accounts for the administrative costs of the council or any penalty interest imposed by a council for non payment.
- If the land ceases to be rateable land, the owner must despite the land no longer being rateable, continue to pay the charge in accordance with the schedule of repayments specified in the EUA agreement.
- A council is not liable for any failure by an owner to pay an environmental upgrade charge to the lending body.
- If an EUA is terminated before all the funds are advanced to an owner, council must adjust the charge to the lower amount advanced to the owner by written notice.
- If, as a consequence of an adjustment being made to an EUA the owner has made excess payments, council must refund the excess amount paid to the owner. The lending body must reimburse council the amount refunded.
- Council must use its best endeavours to recover an EUA in accordance with the LGA and the agreement.

- A quarterly report is to be prepared under Section 138 of the LGA detailing each EUA.
- Administering an EUA
- The benefits of offering EUA's within the City of Greater Geelong, has been considered and is supported by Cleantech Innovations Geelong, who have agreed to fund the administrative set up of the EUA process, subject to Council approval. A project within future Proofing Geelong, Cleantech Innovations Geelong is a partnership between City of Greater Geelong, Geelong Manufacturing Council and State government which seeks to develop markets for cleantech goods and services, by stimulated demand for those goods and services, while assisting local suppliers to respond to this increased demand.
- Currently, in Geelong, there are at least three commercial building owners interested in pursuing an EUA should they become available. These building owners are looking to initiate upgrades to improve energy efficiency and install solar panels on their buildings.
- The organisation which has administered EUAs for the City of Melbourne over the past five years is the Sustainable Melbourne Fund (SMF). This organisation has secured federal government funding to subsidise the cost to Councils of procuring their services to set up EUA systems within Councils. They are also stimulating demand for EUAs with commercial buildings. The cost to Councils for commissioning SMF to set up and administer an EUA is $5,000 per year for two years (minimum two year commission).
- To date Bendigo, Hobsons Bay, Wyndham and Shepparton have received Council sign-off to engage SMF to establish EUAs in those municipalities.

Environmental Implications

Future Proofing Geelong facilitates the achievement of positive environmental outcomes through education and assistance to businesses and the wider community to improve energy, water and waste efficiency, thereby reducing carbon emissions, these outcomes also contribute to with positive economic growth.

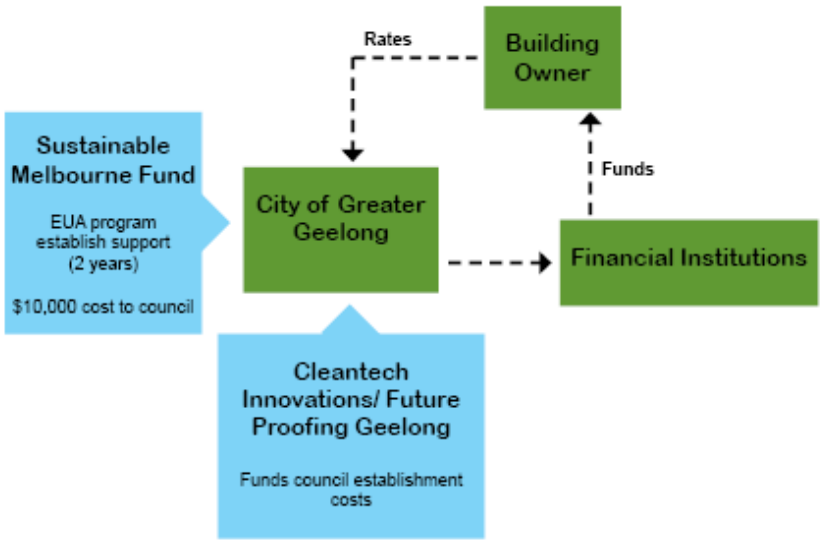
The Environment Management Strategy 2014-2017, the key document for guiding Council planning, decision making and activities that impact on the Greater Geelong environment, provides a framework to build healthy, connected communities, which are able to live in a clean environment that is respected and cared for. The implementation of the EMS has considerable environmental and sustainability benefits for the community as well as natural and built environments.

Future Proofing Geelong is listed in the Strategy as a strategic player in the creation of the Low Carbon Growth Plan for Geelong, and as a key delivery mechanism for a number of actions including those related to sustainable urban & rural development, green economy and sustainable living.

Financial Implications

Future Proofing Geelong is funded for the Council Budget for the 2016/17 financial year, to continue implementation of the MOU (dated 2014-2017) and implement the recommendations of the Low Carbon Growth Plan for Geelong.

The contribution to cover the cost of the EUA support ($10,000 over two years) provided by the Sustainable Melbourne Fund (SMF) will be covered in the existing budget of Cleantech Innovations Geelong, which is administered by the Geelong Manufacturing Council. The arrangement is summarised in the following diagram.



Current approved budget.

No impacts on existing budget.

Policy/Legal/Statutory Implications

Section 181A to 181J of the LGA directs Victorian councils to offer EUAs via Local Government Legislation Amendment (Environmental Upgrade Agreements) Act 2015.

Future Proofing Geelong is a key program in delivering the outcomes of the recently adopted Environmental Management Strategy (EMS) for the City of Greater Geelong. Future Proofing Geelong is directly responsible for the implementation of seven actions in the EMS.

Alignment to City Plan

Supporting EUAs in the City responds to the City Plan under the Growing Our Economy strategic direction, the priorities of supporting existing business and encouraging new and emerging growth sectors refers to the "support and encouragement of new and emerging low carbon industries and sectors" and "link local businesses with growth opportunities and government funding".

Officer Direct or Indirect Interest

No Council officers involved in the preparation of this report have a direct or indirect interest in any matters to which this report relates.

Risk Assessment

There are no risks associated with this report.

Social Considerations

Upgrading buildings for greater energy, water and waste efficiency is a cost-effective way for businesses to cut energy bills, improve building value and reduce greenhouse emissions.

The availability of EUAs can help businesses reduce costs and improve building performance by improving building efficiency.

Human Rights Charter

There are no known positive or negative effects.

Consultation and Communication

Once the set up of the EUA administration system is completed, communications will occur through Future Proofing Geelong and Cleantech Innovations Geelong.

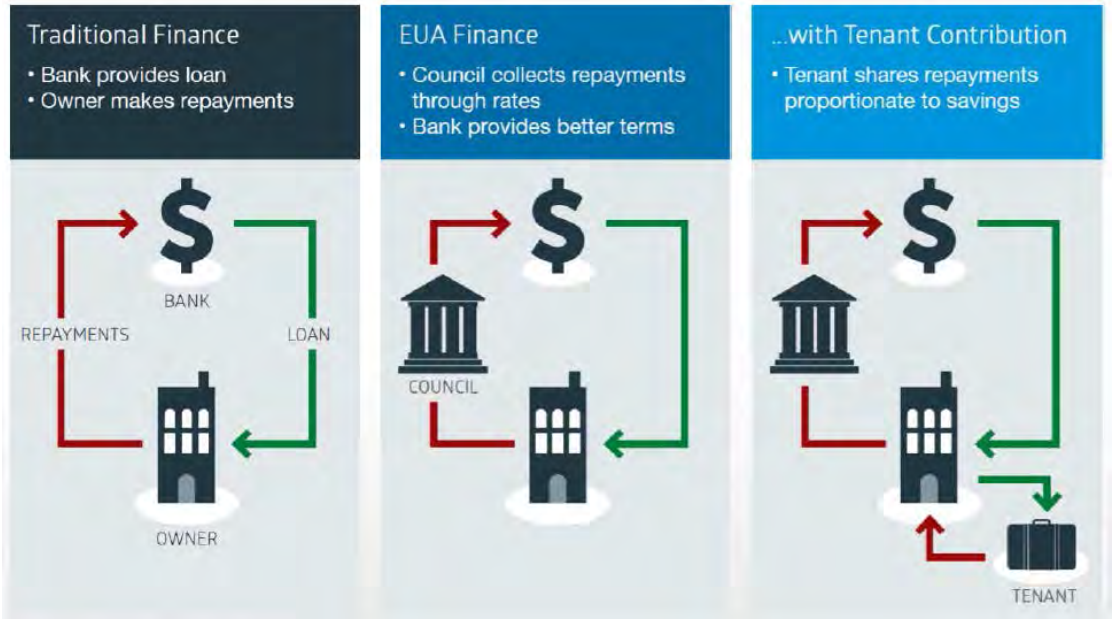
A communications plan exists for key deliverables within Future Proofing Geelong and Cleantech Innovations Geelong.

EUA COUNCIL FREQUENTLY ASKED QUESTIONS

What is an Environmental Upgrade Agreement?
An EUA is an agreement between a property owner, a bank and local government that facilitates a building upgrade to improve energy efficiency.

What type of properties can EUAs be used upon?
Property that is rateable under the Victorian *Local Government Act 1989* which is used for predominantly non-residential purposes.

How do Environmental Upgrade Agreements (EUAs) work?
An Environmental Upgrade Agreement is similar to a normal loan; however, a council acts as the collection agent using their statutory powers to levy council rates.



What can be upgraded by an EUA?
EUAs can pay for upgrades that improve energy, water, and waste efficiency or increase renewable energy.

Why EUAs and not other forms of finance?
Environmental Upgrade Agreements can overcome the split-incentive to invest in projects that can deliver operational cost and environmental savings. Normal forms of finance like loans, cash, operating leases or even more innovative structures like Power Purchase Agreements (PPAs) fail to easily enable the costs and benefits of a project to be shared between the occupier and owner of a building. EUAs make this a simple task.

What are the benefits for my Council?
The majority of commercial property is leased. EUAs enable projects to occur within these properties more easily. Where investment was previously hard without EUAs; EUAs can unlock local investment into our communities. This then enhances economic development activity for your municipality, accelerates building retrofit activity and helps you achieve your environmental targets sooner.

Is it compulsory for Councils to implement EUAs if legislation is passed?
No. Each council decides independently if they choose to implement EUAs in their municipality.

What is council's role in the EUA process?
The council's role is to levy the loan repayment using the council rates system and remit that payment to the lender. Council is only required to pay the lender once the monies have been received.

Will this affect rate capping restrictions?
No. The EUA charge, called an Environmental Upgrade Charge (EUC) is a voluntary charge entered in to by a ratepayer and council, that is issued separately to current council rates.

What is council's liability?
The council is not liable for any unpaid Environmental Upgrade Charges. The council will only be liable to pay the bank once a repayment is collected by the council.

In the event that the building owner ceases a EUC repayment, it is the responsibility of the council to instigate their normal debt recovery procedures in accordance with council enforcement procedures and powers conferred under the local government Act. If the building owner becomes insolvent, unpaid EUCs will be considered equal to other rate charges and assume priority over other debt on the property.

What is the council's responsibility in relation to the eligibility of the proposed environmental upgrade works?
The EUA legislation permits a wide range of projects with environmental and sustainability benefits to be financed. Council can choose to develop its own internal systems, processes and documentation to ensure the proposed works meet the legislative requirements, or, this work can be outsourced out to a party with prior experience in this area such as Sustainable Melbourne Fund to undertake these obligations. Both the building owner and the lender are responsible to ensure the loan is approved and used in accordance with the legislation.

Who will assess the capacity of the borrower to pay the EUCs?
Councils have no responsibility to check the building owner's capacity to pay. This is the full responsibility of the lender; each lender has differing project and credit underwriting requirements.

What happens to the EUC if the property is sold?
The outstanding charges can remain with the building and be transferred to the new building owner. Alternatively, the new owner can request that the vendor sell the property unencumbered by the charges and reach a commercial agreement with the purchaser.

What happens if the property becomes vacant?
The building owner remains responsible for all loan repayments under the EUA to the council. Council is only required to pay the lender once the monies have been received.

May tenants complain to council about building owners passing on these new charges?
Tenants must provide written consent to the charges being passed on by the building owner . The Local Government will have evidence of these consents prior to entering into any Environmental Upgrade Agreement. Any dispute between a landlord and tenant are matters to be dealt with through existing dispute resolution channels; a council need not become involved.

Contact Sustainable Melbourne Fund for more information on setting up EUAs in your municipality
(03) 9658 8740
info@sustainablemelbournefund.com.au

9. SALE OF LAND TO DEPARTMENT OF HEALTH AND HUMAN SERVICES - WATERWORLD NORLANE

Source:	**Strategy and Performance – Capital Projects**
General Manager:	**Dean Frost**
Reference:	**SUB-16-10787 Council Briefing**

Purpose

The purpose of this report is to recommend that Council sell land of area 4,000m2 to the Department of Health and Human Services (DHHS), located at Waterworld on the corner of Cox Road and the Princes Highway, Norlane. DHHS proposes to construct a health facility to be operated by Barwon Health.

