

**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, 27 JUNE 2017
COMMENCING AT 6.30P.M.**

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

Also present: K Spiller (Chief Executive Officer), P Bettess (Director Manager Planning and Development), B Luxford (Director Investment & Attraction), W Tieppo (Director City Services), L Quinn (Director Community Life), J Moloney (Director Finance & Strategy), R Leonard (Snr Manager Legal Services & Governance)

OPENING: The Chair declared the meeting open at 6.30pm

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:

L Gardner moved, P Dorling seconded -

That the Minutes of the Ordinary Meeting held on 23 May 2017 be confirmed.

Carried.

DECLARATIONS OF CONFLICTS OF INTEREST: Nil.

FAREWELL:

On behalf of Council, Dr Kathy Alexander (Chair), acknowledged the resignation of William Tieppo (Director City Services) for his significant contribution to Council and thanked him for the assistance he provided to the Administrators during their term of office.

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.

Caleb Ryan, Beverley Phelan, Nicole Ahmed, Barry Courte and Mukhles Habash submitted questions prior to the Council Meeting but were not present at the meeting. A written response will be forwarded.

The following questions were asked in relation to Agenda Item 1 – Library Branch Closure – Community Feedback. All questions were provided with a detailed response from the Chair, Dr Kathy Alexander.

Further information is available in relation to the Chilwell, Highton and Barwon Heads Libraries via:

<http://www.geelongaustralia.com.au/libraryfuture>

Hilary Hoevenaars –

We contend that the oft quoted “vision for 21st century, highly sophisticated libraries, at a district level, run from state of the art facilities” is unsound, invalid, and the underlying issue in the rationale of social inequity and financial imperatives which led to the recommendation and decision to close Chilwell Library. This vision certainly does not appear to be supported by any of the evidence based documents used in the GRLC planning strategy over the past decade, such as People Places (A Guide for Public Library Buildings in NSW) 2012, or the Public Library Buildings Development Strategy 2009, which states as a principle that “Geelong Libraries will be tailored to local community need” and quotes from a U.K. report (CABE's Better Public Libraries Report) which describes the concept of libraries developing their own “bespoke program and service priorities and shifting from a ‘one size fits all’ approach to starting with an understanding of service needs of the local communities, for which libraries are being developed. Libraries in urban areas...may include “third place” or “living room” characteristics. Establishing the appropriate ethos in response to community need, is very important and will inform the design of the library facility...” Nor does it align with the ALIA 2016 Guidelines, Standards and Outcome Measures for Australian Public Libraries.

Can you tell us please where did this vision originate and where is the evidence for it?

Kathy Alexander responded that the words you have used are ours and used in response to the Community Social Infrastructure Plan that was developed in 2014. The CoGG document, as we explained last week, was never actually made public. The need for engagement and consideration of what type of library service is actually provided at the district regional level is not clear and needs to be decided. The vision came from us in consideration of the Social Infrastructure Plan.

Pati Seiler –

With respect to closing libraries: As Council has published their realisation that "The impacts of the closures have raised the need to more deeply understand how different communities are supported and engaged through community facilities.

Will Council please formalise the role, responsibility and rights of an official group to bring together representatives of library users across our region; to ensure that our needs are incorporated into any proposed changes to the Library operations and properties?

Kathy Alexander responded that we have a proposal before us that outlines the need for community engagement in the Social Infrastructure Plan review which should include libraries. Further, it should be consistent with a full community engagement strategy and policy. The Chief Executive Officer has had this on the upcoming agenda for some time for presentation to a Council meeting. What we have asked for is a review of the document.

The Chief Executive Officer added that the document will be presented to the Administrators at the scheduled meeting of Council in July. The review itself will take some months, but the framework will be considered next month.

Tracey Stone –

It has been stated the long-term vision for libraries is "21 century district-level libraries, run from state of the art facilities". It is clear from the community response to the closing of the 3 libraries, this is not what these communities want.

1) Considering the amount of community feedback and outrage about the possibility of closing the Chilwell library, what community engagement has been done to form this vision?

Kathy Alexander again responded the Social Infrastructure Plan 2014-2031 did not contain any community engagement. The decision of the previous Council was that the community would not be provided with a copy of the Strategy, but did receive a copy of the Executive Statement.

2) Will the highlighted concerns from the recent library stakeholder report feed into a review of this long term strategy?

Kathy Alexander responded the concerns of the recent library stakeholders report will definitely be a consideration.

Jan Laidlaw –

Council's Community Engagement Policy states that it will facilitate the exchange of views and ideas, and that it will be responsive to local concerns and priorities. The Policy also includes the promise that the public's contribution will influence the decision. The Policy states that Council will seek out and facilitate the involvement of those potentially affected by a decision. Why didn't Council follow its own Policy, before deciding to close Chilwell, Highton and Barwon Heads libraries at its April Council meeting?

The current Community Engagement Policy runs for three years, and will finish on July 8, 2017. What is Council's intention with the Community Engagement Policy going forward? Will the current Community Engagement Policy be continued?

What assurances can Council give that it will abide by the Community Engagement Policy in the future, given its failure to do so in the matter of the libraries?

Kathy Alexander responded the Administrators are about to review a revised Community Engagement Policy and Framework which will be presented to the July meeting of Council.

We would hope that the new Council will abide by the new Policy, and going forward we can work with the community in a more effective way.

Phil Joyce –

The role of a local library within the community is to provide young kids with access to a world of possibilities and education that will be with them for their lives. At the heart of the library education is the role schools play in the promotion of education and learning both individually and as class groups, indeed, the role that the City of Greater Geelong libraries play with primary schools is clearly promoted by the City of Greater Geelong. As highlighted on the City of Greater Geelong GRLC website, the Chilwell Library has a long and close history with Chilwell Primary School and other local primary schools. Chilwell library provides support for class visits and events including book week events, library tours, study and free reading and access to an excellent collection focused on the educational need of primary school students. Chilwell Primary School students use the library space for presentations, art exhibitions and club meetings.

In the letter dated 1 June 2017 Ref D17-90581 SUB-16-1219 in response to question time letter submitted for the Ordinary Council Meeting on Tuesday 23 May 2017 by myself, Brett Luxford indicated that the City of Greater Geelong do not provide a library service to the schools. Clearly, this is not accurate based on the reality of the relationship between City of Greater Geelong, Chilwell Library and Chilwell Primary School, Therefore can:

- 1) Can the City of Greater Geelong define the relationship between Chilwell Primary School and Chilwell Library?
- 2) Will the City of Greater Geelong provide assurance that Chilwell Primary School and other schools will input concerns and needs into the proposed Social Infrastructure Plan Review?

Kathy Alexander responded certainly the involvement of schools and other key stakeholders, including Maternal Child Health should definitely be part of that consultation in the development of the Social Infrastructure Plan Review.

Lynne Dowling –

The GRLC recommended closure of Chilwell library on grounds of "social equity and financial imperatives" The COGG has now recommended that "the broader role that library branches play in health and well-being is assessed as part of the Social Infrastructure Plan review. I note that on the GOGG website under Planning and Development Guidelines - Social and Community Facilities "the City encourages the joint use/co-location of services" these are described as "Community Hubs" which "may include all or some of the following - a library, MCHC, computers and IT facilities" Under the Benchmarking statement, such facilities "encourage single destination, multi-purpose trips and walkability of services". Can you explain why Chilwell Library did not meet these guidelines?

Under the headings of Hierarchy, Description, Expected Population Catchment and Relevant Activity Centres, a Local Level Catchment is, like the Newtown/Chilwell Catchment, 10,000 people. Facilities for these are "usually planned in partnership between community organisations and local government".

We, the Save Chilwell Library Group, seek assurance from Council that the Social Infrastructure Plan Review due by March 2018, will not be conducted without representation from our group, as well as representatives from the local schools and maternal health centre in the consultation, planning and implementation phases. Can you please give us this assurance?

Kathy Alexander provided assurance that all key stakeholder groups and others will have the opportunity to take part and be involved in the process.

Jennifer Bantow asked questions regarding Amendment C331 and the Draft Moolap Coastal Strategic Framework Plan:

Item 4 – Amendment C331:

Does Amendment C331 safeguard the Heritage values of Brownhill Lookout and Drewan Park?

Item 8 – Draft Moolap Coastal Strategic Framework Plan:

The Geelong and Regional Branch National Trust has made a submission to DELWP supportive of the general concepts of the key precincts of this plan, a balance of residential, industrial and wetlands wildlife environments, and the public accessibility and ownership of the coastal reserve. The Trust has suggested that heritage has been overlooked as this area is possibly the most historic of any in the municipality. We have suggested that an interpretation centre be established to tell the stories of Point Henry as the first disembarkation spot of the first settlers and have two archaeological digs to locate the home of James Harrison, Geelong's most famous pioneer, and the boyhood home Belle Vue homestead of Thomas Wentworth Wills, found of Australian Rules Football.

Could Council endorse these ideas?

Peter Bettess responded, yes. Part of the delivery contribution for that area is going towards the enhancement of the park.

AND on Page 96 of the report, under Saltwater Precinct – Zoning, could what is allowed in Public Conservation and Resource zone please be explained?

Peter Bettess took the question on notice and will provide a written response.

Kathy Alexander said it is important to preserve the heritage aspects of Geelong.

PETITIONS:

The Chair presented a petition from Lisa Neville MP on behalf of residents objecting to the installation of an intersection on the Geelong Portarlington Road 800 metres west of Jetty Road/Grubb Road intersection.

The Chair presented a petition from Mandy Bridges containing approximately 480 signatures which is in addition to a recent petition containing 1340 signatures in relation to the Barwon Heads Community Library and respectfully asking Council to reverse its decision to close their community library and ask that the existing library services be improved.

1. LIBRARY BRANCH CLOSURE - COMMUNITY FEEDBACK

Source: Investment and Attraction
Director: Brett Luxford
Index Reference: SUB-16-1219 : Geelong Regional Library Corporation

Purpose

To advise Council of community feedback gathered during the consultation and communication process following the decision to close Chilwell, Highton and Barwon Heads library branches, and to put forward a course of action based on the findings of the Library Branch Closure Stakeholder Feedback Report.

Background

At the Ordinary Meeting of Council on 26 April 2017, the decision was made to close Chilwell and Highton libraries by 30 June 2017 and the Barwon Heads Library by 30 September 2017.

Council also resolved to commence a consultation and communication process to identify suitable transition and support arrangements for continuing access to City of Greater Geelong library services and identify any additional supports required.

At the Ordinary Meeting of Council on 23 May 2017, Council resolved to extend the date of closure for all three libraries to 30 September 2017, to allow suitable time for consultation with the affected communities.

Key Issues

- Community consultation following the decision to close Chilwell, Highton and Barwon Heads library branches has revealed possible social and community connection impacts as a result of the proposed closures. These are in addition to the provision of specific library services.
- The issues have emerged through a public survey distributed to members of the three libraries, as well as letters, emails and phone calls received by Council and the Geelong Regional Library Corporation (GRLC).
- The information received has been assessed and common themes have been identified across the three branches. These require consideration within broader parameters.
- The proposal to close the three branches is based on a strong rationale of social equity and financial imperatives across the whole of the municipality including rate capping. This remains unchanged.
- The impacts of the proposed closures has raised the need to more deeply understand how different communities are supported and engaged through community facilities, and to ensure the best and most equitable municipal wide options for libraries and community spaces are provided.
- Council will be reviewing a municipal wide Social Infrastructure Plan which will establish the future needs and priorities for investment in community/social infrastructure. An assessment of the City of Greater Geelong library branches needs to be a key element of this review.
- Council aspires to achieve greater access to services, programs and social infrastructure for community wellbeing.

Establishing a comprehensive and shared understanding of community members most at risk of social exclusion and disempowerment will be required. Social Equity principles will be developed in 2017/2018 to deliver an equitable, fair and just community.

- The Social Equity principles will inform the Social Infrastructure Plan and future decisions.
- Council's funding commitment to the GRLC would be \$9.74M in 2017/2018, an increase by 5.1% or \$476,000 from the 2016/2017 financial year if the three libraries remain open. Council's overall budget for maintaining a library service will be over \$10m (including cleaning and other costs).

K Alexander moved, L Gardner seconded -

That Council:

- 1) acknowledges the findings of the Library Branch Closure Stakeholder Feedback Report and continues to operate the Chilwell, Highton and Barwon Heads library branches and commits funding to the Geelong Regional Library Corporation for the 2017/2018 financial year in the amount of \$9.74m;**
- 2) reviews the Social Infrastructure Plan to determine the service requirements and models of service delivery at the local, district and regional levels across Greater Geelong, including the role of libraries, and receives a progress report on the review to inform Council's City Plan, by March 2018;**
- 3) develops and implements a strategy to engage the broader community of Greater Geelong in the review of the Social Infrastructure Plan; and**
- 4) makes public the Social Infrastructure Plan 2014-2031 that was reported to the Ordinary Council Meeting on 20 October 2015.**

Carried.

Attachment 1

Discussion

Council has strongly affirmed the value of libraries in communities and has continued to invest in their operation and development. This has been demonstrated with investment over the last ten years including capital expenditure in excess of \$66m and substantial increases in operational funds with Council's annual contribution reaching \$10m in 2016/2017. In 2018/2019, another significant annual financial commitment will be required with the opening of the new Leopold Library.

Council's financial commitment has assisted the GRLC, with its outstanding service delivery, to become the number one library service in Victoria, achieving high levels of service and community participation over three years running (*source: Victorian Public Libraries Annual Survey*).

The decision to close the Chilwell, Highton and Barwon Heads libraries in no way contradicts this commitment by Council or the GRLC. The decision was made by Council after careful review of:

- changing demographics;
- usage data; and
- GRLC recommendations.

The GRLC recommendations included the findings of five strategic reviews dating back to 1999 which consistently identified that within a constrained financial environment:

- the inter-network competition or catchment overlap, was a major issue for the ongoing viability of the whole library service;
- the Chilwell, Highton and Barwon Head branches had continued low assessment against key viability measures;
- proximity to other larger libraries is a key measure for viability with each of the three libraries located very close to other libraries.

Table 1 below highlights the membership, visitation and loans for the library branches in the City of Greater Geelong for 2015/16.

Table 1:

LIBRARY	MEMBERS	VISITS	LOANS
Barwon Heads	1,290	6,523	39,762
Belmont	14,824	262,859	373,254
Chilwell	1,294	31,266	49,892
Corio	10,357	120,779	190,819
Drysdale	6,986	137,247	185,361
Geelong	16,253	321,710	308,803
Geelong West	12,254	186,739	284,004
Highton	2,625	40,277	58,518
Lara	5,293	64,443	78,328

Newcomb	8,419	97,911	149,693
Ocean Grove	9,237	131,223	215,173
Waurin Ponds	9,183	145,488	228,574

Source: Geelong Regional Library Corporation - Annual Report - 2015/16

Council also acknowledged that the loss of the Chilwell, Highton and Barwon Heads libraries would be felt by community members who have had historic access to the three libraries and noted that some library members would be directly affected by closure of a familiar service they feel a strong attachment for.

In recognition of this, resolutions from the Ordinary Council Meetings on 26 April and 23 May 2017 included a consultation and communication process to identify suitable transition and support arrangements for continuing access to City of Greater Geelong library services and the identification of additional supports required.

The feedback collected from a public survey distributed to the members of the three libraries, as well as letters, emails and phone calls received by Council and the GRLC has been reviewed, analysed and collated into the 'Library Branch Closure Stakeholder Feedback Report' (Attachment 2).

Findings from the collective data indicate areas of particular importance to the affected communities are:

- the loss of direct library services within the immediate neighbourhood including being able to borrow and return books, followed by WIFI and internet services;
- distance to other library branches;
- preference to walk or ride to the libraries;
- parking and public transport.

The other two key themes identified outside specific library services are that the libraries provide:

- a valuable place to connect; and,
- a (place for) free family activity/entertainment.

Concern over lack of consultation prior to the decision to close the three library branches was also raised.

These issues and findings have been re-enforced at each of the Transition Reference Group meetings.

The recent findings from the Our Future project has also been considered. The community 'Our Future Assembly' held on 6 May 2017, established the community direction for policy and decision-makers is to develop the kind of supports within the region that would allow it to trade and interact globally as a Clever and Creative City-region. A key emphasis of the Our Future plan is to bring all members of the Greater Geelong community along for the journey and ensure socially equitable access to the opportunities that would be created, no matter where people live within the region.

Council will be developing Social Equity principles in the new financial year. These principles will inform the review of a municipal wide Social Infrastructure Plan which will establish the future needs and priorities for Council's investment in community/social infrastructure.

It is recommended that an assessment of the Greater Geelong Library network is undertaken in the context of the broader needs to be analysed by the Social Infrastructure Plan, informed by the Social Equity principles.

Financial Implications

The 2017/18 budget proposed a 2% increase in library funding to \$9.45m in line with the State Government rate cap of 2%. There are direct implications with the continued operation of Chilwell, Highton and Barwon Heads libraries. The cost to Council would increase to \$9.74m or a 5.1% increase to the GRLC on the 2016/17 contribution. Other costs for operation of the libraries include cleaning, security, utilities and maintenance bringing total costs to well over \$10m.

Options for savings in operational costs should be identified in developing the 2018/2019 GRLC budget given the further significant increase of operational funds which will be required with the opening of the new Leopold Library.

In addition to the operating costs Council has invested significant capital in the development and upgrade of the library network across the past 10 years with more than \$66m (Council \$32m) invested. This has included the following projects, as shown in Table 2:

Table 2:

PROJECT	EXPENDITURE
Geelong Library & Heritage Centre	\$45.6m (Council \$20.6m Federal \$10m State \$15m)
Leopold Library (New Library and community rooms to open in 2018)	\$10m (Council \$6.2m, State \$3.8m)
Waurin Ponds Library (New Library)	\$5.4m (Council \$1.6m, Federal \$3m, State \$0.8m)
Lara Library (New Library)	\$1.6m (Council \$1.6m)
Geelong West Library (Upgrade)	\$1.2m (Council \$1m, State \$0.2m)
Belmont Library (Upgrade)	\$1.01m (Council \$0.7m, State \$0.4m)
Drysdale Library (Upgrade)	\$0.26m (Council \$0.1m, State \$0.16m)
Other upgrades including mobile libraries	\$0.4m (Council \$0.4m)

Stakeholder Consultation and Communication

This report has been informed by the feedback collected and reviewed from the public survey distributed to the members of the three libraries, as well as letters, emails and phone calls received by Council and the GRLC.

Concern has been expressed over the lack of consultation before making the decision to close the libraries.

At the time of writing this report 185 people have been registered as contacting Council in relation to the library closures and 198 people had completed the survey. Officers acknowledged the timelines of the survey were extremely tight (ten days) given the then proposed closure dates of 30 June. Every effort was made to reach all of the three library branch members with just under 2,000 letters and over 2,000 emails sent to branch members.

Over 6,200 people have signed three petitions to request Council to reconsider the closures.

Social Equity has emerged from within the Our Future consultations as a key priority for the community. Both the Social Equity principles and review of the Social Infrastructure Plan will be developed with community input.

All community members who have contacted Council and the GRLC, as well as the members of the Transition Reference Groups will be communicated with to inform them of the decisions made from this report.

Policy/Legal/Statutory Implications

The Social Equity principles will be the overarching strategy that is applied to all Council decisions in order to achieve greater access to services, programs and social infrastructure for community wellbeing.

The development of the Social Equity principles will inform the review of the Social Infrastructure Plan. It will assist future decision making and policy work which relates to all services, including the library service.

Alignment to City Plan

The provision of library services and the programs offered by GRLC aligns directly to Council's City Plan - Strategic Directions 'Community Wellbeing' (Priority Areas: Connected, Creative and Strong communities) and 'Growing our Economy' (Priority Areas: A prosperous and innovative Geelong, a successful vibrant city centre, and Greater Geelong is a leading city of tourism, arts culture and events).

The recommendations within this report are also consistent with the recent findings of Our Future – the City of Greater Geelong's 30 year plan to develop as a clever and creative city.

Conflict of Interest

There is no direct or indirect interest by Council Officers involved in the preparation of this report.

Section 196(7A) of the Local Government Act exempts a member of the governing body of a regional library from having a conflict of interest if their only interest is as a Councillor or member of Council staff, who was appointed to the board by Council.

Risk Assessment

This report recommends a change in direction from the previous resolutions carried at the Ordinary Meeting of Council on 26 April 2017. This is as a result of the findings of the community consultation and engagement process for transition.

It is important to note that the rationale for the former recommendations remains powerful and has not changed. Council, however has actively listened to its community and acknowledged that broader social and connection issues need to be considered prior to making further decisions, in this case to our library service and branch network.

2. CITY OF GREATER GEELONG FAIR PLAY POLICY

Source: Community Life - Social Planning and Investment
Director: Linda Quinn
Index Reference: Sport Recreation Leisure Strategies

Purpose

To adopt the principles underpinning the draft Fair Play Strategy and seek approval to endorse the release of the strategy for the purpose of public consultation.

Background

The provision of sport and recreation facilities, in partnership with the clubs and volunteers, plays a significant role in the health and wellbeing of our community.

Council provides community level outdoor sport and recreation facilities for over 300 community sports clubs and spends an average of \$5.5M to maintain facilities annually.

Council currently subsidises the use of community level facilities by an average of 94%.

Key Issues

- Council's current fees and charges policy is not equitable or financially sustainable. A review of the current service levels, subsidies provided and the fees charged has identified significant discrepancies amongst clubs.
- The draft Fair Play Strategy will address the current inequity in fees and charges and the level of subsidy provided by Council to each club. The draft Fair Play Strategy will ensure that the subsidy provided by Council to each sporting club is underpinned by a sound rationale and clear set of principles, creating a fairer system for all.
- A key outcome of the draft Fair Play Strategy is that Council will continue to subsidise sporting clubs at a minimum rate of 75% of the total cost of maintaining and servicing the sport and recreation facilities used by each club. This is consistent with industry standards.
- Sporting clubs will be able to further increase the level of subsidy to 85% if they can demonstrate involvement in health promotion and/or sustainability initiatives each year. Some examples include alcohol management initiatives, healthy eating activities and community inclusion programs for hard to reach groups.
- The Fair Play Strategy (if adopted) would result in some clubs experiencing cost savings, while others will be required to make a greater contribution.
- A consultation process involving all sporting clubs will be conducted for a four week period following release of the draft Fair Play Strategy. A number of factors will be consulted upon including the level of subsidy, timeline for implementation and the service levels and support required by clubs.

P Dorling moved, L Gardner seconded -

That Council:

- 1) endorses the Fair Play Principles (Attachment 1) as the basis for determining future provision, use and subsidy of outdoor sport and recreation facilities.**
- 2) releases the draft Fair Play Strategy (Attachment 2) for consultation with sporting clubs and community groups.**

Carried.

Attachment 1

Discussion

- The City is the largest supporter of sport and recreation in Greater Geelong and we want to ensure sport and our clubs continue to thrive.
- There is a great disparity between the fees charged for the use of facilities across the network in addition to inconsistent and unfair conditions that exist between different clubs. There is a need to bring balance back to Council's network of facilities and fairness for the clubs that use them.
- Population growth has increased demand for sport, recreation and leisure infrastructure while existing facilities also need to be maintained and upgraded. The current funding model is not sustainable in providing fit for purpose facilities.

Strategic Response

- A review of standard provisions, levels of service and associated subsidy (fees and charges) for outdoor sport and recreation facilities has been undertaken.
- The Fair Play Strategy aims to address inequity in the services provided and the subsidy received from Council by sports clubs and community groups. The proposed strategy is equitable, transparent, and financially responsible and is based on a clear foundation of objectives and principles.
- The strategy has been developed after a comprehensive review of facility provision and classification standards, levels of service and associated costs of providing those services, along with industry benchmarks and best practice models

Fair Play Principles

The City of Greater Geelong Fair Play Strategy ensures a transparent, equitable and consistent approach to the charging of community level sport and recreation facilities. The principles that underpin the Fair Play Strategy are:

In line with the objectives, the following principles shall underpin the Fair Play strategy:

Equity and Transparency

- Clear rationale for fees and charges for facilities.
- Equity in cost for tenants and community access.

Level of Service

- Fees linked to the level of service provided.
- Alignment with industry standard percentage of maintenance cost.

Shared Use

- Encourages shared use of facilities.
- Higher fees, incurred for exclusive use.

Asset Management

- Effective asset management with clearly defined obligations for Council and club / community owned assets.

Partnerships

- Promotion of healthy lifestyles through the provision of sport and recreation facilities.
- Recognition of the significant contribution of volunteers and clubs to sport and recreation across the City.
- Ensure Council is fair and transparent with each club as a key partner in supporting and subsidising the provision and maintenance of sport and recreation facilities.

Efficiency

- Efficient processes for administration by Council officers.
- Ease of use for club / community group volunteers and casual users.

Accountability and Continuous Improvement

- Provide a strategy that ensures accountability from clubs, users and Council alike.
- Focus on continuous improvement and making people the centre of our business.

Healthy Communities

- Support for clubs and groups that provide healthy sporting environment initiatives.
- Development of community clubs and groups skills, knowledge and capacity.

Financial Implications

The proposed strategy would result in Council recouping between 25 - 15% of the total cost of service associated with community level outdoor sport and recreation facilities.

The total fees and charges received from across the 300 sporting and recreation clubs is \$350,000 per annum. Subject to the consultation, it is likely that the overall fees and charges raised will increase in the future.

Stakeholder Consultation and Communication

The draft Fair Play Strategy and its core principles have broad support from the key sporting associations.

The broader community, local sporting clubs and organisations will be engaged through the four week public consultation period of the draft Fair Play Strategy.

The consultation will be designed as an opportunity for comment and feedback on the strategy, specifically the proposed future service levels, rate of subsidy, the subsequent fees and charges and timeline for implementation.

A series of forums and targeted meetings will be held with clubs and community groups and will incorporate a formal mechanism to collect feedback. The details of the consultation will be made available on the City of Greater Geelong website and via the local media.

The document will be available at all library locations across the municipality and on the City of Greater Geelong web site.

Policy/Legal/Statutory Implications

This report is aligned to the review of Council's Fees and Charges for Outdoor Recreation Facilities Policy.

Alignment to City Plan

This report is aligned to the *Community Well-being* objective of City Plan. The provision of community level sport and recreation facilities promotes healthy lifestyles through physical activity.

Conflict of Interest

No officer involved in the recommendation of this report has any direct or indirect interest.

Risk Assessment

The current system is unsustainable and if not addressed there is a risk that the inequity across the network will remain and service levels will be impacted, meaning Council may no longer be able to afford to maintain facilities to the current standard.

Environmental Implications

No environmental implications are evident.

3. ADOPTION OF 2017-18 BUDGET & CITY PLAN ANNUAL UPDATE AND STRIKING OF RATES FOR THE FINANCIAL YEAR 1 JULY 2017 TO 30 JUNE 2018

Source: Finance & Strategy – Financial Services
Director: Joanne Moloney
Index Reference: Financial Management Reporting

Purpose

To adopt the 2017-18 Budget & City Plan Annual Update as proposed at Council meeting held on 26 April 2017, after consideration of budget submissions and any changes.

Background

In accordance with Section 127 of the Local Government Act 1989 (LGA), Council is required to prepare a budget for each financial year and must ensure that it contains all required statements, reports and data as prescribed by the Act. The 2017-18 Budget & City Plan Annual Update is attached as Appendix 1.

Under Section 125 of the LGA, Council must consider any adjustment in respect of the remaining period of the City Plan. As the City of Greater Geelong did not hold a Council Election in 2016, the Minister for Local Government has granted a twelve month extension on City Plan 2013-2017. Accordingly, the City will prepare and approve a new Council Plan by 30 June 2018, following the election of Council in October 2017.

Key Issues

- The Proposed 2017-18 Budget & City Plan Annual Update for the year commencing 1 July 2017 was considered by Council at its meeting on 26 April 2017 and public notice was given in accordance with Section 129 of the Local Government Act 1989.
- The Proposed 2017-18 Budget & City Plan Annual Update has been prepared in accordance with the requirements of the Local Government Act 1989 (LGA) and the Best Practice Guidelines that were developed by a Local Government industry taskforce.
- The Proposed Budget (Appendix 1) includes:
 - (a) The Budgeted Statements of Comprehensive Income, Cash Flows, Balance Sheet, Capital Works, Changes in Equity and Human Resources.
 - (b) The Strategic Objectives to be undertaken during the financial year and Service Performance Outcome Indicators in relation to each Strategic Objective;
 - (c) The relationship between the activities and initiatives in contributing to achieving the strategic objectives specified in the City Plan, and
 - (d) Details of the activities and initiatives to be funded in the budget.
- As required under the LGA a schedule declaring the differential rates and charges (Appendix 1) has been included.
- The Rating Strategy for 2017-18 (Appendix 2) contains the Council Policy, Procedure, rate assistance and information on the City's approach to the raising of property rates updated to reflect the outcome of Council's budget deliberations. The strategy includes adjusting the relativity between the Industrial and Commercial differentials to be more closely aligned commencing in 2017-18 and continuing in the future years.

- At the Council meeting held on 26 April 2017 a Budget Submissions Panel was appointed to hear submissions made in relation to the Proposed Budget and Differential Rating.
- Budget Submissions Panel Hearings were held on Tuesday, 30 May 2017 and Wednesday, 21 June 2017. The Panel comprised of L Gardner (Administrator) and P Dorling (Administrator) at the meeting on 30 May 2017 and K Alexander (Administrator) and L. Gardner (Administrator) at the reconvened meeting on 21 June 2017 (Refer Appendix 3).
- The Victorian Grants Commission have provided preliminary advise that the City of Greater Geelong will receive 50% of the 2017-18 \$20m general purpose grant allocation in June 2017. Therefore the Grants Commission funding recognition in the 2017-18 budget will reduce by \$10m. Due to this, the 2017-18 budget includes a higher opening cash balance offset by lower operating result – an operating deficit of (8.7m) – in comparison to the proposed budget.

L Gardner moved, P Dorling seconded -

That Council:

PART A

- 1) The 2017-18 Proposed Budget considered by Council on 26 April 2017 be varied to recognise early receipt of the Victorian Grants Commission general purpose grant funding which reduces funding by \$10.0m, increases opening cash balance (July 2017), which is offset by lower operating result – Operating deficit (8.7m).**
- 2) Having considered all submissions lodged, together with the report of the Budget Submissions Panel (Appendix 3), the Proposed Budget considered by Council on 26 April 2017 be varied with the following change:**
 - a) Based on Council decisions on 26 April and 23 May 2017, Library funding contribution be increased by \$75,000 to \$9,528,123 and the budget be changed to reflect these decisions.**
- 3) Public notice be given of the decision to adopt the Budget, City Plan Annual Update and Rate Declaration in accordance with Section 130 (2) of the Local Government Act 1989.**
- 4) Pursuant to Section 171 (4)(f) of the Local Government Act 1989, Council resolves to treat any person who has successfully applied for and been granted a pensioner waiver of rates as having made a continuing application for such waiver, unless the person advises otherwise.**

PART B

I. Council adopts the Rating Strategy 2017-18 (Appendix 2).

II. Declare the following Rates & Charges:

- 1. Amount intended to be raised by General Rates, Municipal Charge, and Annual Service Charge for the period 1 July 2017 - 30 June 2018.**

An amount of \$210,248,889 be declared as the amount which Council intends to raise by General Rates, Municipal Charge and the Annual Service Charge, which amount is calculated as follows:

General Rates \$168,405,086,

Municipal Charge \$11,803,003; and

Annual Service Charge \$30,040,800.

2. General Rates

2.1 A general rate be declared for the period 1 July 2017 to 30 June 2018.

2.2 It be further declared that the general rate be raised by the application of differential rates.

2.3 A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared.

2.2.1. **Farm Land** – means any land which:

- i. is not less than 2 hectares in area; and
- ii. is used predominantly for the business of grazing (including agistment), dairying, pig-farming, poultry farming, fish farming, tree farming, bee-keeping, viticulture, horticulture, fruit growing or the growing of crops of any kind or for any combination of those activities; or
- iii. satisfies the criteria for municipal purpose benefit for large holdings to the extent that it is, for example, land that is predominantly used and maintained for heritage, cultural or environmental purposes, or land that is held as natural bushland under a trust for nature covenant, or land that is held under some other type of similar formal undertaking.

To avoid doubt, 'business' for the purposes of identifying Farm Land has the same meaning as that given to it by section 2(1) of the *Valuation of Land Act* 1960 for the same purpose, being a business that:

- a) has a significant and substantial commercial purpose or character; and
- b) seeks to make a profit on a continuous or repetitive basis from its activities on the land; and
- c) is making a profit from its activities on the land, or that has a reasonable prospect of making a profit from its activities on the land if it continues to operate in the way that it is operating.

2.3.2 **Residential Land** - means any land:

- i. that is used exclusively for residential purposes; or
- ii. on which a habitable building is erected, which building is unoccupied, and which is zoned residential under the Greater Geelong Planning Scheme.

2.3.3 **Vacant Land** - means any land:

- i. that does not have the characteristics of Farm Land; and
- ii. on which no building is erected, save for any uninhabitable shed or shelter, the size of which does not exceed 5% of the total area of the land.

2.3.4 **Petroleum Production Land** – means any land that is:

- i. used primarily for the production or conveyance of petroleum and/or petroleum by-products; and

- ii. is described as such in Schedule A.

2.3.5 Industrial Land – means any land that:

- i. does not have the characteristics of
 - a) Vacant Land; or
 - b) Commercial Land; or
 - c) Petroleum Production Land; and
- ii. is used predominantly for industrial purposes, which includes manufacturing, repairing, servicing, processing and reprocessing or warehousing.

2.3.6 Commercial Land – means any land that:

- i. does not have the characteristics of:
 - a) Farm Land; or
 - b) Industrial Land; or
 - c) Petroleum Production Land; and
- ii. is used predominantly for the sale of goods or services or other commercial purposes; or
- iii. on which a habitable building is erected, which building is unoccupied, and which is zoned other than residential under the Greater Geelong Planning Scheme.

2.3.7 Mixed Use Land – means any land that:

- i. has the characteristics of Residential Land combined with the characteristics of Commercial Land or Industrial Land; and
- ii. is used partly for residential purposes and partly for commercial and/or industrial purposes.

2.3.8 The Point – Residential Land - means any land that:

- i. is used exclusively for residential purposes; or
- ii. on which a habitable building is erected, which building is unoccupied, and which is zoned residential under the Greater Geelong Planning Scheme; and
- iii. is described as such in Schedule A.

2.3.9 The Point – Vacant Land - means any land:

- i. that does not have the characteristics of Farm Land; and
- ii. on which no building is erected save for any small uninhabitable storage shed or shelter, the size of which does not exceed 5% of the total land area; and
- iii. is described as such in Schedule A.

2.3.10 The Point – Commercial Land - means any land that:

- i. does not have the characteristics of:
 - a) Farm Land; or

- b) Industrial Land; and
- ii. is used predominantly for the sale of goods or services, or other commercial purposes; or
- iii. on which a habitable building is erected, which building is unoccupied, and which is zoned other than residential under the Greater Geelong Planning Scheme; and
- iv. is described as such in Schedule A.

2.4 A rate pursuant to the Cultural and Recreational Lands Act 1963 be declared for rateable land having the respective characteristics specified below.

2.4.1 Cultural and Recreational Land -

Any land which:

- a) has the characteristics of Recreational land as defined by the Cultural and Recreational Lands Act 1963; and
 - b) is described as such in Schedule A.
- 2.5 Each differential rate and Cultural and Recreation Lands Rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in paragraph 2.3 and 2.4 by the relevant percentages indicated in the following table:

CATEGORY %

Farm Land .002794 (or .2794 percent of Capital Improved Value).

A rebate of 40% of the CIV by rate in dollar in accordance with Council policy for farm rating.

Residential Land .002794 (or .2794 percent of Capital Improved Value).

Vacant Land .004251 (or .4251 percent of Capital Improved Value).

The Point Residential Land .002794 (or .2794 percent of Capital Improved Value).

The Point Vacant Land .004251 (or .4251 percent of Capital Improved Value).

The Point Commercial Land .005725 (or .5725 percent of Capital Improved Value).

Petroleum Production Land .007530 (or .7530 percent of Capital Improved Value).

Industrial Land .007530 (or .7530 percent of Capital Improved Value).

Commercial Land .005725 (or .5725 percent of Capital Improved Value).

Mixed Use Land .004194 (or .4194 percent of Capital Improved Value).

Cultural and Recreational .001962 (or .1962 percent of Capital Improved Value).

2.6 It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions; and that

- 2.6.1 the respective objectives of each differential rate be those specified in Schedule B;
- 2.6.2 the respective types or classes of land which are subject to each differential rate be those defined in Schedule B;

2.6.3 the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in Schedule B; and

2.6.4 the relevant

(a) uses of; and

(b) geographical locations of; and

(c) planning scheme zonings of; and

(d) types of buildings on the respective types or classes of land be those identified in Schedule B; and

2.7 It be confirmed that no amount is fixed as the minimum amount payable by way of general rate in respect of each rateable land within the municipal district.

3. Rebates

3.1 Farm Rebate

For 2017-18 Council declare a rebate under section 169 of the LGA of 40% for all land classified and rated as farm land. Properties defined as farms will be entitled to a rebate recognising that there is a benefit to the community in encouraging the retention of large lot primary producing holdings. An application can be made to Council to have land classified as Farm land.

3.2 Cultural and Recreational Rebate

For 2017-18 Council declare a transitional rebate under section 169 of the LGA for 75% of the difference between the Cultural and Recreational differential of the otherwise applicable differential. Properties that were eligible for the Cultural and Recreational differential in 2016-17 that are no longer eligible in 2017-18 will be encouraged to apply for this rebate.

4. Waivers

4.1 Rates Assistance Waivers

Council declares a waiver of general rates under Section 171 of the LGA for the class of persons comprised of ratepayers in respect of assessments which are categorised as Residential Land or Farm Land where the valuation of the assessment has increased, between the 2014 valuation and the 2016 valuation, by 50% or more and that increase is purely attributable to market factors, not attributable, in whole or in part, to improvements made to the assessment by the owner (or occupier). The amount of the waiver is set at:

4.1.1 between 25% and 49.99% of the general rates payable for the 2017-18 financial year, increasing pro rata according to the valuation increase, for valuation increases between 50% and 59.99%; and

50% of the general rates payable for the 2017-18 financial year for valuation increases of 60% or more.

The waiver is designed to mitigate the rates shock of a valuation increase and can only be claimed in respect of an assessment once in a two year valuation cycle.

4.2 For 2017-18 Council declares a Housing Support waiver of 100% of general rates and municipal charge under section 171 of the LGA for the class of persons comprised of ratepayers in respect of assessments which contain the following types of housing:

- 4.2.1 transitional, emergency or crisis housing;
- 4.2.2 housing for Legatees or War Widows, provided by the Geelong Legacy Club or provided by RSL; and
- 4.2.3 supported housing for disabled people.

This waiver recognises that these properties provide for specific needs within the community. Application can be made to Council to have land classified as being eligible for the waiver.

4.3 New Corio Estate (Inappropriate Subdivision)

For 2017-18 financial year, Council declares a waiver of 100% of general rates and municipal charge under Section 171 of the LGA for the class of persons comprised of ratepayers in respect of assessments which are in private ownership within the inappropriate subdivision known as New Corio Estate. This rates assistance waiver recognises the financial burden associated with ownership of this land. Land within the New Corio Estate is zoned as farming land and the area has been determined to be an inappropriate subdivision due to the difficulty of providing utilities and drainage and due to its distance from other residential areas. The Minister for Environment & Climate Change has approved a native vegetation plan for this land in support of natural temperate grassland of the Victorian Volcanic Plains. The waiver recognises the ongoing encumbrances on the land that prevent owners from making any demands on Council services now and into the future.

5. Municipal Charge

- 5.1 An annual municipal charge be declared for the period commencing 1 July 2017 to 30 June 2018.
- 5.2 The purpose of the municipal charge is to recover some of the administrative costs of the Council.
- 5.3 The charge be the sum of \$98.55 for each rateable property in the municipality.
- 5.4 Applications for exemption for farm land in accordance with section 159 of the LGA, is to be made within two months from the date of issue of annual rate notice.

6. Annual Service Charge

- 6.1 An Annual Service Charge be declared for the period commencing 1 July 2017 to 30 June 2018.
- 6.2 The Annual Service Charge be declared for the collection and disposal of refuse.
- 6.3 The Annual Service Charge be \$278.05 for each rateable land and non-rateable land (or part) in respect of which the Annual Service Charge may be levied.
- 6.4 The criteria specified below, be the criteria, which form the basis of the Annual Service Charge, so declared:

Geographic existence within those areas of the municipal district in which Council provides a domestic refuse collection and disposal service. The charge will be raised irrespective of whether the service is used or not.

7. Annual Service Charge – Additional Bin Service

- 7.1 An Annual Service Charge – Additional Bin Service, be declared for the period commencing 1 July 2017 to 30 June 2018.
- 7.2 The Annual Service Charge – Additional Bin Service, be declared for the collection and disposal of refuse.
- 7.3 New Service Charge to apply if additional services are requested by the property owners who meet eligibility criteria.
- 7.4 The criteria specified below, be the criteria, which form the basis of the Annual Service Charge – Additional Bin Service, so declared:

The additional bin service charge will be available via application, compliant with the following criteria:

- Families with six or more occupants within a household may apply for an additional garbage and/or recycling bin. In accordance with the Council decision on 26 April 2017 this criteria will be removed from 1 January 2018 and any ratepayer can apply for the service;
- The property owner or their authorised agent signs the additional bin application form, provides appropriate supporting evidence and agrees to the applicable service charge;
- For residential properties to be eligible for an additional green waste bin, the property must have a minimum area of 1,500m² (1 acre = 4,046m²);
- The green waste additional bin will only become available when the Anakie Road Green Organics processing facility is fully operational.
- In all cases of application for additional bins, Council reserves the right to inspect the applicant's existing bins to confirm that they are overloaded. If this cannot be confirmed, the additional bins will not be provided.

Applications that meet the criteria will be billed via the Rate, Valuation & Charges notice.

If an application is received and approved in the first six months of the financial year, that is, from July to December, the full annual cost of the additional bin will be charged. If an application is received and approved in the second half of the financial year, that is January to June, half the annual cost will be charged.

The following costs will apply for the additional bin service:

- Garbage bin 140L \$138.80 (for 2017-18)
- Garbage bin from 140L to 240L \$ 99.50 (for 2017-18)
- Recycling bin 240L \$ 49.30 (for 2017-18)
- Green Waste bin 240L \$ 92.50 (for 2017-18)

8. Central Activities Area Rate

Council has declared a special rate in respect of the central business district of Geelong applicable to non-residential, non-exempt properties. The special rate is the Central Activities Area (CAA) Rate and is in addition to other rates and charges. The purpose of the special rate is to promote the CAA as a commercial shopping precinct using events, marketing and media.

A special rate has been declared for the period commencing on 1 July 2016 and concluding on 30 June 2021.

The second year of the scheme (2017-18) will raise \$1,066,024 (\$1,045,122 in 2016-17). The rate in the dollar for 2017-18 is set at \$0.0007560 and \$0.0002591 for Cultural & Recreation (Cultural and Recreation properties are charged a reduced CAA rate, in accordance with the ratio of the Recreation rate to the Commercial rate).

9. Incentives

No incentives be declared as the incentives to be given by Council for the payment of General Rates, Municipal Charge and the Annual Service Charge (described earlier in this document) before the dates fixed for their payment under Section 167 of the LGA.

10. Consequential

- 10.1 Notwithstanding anything said in any earlier Resolution of Council, the Geelong Advertiser be chosen, as the newspaper in which the public notice will appear.
- 10.2 The Responsible Officer of Council be authorised to levy and recover the General Rates, Municipal Charge and the Annual Service Charge described earlier in accordance with the LGA.

11. Interest

Interest on unpaid rates and charges will be charged in accordance with Section 172 of the LGA. Interest will be charged at the penalty interest rate of 10% for 2017-18. In proven cases of hardship where Council allows rates to be deferred, interest will be charged at 5.18% for 2017-18.

SCHEDULE A

1. Petroleum Production Land

All that land generally bounded more or less by Princes Highway, Shell Parade, Corio Bay Foreshore, Wharf Road, Station Road and neighbouring land.

2. The Point Residential Land

All the residential land formerly described in Certificate of Title Volume 09901 Folio 324 and also described as Lot B LP 214468, Lot B PS 635643, PS 640648Y, PS 722221H, PS 722220K, PS 743868K, PS 732908M, PS 638301D, PS 635642R, PS722215C and PS 722214E.

3. The Point Vacant Land

All the vacant land formerly described in Certificate of Title Volume 09901 Folio 324 and also described as Lot B LP 214468, Lot B PS 635643, PS 640648Y, PS 722221H, PS 722220K, PS 743868K, PS 732908M, PS 638301D, PS 635642R, PS722215C and PS 722214E.

4. The Point Commercial Land

All the commercial land formerly described in Certificate of Title Volume 09901 Folio 324 and also described as Lot B LP 214468, Lot B PS 635643, PS 640648Y, PS 722221H, PS 722220K, PS 743868K, PS 732908M, PS 638301D, PS 635642R, PS722215C and PS 722214E.

