

# PANEL SUBMISSION

## GREATER GEELONG PLANNING SCHEME AMENDMENT C363ggee

### CENTRAL ROAD DRYSDALE REZONING

#### Part B Submission to the Independent Panel

**Panel:** Sarah Carlisle (Chair), Elke Cummins  
**Date:** Monday 24 August 2020  
**Prepared by:** Peter Schembri, Senior Strategic Planner on behalf of the  
City of Greater Geelong



## Contents

<b>INTRODUCTION</b> .....	<b>4</b>
<b>RESPONSE TO SUBMISSIONS</b> .....	<b>7</b>
STRATEGIC PLANNING POLICY AND TOWN CHARACTER.....	7
MARSH COURT LANDOWNERS.....	10
DIRECTLY AFFECTED LANDOWNERS.....	10
CLIFTON SPRINGS (HOLDINGS) PTY LTD (SUBMISSION NO. 15).....	10
COLLEEN AND RUSSELL LINCOLN (SUBMISSION NO. 37).....	12
148-156 CENTRAL RD & 128-132 WYNDHAM ST OWNERS (SUBMISSION NO. 42).....	14
CENTRAL ROAD EAST LANDOWNERS (SUBMISSION NO'S 10 AND 61).....	14
MCLEODS DEVELOPMENTS PTY LTD (SUBMISSION NO. 45).....	15
158-162 WYNDHAM STREET (SUBMISSION NO. 3).....	15
PATRICK HUGHES AND GLENDA MACNAUGHTON (SUBMISSION NO. 27).....	16
LATE SUBMISSIONS.....	17
RESIDENT OF BELLARINE SPRINGS RETIREMENT VILLAGE.....	17
D TOE & J POWELL, THOMAS ST; G & S COLLIER AND F STUART, WYNDHAM ST.....	18
BELLARINE CATCHMENT NETWORK.....	19
<b>RESPONSE TO EVIDENCE TABLED</b> .....	<b>22</b>
MCLEODS DEVELOPMENTS PTY LTD.....	22
DCP ECONOMICS EVIDENCE.....	22
STORMWATER AND DRAINAGE EVIDENCE.....	24
<b>ROAD AND DRAINAGE CONNECTION</b> .....	<b>26</b>
WHAT IS THE ISSUE?.....	26
COUNCIL RESPONSE.....	26
<b>DESIGN AND DEVELOPMENT OVERLAY SCHEDULE 44</b> .....	<b>29</b>
WHAT IS THE ISSUE?.....	29
COUNCIL RESPONSE.....	29
<b>IMPLICATIONS OF NEW RESIDENTIAL ZONE PRACTICE NOTES</b> .....	<b>32</b>
WHAT IS THE ISSUE?.....	32
COUNCIL RESPONSE.....	32
<b>CONCLUSION</b> .....	<b>36</b>
<b>APPENDICES</b> .....	<b>37</b>
APPENDIX 1 – DIRECTLY AFFECTED LANDOWNER SUBMITTER MAP.....	38
APPENDIX 2 – PERMIT APPLICATION 565-2019 SITE PLAN.....	39
APPENDIX 3 – CHANGE TO DPO37 MAP.....	40
APPENDIX 4 – DRAINAGE EASEMENT 164-168 WYNDHAM STREET.....	41
APPENDIX 5 – FRAMEWORK PLAN AND AERIAL MAP OF PUBLIC OPEN SPACE AREAS.....	43
APPENDIX 6 – CHANGES TO DCPO8.....	45
APPENDIX 7 – TRAFFIC ENGINEER ADVICE.....	48
APPENDIX 8 – FORWARD PLANNING ENGINEER ADVICE.....	49

# INTRODUCTION

1. This submission has been prepared by the Planning Authority, the City of Greater Geelong, and seeks the Panel’s support for Amendment C363. The Amendment is at the request of McLeods Developments Pty Ltd.
2. The submission is in response to version 4 Panel Direction #21. At the Hearing Council must provide a Part B submission that:
  - responds to submissions and evidence
  - explains why a road and drainage connection was needed through DDO44 and DPO37
  - explains why the Design and Development Overlay was selected as the appropriate overlay for providing a road and drainage connection
  - explain how guidance in the new residential practice notes affects the Amendment and provide its position in response to the practice notes
  - provides its final position on the Amendment.
3. The land to which the Amendment applies is in Drysdale as shown below.



4. Amendment C363 proposes to rezone the Rural Living Area properties (RLZ) to the General Residential Zone Schedule 1 (GRZ1).
5. Accompanying the rezoning are development overlay controls (Development Plan Overlay and Development Contributions Plan Overlay) to facilitate coordinated site development and the efficient delivery of shared infrastructure.
6. The Amendment also proposes to apply a Design and Development Overlay to the adjoining vacant Residential Area (GRZ1) properties being 1 & 2-20 Sheileen Court and 23 Marsh Court.
7. We laid out the planning history and strategic policy basis for the Amendment in our Part A Submission. That the subject land is designated for general residential development and use is clear and unambiguous. We will briefly take the Panel through some of the key policies in our response to submissions.
8. We firmly believe the Amendment will deliver many long-term local community benefits. Some of these benefits are:
  - Opportunity for new housing, new housing forms and contribution to housing affordability in the town;
  - Housing that is very centrally located – close to the Drysdale Town Centre, the Jetty Road Neighbourhood Activity Centre, schools, childcare, parks, walking trails, sporting fields and community centres;
  - New areas of public open space including a 1 hectare park and passive open space walking and cycle trails that will link McLeods Waterholes and the Drysdale Recreation Reserve to Griggs Creek;
  - Local environmental outcomes including indigenous plantings, new native habitat, reduced flood risk and improved water quality treatment;
  - New infrastructure, being stormwater drainages reserves and basins, upgraded Central Road/ Wyndham Street intersection and Jetty Road pedestrian lights to provide a safe crossing point from the Jetty Road basin pedestrian link to the Griggs Creek trail.
  - Improved road and pedestrian network including a footpath for the length of Central Road;
  - Community infrastructure contributions towards a new regional library and learning hub in the Drysdale Town Centre; and

- Stimulus to the regional and local economies and job opportunities during the construction period.

## RESPONSE TO SUBMISSIONS

9. The key issues raised in submissions are categorised under the following themes:

- Strategic planning policy and town character
- Marsh Court
- Directly affected landowners
- Late submissions

10. It is noted that in Council's Part A submission, Council not only identified the issues raised in the submissions but also put forward submissions in relation to those issues. Below, we take the opportunity to elaborate on the Council's position through further submissions.

11. We also respond to late submissions.

### **Strategic planning policy and town character**

12. 40 submissions object to the rezoning of the site. This included submissions from the Geelong Environment Council, the Combined Bellarine Community Association and the associations of Drysdale Clifton Springs, Barwon Heads, Breamlea, Point Lonsdale, Portarlington and Queenscliffe.

13. Council's Part A submission discussed the extensive planning history of the site. Prior to 1983 the site was zoned 'Rural Future Urban'.

14. Then, as a result of the 1983 Drysdale/Clifton Springs Structure Plan, the site was rezoned 'Rural Residential' – the precursor of the current Rural Living Zone. This direction did not last for long as the 1992 Structure Plan reversed the direction and went back to designating the site for conventional residential development. However, the Rural Residential zone remained on the subject site.

15. It became obvious in the preparation of the 1992 Structure Plan that the population of Drysdale/Clifton Springs, and indeed the whole Bellarine Peninsula, would begin to grow at a rapid rate. The direction for conventional residential had been set by the earlier 1988 Geelong Regional Commission's Strategic Development Strategy. The critical policy was that the towns of Drysdale/Clifton Springs, Ocean Grove and Leopold should accommodate most of the residential growth, act as regional service and employment hubs, consolidate within settlement boundaries and secure non-urban breaks.

16. The policy has served the Bellarine well and informed preparation of the 2010 Drysdale/Clifton Springs Structure Plan. This plan and the Greater Geelong Planning Scheme have continued to designate the site for residential zoning.
17. What is clear is that strategic planning policy for the site cannot be disputed. But equally important, the policy provides certainty for the site's future.
18. This is important because landowners, developers, investors, governments and the community, rely on this certainty to make decisions. Clause 01 of the Greater Geelong Planning Scheme sets out the purpose of the scheme:
  - To provide a clear and consistent framework within which decisions about the use and development of land can be made.
  - To express state, regional, local and community expectations for areas and land uses.
  - To provide for the implementation of State, regional and local policies affecting land use and development
19. It is helpful for the panel to appreciate the significant and unprecedented level of investment the town is experiencing:

Public sector projects:

- Drysdale Bypass \$117m (opened July 2020)
- Tivoli Drive/Portarlington Road intersection \$3.67m (completed August 2020)
- Drysdale Integrated Children's Centre \$13.3m (opened April 2020)
- Drysdale Sporting Precinct, Stage 1 \$6m (constructed), Stage 2 short-term \$13m (funding committed by Federal and State Governments), Stage 3 medium-term \$6m, Stage 4 medium to long-term \$5.5m and Stage 5 long-term \$3.5m. Total for stages 2-5 is \$28 million
- Drysdale Regional Community Learning Hub \$9.1m (construct by 2025).
- North Bellarine 50m outdoor pool Drysdale Sporting Precinct (\$10m Federal Government commitment, scoping study completed, next stage - detailed designs and costings)

Private sector projects:

- Jetty Road Urban Growth Area, Stage 1, over 80% constructed including a Neighbourhood Shopping Centre (Stage 2 rezoning planning scheme amendment likely to commence in 2021)
- Central Walk Drysdale, residential estate
- Ada Street Clifton Springs, residential estate
- Bellarine Springs retirement village, 101 Central Road, Drysdale