Summary

- DHHS has approached Council to purchase 4,000m2 of land at Waterworld, corner of Cox Road and the Princes Highway, Norlane, and intends to construct a health facility on the land to be operated by Barwon Health.
- The Northern ARC Health and Wellbeing Hub Master Plan (Attachment 1), considered by Council in June 2015, covers the entire 4.492ha Council owned site and proposes a total redevelopment over a 5-15 year period. In addition to the health facility, the Plan shows the redevelopment of the existing Council pool and leisure centre (Waterworld), library and hall and proposes additional arts and culture facilities.
- There is no provision for funding the redevelopment of Council's facilities proposed in the Plan which is estimated to be $80.7m in today's costs. $2.75m has been allocated over the next 3 years for the upgrade of the existing Waterworld facilities.
- The proposed health facility will provide services to the northern suburbs including outpatient treatment, consulting rooms, medical imaging, medical services, pathology and pharmacy.
- DHHS originally proposed a lease of Council's land which was approved by Council in June 2015 and notice of the lease was given under s190 of the Local Government Act. DHHS now proposes to purchase the land.
- Following a conference of valuers the price of $1,300,000 plus GST has been endorsed by the Council's valuer and accepted by DHHS. A licence agreement will be entered into with DHHS for the areas of Council land required for parking and access.
- Council assets including the waterslide, toddler's pool and a building formerly tenanted will be demolished to make way for the health facility. There are no proposals to replace these assets.
- It is recommended that the sale of land to DHHS proceeds under s191 of the Local Government Act 1989 and that public notice of the proposed sale will not be given. Public notice of the former proposed lease was published in July 2015 and no submissions were received, and the proposed health facility has been widely publicised.

P Dorling moved, L Gardner -

That Council :

1) **approves the sale of 4,000m2 of land at Waterworld to the Department of Health and Human Services (DHHS) on the following terms:**
   - **Price $1,300,000 plus GST;**
   - **DHHS being responsible for all Council's reasonable costs and the costs associated with creating the lot to be sold;**
   - **DHHS will apply for a planning permit for the use and development of the land as a health facility;**
   - **Other appropriate terms and conditions;**
2) **notes that the sale will occur under s191 of the Local Government Act 1989 and that public notice of its intention to sell the land will not be given;**
3) **enters into a licence agreement with DHHS for those parts of Council land to be occupied by car parking and access for the proposed health facility.**

Carried.

Background

At its meeting on 9 June 2015, Council considered a report on the Northern ARC Health and Wellbeing Hub Master Plan ('the Plan"). Refer to Attachment 1. The Plan is an initiative jointly funded by Council and the State Government (Department of Health and Human Services DHHS) relating to the use over the next 5-15 years of Council land at Waterworld on the corner of Cox Road and the Princes Highway, Norlane.

The need for the Plan was initiated by DHHS's intention to construct a $33m health facility on Council's land to be operated by Barwon Health.

The Council land is a strategic parcel consisting of 4.692ha. This site was identified as a key development opportunity in the Corio-Norlane Structure Plan (2012) and currently provides Council services of Waterworld Leisure Centre, Centenary Hall and Corio Library within the precinct.

These Council facilities will require substantial asset renewal/replacement funding over the next 15 years to remain fit for purpose. The Plan reviews the development of these current services and has also considered the inclusion of health, arts and culture infrastructure.

The proposed health facility requires a site of 4,000m2, and previous discussions were based on a requirement for a long term lease of Council's land. At its meeting on 9 June 2015 Council resolved to advertise its intention to enter into a lease for this purpose and notice of the proposed lease was published under of s190 of the Local Government Act 1989 ("LG Act") in July 2015. No submissions were received following giving of the notice.

Discussion

Subsequent to the proposal by DHHS to lease land from Council, DHHS now seeks to purchase 4,000m2 of land from Council as indicated in red in Attachment 2, being land intended to house the proposed health facility building.

The proposed health facility has a budget of $33m and is intended for construction in 2016. The building will have 2 levels and a gross floor area of over 4,000m2 with its entrance and front of house facing west into the Waterworld car park.

Vehicular access to the health facility will be both from within the existing par park (via Moa Street) and from a new driveway from the Princes Highway service road.

The health facility will be operated by Barwon Health and provide the following ambulatory health services:

- Enhanced range of specialist outpatient clinics and treatment areas.
- Co-located consulting rooms.
- Medical imaging.
- Same day medical services.
- Pathology collection.
- Pharmacy.

Plans indicate that the proposed building will be located on the northern and southern boundaries of the land to be purchased and much of the associated curtilage will be located on Council's land.

DHHS proposes to construct 122 car parking spaces on land owned by Council as indicated by the yellow shading on Attachment 2. It is intended that these new spaces will be shared spaces between Council customers and customers of the proposed health facility. DHHS will be responsible for the construction of the new parking areas and Council will be responsible for maintenance.

The land to be purchased and land used for car parking land impact on existing Council assets being the water slide, outdoor children's pool and a former dwelling which has previously been occupied by a tenant. DHHS proposes to demolish these assets and there are no plans for their replacement.

Environmental Implications

There are no known environmental implications associated with the construction of the health facility.

Financial Implications

The price of $1,300,000 has been agreed following a conference of valuers to reconcile the differences between the parties' initial valuations. The price is accepted by DHHS and supported by the Council's contract valuer, VRC.

A minor loss of revenue for Council will occur due to the demolition of the waterslides, outdoor toddlers pool and building located in the car park. The net loss of revenue to Council is projected to be $5,000 once staffing, operating and maintenance costs are accounted for.

A licence agreement will be entered into with DHHS for its occupancy of Council land for parking and access to the proposed health facility. The licence will authorise a non exclusive occupancy of Council land for an appropriate fee.

DHHS will pay Council's expenses being valuation costs.

Policy/Legal/Statutory Implications

Section 189 of LG Act requires Council to give public notice of its intention to sell land and consider any submissions received. However when selling land to the Crown or a public body, Section 191 of the LG Act provides that the provisions of s189, including the giving of public notice, do not apply.

Selling the land to DHHS without giving public notice is considered reasonable as notice has been given of the former lease proposal and the proposed health facility in the northern suburbs has been widely communicated to the community via local media, Barwon Health and the State Government.

DHHS intends to apply for a planning permit for the use and development of the land for a health facility.

Alignment to City Plan

The sale of the land for the construction of a health facility in the northern parts of the City is consistent with the Community Wellbeing strategic direction of City Plan. The Northern ARC feasibility study and business case is mentioned under the Connected, Creative and Strong Communities priority.

Officer Direct or Indirect Interest

No officers or contractors involved in the preparation of this report have a direct or indirect interest in matters to which this report relates.

Risk Assessment

The risks associated with the subdivision and sale of this land are able to be managed following normal management procedures and processes.

The provision of health services is expected to continue to grow in future and that growth, if accommodated on Council's land at Waterworld, may require changes to the Northern Arc Plan.

Social Considerations

A health facility in the northern suburbs of Geelong has significant social and health benefits as detailed in the Barwon Health Service Plan.

Human Rights Charter

The development of a health facility in the northern suburbs of Geelong recognises the Human Rights Charter with the inherent value of each person regardless of where they live, background or what they think or believe.

Consultation and Communication

The Northern ARC Master Plan has included considerable community engagement opportunities. This includes development of a Northern ARC website, Waterworld user survey, community survey, Corio Village Listening Post, stakeholder scenario workshops and individual stakeholder meetings.

Attachment 1

Northern ARC (Arts, Recreation & Community) Health and Wellbeing Hub Master Plan

A high level cost estimate for the Northern ARC facilities, is as follows:

Facility Building Costs	Cost estimate	Funding position
New Waterworld	$39M	$2.75M committed
New Library	$6M	
New Community Hall	$4.2M	
External works	$14.6M	
Nett Construction costs	**$63.8M**	
ESD provision/design and construct contingency	$8.9M	
Detailed design/Consultants/FFE	$8M	
Total project costs – Current rates	**$80.7M**	



Attachment 2 - Proposed Health Facility and Land to Be Sold Outlined in Red



Attachment 3 – Aerial View of Council Facilities to be Demolished



10. ROAD RENAMING - DOG LEG LANE TO TIMMS LANE, GEELONG WEST

Source: **Strategy & Performance - Financial Services**
General Manager: **Dean Frost**
Reference: **SUB-16-2089 Financial Reporting - Fin Yr 2015/2016**

Purpose

To seek approval to rename Dog Leg Lane, Geelong West to Timms Lane, Geelong West.

Summary

- A public petition from 43 community members was tabled at the Council Meeting of 15 March 2016 requesting a renaming of Dog Leg Lane, Geelong West.
- Dog Leg Lane, a recently named laneway, runs east between Pakington and Emerald Streets, Geelong West (Attachment A).
- The new name chosen is named after an historical land owner.
- The proposed renaming was advertised in the Independent newspaper on 15 April 2016 and the Geelong Advertiser newspaper on 16 April 2016.
- Council received five submissions regarding the proposal.

L Gardner moved, P Dorling seconded -

That consideration of the report be deferred.

Carried.

11. CENTRAL GEELONG MARKETING - TERMS OF REFERENCE

Source: **Investment & Attraction / Events, Central Geelong & Waterfront**
General Manager: **Brett Luxford**
Index Reference: **SUB-16-321: Central Geelong Marketing (CGM)**

Purpose

To seek Council endorsement of the amended Central Geelong Marketing Committee (CGMC) Instrument of Delegation and Terms of Reference.

Summary

- Central Geelong Marketing (CGM) is a Section 86 Committee of Council and has been in place for 15 years.
- The Committee exists to market, promote and activate Central Geelong via a Special Rate. The next five-year term of the Special Rate commences on 1 July 2016 and was declared by Council on 16 February 2016.
- The current Terms of Reference (ToR) require amendment as the Committee membership provisions provide for 1 Councillor impacting on the ability for meetings to be conducted with quorums.
- The report recommends that a revised ToR (as per Appendix 1) is approved which allows for the requirement for one Councillor on the Committee to now become 'one Councillor or delegate nominated by Council'.
- The revised ToR also recommends that the Councillor or nominated delegate of Council is appointed to the role of Chairperson.
- The Instrument of Delegation has been amended to reflect the correct Committee name.
- A full list of the Central Geelong Marketing Committee Members as at 1 July 2016 is attached (Attachment 1)

P Dorling moved, L Gardner seconded -

That Council:

1) **endorse the revised Terms of Reference for the Central Geelong Marketing Committee as shown in Appendix 1;**
2) **nominate the General Manager Investment & Attraction as the Council delegate to the Central Geelong Marketing Committee; and**
3) **sign and seal the revised Instrument of Delegation to Central Geelong Marketing Committee for the upcoming five year term as shown in Appendix 2.**

Carried.

Background

The operations of the (CGM) Committee are guided by a Terms of Reference (ToR) Appendix 1 which was created in 2001 following the establishment of the Committee.

Discussion

The CGM Committee is made of 13 members of whom the ToR state that one member must be a Councillor. It is considered beneficial to have Council representation at the Committee meetings so it is recommended to retain the one Council position. .

The revised ToR also recommends that the Councillor or nominated delegate of Council is appointed to the role of Chairperson.

A full list of the Central Geelong Marketing Committee Members as at 1 July 2016 is attached (Attachment 1)

Environmental Implications

There are no environmental implications linked with this report.

Financial Implications

The operations of the Committee are within the current CGM program budget. The recommended changes to the existing ToR have no financial implications.

Policy/Legal/Statutory Implications

The CGM Committee as a Section 86 Committee of Council has delegated authority and decision making within its allocated budget, Terms of Reference and agreed Strategic Plan.

Alignment to City Plan

The operations of CGM have alignment with 'Growing our Economy' through 'Securing Geelong's economic future' priorities of: support existing business and encourage new and emerging growth sectors and a successful and vibrant City centre.

Officer Direct or Indirect Interest

Officers involved in preparing this report have no direct or indirect interest in the matters addressed in the report.

Risk Assessment

There are no risks associated with amending the current ToR as proposed in this report.

Social Considerations

The proposed recommendations in this report have no social implications.

Human Rights Charter

There are no impacts on human rights as identified in the Human Rights Charter as a result of the proposed changes to the Committee ToR.

Consultation and Communication

The CGM Committee members have been advised of the proposal to review the current ToR and amend the Instrument of Delegation to correct the Committee name.

