

MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 27 March 2012

Held at the
Council Conference and Reception Centre
City Hall, Little Malop Street, Geelong
commencing at 7.08pm

COUNCIL:

Cr. J. Mitchell (*Austin*)

- **Mayor**

(Communications / Sport and Recreation / Democracy & Governance / Central Geelong
Looking Forward)

Cr. B.H. Abley (*Brownbill*)

(Arts and Culture)

Cr. J. Doull (*Coryule*)

(Environment and Sustainability / Climate Change)

Cr. J. Farrell (*Beangala*)

(Education and Youth / Community Safety)

Cr. K. Fisher (*Corio*)

(Community Development)

Cr. C. Granger (*Windermere*)

(Heritage)

Cr. B. Harwood (*Kardinia*)

(Finance / Tourism / Major Events / Strategic Development)

Cr. E. Kontelj (*Cowie*)

(Aboriginal Affairs / Multicultural Affairs)

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

(Major Projects)

Cr. R. Macdonald (*Cheetham*)

(Economic Development / Planning)

Cr. R. Nelson (*Deakin*)

(Rural and Regional Affairs)

Cr. A. Richards (*Buckley*)

(Transport / Infrastructure / Parks and Gardens)

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**MINUTES OF THE ORDINARY MEETING
OF THE GREATER GEELONG CITY COUNCIL
HELD AT THE COUNCIL CONFERENCE AND RECEPTION CENTRE
CITY HALL, LITTLE MALOP STREET
TUESDAY, 27 MARCH 2012
COMMENCING AT 7.08 P.M.**

PRESENT: Cr C Granger (Acting Chair), Crs B Abley, J Farrell*(7.11pm), K Fisher, B Harwood, E Kontelj, S Kontelj*(7.11pm), R Macdonald, R Nelson, A Richards

Also present: S Griffin (Chief Executive Officer), J Wall (General Manager Corporate Services), P Bettess (General Manager Economic Development, Planning and Tourism), D Frost (General Manager Projects, Recreation and Central Geelong), G Van Driel (General Manager City Services), J McMahon (General Manager Community Services), L Quinn (Manager Family Services), R Bourke (Governance Co ordinator), D Chiller (Co ordinator Communication and Marketing)

OPENING: The Acting Mayor declared the meeting open at 7.08pm

ACKNOWLEDGEMENTS:

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

APOLOGIES: Cr J Mitchell (Mayor) – Leave of Absence, Cr J Doull (Leave of Absence)

CONFIRMATION OF MINUTES:

Cr Fisher moved, Cr Abley seconded -

That the Minutes of the Ordinary Meeting held on 13 March 2012 be confirmed and signed.

Carried.

DECLARATIONS OF CONFLICTS OF INTEREST:

Cr Harwood declared a Conflict of Interest in Agenda Item 1 – Planning Permit Application 155/2011 for 297-301 Moorabool Street, Geelong in that the applicant is his tax accountant.

PRESENTATION:

Cr Abley presented Council with a publication, titled 'Iceland Today', from a Group Study Exchange Team visiting Geelong from Iceland. Also presented was a container carrying volcano ash from the Grimsvotn Volcano in Iceland which erupted in May 2011. The Group are visiting Ballarat, Swan Hill, Nhill, Mt Gambier, Portland and Warrnambool.

QUESTION TIME:

Peter Dowling asked his question in relation to Planning Permit Application 155/2011 – Palais Redevelopment:

As Council would be aware, this application was to be considered at a Development Hearing Panel on 15 December 2011. By letter dated 12 December I was advised that the application had been withdrawn from that agenda. By letter dated 8 March 2012, I was advised that this application was now to be considered by the Planning Committee on Tuesday, 20 March 2012. By a chance phone conversation on Monday, 19 March I found out that the application had now been pulled from the Planning Committee and was now to be considered at the next Council Meeting being 27 March 2012. This was later confirmed by letter dated 16 March 2012 (envelope post marked 20 March), and received on 21 March 2012. Can Council please explain why it considered this application to be so different from the normal Development Hearing Panel process, but also removal from the Planning Committee process and into a Council Meeting where all opportunity for both applicant and objector to speak on the proposal were prohibited?

* Cr S Kontelj entered the meeting room at 7.11pm

* Cr Farrell entered the meeting room at 7.11pm

Peter Bettess responded that under the Planning and Environment Act there is no right to have a verbal hearing, but rather an opportunity to submit submissions and those submissions will be considered. Council is the responsible authority and any other committee or officer who makes a decision makes those decisions under Council delegation.

It was further advised that in this particular instance a Councillor requested the matter be called in, however, the Councillor realised a Conflict of Interest in the development and therefore it was determined the best option for clarity of the process was to bring the report directly to a full Council Meeting.

Ingrid Hindell expressed her concerns at the need for the Geelong central business district to provide a facility for the disabled, similar to the Travellers' Aid Access Service in Melbourne, which is a drop-in centre in central Melbourne for people with any type of impairment.

The Acting Mayor thanked Ms Hindell for her tireless work in the organizing of a petition in relation to this subject, and will be presented to Council this evening by Cr Fisher.

PETITIONS:

Cr Fisher presented a petition containing approximately 900 signatures from Ms Ingrid Hindell in relation to the provision of a 'destination' where people with disabilities and the frail aged can be supported with travel information and/or occasional but necessary personal care whilst accessing the recreational, education and work opportunities in the Central Geelong area. The people who have signed this petition are asking Council to make available to its citizens an area and a service comparable to the Travellers' Aid Access Service (a drop-in centre in central Melbourne for people with any type of impairment).

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG

Portfolio:	Planning - Cr Macdonald
Source:	Statutory Planning – City Development
General Manager:	Peter Bettess
Index Reference:	Application 155/2011

Summary

- The subject site comprises three separate properties on the east side of Moorabool Street, Geelong - the Palais at No. 297 Moorabool Street, an interwar Bungalow adjoining to its south at No. 299 Moorabool Street, and a car park used in association with the Palais at No. 301 Moorabool Street. The site is generally rectangular in shape and comprises an area of approximately 2,600 square metres (sqm). The site falls by approximately 6.0m from north to south.
- The subject site is located within a Residential 1 Zone and is covered by the Design and Development Overlay (Schedule 14). No. 297 Moorabool Street is also covered by the Heritage Overlay (HO1067) and contains the Palais, a locally significant building. No. 299 Moorabool Street is covered by the Heritage Overlay (HO1068) and contains a locally significant interwar Bungalow. No. 301 Moorabool Street is not covered by any heritage overlays. Moorabool Street is a road in a Road Zone, Category 2.
- The application seeks to demolish the Bungalow and develop the site with a multi-level extension, joined to the Palais at its southern wall and extending to take in the allotments at Nos. 299-301 Moorabool Street. The proposed extension would also incorporate four levels of semi-basement and basement car parking.
- The existing bingo centre use would be relocated to operate from the extension, while the original Palais building would be available to be used for a variety of events, including school and community performances, theatre and other functions (including conferences and conventions, according to submissions made by the applicant). The applicant has advised that this is a long-term vision and would be dependent on (a) the existing Palais being restored and (b) the demand to use the existing theatre. Therefore, it is understood that potentially the entire floor area (existing Palais and extension) may be used solely as a bingo centre, at least in the short term. An ancillary café/restaurant and business identification signage is also proposed. In addition, the application proposes a reduction in the required car parking provision, and external painting of the façade of the Palais.
- The application was advertised by posting signs on site and sending letters to owners and occupiers of adjoining properties. 22 objections were received - these primarily related to heritage, car parking/traffic/access, visual bulk/built form/neighbourhood character, gambling and general amenity. A consultation meeting was held but the application plans were not subsequently amended, although more detailed elevations/perspectives were tabled at the meeting and additional information relating to traffic, parking and net community benefit was subsequently submitted.

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

- The application has been assessed against the relevant provisions of the Planning Scheme and it is considered that proposal would fail to conserve and enhance the dwelling at No. 299 Moorabool Street (a heritage place), would fail to provide a net community benefit that would justify the loss of the dwelling, would result in inappropriate uses within a residential area, and would result in an unacceptable crossover. Therefore, the application is considered contrary to Clauses 10.02, 11.01, 15.01, 15.03-1, 17.01-1, 21.06-4, 21.06-5, 21.07-3, 21.09, 22.01, 22.09, 32.01, 43.01-4 and 65 of the Greater Geelong Planning Scheme.
- It is recommended that the application not be supported.

Cr Harwood declared a Conflict of Interest in Agenda Item 1 – Planning Permit Application 155/2011 for 297-301 Moorabool Street, Geelong in that the applicant is his tax accountant and left the meeting room at 7.20pm.

Cr Abley moved, Cr Richards seconded -

That the Responsible Authority, having considered all matters which the Planning and Environment Act, 1987 requires it to consider, decides to Refuse to Grant a Planning Permit for the Demolition of a Dwelling, Partial Demolition of a Building, Use and Development of a Place of Assembly with Associated Car Park and Ancillary Food and Drink Premises, Display of Associated Business Identification Signage, External Painting, and Reduction in the Required Car Parking Provision at 297 - 301 Moorabool Street, Geelong on the following grounds:

- 1. The proposed development, which would involve the demolition of a locally significant dwelling, would fail to conserve and enhance that heritage place or provide a net community benefit that would justify the loss of the dwelling, contrary to Clauses 10.02, 15.01, 15.03-1, 17.01-1, 21.06-5, 21.07-3, 21.09, 22.09 and 43.01-4 of the Greater Geelong Planning Scheme.**
- 2. The proposed unrestricted Place of Assembly use on land in a Residential 1 Zone, would introduce uses onto the site that would not directly serve the needs or benefit the local community and that could reasonably and more appropriately be accommodated elsewhere. As such, the proposal is contrary to Clauses 11.01, 17.01-1, 21.07-3, 22.01 and 32.01 of the Planning Scheme.**
- 3. The proposed development, which would create a wide crossover with two abutting vehicular entrances and one exit to Maud Street, would be detrimental to pedestrian safety and neighbourhood character. As such, the proposal is contrary to Clauses 15.01 and 21.06-4 of the Planning Scheme.**

Carried.

Report

Background

The Site

The subject site is located on the northeast corner of Moorabool Street and Maud Street, Geelong and comprises three allotments - the Palais at No. 297 Moorabool Street, an interwar Bungalow adjoining to its south at No. 299 Moorabool Street, and a car park used in association with the Palais at No. 301 Moorabool Street.

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

The site is generally rectangular in shape and comprises an area of approximately 2,600 square metres. The site falls by approximately 6.0 metres from north to south. A 4.5m wide public laneway provides rear (east) access via Maud Street. There are no existing crossovers to the site from Moorabool Street or Maud Street – all vehicular access is from the rear laneway.

No. 297 Moorabool Street contains the Palais (the Palais Royal Pictures building), a double-storey brick and stucco Art Deco structure with architectural and historic significance at a local level. The building is constructed over the majority of the allotment, but is set back approximately 3.2m off the south boundary. The building is currently used as a bingo centre.

No. 299 Moorabool Street contains a locally significant interwar Bungalow, which features typical Federation Bungalow details including timber wall shingles on the entrance portico and main gable, eaves with exposed rafters, and a bay window. The entrance portico has brick piers and a flat roof. The front yard is landscaped but does not contain any significant vegetation (no tree controls apply). The existing front fence detracts from the Bungalow style of the house. Two outbuildings are located at the rear.

No. 301 Moorabool Street has been developed as a 28 space car park used in association with the Palais Bingo Centre. The permit for its use and development was issued by the Victorian Civil and Administrative Tribunal (VCAT Order P2734/2005).

The subject site is located within a Residential 1 Zone and is affected by the Design and Development Overlay (Schedule 14). No. 297 Moorabool Street is also covered by the Heritage Overlay (HO1067) and No. 299 Moorabool Street is covered by the Heritage Overlay (HO1068). No. 301 Moorabool Street is not covered by any heritage overlays. Moorabool Street is a road in a Road Zone, Category 2.

Surrounds

Abutting the laneway to the east of the subject site at No. 55 Maud Street is a two-storey building occupied by the Reformed Theological College. The building is the surviving south wing of the former Geelong Grammar School, a Tudor Gothic Style quadrangular school building. That site, which is covered by a Heritage Overlay (HO12), has regional significance and is included on the Victorian Heritage Register.

North of the Palais, at No. 295 Moorabool Street, is a tyre dealership developed at zero lot line on its boundaries with Moorabool Street and the Palais site. The building is cuboid and of a scale similar to the existing Palais building.

Directly to the south, on the opposite side of Maud Street, are two businesses with zero lot line frontage to Moorabool Street. Maud Street (east of the site) comprises a mix of typically single-storey Victorian, Edwardian and Bungalow dwellings. This area is located within the City South Heritage Area (HO1641).

Land to the west, on the opposite side of Moorabool Street, comprises a mix of single dwellings and commercial buildings, including the former George and Dragon Hotel (HO147) and the former Gordon Junior Technical College (HO1070) which forms part of a new high density residential/social housing development.

The wider area includes a mix of residential dwellings and commercial properties, including what can be described as dominant built forms along Moorabool Street.

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

Local amenities include:

- Geelong City Centre (including main business and retail district) – 400m to the north.
- Kardinia Park - 250m to the south.
- South Geelong Railway Station – 600 walking distance to the southeast.

Proposal

The applicant proposes to develop the site with a multi-storey extension attached to the existing Palais building. The extension would be attached to the southern wall of the Palais, constructed over Nos. 299 and 301 Moorabool Street, and would require the demolition of the Bungalow at No. 299 Moorabool Street and the majority of the southern external wall of the Palais. The extension would include four levels of semi-basement and basement car parking, with two storeys above to be used as a bingo centre, theatre and function centre, and an ancillary café/restaurant. The height of the extension above ground level on Moorabool Street would be a maximum of approximately 12m.

The applicant has advised that the existing bingo centre use would be relocated to operate from the extension while the original Palais building would be available to be used for a variety of events including school and community group performances, theatre and other functions. On occasions, partitioning between the two spaces (the existing Palais theatre and the extension) could be removed to create one larger space to be used solely as either a bingo centre or a venue for other events. The applicant has described the potential use as:

“To develop the site with a purpose built function centre and use it as a bingo centre in conjunction with the Palais and also for a range of other public functions traditionally staged at the Palais in the post war years.”

The nature of the proposed use is discussed in more detail later in this report.

Associated business identification signage, external painting, a reduction in the required car parking provision and a waiver of bicycle facilities are also proposed.

Demolition

The application proposes demolition of the interwar Bungalow at No. 299 Moorabool Street and its associated outbuildings to facilitate the development. Tree controls do not apply to the property, so no permit is required to remove existing landscaping.

Floor Areas

Proposed internal layout

The proposed additional floor areas can be summarised as follows:

Ground floor

- Bingo and function area – 605sqm
- Ancillary stage and general spill out space – 98sqm
- Services area – toilets and circulation – 331.5sqm
- Café/restaurant – 163sqm
- Administrative area – 37sqm

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

First floor

- Services area – toilets and circulation – 71.5sqm
- Changing rooms – 128sqm
- Administrative area – 228sqm

Car parking and parking reduction

- B1 (Basement Level 1) – 27 spaces, including 2 disabled spaces. Access from laneway
- B2 (Basement Level 2) – 40 spaces. Access from Maud Street
- B3 (Basement Level 3) – 43 spaces. Access from Level 2
- B4 (Basement Level 4) – 30 spaces. Access from Level 3

The proposed car park comprises two separate areas; one accessed from Maud Street (via a new crossover) and the other from the rear laneway. In total, 140 car spaces (including 3 disabled spaces) and 7 motorcycle spaces are proposed within the four levels of the carpark. However, given the proposal would result in the redevelopment of the existing 28 space car park at 301 Moorabool Street, a net increase of 112 spaces is proposed. The proposal has a statutory requirement of 525 car spaces. Accordingly, a reduction in the car parking requirements is proposed for the shortfall of 413 spaces. Due to the proposed location of crossovers, the proposal would also result in the loss of approximately 3 on-street car spaces within Maud Street.

Built form

A cuboid built form is proposed, incorporating a mixture of external finishes including concrete, timber cladding, metal mesh screens and aluminium louvres. A new entry is proposed to the proposed extension, separated from the existing building by a transparent glazed stairwell. The extension would be constructed at zero lot line to Moorabool Street and Maud Street and, at its highest point above natural ground level, would be approximately 12m high.

Use

The Palais is used as a bingo centre and has been used for this purpose since at least 1984 (Planning Permit 563/1984 was issued on the 26 June 1984 to use the building as a bingo centre). A bingo centre falls within the definition of a Place of Assembly, which is defined in the Planning Scheme as:

“Land where people congregate for religious or cultural activities, entertainment, or meetings.”

The applicant has specifically requested that the use of the premises as a function centre be considered as part of this application. A function centre is defined in the Planning Scheme as:

“Land used, by arrangement, to cater for private functions, and in which food and drink may be served. It may include entertainment and dancing.”

It will be noted that the definition of function centre makes specific reference to **private** functions.

The applicant's submission includes the following description of the use of the proposed building:

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

"A purpose-built function centre to be used as a bingo centre in conjunction with the Palais, and also for a range of other public functions similar to functions traditionally staged at the Palais in the post-war years."

Throughout the application process, the applicant has advised that the long-term vision for the redeveloped site is to provide an "arts centre", reminiscent of the previous uses of the Palais as a theatre and dance hall. In the short term, the applicant has indicated that the extended building would be used primarily as a large bingo centre. As part of the supporting documentation submitted during the application process, the applicant provided an assessment of net community benefit which referred to the development as "The Palais Arts Centre". The following excerpts are taken from that document to illustrate the proposed use:

"The redevelopment of the existing Palais Building is to provide a unique medium to large theatre, entertainment, conference and convention facility to support and provide for gatherings by the community of Geelong and the region."

"The most important part of the development is the construction of the stage in the old Palais Royal Theatre."

"The Palais Arts Centre will accommodate the old Palais building which will be once again rejuvenated for theatre, dances and shows. At times, when it has not enough space, the old building will merge with the new building to give the people of Geelong and the Region an even more grand performance."

"One of the primary goals for the Palais Arts Centre is to strengthen its current relationship with the Victorian College of the Arts (VAC) especially in Music Theatre. This will not only provide opportunities for VAC artists to perform in the Palais Arts Centre but it will also create opportunities for Geelong artists to be exposed to the arts at the highest level."

"This proposal provides a quality, modern multi-purpose function centre to support arts and live performances, and also provide an accessible and modern facility to comply with current regulations and to house the existing activities and use for other community gathering opportunities for the future."

The applicant has confirmed that the existing bingo centre would be relocated into the new extension and the existing Palais building would be restored and used for the variety of events described above. On occasions, partitioning between the two spaces (the existing Palais theatre and the extension) could be removed to create one larger space to be used solely as either a bingo centre or for other events. Most recently, the applicant has confirmed that when 'special events' are held (up to 12 times a year) up to 1,200 people would be on-site. It is worth noting that this figure is a reduction from the 1,500 people proposed when the application was first lodged and when public notification was undertaken.

Based on the information provided to Council by the applicant, it is considered that the proposed use best falls within the definition of a Place of Assembly, a Section 2 (permit required) use in the Residential 1 Zone.

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

During the processing of the application, clarification was sought from the applicant about the nature of the uses proposed within the building. The applicant requested that the proposal be considered on the basis of the use being for a Place of Assembly, without qualifications or limitations being placed on that use. It was specifically stated that function centre was to be included amongst the uses proposed.

It should be noted, in terms of the use of the premises, that the current use is limited to a bingo centre and does not include other uses that fall within the definition of Place of Assembly. The proposal would significantly expand the range of uses that could operate from the premises, would include use as a function centre and would specifically allow use for private functions rather than the public uses that have historically operated from this site.

The appropriateness of the uses proposed is discussed later in this report.

An ancillary Food and Drink Premises is also proposed with the application plans showing seating for 70 customers. The applicant's submission describes the premises as a café/restaurant and the applicant has confirmed that it would be used ancillary to the Place of Assembly. The café/restaurant would include a kitchen, service area, canteen, bar and indoor and outdoor dining areas. The current application does not include the sale or consumption of liquor, but it must be acknowledged that it is probable that a licence would be sought in the future given the nature of the uses proposed.