- Bellarine Industrial Estate, Murradoc Road, Drysdale
  - Drysdale Town Centre developments including new medical centres and Coles and expanded Aldi supermarkets
  - Expansion of St Ignatius College, Drysdale
20. The population of Drysdale/Clifton Springs (and increasingly Curlewis) is forecast to grow from 14,637 in 2018 to 26,904 in 2041. With a population of this size the town will be as large as Ocean Grove, Torquay and Colac. It will be larger than many regional towns in Victoria, such as Horsham and Gisborne.
  21. The site is estimated to yield at least 550 dwellings. It will eventually be home to approximately 1,400 people who will use, and have been planned to use, the many services and facilities on offer.
  22. We say that rezoning is not only justified in policy but necessary to provide new housing to accommodate the forecast growth. It will assist in achieving housing affordability objectives – particularly as the town's settlement boundary is unlikely to shift outwards any time soon (refer to the State Government's Distinctive Areas and Landscapes process (DAL) for the Bellarine Peninsula and Council's Amendment C395 Settlement Strategy).
  23. Both the Bellarine Peninsula DAL and Amendment C395 seek to consolidate existing town boundaries. The subject site is located inside the Drysdale town boundary. Both policies support the directions for urban growth in the Drysdale/Clifton Springs Structure Plan.
  24. We also say the rezoning is supported by a development framework that has appropriately considered the local environment and character. This does not mean that the character of the area will not change because it will. It will be a suburban character not a rural living character. The new development will contain strategically located areas of public open space and opportunities for native vegetation to establish. There will be upgraded road intersections, improved stormwater drainage, new recreation trails and footpaths – footpaths that are sorely needed to link parts of Drysdale and Clifton Springs to the town centre, schools, sporting fields and parklands.
  25. Finally, we remind the Panel that even if the Panel were not to support the Amendment, the land would remain designated for rezoning in the Greater Geelong Planning Scheme at Clause 21.14. Such a situation would not benefit anyone. It would only create more uncertainty and confusion.

### **Marsh Court landowners**

26. Marsh Court is located immediately east of the Central Road properties. Amendment C363 exhibited overlay controls that would require the Court to continue through to the future Central Road estate road network. Residents of Marsh Court and the owner of 1 Sheileen Court, 2-20 Sheileen Court and 23 Marsh Court objected to the road connection. There were 22 objecting submissions in total.
27. Many submitters suggested a walk-through instead, and some also suggested a drainage easement.
28. Council considered the submissions and decided to remove the requirement for a road connection but retain a requirement for a reserve to provide drainage, pedestrian and cycle functions. The merits of this decision are discussed in subsequent sections.
29. We note that not one submitter has requested to be heard at the Hearing. This is a very strong indication that submitters are satisfied with council's changed position.

### **Directly affected landowners**

30. Directly affected landowners are described in this submission as owners whose land is proposed to be rezoned from Rural Living Zone to General Residential Zone Schedule 1 and applied with a Development Plan Overlay and a Development Contributions Plan Overlay.
31. We received eight submissions from directly affected landowners – two objecting and six supporting. The map at [Appendix 1](#) shows the location of submitter properties. Other than removal of GST inclusive costings from the draft Central Road Development Contributions Plan (DCP), no changes to the Amendment have resulted from these submissions.
32. Some of the supporting submissions raised objections to specific overlay control provisions. We respond to these submissions first.

### ***Clifton Springs (Holdings) Pty Ltd (Submission no. 15)***

33. Operating as Bellarine Springs Retirement Village, the submission supports the rezoning but requests changes to the Development Contributions Plan Overlay Schedule 8 (DCPO8) and the Development Plan Overlay Schedule 37 (DPO37).
34. Council's Part A summarised the submission at paragraphs 212-214. In short, the submission seeks exclusion of the land at 103-111 Central Road from the DCP.

35. We reject the submissions of Clifton Springs (Holdings) to change the DCPO8. In some respect we are disappointed that the submitter is unwilling to accept and pay its share of upgraded and new infrastructure that will benefit its residents. The late submission of a resident of the retirement village is testimony to these benefits.
36. Clearly there is a nexus. In his expert evidence statement Mr Shipp finds:

‘In my view, there is sufficient nexus between the subject site – regardless of whether it is developed for standard density or retirement units – and the infrastructure included in the DCP to satisfy the requirements of the Planning and Environment Act 1987 and the DCP Guidelines.’ (paragraph 67)
37. It is hard to see any proper planning justification for the retirement village development being excluded from the catchment area of the DCP. The Ministerial Direction for the *Preparation and Content of Development Contributions Plans* does not include an exemption for retirement villages.
38. From a land use perspective, there is very little difference between the use of a dwelling and the use of a building for accommodation within a retirement village.
39. The relationship between the Amendment and Permit Application 565-2019 is really a question of timing. We said in the 28 January 2020 Council Report that the DCP should continue to apply to capture contributions if the permit is amended in the future or a subdivision permit is sought. Payments are required so as not to undermine the finances of the DCP and unfairly burden the City with a shortfall of payments (DIL \$210,114 in 2018 dollars).
40. A Notice of Decision to Grant a Permit (PP-565-2019) was issued on 21/08/2020.
41. The Responsible Authority decided to include a permit condition requiring payment of contributions. The condition is drafted as required by Section 46N of the *Planning and Environment Act*. Payment will be prior to occupation of the accommodation units in accordance with any approved Development Contributions Plan.
42. The Planning Permit Assessment Report dated 12/08/2020 states (page 25):

This assessment report therefore considers it is reasonable to apply a condition because:

1. It is likely that the DCP will be approved before the retirement village units are able to be occupied; and
2. The grant of a permit is only supported at this time, on the condition that a condition of the type required by section 46N is imposed, so that the development does not undermine the finances of the DCP.

The recommend condition that will be included on the notice of decision is as follows:

*As required by section 46N of the Planning and Environment Act 1987 a Development Infrastructure Levy must be paid in accordance with any approved Development Contributions Plan that applies to the land. Unless otherwise agreed in writing, the Development Infrastructure Levy must be paid prior to the occupation of any building authorised by this planning permit.*

43. We provide this information because the Panel may have concerns of the likelihood of Clifton Springs (Holdings) ever amending the permit or subdividing. We think either of these scenarios is unlikely and there is real prospect of a shortfall in payments if a condition is not included on the permit.
44. Clifton Springs (Holdings) may appeal the condition to VCAT and that will be for them to decide. NOD Permit 565-2019 is beyond the scope of Amendment C363.
45. With the removal of public open space land items from the DCP, the levy payable by Clifton Springs (Holdings) is reduced from \$513k to \$210k (not including the per dwelling community infrastructure levy).
46. We strongly maintain that the DCPO8 should apply.
47. We do however see merit in removing the DPO37. There is little doubt that the land will be development as an extension to the retirement village. The site plan provided with Permit Application 565-2019 (see [Appendix 2](#)) does not provide any opportunity to connect beyond the southern boundary.
48. We propose to amend the DPO37 planning scheme map as shown in [Appendix 3](#).

***Colleen and Russell Lincoln (Submission no. 37)***

49. We do not interpret this submission as an outright objection because it does not state any objection to the rezoning. The submission acknowledges the inevitability of change. Rather, the submission seeks clarification on existing use rights, applications for planning or building permits, development infrastructure levies and rates valuation.
50. The submission does not say what type of activity is conducted on the land but looking at aerial imagery there appears to be a soil, sand and materials business. Council has not issued any permits for the business nor is there any record of complaints or written directions.
51. The property also contains a single dwelling being the submitter's residence.

52. If the business has been operating continuously for a period of at least 15 years (subject to sufficient proof being provided – see Clause 63.11), the use can lawfully continue regardless of the zone. What we do say is that in time, should houses begin to appear nearby, there is a strong likelihood of complaints. This scenario would be problematic for the business to continue operating in its present form.
53. Clause 63.05 states a use in Section 2 or 3 of a zone (which would apply here) may continue provided no buildings or works are constructed or carried out without a permit.
54. The Development Plan Overlay at Clause 43.04-2 states a permit must not be granted to construct a building or construct or carry out works until a development plan has been approved. This does not apply if a schedule specifically states otherwise.
55. The proposed Development Plan Overlay Schedule 37 (DPO37) allows permits to be granted for drainage works and dwelling extensions including outbuildings before a development plan has been approved. There is no similar allowance for buildings and works associated with the business. In other words, should the DPO37 be applied and before a development plan has been approved, the owner cannot construct or carry out any buildings and works associated with the business that would require a permit.
56. Even after a development plan has been prepared and approved, it is hard to see any circumstance under which a planning permit application associated with the business could be generally in accordance with the development plan. Under this scenario Clause 43.04-2 says a permit cannot be granted.
57. The submission raises concerns about any planning or building applications associated with the business triggering development infrastructure levies. Levies would only be captured if planning permit application was made for subdivision and housing development.
58. That said, as stated in paragraphs 55 and 56, no permit can be granted anyway because of the DPO37.
59. Rate valuations are dependent on a combination of factors including independent annual property valuations. Should the land be rezoned there will likely be an increase in property values in the immediate area and rates are likely to rise over time.

**148-156 Central Rd & 128-132 Wyndham St owners (Submission no. 42)**

60. Two landowners engaged Cardno TGM to lodge a supporting submission. The submission does not request any specific changes to the Amendment controls but does suggest there should be flexibility in development staging, particularly to allow timely access to drainage infrastructure.
61. We consider the Water Technology stormwater management plan is designed to support development staging. The plan will form the basis of the Integrated Water Management Plan required by Development Plan Overlay Schedule 37 (DPO37). DPO37 also allows preparation of two separate development plans – one for either side of Central Road.
62. The submission refers to the ‘Subdivision Layout Concept Plan’ and ‘Road Network Concept Plan’ not being conducive for development of individual parcels. The submission suggests alternative layouts be considered that considers retention of existing dwellings.
63. Any subdivision permit application(s) will need to be generally in accordance with an approved development plan. The development plan would be prepared by a lead developer, and the developer would most likely consult with other landowners forming part of the area in preparing the plan. It will be the responsibility of council’s Statutory Planning Department to approve the plan. We note from past experiences that retention of existing dwellings can be problematic in achieving an optimal subdivision layout.
64. Regarding the Subdivision Layout Concept Plan and Road Network Concept Plan mentioned in the submission, these are plans in technical reports. They are not Amendment documents and they will not appear in the planning scheme. Preparation of the development plan will be guided by the objectives and requirements of the DPO Schedule 37.