COMMITTEE TERMS OF REFERENCE

Central Geelong Marketing Committee	Document No:	CTR 220.1
	Approval Date:	
	Approved By:	Council
	Review Date:	
	Expiry Date:	N/A
Responsible Officer: ***General Manager Investment and Attraction***	Version No:	12
Authorising Officer: ***Chief Executive Officer***		

1. SUMMARY

Council is committed to maintaining the Central Geelong Area as the commercial centre for the Geelong Region, representing the hub for a number of higher-order activities. It has made it quite clear from the outset however, that to achieve this will require business helping itself and therefore the success of the whole program will depend upon the harnessing of a partnership between Council, Central Geelong businesses and the community.

Council has established a Centre Marketing Body that will play a major role in helping shape and promote the business environment.

Centre Marketing deals with the way the centre operates, the mix of businesses, the way businesses are promoted and marketed and the image of the centre. It enables the centre to act as a single entity for its combined strength and resources to be focused in the most efficient fashion.

Management systems similar to this already exist in more than 60 business/retail activity centres in Victoria. These management bodies are generally funded through special rate schemes levied on the property owners in the centre through a variety of mechanisms. The Committee is drawn from the businesses and property owners in the centre and is supported and facilitated by the local Council. The Central Geelong Marketing Coordinator will be employed to manage its functions.

2. OBJECTIVES

Mission Statement

The role of the Central Geelong Marketing Committee is to market and promote Central Geelong in a coordinated and integrated manner aimed at enhancing its economic and social viability and its general amenity, making it an exciting and vibrant focus for the whole of the Geelong region.

The Central Geelong Marketing Committee will be considered by Council and other stakeholders as the peak body representing the traders and property owners in the Central Geelong area.

The Committee will pursue and initiate activities aimed at:

- Increasing the number of visitors to Central Geelong.
- Promoting business activities in Central Geelong.

- Providing opportunities for the businesses and organisations in Central Geelong to network, exchange information and work in a cooperative fashion.
- To provide the businesses in the City with a central marketing focus.
- To improve Stakeholders Perceptions of Central Geelong.
- To establish an ongoing viable Marketing Program for Central Geelong.

3. DEFINITIONS

Committee The Central Geelong Marketing Committee.

4. TERMS OF REFERENCE

4.1. Expected / Definite life of the Committee

The Committee will have a life span of five-years. This period represents the lifespan of the Special Rate.

Membership to the committee is for a period of two years, concluding at June 30 in the year of expiry. Prior to the completion of these periods nominations will be sought from the representative organisations and via an election process for nominated positions.

It is the role of the Committee to establish its meeting regime, evaluate its effectiveness and membership and to make adjustments as necessary.

4.2. Constituency of the Committee

The Committee is to comprise the following representatives. Depending upon the area of representation the member may be nominated, selected via a postal ballot of contributors to the special rate or inherit the membership as part of the core function of the position. Voting members are expected to have a commercial interest in the scheme boundaries (see Plan on page 4) to be eligible for appointment to the Committee. The committee is to comprise thirteen members from the following categories:

- one Councillor or delegate nominated by Council (Chairperson);
- one member of the Geelong Chamber of Commerce;
- one member of the Victorian Employers Chamber of Commerce and Industry – South-west region (VECCI)
- one representative of the shopping centre known as Westfield Geelong;
- one representative of the shopping centre known as Market Square;
- one representative of the Arts sector and based within the special rate scheme boundaries;
- four representatives of strip retail/business premises within the special rate scheme boundaries;
- A representative from the property management sector and nominated by the Real Estate Institute of Victoria (REIV);
- A representative nominated by Tourism Greater Geelong and the Bellarine.
- One representative of the Waterfront business operators group.

The Central Geelong Marketing Coordinator will act as Executive Officer to the group.

The Chairperson of the Committee shall be the Councillor or Council delegate, as nominated by Council. The Committee shall elect its Deputy Chairperson at the first meeting following the 1st July each year.

Should a vacancy arise within the strip retail and arts sector areas the vacancy may be filled by the next eligible candidate in order of votes cast at the previous election. Otherwise nominations for these positions will be sought via a general ballot of contributors.

The Committee may invite additional individuals or representatives including Council Officers to attend meetings in order to respond to issues that arise during its lifespan.

The Committee will, from time to time, review the membership and structure and identify the most appropriate composition for the ongoing management of the centre.

4.3. Authority of the Committee

The Council endorses the establishment and function of the Committee as a Section 86 Special Committee of Council. The powers, duties and functions of the Committee are as described in the sealed Instrument of Delegation. The Committee will have the ability to develop procedures as required to perform its assignment.

Special Committee Responsibilities and Functions

The Special Committee will be responsible for:

- Overseeing the development of a 5 year strategic plan for Central Geelong Marketing
- Overseeing the development and implementation of an annual activities plan for Central Geelong Marketing

4.4. Meeting Procedure

Committee meetings will be held on a monthly basis. Minutes of key actions and decisions only will be recorded.

The quorum for meetings shall be shown in the following table:

Number of committee members appointed	Quorum
13	7

The failure to attend 3 consecutive meetings in any one-year without reasonable grounds will result in dismissal from the Committee. In such instances a replacement for the position will be sought as per the process applicable to the position on the Committee.

4.5. Reporting requirements

Annual status reports will be provided to the Council.

4.6. Secretariat

The Executive Officer will provide the secretariat to the Committee.

4.7. Facilities and Resources

A unit coordinator will be employed to manage its functions including the development, implementation and resourcing of the committee's marketing and development initiatives as detailed in the strategic plan.

Adequate resources shall be provided to assist the effective operation of the Central Geelong Marketing Committee including council support services such as IT, OD and Finance and the physical provision of appropriate office accommodation and facilities.

5. QUALITY RECORDS

Quality Records shall be retained for at least the period shown below.

Record	Retention/Disposal Responsibility	Retention Period	Location
Committee Minutes	Investment & Attraction	Permanent	Records Department.
Public marketing and promotional literature	Investment & Attraction	Permanent	Records Department.

Instrument of Delegation

Greater Geelong City Council
Instrument of Delegation
Central Geelong Marketing Committee

Greater Geelong City Council (**Council**) delegates to the special committee established by resolution of Council passed on 16 February 2016 and known as the "Central Geelong Marketing Committee" (**The Committee**), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on 16 February 2016;

2. the delegation:

   2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

   2.2. remains in force until Council resolves to vary or revoke it; and

   2.3 is to be exercised in accordance with the Guidelines set out in the Schedule and any further guidelines or policies which Council from time to time adopts; and

3. all members of the Committee will have voting rights.

THE COMMON SEAL of **GREATER**)
GEELONG CITY COUNCIL was)
Affixed hereto in the presence of:)

……
Mayor

……
Chief Executive Officer

SCHEDULE

Powers and functions

To exercise Council's functions and powers and to perform Council's duties in relation to the administration of the special rate scheme declared by Council:

a) for the purposes of defraying expenses incurred by Council in relation to the operation and administration of the Central Geelong Marketing Committee including marketing and promotion, provision of business information, training and networking, loyalty program and miscellaneous administrative activities;

b) for the area constituted by all those properties bounded by McKillop Street, Bellerine Street, the Waterfront, Fenwick and Cavendish Street as shown on the attached plan marked "Attachment 1".

c) In relation to the land within the above area this is rateable other than properties used solely for private, residential purposes; and

d) For a period of five years.

and for those purposes:

e) To enter into contracts, and to incur expenditure; and

f) To do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers.

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

a) enter into contracts or incur expenditure:

i.) unless solely in advertising of Council's central activities area, promotion of Council's central activities area, business development programs (including training, advice and guidance for businesses located in Council's central activities area), engaging or employing a person to implement advertising, promotion and business development activities and promoting and encouraging access to and movement around Council's central activities district by the public;

ii.) for am amount which, in conjunction with other expenditure incurred during a financial year, would exceed the revenue raised by:

A) the special rate for that financial year; and

B) any additional revenue received for that financial year whether by way of fundraising, sponsorship, grants or other means.

iii.) To undertake activities in a manner which does not benefit the whole of Council's central activities area;

b) exercise the powers or functions which, by force of section 86(4) of the Act cannot be delegated; or

c) determine an issue, take an action or do a thing which is already the subject of exclusive delegation to another Committee.

Guidelines

The powers, duties and functions set out in the Instrument are delegated to the Committee. This means that the Committee can only act under delegation when sitting in a formally constituted meeting.

This means that a meeting must be called and conducted in a manner that complies with the provisions of the Act and with the Council's meeting procedures local law.

This Committee cannot exercise its delegated powers when gathered outside the formal meeting structure as described above. For example, an informal coming together of members could not resolve to act under delegation.

Similarly the delegations do not extend to individual members of the Committee.

The Committee must not exercise its delegated powers unless it has first been the item of business on an agenda for transaction at a meeting of the Committee.

All delegations must be read in conjunction with this document and any policies and guidelines that may be adopted by the Council from time to time.

The Committee must report to Council in writing at least annually.

Central Geelong Marketing Committee Members & Contact Details as at 14-Jul-16

Name/Position	Area of Representation	Business Name	End Term Date
Mark Edmonds	Geelong Chamber of Commerce		30/06/2018
Bernard Perry	Strip Retail/ Business Operator	Village Cinema	30/06/2018
Chris Niven	Strip Retail/ Business Operator	Bendigo Bank	30/06/2018
Sam Davison	Real Estate Institute of Victoria	McDonald & Co	
Rachel Drady	Strip Retail / Business Operator	GMHBA	30/06/2018
Emma Tyler	Strip Retail / Business Operator	Adroit Insurance Group	30/06/2018
Vacant	Council	City of Greater Geelong	
Vacant	Tourism Geelong & The Bellarine		
Josie Savio	VECCI	The Gordon	30/06/2018
Julie Barnes	Arts Sector	Courthouse Youth Arts	30/06/2018
Greg Aylmore	Waterfront Operators	Waterfront Apartments	30/06/2018
Lurline Lett	Shopping Centre	Market Square	30/06/2018
Craig Tapping	Shopping Centre	Centre Manager Westfield Geelong	30/06/2018
Central Geelong Marketing Staff			
Jodie Reyntjes	Executive Officer	Central Geelong Marketing	
Jamie Harcourt	Assistant Executive Officer	Central Geelong Marketing	
Lou Hammer	Administration Officer	Central Geelong Marketing	

12. GEELONG MAJOR EVENTS COMMITTEE - APPOINTMENT OF EXTERNAL REPRESENTATIVES

Source: **Investment & Attraction / Events, Central Geelong & Waterfront**
General Manager: **Brett Luxford**
SUB-16-458: Community Relations / GME 2016
SUB-16-1218: Boards / GME Committee

Purpose

For Council to endorse the recommendation of Julie Maxwell, Dean Anglin, Brian Cook and Mark Stone to be appointed as External Representatives on the Geelong Major Events Committee for the period 2016 - 2020.

Summary

- Geelong Major Events (GME) Committee was established as a Council Advisory Committee in 1998, and formalised under Section 86 of the *Local Government Act 1989* in October 1999.
- The GME Committee allocates Council funding to support approximately 20-30 major events annually, which stimulates substantial economic activity within the municipality (estimated on average to be between $30M and $50M each year) and also provides social, tourism, cultural, brand and reputation benefits to our community..
- The Committee constituency of GME is a maximum of twelve persons. External members may comprise up to six of those positions, where suitable candidates offering considerable value are identified.
- The current terms of incumbent External Representatives Julie Maxwell and Dean Anglin will expire in 2016.
- Following public advertisements, 9 applications were received. A selection panel (comprising the GME Chair, the General Manager for Investment & Attraction, the GME Executive Officer and an incumbent External committee member) reviewed applications against the selection criteria.
- A shortlist of candidates was selected and the section panel interviewed the shortlisted candidates resulting in this recommendation to Council regarding the appointment of four External committee members for the period 2016 to 2020.

L Gardner moved, P Dorling seconded -

That Council:

1) **appoint Julie Maxwell, Dean Anglin, Brian Cook and Mark Stone as external representatives to the Geelong Major Events Committee for the four-year term 2016 – 2020;**
2) **thank the other applicants for their interest in participating on the Geelong Major Events Committee.**

Carried.

Background

Geelong Major Events (GME) Committee was established as a Council Advisory Committee in 1998, and formalised under Section 86 of the *Local Government Act 1989* in October 1999.

Following a review of GME Committee and a report to Council, the Committee's Terms of Reference was altered on 10 May 2016 to provide for the appointment of up to six External representatives from the business/media/arts or events community for a term of up to four years.