Number of staff:

The bingo operations currently employ 16 casual staff. The applicant expects this number to increase to approximately 30 casual staff following the development.

Hours of operation:

Operating hours would be the same as the hours that currently apply at the Palais (11:00am – 11:00pm, 7 days per week).

External Painting

As part of the Conservation Management Plan, it is proposed to paint the façade of the Palais. Research into colours would be undertaken prior to painting being undertaken.

Advertising signs

Two business identification signs are proposed on the extension. Each would be approximately 6.0m long x 1.0m high and located near the top of each street elevation; one addressing Moorabool Street and the other addressing Maud Street. The applicant's submission states that the signs would likely be internally lit or flood lit. No changes are proposed to signage on the existing Palais building. In addition, a large (21sqm) advertising space is shown on the south elevation of the proposed extension.

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

Discussion

Assessment

Key Planning Considerations

The key considerations in this case are considered to be the appropriateness of the proposed development in terms the zone and overlays; the acceptability of an unrestricted Place of Assembly in this location; the impact of the proposed demolition on the significance of the heritage places, the potential impact of the proposed development on the character of the area (taking account of the nature of uses proposed by the applicant), the potential impact of the proposed development on the amenities of adjoining properties, particularly those in residential use; and the parking and traffic implications of the proposed development. These matters are considered below.

State and Local Planning Policies

The application is consistent with a number of State and local planning policies relating to maximising use of existing land and infrastructure, providing a range of entertainment and community facilities and contributing to the sustainability of commercial facilities. However, the application is considered inconsistent with several other State and local policies relating to net community benefit, heritage conservation, and the location of commercial, cultural and community uses in and around activity centres. Car parking and loading/unloading are also potential concerns. Greater analysis against the most relevant of these policies is contained below.

Zone

There is scope within the Residential 1 Zone to allow, in appropriate locations, entertainment and community uses which serve local community needs. The Residential 1 Zone does not provide specific decision guidelines for Section 2 uses (except those applicable to subdivision and medium density residential development). However, the MSS includes a clause for Central Geelong (Clause 21.09) which applies to the subject site, and a local policy on discretionary uses in residential areas (Clause 22.01). Council must also consider, as appropriate, the decision guidelines at Clause 65. An assessment against these policies is contained later in this report.

Overlays

As noted earlier in the report, the site is covered by two heritage overlays and a Design and Development Overlay (DDO14). There is no trigger for a planning permit under DDO14.

The heritage implications of the proposal are considered to be one of the key considerations when assessing this application. The section immediately following assesses the heritage implications, including demolition of the dwelling, partial demolition of the Palais (southern elevation, to facilitate the extension), and the proposed extension.

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

Proposed Use

A permit requirement for the use of the land is triggered for the Place of Assembly, which is a Section 2 use in the Residential 1 Zone.

Whilst the existing Palais building has a planning permit to operate as a bingo centre, Council must consider the appropriateness of extending the floor area of the use and allowing the redeveloped building to also be used for the range of other uses the applicant has described in its long-term vision for an “arts centre”.

The applicant has requested that the proposed use be considered as a Place of Assembly, “without any qualifications”. In particular, the applicant advised that a permit is being sought for function centre use. It is noted that uses included in Place of Assembly also include uses such as amusement parlour and nightclub. It was recommended to the applicant that the proposed use be limited to ones historically in the building, which served or benefited the public (i.e. bingo centre and theatre), but the applicant declined to amend the proposal and advised that the options for Council were either to issue a permit with a condition limiting the breadth of the proposed use, or to refuse the application. As the proposed use is not the sole reason for refusal (with the loss of the C-listed dwelling, and the access to Maud Street, also unacceptable), it is not considered that a conditional permission could be issued for the current application. In the event it is considered a permit could be issued, it is recommended that the description of the proposed use be amended to ‘Place of Assembly (Bingo Centre and Theatre)’.

There are a number of State policies (i.e. Clauses 11.01, 17.01-1 and 19.02-3), which seek this type of use to be located within activity centres. Contrary to this, as per the Central Geelong Structure Plan map at Clause 21.09-4, the subject site is located outside the ‘core retail’ and ‘arts, civic, education’ precincts of Central Geelong. Instead the site is located within a ‘residential’ precinct. Arguably, a Place of Assembly of the proposed size would be better suited in a more central location, closer to complementary uses and further from sensitive residential interfaces. It is certainly considered that a function centre, with potential for conference and convention events, would more appropriately be located within the Central Geelong area. It is also considered that other Place of Assembly uses, such as a nightclub, would be unacceptable in this location.

It is also noted that Council encourages art and cultural uses within the arts precinct as identified at Clause 21.09-4, so arguably the applicant’s long term vision to create an “arts precinct” is contrary to the vision of Council to create a dedicated arts precinct elsewhere within the city centre. However, it is acknowledged that historically the existing building has been used for theatre, dance and bingo so the extension of these uses is considered a more acceptable outcome.

There has been a certain lack of clarity about the ultimate use of the proposed building. In the short term it is anticipated that the building would function as a large bingo centre (with permit conditions limiting the number of patrons present at any given time to a maximum of 700).

However, in the longer term a wider range of uses is proposed, with convention and conference centre listed amongst the uses proposed by the applicant. As noted, the proposal seeks an unrestricted Place of Assembly use, though the focus of the applicant appears to be use as a function centre, bingo centre and theatre.

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

Overall, without prejudice to the fact that it is considered that the demolition of the C-listed dwelling is unacceptable, it is felt that there is merit in redeveloping an existing building with a history of providing an entertainment facility for the community of Geelong. If a permit is issued, however, it is recommended that consideration be given to the range of uses that could occupy the site. For this reason, if a permit is issued, it is recommended that it define the approved use as 'Place of Assembly (Bingo Centre and Theatre)' to prevent other uses that fall within the definition of a Place of Assembly (e.g. function centre; nightclub), but are not considered appropriate for the location, from using the premises. It is considered that limiting the use to Place of Assembly (Bingo Centre and Theatre), would allow for the continuation of the bingo centre use, as well as use as a formal theatre or by school groups etc.

Clause 22.01 – Discretionary Uses in Residential Areas

Below is an assessment against Clause 22.01 (Discretionary Uses in Residential Areas):

It is policy that:

- *Non-residential uses are located so as to benefit and be convenient to local residents.*
- *Non-residential uses generally be encouraged to locate on sites which have access to a Road Zone.*
- *Residential amenity should be protected from:*
 - *Noise, light and odours emitted from the site.*
 - *Disturbance associated with the hours of operation.*
- *The design of purpose built premises should have regard to the existing neighbourhood character and reflect a residential scale and appearance, particularly with regard to the following elements:*
 - *Building and roof form.*
 - *Building height and setback.*
 - *Design detail (including façade articulation, verandahs, window and door style and placement).*
 - *Building materials.*
 - *Colours and finishes.*
- *The design and siting of new buildings should have regard to the location of adjacent buildings.*
- *Adequate area is set aside for on site car parking.*
- *Areas set aside for car parking be located to ensure that they do not dominate the streetscape.*
- *Residential amenity be protected from significant changes in traffic conditions and significant increases in on street parking demand.*
- *Loading and unloading of vehicles does not cause unreasonable detrimental impact to residential amenity.*

Clause 22.01 also includes the following performance measures which proposals are to be measured against:

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

Amenity

- *Hours of operation for all non-residential uses will be considered having regard to the nature and intensity of the use and the context of the site and surrounding areas.*
- *Loading and unloading of vehicles should only occur between the hours of 8am and 6pm.*
- *Noise attenuation measures should be provided where appropriate and all external noise sources (air-conditioning, heating, plant equipment etc) should be designed and located to restrict noise emission to adjoining properties.*

Design

- *Air-conditioning, heating and plant equipment should be located so as to avoid being visible from areas external to the subject site.*
- *Applications for new buildings should be consistent with the following ResCode objectives and/or standards:*
 - *Clause 54.03-1 Street setback.*
 - *Clause 54.04-1 Side and rear setbacks.*
 - *Clause 54.04-2 Walls on boundaries.*
 - *Clause 54.04-3 Daylight to existing windows.*
 - *Clause 54.04-4 North facing windows.*
 - *Clause 54.04-5 Overshadowing open space.*

Landscaping

- *A minimum 1.5 metre landscaped buffer should be provided to separate accessways and car parking areas from adjoining residential properties.*
- *The front setback of sites should be set aside for landscaping.*

Car parking

- *Car parking should be provided at the side or rear of the site.*

As noted earlier in this report, the applicant seeks a permit for a Place of Assembly, "without any qualifications". As well as the historic uses of the building as a bingo centre and theatre, the applicant has specifically referred to the proposed use of the premises being as a function centre, with conference and convention facilities. Reference has also been made in discussions to use of the premises for wedding functions.

In addition, it is noted that Place of Assembly includes a range of other uses not currently proposed but which could potentially be introduced without need for a further permit, e.g. nightclub and amusement parlour.

Clause 22.01 specifically seeks to "restrict the encroachment of incompatible non-residential uses into residential areas", and seeks appropriate re-use of purpose built non-residential buildings that result in an economically viable use of the building and provide a service to the local community. It is policy that "non-residential uses are located so as to benefit and be convenient to local residents". It is also policy that "commercial uses in residential zones within a 400 metre radius of an existing business zone are provided only where it can be justified that the use cannot be reasonably located within the nearby business zone".

Whilst the site is located on the outskirts of Central Geelong, it is within a "residential precinct". This residential precinct is located within 400m of existing business zones in Central Geelong.

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

It must be stressed that the application specifically seeks to expand the range of uses that could operate from the site and, unlike the historic uses of the building, the primary focus of those uses would not be serving the public or the local community. A function centre, for example, by definition caters for “private functions” and does not focus on serving local or community needs.

As such, it is considered that the proposal as submitted does not meet the objectives or policies of Clause 22.01 (Discretionary Uses in Residential Areas). Whilst, on balance, it is considered that an expansion of the historic uses of the building could be accepted, it is not considered that the introduction of less appropriate uses, that policy indicates should be located elsewhere, should be allowed.

In the event a permit is issued, it is recommended that the use be restricted to Place of Assembly (Bingo Centre and Theatre). If the use were limited accordingly, it is considered that the amenity of surrounding residential properties could be appropriately protected by including permit conditions relating to hours of operation, loading times and emissions (i.e. noise and light) on any permit issued. (As previously noted, this is without prejudice to the fact that the demolition of the C-listed dwelling is considered unacceptable.)

The plans show a plant room within the lower basement floor which would be used to house the majority of plant equipment associated with the building thereby minimising the visibility and noise impacts of such equipment from surrounding properties. Given the height of the building, there would be potential to house air-conditioning units and similar equipment on the roof without it unreasonably visually impacting surrounding properties.

With regard to consistency with the aforementioned objectives and standards of Clause 54 (ResCode), it is considered that the proposed extension meets Standard A3 of Clause 54.03-1 as the existing Palais building (and also the building further to the north (Beaurepaires)), has a zero lot line frontage to Moorabool Street. Clause 54.04 relates largely to the impact on the amenity of existing dwellings, and as such, any failure by the proposal to meet these objectives and standards is not particularly relevant given the subject site does not abut any dwellings.

Heritage Considerations

Demolition of the interwar Bungalow

Given the heritage controls that apply to the interwar Bungalow that is proposed to be demolished, the application was referred to Council's Heritage Advisor. In assessing the proposal, the Heritage Advisor reviewed the application plans and the Heritage Impact Statement and Conservation Management Plan that were lodged with the application. The history of the dwelling was also researched in detail. Having reviewed the application, the Heritage Advisor recommended that the proposal not be supported because it would involve the complete demolition of the intact and individually significant interwar Bungalow at No. 299 Moorabool Street. Below is the Heritage Advisor's response to the proposed demolition of the Bungalow:

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

Heritage Significance:

The significance of the dwelling is outlined in the Geelong City Urban Conservation Study:

“299 Moorabool Street has architectural significance at a local level. It is a representative example of a brick Bungalow, a common housing type in Geelong early this century. The residence retains characteristic form, siting, and a large gable roof with attic storey, typical of Bungalow housing, as well as some Federation Bungalow details.”

Discussion

Some very brief further research has determined that the interwar Bungalow at 299 Moorabool was built by 1922, as this date appears with an outline of the dwelling on the Geelong Waterworks and Sewerage Trust Plan of Drainage No. 2566.

Historically, the subject dwelling is associated with the Old Geelong Grammar School Estate subdivision of 1916

The GWST plan outlines are still mainly reflected in the existing dwelling today as shown in the photographs below. The dwelling is characterised by a broad gable roof form having a largely symmetrical front façade featuring slightly projecting flanking minor gables with faceted bay windows and a central flat-roofed porch supported by painted timber posts on face red brick piers with concrete cappings. The brick wall construction, terra cotta roof cladding (with associated ridge decoration and finials), brick chimneys, gable infill, timber framed windows (visible to public view) and front, paired timber doors with upper glazed panels are reflective of the interwar era design.

Overall, the dwelling has an asymmetrical composition given the placement of the chimneys and the projecting gabled dormer on the main south roof face and what appears to be a smaller skillion attic dormer on the main north roof face. There is a high (and introduced) timber paling fence along the front boundary and overgrown vegetation that partially obscures some visibility of the dwelling when viewed from the front.

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)



Front (west) elevation, March 2011.



Side (south) elevation, March 2011.

The photograph in the heritage citation, a photograph of the front and side of the dwelling in 2001 confirms that the dwelling has experienced little (if any) change since its assessment of local significance in 1995. The existing front setting and front fence were extant when the assessment of 1995 was made.



Dwelling, 299 Moorabool Street, 1995. Source: Helen Lardner Conservation & Design, City of Geelong Urban Conservation Study Locally Significant Sites, vol.4a, 1995.



Palais & Dwelling (299 Moorabool Street), 2001. Source: E. Kraus (Authentic Heritage Services archives).

Given that the integrity of the dwelling has not changed since the assessment of 1995 and its inclusion in the Planning Scheme as HO1068 (either as a consequence of alterations or changes in the fabric due to condition), and while the dwelling is beginning to show the need for exterior maintenance, the basis of the local significance threshold as “a representative example of a brick Bungalow” remains valid. The dwelling remains as intact today as it was in 1995 when the heritage assessment to support the heritage overlay was carried out.

In the broader context of comparable Bungalows in Geelong, consideration needs to be given to their socio-economic and historical context, design, construction and setting. Historically, the most comparable other “representative examples” are those locally significant (C listed) interwar Bungalows associated with residential development as part of the Geelong Grammar School Estate. In particular, there are five other locally significant (or above) interwar era dwellings within this estate as follows:

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

- 55a Maud Street, built c.1920s-30s. A listed (State significance) as part of the former Geelong Grammar School site. Single storey with attic, intact but with rear additions.
- 57 Maud Street, built 1927-28 (architect not known). Single storey with attic, predominantly intact.
- 63 Maud Street, built 1919-20 (architect not known). Single storey with attic, predominantly intact. Rear additions approved in 2004.
- 68 McKillop Street, built 1917-22 (architect not known). Single storey with attic, predominantly intact. Additions approved in 2009.
- 70 McKillop Street, built 1921 (architect not known). Single storey with attic, predominantly intact.
- 72 McKillop Street, built 1936 (architect not known). Two storey unusual block of flats, predominantly intact.
- 168 Yarra Street, built 1923 (architect not known). Single storey with rear two storey additions, predominantly intact original portion.

These dwellings are included within the City South Heritage Area. Nevertheless, most are directly comparable in terms of design with the dwelling at 299 Moorabool Street. The latter however is more intact than some of the dwellings identified.

There are a number of comparable interwar Bungalows throughout Geelong outside heritage areas that are also “representative examples”. They include:

- 308 Bellerine Street, South Geelong, built 1920 (architect not known). Timber construction, single storey, considerably more modest yet equally valid example. Largely intact.
- 310 Bellerine Street, South Geelong, built 1920 (architect not known). Timber construction, single storey, modest example (identical design as 308 Bellerine Street). Infill in front verandah.
- 90 Elizabeth Street, Geelong West, built 1927 (architect not known). Timber construction, single storey, largely intact. Directly comparable composition as 299 Moorabool Street.
- 398 Latrobe Terrace, Newtown, built 1927 (architect not known). Timber construction, single storey with attic. Predominantly intact.
- 306 Moorabool Street, Geelong, built 1925 (architect not known). Elevated single storey with attic. Attic dormers added in 1998 and other alterations carried out.
- 73 Ormond Road, East Geelong, built 1926-27 (architect not known). Single storey. Largely intact although the flat-roofed verandah entrance porch has been altered, and alterations and rear additions approved in 2008. Early front brick fence.
- 75 Ormond Road, East Geelong, built 1926-28 (architect not known). Single storey with attic. Front portion largely intact although substantial additions at rear. Early front brick fence.
- 383 Pakington Street, Geelong West, built 1926 (architect not known). Single storey with additions (attic and at rear). Largely intact overall.

Some of these comparable examples feature early front garden settings and/or early front fences, but not all of them. Overall, most other comparable “representative examples” illustrate that the subject dwelling at 299 Moorabool Street is no more or no less worthy of its individual local significance status. The comparison confirms the significance assessment ... in 1995.

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

Assessment

In assessing this application, consideration needs to be given to the relevant heritage components of the Greater Geelong Planning Scheme, including the MSS, Local Heritage Policy and the Decision Guidelines in Clause 43. In particular, consideration needs to be given to the following:

Clause 21.06-5: Heritage & Identity, Municipal Strategic Statement

Objectives

- To ensure that urban development enhances Geelong's sense of place and identity.
- To conserve and enhance individual places and areas of pre and post contract cultural heritage significance.

Strategies

- Retain culturally significant heritage places and areas recognised as being of State regional, local and contributory significance.
- Ensure that the use and development of a heritage place contributes to its heritage significance and longevity.

Clause 22.09: Cultural Heritage, Local Planning Policy

Objectives

- To encourage the retention of culturally significant and contributory heritage places within Heritage Overlay areas.
- To encourage development to be undertaken in accordance with the accepted conservation standards of the ICOMOS Burra Charter.
- Require an application for demolition to be supported with documentation which demonstrates:
 - That the demolition will contribute to the long-term conservation of the fabric of the part of the building being retained.
 - That the demolition involves the removal of later inappropriate modifications.
 - That the cultural heritage significance of the place will be enhanced.
 - That significant fabric removed will be re-instated when circumstances permit.

Clause 43.01-4: Decision Guidelines

Before deciding on an application, consideration must be given to the following as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance, heritage study and any applicable conservation policy.
- Whether the demolition, removal or external alteration will adversely affect the significance of the place.

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

Because the subject dwelling at 299 Moorabool Street, has local significance and that it retains its integrity as “a representative example of a brick Bungalow” in Geelong, the proposed complete demolition of the dwelling will have an adverse impact on the cultural significance of the place (the place being the site covered by HO1068). The proposed demolition therefore does not accord with the relevant sections of the Municipal Strategic Statement in Clause 21.06-5, local heritage policy in Clause 22.09 and Decision Guidelines in Clause 43.01-4.

The applicant's Heritage Impact Statement (HIS) gives support for the demolition of the subject dwelling. In relation to the significance of the dwelling, the HIS gives the following variations:

- “The authors of this report [HIS] are in general agreement with both these assessments” [this being the C graded assessments by Helen Lardner in 1995 for the Palais and the dwelling at 299 Moorabool Street], p.6.
- “With respect to the bungalow at 299 Moorabool Street, the house does have some architectural significance at a local level, though is not regarded as having landmark qualities. It is adjacent to vacant spaces to the south, and larger, very different building types to the north and north-east and as such, it [sic] not part of a wider heritage precinct. There are many excellent examples of this type of bungalow throughout Geelong”, p.7.
- “Demolition of the existing dwelling at 299 Moorabool Street will clearly eliminate the significance of the property as a representative example of an interwar bungalow. Although of some local significance, it should however be noted there are many examples of this style and type of dwelling in Geelong, including in the vicinity of the subject site. The house has not been identified as the work of an important architect or as being a particularly unusual or elaborate example. It is somewhat questionable whether the individual listing of this building is in fact warranted. While it might be considered a solid contributory element if it were located in a streetscape of significance and in particular in a streetscape of similar buildings (eg in Maud Street) in isolation it is only of relatively minor, representative interest. The demolition of this building will not cause a major loss of understanding of this particular phase of urban development in the city (and suburb's history)”, p.11.

