

# MINUTES

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## COUNCIL MEETING

**Tuesday 28 February 2023**  
**6:00 pm**

**Cloverdale Community Centre**  
**167–169 Purnell Road, Corio**

**LIVE STREAMED ON THE CITY'S WEBSITE:**

[www.geelongaustralia.com.au/meetings](http://www.geelongaustralia.com.au/meetings)

**COUNCIL:**

Cr T Sullivan (Bellarine Ward) - Mayor  
Cr A Aitken (Windermere Ward) - Deputy Mayor  
Cr P Murrihy (Brownbill Ward)  
Cr S Asher (Bellarine Ward)  
Cr J Mason (Bellarine Ward)  
Cr E Kontelj (Brownbill Ward)  
Cr M Cadwell (Brownbill Ward)  
Cr B Harwood (Kardinia Ward)  
Cr B Moloney (Kardinia Ward)  
Cr R Nelson (Kardinia Ward)  
Cr K Grzybek (Windermere Ward)

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**Present:** Crs T Sullivan (Mayor), A Aitken, M Cadwell, K Grzybek, B Harwood, J Mason, B Moloney, P Murrhiy

**Also Present:** K Phyland (Acting Chief Executive Officer), G Smith (Director City Planning and Economy), D Greaves (Acting Director City Services), R Stevens (Director Community Life), B Prosser (Acting Director Customer & Corporate Services), V Allan (Chief Legal Counsel, Governance & Risk Officer Acting), S McKew (Manager Governance), P Digby (Municipal Monitor) (Virtual)

## **1. PROCEDURAL MATTERS**

### **1.1. Acknowledgement of Country**

Council 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. Apologies**

Cr E Kontelj, Cr R Nelson, Cr S Asher

### **1.3. Leaves of Absence**

**Cr Grzybek moved, Cr Harwood seconded –**

**That Leave of Absence be granted to Cr B Moloney from 3 April to 3 May 2023, inclusive.**  
**Carried**

### **1.4. Presentations**

Deputy Mayor Cr A Aitken and Cr K Grzybek presented a snapshot of activities and projects in Geelong's northern suburbs.

### **1.5. Declarations of Conflicts of Interest**

Cr K Grzybek declared a Conflict of Interest in Agenda Item 5.3 CEO Recruitment (Confidential) for a reason which cannot be disclosed due to confidentiality.

## 1.6. Confirmation of Minutes

**Cr Mason moved, Cr Cadwell seconded -**

**That the Minutes of the Council Meeting held on 31 January 2023 be confirmed.**

**Carried**

**Cr Cadwell moved, Cr Aitken seconded -**

**That the Minutes of the Council Meeting held on 15 February 2023 be confirmed.**

**Carried**

## 1.7. Public Question and Submission Time

The following persons submitted questions prior to the Council Meeting on the following various subjects:

1. Simone Tolson – Draft Integrated Comprehensive Transport Plan and Traffic Management
2. Robert Dando – Fair Play Strategy
3. John Warholt – Noise Pollution / Proposed Rail Bridge
4. Kruno Madjeric – North Geelong Warriors Football Club
5. Warren Rapson – Lack of Footpaths – North Side of St Anthony’s Lara
6. Chris Lyons – Safety Concern / Footpaths Kees Road service road, Lara – adjoining St Anthony’s Primary School
7. Ian Rabone – Recruitment and Sub-division requirements
8. Peter Jager – Stage 5 of the Balmoral Quay Development, Rippleside
9. Lionel McWilliam – Planning Amendment C339ggee
10. Barry White – Serendip Sanctuary
11. Rowland Bone – North Shore Sports Club
12. Liz Bonner on behalf of the Real Deal – Commonwealth Games Village – Social Housing
13. Gregory Ince – Local Sport Facilities – Corio Community Sporting Club
14. Marylyn Pettit – Safety Concerns – Sandy Creek Road, Little River
15. Andrew McKnight – Lara Flood Study, Parking at Lara Primary School and Traffic Management in Lara
16. Sean Mulcahy – Rainbow Crossing, Midsumma Pride March and LGBTIQA+ inclusion
17. Felicity Dales – Agenda of an International Body (UN)
18. Jeanne Nel de Koker – Tree Management
19. Jan Farrell – LGBTIQA+ Advisory Committee
20. Darcy Dunn – Commonwealth Games

**Simone Tolson** asked the following:

### **Question 1:**

Can the Council please provide information (i.e. status, meeting minutes for meeting over last year) on Council deliberations, reports or actions to date on Actions 2b, 2e, 2d and 2g of Challenge 2 of the ‘draft’ Integrated Comprehensive Transport Plan (ICTP), which relate to ‘minimising the impact of freight movements on the community against a backdrop of economic growth’?

*Thanks for the questions, Simone.*

*The City has worked with the Department of Transport (now Department of Transport & Planning) on a number of actions identified in the 2015 Integrated Comprehensive Transport Plan (ICTP).*

*Specifically regarding the actions listed above, I can confirm that the Department of Transport & Planning (DTP) recently completed the Principal Freight Network review and implementation report. The report outlines actions to address freight movements throughout Greater Geelong, particularly focusing on freight movements across Central Geelong.*

*The City continues to advocate to DTP to implement the actions outlined in its Freight Implementation Plan.*

*In addition, the City recently delivered a package of pedestrian and road safety upgrades throughout the northern suburbs as part of the Victorian Government's Safe Travel in Local Streets program. This work was to address safety concerns regarding freight movements in these areas.*

*Importantly, the City is currently in the early stages of developing an Integrated Transport Strategy (ITS), which will replace the 2015 Integrated Comprehensive Transport Plan (ICTP).*

*The ITS will consider a broad range of transport issues for the City, including freight. The first phase of community and stakeholder engagement is expected to occur in the coming months.*

**Question 2:**

Could you please outline what involvement the council has had in the completion of Principal Freight Network (PFN) mapping for the Geelong urban area (Freight Victoria website), and community consultation that was involved; particularly comment on Councils' awareness of configuration for the level crossing upgrade on the Fyans St/Carr St intersection and the existing PFN approved route for a number of Class 2 truck types, and whether longer or heavier trucks are being catered for in the design of the rail bridge?

*The City has been involved in discussions with Rail Projects Victoria (RPV) about the proposed changes to the intersection of Fyans Street and Carr Street. While the City is able to provide input, this intersection is owned by the Department of Transport and Planning and the ultimate design must be approved by it.*

**Question 3:**

With respect to the changes associated with the South Geelong to Waurin Ponds Duplication project, what submissions and/or negotiations have/are occurring between Council and Regional Rail Revival /Djilang Alliance to ensure the issues of: - Local and through traffic changes as a result of the project - Public open space and recreation area, including landscaping and vegetation, are in line with the amenity and livability of residents in the area (noting that the South Geelong Urban Design Framework only extends east along Carr St as far as Garden St)

*The City has regular meetings with RPV and the Alliance about the Waurin Ponds to South Geelong Rail Duplication. Officers have reviewed the traffic models and reports regarding the impacts to local traffic. The City is still completing design reviews and continues to advocate for a good outcome for our community.*

**John Warholt** asked the following:

**Question 1:**

In their brochure, RPV acknowledge that "Mature trees are a really important feature of the area" Despite this and the outcry from the community over 95% of these really important trees have been destroyed. Since their removal, noise from passing trains has increased significantly. Although in RPV's brochures Vlocity trains are referred to as quieter, there is no mention of goods trains that also run at night affecting and interrupting sleep. The proposed bridge will require locomotives to significantly power up to overcome the gradient raising the train from level rail to 12m in less than 500m. This increases engine noise greatly as can be verified from similar bridges already. The fact of elevation will only spread the noise further.

The damaging effects of such noise on health is well documented and informs government guidelines and legislation. EPA lists the following...Increased blood pressure and heart rate , Fatigue, elevated adrenaline and cortisol levels, changes in immune system, hypertension and heart attack).

Council was made aware of this including example locations and government references on 10/11/22 by email and in person with Mayor Trent Sullivan) Why is such a well documented health risk allowed to be imposed on residents? What has been done, and what is counsel doing to protect residents against this clear and obvious threat to the health and well being of residents?

*Thank you for your questions, John.*

*This is a Victorian Government Rail Projects Victoria (RPV) project and its advice is as follows:*

*Prior to approval, all rail projects are assessed against the guidelines specified in the Department of Transport and Planning Passenger Rail Infrastructure Noise Policy in conjunction with the Major Transport Projects Facilitation Act 2009, the Environment Effects Act 1978, the Planning and Environment Act 1987 and the Transport Integration Act 2010. These regulations work to ensure that health risks are managed appropriately.*

*RPV has assured the City that the project designs are compliant with the Passenger Rail Infrastructure Noise Policy and that the removal of the two Fyans Street level crossings will eliminate the sound of the bells and the requirement for trains to sound their horns when they go through the level crossing, which will improve the overall noise environment to the surrounding area.*

*RPV has assured the City that every effort was made to preserve as many trees as possible however most of the trees and vegetation in or near the rail corridor had to be removed because they were directly in the path of critical new infrastructure. RPV has advised it will be replanting more trees than what was removed and will work with the City to identify other locations for additional trees. The City will continue to advocate for the best outcome for the community regarding tree replacement.*

**Question 2:**

The proposed rail bridge will also significantly increase Diesel emissions from locomotives powering up to overcome the gradient and curve resistance. This can be observed and verified first hand at similar rail bridges, Details and locations given along with legislative guidelines to Council and Mayor Trent Sullivan 10/11/22.

The increased emissions are not only dangerous to health but leave a grey dust on cars roofs and clothes on clotheslines as can be observed at locations given. Acc to the EPA and SafeworkAustralia.gov.au, "Diesel exhaust consists of a complex mixture of gases, vapours, liquid aerosols and particulate substances. Hazardous chemicals include, Nitrous Oxide, Nitrogen Dioxide, Sulphur Dioxide and Carbon Monoxide. Fine particles, Diesel Particulate Matter DPM, include Fine Carbon Particles. Hazardous chemicals known as PAH's ( Poly Aromatic Hydrocarbons ) adhere to the surface of the Carbon particles. DPM can act like a gas and stay airborne for long periods of time. DPM can penetrate deep into the lungs due to its size.

There are acute and chronic conditions created by long term exposure. Asthma, allergies heart and lung disease and cancer confirmed by epidemiological evidence. Well known and clearly understood. Reducing diesel emissions at the source should be the primary consideration." With this knowledge, what is Council doing to ensure local residents are protected and not exposed this clear threat to our health and wellbeing?

*RPV has advised that the replacement of the level crossing with a rail bridge will have minimal changes to the diesel fumes in the area and that V/Line's train engines are built to operate over steeper gradients across the network so the engine will not be put under significant stress or increase in emissions to go up the rail bridge incline.*

**Question 3:**

The surveys conducted by RPV employed the use of 'guided questions'. This has been acknowledged and confirmed by Emma Steele from RPV. These questions have created a false impression of the project leaving residents feeling manipulated and responding ultimately by these guided questions against their wishes and to their detriment. The entire feed-back derived from RPV consisted of just over 500 people from areas outside our suburb. This has not accurately reflected community concerns. Our own door knock campaign in South Geelong has nearly 600 names, all of whom are against the project and its negative impacts on our community.

In light of this, will Council provide a Billboard (as previously requested) to enable the local community directly affected by the project to respond through?

This would enable an accurate representation specific to the area and give our community the voice it has been denied by RPV's tactics as to what is being forced upon us in our own back yards.

*The South Geelong to Waurin Ponds Duplication project is managed by the Victorian Government and RPV is responsible for obtaining planning and environmental approvals to allow the project to proceed which includes undertaking consultation with the community to support this process.*

*RPV has advised that it has undertaken multiple rounds of community consultation during planning and design of the project since 2021. The project has complied with all of the planning and environmental approvals to proceed with delivery and is now in major construction.*

*The City encourages you to discuss this query directly with RPV and will not be installing a billboard.*

**Kruno Madjeric** asked the following:

**Question 1:**

North Geelong Warriors Football Club made a request to the Shire of Corio for clubrooms and facilities to suit their rapidly expanding players and members in 1988. The Shire of Corio's solution was to sell the club publicly owned land at Elcho Park Lara and tell them to build their own facilities.

The land was and continues to be zoned Public Park and Recreation Zone. Essentially council outsourced a community service to a private organisation. The PPRZ Public Park and Recreation Zone's requirement to use the land as open sports grounds "Must be conducted by or on behalf of the public land manager."

As Council are not conducting the use, can Council provide a copy of the agreement it has for the North Geelong Warriors to conduct the use on their behalf and if an agreement does not exist prepare an agreement immediately for the use to continue?

*Thank you for your question, Kruno.*

*The Greater Geelong Planning Scheme regulates the use and development of land. There is no requirement for an agreement to be developed under the planning scheme on account of the zoning of the land.*

*From time to time a planning scheme amendment is undertaken to address inconsistencies and anomalies in the planning scheme such as this site. The City's planning team has noted this site for consideration in a future anomalies amendment to apply an alternative zone that acknowledges that the site is not in public ownership.*

**Andrea Snow** asked the following on behalf of Peter Jager:

My question is in regard to the proposed Stage 5 of the Balmoral Quay development adjacent to Ripplside Park. I live across the road from the proposed 7 floor building to contain 84 residential units. Ignoring our loss of current views of the bay and shipping channel, our loss of sunshine due to building shading, our loss of amenity due to building size and number of occupants of the proposed building, our greatest concern is the potential impact on community health and safety due to vastly increased traffic movement and parking. Given that the only Balmoral Quay access and egress is via Liverpool Street, what results are available from completed traffic surveys and what mitigation strategies are planned for traffic exiting and entering Melbourne Road and traveling both north and south?

*Thank you for your question, Peter.*

*A Traffic and Transport Assessment has been prepared to accompany the planning scheme amendment and permit. This addresses the increased traffic resulting from the proposed amendment and will be presented for public comment as a part of the exhibition process.*

*It is noted that the City's Traffic Engineering officers have reviewed and have recommended conditions for the planning permit, which will also be available for public comment during exhibition.*

**Lionel McWilliam** asked the following:

**Question 1a:**

My two-part question is in regard to planning amendment C339ggee that is proposing extensive and far over-reaching SBO flood overlays in Lara. Why has planning been permitted to disregard Council's directive to re-assess all proposed SBO properties in Lara for exemptions?

*Thank you for your questions, Lionel.*

*You are correct in that the original Review of Complex Submissions July 2022 (that went to Council in September 2022) only reviewed around 50 of the more complex submissions at Lara, Avalon and Fyansford. However, at the September 2022 meeting, Council requested officers to do a further review to see if there were reasonable opportunities to remove further properties. Council officers have since reviewed all the SBO mapping at Lara. A report on this latest review is likely to go to Council in March or April and will recommend removal of further properties from the amendment.*

**Question 1b:**

The planning director has decided to only review 50 or less complex submissions instead of re-assessing the entire SBO targeted homes? Why has the same Water Technologies consultant been entrusted to review its own findings in order to warrant further SBO exclusions and to then peer review their own findings?

*In the latest review (which will go to Council shortly), Council officers looked at the options or criteria that could be used for further removal of properties and prepared a set of revised SBO maps. Water Technology is the original author of the Lara Flood Study and did the modelling and hence was asked to provide its technical comments on what Council officers are proposing. Water Technology is an expert in this field and has excellent background understanding and is considered to be well placed to provide advice.*

**Question 2:**

My question is regarding planning application PP-1585-2021 for a four-storey multiuse building at 26 Hick's Street, Lara. Does planning acknowledge the glaring discrepancies in the applicants submitted traffic report that included photos depicting an abundance of available street curb parking verses objecting submission photos taken of actual work day congested parking conditions?

*Planning permit application PP-1585-2021 is a current planning application and no decision has been made by Council and at this stage no date has been set for a Planning Committee meeting. A new planning consultant has been engaged by the developer to assist in the application process. The consultant is working through the objections and deciding on the best way forward. If they decide to change the plans or any documents associated with the application, it would be formally re-advertised.*

*The traffic report submitted with the application has been referred to Council's Traffic Engineers as well as the Department of Transport and Planning. Concerns have been raised through the process about information within the report and Council has requested an updated traffic assessment from the applicant.*

**Question 3:**

My question is in regard to planning application PP-1585-2021 for a four-storey multiuse building at 26 Hick's Street, Lara across from the V-Line train station. Why has no reference by planning been made in this application to clauses and provisions in the Lara Traffic Management Plan adopted by planning in 2021 that identifies this area's parking issues and needs?

*The Lara Traffic Management Plan was adopted by Council in March 2020. As a Council-adopted document, it is able to be considered under Section 60 of the Planning and Environment Act 1987, however this document is not incorporated into the Greater Geelong Planning Scheme. Council and officers are aware of the parking and traffic concerns relating to the current planning application proposal.*

**Barry White asked the following:**

A notice of motion was unanimously supported by Councillors at the Lara Council meeting on 27 September 2022 to request the then Environment Minister to intervene over action by Parks at Serendip Sanctuary, Lara. A letter from the then Mayor Cr Murrhly to the Minister on 18 October 2022 identified urgent action to:

- cease removal of wildlife and captive fauna;
- allocate appropriate funding to rehabilitate and ensure protection of Serendip Sanctuary wildlife and captive fauna population; and
- create a community-based working group to have an ongoing role in the implementation of the You Yangs Precinct Master Plan for at least the next 5 years.

A response from Parks Victoria on behalf of the Minister dated 3 November 2022 failed to address any of these key matters.

**Question 1:**

Will Council support the future of this major asset by contacting our recently elected Lara member of Parliament, and the new Environment Minister, to express dissatisfaction with the failure of Parks Victoria to address the matters previously raised and to highlight the importance of Serendip Sanctuary as a major community, family, education, conservation and tourist attraction, before the current damage becomes irreversible?

*Thank you, Barry, for your question.*

*Council acknowledges the community concerns and advocacy for Serendip Sanctuary and You Yangs Regional Park, and will provide a letter conveying this sentiment to Member for Lara, Ella George.*

*We also encourage concerned community members to contact their local member directly.*

**Rowland Bone asked the following:**

On behalf of the North Shore Sports Club, we would like to thank our local Councillors Kylie and Anthony, the other Councillors and the Council staff for their support so far towards our Club and the Facility Development plan for Windsor Park.

**Question 1:**

How can we as a club be involved in this process, and how can we ensure that this project is a priority for council funding?

*Thank you for your kind words on behalf of the North Shore Football Club.*

*Prior to the project commencing the club will be consulted to agree on a preferred project scope and then ongoing, as the club is a member of the project reference group. Officers will remain in contact with the club to ensure it is being kept up to date with progress.*

*The City will continue to build upon what the club is doing in the space of increasing participation and connection within the local community and tell the story of positive outcomes, and achievements.*

**Question 2:**

Does the Council have plans to help us ensure that these works can be completed by 2026 so we can celebrate our centenary as a club in 2027?

*The Facility Development Plan for Windsor Park has identified the short, medium, and longer-term strategic improvement priorities for the reserve. Whilst the City can't guarantee these works will all be completed, officers and Councillors will work collaboratively with the club to achieve the best possible outcomes for the club. The Facility Development Plan identifies that a collaborative approach with multiple funding partners will be required to achieve the recommendations.*

*The City actively seeks external funding or co-contribution opportunities via grants programs, etc. Priority projects from this Facility Development Plan are submitted annually by officers and go through a formal prioritisation process before a draft council budget is released for community feedback.*

**Liz Bonner on behalf of the Real Deal** asked the following:

**Question 1:**

What input will the City of Greater Geelong have into the Commonwealth Games village and infrastructure and influencing the legacy aspects of the village?

*Thank you for your questions, Liz.*

*The City has and will continue to advocate to Development Victoria regarding all legacy aspects of the infrastructure investment to ensure the long-term benefits and outcomes for the community. The State Government is responsible for the infrastructure delivery of the Commonwealth Games.*

**Question 2:**

What steps has the City of Greater Geelong taken to ensure that the village housing being built for the Commonwealth Games will be best practice and prioritise the sourcing of local materials and workers to enable Geelong to showcase best practise design in housing for a net zero carbon future?

*The City will continue to advocate to Development Victoria for the best outcomes for the Community including all environmental sustainable considerations. The City will be working very closely with the Victoria 2026 Organising Committee and the Office of the Commonwealth Games and is preparing a supplier awareness program. The purpose of this program is to ensure local suppliers are aware of the Commonwealth Games tender opportunities, are provided education opportunities to build capability and have the capacity to participate.*

*The Commonwealth Games is expected to boost the economy by \$3 billion and the City looks forward to playing a key role in ensuring local businesses are informed and engaged.*

**Question 3:**

What steps has the City of Greater Geelong taken to ensure the village will be for social and public housing and will it prioritise social integration and community building?

*In February 2020, Council adopted the Social Housing Plan with a commitment to increase the supply of social and affordable housing in Geelong. A partnership arrangement is required to meet the demand between Council, the State Government, and private developers.*

*The Commonwealth Games Athletes Village will be built by the State Government and officers are working with the design team to ensure the village will have a lasting legacy once the Games are complete. At the moment the City is working with the State Government on increasing the number of dwellings to be re-purposed for social housing. As this in the preliminary stage of design, the City is not able to categorically state how many dwellings will be repurposed for social housing, however it is a priority as it aligns with our overall social housing policy position.*

**Gregory Ince** asked the following:

I am the president of the Corio Community Sporting Club and on the committee for Northern Stars, our problem is we only have one oval for training and competition, which is currently being used by our senior clubs which results in our junior cricketers playing home games at other ovals sometimes in Lara even on the other side of Geelong or wherever an oval might be free.

To get youth back into sport in the north Corio and North Shore Football Clubs combined to provide under-age football in the northern suburbs as each club was struggling to provide junior teams.

This will be the third year and we were and we are providing teams in Auskick u10 u12 u14 and for the first time this year we will be providing a girls under 16 football teams, the problem being that we have to train at both ovals when they can, we have found numbers have dwindled, after ringing around we have found people don't want to be nomads they want their own oval which they can get at other clubs.

Our proposal is to develop another oval and we have identified 2 ovals at the old Corio North high school site one owned by council, behind the rugby oval, and the one behind the new detox centre which I believe is education land, the one behind the detox centre has previously been used for both sports and would be the cheaper to develop.

**Question:**

We were wondering if the Council could swap the lands or purchase the Education Department land as both are not being used, and develop it into an oval we could use?

*Thank you for your question, Gregory.*

*It is great to see the establishment, growth and collaboration of sporting clubs to promote increased participation opportunities to the community. The City understands the need for continued support in growing sporting participation particularly in the northern suburbs and this has been reflective of recent investment and upgrades including works at Shell Reserve, Goldsworthy Reserve and Windsor Park.*

*The City also acknowledges that there is only one oval the club has access to at Shell Reserve which is a significant constraint/inhibitor to the ongoing growth and sustainability of the tenant clubs. In January, Corio Community Sports Club (Cricket division) was successful in being offered a planning grant for Flinders Peak Reserve to conduct preliminary planning and investigations for a multi-purpose oval to be constructed at Flinders Peak Reserve.*

*As part of these investigations, City officers will seek to gain a greater understanding of the opportunities within the reserve including the future use of the existing, disused oval located behind the rehabilitation centre. Officers will also explore the feasibility of acquiring this land to meet the growing demand for sporting facilities in Geelong's northern suburbs. The tenant clubs have been informed of their successful application and City officers will work with all stakeholders throughout the planning process to ensure the planning conducted reflects the needs of sporting clubs and the community.*

*The outcome of the planning grant will result in conceptual designs for a multi-sport field at Flinders Peak Reserve and an estimation of cost for each of the recommended options. These options will be provided to Council for consideration once completed.*

**Marylyn Pettit** asked the following:

My question to the Councillors this evening is, will the long-awaited upgrade to Sandy Creek Rd be funded in the 23/24 budget. The road upgrade was listed for high priority, short term action when council adopted the Lara Traffic Management in 2019. It has been put up for funding in subsequent budgets since, without success.

The dangers of the road are well documented, known to council, and remain a hazardous mix of narrow pavement, huge quarry trucks and trailers carrying 50 tonne plus loads, vehicles constantly forced off the road, broken down road edges, deep potholes, narrow verges {in many places non-existent}, roaming kangaroos and in the You Yang's tourist and recreational precinct.

**Question:**

If funding for this urgently needed road upgrade in the interest of public safety is to be again denied in the 23/24 budget, my second question is, where does council rate the importance of fixing Sandy Creek Rd in their list of priorities and will they give any firm commitment to the community to fund it in the foreseeable future?

*Thank you for your question, Marylyn.*

*The City confirms that the Sandy Creek resealing and upgrading works were endorsed as part of the Council approved Lara Traffic Management Plan 2019 - 2029.*

*Funding has not been allocated in the current budget to complete the works, however the City will continue to look for external funding opportunities from other levels of government or other bodies to complete the works.*

*The draft 2023-24 City of Greater Geelong Budget is to be presented at a Council meeting in the coming months and will be followed by a 28-day community engagement period during which time community members may make submissions.*

**Andrew McKnight** asked the following:

I am writing this letter due to a number of concerns I have related to my area of 'Greater Geelong'. The area in question is within Lara where there are a number of issues that need to be addressed.

**Question 1:**

What is the update on the Lara Flood Study?

Especially that when you had the meeting within the Lara Hall – we were told that you will address the concerns and get back to all who put submissions of zoning on their place of residence. I can say I have not received any correspondence related to this matter. Are you going to inform us or are you just hoping we will forget about it and get things done through the back door.

I can go back to when it first was issued during COVID. I had an on-line meeting with someone within Council which kept showing pictures of my property from top view. After some time, I asked him to do a street view which showed that my house is on a slope (2 metre fall from back fence to kerb), and if my place ever flooded that would mean that the houses across the road would be up to their roof eaves. But your flood overlay drawings do not show anything like that (no flooding across the road at all).

This person said to me at the end of our discussion, "I guess you are putting a rejection in"? Which I informed him that I had already done so. Since this I can say I have had very little to no communication from anyone from Council related to this matter.

*Thank you for your questions Andrew.*

*The planning controls recommended in this study are being implemented by Amendment C339 which proposes flood overlays over a number of properties. At the September 2022 meeting, Council requested officers to further review the submissions and overlay maps to see if further properties could be removed. Officers have now prepared a report and it is likely to go to the 28 March Council meeting. An email will soon be sent to all submitters notifying them of the meeting date and providing an update.*

**Question 2:**

Parking of cars near Lara Lake Primary School (especially pickup time after school).

Over the last 12 months I have reported on a number of occasions about cars parking illegally in no standing areas (within the school crossing in Darcy Street), also near the intersection of Forest Road.

The other issue is cars parking in front of the bus stop on Forest Road which blocks view for cars coming out of Darcy Street. On a number of occasions there has been close calls of cars getting hit. Can something been done about this matter?

*City officers are aware of the concerns and made contact in December 2022 notifying that parking officer patrols would be conducted. Local Laws officers have issued 20 parking infringements in the Lara Lake Primary School area since the start of Term 1 through to today.*

**Question 3:**

The roundabout near the Lara Museum:

I believe this intersection needs to be addressed – people just fly through this intersection from all sides. I have seen the aftermath of a number of accidents at this intersection and lots of close calls because people do not slow down. I have seen this happen early in the morning, around school pickup times and into the evening. Can we look into something to make people slow down – traffic lights or speed humps?

*The City understands you are referring to the intersection of Forest Road South and Canterbury Road. This intersection is managed under the responsibility of the Department of Transport and Planning. The City is aware of the community's concerns raised at this location, however the City would have to defer to the Department of Transport and Planning for an update on any planned actions.*

**Felicity Dales** asked the following:

**Question 1:**

Who authorised Council to take on the Agenda of an International Body (UN)?

**Question 2:**

When did the people of Geelong give Council their Consent to take on this International Agenda?

**Question 3:**

Can you show the evidence of that?

*Thank you for your questions, Felicity.*

*As the questions submitted are without context, the City is unable to provide a response. The City encourages you to resubmit your questions with more detail either directly through [contactus@geelongcity.vic.gov.au](mailto:contactus@geelongcity.vic.gov.au) or online ahead of next Council meeting.*

**Jeanne Nel de Koker** asked the following:

**Question 1:**

During the Council Meeting held in February 2022, Vanessa Whittem inquired about the number of trees that were planted under the Tree Request scheme during the 2021 planting season. (<https://www.geelongaustralia.com.au/trees/task/item/8cbb7dcb37a234d.aspx>)

According to City Services' response, a total of 3,307 trees were planted during that period. However, as of Monday, 27 Feb 2023, the information available on the City's website (<https://www.geelongdataexchange.com.au/pages/urban-forestry/detailed-view#detailed-view>) indicates that only 1,346 trees were planted under the scheme.

Could the Council please explain the discrepancy between these two figures?

*Thank you for your questions, Jeanne.*

*The dashboard reflects all trees planted within the City in a year. This includes trees planted by developers and handed over to the City. On 27 February 2023 the dashboard shows 7,163 trees were planted in 2021. This includes the 3,307 trees planted by the City. The figure of 1,346 represents the number of requests received from the community to have a street tree planted outside their property.*

**Question 2:**

At the Council meeting held on July 26th, 2022, City Services, responding to Katerina Izdebskaia's question, reported that at the time, they had received 1,038 requests for street tree planting during the 2022 season.

The Council has previously stated that street tree planting only occurs between April and September to ensure the best survival rates for the trees. However, as of Monday, February 27th, 2023, the dashboard on the City's website indicates that only 504 trees were actually planted during the 2022 season (<https://www.geelongdataexchange.com.au/pages/urban-forestry/detailed-view#detailed-view>).

Can the Council provide the following information:

- a) The number of tree requests that were received under the City's street tree scheme after July 26th, 2022; and
- b) Why less than half (48%) of the requested trees were actually planted in the 2022 season?

*a) The City has received 685 requests for tree planting since 26 July 2022.*

*b) The dashboard indicates that 5,058 trees were planted in 2022. The figure of 504 represents the number of requests received from the community to have a street tree planted. This figure has not updated correctly, and the City has asked the platform vendor to rectify.*

**\*\* Prue Digby (Municipal Monitor) left the meeting at 7.30pm.**

**1.8. Petitions**

Julie Hannan-Smith presented a petition containing approximately 420 signatures from concerned residents requesting Council to significantly modify plans for the proposed Stage 5 development of Balmoral Quay, Rippleside, in particular:

- Decrease the number, height and density of the planned residences by the developer of 'Stage 5', Balmoral Quay;
- Prepare a parking strategy that prioritises parking for residents as well as parking space and times for workers;
- Reduce speed and load limits and best management for infringements;
- Restrict access by heavy vehicles and trucks; and
- Maintain the open, quiet ambience and amenity of Rippleside.

## 2. REPORTS

### 2.1. Amendment C383ggee - Advertising Sign Guidelines Review - Prepare and Exhibit Amendment

**Source:** City Planning & Economy  
**Director:** Gareth Smith

#### Purpose

1. To seek a Council resolution to prepare and exhibit Amendment C383ggee subject to authorisation by the Minister for Planning.

#### Background

2. The City has conducted a review of the current Advertising Signage Guidelines which are included in the Greater Geelong Planning Scheme and guide decision making on planning permit application for signage.
3. The review found there is a need to update the current guidelines as the current guidelines are 25 years old; there have been numerous changes to the planning scheme since 1997 including new commercial zones and state government signage provisions and the evolving nature of advertising signage and urban design requires updated direction for planning permit applications.
4. The replacement of the current guidelines is recommended in the City of Greater Geelong Advertising Sign Guidelines Review – Issues and Options Paper (May 2022)(**Attachment 2**), which was supported in a peer review by Transect Planning.
5. The amendment will replace the current Advertising Signage Guidelines, City of Greater Geelong 1997 with new City of Greater Geelong Advertising Sign Guidelines (May 2022) (**Attachment 3**), as an incorporated document in the Greater Geelong Planning Scheme.

#### Key Matters

6. The Amendment and new Guidelines are required to provide updated guidance for the design and placement of signs that are appropriate in different areas, and to assist developers, building owners, building tenants, planning permit applicants and residents in understanding what type of signs will be supported or not supported in the Greater Geelong Planning Scheme.
7. The Guidelines apply to planning applications for signs and establish performance based objectives, strategies and design for signs, including for different areas and sign types.
8. Further details of the background and proposed new guidelines are discussed in **Attachment 1**.

**RESOLUTION - Item 2.1**

**Cr Grzybek moved, Cr Harwood seconded -**

**That Council:**

- 1. Endorses the preparation and exhibition of Amendment C383ggee to the Greater Geelong Planning Scheme to:**
  - 1. Replace the current Advertising Signage Guidelines, City of Greater Geelong 1997 with the City of Greater Geelong Advertising Sign Guidelines (May 2022) in the Schedule to Clause 72.04 as an incorporated document in the Greater Geelong Planning Scheme;**
  - 2. Include the City of Greater Geelong Advertising Sign Guidelines Review – Issues and Options Paper (May 2022) in the Schedule to Clause 72.08 as a background document in the Greater Geelong Planning Scheme; and**
  - 3. Make other associated changes to the local policy provisions of the Greater Geelong Planning Scheme.**
- 2. Requests the Minister for Planning to authorise the preparation and exhibition of Amendment C383ggee.**

**Carried**

### ***Financial Sustainability***

9. There are no significant financial implications to Council. The amendment will not result in additional planning permit applications being lodged with the council and will provide greater clarity and certainty for how discretion will be exercised when considering applications for signage. This will result in improved clarity for all parties on Council's expectations when lodging applications for signage across the municipality.

### ***Community Engagement***

10. The City has consulted with Department of Transport and the former Department of Environment Land Water and Planning (DELWP) in the development of the new Guidelines.
11. If Council resolves to support the exhibition prescribed Ministers and other relevant agencies will be directly notified during the statutory exhibition period. The broader community will be notified through notices in local newspapers and the City's website.

### ***Social Equity and Sustainability***

12. There are no significant social equity considerations.

### ***Relevant Law/Policy/Legal Implications***

13. The amendment supports the following State Policies from the Planning Policy Framework:
  - 13.1. Clause 15.01-1S Urban design; and
  - 13.2. Clause 18.01-1S Land use and transport integration.
14. The amendment supports the following policies from the Local Planning Policy Framework:
  - 14.1. Clause 11.03-1L Activity Centres in Greater Geelong; and
  - 14.2. Clause 15.04-1L-02 Pakington Street North Urban Design.
15. The amendment supports the following clause from the Particular Provisions:
  - 15.1. Clause 52.05 Signs.

### ***Alignment to Community Plan and Vision***

16. This report aligns with Our Community Plan 2021-2025 strategic priority:  
Strategic Direction 2: Sustainable growth and environment.  
Strategic Direction 3: Strong local economy.
17. This report aligns with the Community led 30-year Vision, "Greater Geelong: A Clever and Creative Future" community aspiration:  
A prosperous economy that supports jobs and education opportunities.  
Sustainable development that supports population growth and protects the natural environment.

***Conflict of Interest***

18. No officer involved in the preparation of this report declared a general or material conflict of interest.

***Risk Assessment***

19. There are no notable risks associated with implementing the recommendations contained in this report.

***Environmental Sustainability***

20. There are no environmental sustainability implications associated with implementing the recommendations contained in this report.

**Attachments**

1. C383 Attachment 1 Council report [2.1.1 - 3 pages]
2. Advertising Signs Issues and Options Paper May 2022 (updated 21-2-23) [2.1.2 - 13 pages]
3. Advertising Sign Guidelines May 2022 - PR J-17-145 [2.1.3 - 39 pages]

## Attachment 1

### **Background**

1. The City conducted a review of the Advertising Signage Guidelines (City of Greater Geelong 1997) which are currently included in the Greater Geelong Planning Scheme. The review found there is a need to update the current guidelines, due to a number of reasons, including:
  - 1.1 The current guidelines are over 20 years old since their introduction.
  - 1.2 There have been numerous changes to the planning scheme since this time, including to the number and types of commercial zones, as well as to the advertising sign particular provision (Clause 52.05).
  - 1.3 The evolving nature of advertising signage and urban design requires updated direction for planning permit applications.
2. An Issues and Options Paper (**Attachment 2**) was prepared, which outlines the current policy and statutory context, issues and case studies of signage in the municipality. It recommends new guidelines be prepared, as well as a short local policy provision for advertising signs. The structure recommended for the new Guidelines would be based on different area types identified in Greater Geelong, such as pedestrian oriented commercial areas including High Street in Belmont and Ormond Road in East Geelong, as well as Highway oriented commercial areas, such as Waurm Ponds Shopping Centre or Leopold Gateway Plaza.
3. New Advertising Sign Guidelines (**Attachment 3**) have been prepared collaboratively with Urban Design consultants Urban Fold, based on the recommended structure and issues identified in the Issues and Options Paper. These Guidelines, as well as the Issues and Options paper, have been peer reviewed by Transect Planning Consultants.
4. The Peer Review agreed with the recommendations of the Issues and Options Paper and with the approach taken by council, including replacing the current guidelines as an incorporated document in the planning scheme and proceeding with a planning scheme amendment.
5. The former Department of Environment Land Water and Planning (Central Geelong) and Department of Transport were consulted in the development of the new Guidelines.

### **Discussion**

6. Signs have a significant impact on the public realm and the quality of the streetscape, site and buildings where they are located. Done well, signs can add to the vitality of an area and contribute to its character. Done poorly, signs can block important views or create an unattractive, cluttered appearance to an area, as well as reduce the effectiveness of other signs.
7. By implementing the guidelines into the planning scheme, signs in the built environment can be managed to balance the important economic role they play in identifying and promoting business, while ensuring good urban design outcomes are achieved and valued streetscape character, heritage and amenity are protected. This is particularly important given Geelong's status as a UNESCO City of Design.
8. Amendment C383ggee seeks to implement the City of Greater Geelong Advertising Sign Guidelines (May 2022) by replacing the current guidelines in the planning scheme as an incorporated document. The guidelines will apply to all land within the Greater Geelong Planning Scheme.