**Central Road East landowners (Submission no’s 10 and 61)**

65. Submission no. 10 is from the owner of 145-153 Central Road, Drysdale and Submission no. 61 is from the owner of 113-121, 123-131, 133-143 and 155-173 Central Road, Drysdale. Both owners intend to develop their land for housing.
66. Submitter no. 61 is also the owner of 1 Sheileen Court, 2-20 Sheileen Court and 23 Marsh Court.

67. Council officers met with the submitters on 31 October 2019 to discuss their questions about the draft Central Road DCP. It was agreed that application of GST inclusive costings for drainage should be excluded. Other queries were resolved.
68. Neither submitter has requested to be heard at the hearing. The submitters continue to support the Amendment.

***McLeods Developments Pty Ltd (Submission no. 45)***

69. As the proponent of Amendment C363, McLeods Developments lodged a supporting submission. We note the submission did not request any changes to the Amendment documents.
70. This next section responds to the two objecting submissions.

***158-162 Wyndham Street (Submission no. 3)***

71. The submitters have not requested to be heard at this hearing.
72. The submission raises objections to the Amendment as a whole, agreeing with the submissions of the Drysdale Clifton Springs Curlewis Association and others. The submitters say council has no evidence that a majority of affected landowners support the Amendment.
73. We responded to strategic planning issues earlier in the submission and in our Part A. There is clear policy support for the rezoning. Whether or not affected landowners support the Amendment is not a relevant matter in policy.
74. That said however, majority support for such a proposal is welcomed. The map at [Appendix 1](#) demonstrates that there is majority support. We consider the properties where there is no submission number, would, more than likely, indicate that the owner is supportive – or at least, does not object.
75. The map includes the Late supporting submissions received in June and July 2020.
76. The map does not acknowledge however we acknowledge here, the Ample Investments letter dated 6 July 2020 addressed to Lisa Neville MP and Libby Coker MP. This letter was forwarded to the Panel by Maddocks on 7 July 2020. The letter is written on behalf of landowners who support the Amendment and the names and addresses of those landowners are included in the letter. The corresponding map in the letter shows majority support.

77. So, in-fact, there are only two landowners (2 out of 22) who are known to object outright the rezoning.
78. The submitters also raise concerns related to the use of their home to support people with disabilities. The owners can continue to use the property for this purpose under the GRZ1 and overlay controls.

***Patrick Hughes and Glenda MacNaughton (Submission no. 27)***

79. The submission was summarised and a response provided in Part A. The submitters property is located on the south-west corner of the site addressed as 164-168 Wyndham Street, Drysdale.
80. We do not accept any of the submissions from the landowners. We do not support the requests to change the DPO37 or make consequential changes to the Central Road Drysdale Development Contributions Plan.
81. Other than objection to the Amendment generally, we have interpreted the fundamental aspects of the submission as:
  - i. Remove, relocate or refine land designated for drainage so that the dwelling can be retained; and
  - ii. Remove land designated for co-located open space to allow part of the property to be subdivided and developed for new housing.
82. The northern part of the property is proposed to be developed with the 'ultimate basin'. Land directly south of this basin is required for wetland planting, sediment drying and access. The location and design of the basin is the result of the Water Technology Wetland Functional Design Report and the Water Technology Stormwater Management Plan. This work has been reviewed in the evidence of Mr Bishop and found to comply with industry standards. No drainage expert evidence has been presented to dispute the investigations and findings of these reports.
83. The co-located open space is critical to the broader design and function of the public open space network to link McLeods Waterholes and Griggs Creek. The corner of Jetty Road and Wyndham Street provides an ideal opportunity to create an attractive area of open space for recreation, native vegetation and integration with the existing 25-metre-wide drainage easement. The easement is a significant encumbrance at 31% of the total property area, as shown in [Appendix 4](#).
84. We say the landowners will be fairly compensated in accordance with the provisions of the Development Contributions Plan.

85. Mr Hughes and Ms MacNaughton also raise concerns about impacts on their home glass art studio business. We have not been provided any information about the business nor is there a valid planning permit allowing the use. There is no record of complaints or council directions. We note some submissions highlight that the business acts as an important base for several community projects.
86. We have not investigated whether a permit is required under Clause 52.11 *Home Based Business*. It is most likely the business would meet the requirements of Clause 52.11-1 and the use can continue without a permit. This will not change should the Amendment be approved.

### **Late submissions**

#### ***Resident of Bellarine Springs Retirement Village***

87. Council received a late submission on 22 March 2020 and decided to accept the submission. On 23 March a Delegated Authority Report considered the submission and council's delegate resolved to refer the submission to the C363 panel.
88. The submission was referred to the Panel by email on 23 March 2020.
89. The submitter is a resident of the Bellarine Springs Retirement Village, raises new issues and supports the Amendment. No changes to the Amendment are requested. The submitter is also the spokesperson for a working group of village residents advocating for footpaths along Central Road.
90. The submitter says he wishes to bring some balance to the question of what the local community, does, in fact desire. The submission highlights the critical need for a footpath on Central Road.
91. Regarding Amendment C363, the submission says:
  - the rezoning is the essential pre-cursor to the eventual construction of a footpath to be shared by all residents in the district;
  - local residents will have greater access to more open spaces and public land, enabling more recreational opportunities; and
  - progress the rezoning as quickly as possible, so that we will have clear and safe pedestrian access along Central Road "within our lifetime".
92. The submission demonstrates the unfortunate legacy of a planning disconnect between the communities of Drysdale and Clifton Springs. It also demonstrates the critical role this Amendment will play in bridging the physical divide.

93. The submission notes the Council Minutes of 9 July 2019 which included a petition: *Cr Mason presented a petition from concerned residents requesting pedestrian and cyclist access along Central Road, Drysdale.* The City's reply to the petition organisers was that future construction of the footpath would be completed by developers.
94. The Drysdale Clifton Springs Curlewis Association have been open in saying a Central Road footpath can be constructed without the rezoning. This is simply not the case.
95. The reality is there are many residential subdivisions in the municipality without a footpath network. This is the result of poor design standards particularly in the 1970s and 1980s (Clifton Springs is a good example). The City is committed to improving pedestrian infrastructure and strategically implements special rates and charges schemes (SR&CS).
96. Applying a SR&CS to rural living zoned land is rare. In the case of Central Road, it would be an inefficient use of ratepayers' funds for the City to construct a footpath in an area clearly designated in policy for private sector residential development.
97. Ultimately the approved Amendment will facilitate residential development. Developers, at their cost, will reconstruct Central Road inclusive of footpaths as land fronting Central Road is developed. We have also planned for pedestrian connection to Marsh Court, further improving access to the Drysdale Town Centre.
98. We advise the panel that council received an email from Submitter no. 25 on 11 April 2020 stating "... *if the Rezoning approval and subsequent development is the only way in which the Central Road footpath can be provided then I would request that my previous objection to that proposal be withdrawn.*"
99. The other important issue raised in the submission relates to the Central Road Drysdale Development Contributions Plan. The submission reinforces our position in a very real way that there is sufficient nexus between the future residents of the retirement village and the DCP infrastructure projects.

***D Toe & J Powell, Thomas St; G & S Collier and F Stuart, Wyndham St***

100. The submissions are from directly affected landowners and supportive of the Amendment. The submissions do not request any Amendment changes.

101. The main grounds of support are:

- a desire for certainty;

- the character and nature of the local area has changed dramatically over the last 10 years with the development of surrounding residential housing;
- the area is no longer a suitable location for semi-rural living;
- having rural zoning nearly right in the centre of town is unusual;
- the rezoning will positively contribute to the ongoing growth and development of the local community;
- the precinct is now well-suited to residential rezoning; it is close to schools and childcare for families; and it will connect Drysdale and Clifton Springs;
- incorporating public open space and a shared path connection between Griggs Creek and McLeods Waterhole is a good idea; and
- there is majority support from directly affected residents.

102. We agree with all these submissions.

### ***Bellarine Catchment Network***

103. While not proposing any changes to the Amendment provisions, the Bellarine Catchment Network (BCN) is concerned with the development. The BCN objected based on the following grounds:

- The lack of a detailed ecological assessment; i.e. the assessment has not been undertaken through seasons and the report remains ambiguous on the presence of locally indigenous trees.
- There is a tree assessment for 151, 161 and 171 Jetty Road. Council should request a similar tree assessment supporting documentation be provided on all 28 properties.
- Consideration of a biolink connecting from Griggs Creek up to the Bellarine Rail Trail should be undertaken.
- The stormwater management plan May 2019 is incomplete because 14 hectares of the site has no supporting documentation. Flow path 1 will increase run off through existing housing and there are known flooding problem areas.

104. It was not considered necessary to undertake seasonal ecological assessments in preparing the Amendment. Such assessments may have been appropriate were the land applied with environmental overlays or identified in the 2010 Drysdale Clifton

Springs Structure Plan or were the preliminary *Okologie* assessments to identify and recommend remnant native vegetation, native fauna or other habitat worthy of protection.

