

MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 10 July 2012

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

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, GEELONG
TUESDAY, 10 JULY 2012
COMMENCING AT 7.05 P.M.**

PRESENT: Cr J Mitchell (Chair), Crs B Abley, J Doull, J Farrell, K Fisher, C Granger, B Harwood, E Kontelj, S Kontelj, R Macdonald, R Nelson, A Richards*(7.42pm)

Also present: S Griffin (Chief Executive Officer), J Brown (Acting General Manager Corporate Services), P Bettess (General Manager Economic Development, Planning and Tourism), S Cavanagh (General Manager Projects, Recreation and Central Geelong), G Van Driel (General Manager City Services), J McMahon (General Manager Community Services), R Bourke (Governance Co ordinator), J Merlo (Senior Media Officer)

OPENING: The Mayor declared the meeting open at 7.05pm

ACKNOWLEDGEMENTS:

The 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: Nil.

CONFIRMATION OF MINUTES:

Cr Abley moved, Cr Harwood seconded -

That the Minutes of the Ordinary Meeting held on 26 June 2012 be confirmed and signed.

Carried.

DECLARATIONS OF CONFLICTS OF INTEREST:

Cr Fisher declared a Conflict of Interest in Agenda Item 3, Windsor Park Master Plan 2012, in that her residence backs on to Windsor Park.

Cr Farrell declared a Conflict of Interest by Close Association in Agenda Item 2, Planning Permit Application 1587/2011 for 41-79 Curlewis Road, Curlewis in that the applicant is known to her. Mr Murray employed her son during his carpentry apprenticeship and she worked with him some years ago.

Cr S Kontelj declared a Conflict of Interest by Close Association in Agenda Item 1, Rippleside – Amendment to Planning Permit, in that his sister has purchased a property in Balmoral Crescent, North Geelong.

DECLARATIONS OF CONFLICTS OF INTEREST (CONT'D)

Cr E Kontelj declared a Conflict of Interest by Close Association in Agenda Item 1, Rippleside – Amendment to Planning Permit, in that his sister has purchased a property in Balmoral Crescent, North Geelong.

The Chief Executive Officer declared an Indirect Interest by a Conflicting Duty in the Notice of Motion relating to Funding Cuts at the Gordon TAFE, in that he is a Member of the Gordon TAFE Board.

Cr Fisher declared an Indirect Interest by Close Association in the Notice of Motion relating to Funding Cuts at the Gordon TAFE, in that she is a student of the Gordon TAFE.

QUESTION TIME:

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

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

The following questions were asked in relation to the *Rippleside Quay Development*:

Pauline Seitz asked:

1. Could Council please outline to the residents of Rippleside and of Geelong, the principles of urban planning and civic management which have indulged a developer who has so spectacularly failed to deliver what was promised?
2. Are these principles to be seen as a precedent for the way Council will approach future planning decisions for the City?

The Mayor responded that he can't pre-empt what the debate will be about tonight, but indicated the questions will most likely be addressed during the debate.

Peter Bettess responded that we are not talking about urban design principles, but about how the planning law is written. It is up to VCAT to extend that period or request the applicant to obtain another permit.

Margaret Huber asked:

1. How and when does an application for amendment to plan become a new application and what criteria do you apply when deciding what is an amendment and what is a new application?

Peter Bettess responded that it is not the Council's decision but rather the decision of VCAT. The applicant has a right to further approach VCAT.

QUESTION TIME (CONT'D)

2. How long do you consider it to be a fair and reasonable time for an applicant to hold a planning permit?

Peter Bettess responded that Council officers are concerned about the extension of time that's been allowed and will be discussed during debate this evening.

Pam McGrath asked:

As the applicant has had approval to build since 1998 and given the significant material differences in the current application to that approved by VCAT (Permit 647/2004/A) on 28 February 2005, will Councillors give an undertaking that they will support the recommendation of its planning officers that development of the subject site should be subject to a 'fresh' application rather than just another amendment that is 'generally in accordance with' the existing permit?

The Mayor responded that he can't pre-empt the debate but questions would be addressed during debate this evening.

The original C2 Amendment was gazetted to the Greater Geelong Planning Scheme on 8 March 2001, when the site was zoned a Comprehensive Development Zone.

- a) Is my understanding correct that each time the permit lapses the C2 Amendment also lapses?
- b) In view of Trendcorp's inability to comply with Amendment C2, would Council give consideration when the permit lapses again early next year to the land being considered for alternative uses?

Peter Bettess responded, 'no it doesn't lapse'.

Can Council please explain who will be held accountable for compliance with the requirements of Schedule 2 of the Comprehensive Development Zone, Environment Audit Overlay, Rippleside Urban Design Guidelines and ResCode?

Peter Bettess responded the owner of the land is responsible.

Peter Jager asked:

What action has or will Council take to protect the park patrons, nearby residents and Geelong community from this, as Robert Doyle would describe, 'bombsite' similar to the City's embarrassing and purulent ulcer of the Ritz Flats?

The Chief Executive Officer responded that the issues you have identified in relation to dumping of rubbish, etc will require Council to follow through with Local Laws and the relevant authorities.

Jennifer Bantow asked questions in relation to the 1850's property at No1 Mercer Place, Geelong:

As I am not familiar with the current Ministerial Interim Preservation Overlay process, could you please be able to let me know what has happened since 12 June in relation to the Minister for Planning being requested by Council to apply an interim preservation overlay on this property until its significance can be assessed?

QUESTION TIME (CONT'D)

- a) Has the request to the Minister been processed yet?
- b) How long may the process take until a reply is heard from the Minister's Office?
- c) If the request is successful then what happens next to determine the significance?
- d) Is the owner advised?
- e) Is there anything the National Trust can do to help?

Peter Bettess responded that as far as he was aware the letter had been processed and he has spoken to the local regional office.

My understanding is there is no application to demolish this property and that the Minister would seek advice from Heritage Victoria.

Cr Granger responded that dependent on the Minister's advice he would move quickly to lodge a heritage overlay on the property.

PETITIONS:

Cr S Kontelj presented petition signatures as a result of the City initiating a petition addressed to the Prime Minister of Libya Abdurrahim El-Keib respectfully requesting the immediate sale release of detained Australian lawyer, Melinda Taylor. Ms Taylor has since been released. Cr S Kontelj thanked all those involved in providing support to the petition.

Cr S Kontelj delcared a Conflict of Interest by Close Association in Agenda Item 1, Rippleside – Amendment to Planning Permit, in that his sister has purchased a property in Balmoral Crescent, North Geelong, and left the meeting room at 7.22pm, prior to discussion.

Cr E Kontelj delcared a Conflict of Interest by Close Association in Agenda Item 1, Rippleside – Amendment to Planning Permit, in that his sister has purchased a property in Balmoral Crescent, North Geelong, and left the meeting room at 7.22pm, prior to discussion.

1. RIPPLESIDE – AMENDMENT TO PLANNING PERMIT

Portfolio:	Planning – Cr Macdonald
Source:	Statutory Planning – City Development
General Manager:	Peter Bettess
Index Reference:	Application 647/2004/B

Summary

- Planning Permit 647/04 was issued by the Victorian Civil and Administrative Tribunal (VCAT) on 28 February 2005. This permit has been extended by VCAT and is still valid. The development must now commence by 28 February 2013 and must now be completed within six years of the date of commencement.
- The permit allowed the redevelopment of the site with a convenience shop, restricted recreation facility, marina and more than 98 dwellings (178 dwellings).
- An application has been made to amend the Planning Permit. As the original Planning Permit was issued by VCAT, it is required to decide upon an amendment to the permit.
- VCAT previously directed that the application should be advertised. A number of nearby residents have since become a party to the proceeding.
- A hearing to consider the merits of the amendment is scheduled for three days beginning 23 July 2012. The amendment seeks to create a number of super lots which do not strictly accord with the positioning of buildings that were approved in the original permit, but are generally in the positions of these buildings. The amendment would also allow the further subdivision of the super lots into smaller residential sized allotments.
- A Masterplan Lot Schedule is proposed to be a restriction on the further subdivision of the land, with the Schedule setting out the minimum/maximum number of lots which can be achieved from each super lot and the minimum/maximum frontage for each lot.
- It is also proposed to restrict the height of development which is undertaken on the lots. The height restrictions appear to be designed to reflect the approved development under the original planning permit.
- The total number of lots which can be developed on the site will be restricted to 124 lots, with only a single dwelling allowed on each lot.
- The site is zoned Comprehensive Development Zone– Schedule 2 (CDZ2) and is subject to an Environmental Audit Overlay (EAO). The purpose of the zone is to encourage the development of the site in a manner which complements and enhances the area. There are two Incorporated Documents referred to in the schedule which inform the development and subdivision of the site.
- The purpose of this report is to form Council's position on the amendment so as to inform Council's submission to VCAT at the forthcoming hearing.

1. RIPPLESIDE – AMENDMENT TO PLANNING PERMIT (CONT'D)

- It is recommended that Council should generally support the application at the forthcoming VCAT hearing subject to the satisfactory resolution of the matters outlined in the Recommendation.

Cr Macdonald moved, Cr Abley seconded -

That the Responsible Authority considers the proposed amendment of Planning Permit 647/2004 is inappropriate based on the following ground:

- 1. The subdivision of the super lots into smaller allotments is inappropriate and will result in lots being created which are less than 300 square metres in area and a poor urban design outcome.**
- 2. The subdivision will unreasonably reduce views beyond what has been approved by Planning Permit 647/04 and the Rippleside Comprehensive Development Plan, 2000.**
- 3. To ensure a good urban design outcome for the site, an integrated development should be submitted for the site which would allow Council to properly assess views, energy efficiency, urban design and visual appearance and to ensure that the site is developed in a co- manner that complements and enhances the area. The approval of an integrated development for the site will ensure that lots are not created which may be difficult to develop in the future.**
- 4. It is not appropriate to stage the provision of the Waterside Pedestrian Link.**
- 5. The proposal is a significant change from that approved and should be a new application rather than an amendment.**

Carried.

Report

Background

The site and surrounding area

The Rippleside Shipyard site occupies a 2.8 hectare parcel of reclaimed land that extends out from the escarpment or cliff below Balmoral Crescent. It is located between the beaches of St Helen's Park to the north and Rippleside Park to the south. Access to the site is provided via Liverpool Street.

The site is currently developed with a number of industrial buildings and sealed areas, with a jetty located to the east of the site extending over the water. An escarpment is located to the west of the site, apart from the escarpment the site falls towards the bay, with a fall of around 3.5 metres from west to east.

A number of large dwellings have been developed along the cliff top in Balmoral Crescent and these dwellings are designed to capture the views available of the coast and the ocean.

A Locality Map is provided at Appendix 1-1.

A summary of the applicable planning controls is provided at Appendix 1-2.

1. RIPPLESIDE – AMENDMENT TO PLANNING PERMIT (CONT'D)

History of the site

In the 1990's the Port of Geelong determined that the shipyard, other than as a berth for its tug boats, was surplus to its needs and sold the site to the permit applicant. The permit applicant has also obtained a lease over the Crown land of the seabed under the jetty. The resultant site also includes the foreshore area in front of the site.

Following gazettal of Amendment R245, the land, other than the jetty, was rezoned to Comprehensive Development Zone– Schedule 2 (CDZ2) and an Environmental Audit Overlay was applied to the land. The Comprehensive Development Zone was put into place to ensure the integrated redevelopment of the site which is sympathetic to the surrounding residential and recreational environment.

A Planning Permit (PP647/04) which sought the redevelopment of the site was lodged with Council in May 2004. A total of 100 objections were lodged in relation to the development, along with 65 submissions in support of the proposal. Council failed to make a decision on the application within the time prescribed by the *Planning and Environment Act 1987*, and an application was made to VCAT. Ultimately VCAT supported the application which allowed for the redevelopment of the site with a convenience shop, restricted recreation facility, marina and more than 98 dwellings (178 dwellings).

The Planning Permit has since been extended by VCAT and is still valid. The development must now commence by 28 February 2013 and must now be completed within six years of the date of commencement.

Proposal

An application has been made to amend the Planning Permit. As the original Planning Permit was issued by VCAT, they are required to decide upon an amendment to the permit.

The amendment seeks to create nine super lots which do not strictly accord with the positioning of buildings that were approved in the original permit, but are generally in the positions of these buildings. The amendment would also allow the further subdivision of the super lots into smaller residential sized allotments.

A Masterplan Lot Schedule is proposed to be a restriction on the further subdivision of the land, with the Schedule setting out the minimum/maximum number of lots which can be achieved from each super lot and the minimum/ maximum frontage for each lot.

It is also proposed to restrict the height of development which is undertaken on the lots. The height restrictions appear to be designed to reflect the approved development under the original planning permit.

The total number of lots which can be developed on the site will be restricted to 124 lots, with only a single dwelling allowed on each lot.

The plan of the proposed superlots is included at Appendix 1-3.

The specifics of the Masterplan Lot Schedule and Masterplan Floor Level and Height Schedule are included in Appendix 4.

It is also proposed to retain the ability to construct Buildings A and H in the manner contemplated by the original permit. Building H is located in the south western corner of the site adjacent to Balmoral Crescent, while Building A is located to the north of the site. In addition, the marina component of the application would be retained, as would the construction of the waterside pedestrian link.

1. RIPPLESIDE – AMENDMENT TO PLANNING PERMIT (CONT'D)

The permit applicant has submitted draft permit conditions to VCAT; however it is considered that these would require further modification. The draft conditions can be seen at Appendix 1-5.

Discussion

Assessment

Key Planning Considerations

It is considered that the amendment could be supported, provided that the matters listed below are adequately addressed:

- The timing of the further subdivision of the proposed super lots in circumstances that lots less than 300m² would result having regard to Clause 56.04-2 (Lot Area and building envelopes objective), and the potential difficulties associated achieving an appropriate design solution that responds to the Rippleside Urban Design Guidelines given the disparate ownership of these lots.
- Further clarification of lot sizes given apparent anomalies in the scaling of the plans and, in particular, the depth of Block B.
- Further and proper analysis of views to ensure views will not be unreasonably reduced having regard to Planning Permit 647/04 and the Rippleside Comprehensive Development Plan, 2000.
- Clarification of what the permissions are intended in the amended permit in relation to the future construction of buildings on the land (other Building A and H).
- Ensuring appropriate permit conditions that adequately address these matters, as well staging, the timing of infrastructure provision, supplementary reports and the waterside pedestrian link as part of Stage 1 of the subdivision of the land.

Timing of subdivision and size of lots

The application seeks approval to create superlots and also to allow the further subdivision of these lots in accordance with a Masterplan Lot Schedule. The Schedule sets out frontages which can be achieved in the further subdivision of the superlots, allowing lots to have frontages of between 5.5 metres and 9.5 metres and depths of 25-30 metres. In every case this would result in the creation of lots which are less than 300 square metres in area.