9. The amendment is required to implement the City of Greater Geelong Advertising Sign Guidelines (May 2022) and remove the current Advertising Signage Guidelines, City of Greater Geelong 1997. The new guidelines provide updated guidance to support decision making for the design and placement of signs that are appropriate in different areas, and to assist developers, building owners, building tenants, planning permit applicants and residents in understanding what type of signs will be supported or not supported in the Greater Geelong Planning Scheme.
10. The Guidelines apply to planning applications for signs and establish performance based objectives, strategies and design for signs, including for different areas and sign types. They will:
  - 10.1 Encourage a place-based approach to signage, that reflects the different types of urban environments in the municipality.
  - 10.2 Provide direction for signage that respects the context of its location, having regard to impacts on buildings and the area.
  - 10.3 Promote equitable identification and marketing of businesses in the municipality.
  - 10.4 Encourage the protection of views and vistas to significant natural or man-made features from inappropriate signs.
  - 10.5 Address issues such as visual clutter or signs that dominate a site, building or streetscape.
  - 10.6 Provide guidance for electronic signs.
11. In addition to the new Guidelines, a short local policy provision will be introduced to require their consideration in future planning permit applications.
12. The proposed amendment accords with the objectives of Planning in Victoria as set out in the *Planning and Environment Act 1987* as it will:
  - 12.1 Encourage appropriate signage and its economic benefits in a manner that is fair, orderly and sustainable.
  - 12.2 Ensure signage does not compromise pleasant and efficient working, living and recreational environments.
  - 12.3 Ensure signs are respectful of heritage places.
13. The Guidelines have been prepared to provide local guidance for the matters identified for consideration in Clause 52.05 (Signs). The structure of the Guidelines is largely based on the four different signage 'Category' areas identified in Clause 52.05, which are commercial, office and industrial, high amenity and sensitive areas. The Guidelines provide additional guidance, by breaking down commercial areas into two distinctive character types, which are 'pedestrian oriented' and 'highway oriented' commercial areas.
14. Pedestrian oriented commercial areas are typically main streets in suburban areas or town centres, with low vehicle speeds and a walkable environment, whereas Highway oriented areas are mainly accessed by car and often located on an arterial roads and other higher speed environments. The areas generally have substantially different built form environments, with Pedestrian oriented areas having buildings constructed on the front boundary with few or no gaps between buildings. In contrast, buildings in Highway oriented areas have substantial setbacks from the street and large areas devoted to vehicle access and parking.

15. The different environments result in different signage needs and sensitivities, which the proposed Guidelines respond to by providing different objectives, strategies and guidelines, while remaining consistent with Clause 52.05. The Guidelines identify which commercial areas in the municipality are pedestrian or highway oriented, by both the zoning as well as maps, to avoid confusion.
16. In addition, the Guidelines provide specific directions for sign applications in:
  - 16.1 Central Geelong
  - 16.2 At interfaces between commercial or industrial and high amenity or sensitive areas.
  - 16.3 Heritage places
  - 16.4 PAD sites, such as freestanding service stations or medical centres.
  - 16.5 Growth areas
  - 16.6 Major promotion signs
  - 16.7 Electronic signs
17. Objectives for signs that apply in all locations are included in a 'General' section at the start of the Guidelines. A user guide is also included at the start of the document, as well as hyperlinks in the Contents page to assist in quicker navigation.
18. The proposed Guidelines have been prepared to accord with the proposed Central Geelong Framework Plan and draft new Activity Centre Zone schedule.
19. The amendment will not result in additional planning permit applications being lodged with the council and will provide greater clarity and certainty for how discretion will be exercised when considering applications for signage. This will result in improved clarity for all parties on council's expectations when lodging applications for signage across the municipality.



THE CITY OF  
GREATER GEELONG

# ADVERTISING SIGN GUIDELINES REVIEW

ISSUES AND OPTIONS PAPER

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## **ACKNOWLEDGEMENT OF COUNTRY**

The City of Greater Geelong acknowledges the Wadawurrung People as the Traditional Owners of this Land, Waterways and Skies.

It also acknowledges all Aboriginal and Torres Strait Islander People who are part of the Greater Geelong community today.

## EXECUTIVE SUMMARY

The issues and recommendations of this review have focussed on the impacts of advertising signs, grouped into areas where they most commonly occur. The areas identified are as follows:

- Central Geelong
- Pedestrian oriented commercial areas
- Highway oriented commercial areas
- Industrial areas
- Heritage places
- Open space
- Residential areas
- Growth areas
- Major promotion signs

Some issues common across all areas are also identified, which are:

- Visual clutter resulting from excessive numbers and sizes of signs, as well as their placement (such as where they block out a competing sign).
- Impacts on buildings, particularly where signage is not in proportion to the building or alters or obscures architectural features.
- Impacts on the area, such as from signs that are of a size or height that dominate the built form character and streetscape.
- Signs that obscure or dominate views or vistas to significant natural or man-made features, as well as to the sky or between buildings from public places (such as the street or parks).
- Use of variable messaging signs to promote sales or other commercial activities and the detrimental impact they have on road users and the amenity of an area.

Issues identified with the current statutory and policy framework are:

- Age of the current incorporated document (Advertising Signage Guidelines, City of Greater Geelong 1997)
- Generalisation of different types of commercial areas in the current Advertising Signage Guidelines
- Need to update in the Planning Policy Framework context

The options suggested include the development of new guidelines to replace the current ones, to be included in the planning scheme as either a background or incorporated document, and/or a local policy in the Planning Scheme.

The recommended option is to prepare a succinct local planning policy and new Advertising Guidelines, as an incorporated document.

The recommended structure of the guidelines would be based on the areas and issues identified, as follows:

1. General
2. Central Geelong precincts (excluding Waterfront)
3. Category 1 areas. These areas are commercial and most are identified in the City of Greater Geelong Retail Strategy 2020-2036 (August 2020). There are two main development types, with different preferred signage characters:
  - a. Pedestrian oriented commercial areas. This will include most Commercial 1 Zone areas, as well as a small number of Commercial 2 and Urban Growth Zone areas with this development type. Typically these areas have, or are planned to, a 'main street' built environment.
  - b. Highway oriented commercial areas. Most Commercial 2 Zone areas and a number of Commercial 1 Zone places that have a different established signage and built form character to Pedestrian oriented commercial areas. These include large format retail (bulky goods) and shopping centres surrounded by large carparking areas.

To enable ease of use, the incorporated document should include a list of Commercial 2 Zone areas that are in Pedestrian oriented commercial areas and Commercial 1 Zone areas that are in Highway oriented commercial areas.

4. Category 2 areas. These areas are chiefly industrial, but also include some in the Armstrong Creek growth area.
5. Category 3 areas
  - a. Residential areas.
  - b. Central Geelong Waterfront.
6. Category 4 areas (Rural and public land)
7. Heritage places
8. Interfaces with sensitive areas
9. Growth Areas
10. Major promotion signs
11. Electronic signs

## PURPOSE

**Advertising signage is an important part of the economy, helping to promote and generate business. Some signs help identify the location of businesses and places, or promote local events. Others, such as large billboards, can promote projects of regional significance (such as new housing estates) or road safety messages.**

Done well, signage can also add to the vitality of an area and contribute to its character. A corporate logo on an office building can provide a landmark that helps orient city users. It can also provide a sense of connection between a business and its locality and signify its importance to the local economy, such as the Worksafe building in central Geelong.

Done poorly, however, the opposite can be true. Signage can block important views of natural or architectural features, or create an unattractive, cluttered appearance to an area. Signage that is too large or high can also dominate and detract from the amenity of a public place, such as a square or park.

There is a need to update the City of Greater Geelong Advertising Signage Guidelines (1997), which are over 20 years old and have not been changed since their introduction. Since this time there have been numerous changes to the planning scheme, including to the number and types of commercial zones, as well as to the advertising sign particular provision (Clause 52.05). The evolving nature of advertising signage and urban design also require updated direction for planning permit applications.

In addition, Geelong's status as a UNESCO City of Design provides a strong basis for the quality of its natural and built environments to be enhanced, in which signage has an important contributing role.

The purpose of this report is therefore to:

- Outline the current statutory and policy context for advertising signage in Greater Geelong;
- Identify and discuss relevant signage issues in different environments, including a number of case studies in Geelong and other municipalities.
- Identify and discuss issues with the current statutory framework, particularly the Advertising Signage Guidelines (City of Greater Geelong, 1997).
- Review emerging technology in advertising signage, including digital signs.
- Provide options (including a recommended option) to update the Planning Scheme, including the format and structure of a new Advertising Guidelines document.

## POLICY AND STATUTORY CONTEXT

### STATE

There are two strategies for signage in state policy:

- Clause 15.01-1S (Urban design)  
Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.
- Clause 18.01-1S (Land use and transport integration)  
Design the transport system and adjacent areas to achieve visual outcomes that are responsible to local context with particular reference to landscaping, the placement of signs and providing buffer zones and resting places.

It is noted the Urban Design Guidelines, which are a reference document in Clause 15.01-1S, provide little guidance for signage and instead redirect users to Clause 52.05.

Clause 52.05 (Signs) is the primary section in the planning scheme which addresses signage requirements. It includes permit triggers and decision guidelines. A 'category' based system is used, which is as follows:

- Category 1 - minimum limitation. Includes Commercial 1 and 2 zones. It also applies to:
  - All precincts of the Central Geelong Activity Centre Zone schedule except precinct 3 (Waterfront).
  - Precinct 1 in the Armstrong Creek Town Centre (Urban Growth Zone, schedule 5).
  - Precincts 4, 5 and 6 of the Armstrong Creek North East Industrial Precinct (Urban Growth Zone, schedule 1).
- Category 2 - low limitation. Includes Industrial 1, 2 and 3 zones, as well as the Port Zone. It also applies to:
  - Special Use Zone schedules 4 (Beckley Park) and 12 (Lara Energetic Materials Manufacturing Plant).
  - Precincts 2, 3 and 4 of the Armstrong Creek Town Centre (Urban Growth Zone, schedule 5).
  - Precincts 1, 2 and 3 of the Armstrong Creek North East Industrial Precinct (Urban Growth Zone, schedule 1).
  - The sports stadium at Kardinia Park (Public Park and Recreation Zone).

- Category 3 – medium limitation. This category applies to most residential areas (including the Rural Living Zone). This category is the default category for the Mixed Use, Special Use and Comprehensive Development zones, other than those in which the schedule to the zone specifies a different category. It also applies to:
  - Central Geelong Waterfront (Activity Centre Zone schedule).
  - Precinct 5 of the Armstrong Creek Town Centre (Urban Growth Zone, schedule 5).
  - Ocean Grove Park (Public Park and Recreation Zone).
- Category 4 – maximum limitation. These areas include rural and public land zones. The Urban Floodway Zone is included in this category. The category also applies to schedules 1, 5 and 13 of the Special Use Zone.

In a Road Zone and Public Use Zone 4 (Transport), the sign category which generally applies is the category which applies to the adjoining zone nearest to the land.

Clause 73.02 (Sign terms) provides definitions of different types of signage.

**It is noted local policy provisions must be consistent with and be within the scope of these state provisions.**

### LOCAL

The Advertising Signage Guidelines (City of Greater Geelong, 1997) provide directions for signage and are an incorporated document in the scheme. A minor amendment to the Guidelines was made in 2014 to address a specific requirement for signage at Kardinia Park. There has not, however, been a comprehensive revision of the guidelines since their introduction.

Notably the Guidelines do not provide guidance for electronic signs or major promotion signs and includes some outdated references to sign types and policies that are inconsistent with the current scheme provisions.

There are a number of objectives, strategies and policies in the following local provisions and schedules in the scheme:

- Clause 15.01-1L-02 (Pakington Street North Urban Design)
- Schedule to Clause 37.08 (Activity Centre Zone)
- The following schedules to Clause 43.02 (Design and Development Overlay):
  - Schedule 17 (Central Geelong Western Wedge)
  - Schedule 18 (Geelong Ring Road Employment Precinct)
  - Schedule 20 (Industrial 1, 2 and 3 Zones)
  - Schedule 21 (Portarlington town centre)
  - Schedule 24 (St Leonards town centre)
  - Schedule 25 (Barwon Heads town centre)
  - Schedule 26 (West Fyans Precinct Structure Plan)
  - Schedule 29 (Lara Town Centre expansion area)
  - Schedule 31 (Bellarine Hwy mixed use centre - Leopold)
  - Schedule 39 (Grubb Rd Activity Centre - Commercial 1 and 2 zones)
  - Schedule 40 (Ocean Grove town centre)
- The following schedules to Clause 42.03 (Significant Landscape Overlay):
  - Schedule 10 (Lake Connewarre)
  - Schedule 11 (Lake Victoria)
  - Schedule 12 (Swan Bay)
  - Schedule 14 (Clifton Springs - Portarlington coast)

### COUNCIL POLICIES (NON-PLANNING)

**The following council policies are applicable to signs requiring approval under local laws.**

#### Recreation Reserve Advertising Signage Policy

This policy establishes guidelines for approval of advertising and sponsorship signage at Council sporting reserves. It relates to all Council owned and managed reserves and associated facilities, except for the sports stadium at Kardinia Park. This policy is proposed to be revoked and superseded by a new set of *Recreation Reserve Advertising Signage Guidelines* which are currently under development.

#### Footpath and Designated Roads Trading and Activity Policy

This policy sets out requirements for the conduct of trading and other activities on Council's footpaths, including signs.

#### General Signage (Including Electoral Advertising Signs) On Council Road Reserves and Land

This policy provides direction on the assessment and determination of applications to place general signage on any Council land, municipal building or road. It does not include signs relating to the placement of a sign on a Council footpath, which are covered in the Footpath and Designated Roads Trading and Activity Policy. It does not include directions on the placement of electoral signs, which are covered in the Placement of Electoral Signs Policy. This policy is being revoked and an updated set of guidelines are under development.

#### Guidelines For The Placement of Electoral Signs

This policy sets the guidelines for the placement of electoral signs in Greater Geelong.

## GEELONG UNESCO CITY OF DESIGN

On 31 October 2017 Geelong was designated a member of the UNESCO Creative Cities Network. The aim of the network is to make creativity an essential driver for sustainable urban renewal and development. Cities in the network are designated one of seven creative fields which include crafts and folk art, design, film, gastronomy, literature, music and media arts. Geelong is the only city in Australia to receive this designation.

As a Creative City of Design, Council has committed to:

*Integrating design thinking into all aspects of urban planning and development, as well as raising Geelong's international profile as a clever and creative city*

UNESCO – Creative Cities Network website  
<https://en.unesco.org/creative-cities/node/982>

This is supported in Council's thirty year vision A Clever and Creative Future (City of Greater Geelong, 2017) which outlines a blueprint for the City as a 'Clever and Creative' city-region. While there are no specific directions for signage, some broader principles are relevant, including:

- an active street culture involving student and café precincts
- urban design that encourages activity and comfortable open public areas in all seasons
- revitalisation of Central Geelong

## ISSUES

### IMPACTS OF ADVERTISING SIGNS

The issues relating to this topic have been grouped into places where they most commonly occur. Many issues will, however, be relevant to a number of settings.

Some of the issues are common across all areas, which are as follows:

- Visual clutter resulting from excessive numbers and sizes of signs, as well as their placement (such as where they block out a competing sign).
- Impacts on buildings, particularly where signage is not in proportion to the building or alters or obscures architectural features.
- Impacts on the area, such as from signs that are of a size or height that dominate the built form character and streetscape.
- Signs that obscure or dominate views or vistas to significant natural or man-made features, as well as to the sky or between buildings from public places (such as the street or parks).
- Use of variable messaging signs to promote sales or other commercial activities and the detrimental impact they have on road users and the amenity of an area.

The following places, or local environments, are based on the different types of urban environments in the municipality. They were identified in a review of the current City of Greater Geelong Advertising Signage Guidelines (1997), Clause 52.05 category area types and a number of key strategic documents described in the following section.

Two distinct sub-types of commercial environments were identified, following a review of the activity centres described in the City of Geelong retail strategy. These have been described as 'pedestrian oriented' and 'highway oriented' commercial areas. Comparative policies and VCAT cases have also been examined to provide insight into contemporary policy in other municipalities.

A separate non-place group is identified for major promotion signs.

### Central Geelong

The Activity Centre Zone applies to much of Central Geelong. Amendment C341ggee has been prepared, which includes a draft framework plan (containing a new structure plan and urban design guidelines) and schedule to the zone. This was placed on exhibition 25 May 2021 and hearings and a committee report is scheduled for the second half of 2021.

The draft framework plan and zone schedule do not include directions for advertising signage. The current Central Geelong Urban Design Guidelines (October 2008) do include guidance, although there is only limited direction in the current zone schedule. Therefore if the proposed zone schedule and framework plan proceed, there will be no local signage policy for Central Geelong.

It is further noted the age of the guidelines was criticised by the Tribunal in *Drive By Developments Pty Ltd v Greater Geelong CC* (2016).



Central Geelong Framework Plan (as shown in draft schedule to the Activity Centre Zone, May 2021)

Central Geelong has some significant sensitivities, including heritage, views and a need for the different precincts to develop a character. Built form and streetscapes will play a key role and advertising signage can either help or hinder this being achieved.

The cultural precinct will be sensitive to signage. The Central Geelong Arts and Cultural Precinct Masterplan 2017 seeks to create a distinctive character for this area through public realm streetscape treatments. Art is proposed to be integrated into the public realm and built form, such as through projections and installations on blank walls. While some advertising related to the functions of this district would be appropriate (such as for performances or exhibitions), the introduction of unrelated commercial advertising would likely threaten this character.

Laneways are also a key feature of Central Geelong. There is a need for signage in these spaces to be human scale – particularly aimed at pedestrians and minimised to avoid visual clutter. The Laneways Action Plan, a background document to the proposed framework plan, seeks to avoid blank walls and long garage doors. Signs may have a role to play in activating these.

The proposed draft Central Geelong urban design guidelines also notes that buildings above seven storeys height will form part of the skyline. Likewise signs above this level will have the potential to form part of the skyline and consideration should be given to whether they (particularly major promotion signs) should be limited to seven storeys.

The proposed zone schedule designates all precincts, other than the Waterfront (which is mainly open space) as 'Category 1' signage areas, which have the lowest level of limitation. Two of the precincts, York and Station, are proposed to be principally residential (with some allowance for commercial uses). Policy direction is needed to ensure signs in these areas do not conflict with the character sought.

Similarly while the Waterfront is included in a Category 3 area (medium limitation), there would be no guidance for signage to ensure signage does not have a detrimental impact on this renowned space.

The lack of policy for signs in the current and proposed zone schedules also does not reflect the prioritisation of the Retail Core precinct as the focus for commercial activity.

**CASE STUDY: CENTRAL GEELONG**

131 Malop Street, Geelong - Drive By Developments Pty Ltd v Greater Geelong CC [2016] VCAT



Image above: Electronic signage approved on heritage building in Central Geelong

The Tribunal issued a planning permit for an electronic major promotional sky sign, placed on top of a single storey building on a street corner in Central Geelong.

While council officers raised concerns with the compatibility of the sign with the area and its dominance of the host building, the Tribunal found the proposal was not incompatible with the 'bulk and scale of the robust buildings' of the area. The Tribunal also gave little weight to the current Central Geelong Urban Design Guidelines, due to their age.

**Commercial areas**

Commercial areas in Greater Geelong are outlined in Clause 02.03-1 (Settlement), which is based on the City of Greater Geelong Retail Strategy 2020-2036 (August 2020). Under Clause 02.03, there are six types of centres: one regional centre (Central Geelong), five sub-regional centres (Belmont, Waurn Ponds, Corio, Leopold and Armstrong Creek), six town centres (Ocean Grove, Drysdale, Lara, Barwon Heads, Portarlington and St Leonards). There is also one Specialised Centre (Pakington Street), twenty four Neighbourhood Centres and eight restricted retail centres.

The built form of these commercial areas can vary significantly, with some being in the form of traditional shopping strips, such as Hitchcock Avenue in Barwon Heads and Ormond Road in East Geelong.

Other commercial areas are largely based around access by car. These are often located along main roads and highways and include enclosed shopping centres surrounded by large carparking areas, as well as bulky goods 'homemaker' centres. Freestanding (or 'pad site') development, such as service stations and drive-through restaurants, are also included in this type.

These two main types of commercial areas have significantly different signage types and issues. It is acknowledged some areas have attributes of both built form environments, such as large 'standalone' supermarkets set behind large carparks in main street environment, or older restricted retail strips with buildings close to a highway frontage. Most areas can, however, be grouped into either of the two commercial area types and therefore are discussed separately under the following headings.

**Pedestrian oriented commercial areas**

Examples: High Street, Belmont; Hitchcock Avenue, Barwon Heads; Ormond Road, East Geelong

These areas are characterised in the advertising signage local policy of the Greater Dandenong planning scheme, as having the following attributes:

- zero or a minimal setback from the street, laneway and side boundaries;
- promotes continuity of the frontage between adjacent developments;
- facilitates active pedestrian interaction between the building and street; and
- incorporates other pedestrian-friendly features such as weather protection.

Often these areas are also in a low vehicular speed environment (under 50 km/h), although there are exceptions (such as Ormond Road, East Geelong).

Much of Central Geelong and Commercial 1 zoned activity centres are in this type of area (at street level), as are a number of suburban commercial areas and town centres.



Example of pedestrian oriented development in Belmont

Issues that have been identified in these areas are:

- Signage that blocks views between people on the street and people on the ground and upper floors of buildings. This can have a detrimental impact on safety and activity in the street.
- Animated signs and large signs (particularly electronic and illuminated ones) can dominate and have a major detrimental impact on these types of centres.
- Signs that interfere with pedestrian sightlines and movements.
- Large signs that are disproportionate to their host building and streetscape.
- Signs located above verandah can dominate the host building and streetscape, particularly if they form part of the skyline.
- Painting of whole buildings in corporate colours.
- Freestanding signs, such as pole or pylon signs, can be inconsistent with the built form character.

**Highway oriented commercial areas**

(Examples: Colac Road, Waurn Ponds and Grovedale; Melbourne Road, Norlane; Murradoc Road, Drysdale)

This type of commercial area is generally accessed by car and characterised by:

- substantial setbacks from the street/public realm and adjacent developments without continuity to the streetscape and,
- large areas of the site often devoted to vehicular access, parking and landscaping to the perimeter of the development

Most areas in the Commercial 2 Zone have these characteristics, as well as some in the Commercial 1 Zone.

These areas are often located along arterial roads and highways and include car based, enclosed shopping centres surrounded by large carparking areas, as well as bulky goods 'homemaker' centres. Freestanding (or 'pad site') development, such as service stations and drive-through restaurants are other examples. Signage is often aimed at passing vehicles in a higher speed environment.

The issues identified in these areas are:

- Excessive number of freestanding signs.
- Freestanding signs, particularly major promotion signs and pylon signs, that are of a height and size disproportionate to the streetscape (such protruding above a skyline of trees or buildings).
- Signs (particularly major promotion signs) that interfere with the function and visibility of other signs. In particular signs that block, obscure or dominate business identification signs should be avoided.

- Freestanding major promotion signs that adversely affect the amenity and functionality of a site or area, including the land on which they are located. This is particularly the case where a sign would be located on a 'key development' or 'significant building' site identified in a strategy, such as in Central Geelong or Ocean Grove.



Example of car-based stand-alone development from Cardinia Advertising Signage Design Guidelines (Cardinia Shire Council, 2020)

**Industrial areas**

Industrial areas in Greater Geelong typically have similar built form environment and signage to Highway oriented commercial areas. The issues experienced in these areas are the same as those in the Highway oriented commercial areas.

**Heritage places**

A number of older commercial areas have substantial numbers of heritage buildings, including in Central Geelong, Pakington Street (Geelong West), East Geelong, Drysdale and Portarlington. Older industrial areas in Corio, North Geelong, Newtown and South Geelong also have significant heritage.

Issues in these heritage areas, in addition to those identified earlier, as follows:

- Impact on heritage buildings and places, such as concealing architectural features and details or become a dominant feature.
- Retention of existing signs with heritage value
- Signs which damage the heritage fabric (physical material of the place).
- Multiple signs on a single site, typically where there are multiple tenancies.
- Digital signs are generally incompatible with the character of heritage places.
- Illuminated signage have previously been discouraged (including in the current Guidelines), but recent technology has provided opportunities for certain types of sign lighting (such as subtle illuminated of letters).

**CASE STUDY: HERITAGE PLACES**

165 Moorabool Street, Geelong (PP-1273/2013)



Image above: Electronic signage approved on heritage building in Central Geelong

This proposal involved digital signage on a heritage building, in which case Council took the view the signage would add some vibrancy to the city centre and that this outweighed what was considered 'limited adverse heritage impact'. This decision is an example of tensions between heritage and place activation objectives relating to signage.

It is noted this decision was prior to 2014 and there has been considerable change in Central Geelong since then, which should be taken into account when considering new signage guidelines, particularly relating to impacts on heritage buildings and places.

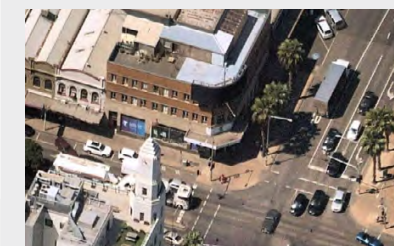


Image above: Electronic signage as constructed at 165 Moorabool Street, Geelong (Nearmap, 25 November 2020)

## Open space

Open space includes sport open space (often referred to as ‘active’ open space) and various types of other open space (often referred to as ‘passive’ open space) such as community parks, town squares and significantly landscaped streetscapes.

The issues identified for open space are:

- Signage that dominates open space (particularly non-sporting open space), particularly significant areas such as the Geelong Waterfront.
- Intrusive effects of illuminated, electronic and animated signs on open space.
- Physical effects of signage such as overshadowing, access to daylight and sunlight, perception of light and shadow, of open space and other sensitive spaces such as footpaths and private open space, windows at different times of the year.
- Impact of signs in industrial areas adjacent to waterways and open space, such as in Breakwater, South Geelong, Newtown and Fyansford which are all located adjacent to the Barwon River environs.

### CASE STUDIES: OPEN SPACE

#### 120 Barwon Terrace, South Geelong (PP-1248-2020)

A planning permit application was lodged for an electronic major promotion sign proposed adjacent to a bridge that crosses the Barwon River, in an industrial zone.



Image above: Location of sign proposed in PP-1248-2020 shown with green marker (Places Weave, April 2019)

In this scenario, there is a potential conflict between the decision guidelines of Clause 52.05, which discourage major promotion signs around waterways and require consideration of the sensitivity of waterways and open space, while also encouraging them in industrial locations.

The application was refused by Council and the decision upheld by the Tribunal in *Joystic Pty Ltd v Greater Geelong CC* (2022). The Tribunal noted the industrial zoning but held the sign would be out of place and have a negative impact on the amenity of nearby dwellings.



Image above: Illustration of proposed major promotion sign in PP-1248-2020, viewed west from the Breakwater Road bridge (anonymous, 2020).

#### Armstrong Creek Town Centre (PP-146-2020)

The current Advertising Sign guidelines do not provide direction for how signage should address open space. In this planning permit application, an 8.5sqm internally illuminated Coles sign was shown above the entrance of a shopping centre, adjacent to a town square (public open space), as shown in the image below.



Image above: Coles sign adjacent to town square (LHS) in PP-146-2020. The Armstrong Creek Town Centre logo is shown immediately right of the sign, in addition to lettering on the adjacent wall

This example offers an opportunity to reflect on the impact signage has on this type of open space. The sign, in terms of its size, height above ground, colour and illumination is prominent and therefore a dominant feature.

## Residential areas

Non-residential uses in or adjoining residential often need signage. Residential areas are, however, particularly sensitive to impacts from signage.

The issues identified for these areas are:

- Signs that face adjoining dwellings, such as from adjoining commercial sites.
- Excessive signage in residential areas can have a detrimental impact on the neighbourhood character.
- Illuminated and electronic signs can be particularly intrusive in residential areas and can result in light spill and glare on nearby dwellings.
- Signs can have detrimental amenity impacts similar to those in open space (such as perception of light and shadow and access to daylight) discussed earlier.
- Signs that dominate the outlook from dwellings, such as major promotion signs that may be located some distance away but above the skyline.
- The character and amenity of rural living areas are particularly sensitive to signs.
- Ensure that the amenity of residential areas is not adversely affected by the provision of outdoor signage for non-residential uses, particularly along non-arterial roads.

## Growth areas

The issues identified for these areas are:

- Visual clutter from excessive developer or real estate signage in and around new estates.
- Signs that are put up distant from the actual development site.
- Signage is sometimes unattractive, such as when attached to shipping containers or other structures.
- Use of trailer mounted signs.

### CASE STUDY: RESIDENTIAL AREAS

#### Maple Media Pty Ltd v Port Phillip CC [2018] VCAT

Maple concerned a case where the applicant sought the endorsement of amended plans based on as-built rooftop signage. The key point of interest in this decision was that the Tribunal noted ResCode standards did not directly apply and instead applied a ‘more qualitative’ approach. It considered impacts on light courts, daylight and sunlight access, as well as the perception of light and shadow. It is noted in this case shadows were assessed at the equinox.

The Tribunal allowed a permit to be issued in this case, but the consideration of the physical impacts of signage, such as overshadowing, suggests a holistic approach to the impacts of signage should be applied when determining an application for signs. This is particularly relevant when assessing amenity impacts of signs, particularly for sensitive spaces such as footpaths, public and private open space, as well as windows and any other area that would be detrimentally impacted by loss of light.

The effect of signs on light access and overshadowing are not addressed in the current City of Greater Geelong Advertising Guidelines, or in the decision guidelines of Clause 52.05. Inclusion of these matters for consideration in the planning scheme would be beneficial, particularly for urban areas such as Central Geelong or other commercial areas where residential amenity needs to be balanced with the competing need for signage.

### Major promotion signs

These signs are defined in the planning scheme as promotion signs over 18 sqm in size, such as large billboards. These are often located along main roads on freestanding structures, or on buildings. Many of the issues identified earlier are applicable to this type of sign. In addition to these, some issues that are particularly relevant to these signs are:

- Dominance of other signs, particularly business identification signs.
- Loss of amenity either within or external to a site, such as through overshadowing.
- Impact of large freestanding major promotion signs on the functionality of the host site.
- Major promotion signs can be particularly dominant if located on a vacant site.
- Visual clutter from major promotion signs without sufficient spacing between, such as along highway routes.
- Major promotion signs that require removal of established trees or landscaping.
- Where a major promotion sign would restrict the development of a site or conflict with an identified strategic development objective.
- Electronic major promotion signs that are not in a major activity centre or adjacent to a freeway which has only a commercial, office or industrial interface.

#### CASE STUDY: MAJOR PROMOTION SIGNS

Total Outdoor Media Pty Ltd v Buloke SC [2019] VCAT

The Tribunal considered a proposal for a two-sided major promotion sign, with a display area of 42.2sqm to each side and a total height of 7 metres above ground. It was to be located in a commercial area at the entrance into the Charlton township.

The Buloke planning scheme did not include an advertising sign policy, but included a strategy to 'consider the presentation of town entrances and streetscapes...', which was given weight in the decision.

In the decision to uphold Council's refusal of the application, the Tribunal gave weight to the strategy.

There are numerous townships and urban areas in the City of Greater Geelong that could benefit from a similar strategy derived from this one in Buloke.

#### CASE STUDY: MAJOR PROMOTION SIGNS

26 Rossack Drive, Wauron Ponds - iOM Pty Ltd v Greater Geelong CC [2014] VCAT

In this example the Victorian Civil and Administrative Tribunal issued a permit for a freestanding major promotion sign, which has since been constructed. The sign is located in the carpark of a site occupied by a multi-tenanted restricted retail complex (known as Wauron Ponds Plaza), as well as a convenience restaurant close to the sign.



Image above: Location of sign shown with green marker (Places Weave, April 2019)



Image above: Major promotion sign in carpark of Wauron Ponds Plaza

The sign has a significant impact on its host site and the buildings and other signs on them. It is located only 4m (approximately) from the convenience restaurant, but is substantially higher and has a large footprint. It dominates the site and has resulted in visual clutter, with substantial business identification and promotional signage within the site, as well as directional road signage in front.

## STATUTORY AND POLICY FRAMEWORK

### Age of the current incorporated document

The Advertising Signage Guidelines (City of Greater Geelong, 1997) have not been substantively revised since adoption in 1997 and inclusion in the new format planning scheme in 2000. Since then, changes have been made to the Victoria Planning Provisions, including to Clause 52.05 (Signs), 73.02 (Sign terms) and the introduction of VicSmart. There also have been changes in the types of signage, including the emergence of animated and electronic displays, which are not addressed in the guidelines.

### Generalisation of commercial areas in current Advertising Signage Guidelines

Clause 52.05 includes pedestrian oriented commercial areas and highway oriented commercial areas in the same signage category (Category 1). These two types of areas have a significantly different built form environment, as described earlier. The current Advertising Sign Guidelines provide directions based on each category in Clause 52.05, as well as individual sign types, which does not address the differences in environment.



Image above: Corio Village shopping centre (Places Weave, viewed 29 June 2021)



Image above: Corio Village, viewed from Bacchus Marsh Road and Purnell Road intersection

This approach results in large indoor shopping centres, such as Corio Village, having the same guidelines as traditional street-based activity centres, such as Ormond Road, East Geelong.



Image above: Ormond Road shopping area (Places Weave, viewed 29 June 2021)



Image above: Ormond Road shopping area, East Geelong. Viewed south along Garden Street, from Ormond Road intersection

Some issues with this approach are:

- There is little direction for planners about how to apply the guidelines to different built form environments.
- Some guidelines do not reflect the sensitivity of the area. An example is the guidance given for pylon (or pole) signs, which could be viewed as too restrictive for Highway oriented commercial areas or too permissive in Pedestrian oriented commercial areas.

### Need to update in the Planning Policy Framework context

There is no 'stand alone' policy for signage in the scheme.

Clause 52.05 sets out a list of decision guidelines, but does not allow for localised content other than notice and review exemptions in the schedule. Given they are decision guidelines, they set out matters which require consideration and do not (except for major promotion signs) provide guidance on what is acceptable. For instance, it states some considerations are:

- The relationship to the streetscape, setting or landscape:
  - The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
  - The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.

Clause 52.05 does not elaborate on what an acceptable proportion or position for a sign would be, which is potentially a scenario for which local policy could provide further guidance for applicants, planners, councillors and the community.

### NEW TECHNOLOGY AND DIGITAL SIGNS

The current guidelines do not address electronic signage and as noted earlier, the draft Central Geelong Urban Design Guidelines do not address signage. Issues associated with digital advertising signs include:

- Dwell time of images and flashing.
- Excessive levels and intensity of illumination, including light spill.
- Visually obtrusive light fixtures, such as exposed cabling/conduit systems and junction boxes.
- Inappropriate content.
- Use of audio to accompany advertisements.
- Projections (including holographs). A recent high profile example was the projection of a horse racing promotion onto the Sydney Opera House in 2018, which received a substantial public backlash at the time.
- Road safety impacts.

New forms of digital signs are also emerging, which include the following technology:

- Interactive signage:
  - The use of QR codes allow for a direct engagement between the business and viewer, as has become prevalent during the Covid pandemic. There are also opportunities that could provide public benefit, such as wayfinding and making advertisements more accessible.
  - Touchscreens can also be used. Gesture recognition (which has already been trialled in some cities) may increase the use of this type of advertising in future.
  - Use of locational data (including 'real time') and facial recognition software for the delivery of more targeted outdoor advertising.
- Three dimensional billboards, ranging from a simple V-format sign to holographic displays. The images displayed in these can appear to 'pop out' of a building.
- The potential for signage to provide (and fund) electric vehicle charging stations. This has recently been trialled in Adelaide in a study part-funded by the federal government (Metro Advertising Revenue Funded Electric Vehicle Charging Trial Project, Jolt Charge 2021).

#### CASE STUDY: ELECTRONIC SIGN

[Westfield Limited v Manningham CC \[2011\] VCAT](#)

In Westfield a very large (112 sqm) electronic sign was proposed at a congested intersection. The proposal was opposed by Council and VicRoads on road safety grounds. The Tribunal upheld Council's refusal and found the precautionary principle should apply, noting that while there is no evidence showing a link between traffic accidents and signs, this does not mean it does not exist.

This is as applicable to Geelong as it is in Melbourne, particularly noting the expected significant population growth and corresponding increase in traffic. Direction for electronic signs should be provided in the Guidelines to prioritise driver safety over other considerations, in accordance with this case.

## OPTIONS

### Implementation into the planning scheme

A number of options are available to respond to the issues raised. It is considered new guidelines or local policy are required, which could be implemented in the planning scheme as follows:

1. Insert the Guidelines into the planning scheme as an Incorporated Document.
2. Reference the Guidelines in the planning scheme as a Background Document.
3. Insert the Guidelines into the planning scheme as a local policy.
4. Insert the Guidelines as an Incorporated Document in addition to a brief local policy that would cross reference the Guidelines

A fifth option is also available to remove the current guidelines as an Incorporated Document and insert relevant guidelines in zone or overlay schedules where they currently apply.

The merits of each option are discussed as follows:

#### 1. Insert the Guidelines into the planning scheme as an Incorporated Document.

An advantage of including the design guidelines as an Incorporated Document is that they are part of the planning scheme and have statutory weight. A disadvantage is that any change to the Incorporated Document requires a planning scheme amendment.

#### 2. Reference the Guidelines in the planning scheme as a Background Document.

If the guidelines are included as a background document, they could be used to provide information that helps better understand the reasons for advertising sign policy in the Scheme. Unlike incorporated documents, however, background documents are not part of the planning scheme and therefore cannot directly affect decision making.

#### 3. Insert the Guidelines into the planning scheme as a local policy.

A comprehensive local policy could potentially avoid reliance on the guidelines, which are currently not as easily located by users of the planning scheme. If the guidelines are a background document, then a comprehensive policy would provide the statutory weight required for decision making.