External representation on GME Committee is considered to be essential as it enables the GME Committee to draw upon expertise and networks beyond Council. Specifically, experience relevant to the business, arts, events or media communities are seen as important.

The GME Committee allocates Council funding to support approximately 20-30 major events annually, which stimulate substantial economic activity within the municipality (estimated on average to be between $30M and $50M each year) and also provide social, tourism, cultural, brand and reputation benefits for our community.

The Committee constituency of GME is a maximum of twelve persons. External members may comprise up to six of those positions, where suitable candidates offering considerable value are identified.

The current terms of incumbent External Representatives Julie Maxwell and Dean Anglin will expire in 2016.

Discussion

Following the advertisements communicating the requirement to fill the vacant external representative positions on GME Committee, 9 applications were received.

A selection panel (comprising the GME Chair, the General Manager for Investment & Attraction, the GME Executive Officer and an incumbent External committee member) reviewed applications against the selection criteria.

A shortlist of candidates was selected and the section panel interviewed the shortlisted candidates resulting in this recommendation to Council regarding the appointment of four External committee members for the period 2016 to 2020.

After careful consideration, the panel determined that the experience and event knowledge that Julie Maxwell and Dean Anglin contribute to the Committee is ideally retained for the next four year period particularly as the existing GME portfolio is under review for ongoing event funding and the ability to free up funding for new and developing major event opportunities.

In addition, it was identified that the two candidates, Brian Cook and Mark Stone, would bring significant event experience, industry networks and knowledge along with strong business and tourism sector experience at a national and international level to the Geelong Major Events committee.

All four recommended nominees will bring a diversity of skills, experience and strategic networks to support the objectives of GME. A full list of the GME is contained in Attachment 1.

Environmental Implications

There are no environmental implications arising from this report.

Financial Implications

There are no financial implications arising from this report as no remuneration is paid to External representative positions on GME Committee.

Policy/Legal/Statutory Implications

There is no policy, legal or statutory implications arising from this report. The appointment process is within the framework of the GME Terms of Reference and the Council Instrument of Delegation to GME.

Alignment to City Plan

In the City Plan 2013-2017, Council has identified Growing Our Economy as one of its four key strategic objectives. City Plan tells us that one of the important priorities in this area is to see Greater Geelong as a leading city for tourism, arts, culture and events. The GME Strategy is identified in City Plan as being a key strategy that will assist Council in delivering Growing Our Economy priorities.

In addition, City Plan identifies its key partnerships in this area as including events related groups such as Victorian Major Events Company, Victorian Events Industry Council, along with event owners and operators. These key relationships are maintained and enhanced through the actions of the GME committee.

Officer Direct or Indirect Interest

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

Risk Assessment

External representatives are fully briefed on their role on GME Committee thereby ensuring that they each understand their roles and responsibilities. Information is also provided to external representatives regarding their obligations regarding declarations of Direct or Indirect Interest.

Social Considerations

The inclusion of external representatives on GME Committee supports and enhances the social benefit that events bring to the community.

Human Rights Charter

There are no human rights implications arising from this report.

Consultation and Communication

The appointment of four new external representatives to the GME Committee will be communicated to key stakeholders and the media. The unsuccessful candidates are notified in writing, thanking them for their application and interest in the GME committee.

Attachment 1
Page 1 of 1

Current GME Committee List

REPRESENTATION	NAME
COGG Representative	Kelvin Spiller CEO CoGG
COGG Representative	Roger Grant Chair, GME Manager, Tourism Greater Geelong & The Bellarine
External Representative	Russell Morris
External Representative	Leigh McClusky
External Representative	Julie Maxwell *(term due to expire in 2016)*
External Representative	Dean Anglin *(term due to expire in 2016)*
External Representative	Brian Cook *(yet to be endorsed by Council)*
External Representative	Mark Stone *(to be endorsed by Council)*

Also in attendance at meetings for advisory purposes are:

Brett Luxford General Manager – Investment and Attraction
Sharon Cockerell Executive Officer, Geelong Major Events
Steve Bentley Manager – Events, Central Geelong and Waterfront
Kaz Paton Manager - Arts and Culture
Paul Jane Manager – Sport and Recreation
Helen O'Beirne Team Leader - Event Services Unit

GME Committee – Maximum 12 persons
External Members may comprise of up to six of the 12 positions for a four year term.

13. REVOCATION OF FLOOD-PRONE AREA DESIGNATION OF NEW LOTS AT ARMSTRONG WATERS, STAGES 1A, 1B AND 1C

Source: **City Services – Engineering Services**
General Manager: **William Tieppo**
Index Reference: **Subject: Drainage – Floods**

Purpose

The purpose of this report is to present a revision to the flood mapping for existing conditions produced within the stages of the development of Armstrong Waters, Stages 1a, 1b and 1c.

Summary

- The flood mapping is subject to a revision due to the subdivision and development at 291 – 411 Charlemont Road, Armstrong Creek. Prior to subdivision the parent lot was considered to be liable to flooding. This development site, which is also known as Armstrong Waters, Stages 1a, 1b and 1c, achieves flood immunity for newly created lots for flood events up to and including the 100 year Average Recurrence Interval (ARI) event due to approved internal earthworks.
- The earthworks undertaken have resulted in the floodwaters from the 100 year ARI event being contained within the boundaries of the road network.
- Council has a statutory obligation under the Building Regulations 2006 to designate land as liable to flooding where it reasonably knows it to be prone to flooding. Conversely, there is an obligation to remove the encumbrance of designation from land that is no longer considered to be flood-prone.
- It should be noted that designation is separate to the creation of flood overlays within the Planning Scheme, which generally follows designation. In the case of this development, the planning scheme amendment to create post-development flood zones or overlays is proposed after the design of the proposed precincts.
- The current designated flood mapping (refer to Attachment 1) was designated by Council at its meeting of 12 December 2006, under the provisions of the Building Regulations 2006. Designation of land as liable to flooding enables the control of floor levels for acceptable building permit applications, or refusal of consent to building applications where there is likely to be a danger to life, health or safety due to flooding. Designation also enables disclosure of flood status within statutory information certificates.

P Dorling moved, L Gardner seconded -

That Council revoke the Council designation of 12 December 2006 of flood affected land Armstrong Waters, Stages 1a, 1b and 1c as liable to flooding pursuant to Regulation 802(2) of the Building Regulations 2006.

Carried.

Background

Designation of land as liable to flooding under Regulation 802 of the Building Regulations 2006 enables the control of floor levels for acceptable building permit applications, or refusal of consent to building applications where there is likely to be a danger to life, health or safety due to flooding. Designation also enables disclosure of flood status on the Building Information Request Form.

The subject of this report is the residential land at Armstrong Waters, fronting 291 – 411 Charlemont Road, Armstrong Creek. Prior to subdivision the parent lot was used primarily as farmland.

The subdivision at 291 – 411 Charlemont Road, Armstrong Creek was named Armstrong Waters by the developer. The current designated flood extent affects multiple residential lots within the Estate Stages 1a, 1b and 1c.

Discussion

Overland flows that may occur within the subdivision during the 100 year ARI flood event are now contained within road and drainage reserves in accordance with accepted best practice for development within flood-prone areas. Best practice requires that any overland flows within residential areas satisfy public safety criteria with respect to velocity and depth of flow.

Council has a statutory obligation under the Building Regulations 2006 to designate land as liable to flooding where it reasonably knows it to be prone to flooding. Conversely, there is an obligation to remove the encumbrance of designation from land that is no longer considered to be flood-prone.

Attachment 1 shows the existing flood designation. Attachment 2 shows the change in flood mapping at 291 – 411 Charlemont Road, Armstrong Creek after construction of the subdivision.

Environmental Implications

The revocation of flood-prone areas designation and designation of revised flood data does not result in any known adverse environmental impacts.

The removal of a minimum floor level requirement for new dwellings may result in a minor reduction in energy and material usage during construction. In addition, concrete slab-on-ground construction, which is normally used for a non-elevated floor, achieves the minimum energy rating more readily than a timber floor on stumps.

Financial Implications

The costs of proceeding to revoke the existing designation and to designate the revised flood mapping at 291 – 411 Charlemont Road, Armstrong Creek, in accordance with the requirements of the Building Regulations 2006, are provided for within the annual recurrent budget.

Policy/Legal/Statutory Implications

The City has various statutory responsibilities for drainage management and flood management (prevention, response and recovery) as set out in the Local Government Act 1989, Local Government Regulations 1990, Planning and Environment Act 1987, Building Regulations 2006, Water Act 1989, Subdivision Act 1988 and Emergency Management Act 1986.

Regulation 802(2) of the Building Regulations 2006 provides Council with the powers to 'designate' land liable to flooding. Regulation 802(3) provides that consent must be obtained from Council for an application to build on land liable to flooding.

Section 27 of the Interpretation of Legislation Act 1984 provides the power for Councils to 'repeal or amend a subordinate instrument made in the exercise of that power'.

Section 807 of the Building Regulations 2006 requires Council to update the municipality's designated special area maps at the Building Control Commission in the event of alterations to a designated special area. Designated special areas include areas designated as being liable to flooding.

Regulation 326 of the Building Regulations provides for the issue of an information certificate containing prescribed information, including the flood status of properties.

The revised flood data for 291 – 411 Charlemont Road, Armstrong Creek will assist the City in meeting its statutory obligations with regard to flood data.

The revised flood data will also assist in fulfilling the recommendations of the Municipal Emergency Management Committee adopted by Council in November 1998 (i.e. mapping of 1 in 100 year flood levels)

Alignment to City Plan

The recommendations of this report are consistent with City Plan, in relation to Growing our Economy and promoting a sustainable built environment, sustainable land use and development.

Officer Direct or Indirect Interest

There are no officer direct or indirect interests with respect to this report.

Risk Assessment

Council also has some risk exposure with any failure to disclose the flood-prone status of a property in a Land Information Certificate.

The designation of the flood data produced by the flood study is a key step toward minimising Council's exposure to these risks.

Council has a risk exposure through its statutory obligations under the Building Regulations 2006 to:

1) designate land as liable to flooding where it reasonably knows it to be prone to flooding;

2) specify minimum floor levels in consultation with the relevant floodplain management authority (CCMA); and

3) refuse consent to building applications where there is likely to be a danger to life, health or safety due to flooding.

Council also has some risk exposure with any failure to disclose the flood-prone status of a property in a Land Information Certificate.

The designation of the flood data produced by the flood study Armstrong Creek UGP project is a key step toward minimising Council's exposure to these risks.

Conversely, there is an obligation to remove the encumbrance of designation from land that is no longer considered to be flood-prone. Designation of land as being liable to flooding can result in extra construction costs and concerns regarding saleability, in some cases.

Social Considerations

Council has a responsibility to the community to provide the best possible information on areas that are flood-prone.

Human Rights Charter

We have taken into consideration the human rights relative to the subject matter of this report, which improves protection of private property.

Consultation and Communication

A revocation of designation does not warrant public consultation as it constitutes the removal of an encumbrance on land.

Relevant Council databases and flood maps will be revised and updates sent to the Corangamite Catchment Management Authority and Building Control Commission.

Attachment 1

Current Flood Map



Attachment 2

Revised Flood Map



14. REVOCATION OF FLOOD-PRONE AREA DESIGNATION OF NEW LOTS AT WARRALILY, STAGE 65

Source **City Services – Engineering Services**
General Manager: **William Tieppo**
Index Reference: **Subject: Drainage - Floods**

Purpose

The purpose of this report is to present a revision to the flood mapping for existing conditions produced within the stages of the development of Warralily, Stage 65.

Summary

- The flood mapping is subject to a revision due to the subdivision and development at 82 – 110 Stewarts Road, Armstrong Creek. Prior to subdivision the parent lot was considered to be liable to flooding. This development site, which is also known as Warralily, Stage 65, achieves flood immunity for newly created lots for flood events up to and including the 100 year Average Recurrence Interval (ARI) event due to approved internal earthworks.
- The earthworks undertaken have resulted in the floodwaters from the 100 year ARI event being contained within the boundaries of the road network.
- Council has a statutory obligation under the Building Regulations 2006 to designate land as liable to flooding where it reasonably knows it to be prone to flooding. Conversely, there is an obligation to remove the encumbrance of designation from land that is no longer considered to be flood-prone.
- It should be noted that designation is separate to the creation of flood overlays within the Planning Scheme, which generally follows designation. In the case of this development, the planning scheme amendment to create post-development flood zones or overlays is proposed after the design of the proposed precincts.
- The current designated flood mapping (refer to Attachment 1) was designated by Council at its meeting of 12 December 2006, under the provisions of the Building Regulations 2006. Designation of land as liable to flooding enables the control of floor levels for acceptable building permit applications, or refusal of consent to building applications where there is likely to be a danger to life, health or safety due to flooding. Designation also enables disclosure of flood status within statutory information certificates.

