Meeting opened at 5.30pm

1. **COMMITTEE MEMBERS PRESENT:**
   Councillors Mason, Murrihy, Gryzbek, Aitken, Mansfield, Nelson

2. **OTHER OFFICERS PRESENT:**
   Joanne van Slageren, John Rush, Amelia Green, Sally Beers

3. **APOLOGIES:**
   Councillors Asher & Harwood

4. **CONFIRMATION OF MINUTES:**
   That the minutes of the meeting of [Insert date as circulated] be adopted
   
   Moved: Cr Atkins  
   Seconded: Cr Murrihy  
   Carried

5. **DECLARATION OF INTEREST:**
   Nil

6. **MATTERS FOR CONSIDERATION:**
Application No: PP-606-2018
Applicant: Baade Harbour Australia Pty Ltd
Subject Land: 104-108 Sparks Road, NORLANE
Owner: 104-108 Sparks Road Pty Ltd
Zone: General Residential Zone Schedule 1
Overlays: Nil
Proposed Use: Use and Development of a Medical Centre, Associated Pharmacy and Business Identification Signage

Subject Site

Index

108 SPARKS ROAD, NORLANE

Indicates nearby Objectors. Due to the map size, not all objectors have been identified.
Planning Committee
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Summary

- The subject site is located to the north side of Sparks Road, on a regular shaped lot known as 104-108 Sparks Road, Norlane. The site remains vacant with various trees and shrubs scattered on the land. Vehicle access to the site is gained via the existing crossover located on the southern boundary. The site was previously used as a church which has since been removed. The site has an overall area of approximately 2,850sqm and remains generally flat. The site is encumbered by a four metre wide drainage and sewerage easement located partially along the western boundary.
- The site is located within a General Residential Zone Schedule 1 (GRZ1) and is not covered by any overlays.
- The application proposes to use and develop the land for a medical centre with an ancillary pharmacy and display of business identification signage.
- The application was advertised online, notices were sent to owners and occupiers of adjoining land (including opposite) and an A3 sign was placed on the land.
- Council received five (5) objections relating to the size and scale of development, increase in traffic and noise and the impact on the amenity of the residential area. A consultation meeting was held with one objector attending. Minor amendments were discussed at the consultation meeting with the objector and assessing officer. However following the consultation meeting, no formal amendments were lodged with Council.
- The application has been assessed against the SPPF, MSS and LPPF of the Greater Geelong Planning Scheme and found to be inconsistent with these policies, particularly Clause 22.01 Discretionary Uses in Residential Areas and Clause 32.08 General Residential Zone.
- It is recommended the application is refused subject to the grounds contained in this report.

Alternate Recommendation

Moved: Cr Aitken  
Seconded: Cr Gryzbek

That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to issue a Notice of Decision to Grant a Planning Permit for the Use and Development of a Medical Centre, Associated Pharmacy, Business Identification Signage at 104-108 Sparks Road, NORLANE on the following grounds:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans that were submitted on 17 July 2018, but modified to show:
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a) The entire boundary fencing of the site is to be replaced at the developers expense with acoustic fencing. Where the existing fencing is in good condition and does not require replacement, alterations to the sections of fence are to be undertaken to provide acoustic benefit to the adjoining dwellings.

b) The proposed sign at the front of the site to be reduced in size to no greater than 1.5 metres in height and 1 metre in width.

c) Any free-standing or fence-mounted business or property identification signs must not be located in areas that obstruct the corner splay of any accessway defined in Greater Geelong Planning scheme 52.06-9 Design Standard 1.

d) Lighting is required to illuminate car parks, vehicle accessways and pedestrian paths in accordance with the relevant Australian Standards, which is baffled to the satisfaction of the Responsible Authority so as not to cause detriment to adjoining residential properties, to the satisfaction of the Responsible Authority.

Layout not to be altered

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

Landscaping

3. Before the development starts, a landscape plan prepared by a person suitably qualified or experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and must show:

a) Canopy tree planting, with trees to be a minimum 1.5m tall when planted along the south boundary street frontage between the two driveways.

b) Planting and ground covers to improve the greening of the site to the west, east and north elevations. The plan must provide some screen planting is to include trees and or shrubs that will assist to screen the development from the neighbouring properties.

c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

d) A minimum of 200mm organic mulch to be annotated around the diameter around any retained or proposed trees in lawn areas.

e) Details of an appropriate irrigation system to ensure the planting is maintained.

4. Before the use starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
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5. The landscaping shown on the endorsed plans must be maintained in accordance with the endorsed plans to the satisfaction of the Responsible Authority. Areas shown on the endorsed plan as landscaped must not be used for any other purpose.

Medical Centre - Number of Practitioners

6. Without the written consent of the Responsible Authority, the centre must not be used by more than fourteen (14) qualified practitioners, at any one time and in the event of a roster system being applied, such roster must be arranged to ensure that no overlap of consultation periods occurs.

Hours of operation

7. The use of the Medical Centre may operate only between the following hours:

- Monday to Friday 8.30am to 8pm
  After 6.00pm no more than five (5) medical practitioners may operate from the site
- Saturday 8am to 4pm
- Sunday 9am to 4pm

Ancillary Dispensary/Pharmacy

8. The dispensary/pharmacy must only operate when the Medical Centre is operating in accordance with Condition 7.

Acoustic Report

9. Within three (3) months of the commencement of the use of the medical centre hereby approved, an acoustic report by a suitably qualified person must be undertaken and the report submitted to Council. The report is required to include the Noise levels emitted as measured from the adjoining properties during the day and evening hours. Any provided recommendations, if required, must be carried out to ensure they comply with SEPP N-1 requirements and Condition 11 of this permit to the satisfaction of the Responsible Authority.

The recommendations provided must be carried out to the satisfaction of the Responsible Authority. If the Responsible Authority is of the opinion a peer review of the acoustic report may be required, this will be required at the cost of the owner.
Amenity

10. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:

   a) Transport of materials, goods or commodities to or from the land
   b) Appearance of any building, works or materials
   c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
   d) Presence of vermin.

   To the satisfaction of the Responsible authority

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

12. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

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

Advertising Signage

14. The location, layout, dimensions, structures and features of the approved sign(s) (including the design, colours, materials, degree of illumination, wording and sign type) shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

15. Waste

16. All infectious waste is to be removed by a licensed commercial waste company to the satisfaction of the Responsible Authority.

17. All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.
Construction Management Plan

18. Prior to the commencement of any site works including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must include but not be limited to the following:

a) Delivery and unloading points and expected frequency;

b) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;

c) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;

d) Measures to control noise, dust, water and sediment laden runoff;

e) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan.

Car Parking and Access

19. Before the use starts or any building is occupied, area/s set aside for car parking, access lanes and driveways shown on the endorsed plans must be:

a) Constructed;

b) Formed to such levels and properly drained so that they can be used in accordance with the endorsed plans;

c) Surfaced with an all-weather seal coat;

d) Line marked to indicate each car space;

e) Clearly marked to show the direction of traffic along the access lanes and driveways; and

f) Drained

to the satisfaction of the Responsible Authority.

19. Car parking spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.

20. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.

Engineering – Traffic

21. Clear sight lines must be provided for adequate visibility between vehicles leaving access driveways and pedestrians at the property lines as per Australian Standards AS/NZS 2890.1:2004 S3.2.4 Fig.3.3. Obstructions including letterboxes, meter boxes, front and boundary fencing, vegetation and the like must be restricted to a maximum height of 1m.
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22. Adequate lighting at driveway and throughout car park areas must be provided for safe night time traffic movements in accordance with Australian Standards.

23. Any existing crossing or crossing opening which is not retained must be removed and replaced with nature strip to the existing conditions of the road reserve.

24. All dimensions of the proposed disabled car space must be designed in accordance with Australian Standards and be DDA compliant. The disabled car space must be signed and line marked in accordance with Australian Standards.

Engineering – Drainage

25. Stormwater must not be discharged from the site other than by means of an underground pipe drain discharged to the legal point of stormwater discharge to the satisfaction of the Responsible Authority.

26. Appropriate sediment control measures must be undertaken during construction to ensure that the development site is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

Drainage & Vehicular Access:

27. Prior to the use of the development, the developer must:
   a) Construct the site stormwater system including separate connection into the existing Side Entry Pit (SEP) in Sparks Road via a newly constructed outfall pipe and pit, or other nominated point/s as approved by the Responsible Authority. The stormwater connection must be in accordance with City of Greater Geelong Standard Drawings.
   b) Construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong.
   c) Remove any redundant vehicular crossings with kerb and channel and the footpath/nature strip area reinstated to match existing construction in the street;

all to the satisfaction of the Responsible Authority.

Car Parking

28. Prior to the use of the development, the developer must construct the car park including accessways, surface with an all-weather sealed coat and line mark the car and accessways in accordance with the endorsed plans as well as staff only parking sign to be placed at the start of accessway/thoroughfare to the west side of the property all to the satisfaction of the Responsible Authority.
Stormwater Quality / Management

29. The site stormwater system must be designed and installed such that;
   a) The site stormwater discharge is not increased by the proposed development. An appropriate on site detention system designed in accordance with the Infrastructure Design Manual may be required;

   to the Satisfaction of the Responsible Authority

Use and Development Expiry

30. This permit as it relates to the development of buildings will expire if one of the following circumstances applies:
   a) The development of the building(s) hereby approved has not commenced within two (2) years of the date of this permit.
   b) The development of the building(s) hereby approved is not completed within four (4) years of the date of this permit.
   c) The use has not started within four years of the date of this permit

   The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires; or
   a) Within six (6) months after the permit expires where the use or development has not yet started; or
   b) Within twelve (12) months after the permit expires, where the development allowed by the permit has lawfully commenced before the permit expiry.

Notes:

1. Construction of the site stormwater connection/s is to be inspected by Council Representative prior to any backfilling. An appropriate fee equivalent to 3.25% of total cost of civil works, excluding GST (a minimum fee of $100 applies if the 3.25% amount is less than $100), is to be paid to Council for inspection. Relevant evidential documentation of the cost is to be provided.

2. All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.

3. A Vehicle Crossing Permit must be obtained prior to commencement of works.

Carried
Report

The Site & Locality

The subject site is located on the northern side of Sparks Road, on a regular shaped lot known as 104-108 Sparks Road, Norlane. The site remains vacant with various trees and shrubs scattered on the land. Vehicle access to the site is gained via the existing crossover located on the southern front boundary. The site was previously used as a church which has since been removed. The site has an overall area of approximately 2,850sqm and remains generally flat. The site is encumbered by a four metre wide drainage and sewerage easement located partially along the western boundary.

The site is located within a General Residential Zone Schedule 1 (GRZ1) and is not covered by any overlays. Adjoining the land to the east are seven units on one title and to the west are residential dwellings fronting Princess Highway. Across the road and abutting the site are single dwellings predominately single storey in scale.

Approximately 42 metres to the west of the site is the Princes Highway and a signalised intersection.
The surrounding area is largely residential with nearby non-residential uses including the following as outlined in the applicant’s submission, which includes the map directly below:

- Corio Bay Health Group to the immediate west at 86 Melbourne Road;
- Norlane Dental Surgery at 124 Sparks Road (cnr Plume Street);
- Corio Norlane Uniting Church, Uniting Care Geelong & Norland St Stephens Congregation all at 10 Wendover Street;
- St Thomas Aquinas Primary School & Catholic Church at 51 Plume Street;
- North Shore Football Club at Windsor Park (Rose Ave, Gerbera Ave);
- Norlane RSL Sub Branch at 29/30 Rose Ave;
- Norlane Community Centre at 39 Rose Ave;
- Norlane Child & Family Centre at 52-56 Gerbera Ave;
- Northern Bay College at 57 Tallis Street.

All of these uses are focused in the area shown (below) in an area that is bound by the Princes Highway, Rose Avenue, Station Street and Wendover Avenue.

### Site History

A planning application was lodged in 2017 under PP-792-2017 by the same applicant which was refused by the Development Hearings Panel. No appeal was lodged with VCAT by the applicant or objector.
The previous proposal was for the use and development of a medical centre with an ancillary pharmacy and reduction of bicycle parking and car parking requirements and display of business identification signage.
The previous proposal was to operate between the following times:

- Monday to Friday: 7am-8pm
- Saturday: 7am to 5pm
- Sunday: 9am to 5pm

The previous proposal was to employ the following staff numbers (total of 21):
- 10 general practitioners
- 1 Physiotherapist
- 1 Podiatrist
- 2 Nurses
- 1 Pathologist
- 1 Pharmacist
- 5 administration staff

An ancillary Pharmacy of approximately 95sqm was also proposed.

**Current Proposal**

The application proposes to use and develop the land for a Medical Centre with an ancillary Pharmacy and display of business identification signage.

**Use**

The use is proposed to operate between the following times:

- Monday to Friday: 7am-8pm
- Saturday: 7am to 5pm
- Sunday: 9am to 5pm

The Medical Centre is proposing to employ a total of 14 practitioners on site at any one time which will include, general practitioners, physiotherapists, podiatrists, nurses, pathologists, pharmacist, and administration staff. A breakdown of how many of each proposed was not included within the application detail.

Is it envisaged the Pharmacy will only operate at the times the Medical Centre will operate and will only be accessed through the Medical Centre. The Pharmacy will not operate independently from the Medical Centre, although it is possible to walk in off the street and use the pharmacy without being a patient of the clinic. The pharmacy is approximately 95.4sqm and is deemed to be an ancillary use to the Medical Centre. It is noted within the traffic report that no car parking ratio has been given the pharmacy as it is put forward by the applicant that it is an ancillary operation to the medical centre.

**Buildings and works**

The building is proposed to be double storey in scale and is proposed to contain the following:

**Ground floor:**
- 16 consulting rooms
- 1 Physiotherapy room
- 1 podiatry room
- 1 pathology room
- Pharmacy
- Reception area/administration area
- General amenities for staff and patients
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- Treatment room
- Immunisation room, managers office
- storage

First floor
- Education room
- Meeting room
- Staff lounge and kitchen area
- General office area
- Balcony
- General amenities for staff
- Plant enclosure

The building is proposed to have a front setback of approximately 30 metres with car parking proposed at the sites frontage and at the rear. The application proposes 46 car spaces which meets the statutory requirement for medical centre car parking. Given the Pharmacy is ancillary to the medical centre, a separate car parking rate for a Shop does not apply in this instance.

Two 4m wide vehicle crossovers are proposed along the site’s southern boundary with the existing crossover proposed to be reinstated.

