

MINUTES

PLANNING COMMITTEE MEETING No. 222

Thursday 24 February 2022
7:00 pm

Virtual Meeting

LIVE STREAMED ON THE CITY'S WEBSITE:

www.geelongaustralia.com.au/meetings

PANEL:

Cr K Grzybek (Windermere Ward) – Chair
Cr J Mason (Bellarine Ward)
Cr S Mansfield (Brownbill Ward)
Cr B Moloney (Kardinia Ward)
Cr E Kontelj (Brownbill Ward)
Cr Sullivan (Bellarine Ward)
Cr Aitken (Windermere Ward)
Cr Nelson (Kardinia Ward)

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3. CLOSE OF MEETING.....53

Present: Cr K Grzybek (Chair), Cr Aitken, Cr Kontelj, Cr Mansfield Cr Mason, Cr Moloney, Cr Sullivan, Cr Nelson

Also Present: J Van Slageren (Manager City Development), John Rush (Coordinator Statutory Planning), Leanne Stockley (Principal Planner)

Opening: The Chair declared the meeting open at 7.00pm.

1. PROCEDURAL MATTERS

1.1. Acknowledgement Of Country

The Committee acknowledges the Wadawurrung People as the Traditional Owners of the Land, Waterways and Skies. We pay our respects to their Elders, past and present. We Acknowledge all Aboriginal and Torres Strait Islander people who are part of our Greater Geelong community today.

1.2. Introduce The Panel Members

Cr K Grzybek
Cr J Mason
Cr S Mansfield
Cr B Moloney
Cr E Kontelj
Cr Sullivan
Cr Aitken
Cr Nelson

1.3. Apologies

Cr Asher, Cr Mansfield, Cr Murrhiy

1.4. Declarations Of Conflicts Of Interest

Nil

1.5. Confirmation Of Minutes

RESOLUTION - Item 1.5.1

Cr Mason moved, Cr Moloney seconded -

That the Minutes of the Planning Committee Meeting held on 14 October 2021 be confirmed.

Carried

2. MATTER(S) FOR CONSIDERATION

2.1. PP-663-2021 Application - 10 Research Road, Lara

Summary

- The subject site is located on the south side of Research Road, 200m east of the intersection with Tower Hill Drive in Lara. The location is generally in the outer southern area of Lara, north of the Geelong Ring Road.
- The site is generally rectangular in shape with a frontage to Research Road of 105m and east boundary length of 195m, equating to an area of 20,225sqm or just over 2 hectares. The site has a fairly flat terrain and contains a three bedroom dwelling with attached double garage in the north west portion of the site and a detached outbuilding.
- The property has vegetation across the eastern half of the frontage and a large portion of gravelled surface where the previous owner appears to have used the area for truck turnaround of their business vehicles. The gravelled surface is now semi-vegetated. The remainder of the property is vegetated with exotic pasture grasses, exotic and non-local native trees, with the vegetation assessment finding some patches of native plant species of Wallaby Grass within the southwestern portion of the site.
- Immediately adjoining the site to the west are the rear boundaries of 75 and 85 Tower Hill Drive. These properties are developed with dwellings and shedding, with there being some signs of small scale livestock keeping.
- Adjoining to the south is 95 Tower Hill Drive, which is larger than surrounding holdings and contains a dwelling, outbuildings and paddocks cropped for hay or alike.
- Adjoining to the east is 20 Research Road which contains a dwelling and shedding. The southern portion of the property is used for boat and caravan storage under planning permit 31-2018. The permit requires storage of caravans and boats within open fronted sheds in accordance with the endorsed plans under the permit. Aerial images indicate that this has not been complied with. The permit allows visitation for drop off or pick up between 6am and 7pm. The site also has planning permission for use of buildings on the site for a cattery which has been in operation since before 1999. In January 2020, the property was also granted a permit for use and development for an animal (canine) therapy pool and extension to the existing cattery. The permit has yet to be acted on. If acted on, the use is restricted to two dogs at any one time, and operation between 8am and 6pm.

- Beyond the adjoining properties, the locality exhibits typical uses of the Rural Living Zone within the municipality, being small scale animal keeping of horses, sheep and other livestock, market gardens with either open or enclosed cropping, lifestyle properties with spacious areas for paddocks or landscaping, which may also allow for large shedding of horses or vehicles for personal business or domestic use.
- Generally, the properties in this area of the Rural Living Zone are around 1 to 2 hectares with development on the land being low scale and modest in size and materials use.
- Research Road is a cul-de-sac of 380m with a road reserve width of 20m. The vehicle carriageway has a gravel surface of approximately 5.5m wide with informal swale drains either side.
- The application seeks approval for the development and use of the land for a place of worship within the Rural Living Zone, and construct and carry out works in the Environmental Significance Overlay, Schedule 4.
- The proposed development is for a building to service a religious group who propose to host weekly activities and their community events. The building includes the following features:
 - Main hall dimensions of 41m x 14.7m equating to 602.7sqm;
 - Additional wrap around verandah area of 417.3sqm
 - Total footprint of 1,020sqm
 - Height of main hall roof line of 6.01m
 - Height of decorative entry element to 11.2m
 - Internal layout includes main open hall with stage and shrine with rooms adjoining the space allocated to storage (4), meetings (3), audio-visual equipment, toilets, office, and a book stall.
 - Plans nominate materials as “selected doors, window frames, and columns that reflect the cultural, religious, and customs”. It is expected that the main building construction will be of masonry or cladding.
- The building is proposed to be setback 10m from the east boundary and 72m from the Research Road boundary entry. The application proposes vehicle parking in this frontage area, utilising the existing property access, and providing informal parking to a new gravel area to cater for 30 vehicles.
- No new landscaping has been proposed.

- The proposed use of the land for Place of Worship includes the following detail:
 - Monday to Saturday 5pm to 8pm;
 - Sunday 8am to 11am, and 5pm to 8pm;
 - Weekday prayer for up to 10 people;
 - Weekly Saturday evening worship and dinner for up to 60 people;
 - Annual festival during October.
 - No external speakers are proposed, and no weddings or funerals are proposed to be held at the site.
- The application was referred to the relevant internal and external referral authorities. The authorities responded with no objection subject to recommended conditions or advice.
- The application was notified to the public by letters to adjoining and surrounding residents along with a sign on the site. One (1) objection was lodged with Council raising concerns for late operating hours; large number of people; potential for the proposed numbers to increase beyond 60 with growth of group; building design not appropriate for locality; traffic generation along unsealed Research Road; location and suggest urban location is more suitable.
- The application has been assessed against the zone, overlay, and relevant clauses of the Planning Policy Framework in the Greater Geelong Planning Scheme.
- The assessment has found that the proposal does not have the appropriate support within the relevant policies and as such cannot be considered an acceptable addition to the locality. Specifically, the Rural Living Zone and local policy for Use and Development in the zone does not support non-residential uses that attract substantial numbers of people to the zone. This is due to the likely amenity impacts to be experienced by residents of the zone where there is an expectation of quiet rural amenity. The use and development form are more appropriately located in an urban zone where the amenity impacts to surrounding uses are more appropriately absorbed by the urban environment, and the development form more acceptable in the surrounding urban character. Specifically, the intensity of building form, footprint size, likely ability to accommodate more than what is currently proposed, and the associated car parking. Overall, the intensity of the proposal is inconsistent with the zone and surrounding rural character.
- The assessment against policy provisions in the planning scheme is supported by consideration of other similar uses and prior decisions within the municipality. Of chief consideration is the refusal of a similar proposal in the Rural Living Zone area of Avalon. That proposal was progressed to VCAT for review where the application offered to reduce the proposed intensity of use to less than that being considered here. The Avalon

proposal was also less intense as it proposed to use an existing building on the site by refitting a dwelling for the applicant's community purposes. On review, and with consideration to the applicant's offer to decrease the intensity, the Tribunal affirmed Council's decision to refuse the application. The Tribunal agreed that the proposal did not accord with the purpose of the Rural Living Zone and had the potential for adverse amenity impacts to surrounding residents where there is an expectation of rural amenity.

- The above decision, and other examples considered in the assessment provide a framework for consistency in decision making for this type of proposal. Of note, existing similar proposals have received planning permission where the use is of significantly lesser intensity, and in existing buildings that are part of the existing rural living character.
- With regard to the relevant policy framework, and in context with similar proposal assessments and decisions, it is recommended that the application is refused.

ALTERNATIVE RESOLUTION - Item 2.1

Cr Kontelj moved, Cr Aitken seconded -

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 Use and Development of a Place of Worship at 10 Research Road, LARA, in accordance with the plans and documentation submitted with the application subject to the following conditions:

Amended Plans

1. Prior to works commencing, 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 generally in accordance with the plans submitted with the application but modified to show:
 - a) All existing services within the nature strip/road reserve;
 - b) Dimensions of all vehicle accessways and car park areas and spaces;
 - c) Car park and vehicle accessways sealed with an all-weather seal, for the parking to formalised and line marked;
 - d) The new vehicle crossing to be a minimum 6.1m wide (centred on the location of the driveway), and include culvert and driveable end walls in accordance with Council's Infrastructure Design Manual (IDM) standard drawings;
 - e) Provision of at least one (1) disabled access car park space in accordance with Australian Standards: AS2890.6;
 - f) All features as required by the Sustainable Design Assessment and BESS report, as identified in Condition 2 of this permit included;
 - g) The primary and secondary effluent disposal areas setback at least 20m (dimensioned on plan) from the mapped areas of native vegetation;
 - h) All features as required by the Waste Management Plan, as identified in condition 3 of this permit;

- i) A Landscape Plan in accordance with condition 4 of this permit;
- j) A Land and Environmental Management Plan in accordance with condition 34 of this permit.

Environmentally Sustainable Development

- 2. Prior to works commencing, a Sustainable Design Assessment (completed by a suitably qualified person) 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 assessment must:
 - a) Address the Local Planning Policy 22.71 of the Greater Geelong Planning Scheme;
 - b) Include a Built Environment Sustainability Scorecard (BESS) or similar report, and must achieve an overall score of 50% or higher and have a minimum 'pass' rates of 50% for the Energy, Water and IEQ categories and 100% for the Stormwater category;
 - c) Include a STORM Report and Catchment Plan.

Waste Management Plan

- 3. Prior to works commencing, a Waste Management Plan (completed by a suitably qualified person) 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 plan must include:
 - a) Land use type;
 - b) Waste generation for residential and commercial uses;
 - c) The bin storage area for the commercial and residential uses on a scaled plan;
 - d) Waste systems and how the waste and recycling is separated in the household and church premises;
 - e) Bin quantity, size and colour;
 - f) Collection frequency;
 - g) Collection location;
 - h) Scaled waste management drawings of bin room or bin storage area showing all of the bins required to service the development;
 - i) Collection contractors to be used;
 - j) Additional waste requirements;
 - k) Signage;
 - l) Area for parking of waste and recycling collection vehicles when bins are being emptied and the direction of travel of the vehicles, including swept paths for collection trucks;
 - m) How the bins are transported from the bin storage room to the kerbside for collection and any mechanical assistance required to transport the bins;

PREPARATION OF LANDSCAPE PLAN

- 4. Prior to works commencing, 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;
- d) Landscaping and planting in areas of the site that will provide screening of the approved building and car park area, from all directions;
- e) The use of indigenous plants of the Geelong Region, Zone 17;
- f) Reference the Land and Environmental Management Plan requirements of condition 34 of this permit.