Firstly, the assessment of this application is about whether the proposed demolition will have an adverse impact on the significance of the place, as outlined in the Decision Guidelines in Clause 43. The place in this case is HO1068: the interwar Bungalow at 299 Moorabool Street – not the broader area and not even the neighbouring Palais. If this were the case, then this would have been outlined in the supporting basis (including the statement significance) for the property/the place and the heritage overlay applied to the wider area accordingly. The Decision Guidelines do not seek out whether the place is significant, but whether the demolition will adversely impact its significance. The issue of whether the place is significant has already been determined at the time of the application of HO1068. As previously outlined, there has been no noticeable diminution in the integrity of the Bungalow since the assessment in 1995. The significance assessment by Lardner in 1995 that the place is a “representative example of a brick Bungalow” is justified from the comparative analysis given in this report.

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

No supporting justification or analysis has been given in the HIS in relation to the subject dwelling:

- Not being the work of an important architect.
- Not being a particularly unusual or elaborate example.

Aside from the issue that the designer of the dwelling has not been identified, the claim that a Bungalow of individual significance needs to be designed by an important architect and be an unusual or elaborate example is also conjectural. Again, the purpose of this application is not to completely reassess the significance of the place, but whether the proposal has an impact on the already known and justified significance of the dwelling. A reappraisal of significance is required where the dwelling might have been substantially altered and its integrity greatly diminished, but as outlined, this is not the case in this particular situation. Even if a complete reassessment of the significance of this Bungalow were valid, no supporting significance threshold rationale has been given. The Victorian Planning Provisions Practice Note 'Applying the Heritage Overlay' gives a list of recognised heritage criteria, being the Australian Heritage Commission's Criteria. While it is not clear whether these criteria were used in the assessment in 1995 of 299 Moorabool Street, criterion D.2 which states "Its importance in demonstrating the principal characteristics of a class of Australia's [Greater Geelong's] natural or cultural environments" would seem to be one of the most relevant. The term Greater Geelong would relate to a local significance threshold as outlined in all standard Heritage Study briefs prepared by Heritage Victoria. The most recent detailed version of these guidelines are entitled "Guidelines for the Assessment of Places for the National Heritage List" prepared for the Australian Heritage Council (February 2009). The subject dwelling is considered to relate to the "indicators of significance" when applying a local significance threshold. In particular, the Historic indicator h.d.5 is especially relevant:

"h.d.5 The place should represent the principal characteristics of a particular high order design or style of importance in the history of Australia [Greater Geelong].

The place must have a high integrity in its representative characteristics that may represent the period design, style. Design or style type may refer to architecture, structures, designed landscapes, planning and layout. The place may be nationally [locally] significant because it is characteristic of either an unusual or common type [my emphasis]. It may be a type of place that has arisen from academic, traditional or vernacular designs."

The above assessment criterion gives a solid basis in support of the individual listing of the Bungalow at 299 Moorabool Street, even though this is not necessarily relevant to this particular application. The subject dwelling does not need to have been designed by a notable architect, be particularly unusual or elaborate or have landmark qualities to meet the above significance indicator. If the vague rationale outlined in the Heritage Impact Statement was applied to all locally and individually significant heritage places across Greater Geelong, then arguably it would undermine their current protection afforded by their individual heritage overlays.

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

The HIS also claims that there will be no major loss in “understanding this phase of urban development in the city (and suburb’s history).” Yet, this phase of urban development has not been articulated to argue that there will be no major loss. Nevertheless, if all similar Bungalows identified by individual overlays (like those outlined in this report) were to be demolished following the analysis outlined in the HIS, then no understanding of this phase of urban development will be retained. While this dwelling might be one individual heritage overlay, using the analysis in the HIS in a collective manner would certainly create the major loss claimed that will not occur.

The streetscape context and characteristics of neighbouring properties is also not relevant to this assessment. The heritage place in this particular instance is the site and dwelling at 299 Moorabool Street as outlined in the mapping for HO1068. The broader neighbourhood would have been relevant if the dwelling had been located within a heritage area.

Because the application involves the complete demolition of the intact and individually significant interwar Bungalow at 299 Moorabool Street, it is recommended that the application not be supported. It is recognised that the retention of the dwelling limits development potential (particularly in the manner being proposed), but ultimately this assessment has had to consider whether there would be any adverse impacts on both HO1068 for 299 Moorabool Street as well as HO1067 for 297 Moorabool Street.

For the reasons outlined above, it is recommended that the application not be supported, due to the proposed loss of the intact and individually significant interwar Bungalow at 299 Moorabool Street.

Proposed buildings and works

Given the heritage controls that apply to the Palais, Council’s Heritage Advisor also provided a response to the proposed development. In assessing the application, the Heritage Advisor gave consideration to the relevant decision guidelines in Clause 43.01-4:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance, heritage study and any applicable conservation policy.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

In considering the above decision guidelines, the Heritage Advisor was satisfied that the overall concept should have minimal heritage impact when considering that this assessment applies only to HO1067 (the Palais), given that the new work would be located at the side and apparently involve the removal of only a noticeable portion of the side (south) wall.

The Heritage Advisor raised concerns about the lack of public exposure of the return parapet component on the southern side; however following discussions with the applicant, in which it was confirmed that the proposed stairwell between the southern return parapet and the entrance to the new building would be glazed to provide transparency to the parapet when viewed from the street, the Heritage Advisor confirmed that he raised no objection to the proposed extension to the Palais, without prejudice to the recommendation not to support the demolition of the Bungalow.

The following is an excerpt from the Heritage Advisor's comments:

It is acknowledged that the cuboid design of the new work will be noticeably different to the design of the Palais and neighbouring dwellings and other buildings visually connected to the site. However, the heritage assessment needs to be confined to the extent of the heritage overlay that is relevant. The neighbouring properties are not included within this heritage overlay. Even if the Palais and neighbouring land was included in a heritage overlay, and aside from the significance of the dwelling at 299 Moorabool Street, the landmark status of the Palais suggests that a noticeable addition is possible if this landmark status is not overwhelmed. New work does not have to be in keeping if there are not considered to be any substantial significance impacts. Informally again (and aside from the issue of the dwelling at 299 Moorabool Street), this is considered to be the case for this application.

On reviewing the Conservation Management Plan submitted with the application, of which the Heritage Advisor was generally supportive (without prejudice to his objection to the demolition of the dwelling), Council recommended a schedule of restoration works be provided by the applicant. A schedule was subsequently provided (post-public notification of the application) and the Heritage Advisor was supportive of this document also.

In relation to built form, the proposed extension to the Palais building is generally considered acceptable. Whilst it is acknowledged that the proposed cuboid extension would be very substantial, on balance it is considered that the extension could be accepted on this site (though the demolition of the C-listed dwelling to facilitate the extension is considered unacceptable). It is considered that the proposed design responds appropriately to State planning policy including Clauses 15.01- 1 (Urban design), 15.01- 2 (Urban design principles) and 15.01- 5 (Cultural identity and neighbourhood character). In particular, Clause 15.01-2 seeks to:

Achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

It is acknowledged that design can be subjective and that the proposed extension may not be considered of appropriate design by some. However, it is considered that the extension proposed could be accepted on this site. Having reviewed the proposal in detail, including considering the referral responses from Council's Urban Design section and the Heritage Advisor, it is considered that the proposed building would achieve high standards in architecture and urban design. The contemporary design and proposed materials of the extension would provide a clear distinction between the original and new building through the use of clean lines, the incorporation of glazing and other lightweight materials, and the recessive entrance and stairwell. The physical impact of the built form on neighbouring properties would be minimal given the site's abuttal to non-residential uses and the broad mix of built forms along Moorabool Street, including a number of buildings of a similar scale to the building proposed. Whilst the ground floor of the extension would be an enclosed car park, permeable cladding (metal mesh screen) is proposed which has the potential to provide some activation to the street. If a permit is issued, it is recommended that a permit condition require details of the permeable cladding to ensure it provides sufficient transparency. Therefore, subject to appropriate permit conditions, it is considered that the proposed extension would be acceptable when viewed from Moorabool Street.

Council's Urban Design Unit is generally supportive of the proposed built form outcome, although it advised that it would be preferable if the extension was smaller so as not to compete with the existing Palais building. However, given the transparent glazing and recessive form of the extension where it would attach to the southwest corner of the existing building, it is considered that the 3-dimensional form of the existing façade (including pillars) would stand proud and distinct from the extension and the significance of the heritage place (the Palais) would be maintained.

It is acknowledged that the southern elevation of the proposed extension would alter the streetscape of this section of Maud Street. The extension would have a height of approximately 12m along the Maud Street frontage. Whilst a 12m built form has the potential to create an unacceptable disruption within a streetscape, in this instance it is considered acceptable for the following reasons:

- There are several examples of similar buildings within this section of Moorabool Street, as described elsewhere in this report;
- Whilst the site extends to the corner of Maud Street, it has little relationship with residential scale of Maud Street, east of the Reformed Theological College;
- The applicant has provided perspectives which demonstrate the use of a variety of articulated surfaces that would break up the mass of the built form and provide interest to the south and west elevations of the proposed extension (it is recommended that amended plans showing elevations and a materials/finishes/colours schedule generally in accordance with these perspectives be a condition of any permit issued).

The proposed development is also considered generally consistent with local planning policy Clause 22.01 (Discretionary Uses in Residential Areas) in relation to the built form. A detailed assessment of the proposed use against Clause 22.01 is contained above.

Net community benefit

Section 4 (1) (g) of the Planning and Environment Act 1987 states that one of the objectives of planning is to balance the present and future interests of all Victorians.

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

This objective is echoed at Clause 10.02 of the SPPF, which seeks to *ensure that the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.*

Clause 10.02 also advises that the objectives of planning in Victoria include:

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

An assessment of net community benefit requires the consideration of community wide benefits and disbenefits. A net community benefit can only arise if the benefits of a proposal outweigh the detriment. While there may be detriment (for example to individuals), these can potentially be outweighed by the benefits that would flow to the wider community. It is important to note that benefits and disbenefits are wider than economic issues and include economic, social and environmental issues, accessibility, efficient infrastructure use and sustainability of commercial facilities.

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

During the application process, Council requested the applicant substantiate any claim of net community benefit. In response, the applicant submitted that the proposed redevelopment would have a significant number of benefits including:

- The heritage restoration of the Palais to its former glory, at the cost of a dwelling of some local significance.
- The development of a modern multi-purpose function centre to support the arts, including live performances and theatre, the provision of a central meeting place for the community and an enhanced bingo facility and social venue to retain escape expenditure to the western suburbs of Melbourne.
- The creation of further employment - casual staff almost doubling to 30 after development.
- Ongoing charitable donations to organisations, funded by the Palais bingo centre.

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

In balancing the conflicting objectives in this application in order to determine what outcome will favour net community benefit and sustainable development, Council must consider policies and objectives relevant to the following key issues:

- The conservation and restoration of the existing Palais building.
- The heritage significance of the dwelling at 299 Moorabool Street and its demolition.
- The proposed architectural merit and use of the replacement building and its potential amenity impacts.
- Economic development.

Benefits

If a permit were issued for the redevelopment, it should require works to be undertaken in accordance with the Conservation Management Plan and Schedule of Restoration Works submitted with the application. These works include, but are not limited to:

- Minor repairs to external walls and roofing tiles, timbers, guttering, downpipes etc and reinstatement of glass panes and decorative features to façade to match historic photos.
- Replacement of introduced floor tiles, cornices and light fittings with more sympathetic features.
- Restoration and repair of original ceilings, cornices, floors, stairs, handrails, chimney. Repair of internal walls.
- Reinstatement of original doors and restoration of the original columns.

There is community benefit in this as it would contribute to the conservation and restoration of the Palais, a locally significant building. However, whilst the proposed works are certainly desirable, it is not considered they are of a nature that would justify the demolition of another C-listed building.

It could also be argued that there is also community benefit in providing a venue for performance art/theatre to be used by community groups (amongst others), particularly when it would be provided in the existing Palais building, thereby using the building for a purpose for which it has historically been used.

Clause 17.01-1 (Business) of the SPPF encourages *development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

With regard to Clause 17.01-1, the proposal would contribute to the community needs for entertainment by providing an updated bingo centre whilst making efficient use of existing infrastructure and contributing to the sustainability of the existing commercial facility and the provision of more jobs. However, other uses are also proposed, as discussed in the 'disbenefits' section below.

Disbenefits

One of the overwhelming disbenefits to the community that the proposal would cause is the loss of a locally significant dwelling. As discussed earlier in this report, this is contrary to various policies and objectives. Whilst the redevelopment would contribute to the conservation of a locally significant building (the Palais), it would also result in the complete demolition of another locally significant building (the dwelling at No. 299 Moorabool Street).

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

It is also considered that the redevelopment is not required to ensure the existing Palais building continues to be used and does not fall into disrepair. The existing bingo centre has been operating successfully since at least 1984 and within the last 15 years, \$400,000 worth of charitable contributions have been funded by the operations of the bingo centre. It could be argued that the proposed development is likely to be of more commercial, than community, benefit.

As noted above, it is considered that there is community benefit in providing a venue for performance art/theatre to be used by community groups. It is considered that expanding the historic uses of the building, as a theatre and bingo centre, would be acceptable and could be argued to serve the community. However, it is not considered that the proposed use as a function centre (i.e. "land used, by arrangement, to cater for *private* functions....") would serve the needs or benefit the local community. It is considered that the introduction of a function centre onto the site would be a disbenefit, as would the potential introduction of other uses included within the definition of Place of Assembly (e.g. non-public uses, or uses such as a nightclub).

There is also potential detriment, albeit to a small percentage of the community, that would be caused by the increases in traffic and reduction in availability of on-street parking in the area.

It is considered that the community benefits of this proposal do not outweigh the community detriment. The most significant detriment would be caused by the demolition of the dwelling at No. 299 Moorabool Street to facilitate the redevelopment, and the nature of some of the unrestricted Place of Assembly uses that could operate from the site (including the proposed function centre use). The entire demolition of this heritage place to aid the restoration and conservation of another heritage place (particularly given the dwelling is of local significance, the same level of significance as the Palais) is not considered to merit the scale of the extension and the nature of the uses proposed. The demolition alone would have been considered to outweigh the benefits of conservation of the Palais building (taking account of the relatively small scale nature of the conservation works proposed) and any commercial or economic benefits. Similarly, the range of uses proposed within the building is considered unacceptable in its own right.

Advertising signage

The Residential 1 Zone is in Category 3 (High amenity areas) of the Advertising Signs Particular Provision (Clause 52.05), of which the purpose is *to ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.*

In assessing the proposed business identification signs, consideration must be given to the decision guidelines of Clauses 22.01 and 52.05-3. An assessment against the heritage overlay is not required as the signs are proposed on 301 Moorabool Street, to which heritage controls do not apply.

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

It is considered that the proposed business identification signs are discreet in scale to the building and would not detract from the appearance of the building or the surrounding area. They would provide clear, understated identification of the building and use without being visually dominant within the streetscape or impacting driver safety. Appropriate permit conditions could ensure any illumination is to the satisfaction of the Responsible Authority. The proposed 21sqm advertising space on the south elevation is not considered appropriate and it is recommended that, in the event a permit is issued, it includes a condition requiring its deletion. In addition, it is recommended, in the event a permit is issued, that a condition prevent the installation of any separate external signage for the ancillary café/restaurant.

External Painting

As part of the Conservation Management Plan, it is proposed to paint the façade of the Palais. Research into colours would be undertaken prior to painting being undertaken. This matter would be controlled by a condition requiring the approval of the paint colour(s), in the event a permit is issued.

Reduction in Car Parking

The applicant's consulting Traffic Engineer provided the following comments in the Traffic Engineering Assessment submitted with the application:

The Planning Scheme sets out the parking requirements for new developments under Clause 52.06. The purpose of Clause 52.06, amongst other things, is:

- To promote the efficient use of car spaces through the consolidation of car parking facilities.*
- To ensure the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality.*

Clause 52.06-1 of the Planning Scheme also states that:

Where the floor area occupied by an existing use is increased, the parking requirement only applies to the floor area of any extension of the use or site area provided the existing number of car spaces is not reduced. The application proposes an increase in floor area of approximately 1,750sqm and the provision of 140 car spaces (or 112 spaces if you allow for the existing 28 space carpark to be removed). Significantly, the existing bingo centre is not required to provide any on-site parking. Accordingly, there is no requirement under Clause 52.06-1 to make up for any parking shortfall associated with the existing number of patrons permitted at the Palais (up to approximately 300-350).

Clause 52.06-5 specifies statutory parking rates for a range of different land uses. Where a use is not specified, an adequate number of car spaces must be provided to the satisfaction of the Responsible Authority.

In the case of the proposed development, the building will be used for a 'Bingo Centre', which is not a specified use in the car parking table at Clause 52.06-5 of the Planning Scheme.

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

Whilst a bingo centre is not specifically described in Clause 74, the intended use of the site as a bingo centre is considered by Council to fit the definition of a Place of Assembly. All other uses proposed are also considered to fit within the definition of Place of Assembly.

The proposed food and drink premises would be ancillary to the Place of Assembly and, as such, would not generate patrons in its own right. It is recommended that, in the event a permit is issued for the proposed use and development, conditions are imposed to ensure that the food and drink premises can only operate ancillary to the Place of Assembly, and that no external advertising can take place for this use in its own right.

The statutory car parking requirement for a Place of Assembly is set out under Clause 52.06 as follows:

0.3 car spaces to each seat or to each sq m of net floor area, whichever is greater.

Based on the above rate, the proposal has a statutory requirement for 525 car spaces, based on the increased floor area (1,750 x 0.3).

The consulting traffic engineer goes on to say:

Consistent with current practice, the assessment based on the number of persons on-site is considered to be more relevant in this case. This approach is consistent with the recommendations of the Advisory Committee Report (dated August, 2007) for the Review of Parking Provisions in the Victorian Planning Provisions, which has recommended a Place of Assembly rate of 0.3 car spaces per seat, with no reference to floor area.

A similar practice has applied for other Place of Assembly uses (including places of worship, night clubs, cinemas, function centres, etc) as the number of people permitted on-site can be limited by permit conditions, which in this case would be 700 people normally and 1,500 people during special events.

Following ongoing discussions with Council's Statutory Planning and Traffic Units, the applicant has since advised that a maximum of 1,200 people would be on site during special events.

Based on the above, a parking requirement of 105 spaces would apply during normal events and 255 spaces during special events. As the development provides 112 additional car spaces on-site compared to existing conditions, the proposed development provides a satisfactory number of car spaces for normal events. The applicant's traffic engineer has recommended that an Event Management Plan be required for special events. Council's Traffic Unit initially raised concerns about the feasibility of such a management plan working but following discussions with the applicant, is now satisfied that an appropriate Event Management Plan could be prepared and implemented to the satisfaction of Council.

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

As per the decision guidelines at Clause 52.06-1, before a requirement for car spaces is reduced or waived, the applicant must satisfy the Responsible Authority that the reduced provision is justified due to, inter alia:

- *The availability of car parking in the locality.*
- *The availability of public transport in the locality.*
- *Any car parking deficiency or surplus associated with the existing use of the land.*
- *Local traffic management.*
- *Local amenity including pedestrian amenity.*
- *An empirical assessment of car parking demand.*
- *Any other relevant consideration*

The proposed reduction in car parking is considered acceptable for the following reasons:

- The site is located within proximity to public transport services, including bus and train services within walking distance of the site, including South Geelong Railway Station, approximately 400m southeast of the site. A range of bus services provide public transport options for late night (11pm close) bingo sessions/special events when train services have ended for the day.
- As per the Traffic Engineering Assessment (*TraffixGroup*, February 2011) lodged with the application:
 - The site has historically operated with a considerable shortfall in on-site carparking provision, with only 28 spaces provided on-site. Before the carpark was constructed (pre-2006), the Palais provided no on-site carparking for patrons.