The application proposes three bicycle racks with a total of 6 spaces at the sites entry, these spaces comply with the statutory requirement at Clause 52.34 Bicycle Facilities.

The building will be two storey in form and be constructed from a combination of materials such as brick cladding, cement sheet and timber. Metal roofing is proposed with various pitch ranging from 2 degrees to 13 degrees. The overall height of the building is proposed 8.65m from natural ground level.

**Signage**

The application proposes two types of signs:

**Sign 1**

This sign is proposed to be attached to southern façade of the proposed building and will identify the building as ‘Norlane Medical Centre’ and will have approximate dimensions of 1.5m wide by 4.5m long with an approximate overall area of 6.75sqm.

**Sign 2**

This sign is to be located at the site’s frontage near the southern boundary. This sign will identify the site as ‘Norlane Medical Centre’ and will have the following dimensions:

2.75m high x 1.5m wide with an overall area of approximately 4.12sqm.

There are no details on whether this sign is proposed to contain illumination.
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Definition and Nesting
Pursuant to Clause 73.03 of the Planning Scheme, a Medical Centre is defined as: Land used to provide health services (including preventative care, diagnosis, medical and surgical treatment, and counselling) to out-patients only.

Pursuant to Clause 73.04-9 of the Planning Scheme a Medical Centre is nested in the Office group.

Zone
Clause 32.08 General Residential Zone

The purpose of the General Residential Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage development that respects the neighbourhood character of the area.
- To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Overlay
Non overlays apply to the site.

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

- Pursuant to Clause 32.08-2 and 32.08-9 of the General Residential Zone 1, a permit is required to use and develop the land for a Medical Centre.
- Pursuant to Clause 52.05-9 of the Advertising Signage Particular Provisions, a permit is required to display business identification signage.

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

Cultural Heritage Management Plan (CHMP)

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

In accordance with the above assessment, a Cultural Heritage Management Plan is not required and a Cultural Heritage Management Plan has not been approved.
Coastal Inundation and Erosion

Clause 13.01-1 of the SPPF requires the Responsible Authority to consider the potential coastal impacts of climate change.

Strategies include:
- In planning for possible sea level rise, an increase of 0.2 metres over current 1 in 100 year flood levels by 2040 may be used for new development in close proximity to existing development (urban infill).
- Plan for possible sea level rise of 0.8 metres by 2100, and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.
- Consider the risks associated with climate change in planning and management decision making processes.

The subject site is located within close proximity of existing urban development.

Council’s data indicates that the site is unlikely to be affected by the potential coastal impacts of climate change at 2040.

Landfill Gas Risk Assessment

Before deciding on a Planning Permit application, a Responsible Authority is required to consider, amongst other things:
- Any significant effects the responsible authority considers the environment may have on the use or development [S 60(1) of the PEA].
- Clause 13.03-1 of The State Planning Policy Framework which aims to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

The EPA has adopted the “Best Practice Environmental Management, Siting, Design Operation and Rehabilitation of Landfills” (September 2010) or “Landfill BPEM.”.

The Landfill BPEM identifies that:
- Risks associated with landfill gases may occur for at least 30 years post-closure.
- Appropriate buffer distances must be maintained between the landfill and sensitive land uses. The BPEM recommends a 500 metre buffer for landfills that contained putrescible waste and 200 metres for landfills that contained non-putrescible waste.
- Where the recommended buffers are unavailable, it must be demonstrated that risks are suitably mitigated.
- All buildings and structures and associated infrastructure should be considered.

The BPEM specifies that development undertaken within a buffer distance of up to 500 metres may be at risk. As the subject site is not located within 500 metres of an identified former landfill site, a risk assessment is not required.
Developments in Bushfire Prone Areas

Clause 13.05 (Bushfire) seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

The site is not located within a designated bushfire prone area.

Officer Direct Or Indirect Interest:

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

Planning Policy Framework

11 Settlement

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

Planning is to recognise the need for, and as far as practicable contribute towards:
- Health, wellbeing and safety.
- Diversity of choice.
- Adaption in response to changing technology.
- Economic viability.
- A high standard of urban design and amenity.
- Energy efficiency.
- Prevention of pollution to land, water and air.
- Protection of environmentally sensitive areas and natural resources.
- Accessibility.
- Land use and transport integration.

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

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

13.07 Amenity and Safety

13.07-1S Land use compatibility

Objective

To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.
Strategies

Ensure the compatibility of a use or development as appropriate to the land use functions and character of the area by:

- Directing land uses to appropriate locations.
- Using a range of building design, urban design, operation and land use separation measures.

15.01-5S Neighbourhood character

Objective

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

Strategies

Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.

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

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

17.02-2S Out-of-centre development

Objective

To manage out-of-centre development.

Strategies

Discourage proposals for expansion of singe use retail, commercial and recreational facilities outside activity centres.

Given preference to locations in or on the border of an activity centre for expansion of single use retail, commercial and recreational facilities.

Ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and works in convenient locations.

19.02-1S - Health Facilities

Objective

To assist the integration of health facilities with local and regional communities.
Strategies

Facilitate the location of health-related facilities (including acute health, aged care, disability services and community care facilities) taking into account demographic trends, the existing and future demand requirements and the integration of services into communities.

Provide adequate car parking for staff and visitors of health facilities.

Local Planning Policy Framework
Municipal Strategic Statement

21.18 - Corio Norlane

Key issues and influences

Corio and Norlane, including the residential neighbourhood of North Shore, are established northern suburbs of Geelong with a rich industrial, manufacturing, migrant settlement and working class community history which continues to this day.

The health and wellbeing challenges facing many residents means there is a greater need to provide high quality, easily accessible social infrastructure and services.

The Corio Sub-Regional Activity Centre (Corio Village) is the focus of retailing in northern Geelong and, together with the Waterworld Precinct to the south, forms a recognisable “heart” of the area.

The Land use and built form objectives for Corio Norlane set out at Clause 21.18-2 are:

- Increase the resident population, diversify housing types and support opportunities for urban renewal.
- Improve the role, function and presentation of retail activity centres.
- Boost activity within the “Corio Heart” from the Corio Sub-Regional Activity Centre to the Waterworld Precinct.
- Support major employers that provide the foundation for Geelong’s economic development.

The Communities in Corio and Norlane objectives set out at Clause 21.18 are:

- Improve the health and wellbeing of people living in Corio and Norlane.
- Improve image and identity through a creative arts and ‘greening’ approach.
- Increase social and cultural connection through integration community precinct planning.
- Private active and passive open space to meet the needs of residents and visitors.

Strategies set out at Clause 21.18-2 are:

- Ensure land use and development decisions are guided by the Corio Norlane Framework Plan included in this clause, with further direction provided by the Strategy Maps,
Concept Plans and Neighbourhood Plans in the referenced Corio Norlane Structure Plan.

- Support the on-going improvement and expansion of the Corio Sub-Regional Activity Centre, and the development of retail, offices, cafes/restaurants and health services around the centre.
- Support a diverse mix of uses and improve presentation and safety of local shops.
- Support the development of health and support services, including potential expansion of facilities within the Corio ‘heart’ area.

Local Planning Policies

22.01 – Discretionary Uses in Residential Area

The objective of Clause 22.01 of the Local Planning Policy Framework is to:

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

The following referrals were undertaken:

**Internal**

<table>
<thead>
<tr>
<th>Department</th>
<th>Response</th>
<th>Officer Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineering Services</td>
<td>The application is supported and standard conditions are suggested.</td>
<td>The conditions will be included on any permit to issue.</td>
</tr>
<tr>
<td>Community Development</td>
<td>No comments to make.</td>
<td>Noted, no comments to make and no conditions to be included on any planning permit issued.</td>
</tr>
<tr>
<td>Waste Services</td>
<td>The Waste Management Plan is supported.</td>
<td>The Waste services department is supportive of the application.</td>
</tr>
</tbody>
</table>

AMENDMENT OF THE PROPOSAL PRIOR TO PUBLIC NOTIFICATION:

The application was not formally amended, however an amendment to the site and layout plan was submitted on 17 July 2018 to amend the entrance slightly and also provide swept paths to display that an emergency vehicle (ambulance) could enter and exit the site successfully.

PUBLIC NOTIFICATION:

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

- Notices were sent to owners and occupiers of adjoining land (including opposite)
- A3 sign(s) was placed on the land

AMENDMENT OF THE APPLICATION FOLLOWING PUBLIC NOTIFICATION

No changes were made to the application following the public notification.
CONSULTATION:

As a result of public notification, Council has received five (5) objections. A consultation meeting was held on Tuesday 9 October. Following the meeting, no formal amendments were made to the application although some amendments were suggested by an objector and generally supported by the applicant. The applicant has since confirmed via email with the assessing officer that they would be happy for the discussed changes to the proposal to be included as amended plans on any planning permit, should one be issued.

The concerns of objectors are summarised and commented on below:

OBJECTIONS:

Objection- The proposed size and scale of development for a residential neighbourhood is inappropriate.

Response
The size and scale of the development is considered to be out of character with the immediate surroundings. The extent of hard surface area within the front setback, intensity of the use and the location of the car park area is at odds with the residential character of the area where low scale, single dwellings with large areas of open gardens exist. Sparks Road is predominantly developed with dwellings on single allotments with consistent front and side setbacks and minimal unit development. The scale and intensity of the proposed use and development is considered to be at odds with the existing character. This will be assessed in detail under the assessment section of this report.

The applicant has submitted in their proposal to the VCAT decision that they believe is relevant being Gerald Holwell Pty Ltd v Greater Geelong CC 2018 VCAT 486 in which the tribunal discussed the consideration of a child care centre and that as it was a ‘modern, modest, single storey structure that will fit comfortably in the predominately single storey character of this neighbourhood.’ The current proposal is a significant change from the existing single storey and modest sized dwelling character of the surrounding area. The neighbourhood with its current zoning of General Residential Zone Schedule 1 is unlikely to experience great change to the existing development style and size of the dwellings, therefore the proposed two storey medical centre building standing at an overall height of 8.65 metres is considered to create an anomaly within the streetscape and it is likely to remain that way.

Objection- the proposed hours of operation will impact on the amenity of the residents in the neighbourhood, particularly the hours outside of normal business hours.

Response
It is considered that the proposed hours of operation (7.00am to 8.00pm Monday to Friday and 7.00am to 5.00pm Saturday and 9.00am to 5.00pm Sunday) are not considerate of the residential properties adjoining the subject site. The hours of operation should be started later than 7am as the applicant has confirmed that the staff members would be arriving on site at least 30 minutes before the opening hours to begin set up of the business.
This objection was discussed in detail at the consultation meeting and amended hours of operation were supported by the applicant with the start times for Monday to Friday reduced from 7.00am to 8.30am and Saturday and Sunday 8.00am to 4.00pm.

It was also discussed that after hours (after around 6pm) that no more than 1 to 2 general practitioners would be operating from the site. This is considered to assist with the reduction of the amenity impact of the proposal.

These amendments were not formally lodged following the consultation meeting, however the applicant agreed via email for the amendments to form conditions on any planning permit if one were to issue.

**Objection- proposed fencing types**

**Response**

This objection was discussed at the consultation meeting and it was decided that a standard timber style acoustic fence would be provided to the entire site boundary at the cost of the applicant. Where it was found that the fencing was in good condition, it could be amended to provide some acoustic treatment rather than complete replacement. It is considered that acoustic fencing can be treated via a condition on permit if one were to issue.

**Objection- stormwater increase given the large area of impervious surfaces**

**Response**

The application was referred to the Council’s Engineering Unit for comment. They have considered the storm water runoff and are supportive of the application subject to conditions being included on any planning permit issued, which include such items as on site detention be used to ensure that the site run off amount is not increased from pre development flows.

**Objection- increase in traffic and noise**

**Response**

There is no doubt that as a result of the proposed use, Sparks Road will experience a higher volume of traffic. The Traffic Report submitted by the applicant, identifies approximately 140 vehicle movements per hour during peak times. This is considered to be a significant increase of volume on a road that may not experience this level of traffic compared to what a Road Zone Category 1 road would. Impacts resulting in the coming and going of vehicles from the site and on street parking and noise from vehicles must be considered. This will be further assessed later in this report.

**Objection- pharmacy retail element should not be included and not required**

**Response**

The inclusion of a pharmacy within a medical practice is becoming more common, however the fact that the site is located within a residential should be considered carefully. The pharmacy will be available for use to the public, you will not have to be a patient of the medical centre to use the pharmacy. If not for the pharmacy being ancillary to the medical centre, it would be a prohibited standalone retail use within the General Residential Zone Schedule 1.
There are other pharmacies within the immediate area and it is important to note their locations, in comparison to the current proposal.

The following maps displays two pharmacies within the immediate area of the subject site. They are both located within a Commercial 1 Zone, in an area designated for a retail use and where it would be commonly expected and accepted by the surrounding residents.
ASSESSMENT:

Planning Policy and Zone

11 Settlement

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and services land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.
Planning is to recognise the need for, and as far as practicable contribute towards:

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

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

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

**Response**

The Corio Norlane area has been studied by both the State Government and Council and a structure plan has been created to anticipate and respond to the needs of the existing and future community. The area around Purnell Road and Bacchus-Marsh Road has been identified as a sub-regional hub for community uses and developments.

The recommendation of refusal of this proposal is not ignoring the need for health facilities in the northern suburbs, it is simply identifying that the subject site is not an appropriate location for the level of intensity of the health facility as proposed.

The wellbeing and safety of residents living in residential zones should be protected and enhanced, not diminished by use and development applications that are considered inappropriate for the zone and site location for which they are proposed.

This policy clearly outlines that planning is to prevent amenity problems created by siting incompatible land uses close together. The proposed land use and development is considered to be incompatible due to the intensity of the proposed use and the size of the development. Sparks Road is an existing and intact residential street, with the only non-residential use located within the street being a dental clinic at 124 Sparks Road. The dental clinic has been operating within the street for over 20 years. The website identifies that they have three (3) dental surgeons operating from the site with one additional visiting specialist. This is the type of use and intensity is considered acceptable for a residential neighbourhood.

The dental clinic operate the following days and times:

Monday 8.00am to 5.30pm
Tuesday to Friday 8.00am to 7.00pm
Saturday 9.00am to 4.00pm
Sunday Closed
Finally, this Clause discusses that planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services. The proposed use and development is not considered to be taking full advantage of the settlement patterns for social and community infrastructure and services as the subject site is not within an identified area for a use and development of this intensity and size.

13.07 Amenity and Safety

13.07-1S Land use compatibility

Objective

To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Strategies

Ensure the compatibility of a use or development as appropriate to the land use functions and character of the area by:

- Directing land uses to appropriate locations.
- Using a range of building design, urban design, operation and land use separation measures.