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

Endorsed Plans

- 5. The use and development as shown on the endorsed plan(s) must not be altered without the written consent of the Responsible Authority.
- 6. The use and development must be in accordance with the endorsed Sustainable Design Assessment.
- 7. The use and development must be in accordance with the endorsed Waste Management Plan.

Stormwater Management

- 8. The site stormwater system must be designed and installed such that the site stormwater discharge is not increased by the proposed development. An appropriate on site detention system designed in accordance with the Infrastructure Design Manual may be required, to the Satisfaction of the Responsible Authority.

Stormwater Pump System

- 9. Unless otherwise approved in writing by the Responsible Authority, prior to the use commencing, the landowner must enter an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. All costs associated with setting up the agreement must be borne by the landowner. The agreement is to be registered on title and run with the land, and is to provide to the satisfaction of the Responsible Authority:
 - a) All storm water runoff is to be collected on site and discharged to the legal point of discharge using a pump system or as otherwise nominated by the responsible authority. The pump system is to be designed and constructed in accordance with Australian Standard 3500 Part 3.2 Section 9
 - b) In the event of any operational difficulties with the pump system, it is the Responsibility of the landowner to rectify these difficulties;
 - c) 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.
 - d) Provision is made (if appropriate) in any subdivision for Body Corporate drainage works, and access to those drainage works to be on common property or within an easement in favour of the Body Corporate.

Note: Where the legal point of discharge is kerb and channel, discharge velocity at the kerb must be no greater than 1.5 m/s with a maximum discharge flow rate of 10 l/s and the outlet directed at an angle of 45° to the direction of flow in the kerb and channel.

Hours of Operation

10. Except with the prior written consent of the Responsible Authority, the approved use may operate only between the following times:
- a) Monday to Saturday - 5pm to 8pm;
 - b) Sunday - 8am to 11am and 5pm to 8pm.

Number of People

11. Unless otherwise approved in writing by the Responsible Authority:
- a) No more than 60 people may be present on the land on Saturday between 5pm and 8pm.
 - b) No more than 10 people may be present on the land at other permitted times.

Patron Management Plan

12. Unless otherwise approved in writing by the Responsible Authority, prior to the use commencing, a Noise and Amenity Plan / Patron Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the plan. The plan must include:
- a) Measures which are designed to ensure the orderly arrival and departure of patrons;
 - b) Signage to be used to encourage responsible off-site patron behaviour.

All to the satisfaction of the Responsible Authority.

Prior to the Use Commencing

13. Prior to the use commencing and unless otherwise approved in writing by the Responsible Authority, the developer must:
- a) Construct the site stormwater system including connection into the drivable end wall of the vehicle crossing in the swale on Research Road, in accordance with the approved plans or other nominated point/s as approved by the Responsible Authority. The stormwater connection must be in accordance with City of Greater Geelong Standard Drawings.
 - b) Construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong.
 - c) Remove any redundant vehicular crossings with kerb and channel and the footpath/nature strip area reinstated to match existing construction in the street;
 - d) Construct the car park including accessways, surface with an all-weather sealed coat and linemark the car and accessways in accordance with the endorsed plans;
 - e) Complete all buildings and works and landscaping in accordance with the endorsed plans.

All to the satisfaction of the Responsible Authority.

No Audible Music or Announcements

14. No public address, music or sound system may be used resulting in noise being audible outside the building on the land, except with the prior written consent of the Responsible Authority.

Plant and Equipment Insulation

15. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.

Acoustic Report

16. At the written request of the Responsible Authority, the permit holder must submit a report prepared by a suitably qualified acoustic engineer which assesses any impacts of the site to any other relevant legislation and provide any necessary recommendations to achieve compliance where non-compliance is identified or address any other issues as appropriate. Any recommendations of the assessment deemed appropriate by the Responsible Authority must be implemented within a timeframe specified by the Responsible Authority.

Activity Area

17. All prayers, meals and activities related to the Place of Worship must occur under the roof of the building, unless otherwise approved in writing by the Responsible Authority.

No Commercial Use

18. The site must not be used or hired for commercial uses.

Light Emissions

19. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining properties.

Security Alarms

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

Waste storage and removal

21. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded, drained and screened from public view to the satisfaction of the Responsible Authority.
22. The storage, removal and disposal of such/garbage refuse must be undertaken in such a manner so as to avoid any nuisance, pollution or loss amenity to the surrounding area and must at all times be to the satisfaction of the Responsible Authority.

Delivery/Collection Restrictions

23. All deliveries and waste collection at the property and truck movements offsite must only occur between the following times:
- a) 7am – 7pm Monday to Saturday
 - b) 9am – 7pm Sundays and public holidays

Drainage

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

No parking in road reserve

25. Vehicles under the care, management or control of the operator of the use, including staff and patron vehicles must not be parked at any time in any nearby road including along Research Road.

General Amenity

26. The amenity of the area must not be detrimentally affected by the use or development through the:
- a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin;

To the satisfaction of the Responsible Authority.

Notification of permit conditions

27. Prior to works commencing, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and endorsed plans/documents.

No Removal of Vegetation, Rocks or Boulders

28. No vegetation shall be removed other than that marked on the endorsed plan, to the satisfaction of the Responsible Authority. In addition, no embedded volcanic rocks or boulders are to be excavated or moved as part of the development works.

Vegetation Protection

29. Prior to any vegetation removal, vegetation to be removed must be clearly marked on site and accord with the endorsed plan.
30. Removal, including pruning, of native trees must be undertaken using a suitably qualified arborist and be carried out in accordance with *AS4373 – 2007; 'Pruning of Amenity Trees to the satisfaction of the Responsible Authority'*. The use of an excavator, backhoe, bulldozer blade or loader to trim branches of trees is not permitted.

31. The vegetation to be retained on site shall be protected by fencing in accordance with AS4970-2009 Protection of Trees on Development Sites. The vegetation to be protected on site is marked as Remnant patch 1 and 2 within the ecologist's report. These two areas of remnant Plains Grassland are to be protected for the duration of construction works with a vegetation protection fence that runs from west to east across the property. Another vegetation protection fence must also be erected either side of the cross over on the road reserve to ensure the roadside reserve is not impacted. The Vegetation Protection Fencing must have signs attached around the fencing which clearly states – VEGETATION PROTECTION ZONE - No Access Permitted. An inspection is required once the Vegetation Protection Fencing has been erected. Please contact the City's Environment Unit on 5272 5272 to arrange this inspection.
32. Except with the written consent of the Responsible Authority, the following is not permitted to occur within the Vegetation Protection Zone:
- a) vehicular or public pedestrian access.
 - b) trenching or soil excavation.
 - c) storage or dumping of tools, equipment, soil, stone or waste.
 - d) construction of entry and exit pits for underground services.
 - e) temporary or permanent installation of signs and utilities.
 - f) any other actions or activities that may result in adverse impacts to retained native vegetation.

Fauna Protection

33. Prior to the commencement of any tree removal or other potential fauna habitat, the permit holder must appoint an ecologist/arborist to conduct a pre-clearing survey to assess the presence of fauna. Where fauna is likely to be present in trees or vegetation proposed for removal, a suitably qualified wildlife handler must be present to ensure that native fauna is managed in accordance with the State Department of Environment, Land, Water and Planning's (DELWP) guidance and all necessary authorisations must be obtained prior to removing native fauna. It is recommended that all larger cut logs and branches be placed around the property as habitat, if this is feasible.

Land and Environmental Management Plan – in ESO4 areas

34. Prior to works commencing, a Land and Environmental Management Plan must be submitted to and approved by the Responsible Authority. The Management Plan needs to be prepared by a qualified ecologist or land management consultant. When approved the Land and Environmental Management Plan will be endorsed and form a part of the permit. The plan must include, as relevant:
- a) A Site plan showing:
 - i. Proposed buildings and outbuildings;
 - ii. All paddocks with all internal fencing;
 - iii. Dam storage or capacity;
 - iv. Areas set aside for conservation, such as protection of remnant vegetation and regeneration/revegetation and how these areas will be delineated (i.e. wildlife-friendly fencing);
 - v. Water supply for domestic purposes and firefighting;
 - vi. Different management zones, ie. Farming/other, domestic, conservation.

- b) A Revegetation plan that includes:
 - i. A site plan showing where revegetation will be located;
 - ii. The use of local indigenous plants;
 - iii. A species list including scientific and common names;
 - iv. Density/hectare – based on EVC benchmark revegetation guidelines;
 - v. Ongoing weed management.
 - vi. An appropriate burning regime if appropriate within the conservation areas to assist with weed control and natural regeneration of native species.

- c) A direct seeding regime for the property which includes:
 - i. Areas within the project footprint to be revegetated via direct seeding;
 - ii. Seed mix to be used for revegetation sourced from local provenance stock;
 - iii. Density of seed to be sown, using a baseline of 30 kilograms per hectare for any area to be revegetated;
 - iv. Soil preparation and weed control if appropriate.
 - v. The timing of the direct seeding.

- d) Weed Management strategies which must include the following:
 - i. A site plan that shows weeds that are present on site;
 - ii. A weed list including species listed by common names and scientific names;
 - iii. Method/s of control for each species;
 - iv. Timing of control;
 - v. Frequency of Control;
 - vi. Monitoring;
 - vii. Weed Management for 5 years minimum;
 - viii. Any current weed control or weeds present on site.
 - ix. An appropriate burning regime if appropriate within the conservation areas to assist with weed control and natural regeneration of native species.

- e) Pest animal control and treatment measures, particularly for foxes and rabbits, which includes:
 - i. Evidence found on site of pest animals such as burrow/dens, scats, diggings, etc.;
 - ii. Approaches to integrated pest animal management;
 - iii. Monitoring techniques;
 - iv. Timing of treatment/control;
 - v. Treatment Options over 3 years.

- f) A time line and check list over at least a 10 year period which indicates the timing of management actions.

Species selection must refer to EVC 132_63 (Plains Grassland) in the Victorian Volcanic Plain Bioregion. Species selection must not include species listed on the City of Greater Geelong Environmental Weeds list which can be found here:
<https://www.geelongaustralia.com.au/weeds/documents/item/8d164ca100efeda.aspx>

35. Unless otherwise agreed in writing by the responsible authority, the approved Land and Environmental Management Plan must be fully implemented within 12 months of development works completing, to the satisfaction of the Responsible Authority. The majority of the works proposed within the environmental management plan will need to be implemented by a professional bushland management contractor with skills in native grassland management.

Expiry

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

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

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires; or

- a) Within six (6) months after the permit expires where the development has not yet started; or
- b) Within twelve (12) months after the permit expires, where the development allowed by the permit has lawfully commenced before the permit expiry.

Notes:

1. Construction of the site stormwater connection/s is to be inspected by Council Representative prior to any backfilling. An appropriate fee equivalent to 3.25% of total cost of civil works, excluding GST (a minimum fee of \$100 applies if the 3.25% amount is less than \$100), is to be paid to Council for inspection. Relevant evidential documentation of the cost is to be provided.
2. All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.
3. A Vehicle Crossing Permit must be obtained prior to commencement of works.
4. A pre-commencement meeting with Council's engineering department is required to be undertaken prior to works starting. To organise this meeting please contact 5272 4426.
5. This property is in a designated bushfire prone area.
6. Special bushfire construction requirements apply at the Building Permit stage.
7. This permit has not determined the Bushfire Attack Level (BAL).
8. Any building should consider AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).
9. Fire Rescue Victoria (FRV) recommends the site develop an emergency management plan which includes consideration of the bushfire risk and actions in the event of a bushfire and severe fire weather. FRV also recommends fire brigade access be provided to onsite water storage, so it is available in the event of a fire.