The objectives and standards of Clause 56 (Subdivision) apply to the assessment of this application. It is noted that Clause 56.04-2 (Lot area and building envelope objective) sets out to ensure that lots are provided with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and retention of significant vegetation and site features. It specifically states that an application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows:

1. RIPPLESIDE – AMENDMENT TO PLANNING PERMIT (CONT'D)

- That the lots are consistent or contain building envelopes that is consistent with a development approved under this scheme, or
- That a dwelling may be constructed on each lot in accordance with the requirements of this scheme.

No such information has been submitted. In creating new lots, it would be typical to require that the lots can accommodate a building envelope of 9 metres by 15 metres and this cannot be achieved on lots which are proposed to be created.

Concern is raised in relation to the ability of these small lots to be developed with high quality dwellings that achieve a reasonable amenity outcome, especially in circumstances where piecemeal development might result that would include a multiple level, terraced form. The east-west orientation of many of the superlots lots is noted.

It is not considered appropriate to allow the further subdivision of the superlots without the prior approval of the development proposed for the lots or, at the least, a significant proportion of a superlot. That is, via a separate planning permit. It is suggested that the further subdivision of the lots should then reflect the approved development.

It is also noted that the plans showing the superlots are not to scale and discrepancies in the lot sizes appear to exist. For example, Block B is shown in the Masterplan Lot Schedule as having a depth of 30 metres. However, its depth appears less than other Blocks. This may impact upon lot size, the road network and views.

Clarification of what permissions are sought through the permit

On close reading of the permit preamble and the conditions which have been proposed by the permit applicant, it appears that the application also seeks permission for the development of dwellings on the further subdivided lots. As stated, such an approach is not supported. However, it is not known whether this was intended by the applicant.

Urban Design Outcomes

As stated, it is recommended that Council's position to VCAT should be that the future development of the lots should be subject to a 'fresh' application. The provisions of the CDZ2 are such that all buildings and works must be generally in accordance with the Rippleside Urban Design Guidelines, 2000 (RUDG). The RUDG is an Incorporated Document of the Planning Scheme.

The Urban Design Guidelines document is divided into three parts; Context Analysis, Urban Design Framework and Detailed Guidelines. The Detailed Guidelines seek to address issues of detailed design within the parameters established by the urban design framework and are directed towards ensuring that any development does not have unreasonable detrimental impacts on the surrounding community, will be functional and safe, is of a high urban and architectural quality and addresses existing site conditions.

1. RIPPLESIDE – AMENDMENT TO PLANNING PERMIT (CONT'D)

The RUDG is a detailed document which addresses the issue of urban design in relation to the parameters established by the Urban Design Framework. It promotes:

- An urban village concept;
- Buildings developed in an attached, terraced form and to break up the building mass so as to create attractive and interesting facades;
- Innovative, contemporary architecture;
- A fine grain of subdivision to establish a diverse built form;
- Variation of building height;
- Provision of balconies;
- Provision of garaging which is incorporated into the dwellings and accessed from the rear;
- Roof forms which are simple mono pitch, duo pitched (preferably asymmetrical) or curved forms, incorporating eaves;
- Engaging a qualified architect to design all buildings and incorporate innovative, contemporary design;
- Incorporation of architectural features which unify the development and express a maritime theme;
- External walls which are predominantly rendered masonry, with the remainder clad in a single material;
- Finish external walls in muted colours, predominantly off white, pastel or earth tones using one colour for all or the majority of the rendered surface.
- Roofing which is clad in tiles, slate or metal to avoid high reflectivity;
- Use off white, pastel or earth tones for roof colours.

The lots which can be created under the Masterplan Lot Schedule are in all cases less than 10 metres in width, which limits the scope of design solutions for these lots. The number of individual lots and stand-alone developments limits the ability for an integrated design solution for the entire site that adequately respond to the RUDG.

Zone

The CDZ2 seeks to facilitate the development of the site with a development which is sympathetic to the surrounding residential and recreational environment and provides linkages with surrounding open space networks.

At issue is whether the subdivision of the site first into super lots and then into smaller lots would achieve the purposes of the zone. At this stage, the future development of the lots is unknown, however the approval of the subdivision of the land will set parameters into which development can be undertaken. As set out above, the Masterplan Lot Schedule allows for the creation of long narrow lots which can have frontages of between 5.5 metres and 9.5 metres, restricting the type of development which can be undertaken on each lot.

Views

Views and view corridors have consistently been a contentious issue with this site. An analysis of views did not form part of the amendment material.

Presumably, this is because the applicant considers that the super lots are designed to reflect the location of the buildings which were approved under Planning Permit 647/2004, and because the Masterplan Floor Level and Height Schedule is designed to ensure that the maximum height of future development is restricted in line with the development which was approved under Planning Permit 647/2004.

1. RIPPLESIDE – AMENDMENT TO PLANNING PERMIT (CONT'D)

In determining Planning Permit 647/2004, VCAT made the following comment at Paragraph 31 of its decision:

We do however accept the argument put by Mr Finanzio that considerable weight should be given to the Comprehensive Development Plan envelopes as a primary measure or benchmark for determining the extent of built form that the respondent objectors should reasonably expect to have constructed within the view shed of their dwellings.

In approving Planning Permit 647/2004, VCAT accepted that the development was in accordance with the CDP.

However, when the siting of Blocks is checked against the approved development on the site, there are some instances where parts of the blocks, in particular Block G, Block C and K extend beyond the footprint of the development approved under Planning Permit 647/2004. In addition, the 'squaring off' of blocks associated with Block J ³/₄ and Block E could impact on the views available from the properties along Balmoral Crescent. In the case of these two blocks, areas which were undeveloped and which could provide a view corridor function could be developed with buildings and the view corridor opportunity lost.

There is some confusion about the heights which on the Masterplan are shown to Australian Height Datum (AHD), while on the endorsed plans in some cases are shown as Reduced Levels (RL). This is an issue which will need to be raised at VCAT. Assuming that the RLs relate to a height above sea level, the heights of the development have been checked against the Masterplan. There appears to be one discrepancy relating to Block D where the lower section of the building closest to the foreshore is shown on the plans at 9.7 RL, while the Masterplan shows the height as 13.5 AHD. This could impact on views and needs to be drawn to the attention of the Tribunal.

Appropriate permit conditions

Appropriate permit conditions will need to address the servicing of the site with the required infrastructure, provision of the waterside pedestrian link, provision of appropriate supplementary reports and staging of the subdivision.

It is noted that the application continues to provide the waterside pedestrian link, which is a positive outcome as this link will ultimately become an important piece of community infrastructure.

The provisions of the CDZ2 are such that the provision of the waterside pedestrian link must be completed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance for any stage of the subdivision. The permit applicant is seeking to stage the construction of the waterside pedestrian link, however this is not considered acceptable and is contrary to the CDZ2.

The draft amended permit that accompanied the application (Appendix 5) is written in a manner that facilitates the outcome sought by the permit applicant. Concern has been raised in relation to aspects of the amended proposal. Various amendments to conditions would be required to address these concerns.

1. RIPPLESIDE – AMENDMENT TO PLANNING PERMIT (CONT'D)

Environmental Implications

It is considered there are no environmental implications for Council associated with this application.

Financial Implications

It is considered that there will be no financial implications for Council associated with this application.

Policy/Legal/Statutory Implications

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

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.

Risk Assessment

It is considered that there will be no risk to Council associated with this application.

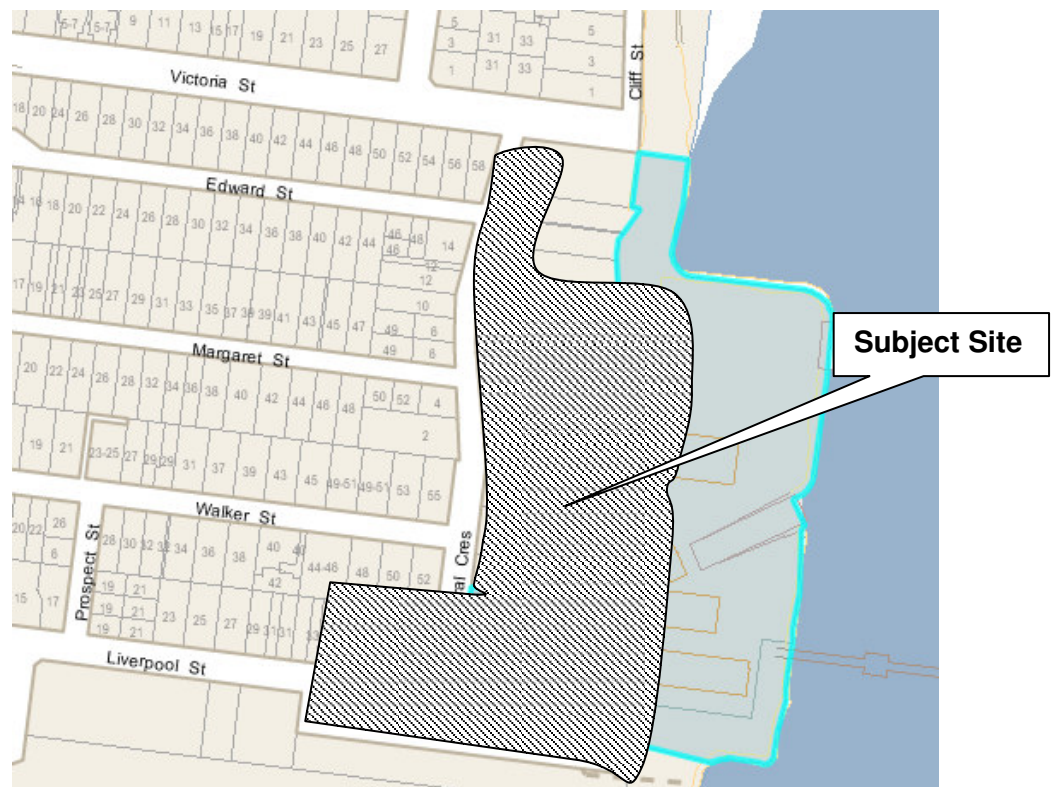
Social Considerations

It is considered that there will be no social implications for Council, however it is important to ensure that the waterside pedestrian link is provided as part of Stage 1 of the subdivision. This will ensure that the link is available for public use at an early stage.

Communication

The application was referred to various internal departments of Council for comment. None have raised concern with the application.

**Appendix 1-1
Locality Map**



1-3 BALMORAL CRESCENT, RIPPLESIDE

Appendix 1- 2

Greater Geelong Planning Scheme

Zone

Comprehensive Development Zone – Schedule 2

The subject site and is located in the Comprehensive Development Zone – Schedule 2. The purpose of the zone is:

- To facilitate the use, development and design of an urban environment that complements and enhances the area and provides linkages with the surrounding residential, community and open space networks.
- To provide for residential, recreational and boating facilities and activities in conjunction with small-scale commercial and tourism development.
- To provide for the integrated subdivision and redevelopment of the Rippleside Shipyards generally in accordance with the Rippleside Comprehensive Development Plan.
- To provide for development that is sympathetic to the surrounding residential and recreational environment, utilising the waterfront location and harbour infrastructure.

An application to subdivide land for residential development, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56

Overlay

Environmental Audit Overlay

The Environmental Audit Overlay applies to the site, the purpose of the 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 ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

Permit triggers

The planning permit triggers relevant to the amendment are:

Clause 37.02-3– Subdivision of land.

THE PLANNING POLICY FRAMEWORK

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.

13.01-1–Coastal inundation and erosion

Objective

To plan for and manage the potential coastal impacts of climate change.

13.03-2 Erosion and landslip

Objective

To protect areas prone to erosion, landslip or other land degradation processes.

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.

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.

15.01-3 Neighbourhood and subdivision design

Objective

To ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.

15.01-5 Cultural identity and neighbourhood character

Objective

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

15.02-1 Energy and resource efficiency

Objective

To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

16.01-1 Integrated housing

Objective

To promote a housing market that meets community needs.

16.01-4 Housing diversity

Objective

To provide for a range of housing types to meet increasingly diverse needs.

21.06-2 Urban growth

Objectives

- To limit urban sprawl by directing urban growth to designated urban growth areas.
- To improve housing affordability through the maintenance of appropriate urban land supplies, the promotion of competition in the housing market and the development of a diverse range of well located housing stock.

21.06-3 Urban consolidation

Objectives

- To provide for the consolidation of existing urban areas in a managed way.
- To encourage an appropriate range of development densities.
- To improve accessibility to urban services.

21.06-4 Neighbourhood character

Objectives

- 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.

**Appendix 1-3
Plan of Superlots**



Appendix 1-4

Masterplan Lot Schedule and Masterplan Floor Level and Height Schedule

Masterplan Lot Schedule

Lot Description	Min No of lots	Max No of lots	Min lot width	Max lot width	Lot Length
Block B	5	8	5.5	9.5	30.00
Block C	2	3	5.5	9.5	30.00
Block D	11	17	5.5	9.5	30.00
Block E	6	10	5.5	9.5	30.00
Block F	6	10	5.5	9.5	30.00
Block G	4	7	5.5	9.5	30.00
Block J1/2	6	8	5.5	9.5	30.00
Block J3/4	4	7	5.5	9.5	25.00
Block K	5	8	5.5	9.5	30.00
TOTAL	49	78			

*Denotes the maximum height, note some areas of this block are lower as per Masterplan A-DA-MP-003

Masterplan Floor Level & Height Schedule

Lot or Building Description	Min No of lots	Max No of lots	Min Floor Lvl	Max Height (AHD)
Building A	8	8	1.0 RL	14.2
Block B	5	8	1.2 RL	13.5
Block C	2	3	2.0 RL	13.3
Block D	11	17	1.0 RL	14.2*
Block E	6	10	2.6 RL	13.5
Block F	6	10	1.0 RL	14.2*
Block G	4	7	0.7 RL	13.5
Building H	38	38	3.0 RL	15.8
Block J1/2	6	8	1.0 RL	13.5
Block J3/4	4	7	1.0 RL	13.5
Block K	5	8	1.0 RL	13.6

Project:
RIPPLESIDE QUAY
Residential Development

At:
Rippleside
Geelong
VIC

For:
Trendcorp

March 2012

PLANNING PERMIT

Permit No. 647/2004/A

Planning Scheme Greater Geelong Planning Scheme

Responsible Authority Greater Geelong City Council

ADDRESS OF THE LAND

LIVERPOOL STREET, RIPPLESIDE

THE PERMIT ALLOWS

(RIPPLESIDE QUAY): USE OF THE LAND FOR A CONVENIENCE SHOP, RESTRICTED RECREATION FACILITY, MARINA AND MORE THAN 98 DWELLINGS, CONSTRUCTION OF BUILDINGS AND WORKS, INCLUDING BUILDINGS THAT EXCEED THE HEIGHTS SHOWN ON THE COMPREHENSIVE DEVELOPMENT PLAN), **STAGED SUBDIVISION**, AND VARIATION OF LOADING BAY REQUIREMENTS **PURSUANT TO CLAUSE 52.07**, GENERALLY IN ACCORDANCE WITH THE ENDORSED PLANS

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the development starts, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 to provide for the following:
 - (a) The staging construction and maintenance of the pedestrian waterside link, including the rock revetment and other public works authorised by this permit. The pedestrian link must be constructed generally in accordance with the link shown on the Landscape Concept Plan Drawing No. RCTTPLP00 submitted with the application and dated February 2004.
 - (b) An appropriate contribution towards the cost of the construction of road, drainage and other infrastructure to the land as required by the Responsible Authority and other relevant statutory authorities to implement the requirements of the conditions of this permit.
 - (c) An appropriate contribution towards the cost of construction of road facilities to accommodate traffic requirements resulting from the approved development.
 - (d) A contribution to cover the reasonable cost of the design and construction of a left turn at the intersection of Melbourne Road and Liverpool Street to provide for left turning vehicles travelling south along Melbourne Road to enter Liverpool Street and make their way to the development site.