Response

The proposal fails to respond to Clause 13.07-1S of the Greater Geelong Planning Scheme as the proposal will detrimentally impact on the amenity of the existing and established residential neighbourhood of Sparks Road, with the proposal having the high propensity to create off-site effects in the way of additional noise at times irregular to general dwelling noise, through waste collection, air conditioning and heating, vehicle movements, car doors closing, and visual impacts including a free standing sign at the front of the site almost three (3) metres in height, a building which stands at almost 9 metres in height, a significant hard surface area at the front and rear of the site and two crossovers both of 4 metres each.

The land use proposed is not considered appropriate to its location.

15.01-5S Neighbourhood character

Objective

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

Strategies

Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.
Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:

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

**Response**

Sparks Road has a strong pattern of residential development, with consistent front and side setbacks of dwellings, minimal multi dwelling development and dwellings all of similar design and character. If you drive up and down the street, it is clear that this street is an intact residential street with a high level of residential amenity.

Only one non-residential use is found within the immediate vicinity of Sparks Road, and as discussed above, it has been operating for over 20 years and has only a small number of dental surgeons operating from the site (three (3) permanent and one (1) visiting specialist.

**17.02-2S Out-of-centre development**

**Objective**

To manage out-of-centre development.

**Strategies**

Discourage proposals for expansion of singe use retail, commercial and recreational facilities outside activity centres.

Given preference to locations in or on the border of an activity centre for expansion of single use retail, commercial and recreational facilities.

Ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and works in convenient locations.

**Response**

The proposal is considered to be an out-of-centre proposal and as such it should only be considered where the proposed use or development is of net benefit to the community in the region serviced by the proposal.

Would the benefit to the community be outweighed by the detrimental impact the proposal would have on the existing and established residential amenity of the general area. It is considered that the benefit to the wider community should not outweigh the detrimental impacts the intensity of this proposal would have on the residential amenity to the residents of Sparks Road and surrounding streets.
No one should reasonably expect a medical centre of this size and intensity to be constructed next to their dwelling within the General Residential Zone Schedule 1 within a residential street which is highly intact.

There are more appropriate and identified areas within close proximity where the proposal could be developed without impacting on the residential amenity of the existing dwellings and residents, and be collocated with other relevant uses and developments.

**19.02-1S - Health Facilities**

**Objective**

To assist the integration of health facilities with local and regional communities.

**Strategies**

Facilitate the location of health-related facilities (including acute health, aged care, disability services and community care facilities) taking into account demographic trends, the existing and future demand requirements and the integration of services into communities.

Plan public and private developments together, where possible, including some degree of flexibility in use.

Locate hospitals and other large health facilities in designated health precincts and areas highly accessible to public and private transport.

Provide adequate car parking for staff and visitors of health facilities.

**Response**

Council has undertaken significant strategic work to identify areas where uses of this intensity would be best located to benefit the community, now and into the future. This site has not been identified as one that supports the proposal.

**Local Planning Policy Framework**

**Municipal Strategic Statement**

**Clause 21.18 Corio Norlane**

The Geelong Planning Scheme has a specific local policy for Corio and Norlane which states the following:

Ensure land use and development decisions are guided by the Corio Norlane Framework Plan included in this clause, with further direction provided by the Strategy Maps, Concept Plans and Neighbourhood Plans in the referenced Corio Norlane Structure Plan.

- Support the on-going improvement and expansion of the Corio Sub-Regional Activity Centre, and the development of retail, offices, cafes/restaurants and health services around the centre.
The plan is referenced below and identifies land to the north on Purnell Road as a Sub Regional Activity Centre. The zoning around this area is Residential Growth Zone Schedule 2, where changes will be seen at a much greater rate in residential development than will occur around the subject site in Sparks Road. This zoning has been adopted as it surrounds the Corio Sub-Regional Activity Centre. This clearly displays that strategic work has been done to support this type of use and development in an area within Corio Norlane.

The subject site does not fall within the recommended area. The local policy for Corio Norlane is an important document that has been created by the Council and the State Government to guide in its decision making. This document should be given significant weight in making this decision.

Page 5 of 5 Clause 21.18 of Greater Geelong Planning Scheme
Clause 22.01 – Discretionary Uses in Residential Area

The objective of Clause 22.01 of the Local Planning Policy Framework is to:

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

It is policy that:

Preferred Location

- Non-residential uses are located so as to benefit and be convenient to local residents.
- Non-residential uses generally be encouraged to locate on sites which have access to a Road Zone and discouraged from locating within a local access street, access lane or access place. Other locations may be considered appropriate where it can be demonstrated that residential amenity can be protected.
- Residential properties are not isolated between non-residential uses.
- Non-residential uses are encouraged to locate on sites where it can be demonstrated that due to existing conditions or constraints the site has a low standard of residential amenity.
- Shops, offices, taverns and larger medical centres (5 or more practitioners) be located within commercial zones, unless it is adequately justified that this is not practical, in which case the use should be located adjoining a Road Zone.

Response

This policy clearly outlines what is required of a medical centre of more than 5 practitioners and also that residential amenity should be protected above non-residential uses.

The subject site has potential to allow a non-residential use, however the scale should be low as outlined as part of Clause 22.01. This Clause was created to provide clear guidance as to how residential zones and neighbourhoods should be developed. Residential amenity should never be compromised, particularly when there are clear and concise directions within the Greater Geelong Planning Scheme as to how residential amenity can be supported and retained.
There are other non-residential uses within the immediate area, however these uses are small in nature and would not result in significant traffic, noise, visual and general amenity impacts this proposal would have on the existing and preferred neighbourhood character. The existing streetscape and neighbourhood is considered to have a high standard of residential amenity with its residential streetscape intact.

Sparks Road is considered to have a high level of amenity enjoyed by the many residents who live there. There is a clear and existing pattern of residential development within the streetscape and surrounding streets. The subject site is considered to have a high level of residential amenity.

Is the location appropriate for this use?

Clause 22.01 encourages large non-residential uses to be located on sites which have access to a Road Zone and discouraged from locating within a local access street. In particular, the policy is clear where large medical centres (more than 5 practitioners) should be located. The nearest commercial zone is located 500m to the south east which serves as a local neighbourhood and is known as ‘Labuan Square’. Alternatively, Princes Highway is in close proximity to the site and is designated as a Road Zone. Along this road zone, approximately 600m to the south west is land zoned commercial. It is considered the intensity of the use and the building’s large footprint within this residential area is not appropriate and is more appropriate to be located within these commercial areas.

The medical centre proposes 15 practitioners and ancillary pharmacy which is considered large for a residential area. Due to the nature of the business, Council’s local policy encourages non-residential uses to have access to a Road Zone and be located on a corner allotment and discouraged from being located within a local access street.

The subject site is surrounded by residential development and does not have direct access to a Road Zone. The immediate surrounds are characterised with predominantly single storey, low scale dwellings with minimal multi-unit developments having occurred in the area (with the exception of the adjoining property to the east).

The site does not have an interface with any public open space and/or other non-residential uses where public on street car parking is available. Clause 22.01 states that other locations may be considered appropriate where it can be demonstrated that residential amenity can be protected. Whist a medical centre may be acceptable in residential areas, in this instance, the location of the proposed use – nestled in amongst residential properties in a local access street, together with its intensity and built form cannot be considered to operate without causing amenity conflicts.

The street is considered wide enough to accommodate extra traffic, caused by higher volumes of traffic movements as a result of the proposed use. The intensity of the proposed use lends itself to be more suited on a site that fronts a road zone or within a commercial zone, given the increase in traffic and vehicle movements this use is expected to generate. The level of residential amenity on a Road Zone or in a commercial area would be considered lower than that of residential zone. The proposed use will not adjoin any other non-residential uses which would otherwise be already experiencing higher levels of traffic, much like Princess Highway.
The Framework Plan in the *Corio Norlane Structure Plan* identifies areas for increased activity. Sparks Road falls outside of these areas as shown on the map below:

The nearby location to the north is identified as an area for community precinct/hubs to develop. Further to the south-east adjacent to North Shore Station, opportunities for increased activity and density has also been identified. It is within these locations that the scale and intensity of this proposed medical centre may be more appropriate.

It is considered when looking at this structure plan, there is no strategic direction for a large scale non-residential use to be located within this area and therefore should not be supported.

**Noise & Traffic**

The medical centre is considered to exceed normal business operation times, with amendments agreed to by the applicant following a consultation meeting. Noise attenuation measures have been considered and acoustic fencing is proposed along external boundaries.

Clause 22.01 states *Residential amenity be protected from significant changes in traffic conditions and significant increases in on street parking demand*. The Traffic Impact Assessment Report has estimated an additional 130 vehicle movements per hour during peak times, increasing the traffic volumes considerably. Ideally, these types of uses are best located within direct access to a Road Zone, where high volumes of traffic are already present.
Design

The application has been designed to be in accordance with the relevant ResCode standards identified within this Clause. However, given the size of the land being 2850 square metres it would be difficult not to meet these requirements.

Landscaping

A minimum 1.5 metre landscape buffer is encouraged to be provided to separate accessways and car parking areas from adjoining residential properties. Part of the eastern boundary and the entire length of the northern boundary that abut residential properties, are provided with a landscape buffer of approximately 550mm. Furthermore the quantity of landscaping should reflect the scale of the building to ensure screening and softening of visual bulk. The landscape areas proposed do not achieve this.

Car Parking

Under Clause 22.01, car parking is encouraged to the provided at the rear of the site. The application proposes the majority of car parking within the sites front setback, presenting to be out of character when viewed from the streetscape. This is due to the high intensity of the use proposed, as opposed to the open, soft landscaping of the dwellings.

As mentioned above and earlier in this report, the extent of hard surface area, large building footprint and intensity of the use, makes this site inappropriate for a medical centre of this size.

ZONE

Clause 32.08 General Residential Zone

The purpose of the General Residential Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity if housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Response

A medical centre is an ‘as of right use’ within the General Residential Zone Schedule 1 if it can meet the following conditions:

- The gross floor area of all buildings must not exceed 250 square metres.
- Must not require a permit under Clause 52.06-3 (no car parking reduction can be proposed).
- The site must adjoin, or have access to, a road in a Road Zone.
These elements are considered to be highly relevant, in that the Greater Geelong Planning Scheme is outlining the type of medical centre proposals which are encouraged within a General Residential Zone Schedule 1. A relatively small floor area, no car parking reduction proposed so all car parking being provided on site and having a site that adjoins or has direct access to a road in a Road Zone. This is considered to demonstrate that the use of a medical centre can have amenity impacts on adjoining properties in residential areas and that is why it is important for the practice to be small in size and operation, must have all required car parking on site due to an increase in vehicles visiting the site and parking on residential streets, and also that the traffic increase will be such that it would be acceptable and typical of an arterial road in a Road Zone, however not acceptable or typical of a residential street.

Non-residential uses can be supported and are encouraged by the zone where they serve local community needs in appropriate locations.

To further consider the application and whether this is appropriate, the following decision guidelines outlined in this zone have been assessed:

**Whether the use or development is compatible with residential use.**

**Use**
The nature of the business is one where there are a high number of vehicle movements expected. Residential areas are expected to have a high level of amenity. On a site that is surrounded by residential dwellings, it is difficult to demonstrate how the additional traffic generated will not have an impact on the existing amenity of residents. The applicant has submitted an acoustic report and proposes an acoustic fence which will assist to mitigate noise. There are fourteen (14) recommendations that should be put in place as recommended by the acoustic report, in order for the acoustics associated with the use to not be unreasonable to adjoining owners and occupiers of land. It is considered that this number of recommendations is an example of why the use is not appropriate for this location.

**Development**
The proposed built form is considered to be incompatible with the residential area. The proposed built form is shown with a front setback of approximately 30 metres. This large setback frontage will be utilised to accommodate 25 car spaces. This is considered to be out of character with the existing built form and residential area. There is landscaping proposed within the frontage as well as the side boundaries, however visually this landscaping will not eliminate the detrimental visual impacts the car parking and substantially sized building will have on the streetscape.

**Whether the use generally serves local community needs.**

One of the considerations under this zone is whether the use generally serves the local community needs. The community needs for a residential area include being able to enjoy a high level of residential amenity within a residentially zoned neighbourhood. It is acknowledged that a medical centre is a use that generally serves local community needs, however there are many varying intensities of a medical centre use and while in general, a medical centre use will almost always meet a community need, its intensity should also be included within this consideration. As discussed above, the following conditions make the use medical centre ‘as of right’:
The gross floor area of all buildings must not exceed 250 square metres.
Must not require a permit under Clause 52.06-3 (no car parking reduction can be proposed).
The site must adjoin, or have access to, a road in a Road Zone

This is considered to be a significant element of where the need for the community should be provided and at what intensity. It should be low level intensity, have all car parking provided and adjoin or have direct access to a road in a Road Zone. The current proposal is for a high intensity, two storey building which includes a pharmacy and fails to adjoin a Road Zone.

The scale and intensity of the use and development.

The intensity of the use is considered to be significant for a residential area with no adjoining interfaces to public open space and/or other non-residential uses. The number of practitioners, the days and hours of operation, the two storey building the pharmacy and 2.7m high signage at the front of the site all contribute to the intensity of the use and development. The intensity of the use has a large overall potential to cause conflict with the neighbouring residents and their amenity which should be afforded to them given the zoning.

When looking at the site plan, it is clear that the size of the building in comparison to the adjoining dwellings, is too large for a General Residential Zoned parcel of land and the subject site.
The design, height, setback and appearance of the proposed buildings and works.

The proposed design of the building has incorporated articulation and a combination of materials to add visual interest. The setback of the building does provide for a small amount of landscaping, however this does not provide much visual relief from the 1035 square metres of hard surface car parking at the front of the site, or the 8.65m high two storey commercial building proposed on the site. The extent of hard surface areas within the front setback together with the large building footprint of the medical centre is considered to be inconsistent with the residential area where low scale, single dwellings are present. The subject site has an area of
around 2849 square metres, with around 1621 square metres of that area proposed to be taken up with car parking.

Typically when medical centres are proposed in residential areas, they use existing dwellings and retrofit them or build small buildings typical to the size of a dwelling. Car parking is provided at the rear of the site so as not to visually impact the streetscape or character. The intensity and size of this proposal and building result in such a greater need for car parking that it has to be provided at the front and rear of the site.
The quantity of landscaping should reflect the scale of the building to ensure screening and softening of visual bulk and to demonstrate that this non-residential use can sit comfortably within the residential area. Given the large building footprint and the location of the car park, it is not possible to adequately screen the proposed use and development with landscaping.