This approach would limit the directions available for signage to what can be included in the planning scheme. There would be limited opportunities to provide visual direction, compared with a guidelines document. An information sheet could assist in meeting this shortfall.

This option appears to be the most common approach, including Wyndham, Bendigo, Boroondara and Knox Councils. All of these have a comprehensive local policy. Moreland City Council also has primarily a local policy (which is succinct), although includes an incorporated document for signs specifically for sports grounds. Melbourne City Council also has a comprehensive policy and includes guideline documents for specific sites and areas such as Citylink and Melbourne Aquarium.

A number of Councils have an approach that combines options 2 and 3, including:

- Cardinia Shire Council which, in addition to a guidelines background document, is proposing a number of comprehensive local policies addressing advertising signs.
- Monash City Council, which has a comprehensive local policy and an 'Outdoor advertising brochure' background document.
- Banyule City Council with a succinct local policy and also a background document for advertising signs.

#### 4. Insert the Guidelines as an Incorporated Document in addition to a brief local policy that would cross reference the Guidelines.

A brief local policy would meet the overall direction for the planning scheme to be as concise as possible. If the guidelines as an incorporated document, they would still be part of the scheme and carry statutory weight.

#### 5. Remove current guidelines (as an Incorporated Document) and insert relevant guidelines in zone or overlay schedules where they currently apply.

This approach would remove obsolete directions in the current guidelines. It would not provide guidance for applicants, planners, councillors and the community for advertising signage beyond the current directions in the planning scheme.

Place specific sign requirements could be included, such as those currently included in a number of Design and Development Overlay schedules, listed earlier in the 'Policy and statutory context' section of this report.

### Structure of Advertising Sign Guidelines

There are a number of ways a guidelines document could be structured. Guidelines could be developed to address one or more of different sign types, zones, areas, locations, built form or categories identified in Clause 52.05 (Signs). The current City of Greater Geelong Advertising Sign Guidelines groups policy guidance in the following structure:

- Categories (as identified in Clause 52.05)
- Heritage overlay areas
- Drysdale commercial area sign controls
- Sign types

The approach taken by councils in their advertising sign and/or guidelines documents structure is quite varied across the state. The different structures appear to be predominantly based on one of the following:

- Sign categories, as identified in Clause 52.05 (Wyndham and Knox councils).
  - This allows for easy cross-reference from Clause 52.05 and is the format of the first section of the current advertising guidelines. A disadvantage of this approach is the categories in Clause 52.05 are based primarily on land use and not built form. Therefore 'homemaker centres' (restricted retail) and industrial areas, which often have a similar built form environment, are in different signage categories. Similarly traditional main streets, bulky goods 'homemaker centres' and fast food drive-throughs, which have significantly different built form, are all in the 'Category 1' commercial area under Clause 52.05.

- Area types, such as commercial, industrial and restricted retail, residential, new residential estates and rural areas. Some guidelines provide for different environments, such as major activity centres and traditional main street commercial areas and freestanding shopping centres. Policy and/or guidelines of Melbourne, Greater Dandenong and Banyule councils have this structure.
  - This approach allows for signs to be considered in the context of their built form environment, without the duplication that is necessary in a structure based on sign categories. The disadvantages of this approach are that not all built form in these areas will be the same, such as a standalone supermarket located in an otherwise traditional main street shopping area. It also places greater reliance on the applicant and assessing planner to identify the area type, unless this is identified in policy or the guidelines document.
- A combination of guidelines based on sign and area types (Cardinia, Melton and Monash).
  - This is perhaps not the easiest format to use, as it requires users to review different sections of policy or guidelines. There is certainly a basis for some signs (such as major promotion and electronic signs) to have specific guidance, but the benefit of this for each sign type is uncertain.
- Issues, such as maintaining active frontages. This structure is reflected in Boroondara and Bendigo advertising sign policy.
  - The major disadvantage of this approach is it provides guidance for only the issues addressed.

## RECOMMENDATIONS

It is considered the best option is to prepare a succinct local policy provision for advertising signage, as well as new advertising sign guidelines that would be included in the planning scheme as an incorporated document. There is sufficient strategic justification for this given the age of the current guidelines and the need to provide contemporary guidance for signage, particularly in the local context.

There is a need for the guidelines to be an incorporated document as it would provide essential guidance, particularly visually, for planners, applicants and the community for advertising signage (where a planning permit is required). As the guidelines cover most areas in the municipality, it would also be too large to include as a local policy.

The guidelines could have a structure based on the area types identified earlier, as well as the categories in Clause 52.05. The different area types can enable informed decisions for how advertising signs should be designed and adapted to different locations in Greater Geelong. Further guidelines are also required to address particular signage issues. The guidelines should also address areas not discussed in this report, such as rural. An example structure is as follows:

1. General
2. Central Geelong precincts (excluding Waterfront)
3. Category 1 areas. These areas are commercial and most are identified in the City of Greater Geelong Retail Strategy 2020-2036 (August 2020). There are two main development types, with different preferred signage characters:
  - a. Pedestrian oriented commercial areas. This will include most Commercial 1 Zone areas, as well as a small number of Commercial 2 and Urban Growth Zone areas with this development type. Typically these areas have, or are planned to, a 'main street' built environment.

- b. Highway oriented commercial areas. Most Commercial 2 Zone areas and a number of Commercial 1 Zone places that have a different established signage and built form character to Pedestrian oriented commercial areas. These include large format retail (bulky goods) and shopping centres surrounded by large carparking areas.

To enable ease of use, the incorporated document should include a list of Commercial 2 Zone areas that are in Pedestrian oriented commercial areas and Commercial 1 Zone areas that are in Highway oriented commercial areas.

4. Category 2 areas. These areas are chiefly industrial, but also include some in the Armstrong Creek growth area.
5. Category 3 areas
  - a. Residential areas.
  - b. Central Geelong Waterfront.
6. Category 4 areas (Rural and public land)
7. Heritage places
8. Interfaces with sensitive areas
9. Growth Areas
10. Major promotion signs
11. Electronic signs

The local policy and incorporated document will need to be consistent with state provisions as well as avoid conflict with existing local provisions, such as Design and Development Overlay schedules and other incorporated documents, including Precinct Structure Plans. They should also provide guidance for signage in places that are not easily categorised, such as freestanding petrol stations and supermarkets

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THE CITY OF  
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# ADVERTISING SIGN GUIDELINES

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MAY 2022

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## ACKNOWLEDGEMENT OF COUNTRY

The City of Greater Geelong acknowledges the Wadawurrung People as the Traditional Owners of this Land, Waterways and Skies.

It also acknowledges all Aboriginal and Torres Strait Islander People who are part of the Greater Geelong community today.

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# USER GUIDE

# 01

## USER GUIDE

These guidelines apply to all planning permit applications for signs in Greater Geelong, and must be considered in addition to any other relevant provisions of the Planning Scheme, including the decision guidelines of Clause 52.05 (Signs).

### Before you start, you will need to know:

- The type of sign proposed, using the sign terms in Clause 73.02 of the planning scheme.
- The zone and any overlays that apply to the land the sign will be located on.
- The category area the sign is in. The category area is shown near the end of the zone ordinance, or sometimes in the schedule to the zone.
- Is a planning permit required for the sign, such as under Clause 52.05 or an overlay?

**If a permit is required for a sign under an overlay, any requirements in the overlay will need to be addressed, in addition to these Guidelines.**

- If a permit is required, you will also need to know the zones and sign category area types of opposite and adjacent land.

Select from the following list all guidelines that apply to your application. **Note there will often be more than one guideline that applies.**

### GENERAL GUIDELINES

- Use the general guidelines for all signs

Also use one of the following guidelines, for the category nominated in the zone or zone schedule where the sign will be located:

*Commercial areas (Category 1) are divided into two types: Pedestrian Oriented and Highway Oriented Commercial Areas. These are described on pages 14 and 15. Use the Guidelines for the area the sign will be located in only.*

### CATEGORY AREA GUIDELINES

- Commercial (Category 1)**  
Pedestrian Oriented Commercial Area
- Commercial (Category 1)**  
Highway Oriented Commercial Area
- Industrial Areas (Category 2)**
- High Amenity Areas (Category 3)**
- Sensitive Areas (Category 4)**

If they apply to the proposed sign, use one or more of the following guidelines:

### PARTICULAR GUIDELINES

- Interface Areas**  
Signs in a Commercial or Industrial (Category 1 or 2) area, but to or opposite a High Amenity or Sensitive (Category 3 or 4) area.
- Central Geelong**  
Signs in the Central Geelong Activity Centre Zone (schedule 1) and Design and Development Overlay (schedules 17 and 46).
- Heritage Places**  
Signs in a Heritage Overlay. Please note the requirements of the Heritage Overlay must also be addressed, in addition to these guidelines.
- PAD sites**  
Signs located at a freestanding service station, retail premises, freeway service centre, medical centre or veterinary centre.
- Growth Areas**  
Signs in greenfield and large infill development areas
- Major Promotion Signs**
- Electronic Signs**

## EXAMPLES OF APPLICATIONS

**Each section of the guidelines is divided into objectives, strategies and guidelines.**

**Objectives** specify the outcomes a decision under these guidelines should seek to achieve.

In addition to objectives, **both** strategies and guidelines must both be taken into account when making a decision.

**Strategies** describe how the objectives are to be achieved.

**Guidelines** provide detailed guidance for how objectives may be achieved.

### Example 1

Business identification sign above verandah height in a Commercial 1 Zone, Pedestrian Oriented Commercial Area, for a freestanding service station. The adjacent and opposite land is also in a Pedestrian Oriented Commercial Area.

- General Guidelines**
- Commercial (Category 1)**  
**Pedestrian Oriented Commercial Area**
- Commercial (Category 1)  
Highway Oriented Commercial Area
- Industrial Areas (Category 2)
- High Amenity Areas (Category 3)
- Sensitive Areas (Category 4)
- Interface Areas
- Central Geelong
- Heritage Places
- PAD sites**
- Growth Areas
- Major Promotion Signs
- Electronic Signs

### Example 2

An electronic major promotion sign in Central Geelong, facing the Waterfront precinct. The land on which it is proposed is in the Activity Centre Zone and Heritage Overlay.

- General Guidelines**
- Commercial (Category 1)**  
**Pedestrian Oriented Commercial Area**
- Commercial (Category 1)  
Highway Oriented Commercial Area
- Industrial Areas (Category 2)
- High Amenity Areas (Category 3)
- Sensitive Areas (Category 4)
- Interface Areas**
- Central Geelong**
- Heritage Places**
- PAD sites
- Growth Areas
- Major Promotion Signs**
- Electronic Signs**

## GENERAL GUIDELINES

# 02

## GENERAL

### The objectives, strategies and guidelines for apply to all land in the municipality.

#### Objectives:

- To ensure signs respond to the natural setting and urban context in which they are located.
- To ensure signs do not alter or obscure views to significant natural or built features.
- To ensure signs do not dominate the streetscape, host site or building.
- To avoid signs that interfere with movements and viewlines of pedestrians and cyclist movements.
- To avoid visual clutter from signage.

#### Strategies:

1. Prioritise business identification signs as the main type of signage.
2. Encourage signs to be co-located and consolidated wherever possible, particularly where there is more than one tenancy.
3. Encourage signs that are integrated with and proportionate in height and scale to the host building, site and streetscape.
4. Minimise the number and repetition of signs on a single lot and streetscape.
5. Avoid any sign that would dominate or obscure business identification signs within a site or the surrounding area.
6. Avoid signs that alter, dominate or obscure architectural or landscape features of the host site or building.
7. Avoid signs that will impair the movement, visibility and functionality of the public realm and infrastructure.

#### Guidelines:

1. Limit the number of signs by placing at strategic locations at a height easily read by pedestrians of all abilities.
2. Signs should only be located on the land to which they relate.
3. New development should nominate consistent areas for the display of signage for each business tenancy.
4. Encourage the preparation of signage strategies for non-residential proposals with a large floor area or multiple tenancies.
5. Flat signs on building walls should relate to the architecture of the building in style and placement.
6. Encourage use of individual letters as an alternative to large, flat signs on building walls where appropriate.
7. Discourage signs on open sites where they will be a dominant visual element in the landscape and detract from the visual amenity of a road, cycling, pedestrian or rail corridor.
8. Discourage multiple promotion signs that are advertising the same or similar message on a single site or visible across multiple sites.
9. Discourage 'V' shape signs.
10. Discourage signs that require earthworks or the removal of trees or landscaping.
11. Avoid illuminated and electronic signs that:
  - Distract from the overall character of the streetscape;
  - Will dominate neighbouring non-illuminated signs;
  - Distract from the architectural style or the heritage character of the building;
  - Have 'pop out' elements;
  - Have flickering or flashing content or blank screens, including between messages.
  - Result in glare or include visually obtrusive light fixtures.
  - Use multiple screens to advertise the same product or service.
  - Have exposed cabling/conduit systems and junction boxes.
12. Reflective signs should be avoided.



Example of a V shaped sign

# COMMERCIAL AREAS

## CATEGORY 1

Pedestrian Oriented Commercial Areas

Highway Oriented Commercial Areas

# 03

## CATEGORY 1 COMMERCIAL AREAS

Category 1 areas in Greater Geelong are designated as either a Pedestrian Oriented Commercial Area or Highway Oriented Commercial Area.

### PEDESTRIAN ORIENTED COMMERCIAL AREAS

These areas are typically main streets in suburban areas or town centres, with low vehicle speeds and a walkable environment. The built form in these areas often has the following attributes:

- Zero or a minimal setback from the street, laneway and side boundaries,
- Promotes continuity of the frontage between adjacent buildings,
- Facilitates active pedestrian interaction between the building and street, and
- Incorporates other pedestrian-friendly features such as weather protection.

### The objectives, strategies and guidelines for Pedestrian Oriented Commercial Areas apply to land in the following zones:

Commercial 1 Zone (excluding areas listed in Highway Oriented Commercial Areas)

Activity Centre Zone (excluding precinct 3 - Geelong Waterfront)

All land that is in the Commercial 1 or 2 Zone and Design and Development Overlay Schedule 26 (West Fyans Precinct Structure Plan), South Geelong and Newtown.

All land in a commercial zone on Pakington Street (between Church Street and Spring Street) and Gordon Avenue (between Pakington Street and Latrobe Terrace), Geelong West.

Commercial 2 Zone:

- All lots in the area along Moorabool Street between Fyans Street and Carr Street, South Geelong.
- All land that is in both the Commercial 2 Zone and Design and Development Overlay Schedule 39 (Grubb Road Activity Centre And Restricted Retail Precinct), Ocean Grove.

Urban Growth Zone:

- All Category 1 precincts, unless specified as a Highway Oriented Commercial Area in the zone schedule or precinct structure plan.



Example Pedestrian Oriented Commercial Area

### HIGHWAY ORIENTED COMMERCIAL AREAS

These areas are mainly accessed by car and often located on an arterial roads and other higher speed environments. The built form is typically characterised by:

- Substantial setbacks from the street/public realm and adjacent developments without continuity to the streetscape, and
- Large areas of the site often devoted to vehicular access, parking and landscaping to the perimeter of the development.

### The objectives, strategies and guidelines for Highway Oriented Commercial Areas apply to land in the following zones:

Commercial 2 Zone (excluding areas listed in Pedestrian Oriented Commercial Areas)

Commercial 1 Zone activity centres as follows (shown in Appendix 1):

- Waurm Ponds, Pioneer Rd, Grovedale (Waurm Ponds Plaza and 245-253 South Valley Road, Highton)
- Corio Village, Bacchus Marsh Rd, Corio
- Leopold Gateway Plaza, Bellarine Hwy, Leopold
- Barrabool Hills, Provence Blvd, Highton
- Bell Post, Anakie Rd, Norlane
- Bellarine Village, Bellarine Hwy, Newcomb
- Grovedale Central, Heyers Rd, Grovedale
- Marketplace, Shell Rd, Ocean Grove
- Newcomb Central, Bellarine Hwy, Newcomb
- Surf Coast Hwy, Grovedale (142 – 158 Torquay Rd)



Example Highway Oriented Commercial Area

## CATEGORY 1 COMMERCIAL AREAS

### PEDESTRIAN ORIENTED COMMERCIAL AREAS

#### Objectives:

- To ensure signs are subordinate and not intrusive to the built form and streetscape environment.
- To protect visibility between the public realm and inside buildings.
- To encourage a signage character that is consistent with a human scale built form and streetscape.
- To maintain open and framed views to the sky from the public realm.
- To avoid signs that compromise the architectural values of buildings and landscape.

#### Strategies:

- Ensure signs are of a size and height that maintain the built form and streetscape character.
- Discourage any sign that would block a view from the public realm between buildings and to the sky.
- Limit use of electronic signs.
- Avoid signs that obscure visibility through building windows to and from the street.
- Avoid freestanding signs, unless the building which it relates to on the site is set back from road more than 20 m.

#### Guidelines:

- Encourage signs in the locations shown in Figure 1.
- Discourage signs in the locations shown in Figure 2.
- Signs should not exceed a maximum street wall or building height, or encroach an upper level setback, identified in a zone, overlay or schedule.
- Signs should not project more than one metre from the building and not be lower than 2.7 m above a pedestrian thoroughfare.
- No more than one electronic sign should be displayed per building.
- Buildings should not be painted in corporate colours, which is regarded as signage.
- Ground level and parapet are the preferred locations for small illuminated signs (particularly non-flashing, neon tubular art signs) and electronic signs, where appropriate.
- Discourage signs that cover upper level windows or other openings of buildings.
- Minimise signs on back or side walls of buildings, particularly at upper levels.
- Limit total signage for premises with less than 5 m street frontage to a maximum of 8 square metres.
- Avoid sky signs, high wall signs and bunting signs.
- Strongly discourage major promotion signs in Pedestrian Oriented Commercial Areas outside Central Geelong.

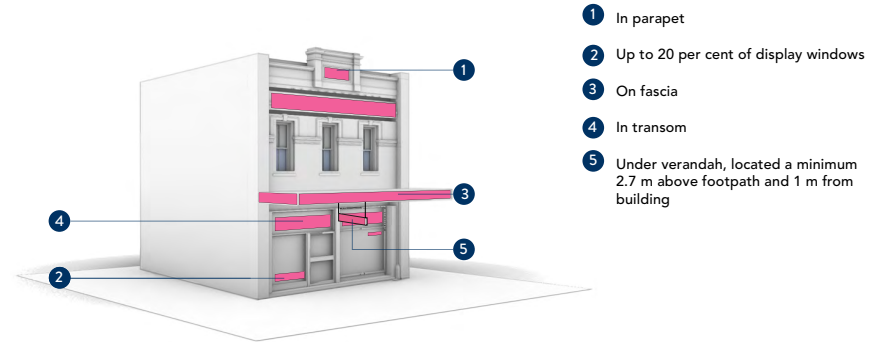


Figure 1 Appropriate Signage Locations in Pedestrian Oriented Commercial Areas

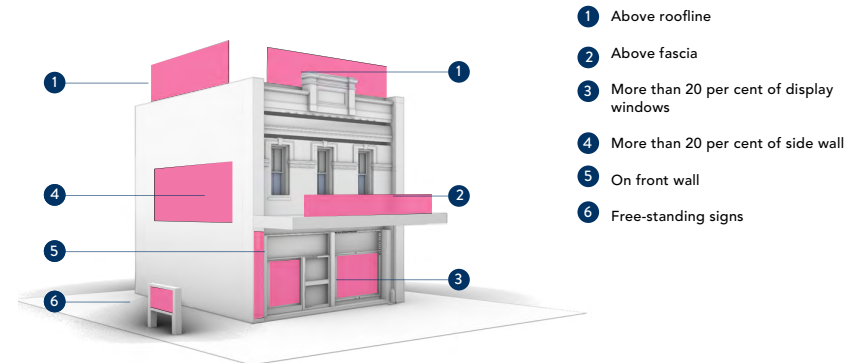


Figure 2 Inappropriate Signage Locations in Pedestrian Oriented Commercial Areas

## CATEGORY 1 COMMERCIAL AREAS

### HIGHWAY ORIENTED COMMERCIAL AREAS

#### Objectives:

- To ensure signage is subordinate to the built form and landscape context in which it is located.
- To provide for the clear identification of premises.
- To discourage signs that interfere with the functionality of a site.
- To avoid signage that adversely affects the amenity of the host site and surrounding area.

#### Strategies:

- Ensure business identification signs are the primary type of signage.
- Avoid oversized and excessive numbers of signs.
- Avoid signs that interfere with pedestrian or vehicular thoroughfares or business entrances.
- Avoid signs that result in loss of amenity or adversely affect the natural or built environment, or the safety, appearance or efficiency of a road.

#### Guidelines:

- Encourage signs in the locations shown in Figure 3.
- Discourage signs in the locations shown in Figure 4.
- Incorporate areas for the display of signage for each business tenancy within the building design.
- Minimise the number of businesses identified on freestanding signs for multi-tenanted development.
- Discourage freestanding signs unless there is no opportunity for signs to be incorporated into buildings, or the building which it relates to on the site is set back from road more than 20 m.
- Freestanding business identification signs should:
  - Be placed at a right (90 degree) angle to sensitive interfaces (such as open space and residential areas)
  - Not protrude over a dominant skyline, including buildings, structures and tree canopies, when viewed from the ground within 1 km.
  - Be less than the height of the building to which it relates, excluding parapets, or 7 m, whichever is lesser.
  - For sites with one street frontage, be restricted to one sign per premises.
  - For sites with more than one street frontage and the frontages are both greater than 150 m long and each have access to a road, be limited to a total of two freestanding signs, with not more than one sign on each frontage.
  - Be spaced and set back from the street consistently with the prevailing spacing and setbacks in the streetscape.
- Avoid sky signs, high wall signs and bunting signs.

- Parapet
- Fascia
- Transom
- Up to 20 per cent of display windows
- Signage integrated into the building
- If building is set back from street by more than 20 metres appropriately scaled freestanding signage may be considered

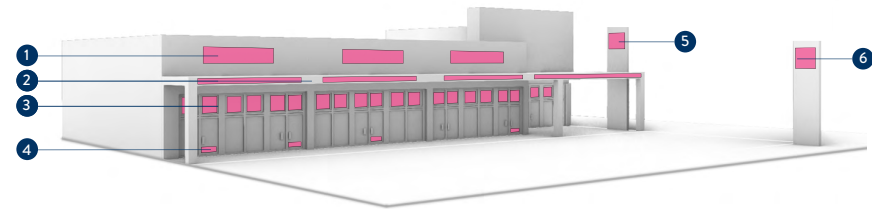


Figure 3 Appropriate Signage Locations in Highway Oriented Commercial Areas

- Above roofline
- Above parapet
- Above fascia
- More than 20 per cent of display windows
- Taller than building
- More than 20 per cent of side wall

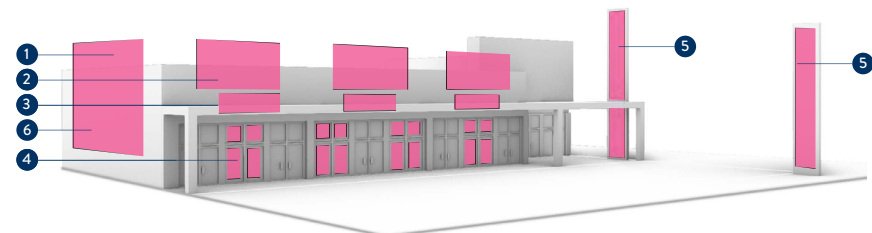


Figure 4 Inappropriate Signage Locations in Highway Oriented Commercial Areas

# INDUSTRIAL AREAS

## CATEGORY 2

# 04

## CATEGORY 2 INDUSTRIAL AREAS

### The following objectives, strategies and guidelines apply to land in the following zones:

Industrial zone, Port Zone and, where nominated, in schedules to the Special Use Zone, Urban Growth Zone and Public Park and Recreation Zone (the sports stadium at Kardinia Park).

### Objectives:

- To provide for the adequate identification of premises.
- To ensure signage is subordinate to the built form and landscape context in which it is located.
- To discourage signs that interfere with the functionality of a site.



Example Industrial Area

**Strategies:**

1. Ensure signage respects the built form and the landscape context, and is not the dominant feature.
2. Ensure business identification signs are the primary type of signage.
3. Incorporate areas for the display of signage for each business tenancy within the building design.
4. Limit freestanding signs.
5. Avoid signs that interfere with pedestrian or vehicular thoroughfares or business entrances.
6. Avoid signs that have an adverse effect on the safety, appearance and efficiency of a road.

**Guidelines:**

1. Encourage signs in the locations shown in Figure 5.
2. Discourage signs in the locations shown in Figure 6.
3. Avoid freestanding signs unless there is no opportunity for signs to be incorporated into buildings, or the building which it relates to on the site is set back from road more than 20 m.
4. Freestanding business identification signs should:
  - Be placed at a right (90 degree) angle to sensitive interfaces (such as open space and residential areas)
  - Not protrude over a dominant skyline, including buildings, structures and tree canopies, when viewed from the ground within 1 km.
  - Not exceed the dominant existing building height of an area.
  - For sites with one street frontage, be restricted to one sign per premises.
  - For sites with more than one street frontage and the frontages are both greater than 150 m long and each have access to a road, be limited to a total of two freestanding signs, with not more than one sign on each frontage.
  - Be spaced and set back from the street consistently with the prevailing spacing and setbacks in the streetscape.

- 1 Up to 20 per cent of front facade
- 2 Up to 20 per cent of window
- 3 If building is set back from street by more than 20 m, appropriately scaled freestanding signage may be considered

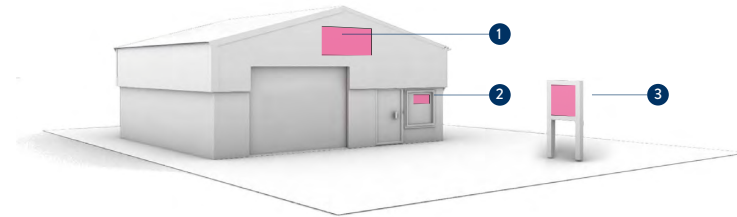


Figure 5 Appropriate Signage Locations in Industrial Areas

- 1 Above roofline
- 2 More than 20 per cent of side wall or front facade
- 3 Large freestanding signs
- 4 More than 20 per cent of window

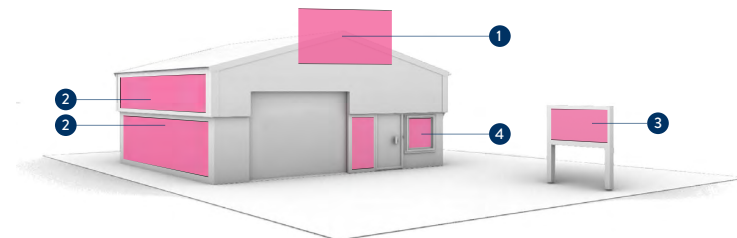


Figure 6 Inappropriate Signage Locations in Industrial Areas

# HIGH AMENITY AREAS

## CATEGORY 3

# 05

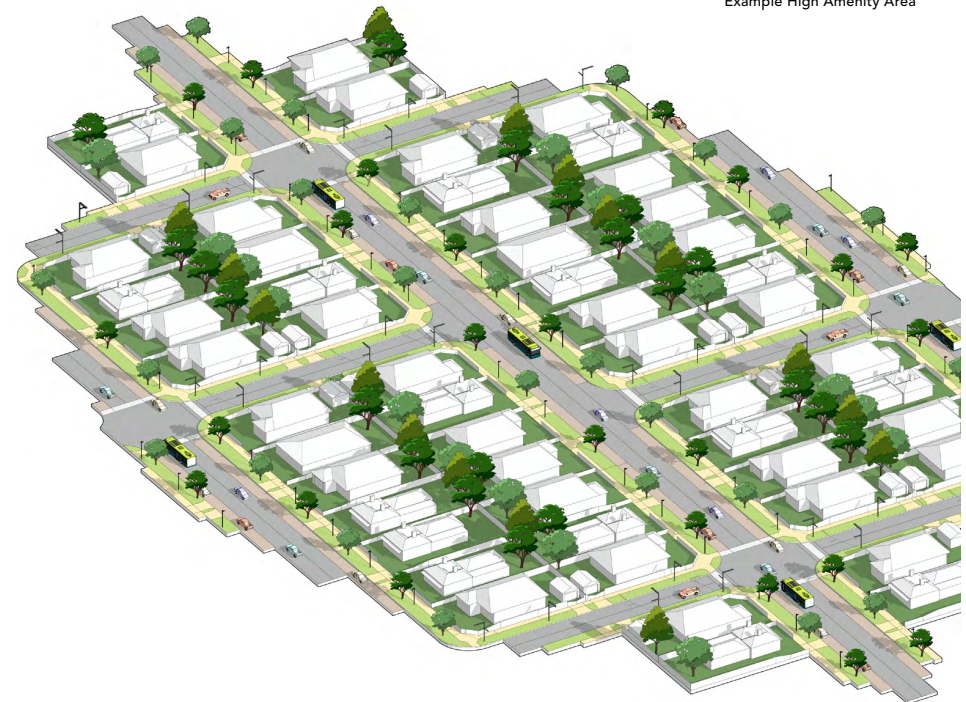
## CATEGORY 3 HIGH AMENITY AREAS

### The following objectives, strategies and guidelines apply to land in the following zones:

- Residential zones,
- Rural Living Zone,
- Mixed Use, Special Use and Comprehensive Development zones, other than those in which the schedule to the zone specifies a different category,
- Central Geelong Waterfront (Activity Centre Zone schedule),
- Precinct 5 of the Armstrong Creek Town Centre (Urban Growth Zone, schedule 5), and
- Ocean Grove Park (Public Park and Recreation Zone).

### Objectives:

- To protect the character of residential and other high amenity areas.
- To avoid amenity impacts from intrusive signage such as illuminated and electronic signage.



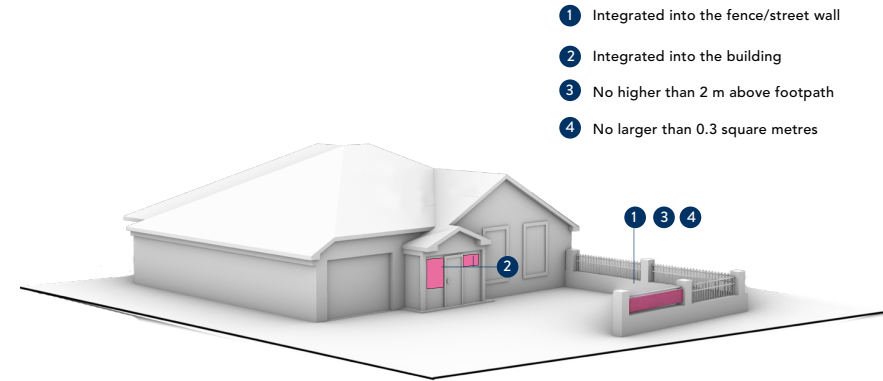
Example High Amenity Area

**Strategies:**

1. Ensure signs are appropriately scaled to the host site and building as well as the surrounding built form character.
2. Ensure signs do not dominate the streetscape.
3. Encourage signage that is fully integrated into the built form of either the building or front fence.
4. Discourage illuminated, floodlit, animated, electronic and reflective signs, unless there is no adverse impact upon high amenity or sensitive land uses.
5. Minimise the number of signs on any one property necessary to identify the premises.
6. Avoid signs that obscure views through building windows to and from the street.
7. Avoid signage that has a detrimental impact on access to daylight or sunlight, including perception of light and shadow, or overshadowing of any sensitive space (including footpaths, public and private open space, windows) at any time of year.
8. Avoid signs that do not relate to the site on which they are located.

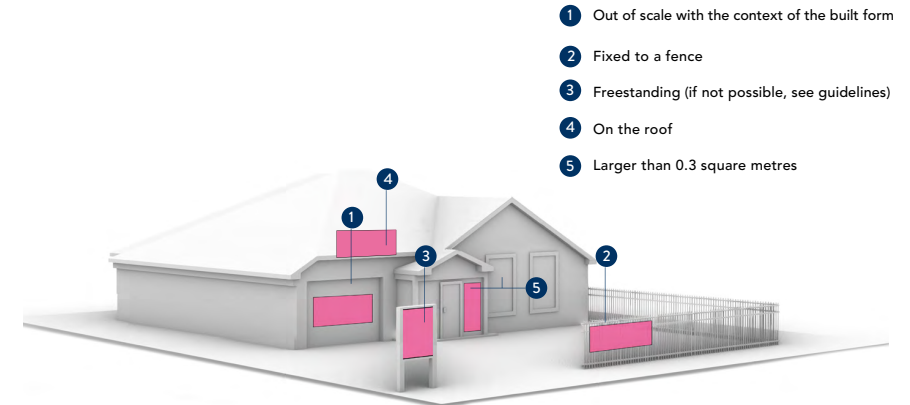
**Guidelines:**

1. Encourage signs in the locations shown in Figure 7.
2. Discourage signs in the locations shown in Figure 8.
3. Limit or consolidate the number of signs for businesses on a lot to a single sign only.
4. If there are no options for integrating signage into the built form (including fence) and it must be freestanding the signage should be:
  - Placed at a right (90 degree) angle to sensitive interfaces (such as open space and dwellings)
  - Located in the front setback of the building
  - Located on the street frontage with the greatest amount of traffic, if the site has more than one street frontage.
  - No higher than 2 m above footpath level
  - Incorporated into the landscape treatment
5. Illuminated signs should be located, baffled and the level of illumination controlled to ensure there is no spill of light beyond the area of the sign.



- 1 Integrated into the fence/street wall
- 2 Integrated into the building
- 3 No higher than 2 m above footpath
- 4 No larger than 0.3 square metres

Figure 7 Appropriate Signage Locations in High Amenity Areas



- 1 Out of scale with the context of the built form
- 2 Fixed to a fence
- 3 Freestanding (if not possible, see guidelines)
- 4 On the roof
- 5 Larger than 0.3 square metres

Figure 8 Inappropriate Signage Locations in High Amenity Areas

# SENSITIVE AREAS

CATEGORY 4

# 06

## CATEGORY 4 SENSITIVE AREAS

### The following objectives, strategies and guidelines for apply to land in the following zones:

Rural and public land zones,

Urban Floodway Zone is included in this category, and

Schedules 1, 5 and 13 of the Special Use Zone.

### Objectives:

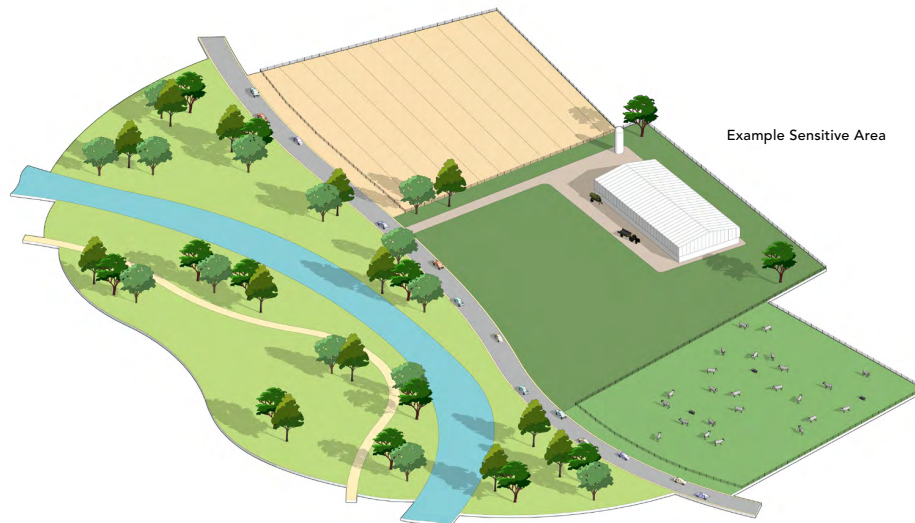
- To ensure that signage does not have a physical effect on the surrounding landscape in public spaces, rural environments and natural environments.
- To discourage signage that dominates the surrounding landscape.
- To minimise the number of signs in sensitive areas.
- To avoid the intrusive effects of illuminated signs

### Strategies:

1. Ensure that signs in rural or natural areas are sympathetic in scale and form to rural and coastal landscapes, environmental features, view corridors and vistas.
2. Ensure that the physical effects of signage do not include overshadowing, blocking of daylight/sunlight or interfere with the existing perception of light or shadow.
3. Discourage illuminated signs unless it can be demonstrated that there is no adverse impact upon amenity or character.
4. Restrict the number of signs on any one property to a single sign.

### Guidelines:

1. Signs should be of a low height and scale and not stand out above the horizon.
2. Business identification signs should be limited to one per site.
3. Signs should be:
  - Attached to a fence or freestanding, located near the front of the site
  - No more than 2 m above ground height, and
  - Incorporated into landscape treatment along the boundary of the property.
4. Colours used in any signs should be compatible with the surrounding landscape



## INTERFACE AREAS

SIGNS IN A COMMERCIAL OR INDUSTRIAL AREA,  
WHICH ARE ADJOINING OR OPPOSITE A HIGH  
AMENITY OR SENSITIVE AREA.

07

## INTERFACE AREAS

### The following objectives, strategies and guidelines apply to:

Proposals for signs on land within a Category 1 or 2 area, which are adjoining or opposite land in a Category 3 or 4 area.