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- (e) The permit holder/owner shall be responsible for the maintenance of the swing bridge for the life of this infrastructure. The agreement shall be worded such that this obligation transfers to the body corporate for the development site at the completion of all development works.

- (f) Maintenance arrangements for private and public areas within the development.

Before works commence on site, 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. The owner under this permit must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

2. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies provided. The plans must be generally in accordance with the plans [A-DA-MP-002 B, A-DA-MP-001 B, A-DA-A-101 to A-DA-A-105 \(inclusive\), A-DA-A-201, A-DA-A-202, A-DA-A-301, A-DA-H-101 to A-DA-H-105 \(inclusive\), A-DA-H-201, A-DA-H-202, A-DA-H-301, TP-WASTE-1, TP-B. CORP and TP-WASTE-1 \(all dated 9 March 2012\), Marine Service Specifications as endorsed by Council on 22 October 2007, 0560T A dated 9 March 2012, Lighting Specifications as endorsed by Council on 22 October 2007, ST-1B to ST-5B \(inclusive, all dated 9 March 2012\), Lot Schedule dated 9 March 2012 and A-DA-MP-003 dated 9 March 2012 as amended from time to time with the approval of the Responsible Authority, ~~submitted with the application~~ but modified to show:](#)

- (a) The re-design of Building H as shown on the attached plans prepared by Williams Boag Architects dated 24 March 2002 Revision F Sheets TPH01, TPH02, TPH03 and TPH04.
- (b) The provision of bicycle parking facilities within the development.
- (c) Storage areas and site facilities for [Buildings A and Hdwellings](#).
- (d) Colour codes which clearly delineate proposed body corporate areas and areas to be maintained by Council.
- (e) A centrally located bin close to the central courtyard area.
- (f) The provision of sewer pump out facilities, power and water, fire protection, in the boat harbour area.
- (g) Lighting in all public and communal open space areas provided within the site.
- (h) Details of the landscaping and fencing treatment along the frontage of Building H adjacent to Balmoral Crescent.
- (i) The staging for development works to be undertaken.
- [\(j\)](#) The incorporation of the existing entry gates into the development.

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3. Prior to the certification of the Plan of Subdivision for each stage (for the subdivision of Blocks B to G (inclusive) and J to K (inclusive)), a Plan of Subdivision must be submitted to and approved by the Responsible Authority. The Plan of Subdivision must be generally in accordance with the endorsed Masterplan A-DA-MP-002B but modified to reflect the creation of individual lots within those blocks generally in accordance with the endorsed Lot Schedule Masterplan. The Plan of Subdivision must also show the creation of restrictions that generally provide for the following, subject to the detailed wording being approved by the Responsible Authority:

a. RESTRICTION ONE

The registered proprietor or proprietors for the time being of any burdened land on this plan of subdivision shall not, without the permission of the Responsible Authority, construct or permit to be constructed any building (including a dwelling) and/or make any alteration to such a building (including a dwelling) or occupy any such building (including a dwelling):

A. that is not generally in accordance with the Rippleside Urban Design Guidelines June 2000 or any document that replaces it;

B. without dwelling plans first being approved by the Responsible Authority;

C. if that construction, occupation or alteration would result in the use and development of more than one dwelling on a lot;

D. unless that construction is completed within eighteen (18) months of the date of commencement of that dwelling;

E. unless the front or side setback of a dwelling (where applicable) is appropriately landscaped within six (6) months of the completion of that dwelling;

F. that exceeds the maximum height relevant to that building, as set out in Plan A-DA-MP-003 dated 9 March 2012 or any variation approved by the Responsible Authority;

G. that breaches the minimum finished floor level relevant to that building, as set out in Lot Schedule Document dated March 2012 and attached to this Plan of Subdivision;

H. that would result in contravention of the Lot Schedule Document dated March 2012 and attached to this Plan of Subdivision; and

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H. that does not provide the number of car parking spaces as required by the 'ResCode' provisions of the Greater Geelong Planning Scheme.

b. RESTRICTION TWO

Unless with the further written consent of the Responsible Authority or unless shown on the endorsed plans approved pursuant to Restriction Two:

a. No plant, equipment or services, satellite dishes or TV aerials may project above the building envelope height limit as set out in Plan A-DA-MP-003 dated 9 March 2012.

b. No structures including shade screens or pergolas may be constructed on or above any roof terrace that exceeds the building envelope height limit as set out in Plan A-DA-MP-003 dated 9 March 2012.

c. RESTRICTION THREE

Before development of any nature commences, a schedule of construction materials, external finishes and colours, incorporating samples, must be submitted to and approved by the Responsible Authority. Roof colours should be selected to address the potential for glare and various colours should be used to avoid the appearance of an homogenous colour scheme to the satisfaction of the Responsible Authority.

4. Prior to the certification of the Plan of Subdivision for Buildings A and H, a Plan of Subdivision generally in accordance with the following endorsed plans (as endorsed by Council on 22 October 2007), must be submitted to and approved by the Responsible Authority:

(a) For Building A: A-DA-A-101 to A-DA-A-105 (inclusive), A-DA-A-201, A-DA-A-202 and A-DA-A-301; and

(b) For Building H: A-DA-H-101 to A-DA-H-105 (inclusive), A-DA-H-201, A-DA-H-202 and A-DA-H-301.

5. Subdivision of Blocks B-G (inclusive) and J-K (inclusive) must not contravene the Lot Schedule Masterplan endorsed pursuant to this permit.

6. No lot may be used for more than one dwelling.

7. Unless otherwise approved by the Responsible Authority, the maximum number of dwellings on the site must be no more than 124.

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Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the planning permit. The plan must be drawn to scale with dimensions, and three copies provided, the landscaping plan must be generally in accordance with the landscape plans submitted with the application, except that the plans must show:

- (a) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- (b) No more than five tall evergreen trees to the west side of [Building Block B](#);
- (c) Confirmation that the mature height of species proposed for the escarpment will not extend more than 500mm above the top of the escarpment.
- (d) Delineation areas of planting the City will be responsible for maintaining.
- (e) As well as geotextile matting there must be soil stabilising plants included in cliff planting. This planting should incorporate *Dianella Revoluta* and *Acena Novaezealandiae*. The *Leptospermum Laevigatum* must be deleted from the cliff planting.
- (f) The foreshore grasslands planting must be replaced with *Dianella Rrvoluta* or *Facinia nodosa*.
- (g) The incorporation of deciduous trees in areas that need summer shelter from sun and winter solar access.
- (h) Clearer documentation of the court areas associated with Building H which has consideration of wind and heat. This area must include details of planting, weather protection and street furniture.
- (i) The planting of a number of semi mature trees on the site.
- (j) Location of street and park furniture, this should include benches and bike racks.
- (k) At least 20 percent of the site shall be set aside for permeable surfaces.

All species selected must be to the satisfaction of the Responsible Authority.

The landscape plan must indicate that an in-ground irrigation system is to be provided for all landscaped areas to be managed to the satisfaction of the Responsible Authority.

- [46.](#) Before the development starts a staging plan for the detailed design and construction of the pedestrian waterside link must be submitted to and approved by the Responsible Authority. All stages of the construction of the pedestrian waterside link must be completed to the satisfaction of the Responsible Authority in accordance with the approved staging plan.

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~~57. Before the development starts, a plan of consolidation incorporating the titles comprising the development site shall be submitted to Council. Upon certification, the consolidation plans shall be lodged with the Land Registry for processing and must not be withdrawn to the satisfaction of the Responsible Authority.~~

68. Before the development starts, an environmental management plan must be prepared to the satisfaction of the Responsible Authority. The environmental management plan must contain appropriate provisions for the environmental management of the development of the land, including:

- (a) Management of land disturbance.
- (b) Storage, minimisation, handling and disposal of waste, dangerous substances and industrial infrastructure on the land.
- (c) Noise and dust management.
- (d) Contingency and emergency response plan.

All buildings and works must be carried out in accordance with the environmental management plan to the satisfaction of the Responsible Authority.

79. Before the development starts, a geotechnical investigation in relation to Landslide Risk Assessment (LRA) of the subject site is required in accordance with the following criterion:

(a) Consultant Qualifications

- (i) The LRA report must be prepared by an appropriate professionally qualified geotechnical practitioner in accordance with the definition provided in the Australian Building Code Board guidelines as follows: A specialist Geotechnical engineer or engineering geologist who is degree qualified, is a member of a professional institute and who has achieved chartered status - being either Chartered Professional Engineer (CPEng) within the Institution of Engineers Australia, Chartered Professional Geologist (CPGeo) within the Australasian Institute of Mining & Metallurgy or Registered Professional Geoscientist (RPGeo) within the Australian Institute of Geoscientists - specifically with Landslide Risk Management as a core competency.

(b) Report details must be in accordance with the following requirements:

- (i) Plans and sections of the site to a minimum scale of 1:200 and related survey and field measurements with contours and spot levels to AHD. Key features are to be identified, including the locations of the proposed development, buildings, structures, retaining walls, roads driveways parking bays, landscaping features, stormwater drainage, subsurface drainage, water supply and sewerage pipes on both the subject site and adjoining sites.

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- (ii) Descriptions of the physical features of the site including geology, geomorphology, physiography including slope and topography, signs of past instabilities erosion, outcrops, existing vegetation.
 - (iii) Details of all site inspections and site investigations and any other appropriate information. A site inspection is required in all cases. Site investigation may require subsurface investigation involving bore holes, test pits or other methods necessary to adequately assess the geotechnical/geological model or the site. As such subsoil profiles, geological mapping and groundwater conditions are to be presented where available.
 - (iv) Photographs and drawings of the site and the related land adequately showing all geotechnical features referred to in the LRA report.
 - (v) Presentation of a geological/ geotechnical model of the site and related lands showing the proposed development, including an assessment of subsurface conditions taking into account different soil units including thickness of topsoil, residual soils, colluvium, landslide debris, depth to rock.
 - (vi) Checking of the stability of the existing escarpment by bore hole testing and include appropriate remedial and protection works.
 - (vii) All elements of landslide risk analysis including identification of all potential hazards which may impact on the development and hazards the development may produce, estimation of frequency of landsliding, estimation of the consequence of landsliding should it occur, estimation of the calculation or risk to property and life.
- (c) Risk assessment via risk evaluation should be in accordance with the following:
- (i) Undertaking of risk assessment through comparison of the calculated based on a semi-quantitative approach including a statement of the source of evaluation criteria, justification for the use of the adopted criteria and a statement of whether the site is suitable for the proposed development.
- (d) The report must contain the following elements:
- (i) Elements of risk management through the preparation of and implementation of risk treatment and risk mitigation plans to manage risk and monitor and maintain the development throughout the entire construction process.
 - (ii) Recommendations on design elements including footings, surface and subsurface drainage access roads, driveways, parking bays, excavations,

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cuts, fills, retaining walls, vegetation, effluent disposal and on-going site maintenance.

- (iii) Clear presentation of all subsurface information including borelogs, groundwater levels and any general notes and information provided to the client as part of the overall report recommendations.

All to the satisfaction of the Responsible Authority.

Design and development and all construction works must comply with recommendations of Geotechnical Investigation to the satisfaction of the Responsible Authority.

The endorsed plans must incorporate all the recommendations of the Geotechnical Investigation unless otherwise approved by the Responsible Authority. All works carried out pursuant to this permit must be undertaken in accordance with the recommendations of the Geotechnical report, unless alternate specific directions are provided in writing by the Responsible Authority.

810. Before the development starts, a certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or an environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

911. Before the development starts, functional layout plans for the access point onto Liverpool Street must be submitted to and approved by the Responsible Authority. The plans must provide design and construction details for the access point, including details of mitigating works required on Liverpool Street, but specifically:

- (a) LATM plan for Liverpool Street.
- (b) Scoping, concept design and full engineering design.
- (c) Restrictions and traffic devices required as a consequence of the development.
- (d) A TMP for movements within the curtilage of the site.

Upon the approval of formal plans as herein required all specified works shall be undertaken to the satisfaction of the Responsible Authority, and the reasonable costs of such works and the scoping, concept and full engineering design required by this condition shall be borne by the Permit holder.

1012. Before the development starts, the developer must submit a stormwater management plan to, and be approved by the Responsible Authority. The plan approved shall form

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part of this permit. The plan shall show how the stormwater is collected on site and discharged to Council's stormwater system. The plan must also address the control of run off, erosion, litter and sediment into the local drainage system and Corio Bay and shall incorporate water recycling systems and/or other appropriate water sensitive urban design initiatives on the site to the satisfaction of the Responsible Authority.

1113. Before the development starts, engineer designed drainage plans prepared at the developer's expense showing pits and pipe sizes, computations, finished surface and existing surface levels, creation of appropriate easements and connection to the existing Council drainage network for the disposal of stormwater from all roofed and sealed areas, including the use of an on-site detention system (if required) are to be submitted and approved by the Responsible Authority. An appropriate fee for checking of the engineering designs must be paid to the Council to the satisfaction of the Responsible Authority.

1214. Before the development starts, the permit holder must construct, at no cost to Council, drainage works between the subject site and the Council nominated legal point of discharge. Such drainage works must be designed by a qualified engineer and submitted to and approved by the Responsible Authority. Computations must be provided to demonstrate that the drainage system will not be overloaded by the new development.

1315. Drainage must be constructed in accordance with the endorsed drainage plan to the satisfaction of the Responsible Authority at the full cost of the Permit holder in accordance with staging agreed with the Responsible Authority.

~~14. Construction of the road works and drainage is to be supervised by Council representatives at various stages. An appropriate fee for the supervision must be paid to the Council to the satisfaction of the Responsible Authority. Arrangements for the maintenance of the completed road and drainage works to be vested with Council must be to the satisfaction of the Responsible Authority.~~

1516. Before the ~~buildings~~ Buildings A and H are occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must ~~be~~:

- (a) Constructed ~~to the satisfaction of the Responsible Authority.~~
- (b) Properly formed to such levels that they can be used in accordance with the plans.
- (c) Surfaces with fully sealed material, including asphalt, porous road pavement, coloured concrete, coloured patterned concrete, interlocking paving, bricks or other material ~~to the satisfaction of the Responsible Authority.~~
- (d) Drained and maintained ~~to the satisfaction of the Responsible Authority.~~

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- (e) Line marked to indicate each car space and all access lanes ~~to the satisfaction of the Responsible Authority.~~
- (f) Parking spaces for visitors allocated and marked.