5. Cultural and Recreational Land

Any land reserved under the Cultural and Recreational Lands Act 1963 including the following:

Ratepayer Name	Property Address
Australian Croatian Sporting Centre	15 Gibbons Road, Lara VIC 3212
Bareena Bowling Club Incorporated	89 Noble Street, Newtown VIC 3220
Barwon Heads Bowling Club	18 Geelong Road East, Barwon Heads VIC 3227
Barwon Heads Golf Club Incorporated	Golf Links Road, Barwon Heads VIC 3227
Barwon Rowing Club Inc.	2 Barwon Terrace, South Geelong VIC 3220
Beckley Park Committee of Management Inc.	40 Broderick Road, Corio VIC 3214
Bell Park Sports Club Inc.	515 Ballarat Road, Batesford VIC 3221
Belmont Bowling Club Incorporated	16-36 Reynolds Road, Belmont VIC 3216
Clifton Springs Bowling Club	Clifton Street, Clifton Springs VIC 3222
Clifton Springs Golf Club Incorporated	86-88 Clear Water Drive, Clifton Springs VIC 3222
Corio Bay Rowing Club	10 Barwon Terrace, South Geelong VIC 3220
Corio Bay Sailing Club	Foreshore Road, Corio VIC 3214
Drysdale Bowling & Croquet Club Inc.	19-29 Collins Street, Drysdale VIC 3222
East Geelong Golf Club	Eastern Park Circuit, East Geelong VIC 3219
East Geelong Recreation Reserve Committee	137-139 McKillop Street, Geelong VIC 3220
Eastern Park Bowling Club Inc.	51-55 Garden Street, East Geelong VIC 3219
Geelong Agricultural & Pastoral Society	79 Breakwater Road, Breakwater VIC 3219
Geelong Bowls Club Incorporated	4-10 Sommers Street, Belmont VIC 3216
Geelong College Rowing Club	4 Barwon Terrace, South Geelong VIC 3220
Geelong Football Club Incorporated	360-380 Moorabool Street, South Geelong VIC 3220
Geelong Grammar School Rowing	6 Barwon Terrace, South Geelong VIC 3220
Geelong Lawn Tennis Club Incorporated	12-20 Sommers Street, Belmont VIC 3216
Geelong Pistol Club	70-80 Williams Road, Mount Duneed VIC 3216
Geelong Race Course Trustees	99 Breakwater Road, Breakwater VIC 3219
Geelong Rowing Association	8 Barwon Terrace, South Geelong VIC 3220
Geelong Trailable Yacht Club Inc.	105 Mackey Street, North Geelong VIC 3215
Geelong Watersports Club Incorporated	493-499 Wilsons Road, St Albans Park VIC 3219
Geelong West Bowling Club Incorporated	12 Bowlers Avenue, Geelong West VIC 3218

Ratepayer Name	Property Address
Herne Hill Bowls Club Inc.	180 McCurdy Road, Fyansford VIC 3221
Highton Bowling Club Inc.	204 Roslyn Road, Highton VIC 3216
Indented Head Boat Club	The Esplanade, Indented Head VIC 3223
Indented Head Yacht Club	The Esplanade, Indented Head VIC 3223
Lagoon Boat Club Inc.	Foreshore Road, Corio VIC 3214
Lara Bowling Club Inc.	10 Alkara Avenue, Lara VIC 3212
Lara Sporting Club Incorporated	4 Walkers Road, Lara VIC 3212
Leopold Sportsmans Club Inc.	131-139 Kensington Road, Leopold VIC 3224
Lonsdale Golf Club	31-69 Fellows Road, Point Lonsdale VIC 3225
Norlane Bowling Club Incorporated	26-36 St Georges Road, Corio VIC 3214
Ocean Grove Bowling Club	16-24 The Terrace, Ocean Grove VIC 3226
Ocean Grove Golf Club Incorporated	9 Guthridge Street, Ocean Grove VIC 3226
Portarlington Bowls Club Incorporated	Harding Street, Portarlington VIC 3223
Portarlington Golf Club	92-160 Hood Road, Portarlington VIC 3223
Portarlington Sailing Club	219 Point Richards Road, Portarlington VIC 3223
Royal Geelong Yacht Club	25 Eastern Beach Road, Geelong VIC 3220
Seabrae Boat Owners Club Inc.	302 Clifton Avenue, Leopold VIC 3224
St Leonards Bowling Club	1274 Murradoc Road, St Leonards VIC 3223
St Leonards Yacht Club & Motor Squadron	Lower Bluff Road, St Leonards VIC 3223
Western Beach Boat Club Incorporated	74-90 Western Foreshore Road, Geelong VIC 3220

Properties potentially eligible for the Cultural and Recreational rebate are:

Ratepayer Name	Property Address
Geelong Speedway Drivers Club Inc.	1/4 Wood Street, South Geelong VIC 3221
Wood Street Public Recreation Reserve COM Inc.	2/4 Wood Street, South Geelong VIC 3221
Wood Street Public Recreation Reserve COM Inc.	3/4 Wood Street, South Geelong VIC 3221
Geelong Transport Drivers Social Club Inc.	4/4 Wood Street, South Geelong VIC 3221
Serbian Parish Youth Club	256 Plantation Road, Corio VIC 3214
Austrian Club Geelong Incorporated	258 Plantation Road, Corio VIC 3214
Geelong Bridge Club	148-152 Portarlington Road, Newcomb VIC 3219
Association of Ukrainians - Victoria	16-21 Monastery Court, Lovely Banks VIC 3213
Croatian Community Centre of Geelong (Inc.)	172-178 Cox Road, Corio VIC 3214
Geelong & District Angling Club & Fish Protect Society	9 Yuille Street, Geelong West VIC 3218
Geelong Table Tennis Association	84-88 Church Street, North Geelong VIC 3215
Western District Car Club	55 Beach Road, Avalon VIC 3212
Belrec Incorporated	68 Calvert Street, Hamlyn Heights VIC 3214
North Shore Sports & Community Club Inc.	39 Rose Avenue, Norlane VIC 3214
St Leonards Golf Club Inc.	79-175 Harvey Road, St Leonards VIC 3223

SCHEDULE B

1. Farm Land

Rating Objectives:

- i. To ensure that all rateable land makes an equitable and efficient financial contribution to the cost of carrying out the functions of Council generally, including the:
 - a) construction and maintenance of public infrastructure;
 - b) development and provision of health and community services; and
 - c) provision of general support services.
- ii. To encourage and support the business of primary production and, where appropriate, expand the business of primary production.

These objectives will be met by setting the Farm Land differential at 100% of the Residential Land differential and by the provision of a farm rebate under Section 169 of the LGA.

Types and Classes

Rateable land having the relevant characteristics described previously in 2.3.1

Use and Level of Differential Rate

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate less the applicable rebate is the level, which Council considers it necessary to achieve the objectives specified above.

Geographic Location

Wherever located within the municipal district.

Use of Land

Any use permitted under the Greater Geelong Planning Scheme.

Planning Scheme Zoning

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Greater Geelong Planning Scheme.

Types of Buildings

All buildings which are now constructed on the land or which are constructed prior to 30 June 2018.

2. Residential Land

Rating Objective:

To ensure that all rateable land makes an equitable and efficient financial contribution to the cost of carrying out the functions of Council generally, including the:

- a) construction and maintenance of public infrastructure;
- b) development and provision of health and community services; and
- c) provision of general support services.

Types and Classes

Rateable land having the relevant characteristics described previously in 2.3.2

Use and Level of Differential Rate

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location

Wherever located within the municipal district.

Use of Land

Any use permitted under the Greater Geelong Planning Scheme.

Planning Scheme Zoning

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Greater Geelong Planning Scheme.

Types of Buildings

All buildings which are now constructed on the land or which are constructed prior to 30 June 2018.

3. Vacant Land

Rating Objectives:

- i. To ensure that all rateable land makes an equitable and efficient financial contribution to the cost of carrying out the functions of Council generally, including the:
 - a) construction and maintenance of public infrastructure;
 - b) development and provision of health and community services; and
 - c) provision of general support services.
- ii. To encourage the prompt development of vacant land to attract new residents and businesses to the City of Greater Geelong.
- iii. To discourage untimely and unnecessary divisions of land.

These objectives will be met by setting the Vacant Land differential at 152% of the Residential Land differential.

Types and Classes

Rateable land having the relevant characteristics described previously in 2.3.3

Use and Level of Differential Rate

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

Geographic Location

Wherever located within the municipal district.

Use of Land

Any use permitted under the Geelong Regional Planning Scheme.

Planning Scheme Zoning

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Geelong Regional Planning Scheme.

Types of Buildings

No building must be located on the land or constructed prior to 30 June 2018 save for any uninhabitable shed or shelter that does not exceed more than 5% of the total area of the land.

4. Petroleum Production Land

Rating Objective:

To ensure that all rateable land makes an equitable and efficient financial contribution to the cost of carrying out the functions of Council generally, including the:

- a) construction and maintenance of public infrastructure;
- b) development and provision of health and community services; and
- c) provision of general support services.

The Petroleum Production Land differential is set at the Industrial Land rate differential from 2017-18.

Types and Classes

Rateable land having the relevant characteristics described previously 2.3.4.

Use and Level of Differential Rate

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

Geographic Location

As described in Schedule A.

Use of Land

Any use permitted under the Greater Geelong Planning Scheme.

Planning Scheme Zoning

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Greater Geelong Planning Scheme.

Types of Buildings

All buildings which are now constructed on the land or which are constructed prior to 30 June 2018.

5. Industrial Land

Rating Objective:

To ensure that all rateable land makes an equitable and efficient financial contribution to the cost of carrying out the functions of Council generally, including the:

- a) construction and maintenance of public infrastructure;
- b) development and provision of health and community services; and
- c) provision of general support services.

Types and Classes

Rateable land having the relevant characteristics described previously in 2.3.5

Use and Level of Differential Rate

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

Geographic Location

Wherever located within the municipal district.

Use of Land

Any use permitted under the Greater Geelong Planning Scheme.

Planning Scheme Zoning

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Greater Geelong Planning Scheme.

Types of Buildings

All buildings which are now constructed on the land or which are constructed prior to 30 June 2018.

6. Commercial Land

Rating Objective:

To ensure that all rateable land makes an equitable and efficient financial contribution to the cost of carrying out the functions of Council generally, including the:

- a) construction and maintenance of public infrastructure;
- b) development and provision of health and community services; and
- c) provision of general support services.

Types and Classes

Rateable land having the relevant characteristics described previously in 2.3.6

Use and Level of Differential Rate

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

Geographic Location

Wherever located within the municipal district.

Use of Land

Any use permitted under the Greater Geelong Planning Scheme.

Planning Scheme Zoning

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Greater Geelong Planning Scheme.

Types of Buildings

All buildings which are now constructed on the land or which are constructed prior to 30 June 2018.

7. Mixed Use Land

Rating Objective:

To ensure that all rateable land makes an equitable and efficient financial contribution to the cost of carrying out the functions of Council generally, including the:

- a) construction and maintenance of public infrastructure;
- b) development and provision of health and community services; and
- c) provision of general support services.

Types and Classes

Rateable land having the relevant characteristics described previously in 2.3.7.

Use and Level of Differential Rate

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

Geographic Location

Wherever located within the municipal district.

Use of Land

Any use permitted under the Greater Geelong Planning Scheme.

Planning Scheme Zoning

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Greater Geelong Planning Scheme.

Types of Buildings

All buildings which are now constructed on the land or which are constructed prior to 30 June 2018.

8. The Point – Residential Land

Rating Objectives:

- i. To ensure that all rateable land makes an equitable and efficient financial contribution to the cost of carrying out the functions of Council generally, including the:
 - a) construction and maintenance of public infrastructure;
 - b) development and provision of health and community services;
 - c) provision of general support services; and
 - d) management of environmentally sensitive land.

- ii. To ensure that, following the development of the Point Land, and transfer to Council of the management of environmentally sensitive land, including the provision of a range of services around an existing waterway, constructed lake and canal system, an equitable and efficient financial contribution to the cost of Council's management responsibilities will be made by the ratepayers in respect of that land.

Types and Classes

Rateable land having the relevant characteristics described previously in 2.3.8

Use and Level of Differential Rate

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

Geographic Location

As described in Schedule A.

Use of Land

Any use permitted under the Greater Geelong Planning Scheme.

Planning Scheme Zoning

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Greater Geelong Planning Scheme.

Types of Buildings

All buildings which are now constructed on the land or which are constructed prior to 30 June 2018.

9. The Point – Vacant Land

Rating Objectives:

- i. To ensure that all rateable land makes an equitable and efficient financial contribution to the cost of carrying out the functions of Council, generally including the:
 - a) construction and maintenance of public infrastructure;
 - b) development and provision of health and community services;
 - c) provision of general support services; and
 - d) management of environmentally sensitive land.
- ii. To ensure that, following the development of the Point Land, and transfer to Council of the management of environmentally sensitive land, including the provision of a range of services around an existing waterway, constructed lake and canal system, an equitable and efficient financial contribution to the cost of Council's management responsibilities will be made by the ratepayers in respect of that land.

Types and Classes

Rateable land having the relevant characteristics described previously in 2.3.9

Use and Level of Differential Rate

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

Geographic Location

As described in Schedule A.

Use of Land

Any use permitted under the Greater Geelong Planning Scheme.

Planning Scheme Zoning

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Greater Geelong Planning Scheme.

Types of Buildings

All buildings which are now constructed on the land or which are constructed prior to 30 June 2018.

10. The Point – Commercial Land

Rating Objectives:

- i. To ensure that all rateable land makes an equitable and efficient financial contribution to cost of carrying out the functions of Council, generally including the:
 - a) construction and maintenance of public infrastructure;
 - b) development and provision of health and community services;
 - c) provision of general support services; and
 - d) management of environmentally sensitive land.
- ii. To ensure that, following the development of the Point Land, and transfer to Council of the management of environmentally sensitive land, including the provision of a range of services around an existing waterway, constructed lake and canal system, to ensure that an equitable and efficient financial contribution to the cost of Council's management responsibilities will be made by the ratepayers in respect of that land.

Types and Classes

Rateable land having the relevant characteristics described previously in 2.3.10

Use and Level of Differential Rate

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

Geographic Location

As described in Schedule A.

Use of Land

Any use permitted under the Greater Geelong Planning Scheme.

Planning Scheme Zoning

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Greater Geelong Planning Scheme.

Types of Buildings

All buildings which are now constructed on the land or which are constructed prior to 30 June 2018.

11. Cultural and Recreational Land

Has the characteristics of Recreational land as defined by the Cultural and Recreational Lands Act 1963.

Types and Classes

Rateable land having the relevant characteristics described previously in 2.4.1

Use and Level of Differential Rate

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

Geographic Location

As described in Schedule A.

Use of Land

Any use permitted under the Greater Geelong Planning Scheme.

Planning Scheme Zoning

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Greater Geelong Planning Scheme.

Types of Buildings

All buildings which are now constructed on the land or which are constructed prior to 30 June 2018.

Carried.

Discussion

Following consideration by Council of the Proposed Budget, an advertisement was placed in the Geelong Advertiser advising that the budget document would be available for public scrutiny and inviting written submissions to be made.

The Budget Submissions Panel met on Tuesday, 30th May at 4:00pm and reconvened on Wednesday 21 June at 4:30pm to consider written submissions and hear any person who wished to address the Panel in support of a submission.

The report of the Budget Submissions Panel is incorporated in Appendix 3.

Other announcements relevant to the Budget and Rates Notice include:

1. Grants Commission advice

The Victorian Grants Commission have advised Council of the proposed 2017-18 general purpose grant funding with the City of Greater Geelong to receive 50% of the grant allocation in June 2017. The 2017-18 Grants Commission receipts will reduce by \$10m with funding received in June 2017. The budget change includes higher opening cash balance offset by lower operating result – Operating deficit (8.7m) general purpose grant and local road funding grant.

2. Fire Services Property Levy – 2017-18 rates

Council collects the Fire Services Property Levy (FSPL) on behalf of the State Government via the Council rate notice. The FSPL rates were announced at the end of May 2017 with an increase of 1.9% for the fixed residential charge and a decrease of (4.7%) for the residential variable charge. The fixed charge for Primary Production, Commercial, Industrial, Public Benefit and Vacant has increased by 1.4%. The variable charges have decreased by (4.6%) for Primary Production, (4.6%) for Commercial, (4.6%) for Industrial, (4.5%) for Public Benefit and (4.7%) for Vacant.

The impact to the rate notice for the average residential ratepayer is as follows:

	2016-17 Rates on Average	2017-18 Budget Rates on Average	
Fire Services Property Levy	CIV \$	CIV \$	
Fixed	105.00	107.00	1.9%
Variable	51.24	49.01	-4.4%
	156.24	156.01	-0.1%

Financial Implications

The Budget has been prepared in compliance with Rate Cap legislation and Ministerial announcement that the cap is 2.0% for 2017-18. Changes in rates, fees and charges have been structured to meet the financial requirements as proposed for the 2017-18 financial year.

Expenditure includes the continuation of Council services to the community.

The Budget includes a recurrent operating deficit of (\$8.7m) after adjusting for the early receipt of 50% of grants commission allocation.

The gross capital expenditure of \$81.1m includes new funding of \$10.2m on Infrastructure Leisure, \$28.2m on roads, footpaths, kerb & channel and drains and \$10.3m on buildings.

New loans of \$39.3m are proposed for 2017-18 including \$28.9m deferred loans from 2016-17. The projected total amount of borrowings as at 30 June 2018 is \$71.7m.

Stakeholder Consultation and Communication

Following adoption of the proposed budget on 26 April, 2017 a process of community engagement has been undertaken with a total of 19 submissions received. These submissions were considered at a meeting on 30 May, 2017 and a reconvened meeting on 21 June, 2017.

A number of actions were initiated in response to these submissions which will be outlined in formal responses provided to each submitter (refer Appendix 3).

In accordance with requirements under the Local Government Act, once the budget is adopted, a public notice will be placed in the newspaper on Wednesday, 28 June 2017, advising the adoption of the 2017-18 Budget along with the Declaration of the Rates.

Policy/Legal/Statutory Implications

The Annual Budget has been prepared in accordance with the requirements of the Local Government Act including:

Section 127 of the Local Government Act that requires that a Council prepare a budget for each financial year that contains:

- a) Financial statements in the form and containing the information required by the regulations;
- b) a description of the services and initiatives to be funded in the budget;
- c) a statement as to how the services and initiatives described under paragraph (b) will contribute to achieving the strategic objectives specified in the Council plan;
- d) Major initiatives, being initiatives identified by the Council as priorities, to be undertaken during the financial year:
 - i) for services to be funded in the budget, the prescribed indicators of service performance that are required to be reported against in the performance statement under section 131;
 - ii) the prescribed measures relating to those indicators.
- e) any other information required by the regulations.

The Council must ensure that the budget also contains:

- a) the information the Council is required to declare under section 158(1);
- b) if the Council intends to declare a differential rate under section 161, the information listed in section 161(2);
- c) if the Council intends to declare a differential rate under section 161A, the information listed in section 161(2).

Section 129 of the Local Government Act requires:

- 1) As soon as practicable after a Council has prepared a budget or revised budget, the Council must give public notice.
- 2) A person has a right to make a submission under section 223 on any proposal contained in the budget or revised budget.
- 3) In addition to any other requirements specified by this Act, the notice referred to in sub-section (1) must —
 - a) contain any details required by the regulations; and

- b) advise that copies of the budget or revised budget are available for inspection for at least 14 days after the publication of the notice at —
 - i) the Council office and any district offices; and
 - ii) any other place required by the regulations.

A copy of the budget or revised budget must be displayed at the places specified under sub-section (3)(b).

Section 130 of the Local Government Act requires that:

- 1) A Council may adopt a budget or revised budget if it has complied with all of the relevant requirement of this Act relating to budgets and revised budgets.
- 2) The Council must give public notice of its decision under sub-section (1).
- 3) The Council must adopt the budget by 30 June each year.
- 4) The Council must submit a copy of the budget or the revised budget to the Minister within 28 days after adopting the budget under subsection (3) or adopting the revised budget under subsection (1).
- 5) The Minister may extend the period within which a Council must comply with sub-section (4).
- 6) If a Council fails to submit a copy of the budget to the Minister within the time allowed, the Secretary must ensure that details of the failure are published in the annual report of the Department.
- 7) A Council must give the Minister any information concerning its budget or revised budget that the Minister requests.
- 8) A Council must comply with sub-section (7) —
 - a) within 14 days of receiving a request in writing for the information from the Minister; or
 - b) within any longer period specified by the Minister in the request.
- 9) A copy of the budget or revised budget must be available for inspection by the public at:
 - a) the Council office and any district offices; and
 - b) any other place required by the regulations.

In addition, a Council must ensure that the current budget or revised budget is published on the council's internet website (see section 82A(2)(ab)(iii)).

There are no known positive or negative effects in relation to the Human Rights Charter.

Alignment to City Plan

This report contributes to responsible and sustainable financial management as aligned in Council's City Plan objective on How We Do Business.

Conflict of Interest

No Council officers involved in the preparation of this report have a direct or indirect interest in any matter to which this report relates.

Risk Assessment

Under Section 130 of the Local Government Act Council must adopt the Annual Budget by 30 June each year.

The budget has been prepared based around a timetable which includes community consultation, meetings of the executive and Council to prepare the 2017-18 Budget/City Plan update. The timetable provides a framework to manage risk in order for Council to meet its statutory obligations and avoid adverse implications if the process is delayed. These include:

- A lack of internal control to monitor the financial position of the City into the new financial year.
- Delays in commencing (and therefore completion) of projects identified within the Annual Budget.
- Delaying the issuing of the first rate instalment notices (due in early September).

Environmental Implications

The Budget identifies the sources and allocation of the resources to implement the many environmental initiatives that impact on the community as outlined with Council's 2013–2017 (2017-18 Update) City Plan.

APPENDIX 1

**2017-18 ANNUAL BUDGET
& CITY PLAN UPDATE**

APPENDIX 2

2017-18 RATING STRATEGY

APPENDIX 3

SUBMISSIONS REVIEW PANEL REPORT

4. AMENDMENT C331 & PLANNING PERMIT 392/2015 – BARRABOOL ROAD AND CITYVIEW DRIVE, WANDANA HEIGHTS – CONSIDERATION OF PANEL REPORT AND ADOPTION

Source: Planning & Development – Strategic Implementation
Director: Peter Bettess
Index Reference: Amendment C331

Purpose

To consider the Panel Report on Amendment C331 and Planning Permit 392/2015 and to adopt the Amendment.

Background

Amendment C331 proposes the rezoning of approximately 23 ha of privately owned farmland and surplus Barwon Water land in Barrabool Road and Cityview Drive, Wandana Heights from Farming Zone and Public Use Zone to General Residential Zone Schedule 1. The Amendment also applies a Development Plan Overlay (DPO) to that land and also rezones two small telecommunications infrastructure lots to correct a zoning anomaly. Planning Permit 392/2015, as exhibited, proposes a 186 lot residential subdivision of the land. The Amendment and draft Permit were exhibited between 1 September and 3 October 2016. Eleven submissions were received, including eight objections. A Panel Hearing was held on 6 February 2017. The Panel Report was received on 21 March 2017.

Key Issues

- Issues raised in the eight objecting submissions included the difference between existing and proposed lot sizes, traffic issues, stormwater drainage concerns and a request to include 69-77 Cityview Drive in the Amendment.
- The proponent's submission raised Public Open Space and development contribution requirements, and included a revised plan of subdivision proposing 195 residential lots. The revised plan is supported.
- The Panel concluded that: there is strong strategic support for the Amendment; interface issues with existing low density development can be adequately managed; traffic generated by the development can be managed on the local road network; and the drainage scheme is appropriate. The Panel concluded that the proposed subdivision responds well to the site's context and relevant interfaces.
- The Panel's recommended changes to the Development Plan Overlay Schedule and Planning Permit conditions reflect Council officers' recommendations and agreement with the proponent at the Panel Hearing, and are supported.

P Dorling moved, L Gardner seconded -

That Council:

- 1) adopts Amendment C331 in the form outlined in Attachment 6 of this report;**
- 2) recommends to the Minister for Planning that Planning Permit 392/2015 be granted pursuant to Section 96G of the *Planning and Environment Act 1987* (the Planning Permit is in Attachment 7 of this report);**
- 3) submits the adopted Amendment together with the prescribed information to the Minister for Planning requesting approval; and**
- 4) signs and seals the Section 173 Agreements accompanying this Amendment to formalise development contributions and public open space cash in lieu arrangements (a model Agreement is in Attachment 8 of this report).**

Carried.

Attachment 1

Discussion

Exhibition and submissions

The subject land is shown in the location plan at Attachment 2. The zoning of the subject and surrounding land is shown at Attachment 3. The exhibited plan of subdivision for draft Planning Permit 392/2015 is shown at Attachment 4.

The Amendment and draft Permit were exhibited between 1 September and 3 October 2016. Eleven submissions were received: eight objections from adjacent or surrounding landowners and three submissions supporting or providing comment, from the proponent, Barwon Water and the Environment Protection Authority.

A wide range of issues were raised in objecting submissions; key issues raised included:

- the difference between existing and proposed lot sizes;
- traffic issues;
- stormwater drainage concerns; and
- a request to include 69-77 Cityview Drive in the Amendment.

The submission from the proponent (Mesh on behalf of Villawood Properties) raised Public Open Space and development contribution requirements, and included a revised plan of subdivision proposing 195 rather than 186 residential lots (shown at Attachment 5).

On 29 November 2016, Council resolved under delegated authority to refer submissions to a Panel.

Panel Hearing

At the Panel Hearing on 6 February 2017, Council officers indicated that the Amendment is strategically justified and that none of the issues raised in submissions warranted abandonment of the Amendment or changes to the proposed zoning or extent of the DPO Schedule. Council officers expressed support for the Amendment subject to minor changes to the exhibited DPO Schedule. Council's officers also expressed support for the draft Planning Permit, to apply to the revised subdivision layout plan in the proponent's submission and tabled at the Panel Hearing (dated 05.01.17) (shown at Attachment 7), subject to minor changes to conditions.

At the Panel Hearing, agreement was reached with the proponent on most matters that had been in dispute, with only the wording of one provision in the DPO Schedule still contested.

Panel Report

The Panel Report, received on 21 March 2017, recommends the Amendment be adopted subject to minor changes proposed/agreed by Council and that the Planning Permit be issued subject to conditions that have been agreed between Council and the applicant.

The Panel's key findings were:

- There is strong strategic support for the Amendment and subdivision, and interface issues to existing low density development can be adequately managed.
- Traffic generated by the development can be managed on the local road network.
- The drainage scheme for the development is appropriate and any flooding risk to neighbouring properties can be addressed through appropriate design and construction.
- The DPO Schedule as drafted is generally acceptable.
- The proposed subdivision is an appropriate response to the purposes of the General Residential Zone Schedule 1. The Panel considers that the proposal responds well to its context and relevant interfaces.

The Panel accepted Council's submission that to include 69-77 Cityview Drive in the Amendment would be a transformation of the Amendment and would require further strategic assessment and notice, as well as consideration of the restrictive covenant currently on the lot.

Appendices to the Panel Report provided the Panel's recommended wording of the DPO Schedule and of the Planning Permit conditions. These reflect the changes recommended by Council in its Panel Submission, along with further minor changes agreed with the proponent at the Panel Hearing.

Officer response:

The Panel's conclusions and recommendations are supported, as are the Panel's recommended wording of the DPO Schedule and Planning Permit conditions, with one minor correction and one added clarification in the Planning Permit conditions.

The revised DPO Schedule recommended for adoption, included in Attachment 6, is as recommended by the Panel. The changes made to the exhibited DPO Schedule are:

- in Point 1.0, adding the words "including any amendments to that Permit" to the point allowing subdivision and associated works in accordance with Planning Permit 392/2015 prior to approval of a Development Plan;
- in Point 2.0, deleting the point requiring a permit to include a condition specifying that subdivision and development not commence until a Development Plan has been approved;
- in Point 2.0, including a requirement that a Planning Permit contain a condition regarding a Section 173 Agreement addressing infrastructure contributions and public open space contributions;
- in Point 3.0, specifying that only one Development Plan may be approved over the area;
- in Point 3.0, rewording the requirement for a subdivision layout to refer to an indicative layout, indicative key road alignments and areas set aside for residential development and other land uses; and
- in Point 3.0, including acoustic measures as a separate dot point Development Plan requirement.

The revised Planning Permit conditions as recommended by the Panel, with one minor correction, are shown in Attachment 7. The changes made to the exhibited draft Planning Permit are:

- specifying in Condition 1 that amended plans must be generally in accordance with the revised Subdivision Layout Plan (dated 05.01.17);

- revising Condition 1c) to indicate a footpath is to be in the vicinity of, rather than along, the boundary of lots abutting Drewan Park;
- specifying a maximum fence height for lots abutting Drewan Park of 1.8 m rather than 1.2 m in Condition 1d);
- requiring amended plans in Condition 1 to show pedestrian access to bus stops on the nearest public transport route;
- including cross reference to the correct condition in exhibited Condition 1e);
- requiring amended plans in Condition 1 to show qualified vehicular access to Lots 24, 25 and 26 from Cityview Drive;
- requiring the plan of subdivision for Lots 24, 25 and 26 to include a restriction specifying garages must have a minimum setback of 7 m and that vehicular access to each lot must be in accordance with the plans endorsed under Condition 1;
- requiring engineering plans to include details of kerb and channel construction along portions of Cityview Drive and pedestrian access to the nearest bus stops in Grantham Drive;
- deleting exhibited Condition 6c);
- requiring a peer review of the engineering design for the south-east major retarding basin;
- including a requirement for a road safety audit (local area traffic management plan);
- specifying a requirement for left and right turning lanes from Cityview Drive into Barrabool Road;
- modifying exhibited Condition 13 (now Condition 17) by specifying that provision of Public Open Space contributions is to include works-in-kind in Drewan Park, agreed with Council, at 50% of the value of total contributions, with the remainder as cash in lieu;
- specifying the infrastructure contributions to be included in the Section 173 Agreement and including the public open space contributions in that Agreement in exhibited Condition 20 (now Condition 24);
- modifying exhibited Condition 26 (now Condition 30) to require a solid fence on the boundary of the property adjacent to the south-east major retarding basin;
- incorporating exhibited Conditions 39 and 40 as dot points within exhibited Condition 38 (now Condition 42); and
- including a requested Barwon Water sewer condition inadvertently left off the exhibited permit.

With respect to the Section 173 Agreement referring to works-in-kind in Drewan Park, agreement has been reached between Council and Villawood on a list of works to be carried out, with items from that list to be carried out amounting to 50% of the value of public open space contributions. The respective landowners have signed the Section 173 Agreements. A model Agreement - with individual landowner details removed – is at Attachment 8.

Two minor changes to the Panel's recommended conditions have been included in the revised Planning Permit conditions in Attachment 7: clarifying the reference to a subdivision stage number in Condition 24 and cross referencing the correct Condition number in Condition 26.

Financial Implications

Payment of development contributions as set out in the exhibited Section 173 Agreement will assist in the provision of community facilities within the catchment of the proposed development. Improvements to Drewan Park as works in kind to partly satisfy the Public Open Space requirement will be agreed to by Council on the basis that they do not impose significant asset maintenance or renewal obligations on Council.

Stakeholder Consultation and Communication

The Amendment was exhibited in accordance with the provisions of the *Planning and Environment Act 1987* to provide for full public comment. Surrounding landowners and occupiers, government and service authorities were notified and invited to comment.

The Independent Panel report has been publicly released with a copy made available to submitters.

Policy/Legal/Statutory Implications

The Amendment is consistent with the State Planning Policy Framework (Clauses 11.07, 11.07-1 and 11.07-2) and the Local Planning Policy Framework (Clauses 21.06-2 and 21.15-1) in the Greater Geelong Planning Scheme.

Alignment to City Plan

The Amendment supports the Growing Our Economy strategic direction of City Plan by providing additional residential land within the defined boundary of the Geelong urban area.

Conflict of Interest

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

Risk Assessment

There are minimal risks associated with implementing the recommendation contained in this report.

Environmental Implications

The subject land is primarily cleared and has been used for agriculture for many decades. Ecological assessment confirmed the presence of eight patches of native vegetation on the site, in the form of grassy woodland (secondary grassland). A required biodiversity offset has been identified. A contamination assessment concluded that the former uses of the site do not present an unacceptable contamination risk to the proposed development of the land and that an Environmental Audit of the site is not required. A water quality strategy concluded that the proposed stormwater management system exceeds best practice stormwater runoff targets for all catchments.

Attachment 2 - Location Plan



**Amendment C331 & PP
392/2015**
Barrabool Rd & Cityview Dr, Wandana
Heights
25/01/2017 1:20 pm

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

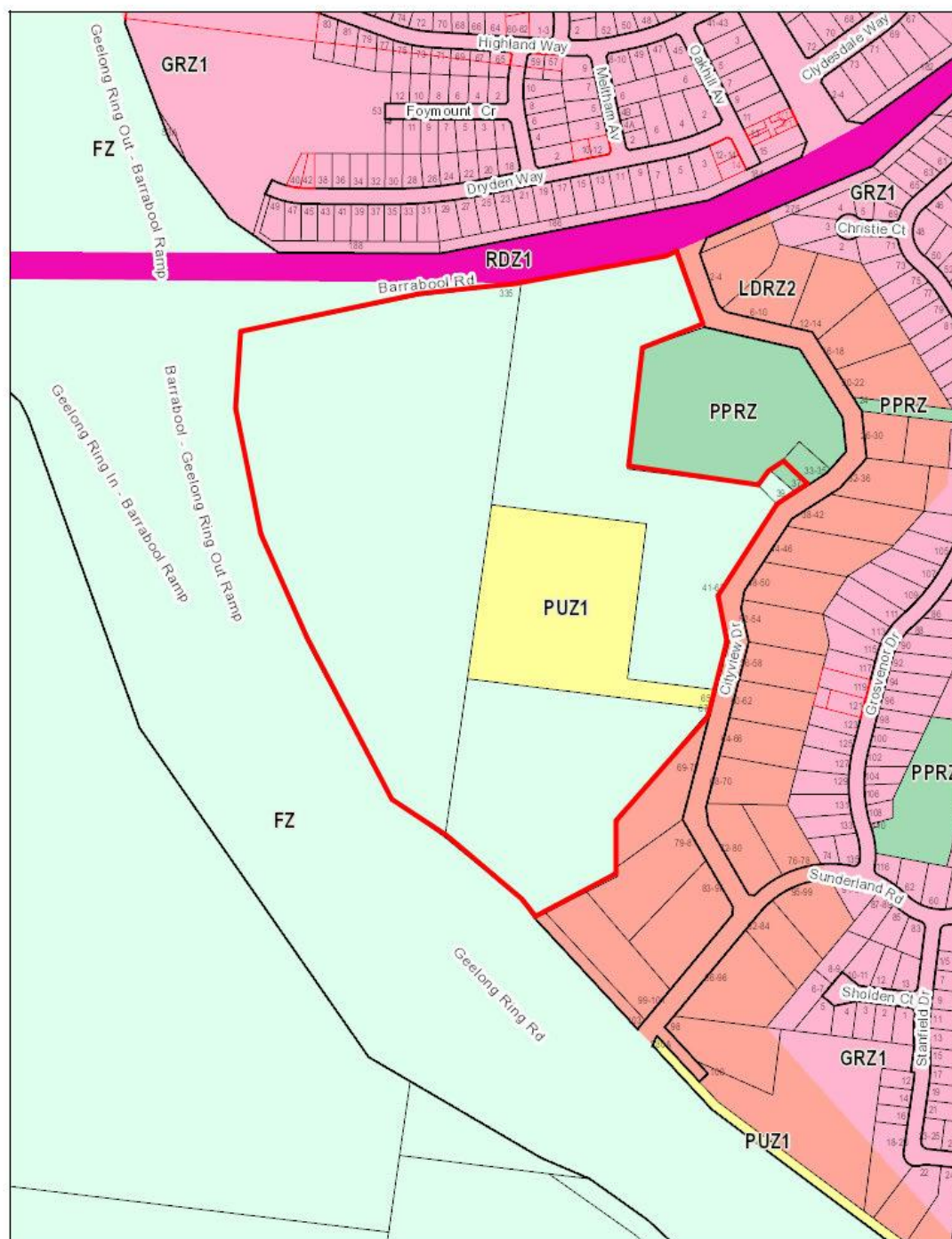


Prepared by the City of Greater Geelong - PLACES

MGA Zone 55

Scale 1 : 9626

Attachment 3 - Current zoning



Amendment C331 - Wanda Heights

Location plan

08/03/2016 4:58 pm

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

Prepared by the City of Greater Geelong - PLACES

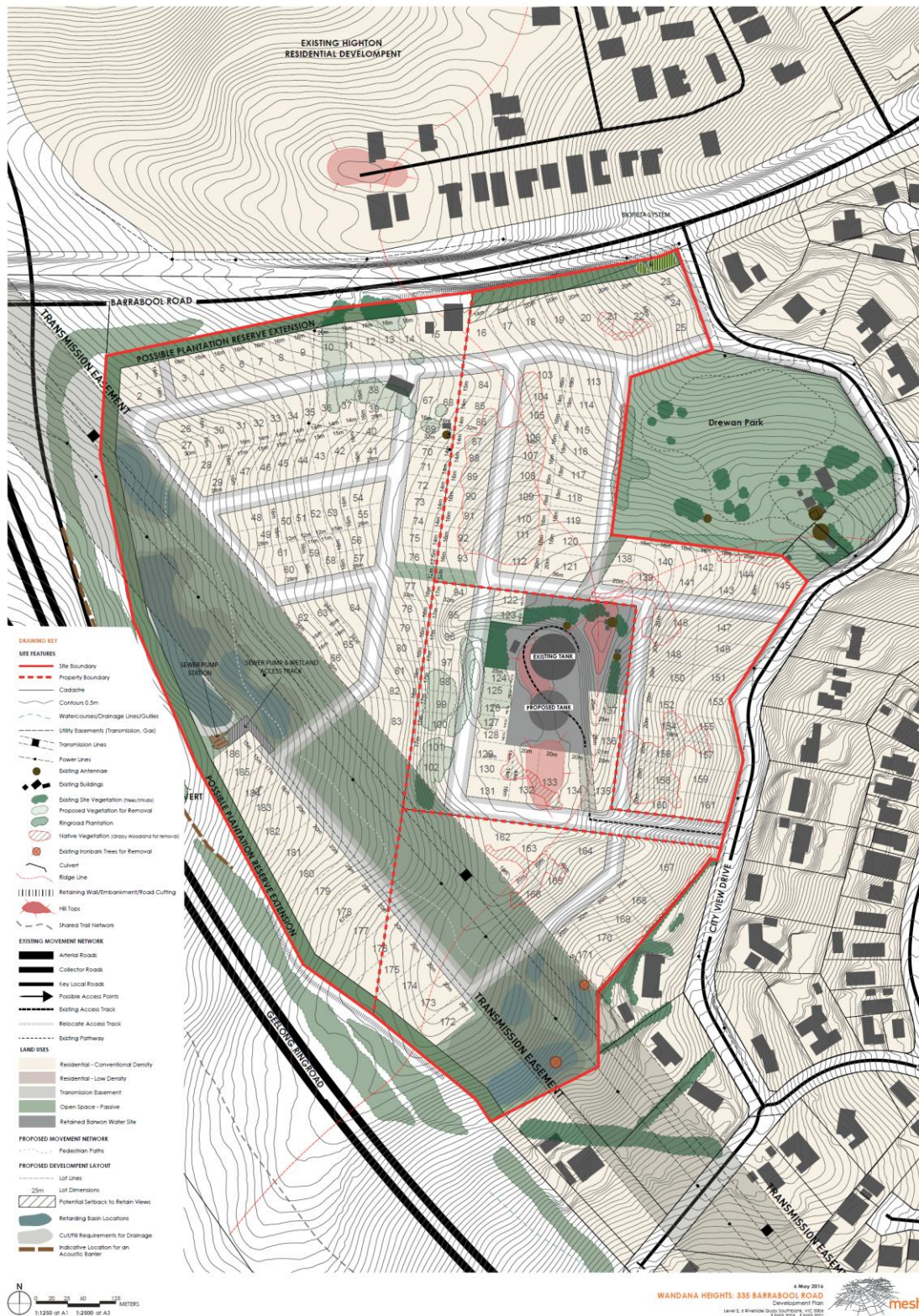


MGA Zone 55

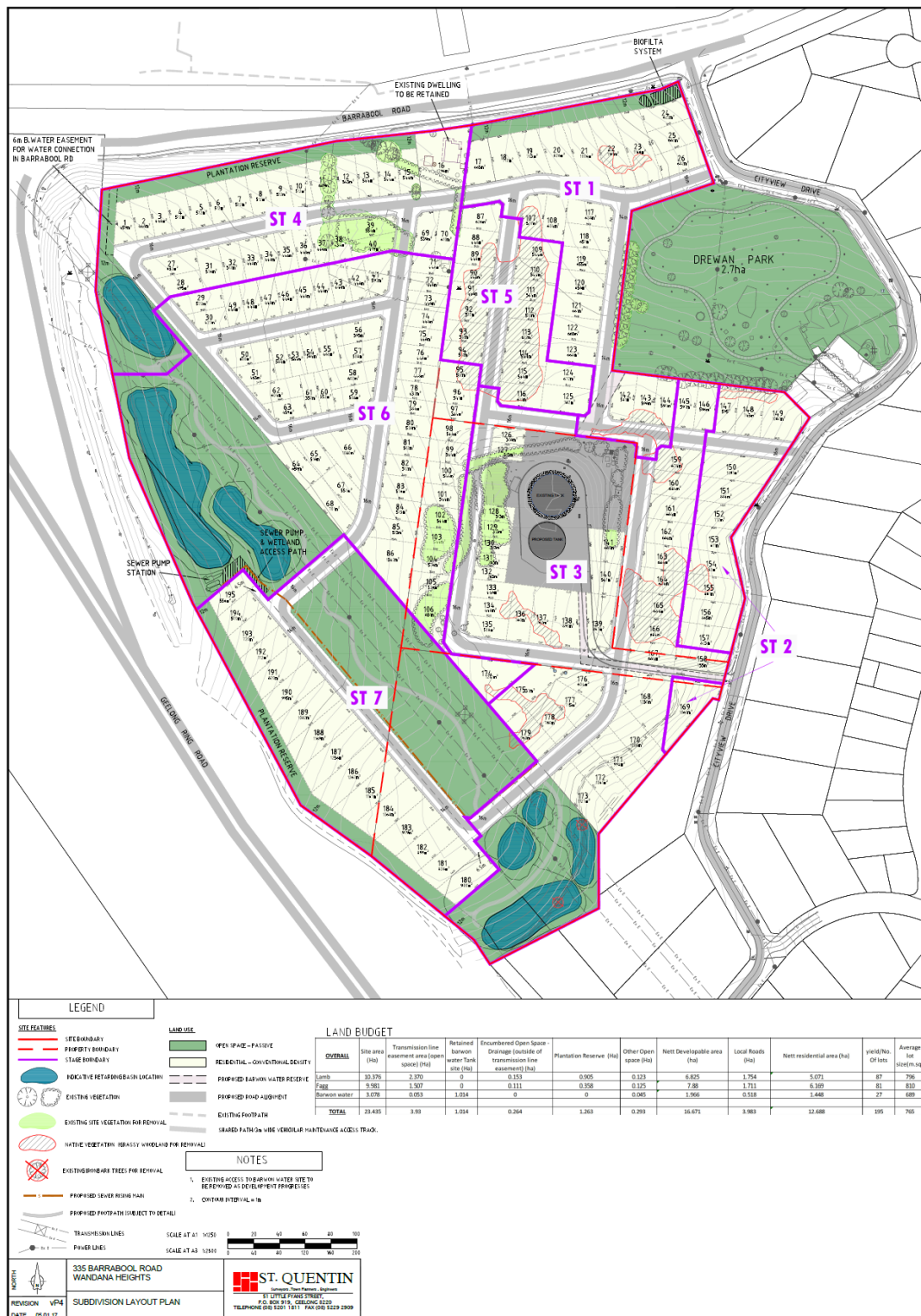


Scale 1 : 4867

Attachment 4 - Exhibited plan of subdivision – Planning Permit 392/2015



Attachment 5 - Revised plan of subdivision (dated 05.01.17)



Attachment 6 - Amendment C331 to be adopted

Planning and Environment Act 1987

GREATER GEELONG PLANNING SCHEME

AMENDMENT C331

INSTRUCTION SHEET

The planning authority for this amendment is the Greater Geelong City Council.

The Greater Geelong Planning Scheme is amended as follows:

Planning Scheme Maps

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

Zoning Maps

1. Amend Planning Scheme Map No. 47 in the manner shown on the 1 attached map marked "Greater Geelong Planning Scheme, Amendment C331".

Overlay Maps

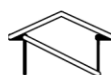
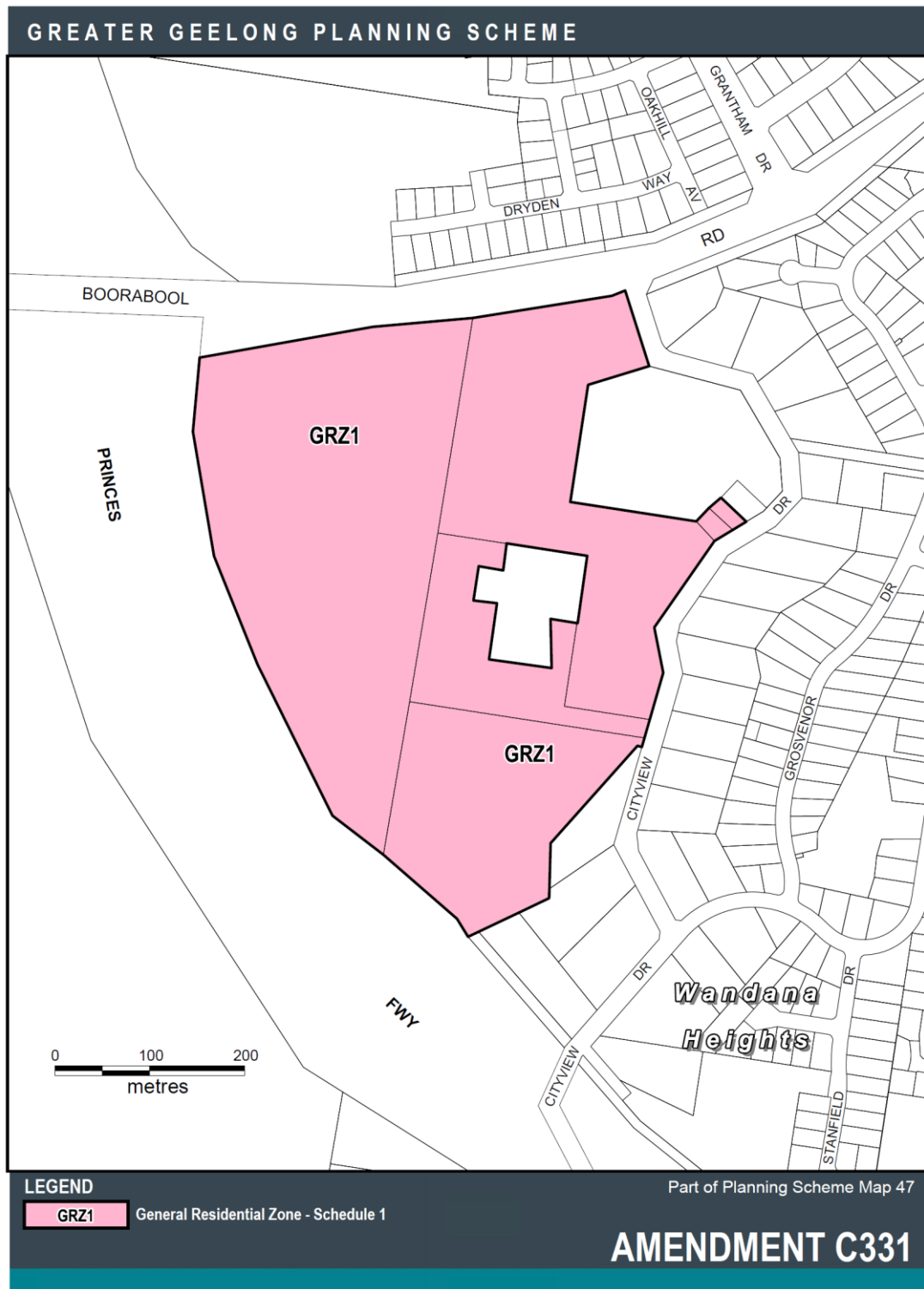
2. Amend Planning Scheme Map No. 47DPO in the manner shown on the 1 attached map marked "Greater Geelong Planning Scheme, Amendment C331".