### Objectives:

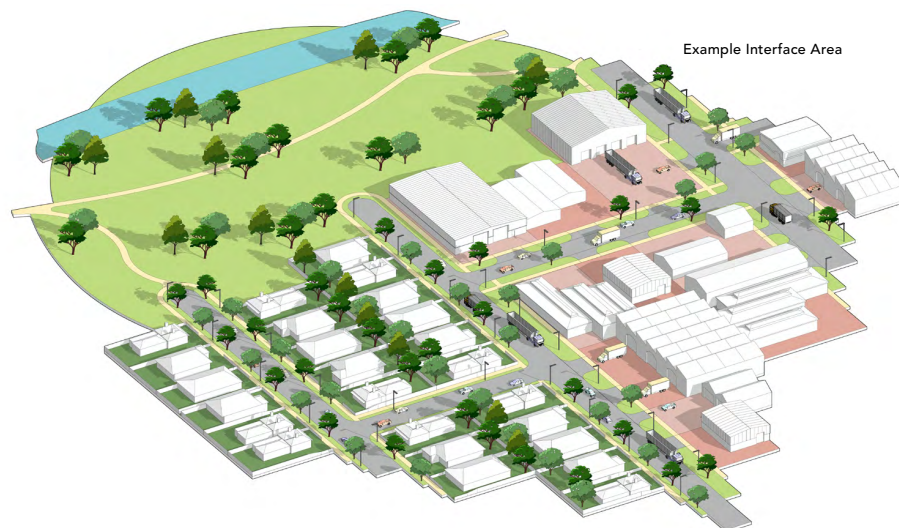
- To ensure signs in commercial and industrial areas do not have a detrimental impact on High Amenity and Sensitive areas.

### Strategies:

1. Ensure signage near passive open space and other sensitive areas is discreet.
2. Ensure signs do not have a detrimental impact on access to daylight or sunlight, including perception of light and shadow, or overshadowing of any sensitive space (including footpaths, public and private open space, windows) at any time of the year.
3. Ensure signs near rural areas are sympathetic in scale and do not dominate any landscape, coastal or environmental features, view corridors or vistas.
4. Discourage the use of floodlit signs and ensure that they are not be visible from visually sensitive areas.
5. Illuminated signage should be limited near residential areas, open space and other sensitive interfaces.

### Guidelines:

1. Signs should not face toward, dominate the outlook from or result in increased illumination to adjoining landscapes, passive open space or nearby dwellings.
2. Limit the number of signs on any one property that are visible from the High Amenity or Sensitive area to the minimum number necessary to identify the premises.
3. Signage colours should be compatible with surrounding landscape.
4. Illuminated signs should be located, baffled and the level of illumination controlled to ensure there is no spill of light beyond the area of the sign or loss of amenity.
5. Discourage internally illuminated panels and boxes on or above verandah level.



# CENTRAL GEELONG

ACTIVITY CENTRE ZONE (SCHEDULE 1) AND DESIGN  
AND DEVELOPMENT OVERLAY (SCHEDULES 17 AND 46)

08

## CENTRAL GEELONG

### The objectives, strategies and guidelines for apply to:

- All land within the Activity Centre Zone (schedule 1) and its precincts and Design and Development Overlay (schedules 17 and 46)

#### Objectives

- To ensure that signage does not impact opportunities to view the wider geographic setting from within Central Geelong.
- To ensure signs respond to their built form context and contribute to the city skyline.
- To ensure that signs are visually subordinate to the architectural and built form elements, particularly at a pedestrian level.
- To encourage signs that are compatible with the objectives of the precinct in which they are located, as described in the zone or overlay schedule.
- To ensure signs maintain shared access to bay views.
- To ensure signs protect the heritage built form, character and scenic qualities along and fronting the Waterfront precinct.

#### Strategies

- Ensure signs protect views to Corio Bay, the You Yangs/Wurdi Youang beyond and church spires, particularly from buildings and along key north-south street corridors identified in schedule 1 to Clause 37.08 (Activity Centre Zone) and schedule 46 to Clause 43.02 (Design and Development Overlay).
- Ensure signs protect and enhance the skyline of Central Geelong and key views of the city from Cunningham Pier, Corio Bay, the Esplanade and from neighbouring suburbs to the east, south and west.
- Ensure signs do not have a detrimental impact on access to daylight or sunlight, including perception of light and shadow, or overshadowing of any sensitive space (including footpaths, public and private open space, windows) at any time of the year.
- Ensure signs do not obscure views to the sky, landmarks and other views and vistas between buildings from the street.
- Encourage signage in the Retail Core Precinct that complements or enhances the character of the area.
- Discourage sky signs unless they replace lawfully existing sign(s) and improve the amenity of an area or appearance of the host building and streetscape.
- Discourage freestanding major promotion signs.
- Discourage promotion signs in the cultural precinct that are unrelated to the key arts, culture or education functions of this district.
- Discourage signs located above seven storeys height.
- Reduce overall signage in the area between Malop Street, Yarra Street, Ryrie Street and Moorabool Streets.

#### Guidelines

- Discourage signs between buildings (Figure 10).
- Major promotion signs in Central Geelong should be located only where they abut Ryrie Street, Moorabool Street, Gheringhap Street, Malop Street, Latrobe Terrace, except in the Waterfront, West Village and York and precincts.
- Major promotion signs should not be located or protrude above an established building roofline or parapet, or more than seven storeys above ground level.
- Signage in laneways and narrow streets should be of human scale, aimed at pedestrians and located below verandah level.
- Signage should not project more than 1 m from wall face of the host building.
- Signage should retain any prominent architectural features as the dominant visual elements at a pedestrian level.
- Encourage signs that activate existing blank walls or garage doors (longer than 3 m) in laneways at street level, where appropriate.
- Minimise signage on elevations in areas surrounding the Waterfront Precinct that would be visible from the Waterfront Precinct.

1 Discourage signs between buildings

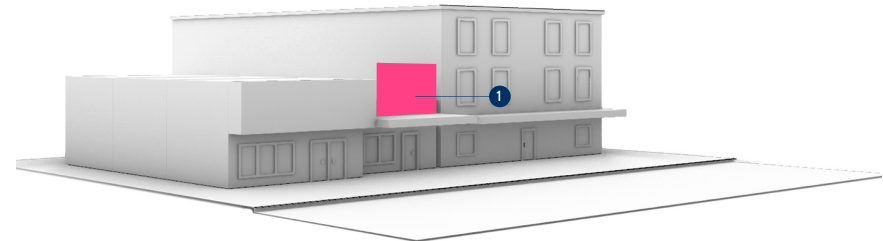


Figure 10 Inappropriate sign between buildings

## HERITAGE PLACES

# 09

## HERITAGE PLACES

**The objectives, strategies and guidelines apply when a permit is required under the Heritage Overlay. They must be read in addition to the requirements of the overlay.**

### Objectives:

- To ensure that the heritage value and significance of a building or place is not diminished by signage.
- To ensure illuminated or digital signage is appropriate and responsive to the heritage area or heritage building.
- To encourage the retention of signs with heritage value.

### Strategies:

1. Ensure signs are of a size and height that is subordinate to the heritage character and will not detract from the heritage qualities and integrity of the buildings.
2. Ensure new signs preserve the architectural features of the building or site to remain the dominant feature.
3. Discourage mock heritage signage design.
4. Restrict the removal or alteration of signs with heritage value.
5. Restrict the use of electronic signs in heritage places.
6. Avoid signs which physically damage the heritage fabric.
7. Avoid signs that conceal specific building features or historic painted signage.

### Guidelines:

1. Use clear, simple lettering styles with not more than two type faces.
2. Buildings should not be painted in corporate colours, which is regarded as signage.
3. Promote the use individual letters instead of large, flat rectangular signs.
4. Ensure that the erection, display and removal of signage does not damage any part of the significant building fabric both during and after any works.
5. Encourage signage to only be located on the parts of a building which were traditionally used as advertising areas - in parapet frame, on fascia, or below verandah.
6. Encourage innovative illuminated signs where appropriate, such as back-lit individually illuminated letters.
7. Encourage new signs associated with heritage places that are in keeping with historical signage in terms of size and proportion.
8. Discourage internally illuminated panels and boxes on or above verandah level.
9. Avoid signs in excessively bright colours.
10. Avoid sky signs and bunting signs.

## PAD SITES

FREESTANDING SERVICE STATIONS, RETAIL PREMISES,  
FREEWAY SERVICE CENTRES, MEDICAL CENTRES AND  
VETERINARY CENTRES.

# 10

## PAD SITES

PAD sites are locations for freestanding commercial buildings, which are typically based on access by car. Parking is generally provided onsite with direct access to a road. They are often located on prominent corner sites and/or on freeways, highways and main roads. Common examples are service stations and drive through convenience restaurants.

Development (or redevelopment) of pad sites often requires a package of advertising signage as part of a planning permit application for use and development.

### The following objectives, strategies and guidelines apply to:

Freestanding service stations, retail premises, freeway service centres, medical centres and veterinary centres.

#### Objectives:

- To encourage signage that respects the character and amenity of the surrounding area
- To minimise the number and size of signs to what is necessary to identify the use and function of the site.

#### Strategies:

- Ensure signage is entirely integrated into the design of the built form and architecture.
- Discourage signs other than business identification signs.
- Limit use of corporate colours, which is regarded as signage.
- Strongly discourage bunting signs.

#### Guidelines:

- Encourage signs in the locations shown in Figure 11.
- Discourage signs in the locations shown in Figure 12.
- Freestanding business identification signs should:
  - Be limited to one sign per road frontage.
  - Be less than the height of the building to which it relates, excluding parapets, or 7 m, whichever is lesser.
  - Be incorporated into landscaping treatment.
  - Not have adverse impacts upon residential amenity.
- Directional signs for a pad site should:
  - Be limited to one per road entry point.
  - Not exceed 0.3 square metres in size.

- Up to 20 per cent of windows
- Does not protrude above parapet, roofline or canopy
- Is consistent in size and placement throughout canopy and building
- Single free-standing sign per road frontage less than 7 m tall

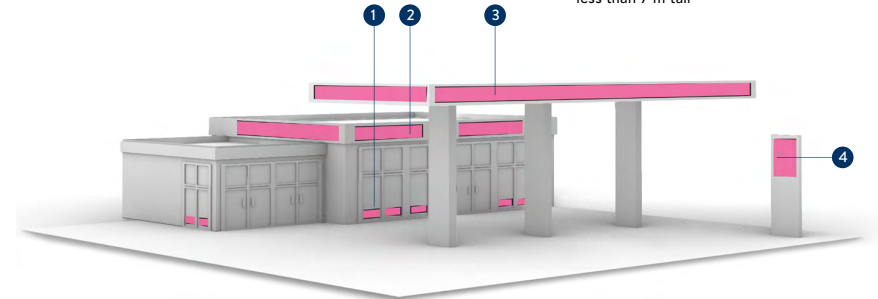


Figure 11 Appropriate Signage Locations on PAD Sites

- More than 20 per cent of windows
- Protrudes above parapet, roofline or canopy
- Is not consistent in size and placement throughout canopy and building
- Multiple free-standing sign per road frontage more than 7 m tall
- Utilises bunting, flags, balloons

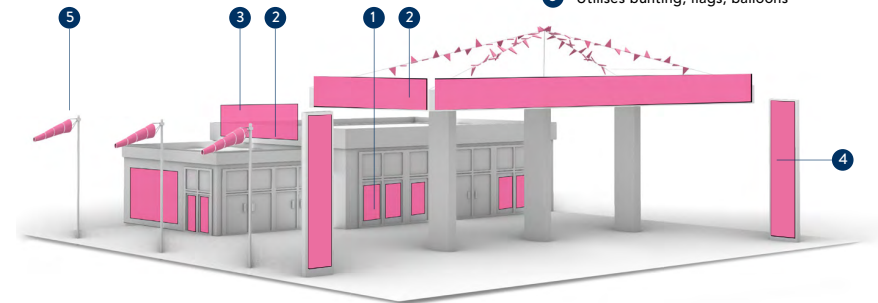


Figure 12 Inappropriate Signage Locations on PAD Sites

# GROWTH AREAS

GREENFIELD AND LARGE INFILL DEVELOPMENT AREAS

11

## GROWTH AREAS

### The following objectives, strategies and guidelines for apply to:

Greenfield and large infill development areas, generally included in the Urban Growth Zone, Development Plan Overlay, Design and Development Overlay.

#### Objectives:

- To protect areas of new development from a proliferation of advertising signage.

#### Strategies:

1. Encourage signage management plans for new estates or where there are multiple tenancies operating on a single site.
2. Discourage branding of new estates through signage.

#### Guidelines:

1. Subdivision and new estate promotion signs should be limited to a maximum of one per road frontage.
2. Offsite estate promotional signs should be located within 1.6 km or the closest major intersection (whichever is closer) of the exterior boundary of the subdivision development to which they relate.
3. 250 m separation should be provided between all off site estate promotional signs, and a maximum of 4 in total.
4. 150 m separation should be provided between all signs within the same estate and a maximum of 4 in total.
5. The height or width of a promotion sign should not exceed 6 m and the total advertisement area should not exceed 8 square metres.
6. Ensure promotional signage stays relevant and well maintained, by allocating an expiry date to permits of up to 5 years from the date of issue of the permit.
7. Avoid trailer mounted signs or any form of moveable signage associated with land sales.

## MAJOR PROMOTION SIGNS

# 12

## MAJOR PROMOTION SIGNS

### The following objectives, strategies and guidelines apply to:

- Major promotional signs as defined in the planning scheme.

#### Objectives:

- To ensure major promotion signs respect the scale and form of their built form and landscape context.
- To discourage major promotion signs in inappropriate locations.
- To avoid major promotion signs that adversely affect the character, amenity and functionality of a site or area.
- To avoid major promotion signs that dominate the surrounding area

#### Strategies:

- Encourage the provision of architectural interest in the design of major promotion signs.
- Ensure major promotion signs are not located in, overshadow or result in loss of amenity to usable areas of the host site or adjoining land.
- Ensure major promotion signs are spaced at a sufficient distance apart.
- Avoid major promotion signs that dominate buildings and uses on the host site and adjoining land.
- Avoid locating major promotion signs in land near sensitive interfaces including river corridors, passive open space and residential areas, particularly where it will form part of the skyline when viewed from these areas.
- Strongly discourage major promotion signs outside Central Geelong, Highway Oriented Commercial Areas and Industrial Areas.

#### Guidelines:

- Major Promotion Signs should be spaced at least 1 km from any other Major Promotion Sign on the same road.
- Ensure major promotion signs stay relevant and well maintained, by allocating an expiry date to permits of up to 5 years from the date of issue of the permit.
- Discourage major promotion signs that would restrict the development of a site or conflict with an identified strategic development objective.
- Avoid 'pop out' elements.
- Avoid more than one major promotion sign at any intersection.
- Major promotion signs displayed on walls of a building should not cover more than:
  - 20 per cent of an elevation less than 100 square metres; or
  - 20 square metres of an elevation between 100 – 200 square metres.

## ELECTRONIC SIGNS

# 13

## ELECTRONIC SIGNS

### The following objectives, strategies and guidelines apply to:

- Electronic signs as defined in the planning scheme.

### Objectives:

- To encourage electronic signs in appropriate locations that add vitality and light to a commercial or industrial area.
- To avoid electronic signs that adversely affect the amenity of a site or area.
- To avoid electronic signs that may have an adverse effect on road safety.

### Strategies:

1. Avoid electronic and animated signs that will result in light spill, glare, disturbance, intrusion or other detrimental effects on the amenity of surrounding rural or residential areas or public open space.
2. Strongly discourage animated signs (including digital media, holographic, 3D and projections) and audio associated with signage, unless consistent with an adopted place-based advertising strategy to provide activation to a public place.
3. Prioritise road safety when considering and assessing applications for electronic signs.

### Guidelines:

1. Control electronic signs to have appropriate levels of illumination responsive to sunlight, weather conditions and time of day.
2. Limit the number of electronic signs to one per premises.
3. Discourage electronic signs that face a residential area, passive open space or other sensitive interfaces.
4. Avoid electronic signs in locations where it cannot be demonstrated the risk to road users is low.
5. Avoid variable messaging boards in all locations, unless where required to provide notice of an essential public service of a government department, public authority or municipal council, such as fire protection activities.

**CITY OF GREATER GEELONG**



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**CUSTOMER SERVICE CENTRE**

100 Brougham Street  
Geelong VIC 3220  
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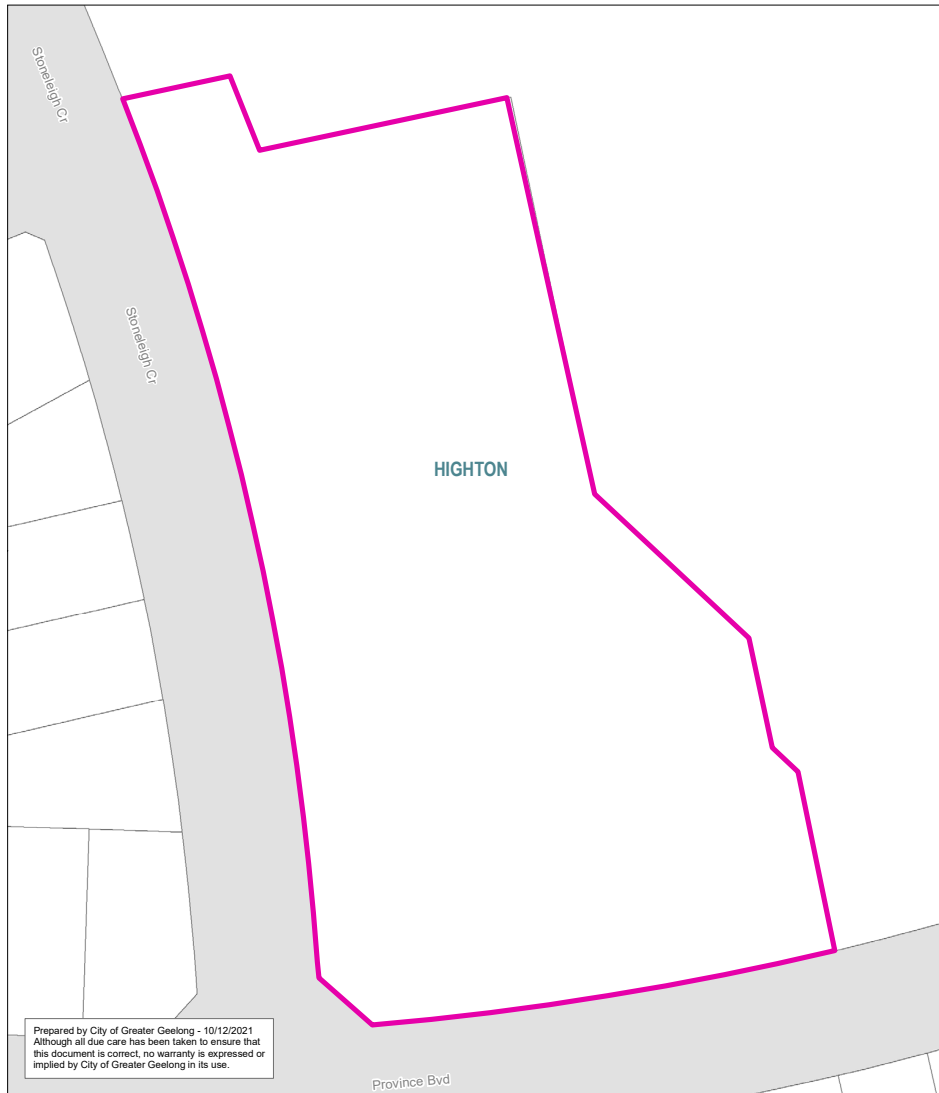
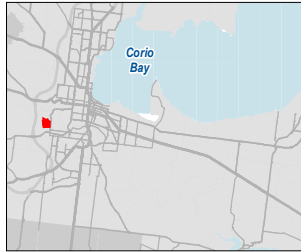


## APPENDIX 1:

### MAPS OF HIGHWAY ORIENTED COMMERCIAL AREAS IN THE COMMERCIAL 1 ZONE


**BARRABOOL HILLS, PROVENCE BVD, HIGHTON**

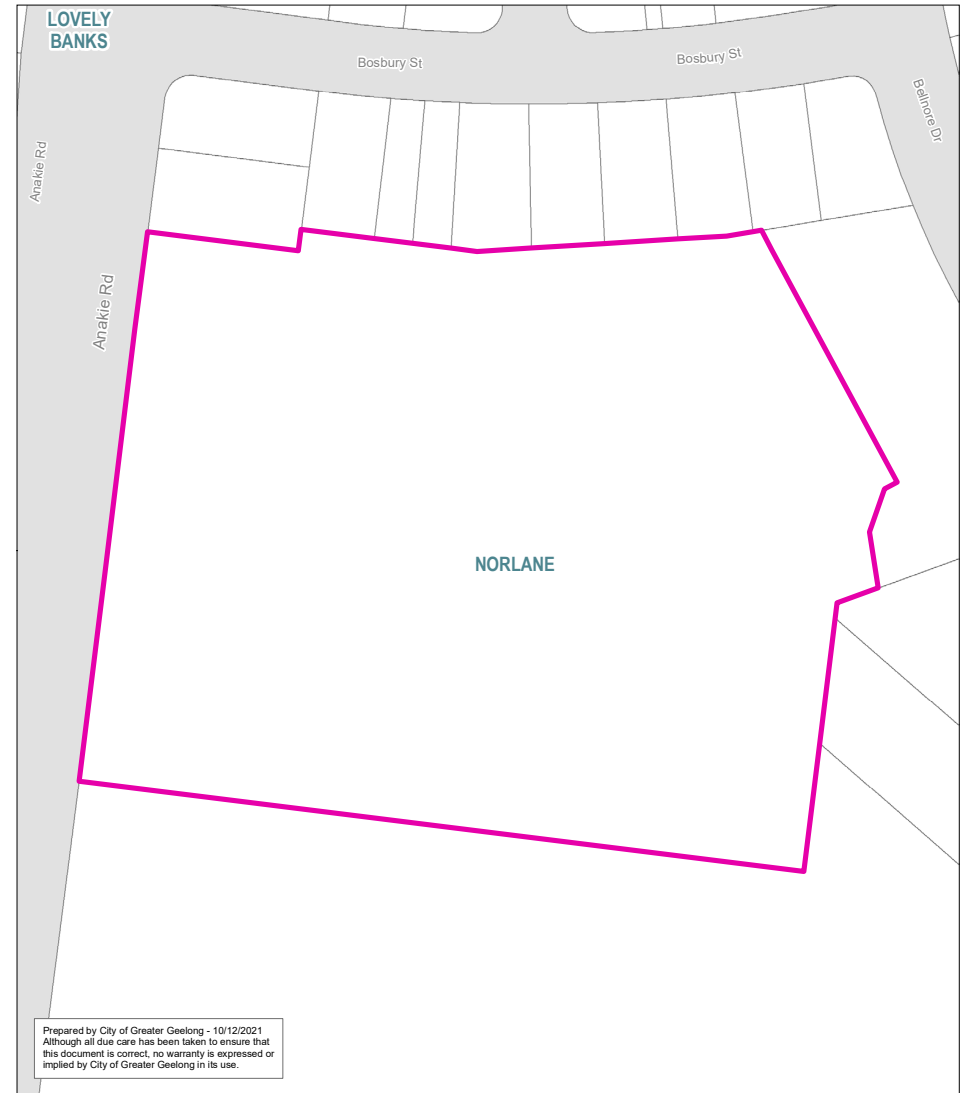
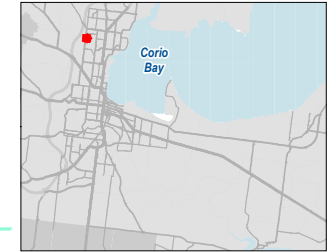
 Activity Centre Boundary



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**BELL POST, ANAKIE RD, NORLANE**


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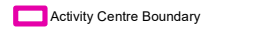


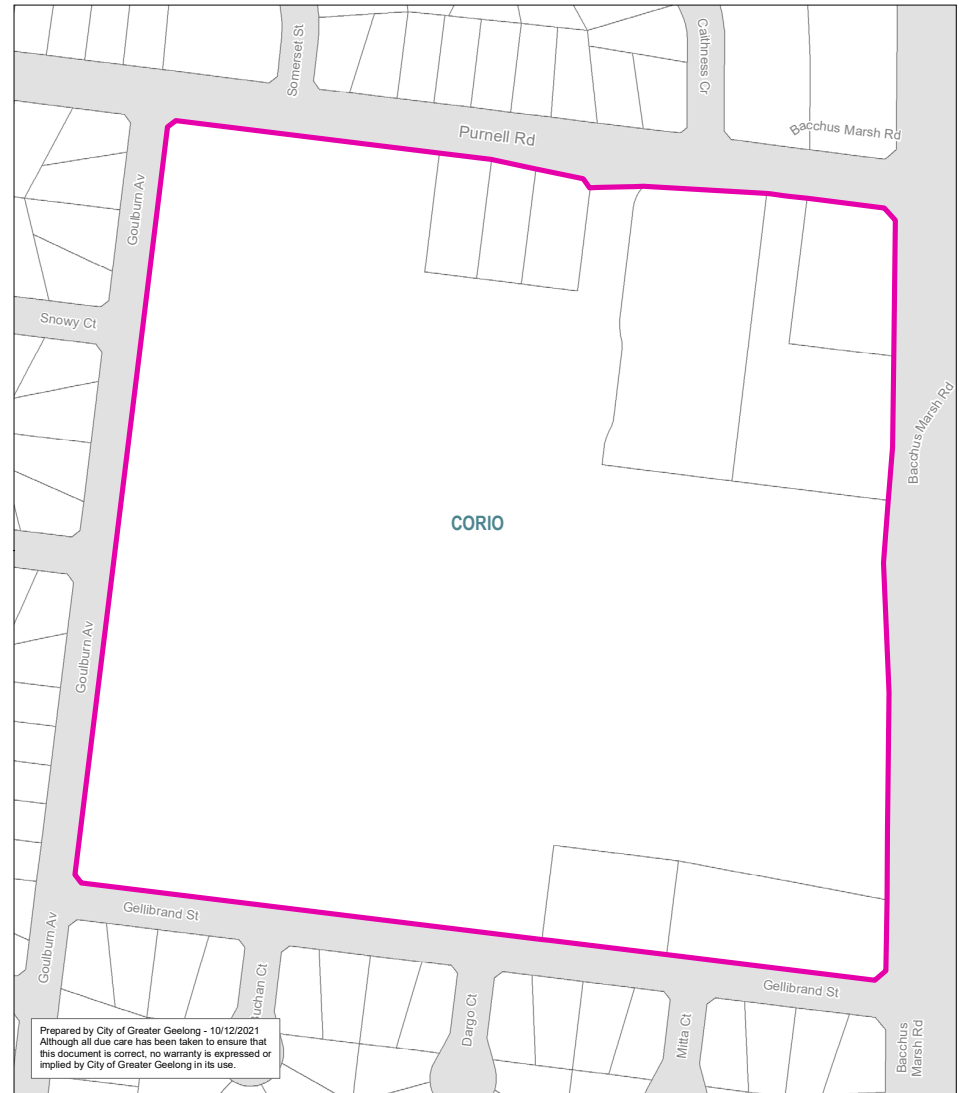
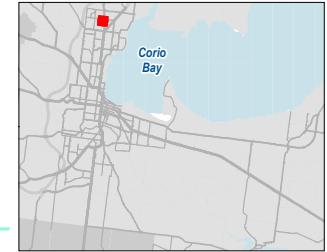
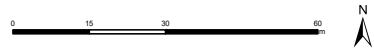
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**BELLARINE VILLAGE, BELLARINE HWY, NEWCOMB**

**CORIO VILLAGE, BACCHUS MARSH RD, CORIO**

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 Activity Centre Boundary



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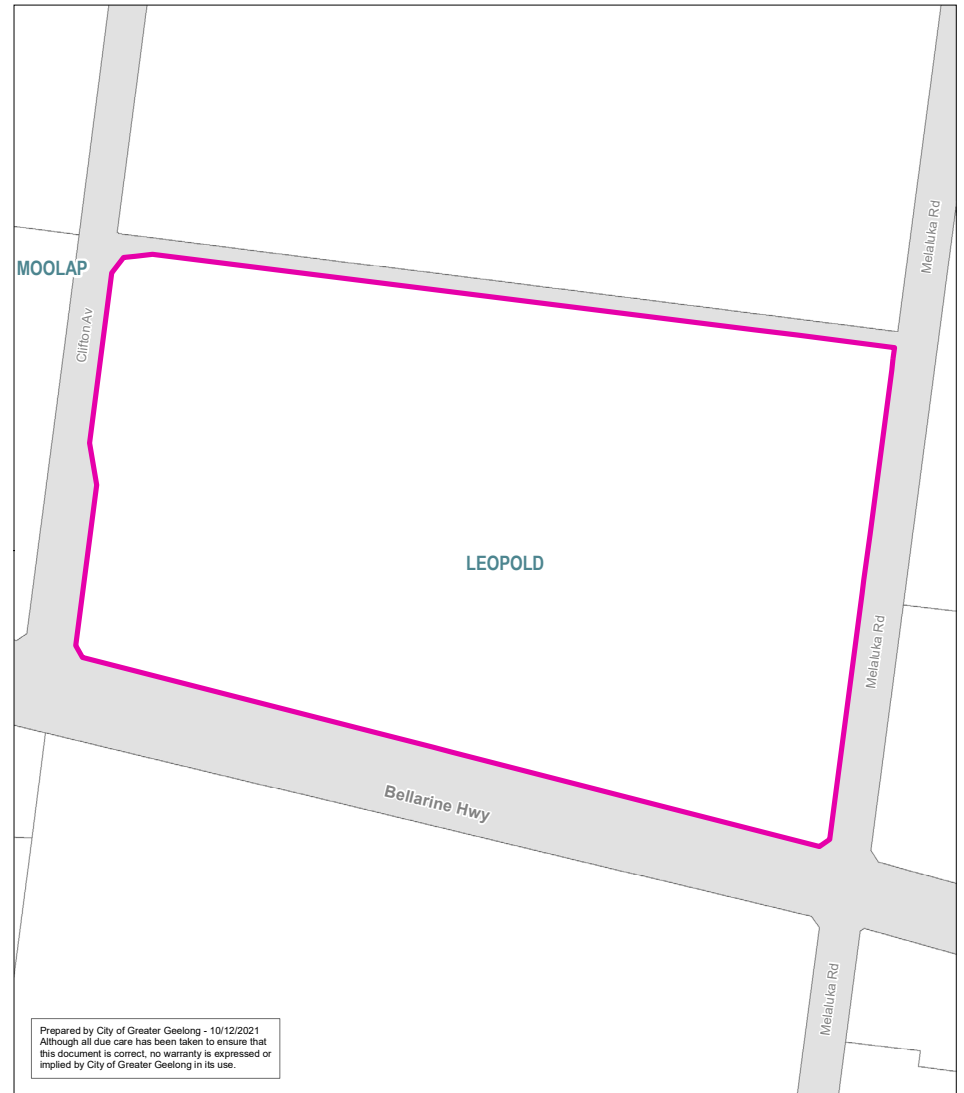
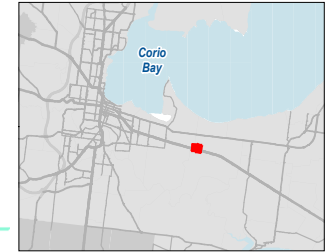
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GROVEDALE CENTRAL, HEYERS RD, GROVEDALE

LEOPOLD GATEWAY PLAZA, BELLARINE HWY, LEOPOLD

Activity Centre Boundary


Activity Centre Boundary

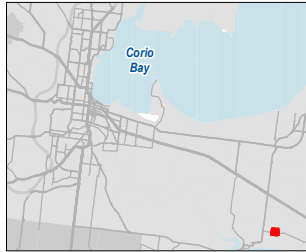
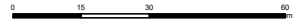


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**MARKETPLACE, SHELL RD, OCEAN GROVE**

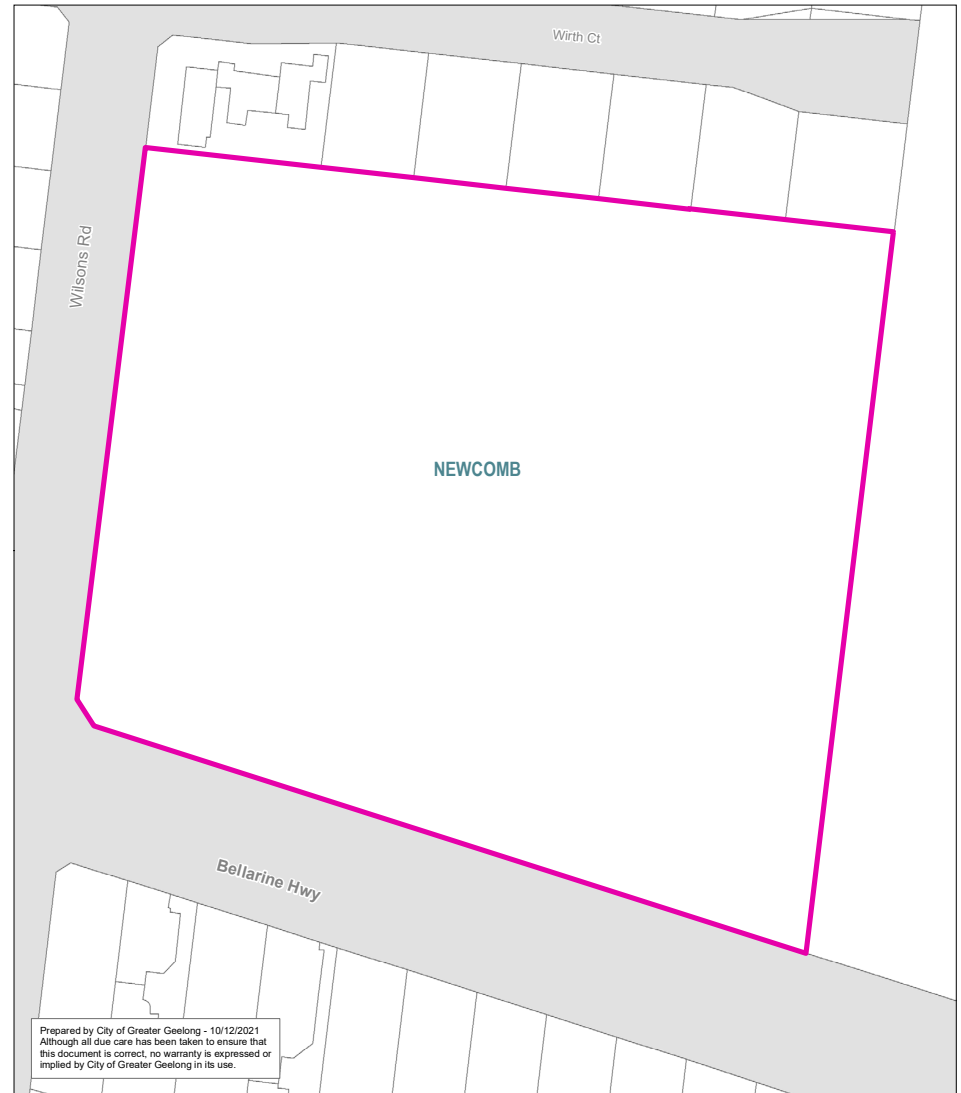
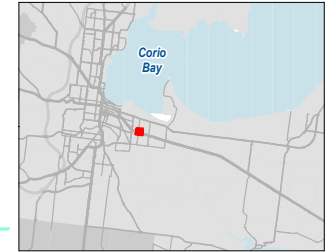
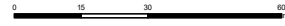
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**NEWCOMB CENTRAL, BELLARINE HWY, NEWCOMB**