As per the Planning Scheme, there is no requirement under Clause 52.06-1 to make up for any parking shortfall associated with the existing number of patrons permitted at the Palais (up to approximately 300-350 people). Conservatively adopting a rate of 0.45 spaces per patron, the Palais currently generates an existing carparking demand for up to 135-158 car spaces, of which, only 28 spaces are accommodated on-site.

Accordingly, under the existing conditions, the Palais operates with a carparking shortfall at all times which has historically been accommodated by on-street parking in the vicinity of the site.

- The *TraffixGroup* Report provides an empirical assessment which indicates that regular events of up to 700 patrons on-site could be accommodated provided that the car parking rate could be reduced to around 0.3 spaces per person, in line with the Planning Scheme rate for Place of Assembly. To meet this rate, the Report goes on to recommend the preparation of Travel Management Plans and Event Management Plans for special events where people on-site could increase to a maximum of 1,200 people. Any permit issued should include conditions restricted people on-site to 700, excluding special events which could occur up to 12 times a year and would allow a maximum of 1,200 people, subject to appropriate event management. On balance, and subject to an additional requirement for the submission of a Patron Management Plan which would have to include details of how numbers would be controlled and monitored, Council is satisfied that such management plans can be reasonably implemented to achieve the required rate. The bingo centre already uses its website to notify members of upcoming events and would be an ideal medium to inform patrons of event/travel management procedures.

1. PLANNING PERMIT APPLICATION 155/2011 FOR 297-301 MOORABOOL STREET, GEELONG (CONT'D)

Legislative Issues

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

Environmental Implications

It is considered that there will be no environmental implications for Council in the granting of this permit

Financial Implications

It is considered that there will be no financial implications for Council in the granting of the permit

Policy/Legal/Statutory Implications

The proposal has been assessed against the provisions of the Greater Geelong Planning Scheme as detailed in Appendix 1-2.

Officer Direct or Indirect Interest

There are no Officer conflicts of Interest with this application

Risk Assessment

It is considered that there will be no risk to Council in the granting of this permit.

Social Considerations

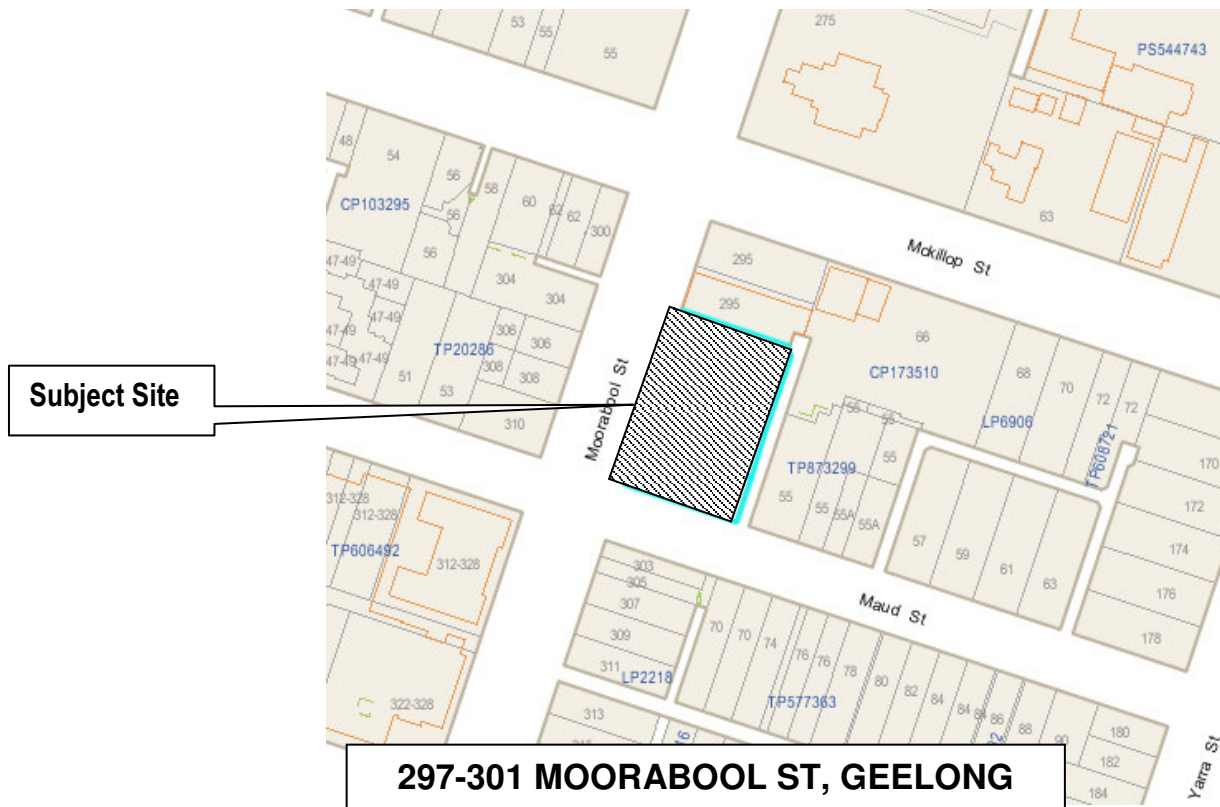
It is considered that there will be no social implications for Council in the granting of this permit.

Communication

The application was referred to various internal departments of Council for comment. The summary of the referral responses is provided in Appendix 1-3.

Appendix 1-1

LOCALITY MAP



Appendix 1-2

Greater Geelong Planning Scheme

Definition and Nesting

A bingo centre is not specifically defined in the Planning Scheme. The use falls best within the definition of a 'Place of Assembly' pursuant to the Planning Scheme. A range of other uses are also proposed (e.g. school and community group performances, theatre, live music performances and similar uses), which are also considered to be uses that would fall within the Place of Assembly group at Clause 75 of the Planning Scheme.

A Place of Assembly is defined in the Planning Scheme as:

Land where people congregate for religious or cultural activities, entertainment, or meetings.

A Place of Assembly includes:

Amusement parlour, Carnival, Cinema, Circus, Drive-in theatre, Exhibition centre, Function centre, Hall, Library, Nightclub, Place of worship, Restricted place of Assembly (i.e. land used by members of a club or group, or by members' guests, for religious or cultural activities, entertainment, or meetings. It may include food and drink for consumption.)

The applicant has indicated that uses proposed for the building include function centre, with scope to provide convention or conference facilities. A Function Centre is defined in the Planning Scheme as:

Land used, by arrangement, to cater for private functions, and in which food and drink may be served. It may include entertainment and dancing.

A Food and Drink Premises is defined in the Planning Scheme as:

Land used to prepare and sell food and drink for immediate consumption on, or off, the premises.

Zone

Residential 1 Zone

The subject site and surrounding properties are located within a Residential 1 Zone. The purpose of the Residential 1 Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*
- *To encourage residential development that respects the neighbourhood character.*
- *In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.*

Road Zone

Moorabool Street is a road in a Road Zone, Category 2. The purpose of the Road Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify significant existing roads.*
- *To identify land which has been acquired for a significant proposed road.*

Overlay

Heritage Overlay

The subject site is affected by the Heritage Overlay. The purpose of the Heritage Overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

Design and Development Overlay

The subject site is also affected by the Design and Development Overlay – Schedule 14 (Dwellings over 7.5 metres). However, an assessment against the Design and Development is not required, as no dwellings are proposed.

Permit required clause and condition

Clause 32.01 Residential 1 Zone – Use and development of a Place of Assembly and ancillary Food and Drink Premises.

Clause 43.01-1 Heritage Overlay – Demolish or remove a building; construct a building or construct or carry out works; externally paint a building; display of signage.

Clause 52.05-9 Advertising Signs – Display a Business Identification Sign.

Clause 52.06-1 Car Parking – Reduce the number of car spaces required.

Restrictive Covenant

There are no restrictive covenants registered on Title. A right of carriageway over the laneway to the rear (east) benefits Lots 3 and 4 (the Palais).

Cultural Heritage Management Plan (CHMP)

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

Areas of cultural heritage sensitivity are defined within Part 2 - Division 3 of the Aboriginal Heritage Regulations 2007. Part 2 - Division 3 does not identify the site or part of the site as within an area of cultural heritage sensitivity.

In accordance with the above, a Cultural Heritage Management Plan is not required.

Coastal Hazard Vulnerability Assessment

Clause 13.01 of the State Planning Policy Framework requires Councils to plan for and manage the potential coastal impacts of climate change. To meet the objective of Clause 13.01, Councils must, inter alia:

- *Plan for sea level rise of not less than 0.8 metres by 2100, and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.*
- *Apply the precautionary principle to planning and management decision-making when considering the risks associated with climate change.*

The criterion that Council has adopted to trigger the requirement for a Coastal Hazard Vulnerability Assessment (CHVA) to be prepared for a proposal is: the site must have an AHD (Australian Height Datum) level of less than 5m and must be within 1km of the coastline or Barwon River.

The subject site has AHD levels of approximately 29-35m and is over 1km from the coast and the Barwon River. Therefore a CHVA was not required for this proposal.

Officer Direct or Indirect Interest:

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

Car Parking

Pursuant to Clause 52.06-1 of the Planning Scheme, a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land.

The application proposes an increase in floor area of approximately 1,750sqm and the provision of 140 car spaces (a net gain of 112 spaces taking account of the fact the existing 28 space car park would be removed).

The table at Clause 52.06-5 requires car parking for a Place of Assembly to be provided at a rate of 0.3 car spaces to each seat or to each square metre of net floor area, whichever is greater. Where the floor area occupied by an existing use is increased, the parking requirement only applies to the floor area of any extension of the use or site area provided the existing number of car spaces is not reduced. Therefore, the parking requirement of Clause 52.06 only applies to the additional floor area as an increase in the number of car spaces is proposed.

The proposed food and drink premises would be ancillary to the Place of Assembly and, as such, would not generate patrons in its own right. It is recommended that, in the event a permit is issued for the proposed use and development, conditions are imposed to ensure that the food and drink premises can only operate ancillary to the Place of Assembly, and that no external advertising can take place for this use in its own right.

Based on the above information, 525 car spaces are required based on the increased floor area (1,750 x 0.3). Therefore a waiver of 413 (525-112) car spaces is required. Due to the proposed location of crossovers, the proposal would also result in the loss of approximately 3 on-street car spaces within Maud Street.

Bicycle Spaces

Pursuant to Clause 52.34-1 of the Planning Scheme, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage have been provided on the land.

The table at Clause 52.34-3 requires bicycle spaces for employees of a place of assembly to be provided at a rate of 1 to each 1500sqm of net floor area. It also requires visitor bicycle spaces to be provided at a rate of 2 plus 1 to each 1500sqm of net floor area. These requirements only apply to the increased floor area of the use.

Based on the above, the proposal requires the provision of 4 bicycle spaces. The application plans do not show the provision of bicycle spaces but it is considered that they could be provided within the site to the satisfaction Council. The applicant's consulting traffic engineer has recommended that 2 bicycle racks (space for 4 bicycles) be provided within the footpath adjacent to the site; however the relevant Council units have not confirmed that this would be supported by Council. If a permit is issued, it is recommended that it include a condition requiring appropriate bicycle facilities to be provided within the site unless otherwise approved by Council.

Changing rooms would be provided in accordance with the requirements of Table 3 to Clause 52.34-3 on the upper level of the extension. However, it is not clear whether these changing rooms would be available for employees that cycle to and from work (the location of these rooms suggest they would be used by performers etc. rather than cyclists). An amended plans condition could be included on any permit issued, requiring clear annotation of at least one employee change/shower room facility.

State Planning Policy Framework

The following State Planning Policies are relevant to this application:

10.01 - Purpose

The planning policies are directed to land use and development, as circumscribed by the *Planning and Environment Act 1987*, a primary objective of which is to provide for the fair, orderly, economic and sustainable use and development of land.

10.02 – Goal

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

The objectives of planning in Victoria are:

- (a) *To provide for the fair, orderly, economic and sustainable use, and development of land.*
- (b) *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*
- (c) *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
- (d) *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*
- (e) *To protect public utilities and other facilities for the benefit of the community.*
- (f) *To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e).*
- (g) *To balance the present and future interests of all Victorians.*

11 – Settlement

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

Planning is to recognise the need for, and as far as practicable contribute towards:

- *Health and safety.*
- *Diversity of choice.*
- *Adaptation in response to changing technology.*
- *Economic viability.*
- *A high standard of urban design and amenity.*
- *Energy efficiency.*
- *Prevention of pollution to land, water and air.*
- *Protection of environmentally sensitive areas and natural resources.*
- *Accessibility.*
- *Land use and transport integration.*

Planning is to prevent environmental problems created by siting incompatible land uses close together.

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.

11.02-1 – Supply of Urban Land

Objective

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

Planning for urban growth should consider:

- *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
- *Neighbourhood character and landscape considerations.*
- *The limits of land capability and natural hazards and environmental quality.*
- *Service limitations and the costs of providing infrastructure.*

11.05-1 – Regional settlement networks

Objective

- *To promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan.*

11.05-4 – Regional planning strategies and principles

Objective

- *To develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable.*

Regional Victoria's competitive advantages

Maintain and enhance regional Victoria's competitive advantages by, inter alia:

- *Strengthening settlements by ensuring that retail, office-based employment, community facilities and services are concentrated in central locations.*

Distinct and diverse regional settlements

Support the growth and development of distinctive and diverse regional settlements by, inter alia:

- *Encouraging high-quality urban and architectural design which respects the heritage, character and identity of each settlement.*

Liveable settlements and healthy communities

Promote liveable regional settlements and healthy communities by, inter alia:

- *Responding to changing community needs and facilitating timely provision of, and access to, social infrastructure and services.*
- *Encouraging the development of compact urban areas which are based around existing or planned activity centres to maximise accessibility to facilities and services.*
- *Improving the availability of a diverse range of affordable accommodation, including social housing, in locations with good access to transport, commercial facilities and community services.*

13.04-1 - Noise abatement

Objective

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

Strategy

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

15.01- 1 Urban Design

Objective

- *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

Strategies include:

Promote good urban design to make the environment more liveable and attractive.

Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.

Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.

15.01- 2 Urban Design Principles

Objective

- *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

Strategies

Apply the following design principles to development proposals for non-residential development or residential development not covered by Clause 54, Clause 55 or Clause 56:

Context

- *Development must take into account the natural, cultural and strategic context of its location.*
- *Planning authorities should emphasise urban design policies and frameworks for key locations or precincts.*
- *A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development.*

The public realm

- *The public realm, which includes main pedestrian spaces, streets, squares, parks and walkways, should be protected and enhanced.*

Safety

- *New development should create urban environments that enhance personal safety and property security and where people feel safe to live, work and move in at any time.*

Landmarks, views and vistas

- *Landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment.*

Pedestrian spaces

- *Design of interfaces between buildings and public spaces, including the arrangement of adjoining activities, entrances, windows, and architectural detailing, should enhance the visual and social experience of the user.*

Heritage

- *New development should respect, but not simply copy, historic precedents and create a worthy legacy for future generations.*

Consolidation of sites and empty sites

- *New development should contribute to the complexity and diversity of the built environment.*
- *Site consolidation should not result in street frontages that are out of keeping with the complexity and rhythm of existing streetscapes.*

Architectural quality

- *New development should achieve high standards in architecture and urban design.*
- *Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design.*

Landscape architecture

- *Recognition should be given to the setting in which buildings are designed and the integrating role of landscape architecture.*

15.01-4 Design for safety

Objective

To improve community safety and encourage neighbourhood design that makes people feel safe.

Strategies

Ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.

15.01- 5 - Cultural Identity and Neighbourhood Character

Objective

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

Strategies include:

Ensure development responds and contributes to existing sense of place and cultural identity.

Ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising, inter alia:

- *The heritage values and built form that reflect community identity.*
- *The values, needs and aspirations of the community.*

15.03-1 – Heritage Conservation

Objective

- *To ensure the conservation of places of heritage significance.*

Strategies include

Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.

Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.

Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.

Retain those elements that contribute to the importance of the heritage place.

Encourage the conservation and restoration of contributory elements.

Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Support adaptive reuse of heritage buildings whose use has become redundant.

17.01-1 – Business

Objective

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

Strategies include:

Locate commercial facilities in existing or planned activity centres.

18.01-1 – Land use and transport planning

Objective

- *To create a safe and sustainable transport system by integrating land-use and transport.*

Strategies include:

Plan urban development to make jobs and community services more accessible by, inter alia:

- *Ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.*
- *Concentrating key trip generators such as higher density residential development in and around Central Activities Districts, Principal, Major and Specialised Activity Centres on the Principal Public Transport Network.*
- *Requiring integrated transport plans to be prepared for all new major residential, commercial and industrial developments.*

18.02-2 Cycling

Objective

To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.

Strategies include:

Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, shopping and community facilities and other major attractions when issuing planning approvals.

Ensure provision of bicycle end of trip facilities in commercial buildings.

18.02-5 – Car parking

Objective

- *To ensure an adequate supply of car parking that is appropriately designed and located.*

Strategies

Allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.

Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.

Plan adequate provision for taxi ranks as part of activity centres, transport interchanges and major commercial, retail and community facilities.

19.02-3 – Cultural facilities

Objective

- *To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.*

Strategies

Encourage a wider range of arts, cultural and entertainment facilities including cinemas, restaurants, nightclubs and live theatres, at Principal and Major Activity Centres.

Reinforce the existing major precincts for arts, sports and major events of Statewide appeal and establishing new facilities at locations well served by public transport.

19.02-4 - Distribution of social and cultural infrastructure

Objective

To provide fairer distribution of and access to of social and cultural infrastructure.

Strategies

Identify and address gaps and deficiencies in social and cultural infrastructure.

Encourage the location of social and cultural infrastructure in activity centres, especially those identified as Principal Activity Centres.

Local Planning Policy Framework

Municipal Strategic Statement

21.06-4 – Neighbourhood Character

Objective

- *To manage the impact of urban change on existing neighbourhoods.*
- *To ensure that new development responds to the existing neighbourhood character.*
- *To protect areas with a significant garden character.*

Strategies include:

- *Ensure that development is responsive to the established character of the area.*

21.06-5 – Heritage and Identity

Objective

- *To ensure that urban development enhances Geelong's sense of place and identity.*
- *To conserve and enhance individual places and areas of pre and post contact cultural heritage significance.*

Strategies include:

- *Retain culturally significant heritage places and areas recognised as being of State, regional, local and contributory significance.*
- *Ensure that the use and development of a heritage place contributes to its heritage significance and longevity.*
- *Encourage the design of new development in heritage areas to provide for a contemporary interpretation that relates to the location, bulk, form and materials of existing and/or neighbouring significant buildings.*

21.07-3 Retail

Objectives

- *To facilitate the development of vibrant and viable retail activity centres in accordance with the Geelong Retail Activity Centre Hierarchy included at Clause 21.07-8.*
- *To ensure all major retail developments, and out of centre developments, provide a clear net community benefit.*
- *To avoid the risk of exacerbating problem gambling.*

21.09 – Central Geelong

The site is within the residential precinct of Central Geelong. Clause 21.09-1 advises that:

Central Geelong is the focus of commerce, arts and culture, hospitality, entertainment, education, health and institutional activity in the City of Greater Geelong. Central Geelong includes Eastern Park, the Western Wedge, the Waterfront, the City's retail and commercial core and surrounding transitional areas.