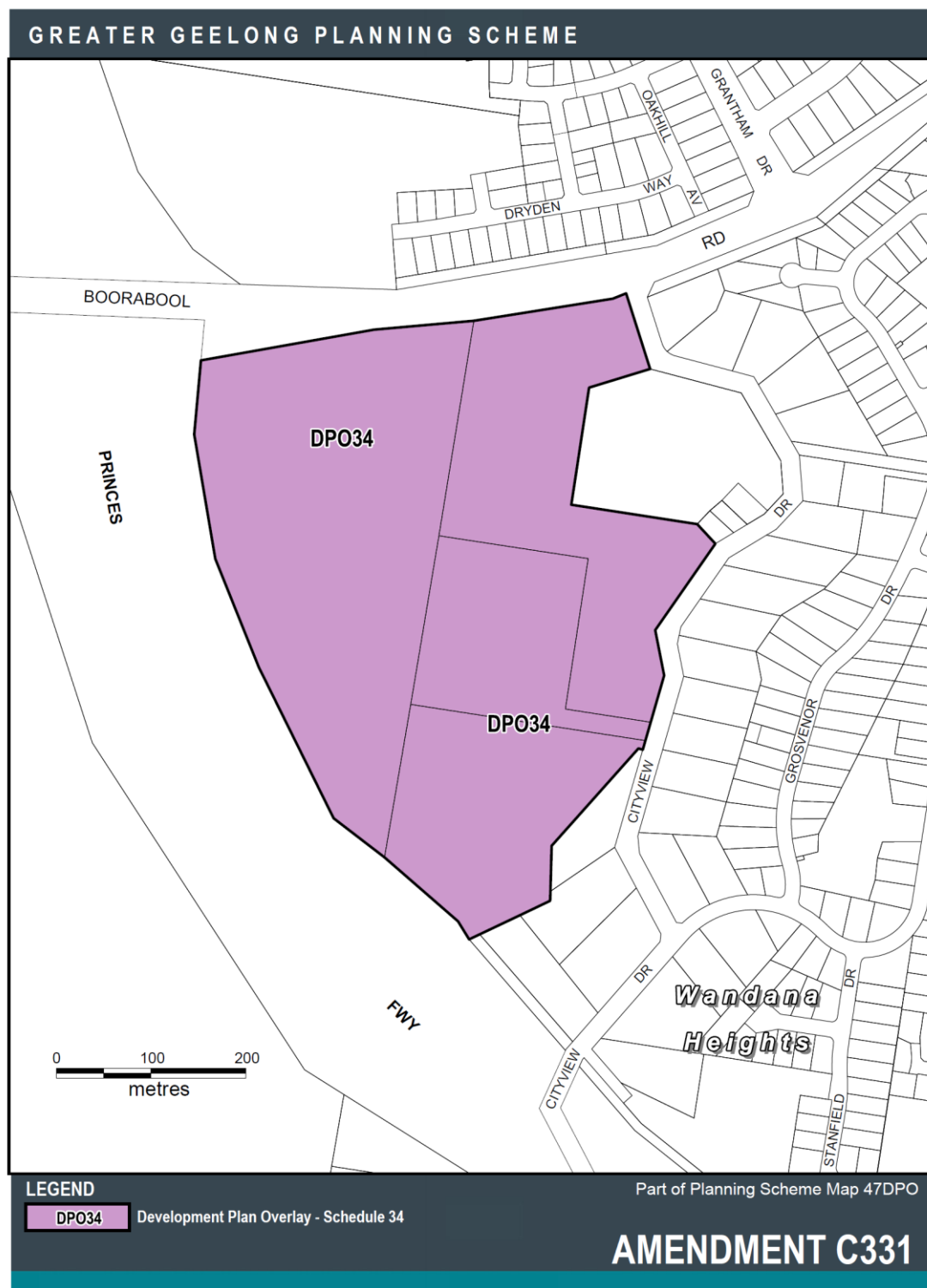
Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In Overlays – Clause 43.04, insert a new Schedule 34 in the form of the attached document.

End of document





GREATER GEELONG PLANNING SCHEME

DD/MM/YY
C331

SCHEDULE 34 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO 34**.

BARRABOOL ROAD AND CITYVIEW DRIVE, WANDANA HEIGHTS

This Schedule applies to land generally west of Cityview Drive, south of Barrabool Road and east of the Geelong Ring Road, Wandana Heights, being 335 Barrabool Road and 41-63, 65 and 67 Cityview Drive.

The objective of this Schedule is to ensure 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.

1.0

DD/MM/YY
C331

Requirement before a permit is granted

A permit may be granted before a Development Plan has been approved if the permit is for:

- an extension, addition or modification to an existing building or development;
- the staged subdivision, associated earthworks, native vegetation removal and road access generally in accordance with a planning permit issued for planning application number 392/2015, including any amendments to that permit.

2.0

DD/MM/YY
C331

Conditions and requirements for permits

A permit must contain conditions or requirements which give effect to the provisions and requirements of an approved Development Plan.

A permit must contain a condition specifying that a statement of compliance for the subdivision of the subject land must not be issued until the owner has entered into an agreement(s) with the Council pursuant to Section 173 of the *Planning and Environment Act 1987* in relation to:

- payment of infrastructure contributions; and
- a public open space contribution comprising works-in-kind to Drewan Park, to be agreed to the satisfaction of the responsible authority, at 50% of the value of total public open space contributions, with the remainder of public open space contributions to be paid as a cash contribution.

3.0

DD/MM/YY
C331

Requirements for development plan

Only one Development Plan may be approved for the entire area covered by this Schedule.

The objectives of the Development Plan are to:

- ensure integrated subdivision across the area;
- to minimise or avoid adverse off-site impacts;
- to ensure appropriate infrastructure provision; and
- to ensure appropriate interfaces between the development on the subject land and adjacent land.

The Development Plan must include the following:

- An indicative subdivision layout including areas set aside for residential development and other land uses, reserves for open space and drainage, indicative key road alignments, key easements and an indication of the range of lot sizes that:

GREATER GEELONG PLANNING SCHEME

- provides for integrated subdivision layout across the site;
- includes high voltage transmission line easements as encumbered public open space, with high levels of surveillance and road frontage where practicable;
- shows road access points to Cityview Drive and roads along the northern and western boundaries of Drewan Park;
- shows plantation reserves along the boundaries of Barrabool Road and the Geelong Ring Road;
- shows the general location of land to be retained by Barwon Water;
- provides appropriate interfaces between development on the subject land and Drewan Park, Cityview Drive, Barrabool Road, the Geelong Ring Road and the remaining Barwon Water tank site, including ensuring surveillance of public open space and a lot size transition between the subject land and the Low Density Residential Zone to the east of Cityview Drive; and
- takes advantage of key view lines, vistas and topography of the site.
- A Stormwater Management Plan that demonstrates drainage infrastructure would limit discharge of stormwater to pre-development levels and ensure no exacerbation of flooding potential downstream in the Kardinia Creek catchment.
- A Road Network and Traffic Management Plan that:
 - includes an internal road and pedestrian/cyclist movement network that provides a high level of access and connectivity both within and to and from the site;
 - identifies required upgrades to the external road network and external pedestrian/cyclist movement network, including pedestrian access to bus stops on the nearest public transport route; and
 - a road safety audit prepared by an appropriately qualified person and report addressing any safety issues identified by the audit.
- An Open Space and Landscape Masterplan that includes:
 - the landscaping theme for the residential subdivision of the site;
 - street tree planting; and
 - landscape treatments for public open space.
- Acoustic measures:
 - Noise measurements and modelling to determine whether any proposed residential property is predicted to have a noise level exceeding 63dBA (L10_{18hr}) based on predicted traffic volumes 10 years from anticipated completion of subdivision and, if such noise level is predicted to be exceeded, a plan for acoustic measures to be implemented as part of subdivision.

Attachment 7 Revised Planning Permit 392/2015

Planning and Environment Regulations 2015 - Form 9, Section 96J

PLANNING PERMIT

GRANTED UNDER SECTION 96I OF THE
PLANNING AND ENVIRONMENT ACT 1987

Permit No.: 392/2015

Planning scheme: Greater Geelong

Responsible authority: City of Greater
Geelong

ADDRESS OF THE LAND: 335 BARRABOOL ROAD AND 41-63, 65 & 67 CITYVIEW DRIVE, WANDANA HEIGHTS

THE PERMIT ALLOWS: MULTI LOT RESIDENTIAL SUBDIVISION AND REMOVAL OF VEGETATION

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans Required

1. Prior to the certification of the Plan of Subdivision, 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 Subdivision Layout Plan (Revision vP4) dated 05.01.17, but modified to show:
 - a) Plantation reserves at a minimum 10 m width. Maintenance access track and entry/egress/turnaround points must also be shown within each plantation reserve;
 - b) Any encumbered passive open space (within transmission and powerline easements and/or drainage reserves) to be shown as a municipal reserve;
 - c) Provision of a footpath connecting to the local footpath network in the vicinity of the boundary of any lots abutting Drewan Park;
 - d) Details of all boundary fencing to the Drewan Park reserve. Fencing must be maximum 1.8m high and permeable;
 - e) Pedestrian access to bus stops on the nearest public transport route;
 - f) Any changes to the lot or road layout as a result of the acoustic measures to be implemented under Condition 40 of this permit; and
 - g) Vehicular access to Lots 24, 25 and 26 from Cityview Drive designed to show:

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
---------------------	---	---

Planning and Environment Regulations 2015 - Form 9. Section 96J

- i. location of the vehicle crossover for each lot to the satisfaction of the Responsible Authority;
- ii. design details of the left turn lane and associated road design to the satisfaction of the Responsible Authority;
- iii. location of no stopping restrictions along the frontage of the lots; and
- iv. provision of indented parking to the satisfaction of the Responsible Authority.

Endorsed Plans

2. The layout and site dimensions of the proposed subdivision as shown on the endorsed plan(s) shall not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plans.

Drainage

3. The stormwater drainage system on the site must be designed so that stormwater runoff exiting the land meets the current best practice performance objectives for stormwater quality, as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) as follows:
 - 80% retention of the typical annual load of suspended solids;
 - 45% retention of the typical annual load of total phosphorous;
 - 45% retention of the typical annual load of total nitrogen; and
 - 70% retention of the typical annual load of gross pollutants.

Servicing Authorities

4. The owner of the land must enter into agreements with:
 - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network (NBN) will not be provided by optical fibre.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:

Planning and Environment Regulations 2015 - Form 9, Section 96J

Prior to Certification

5. The Plan of Subdivision submitted for certification must include all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.
6. The plan of Subdivision submitted for Lots 24, 25 and 26 must include a restriction that specifies garages must have a minimum setback of 7 metres and that vehicle access to each lot must be in accordance with the plans endorsed under Condition 1 g) of this permit.

Engineering Plans

7. Prior to the Certification of any stage of the subdivision, the developer is required to submit detailed road and drainage construction plans to the Responsible Authority for approval. The Consulting Engineer must show that the design complies with the requirements of the Infrastructure Design Manual and any other relevant standards.

The plans must include, but not limited to:

- a) Roadwork construction plans and specifications which include details of the following:
 - i. fully sealed pavement with kerb and channel for new internal roads;
 - ii. kerb and channel along the western side of Cityview Drive, from Barrabool Road to Drewan Park and from the second new intersection southward to and including the frontage of 67 Cityview Drive;
 - iii. any external roadworks and treatments, including pedestrian access (with associated informal pedestrian crossing of Barrabool Road) to the nearest bus stops, inbound and outbound, on Grantham Drive;
 - iv. concrete footpaths;
 - v. line-marking and signage installation - including street name signs;
 - vi. street lighting; and
 - vii. traffic management controls.
- b) Drainage construction plans and specifications, in accordance with the Surface Water Management Plan – November 2015 and the Water Quality Strategy 16 Dec 2015, which include details of the following:
 - i. pits and pipes sizes,
 - ii. finished and existing surface levels,
 - iii. creation of appropriate easements,
 - iv. detention basin(s) including any required drainage reserves,
 - v. water quality treatment infrastructure, and
 - vi. connection to the legal point(s) of discharge.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
---------------------	---	---

Planning and Environment Regulations 2015 - Form 9, Section 96J

- c) Minimum finished surface levels on all lots must be 300mm above the relevant 1% AEP flood level.
 - d) Detailed Road and Drainage Design Plans for any stage that result in flood levels on existing properties being adversely affected by the proposed works will not be approved for construction.
8. Prior to the Certification of any stage of the subdivision, the design of the above ground basin wall in the south-east major retarding basin must be independently peer reviewed and assessed against current industry standards by an Engineer qualified in the design of dams. The report and all recommendations on the design must be forwarded to Council's Engineering Unit.

Traffic Engineering

9. Prior to the Certification of any stage of the subdivision, a Local Area Traffic Management (LATM) plan must be developed with Council's Traffic Engineering Unit. Treatments to be considered include, but are not limited to, splitter islands, pedestrian refuges, raised pavements, modified T intersections, line marking, signage and parking controls. A Street Naming Layout Plan must also be included with the plan.
10. Prior to the Certification of any stage of the subdivision, the developer is required to submit a functional layout plan of the Barrabool Road/Cityview Drive intersection to the Responsible Authority for approval. This functional layout plan is to include provision of separate left and right turning lanes from Cityview Drive to Barrabool Road to cater for the expected traffic generated by the development, a splitter island, footpath, signage and services.

Construction Management Plan

11. Prior to the commencement of works for any stage of the subdivision, a Construction Management Plan shall be submitted and approved by the Responsible Authority and shall address items including (but not be limited to) the following:
- a) The protection of all existing vegetation and waterways;
 - b) Show access locations for construction vehicles;
 - c) All appropriate control of site emissions during construction and the defects liability period;
 - d) A staging plan for all construction phases including indicative dates for commencement and completion;
 - e) Intended access for construction vehicles;
 - f) Engineering assessment of assets that will be impacted on by construction and recommended techniques to minimise any adverse impact;
 - g) Details of actions to be implemented to in the event of damage to abutting assets;

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:

Planning and Environment Regulations 2015 - Form 9. Section 96J

- h) Details of where construction personnel will park;
- i) Hours/days of construction, including deliveries. (Note: These hours must be consistent with the Environment Protection Authority (EPA) legislation/guidelines);
- j) Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site;
- k) Details of site cleanliness and clean up regimes;
- l) Location of material storage;
- m) Dust suppression management;
- n) Any other measures that are consistent with the following Environmental Protection Authority publications: 'Environmental Management Guidelines for Major Construction Sites', 'Construction Techniques for Sediment and Pollution Control' and 'Doing it Right on Subdivisions';
- o) The plan must address control of site emissions during construction and the defects liability period to the satisfaction of the Responsible Authority;
- p) The plans must include measures to be taken to ensure that no polluted water and/or sediment laden runoff is to be discharged directly or indirectly into stormwater drains or watercourses during the construction period; and
- q) The CMP must be prepared in accordance with the EPA – Guideline for Environment Management, Doing it Right on Subdivisions, Publication 960, September 2004 and CCF Environmental Guidelines for Civil Constructions, 2.

All development and works must be carried out in accordance with the Construction Management Plan, to the satisfaction of the Responsible Authority.

Fill

- 12. Prior to the commencement of works for any stage of the subdivision, a Soil Management Protocol to be prepared by a qualified expert must be submitted to the Responsible Authority for approval in accordance with the recommendations of the Preliminary Environmental Site Assessment, 24 February 2015, Golder Associates.
- 13. Excavated material shall not be carted off the site except with the written approval of the Responsible Authority.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:

Planning and Environment Regulations 2015 - Form 9, Section 96J

14. No material shall be brought onto the site for use as filling within the subject area under this Permit, unless with the written approval of the Responsible Authority. Prior to any approval being issued by the Responsible Authority for imported filling to be used on the site, the applicant must submit for approval to the Responsible Authority, samples of proposed filling, details of the source of the filling, details of proposed traffic routes to be traversed, soil testing results and reports in regard to the presence of contaminants in the filling, and the suitability of filling to be placed on site.
15. All areas to be filled shall be stripped of vegetation and any top soil shall be removed and stockpiled for reuse over the filled areas. Only approved filling material shall be placed on the site. The filling shall be placed in maximum 150 mm layers, or as approved otherwise by the Responsible Authority, and compacted to the applicable level for filling on allotments and within future roadways in accordance with AS3798, to the satisfaction of the Responsible Authority.
16. All works must be undertaken in accordance with the recommendations of any geotechnical reports.

Prior to Statement of Compliance

17. The owner of the subject land must provide Public Open Space contributions equivalent to 10 per cent of the site value of all of the land in the subdivision pursuant to the Schedule to Clause 52.01 of the Greater Geelong Planning Scheme by:
 - a) Providing works-in-kind in Drewan Park, to be agreed to the satisfaction of the Responsible Authority, at 50% of the value of total Public Open Space contributions; and
 - b) Cash-in-lieu comprising the remainder of the Public Open Space contributions not provided as works-in-kind.

The contribution will be payable prior to the issue of a Statement of Compliance for each stage of the subdivision.
18. Prior to the issuing of a Statement of Compliance for any stage of the subdivision, road and drainage works, including basin(s), must be constructed in accordance with the approved plans and specifications to the satisfaction of the Responsible Authority.
19. The design and construction of civil infrastructure to become council assets must be approved and supervised by council. A fee of 3.25% of the cost of the works is to be paid to council for the checking and supervision of these works.
20. A maintenance bond of 5% of the cost of civil works is to be paid to council and will be returned after successful completion of a 12 month maintenance period. A maintenance bond of 5% and a 24 month maintenance period applies to wetland vegetation.
21. Prior to the issue of a Statement of Compliance for the relevant stage of subdivision, relevant street sign/s must be erected to the satisfaction of the Responsible Authority.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:

Planning and Environment Regulations 2015 - Form 9. Section 96J

22. Prior to the issue of a Statement of Compliance for the relevant stage of subdivision, street lighting must be provided within the site and along external frontages in accordance with the relevant Australian Standard(s), unless otherwise agreed in writing by the Responsible Authority and unless it can be demonstrated that existing street lighting is sufficient for public safety to the satisfaction of the Responsible Authority.
23. Before the issue of Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the item; and
 - b) a suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Section 173 Agreement

24. Prior to the issue of Statement of Compliance for any stage of the subdivision, the owner must enter into an agreement with Council under Section 173 of the *Planning and Environment Act 1987* providing for the following:
- a) The owner must pay a total infrastructure contribution of \$2,670 per lot, indexed at CPI at the date of payment, prior to the issue of a Statement of Compliance for each stage of the subdivision;
 - b) Prior to the issue of Statement of Compliance for each stage of the subdivision, the owner must pay the cash component of the public open space contribution; and
 - c) Unless otherwise agreed with Council, prior to the issue of Statement of Compliance for Stage 6 of the subdivision (as shown on the Subdivision Layout Plan (Revision vP4) dated 05.01.17, as modified), the owner must complete the works on the upgrade of Drewan Park, generally in accordance with an approved landscape plan and schedule of works to Council's satisfaction.

Works within Drewan Park

25. Prior to the Certification of any stage of the subdivision, a plan identifying the Cypress tree plantations located on the southern and western boundaries of Drewan Park must be submitted to and approved by the Responsible Authority. The plan shall identify these trees for removal.
26. The trees identified for removal under Condition 25 are to be removed prior to Statement of Compliance of the relevant stage, with the consent of the Responsible Authority and at the cost of the developer.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:

Planning and Environment Regulations 2015 - Form 9, Section 96J

27. Unless otherwise approved by the Responsible Authority, prior to Statement of Compliance of the relevant stage, trees within Drewan Park that will be removed must be offset via a cash contribution payable to Council at the rate of 3 new trees for each existing tree removed to the satisfaction of the Responsible Authority.

Offset planting will be undertaken by Council within Drewan Park. Contributions payable to Council for offset tree planting shall be determined by Council's Tree Management Unit at a rate which covers the following costs:

- purchase of new replacement trees in minimum 40cm containers
 - planting the replacement trees
 - aftercare and maintenance of the replacement trees for a period of no less than two years.
28. Prior to any works commencing in the reserve, the following must be provided to the satisfaction of the Responsible Authority:
- Public liability and professional indemnity insurance
 - Evidence of suitable communication to neighbouring land owners and residents
 - A site safety plan including:
 - Works Methodology
 - Pedestrian management
 - Exclusion zone fencing
29. Prior to statement of Compliance for the relevant stage, the applicant shall be responsible for ensuring that all works within Drewan Park are remediated to the satisfaction of the Responsible Authority. Any works proposed within Drewan Park shall be undertaken at the applicant's expense at no cost to Council.

Landscape Master Plan

30. Unless otherwise approved in writing by the Responsible Authority, prior to the Certification of the first stage of the subdivision, a landscape master plan (incorporating a street tree master plan) prepared by a person suitably qualified or experienced in landscape design, must be approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three hard copies plus an electronic copy must be provided. The landscape master plan must show and include:
- a) All land that is to be vested as a Council reserve including but not limited to, Public Open Space Reserves, Road reserves, Lineal Reserves, Plantation Reserves, Drainage Reserves and other reserves for municipal purposes;
 - b) Any easements within council reserves;
 - c) A survey (including location, size and botanical name) of all existing trees proposed to be retained on the land;
 - d) The proposed Q100 event extent;
 - e) The landscaping theme and graphical concepts to be developed for the subdivision;

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:

Planning and Environment Regulations 2015 - Form 9, Section 96J

- f) The proposed species to be used for and general layout of street tree planting in various stages of the subdivision including the proposed planting theme for all secondary frontages of corner allotments;
- g) Shared pathway locations and linkages through the permit area and in the vicinity of lots abutting Drewan Park;
- h) The style and location of permeable fencing for all lots abutting reserves (except road reserves);
- i) A solid fence to the existing boundary of 99-101 Cityview Drive adjacent to the south-east major retarding basin;
- j) Maintenance access/egress points and vehicle exclusion treatments to all reserves;
- k) Any proposed Public Art which must comply with the requirements of Council's Art and Culture Department; and
- l) Utility service substations, kiosk sites and the like must not be located on any land identified as public open space or land to be used for any municipal purpose unless otherwise agreed in writing by the responsible authority.

Note: A copy of the street tree master plan must be provided to Powercor Australia and the Electrical Consultant applicable to the site prior to it being endorsed. Evidence shall be provided to this effect to Council.

Landscape Plan

31. Unless otherwise approved in writing by the Responsible Authority, prior to the Statement of Compliance being issued for each relevant stage of the subdivision, a detailed landscape plan for the stage, prepared by a person suitably qualified or experienced in landscape design, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and three hard copies plus an electronic copy must be provided. The plan must address and be consistent with any endorsed landscape master plan and must show:
- a) The proposed Q10 and Q100 events extent;
 - b) Any tree(s) proposed for retention within a Council reserve for any stage of the development must be independently assessed by a suitably qualified arborist which details suitability for retention and ongoing management recommendations for the tree(s). The detailed landscape response for the area in which the tree(s) are located must be informed by the arboricultural assessment;
 - c) New plantings including their layout in any road reserves, municipal reserves and stormwater management elements;

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:

Planning and Environment Regulations 2015 - Form 9. Section 96J

- d) A detailed planting schedule of all proposed trees, shrubs, groundcovers and aquatic planting (with zonation detail), including botanical names, common names, pot sizes, sizes at maturity, quantities and densities of each plant;
- e) The proposed layout, materials and finishes of paths, areas of pavement, structures, fences, maintenance vehicle access crossovers maintenance access gates and street furniture;
- f) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls;
- g) Detailed planting and construction drawings of any drainage and WSUD infrastructure within public reserves;
- h) Permeable fence design details for lots abutting open space reserves and Council reserves (except road reserves). Fencing detail must be to Council specifications;
- i) Additional supporting information, such as certified structural designs or building forms;
- j) The removal of existing disused structures, foundations, pipelines, farm dams or stockpiles and the eradication of weeds;
- k) Details of all infrastructure within the road reserve including but not limited to power (High Voltage & Low Voltage), water mains, gas mains, fire plugs, street lights, stormwater pits etc);
- l) All proposed street tree planting using semi-advanced trees with a minimum container size of 45 litres;
- m) The proposed tree species for all secondary frontages of corner allotments using street trees no larger than 5 x 4 metres at maturity and capped to two (2) only;
- n) The maintenance schedule for all proposed landscaping, including hard and soft landscaping elements; and
- o) Landscaping treatment of any road reserve abutting public open space.

Completion of Landscape Works

32. Unless otherwise approved in writing by the Responsible Authority, the landscaping works shown on the approved landscape plan for a particular stage must be completed to the satisfaction of the responsible authority prior to the issue of a Statement of Compliance for that stage.

A practical completion inspection is required and must be arranged by the permit holder with two weeks notice provided for onsite inspections. The incomplete landscape works bond will be returned on award of practical completion.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
---------------------	---	---

Planning and Environment Regulations 2015 - Form 9. Section 96J

33. Where landscaping works forming part of the endorsed plans are not completed to the satisfaction of the Responsible Authority prior to the applicant seeking a Statement of Compliance for all, or a particular stage of a subdivision, the Responsible Authority may issue a Statement of Compliance where the works are appropriately bonded to the satisfaction of the Responsible Authority. The incomplete landscape works bond or bank guarantee must be 125 per cent of the estimated cost of incomplete landscape works including maintenance for a minimum 24 months Unless otherwise agreed in writing by the Responsible Authority the bonded works must be completed within one year of the date of the lodgement of the bond.
34. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of practical completion of landscaping works, or any other time as agreed by the responsible authority, the following must be provided to the responsible authority:
- a) Building permits and structural engineering compliance where necessary;
 - b) Landscaping maintenance plan;
 - c) Schedule of Quantities showing the financial value of all landscaping assets; and
 - d) As-built landscaping plans in PDF and GIS-ready AutoCAD (DXF) format.
35. Unless otherwise agreed in writing by the Responsible Authority, a maintenance bond must be submitted to the Responsible Authority on application for practical completion of landscaping works. The maintenance bond or bank guarantee must be 125 per cent of the estimated cost of maintenance of landscape works for a two (2) year period.

Maintenance of Landscaping

36. The landscaping shown on any endorsed landscape plan (including trees approved for retention) for a particular stage must be maintained, to the satisfaction of the Responsible Authority for a period of no less than two (2) years from the date of practical completion of the landscaping unless otherwise agreed in writing by the Responsible Authority.
37. At the conclusion of the maintenance period, a handover inspection must be organised by the permit holder with two weeks notice given for onsite inspections. The landscape maintenance bond will be returned on award of Handover.
38. No Handovers will be accepted during the summer months from 1 December to 28 February inclusive.

CCMA

39. That the drainage system be constructed in accordance with the Surface Water Management Strategy Final Report (Water Technology November 2015) and Wandana Heights Water Quality Strategy Report (Biofit Dec 2015).

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:

Planning and Environment Regulations 2015 - Form 9, Section 96J

VicRoads

40. Before the certification of any stage of the Plan of Subdivision abutting the Geelong Ring Road or Barrabool Road, the applicant must undertake noise measurements and modelling to determine whether any proposed residential property is predicted to have a noise level exceeding 63dBA (L10_{18hr}) based on predicted traffic volumes 10 years hence.

If such investigations indicate that such noise levels would be exceeded, a plan for acoustic measures to be implemented as part of the development of the subdivision must be submitted to and approved by the Responsible Authority.

41. Before approving the plan the Responsible Authority must refer the proposed plan to VicRoads and have regard to any submission VicRoads might make in relation to the plan.
42. Before the issue of a statement of compliance, the following road works must be completed at no cost to, and to the satisfaction of the Roads Corporation (VicRoads):
- a) The approved plan for acoustic measures must be implemented to the satisfaction of VicRoads and the Responsible Authority.
 - b) Splitter Island installed at Cityview Drive intersection with Barrabool Road.
43. Prior to the works on the Geelong Ring Road reserve commencing, the applicant must enter into a works agreement with VicRoads, confirming design plans and works approvals processes, including the determination of fees and the level of VicRoads' service obligations.
44. Direct access from the subdivisional lots to the Geelong Ring Road and Barrabool Road is not permitted. All subdivisional lot access shall be to the internal subdivisional roads.
45. No Drainage or sillage must be discharged on to the Geelong Ring Road or Barrabool Road road reserves without the written permission of VicRoads.

Barwon Water

General

46. The owner shall create easements for Pipelines or Ancillary Purposes and or reserves in favour of Barwon Region Water Corporation on the plan of subdivision in accordance with Barwon Water's Land Development Manual, without cost to Barwon Water, over existing and proposed water and sewerage infrastructure within the land. This includes a new reserve from the development to Barrabool Road closer to the western end of the land. If further easements or reserves are required following design of water and sewerage infrastructure these must be added to the plan of subdivision prior to seeking Barwon Water's consent to the issue of a statement of compliance for the subdivision.
47. The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:

Planning and Environment Regulations 2015 - Form 9, Section 96J

48. Barwon Water has strategic 375mm (x2) and 225mm water mains leading in and out of the existing Water Supply Tank site. These mains are to be contained within the road reserve or the developer is to create a reserve in favour of Barwon Water over these mains in accordance with Barwon Waters Land Development Manual. Any reserve created is to be at no cost to Barwon Water.

Water

49. The provision and installation of individual water services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations.
50. The payment of New Customer Contributions for each additional lot created and/ or each additional metered connection for water supply within the subdivision.
51. An additional tapping(s) is to be supplied to service the proposed development. Note that tapplings and services are not to be located under existing or proposed driveways.
52. Barwon Water's records indicate that an existing water service and meter is located on this property. A dimensioned plan showing the location of existing meters, and the location of the meter relative to the existing boundaries, and its number, is to be submitted. Private water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.
53. Reticulated water mains are required to service the proposed development.

Sewer

54. The provision of sewerage services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. Individual allotment house connection drains are to be provided for and extend into each allotment.
55. The payment of New Customer Contributions for sewer for each additional lot created and/or each additional metered connection within the subdivision.
56. Reticulated sewer mains are required to service the proposed development.
57. Additional sewerage assets are required to service this development. The creation of assets is additional to the internal works required for which the developer will be responsible to provide. The assets required are a Sewerage Pump Station (SPS) and Rising Main (RM) located approximately 100 m west of the Barwon Water tank site.

DELWP Conditions

58. In order to offset the removal of 1.372 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with Permitted clearing of native vegetation - Biodiversity assessment guidelines (DEPI, 2013) and Native vegetation gain scoring manual (DEPI, 2013).

The offset must contribute a gain of 0.026 general biodiversity equivalence units with the following attributes:

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:

Planning and Environment Regulations 2015 - Form 9, Section 96J

- a) be located within the Corangamite CMA boundary or Greater Geelong municipal district; and
 - b) have a strategic biodiversity score of at least 0.08.
59. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the Responsible Authority. The offset evidence can be:
- a) a security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan; and/or
 - b) an allocated credit extract from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

60. Before works start, a plan to the satisfaction of the Responsible Authority identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.

Ausnet Services

- 61. Written agreement to the final plan of subdivision for each stage of development must be obtained from Ausnet Transmission Group prior to Certification.
- 62. The plan of subdivision must show the Ausnet Transmission Group easement fully dimensioned on all affected lots.
- 63. Access to the transmission tower on site must be maintained at all times for Ausnet Transmission Group vehicles, staff and contractors. Likewise, provision should be made, in consultation with Powercor, for ongoing access to the 66kV poles within the easement. Powercor should also be consulted regarding the required distance of lot boundaries from the 66kV poles in the easement.
- 64. Details of road construction and the installation of services within the easement must be submitted to Ausnet Transmission Group and approved in writing prior to the commencement of works on site.
- 65. Natural ground surface levels on the easement must not be altered by the stockpiling of excavated material or by landscaping without prior written approval from Ausnet Transmission Group.
- 66. Vehicles and equipment exceeding 3 metres operating height are not permitted on the easement during construction without prior written approval from Ausnet Transmission Group.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
---------------------	---	---

Planning and Environment Regulations 2015 - Form 9, Section 96J

67. All future works within the easement must be submitted to Ausnet Transmission Group and approved in writing prior to commencement of work on site.

Powercor

68. There are to be no basins, embankments or structures constructed under the existing 66kV Powercor subtransmission line, which may reduce the clearance from ground to our existing overhead wires.
69. Any basin, embankment or structure constructed within Powercor's existing easement, need to ensure that enough space is allocated for vehicles (including trucks) to access all 66kV Powercor Subtransmission poles.
70. All constructed basins, embankments and structures are to be a minimum 10m clear of all 66kV Powercor Subtransmission poles.

Subdivision Expiry

71. This permit as it relates to subdivision will expire if one of the following circumstances applies:
- a) The plan of subdivision has not been certified within two (2) years of the date of this permit.
 - b) A statement of compliance is not issued within five (5) years of the date of certification.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

Note:

1. Council is not liable for the management and maintenance of any Barwon Water land made available for public use on this site. The Barwon Water reserve, access and all liability is the responsibility of Barwon Water.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
---------------------	---	---

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C331 to the Greater Geelong Planning Scheme.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

Attachment 8 Model Section 173 Agreement



Maddocks

Lawyers
140 William Street
Melbourne Victoria 3000 Australia

Telephone 61 3 9288 0555
Facsimile 61 3 9288 0666

info@maddocks.com.au
www.maddocks.com.au

DX 259 Melbourne

Date / /

Agreement under section 173 of the Planning and Environment Act 1987

Subject Land: Barrabool Road and 41-63, 65 and 67 Cityview Drive, Wandana Heights

Purpose of Agreement: Infrastructure Contributions and Public Open Space Contributions

City of Greater Geelong
and

[insert landowner]



Maddocks

Contents

1.	Definitions	3
2.	Interpretation	4
3.	Obligations of the Owner	5
3.1	Infrastructure Contribution	5
3.2	Public Open Space Contribution	5
3.3	Indexation of Infrastructure Contribution	6
4.	Acknowledgements of Council	6
5.	Further obligations of the Parties	6
5.1	Notice and registration	6
5.2	Further actions	6
5.3	Council's costs to be paid	6
5.4	Interest for overdue moneys	6
5.5	Localised Infrastructure	7
6.	Agreement under section 173 of the Act	7
7.	Owner's warranties	7
8.	Successors in title	7
9.	General matters	7
9.1	Notices	7
9.2	No waiver	8
9.3	Severability	8
9.4	No fettering of Council's powers	8
9.5	Inspection of documents	8
9.6	Governing law	8
10.	GST	8
10.1	GST Act	8
10.2	Exclusive of GST	8
10.3	Recipient must pay	8
10.4	Tax invoice	8
11.	Commencement of Agreement	9
12.	Ending of Agreement	9
	Schedule 1	10
	Schedule 2	10
	Schedule 3	11



Maddocks

Agreement under section 173 of the Planning and Environment Act 1987

Dated / / **2017**

Parties

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

Background

- A. Council is the responsible authority pursuant to the Act for the Planning Scheme. Council is also the planning authority for Amendment C331 to the Planning Scheme.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. The Subject Land is within an area that is being developed for urban purposes. Amendment C331 proposes to:
 - C.1 rezone the Subject Land from Farming Zone and Public Use Zone (Schedule 1) to General Residential Zone Schedule 1 under the Planning Scheme; and
 - C.2 apply other planning controls as appropriate to the Subject Land.
- D. Planning Permit 392/2015 allowing a multi-lot subdivision on the Subject Land is being considered concurrently with the preparation of Amendment C331 pursuant to Section 96A of the Act.
- E. The Owner and Council have agreed that the Subject Land will be liable for the Infrastructure Contribution.
- F. The Owner and Council also agree that:



Maddocks

- F.1 a 10% Public Open Space Contribution applies to the proposed subdivision of the Subject Land under Clause 52.01 of the Planning Scheme; and
- F.2 the Owner will provide 50% of the total Public Open Space Contribution as works-in-kind in Drewan Park, with the remaining 50% of the Public Open Space Contribution to be paid as a Cash-in-Lieu contribution.
- G. As at the date of this Agreement, parts of the Subject Land are encumbered by a mortgage in favour of the Mortgagee. Each Mortgagee consents to the Owner entering into this Agreement. **[where applicable]**
- H. The parties enter into this Agreement to:
 - H.1 record the terms and conditions on which Council and the Owner have agreed for the Owner to pay the Infrastructure Contribution; and
 - H.2 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

The Parties agree

1. Definitions

In this Agreement unless the context admits otherwise:

Act means the *Planning and Environment Act 1987*.

Adjustment Index means the annual CPI (all groups) Melbourne as published by the Australian Bureau of Statistics.

Agreement means this agreement.

Amendment C331 means Amendment C331 to the Planning Scheme prepared by Council in its capacity as the Planning Authority.

Approved Development Plan means a development plan approved by Council in accordance with a Development Plan Overlay to be applied to the Subject Land by Amendment C331.

Cash-in-Lieu Contribution means a cash amount being 50% of the total amount of the Public Open Space Contribution to be made by the Owner in respect of the Subject Land.

Drewan Park Landscape Concept Plan means the Drewan Park Landscape Concept Plan prepared by Tract, dated 19.05.2017 and as amended from time to time and approved by Council .

Dwelling has the same meaning as in the Planning Scheme but also includes a residence that is provided as part of Retirement Village or Aged Care Facility

Infrastructure Contribution means the contribution specified in Schedule 2 required to be made in respect of each Residential Lot or each Dwelling as the case may be in accordance with clause 3.1.

Localised Infrastructure means works, services or facilities necessitated by the subdivision or development of land including but not limited to provision of utility services such as water supply, stormwater drainage, sewerage, gas and electricity services, telecommunications



Maddocks

infrastructure and local roads, bridges, culverts and other water crossings, any required associated traffic control measures and devices.

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

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

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

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

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

Public Open Space Contribution means the contribution required to be made in accordance with Clause 52.01 of the Planning Scheme.

Registrar of Titles means the Victorian Registrar of Titles.

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

Schedule means a schedule to this Agreement.

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

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

2. Interpretation

In this Agreement unless the context admits otherwise:

- 2.1 The singular includes the plural and vice versa.
- 2.2 A reference to a gender includes a reference to each other gender.
- 2.3 A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- 2.4 If the Owner comprises more than one party, then this Agreement binds them jointly and each of them severally.
- 2.5 A term used in this Agreement has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the meaning as defined in the Act.
- 2.6 A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.



Maddocks

- 2.7 The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.
- 2.8 The obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land provided that if the Subject Land is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot.

3. Obligations of the Owner

3.1 Infrastructure Contribution

The Owner covenants and agrees that subject to this Agreement, the Owner must pay the Infrastructure Contribution –

- 3.1.1 prior to the issue of a Statement of Compliance in respect of any Plan of Subdivision; or
- 3.1.2 prior to the issue of an Occupancy Permit or the like under the *Building Act 1993* if there is no subdivision.

3.2 Public Open Space Contribution

The Owner covenants and agrees that, subject to this Agreement, the Owner must satisfy its obligation to make the Public Open Space Contribution in accordance with the following:

- 3.2.1 Unless otherwise agreed with Council, prior to a Statement of Compliance for Stage 6 of the subdivision of the Subject Land (as shown on the Subdivision Layout Plan Revision vPV4 dated 05.01.17), the Owner must complete upgrade works to Drewan Park such that the value of those upgrade works is equal to 50% of the value of the Public Open Space Contribution.¹
- 3.2.2 The upgrade works which the Owner is required to undertake² under clause 3.2.1 are to be:
- (a) carried out generally in accordance with the Drewan Park Landscape Concept Plan; and
 - (b) in accordance with a detailed Landscape Plan to be approved by Council prior to the upgrade works being commenced ; and
 - (c) selected from the Schedule of Works at Schedule 3 of this Agreement; and
 - (d) the items selected from the Schedule of Works in Schedule 3 are to be approved by Council.

¹ The Owner should note that the land rezoned under Amendment C331 is owned by at least 4 different owners and there is an identical agreement in place for each owner. Council understands that each owner has entered into an agreement with Villawood Pty Ltd to project manage the development of the land affected by Amendment C331 as a co-ordinated urban development. This section 173 agreement imposes an identical obligation on each landowner to undertake the upgrade works (as well as pay the Cash-in-Lieu Contribution). However, it is the responsibility of the owners acting collectively to arrange between themselves their proportional liabilities in respect of the upgrade works. Under this agreement, if the upgrade works are not carried out, Council may enforce the agreement against each land owner collectively or any individual landowner. Council does not have an agreement with Villawood Pty Ltd.

² See Footnote 1 above.



Maddocks

- 3.2.3 Prior to the issue of a Statement of Compliance for each stage of the subdivision, the Owner must pay to Council the Cash-in-Lieu Contribution for that stage.

3.3 Indexation of Infrastructure Contribution

The Owner agrees that the amount of the Infrastructure Contribution is to be adjusted each year on 1 July after the date of execution of this Agreement by the Adjustment Index.

4. Acknowledgements of Council

Council acknowledges that it will apply any amount received under this Agreement in respect of the Infrastructure Contribution for the purpose of providing community facilities within Council's community services planning area 8 encompassing Highton, Belmont and Wandana Heights or for providing sub-regional community facilities in a nearby area.

5. Further obligations of the Parties

5.1 Notice and registration

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

5.2 Further actions

The Owner:

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

5.3 Council's costs to be paid

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

5.4 Interest for overdue moneys

- 5.4.1 Any amount due under this Agreement but unpaid by the due date incurs interest at the rate referenced in section 172 of the *Local Government Act 1989* and any payment made shall be first directed to payment of interest and then the principal amount owing.
- 5.4.2 Notwithstanding anything contained in this Agreement, no interest will begin to accrue unless the person obliged to make a payment has been specifically notified



Maddocks

in writing by the other party of the event which gives rise to the obligation to make the payment.

5.5 Localised Infrastructure

The Parties acknowledge and agree that:

- 5.5.1 in so far as this Agreement specifies a contribution to infrastructure, it relates only to community infrastructure not Localised Infrastructure; and
- 5.5.2 compliance with the obligations of this Agreement does not relieve the Owner of any obligation imposed by Council or a tribunal to provide Localised Infrastructure which obligation may be imposed as a requirement in a planning permit for the subdivision or development of the Subject Land.

6. Agreement under section 173 of the Act

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

7. Owner's warranties

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

8. Successors in title

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

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

9. General matters

9.1 Notices

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

- 9.1.1 personally on the person;
- 9.1.2 by leaving it at the person's current address for service;
- 9.1.3 by posting it by prepaid post addressed to that person at the person's current address for service;



Maddocks

9.1.4 by facsimile to the person's current number for service; or

9.1.5 by email to the person's current email address for service.

9.2 No waiver

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

9.3 Severability

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

9.4 No fettering of Council's powers

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

9.5 Inspection of documents

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

9.6 Governing law

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

10. GST

10.1 GST Act

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

10.2 Exclusive of GST

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

10.3 Recipient must pay

If GST is payable in respect of any supply made by a supplier under this Agreement, subject to clause 10.4 the recipient will pay to the supplier an amount equal to the GST payable on the supply at the same time and in the same manner as the consideration for the supply is to be provided under this Agreement.

10.4 Tax invoice

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



Maddocks

11. Commencement of Agreement

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

12. Ending of Agreement

- 12.1 On the issue of a Statement of Compliance for a Plan of Subdivision for Residential Lots created over the Subject Land or earlier by agreement with Council, the Agreement ends in respect of that part of the Subject Land in the Plan of Subdivision in accordance with section 177 of the Act provided that at all times, the Agreement must remain registered on the balance of the Subject Land.
- 12.2 Once this Agreement ends as to part of the Subject Land in accordance with clause 12.1 Council will, within a reasonable time, following a request from the Owner and at the cost of the Owner, execute all documents necessary to make application to the Registrar of Titles under section 183 of the Act to cancel the recording of this Agreement on the register as to that part of the Subject Land.
- 12.3 On completion of all the Owner's obligations in accordance with this Agreement, Council must as soon as practicable following the ending of this Agreement and at the request and at the cost of the Owner, execute all documents necessary to make application to the Registrar of Titles under section 183 of the Act to cancel the recording of this Agreement on the register.



Maddocks

Schedule 1

Subject Land

The Subject Land Certificate of title details are:

[to be inserted]

Schedule 2

Infrastructure Contribution

\$2670 per Residential Lot

or

\$2670 per Dwelling

indexed in accordance with this Agreement.



Maddocks

Schedule 3

Works referred to in clause 3.2.2(c)

[Insert hard copy of the document (as per attached link) being Schedule of Works Barrabool Road, Wandana Heights prepared by Tract Consultants].



SCHEDULE OF WORKS

BARRABOOL ROAD, WANDANA HEIGHTS

Prepared by Tract Consultants

EXCLUSIONS: Signage, lighting, public art, bulk earthworks, Telstra Reserve, tree removal, maintenance

DREWAN PARK UPGRADE WORKS

ITEM	DESCRIPTION	UNIT	QTY
1.0	SITE ESTABLISHMENT AND PRELIMINARIES		
	Site establishment including provisions of access, facilities, storage	item	1
	Preliminaries - survey setout, insurances, traffic management,		
	Hire and place temporary fencing to all boundaries	lm	368
	Arborist - tree removal, pruning and dead-wooding existing trees to make safe	item	1
	Rabbit baiting programme	item	
2.0	FINE GRADING AND GROUND PREPARATION		
	Form and shape earthworks and moundings to locations and heights shown on plans.	Item	1
	Mulched Tree Bed - cultivate subgrade to 150mm depth and place 150mm imported topsoil	m2	900
	Garden Bed - cultivate subgrade to 150mm depth and place 200mm imported topsoil	m2	225
3.0	DRAINAGE		
	Supply and installation of 90mm Subsoil Drains including filter fabric, crushed rock, backfilling and connection to closest existing Stormwater Pits as specified.	Item	1
4.0	HARDWORKS		
4.1	Paving & Surfaces		
	Pathway - 2.5m wide broom finished concrete	m2	1000
	Rubberised Softfall	m2	150
	Decorative Gravel	m2	100
	Feature Coloured Concrete	m2	100
4.2	Structure		
	Picnic Shelter	Item	1
	Toilet (single)	Item	1
	Proprietary play Equipment including swingset, combination slide/climbing unit	item	1
	Non proprietary 'Nature Play' items incl. logs, mounding, rockwork etc.	item	1
4.3	Edging		
	Concrete Edge to playground	lm	150
4.4	Furniture		
	Litter Bins	Each	3
	Picnic settings	Each	2
	Drinking Fountain	Each	1
	Push Button Electric BBQ	Each	1
	Benches	Item	3
4.5	Fencing		
	Low post & rail to reserve periphery	lm	330
5.0	SOFTWORKS		
5.1	Lawn		
	Hydroseed Grass	m2	2000
	Instant Turf	m2	200
5.2	Shrubs and Groundcovers		
	Tubestock	no.	1200
	150mm Pots	no.	900
5.3	Trees		
	Superadvanced Trees (150 Litre) 3-4m height	No.	15
	45 Litre Trees , 1.8m Height min, 25mm Cal	No.	30
	Native Trees (15 Litre Pots)	No.	50
5.4	Mulch		
	Mulch 75mm depth to garden bed areas	m2	230
	Softfall Mulch 200mm depth	m2	200
6.0	IRRIGATION		
	Subsurface Dripper system to garden beds	m2	225



Maddocks

Signing Page

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

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

.....
P Bettess

.....
Witness

Executed by ## ACN ## in accordance with)
s 127(1) of the *Corporations Act 2001*:)

.....
Signature of Director

.....
Signature of Director/Company Secretary

.....
Print full name

.....
Print full name

Signed Sealed and Delivered by ## in the)
presence of:)
)

.....
Witness



Maddocks

as Mortgagee³ of registered mortgage No. ## consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.

