

MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 25 September 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, 25 SEPTEMBER 2012
COMMENCING AT 7.00 P.M.**

PRESENT: Cr J Mitchell (Chair), Crs B Abley, J Doull, J Farrell, K Fisher, C Granger, B Harwood, E Kontelj, S Kontelj* (7.38pm), R Macdonald, R Nelson, A Richards

Also present: S Griffin (Chief Executive Officer), J Wall (General Manager Corporate Services), T Demeo (Acting General Manager Economic Development, Planning and Tourism), G Van Driel (General Manager City Services), J McMahon (General Manager Community Services), S Cavanagh (General Manager Projects, Recreation and Central Geelong), K Paton (Manager Arts and Culture), J Brown (Manager Administration and Governance), R Bourke (Governance Co ordinator), D Chiller (Co ordinator Communication and Marketing)

OPENING: The Mayor declared the meeting open at 7.00pm

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 Granger seconded -

That the Minutes of the Ordinary Meeting held on 11 September 2012 be confirmed and signed.

Carried.

DECLARATIONS OF CONFLICTS OF INTEREST:

Cr Richards declared an Indirect Interest by Close Association in Agenda Item 10, Local Authorities Superannuation Fund – Defined Benefit Plan, in that he has a personal association with several Vision Super Directors.

Cr Mitchell declared a Conflict of Interest in Notice of Motion, Committee for Geelong Membership, in that he is a Mayoral candidate.

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.

Questions were submitted from John Wilson, but he was not present at the meeting.

Geoffrey Kenyon asked questions in relation to the Armstrong Creek Development as follows:

Why is it that we are not notified of the development procedures when it appears the Council and developers know of it as common knowledge of what is happening, yet we have not been notified of anything, not even from the Lands Department, after several enquiries.

On the matter of my submission back on 29/2/2012 it was supposed to be out in approximately 10 days after that. Apparently the developers know, as they have land for sale on Torquay Road in November this year. Yet no notification has been made yet to us. We have not been notified since the submission of 29 February 2012.

Terry Demeo responded that Council has submitted a report to the Minister for Planning, who is the responsible authority, but to date a formal response has not been received. Stakeholders will be advised of outcomes when they become available.

Mary Wallace asked at the 26th June 2012 Council Meeting, as my first question I asked who, just a couple of hours prior to the meeting and after that day's post, had put in our letter box a letter from Council signed by Gary Van Driel to which the CEO, Stephen Griffin responded straight after I had asked the question, "It was hand-delivered." and I am asking, does General Manager of City Services, Gary Van Driel remember the CEO, Stephen Griffin saying, "It was hand-delivered."?

The Mayor responded the question would be taken on notice.

Mrs Wallace asked if Gary Van Driel would respond to her question as he was present at the meeting.

Gary Van Driel responded that he did not recall the CEO saying, "it was hand delivered".

Lindsay Candy asked if Council is aware that the property described in the Council Agenda is not Plover Court, Plover Court has only one weatherboard dwelling, 4 properties with frontages to Plover Court, no two storey dwellings in the Court and comments in the application do not refer to Plover Court?

Terry Demeo responded that he was unable to comment on specifics.

The Mayor indicated that the comments would be addressed during debate of the item.

QUESTION TIME (CONT'D)

John McKee asked if Council was aware of the number of anomalies in the Tait's Road, Barwon Heads report.

The Mayor responded the concerns would be addressed during debate of the item.

Cr Richards added that Council is aware of the concerns raised and indicated the answers would become apparent during debate of the item.

Colin Wallace asked:

1. Would Councillors and readers of the Minutes of the 14th August 2012 Council Meeting note that Chairperson Mayor Mitchell said only the single word 'Noted' in response to my three questions during Public Question Time on 14th August 2012, that he said it after my third question was read out and that he said nothing else in response to those three questions?

The Mayor responded, 'noted'.

2.a) Would the Mayor and Councillors note that neither my wife, Mary nor I has ever had a restraining order placed on us, nor has there ever been an application for one, since we understand we would have to know about it were there to be either a restraining order on us or application for one and we have no such knowledge?

The Mayor responded, 'noted'.

2.b) Would the Mayor and Councillors note that, behind our backs, the false idea that there has been a restraining order on one or both of us has been conveyed from within Council and that we are aware of this, not just because of an accumulation of clues over time, but also from within Council it slipped out?

The Mayor responded, 'noted'.

Bernd Hollander asked questions in relation to Agenda Item 4 – 15 Heal Street, Ceres and was advised by Cr Nelson that he was moving an alternate motion which would address some of the issues raised.

PETITIONS: Nil.

1. AMENDMENT C259: HORSESHOE BEND PRECINCT STRUCTURE PLAN AND DEVELOPMENT CONTRIBUTIONS PLAN

Portfolio:	Planning - Cr Macdonald Infrastructure - Cr Richards
Source:	Economic Development, Planning & Tourism
General Manager:	Peter Bettess
Index Reference:	Armstrong Creek

Summary

- The purpose of this report is to make recommendations to Council regarding the preparation and exhibition of Amendment C259.
- The amendment applies to land known as the Horseshoe Bend Precinct in the Armstrong Creek Urban Growth Area and is generally bounded by Reserve Road to the north, the Barwon River floodplain to the east, Burvilles Road to the south and Surf Coast Highway and Barwarre Road to the west.
- The amendment proposes to:
 - include the Horseshoe Bend Precinct Structure Plan (PSP) in the Planning Scheme as an incorporated document,
 - apply the Development Contributions Plan Overlay (DCPO) to the Precinct, and include the Horseshoe Bend Development Contributions Plan (DCP) as an incorporated document in the planning scheme,
 - include the Horseshoe Bend Native Vegetation Precinct Plan (NVPP) in the Planning Scheme as an incorporated document,
 - include land required by Barwon Water for its Pressure Reducing Valves in a Public Acquisition Overlay (PAO).
- The Horseshoe Bend Precinct developer and landowner consortium have, in close consultation with Council officers, prepared a draft PSP and draft NVPP. They have also prepared the required information for the preparation of a DCP to the satisfaction of Council officers, and are now in a position to proceed to the formal exhibition of a planning scheme amendment.
- The DCP rate per developable hectare for the Precinct is expected to be comparable to the East and West Precinct DCPs.
- The Draft PSP master plan went through an informal consultation process during May and June 2012. Submissions received were used to refine the final draft PSP.
- Following exhibition of the Amendment a further report will be brought to Council to review and recommend an approach to dealing with submissions. The final amendment will be required to be adopted by Council prior to submission to the Minister for approval.

1. AMENDMENT C259: HORSESHOE BEND PRECINCT STRUCTURE PLAN AND DEVELOPMENT CONTRIBUTIONS PLAN (CONT'D)

Cr Macdonald moved, Cr Richards seconded -

That Council prepare and exhibit Amendment C259, subject to Ministerial Authorisation.

Carried.

Report

Background

The Horseshoe Bend Precinct developer and landowner consortium (the Consortium) have, in close consultation with Council officers, prepared a Precinct Structure Plan (PSP) and Native Vegetation Precinct Plan (NVPP) for the Horseshoe Bend Precinct.

The Development Contributions Plan (DCP) for the Horseshoe Bend Precinct is being prepared by Urban Enterprise Pty Ltd on behalf of Council, also in close partnership with the Consortium. The DCP is required to ensure that levies are collected so that the infrastructure set out in the PSP is appropriately and equitably funded.

These documents are proposed to be included in the Planning Scheme through this amendment.

This amendment will implement the Armstrong Creek Urban Growth Plan and is consistent with previous adopted PSPs and DCPs in the Armstrong Creek Urban Growth Area. In areas where it varies slightly from the Armstrong Creek framework plan these modifications will enhance the overall planning outcomes for the precinct and are considered to be refinements to the Armstrong Creek Urban Growth Plan.

It should be noted that the PSP and DCP for the Armstrong Creek Town Centre Precinct is the subject of a separate report to Council. The preparation of the PSPs for both of these precincts have taken a coordinated approach to planning along the interface of the Precincts.

While some of the key background studies have been undertaken, the PSP for the Marshall Precinct, adjoining the northern boundary of the Horseshoe Bend Precinct, has not yet begun. However, the planning for the Horseshoe Bend Precinct has considered the future planning for this Precinct where it may influence the future planning and development of the Marshall Precinct.

Discussion

What the Amendment does

The amendment proposes to:

- Include the Horseshoe Bend PSP in the Planning Scheme as an incorporated document.
- Include the Horseshoe Bend NVPP in the Planning Scheme as an incorporated document.
- Include the land in the Horseshoe Bend Precinct in a Development Contributions Plan Overlay (DCPO) and include the Horseshoe Bend Development Contributions Plan (DCP) as an incorporated document in the Planning Scheme.

1. AMENDMENT C259: HORSESHOE BEND PRECINCT STRUCTURE PLAN AND DEVELOPMENT CONTRIBUTIONS PLAN (CONT'D)

- Include the land required by Barwon Water for its Pressure Reducing Valves in a Public Acquisition Overlay (PAO).
- Amend the Armstrong Creek Framework Plan to reflect the detail in the approved PSP.

What the DCP does

The DCP for the Horseshoe Bend Precinct will fund the following categories of infrastructure:

- Land
- intersection and traffic infrastructure
- Shared paths/trails
- Improvement to active open space (including playing fields)
- Drainage, wetlands and waterway improvement works
- Community complexes (inc. child care, Kindergarten, maternal child health and community meeting space)
- Community Pavilions
- Planning costs.

The DCP rate per developable hectare for the Precinct is expected to be comparable to the East and West Precinct DCPs. While some of the specific projects will be different (owing to the peculiarities of each Precinct), all the projects funded by the PSP are substantially the same as those in other residential Precincts of the Growth Area.

A unique DCP project in this precinct, however, will be the funding of the purchase of the Sparrovale and Robertson farms, to provide for a drainage reserve to service the Precinct.

PSP preparation

The preparation of the draft PSP has included a period of informal consultation where all land owners, affected parties, and relevant external Government agencies and Council departments were invited to review and comment on the draft master plan and background technical reports. The submissions received to this consultation were used to inform the preparation of the final draft PSP and DCP. The NVPP was prepared in consultation with DSE and will be endorsed by DSE prior to exhibition of the amendment.

The approach used to develop the Horseshoe Bend PSP is consistent with that used for the East and West residential precincts. The exhibited master plan is included in Appendix 1-1. The Key feature of the Horseshoe Bend PSP and master plan include:

1. AMENDMENT C259: HORSESHOE BEND PRECINCT STRUCTURE PLAN AND DEVELOPMENT CONTRIBUTIONS PLAN (CONT'D)

- A road network that meshes seamlessly with the adjoining Precincts that provides capacity for all traffic in the Precinct, without depending on the construction of the continuation of the 4C Ring Road extension.
- The provision of public open space and three community facilities, equally distributed through the Precinct, with floor/land areas that reflect industry standards and current best practice.
- The development (and environmental improvement) of the Sparrovale area, to the east of the precinct, as a drainage wetland.

Exhibition

This Amendment will follow the standard exhibition process as set out in the *Planning and Environment Act*, 1987, with all submissions reviewed by Council. It is expected that an independent Panel appointed by the Minister will be required to hear submissions, as was the case with the East and West PSPs.

Environmental Implications

The environmental implications in respect to the PSP, DCP and NVPP relate to the protection of significant vegetation scattered across the precinct. These matters will be appropriately addressed through the preparation of the PSP and NVPP. Note, the NVPP is required to be endorsed by the Department of Sustainability and Environment (DSE). The environmental impacts of development of the Sparrovale area, to the east of the precinct, as a drainage wetland are expected to be minimal and will be addressed during its actual development. It is intended that once the wetlands are complete that the environmental values of the wetland will be significantly greater than its current values.

Financial Implications

A limited number of DCP projects will require co-funding by Council, including a multipurpose stadium and a few minor road / traffic projects (Council's total contribution is estimated at \$2M). These costs have been identified in Council's long term financial plan and will be refined (if required) once the DCP has been approved.

The processing of this planning scheme amendment is provided for in current budgets as is the processing of any development application arising from the ultimate approval of the amendment.

Policy/Legal/Statutory Implications

This amendment will follow the normal statutory amendment process as set out in the *Planning and Environment Act*, 1987.

The PSP will facilitate development generally in accordance with the approved Armstrong Creek Urban Growth Plan and Greater Geelong planning policy (clause 21.11) relating to the Armstrong Creek Urban Growth Area.

Officer Direct or Indirect Interest

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

**1. AMENDMENT C259: HORSESHOE BEND PRECINCT STRUCTURE PLAN
AND DEVELOPMENT CONTRIBUTIONS PLAN (CONT'D)**

Risk Assessment

There are no foreseeable risks associated with adopting the recommendations of this report. The development of this land has strong strategic justification and has been a long-standing Council policy direction.

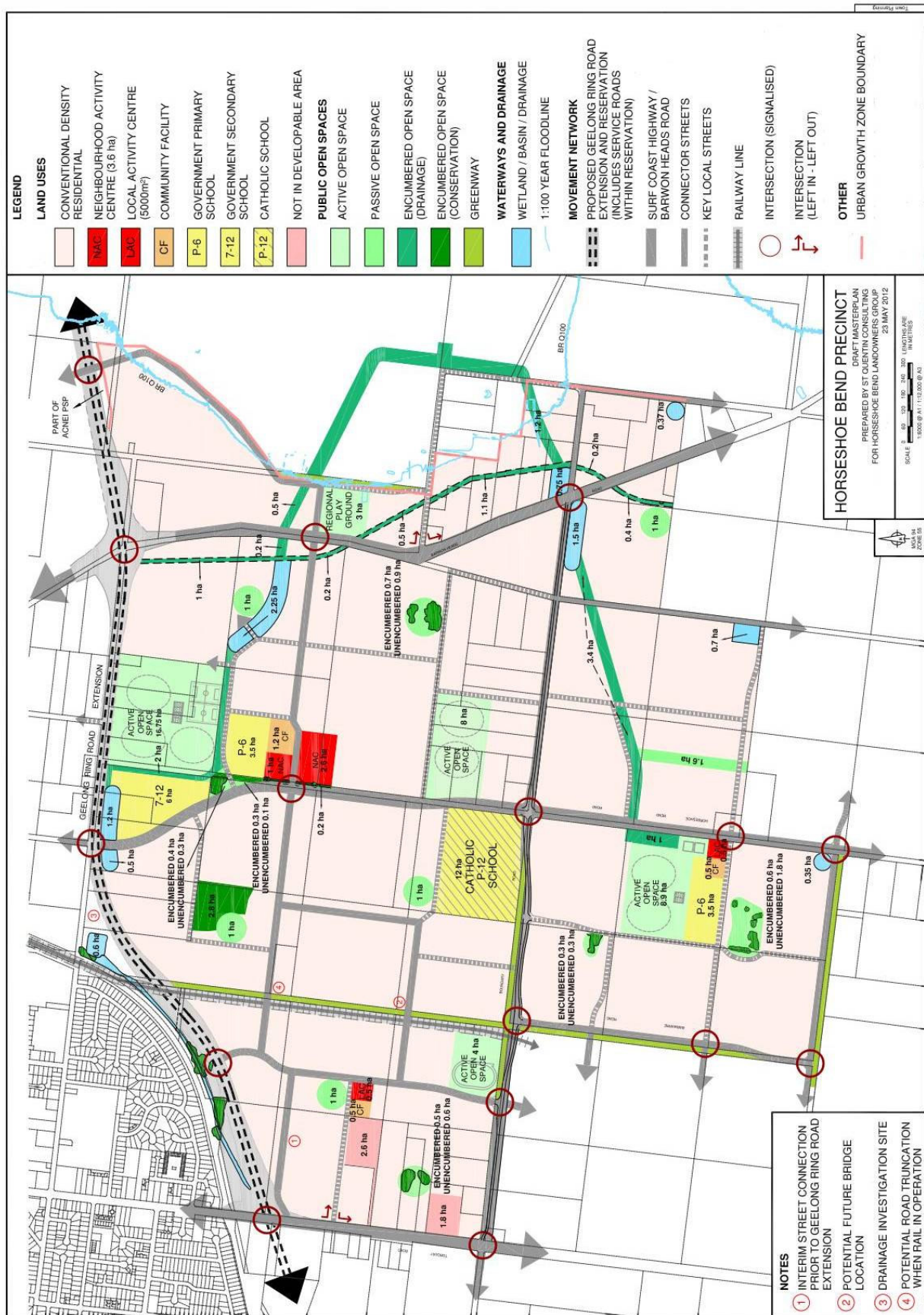
Social Considerations

The PSP includes three community centres in the Precinct. These have been specified and sited in accordance with requirements of the Community Development Department and are funded by the DCP. In addition, the PSP will contain a full complement of pedestrian and bicycle trails and active and passive public open space.

Communication

Communication for this amendment will follow the standard statutory exhibition process. It is expected that this will be supplemented with additional public information sessions to ensure appropriate community engagement.

Appendix 1-1: Exhibited Draft Horseshoe Bend Precinct Master Plan



2. ARMSTRONG CREEK TOWN CENTRE PRECINCT STRUCTURE PLAN C267 AUTHORISATION TO EXHIBIT AMENDMENT

Portfolio:	Planning - Cr Macdonald Infrastructure - Cr Richards
Source:	Economic Development, Planning & Tourism
General Manager:	Peter Bettess
Index Reference:	Armstrong Creek

Summary

- The purpose of this report is to make recommendations to Council regarding the preparation and exhibition of Greater Geelong Planning Scheme Amendment C267 Armstrong Creek Town Centre Precinct Structure Plan (PSP) and Development Contributions Plan (DCP).
- Amendment C267 applies to land known as the Armstrong Creek Town Centre (formerly the Armstrong Creek Major Activity Centre). The land is bounded by Boundary Road to the north, Barwarre Road to the east, Burvilles Road to the south and Surfcoast Highway to the west.
- Amendment C267 proposes to:
 - Include the Armstrong Creek Town Centre PSP in the Greater Geelong Planning Scheme (the planning scheme) as an incorporated document,
 - Apply the Development Contributions Plan Overlay (DCPO) to the Precinct, and include the Development Contributions Plan (DCP) as an incorporated document in the planning scheme,
 - Include the Armstrong Creek Town Centre Native Vegetation Precinct Plan (NVPP) in the planning scheme as an incorporated document.
- In late 2010 the Armstrong Creek Town Centre Steering Committee (landowners) was formed to fund, guide and inform the preparation of the PSP and associated planning scheme amendment package. The Steering Committee funded the appointment of Tract Consultants, via a Council project management model.
- Tract Consultants have also prepared the required information for the preparation of a DCP to the satisfaction of Council officers, with the DCP being prepared by Council consultant Urban Enterprises P/L.
- The Precinct's DCP rate per developable hectare is expected to be comparable to the Armstrong Creek East and West Precincts, however the small area of the precinct is likely to result in a levy at the higher end of the growth areas' other precincts.
- The Draft PSP master plan has gone through extensive consultation with the Town Centre's Landowner Steering Committee, with submissions via the consultation process received being used to refine the final draft PSP, where appropriate.

2. ARMSTRONG CREEK TOWN CENTRE PRECINCT STRUCTURE PLAN C267 AUTHORISATION TO EXHIBIT AMENDMENT (CONT'D)

- The purpose of this report is to recommend that Council prepare and exhibit Greater Geelong Planning Scheme Amendment C267.
- Following exhibition of the amendment a further report will be brought to Council to review and recommend an approach to dealing with submissions.

Cr Macdonald moved, Cr Richards seconded -

That Council prepare and exhibit Amendment C267, subject to Ministerial Authorisation.

Carried.

Report

Background

The implementation of the Armstrong Creek Growth Area has been progressed to a point where the approved Framework Plan has been included in the Planning Scheme, and all the land within the urban growth area rezoned to an Urban Growth zone.

The adoption of the Framework Plan and rezoning of the land to an Urban Growth zone was the subject of an exhibition phase in late 2006 culminating in an independent panel review which ran over 18 days in 2007. The Framework Plan provides very clear direction in relation to the location of activity centres, and land use direction for residential and employment land and the location of key open space. The rezoning of land to the Urban Growth Zone requires the development of Precinct Structure Plans to enable development to commence.

In addition the Armstrong Creek Project Team has undertaken detailed infrastructure planning both for civil infrastructure and community infrastructure for the entire growth area and Council has adopted the Armstrong Creek Integrated Infrastructure Delivery Plan (IIDP) which gives clear direction in relation to the infrastructure requirements to serve future communities across Armstrong Creek.

It should be noted that the Armstrong Creek Town Centre PSP is the third residential and second employment precinct to be prepared for the Armstrong Creek Urban Growth Area. The approach taken to prepare background technical reports to inform the preparation of the PSP and DCP for the Town Centre is consistent with the approach taken for the approved Precinct Structure Plan's for the Armstrong Creek East Precinct and the North-East Industrial Precinct and the Armstrong Creek West Precinct (currently awaiting Ministerial Approval).

In late 2010 the Armstrong Creek Town Centre Steering Committee was formed to guide and inform the planning process for the development of the C267 amendment package. Membership of the committee comprised two representatives from all titles within the Armstrong Creek Town Centre, The Armstrong Creek Project Team and representatives from the Department of Planning and Community Development.

The Armstrong Creek Project Team has, in close consultation with landowners, prepared a Precinct Structure Plan (PSP) and Native Vegetation Precinct Plan (NVPP) for the Armstrong Creek Town Centre.

2. ARMSTRONG CREEK TOWN CENTRE PRECINCT STRUCTURE PLAN C267 AUTHORISATION TO EXHIBIT AMENDMENT (CONT'D)

The Development Contributions Plan (DCP) for the Armstrong Creek Town Centre is being prepared by Urban Enterprise Pty Ltd on behalf of Council. The DCP is required to ensure that levies are collected so that the infrastructure set out in the PSP is funded.

The above documents are proposed to be included in the Planning Scheme via this amendment.

This amendment will implement the Armstrong Creek Town Centre PSP and is consistent with previous adopted PSPs and DCPs in the Armstrong Creek Urban Growth Area. In areas where it departs from the Armstrong Creek Urban Growth Plan Framework Plan these modifications will enhance the overall planning outcomes for the precinct and are considered to be refinements to the Armstrong Creek Urban Growth Plan.

Discussion

The preparation of the draft PSP has included a period of extensive consultation with all landowners within the Precinct (forming part of the Town Centre Steering Committee). Relevant external Government agencies and Council departments who were invited to review and comment on the draft master plan and background technical reports. The submissions received to this consultation were used to inform the preparation of the final draft PSP. The NVPP was prepared in consultation with DSE and will be endorsed by DSE prior to exhibition of the amendment. A copy of the Draft PSP map is provided in Appendix 2-1.

The ACTCPSP is a high level framework linking State and Local Government planning policies to facilitate future planning permit processes for the use and development of the Armstrong Creek Town Centre.

It provides a long term vision and framework to guide use and development with a description of how the land is expected to be used and developed and also how and where services are planned to support that use and development.

Specifically, the ACTCPSP:

- Is a strategic plan setting out the vision and structure for the creation of a new urban area that implements Victorian Government guidelines;
- Provides the basis for planning controls that apply in the Schedule to the Urban Growth Zone in the relevant planning scheme;
- Provides the framework for the consideration of planning permits that provide for urban development under the provisions of the relevant planning scheme;
- Details requirements or conditions that must be met by future development and use;
- Outlines projects required to ensure that the future community within the area is provided as early as possible with access to infrastructure and services to support a quality, affordable lifestyle; and
- Provides developers, investors and local communities with certainty regarding the nature of future development within the development area.

2. ARMSTRONG CREEK TOWN CENTRE PRECINCT STRUCTURE PLAN C267 AUTHORISATION TO EXHIBIT AMENDMENT (CONT'D)

The ACTCPSP sets out the objectives and implementation of these in relation to twelve key elements

- Image and character.
- Place making and liveability;
- Environmentally sustainable development;
- Subdivision and housing;
- Built form;
- Community facilities;
- Movement and access network;
- Public open space, natural systems and biodiversity;
- Drainage and floodplain management;
- Car parking and loading;
- Utilities and energy; and,
- Development staging.

What the Amendment does

The amendment proposes to:

- Include the Armstrong Creek Town Centre PSP in the Planning Scheme as an incorporated document.
- Include the Armstrong Creek Town Centre NVPP in the Planning Scheme as an incorporated document.
- Include the land in the Armstrong Creek Town Centre Precinct in a Development Contributions Plan Overlay (DCPO) and include the Armstrong Creek Town Centre Development Contributions Plan (DCP) as an incorporated document in the Planning Scheme.
- Amend the Armstrong Creek Urban Growth Plan Framework Plan to give effect to the Armstrong Creek Town Centre Precinct Structure Plan detail as adopted, where it is inconsistent with the Urban Growth Plan.

What the DCP does

The DCP for the Armstrong Creek Town Centre Precinct will provide a contribution to the funding of the following categories of infrastructure:

- Land
- Intersections and traffic infrastructure
- Shared paths/trails
- Improvement to civic open space
- Drainage and wetlands works
- Community complexes (inc. child care, Kindergarten, maternal child health and community meeting space)
- Contribution to a Armstrong Creek Regional Library
- Planning costs.

2. ARMSTRONG CREEK TOWN CENTRE PRECINCT STRUCTURE PLAN C267 AUTHORISATION TO EXHIBIT AMENDMENT (CONT'D)

The Precinct's DCP rate per developable hectare is expected to be comparable to the Armstrong Creek East and West Precincts, however the small area of the precinct is likely to result in a levy at the higher end of the growth areas' other precincts

While some of the specific projects will be different (owing to the peculiarities of each Precinct), all the projects funded by the PSP are substantially the same as those in other residential Precincts of the Growth Area.

The Precinct will require the funding of several medium to long term Council community projects to service the Armstrong Creek growth area. These have been identified in the Armstrong Creek Integrated Infrastructure Delivery Plan (ACIIDP) adopted by Council in February 2009 and include facilities such as an aquatic centre, multiple purpose stadium, integrated community and cultural centre and contribution to an Armstrong Creek Regional Library. It is expected, and assumed in the ACIIDP, that most of these projects will receive external funding from the State and / or Federal Government.

Exhibition

This Amendment will follow the standard exhibition process as set out in the *Planning and Environment Act, 1987*, with all submissions reviewed by Council. It is expected that an independent Panel appointed by the Minister will be required to hear submissions, as was the case with the East and West PSPs.

Environmental Implications

The environmental impact of development in the Armstrong Creek Urban Growth Area has been subject to thorough analysis and review via the original Framework Plan, independent panel process. The preparation of the Precinct Structure Plan has been supported via the development of detailed technical reports in respect to stormwater management, native vegetation and sustainability analysis. The development and review of these technical reports has been undertaken in consultation with relevant statutory departments of the Government.

The environmental implications in respect to the PSP, DCP and NVPP relate to the protection of significant vegetation scattered across the precinct. These matters will be appropriately addressed through the preparation of the PSP and NVPP. Note, the NVPP is required to be endorsed by the Department of Sustainability and Environment (DSE).

Financial Implications

A small number of DCP roads and traffic projects will require co-funding by Council (less than \$2M). These costs have been identified in Council's long term financial plan and will be refined (if required) once the DCP has been approved. The DCP will also facilitate the provision of fully funded land for the siting of key strategic projects for the Armstrong Creek Town Centre Precinct.

The following projects remain unfunded and will be subject to future grants and Council funding opportunities. The DCP does not commit Council to expenditure in respect to these projects and they will be longer term commitments subject to alternate funding availability:

2. ARMSTRONG CREEK TOWN CENTRE PRECINCT STRUCTURE PLAN C267 AUTHORISATION TO EXHIBIT AMENDMENT (CONT'D)

- indoor multipurpose stadium \$12M
- regional library \$15M
- integrated community, youth and culture centre \$15M
- aquatic leisure centre \$22M

The processing of this planning scheme amendment is provided for in current budgets as is the processing of any development application arising from the ultimate approval of the amendment.

The Precinct will require the funding of several medium to long term Council community projects to service the Armstrong Creek growth area. The Adopted Armstrong Creek Integrated Infrastructure Delivery Plan (ACIIDP) identifies that these projects will require an element of external funding from the State and / or Federal Government.

Policy/Legal/Statutory Implications

This amendment will follow the statutory amendment process set out in the Planning and Environment Act, 1987. The PSP will facilitate development in accordance with the approved Armstrong Creek Urban Growth Plan and the planning policies (clause 21.11) relating to the Armstrong Creek Urban Growth Area.

The Precinct Structure Plan is consistent with all relevant State and Council planning policies which have been described and discussed in detail in the Precinct Structure Plan.

The Armstrong Creek Town Centre PSP will also seek to implement a number key sustainability initiatives detailed with the Armstrong Creek Urban Growth Plan.

There are also some significant opportunities for developer lead sustainability initiatives such as co-generation or solar generation of power, electric vehicle stations, water harvesting and reuse. Further the plan supports best practice Main Street principles and walkability, integrated housing close to amenity areas and the creation of a highly vegetated "green" town centre.

Officer Direct or Indirect Interest

In accordance with Sec 80(c) of the Local Government Act Peter Bettess, General Manager, Economic Development, Planning & Tourism declares an indirect financial interest in that he owns Woolworths and Wesfarmers shares.

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

Risk Assessment

There are no foreseeable risks associated with adopting the recommendations of this report. The development of this land has strong strategic justification and has been a long-standing Council policy direction.

2. ARMSTRONG CREEK TOWN CENTRE PRECINCT STRUCTURE PLAN C267 AUTHORISATION TO EXHIBIT AMENDMENT (CONT'D)

Social Considerations

The Development Contributions Plan (DCP) will provide the land for Council to deliver civic services such as aquatic centre, multi-purpose stadium, library and community meeting spaces to service the entire Armstrong Creek growth area.

Communication

All land owners across the precinct to be dealt with under this amendment have been actively engaged throughout the preparation of the amendment package. All relevant state authorities have been engaged during the preparation of the background technical reports to this amendment.

This Amendment will follow the standard exhibition process as set out in the *Planning and Environment Act*, 1987, with all submissions reviewed by Council. It is expected that an independent Panel appointed by the Minister will be required to hear submissions, as was the case with the East and West PSPs.

APPENDIX 2-1

ARMSTRONG CREEK TOWN CENTRE PRECINCT STRUCTURE PLAN



1:8000

Legend

- | | |
|--|--|
| ACTCSP BOUNDARY | URBAN SPACE |
| PRIMARY ROAD NETWORK | ENCUMBERED OPEN SPACE (storm water quality and management) |
| ACCESS STREET (generally in accordance) | ENCUMBERED OPEN SPACE (biodiversity values) |
| RESTRICTED RETAIL (allowing upper level use) | PRIORITY PEDESTRIAN NETWORK |
| MIXED USE (retail, commercial on ground floor) | LONG TERM INTEGRATED TRANSIT HUB |
| MIXED USE (primary residential) | INTERIM BUS INTERCHANGE |
| EMERGENCY SERVICES | |
| COMMUNITY FACILITIES | |
| GREEN PARK | |
| OPEN SPACE LINK | |

3. ADOPTION OF AMENDMENT C250 – REZONING OF 31 DUDLEY PARADE, 1 HOPETOUN STREET AND 18 CLIFF STREET, ST LEONARDS

Portfolio:	Planning - Cr Macdonald
Source:	Economic Development, Planning and Tourism – Strategic Implementation
General Manager:	Peter Bettess
Index Reference:	Application: C250

Summary

- Amendment C250 proposes to rezone land at 31 Dudley Parade and 1 Hopetoun Street, St Leonards from Public Park and Recreation Zone (PPRZ) to Residential 1 Zone (R1Z), and to rezone the land at 18 Cliff Street, St Leonards from PPRZ to Residential 3 Zone (R3Z) with a Design and Development Overlay 14 (DDO14).
- The Amendment has been undertaken to facilitate sale of the land which has been declared surplus to Council requirements for public open space purposes. Part of the Cliff Street property is intended for road realignment purposes.
- Under the Local Government Best Practice Guideline for the Sale and Exchange of Land, Council is required to ensure that prior to being offered for sale, property should be appropriately zoned.
- Authorisation (A02229) for this Amendment was issued on 4 April 2012 under section 35B of the *Planning and Environment Act 1987*.
- Exhibition of the Amendment between 17 May and 18 June 2012 resulted in three submissions – two from service authorities (Barwon Water and the Corangamite Catchment Management Authority) and one from a local resident.
- The CCMA did not object to the amendment and considered that the rezoning would be compatible with the projected storm tide risk associated with St Leonards up to the year 2100. Barwon Water is seeking the creation of a two metre wide sewerage easement on the 1 Hopetoun Street property, which can be accommodated.
- The objecting submission raised concerns about the impact of the rezoning on an existing storm water drainage pit and the need to use the land to improve the Cliff Street road alignment to improve safety for road users and adjoining residents.
- After further discussions between officers and the objecting submitter, they have withdrawn their submission by correspondence.
- The Amendment is consistent with planning policy for St Leonards.

Cr Macdonald moved, Cr Richards seconded -

That Council:

- 1) **adopt Amendment C250 as contained in Appendix 3-1 of this report; and**
- 2) **submit the adopted Amendment together with the prescribed information to the Minister for Planning requesting approval.**

Carried.

3. ADOPTION OF AMENDMENT C250 – REZONING OF 31 DUDLEY PARADE, 1 HOPETOUN STREET AND 18 CLIFF STREET, ST LEONARDS

Report

Background

Amendment C250 is a Council initiated amendment made by the Property Services Department.

The Amendment proposes to rezone the land 31 Dudley Parade and 1 Hopetoun Street, St Leonards from Public Park and Recreation Zone (PPRZ) to Residential 1 Zone (R1Z), and to rezone the land at 18 Cliff Street, St Leonards from PPRZ to Residential 3 Zone (R3Z) with a Design and Development Overlay 14 (DDO14).

The land has been identified as being surplus to Council requirements for public open space purposes. Part of the Cliff Street property is intended for road realignment purposes. Council at its meeting of 28 February 2012 resolved to sell the land subject to approval of the rezoning. Under the Local Government Best Practice Guideline for the Sale and Exchange of Land, Council is required to ensure that prior to being offered for sale, property should be appropriately zoned.

A Coastal Hazard Vulnerability Assessment (CHVA) of the Hopetoun and Dudley properties undertaken as part of the consideration of the amendment application concluded that the properties would be unlikely to be vulnerable to coastal erosion or inundation from projected increased sea levels out to at least 2100. The CHVA also concluded that the subject properties may be vulnerable to localised flooding with variations of water surface levels at St Leonards Lake when combined with overland flooding of the sub catchment. A CHVA was not required for the Cliff Street property as it will be partially used for a road realignment and partially sold (the higher land) to the adjoining landowner to formalise a current lease.

Discussion

Ministerial Authorisation (No: A02229) for this Amendment was received from the Minister for Planning on 4 April 2012. Exhibition of Amendment C250 took place between 17 May and 18 June 2012 with notices placed in local newspapers and in the Government Gazette. Notice of Amendment was sent to the relevant Ministers under the Planning and Environment Act 1987.

Three submissions have been received from Barwon Water, Corangamite Catchment Management Authority (CCMA) and local residents John and Denise Martin.

The CCMA advises that based on the CMA's best estimate of the applicable year 2100 storm tide and ground level data; it does not consider inundation associated with sea level rise to be an impediment to the proposed rezoning.

Based on available ground level data for the Hopetoun Street and Dudley Parade properties, the CCMA advises that residential development subsequent to the proposed zone change is likely to be compatible with the projected storm tide risk associated with St Leonards up to the year 2100.

The CCMA advises that there is a small portion of 18 Cliff Street that may be lower than the projected year 2100 storm tide level of 2.22m AHD and on this basis there is a requirement that any development would be recommended to be on land above 2.2m AHD to ensure no risk to infrastructure on this property. Despite this minor portion of land below 2.2m AHD there is relatively high ground to the east and north of the subject property which is expected to provide a physical barrier against storm tide inundation of the property itself, and available egress.

3. ADOPTION OF AMENDMENT C250 – REZONING OF 31 DUDLEY PARADE, 1 HOPETOUN STREET AND 18 CLIFF STREET, ST LEONARDS

Residential development of the Cliff Street site subsequent to the proposed zone change is also likely to be compatible with the projected storm tide risk associated with St Leonards up to the year 2100 on land above 2.2m AHD.

It is noted that the lower portion of this site is proposed to be utilised for a road realignment of the sharp bend in Cliff Street.

Barwon Water has no objections to the proposed changes from a servicing perspective. Barwon Water requires a two metre Barwon Water sewerage easement to be created as a condition of rezoning. This is accepted and Property Department is working directly with Barwon Water to create the easement on title.

John and Denise Martin objected to the rezoning of 18 Cliff Street on the grounds that:

- the land has a storm water soakage pit which handles the run-off from the Cliff Street hill in heavy storms; and
- the plan does not adequately show the sharp and dangerous bend in Cliff Street and the land should be used to redirect the road overcome this problem.

Officers met with Mr Martin on 8 August 2012 to respond to concerns about the implications of the rezoning and have satisfactorily addressed their concerns about the rezoning of the 18 Cliff Street property. Officers advised that part of the land is to be used to modify the bend in Cliff Street and the accompanying batter, and that these works would accommodate existing storm water drainage infrastructure. By email dated 8 August 2012, the Martins have withdrawn their submission.

Environmental Implications

The land consists of mowed grassland and some native species which are either common to the locality and Bellarine Peninsula, or considered environmental weeds. None of the native species present are considered rare or endangered.

There are no foreseeable adverse environmental effects as a result of the amendment for either future residents of the site or any of the nearby or adjoining residents and property owners.

Financial Implications

There are no ongoing financial implications for Council arising from this amendment.

Policy/Legal/Statutory Implications

The rezoning of the Dudley Parade and Hopetoun Street land will facilitate the sale of surplus Council land for future use consistent with the State Planning Policy Framework and Local Planning Policy Framework.

Officer Direct or Indirect Interest

In accordance with section 80(c) of the local Government Act no Council officers have any direct or indirect interest in the matters to which this amendment relates.

**3. ADOPTION OF AMENDMENT C250 – REZONING OF 31 DUDLEY PARADE,
1 HOPETOUN STREET AND 18 CLIFF STREET, ST LEONARDS**

Risk Assessment

There is no risk associated with this Amendment.

Social Considerations

Future use of the land will be consistent with the surrounding land uses and zoning.

The disposal of the surplus land will allow these resources to be redeployed to other services for the benefit of ratepayers.

Communication

The amendment was exhibited in accordance with the *Planning and Environment Act, 1987*. Submissions have been acknowledged and submitters will be notified of Council's determination and any decision of the Minister for Planning.

The Property Unit is working directly with Barwon Water to create the sewerage easement on the 1 Hopetoun Street property title.

APPENDIX 3-1 – AMENDMENT DOCUMENTATION

Planning and Environment Act 1987

GREATER GEELONG PLANNING SCHEME

AMENDMENT C250

The planning authority for this amendment is Greater Geelong Planning Scheme

The Greater Geelong Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 3 attached maps:

Zoning Maps

1. Planning Scheme Map No. 62 is amended in the manner shown on the attached 2 maps marked “Greater Geelong Planning Scheme, Amendment C250”.

Overlay Maps

2. Planning Scheme Map No. 62DDO14 is amended in the manner shown on the attached map marked “Greater Geelong Planning Scheme, Amendment C250”.

