

MINUTES

ORDINARY MEETING OF COUNCIL

TUESDAY, 28 MAY 2019

7.00PM

COUNCIL CONFERENCE AND RECEPTION CENTRE
CITY HALL
LITTLE MALOP STREET, GEELONG

COUNCIL:

Cr B Harwood (Kardinia Ward)
Mayor

Cr S Asher (Bellarine Ward)
Cr J Mason (Bellarine Ward)
Cr T Sullivan (Bellarine Ward)
Cr E Kontelj (Brownbill Ward)
Cr S Mansfield (Brownbill Ward)
Cr P Murrily (Brownbill Ward)
Cr R Nelson (Kardinia Ward)
Cr P Murnane (Kardinia Ward)
Cr A Aitken (Windermere Ward)
Cr K Grzybek (Windermere Ward)

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1. AMENDMENT C363 CENTRAL ROAD DRYSDALE - RESOLUTION TO PREPARE AND EXHIBIT THE AMENDMENT

Source: Planning, Design & Development - Strategic Implementation
Director: Gareth Smith
Portfolio: Sustainable Development

Purpose

1. To seek a Council resolution to prepare and exhibit Planning Scheme Amendment C363.

Background

2. In July 2017, the consultant acting for McLeods Developments Pty Ltd lodged a planning scheme amendment request to rezone Rural Living Zone land (subject land) on either side of Central Road, Drysdale to facilitate conventional residential development.
3. The subject land is shown in **Attachment 2** and consists of 28 individual properties.
4. Prior to receiving the request, officers had engaged all of the directly affected landowners regarding the City's intentions to accept and consider a developer initiated proposal.

Key Matters

5. The subject land is within the Drysdale Clifton Springs settlement boundary and identified in the Greater Geelong Planning Scheme (planning scheme) for rezoning to the General Residential Zone.
6. Because the subject land is in fragmented ownership, the rezoning is supported by planning controls to require the form of future use and development to be shown on a plan, and for the levying of contributions to deliver shared infrastructure.
7. Since lodging the rezoning request, the proponent, in consultation with the City, has prepared planning and technical reports as discussed in **Attachment 3**. Adjoining underutilised residential zoned land east of the Central Road properties provides an opportunity to improve connectivity and also forms part of the Amendment.
8. The proposal is now recommended to be exhibited inviting submissions.

Cr Mansfield moved, Cr Mason seconded -

9. That Council:

9.1 Support the preparation and exhibition of Amendment C363 to the Greater Geelong Planning Scheme to:

- (a) **Rezone the land bounded by Jetty Road, Wyndham Street, Thomas Street, and the rear of Central Road properties from Rural Living Zone to General Residential Zone Schedule 1 (the subject land as shown in Attachment 2);**
- (b) **Apply a Development Plan Overlay to the subject land;**
- (c) **Apply a Development Contributions Plan Overlay to the subject land;**

- (d) **Rezone 91-101 Central Road Drysdale from Rural Living Zone to General Residential Zone Schedule 1 to reflect the existing retirement village developed on the property; and**
 - (e) **Apply a Design and Development Overlay to 1 Sheileen Court, 2-20 Sheileen Court and 23 Marsh Court, Drysdale, to facilitate future road connectivity to the subject land.**
- 9.2 Request the Minister for Planning to authorise the preparation and exhibition of Amendment C363.**

Carried.

Attachment 1

Financial Implications

1. It is proposed to apply a Development Contributions Plan Overlay Schedule (DCPO) to the subject land. The *Central Road Drysdale Draft Development Contributions Plan* (DCP) has been prepared in support of the amendment.
2. The DCP is proposed to become an incorporated document in the planning scheme which would legally tie Council to the provisions of the plan. The DCP identifies \$10m in new infrastructure including the upgrade of Jetty Road and pedestrian signals, local parks, open space trails and drainage basins. Contributions towards the Drysdale Regional Community and Learning Hub will also apply.
3. The DCP will enable the collection of levies to ensure the identified shared infrastructure is funded to enable the City and developers to provide the infrastructure. The City will act as the collecting agency and may deliver infrastructure or enter into agreements with developers to provide land and works in-kind.