.....

**5. ADOPTION OF AMENDMENT C361 & PLANNING PERMIT 1000/2016 - 1
FYANS STREET & 4 PARK CRESCENT SOUTH GEELONG**

Source:	Planning and Development – Strategic Implementation
Director:	Peter Bettess
Index Reference	Application – C-361

Purpose

To adopt Planning Scheme Amendment C361 and recommend approval of planning permit 1000/2016.

Background

Amendment C361 proposes to rezone land at 1 Fyans Street and 4 Park Crescent South Geelong from General Residential Zone Schedule 1 to Residential Growth Zone Schedule 1. An accompanying permit 1000/2016 seeks approval for the existing “Shop” use and to extend the existing buildings at 1 Fyans Street together with a waiver of 6 car parking spaces. Exhibition of the combined Amendment/permit resulted in no submissions seeking any changes to the Amendment.

Key Issues

- This Amendment is being sought to essentially enable an established business (Totally Workwear) to carry out relatively modest extensions to its premises at 1 Fyans Street South Geelong so the business can expand.
- Despite a long history of commercial uses on this site, the proposed extensions to the existing Shop cannot be undertaken in accordance with the existing zone provisions, thus requiring the proposed rezoning.
- The proposed building extensions are considered unlikely to have any adverse amenity impacts on the surrounding residential area with the business being expected to continue operating in the same manner as it has been doing for many years.
- As no objecting submissions have been received as a result of the exhibition of the combined Amendment/permit, the Amendment can now be adopted and forwarded to the Minister for approval.

P Dorling moved, L Gardner seconded -

That Council:

- 1) adopts Amendment C361 in the form as outlined in Attachment 5 of this report;**
- 2) submits the adopted Amendment together with the prescribed information to the Minister for Planning requesting approval; and**
- 3) recommends to the Minister for Planning that Planning Permit 1000/2016 be approved in the form outlined in Attachment 6 of this report.**

Carried.

Attachment 1

Discussion

This proposal resulted from an application made by Fadgyas Planning Associates on behalf of Totally Workwear for a combined Amendment/permit to rezone land at 1 Fyans Street and 4 Park Crescent South Geelong from General Residential Zone Schedule 1 (GRZ1) to Residential Growth Zone Schedule 1(RGZ1).

The accompanying permit application seeks approval for the existing “Shop” use and to extend the existing premises at 1 Fyans Street together with a waiver of 6 car parking spaces. The company has owned & operated the specialised workwear retail business from the site for some years and is now seeking to expand its operations.

The property at 1 Fyans Street has a very long history of commercial and retail uses.

The adjoining property at 4 Park Crescent is in the same ownership and occupied by a detached house used as a medical centre. It has a current permit for a pair of attached townhouses. Both properties have been included in the Amendment to ensure consistency of zoning and ownership.

Attachment 2 shows the existing zoning of the subject land and surrounding area. Attachment 3 shows the proposed building extensions subject of the permit application.

The subject land is situated at a high profile location at one of the city’s major intersections. Attachment 4 is an aerial photo of the subject land and surrounding area.

The rezoning will remove any lingering doubts about existing use rights of the existing business which is expected to continue to operate as it has done in the past. The modest building extensions will have no impact on the amenity of nearby residents. The proposed RGZ1 zoning is the same as already applied to properties opposite in Latrobe Terrace and enables the proposed permit to be issued for the existing use and building extensions.

Amendment C361 was exhibited in the normal manner between 23 March 2017 and 24 April 2017 and resulted in no submissions requesting any change to the amendment being received. In these circumstances the Amendment can now be adopted and together with the accompanying permit be forwarded to the Minister requesting approval.

Attachment 5 is the Amendment recommended for Adoption and Attachment 6 is the accompanying permit being recommended for approval.

Financial Implications

The approval of the Amendment and accompanying permit will have no financial implications for Council.

Stakeholder Consultation and Communication

Amendment C361 was exhibited in accordance with the provisions of the Planning and Environment Act to provide any affected person an opportunity to be heard before an Independent Panel appointed by the Minister for Planning.

Policy/Legal/Statutory Implications

The proposal is consistent with the overall thrust of State and Council planning policies responding to urban consolidation, sustainable development and community needs. It is consistent with the Local Policy at Clause 22.01 Discretionary Uses in Residential Areas which support uses providing for the needs of the local community without adversely impacting on the amenity of surrounding residential areas.

Alignment to City Plan

The Amendment and Permit are consistent with City Plan's Growing our Economy priority by enabling additional development capitalising on existing infrastructure.

Conflict of Interest

No Council officers involved in the preparation of this report have any direct or indirect interest, in accordance with Section 80C of the Local Government Act.

Risk Assessment

No risks have been identified in recommending approval of Amendment C361 and the accompanying Permit.

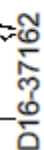
Environmental Implications

The Amendment and Permit have no environmental implications.

Attachment 2 – Existing Zoning



Attachment 3 – Proposed Building Extensions



Attachment 4 – Aerial Photo



Attachment 5 – Amendment Documents

Planning and Environment Act 1987

GREATER GEELONG PLANNING SCHEME

AMENDMENT C361

INSTRUCTION SHEET

The planning authority for this amendment is Greater Geelong City Council.

The Greater Geelong Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 1 attached map.

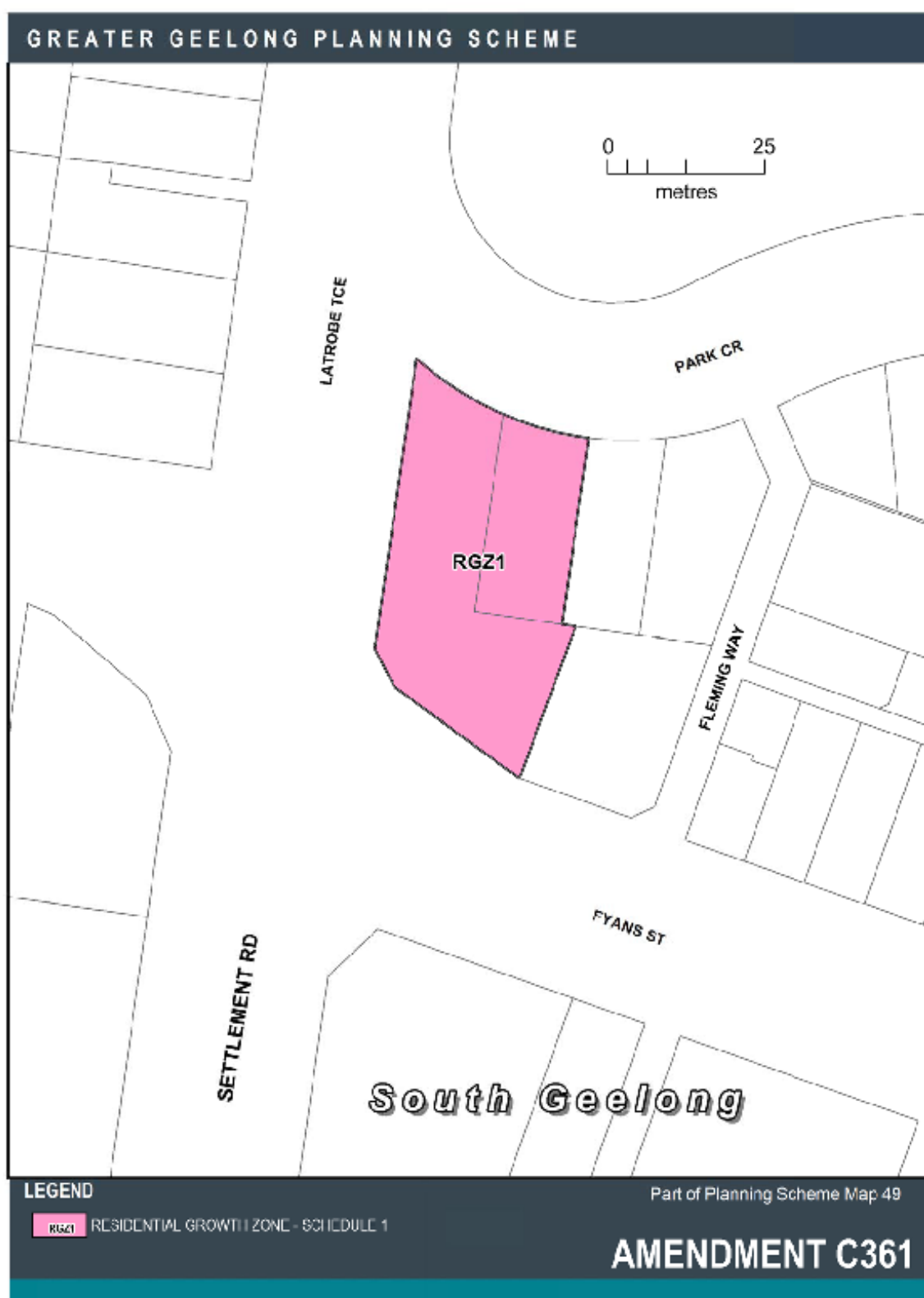
Zoning Maps

Amend Planning Scheme Map No. 49 is amended as shown on the attached map.

Planning Scheme Ordinance

There are no changes to the Planning Scheme Ordinance

End of document



Attachment 6 – Draft Planning Permit

PLANNING	Permit No.	PP-1000-2016
PERMIT	Planning Scheme	Greater Geelong Planning Scheme
	Responsible Authority	Greater Geelong City Council
ADDRESS OF THE LAND	1 FYANS STREET, SOUTH GEELONG	
THE PERMIT ALLOWS	USE AND DEVELOPMENT OF A SHOP, AND REDUCTION IN CAR PARKING REQUIREMENT GENERALLY IN ACCORDANCE WITH THE ENDORSED PLANS	

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Prior to the commencement of the use and/or development, three (3) copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A security gate to prevent public access to the service yard along the east lot boundary.
 - b) Designated area on the site for loading and unloading of vehicles and dimensioned in accordance with Clause 52.07 of the Scheme.

Endorsed Plans

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

Landscaping

3. Prior to the commencement of the development, three (3) copies of a landscape plan prepared by a suitably qualified or experienced, person to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The plan(s) must be drawn to scale and show:
 - a) Details of surface finishes of pathways and driveways;
 - b) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - c) Landscaping and planting within all open areas of the site.

When approved, the plan will be endorsed and form part of the permit, all to the satisfaction of the Responsible Authority.

Prior to the Commencement of the Use

4. Prior to the commencement of the use, the developer must:

- a) Construct the site stormwater system including all connections into the underground drain Latrobe Terrace, or other nominated point/s as approved by the Responsible Authority. The stormwater connection must be in accordance with City of Greater Geelong Standard Drawings.
- b) Construct and drain the car park including accessways, surface with an all-weather sealed coat and linemark the car and accessways in accordance with the endorsed plans.
- c) Complete all landscaping in accordance with the endorsed plans.
- d) Complete all buildings and works in accordance with the endorsed plans.

all to the satisfaction of the Responsible Authority.

Operating Times

5. Unless otherwise approved in writing by the Responsible Authority, the use hereby permitted may only operate during the following times:

- Monday to Friday - 8.30am to 5.30pm.
- Saturday - 9.00am to 3.00pm.

to the satisfaction of the Responsible Authority.

6. Unless otherwise approved in writing, deliveries and privately contracted waste collection activities must occur on the land and during the operating times prescribed at Condition 5, to the satisfaction of the Responsible Authority.

Maximum Staff Numbers

7. No more than seven (7) staff may work in the shop at any one time, to the satisfaction of the Responsible Authority.

General Amenity

8. The amenity of the area must not be detrimentally affected by the use or development through the:

- a) Transport of materials, goods or commodities to or from the land;
- b) Appearance of any building, works or materials;
- c) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
- d) Presence of vermin;

to the satisfaction of the Responsible Authority.

9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.

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

11. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service to the satisfaction of the Responsible Authority.

Car Parking

12. Car spaces, access lanes, pedestrian paths and driveways must be kept available for these purposes at all times.
13. The car park as shown on the endorsed plan(s) must be closed and entry precluded by means of a gate or chain or other device, to the satisfaction of the Responsible Authority when the use hereby permitted is not being conducted.

Permit Expiry

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

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

**6. CONSIDERATION OF PANEL REPORT & ADOPTION OF AMENDMENT
C342 – 40 – 42 NEWCOMBE STREET AND 41 – 47 ELGIN STREET,
DRYSDALE**

Source: Planning and Development – Strategic Implementation
Director: Peter Bettess
Index Reference: Application C342

Purpose

To consider the Independent Panel report and adopt Planning Scheme Amendment C342

Background

Amendment C342 proposes to rezone land at 40-42 Newcombe Street Drysdale from Public Use Zone 1 (Service and Utility) to General Residential Zone Schedule 1. An accompanying permit seeks approval for a 10 lot residential subdivision of both 40-42 Newcombe Street and 41-47 Elgin Street Drysdale, both owned by Barwon Water. Exhibition of the Amendment from 17 November to 19 December 2016 resulted in the receipt of 11 submissions of which 5 objected or raised issues of concern. A Panel hearing was heard on 4 April 2017 and the Panel has supported the Amendment.

Key Issues

- This Amendment is being sought to enable Barwon Water to sell land which is in excess of its operational requirements.
- The subject land is centrally located in Drysdale and surrounded by conventional residential development.
- The major issue raised in the objecting submissions is concern about additional traffic and dust because all roads accessing the site are unsealed.
- The Panel recognises issues relating to dust and road condition but concurs that it would be an excessive imposition on a proposed 10 lot subdivision to require the owner to seal either or both Newcombe and Elgin Streets and that it “cannot impose the sealing of the roads on the Proponent beyond their immediate site’.
- It is recommended the Amendment be adopted and forwarded to the Minister for approval.

P Dorling moved, L Gardner seconded -

That Council:

- 1) adopts Amendment C342 in the form as outlined in Attachment 6 of this report;**
- 2) submits the adopted Amendment together with the prescribed information to the Minister for Planning requesting approval; and**
- 3) recommends to the Minister for Planning that Planning Permit 1342/2015 be approved in the form outlined in Attachment 7 of this report.**

Carried.

Attachment 1

Discussion

Amendment C342 is a combined Planning Scheme Amendment and Planning Permit resulting from an application made by St Quentin Consultants on behalf of Barwon Water, the owner of land at 40-42 Newcombe Street and 41-47 Elgin Street, Drysdale.

The Amendment proposes to rezone 3387 sq m of land at 40-42 Newcombe Street from (PUZ) Public Use Zone Schedule 1 to (GRZ1) General Residential Zone Schedule 1, retaining a 726 sq m portion in PUZ1 which is the site of an existing pump station.

The accompanying permit is seeking approval for a 10 lot residential subdivision of both 40-42 Newcombe Street and 41-47 Elgin Street, requiring the full construction of this part of Elgin Street.

Apart from the pump station, both properties are vacant and slope towards the significant stormwater drainage course running along the southern boundary of the subject land. The surrounding GRZ1 land is an established residential area developed in a generally similar manner to the subject proposal.

Attachment 2 shows the zoning of the subject land and surrounding area. Attachment 3 is an aerial photo of the area.

Attachment 4 shows the proposed 10 lot subdivision and Reserve intended to be retained by Barwon Water for its pump station.

Amendment C342 was exhibited in the normal manner between 17 November 2016 and 19 December 2016. It resulted in the receipt of 11 submissions of which six either supported the Amendment or offered no objection and five which either objected or raised an issue of concern.

The major issue of concern raised in the submissions is the impact of additional traffic and the dust it creates along the surrounding local roads, such that the sealing of these roads should be a condition of the approval of the permit. Other issues of concern include the loss of solar access to an adjoining property from subsequent development, loss of privacy and amenity from overlooking, suggested alternative uses of the land, stormwater management and whether additional noise insulation for the existing pump station is required.

Council (under delegation) considered a report on the submissions and resolved on 27 January 2017 to request the Minister for Planning to appoint an Independent Panel under Part 5 of the Planning and Environment Act to consider submissions and refer all submissions to the Panel.

Panel Hearing and Recommendations

A single person Panel was appointed and held a hearing in Geelong on 4 April 2017. The Council, the applicant's consultant and one submitter appeared at the hearing.

The major issue raised at the hearing was the issue of traffic and dust on local roads. As Council was able to demonstrate, unsealed roads were not uncommon throughout most Bellarine Peninsula townships as a result of subdivisions created decades ago but which are progressively being constructed through Council's Special Rates and Charges policy. The Panel agreed with Council's presentation that it would be an unfair burden to place on the owner of the subject land to require the sealing of either Newcombe or Elgin Street as a condition of development of a relatively small 10 lot subdivision.

Issues relating to loss of solar access to an adjoining property & additional noise insulation for Barwon Water's pump station had been resolved between the parties prior to the hearing. The Panel agreed with additional permit conditions to reflect these agreed arrangements.

The Panel did not support submissions regarding loss of amenity/privacy, suggested alternative uses for the land & stormwater related concerns.

Attachment 5 is a copy of the Executive Summary of the Panel report.

Council officer response

The Panel's recommendations including the proposed additional permit conditions are consistent with Council's presentation at the hearing and are therefore supported.

Attachment 6 is a copy of Amendment C342 recommended for adoption and Attachment 7 is a copy of the permit recommended for approval with the new conditions referred to above shown as track-changes.

Financial Implications

It is not anticipated these proposals will result in any financial implications for Council. The construction of Elgin Street abutting the subject land will be paid for by the developer.

Stakeholder Consultation and Communication

Amendment C342 was exhibited in accordance with the provisions of the Planning and Environment Act and provided any affected person an opportunity to make a submission and subsequently be heard before an Independent Panel appointed by the Minister for Planning.

Policy/Legal/Statutory Implications

The Amendment is consistent with the broad thrust of State and Council planning policies which support urban consolidation/infill housing in locations which have good access to existing community services and facilities.

The Amendment is consistent with Clauses 21.14-2 The Bellarine Peninsula and 21.14-10 (Drysdale Clifton Springs Structure Plan map) by providing additional land for urban development within the defined settlement boundary of the town.

Alignment to City Plan

The Amendment and Permit are consistent with City Plan's Growing Our Economy priority as they provide for additional development to capitalise on existing services and infrastructure.

Conflict of Interest

No Council officers have any direct or indirect interest, in accordance with Section 80C of the Local Government Act to which this Amendment and Permit relate.

Risk Assessment

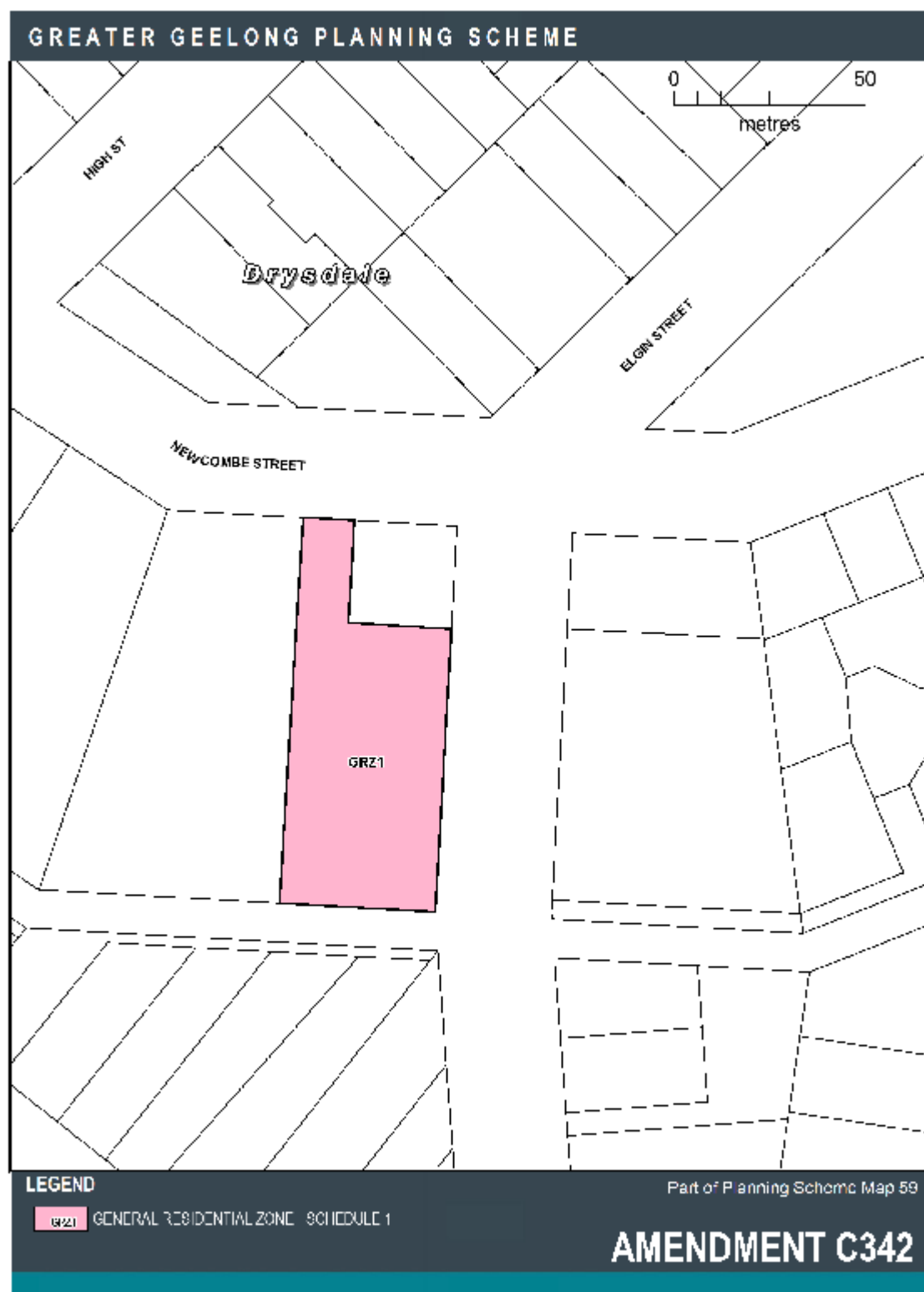
No risks have been identified in processing Amendment C342 and the accompanying permit as being recommended by this report.

Environmental Implications

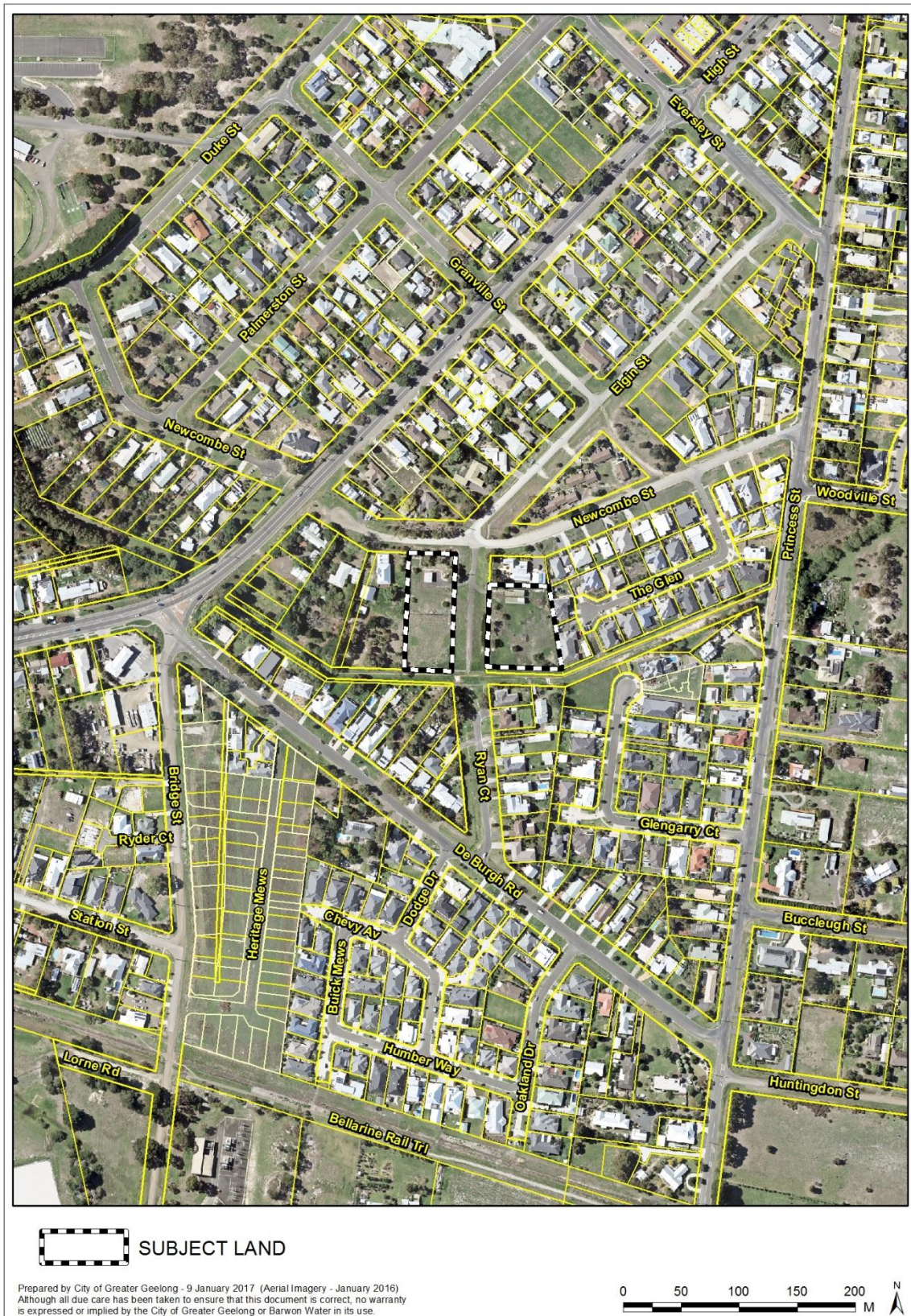
No significant environmental consequences have been identified with respect to the proposed Amendment and permit.

Conditions on the planning permit require weed removal, the retention of 2 river red gums on 41-47 Elgin Street and the design of the stormwater system to achieve best practice for stormwater quality.

Attachment 2 – Existing Zoning



Attachment 3 – Aerial Image



PRELIMINARY DRAFT

ST. QUENTIN

LOT 100

ELGIN STREET

NEWCOMBE STREET

GOVERNMENT ROAD

RESERVE

LOT 100

LOT 101

LOT 102

LOT 103

LOT 104

LOT 105

LOT 106

LOT 107

LOT 108

LOT 109

LOT 110

LOT 111

LOT 112

LOT 113

LOT 114

LOT 115

LOT 116

LOT 117

LOT 118

LOT 119

LOT 120

LOT 121

LOT 122

LOT 123

LOT 124

LOT 125

LOT 126

LOT 127

LOT 128

LOT 129

LOT 130

LOT 131

LOT 132

LOT 133

LOT 134

LOT 135

LOT 136

LOT 137

LOT 138

LOT 139

LOT 140

LOT 141

LOT 142

LOT 143

LOT 144

LOT 145

LOT 146

LOT 147

LOT 148

LOT 149

LOT 150

LOT 151

LOT 152

LOT 153

LOT 154

LOT 155

LOT 156

LOT 157

LOT 158

LOT 159

LOT 160

LOT 161

LOT 162

LOT 163

LOT 164

LOT 165

LOT 166

LOT 167

LOT 168

LOT 169

LOT 170

LOT 171

LOT 172

LOT 173

LOT 174

LOT 175

LOT 176

LOT 177

LOT 178

LOT 179

LOT 180

LOT 181

LOT 182

LOT 183

LOT 184

LOT 185

LOT 186

LOT 187

LOT 188

LOT 189

LOT 190

LOT 191

LOT 192

LOT 193

LOT 194

LOT 195

LOT 196

LOT 197

LOT 198

LOT 199

LOT 200

LOT 201

LOT 202

LOT 203

LOT 204

LOT 205

LOT 206

LOT 207

LOT 208

LOT 209

LOT 210

LOT 211

LOT 212

LOT 213

LOT 214

LOT 215

LOT 216

LOT 217

LOT 218

LOT 219

LOT 220

LOT 221

LOT 222

LOT 223

LOT 224

LOT 225

LOT 226

LOT 227

LOT 228

LOT 229

LOT 230

LOT 231

LOT 232

LOT 233

LOT 234

LOT 235

LOT 236

LOT 237

LOT 238

LOT 239

LOT 240

LOT 241

LOT 242

LOT 243

LOT 244

LOT 245

LOT 246

LOT 247

LOT 248

LOT 249

LOT 250

LOT 251

LOT 252

LOT 253

LOT 254

LOT 255

LOT 256

LOT 257

LOT 258

LOT 259

LOT 260

LOT 261

LOT 262

LOT 263

LOT 264

LOT 265

LOT 266

LOT 267

LOT 268

LOT 269

LOT 270

LOT 271

LOT 272

LOT 273

LOT 274

LOT 275

LOT 276

LOT 277

LOT 278

LOT 279

LOT 280

LOT 281

LOT 282

LOT 283

LOT 284

LOT 285

LOT 286

LOT 287

LOT 288

LOT 289

LOT 290

LOT 291

LOT 292

LOT 293

LOT 294

LOT 295

LOT 296

LOT 297

LOT 298

LOT 299

LOT 300

LOT 301

LOT 302

LOT 303

LOT 304

LOT 305

LOT 306

LOT 307

LOT 308

LOT 309

LOT 310

LOT 311

LOT 312

LOT 313

LOT 314

LOT 315

LOT 316

LOT 317

LOT 318

LOT 319

LOT 320

LOT 321

LOT 322

LOT 323

LOT 324

LOT 325

LOT 326

LOT 327

LOT 328

LOT 329

LOT 330

LOT 331

LOT 332

LOT 333

LOT 334

LOT 335

LOT 336

LOT 337

LOT 338

LOT 339

LOT 340

LOT 341

LOT 342

LOT 343

LOT 344

LOT 345

LOT 346

LOT 347

LOT 348

LOT 349

LOT 350

LOT 351

LOT 352

LOT 353

LOT 354

LOT 355

LOT 356



Attachment 5 Panel Report Executive Summary

Greater Geelong Planning Scheme Amendment C342 | Panel Report | 4 May 2017

Executive Summary

Summary

Greater Geelong Planning Scheme Amendment C342 (the Amendment) proposes to rezone the major portion of 40 – 42 Newcombe Street, Drysdale from Public Use Zone 1 (Service and Utility) (PUZ1) to the General Residential Zone Schedule 1 (GRZ1). The accompanying planning permit 1342/2015 proposes a 10 lot residential subdivision of both 40 – 42 Newcombe Street and 41 – 47 Elgin Street, which are owned by Barwon Water.

Drysdale is one of the three designated growth areas in Council's planning scheme and has designated settlement boundaries. The subject land falls within this settlement boundary and the area surrounding the subject land is subdivided into conventional lots. The subdivision proposed is consistent with this pattern.

Key issues raised in submissions included:

unsealed roads and associated dust

loss of solar access to the immediate property to the east

stormwater

privacy

alternative uses.

A number of issues were resolved between the land owner (Barwon Water) and submitters through the negotiation of conditions on the draft planning permit, particularly relating to issues of solar access. These changes have been reflected in the Panel's preferred Planning Permit at Appendix C of this report.

The Panel concludes:

The proposal provides an opportunity to more fully utilise the subject land and provide for a small scale urban consolidation project in the Drysdale township. The land is centrally located in the town and only some 600 metres walking distance from the majority of the town's commercial and community facilities.

The Amendment is strategically justified and the application should be supported.

The accompanying planning permit should be supported subject to post-exhibition changes contained in Appendix C.

Recommendation

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

Adopt Amendment C342 to the Greater Geelong Planning Scheme as exhibited.

Issue Planning Permit 1342/2015, subject to the amended conditions provided in Appendix C.

Attachment 6 –Amendment to be adopted

Planning and Environment Act 1987

GREATER GEELONG PLANNING SCHEME

AMENDMENT C342

INSTRUCTION SHEET

The planning authority for this amendment is Greater Geelong City Council.

The Greater Geelong Planning Scheme is amended as follows:

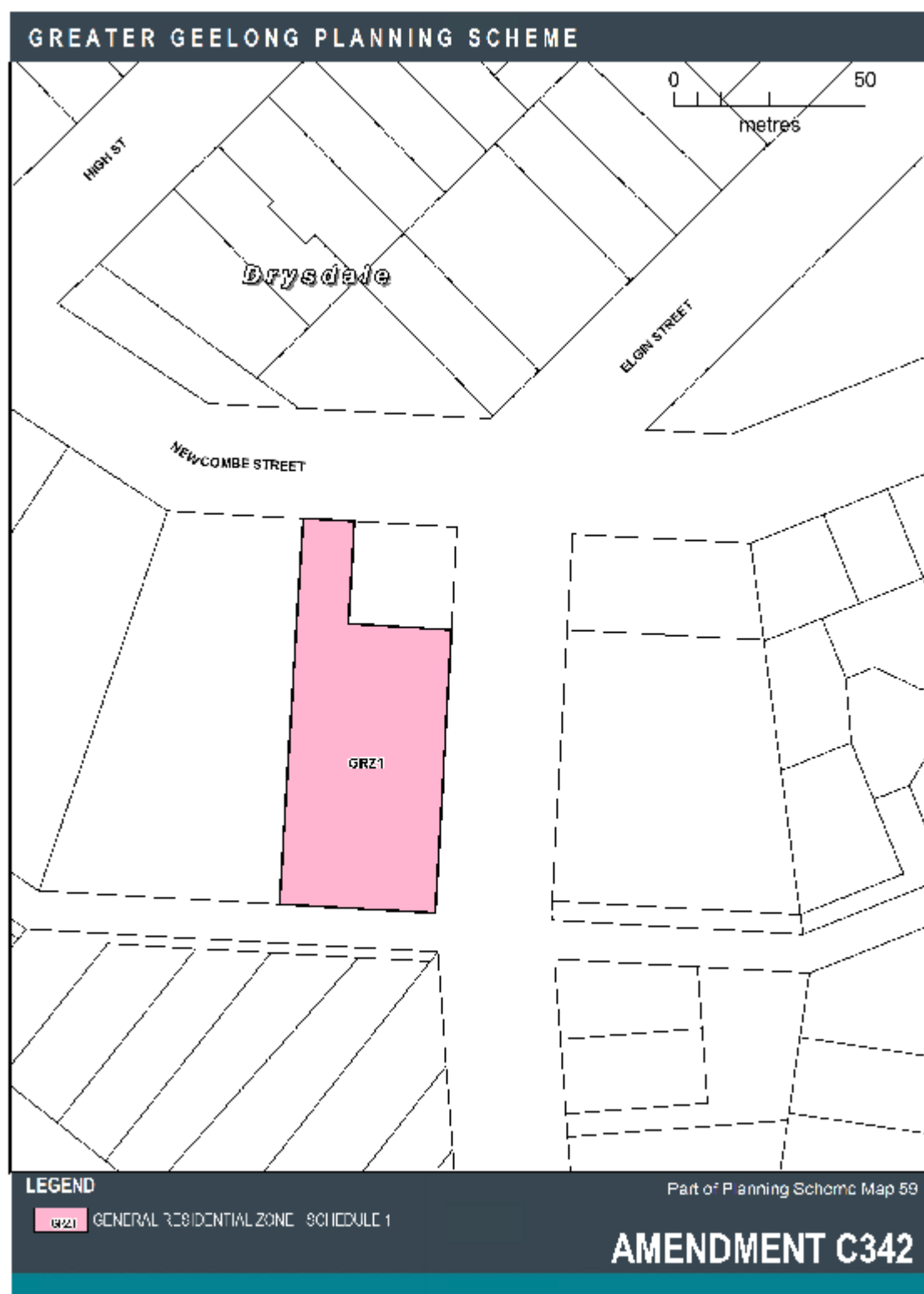
Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 1 attached map sheet

Zoning Maps

Amend Planning Scheme Map No 59 in the manner shown on the 1 attached map marked Greater Geelong Planning Scheme, Amendment C342.

End of document



Attachment 7 – Permit Recommended for Approval

Greater Geelong Planning Scheme Amendment C342 | Panel Report | 4 May 2017

DRAFT – JULY 2016 [April 2017 \(Post Panel Changes\)](#)

PLANNING PERMIT	Permit No.: 1342/2015
GRANTED UNDER section 96I OF	Planning scheme: Greater Geelong
THE PLANNING AND	Responsible authority: City of Greater Geelong
ENVIRONMENT ACT 1987	

ADDRESS OF THE LAND: 40-42 NEWCOMBE STREET and 41-47 ELGIN STREET, DRYSDALE

THE PERMIT ALLOWS: TEN (10) LOT SUBDIVISION

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans Required

1. Prior to the certification of the Plan of Subdivision, 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) Road width and court bowl design in accordance with any conditions contained within the permit, including CFA requirements;
 - b) [A restriction to be applied to the proposed lots with a common boundary to the land at 14 The Glen, Drysdale, to ensure that any development upon those proposed does not unreasonably reduce the operation of the 3x existing solar panels on the dwelling at 14 The Glen. The restriction must:](#)
 - i) [Limit built form within a 14.1m setback as measured from the western eave of 14 The Glen, Drysdale to a maximum height of 3.5m above natural ground level.](#)
 - ii) [Limit built form beyond the 14.1m setback to a maximum height of 9m above natural ground level.](#)

Note: The submitted plan must be accompanied by written approval from the CFA.

Endorsed Plans

2. The layout and site dimensions of the proposed subdivision as shown on the endorsed plan(s) shall not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plans.

Plan for Certification

3. Unless otherwise approved in writing, the Plan of Subdivision submitted for certification must include:
 - a) a splay for road purposes at the intersection of Elgin Street (west side) and Newcombe Street;
 - b) all relevant drainage easements for the subdivision in favour of the City of Greater Geelong;all to the satisfaction of the Responsible Authority.
4. All reserves nominated on the plan of subdivision are to be vested to Council and the creation must be at no expense to Council.

Construction Management Plan

5. Prior to works commencing an Environmental (Construction) Management Plan (CEMP) shall be submitted and shall address control of site emissions during construction and the defects liability period to the satisfaction of the Responsible Authority. The plans must include measures to be taken to ensure that no polluted water and/or sediment laden runoff is to be discharged directly or indirectly into stormwater drains or watercourses during the construction period. The EMP shall be prepared in accordance with the EPA – Guideline for Environmental Management, Doing it Right on Subdivisions, Publication 960, September 2004. All development works must be carried out in accordance with the CEMP to the satisfaction of the Responsible Authority.

Works Adjacent Waterway – Corangamite Catchment Management Conditions

6. The development must demonstrate that site and access safety achieved in accordance with Australian Rainfall and Runoff Revision Project 10 Safety Criteria. Safety is defined in terms of the depth and velocity of water over the area in question during a 1% AEP flood event as follows:
 - a) Depth must be no greater than or equal to 0.3 metres; and
 - b) Velocity must be no greater than or equal to 3.0 m/s; and
 - c) The product of depth multiplied by velocity must be no greater than or equal to 0.3 m² per second.
7. It is recommended that minimum floor levels shall be no lower than 450mm above the applicable 1% AEP flood extent.
8. Any lot filling must be consistent with recommendations of the report Flood Investigation (Afflux Consulting, May 2016). Earthworks shall not result in adverse flood impacts to adjoining residential properties. Filling is not supported where depth of flooding exceeds half a metre, or where off site impacts are identified. Afflux mapping must show no off site hydraulic impacts onto private properties surrounding the development up to and including the 1% AEP flood event. Council assets (including drainage paths) where afflux occurs must be supported in writing by council, acknowledging the increased flooding on their assets.
9. Any proposed fill must be accompanied by detailed cut and fill balance calculations. Fill shall be limited to the flood fringe (depths less than half a metre) and in conjunction with calculations that demonstrate that no net loss of floodplain storage occurs.

Engineering Plans - Road Design and Drainage Construction Plans

10. Prior to the commencement of works on the subdivision, engineer designed roadworks and drainage construction plans, including Functional Layout Plan must be submitted to and approved by the Responsible Authority. The engineering construction plans must show:
 - a) With each stage the extent of any proposed interim or temporary measures associated with road or other infrastructure;

- b) Construction to a standard that achieves a functional design with no adverse external impacts and achieve an acceptable standard of aesthetics including landscaping and is maintained in perpetuity to the satisfaction of the Responsible Authority;
- c) Roadworks construction including the provision of a court bowl to allow the appropriate servicing by side loading garbage and recycling trucks with maximum sized bodies and air bag suspension, or any other type of suspension providing the worst case scenario. Unless otherwise approved in writing by the Responsible Authority, the court bowl must be of a minimum diameter of 21 metres from front of kerb to front of kerb and be fully sealed. The design cross slope of the court bowl at the end Elgin Street must be approved by the Responsible Authority prior to engineering, road or street design plans being approved by the Responsible Authority;
- d) Drainage designed to ensure runoff is to be treated to achieve current best practice pollutant removal targets by connection to an appropriate Water Treatment Facility, with capacity to treat at least a 3 month ARI storm event, unless approved otherwise by the Responsible Authority. The Water Treatment Facility must be maintained to the satisfaction of the Responsible Authority;
- e) The stormwater drainage system designed so that stormwater runoff exiting the land meets the current best practice performance objectives for stormwater quality, as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) as follows:
 - i) 80% retention of the typical annual load of suspended solids;
 - ii) 45% retention of the typical annual load of total phosphorous;
 - iii) 45% retention of the typical annual load of total nitrogen; and
 - iv) 70% retention of the typical annual load of gross pollutants
- f) Fully sealed pavement of 6.0m width in Elgin Street, including court bowl;
- g) Kerb and channel and nature strip either side in Elgin Street;
- h) Footpath on both sides of Elgin Street, and connecting across the frontage of Lot 1 west, extending to the western boundary in Newcombe Street;
- i) Treatment of the intersection between Elgin Street and Newcombe Street, including road drainage, designed and constructed in accordance with engineering plans. The intersection treatment shall be consistent with that undertaken at the intersection of Newcombe Street and The Glen;

all to the satisfaction of the Responsible Authority.

Drainage and Road Construction Completion

11. Prior to the issuing of a Statement of Compliance for the subdivision, roadworks and an underground site stormwater drainage system must be constructed in accordance with the approved plans and specifications. The stormwater drainage system is to be constructed within easements and/or road reserves to cater for all lots, roads, streets and courts created by the subdivision and the surrounding developed and undeveloped area all to the satisfaction of the Responsible Authority. Typically the drainage system will include overland surface channelling and underground stormwater pipe network for the conveyance of major and minor storm events.

Street Names – Place Signs

12. Prior to the issuing of a Statement of Compliance for the subdivision the subdivider must provide and place all relevant street signs to the satisfaction of the Responsible Authority.

Street Lighting

13. Prior to the issuing of a Statement of Compliance for the subdivision street lighting must be provided within and abutting the subdivision to the satisfaction of the Responsible Authority and at the full cost of the subdivider.

Maintenance of Civil Works

14. Unless otherwise approved in writing by the Responsible Authority, the civil works shown on any endorsed engineering plan must be maintained to the satisfaction of the Responsible Authority for a period of one (1) year.

Maintenance Bond

15. Prior to the issuing of a Statement of Compliance for the subdivision a civil works maintenance bond of 5% of the cost of the works must be paid to the Council. The bond will be returned after successful completion of the relevant maintenance period.

Disturbed Surfaces

16. Prior to the issuing of a Statement of Compliance for the subdivision, all disturbed surfaces on the land authorised by this permit except those areas set aside for roadways and footpaths shall be dressed with topsoil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Responsible Authority to prevent any erosion or siltation either on or adjacent to the land.

Council Assets

17. Prior to the issuing of a Statement of Compliance for the subdivision, any repair and reinstatement necessitated by damage to Council assets caused by or as a result of the subdivision construction is required to be carried out at the developer's expense to the satisfaction of the Responsible Authority.

Existing Fill

18. Prior to the issuing of a Statement of Compliance for any relevant stage of the subdivision, any existing previously filled ground within/abutting the subdivision for which the conditions of the placement are neither adequately documented and tested, nor are to the satisfaction of the Responsible Authority, must be completely removed by the developer. Replacement material, compaction and testing of the fill is to be to the satisfaction of the Responsible Authority.

Streetscape and Landscaping Works

Weed Removal

19. Prior to the commencement of any on-ground works the large infestation of Flax-leaf broom, which is a serious noxious weed, must be removed by either cut and paint method or sprayed. These works must be fully implemented by a licensed contractor to the satisfaction of the Council's Environment and Waste Services Unit.
20. 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.

Vegetation Protection

21. No native vegetation shall be removed other than that marked on the endorsed plan, to the satisfaction of the Responsible Authority. The two (2) River Red Gums located at the rear of proposed Lot 4 are to be retained as part of the proposed subdivision.

22. 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 of the tree protection measures is to be undertaken by an officer of Council's Environment Unit prior to works commencing in the location of the vegetation to be retained.

Streetscape Plans - Landscaping

23. Prior to the Statement of Compliance being issued for the subdivision, a detailed streetscape plan, prepared by a person suitably qualified in landscape design, must be submitted to and approved by the Responsible Authority.
When approved, the plan will be endorsed and will then form part of the permit. The streetscape plan must be drawn to scale with dimensions and three hard copies provided. The plan must show:
- a) The layout of proposed new planting in all road reserves and traffic management devices (e.g. medians, islands, and roundabouts)
 - b) Details of all other infrastructure within the road reserve (e.g. underground services street lights, stormwater pits, fire plugs etc)
 - c) A detailed planting schedule of all proposed trees and plants including botanical names, common names, pot sizes, sizes at maturity and quantities for each species
 - d) All proposed street tree planting using semi-advanced trees with a minimum container size of 45 litres
 - e) Tree placement on secondary lot frontages using no more than two (2) trees that grow to an estimated size at maturity of no greater than 5 x 4m
 - f) All proposed groundcover and shrub planting with a minimum container size of 150mm
 - g) The maintenance schedule for all proposed planting

Notes

1. Streetscape plans must be submitted to the Responsible Authority for approval separately to adjoining land including Council reserves.
2. Proposed entry signage must not be located on public land.
3. Landscape treatments within traffic control devices such as medians and roundabouts are subject to specific control measures.
4. Street tree species selection within the master plan is subject to approval by Powercor in accordance with the requirements of the Distribution Construction Standard, Underground Trenching dated 25 Nov 2015. Tree location and species type shall be determined, in consultation with CitiPower/Powercor, based on the specific site and the ability of the tree to both enhance the local amenity and co-exist with utility services infrastructure – with all trees to be identified on a 'master services plan' provided by the party planting the trees.
The applicant must obtain and provide evidence to the Responsible Authority that Powercor has been consulted and has agreed with the proposed street tree species palette.