10. It is also advisable that the proposed building would require fire hydrant protection in accordance to the Building Code of Australia Clause E1.3 and AS 2419.1-2005 Fire hydrant installations. i.e a fire hydrant shall be provided within 60 m of the furthest part of the building's floor area.

Carried

ATTACHED REPORT

1. PP 663 2021 10 Research Road Lara Report [2.1.1 - 36 pages]

Application Number:	PP-663-2021
Responsible Officer:	Leanne Stockley
Applicant's Name:	Tapir Design and Planning
Address/Title Details:	10 Research Road, LARA
Proposal:	Use and Development of a Place of Worship
Date Received:	16 June 2021
Date Report Prepared:	January 2022
Was a site inspection done?	<ul style="list-style-type: none"> • Yes – 08 November 2021
Zone and Overlays:	Rural Living Zone and Environmental Significance Overlay, Schedule 4
Current Use/Development:	Dwelling and outbuildings
Date(s) of Plans Under Assessment	<ul style="list-style-type: none"> • 16 June 2021 – Site/Floor Plans/Elevations • 3 September 2021 – Response to Further Information Request

REPORT

PERMIT TRIGGER:

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

- Pursuant to Clause 35.03-1 of the Rural Living Zone, a permit is required to use the land for a purpose in Section 2 of the zone.
- Pursuant to Clause 35.03-4 of the Rural Living Zone, a permit is required to construct or carry out works for a use in Section 2 of the zone.
- Pursuant to Clause 42.01-2 of the Environmental Significance Overlay, a permit is required to construct a building or construct or carry out works.

DEFINITIONS

Pursuant to Clause 73.03 of the Planning Scheme, a Place of Worship is defined as:

- Land used for religious activities, such as a church, chapel, mosque, synagogue, and temple.

Pursuant to Clause 73.04 of the Planning Scheme, a Place of Worship is nested in the Place of Assembly group.

RESTRICTIVE COVENANT OR SECTION 173 AGREEMENT:

The subject site is not burdened by a Restrictive Covenant or Section 173 Agreement.

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 130(2) of the Local Government Act.

SITE/LOCALITY:

The subject site is located on the south side of Research Road, 200m east of the intersection with Tower Hill Drive in Lara. The location is generally in the outer southern area of Lara, north of the Geelong Ring Road and within the southeast portion of the Northern Growth Area of Lovely Banks. The locality is not subject to re-zoning in the foreseeable future with the locality nominated as “employment” potential to be developed, subject to future investigation, and is listed as a long term precinct in the Northern and Western Growth Areas Framework Plan (CoGG, August 2020).



Image 1: Aerial of locality with subject site highlighted blue. Source: CoGG Weave GIS, dated April 2019

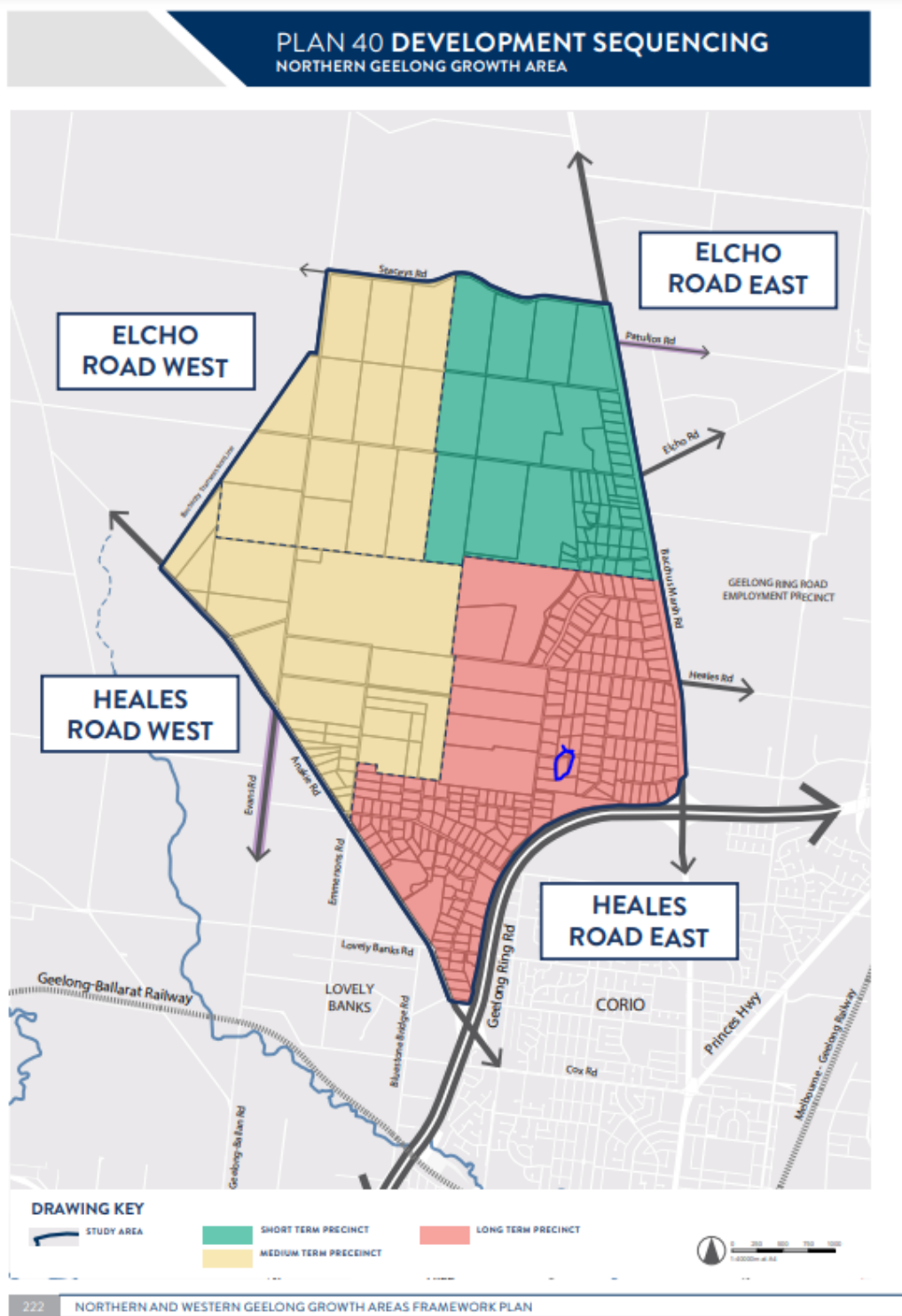


Image 2: Subject site circled in blue within the long term precinct of the Northern Growth Area. Source: Northern and Western Geelong Growth Areas Framework Plan (2020)

The site is generally rectangular in shape with a frontage to Research Road of 105m and east boundary length of 195m, equating to an area of 20,225sqm or just over 2 hectares. The site has a fairly flat terrain with a slight fall to the east of approximately 1m. The property contains a three bedroom dwelling with attached double garage in the north west portion of the site, along with a detached outbuilding and watertank. An additional outbuilding is located closer to the property frontage in the eastern corner.

The property has vegetation across the eastern half of the frontage which screens the outbuilding, and a large portion of gravelled surface where the previous owner appears to have used the area for truck turnaround of their business vehicles. The gravelled surface is now semi-vegetated after the truck use appears to have ceased in around 2019.

The remainder of the property is vegetated with exotic pasture grasses, exotic and non-local native trees, with the vegetation assessment finding some patches of native plant species of Wallaby Grass within the southwestern portion of the site.

Immediately adjoining the site to the west are the rear boundaries of 75 and 85 Tower Hill Drive. These properties are developed with dwellings and shedding, with there being some signs of small scale livestock keeping. These properties are burdened with a north-south high voltage transmission line and easement, which is located approximately 60m from the boundary of the subject site. These properties contain little significant vegetation canopy, and the property at 85 includes a significant collection of vehicles and boats.

Adjoining to the south is 95 Tower Hill Drive, which is also burdened by the transmission line and tower infrastructure. The lot is larger than surrounding holdings and contains a dwelling, outbuildings and paddocks cropped for hay or alike.

Adjoining to the east is 20 Research Road which contains a dwelling and shedding. The southern portion of the property is used for boat and caravan storage under planning permit 31-2018. The permit requires storage of caravans and boats within open fronted sheds in accordance with the endorsed plans under the permit. Aerial images indicate that this has not been complied with. The permit allows visitation for drop off or pick up between 6am and 7pm. The site also has planning permission for use of buildings on the site for a cattery which has been in operation since before 1999.

In January 2020, 20 Research Road was also granted a permit for use and development for an animal (canine) therapy pool and extension to the existing cattery. The permit has yet to be acted on. If acted on, the use is restricted to two dogs at any one time, and operation between 8am and 6pm.

Beyond the adjoining properties, the locality exhibits typical uses of the Rural Living Zone within the municipality, being small scale animal keeping of horses, sheep and other livestock, market gardens with either open or enclosed cropping, lifestyle properties with spacious areas for landscaping, which may also allow for large shedding of horses or vehicles for personal business or domestic use.

Research Road is a cul-de-sac of 380m with a road reserve width of 20m. The vehicle carriageway has a gravel surface of approximately 5.5m wide with informal swale drains either side.

Generally, the properties in this area of the Rural Living Zone are around 1 to 2 hectares with development on the land being low scale and modest in size and materials use.

PROPOSAL:

The application seeks approval for the development and use of the land for a place of worship within the Rural Living Zone, and construct and carry out works in the Environmental Significance Overlay, Schedule 4.

The proposed development is for a building to service a religious group who propose to host weekly activities and their community events. The building includes the following features:

- Main hall dimensions of 41m x 14.7m equating to 602.7sqm;
- Additional wrap around verandah area of 417.3sqm
- Total footprint of 1,020sqm
- Height of main hall roof line of 6.01m
- Height of decorative entry element to 11.2m
- Internal layout includes main open hall with stage and shrine with rooms adjoining the space allocated to storage (4), meetings (3), audio-visual equipment, toilets, office, and a book stall.
- Plans nominate materials as “selected doors, window frames, and columns that reflect the cultural, religious, and customs”. It is expected that the main building construction will be of masonry or cladding.
- An existing shed component is proposed to be re-purposed for a kitchen.

The building is proposed to be setback 10m from the east boundary and 72m from the Research Road boundary entry. The application proposes vehicle parking in this frontage area, utilising the existing property access, and providing informal parking to a new gravel area to cater for 30 vehicles.

No new landscaping has been proposed.