Objectives (as relevant to this application)

- *To ensure the land use precincts are strengthened in accordance with their identified roles in the Structure Plan map at Clause 21.09-4.*
- *To ensure the activity clusters are strengthened and support their expansion in accordance with their identified roles in the Structure Plan map at Clause 21.09-4.*
- *To encourage innovative and sustainable design outcomes whilst maintaining overall intensity of development and discouraging the under development of sites.*
- *Ensure new development appropriately responds to identified heritage values.*
- *To encourage activation of streets and building frontages on key pedestrian routes and linkage opportunities as detailed in the map at Clause 21.09-4.*
- *To provide an efficient supply of car parking in Central Geelong that is conveniently located and well designed.*
- *To encourage the refurbishment of retail/commercial building frontages on key streets*

Local Planning Policies

22.01 – Discretionary Uses in Residential Areas

Policy Basis

Protecting of the amenity of the City's residential areas requires a balance between the need for goods and services that serve local residents and workers and the potential for negative impacts on residential amenity.

Non-residential uses can reduce the amenity of residential areas through the generation of additional traffic, increased demand for car parking, the hours of operation of the use, appearance, noise and other emissions. In order to maintain the residential character and amenity of an area it is important that non-residential uses are located and function having regard to these issues. To protect residential areas it is important to restrict the encroachment of incompatible non-residential uses.

Purpose built non-residential buildings are important features of the City's residential areas, particularly in the inner suburbs. Council encourages appropriate re-use of these buildings for either residential or non-residential uses where it results in an economically viable use of the building and provides a service to the local community.

Objectives

- *To provide for non-residential and service uses which are compatible with the residential character, scale and amenity of neighbourhoods.*
- *To provide for non-residential uses which serve the needs of the local community.*
- *To encourage the re-use of purpose built non-residential buildings for a mix of appropriate local convenience/service and commercial uses.*
- *To ensure that car parking can be appropriately accommodated on site and that on street parking is relied upon only where it can be demonstrated that it will not be to the detriment of surrounding residential uses.*
- *To ensure that traffic generated by the use can be accommodated within the surrounding street network.*
- *To discourage new non-residential uses in residential zones that could reasonably be located in a nearby business zone.*
- *To avoid the concentration of non-residential uses where it would create a de-facto commercial area, isolate residential properties or contribute to unplanned expansion of business zones into surrounding residential land.*

22.09 – Cultural Heritage

Objectives

- *To encourage the retention of culturally significant and contributory heritage places within Heritage Overlay areas.*
- *To encourage development to be undertaken in accordance with the accepted conservation standards of the ICOMOS Burra Charter.*
- *To conserve and enhance the natural or cultural features of an area or site and to ensure that any alterations or development complement their form and appearance.*
- *To ensure that new development and external alterations of existing buildings make a positive contribution to the built form and amenity of the area.*
- *To encourage the retention or re-instatement of streetworks including street trees and bluestone kerbs, street construction form, asphalt footpaths, channels and crossovers.*

Policy

- *Where a permit is required for demolition, it is policy to:*
- *Require an application for demolition to be supported with documentation which demonstrates:*
 - *That the demolition will contribute to the long-term conservation of the fabric of the part of the building being retained.*
 - *That the demolition involves the removal of later inappropriate modifications.*
 - *That the cultural heritage significance of the place will be enhanced.*
 - *That significant fabric removed will be re-instated when circumstances permit.*
- *Discourage demolition of sites that are not of cultural heritage significance within a heritage area until a planning permit for the replacement development is approved and a bona-fide contract for the new work has been confirmed.*

Where a permit is required for use or development, it is policy to, inter alia:

- *Require that all buildings and works should be in accordance with the City of Greater Geelong Heritage and Design Guidelines, 1997. In the case of major development and subdivision of a large or complex site, the preparation of a Conservation Management plan for the whole place should precede the application. The plan should be prepared in accordance with the principles of the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance (The Burra Charter).*

C245 Amendment:

Amendment C245 is currently on exhibition and proposes changes to Schedule 14 of the Design and Development Overlay. The proposal does not trigger the requirement for a permit under the DDO14 and the requirement for a permit would not be triggered due to the proposed changes to the DDO14.

Proposed Activity Centre Zone

The application site lies outside of the proposed Central Geelong Activity Centre.

Appendix 1-3

REFERRAL RESPONSES

The application was referred to various internal departments of the Council and external referral authorities for comment.

Internal Referrals

Heritage Advisor

The application was internally referred to Council's Heritage Advisor for comment. The Heritage Advisor provided an extensive assessment of the two heritage places: the dwelling at No. 299 Moorabool Street (HO1068) and the Palais building, No. 297 Moorabool Street (HO1067). Excerpts from the Heritage Advisor's response are quoted and discussed in the Assessment section of this report.

In broad terms, the Heritage Advisor does not support the application as it involves the complete demolition of the intact and individually significant interwar Bungalow at 299 Moorabool Street. However, without prejudice to the above, the Heritage Advisor considers the buildings and works proposed to the existing Palais and the integration of the extension to the existing Palais to be an acceptable design response.

Comment:

It is considered that the recommendations of the Heritage Advisor should be supported, as the application fails to demonstrate that a net community benefit would be achieved in completely demolishing an intact locally significant building to provide minor conservation/restorative works to a building of the same level of significance.

Traffic Unit

The application was internally referred to Council's Traffic Unit for comment. The Traffic's Unit response included the following:

The submitted plans do not show any features in the Moorabool St or Maud St road reserve, i.e. kerbs, footpaths, services, trees, signs, vehicle crossings, etc. Any resubmitted plans must show all of this detail.

An Event Management Plan has been suggested for events held with up to 1500 people at up to 12 times a year. A permit condition should be applied for an EMP to be provided and there should be a plan for range of attendance figures.

Car Parking Provision & Design:

A Traffic Engineering Assessment has been provided, prepared by Traffix Group. The report itself is quite thorough and there are a number of recommendations mentioned.

A four level carpark is proposed, with access primarily from Maud St, however there is an access point off the ROW giving access to an upper level carpark (RL 31.00 m AHD). This carpark contains 27 car spaces and 5 motorcycle spaces.

The entire carpark contains 140 car spaces, including some disabled spaces...

The car spaces and parking aisles etc must all be adequately dimensioned and shown on the respective floor plans. The submitted plans do not show any of this information. Swept path diagrams must be provided at all entrance/exit points of the carpark, at all changes in direction and at any car space where access could be deemed difficult to access/egress.

There appear to be a number of blind corners where the parking aisles change direction – obscured by walls and when a vehicle occupies the end space. The carpark plans must satisfy all sight distance requirements, and being public carpark should be higher than a minimum standard.

An area of the carpark that is to be designated as 'staff only' parking must be identified on the plan.

Traffic Group have recommended that an automatic vehicle counter and electronic display board be provided to inform patrons of how many on-site car spaces are available at any one time. It is agreed that this will encourage patrons to use the carpark, and this system can be placed as a condition of permit.

An additional street light (150 W Na HP) will have to be provided on the power pole to the east of the ROW to illuminate the carpark entry and the ROW intersections with Maud St. The existing watchman lights directed into the existing carpark will need to be removed.

Parking Demand:

It is difficult to put an exact figure on the additional parking demand the expanded bingo centre will have on the existing parking demand. The provision of an off-street carpark for circa 140 cars will no doubt take a lot of parking pressure from Moorabool St, Maud St and other nearby streets that contain restricted parking.

All unrestricted parking is often occupied during weekdays and on match days at Kardinia Park, so bingo patrons rely on the restricted parking areas. This practice will probably continue to some extent, however it depends on patrons changing their habits and using the carpark.

Loading Zone:

There appears to be a loading dock access from Maud St beside the main entry to the carpark in Maud St. This could perceivably result in a 10 m wide vehicle crossing in a residential area. This should not be supported.

The loading dock itself is not perpendicular to the street and its width suggests that the abutting wall and stairwell is at risk of being damaged by a reversing truck.

It is recommended that this access be deleted and another option investigated – perhaps in the ROW and collection of waste etc occurs during non peak times. As there is minimal access to other properties gaining access from the ROW, and there not being a residential property on its eastern boundary, this could be feasible.

Vehicle Crossings:

The vehicle crossings that provide access to the main carpark and ROW in Maud St must be constructed in concrete to Council's current standard. The asphalt surface of the ROW must be provided with a new asphalt overlay.

Any other redundant vehicle crossings or kerb laybacks must be removed to the satisfaction of the Responsible Authority.

Traffic Generation:

Some additional vehicle trips will be generated by the proposed expansion of the bingo centre. Chapter 4.7 in the Traffix Group report explains this and is satisfactory.

Conclusion:

It is felt that the application cannot be refused based on car parking, as the provision of a circa 140 space carpark will meet the expected demand of the primary use as a bingo centre.

Some additional permit conditions can be placed, as mentioned above.

Following public notification of the application, Council's Traffic Engineer reviewed the proposal and consulted with the applicant to clarify a number of points raised by objectors. As a result, Council's Traffic Unit advised that it considers the proposal acceptable, subject to conditions, and provided the following comments:

- A maximum of 700 patrons are to be on-site at any one time within the bingo area and theatre component, excluding when 'special events' are held.
- A maximum of 12 special events are allowed in a calendar year, and a maximum of 1200 patrons are allowed at these events, subject to the applicant implementing a 'green' travel plan and parking management plan to the satisfaction of the Responsible Authority. Bingo sessions cannot be held during special events, and the special events cannot be held at the same time of major sporting events held at Kardinia Park (AFL, rugby, soccer, etc). The Palais management must liaise with the Kardinia Park ground management to ascertain what dates these events will be held and that events at the football ground will always take precedence. Special events must be advertised well in advance (minimum of 2-3 months before the event) and detailed information must be provided of the green travel plan and parking management.

Comment:

There is concern about potential issues with monitoring and enforcement of the maximum patron numbers; however it is acknowledged that permit conditions that limit patron numbers are regularly applied to permits to address concerns regarding a lack of car parking.

Beneficial to the applicant's justification, with an expected maximum 700 patrons on-site for regular events, the development could provide car parking at a rate of 0.3 spaces per person, in line with the Planning Scheme rate for a Place of Assembly. However, if the application is supported, it is recommended that Council's Traffic Unit's recommendations for permit conditions limiting patron numbers and requiring a 'green travel plan' be required.

There would be a clear inconsistency between the Place of Assembly rate of the Planning Scheme and the proposed car parking rate for 'special events'. Assuming Council considers it appropriate to issue a permit with conditions as per the Traffic Unit's recommendations, at these events there would be potential for an additional 850 people to be on site. At a rate of 0.3 spaces per person, this equates to a requirement for 255 spaces, 143 more than the net increase of 112. The effectiveness of implementing any Travel Management Plan and Green Travel Plan would be imperative. If Council is supportive of such an outcome, it is recommended that an additional permit condition require the submission and approval of a Patron Management Plan, which would include details of how patron numbers would be controlled and recorded to allow for monitoring.

An assessment of the proposed car parking reduction against policy is provided in the 'Assessment' section of this report.

In response to a number of other points raised in the Traffic Unit's comments:

- The proposed crossover associated with the loading bay and car park entry from Maud Street is not supported by Council as there is concern that it would create pedestrian safety issues. Maud Street accommodates a high number of pedestrian movements on a daily basis and it appears that the combined accessway for the car park entry and loading bay would result in a crossover width of approximately 13m. From a safety perspective, the Traffic Unit cannot support the crossover. This is a recommended ground of refusal.
- The applicant has confirmed that the disabled spaces meet the relevant Australian Standards. The Traffic Unit has accepted the proposed disabled car space dimensions.

- Whilst the Traffic Unit raised concerns about blind corners, it should be noted that the corners are not blind as floor to floor walls are not proposed – instead a small 'kerb' is proposed.
- On review, the proposed loading bay dimensions have been accepted by Council's Traffic Unit.

All other comments raised by the Traffic Unit could be appropriately dealt with via permit condition.

Engineering Services Unit

The application was internally referred to Council's Engineering Services Unit for comment. The Engineering Services Unit considered the proposal acceptable from an engineering perspective, and provided the following comments:

Drainage:

The site is currently used as a carpark and drains to Maud Street. The Legal Point of Discharge for these works will be for the stormwater to drain to the existing 375mm stormwater pipe in Maud Street.

Vehicle Access & Car Parking:

The site in question currently acts as a carpark with access off Maud Street. From the plans provided it seems the access will be off Maud Street but from a newly formed crossover. A crossing permit will be needed for these works.

The Engineering Services Unit recommended that conditions relating to drainage and vehicular crossings be imposed in the event a permit is issued.

Comment:

It is recommended that the suggested permit conditions be included on any permit issued.

Building Services Unit

The Building Services Unit's comments are summarised as follows:

- As the development is commercial, the main issues would relate to protection and precautions during construction (of Council roads and infrastructure and public protection).
- There appears to be projections over Moorabool and Maud Streets which may require consent from Council's Building Unit.
- Generally the above issues should be picked up by the relevant Building Surveyor prior to their approval.
- All other issues relate to construction, escapes, etc., and protection of the existing building during construction – again, issues for the relevant Building Surveyor to consider.

Comment:

Notes should be included on any permit issued to advise the applicant of potential building consents required.

Urban Design Unit

The application was internally referred to Council's Urban Design Unit for comment. The Urban Design Unit provided the following comments:

Urban Design is generally supportive of the proposal and believe the development is a good use for the site. A non-residential use for the site is appropriate given the volume of traffic on Moorabool Street. It is appropriate that the existing Palais building is largely kept intact with the front facade being retained.

It is unfortunate that the southern facade is being partially demolished and the interior being substantially changed, however, this is compensated by the fact that a large part of the interior is being retained and the building given a new life which may not have otherwise have occurred.

The extension to the Palais is a contemporary design which again is appropriate as it clearly separates itself from the original Palais building. The scale of the building is similar to that of the Palais which is acceptable and would have preferably been smaller than that of the Palais so as not to compete with the historic building. The small glass vertical separation between the original building and the proposed extension is a useful device to delineate the new work from the old.

The proposed extension is surrounded by roads on two sides and a laneway on the third side and hence the proposal will have minimal impact on surrounding properties. The ground floor of the extension is an enclosed carpark with transparent cladding (metal mesh screen) which will at least provide some activation of the street. The cafe proposed over the ground floor carparking will also help activate the street as well as providing some street surveillance.

Comment:

The comments of the Urban Design Unit are generally supported in terms of the proposed development, without prejudice to the fact that it is considered that the loss of the C-listed dwelling would be unacceptable, that it is not considered appropriate to introduce a function centre use onto this site and that the proposed access to Maud Street would not be acceptable. Whilst the extension would require partial demolition of the southern facade of the Palais, this would be offset by the works proposed to rejuvenate the building and contribute to its viability in the future. Whilst the scale of the proposed extension would reduce the dominance the existing Palais currently has on the streetscape, on balance it is considered that it is not of a scale that would be overbearing to the existing building. The transparent, relative reduced scale and recessive elements of the extension where it would connect to the front façade of the existing building would allow the 3-dimensional form of the building to stand proud and dominant over the extension.

Community Development Unit

The following comments were provided regarding liquor licensing:

This is not a liquor licence application and as far as I can tell there is no current licence. It does appear that the Palais has had a number of temporary liquor licences.

From a social planning perspective the following issues and impacts need to be flagged:

- *Noise and impact on nearby residents (especially when patrons leave the venue at night).*
- *It is likely that a cumulative impact assessment would be required.*
- *We would seek to limit hours for the sale and consumption of liquor.*
- *Membership of Liquor Accord would be encouraged.*

Comment:

The proposal does not include an application for a liquor licence. This was raised as an issue by a number of objectors who believed that it was misleading of the applicant to omit a liquor licence application from the proposal because, in the objectors' opinions, the proposed use would need to incorporate the sale and consumption of alcohol to be financially viable. Following the consultation process, the applicant was encouraged to include an application for a liquor licence as part of this application but chose not to do so. Council considers that it is likely that an application for a liquor licence will be submitted in the future, but at this stage is not being asked to consider such an application.

However, looking forward, it should be stressed that such an application would be considered on its merits and would include referrals to the police and Council departments, as well as a public notification process to give surrounding residents and opportunity to raise concerns. The requirement for such an application to include a cumulative impact assessment would be determined at the time of lodgement.

Environmental Health Unit

The application was internally referred to Council's Environmental Health Unit for comment. The Environmental Health Unit provided the following comments:

There needs to be surety that with the proposed development of the site, neighbouring properties and residents will not be affected by noise, light and odour issues that might arise during and after any development works. Disturbance issues associated with increased patronage should also be given consideration to ensure amenities are protected.

For any Food or Health Act related trading, the Council's Environmental Health Department will need to be additionally contacted for further information and direction as to the plan approval process and the registration process.

Comment:

In the event a permit is issued, conditions could address hours of operation, noise limits, light spill and general amenity (including odours) to protect the amenity of surrounding properties. A note on permit could advise the permit holder to contact Council's Environmental Health Unit to discuss relevant approvals and registrations.

External Referrals

The Director of Public Transport

The application was referred to the Director of Public Transport pursuant to Section 55 of the Planning and Environment Act 1987 as it proposes a place of assembly comprising 400 or more seats or 600 or more square metres of gross floor area.

The Director of Public Transport does not object to the grant of a planning permit subject to the following conditions being placed on any permit issued:

- *The permit holder must take all reasonable steps to ensure that disruption to bus operation along Moorabool Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to the Director of Public Transport fourteen (14) days prior.*
- *The permit holder must ensure that public transport infrastructure is not altered without the consent of the Director of Public Transport or damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Director of Public Transport at the full cost to the permit holder.*

Comment:

The above conditions must be included on any permit issued.

Appendix 1-4

RESPONSE TO OBJECTIONS

Objection

The Palais is a C-listed building of local significance. Its existing use and ongoing conservation is not dependent on the demolition of the locally listed significant property at 299 Moorabool Street.

Response

An assessment of the net community benefit of demolishing the dwelling at 299 Moorabool Street to extend and restore the Palais is provided later in this report.

Objection

The scale and cuboid form of the proposed building would create visual bulk that is uncharacteristic of, and unsympathetic to, the neighbourhood.

Response

There is a diversity of buildings and scale in the surrounding neighbourhood. The streetscape of Moorabool Street in particular is very mixed and irregular in terms of scale and form. There are several examples of cuboid buildings in the area including the tyre dealership to the north (No. 295 Moorabool Street), the former Gordon Technical College (No. 312 Moorabool Street). The social housing development to the south is a contemporary building of a similar scale to the proposed extension, as is the existing Palais building. It is acknowledged that the proposed extension would be a substantial development, with a multi-level, parapeted cuboid design that would have a greater frontage width than the Palais frontage. However, on balance, it is considered that the proposed development would be of similar scale to other developments in the vicinity of the site and acceptable in terms of the scale of the existing Palais building. Whilst there are various examples of one or two storey dwellings with hipped or pitched roof forms in the wider area, on balance the extension is considered an acceptable response to the site and surrounds. The proposed extension would be no higher than the Palais building, with most of the new work being approximately the height of the southern wall and a smaller, more elevated portion being approximately the height of the main parapet returns at the front, with a scale similar to the existing Palais and tyre dealership. A number of objections raised concern about the lack of relationship between the proposed development and the Maud Street streetscape, and indeed this was an issue originally raised by Council when the application was first lodged. However, whilst the site is located on the corner of Maud Street it would be unrealistic to require it to be developed with a modest one or storey height, in keeping with the form of development further to the east on Maud Street, given the site and the proposed development is oriented to Moorabool Street and therefore has little relationship with Maud Street. The adjacent former Geelong Grammar School building provides a break between the development site and the typical residential dwellings on Maud Street.

Objection

Impact on availability of on-street parking.

Response

An assessment against car parking is provided elsewhere in this report.

Objection

The existing laneway that would provide access and egress to the car park is not wide enough for two lanes of traffic.

Response

The laneway has a width of 4.93m and the building would be set back approximately 1m from the laneway. The Traffic Engineering Assessment submitted with the application states that the laneway could therefore provide two-way flow and could accommodate the traffic associated with Basement 1 (27 car spaces), which is similar to the existing 28 space carpark on the site. Council's Traffic Engineering Unit did not raise the laneway width as an issue.

Objection

The proposal would increase the floor area of an existing gambling venue.