End of document

GREATER GEELONG PLANNING SCHEME LOCAL PROVISION



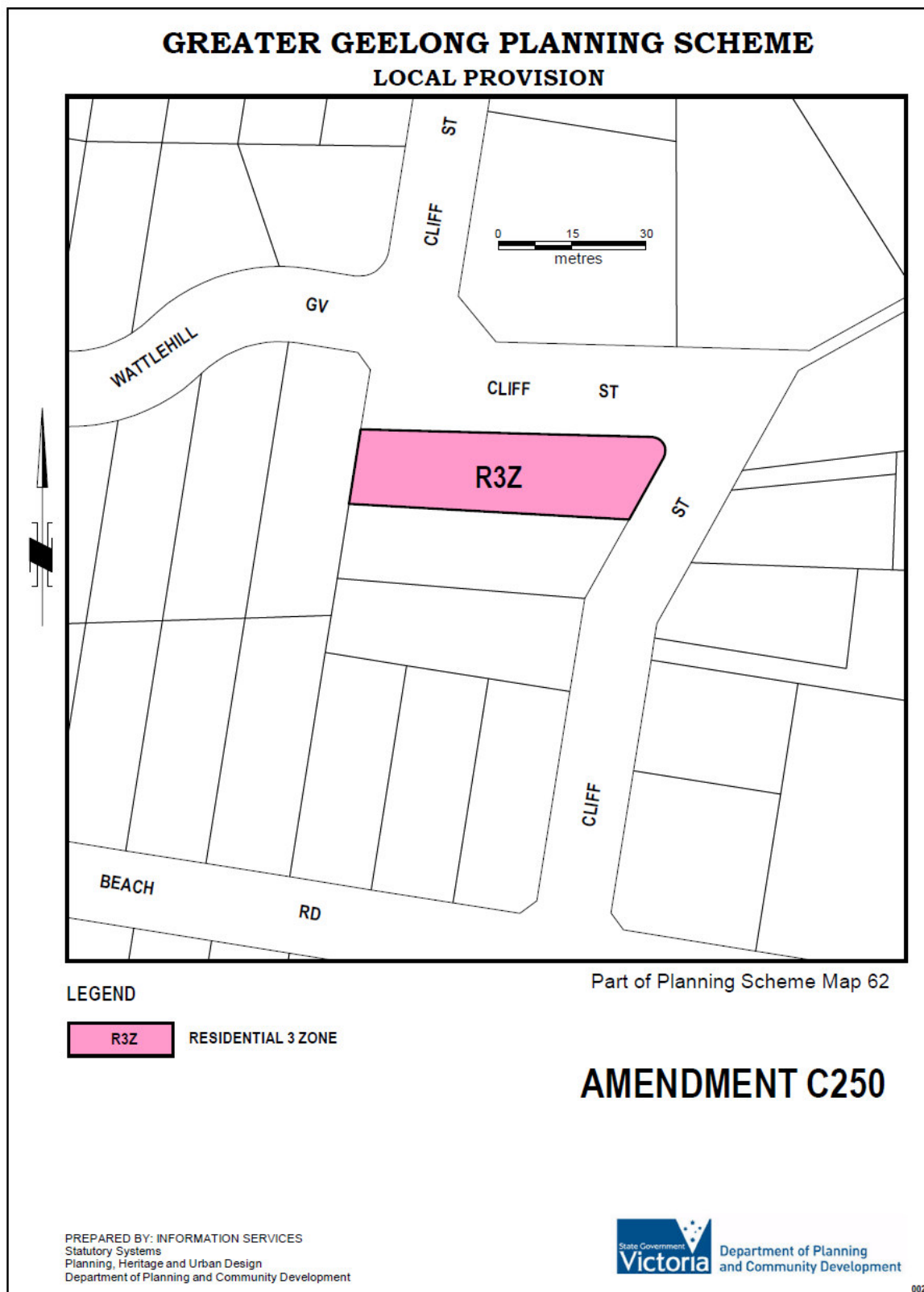
Part of Planning Scheme Map 62

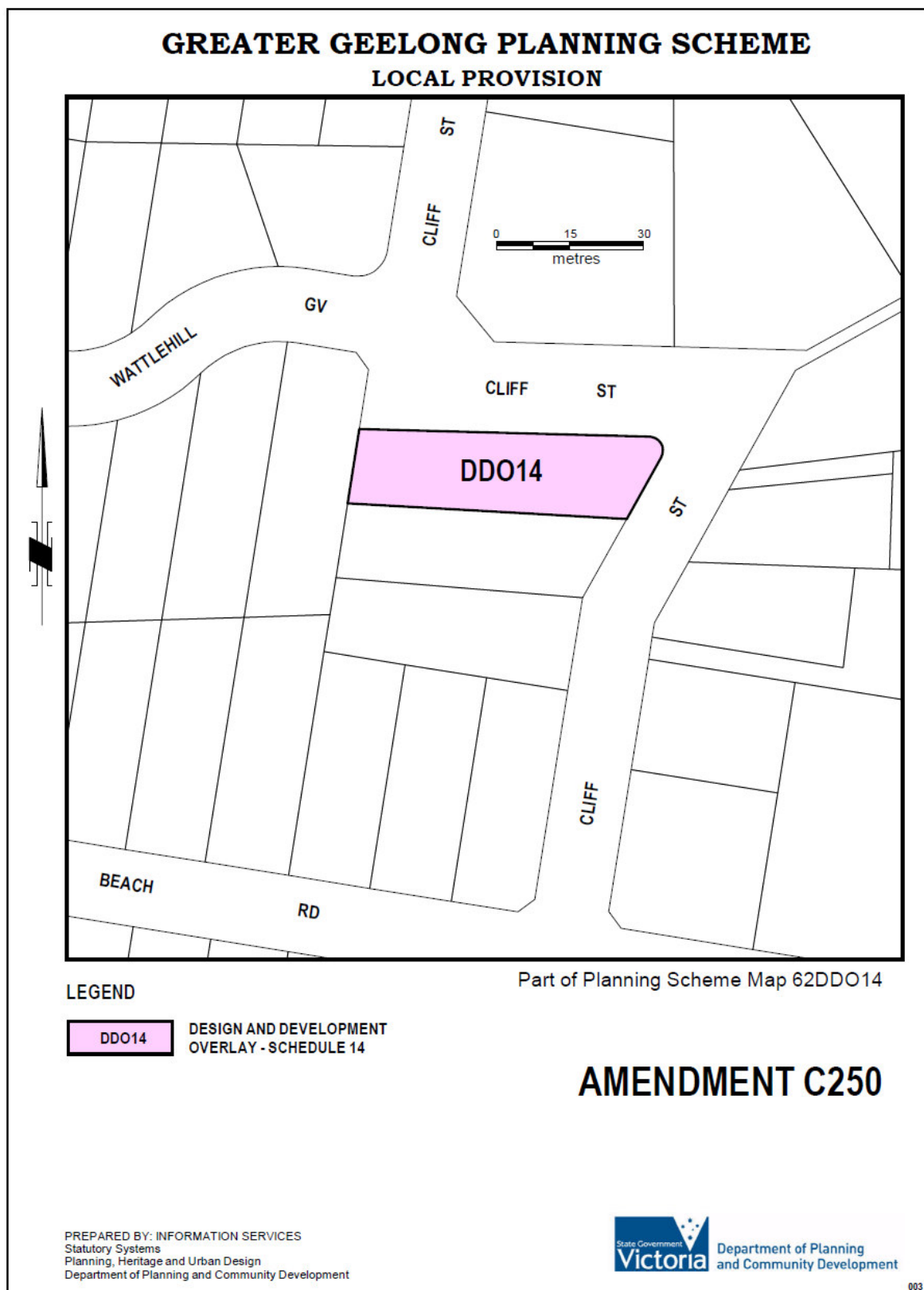
LEGEND

R1Z RESIDENTIAL 1 ZONE

AMENDMENT C250

PREPARED BY: INFORMATION SERVICES
Statutory Systems
Planning, Heritage and Urban Design
Department of Planning and Community Development





4. PLANNING PERMIT APPLICATION 282/2012 - S WILKINSON ON BEHALF OF ESTATE IM HILL - 15 HEAL STREET, CERES

Portfolio:	Planning - Cr Macdonald
Source:	Economic Development, Planning & Tourism
General Manager:	Peter Bettess
Index Reference:	Application 282/2012

Summary

- The land 15 Heal Street in Ceres is approximately 1.545 hectares and has an 87.08 metre northern frontage to Heal Street while the site is relatively flat, with a 5 metre fall from the front of the property to the rear. The site falls within two zones – the northern portion of the site falls within the Township Zone (with a Design and Development Overlay Schedule 14) compatible with the urbanised land to the west and north; while the balance of the land to the southern end is held within the Farming Zone.
- The proposal involves the subdivision of the land into four (4) allotments with a new dwelling and associated outbuilding proposed on one of the allotments.
- Part of the land is subject to the Township Zone and is also subject to the Design and Development Overlay 14 while the remainder of the land is subject to the Farming Zone and is not subject to any overlays.
- The application was advertised by way of letters to adjoining and surrounding land owners/occupiers and with a sign on the site for the required 14 day period.
- As a result of public notification 14 objections were received which related to neighbourhood character, waste water disposal, health and safety impacts as a result of increased traffic, non-compliance with Council policies, the accuracy of the Land Capability Assessment submitted, setting a precedent for future applications, the potential for two storey dwellings on the proposed lots and the lack of an overlay over Ceres promised by Councillor Katos in 2010.
- The application was considered against the relevant State and local planning policy, the Township Zone, the Farming Zone and Clause 56 and 65 and is considered to be generally in accordance with the objectives, strategies and purpose of those provisions.
- It is recommended that the application be supported.

Cr Nelson moved, Cr Richards seconded -

PART A

That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to Issue a Notice of Decision to Grant a Planning Permit for the Use and Development of Land for a Dwelling and Subdivision of Land in to Three (3) Lots at 15 Heal Street, Ceres in accordance with the plans submitted with the application and subject to the following conditions:

AMENDED PLAN OF SUBDIVISION REQUIRED

1. **Before the plan of subdivision can be certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.**

Resolution (Cont'd)

The plans must be generally in accordance with the plans submitted with the application, but modified to show:

- a) only two (2) allotments within the Township Zone except for the accessway for the rear allotment in the Farming Zone;
- b) a 5m wide drainage easement along the rear boundary of lots 1 & 2 and across the lot 4 access. The easement is to be made in favour of the City of Greater Geelong;
- c) the section of the land to be dedicated as a road reserve to Council. The road reserve shall be of a width consistent with that on the abutting land at 25 Heal Street, Ceres.

ENDORSED PLANS

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

SECTION 173 AGREEMENT

- 3. Unless otherwise approved by the Responsible Authority, prior to the statement of compliance for the subdivision, the applicant must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:
 - a) The Land Capability Assessment prepared by Melbourne Geological Consultants dated July 2012 is used as a reference document for the design of the septic systems to treat the waste water generated by any future dwellings on these sites;
 - b) The strategies for ongoing actions detailed in the Land Management Plan dated March 2012 must be implemented in an ongoing manner on lot 4 once the dwelling has been constructed.

The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987.

PRIOR TO COMMENCEMENT OF DEVELOPMENT

- 4. Unless otherwise approved by the Responsible Authority, prior to the commencement of the development hereby approved, engineer designed drainage plans prepared by a qualified person must be submitted to and approved by the Responsible Authority. These plans must show that the design for the drainage system complies with relevant City of Greater Geelong Standards, Australian Rainfall and Runoff, Australian Standards (in particular AS 3500), WSUD Engineering Procedures:

Resolution (Cont'd)

Stormwater- CSIRO, and any other approved technical publications relevant to the development, demonstrating that the system caters for the development in accordance with the following design criteria:

- a) **Runoff from Hard Standing Areas shall be treated to achieve current best practice pollutant removal targets by connection to an appropriate Water Treatment Facility, with capacity to treat at least a 3 month ARI storm event, unless approved otherwise by the Responsible Authority. The Water Treatment Facility must be maintained to the satisfaction of the Responsible Authority.**
- b) **A swale drain is to be designed along the frontage of the site in Heal Street. The swale drain must discharge to the existing swale drain that runs along the western boundary of 5 Heal Street, Ceres.**
- c) **A swale drain is to be designed along the rear of lots 1 & 2 and across the access for lot 4. The swale is to discharge to the existing swale drain that runs along the western boundary of 5 Heal Street, Ceres.**
- d) **A soakage pit is required to be designed and constructed for lots 1 & 2. Lot 4 can discharge/retain stormwater on site.**

PRIOR TO OCCUPATION OF DEVELOPMENT

- 5. Unless otherwise approved by the Responsible Authority, prior to the occupation of the development, the developer must:**

- a) **construct the site stormwater system including connection points for each lot into the soakage pit, or other nominated point/s as approved by the Responsible Authority and no storm water shall drain or discharge from the land to adjoining properties in a concentrated manner.**
- b) **construct the swale drains along the rear of lots 1 & 2 and in the road reserve fronting the site in accordance with the approved drainage plans.**
- c) **construct any stormwater treatment works in accordance with the approved drainage plans.**
- d) **construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong. A Vehicle Crossing Permit must be obtained prior to commencement of works. Any redundant vehicular crossing must be removed and the footpath/nature strip area reinstated to match existing construction in the street;**

all to the satisfaction of the Responsible Authority.

DRAINAGE

- 6. The site shall be drained to the satisfaction of the Responsible Authority and no stormwater, sullage, sewerage or polluted runoff may drain or discharge from the land to adjoining properties.**

ACCESS

- 7. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles to the satisfaction of the Responsible Authority.**

SEWERAGE

- 8. The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.**

Resolution (Cont'd)

WATER

9. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes to the satisfaction of the Responsible Authority.

ELECTRICITY

10. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the Responsible Authority.

PRIOR TO STATEMENT OF COMPLIANCE

11. Unless otherwise approved by the Responsible Authority, prior to the statement of compliance for the subdivision, the developer must:

- a) construct the site stormwater system including connection points for each lot into the soakage pit, or other nominated point/s as approved by the Responsible Authority and no storm water shall drain or discharge from the land to adjoining properties in a concentrated manner.
- b) construct the swale drains along the rear of lots 1 & 2 and in the road reserve fronting the site in accordance with the approved drainage plans.
- c) construct any stormwater treatment works in accordance with the approved drainage plans.
- d) construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong. A Vehicle Crossing Permit must be obtained prior to commencement of works. Any redundant vehicular crossing must be removed and the footpath/nature strip area reinstated to match existing construction in the street;

all to the satisfaction of the Responsible Authority.

12. Unless otherwise approved by the Responsible Authority, prior to the statement of compliance for the subdivision, engineer designed drainage plans prepared by a qualified person must be submitted to and approved by the Responsible Authority. These plans must show that the design for the drainage system complies with relevant City of Greater Geelong Standards, Australian Rainfall and Runoff, Australian Standards (in particular AS 3500), WSUD Engineering Procedures: Stormwater- CSIRO, and any other approved technical publications relevant to the development, demonstrating that the system caters for the development in accordance with the following design criteria:

- a) Runoff from Hard Standing Areas shall be treated to achieve current best practice pollutant removal targets by connection to an appropriate Water Treatment Facility, with capacity to treat at least a 3 month ARI storm event, unless approved otherwise by the Responsible Authority. The Water Treatment Facility must be maintained to the satisfaction of the Responsible Authority.
- b) A swale drain is to be designed along the frontage of the site in Heal Street. The swale drain must discharge to the existing swale drain that runs along the western boundary of 5 Heal Street, Ceres.
- c) A swale drain is to be designed along the rear of lots 1 & 2 and across the access for lot 4. The swale is to discharge to the existing swale drain that runs along the western boundary of 5 Heal Street, Ceres.

Resolution (Cont'd)

- d) A soakage pit is required to be designed and constructed for lots 1 & 2. Lot 4 can discharge/retain stormwater on site.

BARWON WATER CONDITIONS

13. The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.

POWERCOR CONDITIONS

14. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
15. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.
16. The applicant shall, where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.
17. The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.
18. Any buildings must comply with the clearances required by the Electricity Safety (Network Assets) Regulations.
19. Any construction work must comply with the Officer of the Chief Electrical Inspector "No Go Zone" rules.

TELSTRA CONDITIONS

20. That the plan of subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.
21. Telstra will not consent to the issue of a Statement of Compliance until such time as the applicant provides satisfactory evidence of compliance with the above conditions.

Notes: Approval does not cover alterations to existing Telstra Plant or Network. Locations of existing network can be obtained from Dial Before You Dig – Ph: 1100. For co-ordinated Telstra plant reticulation in this development, please refer to www.telstrasmartcommunity.com to Register your Development and Apply for Reticulation.

Resolution (Cont'd)

EXPIRY

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

- a) The development of the building(s) hereby approved has not commenced within two (2) years of the date of this permit**
- b) The plan of subdivision has not been certified within two (2) years of the date of this permit.**
- c) The development of the building(s) hereby approved is not completed within four years of the date of this permit.**
- d) A statement of compliance is not issued within five (5) years of the date of certification.**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three (3) months afterwards.

NOTES

- 1. Construction of the civil works is to be supervised by Council Representative at various stages. An appropriate fee equivalent to 3.25% of total cost of civil works, excluding GST (a minimum fee of \$100 applies if the 3.25% amount is less than \$100), is to be paid to Council for supervision. Relevant evidential documentation of the cost is to be provided.**
- 2. All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.**

PART B

That Officers investigate strategic planning options for Ceres and report back to Council.

Carried.

Report

Background

The Site & Locality

The land 15 Heal Street in Ceres is approximately 1.545 hectares and has an 87.08 metre northern frontage to Heal Street and a maximum depth of 181.90 metres. The site is relatively flat, with a 5 metre fall from the front of the property to the rear. A dam is located in the south-eastern corner of the site.

The site falls within two zones – the northern portion of the site falls within the Township Zone (with a Design and Development Overlay Schedule 14) compatible with the urbanised land to the west and north; while the balance of the land to the southern end is held within the Farming Zone.

Ceres is a small township on the edge of the municipality and is separated from the urban areas by a tract of farming land to the east which forms a buffer from Wandana Heights and Highton. The Geelong Ring Road is also proposed to be located approximately 1.5 kilometres to the east.

4. PLANNING PERMIT APPLICATION 282/2012 - S WILKINSON ON BEHALF OF ESTATE IM HILL - 15 HEAL STREET, CERES (CONT'D)

The properties to the north-west and the north of the site are rural residential lots within the Township Zone while the land to the south-west is land within the Farming Zone which contains a dwelling. The property to the south and east of the site is a public reserve named Frank Mann Reserve and is located within the Public Park & Recreation Zone.

Proposal

The proposal seeks to subdivide the existing land into four (4) separate allotments consisting of:

- Lot 1 – 1430 square metre rectangular shaped allotment with a 27.05 metre frontage and a maximum depth of 53.09 metres.
- Lot 2 – 1430 square metre rectangular shaped allotment with a 27.05 metre frontage and a maximum depth of 53.09 metres.
- Lot 3 – 1431 square metre rectangular shaped allotment with a 27.05 metre frontage and a maximum depth of 53.09 metres.
- Lot 4 – 1.116 hectare battle-axe shaped allotment with a 53.09 metre long driveway which is 5.93 metres wide which leads to the main section of the allotment which is a maximum of 86.84 metres wide and has a maximum depth of 128.82 metres.

The proposal also seeks approval for the use and development of a dwelling and associated outbuilding on lot 4 which is to be contained predominantly on the Farming Zone land.

The dwelling is to be situated around 20 metres south of the proposed rear boundary of Lot 3 and around 13 metres away from the eastern boundary of the site. The dwelling is to contain five (5) bedrooms, an open plan family/lounge/dining/kitchen area with a secondary living/rumpus room and a double garage. The dwelling is to be single storey with a variety of skillion roofs and a mix of contemporary cladding materials.

The shed building is to be situated around 5 metres south of the proposed rear boundary of Lot 1 and around 5 metres away from the western boundary of the site. The shed is to be a gabled roof structure clad with colorbond sheeting. A private access doors are to be provided on the southern and eastern elevations while two (2) 3 metre wide roller doors will be provided on the eastern elevation.

Discussion

Development

The proposal is considered appropriate within the Farming Zone following reasons:

- The site consists of a very small and isolated agricultural entity (1.0373ha) that cannot be viably farmed at a productive level.
- The site is constrained to the north with the presence of a Township Zone, and therefore cannot be intensively farmed as it could lead to land use conflicts. The site is further constrained to the south, west and east with adjoining land developed with dwellings and a public reserve.

4. PLANNING PERMIT APPLICATION 282/2012 - S WILKINSON ON BEHALF OF ESTATE IM HILL - 15 HEAL STREET, CERES (CONT'D)

- The site is unlikely to be consolidated with surrounding agricultural land already fragmented. These properties are primarily used for rural living purposes which are suited to smaller lot sizes which require less input and management.
- The proposal does not result in the loss of high quality agricultural land nor does it remove it from agricultural production. The proposed rural living component can occur on the land in association with a rural enterprise.
- The landscape character of the area consists of predominantly small scale lifestyle properties with dwellings located within both the Farming Zone and abutting Township Zone forming Ceres. The visual amenity of the area will therefore not be impacted by the construction of a dwelling on the land.
- The proposal would contribute to sustainable land management practices. The accompanying land management plan includes ecological enhancement through the establishment of native vegetation together with pest animal control and weed eradication.

Clause 35.07-2 Use of Land for a dwelling

A lot used for a dwelling must meet the following requirements:

Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.

An all weather driveway will be provided from Heal Street to the dwelling.

The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

The site is not connected to reticulated sewerage similar to land within the Township Zone to the north. The site is able to treat and retain waste water onsite especially as it is around 1ha in size.

The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.

The dwelling will have a potable water supply as mains water is not connected to the site. Domestic and fire fighting water supply will be provided in water tanks adjacent to the dwelling and filled from runoff.

The dwelling must be connected to a reticulated electricity supply or have an alternative energy source

The site is connected to a power supply.

Decision Guidelines

Clause 35.07-6 sets out the Decision Guidelines of the Farming Zone, which have been addressed as follows:

4. PLANNING PERMIT APPLICATION 282/2012 - S WILKINSON ON BEHALF OF ESTATE IM HILL - 15 HEAL STREET, CERES (CONT'D)

General issues

The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

As discussed later in this report, it is submitted that the proposal adequately complies with the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

Any Regional Catchment Strategy and associated plan applying to the land.

There are no Regional Catchment Strategies or policies that apply to the land.

The capability of the land to accommodate the proposed use or development, including the disposal of effluent.

The land has the capability to accommodate the proposed dwelling, with respect to site quality attributes such as soils, aspects, contours and drainage patterns. The site has sufficient land area available (~1ha) to cater for waste water management.

How the use or development relates to sustainable land management.

The proposal will contribute to sustainable land management practices. The accompanying land management plan includes ecological enhancement through the establishment of native vegetation together with pest animal control and weed eradication.

In essence, the on-site residence will have a functional association with the ongoing activities of the land which includes revegetation works. Additionally, it is considered that an on-site presence will provide opportunity for better management of natural resources and improved maintenance of the land.

Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

Given the size and location of the subject site, it is considered that the site is suitable for a dwelling. Adjoining land is used for rural living purposes similar to proposed and a public reserve. Surrounding agricultural land is not intensively farmed and given the high concentration of dwellings in the immediate area it is unlikely that agriculture will become the dominant land use in this area.

Overall, it is considered that the placement of the proposed residence away from common boundaries and establishment of screening vegetation will ensure the use and development is compatible with surrounding rural living land.

Agricultural issues

Whether the use or development will support and enhance agricultural production.

The land will not necessarily continue to be farmed however it is not considered that the approval of the dwelling will preclude any future potential for the land to be used for some sort of agricultural use.

4. PLANNING PERMIT APPLICATION 282/2012 - S WILKINSON ON BEHALF OF ESTATE IM HILL - 15 HEAL STREET, CERES (CONT'D)

Whether the use or development will permanently remove land from agricultural production.

The proposal will remove a small area of land to contain the dwelling footprint along with land to be revegetated but will not permanently remove all of the land from agricultural production.

The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

The development of a dwelling on the land will not place any undue impacts on the expansion of nearby agricultural uses. The dwelling has been sited to avoid any land use conflicts.

The capacity of the site to sustain the agricultural use.

Although not highly productive agricultural land the site is considered to have some capabilities to support light agricultural uses such as grazing.

Dwelling issues

Whether the dwelling will result in the loss or fragmentation of productive agricultural land.

The dwelling will not result in fragmentation as the site will exist as a separate entity entirely on Farming Zone land (except for the driveway which is in the Township Zone). The site is not considered highly productive due to its isolation, size and seasonal water logging.

Whether the dwelling is reasonably required for the operation of the agricultural activity conducted on the land.

The site is unlikely to ever be economically viable. Essentially, it is contended that the use and development of a dwelling has a practical association with the use of land for grazing and environmental improvement. In addition residency on the land should facilitate going management and maintenance of the property.

Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.

The surrounding area is not subject to intensive forms of agricultural which might otherwise result in significant off site disturbance.

Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

The location of the dwelling has been sited so as not to impact on adjoining uses.

Environmental issues

The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.

4. PLANNING PERMIT APPLICATION 282/2012 - S WILKINSON ON BEHALF OF ESTATE IM HILL - 15 HEAL STREET, CERES (CONT'D)

It is considered that the proposal will not adversely impact on the environment.

The impact of the use or development on the flora and fauna on the site and its surrounds.

It is considered that the development will not have an injurious impact on the flora, fauna or landscape features of the area. An on-site presence will encourage revegetation and increased attention to protection of the landscape features of the site.

The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.

There will be no loss of native vegetation associated with the proposed dwelling and associated works.

Design and siting issues

The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.

The dwelling has been specifically sited to minimise loss to productive land, and has been offset from boundaries to limit disturbance from surrounding land uses.

The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

The single storey design of the dwelling will be well suited the rural setting and has been designed to ensure best accessibility into the lot with particular regard for placement factors such as aspect, vistas and solar orientation.

The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

Several of the surrounding land parcels are of similar size and contain dwellings. As described above, the buildings and works proposed are intended to be appropriately sited to maximise assimilation with the physical characteristics of the land. As such it is not considered the proposal will unfavourably impact on the character and appearance of the area.

The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

Electricity and telecommunications are available to the site.

Whether the use and development will require traffic management measures.

Heal Street is of suitable standard and construction, and should readily accommodate any additional traffic movements associated with the proposal.

4. PLANNING PERMIT APPLICATION 282/2012 - S WILKINSON ON BEHALF OF ESTATE IM HILL - 15 HEAL STREET, CERES (CONT'D)

The proposal is consistent with both the SPPF & LPPF in that:

- It will not contribute to fragmentation of land within the Farming Zone as it will exist as a small Farming Zone lot subject to the associated subdivision.
- Existing agricultural activity on adjoining land will not be compromised with properties generally used for rural living purposes.
- It can support a form of agriculture on the land, even though it is not economically viable to farm the site.
- The environmental condition of the land will be enhanced through revegetation efforts, including pest plant and animal control
- It does not remove a significant portion of site away from farming opportunities.
- It will create a permanent on-site presence which will improve land management practices.
- It will not result in the removal of native vegetation or adversely impact on biodiversity.
- The dwelling has been sited and designed so that it will not unduly compromise the farmed rural landscape.

Subdivision

The Township Zone and the Farming Zone require consideration of the State and local planning policy framework, as well as the objectives and standards of Clause 56 (Rescode), when considering an application to subdivide land. An assessment against Clause 56 is undertaken later in the report.

With regards to the purpose of the Township Zone, the subdivision provides for additional residential development within the existing township boundaries which is considered appropriate. The lot sizes and layout are similar to existing lots within the township, and are considered to enable to siting and design of development that respects the existing character of Ceres.

The southern part of the site which has an area of 10670 square metres is within the Farming Zone. It is proposed to retain all of this land within Lot 4.

Whilst the entire property is used for grazing purposes currently, the northern half of the site has been set aside and zoned for residential purposes for quite some time. This property, along with some others within the Ceres Township, is in the position where they are located within both the Township Zone and Farming Zone.

In this particular situation, the Township Zone portion of the land can be subdivided into smaller residential lots consistent with the zoning of the land, while the remaining portion of land within the Farming Zone will not meet the minimum lot size of 40 hectares needed in order to subdivide, Clause 64.03 allows for the creation of a lot smaller than the minimum lot size of a zone if it results in one property within two zones being subdivided along the zoning boundary.

Given that the northern part of the site is zoned Township Zone, it is not considered reasonable to argue a loss of agricultural land as a result of the smaller lot size proposed. Essentially, the proposal does not remove land from agricultural use within the Farming Zone, as the subdivision retains the whole of the area within the Farming Zone within one lot.

4. PLANNING PERMIT APPLICATION 282/2012 - S WILKINSON ON BEHALF OF ESTATE IM HILL - 15 HEAL STREET, CERES (CONT'D)

In affect, the proposed subdivision is considered to meet the objectives of both zones, and essentially addresses an anomaly within the Scheme, in that the zoning does not correspond with title boundaries, therefore severely restricting future use of the land in accordance with the zone provisions.

Relevant State and local policies generally encourage urban consolidation which respects the character of the area, retention of native vegetation and protection of agricultural land. The proposal is considered to comply with the objectives of these policies by providing for infill subdivision within the existing township boundaries, whilst retaining the land within the Farming Zone within one lot.

Environmental Implications

It is considered that there will be no environmental implications for Council in 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 4-3.

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.

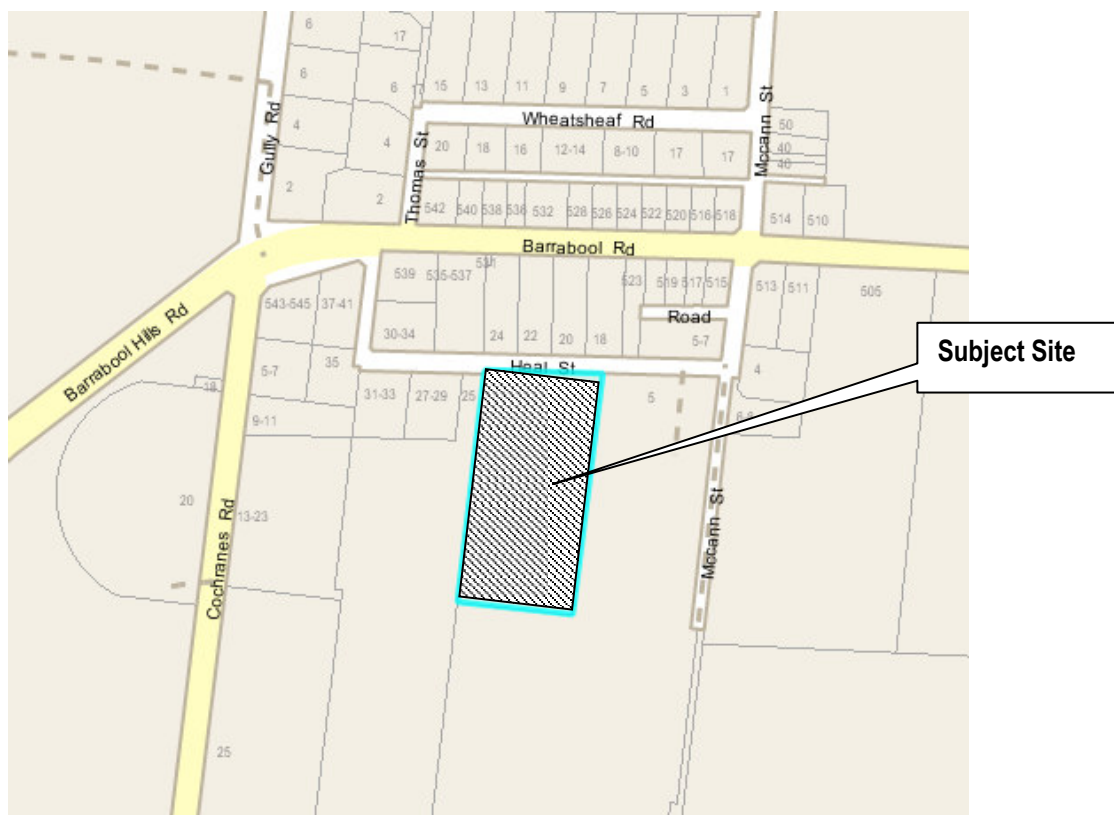
Risk Assessment

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

Communication

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

**APPENDIX 4-1
LOCALITY MAP**



15 HEAL STREET, CERES

APPENDIX 4-2

AMENDED PLAN OF SUBDIVISION REQUIRED

1. Before the plan of subdivision can be certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:
 - a) a 5m wide drainage easement along the rear boundary of lots 1-3 and across the lot 4 access. The easement is to be made in favour of the City of Greater Geelong;
 - b) the section of the land to be dedicated as a road reserve to Council. The road reserve shall be of a width consistent with that on the abutting land at 25 Heal Street, Ceres.

ENDORSED PLANS

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

SECTION 173 AGREEMENT

3. Unless otherwise approved by the Responsible Authority, prior to the statement of compliance for the subdivision, the applicant must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:
 - a) The Land Capability Assessment prepared by Melbourne Geological Consultants dated July 2012 is used as a reference document for the design of the septic systems to treat the waste water generated by any future dwellings on these sites;
 - b) The strategies for ongoing actions detailed in the Land Management Plan dated March 2012 must be implemented in an ongoing manner on lot 4 once the dwelling has been constructed.

The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987.

PRIOR TO COMMENCEMENT OF DEVELOPMENT

4. Unless otherwise approved by the Responsible Authority, prior to the commencement of the development hereby approved, engineer designed drainage plans prepared by a qualified person must be submitted to and approved by the Responsible Authority. These plans must show that the design for the drainage system complies with relevant City of Greater Geelong Standards, Australian Rainfall and Runoff, Australian Standards (in particular AS 3500), WSUD Engineering Procedures: Stormwater-CSIRO, and any other approved technical publications relevant to the development, demonstrating that the system caters for the development in accordance with the following design criteria:
 - a) Runoff from Hard Standing Areas shall be treated to achieve current best practice pollutant removal targets by connection to an appropriate Water Treatment Facility, with capacity to treat at least a 3 month ARI storm event, unless approved otherwise by the Responsible Authority. The Water Treatment Facility must be maintained to the satisfaction of the Responsible Authority.
 - b) A swale drain is to be designed along the frontage of the site in Heal Street. The swale drain must discharge to the existing swale drain that runs along the western boundary of 5 Heal Street, Ceres.
 - c) A swale drain is to be designed along the rear of lots 1-3 and across the access for lot 4. The swale is to discharge to the existing swale drain that runs along the western boundary of 5 Heal Street, Ceres.
 - d) A soakage pit is required to be designed and constructed for lots 1-3. Lot 4 can discharge/retain stormwater on site.

PRIOR TO OCCUPATION OF DEVELOPMENT

5. Unless otherwise approved by the Responsible Authority, prior to the occupation of the development, the developer must:
 - a) construct the site stormwater system including connection points for each lot into the soakage pit, or other nominated point/s as approved by the Responsible Authority and no storm water shall drain or discharge from the land to adjoining properties in a concentrated manner.
 - b) construct the swale drains along the rear of lots 1-3 and in the road reserve fronting the site in accordance with the approved drainage plans.
 - c) construct any stormwater treatment works in accordance with the approved drainage plans.
 - d) construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong. A Vehicle Crossing Permit must be obtained prior to commencement of works. Any redundant vehicular crossing must be removed and the footpath/nature strip area reinstated to match existing construction in the street;

All to the satisfaction of the Responsible Authority.

DRAINAGE

6. The site shall be drained to the satisfaction of the Responsible Authority and no stormwater, sullage, sewerage or polluted runoff may drain or discharge from the land to adjoining properties.

ACCESS

7. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles to the satisfaction of the Responsible Authority.

SEWERAGE

8. The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

WATER

9. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes to the satisfaction of the Responsible Authority.

ELECTRICITY

10. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the Responsible Authority.

PRIOR TO STATEMENT OF COMPLIANCE

11. Unless otherwise approved by the Responsible Authority, prior to the statement of compliance for the subdivision, the developer must:
 - a) construct the site stormwater system including connection points for each lot into the soakage pit, or other nominated point/s as approved by the Responsible Authority and no storm water shall drain or discharge from the land to adjoining properties in a concentrated manner.
 - b) construct the swale drains along the rear of lots 1-3 and in the road reserve fronting the site in accordance with the approved drainage plans.
 - c) construct any stormwater treatment works in accordance with the approved drainage plans.
 - d) construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong. A Vehicle Crossing Permit must be obtained prior to commencement of works. Any redundant vehicular crossing must be removed and the footpath/nature strip area reinstated to match existing construction in the street;

All to the satisfaction of the Responsible Authority.

12. Unless otherwise approved by the Responsible Authority, prior to the statement of compliance for the subdivision, engineer designed drainage plans prepared by a qualified person must be submitted to and approved by the Responsible Authority. These plans must show that the design for the drainage system complies with relevant City of Greater Geelong Standards, Australian Rainfall and Runoff, Australian Standards (in particular AS 3500), WSUD Engineering Procedures: Stormwater-CSIRO, and any other approved technical publications relevant to the development, demonstrating that the system caters for the development in accordance with the following design criteria:
- a) Runoff from Hard Standing Areas shall be treated to achieve current best practice pollutant removal targets by connection to an appropriate Water Treatment Facility, with capacity to treat at least a 3 month ARI storm event, unless approved otherwise by the Responsible Authority. The Water Treatment Facility must be maintained to the satisfaction of the Responsible Authority.
 - b) A swale drain is to be designed along the frontage of the site in Heal Street. The swale drain must discharge to the existing swale drain that runs along the western boundary of 5 Heal Street, Ceres.
 - c) A swale drain is to be designed along the rear of lots 1-3 and across the access for lot 4. The swale is to discharge to the existing swale drain that runs along the western boundary of 5 Heal Street, Ceres.
 - d) A soakage pit is required to be designed and constructed for lots 1-3. Lot 4 can discharge/retain stormwater on site.

PUBLIC OPEN SPACE CONTRIBUTION

13. Prior to the issue of a Statement of Compliance, the applicant or owner must pay to the Responsible Authority a sum equivalent to 2 percent of the site value of all land contained within Lots 1-3 inclusive hereby approved. Note: This requirement for payment is made pursuant to Section 18 of the Subdivision Act 1988.

BARWON WATER CONDITIONS

14. The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.

POWERCOR CONDITIONS

15. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
16. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.
17. The applicant shall, where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.

18. The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.
19. Any buildings must comply with the clearances required by the Electricity Safety (Network Assets) Regulations.
20. Any construction work must comply with the Officer of the Chief Electrical Inspector "No Go Zone" rules.

TELSTRA CONDITIONS

21. That the plan of subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.
22. Telstra will not consent to the issue of a Statement of Compliance until such time as the applicant provides satisfactory evidence of compliance with the above conditions.

Notes: Approval does not cover alterations to existing Telstra Plant or Network. Locations of existing network can be obtained from **Dial Before You Dig – Ph: 1100**. For co-ordinated Telstra plant reticulation in this development, please refer to www.telstrasmartcommunity.com to Register your Development and Apply for Reticulation.

EXPIRY

23. This permit will expire if one of the following circumstances applies:
 - a) The development of the building(s) hereby approved has not commenced within two (2) years of the date of this permit
 - b) The plan of subdivision has not been certified within two (2) years of the date of this permit.
 - c) The development of the building(s) hereby approved is not completed within four years of the date of this permit.
 - d) A statement of compliance is not issued within five (5) years of the date of certification.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three (3) months afterwards.