Completion of Streetscape Works

24. Unless otherwise approved in writing by the responsible authority, prior to the issue of Statement of Compliance all streetscape works shown on the endorsed streetscape plans for that stage must be completed to the satisfaction of the responsible authority.
25. Where streetscape works forming part of the endorsed plans are not commenced or completed to the satisfaction of the Responsible Authority prior to the applicant seeking a Statement of Compliance for all, or a particular stage of a subdivision, the developer may request the approved Streetscape Plan to be appropriately bonded or covered by a bank guarantees. Estimates must be professionally costed and submitted to the Responsible Authority for approval, once approved the bonds or bank guarantees must

be submitted to the Responsible Authority separately prior to Statement of Compliance being awarded.

- The incomplete streetscape works bond or bank guarantee must be 125% of the estimated cost of incomplete streetscape works.
- The maintenance bond or bank guarantee must be 100% of the estimated cost of maintenance activities for a two (2) year period.

Notes

1. A practical completion is required to satisfy this condition and must be organised by the permit holder with two weeks' notice given for onsite inspections. The incomplete works bond will be returned once practical completion has been awarded.
2. Works bonded as outstanding must be enacted within one (1) year of statement of compliance being awarded.

Maintenance of Streetscape Works

26. All works must be maintained to the satisfaction of the Responsible Authority for a period of two (2) years from the date of practical completion. During this period, any dead, diseased or damaged plants are to be repaired or replaced as required. Where the landscape works are bonded, the maintenance period will commence from the time that the landscape works have been inspected and completed to the satisfaction of the Responsible Authority.
27. A maintenance bond to the value of 100% of the cost of works must be submitted to the responsible authority on application for practical completion of landscaping works to be retained until such time that the works have been accepted by Council for handover.

Notes

1. Works that have achieved practical completion will be randomly inspected throughout the maintenance period. Works deemed by the Responsible Authority as being inappropriately maintained or established will not be accepted and will remain on maintenance until such time that the Responsible Authority deems it acceptable.
2. A handover inspection is required to satisfy this condition and must be organised by the permit holder with two weeks' notice given for onsite inspections. The maintenance bond will be returned on acceptance of handover.
3. No handovers will be accepted during the summer period, between 30 November and 1 March.

Pumphouse and Reserve to be Vested to Council - Landscaping Works

28. Prior to works commencing, a detailed landscaping plan shall be submitted to and approved by the Responsible Authority which provides dense screen planting on the northern, eastern and southern boundaries, to soften the visual impact of the Pump House Facility using local indigenous species. All works within the approved landscaping plan must be fully implemented by Barwon Water prior to the completion of the subdivision and issue of Statement of Compliance.

Council Reserves – Footpath / Loam / Landscape

29. Prior to the issuing of a Statement of Compliance for the subdivision which includes a Council reserve, the subdivider must include; loam and sow down, landscaping, etc. within and abutting the Council Reserve to the satisfaction of the Responsible Authority.

Council Reserves – Vehicle Access Barriers

30. Prior to the issuing of a Statement of Compliance for the subdivision vehicle access barriers must be provided across the entrance of the Council Reserve to the satisfaction of the Responsible Authority. One of these shall be de-mountable to allow access to Council maintenance vehicles to the satisfaction of the Responsible Authority. The location and design of these barriers must be agreed to in writing by Council prior to their installation.

Fencing of Council Reserves

31. Prior to the issuing of a Statement of Compliance for the subdivision which includes a Council reserve, the subdivider must erect an appropriate fence on the boundaries of the Council Reserve to the satisfaction of the Responsible Authority and at no cost to Council.

Pumphouse Noise Insulation

32. Prior to the issue of statement of compliance, noise insulation to the pumphouse must be undertaken to ensure noise emissions received at the nearest proposed residential lot is within allowable limits, in accordance with State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade No. N-1 (SEPP N-1) (Victorian Government, 1989). Unless otherwise approved in writing, evidence of completion and compliance shall be supplied to the Responsible Authority.

Public Open Space Contribution

33. Prior to the issue of a Statement of Compliance a Public Open Space contribution is payable to Council pursuant to Section 18 of the Subdivision Act 1988. The owner of the subject land must pay to the Council a sum equivalent to five (5) per cent of the site value of all of the land in the subdivision
- ~~a) five (5) per cent of the site value of the land in the subdivision identified as Lot B PS 642109V and known as 41-47 Elgin Street; and~~
 - ~~b) ten (10) per cent of the site value of the land in the subdivision identified as Crown Allotment D Section 13, TP870646F and known as 40-42 Newcombe Street.~~

PROVISION OF SERVICES

Telecommunications

- ~~33~~4. The owner of the land must enter into agreements with
- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network (NBN) will not be provided by optical fibre.
- ~~34~~5. Before the issue of Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

POWERCOR CONDITIONS

- ~~36~~5. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
- ~~37~~6. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.

- 387.** The applicant shall, where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.
- 398.** The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.
- 4039.** Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- 410.** Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

BARWON WATER CONDITIONS

General

- 421.** The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.
- 432.** The owner shall create easements for Pipelines or Ancillary Purposes in Favour of Barwon Region Water Corporation over all existing and proposed sewers located within the subdivision. The width of these easements shall be 2.0m centrally located over the sewer main.

Water

- 443.** The provision and installation of individual water services to all lots in the subdivision in accordance with Barwon Water requirements and Victorian Plumbing Regulations. Note that tapings and services are not to be located under existing or proposed driveways.
- 454.** The payment of New Customer Contributions for water for each additional connection which includes any new lot on a plan of subdivision and/ or any apartment, unit, or premises within the development that is or can be separately metered for water supply.

Sewer

- 465.** Reticulated sewer mains, including individual allotment house connection branches extending into each allotment, are required to service the proposed development. This work must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.
- 476.** The payment of New Customer Contributions for sewer for each additional connection which includes any new lot on a plan of subdivision and/ or any apartment, unit, or premises within the development that is or can be separately metered for water supply.

Note: The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of a water supply and sewerage service to the subdivision.

CFA CONDITIONS

Hydrants

- 487.** Operable hydrants, above or below ground must be provided to the satisfaction of CFA.
- 498.** The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.
- 5049.** Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site

Roads

- 510.** Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

521. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
532. Roads must have a minimum trafficable width of:
- 5.5m if parking is prohibited on one or both sides of the road,
 - 7.3m where parking is allowable on both sides of the road.
543. Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.
554. Any road with a trafficable width (Kerb to Kerb) less than 7.3 metres, must have 'No Standing' signage and/or appropriate on-road line markings installed to clearly identify that parking is only allowed on one side of the roadway.

SUBDIVISION EXPIRY

565. This permit as it relates to subdivision will expire if one of the following circumstances applies:
- a) The plan of subdivision has not been certified within two (2) years of the date of this permit.
 - b) A statement of compliance is not issued within five (5) years of the date of certification.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

Note:

1. Construction of the site stormwater connection/s is to be inspected by Council Representative at various stages. An appropriate fee equivalent to 3.25% of total cost of civil works, excluding GST (a minimum fee of \$100 applies if the 3.25% amount is less than \$100), is to be paid to Council for inspection. Relevant evidential documentation of the cost is to be provided.
2. All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.
3. A Vehicle Crossing Permit must be obtained prior to commencement of works.

[If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit, and the name of the responsible authority that approved the amendment —]

<i>Date of amendment</i>	<i>Brief description of amendment</i>	<i>Name of responsible authority that approved the amendment</i>

7. AMENDMENT C368 AND PERMIT 11/2017 - 143 – 179 FLINDERS AVENUE LARA – RESOLUTION TO EXHIBIT

Source: Planning and Development – Strategic Implementation
CEO: Kelvin Spiller
Index Reference: Amendment C368 and Planning Permit 11/2017

Purpose

To seek Ministerial Authorisation to exhibit a combined re-zoning and planning permit to re-zone land at 143 – 179 Flinders Avenue, Lara to the General Residential Zone and subdivide the land for conventional residential development.

Background

The amendment has been made at the request of TGM Consulting on behalf of L. Bisinella Developments Pty Ltd.

In 2013 the then Minister for Planning prepared Amendment C293 to the Greater Geelong Planning Scheme, to re-zone to the General Residential Zone the land immediately to the west of the land which is the subject of the current application.

In its Report to the Minister the C293 Planning Panel indicated in relation to the 143 – 179 Flinders Avenue that:

“While the Council submitted that this land should be included for rezoning the Panel is not convinced that all parties who might be affected by such a proposal have had the opportunity to make a submission.” (P. 15)

Key Issues

- Amendment C368 is supported by the Lara Structure Plan, which identifies this land as suitable for conventional residential development to take advantage of its proximity to established residential areas and easy access to a range of community facilities and services.
- The appropriate extent of such rezoning, with respect to the provision of a 200 metre buffer to Serendip Sanctuary, was considered and determined as part of Ministerial Amendment C293.
- The land proposed to be rezoned by Amendment C368 conforms to the setback distance from Serendip Sanctuary established by Amendment C293.
- Council previously expressed its support for the rezoning of this land in its submission to the C293 Planning Panel.

P Dorling moved, L Gardner seconded -

That Council:

- 1) supports the preparation and exhibition of Amendment C368 to the Greater Geelong Planning Scheme to re-zone land at 143 - 179 Flinders Avenue Lara from Rural Living Zone to General Residential Zone 1;**
- 2) revises the Map at Clause 21.13 - 4 to identify the land at 143 – 179 Flinders Avenue as suitable for conventional residential development;**
- 3) considers the application for a planning permit for the multi-lot subdivision of the land to be re-zoned to the General Residential Zone concurrently with the preparation of the Amendment, in accordance with the provisions of Section 96A of the Planning; and**
- 4) requests the Minister for Planning to authorise the preparation and exhibition of Amendment C368 and Planning Permit 11/2017.**

Carried.

Attachment 1

Discussion

The subject land adjoins the eastern boundary of land in the General Residential Zone, via Ministerial Amendment C293 to the Greater Geelong Planning Scheme, in 2014.

The land is located on the western side of Flinders Avenue, approximately 250 metres south of its intersection with Caddys Road.

The request for Amendment C368 was lodged by TGM Consulting on behalf of L. Bisinella Developments Pty Ltd, who are also the applicants for planning permit 11/2017.

The combined application for the Amendment and Planning Permit is accompanied by the following reports:

- Vegetation Assessment;
- Approved Cultural Heritage Management Plan;
- Flood Impact Assessment;
- Infrastructure Servicing Report;
- Clause 56 (Subdivision) Assessment; and
- Traffic Report.

The re-zoning and planning permit will enable the land to be developed in an integrated manner with the adjoining residential land to the west, which will optimise the conventional residential development potential of this land, consistent with the objectives of the Lara Structure Plan.

It is further proposed to exhibit an amended map for inclusion in the Municipal Strategic Statement at Clause 23.13-4, to align the extent of the land identified as suitable for conventional residential development with the proposed re-zoning. This is consistent with the process adopted by the then Minister in relation to Amendment C293.

The extent of the area affected by the re-zoning is identified in Attachment 2.

The revised Map for inclusion in Clause 21.13-4 is provided as Attachment 3.

The proposed subdivision layout is shown on the plan in Attachment 4.

Stakeholder Consultation and Communication

Council planners sought referral comments from internal Council departments and external referral agencies. Issues raised in comments have been resolved or are addressed by draft Planning Permit conditions.

All nearby property owners and other parties who lodged submissions to Amendment C293 will be notified at the time of the exhibition of this Amendment to enable them to make a submission and appear before an Independent Panel appointed by the Minister for Planning if they wish.

Policy/Legal/Statutory Implications

The Amendment is consistent with the Lara Structure Plan, 2011 which identifies this land as suitable for conventional residential development to take advantage of its proximity to established residential areas and easy access to a range of community facilities and services.

The proposal is consistent with the intent of the State Planning Policy Framework (SPPF) and supports its implementation by:

- Limiting the impact of urban development on non-urban areas by allowing development within a designated township boundary (Clause 11.02-2, 11.07-1 and 11.07-2);
- Encouraging subdivision of land which contributes to a compact urban structure with walkable distances between activities and with access to facilities to meet day to day needs (Clause 15.01-3);
- Providing for a residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water-sensitive design. (Clause 16.01-1);
- Locates new housing in locations that offer good access to jobs, services and transport (Clause 16.01-2); and
- Managing stormwater from the site through the incorporation of water-sensitive urban design techniques to reduce run-off and peak flows and integrate stormwater treatment into the landscape (Clause 19.03-3).

The amendment is also consistent with the following elements of the Local Planning Policy Framework:

21.06 Settlement and Housing

- 21.06-2 Urban growth – This policy seeks to retain development within defined urban growth areas and provide a mix of housing suited to the needs of a diverse range of household types.
- 21.06-3 Urban consolidation – This policy seeks to encourage urban consolidation and encourage a range of development densities.
- 21.06-4 Neighbourhood character – This policy seeks to ensure development appropriately responds to the existing character of the area.

21.08 Development and Community Infrastructure

- 21.081 Key issues and influences – This policy recognises the need to provide for the efficient use of services and conservation of water.
- 21.08-3 Development Contributions – This policy encourages development to proceed in a contiguous manner which maximises the use of development and community infrastructure.
- 21.08-5 Accessibility – The policy recognises the need to facilitate the development of access opportunities for all members of the community.

Conflict of Interest

No Council officers involved in the preparation of this report have any direct or indirect interest, as defined in Section 80C of the Local Government Act, with respect to the matters to which this Amendment and Permit relate.

The Director, Planning & Development has declined to deal with this report due to civil proceedings issues by L Bisinella Developments Pty Ltd.

Environmental Implications

No adverse environmental consequences have been identified with respect to the proposed Amendment and Permit.

The documentation submitted in support of the planning permit application has informed the responses from both internal and external referral authorities, which are reflected in the conditions of the planning permit.

The internal referral response from Council's Environment Unit includes the following comments:

"The northern boundary of the area to be rezoned GRZ1 coincides with a '200 metre line' to the south of Serendip Sanctuary, which provides a buffer between the sanctuary and urban residential development.

there is no native vegetation present on the subject site, the site was seen to have been ploughed, planted out with exotic grass species and cut for hay at the time of the inspection. The several scattered trees remaining on the site are exotic Peppercorns *Schinus spp.*

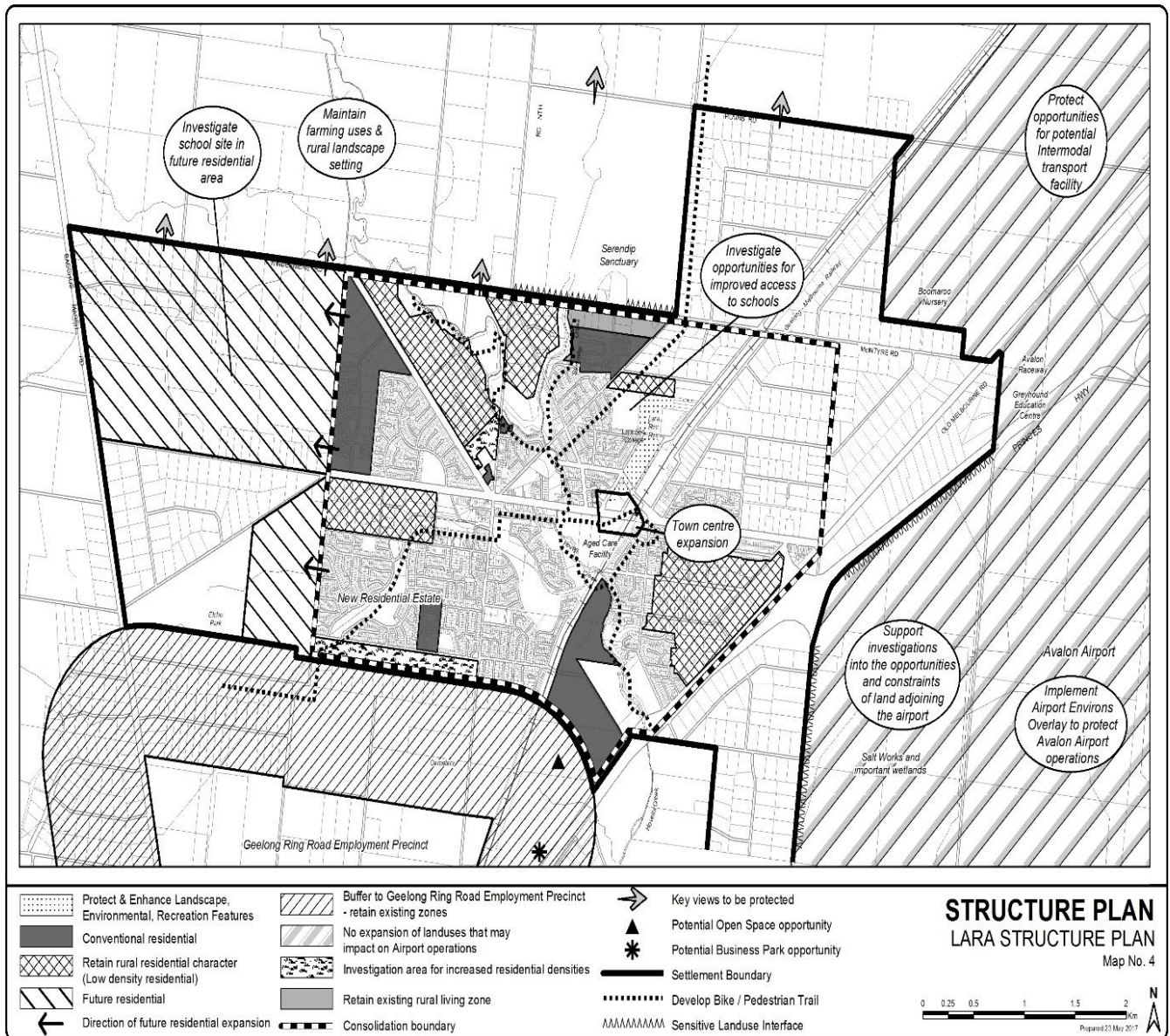
Attachment 2

Land to which the Planning Scheme Amendment and Planning Permit applies.



Attachment 3

Revised Map: Clause 21.13-4



Attachment 4

Plan of Proposed Subdivision



8. DRAFT MOOLAP COASTAL STRATEGIC FRAMEWORK PLAN APRIL 2017

Source: Planning and Development
Director: Peter Bettess
Index Reference: Subject: Moolap Coastal Strategic Framework Plan

Purpose

The purpose of this report is to develop a response to the State Government's release of the draft Moolap Coastal Strategic Framework Plan.

Key Issues

- The draft Plan is seeking to establish a strategic framework for the future land use and development of the study area. The draft Plan has been prepared in the absence of detailed technical work and consequently its level of direction is reflected accordingly.
- The draft Plan identifies four key precincts and associated primary land use directions within the study area.
- Key primary land use directions of the draft Plan are: *Point Henry* precinct to be a high amenity tourist/residential lead area which provides a range of mixed uses; *Industry* precinct to be business as usual with potential expansion of existing business; *South-East* precinct to be a high quality sustainable residential development precinct with associated land uses; and *Saltworks and Wetlands* precinct for the Crown owned part to have an environmental focus with complementary tourism and for the privately owned areas to have an environmental focus/tourism investigation.
- Elements of the draft Moolap Plan contradict current strategic planning policy contained in the Greater Geelong Planning Scheme and also potentially creating conflict and impact on existing land uses in the study area. This is particularly the case for the South-East precinct which supports extensive large scale residential growth, which has potential significant implications for the City and existing major industries in the study area.
- Current policy respects and supports the need to protect existing industries and their contribution to the Geelong economy.
- There are a number of positive outcomes identified in the draft Moolap Plan such as the urban renewal direction for the Point Henry precinct and potential positive environmental outcomes for the former Saltworks and Wetlands precinct.
- All four precincts differ greatly in their current state but will be intrinsically linked in their future development. A balanced approach to future land use and development in the study area is required.
- Ongoing strategic planning work being undertaken by the City and other key stakeholders will need to have regard to the primary land use directions contained in the draft Plan.

L Gardner moved, P Dorling seconded -

That Council officers provide a submission to the Department of Environment Land Water and Planning in response to the draft Moolap Coastal Strategic Framework Plan April 2017 based on this report.

Carried.

Attachment 1

Discussion

This report suggests a submission developed around the following key aspects:

Point Henry Precinct

- General land use direction supported including application of UGZ.
- Directions and strategies should allow for sea level rise; a resilient public coastal waterfront; protection of infrastructure; manage contamination; provide greater consideration of any environmental impacts associated with boating access; support design excellence and community infrastructure provision; and further analysis of the pier's future usage.

Industry Precinct

- Land use direction supported. Industrial zone retention supported.
- Precinct specific DDO should be applied addressing Point Henry Road frontages.
- Support for further infrastructure investment to support precinct including sewerage (strengthen Direction 18).
- Strengthen direction 17 to provide greater direction relating to coastal foreshore links, access and extent.

South-East Precinct

- Need to acknowledge settlement policy inconsistencies.
- Stronger focus on achieving a residential outcome that delivers a significant community and environmental benefit including alignment with One Planet Living principles, significant coastal edge linkages and appropriate transition to the Bellarine.
- Clearer plan for future industry/residential transition.
- Retention of Farming Zone in interim supported.

Saltworks Precinct

- Generally support objectives with further directions/strategy clarification of intended environmental and commercial outcomes.
- Changes to Directions 19, 20, 22 & 22 recommended relating to coastal retreat, land use, open space and environment.
- Retention of the Public Conservation and Resource Zone.
- Application of Public Conservation and Resource Zone to Saltworks (Crown land) instead of Public Park and Retention Zone would reflect the preferred strategy.

Coastal Foreshore

- Further clarification and strategic planning for coastal foreshore linkages from Eastern Gardens to Clifton Avenue.

Implementation

- Clarification of implementation steps.

The key elements of this response are explored in the following draft Plan overview, policy context and discussion.

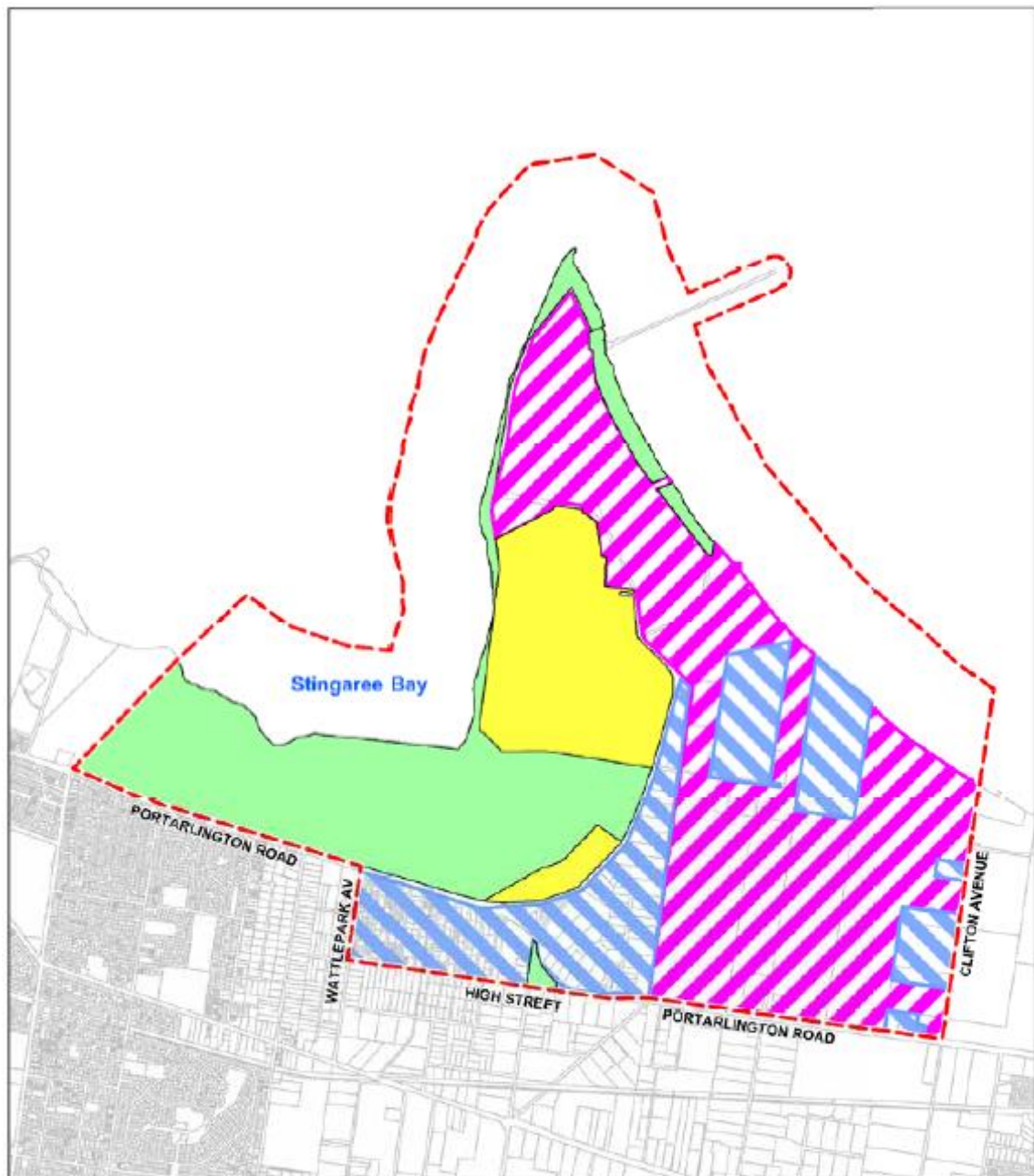
This report provides an overview of the draft Moolap Plan, primarily focusing on the four precincts and their associated primary land use directions, discussion about some of the potential land use planning, implementation or infrastructure challenges related to inform a submission.

Study Area

The Study Area is approximately 1,200 ha in size and lies within the northern part of the suburb of Moolap. It is located approximately 5 kilometres from Geelong CBD.



A key consideration in the strategic planning for this area is current landownership. The following map below shows the key stakeholders in the study area including Alcoa, State Government, Ridley (former Saltworks) and major industries including Winchester and Dow. Alcoa is also in the process of masterplanning its landholdings and has released a concept masterplan, Alcoa 575.



Overview map



Source: South West Region Planning
 April Date: 15/5/2016
 Map ID: G6 Job 22 Point Henry study area

Legend

- Study Area
- Alcoa owned land
- Other privately owned land
- Ridley owned land
- Crown/public land

0 1 2 4km

© Crown of Victoria, Department of Environment, Land, Water and Planning 2016. The State of Victoria does not accept the accuracy or completeness of information in this publication without any liability or responsibility for any errors, faults, deficiencies or omissions in the information.

Existing Policy Context

There is an existing land use and environmental policy context which applies to the study area and broader region, which is relevant to providing a contextual background to the draft Plan. Key policies/strategies include:

1. Victorian Coastal Strategy 2014
2. G21 Regional Growth Plan 2013
3. Greater Geelong Planning Scheme - Municipal Strategic Statement and Local Planning Policy Framework. The key policy clauses include: 21.06 - Settlement and Housing, 21.00 - Economic Development and Employment, 21.05 - Natural Environment, 21.14 - Bellarine Peninsula and 22.06 Tourism development in rural areas.
4. Environment Management Strategy 2014-2017
5. Low Carbon Growth Plan for Geelong 2011
6. Climate Change Adaptation Strategy 2011
7. Geelong Port- City 2050

Some of the critical elements of these policies include the application of settlement boundaries and urban breaks, maintaining productive rural landscapes, retail centre hierarchy, industry buffers and protection of the environment including wetlands and responding to climate change.

The regional policy context set out in the G21 Regional Growth Plan (G21 RGP) is of particular relevance. The G21 RGP identifies a large part of the eastern extent of the study area as a key “settlement break”.

While non-compliance with the above policy/strategy platforms should not prejudice the consideration of strategic opportunities, it should flag matters for consideration to inform a balanced outcome.

Current strategic planning projects

Settlement Strategy

The City is in the process of preparing a settlement strategy for the municipality. The strategy will provide a framework to ensure the City can meet the housing needs of the municipality to 2036.

The estimated population in 2016 of 234,999 is expected to grow to 320,791 by 2036. This is an increase of 85,792 or 36.5% over 20 years (id forecast CoGG 2015). It is estimated that at least an additional 35,000 houses will be required to cater for this growth. A combination of development in identified growth areas and existing urban areas will be required to meet this demand.

The strategy will provide clear direction on where growth and development should occur and set out the principles of sustainable urban development. This will ensure urban development occurs in a planned, logical, integrated, efficient and cost effective way. The Strategy will provide greater certainty to the City, the community and other stakeholders about meeting housing demand, providing housing development and infrastructure delivery, logical staging and sequencing and funding critical infrastructure.

The settlement strategy is on course for public consultation on discussion papers in June 2017. After this stage of public engagement, a draft settlement strategy will be prepared and it is anticipated to be in draft format in late 2017 or early 2018. The strategy will need to consider the ongoing preparation of the Moolap Coastal Strategic Framework Plan, particularly in terms of key precincts such as ‘Point Henry’ and ‘South-East’.

The draft Plan seeks to guide the future of the study area over the next 20-30 years. This in effect, will bring the land use plan up to 2050, a time frame well beyond that being considered in the settlement strategy. By 2050, the draft Plan envisages that the study area will have a distinctive high amenity residential development that is focused on the coast and provides diverse housing opportunities. The vision is absent of any detailed strategic analysis in regard to strategic planning for growth in the rest of the municipality, and this is where the settlement strategy will play a key role in the determining the need for additional land and possible timing for delivery.

Northern and Western Geelong Growth areas project

The Northern and Western Geelong Growth Areas project (NWGGA) is an ongoing growth area planning project which is furthering the work of the G21 RGP. The G21 RGP identified two 'Further Investigation Areas' in Lovely Banks and Batesford South (Northern and Western Geelong Growth areas). The project is planning for an estimated population in excess of 100,000 people.

The NWGGA project will deliver an Integrated Infrastructure Delivery Plan (IIDP) and a framework plan for each growth area. Both the IIDP and framework plans will be used to guide future development in these areas. Importantly, the IIDP looks at critical infrastructure necessary to support future communities in these areas and the necessary funding required.

The City will consider the findings and recommendations of the IIDP and framework plans to ensure that proper and orderly planning for these areas has been undertaken, also considering the impact of future growth in these areas on the City's existing significant financial commitments to growing communities elsewhere in the municipality e.g. Armstrong Creek urban growth area.

The impact of continuous growth in the absence of orderly planning and financial feasibility potentially could diminish the City's ability to sustainably provide for future population growth. Given the Moolap study area is not identified in the G21 RGP for future urban growth, this type of out of sequence land use framework plan and recommendations has the potential to have significant impact on the City's orderly settlement planning.

Our Future

The Our Future long term community vision project has through community engagement, identified a strong preference for a clever and creative Geelong while retaining aspects of a sustainable future. Such directions are relevant to a response on the draft Plan.

Geelong Ring Road- Bellarine Link (VicRoads)

A strategic road infrastructure project is ongoing and is in the planning stages at present. The new Bellarine Link road will connect the Surf Coast Hwy to Portarlington Road. The study area stretches from the Surf Coast Highway at Baanip Boulevard to Moolap Station Road.

This project will be of significance to future development in the Moolap study area. It will provide an alternative high volume arterial route to the Geelong Ring Road removing a large part of through traffic into central Geelong.

The new road will value-add to land adjoining its alignment and will put pressure on existing land uses for future urban change. In tandem with the draft Moolap Plan, considerable pressure will be placed in this broader area for future development. Moreover, the new road alignment has the potential to create a new urban growth boundary for eastern Geelong.

This cumulative impact of key land use projects needs to be carefully considered by the City in its response to the future of this area.

Leopold Structure Plan review

Whilst not commenced, the review of the structure plan in 2017/2018 will provide landowners in the structure plan study area an opportunity to put forward their land for urban development, particularly in areas north of Portarlington Road adjoining Clifton Avenue. Given the proposed future primary land use identified in the draft Plan for land in the eastern extent of the study area, management of this impact and on the identified settlement break will inform desirable planning outcomes for this transition.

The existing precinct limitations (challenges of infrastructure provision including drainage) identified in the previous Eastern Boundary review also present challenges with any push to expand eastwards of Moolap (south of Portarlington Road) should residential actually progress towards Clifton Avenue.

Draft Moolap Plan

Precincts

Four precincts have been identified in the draft Plan: Point Henry, Industry, South-East, and Saltworks and Wetlands as shown below.



The identified precincts are largely based on their existing land uses and are generally logical in their extent. The precincts are provided with key directions and strategies.

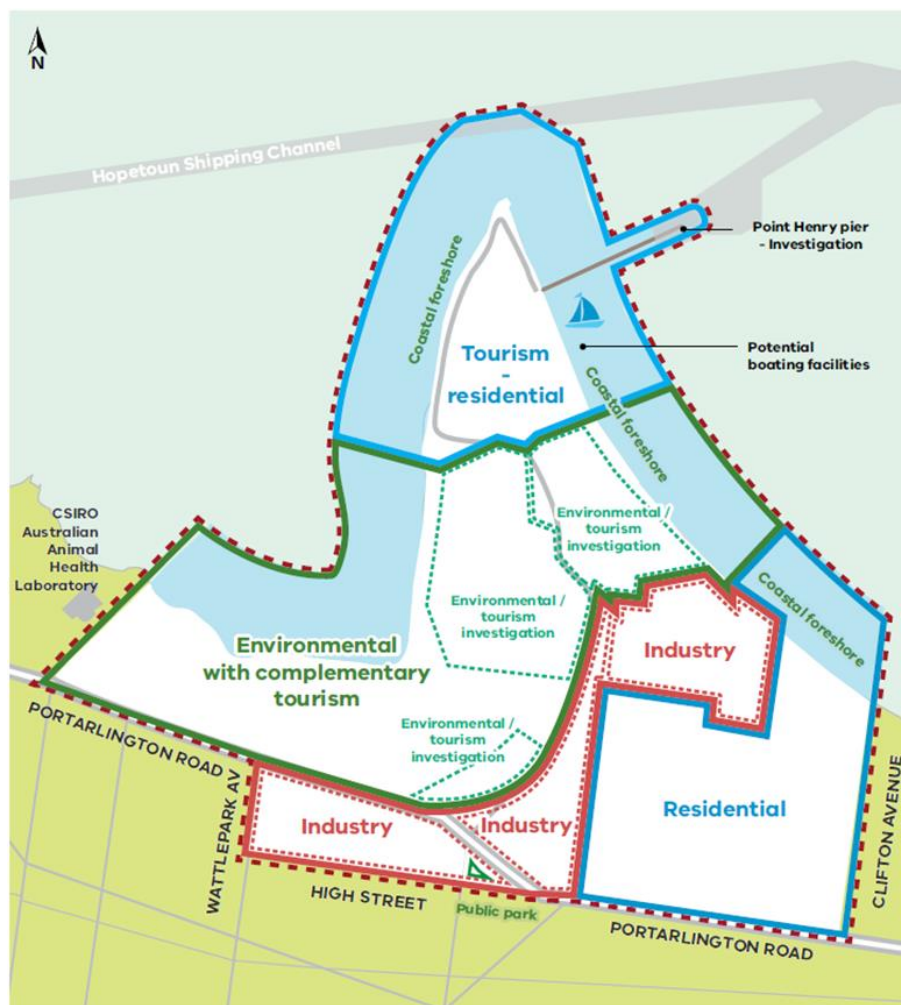
Directions and strategies are also provided for the Coastal Foreshore which is not identified as a precinct in its own right but is a key land use issue over the lifetime of the draft Plan.

Land Use Direction plan

The draft Plan map shows the primary land use directions for each precinct. The land use directions have been derived through a detailed process of background analysis, feasibility analysis, land use scenario analysis, consideration of strategic implications and public engagement. A number of the land use directions are high level so as not to restrict any future land use that might be proposed by private landowners.

The draft land use direction summary plan below shows the following land use directions for the four identified precincts.

Precinct	Primary land use direction
Point Henry	Tourism and Residential
South-East	Residential
Industry	Industry
Saltworks and Wetlands	Crown land: Environmental with complementary Tourism Private land: Environmental/Tourism investigation



The following sections of this report summarise key elements of the draft Plan by precinct and identify discussion points and recommend submission responses informed by strategy and inputs from other Council departments.

Point Henry Precinct – discussion and response

The Point Henry precinct contains a plethora of land uses and development that provide an interesting context for future land use planning. Historical industrial manufacturing, landfill, coastal inundation amongst other elements make this precinct challenging to strategically plan for future land use.

Land Use:

The primary land use direction, tourism and residential, for the precinct is supported in principle. Tourism and residential land uses generally align in terms of reciprocal land use outcomes. Given the relative isolation of the precinct, accessed by Point Henry Road some five kilometres from Portarlington Road, future land uses in this precinct will need to have a key destination factor, specifically the tourism land uses. Tourism in this area will most likely be aligned with the coastal setting of the precinct to take advantage of the waterfront. This would of course depend on the ability to fully utilise the foreshore and future coastal processes.

To fully determine the tourism role of this precinct detailed analysis will be required to determine the type of uses that would be appropriate, particularly if the intent is to provide for a regional/strategic tourist offer. Arguably, the location of this precinct commands a strategic approach to tourism uses and a need to enable a different offer to that provided on the Bellarine and Surf Coast.

Challenges will exist in planning for a vibrant coastal waterfront precinct given potential sea level rises over the next 80 years. Providing a coastal waterfront will need to plan for sea level rise by 2100, which will lead to the current coastal foreshore being inundated in susceptible areas. Given this, the location of infrastructure including public open space within the current coastal foreshore will need to consider such environmental processes. Notwithstanding this, the potential to provide greater access to the foreshore is supported.

Given the historical land use of the precinct i.e. smelter, rolling mill, land-fill et al, there is a need to ensure that the remediation works undertaken by Alcoa are satisfactory. The EPA will regulate this process. There is a genuine challenge to remediate the land to a level where residential uses could be supported. In the absence of the precinct being cleaned up prior to the finalisation of the draft Plan, there is a level of assumption that residential land uses will be acceptable. An alternative to residential land use in this precinct has not been considered in the draft Plan.

The provision of boating and recreation facilities in this area will also need to have regard to future sea level rise but also, the impact of boating facilities on the existing sensitive coastal environment, including the challenging shallow depths of the bay, highly sensitive seagrass population and habitat for bird species.

Built form and urban design:

It is agreed that the precinct is not suited to the delivery of standard residential development. As the draft Plan identifies, there is a need to deliver an alternative housing stock that takes advantage of the existing site context but also aligns with the primary land use direction - tourism and residential.

Given land use constraints and the primary land use direction, the focus on medium to high density residential development is supported. The provision of medium to high density development would fit comfortably with the urban renewal context of the precinct and would provide an alternative offer to the housing market.

The requirement for design excellence given the prime location of the precinct is a must, including the adoption of environmental sustainable development. This precinct should be a leader in design and sustainability excellence and offers Geelong a genuine opportunity to capitalise on a significant urban renewal development.

Transport and Infrastructure:

It is noted that the precinct is well serviced by civil infrastructure. However, for the precinct to become a genuine tourist destination, comes the need to provide an appropriate movement and access strategy and importantly, a key part of this strategy will be provision of public transport services.

As mentioned previously, the relative isolation of the precinct from central Geelong will require an integrated land use and transport planning approach to ensure accessibility for future visitors and residents. An overall strategic approach to the Point Henry Road will be required to ensure that the precinct does not become an 'island', given the likely future sea level rise impact on the road itself. Coordination between a number of precincts, particularly the Point Henry and the Saltworks and Wetlands precinct will be required to ensure the road remains a key access route in the absence of an alternative proposal.

The ultimate alignment of the future Geelong Ring Road Bellarine Link is likely to play a role in the strategic planning for this area. Ongoing project planning by VicRoads will ultimately determine the point where the new ring road extension meets Portarlington Road and may offer alternative access routes to the precinct.

Community facilities and open space:

From a first principle approach, the provision of unencumbered public open space should be a priority for this precinct.

The provision of community facilities must be commensurate with the future population of the area and be in recognition of the urban renewal and tourism focus that has been identified.

The strategy to facilitate continuous public access along the foreshore with links to public open space, key features, environmental assets and adjacent precincts is supported. The City supports the provision of improved public access to the foreshore. The creation of an extended public open space network must be free from genuine constraints including future sea level rise that is likely to lead to a permanent encumbrance (i.e. the public land provided along the coast should be wide enough to allow for anticipated sea level rise, any protective structures, vegetation recruitment, public involvement and foreshore enhancement).

Environment:

The ultimate aim for the environment of the Point Henry precinct is to ensure that the primary land uses proposed are deliverable in the context of the historical industrial uses of the land and extensive contamination. Ensuring that the existing wetlands continue to play a functional role will be of great assistance to any future development but also for providing passive open space.

Consideration of coastal retreat in this precinct will be key to ensuring that essential public infrastructure is provided in areas that will be useable in the future.

A suggested word change (shown in *italics*) to 'Direction 5 – Environment' is as follows: "Improve the environmental conditions of the precinct and *coastal foreshore* by cleaning up industrial land and management of wetland areas."

Point Henry Pier:

The direction for the Point Henry pier is to ensure its future use complements the role and amenity of the tourism and residential direction of the precinct. This is a logical land use direction. However, the pier is owned by the Geelong Port and they do not own any land adjacent to the pier. Effectively this makes the pier a stranded asset putting pressure on the Geelong Port to utilise the pier in the absence of industrial activity run on the Alcoa site.

The future of the pier should be considered in terms of the overall strategic context of the precinct. Given its limitations and being a stranded asset, alternative land uses are somewhat limited and possibly create feasibility issues. It is recommended that the State Government work closely with Geelong Port through future strategic planning processes such as precinct structure plans to ensure the best land use outcome for the pier.

Dependencies:

Land use dependencies and environmental clean up issues will be critical for the success of this precinct.

The outcome of the EPA Clean-up notice and associated works must be closely monitored and reviewed to determine the potential future land uses in this precinct. It is foreseeable that sensitive uses such as residential may be restricted to certain parts of the precinct based on the extent of clean-up. This may create urban design challenges in the future in terms of achieving an exceptional urban design masterplan for the precinct.

Industry precinct – discussion and response

Land use:

The primary land use direction for the industry precinct is for it to continue to operate for industry purposes. This direction is fully supported as it retains existing jobs, provides future employment potential and is logical from a land use perspective.

Within the industry precinct itself there is a range of sub-precincts, largely defined by Portarlington Road. This is a key point in considering the industry precinct itself but also the broader land uses proposed in the study area.

The industry sub-precinct south of Portarlington Road is a long established industrial area, which has smaller lot sizes that accommodate a range of light industrial uses. There is no reticulated sewer in this industrial area and there are issues with stormwater flooding, which can exacerbate contamination of groundwater issues due to on-site effluent treatment systems.

On the north side of Portarlington Road, the industrial activities are more significant in operation, larger lot sizes, heavier industrial uses and larger industrial buffers. These industries have located here for a reason, being its historical separation from urban Geelong and uses that would inhibit their ongoing operation. Example industries north of Portarlington Road include concrete batching plants, Winchester Australia, Dow Chemicals.

The established nature of existing industries within this precinct need to be acknowledged and supported into the future. The local, municipal, regional and international services offer provided is important. The two large scale industrial operations north of Hays Road, (of Winchester and Dow Chemicals), provide an important contribution to the Geelong economy both employing around 70 staff and anticipating future site investment.

Built Form and Urban Design (not inclusive):

The draft Plan recommends that schedule 20 to the Design and Development Overlay (DDO) in the Greater Geelong Planning Scheme be revisited to improve the visual appearance of the industrial areas. Given the established nature of some of the major industries in this area, the DDO is only triggered when there is a new development proposed. Consequently, it is difficult to apply a strategic approach to built form and urban design when there are historical/ongoing local and significant industrial land uses in the area. A specific DDO is suggested to replace the existing DDO to be more effective.

The key access point to the Moolap study area will most likely be Point Henry Road. As it stands, Point Henry Road has a largely industrial setting to its eastern boundary and an environmental (saltworks) context to its west. Proposed Direction 15 Built Form and Urban Design states "Review the Design and Development Overlay and facilitate landscaping along Portarlington Road to improve this key route to Geelong and the Bellarine". Direction 15 should also include wording about Point Henry Road given its primary role in providing direct access to the future Point Henry precinct. Including this wording would then reflect the associated strategy to achieve the direction.

Transport and Infrastructure:

Improvements to drainage and connection to reticulated sewerage would increase opportunities for infill development in these areas. This objective may require strategic infrastructure planning and implementation to take place, enabling change to be made or perhaps other types of enabling development such as that proposed in the South-East precinct, which could assist with alleviating broader drainage issues.

Community Facilities:

'Direction 17 Community Facilities and Open Space' states: "Continue to provide recreational opportunities at City of Greater Geelong owned parks." This direction is very high level and lacks genuine direction. It is suggested that the Direction should read as follows: "Support the retention of existing City of Greater Geelong owned parks and their improvement commensurate with future demand." The associated strategies for Direction 17 are also somewhat vague, in particular the strategy "Encourage continuous public foreshore access and links from open space to adjoining areas." There are difficulties in providing public access to the foreshore north of the industrial estate not least the Portarlington Road (arterial road), the nature of the foreshore north of Portarlington Road and the susceptibility to coastal processes. Consequently, it is suggested that section '4.5.5 Community Facilities and Open Space' be revisited in terms of its Direction and associated Strategies.

Environment:

'Direction 18 Environment' recommends improvement of the amenity and environment in the industrial areas by upgrading infrastructure. As a general principle, this is supported. However, a strategic approach to upgrading infrastructure in this area, particularly south of Portarlington Road is required. Multiple landownership and existing infrastructure conditions make any proposed infrastructure upgrade works a significant task. Funding such infrastructure works would be a massive impost on the City, service agency and landowners and simply may not be feasible not least from an economics perspective but an existing land use perspective. There would need to be a strategic demand to undertake this funding investment, and at this point in time it is difficult to see whether this would be a short, medium or long-term achievable objective. It is noted that the Direction 18 Environment and associated strategies are not carried through to the 'potential implementation framework' section of the draft Moolap Plan. Consequently, strategies as mentioned above lack the strategic support/direction through an implementable framework.