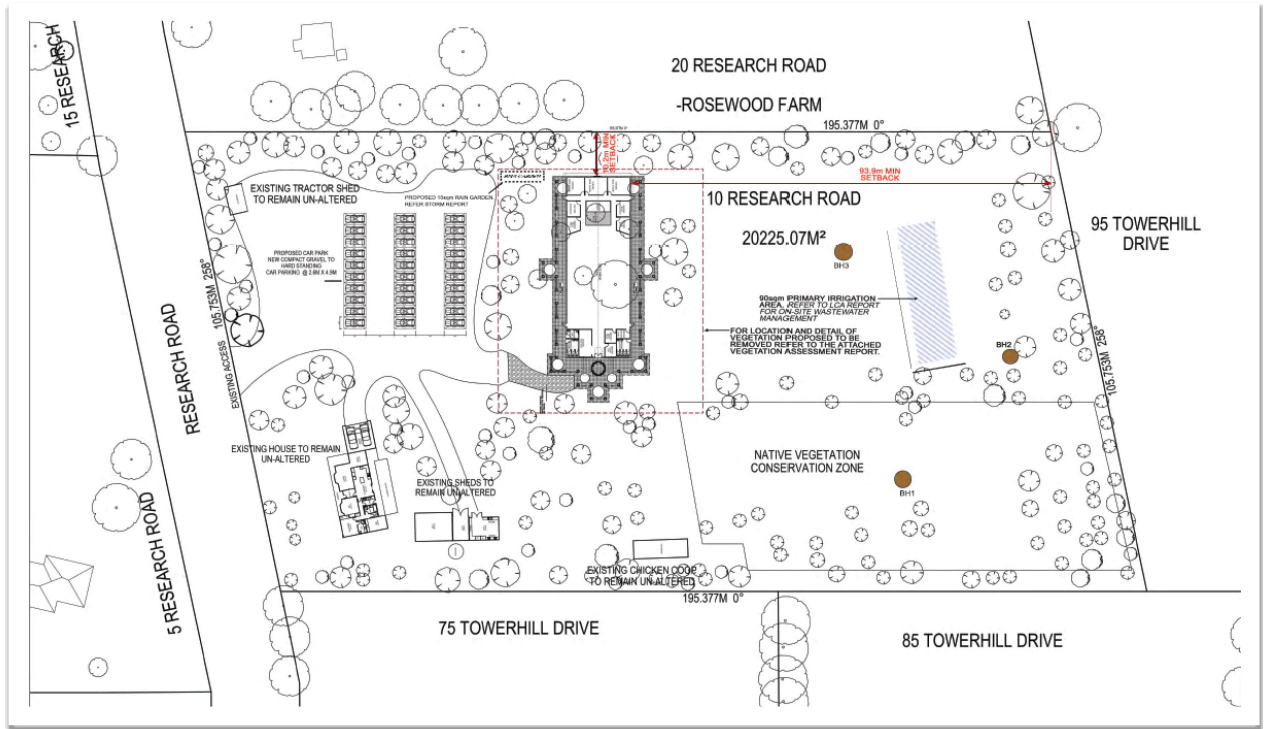


Image 3: Proposed site plan. Source: Application plans submitted 13/09/2021

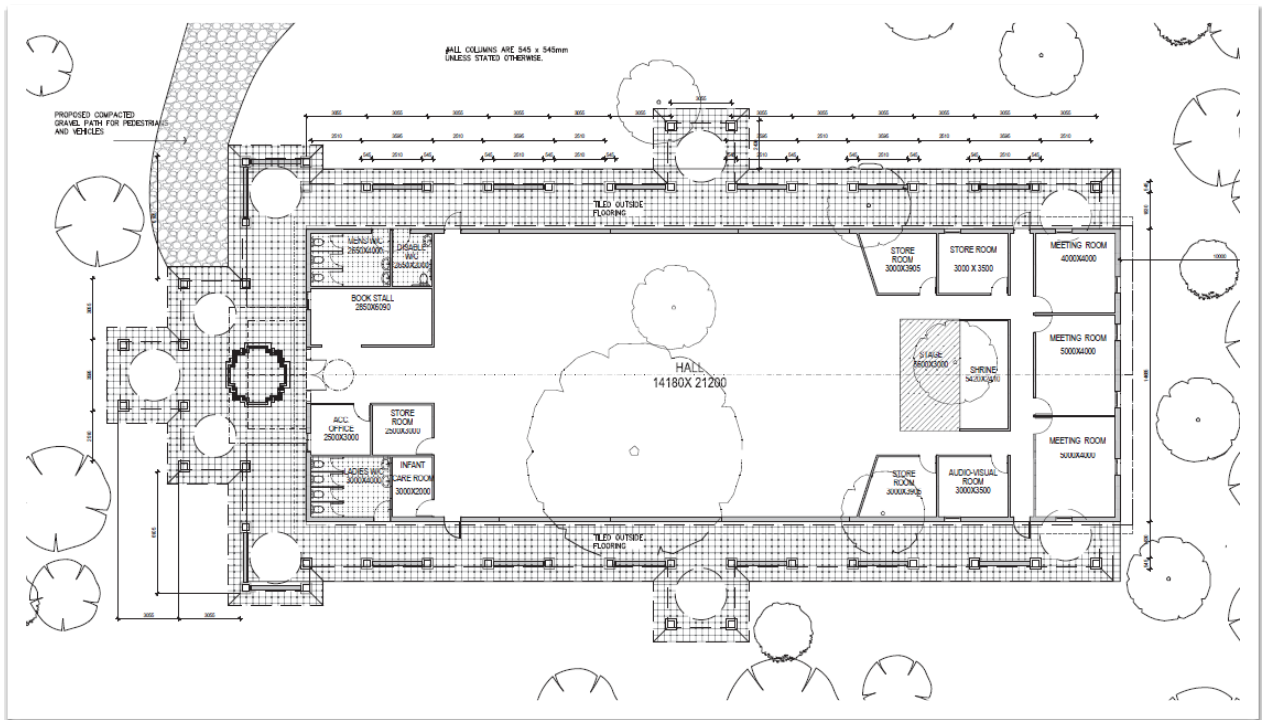


Image 4: Proposed floor plan. Source: Application plans submitted 13/09/2021

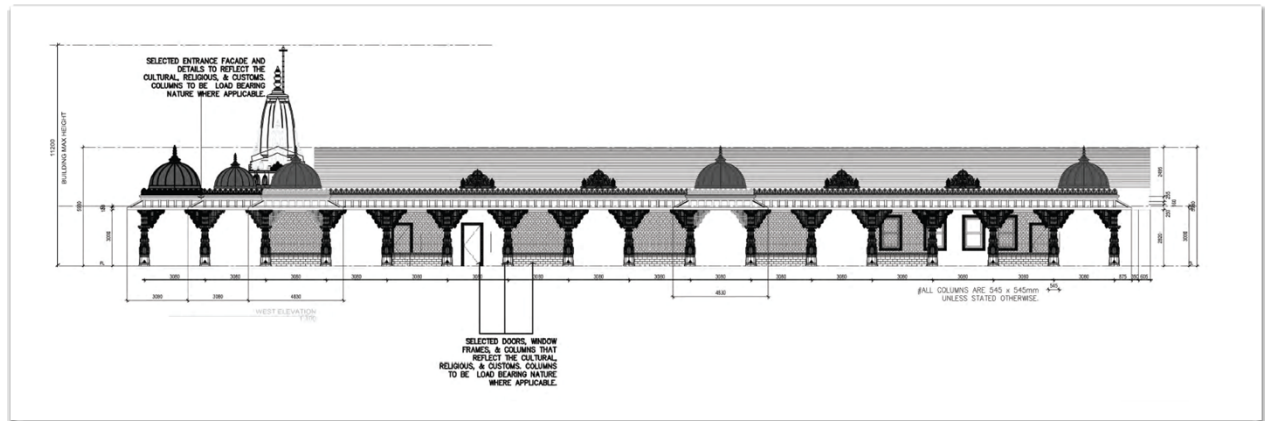


Image 5: Proposed side elevation. Source: Application plans submitted 13/09/2021

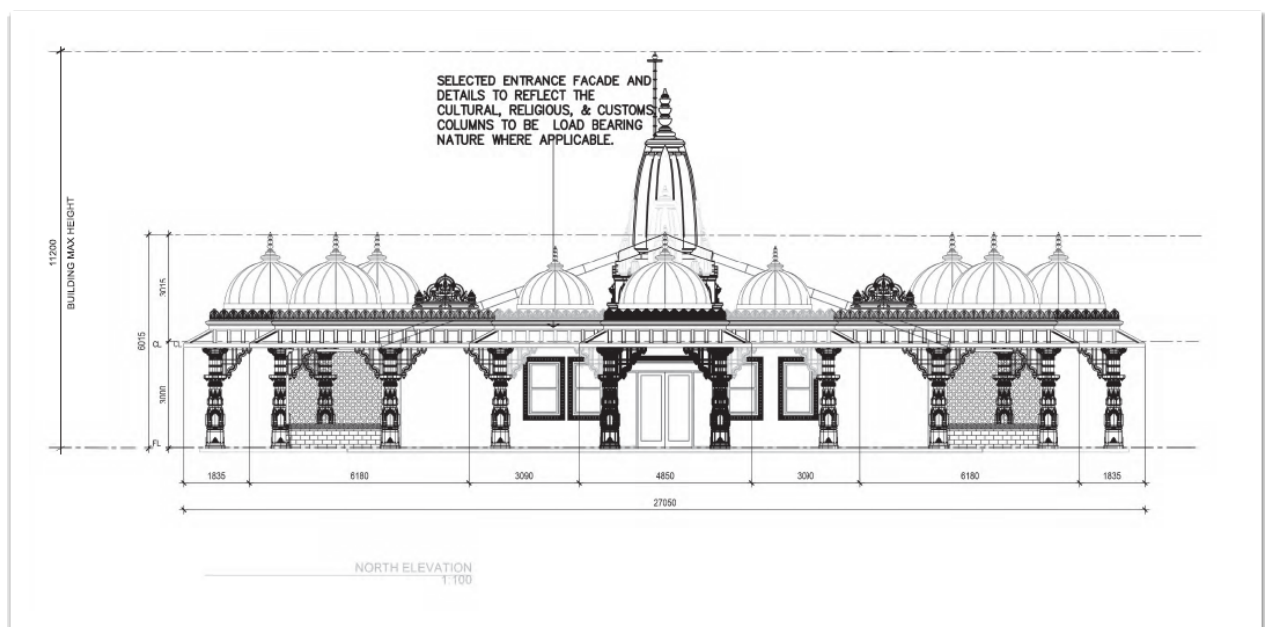


Image 6: Proposed east elevation (incorrectly labelled on plans) - building main entry. Source: Application plans submitted 13/09/2021

The proposed use of the land for Place of Worship includes the following detail:

- Monday to Saturday 5pm to 8pm;
- Sunday 8am to 11am, and 5pm to 8pm;
- Weekday prayer for up to 10 people;
- Weekly Saturday evening worship and dinner for up to 60 people;
- Annual festival during October.
- No external speakers are proposed and no weddings or funerals are proposed to be held at the site.

PERMIT/SITE HISTORY:

There is no permit/site history relevant to the application.

REFERRALS:

The following referrals were undertaken:

SECTION 55:**DETERMINING AUTHORITY**

Authority:	DELWP
Response:	No response received at the time of writing
Officer Comment:	
<p>The authority is outside of their required time for response and as such, the Responsible Authority may proceed to a decision without their advice.</p> <p>Council's Environment Unit have made an assessment of the application against the Environmental Significance Overlay, Schedule 4 and their advice is considered satisfactory to proceed with in the absence of a DELWP response.</p>	

Authority:	Ausnet Transmission Group
Response:	No objection
Officer Comment: Noted	

SECTION 52:

Authority:	CFA – Fire Safe Victoria
Response:	<p>FRV has reviewed the documentation received on 15 September 2021 and acknowledges that the site has been referred under Section 52 of the Planning & Environment Act due to being in a Bushfire Prone Area.</p> <p>FRV has reviewed the documentation and does not object to the grant of a permit. FRV has no conditions.</p> <p>FRV recommends the site develop an emergency management plan which includes consideration of the bushfire risk and actions in the event of a bushfire and severe fire weather. FRV also recommends fire brigade access be provided to onsite water storage, so it is available in the event of a fire.</p> <p>It is also advisable that the proposed building would require fire hydrant protection in accordance to the Building Code of Australia Clause E1.3 and AS 2419.1-2005 Fire hydrant installations. i.e a fire hydrant shall be provided within 60 m of the furthest part of the building's floor area.</p>
Officer Comment: The advice is noted. No conditions have been requested however if a permit is to issue, the recommendations of the authority shall be supplied as permit notes.	