NOTES

1. Construction of the civil works is to be supervised by Council Representative at various stages. An appropriate fee equivalent to 3.25% of total cost of civil works, excluding GST (a minimum fee of \$100 applies if the 3.25% amount is less than \$100), is to be paid to Council for supervision. Relevant evidential documentation of the cost is to be provided.
2. All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.

APPENDIX 4-3

Greater Geelong Planning Scheme

Zone

Clause 32.05 – Township Zone

The purpose of Clause 32.05 of the Township Zone is to:

- implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- provide for residential development and a range of commercial, industrial and other uses in small towns.
- encourage residential development that respects the neighbourhood character.

Clause 35.07 – Farming Zone

The purpose of Clause 35.07 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.
- 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.
- encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- protect and enhance natural resources and the biodiversity of the area.

Overlay

Clause 43.02 – Design and Development Overlay

The purpose of Clause 43.02 of the Design & Development Overlay is to:

- implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- identify areas which are affected by specific requirements relating to the design and built form of new development.

Permit required clause and condition

A permit is required to subdivide land pursuant to Clause 32.05-4 of the Township Zone.

A permit is required to use land for a Section 2 Use pursuant to Clause 35.07-1 of the Farming Zone.

A permit is required to subdivide land pursuant to Clause 35.07-3 of the Farming Zone. Pursuant to Clause 64.03 a permit may be granted to create one lot smaller than specified in the scheme if all of the following are met:

- The lot to be subdivided is in more than one zone and cannot comply with the minimum lot area specified in the scheme.
- The proposed subdivision does not create lots where any lot extends into more than one zone. This does not apply to any lots created for the following purposes:
 - To comply with the requirements of the Urban Floodway Zone.
 - To provide access to a road.
- The remainder of the proposed lots must comply with the minimum lot area specified in the scheme.

A permit is required to construct or carry out building or works associated with a use in Section 2 pursuant to 35.07-4 of the Farming Zone.

Restrictive Covenant

Not applicable.

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.

Division 2 of the Aboriginal Heritage Regulations 2007 specifies exempt activities which do not require a cultural heritage management plan. The proposal is not listed as an exempt activity.

Areas of cultural heritage sensitivity are defined within Division 3 of the Aboriginal Heritage Regulations 2007. 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 assessment, a cultural heritage management plan is not required.

The transitional provisions contained within Section 75, 76, 77 or 78 do not apply in this instance.

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, Council's 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 CHVA to be prepared for a proposal is that the site must have an AHD (Australian Height Datum) level of 5m or less and must be within 1km of the coastline or Barwon River.

Council's mapping system indicates that the site is located more than one kilometre from the coastline and at 150 metres AHD; as a result a CHVA was not required.

Officer Direct Or Indirect Interest:

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

Car Parking

Not applicable.

Bicycle Spaces

Not applicable.

State Planning Policy Framework

11.02-1 - Supply of Urban Land

The objective of Clause 11.02-1 of the State Planning Policy Framework is to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Strategies

- Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.
- Ensure that sufficient land is available to meet forecast demand.
- Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.
- Planning for urban growth should consider:
 - Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
 - Neighbourhood character and landscape considerations.
 - The limits of land capability and natural hazards and environmental quality.
 - Service limitations and the costs of providing infrastructure.
- Monitor development trends and land supply and demand for housing and industry.
- Maintain access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure and industry.
- Restrict low-density rural residential development that would compromise future development at higher densities.

11.05-3 - Rural Productivity

The objective of Clause 11.05-3 of the State Planning Policy Framework is to manage land use change and development in rural areas to promote agriculture and rural production.

Strategies

- Prevent inappropriately dispersed urban activities in rural areas.
- Limit new housing development in rural areas, including:
 - Directing housing growth into existing settlements.
 - Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.
 - Encouraging consolidation of existing isolated small lots in rural zones.
- Restructure old and inappropriate subdivisions

11.05-4 - Regional Planning Strategies and Principles

The objective of Clause 11.05-4 of the State Planning Policy Framework is to develop regions and settlements which have a strong identity, are prosperous and are environmental sustainable.

Strategies

Identify and assess the spatial and land use planning implications of a region's strategic directions in Regional Strategic Plans.

Apply the following principles to settlement planning in Victoria's regions, including the hinterland areas:

A network of integrated and prosperous regional settlements

Support a network of integrated and prosperous regional settlements by:

- Strengthening networks of settlements by maintaining and improving transport links, spatial patterns of service delivery, and promoting commercial relationships and community activities.
- Directing growth to locations where utility, transport, commercial and social infrastructure and services are available or can be provided in the most efficient and sustainable manner.
- Ensuring there is a sufficient supply of appropriately located residential, commercial, and industrial land across a region to meet the needs identified at regional level.

Environmental health and productivity

Maintain and provide for the enhancement of environmental health and productivity of rural and hinterland landscapes by:

- Managing the impacts of settlement growth and development to deliver positive land use and natural resource management outcomes.
- Avoiding development impacts on land that contains high biodiversity values, landscape amenity, water conservation values, food production and energy production capacity, extractable resources and minerals, cultural heritage and recreation values, assets and recognised uses.

Regional Victoria's competitive advantages

Maintain and enhance regional Victoria's competitive advantages by:

- Ensuring that the capacity of major infrastructure (including highways, railways, airports, ports, communications networks and energy generation and distribution systems) is not affected adversely by urban development in adjacent areas.
- Focusing major government and private sector investments in regional cities and centres on major transport corridors, particularly railway lines, in order to maximise the access and mobility of communities.
- Providing adequate and competitive land supply, including urban regeneration, redevelopment and greenfield sites, to meet future housing and urban needs and to ensure effective utilisation of land.
- Strengthening settlements by ensuring that retail, office-based employment, community facilities and services are concentrated in central locations.

Climate change, natural hazards and community safety

Respond to the impacts of climate change and natural hazards and promote community safety by:

- Siting and designing new dwellings, subdivisions and other development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards, such as bushfire and flooding.
- Developing adaptation response strategies for existing settlements in hazardous and high risk areas to accommodate change over time.
- Encouraging reduced energy and water consumption through environmentally sustainable subdivision and building design.
- Encouraging a form and density of settlements that support sustainable transport to reduce greenhouse gas emissions.

Distinct and diverse regional settlements

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

- Encouraging high-quality urban and architectural design which respects the heritage, character and identity of each settlement.
- Ensuring development respects and enhances the scenic amenity, landscape features and view corridors of each settlement.
- Limiting urban sprawl and directing growth into existing settlements, promoting and capitalising on opportunities for urban renewal and redevelopment.
- Ensuring that the potential of land that may be required for future urban expansion is not compromised.
- Creating opportunities to enhance open space networks within and between settlements.

Liveable settlements and healthy communities

Promote liveable regional settlements and healthy communities by:

- Responding to changing community needs and facilitating timely provision of, and access to, social infrastructure and services.
- Encouraging the development of compact urban areas which are based around existing or planned activity centres to maximise accessibility to facilities and services.
- Improving the availability of a diverse range of affordable accommodation, including social housing, in locations with good access to transport, commercial facilities and community services.
- Supporting innovative ways to maintain equitable service delivery to settlements that have limited or no capacity for further growth, or that experience population decline.

14.01-1 - Protection of Agricultural Land

The objective of Clause 14.01-1 of the State Planning Policy Framework is to protect productive farmland which is of strategic significance in the local or regional context.

Strategies

- Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.
- Consult with the Department of Primary Industries and utilise available information to identify areas of productive agricultural land.
- Take into consideration regional, state and local, issues and characteristics in the assessment of agricultural quality and productivity.

- Permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.
- In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:
 - The desirability and impacts of removing the land from primary production, given its agricultural productivity.
 - The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.
 - The compatibility between the proposed or likely development and the existing uses of the surrounding land.
 - Assessment of the land capability.
- Subdivision of productive agricultural land should not detract from the long-term productive capacity of the land.
- Where inappropriate subdivisions exist on productive agricultural land, priority should be given by planning authorities to their re-structure.
- In assessing rural development proposals, planning and responsible authorities must balance the potential off-site effects of rural land use proposals (such as degradation of soil or water quality and land salinisation) which might affect productive agricultural land against the benefits of the proposals.
- Planning for rural land use should consider:
 - land capability; and
 - the potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.

14.01-2 - Sustainable Agricultural Land Use

The objective of Clause 14.01-2 of the State Planning Policy Framework is to encourage sustainable agricultural land use.

Strategies

- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
- Encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices.
- Support effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibly to market changes.
- Facilitate the establishment and expansion of cattle feedlots, piggeries, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.

15.01-3 - Neighbourhood and Subdivision Design

The objective of Clause 15.01-3 of the State Planning Policy Framework is to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.

Strategy

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- Contributing to an urban structure where networks of neighbourhoods are clustered to support larger activity centres on the regional public transport network.
- Creating compact neighbourhoods that have walkable distances between activities and where neighbourhood centres provide access to services and facilities to meet day to day needs.
- Creating a range of open spaces to meet a variety of needs with links to open space networks and regional parks where possible.
- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.
- Contributing to reducing car dependence by allowing for:
 - Convenient and safe public transport.
 - Safe and attractive spaces and networks for walking and cycling.
 - Subdivision layouts that allow easy movement within and between neighbourhoods.
 - A convenient and safe road network.
- Creating a strong sense of place because neighbourhood development emphasises existing cultural heritage values, well designed and attractive built form, and landscape character.
- Protecting and enhancing native habitat.
- Environmentally friendly development that includes improved energy efficiency, water conservation, local management of stormwater and waste water treatment, less waste and reduced air pollution.
- Being accessible to people with disabilities.
- Developing activity centres that integrate housing, employment, shopping, recreation and community services, to provide a mix and level of activity that attracts people, creates a safe environment, stimulates interaction and provides a lively community focus.

15.02-1 - Energy and Resource Efficiency

The objective of Clause 15.02-1 of the State Planning Policy Framework is to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

Strategies

- Ensure that buildings and subdivision design improves efficiency in energy use.
- Promote consolidation of urban development and integration of land use and transport.
- Improve efficiency in energy use through greater use of renewable energy.
- Support low energy forms of transport such as walking and cycling.

16.01-1 - Integrated Housing

The objective of Clause 16.01-1 of the State Planning Policy Framework is to promote a housing market that meets community needs.

Strategies

- Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.
- Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities.
- Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.
- Encourage housing that is both water efficient and energy efficient.
- Facilitate the delivery of high quality social housing to meet the needs of Victorians.

16.01-5 - Housing Affordability

The objective of Clause 16.01-5 of the State Planning Policy Framework is to deliver more affordable housing closer to jobs, transport and services.

Strategies

- Improve housing affordability by:
 - Ensuring land supply continues to be sufficient to meet demand.
 - Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
 - Promoting good housing and urban design to minimise negative environmental impacts and keep down costs for residents and the wider community.
 - Encouraging a significant proportion of new development, including development at activity centres and strategic redevelopment sites to be affordable for households on low to moderate incomes.
- Increase the supply of well-located affordable housing by:
 - Facilitating a mix of private, affordable and social housing in activity centres, strategic redevelopment sites.
 - Ensuring the redevelopment and renewal of public housing stock better meets community needs.

16.02-1 - Rural Residential Development

The objective of Clause 16.02-1 of the State Planning Policy Framework is to identify land suitable for rural living and rural residential development.

Strategies

- Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.
- Reduce the proportion of new housing development provided in rural areas and encourage the consolidation in existing settlements where investment in physical and community infrastructure and services has already been made.
- Demonstrate need and identify locations for rural residential development through a housing and settlement strategy.

- Ensure planning for rural living avoids or significantly reduces adverse economic, social and environmental impacts by:
 - Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources.
 - Protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat.
 - Minimising or avoiding property servicing costs carried by local and State governments.
 - Discouraging development of isolated small lots in rural zones from use for rural living or other incompatible uses.
 - Encouraging consolidation of existing isolated small lots in rural zones.
 - Maintaining an adequate buffer distance between rural residential development and intensive animal husbandry.
- Ensure land is not zoned for rural living or rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.
- Ensure land is only be zoned for rural living or rural residential development where it:
 - Is located close to existing towns and urban centres, but not in areas that will be required for fully serviced urban development.
 - Can be supplied with electricity and water and good quality road access.

Local Planning Policy Framework

Municipal Strategic Statement

21.06-3 - Urban consolidation

The objective of Clause 21.06-3 of the Municipal Strategic Statement is to:

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

Strategies

- Manage urban consolidation and housing change across the municipality, by:
- Accommodating medium and high density housing in Key Development Areas (as designated in the Incorporated Document 'Key Development and Increased Housing Diversity Areas July 2009').
- Maximising opportunities for housing within Increased Housing Diversity Areas (as designated in the Incorporated Document 'Key Development and Increased Housing Diversity Areas July 2009') by accommodating;
 - high density housing in the activity centres consistent with their primary commercial and retail role; and medium density housing in residential areas with more intensive development being located closest to the core of activity centres.
 - appropriate medium density housing in Residential 1 zoned areas.
 - incremental change in Residential 3 zoned areas.
 - Encourage medium density housing in mixed use zones.
 - Require retirement accommodation to be located within urban areas, preferably within close proximity to existing or proposed activity centres and public transport facilities.

21.07-5 - Rural Areas

The objective of Clause 21.07-5 of the Municipal Strategic Statement is to:

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

Strategies

- Maintain rural land in large and productive parcels, in accordance with the schedules to the farming zones.
- Minimise non farming land uses in rural areas.
- Ensure that any non farming land uses will not compromise farming activity in the area.
- Ensure development in rural areas respects the farmed landscape character, particularly significant landscapes identified through the Coastal Spaces Landscape Assessment Study.
- Ensure that new dwellings do not compromise the productive potential of land and are associated with the productive agricultural use of the land.
- Encourage agricultural development with export potential and specifically encourage aquaculture and horticulture activities in the rural areas around Avalon Airport.

Local Planning Policies

22.05 - Agriculture, Rural Dwellings And Subdivision

The objective of Clause 22.05 of the Local Planning Policy Framework is to:

- support the ongoing use of the rural areas for agriculture and to preserve their farmed rural landscape.
- ensure that the development of dwellings and excision of existing dwellings in the Farming Zone is consistent with the purpose of the zone and the utilisation of the land for sustainable rural uses.
- protect agricultural production and the normal operation of agricultural activities by preventing land use conflicts, particularly conflicts associated with the introduction of non-farm related dwellings into rural areas.
- Limit development of new dwellings on prime or high quality agricultural land

Clause 56 Assessment

Title & Objective	Complies / Does Not Comply / Variation Required
C6 NEIGHBOURHOOD CHARACTER OBJECTIVE To design subdivisions that respond to neighbourhood character.	✓ Complies The lot sizes in the township of Ceres vary from less than 500sqm to over 5000sqm and in the case of this site 15468 square metres. There are several lots, particularly along Barrabool Road, that are between 480-700sqm in area. The lot sizes currently proposed within the Township Zone of 1430 square metres are considered to generally respond the character of the area both in size and in dimension. The lots directly opposite the site to the north which have dual frontage to Barrabool Road and Heal Street have a similar width to that proposed for the 3 lots within the Township Zone although it is acknowledged that those properties are larger in size at between 1800-2000 square metres. It is also acknowledged that the sizes of Lots 1, 2 & 3 will be reduced further subject to the request by Council's engineering department that a strip across the front of the property, around 3 metres in width, is handed over to Council for the purpose of drainage within Heal Street. The lots will reduce from 1430 square metres to 1348 square metres however it is considered that due to the great variety of lot sizes within the township that there is not a strong enough argument or a strong enough character to justify a position of setting informal minimum lot sizes of say 1500 square metres or 1800 square metres.
C7 LOT DIVERSITY AND DISTRIBUTION OBJECTIVES To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services. To provide higher housing densities within walking distance of neighbourhood centres. To achieve increased housing densities in designated growth areas. To provide a range of lot sizes to suit a variety of dwelling and household types.	✓ Complies The proposal provides a density that is similar to the existing subdivision pattern within Ceres. Ceres is a small township with no commercial facilities that warrant higher density development. The town also does not have reticulated sewerage, which means lots need to be of a sufficient size to dispose of effluent on site. Therefore, the site and surrounding area does not lend itself to higher density development. The lot sizes proposed within the Township Zone portion of the site, are considered appropriate for the site and surrounding area.
C8 LOT AREA AND BUILDING ENVELOPES OBJECTIVE To provide lots 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 the retention of significant vegetation and site features.	✓ Complies All lots possess the appropriate areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management and easements.

C9 SOLAR ORIENTATION OF LOTS OBJECTIVE To provide good solar orientation of lots and solar access for future dwellings.	✓ Complies All lots will have appropriate solar access.
C10 STREET ORIENTATION OBJECTIVE To provide a lot layout that contributes to community social interaction, personal safety and property security.	✓ Complies The integration of Lot 4 is not as good as the integration that lots 1, 2 & 3 will enjoy however it is still considered to contribute to social interaction, safety and property security. Due to the large area of each of the lots there will be ample opportunity for views to the street and the space around the proposed dwelling on lot 4 will also provide a sense of safety.
C11 COMMON AREA OBJECTIVES To identify common areas and the purpose for which the area is commonly held. To ensure the provision of common area is appropriate and that necessary management arrangements are in place. To maintain direct public access throughout the neighbourhood street network.	N/A The subdivision does not propose any common areas.
C12 INTEGRATED URBAN LANDSCAPE OBJECTIVES To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas. To incorporate natural and cultural features in the design of streets and public open space where appropriate. To protect and enhance native habitat and discourage the planting and spread of noxious weeds. To provide for integrated water management systems and contribute to drinking water conservation.	N/A The proposal relies on the existing street network and does not propose any public open space. The application therefore is not required to be accompanied by a landscape design.
C15 WALKING AND CYCLING NETWORK OBJECTIVES To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors. To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists. To reduce car use, greenhouse gas emissions and air pollution.	✓ Complies As the development relies on the existing street network, and does not propose any new streets, the subdivision will have limited impact on existing walking and cycling movements throughout the town.

C17 NEIGHBOURHOOD STREET NETWORK OBJECTIVE To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.	✓ Complies As the development relies on the existing street network, without creating any new streets, the proposal will have limited impact on movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles.
C18 WALKING AND CYCLING NETWORK DETAIL OBJECTIVES To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities. To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.	N/A Council's Engineering Department have not required the construction of additional footpaths abutting the site.
C20 NEIGHBOURHOOD STREET NETWORK DETAIL OBJECTIVE To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.	N/A No new streets are required to be constructed.
C21 LOT ACCESS OBJECTIVE To provide for safe vehicle access between roads and lots.	✓ Complies Access to the lots will be from Heal Street Road and vehicle crossover permits must be obtained from Council prior to construction.
C22 DRINKING WATER SUPPLY OBJECTIVES To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water.	✓ Complies There is no reticulated water supply in Ceres. Each lot will need to be provided with water tanks for potable drinking water at the time of development.
C23 REUSED AND RECYCLED WATER OBJECTIVE To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.	N/A As there is currently no reticulated water supply within Ceres, this objective is not relevant to the consideration of this application.

C24 WASTE WATER MANAGEMENT OBJECTIVE To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.	✓ Complies There is no reticulated sewerage within Ceres. Therefore, each lot will be required to dispose of effluent on site. Council's Environmental Health Department have advised that the sites are capable of retaining waste water within the proposed lot boundaries. A condition that requires the owner to enter into a Section 173 Agreement has been placed on the permit which will require the Land Capability Assessment submitted with the application to be considered when designing a dwelling and associated septic system.
C25 URBAN RUN-OFF MANAGEMENT OBJECTIVES To minimise damage to properties and inconvenience to residents from urban run-off. To ensure that the street operates adequately during major storm events and provides for public safety. To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.	✓ Complies Drainage plans will be required to be submitted to Council for assessment, which demonstrate that the lots can be drained and that run-off can be adequately contained within lot boundaries.
C26 SITE MANAGEMENT OBJECTIVES To protect drainage infrastructure and receiving waters from sedimentation and contamination. To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works. To encourage the reuse of materials from the site and recycled materials in the construction of subdivisions where practical.	✓ Complies Works required by the subdivision will be limited to drainage works and connection of lots to services etc. There will be no major street construction or the like which would result in erosion, dust, waste materials etc. It is therefore not considered necessary to require a construction management plan.
C27 SHARED TRENCHING OBJECTIVES To maximise the opportunities for shared trenching. To minimise constraints on landscaping within street reserves.	✓ Complies Shared trenching can be used where appropriate.
C28 ELECTRICITY, TELECOMMUNICATIONS AND GAS OBJECTIVES To provide public utilities to each lot in a timely, efficient and cost effective manner. To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.	✓ Complies Each lot will be required to be connected to reticulated electricity, telephone and gas as relevant.

C29 FIRE HYDRANTS OBJECTIVE To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.	N/A There is no reticulated water supply within Ceres in which to locate fire hydrants.
C30 PUBLIC LIGHTING OBJECTIVE To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles. To provide pedestrians with a sense of personal safety at night. To contribute to reducing greenhouse gas emissions and to saving energy.	✓ Complies Street lighting will be provided where appropriate.

APPENDIX 4-4

REFERRALS

Internal Referrals

Engineering

Drainage:

Lots 1 - 3 shall have a soakage pit constructed as a legal point of discharge. A 5m wide easement is also required along the rear boundary of these lots. A swale drain must be constructed along this easement to the satisfaction of Council.

The road reserve along Heal Street is to be widened to match that of the adjoining property (25 Heal Street, Ceres). A swale drain must be designed and formed along the frontage of the property and directed towards the existing swale at the boundary of number 15 and 5 Heal Street.

Vehicle Access & Car Parking:

Access via permit. Parking ok.

Flooding & Coastal Inundation:

N/A

Permit Conditions:

The conditions requested in the referral response should be included on any permit issued.

Traffic

Heal Street is a local road and is classed as a Category 2 – Local Access – Urban road. The function of this road is to provide access to private dwellings from higher functioning roads. Heal Street is a 4.2m wide gravel road and has grass verges.

The proposed size of the lots is reflective of existing lot sizes on Heal Street. The new lots do not show the location of access to each site, but as 15 Heal Street is not near any intersections and there are no major site obstructions on Heal Street, there should be no issues accessing this site.

The current vehicle volumes on Heal Street are very low. It is accepted that detached residential dwellings in middle and outer suburban areas generate up to 10 vehicle movements per household per day with approximately 10 per cent of these in the morning and afternoon peak hours.

These rates are generally lower in more rural or remote environments. The additional three dwellings on Heal Street would increase the existing volumes by no more than nine vehicle movements in the morning and afternoon peak hours. The existing road network can comfortably absorb the additional volumes that may be generated by this subdivision.

The Traffic Unit does not object to this application.

Response to Traffic Comments

The comments by the Traffic Unit are acknowledged however it must be noted that if the current proposal receives a planning permit there will be an additional four dwellings on the site instead of the three mentioned in the referral response.

Environmental Health

The original response from the Environmental Health unit raised no issues with the Land Capability Assessment (LCA) submitted by the applicant and suggested that based upon the lot sizes that the proposal should be supported subject to the provision of building envelopes on the three (3) lots fronting Heal Street.

However following the receipt of the Engineering unit's response and acknowledging its request for a drainage easement at the rear of the three (3) lots fronting Heal Street and a requirement for a portion of the front section of the land to be handed over to the Council for the purpose of road side drainage, the applicant submitted a revised plan of subdivision and a revised LCA to recognise the reduction in lot sizes.

Subsequent to this change the following response was received from the Environmental Health unit:

The revised Land Capability Assessment (LCA) that has been submitted has produced suitable designs for the installation of septic systems to service dwellings of up to 4 bedroom size.

The front three sites, Lots 1, 2 and 3 were always the sites that had the smallest land size to manage the volume of waste water. The design figures used by the consultants when preparing the LCA have been conservative for the daily flow rates of waste water, which suggests the designs are capable of managing the waste water.

An inspection of the site today, after a period of wet weather, suggested that septic systems designed to comply with the LCA recommendations will be able to manage all the waste water generated.

RECOMMENDED PERMIT CONDITIONS / GROUND OF REFUSAL

1. That a Planning Permit be issued to permit the four lot subdivision.
2. That the Land Capability Assessment dated July 2012 be used as a reference document for the design of the septic systems to treat the waste water generated by any future dwellings on these sites.

External Referrals

Section 55 referrals were sent to Barwon Water, Powercor, Telstra and Tenix none of which had an objection to the proposal subject to the inclusion of requested conditions, except Tenix who did not request any conditions.

APPENDIX 4-5

Public Notification

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

- Nine (9) notices were sent to owners and occupiers of adjoining land (includes opposite)
- One (1) A3 sign was placed on the land.

As a result of public notification 14 objections were received to the proposal. A consultation meeting was held subsequent to which the applicant submitted a revised subdivision plan showing the loss of the land across the front of the property as well as a revised Land Capability Assessment which acknowledged the loss of the land across the front of the property.

Objection

The Council has misunderstood the importance of maintaining the rural character of Ceres and promotes development over protecting Ceres' unique character.

The proposed subdivision is not in keeping with the unique character of Ceres as the lots sizes of 1430 square metres are smaller than those recently approved and will be reduced further if a section of the front of the property is required for drainage in Heal Street.

Ceres is a unique "cluster township" and the proposed smaller lots fronting Heal Street will be contrary to the lots allocated in the last 30 year period.

Council has a position of lots over 1800 square metres for the Ceres Township and the only recent approval for lots under this size were those at 545 Barrabool Road, Ceres. What has changed that Council now approve lots less than 1500 square metres?

Comment

The lot sizes in the township of Ceres vary from less than 500sqm to over 5000sqm and in the case of this site 15468 square metres. There are several lots, particularly along Barrabool Road, that are between 480-700sqm in area.

The lot sizes currently proposed within the Township Zone of 1430 square metres are considered to generally respond the character of the area both in size and in dimension. The lots directly opposite the site to the north which have dual frontage to Barrabool Road and Heal Street have a similar width to that proposed for the three lots within the Township Zone although it is acknowledged that those properties are larger in size at between 1800-2000 square metres.

It is also acknowledged that the sizes of Lots 1, 2 and 3 will be reduced further subject to the request by Council's engineering department that a strip across the front of the property, around 3 metres in width, is handed over to Council for the purpose of drainage within Heal Street.

The lots will reduce from 1430 square metres to 1348 square metres however it is considered that due to the great variety of lot sizes within the township that there is not a strong enough argument or a strong enough character to justify a position of setting informal minimum lot sizes of say 1500 square metres or 1800 square metres.

The Township Zone does not specify a minimum lot size and no Structure Plan for Ceres exists therefore the Greater Geelong Planning Scheme states that consideration must be given to the issues of neighbourhood character, effluent disposal etc.

In relation to those two specific matters, the lot sizes in the Township Zone are considered to respect the lot size character of the area by providing lots of similar dimensions and it is also considered that there is adequate area of the lots for the disposal of waste water.

Objection

The proposed subdivision of the subject land contravenes the Council's own policies regarding residences on rural farming zone allotments of small lots.

Comment

Pursuant to Clause 64.03 the creation of a lot smaller than the minimum lot size specified in the schedule to the Farming Zone is allowable if it results in one property within 2 zones being subdivided along the zoning boundary which is the case here.

A full response to the state and local planning policies relating to rural or farming land and the subdivision or development of that land is contained later in this report and will address the concern raised above.

Objection

The proposed subdivision will have issues with dealing with drainage and effluent disposal, primarily in relation to the smaller lots fronting Heal Street.

The Council has completely misunderstood the issues with effluent disposal in Ceres where much of the townships waste water is already directed in to the storm water system. The lots sizes of 1430 square metres are insufficient to deal with waste water disposal

Comment

It is also acknowledged that the sizes of Lots 1, 2 and 3 will be reduced further from 1430 square metres subject to the request by Council's engineering department that a strip across the front of the property, around 3 metres in width, is handed over to Council for the purpose of drainage within Heal Street.

The lots will be reduced to 1348 square metres and a 5 metre strip of land across the rear of each of Lots 1, 2 and 3 will be set aside for the purpose of a drainage easement which renders a further 135 square metres unusable for development or the treatment of waste water.

Subject to the advice provided by the Environmental Health unit it is considered that even with the reduction in the lots sizes to 1348 square metres, minus a further 135 square metres, are of an adequate size to treat waste water on the site.

A condition has been placed on the permit requiring that the land owner enter into a Section 173 Agreement which will require the Land Capability Assessment submitted as part of the application be implemented as part of the design of any future dwelling on Lots 1, 2 and 3.

Objection

The accuracy of the soil report submitted is questioned as all prior testing of land in the surrounding area had revealed poor results as opposed to this report which claims a level of medium.

Comment

In relation to this objection the following is comments made by the Environmental Health unit which are considered to adequately address this concern:

In relation to the LCA, the reference to Class M or Site Classification M is in relation to the design requirements for footings, and not related to the septic system at all. I can find no other reference to Medium in the document. The Australian Standard AS 2870-2011 by which the site is rated M is the standard that sets out the measurement and design criteria for footings for structures and dwellings. This relates to soil load bearing capability and possible foundation movement. This bears no direct relationship to the septic design. It is assessed against a different Australian Standard (AS 2870-2011) from the septic system (AS/NZS 1547-2000 and the EPA Code of Practice 891.2)

The soil ratings such as Class M may change of relatively small distances such as across a large block, but is also common for most of a suburb to have the same or similar ratings.

In the LCA, the various factors in relation to the septic design area are covered on pages 8, 9 & 10. As stated in the document, any rating of 1 or 2 is considered to be Good or Very Good and therefore it is assumed that these features do not pose a problem. Ratings of 3 to 5, Fair to Very Poor, are addressed individually in the document. The only two to rate in this score were Site Drainage (3-4) and Erosion (3-4), both of which areas are addressed on page 11.

Objection

The attraction of Ceres is the larger allotments and slower country lifestyle. If more congestion was the desired lifestyle then they would have chosen a suburb such as Wandana Heights.

The proposed subdivision will have impacts upon health and safety due to increased traffic along Heal Street which is unsealed and is used for both vehicular and pedestrian traffic due to there being no footpaths and the use of the road by children and families to access Frank Mann Reserve may become very dangerous.

The small lot sizes will encourage two storey houses which block views and do not catch sufficient rain water given that there is no reticulated water in this area. This will mean that delivery of water by heavy vehicles down a gravel road will be increased as well as normal traffic flow to the four allotment (Many locals use Heal Street to access Frank Mann reserve by foot).

Comment

Comment was sought from Council's Traffic unit as to the likely increase in traffic movements subject to a single dwelling being constructed on each of the proposed allotments. The following comments were provided:

The current vehicle volumes on Heal Street are very low. It is accepted that detached residential dwellings in middle and outer suburban areas generate up to 10 vehicle movements per household per day with approximately 10 per cent of these in the morning and afternoon peak hours.

These rates are generally lower in more rural or remote environments. The additional three dwellings on Heal Street would increase the existing volumes by no more than nine vehicle movements in the morning and afternoon peak hours. The existing road network can comfortably absorb the additional volumes that may be generated by this subdivision.

Based upon these comments the concerns regarding safety as a result of traffic are considered to be negligible in terms of the increase in vehicle movements. Obviously consideration cannot be given to driver behaviour or any number of other factors that may contribute to safety issues on roads.

Objection

The property was purchased with the full knowledge that the Farming Zone could not be developed with a dwelling and the land can be successfully be used for agriculture as intended.

Comment

It is not the purpose of this report to speculate what the current owner knew about the future development of the land. However the matter raised regarding the use of the Farming Zone land for agricultural purposes is certainly a valid point. Commentary in response to the state and local planning policies relating to agricultural land and the development of such is provided later in this report.

Objection

The proposal represents a dangerous precedent for the long term protection of Ceres.

Comment

Each planning application is considered on its merits taking in to consideration the specific site constraints or opportunities that each site may possess.

Objection

Our main concern is with the proposal to create three new allotments within the "Township Zone". We request that any planning approval should only allow two new allotments within the "Township Zone". We also request that any planning permit specifies that any new dwellings constructed in the sub-division must be single storey. This would ensure that the new dwellings are in keeping with their rural surroundings and have enough roof area to be self-sufficient in rain water collection.

By only allowing two new allotments within the "Township Zone", the sub-division would then:

- **Replicate the existing subdivision within the "Township Zone" on the south side of Heal Street. (i.e. the dwellings at 27 and 31 Heal Street)**
- **Be consistent with how the potential subdivision was described when the land was advertised for sale last year. (two lots of approx 40m x 50m each).**

Two lots of approx 40m x 50m would allow single storey “rural/ranch style” dwellings to be constructed which:

- **maximise solar orientation.**
- **respect the existing rural neighbourhood character.**
- **have enough roof area to be self-sufficient in rain water collection.**

Comment

With lots 1, 2 and 3 being at least 1348 square metres in area, minus the 135 square metres for the 5 metre drainage easement at the rear of each lot, this provides for a developable area of at least 1200 square metres.

Council's Environmental Health Unit have indicated that based upon current day septic systems and a 3-4 bedroom dwelling and area of 100-200 square metres for effluent disposal is acceptable which leaves at least 1000 square metres to develop a dwelling.

With a width of 27 metres each of the allotments is considered to have the overall area and dimensions to accommodate a single storey dwelling.

Notwithstanding this, Council is not required or able to consider what future development may occur on Lots 1, 2 and 3.

Objection

In August 2010 Cr Katos promised the funding of a Ceres Overlay and Council agreed that until that overlay was complete that all planning applications must be assessed at per the “status quo”. That means:

- 1. it is not possible for an officer to approve a building permit in the FZ as that Overlay has not yet been completed, and**
- 2. that the minimum 1800m² lot size be adhered to.**

Comment

A resolution made by a Councillor is not binding upon a decision being made on a planning application. The Greater Geelong Planning Scheme and the Planning & Environment Act 1987 outline the matters which Council must consider prior to making a decision. Previous Council resolutions are not one of these matters.

5. PLANNING PERMIT APPLICATION 1281/2011 - COMMON EQUITY HOUSING LTD - 79 TAIT'S ROAD, BARWON HEADS

Portfolio:	Planning – Cr Macdonald
Source:	Economic Development, Planning & Tourism
General Manager:	Peter Bettess
Index Reference:	Application 1281/2011

Summary

- The subject site is a rectangular shaped corner allotment measuring 667 square metres in area, located on the south side of Tait's Road and the east corner of Plover Court. The subject site is located within the Residential 3 Zone, and is included within the Special Building Overlay.
- The site contains an existing single-storey brick dwelling which is set back 5.9 metres from Tait's Road and 2.7 metres from Plover Court. The existing street frontage, including vehicle access, is to Tait's Road.
- The application was advertised pursuant to Section 52 of the Planning and Environment Act 1987. The applicant was required to erect a sign on the site, and letters were sent to adjoining and nearby owners and occupiers. As a result of the advertising procedure, Council received six objections, based on potential traffic impact and neighbourhood character. A consultation meeting was held but the concerns were not resolved.
- The application was heard at the Development Hearings Panel meeting of June 7 2012, where the decision was deferred. Amended plans were subsequently submitted and circulated to the objectors. The plans under consideration differ from those discussed at the previous Development Hearings Panel meeting in that the previous design featured a street setback of 2.06 metres, an attached single garage on the north side, private open space on the south side of the dwelling and numerous floor plan changes.
- None of the objections were withdrawn, and additional submissions were received from two of the current objectors.
- The application has been assessed against, and is considered consistent with, the State Planning Policy Framework, the Municipal Strategic Statement and Local Planning Policies, zoning and overlay requirements as well as the Particular Provisions relevant to residential development. It is recommended that the application be approved, subject to the recommended amendments set out in condition 1 below.

Cr Richards moved, Cr Granger seconded -

That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to Refuse to Grant a Planning Permit for the Construction of a Second Dwelling at 79 Tait's Road Barwon Heads on the following grounds:

- 1. The proposal fails to comply with Clause 55.02-1 (Neighbourhood character) in that the proposal does not respond to the pattern of development in the surrounding area in terms of street and side setbacks and elements of separation and spacing.**

** Cr S Kontelj entered the meeting room at 7.38pm*

Carried.

5. PLANNING PERMIT APPLICATION 1281/2011 - COMMON EQUITY HOUSING LTD - 79 TAIT'S ROAD, BARWON HEADS (CONT'D)

Report

Background

The Site & Locality

The subject site is a rectangular shaped corner allotment measuring 667 square metres in area, located on the south side of Tait's Road and the east corner of Plover Court. The subject site is located within the Residential 3 Zone, and is included within the Special Building Overlay.

The site currently contains a single-storey brick dwelling, which is set back 5.9 metres from Tait's Road and 2.7 metres from Plover Court. The street frontage, including vehicle access, is to Tait's Road. A single carport is located under the roofline of the dwelling. The front yard features low scale shrub plantings, with timber paling fencing running along the west site boundary to the Plover Court frontage.

The abutting site to the east contains a double storey brick dwelling set back 8.8 metres from the street, with a double garage located at the rear of the site. A timber picket front fence is located on the north boundary of this allotment.

The abutting site to the south contains a single-storey brick dwelling set back 17 metres from Plover Court, with a single garage located under the roofline of the dwelling, and low scale shrub plantings within the front setback.

Plover Court contains six dwellings with primary frontages to the court, on irregular shaped allotments. Street setbacks in the court range from approximately nine metres to 30 metres. Dwellings in the court are varied in style and form, and include single-storey weatherboard dwellings, and single and double storey rendered dwellings with low-scale plantings and no front fencing. Skillion, hipped and gabled roof forms are evident. The properties at the court head feature high timber paling fencing to the street frontage.

Proposal

The application proposes the construction of a second, single-storey dwelling to the south of the existing dwelling. The new dwelling is proposed to have a frontage to Plover Court, with a street setback of three metres. The two bedroom dwelling is to be provided with a single car space in the car port, with room for an additional space in tandem on the driveway.

An area of 40 square metres of private open space is proposed to be located on the north side of the new dwelling, with access from a living area. The dwelling would have a maximum height of 4.99 metres and would be finished in face brick with colorbond roofing.

The existing dwelling will maintain the single car port and driveway for vehicle parking, and an area of private open space measuring 54 square metres on the east side of the dwelling.

5. PLANNING PERMIT APPLICATION 1281/2011 - COMMON EQUITY HOUSING LTD - 79 TAIT'S ROAD, BARWON HEADS (CONT'D)

The plans under consideration differ from those discussed at the previous Development Hearings Panel meeting in that the previous design featured a street setback of 2.06 metres, an attached single garage on the north side, private open space on the south side of the dwelling and numerous floor plan changes.

Discussion

Assessment

State Planning Policy Framework

The proposed development is considered to be consistent with the State and Local Planning Policy Framework as it provides a medium-density housing option which not only respects the character of the neighbourhood but better utilises existing infrastructure through the orderly development of the urban area.

It is considered that the design of the proposed development provides an attractive and liveable housing choice, convenient to community services, facilities and infrastructure.

The design of the proposed development is not at odds with the design of dwellings in the immediate area, with pitched and hipped roof forms reflective of those in the surrounding area, as well as elements of separation and scale.

The development is considered consistent with the policy directions relating to climate change, floodplain management and environmental risk management, with advice from Engineering Services confirming that there are negligible risks to the site from climate change impacts or overland flows.

Local Planning Policy Framework

The Municipal Strategic Statement seeks to encourage medium density housing in Key Development Areas and Increased Housing Diversity Areas, as well as in the Residential 3 Zone where appropriate. The subject site is not located within an Increased Housing Diversity or Key Development Area; however, the response of the development to the Residential 3 Zone is considered to be appropriate in terms of design, layout and built form, and allows for incremental change as encouraged in the Residential 3 Zone.