105. *Okologie* Consultants are experts in their field and we have no reason to dispute the reports (May 2016 and October 2016). The reports acknowledge limitations of the survey work and recommend detailed assessment to confirm the presence/ absence of native vegetation. Vegetation assessments will be required as part of preparing the Central Road Drysdale Development Plan.
106. The Amendment itself does not trigger a permit to remove native vegetation. The final location of public open space and retention or offsetting of native vegetation will be determined through the preparation of the development plan and planning permit approval processes.
107. Arboricultural assessments by *Let's Talk About Trees* were carried out on 151, 161 and 171 Jetty Road (December 2016) and a further eight properties fronting Thomas Street and the west side of Central Road (February 2018). This area represents the land earmarked for development by McLeods Developments Pty Ltd.
108. Tree assessments were not carried out for the properties fronting Wyndham Street or on the east side of Central Road. As noted in paragraph 105, further vegetation assessments will be required.
109. The proposed Central Road Drysdale Framework Plan contained in the DPO Schedule has been designed to retain and take advantage of trees with arboricultural value (refer to [Appendix 5](#)). The location of the 1-hectare park for instance was determined after assessment by Council parks and environment officers to incorporate suitable, healthy trees.
110. The Amendment will deliver 2.739 hectares of passive open space (not counting encumbered land required for drainage reserves) including a link from McLeods Waterholes to Griggs Creek. This link will provide opportunity to retain canopy trees and recreate natural habitat.
111. The BCN suggestion to consider a biolink connecting Griggs Creek with the Bellarine Rail Trail is not achievable as part of Amendment C363. Neither the creek or the rail trail is located on the Amendment land and the Amendment land does not link the two features.

112. We suggest the BCN should better explain this concept in its submission to the panel. The City is open to the consideration of new environmental initiatives through other processes.
113. Objections about the stormwater management plan have been answered by Mr Bishop in his Expert Opinion Report August 2020. Water Technology worked closely with council drainage engineers and the Corangamite Catchment Management Authority in preparing the plan.
114. As the local drainage authority, Council is satisfied the plan (subject to detailed design and review) will deliver a stormwater system that ensures no adverse impacts to any surrounding land, upstream or downstream.
115. In summary, we welcome the late submission from the BCN. The reality is all the subject land is privately owned and the BCN has not identified any projects current or planned. We say the rezoning presents a real opportunity for the BCN to participate in on-site environmental initiatives as the land is redeveloped.
116. Our position is consistent with the City's Draft Environment Strategy 2020-2030 (page 12):

*While urban development and land use change in our region brings challenges, there are also opportunities to improve biodiversity. Assigning space to conservation reserves and habitat connectivity in new growth areas will support biodiversity and contribution to community health and wellbeing.*

Source: <https://yoursay.geelongaustralia.com.au/DraftEnvStrategy-2020-2030>

## RESPONSE TO EVIDENCE TABLED

### McLeods Developments Pty Ltd

117. McLeods Developments Pty Ltd is the proponent and requested the Amendment.

118. McLeods Developments Pty Ltd has called expert evidence on:

- Development contributions plan economics (Paul Shipp of Urban Enterprise);
- Stormwater and drainage (Warwick Bishop of Water Technology).

119. We generally do not take issue with the evidence which is reflective of the substantial collaboration between council officers and the proponent in preparing the Amendment. This section of our submission responds to the evidence.

120. No other party to the hearing has called expert evidence.

### *DCP economics evidence*

121. We agree with the evidence statement of Mr Shipp, other than lowering the Community Infrastructure Levy (CIL) rate on the retirement village land.

122. At Section 4.7 of his evidence Mr Shipp identifies key post-exhibition changes to the DCP as follows:

- removal of GST from the cost estimates of certain drainage items; and
- removal of public open space land items;

And minor changes to:

- correct the provision trigger for item DI\_LA\_3; and
- correct the annotation for Figure 3 in version 1.8.

123. Council's Part A submission included a track-changes link to the exhibited DCP to account for the removal of GST and open space land items. A clean copy DCP was also linked. This is version 1.8.

124. The changes are consistent with the evidence of Mr Shipp.

125. Corresponding changes to the Development Contribution Plan Overlay Schedule 8 (DCPO8) are shown at [Appendix 6](#).

126. The most significant change arising since council considered submissions on 28 January 2020 and the circulation of Mr Shipp's original DCP evidence dated 30 March 2020 is the removal of public open space land items.

127. The infrastructure items removed are:

- DI\_LA\_5 Central Road 1ha Reserve - Land
- DI\_LA\_6 Linear Open Space - Land
- DI\_LA\_7 Co-Located Open Space – Land
- DI\_OS\_6 Open Space Cash Contribution

128. In Mr Shipp's 30 March 2020 evidence, he stated treatment of the 2.55% difference between the usual 10% open space contribution and the land provision in the precinct of 7.45% does not properly align with the principles of the DCP system. According to the 2007 DCP Guidelines, DCP items must be clearly identified and draw a nexus between the item and the development catchment area.

129. As it stood, the exhibited DCP Section 5.5 required a cash contribution equivalent to 2.55% of the net developable area to ensure compliance with Clause 53.01. Exactly what the contribution would be spent on was not specified. This amounted to \$1,253,612 identified as infrastructure project DI\_OS\_6. The remaining 7.45% was allocated to land passive open space.

130. Mr Shipp stated in his 30 March 2020 evidence that the 2.55% contribution should either be allocated to a specific project or removed from the DCP.

131. We considered the evidence and decided to not only remove the item but also remove all public open space land from the DCP. We presented these changes in our revised Part A Submission.

132. We propose to instead rely on the Schedule to Clause 53.01 *Public Open Space Contribution and Subdivision*. This method is consistent with the method taken in the Armstrong Creek Urban Growth Area, where no unencumbered public open space land is included in DCPs.

133. Our preferred method separates the two schemes (DCP and Clause 53.01) completely, providing clear distinction between the two schemes and simplifying administration.

134. We agree to the minor changes highlighted in paragraph 49 of the evidence statement.

135. In Mr Shipp's statement at Section 5.3 he responds to Submission 15 from Clifton Springs (Holdings). We support the evidence except his view that CIL for dwellings within a retirement village of 50% of the full rate would be appropriate.
136. We consider 100% to be appropriate. Particularly given the Clifton Springs (Holdings) land at 91-101 Central Road – which is also being rezoned – does not pay any contribution at all. We say the full rate is fair and reasonable.
137. The Development Plan Overlay Schedule 37 calls for a variety of lot sizes and densities to encourage a variety of housing types. Some parcels may have attached townhouse development – say located opposite public open space, and other parcels may have larger lots consisting of a single dwelling on each. Under this scenario there is no CIL discount for the parcels that are developed with the townhouses.
138. The Central Road Drysdale DCP arrives at a total of 550 dwellings by calculating 15 lots per net developable hectare (i.e.  $36.7\text{ha} \times 15 = 550$ ). This is a standard calculation based on the Clause 21.06-2 strategy *'Require a minimum residential density of 15 dwellings per hectare in all new urban growth areas.'*
139. Ultimately the total number of dwellings will be determined at the detailed planning stage and permits will need to be generally in accordance with the approved development plan. Given 550 dwellings is the minimum required under policy, we would expect a slightly higher yield. Put simply, the full CIL rate should be payable on each unit of accommodation.
140. Nor is Mr Shipp's position supported in policy. Neither the Minister's Direction on the *Preparation and Content of Development Contributions Plans* or the 2007 DCP Guidelines provide for a reduced CIL rate to retirement villages.

### ***Stormwater and drainage evidence***

141. We do not take any issue with the evidence of Mr Bishop.
142. Mr Bishop has reviewed the functional design of the Interim Jetty Road Retarding Basin/Wetland and considers the asset can be constructed without requiring land at 164-168 Wyndham Street (Mr Hughes & Ms MacNaughton property).
143. This finding provides the Panel with comfort that development can commence immediately (subject to permit) because the proponent owns all the land necessary to construct the interim drainage infrastructure.

144. Regarding the Jetty Road ultimate basin scenario, Mr Bishop finds that it is not possible to retain the dwelling at 164-168 Wyndham Street and he sets out his reasons. We agree with the evidence and it reinforces council's submissions.
145. Mr Bishop provides some discussion about the external catchment including 'the Sheileen Land' (Catchment E1). In particular, he says this land should be included in the RORB modelling of the development site as it will contribute to overland flows through the development, albeit to a minor degree. We agree with this statement.
146. Despite not being referenced in the Development Contributions Plan, the Central Road Retarding Basin/Wetland will largely accommodate all treatment for the portion of E1 discharging to it. There will still be a requirement for any development to achieve BPEM. However, we would prefer to avoid construction of a small Council-owned asset and would not accept an offset through the City's voluntary Stormwater Quality Levy, as this has now been discontinued.
147. The most feasible mechanism to fund an upgrade to the planned Central Road Retarding Basin is likely to be by agreement at permit stage as is allowable under Clause 53.18.
148. We also note Mr Bishop's support for a pedestrian connection on page 20 of his evidence: *'This link can act as a designated overland flow path for runoff from the Sheileen Land and could be designed to safely convey overland flow'*.
149. Mr Bishop has suggested a requirement should be added to the DPO Schedule 37 to ensure an overland flow path is maintained from the eastern properties under the Design and Development Overlay Schedule 44.
150. We propose to amend the Part A submission DPO37 consistent with Mr Bishop's advice as follows (under Section 4.0 Integrated Water Management Plan):

A development plan must include the following requirements:

...

An **Integrated Water Management Plan** that takes an integrated approach to flooding, stormwater and drainage management, is designed with reference to the whole of the catchment, and includes:

...

- Drainage network connection to the residential land applied with Design and Development Overlay Schedule 44~~3~~ east of the site to ensure an overland flow path is maintained.

## ROAD AND DRAINAGE CONNECTION

### What is the issue?

151. The exhibited Amendment proposed that a road be designated to connect the future Central Road development area with the established residential neighbourhood to the east at Marsh Court and Sheileen Court.
152. After receiving 22 submissions objecting to the road connection, Council decided to amend the planning overlay controls to remove the designation for a road connection but retain a connection for pedestrian, cycle and drainage use.
153. The panel is seeking an explanation as to why a road and drainage connection was needed.