Authority:	Powercor
Response:	Standard conditions supplied for new development
Officer Comment:	
<p>The response is noted, however the conditions are not mandatory to be applied where the application was referred to the authority under Section 52 of the Planning and Environment Act. The referral was for them to consider the proposal in the vicinity to transmission infrastructure used by Powercor.</p> <p>Given they have not responded to this specific matter, it is considered that their recommended conditions are not of relevance, but that they do not object.</p>	

INTERNAL

Department:	Engineering Services
Response:	<p>The unit does not object but requires substantial information to be included on any plans to be supported:</p> <ul style="list-style-type: none"> - The plans need to show all existing services within the nature strip. - The parking dimensions and accessway widths need to be clearly shown on the plans as well as driveway widths where relevant. - The plans need to show all line marking arrows to guide drivers around the parking area. - The plans need to show the parking area sealed in an all-weather seal such as concrete for the parking to be formalised and linemarked. - The existing vehicle crossing will likely require reconstruction. It is noted that there appears to be a swale drain out the front and a culvert under the existing vehicle crossing. - The width of the driveway at the road reserve boundary is not shown. A new vehicle crossing of minimum 6.1m wide is required that will need to be centred on the location of the driveway. The vehicle crossing should include a culvert and driveable end walls in accordance with the Infrastructure Design Manual (IDM) standard drawings. - The traffic report needs to confirm how will deliveries and waste collection take place and swept paths for the relevant design vehicle needs to be included. - End of parking aisle islands will be required on the end parking bays to provide protection for vehicles at the end parking bays. - At least one disabled parking space needs to be provided in accordance with the Australian Standards: AS2890.6 and should be as close as practically possible to the entrance. <p>Further standard conditions have been recommended for drainage, including a pump system, should it be deemed necessary at detailed design of the stormwater system and discharge point.</p>

Officer Comment: The unit's position is noted with conditions, including amended plans requirements to be included in a permit, should one issue.

Department:	ESD Response
Response:	<p>The development does not comply with Greater Geelong Local Planning Policy 22.71 for Environmentally Sustainable Development. Applicant must provide a stormwater catchment plan and a sustainability assessment tool report such as the Built Environment Sustainability Scorecard (BESS). The building also does not have any sustainability initiative and the language in the submitted SDA is vague. The SDA must include commitments to environmentally sustainable initiative and include language that reflects assurance and committal.</p> <p>Without the appropriate documentation, permit conditions cannot be recommended.</p>
Officer Comment:	
<p>The ESD review of the applicant's submission was provided to the applicant. At this time, the applicant has provided no further documentation for assessment against the Local Policy for Environmental Sustainable Design. The applicant seeks for this aspect to be deferred to a permit condition.</p> <p>It is Council's position that meeting the minimum criteria for ESD acceptance must be achieved before a permit can be issued with any conditions. This position is applied across the board to every new application that is subject to Clause 22.71 since its inception in October 2019. For consistency in assessment and decision making, it is appropriate to take this stance regardless of the circumstances of each application.</p>	

Department:	Environment
Response:	<p>The Environment Unit have read through the documents provided and support the application. It is understood that no native vegetation is proposed for removal to allow for the place of worship and associated infrastructure. Vegetation impacted by the proposal is either a noxious weed, an exotic species or a planted tree or shrub which are all exempt from planning permit processes. Two patches of remnant native grassland have been mapped by the ecologist within the southern portion of the property and these areas will not be impacted. Under the ESO4 which pertains to the grasslands within the Werribee Plains hinterland, an environmental management plan will be placed on the conditions as per below to further protect and enhance the property's environmental values.</p> <p>The Environment Unit support the application for the following reasons:</p> <ul style="list-style-type: none"> • No native vegetation will be impacted; • The proposed uses for the site are unlikely to further degrade areas of native vegetation outside of the development footprint;

	<ul style="list-style-type: none"> Remnant native grasslands at the rear of the property will not be impacted and will be further enhanced with the preparation and implementation of an environmental management plan. <p>The unit recommends that a setback of 20m be ensured between the native vegetation conservation area nominated on the site, and the required wastewater disposal application area to ensure no contamination of the native grasses.</p>
<p>Officer Comment: The Environment response is noted with the recommended conditions to be applied to a permit, should one issue.</p>	

Department:	Environmental Health
Response:	<p>Comments from Unit</p> <p>Wastewater:</p> <p>LCA provided from August 2021 indicates that there is enough land available for the effluent disposal area. Due to the soil type, secondary treatment should be considered. OWMS application to install needs to be submitted to EH. From the planning report it appears that it won't be more than 60 people on a Saturday and around 10 on the other days of the week.</p> <p>Noise:</p> <p>Hours of operation in the planning report are Mon to Sat 5pm until 8pm & Sun 8am to 11am and 5pm to 8pm. The area is zoned as RLZ and there are neighbouring residents. The times of operation have been limited to this. If future complaints are received regarding these times, an acoustic report can be a useful tool in the investigation.</p> <p>Food:</p> <p>From the plans, there does not appear to be a food premises being built.</p> <p>Conditions recommended</p>
<p>Officer Comment: The Environmental Health Unit have recommended conditions that limit operation times, lighting, potential acoustic reporting and measures, dust mitigation and waste collection.</p> <p>Should a permit be issued, the conditions shall be included.</p>	

Department:	Waste
Response:	<p>The place of worship will require their own commercial waste collection. Recommend a waste management plan identifying waste collection details.</p>
<p>Officer Comment: The response is noted, with a waste management plan to be required and private collection mandated via a condition, should a permit be issued.</p>	

AMENDMENT OF THE PROPOSAL PRIOR TO PUBLIC NOTIFICATION:

The application was not amended prior to public notification, however revised plans and further application detail was submitted in response to a further information request.

PUBLIC NOTIFICATION:

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

- Notices were sent to owners and occupiers of adjoining land (including opposite)
- A2 sign(s) was placed on the land

One (1) Objection has been lodged with Council

CONSULTATION:

A consultation meeting was not held between the applicant, council officers, and objectors due to ongoing Covid related concerns.

In lieu of a consultation meeting, the applicant was encouraged to submit a written response to the concerns raised. This was completed by the applicant and circulated to the objector.

The objector has not withdrawn their objection as a result of the applicant's response.

AMENDMENT OF THE APPLICATION FOLLOWING PUBLIC NOTIFICATION

The application was not amended following public notification.

OBJECTIONS:

The concerns of the objector are summarised and commented on below:

1. Objection -

- Concern with operating hours - *The operating hours until 8pm every day is unsuitable for people living in nearby homes. To maintain current environment, operation needs to cease at 6pm the latest. As a shift worker in an essential industry, I must be in bed by 7:30pm in order to get up at 3:30am (next day) before driving to work in Melbourne. There are residential homes within 500m of the proposed site. None of the home-based businesses operate beyond 6pm each day! Nor generate the same volume of traffic and gathering of people on the property. This is still very much a residential area.*

- Concern regarding number of patrons - *The large number of people gathering every Saturday evening is a real concern. Considering the "...proposed gravel car park area to accommodate thirty (30) car spaces ..." (p. 5) and most vehicles can carry 5 people, there could be up to 150 people on site! This property can accommodate even more vehicles outside the designated car parking area!*
- Concern with the potential for the site to cater for the growth of the cultural group - *the Planning Report states, "There is one annual festival during October, however, there are no additional members expected at this event ... The Indian community is one of the largest communities with people born overseas in Greater Geelong ... Many people with Indian cultural background in Greater Geelong started practicing their Hindu faith ..." (p. 9). So, this is a "growing" gathering with the potential to attract more members in the future.*
- Concern regarding the building design - *other nearby places of worship use buildings mostly without cultural significance. Using examples named in the letter to City of Greater Geelong from Tapir Design and Planning, dated, 10 September 2021: • Buddhist Monastery (Tillys Road, Lara) uses building resembles a residential home; • One In Christ Church (corner of Peart Court and Anakie Road, Lovely Banks) is in a large rectangle shed. These places are not easily identifiable from their building design.*
- Concern regarding traffic impact to Research Road - *Research Road is a minor, unsealed council road. It has a very light traffic usage. The proposed place of worship will increase traffic particularly on Saturdays and on the day of annual festival in October. The impact to neighbours is significant.*
- Concern regarding location - *The temple in Mill Park is located at 60 Heaths Court, Mill Park VIC 3028. It is on a Commercial Zone 2 property. Perhaps, another property with the same or similar zoning in Greater Geelong will be more suitable for this development.*

Response

The objector has raised a number of points for consideration, and these are generally valid concerns for this proposal. The points above are aspects that are to be discussed in detail in the "Assessment" part of this report.

ASSESSMENT:**ZONE:****Clause 35.03 - RURAL LIVING ZONE**

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- ***To provide for residential use in a rural environment.***
- *To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.*
- ***To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.***
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

OVERLAY:**Clause 42.01 - ENVIRONMENTAL SIGNIFICANCE OVERLAY**

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas where the development of land may be affected by environmental constraints.*
- *To ensure that development is compatible with identified environmental values.*

SCHEDULE 4 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY - GRASSLANDS WITHIN THE WERRIBEE PLAINS HINTERLAND**Environmental objective to be achieved**

- *To prevent a decline in the extent and quality of native vegetation and native fauna habitat of the Victorian Volcanic Plain.*
- ***To enhance the environmental and landscape values of the area.***
- *To avoid the fragmentation of contiguous areas of native vegetation or native fauna habitat.*
- *To ensure that any use, development or management of the land is compatible with the long-term conservation, maintenance and enhancement of the grasslands.*
- *To avoid the destruction of habitat for native fauna resulting from the modification of land form and disturbance of surface soils and rocks.*
- *To enable areas of environmental significance, due to their native vegetation or habitat values, to be identified.*

CULTURAL HERITAGE MANAGEMENT PLAN (CHMP):

The Aboriginal Heritage Regulations 2018 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 2018 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 Divisions 3 and 4 of the Aboriginal Heritage Regulations 2018. Division 3 does not identify the site or part of the site as within an area of cultural heritage sensitivity. High impact activities are defined within Division 5 of the Aboriginal Heritage Regulations 2018. Division 5 lists the proposal as a high impact activity.

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

In accordance with the above assessment, a cultural heritage management plan is not required.

LANDFILL GAS RISK ASSESSMENT

The subject site is not located within 500 metres of an identified former landfill site, a risk assessment is not required.

DEVELOPMENTS IN BUSHFIRE PRONE AREAS

The site is located within a designated bushfire prone area.

Clause 13.02-1S (Bushfire planning) seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

The policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land which is:

- Within a designated bushfire prone area;
- Subject to a Bushfire Management Overlay; or
- Proposed to be used or developed in a way that may create a bushfire hazard.

The proposal is listed at Clause 13.02-1S as one of the uses or developments which should be considered:

- Subdivisions of more than 10 lots.
- Accommodation.
- Child care centre.
- Education centre.
- Emergency services facility.