Lineal urban sprawl is discouraged in coastal areas and in Barwon Heads, and as such the development meets the objectives of local policy through the consolidation of housing in the coastal suburb. The proposal can contribute to the maintenance of a compact urban form and the avoidance of outward sprawl.

Residential 3 Zone

The proposal will add to the range of residential densities and dwelling types available in the area. The response to the site is considered respectful of the existing character of the neighbourhood because of the design elements which reflect those of surrounding properties, the separation between the new and the existing dwellings, and the scale of the new development.

5. PLANNING PERMIT APPLICATION 1281/2011 - COMMON EQUITY HOUSING LTD - 79 TAIT'S ROAD, BARWON HEADS (CONT'D)

An assessment of the application against the standards and objectives of Clause 55 of the Greater Geelong Planning Scheme (below) demonstrates the compliance of the proposal with the zoning provisions.

Clause 55 Assessment

Neighbourhood Character and Infrastructure

As previously stated, the proposed development is considered to be responsive to the character of the area. It is considered that the detached development, with hipped and pitched roof forms and single-storey scale, would respond to the existing pattern and scale of development in the surrounding area.

Each dwelling (existing and proposed) would be well integrated to a street frontage, with direct vehicular and pedestrian access.

Site Layout and Building Massing

Standard B6 requires a street setback of three metres. The minimum street setback has been met, and is considered to be appropriate in the context of the site, where the court features irregular shaped lots and dwellings with inconsistent street setbacks ranging from 9 to 30 metres. It is not considered that the proposed street setback would create any dominance or bulk of form to the streetscape, as built form to Plover Court on those lots with frontages to Tait's Road is generally set back a maximum of two to three metres from the boundary.

The maximum building height of 4.99 metres is compliant with Standard B7, and is considered to reflect the scale of the existing single-storey buildings in the surrounding area.

Standard B8 (Site Coverage at 57%) and Standard B9 (Permeability at more than 20%) have been met through the design, and this is demonstrated through the predominantly detached form of the development and the area available for landscaping. A landscape plan is required to be submitted as per the recommended permit condition.

Living areas and private open space areas for all dwellings are oriented to maximise solar access within the constraints of the site, with the proposed dwelling featuring direct north-facing windows to the living area and private open space on the north side.

Parking location and parking provision are in accordance with the respective standards and clauses, and the car spaces for each dwelling can be accessed and egressed with efficient vehicle movements.

Amenity Impacts

The side and rear setbacks of the development are in accordance with Standard B17, and no walls are proposed to be built on existing site boundaries.

The adjoining properties surrounding the subject site will all receive adequate daylight to habitable room windows in accordance with the relevant standards. Overshadowing will not occur to the primary private open space areas of any adjoining properties, and the degree of overshadowing to properties meets the requirements of Standard B21.

5. PLANNING PERMIT APPLICATION 1281/2011 - COMMON EQUITY HOUSING LTD - 79 TAIT'S ROAD, BARWON HEADS (CONT'D)

Overlooking is to be restricted in accordance with the standard. Boundary fencing at a height of 1.8 metres is proposed to prevent overlooking at ground level.

On-site Amenity and Facilities

The development provides adequate light courts to all proposed habitable room windows within the development.

Private open space has been provided to meet the standard requirements of the schedule to the Residential 3 Zone. Each dwelling is to be provided with a minimum of 40 square metres of secluded private open space with a minimum dimension of five metres, accessed from a living area to the side or rear of the dwelling. More than 60 square metres of total private open space is to be provided for each dwelling. It is recommended that the provision of six cubic metres of externally accessible storage for each dwelling be required by condition (a recommended permit condition requires this to be shown on the plans).

Detailed Design

As previously detailed in the report, the design incorporates elements which respond to the existing built form in the surrounding area. The scale, setbacks and design elements are consistent with those of dwellings in both Plover Court and Tait's Road.

Special Building Overlay

Subject to the recommended amendments (increase in floor level of the development to 300mm above the applicable flood level), the development will not be susceptible to flooding and flood damage, nor will it increase the risk of flood hazard to the surrounding area by redirection or obstruction of floodwater.

Decision Guidelines of Clause 65

Clause 65 of the Greater Geelong Planning Scheme outlines the decision guidelines to be considered by the Responsible Authority when making decisions on applications. Some of these include:

- The matters set out in Section 60 of the Act.
- The SPPF, LPPF and the MSS
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.

The proposal has been assessed against the above decision guidelines. As discussed earlier in this report it is considered that the proposal accords with State and local planning policies, the purposes of the zone and overlay, and the orderly planning of the area. It is not considered that would adversely affect the amenity of the area.

5. PLANNING PERMIT APPLICATION 1281/2011 - COMMON EQUITY HOUSING LTD - 79 TAIT'S ROAD, BARWON HEADS (CONT'D)

Legislative Issues

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

Environmental Implications

It is considered that there will be no environmental implications for Council in 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 5-2.

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.

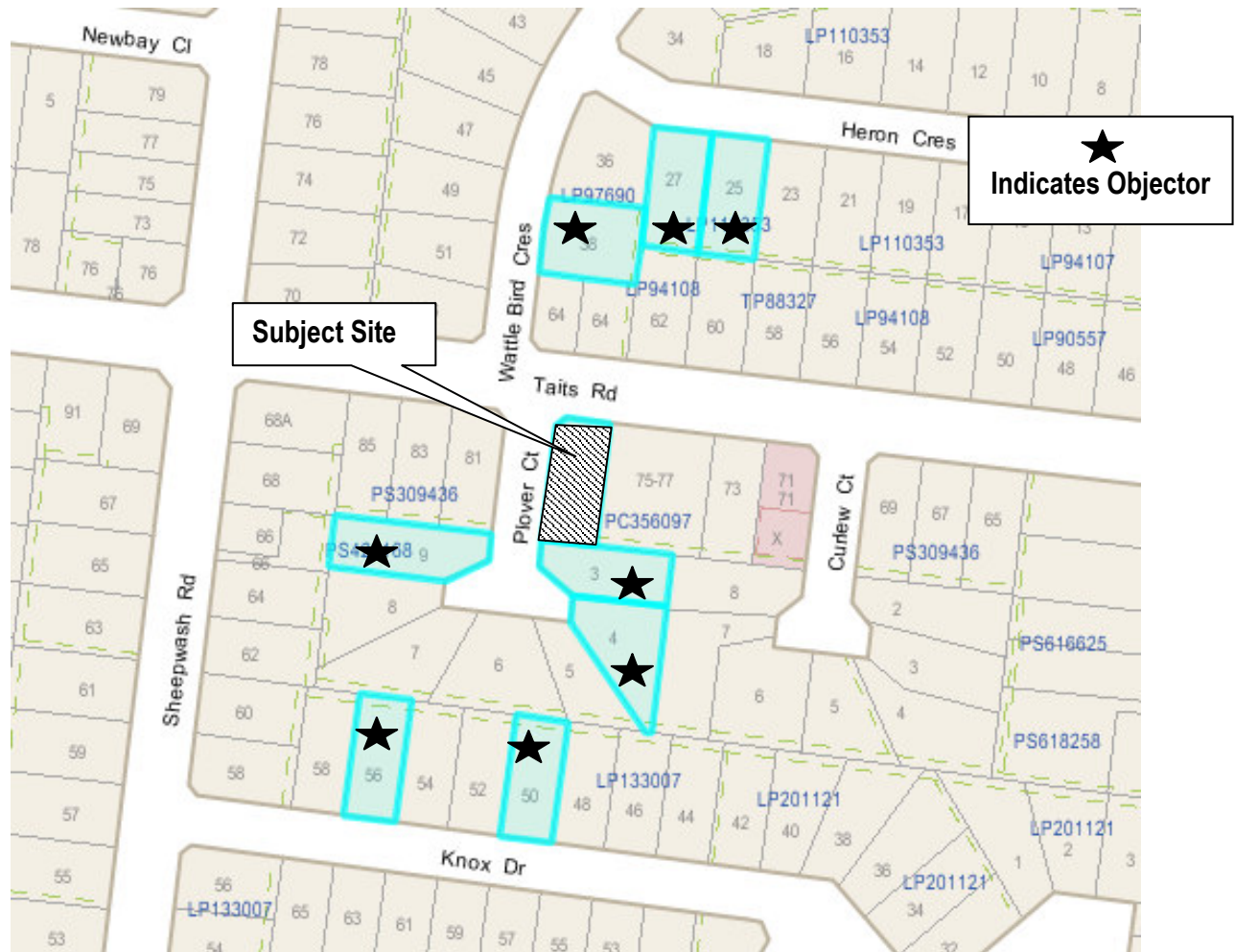
Risk Assessment

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

Communication

The application was referred to various internal departments of Council and external referral authorities for comment. A summary of the referral responses is provided in Appendix 5-4. The proposal was also advertised as detailed in Appendix 5-5.

**APPENDIX 5-1
LOCALITY MAP**



79 TAITS ROAD, BARWON HEADS

APPENDIX 5-2

Amended Plans

1. Prior to the commencement of the 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 on 12 July 2012 but modified to show:
 - a) Finished floor levels at a minimum of 300mm freeboard above the applicable flood level (a minimum height of 2.3 metres AHD);
 - b) The crossover for the proposed dwelling constructed at a 90 degree angle to the kerb, avoiding the existing side entry pit;
 - c) The provision of six cubic metres of externally accessible storage for the existing dwelling to comply with Standard B30 of the Greater Geelong Planning Scheme.

All buildings and works as shown on the endorsed plans must be completed prior to the occupation of the building works, unless otherwise approved in writing by the Responsible Authority.

Endorsed Plans

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

Engineering

3. The site must be drained to the satisfaction of the Responsible Authority and no concentrated stormwater runoff may drain or discharge from the site to adjoining properties.
4. Prior to occupation of the dwelling hereby permitted the developer must, unless otherwise approved by the Responsible Authority:
 - a) Construct the site drainage system including connection to the easement drain located on the southern boundary of the site, in accordance with relevant Council and Australian standards;
 - b) Construct a vehicle crossing for each lot in accordance with Council specifications. Any redundant crossings must be removed with necessary reinstatement works undertaken to match the surrounding construction in the street;

all to the satisfaction of the Responsible Authority.

5. Prior to the commencement of works, consent to build over the drainage and sewerage easement must be obtained from the City of Greater Geelong Council and Barwon Water. In the case that consent is not granted, application must be made to the Responsible Authority to amend the endorsed plans to delete the proposed car port.

Corangamite Catchment Management Authority

6. The floor of the new dwelling must be constructed at a minimum height of 2.3 metres AHD.

Landscaping

7. Prior to the commencement of development, three (3) copies of a landscape plan prepared by a suitably qualified or experienced, person to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The plan(s) must be drawn to scale and show:
 - a) A survey (including botanical names) of all existing vegetation to be retained and/ or removed;
 - b) Details of surface finishes of pathways and driveways;
 - c) 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.

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

8. Prior to the occupation of the development, the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

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

Materials

9. The external fabric including the roofing must be in muted tonings of non-reflective material so as to blend with the environment and preserve the aesthetic amenity of the area to the satisfaction of the Responsible Authority.

Permit Expiry

10. This permit will expire if one of the following circumstances applies:
 - a) The development of the building(s) hereby approved has not commenced within two (2) years of the date of this permit
 - b) The development of the building(s) hereby approved is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three (3) months afterwards.

APPENDIX 5-3

Greater Geelong Planning Scheme

Definition and Nesting

The use as defined as 'dwelling' and is nested in the Accommodation Group.

Permit required clause and condition

- Pursuant to Clause 32.06-4 of the Residential 3 Zone, a permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.
- Pursuant to Clause 44.05-1 of the Special Building Overlay, a permit is required to construct a building or to construct or carry out works.

Zone

Clause 32.06 Residential 3 Zone

The purpose of this zone is:

- To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.
- To encourage residential development that respects the neighbourhood character.
- To limit the maximum height of a dwelling or residential building.
- In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

Overlay

Clause 44.05 Special Building Overlay

The purpose of this 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 identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

Restrictive Covenant

There is no restrictive covenant listed on the title.

Cultural Heritage Management Plan (CHMP)

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

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

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

High impact activities are defined within Part 2 - Division 5 of the Aboriginal Heritage Regulations 2007. Part 2 - Division 5 does not list the proposal as a high impact activity.

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

Coastal Hazard Vulnerability Assessment

The subject site is located within 1km of the Barwon River (approximately 400 metres).

The subject site has a contour level of 2m AHD according to Council's Places Weave mapping system.

Following a referral to Council's Engineering Services Unit, it was determined that it is unlikely that the site would be directly inundated as result of climate change impacts, due to high ground to the north and east of the site preventing direct inundation. There is not considered to be any risk from coastal erosion to the site. A rise in sea level would reduce the effectiveness of the stormwater outfalls and may contribute to flooding upstream due to backflow in the pipes. This has not been modelled against the range of sea level rise scenarios.

Engineering Services does not object to the application on the grounds of coastal hazards.

The application was also referred to the CCMA to determine if the submission of a CHVA was required. The Authority's ground level data indicate that the property is physically protected from inundation associated with a 1% Annual Exceedance Probability Barwon River flood by high ground between the property and the estuary. The City of Greater Geelong has received several Coastal Hazard Vulnerability Assessments (CHVA's) for properties in this area that indicate a low risk of coastal erosion of the barrier would occur. Assuming this physical feature remains constant over time, the Authority also expects the property to remain protected from storm tide flooding for the period up to the year 2100.

Therefore, a CHVA was not required to be submitted.

Car Parking

Clause 52.06 requires car parking for a dwelling to be provided as follows:

- One space for each one or two bedroom dwelling.
- Two spaces for each three or more bedroom dwelling.

Developments of five or more dwellings should provide visitor car parking at a rate of one space for every five dwellings.

Bicycle Spaces

Pursuant to Standard B16 of Clause 55.03-11, bicycle parking is required in relation to the development of land for five or more dwellings. However, the rate of spaces required is applicable only to dwellings of four or more storeys.

Notwithstanding this, it is considered that adequate space would be available for bicycle parking within the boundaries of each proposed lot.

State Planning Policy Framework

The following State Planning Policies are relevant to the consideration of this application:

Clause 11.00 – Settlement

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

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

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

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

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

11.05-5 - Coastal Settlement

Objective

To plan for sustainable coastal development.

Strategies

Support a network of diverse coastal settlements which provides for a broad range of housing types, economic opportunities and services.

Encourage urban renewal and redevelopment opportunities within existing settlements to reduce the demand for urban sprawl.

Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values protected. Where no settlement boundary is identified, the extent of a settlement is defined by the extent of existing urban zoned land and any land identified on a plan in the planning scheme for future urban settlement.

Direct residential and other urban development and infrastructure within defined settlement boundaries of existing settlements that are capable of accommodating growth.

Avoid linear urban sprawl along the coastal edge and ribbon development within rural landscapes and protect areas between settlements for non-urban use.

Avoid development on ridgelines, primary coastal dune systems and low lying coastal areas.

Encourage opportunities to restructure old and inappropriate subdivisions to reduce development impacts on the environment.

Ensure a sustainable water supply, stormwater and sewerage treatment for all development.

Minimise the quantity and enhance the quality of storm water discharge from new development into the ocean, bays and estuaries.

12.02-1 - Protection of Coastal Areas

Objective

To recognise and enhance the value of the coastal areas to the community and ensure sustainable use of natural coastal resources.

Strategies

Coordinated land use and planning with the requirements of the Coastal Management Act 1995 to:

- Provide clear direction for the future sustainable use of the coast, including the marine environment, for recreation, conservation, tourism, commerce and similar uses in appropriate areas.
- Protect and maintain areas of environmental significance.
- Identify suitable areas and opportunities for improved facilities.

Apply the hierarchy of principles for coastal planning and management as set out in the Victorian Coastal Strategy 2008, which are:

Principle 1: Provide for the protection of significant environmental and cultural values.

Principle 2: Undertake integrated planning and provide clear direction for the future.

Principle 3: Ensure the sustainable use of natural coastal resources.

When the above principles have been considered and addressed:

Principle 4: Ensure development on the coast is located within existing modified and resilient environments where the demand for development is evident and the impact can be managed.

12.01-2 - Appropriate Development of Coastal Areas

Objective

To ensure development conserves, protects and seeks to enhance coastal biodiversity and ecological values.

Strategies

Ensure development is sensitively sited and designed and respects the character of coastal settlements.

Encourage revegetation of cleared land abutting coastal reserves.

Maintain the natural drainage patterns, water quality and biodiversity within and adjacent to coastal estuaries, wetlands and waterways.

Avoid disturbance of coastal acid sulfate soils.

Protect cultural heritage places, including Aboriginal places, archaeological sites and historic shipwrecks.

13 - Environmental Risks

Planning should adopt a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. Planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.

13.01-1 - Coastal Inundation and Erosion

Objective

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

Strategies

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.

Ensure that new development is located and designed to take account of the impacts of climate change on coastal hazards such as the combined effects of storm tides, river flooding, coastal erosion and sand drift.

Ensure that land subject to coastal hazards are identified and appropriately managed to ensure that future development is not at risk.

Avoid development in identified coastal hazard areas susceptible to inundation (both river and coastal), erosion, landslip/landslide, acid sulfate soils, wildfire and geotechnical risk.

13.02-1 - Floodplain Management

Objective

To assist the protection of:

- Life, property and community infrastructure from flood hazard.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.
- Floodplain areas of environmental significance or of importance to river health.

Strategies

Identify land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority, in planning scheme maps. Land affected by flooding is land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority.

Avoid intensifying the impacts of flooding through inappropriately located uses and developments.

Locate emergency and community facilities (including hospitals, ambulance stations, police stations, fire stations, residential aged care facilities, communication facilities, transport facilities, community shelters and schools) outside the 1 in 100 year floodplain and, where possible, at levels above the height of the probable maximum flood.

Locate developments and uses which involve the storage or disposal of environmentally hazardous industrial and agricultural chemicals or wastes and other dangerous goods (including intensive animal industries and sewage treatment plants) must not be located on floodplains unless site design and management is such that potential contact between such substances and floodwaters is prevented, without affecting the flood carrying and flood storage functions of the floodplain.

Clause 15 - Built Environment and Heritage

Planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Creating quality built environments supports the social, cultural, economic and environmental wellbeing of our communities, cities and towns.

Land use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and development and quality of urban design.

Planning should achieve high quality urban design and architecture that:

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

Clause 15.01-5 - Cultural Identity and Neighbourhood Character

Objective

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

Strategies

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

Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.

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

- The underlying natural landscape character.
- The heritage values and built form that reflect community identity.
- The values, needs and aspirations of the community.

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.

Strategies

Ensure that buildings and subdivision design improves efficiency in energy use.
Promote consolidation of urban development and integration of land use and transport.

Improve efficiency in energy use through greater use of renewable energy.
Support low energy forms of transport such as walking and cycling.

Clause 16 – Housing

Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.

Planning for housing should include providing land for affordable housing.

Clause 16.01-4 - Housing Diversity

Objective

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

Strategies

Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.

Encourage the development of well-designed medium-density housing which:

- Respects the neighbourhood character.
- Improves housing choice.
- Makes better use of existing infrastructure.
- Improves energy efficiency of housing.

Support opportunities for a wide range of income groups to choose housing in well-serviced locations.

Ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.

Clause 16.01-5 - Housing Affordability

Objective

To deliver more affordable housing closer to jobs, transport and services.

Strategies

Improve housing affordability by:

- Ensuring land supply continues to be sufficient to meet demand.
- Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
- Promoting good housing and urban design to minimise negative environmental impacts and keep down costs for residents and the wider community.
- Encouraging a significant proportion of new development, including development at activity centres and strategic redevelopment sites to be affordable for households on low to moderate incomes.
- Increase the supply of well-located affordable housing by:
- Facilitating a mix of private, affordable and social housing in activity centres, strategic redevelopment sites.
- Ensuring the redevelopment and renewal of public housing stock better meets community needs.

Local Planning Policy Framework

Municipal Strategic Statement

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

21.05-7 – Flooding

The objective of Clause 21.05-7 of the Municipal Strategic Statement is:

- To protect floodplains.
- To minimise the potential for damage and risks to public safety and property from flooding.

Strategies

- Ensure that land use and development is compatible with flood prone land.
- Discourage land use and development in floodplains where flood function may be impaired.
- Recognise flood hazards associated with waterways and ensure the free passage of water whilst protecting development from flooding impacts.

Clause 21.06-3 - Urban Consolidation

The objective of Clause 21.06-3 of the Municipal Strategic Statement is:

- 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.

Strategies

- Manage urban consolidation and housing change across the municipality, by:
- Accommodating medium and high density housing in Key Development Areas (as designated in the Incorporated Document 'Key Development and Increased Housing Diversity Areas July 2009').
- Maximising opportunities for housing within Increased Housing Diversity Areas (as designated in the Incorporated Document 'Key Development and Increased Housing Diversity Areas July 2009') by accommodating:
 - High density housing in the activity centres consistent with their primary commercial and retail role; and medium density housing in residential areas with more intensive development being located closest to the core of activity centres.
 - Appropriate medium density housing in Residential 1 zoned areas.
 - Incremental change in Residential 3 zoned areas.
 - Encourage medium density housing in mixed use zones.
 - Require retirement accommodation to be located within urban areas, preferably within close proximity to existing or proposed activity centres and public transport facilities.

Clause 21.06-4 - Neighbourhood Character

The objective of Clause 21.06-4 of the Municipal Strategic Statement is:

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

Strategies

- Ensure that development is responsive to the established character of the area.
- Support medium density housing in the Residential 3 Zone in accordance with the schedule to the zone.
- Acknowledge that neighbourhood character in the Increased Housing Diversity Areas and in Residential 2 Zones will adapt and evolve over time, particularly within and on the edges of activity centres, where land use and development will intensify.
- Allow for appropriate transition between residential zones.
- Ensure that development on the edges of Residential 1 and Residential 2 Zones is responsive to and respectful of the neighbourhood character in any adjoining Residential 3 Zone.
- Support the redevelopment of dwellings owned by the Office of Housing, as part of urban renewal initiatives.
- Retain existing vegetation wherever possible, particularly vegetation that contributes to the municipality's tree canopy.
- Avoid gated communities.
- Maintain the character of the Rural Living and Low Density Residential Zoned areas.

21.05-4 – Coastal Environments

The objective of Clause 21.05-4 of the Municipal Strategic Statement is:

- To protect, maintain and enhance the coast, estuaries and marine environment.
- To respect and manage coastal processes.

Strategies

- Focus urban coastal development within existing urban settlements.
- Prevent lineal urban sprawl along the coast.
- Avoid the loss of, and wherever possible increase, public access to the foreshore environment.
- Restrict development on primary dunes.
- Ensure the potential for existence of acid sulphate soils adjacent to coastal and wetland locations is considered.
- Limit the number of stormwater outlets to the coast.
- Setback future land use and development from coastal areas, estuaries and coastal wetlands to provide a buffer which is adequate to accommodate coastal recession and the landward migration of coastal wetland vegetation communities such as mangroves and salt marshes.

21.05-5 – Climate Change

The objective of Clause 21.05-5 of the Municipal Strategic Statement is:

- To plan for and adapt to the impacts of climate change.

Strategies

- Avoid land use and development within areas considered at risk of coastal erosion or inundation from flooding, storm surge or rising sea levels.

21.14 The Bellarine Peninsula

The objective of Clause 21.14 of the Municipal Strategic Statement is:

- To protect and enhance the rural and coastal environment on the Bellarine Peninsula and maintain non-urban breaks between settlements.
- To facilitate the development of Ocean Grove, Drysdale/Clifton Springs and Leopold as hubs of development and service provision on the Bellarine Peninsula. In all other townships on the Bellarine Peninsula provide retail, commercial and community uses and facilities that serve the daily needs of the community and encourage street based activity.
- To provide for sustainable industrial, commercial, retail, agricultural and tourism development in designated locations, to service the wider Bellarine community.
- To preserve the individual character, identity and role of each Bellarine township.

Barwon Heads

- Maintain a compact urban form and avoid outward sprawl.
- Protect the unique character of Barwon Heads as a coastal village located within a sensitive environment and significant landscape setting.
- Ensure the Hitchcock Avenue shopping centre remains the focus of retail activity in Barwon Heads.
- Restrict new commercial development to the existing business and mixed use zones in Hitchcock Avenue between Bridge Road and Ozone Road and the south side of Bridge Road.
- Ensure new housing development complements the character of Barwon Heads and provides for a variety of housing sizes and types.
- Support the continued development of 13th Beach Resort as a tourist destination.
- Continue upgrading the Barwon Heads Village Park and foreshore reserves in accordance with established master plans.
- Support development of appropriate tourist accommodation around the Barwon Heads town centre.

APPENDIX 5-4

Referrals

INTERNAL

Engineering Services

Council's Engineering Services Unit has provided standard conditions in relation to drainage and vehicular access for the development.

The Unit has also recommended the following changes be made upon referral of the original plans:

1. Amended plans showing the crossover perpendicular to the kerb, and the driveway offset a minimum of 600mm from the existing pit.
2. Amended plans showing finished floor levels allowing a minimum of 300mm freeboard above the applicable flood level.

The Unit has also indicated that the applicant would be expected to enter into a Section 173 agreement with Council as part of the "Build Over Easement" procedure.

Comment:

A recommended permit condition will require amended plans to be submitted which meet these requirements of the Engineering Unit.

In regards to the requirement for a Section 173 agreement to ensure the car port can be removed should access be required to the easement, it is considered that the agreement is not required as these Engineering requirements can be dealt with through the "Build Over Easement" application. A condition on the permit will require consent to build over the easement be obtained prior to the commencement of works.

EXTERNAL

Barwon Water

The plans originally submitted with the application were referred to Barwon Water for comment due to the presence of a sewer easement along the southern property boundary. Barwon Water required the redesign of the new dwelling to provide for an offset from the southern boundary of 3.5 metres.

Amended plans were subsequently submitted to show this, and were re-referred to Barwon Water. Barwon Water provided a set of subdivision conditions in response to the referral. As the application is not for the subdivision of the land, the conditions provided by Barwon Water cannot be used for this application. However, Barwon Water have confirmed in writing that the proposed dwelling will not impact on their assets, and that a build-over application has been approved in principle.

Barwon Water have offered in principle support for the latest set of plans, now showing a car port to be constructed over the easement, and have advised that the applicant will need to apply directly to Barwon Water for a build-over permission.

Corangamite Catchment Management Authority

The property is subject to inundation associated with the local stormwater catchment. The 1% Annual Exceedance Probability flood level applicable to the property is 2.00 metres Australian Height Datum. The floor of the new dwelling would need to be constructed at a minimum height of 2.3 metres AHD.

APPENDIX 5-5

Public Notification

The application was advertised pursuant to Section 52 of the Planning and Environment Act 1987. The applicant was required to erect a sign on the site, and letters were sent to adjoining and nearby owners and occupiers. Council received six objections as a result of the advertising procedure. Amended plans were submitted as a result of the previous Development Hearings Panel meeting and these were circulated to objectors. All objectors chose for their objections to stand, with two objectors providing additional submissions. Objections are summarised below:

Objection

The development will cause unreasonable traffic and parking impacts to Plover Court.

Comment

The provision and location of car spaces is in accordance with the relevant standard. The requisite amount of parking, pursuant to Clause 52.06, is to be provided on site. It is not anticipated that the development, which will increase the number of dwellings on the site by one, will create any material traffic impacts to Plover Court or Tait's Road.

Objection

The proposal does not meet the ResCode provisions or planning guidelines, particularly in regards to the proposed street setback, and is inconsistent with the character of the neighbourhood and the streetscape of Plover Court.

Comment

The minimum street setback of three metres has been met for the new dwelling in the plans under consideration. The proposed setback is considered to be appropriate in the context of the site. The court features irregular shaped lots and dwellings with inconsistent street setbacks ranging from 9 to 30 metres. The proposed street setback is not considered to create any dominance or bulk of form to the streetscape, as built form to Plover Court on those lots with frontages to Tait's Road is generally set back a maximum of two to three metres from the boundary.

The proposal is otherwise compliant with Clause 55, and the State and Local Planning Policy Framework.

Objection

The development of low cost housing in the area will have a detrimental impact on property values.

Comment

Property values are not a material planning consideration pursuant to the Planning Scheme. The State and Local Planning Policy Framework supports consolidation and the better utilisation of existing infrastructure through medium density housing development, where the character of the neighbourhood is not detrimentally impacted. As previously stated, it is considered that the design and siting of the proposal is not at odds with the character of the neighbourhood or streetscape.

6. REGIONAL SKILLED MIGRATION PROGRAM 2011-2012

Portfolio:	Planning - Cr Macdonald
Source:	Economic Development, Planning and Tourism
General Manager:	Peter Bettess
Index Reference:	Subject: Regional Skilled Migration Program 2011-2012

Summary

- The City of Greater Geelong has participated in the Victorian Government funded Regional Skilled Migration Program 2011-2012 and met our obligation of 60 employment outcomes. These 60 employment outcomes have contributed over \$28 million in total output to our economy (REMPPLAN). The program has supported employers across the G21 Region to attract, source and retain skilled overseas professionals to fill positions that could not be filled from the local labour market. In total the program from 2008-2012 has assisted employers to fill 226 skilled vacancies (diploma level or higher).
- Geelong is one of 10 Victorian Regions that have access to the Regional Skilled Migration Service (RSMS) visa stream that provides overseas skilled professionals with permanent residency.
- Funding for the Regional Skilled Migration Program ceased on 30 June 2012. There is no further ongoing Victorian State Government funding for the Skilled Migration program.
- The use of the RSMS visa to support employers with genuine skill shortages requires a procedural check of the employer by the Regional Certification Body (RCB). The State Government (who is the current RCB in our region) is looking to transition this function to the City of Greater Geelong as the operator of the Skilled Migration program.
- The Victorian Government Department of Business and Innovation has offered one-off transitional funding of \$100,000 to enable the City to put in place systems to operate the RCB program sustainably into the future.
- On Tuesday 4 September 2012 the State Government forwarded Grant Guidelines and an Application form for the Regional Certifying Body (RCB) Program 2012-2013. This form requested Council advises the Department of Business and Innovation of its preparedness to undertake the RCB role by 10 September 2012. A holding response has been sent pending Council's decision. The offer is conditional that Council details how the program will be self sustaining beyond 15 May 2013.
- With the State Government funding and RCB revenue, the program could be funded for three years within the Economic Development Department budget. A review of the on-going funding of the program should be conducted in three years having regard to the outcomes of the program.

6. REGIONAL SKILLED MIGRATION PROGRAM 2011-2012 (CONT'D)

Cr Macdonald moved, Cr E Kontelj seconded -

- 1) That Council notes the achievements of the 2011-2012 Skilled Migration program;**
- 2) That Council accepts the offer of transitional funding and commits to be a Regional Certification Body (RCB) for three (3) years;**
- 3) That the Skilled Migration Program and the RCB function be reviewed in three (3) years considering:**
 - a) the viability of the Program; and**
 - b) the outcomes achieved for local employers.**

Carried.

Report

Background

Between 2008-2011 the City of Greater Geelong participated in the Victorian Government funded Global Skills for Provincial Victoria Program. The program assisted regional employers experiencing skill shortages to source, attract and retain overseas skilled professionals to fill positions that could not be filled locally. The City received \$385,000 in funding and assisted employers to fill 166 vacant positions across a range of industry sectors. The GSPV program operated across 11 regional centres.

The program was extended for a further 12 months under a new program title - Regional Skilled Migration Program 2011 - 2012. Ten regional centres participated in this program. The City received \$110,000 in funding and assisted regional employers to fill 60 positions that could not be filled locally. Occupations assisted over the past 12 months include Health & Allied Health (GPs, Nurses, Personal Care Attendants) 25 positions, Education and Professional Services 8 positions, Mechanics 7 positions, Manufacturing (various includes engineers) 6 positions, Hospitality (Chefs) 5 positions, Construction 5 positions and Other 4 positions. The 60 employment outcomes generated over \$28 million in total output including all direct industrial and consumption effects, with a gain of a further 20 jobs in the flow-on economy.

The Geelong Region is experiencing significant business growth particularly in sectors such as health, education, information communication and technology, food processing, tourism, transport and research. Niche manufacturing sectors are also experiencing growth.

Skills shortages will become an increasing problem for the local economy. Career pathways and higher wages attract many skilled professionals away from regional centres. The workforce is ageing with an anticipated 20%-25% of the workforce expected to retire over the next 20 years. The nature of employment has become more skilled and technology and transport advances have resulted in a much more globally mobile workforce.

6. REGIONAL SKILLED MIGRATION PROGRAM 2011-2012 (CONT'D)

Geelong region employers are currently experiencing difficulty in filling skilled vacancies across a range of occupations. The City has worked alongside local education and training providers to identify pathways that will encourage the workforce into occupations in skill shortage sectors. Skilled migration has been a complementary activity that provides employers with an immediate solution to fill critical skill shortages (trade or diploma or higher).

Discussion

Funding for the Regional Skilled Migration Program ended on 30 June 2012. The current State Government will not be supporting another program into the future.

The program funding has been used to offset the costs of 1.85 EFT in this program and the City of Greater Geelong has provided in-kind support via staff management and furniture and equipment.

The Victorian Government Skilled and Business Migration Program has invited applications for the Regional Certifying Body Program (RCBP) 2012-13.

The RCBP is a transitional funding program offered to Victorian regional bodies previously funded under the Regional Skilled Migration Program (RSMP) to take on the role of a Regional Certifying Body (RCB) under the Commonwealth Government's Regional Sponsored Migration Scheme (RSMS). A certifying body is an organisation which has been approved by the Federal Minister to certify nominations by employers for the RSMS visa before being lodged with the Department of Immigration and Citizenship. The State Government currently provides this service free-of-charge to regional employers. The State Government has detailed that Local Government could charge for this service to offset the cost of undertaking the RCB role and have notionally suggested a figure of \$400 per certification.

The funding offer is subject to regions putting in place alternative cost recovery arrangements during the course of the RCBP 2012-13. The agreement payment is subject to the City of Greater Geelong undertaking RCB activities in alignment with the area that we previously provided Skilled Migration services. This requirement means that CoGG need to provide RCB services to Colac Otway, Golden Plains and Surfcoast.

The invitation details conditions that the Council must adhere to be eligible for the one-off transitional funding.

These conditions include:

- 1) a valid Gazette notice issued by the relevant Authority certifying that we are a Regional Certifying body under the legislation; and
- 2) evidence that the Council has implemented a cost recovery arrangement for the ongoing operations as an RCB on and from 15 May 2013.

Applications opened on Tuesday 4 September 2012 and are noted as remaining open until 5pm Monday 10 September 2012.

6. REGIONAL SKILLED MIGRATION PROGRAM 2011-2012 (CONT'D)

On 6 September 2012, the Co-ordinator of Economic Development responded to the Senior Advisor – Industry Engagement, Department of Business and Innovation detailing that the City of Greater Geelong Council would deliberate the matter at a Council meeting and that the Council decision would be advised.

If the Council was to become a RCB, figures from the local RCB detail an average of 42 certifications per month from January 2011 - May 2012. The Victorian Government has touted a figure of approximately \$400 as reasonable to undertake the RCB activities per employer application. Charging \$400 per certification to employers generates an average monthly income of \$16,800. The monthly cost to operate the skilled migration program would equate to approximately \$16,000 (Program staff, RCB and ancillaries).

Environmental Implications

The Regional Skilled Migration Program does not impact on the environment.

Financial Implications

The agreement provides for a total funding allocation of \$100,000 for the period September 2012 - 15 May 2013 to provide RCB services to CoGG, Surfcoast, Colac Otway and Golden Plains shires.

The financial implications of supporting a program similar to that which we have been operating includes continuation of the 1.85 EFT Skilled Migration Program resource, transitioning an additional EFT to undertake the RCB role from within the Economic Development Unit and management of accounts and current in-kind contributions. In addition the program has been supporting informal networking sessions with recently arrived skilled professionals that are seen as a critical element of supporting people to settle into the Geelong community.

It is anticipated that Geelong employers will need to make approximately 400 RCB paid applications per annum and that the role of RCB would need to be incorporated into the current Economic Development unit staffing resource to enable this program to be self sustaining.

If the City of Greater Geelong takes up the Victorian Government's offer of one year transitional funding the program could be funded for three years within the Economic Development Department's budget. There is no guarantee that the monies raised as the RCB would be sufficient to support skilled migration services beyond the three years.

As the numbers of RCB applications is indeterminate, it is suggested that the City of Greater Geelong Council does not commit to the sustainability of the RCB and Skilled Migration Program beyond three years. This would see Council committing to RCB for the period October 2012 – 30 June 2016. The understanding between the City and State Government would need to be such that the Council will review the program after three years having regard to the financial viability of the service and the outcomes achieved.

The RCB income stream must be able to support the skilled professional placement services that are valuable to our employers, primarily being the Skilled Migration Program in order for Council to continue to undertake the role of Regional Certifying Body and subsequently enter into an agreement for the transitional funding. Ongoing commitment however should not be provided given recent (and potential for future) reforms to how the Australian Government manages the Visa requirements and skilled migration program.

6. REGIONAL SKILLED MIGRATION PROGRAM 2011-2012 (CONT'D)

Policy/Legal/Statutory Implications

The changing nature of obligations regarding visa compliance and certification provides for uncertainty.

Processing timelines for the RSMS visa are managed at the Federal Government level and as such the success of the program is not within the control of Local Government. The positions able to be filled as part of the program are also a determinate of the Federal Government.

Officer Direct or Indirect Interest

There is no direct or indirect interest by any Council officers in this project.

Risk Assessment

The provision of skilled migration assistance to regional employers has been a highly sought after service. The program has been able to deliver more outcomes than required under its contractual obligations. An annual survey of regional employers has shown that regional employers anticipate over 700 skill shortage positions over the next 12 - 24 months particularly in the health and allied health sector.

The Geelong Region Skilled Migration Project has proved to be a valuable and successful tool in assisting regional employers to fill skilled vacancies that cannot be sourced locally. As Geelong's economy continues to grow, a lack of access to the range of skills required by employers may be an inhibitor to growth. The attraction of skilled overseas professionals provides an immediate solution for employers that is a complementary activity to the long term skilling of the regional labour force.

Social Considerations

Since 2008 the skilled migration service provided by the City has assisted regional employers to fill 226 skilled positions that were unable to be filled from the local market. Together with family members this equates to almost 700 new residents being welcomed to the Geelong Region.

Communication

The Geelong Region Skilled Migration Project will work with the State Government to ensure employers are directed to the appropriate agencies within the State and Federal Government's for assistance with any queries.

7. GEELONG LIBRARY AND HERITAGE CENTRE

Portfolio:	Arts & Culture – Cr Abley
Source:	Major Projects – Cr S Kontelj
General Manager:	Projects, Recreation & Central Geelong
Index Reference:	Dean Frost
	Project: Geelong Library & Heritage Centre

Summary

- The architects for the Geelong Library and Heritage Centre redevelopment project have provided Council with 3 design concepts. These are summarised as 'The Dome', 'The Oculus', and 'The Ripple'.
- The Project Control Group (PCG) has reviewed each of the options and is recommending that 'The Dome' concept be put forward as the preferred design concept.
- Once a concept has been selected, the schematic design and planning phases of the project can commence.
- The Geelong Library and Heritage Centre project is jointly funded with Council contributing \$20M, the State Government \$15M and the Federal Government \$10M.
- The concept design options have been presented to the Victorian Design Review Panel and they have provided Council with a design review report.

Cr Granger moved, Cr Abley seconded -

That Council endorse the Geelong Library and Heritage Centre 'Dome Concept' and authorise officers to commence a public consultation process.