P Dorling moved, L Gardner seconded -

That Council revoke the Council designation of 12 December 2006 of flood affected land Warralily, Stage 65 as liable to flooding pursuant to Regulation 802(2) of the Building Regulations 2006.

Carried.

Background

Designation of land as liable to flooding under Regulation 802 of the Building Regulations 2006 enables the control of floor levels for acceptable building permit applications, or refusal of consent to building applications where there is likely to be a danger to life, health or safety due to flooding. Designation also enables disclosure of flood status on the Building Information Request Form.

The subject of this report is the residential land at Warralily, fronting 82 – 110 Stewarts Road, Armstrong Creek. Prior to subdivision the parent lot was used primarily as farmland.

The subdivision at 82 – 110 Stewarts Road, Armstrong Creek was named Warralily by the developer. The current designated flood extent affects multiple residential lots within the Estate Stage 65.

Discussion

Overland flows that may occur within the subdivision during the 100 year ARI flood event are now contained within road and drainage reserves in accordance with accepted best practice for development within flood-prone areas. Best practice requires that any overland flows within residential and commercial areas satisfy public safety criteria with respect to velocity and depth of flow.

Council has a statutory obligation under the Building Regulations 2006 to designate land as liable to flooding where it reasonably knows it to be prone to flooding. Conversely, there is an obligation to remove the encumbrance of designation from land that is no longer considered to be flood-prone.

Attachment 1 shows the existing flood designation. Attachment 2 shows the change in flood mapping at 82 – 110 Stewarts Road, Armstrong Creek after construction of the subdivision.

Environmental Implications

The revocation of flood-prone areas designation and designation of revised flood data does not result in any known adverse environmental impacts.

The removal of a minimum floor level requirement for new dwellings may result in a minor reduction in energy and material usage during construction. In addition, concrete slab-on-ground construction, which is normally used for a non-elevated floor, achieves the minimum energy rating more readily than a timber floor on stumps.

Financial Implications

The costs of proceeding to revoke the existing designation and to designate the revised flood mapping at 82 – 110 Stewarts Road, Armstrong Creek, in accordance with the requirements of the Building Regulations 2006, are provided for within the annual recurrent budget.

Policy/Legal/Statutory Implications

The City has various statutory responsibilities for drainage management and flood management (prevention, response and recovery) as set out in the Local Government Act 1989, Local Government Regulations 1990, Planning and Environment Act 1987, Building Regulations 2006, Water Act 1989, Subdivision Act 1988 and Emergency Management Act 1986.

Regulation 802(2) of the Building Regulations 2006 provides Council with the powers to 'designate' land liable to flooding. Regulation 802(3) provides that consent must be obtained from Council for an application to build on land liable to flooding.

Section 27 of the Interpretation of Legislation Act 1984 provides the power for Councils to 'repeal or amend a subordinate instrument made in the exercise of that power'.

Section 807 of the Building Regulations 2006 requires Council to update the municipality's designated special area maps at the Building Control Commission in the event of alterations to a designated special area. Designated special areas include areas designated as being liable to flooding.

Regulation 326 of the Building Regulations provides for the issue of an information certificate containing prescribed information, including the flood status of properties.

The revised flood data for 82 – 110 Stewarts Road, Armstrong Creek will assist the City in meeting its statutory obligations with regard to flood data.

The revised flood data will also assist in fulfilling the recommendations of the Municipal Emergency Management Committee adopted by Council in November 1998 (i.e. mapping of 1 in 100 year flood levels)

Alignment to City Plan

The recommendations of this report are consistent with City Plan, in relation to Growing our Economy and promoting a sustainable built environment, sustainable land use and development.

Officer Direct or Indirect Interest

There are no officer direct or indirect interests with respect to this report.

Risk Assessment

Council also has some risk exposure with any failure to disclose the flood-prone status of a property in a Land Information Certificate.

The designation of the flood data produced by the flood study is a key step toward minimising Council's exposure to these risks.

Council has a risk exposure through its statutory obligations under the Building Regulations 2006 to:

4) designate land as liable to flooding where it reasonably knows it to be prone to flooding;

5) specify minimum floor levels in consultation with the relevant floodplain management authority (CCMA); and

6) refuse consent to building applications where there is likely to be a danger to life, health or safety due to flooding.

Council also has some risk exposure with any failure to disclose the flood-prone status of a property in a Land Information Certificate.

The designation of the flood data produced by the flood study Armstrong Creek UGP project is a key step toward minimising Council's exposure to these risks.

Conversely, there is an obligation to remove the encumbrance of designation from land that is no longer considered to be flood-prone. Designation of land as being liable to flooding can result in extra construction costs and concerns regarding saleability, in some cases.

Social Considerations

Council has a responsibility to the community to provide the best possible information on areas that are flood-prone.

Human Rights Charter

We have taken into consideration the human rights relative to the subject matter of this report, which improves protection of private property.

Consultation and Communication

A revocation of designation does not warrant public consultation as it constitutes the removal of an encumbrance on land.

Relevant Council databases and flood maps will be revised and updates sent to the Corangamite Catchment Management Authority and Building Control Commission.

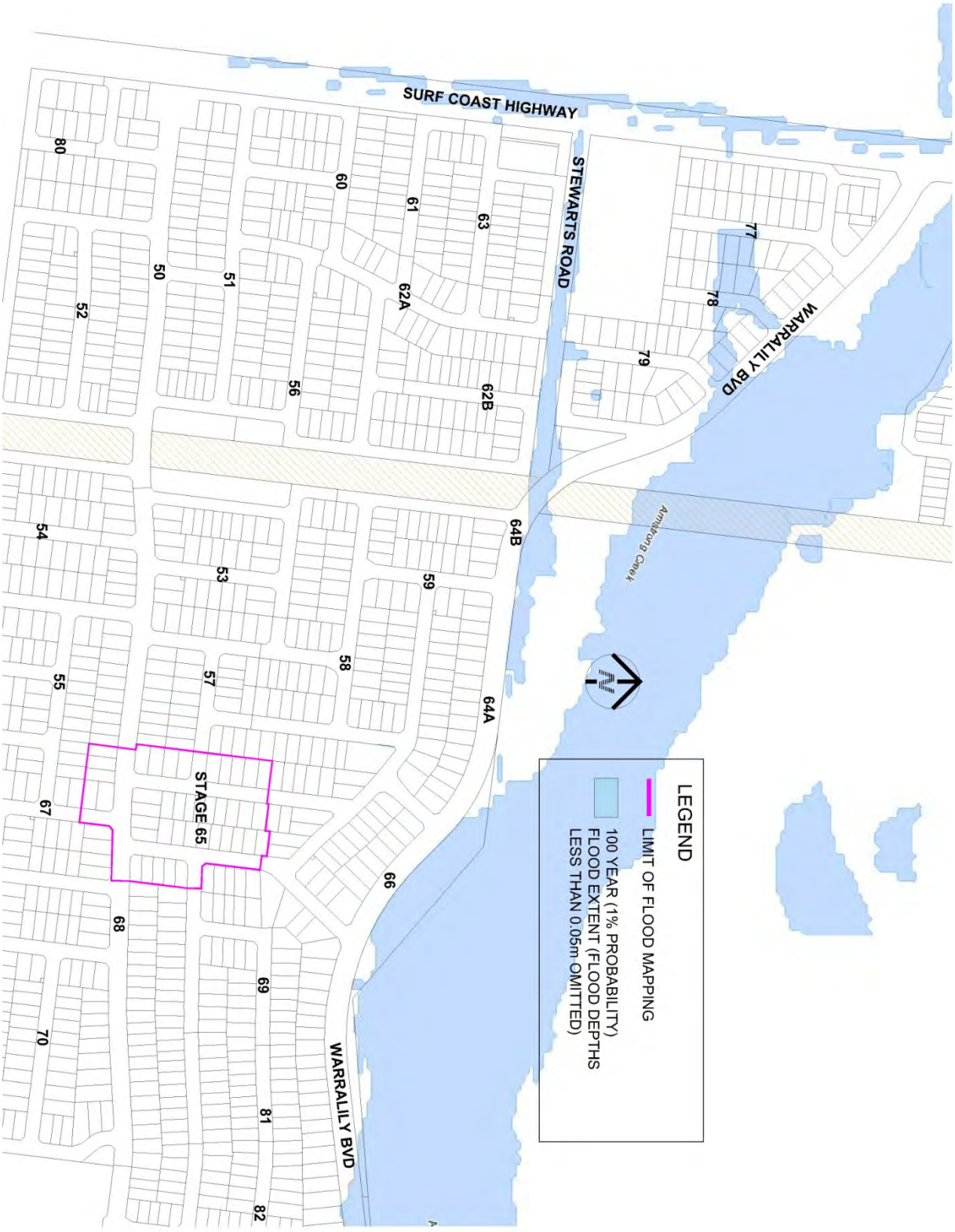
Attachment 1

Current Flood Map



Attachment 2

Revised Flood Map



15. STATION STREET, DRYSDALE - ROAD CONSTRUCTION SPECIAL CHARGE SCHEME – SRC 349 – INTENTION TO DECLARE

Source: **City Services – Engineering Services**
General Manager: **William Tieppo**
Index Reference: **Council Reports 2016, Special Rates and Charges**

Purpose

The purpose of this report is to seek a resolution by Council to give notice of its 'Intention to Declare' a special charge to property owners for road construction in Station Street, Bridge Street and Crimea Street, Drysdale.

Summary

- Complaints have come in over a considerable period of time about the state of the unsealed roads of Station, Crimea and Bridge Streets, Drysdale. There is also a desire to have Station Street closed at the western end near High Street.
- Council officers developed two options as a Special Charge Scheme proposal to fund the project. The two options included a full standard of road construction including kerb and channel and a simpler rural road standard without kerb and channel.
- Feedback to the proposal was sought via a survey. The survey indicated that a majority of property owners prefer the simple road construction option.
- A developer of the property at 4-6 De Burgh Road is also contributing to the project but is external to the scheme. Negotiations have taken place and the developer will be responsible for the construction of the Bridge Street section. This has presented itself as a mutually beneficial arrangement and has reduced the scope of work required by Council for this project.
- Considerable support was also shown for the discontinuance of Station Street. It is anticipated that the discontinuance will reduce through traffic in the area.
- The proposed scope of works includes sealing all unsealed portions of roads including Station, Crimea and Bridge Streets. (See Plan Appendix 4).
- There is 685 metres of roads to be sealed as part of the scheme and there are 51 individual properties benefiting from the scheme.
- It is proposed that Station Street will be formally discontinued under Schedule 10 of the Local Government Act 1989.
- The total cost of the project is estimated to be $466,257. A developer contribution reduces the project cost to Council to an estimated $313,186 (Refer to Financial Implications)
- The scheme has been prepared in accordance with the special rate and charge provisions of the Local Government Act 1989, along with Council's Special Rates and Charges Policy and community engagement guidelines.

L Gardner moved, P Dorling seconded -

That Council:

1) **Gives notice of its intention to declare a Special Charge Scheme in accordance with Section 163 (1A) of the Local Government Act 1989 ('the Act'), as follows:**

   a) **The Special Charge is declared for a period of five (5) years commencing upon commencement of the works.**

   b) **The special charge be declared for the purposes of defraying expenses incurred by Council in relation to the construction of roads including Station Street, Crimea Street and Bridge Street, Drysdale which:**

      b1) **will provide proper sealed road access, improved street drainage and enhancement to the general amenity for each of the properties included in the scheme;**

      b2) **Council considers is or will be a special benefit to those persons required to pay the special charge (and who are described in succeeding parts of this Resolution); and**

      b3) **arises out of Council's function of planning for and providing infrastructure for property owners.**

   c) **it be recorded that, for the purposes of Section 163 (2A) of the Act, the special charge proceeds will not exceed the amount calculated in accordance with the prescribed formula (R x C = S), the:**

      c1) **'benefit ratio' (R) being calculated at 0.8 represents the special benefits to all persons liable to pay the special charge; and**

      c2) **'total cost' (C) of performing the function described in Part b of this Resolution based on estimated cost be recorded as $313,186.**

      c3) **'maximum levy' (S) total amount of the special charge be levied and recorded as $250,549.**

   d) **the following be specified as the area for which the special rate is so declared:**

      d1) **the area within municipal district of Council highlighted in the plan attached to this Resolution ("the area").**

   e) **the following be specified as the land in relation to which the special charge so declared:**

      e1) **All land within the area shown on the plan.**

   f) **the following be specified as the criteria which form the basis of the special charge so declared:**

      f1) **Ownership of any land described in Part 1(e) of this Resolution.**

   g) **the following be specified as the manner in which the special charge so declared will be assessed and levied:**

      g1) **The costs to be apportioned based on access and amenity benefits.**

      g2) **The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to section 163(4) of the Act.**

h) having regard to the preceding parts of this Resolution but subject to Section 166 (1) of the Act, it be recorded that:

h1) the owners of the land described in column 1 of Schedule C to the Resolution are estimated liable for the respective amounts set out in column 7 of Schedule C; and

h2) such owners may, subject to any further resolution of Council pay the special charge in the following manner:

h2(a) the charge will become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167 (3) of the Act;

h2(b) interest will not be charged for six months after the issue of the notice provided the person liable makes timely payment in accordance with any repayment arrangements that may be agreed on by Council; and

h2(c) in accordance with Section 172 of the Act, the rate of interest which is payable on the special charge which has not been paid by the specified date is set at Council's overdraft rate, reviewed every three months (provided that it shall not exceed the rate fixed by the Governor in Council by Order for the purposes of Section 172 (2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by Order for the purposes of this section).