- Hospital.
- Indoor recreation facility.
- Major sports and recreation facility.
- Place of assembly.
- Any application for development that will result in people congregating in large numbers.

As the site is located within a *designated bushfire prone area* the assessment of this application has considered:

- The risk of bushfire to people, property and community infrastructure.
- Whether the implementation of appropriate bushfire protection measures to address the identified bushfire risk is necessary.
- Whether the proposal can implement bushfire protection measures without unacceptable biodiversity impacts.

The application is not expected to create a risk bushfire to people, property and community infrastructure.

It is considered that the following bushfire protection measures to address the identified bushfire risk is necessary are required:

- a) Implement the advice received from the CFA.

It is recommended that the following notes also be included on any permit issued:

- *This property is in a designated bushfire prone area.*
- *Special bushfire construction requirements apply at the Building Permit stage.*
- *This permit has not determined the Bushfire Attack Level (BAL).*
- *Any building should consider AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).*

[THE VICTORIAN PLANNING POLICY FRAMEWORK \(VPPF\):](#)

The following Victorian Planning Policies are applicable to this application:

Clause 11 - SETTLEMENT

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

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

- *Health, wellbeing 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, human health and amenity 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, utility, social, community and commercial infrastructure and services.

Clause 12 - ENVIRONMENTAL AND LANDSCAPE VALUES

Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.

Planning must implement environmental principles for ecologically sustainable development that have been established by international and national agreements. Foremost amongst the national agreements is the Intergovernmental Agreement on the Environment, which sets out key principles for environmental policy in Australia. Other agreements include the National Strategy for Ecologically Sustainable Development, National Greenhouse Strategy, the National Water Quality Management Strategy, the National Strategy for the Conservation of Australia's Biological Diversity, the National Forest Policy Statement and National Environment Protection Measures.

Planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.

Clause 12.05-2S - Landscapes

Objective

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

Strategies

- *Ensure significant landscape areas such as forests, the bays and coastlines are protected.*
- *Ensure development does not detract from the natural qualities of significant landscape areas.*
- *Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.*

- *Recognise the natural landscape for its aesthetic value and as a fully functioning system.*
- *Ensure important natural features are protected and enhanced.*

Clause 13 - ENVIRONMENTAL RISKS AND AMENITY

Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.

Planning should identify, prevent and minimise the risk of harm to the environment, human health, and amenity through:

- ***Land use and development compatibility.***
- *Effective controls to prevent or mitigate significant impacts.*

Planning should identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.

Planning should ensure development and risk mitigation does not detrimentally interfere with important natural processes.

Planning should prepare for and respond to the impacts of climate change.

13.05-1S - Noise abatement

Objective

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

Strategy

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

Clause 13.07-1S - Land use compatibility

Objective

- *To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.*

Strategies

- ***Ensure that use or development of land is compatible with adjoining and nearby land uses.***
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*

- ...

Clause 14.01-1S - Protection of agricultural land

Objective

- *To protect the state's agricultural base by preserving productive farmland.*

Strategies

- *Identify areas of productive agricultural land, including land for primary production and intensive agriculture.*
- *Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.*
- *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
- *Protect productive farmland that is of strategic significance in the local or regional context.*
- *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
- ***Prevent inappropriately dispersed urban activities in rural areas.***
-

Clause 15 - BUILT ENVIRONMENT AND HERITAGE

Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.

Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.

Planning should promote excellence in the built environment and create places that:

- *Are enjoyable, engaging and comfortable to be in.*
- *Accommodate people of all abilities, ages and cultures.*
- *Contribute positively to local character and sense of place.*
- *Reflect the particular characteristics and cultural identity of the community.*

- *Enhance the function, amenity and safety of the public realm.*

Clause 15.01-5S - Neighbourhood character

Objective

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

Strategies

Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

...

Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:

- *Pattern of local urban structure and subdivision.*
- *Underlying natural landscape character and significant vegetation.*
- *Neighbourhood character values and built form that reflect community identity.*

Clause 15.01-6S - Design for rural areas

Objective

- *To ensure development respects valued areas of rural character.*

Strategies

- ***Ensure that the siting, scale and appearance of development protects and enhances rural character.***
- *Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.*
- *Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.*

Clause 15.02-1S - Energy and resource efficiency

Objective

- *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

Strategies

- *Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development.*
- *Improve efficiency in energy use through greater use of renewable energy technologies and other energy efficiency upgrades.*

THE LOCAL PLANNING POLICY FRAMEWORK (LPPF) MUNICIPAL STRATEGIC STATEMENT.

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

Clause 21.05-6 - Natural resource management

Objectives

- *To use non-renewable resources more efficiently.*
- *To increase the use of renewable resources.*

Strategies

- *Encourage all land use and development to incorporate best practice Water Sensitive Urban Design (WSUD) principles.*
- *Encourage planting of low water use vegetation, particularly indigenous vegetation.*
- *Encourage the installation of alternative, renewable energy supply systems.*
- *Encourage the installation of alternative water supply systems, including the use of recycled water where appropriate.*
- *Encourage development to incorporate best practice energy efficiency design principles and measures.*
- ***Incorporate Environmentally Sustainable Design (ESD) principles in the design and development of built environments and strengthen requirements as appropriate, for certain residential, mixed use and commercial developments as part of the planning permit application process.***

Clause 21.06-6 - Neighbourhood character

Objectives

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

Strategies

-
- *Ensure that development is responsive to the established character of the area.*
-
- *Retain existing vegetation wherever possible, particularly vegetation that contributes to the municipality's tree canopy.*
-
- *Maintain the character of the Rural Living and Low Density Residential Zoned areas.*

Clause 21.13 - LARAKey issues and influences

Lara is a township designated for urban growth and is strategically located between Geelong and Melbourne with excellent road, rail, seaport and airport links.

The rural landscape setting is important to the character of the town.

Key environmental, cultural and landscape features need to be protected and managed.

...

Retail and commercial expansion is required to meet the needs of local residents and to reduce the high level of escape expenditure.

There is a strong reliance on the private motor car as a form of transport and active and public transport infrastructure and services need to be improved.

...

Objectives

- *To maintain a compact urban form and provide for sustainable communities.*
- *To maintain and enhance the rural characteristics of Lara.*
- *To ensure an adequate supply of appropriately zoned and located residential and commercial land.*
- *To protect the rural landscape setting of the township particularly to the north overlooking the You Yangs.*
- ...
- *To provide community and recreation services and infrastructure to meet the needs of the local and surrounding population.*
- *To protect and enhance key environmental, cultural and landscape features.*
- ...

Strategies

- *Contain urban development within the defined settlement boundary in accordance with the Structure Plan map included in this clause.*
- ...
- *Ensure new development incorporates sustainability principles including environmentally sustainable design, energy efficiency, connectivity and water sensitive urban design.*
- ...

21.20 - NORTHERN AND WESTERN GEELONG GROWTH AREAS

Objectives

- *To create neighbourhoods where residents can live locally and meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip of their home.*
- *To provide a network of activity centres that support employment, retail, commercial, entertainment and community uses for local residents.*
- *To develop a Clever and Creative Corridor as a consistent and unifying design element of the growth areas to ensure development is sustainable, self-sufficient, distinctive and connected by active and public transport options.*
- *To deliver urban development that establishes carbon neutral neighbourhoods.*
- *To provide light industrial employment areas that minimise impacts on surrounding neighbourhood amenity and provide direct access to the external transport network.*
- ...

LPPF

The following Local Planning Policies are applicable to this application:

Clause 22.04 - USE AND DEVELOPMENT IN RURAL LIVING AND LOW DENSITY RESIDENTIAL AREAS

*The Rural Living Zone provides for residential use in a semi-rural environment and provides the opportunity to establish small hobby farms. **There are expectations that the amenity of rural living areas will be high, at least the same as for any other form of residential zone.***

...

The Rural Living Zone and the Low Density Residential Zone are similar in that they are not intended as locations to accommodate large-scale urban uses which accommodate large numbers of people and generate traffic and car parking demand. These sorts of urban uses should be directed to urban zones.

Rural living and low density residential areas are also unsuitable for activities that can cause severe amenity problems, particularly through noise nuisances, such as animal boarding. Such uses are likely to require large land holdings and greater separation from nearby dwellings to ensure that there is no intrusion on neighbours that is detrimental to their amenity. Accordingly these uses are more suitable to establishing in the Farming Zone.

...

Objectives

- ***To protect the amenity of rural living and low density residential locations from activities incompatible with the primary residential purpose of the zones.***
- *To maintain the semi rural and low density character of these locations.*
- *To protect areas of high environmental quality.*

- *To ensure effective disposal of wastewater and stormwater drainage.*
- ...

Policy

Where a permit is required for a use or development, including subdivision, it is policy to:

- *Discourage uses which are likely to disturb the residential amenity such as animal boarding and dog keeping.*
- ***Discourage intensive urban activities providing accommodation for large numbers of people or which attract substantial numbers of visitors to a site.***

22.71 - Environmentally Sustainable Development

This policy builds on and implements the objective and principle of the Sustainable Growth Framework expressed in Clause 21.02 of the Municipal Strategic Statement relating to environmentally sustainable development (ESD).

The City of Greater Geelong is committed to creating an environmentally sustainable city. Critical to achieving this commitment is for development to meet appropriate environmental design standards.

This policy provides a framework for early consideration of environmental sustainability at the building design stage in order to achieve the following efficiencies and benefits:

- *Easier compliance with building requirements through passive design;*
- *Reduction of costs over the life of the building;*
- *Improved affordability over the longer term through reduced running costs;*
- *Improved amenity and liveability;*
- *More environmentally sustainable urban form; and*
- *Integrated water management.*

If environmentally sustainable design is not considered at the time of planning approval, the ability to achieve ESD may be compromised by the time these matters are considered as part of a building approval. In addition, there may be difficulties or extra costs associated with retro-fitting the development to implement environmentally sustainable design principles.

RELEVANT PARTICULAR PROVISIONS:

The following Particular Provisions are applicable to this application:

CLAUSE 52.06 – CAR PARKING

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

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

DECISION GUIDELINES OF CLAUSE 65:

CLAUSE 65.01 – APPROVAL OF AN APPLICATION OR PLAN

Clause 65.01 of the Greater Geelong Planning Scheme outlines the decision guidelines to be considered by the Responsible Authority when making decisions on applications. These decision guidelines include:

- *The matters set out in Section 60 of the Act.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *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 proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the*
- *land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

Assessment of proposal against Planning Scheme Provisions

An application must primarily be assessed against the policy provisions of the scheme to ensure that land use and development is in accordance with overarching objectives for “orderly planning” and does not become victim to ad hoc planning outcomes on the basis of individual instances that exist for one reason or another. To be persuaded by other existing circumstances that may or may not have received planning permission in a particular context would be erroneous, in that, planning decisions are to be arrived at by individual assessment of the merits of the application, at the time of assessment.

At its core, planning is to consider the existing settlement framework and ensure that existing and future community needs are met through the provision of appropriately zoned areas that direct use and development to appropriate locations. Clause 11 directs planning to consider the needs of communities and ensure development and services are appropriately located. The clause also recognises planning’s role in preventing amenity problems created by the siting of incompatible land uses close together. The assessment here considers that the proposal is an incompatible land use in the Rural Living Zone, with this being identified by a lack of policy support for the proposal in this location.