Cr Harwood left the meeting room at 8.04pm

Cr Harwood re-entered the meeting room at 8.05pm

Carried.

Report

Background

In April 2012, Council appointed architecture firm Ashton Raggatt McDougall (ARM) as its design consultant for the \$40M Geelong Library and Heritage Centre project.

In addition to the architectural consultancy, Council also engaged Davis Langdon AECOM as the Project Manager and Slattery Australia as the Quantity Surveyor.

Each of the consultant teams were appointed following a two stage tender process that included an expression of interest phase and selective tender phase.

As part of its contractual obligation, ARM was required to present three design concepts for the development of this facility. These concepts were to be supported by a design philosophy that considered Geelong's heritage.

The architect has been working with various Council departments and end user groups in the development of these concepts, and they are now presented for Council's consideration and endorsement.

7. GEELONG LIBRARY AND HERITAGE CENTRE (CONT'D)

Discussion

The Geelong Library and Heritage Centre project is one of the largest and most significant projects undertaken by Council in recent history.

A Project Control Group (PCG), which includes 5 Councillors, has been overseeing and reviewing the design development process. This group is ensuring that the concepts developed by the architect meet with Council's expectations for a contemporary Library and Heritage Centre.

The PCG has also expressed their desire to have the building designed with high environmental standards, be significant in nature and reflective of the buildings importance to the Geelong community.

In responding to this intent, the design team have explored the idea of the importance of the building for the Geelong region and Central Geelong's Cultural Precinct, concentrating on the themes of 'The Landscape', 'The Garden' and 'The Street'.

The attached concept design summary report provides an overview of the architect's concept study, and the three design options.

These concepts represent a very early stage of in the design development process. Over the next 6 months the consultancy team will continue to develop and refine the selected concept with input from operational staff, users, and the community.

The adoption of a preferred concept will allow the project to proceed to the schematic design phase. The schematic design phase is scheduled to occur during September and October of 2012. This will then lead into the design development and documentation phases.

Site demolition works are scheduled to occur from mid 2012, which will mean that the current occupants of the building will need to be decanted. The Project Working Group (PWG) has been investigating a number of temporary accommodation options. The existing services will need to be re-housed in early to mid 2013 through to the completion of the building works.

One of the key considerations in identifying a temporary premises for a reduced library service, has been to try and maintain a presence in the Cultural Precinct.

After several months of negotiation we have recently been advised that the State Government, as a major sponsor of the project, have made space available in their building located on the corner of Lt Malop Street and Fenwick Street. The modified library service will likely operate out of the foyer area of this building during the construction period.

Council was invited to present the concept design options to the Victorian Design Review Panel. The project team presented its concept options to the panel on 18 July 2012 and have since received a summary report. (Attachment 1).

The panel believed that the 'Dome' option is 'the most exciting option and the challenge will be bringing it into practical reality'. They also encouraged Council to 'go towards a preferred option as soon as possible, to enable energy and thought to be focussed on the development of a single design proposition'.

7. GEELONG LIBRARY AND HERITAGE CENTRE (CONT'D)

Environmental Implications

The new Library and Heritage Centre is being developed as a '5 star' equivalent building.

Financial Implications

The Geelong Library and Heritage Centre project is jointly funded with Council committing \$20M, the State Government \$15M and the Federal Government \$10M.

The Council contribution to the Geelong Library and Heritage Centre is divided into two discrete projects. These are a \$15M contribution towards the construction of the facility and a \$5M contribution towards the provision of parking and book stock.

All funding commitments have been confirmed and some grant payments have been received.

Policy/Legal/Statutory Implications

There are no policy, legal or statutory implications. However, Council is required to obtain planning consent before it can begin the construction phase of this project.

Before the planning process can commence Council needs to determine which concept it wants to pursue as this will form the basis of the planning application.

Officer Direct or Indirect Interest

No Council officers involved in the preparation of this report have declared a direct or indirect interest in this matter.

Risk Assessment

As with all capital projects there have been numerous risks identified which are being mitigated through various control measures.

The risk profile for this project includes financial risks associated with each of the funding agreements.

Social Considerations

The Geelong Library and Heritage Centre project will deliver significant community benefits for all age groupings and facilitate the delivery of quality services.

This project builds upon the Geelong Cultural Precinct Masterplan (GCPM) which aims to develop a cultural hub in Central Geelong.

Communication

The public consultation phase of the project will commence once a concept has been selected.

An architectural rendering of a proposed library and heritage centre. The building features a large, semi-circular glass facade with a complex, multi-level internal structure visible. The roof is a large, dome-like structure covered in a green, hexagonal pattern. The building is situated on a paved plaza with several people walking and sitting on low, rectangular concrete benches. In the background, there are trees and a clear sky.

GEELONG LIBRARY & HERITAGE CENTRE

**CONCEPT DESIGN
SUMMARY**

PREPARED FOR
CITY OF GREATER GEELONG
SEPTEMBER 2012

ARM
ARCHITECTURE



CONTENTS

1- CONCEPT STUDY

2- CONCEPT DESIGN

**3- URBAN DESIGN & LANDSCAPE
CONCEPT**

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PROJECT NUMBER/ 0000

AUTHOR/ INITIAL

FILE NAME/ 120910_CONCEPTDESIGN.INDD

PRINT DATE/ 11-SEP-2012

1- CONCEPT STUDY

The concept design process identified three design determinants as the catalyst for the Geelong Library and Heritage Centre concept design options. The determinants identified were: Precinct, Accommodation and Narrative. Each of these were used to begin the Concept Design process.

PRECINCT

The precinct refers to the importance of the new building as part of the Geelong region and Central Geelong's cultural precinct uses the themes of *The Landscape*, *The Garden* and *The Street*

The Landscape refers to Geelong's history as the centre of a rural landscape and economy.

The Garden refers to the picturesque Johnstone Park as a focus for Geelong's cultural precinct and as the background to the new Geelong Library and Heritage Centre.

The Street refers to the importance of Little Mallop Street in linking together the major institutions the cultural precinct and their linking to the central business district.

ACCOMMODATION

Accommodation refers to the requirement to satisfy the functional needs of the new GLHC and the arrangements of the building's functional spaces. The concept study used the accommodation schedule in the 2010 Birruu GLHC Business Plan prepared for Major Projects Victoria as its starting point.

NARRATIVE

Defining a narrative for the design underpins its thematic and helps integrate it as a unified whole. The narrative used to underpin the GLHC is the building as custodian of Geelong's collective knowledge and history.

THE CONCEPT

Using the design determinants three propositions for the building were proposed. These were conceived as; The Cantaliver where parts of the building project over the park The Terrace, where the park grows over the building and the boundaries between both are blurred and The Dome, as a monument in the tradition of great library reading rooms being domed spaces. All three ideas were explored as conceptual forms within the context of the precinct and Johnstone Park.

A parallel study of the functional layout of the building was carried out to develop diagrammatic plans and 3D form to begin to understand the functional layouts and scale of the building. The concept study became the basis for developing the preferred design.

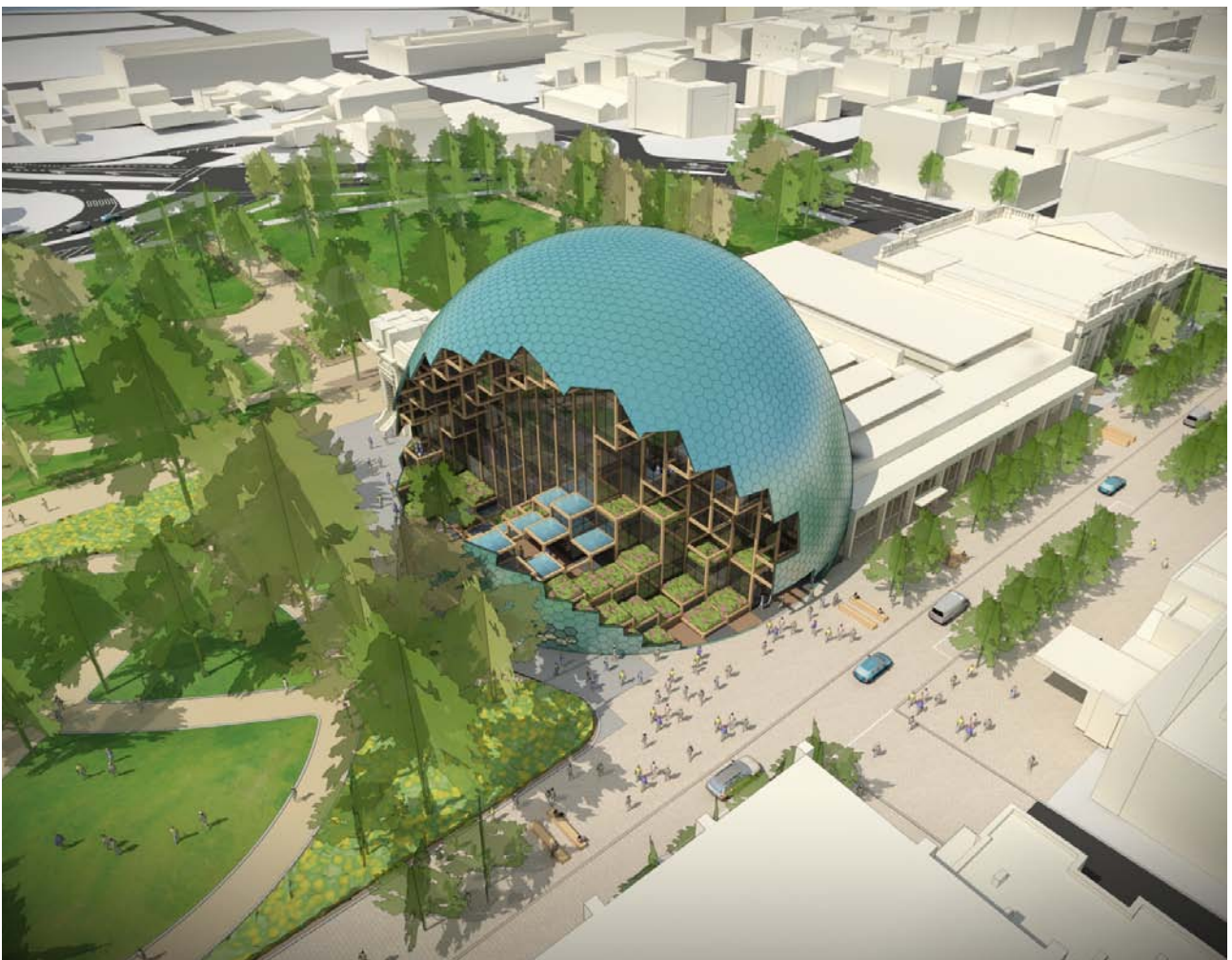
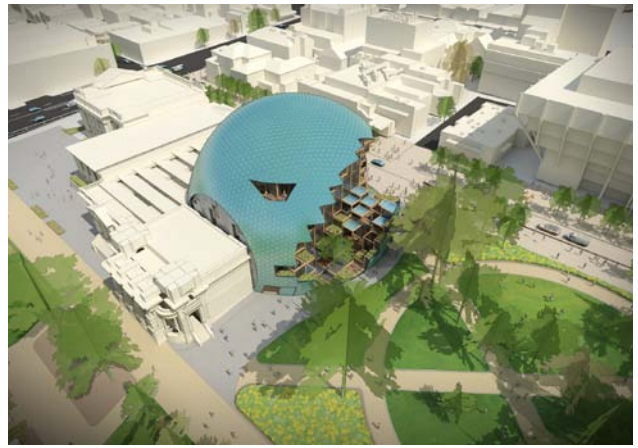


2- CONCEPT DESIGN

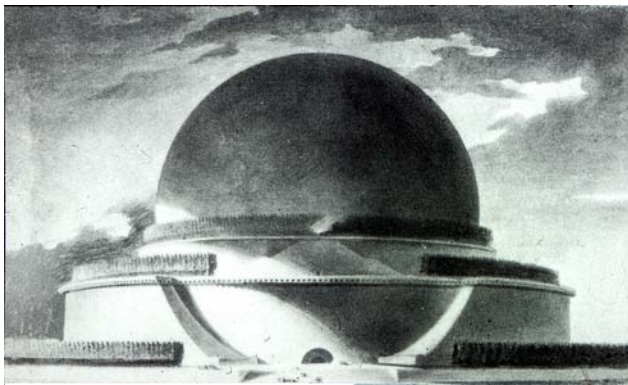
The initial design philosophy considered different strategies for the building as part of the cultural precinct and Johnstone Park.

The preferred concept; The Dome - has been developed as the proposed concept plan. It pursues the idea of blending the building and Johnstone Park. The concept has been developed from the functional brief (refer Section 4) and as an iconic building form.

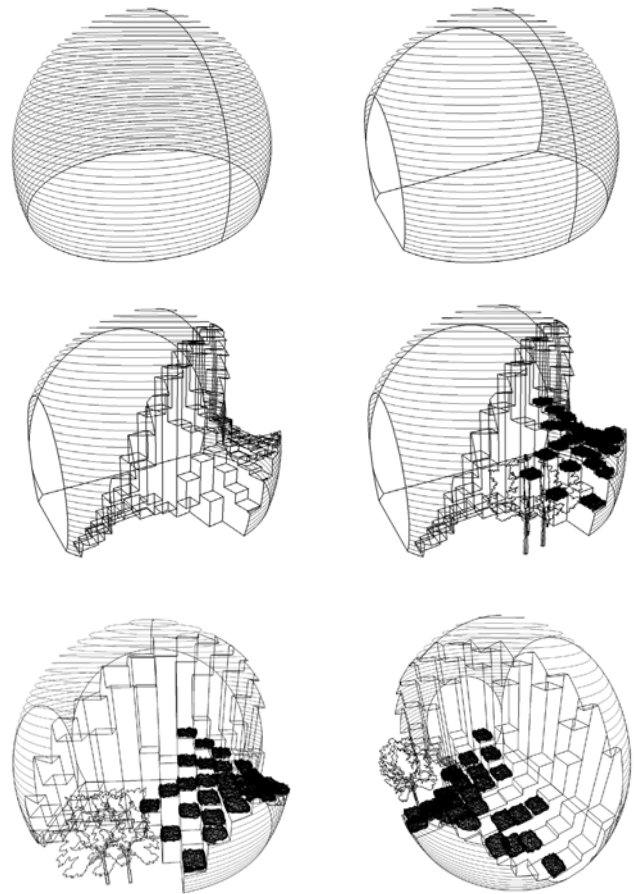
The concept has a distinctive approach to its civic presence in the street, the precinct and relationship with Johnstone Park. Using 3D modelling, we have explored the design to closely understand the visual impact within the sensitive heritage precinct.

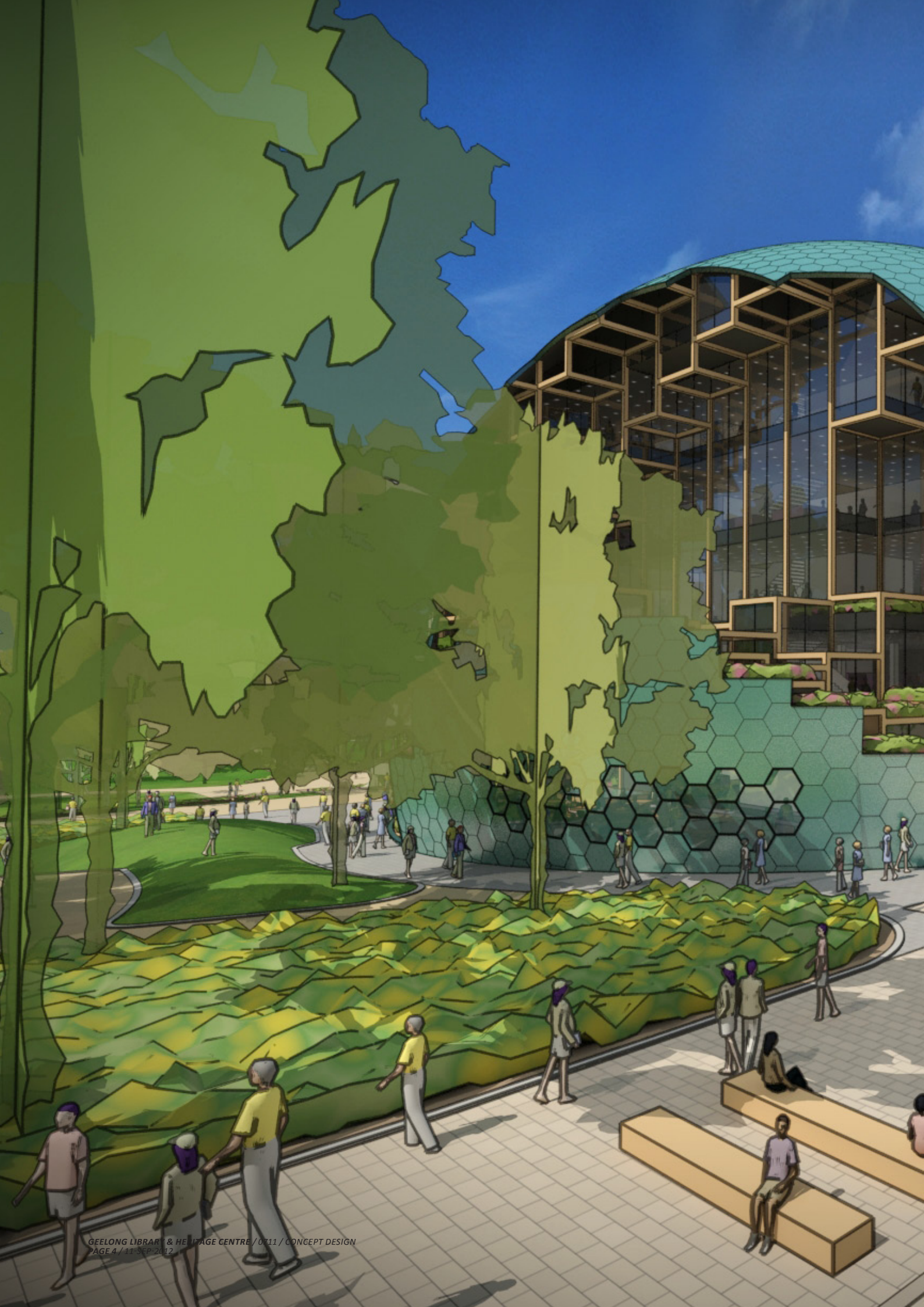


The Dome was conceived as an erosion of a spherical form by extending the park into The Dome. The Dome form is also reminiscent of the great library reading rooms such as the State library of Victoria and Boullée's concept for a monument to Newton.



BOULLEE'S MONUMENT TO NEWTON







3- URBAN DESIGN & LANDSCAPE CONCEPT

Johnstone Park provides an important landscape context for the new Library.

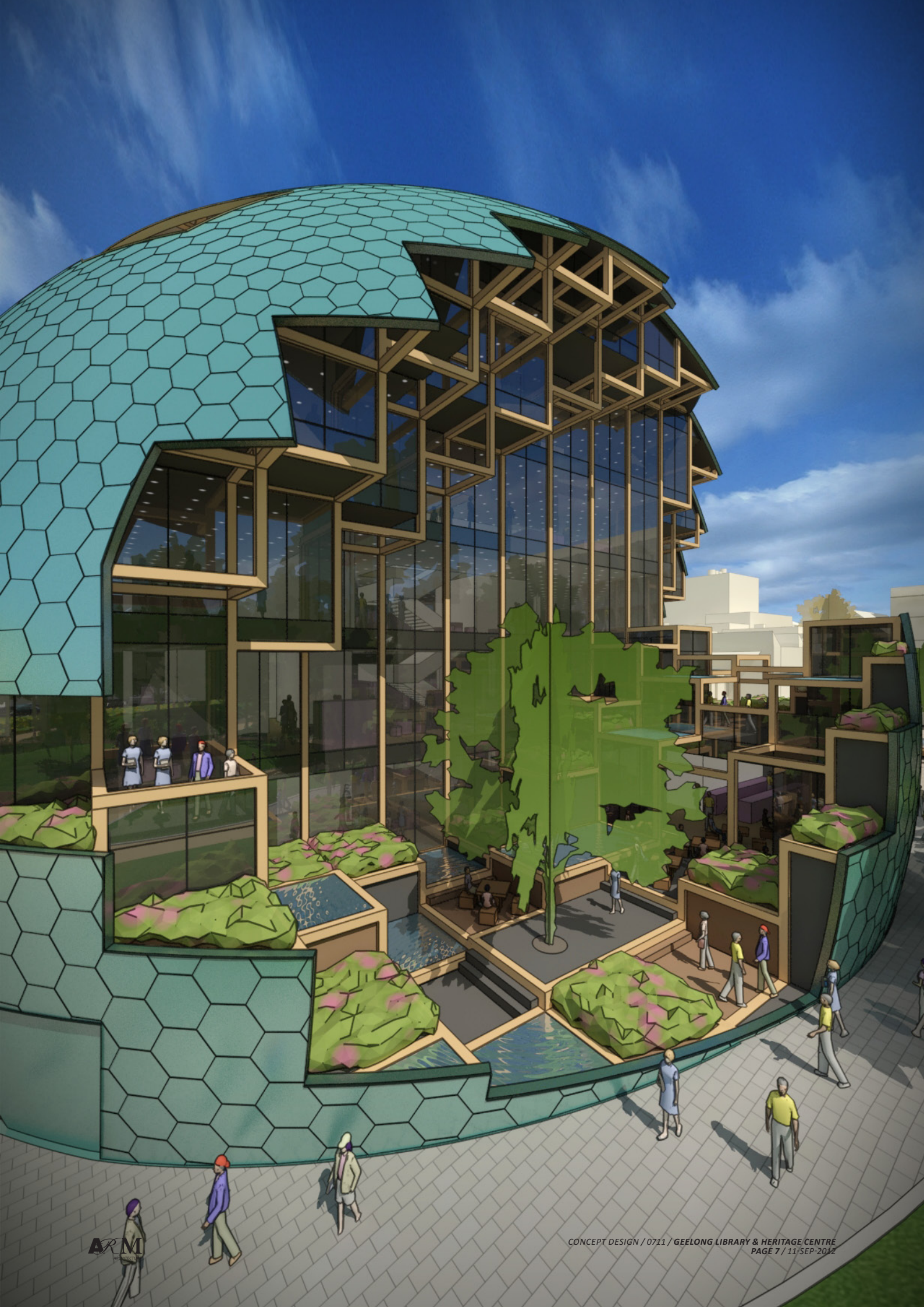
The landscape addresses issues and opportunities relating to the public realm surrounding the Geelong Library.

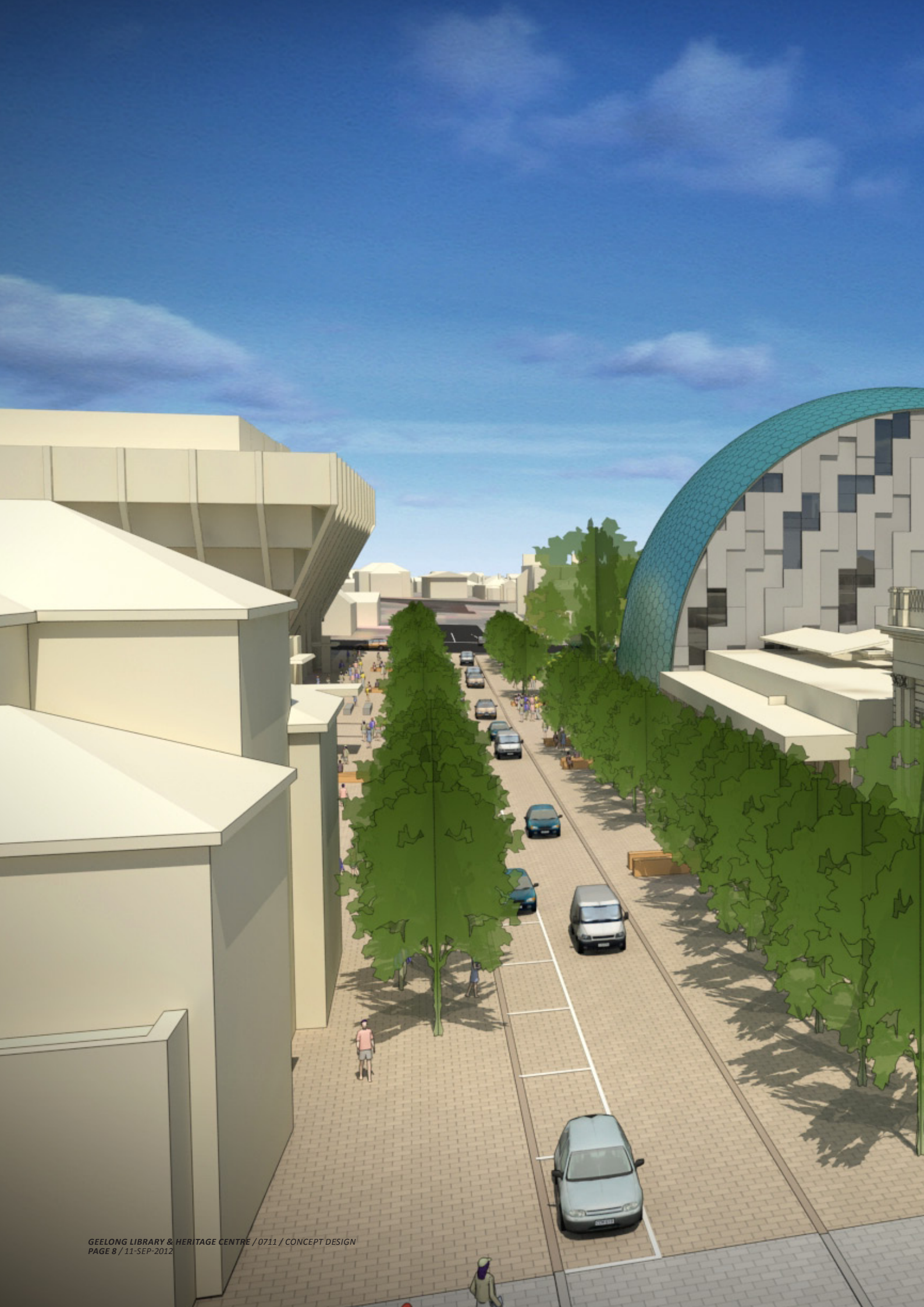
SITE RESPONSIVE

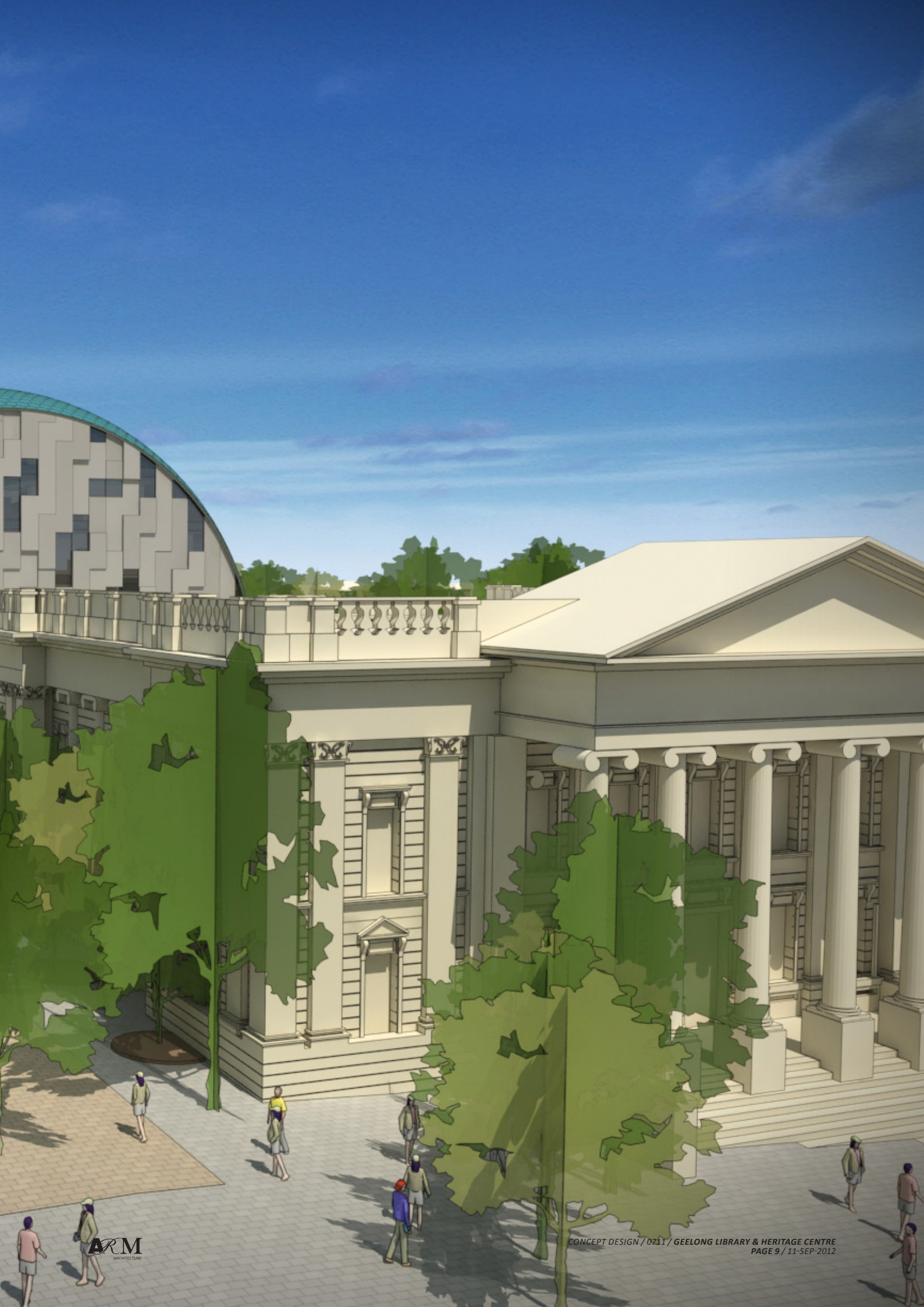
The landscape development for the library recognises and responds to its unique context, including its junction between, Little Malop Street, the corner park condition of Johnstone Park and Princes Walk.

It provides an appropriate contemporary landscape expression that is complimentary to the heritage park context and responds to the distinctive topographic condition between and Princes Walk and Little Malop Street. The design protects and enhances the identified significant trees within Johnstone Park.











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8. BARWON HEADS VILLAGE PARK MASTER PLAN REVIEW

Portfolio: Sport & Recreation - Cr Mitchell
Source: Projects, Recreation & Central Geelong
General Manager: Dean Frost
Index Reference: Property: Barwon Heads Village Park

Summary

- The purpose of this report is for Council to formally endorse the Barwon Heads Village Park Master Plan (2012).
- The Barwon Heads Village Park Master Plan Review was initiated by Council to examine the existing Barwon Heads Village Park Management Plan (2002) and develop an updated plan to guide the development of the reserve in recognition of changing community expectations.
- Key development opportunities of the Barwon Heads Village Park Master Plan Review include supporting the existing uses of the reserve, improving use of areas for formal sport, improving traffic & pedestrian circulation and increasing opportunities for informal public use.
- During the formation of the Master Plan Review, and in a separate process, a site within Village Park was identified as the preferred location for the Barwon Heads Early Learning Centre (ELC). This facility was included in the draft Master Plan but was the subject of a separate community consultative process including public meetings, public exhibition and concluding with a Submissions Review Panel. Under a separate report, Council has recently resolved to agree to the development of the ELC on the Barwon Heads Village Park site requiring that the project design respond to issues relating to passive surveillance, traffic management and the landscaped parkland interface.

Cr Richards moved, Cr Harwood seconded –

That Council endorse the Barwon Heads Village Park Master Plan (2012).

Carried.

Report

Background

Barwon Heads Village Park (BHVP) is the largest recreation reserve in the township of Barwon Heads. The 24ha Village Park is centrally located and bounded by Barwon Heads-Geelong Road to the South and Sheepwash Road to the West with established residential properties directly adjoining the Northern and Eastern boundaries. The park has a number of sporting and community facilities including equestrian facilities, scout halls, tennis courts, bowling greens, two ovals (used for soccer, cricket and football), athletics facilities and a basketball half court.

The objectives of the Barwon Heads Village Park Master Plan (2012) is to support the existing uses of the reserve, improve use of areas for formal sport, improve traffic and pedestrian circulation and increase opportunities for informal public use.

8. BARWON HEADS VILLAGE PARK MASTER PLAN REVIEW (CONT'D)

Discussion

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

The aim of the Barwon Heads Village Park Master Plan Review is to examine and review the existing Management Plan (2002) and develop a guide for the future development of the reserve. The planning process involved a review of background information, including a review of the existing Management Plan (2002).

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 to provide technical advice on the project.
- Project Reference Group (PRG) consisting of representatives of the sporting and community groups within the Park. The PRG provided input, direction and feedback into the project at key stages.

The consultation and research undertaken during the Barwon Heads Village Park Master Plan Review confirmed a number of issues to be addressed at the reserve. Based on the issues identified during the consultation and investigation process, a number of key recommendations were identified, including but not limited to the following;

- Implementation of a fire management plan for the park with the Barwon Heads CFA;
- Installation of traffic-slow points and signage at the key entries to the reserve;
- Installation of vehicle track cross overs to improve pedestrian safety;
- Improve the quality of the turf and allow for the future provision of floodlights for winter sport training;
- Upgrading the of the main cricket pavilion to include additional male & female home and away change rooms;
- Decommissioning of the toilet block located at the rear of the Bowls Club and Cricket Club pavilions;
- Investigation into the potential future relocation of existing Bowls Club pavilion closer to the bowling greens;
- Provision of additional bicycle racks to key areas in the park;
- Resurfacing of the two northern tennis courts and establish line marking and goals to increase multi use for basketball/tennis and informal soccer; and
- Environmental weed removal in the understorey of the Moonah Woodland and in the fenced off area of the Dune Woodland.

8. BARWON HEADS VILLAGE PARK MASTER PLAN REVIEW (CONT'D)

Section 4.1 of the Barwon Heads Village 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 \$1,018,056 and is represented by the following prioritised breakdown:

	MANDATORY	CRITICAL	HIGH	MEDIUM	LOW
Conservation Area Works	\$7,500	Nil	\$40,500	\$10,000	\$41,130
Recreation Facility Works	Nil	Nil	\$303,500	\$285,000	\$83,750
Vehicle Control and Car parking	Nil	Nil	\$21,500	\$45,000	\$10,500
Design 10%	\$750		\$36,550	\$34,000	\$65,538
Contingencies 10%	\$750		\$36,550	\$34,000	\$13,538
PROJECT WORKS PRIORITIES	\$9,000	\$0	\$438,600	\$408,000	162,456
TOTAL WORKS	\$1,018,056				

Implementation of recommendations will improve the overall amenity and functionality of the park, including improved sporting & park amenity, enhanced traffic management, safety and pedestrian circulation. The current and future needs of the all stakeholders and the wider community have been considered in allowing for improved facilities and amenities.

During the formation of the Master Plan Review, and in a separate process, a site within Village Park was identified as the preferred location for the Barwon Heads Early Learning Centre (ELC). This facility was included in the draft Master Plan but was the subject of a separate community consultative process including public meetings, public exhibition and concluding with a Submissions Review Panel. Under a separate report, Council has recently resolved to agree to the development of the ELC on the Barwon Heads Village Park site requiring that the project design respond to issues relating to passive surveillance, traffic management and the landscaped parkland interface.

Environmental Implications

The Barwon Heads Village Park Master Plan (2012) seeks to support initiatives that facilitate long-term environmental sustainability within the park including vegetation management and ongoing maintenance. 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 ambiance of the precinct.

Financial Implications

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

8. BARWON HEADS VILLAGE PARK MASTER PLAN REVIEW (CONT'D)

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 State Government, Clubs and other funding sources are listed against specific projects in the Master Plan.

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.

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 \$1,018,056. It is expected that the Master Plan will be implemented over an approximate timeframe of 10-15 years and is represented by the following prioritised breakdown:

	MANDATORY	CRITICAL	HIGH	MEDIUM	LOW
PROJECT WORKS PRIORITIES	\$9,000	\$0	\$438,600	\$408,000	162,456
TOTAL WORKS	\$1,018,056				

Policy/Legal/Statutory Implications

Archaeological assessment of BHVP was undertaken in 2001 and discovered a prominent linear sand dune. Locations on the western side of this dune yielded Aboriginal archaeological materials including middens and stone artefacts. This material has been registered as significant as Aboriginal Affairs Victoria. Any works future works undertaken at BHVP may be subject to a Cultural Heritage Management Plan to ensure that these significant artifacts are protected.

Flora assessment completed at BHVP confirmed the presence of two remnant Coastal Alkaline Scrub sub communities at Barwon Heads Village Park. Council has an obligation to protect this significant vegetation including fencing and weed removal. The mandatory actions listed in this report related to the removal of invasive weeds and protective fencing.

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 Barwon Heads Village 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 park 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 Barwon Heads Village Park Master Plan (2012).

8. BARWON HEADS VILLAGE PARK MASTER PLAN REVIEW (CONT'D)

Risk Assessment

The Barwon Heads Village 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 Barwon Heads Village Park Master Plan (2012) will enhance recreational and social experiences within the park. Improvements in the design, layout and functionality of the park, together with improved sporting facilities and road/ path networks will increase safety for visitors to the park.

The Barwon Heads Village 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. Barwon Heads Village Park has an established history of active recreational use, including formal sports such as football, cricket, equestrian, soccer, bowls and tennis. Future development of the reserve will support ongoing use of the area for a range of formal and informal sport and recreation activities.

The Barwon Heads Village Park Master Plan (2012) recognises that supporting formal sporting clubs does not only support 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 Barwon Heads Village Park Master Plan Review has been overseen by a three tiered management structure. These included:

- 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 to provide technical advice on the project.
- Project Reference Group (PRG) consisting of representatives of the sporting and community groups within the Park. The PRG provided input, direction and feedback into the project at key stages. The PRG consisted of the following groups: Barwon Heads CFA, Barwon Grove Golf club, Barwon Heads Cricket Club, Barwon Heads Scouts Association of Australia, Barwon Heads Soccer Club, Barwon Heads Football Club, Barwon Heads Tennis Club, Ocean Grove and Barwon Heads Athletics Club and Barwon Heads Bowling Club.

8. BARWON HEADS VILLAGE PARK MASTER PLAN REVIEW (CONT'D)

The planning process involved a review of background material and the establishment of formal reference groups to guide the planning process. The project has involved consultation with stakeholders, Council staff and the community.

The main consultation tasks have included:

- On-site meetings to discuss aspect of the reserve in detail;
- Follow-up site visits, telephone interviews and meetings;
- Establishment of the Project Control Group, Project Working Group and Project Reference Group. These groups have met on a minimum of two occasions each in the lead up to this report; and
- Consultation with the sporting and community groups within the Park.
- The draft Barwon Heads Village Park Master Plan (2012) was placed on public exhibition for a period of four weeks from the 8th March to 5th April 2012. Community and stakeholder feedback was encouraged. A public information session was held on Wednesday 21 March 2012 at the Barwon Heads Tennis Clubrooms between 5.00 – 7.00pm.
- A total of 36 submissions were received. Key comments/suggestions and resultant changes from these submissions are summarised in the appendices of the final Master Plan. Submissions relating to the Barwon Heads Early Learning Centre were referred to the process described below.
- During the formation of the Master Plan Review, and in a separate process, a site within Village Park was identified as the preferred location for the Barwon Heads Early Learning Centre (ELC). This facility was included in the draft Master Plan Review but was the subject of a separate consultative process including public meetings, public exhibition and concluding with a Submissions Review Panel. The Barwon Heads Early Learning Centre Submissions Review Panel was convened on Monday 9 July 2012 to hear submissions regarding the Barwon Heads Early Learning Centre development proposed for Village Park Barwon Heads. The Submissions Review Panel (Advisory Committee) heard presentations from 29 people. Respondents spoke both in favour of, and against the proposed development. The panel was unanimous in its recommendation to support the development of the ELC on the proposed site. Under a separate report, Council has recently resolved to agree to the development of the ELC on the Barwon Heads Village Park site requiring that the project design respond to issues relating to passive surveillance, traffic management and the landscaped parkland interface.