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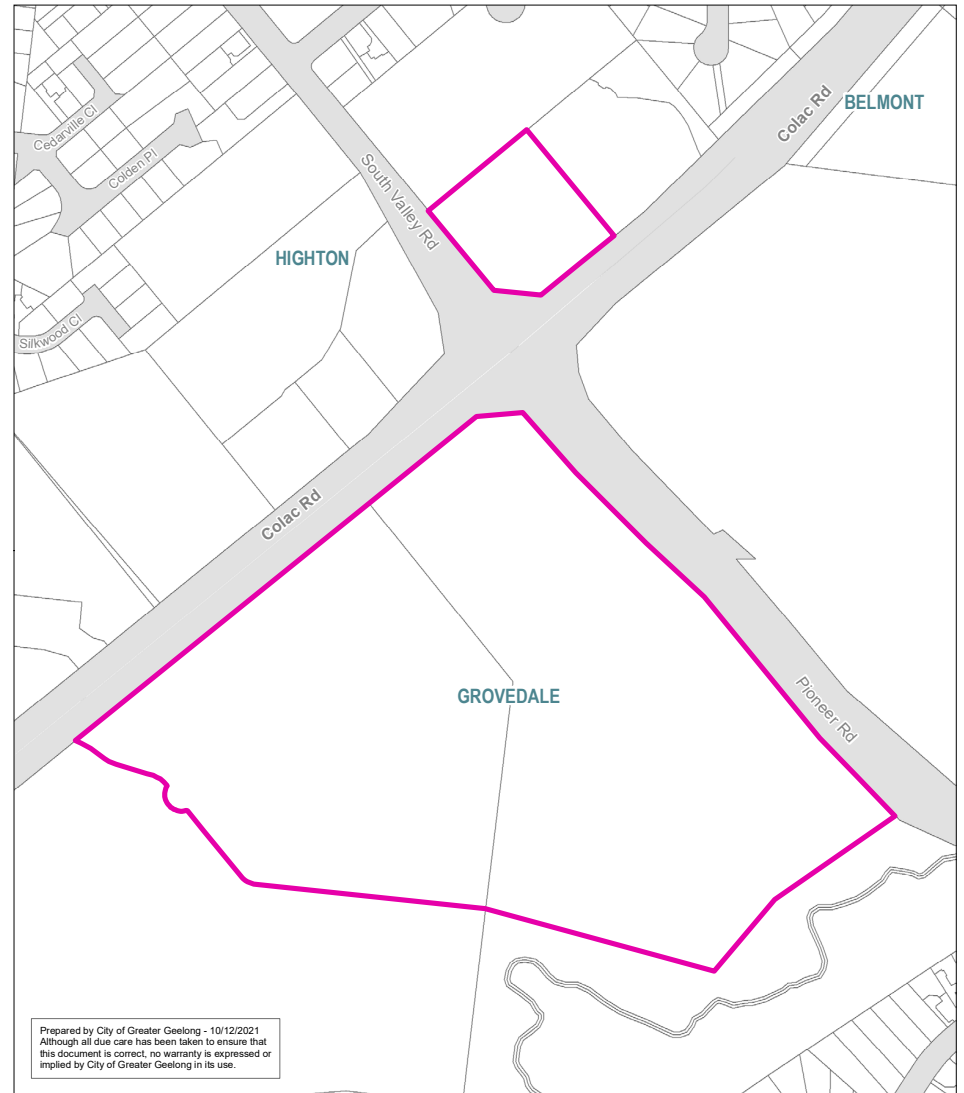
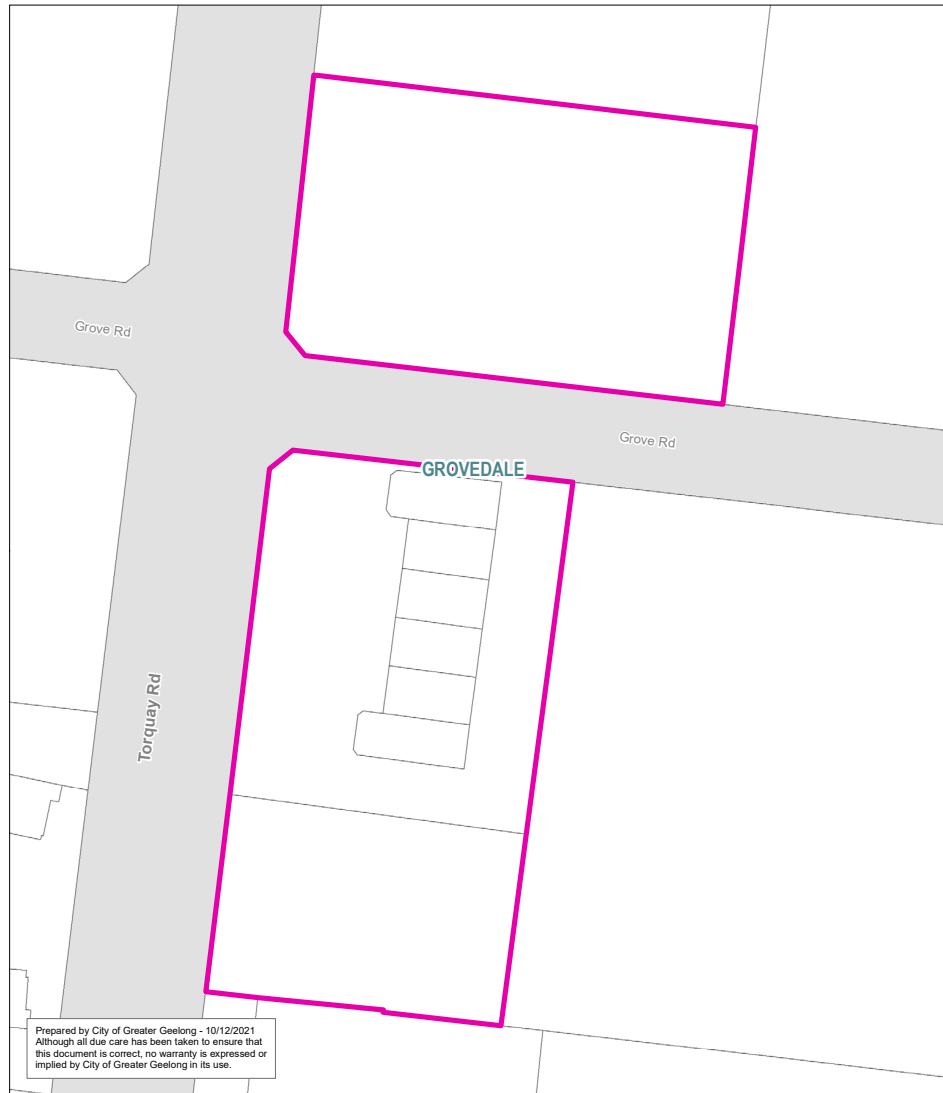
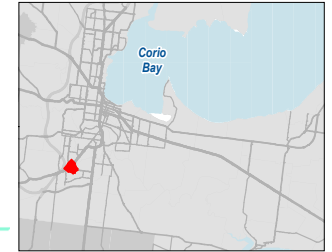
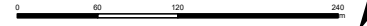
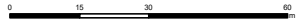
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**SURF COAST HWY, GROVEDALE (142-158 TORQUAY RD)**

**WAURN PONDS, PIONEER RD, GROVEDALE**

Activity Centre Boundary

Activity Centre Boundary



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## 2.2. Amendment C441ggee 672-690 & 692-700 Portarlington Road, Leopold - Consideration of Panel Report and Adoption of Amendment

**Source:** City Planning & Economy  
**Director:** Gareth Smith

### Purpose

1. To consider the Amendment C441ggee Panel Report and adopt the Amendment.

### Background

2. On 25 May 2022 Council resolved under delegation to prepare and exhibit Amendment C441ggee to the Greater Geelong Planning Scheme.
3. The Amendment rezones 672-690 and 692-700 Portarlington Road, Leopold, from Farming Zone to General Residential Zone Schedule 1. In addition to the rezoning, the Amendment will apply a Design and Development Overlay (DDO) to the land and an Environmental Audit Overlay (EAO) to 692-700 Portarlington Road only.
4. Public exhibition of the Amendment occurred in July-August 2022. Notices were sent to the landowners and nearby residents and appeared in local newspapers.
5. Seven submissions were received including one from NovoPlanning on behalf of the owners of 692-700 Portarlington Road, Leopold which objected to the property being rezoned and application of the EAO.
6. On 13 September 2022 Council under delegation resolved to refer all the submissions to an Independent Panel appointed by the Minister for Planning.
7. A one-day Panel Hearing was held on 3 November 2022 attended by Council, the proponent and NovoPlanning. At the Hearing NovoPlanning revised its position and supported the rezoning but requested the EAO only be applied to part of its client's land.

### Key Matters

8. The Panel Report (see Executive Summary in **Attachment 3**) was received on 20 December 2022. Under the *Planning and Environment Act* the Planning Authority (i.e Council) must consider the Panel's report before deciding to adopt the Amendment. The Panel recommends the Amendment be adopted subject to changes to the exhibited DDO47 which are supported by officers. The Panel found the Amendment is strategically justified and implements policy. The Panel agreed with the Council and Environment Protection Authority position that an EAO should apply to the whole of 692-700 Portarlington Road, Leopold.
9. The amendment is now ready for adoption by Council (**Attachment 2**) and approval by the Minister for Planning. Section 173 Agreements accompanying the rezoning will be signed to provide for community infrastructure contributions by future developers.
10. Further background and discussion are included in **Attachment 1**.

**RESOLUTION - Item 2.2**

**Cr Mason moved, Cr Sullivan seconded -**

**That Council:**

- 1. Adopt Amendment C441ggee 672-690 & 692-700 Portarlington Road, Leopold (Attachment 2 of this report); and**
- 2. Submit the adopted Amendment and prescribed information to the Minister for Planning requesting approval.**

**Carried**

### **Financial Sustainability**

11. There are no adverse financial implications associated with the Amendment.
12. Community infrastructure contributions (at \$40,000 per net developable hectare) will be levied on future developers via Section 173 Agreements.

### **Community Engagement**

13. The Amendment was exhibited in accordance with the *Planning and Environment Act*. Council officers also held meetings with the proponent, NovoPlanning and a submitter who raising drainage maintenance concerns in the area.
14. The Panel Hearing was convened by video conference using Microsoft Teams. The hearing was attended by Council, the proponent and NovoPlanning.
15. The Panel Report was published on the Geelong Australia C441ggee webpage on 22 December 2022 and all submitters to the Amendment were alerted to the publication. A further alert was provided to submitters of the date this report will be presented at a Council Meeting.

### **Social Equity and Sustainability**

16. The Amendment will provide social benefits by facilitating new residential development conveniently located to retail and community facilities. An increase in housing supply will support opportunities for affordable housing on the Bellarine Peninsula.
17. Development contributions will be allocated to community infrastructure projects within Leopold.

### **Relevant Law/Policy/Legal Implications**

18. The Amendment is consistent with the Leopold Structure Plan which identifies the land as suitable for residential development and within the Leopold Settlement Boundary, as designated at Clause 11.03-6L-01 of the Greater Geelong Planning Scheme.
19. The residential rezoning is also consistent with the State Government *Final draft Bellarine Peninsula Statement of Planning Policy, October 2022*. The policy designates the site for 'incremental change' and inside the Leopold Protected Settlement Boundary.
20. The Amendment meets the requirements of *Ministerial Direction No.1 – Potentially Contaminated Land* and Clause 13.04-1S - *Contaminated and potentially contaminated land* by applying the Environmental Audit Overlay to 692-700 Portarlington Road, Leopold.

### **Alignment to Community Plan and Vision**

21. This report aligns with Our Community Plan 2021-2025 strategic priority:  
Sustainable growth and environment.
22. This report aligns with the Community led 30-year Vision, "Greater Geelong: A Clever and Creative Future" community aspiration:  
Sustainable development that supports population growth and protects the natural environment.

***Conflict of Interest***

23. No officer involved in the preparation of this report declared a general or material conflict of interest.

***Risk Assessment***

24. There are no risks with proceeding with the recommendations of this report.

***Environmental Sustainability***

25. The site is located within the Leopold Settlement Boundary and can conveniently connect to the local street network and service infrastructure. Both the Leopold Sub-regional activity centre and Leopold recreation reserve are accessed from Melaluka Road one kilometre to the south, while the Bellarine Rail Trail and Leopold Sportsmans club are within walking distance.
26. The site contains exotic and planted non-native vegetation. Part of the land close to Melaluka Road is flood prone which can be managed by a site stormwater plan required for future subdivision and development. All of the land is designated as a bushfire prone area however the Country Fire Authority raised no objections due to separation distances provided by Portarlington Road and Melaluka Road.

**Attachments**

1. Amendment C441ggee Background and Discussion
2. Amendment C441ggee for Adoption
3. Amendment C441ggee Panel Report Executive Summary
4. Section 173 Agreement

**Attachment 1****Background and Discussion - Amendment C441ggee****Background**

1. The Amendment applies to 672-690 Portarlington Road, Leopold and 692-700 Portarlington Road, Leopold, as shown below.



2. On 30 November 2021 a Planning Scheme Amendment application was made by Context Planning Pty Ltd (the proponent) on behalf of the current owners of 672-690 Portarlington Road and 627 Port Road Pty Ltd.
3. It was proposed to rezone 672-690 Portarlington Road and 692-700 Portarlington Road, Leopold, from Farming Zone to General Residential Zone Schedule 1. In addition to the rezoning, the Amendment will apply a Design and Development Overlay to the land being rezoned and an Environmental Audit Overlay to 692-700 Portarlington Road.
4. Council resolved under delegation on 25 May 2022 to exhibit the Amendment subject to Ministerial authorisation, which was granted on 16 June 2022. The Amendment was placed on public exhibition between 6 July and 15 August 2022.
5. Seven submissions were received. Two of the submissions objected to the Amendment, including one from NovoPlanning on behalf of the owners of 692-700 Portarlington Road, Leopold. The NovoPlanning submission objected to the property being rezoned at this time and application of the Environmental Audit Overlay.
6. The other objecting submission (no. 7) was from a local resident raising concerns about urban impacts on the downstream municipal drainage network and lack of maintenance to the 'Kancy' open drain on private land west of Melaluka Road.

7. Supportive submissions were received from the proponent and Government Authorities and Agencies. The Department of Transport (DoT) and the Environment Protection Authority (EPA) requesting minor changes to the exhibited Design and Development Overlay Schedule 47 (DDO47).
8. Under delegation on 13 September 2022, Council considered the submissions and resolved to refer all the submissions to an Independent Planning Panel. The delegated report recommended some drafting changes to the DDO47. The NovoPlanning submission to remove 692-700 Portarlinton Road from the Amendment was not supported.
9. The Amendment C441ggee Panel was appointed by the Planning Minister's delegate on 14 September 2022.

#### Discussion

10. A one-day video Panel Hearing on 3 November 2022 was attended by a Council officer, the proponent and NovoPlanning.
11. During the course of the Hearing, NovoPlanning revised its position and now supported the rezoning however requested that the Environmental Audit Overlay only be applied to part of the land at 692-700 Portarlinton Road, Leopold.
12. In addition to the Panel hearing submissions from parties, the Panel considered all written submissions, as well as undertaking a site visit and reading the exhibited technical reports.
13. The Panel's report was received by Council officers dated 20 December 2022 and released to the public on 23 December 2022. Under Section 27 of the *Planning and Environment Act* the Planning Authority (i.e., Council) must consider the report before deciding whether or not to adopt the Amendment. The Panel recommended the Amendment be adopted.
14. This report recommends the Amendment be adopted and the adopted Amendment is shown in **Attachment 2**.
15. **Attachment 3** is the Executive Summary of the Panel Report and contains the consolidated Panel recommendations (i.e., all the recommended changes to the Greater Geelong Planning Scheme). The full Panel Report is available on the City's amendment's webpage - [www.geelongaustralia.com.au/amendments](http://www.geelongaustralia.com.au/amendments).
16. **Attachment 4** shows the draft section 173 agreements for signing.

#### **City response to Panel Report**

17. This section of the report summarises the issues identified by the Panel and provides a City response to the Panel's conclusions and recommendations.
18. The Panel Report outlined the planning policy context and rezoning history in relation to the Amendment and proceeded to discuss the following issues:
  - 18.1 Strategic issues;
  - 18.2 Design and Development Overlay – Schedule 47;
  - 18.3 Environmental Audit Overlay; and
  - 18.4 Stormwater Management

#### Strategic issues

19. The Panel referred to several relevant policies including the Leopold Structure Plan, G21 Regional Growth Plan and Bellarine Peninsula Statement of Planning Policy, finding the Amendment to be strategically justified. The Panel concluded that the Amendment is

supported by, and implements, the relevant sections of the Planning Policy Framework in the Greater Geelong Planning Scheme.

20. The Panel also noted that no submitter raised objections to the strategic justification for the Amendment.
21. Council officers agree with the findings of the Panel. The rezoning is the final piece of Farming Zone land in Leopold to be made available for residential development.

*Design and Development Overlay – Schedule 47 (DDO47)*

22. A proposed DDO47 was exhibited as part of the Amendment to manage future subdivision and development of the land. The drafting of the DDO47 was discussed at the Panel hearing, which included Council's preferred version and submissions from the proponent.
23. The Panel addressed DDO47 requirements relating to stormwater management, movement and access, noise and air quality, and urban design. All of the Panel recommended changes are accepted by council officers.
24. The Panel was satisfied that stormwater requirements to prepare a stormwater management plan and pursue development of a single detention/treatment facility (potentially using the existing drainage basin on the adjoining council reserve), are appropriate.
25. The Panel agreed with the alternative vehicle access requirements to Portarlington and Melaluka Roads as submitted by the DoT. The Panel also agreed with Council's proposal to add a new requirement to ensure internal pedestrian connections are provided to assist with access to the nearby bus stop on Portarlington Road.
26. The EPA in its written submissions advised of redrafting of requirements to appropriately manage noise impacts on future dwellings from Portarlington Road. Both council and the Panel agreed to the proposed EPA changes.
27. The Panel considered several urban design requirements and generally supported council's submissions at the Hearing. This included retaining requirements relating to the provision of active road frontages and landscaping at the rural – urban interface as part of future subdivision and development.

*Environmental Audit Overlay (EAO)*

28. The issue is whether the EAO should be applied to part or all of 692-700 Portarlington Road.
29. The Panel report provided background including relevant planning policy and guidance, council's and the landowner's approach, and a chronology of events. Prior to the Hearing, NovoPlanning for the landowners, submitted a Preliminary Site Investigation (PSI) prepared by Landserv Pty Ltd, which found the property to be potentially contaminated but not the land containing the dwelling and gardens. At the conclusion of the Hearing council sought further formal written comments from the EPA and the comments were provided to the Panel as part of council's final position on the issue.
30. Council submitted that as the land is identified as potentially contaminated it is appropriate to apply the EAO to the entire property as exhibited.
31. The EPA advised that the land meets the definition of 'potentially contaminated land' and strongly recommended applying the EAO to the entire site.
32. NovoPlanning did not support application of the EAO to all of the property and submitted the dwelling and residential area should be excluded as recommended by the PSI. NovoPlanning accepted the EAO should be applied to the balance of the land.

33. The Panel noted parties agreed the land has either 'medium' or 'high' potential for contamination. The disagreement related to whether the EAO should be applied to the entire site or only to the land outside of the residential area on the property, which the PSI had determined to be low risk.
34. The Panel referred to Planning Practice Note 30 - *Potentially Contaminated Land* (PPN30) which states a Preliminary Risk Screen Assessment (PRSA) or environmental audit is the preferred assessment mechanisms for land with 'medium' or 'high' potential for contamination, not a PSI. The Panel agreed with Council and the EPA that reliance on a PSI is not consistent with PPN30, which specifies that planning scheme amendments proposing to allow sensitive uses, such as residential development, require a planning authority to satisfy itself that the land is suitable for the use by either: (1) a PRSA stating no audit is required, or (2) an environmental audit stating the land is suitable for the proposed use.
35. The Panel further referred to PPN30 where it provides guidance that where land has been "*determined to be potentially contaminated, but it is difficult or inappropriate to meet environmental audit system requirements at the amendment stage, the application of the [EAO] to the land allows deferment of these requirements*".
36. On the issue of applying an EAO to the entire property, the Panel said it was appropriate to do so because:
  - 36.1 the *DELWP Planner's Toolkit: a toolkit for planners working with potentially contaminated land* explains generally the EAO should be applied to the cadastral area boundary and a PRSA is needed to obtain sufficient information to inform a reduced EAO extent;
  - 36.2 in the absence of a PRSA there is uncertainty on the extent of potentially contaminated land and it is prudent to take a precautionary approach; and
  - 36.3 identified current and historic uses have potential to result in offsite contamination (so may not be limited to the area identified in the PSI).
37. The Panel concluded it is appropriate to apply the EAO to all of 692-700 Portarlington Road, Leopold, which council agrees.

#### Stormwater management

38. Submission no. 7 was concerned that urban development was resulting in increased runoff, resulting in overgrown open drains and localised flooding on farming zoned land to the west. The submitter did not appear at the Hearing.
39. Council advised the Panel that: (1) the Amendment land does not drain to the area of concern; (2) the area of concern was part of a reactive maintenance program; and (3) works were planned for the 2021-22 open drain renewal program.
40. Council submitted that the future stormwater drainage from the subject land would be developed consistent with the requirements of DDO47 and the Planning Scheme.
41. The Panel concluded downstream stormwater management is adequately considered.

**Attachment 2**

**Amendment C441ggee Adoption Documents**

*Planning and Environment Act 1987*

**GREATER GEELONG PLANNING SCHEME**

**AMENDMENT C441ggee**

**INSTRUCTION SHEET**

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

The Greater Geelong Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 3 attached map sheets.

**Zone Maps**

1. Amend Planning Scheme Map No. 57 in the manner shown on the 1 attached map marked "Greater Geelong Planning Scheme - Local Provision, Amendment C441ggee".

**Overlay Maps**

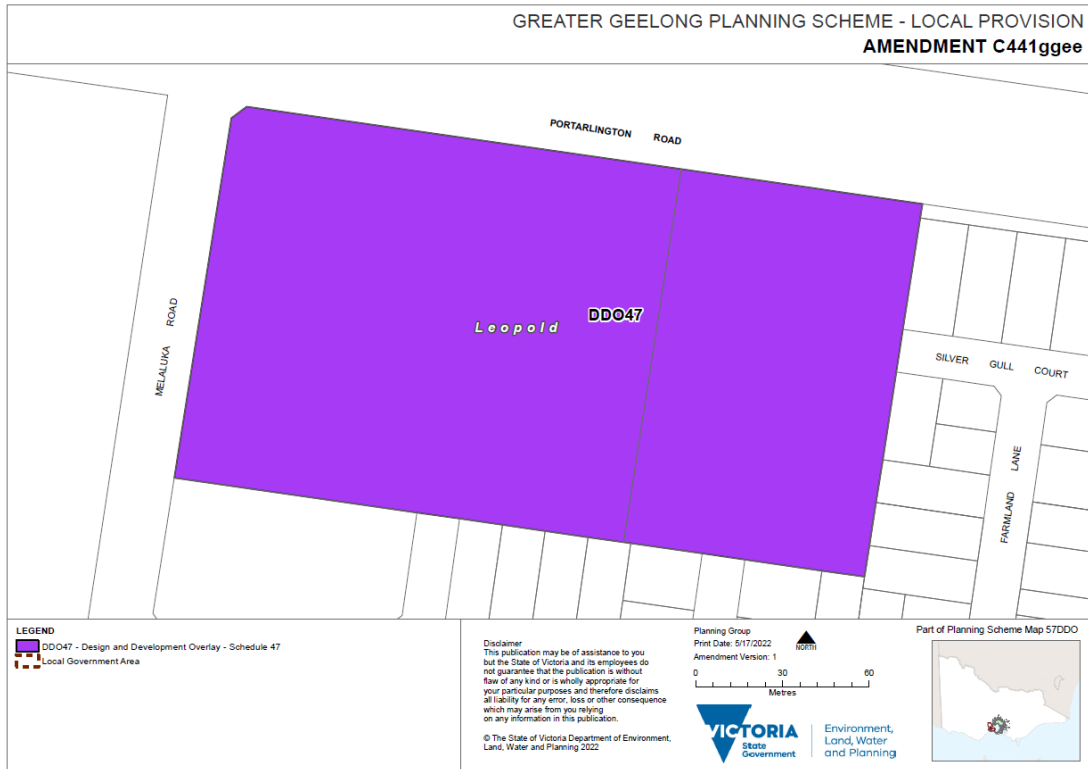
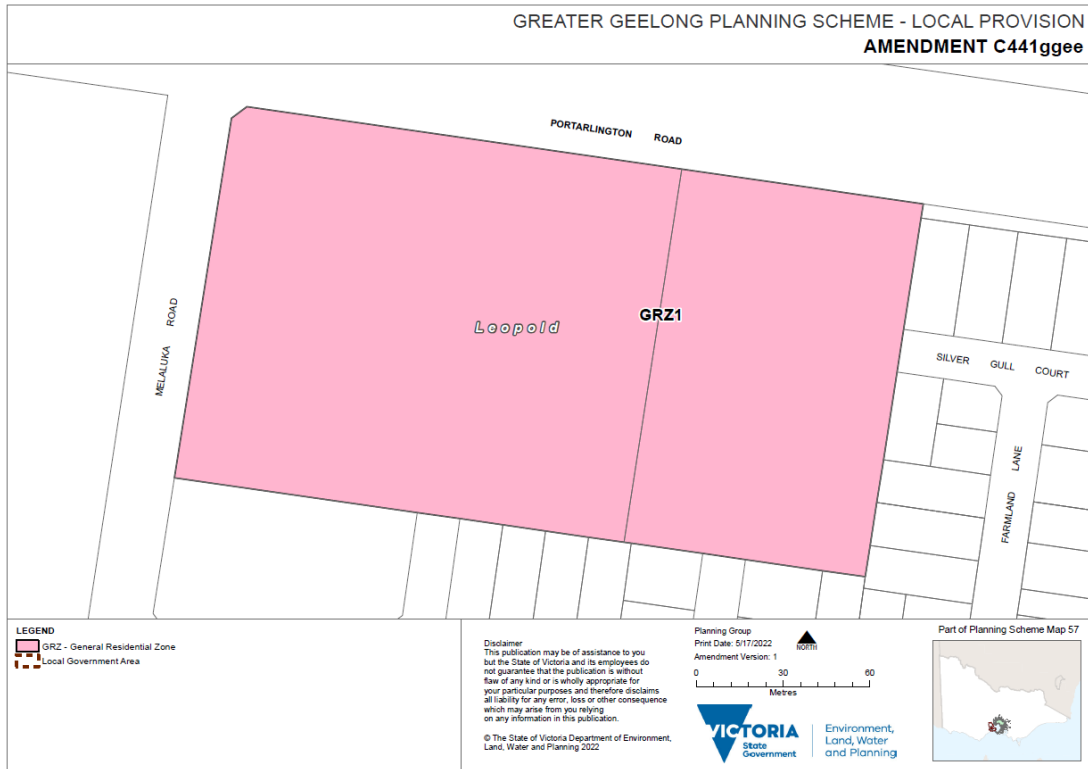
2. Amend Planning Scheme Map No. 57DDO in the manner shown on the 1 attached map marked "Greater Geelong Planning Scheme - Local Provision, Amendment C441ggee".
3. Insert Planning Scheme Map No. 57EAO in the manner shown on the 1 attached map marked "Greater Geelong Planning Scheme - Local Provision, Amendment C441ggee".

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

4. In Overlays – Clause 43.02, insert a new Schedule 47 in the form of the attached document.

End of document





## GREATER GEELONG PLANNING SCHEME

C441ggee **SCHEDULE 47 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as DDO47.

**672-690 AND 692-700 PORTARLINGTON ROAD, LEOPOLD**

**1.0 Design objectives**

C441ggee

To facilitate the orderly and integrated development of the area.

To ensure best practice stormwater management and water quality treatment to prevent any adverse impact on downstream areas.

To manage site constraints with appropriate built form and urban design measures.

**2.0 Buildings and works**

C441ggee

A permit is not required to construct a building or to construct or carry out works.

**3.0 Subdivision**

C441ggee

A permit to subdivide land must meet the following requirements:

**Stormwater Management**

- Subdivision and development must be informed by a Stormwater Management Plan that takes an integrated approach to flooding, stormwater and drainage management, considers the whole of the catchment, and includes:
  - Measures to ensure peak discharge rates of all stormwater leaving the site post-development are regulated to integrate with downstream infrastructure, at no greater than pre-development rates, with reference to *Flood Assessment 672-690 Portarlington Road, Leopold* (Cardno, Nov 2021, NW30247).
  - Treatment to achieve best practice pollutant removal targets in accordance with relevant standards and guidelines (including Design Note 3 and Melbourne Water guidelines).
  - No adverse impacts to any surrounding land, upstream or downstream.
  - A single detention / treatment facility to service all of the DDO land. New drainage infrastructure effectively co-located with the existing drainage reserve to the south must be investigated.

**Movement and Access**

- An internal road network which utilises existing access connections from the adjoining street network.
- Direct access points or vehicular entrances to residential subdivision should be from Melaluka Road only.
 

The following must be accompanied by a Transport Impact Assessment and subject to further review and approved by the Head, Transport for Victoria:

  - Any access proposed at Melaluka Road.
  - Consideration of any potential Commercial Activity on the corner of Portarlington and Melaluka Roads and any access proposed to Portarlington Road as a result.
- Construction of a concrete footpath to the frontage of the site (on Melaluka Road) to link the existing path south of the DDO land to the existing path at the Portarlington Road / Melaluka Road signalised intersection.
- Provision of a public pedestrian connection to Melaluka Road, close to the Portarlington Road intersection, from the internal road network.

## GREATER GEELONG PLANNING SCHEME

**Urban Design**

- A mix of lot sizes and dwelling types which include designs to achieve passive surveillance of the municipal drainage reserve to the south and any future on-site drainage reserve.
- Road layout and arrangement of lots should provide for lots to front Portarlington Road and Melaluka Road.
- Creation of a 5 metre wide landscaped land buffer to the Portarlington Road interface.

**Exemption from notice and review**

An application to subdivide land is 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.

**4.0 Signs**

C441ggee

None specified.

**5.0 Application requirements**

C441ggee

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- An acoustic assessment report prepared by a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority which:
  - Applies the following noise objectives:
    - 35 dB LAeq,8h when measured within a sleeping area between 10 pm and 6 am.
    - 40 dB LAeq,16h when measured within a living area between 6 am and 10 pm.
  - For areas other than sleeping and living areas, the median value of the range of recommended design sound levels of Australian Standard AS/NZ 2107:2016 (Acoustics – Recommended design sound level and reverberation times for building interiors).
  - Includes recommendations for any noise attenuation measures required to meet the applicable noise level objectives.
  - Includes additional considerations, where relevant, to address:
    - potential noise character (tonality, impulsiveness or intermittency);
    - noise with high energy in the low frequency range; and
    - transient or variable noise.

Where the report recommends any noise attenuation measures, permit conditions should be applied to that effect.

**6.0 Decision guidelines**

C441ggee

None specified.

**Attachment 3****C441ggee Panel Report Executive Summary**


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Greater Geelong Planning Scheme Amendment C441ggee | Panel Report | 20 December 2022

## Executive summary

Leopold is located on the Bellarine Peninsula, approximately 12 kilometres from the regional city of Geelong. It is a designated district town and service hub for the Bellarine Peninsula, identified for residential development within an existing settlement boundary.

Greater Geelong Planning Scheme Amendment C441ggee (the Amendment) seeks to rezone the land at 672-690 Portarlington Road and 692-700 Portarlington Road, Leopold for residential purposes. It seeks to apply the:

- General Residential Zone – Schedule 1
- Design and Development Overlay – Schedule 47
- Environmental Audit Overlay to 692-700 Portarlington Road, Leopold.

The Proponent for the Amendment is the owner of 672-690 Portarlington Road, Leopold and 627 Port Road Pty Ltd (the Proponent).

Seven submissions were received during exhibition of the Amendment. Two submitters objected to the Amendment, and a number of submitters requested changes including:

- Department of Transport, which recommended changes to the Design and Development Overlay – Schedule 47 relating to access points and vehicular entrances
- Environment Protection Authority Victoria, which recommended changes to the Design and Development Overlay – Schedule 47 relating to noise and air quality and made submissions relating to application of the Environmental Audit Overlay.

The owners of 692-700 Portarlington Road, Leopold objected to the Amendment and requested their land be removed from the Amendment, or if the Amendment proceeds for the Environmental Audit Overlay to only be applied to part of the land.

One submitter opposed the Amendment raising concerns about the lack of a downstream drainage network.

The Proponent requested changes to the drafting of Development Overlay – Schedule 47.

The Panel is satisfied the Amendment is strategically justified on the basis it is consistent with:

- key policy objectives relating to settlement, managing growth, planning for places and environmental risks
- directions and strategies in the *G21 Regional Growth Plan* and the *draft Bellarine Peninsula Statement of Planning Policy*.

Rezoning the land to General Residential Zone – Schedule 1 will support the final stages of residential development in the north-western part of Leopold within the settlement boundary. The Amendment delivers net community benefit and sustainable development as required by Clause 71.02-3 (Integrated decision making) and should proceed subject to the recommendations in this Report.

Regarding the Design and Development Overlay – Schedule 47, the Panel concludes:

- The 'stormwater management' requirement relating to the single detention/treatment facility is appropriate.
- The additional and amended 'movement and access' requirements relating to provision of a pedestrian connection to Melaluka Road and vehicle access are appropriate, subject to wording changes recommended by the Panel.

- The 'urban design' requirement relating to noise and air quality is not clear and should be removed, and the amended application requirement proposed by the Environment Protection Authority Victoria is appropriate.
- The 'urban design' subdivision requirements relating to road frontage and landscaping are appropriate, and it is appropriate to remove the requirement relating to retaining existing trees.

The Panel concludes it is appropriate to apply the Environmental Audit Overlay to all of 692-700 Portarlinton Road, Leopold.

### Recommendations

Based on the reasons set out in this Report, the Panel recommends that Greater Geelong Planning Scheme Amendment C441ggee be adopted as exhibited subject to the following:

1. **Amend Design and Development Schedule 47 to:**
  - a) **Include the additional 'movement and access' requirement:**

*Provision of a public pedestrian connection to Melaluka Road, close to Portarlinton Road intersection, from the internal road network.*
  - b) **Amend the 'movement and access' requirements to:**
    - Delete the following text:

*New direct vehicle access from Portarlinton Road should be limited to the corner of Portarlinton and Melaluka Roads for potential commercial uses only. Any vehicle access from Portarlinton Road and/or Melaluka Road must be supported by a Traffic Impact Assessment and approved by the Head, Transport for Victoria.*
    - Add the following text:

*Direct access points or vehicular entrances to residential subdivision should be from Melaluka Road only.*

*The following must be accompanied by a Transport Impact Assessment and subject to further review and approved by the Head, Transport for Victoria:*

      - *Any access proposed at Melaluka Road*
      - *Consideration of any potential Commercial Activity on the corner of Portarlinton and Melaluka Roads and any access proposed to Portarlinton Road as a result.*
  - c) **Delete the following 'urban design' requirements:**

*Noise and air quality attenuation measures to future dwellings from the source of the emissions (Portarlinton Road), as appropriate.*

*Existing trees of medium-high arboricultural value should be retained where appropriate in conjunction with the design and location of the drainage reserve. Any trees retained should be located on land to be transferred to council as road or drainage reserve.*
  - d) **Amend the following 'urban design' requirement to state:**

*Creation of a 5 metre wide landscaped land buffer to the Portarlinton Road interface.*
  - e) **Amend the application requirements as follows:**

- Delete the following text:

*An assessment report(s) of noise and air quality emissions from Portarlington Road and impacts on sensitive land uses by a suitably qualified expert. Where the report recommends built form and/or landscape or other design measures to mitigate noise/air quality risk, permit conditions should be applied that satisfy the report.*

- Add the following text:

*An acoustic assessment report prepared by a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority which:*

- *Applies the following noise objectives:*
  - *35 dB LAeq,8h when measured within a sleeping area between 10 pm and 6 am.*
  - *40 dB LAeq,16h when measured within a living area between 6 am and 10 pm.*
- *For areas other than sleeping and living areas, the median value of the range of recommended design sound levels of Australian Standard AS/NZ 2107:2016 (Acoustics – Recommended design sound level and reverberation times for building interiors).*
- *Includes recommendations for any noise attenuation measures required to meet the applicable noise level objectives.*
- *Includes additional considerations, where relevant, to address:*
  - *potential noise character (tonality, impulsiveness or intermittency);*
  - *noise with high energy in the low frequency range; and*
  - *transient or variable noise.*

*Where the report recommends any noise attenuation measures, permit conditions should be applied to that effect.*



**DEED OF AGREEMENT  
UNDER SECTION 173 OF THE  
*PLANNING AND ENVIRONMENT ACT 1987 (VIC)***

672-690 PORTARLINGTON ROAD, LEOPOLD

Dated

Made between

Greater Geelong City Council

**(Council)**

and

\_\_\_\_\_

**(Owner)**

**Francis Abourizk Lightowers**

Level 14, 114 William Street  
Melbourne Victoria 3000

PO Box 302, Collins Street West  
Melbourne Victoria 8007

e enquiries@fal-lawyers.com.au  
[www.fal-lawyers.com.au](http://www.fal-lawyers.com.au)

ABN 85 275 937 113

Ref: GEEL006

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## PARTICULARS

<p><b>BACKGROUND</b></p> <p>A. Council is:</p> <p style="margin-left: 20px;">I. the responsible authority pursuant to the Act for the Planning Scheme applying to the Land; and</p> <p style="margin-left: 20px;">II. the planning authority for Amendment C441ggee to the Planning Scheme.</p> <p>B. The Owner is or is entitled to be the registered proprietor of the Land.</p> <p>C. The Planning Scheme requires that a planning permit for subdivision must include a mandatory condition requiring the Owner to enter into an Agreement under section 173 of the Act.</p> <p>D. Amendment C441ggee proposes to:</p> <p style="margin-left: 20px;">I. rezone the Land from Farming Zone to General Residential Zone – Schedule 1 under the Planning Scheme, in support of the objectives under the Leopold Structure Plan; and</p> <p style="margin-left: 20px;">II. apply a Design and Development Overlay to the Land and to 692 – 700 Portarlinton Road, Leopold, Victoria .</p> <p>E. The Parties agree that the Owner will pay the Community Infrastructure Contribution.</p> <p>F. The Parties enter into this Deed to record the terms and conditions of each Party to the agreement.</p>		
<p>This deed of agreement under section 173 of the Planning and Environment Act 1987 (Vic) (<b>Deed</b>) is made up of the Particulars and Operative Provisions.</p>		
No.	Item	Details
1.	Date of Deed:	
2.	Council:	<p><b>Greater Geelong City Council</b></p> <p>City Hall, 30 Gheringhap Street, Geelong VIC 3220</p>
3.	Owner:	<p>██</p> <p>690 Portarlinton Road, Leopold VIC 3224</p> <p>Email:</p> <p>██</p> <p>██</p>
4.	Land:	<p>The land comprised in:</p> <p>(a) Certificate of Title Volume 08831 Folio 633, namely lot 1 on title plan 085129 situated at 672 – 690 Portarlinton Road, Leopold VIC 3224.</p>
5.	Community Infrastructure Contribution	\$40,000.00 per hectare of Net Residential Area.