2) Consider any submissions made under Section 223 of the Act and the proposed declaration via Council's Submissions Review Panel, and then by Council at a subsequent meeting, at which time Council will consider whether to make a declaration in the form proposed.

3) Authorise Council's Chief Executive Officer to give public notice of the proposed declaration in accordance with sections 163 (1A) and (1B) of the Act and send a copy of the public notice to each person who is liable to pay the special rate in accordance with Section 163 (1C) of the Act.

4) Authorise the discontinuance of Station Street at the western end near the High Street intersection under Schedule 10 of the Act.

Carried.

Background

Many of the affected property owners want solutions to the ongoing problems inherent with unsealed roads in residential areas; these being mud in the wet, dust in the dry, potholes and corrugations and the related problems associated with dust, and car and home maintenance concerns associated with dust and mud.

The concept of an up front agreement for the sealing of Station Street, Drysdale was attempted back in 2007 with agreement from a majority of property owners at the time. This proposal would have provided a seal over the road without any road base upgrade at a reduced cost to property owners. This idea was abandoned due to the anticipated extra wear on the road caused by development and it was decided that the road must be constructed to a higher standard.

Further attempts at Special Charge Schemes were made in 2010 and 2012 but circumstances at the time prevented the schemes from being presented to Council.

The latest round of consultation between Council and the Station Street property owners culminated in a public meeting held at the Springdale Centre, Drysdale on 28 March 2015.

Two scheme options were shown to approximately 30 affected property owners in attendance including the estimated charges and the Benefit Ratio Calculations. All questions in relation to the proposed scheme were answered in a transparent manner.

As a follow up to this meeting, an informal survey and information sheet were sent out to the affected property owners. 35 responses to the survey were received representing a 69% response. Of the responses, there were 21 'Yes' votes to the proposed road construction and 13 'No' votes. One property owner did not register an opinion on road construction. The most preferred option was the rural road seal at a reduced cost.

A second question posed on the survey form was whether or not property owners wanted a closure of Station Street near High Street. A clear majority of property owners were in favour of this.

An application for residential development has been made for the property at 4-6 De Burgh Road, Drysdale which fronts Bridge Street. Negotiations with the developer have taken place and an agreement has been struck to include the developer in the project as a mutually beneficial arrangement. The resultant agreement will see the developer construct Bridge Street to full standard between De Burgh Road and the rail line. This will include kerb and channel and underground drainage.

A detailed design and cost estimate for the project has been prepared. The charge to each property is shown at Schedule C.

Discussion

Although the preferred option was the rural road style of construction, the scope of work will include additional depth of road pavement rather than simply sealing over the top of the existing road.

The development application mentioned above was submitted under Permit No PP677/2015. With an agreement in place, Council's construction costs for the project is reduced, property owners will benefit from a higher standard of work at lower cost and the developers costs are reduced due to the scheme works.

To protect Council from any risk associated with the agreement, Condition 17 at PP677/2015 includes that the road must be constructed in accordance with negotiations and agreements with Council's Design Unit.

The allocation of costs was determined by allocating a Benefit Unit (BU) to all affected properties. In general, all properties are considered to receive access and amenity benefits.

The access benefit is obvious in that all properties with a new or partially sealed road abutting the property will receive an improved access, either in full or in part. The amenity benefit includes things like improved nature strips, improved appearance to property frontages, property value, resident comfort and safety, and reduced levels of dust and mud.

For a standard property fronting an existing unsealed road, one (1) access Benefit Unit (BU) has been assigned for each property. Properties with sealed frontages but gaining access from the new roads have a reduced access benefit (0.5 BU). The amenity benefit is generally based on the property frontage to the new roads but there are some variations to this model which are summarised as follows:

- **Corner properties with both frontages currently unsealed**

These properties receive a standard access benefit and the amenity benefit is based on the long frontage only.

- **Properties with existing sealed frontages.**

These properties are considered to receive half an access benefit as they need to drive over a new road in order to gain access. The amenity benefit is based on any part of the property that fronts an existing unsealed portion or is zero if the property has a fully sealed frontage.

Environmental Implications

The road infrastructure proposal provides proper sealed access, improved drainage and a generally safer environment for pedestrian and vehicular traffic**.** Dust is eliminated.

Storm water runoff will be less contaminated with silt prior to discharge as the bulk of the storm water will be cleaner coming off a sealed road environment.

It is anticipated that no vegetation removal will be required to complete the project.

During the course of construction and the manufacture and procurement of materials, there is expenditure of energy and greenhouse gas emissions. This does cease, however, when construction is complete.

The project does not create waste with the exception of some excess spoil. The proposal does not affect any natural habitats.

Financial Implications

The project has a one off capital cost and there will be minimal ongoing maintenance costs. The scheme is funded via the core program C02301 and can proceed in the 2016/17 financial year.

Since Bridge Street in being constructed by a developer, this reduces the funding commitment by Council. A breakdown of costs is as follows:

Total project cost estimate	**$466,257.00**
Developer contribution to project (income)	**-$153,071.00**
Total revised scheme cost	**$313,186.00**

From a scheme perspective due to the developer at 4-6 De Burgh Road constructing the Bridge Street works, they are not required to make a Special Charge payment. Scheme costs can be summarised as follows:

Scheme cost to property owners	**$250,548.80**
Scheme cost to council	**$62,637.20**
Total revised scheme cost	**$313,186.00**

The net cost to Council for this project is **$62,637.20**

Policy/Legal/Statutory Implications

The scheme has been prepared in accordance with the Special Rate and Charge provisions of the Local Government Act 1989 along with Council's Special Rates and Charges Policy and community engagement guidelines.

Alignment to City Plan

This report aligns with the City Plan as follows:

Community Wellbeing:

- Healthy Lifestyles – Facilitating and promoting physical activity.
- Healthy Environments – Safe, hazard and nuisance free environments.

Sustainably Built and Natural Environment

- Enhance and protect natural areas and ecosystem health.
- Support our Community to live – Encourage increased use of alternatives to car transport.
- Advocate for and promote sustainable design and development – Promoting sustainable design and retrofitting and acknowledging the communities desire to have their say.

Officer Direct or Indirect Interest

No Council Officer involved with this process has any direct or indirect interest in the properties.

Risk Assessment

Provision of sealed roads will provide safer driving conditions for motorists with a defined and more standard road profile. Walking conditions for pedestrians will also be enhanced by minimising the risk of personal injuries through conflict with vehicles. The improved drainage will reduce the hazards associated with water over roads and the affects of nuisance flooding. There are no identified risks for Council in making its intention to declare the scheme.

Social Considerations

The provision of properly sealed and drained roadways is aligned to Council's City Plan as described above and provides improved connectivity and safety for motorists and pedestrians.

Human Rights Charter

In developing this report to Council, the subject matter has been considered to determine if it raises any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in this report. It is considered that the subject matter does not raise any adverse human rights issues.

It is further considered that the construction of these roads upholds the right to freedom of movement (Section 12 of the Human rights Charter) by enhancing a person's ability to move freely within the area they choose to live.

Consultation and Communication

Community consultation of the road construction Special Charge Scheme has been carried out as follows:

- January 2015 – Update letter to property owners reintroducing the scheme proposal.
- March 2015 – Invitation letter to public meeting.
- 28 March 2015 - Public meeting (open forum with approximately 30 attendees) held at the Springdale House, Drysdale. This meeting disclosed all information in relation to the proposed scheme including scope of work, cost apportionment and Benefit Ratio Calculation.
- May 2015 – Update letter, information sheet and property owner survey.
- 10 September 2015 – Update letter to property owners disclosing results of the survey and advising of the consultation with the developer of the land at 4-6 De Burgh Road and process from here.
- 24 March 2016 – Update letter to property owners advising of pending Council meeting.
- Many phone calls, emails and letters have been received and responded to during the consultation process.

Further correspondence will be sent to all affected property owners should Council resolve to make its Intention to Declare the scheme.

Appendix 1

COST ESTIMATE FOR CONSTRUCTION OF ROADS STATION STREET, CRIMEA STREET and BRIDGE STREET DRYSDALE

The works for the construction of roads in Station Street, Crimea Street and Bridge Street which consist of excavation, drainage improvements, reinstatement of nature strips, legal advice and professional services associated with survey, engineering design, supervision and administration of the project as included in the cost estimate as shown below.

CONSTRUCTION OF STATION STREET, CRIMEA STREET AND BRIDGE STREET DRYSDALE

ITEM	DESCRIPTION	QUANTITY	UNIT	RATE $	AMOUNT $
1.00	**GENERAL**				
1.01	Initial site establishment and set up, decamping and site cleanup and other fixed costs up to time of completion of works.		ITEM		$15,000.00
1.02	Traffic management costs.		ITEM		$10,000.00
1.03	Setting out of works.		ITEM		$1,000.00
	STATION AND CRIMEA STREET				
2.00	**PAVEMENT WORKS**				
2.01	Trimming for new road pavement and excavation of soft spots		ITEM		$5,000.00
2.02	150mm compacted depth Class 2 20mm crushed rock, supplied, spread and compacted.	611	m^3	$118.00	$72,098.00
2.03	7mm Primer Seal, supplied and placed.	4076	m^2	$8.00	$32,608.00
3.00	**DRAINAGE**				
3.01	Rural vehicle crossing 300mm diam. RC pipe, 20m wide with VicRoads driveable endwalls as per SD00603, supplied, laid and jointed including excavation, placement of approved FCR bedding and backfill.	1	No.	$9,000.00	$9,000.00
3.02	Rural vehicle crossing 300mm diam. RC pipe, 3.6m wide with VicRoads driveable endwalls as per SD00603, supplied, laid and jointed including excavation, placement of approved FCR bedding and backfill.	17	No.	$2,800.00	$47,600.00
4.00	**CONCRETE WORKS**				
	KERBING				
4.01	B2 Barrier kerb and channel 450mm wide, including fine crushed rock bedding.	45	m	$120.00	$5,400.00
4.03	Concrete pram crossing 1.5m wide, including fine crushed rock bedding.	2	No.	$250.00	$500.00
	PAVING				
4.02	100mm pattern concrete paving with SL72 mesh including crushed rock bedding and reinstate nature strip.	236	m^2	$120.00	$28,320.00
	BRIDGE STREET				
5.00	**PAVEMENT WORKS**				
5.01	Trimming for new road pavement and excavation of soft spots		ITEM		$2,000.00
5.02	Sawcut and remove existing asphalt to create overlap onto existing pavement	88	m	$12.00	$1,056.00

5.03	310mm compacted depth Class 3 20mm crushed rock, supplied, spread and compacted.	591	m^3	$80.00	$47,280.00
5.04	150mm compacted depth Class 2 20mm crushed rock, supplied, spread and compacted.	275	m^3	$118.00	$32,450.00
5.05	Bituminous Prime Coat	1816	m^2	$3.03	$5,493.40
5.06	30mm compacted depth, 10mm nominal size type N asphalt	1816	m^2	$17.00	$30,872.00
6.00	**CONCRETE WORKS**				
6.01	B2 Barrier kerb and channel 450mm wide, including fine crushed rock bedding.	316	m	$120.00	$37,920.00
6.02	Edge Strips	10	m	$40.00	$400.00
7.00	**PROVISIONAL WORKS**				
7.01	Regrade table drains	910	m	$5.00	$4,550.00
SUB-TOTAL					**$388,547**
Survey and Design					$19,427
Administration					$19,427
10% CONTINGENCY : D					**$38,855**
CONSTRUCTION COST ESTIMATE					**$466,257**

Appendix 2

Benefit Ratio Calculation – SCHEDULE 'B'

A Purpose

To construct Station Street, Crimea Street between High Street and Station Street and the unsealed sections of Bridge Street between De Burgh Road and Station Street, Drysdale.