### Council response

154. The Drysdale Clifton Springs Structure Plan 2010 includes discussion about the Central Road site and shows a concept plan (refer to Part A Submission pages 34-35). To ensure a coordinated development a Development Plan Overlay (DPO) is recommended, and it is further recommended that the DPO should also apply to the undeveloped Residential 1 zoned land on the east side of Central Road to maximise integration. The concept plan shows a yellow line (road) linking to Sheileen Court and a small park on the north-east corner of 2-20 Sheileen Court.
155. Identification of this connection in the structure plan is not surprising given the historical separation of the two communities – Drysdale and Clifton Springs. The area between the two communities is in fragmented ownership and has been progressively rezoned and subdivided for housing in a haphazard way. East – west road connectivity is particularly poor between Bayshore Avenue and Wyndham street. The situation is exacerbated by the recent development of the retirement village which uses an internal private road network.
156. Trying to achieve better integration between new and old residential areas is not a new problem in Greater Geelong. Rezoning at Manzeene Avenue Lara (Amendment C285), St Leonards Growth Areas 1 and 2 (Amendment C325) and Ash Road West Leopold (Amendment C280) included provisions to provide physical connectivity.
157. At the Manzeene Village estate for example, the Development Plan Overlay Schedule 29 required subdivision design to include a pedestrian reserve connection to the neighbouring established residential properties. The City then acquired one of

these neighbouring properties, demolished the dwelling and constructed a path that connects to the estate. The reserve facilitates pedestrian and cycle movement only.

158. The advantage in this situation is the residential zoned land to the east is currently vacant, undeveloped land in single ownership. There is a live opportunity to ensure future development of 1 Sheileen Court, 2-20 Sheileen Court and 23 Marsh Court provides the appropriate connectivity.
159. Connecting the two neighbourhoods has benefits for both communities. Residents of the Central Road area and surrounds will have improved pedestrian and cycle access to the Drysdale Town Centre and residents of Marsh Court will have easy access to the planned one-hectare park on Central Road. Neighbours can also more easily visit neighbours without needing to drive.
160. Provision for the connection is well supported in policy at clauses 15.01-3S, 19.02-6S, 21.08-5, 21.14-3 and 56.06.
161. The exhibited Amendment C363 proposed a road connection consistent with the direction in the Drysdale Clifton Springs Structure Plan. Marsh Court is designed to an Access Street - Level 1 (Standard C21 of Clause 56.06 Access and Mobility Management), though it functions as a court. It would be expected that were a road to continue to the Central Road site a similar standard road design would be constructed to carry local traffic only.
162. In considering opposing submissions and advice from Council's traffic engineer, it was decided to remove provision for a road connection. Council's traffic engineer advised of the impacts to Marsh Court:
- The main concern with extending the road to the western boundary is that it compels the developable site to the west to provide a road connection.
  - This would lead to a convenient short cut to avoid using Central Rd and Wyndham St, and would have a big impact on the existing amenity in the street.
  - It is recommended that Marsh Ct is only extended up to the western boundary, and there be provision of a court bowl (desirable) or T head.
  - A footpath connection to the land west of the boundary should be provided, with provision of a reserve to prevent a trafficable road being connected from the west.
  - Retention of Marsh Ct as a dead-end road will see a slight increase in traffic from the lots to be developed, however this is not expected to be more than 100 veh/day at full development.
163. In preparing this Part B Submission, further advice has been provided by Council's traffic engineer which is copied in [Appendix 7](#).

164. We believe removing access for vehicles does not diminish the benefits of providing the reserve connection.

165. We note that the Cardno Traffic and Transport Assessment prepared in support of the rezoning did not assess road connectivity to Marsh Court or Sheileen Court. The Cardno report concluded that the increased levels of traffic can be adequately accommodated by the surrounding road network. The Cardno report also proposes an upgrade to the intersection of Wyndham Street / Central Road which is an infrastructure project in the Central Road Drysdale Development Contributions Plan.

166. The initially proposed road reserve connection would also serve a drainage function. A drainage function is critical and we note the evidence of Mr Bishop that the Sheileen/Marsh Court land is hydraulically connected to the Central Road land.

167. In preparing the Amendment Council's forward planning engineer advised:

From a drainage perspective, connections are required between Marsh Court, Sheileen Court and ultimately the road network of the Central Road development to convey overland flows to the future basin, generally following the arrows in the attached map. These may be a combination of roads allowing through traffic and/or open space/reserve links allowing pedestrian and cyclist permeability, providing reserves have a minimum width of 10m.

168. The complete engineering advice is copied in [Appendix 8](#).

169. Provision for stormwater drainage can still be provided without a road as now proposed.

170. We propose a minor change to the DPO37 to allow for drainage works associated with development of 1 Sheileen Court, 2-20 Sheileen Court and 23 Marsh Court prior to the preparation of a development plan:

## **2.0 Requirement before a permit is granted**

DD/MM/YYYY  
Proposed C363

A permit may be granted before a development plan has been approved for the following:

- One dwelling on an existing lot, including outbuildings, provided it is the only dwelling on the lot;
- Extensions, additions or modifications to any existing buildings and works or development.
- [Drainage works in association with development of 1 Sheileen Court, 2-20 Sheileen Court and 23 Marsh Court, Drysdale.](#)

## DESIGN AND DEVELOPMENT OVERLAY SCHEDULE 44

### What is the issue?

171. The exhibited Amendment proposed to apply a Development Plan Overlay Schedule 37 (DPO37) to the land being rezoned and a Design and Development Overlay Schedule 44 (DDO44) to adjoining General Residential Zone Schedule 1 zoned land at 1 Sheileen Court, 2-20 Sheileen Court and 23 Marsh Court.

172. Both the DPO37 and DDO44 include connectivity provisions.

173. The Panel has sought an explanation as to why the DDO was selected as the appropriate overlay to provide a road and drainage connection.

### Council response

174. The DPO and DDO effectively 'talk to each other' to ensure that a linear municipal reserve is constructed. The reserve will be created at such time when Statement of Compliance is issued for subdivision.

175. The DDO is proposed to apply to 1 Sheileen Court, 2-20 Sheileen Court and 23 Marsh Court. The land is vacant and there is an expectation that it will be developed for housing in the future.



176. The purpose of the DDO is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

177. At DDO sub-clauses 43.02-2 and 43.02-3 a schedule can be inserted to specify requirements relating to design or built form. A schedule can also be drafted to mandate a requirement.

178. A schedule may specify that an application is exempt from notice and review – though this exemption has not been specified in the proposed DDO44. In other words, permit applications will be advertised. It is worth noting that were no DDO proposed, applications would still be advertised under the zone provisions.

179. We consider that the DDO is the appropriate Victoria Planning Provision in this instance. The DDO44 identifies specific design requirements to guarantee connectivity.

180. What would be the alternative to applying a DDO?

181. If no overlay is applied there is no certainty that future development of 1 Sheileen Court, 2-20 Sheileen Court and 23 Marsh Court will connect to the Central Road site. This would make delivery of the DPO37 connection requirement more difficult.

182. The obvious alternative is to extend the DPO37 to 1 Sheileen Court, 2-20 Sheileen Court and 23 Marsh Court. There is some merit in this approach given the inter-relationship of stormwater drainage and pedestrian infrastructure.

183. However, we suggest the DPO is not the preferred planning control for the following reasons:

- i. Permit applications that are generally in accordance with an approved development plan are exempt from notice and review under any provision of the planning scheme. Neighbouring residents would not be notified under Section 52 of the *Planning and Environment Act* or have legal rights to appeal a decision to VCAT.
- ii. Planning Practice Note 23 *Applying the Incorporated Plan and Development Plan Overlays* says the overlay should be underpinned by a strategic framework that sets out the desired development outcomes and the overall layout of the land. Preparing the strategic framework before the overlay is applied will 'provide certainty to landowners and third parties about the form of development' (p. 2).

Neighbouring residents have not been given the opportunity to review any (either conceptual or final) development plans for 1 Sheileen Court, 2-20 Sheileen Court and 23 Marsh Court.

- iii. 1 Sheileen Court, 2-20 Sheileen Court and 23 Marsh Court are zoned GRZ1 and permit applications can be lodged at any-time (noting the existing drainage constraints discussed earlier). It would seem unfair to require the developer of this land to prepare a development plan or wait for a development plan to be prepared and approved in order to lodge a permit application.

184. Related to the selection of the DDO is the drafting of the schedule.

185. We proposed some minor redrafting of the DDO44 to improve clarity in Council's Part A Submission at Appendix 5 (page 86).

# IMPLICATIONS OF NEW RESIDENTIAL ZONE PRACTICE NOTES

## What is the issue?

186. On 20 December 2019 the Department of Environment, Land, Water and Planning (DELWP) released new guidance about using and applying Victoria's suite of residential zones. This has prompted the panel to direct council to:

Explain how guidance in the new residential practice notes affects the Amendment and provide its position in response to the practice notes.

## Council response

187. Amendment C363 seeks to apply the General Residential Zone Schedule 1. All the surrounding residential zoned land is zoned General Residential Zone Schedule 1 (GRZ1).

188. The purpose of Clause 32.08 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 of 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

189. Neighbourhood character objectives may be included in a schedule (Clause 32.08-1), requirements of Clause 54 and 55 may be varied in a schedule (32.08-7) and the maximum dwelling height must not exceed 11 metres and contain more than 3 storeys unless specified in a schedule (Clause 32.08-10).

190. The GRZ1 does not contain neighbourhood character objectives, specify requirements of Clause 54 and 55, or specify a maximum building height for a dwelling.

191. Therefore, the GRZ1 is described as 'general residential area' and applied to all the municipality's growth areas, be they large Armstrong Creek or Jetty Road precincts or smaller estates such as Central Walk or Ada Street in Drysdale.