**SIGNED, SEALED AND DELIVERED AS A DEED**

**SIGNED SEALED AND DELIVERED** on behalf of the **GREATER GEELONG CITY COUNCIL** by \_\_\_\_\_ pursuant to an instrument of delegation authorised by Council resolution, in the presence of:

\_\_\_\_\_  
Witness's signature

\_\_\_\_\_  
Print witness name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorised delegate's signature

**SIGNED SEALED AND DELIVERED** by [REDACTED] in the presence of:

\_\_\_\_\_  
[REDACTED]

\_\_\_\_\_  
Witness's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print witness name

**SIGNED SEALED AND DELIVERED** by [REDACTED] in the presence of:

\_\_\_\_\_  
[REDACTED]

\_\_\_\_\_  
Witness's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print witness name

## OPERATIVE PROVISIONS

### 1. Definitions and Interpretation

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#### 1.1 Definitions

In this Deed, except where the context otherwise requires:

- (a) **Act** means the *Planning and Environment Act 1987* (Vic);
- (b) **Amendment C441ggee** means amendment C441ggee to the Planning Scheme prepared by Council in its capacity as the planning authority;
- (c) **Business Day** means a day which is not a Saturday, Sunday, public holiday or bank holiday in Melbourne, Victoria;
- (d) **Community Infrastructure Contribution** means the amount set out in Item 5 as at the commencement of this Deed and subject to adjustment in accordance with the provisions of this Deed;
- (e) **Community Infrastructure Levy** is a levy imposed by a development contributions plan prepared pursuant to Part 3B of the Act;
- (f) **CPI** means the annual Consumer Price Index (all groups) Melbourne as published by the Australian Bureau of Statistics or its successor, and includes any published index replacing the Consumer Price Index;
- (g) **GST** means the goods and services tax levied pursuant to the GST Act and includes any replacement or subsequent similar tax;
- (h) **GST Act** means *A New Tax System (Goods and Services Tax) Act 1999* (Cth);
- (i) **Infrastructure Contribution** is any contribution imposed by any infrastructure contributions plan prepared pursuant to Part 3AB of the Act;
- (j) **Item** means an item of the Particulars to this Deed;
- (k) **Land** means the land described in Item 4 and any reference to Land in this Deed includes any lot created via subdivision of the Land or any part of it;
- (l) **Mortgagee** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as mortgagee of the Land or any part thereof;
- (m) **Net Developable Area** means those parts of the Land which are available for development, including lots and local streets. This excludes encumbered land, arterial roads, significant heritage sites, schools, community facilities and public open space;
- (n) **Net Residential Area** means the same as for Net Developable Area but excludes permitted non-residential uses;
- (o) **Owner** means the person registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Land or any part of the Land and includes any Mortgagee-in-possession;
- (p) **Particulars** means the particulars commencing on page 2 of this Deed;

- (q) **Parties** means the parties to this Deed, and **Party** means any one of them;
- (r) **Plan of Subdivision** means a plan of subdivision of the Land which, upon registration, creates any number of additional lots which can be disposed of separately;
- (s) **Planning Scheme** means the City of Greater Geelong Planning Scheme and any other planning scheme that applies to the Land;
- (t) **Registrar of Titles** means the Victorian Registrar of Titles;
- (u) **Residential Lot** means a lot which is of an appropriate size and dimension to be developed with a residential house without further subdivision, in the sole opinion of Council; and
- (v) **Statement of Compliance** means a statement of compliance issued by Council under the *Subdivision Act 1988* (Vic).

## 1.2 Interpretation

In this Deed:

- (a) headings to clauses are for convenience only and do not affect interpretation;
- (b) any reference to a clause, recital, particular or annexure is a reference to a clause of, recital in, particular of or annexure to, this Deed;
- (c) if a word or phrase is defined, its other grammatical forms have a corresponding meaning;
- (d) if a word or phrase is not defined in this Deed but is defined in the Act, it holds the same meaning in this Deed as defined in the Act;
- (e) a reference to dollars and "\$" is to Australian currency;
- (f) a reference to a statute, ordinance, code or other law, including the Act or Planning Scheme, includes a regulation, rule or other statutory instrument issued under it and consolidations, amendments, re-enactments or replacements of any of them;
- (g) a reference to a document includes any variation or replacement of it;
- (h) a reference to a person includes a reference to the person's executors, administrators, substitutes (including, but not limited to, persons taking by novation), successors and permitted assigns;
- (i) a reference to time is to Geelong, Victoria, Australia time;
- (j) where any obligation of this Deed is to be performed on a day other than a Business Day, that obligation is to be performed on the next Business Day;
- (k) if an act under this Deed to be done by a party on or by a given day is done after 5.00 pm on that day, it is taken to be done on the next day;
- (l) if the Owner comprises two or more persons, this Deed binds them jointly and each of them individually;
- (m) where any time period is required to be calculated from a specified date, that date will not be included in the calculation;
- (n) any indemnity in this Deed is a continuing indemnity and survives termination;
- (o) the singular includes the plural and vice versa;

- (p) a reference to a gender includes all genders;
- (q) the words "include", "including", "for example", "such as" or cognate expressions are to be construed without limitation;
- (r) the word "person" includes an individual, a firm, a body corporate, a partnership, a joint venture, an unincorporated body or association or any government agency;
- (s) a reference to a group of persons or things is a reference to any two or more of them jointly and to each of them individually.

## **2. Obligations of the Owner**

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### **2.1 Community Infrastructure Contribution**

- (a) The Owner must pay the portion of Community Infrastructure Contribution in respect to the part of the Land which forms part of a Plan of Subdivision. Such portion of Community Infrastructure Contribution must be paid prior to the issue of a Statement of Compliance for the relevant Plan of Subdivision.
- (b) On 1 July each year, the Community Infrastructure Contribution is to be adjusted by the CPI.
- (c) The Parties agree, and Council acknowledges, that:
  - (i) the Community Infrastructure Contribution is inclusive of any Community Infrastructure Levy and/or Infrastructure Contribution which may be levied or payable under the Act; and
  - (ii) payment of the Community Infrastructure Contribution will satisfy any obligation imposed on the Owner to pay a Community Infrastructure Levy prior to the issue of a building permit.

### **2.2 Attachment to Land**

Pursuant to the Act, this Deed will be recorded as a registered encumbrance on the title of the Land. The Parties agree that this Deed creates separate and severable covenants which run with the Land, at law and in equity, and where the Land is subdivided, this Deed must be interpreted such that each subsequent owner of a lot which forms part of the Land will only be responsible for those covenants which relate to that owner's lot.

## **3. Council's use of Community Infrastructure Contribution**

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- 3.1 Pursuant to the purposes of this agreement, Council will utilise the amount of Community Infrastructure Contribution received from the Owner for the purpose of providing community facilities within Leopold, Victoria.

## **4. Other Obligations**

---

### **4.1 Notice**

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

### **4.2 Registration**

- (a) The Parties acknowledge that pursuant to section 181 of the Act, Council must apply to the Registrar of Titles, without delay, to record the agreement relating to Land set out in this Deed.

- (b) The Owner must, at its own cost, do all things necessary to give effect to this Deed. This includes all things necessary to enable recording of the agreement, including:
  - (i) signing any further agreement, acknowledgment or document; and
  - (ii) obtaining all necessary consents to enable the recording to be made.

#### 4.3 Third parties

- (a) Where the agreement created under this Deed has not yet been recorded on the Certificate of Title of the Land, the Owner must require all successors in title of the Land or part of the Land to:
  - (i) give effect to this Deed; and
  - (ii) enter into a deed with the Parties agreeing to be bound by the terms of this Deed.
- (b) The Owner warrants that, apart from the Owner or any other person who has consented in writing to this Deed, no other person has any legal or equitable interest in the Land which may affect or be affected by this Deed.

#### 4.4 Costs

The Owner covenants and agrees that the Owner will pay to Council immediately upon receiving a request from Council, its reasonable costs and expenses (including legal expenses) for and incidental to the drafting, execution, amendment and registration of this Agreement which are and until paid will remain a debt due to Council by the Owner.

### 5. GST

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- (a) For the purposes of this clause, expressions set out in italics bear the same meaning as those expressions in the GST Act.
- (b) To the extent that a party makes a taxable supply under or in connection with this Deed, except where express provision is made to the contrary, the consideration payable by a Party under or in connection with this Deed is exclusive of GST.
- (c) If a Party makes a taxable supply under or in connection with this Deed, then the Party liable to pay for the taxable supply must also pay the amount of any GST payable in respect of the taxable supply.
- (d) Upon receipt of the consideration and GST payable, a valid tax invoice will be delivered to the Party which paid that sum within 7 days of payment.

### 6. Notices

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#### 6.1 Service of Notice

Any notice or communication given or made under this Deed:

- (a) must be in writing and signed by a person duly authorised by the sender; and
- (b) must be served on the intended recipient by one or more of the following means:
  - (i) personally on the person;
  - (ii) by delivering it to the person's current address for service; or
  - (iii) by electronic mail to the person's current email address for service.

## 6.2 Address for service

The address for service for each Party is as stated in the relevant Item of the Particulars, or as notified by that Party from time to time.

## 7. Agreement under the Planning and Environment Act

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### 7.1 Creation of agreement

The Parties acknowledge and agree that, to the extent allowed, the agreement created via this Deed is made pursuant to Part 9, Division 2 of the Act and the Owner's obligations under this Deed operate as conditions precedent to which the Land may be used and developed by the Owner. This clause 7.1 shall not operate as a limitation or restriction of the Parties' power to enter into this Deed.

### 7.2 Commencement of agreement

In accordance with section 176 of the Act, this Deed will only come into effect upon Amendment C441ggee being approved and gazetted in the Victorian Government Gazette.

### 7.3 Amendment of agreement

This Deed may be amended in accordance with the Act. Where clause 178C(2) of the Act requires Council to give a notice of the proposal to amend the Deed to any other persons, the Parties agree that Council need only provide this notice to the Owner of the Land or that part of the Land subject to the proposed amendment.

### 7.4 Ending of agreement

- (a) The agreement made under this Deed ends upon the earlier of:
  - (i) the Owner complying with all of the Owner's obligations under this Deed; and
  - (ii) the Parties entering into an agreement to end the Deed in accordance with section 177 of the Act.
- (b) Where clause 178C(2) of the Act requires Council to give a notice of the proposal to end the Deed to any other persons, the Parties agree that Council need only provide this notice to the Owner of the Land or that part of the Land subject to the proposed ending.
- (c) Upon the issue of a Statement of Compliance for a plan of subdivision for a Residential Lot or multiple Residential Lots, the Deed ends in respect of that Residential Lot or those Residential Lots, provided that:
  - (i) the Owner's obligation in respect to the Community Infrastructure Contribution has been met; and
  - (ii) the Deed remains registered on the balance of the Land at all times or until such time as the Deed ends in relation to such balance of the Land.
- (d) Upon:
  - (i) this Deed ending as to part of the Land; and
  - (ii) Council receiving a request from the Owner of that part of the Land,

Council will, within a reasonable time and at the cost of the Owner, execute all documents necessary to cause the Registrar of Titles to cancel the recording of the Deed on the Certificate of Title for that part of the Land, pursuant to section 183(2) of the Act.

(e) Upon:

- (i) The Owner complying with all of its obligations under this Deed; and
- (ii) Council receiving a request from the Owner,

Council will, within a reasonable time and at the cost of the Owner, execute all documents necessary to cause the Registrar of Titles to cancel the recording of the Deed on the Certificates of Title, pursuant to section 183(2) of the Act.

## **8. General**

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### **8.1 Interest on overdue monies**

- (a) Any amount due under this Deed but unpaid by the due date incurs interest at the rate referenced in section 172 of the Local Government Act 1989 (Vic) and any payment made towards such due amount shall be first directed to payment of interest and then the principal amount owing.
- (b) Notwithstanding anything contained in this Deed, interest will not begin to accrue unless the person obliged to make a payment has been specifically notified in writing by the other party of the event which gives rise to the obligation to make the payment.

### **8.2 No fettering**

The Parties agree that this Deed does not fetter or otherwise restrict Council's power or discretion to make decisions or impose requirements or conditions in connection with the use or development of the Land.

### **8.3 Counterparts**

This Deed may consist of a number of counterparts and if so executed by hand or by electronic signature, the counterparts taken together constitute the one instrument.

### **8.4 Inspection of documents**

A copy of any document referred to in this Deed is available for inspection at Council's offices during standard business hours upon giving Council reasonable notice.

### **8.5 Waiver and exercise of rights**

In this Deed:

- (a) a single or partial exercise or waiver of a right relating to this Deed may be given subject to conditions and does not prevent any other exercise of that right or the exercise of any other right;
- (b) no party is liable for any loss or expense of another Party caused or partly caused by the waiver, exercise or failure to exercise a right;
- (c) waiver of any right, power, authority, discretion or remedy arising upon a breach of or default under this Deed must be in writing and signed by the Party granting the waiver; and
- (d) this clause may not itself be waived except in writing.

### **8.6 Prohibition or enforceability**

- (a) Any provision of, or the application of any provision of this Deed which is prohibited in any jurisdiction is, in that jurisdiction, ineffective only to the extent of that prohibition.

- (b) Any provision of, or the application of any provision of this Deed, which is void, illegal or unenforceable in any jurisdiction does not affect the validity, legality or enforceability of that provision in any other jurisdiction or of the remaining provisions of this Deed in that or any other jurisdiction.
- (c) The application of this clause 8.6 is not limited by any other provision of this Deed in relation to severability, prohibition or enforceability.

#### 8.7 **Governing law**

This Deed is governed by, and is to be construed in accordance with, the laws in force in Victoria. Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of Victoria and any courts having jurisdiction to hear appeals from those courts.

#### 8.8 **Mortgagee Consent**

- (a) The Parties agree that as at the date of this Deed, the Land or any part thereof is not encumbered by any mortgage.
- (b) Prior to allowing any part of the Land to be encumbered by a mortgage, the Owner must procure the Mortgagee's consent to this Deed, or otherwise ensure that each Mortgagee agrees to be bound by this Deed.
- (c) The Parties agree that sub-clause 8.8(b) only applies where the agreement created under this Deed has not yet been recorded on the Certificate of Title of the Land.

## **2.3. Proposed Lease to Amplitel Pty Ltd - Part of Highton Reserve - 95-105 Barrabool Road Highton**

**Source:** Customer & Corporate Services  
**Acting Director:** Bryce Prosser

### **Purpose**

1. To advise Council of the outcome of the community engagement and to seek Council's approval to enter a lease with Amplitel Pty Ltd (Amplitel) for the site located at Highton Reserve, 95-105 Barrabool Road, Highton.

### **Background**

2. The City has a sports light pole currently in place which houses a Vodafone transmitter and sports lighting (non-Australian Football League (AFL) standard).
3. Amplitel wish to replace the existing pole with a taller monopole capable of co-locating Vodafone and Telstra transmitters and sports lighting.
4. Equipment cabinets will also be installed on the ground.
5. The lease area totals approximately 20m<sup>2</sup> – 16m<sup>2</sup> for the monopole and a separate 4m<sup>2</sup> for cabinetry.

### **Key Matters**

6. The current 20 metre light pole will be removed and replaced nearby with a 30 metre pole, with a 2.5 metre extension capable of co-locating both Telstra and Vodafone transmitters.
7. Amplitel have the support of Vodafone (TPG) which will enter a sub-lease with Amplitel for the transmitter location on the pole.
8. Amplitel will also supply and install AFL standard sports lighting to the pole, completing the need for AFL standard lights around the oval.

### **RESOLUTION - Item 2.3**

**Cr Harwood moved, Cr Moloney seconded -**

#### **That Council:**

1. **Note the outcome of the community engagement; and**
2. **Approve a 21 year lease to Amplitel Pty Ltd for the site located at Highton Reserve, 95-105 Barrabool Road, Highton.**

**Carried**

### ***Financial Sustainability***

9. Amplitel is responsible for installing and maintaining the pole, transmitter and equipment for the term of the lease and any period of overholding. The City is not required to budget for any expenses.
10. AFL Victoria Limited is responsible for maintaining the sports lights.
11. An independent valuation was undertaken to determine the lease fee. The annual fee will be \$23,000 with a 3 percent annual increase.

### ***Community Engagement***

12. At the Council meeting on 25 October 2022 Council resolved to approve community engagement for the issue of a new lease in accordance with section 115 of the *Local Government Act 2020*.
13. Community Engagement was undertaken and concluded on 25 November 2022. One submission was received in favour of the proposed lease.

### ***Social Equity and Sustainability***

14. Future decisions and planning affecting the leased land will be in partnership with the City and Amplitel and will include any social equity and sustainability considerations.

### ***Relevant Law/Policy/Legal Implications***

15. Council has complied with section 115 of the *Local Government Act 2020* which requires that, as the proposed lease is for a term of greater than 10 years, community engagement must be undertaken in accordance with the Council's Community Engagement Policy in respect of the proposal to inform decision making on whether to enter into the lease.

### ***Alignment to Community Plan and Vision***

16. This report aligns with Our Community Plan 2021-2025 strategic priority:  
Strong local economy.
17. This report aligns with the Community led 30-year Vision, "Greater Geelong: A Clever and Creative Future" community aspiration:  
A leader in developing and adopting technology.

### ***Conflict of Interest***

18. No officer involved in the preparation of this report declared a general or material conflict of interest.

### ***Risk Assessment***

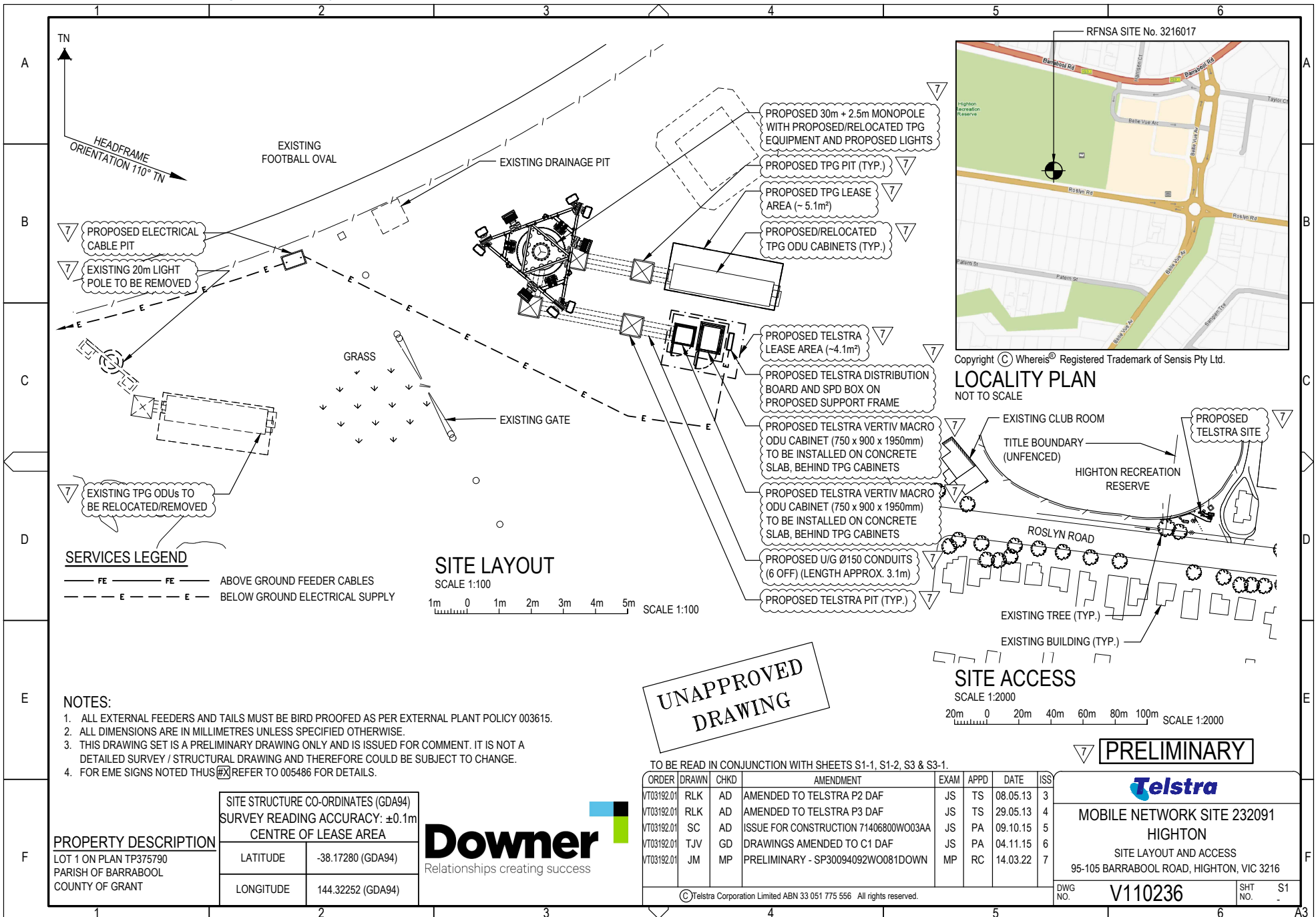
19. The monopole and equipment cabinetry proposed shall comply with all building codes, regulations and Amplitel standards.
20. The lease establishes Amplitel's management rights and obligations for its asset to mitigate risks to the City.

### ***Environmental Sustainability***

21. Over the lifetime of a telecommunications facility, the benefit to community of providing continuous service and service during emergency events is of great importance. Telecommunications facilities require low power to operate and therefore emissions created as a result are considered to be very low. Telecommunications facilities are regularly upgraded to be more efficient and better for the community. This counts for both the technology of the service but similarly for the associated requirements for ancillary equipment and power supply. Amplitel will continue to monitor the outputs of the site and will be able to address emissions reduction throughout the lifespan of the facility, in line with its existing commitment to ensuring facilities are up-to-date for the benefit of the wider community.
  
22. The most probably climate change risks to telecommunications facilities are flooding or bushfire. As the facility does not sit within land subject to inundation or within a designated bushfire zone, these risks are negligible to this specific telecommunications facility. Furthermore, once constructed the operation of the telecommunications facility will not result in any negative impacts on the natural environment or the ecology of the locality.

### **Attachments**

1. Locality Plan - Amplitel Pty Ltd - Telstra - Highton Reserve [2.3.1 - 1 page]
2. Proposed Location of Amplitel Monopole and Equipment [2.3.2 - 1 page]
3. Location - 95-105 Barrabool Rd Highton [2.3.3 - 1 page]



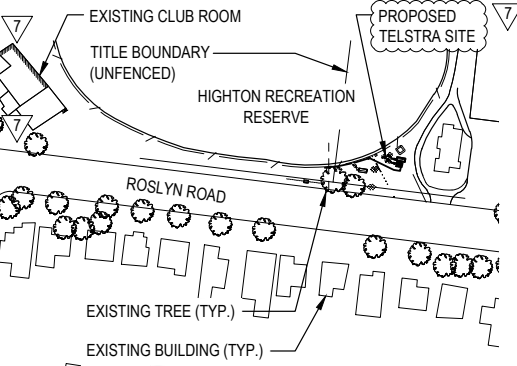
**SERVICES LEGEND**

- FE — ABOVE GROUND FEEDER CABLES
- - - E - - - BELOW GROUND ELECTRICAL SUPPLY

**SITE LAYOUT**

SCALE 1:100  
1m 0 1m 2m 3m 4m 5m SCALE 1:100

**LOCALITY PLAN**  
NOT TO SCALE



**SITE ACCESS**

SCALE 1:2000  
20m 0 20m 40m 60m 80m 100m SCALE 1:2000

**NOTES:**

1. ALL EXTERNAL FEEDERS AND TAILS MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.
3. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
4. FOR EME SIGNS NOTED THUS [X] REFER TO 005486 FOR DETAILS.

**UNAPPROVED DRAWING**

**PRELIMINARY**

**PROPERTY DESCRIPTION**  
LOT 1 ON PLAN TP375790  
PARISH OF BARRABOOL  
COUNTY OF GRANT

SITE STRUCTURE CO-ORDINATES (GDA94)	
SURVEY READING ACCURACY: ±0.1m	
CENTRE OF LEASE AREA	
LATITUDE	-38.17280 (GDA94)
LONGITUDE	144.32252 (GDA94)



TO BE READ IN CONJUNCTION WITH SHEETS S1-1, S1-2, S3 & S3-1.

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
VT03192.01	RLK	AD	AMENDED TO TELSTRA P2 DAF	JS	TS	08.05.13	3
VT03192.01	RLK	AD	AMENDED TO TELSTRA P3 DAF	JS	TS	29.05.13	4
VT03192.01	SC	AD	ISSUE FOR CONSTRUCTION 71406800W003AA	JS	PA	09.10.15	5
VT03192.01	TJV	GD	DRAWINGS AMENDED TO C1 DAF	JS	PA	04.11.15	6
VT03192.01	JM	MP	PRELIMINARY - SP30094092W0081DOWN	MP	RC	14.03.22	7

**Telstra**

**MOBILE NETWORK SITE 232091**  
**HIGHTON**  
SITE LAYOUT AND ACCESS  
95-105 BARRABOOL ROAD, HIGHTON, VIC 3216

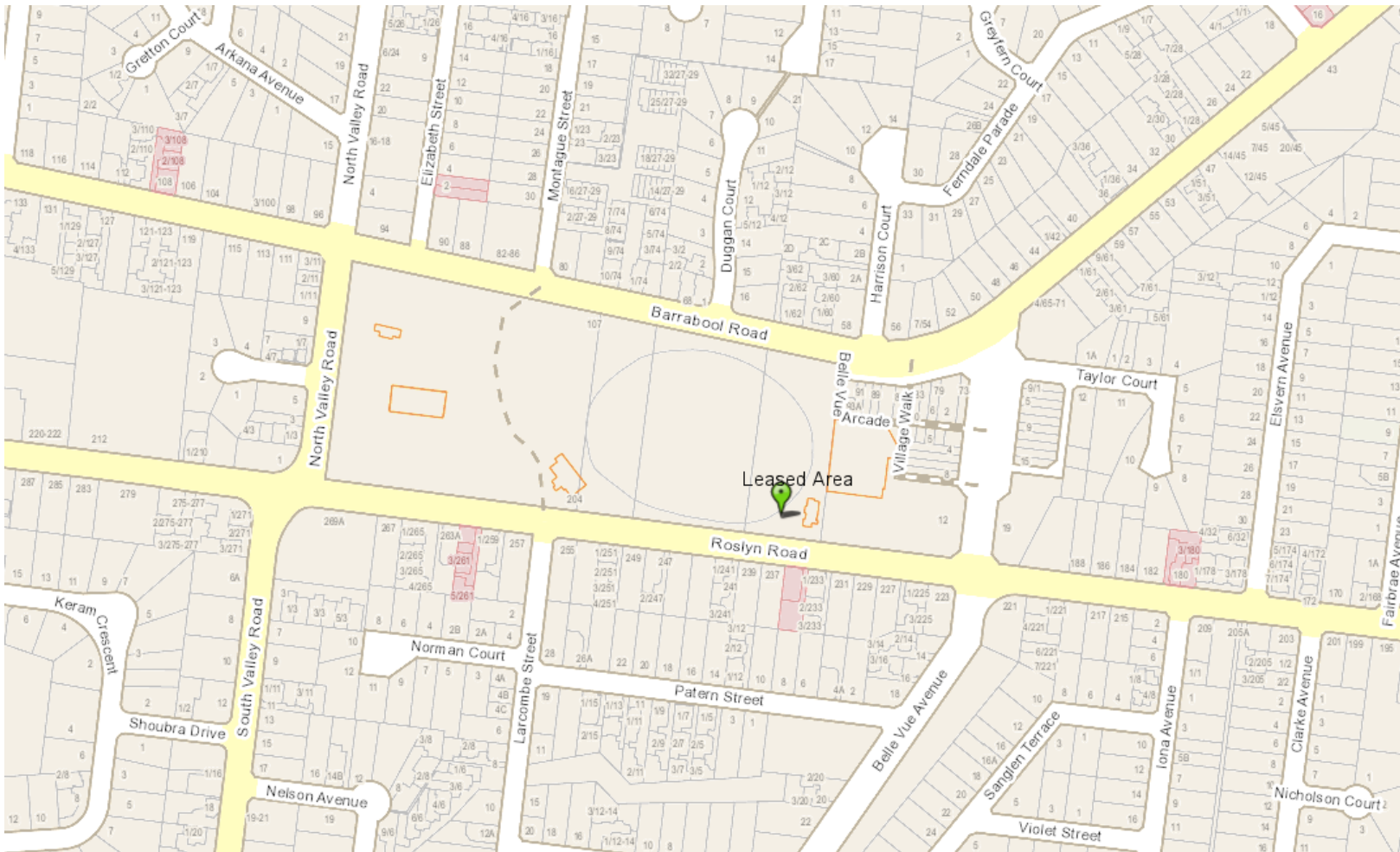
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DWG NO. **V110236** SHT NO. S1

**Proposed Location of Amplitel Monopole and Equipment**

**95-105 Barrabool Road, Highton (Roslyn Road end)**





Location – 95-105 Barrabool Rd, Highton

## **2.4. Proposed Road Discontinuance and Sale Land Abutting 91 Little Myers Street, Geelong**

**Source:** Customer & Corporate Services  
**Acting Director:** Bryce Prosser

### **Purpose**

1. To advise Council of the outcome of the community engagement and section 223 of the *Local Government Act 1989* process and to seek approval to discontinue the road and sell the land abutting 91 Little Myers Street, Geelong.

### **Background**

2. The City has been approached by the abutting owner for the opportunity to purchase a small portion of land abutting 91 Little Myers Street, Geelong and represents a spur of Benson Street, Geelong.
3. Council approved the commencement of the statutory process in accordance with section 223 of the *Local Government Act 1989* and the Council's Community Engagement Policy at the Council meeting on 22 November 2022.

### **Key Matters**

4. Community engagement on the proposed road discontinuance was undertaken and no submissions were received.
5. Council has the authority to discontinue the road, the land will then vest in Council and can be sold. On completion of the sale, the land will be consolidated with the existing title of the purchasers' land.

### **RESOLUTION - Item 2.4**

**Cr Murrphy moved, Cr Cadwell seconded -**

#### **That Council:**

1. **Note the outcome of the community engagement process in accordance with section 223 of the *Local Government Act 1989* and the Community Engagement Policy;**
2. **Approve the road discontinuance of a small portion of road abutting 91 Little Myers Street, Geelong; and**
3. **Approve the sale of the land being approximately 32m<sup>2</sup> within the discontinued road reserve to the abutting owner.**

**Carried**

***Financial Sustainability***

6. The sale of the land will be sold at market value, set by an independent valuation.
7. The City will be reimbursed for all costs incurred for the road discontinuance and sale of the land by the purchaser.
8. The road discontinuance and sale of the land will reduce the financial impact of maintaining an asset which is surplus to the City's needs.

***Community Engagement***

9. Public notice and community engagement were undertaken by publishing a notice in the Geelong Independent on 16 December 2022, the Geelong Advertiser on 17 December 2022 and the Geelong Australia website via Have Your Say from 25 November 2022.
10. Submissions were invited and no submissions were received.

***Social Equity and Sustainability***

11. There are no adverse social equity issues created by the recommendation for the proposed road discontinuance of the road reserve and sale of the land.

***Relevant Law/Policy/Legal Implications***

12. The subject road is not on the Municipal Road Register.
13. Council has the authority in accordance with Clause 3 of Schedule 10 of the *Local Government Act 1989* to discontinue the road.
14. The land will vest in Council in accordance with Section 207B(1)(b) of the *Local Government Act 1989*.
15. Once the road discontinuance is completed, the Council may sell the land in accordance with section 114 of the *Local Government Act 2020*.

***Alignment to Community Plan and Vision***

16. This report aligns with Our Community Plan 2021-2025 strategic priority:  
Strong local economy.

***Conflict of Interest***

17. No officer involved in the preparation of this report declared a general or material conflict of interest.

***Risk Assessment***

18. Internal consultation with key stakeholders including Engineering, has been undertaken as part of the risk assessment process and feedback supports the proposed road discontinuance and sale.

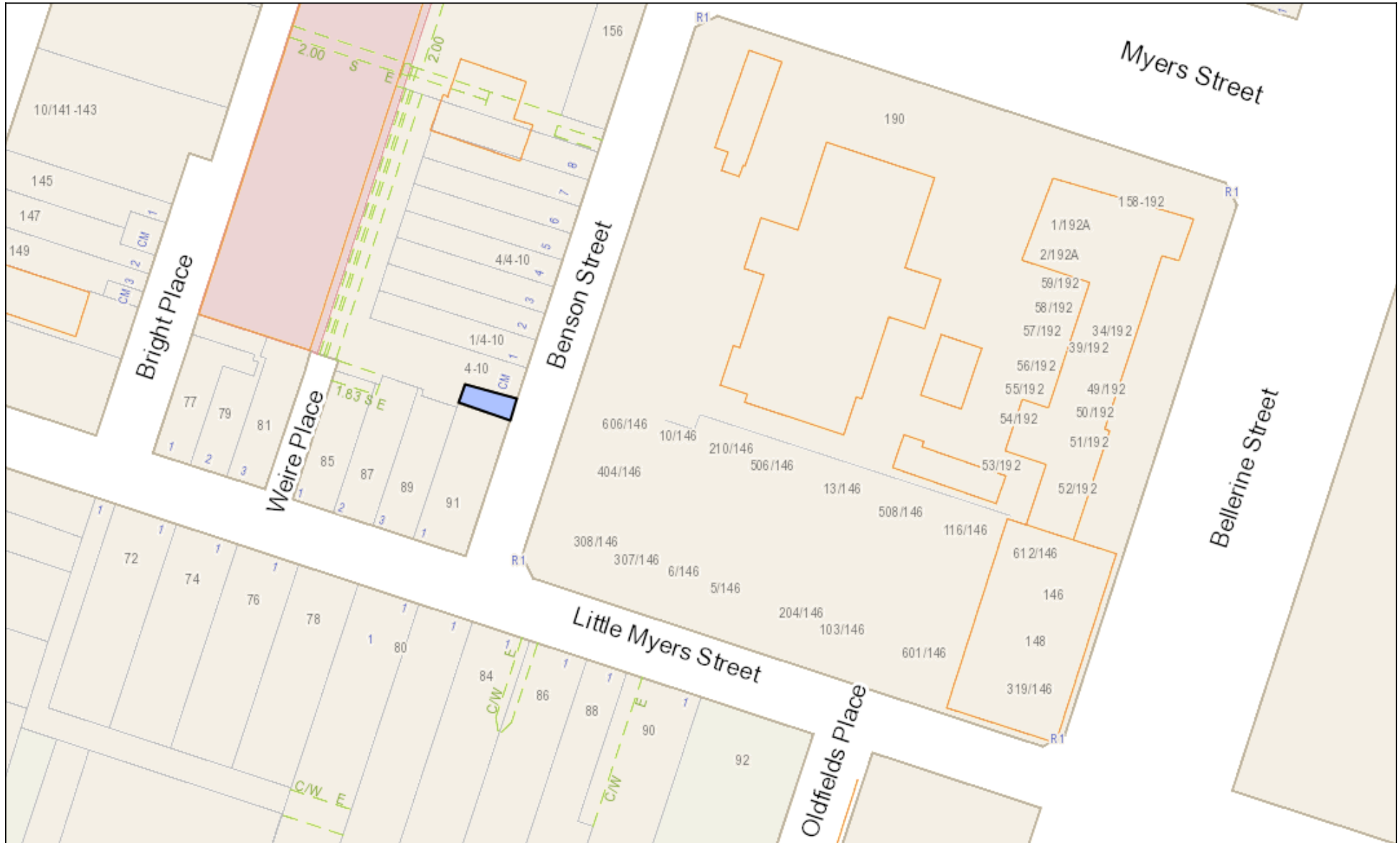
19. Neighbouring property owners and external authorities such as Barwon Water, Telstra and Powercor have been consulted as part of the risk assessment process. No conditions were required by external authorities, should the discontinuance and sale proceed.

***Environmental Sustainability***

20. There are no environmental implications in this proposal.

**Attachments**

1. Location Plan - Land abutting 91 Little Myers Street, Geelong [**2.4.1** - 1 page]



**Proposed Road Discontinuance and Sale**

Highlighted in purple behind 91 Little Myers St

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



## 2.5. Proposed Road Discontinuance and Sale - Robb Place, Geelong

**Source:** Customer & Corporate Services  
**Acting Director:** Bryce Prosser

### Purpose

1. To seek Council approval to initiate the statutory process for the proposed road discontinuance of the road reserve named Robb Lane, Geelong, and the sale of the land within the road reserve as shown in the attachment.

### Background

2. The City has been approached by the adjoining owner for the opportunity to purchase Robb Lane, Geelong to support the development of the adjoining business and property.

### Key Matters

3. The adjoining owner is the owner of 2 Bayley Street, Geelong and 111-115 Mercer Street, Geelong.
4. Robb Lane is a sealed road used exclusively by 2 Bayley Street, Geelong.

### RESOLUTION - Item 2.5

Cr Murrhiy moved, Cr Cadwell seconded -

#### That Council:

1. **Endorse the commencement of community engagement and invite submissions in accordance with section 223 of the *Local Government Act 1989*, section 114 of the *Local Government Act 2020* and the Community Engagement Policy, of its intention to discontinue the road reserve and sell the land measuring approximately 71m<sup>2</sup> known as Robb Lane, Geelong;**
2. **Appoint a Submission Review Panel to hear any submissions if any person wishes to appear in person or be represented by a person specified in support of the submission; and**
3. **Note that a further report will be presented to Council to consider the outcome of the community engagement.**

**Carried**

***Financial Sustainability***

5. The land will be sold at a value determined by a registered valuer.

***Community Engagement***

6. A public submissions process in accordance with section 223 of the *Local Government Act 1989*, is required for the proposed road discontinuance outlined in this report. This provides an opportunity for the community to provide feedback to Council.
7. Community engagement is required on Council's intention to sell the land in accordance with section 114 of the *Local Government Act 2020* and the Council's Community Engagement Policy.
8. Any person will have an opportunity to make a written submission on the proposed road discontinuance and sale of the land. A submitter is entitled to request in the submission that the person wishes to appear or be represented by a person specified in the submission, at a meeting to be heard in support of their submission.

***Social Equity and Sustainability***

9. There are no social equity or sustainability implications.

***Relevant Law/Policy/Legal Implications***

10. Council has the authority under Clause 3 of Schedule 10 of the *Local Government Act 1989* to discontinue the road.
11. If the proposed discontinuance is completed, the land will vest in Council and the Council may sell the land to the adjoining neighbour in accordance with section 114 of the *Local Government Act 2020*.
12. To commence the process the City must give public notice in accordance with section 223 of the *Local Government Act 1989* and undertake community engagement in accordance with section 114 of the *Local Government Act 2020* and invite submissions.

***Alignment to Community Plan and Vision***

13. This report aligns with Our Community Plan 2021-2025 strategic priority:  
Strong local economy.
14. This report aligns with the Community led 30-year Vision, "Greater Geelong: A Clever and Creative Future" community aspiration:  
Development and implementation of sustainable solutions.