9. LEOPOLD COMMUNITY HUB - PROJECT UPDATE

Portfolio:	Community Development – Cr Fisher
Source:	Community Services
General Manager:	Jenny McMahon
Index Reference:	Project: C10503 - Leopold Community Hub

Summary

- The purpose of this report is to update Council on the Leopold Community Hub Project.
- Council last received a report on this project in April 2011. Since then work has progressed on completing the concept design and obtaining initial costings.
- The total project cost is currently budgeted at \$16.2m (this includes \$15.7m capital cost and \$500,000 for planning and design works).
- The scope of the project includes a long day care service, kindergarten, maternal and child health, café, a library and youth/multipurpose space.
- Council has been successful in gaining \$1.5m in funding from the State Government - Department of Education and Early Childhood Development for the children's services components of the project.
- However, Council was unsuccessful in its application for funding of \$750,000 for the library component of the project.
- The Project Control Group (PCG) had developed a preferred option assuming full external funding was achieved.
- However, given that the external funding has not been realised, there is a need to stage the project in line with the funding available to Council through grants and its long term financial plan.

Cr Macdonald moved, Cr Fisher seconded -

That Council:

- 1) Note the successful and unsuccessful funding applications for the Leopold Community Hub.**
- 2) Rescope the project to deliver the children's services components in line with the successful grant conditions, as Stage 1 of the total project.**
- 3) Refer the library, café and youth/multipurpose space components, of the project to the long term financial plan as Stage 2 of the total project.**

Carried.

Report

Background

Since the Council resolution of 12 April 2011, the design of the Leopold Community Hub has progressed with a preferred concept agreed upon by the Project Control Group (PCG). This design has been developed assuming total grant applications being successful.

9. LEOPOLD COMMUNITY HUB - PROJECT UPDATE (CONT'D)

External funding opportunities identified in the Council report April 2011 included

- DEECD for the Integrated Early Years Hub for \$1m
- DPCD Victorian Community Support Fund \$1m
- Living Libraries \$0.5m
- Other Federal/State grant opportunities \$0.5m

Grant applications were made to the State Government for Children's Services funding through the Department of Education and Early Childhood Development (DEECD) and for the library through the Living Libraries Fund.

The DPCD Victorian Community Support Fund was reviewed and funds redirected to a new program. It is no longer available in this format for local governments.

The DEECD application for \$1.5m (maximum) was successful. However, the Living Libraries grant for \$750,000 was unsuccessful.

Additional external funding of \$1.5m has also not been realised, resulting in a shortfall to the project of \$1.5m.

Discussion

Designs for the Leopold Community Hub have progressed on the basis that all grant applications would be successful. As with all projects, a number of initial ideas for design were considered with a preferred concept being agreed upon by the PCG, subject to the success of the grant applications.

The preferred concept would require the project to be completed in one stage as a multi-storey facility with the children's services components located on the lower level and the library located on the upper level. These two components would be linked via a common shared amenities and café area. The topography of the site allows the children's services and library to be located at half levels below and above the common area respectively.

Council, at its meeting in April, requested a further report be presented to Council if grant applications were unsuccessful, to recommend a way forward.

Given the unsuccessful grant applications, and therefore the shortfall to budget of \$1.5m, it is recommended that the Leopold Community Hub is developed in two stages. The first stage will see the completion of the children's service component in line with the successful grant application, and the second stage will include the library, café and youth/multipurpose space.

As the total scope and cost of the project is significant, discussions will be held with the State Government to explore opportunities for future funding outside standard grant rounds.

Environmental Implications

Environmentally Sustainable Design (ESD) outcomes have been incorporated into this project where practicable.

This will also include Part J audits to ensure that buildings meet the ESD criteria required in the Building Code of Australia.

9. LEOPOLD COMMUNITY HUB - PROJECT UPDATE (CONT'D)

In addition to the required Part J audits Council is developing this facility based on a 5 Star 'equivalent' rating.

Financial Implications

Council has previously agreed to refer budget amounts of \$0.5m to the 2011-2012 budget, \$8m to the 2012-2013 budget and \$7.2m to the 2013-2014 budget (gross figures). These budget amounts included expected income in the order of \$3m from grants. The unsuccessful grant applications have resulted in a shortfall to the project of \$1.5m.

Each of the four Section 173 agreements that apply to this development have specific clauses in them relating to the progress of works. If these requirements are not met Council would be required to renegotiate these agreements.

Policy/Legal/Statutory Implications

Council has signed four separate Section 173 agreements which commit Council to the construction of the Library and Children's Hub in Leopold.

The development of the Leopold Community Hub will meet key social policy objectives of Local, State and Federal Government including life-long learning, community building, social inclusion and universal access.

Officer Direct or Indirect Interest

No Council officers involved in the preparation of this report or project have identified an interest in this matter.

Risk Assessment

As with any project of this nature there are a number of risks that have been identified which are being mitigated through various control measures.

The risk profile for this project includes financial risks associated with not meeting the Section 173 agreement funding conditions.

Social Considerations

The Leopold Community Hub project will deliver significant community benefits for all age groupings and facilitate the delivery of quality services. The Hub fulfils Council's current policy approach to integrate services and promote multi use facilities.

The Leopold Community Hub will be in close proximity to the Leopold Primary School. It will provide the community with an important community gathering place and resource. As a sub-regional facility, commuter communities on the Bellarine Peninsula will also derive significant benefits from the hub development.

9. LEOPOLD COMMUNITY HUB - PROJECT UPDATE (CONT'D)

Communication

All communication about this project will be managed by Council's Community Services Division in conjunction with Council's communications department.

Cr Richards declared an Indirect Interest by Close Association in Agenda Item 10, Local Authorities Superannuation Fund – Defined Benefit Plan, in that he has a personal association with several Vision Super Directors, and left the meeting prior to discussion of the item at 8.45pm

10. LOCAL AUTHORITIES SUPERANNUATION FUND - DEFINED BENEFIT PLAN

Portfolio:	Finance – Cr Harwood
Source:	Corporate Services - Financial Services
General Manager:	Jeff Wall
Index Reference:	Financial Management/Reporting

Summary

- The Local Authorities Superannuation Fund (LASF), known as Vision Super since 2002, is a not-for-profit industry fund for Victorian Local Government. Vision Super is the Trustee of both the Defined Benefit Plan (closed since 1993) and an accumulation fund "LASPLAN". These plans are managed by the Local Authorities Superannuation Board (LASB) who acts on behalf of the three major categories of employers in the scheme, being Local Government, Water Industry and 'others'. This report is only concerned with the Defined Benefits Plan where Council has an unfunded liability.
- In accordance with regulations, Trustees are required to complete an actuarial review of superannuation funds at least every three years to ensure the current assets are adequate to meet the benefits that have previously been promised to members.
- An actuarial investigation was completed at 31 December 2011 and finalised on 25 June 2012 with a final unfunded liability. The Actuary recommended, and the Trustee accepted, that authorities should pay the \$453M shortfall of 2011, including interest, by 1 July 2013. Including Contributions Tax, the liability is \$532.94M.
- Vision Super advised in a letter dated 1 August 2012 that the City of Greater Geelong's apportioned share of the unfunded liability inclusive of interest and Contributions Tax to 1 July 2013 is \$23.47M.
- This amount will be payable from 1 July 2013, either by way of a single lump sum payment or by instalments over any period not exceeding fifteen years. Any monies not paid by the due date will accrue ongoing interest charged at the implied earning rate of the fund 7.5% p.a.
- There is an incentive to make early payment of the unfunded call to reduce the interest portion of unfunded liability which is accruing effective from 31 December 2011. It is estimated that the total liability could be reduced by \$1.3M if payment is made in August/September 2012.
- Council at its meeting of 27 January 1999 signed and sealed The Local Authorities Superannuation Fund Authority Agreement and Trust Deed Local Authorities Superannuation Fund. Under this agreement the City of Greater Geelong is bound to meet its ongoing requirements as an employer and the associated contributions into the Superannuation Fund.
- Council is represented on the MAV taskforce to support advocacy objectives for changes to reduce the future funding burden on Councils by achieving a self-sustaining scheme that minimises the frequency and quantum of call-ins.

10. LOCAL AUTHORITIES SUPERANNUATION FUND - DEFINED BENEFIT PLAN (CONT'D)

Cr Harwood moved, Cr Granger seconded -

That Council commit to the following repayment plan which recognises the early payment of the unfunded liability prior to 1 July 2013 in order to realise savings on the call liability of a maximum \$1.28M, as follows:

- 1) 2012-2013 Budget allocation of \$3.3M paid on 31 August 2012.**
- 2) As per Amended Budget report note the payment of \$2.0M on 31 August 2012, funded from 2011-2012 favourable working capital movements.**
- 3) Delegate to the Chief Executive Officer, authority to make payment of the unfunded liability balance prior to 1 July 2013, from working capital and deferred borrowings as cash flows determine.**
- 4) The Long Term Financial Plan, prepared as part of the 2013-2014 budget development, include a funding plan to reinstate working capital over four years.**

Carried.

Report

Background

The Local Authorities Superannuation Fund (LASF), known as Vision Super since 2002, is a not-for-profit industry fund for Victorian Local Government. Vision Super is the Trustee of both the Defined Benefit Plan (closed since 1993) and an accumulation fund "LASPLAN".

Both plans are managed by the Local Authorities Superannuation Board (LASB) who acts on behalf of the three major categories of employers in the scheme, being Local Government, Water Industry and 'others'.

This report is only concerned with the Defined Benefits Plan where Council has been advised of an unfunded liability. The Defined Benefit plan is so called because entitlements are calculated according to pre-determined, or 'defined' formulas. Unlike many other superannuation plans, entitlements are not directly linked to the contributions paid to the Fund, or investment returns. The formula used to calculate a benefit follows the general formula: Years of membership x Benefit multiple x adjusted final salary.

When the Defined Benefit Plan closed in 1993 there were 38,000 Defined Benefits members and 7,500 lifetime pensioners. By December 2011 membership has reduced to Active 4,971 and 5,132 lifetime pensioners. The average age of members is 54.1 and lifetime pensioners is 79.1 years. The Actuary estimates that by the year 2031 there will be approximately 2,400 Active Defined Benefit members and less than 300 pensioners.

The City of Greater Geelong currently has 259 members.

In accordance with regulations, Trustees are required to complete an actuarial review of superannuation funds at least every three years to ensure the current assets are adequate to meet the benefits that have previously been promised to members.

In the Defined Benefit Plan, the benefits that employees as members of the fund are to receive on retirement are known and based on their period of employment and salary.

10. LOCAL AUTHORITIES SUPERANNUATION FUND - DEFINED BENEFIT PLAN (CONT'D)

Contributions of 15.25% into the scheme are made up of employee contributions of 6.00% and employer contributions of 9.25%.

Under LASPLAN, members are not required to make any personal contributions to the plan and the employer's contribution is set by the Federal Government. Currently, the employer's contribution is set at 9.00%. LASPLAN member's retirement benefits are unknown and rely on the return on investments generated by the funds.

The Defined Benefits Superannuation Scheme was closed to new members on 31 December 1993 at which time the employer contribution was set at 13.25% comprising two components:

- a rate of 9.25% to meet the cost of benefits accruing each year and,
- a surcharge of 4% spread across all current members to eliminate the unfunded liability for current and past employees. An unfunded liability is the difference between the present funds available and the actuary's estimate of total liabilities for past and present members.

Given the prevailing earnings rate of the fund it was projected that the unfunded liability would be eliminated by the year 2006.

In 1995 the Actuary advised that full funding could not be achieved by the original target date unless there was a substantial increase in employer contributions. The board decided, rather than lift the rate, to extend the date of full funding to 2012.

However, in 1995-1996 the unfunded liability rose due to a reduction of income and the fact that 4,670 retrenchment benefits (incurs a higher liability for the fund than a resignation payment) were paid from the scheme. The income to the fund reduced from \$35M in December 1993 to \$24M in 1995, due to the decline in the salary base on which the surcharge is levied.

Figures published by the Board, show that prior to 1996, the rate at which the unfunded liability was being reduced, the increase in retrenchments in the industry (of which 92% related to municipal councils) the associated decline in income and the increase in benefits paid saw the unfunded liability increase to over \$300M.

In 1997 the Local Authorities Superannuation Board advised the City that its apportionment of the unfunded superannuation liability amounted to \$12.78M plus the contributions tax.

An Actuarial Review of the fund originally planned for 8 May 2003 had been brought forward 6 months to 31 December 2002 and showed a shortfall of \$127M. The City of Greater Geelong's portion of the shortfall was calculated at \$5.32M, along with a contributions tax of \$0.94M, totalling \$6.26M.

The 2008 actuarial investigation revealed a LASF Defined Benefit Plan shortfall of \$71M, however no money was requested from employers at that time. Given the Plan had a \$23M surplus in 2005, a five-year funding plan was put in place, designed to return it to full funding by 2013. It was hoped that investment markets would recover sufficiently from the global financial crisis to avoid imposing any financial burden upon authorities unnecessarily.

The markets fell a further five percent between December 2008 and June 2009. They have since improved, but not sufficiently. After the actuarial investigation completed at 30 June **2010** the Actuary recommended, and the Trustee accepted, that authorities should pay the \$71M shortfall of 2008 with interest. Vision Super advised that the City of Greater Geelong's apportioned share of the funding call inclusive of interest to 1 July 2011 is \$3.89M. The amount payable inclusive of contributions tax was \$4.57M.

10. LOCAL AUTHORITIES SUPERANNUATION FUND - DEFINED BENEFIT PLAN (CONT'D)

Payment could be either by way of a single lump sum payment (plus tax) or by instalments over any period not exceeding ten years. Any monies not paid by the due date will accrue interest at 7.5% p.a.

A summary of the unfunded history is as follows:

Year Ending 30 June	Unfunded Liability (\$M)	Authority/Date Paid	CoGG Share \$M	Contributions Tax \$M	Total \$M
1997	321	1998/1999	12.78	2.26	15.04
2002	127	28/10/2003	5.32	0.94	6.26
2008	71	30/6/2011	3.89	0.68	4.57

The 31 December 2011 Actuarial review was completed as scheduled.

The City of Greater Geelong and other authorities remain responsible for maintaining and funding the benefits that were promised to staff, and their surviving spouses, at the time.

Discussion

The LASB as trustees, in meeting their statutory obligations, have advised that an "Actuarial Review" of the Defined Benefit Superannuation Scheme as at 31 December 2011 has resulted in a \$453M shortfall in the fund. The City of Greater Geelong's proportion of this liability amounts to \$19,950,112 plus contributions tax of \$3,520,608. This amount has been invoiced to Council and is due on 1 July 2013.

The methodology for apportioning unfunded liabilities between Authorities was developed by the 1997 Industry Working Party and endorsed by LASB and the State Government of the day.

It involves splitting the total unfunded liability amount into "pre June 1993" and "post June 1993" amounts. The lifetime pension amount is included in the "pre June 1993" amount. The defined benefit amount is split on the basis of the total of each member's actual period of membership before and after 30 June 1993. These two amounts are then assigned to individual Authorities as follows:

"Pre June 1993" amount

In 1997, each Authority was assigned a share of the "pre June 1993" unfunded amount equal to the proportion that their total 1993 defined benefit salary base was of the total 1993 LASF defined benefit salary base. For example, if the Authority's total salaries were 1% of the Fund's total defined benefit salaries in 1993, it was assigned 1% of the "pre June 1993" unfunded liability amount. This proportion is fixed, and will not change in the future. The pre 30 June 1993 share of the call is 4.00702% or \$3.69M for Active members and \$3.48M for Pensioners.

10. LOCAL AUTHORITIES SUPERANNUATION FUND - DEFINED BENEFIT PLAN (CONT'D)

"Post June 1993" amount

This amount is not fixed and will change. This amount is apportioned using the same methodology described above, but the proportion is calculated on the basis of salaries at the future measurement time. For example, if the Authority's salary proportion had reduced to 0.5% it would only be assigned 0.5% of the "post June 1993" amount.

In the examples given above, the Authority would be apportioned 1% of the "pre June 1993" amount and 0.5% of the "post June 1993" amount. The post 30 June 1993 share of the call is 4.66324% or \$12.78M.

The Defined Benefit unfunded liability amount and City of Greater Geelong's share of this liability can be highlighted as follows:

	Total Defined Benefit Plan	City of Greater Geelong % share	City of Greater Geelong Liability \$M's
Unfunded Pension liability	\$86,880,972	4.00702%	\$3,481,338
Pre 30 June 1993 Service (Active members)	\$92,079,900	4.00702%	\$3,689,660
Post 30 June 1993 service (Active members)	\$274,039,128	4.66324%	\$12,779,114
Unfunded Liability (excl. contributions Tax)	\$453,000,000		\$19,950,112
Contributions Tax 15% (Gross up factor 1.1765)	\$79,941,176		\$3,520,608
Unfunded Liability (incl. contributions Tax)	\$532,941,176		\$23,470,720

It is recommended that Council commit to a repayment plan which recognises the interest being accumulated on the unfunded liability from the review date (31 December 2011) and the benefit in paying the liability prior to or on the invoice date.

The following payment plan has been developed with the objective to minimise interest up to 1/7/2013 calculated at the earning rate of the fund 7.5%. The total amount paid relative to \$23.47M will be dependent on the payment date in 2012-2013.

	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
Long Term Plan – current allocation	\$3.3M	\$0M	\$0M	\$0M	\$0M
Payment plan					
August 31, 2012	\$5.3M includes \$2m favourable working capital 2011-2012	\$10M Borrowings + \$8.2M from working capital repayable over 4 years			
September 30, 2012	\$9.4M	\$18.2M Total			
Prior to 1 July 2013	Balance Subject to cash flow				
Repayment of working capital:		\$(2.05M) reduction Capital works program	\$(2.05M) reduction Capital works program	\$(2.05M) reduction Capital works program	\$(2.05M) reduction Capital works program

10. LOCAL AUTHORITIES SUPERANNUATION FUND - DEFINED BENEFIT PLAN (CONT'D)

The funding plan effectively provides increased funding of \$2M towards a 2012-2013 payment of \$5.3M, then for Council to utilise a maximum of \$8.2M working capital as internal 'borrowings' and \$10M as external borrowings (payable over 5 years at a rate estimated at 6.8%). There may be potential to take advantage of a Treasury Corporation of Victoria loan at a lower rate of interest. Council's working capital in this context is defined as funding reserved for committed capital programs which carryover from one year to the next. The estimated Capital carryover into 2014-2015 is \$19M and some of these funds would be accessed in order to make this payment prior to 1 July 2013.

This payment plan provides for the liability to be fully paid by 1 July 2013 and the early 2012-2013 payment is estimated to save between \$1.28M and \$0.85M dependent on final payment date (interest and contribution tax portion).

MAV Defined Benefit Superannuation Taskforce

This Municipal Association of Victoria (MAV) has established a taskforce to provide advice to its board regarding the shortfall faced by Victorian Councils across Australia.

Council is represented on the taskforce by its Financial Services Manager, Mike Kelly.

The taskforce is also established to help accomplish the following objectives:

- Achieve a return of the scheme as an exempt public sector superannuation scheme under State legislation (requires support from both the Commonwealth and Victorian governments)
- Access borrowing through the Treasury Corporation of Victoria (TCV) to reduce the cost to councils of shortfall payments (requires agreement from the Victorian Government)
- Exempt payments made by Councils to fund the shortfall from Commonwealth Government contributions tax and State WorkCover premiums (requires support from both the Commonwealth and Victorian governments)

The above objectives are aimed to achieve a self-sustaining scheme that minimises the frequency and quantum of call-ins.

Environmental Implications

There are no environmental implications in the adoption of this report.

Financial Implications

Vision Super have calculated Council's share of the unfunded liability as \$19.95M plus contributions Tax of \$3.52M. No payments will be required before 1 July 2013. However, Vision Super have advised that early payments are possible to assist councils reduce the interest applicable to the call amounts which accrues from 31 December 2011.

The Federal Government Tax on superannuation contributions, currently 15% apply to the above amount.

There is also a workcover liability to the State Government that will be calculated separately but is estimated at \$0.15M.

10. LOCAL AUTHORITIES SUPERANNUATION FUND - DEFINED BENEFIT PLAN (CONT'D)

Council made a budget allocation of \$3.3M as part of the 2012-2013 Budget in the absence of specific advice from Vision Super. The additional amount of the unfunded liability presents a significant financial challenge to Council.

Vision Super have been proactive to highlight a number of funding options for councils as follows:

- 1) Up front payments – to reduce interest calculated at 7.5% from 31 Dec 2011 to 1 July 2013.
- 2) Borrowings – investigate potential to borrow from Treasury Corporation of Victoria (State Government Guaranteed).
- 3) A municipal bond issue.
- 4) Accessing a 15 year deferred funding plan - special arrangement entered into between the Trustee and the Regulator (APRA).
- 5) Some mix of upfront and deferred plan.

Officers recommend a combination payment plan including:

- The immediate payment of the budget allocation \$3.3M plus budget amendment amount of \$2M.
- Payment of the remaining liability from working capital and deferred borrowings, prior to the invoice date 1 July 2013, to save a maximum of \$1.28M (including interest and contributions tax). A plan for repayment of working capital will be adopted as part of the 2013-2014 Budget development.

Policy/Legal/Statutory Implications

In 1998 the State Government enacted legislation that repealed the Local Authorities Superannuation Act 1988 and transferred the fund to Commonwealth supervision under the Superannuation Industry (Supervision) Act 1993.

To put these changes into effect it was necessary to establish a Corporate Trustee (Local Authorities Super Pty Ltd) and transfer the funds governing rules from legislation to a Trust Deed.

The City of Greater Geelong, as a participating employer was required under the Commonwealth Act to execute the documentation to give effect to the change from State to Commonwealth administration.

Council at its meeting of 27 January 1999, resolved to sign and seal:

- 1) The Local Authorities Superannuation Fund Authority Agreement, and
- 2) Trust Deed Local Authorities Superannuation Fund.

Under this agreement the City of Greater Geelong is bound to meet its ongoing requirements as an employer and the associated contributions into the Superannuation Fund.

In turn, the Australian Prudential Regulation Authority (APRA) legislation requires that Trustees of Superannuation Funds maintain funds under their stewardship in a sound financial position at all times.

10. LOCAL AUTHORITIES SUPERANNUATION FUND - DEFINED BENEFIT PLAN (CONT'D)

Officer Direct or Indirect Interest

Vision Super is the superannuation fund of most Council employees and accordingly an indirect interest exists on this basis.

Risk Assessment

The City of Greater Geelong has 1,962 members of Vision Super of whom 259 are currently members of the Defined Benefit Scheme. Actuarial projections suggest that fund membership, both active and lifetime pension members, will continue beyond 2031. Therefore there is significant ongoing risk, that lower than required performance of the fund will result, in future unfunded liability obligations on Council.

Social Considerations

Not applicable.

Communication

The magnitude of the call will have a significant impact on Local Government and Council's current and future operating budgets. The recommended funding model outlined in the report is financially responsible and represents the best approach to a financial liability. There is a need to communicate to all ratepayers that Council is managing this liability within existing budget considerations to minimise the threat of rate increases.

Cr Richards re-entered the meeting room at 8.58pm

11. PROPOSED PUBLIC ASSET CARE AGREEMENTS

Portfolio:	Infrastructure - Cr Richards
Source:	City Services
General Manager:	Gary Van Driel
Index Reference:	Asset Management

Summary

- Council has received over time a number of requests from private developers seeking to maintain various constructed public assets as part of their developments.
- Council has seen VCAT decisions handed down assigning responsibility to developers to manage certain assets on behalf of Council for nominated periods of time.
- The form of agreement discussed in this report seeks to put the legal framework in place to formalise such arrangements where approved by Council and to protect the interests of Council in relation to the care and maintenance of constructed public assets.

Cr Richards moved, Cr Harwood seconded -

That Council endorses Option 3 outlined in this report when assigning the care and maintenance of constructed public assets to other parties as negotiated from time to time.

Cr Granger left the meeting room at 8.58pm

Cr Granger re-entered the meeting room at 9.00pm

Carried.

Report

Background

An increasing number of developers wish to retain the ongoing care and maintenance of what would traditionally be called public assets, often built by the developer and then transferred to and maintained by, the Council. Such public assets might include:

- public open space (playgrounds etc);
- road reserves and nature strips;
- ponds, water features or the like; and
- public art or other constructions (eg. gateways, street furniture).

The developers' reasons for this might include:

- wanting to maintain a higher or "better" level of maintenance than the Council's (reasonable) budgetary constraints may allow;
- to improve the marketability of a particular development (ie. the development will look more attractive over the time of a long term sales period); and
- in respect of specialised public infrastructure which the Council might not otherwise want to accept (e.g., complex water management systems).

11. PROPOSED PUBLIC ASSET CARE AGREEMENTS (CONT'D)

Developers may want to take on this responsibility for the short to medium term for example, in a staged subdivision where it wishes the earlier stages of the subdivision (in terms of the public areas) to be very well maintained to encourage purchasers.

For the long term, or indefinitely, where the developers maintain an interest in a subdivision, for example retaining ownership in a commercial or industrial estate wishing to maintain high levels of maintenance to maximise rent returns and tenant interest. The "Keystone" proposed development at 425 Barwon Heads Road is an example of a proposal for a permanent commitment.

Discussion

Potential Approaches

In response to such requests the Council can consider 3 options:

1. refuse the arrangements and leave in place "traditional" levels of Council maintenance;
2. with the developers' agreement, shift, substantially, away from the traditional model leaving such things as roads, public access areas and the like, in the ownership of an Owners Corporation. Parts of Sanctuary Lakes are an example of this model.
3. where the Council in the traditional way takes a transfer (or has vested in it roads, road reserves, public areas and infrastructure) and allows the developers, and in due course the Owners Corporation, to maintain specified public assets to an agreed standard and secures those arrangements by section 173 agreements.

There are arguments for and against the different options. The key factors in that assessment include:

- It may be best for various reasons to ensure certain public infrastructure remains in the ownership and care and maintenance of the Council. The actual road surface and major drainage infrastructure will often fall into this category, but not always;
- The option where ownership of roads and other public areas, drainage etc., remains initially with the developer and later transfers to an Owners Corporation (Option 2 above) creates the need for special easements and access arrangements to be secured for the general public via various documentation and the like. It can also create confusion for the public and residents within such developments, they usually turning first to the Council for what are considered to be traditional council services. There is also an element of loss of control and governance associated;
- The third option proposed in this report, namely the normal transfer of public assets to Council but the maintenance carried out by the developers, carries with it a need to minimise risk to the Council, clarity around the precise standards of care and maintenance and a need to retain with the Council a right to "step in" and recommence the care and maintenance in particular circumstances.

11. PROPOSED PUBLIC ASSET CARE AGREEMENTS (CONT'D)

Option 3 is the preferred and recommended option because it reflects the traditional arrangements but provides a choice to Council to "allow" (on specific terms) the Owners Corporation and individual lot owners to have their own higher levels of maintenance if they so choose, at their own cost. It is a cooperative approach which encourages high quality outcomes and to a limited extent reduces costs to Council, particularly where developments adopt unique public areas and infrastructure.

One key risk management strategy built into the recommended option is a right in favor of the Council, if it chooses, to step in and carry out care and maintenance and, if appropriate, to levy differential or special rates/charges, to cover that cost. Council can also reduce the level of maintenance.

The Proposed Structure (How it Works)

The arrangements are secured, legally framed via:

- appropriate planning permit conditions;
- an initial Developer Agreement with the developers and owners of the land in question; and
- a longer term Public Asset Care Agreement, the parties to which include an Owners Corporation to be created, the ongoing owners of the land (i.e., future individual lot owners) and Council.

Developer Agreement

The Developer Agreement has the following key elements:

- 1 General description of parties, the land, the objectives and the arrangement and intent.
- 2 It either lists the agreed public assets which will be the subject of the arrangements, or sets out the method by which those public assets will be later identified and agreed.

If defining the public assets is to be decided later, Council's agreement to deciding relevant public assets will be a precondition to the Council's consent to any statement of compliance for the first stage of any subdivision.

- 3 The agreement will either set out a detailed "Public Asset Program", or establish the method by which such Public Asset Program must be established. Again, the finalisation of a Public Asset Program, to the satisfaction of the Council, will be a precondition to the grant of any statement of compliance for subdivision of the land.
- 4 Attached to the Developer Agreement will be a set of Asset Care Conditions, dealing with issues at a higher level than the detailed Public Asset Program, this covering such issues as the right to subcontract, OH&S, insurances and the like.

11. PROPOSED PUBLIC ASSET CARE AGREEMENTS (CONT'D)

- 5 Step in Rights - The agreement secures an ability in the Council (subject to notice, except in emergency) to step back into the role of care and maintenance if there is a failure by the developer to appropriately maintain. This includes rights in the Council, as it thinks fit to:
 - reduce any special levels of asset care and maintenance to Council levels; and
 - Introduce a differential rate or special rate/charge if Council's fulfillment of that role creates special or additional costs to the Council.
- 6 Section 173 Agreement - Developer Agreement is set out in the well understood model of the Section 173 Agreement pursuant to the Planning and Environment Act 1987. It will generally be registered on the title to the land. The Developer Agreement will be removed from the title to the land as the obligation to maintain the relevant public assets shifts to the Owners Corporation.
- 7 Transfer of Responsibility to Owners Corporation - The Development Agreement envisages the transfer of responsibility for the public asset care to an Owners Corporation established by the subdivision of the land. This transfer of responsibility may occur in one step if the development is a single stage subdivision or progressively where a development has multiple stages of subdivision.
- 8 A copy of the draft Public Asset Care Agreement will be attached to the Developer Agreement so there can be no dispute as to the form of the long term agreement that must be entered into to achieve the transfer responsibility to the Owners Corporation, bind future lot owners and as a precondition to any approval of a stage of subdivision.

Public Asset Care Agreement

In many respects, the Public Asset Care Agreement is a repeat of much of the Developer Agreement. By this stage the public assets negotiated to be maintained will be agreed to and will be subject to the arrangements set out below:

- 1 The Public Asset Program will exist and be incorporated as a Schedule to the this Agreement.
- 2 It will repeat the step in rights held by the Council, including the conditions regarding levels of maintenance and the potential for special rates if the Council exercises its right to step in.
- 3 The obligation to create an Owners Corporation in the Developer Agreement will have created a legal entity with which Council can contract. Additional provisions in the Public Asset Care Agreement will require future lot owners to recognise the special arrangements and acknowledge, as a matter of contract, what might happen if the Owners Corporation fails to properly maintain and the Council took over those roles via its step in rights.

11. PROPOSED PUBLIC ASSET CARE AGREEMENTS (CONT'D)

- 4 The Public Asset Care Agreement must be signed by the Owners Corporation, immediately upon it coming into existence and be lodged on all privately owned land. This means the future owner of any individual lot will be made aware of the arrangements and will be bound by the arrangements. This does not mean a future lot owner will be individually responsible to carry out the maintenance; that role is with the Owners Corporation, but it does contain provisions about how and individual lot owner may act in terms of its body corporate rights, to the extent that those rights can be changed by contract.

Diagrammatic representation

Attachment 11-1 to this report is a diagram which sets out the proposed arrangements.

Environmental Implications

There are no environmental implications associated with this report.

Financial Implications

The cost to maintain constructed public assets developed from subdivisions traditionally falls to Council. There is an opportunity to transfer a proportion of these costs directly to a developer and /or an Owners Corporation subject to agreement with Council.

In other municipalities arrangements have included a form of reimbursement to offset the cost of the base level of service that Council would normally have provided, in examples where a higher service level is desired. This is not being proposed in this instance.

Opportunity to include a form of security deposit is available to protect Councils interest should these arrangements cease.

Policy/Legal/Statutory Implications

These forms of agreement exist in other Council areas and are a tool which can be enabled through negotiations with developers and structured through planning permit conditions. Council needs to consider the policy position of providing an opportunity for such agreements

Officer Direct or Indirect Interest

No officers involved with the preparation of this report have a direct or indirect interest in matters to which this report relates

Risk Assessment

The form of agreement seeks to limit the exposure of Council to risk and explicitly share risk with the maintained asset.

11. PROPOSED PUBLIC ASSET CARE AGREEMENTS (CONT'D)

Social Considerations

Community expects public assets to be maintained to acceptable standards. The proposed framework provides flexibility, whilst retaining Councils interest.

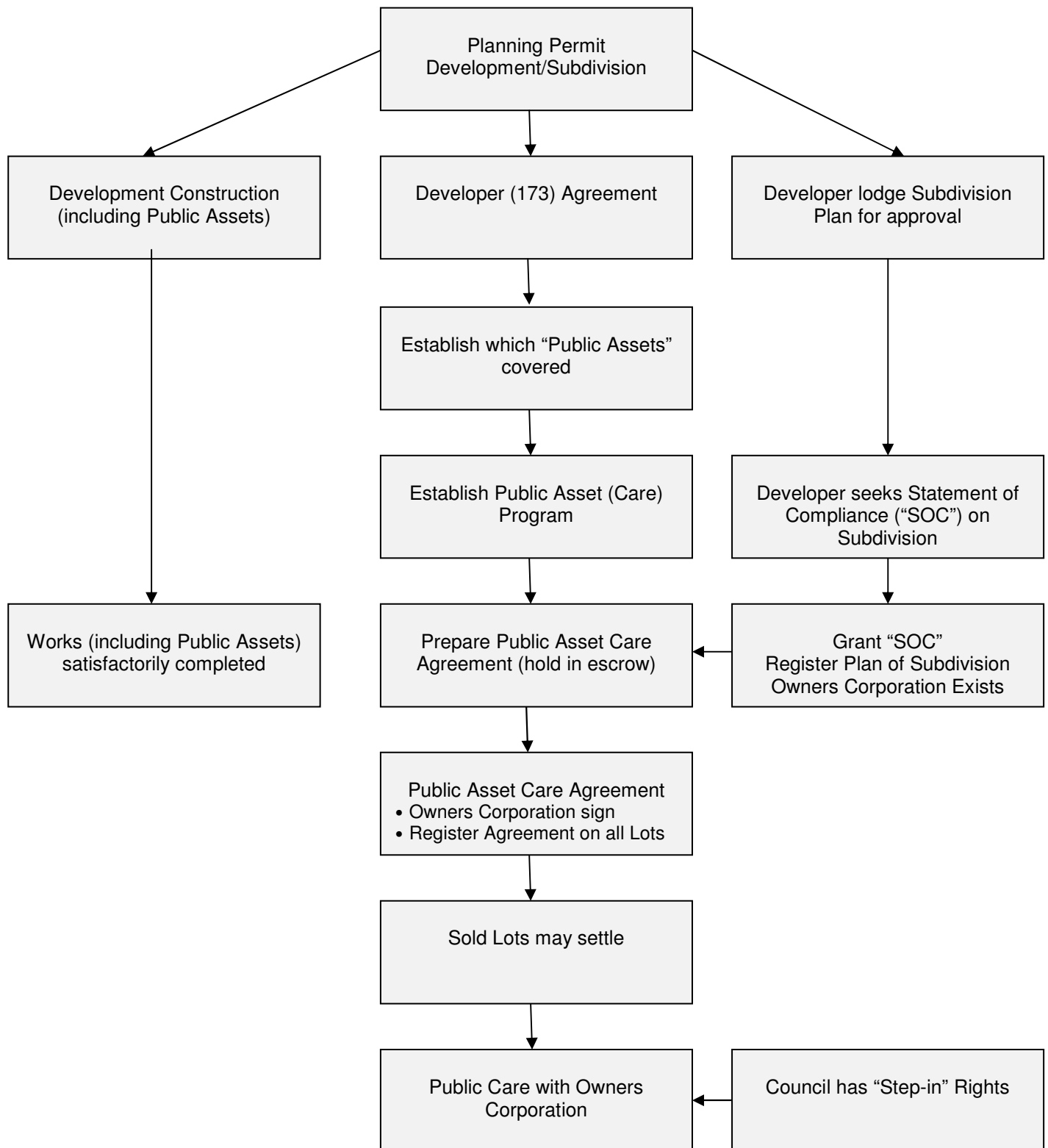
Communication

This report has highlighted the potential to support asset maintenance via a number of structured arrangements.

It will be necessary to communicate with residents in relation to arrangements which may from time to time be adopted.

Attachment 11-1

PROCESS/STRUCTURE



12. BARRABOOL ROAD AND SCENIC ROAD, HIGHTON - PROPOSED FOOTPATH CONSTRUCTION - SRC329 - DECLARATION OF CHARGE

Portfolio: Infrastructure - Cr Richards
Source: City Services - Engineering Services
General Manager: Gary Van Driel
Index Reference: Barrabool Road, Scenic Road, Highton

Summary

- This report relates to the construction of footpath at the corner of Scenic and Barrabool Roads, Highton abutting St Luke's Uniting Church, as shown on attached Plan – Appendix 12-3.
- Footpath has recently been constructed to the north abutting the cemetery in Scenic Road and Mt Pleasant Road and there is existing footpath in Barrabool Road to the north.
- There is only one property in the scheme and the total cost of the works is \$25,445 with 50% contribution by owners and the Council.
- The property owner receives benefit from the works by way of improved pedestrian access and improvement to the area fronting the property.
- Council received one submission from the property owner, St Luke's Church. A Submissions Panel Hearing was held in April 2012.
- 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.
- This report seeks a resolution by Council to "Declare the Charges" for the footpath scheme in Barrabool Road and Scenic Road, Highton in accordance with the Special Charge process as shown in Process Chart – Attachment 12-1.

Cr Richards moved, Cr Macdonald seconded -

That

1) The following declaration of a Special Charge be confirmed:

- a) **A special charge be declared for the period until the work has been completed and the scheme finalized.**
- b) **The special charge be declared for the purpose of defraying any expenses incurred by Council in relation to the construction of a footpath in Barrabool Road and Scenic Road, Highton, abutting 170-172 Barrabool Road, which project:**
 - b1) **will provide proper pedestrian access, improved nature strip and enhancement to the general amenity for each of the properties included in the scheme;**
 - b2) **Council considers is or will be a special benefit to those persons required to pay the special charge (and who are described in succeeding parts of this Resolution); and**

**12. BARRABOOL ROAD AND SCENIC ROAD, HIGHTON - PROPOSED
FOOTPATH CONSTRUCTION - SRC329 - DECLARATION OF CHARGE
(CONT'D)**

- b3) arises out of Council's function of planning for, and providing infrastructure for property owners.
- c) The:
 - c1) cost of performing the function described in Part 1 (b) of this Resolution based on estimated cost for the modified scheme, be recorded as \$25,445.
 - c2) total amount of the special charge to be levied, as based on estimated cost for the scheme, be recorded as \$10,455.
- d) It be recorded that, for the purposes of Section 163(2A) of the Local Government Act 1989, the special charge proceeds will not exceed the amount calculated in accordance with the prescribed formula ($R \times C = S$), the:
 - d1) 'benefit ratio' (R) being calculated at 100%, and representing the total benefits of the special charge scheme that will accrue as special benefits to all persons liable to pay the special charge; and
 - d2) 'community benefit' (C) being assessed as 50% in Barrabool Road and Scenic Road, Highton.
- e) The following be specified as the area for which the special charge is so declared:
 - e1) The area within municipal district of Council highlighted in the plan attached to this Resolution ("the area").
- f) The following be specified as the land in relation to which the special charge so declared:
 - f1) All land within the area shown on the plan.
- g) The following be specified as the criteria which form the basis of the special charge so declared:
 - g1) Ownership of any land described in Part 1(e) of this Resolution.
- h) The following be specified as the manner in which the special charge so declared will be assessed and levied:
 - h1) The frontage of lots abutting the works shall be used to calculate the individual cost to a lot.
 - h2) The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to section 163(4) of the Local Government Act 1989.
- i) Having regard to the preceding parts of this Resolution but subject to Section 166(1) of the Local Government Act 1989, it be recorded that, subject to any further Resolution of Council, the special charge will be due and payable on the date(s) fixed under Section 167 of the Local Government Act 1989 as the date or dates on or by which Council's general rates are due.