192. The release of the Department practice notes *Planning for Housing (PPN90)* and *Using the residential zones (PPN91)*, in addition to the March 2017 State Government VC110 residential zone changes, has prompted Council to formalise a position on local height schedules that are inconsistent with residential zone provisions.

193. We do not provide an in-depth commentary of the practice notes here. PPN91 is most relevant and on page 3 outlines the principles underpinning the residential zones (highlighted are the relevant principles to Amendment C363):

#### Principle 1

**Housing and neighbourhood character plans need to be consistent and align with one another when specifying preferred future housing and neighbourhood character outcomes for an area.**

Inconsistencies between housing and neighbourhood character objectives do not provide certainty for the community or industry about whether housing growth or the protection of existing neighbourhood character is to be prioritised in a defined area or neighbourhood.

#### Principle 2

**All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist.**

Planning for urban growth requires the development of compact urban areas that are based around existing and planned activity centres to maximise accessibility to these facilities and services, including considering opportunities for the consolidation, redevelopment and intensification of existing urban areas more generally.

#### Principle 3

**The Residential Growth Zone promotes housing intensification in locations close to jobs, services and facilities serviced by public transport including activity centres.**

While the Residential Growth Zone promotes greater housing intensification up to four storeys, it can also be used to facilitate taller residential development by specifying a maximum building height greater than 13.5 metres in the schedule to the zone.

#### Principle 4

**The General Residential Zone is a three-storey zone with a maximum building height of 11 metres.**

The General Residential Zone should be applied to areas where housing development of three storeys exists or is planned for. It is inappropriate to apply the General Residential Zone to areas where a planning authority seeks to respect the existing single and double storey character of an area.

#### Principle 5

**The density or number of dwellings on a lot cannot be restricted in the Neighbourhood Residential Zone unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist.**

Dwelling density is no longer the basis for restricting development outcomes in the Neighbourhood Residential Zone.

It is no longer appropriate to limit housing growth in existing urban areas just because an area is perceived to be remote from jobs, services and public transport.

194. On 24 March 2020 Council resolved to request the Minister for Planning implement residential policy and zone changes to the Greater Geelong Planning Scheme. The council report is available [here](#). Essentially, General Residential Zone Schedule 2 and Residential Growth Zone Schedule 2 areas are to be 'back-zoned' to comply with Principle 3 and Principle 4.

195. This position reflected inconsistencies in both schedules where maximum dwelling heights were less than the required minimum height in the Victoria Planning Provision zone.
196. However, critical for Amendment C363, the 24 March 2020 resolution contained part 8.5:
- Note the Bellarine Peninsula towns are not included in these zone changes. Building heights will be considered by the Bellarine Peninsula Distinctive Area and Landscapes project managed by DELWP.**
197. Our Part A Submission provided a summary of the State Government's Distinctive Areas and Landscapes (DAL) process. It will be the responsibility of DELWP to address height controls and apply PPN91.
198. The DELWP has completed its Phase 2 engagement for the DAL project. A [Bellarine Peninsula Discussion Paper](#) was prepared seeking feedback. The discussion paper says on page 26: *'DELWP is undertaking a township character assessment to identify neighbourhood character and opportunities for adjusted planning controls to protect and direct the preferred character of townships and settlements'*.
199. Phase 3 engagement will commence soon as stated on the DELWP Bellarine Peninsula [webpage](#).
200. What we can say at this time is it is likely that GRZ1 areas on the Bellarine will be rezoned to the Neighbourhood Residential Zone (with a new schedule). Our thinking is based on Council's position in the 24 March 2020 report and the implementation of Amendment C375 Barwon Heads Structure Plan, where GRZ1 areas were rezoned to the Neighbourhood Residential Zone.
201. It is also difficult to interpret Principle 4 and continue to apply the General Residential Zone to the site. Clearly the site is not an area *'where housing development of 3 storeys exists or is planned for'*. The City has established housing policies to direct higher housing forms to increased housing diversity areas surrounding activity centres, such as the Drysdale Town Centre.
202. So, where does this leave Amendment C363?
203. There are two options: (1) persist with the proposed GRZ1 or (2) change to the Neighbourhood Residential Zone.
204. Given the Neighbourhood Residential Zone is a 'lesser' zone – the maximum dwelling height is set at 9 metres and 2 storeys – this change would be palatable to

the community. The Neighbourhood Residential Zone does not restrict housing density and would not impact the site's development potential or development contributions plan. In reality 3 storey development is not contemplated here.

205. That said, Council's position is to persist with the GRZ1 for the following reasons:

- i. The Amendment documents were prepared, and Ministerial Authorisation was granted, on the basis of a rezoning to the GRZ1.
- ii. GRZ1 was the exhibited zone and submissions were written and considered in the context of a rezoning to the GRZ1.
- iii. Surrounding land is zoned GRZ1.
- iv. The General Residential Zone does not mandate that schedules include neighbourhood character objectives. The GRZ1 does not include neighbourhood character objectives. A change to the Neighbourhood Residential Zone would require the drafting of neighbourhood character objectives – which would not have been exhibited as part of the Amendment.
- v. Changing to the Neighbourhood Residential Zone could be seen as 'jumping the gun' as the Statement of Planning Policy is currently under preparation and will involve more community engagement.
- vi. Consistent with the Council resolution of 24 March 2020, a holistic assessment of residential zone provisions on the Bellarine Peninsula is best left to the Distinctive Areas and Landscapes process.

206. Our position is that Amendment C363 rezone the land to GRZ1.

## **CONCLUSION**

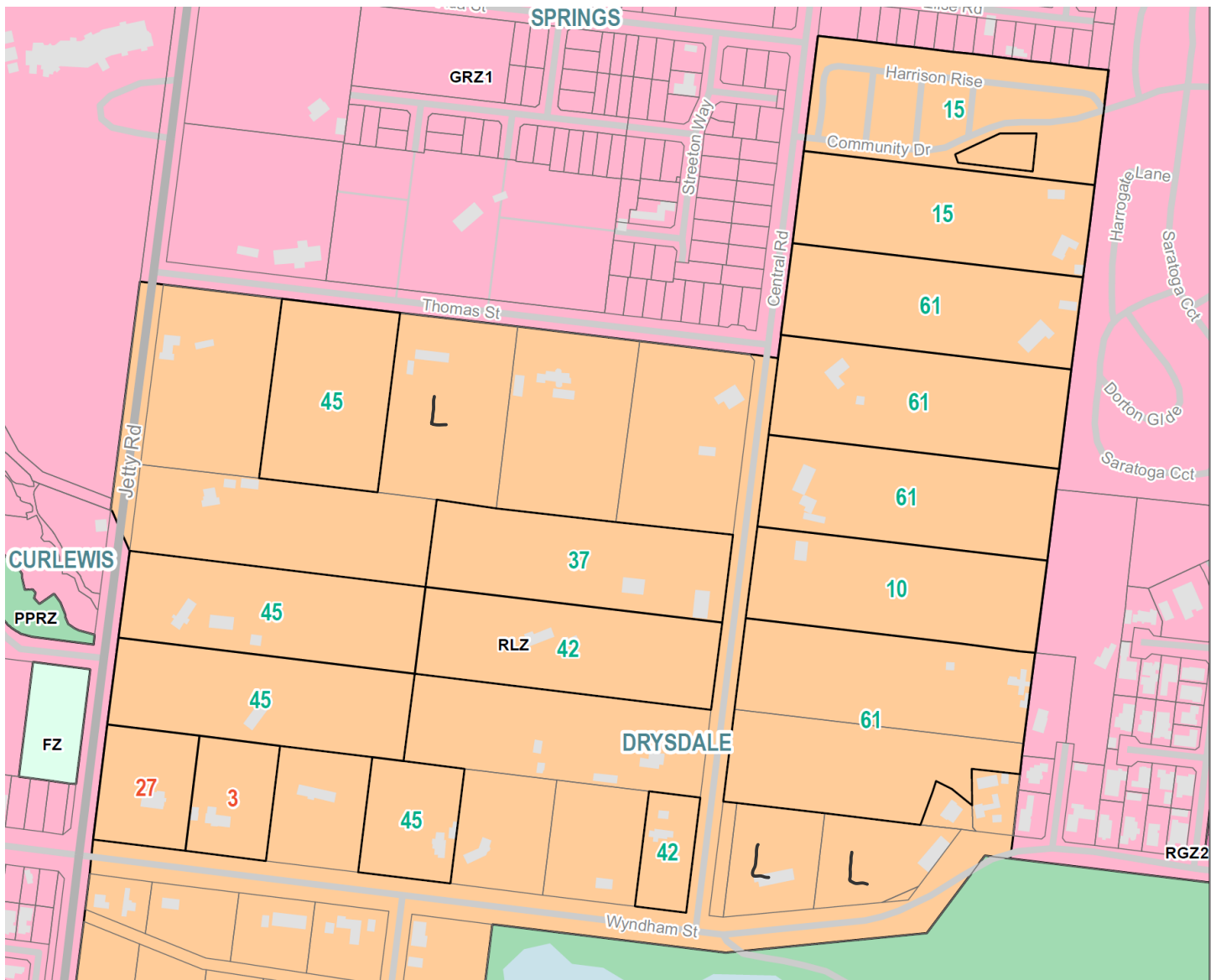
207. We continue to strongly support the Amendment. It implements policy and applies planning controls to manage orderly residential development.

208. We believe the rezoning will facilitate a broad range of local community benefits and respectfully seek the Panel's support.