Parking areas and access lanes must be kept available for these purposes at all times.

~~16~~17. Before the development starts, the permit holder must prepare and have approved by the Responsible Authority a management plan detailing how the management and allocation of accommodation for bicycles and car parking is to be carried out within the site. The approved management plan must be implemented to the satisfaction of the Responsible Authority.

~~17. Before the development starts, details of the methods and design to be adopted to prevent flooding within the lower ground car parks must be submitted to and approved by the Responsible Authority.~~

18. Before the development starts, the permit holder must submit a construction management plan for approval to the Responsible Authority. The management plan must provide details of:

- (a) Hours during which construction activity will take place.
- (a) Measures to control noise, dust and run off.
- (b) The location of where building materials are to be kept during construction.
- (c) Site security.
- (d) A staging plan for all construction phases included indicative dates for commencement and completion.
- (e) Intended access for construction vehicles.
- (f) Details of where construction personnel shall park.
- (g) Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on the site.
- (h) Details of site cleanliness and clean up regimes.
- (i) Measures taken to avoid pollution of waterways or drains including the collection/control of runoff, trapping of sediments and control of litter/rubbish.

When approved this construction management plan shall form part of this permit.

19. Before the development starts, an access report for Buildings A and H prepared by a suitably qualified person, demonstrating compliance with Clause 55.5-1 shall be submitted to and approved by the Responsible Authority.

Any reasonable recommendations for access to comply with Clause 55.01-1 must be incorporated into revised designs submitted for endorsement as part of this Planning Permit, and thereafter shall be constructed as part of the approved development to the satisfaction of the Responsible Authority.

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20. Before the development starts, a schedule of construction materials, external finishes and colours, incorporating samples, must be submitted to and approved by the Responsible Authority in relation to Buildings A and H. Roof colours for Buildings A and H should be selected to address the potential for glare and various colours should be used to avoid the appearance of an homogenous colour scheme to the satisfaction of the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.
21. Before the dwellings are occupied within ~~a stage of the development~~ Buildings A and H, the landscaping works ~~within that stage around each of those buildings, as~~ shown on the endorsed plans, must be carried out and completed to the satisfaction of the Responsible Authority.
22. The landscaping shown within common property and adjacent to the internal roads, on the endorsed plans, must be maintained to the satisfaction of the Responsible Authority.
23. All shared walking/ cycling paths must conform with the guidelines set out in the 'Guide to Traffic Engineering Practices- Bicycles' document to the satisfaction of the Responsible Authority.
24. Any trees planted alongside the shared pathway must be clearly visible, with reflective bollards placed on either side of the trees to the satisfaction of the Responsible Authority.
25. A 1m high handrail must be provided on the western side of the path on the approach to the northern boat harbour to the satisfaction of the Responsible Authority.
26. A kickboard or wheelstop must be provided on the eastern side of the path to the satisfaction of the Responsible Authority.
27. Signage must be provided along the shared pathway, particularly at the approaches to the swing bridge to indicate its location to the satisfaction of the Responsible Authority.
28. Not less than 20% of berths within ~~each stage of the~~ Rippleside Quay Marina ~~boat harbour~~ must be made available to the general public at all times to the satisfaction of the Responsible Authority.
29. No plant, equipment or services, satellite dishes or TV aerials, other than as shown on the endorsed plans may project above the roof line of ~~the~~ Buildings A and H without the further written consent of the Responsible Authority.

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30. Except with the further permission of the Responsible Authority no structures including shade screens or pergolas may be constructed on or above any roof terrace shown on the endorsed plans [in relation to Buildings A and H](#).
31. Provision must be made on the land for the storage and collection of rubbish and other solid waste associated with the commercial elements of the development to the satisfaction of the Responsible Authority. This area must be graded and screened from public view to the satisfaction of the Responsible Authority. All waste material not required for further on-site processing must be regularly removed from the site to the satisfaction of the Responsible Authority.
- ~~32. Except with the further approval of the Responsible Authority, the recreational area shown on the endorsed plans must not operate on a commercial basis for people who do not live within the approved development.~~
- ~~32~~³³. The loading and unloading of commercial goods from vehicles associated with commercial premises within the development must only be carried out on the land within the designated loading bay to the satisfaction of the Responsible Authority.
- ~~33~~³⁴. Exterior lights shall be installed in such positions so as to illuminate public areas to the satisfaction of the Responsible Authority.
- ~~34~~³⁵. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse impact on adjoining land.
- ~~35~~⁶. ~~No more than 10 seats shall be provided in the café without the further consent of the Responsible Authority.~~
- ~~37~~³⁶. All advertising signs shall be in accordance with the Greater Geelong Planning Scheme.
- ~~38~~³⁷. Water supply services must be provided to all dwellings in accordance with Barwon Water's requirements and Victorian Plumbing Regulations to the satisfaction of Barwon Water. Individual meters to serve the proposed dwellings are to be installed and inspected to the satisfaction of Barwon Water. Appropriate containment backflow devices are required to the satisfaction of Barwon Water.
- ~~39. A developer charge for water supply for the approved development must be paid to the satisfaction of Barwon Water.~~
- ~~40. A dimensioned plan showing the existing meter number and the location of the meter relative to the existing boundaries of the land must be submitted to Barwon Water. Private water service pipes are not permitted to cross allotment boundaries and must~~

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~~be plugged and abandoned at the boundaries of such allotments to the satisfaction of Barwon Water.~~

~~38~~41. The water main must be extended back to a nearby larger main together with an alternative connection to provide a dual feed into the development to the satisfaction of Barwon Water.

~~42. Sewerage services must be provided to all dwellings in accordance with Barwon Water's requirements and Victorian Plumbing Regulations to the satisfaction of Barwon Water. Individual allotment connection branches are to be provided and extended into each dwelling to the satisfaction of Barwon Water.~~

~~43. A developer charge must be paid for sewerage services to the approved development to the Satisfaction of Barwon Water.~~

~~39~~44. A separate sewer point to all dwellings must be provided in accordance with Barwon Water's requirements, Victorian plumbing regulations, and all relative statutory regulations to the satisfaction of Barwon Water.

~~45. A small pump station(s) constructed in accordance with Barwon Water requirements must be constructed at the cost of the developer to serve the development to the satisfaction of the Responsible Authority.~~

~~40~~46. The dredged areas approved by this permit must be maintained to the satisfaction of the Responsible Authority and the VRCA.

~~41~~47. Navigation aids on the pier wave screens and pontoons must be provided to the satisfaction of the VRCA.

~~48. The permit holder must provide an electricity supply to all dwellings in accordance with Powercor's requirements and standards to the satisfaction of Powercor.~~

~~49. The permit holder must rearrange, to the satisfaction of Powercor Australia Ltd, any existing private electric lines supplying installations within the subdivision. Such lines shall be constructed with underground cables.~~

~~42~~50. Contamination soils removed from the site including dredging material must be disposed of at a site licenced to accept contaminated soil to the satisfaction of the EPA.

~~51~~43. Only soils that meet the adopted site criteria must be used in the construction of the public walkway between Rippleside Park and St Helens beach to the satisfaction of the EPA.

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- ~~434~~52. An Environment Management Plan for approval for handling and drying of dredge material at the site must be approved by the EPA.
- ~~445~~53. All soils which do not meet the adopted site criteria must be removed, capped or treated before works are commenced at the site in accordance with the recommendations of the Environmental Auditor and to the satisfaction of the EPA.
- ~~456~~54. The permit holder must determine the presence or absence of acid sulphate soils prior to any works at the site. The Responsible Authority must be provided with an Environment Management Plan in accordance with EPA's Industrial Waste Management Policy should acid sulphate soils be identified at the site.
- ~~475~~55. The permit holder must provide the Responsible Authority with a management plan for erosion and sediment control during works at the site in accordance with Environmental Guidelines for Major Construction sites EPA publication 480, 1995.
- ~~485~~56. There must be a hydrant within 120m from the edge of the approved buildings (including obstructions) to the satisfaction of the CFA.
- ~~495~~57. Appropriate signage and compliance under the *Marine Act 1988*, particularly in relation to use of the beach areas, must be erected to the satisfaction of Parks Victoria.
50. Prior to certification of the Plan of Subdivision for each stage, drainage easements in favour of the City of Greater Geelong must be created on the Plan of Subdivision to the satisfaction of the Responsible Authority.
51. Prior to the issuing of a Statement of Compliance for each stage of the subdivision, an underground stormwater drainage system shall be constructed within easements and/or road reserves to cater for all lots, roads, streets and courts created by the subdivision and the surrounding developed and undeveloped area, all to the satisfaction of the Responsible Authority.
52. Prior to the commencement of works for each stage of the subdivision, engineer designed roadworks and drainage construction plans for that stage must be submitted to and approved by the Responsible Authority.
53. Prior to the issuing of a Statement of Compliance for each stage of the subdivision roadworks and drainage must be constructed in accordance with the approved plans and specifications to the satisfaction of the Responsible Authority.

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CONDITIONS OF PLANNING PERMIT «647/2004/A» CONTINUED

54. Prior to the issue of Statement of Compliance for each stage of the subdivision, street signs must be provided and placed for a stage of that subdivision to the satisfaction of the Responsible Authority.
55. Prior to the issue of a Statement of Compliance for each stage of the subdivision, street lighting must be provided within and abutting that stage of the subdivision to the satisfaction of the Responsible Authority and at the full cost of the subdivider to the satisfaction of the Responsible Authority.
56. The design and construction of the roadworks and stormwater drainage and any other new Council infrastructure must be approved and supervised by Council to the satisfaction of the Responsible Authority.
57. Prior to the issue of a Statement of Compliance for each stage, a fee of 3.25% of the cost of the works is to be paid to council for the checking and supervision of these works to the satisfaction of the Responsible Authority.
58. Prior to the relevant stage being placed on maintenance (Defects Liability Period), a maintenance bond of 5% of the cost of the works must be paid to Council and will be returned after successful completion of a three month maintenance period to the satisfaction of the Responsible Authority.
59. Unless with the written consent of the Responsible Authority, prior to the issue of Statement of Compliance for the fiftieth lot, all external road works associated with Condition 9 of the planning permit must be constructed to the satisfaction of the Responsible Authority.

Powercor Conditions

60. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with that Act.
61. The permit holder shall, to the satisfaction of Powercor:
- Provide an electricity supply to all lots or dwellings in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor. A payment to cover the cost of such work will be required to the satisfaction of Powercor. In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchaser will be so informed, to the satisfaction of Powercor.

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CONDITIONS OF PLANNING PERMIT «647/2004/A» CONTINUED

- ensure that any existing buildings or other installations on the land that are to be subdivided and are connected to the electricity supply are brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. Compliance must be arranged through a Registered Electrical Contractor to the satisfaction of Powercor.
- Set aside on the plan of subdivision any reserves and/or easements in favour of Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision to the satisfaction of Powercor. Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cable and access ways shall be provided to the satisfaction of Powercor. Such as lease shall be for a period of 30 years at a nominal rental with a right to extend the lease a further 30 years to the satisfaction of Powercor. Powercor Australia Ltd will register such lease on the title by way of a caveat prior to the registration of the plan of subdivision to the satisfaction of Powercor.
- Provide easements where easements have not been otherwise provided, to the satisfaction of Powercor, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000 to the satisfaction of Powercor.
- Obtain for the use of Powercor Australia Ltd any other easements external to the subdivision required to service the lots.
- Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

Barwon Water Conditions**General**

62. Creation of easements and/or reserves in accordance with Barwon Water's Land Development Manual over existing and proposed sewer mains, water mains, and sewer pump-station located or to be located in the subdivision in favour of and without cost to

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CONDITIONS OF PLANNING PERMIT «647/2004/A» CONTINUED

Barwon Region Water Corporation, to the satisfaction of Barwon Water. All easements in favour of Barwon Region Water Corporation shall be for "Pipelines or Ancillary Purposes", to the satisfaction of Barwon Water. It should be noted if further easements are required, following design of reticulation mains, the plan must be amended to add these easements without cost to Barwon Water prior to the issue of a statement of compliance for the subdivision, to the satisfaction of Barwon Water.

63. Any plan submitted under the Subdivision Act 1988 must be forwarded to Barwon Water under Section 8 of the Act, to the satisfaction of Barwon Water.

64. The creation of an Owners Corporation to encumber all lots within each stage of the subdivision, to the satisfaction of Barwon Water.

65. The certified plan must create implied easements under Section 12 (2) of the Subdivision Act, over all proposed existing water and sewerage works within the subdivision, to the satisfaction of Barwon Water.

Water

66. The payment of New Customer Contributions for each additional lot created and/or each additional metered connection for water supply within the subdivision, to the satisfaction of Barwon Water.

67. Reticulated water mains are required to service the proposed development, to the satisfaction of Barwon Water. A new water main to connect the first stage is to extend along Liverpool Street to the southern boundary of the site, to the satisfaction of Barwon Water. Provision for future extension of reticulated water mains to each stage will also be required, to the satisfaction of Barwon Water.

68. The provision and installation of individual water services to all lots or dwellings in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations, to the satisfaction of Barwon Water.

69. A dimensioned plan showing the location of existing meters, and the location of the meter relative to the existing boundaries, and its number, is to be submitted, to the satisfaction of Barwon Water. Private water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments, to the satisfaction of Barwon Water.

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CONDITIONS OF PLANNING PERMIT «647/2004/A» CONTINUED**Sewer**

70. The payment of New Customer Contributions for sewer for each additional lot created and/ or each additional metered connection within the subdivision, to the satisfaction of Barwon Water.

71. Reticulated sewer mains or a sewer main extension are required to service the proposed development, to the satisfaction of Barwon Water.

72. The provision of sewerage services to all lots or dwellings in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations, to the satisfaction of Barwon Water. Individual allotment house connection drains are to be provided for and extend into each allotment, to the satisfaction of Barwon Water.

Special Conditions Sewer

73. A sewer pump-station and rising main is required to service the proposed development in accordance with Barwon Water requirements, to the satisfaction of Barwon Water, with pump station capacity to the satisfaction of Barwon Water. The rising main is to connect into the existing 150mm gravity sewer main in Victoria Street, to the satisfaction of Barwon Water.

74. Trade waste agreements are required for any commercial allotments that allow for any proposed sillage, wash down and bilge water discharge facilities, to the satisfaction of Barwon Water.

SP AUSNET condition

75. The plan of subdivision submitted for certification must be referred to SP AusNet (Gas) in accordance with Section 8 of the Subdivision Act 1988.