Response

The applicant has advised that the long-term vision for the redeveloped site is to provide a new bingo area within the extension and use the existing Palais theatre for a variety of events, including school and community performances, theatre and other functions. However, the applicant has advised that this is a long-term vision and would be dependent on (a) the existing Palais being restored and (b) the demand to use the existing theatre. Therefore, it is understood that potentially the entire floor area (existing Palais and extension) may be used solely as a bingo centre, at least in the short term.

The applicant has acknowledged that a bingo centre provides an opportunity for patrons to win and lose money, but also provided details of the nature of the use. The applicant advised that the amount of money a patron has the potential to lose in a single session is limited by the number of 'books' the individual can play at one time. The applicant has stated that realistically a patron could spend no more than \$48.00 comprising 45 games/cards over one session, the longest of which is 2 hours 35 minutes in duration. In comparison to a gambling venue, such as a casino or gaming room, this is a modest amount. Further, as stressed by the applicant, a bingo session involves social interaction and an opportunity to engage with others, and on occasion includes live entertainment provided by the business. No gaming machines are proposed as part of the application. It is considered that the additional floor area is unlikely to contribute to an increase in problem gambling.

Prior to providing a written response to the application, Council's Community Development Unit questioned whether the application includes the provision gaming machines. It was confirmed by the applicant that none are proposed. The Community Development Unit did not raise any issues in relation to the proposal potentially increasing problem gambling.

Objection

Impact on general amenity of surrounding residents caused by increased noise and litter.

Response

In its referral response, Council's Environmental Health Unit advised that consideration needs to be given to protecting neighbouring properties and residents from noise, light and odour issues that might arise during and after any development works and by increased patronage. Permit conditions restricting hours of operation during construction could be included in the event a permit is issued. The applicant proposes the hours of operation that currently apply to the Palais to also apply to the new building (i.e. 11:00am – 11:00pm, 7 days per week). In the event a permit is issued, operating hours should be restricted accordingly via a condition. It is also recommended that a patron management plan be included on any permit issued to ensure that neighbouring residents are not unreasonably impacted on by noise due to the increase in patron capacity that the extension would allow.

It is considered that the increase in litter in the surrounding street network created by the extended building would be negligible.

Objection

Lack of geotechnical information and potential implications caused by excavation.

Response

The Building Permit process would consider structural requirements and the potential implications of excavation is not a material planning consideration.

Objection

The use does not complement surrounding business activity, or the demographic of the immediate local community.

Response

Historically, the uses of the building have served the general public, with originally a theatre and subsequently a bingo centre operating from the site.

A bingo centre has operated lawfully from the site since 1984. Like numerous places of assembly, such a use often attracts members of the public who travel to the site for the sole purpose of attending the venue. As the bingo centre element would continue an existing use, it is considered unreasonable to refuse an application because the majority of patrons may not live in the immediate area.

It is also considered that using the premises as a theatre, which may also cater for school and community groups, could reasonably be supported. Historically the Palais has been used as a theatre and the use of the premises by schools and the community would benefit the locality.

However, the application also proposes the introduction of a function centre use onto the site. It is not considered that a function centre, which based on information from the applicant could cater for conferences, conventions and weddings, would directly serve the needs or benefit the local community. Rather, it is considered that such a use would more appropriately be located in a nearby business zone and especially within Central Geelong.

The applicant was advised of the concerns about the proposed function centre use (which by definition would cater for private functions rather than benefiting or serving the needs of the community). However, it was confirmed by the applicant that the application seeks a permit for the use of the premises as a Place of Assembly, without qualification. It will be noted from the definition section earlier in this report that this would include uses such as an amusement parlour or nightclub. As noted, whilst restricting the nature of the uses to bingo centre and theatre may have been acceptable, it is not considered that allowing an unrestricted Place of Assembly on this residentially zoned land is acceptable. This is discussed in greater detail later in this report.

Objection

Decrease in property values.

Response

This is not a material planning consideration.

Objection

The proposed café/restaurant would steal business from an existing restaurant nearby.

Response

Commercial competition, or the potential for a proposed use to compete with an existing use, is not a material planning consideration. Notwithstanding this, it should be noted that the café/restaurant would be ancillary to the Place of Assembly and, as such, would cater for patrons visiting the premises for other purposes.

Objection

Lack of setbacks from Moorabool and Maud Streets to provide landscaping opportunities.

Response

Zero lot line developments are a characteristic of numerous commercial buildings in Moorabool Street – examples of this include the tyre dealership at No. 295 Moorabool Street, the restaurant at No. 310 Moorabool Street, the antique shop at No. 303 Moorabool Street and the architectural business at No. 305 Moorabool Street. Landscaped areas in street setbacks are commonly used to soften the built form and reduce visual bulk. Rather than providing landscaping, the applicant proposes to reduce the bulk of the building by providing a range of materials and finishes. It is considered that the proposal makes efficient use of the site whilst achieving an acceptable urban design outcome.

Objection

No provision of a 'pick up/drop off' point. A large percentage of patrons to the Palais arrive by taxi or get dropped off/picked up. There are regular instances of double parking, parking across private driveways and in 'no standing' areas.

Response

There is potential for a 5min parking zone at the Moorabool Street frontage of the site. Council's Traffic Unit has recommended that this be a condition of any permit issued, at the expense of the applicant.

Cr Harwood re-entered the meeting room at 7.35pm

2. CENTRAL GEELONG LANEWAYS & LINKAGES PROJECT

Portfolio:	Arts & Culture – Cr Abley
Source:	Projects, Recreation & Central Geelong
General Manager:	Dean Frost
Index Reference:	Project: Central Geelong Looking Forward / Reports

Summary

- This report seeks to update Council on progress of the Central Geelong Laneways & Linkages project.
- Council received a grant of \$1m from State Government through Department of Planning and Community Development (DPCD) to carry out improvement works in the laneways of Central Geelong.
- A further \$0.5m has been awarded through the Victorian Regional Growth Fund.
- An application has been submitted for \$1.5M to the Federal Government under the Liveable Cities Fund and notification is expected in April.
- A project management group has been formed consisting of Cr John Mitchell, Cr Barbara Abley, Chief Executive Officer, General Manager Projects, Recreation & Central Geelong, Manager Central Geelong & Waterfront Management, Manager Strategic Projects & Urban Design and Fiona De Preu DPCD.
- Initial sites for improvements have been chosen based on agreed criteria.
- Works will be carried out throughout the year after consultation with interested parties or effected businesses and individuals.
- The five (5) initial projects revolve around joining Corio Street to Brougham street at Gore Place, Brougham Street to Eastern Beach at Steampacket Place and Ryrie Street to Myers Street at Star Street (refer to Appendices 1 & 2).
- These projects are consistent with objectives and priorities identified by the Central Geelong Looking Forward Advocacy Group.

Cr Abley moved, Cr Macdonald seconded -

That Council notes the report on the Central Geelong Laneways & Linkages Project.

Carried.

Report

Background

The improvement of mid block pedestrian links and the appropriate development of laneways and smaller streets has for a long time been an aim of the City. The Central Geelong Structure Plan makes specific reference to mid block and other pedestrian links.

In 2011 State Government granted Council a sum of \$1m to carry out works on Central Geelong laneways. The project description is: "To identify, assess and deliver physical enhancements to specific laneways and arcades to provide strategic mid-block linkages and/or which improve pedestrian movement, commercial activity, vibrancy and city living."

2. CENTRAL GEELONG LANEWAYS & LINKAGES PROJECT (CONT'D)

Following that the State Government allocated another \$0.5m for the same project through the Regional Growth Fund.

These allocations are a substantial contribution from the State and show a commitment to Central Geelong development.

These projects are consistent with objectives and priorities identified by the Central Geelong Looking Forward Advocacy Group. The Central Geelong Looking Forward Advocacy Group was established to provide advice to Council on revitalising Central Geelong. This is focused on immediate and medium term actions, as opposed to Vision II which is focused upon longer term strategic directions.

Discussion

The expected outcomes and benefits of the project are:

- Increased pedestrian movement;
- Improved public perception of the inner city;
- Enhanced city living;
- Enhanced cultural experiences;
- Increase in commercial activity.

The projects being assessed for works or changes are listed below in no particular order:

1. Gore Place - Redevelopment
2. Lt Ryrie Street - Pedestrian connections between Ryrie & Star Streets
3. Star Street - Pedestrian outstands between Myers & Lt Ryrie Streets
4. Brougham Street – Pedestrian outstands and wayfinding
5. Brougham Street – Steps, pedestrian connections and CPTED
6. Lt Malop Street – Redevelop between Yarra & Bellerine Streets
7. Lt Ryrie Street – Redevelop between Moorabool & Yarra Streets
8. Shorts Place – Attractor and signage
9. Market Street – Physical Link acquisition
10. Dennys or McLartys Place – Physical Link acquisition

Projects are to be undertaken over two years with initial projects to be chosen as those that are able to be carried out within this financial year. Other longer timeframe projects will follow in the next financial year.

The five (5) initial projects revolve around joining Corio Street to Brougham street at Gore Place, Brougham Street to Eastern Beach at Steampacket Place and Ryrie Street to Myers Street at Star Street (refer to Appendices 1 & 2).

Consultation and design work has started with Gore Place off Corio Street and next to the TAC building as well as with Steampacket Lane leading up the stairway to Brougham Street.

2. CENTRAL GEELONG LANEWAYS & LINKAGES PROJECT (CONT'D)

Work is also being done with some initial consultation at Star Street. This will link Myers Street better with Little Ryrie and discussions are progressing with the property managers of 124 Ryrie Street to improve the existing access through that property.

Currently funded works are based around physical improvements to infrastructure to meet our objectives. Hopefully a successful application to the Federal Government will allow land purchases to open those couple of sites that block mid block pedestrian movement.

Environmental Implications

The works in selected lanes are designed to encourage better pedestrian access to the city and to encourage people to live within Central Geelong. These results cut down vehicle usage and encourage development within the existing infrastructure rather than "greenfield" developments.

Water sensitive Urban Design principals are being used in the design of the works as are the principles of recycling and low energy embodiment of materials.

Financial Implications

The project is fully funded by State Government through DPCD.

Policy/Legal/Statutory Implications

The proposed works compliment the aims of the Central Geelong Structure plan and the Urban Design Guidelines for Central Geelong.

Officer Direct or Indirect Interest

There are no direct or indirect Officer conflicts of interest relating to this project.

Risk Assessment

A risk analysis is being carried out on each individual project.

Social Considerations

Works are being designed to enhance the social cohesion within the city. Whilst physical works cannot solve social problems, they can provide areas for positive interactions and be designed using sound CPTED (Crime Prevention Through Environmental Design) principles.

Communication

Extensive consultation is occurring with effected property and business owners as well as effected residents.

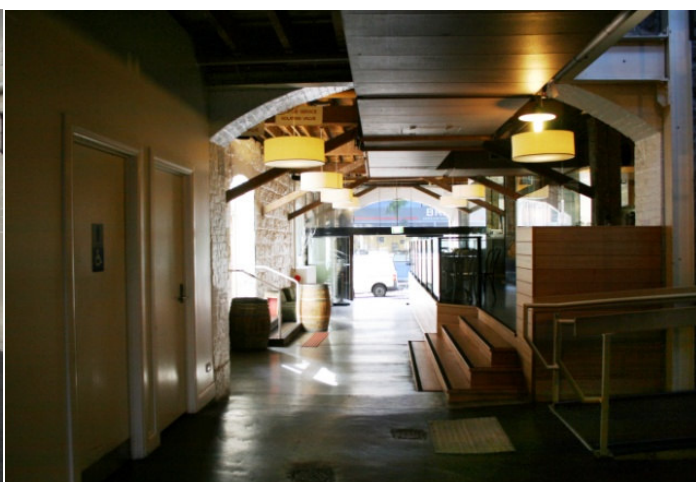
Geelong Laneways & Linkage

First Five Projects

1. Gore Place – Linkage from Corio Street to Brougham Street

This project involves changes to the pavement to allow tables and chairs (alfresco dining) whilst maintaining parking and also inserting tree planting associated with drainage works. Also involves opening the Wool Museum doors and installing a glass door to control wind. Work is also being carried out with local traders to rationalise and improve recycling and rubbish collection.

Completion September 2012



2. Little Ryrie Street – Linkage from Ryrie Street to Little Ryrie Street

A better pedestrian connection through Wrights Place and the car park to Star Street. This includes pavement alterations, furniture and tree planting. Council officers are also working with the property owners and managers of 124 Ryrie Street to instigate improvements to the existing pedestrian walkway through that building.

Completion September 2012



3. Star Street – Linkage from Myers Street to Little Ryrie Street

This section involves footpath outstands for easier road crossings and tree planting for shade and amenity.

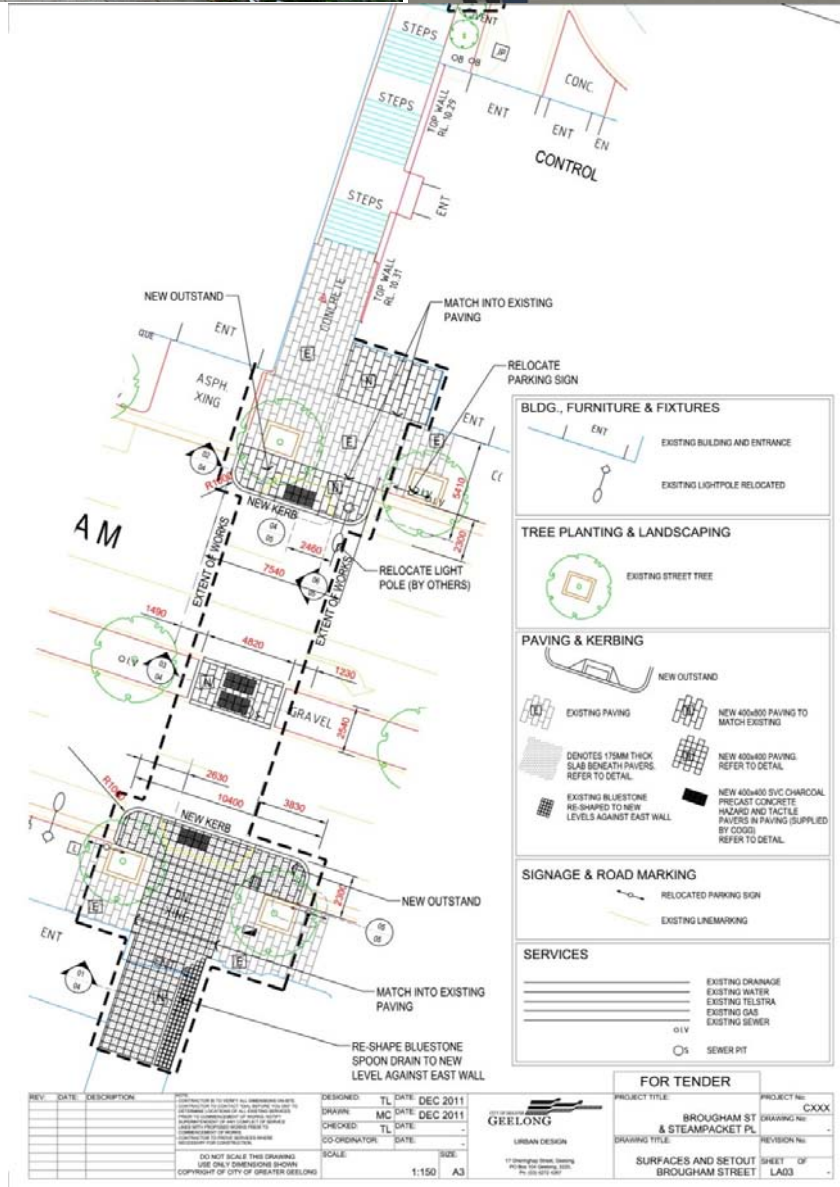
Completion September 2012



4. Brougham Street – Linkage from Brougham Street to Steampacket Place

Works in this area simply involves pedestrian outstands and centre median works to improve pedestrian movement from the top of the stairs from Steampacket Place and across Brougham Street

Completion September 2012



5. Steampacket Place – Linkage from Eastern Beach to Brougham Street

This section involves shared footpath/lane for easier road crossings, street furniture and tree planting for shade and amenity.

Completion November 2012





3. COUNCIL POLICY - SWIM, SPORT AND LEISURE SERVICES

Portfolio:	Sport and Recreation – Cr Mitchell
Source:	Projects, Recreation & Central Geelong
General Manager:	Dean Frost
Index Reference:	Subject: Policies & Procedures / document development

Summary

- Council policies are developed to provide guidance for the various services and functions of the City of Greater Geelong.
- The Swim, Sport and Leisure policy has been reviewed and updated with minor changes.
- Approved policies are made available to the public through Council's Internet site.

Cr Richards moved, Cr Macdonald seconded -

That Council endorses the updated Swim, Sport and Leisure Policy.

Carried.

Report

Background

Council policies are developed to clearly articulate Council's intent and preferred method of operation.

The previous Swim, Sport and Leisure policy was adopted in 2008 and has been reviewed and updated with only minor amendments made.

Discussion

Council recognises the importance of enabling individuals to maintain personal quality of life and how this contributes to overall community health and well being. Access to leisure, sports and aquatic facilities and programs provide individuals with the resources to enhance their quality of life.

The Swim, Sport and Leisure policy articulates Council's approach to ensure:

- Individual and Community Benefit
- Access and Equity
- Financial management and customer satisfaction.

As a result of the policy review, the following minor amendments have been made:

- Naming of all the Leisure centres covered under the policy
- Changes to relevant legislation
- Adoption of an avoidable cost methodology to determine costs for non-commercial activities.

3. COUNCIL POLICY - SWIM, SPORT AND LEISURE SERVICES (CONT'D)

Environmental Implications

There are no environmental considerations in the review of this policy.

Financial Implications

The policy states Council's commitment to manage financial responsibilities in accordance with regulations and best practice principles.

Policy/Legal/Statutory Implications

The policy ensures Council's commitment to the National Competition Policy.

Officer Direct or Indirect Interest

No officer had a direct or indirect interest in the development of this report.

Risk Assessment

A clearly articulated policy minimises the risk and negative consequences through the adoption of a consistent approach to service delivery.

Social Considerations

Overall community health and well being have been considered in the review of this policy.

Communication

The adopted policy will be available on Council's internet site.

COUNCIL POLICY

Swim Sport & Leisure Services	Document No:	CPL 280.4
	Approval Date:	27 March 2012
	Approved By:	Council
	Review Date:	27 March 2015
	Version No:	01
Responsible Officer: General Manager Projects Recreation & Central Geelong		
Authorising Officer: Chief Executive Officer		

1. PURPOSE

This policy articulates Council's approach to improving community health and well being through the provision and management of leisure, sports and aquatic facilities and programs.

2. SCOPE

This policy applies to Council's Swim, Sport & Leisure Services.

3. REFERENCES

- Aquatic and Fitness Network Service Review 2001 - Council
- Local Government Act 1989 – Victorian Legislation
- Competitive Neutrality Policy Victoria 2000 – Victorian State Government
- Competition and Consumer Act 2010 – Federal Government Legislation

4. DEFINITIONS

- The Swim, Sport & Leisure services includes 13 facilities (four indoor aquatic and leisure centres, two seasonal outdoor pools, two stadia, two sports and entertainment venues and three golf courses).

- | | |
|---|---------------------------------|
| • Leisurelink Aquatic and Recreation Centre | • Barwon Valley Activity Centre |
| • Splashdown | • Simonds Stadium |
| • Bellarine Aquatic Sports Centre | • Geelong Arena |
| • Waterworld | • Balyang Par 3 |
| • Kardinia Aquatic Centre | • Queens Park Golf Course |
| • Lara Pool | • Elcho Park Golf Course |
| • Leisuretime Sport Centre | |

5. COUNCIL POLICY

- **Individual and Community benefit:**

Council recognises that the provision and management of leisure, sports and aquatic facilities plays an important role in maintaining personal quality of life and as a result contributes to overall community well being.