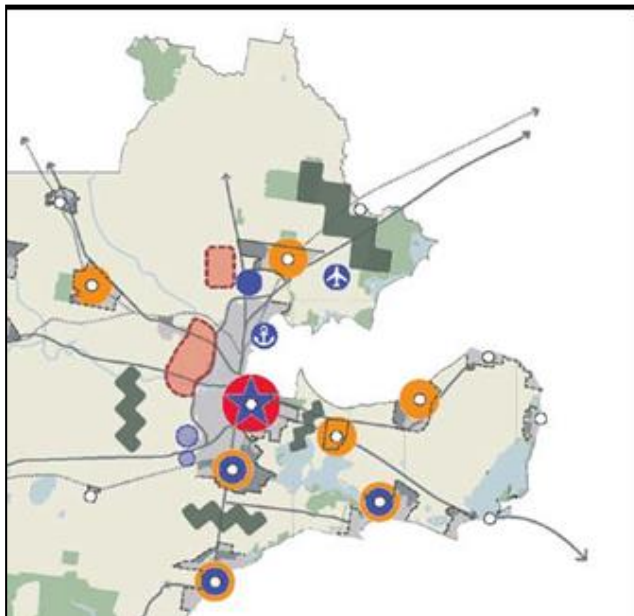
Precinct mapping:

The precinct mapping that defines that Industry precinct is incorrect. The western boundary of the precinct on the south side of Portarlington Rd includes land within the Low Density Residential Zone. The western boundary extends across to Coppards Road but it should in fact extend only as far as to Wattlepark Avenue.

South-East precinct – discussion and response

The South-East precinct is a sizeable area of land of approximately 300ha, which commands a strategic approach to land use planning.

The G21 RGP provides settlement and employment directions as outlined in the map below. The map below identifies four key settlement breaks, one of which is located between Moolap and Leopold. The settlement break shown here is known as the “Bellarine Peninsula” settlement break. Its role is ‘to ensure a strong farmed landscape character between Geelong and Bellarine towns, encourage rural production, maintain town identities and related tourism opportunities and minimise impacts on significant wetlands and coastal views’ (G21 Regional Growth Plan 2013; page 31).



Leopold has historically been the gateway village to the Bellarine, which in effect gives further importance to the role of land within the study area, specifically the South-East precinct.

The closure of Alcoa was not foreseen within the context of the G21 RGP. Notwithstanding this, the role of land within the identified settlement break (largely under the ownership of Alcoa) would have remained important for the purposes of acknowledging the separation between urban Geelong and the Bellarine, a long standing policy position of the planning scheme and reinforced in the Bellarine localised planning statement.

The primary land use direction for the South-East precinct is residential, with residential land use up to Clifton Avenue. Historically, land east of Clifton Avenue has been under significant pressure for urban development. However, the Portarlington Road has always provided a logical and robust settlement northern edge to the township. Land north of Portarlington is subject to a number of similar constraints found within the Moolap study area, such as future sea level rise, coastal environmental issues (seagrass meadows) and shallow bay depths. Leopold has also historically been seen as an ‘urban island’.

In 2014, the City commissioned a land capability study for land north of Portarlinton Road and west of Melaluka Road. The report identified that there were areas potentially suited to delivering urban development, that bay access in this area would be difficult to deliver for the abovementioned reasons in addition to a number of other matters such as public acquisition of foreshore land, ongoing management of foreshore access and boating facilities, that a strategic approach would be required to deal with infrastructure provision and extensive drainage constraints. The land capability report will be used to inform the future review of the Leopold Structure Plan in 2017/2018.

Given existing development pressure on land north of the Leopold township boundary, and the proposed future land use direction for the South-East precinct in the draft Plan, this combination of land use pressures, potentially will create a suite of issues for the City in the future, not least the issue of coalescence of settlements.

In the absence of any detailed technical analysis as to whether it would ever be capable of delivering residential development, the primary land use direction for the South-East precinct establishes a clear precedent in this area and will most likely exacerbate pressure on adjoining land particularly in terms of the future review of the Leopold Structure Plan.

The cumulative impact of the primary land use direction for the South-East precinct, the future Geelong Ring Road- Bellarine Link and the historical pressure of development of land north of Portarlinton Road at Leopold, will require considerable strategic analysis by the City in its future planning for these areas. Pressure is also likely to be seen for land south of Portarlinton Road opposite the South-East precinct.

Land Use:

Discussion on the South-East precinct is largely informed by the existing and ongoing strategic planning policy context, existing growth areas, identified future growth areas and associated strategic planning work, and municipal housing land supply matters amongst others.

Other key matters that present potential policy/land use conflict are discussed in detail within the draft Plan, being the notable significant separation distances to existing industries within the study area. These industry buffers are primarily associated Winchester and Dow Chemicals both located off Hays Road. The separation distances to the industries are up to 2km. An industry buffer of this extent highlights the major industrial operations undertaken at these facilities and the need to ensure such operations are located in areas of low population density. These industries require isolated locations that allow them to operate in a manner that would not inhibit their operations nor impact the amenity of surrounding areas.

It is encouraging to note the draft Plan's consideration of the major constraints that exist over this precinct and that in the absence of a review of such constraints and a focus on retaining and supporting established industrial operations, the future use of the precinct for residential development is a long term objective. However, the identification of the land for residential land use is somewhat lacking robust strategic justification that has been applied to other precincts in the study area.

Other constraints in the South-East precinct that will require consideration in any future masterplanning for the area are the historical landfill site owned by Alcoa and the replanted native vegetation wildlife corridor and Moolapio grasslands. The draft Plan acknowledges these matters and that detailed studies will be required to determine whether they would be suitable for development.

While there are notable policy misalignments with this area being residential which will require consideration to avoid policy inconsistencies there is some merit in residential use. This is on the basis that buffer, transition and built form responses can be addressed including proximity to central Geelong, access to Portarlington Road and the ability to provide an additional growth front and a unique and substantially different housing offer to Geelong area. Development in this area could also be an enabler to alleviating external issues and constraints relating to drainage and sewer. Planning gain through this type of infrastructure delivery to accommodate or assist with ongoing issues with stormwater and drainage should be a consideration given the strategic nature of the Moolap study area and intrinsic relationship between a number of precincts.

The draft Plan suggests that the coastal context of large scale residential development in this precinct may relieve some of the growth pressures from coastal towns of the Bellarine Peninsula. The South-East precinct is not considered a coastal location similar to that benefited by townships on the Bellarine. Access to the bay from this precinct would be limited and given the environmental and physical constraints found in the bay, access to the foreshore would be potentially limited to passive open space areas, shared paths et al. Furthermore, the adjoining areas of land east of Clifton Avenue and west of the South-East precinct are heavily constrained in terms of future sea level rise and existing industrial activities.

The draft Plan seeks to create a high amenity and sustainable residential precinct with convenient access to the coastal foreshore. This principle is supported. The objective for this precinct should be one of exemplar environmental sustainable development and seek to achieve some of the key principles outlined in the G21 Regional Growth Plan Implementation Plan about taking the 'next steps' for sustainable communities. This approach is being adopted for the Northern and Western Geelong Growth areas project. There is a potential for this area to demonstrate the One Planet Living principles.

The strategies associated with Direction 13 Land Use are relatively high level and typical of that which would be associated with large scale residential development. The strategy to enhance the coastal foreshore is acknowledged and consideration should be given to how the land is managed. The indication for potential boating facilities raises some concerns. Whilst in theory this strategy seeks to investigate opportunities, it is known that there are significant environmental issues and bathymetric issues in this part of Corio Bay.

The focus on residential development in this precinct is absent of any discussion about other alternative land uses that would be feasible as discussed in the Moolap Plan Discussion Paper. The drive for residential land use in this precinct has strong links with that identified in the Alcoa 575 masterplan, released for public comment in November 2016. The ability of this precinct to achieve its primary objective is highly questioned, which the draft Plan notes.

The draft Plan notes the level of housing land supply within the municipality. Approximately 25 years of residential land is zoned in the municipality. In addition to this, there is approximately 14 years of identified (unzoned) land for residential development (Note: The City's Residential Land Supply Monitor is being updated to inform the preparation of the Settlement Strategy). On top of this, the City is currently planning for the Northern and Western Growth Areas.

Whilst land supply will not be the determining factor if this precinct is to be developed, it is an important consideration in terms of its timing. It is noted that the draft Plan is silent on any associated timing for this precinct.

Built Form and Urban Design:

The draft Plan advises that development in this precinct would need to provide sensitive interfaces with adjacent land. Key adjoining land uses include industry to the north and west and rural to the east. The delivery of sensitive interfaces is of course predicated on the need to resolve issues relating to separation distances. However, there are concerns that typical sensitive interface treatments as mentioned in the draft Plan (landscaping, service roads and off road/pedestrian cycle paths), are insufficient and do not recognise the significance of adjoining land uses. Significant public land should be provided along the coast line linking the Point Henry Precinct to Clifton Avenue. Consideration of appropriate infrastructure to Clifton Avenue and Portarlington Road should be considered in greater detail to achieve an appropriate transition to the adjoining rural areas and Leopold.

Transport and Infrastructure:

Future residential development in this precinct should adopt a strategic approach to the provision of movement and access. This means consideration of all transport users and an integration of land use and transport planning matters.

In terms of a holistic approach to water cycle management, working closely with key stakeholders such as Barwon Water and the City, the preparation of an integrated water cycle management plan is essential to ensure that all matters relating to water are integrated and provide a strategic approach to land use planning in the precinct.

Investigation of environmental sustainable development opportunities is another key way of ensuring transport and infrastructure are sustainably driven. Consideration of ESD opportunities could include water cycle management as mentioned above, zero carbon, zero waste, land use and biodiversity, sustainable transport etc. Future masterplanning for this area should adopt an approach to the delivery of a sustainable urban environment that considers short, medium and long term opportunities.

Dependencies:

The realisation of the primary direction for this precinct is predicated on a number of matters not least resolving the land use conflict between adjacent industry and potential residential land uses. The primary direction for this precinct is entirely focused on enabling residential land use. No other land use features in the primary direction. This is a major land use direction for this precinct in the absence of key matters being resolved. Should a resolution between land use conflicts be unachievable, the status quo will remain and perhaps this is a lost opportunity in terms of a key strategic land use direction for this precinct.

The draft Plan is quite clear about what needs to be undertaken to enable the use of the land- the key matter, as discussed earlier, is resolving the separation distances from existing industries.

The key industries to which the industrial buffers (separation distances) relate are Winchester and Dow Chemicals. It should be noted that other industries operate along Point Henry Road that are likely to have separation distances that would affect the South-East precinct. The nature of operation of these industries warrant separation distances and encroachment on their operation by sensitive land uses needs to be considered carefully not least for the impact on their operational and future operational aspirations but also the potential impact on the amenity of future residential who might live close to these operations.

The draft Plan notes that there is no obligation being proposed on industry to resolve the land use conflict, but rather it is the responsibility of proponents of residential development to avoid land use conflict. This statement is supported not least for the very reasons that these industries chose this location, but recognition that it is the onus of the adjoining landowner to resolve any land use conflict should they wish to develop their land for residential.

While the dependency for this precinct is no doubt largely based on the separation distances, other key dependencies include whether there is a need for residential land beyond that already zoned or identified and this closely relates to the adequacy of housing land supply and future population growth, the ability of the City to commit to delivering key infrastructure to new residential areas such as the South-East precinct mindful of ongoing financial commitments to current growth areas e.g. Armstrong Creek but also ongoing growth area projects such as the Northern and Western Geelong Growth areas project. Detailed land capability analysis is also required.

A stronger transition strategy for industry including a role for state government should be identified.

Saltworks and Wetlands Precinct – Discussion and Response

Land Use:

The saltworks and wetlands precinct are defined by two proposed primary land use directions. The crown land primary direction is Environmental with complementary tourism. The private land primary direction is Environmental/tourism investigation. The City acknowledges the draft Plan's recognition of private and public land ownership, however, the primary direction for the area needs to be articulated in a clearer manner.

If coastal retreat is the preferred strategy for the precinct (all landownerships), this must be articulated at the start of the land use section (Section 4.7.2). Coastal retreat is a positive response to the existing and future conditions.

The primary land use directions are very high level and could be open to misinterpretation by the community. For the private landownership areas, the primary direction should read "Environmental and potential tourism investigation" if the preferred strategy is for coastal retreat. If the primary direction stays as it is currently presented "Environment/tourism investigation" this will lead to an 'either/or' situation which prejudices the preferred strategy.

A precautionary approach for this precinct is supported. Any land use proposal in this precinct should closely align with the Victorian Coastal Strategy 2014. The VCS is a key strategic policy document that provides a holistic framework for managing Victoria's coastline. Deviation from the core policies provided by the VCS could create significant land use planning issues for coastal areas in the municipality, not least to the east of Clifton Avenue where significant urban expansive land use pressures exist.

If the preferred strategy is for coastal retreat and the preferred priority is for the coastal ecosystem to continue to provide a broad range of benefits, then there will be a need for protection of the wetlands in order for them to continue to act as a habitat for a range of significant species. The saltworks will be permanently inundated by 2100 consequently the current method of pumping water in the saltworks would need to continue or else the current habitat will be lost. There is a slight conflict between protecting coastal ecosystem and allowing coastal retreat.

It is suggested that 'Direction 19 Land Use' be reworded as follows (changes shown in italics): "Protect the coastal ecosystem whilst allowing it to provide a broad range of benefits *that enable* opportunities for small scale tourism and commercial facilities, where appropriate." Wording around tourism and commercial facilities needs to be strongly set in the context of the saltworks environment. Further, given the level of reference to coastal retreat, Direction 19 should directly refer to coastal retreat, whilst allowing for opportunities for small scale tourism and commercial facilities, where appropriate and without prejudice to the precautionary approach.

It is further suggested that the wording to a specific strategy associated with Direction 19 be reworded as follows (change shown in italics) "*Consider* some water, heritage or nature based tourism and complementary facilities that are low impact and are linked to managing and improving the environmental and heritage assets."

Built Form and Urban Design:

It is suggested that the wording of the first paragraph of section 4.7.3 be reworded as follows: "*If it can be established that some tourism or commercial relates uses are acceptable within the Saltworks and Wetlands precinct, the built form should be designed to complement the environmental context, be low scale and protected from potential coastal hazards.*"

For the strategies associated with Direction 20 Built Form and Urban Design, the third strategy, which discusses built form and urban design that can withstand a permanent or temporary hazard event. This strategy should be more transparent in what it means by temporary or permanent hazard. It needs to be clear in order to meet the overall Direction.

Transport and Infrastructure:

The City supports the direction to facilitate infrastructure programs within the saltworks and wetlands precinct that benefit both the precinct itself and areas outside. This is particularly so in relation to the industrial areas south of Portarlington Road which have outlets to the bay via the saltworks.

The importance of the Point Henry Road is again directly related to any future land uses contained in the saltworks and wetlands precinct. If coastal retreat is the preferred strategy, having regard to the importance of the Point Henry Road is key to ensuring it remains a useable vehicular corridor providing access to adjoining precincts such as the Point Henry precinct. Point Henry Road will be overwashed should there not be an appropriate response to sea level rise in the future.

Engineering Services flagged some concern with some directions relating to drainage that have significant cost implications to Council for future drainage management.

Community Facilities and Open Space:

The integration of the saltworks and wetlands precincts with adjoining precincts is supported. The provision of open space links e.g. continuous link along the foreshore should have regard to future sea level rise ensuring that any open space infrastructure is provided outside susceptible areas. This will require an integrated land use planning response across all four precincts to ensure that, where possible, a continuous link is provided for coastal access but mindful of future sea level rise and land use constraints.

It is suggested that the first strategy relating to 'Direction 22 Community Facilities and Open Space' should include reference to wetlands.

Environment:

It is suggested that the wording of 'Direction 23 Environment' be reworded as follows: *"Protect the environment whilst supporting development, works, or uses which improve the environmental values of the former saltworks and wetlands."* The first priority should be to protect the environment and this aligns with the preferred strategy and preferred priority of the saltworks and wetlands precinct.

The first strategy of 'Direction 23', beginning with "Minimise impacts on the environmental..." reads as a direction rather than a strategy. It is suggested that the strategy be reworded to become actionable.

A major issue that is lacking discussion in this section relates to acid sulphate soils. This is a significant issue for this precinct as the saltworks and wetlands have acted as carbon repositories for decades and are considered a major threat to the environment if disturbed.

Coastal Foreshore – discussion and response

The draft Plan acknowledges the pressures on the coastal foreshore, namely future sea levels and the impacts of climate change including storm surge, coastal inundation and erosion, and that it is also at risk from development pressures that may expose acid sulphate soils and destroy seagrass meadows which could reduce marine life and have direct impacts on the biodiversity of the study area.

The City strongly considers these issues to be major constraints to future land use and development in affected areas. The 2014 Leopold land capability study is a useful reference in terms of considering such issues. Key recommendations from that study included coastal retreat from all areas likely to be affected by the 2100 sea level rise, provision of open space and associated infrastructure outside affected sea level rise areas, acknowledgement of the bathymetric issues of the bay e.g. shallow sea bed, extensive sea grass meadows, cost implications for the acquisition of private land to provide public access to the coast (land that would be inundated by 2100), and management of new boating facilities in these areas of high constraint.

The City acknowledges the desire to provide public access to the coastal foreshore and supports this policy position. However, as the draft plan suggests, there needs to be detailed strategic planning undertaken to ensure that the appropriate land use response to coastal processes is achieved. In the absence of this detailed work, the precautionary principle should prevail at this strategic framework planning level.

The Direction to facilitate the acquisition or contribution of coastal foreshore from private landowners to provide Crown coastal foreshore from the CSIRO to Clifton Avenue and improve connectivity, access and integration is encouraged. Again, with acquisition comes financial commitment and ongoing maintenance costs. Acquisition of land that is likely to be inundated is clearly an unfeasible proposal and should not be supported.

Potential Implementation Framework – discussion and response

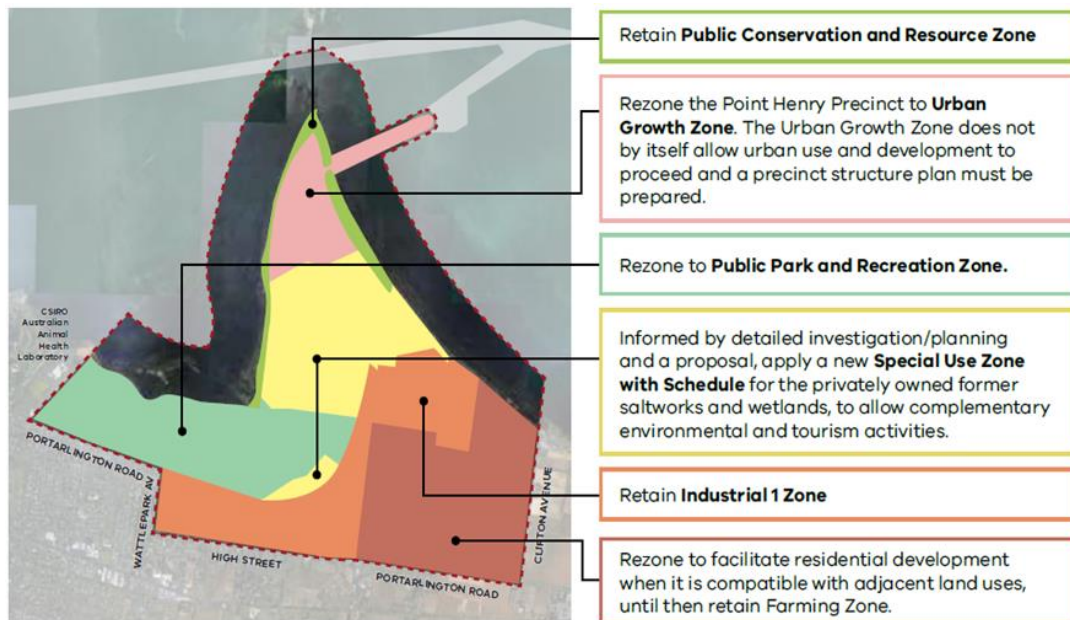
The potential implementation framework is somewhat high-level in terms of actual timing. The draft Plan notes this but in the absence of timing, it is difficult to provide detailed commentary.

Planning Scheme Amendments:

The proposed implementation methodology of the Moolap Plan into the Greater Geelong Planning Scheme is clear. However, it is unclear as to what form of planning scheme amendment will be undertaken i.e. fast-tracked or extensive notice process, whether the Minister will run the amendment, full or partial implementation, staged zoning amendment etc.

Consideration of how the Moolap Plan itself will be implemented, as discussed above, should determine how the proposed rezonings are undertaken. Ideally, a Moolap policy via the MSS should be reviewed by an Advisory Committee or Planning Panel prior to implementation into the Planning Scheme. Potentially any major zone changes should follow policy implementation.

The plan below shows the proposed rezonings by the draft Moolap Plan:



The retention of the Industrial 1 Zone in the Industry precinct is supported in principle.

The retention of Farming Zone in the South-East precinct is supported in principle.

The rezoning of the Crown Land from Special Use Zone to Public Park and Recreation Zone is questioned. Given the overall intent of this area, Public Conservation and Resource Zone is potentially a more suitable zoning option. The Public Park and Recreation Zone is recreation aligned and perhaps overrides the environmental significance of this area and the preferred strategy. Whilst not mentioned in the draft Plan, it is assumed the Crown land would continue to be under the ownership and management of the Crown.

The recommendation to apply a new Special Use Zone with schedule to the privately owned former Saltworks and Wetlands west of Point Henry Road to allow complementary environmental and tourism activities is supported in principle. It is suggested that the application of a new schedule to the Special Use Zone should be supported by a land use proposal in order to justify the planning scheme amendment or even a combined planning scheme amendment and permit application in order to give strength to any proposed land use/development.

The recommendation to rezone land east Point Henry Road from Industrial 1 Zone to Special Use Zone with a new schedule is supported in principle. The primary purpose of the schedule should be environment focused.

Ultimately, the approach to this area should be strategic in order to ensure consistency with adjoining land uses. The approach to rezoning land within the Saltworks and Wetlands precinct and the land proposed for rezoning to Urban Growth Zone must be strategic.

Whilst the rezoning of the respective parcels of land to various land use zones may take place in a piecemeal approach, any proposed amendment should be guided by the overall strategic intention for the broader study area and individual precincts in the Moolap Plan.

The proposal to apply the Urban Growth Zone to the Point Henry precinct is supported in principle. The Urban Growth Zone acts as a holding zone for future urban land use and development. The preparation of a precinct structure plan will add detail to the vision for the precinct set out in the draft Moolap Plan.

Schedule 20 to the Design and Development Overlay applies to a number of industrial precincts throughout the municipality. Any review of DDO20 would need to be undertaken cognisant of its broader application across the municipality. The City would need to consider the strategic benefit of undertaking a wholesale review of the DDO considering such matters as historical land use operations, the quality and applicability of the DDO design controls, the success of the DDO in guiding new development in industrial areas et al. Consequently, a review should form part of a broader review of the Greater Geelong Planning Scheme, for example in combination with Council's Municipal Strategic Statement review. Alternatively, a precinct specific response is recommended to replace DDO20 in the study area.

Precinct Structure Plan- Point Henry:

The preparation of a precinct structure plan (PSP) for the Point Henry precinct is a logical next step after the application of the Urban Growth Zone. The PSP will provide a finer grain of precinct planning that will ensure a cohesive site response to existing site conditions and the identified primary land use direction of the area.

Section 8(d) refers to the PSP being a mechanism to investigate and implement, and include: determining the size and type of interface treatments between the South-East precinct and the rural land; and the South-East precinct and Portarlington Road. Investigation into such matters is considered beyond the scope of a PSP to be applied to the Point Henry precinct. This wording should be revised.

Residential- South-East precinct:

This section outlines how the land owner/developer should investigate actual separation distances required for existing industries adjacent to the South-East precinct including industries such as Winchester and Dow Chemicals operations.

The wording in this section should include the need to work closely with the EPA who provide key guidance on determining appropriate separation distances and associated criteria that should form part of any assessment for separation distances.

Reticulated Sewer Extension and Stormwater Drainage Improvements:

The wording associated with the investigation work is unclear. Given the South-East precinct's primary land use direction is residential development, the onus should be on the land owner/developer to work with key service agencies to investigate the provision of reticulated sewer and improved stormwater drainage in the precinct. The City would of course be a key stakeholder in any discussions. The aim of the investigative work is to improve environmental management and infill opportunities in the South-East precinct- again the wording around this purpose is unclear.

Portarlington Gateway:

The desire to improve the visual amenity and streetscape along Portarlington Road and within the Industry precinct is acknowledged and supported. However, the implementation objective is very high level and lacks any clear direction for the two stakeholders, City of Greater Geelong and VicRoads, to work with. It is a strategic implementation objective that ultimately requires both the City and VicRoads to work

collaboratively towards improving land within the VicRoads road reservation and working with private landowners to improve the visual amenity of their properties fronting Portarlington Road. The associated timeline, short term- within 10 years, is potentially slightly premature and is lacking awareness about funding requirements and challenges with multiple landownership etc.

Financial Implications

The project has no immediate financial implications for Council. The final Framework Plan's land use mix and infrastructure outcomes may have longer term financial implications i.e. new assets to manage, new infrastructure provision requirements, future planning scheme amendments including consequential changes to existing policy to address policy discrepancies.

Stakeholder Consultation and Communication

DELWP has engaged in public consultation throughout the preparation of the draft Moolap Plan. Council officers have also been represented on the Project Steering Committee and Project Working Group throughout the plan preparation.

Policy/Legal/Statutory Implications

Discussion provided in this report have been based on consistency with key Council strategies and policies.

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.

Conflict of Interest

Officers involved in preparing this report have no direct or indirect interest in the study area.

Risk Assessment

The draft Plan provides low to medium levels of risk over a short to medium term. Potential implementation tasks identified in the draft Plan may require Council to allocate resources to completing tasks. Other medium to long term works include impacts on assets impacted by sea level rise or the management and maintenance of new assets.

Environmental Implications

The draft Plan considers environmental impacts from future climatic processes but also, impacts likely to arise from future land use and development. The study area contains significant environmental qualities that will face challenges from both natural and man-made processes and actions. The draft Plan is largely cognisant of key environmental issues and this is reflected in some of the potential implementation tasks outlined in the draft report.

9. REVOCATION OF FLOOD-PRONE AREA DESIGNATION OF NEW LOTS AT SANCTUARY, ARMSTRONG CREEK STAGE 1

Source: City Services - Engineering Services
General Manager: William Tieppo
Index Reference: Flood and Drainage Management

Purpose

The purpose of this report is to revoke the designation of flood affected land within the stages of the development of Sanctuary, Armstrong Creek Stage 1.

Background

The current designated flood mapping (refer to Attachment 2) was designated by Council, under the provisions of the Building Regulations 2006.

The subject of this report is the residential land at Sanctuary, 112-120 Burvilles Road, Armstrong Creek. Prior to subdivision the parent lot was used primarily as farmland.

Key Issues

- The flood mapping is subject to a revision due to the subdivision and development at 112-120 Burvilles Road, Armstrong Creek. Prior to subdivision the parent lot was considered to be liable to flooding. This development site, which is also known as Sanctuary, Stage 1, 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. (Refer Attachment 3)
- 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.

L Gardner moved, P Dorling seconded -

That Council revoke the Council designation of flood affected land Sanctuary, Stage 1 as liable to flooding pursuant to Regulation 802(2) of the Building Regulations 2006.

Carried.

Attachment 1

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.

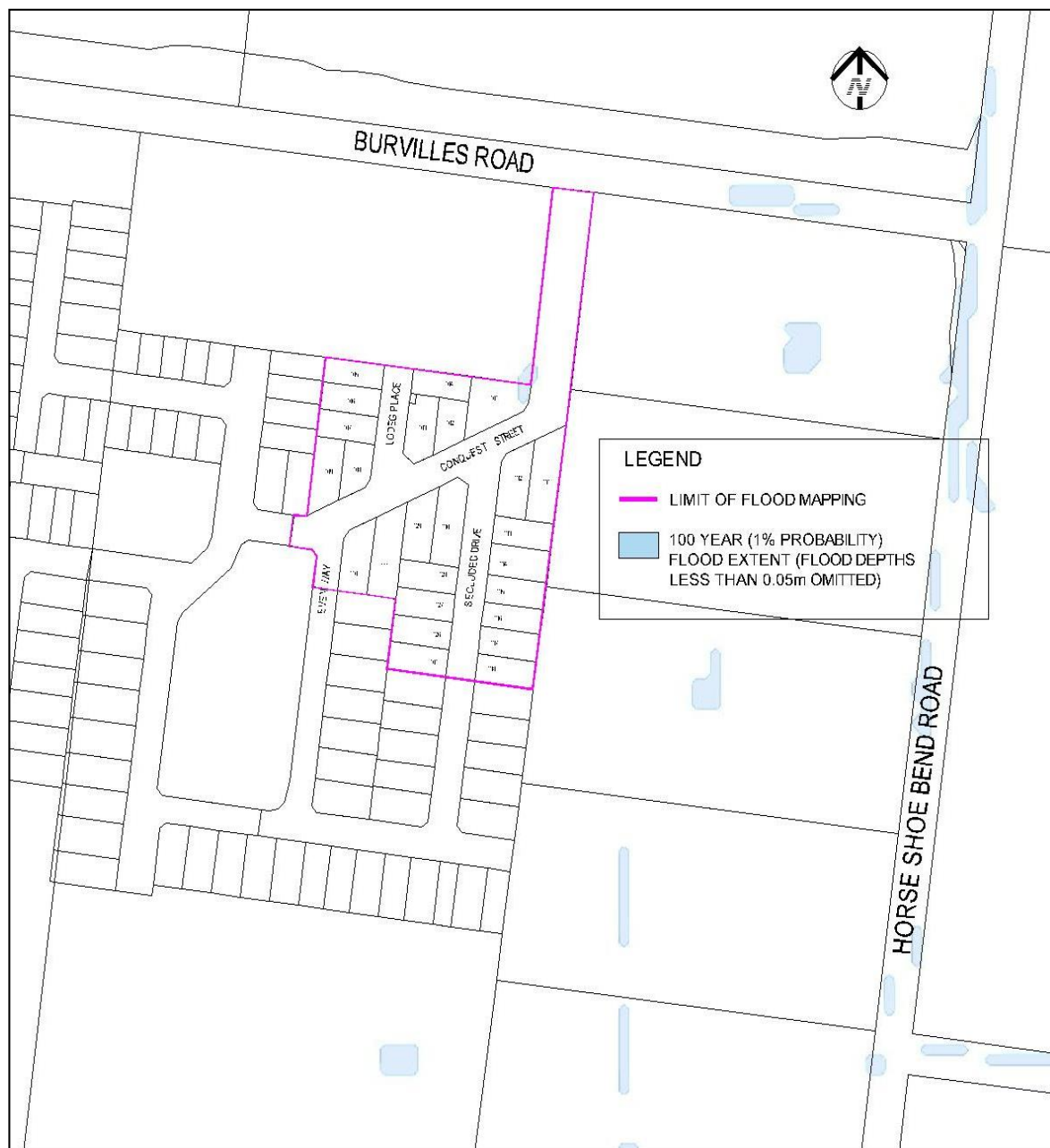
Risk Assessment

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.

Attachment 2

CURRENT FLOOD MAP



Attachment 3

REVISED FLOOD MAP



10. ROAD MANAGEMENT PLAN REVIEW

Source: City Services - Engineering
Director: William Tieppo
Index Reference: Roads – Road Management Plan

Purpose

To adopt the Road Management Plan (Version 6).

Background

The City's Road Management Plan ("the Plan") (version 5) was reviewed and adopted in June 2013. The Road Management (General) Regulations 2016 requires that a review be undertaken no more than 4 years after the completion of the last review.

Key Issues

- The review of the Road Management Plan has resulted in a number of changes in the maintenance standards for infrastructure where Council is the Co-ordinating Road Authority under the Act. The schedule of changes and amendments from Version 5 to Version 6 is attached to this report (Refer Attachment 2).
- As required by the Road Management (General) Regulations 2016, the Plan was advertised in the City News section of the Geelong Advertiser on the 15th of April, 2017 and in the Victorian Government Gazette on the 20th of April, for a period of 28 days.
- The plan was also advertised on the City's webpage "Have your say..." section. Members of the general public were given the opportunity to download the updated document and the Schedule of Changes & Amendments and provide feedback. The page generated 270 page views and over 100 document downloads during this period. No comments that directly related to the updated Road Management Plan were received during this time.

L Gardner moved, P Dorling seconded -

That Council adopt the updated Road Management Plan Version 6 (Attachment 3).

Carried.

Attachment 1

Discussion

Since the commencement of the Road Management Act (2004), the City has prepared a Road Management Plan under Division 5 of the Act. The Road Management Plan establishes a system of management for the public road functions that are the responsibility of Council to meet the needs of the community.

The Road Management Plan establishes the levels of service for inspection, defect identification and response times related to road and road-related infrastructure for which Council is the co-ordinating road authority as per the Act. This Plan encompasses road user needs and expectations within an economic framework based on meeting "reasonable" maintenance operation targets and asset management programs relative to the road network function.

The City has reviewed the Road Management Plan four times over the past thirteen years with the last review occurring in June 2013 (Version 5). The current review of the document (version 6) has been prepared in accordance with the Road Management (General) Regulations 2016.

The updated Road Management Plan is the result of an 18 month internal review which involved reviewing the levels of service for the City's footpaths in respect of the recognition of defects and the timeframes to remedy any identified defects. Additional changes to the document are documented in the Schedule of Changes & Amendments which is attached to this report.

Financial Implications

The adoption of the Road Management Plan will have no direct financial implications for the 2017/18 financial year.

Stakeholder Consultation and Communication

Members of the community and general public were given an opportunity as part of the Road Management Review to provide feedback on the updated version of the document.

A comprehensive internal review of the Plan was also undertaken. This involved the City's Road Management Improvement Group and Infrastructure Asset Sub-group meetings with several internal stakeholders involved in providing feedback during the review process.

The City received feedback from the Municipal Association of Victoria (MAV) over the course of the review of the Plan to ensure compliance with the Road Management Act (2004).

Policy/Legal/Statutory Implications

This Road Management Plan has been prepared in accordance with the following Acts, Regulations and Codes of Practice:

- Local Government Act 1989 (Vic);
- Local Government (Best Value Principles) Act 1999 (Vic);
- Road Management Act 2004 (Vic);
- Road Management (General) Regulations 2016 (Vic);
- Road Management (Works and Infrastructure) Regulations 2015 (Vic);

- Road Safety Act 1986 (Vic); and
- Ministerial Codes of Practice.

The Road Management Plan was prepared in 2004 as per sections 49 to 55 of the Road Management Act (2004). The Road Management (General) Regulations 2016 provides guidance on the review frequency of the Road Management Plan.

The Regulations state that a Road Authority must commence a review of its road management plan where the plan has been previously reviewed not more than 4 years after the completion of the last review. The City last reviewed the plan in June 2013.

Risk Assessment

There are no additional risks associated with adopting the Road Management Plan. The Road Management Plan addresses and documents “reasonable” maintenance standards in relation to the City’s roads, footpaths, kerb & channel and other road-related infrastructure in order to manage and mitigate the City’s risk in relation to these assets.

Attachment 2

Schedule of Changes & Amendments

Version	Date	Changes/Amendments
V 6.0		The sixth review of the plan resulted in the following changes: S1 – Removed street furniture, bus shelters, street lighting and parking meters as per S3 of the Road Management Act definition S1 – Updated asset total that Council manages S 1 – Removal of reference to Maintenance Management Plans S 1 – Removal of reference to the drought S 1 – Inclusion of reference to S85 of the Wrongs Act (1958) S 1 – Removal of paragraph reference to appropriate level of funding S 2.1 – Removal of reference to unmade roads S 2.3 – Expansion of pit lid defects to be identified by proactive inspections S 2.3.1 – Removal of storm water drain from cross section diagram S 2.7 – Removal of Public Amenity section S 3.4.4 – Amended Maintenance Responsiveness & Performance targets to reflect response timeframes relate to conducting an inspection only S 3.6.4 – Addition of Councils responsibility for the footpath portion of a driveway S 3.6.4 – Removal of reference to nature strips as these are defined as roadside for RMA purposes S 4.2 – Removed category 1 unformed paths S 4.3 – Table updated with recent data S 4.4.1 – Removal of Maintenance Management Plan paragraphs S 4.4.1 – Paragraph title “Temporary measures” renamed to “make safe” S 4.4.2 – Removal of reference to Management of Risks in relation to Asset Management Plans S 4.4.3 – Removal of Maintenance Management Plan paragraphs S 4.4.3 – Updated RFS inspections to reflect intervention levels in the plan S 4.4.3 – Removal of reference to SIR Inspections pursuant to S116 of the Act S 4.4.4 – Removal of reference to SIR Inspections pursuant to S116 of the Act

		S 4.4.5 – Removal of Civic Mutual Plus references S 4.4.5 – Public safety issue replaced with at intervention level S 4.4.5 – Removal of reference to tree inspections and paper based record system S 4.4.5 – Removal of reference to Maintenance Management Plans S 4.4.5 – Removal of Priority as a risk rating for defects S 4.5 – Removal of Consultation process section S 4.6.1 – Removal of reference to adequate provision for specific user groups relating to community levels of service S 4.6.1 – Replaced the word “safe” in “all road structures.to be maintained in a safe, workable condition” to “reasonable” S 4.6.4 – Response time for remedial work target updated to 100% S 5.4 – Removal of flowchart and reference paragraph S 5.9 – Asset Manager renamed to Asset Owner S 5.9.2 – Removal of reference to Maintenance Management Plan paragraphs Technical references – Removal of National Asset Management Manual & Civic Mutual Plus references Support Documents – Removal of Maintenance Management Plan documents Applicable Versions of Standards – Removal of Maintenance Management Plan document Attachment 2 – Changed 100 vpd to 1000 vpd for Link Roads Attachment 3 – Updated RFS inspections to reflect intervention levels Attachment 3 – Removal of SIR inspection reference Attachment 3 – Updated Programmed inspection defects to exceed the intervention levels Attachment 4 – Removal of category 1 unformed paths Attachment 4 – Updated signs to Regulatory, Warning and Hazard Attachment 4 – Changed condition inspections to N/A for unsealed roads Attachment 4 – Removal of line marking from inspection regime Attachment 4 – Addition of “or as soon as reasonably practicable thereafter” for all inspection timelines Attachment 4 – Removed Roadside furniture from inspection frequencies – non-road related infrastructure
--	--	--

		Attachment 5 – Updated RFS flowchart – Programmed inspections to reflect defects that exceed intervention Attachment 6 to 9 – Removal of obsolete work practice no's Attachment 6 – Redefined intervention levels for damaged signs; Updated target rectification for Faded and Wrong Orientation signs Attachment 6 – Changed activity Routine Patrolling Patching to Road Repairs Attachment 6 – Removed Sealed Shoulder & Shoulder Grading activity Attachment 6 – Included pavement markings as an identified defect Attachment 6 – included vegetation and trees as an identified defect Attachment 6 – Updated pothole depth on Sealed roads to greater than 75mm from 35mm Attachment 6 – Updated defect rectification for Cat 2 regulatory, warning and hazard signs to 5 days instead of 20 days Attachment 6 – Distinction between sealed & brick path and concrete path defects for potholes and trip hazards Attachment 6 – Updated category 2 intervention level for trip hazards to 25mm; Removal of lip grinding as a defect/activity Attachment 6 – Change to Intervention level target response times for Category 2 to 5 footpaths
--	--	--

11. SUSTAINABLE BUILDING POLICY - UPDATED

Source:	Capital Projects
Director:	William Tieppo
Index Reference:	Sustainable Buildings

Purpose

Provide an updated Sustainable Building Policy for adoption by ELT.

Background

Council policies are reviewed and updated according to an adopted schedule. The Sustainable Building Policy is now due for review. Various departments have been consulted on the updates to the policy including Facility Maintenance and the Environment department.

The intention of the policy has not altered – that is to guide organisational practices to manage the social, environmental and financial aspects of Council Buildings in order to achieve sustainability standards.

Key Issues

- Council owns and manages a large portfolio of existing buildings. In addition to those already owned, new buildings are consistently being constructed as part of the large capital works program.
- It is imperative that new buildings and existing buildings that are being renovated achieve adopted sustainability standards.
- The sustainable design features of a project will be considered as a holistic package which will aim to meet a 7 year simple payback period.
- Large buildings will meet a 5 Star GreenStar Design and As Built rating or equivalent.
- Small buildings will meet an 'Excellent' rating on the Built Environment Sustainability Scorecard for design, or equivalent
- Flexibility is required in some instances where achievement of the sustainability standards may not be possible or practicable.

L Gardner moved, P Dorling seconded -

That Council adopt the updated Sustainability Building Policy CPL215.10.

Carried.

12. ROAD RENAMING - WESTERN SECTION CURRANGO WAY, OCEAN GROVE

Source: Finance & Strategy - Financial Services
Director: Joanne Moloney
Index Reference: Financial Management Reporting

Purpose

To seek approval to rename the western made section of Currango Way, Ocean Grove to "Gypsy Court, Ocean Grove".

Background

Sub-divisional development has occurred which now truncates the western section of Currango Way, Ocean Grove in the area before it meets Valley Court, Ocean Grove. This truncation creates two Courts which will require naming to distinguish from Currango Way. The Courts will be named as Marlo Court and Gypsy Court, Ocean Grove. A Council reserve will be created in the middle of these Courts. The section of Currango Way to be renamed to Gypsy Court is a made roadway. Marlo Court will be constructed within the subdivision.

Council is responsible as a naming and numbering authority designated under the Local Government Act 1989 and is required to utilise the Naming Rules for Places in Victoria 2016 ("the Rules").

Appropriate naming is essential to identify locations for managing emergencies and delivering goods and services.

The rules stipulate that a road name must not be applied in a disjointed or confusing way. Isolated road segments need to be uniquely named.

The developer was requested to submit a new name within his subdivision plan. The name "Gypsy" was supplied by the developer. This name met the required criteria under the Rules.

Key Issues

- The road renaming from Currango Way to Gypsy Court will avoid confusion following the truncation, and ensure correct property location in an emergency situation.
- Road renaming will result in 3 properties requiring re-addressing.
- Letters have been sent to all affected and adjoining property owners (5) including survey for response.
- Four of the five surveys were responded to, two in favour and two against.
- Responses have been sent to all survey submissions advising that "Gypsy Court" has been selected for the Court name.
- Advertisement placed in the Geelong Advertiser newspaper on 26 November 2016.
- Proposal was placed on Council Website for 30 days as per statutory requirement.

P Dorling moved, L Gardner seconded -

That Council approve the renaming of the Western section of Currango Way to "Gypsy Court, Ocean Grove" (Attachment 2).

Carried.

Attachment 1

Discussion

It is proposed to rename the western section of Currango Way to “Gypsy Court, Ocean Grove and register the new road name with the Office of Geographic Place Names.

The area where the subdivision is occurring has now truncated Currango Way and formed two roadways (Courts). The truncation will also create a Council owned Reserve. As this roadway has now become disjointed Council is required, to rename the western section.

The section of Currango Way proposed to be renamed is the only section that is currently a made roadway. The roadway will be further constructed as part of the subdivision to intersect with the truncation.

The developer of the subdivision supplied the name Gypsy Court for this section of roadway as part of a further stage to the subdivision. A compliance check has been completed, as per the Rules, and the name meets these requirements.

The map included (Attachment 2) shows the subdivision highlighted in Pink. Gypsy Court and Marlo Court will become registered road names on title release of this subdivision. The legend within the map shows there is a portion of road to be renamed, indicated by the solid line. The hashed lines indicate the sections to be named within the subdivision.

The uniqueness and accuracy of a roadway’s name reduces the likelihood of delaying an emergency services vehicle due to inadequate or confusing location details, which might result in life threatening consequences.

The proposed renaming was advertised in the Geelong Advertiser on 26 November 2016.

Council communicated via letter and survey, with 3 affected property owners, and 2 adjoining property owners. The survey was issued in accordance with the Naming Rules for Places in Victoria 2016 and requested owners to advise if they agreed or disagreed to the renaming. Four of the five surveys were returned. Two surveys were in favour of the renaming, two surveys did not like the name and suggested new names. Names suggested were: Echidna, Wallaby, Orchid, Honeyeater, Wattle, Ruffs, Shelduck, Woodduck and Bournda. These new names were checked and were found to be non-compliant as they either already existed or had similar named roadways within the area or are listed on the Reserve Road Register and are considered duplications.

All returned surveys have been considered as per “the Rules”, and replied to based on their submission.

The section of roadway which runs east from Conran Drive will remain as Currango Way, Ocean Grove (Attachment 2).

Financial Implications

The approximate cost to Council is \$360. This includes advertising, notification to adjoining and affected property owners, notification to authorities and street signage.

Stakeholder Consultation and Communication

Correspondence has been sent to all adjoining and affected property owners advising them of the proposed renaming and inviting submissions by returning a survey.

Four surveys were returned to Council. Two surveys were in favour of the renaming and two surveys were against.

The proposal was advertised in the Geelong Advertiser newspaper on 26 November 2016. No submissions were received from the advertisement to the proposal.

The proposal was published on Council's Geelong Australia website for 30 days as per the naming Rules for Places in Victoria 2016.

Subject to Council and the Registrar of Geographic Names approval, the relevant authorities and abutting owners will be notified of the official registration of this road renaming.

Policy/Legal/Statutory Implications

The Local Government Act 1989, the Geographic Place Names Act 1998 and the Naming Rules for Places in Victoria 2016 have been followed.

Alignment to City Plan

The proposal aligns to City Plan with the encouragement of Community Wellbeing.

Conflict of Interest

There is no Council Officer direct or indirect interest involved in this report.