CFA conditions

76. The Subdivision as shown on the endorsed plans must not be altered without the consent of CFA.

77. Operable hydrants, above or below ground must be provided to the satisfaction of CFA.

78. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart to the satisfaction of CFA.

79. Hydrants must be identified as specified in 'Identification of Street Hydrants for

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CONDITIONS OF PLANNING PERMIT «647/2004/A» CONTINUED

Firefighting purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au) to the satisfaction of CFA.

80. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width to the satisfaction of CFA.
81. The average grade of roads on the site must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters to the satisfaction of CFA.. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle to the satisfaction of CFA..
82. Roads must have a minimum trafficable width, to the satisfaction of CFA, of:
 · 5.5m if parking is prohibited on one or both sides of the road,
 · 7.3m where parking is allowable on both sides of the road.
83. Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives to the satisfaction of CFA..

Telstra condition

84. The plan of subdivision submitted for certification must be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.

End of Referral Authority Conditions

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

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CONDITIONS OF PLANNING PERMIT «647/2004/A» CONTINUED

~~86.59.~~ This permit will expire if one of the following circumstances applies:

- a) The plan of subdivision for the first stage of the subdivision is not certified
~~development is not started within three years of the date of this permit by 28~~
February 2015; or
- b) the plan of subdivision for any subsequent stage is not certified within two years
of the date of certification of the previous stage of subdivision; or
- c) the registration of any stage of the subdivision is not completed within 5 years of
the date of certification of the plan of subdivision for that stage; or
- d) the development (excluding subdivision) is not commenced by 28 February 2015;
or
- e) the development (excluding subdivision) is not completed by 28 February 2023;
or

e) no part of the use is commenced by 28 February 2018.-

~~b) The development is not completed within six years of the date of commencement.~~

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

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment
22 October 2007	The permit has been amended to allow • Changes to the layout of the harbour area. • Internal alterations to Building F • Alterations to Balcony of Building K

Note: Under Part 4, Division 1A of the Planning and Environment Act, 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.

THIS PERMIT HAS BEEN EXTENDED AS FOLLOWS:

Date	Brief Description
8 February 2008	Planning Permit 647/2004/A was extended by the City of Greater Geelong for a further Two (2) years. The development must now commence by 28/02/2010 and be completed within six (6) years of the date of

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CONDITIONS OF PLANNING PERMIT «647/2004/A» CONTINUED

	commencement.
2 November, 2011	Planning Permit 647/2004/A was extended by the Victorian Civil & Administrative Tribunal for a further Two (2) years. The development must now commence by 28 February 2013 and it must be completed with six (6) years of the date of commencement.

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Crs S and E Kontelj re- entered the meeting room at 7.36pm

Cr Farrell declared a Conflict of Interest by Close Association in Agenda Item 2, Planning Permit Application 1587/2011 for 41-79 Curlewis Road, Curlewis in that the applicant is known to her. Mr Murray employed her son during his carpentry apprenticeship and she worked with him some years ago, and left the meeting room at 7.36pm, prior to discussion.

2. PLANNING PERMIT APPLICATION 1587/2011 FOR 41-79 CURLEWIS ROAD, CURLEWIS

Portfolio:	Planning - Cr Macdonald
Source:	Economic Development, Planning & Tourism
General Manager:	Peter Bettess
Index Reference:	Application 1587/2011

Summary

- This is an application to use a building located on the site at 41-79 Curlewis Road as a Winery and Function Centre and to undertake buildings and works associated with a driveway and car parking areas.
- The function centre is proposed to operate a maximum of ten times per calendar year, on a Friday and Saturday night from 7pm until 11:30pm.
- Permission is also sought to allow wine tasting and cellar door sales to be undertaken from the site from Sunday to Thursday 11am – 5pm and Friday and Saturday 11am– 11:30pm.
- Seating within the building is informal and a bar is located within the building. A small outdoor area is proposed to the east of the building which has an outlook over the adjacent vineyard.
- The application was advertised and one objection was lodged. Following discussions between the applicant and the objector the objection was withdrawn unconditionally.
- It is considered that the use of the land is complementary to the purpose of the zone. The use allows, predominantly, for a cellar door sales operation which complements the agricultural use of the land, where grapes are grown. The agricultural use will continue to operate from the site.
- It is considered that the hours proposed are excessive having regard to the purpose of the zone. It is considered that the hours should be reduced in order to respond to the purpose of the zone. It is not considered reasonable to allow a cellar door sales operation, which could accommodate 200 people, to operate for the hours proposed. There are potential noise impacts from people using the venue and also from vehicle movements. These noise impacts could extend into traditional sleeping hours and cause an unreasonable amenity impact.
- The cellar door sales component would operate beyond the hours approved for other cellar door sales businesses on the Bellarine Peninsula, which generally operate until 6:30 in the evening. This is a point of difference which could mean that the proposed cellar door sale is quite popular and bus tours would end at this site. It is not considered appropriate to allow the use to operate late into the night, particularly when the building in which it is to operate is set up in the manner of a bar/ tavern.
- It is noted that Council's Tourism Unit and Community Development Unit have expressed concern with the hours proposed for the winery.
- It is recommended that the application is supported, but with a reduction in hours of operation for the winery.

2. PLANNING PERMIT APPLICATION 1587/2011 FOR 41-79 CURLEWIS ROAD, CURLEWIS (CONT'D)

Cr Macdonald moved, Cr Harwood seconded -

That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to Grant a Planning Permit for Change of Use to Winery and Place of Assembly (Function Centre) and Buildings and Works Associated with Driveway and Car Park at 41-79 Curlewis Road, Curlewis in accordance with the plans submitted with the application and subject to the following conditions:

Amended plans

- 1. Prior to the commencement of the use and/or development, three (3) copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:**
 - a) The location of the outdoor area which is to be used;**
 - b) The use of self-closing doors in the building.**

Endorsed plans

- 2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**

Winery hours

- 3. Unless otherwise approved in writing by the Responsible Authority, the winery may only operate between the following hours:**
 - Sunday to Thursday– 11:00am - 5:00pm;**
 - Friday and Saturday– 11:00am – 10:00pm.**

Function centre

- 4. Unless otherwise approved in writing by the Responsible Authority, the function centre must only operate between the following hours:**
 - Friday and Saturday– 6:00pm – 11:30pm.**
- 5. The function centre hereby approved must not operate more than ten times per calendar year. A diary must be kept of functions held and must be made available for inspection on request by the Responsible Authority.**
- 6. Unless otherwise approved in writing by the Responsible Authority, when the function centre is in operation the winery must not be open to the public.**

2. PLANNING PERMIT APPLICATION 1587/2011 FOR 41-79 CURLEWIS ROAD, CURLEWIS (CONT'D)

7. Unless otherwise approved in writing, not more than 200 persons may be present on the premises at any one time, to the satisfaction of the Responsible Authority.
8. While the function centre is in operation, every effort must be made to ensure that the doors to the premises are kept closed and the doors must not be kept propped open to the satisfaction of the Responsible Authority.

Amenity

9. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service to the satisfaction of the Responsible Authority.
10. External amplified equipment, loud speakers or public address system must not be used in conjunction with the use hereby permitted.
11. The amenity of the area must not be detrimentally affected by the use or development through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin;to the satisfaction of the Responsible Authority.
12. No bottles or other waste materials may be removed from the site or emptied into external bins between the hours of 6:00pm and 9:00am.
13. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land or road reserve.
14. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music from Public Premises), No. N-2.

Construction of driveway and car parking areas

15. Before the use starts areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:-
 - a) Constructed to the satisfaction of the Responsible Authority;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an approved material for all weather use to the satisfaction of the Responsible Authority.
 - d) Drained and maintained to the satisfaction of the Responsible Authority.

2. PLANNING PERMIT APPLICATION 1587/2011 FOR 41-79 CURLEWIS ROAD, CURLEWIS (CONT'D)

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

Construction of vehicle access

- 16. Prior to the use commencing, a rural vehicle crossing at least 4 metres wide, and constructed generally in accordance with Council's standard detail drawing (CGG603, with modifications to include a minimum 4 metre radial on both edges of the crossing that abuts Curlewis Rd and a diversion in the table drain to allow provision of a culvert close to the property boundary to the satisfaction of the Responsible Authority.**

Expiry

- 17. This permit will expire if one of the following circumstances applies:**

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

The Responsible Authority may extend the periods referred to if a request is made in writing within three (3) months of the date of expiry.

Carried.

Report

Background

The site and surrounding area

- The site is located on the eastern side of Curlewis Road, Curlewis. The site is a regular rectangular shaped allotment which is developed with a vineyard and a number of dams. A farm building is located in a central position on the site. A dwelling has been developed close to the northern boundary of the site.
- The site and surrounding properties are located in the Farming Zone, as a result the area is used for a range of agricultural pursuits including wineries, animal grazing and cropping, along with race horse training.
- Curlewis is a local road with a single lane in each direction. There are no verges provided on the side of the road. Curlewis Road is quite a busy road as it is used as a shortcut between the Bellarine Highway and the Portarlington Road.
- There are dwellings constructed on the two sites to the north of the subject site and also on the site to the south. The site on the opposite side of Curlewis Road is also developed with a dwelling. There are a number of dwellings developed in the vicinity of the site.

2. PLANNING PERMIT APPLICATION 1587/2011 FOR 41-79 CURLEWIS ROAD, CURLEWIS (CONT'D)

Proposal

- This is an application to change the use of the site to a winery.
- The application also seeks to operate a place of assembly (function centre) within an existing farm shed located on the site, a cellar door sales operation will also operate from the site. Alcohol to be sold through the cellar door sales will be wine produced on the site. Currently vines are planted on the site and these include 6.5 acres of Pinot Noir, 4 acres of Shiraz and 4 acres of Riesling. The manufacture of wine is undertaken off site.

A new vehicle accessway and internal access will be constructed to serve the new uses, along with a large car parking area. The new driveway is six metres in width and will be constructed with a gravel surface while 1200 square metres of car parking area will be provided. Overflow parking can also be accommodated in nearby paddocks.

It is proposed to operate the winery between the following hours:

- Sunday to Thursday 11am and 5pm;
- Friday to Saturday 11am and 11:30pm.

The longer hours are sought to allow visitors to do wine tastings in the evening.

It is proposed to operate the place of assembly between the following hours:

- Friday and Saturday 7pm and 11:30pm.

The cellar door sales will not be in operation when a function is being held and the function centre will not operate more than ten times in a calendar year. Seating within the building is informal, with tables and chairs being set out in a similar way as to a restaurant. A small outdoor area will be available for smokers, located to the east of the building.

A licence is required to sell liquor from the site; the applicant has advised that a beer and wine producer's licence will be sought. There is no need for a planning permit for this type of licence.

Discussion

Assessment

Key Planning Considerations

The key considerations in this case are considered to be:

- the appropriateness of the proposal in terms of the zoning controls which apply to the site;
- the acceptability of a function centre and winery which operates into the late hours of the night;
- the need to support appropriate tourism opportunities on the Bellarine Peninsula;
- appropriate consideration of potential amenity impacts associated with the use.

These matters are considered below.

2. PLANNING PERMIT APPLICATION 1587/2011 FOR 41-79 CURLEWIS ROAD, CURLEWIS (CONT'D)

State and Local Planning Policies

There is policy support within the planning policy framework for tourism uses in rural areas. The use of the site for a winery and limited function centre complies with these policies, assisting to maximise the tourism potential of the Bellarine Peninsula, which is increasingly becoming known as a wine destination. Although it is recommended to restrict the hours of operation of the winery beyond what was applied for, it is still considered that the use can contribute to the region's potential as a tourist destination. It is considered that there needs to be a balancing of the needs of the business and the purpose of the zone, along with the reasonable expectations for the zone.

Planning policy also seeks to ensure that noise emissions are controlled. To this end, planning permit conditions restrict the hours of operation of the uses, such that the use is not likely to unreasonably impact on the amenity of the area through noise emissions and other forms of disturbance.

Zone

The site is located in the Farming Zone; the purpose of the zone is to:

- Implement the planning policy framework;
- Provide for the use of the land for agriculture;
- Encourage the retention of productive agricultural land;
- Ensure that non agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture;
- Encourage the use and development of land based on comprehensive and sustainable land management;
- Protect and enhance natural resources and the biodiversity of the area.

It is considered that the use of the land is complementary to the purpose of the zone. The use allows, predominantly, for a cellar door sales operation which complements the agricultural use of the land, where grapes are grown. The agricultural use will continue to operate from the site.

It is considered that the hours proposed are excessive having regard to the purpose of the zone. It is not considered reasonable to allow a cellar door sales operation, which could accommodate 200 people, to operate for the hours proposed. There are potential noise impacts from people using the venue and also from vehicle movements. These noise impacts could extend into traditional sleeping hours and cause an unreasonable amenity impact. It is noted that there are a number of dwellings in the general vicinity of the site and as the area is located in the Farming Zone, there is a low level of background noise. As a result, noise generated by the use which is proposed is likely to be more evident than it may be in a different location where there is higher levels of background noise and a reasonable expectation that a late night use would operate.

The cellar door sales component would operate beyond the hours approved for other cellar door sales businesses on the Bellarine Peninsula, which generally operate until 6:30 in the evening. This is a point of difference which could mean that the proposed cellar door sale is quite popular and bus tours would end at this site. It is not considered appropriate to allow the use to operate late into the night, particularly when the building in which it is to operate is set up in the manner of a bar/ tavern. It is considered that a 7pm closing time better aligns with the zoning of the site and the reasonable expectations of activity which could occur in this zone.

2. PLANNING PERMIT APPLICATION 1587/2011 FOR 41-79 CURLEWIS ROAD, CURLEWIS (CONT'D)

The function centre will be allowed to operate until 11:30pm, given that this occurs only ten times per calendar year, these hours have been accepted.

In relation to the decision guidelines of the Farming Zone, it is considered:

- The land is capable of accommodating the proposed use;
- The agricultural production undertaken on the site will continue;
- The use will operate within an existing building and therefore there are no design and siting issues to consider.

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 2-2.

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.