**The provision of car and bicycle parking and associated accessways.**

The application proposes the required number of car parking and bicycle spaces for the medical centre. Due to the large building and the number of practitioners proposed to operate from the premises, this results in a required 46 car parking spaces which have been provided both in front and at the rear of the site. The car parking area is proposed to occupy around 1,621 square metres of the subject site. This is an indication that the proposals density is too large to fit within the existing residential streetscape which is made up of single dwellings with low site coverage.

**Any proposed loading and refuse collection facilities.**

A waste collection area and service bay has been set aside at the rear of the building. A waste management plan was submitted confirming that bin collection will be from the nature strip and collected by Council. Any medical waste is proposed to be collected privately from the nature strip.

The Acoustic report submitted with the application included recommendations that refuse bins should be located at site that provide minimal annoyance to residential premises. As the site is surrounded by a total of nine (9) dwellings, it would be difficult to find a location where the location of a bin would cause minimal annoyance to residences.

**The safety, efficiency and amenity effects of traffic to be generated by the proposal.**

The proposal does not propose any reduction of car or bicycle parking as there are 46 car parking spaces and 6 bicycle spaces proposed on site. Given the scale and intensity of the use, it is considered there is opportunity for traffic amenity conflicts to arise. The existing conditions of Sparks Road will change as a result of the proposed use, through a significant increase vehicle movements. Given the wide nature of the street, it is likely that parking on the street would occur. When looking at this street, it is intact and contains typically single dwellings with generous front setbacks and rear yards. The impact of the increase in traffic generated by the proposal will have a noticeable impact on the amenity of this residential street.

The purpose of this zone allows ‘educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations’. The intensity of the proposed use will serve the wider community rather than the local community as suggested in the purposes of the General Residential Zone Schedule 1.

**Clause 52.05 – Advertising Sign**

The purpose of Clause 52.05 (Advertising Signs) of the Particular Provisions is to:

- regulate the display of signs and associated structures.
- provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
• ensure signs do not contribute to excessive visual clutter or visual disorder.
• ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Response

The proposed standalone signage is considered to be excessive in response to the guidelines of Clause 52.05 - Advertising Signs where the site is Category 3 – High Amenity Areas – Medium Limitation.

Clause 52.05-9 of the Particular Provisions states that business identification and direction signage (if greater than 0.3sqm) is Section 2 permit required. The decision guidelines have been assessed as follows:

Character

The character of the area is predominantly residential and contains no signage.

The free standing signage proposed at the front of the site is considered to be inappropriate for the site. There are no other businesses operating within this section of Sparks Road and given the size and overall site development it is very clear that the site contains a medical centre. The sign should be reduced significantly in size.

It is considered that any type of business no matter where it is located has the right/need to identify itself. The proposed signage however does not need to be of such a significant size as it is not competing with any other business signage within the street.

Views and Vistas

The signage does not affect any views or vistas, other than being located within a residential street with no other signage other than traffic signage being in existence.

Streetscape, Setting, Site and Building

The proportion, scale and form of the proposed signage are relative to the proposed buildings, however the signage does not require a sign almost 3 metres in height and 1.5m in width, when most walls of dwellings within the street would stand at a similar height.

Structures, Illumination, Logo Box

It is unclear whether any illumination is proposed. The sign should not be illuminated given its residential location, this is a high amenity area as outlined in the categorised area of Clause 52.05.

Road Safety

The signs will not obstruct vision and it is not considered to be mistaken for traffic signals, obstruct views or cause a glare impact.
Clause 52.06 – Car Parking

- To ensure that car parking is provided in accordance with the State Planning Policy Framework and the Local Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Response

Under Clause 52.06, the required number of car spaces for a medical centre is five spaces to the first person providing health services plus three spaces to every other person providing health services. Based on the number of proposed people providing health services which is fourteen (14), a total of 44 car spaces are required. A total of 46 spaces are provided which exceeds the statutory car parking requirement by 2 spaces.

As with any new use, there is potential for on street car parking. Given the scale and intensity of the use it is considered there is opportunity for traffic amenity conflicts to arise. The existing conditions of Sparks Road will change as a result of the proposed use, through increased vehicle movements and on street car parking. The traffic report submitted by the applicant, identifies approximately 130 vehicle movements per hour during peak hours. This is considered to be a significant increase of volume on a road that is unlikely to experience this level of traffic compared to a Road Zone Category 1.

This increase in vehicle movement will have a detrimental impact on the amenity of the residents who currently enjoy a residential street environment.

Clause 52.34 – Bicycle Facilities

The application proposes bicycle racks near the site’s entry and does not seek a reduction. The proposal meets this Clause by providing a total of 6 bicycle parking spaces at the entrance to the site.

Conclusion

Council has clear policies in protecting amenity of existing residential areas from non-residential uses. This is reinforced in the General Residential 1 Zone and Local Policy Clause 22.01 where it encourages uses to be appropriately located and to serve the local community needs and be compatible with the residential use. The location, design, scale and intensity of the proposed use and increased traffic movements will result in an unreasonable amenity impact to the existing and established residential neighbourhood. It is recommended the application be refused.
Application No: PP-319-2017
Applicant: J D Spalding
Subject Land: 755 Peak School Road, LARA
Owner: J D Spalding
Zone: Farming Zone
Overlays: Environmental Significance Overlay 4
          Pt Bushfire Management Overlay
Included in Bushfire Prone area: Yes
Existing Use: Grazing land
Proposed Use: Use and development of the land for the purposes of intensive animal husbandry and a dwelling

Subject Site

755 PEAK SCHOOL ROAD, LARA
Summary

- This application seeks approval to use and development of the land for the purposes of intensive animal husbandry and a dwelling in the Farming Zone at 755 Peak School Road, Lara.
- The subject site is a rural parcel of land yielding a total area 62.6 hectares. The site has a regular shape, and has a width of approximately 388m2 and a length of approximately 1.6km.
- The site is bordered by Peak School Road along the southern boundary, Branch Road along the northern boundary, and an unmade Government Road along the eastern boundary. The site is located directly opposite the You Yangs.
- The site is accessed via Branch Road. Vegetation is located along the Peak School Road property boundary, scattered vegetation is located along the watercourse and throughout the site, and two patches of vegetation are located in the northern section of the allotment.
- The site is flat and the majority of the land has previously been cleared for agricultural pursuits, and divided into six paddocks. A dam is located in each paddock. A watercourse feeds into one of the dams located on the northern section of the site.
- The bulk of the land is now used for mixed farming (grazing / crop raising). Currently 30ha under grazing and 30ha under crop.
- There is no dwelling currently on the land. The property has been retained in the family since 1960 and the land has been continually farmed and managed. The land formed part of a larger land holding that has been fragmented over the years. The applicant inherited this property in 2000 and resides at 355 Plains Road, Lara. He manages the land from this property.
- The site contains three sheds, being a shearing shed, utility shed and a hay shed.
- The subject site and surrounding land are located in a Farming Zone. Under this zone, a planning permit is required to use the land for the purposes of a dwelling on lots under 80ha in size. This is because the scheme identifies that lots under 80ha in size are not large enough parcel be commercially (productively) farmed for grazing or cropping purposes. A planning permit is required on lots under 80ha for a dwelling.
- The site is also partly located in a Bushfire Management Overlay and within an Environmental Significance Overlay 4.
- As seen in the aerial photo below, the land surrounding the subject site is predominately farmed. Despite this, it is noted that the lots adjoining the subject site range in size and are in separate ownership. It is noted that:
  - There are at least 7 properties in the immediate vicinity of the subject site under 80ha in size that do not contain a dwelling. This includes the subject site.
  - There are at least 7 properties in the immediate vicinity of the subject site that are 80ha or above. This is a size the scheme deems to be a suitable land to be used for commercial agricultural production. This includes properties that adjoin the property to the east and west of the subject site.

This is not classified as a pure rural lifestyle area- with no capability of productive agricultural production.
• The proposal seeks approval for the use and development of a dwelling and the use and development of land for the purposes of intensive animal husbandry. The applicant would like the opportunity for his son to reside on site and take over farming activity.

• The applicant proposes to increase fat lamb production from 80 to 200 ewes; maintain wool sales, increase barley production from 15ha to 30ha, introduce farm gate sales for hay; and include breeding heritage poultry.

• A permit is required under the Farming Zone to breed heritage poultry, as the majority of the feed is not sourced from grazing the land. It is intended to breed from 30 pure bred hens and 3 roosters. There is to be 3 separate breeding groups of 10 hens and 1 rooster. There are to be saleable stages, being the sale of Fertile Eggs, Day old chicks, Point of Lay hens and Breeding Trio (2 Hens + 1 Rooster).

• The applicant outlines they need a dwelling to support the agricultural use of the for the following reasons:
  o To support the agricultural land use- allowing for an increase in productivity
  o To provide surveillance for the property and livestock – allowing to increase stocking rates
  o To provide security of plant and equipment
  o To provide supervision for Heritage Poultry.

• It is proposed to construct a single storey four bedroom dwelling to support the agricultural use. The dwelling is to be setback 180m from Branch Road, and just under over 100m for the nearest side boundary and also over 100m from the nearest neighbouring property. No vegetation removal is proposed, and limited cut and fill required. The applicant also advised that the location of the dwelling will not reduce the productive capacity of the subject site. Vehicle access will be via a new gravel driveway (all weather construction) using the existing farm gate access onto Branch Road.

• The application was advertised to adjoining landowners and occupiers and a sign was placed on site. No objections were received.

• The application was also referred to DELWP, DEDJTR, and Council’s Environmental Health and Environment Departments. With the exception of DEDJTR, the application was supported, subject to conditions.

• DEDJTR assessed the whole farm plan and identified significant flaws including:
  o There is no understanding of the overall profits, and farm expenses have not been provided. Expenses could be significant.
  o The plan outlines the farmer will receive the very top end of agronomic production. This is very doubtful.
  o Sheep production is going to be increased from 4.2 DSE/ha to 10.6 DSE/ha. This is based on there being the same 30ha of land available for grazing, which should not be the case as some of this land needs to be taken out for the house site. The average for SW Victoria is 16.3 DSE (Livestock Farm Monitor 2016-2017)
  o The income quoted for lambs is not realistic. It is likely to be less.
  o There is no accounting for losses of livestock. There will always be lamb deaths and sheep deaths.
  o The farmer is quoting 140% lambing. SW Victorian average is 112% with top 20% of farms achieving 123% (Livestock Farm Monitor 2016-2017)
  o Net farm income ($/ha) on average for farms in the SW Victoria is $372/ha, with top 20% farms $748/ha (Livestock Farm Monitor 2016-2017). Based on the applicants
30ha for grazing @ top 20% rates he would earn $22,440. Net farm income is the figure what remains after all costs

- Farm gate sales account for 22% of the farm income. There is no history of this being able to be achieved
- Poultry prices are again quoted as top of the market. Orpington point of lay are advertised @ $45. The farmer is proposing selling for $100. No market for this product has been identified.

- Whilst the applicant has predicted the farm income to be $87,350, it is clear from the above, this figure is highly unlikely to be a reality. The overall profit is unclear, given high expenses are likely and markets have not been secured.

- Having regard to the purpose of the Farming Zone, State and Local Policy, including Council’s MSS, is considered that this application should be recommended for refusal as:

  - The whole farm plans has not demonstrated that the proposal will result in a genuine productive farming activity and does not adequately address the long term productive capacity of the land.
  - It is likely that income will need to be substantially subsidised by off farm income and would be best defined as a lifestyle property according to the Planning Practice Note ‘Rural Residential Development’ and result in the unplanned loss of productive agricultural land.
  - It has not been demonstrated that the farming operation justifies a dwelling on the site.
  - Rural lifestyle properties are highly desired directly opposite the You Yangs and have the real potential to increase land values beyond the agricultural value of the land. This makes it difficult for farmers to consolidate land and remain competitive in the market.
  - The proposal will result in the further fragmentation of rural land at the expense of productive farming practices. Two properties that adjoin the subject site to the east and west are 80 ha in size and productively farmed for cropping and grazing. Rural lifestyle properties located next to productive farms can create conflict and make it difficult for farmers to operate.
  - The proposal is at odds with the long term strategic direction of the Lara Structure Plan, including the retention of the rural landscape setting including views to the You Yangs; and protect agricultural land to the north of Lara.
  - If the proposal is approved, it would set an undesirable precedent for other development in the Lara and ‘Northern Rural area’ as defined in the schedule to the Farming Zone. This would allow opportunity for other landowners on undersized allotments in rural areas to develop their land for rural lifestyle purposes. This in turn would result in the unplanned loss of agricultural land, negative impact on the rural landscape setting and increase the pressure for Council to upgrade roads and provide additional services (this is an unplanned cost).
  - Insufficient information has been provided to assess this application under Clause 13.05-1 (Bushfire planning).

- Furthermore it is noted that the stated purpose of this application, to allow the landowners owners son to reside on the land and take over farming operations, is not a relevant planning consideration.
Recommendation

Moved: Cr Nelson Seconded: Cr Murrihy

That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to Refuse to Grant a Planning Permit for the Use and development of the land for the purposes of intensive animal husbandry and a dwelling in the Farming Zone and Buildings and Works carried out within an Environmental Significance Overlay 4 at 755 Peak School Road, LARA on the following grounds:

1. The use and development of a dwelling on the land is contrary to the purpose of the Farming Zone and the decision guidelines at Clause 35.07-6 of the Greater Geelong Planning Scheme, in particular the guidelines relating to agricultural and dwelling issues.

2. The proposed dwelling does not accord with Clause 14.01 (Agriculture), Clause 21.07-5 (Rural Areas) and Clause 22.05 — (Agriculture, Rural Dwellings and Subdivision) of the Greater Geelong Planning Scheme, in particular by:
   a) The fact that the whole farm plan does not adequately address the long term productive capacity of the land.
   b) Not demonstrating a farming operation that justifies a dwelling on the site.
   c) Resulting in further fragmentation of rural land at the expense of productive farming practices.

3. The proposed dwelling does not accord with Clause 21.13 (Lara) and the wider directives of the Greater Geelong Planning Scheme in that this policy directs rural lifestyle development to be located in the rural living zone around Lara to (non inclusive):
   a) Ensure development does not prejudice the long term strategic directions of the Lara Structure Plan, including the retention of the rural landscape setting including views to the You Yangs.
   b) Protect agricultural land to the north of Lara.