Council contributes to the overall community health and well being through the provision of facilities and programs such as:

- Health and Fitness (gymnasium, group exercise, lap swimming, sporting opportunities, health and wellness programs).
- Education and Safety (Learn to Swim Program, sports development, training, conferences)
- Sport and Recreation (supervised recreation swimming, sporting and entertainment activities)
- Social Awareness (social connection and sense of belonging through group and community activities)
- Rehabilitation (gentle exercise and water based programs)

- **Access and Equity:**

Council recognises the economic, social and geographic disadvantage of some individuals and consequently strives to ensure that all persons have equitable access to sport, recreation and leisure facilities and programs.

- **Financial Management and Customer Satisfaction:**

Financial Management and Customer Satisfaction with service delivery will be benchmarked against the overall performance of the aquatic and recreation industry and will reference Council's commitment to access and equity.

Council will review the pricing associated with the provision of sport, recreation and leisure facilities and programs during the annual budget process. Decisions on pricing are made within an overall organisational context.

Council currently subsidises the full cost of operating the sport, recreation, leisure facilities and programs.

Council's approach to pricing of facilities and programs will be that:

- Those activities which contribute to the overall community health and well being or are non-commercial in nature will be priced in such a manner that optimise community participation and for that reason will have a component of Council subsidy attached; and
- Those activities which are commercial in nature will be priced to enable recouping of the full costs of providing the service.
- Where the majority of activity is non-commercial, Council will adopt an avoidable cost methodology to determine costs.

Whilst being aware of requirements of the Competition and Consumer Act 2010 and the Competitive Neutrality Policy January 2000 guidelines, Councils pricing approach does not preclude the implementation of short-term promotional pricing and product offerings with the express intention of increasing usage of facilities.

6. QUALITY RECORDS

Quality Records shall be retained for at least the period shown below.

Record	Retention/Disposal Responsibility	Retention Period	Location

7. ATTACHMENTS

Nil

4. PROCUREMENT POLICY

Portfolio:	Democracy and Governance – Cr Mitchell
Source:	Corporate Services – Administration and Governance
General Manager:	Jeff Wall
Index Reference:	Subject: Policies & Procedures

Summary

- As a result of the Local Government Amendment (Councillor Conduct and Other Matters) Act 2008, a new section 186a of the Local Government Act (the Act) required Council to prepare and approve a procurement policy. Council adopted the initial procurement policy on 13 October 2009.
- The Act requires at least once in each financial year, that Council review the current procurement policy and amend as appropriate.
- Some minor amendments have been made to the policy principally from a strategic procurement perspective and in respect to seeking expressions of interest, Council staff delegations, occupational health and safety requirements and e-procurement. The policy also reflects amendments to any Acts and other Council policies and procedures.
- City of Greater Geelong is a participant in the Local Government Procurement Excellence program being facilitated by DPCD. The findings arising from the assessment identified that CoGG's procurement policy was well done; that we have a structured procurement system and methodology; an excellent system for managing suppliers and good guidance material to support the quotation and tendering processes of Council. System development such as e-procurement has been acknowledged as better practice.
- A copy of the current procurement policy must be available for inspection by the public:
 - a) at the Council office; and
 - b) on the Council's Internet website.

Cr E Kontelj moved, Cr S Kontelj seconded -

That Council approves the amendments to the Procurement Policy.

Carried.

Report

Background

In 2008 legislative amendments to the Local Government Act 1989 saw the introduction of a new section 186a, which required Councils to develop a procurement policy that is made available to the public. The Act also requires the policy to be reviewed each financial year.

4. PROCUREMENT POLICY (CON'TD)

Discussion

The procurement policy provides a framework for the purchase of goods, works and services emphasising value for money whilst conducting business in a fair and equitable manner.

The purpose of the policy is to:

- Provide guidance, consistency and control over procurement activities;
- Demonstrate accountability to rate payers;
- Provide guidance on ethical behaviour in public sector purchasing;
- Demonstrate best practice elements in purchasing;
- Increase probity of obtaining the right outcome when purchasing goods and services.

A review of the policy has been completed in consultation with a number of the Council's key stakeholders and benchmarking was also completed with some larger Victorian Councils.

Some minor amendments have been made to the policy principally from a strategic procurement perspective and in respect to seeking expressions of interest, council staff delegations, occupational health and safety requirements and e-procurement. The policy also reflects amendments to any Acts and other Council policies and procedures.

In conjunction with the procurement policy, Council has established a Procurement Manual to enable ease of use and compliance with the Procurement Policy. It empowers staff to work within a set framework to ensure the achievement of best value for money outcomes.

The policy also acknowledges the importance of contractual terms and conditions and the requirement for all contractors and their employees, sub-contractors and agents to obey any Acts, regulations, local laws and by-laws, applicable to the performance of a contract. All contractors must also comply with the terms of any relevant Commonwealth and State industrial instruments in respect to its employees and ensure that any agents and sub-contractors of the contractor also comply with these obligations.

Environmental Implications

The policy provides that sustained value must be demonstrated in Council's purchasing, including the built and natural environment.

Financial Implications

Best practice procurement demonstrates considerable savings for the local government sector. Adoption of the amended policy reaffirms the framework for attaining value for money outcomes.

4. PROCUREMENT POLICY (CON'TD)

Policy/Legal/Statutory Implications

The review of the procurement policy accords with Section 186a of the Local Government Act.

Officer Direct or Indirect Interest

No officer preparing this report has a direct or indirect interest.

Risk Assessment

The policy stipulates that risk management is applied at all stages of procurement activities.

Social Considerations

The policy provides that sustained value must be demonstrated in Council's purchasing, including community wellbeing.

Communication

This policy will be available to the public in accordance with the Act in hard copy and via Council's web site.

COUNCIL POLICY

Procurement Policy	Document No:	CPL565.3
	Approval Date:	27 March 2012
	Approved By:	Council
	Review Date:	27 March 2013
Responsible Officer: Manager, Administration and Governance	Version No	02
Authorising Officer: Chief Executive Officer		

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The City of Greater Geelong acknowledges the assistance of the MAV and Landell Consulting Pty Ltd through the provision of a Model Procurement Policy.

1 Principles

1.1 Background

Greater Geelong City Council:

- Recognises that:
 - Developing a procurement strategy and adopting appropriate best practice contracting and procurement principles, policies, processes and procedures for all goods, services and works by Council, will enhance achievement of Council objectives.
 - The elements of best practice applicable to local government procurement incorporate:
 - broad principles covering ethics, value for money, responsibilities and accountabilities;
 - guidelines giving effect to those principles;
 - a system of delegations (i.e. the authorisation of officers to approve a range of functions in the procurement process);
 - procurement processes, with appropriate procedures covering minor simple procurement to high value complex procurement; and
 - a professional approach to all tenders undertaken.
- Requires that Councils procurement activities:
 - support Council's corporate strategies, aims and objectives;
 - take a long term strategic view of procurement needs while continually assessing, reviewing and auditing procedures, strategy and objectives;
 - provide a robust and transparent audit trail which ensures that procurement projects are delivered on time, within cost constraints and that the needs of end users are fully met;
 - are conducted, and are seen to be conducted, in an impartial, fair and ethical manner;
 - achieve value for money and quality in the acquisition of goods, services and works;
 - ensure that risk is identified, assessed and managed at all stages of the procurement process;

- use strategic procurement practices and innovative procurement solutions, in particular making use of collaboration and partnership opportunities;
- comply with legislation (including risk management, Occupational Health and Safety and Competition and Consumer Legislation), corporate policies or other requirements, ensuring that all staff responsible for procurement and contract management are aware of and adhere to the legislative requirements, Council standards and best practice;
- support business in the local community where possible; and
- support skills and training of apprentices where possible.

1.2 Scope

This Procurement Policy is made under Section 186A of the *Local Government Act 1989*.

This section of the Act requires Council to prepare, approve and comply with a procurement policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by Council.

This policy applies to all contracting and procurement activities at Council and is binding upon Councillors, Council officers and temporary employees, contractors and consultants while engaged by Council.

1.3 Purpose

The purpose of this Policy is to:

- provide policy and guidance to Council to allow consistency and control over procurement activities;
- demonstrate accountability to rate payers;
- provide guidance on ethical behaviour in public sector purchasing;
- demonstrate the application of elements of best practice in purchasing; and
- increase the probability of obtaining the right outcome when purchasing goods and services.

1.4 Treatment of GST

All monetary values related to this policy **exclude GST** except, where specifically stated otherwise.

1.5 Definitions and Abbreviations

Term	Definition
Act	<i>Local Government Act 1989.</i>
Commercial in Confidence	Information to be treated confidentially e.g. prices, discounts, rebates, profits, methodologies and process information, etc.
Contract Management ⁱ	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.
Council Staff (Council Representative / Contracts Officer/ Superintendent)	Includes full time and part-time Council officers, and temporary employees, contractors and consultants while engaged by the Council.
Conflict of Interest	Refer to section 77A of the Act.
e-Procurement	e-Procurement is integral to the overall development of procurement processes and involves the use of electronic systems to acquire goods services and works.
Expression of Interest (EOI)	An invitation for persons to submit an EOI for the provision of the goods, services and works which generally set out in the overview of requirements contained in the document. This invitation is not an offer or a contract.
Probity ⁱⁱ	The dictionary definition of probity refers to uprightness, honesty, proper and ethical conduct and propriety in dealings. Within Government, the word “probity” is often used in a general sense to mean “good process.” A procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the Council’s policies and legislation are established, understood and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.
Panel Contract Arrangements	A contract that sets out rates for goods and services which are available for the term of the agreement. However, no commitment is made under the agreement to purchase a specified value or quantity of goods or services.

Procurement ⁱⁱⁱ	Procurement is the whole process of acquisition of external goods, services and works. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
Sustainability ^{iv}	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.
Tender Process	The process of inviting parties to submit a tender by public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer.
Quotation Process	The process of inviting parties to submit a quotation followed by evaluation of submissions and selection of a successful bidder or tenderer.
Value for Money	Value for Money in procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including: • contribution to the advancement of the Council's priorities; • non-cost factors such as fitness for purpose, quality, service and support, project delivery, risk, economic contribution to the Geelong region, financial capacity; and • cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.

2 Effective Legislative and Policy Compliance and Control

2.1 Ethics and Probity^v

2.1.1 Requirement

The Council's procurement activities shall be performed with integrity and in a manner able to withstand the closest possible scrutiny.

2.1.2 Conduct of Councillors and Council Staff

2.1.2.1 General

Councillors and Council Staff shall at all times conduct themselves in ways that are ethical and will:

- treat potential and existing suppliers with equality and fairness;
- not seek or receive personal gain;

- maintain confidentiality of competing companies information, such as pricing , specifications, quotation, tender, bid, or any other commercial or proprietary information;
- present a high standard of professionalism and probity;
- deal with suppliers in an honest and impartial manner that does not allow conflicts of interest;
- provide all suppliers and tenderers with the same information and equal opportunity;
- be able to account for all decisions and provide feedback on them, and
- maintain fair, equitable and non-discriminatory procedures for addressing complaints and concerns raised by suppliers or members of the community regarding Council's procurement activities.

2.1.2.2 Members of Professional Bodies

Councillors and Council Staff belonging to professional organisations shall, in addition to the obligations detailed in this policy, ensure that they adhere to any code of ethics or professional standards required by that body.

2.1.3 Tender and Quotation Processes

All tender and quotation processes shall be conducted in accordance with the requirements of this policy, the Procurement Manual and any associated procedures, relevant legislation, relevant Australian Standards and the Act.

2.1.4 Conflict of Interest

Councillors and Council Staff shall at all times avoid situations in which private interest's conflict, or might reasonably be deemed to have the potential to conflict, with their Council duties.

Councillors and Council Staff shall not participate in any action or matter associated with the arrangement of a contract (i.e. evaluation, negotiation, recommendation, or approval), where that person or any member of their immediate family has a direct or indirect interest, or holds a position of influence or power in a business undertaking tendering for the work.

The onus is on the Councillor and the member of Council Staff involved being alert to and promptly declaring an actual or potential conflict of interest to the Council.

2.1.5 Fair and Honest Dealing

All prospective contractors and suppliers must be afforded an equal opportunity to tender or quote.

Impartiality must be maintained in selecting contractors and suppliers so that it can withstand public scrutiny.

The commercial interests of existing and potential suppliers must be protected. Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices (other than the price of the successful tenderers own fixed price

lump sum contract), discounts, rebates, profit, manufacturing and product information.

2.1.6 Accountability and Transparency

Accountability in procurement means being able to explain and provide evidence on the process followed. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

Therefore the processes by which all procurement activities are conducted will be in accordance with this Procurement Policy and related Council policies and procedures.

Additionally:

- all Council Staff must be able to account for all procurement decisions made over the lifecycle of all goods, services and works purchased by the Council and provide feedback on them; and
- all procurement activities are to leave an audit trail for monitoring and reporting purposes.

2.1.7 Gifts and Hospitality

All Councillors and Council Staff are to adhere to Council's Gifts and Hospitality Policy.

2.1.8 Disclosure of Information

Information received by the Council that is Commercial in Confidence must not be disclosed and is to be stored in a secure location.

Councillors and Council Staff are to protect, by refusing to release or discuss the following:

- information disclosed by organisations in tenders, quotation or during tender negotiations;
- all information that is Commercial in Confidence; and
- pre-contract information including but not limited to information provided in quotes and tenders or subsequently provided in pre-contract negotiations.

Councillors and Council Staff are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests.

Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt or clarify on what is being offered by that supplier.

At no stage should any discussion be entered into which could have potential contractual implications prior to the contract approval process being finalised.

Tenderers are however advised that a report on a tender process may be presented at an open meeting of Council, and some information arising from the tender will be publicly available.

2.2 Governance^{vi}

2.2.1 Structure

The Council shall:

- establish a procurement management responsibility structure and delegations ensuring accountability, traceability and auditability of all procurement decisions. ensure that the Council's procurement structure:
 - is flexible enough to purchase in a timely manner the diverse range of goods, works and services required by Council;
 - ensures that prospective contractors and suppliers are afforded an equal opportunity to tender/quote;
 - encourages competition; and
 - ensures that policies that impinge on the purchasing policies and practices are communicated and implemented.

2.2.2 Standards

The Council's procurement activities shall be carried out to the professional standards required by best practice and in compliance with:

- the Act,
- council's policies and procedures;
- council's procurement Manual;
- council's code of conduct; and
- other relevant legislative requirements such as but not limited to the Competition and Consumer Act, Charter of Human Rights and Responsibilities Act, Goods Act and the Environment Protection Act.

2.2.3 Methods

The Council's standard methods for purchasing goods, services and works shall be by:

- purchasing card;
- purchase order following a quotation process;
- under contract following a tender or quotation process; or
- under purchasing schemes including collaborative purchasing arrangements with other councils and commercial schemes such as provided by Procurement Australia, Municipal Association of Victoria Procurement and Supply Clusters of Australia.

Unless other arrangements are authorised, by the delegated authority on a needs basis such as emergencies.

Typically a multi-stage tender process may commence with a registration/expression of interest stage followed by a tender process involving the organisations selected as a result of the registration of interest stage.

Expressions of Interest (EOI) may be appropriate where:

- the requirement is complex, difficult to define, unknown or unclear;
- the requirement is capable of several technical solutions;
- council wishes to consider ahead of the formal tender process such issues as whether those tendering possess the necessary technical, managerial and financial resources to successfully complete the project;
- tendering costs are likely to be high and Council seeks to ensure that companies incapable of supplying the requirement don't incur unnecessary expense;
- it is necessary to pre-qualify suppliers and goods to need defined standards; and
- the requirement is generally known but there is still considerable analysis, evaluation and clarification required.

2.2.4 Responsible Financial Management

The principle of responsible financial management shall be applied to all procurement activities. Where tender sum exceeds budget allocation, Council will review scope of project or submit a report for expenditure variation to budget.

Council Staff must not authorise the expenditure of funds in excess of their financial delegations.

Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

2.3 Procurement Thresholds and Competition

2.3.1 Requirement

Council's procurement thresholds management requirements will be amended from time to time to alter minimum spend competition thresholds, but at all times clear guidelines will be provided. These will be decided based on the size and complexity of the proposed procurement activities.

2.3.2 Minimum Spend Competition Thresholds

2.3.2.1 Tenders

Purchase of all goods, services and works for which the estimated expenditure exceeds the compulsory tender thresholds stated within Section 186 of the Act must be undertaken by public tender unless approved exemptions are available.

However, should the nature of the requirement and the characteristics of the market are such that the public tender process would lead to a better result for the Council, public tenders may be called for purchase of goods, services and works for which the estimated expenditure is less than the compulsory tender thresholds.

For ongoing expenditure, the tender thresholds shall apply for at least two financial accounting periods.

2.3.2.2 Quotations

For purchases of goods, services and works having a total valuation of less than compulsory tender thresholds Council will maintain a formalised system of procurement requirements.

Council's governance guidelines will address, but not limited to the following:

- financial thresholds;
- reporting requirements;
- the type and number of quotations required;
- Advertising
 - Quotations may be advertised at the Council Staff member's discretion. This may occur when a field of potential tenderers hasn't been established, or an innovative approach is required, or the project has broad appeal that may attract keen prices, etc.
- Insufficient quotations
 - The situation may arise where insufficient quotations are received to satisfy the above requirements.

This may occasionally occur where there are few suppliers for the goods, services or works being sought or the work is highly specialised. In this case, the details of the contacted suppliers must be recorded and an appropriate comment recorded.

2.4 Delegation of Authority^{vii}

2.4.1 Requirement

Delegations define the limitations within which Council Staff are permitted to work. Delegation of procurement authority allows specified Council Staff to approve certain purchases, quotations, tender and contractual processes without prior referral to the Council. This enables Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

Procurement delegations ensure accountability and provide confidence to Council and the public that purchasing activities are dealt with at the appropriate level.

As such, Council has delegated responsibilities as detailed below relating to the expenditure of funds for the purchase of goods, services and works, the acceptance of quotes and tenders and for Contract Management activities.

2.4.2 Delegations

2.4.2.1 Council Staff

Council shall maintain procurement delegations, identifying Council Staff authorised to make such procurement commitments in respect of goods, services and works on behalf of Council, including but not limited to the following^{viii}:

- power to authorise and issue order forms for goods and services;
- power to enter into contracts within approved budget;
- sign letters of acceptance on behalf of Council to enter into contracts; and
- contract term extensions and contract Variations.

The requisition and authorisation of purchases cannot be processed by the same officer.

2.4.2.2 Delegations Reserved for the Council

The following processes and commitments must be approved by the Council:

- tender recommendations for all expenditure over the Chief Executive Officer delegation levels; and
- initial signing and sealing of contract documents for all Council endorsed tenders.

2.5 Internal Controls

The Council will install and maintain a framework of internal controls over procurement processes that will ensure:

- more than one person is involved in and responsible for a transaction end to end;
- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented; and
- systems are in place for appropriate monitoring and performance measurement.

2.6 Commercial Information

Procurement activities will be carried out in a way that supports Council Staff in meeting their obligations - to ensure information of a commercially sensitive or confidential nature is obtained, stored, processed, published (where applicable) in an appropriate manner in accordance with the relevant Council guidelines.

2.7 Risk Management

2.7.1 General

Risk Management is to be appropriately applied at all stages of procurement activities which will be properly planned and carried out in a manner that will protect and enhance the Councils capability to prevent, withstand and recover from interruption to the supply of goods services and works.

Risk management will be carried out in accordance with the stated requirements in the Risk Management Policy and the Guidelines for OH&S Management of Contractors and any Federal or State regulatory requirements.

2.7.2 Supply by Contract

The provision of goods, services and works by contract potentially exposes the Council to risk.

The Council will minimise its risk exposure by measures such as:

- standardising contracts to include current, relevant clauses;
- requiring security deposits where appropriate;
- referring specifications to relevant experts;
- requiring contractual agreement before commencement;
- use of or reference to relevant Australian Standards (or equivalent);
- effectively managing the contract including monitoring and enforcing performance: and
- by considering appointing a probity auditor for tenders in excess of \$5 million or as Council determines from time to time.