Risk Assessment

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

Social Considerations

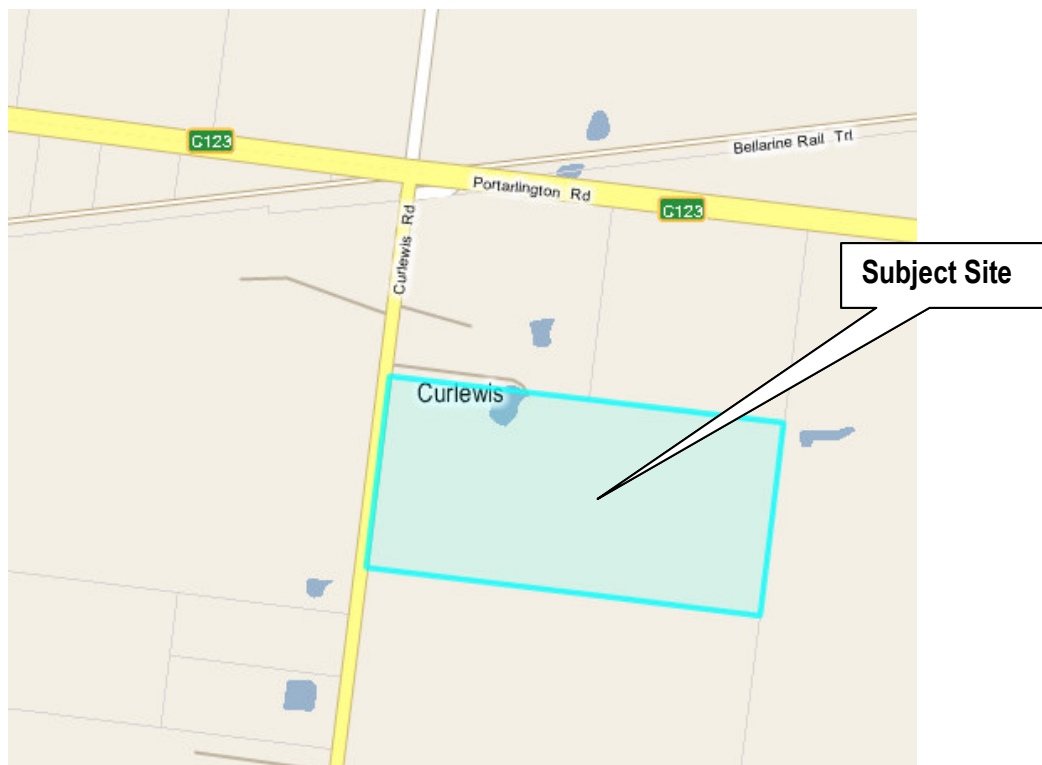
It is considered that the hours proposed are excessive having regard to the purpose of the zone. It is not considered reasonable to allow a cellar door sales operation, which could accommodate 200 people, to operate for the hours proposed. There are potential noise impacts from people using the venue and also from vehicle movements. These noise impacts could extend into traditional sleeping hours and cause an unreasonable amenity impact.

Communication

The application was referred to various internal departments of Council for comment, as can be seen in the report.

Appendix 2-1

Locality Map



41-79 CURLEWIS ROAD, CURLEWIS

Appendix 2-2

Greater Geelong Planning Scheme

Definition and Nesting

Place of Assembly is defined as follows:

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

Function Centre is defined as follows:

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

Winery is defined as follows:

Land used to display, and sell by retail, vineyard products, in association with the growing of grape vines and the manufacture of the vineyard products. It may include the preparation and sale of food and drink for consumption on the premises.

Zone

Farming Zone

The subject site and surrounding properties are located in the Farming Zone. The purpose of the Farming Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To protect and enhance natural resources and the biodiversity of the area.

Overlay

No overlays apply to the site.

Permit required clause and condition

A planning permit is triggered for this application pursuant to the following clauses of the Greater Geelong Planning Scheme:

- Clause 35.07-1– Use. Note: Condition applies to Place of Assembly– must not be used for more than ten days in a calendar year; and
- Clause 37.05-4– Buildings and works.

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 is over one kilometre from the coast and the Barwon River. Therefore a CHVA was not required for this proposal.

Clause 52.06– Car parking

There is a requirement for car parking for a place of assembly at a rate of 0.3 spaces to each seat or each square metre of floor area, this equates to a requirement for 70 car spaces. A total of approximately 30 car spaces are provided on site in an informal gravel area. This is considered acceptable based on the fact that a number of people will travel to functions or wineries on buses. There is also the ability for overflow car parking to be accommodated on the site in a nearby paddock. Consequently, all car parking associated with the use can be accommodated on the site without impacting on the road network or adjoining properties. It is considered that an adequate level of car parking is provided on the site and the application accords with the decision guidelines of Clause 52.06-1.

THE STATE PLANNING POLICY FRAMEWORK (SPPF):

SPPF

17.03-1– Facilitating tourism

To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.

14.01-2– Sustainable agricultural land use

Objective

To encourage sustainable agricultural land use.

13.04-1– Noise abatement

Objective

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

THE LOCAL PLANING POLICY FRAMEWORK (LPPF) AND MUNICIPAL STRATEGIC STATEMENT (MSS):

MSS

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

21.07-5– Rural areas

Objectives

- To support the use of the northern, western and southern rural areas for productive agriculture.
- To ensure that rural areas provide an attractive setting through the preservation of a farmed rural landscape.
- To protect and enhance the Bellarine Peninsula as a productive rural area with highly significant landscapes based on farming and environmental features.

21.07-6– Tourism in rural areas

Objectives

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

LPPF

There are no Local Planning Policies relevant to this application.

Appendix 2-3

Amended plans

1. Prior to the commencement of the use and/or development, three (3) copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The location of the outdoor area which is to be used;
 - b) The use of self-closing doors in the building.

Endorsed plans

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

Winery hours

3. Unless otherwise approved in writing by the Responsible Authority, the winery may only operate between the following hours:
 - Sunday to Thursday– 11:00am - 5:00pm;
 - Friday and Saturday– 11:00am – 7:00pm.

Function centre

4. Unless otherwise approved in writing by the Responsible Authority, the function centre must only operate between the following hours:
 - Friday and Saturday– 6:00pm – 11:30pm.
5. The function centre hereby approved must not operate more than ten times per calendar year. A diary must be kept of functions held and must be made available for inspection on request by the Responsible Authority.
6. Unless otherwise approved in writing by the Responsible Authority, when the function centre is in operation the winery must not be open to the public.
7. Unless otherwise approved in writing, not more than 200 persons may be present on the premises at any one time, to the satisfaction of the Responsible Authority.
8. While the function centre is in operation, every effort must be made to ensure that the doors to the premises are kept closed and the doors must not be kept propped open to the satisfaction of the Responsible Authority.

Amenity

9. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service to the satisfaction of the Responsible Authority.
10. External amplified equipment, loud speakers or public address system must not be used in conjunction with the use hereby permitted.
11. The amenity of the area must not be detrimentally affected by the use or development through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin;to the satisfaction of the Responsible Authority.
12. No bottles or other waste materials may be removed from the site or emptied into external bins between the hours of 6:00pm and 9:00am.
13. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land or road reserve.
14. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music from Public Premises), No. N-2.

Construction of driveway and car parking areas

15. Before the use starts areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:-
 - (a) Constructed to the satisfaction of the Responsible Authority;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Surfaced with an approved material for all weather use to the satisfaction of the Responsible Authority.
 - (d) Drained and maintained to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

Construction of vehicle access

16. Prior to the use commencing, a rural vehicle crossing at least 4 metres wide, and constructed generally in accordance with Council's standard detail drawing (CGG603, with modifications to include a minimum 4 metre radial on both edges of the crossing that abuts Curlewis Rd and a diversion in the table drain to allow provision of a culvert close to the property boundary to the satisfaction of the Responsible Authority.

Expiry

17. This permit will expire if one of the following circumstances applies:
- a) The use and/or development is not commenced within two (2) years of the date of this permit.
 - b) The development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing within three (3) months of the date of expiry.

Cr Farrell re-entered the meeting room at 7.42pm

Cr Fisher declared an Indirect Interest in Agenda Item 3, Windsor Park Master Plan 2012, in that her residence backs onto Windsor Park, and left the meeting at 7.42pm prior to discussion.

3. WINDSOR PARK MASTER PLAN (2012)

Portfolio:	Sport & Recreation - Cr Mitchell
Source:	Projects, Recreation & Central Geelong
A/General Manager:	Scott Cavanagh
Index Reference:	Property: #291789, 39A Rose Avenue, Norlane

Summary

- The purpose of this report is for Council to formally endorse the Windsor Park Master Plan (2012).
- The Windsor Park Master Plan (2012) was commissioned by Council to examine the existing Windsor Park Master Plan (1997) and develop a new plan to guide the development of the reserve in recognition of changing community expectations.
- Key development opportunities identified during the Windsor Park Master Plan included supporting the existing uses of the reserve, improving traffic and pedestrian circulation, increasing opportunities for informal public use and enhancing the appearance and appeal of the reserve.

Cr Granger moved, Cr Harwood seconded -

That Council endorses the Windsor Park Master Plan (2012).

Cr Richards entered the meeting room at 7.42pm

Carried.

Cr Granger left the meeting room at 7.48pm

Report

Background

Windsor Park, Rose Ave Norlane, provides a range of sport, recreation and community facilities, including two ovals and associated pavilions, two netball courts, skate park, cricket nets, playground and open space areas. Windsor Park is also home to the Norlane Community Centre and Norlane RSL and shares a boundary with the Northern Bay P-12 College - Tallis St P-6 Campus.

The sport and recreation activities based at Windsor Park are primarily provided by the North Shore Recreation Club – incorporating football, netball, cricket and little league.

The aim of the Windsor Park Master Plan (2012) (*copy available in Councillors Lounge*) is to examine the existing Windsor Park Master Plan (1997) and develop a guide for the future development of the reserve having regard to user and community aspirations, whilst enhancing the natural ambience and character of the reserve.

3. WINDSOR PARK MASTER PLAN (2012) CONT'D

Discussion

The purpose of this report is for Council to endorse the Windsor Park Master Plan (2012).

The aim of the Windsor Master Plan is to examine the existing Windsor Park Master Plan (1997) and develop a guide for the future development of the reserve. The planning process involved a review of background information, including a detailed review of the existing Windsor Park Master Plan (1997).

A summary of the level of completion of recommendations from the existing Master Plan is included in the Master Plan (2012).

Key outcomes of the Windsor Park Master Plan include the upgrade of pedestrian links, improved traffic circulation and parking, upgrades to sports facilities and improved appearance of the reserve through landscaping.

Formal reference groups were established to provide input into the planning process:

- Project Control Group (PCG) consisting of the Ward Councillor and key Council officers to provide high level strategic direction on key issues and opportunities.
- Project Working Group (PWG) consisting of Council officers from across CoGG departments and relevant agencies to provide technical advice on the project.
- Project Reference Group (PRG) consisting of representatives of the Windsor Park Advisory Committee. The PRG provided input, direction and feedback into the project at key stages.

The consultation and research undertaken during the Windsor Park Master Plan confirmed a number of opportunities for implementation within the reserve:

- Continue to provide for a wide range of interests and support development and improvements that reinforce the site as a community recreation hub and encourage increased family participation;
- Ensure future site or building improvements which support increased park sharing, access and circulation functionality and visual amenity as a focus;
- No net increase in the number of individual building footprints within the park through future development of physical assets;
- Ensure future buildings and their development considers co-location within the park and provide a strong focus on an integrated approach to building and facility development;
- Prioritise activities within the park that are capable of maximising the use of existing spaces, activity areas and infrastructure;
- Ensure future enhancement provides strong connection with Corio / Norlane Structure Planning and creates a sense of ownership of the park from the local community;
- Develop spaces and additional uses that complement the multipurpose functionality of Stead Park;
- Encourage future use and management opportunities that increase partnerships between all stakeholders;
- Adoption of Safer Design Guidelines to minimise anti-social activities.

3. WINDSOR PARK MASTER PLAN (2012) CONT'D

- Ensure accessibility standards and requirements are met across all park spaces, elements and buildings; and
- Encourage development initiatives that support the transformational change and liveability of the Corio Norlane area.

Initial consultation with key stakeholders through the PCG, PWG and PRG has indicated support for the vision, objectives and resultant report.

Key recommendations of the Windsor Park Master Plan (2012) include:

- Upgrading pedestrian entrances, pathways and crossings;
- Improving parking and traffic circulation;
- Tree planting within reserve to improve visual amenity;
- Upgrade of playground equipment, aligned to Council's Play Strategy;
- Improvement of the secondary oval;
- Landscape improvements; and
- Redevelopment of North Shore Multi-purpose Clubrooms at the secondary oval.

Implementation of recommendations will improve the overall amenity and functionality of the reserve, including improved access to the wider community for informal use of open space, enhanced traffic management, safety and pedestrian circulation. The current and future needs of all stakeholders and the wider community have been considered in allowing for improved facilities and amenities.

Environmental Implications

The Windsor Park Master Plan (2012) seeks to support initiatives that facilitate long-term environmental sustainability within the park, including water use, vegetation management and ongoing maintenance.

The Windsor Park Master Plan (2012) recognises that the community values the reserves ability to cater for a wide range of uses. The Windsor Park Master Plan (2012) respects the initiatives of previous Councillors and Council Officers in setting aside this space for public recreation. Future development will seek to enhance the landscape quality of the reserve, promote improvement of facilities, infrastructure and functioning for broad community use, whilst retaining the natural ambience of the precinct.

Community feedback gained during consultation has indicated a strong desire for the improvement of the landscape quality of the reserve, including the planting of trees and other vegetation within the reserve.

Financial Implications

The Windsor Park Master Plan (2012) provides a number of recommendations and indicative costings for recommended projects.

Where implementation of specific recommendations requires a new capital allocation from Council, these will be presented and considered as part of the overall annual budget process. Opportunities for contributions from Government, Clubs and other funding sources are listed against specific projects within the Master Plan.

3. WINDSOR PARK MASTER PLAN (2012) CONT'D

The implementation plan provides a broad estimate of cost specific to each of the recommended actions. These actions are assessed as Mandatory, Critical, High, Medium and Low to guide Council decision making in terms of development.

The Windsor Park Master Plan (2012) outlines the recommended implementation schedule and indicative capital costs for the works identified in the Master Plan. The total cost of all works is estimated at \$2,537,850 and is represented by the following prioritised breakdown:

Mandatory:	Nil
Critical:	Nil
High:	\$957,840
Medium:	\$870,950
Low:	\$709,060

Whilst the adoption of this report does not have any direct financial implications, the listed actions within the plan will cost in the order of \$2,537,850. It is expected that the Master Plan will be implemented over an approximate timeframe of 10-15 years.

Policy/Legal/Statutory Implications

The Equal Opportunity Act (1995) protects Victorians against discrimination based on a wide range of personal characteristics or associations. These include (but are not limited to) age, gender, ethnicity, disability, pregnancy, religion and employment status. The Windsor Park Master Plan (2012) recognises that all community members have equal rights to participate in and enjoy the benefits of sport and physical activity. The development of the reserve will consider design solutions to help facilitate access for all.

Officer Direct or Indirect Interest

No Council staff or persons engaged under contract have a direct or indirect interest in the development of the Windsor Park Master Plan (2012).

Risk Assessment

The Windsor Park Master Plan (2012) provides guidance for the development of this important piece of open space over the next 10-15 years.

There are no immediate risks associated with this report. Appropriate risk management measures will be put in place when implementing the recommendations of the report.

Social Considerations

The Windsor Park Master Plan (2012) will enhance recreational and social experiences within the park. Improvements in the design, layout and functionality of the reserve, together with improved landscape and path networks will increase safety for visitors to the park.