12. BARRABOOL ROAD AND SCENIC ROAD, HIGHTON - PROPOSED FOOTPATH CONSTRUCTION - SRC329 - DECLARATION OF CHARGE (CONT'D)

- 2) There are no incentives declared as incentives to be given by Council for the payment of the special rate before the date(s) specified for its payment under Section 167(3) of the Local Government Act 1989.**
- 3) Council's Chief Executive Officer be authorised to levy the Special Charge in accordance with Section 163(4) of the Local Government Act 1989.**

Carried.

Report

Background

This project involves the provision of footpath in a fairly heavily pedestrianized area being at the corner of Scenic Road and Barrabool Road, Highton. St Luke's Uniting Church is located on this corner and the proposed scheme involves the provision of footpath along each street frontage.

The Highton Cemetery is located to the north and Council has recently provided footpath in Mt Pleasant Road and Scenic Road abutting the Cemetery.

Barrabool Road has footpath on both sides. Both Barrabool and Scenic Roads are bus routes.

This project provides for missing infrastructure.

A Submissions Panel Hearing was convened on 2 April 2012. St Lukes representatives addressed the Panel and indicated that generally cost was an issue and should the works proceed, this may mean curtailing projects elsewhere. It was indicated that pedestrians do not cut the corner from Scenic Road to Barrabool Road and use the car park as access. The Submissions Panel considered the opinion of the Church representatives and sought further information from Council Officers regarding the overall footpath strategy for the area. This was subsequently provided.

Discussion

The property owner receives benefit for footpath by way of improved pedestrian access, enhancement of the naturestrip area and improved general amenity.

Council policy provides for a 50% contribution by owners and 50% by Council. The estimated cost is as follows:

	Estimated Cost
Council half share	\$10,455
Owners half share	\$10,455
Additional works by Council	\$4,535
Total	\$25,445

12. BARRABOOL ROAD AND SCENIC ROAD, HIGHTON - PROPOSED FOOTPATH CONSTRUCTION - SRC329 - DECLARATION OF CHARGE (CONT'D)

The issue of pedestrians continually using the Church carpark as access is not a satisfactory long term solution. Although representatives did not raise the issue, public liability must be of concern. Due to the lack of footpath and currently difficult nature strip conditions, pedestrian are encouraged to make this decision.

A question often raised by Churches and similar organisation, is that since they are non rateable (do not pay the general rate) can they be charged a special rate or charge?

In accordance with Section 154 (2)(d) of the Local Government Act 1989 land vested in a trust or religious body is not rateable land. However at Section 221 (3); "Council may declare in relation to any land in its municipal district which is not rateable land and is not crown land a special rate or charge in relation to street construction"

A footpath is a component of street construction, and therefore it is quite legitimate for Council to levy a charge on a Church which is not rateable.

Environmental Implications

Footpath projects in general are aimed at providing a safe off road facility for pedestrians and as well to encourage walking in lieu of using a motor vehicle.

During the course of construction and the manufacture and procurement of materials there is expenditure of energy and greenhouse emission. This does cease, however, when construction is complete. Should the footpath project achieve the aim in part, to encourage walking over driving, there will be a positive environmental impact.

The project does not create waste with the exception of some excess spoil. The proposal does not affect any natural habitats.

Financial Implications

The project has a one off capital cost as indicated above and there will be minimal ongoing maintenance costs. The scheme may proceed in the current financial year if approved. The owner meets half the cost of the works.

Policy/Legal/Statutory Implications

The scheme has been prepared in accordance with the special rate and charge provisions of the Local Government Act along with Council's Special Rates and Charges Policy.

Officer Direct or Indirect Interest

There are no Council Officers involved in the administration or subsequent construction of the works, whom have a direct or indirect interest in the project.

**12. BARRABOOL ROAD AND SCENIC ROAD, HIGHTON - PROPOSED
FOOTPATH CONSTRUCTION - SRC329 - DECLARATION OF CHARGE
(CONT'D)**

Risk Assessment

There are no risks associated with Council proceeding to adopt the recommendation and advertising the scheme. The footpath, should it proceed, will have a positive impact on risk reduction relating to vehicle/pedestrian accidents and slips and falls.

Social Considerations

A footpath is a project which encourages walking and could be considered to enhance the social well being of the local community.

Communication

The owners representatives have had the opportunity through the Submissions Panel process to address issues and concerns.

Appendix 12-1

SCHEDULE 'A'

The works for the construction of footpath in Scenic Road and Barrabool Road, Highton which consist of excavation, footpath, reinstatement of nature strip, miscellaneous construction works, legal advice and professional services associated with survey, engineering design, drafting, supervision and administration of the project all as included in the cost estimate shown below.

**COST ESTIMATE FOR CONSTRUCTION OF FOOTPATH
SCENIC ROAD AND BARRABOOL ROAD, HIGHTON**

SECTION 1 - FOOTPATH

ITEM	DESCRIPTION	QUANTITY	UNIT	RATE \$	AMOUNT \$
1.00	Site establishment, set out and traffic control		item		2,470
2.00	Excavation, trimming, supply and placement of bedding and formwork	132	m	5	660
3.00	Supply and place 75mm depth reinforced concrete footpath	132	sqm	100	13,200
4.00	Make good disturbed nature strips with 100mm depth approved loam and seed	132	lm	5	660
Sub Total					\$16,985
6.00	Contingency 10%				1,699
7.00	Design and Administration				2,225
Total					\$20,909

SECTION 2 – ADDITIONAL WORKS

ITEM	DESCRIPTION	QUANTITY	UNIT	RATE \$	AMOUNT \$
1.00	Site establishment, set out and traffic control		item		535
2.00	Infill concrete bus slab		item		750
3.00	Concrete kerb ramp	2	No	750	1,500
4.00	Adjust sewer lid level		item		900
Sub Total					\$3,685
6.00	Contingency 10%				368
7.00	Design and Administration				483
Total					\$4,536

Appendix 12-2

SCHEDULE 'B'
SPECIAL CHARGE SCHEME FOR FOOTPATH CONSTRUCTION
SCENIC ROAD AND BARRABOOL ROAD, HIGHTON

COL 1	COL 2	COL 3	COL 4		
DESCRIPTION OF PROPERTY	ESTIMATED COST (\$)	PROPERTY REFERENCE	PROPERTY DETAILS		
1/2 Share 8034m2 CA 1H Sec 19	\$3,131.45	220689	170	Barrabool Road	Highton
1/2 Share 8034m2 CA1H Sec19	\$7,323.55	220696	174	Barrabool Road	Highton

Appendix 12-3

PLAN



 Proposed Footpath

13. MARSHALLTOWN ROAD, MARSHALL - PROPOSED FOOTPATH CONSTRUCTION - SRC 328 - DECLARATION OF CHARGE

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

Summary

- This report relates to the proposed Special Charge Scheme for footpath construction in Marshalltown Road, Marshall, south side between Barwarre Road and the railway line. (See Plan – Appendix 13-3).
- The total cost of the project is \$61,976 with 50% of the cost to be borne by abutting property owners and 50% by Council.
- Property owners' contributions are based on the frontage of the properties. Estimated charges are shown in Schedule B (Appendix 13-2) and vary from \$838.68 to \$5991.90.
- The proposed footpath scheme provides an important link to the Railway Station.
- Property owners receive benefit from the works, by way of improved pedestrian access, improvement to the area fronting the property and possible increase in property values.
- Council has received 3 objections to the scheme and none have requested to be heard by a Submissions Panel.
- The scheme has been prepared in accordance with the Special Rate and Charge provisions of the Local Government Act, along with Council's special rates and charges policy.
- This report seeks a resolution by Council to "Declare the Charges" for the footpath construction in Marshalltown Road, Marshall in accordance with the special charge scheme process.

Cr Richards moved, Cr Macdonald seconded -

That

1) The following declaration of a special charge be confirmed:

- a) A special charge be declared for a period until the works have been completed and the scheme finalised;**
- b) the special charge be declared for the purposes of defraying any expenses incurred by Council in relation to construction of footpath in Marshalltown Road, Marshall, south side from Barwarre Road to the railway line, which project:**
 - b1) will provide proper pedestrian access, improved nature strips and enhancement to the general amenity for each of the properties included in the scheme;**

**13. MARSHALLTOWN ROAD, MARSHALL - PROPOSED FOOTPATH
CONSTRUCTION - SRC 328 - DECLARATION OF CHARGE (CONT'D)**

- b2) Council considers is or will be a special benefit to those persons required to pay the special charge (and who are described in succeeding parts of this Resolution); and
- b3) arises out of Council's function of planning for and providing infrastructure for property owners.
- c) The:
 - c1) total cost of performing the function described in Part b of this Resolution based on estimated cost be recorded as \$61,976
 - c2) total amount of the special charge be levied and be recorded as \$30,988.
- d) it be recorded that, for the purposes of Section 163 (2A) of the Local Government Act 1989, the special charge proceeds will not exceed the amount calculated in accordance with the prescribed formula ($R \times C = S$), the:
 - d1) 'benefit ratio' (R) being calculated at 100%, and representing the total benefits of the special charge scheme that will accrue as special benefits to all persons liable to pay the special charge; and
 - d2) 'community benefit' (C) being assessed as 50% in Marshalltown Road, Marshall.
- e) the following be specified as the area for which the special rate is so declared:
 - e1) the area within municipal district of Council highlighted in the Plan (Appendix 13-3) attached to this Resolution ("the area").
- f) the following be specified as the land in relation to which the special charge so declared:
 - f1) all land within the area shown on the plan (Appendix 13-3).
- g) the following be specified as the criteria which form the basis of the special charge so declared:
 - g1) ownership of any land described in Part e of this Resolution.
- h) the following be specified as the manner in which the special charge so declared will be assessed and levied:
 - h1) the frontage of the lots abutting the works shall be used to calculate the individual cost to a lot;
 - h2) in the case of unit development with common property fronting the works, the cost has been divided in accordance with the schedule of entitlements and liabilities shown on the plan of subdivision.
 - h3) the special charge will be levied by sending a notice to the person who is liable to pay pursuant to section 163(A) of the Local Government Act

**13. MARSHALLTOWN ROAD, MARSHALL - PROPOSED FOOTPATH
CONSTRUCTION - SRC 328 - DECLARATION OF CHARGE (CONT'D)**

- i) Having regard to the preceding parts of this Resolution but subject to Section 166 (1) of the Local Government Act 1989, it be recorded that subject to any further Resolution of Council, the special charge will be due and payable on the date(s) fixed under Section 167 of the Local Government Act 1989 as the date or dates on or by which Council's general rates are due.
- 2) There are no incentives declared as incentives to be given by Council for the payment of the special rate before the date(s) specified for its payment under Section 167(3) of the Local Government Act 1989.
- 3) Council's Chief Executive Officer be authorised to levy the Special Charge in accordance with Section 163(4) of the Local Government Act 1989.

Carried.

Report

Background

This project involves the proposed construction of footpath in Marshalltown Road, Marshall on the south side between Barwarre Road and the railway line. Footpath has generally been provided in the more recently developed areas of Marshall with a considerable amount of path in this area, however there are some missing links on the roads which have been laid out for some time.

The area is predominantly residential however there are focus points for pedestrians in the immediate area being the Primary School, a supermarket and the Railway Station. This project effectively fills in one of the missing links.

Council receives regular requests for footpath in this area.

Council Officers did attempt to complete this scheme by means of a negotiated up-front agreement, however this was not successful.

The scheme has been advertised and 3 objections were received. A copy of these objections has been circulated to Councillors, separately. Objections do not trigger a Submissions Panel Hearing, however must form a part of Council's decision making process on the scheme. The three owners did not request to be heard.

Discussion

Property owners receive benefit by way of improved pedestrian access, improved general amenity of the area and possible increase in property values.

Council policy provides for Council to meet 50% of the cost of footpath projects in recognition of the community benefit of the project, with abutting property owners meeting 50%.

It is proposed that the costs be apportioned to each property on the basis of frontage.

Environmental Implications

There are no environmental implications associated with this project.

**13. MARSHALLTOWN ROAD, MARSHALL - PROPOSED FOOTPATH
CONSTRUCTION - SRC 328 - DECLARATION OF CHARGE (CONT'D)**

Financial Implications

Given approval of the scheme, it could be completed in this financial year.

The estimated cost of the project is \$61,976, summary as follows:

Property owners 50% of works	\$30,988
Council 50% of works	\$30,988
Total	\$61,976

Policy/Legal/Statutory Implications

The scheme has been prepared in accordance with the Special Rate and Charge provisions of the Local Government Act along with Council's Special Rates and Charges Policy.

Officer Direct or Indirect Interest

There are no risks associated with Council proceeding to adopt the recommendation and advertise the scheme.

Risk Assessment

There are no risks associated with Council proceeding to adopt the recommendation and advertise the scheme.

Social Considerations

Provision of a paved footpath will provide an important link and improved access for the local community, particularly for those that may suffer from a physical disability.

Communication

The scheme has been advertised and property owners given the opportunity to make submissions/objections.

Appendix 13-1

SCHEDULE 'A'

The works for the construction of footpath in Marshalltown Road, Marshall which consist of excavation, footpath, reinstatement of nature strip, miscellaneous construction works, legal advice and professional services associated with survey, engineering design, drafting, supervision and administration of the project all as included in the cost estimate shown below.

**COST ESTIMATE FOR CONSTRUCTION OF FOOTPATH
MARSHALLTOWN ROAD, MARSHALL**

ITEM	DESCRIPTION	QUANTITY	UNIT	RATE \$	AMOUNT \$
1.00	Site establishment, set out and traffic control and setup		Item		3,500
2.00	Excavation, trimming, supply and placement of bedding and formwork	235	m	15	3,525
3.00	Supply and place 75mm depth reinforced concrete footpath	350	sqm	110	38,500
4.00	Supply and place 125mm depth reinforced concrete driveways	30	sqm	120	3,600
5.00	Make good disturbed nature strips with 100mm depth approved loam and seed	215	m	5	1,075
Sub Total					\$50,200
6.00	Contingency 10%				\$5,200
7.00	Design and administration of Special Charge Scheme				\$6,576
Total					\$61,976
Council Proportion @ 50%					\$30,988
Property owner proportion @ 50%					\$30,988
TOTAL					\$61,976

Appendix 13-2

SCHEDULE 'B'

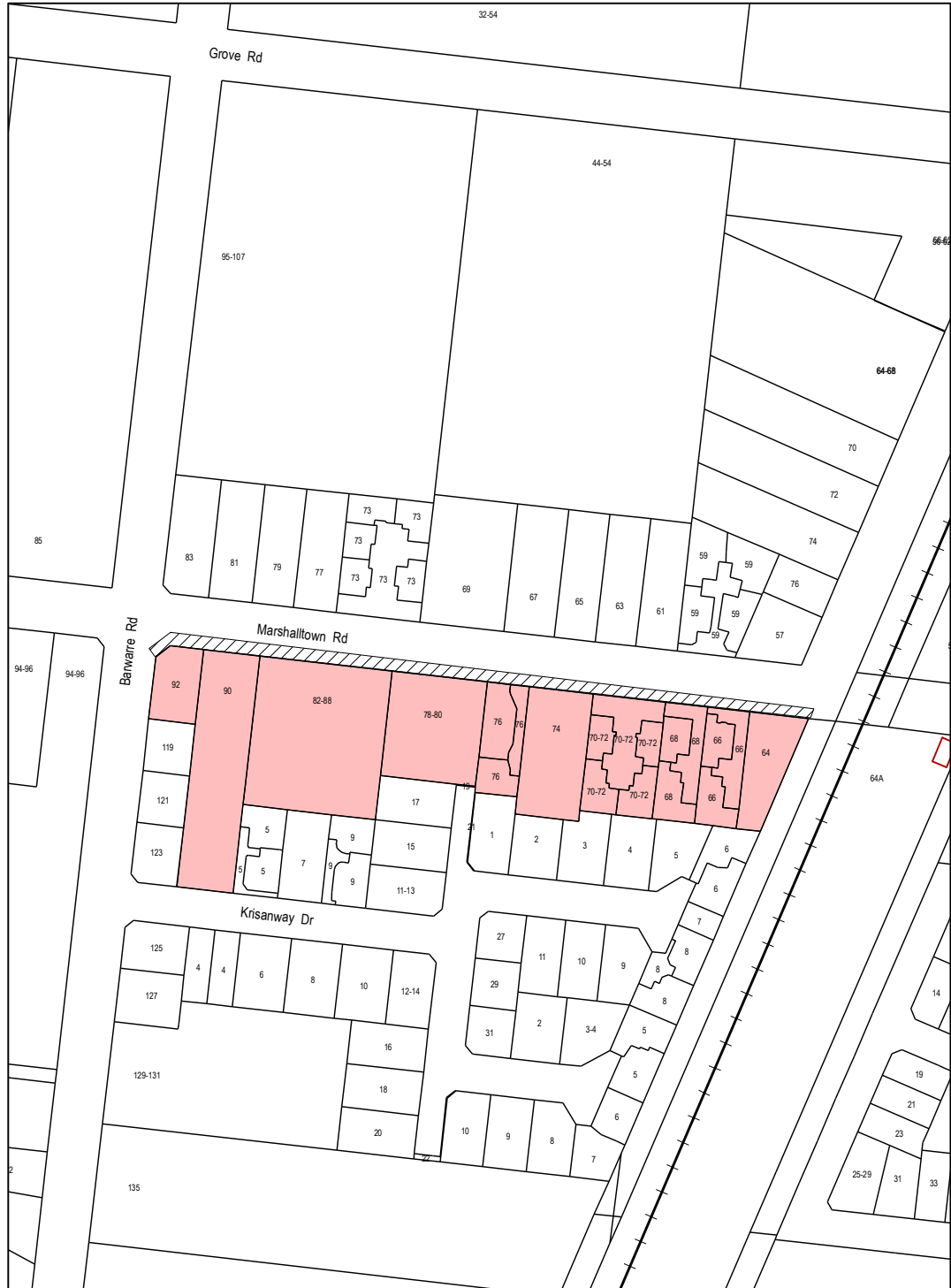
SPECIAL CHARGE SCHEME FOR FOOTPATH CONSTRUCTION

MARSHALLTOWN ROAD, MARSHALL

	COL 1	COL 2	COL 3	COL 4
	PROPERTY DESCRIPTION	TOTAL ESTIMATED COST	PROPERTY REFERENCE	PROPERTY DETAILS
1	Lot 1 PS 607936	\$2,462.19	340267	92 Marshalltown Road, Marshall
2	Lot 5 PS 607936	\$2,483.72	232642	90 Marshalltown Road, Marshall
3	Lot 6 PS 607936	\$5,991.90	340270	82-88 Marshalltown Road, Marshall
4	Lot 1 PS 430881	\$5,021.30	311585	78-80 Marshalltown Road, Marshall
5	Lot 1 PS 635089	\$1,453.89	343198	1/76 Marshalltown Road, Marshall
6	Lot 2 PS 635089	\$ 228.85	343199	2/76 Marshalltown Road, Marshall
7	Lot 5 LP 220356	\$3,365.48	232638	74 Marshalltown Road, Marshall
8	Lot 1 PS 323268	\$ 838.68	299141	1/70-72 Marshalltown Road, Marshall
9	Lot 2 PS 323268	\$ 838.68	299142	2/70-72 Marshalltown Road, Marshall
10	Lot 3 PS 323268	\$ 838.68	299143	3/70-72 Marshalltown Road, Marshall
11	Lot 4 PS 323268	\$ 838.68	299144	4/70-72 Marshalltown Road, Marshall
12	Lot 1 PS 334008	\$ 875.02	297802	1/68 Marshalltown Road, Marshall
13	Lot 2 PS 334008	\$ 875.02	298293	2/68 Marshalltown Road, Marshall
14	Lot 1 PS 337788	\$ 875.02	298414	1/66 Marshalltown Road, Marshall
15	Lot 2 PS 337788	\$ 875.02	298415	2/66 Marshalltown Road, Marshall
16	Lot 1 LP 220356	\$3,125.86	232626	64 Marshalltown Road, Marshall
		\$30,988.00		

Appendix 13-3

PLAN



Footpath to be constructed

7

Properties included in the scheme



14. WOOD STREET, SOUTH GEELONG - PROPOSED ROAD PAVEMENT AND KERB & CHANNEL - SRC 330 - DECLARATION OF CHARGE

Portfolio:	Infrastructure - Cr Richards
Source:	City Services - Engineering Services
General Manager:	Gary Van Driel
Index Reference:	Subject: Special Rates and Charges - Reports
	Street: Wood Street South Geelong

Summary

- This report relates to a proposed special charge scheme for construction of road pavement, kerb and channel and drainage in Wood Street, South Geelong between Barwon Terrace and Gravel Pits Road, as shown on Plan – Appendix 14-3.
- This section of road has a partial seal with kerb and channel on the west side, at the Barwon Terrace end. The remainder is unsealed.
- The area is heavy industrial with six property owners having frontage to this section of Wood Street.
- The total cost of the project is \$270,177, with owners responsible for \$148,834 and Council contributing \$121,283.
- Owners costs vary between \$10,105 and \$67,684.
- Council received 2 submissions and a Hearing Panel was convened. One attended and requested further information which was provided.
- The scheme has been prepared in accordance with the special rate and charge provisions of the Local Government Act, along with Council's Special Rates and Charges Policy.
- This report seeks a resolution by Council to "Declare the Charges" for the kerb and channel and road pavement scheme in Wood Street, South Geelong in accordance with the Special Charge Scheme process as shown in the Process Charge.

Cr Richards moved, Cr Macdonald seconded -

That

1. The following declaration of a special charge be confirmed:

- a) A special charge be declared for a period until the works have been completed and the scheme finalised;**
- b) the special charge be declared for the purposes of defraying any expenses incurred by Council in relation to construction of kerb and channel and road pavement in Wood Street, South Geelong between Barwon Terrace and Gravel Pits Road which project:**
 - b1) will provide proper sealed road access, kerb & channel, improved nature strips and enhancement to the general amenity for each of the properties included in the scheme;**

14. WOOD STREET, SOUTH GEELONG - PROPOSED ROAD PAVEMENT AND KERB & CHANNEL - SRC 330 - DECLARATION OF CHARGE (CONT'D)

- b2) Council considers is or will be a special benefit to those persons required to pay the special charge (and who are described in succeeding parts of this Resolution); and
- b3) arises out of Council's function of planning for and providing infrastructure for property owners.
- c) The:
 - c1) total cost of performing the function described in Part 1 (b) of this Resolution based on estimated cost, be recorded as \$270,177.
 - c2) total amount of the special charge to be levied, as based on estimated cost, be recorded as \$148,834.
- d) It be recorded that, for the purposes of Section 163 (2A) of the Local Government Act 1989, the special charge proceeds will not exceed the amount calculated in accordance with the prescribed formula ($R \times C = S$), the:
 - d1) 'benefit ratio' (R) being calculated at 100%, and representing the total benefits of the special charge scheme that will accrue as special benefits to all persons liable to pay the special charge; and
 - d2) 'community benefit' (C) being assessed at zero for road pavement, kerb and channel and drainage in Wood Street, South Geelong.
- e) The following be specified as the area for which the special rate is so declared:
 - e1) the area within the municipal district of Council highlighted in the plan attached to this Resolution ("the area").
- f) The following be specified as the land in relation to which the special charge so declared:
 - f1) all land within the area shown on the plan – Appendix 14-3.
- g) The following be specified as the criteria which form the basis of the special charge so declared:
 - g1) ownership of any land described in Part 1(e) of this Resolution.
- h) the following be specified as the manner in which the special charge so declared will be assessed and levied:
 - h1) the costs be apportioned as follows;
 - h1a) costs be allocated to the following properties on the basis of frontage:
 - 9 Gravel Pits Road;
 - 59-63 Wood Street;
 - 65-69 Wood Street; and
 - 11-13 Gravel Pits Road

14. WOOD STREET, SOUTH GEELONG - PROPOSED ROAD PAVEMENT AND KERB & CHANNEL - SRC 330 - DECLARATION OF CHARGE (CONT'D)

- h1b) costs to be allocated to the following properties on the basis of the cost of works applicable to the frontage of the properties:
 - 86-90 Barwon Terrace; and
 - 92-96 Barwon Terrace.
 - h2) the special charge will be levied by sending a notice to the person who is liable to pay, pursuant to section 163(A) of the Local Government Act 1989.
 - i) Having regard to the preceding parts of this Resolution but subject to Section 166 (1) of the Local Government Act 1989, it be recorded that:
 - i1) the owners of the land described in Column 1 of Schedule B to the resolution are estimated liable for the respective amounts set out in Column 2 of Schedule B; and
 - i2) such owners may, subject to any further resolution of Council pay the special charge in the following manner:
 - i2a) The charge will become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167 (3) of the Local Government Act 1989.
 - i2b) Interest will not be charged for six months after the issue of the notice provided the person liable makes timely payment in accordance with any repayment arrangements that may be agreed on by Council.
 - i2c) In accordance with Section 172 of the Act, the rate of interest which is payable on the Special Charge which has not been paid by the specified date is set at Council's overdraft rate, reviewed every three months (provided that it shall not exceed the rate fixed by the Governor in Council by Order for the purposes of Section 172 (2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by Order for the purposes of this section).
 - 2. There are no incentives declared as incentives to be given by Council for the payment of the special rate before the date(s) specified for its payment under Section 167(3) of the Local Government Act 1989.
 - 3. Council's Chief Executive Officer be authorised to levy the Special Charge in accordance with Section 163(4) of the Local Government Act 1989.

Carried.

Report

Background

This report relates to the proposed construction of Wood Street, South Geelong between Barwon Terrace and Gravel Pits Road. A section of this road is partially constructed on the side boundaries of the two properties fronting Barwon Terrace. The remainder is unconstructed.

14. WOOD STREET, SOUTH GEELONG - PROPOSED ROAD PAVEMENT AND KERB & CHANNEL - SRC 330 - DECLARATION OF CHARGE (CONT'D)

Council has received enquiries from property owners regarding construction with dust an important issue. The area is industrial and the road caters for heavy traffic entering and exiting the properties. There are six properties involved in this scheme.

An intention to declare charges report was presented to Council on 28 June 2011. The scheme was subsequently advertised and 2 submissions received. One submitter agreed with the proposal and sought the provision of a driveway culvert for further access purposes. The second submitter questioned the extent of works and cost attributed to the property he was representing. Further information was subsequently supplied to this owners representative and no further response was forthcoming. The Panel considered that on provision of this information, the project should proceed.

Discussion

Property owners receive benefit from the planned infrastructure as follows

- proper sealed road access;
- improved drainage;
- removal of nuisance, dust and mud;
- improvements to the general amenity of the area; and
- likely increase in property values.

There are no Council properties in the scheme.

As part of the road is already constructed and the intention is to remove kerb & channel in poor condition and remove the section and reshape the pavement, this work will not be charged to owners.

This is based on the principle that owners are only charged for the "first up" infrastructure provision. This is the basis on which Council is making a contribution.

The summary of the estimated costs is as follows:

Owners Cost	\$148,834
Council Costs	\$121,283
Total	\$270,117

The costs have been apportioned to properties in a fair and equitable manner as follows:

Property	Manner of apportionment
86-90 Barwon Terrace 92-96 Barwon Terrace	Actual cost of works across frontage calculated and attributed directly to each property. Council contribution for removal and replacement of existing infrastructure
9 Gravel Pits Road 59-63 Wood Street 65-69 Wood Street 11-13 Gravel Pits Road	Cost of works fronting all of these properties calculated then apportioned on a basis of frontage

14. WOOD STREET, SOUTH GEELONG - PROPOSED ROAD PAVEMENT AND KERB & CHANNEL - SRC 330 - DECLARATION OF CHARGE (CONT'D)

Environmental Implications

The road infrastructure proposed, provides proper sealed access, drainage and a generally safer environment.

During the course of construction and the manufacture and procurement of materials, there is expenditure of energy sources and greenhouse emissions. This does cease, however, when construction is complete.

The project does not create waste with the exception of some excess spoil.

The proposal does not affect any natural habitats.

Financial Implications

The project has a one off capital cost as indicated above and there will be minimal ongoing maintenance costs. The scheme may proceed in the current financial year if approved.

Policy/Legal/Statutory Implications

The scheme has been prepared in accordance with the special rate and charge provisions of the Local Government Act along with Council's Special Rates and Charges Policy. The project does not impinge on any Human Rights Charter issues.

Officer Direct or Indirect Interest

There are no Council Officers involved in the administration or subsequent construction of the works, who have a direct or indirect interest in the project.

Risk Assessment

There are no risks associated with Council proceeding to adopt the recommendation and advertising the scheme.

Social Considerations

There are no social considerations which may impact a Council's decision to proceed to advertise the scheme.

Communication

The scheme has been advertised and owners given the opportunity to make submissions/objections.

**Appendix 14-1
Page 1**

SCHEDULE 'A'

The works for the construction of and kerb & channel and road pavement in Wood Street, South Geelong between Barwon Terrace and Gravel Pits Road which consist of excavation, reinstatement of nature strip, pavement works, kerb & channel, sealing, miscellaneous construction works, legal advice and professional services associated with survey, engineering design, drafting, supervision and administration of the project all as included in the cost estimate shown below.

**COST ESTIMATE FOR CONSTRUCTION OF ROAD PAVEMENT AND
KERB & CHANNEL– WOOD STREET, SOUTH GEELONG**

ITEM	DESCRIPTION	QUANTITY	UNIT	RATE \$	AMOUNT \$
Section A – Owners					
1.00	Site establishment, set out and traffic control		Item		3,627
2.00	Earthworks				
2.01	Supply and place boxing	83	m	50	4,150
2.02	Grade table drain		Item		1,500
3.00	Pavement works				
3.01	200mm compacted depth of class 2 20mm FCR pavement	284	cm	120	34,084
3.02	Primerseal 7mm	1,023	sqm	4	4,092
3.03	Final seal 14mm	1,023	sqm	4.5	4,604
Sub Total					52,057
4.00	Contingency 10%				5,206
5.00	Design and Administration of Special Charge Scheme				6,820
Total					\$64,083

ITEM	DESCRIPTION	QUANTITY	UNIT	RATE \$	AMOUNT \$
Section B (i) – Owner					
1.00	Site establishment, set out and traffic control		Item		3,836
2.00	Earthworks				
2.10	Excavation and disposal of material	100	cm	50	5,000
2.30	Supply and place boxing	8.5	cm	50	425
3.00	Pavement				
3.10	200mm compacted depth of class 2 20mm FCR pavement	30	cm	120	3,600

**Appendix 14-1
Page 2**

3.20	410 mm compacted depth of class 2 FCR in widening trench	85	cm	130	11,050
3.30	50 mm compacted depth 10mm nom size type N asphalt with geofabric reinforcing layer	200	sqm	30	6,000
3.40	Primerseal 7mm	108.5	sqm	4	434
3.50	Final seal 14mm	108.5	sqm	4.5	488
4.00	Concrete Works				
4.10	Supply and place B2 kerb and channel, including excavation and bedding	150	m	70	10,500
4.20	Supply and place concrete driveways	30	sqm	150	4,500
5.00	Drainage				
5.10	Supply and place 90mm sub soil drains	150	m	22	3,300
5.20	Supply and place 300mm dia RC pipe	6	m	200	1,200
5.30	Construct 900mm * 600mm SEP less than 1.5m deep	3	NO	750	2,250
6.00	Landscaping				
6.10	Topsoil and seed nature strips	300	sqm	8	2,400
7.00	Subtotal				54,983
8.00	Contingency 10%				5,498
9.00	Design and Administration of Special Charge Scheme				7,203
Total					\$67,684

ITEM	DESCRIPTION	QUANTITY	UNIT	RATE \$	AMOUNT \$
Section B (ii) Owner					
1.00	Site establishment, set out and traffic control	Item			966
2.00	Earthworks				
2.10	Supply and place boxing	8.5	cm	50	425
3.00	Pavement				
3.10	200mm compacted depth of class 2 20mm FCR pavement	30	cm	120	3,600
3.20	Primerseal 7mm	108.5	sqm	4	434
3.30	Final seal 14mm	108.5	sqm	4.5	488
4.00	Concrete Works				
4.10	Supply and place concrete driveways	30	sqm	150	4,500

**Appendix 14-1
Page 3**

5.00	Drainage				
5.10	Supply and place 300mm dia RC pipe	6	m	200	1,200
5.20	Construct 900mm x 600mm SEP less than 1.5m deep	3	No	750	2,250
	Subtotal				13,865
6.00	Contingency 10%				1,386
7.00	Design and Administration of Special Charge Scheme				1,816
	Total				17,067

ITEM	DESCRIPTION	QUANTITY	UNIT	RATE \$	AMOUNT \$
Council Costs					
1.00	Site establishment, set out and traffic control	ITEM			6,874
2.00	Earthworks				
2.1	Demolish and dispose of existing kerb and channel	145	m	30	4,350
2.2	Strip and dispose existing seal	75	cm	30	2,250
2.3	Sawcut concrete and seal	40	cm	50	2,000
3.00	Pavement				
3.1	Re sheet existing pavement with 100mm nom depth class 2 FCR	175	cm	120	21,000
3.2	50mm compacted depth 10mm nom size type N asphalt with geofabric	1,395	sqm	30	41,850
4.00	Concrete Works				
4.1	Supply and place B2 kerb and channel, including excavation and bedding	150	m	70	10,500
5.00	Drainage				
5.1	Supply and place 90mm sub soil drains	150	m	22	3,300
5.2	Modify existing pit to match finished surface and supply gatic type lid	4	No	1,000	4,000
6.00	Landscaping				
6.1	Topsoil and seed nature strips	300	sqm	8	2,400
7.00	Sub Total				98,524
8.00	Contingency 10%				9,852
9.00	Design and Administration of Special Charge Scheme				12,907
	Total				\$121,283

Appendix 14-2

SCHEDULE 'B'

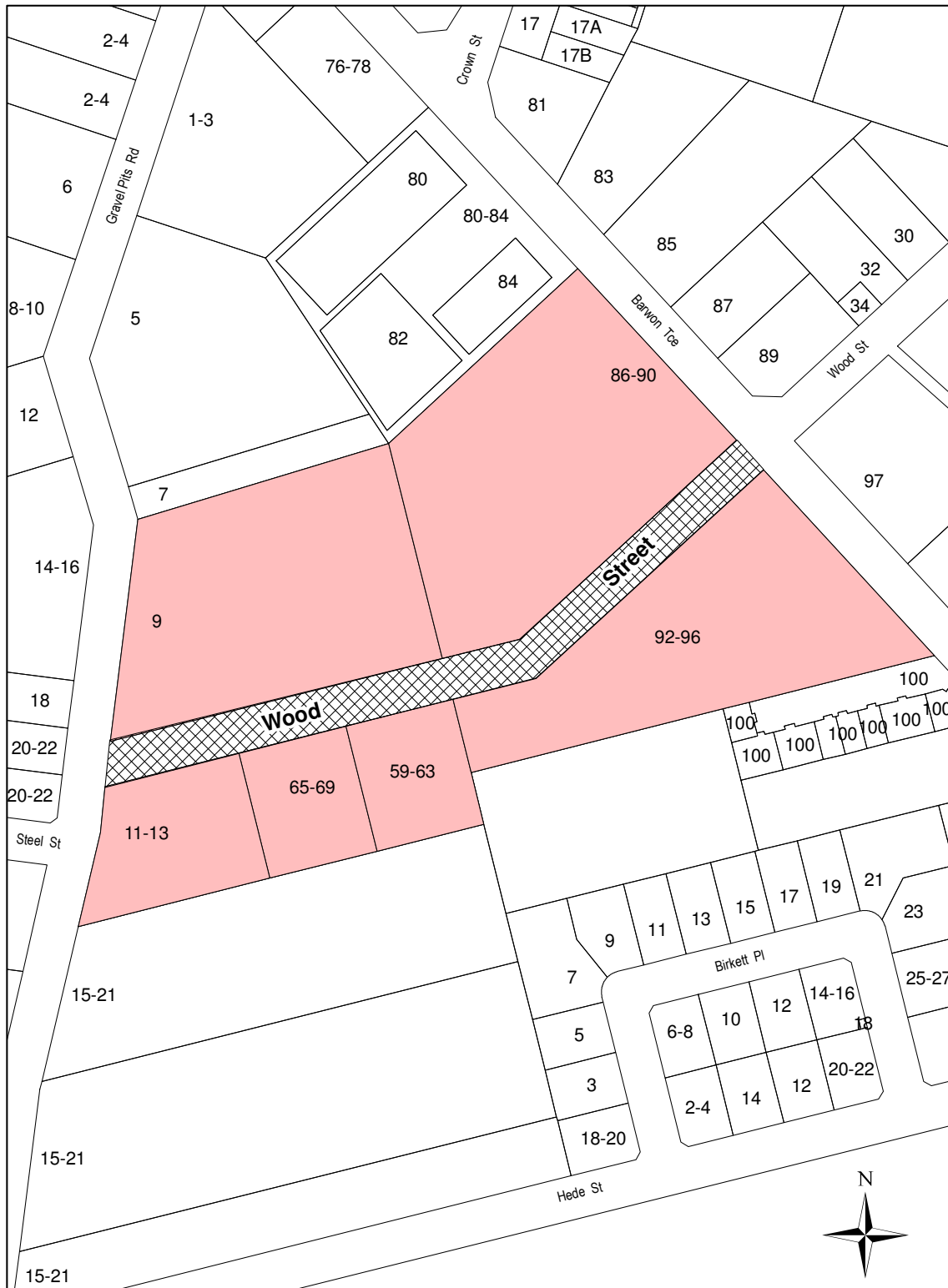
**SPECIAL CHARGE SCHEME FOR ROAD PAVEMENT
AND KERB & CHANNEL CONSTRUCTION**

WOOD STREET, SOUTH GEELONG

COL 1	COL 2	COL 3	COL 4		
DESCRIPTION OF PROPERTY	ESTIMATED COST (\$)	PROPERTY REFERENCE	PROPERTY DETAILS		
CA 3 Sec 11A	\$17,067	212025	86	Barwon Terrace	South Geelong
CA 20 Sec 11A	\$31,298	214037	9	Gravel Pits Road	South Geelong
TP 819057	\$67,684	212028	92	Barwon Terrace	South Geelong
Lot 3 PS 446573	\$10,105	315017	59	Wood Street	South Geelong
Lot 2 PS 446573	\$10,105	315016	65	Wood Street	South Geelong
Lot 1 PS 446573	\$12,576	315015	11	Gravel Pits Road	South Geelong
Total	148,834				

Appendix 14-3

PLAN



Proposed road to be constructed



Properties included in the scheme

**15. CONSIDERATION OF TENDER SUBMISSIONS FOR TENDER T1200185:
BUILDING WORKS – OCEAN GROVE INTEGRATED CHILDREN’S CENTRE**

Portfolio: Community Development – Cr Fisher
Source: Projects, Recreation & Central Geelong
General Manager: Dean Frost
Index Reference: T1200185

Summary

- The City of Greater Geelong has sought tenders for the construction of the Ocean Grove Integrated Children’s Centre. The project is expected to commence in November 2012 and be completed by November 2013.
- CoGG ran a select tender choosing six suppliers from the Department of Transport’s Construction Supplier Register. The Construction Supplier Register is a pre-qualification scheme for building and construction industry consultants and contractors available for use by approved Government and non-Government organisations. The suppliers selected were all pre-qualified capable of delivering new commercial construction for a project of this scale.
- Following a detailed assessment of each of the submissions the Evaluation Panel recommend that E.J. Lyons & Sons Pty Ltd be awarded the contract.
- Council has achieved a favourable tender result due to depressed market conditions currently being experienced in the building industry for projects of this scale. It is expected that a moderate project saving will now be achieved.