2.7.3 OH&S and Other Mandatory Requirements

Council undertakes due diligence activities on all suppliers to ensure compliance to legislative and business requirements. Council requires all contractors, service providers and volunteers to comply with all OH&S legislative requirements. These are mandatory requirements and non compliance will disqualify prospective suppliers.

2.8 Contract Terms

All contractual relationships must be documented in writing based on standard terms and conditions.

Where this is not possible, approval must be sought from the appropriate member of Council Staff listed in the Delegations section or above. A request for such an approval should be supported with procurement and legal advice as relevant.

All contractors must obey and ensure that its employees, sub-contractors and agents obey any Acts, regulations, local laws and by-laws in any way applicable to the performance of a contract. All contractors must also comply with the terms of any relevant Commonwealth and State industrial instruments in respect to its employees and ensure that any agents and sub-contractors of the contractor also comply with these obligations.

To protect the best interests of the Council, terms and conditions must be settled in advance of any commitment being made with a supplier. Any exceptions to doing this expose the Council to risk and thus must be authorised by the appropriate member of Council Staff.

2.9 Endorsement

Council Staff must not endorse any products or services.

2.10 Dispute Resolution

All Council contracts shall incorporate dispute management and alternative dispute resolution provisions to minimise the chance of disputes getting out of hand and leading to legal action.

2.11 Contract Management

The purpose of contract management is to ensure that the Council, and where applicable its clients, receive the goods, services or works provided to the required standards of quality and quantity as intended by the contract by:

- establishing a system reinforcing the performance of both parties' responsibilities and obligations under the contract;
- ensuring adherence with Council's Risk Management framework and compliance with applicable Occupational Health and Safety procedures; and
- providing a means for the early recognition of issues and performance problems and the identification of solutions.

Contracts are to be proactively managed by the member of Council Staff responsible for the delivery of the contracted goods, services or works to ensure the Council receives Value for Money.

2.12 e-Procurement

e-Procurement is integral to the overall development of procurement processes and involves the use of an electronic systems to acquire goods, services and works.

By utilising e-procurement the aim is to:

- reduce transaction costs
- make processes more efficient;
- improve management information and visibility of spend;
- increasing control and consistency of processes; and
- improve spend compliance.

3 Demonstrate Sustained Value

3.1 Integration with Council Strategy

The Council procurement strategy shall support its corporate strategy, aims and objectives, including but not limited to:

- Community Wellbeing
- Growing the Economy
- Sustainable Built and Natural Environment

3.2 Achieving Value for Money

3.2.1 Requirement

The Council's procurement activities will be carried out on the basis of obtaining Value for Money. Lowest price is not necessarily an indicator of value for money and cost is not the only factor for assessing value for money. Other factors such as project delivery, risk management, environment and occupational health and safety, financial capacity, economic contribution to the Geelong region, sustainability, quality, customer service, resource management, continuous improvement, fitness for purpose and social considerations may be considered in assessing competing companies' submissions.

3.2.2 Approach

This will be facilitated by:

- developing, implementing and managing procurement strategies that support the co-ordination and streamlining of activities throughout;
- effective use of competition;
- using schedule of rates and panel contract arrangements where appropriate;
- identifying and rectifying inefficiencies in procurement processes;
- more emphasis placed on procurement planning process;
- developing a more cost efficient tender process including appropriate use of e-solutions;
- Council Staff responsible for providing procurement services or assistance within the Council providing competent advice in terms of available products and agreements; and
- working with suppliers to create relationships that are professional and productive, and are appropriate to the value and importance of the goods, services and works being acquired.

3.2.3 Role of Specifications

Specifications used in quotations, tenders and contracts are to support and contribute to the Council's Value for Money objectives through being written in a manner that:

- ensures impartiality and objectivity as reasonably practicable;

- encourages the use of standard products;
- encourages sustainability; and
- eliminates unnecessarily stringent requirements..

3.3 Performance Measure and Continuous Improvement

Council will establish an appropriate management and reporting systems to monitor performance against targets and compliance with procurement policies, procedures and controls.

Procurement procedures, practices and costs will be benchmarked externally.

Procurement will use the performance measurements developed to:

- highlight trend and exceptions where necessary to enhance performance;
- improve the internal efficiency of the procurement process and where relevant the performance of suppliers; and
- facilitate relevant programmes to drive improvement in procurement to eliminate waste and inefficiencies across key spend categories.

3.4 Sustainability

3.4.1 General

The Council is committed to achieving sustainability and ensuring activities and programs have a positive impact on or contribute to the environment.

3.4.2 Sustainable Procurement

Council, in accordance with its adopted Environmental Strategies, will use the following principles when purchasing products, materials and services:

Minimise Unnecessary Purchasing

Minimise Waste

Minimise Greenhouse Gas Emissions

Minimise Habitat Destruction

Minimise Toxicity

Minimise Soil Degradation

Maximise Water Efficiency

Maximise Energy Efficiency

Value for Money purchasing decisions made by the Council are made on the basis of cost and non cost factors including contribution to sustainability objectives. Council is committed to adopting green procurement and encourages the purchase of Eco-friendly products.

Council shall encourage suppliers to adopt good environmental practices.

Council will actively promote green procurement throughout its supply chain and where possible consider selection which has minimum environmental impact.

3.5 Support of Local Business and Apprentices

Council is committed to buying from local businesses where such purchases may be justified on Value for Money grounds.

Wherever practicable, Council will fully examine the benefits available through purchasing goods, services or works from suppliers/contractors within the Geelong Region. Council will also seek from prospective suppliers/contractors where applicable what economic contribution they will make to the Geelong region. In certain cases, the engagement/ employment of apprentices will form part of the criteria in determining the awarding of a contract/ tender.

Council will also seek from prospective suppliers/contractors, where applicable, what economic contribution they will make to the Geelong region. A weighting percentage up to a maximum value of 10% will be assigned to this criteria element. The percentage applied to any procurement will be determined by the quotation or tender panel.

Such examples may include:

- (1) Engaging and contracting with local suppliers
- (2) Engaging local sub contractors
- (3) Suppliers/contractors participation in any apprenticeship schemes or employment of apprentices
- (4) Contributing to the financial, social and environmental well being of the region
- (5) Enable the business expansion, growth and servicing of local business and contractors.
- (6) Existing local business

4 Apply a Consistent and Standard Approach

4.1 Standard Processes

The Council will provide effective commercial arrangements covering standard products and standard service provisions across the Council to enable employees to source requirements in an efficient manner.

This will be achieved via a combination of the following areas:

Use of Council's Preferred Supplier System

Pricing where relevant

Processes, Procedures and techniques

Tools and business systems e.g. e-tendering, e-quotation sourcing arrangements

Reporting requirements, and

Application of standard contract terms and conditions.

4.2 Performance Indicators and Management Information

A list of indicators will be developed to measure procurement performance. They will include criteria such as:

- the proportion of spend against corporate contracts;
- user and supplier satisfaction levels measuring the success of procurement initiatives e.g. procurement cards; and
- the proportion of Eco-friendly spend.

Council will also use external sources of management information to assist with the procurement decision making process.

5 Build and Maintain Supply Relationships

Council recognises that in order to achieve sustainable value, appropriate relationships must be developed and maintained with suppliers.

5.1 Developing and Managing Suppliers

Council recognises the importance of effective and open working relationships with its suppliers, and is committed to the following:

- managing existing suppliers, to ensure the benefits are delivered;
- maintaining approved preferred supplier lists and compliance with Council's requirements for insurances, OH&S etc; and
- developing new suppliers and improving the capability of existing suppliers where appropriate.

5.2 Supply Market Development

A wide range of suppliers will be encouraged to compete for Council work.

5.3 Relationship Management

Council is committed to developing constructive long-term relationships with suppliers. It is important that the Council identifies its key suppliers so that its efforts are focused to best effect. Such areas may include:

- size of spend across the Council;
- criticality of goods / services supplier, to the delivery of the authorities services;
- availability of substitutes; and
- market share and strategic share of suppliers.

5.4 Communication

External communication is very important in ensuring a healthy interest from potential suppliers and partners to Council. The external website will be developed and updated to provide:

- information about Council and how to become an approved supplier;
- guidelines for doing business with Council;
- standard documentation used in the procurement process; and
- links to other relevant sites.

6 Continual Improvement

Council is committed to continuous improvement and will review the procurement policy on an annual basis, to ensure that it continues to meet its wider strategic objectives.

REFERENCES:

- Procurement Manual
- Councillors- Code of Conduct Policy
- Confidential Information Policy
- Conflicts of Interest Policy
- Contract Management Policy
- Fraud Control Policy
- Gifts & Hospitality Policy
- Goods & Services Tax Policy
- Occupational Health & Safety Policy
- Risk Management Policy
- Staff Code of Conduct Policy
- Use of Council Purchasing Card Policy
- Environment Management Strategy 2006-2011
(The City of Greater Geelong Environmental Management Policy)
- Greenhouse Response 2008-2001 Strategy
- Sustainable Water Use Plan

Acknowledgements

- i Ian McPhee, Auditor-General for Australia, “Contract Management in the Public Sector – an ANAO Better Practice. Perspective” Paper delivered at the Australian Government Procurement Conference
- ii Landell Consulting definition
- iii From MAV Procurement Policy Workshop slides – April 2009
- iv Adapted from the definition attributed to the World Commission on Environment and Development
- v Draws from Procurement Policy information provided from several Victorian Councils, as well as comments received during the MAV Procurement Policy Workshops in April 09.
- vi Based on MAV workshop slides – April 09 complemented from information provided from several Victorian Councils.
- vii Based on Procurement Policy information received from several Victorian Councils
- viii Indicative amounts, individual councils will insert their own values.

NOTICE OF MOTION – Cr J Doull

REALLOCATION OF FUNDS

The Sea Breeze Estate Project (Project # D61114) was to explore issues related to conservation in Indented Heads. Unfortunately this project has been unable to progress.

It is therefore proposed that Council re-allocate \$10,000 of the unspent funds as follows:

- A Council contribution of \$10,000 towards the Geelong to Ballarat Railway 150th Anniversary Celebrations. It is proposed that a Civic Ceremony be held at Geelong Railway Station on Tuesday 10 April 2012 to mark the 150th anniversary of the opening of the railway between Geelong and Ballarat. Following the Civic Ceremony it is proposed that a heritage train depart Geelong Railway Station for Ballarat with a number of planned activities which celebrate our iconic railway stations at Geelong and Ballarat. The \$10,000 will be applied to the cost of providing a heritage train to mark the occasion. The anniversary celebration is supported by the Department of Transport, V/line, VicTrack, City of Ballarat, Golden Plains and Moorabool Shires.

Cr Fisher moved, Cr Abley seconded -

That Council support the following reallocation of funds within the 2011/2012 budget:

Ward	Project	Allocation
Coryule	Indented Head Sea Breeze Conservation Plan.	-\$10,000
Coryule	150th Anniversary of the opening of the Geelong- Ballarat Line.	\$10,000

Carried.

NOTICE OF MOTION – Cr Jan Farrell

SUBMISSION TO THE VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR REGULATION

Background

Council has received notification from the Victorian Commission for Gambling and Liquor Regulation (VCGLR) that it has received an application from PJ Cook Investments Pty Ltd to establish a gaming venue with 40 electronic gaming machines (EGMs) at the Fyansford Hotel. The applicant has also submitted to Council for a planning permit to develop and extend the Fyansford Hotel to include an enlarged bistro, sports and lounge bar, accommodation facility and a gaming venue.

In accordance with the legislation, Council was required to inform the VCGLR by Monday 26 March as to whether it would lodge a submission in response to the application. A full submission must be lodged by 17 April 2012.

Council's current strategic gaming policy could suggest that due to Fyansford's relative social advantage that locating gaming machines in this area would be acceptable. However, Council's policy also suggests that a social impact assessment should inform any position by Council on these matters. To date Council has no information as to whether the local community would support or otherwise the introduction of gaming machines into an area where there are currently none.

Therefore notification was given to the VCGLR on Thursday 22 March that Council would lodge a submission in response to this application.

Cr Farrell moved, Cr Fisher seconded -

That Council endorses the actions of the Manager of Community Development in sending a letter to the VCGLR on 22 March 2012, informing the Commission that Council will lodge a submission in response to the application by PJ Cook Investments Pty Ltd, for the establishment of a gaming venue with 40 EGMs at the Fyansford Hotel.

Carried.

Cr Farrell tabled a Report to Council in relation to the Fourth International Gambling Conference, which she attended in Auckland, New Zealand on 22-24 February 2012.

COMMON SEAL REGISTER

Cr Macdonald moved, Cr Richards seconded -

That the following documents be signed and sealed by Council.

Carried.

1. SECTION 173 AGREEMENT BETWEEN GREATER GEELONG CITY COUNCIL AND MATHIAS NOMINEES PTY LTD FOR 582-660 BANKS ROAD, MARCUS HILL

Portfolio:	Planning – Cr Macdonald
Source:	Economic Development, Planning & Tourism
General Manager:	Peter Bettess
Property:	582-660 Banks Road, Marcus Hill
Application No:	795/2010/A

Officers' Comments

This Agreement pursuant to Section 173 of the Planning and Environment Act 1987 was required by Condition 28 of Planning Permit No. 795/2010/A issued on 19 March 2011 which allowed a multi-lot subdivision (11 lots) and removal of vegetation.

The purpose of the Agreement is to register a native vegetation offset in accordance with the Native Vegetation Offset Plan endorsed as part of the permit. Prior to issue of Statement of Compliance, the applicant must enter into the registered on-title agreement to the satisfaction of the Responsible Authority.

This Agreement has been peer reviewed by one of Council's panel solicitors.

Owner's Obligations

The Owner covenants, acknowledges and agrees with Council that it will implement the Net Gain Offset Management Plan on the Subject Land at all times to the satisfaction of Council (and having regard to any comments of the Department of Sustainability and Environment).

Council Obligations

Nil.

2. SECTION 173 AGREEMENT BETWEEN GREATER GEELONG CITY COUNCIL AND 235 FELLOWS ROAD PTY LTD FOR 231-239 FELLOWS ROAD, POINT LONSDALE

Portfolio:	Planning – Cr Macdonald
Source:	Economic Development, Planning & Tourism
General Manager:	Peter Bettess
Property:	231-239 Fellows Road, Point Lonsdale
Application No:	795/2010/A

Officers' Comments

This Agreement pursuant to Section 173 of the Planning and Environment Act 1987 was required by Condition 29 of Planning Permit No. 795/2010/A issued on 19 April 2011 which allowed a multi-lot subdivision (11 lots) and removal of vegetation.

The purpose of the Agreement is to register that any future dwellings within the subdivision must have a minimum floor level of 2.35m AHD. Prior to the issue of a Statement of Compliance, application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act.

This Agreement has been peer reviewed by one of Council's panel solicitors.

Owner's Obligations

The Owner covenants, acknowledges and agrees with the Council that all Dwellings constructed upon the Subject Land will have a minimum floor level of 2.35 metres AHD.

Council Obligations

Nil.

3. TRANSFER OF LAND AND S173 AGREEMENT: GREATER GEELONG CITY COUNCIL TO PALMER AND GIBBIE, 1-9 MAITLAND STREET GEELONG WEST

Portfolio:	Finance – Cr Harwood
Source:	Corporate Services – Corporate Strategy and Property Management
General Manager:	Jeff Wall
Property:	1-9 Maitland Street, Geelong West

Officers' Comments

The statutory procedures for the sale of 53m² of Council owned land located at 1-9 Maitland Street, Geelong West have been completed including the giving of notice under s189 of the Local Government Act with no submissions being received. The sale of the land has been carried out under the delegation of the CEO.

The land is to be sold to Todd Palmer and Tania Gibbie being the owners of adjacent land at 12 Wellington Street for a sum being the Council's valuation. The land to be sold is land locked, zoned Residential 1 and is currently fenced into the purchaser's land.

A s173 Agreement will be registered on both the purchaser's land and the Council's land requiring the purchaser to consolidate the land to be purchased with their principle title.

The Transfer of Land and the s173 Agreement have been prepared by the Council's solicitors.

Owner's Obligations

The owner is required to pay the purchase price plus Council's costs, and to consolidate the land with their principle title.

Council's Obligations

The Council is required to provide its title.

ASSEMBLY OF COUNCILLORS RECORD

Portfolio: Democracy and Governance – Cr Mitchell
Source: Corporate Services
General Manager: Jeff Wall

Summary

- Section 80A (2) of the Local Government Act 1989 requires the record of an Assembly of Councillors be reported to the next practicable Ordinary Meeting of Council.
- A record of Assembly of Councillors meeting(s) is attached as an Appendix to this report.

Cr Macdonald moved, Cr Abley seconded -

That the information be received.

Carried.

RECORD OF ASSEMBLIES OF COUNCILLORS
(Council Meeting 27 March 2012)

Assembly Details	Councillor Attendees	Officer Attendees	Matters Discussed	Conflict of Interest Disclosures
Waste Strategy Project Control Group 24 January 2012	Cr Richards, Nelson, Doull	S Griffin (CEO) G Van Driel (GM) S Middleton (CO ORD) M Dougall (ACT MGR) S Adams (CO ORD)	- CoGG Waste Management Strategy – Discussion Paper - Green Waste Strategy - Corio Landfill Closure – update - SMEC Presentation – November 2011 - Carbon Tax Consequences - Secondhand Saturdays	Cr Richards declared an Indirect Interest in any discussion regarding Bartletts Environmental.
Disability Advisory Committee 19 March 2012	Cr Fisher	K Pritchard (MGR) C Carlyon (OFF) S Muratti (OFF)	- Presentation by Victorian Taxi Directorate - Gelong Taxi Network – Wheelchair Accessible Taxis Drop off points - Victorian State Disability Plan Timeline and Consultations - Local Government Strategic Framework: MAV and Office for Disability progress on Civic Participation and Inclusive Consultation - Shared Pathways Update - Assistive Listening Systems - Victorian Disability Advisory Council Visit - St Leonard's Lake and Charles McCarthy Reserve Plan – Men's Shed - Barwon Heads Village Park Master Plan	Nil.
Budget Briefing 19 March 2012	Cr Abley, Farrell, Fisher, Granger, Harwood, S Kontelj, Macdonald, Richards	S Griffin (CEO) P Bettess (GM) G Van Driel (GM) D Frost (GM) J McMahon (GM) J Wall (GM) M Kelly (MGR)	- Revaluation Analysis - Rating Strategy Discussion - Carbon Tax Implications - Community Priorities	Cr Harwood declared a Conflict of Interest in relation to the Alternate Waste Technologies and left the room prior to discussion of the item. Cr Abley declared a Conflict of Interest in relation to the Rating Charitable Housing (Uniting Church in Australia Property Trust and Capital Project: Capital Cricket Upgrade – Murgheboluc Cricket Club. Neither of these items was discussed. Cr Granger declared a Conflict of Interest in relation to the Properties with Transition Rebate (St Laurence Community Services). Item not discussed.

Councillor Briefing 20 March 2012	Crs Abley, Fisher, Granger, Harwood, E Kontelj Macdonald, Nelson, Richards	S Griffin (CEO) D Frost (GM) J Wall (GM) J McMahon (GM) P Bettess (GM) G Van Driel (GM) T Demeo (MGR) J Van Slageren (MGR) M Dougall (ACT MGR) R Munn (OFF) T Hellsten (CO ORD) S Levakis (OFF) R Bourke (CO ORD)	• Palais Planning Permit Application • G21 Regional Growth Plan Update – Phase 3: Draft Regional Growth Plan • Hardwaste Initiatives – Presentation • G21 Regional Economic Development Strategy • Fyansford Hotel Approval for Gaming Premises Application • Central Geelong Laneways Project • Procurement Policy • Council Policy – Swim, Sport and Leisure Services	Cr Harwood declared a Conflict of Interest in relation to the Palais Planning Permit Application and left the room prior to discussion of the item.
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CLOSE OF MEETING

As there was no further business the meeting closed at 8.08pm. Tuesday, 27 March 2012.

Signed: _____
Chairperson

Date of Confirmation: _____