The Windsor Park Master Plan (2012) recognises that participation in sport and physical activity brings about a range of personal, social, health and economic benefits for individuals and communities.

3. WINDSOR PARK MASTER PLAN (2012) CONT'D

Windsor Park has an established history of active recreational use, including formal sports such as football, cricket and netball. Future development of the reserve will support ongoing use of the area for a range of formal and informal sport and recreation activities.

The Windsor Park Master Plan (2012) recognises that formal sporting clubs support more than just participation in physical activity. Sporting clubs are recognised as providing a range of broader benefits to the community, including contributions to social capital, community cohesiveness, community connection and building local leaders.

Communication

The Windsor Park Master Plan (2012) has been overseen by a three tiered management structure. These include:

- Project Control Group (PCG) consisting of the Ward Councillor and key Council officers to provide high level strategic direction on key issues and opportunities.
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The planning process involved a comprehensive review of background material and the establishment of formal reference groups to guide the planning process. The project has involved extensive consultation with stakeholders, Council staff and the community.

The main consultation tasks have included:

- On-site meetings to discuss aspects of the reserve in detail;
- Follow-up site visits, telephone interviews and meetings;
- Establishment of the PCG, PWG and PRG. These groups have met on a minimum of two occasions each in the lead up to this report;
- Consultation with the Windsor Park Advisory Committee;
- Community on-line survey;
- Resident survey; and
- Public submissions.

In total, 83 individual surveys were completed. A summary of consultation results and key findings are included in Appendix 4: Community Consultation Findings of the Windsor Park Master Plan (2012) (previously supplied). The consultation results have been used to inform the identification of critical issues and major themes within the Windsor Park Master Plan (2012).

The draft Windsor Park Master Plan was released by Council for public comment between 4 November 2011 and 2 December 2011. The following steps were taken to provide opportunities for the community to provide feedback on the report:

3. WINDSOR PARK MASTER PLAN (2012) CONT'D

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Cr Fisher re-entered the meeting room at 7.48pm

4. REVIEW OF COUNCIL POLICY – ELECTORAL ADVERTISING SIGNAGE

Portfolio: Community Development – Cr Fisher
Democracy and Governance – Cr Mitchell
Source: Community Services – Health & Local Laws
General Manager: Jenny McMahon
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 following policy has been reviewed and updated with minor changes:
 - Electoral Advertising Signs
- Approved policies are made available to the public through Council's Internet site.

Cr Macdonald moved, Cr Nelson seconded -

That Council endorses the Electoral Advertising Signage policy (Appendix 4-1).

Carried.

Report

Background

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

Policies are reviewed regularly to ensure that they are current and remain relevant.

Discussion

The following policies have been reviewed and minor changes have been made and are summarised below:

Policy	Electoral Advertising Signs on Road Reserves CPL45.8
Responsible Manager	Manager Health and Local Laws
Purpose	Establishes Council's position in relation to the placement of electoral signs
Comment	Minor change – updated reference to correct Division and retention period for correspondence.

Environmental Implications

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

4. REVIEW OF COUNCIL POLICY – ELECTORAL ADVERTISING SIGNAGE (CONT'D)

Financial Implications

The policies provide Council with direction for the effective management and control of its resources, however there is no impact on budget.

Policy/Legal/Statutory Implications

The policies have been developed with reference to relevant legislation and will enable Council to more effectively meet compliance requirements.

Officer Direct or Indirect Interest

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

Risk Assessment

Clearly articulated policies provide Council with a consistent and publicly declared attitude to specific topics. This will assist in reducing the risk and negative consequences to Council that may occur through inconsistent decision making, actions or practices.

Social Considerations

Social considerations have been taken into account in the development of Council Policies.

Communication

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

Appendix 4-1

COUNCIL POLICY

Electoral Advertising Signs On Road Reserves and Council Land	Document No:	CPL45.8
	Approval Date:	
	Approved By:	Council
	Review Date:	10 July 2012
Responsible Officer: General Manager Community Services	Expiry Date:	N/A
	Version No	01
Authorising Officer: Chief Executive Officer		

1. PURPOSE

The purpose of this policy is to provide direction on the placement of electoral advertising signs on any Council land, municipal building or road, and to avoid excessive sign clutter.

2. SCOPE

This policy applies to all electoral candidates and prohibits any electoral advertising signs on Council land, municipal buildings or roads.

Candidates in all levels of Government elections –

- Federal;
- State; and
- Local Government

are subject to this policy.

3. REFERENCES

- General Local Law 2005

4. DEFINITIONS

- “Council land” means all land vested in or under the control of Council, including a reserve, watercourse, jetty, reservation and the like, but excludes a road, except that part of the road which is a nature strip or footpath.
- “Municipal Building” means any building that is owned, occupied or under the management or control of Council, and includes any recreation centre which is owned, occupied or under the management or control of Council.
- “Reserve” means any land which is owned, occupied or managed or controlled by Council and dedicated or used for outdoor cultural, environmental, sporting or recreational purposes.
- “Road” has the meaning ascribed to it by Section 3 of the Local Government Act.

5. COUNCIL POLICY

The Council has the responsibility for approving an application for the placement of temporary signs on Council land, roads and in or on Municipal Buildings.

Council must remain totally impartial in relation to the promotion of a candidate/s at any democratic election at either Federal, State or Local Government level. It is therefore the policy of Council to refuse any application for the location of an election sign on any Council land, roads or Municipal Buildings within the City of Greater Geelong.

Compliance with this Policy will be monitored and enforced in accordance with Council's operating guidelines.

6. QUALITY RECORDS

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

Record	Retention/Disposal Responsibility	Retention Period	Location
Correspondence in relation to election signage	class 8.2.7 of the Retention and Disposal Authority for Records of Local Government Functions (PROS 09/05),	4 years after the election	Document Management Services

**5. BELMONT STREET, BELMONT - PROPOSED CARPARK CONSTRUCTION
- SRC 304 - DECLARATION OF CHARGE**

Portfolio:	Infrastructure - Cr Richards
Source:	City Services - Engineering Services
General Manager:	Gary Van Driel
Index Reference:	Street: Belmont Street, Belmont
	Subject: Carpark, Special Rates and Charges

Summary

- This report relates to a proposed special charge scheme for the construction of a carpark in Belmont Street, Belmont to service the High Street business and retail precinct, refer to plan – Appendix 5-4.
- Council purchased the land for the carpark in 2007 which was the subject of a report to Council on 26 April 2006. At this time Council agreed to the purchase of land and subsequent construction on the basis of the initiation of a special charge scheme to recover 50% of the cost of the land and carpark construction.
- The cost of the land was \$665,205 and the cost of the carpark construction is estimated at \$243,965. The amount to be recovered from owners is \$204,585.
- The State Government agreed to contribute \$200,000 to the works and a further Council allocation of \$100,000 has been committed.
- There are 177 properties in the scheme and charges vary from \$67 to \$18,107. The capital improved value of the properties has been used as a basis for calculating the charge.
- All properties are zoned either business 1 or business 2, however, there are 13 properties in these zones used for residential purposes. The recommendation is in two parts, firstly proposing to declare the charges and secondly, providing a concession to the owners using properties for residential purposes. This is in the way of a deferred charge which becomes payable when the property reverts to commercial use.
- The area to be included in the scheme has been determined on the basis of proximity to the proposed carpark with some weighting reductions provided for the more remote properties on the north-west side of High Street.
- Council considered a report on 23 March 2010 and the scheme was advertised and submissions invited. The Submission Panel considered all submissions and agreed to proceed with the scheme.
- The scheme has been prepared in accordance with the Special Rate and Charge provisions of the Local Government Act, along with Special Rates and Charges Policy.
- This report seeks a resolution by Council to “Declare the Charges” for carpark construction in Belmont Street, Belmont in accordance with the Special Charge Scheme Process

Cr Harwood moved, Cr Abley seconded -

That consideration of the report be deferred.

Carried.

6. O'BRIENS ROAD, LARA - ROAD CONSTRUCTION - SRC 317 - FINALISATION OF SCHEME

Portfolio:	Infrastructure - Cr Richards
Source:	City Services - Engineering Services
General Manager:	Gary Van Driel
Index Reference:	Subject: Special Rates and Charges
	Street: O'Briens Road, Lara

Summary

- This report relates to the finalisation of a Special Charge Scheme for road and drainage construction for O'Briens Road, Lara between the Geelong-Bacchus Marsh Road and McManus Road as shown on the plan – Appendix 6-3.
- This project is a sub-project of the Geelong Ring Road Employment Precinct (GREP) Project and is seen as an important starting point for the development of the GREP.
- The scheme has been administered in accordance with the special rate and charge provisions of the Local Government Act along with Council's special rates and charges policy.
- The report seeks a resolution by Council to 'vary' the special charge for the works to finalise the O'Briens Road, Lara, Special Charge Scheme.
- The project involved the construction of O'Briens Road as well as main drainage.
- Works relating to the special charge scheme component have now been completed and it is appropriate for Council to finalise the scheme.
- Based on actual and some estimated costs the total project cost is \$7,402,822 compared with the original estimate of \$8,406,948. Property owner charges were estimated at \$1,046,957. The actual charge to property owners is \$696,235.
- The project has been subsidised to the value of \$2 million by the State Government.

Cr Granger moved, Cr Abley seconded –

That consideration of the report be deferred.

Carried.

7. PRINCESS STREET, DRYSDALE - SRC 325 - FINALISATION OF SCHEME

Portfolio:	Infrastructure - Cr Richards
Source:	City Services - Engineering Services
General Manager:	Gary Van Driel
Index Reference:	Special Rates and Charges; Princess Street, Drysdale

Summary

- This report relates to the finalisation of a Special Charge Scheme for construction of footpath and kerb and channel in Princess Street, Drysdale between Eversley Street and Newcombe Street.
- Council declared the charge for this scheme on 10 August 2010.
- The scheme involves 8 property owners and the works were a combination of both footpath and kerb and channel. Council undertook pavement works and drainage.
- The cost to be distributed to owners which matches the estimated cost was \$38,461 and owners costs vary between \$2,977 and \$10,464. Council constructed additional pavement and drainage works as part of the project at a cost of \$90,808.
- The scheme has been prepared in accordance with the Special Rates and Charges provisions of the Local Government Act along with Council's Special Rates and Charges Policy.
- The report seeks a resolution by Council to confirm the special charge for the works to finalise the Princess Street, Drysdale Special Charge Scheme. The process is shown in Attachment 7-1 – Process Chart.

Cr Richards moved, Cr Macdonald seconded -

That Council having declared a special charge on 10 August 2010 for the purposes of defraying the expenses in relation to the construction of footpath, kerb and channel and road widening in Princess Street Drysdale, west side between Eversley Street and Newcombe Street, Drysdale (Appendix 7-2 – Plan) in accordance with Section 163 of the Local Government Act 1989 (the Act) resolves that:

- 1) the special charge as declared be confirmed in accordance with actual costs incurred on the project as required by Section 166 of the Act as shown in Schedule A – Appendix 7-1;**
- 2) the General Manager of Corporate Services is authorised to levy and recover the special charges by sending notices to the persons who are liable to pay in accordance with Section 166 of the Act and the Regulations; and;**
- 3) in accordance with Section 172, the rate of interest which is payable on the special charges which have not been paid by the specified date is set at Council's overdraft rate, reviewed every three months (provided that it shall not exceed the rate fixed by the Governor in Council by Order for the purposes of Section 172 2A in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by Order for the purposes of the Section). The interest is to be calculated from the date the special charge is due, with a six months interest free period, providing those persons who choose to pay by instalments adhere to their repayment plan.**

Carried.

7. PRINCESS STREET, DRYSDALE - SRC 325 - FINALISATION OF SCHEME (CONT'D)

Report

Background

This report relates to the finalisation of a special charge scheme for footpath, kerb and channel and road pavement in Princess Street, Drysdale, west side between Newcombe Street and Eversley Street.

This block was one with “missing” infrastructure, no footpath, kerb and channel or road widening.

Council had received enquiries and complaints particularly in relation to footpath as there is a residential area to the west and close proximity to the High Street Shopping Centre.

A combined footpath and kerb and channel scheme was undertaken. The actual costs for the special charge scheme components were only marginally above the estimate and in this case it is considered appropriate to charge the estimated cost.

Discussion

The works have now been completed and it is appropriate for Council to finalise the scheme.

The financial details are as follows:

	Estimated Cost	Actual Cost
Footpath component	\$36,732	\$36,766
Kerb and channel component	\$20,095	\$20,660

As there is very little difference between the estimated cost and the actual cost, the estimated costs have been adopted as the finalised figures. Therefore the cost to be distributed to property owners is \$38,461 which is made up of half the footpath component and the kerb and channel component (both based on estimated cost).

Council undertook a considerable amount of additional pavement and drainage works as part of the project at a cost of \$90,808.

Environmental Implication

There are no environmental implications including sustainability, energy use, water use or alternative material use, in Council’s decision to finalise this scheme. The process is an administrative matter only.

Financial Implications

There are no financial implications associated with Council proceeding to finalise the scheme. Property owners will be advised of the cost adjustment.

7. PRINCESS STREET, DRYSDALE - SRC 325 - FINALISATION OF SCHEME (CONT'D)

Policy/Legal/Statutory Implications

The scheme has been administered in accordance with the special rate and charge provisions of the Local Government Act as well as Council's Special Rates and Charges Policy. There are no issues regarding the Human Rights Charter.

Officer Direct or Indirect Interest

No Council Officer involved with this process has any direct or indirect interest in the properties.

Risk Assessment

Provision of a footpath has provided safer walking conditions for pedestrians by minimising the risk of personal injuries through falls and conflict between pedestrians and vehicles. There are no risk assessment issues in Council proceeding to finalise the scheme.

Social Considerations

There are no social considerations associated with Council proceeding to finalise the scheme.

Communication

Communication with property owners has taken place during the course of the project. Owners will be advised of Council's decision and the final cost.