4. The proposal does not provide for the orderly planning of the area, in particular the need to maintain a non-urban break between settlements.

5. The proposal if approved would set an undesirable precedent for other development in the Lara and ‘Northern Rural area’ as defined in the schedule to the Farming Zone.

6. The stated purpose of this application, to allow the landowners owners son to reside on the land and take over farming operations, is not a relevant planning consideration.

7. Insufficient information has been provided to assess this application under Clause 13.05-1 (Bushfire planning).

Carried
Report

The Site & Locality

The subject site is located at 755 Peak School Road, Lara. It is a rural parcel of land yielding a total area 62.6 hectares. The site comprises of a single land holding and is described as Crown Allotment 6, Section B, Parish of Wurdi-Youang. The site has a regular shape, and has a width of approximately 388m2 and a length of approximately 1.6km.

The site is bordered by Peak School Road along the southern boundary, Branch Road along the northern boundary, and an unmade Government Road along the eastern boundary. Access to the site is on Branch Road. Vegetation is located along the Peak School Road property boundary, scattered vegetation is located along the watercourse and throughout the site, and two patches of vegetation are located in the northern section of the allotment.

The majority of the land has previously been cleared for agricultural pursuits, and divided into six paddocks. A dam is located in each paddock. A watercourse feeds into one of the dams located on the northern section of the site.

The site contains three sheds. This includes:

- A shearing shed 25 by 45 foot in size. This shed can comfortably hold 60 ewes. It has a raised shearing board with approximately half the remaining shed concrete, for grain, wool and machinery storage. This is a lockable shed.
- A combine/utility shed that stores equipment
- A hay shed 25 by 50 foot, used to store hay

A machinery shed (20m x 7.5m) is located near to the Southern end of a Sugar Gum plantation within the Northern portion of the site accessed via Branch Road and other farming sheds are located in the centre of the site accessible via Peak School Road.
There is no dwelling currently on the land. The property has been retained in the family since 1960 and the land has been continually farmed and managed. The land formed part of a larger land holding, that has been fragmented over the years. The applicant inherited this property in 2000 and resides at 355 Plains Road, Lara. The applicant manages the land from this property.

The subject site and surrounding land are located in a Farming Zone. Under this zone, a planning permit is required to use the land for the purposes of a dwelling on lots under 80ha in size. This is because the scheme identifies that lots under 80ha in size are not large enough parcel be commercially farmed for grazing or cropping purposes. A planning permit is required on lots under 80ha for a dwelling. An assessment is to be made on whether the dwelling is needed to support the agricultural land use.

As seen in the aerial photo below, the land surrounding the subject site is predominately farmed.

![Aerial photo of land surrounding the subject site](image)

Despite this, it is noted that the lots adjoining the subject site range in size and are in separate ownership. The map below outlined the location of dwellings in the immediate area of the subject site, in particular dwellings on lots over 80ha, dwellings in lots under 80ha. It also notes vacant allotments under 80ha in size, and lots over 80ha in size that have a dwelling entitlement under the zone.
As seen above:

- There are at least 7 properties (highlighted in green), under 80ha in size, in the immediate vicinity of the subject site, that do not contain a dwelling. This includes the subject site.
- There are at least 7 properties (highlighted in pink) that are 80ha or above. This is a size the scheme deems to be a suitable land to be used for commercial agricultural production. This includes properties that adjoin the property to the east and west of the subject site.

The subject site is also located opposite the You Yangs Regional Park. The park is located to the north of the subject site, as seen in the aerial photo below.
Land further to the south is zoned Rural Living. The scheme directs rural lifestyle development to be located within this zone. This zone is identified in the Lara Structure Plan.
Photo 1: The subject site - view from Branch Road
Photo 2: Picture of the subject site from Branch Road and access
Photo 3: The subject view - view from Branch Road to the south
Photo 4: View of the subject site from Branch Road to the south east.
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Photo 5: View of the subject site from Branch Road, looking west to the nearest neighbour.

Photo 6: View of the subject site from Branch Road looking south west.
Photo 7: View from the unmade laneway to the east of the subject site, looking across the subject site.

Photo 8: View on the unmade laneway on the eastern side of the property towards the south
Photo 9: View on the unmade laneway on the eastern side of the property towards the north (You Yangs).

Photo 10: View of the subject site from Branch Road looking east.
Photo 11: View of the subject site from Branch Road looking west- You Yangs and recreational path in the park are located opposite the subject site.
Photo 12: The subject site viewed from Peak School Road
Photo 13: The subject site viewed from Peak School Road
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Photo 14: The subject site viewed from Peak School Road
Photo 15: The subject site viewed from Peak School Road and the abutting unnamed laneway
Planning Committee
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Date: 22 November 2018

Photo 16: The subject site viewed from Peak School Road and the abutting unnamed laneway

Photo 17: The subject site viewed from Peak School Road and the property to the west
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Photo 18: Viewed from Peak School Road - property to the west
Photo 19: Viewed from Peak School Road - property to the west

Photo 20: Viewed from Peak School Road - property to the west

Photo 21: Viewed from Peak School Road - property to the west
Photo 22: Viewed from Peak School Road - property to the west

Photo 23: Viewed from Peak School Road - property to the west
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Photo 24: Viewed from Peak School Road – looking west towards the subject site

Photo 25: Viewed from Peak School Road – looking west towards the subject site
Photo 26: Viewed from Peak School Road to the east of the subject site, near Farrars Road intersection.

Photo 27: Viewed from Peak School Road to the east of the subject site, near Farrars Road intersection- looking west.
Photo 28: The open rural landscape opposite the You Yangs near the Branch Road, Forrest Road intersection.
Photo 29: The open rural landscape opposite the You Yangs near the Branch Road, Forrest Road intersection.

Photo 30: Agricultural land use along Branch Road to the west of the subject site
Photo 31: Agricultural land use along Branch Road to the west of the subject site

Photo 32: Agricultural land use along Branch Road to the west of the subject site
Photo 33: Agricultural land use along Branch Road to the west of the subject site

Photo 34: Open rural landscape opposite the You Yangs, along Branch Road, looking towards the subject site.

Proposal

The proposal seeks approval for:

- The use and development of a dwelling
- The use and development of land for the purposes of intensive animal husbandry

Use and development of a Dwelling

Use

The Farming Zone makes provision for use and development of a Dwelling. As the subject site is under 80ha (being 62.65ha), a planning permit is needed to use the site for the purposes of a dwelling.

The applicant proposes to make the following changes to their whole farm plan and allow his son to live on site and take over the farm operations. The applicant has advised that the whole farm plan has been changed due to the following the following reasons:

- Closure of Geelong Sale Yards (additional transport costs to Ballarat Sale Yards). Viability to produce fat lambs is now questionable.
The introduction of the Avalon Corridor Strategy has recently been created by the COGG and will impact on agriculture in the Corridor, as the now Corridor will develop (eg. housing, industry, tourism) with COGG control.

Planning Scheme Amendment 347 affects all land zoned Farming and acknowledges agricultural production importance while continuing to support and grow the tourism sector. (Another impact on agricultural land).

The applicant states that these changes require a dwelling to support the agricultural use of the land.

The applicant notes the changes to the whole farm plan are as follows:

<table>
<thead>
<tr>
<th>Current Income</th>
<th>Proposed income</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fat Lamb Production</td>
<td>Increase number of ewes from 80 to 200</td>
<td>Productivity of livestock can be increased by bringing ewes and lambs close to the residence for quick spotlight checks of a night to eliminate or kill foxes. The site contains a shearing shed that can comfortably hold 60 ewes for shearing.</td>
</tr>
<tr>
<td>80 lambs @ $140 each - $11,200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grazing land – 30ha</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wool sales = $600.00</td>
<td>Wool sales - $2000</td>
<td></td>
</tr>
<tr>
<td>Grain</td>
<td>Compass barley 30ha sown malting grade yielding 66 tonnes @ $280.00/tonnes = $18,550</td>
<td>A lower production was recorded last year due to the flooding that occurred when the road was graded and part of the property was flooded.</td>
</tr>
<tr>
<td>Compass barley 15Ha sown F1 Grade yielding 32 Tonnes</td>
<td>Compass barley 30ha sown malting grade yielding 66 tonnes = $18,550</td>
<td></td>
</tr>
<tr>
<td>32 tonnes x $245/tonnes = $7840.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heritage Poultry</td>
<td>Fertile eggs/month = 118 eggs</td>
<td>The applicant advised that the inclusion of Heritage poultry is not incidental and not a minor accomplishment to the overall profitability of the farm. The projected income from Heritage bred poultry is $16000 per year.</td>
</tr>
<tr>
<td>Zero</td>
<td>188 eggs = 9 dozen eggs 2 $80.00/dozen- $720.00/month or $8640.00/year</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Day old chicks 30 @</td>
<td></td>
</tr>
</tbody>
</table>
| $10.00 each - $300/month or $3600/year  
Point of lay @ 16 weeks  
20 chicks/year @ $100.00 each= 2000/year  
Total= $13700 | increases profitability. |
It is only by living on site that the farm gate sales suitable for horse consumption can occur.

The northern end of the property is close to equestrian arena and horse trainers/breeders.

The passing traffic along Branch Road, particularly on weekends with visitors to the Your Yangs National Park and the BMC bike complex is well located for passing sales. The potential for poultry farm gate sales is unknown at this stage.

<table>
<thead>
<tr>
<th>Farm Gate sales</th>
<th>Zero</th>
<th>Wheat 10 tonnes @ $0.50/kg = $5000</th>
<th>It is only by living on site that the farm gate sales suitable for horse consumption can occur.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Vetch (popany) 1000kg @ $1.5/kg = $1500</td>
<td>The northern end of the property is close to equestrian arena and horse trainers/breeders.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hay- large round 100 @ $50 each = $5000</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Small squares 500 @$5 each = $2500</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Vetch 300 @ $10 each = $3000</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Barlet straw 500 @$5 each = $2500</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$19,640</td>
<td><strong>Total $19500</strong></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL** $19,640 $87,350

**Increased efficiency by living on the farm**

<table>
<thead>
<tr>
<th>Travel</th>
<th>Using Toyota 1 tonne ute @10km/day x 365 km/year @ 0.70/km - $2500</th>
<th>Using 420 cc Honda Quad bike 52 weeks @ $5.00/week = $260.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shearing</td>
<td>80 ewes shorn $300 cash paid. No toilet required</td>
<td>200 ewes shown</td>
</tr>
<tr>
<td></td>
<td>Cheaper rate for days shearing $600</td>
<td>Toilet required for a day’s shearing</td>
</tr>
<tr>
<td>Time</td>
<td>Time wasted loading tools and equipment onto utes plus travel time. 20 minutes/day time lots/year = 120 hours</td>
<td>No time lost restoring home for equipment</td>
</tr>
</tbody>
</table>

The applicant also noted that pest and plants will be managed on the site. There are limited environmental weeds. Pest and weed control is ongoing, regardless of this application.

The applicant outlines they need a dwelling to support the agricultural use of the land for the following reasons:

- To support a bonefide agricultural land use- allowing for an increase in productivity
• To provide surveillance for the property and livestock – allowing to increase stocking rates
• To provide security of plant and equipment
• To provide supervision for Heritage Poultry.

The dwelling will increase agricultural productivity on the subject site, for the following reasons:

• Reduced time travelled,
• Increased lamb production due to the on site presence of the farmer,
• Increased wool sales due to additional ewes,
• Ability to incorporate farm gate sales due to residing on site and some additional income resulting from the introduction of heritage poultry that cannot be managed without on site presence.
• Allow the owner to breed chickens.
• The environmental condition of the land will be enhanced - this could be achieved by fencing off remnant vegetation, revegetating strategic area such as between remnant stands to develop wildlife corridors and along waterways. The dwelling is sited to retain all vegetation.

The applicant also noted that the dwelling will not impact on surrounding agricultural land as:

• The surrounding area is already fragmented
• Most of the surrounding allotments have a rural residential use.
• It is not considered that the introduction of an additional dwelling would lead to potential for conflict with land uses on surrounding properties.
• Give the intensity of surrounding agricultural land uses, it is not expected that the Dwelling will be adversely affected by typical farm operations nearby.

Development of a dwelling

It is proposed to construct a single storey dwelling, with an overall area of approximately 316 square metres. The dwelling is to contain 4 bedrooms- one with ensuite and walk in robe, an open meals/family/kitchen/rumpus room, a bathroom, laundry, with attached double garage. The dwelling is to be clad in selected base brickwork, with a colorbond roof.

The dwelling is to be setback 180m from Branch Road, and just under over 100m for the nearest side boundary and also over 100m from the nearest neighbouring property. No vegetation removal is proposed, and limited cut and fill required.

The applicant also advised that the location of the dwelling will not reduce the productive capacity of the subject site. A report was submitted from a Senior Agronomist (Hewitt and Whitty (Geelong) Pty Ltd that stated the area to the north west of the subject site is less suitable for productive farming as it will not provide an economically viable return. The area to be used as the domestic zone is to be 0.4ha.

Access

Vehicle access will be via a new gravel driveway (all weather construction) via existing farm gate access onto Branch Road.
Use and development of intensive animal husbandry

The applicant proposes to breed pure breed exotic heritage chickens (Orpington poultry), at four saleable stages.

- Fertile Eggs (transported Australia wide)
- Day old chicks (transported carrier express)
- Point of Lay hens
- Breeding Trio (2 Hens + 1 Rooster)

The expected income in excess of $10,000 per year.

It is intended to breed from 30 pure bred hens and 3 roosters. There is to be 3 separate breeding groups of 10 hens and 1 rooster. In addition it is proposed to have 20 point of lay (aged 1-16 weeks), 30 day old (2-7 days). The maximum number of juvenile birds (point of lay and day olds) will be 50 individuals held on the property at any one time they will be bred on demand of orders. The total maximum number of birds on the property at any time will not exceed 83 individuals. The annual turnover of the birds will be 60 point of lay and 360 days old chickens.

The poultry are to be housed in a 10 by 10 shed with an open air run 18 by 39m. The fencing used to enclose the open range area including the roof will consist of galvanised chicken wire to a height of 6 feet. Chickens will be kept in separate pens to the breeding birds as they will be hatched out of an incubator and moved into heated enclosures (as they can’t maintain their own body temperature. The enclosures are 2 by 1 metres in dimension.

Fully enclosing the chickens in the pens and feeding inside the shed reduces predator interaction. Larger predators will require constant supervision.

The shed will be located on poor agricultural land. The distance from any poultry shed to a sensitive land use beyond the farm boundary is 200m. The outdoor ranges areas are limited to the outdoor runs.