***Conflict of Interest***

15. No officer involved in the preparation of this report declared a general or material conflict of interest.

***Risk Assessment***

16. Internal consultations with key stakeholders including Engineering has been undertaken as part of the risk assessment process and feedback supports the proposed road discontinuance and sale.
17. External authorities such as Barwon Water and Powercor have been consulted as part of the risk assessment process. Conditions required by external authorities will form conditions in a Contract of Sale should the discontinuance and sale proceed.

***Environmental Sustainability***

18. There are no environmental implications to this proposal.

**Attachments**

1. Proposed Road Discontinuance and Sale - Robb Lane, Geelong [2.5.1 - 1 page]



**Proposed Road Discontinuance and Sale**

Robb Lane

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



18 Jan 2023 10:00

Prepared by the City of Greater Geelong - PLACES

MGA Zone 55

Scale 1 : 1000

## **2.6. Year to Date Quarterly Financial Management Report - December 2022**

**Source: Strategy, People & Performance**  
**Acting CEO: Kaarina Phyland**

### **Purpose**

1. To present to Council the financial performance information from 1 July 2022 to 31 December 2022 and the rolling Forward Procurement Plan.

### **Background**

2. On 28 June 2022, the 2022-23 budget was adopted with a recurrent operating surplus of \$0.1 million and a non-recurrent surplus of \$187.8 million, resulting in a net surplus of \$187.9 million.
3. On the 22 November 2022 Council adopted the Forward Procurement Plan with quarterly reviews of the plan to provide a 12-month overview of the City's planned procurement activity included in Year to Date Quarterly Financial Management reporting.

### **Key Matters**

4. The recurrent operating result to 31 December 2022 is a deficit of (\$8.4 million), which compares to the budgeted deficit of (\$7.5 million). This represents a less than anticipated outcome by (\$0.9 million). A summary of the year-to-date recurrent variances is provided in the attachment.
5. The non-recurrent result (including gifted assets from developers, recognition of infrastructure, capital income, sale of properties, developer cash contributions to infrastructure etc) for the period was a surplus of \$42.4 million, compared to a budgeted surplus of \$71.1 million. This represents a less than anticipated outcome by (\$28.7 million). A summary of the year-to-date non-recurrent variances is provided in the attachment.
6. The total surplus of \$34.0 million is (\$29.6 million) unfavourable to the year-to-date budget.
7. Capital expenditure year-to-date is \$75.5 million against a year-to-date budget of \$85.4 million and \$9.9 million lower than budget expectations.
8. The cash and investment balance of \$86.0 million is (\$9.7 million) unfavourable to budget, the main contributor being the timing of asset sales (\$15.1 million), developer contributions (\$6.1 million) and general works higher (\$5.7 million). Partial offsets include Fees & Charges of \$8.2 million, interest on investments up \$1.4 million and increased capital grant income of \$5.8 million.
9. A high level view of the full year forecast is projecting a \$1.4 million operating deficit against the 2022-23 budgeted surplus of \$0.1 million.

10. There were no environmental upgrade agreements entered into for the quarter. There is one existing agreement in place. Further details of these are provided below in the section titled Environmental Upgrade Agreements.
11. The attached Forward Procurement Plan has been updated in accordance with Council's Procurement Policy to reflect new procurement activity that is scheduled to occur within the next twelve months.

**RESOLUTION - Item 2.6**

**Cr Aitken moved, Cr Harwood seconded -**

**That Council:**

- 1. Endorse the Year to Date Quarterly Financial Management Report – December 2022; and**
- 2. Adopt the Forward Procurement Plan effective 1 March 2023.**

**Carried**

***Financial Sustainability***

12. As detailed within the attached Year to Date Quarterly Financial Management Report – December 2022.

***Community Engagement***

13. Community engagement was undertaken during the development of the 2022-23 budget. Internal consultation has occurred with managers on the development of the full year forecast. Project managers have been consulted and provided the latest project updates which have been factored into this report.

***Social Equity and Sustainability***

14. Incomes and expenditures on the City's social equity programs are included in the attached Year to Date Quarterly Financial Management Report – December 2022.

***Relevant Law/Policy/Legal Implications***

15. The report is provided in accordance with requirements under section 97 of the *Local Government Act 2020*.

***Alignment to Community Plan and Vision***

16. This report aligns with Our Community Plan 2021-2025 strategic priority:  
High-performing council and organisation.  
Strong local economy.

***Conflict of Interest***

17. No officer involved in the preparation of this report declared a general or material conflict of interest.

***Risk Assessment***

18. There are no high or extreme risks arising from the subject of this report.

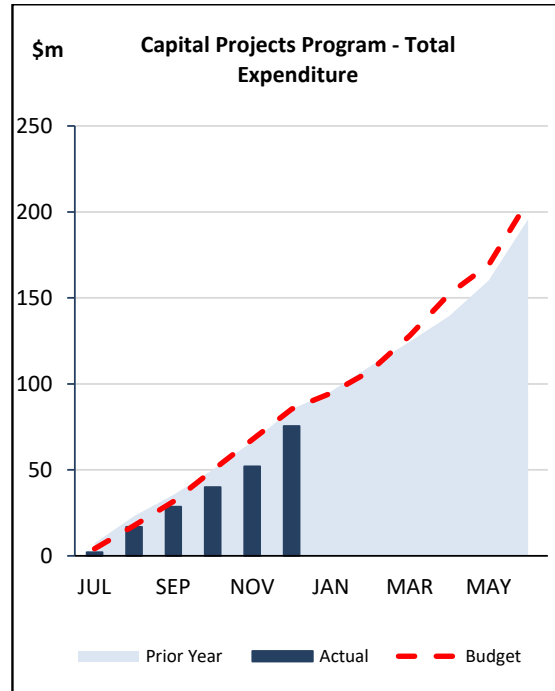
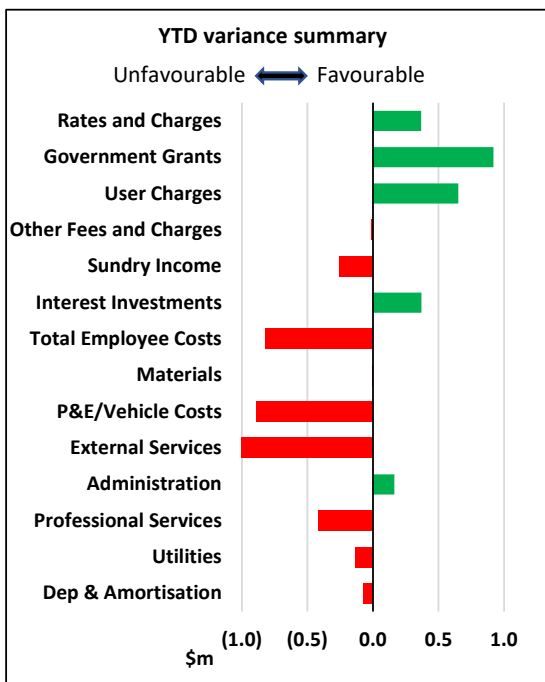
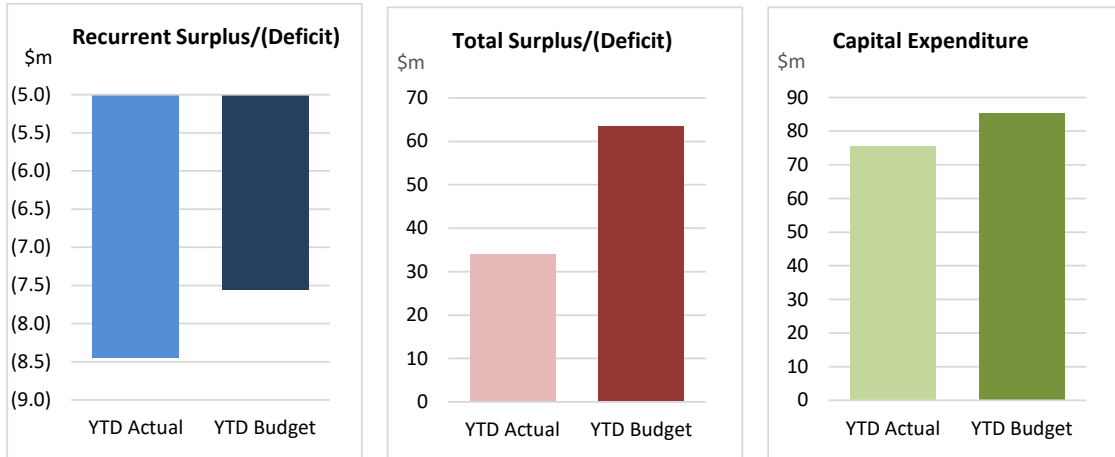
***Environmental Sustainability***

19. Incomes, expenditure and investments focus on the preservation and enhancement of the City's commitment to environmental strategies and targets.

**Attachments**

1. Quarterly Financial Management Report - Attachment for Doc Assembler Final 2 [2.6.1 - 9 pages]
2. Forward Procurement Plan Recurrent Jan 2023 [2.6.2 - 4 pages]

## QUARTERLY FINANCIAL MANAGEMENT REPORT December 2022



The following table outlines the year-to-date performance versus budget as at 31 December 2022. The full year forecast is projecting a recurrent deficit of (\$1.4 million) which is (\$1.5 million) unfavourable to budget and a non-recurrent surplus of \$180.5 million or (\$7.3 million) unfavourable to budget.

<b>Overall Summary</b>						
	<b>YTD Actual \$m</b>	<b>YTD Budget \$m</b>	<b>YTD Var Fav/ (Unfav) \$m</b>	<b>FY Budget \$m</b>	<b>FY Forecast \$m</b>	<b>FY Var Forecast v Budget \$m</b>
Recurrent Surplus/(Deficit)	(8.4)	(7.5)	(0.9)	0.1	(1.4)	(1.5)
Non-Recurrent Surplus/(Deficit)	42.4	71.1	(28.7)	187.8	180.5	(7.3)
Net Surplus/(Deficit)	34.0	63.5	(29.5)	187.9	179.1	(8.8)
Capital Expenditure	75.5	85.4	9.9	206.5	206.5	0
Closing Net Cash Positive/(Negative)	86.1	95.9	(9.8)	202.1	202.1	0

<b>Recurrent Summary</b>						
	<b>YTD Actual \$m</b>	<b>YTD Budget \$m</b>	<b>YTD Var Fav/ (Unfav) \$m</b>	<b>FY Budget \$m</b>	<b>FY Forecast \$m</b>	<b>FY Var Forecast v Budget \$m</b>
Recurrent Income	211.2	207.3	3.9	430.5	437.8	7.3
Recurrent Expenditure	219.6	214.8	(4.8)	430.4	439.2	(8.8)
Recurrent Surplus/(Deficit)	(8.4)	(7.5)	(0.9)	0.1	(1.4)	(1.5)
<b>YTD Variance - \$0.9m unfavourable</b>						

1. The following major variances contributed to this recurrent result:

**Income:**

- 1.1 **Rates & Charges \$671k favourable** – driven by higher number of supplementary rates being processed and additional waste charges.
- 1.2 **Government Grants \$1.8m favourable** – result of funding for discretionary programs carried forward from previous financial year (not reflected in the budgeted figures) and increased funding due to number of home care packages exceeding expectations.
- 1.3 **Interest Investments \$1.5m favourable** – due to higher than anticipated cash and interest rates.

**Expenditure:**

- 1.4 **Professional Services (\$1.8m) unfavourable** – driven by increased utilisation of consultants across the organisation and higher than budgeted legal claims.
- 1.5 **Utilities \$569k favourable** – water (due to wet winter/spring) and electricity (due to LED initiative saving) are driving this favourable variance.
- 1.6 **External Services (\$2.4m) unfavourable** – due to increased utilisation of waste disposal & recycling which has increased revenue for user charges for these services. Further, service delivery within home care packages and CHSP exceeding

expectations, which is offset by increased grant income. Unbudgeted emergency works have also been required for Landy Field due to a flooding event.

<b>Non-Recurrent Summary</b>						
	<b>YTD Actual \$m</b>	<b>YTD Budget \$m</b>	<b>YTD Var Fav/ (Unfav) \$m</b>	<b>FY Budget \$m</b>	<b>FY Forecast \$m</b>	<b>FY Var Forecast v Budget \$m</b>
Non-Recurrent Surplus/(Deficit)	42.4	71.1	(28.7)	187.8	180.6	(7.3)
<b>YTD Variance – (\$28.7m) unfavourable</b>						

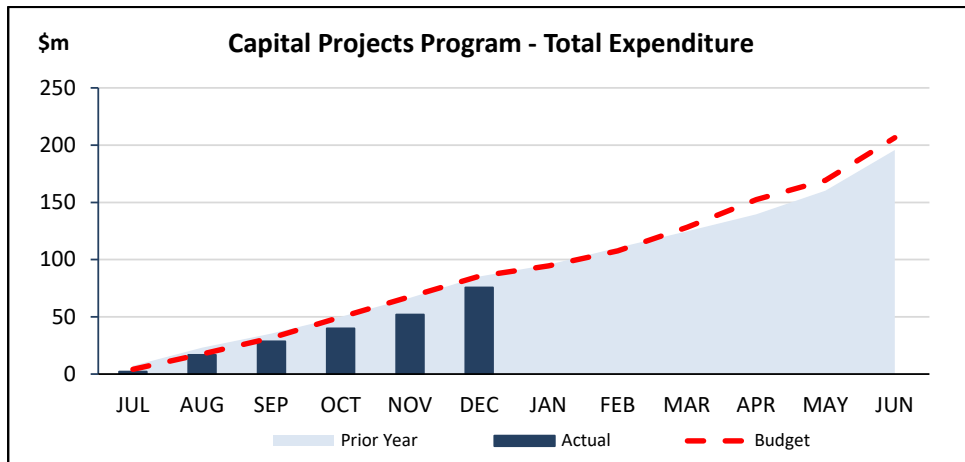
2. The unfavourable non-recurrent result is due predominantly to asset sales and recognition of infrastructure. Asset sales are unfavourable to budget by (\$11.2 million) due to timing of settlement dates, however, is forecast to improve in Q4, with a year-end unfavourable position to budget of (\$0.6m). Recognition of Infrastructure is unfavourable to budget by (\$18.2m) and expected to come back in line with budget. Additionally, developer cash contributions are trailing budget by (\$6.1m). On a positive note, capital grants income is favourable due to timing by \$5.8m.

<b>Capital Expenditure Summary</b>				
	<b>YTD Actual \$m</b>	<b>YTD Budget \$m</b>	<b>YTD Var Underspent/ (Overspent) \$m</b>	<b>FY Budget \$m</b>
Capital Expenditure	75.5	85.4	9.9	206.5
<b>YTD Variance – \$9.9m underspent</b>				

3. Capital expenditure of \$9.9m is lower than budget expectations. The table below shows the significant project spend items against the associated annual budget.

<b>Project</b>	<b>YTD Spend \$m</b>	<b>Annual budget \$m</b>	<b>Remaining Spend \$m</b>
Northern Aquatic and Community Hub (Northern Arc)	13.4	40.3	26.9
Armstrong Creek West Community Hub – design & construction	6.4	7.1	0.7
North Bellarine Aquatic Centre	4.1	5.7	1.6
Asphalt- Road Surfacing Program	3.3	6.2	2.9
Drysdale Library	2.9	6.1	3.2
Dedicated and Heavy Fleet	1.9	2.8	0.9
Footpath renewals	1.7	3.5	1.8
Armstrong Creek town centre Library and Learning Hub design	0.8	5.5	4.7

4. The graph below summarises total capital gross expenditure to date.



**Environmental Upgrade Agreements**

- 5. The City has one environmental upgrade agreement in place and will continue to note the debt on the Land Information Certificate.
  - 5.1 An environmental upgrade agreement was entered into in June 2017 for Lot 2 on Plan Subdivision 041455, Volume 08704 Folio 526.
    - The total charge for this agreement is \$115k and all payments that have fallen due have been remitted.
    - The total value of payments that are yet to fall due is \$51k.

## Operating Statement as at 31 December 2022

	Current Month		Year To Date		Full Year		
	ACT	Δ BUD	ACT	Δ BUD	FOR	BUD	Δ BUD
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>RECURRENT INCOME</b>							
Rates and Charges	23,658	118	144,612	671	284,856	284,193	662
Government Grants	4,004	731	25,494	1,846	68,507	64,921	3,586
User Charges	5,461	180	29,799	55	61,370	61,474	(104)
Other Fees and Charges	705	(1,472)	7,516	(414)	15,641	15,884	(243)
Sundry Income	328	48	2,161	296	3,991	3,736	255
Interest Investments	335	306	1,630	1,460	3,430	336	3,094
<b>Total Recurrent Income</b>	<b>34,491</b>	<b>(88)</b>	<b>211,212</b>	<b>3,914</b>	<b>437,794</b>	<b>430,544</b>	<b>7,250</b>
<b>RECURRENT EXPENDITURE</b>							
Salary Related Expenditure	15,386	(1,092)	93,776	(389)	188,297	186,209	(2,088)
Other Employment Costs	290	201	1,221	231	2,964	3,008	45
General Works - Materials	648	73	3,787	622	7,381	8,572	1,191
General Works - Plant/Equipment/Vehicle Costs	1,224	(153)	8,614	(1,476)	14,147	13,470	(677)
General Works - External Services	9,956	(1,077)	42,544	(2,381)	83,770	80,275	(3,495)
Administration	2,687	210	21,239	(313)	44,682	42,844	(1,837)
Professional Services	1,287	(312)	5,491	(1,820)	11,403	8,960	(2,443)
Utilities	850	(58)	4,577	570	9,579	9,997	418
Depreciation	6,501	(75)	38,658	(84)	77,216	77,132	(84)
Gain/Loss on Sale of Plant & Equipment	(22)	14	(249)	234	(197)	(30)	167
<b>Total Recurrent Expenditure</b>	<b>38,808</b>	<b>(2,269)</b>	<b>219,657</b>	<b>(4,807)</b>	<b>439,241</b>	<b>430,437</b>	<b>(8,804)</b>
<b>Recurrent Surplus/(Deficit)</b>	<b>(4,317)</b>	<b>(2,357)</b>	<b>(8,445)</b>	<b>(893)</b>	<b>(1,447)</b>	<b>107</b>	<b>(1,555)</b>
<b>NON-RECURRENT INCOME</b>							
Capital Grants and Income	4,678	2,846	11,906	5,800	32,993	32,993	-
Developer Cash Contributions	2,089	(2,516)	18,626	(6,151)	41,554	49,352	(7,798)
Gain/(Loss) on Sale of Property	9	(1,247)	115	(11,275)	18,318	18,928	(610)
Recognition of Infrastructure	-	(10,000)	11,795	(18,205)	90,000	90,000	-
<b>Total Non-Recurrent Income</b>	<b>6,777</b>	<b>(10,918)</b>	<b>42,443</b>	<b>(29,830)</b>	<b>182,866</b>	<b>191,273</b>	<b>(8,408)</b>
<b>NON-RECURRENT EXPENDITURE</b>							
Loss on Disposal of Infrastructure	-	389	-	1,167	2,333	3,500	1,167
Non Council Assets/Prior Yr Adj	-	-	-	-	-	-	-
Asset Demolition	-	-	-	-	-	-	-
Disbursements	-	-	-	-	-	-	-
<b>Total Non-Recurrent Expenditure</b>	<b>-</b>	<b>389</b>	<b>-</b>	<b>1,167</b>	<b>2,333</b>	<b>3,500</b>	<b>-</b>
<b>Non-Recurrent Surplus/(Deficit)</b>	<b>6,777</b>	<b>(10,529)</b>	<b>42,443</b>	<b>(28,663)</b>	<b>180,532</b>	<b>187,773</b>	<b>(7,241)</b>
<b>TOTAL SURPLUS/(DEFICIT)</b>	<b>2,459</b>	<b>(12,887)</b>	<b>33,997</b>	<b>(29,556)</b>	<b>179,085</b>	<b>187,880</b>	<b>(8,796)</b>

## Statement of Financial Position as at 31 December 2022

	Current Month	Prior Month	FY22
	\$'000	\$'000	\$'000
<b>Assets</b>			
<b>Current Assets</b>			
Cash and Cash Equivalents	50,673	72,686	100,455
Trade and Other Receivables	205,901	225,777	22,713
Other Financial Assets	35,524	35,412	45,151
Inventories	1,299	2,556	1,706
Other assets	5,203	5,950	5,776
<b>Current Assets</b>	<b>298,600</b>	<b>342,382</b>	<b>175,800</b>
<b>Non-Current Assets</b>			
Receivables	11,478	11,478	11,478
Investments	9,119	9,119	9,119
Property, infrastructure, plant & equipment	3,957,732	3,964,090	3,976,240
Right-of-use Assets	4,088	950	1,038
Intangible Assets	1,870	1,902	2,063
Work in Progress	275,246	251,807	207,557
<b>Total Non-Current Assets</b>	<b>4,259,531</b>	<b>4,239,346</b>	<b>4,207,493</b>
<b>Total Assets</b>	<b>4,558,131</b>	<b>4,581,728</b>	<b>4,383,293</b>
<b>Liability</b>			
<b>Current Liabilities</b>			
Trade and Other Payables	190,560	215,358	66,386
Trust funds and deposits	30,478	34,826	12,540
Provisions	42,907	41,381	38,789
Loans	13,551	13,934	14,062
Lease liabilities	294	207	369
<b>Current Liabilities</b>	<b>277,791</b>	<b>305,706</b>	<b>132,146</b>
<b>Non-Current Liabilities</b>			
Provisions	16,650	17,056	18,645
Loans	120,072	120,880	126,030
Lease liabilities	3,840	767	692
<b>Non-Current Liabilities</b>	<b>140,562</b>	<b>138,703</b>	<b>145,367</b>
<b>Liabilities</b>	<b>418,353</b>	<b>444,409</b>	<b>277,513</b>
<b>Net Assets</b>	<b>4,139,778</b>	<b>4,137,319</b>	<b>4,105,780</b>
<b>Equity</b>			
Accumulated surplus	1,782,476	1,780,017	1,748,479
Reserves - Asset Revaluation	108,134	108,134	108,134
Reserves - Other	2,249,168	2,249,168	2,249,168
<b>Equity</b>	<b>4,139,778</b>	<b>4,137,319</b>	<b>4,105,780</b>

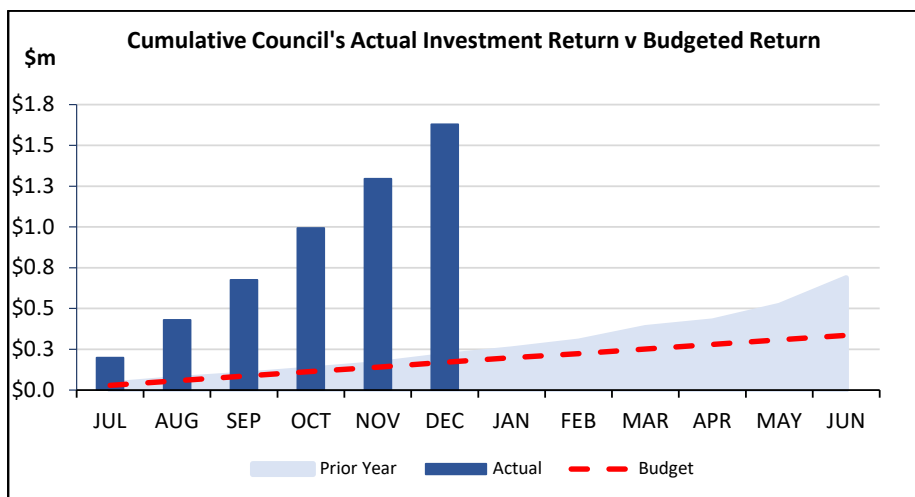
## Statement of Cash Flows as at December 2022

	ACT	BUD	Δ BUD
	\$'000	\$'000	\$'000
<b>Cash Flows from Operating Activities</b>			
<b>Payments</b>			
Employee costs	(101,067)	(96,843)	(4,224)
General works / Utilities / Disbursements	(74,823)	(69,098)	(5,725)
Administration / Professional services	(26,965)	(22,692)	(4,273)
Interest expense	(2,054)	(1,751)	(303)
	<b>(204,909)</b>	<b>(190,384)</b>	<b>(14,525)</b>
<b>Receipts</b>			
General rates	110,597	114,119	(3,522)
Fees and charges	46,633	38,405	8,228
Investment income	1,630	170	1,460
GST recoveries on operating transactions	12,174	8,836	3,338
Government grants	25,571	26,581	(1,010)
	<b>196,605</b>	<b>188,111</b>	<b>8,494</b>
<b>Net Cash Inflow/(Outflow) from Operating Activities</b>	<b>(8,304)</b>	<b>(2,273)</b>	<b>(6,031)</b>
<b>Cash Flows from Investing Activities</b>			
Payments for land & buildings, plant & equipment and infrastructure assets	(75,533)	(83,177)	7,644
Capital Income	11,906	6,105	5,801
Proceeds from sale of land & buildings	115	15,248	(15,133)
Proceeds from sale of plant & equipment	249	756	(507)
Developer cash contribution	18,626	24,777	(6,151)
<b>Net Cash Outflow from Investing Activities</b>	<b>(44,637)</b>	<b>(36,291)</b>	<b>(8,346)</b>
<b>Cash Flows from Financing Activities</b>			
Repayment of borrowings	(6,468)	(6,355)	(113)
Proceeds from new loans	0	0	0
<b>Net Cash Outflow from Financial Activities</b>	<b>(6,468)</b>	<b>(6,355)</b>	<b>(113)</b>
<b>Net Increase (Decrease) in Cash Held</b>	<b>(59,409)</b>	<b>(44,919)</b>	<b>(14,490)</b>
Cash at the beginning of the financial year	145,606	140,810	4,796
<b>Cash at the End of Current Period</b>	<b>86,197</b>	<b>95,891</b>	<b>(9,694)</b>

	YTD Actual \$m	YTD Budget \$m	YTD Var Fav/ (Unfav) \$m	FY Budget \$m
Closing Net Cash Positive/(Negative)	86.1	95.9	(9.8)	202.1
<b>YTD Variance – (\$9.8m) unfavourable</b>				

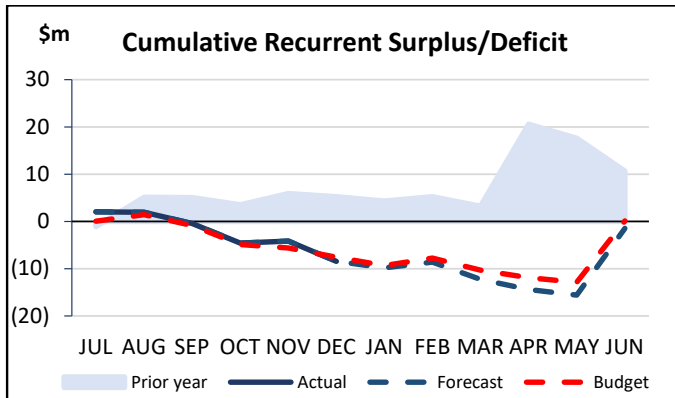
6. The cash and investment balance of \$86.1 million is (\$9.8 million) unfavourable to budget. Timing of asset sales is the main driver of this unfavourable position (\$15.1m), also developer contributions (\$6.1m) and general works expenditure (\$5.7m). Favourable offsets include Fees & Charges of \$8.2m, investment income of \$1.4m and capital grant income of \$5.8m.
7. Council has future commitments of \$78.5m, as detailed below:
 

Long service leave	\$23.3m
Statutory reserves	\$20.7m
Refundable deposits	\$10.8m
Income in advance	\$23.7m
<b>Total</b>	<b>\$78.5m</b>
8. The landfill provision balance is currently \$16.7 million.
9. Working capital funds are invested in short term deposits and investment returns are as follows:



10. Investment returns are currently \$1.46m favourable to budget and \$1.42m above this time last year. This is driven by increased interest rates over the last six months to date.

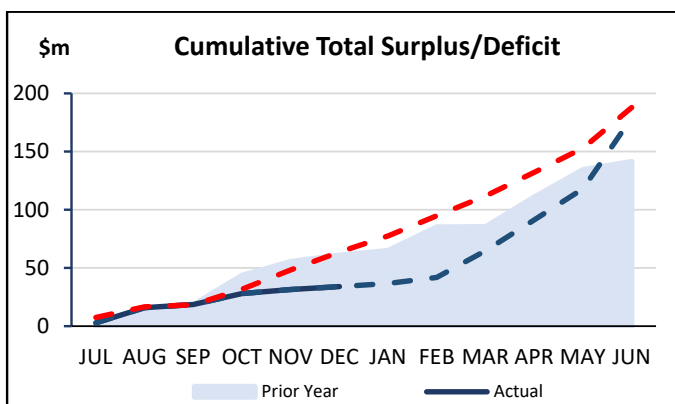
**Financial Performance Indicators**



Our **recurrent deficit** of (\$8.4 million) is unfavourable to budget by (\$0.9m), external services, professional services and plant/equipment/vehicle costs are all exceeding budget expectations. Softening the result is favourable positions in rates and charges, government grants and user charges.

At the same time last year, the result was a recurrent surplus of \$5.2 million with Covid-19 influencing that result with salaries \$5.3m favourable due to closure of facilities, vacant positions, and delayed EA increases.

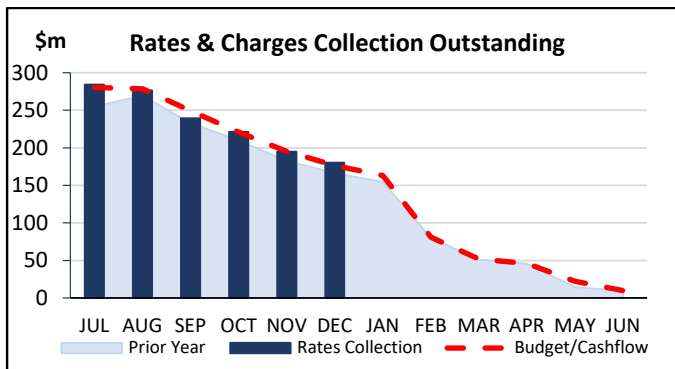
The full year recurrent forecast indicates a deficit of (\$1.4m).



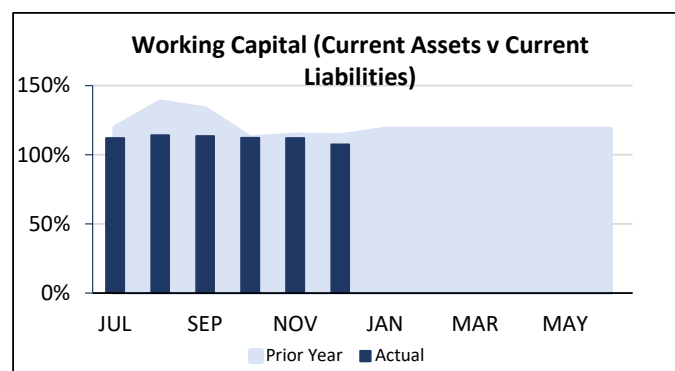
Our **total surplus** of \$34 million is unfavourable to budget by (\$29.5m) with the main drivers being timing of asset sales (\$11.3m), recognition of infrastructure (\$18.2m) and developer cash contributions trailing budget by (\$6.1m). Partially offset by capital grant income of \$5.8m and government grants of \$1.8m.

At the same time last year, the total surplus was \$60.9 million. In the current year, developer cash contributions are behind budget by (\$6.1m) compared to the same period last year where they were favourable to budget by \$7.9m. Timing of asset sales unfavourable by (\$11.3m) in first half but anticipate correction in the second half.

The full year total forecast indicates a surplus of \$179.1m



**Rates collection** is favourable to budget by \$3.8 million, with 38% of full year rates received as at 31 December 2022. The continuation of monitoring of collections and hardship is a key focus, as collection rates have dropped below prior year levels.



**Working Capital** ratio is unfavourable compared to the same time last year however, is averaging at 112% over the first half of this financial year.

The budget allows for total loan borrowings of \$71m million to be taken out during the financial year to cover capital projects in development which is yet to be utilised.

External information – [www.geelongaustralia.com.au](http://www.geelongaustralia.com.au)

## City of Greater Geelong

### Forward Procurement Plan – Capital and Recurrent Expenditure

The City of Greater Geelong's recurrent business operations contracts are scheduled for re-tendering (within the next 12 months) as per the schedule listed below. Potential suppliers and contractors who wish to do business with the City for any of the contract items below should register their interest at [www.eprocure.com.au/geelong/](http://www.eprocure.com.au/geelong/) to receive an automatic notification of when the relevant tender is released. **Note:** The dates of tender release date are estimated only and may occur prior to or after the date listed.

Description	Estimated Contract Duration	Estimated Tender Date	Additional Information
<b>Landfill Waste Recyclables and Green Organics Collection</b>	3 years	Q4 2022	Leveraged Estimated cost over \$2 million Council approval required to award contract
<b>Cleaning Services for Family Services Centres</b>	5 years	Q4 2022	Leveraged Estimated cost over \$2 million Council approval to proceed required
<b>Hire of Windrow Turner and Screen for Green Organics Processing</b>	4 years	Q4 2022	Leveraged Estimated cost over \$2 million Council approval to proceed required
<b>Online Incident Management System</b>	5 years	Q4 2022	Focused
<b>Provision of General Maintenance to Council Owned Facilities</b>	3 years	Q3 2023	Leveraged Estimated cost over \$2 million Council approval to proceed required
<b>Provision of Traffic Management and Spotter Services</b>	5 years	Q4 2022	Leveraged Estimated cost over \$2 million Council approval to proceed required
<b>Supply &amp; Delivery of Pit Lids &amp; Associated Products</b>	4 years	Q3 2023	Leveraged
<b>Christmas Decorations: Install, Dismantle and Storage</b>	3 years	Q4 2022	Strategic

External information – [www.geelongaustralia.com.au](http://www.geelongaustralia.com.au)

<b>Supply &amp; Delivery of Agricultural Chemicals</b>	3 years	Q4 2022	Leveraged
<b>Provision of Cleaning Services for Major Buildings and Libraries</b>	6 years	Q4 2022	Leveraged Estimated cost over \$2 million Council approval to proceed required
<b>Provision of Painting Services</b>	5 years	Q4 2022	Leveraged Estimated cost over \$2 million Council approval to proceed required
<b>Analytical Services (Public Health)</b>	5 years	Q4 2022	Strategic
<b>Supply &amp; Installation of Gymnasium Equipment for Leisure Centres</b>	3 years	Q4 2022	Leveraged Estimated cost over \$2 million Council approval to proceed required
<b>Annual Gutter Cleaning of Council Facilities</b>	5 years	Q4 2022	Leveraged
<b>Oval Maintenance Services</b>	3 years	Q4 2022	Leveraged Estimated cost over \$2 million Council approval to proceed required
<b>Cleaning Services for Leisure Centres and The Arena</b>	6 years	Q1 2023	Leveraged Estimated cost over \$2 million Council approval to proceed required

**UPDATE (as of 20 January 2023):**

Description	Estimated Contract Duration	Estimated Tender Date	Procurement Type
<b>Collaborative Reveal and Processing of Commingled Recycling and Glass from Council kerbside collection</b>	3 Years	Q2 2023	Strategic
<b>Stephenson Street, Lara - Road Construction</b>	2 Months	Q1 2023	Leveraged
<b>Business Case - Regional Livestock and Rural Information Exchange Hub and Truck Wash</b>	10 Months	Q1 2023	Leveraged

External information – [www.geelongaustralia.com.au](http://www.geelongaustralia.com.au)

<b>Provision of Fleet Telematic Services</b>	5 Years	Q2 2023	Leveraged
<b>Bus Shelter Program - Design and Construct</b>	1 Year	Q1 2023	Leveraged
<b>Seagull Paddock Footbridge Replacement - Design and Construct</b>	4 Months	Q4 2022	Leveraged
<b>Anakie Reserve Netball Court and Sports Lighting Construction</b>	4 Months	Q4 2022	Leveraged
<b>King Lloyd Reserve Pavilion Extension – Construction</b>	4 Months	Q4 2022	Leveraged
<b>2022/2023 CoGG Drainage Relining and Replacement Program</b>	4 Months	Q4 2022	Leveraged
<b>Geelong City Centre Smart Parking Solution</b>	12 months	Q1 2023	Strategic
<b>Integrated Transport Consultancy Services Expression of Interest</b>	N/A	Q1 2023	Leveraged
<b>Hard Surface Program Contractor Panel</b>	12 months	Q1 2023	Leveraged
<b>Avalon Boat Ramp Upgrade</b>	12 months	Q1 2023	Strategic
<b>Landy Field Pavilion Redevelopment</b>	12 months	Q2 2023	Strategic
<b>Aldershot Reserve Fenced Dog Park Construction</b>	TBD	Q1 2023	Leveraged
<b>Portarlington Football &amp; Netball Club Pavilion Upgrade - Design Services</b>	3 years	Q1 2023	Leveraged
<b>Sparrow Park Playground Renewal</b>	4 months	Q1 2023	Leveraged
<b>NWGGA Bridge Design and Apportionment</b>	3 months	Q1 2023	Focused
<b>Saunders St Sediment Basin &amp; Wetlands Renewal, North Geelong</b>	4 months	Q1 2023	Leveraged
<b>Melaluka Rd Leopold Open Drain Rehabilitation</b>	4 months	Q1 2023	Leveraged
<b>Collendina Drain Renewal &amp; Retaining Wall, Ocean Grove</b>	3 months	Q1 2023	Leveraged

External information – [www.geelongaustralia.com.au](http://www.geelongaustralia.com.au)

<b>Tower Road Construction, Portarlington</b>	3 months	Q1 2023	Leveraged
<b>Elcho Reserve Toilet/Shower Replacement</b>	3 months	Q1 2023	Leveraged
<b>Clifton Springs Boat Harbour Carpark</b>	4 months	Q2 2023	Leveraged
<b>Surfcoast Highway and Boundary Road Intersection East Leg - Design Services</b>	4 months	Q1 2023	Leveraged
<b>Chilwell Library Upgrade</b>	9 months	Q2 2023	Strategic
<b>Bellarine Arts Centre - Potato Shed Business Case</b>	6 months	Q1 2023	Strategic
<b>Third-Party Childcare Subsidy Software</b>	10 years	Q1 2023	Strategic
<b>Residential Kerbside Waste and Recycling Collection</b>	3 years	Q1 2023	Strategic
<b>Cleaning Services for the Geelong Library &amp; Heritage Centre and Geelong Regional Libraries</b>	5 years	Q1 2023	Leveraged Estimated cost over \$2 million Council approval required to award contract
<b>Cleaning Services for Major Buildings</b>	5 years	Q1 2023	Leveraged Estimated cost over \$2 million Council approval required to award contract
<b>Supply &amp; Installation of Gymnasium Equipment for Leisure Centres</b>	5 years	Q1 2023	Leveraged Estimated cost over \$2 million Council approval to award contract
<b>Provision of Painting Services</b>	5 years	Q1 2023	Leveraged Estimated cost over \$2 million Council approval required to award contract
<b>Provision of Public Lighting Electrical Services</b>	5 years	Q2 2023	Leveraged Estimated cost over \$2 million Council approval required to award contract

## 2.7. Councillor Appointments to Committees

**Source: Strategy, People & Performance**

**Acting CEO: Kaarina Phyland**

### Purpose

1. To appoint Councillors to the Audit and Risk Committee and CEO Employment and Remuneration Committee.

### Background

2. Councillor representation is required on the:
  - 2.1. Audit and Risk Committee; and
  - 2.2. CEO Employment and Remuneration Committee.