B Coherence

The works will provide a physical connection between High Street, Bridge Road and De Burgh Street, Drysdale and will provide a special benefit to adjoining and adjacent properties.

C Total Cost C

Total Estimated cost of works - rural road construction	$466,257
Developer contribution towards Bridge Street construction	$153,071
TOTAL COST	**$313,186.00**

D Identify Special Beneficiaries

46 properties are considered to receive a combination of access and amenity benefits. 1 Property receives a benefit from the scheme but is not included in the scheme

E Properties to include

The 46 properties receive a combination of access and amenity benefits.
Therefore:
Total Special Benefits (in) is apportioned to 46 properties
There are no Council owned properties in the scheme but 1 property that receives special benefit but is considered to be out of the scheme. Therefore:

Total Special Benefits out of the scheme TSB (out) = **1**

F Estimate of Total Special Benefits

For this scheme it is considered that an equal portion of access and amenity benefits apply to an individual property. We shall assume that each property is made up of 1 access benefit unit (BU) and one amenity BU. For the large property out of the scheme, this is under development and will ultimately consist of 10 allotments fronting Bridge Street. Benefit Units are assigned to each property accordingly. For properties in and out of the scheme, a summary of special benefits can be shown in the following table:

	46 private properties TSB (in)	1 property out TSB (out)
Access	46	10
Amenity	46	10
Total Special Benefits	92	20

G Estimate of Total Community Benefit -TCB

It is considered that people in the community will receive an access benefit from the works as the roadways are used to access other areas considering potential destinations such as the primary and secondary schools to the south and shopping centre to the north. Based on traffic data, estimated use of the road is 15% for the wider community and 85% for the properties in and out of the scheme. If 85% of the total access benefits is equal to 46BU, 15% would equate to 8. There are no amenity benefits associated with the wider community.

TCB = **8.0**

H Calculate "Benefit Ratio" - R

$$\text{Benefits Ratio} = \frac{\text{TSB (in)}}{\text{TSB (in)} + \text{TSB (out)} + \text{TCB}} = \frac{92}{92 + 20 + 8} = \mathbf{0.8}$$

I Maximum Total Levy (S)

Maximum Total Levy S = R X C **$250,548.80**

Council Contribution to Special Charge Scheme $62,637.20

Appendix 3

SCHEDULE "C"

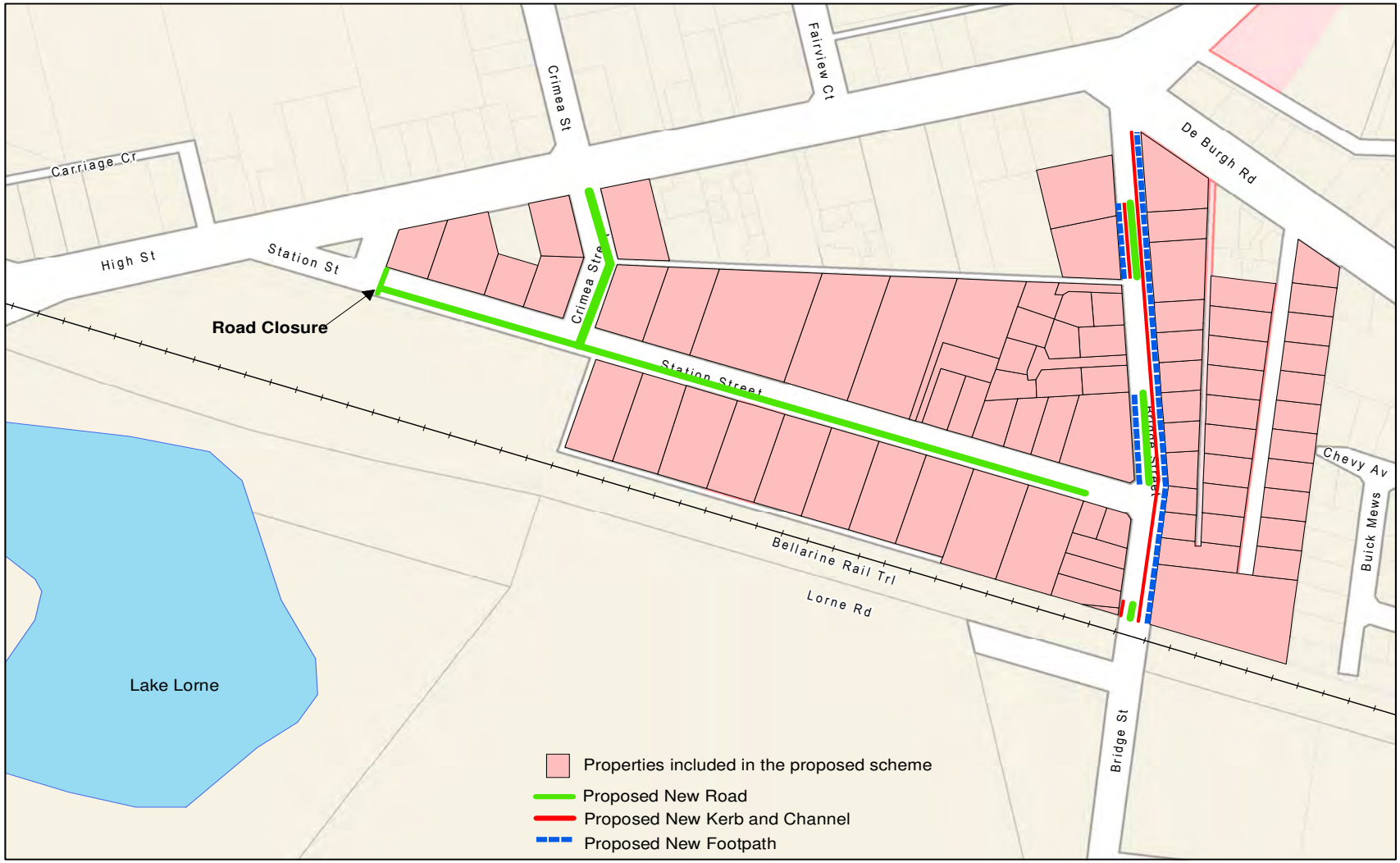
PROPOSED SPECIAL CHARGE SCHEME - ROAD CONSTRUCTION, DRYSDALE

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Address	**Frontage (metres)**	**Apportionable Frontage (metres)**	**Access Benefit**	**Access Benefit**	**Amenity Benefit**	**Total Estimated Cost**
97-99 High Street, DRYSDALE	114.71	51.00	0.25	$829.63	$6,045.25	$6,874.88
119 High Street, DRYSDALE	47.88	33.00	0.5	$1,659.26	$3,911.63	$5,570.89
121 High Street, DRYSDALE		28.00	0.5	$1,659.26	$3,318.96	$4,978.22
121 High Street, DRYSDALE	42.47					
123 High Street, DRYSDALE	25.15	25.15	1	$3,318.53	$2,980.66	$6,299.19
Rear 123 High Street Facing Station St						
125 High Street, DRYSDALE	36.27	36.27	1	$3,318.53	$4,299.24	$7,617.76
127 High Street, DRYSDALE	26.41	26.41	1	$3,318.53	$3,130.84	$6,449.37
1 Madison Court, DRYSDALE	20.85	0.00	0.5	$1,659.26	$0.00	$1,659.26
2 Madison Court, DRYSDALE		0.00	0.5	$1,659.26	$0.00	$1,659.26
3 Madison Court, DRYSDALE		0.00	0.5	$1,659.26	$0.00	$1,659.26
1 Ryder Court, DRYSDALE	25.00	0.00	0.5	$1,659.26	$0.00	$1,659.26
2 Ryder Court, DRYSDALE		0.00	0.5	$1,659.26	$0.00	$1,659.26
3 Ryder Court, DRYSDALE		0.00	0.5	$1,659.26	$0.00	$1,659.26
4 Ryder Court, DRYSDALE		0.00	0.5	$1,659.26	$0.00	$1,659.26
5 Ryder Court, DRYSDALE VIC 3222		0.00	0.5	$1,659.26	$0.00	$1,659.26
6 Ryder Court, DRYSDALE		0.00	0.5	$1,659.26	$0.00	$1,659.26
18 Bridge Street, DRYSDALE	20.00	0.00	0.5	$1,659.26	$0.00	$1,659.26
24 Bridge Street, DRYSDALE	58.77	58.77	1	$3,318.53	$6,966.26	$10,284.78
24 Bridge Street, DRYSDALE	45.39			$0.00	$0.00	$0.00
30 Bridge Street, DRYSDALE		0.00	0.5	$1,659.26	$0.00	$1,659.26
32A Bridge Street, DRYSDALE	14.75	0.00	0.5	$1,659.26	$0.00	$1,659.26
32B Bridge Street, DRYSDALE	10.96	0.00	0.5	$1,659.26	$0.00	$1,659.26
9 Station Street, DRYSDALE	25.15	42.47	1	$3,318.53	$5,034.15	$8,352.68
	42.47					
2-10 Station Street, DRYSDALE		136.00	1	$3,318.53	$16,120.66	$19,439.18
11 Station Street, DRYSDALE	30.18	43.73	1	$3,318.53	$5,183.50	$8,502.03
11 Station Street, DRYSDALE	43.73					
12 Station Street, DRYSDALE	28.97	28.97	1	$3,318.53	$3,433.94	$6,752.46
13 Station Street, DRYSDALE	30.18	30.18	1	$3,318.53	$3,577.36	$6,895.89
14 Station Street, DRYSDALE	28.97	28.97	1	$3,318.53	$3,433.94	$6,752.46
15-19 Station Street, DRYSDALE	60.35	60.35	2	$6,637.05	$7,153.54	$13,790.60
16 Station Street, DRYSDALE	30.18	30.18	1	$3,318.53	$3,577.36	$6,895.89
1/18 Station Street, DRYSDALE	15.09	30.18	1	$3,318.53	$3,577.36	$6,895.89

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Address	**Frontage (metres)**	**Apportionable Frontage (metres)**	**Access Benefit**	**Access Benefit**	**Amenity Benefit**	**Total Estimated Cost**
2/18 Station Street, DRYSDALE	15.09				$0.00	$0.00
20 Station Street, DRYSDALE	30.18	30.18	1	$3,318.53	$3,577.36	$6,895.89
21-23 Station Street, DRYSDALE	40.23	40.23	1	$3,318.53	$4,768.63	$8,087.16
22 Station Street, DRYSDALE	30.18	30.18	1	$3,318.53	$3,577.36	$6,895.89
24 Station Street, DRYSDALE	30.18	30.18	1	$3,318.53	$3,577.36	$6,895.89
25-27 Station Street, DRYSDALE	40.23	40.23	1	$3,318.53	$4,769.06	$8,087.59
26 Station Street, DRYSDALE	30.18	30.18	1	$3,318.53	$3,577.36	$6,895.89
28 Station Street, DRYSDALE	35.13	35.13	1	$3,318.53	$4,164.11	$7,482.63
29 Station Street, DRYSDALE	4.14	4.14	1	$3,318.53	$490.73	$3,809.26
30 Station Street, DRYSDALE	35.13	35.13	1	$3,318.53	$4,164.11	$7,482.63
31 Station Street, DRYSDALE	4.00	4.00	1	$3,318.53	$474.14	$3,792.66
32 Station Street, DRYSDALE	15.00	0.00	0.5	$1,659.26	$0.00	$1,659.26
33 Station Street, DRYSDALE	16.00	16.00	1	$3,318.53	$1,896.55	$5,215.07
34 Station Street, DRYSDALE	15.72	0.00	0.5	$1,659.26	$0.00	$1,659.26
35 Station Street, DRYSDALE	16.00	16.00	1	$3,318.53	$1,896.55	$5,215.07
37 Station Street, DRYSDALE	20.00	20.00	1	$3,318.53	$2,370.68	$5,689.21
39 Station Street, DRYSDALE	17.65	17.65	1	$3,318.53	$2,092.13	$5,410.66
41 Station Street, DRYSDALE	18.00	18.00	1	$3,318.53	$2,133.62	$5,452.14
						$250,548.80

Appendix 4

PLAN



Attachment 1

PROCESS CHART

SPECIAL CHARGE PROJECTS – (Section 163 – Local Government Act 1989)

Station Street, Crimea Street and Bridge Street, Drysdale

Stage	***Status***	***Description***
Approval to prepare scheme	✓	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. January 2015.
Intention to Declare Scheme	✓	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.
Advertisement		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.
Submissions		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.
Submissions Review Panel Hearing		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.
Declaration Report		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.
Appeal		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.
Construction		Council may then proceed to construct the works. Invoices are issued seeking payment of the estimated cost within one month of commencement.
Final Cost Report		At the completion of the works the scheme is "finalised" taking into account actual costs incurred and payments are adjusted accordingly.