A daily management diary includes to:

<table>
<thead>
<tr>
<th>Morning</th>
<th>Let out the 3 breeding groups into their outdoor runs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Gate and date all fertile eggs and store them for daily rotation (egg viability decreases if they are not rotated/moved on a daily basis, as a chicken would do hopping onto her nest</td>
</tr>
<tr>
<td></td>
<td>Fertile eggs are viable for 14 days after they have been layed and the embryo starts to grow when the temperature remains or exceeds 37.5 degrees Celsius for 48 hours onwards. Once the warming process starts it must not stop until hatching occurs. This is why the fertile eggs must be removed from the nest soon after laying to stop the initial process</td>
</tr>
<tr>
<td></td>
<td>Feed and water</td>
</tr>
<tr>
<td></td>
<td>Point of lay (1 week to 16 week old) group let out into their outdoor run and fed grow out pellet/grains and water changed</td>
</tr>
<tr>
<td></td>
<td>Day olds in their heated insulated brooding box have to be cleaned daily as they are quite messy, water and bedding changed out,. Heating elements checked for correct operation, food (chick crumblers replenished), check incubator for operation, remove any hatched</td>
</tr>
</tbody>
</table>
chickens to the heated brooding box and clean away any egg shells
• Perimeter check from foxes and damaged fencing.

<table>
<thead>
<tr>
<th>Time</th>
<th>Tasks</th>
</tr>
</thead>
</table>
| Afternoon | • Gather and date new fertile eggs and store them for rotation  
• Feed greens and day old bread to check water to the breeding groups and point of lay group, and soften bread for the day old group  
• Check the day old temperatures controlled room is correct 37.5 degree Celsius  
• Check incubator for any hatched chickens and clean away any old egg shells. |
| Evening | • Close up all external runs  
• Check incubator for any hatched chickens  
• Check brooding box for correct temperature 37.5 degree Celsius  
• Perimeter check for foxes  
• Rotate fertile eggs 180 degrees to ensure viability |
| Weekly | • Friday afternoon will include a shed cleaning, sweeping the floor or all animal litter and bedding |
| Monthly | • Parasitic pest check and spot on treatment using a systemic internal and external parasite spot on treatment/preventer  
• High pressure clean of internal areas with water bleach to kill off mites and ticks |
| Quarterly tasks | • Worming  
• Trimming nails and spurs |

Handfeeding makes up the majority of the animal feed intake, being twice daily events, entailing a variety of leafy greens/grains/shell grit/layers pellets/grow out pellets and chick crumbles for the variety of age chickens. Most of the food sources will be grown on site.

The odour smell coming from the facility will be minimal and very important to control as the dwelling is proposed to be 20 metres from the chicken shed. Dead birds will be promptly dealt with and incinerated, cleaning schedule will be weekly (sweeping litter and a high pressure cleaning of the shed) and the generated waste will be put into compost for the garden.

Water requirements for the facility will vary from winter to summer, but rainfall catchment from the chicken shed will supply clean drinking water for the birds and the weekly cleaning requirements.

In addition a machinery shed is proposed to be located near the chicken shed and dwelling. The shed is to be 12x10m and the contain farm equipment.

Note: A planning permit is required for the use because the poultry will be handfed.

**Greater Geelong Planning Scheme**

**Definition and Nesting**

Pursuant to Clause 74 a Dwelling is defined as a building used as a self contained residence which must include:

a) a kitchen sink;

b) food preparation facilities;
c) a bath or shower; and
d) a closet pan and wash basin.

It includes out-buildings and works normal to a dwelling.
Pursuant to Clause 75.1 a Dwelling is nested in the Accommodation Group.

Zone

The subject site (and surrounding properties) are located with a **Farming zone**. The purpose of zone is to:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Overlay

The subject site (and surrounding properties) are located with an **Environmental Significance Overlay 4**. The objectives of the **Environmental Significance Overlay 4** is to:

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

Before deciding on an application, the responsible authority must consider, as appropriate:

- The conservation significance of any vegetation to be removed and its habitat value for native fauna.
- Measures to protect and enhance native vegetation and native fauna habitat of the Victorian Volcanic Plain, including the retention of land form, surface soils and rocks.
- Measures to maintain contiguous areas of native vegetation or native fauna habitat.
- Any relevant strategic grasslands management plan, particularly the potential impact of management activities, such as burning, on any proposed new use or development.
- The impact of any use, development or management of land on the grasslands including the potential impacts of nutrient and water run-off, increased weed and pest invasion or recreational impacts.
- Measures to encourage ecological restoration, regeneration and revegetation with indigenous species.
- The need to adopt a precautionary approach in the absence of scientific certainty.
- The reason for removing any vegetation and the practicality of any alternative options.
The impact on the integrity of the site from the proposed development, disturbance and removal of rock, indiscriminate weed control, habitat fragmentation and isolation and disturbance and destruction of habitat of threatened species.

The proposed management practices for the land including:

- The linking and enlarging of areas of significant flora and fauna habitats.
- Effective and targeted weed control.
- Programs to control or eliminate introduced predatory and pest animal species, in particular foxes, rabbits and hares.
- Rehabilitation of degraded areas through fencing, revegetation with appropriate native species and ongoing management.
- Collection of seed and other plant propagules for rehabilitation projects on and off site.
- The results of any flora and fauna survey and assessment of the land.
- Any Native Vegetation Precinct Plan, Conservation Management Plan, Precinct Structure Plan or other management plan approved for the area by the Minister for Planning or Minister for Environment and Climate Change.
- Any action statement, significant impact guidelines or prescriptions for listed species or habitat of listed species occurring or likely to occur on the land.

Permit required clause and condition

- Pursuant to Clause 35.07-1 of the Farming Zone a permit is required to use the land for the purposes of intensive animal husbandry.
- Pursuant to Clause 35.07-1 of the Farming Zone a permit is required to use the subject site for the purposes of a dwelling.
- Pursuant to Clause 35.07-4 of the Farming Zone a permit is required for the development of a dwelling.
- Pursuant to Clause 42.01-2 of the Environmental Significance Overlay 4 a permit is required for the development of a dwelling.

Restrictive Covenant

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

Cultural Heritage Management Plan (CHMP)

The Aboriginal Heritage Regulations 2007 specify the circumstances in which a cultural heritage management plan is required for an activity or class of activity.

Areas of cultural heritage sensitivity are defined within Division 3 of the Aboriginal Heritage Regulations 2007. Division 3 identifies a small part of the site as within an area of cultural heritage sensitivity. The proposed buildings and works are however located outside this area.

The application is for the construction of one dwelling. This is an exempt activity.

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

COASTAL INUNDATION AND EROSION:
Clause 13.01-1 of the SPPF requires the Responsible Authority to consider the potential coastal impacts of climate change.
Strategies include:

- In planning for possible sea level rise, an increase of 0.2 metres over current 1 in 100 year flood levels by 2040 may be used for new development in close proximity to existing development (urban infill).
- Plan for possible sea level rise of 0.8 metres by 2100, and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.
- Consider the risks associated with climate change in planning and management decision making processes.

The subject site is not located within close proximity of existing urban development.

Council’s data indicates that the site is unlikely to be affected by the potential coastal impacts of climate change at 2040/2100.

**LANDFILL GAS RISK ASSESSMENT**

Before deciding on a Planning Permit application, a Responsible Authority is required to consider, amongst other things:

- Any significant effects the responsible authority considers the environment may have on the use or development [S 60(1) of the PEA].
- Clause 13.01-1 of The State Planning Policy Framework which aims to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

The EPA has adopted the “Best Practice Environmental Management, Siting, Design Operation and Rehabilitation of Landfills” (September 2010) or “Landfill BPEM.”.

The Landfill BPEM identifies that:

- Risks associated with landfill gases may occur for at least 30 years post-closure.
- Appropriate buffer distances must be maintained between the landfill and sensitive land uses. The BPEM recommends a 500 metre buffer for landfills that contained putrescible waste and 200 metres for landfills that contained non-putrescible waste.
- Where the recommended buffers are unavailable, it must be demonstrated that risks are suitably mitigated.
- All buildings and structures and associated infrastructure should be considered.

The BPEM specifies that development undertaken within a buffer distance of up to 500 metres may be at risk. As the subject site is not located within 500 metres of an identified former landfill site, a risk assessment is not required.

**DEVELOPMENTS IN BUSHFIRE PRONE AREAS**

Clause 13.05 (Bushfire) seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
The policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land which is:

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

The proposal is listed at Clause 13.05 as one of the uses or developments which should be considered:

- Subdivisions of more than 10 lots.
- Accommodation.
- Child care centre.
- Education centre.
- Emergency services facility.
- Hospital.
- Indoor recreation facility.
- Major sports and recreation facility.
- Place of assembly.
- Any application for development that will result in people congregating in large numbers.

The site is partially located within a designated bushfire prone area.

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

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

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

It is considered that no bushfire protection measures to address the identified bushfire risk is necessary.

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

- This property is in a designated bushfire prone area.
- Special bushfire construction requirements apply at the Building Permit stage.
- This permit has not determined the Bushfire Attack Level (BAL). The relevant Building Surveyor will be responsible for determining the BAL.
- Any building should consider AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).

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

The purpose of the **Farming Zone** is to:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

**General issues**

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

**Agricultural issues and the impacts from non-agricultural uses**

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.
Dwelling issues

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.

The Schedule to the Farming Zone specifies a Minimum area for which no permit is required to use land for a dwelling of 80 Hectares for land in the 'Northern Rural Area' of Greater Geelong's Farming Zoned areas. Use of land for a Dwelling is a Section 2 (Permit required) use as the pre-conditions listed within the Farming Zone have not been met for this parcel of land at 61.94 Hectares.
OVERLAY:

The objectives of the Environmental Significance Overlay- Schedule 4 are to:

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

Before deciding on an application, the responsible authority must consider, as appropriate:

- The conservation significance of any vegetation to be removed and its habitat value for native fauna.
- Measures to protect and enhance native vegetation and native fauna habitat of the Victorian Volcanic Plain, including the retention of land form, surface soils and rocks.
- Measures to maintain contiguous areas of native vegetation or native fauna habitat.
- Any relevant strategic grasslands management plan, particularly the potential impact of management activities, such as burning, on any proposed new use or development.
- The impact of any use, development or management of land on the grasslands including the potential impacts of nutrient and water run-off, increased weed and pest invasion or recreational impacts.
- Measures to encourage ecological restoration, regeneration and revegetation with indigenous species.
- The need to adopt a precautionary approach in the absence of scientific certainty.
- The reason for removing any vegetation and the practicality of any alternative options.
- The impact on the integrity of the site from the proposed development, disturbance and removal of rock, indiscriminate weed control, habitat fragmentation and isolation and disturbance and destruction of habitat of threatened species.
- The proposed management practices for the land including:
  - The linking and enlarging of areas of significant flora and fauna habitats.
  - Effective and targeted weed control.
  - Programs to control or eliminate introduced predatory and pest animal species, in particular foxes, rabbits and hares.
  - Rehabilitation of degraded areas through fencing, revegetation with appropriate native species and ongoing management.
  - Collection of seed and other plant propagules for rehabilitation projects on and off site.
  - The results of any flora and fauna survey and assessment of the land.
  - Any Native Vegetation Precinct Plan, Conservation Management Plan, Precinct Structure Plan or other management plan approved for the area by the Minister for Planning or Minister for Environment and Climate Change.
Any action statement, significant impact guidelines or prescriptions for listed species or habitat of listed species occurring or likely to occur on the land.

STATE PLANNING POLICY

The following State Planning Policies are applicable to this application:

The purpose of Clause 11.01-1 Settlement networks is to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Planning must consider as relevant the G21 Regional Growth Plan (Geelong Region Alliance, 2013).

The purpose of Clause 11.07-1 Regional Planning is to develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable. The objectives of this Clause include to:

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

The purpose of Clause 11.09-1 Planning for Growth is to optimise infrastructure and consolidate growth.

The purpose of Clause 11.09-4 Environmental assets is to protect, restore and enhance the region’s unique environment.

The purpose of Clause 11.07-5 Agricultural productivity is to secure food, water and energy resources.

Strategies to achieve this include to:

- Support new opportunities in farming, fisheries and energy in a changing climate.
- Support a productive, robust and self sustaining region by harnessing existing energy and natural resources while protecting and enhancing farming and natural assets.
- Protect critical agricultural land, energy and earth resources required to support a growing population by focussing development to existing township areas and directing growth to towns which provide rural services.
- Provide environmental and liveability benefits through the efficient and effective delivery of water infrastructure and services.
The purpose of **Clause 12.01-1 Protection of biodiversity** is to assist the protection and conservation of Victoria’s biodiversity.

The purpose of **Clause 12.01-2 Native vegetation management** is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

The purpose of **Clause 12.04-1 Environmentally Significant Areas** is to protect and conserve environmentally sensitive areas.

The purpose of **Clause 13.02-1 Floodplain Management** is to assist the protection of:
- Life, property and community infrastructure from flood hazard.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.
- Floodplain areas of environmental significance or of importance to river health.

The purpose of **Clause 13.04-1 Noise abatement** is to assist the control of noise effects on sensitive land uses.

The purpose of **Clause 13.04-2 Air Quality** is to assist the protection and improvement of air quality.

The purpose of **Clause 13.05-1 Bushfire planning** is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

The purpose of **Clause 14.01-1 Protection of agricultural land** is to protect productive farmland which is of strategic significance in the local or regional context.

Strategies to achieve this include to:

- Ensure that the State’s agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Limit new housing development in rural areas, including:
  - Directing housing growth into existing settlements.
  - Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.
  - Encouraging consolidation of existing isolated small lots in rural zones.
- Consult with the Department of Economic Development, Jobs, Transport and Resources and utilise available information to identify areas of productive agricultural land.
- Take into consideration regional, state and local, issues and characteristics in the assessment of agricultural quality and productivity.
- Permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.
- In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:
o The desirability and impacts of removing the land from primary production, given its agricultural productivity.
o The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.
o The compatibility between the proposed or likely development and the existing uses of the surrounding land.
o Assessment of the land capability.

- Subdivision of productive agricultural land should not detract from the long-term productive capacity of the land.
- Where inappropriate subdivisions exist on productive agricultural land, priority should be given by planning authorities to their re-structure.
- In assessing rural development proposals, planning and responsible authorities must balance the potential off-site effects of rural land use proposals (such as degradation of soil or water quality and land salinisation) which might affect productive agricultural land against the benefits of the proposals.
- Planning for rural land use should consider:
  o land capability; and
  o the potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.