Community Engagement

4. In reaching this report's position to recommend preparation and exhibition of Amendment C363, the City has undertaken landowner engagement as follows;
 - 4.1 November 2014: letter sent to landowners and a public meeting convened to inform of the possible future land-use direction of the subject land;
 - 4.2 December 2014: questionnaire sent to landowners to survey views about rezoning the subject land to enable conventional residential development;
 - 4.3 February 2015: letter sent to landowners advising of a generally favourable survey response in support of rezoning. Advised landowners that the absence of a developer to initiate the process meant rezoning was unlikely;
 - 4.4 May 2016: letter sent to landowners advising that there is active developer interest in pursuing a residential rezoning of the subject land;
 - 4.5 June 2016: letter sent to landowners, including landowners in the wider area, inviting them to a presentation and workshop;
 - 4.6 June 15 2016: landowner workshop held at the Springdale Community House;
 - 4.7 August 2016: letter sent to landowners summarising the outcomes of the workshop and next steps;
 - 4.8 December 2016: further update to landowners advising of the City's intention to accept and consider a developer initiated rezoning application;
 - 4.9 July 2017: rezoning application received from St Quentin Consulting on behalf of the developer; and
 - 4.10 May 2019: letter sent to landowners advising of the listing of a report to Council at its 28 May Ordinary meeting recommending a planning scheme amendment to rezone the subject land to the General Residential Zone.

5. It is worth noting that the subject land was considered suitable for conventional residential development in the 1992 Drysdale Clifton Springs Structure Plan and carried over to the 2010 structure plan. Preparation of these plans included community engagement and opportunity for submissions, as did the amendment processes to implement the structure plans into the planning scheme.

Social Equity Considerations

6. The amendment has appropriately considered social equity principles. The City has engaged with the affected landowners about the potential future rezoning to facilitate housing development. Further engagement will occur as part of exhibiting the amendment.

Policy/Legal/Statutory Implications

7. There is strong support for the amendment in the planning scheme's Municipal Strategic Statement. Most notably, at Clause 21.14 *Bellarine Peninsula*, the subject land is identified for rezoning to the General Residential Zone. This area is located within the Drysdale Clifton Springs settlement boundary, close to the retail centre, schools and developing housing estates at Jetty Road, Ada Street and the retirement village on Central Road.
8. The recently adopted 2018 Settlement Strategy recognises Drysdale as a district town on the Bellarine Peninsula capable of accommodating population growth. The settlement strategy directs that district town boundaries will be based generally on existing urban areas and areas already identified in policy.

Alignment to Council Plan

9. The amendment aligns with the Sustainable, Built and Natural Environment and Growing our Economy strategic directions in the Council Plan 2018-22.

Conflict of Interest

10. No City officer involved in the preparation of this report has declared any direct or indirect interest.

Risk Assessment

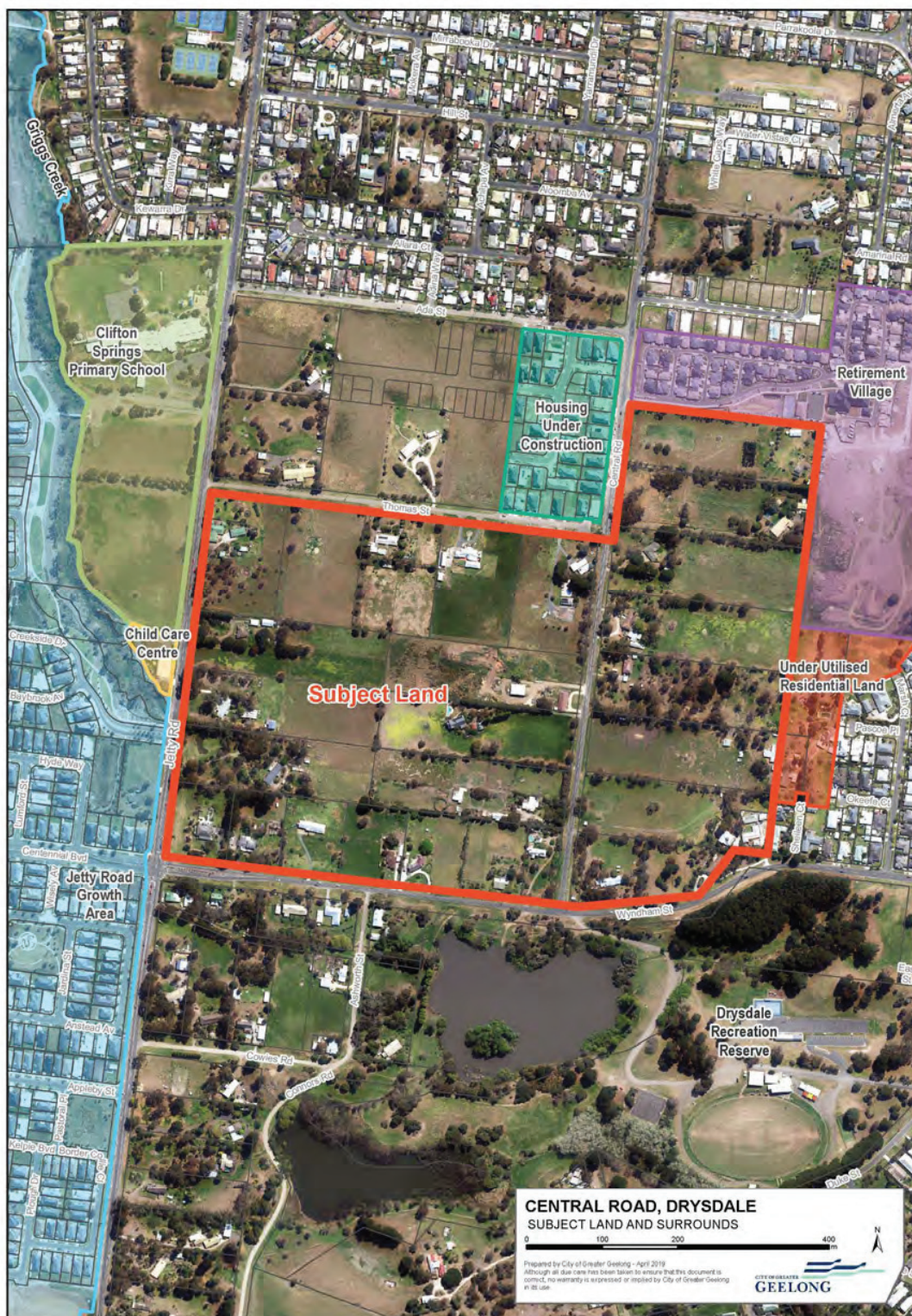
11. Deferral or delay in proceeding to exhibition is likely to cause confusion and uncertainty for directly affected landowners.