### Key Matters

3. The Audit and Risk Charter provides for two councillors to be voting members, one being the Mayor or Deputy as delegate and one other Councillor (or delegate).
4. The CEO Employment and Remuneration Policy includes detailed membership for the CEO Employment and Remuneration Committee, being:
  - 4.1. Mayor (Chairperson);
  - 4.2. Deputy Mayor; and
  - 4.3. up to four (4) other Councillors; and
  - 4.4. an Independent Member.

### Original Recommendation

**Cr Mason moved, Cr Grzybek seconded -**

#### **That Council:**

1. **Appoint Cr <name> and Cr <name> as delegate to the Audit and Risk Committee; and**
2. **Appoint Cr <name>, Cr <name>, Cr <name> and Cr <name> to the CEO Employment and Remuneration Committee.**

## Amendment

**Cr Sullivan moved; Cr Aitken seconded -**

**That Council:**

- 1. Appoint Cr Nelson to the Audit and Risk Committee; and**
- 2. Appoint Cr Cadwell, Cr Asher, Cr Grzybek and Cr Mason to the CEO Employment and Remuneration Committee.**

**Carried**

## RESOLUTION – Item 2.7

**Cr Mason moved, Cr Grzybek seconded -**

**That Council:**

- 1. Appoint Cr Nelson to the Audit and Risk Committee; and**
- 2. Appoint Cr Cadwell, Cr Asher, Cr Grzybek and Cr Mason to the CEO Employment and Remuneration Committee.**

**Carried**

***Financial Sustainability***

5. There are no financial implications associated with this report.

***Community Engagement***

6. No changes to existing community engagement practices are proposed by this report.

***Social Equity and Sustainability***

7. There are no social equity considerations associated with this report.

***Relevant Law/Policy/Legal Implications***

8. Council must establish an Audit and Risk Committee, including membership in accordance with section 53 of the *Local Government Act 2020* (the Act).
9. Section 5.1.2 of the Audit and Risk Committee Charter provides for two councillors to be voting members of the Committee, being:
  - 9.1. Mayor or Deputy Mayor as delegate; and
  - 9.2. one Councillor or nominated Councillor as delegate.
10. Council adopted the CEO Employment and Remuneration Policy in accordance with section 45 of the Act. Membership of the CEO Employment and Remuneration Committee is cover under Section 3.2.10 of the policy, being:
  - 10.1. Mayor (Chairperson);
  - 10.2. Deputy Mayor; and
  - 10.3. up to four (4) other Councillors; and
  - 10.4. an Independent Member.

***Alignment to Community Plan and Vision***

11. This report aligns with Our Community Plan 2021-2025 strategic priority:  
High-performing council and organisation.

***Conflict of Interest***

12. No officer involved in the preparation of this report declared a general or material conflict of interest.

***Risk Assessment***

13. Appointments to these committees are in accordance with the Audit and Risk Charter and the CEO Employment and Remuneration Policy.

***Environmental Sustainability***

14. There are no direct environmental implications arising from this report.

**Attachments**

Nil

## 2.8. Audit and Risk Committee Charter

**Source:** Strategy, People & Performance

**Acting CEO:** Kaarina Phyland

### Purpose

1. For Council to adopt the updated Audit and Risk Committee Charter (Charter).

### Background

2. At its meeting on 7 December 2022 the Audit and Risk Committee (Committee) agreed to make some changes to the Charter.
3. These proposed changes have been updated on the attached Charter and have been approved by the Committee via email correspondence.

### Key Matters

4. The changes to the Charter include the following additions:
  - 4.1. That a quorum of the Committee will be three members, two of whom will be independent members and one of whom will be a Councillor member.
  - 4.2. If the Chairperson is unable to attend a meeting, the Committee shall appoint an Acting Chairperson for the meeting at which the Chairperson is absent. The acting Chairperson will be an independent Committee Member.
  - 4.3. A change to the Conflict of Interest section to bring it in line with the *Local Government Act 2022* and to provide further clarity.
  - 4.4. Other administration changes have been made to the numbering and the formatting of the Charter.
  - 4.5. The Charter has been updated to Version 5.
5. The Audit and Risk Committee endorsed the updated Audit and Risk Committee Charter via email in January 2023 and recommends that Council adopt the Charter attached.

### RESOLUTION - Item 2.8

**Cr Grzybek moved, Cr Mason seconded -**

**That Council adopt the updated Audit and Risk Committee Charter.**

**Carried**

***Financial Sustainability***

6. There is no financial implication in the adoption of this report.

***Community Engagement***

7. There is no community engagement implication related to this report.

***Social Equity and Sustainability***

8. There is no social equity implication related to this report.

***Relevant Law/Policy/Legal Implications***

9. As per section 42 of the *Local Government Act 2020*, Council must prepare and approve an Audit and Risk Committee Charter.

***Alignment to Community Plan and Vision***

10. This report aligns with Our Community Plan 2021-2025 strategic priority:  
High-performing council and organisation.

***Conflict of Interest***

11. No officer involved in the preparation of this report declared a general or material conflict of interest.

***Risk Assessment***

12. Oversight of risk management practices at the City is a key role of the Audit and Risk Committee, and details are provided in the Charter attached.

***Environmental Sustainability***

13. There is no environmental implication related to this report.

**Attachments**

1. ARC Charter Update January 2023 [2.8.1 - 14 pages]

THE CITY OF  
GREATER GEELONG

# AUDIT AND RISK COMMITTEE CHARTER

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VERSION: **45**

Approval Date: ~~14-Decemberxxx~~ February -20213

Approved by: Council

Review Date: ~~14-Decemberxxxx~~ 2023-2025

Responsible Officer: Manager Integrity and Risk

Authorising Officer: Director Strategy People and  
PerformanceCustomer and Corporate Services

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# Introduction

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## BACKGROUND

The Audit and Risk Committee's Charter has been developed and adopted in accordance with the section 54(7) of the *Local Government Act (Vic) 2020* (the Act). It is subsequently updated to adapt the Audit and Risk Committee ~~tenure & membership~~quorum provision.

## PURPOSE

The City of Greater Geelong (Council) has established an Audit & Risk Committee (Committee) pursuant to section 53(1) of the Act.

The purpose of the Committee is to provide a structured, systematic oversight of Council's governance, assurance, risk management and internal control practices to assist Council to discharge its obligations in relation to these matters. This oversight mechanism also serves to provide confidence in the integrity of these practices, the Council and the City.

## COMMITTEE'S RESPONSIBILITIES

The Committee is responsible for<sup>1</sup>:

- Monitoring compliance of Council policies and procedures with:
  - The overarching governance principles set out in section 9 of the Act; and
  - The Act and the regulations and any Ministerial directions;
- Monitoring Council financial and performance reporting;
- Monitoring and providing advice on risk management and fraud prevention systems and controls; and
- Overseeing the internal and external audit functions.

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<sup>1</sup> Section 54(2) LGA 2020  
Record Number

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# Definitions

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This section defines the key terms used in this Charter.

## **CITY**

The City of Greater Geelong organisation, led by the Chief Executive Officer.

## **COMMITTEE**

The Audit and Risk Committee established pursuant to section 53(1) of the Act

## **COUNCIL**

The City of Greater Geelong Council comprised of elected councillors and led by the Mayor.

## **DELEGATED COMMITTEE**

Means a Committee established by Council pursuant to section 63 of the Act.

## **LGA**

The *Local Government Act (Vic) 2020*.

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# The Charter

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## 1. AUTHORITY

The Committee is directly responsible to Council for its performance in discharging its responsibilities as set out in this Charter.

The Committee has no delegated authority from Council<sup>2</sup>

The Committee has no executive authority to implement actions in areas over which management has responsibility and has no delegated financial responsibilities.

The Committee has no management functions and is independent of management.

## 2. SUPPORT

The Committee will have access to appropriate management support to enable it to discharge its responsibilities effectively, including<sup>3</sup>:

- 2.1. Appropriate support for development of meeting agendas and papers, minute taking during meetings and follow up actions arising from meetings;
- 2.2. The provision of any information that it deems necessary including records, data and reports;
- 2.3. Attendance of management and other relevant City officers at meetings as appropriate; and
- 2.4. Access to independent experts where it considers it necessary to execute its duties, subject to prior agreement with the Chief Executive Officer.

## 3. OBJECTIVE

The Committee's objective is to oversee the matters detailed in section 4 of this charter as well as:

- 3.1. The integrity of external reporting, including both periodic management financial reports and external financial reports;
- 3.2. The scopes of work, objectivity, performance and independence of the external and internal auditors;
- 3.3. The maintenance of effective systems and controls to safeguard Council's financial and physical resources;
- 3.4. The maintenance of policies, systems and procedures designed to ensure that Council complies with relevant statutory and regulatory requirements and best practice guidelines; and
- 3.5. The maintenance of frameworks, strategies and systems that enable effective recognition of material risks arising from Council's strategies and operations and actions taken to manage those risks.

In carrying out its work, the Committee must promote the City's values and appropriate ethical and governance standards and practices.

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<sup>2</sup> Section 53(2) LGA 2020

<sup>3</sup> Section 54(6) LGA 2020  
Record Number

## 4. OVERSIGHT

The Committee will provide oversight of a number of governance and operational functions as detailed below:

### 4.1. Financial Reporting

The Committee will:

- 4.1.1. Review significant accounting and external reporting issues, including complex or unusual transactions and highly judgmental areas, changes to accounting policies, recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the annual financial report;
- 4.1.2. Review the annual financial report and performance statement and consider whether they are complete, consistent with information known to Committee members and reflects appropriate accounting treatments;
- 4.1.3. Review with management and the external auditors the results of the audit, including any difficulties encountered by the auditors;
- 4.1.4. Recommend the adoption of the annual financial report and performance statement to Council; and
- 4.1.5. Review the appropriateness of the framework and content of periodic management financial reporting to Council.

### 4.2. Risk Management

The Committee will:

- 4.2.1. Monitor and provide advice on risk management practices and risk profile;
- 4.2.2. Monitor and provide advice on fraud prevention systems and controls;
- 4.2.3. Review the insurance program annually; and
- 4.2.4. Monitor management process and systems in relation to cyber security, including strategy, assets protection, testing and recovery.

### 4.3. Systems and Controls to safeguard the City's resources

The Committee will:

- 4.3.1. Review the adequacy and effectiveness of systems and controls for providing a sound internal control framework;
- 4.3.2. Review policies and procedures in place for the setting and management of delegations of authority annually;
- 4.3.3. Keep informed of any actual or suspected instances of fraud or corruption within the City;
- 4.3.4. Review the Chief Executive Officer's expense reports; and
- 4.3.5. Review the expense reports for Councillors and all members of delegated Committees in accordance with the Act<sup>4</sup>

### 4.4. External Audit

The Committee will:

- 4.4.1. Annually review the audit scope and approach proposed by the external auditor, including the extent of reliance on internal audit activities;

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<sup>4</sup> Section 40(2) LGA 2020  
Record Number

- 4.4.2. Discuss with the external auditor any audit issues encountered in the normal course of audit work, including any restriction on scope or access to information;
- 4.4.3. Monitor progress of implementation and appropriateness of significant findings and recommendations made by the external auditor, and management's responses to them, are appropriate and acted upon in a timely manner;
- 4.4.4. Consider the findings and results of any relevant performance audits undertaken by the external auditor and monitor implementation of recommendations by Council; and
- 4.4.5. Meet with the external auditor at least annually in the absence of management.

#### 4.5. Internal Audit

The Committee will:

- 4.5.1. Review with management the Internal Audit Charter, activities, resourcing and organisational structure supporting the internal audit function;
- 4.5.2. Review the provision of internal audit services and the performance of the Internal Auditor annually;
- 4.5.3. Review and recommend to the Council for approval the three-year rolling strategic internal audit plan, the annual internal audit plan and any major changes to them, ensuring the proposed strategic internal audit plan appropriately considers the City's strategic risks;
- 4.5.4. Review and approve proposed scopes for each review in the annual internal audit plan;
- 4.5.5. Review all reports and provide advice to Council on significant issues identified in audit reports and action being taken on issues raised, including identification and dissemination of good practice;
- 4.5.6. Monitor action by management on significant internal audit findings and recommendations;
- 4.5.7. Meet with the Internal Auditor at least twice per year in the absence of management and confirm it has no unjustified limitation on its work;
- 4.5.8. Monitor processes and practices to ensure that the independence of the internal audit function is maintained; and
- 4.5.9. Be consulted during any procurement process for internal audit services.

#### 4.6. Compliance Management

The Committee will:

- 4.6.1. Review the systems and processes implemented by management for monitoring compliance with legislation and regulations and the results of management's follow up of any instances of non-compliance; and
- 4.6.2. Keep informed of the findings of any examinations by regulatory or integrity agencies (whether related to investigations at Council or other agencies) and monitor management's response to the findings.

#### 4.7. Other Matters Referred by Council

The Committee will undertake any other activities as requested by Council from time to time.

#### 4.8. Work Plan

A work plan will be established to ensure that the responsibilities of the Committee are carried out, including oversight of the functions in this section<sup>5</sup>.

The work plan will be reviewed and approved at least annually by the Committee.

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<sup>5</sup> Section 54(3) LGA 2020  
Record Number

## 5. COMMITTEE MEMBERSHIP

### 5.1. Committee Members and Tenure

5.1.1. The Committee will be comprised of five voting members, being:

5.1.1.1. Three independent members and

5.1.1.2. Two Councillor members<sup>6</sup> being the:

- Mayor or Deputy Mayor as delegate; and
- One Councillor or nominated Councillor as delegate.

5.1.2. Committee members will be appointed by Council and:

5.1.2.1. Councillor Committee members will be appointed annually by Council; and

5.1.2.2. Independent members will be appointed for a period of up to three years.

5.1.3. Independent members may serve a maximum of three consecutive terms of three years. Independent members seeking reappointment for a subsequent term must express their interest in doing so to the Chief Executive Officer no later than four months before the end of their current term.

### 5.2. Chairperson

5.2.1. The Chairperson will be an independent member<sup>7</sup> and will be elected by the Committee annually.

### 5.3. Skills, Experience and Knowledge of Committee Members

5.3.1. Committee members should collectively possess sufficient knowledge of audit, risk, IT, law, governance, finance and performance reporting, control environments and assurance processes as well as specific industry knowledge.

5.3.2. Independent members must collectively have experience in

- public sector management<sup>8</sup>; and
- financial management and risk.

### 5.4. Recruitment of Independent Members

5.4.1. Independent members will be appointed by a public expression of interest process run by the City. The interview panel for the recruitment of independent members shall include one current Committee member.

### 5.5. Remuneration of Independent Members

5.5.1. Remuneration will be paid to independent members<sup>9</sup>. Fees will be based on a fee per meeting, set by the Chief Executive Officer, which will be indexed by 2% each 1 July.

### 5.6. City Officers ineligible for Membership

5.6.1. City Officers are not eligible to be members of the Committee<sup>10</sup>.

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<sup>6</sup> Section 54(3) LGA 2020

<sup>7</sup> Section 53(4) LGA 2020

<sup>8</sup> Section 53(3)(i) LGA 2020

<sup>9</sup> Section 53(6) LGA 2020

<sup>10</sup> Section 53(3) LGA 2020

## 5.7. Termination of Membership

- 5.7.1. A Committee member who does not comply with their obligations under the Act may have their membership terminated.

## 6. MEETINGS

### 6.1. Meeting Frequency

- 6.1.1. The Committee should meet as required but will hold at least four scheduled meetings per annum plus a meeting to consider the annual financial accounts.
- 6.1.2. A schedule of meetings will be determined on an annual basis.
- 6.1.3. With the approval of the Committee Chairperson, the Committee may meet at other times at the request of any Committee member, the Mayor, Council or the external or internal auditors.
- 6.1.4. The Committee may hold a meeting by correspondence to consider matters between scheduled meetings. The meeting will be conducted by circulating resolution. The report outlining the matter and a request to vote on the item will be sent by email.
- 6.1.5. Any Councillor may attend as an observer.
- 6.1.6. The Committee may invite any person to attend meetings.
- 6.1.7. The Chief Executive Officer and the Director [Strategy, People and Performance](#) ~~Customer and Corporate Services~~ are required to attend meetings.
- 6.1.8. City officers who have prepared reports for the Committee, and their Director, will be required to attend the meeting to present their report at the allocated time.
- 6.1.9. Attendance at a meeting may be in person, via teleconference or video conference.
- 6.1.10. All Committee members are expected to prepare adequately to participate in meetings.

### 6.2. Meeting Administration

- 6.2.1. The meeting agenda will be set by the City in consultation with the Committee Chairperson.
- 6.2.2. Meeting agendas and papers should be available to Committee members at least one week prior to meetings.
- 6.2.3. The Chief Executive Officer will be responsible for preparation and maintenance of agendas, minutes and reports of the Committee<sup>11</sup>.
- 6.2.4. A quorum of the Committee will be three members, two of whom will be independent members and one of whom will be a Councillor member.
- ~~6.2.3.~~6.2.5. If the Chairperson is unable to attend a meeting, the Committee shall appoint an Acting Chairperson for the meeting at which the Chairperson is absent. The Acting Chairperson will be an independent Committee member.

### 6.3. Minutes and Reporting

- 6.3.1. Minutes of each meeting will be provided to the Chairperson within seven days of each meeting and following the Chairperson's approval:
- 6.3.1.1. Shall be circulated to all Committee members; and
- 6.3.1.2. Be reported to the Council and the next Council meeting under a confidential report.

<sup>11</sup> Section 54(6)(a) LGA 2020  
Record Number

- 6.3.2. The Committee must prepare a biannual audit and risk report that describes the activities of the Committee and includes its findings and recommendations<sup>12</sup>. A copy of the biannual report is to be provided to the Chief Executive Officer, who must table it at the next council meeting<sup>13</sup>.
- 6.3.3. The Chief Executive Officer must table a copy of the Committee's annual performance assessment at the next Council meeting<sup>14</sup>.
- 6.3.4. Before the Annual Report is approved each year, the Committee shall report in writing to the Council on its activities for the year.
- 6.3.5. The Chairperson will meet with Council regularly, and not less than two times per year to brief Councillors on the Committee's activities.

## 7. INDUCTION AND TRAINING

- 7.1. Council will provide newly appointed members with appropriate induction information to assist them in gaining an understanding of the business.
- 7.2. The Chief Executive Officer will provide opportunities for ongoing development of independent members which may include the opportunity to attend relevant Council briefing sessions, site visits, industry conferences, regulatory briefings and other organisational briefings or updates.

## 8. PERFORMANCE EVALUATION

- 8.1. The Committee shall undertake an annual assessment of its performance against the Charter and report the results to the Chief Executive Officer<sup>15</sup>.

## 9. ~~CONFLICT OF INTEREST~~ CONDUCT

~~Members of the Committee must be fully aware of their responsibilities with regard to the management of interests in relation to the discharge of their duties as a member of the Committee. Management of interests includes the proper management of any conflict of interest as and when they may arise.~~

~~Members of the Committee must also be fully aware of the statutory definitions of direct and indirect interests which may give rise to a conflict of interest. These are set out in Division 1A of the Act.~~

Members of the Committee are required to comply with sections 123 (misuse of position), 125 (confidential information) and Division 2 of Part 6 (conflict of interest) of the Act<sup>16</sup>, which includes, among other things, the following requirements:

### 9.1. Conflict of Interest

~~10. Members of the Committee must be fully aware of their responsibilities with regard to the management of interests in relation to the discharge of their duties as a member of the Committee. Management of interests includes the proper management of any conflict of interest as and when they may arise.~~

Committee members must disclose any conflicts of interest to the Chairperson. Where the conflict is related to the Chairperson, it must be disclosed to the Mayor.

Once a conflict of interest is identified the member of the Committee must:

- ~~10.1.1-9.1.1.~~ Disclose the conflict of interest immediately before the matter is considered in meeting including

<sup>12</sup> Section 54(5)(a) LGA 2020

<sup>13</sup> Section 54(5)(b) LGA 2020

<sup>14</sup> Section 54(4)(b) LGA 2020

<sup>15</sup> Section 54(4)(a) LGA 2020

<sup>16</sup> Section 53(5) LGA 2020

~~10.1.1.1.9.1.1.1.~~ The type of interest, ~~either general or material and class~~; and

~~10.1.1.2.9.1.1.2.~~ The nature of the interest.

~~10.1.2.9.1.2.~~ Notify the Chairperson that they are leaving the meeting;

~~10.1.3.9.1.3.~~ Leave the room and vicinity while the matter is being considered and await the Chairperson's direction to return; and

~~10.1.4.9.1.4.~~ Notify the Chairperson prior to the meeting if they are not going to be present at the meeting.

If details are private in nature, then the nature of the interest can be declared to the Chairperson in writing prior to the meeting and the disclosure will simply be the type of interest ~~and class~~.

Disclosure of conflicts of interest must be recorded in the minutes.

#### ~~10.2.9.2.~~ Misuse of Position

Committee members must not intentionally misuse their position to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person, or cause, or attempt to cause, determinant to Council or another person.

#### ~~10.3.9.3.~~ Confidential Information

Committee members must not intentionally or recklessly disclose information that they know, or should reasonably know, is confidential information.

Independent members will be required to sign a Confidentiality Agreement upon commencement of their term.

Failure to comply with the provisions of the Act regarding conflict of interest may result in prosecution for breach of the Act and the member's appointment being terminated by Council.

# Implementation of this Charter

## MONITORING AND REPORTING

- The Manager Integrity and Risk is responsible for monitoring and reporting against this Charter.

## ADVICE AND ASSISTANCE

- The Manager Integrity and Risk manages the provision of advice to the organisation regarding this Charter.
- A person who is uncertain how to comply with this Charter should seek advice from this person.

## RECORDS

The City must retain records associated with this Charter and its implementation for at least the period shown below.

Record	Retention / Disposal Authority	Retention Period	Location
Agendas	Director, <a href="#">Customer Strategy, People and Performance</a> and <a href="#">Corporate Services</a>	Permanent	ReX
Minutes	<a href="#">Director, Strategy, People and Performance</a> Director, <a href="#">Customer and Corporate Services</a>	Permanent	ReX
Correspondence	<a href="#">Director, Strategy, People and Performance</a> Director, <a href="#">Customer and Corporate Services</a>	7 years	ReX
Letters of Appointment	<a href="#">Director, Strategy, People and Performance</a> Director, <a href="#">Customer and Corporate Services</a>	Permanent	ReX

## REVIEW

The Committee shall review and assess the adequacy of the Charter every two years or earlier if necessary and submit requests for revisions and improvements to Council for approval.

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# References

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- *Local Government Act (Vic) 2020*
- Internal Audit Charter

### **3. RECORD OF INFORMAL MEETINGS OF COUNCILLORS**

**Source:** Strategy, People & Performance  
**Acting CEO:** Kaarina Phyland

#### **Summary**

1. The Governance Rules of the City of Greater Geelong require the tabling of records of informal meetings of Councillors at the next convenient Council meeting and that their record be included in the minutes of that Council meeting.
2. A summary of the informal meetings of Councillors is attached.

#### **RESOLUTION - Item 3.1**

**Cr Grzybek moved, Cr Cadwell seconded -**

**That Council receive the summary of the informal meetings of Councillors for the period to 28 February 2023.**

**Carried**

**INFORMAL MEETINGS OF COUNCILLORS  
(Council Meeting 28 February 2023)**

Informal Meeting Details	Councillor Attendance/Apology	Officer Attendance	Agenda Items	Conflict of Interest Disclosures
<p>Councillor Strategic Session <b>7 February 2023</b></p>	<p>Crs Sullivan, Aitken, Asher, Grzybek, Harwood, Cadwell, Kontelj, Mason, Moloney, Murrhiy, Nelson</p>	<p>K Phyland (A/CEO) G Smith (DIR) R Stevens (DIR) B Prosser (A/DIR) D Greaves (A/DIR) S McKew (MGR) V Allan (Special Counsel) J Hurse (MGR) J Holmes (PROJ MGR) A O'Connor (CO ORD) S Albon (MGR) F Porter (MGR) B Hartley (Chief Strategy Officer)</p> <p><i>Also present: P Digby, Municipal Monitor</i> <i>* Note, Ms Digby's attendance was erroneously omitted from the February Council meeting agenda.</i></p>	<ul style="list-style-type: none"> <li>Northern and Western Geelong Growth Area</li> <li>Commonwealth Games Update</li> <li>Portfolio and Committee Structure</li> </ul>	<ul style="list-style-type: none"> <li>Cr Kontelj declared a Conflict of Interest in the Northern and Western Geelong Growth Area and left the meeting room.</li> </ul>
<p>Councillor Briefing <b>14 February 2023</b></p>	<p>Crs Sullivan, Aitken, Asher, Mason, Harwood, Cadwell, Nelson, Moloney, Kontelj</p> <p><i>Apologies: Crs Grzybek and Murrhiy</i></p>	<p>K Phyland (A/CEO) R Stevens (DIR) G Smith (DIR) K Ivens (A/DIR) D Greaves (A/DIR) S McKew (MGR) V Allan (Chief Legal Counsel, Governance and Risk Officer Acting) R McIlvena (MGR) T Orme (MGR) S Priestley (CO ORD)</p> <p><i>Also present: P Digby, Municipal Monitor</i></p>	<p><i>Presentation:</i></p> <ul style="list-style-type: none"> <li>Mercer and Gheringhap Streetscape Masterplan</li> </ul> <p><i>Reports:</i></p> <ul style="list-style-type: none"> <li>Mercer and Gheringhap Streetscape Masterplan</li> <li>Amendment C383ggee Advertising Sign Guidelines Review – Prepare and Exhibit Amendment</li> <li>Amendment C441ggee 672-690 &amp; 692-700 Portarlinton Road, Leopold – Consideration of Panel Report and Adoption of Amendment</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>

			<ul style="list-style-type: none"> <li>Proposed Lease to Amplitel Pty Ltd – Part of Highton Reserve – 95-105 Barrabool Road, Highton</li> <li>Proposed Sale of Land Part Connections Park, Corio</li> <li>Proposed Road Discontinuance and Sale of Land Abutting 91 Lt Myers Street, Geelong</li> <li>Proposed Road Discontinuance and Sale – Robb Place, Geelong</li> <li>Year to Date Quarterly Financial Management Report – December 2022</li> <li>Audit and Risk Committee Charter</li> <li>Audit and Risk Committee Summary Report (<i>Confidential</i>)</li> </ul>	
<p>Councillor Briefing  <b>14 February 2023</b>  <b>(Confidential)</b></p>	<p>Crs Sullivan, Aitken, Asher  Mason, Harwood, Cadwell,  Nelson, Moloney, Kontelj</p> <p><i>Apologies:</i>  <i>Crs Grzybek and Murrhly</i></p>	<p>K Phyland (A/CEO)  R Stevens (DIR)  S McKew (MGR)  F Porter (MGR)  V Allan (Chief Legal  Counsel, Governance and  Risk Officer Acting)  S Albon (MGR)</p>	<ul style="list-style-type: none"> <li>Commonwealth Games 2026 (<i>Confidential</i>)</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>

## 4. PLANNING DELEGATIONS

**Source:** City Planning & Economy  
**Director:** Gareth Smith

### Purpose

1. To provide the schedule of planning permit applications determined under delegation since the last report.

### Background

2. Section 11 of the *Local Government Act 2020* and section 188 of the *Planning and Environment Act 1987* empower Council to delegate its powers, duties and functions under relevant legislation to members of Council staff.
3. Section 63 of the *Local Government Act 2020* and section 188 of the *Planning and Environment Act 1987* allow Council to establish a delegated committee with the power to determine planning permit applications.
4. Council to Staff Instrument of Delegation allows staff to determine planning permit applications where there are less than 6 objections lodged.
5. The Planning Committee's terms of reference provide for determination of planning permit applications where there are 6 or more objections lodged.
6. The City is required by Council to provide information on planning permit applications determined under delegation.

### Key Matters

7. The Schedule attached to this report provides information on the planning permit applications determined under delegation since the last report.

### RESOLUTION - Item 4.1

**Cr Harwood moved, Cr Mason seconded -**

**That Council receive the information in the Schedule entitled Planning Decisions Report for January 2023.**

**Carried**

## Planning Decisions Report January 2023

App No	Location	Application Type	Decision Date	Description	Authority Description/ No of objectors
PP-1250-2020	14 Corymbia Circuit, BARWON HEADS VIC 3227	Two (2) Dwellings and Two (2) Lot Subdivision	25/01/2023	Grant a Planning Permit	Delegated Authority
PP-1318-2021	25 Townsend Road, WHITTINGTON VIC 3219	Construction of Three (3) Additional Dwellings and Four (4) Lot Subdivision	31/01/2023	Grant a Planning Permit	Delegated Authority
PP-135-2020	Unit 3/106 Harvey Road, ST LEONARDS VIC 3223	Building and Works Associated with the Conversion of a Dwelling into Five (5) dwellings	25/01/2023	Permit Refused	VCAT
PP-243-2018	48-58 Station Lake Road, LARA VIC 3212	Development of seventeen (17) double storey dwellings and one (1) single storey dwelling and works in a Road Zone	19/01/2023	Extended Planning Permit	Delegated Authority
PP-339-2022	50 Thomson Street, BELMONT VIC 3216	Use and Development of a Medical Centre	3/01/2023	No Appeal Lodged Permit Issued	Delegated Authority
PP-503-2010/B	2 Cerberus Drive, OCEAN GROVE VIC 3226	Subdivision of Land in Stages, Creation of Access to a Road Zone Category 1, Removal of Native Vegetation and Removal of Sewer Easement (E-1, E-2, E-3, E-4, E-5 AND E-6) from LP 62165 and LP 68598.	23/01/2023	Refusal to Grant an Amended Planning Permit	Decision Making Committee
PP-503-2010/B	10 Marmion Circuit, OCEAN GROVE VIC 3226	Subdivision of Land in Stages, Creation of Access to a Road Zone Category 1, Removal of Native Vegetation and Removal of Sewer Easement (E-1, E-2, E-3, E-4, E-5 AND E-6) from LP 62165 and LP 68598.	23/01/2023	Refusal to Grant an Amended Planning Permit	Decision Making Committee
PP-524-2021	10-14 Harding Street, PORTARLINGTON VIC 3223	Use of Land for Food and Drink Premises (Restaurant & Cafe), Partial Demolition and Buildings and Works associated with Construction of Food and Drink Premises, Thirty-One (31) Dwellings and Reduction of on-site Car Parking	24/01/2023	Grant a Planning Permit	Delegated Authority
PP-534-2020	2 Cerberus Drive, OCEAN GROVE VIC 3226	Multi-Lot Subdivision (47 Lots) of Four Existing Lots	23/01/2023	Refusal	Decision Making Committee

PP-594-2022	377-379 Pakington Street, NEWTOWN VIC 3220	Use and Development of a Medical Centre, Business Identification Signage, Waiver of Car Parking Requirements, and Alteration to Access in a Transport Zone 2	10/01/2023	No Appeal Lodged Permit Issued	Delegated Authority
PP-905-2015/A	155 Staughton Vale Road, STAUGHTON VALE VIC 3340	Use and Development of a School in Association with Agriculture and Outdoor Education and Use and Development of a Caretakers Residence	31/01/2023	Grant an Amended Planning Permit/Plans	Delegated Authority
PP-1010-2022	52 Mount Pleasant Road, BELMONT VIC 3216	Use and Development of a Medical Centre, Demolition and Alterations within a Heritage Overlay and Reduction in Car Parking Requirements	25/01/2023	NOD - Delegate	1
PP-1036-2022	59 Barrabool Road, HIGHTON VIC 3216	Use and Development of an Education Centre (Tutoring Service) Business Identification Signage	25/01/2023	NOD - Delegate	1
PP-1054-2022	42 Mermaid Avenue, OCEAN GROVE VIC 3226	Construct a Second Dwelling and a Two (2) Lot Subdivision	16/01/2023	NOD - Delegate	1
PP-1161-2022	4 Clavus Road, CORIO VIC 3214	Construction of Four (4) Dwellings	25/01/2023	NOD - Delegate	3
PP-1240-2021	130 Sunset Strip, OCEAN GROVE VIC 3226	Construction of Two (2) Dwellings	13/01/2023	NOD - Delegate	1
PP-1502-2021	410 Pakington Street, NEWTOWN VIC 3220	Additions and Repair Works to a Building in a Heritage Overlay, Construction of a Mixed Use Office and Apartment Building, Reduction to the Standard Car Parking Requirement and Removal of Vegetation within a Significant Landscape Overlay	25/01/2023	NOD - Delegate	3
PP-181-2021	52 Tucker Street, BREAKWATER VIC 3219	Construction of Eight (8) Dwellings, Eight (8) Lot Subdivision and Alter and Create Access to a Road in a Transport Zone 2	10/01/2023	NOD - Delegate	4
PP-404-2022	9 Payne Street, PORTARLINGTON VIC 3223	Construction of Three (3) Dwellings and Three (3) Lot Subdivision	11/01/2023	NOD - Delegate	2
PP-565-2022	32-38 Warrenbeen Court, BARWON HEADS VIC 3227	Buildings and Works Associated with Alterations and Additions to Dwelling and Construction of a Fence	11/01/2023	NOD - Delegate	1

PP-671-2022	1 Vagg Street, BREAMLEA VIC 3227	Construction of a Dwelling and Variation to Restrictive Covenant PS600590F on Lot 1 on PS600590F to increase the size of the Building Envelope	13/01/2023	NOD - Delegate	4
PP-686-2022	80 Sheepwash Road, BARWON HEADS VIC 3227	Construction of Two (2) Dwellings	13/01/2023	NOD - Delegate	1
PP-871-2022	23 Boonderabbi Drive, CLIFTON SPRINGS VIC 3222	Construction of a Second Dwelling and Two (2) Lot Subdivision	5/01/2023	NOD - Delegate	4
PP-882-2022	12 Calvert Street, HAMLYN HEIGHTS VIC 3215	Construction of Two (2) Dwellings and Two (2) Lot Subdivision	19/01/2023	NOD - Delegate	1
PP-950-2022	85 Dare Street, OCEAN GROVE VIC 3226	Construction of Two (2) Dwellings and Two (2) Lot Subdivision	11/01/2023	NOD - Delegate	1
PP-962-2022	30 Fraser Crescent, OCEAN GROVE VIC 3226	Construction of Two (2) Dwellings and Two (2) Lot Subdivision	31/01/2023	NOD - Delegate	2

## 5. CONFIDENTIAL

Council will close the meeting to the public in accordance with the provision of section 66(2) of the *Local Government Act 2020* to consider the following items:

### 5.2. Audit and Risk Committee Summary Report (Confidential)

Source: Strategy, People & Performance  
Acting CEO: Kaarina Phyland

**CONFIDENTIAL**

RESOLUTION - Item 5.2

Cr Grzybek moved, Cr Mason seconded -

That Council consider this report at the conclusion of the meeting as it is designated confidential by the Chief Executive Officer pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in this report is confidential because it contains Council business information being information that would prejudice the Council's position in commercial negotiations. This section is applicable because of the sensitive and varied nature of the information received and considered by the Audit & Risk Committee from time-to-time which can pertain to external stakeholders also.

Carried

### 5.3. CEO Recruitment (Confidential)

Source: Strategy, People and Performance  
Acting CEO: Kaarina Phyland

**CONFIDENTIAL**

RESOLUTION - Item 5.3

Cr Murrhy moved, Cr Cadwell seconded -

That Council consider this report at the conclusion of the meeting as it is designated confidential by the Chief Executive Officer for the purposes of sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in this report is confidential because it contains personal information that would if released result in the unreasonable disclosure of information about personal affairs. This section is applicable because it pertains to personal employment information.

Carried

**CLOSE OF MEETING**

**Cr Mason moved, Cr Cadwell seconded -**

**That the meeting be closed to the public.**

**Carried**

**The meeting was closed to the public at 8.22pm**

**Cr Grzybek moved, Cr Cadwell seconded -**

**That the meeting be re-opened to the public.**

**Carried**

**The meeting was opened to the public at 8.33pm**

**As there was no further business the meeting closed at 8.33pm on Tuesday 28 February 2023.**

**Signed: \_\_\_\_\_**

**Cr Trent Sullivan (Mayor)**

**Date: \_\_\_\_\_**