The objectives of **Clause 14.01-2 Sustainable agricultural land use** is to encourage sustainable agricultural land use.

Strategies to achieve this include to:

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

The purpose of **Clause 14.02-1 Catchment planning and management** is to assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

The purpose of **Clause 14.02-2 Water quality** is to protect water quality.

The purpose of **Clause 14.02-3 Water conservation** is to ensure that water resources are managed in a sustainable way.

The purpose of **Clause 16.01-2 Location of residential development** is to locate new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs, services and transport.
The purpose of Clause 16.02-1 Rural residential development is to identify land suitable for rural living and rural residential development.

Strategies to achieve this include to:

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

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

Municipal Strategic Statement

The strategic direction of Clause 21.02 City of Greater Geelong Sustainable Growth Framework includes to manage urban growth. It states Council will:

- Set clear settlement boundaries and consolidate development within those boundaries in a managed way.
- Encourage diversity in all communities.
- Design healthy, walkable neighbourhoods.
- Strive for engagement and inclusion in all communities.
- Protect, restore and enhance Geelong’s biodiversity and natural systems.

The objectives of Clause 21.05-2 Waterways is to:
• To protect, maintain and enhance waterways, rivers, wetlands and groundwater.
• To protect connectivity between waterways and wetlands.
• To reduce the amount of runoff from urban development and improve the quality of stormwater runoff entering waterways, estuarine and marine waters.

The objectives of **Clause 21.05-3 Biodiversity** is to protect, maintain and enhance the biodiversity of the municipality.

The objective of **Clause 21.05-7 Flooding** is to:
• To protect floodplains.
• To minimise the potential for damage and risks to public safety and property from flooding.

The objectives of **Clause 21.05-8 Wildfire** is to minimise the impacts of wildfire.

The objectives of **Clause 21.07-5 Rural area** is to:
• To support the use of the northern, western and southern rural areas for productive agriculture.
• To ensure that rural areas provide an attractive setting through the preservation of a farmed rural landscape.
• To protect and enhance the Bellarine Peninsula as a productive rural area with highly significant landscapes based on farming and environmental features.

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

The objectives of **Clause 21.12-1 Lara** include to:
• To maintain a compact urban form and provide for sustainable communities.
• To maintain and enhance the rural characteristics of Lara.
• To ensure an adequate supply of appropriately zoned and located residential and commercial land.
• To protect the rural landscape setting of the township particularly to the north overlooking the You Yangs.
• To ensure that any expansion of the Lara Town Centre integrates with the existing retail, commercial and community facilities in the Town Centre.
• To protect and enhance key environmental, cultural and landscape features.
• To protect flood prone areas and areas that cannot be readily drained from urban encroachment.
To protect Avalon Airport, Geelong Ring Road Employment Precinct and the potential intermodal transport facility from urban encroachment and sensitive uses.

Strategies to achieve this include to:

- Contain urban development within the defined settlement boundary in accordance with the Structure Plan map included in this clause.
- Limit Rural Living to existing zoned land within Lara.
- Ensure that land use and development outside the settlement boundary does not prejudice the long term strategic directions identified in the Structure Plan map included in the clause including:
  - Retention of the rural landscape setting including views to the You Yangs;
  - Protection of agricultural land, particularly to the north of Lara and aquaculture or intensive agricultural production activities adjacent and complementary to Avalon Airport;
  - Protection of buffers to the Geelong Ring Road Employment Precinct;
  - Protection of opportunities for a potential intermodal transport facility
  - Protection of the current and future operations and development of Avalon Airport including associated or compatible uses.
The objectives of **Clause 22.05 Agriculture, rural dwellings and subdivision** include to:

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

It is policy that:

- House lot excisions are discouraged.
- The responsible authority will support the construction of a dwelling on a lot zoned Farming where:
  - The responsible authority is satisfied that the construction of a dwelling on the property will not result in the property being removed from agricultural production, and it is demonstrated by the applicant that the primary use of the land will continue to be agriculture.
  - Existing agricultural activity on adjoining land will not be compromised.
  - The proportion of the property used for the dwelling and ancillary infrastructure is minimised, and such development is directed to the area of lowest agricultural quality.
  - The productive capacity of the land is to be preserved and where possible enhanced.
  - This should be achieved through addressing issues such as pest plants and animals and erosion of the land, and can be demonstrated through the development and implementation of a management plan.
  - The environmental condition of the land will be enhanced. This could be achieved by fencing off remnant vegetation, revegetating strategic areas such as between remnant stands to develop wildlife corridors and along waterways.
  - The house is sited and designed so that it will not unduly compromise the farmed rural landscape.
  - A report is submitted with an application that explains the productive potential of the property, and how the primary land use will continue to be agriculture and how the property will be used to contribute to the regions agricultural production, economy and farmed rural landscape.

**Planning Practice 37 Note ‘Rural Residential Development, dated June 2015**

As defined in Planning Practice 37 note ‘Rural Residential Development, dated June 2015, a farm dwellings are defined as follows:

‘Farm workers and their families may need to live in farm dwellings, close to stock, crops or plants that require regular supervision. Farm dwellings that are genuinely required to support an agricultural use are not a form of rural residential development.’
Note:

As oppose to ‘Rural residential development’ is defined as: Rural residential development refers to land in a rural setting, used and developed for dwellings that are not primarily associated with agriculture. Some agriculture may take place on the land however it will be ancillary to the use for a dwelling. It is likely to be carried on for ‘lifestyle’ reasons and is unlikely to provide a significant source of household income.

The practice note acknowledges that intensive agricultural uses can take place on lots smaller than the minimum lot size, but warns that when considering these applications, they need to be considered carefully, to ensure that they do not become unplanned rural residential development.

Referrals

Section 55 Referral

<table>
<thead>
<tr>
<th>Department</th>
<th>DELWP</th>
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<tbody>
<tr>
<td>Response:</td>
<td>The Department of Environment, Land, Water and Planning (DELWP) has considered the above application as a recommending referral authority as identified in Clause 66.04 in the Greater Geelong Planning Scheme and Section 55 of the Planning and Environment Act 1987. Schedule 4 to the Environmental Significance Overlay in the planning scheme applies to the site. I confirm DELWP does not object to the granting of the planning permit. In accordance with Section 66 of the Planning and Environment Act 1987, please provide a copy of the permit, if one is granted, or any notice to grant or refuse to grant a planning permit to the contact person at the above address.</td>
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Officer Comment:

Noted.
Response: Below is my review of the agricultural practices stated in the WFP.

Based on aerial photography from 2004-2017 it appears that the owner is correct that the northern paddocks are the paddocks that have not been cropped during this period, indicating that it is the lower quality agricultural land on the property. Compared to the southern half of the property that has clearly been under cropping during this period. This would support the policy of the Greater Geelong Planning Scheme that if development were to occur it should be directed to the area of lowest agricultural productivity. If it were just a cropping operation there would be no justification to live on the property. Many cropping farmers do not live on the land they crop.

However:

- Having animals on the property does add strength to the need to live on the property
- Chickens particularly will require daily maintenance
- Increase sheep production will also require greater management to ensure animal welfare is maintained at the higher stocking and lambing rates.

That being said:

- The agronomic production stated by the owner in the ‘current income/proposed income’ table is at the very top end of agronomic production. To achieve results like those stated this would have to be a high input farm being managed by a farmer with excellent agronomic skills. There is no account of the farmer’s skill base provided in the WFP.
- To achieve the 2.2ton/ha of compass barley requires soil with high fertility. Without soil test results and historic fertiliser applications being provided in the WFP it is impossible to determine if this level of production is possible. ABS data states the average ton/ha for Victoria is 1.3. The applicant is reporting yield at 2.2ton/ha. This could not be achieved without significant input of fertiliser.
- Fertiliser costs are not included. No operational costs for the operation are included. $87,350 is quoted in the WFP as total proposed income. What are the expenses?
- Sheep production is going to be increased from 4.2 DSE/ha to 10.6 DSE/ha. This is based on there being the same 30ha of land available for grazing. Which should not be the case as some of this land needs to be taken out for the house site. Average for SW Victoria is 16.3 DSE (Livestock Farm Monitor 2016-2017)
- $140/head is the top $ value for lambs. $100-110 is more realistic
- There is no accounting for losses of livestock. There will always be lamb deaths and sheep deaths
- The farmer is quoting 140% lambing. SW Victorian average is 112% with top 20% of farms achieving 123% (Livestock Farm Monitor 2016-2017)
Monitor 2016-2017)

- Net farm income ($/ha) on average for farms in the SW Victoria is $372/ha, with top 20% farms $748/ha (Livestock Farm Monitor 2016-2017). Based on the applicants 30ha for grazing @ top 20% rates he would earn $22,440. Net farm income is the figure what remains after all costs
- Farm gate sales account for 22% of the farm income. There is no history of this being able to be achieved
- Poultry prices are again quoted as top of the market. Orpington point of lay are advertised @ $45. The farmer is proposing selling for $100. No market for this product has been identified.

Officer Comment:
As outlined above, the whole farm plan submitted with the application does not provide comfort that the proposed farming operations result in a productive agricultural land use.

Department: CFA
Response: It is Council’s Policy that an assessment against the requirements of the Bushfire Management Overlay must be provided in areas identified as Bushfire Prone to satisfy the requirements of Clause 13.05-1 (Bushfire planning).

The site is included in the Bushfire Prone Area, however this assessment was not provided by the applicant. As such the application was not referred.

Officer Comment:
It is unclear how the proposal addresses the requirements of Clause 13.05-1 (Bushfire Planning).

INTERNAL

Department: Environmental Health
Response: It is recommended that the following condition be included on any permit issued:

An approved septic disposal system must be installed concurrently with the erection of the (dwelling/restaurant/building/development) and all waste must be disposed of within the curtilage of the property to the satisfaction of the Responsible Authority.

Environmental Health also note that the Intensive Animal Industry is very minor- only 27 pure bred hens and 3 roosters. Therefore no off site amenity impacts anticipated. General amenity condition recommended.
Officer Comment:
Noted.
<table>
<thead>
<tr>
<th>Department: Environment</th>
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<td>Response: I wish to advise that the Environment and Waste Services Unit have no objections to this proposal, subject to the following conditions being included on any permit issued:</td>
</tr>
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1. No native vegetation shall be removed as per the endorsed plan.

2. Prior to the commencement of any works, the vegetation to be retained on site in particular the two Melbourne Yellow Gums *Eucalyptus leucoxylon* ssp. *connata* located on both the western and eastern side of the proposed dwelling shall be protected by Tree Protection Fencing in accordance with *AS4970-2009 Protection of Trees on Development Sites*. Photos of this tree protection must be supplied to the Responsible Authority prior to the commencement of any works.

3. Remnant Patch vegetation within the Branch Road roadside reserve as identified within the Mark Trengove Ecological Report dated August 2017, must be protected by Protection Fencing in accordance with *AS4970-2009 Protection of Trees on Development Sites*. This is to ensure that during construction works the existing access point onto the property does not cause off site impacts on the Remnant Patch vegetation. Photos of the roadside protection fencing must be supplied to the Responsible Authority prior to the commencement of any works.

4. Except with the written consent of the Responsible Authority, none of the following are permitted to occur within the Tree Protection Zone:
   a) vehicular or public pedestrian access.
   b) trenching or soil excavation.
   c) storage or dumping of tools, equipment, soil, stone or waste is to occur.
   d) construction of entry and exit pits for underground services.
   e) temporary or permanent installation of signs and utilities.

5. The Tree Protection Fencing must have signs attached around the fencing which clearly states - TREE PROTECTION ZONE - No Access Permitted.

6. Water run-off must be designed to ensure that native vegetation to be protected is not compromised, to the satisfaction of the Responsible Authority.

7. All building materials, in particular those of the outbuildings are to be non-reflective and of colours which complement those of the
natural landscape.

**Officer Comment:**
Noted.

**AMENDMENT OF THE PROPOSAL PRIOR TO PUBLIC NOTIFICATION:**

The applicant made a request to amend the application pursuant to Section 50 of the Planning and Environment Act 1987 on 1 June 2017 Council accepted the amendment. The amendment made the following changes to the application:

- Fully dimensioned North, South, East and West elevation plans of all buildings and works (ie, dwelling and machinery shed).
- A floor plan of the proposed machinery shed outlining what each room is to be used for.
- Confirmation that the proposed agricultural land use to breed rare Heritage Pure Bred Poultry meets the definition of ‘extensive animal husbandry’. Note that if the use is considered intensive animal husbandry as defined under Clause 74 of the Greater Geelong Planning Scheme, you will need to amend the planning application form to formally apply for this use.
- A whole farm plan that explains the productive potential of the property, and how the primary land use will continue to be agriculture and how the property will be used to contribute to the regions agricultural production, economy and farmed rural landscape.
- Amend the site plan to show the location of the driveway to be used to access the dwelling.

The applicant made a request to amend the application pursuant to Section 50 of the Planning and Environment Act 1987 on 29 August 2017 Council accepted the amendment. The amendment made the following changes to the application:

- Request to amend the applicant- submitted an Request to Amend a Current Application form
- Formally apply for intensive animal husbandry
- Updated site plan, showing the location of the house, poultry shed and runs, machinery shed, driveway and loading apron
- Additional information for whole farm plan, including feeding arrangements and details of intensive animal husbandry
- Vegetation assessment

These are the plans that form the basis of this report.

**PUBLIC NOTIFICATION:**

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

- Notices were sent to owners and occupiers of adjoining land (including opposite)
- A3 sign(s) was/were placed on the land
No objections have been lodged with Council.

**AMENDMENT OF THE APPLICATION FOLLOWING PUBLIC NOTIFICATION**

The applicant was advised that this application was going to be reported to the Development Hearing Panel in December 2017, and recommended for refusal.

The applicant requested that this application be placed on hold to allow time for their new planning consultant to provide additional information for this application and represent them at a DHP meeting in 2018.

On the 9 March 2017, the applicant’s planning consultant submitted additional information to support this application. This included:

- Making changes to the whole farm plan- indicating a higher level of production on site that was previously proposed; and
- Providing a submission outlining why this application should be supported.

**Assessment**

Having regard to the purpose and decision guidelines of the Farming Zone, and the policy directives of Clause 14.01 (Agriculture), Clause 13.05-1 (Bushfire planning), Clause 21.07-5 (Rural Areas) and Clause 22.05 (Agriculture, Rural Dwellings and Subdivision) and Clause 21.12 (Lara) and the wider directives of the Greater Geelong Planning Scheme, it is considered that the key questions to be considered when deciding on this application are:

- Does the whole farm plan adequately address the long term productive capacity of the land?
- Does the level of farming activity justify the need for a dwelling on the site?
- Will further fragmentation of rural land at the expense of productive farming practices?
- Is the proposal consistent with Clause 21.13 (Lara)?
- Is the proposal consistent with Clause 13.05-1 (Bushfire planning)?