209. This completes the Part B submissions of Council.

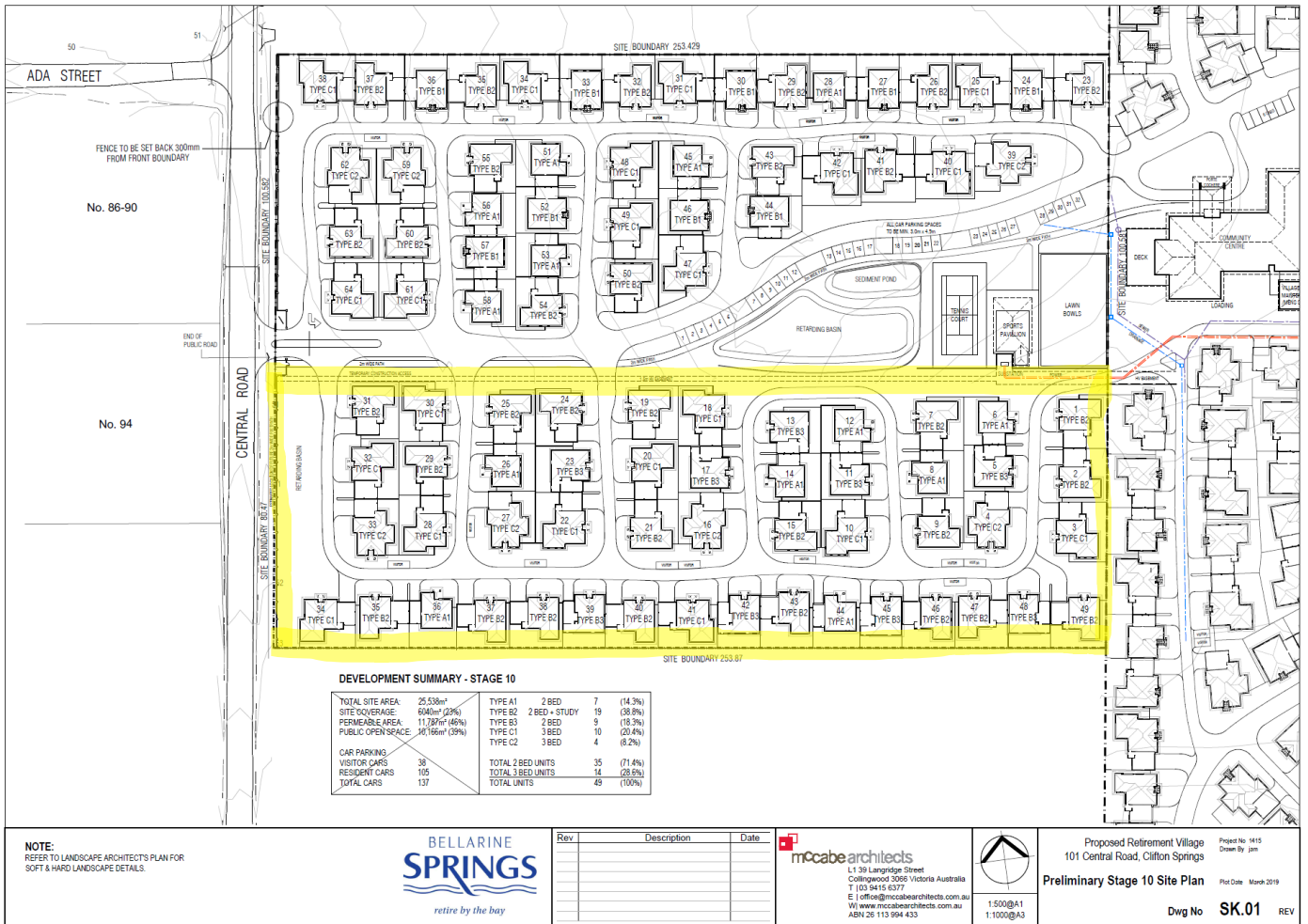
# APPENDICES

# Appendix 1 – Directly affected landowner submitter map



# Appendix 2 – Permit application 565-2019 site plan

City of Greater Geelong, Statutory Planning - Date Received 6/6/2019



NOTE:  
REFER TO LANDSCAPE ARCHITECT'S PLAN FOR  
SOFT & HARD LANDSCAPE DETAILS.



Rev	Description	Date

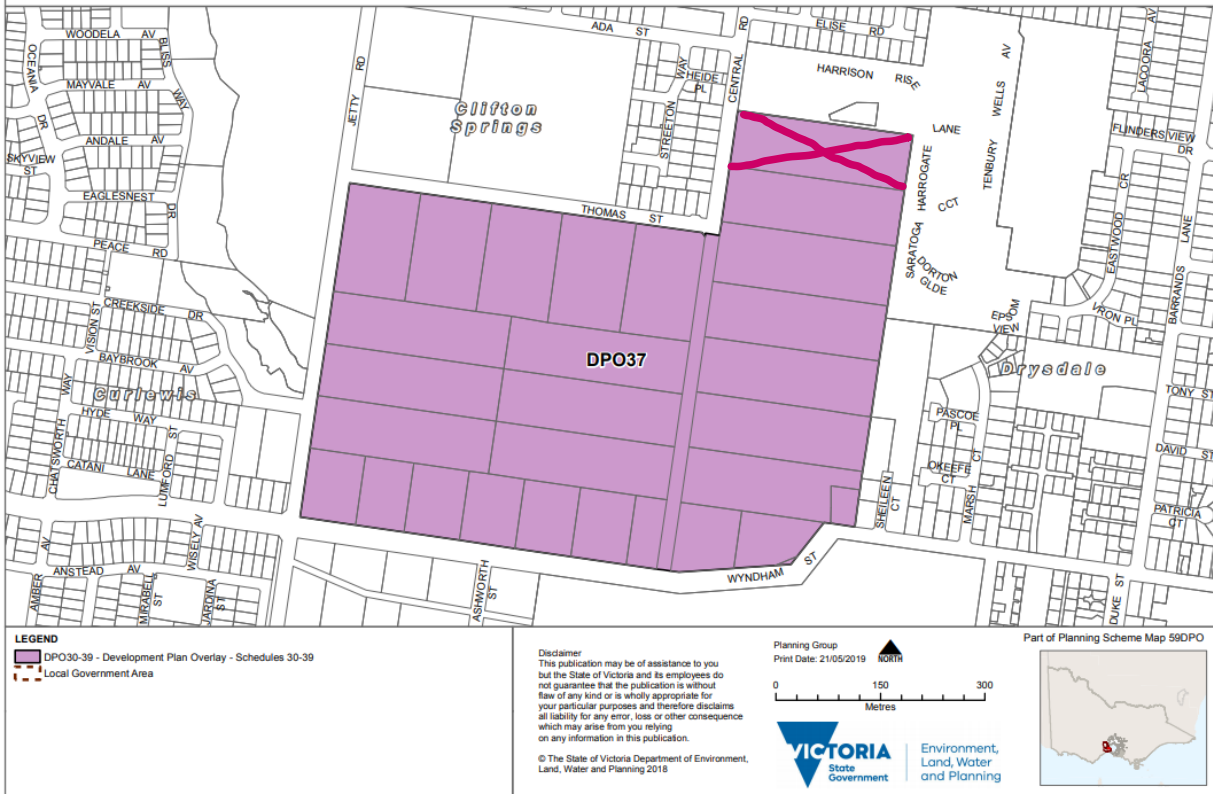
**mccabe architects**  
 L1 33 Langridge Street  
 Collingwood 3066 Victoria Australia  
 T 03 9415 6377  
 E office@mccabearchitects.com.au  
 W www.mccabearchitects.com.au  
 ABN 26 113 994 433



Proposed Retirement Village  
 101 Central Road, Clifton Springs  
**Preliminary Stage 10 Site Plan**  
 Project No. 1415  
 Drawn By: jsm  
 Plot Date: March 2019  
 Dwg No **SK.01** REV

# Appendix 3 – Change to DPO37 map

## GREATER GEELONG PLANNING SCHEME - LOCAL PROVISION AMENDMENT C363



**Appendix 4 – Drainage easement 164-168 Wyndham Street**

EDITION 2		TITLE PLAN			TP803443A
Location of Land Parish: BELLARINE Township: Crown Allotment: 9 Section: Crown Portion: LTO base record: SDMB-C (RURAL) Last plan Reference: Title Reference: Depth Limitation: NIL				Notations	
Easement Information					THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES  Checked by: <i>[Signature]</i>  Date: 15 APR 2002  Assistant Registrar of Titles
E - Encumbering Easement R - Encumbering Easement (ROAD) A - Appurtenant Easement					
Easement Reference	Purpose/Authority	Width	Origin	Land benefited/In favour of	
E-1	DRAINAGE	SEE DIAG	AF143850L	GREATER GEELONG CITY COUNCIL	
LENGTHS ARE IN METRES	NOT TO SCALE	SHEET SIZE A3	DEALING No: AP121869A		
			DEALING CODE: 14		