Appendix 7-1

**Special Charge Scheme for the Construction of
Footpath and Kerb & Channel in Princess Street Drysdale**

Prop Key	Property Details	Property Address	Actual Costs
258654	Lot 4 LP 98033	34-36 Princess Street, Drysdale VIC 3222	\$10,464
258660	Lot 3 LP 93189	42 Princess Street, Drysdale VIC 3222	\$4,806
258661	Lot 2 LP 93189	53 Newcombe Street, Drysdale VIC 3222	\$ 8,304
258655	Lot 1 SP 20532	1/38-40 Princess Street, Drysdale VIC 3222	\$ 2,977
258656	Lot 2 SP 20532	2/38-40 Princess Street, Drysdale VIC 3222	\$ 2,977
258657	Lot 3 SP 20532	3/38-40 Princess Street, Drysdale VIC 3222	\$ 2,977
258658	Lot 4 SP 20532	4/38-40 Princess Street, Drysdale VIC 3222	\$ 2,977
258659	Lot 5 SP 20532	5/38-40 Princess Street, Drysdale VIC 3222	\$ 2,977

Appendix 7-2

PLAN



- Properties involved in the scheme
- Proposed footpath
- Proposed kerb and channel

Attachment 7-1

**PROCESS CHART
SPECIAL CHARGE PROJECTS – (Section 163 – Local Government Act 1989)**

PRINCESS STREET, DRYSDALE

Stage	Status	Description
<i>Approval to prepare scheme</i>	✓	Decision made to prepare scheme following consideration of surveys of property owners and feed back from the community. Council may then place the project in the budget system or proceed immediately to prepare a scheme. Scheme preparation involves survey, design and preparation of an apportionment of costs.
<i>Intention to Declare Scheme</i>	✓	Report to Council providing information on scheme including advice of impending advertising of scheme and declaration of charge. Seeks Council approval by resolution to proceed with process. 10 September 2009
<i>Advertisement</i>	✓	The scheme is advertised in the local newspaper and all allotted property owners are notified by mail. This advertisement indicates Council's intention and notification to 'declare' a scheme in a month's time. 19 December 2009
<i>Submissions</i>	✓	From the time of advertising property owners have 28 days (as set down by the Local Government Act) to lodge submissions, either in support or opposition to the scheme.
<i>Submissions Review Panel Hearing</i>	✓	A Submissions Review Panel is convened (quorum of three Councillors) and meets to consider submissions. Some submissions are written only, and other submitters may wish to be heard before the Panel. The Panel makes a recommendation to Council regarding the scheme. 22 March 2010
<i>Declaration Report</i>	✓	Any time 28 days after advertising the scheme and after the Submissions Review Panel has met and considered submissions, Council considers a report and may proceed to "declare" the charges in accordance with its advertised intent. Subsequent to this the Finance Manager issues the levy notices and there is a formal charge placed on the property. This is the final step in the process for Council to make a decision on the scheme. 10 August 2010
<i>Appeal</i>	N/A	Property owners may lodge an application for review with the Victorian Civil and Administrative Tribunal (VCAT) within one month of issue of the levy notice. An appeal is listed, heard and determined by the Tribunal and this process generally takes three to four months. Decisions made by VCAT are binding on all parties.
<i>Construction</i>	✓	Council may then proceed to construct the works. Invoices are issued seeking payment of the estimated cost within one month of commencement.
<i>Final Cost Report</i>	✓	At the completion of the works the scheme is "finalised" taking into account actual costs incurred and payments are adjusted accordingly.

COMMON SEAL REGISTER

Cr Harwood 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 SHELL ROAD DEVELOPMENT PTY LTD FOR 71 OAKDEAN BOULEVARD, 19-21 MILBORNE DRIVE AND 6-8 INGLEWOOD LANE, OCEAN GROVE

Portfolio:	Planning – Cr Macdonald
Source:	Economic Development, Planning & Tourism
General Manager:	Peter Bettess
Property:	71 Oakdean Boulevard, 19-21 Milborne Drive and 6-8 Inglewood Lane, Ocean Grove
Application No:	951/2008/A

Officers' Comments

This Agreement pursuant to Section 173 of the Planning and Environment Act 1987 was required by Condition 36 of Planning Permit No. 951/2008/A issued on 16 September 2009 which was amended by VCAT on 10 August 2011 which allowed the staged multi lot subdivision of the land generally in accordance with the endorsed plans.

The purpose of the Agreement is to provide for a playground to be constructed within close proximity to the area of land which forms part of the planning permit. The playground forms part of the Public Open Space Contribution of the Planning Permit. Prior to the issue of a Statement of Compliance for Stage 23, application must be made to the Registrar of Titles to register the Section 173 Agreement on 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

- a) The design and construction of a playground by the owner in the agreed location within Holburn Drive Basin Reserve and the provision of associated landscaping.
- b) That Council's approval of the playground design and landscaping plan will be obtained prior to construction.
- c) The timing for the completion of the playground.
- d) Playground maintenance periods and handover arrangements with the Greater Geelong City Council.
- e) The ending of the Agreement upon the handover of the playground to the Council and the expiration of the maintenance periods.

Council Obligations

Nil.

2. SECTION 173 AGREEMENT BETWEEN GREATER GEELONG CITY COUNCIL AND HIND PROPERTY PTY LTD FOR 226 LATROBE TERRACE, GEELONG

Portfolio:	Planning – Cr Macdonald
Source:	Economic Development, Planning & Tourism
General Manager:	Peter Bettess
Property:	226 Latrobe Terrace, Geelong West
Application No:	60/2011

Officers' Comments

This Agreement pursuant to Section 173 of the Planning and Environment Act 1987 was required by Condition 13 of Planning Permit No. 60/2011 issued on 23 November 2011 which allowed Development and Use Associated with 2 x Three-Storey Dwellings and 1 x Double-Storey Dwelling; Partial Demolition, Internal Alterations and the Provision of a Dwelling and Offices within Existing Building; Partial Waiver of Car Parking; Alteration (Removal) of Access Adjacent Road Zone Category 1; and Four (4) Lot Subdivision.

The purpose of the Agreement is to register obligations relating to the future development of the lots approved by the permit.

This Agreement was prepared for the applicant by one of Council's panel solicitors.

Owner's Obligations

The Owner agrees that following registration of the plan of subdivision approved by the planning permit any development of the land must accord with the endorsed plans forming part of the planning permit (or any amendment to the planning permit) or any subsequent planning permit issued by Council.

Council Obligations

Nil.

3. SECTION 173 AGREEMENT BETWEEN GREATER GEELONG CITY COUNCIL AND MELISSA PEH FOR 1 WARWICK STREET, NEWTOWN

Portfolio:	Planning – Cr Macdonald
Source:	Economic Development, Planning & Tourism
General Manager:	Peter Bettess
Property:	1 Warwick Street, Newtown
Application No:	732/2011

Officers' Comments

This Agreement pursuant to Section 173 of the Planning and Environment Act 1987 was required by Condition 10 of Planning Permit No. 732/2011 issued on 14 October 2011 which allowed the demolition of outbuilding, construction of second dwelling and tow lot subdivision.

The purpose of the Agreement is to provide for all development to be in accordance with the endorsed plans forming part of Planning Permit 732/2011 (or any amendment to that permit) or any subsequent planning permit. 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 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

That it will ensure that all development is in accordance with the endorsed plans forming part of the Permit (or any amendments to that permit) or any subsequent planning permit issued by the Responsible Authority with respect to the Land.

Council Obligations

Nil

4. SECTION 173 AGREEMENT BETWEEN GREATER GEELONG CITY COUNCIL AND RUSCAM DEVELOPMENTS PTY LTD FOR 8-10 TALPA CRESCENT, CORIO

Portfolio:	Planning – Cr Macdonald
Source:	Economic Development, Planning & Tourism
General Manager:	Peter Bettess
Property:	8-10 Talpa Crescent, Corio
Application No:	1305/2011

Officers' Comments

This Agreement pursuant to Section 173 of the Planning and Environment Act 1987 was required by Condition 6 and 17 of Planning Permit No. 1305/2011 issued on 4 January 2012 which allowed Construction of Four Dwellings (4) and Four (4) Lot Subdivision

The purpose of the Agreement is for the In the event of any operational difficulties with the pump system, it is the Responsibility of the land owner to rectify these difficulties; Any pump system is to be replaced by gravity discharge if and when available, and if directed by the Responsible Authority, at the land owner's full cost. Prior to the commencement of development or statement of compliance, application must be made to the Registrar of Titles to register the Section 173 Agreement on 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

Prior to the commencement of development or Statement of Compliance the land owner must enter an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. All costs associated with setting up the agreement must be borne by the land owner. The agreement is to be registered on title and run with the land, and is to provide to the satisfaction of the Responsible Authority:

- a) In the event of any operational difficulties with the pump system, it is the Responsibility of the land owner to rectify these difficulties;
- b) Any pump system is to be replaced by gravity discharge if and when available, and if directed by the Responsible Authority, at the land owner's full cost.

Council Obligations

Nil.

5. DEECD CAPITAL FUNDING AGREEMENTS – GROVEDALE EARLY LEARNING CENTRE

Portfolio:	Buckley Ward – Cr Fisher
Source:	Community Services – Community Development
General Manager:	Jenny McMahon
Index Reference:	Grovedale Early Learning Centre

Officers' Comments

The Department of Education and Early Childhood Development (DEECD) has committed \$2 million in funding for the construction of an Early Learning Centre in Grovedale.

At the Ordinary Council Meeting on 10 May 2011, the commitment of funding was noted by Council. Council has subsequently received two reports regarding the Grovedale Early Learning Centre (28 June 2011 and 14 February 2012).

DEECD requires a Capital Funding Agreement to be signed by Council to provide the capital funding for the project, which has been included in the 2012-2013 Budget.

It is recommended that Council signs and seals the DEECD Capital Funding Agreement for the Grovedale Early Learning Centre.

Owner's Obligations

Nil

Council Obligations

Nil

6. DEECD CAPITAL FUNDING AGREEMENTS – BARWON HEADS EARLY LEARNING CENTRE

Portfolio:	Buckley Ward – Cr Fisher
Source:	Community Services – Community Development
General Manager:	Jenny McMahon
Index Reference:	Barwon Heads Early Learning Centre

Officers' Comments

The Department of Education and Early Childhood Development (DEECD) has committed \$1 million in funding for the construction of an Early Learning Centre in Barwon Heads.

At the Ordinary Council Meeting on 10 May 2011, the commitment of funding was noted by Council. Council has subsequently received three reports regarding the Barwon Heads Early Learning Centre (28 June 2011, 31 January 2012 and 12 June 2012).

DEECD requires a Capital Funding Agreement to be legally signed and sealed by Council to provide the capital funding for the project, which has been included in the 2012-2013 Budget.

It is recommended that Council signs and seals the DEECD Capital Funding Agreement for the Barwon Heads Early Learning Centre.

Owner's Obligations

Nil

Council Obligations

Nil.

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 Richards seconded -

That the information be received.

Carried.

RECORD OF ASSEMBLIES OF COUNCILLORS
(Council Meeting 10 July 2012)

Assembly Details	Councillor Attendees	Officer Attendees	Matters Discussed	Conflict of Interest Disclosures
Councillor Briefing 10 July 2012	Crs Abley, Doull, Farrell, Fisher, Granger, Harwood, E Kontelj, Macdonald, Mitchell, Nelson	P Bettess (GM) G Van Driel (GM) D Frost (GM) J McMahon (GM) J Wall (GM) T Demeo (MGR) J Van Slageren (MGR) G Mead (CO ORD) R Bourke (CO ORD)	• Vision 2 Presentation • Rippleside Amendment • Planning Permit Application 1587/2011 for 41-79 Curlewis Road, Curlewis • Belmont Street, Belmont – Proposed Carpark Construction SRC304 – Declaration of Charge • O'Briens Road, Lara – Road Construction SRC317 – Finalisation of Scheme • Review of Council Policy – Electoral Advertising Signs • Ferris Wheel Season 2011-2012 • Windsor Park Master Plan • Princess Street, Drysdale SRC325 – Finalisation of Scheme	Cr E Kontelj declared an Indirect Interest in Rippleside Amendment and left the room prior to discussion. Cr Farrell declared an Indirect Personal Interest in Planning Permit Application 1587/2011, however the item was not discussed.

NOTICE OF MOTION – Cr John Mitchell, Mayor

CUTS TO FUNDING AT THE GORDON TAFE

Background

The Victorian State Government recently announced funding cuts to public and private training organisations. The funding changes were targeted at reducing the hourly payment received by training organisations. The TAFE sector also had specific payments made to them as a public TAFE provider removed.

TAFE organisations estimate that the impact of the funding changes could result in a 25% decrease in funding received from the State Government to support their operations. The Gordon TAFE in Geelong estimates the impact of the funding cuts will see a \$14.6M pa reduction in funding for the Gordon. As a consequence the Gordon has foreshadowed potential staff and course reductions. Course funding has been reduced in areas including lower level certificates below Certificate III in business, finance, events management, recreation and fitness. Transition plans in regards to the funding changes are being prepared by the TAFE providers to outline their responses and actions to manage the change.

The State Government maintain that there has been significant growth in recent years of private providers beyond the TAFE system with over 500 providers offering government funding across the State with an expansion in enrolments of 44% over recent years.

Provision of a diverse range of training programs through TAFE and other training providers is seen as a key contributor to Geelong's economic and social wellbeing. Access to TAFE courses is important to both young people who plan to enter the workforce as well as mature age students wishing to up-skill or re-skill for new job options. The Gordon TAFE provides for over 19,000 students each year and has 800 staff.

The Chief Executive Officer declared an Indirect Interest by a Conflicting Duty and left the room as soon as he became aware that he had a Conflict of Interest in the Notice of Motion. The CEO left the meeting at 8.20pm.

Cr Fisher declared an Indirect Interest by Close Association and left the room as soon as she became aware that she had a Conflict of Interest in the Notice of Motion. Cr Fisher left the meeting room at 8.20pm.

Cr Mitchell moved, Cr Granger seconded -

That Council:

- a) endorse the convening of a public meeting to be held on 8 August 2012 at the Geelong West Town Hall to discuss the cuts to funding at the Gordon TAFE, and**
- b) formally invite the relevant Minister, local members of State Parliament and CEO of the Gordon TAFE.**

Carried Unanimously.

URGENT BUSINESS

Note: Introduction of Urgent Business requires the motion to be carried by two-thirds of the Councillors present.

Cr S Kontelj moved, Cr Nelson seconded -

That Council considers as Urgent Business a motion concerning Funding Cuts at the Gordon TAFE.

Carried.

Cr S Kontelj moved, Cr Nelson seconded –

That Council write to State Minister for Higher Education and Skills, Peter Hall, Grant Sutherland, CEO of the Gordon TAFE and Brian Williamson, President of Gordon TAFE, to request an urgent meeting with Council to discuss the likely impacts and how the Gordon will respond to the new State Vocational Training Funding Formula.

Carried.

The Chief Executive Officer and Cr Fisher re-entered the meeting room at 8.35pm

NOTICE OF MOTION – Cr C Granger

RE: PETITION FOR MORE POLICE IN THE NORTHERN PRECINCT OF GEELONG

At its meeting on 26 June 2012, Council received a petition from concerned residents of Lara. The petition is calling for an increase in Police numbers in Lara and an extended presence in the Lara township. The petition of 1,300 signatures, highlights the concerns of Lara residents about the lack of adequate police numbers. Policing is not the direct responsibility of Council, but Council can take an active role in advocating on behalf of local residents on State Government matters.

Cr Granger moved, Cr Richards seconded -

That Council write to John Eren MP, Member for Lara, on behalf of the residents of Lara, requesting that he table in Parliament, the 1,300 signature petition from residents of Lara calling for an increase in police numbers and an extended presence in the Lara township.

Carried.

CLOSE OF MEETING

As there was no further business the meeting closed at 8.36pm. Tuesday, 10 July 2012.

Signed: _____
Chairperson

Date of Confirmation: _____