The application seeks approval for a use and development that is of a non-residential form, and the proposed location is within a zone that has as one of its purposes, *to provide for residential use in a rural environment*. Whilst the Rural Living Zone does not prohibit non-residential uses, it is clear by this statement in the zone purpose that residential uses are the principal direction of the zone. As such, non-residential uses proposed for the zone must be given rigorous scrutiny against the relevant planning policy framework. Further, importance shall be made of the necessity to provide consistency in decision making by the Responsible Authority.

As mentioned, the Rural Living Zone has a core principle of providing for residential, lifestyle opportunities for community members of the City of Greater Geelong. This lifestyle desire is recognised in Clause 22.04 policy basis which addresses use and development in rural living areas. The policy basis notes that, *“there are expectations that the amenity of rural living areas will be high, at least the same as for any other form of residential zone.”* This is important to consider in context with the proposal, where the application assumes that the Rural Living Zone has a lesser amenity expectation than other residential areas as a result of the existing mix of uses surrounding the subject site. The existing surrounding development and uses are of little relevance here where the zone provides guidance for preferred use and development. In addition, the primacy of residential use, the purpose of the zone recognises that agricultural uses can be provided for where amenity of surrounding land is not impacted. The natural landscape characteristics of Rural Living Zones are also identified in the purpose with enhancement of landscapes and biodiversity through appropriate development and land management practices noted.

The decision guidelines to the zone ask for planning to consider land capability to accommodate the proposed use and development, compatibility of the proposed use and development with surrounding and nearby land uses, the potential for the proposed use to expand and impact upon surrounding uses, including agriculture. Environmental considerations of the zone include consideration of impacts on natural physical features including biodiversity. Design and siting considerations under the zone require assessment of impact of the siting, design, height, bulk, colours and materials to be used, in context with the natural environment and surrounding vistas. The impact on the character and appearance of the area is also to be assessed.

In response to the above matters, it is noted that the proposed building has a large footprint of just over 600sqm internally, and an overall footprint with verandahs of just over 1,000sqm. For ease of understanding the size proposed, in comparison, a standard residential lot is now around 450sqm.

The application proposes to cater for maximum of 60 persons in this building, and it is noted that the proposal includes commentary regarding the cultural group’s growing community in Greater Geelong. It is also presumed that some community members may come from further away, given the groups other place of worship in Melbourne is in Mill Park. There is a reasonable consideration that the group may wish to increase their maximum number of persons at the site (should the permit be issued), as their community grows. Certainly, the proposed building size far over-caters for the proposed 60 persons identified in the application.

With regard to if the site is capable of sustaining the development and use, the proposal seems satisfactory on face value with the building footprint, wastewater treatment area, and car parking area for 60 persons not exceeding a reasonable level on the land size. However there would be concerns for further intensification of the use in the future with wastewater treatment and car parking areas having to increase beyond what has been assessed here.

With regard to the compatibility of the proposed use with surrounding uses, there are immediate concerns regarding the number of persons to visit the site and the operation times to 8pm each night. The proposed 60 persons each week is considered to have the potential to cause amenity impacts with regard to noise and dust emission from vehicles on the unsealed Research Road. Noise from arriving and departing in vehicles, car doors, talking in groups outside the building is not an expectation at this intensity of numbers in the Rural Living Zone. The repetition of the potential amenity impacts on a weekly basis and until 8pm provides an unreasonable disturbance in this location where quiet amenity is an expectation. In fact, it is also not an expectation in a residential zone where such an intense and regular gathering of persons, arriving by car, would be considered a commercial activity and directed to a non-residential zone such as a commercial or industrial zone.

Clause 13.05-1S for Noise Abatement is of relevance to the assessment where noise impacts may be experienced by sensitive uses (residential uses). The strategy seeks to ensure community amenity is not adversely impacted by noise emissions. The policy encourages noise mitigation techniques integrated in building design and separation of land uses. The mitigation techniques of acoustic treatment will not be relevant to this proposal though where the likely noise generation is from outdoor sources of vehicles arriving and leaving, car doors, and groups of people coming and going from the car park. Separation opportunities of the noise generating activities are limited with it unlikely that design changes could alleviate the vicinity of the emission causing activities to surrounding residences in this location.

The potential noise (and dust) impacts from the intensity of the proposed use is also relevant to be considered under Clause 13.07-1S for Land Use Compatibility. The policy seeks to *ensure that use or development of land is compatible with adjoining and nearby land uses, and to avoid locating incompatible uses areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses*. It is quite evident that the proposed land use is one that is at odds with the surrounding land uses in this location and the Rural Living Zone generally. The zone, and it's associated local policy at Clause 22.04 serve to highlight that the primary use of land is for rural residential and that there is an expectation of a rural amenity. Clause 22.04 highlights this by stating that these areas are *unsuitable* for activities that can cause severe amenity problems, *particularly through noise nuisances*.

Clause 22.04 for Use and development in Rural Living and Low Density residential areas is particularly important guidance for assessment of this application. The relevant objectives are clear:

- *To protect the amenity of rural living and low density residential locations from activities incompatible with the primary residential purpose of the zones.*
- *To maintain the semi rural and low density character of these locations.*

The proposal does not accord with the objectives above where the proposal seeks to introduce a large non-rural building into the landscape, to cater for a non-residential or non-rural related use. The policy directs decision making to elevate the importance of the amenity and landscape character experienced by residents who chose to make their home in the Rural Living Zone.

The policy further directs, *Where a permit is required for a use or development, including subdivision, it is policy to:*

- *Discourage uses which are likely to disturb the residential amenity such as animal boarding and dog keeping.*
- *Discourage intensive urban activities providing accommodation for large numbers of people or which attract substantial numbers of visitors to a site.*

The policy directs that the proposal should be *discouraged* where there is the potential for amenity impacts to residents, and where the proposal will attract substantial numbers of visitors to the site. The proposal for 60 patrons each week, an annual festival, and the potential for increasing numbers as the community grows is plainly an example of an intensive activity proposed at the site, and therefore should not be supported in this zone and should be directed to an urban zone.

Council has the benefit of being able to refer to some relevant VCAT decisions which have considered the Rural Living Zone and Clause 22.04, and in particular the matter of amenity. In *Elzahbi v Greater Geelong CC [2005] VCAT 1406 (15 July 2005)*, the matter concerned a child care centre in the Rural Living zone. The member states in her decision:

16 In my view, the scale of activity represented by this proposal is significant. With a capacity of 130 children in a facility operating from 7am to 7pm weekdays, it is urban in size and potential impact. I do not accept the Applicant's submissions that it is low key and will improve the amenity of the area. Although there may be some sealing of Cowies Road and new landscaping where none now exists, the intensity of the activity would be obvious and intrusive given the otherwise relatively tranquil qualities of the locality. Taking into account the proximity of dwellings on adjacent lots, at around 60-70 metres away, the presence of the proposed facility would be well apparent, particularly for Mrs Attwood's and Mrs Brown's dwelling to the south that would have the proposed car park (including all pick-up and drop-off) adjacent to their property with a landscape buffer of 3.5-4 metres.

17 When reading Clause 22.07, one might think that the policy about intensive urban activities concentrates on large scale accommodation or tourist facilities. That might be so when considering the words "accommodating" and "visitors". However, that could be too literal and stepping back to consider what is intended by the policy and what outcomes are being sought, it is clear to me that a commercial activity (albeit for child care purposes) on this scale is not consistent with the aims for this area based on its current zoning. The policy basis makes this point precisely as follows:

It is not intended as a location to accommodate large-scale urban uses that are attracted by the prospect of larger allotments and cheaper land, and which can accommodate large numbers of people, such as institutional uses that generate traffic and need large car parks. These sorts of urban uses should be directed to urban zones. Rather, rural residential locations are generally peaceful settings in attractive locations.

The local policy for Lara at Clause 21.13 includes in its objectives, to provide for community facilities in the town centre. The Lara Structure Plan includes opportunities within the settlement boundary where the proposed use and development could be catered for in an urban environment and where less amenity impacts would be experienced due to the urban nature. The subject site sits outside of the structure plan settlement boundary providing further confirmation the proposed use is inappropriately located.

It is noted that the site is located in the future employment precinct of the Northern Growth Area Framework Plan in Clause 21.20-5. The reference document indicates that this precinct will be last to be planned and delivered, resulting in this precinct being some 20 years or so from fruition. As such it is considered premature to give the potential “employment” precinct designation any weight at this time.

As identified earlier, the surrounding uses are predominantly residential, with some commercial activities evident. These existing commercial activities sit comfortably within the rural living context where they do not attract large numbers of persons, and do not provide for amenity impacts. Indeed, the adjacent cattery and boat and caravan storage are visited sporadically by clients where activity is generally confined to a building and clients are at the site for a brief period to drop off or collect. Other surrounding uses include market gardens where amenity impacts are confined to agricultural use of machinery etc, which is an expectation in rural landscapes. Further, agricultural matters are addressed in Clause 14.01-1S of the scheme for Protection of agricultural land. Whilst the location includes smaller land sizes, it is evident that agricultural production is available in the locality by the numerous surrounding market gardens. It is therefore of relevance to consider the policy that seeks to preserve productive farmland by *preventing inappropriately dispersed urban activities in rural areas*.

The proposal includes consideration of environmental matters of relevance to the site. The proposal includes locating both the building and wastewater treatment areas away from the identified area of native grassland in the southwest corner. In addition, the car park area is generally located where the previous owner has applied a gravel surface for their own truck related business. In order to positively contribute to the environmental qualities of the site, any approval would include conditions related to land management and native grassland protection.

The Rural Living Zone includes consideration of development features in context with the surrounding character and natural environment. As noted above, the proposed building is large, and may be larger than almost all the surrounding buildings within the locality, with a visual comparison provided in the aerial image below:

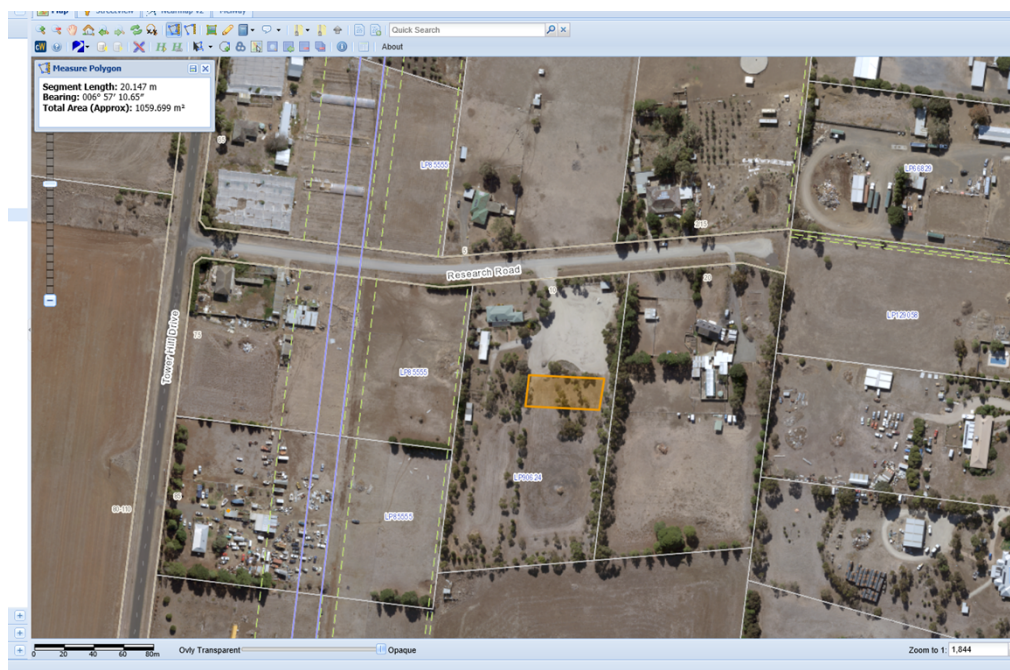


Image 7: Aerial image with orange area of 1,060sqm indicated to allow understanding of proposed building footprint within the character of locality.