**Easement for Drainage purposes**  
164-168 Wyndham St, Drysdale

10/02/2020 9:42 am

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

Prepared by the City of Greater Geelong - PLACES

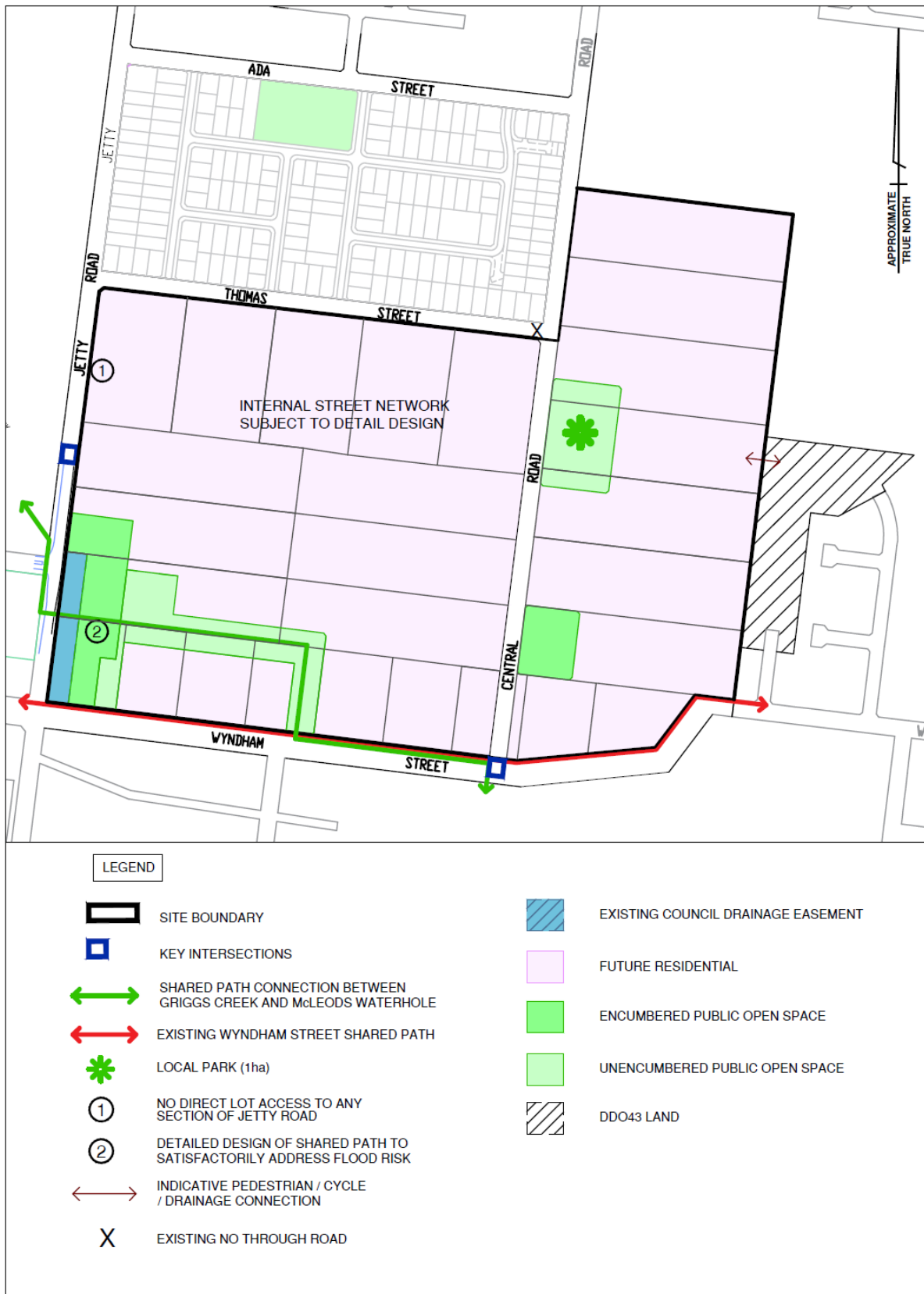


MGA Zone 55



Scale 1 : 1000

## Appendix 5 – Framework plan and aerial map of public open space areas





# Appendix 6 – Changes to DCPO8

## GREATER GEELONG PLANNING SCHEME

DD/MM/YYYY  
Proposed C363

### SCHEDULE 8 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as DCPO8.

#### CENTRAL ROAD DRYSDALE DEVELOPMENT CONTRIBUTIONS PLAN

##### 1.0

#### Area covered by this development contributions plan

DD/MM/YYYY  
Proposed C363

This Development Contributions Plan (DCP) applies to the Central Road Drysdale Precinct. The Main Catchment Area and Charge Areas are shown below.



2.0 Summary of costs

DD/MM/YYYY  
Proposed C363

Facility	Total cost \$	Time of provision	Actual cost contributions attributable to development \$	Proportion of cost attributable to development %
Roads and Trails	\$1,240,416.12	Refer to DCP	\$1,240,416.12	100%
Drainage	\$3,354,667.984 <del>41,418.06</del>	Refer to DCP	\$3,354,667.98441 <del>,418.06</del>	100%
Public Open Space	\$1,969,578.606 <del>,983,763.12</del>	Refer to DCP	\$1,969,578.606,9 <del>83,763.12</del>	100%
Other Items	\$265,000.00	Refer to DCP	\$265,000.00	100%
Community Infrastructure	\$9,100,000.00	Refer to DCP	\$557,039.51	6.1%
<b>TOTAL</b>	<b>\$15,929,662.70</b> <b><del>21,030,597.30</del></b>		<b>\$7,386,702.2112,</b> <b><del>487,636.81</del></b>	<b>59%</b>

Note: Contributions are listed in September 2018 values. Under the DCP the contributions are to be adjusted following annual indexation. These figures exclude GST.

3.0 Summary of contributions

DD/MM/YYYY  
Proposed C363

Facility	Levies Payable by the Development (\$)		
	Development infrastructure		Community infrastructure
	Charge Area 1	Charge Area 2	Residential (per dwelling)
Roads and Trails	\$33,738.75	\$33,738.75	\$0.00
Drainage	\$116,671.009,688.06	\$0.00	\$0.00
Public Open Space	\$53,571.63189,955.14	\$53,571.63189,955.14	\$0.00
Other Items	\$7,207.88	\$7,207.88	\$0.00
Community Infrastructure	\$0.00	\$0.00	\$1,012.80
<b>TOTAL</b>	<b>\$211,189.26350,589.92</b>	<b>\$94,518.26230,901.76</b>	<b>\$1,012.80</b>

Note: Contributions are listed in September 2018 values. Under the DCP the contributions are to be adjusted following annual indexation. These figure exclude GST

The Development Contribution for each demand unit must be adjusted as follows:

- In relation to the costs associated with all infrastructure items other than land, the cost must be adjusted and the contribution amounts recalculated according to the following method:
  - The capital costs of each infrastructure item must be adjusted by reference to the Building Price Index (Melbourne) published by ~~Raylsons~~, or similar index if not available.
  - The revised infrastructure costs and the adjustment of the contributions must be calculated as at 1 July in each year.

- In relation to the cost of land to be acquired under the DCP, the land value must be adjusted by adopting a revised land value for each parcel to be acquired based on the same valuation principles.
- The revised land value and the adjustment of the contributions must be calculated as of 1 July in each year.
- Within 14 days of the adjustments being made, the responsible authority must publish a notice of the amended contributions on its [website](#).

The CIL is capped (currently \$1,190 per dwelling for the 2019-20 financial year). The cap is indexed annually on July 1 by the Minister for Planning and is published on the department website. Council will increase the CIL to allow for cost escalation in accordance with the indexation method in the DCP up to any new CIL cap. The higher levy will be collected from the date the new CIL cap is introduced.

#### 4.0 Land or development excluded from development contributions plan

DD/MM/YYYY  
Proposed C363

The Development Contributions Plan applies to all land in the Central Road Precinct for a period of 20 years from the date of gazettal.

*Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated development contributions plan for full details.*

NOTE: the CIL cap has changed due to FY20-21. The CIL cap is now \$1210. We have not updated the DCP report or the DCPO schedule to reflect this change, but adjustment will be made prior to adopting the Amendment.

## Appendix 7 – Traffic engineer advice

Sheileen Ct consists of a 15 m wide road reserve, with a formed gravel surface of approximately 4.0 m. Its length is about 85 m and provides access to two properties on the western side and two more properties with access at its northern end. Services contained in the road reserve are overhead power and a water main on the eastern side, and a sewer on the western side. The road would only receive less than 50 movements per day at present.

In relation to Sheileen Court, Drysdale and why it should not form a connection to the land to be rezoned to the west:

- Any road connection to the west will increase traffic volumes on the road, as there is a time and distance saving to/from central Drysdale (shops, schools, services)
- No road connection to the west can allow the eventual constructed road width to be minimised to a lesser width than standard to replicate the existing conditions and thus reduce road construction costs
- A road connection to the west will require a standard road width of 7.3 m (measured between Face of Kerb) and increase road construction costs and traffic management devices may be necessary to control speed and volume
- The descriptor of 'Court' will have to be changed if a road connection to the west results in an open-ended road
- The current intersection with Wyndham St appears concealed due to the gravel surface extending to the road's edge. Significant work will be required in Wyndham St and the intersection to make the intersection identifiable and made safe. This will have to be done regardless, however the standard that the intersection takes is dependent on traffic volumes in Sheileen Ct.
- The land to be rezoned to the west must have its primary access to Central Rd, which is a lower order collector road for the area.

The extension of Sheileen Ct is supported into the two lots to the north, however no road connection to the west is supported. It is acceptable that there be a pedestrian/cyclist link to the west.

The same reasoning applies to Marsh Court.

## Appendix 8 – Forward planning engineer advice

Topographic and servicing constraints have historically prevented development of the northmost lots of both Marsh Crt and Sheileen Crt (the subject land). The area falls generally into two catchments, as delineated by the ridgeline on the attached contour plan. There is currently an inability to drain development in the northern catchment as stormwater is directed to an entrapped low point abutting Central Road (the site of a future retarding basin) where runoff is stored in a dam until evaporation, stock consumption and seepage reduce volumes. No easements, waterways or drainage rights in favour of the subject land currently exist.

In order for any development to proceed in the northern catchment of the subject properties, a development plan prepared in response to DPO37 will need to include an acceptable overland flow path and drainage system ultimately discharging to Griggs Ck. The overland flow path must also cater for a future retarding basin located at the south-west corner of the Bellarine Springs Retirement Village. A previous subdivision application at 1 & 2-20 Sheileen Crt included a T-head court, with the potential for a future road connection to the west and a reserve incorporating pedestrian and cycle access. As noted in the submission, the application was ultimately withdrawn as it could not be adequately drained.

**From a drainage perspective, connections are required between Marsh Court, Sheileen Crt and ultimately the road network of the Central Road development to convey overland flows to the future basin, generally following the arrows in the attached map. These may be a combination of roads allowing through traffic and/or open space/reserve links allowing pedestrian and cyclist permeability, providing reserves have a minimum width of 10m.**