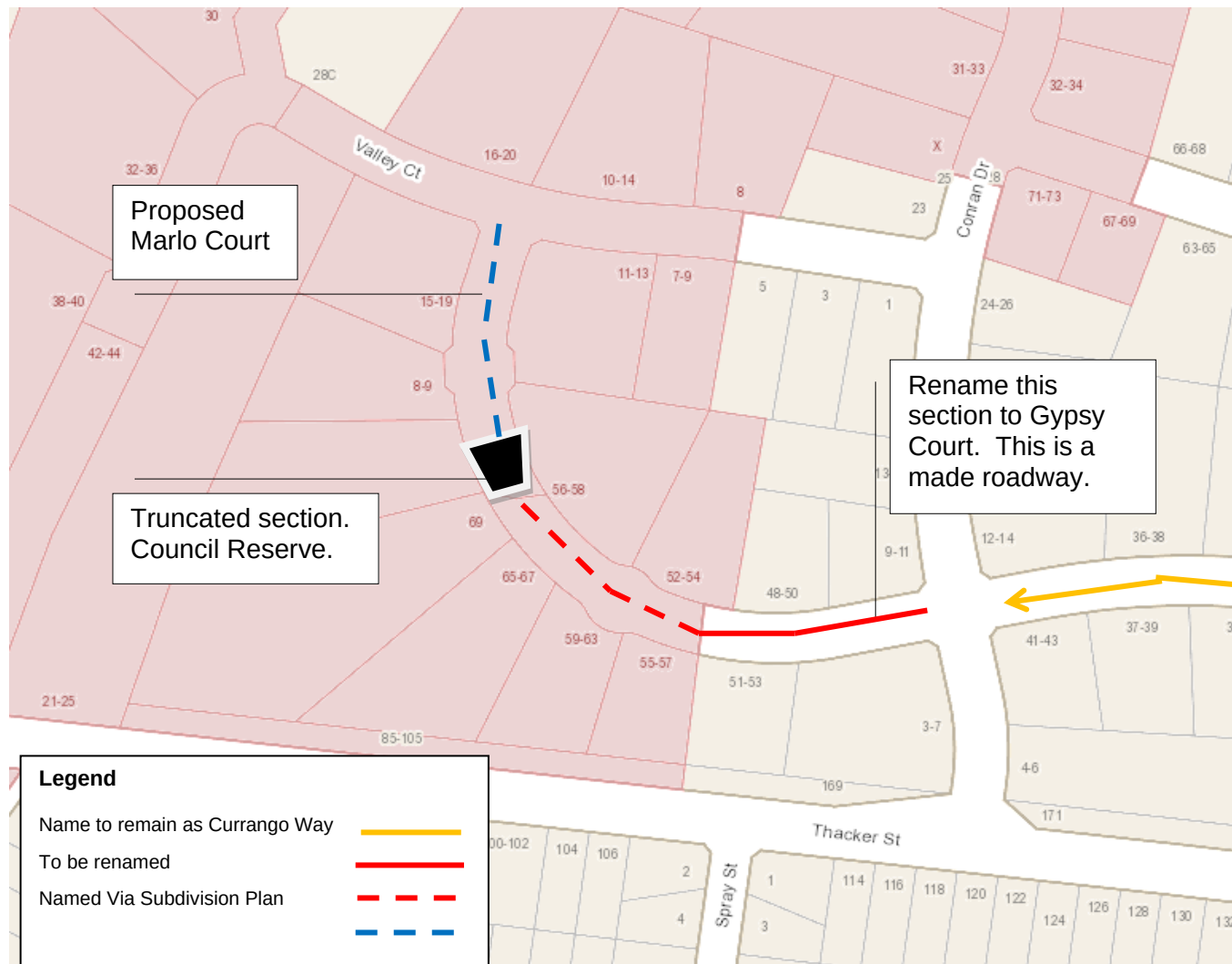
Risk Assessment

If an emergency situation occurred, Council's proposal to rename this section of roadway could minimise the risk or failure to be able to access a situation in a timely manner.

Environmental Implications

There are no environmental issues arising from this report.

Attachment 2



13. COLAC ROAD, HIGHTON - FOOTPATH CONSTRUCTION - SRC 335 - FINALISATION OF SCHEME

Source: City Services - Engineering Services
Director: William Tieppo
Index Reference: Subject: Special Rates and Charges, Colac Road, Highton

Purpose

The purpose of this report is to finalise the footpath scheme for Colac Road between the Geelong Ring Road and South Valley Road, Highton.

Background

This project involved the construction of a shared footpath along the north side of Colac Road between the Ring Road and South Valley Road, Highton to provide pedestrian and cycle connections between Deakin University and Waurin Ponds Activity Centre. (See Plan – Attachment 3).

Key Issues

- The Special Charge Scheme was declared by Council at its meeting of 22 April 2014.
- The scheme affects twelve (12) properties and the cost estimate for the project was estimated at \$363,760.
- The works have now been completed and the scheme can be finalised by Council. The total cost of the project was \$390,624.21. The cost increase of \$26,864.21 was due to an additional retaining wall structure to support the footpath.
- It is considered appropriate for Council to fund the increased cost in the project as supporting infrastructure is traditionally funded by Council.

P Dorling moved, L Gardner seconded -

That Council:

- 1) endorse the special charges on the project;**
- 2) inform property owners as required by Section 166 of the Act as shown in Schedule A – Attachment 2; and**
- 3) endorse the increased contribution from Council of \$26,864.21.**

Carried.

Attachment 1

Financial Implications

The financial details of the project are as follows:

Funding	Estimate	Actual
Maximum scheme levy to Property Owners (income)	\$42,118.18	\$42,118.18
Scheme levy to Council	\$50,541.82	\$50,541.82
Direct Funding by Council to widen the path from 1.5 to 2.0 metres and provide support infrastructure	\$33,000.00	\$59,864.21
Direct funding by VicRoads	\$238,100.00	\$238,100.00
Total Project Cost	\$363,760.00	\$390,624.21

The costs for the project were funded from C2303 SRC footpath construction in 2014. Property owners will be advised of the final charges.

Stakeholder Consultation and Communication

Communication with property owners has taken place during the course of the project and Special Charge Scheme process. Works were constructed in conjunction with VicRoads funding associated with the extension of the Geelong Ring Road. Council will advise the property owners of the final costs.

Policy/Legal/Statutory Implications

The Special Charge Scheme has been administered in accordance with the Special Charge Scheme provisions of the Local Government Act 1989 as well as Council's Special Rates and Charges policy and Community Engagement Guidelines.

Attachment 2

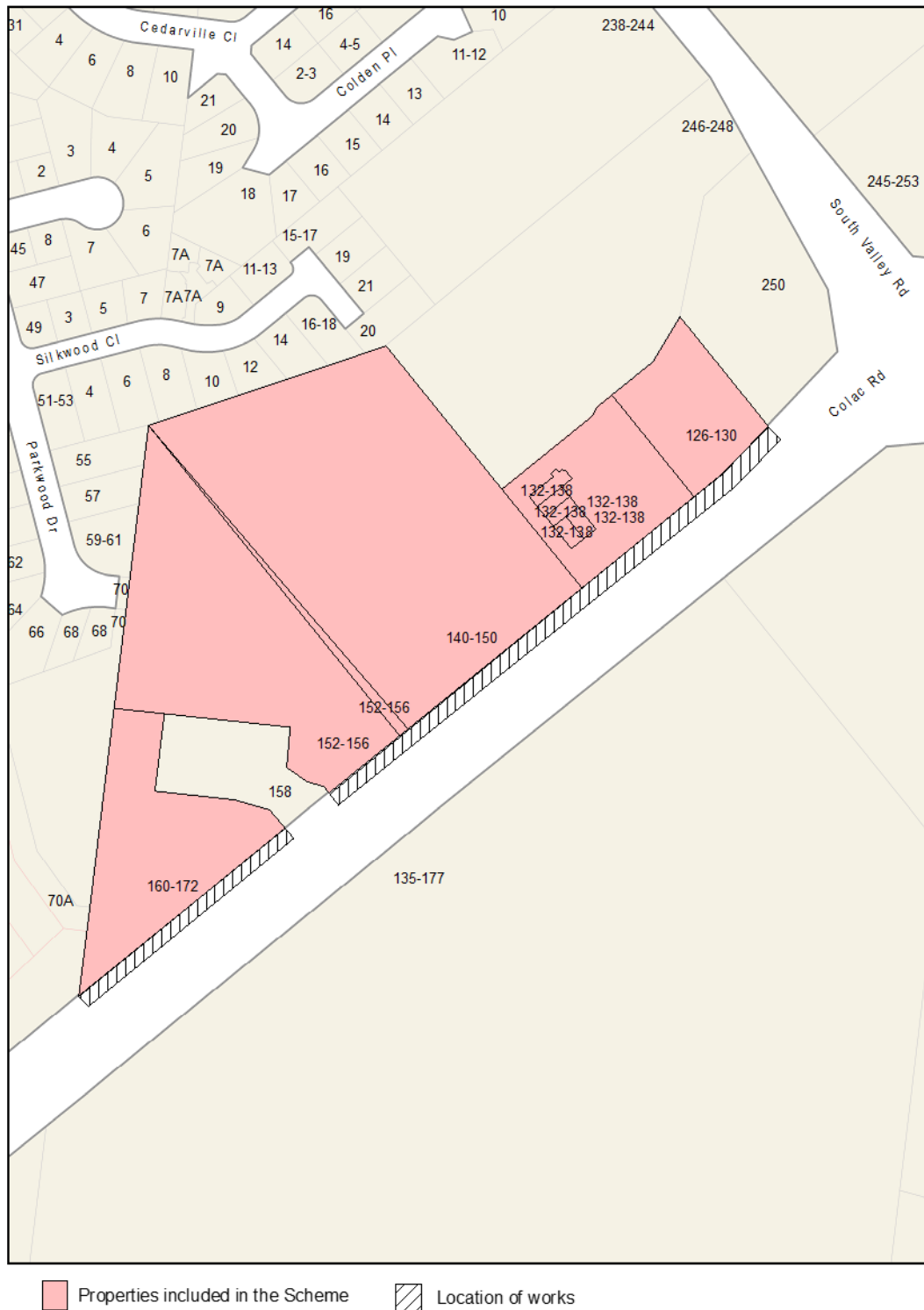
SCHEDULE 'A'

**PROPOSED SPECIAL CHARGE SCHEME FOR
COLAC ROAD FOOTPATH, HIGHTON**

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN5	COLUMN6
Prop Key	Address	Legal Details	Total Frontage (m)	Apportionable frontage	Pathway cost (\$)
224141	140-150 Colac Road, Highton VIC 3216	Lot 2 TP 851204	110.90	110.90	\$13,625.35
298209	152-156 Colac Road, Highton VIC 3216	Lot 1 PS 331074, Lot 1 TP 851204	50.41	10.00	\$1,228.62
334219	160-172 Colac Road, Highton VIC 3216	1/2 Share of PC 370739	131.7	56.50	\$6,941.68
343603	Suite No. 1/160-172 Colac Road, Highton VIC 3216	1/2 Share of PC 370739	131.7	56.50	\$6,941.68
325304	Shop No. 1/132-138 Colac Road, Highton VIC 3216	1/5 Share of Lot 4 PS 404306	71.71	11.60	\$1,425.19
325305	Shop No. 2/132-138 Colac Road, Highton VIC 3216	1/5 Share of Lot 4 PS 404306	71.71	11.60	\$1,425.19
325306	Shop No. 3/132-138 Colac Road, Highton VIC 3216	1/5 Share of Lot 4 PS 404306	71.71	11.60	\$1,425.19
325312	Shop No. 5/132-138 Colac Road, Highton VIC 3216	1/5 Share of Lot 4 PS 404306	71.71	11.60	\$1,425.19
325313	Shop No. 4/132-138 Colac Road, Highton VIC 3216	1/5 Share of Lot 4 PS 404306	71.71	11.60	\$1, 425.19
302381	126-130 Colac Road, Highton VIC 3216	Lot 3 PS 404306	50.91	50.91	\$6,254.88
				342.81	\$42,118.18

Attachment 3

PLAN



Attachment 4

PROCESS CHART

**SPECIAL CHARGE PROJECTS –
(Section 163 – Local Government Act 1989)**

COLAC ROAD FOOTPATH, HIGHTON

Stage	Status	Description
<i>Approval to prepare scheme</i>	✓	Decision made to prepare scheme following consideration of surveys of property owners and feedback 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. October 2014
<i>Intention to Declare Scheme</i>	✓	Report to Council providing information on scheme including advice of impending advertising of scheme and declaration of charge. Seeks Council approval by resolution to proceed with process. 28 January 2014
<i>Advertisement</i>	✓	The scheme is advertised in the local newspaper and all allotted property owners are notified by mail. This advertisement indicates Council's intention and notification to 'declare' a scheme in a month's time. 8 February 2014
<i>Submissions</i>	✓	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. Not applicable for this scheme
<i>Submissions Review Panel Hearing</i>	✓	A Submissions Review Panel is convened (quorum of three Councillors) and meets to consider submissions. Some submissions are written only, and other submitters may wish to be heard before the Panel. The Panel makes a recommendation to Council regarding the scheme. Panel hearing not required
<i>Declaration Report</i>	✓	Any time 28 days after advertising the scheme and after the Submissions Review Panel has met and considered submissions, Council considers a report and may proceed to "declare" the charges in accordance with its advertised intent. Subsequent to this the Finance Manager issues the levy notices and there is a formal charge placed on the property. This is the final step in the process for Council to make a decision on the scheme. 22 April 2014
<i>Appeal</i>	✓	Property owners may lodge an application for review with the Victorian Civil and Administrative Tribunal (VCAT) within one month of issue of the levy notice. An appeal is listed, heard and determined by the Tribunal and this process generally takes three to four months. Decisions made by VCAT are binding on all parties. No appeal to VCAT
<i>Construction</i>	✓	Council may then proceed to construct the works. Invoices are issued seeking payment of the estimated cost within one month of commencement. 2016
<i>Final Cost Report</i>	✓	At the completion of the works the scheme is "finalised" taking into account actual costs incurred and payments are adjusted accordingly.

14. ALBERT STREET LANEWAYS, GEELONG WEST - SRC 333 – FINALISATION OF CHARGE

Source: City Services – Engineering Services
Director: William Tieppo
Index Reference: Special Rates and Charges, Albert Street Geelong West

Purpose

The purpose of this report is to finalise the Albert Street Laneways Special Charge Scheme, Geelong West.

Background

This project involved the construction of the “Albert Street” laneways.

It consists of the main east-west laneway and 3 connecting north-south laneways (See Plan – Attachment 3).

Key Issues

- The Special Charge Scheme was declared by Council at its meeting of 30 November 2012.
- The scheme affects 31 properties and the cost estimate for the project was estimated at \$128,470.
- The works have now been completed and the scheme can be finalised by Council. The total cost of the project was \$135,582. The cost increase of \$7,112 was due to additional drainage works carried out to connect roof drains.
- As drainage works for road schemes are traditionally funded by Council, it is recommended to accept the increase in cost as a Council contribution to the scheme.
- A further revision to the scheme is the subdivision of the lots of 38 and 40 Elizabeth Street. These lots were subdivided into 38-40 Elizabeth Street and 97A Clarence Street. Since 38-40 Elizabeth Street no longer has access off the rear laneway, this property has been removed from the scheme. A revised plan is shown in Attachment 3. The revised apportionment is shown in Attachment 2. The result of this property removal is to increase Council’s contribution to the scheme by an additional \$4,014.69.

P Dorling moved, L Gardner seconded -

That Council:

- 1) endorse the special charges on the project;**
- 2) inform property owners as required by Section 166 of the Act as shown in Schedule A – Attachment 2; and**
- 3) endorse the increased contribution from Council to \$11,126.69.**

Carried.

Attachment 1

Financial Implications

The financial details of the project are as follows:

	Estimate	Actual
Scheme cost to property owners	\$128,470	\$124,455.31
Scheme cost to Council	\$0	\$0
Additional cost to Council for drainage - \$7,112	\$0	\$11,126.69
Additional cost to Council to refund the charge to the property owner at 38-40 Elizabeth Street - \$4,014.69		
TOTAL	\$128,470	\$135,582

The scheme cost for the project has increased however property owner contributions remain unchanged. Property owners will be advised of the final charges.

Stakeholder Consultation and Communication

Communication with property owners has taken place during the course of the project and Special Charge Scheme process. Council will advise the property owners of the final costs.

Policy/Legal/Statutory Implications

The Special Charge Scheme has been administered in accordance with the Special Charge Scheme provisions of the Local Government Act 1989 as well as Council's Special Rates and Charges policy and Community Engagement Guidelines.

Attachment 2

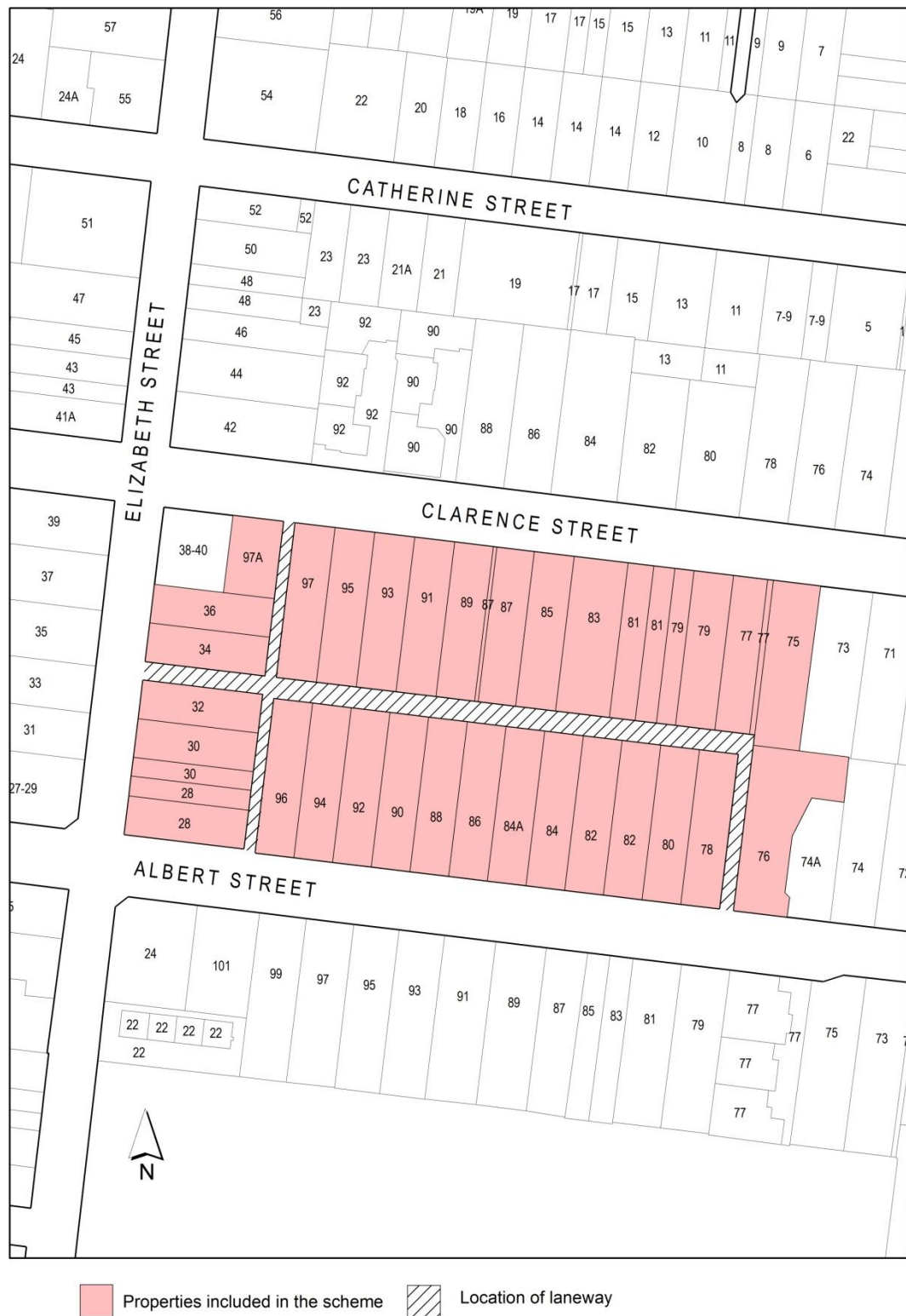
SCHEDULE 'A'

**PROPOSED SPECIAL CHARGE SCHEME FOR
ALBERT ST LANEWAYS, GEELONG WEST**

	COL 1	COL 2	COL 3	COL 4
	PROPERTY DESCRIPTION	TOTAL COST	PROPERTY REFERENCE	PROPERTY DETAILS
1	Lot 2 PS 722023	\$ 4,014.69	207691	97 A Clarence Street, Geelong West VIC 3218
2	Lot 19 LP 3334	\$ 4,014.69	207688	36 Elizabeth Street, Geelong West VIC 3218
3	Lot 18 LP 3334	\$ 4,014.69	207686	34 Elizabeth Street, Geelong West VIC 3218
4	Lot 22 LP 3334	\$ 4,014.69	207052	97 Clarence Street, Geelong West VIC 3218
5	Lot 23 LP 3334	\$ 4,014.69	207051	95 Clarence Street, Geelong West VIC 3218
6	Lot 24 LP 3334	\$ 4,014.69	207050	93 Clarence Street, Geelong West VIC 3218
7	Lot 25 LP 3334	\$ 4,014.69	207048	91 Clarence Street, Geelong West VIC 3218
8	Lot 26 LP 3334	\$ 4,014.69	207047	89 Clarence Street, Geelong West VIC 3218
9	Lot 27 LP 3334	\$ 4,014.69	207045	87 Clarence Street, Geelong West VIC 3218
10	Lot 28 LP 3334	\$ 4,014.69	207043	85 Clarence Street, Geelong West VIC 3218
11	CP 157739	\$ 4,014.69	207041	83 Clarence Street, Geelong West VIC 3218
12	Pt Lot 31, Pt Lot 30 LP 3334	\$ 4,014.69	207039	81 Clarence Street, Geelong West VIC 3218
13	Lot 32 LP 3334	\$ 4,014.69	207037	79 Clarence Street, Geelong West VIC 3218
14	Lot 33 LP 3334	\$ 4,014.69	207035	77 Clarence Street, Geelong West VIC 3218
15	Pt Sec 8 CA 4	\$ 4,014.69	207033	75 Clarence Street, Geelong West VIC 3218
16	Lot 1 PS 411163	\$ 4,014.69	205932	76 Albert Street, Geelong West VIC 3218
17	Lot 2 LP 3334	\$ 4,014.69	205934	78 Albert Street, Geelong West VIC 3218
18	Lot 3 LP 3334	\$ 4,014.69	205936	80 Albert Street, Geelong West VIC 3218
19	Lot 4 LP 3334	\$ 4,014.69	205938	82 Albert Street, Geelong West VIC 3218
20	Lot 5 LP 3334	\$ 4,014.69	205938	82 Albert Street, Geelong West VIC 3218
21	Lot 6 LP 3334	\$ 4,014.69	205940	84 Albert Street, Geelong West VIC 3218
22	Lot 7 LP 3334	\$ 4,014.69	205941	84A Albert Street, Geelong West VIC 3218
23	Lot 8 LP 3334	\$ 4,014.69	205943	86 Albert Street, Geelong West VIC 3218
24	Lot 9 LP 3334	\$ 4,014.69	205945	88 Albert Street, Geelong West VIC 3218
25	Lot 10 LP 3334	\$ 4,014.69	205947	90 Albert Street, Geelong West VIC 3218
26	Lot 11 LP 3334	\$ 4,014.69	205949	92 Albert Street, Geelong West VIC 3218
27	Lot 12 LP 3334	\$ 4,014.69	205951	94 Albert Street, Geelong West VIC 3218
28	Lot 13 LP 3334	\$ 4,014.69	205953	96 Albert Street, Geelong West VIC 3218
29	Lot 17 LP 3334	\$ 4,014.69	207684	32-32A Elizabeth Street, Geelong West VIC 3218
30	Lot 1 TP 255308, Lot 2 TP 255308	\$ 4,014.69	207682	30 Elizabeth Street, Geelong West VIC 3218
31	Lot 14 LP 3334	\$ 4,014.69	207680	28 Elizabeth Street, Geelong West VIC 3218

Attachment 3

PLAN



Attachment 4

PROCESS CHART

**SPECIAL CHARGE PROJECTS –
(Section 163 – Local Government Act 1989)**

ALBERT STREET LANEWAYS, GEELONG WEST

Stage	Status	Description
<i>Approval to prepare scheme</i>	✓	Decision made to prepare scheme following consideration of surveys of property owners and feed back from the community. Council may then place the project in the budget system or proceed immediately to prepare a scheme. Scheme preparation involves survey, design and preparation of an apportionment of costs.
<i>Intention to Declare Scheme</i>	✓	Report to Council providing information on scheme including advice of impending advertising of scheme and declaration of charge. Seeks Council approval by resolution to proceed with process. 26 June 2012
<i>Advertisement</i>	✓	The scheme is advertised in the local newspaper and all allotted property owners are notified by mail. This advertisement indicates Council's intention and notification to 'declare' a scheme in a month's time. 7 July 2012
<i>Submissions</i>	✓	From the time of advertising property owners have 28 days (as set down by the Local Government Act) to lodge submissions, either in support or opposition to the scheme.
<i>Submissions Review Panel Hearing</i>	✓	A Submissions Review Panel is convened (quorum of three Councillors) and meets to consider submissions. Some submissions are written only, and other submitters may wish to be heard before the Panel. The Panel makes a recommendation to Council regarding the scheme. 9 October 2012
<i>Declaration Report</i>	✓	Any time 28 days after advertising the scheme and after the Submissions Review Panel has met and considered submissions, Council considers a report and may proceed to "declare" the charges in accordance with its advertised intent. Subsequent to this the Finance Manager issues the levy notices and there is a formal charge placed on the property. This is the final step in the process for Council to make a decision on the scheme. 30 November 2012
<i>Appeal</i>	✓	Property owners may lodge an application for review with the Victorian Civil and Administrative Tribunal (VCAT) within one month of issue of the levy notice. An appeal is listed, heard and determined by the Tribunal and this process generally takes three to four months. Decisions made by VCAT are binding on all parties. One applicant withdrawn on 26 June 2013.
<i>Construction</i>	✓	Council may then proceed to construct the works. Invoices are issued seeking payment of the estimated cost within one month of commencement. 2015
<i>Final Cost Report</i>	✓	At the completion of the works the scheme is "finalised" taking into account actual costs incurred and payments are adjusted accordingly.

15. CENTRAL ROAD, CLIFTON SPRINGS - DRAINAGE CONSTRUCTION - SRC 299 - FINALISATION OF SCHEME

Source: City Services - Engineering Services
Director: William Tieppo
Index Reference: Special Rates and Charges, Clifton Springs, Drainage

Purpose

The purpose of this report is to finalise the Central Road drainage Special Charge Scheme, Clifton Springs.

Background

This Special Charge Scheme project has been in progress since 2008.

The Special Charge Scheme was declared by Council at its meeting of 25 January 2011 (Refer Attachment 2).

Under the conditions of a 173 Agreement, the developer of a Retirement Village in Central Road, Clifton Springs constructed a main drainage outfall to Griggs Creek via the Clifton Spring Primary School at its cost.

As the main drainage project caters for development in the area, under the terms of the agreement a Special Charge Scheme was initiated to recover funds from all remaining benefiting property owners.

Key Issues

- The scheme affects 38 properties and the cost estimate for the project was \$1,492,827. This included the Retirement Village owner contribution of \$348,919 and other benefiting land owners contribution of \$1,143,908.
- Due to the high charges imposed, a deferred payment option is available to property owners. Under this option, owners are not compelled to pay their charge until they either sell or develop their land.
- There are 19 residential lots on the eastern fringe of the scheme boundary that are identified as beneficiaries. Due to these properties already being connected to drainage, their charges were funded by Council at a cost of \$65,884.
- Council was required to refund the proceeds of the scheme back to the land owner of the Retirement Village. A payment of \$1,143,908 was made to the owner in June 2016 at the completion and acceptance by Council of the main drainage asset.
- The scheme can now be finalised by Council.

P Dorling moved, L Gardner seconded -

That Council:

- 1) endorse the special charges on the project; and**
- 2) inform property owners as required by Section 166 of the Act as shown in Schedule A – Attachment 3.**

Carried.

Attachment 1

Financial Implications

The financial details of the project are as follows:

	Estimate	Actual
Scheme cost to owner of retirement village (income) - \$348,919	\$1,426,943	\$1,426,943
Scheme cost to remaining owners (income) - \$1,078,024		
Contribution by Council for 19 properties already subdivided (expenditure)	\$65,884	\$65,884
TOTAL	\$1,492,827	\$1,492,827

Stakeholder Consultation and Communication

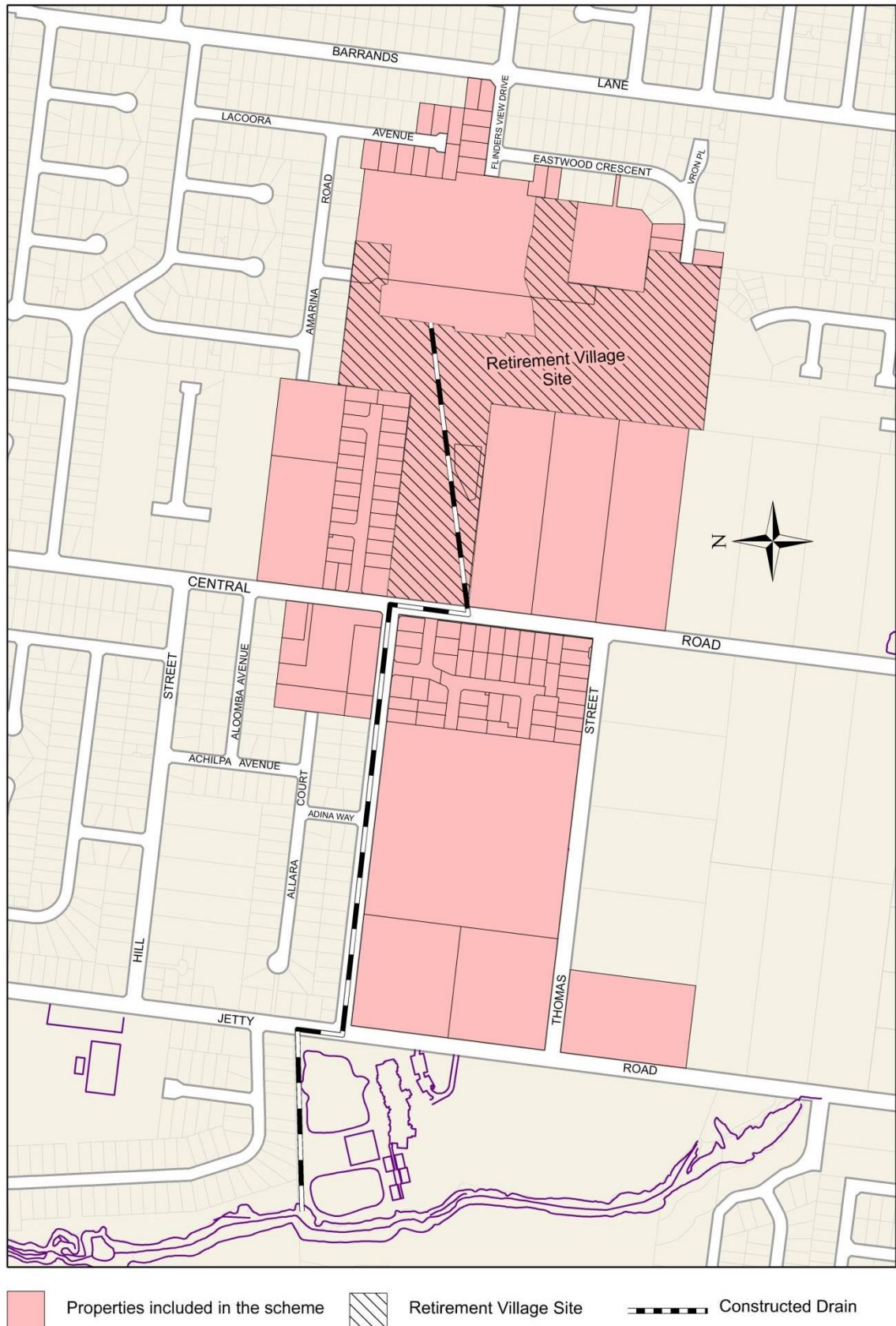
Communication with property owners has taken place during the course of the project and Special Charge Scheme process. In August 2016 a letter was sent to all affected property owners advising of the commencement of interest charge on the outstanding balance of funds from the date the scheme is finalised. A final notification letter will be sent out to all affected owners advising of payment options.

Policy/Legal/Statutory Implications

The Special Charge Scheme has been administered in accordance with the Special Charge Scheme provisions of the Local Government Act 1989 as well as Council's Special Rates and Charges policy and Community Engagement Guidelines.

Attachment 2

**CONSTRUCTION OF MAIN DRAIN
TO SERVICE THE GENERAL AREA OF JETTY ROAD, ADA STREET,
THOMAS STREET AND CENTRAL ROAD CLIFTON SPRINGS**



Attachment 3

SCHEDULE 'A'

**SPECIAL CHARGE SCHEME FOR MAIN DRAIN
TO SERVICE THE GENERAL AREA OF JETTY ROAD, ADA STREET,
THOMAS STREET AND CENTRAL ROAD CLIFTON SPRINGS**

COL 1	COL 2	COL 3	COL 4		
DESCRIPTION OF PROPERTY	ACTUAL COST (\$)	PROPERTY REFERENCE	PROPERTY DETAILS		
Lot 1 LP 317	\$28,126	253932	131	Jetty Road	Drysdale
Lot 1 TP 392182	\$60,706	253931	115	Jetty Road	Clifton Springs
Lot 1 TP 239940	\$60,706	253930	99	Jetty Road	Clifton Springs
Lot 1 TP 515351	\$211,503	246244	19	Thomas Street	Clifton Springs
Lot 28 LP 317	\$29,068	247230	86	Central Road	Clifton Springs
Block CAP 6	\$87,664	264950	94	Central Road	Clifton Springs
Lot 38 LP 317	\$9,433	247229	70	Central Road	Clifton Springs
Lot 2 PS 330309	\$25,905	271600	74	Central Road	Clifton Springs
Lot 1 PS 422716	\$19,404	261179	43	Allara Court	Clifton Springs
Lot 2 PS 422716	\$3,361	271334	41	Ada Street	Clifton Springs
Lot 1 PS 405512	\$46,661	302153	69	Central Road	Clifton Springs
Lot 22 LP 317	\$73,352	247190	81	Central Road	Clifton Springs
Lot 21 LP 317	\$92,031	247191	91	Central Road	Clifton Springs
Lot 20 LP 317	\$73,352	247192	103	Central Road	Drysdale
Lot 19 LP 317	\$73,352	247193	113	Central Road	Drysdale
Lot 18 LP 317	\$77,935	247194	123	Central Road	Drysdale
Lot 2 PS 405512	\$28,696	302154	35	Amarina Road	Clifton Springs
Lot B PS 505398	\$35,162	317148	16	Eastwood Crescent	Drysdale
PS430123, Lots 73 & B PS 505398	\$133,636	301356	0	Flinders View Drive	Drysdale
Lot 2 PS 404049	\$256,888	301357	0	Flinders View Drive	Drysdale
Lot 37 PS 323495	\$2,539	271784	31	Lacoora Avenue	Clifton Springs
Lot 38 PS 323495	\$2,632	271785	33	Lacoora Avenue	Clifton Springs
Lot 39 PS 323495	\$2,820	271786	35	Lacoora Avenue	Clifton Springs
Lot 40 PS 323495	\$2,708	271780	34	Lacoora Avenue	Clifton Springs
Lot 41 PS 323495	\$2,495	271779	32	Lacoora Avenue	Clifton Springs
Lot 42 PS 323495	\$2,416	271778	30	Lacoora Avenue	Clifton Springs
Lot 43 PS 323495	\$2,697	271777	28	Lacoora Avenue	Clifton Springs
Lot 44 PS 323495	\$2,697	271776	26	Lacoora Avenue	Clifton Springs
Lot 45 PS 323495	\$2,798	271775	24	Lacoora Avenue	Clifton Springs
Road Reserve	\$3,884				
Lot 33 PS 323495	\$2,488	271790	10	Flinders View Drive	Drysdale
Lot 32 PS 323495	\$2,488	271789	8	Flinders View Drive	Drysdale
Lot 31 PS 323495	\$2,488	271788	6	Flinders View Drive	Drysdale
Lot 30 PS 323495	\$2,488	271787	4	Flinders View Drive	Drysdale
Lot 8 LP 323495	\$2,293	271765	60	Barrands Lane	Drysdale
Lot 9 LP 323495	\$2,438	271767	62	Barrands Lane	Drysdale
Road Reserve	\$15,214				
PART Lot 1 PS 430123	\$865	271799	4	Eastwood Crescent	Drysdale
PART Lot 26 PS 323495	\$793	271800	6	Eastwood Crescent	Drysdale
Lot 70 PS 505398	\$2,658	317142	32	Eastwood Crescent	Drysdale
Lot 69 PS 505398	\$2,524	317141	39	Eastwood Crescent	Drysdale
Road Reserve	\$1,460				

Attachment 4

PROCESS CHART

SPECIAL CHARGE PROJECTS – (Section 163 – Local Government Act 1989)

**CONSTRUCTION OF MAIN DRAIN
TO SERVICE THE GENERAL AREA OF JETTY ROAD, ADA STREET,
THOMAS STREET AND CENTRAL ROAD CLIFTON SPRINGS**

Stage	Status	Description
<i>Approval to prepare scheme</i>	✓	Decision made to prepare scheme following consideration of surveys of property owners and feed back from the community. Council may then place the project in the budget system or proceed immediately to prepare a scheme. Scheme preparation involves survey, design and preparation of an apportionment of costs. 2009.
<i>Intention to Declare Scheme</i>	✓	Report to Council providing information on scheme including advice of impending advertising of scheme and declaration of charge. Seeks Council approval by resolution to proceed with process. 23 Feb 2010.
<i>Advertisement</i>	✓	The scheme is advertised in the local newspaper and all allotted property owners are notified by mail. This advertisement indicates Council's intention and notification to 'declare' a scheme in a month's time. 27 March 2010.
<i>Submissions</i>	✓	From the time of advertising property owners have 14 days (as set down by the Local Government Act) to lodge submissions, either in support or opposition to the scheme. 14 objections received.
<i>Submissions Review Panel Hearing</i>	✓	A Submissions Review Panel is convened (quorum of three Councillors) and meets to consider submissions. Some submissions are written only, and other submitters may wish to be heard before the Panel. The Panel makes a recommendation to Council regarding the scheme. 17 Aug 2010.
<i>Declaration Report</i>	✓	Any time 28 days after advertising the scheme and after the Submissions Review Panel has met and considered submissions, Council considers a report and may proceed to "declare" the charges in accordance with its advertised intent. Subsequent to this the Finance Manager issues the levy notices and there is a formal charge placed on the property. This is the final step in the process for Council to make a decision on the scheme. 25 January 2011.
<i>Appeal</i>	✓	Property owners may lodge an application for review with the Victorian Civil and Administrative Tribunal (VCAT) within one month of issue of the levy notice. An appeal is listed, heard and determined by the Tribunal and this process generally takes three to four months. Decisions made by VCAT are binding on all parties. 2 applicants – 6 February 2012.
<i>Construction</i>	✓	Once construction is completed a method of payment option form will be sent to the property owners and their invoices will be sent accordingly. Completed June 2016.
<i>Final Cost Report</i>	✓	At the completion of the works the scheme is "finalised" taking into account actual costs incurred and payments are adjusted accordingly.

16. BARWARRE ROAD, MARSHALL - PROPOSED ROAD SEGMENT CONSTRUCTION SPECIAL CHARGE SCHEME - INTENTION TO DECLARE SRC 351

Source: City Services – Engineering Services
Director: William Tieppo
Index Reference: Barwarre Road, Marshall; Special Rates and Charges

Purpose

This report seeks a resolution by Council to consider an intention to declare a Special Charge Scheme to partially fund the construction of three road segments along Barwarre Road (east side) between Marshalltown Road and Reserve Road, Marshall. (See plan – Attachment 5).

Background

Barwarre Road between Marshalltown Road and Reserve Road has been an ad-hoc development over the years. In the three underdeveloped sections the road edges remain unconstructed and between 129 and 137 Barwarre Road, a footpath section is also missing.

This proposal will see the construction of these missing segments including road widening, kerb and channel, underground drainage and footpath.

Key Issues

- A Special Charge Scheme has been initiated and consists of three sub scheme components. Sub Scheme 1 is adjacent to three properties between 129 and 137 Barwarre Road. The works will include road widening, kerb and channel and a new footpath section.
- Sub Scheme 2 is adjacent to two properties between 181 and 185 Barwarre Road. The works consist of road widening and kerb and channel.
- Sub Scheme 3 is adjacent to one property at 193-197 Barwarre Road and also includes road widening and kerb and channel.

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 Barwarre Road, Marshall 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 ($R \times C = S$), the:**
 - c1) 'benefit ratio' (R) being calculated at 0.26 for Sub Scheme 1, 0.28 for Sub Scheme 2 and 0.14 for Sub Scheme 3 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 \$191,783 for Sub Scheme 1, \$80,401 for sub scheme 2 and \$72,574 for sub scheme 3.**
 - c3) 'maximum levy' (S) total amount of the special charge be levied and recorded as \$49,021 for sub scheme1, \$22,844 for sub scheme 2 and \$10,332 for sub scheme 3.**
- 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 and 2 of Schedule C to the Resolution are estimated liable for the respective amounts set out in column 8 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.**

Carried.

Attachment 1

Financial Implications

The project has a one off capital cost and there will be minimal ongoing maintenance costs. The scheme is funded from the core road construction program C02301 and can proceed in the 2017/18 financial year if approved.

A breakdown of costs is as follows:

Estimated scheme cost to property owners Sub Scheme 1 - \$49,021 Sub Scheme 2 - \$22,844 Sub Scheme 3 - \$10,332	\$82,197
Estimated scheme cost to Council Sub Scheme 1 – \$142,762 Sub Scheme 2 – \$57,557 Sub Scheme 3 - \$62,242	\$262,561
Total Project Cost	\$344,758

The total estimated net cost to Council for this project is **\$262,561**.

Stakeholder Consultation and Communication

All affected property owners are aware of this road construction proposal. Mail outs and a community meeting was held in 2014 in regards to the proposed 'up front' agreement and an update letter was mailed in March 2017 advising of the change to a Special Charge Scheme.

Further information will be sent to all affected property owners should Council resolve to make its intention to declare the scheme.

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.

Conflict of 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 widened 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 to property.

There are no other identified risks for Council in making its intention to declare the scheme.

Environmental Implications

The road infrastructure proposal provides proper sealed access, improved drainage and improved safety for pedestrian and vehicular traffic. Dust is eliminated.

It is anticipated that minimal vegetation removal will be required to complete the project. The design has taken existing vegetation into consideration and does not affect any natural habitats.

Attachment 2

SCHEDULE 'A'

The works for Barwarre Road, Marshall which consist of excavation, concrete footpath, kerb and channel, reinstatement of nature strip, miscellaneous construction works, legal advice and professional services associated with survey, engineering design, drafting, supervision and administration of the project all as included in the cost estimate shown below.

COST ESTIMATE FOR BARWARRE ROAD CONSTRUCTION – MARSHALL

Sub Scheme 1 129–137 Barwarre Road, Marshall

Estimated cost of road and footpath construction					
ITEM	DESCRIPTION	QUANTITY	UNIT	RATE \$	AMOUNT \$
1.01	Initial site establishment and set up, decamping and site cleanup and other fixed costs up to time of completion of works.	1	ITEM	\$12,000.00	\$12,000.00
1.02	Traffic management costs.	5	ITEM	\$800.00	\$4,000.00
1.03	Setting out of works.	1	ITEM	\$500.00	\$500.00
2.00	EARTHWORKS & DEMOLITION				
2.01	Excavation and disposal of all materials to limits of work as indicated on plan, including trimming for new road pavement, excavation of soft spots and removal of concrete.	370	m ³	\$60.00	\$22,202.40
2.02	Removal of existing rural crossings, endwalls and pipes if in good condition to be shipped to COGG Belmont depot.	4	ITEM	\$250.00	\$1,000.00
2.03	Break out top of pits fill with FCR and 100mm topsoil.	2	No.	\$350.00	\$700.00
2.04	Placement and consolidation of engineered fill with approved materials in preparation for new works.	10	m ³	\$60.00	\$600.00
2.05	Saw-cutting of asphalt paving.	145	m	\$3.50	\$507.50
3.00	PAVEMENT WORKS				
	BIDIM A34 Geofabric laid on sub base	293	m ²	\$20.00	\$5,860.00
3.01	400mm compacted depth Class 3, 40mm crushed rock, supplied, spread and compacted.	117	m ³	\$100.00	\$11,720.00
3.02	150mm compacted depth Class 2, 20mm crushed rock, supplied, spread and compacted.	44	m ³	\$120.00	\$5,274.00
3.03	30mm compacted depth 10mm nominal size type N asphalt spread and compacted including emulsion prime & grit using a paver.	638	m ²	\$35.00	\$22,330.00
4.00	CONCRETE WORKS:				
4.01	B2 Barrier kerb and channel 450mm wide and associated laybacks for vehicle crossings, including fine crushed rock bedding.	140	m	\$136.00	\$19,040.00
4.02	Concrete pram crossing 1.5m wide, including fine crushed rock bedding.	2	No.	\$250.00	\$500.00
4.03	125mm concrete paving with SL72 mesh including crushed rock bedding and reinstate nature strip.	245	m ²	\$125.00	\$30,625.00

4.04	O2 porous pave, or equivalent, supplied and placed as per manufacturer's specification.	77	m ²	\$280.00	\$21,560.00
5.00	LANDSCAPING				
5.01	Top soiling and seeding nature strips, medians and outer separators.	140	m ²	\$10.00	\$1,400.00
SUB-TOTAL					\$159,819
10% Contingency					\$15,981.89
Design					\$7,991
Project Administration					\$7,991
CONSTRUCTION COST ESTIMATE					\$191,783

Sub Scheme 2 181-185 Barwarre Road, Marshall

Estimated total cost of road widening and kerb and channel					
ITEM	DESCRIPTION	QUANTITY	UNIT	RATE \$	AMOUNT \$
1.00	Initial site establishment and set up, decamping and site cleanup and other fixed costs up to time of completion of works.	1	ITEM	\$6,000.00	\$6,000.00
1.01	Traffic management costs.	5	ITEM	\$800.00	\$4,000.00
1.02	Setting out of works.	1	ITEM	\$1,000.00	\$1,000.00
2.00	EARTHWORKS & DEMOLITION				
2.01	Excavation and disposal of all materials to limits of work as indicated on plan, including existing rural vehicle crossings, trimming for new road pavement, excavation of soft spots and removal of concrete.	173	m ³	\$60.00	\$10,362.62
2.02	Removal of existing rural crossings, endwalls and pipes if in good condition to be shipped to COGG Belmont depot.	2	ITEM	\$250.00	\$500.00
2.03	Saw-cutting of asphalt paving.	88	m	\$3.50	\$308.00
3.00	PAVEMENT WORKS				
3.01	BIDIM A34 Geofabric laid on sub base	287	m ²	\$20.00	\$5,740.00
3.02	150mm compacted depth Class 2, 20mm crushed rock, supplied, spread and compacted.	43	m ³	\$100.00	\$4,305.00
3.03	400mm compacted depth Class 4, 40mm crushed rock, supplied, spread and compacted.	115	m ³	\$100.00	\$11,480.00
3.04	30mm compacted depth 10mm nominal size type N asphalt spread and compacted including emulsion prime & grit using a paver.	287	m ²	\$35.00	\$10,045.00
4.00	CONCRETE WORKS:				
4.01	B2 Barrier kerb and channel 450mm wide including fine crushed rock bedding.	82	m	\$145.00	\$11,948.00
5.00	LANDSCAPING				
5.01	Top soiling and seeding nature strips.	164	m ²	\$8.00	\$1,312.00
SUB-TOTAL					\$67,001
10% Contingency					\$6,700.06
Design					\$3,350
Project Administration					\$3,350
CONSTRUCTION COST ESTIMATE					\$80,401

Sub Scheme 3 193-197 Barwarre Road, Marshall

Estimated cost of road widening and kerb and channel					
ITEM	DESCRIPTION	QUANTITY	UNIT	RATE \$	AMOUNT \$
1.01	Initial site establishment and set up, decamping and site cleanup and other fixed costs up to time of completion of works.	1	ITEM	\$5,500.00	\$5,500.00
1.02	Traffic management costs.	5	ITEM	\$800.00	\$4,000.00
1.03	Setting out of works.	1	ITEM	\$500.00	\$500.00
2.00	EARTHWORKS & DEMOLITION				
2.01	Excavation and disposal of all materials to limits of work as indicated on plan, including trimming for new road pavement, excavation of soft spots and removal of concrete.	142	m ³	\$60.00	\$8,526.00
2.02	Placement and consolidation of engineered fill with approved materials in preparation for new works.	12	m ³	\$50.00	\$600.00
2.03	Saw-cutting of concrete and/or asphalt paving.	78	m	\$30.00	\$2,340.00
2.04	Removal of existing rural crossings, endwalls and pipes if in good condition to be shipped to COGG Belmont depot.	3	No	\$250.00	\$750.00
3.00	PAVEMENT WORKS				
3.01	400mm compacted depth Class 3, 40mm crushed rock, supplied, spread and compacted.	98	m ³	\$90.00	\$8,820.00
3.02	150mm compacted depth Class 2, 20mm crushed rock, supplied, spread and compacted.	37	m ³	\$110.00	\$4,042.50
3.04	30mm compacted depth 10mm nominal size type N asphalt spread and compacted including emulsion prime & grit.	350	m ²	\$35.00	\$12,250.00
4.00	DRAINAGE				
4.01	Connect existing household storm water to kerb and channel. Including excavation, supply and placement of kerb adapters.	1	No.	\$250.00	\$250.00
4.02	Convert existing SEP to 1900mm x 600mm double S.E. Pit up to 1.5m deep, with gatic type cover, supplied and placed including excavation, placement of approved fine crushed rock bedding and back-filling with approved material.	1	No.	\$1,850.00	\$1,850.00
5.00	CONCRETE WORKS & LANDSCAPING				
5.01	B2 Barrier kerb and channel 450mm wide, including fine crushed rock bedding.	70	m	\$115.00	\$8,050.00
5.02	Concrete	2	m ²	\$300.00	\$600.00
5.03	Top soiling and seeding nature strips, medians and outer separators.	300	m ²	\$8.00	\$2,400.00
SUB-TOTAL					\$60,479
10% Contingency					\$6,047.85
Design					\$3,024
Project Administration					\$3,024
CONSTRUCTION COST ESTIMATE					\$72,574

Attachment 3

Benefit Ratio Calculation – Sub Scheme 1

A Purpose

To provide infill road widening and footpath for Barwarre Road, east side abutting 129-137 Barwarre Road, Marshall.