The building elevation is also substantial, with the main hall roof apex at 6m in height, and the additional decorative entry dome and pinnacle at 11.2m in height. To allow understanding, 6m is an average height of a two storey dwelling, with 11m being more representative of a four storey office building.

The surrounding built environment in this location is quite low scale with modest dwellings, and agricultural shedding and market garden shade enclosures providing the dominant built form character. Some dwellings are two storey but are generally a modest built form in the landscape given their residential footprints. The proposed building is at odds with this surrounding character in that the bulky design will provide an imposing form in the landscape as a result of the height of building elements in combination with the expansive footprint. No additional landscaping has been proposed in order to provide screening of the building.

The proposal is therefore at odds with the policy for Building Design (clause 15.01-2S) where development is encouraged to respond to the surrounding character, natural features and surrounding landscapes. The policy seek to ensure buildings are appropriate for their location in terms of form, scale and appearance.

Clause 15.01-6S is acutely relevant to this proposal where the policy for Design in Rural Areas seeks to *ensure development respects valued areas of rural character*. The strategies for consideration include to *ensure that the siting, scale and appearance of development protects and enhances rural character*. The proposal is lacking in response to the design related policies where the building footprint is large for the locality, along with tall elements that are not characteristic of the area, and the proposal does not include any aspects that have sought to enhance the rural character of the location. The proposed building is of a form that is ubiquitous and provides no deliberate connection to the rural character of the locality.

The need for the development to respect the landscape setting of the locality is recognised in clause 12.05-2S Landscapes, where the policy seeks for development to not detract from natural qualities of significant landscape areas. The Rural Living Zone areas provide those significant landscapes where the zone allows for separation of urban settlements through less intensely developed landscapes that have opportunity to provide vegetated visual amenity to residents and visitors. Preferred character outcomes for these areas include low scale development nestled within vegetated properties resulting in building forms screened by vegetation.

No information has been provided on the plans regarding colours and materials for the proposed building, however it is noted and accepted that the cultural group may wish to employ their own finishes that shall include important iconography with colour selection. Should a permit issue, it is recommended that a condition requires the submission of a materials, colours and finishes schedule to allow reasonable application of colours and finishes which are acceptable to the rural environment. If the cultural group are not accepting of such a position, then it is considered that the rural location is not appropriate for this feature of the development, and this is another factor directing that a more urban environment is the appropriate location for this type of building.

In addition to the Rural Living Zone, the subject site is covered by the Environmental Significance Overlay, Schedule 4. The schedule seeks to prevent destruction and enhance the remnant habitat of grassland to the Werribee Plains. The proposal has been reviewed by Council's Environment Unit (advice is in lieu of DELWP who did not respond), where they recommend land management conditions in order to respond appropriately to the overlay provisions. Should a permit be issued, it is recommended that these conditions be applied in their entirety.

The application triggers the need to be assessed under the Council Local Planning Policy for Environmentally Sustainable Development (Clause 22.71). The clause seeks to ensure development achieves best practice in ESD from the design stage through to construction and operation. At this time, the application cannot be deemed acceptable under the policy where the information provided has not addressed the policy criteria, as reviewed and determined by Council's ESD Planner. The applicant seeks to defer the requirements to a later time, however this is not supported where the Responsible authority seeks to apply the policy across all relevant applications in a consistent manner, regardless of circumstance.

It is important to note the policy basis for Clause 22.71 includes critical statements:

- *The City of Greater Geelong is committed to creating an environmentally sustainable city. Critical to achieving this commitment is for development to meet appropriate environmental design standards.*
- *If environmentally sustainable design is not considered at the time of planning approval, the ability to achieve ESD may be compromised by the time these matters are considered as part of a building approval. In addition, there may be difficulties or extra costs associated with retro-fitting the development to implement environmentally sustainable design principles.*

Further, it is considered the proposal lacks policy support from both state and local policy direction in the scheme in relation to sustainable development. Specifically, Clause 15.02-1S seeks to *encourage land use and development that is energy and resource efficient, supports a cooler environment, and minimises greenhouse gas emissions*. Clause 21.05-6 for Natural Resource Management includes in its strategies to *Incorporate Environmentally Sustainable Design (ESD) principles in the design and development of built environments and strengthen requirements as appropriate, for certain residential, mixed use and commercial developments as part of the planning permit application process*.

As demonstrated in the discussion above, the proposal lacks the required support of the planning policy framework to be considered an appropriate or reasonable addition to this location.

The application documents submitted have sought to provide support for the proposal through identification of other Places of Worship that have received planning approval in rural locations. To understand the consistency, or differences between those circumstances and the current application, the following table provides some clarity on those raised, and includes other examples that are available.

Location	Max persons	Operating times	Building type	Decision basis	Planning permit number
38-44 Peart Court, Lovely Banks	36	9am to 4pm Sunday; 4pm tot 7pm T, Th, Fri.	Existing rural outbuilding with internal conversion	Existing building use; Low number of persons; Building located away from other residences Hours of operation acceptable	908-2009
85 Tillys Road, Lara	10 persons + 3 x events /year with 50	Events 2 x 11am – 2pm 1 x 6pm to 11pm	Existing rural outbuilding with internal conversion	Existing building use Low number of persons generally with one event of 50 people in an evening period Intensity of use is low	692-2019
31-43 Monastery Court, Lovely Banks	No condition	9am to 6pm daily	New building in association with existing monastery	2003 application was recommended for refusal by the officer: <i>It is considered that the development is contrary to the purpose of the Rural Living Zone and does not satisfy the objectives of Design and Built Form and the Rural Living policies of the Greater Geelong Planning Scheme. It is therefore recommended that Council issue a Refusal to Grant a Permit</i> The recommendation was overturned by the three member Councillor Hearing Panel (PC of the	1642-2003 1148-2015

				time) and given a permit. Permit allowed to lapse with works unfinished. Second permit granted to finish incomplete building.	
55 Lovely Banks Road, Lovely Banks	100 persons for prayer	Prayer: Wed 5.30pm to 8.30pm Sunday 11.30am to 1pm and 5.30pm to 8.30pm Building open between 7am and 8.30pm daily	Existing building with previous use by Hungarian Community Centre	Existing building and use for over 60 years of up to 120 people, as such new community group using for worship will not provide significant change to circumstances.	876-2020
10 Cozens Road, Avalon	120 people	10am to 6pm daily	Existing building to be used – former dwelling	Refusal recommended by officer: <i>The application fails to comply with the Rural Living Zone and Clause 22.04 and will result in unreasonable impacts (through the number of people, cars and its 7 days a week operation) to the amenity of nearby residents.</i> VCAT upheld refusal	1357-2012

The last entry above is critical when considering the Responsible Authority's role as a decision maker, and City of Greater Geelong's Statutory Planning Unit's objective to provide consistency in advice and decision making.

The Avalon decision to refuse the application on policy grounds was appealed to VCAT by the applicant. At the hearing, the applicant submitted to the Tribunal that they would be accepting of a reduced intensity of use via a permit to be issued with conditions. The Tribunal considered what was put to them during the hearing:

- *A limit of 16 events per year (this phrase encompasses all activities, not solely the 'major' events).*
- *Events will only occur on a Saturday, Sunday or Public Holiday and only between the hours of 10.00am and 6.00pm.*
- *Three (3) of the events would allow a maximum of 80 persons, while the remainder will be limited to a maximum of 50 persons.*
- *At the commencement of the calendar year, a calendar of events must be provided to the Council, and a minimum of one (1) month's notice must be given to the Council if there is any change to the calendar of events.*
- *With the exception of the events, and the occupation of the premises by a caretaker, the premises may only be used for administrative purposes, only on Friday, Saturday and Sunday between 10.00am and 6.00pm, with no more than 10 people on the premises except with the written consent of the Council.*

The underlined emphasis above provides important context and comparison with the proposed intensity of use being assessed here. To note, the Avalon application offered less intensity of maximum persons at the site, on a lesser number of occasions in comparison with the current application. The Avalon proposal was also to be conducted in a former dwelling, with no new building proposed.

Overall, the Avalon proposal was sought to be less intense by way of built form, visitation to the site, and less frequent in comparison with the current application.

The Avalon proposal was dismissed by VCAT and no permit was issued (*Islamic Practice and Dawah Circle Incorporated v Greater Geelong CC* [2014] VCAT 5 (3 January 2014)).

The Tribunal's reasons included (paraphrase summary 17-20):

- Notably, and in contrast to, say, the Residential 1 Zone, this zone does not include a purpose statement which contemplates community uses (or other urban non-residential uses). There is an apparent emphasis in the zone's purpose and provisions on residential land use, and on compatible agricultural uses.
- From a fundamental land use planning perspective there is nothing contextually, in either a physical or policy sense, that supports the establishment of the use in this somewhat isolated location. It will stand as an anomalous use within its environs.
- The visitation to the site by up to 80 persons and the level of activity at the site will be in marked contrast with the quiet, semi-rural context. Such an outcome is not consistent with the purpose of the zone.
- Regulation of strict permit conditions to control amenity impacts may be an administrative burden to Council. Within a more urban environment, this level of regulation may not be necessary.

The decision highlighted a valid point which is of consideration, further to the above discussion, that the Rural Living Zone purposes do not extend to the consideration of allowing *educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations* in the same manner as the suite of residential zones do.

Whilst the Rural Living Zone does not prohibit a Place of Worship, and in some cases, as shown above, the use can find an appropriate intensity and location (mainly in existing buildings), the zone certainly does not identify the use as one to be explicitly encouraged through the statement of purpose.

CONCLUSION

The proposed use and development of the site at 10 Research Road includes a building with footprint of just over 1,000sqm, and a maximum height of 11.2m. The proposed use seeks a maximum of 60 persons each Saturday evening with operation until 8pm. Other operating times include daily from 5pm to 8pm, and Sunday mornings 8am to 11am. It is acknowledged that 60 persons is the maximum requested in the application and that the maximum may not attend the site at all times. It is also acknowledged that the community group is growing, and there is potential for larger number of persons to be catered in the building with such a large footprint proposed. Car parking required on site is 30 vehicles, with Research Road and the car park area both gravel surfaces creating the potential for dust and noise through their intensified use.

The assessment has considered the proposal with respect to the relevant planning policy framework. It is considered that the proposal is inconsistent with a number of policy directions, with the Rural Living Zone, and local policy at clause 22.04 being the primary policy direction that the proposal is at odds with. In addition, the proposed development does not have support in the scheme for the built form which is large, bulky, and inconsistent with the character of the locality.

A number of similar uses have been discussed in the assessment, in order to provide a framework for consistency in decision making in this matter. Of critical importance is the similar proposed activity of the Avalon VCAT decision discussed above, and the applications offer to the Tribunal to restrict the intensity to less than what is being considered in this application. The Tribunal found the proposal to be inconsistent with zone, at odds with the surrounding context of the location, and more appropriately located in an urban location.

In accordance with the need to provide an orderly planning outcome, where thorough application of planning policy direction is critical to consistent decision making, it is recommended that the application is refused.

3. CLOSE OF MEETING

As there was no further business the meeting closed at 8.30pm on Thursday 28 February 2022