Cr Farrell moved, Cr Fisher seconded -

That Council:

- 1) **accept the tender submission from E.J. Lyons & Sons Pty Ltd for the lump sum amount of \$6,258,840 exclusive of GST;**
- 2) **sign and seal the contract documents.**

Carried.

Report

Background

Tenders were invited through Tenderlink on Friday 20 July 2012.

At the close of tenders on the 15th August 2012 the following tender submissions were received:

Tenderer
E.J. Lyons & Sons Pty Ltd
Rendine Constructions Pty Ltd
Walton Construction Pty Ltd
Ireland Brown Pty Ltd
BDH Constructions Pty Ltd
Devco Project & Construction Management Pty Ltd

15. CONSIDERATION OF TENDER SUBMISSIONS FOR TENDER T1200185: BUILDING WORKS – OCEAN GROVE INTEGRATED CHILDREN’S CENTRE (CONT’D)

Discussion

The tenders were evaluated by a panel consisting of:

Panel Member	Title
Dean Frost	General Manager Projects, Recreation & Central Geelong
Frank Giggins	Co-ordinator Family Services Development
David Ash	Senior Capital Projects Officer
Scott Cavanagh	Manager Capital Projects
Peter Walker	Senior Contracts Officer (Advisor)
Brett Gilliland	Contracts Officer (Advisor)
Mark Anderson	Senior Associate, Slattery Australia (Technical Advisor)
Ian Perkins	Principal, Perkins Architects (Technical Advisor)

Stage One – Mandatory Criteria

The Mandatory requirements that apply to this Tender are:

Tenderers must comply with OH&S requirements detailed in the Tender Schedule.

All submissions complied with the mandatory criteria and proceeded to the second stage of evaluation.

Stage Two –Comparative Criteria

Tender submissions were assessed based on the respondent’s performance or tender response in the following areas:

Criteria	Weighting
Price	50%
Capability & Experience / Past Performance	15%
Economic Contribution to Geelong Region	5%
Methodology/plan for performing contract (including Timelines, Staffing, Plant, Subcontracting)	20%
Flexibility and responsiveness (ability to meet CoGG timeframes)	5%
Quality Management & Environmental Systems	5%
	100%

At the conclusion of the evaluation the tenderers were ranked in the following order:

Tenderer	Rank
E.J. Lyons & Sons Pty Ltd	1
Ireland Brown Pty Ltd	2
Walton Construction Pty Ltd	3
Rendine Constructions Pty Ltd	4
BDH Constructions Pty Ltd	5
Devco Project & Construction Management Pty Ltd	6

**15. CONSIDERATION OF TENDER SUBMISSIONS FOR TENDER T1200185:
BUILDING WORKS – OCEAN GROVE INTEGRATED CHILDREN'S CENTRE
(CONT'D)**

Preferred Supplier

The Evaluation Panel assessed submissions using Council's standard evaluation methodology. With the application of the equivalency rule* E.J. Lyons & Sons Pty Ltd (t/a Lyons Construction) were selected as the preferred supplier.

Lyons Construction provided the lowest tendered price and scored highly against all the comparative criteria demonstrating to the Evaluation Panel that they have the capability to successfully deliver a value for money outcome. Their works schedule stated a practical completion date of 29 November 2013 in line with Council requirements.

Lyons Construction has operated in Geelong for 83 years, recently receiving the regional builder of the year award. They demonstrated their capability and experience through their extensive list of projects ranging in price from \$700k up to \$7 million including the Waurin Ponds Library (\$3.5 million) and the Bellarine Aquatic Centre (\$6.9 million) which they successfully delivered for the City of Greater Geelong.

Lyons Construction being Geelong based source the majority of their materials locally while employing local subcontractors as required. They offer an experienced workforce and have a proven track record with Council regarding OH&S compliance.

**The Equivalency Rule states that if the lowest value tender falls within two points of the highest Final Score then that tender is to be recommended. The Equivalency Rule applies to all tender evaluations.*

Overview of Unsuccessful Tenders

Ireland Brown demonstrated that they have the capability to deliver the works submitting a technically acceptable submission. They rated highly for their extensive list of past projects providing examples of their work at the Avondale Heights Community Centre (\$3.6 million) and the Clare Court Children's Centre in Yarraville (\$3.5 million). They submitted a detailed project timeline and provided evidence of their certified quality, environmental and OH&S systems.

Walton Construction scored highly for their staffing, equipment and experience with an extensive list of completed construction projects ranging in price from \$3 million to \$50 million (although no relevant childcare projects were listed). They operate quality, environmental and OH&S systems that have been independently audited and certified. Their final score was adversely impacted by their quoted price which was the most expensive of the tenders received.

Rendine Constructions provided a list of previous projects, including the \$5.3 million Old Geelong Courthouse Projects. They have a proven OH&S record on Council projects, are ISO 9001 certified for their quality systems and as a Geelong based supplier were able to demonstrate a direct economic contribution to the Geelong Region.

BDH listed their previous contracts which ranged in value from \$500k to \$13 million (predominantly in the education sphere). BDH operate an Office in Geelong and intend to source all of the materials locally while engaging local subcontractors to perform the works as required. BDH did not submit a project plan/methodology as requested.

**15. CONSIDERATION OF TENDER SUBMISSIONS FOR TENDER T1200185:
BUILDING WORKS – OCEAN GROVE INTEGRATED CHILDREN'S CENTRE
(CONT'D)**

Devco demonstrated experience working on a variety of construction projects up to \$22 million including the Phoenix Park Children's Centre (\$3.4 million), the Wyndham Vale Community Centre & Library (\$6 million) and the Crown Street Community Hub (\$8 million). However they did not submit a methodology for performing the contract and their submission was lacking in a number of key areas.

Environmental Implications

Any environmental implications associated with this contract will arise from the execution of the civil works. It is considered that these are the responsibility of the Contractor and will be managed through the contract documentation.

Financial Implications

The Evaluation Panel acknowledge that the tendered prices were on average 10% lower than anticipated which can largely be attributed to the present depressed state of the construction industry.

Council had been advised prior to tender that recent tenders for projects in this range were coming in at between 5% and 10% below pre tender estimates.

These lower than expected prices will provide Council with modest cost savings on the construction component of the project. This is a marked change from councils experience over recent years when we were tendering in more buoyant market conditions.

Policy/Legal/Statutory Implications

The requirements of Section 186 of the Local Government Act have been complied with for this tender. There are no other policy, legal or statutory implications associated with this tender process.

Officer Direct or Indirect Interest

No officers or contractors involved in the preparation of this report have a direct or indirect interest in matters to which this report relates.

Risk Assessment

There are not considered to be any risks associated with the acceptance of this tender that cannot be managed through the contract conditions.

Social Considerations

There are no social implications that will arise from the acceptance of this tender.

Communications

There are no communication issues associated with the acceptance of this tender. Council's representative will liaise with affected community groups.

URGENT BUSINESS

Note: Introduction of Urgent Business requires two-thirds majority of Councillors present.

Cr Macdonald moved, Cr Abley seconded -

That Council consider as Urgent Business a motion concerning the signing and sealing of two Section 173 Agreements to enable a property settlement to proceed as scheduled.

Carried.

Cr Macdonald moved, Cr Abley seconded -

That Council sign and seal the following documents.

Carried.

1. SECTION 173 AGREEMENT BETWEEN GREATER GEELONG CITY COUNCIL AND THE FLYING BANANA FOR 190 NEWCOMBE STREET, PORTARLINGTON

Portfolio:	Planning – Cr Macdonald
Source:	Economic Development, Planning & Tourism
General Manager:	Peter Bettess
Property:	190 Newcombe Street, Portarlington
Application No:	970/2011

Officers' Comments

This Agreement pursuant to Section 173 of the Planning and Environment Act 1987 was required by Condition 17 of Planning Permit No. 970/2011 issued on 19-Dec-2011 which allowed alterations and additions to the existing dwelling, construction of one additional single storey dwelling and a two (2) lot subdivision generally in accordance with the endorsed plans.

The purpose of the Agreement is to ensure the lots are developed in accordance with plan endorsed under Planning Permit No. 970/2011.

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

Owner's Obligations

The Owner covenants, agrees and acknowledges with the Council that all development on the Subject Land must be in accordance with the endorsed plans forming part of the Planning Permit, or any subsequent planning permit issued by the Council relating to the Subject Land.

Council Obligations

Nil.

2. SECTION 173 AGREEMENT BETWEEN GREATER GEELONG CITY COUNCIL, BARWON WATER AND FLYING BANANA PTY LTD FOR 190 NEWCOMBE STREET, PORTARLINGTON

Portfolio:	Planning – Cr Macdonald
Source:	Economic Development, Planning & Tourism
General Manager:	Peter Bettess
Property:	190 Newcombe Street, Portarlington
Application No:	970/2011

Officers' Comments

This Agreement pursuant to Section 173 of the Planning and Environment Act 1987 was required by Condition 13 of Planning Permit No. 970/2011 issued on 19-Dec-2011 which allowed alterations and additions to the existing dwelling, construction of one additional single storey dwelling and a two (2) lot subdivision generally in accordance with the endorsed plans.

The purpose of the Agreement is in relation to the installation of a Reticulated Sewer Main to service Lot 1. This is a Barwon Water required agreement.

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

Owner's Obligations

1. The Owner of the Lot 1 Land covenants and agrees with the Responsible Authority and Referral Authority that:
 - a. In the event of the:
 - i. House renewal;
 - ii. Subdivision; and
 - iii. Further developmentit will install the Reticulated Sewer Main to service the Lot 1 Land at the request of and to the satisfaction of the Referral Authority, and at the cost of the Owner of the Lot 1 Land in all things.
 - b. Until such time as the Reticulated Sewer Main is constructed, it will own and be responsible for repair and/or renewal of the private sewer drain in Easement E-2 and Easement E-3 that connects the Lot 1 Land to the Reticulated Sewer Main.
2. The Owner of the Lot 2 Land covenants and agrees with the Responsible Authority and Referral Authority that:
 - a. In the event of the:
 - i. House renewal;
 - ii. Subdivision; and
 - iii. Further developmentit will install the Reticulated Sewer Main to service the Lot 1 Land at the request of and to the satisfaction of the Referral Authority, and at the cost of the Owner of the Lot 1 Land in all things.

- b. Until such time as the Reticulated Sewer Main is constructed, it will grant the Owner of the Lot 1 Land unrestricted access to Easement E-2 and Easement E-3 for the purpose of repair and/or renewal of the private sewer drain connecting the Lot 1 Land to the Reticulated Sewer Main.
- c. it will not construct any structure within Easement E-2 or Easement E-3 unless otherwise approved by the Referral Authority.
3. The Owner covenants and agrees with the Responsible Authority and Referral Authority that the Reticulated Sewer Main extension is to be constructed:
 - i. To service the Lot 1 Land and is to connect from the existing sewer located along the northern boundary of the Lot 2 Land;
 - ii. To extend through Lot 2 Land and be located within Easement E-2 and Easement E-3; and
 - iii. To the reasonable satisfaction of and with the approval of the Referral Authority.
4. The parties shall do all things necessary (including signing any further agreement acknowledgement or document) to do all things necessary to give effect to this Agreement;
5. The owner must not sell, transfer, dispose of, assign, convey mortgage or otherwise part with possession of the Subject Land or any part thereof without first disclosing to the Owner's successors the existence and nature of this agreement.
6. The Owner must within 28 days of written demand pay to the Responsible Authority the reasonable costs of Responsible Authority and the expenses of and incidental to the Agreement pursuant to or in furtherance of the Agreement, including the enforcement of any obligations imposed on the Owner in relation to this Agreement. To the extent that such costs and expenses constitute legal professional costs, the Responsible Authority may at its absolute discretion have these costs assessed by the Law Institute of Victoria and in that event the parties shall be bound by the amount of that assessment, with any fee or obtaining such as assessment being borne equally by the Responsible Authority and the Owner. Such costs payable by the Owner shall include the costs and disbursements associated with the registration of the Agreement on the titles and removal there from.

Council Obligations

Nil

Cr Mitchell declared an Indirect Interest by a Conflicting Duty in Notice of Motion, Committee for Geelong Membership, in that he is a Mayoral candidate and left the meeting room at 9.14pm

Cr Granger assumed the Chair at 9.14pm

NOTICE OF MOTION – CR B ABLEY

COMMITTEE FOR GEELONG MEMBERSHIP

Background

Council notes the recent public admission by the Committee for Geelong Chair, Mr Michael Betts of the serious breach of privacy by the Executive Director of the Committee for Geelong (CfG) in releasing the entire database of the CfG's membership (including that of the City of Greater Geelong Council) to a third party without the knowledge or permission of its membership for the purposes of political fundraising.

The membership of the Committee for Geelong collectively has a common law right to privacy most particularly with regards to the collection, storage, handling and distribution of membership information.

It is contended that this privacy breach is an unauthorised disclosure of membership and contact details by the Executive Director that violates not only a common law right to privacy but also violates the operating principles of the Committee for Geelong as stated by its Board of Management.

Cr Abley moved, Cr Richards seconded -

That Council writes to the Committee for Geelong advising of the Council's decision to immediately terminate its membership because the relationship between the two parties caused by the breach and the display of public interference in the political activities directly related to the forthcoming Local Government Elections has fractured to the extent that Council no longer has any confidence in the leadership of the Committee for Geelong.

Deferral Motion –

Cr Harwood moved, Cr E Kontelj seconded –

That the Notice of Motion be deferred.

Carried.

Cr Mitchell (Mayor) re-entered the meeting room and resumed the Chair at 9.25pm

NOTICE OF MOTION – Cr Nelson

REALLOCATION OF CAPITAL FUNDS – DEAKIN WARD

Following the completion of The Highton Tennis Club Pavilion Project (C09869) approximately \$50,000 in project funds remain unspent.

These funds can now be reallocated to other projects where funding shortfalls exist.

It is proposed that unused funds from the Highton Tennis Club Pavilion Project be redirected to the Queens Park Master Plan Project, Highton Reserve Rotunda & BBQ Facilities Project, and Healthy Eating Initiatives for the Bellaire, Ceres, Highton and Montpellier Primary Schools Project.

Cr Nelson moved, Cr Richards seconded –

That Council support the following funding reallocations:

Ward	Project Description	Budget	Budget ID
Deakin	Highton Tennis Club Pavilion	-\$50,000	C09869
Deakin	Queens Park Master Plan	\$26,000	C11804
Deakin	Highton Reserve Rotunda & BBQ Facilities	\$20,000	C13838
Deakin	Healthy Eating Initiatives – Bellaire, Ceres, Highton & Montpellier Primary Schools	\$4,000	TBA

Carried.

NOTICE OF MOTION – Cr E Kontelj

TRIAL DUST SUPPRESSION SEAL - CHURCH STREET, HAMLYN HEIGHTS AND HERNE HILL

Background

Church Street west of Katoomba Court and Graylea Avenue is an unsealed road on the boundary between Cowie and Kildare wards. The current condition of the road is such that large amounts of dust are generated by traffic, particularly during the drier months of the year. In order to respond to relevant concerns from residents it is proposed to trial a low cost seal treatment as a dust suppression measure. The trial will be monitored over the next several years to determine the effectiveness of this measure. The trial is estimated to cost \$24,000.00. It is proposed that funds be transferred from the Community Projects budget allocations as:

Cr E Kontelj moved, Cr S Kontelj seconded -

That Council support the following Ward re-allocation as follows:

Ward name	Project	Allocation
Kildare	C10838 Elderslie Reserve Shade Sails	-\$5,400
Kildare	C09818 Newtown Chilwell Maternal Health Centre (Design)	-\$2,842
Cowie	C09856 Myers Reserve Change Rooms	-\$15,758
Cowie/Kildare	Trial Dust Suppression	+\$24,000

Carried.

NOTICE OF MOTION – Cr Mitchell (Mayor)

REALLOCATION OF CAPITAL FUNDS – AUSTIN WARD

As part of the 2010/11, 11/12 and 12/13 budgets, Council has allocated a total of \$95,000 for the implementation of the Ervin Reserve Master Plan project (C09826 and C12829).

Following a review of this project, it has become evident that the total allocated budget of \$95,000 for the implementation of the Ervin Reserve Master Plan will not be required.

It is therefore appropriate that Council consider reallocating excess project funds to other projects.

An amount of \$16,900 will remain with the Ervin Reserve Master Plan Implementation project.

It is proposed that the excess funds are re-allocated to the following projects:

- **St Mary's Tennis Club - \$32,800**
Upgrade of four (4) asphalt tennis courts to provide two synthetic grass courts and two plexipave courts at Thomson Reserve. The upgraded courts will provide a facility for the St Mary's Tennis Club that were displaced from their previous facility in Myers Street, Geelong.
- **Geelong East Men's Shed - \$10,000**
This project will assist the club to develop a veranda extension to the south side of their building and provide additional weather protection for club patrons.
- **St Albans / Breakwater Cricket Club - \$5,000**
For drainage improvement works.
- **St Albans Football Club - \$5,000**
For drainage improvement works.
- **Thomson Cricket Club - \$9,000**
For the purchase of a new roller for the grounds.
- **Newcomb Park Primary School - \$1,000**
A contribution to the Fresh Fruit in Classrooms program that is organised by volunteers and provides a fresh fruit platter to every classroom every day for the health and benefit of the students.
- **Whittington Primary School - \$11,500**
A \$10,000 contribution for works on the kitchen, plus \$1,500 to contribute toward line-marking on the courts.
- **Newcomb & District Cricket Club - \$3,800**

The remaining \$16,900 in the Ervin Reserve Master Plan Implementation (C09826 / C12829) will remain to develop actions of the Master Plan.

REALLOCATION OF CAPITAL FUNDS – AUSTIN WARD (CONT'D)

Reallocation of \$78,100 from projects C09826 / C12829 to the various projects will enable the continuous development and improvement of the community groups and sporting clubs.

Cr Mitchell moved, Cr Richards seconded -

That Council support the following reallocations:

WARD	PROJECT DESCRIPTION	BUDGET	BUDGET ID
Austin	Ervin Reserve Master Plan Implementation	-\$78,100	C12829
Austin	St Mary's Tennis Club - Courts	\$32,800	C12854
Austin	Geelong East Men's Shed	\$10,000	TBA
Austin	St Albans Breakwater Cricket Club – drainage	\$5,000	TBA
Austin	St Albans Football Club - drainage	\$5,000	TBA
Austin	Thomson Cricket Club - roller	\$9,000	TBA
Austin	Newcomb Park Primary School – Fruit program	\$1,000	D52967
Austin	Whittington Primary – Kitchen; Line-marking	\$11,500	TBA
Austin	Newcomb & District Cricket Club	\$3,800	TBA

Carried.

NOTICE OF MOTION – Cr Richards

GEELONG RING ROAD SECTION 4C – NOISE IMPACTS ON GROVEDALE AND WAURN PONDS RESIDENTS

In the 2011, the Victorian state government set up an advisory committee to enquire into aspects of Geelong Ring Road Section 4C, including its alignment and other factors such as the possible impact in regard to noise from the road on residents in Grovedale and Waurn Ponds.

In relation to mitigation measures to address noise impacts, the City of Greater Geelong's written submission to the Advisory Committee Hearing dated 10 May 2011 '*strongly recommends*' that in addition to the 2m high earth mound along the northern boundary of the Section 4C alignment, a 2m high noise wall be constructed for the '*entire length of the Bickford Road interface*' and that an open graded asphalt treatment be used.

Council considered these measures are required to '*ensure that the amelioration of any impacts from the road are undertaken in such a manner to ensure that there is absolutely minimal impact on existing urban areas of Waurn Ponds and south Grovedale.*'

Council's written submission included the following conclusion:

The City submits that there needs to be explicit direction from this Advisory Committee in relation to amelioration associated with the road and this should not be left open to a further design detail at a later date. As has been stated in the City's submission proper the City supports additional measures including earth mounding, 2 meter high noise wall on top of the earth mound for the entire length of Bickford Road, landscaping to minimise the visual impact of this noise wall, and open graded asphalt to reduce the decibel reading from road noise associate with traffic on 4C.

The advisory committee subsequently decided not to make these recommendations at the time.

Cr Richards moved, Cr Nelson seconded -

That Council writes to Victorian Premier Ted Baillieu, Victorian Opposition leader Daniel Andrews, Transport Minister Terry Mulder, Member for South Barwon, Andrew Katos, and all state upper house MPs in Western Victoria, requesting that construction of stage 1 of Geelong Ring Road Section 4C include:

- a) construction of a 2m high earth mound along the northern boundary of the Section 4C alignment;**
- b) construction of a 2m high noise wall on top of the earth berm for the entire length of the Bickford Road interface;**
- c) an open graded asphalt treatment as the road surface.**

Carried.

NOTICE OF MOTION – Cr Richards

VICROADS ROADS – BARWON HEADS ROAD, GOLF LINKS ROAD AND BRIDGE ROAD

In consecutive Victorian state budgets for 2011 and 2012, the Baillieu Liberal state government cut funding to VicRoads for maintenance of roads under state government control. This has led to a number of roads on the Bellarine and in Geelong continuing to deteriorate and many are now in need of substantial repair. Barwon Heads Road which runs from Belmont to Barwon Heads is one road that is now greatly in need of substantial maintenance. Several sections of Barwon Heads road are marked by severe potholing, and are in immediate need of repair.

Ocean Grove, Armstrong Creek and Barwon Heads have experienced substantial population growth, which has led to an increase in traffic going through Barwon Heads itself. This has put pressure on Golf Links Road, Bridge Road and Barwon Heads Road within the township itself. These roads are all under state government control. Golf Links Road, Bridge Road and Barwon Heads Road are all now in need of repair.

Further, with the increase in traffic and with future growth planned, road infrastructure along this route needs substantial improvement. The corner of Bridge Road and Golf Links Road needs to be upgraded and made safer for pedestrians, cyclists, primary school children and their parents, and motorists. Traffic entering Barwon Heads from the west should be travelling at a slower speed from the Barwon Heads Community Arts Garden, in order to facilitate better outcomes for pedestrians and cyclists in Barwon Heads Road, and at the corner of Golf Links Road and Barwon Heads Road.

Further, key intersections along Barwon Heads Road such as the intersections of Blackrock Road, Breamlea Road and Bluestone School Road have now become substantially busier. These intersections need upgrading to make them safer for motorists.

Cr Richards moved, Cr Macdonald seconded -

That Council writes to Victorian Premier Ted Baillieu, Victorian Opposition leader Daniel Andrews, Transport Minister Terry Mulder, Member for South Barwon, Andrew Katos, and all state upper house MPs in Western Victoria, requesting that:

- a) Barwon Heads Road between Belmont and Barwon Heads be repaired and made safe for motorists;**
- b) Bridge Road, Golf Links Road, and Barwon Heads Road within the Barwon Heads township be repaired and maintained;**
- c) The intersection of Golf Links Road and Bridge Road be upgraded to improve outcomes for pedestrians, cyclists, school children and their parents, and motorists;**
- d) Barwon Heads Road from the Barwon Heads Community Arts Garden to its intersection with Golf Links Road be upgraded to make it safer for pedestrians, cyclists and motorists;**
- e) Intersections on Barwon Heads Road be upgraded to provide safer outcomes for motorists.**

Cr Harwood left the meeting room at 9.36pm

Cr Harwood re-entered the meeting room at 9.39pm

Resolution (Cont'd)

Deferral Motion:

Cr S Kontelj moved, Cr E Kontelj seconded –

That the Notice of Motion be deferred.

The Deferral Motion was put and lost.

The motion was then put and carried.

NOTICE OF MOTION – Cr A Richards

REALLOCATION OF FUNDS

Council has recently completed an upgrade of the Grovedale Sports Club social rooms, including doubling the size of the facility, installing new toilets, disabled access, and refurbishing the existing space.

As a result, the Grovedale and Waurin Ponds community now have a much better venue to use, and are attending the facility in much greater numbers. The venue is used for sports club functions, as a social space to watch sport during the day and the evening, and for many community events. Many local residents now frequent the facility and meals are served on different nights of the week, and the weekend.

The facility contains a kitchen which is now also in need of an upgrade. To put it simply, the current kitchen facilities cannot keep up with the new extended social rooms. The estimated cost of the kitchen upgrade is \$80000.

These funds are to be transferred from Minor Capital Renewal – Buckley Ward.

Cr Richards moved, Cr Harwood seconded -

That Council support the following reallocation of funds:

Number	Project	Ward	Allocation
C11841	Minor Capital Renewal - Buckley Ward	Buckley	-\$80000
TBD	Grovedale Sports Club – Kitchen Upgrade	Buckley	\$80000

Carried.

NOTICE OF MOTION – Cr Richards

GROVEDALE/ WAURN PONDS/ ARMSTRONG CREEK TRAIN STATION

Council at its meeting on 24th July 2012 noted an updates report on the Armstrong Creek Urban Growth area, including some information on the proposed Waurnd Ponds/ Armstrong Creek train station, and associated bus network planning. Council resolved to request a more detailed report on the train station and bus network planning, which was presented to council at it's meeting on the 14th August 2012. Council subsequently noted that report.

Stage one construction of the Waurnd Ponds/ Armstrong Creek train station will have only 200 car parks on the northern side in Waurnd Ponds, and no car parks on the southern side in Armstrong Creek. This will result in train passengers from all over southern Geelong, the Bellarine peninsula, and the Surf Coast parking through the streets of Waurnd Ponds, with all the usual associated problems and issues that come with a lack of car parking at train stations.

Further, a lack of bus services to the new train station will exacerbate this problem.

Opening car parking on the southern Armstrong Creek side of the train station would alleviate this problem, and produce a much better outcome for Waurnd Ponds residents and train passengers. Further, adequate provision of public transport to the train station from day one of it's opening would further alleviate traffic and parking issues in Waurnd Ponds after stage one of the Waurnd Ponds/ Armstrong Creek train station opens.

Cr Richards moved, Cr Macdonald seconded -

That Council writes to Victorian Premier Ted Baillieu, Victorian Opposition leader Daniel Andrews, Transport Minister Terry Mulder, Member for South Barwon, Andrew Katos, and all state upper house MPs in Western Victoria, requesting that:

- a) Stage one construction of Waurnd Ponds/ Armstrong Creek Train station include substantial car parking on the southern Armstrong Creek side;**
- b) Bus network services from southern Geelong, the Surf Coast and the Bellarine Peninsula be available to train passengers at the Waurnd Ponds/ Armstrong Creek Train station from day one of train station operation.**

Carried.

COMMON SEAL REGISTER

Cr Harwood moved, Cr Macdonald seconded -

That the following documents be signed and sealed by Council.

Carried.

1. SECTION 173 AGREEMENT BETWEEN GREATER GEELONG CITY COUNCIL AND BRIAN HENRY POUND AND GENSHELAMY PTY LTD FOR 60 PRESIDENTS AVENUE OCEAN GROVE

Portfolio:	Planning – Cr Macdonald
Source:	Economic Development, Planning & Tourism
General Manager:	Peter Bettess
Property:	60 Presidents Avenue, Ocean Grove
Application No:	1455/2011

Officers' Comments

This Agreement, pursuant to Section 173 of the Planning and Environment Act 1987, was required by Condition 4 of Planning Permit No. 1455/2011 which was issued on 22 May 2012 for a two lot subdivision of the land.

The purpose of the Agreement is to ensure that:

- 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 issue of Statement of Compliance for the subdivision, 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 prepared by one of Council's panel solicitors.

Owner's Obligations

The Owner is responsible for the operation and maintenance of the pump system. In the event a gravity discharge system becomes available, the Owner, at their expense, must replace the pump system with the discharge system.

Council Obligations

Nil

2. SECTION 173 AGREEMENT BETWEEN GREATER GEELONG CITY COUNCIL AND MARTY LEVAR FOR 25 FURNER AVENUE, BELL PARK

Portfolio:	Planning – Cr Macdonald
Source:	Economic Development, Planning & Tourism
General Manager:	Peter Bettess
Property:	25 Furner Avenue, Bell Park
Application No:	191/2012

Officers' Comments

This Agreement pursuant to Section 173 of the Planning and Environment Act 1987 was required by Condition 2 of Planning Permit No. 191/2012 issued on 1 May 2012 which allowed the subdivision of land into two (2) lots.

The purpose of the Agreement is to provide for all development to be in accordance with the endorsed plans forming part of the Planning Permit P503/2011 (or any amendment to that permit) or any subsequent Planning Permit.

Owner's Obligations

- b) The owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 which provides for all development to be in accordance with the endorsed plans forming part of the Planning Permit P503/2011 (or any amendment to that permit) or any subsequent Planning Permit.

Council Obligations

Nil

3. SECTION 173 AGREEMENT BETWEEN GREATER GEELONG CITY COUNCIL AND JOHN LESLIE FITZPATRICK & LYNETTE ANN FITZPATRICK FOR 56 DRYSDALE AVENUE, HAMLYN HEIGHTS

Portfolio:	Planning – Cr Macdonald
Source:	Economic Development, Planning & Tourism
General Manager:	Peter Bettess
Property:	56 Drysdale Avenue, Hamlyn Heights
Application No:	1462/2011

Officers' Comments

This Agreement pursuant to Section 173 of the Planning and Environment Act 1987 was required by Condition 7 of Planning Permit No. 1462/2011 issued on 28 March 2012 which allowed the construction of a second dwelling and subdivide the land into two (2) lots.

The purpose of the Agreement is to provide for all development to be in accordance with the endorsed plans forming part of Planning Permit 1462/2011 (or any amendment to that permit) or any subsequent Planning Permit.

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

Owner's Obligations

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

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 S Kontelj moved, Cr Abley seconded -

That the information be received.

Carried.

RECORD OF ASSEMBLIES OF COUNCILLORS
(Council Meeting 25 September 2012)

Assembly Details	Councillor Attendees	Officer Attendees	Matters Discussed	Conflict of Interest Disclosures
Disability Advisory Committee 10 August 2012	Cr Fisher	K Pritchard (MGR) C Carlyon (OFF) S Muratti (OFF) C Mulla (OFF)	- Coastguard Building in St Helen's Park - Eastern Park: Wheelchair Access - Waurm Ponds Library – on-site meeting at the entrance - Geelong Library-Heritage Centre - White Cane Day - Disability Action Plan - Council Elections - Wyndham REDISupport Team	Nil.
Geelong Gambling Advisory Committee 11 September 2012	Cr Farrell	S Levakis (OFF)	- Primary Care Partnership Funding - Geelong Forum - Fyansford Hotel Gaming Permit Application - Victorian efficiency and Effectiveness Commission Inquiry into the social and economic costs of problem gambling	Nil.
Councillor Briefing 18 September 2012	Crs Mitchell, Abley, Doull, Farrell, Granger, Harwood, E Kontelj, S Kontelj, Macdonald, Nelson	S Griffin (CEO) P Bettess (GM) D Frost (GM) J McMahon (GM) J Wall (GM) M Garrett (CO ORD) S Cavanagh (MGR) T Demeo (MGR) R Bourke (CO ORD)	- Geelong Library Heritage Centre - Prefabricated/Modular Building - Ocean Grove Integrated Children's Centre Tender - Leopold Community Hub – Project Update - Local Authorities Superannuation Fund – Defined Benefit Plan - Amendment C259: Horseshoe Bend Precinct Structure Plan and Development Contributions Plan - Armstrong Creek Town Centre Precinct Structure Plan C267 Authorisation to Exhibit Amendment - Development Hearings Panel Report – Common Equity Housing Pty Ltd – 79 Taits Road, Barwon Heads - Development Hearings Panel Report – S Wilkinson on Behalf of Estate I M Hill – 15 Heal Street, Ceres - C250 Rezoning of 31 Dudley Parade, 1 Hopetoun Street and 18 Cliff Street, St Leonards	Nil.

			• G21 Regional Football (Soccer) Strategy • Proposed Public Asset Care Agreements • Road Sealing Trials • New Corio and New Station Estates • Barwon Heads Village Park Master Plan Review • Wood Street, South Geelong, Road Construction Declaration • Barrabool Road/Scenic Road Footpath – Declaration of Charge • Marshalltown Road, Marshall – Proposed Footpath – Declaration of Charge	
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PLANNING DELEGATIONS – AUGUST 2012

Portfolio:	Planning - Cr Macdonald
Source:	Economic Development, Planning & Tourism - City Development
General Manager:	Peter Bettess
Index Reference:	Delegation

Summary

- Section 98 of the Local Government Act 1989 and section 188 of the Planning and Environment Act 1987 empower Council to delegate its powers, duties and functions under relevant legislation to members of Council staff.
- Council may also delegate to committees comprising Councillors and staff or a combination of both, pursuant to sections 86 and 87 of the Local Government Act and section 188 of the Planning and Environment Act.
- At its meeting on 13 March 2007 Council established a Planning Committee and a Development Hearings Panel with delegated powers to determine upon any development applications which have been the subject of an objection or in circumstances where officers have recommended refusal of the application.
- At its meeting on 23 September 2008 Council adopted a recommendation to allow Officers (restricted to Manager, Coordinator and Team Leader level) the ability to consider and approve applications with five or less objections.
- The appendix to this report contains a schedule of all applications determined under these delegations.

Cr E Kontelj moved, Cr Macdonald seconded -

That the information be received.

Carried.

Monthly Decision Report - August 2012

App No	Location	Application Type	Decision Date	Description	Authority Description
1424/2011	404 Ryrie Street, EAST GEELONG	Part Demolition of the Existing Building, Buildings and Works Associated with the Existing Dwelling, Use of Part of the Site as a Food and Drink Premises (Cafe) and Associated Buildings and Works and Reduction in Car Parking	17 August 2012	NOD - Grant a Planning Permit	Development Hearings Panel
254/2012	7 Stoneleigh Crescent, HIGHTON	Construction of a Dwelling over 7.5m and Site Cut greater than 1.5m	17 August 2012	NOD - Grant a Planning Permit	Development Hearings Panel
264/2012	10 Pico Avenue, POINT LONSDALE	Subdivision of Land into Two (2) Lots	17 August 2012	Refusal to Grant a Planning Permit	Development Hearings Panel
295/2012	5-11 Oxford Street, WHITTINGTON	Construction of Forty-Eight (48) Dwellings	17 August 2012	NOD - Grant a Planning Permit	Development Hearings Panel
346/2012	121-131 Torquay Road, GROVEDALE	Display of One (1) Internally Illuminated Business Identification Sign	17 August 2012	Refusal to Grant a Planning Permit	Development Hearings Panel
357/2012	13 Carruthers Court, THOMSON	Development of Five (5) Dwellings and Five (5) Lot Subdivision	17 August 2012	NOD - Grant a Planning Permit	Development Hearings Panel
124/2012	21 Pleasant Street, NEWTOWN	Partial Demolition and Development of an Extension, Deck and Pergola to a Dwelling in the Heritage Overlay and to Externally Paint a Building where External Paint Controls Apply	14 August 2012	NOD - Grant a Planning Permit	Delegated Authority - 1 objector
155/2012	10 Ashbourne Street, HERNE HILL	Construction of a Second Dwelling and a Two (2) Lot Subdivision	17 August 2012	NOD - Grant a Planning Permit	Delegated Authority - 1 objector

Monthly Decision Report - August 2012

App No	Location	Application Type	Decision Date	Description	Authority Description
179/2012	4 Bridge Street, NEWTOWN	Use and construction of the land for a two storey office building on land affected by the Special Building Overlay and a reduction of the car parking requirement	30 August 2012	NOD - Grant a Planning Permit	Delegated Authority - 4 objectors
238/2012	22-40 Hardings Road, WALLINGTON	Change of Use to Place of Assembly (Function Centre)	20 August 2012	NOD - Grant a Planning Permit	Delegated Authority - 1 objector
260/2012	22-40 Hoares Lane, MOOLAP	Buildings and Works Associated with the Construction of a Shed	22 August 2012	NOD - Grant a Planning Permit	Delegated Authority - 1 objector
273/2012	32-34 Central Road, CLIFTON SPRINGS	3 Lot Subdivision and the Construction of 2 Dwellings	30 August 2012	NOD - Grant a Planning Permit	Delegated Authority - 1 objector
316/2012	263-265 Plantation Road, CORIO	Construction of four (4) additional dwellings and a five (5) lot subdivision	22 August 2012	NOD - Grant a Planning Permit	Delegated Authority - 1 objector
355/2012	3 Pitman Street, NEWCOMB	Construction of Two (2) Additional Dwellings and Three (3) Lot Subdivision	7 August 2012	NOD - Grant a Planning Permit	Delegated Authority - 1 objector
363/2012	309 Pakington Street, NEWTOWN	Use of Existing Building as Medical Centre and Associated Buildings and Works, Display of Business Identification Signage and Reduction of Car Parking Requirement	14 August 2012	NOD - Grant a Planning Permit	Delegated Authority - 3 objectors
390/2012	29 Capella Road, OCEAN GROVE	Extension to Existing Dwelling over 7.5m in Height	22 August 2012	NOD - Grant a Planning Permit	Delegated Authority - 1 objector

Monthly Decision Report - August 2012

App No	Location	Application Type	Decision Date	Description	Authority Description
473/2011	1-3 Merger Court, LARA	Two (2) Lot Subdivision (Boundary Realignment), Creation of Reserve (No.1), Removal of Part Road Reserve (R-1 on PS541440C) and Creation of Easements (E-3 and E-5) Generally in Accordance with the Endorsed Plans	21 August 2012	NOD - Grant a Planning Permit	Delegated Authority - 2 objectors
504/2012	33 Summit Avenue, BELMONT	Construction of Three (3) Dwellings and Three (3) Lot Subdivision	27 August 2012	NOD - Grant a Planning Permit	Delegated Authority - 1 objector
527/2012	181 South Valley Road, HIGHTON	Use of the Existing Building as a Display Home and Use of a Car Park in Association with the Display Home and Display of Signage	17 August 2012	NOD - Grant a Planning Permit	Delegated Authority - 1 objector
571/2012	20 Marlo Street, HAMLYN HEIGHTS	Subdivision of the Land into Two (2) Lots	30 August 2012	NOD - Grant a Planning Permit	Delegated Authority - 2 objectors
943/2011	19 Glen Avenue, EAST GEELONG	Construction of two dwellings and two lot subdivision	20 August 2012	NOD - Grant a Planning Permit	Delegated Authority - 1 objector

CLOSE OF MEETING

As there was no further business the meeting closed at 10.02pm. Tuesday, 25 September 2012.

Signed: _____
Chairperson

Date of Confirmation: _____