B Coherence

The works will provide proper continuity of Barwarre Road and will be a direct benefit for abutting properties and the wider community.

C Total Cost C

Total Estimated cost of works

TOTAL COST

\$191,783.00

D Identify Special Beneficiaries

3 properties are considered to receive access and amenity benefits. The community will also receive benefit by way of improved road drainage and safety.

E Properties to include

Total Special Benefits (in) is apportioned to 3 properties

There are no Council owned properties in the scheme. Therefore:

Total Special Benefits out of the scheme TSB (out) = **0**

F Estimate of Total Special Benefits

For this sub scheme it is considered that the benefit is for pedestrian and vehicular access and property amenity. It is estimated that 75% of benefit relates to access and 25% relates to amenity. From current traffic counts the estimated use of the road is 99.25% for the wider community and 0.75% for the affected property owners. There are no amenity benefits apportioned for the wider community. Amenity benefit is based on frontage with 100% of the new kerb and channel fronting benefiting properties. TSB (in) is therefore calculated as follows:

TSB (in) = 75% X 0.75%(access) + 25% X 100% (amenity) = **25.6%**

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 roadway is used to access other areas and provides improved safety. TCB is calculated as follows:

TCB = 75% X 99.25% (access) = **74.4%**

H Calculate "Benefit Ratio" - R

Benefits Ratio =
$$\frac{\text{TSB (in)}}{\text{TSB (in)} + \text{TSB (out)} + \text{TCB}} = \frac{20.6}{20.6 + 0 + 79.4} = \mathbf{0.255606}$$

I Maximum Total Levy (S)

Maximum Total Levy S = R X C

\$49,020.96

Council Contribution to Special Charge Scheme

\$142,762.04

Benefit Ratio Calculation – Sub Scheme 2

A Purpose

To provide infill road widening and kerb and channel for Barwarre Road, east side between 181 - 185 Barwarre Road, Marshall.

B Coherence

The works will provide proper continuity of Barwarre Road and will be a direct benefit for abutting properties and the wider community.

C Total Cost C

Total Estimated cost of works

TOTAL COST

\$80,401.00

D Identify Special Beneficiaries

2 properties are considered to receive access and amenity benefits. The community will also receive benefit by way of improved road drainage and safety

E Properties to include

Total Special Benefits (in) is apportioned to 2 properties

There are no Council owned properties in the scheme. Therefore:

Total Special Benefits out of the scheme TSB (out) = **0**

F Estimate of Total Special Benefits

For this sub scheme it is considered that the benefit is for vehicular access and property amenity. It is estimated that 70% of benefit relates to access and 30% relates to amenity. From current traffic counts the estimated use of the road is 99.2% for the wider community and 0.8% for the affected property owners. There are no amenity benefits apportioned for the wider community. Amenity benefit is based on frontage with 90% of the new kerb and channel fronting benefiting properties. TSB (in) is therefore calculated as follows:

TSB (in) = 70% X 0.8%(access) + 30% X 90% (amenity) = **27.6%**

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 roadway are used to access other areas and provides improved safety. TCB is calculated as follows:

TCB = 70% X 99.2% (access) = **69.4%**

H Calculate "Benefit Ratio" - R

Benefits Ratio =	$\frac{\text{TSB (in)}}{\text{TSB (in)} + \text{TSB (out)} + \text{TCB}}$	=	$\frac{20.2}{20.2 + 0 + 79.8}$	=	0.284
------------------	---	---	--------------------------------	---	--------------

I Maximum Total Levy (S)

Maximum Total Levy S = R X C

\$22,843.83

Council Contribution to Special Charge Scheme

\$57,557.17

Benefit Ratio Calculation – Sub Scheme 3

A Purpose

To provide infill road widening for Barwarre Road, east side abutting 193-197 Barwarre Road, Marshall.

B Coherence

The works will provide proper continuity of Barwarre Road and will be a direct benefit for abutting properties and the wider community.

C Total Cost C

Total Estimated cost of works

TOTAL COST

\$72,574.00

D Identify Special Beneficiaries

1 property is considered to receive access and amenity benefits. The community will also receive benefit by way of improved road drainage and safety

E Properties to include

Total Special Benefits (in) is apportioned to 1 property

There are no Council owned properties in the scheme. Therefore:

Total Special Benefits out of the scheme TSB (out) = **0**

F Estimate of Total Special Benefits

For this sub scheme it is considered that the benefit is for vehicular access and property amenity. It is estimated that 80% of benefit relates to access and 20% relates to amenity. From current traffic counts the estimated use of the road is 99.70% for the wider community and 0.30% for the affected property owner. There are no amenity benefits apportioned for the wider community. Amenity benefit is based on frontage with 65% of the new kerb and channel fronting benefiting properties. TSB (in) is therefore calculated as follows:

TSB (in) = 80% X 0.30%(access) + 20% X 65% (amenity) = **13.2%**

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 roadway is used to access other areas and provides improved safety. TCB is calculated as follows:

TCB = 80% X 99.70% (access) = **79.8%**

H Calculate "Benefit Ratio" - R

Benefits Ratio =
$$\frac{\text{TSB (in)}}{\text{TSB (in)} + \text{TSB (out)} + \text{TCB}} = \frac{13.24}{13.24 + 0 + 79.8} = \mathbf{0.142}$$

I Maximum Total Levy (S)

Maximum Total Levy $S = R \times C$

\$10,332.04

Council Contribution to Special Charge Scheme

\$62,241.96

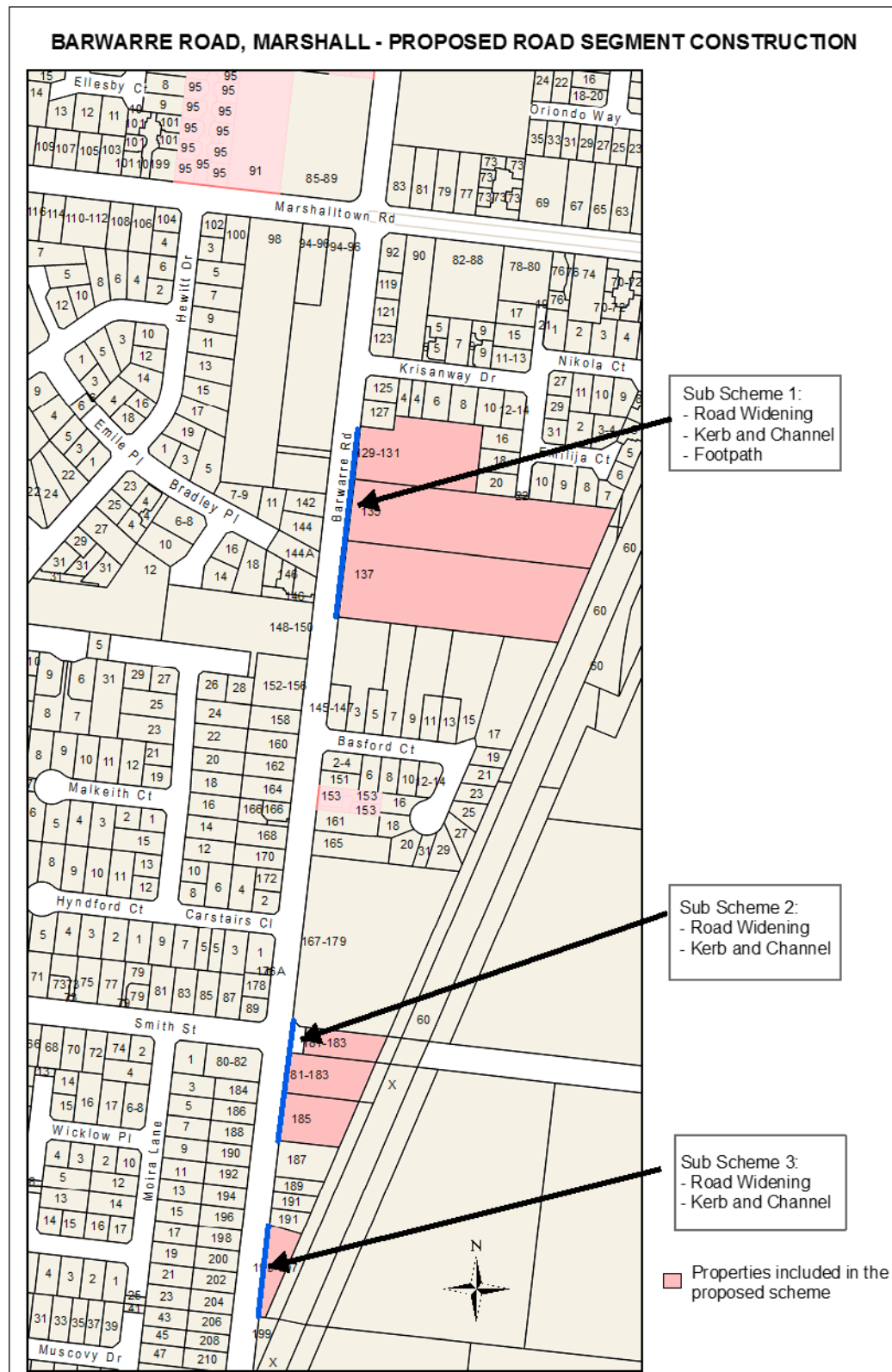
Attachment 4

SCHEDULE 'C'

**PROPOSED SPECIAL CHARGE SCHEME – BARWARRE ROAD CONSTRUCTION,
MARSHALL**

Barwarre Road Construction Cost Apportionment							
Column 1	Column 2	Column 3	Column 4	Column5	Column 6	Column 7	Column8
Prop Key	Address	Apportionable Frontage (Road)	Apportionable Frontage (Footpath)	Access and Amenity Benefit (Road)	Access benefit (f/path)	Amenity benefit (f/path)	Estimated total cost
Sub Scheme 1 – Road widening and footpath							
340265	129-131 Barwarre Road, MARSHALL VIC 3216	32.00	42.07	\$9,768.84	\$1,208.33	\$1,038.15	\$2,015.32
220760	135 Barwarre Road, MARSHALL VIC 3216	46.83	46.83	\$14,296.09	\$1,208.33	\$1,155.61	\$16,660.03
220759	137 Barwarre Road, MARSHALL VIC 3216	58.00	58.00	\$17,706.03	\$1,208.33	\$1,431.25	\$20,345.61
Sub Scheme 2 – Road widening							
220754	181-183 Barwarre Road, MARSHALL VIC 3216	50.60		\$13,286.18	-	-	\$13,286.18
220756	185 Barwarre Road, MARSHALL VIC 3216	36.40		\$9,557.65	-	-	\$ 9,557.65
Sub Scheme 3 – Road widening							
312728	193-197 Barwarre Road, MARSHALL VIC 3216	40.00		\$10,332.04	-	-	\$10,332.04

Attachment 5



Attachment 6

PROCESS CHART

**SPECIAL CHARGE PROJECTS –
(Section 163 – Local Government Act 1989)**

Barwarre Road, Marshall

Stage	Status	Description
<i>Approval to prepare scheme</i>	✓	Decision made to prepare scheme following consideration of surveys of property owners and feed back from the community. Council may then place the project in the budget system or proceed immediately to prepare a scheme. Scheme preparation involves survey, design and preparation of an apportionment of costs. April 2015.
<i>Intention to Declare Scheme</i>	✓	Report to Council providing information on scheme including advice of impending advertising of scheme and declaration of charge. Seeks Council approval by resolution to proceed with process.
<i>Advertisement</i>		The scheme is advertised in the local newspaper and all allotted property owners are notified by mail. This advertisement indicates Council's intention and notification to 'declare' a scheme in a month's time.
<i>Submissions</i>		From the time of advertising property owners have 28 days (as set down by the Local Government Act) to lodge submissions, either in support or opposition to the scheme.
<i>Submissions Review Panel Hearing</i>		A Submissions Review Panel is convened (quorum of three Councillors) and meets to consider submissions. Some submissions are written only, and other submitters may wish to be heard before the Panel. The Panel makes a recommendation to Council regarding the scheme.
<i>Declaration Report</i>		Any time 28 days after advertising the scheme and after the Submissions Review Panel has met and considered submissions, Council considers a report and may proceed to "declare" the charges in accordance with its advertised intent. Subsequent to this the Finance Manager issues the levy notices and there is a formal charge placed on the property. This is the final step in the process for Council to make a decision on the scheme.
<i>Appeal</i>		Property owners may lodge an application for review with the Victorian Civil and Administrative Tribunal (VCAT) within one month of issue of the levy notice. An appeal is listed, heard and determined by the Tribunal and this process generally takes three to four months. Decisions made by VCAT are binding on all parties.
<i>Construction</i>		Council may then proceed to construct the works. Invoices are issued seeking payment of the estimated cost within one month of commencement.
<i>Final Cost Report</i>		At the completion of the works the scheme is "finalised" taking into account actual costs incurred and payments are adjusted accordingly.

17. THOMPSON ROAD, NORTH GEELONG - PROPOSED FOOTPATH CONSTRUCTION - SRC 350 - DECLARATION OF CHARGE

Source: City Services – Engineering Services
Director: William Tieppo
Index Reference: Thompson Road North Geelong, Special Rates and Charges

Purpose

This report seeks a resolution by Council to declare the revised charges for a Special Charge scheme to partially fund the construction of a footpath along Thompson road between Morgan Street and Cowies Creek, North Geelong (See plan – Attachment 5).

Background

Council's footpath network strategy identifies the footpath construction priorities of which Thompson Road, North Geelong is listed. It is considered that the proposed new footpaths will provide the missing pedestrian link between Morgan Street, Cowies Creek Reserve and the residential area of Norlane to the north. The new footpaths will also provide safe pedestrian access for patrons of the Child Care Centre in Kelly Court.

Council made its Intention to Declare the Scheme on 27 September 2016. In the subsequent submissions period, four objections were received. A formal submissions panel hearing was not convened as no property owner requested to be heard. The panel members met on 22 March 2017 to discuss the submissions and scheme review.

Key Issues

- It is proposed to construct 478 lineal meters of 1.5 metre wide footpath to provide for pedestrian access along both sides of Thompson Road, North Geelong.
- Thomson Road has in excess of 14,000 vehicles per day and is managed by VicRoads as an arterial road. The planned footpath will satisfy the design parameters of the Infrastructure Design Manual for footpath provision on both sides of an arterial road.
- As a result of the submissions process a revision of the scheme was carried out by the submissions panel. Some properties have been removed from the scheme as a result of the revised scheme.
- There is an amended twenty five (25) properties abutting the proposed footpath that will receive special benefit. There is one (1) Council owned property in the scheme.
- The total estimated scheme cost is \$198,394. Additional works to the value of \$89,400 will be funded by Council to improve existing infrastructure and construct a retaining wall.
- A Benefit Ratio of 0.32 has been calculated in accordance with Section 163 of the Local Government Act, which equates to a Council contribution to the scheme of \$134,100 and property owner contribution of \$64,295.

L Gardner moved, P Dorling seconded -

That Council:

1) Resolves to declare the revised Special Charge Scheme as follows:

- a) The Special Charge is declared for a period of five (5) years commencing upon completion of the works.**
- b) The Special Charge be declared for the purpose of defraying any expenses incurred by Council in relation to the construction of the footpath on Thompson Road, North Geelong between Morgan Street and Cowies Creek. Council considers the project:**
 - b1) Will provide proper pedestrian access, improved pedestrian safety and enhancement to the general amenity for each of the properties included in the scheme;**
 - b2) Will provide a special benefit to those persons required to pay the special charge (and who are described in succeeding parts of this Resolution); and**
 - b3) Arises out of Council's function of planning for and providing infrastructure for property owners.**
- c) The total cost of project, be recorded as \$287,799 (Schedule A).**
- d) 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 ($R \times C = S$), the:**
 - d1) 'benefit ratio' (R) being calculated at 0.32 represents the special benefits to all persons liable to pay the special charge (Schedule B);**
 - d2) 'total cost' (C) of performing the function described in part 1 (b) of this resolution based on estimated cost be recorded as \$198,395; and**
 - d3) 'Maximum levy' (S) be recorded as \$64,295.**
- e) the following be specified as the area for which the special rate is so declared:**
 - e1) The area within municipal district of Council highlighted in the plan attached to this Resolution (Appendix 4).**
- f) the following be specified as the land in relation to which the special charge so declared:**
 - f1) Land within the area shown on the plan.**
- g) the following be specified as the criteria which form the basis of the special charge so declared:**
 - g1) Ownership of any land described in Part 1(e) of this Resolution.**
- h) the following be specified as the manner in which the special charge so declared will be assessed and levied:**
 - h1) Each lot receives a primary access and amenity benefit;**
 - h2) The maximum levy is divided on a access and frontage share basis;**
 - h3) The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to section 163(4) of the Act.**

- i) having regard to the preceding parts of this Resolution but subject to Section 166 (1) of the Act, it be recorded that;**
 - i1) the owners of the land described in column 2 and 3 of Schedule C to the resolution are estimated liable for the respective amounts set out in column 7 of Schedule C; and**
 - i2) such owners may, subject to any further resolution of Council pay the special charge in the following manner;**
 - i2a) the charge will become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167 (3) of the Act;**
 - i2b) interest will not be charged for six months after the issue of the notice provided the person liable makes timely payment in accordance with any repayment arrangements that may be agreed on by Council; and**
 - i2c) in accordance with Section 172 of the Act, the interest rate payable on the special charge which has not been paid by the specific date is set at Council's overdraft rate, reviewed every three months (provided that it shall not exceed the rate fixed by the Governor in Council by Order for the purposes of Section 172 (2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by Order for the purposes of this section).**
- 2) Authorise an increase of \$17,442 of Council funds to reduce the maximum levy to property owner and retain the validity of the scheme.**
- 3) Authorise Council's Chief Executive Officer to levy the Special Charge in accordance with Section 163 (4) of the Act.**

Carried.

Attachment 1

Discussion

After the submission period was completed, a full review of the scheme was carried out. On inspection of the footpath, it was found that some sections of the footpath had legitimately been constructed post intention to declare the scheme as part of property upgrade works. The affect of this is that two properties (398 and 400 Thompson Road) are no longer required to contribute towards the scheme and have subsequently been removed.

At 402 Thompson Road, this address has a single title but separable into three addresses; namely 402A, B and C. On inspection of this property it was discovered that the addresses at 402A and C have no access to Thompson Road as they have been fenced off and are accessed off the intersecting Rodney Road. For this reason, these two addresses have also been excluded from the scheme.

The other part of the review included the cost apportionment of properties where some discrepancies were found relating to the titles and ownership of the land. Where there are shared titles, charges have been reapportioned as a shared arrangement rather than allocate charges as though the property address had its own independent title. Nine (9) property charges have been reduced based on the shared title and ownership information.

The consequence of reduced charges to some properties and removal of others from the scheme means that there are less properties in the scheme and the balance of charges is absorbed by the remaining property owners. This equates to \$17,442 additional funds to spread over the remaining property owners in the scheme.

Section 166 of the Local Government Act 1989 outlines the legislation behind the variation of a Special Rate or Special Charge. A 10% increase of a special charge would result in notification and recommencement of the scheme.

To overcome the requirement to recommence the scheme, it is recommended to increase Council contribution to the scheme by \$17,442. This will have the affect of reducing the levy on the remaining property owners, retaining their original charges and keeping the scheme compliant.

Financial Implications

The project is a one off capital cost and there will be minimal ongoing maintenance costs. If approved, the scheme could proceed next financial year under the core footpath program C02303. Financial details are as follows:

Revised scheme levy to Property Owners (income)	\$46,853
Additional levy funds by Council due to revision of scheme - \$17,442	\$240,946
Original Scheme levy to Council - \$134,100	
Direct Funding by Council to reinstate existing footpath and driveways, new kerb and channel for a kerb return modification at Rodney Road, asphalt pavement reinstatement and reinforced concrete retaining wall and footing - \$89,404	
Total Project Cost	\$287,799

From the table above, the revised net cost to Council for this project is estimated to be \$240,946.

Stakeholder Consultation and Communication

Consultation was carried out as follows:

- March 2015 - Information pack to affected property owners that included an initiation letter, a plan showing the location of works, a Special Rates and Charge Scheme brochure, a detailed cost apportionment spreadsheet and informal survey form.
- 3 October 2016 – Letter to owners informing them of Council's Intention to Declare the scheme and submissions period.
- Responses to 4 property owners at the conclusion of the submissions period.

Further correspondence to the affected property owners will be sent should Council make its declaration of charge.

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 the 2004 ministerial guidelines and Council's Special Rates and Charges Policy.

Alignment to City Plan

This report aligns with the City Plan as follows:

Sustainably Built and Natural Environment

- Support our Community to live sustainably – Encourage increased use of alternatives to car transport and seek efficient traffic movement throughout the municipality.
- Advocate for and promote sustainable design and development – Promoting sustainable design and retrofitting.
- Acknowledge the community's desire to have their say and be involved in planning for the future of Greater Geelong.

Conflict of Interest

No Council Officer involved with this process has any direct or indirect interest in the properties.

Risk Assessment

Provision of a sealed pathway will provide safer walking conditions for pedestrians by minimising the risk of personal injuries through conflict with vehicles and the elimination of uneven and slippery surfaces.

There are no identified risks for Council in making its declaration of the scheme.

Environmental Implications

The provision of a sealed pathway surface provides a permanent and safe means of access.

The project does not create waste with the exception of some excavated material.

The proposal does not affect any natural habitats. The proposal will require some nature strip trees and shrubs to be trimmed but removal of vegetation is not expected.

Attachment 2

SCHEDULE 'A'

The works for the construction of footpaths in Thompson Road, North Geelong which consist of excavation, footpath, reinstatement of nature strip and driveways, miscellaneous construction works, legal advice and professional services associated with survey, engineering design, drafting, supervision and administration of the project all as included in the cost estimate shown below.

**COST ESTIMATE FOR CONSTRUCTION OF FOOTPATH –
THOMPSON ROAD, NORTH GEELONG**

ESTIMATED TOTAL COST OF FOOTPATH CONSTRUCTION					
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.	1	ITEM	\$17,711.00	\$17,711.00
1.02	Traffic management costs.	1	ITEM	\$6,000.00	\$6,000.00
1.03	Setting out of works.	1	ITEM	\$700.00	\$700.00
1.04	Service/Cable locations	1	ITEM	\$800.00	\$800.00
1.05	Internal supervision fee (COGG construction)	1	ITEM	\$8,359.00	\$8,359.00
2.00	EARTHWORKS & DEMOLITION				
2.01	Excavation and disposal of all materials to limits of work as indicated on plan, including trimming for new road pavement, excavation of soft spots and removal of concrete.	268	m ³	\$60.00	\$16,080.00
2.02	Saw-cutting of Asphalt paving.	64	m	\$10.00	\$640.00
2.03	Saw-cut of concrete kerb and channel	6	m	\$10.00	\$60.00
3.00	PAVEMENT WORKS				
3.01	75mm compacted depth Class 3 40mm crushed rock, supplied, spread and compacted.	34	m ³	\$100.00	\$3,400.00
3.02	150mm compacted depth Class 2 20mm crushed rock, supplied, spread and compacted.	27	m ³	\$120.00	\$3,240.00
4.00	DRAINAGE PITS				
4.01	Modify existing Junction pit to match finished surface level and supply and fit Gatic type cover.	3	No.	\$770.00	\$2,310.00
5.00	CONCRETE WORKS KERBING:				
5.01	Concrete pram crossing 1.5m wide, including fine crushed rock bedding.	2	No.	\$250.00	\$500.00
	CONCRETE WORK PAVING:				
5.02	125mm (25 Mpa) concrete paving with SL72 mesh including crushed rock bedding and reinstate nature strip.	457	m ²	\$135.00	\$61,695.00
5.03	175mm (32 Mpa) concrete paving with SL82 mesh including crushed rock bedding and reinstate nature strip.	182	m ²	\$140.00	\$25,480.00
6.00	LANDSCAPING				
6.01	Top soiling and seeding nature strips.	638	m ²	\$8.00	\$5,104.00
7.00	SIGNING, LINE-MARKING AND FENCING				

7.01	Relocation of permanent signs and posts as per plan.	1	No	\$250.00	\$250.00
8.00	PROVISIONAL ITEMS				
8.01	Adjust level of existing telstra pit, electricity pit, sewer services lid and water services cover and replaced as needed.	1	ITEM	\$13,000.00	\$13,000.00
SUB-TOTAL					\$165,329
10% Contingency					\$16,533
Design					\$9,920
Project administration					\$6,613
CONSTRUCTION COST ESTIMATE					\$198,395

COUNCIL FUNDED WORKS					
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.	1	ITEM	\$7,985.00	\$7,985.00
1.02	Traffic management costs.	1	ITEM	\$2,000.00	\$2,000.00
2.00	EARTHWORKS & DEMOLITION				
2.01	Excavation and disposal of all materials to limits of work as indicated on plan, including trimming for new road pavement, excavation of soft spots and removal of concrete.	118	m ³	\$60.00	\$7,080.00
2.02	Saw-cutting of Asphalt paving.	124	m	\$10.00	\$1,240.00
2.03	Saw-cut of concrete paving	37	m	\$10.00	\$370.00
2.04	Saw-cut of concrete kerb and channel	27	m	\$10.00	\$270.00
3.00	PAVEMENT WORKS				
3.01	150mm compacted depth Class 2 20mm crushed rock, supplied, spread and compacted.	33	m ³	\$120.00	\$3,960.00
3.02	150mm compacted depth Class 3 40mm crushed rock, supplied, spread and compacted.	16	m ³	\$100.00	\$1,600.00
3.03	30mm compacted depth 10mm nominal size type N Asphalt spread and compacted including emulsion prime & grit using a paver.	140	m ²	\$35.00	\$4,900.00
4.00	DRAINAGE PITS				
4.01	Modify existing Side Entry pit to Bike safe Grated Junction pit to match new finished surface level, supply and fit Grated cover.	1	No.	\$800.00	\$800.00
4.02	1set - of 2 pcs New Standard Weepa (weep holes) with 90mm Extension Dimension of weep holes 75W x 20H x 195D spaced @ 1.0m on center	83	No.	\$6.00	\$498.00
4.03	20mm aggregate backfill for drainage zone 250mm x 450mm (or 250mm) enveloped with geo-textile as per plan.	7.3	m ³	\$110.00	\$803.00
5.00	CONCRETE WORKS KERBING:				

5.01	Remove existing concrete kerb and construct modified SM2 Semi-mountable kerb and channel 600mm wide as per plan and reinstate nature strip.	25	m	\$156.00	\$3,900.00
5.02	Concrete pram crossing 1.5m wide, including fine crushed rock bedding.	2	No.	\$250.00	\$500.00
5.03	CONCRETE WORKS PAVING: 175mm (32 Mpa) concrete paving with SL82 mesh including crushed rock bedding and reinstate nature strip.	129	m ²	\$140.00	\$18,060.00
5.04	Reinforced Concrete Retaining Wall and Footing with SL72 mesh including 75mm compacted depth Class 3 FCR bedding and reinstate nature strip as per plan.	85	m	\$165.00	\$14,025.00
6.00	SIGNING, LINE-MARKING AND FENCING				
6.01	Relocation of permanent signs and posts as per plan.	1	No	\$250.00	\$250.00
7.00	PROVISIONAL ITEMS				
7.01	Adjust level of existing Telstra pit, electricity pit, sewer services lid and water services cover and replaced as needed.	1	ITEM	\$2,000.00	\$2,000.00
SUB-TOTAL					\$74,503
10% Contingency					\$7,450
Design					\$4,470
Project administration					\$2,980
CONSTRUCTION COST ESTIMATE					\$89,404

Attachment 3

Benefit Ratio – Schedule 'B'

A Purpose	To construct a footpath in Thompson Road, North Geelong to provide all weather pedestrian access for property owners and the wider community. The project also includes kerb return modification works to improve vehicular and pedestrian safety																	
B Coherence	The works will provide a physical pathway connection between Morgan Street and Recreation Reserve and will provide a special benefit to adjoining and remote properties.																	
C	Total Estimated cost of works		\$287,799															
	Direct funding by Council to reinstate existing footpath and driveways, new kerb and channel for kerb return modification at Rodney Road, asphalt pavement reinstatement and reinforced concrete retaining wall and footing.		\$89,404															
Total Cost of Footpath Construction			\$198,395															
D Identify Special Beneficiaries	35 properties with frontages to the proposed footpath are considered to receive access and amenity benefits.																	
E Properties to include	The 35 abutting properties receive both access and amenity benefits. Therefore: Total Special Benefits (in) is apportioned to 35 properties There is one (1) Council owned property in the scheme. Therefore: Total Special Benefits out of the scheme is apportioned to one property.																	
F Estimate of Total Special Benefits	For this scheme, benefit will be apportioned on the basis of access and amenity by way of a Benefit Unit (BU). We shall assume that the makeup of the BU for each property comprises 1/2 BU of amenity and 1/2 BU for access benefits. The Council owned property shares the same access and amenity benefit as the private properties. A summary of the special benefits is shown in table form below: <table> <tr> <td></td><td>35 Private Properties TSB (in)</td><td>1 Council Property TSB (out)</td><td></td></tr> <tr> <td>Access</td><td>17.5 BU</td><td>0.5 BU</td><td rowspan="2">TSB (in) 35 BU</td></tr> <tr> <td>Amenity</td><td>17.5 BU</td><td>0.5 BU</td></tr> <tr> <td>Total Special Benefits</td><td>35 BU</td><td>1.0 BU</td><td>TSB (out) 1 BU</td></tr> </table>				35 Private Properties TSB (in)	1 Council Property TSB (out)		Access	17.5 BU	0.5 BU	TSB (in) 35 BU	Amenity	17.5 BU	0.5 BU	Total Special Benefits	35 BU	1.0 BU	TSB (out) 1 BU
	35 Private Properties TSB (in)	1 Council Property TSB (out)																
Access	17.5 BU	0.5 BU	TSB (in) 35 BU															
Amenity	17.5 BU	0.5 BU																
Total Special Benefits	35 BU	1.0 BU	TSB (out) 1 BU															
G Estimate of Total Community Benefit -TCB	It is considered that people in the community will receive a benefit from the works as the pathway is used to access other areas. Estimated pedestrian use of the footpath is 20% for the abutting property owners and 80% for the wider community. There are no amenity benefits considered for the wider community. If 20% of access benefit represents a total of 18 BU, 80% will represent 72BU. TCB 72 BU																	
H Calculate "Benefit Ratio" - R	Benefits Ratio = $\frac{\text{TSB (in)}}{\text{TSB (in)} + \text{TSB (out)} + \text{TCB}} = \frac{35}{35 + 1 + 72} = 0.32$																	
I Maximum Total Levy (S)	Maximum Total Levy $S = R \times C$ Council Contribution to Special Charge Scheme																	
			\$64,295															
			\$134,100															

Attachment 4

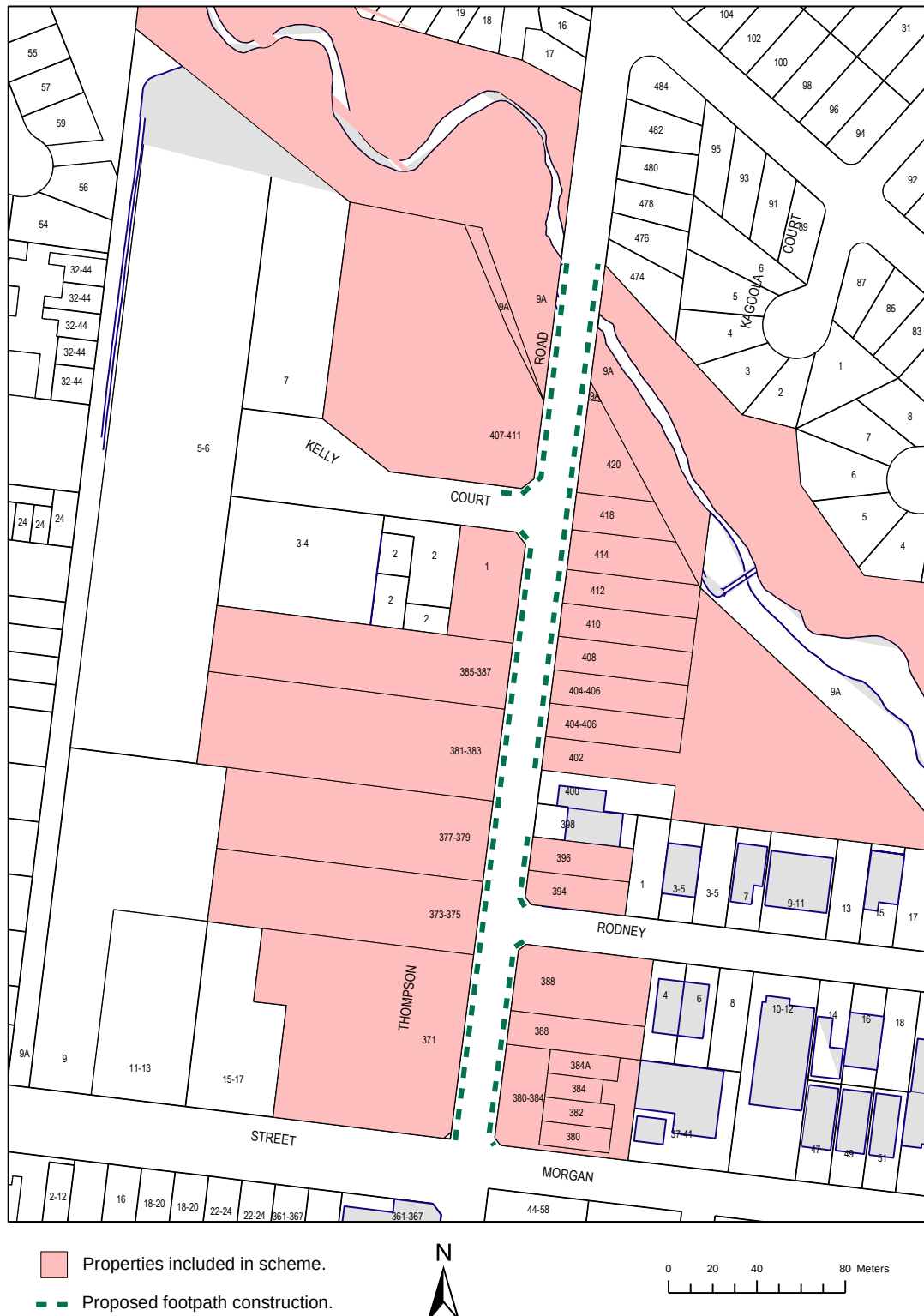
SCHEDULE 'C'
SPECIAL CHARGE SCHEME FOR FOOTPATH CONSTRUCTION
THOMPSON ROAD, NORTH GEELONG

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7
Prop Key	Address	Legal Details	Apportionable frontage (m)	Access Benefit	Amenity Benefit	Footpath Cost
280171	380 Thompson Road, NORTH GEELONG	Lot 4 RP 15195	9.21	\$681.75	\$564.48	\$1,246.23
280172	382 Thompson Road, NORTH GEELONG	Lot 3 RP 15195	9.21	\$681.75	\$564.48	\$1,246.23
280173	384 Thompson Road, NORTH GEELONG	Lot 2 RP 15195	7.39	\$681.75	\$421.48	\$1,103.23
280174	384A Thompson Road, NORTH GEELONG	Lot 1 RP 15195	9.21	\$681.75	\$564.48	\$1,246.23
348297	386 Thompson Road, NORTH GEELONG	Lot 14 LP 93927	15.24	\$1,363.51	\$879.47	\$2,242.98
298770	388 Thompson Road, NORTH GEELONG	1/2 Share of CP 155275	0.00	\$681.75	\$0.00	\$681.75
280177	390 Thompson Road, NORTH GEELONG	1/2 Share of CP 155275	0.00	\$518.50	\$0.00	\$518.50
280178	394 Thompson Road, NORTH GEELONG	Lot 1 LP 117090	1.73	\$549.37	\$106.03	\$655.40
280179	396 Thompson Road, NORTH GEELONG	Lot 2 LP 117090	8.28	\$1,363.51	\$328.71	\$1,692.22
319642	402B Thompson Road, NORTH GEELONG	Lot 26 LP 114984, 1/3 Share of Lot 18 LP 114984	9.06	\$1,363.51	\$555.27	\$1,918.77
280183	404-406 Thompson Road, NORTH GEELONG	Lot 6 LP 93927, Lot 5 LP 93927	1.05	\$681.75	\$64.35	\$746.11
280184	408-410 Thompson Road, NORTH GEELONG	Lot 4 LP 93927, Lot 3 LP 93927	16.60	\$1,363.51	\$987.09	\$2,350.60
280185	412 Thompson Road, NORTH GEELONG	Lot 2 LP 93927	0.64	\$681.75	\$39.22	\$720.98
280186	414 Thompson Road, NORTH GEELONG	Lot 3 PS 503554	3.42	\$1,363.51	\$181.53	\$1,545.04
280187	416 Thompson Road, NORTH GEELONG	1/2 Share of Lot 4 PS 503554	4.58	\$681.75	\$280.39	\$962.14
280188	418 Thompson Road, NORTH GEELONG	1/2 Share of Lot 4 PS 503554	4.58	\$681.75	\$280.39	\$962.14
280189	420 Thompson Road, NORTH GEELONG	Lot 2 PS 503554	16.27	\$1,363.51	\$960.97	\$2,324.48
344759	371 Thompson Road, BELL PARK	Pt Lot 1 TP 164072 Ppsd Lot 2 PS 641441	58.54	\$681.75	\$3,587.78	\$4,269.54

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7
Prop Key	Address	Legal Details	Apportionable frontage (m)	Access Benefit	Amenity Benefit	Footpath Cost
280237	373-375 Thompson Road, BELL PARK	Lot 1 LP 145062	15.03	\$1,363.51	\$862.85	\$2,226.36
301812	377 Thompson Road, BELL PARK	1/3 Share of Lot 2 LP 210814	8.38	\$449.96	\$513.71	\$963.67
301813	1/379 Thompson Road, BELL PARK	1/3 Share of Lot 2 LP 210814	8.38	\$449.96	\$513.71	\$963.67
311847	2/379 Thompson Road, BELL PARK	1/2 Share of Lot 2 LP 210814	8.38	\$449.96	\$513.71	\$963.67
280239	1/381-383 Thompson Road, BELL PARK	1/6 Share of Lot 2 PS 641531	5.00	\$231.80	\$306.44	\$538.23
280240	2/381-383 Thompson Road, BELL PARK	1/6 Share of Lot 2 PS 641531	5.00	\$231.80	\$306.44	\$538.23
280241	3/381-383 Thompson Road, BELL PARK	1/6 Share of Lot 2 PS 641531	5.00	\$231.80	\$306.44	\$538.23
280242	4/381-383 Thompson Road, BELL PARK	1/6 Share of Lot 2 PS 641531	5.00	\$231.80	\$306.44	\$538.23
280243	5/381-383 Thompson Road, BELL PARK	1/6 Share of Lot 2 PS 641531	5.00	\$231.80	\$306.44	\$538.23
280244	6/381-383 Thompson Road, BELL PARK	1/6 Share of Lot 2 PS 641531	5.00	\$231.80	\$306.44	\$538.23
280245	385-387 Thompson Road, BELL PARK	Lot 5 LP 208936	24.03	\$1,363.51	\$1,472.74	\$2,836.25
278564	1 Kelly Court, BELL PARK	Lot 6 LP 210814	45.77	\$681.75	\$2,805.14	\$3,486.89
280247	407-411 Thompson Road, BELL PARK	Lot 4 LP 208205	71.58	\$1,363.51	\$4,386.98	\$5,750.48

Attachment 5

Plan



Attachment 6

PROCESS CHART

**SPECIAL CHARGE PROJECTS –
(Section 163 – Local Government Act 1989)**

THOMPSON ROAD, NORTH GEELONG

Stage	Status	Description
<i>Approval to prepare scheme</i>	✓	Decision made to prepare scheme following consideration of surveys of residents and feed back from the community via informal survey. Council may then place the project in the budget system or proceed immediately to prepare a scheme. Scheme preparation involves survey, design and preparation of an apportionment of costs.
<i>Intention to Declare Scheme</i>	✓	Report to Council providing information on scheme including advice of impending advertising of scheme and declaration of charge. Seeks Council approval by resolution to proceed with process. 27 September 2016
<i>Advertisement</i>	✓	The scheme is advertised in the local newspaper and all allotted property owners are notified by mail. This advertisement indicates Council's intention and notification to 'declare' a scheme in a month's time. 8 October 2016
<i>Submissions</i>	✓	From the time of advertising property owners have 28 days (as set down by the Local Government Act) to lodge submissions, either in support or opposition to the scheme.
<i>Submissions Review Panel Hearing</i>	✓	A Submissions Review Panel is convened (quorum of three Councillors) and meets to consider submissions. Some submissions are written only, and other submitters may wish to be heard before the Panel. The Panel makes a recommendation to Council regarding the scheme. 22 March 2017
<i>Declaration Report</i>	✓	Any time 28 days after advertising the scheme and after the Submissions Review Panel has met and considered submissions, Council considers a report and may proceed to "declare" the charges in accordance with its advertised intent. Subsequent to this the Finance Manager issues the levy notices and there is a formal charge placed on the property. This is the final step in the process for Council to make a decision on the scheme.
<i>Appeal</i>		Property owners may lodge an application for review with the Victorian Civil and Administrative Tribunal (VCAT) within one month of issue of the levy notice. An appeal is listed, heard and determined by the Tribunal and this process generally takes three to four months. Decisions made by VCAT are binding on all parties.
<i>Construction</i>		Council may then proceed to construct the works. Invoices are issued seeking payment of the estimated cost within one month of commencement.
<i>Final Cost Report</i>		At the completion of the works the scheme is "finalised" taking into account actual costs incurred and payments are adjusted accordingly.

18. ARMSTRONG CREEK - ACQUISITION OF LAND FOR DRAINAGE PURPOSES

Source:	Planning and Development - Urban Growth Area Planning
Director:	Peter Bettess
Index Reference:	Armstrong Creek West Precinct

L Gardner moved, P Dorling seconded -

That in accordance with Section 89 (2) (d) of the Local Government Act 1989, this contractual matter be considered at the conclusion of all other business at which time the meeting be closed to members of the public.

Carried.

19. CONTRACTUAL MATTER

Source:	City Services - Environment and Waste Services
Director:	William Tieppo
Index Reference:	Waste Management

L Gardner moved, P Dorling seconded -

That in accordance with Section 89 (2) (d) of the Local Government Act 1989, this contractual matter be considered at the conclusion of all other business at which time the meeting be closed to members of the public.

Carried.

ASSEMBLY OF COUNCIL RECORD

Chief Executive Officer: Kelvin Spiller
Source: Legal Services and Governance

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.

L Gardner moved, P Dorling seconded -

That the information be received.

Carried.

PLANNING DELEGATIONS – MAY 2017

Source: Planning & Development - City Development
Director: Peter Bettess
Index Reference: Delegation

Summary

- Section 98 of the Local Government Act 1989 and section 188 of the Planning and Environment Act 1987 empower Council to delegate its powers, duties and functions under relevant legislation to members of Council staff.
- Council may also delegate to committees comprising Councillors and staff or a combination of both, pursuant to sections 86 and 87 of the Local Government Act and section 188 of the Planning and Environment Act.
- At its meeting on 13 March 2007 Council established a Planning Committee and a Development Hearings Panel with delegated powers to determine upon any development applications which have been the subject of an objection or in circumstances where officers have recommended refusal of the application.
- At its meeting on 23 September 2008 Council adopted a recommendation to allow Officers (restricted to Manager, Coordinator and Team Leader level) the ability to consider and approve applications with five or less objections.
- The appendix to this report contains a schedule of all applications determined under these delegations.

L Gardner moved, P Dorling seconded -

That the information be received.

Carried.

L Gardner moved, P Dorling seconded -

That the meeting be closed to the public.

Carried.

The Meeting was closed to the public at 7.40pm

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 7.33pm

As there was no further business the meeting closed at 7.43pm. Tuesday, 27 June 2017.

Signed: _____
Dr Kathy Alexander (Chair)

Date of Confirmation: _____