**Does the whole farm plan adequately address the long term productive capacity of the land?**

The schedule to the Farming Zone includes the subject site in the ‘Northern Rural Area’. It nominates 80 hectares as the minimum area in which no planning permit is required use the subject site for the purposes of a dwelling.

As outlined in the decision *Pratt v Greater Geelong CC [2006] VCAT 2654 (20 December 2006)*, through analysis of land capability, land quality and land systems, Council has determined the minimum areas required to guarantee the environmental sustainability of the farming system and these are translated into minimum lot sizes for the Rural zone. The review site is within a land system No 3 You Yangs Sandy Loams where farming systems conducted include extensive grazing and broadacre cropping. An 80ha minimum lot size for subdivision and for construction of a dwelling without a permit is set representing the minimum size of land needed to guarantee the sustainability of the farming system.

Following on, the scheme contains very strong policy focus on limiting residential intrusion on substandard lots into the rural areas to achieving the fundamental objective of protecting the agricultural land resource of the municipality. The purpose of the farming zone includes to:
• To provide for the use of land for agriculture.
• To encourage the retention of productive agricultural land.
• To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

Both State and Local policy require consideration be given to ensure that the State’s agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use. In addition, it is policy to assess whether the use or development will support and enhance agricultural production.

The subject site however falls short of 80ha. It is 62 ha in size. Therefore the scheme does not consider this allotment to be a suitable size for traditional commercial farming - that is for sheep grazing and cropping.

In order to supplement farm income, the applicant proposes to breed from 30 pure bred hens and 3 roosters. There is to be 3 separate breeding groups of 10 hens and 1 rooster. The maximum number of juvenile birds (point of lay and day olds) will be 50 individuals held on the property at any one time they will be bred on demand of orders. The total maximum number of birds on the property at any time will not exceed 83 individuals. The annual turnover of the birds will be 60 point of lay and 360 days old chickens. The expected income in excess of $10,000 per year. The question therefore that needs to be asked is whether the inclusion of breeding poultry is considered sufficiently to justify that the land will be used for a viable agricultural activity.

The whole farm plans was referred to the Department of Economic Development, Jobs, Transport and Resources for assessment. They reviewed the applicant’s most recent whole farm plan and concluded:

• The agronomic production stated by the owner in the ‘current income/proposed income’ table is at the very top end of agronomic production. To achieve results like those stated this would have to be a high input farm being managed by a farmer with excellent agronomic skills. There is no account of the farmer’s skill base provided in the WFP.
• To achieve the 2.2ton/ha of compass barley requires soil with high fertility. Without soil test results and historic fertiliser applications being provided in the WFP it is impossible to determine if this level of production is possible. ABS data states the average ton/ha for Victoria is 1.3. The applicant is reporting yield at 2.2ton/ha. This could not be achieved without significant input of fertiliser.
• Fertiliser costs are not included. No operational costs for the operation are included. $87,350 is quoted in the WFP as total proposed income. What are the expenses?
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• $140/head is the top $ value for lambs. $100-110 is more realistic
• There is no accounting for losses of livestock. There will always be lamb deaths and sheep deaths
• The farmer is quoting 140% lambing. SW Victorian average is 112% with top 20% of farms achieving 123% (Livestock Farm Monitor 2016-2017)
• Net farm income ($/ha) on average for farms in the SW Victoria is $372/ha, with top 20% farms $748/ha (Livestock Farm Monitor 2016-2017). Based on the applicants 30ha for grazing @ top 20% rates he would earn $22,440. Net farm income is the figure what remains after all costs
• Farm gate sales account for 22% of the farm income. There is no history of this being able to be achieved
• Poultry prices are again quoted as top of the market. Orpington point of lay are advertised @ $45. The farmer is proposing selling for $100. No market for this product has been identified.
Following on, whilst the applicant has predicted the farm income to be $87,350, it is clear from the above, this figure is highly unlikely to be a reality. The applicant also has not provided any indication of the overall costs associated with these farming activities, and it is evident that there are no secure markets. It is predicted that there may be significant costs associated with these farming activities, and also markets may be hard to secure.

As such, the overall profit is unclear, and it is likely that income will need to be substantially subsidised by off farm income, and best defined as a lifestyle property as defined in the Planning Practice Note ‘Rural Residential Development’. The whole farm plans has not demonstrated that the proposal will result in a genuine productive farming activity.

Following on, it is considered that the proposal will prejudice the objective of maintaining larger rural lot sizes which can continue to be efficiently managed and traded for the purposes of agriculture. This is a critical part of the strategic base for promoting farming in the region in the long term.

It is also considered that will whole farm plan does not provide any comfort that these activities will enhance the productive use of the land for agricultural purposes nor that they will be pursued in the long term, due to:

- the discrepancies and inaccuracies in the whole farm plan;
- the more recent amendments to the whole farm plan increasing sheep production from 80 to 200 sheep once the applicant was told this application was being recommended for refusal to the Development Hearing Panel in December;
- markets have not been secured for the majority of the agricultural uses, including the breeding of poultry.

Does the level of farming activity justify the need for a dwelling on the site

Following on, the Rural Residential Development planning practice note defines ‘rural lifestyle development’ as:

- Land in a rural setting, used and developed for dwellings that are not primarily associated with agriculture.
- Some agriculture may take place on the land however it will be ancillary to the use for a dwelling. It is likely to be carried on for ‘lifestyle’ reasons and is unlikely to provide a significant source of household income.
- Because of its primarily residential function, rural residential development requires access to most of the normal services and infrastructure provided in urban settlements. Typically it also generates urban residential amenity expectations.

Previously outlined, the whole farm plan indicates that a significant source of household income would come from off farm. As such, this proposal is best classified as a rural lifestyle development.

Furthermore, the management requirements of the land would provide little time left for the occupier to pursue further employment to provide for additional income. This was considered a relevant decision in the VCAT appeal Benham v Greater Geelong CC [2011] VCAT 722 (27 April
2011). This puts into doubt whether the farming venture that is relied on to justify the dwelling is a realistic long term proposition.
Following on, it is noted in the VCAT decision *Pratt v Greater Geelong CC [2006] VCAT 2654* (20 December 2006), where it is stated that:

Support for a dwelling on the lot, significantly smaller in size than the area determined as the minimum to guarantee environmental sustainability of the farming system, undermines the aim to break the nexus between vacant rural lots and houses.

I am concerned that the guideline requiring a connection between a dwelling and rural activity invites applicants to present a variety of activities which justify a dwelling. Thus, whilst accepting that some of the proposed activities will lend support for a dwelling, I do not find it appropriate that this forms the only basis on which to justify a dwelling. I am also not convinced that the use of the land for a dwelling will promote farming operations in the long term and I address this matter later in the decision. In the absence of this connection, approval of the application for a dwelling effectively contributes to the dismantling of the rural strategy for the area.

It is considered that the same principles apply to this application. The lot is approximately 20ha below the minimum lot size, and the owners will rely on off farm income. Agriculture will be ancillary to the dwelling. A range of agricultural uses are proposed, however for reasons previously explained, it has not been demonstrated that the dwelling will promote farming operations in the long term. If this application is approved, it will assist in undermining the aim to break the nexus between vacant rural lots and houses.

The stated purpose of this application, to allow the landowners' son to reside on the land and farm, is not a relevant planning consideration. This has been tested at VCAT on many occasions. The lot is capable of being sold at any time after the permit is issued and there is no mechanism available to prevent the lot from being sold outside the Applicant's family. The identity of the intended owner is not therefore a matter which ought to influence the planning decision under the provision of the planning scheme.

**Will further fragmentation of rural land at the expense of productive farming practices**

If this application is supported, it will set an undesirable precedent for other development in the Lara and 'Northern Rural area' as defined in the schedule to the Farming Zone.

This is because in this instance it is noted that:

- There are at least 7 properties (highlighted in green), under 80ha in size, in the immediate vicinity of the subject site, that do not contain a dwelling. This includes the subject site.
- There are at least 7 properties (highlighted in pink) that are 80ha or above. This is a size the scheme deems to be a suitable land to be used for commercial agricultural production. This includes properties that adjoin the property to the east and west of the subject site.
The proposal if approved would set an undesirable precedent as it will:

- Send a clear message to the farming community that they can construct a dwelling on undersized allotments without clearly demonstrating that the land will be productively farmed. Agriculture may take place on the land however it will be ancillary to the use for a dwelling.
- Over time, lead to the unplanned loss of productive agricultural land. It is noted that there are at least 7 properties in the immediate area that could benefit from this decision.
- Make it more difficult for farmers who wish to farm land, in accordance with the purpose of the zone, and to do so freely without having to worry about impacts on sensitive land uses. In this instance, it is noted that site properties to the east and west that are over 80ha and used for grazing and cropping.
- Set an undesirable precedent for dwellings on other small lots in the rural area resulting in the creation of an expectation of development which subsequently leads to increased property values. This cumulatively creates difficulties for existing or proposed productive farms to continue and is inconsistent with the key objective of protecting the agricultural resource base of Geelong’s rural areas.
- Because of its primarily residential function, place pressure on Council to upgrade roads and increase services. These demands involve seeking to have other ratepayers, whether real farmers or urban dwellers, subsidize rural residential lifestyles. This is an unplanned cost to Council
- Alter the rural landscape, increasing the number of dwellings. Note, the landscape setting in this area provides an important backdrop to the You Yangs. Planning policy encourages this area to remain farmed.

As reported in the decision Sincock Planning v Greater Geelong CC [2010] VCAT 1066 (24 June 2010), VCAT determined that:

- **There are circumstances where the Tribunal has granted permits for dwellings on small lots in the Farming zone on the basis that the existence of dwellings on lots has already contributed to the locality being converted to primarily a rural/residential locality.**
- **In these circumstances the Tribunal has taken the view that the ‘horse had already bolted’ in terms of preventing the fragmentation and loss of productive agricultural land and that the construction of another dwelling had no bearing on the achievement of policies and objectives for the Farming zone.**

In this instance it is not considered that the ‘horse has bolted’ in terms of preventing the fragmentation and loss of productive agricultural land. For the reasons listed above, the construction of the dwelling would have a bearing on the achievement of policies and objectives in the Farming Zone, given the site context. The vacant nature of many of these lots means that the continuance of broad acre farming/grazing is achievable.

It is also noted that the subject once, once formed a much larger farming unit. The family have fragmented the farm over the years and benefited from land sales.

**Is the proposal consistent with Clause 21.13 (Lara)**

The objectives of Clause 21.13 (Lara) include to:
- To maintain and enhance the rural characteristics of Lara.
- To protect the rural landscape setting of the township particularly to the north overlooking the You Yangs.
• To protect and enhance key environmental, cultural and landscape features.

Strategies to achieve this include:

• Contain urban development within the defined settlement boundary in accordance with the Structure Plan map included in this clause
• Limit Rural Living to existing zoned land within Lara.
• Ensure that land use and development outside the settlement boundary does not prejudice the long term strategic directions identified in the Structure Plan map included in the clause including:
  o Retention of the rural landscape setting including views to the You Yangs; and
  o Protection of agricultural land, particularly to the north of Lara and aquaculture or intensive agricultural production activities adjacent and complementary to Avalon Airport.

It is considered that the proposal is at odds with the policy requirements of this Clause as:

• The proposal is considered to result in a ‘rural lifestyle’ development, for reasons previously explained. The Lara Structure Plan directs this type of development be located in the rural living zone around Lara.
• The subject site is located to the north of Lara township. The scheme strongly encourages this land in this area to be retained for productive agriculture, rather than used for rural lifestyle.
• The site is located directly opposite the You Yangs, and provides a ‘rural backdrop’ to the Park. Development located on Branch Road opposite the You Yangs. This road provides the main assess to the park and has a ‘rural landscape’ settling directly opposite the park. This is not a rural lifestyle area.

_is the proposal consistent with Clause 13.05-1 (Bushfire planning)._ 

The purpose of Clause 13.05 Bushfire planning is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

The subject site is part included in a Wildfire Management Overlay, and located in a Bushfire Prone Area.

When assessing a planning permit application for the above uses and development, the responsible authority should:

• Consider the risk of bushfire to people, property and community infrastructure.
• Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.
• Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.

Ideally the applicant is to submit the following to enable proper assessment:

• A bushfire hazard site and landscape assessment including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard should be prepared in accordance with AS3959:2009_Construction of buildings in...
bushfire prone areas (Standards Australia) as appropriate. Photographs or other techniques may be used to assist in describing the bushfire hazard.

- A bushfire management statement describing how the proposed development responds to the relevant requirements (e.g., the Clause 44.06. If the application proposes an alternative)

The applicant has not provided a sufficient response to the above, therefore it is unclear how the proposal meets the relevant policy requirements.

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

**Conclusion**
This application seeks approval for the use and development of the land for the purposes of intensive animal husbandry and a dwelling in the Farming Zone and Buildings and Works carried out within an Environmental Significance Overlay 4 at 755 Peak School Road, LARA.

For the reasons outlined in this report, it is considered that the proposal should not be supported. The proposal is at odds with the purpose of the Farming Zone, and State and Local Planning Policy, including Council’s MSS as:

a) The whole farm plan does not adequately address the long term productive capacity of the land.

b) It has not been demonstrated that the farming operation that justifies a dwelling on the site.

c) The proposal will result in the further fragmentation of rural land at the expense of productive farming practices.

d) The proposal is at odd with the long term strategic direction of the Lara Structure Plan, including the retention of the rural landscape setting including views to the You Yangs; and protect agricultural land to the north of Lara.

e) Insufficient information has been provided to assess this application under Clause 13.05-1 (Bushfire planning).

If the proposal is approved, it would set an undesirable precedent for other development in the Lara and ‘Northern Rural area’ as defined in the schedule to the Farming Zone.

Furthermore it is noted that the stated purpose of this application, to allow the landowners owners son to reside on the land and take over farming operations, is not a relevant planning consideration.

Report prepared by Sally Beers
Planning Committee
Minutes of Meeting No: 195
Date: 22 November 2018

7. **LATE REPORTS:**
   
   Nil

8. **NEXT MEETING:**

   Wednesday 12 December 2018

*Meeting closed at Insert time 7.45pm*

Cr Jim Mason
Deputy Chair
22 November 2018