16. AUDIT ADVISORY COMMITTEE SUMMARY REPORT

Source: **Corporate Internal Auditor**
Chief Executive Officer: **Kelvin Spiller**
Index Reference: **Audit CG - Internal**

L Gardner moved, P Dorling seconded -

That in accordance with Section 89 (2) (h) of the Local Government Act 1989, this matter, which the Council considers would prejudice the Council or any person, be considered at the conclusion of all other business at which time the meeting be closed to members of the public.

Carried.

ASSEMBLY OF COUNCIL RECORD

Source: **Strategy & Performance**
General Manager: **Dean Frost**

Summary

- Section 80A (2) of the Local Government Act 1989 requires the record of an Assembly of Council be reported to the next practicable Ordinary Meeting of Council.
- A record of Assembly of Council meeting(s) is attached as an Appendix to this report.

P Dorling moved, L Gardner seconded -

That the information be received.

Carried.

RECORD OF ASSEMBLIES OF COUNCIL
(Council Meeting 26 July 2016)

Assembly Details	Administrators	Officer Attendees	Agenda Items	Conflict of Interest Disclosures
Budget Submission Review Panel **21 June 2016**	Dr Kathy Alexander Laurinda Gardner Peter Dorling	K Spiller (CEO) W Tieppo (GM) B Luxford (GM) P Bettess (GM) L Quinn (GM) M Kelly (MGR) S Sodomaco (MGR) K Fulton (CO ORD)	• Budget Finalisation	• Nil
Strategic Workshop **5 July 2016**	Dr Kathy Alexander Laurinda Gardner Peter Dorling	K Spiller (CEO) W Tieppo (GM) B Luxford (GM) D Frost (GM) P Bettess (GM) L Quinn (GM) A Keen (MGR) J Brown (MGR) A Grant (PROP ADV) V Shelton (MGR)) R Bourke (CO ORD) K Battye (CO ORD)	• Financial Sustainability Review (Confidential) • Community Infrastructure Planning into the Future • Asset Management Strategy • Old Geelong Gaol • Office Accommodation Update	• Nil.
Council Briefing **12 July 2016**	Dr Kathy Alexander Laurinda Gardner Peter Dorling	K Spiller (CEO) W Tieppo (GM) B Luxford (GM) P Bettess (GM) A Keen (MGR) T Hellsten (MGR) D Lever (AUDITOR) P Smith (CO ORD) C Kirby (CO ORD) A Grant (PROP ADV) R Bourke (CO ORD)	*Items discussed:* • Station Street, Drysdale – Road Construction Special Charge Scheme SRC348 – Intention to Declare • Audit Advisory Committee Terms of Reference • Environmental Upgrade Agreements • Sale of Land to Department of Health and Human Services – Waterworld • Johnstone Park Masterplan Process • GME Appointment of External Representatives 2016-2020 • Amendment C316 Lara Heritage Review – Consideration of Panel Report and Adoption of the Amendment	• Nil.

			• Amendment C327 – Rezoning of the 'Olive Grove' and Adjoining Properties at Geelong/Portarlington Road, Portarlington • Proposed Heritage Overly – 9 Bridge Road, Barwon Heads • Moolap Coastal Strategic Framework Plan • Central Geelong Marketing – Terms of Reference • Old Geelong Goal – Review of Management/Operation Proposals • Road Renaming – Dog Leg Lane to Timms Lane, Geelong West *Items not discussed:* • Revocation of Flood Prone Area Designation of New Lots at Warralily, Stage 65 • Revocation of Flood Prone Area Designation of new Lots at Armstrong Waters, Stages 1a, 1b and 1c	
Strategic Workshop **13 July 2016**	Dr Kathy Alexander Laurinda Gardner Peter Dorling	K Spiller (CEO) W Tieppo (GM) L Quinn (GM) B Luxford (GM) P Bettess (GM) A Keen (MGR) J Brown (MGR) P Jane (MGR) P Jamieson (MGR) T McDonald (MGR) F Giggins (CO ORD) R Thomas (MGR) J Wager (CO ORD) R Bourke (CO ORD)	• Section 86 Committees, Council Committees • Social Infrastructure Planning (Culture, Sport and Recreational/Community Facilities) • Environmental Management Strategy • Waste Management • Women in Local Democracy	• Nil.
Strategic Workshop **19 July 2016**	Dr Kathy Alexander Laurinda Gardner Peter Dorling	W Tieppo (A/CEO) L Quinn (GM) P Bettess (GM) D Frost (GM) B Luxford (GM) R Thomas (A/GM) G Russell (MGR) S Boer (MGR) A Grant (PROP ADV) G Baverstock (MGR) A Dawson (OFF) R Bourke (CO ORD)	• Administrators Strategic Plan • Asset/Potential Sales for Consideration (Confidential) • Urban Forest Strategy • Transport Plan • Public Health a & Wellbeing Plan	• Nil.

Community Engagement *(Portarlington)* **20 July 2016**	Dr Kathy Alexander Laurinda Gardner Peter Dorling	W Tieppo (A/CEO) L Quinn (GM) P Bettess (GM) D Frost (GM) B Luxford (GM) R Thomas (A/GM) G Russell (MGR) T McDonald (MGR) J Wager (CO ORD) R Bourke (CO ORD) S Rayner (CO ORD)	• Opportunity for residents to raise any local issues and to raise issues/questions relevant to the Council Meeting Agenda of 26 July 2016.	• Nil.

PLANNING DELEGATIONS - JUNE 2016

Source: **Planning & Tourism - City Development**
General Manager: **Peter Bettess**
Index Reference: **Delegation**

Summary

- Section 98 of the Local Government Act 1989 and section 188 of the Planning and Environment Act 1987 empower Council to delegate its powers, duties and functions under relevant legislation to members of Council staff.
- Council may also delegate to committees comprising Administrators and staff or a combination of both, pursuant to sections 86 and 87 of the Local Government Act and section 188 of the Planning and Environment Act.
- At its meeting on 13 March 2007 Council established a Planning Committee and a Development Hearings Panel with delegated powers to determine upon any development applications which have been the subject of an objection or in circumstances where officers have recommended refusal of the application.
- At its meeting on 23 September 2008 Council adopted a recommendation to allow Officers (restricted to Manager, Coordinator and Team Leader level) the ability to consider and approve applications with five or less objections.
- The appendix to this report contains a schedule of all applications determined under these delegations.

P Dorling moved, L Gardner seconded -

That the information be received.

Carried.

PLANNING DECISIONS REPORT - JUNE 2016

App Number	Location	Application Type	Decision Date	Description	Authority Description
PP-1191-2008	380-382 Latrobe Terrace, NEWTOWN VIC 3220	Use and Development of an Office and Partial Reduction of Car Parking Requirements	1/6/2016	Extended Planning Permit	Delegated Authority
PP-1300-2015	54 Barrabool Road, HIGHTON VIC 3216	Construct Seven (7) Dwellings and Reduce Car Parking Requirements and Alter Access to a Road in a Road Zone Category 1	17/6/2016	NOD - Planning Permit	Development Hearings Panel
PP-1380-2015	120 Fyans Street, SOUTH GEELONG VIC 3220	Buildings and works to redevelop the existing Valley Inn Hotel including the installation and use of 29 Electronic Gaming Machines	3/6/2016	NOD - Planning Permit	Development Hearings Panel
	120 Fyans Street, SOUTH GEELONG VIC 3220	Buildings and works to redevelop the existing Valley Inn Hotel including the installation and use of 29 Electronic Gaming Machines	28/6/2016	No Appeal Lodged Permit Issued	Development Hearings Panel
PP-1479-2015	43 Hitchcock Avenue, BARWON HEADS VIC 3227	Extensions and Alterations to an Existing Shop, Two (2) Lot Subdivision and Reduction in the Requirement to Provide Car Parking	3/6/2016	Refusal to Grant a Planning Permit	Development Hearings Panel
PP-1629-2015	4 Herbert Court, NEWCOMB VIC 3219	Construction of Five (5) Dwellings and Five (5) Lot Subdivision	3/6/2016	NOD - Planning Permit	Development Hearings Panel
	4 Herbert Court, NEWCOMB VIC 3219	Construction of Five (5) Dwellings and Five (5) Lot Subdivision	28/6/2016	No Appeal Lodged Permit Issued	Development Hearings Panel
PP-223-2009	40-42 Newcombe Street, PORTARLINGTON VIC 3223	Alteration and Extension to Existing Building, Partial Car and Bicycle Parking Waiver, and Creation/Alteration of Access from a Road Zone	14/6/2016	Extended Planning Permit	Delegated Authority
PP-224-2016	11 Waterford Place, CLIFTON SPRINGS VIC 3222	Variation of Restrictive Covenant X012381P (31/08/2000) affecting Lot 11 on Plan of Subdivision 432677C to Remove Part D	17/6/2016	Refusal to Grant a Planning Permit	Development Hearings Panel
PP-807-2011	PARENT - 44 Forster Street, NORLANE VIC 3214	Buildings and Works Associated with Construction of Two Additional Dwellings and Garage for Existing Dwelling	3/6/2016	Extended Planning Permit	Delegated Authority
PP-874-2015	2 Bowlers Avenue, GEELONG WEST VIC 3218	Buildings and Works for the Demolition of a Dwelling and Outbuildings, and Construction of a Dwelling and Alteration to Crossover	17/6/2016	Refusal to Grant a Planning Permit	Development Hearings Panel

PP-1242-2015	Unit 2/145 West Fyans Street, N	Construction of Two (2) Dwellings and Two (2) Lot Subdivision and Alteration of Access to a Road Zone	7-Jun-2016	NOD - Delegate	Objectors - 1
PP-1590-2015	21 Langibanool Avenue, HAMLY	Development of the Land for Two Dwellings	27-Jun-2016	NOD - Delegate	Objectors - 1
PP-1630-2015	155 Kilgour Street, GEELONG V	Use of Land for a Home Occupation (Hairdressing Salon and Education Centre) with a Floor Area Exceeding One Third of the Gross Floor Area of the Dwelling and Construction of a Crossover	23-Jun-2016	NOD - Delegate	Objectors - 5
PP-174-2016	19 Osprey Close, OCEAN GRO	Construction of Two Dwellings and Two Lot Subdivision	30-Jun-2016	NOD - Delegate	Objectors - 3
PP-253-2016	Shop No. 1/343-347 Pakington S	Sale and On-Site Consumption of Liquor (Restaurant and Cafe Licence) in Association with a Restaurant and a Reduction in the Standard Carparking Requirement	30-Jun-2016	NOD - Delegate	Objectors - 2
PP-283-2016	47 Newton Avenue, BELL POST	Construction of a Second Dwelling and Subdivision of the Land into Two (2) Lots	23-Jun-2016	NOD - Delegate	Objectors - 1
PP-377-2016	76 Mt Pleasant Road, BELMONT	Buildings and works associated with an Extension to the Existing Dwelling and Construction of New Garage and Carport in a Heritage Overlay	28-Jun-2016	NOD - Delegate	Objectors - 1
PP-413-2015	95 Autumn Street, GEELONG W	Use and development of a restaurant/cafe, the sale and consumption of liquor associated with a cafe and restaurant licence, buildings and works to a heritage building, construction of a fence, waiver of car parking and loading bay requirements and display of business identification signageUse and development of a restaurant/cafe, the sale and consumption of liquor associated with a cafe and restaurant licence, buildings and works to a heritage building, construction of a fence, waiver of car parking and loading bay requirements and display of business identification signage	21-Jun-2016	NOD - Delegate	Objectors - 5

L Gardner moved, P Dorling seconded –

That the meeting be closed to the public.

Carried.

The Meeting was closed to the public at 6.25pm

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 6.26pm

As there was no further business the meeting closed at 6.26pm. Tuesday, 26 July 2016.

Signed: _____
Dr Kathy Alexander - Chair

Date of Confirmation: _____