Environmental Implications

12. The amendment is supported by technical assessments to address stormwater quantity and quality management, native fauna and vegetation, and public open space. This information has informed the proposed development framework plan and discussed further in **Attachment 3**.

Attachment 2

The subject land (within red line) and surrounds



Attachment 3

Discussion

Strategic basis for the Amendment

1. When the City first informed landowners of the potential to rezone the subject land, it did so on the basis of clear strategic direction in the planning scheme. This area is located close to the Drysdale Town Centre, schools, local parks and community facilities.
2. Preparation and adoption of the Drysdale Clifton Springs Structure Plan in 2010 considered the subject land suitable for residential development. Pages 8-9 of the 2010 structure plan refers to the subject land as 'Central Road' and notes the area was originally identified for rezoning in the 1992 structure plan. The 2010 structure plan also states that land east of the Central Road properties should be integrated with the future development.
3. Following adoption of the Drysdale Clifton Springs Structure Plan 2010, Amendment C194 implemented the structure plan into the Planning Scheme at Clause 21.14. The clause designates Drysdale as one of three development hubs on the Bellarine for residential growth and service provision.
4. Clause 21.14 includes specific strategies for Drysdale including to contain urban development within the defined settlement boundary on the Drysdale Clifton Springs structure plan map at Clause 21.14-11. The map is copied at **Attachment 4** showing the subject land as 'rezone to general residential'.
5. The area directly north; bounded by Thomas Street, Jetty Road, Ada Street and Central Road, was rezoned from Rural Living Zone for residential development in 2010. Construction is currently underway. This area, together with the subject land, is designated in the Clause 21.14-11 map as 'rezone to general residential'.
6. Drysdale Clifton Springs is also identified at a regional level as a district town where growth is supported (Clause 11.01-1R *Settlement - Geelong G21*). The role of district towns includes to provide for new housing within existing settlement boundaries. The recently adopted 2018 Settlement Strategy is consistent with this policy position.

Site constraints and opportunities

7. Prior to lodging the amendment request, the proponent commissioned a number of technical assessments to inform the future development layout. This work was undertaken in consultation with the City and officers provided direction on the type and location of infrastructure required.
8. Assessments were prepared for service infrastructure, stormwater drainage, public open space, traffic, bushfire hazard, native vegetation and fauna, planted trees and cultural heritage. The urban servicing investigations confirm that the subject land is able to efficiently connect to all necessary infrastructure (i.e. water, sewer, gas, electricity, drainage, roads and telecommunications).
9. Based on this work the future development layout is intended to include the following features:
 - 9.1 Dwelling yield of approximately 550 lots;
 - 9.2 A one hectare park located on the east side of Central Road;

- 9.3 A strategic open space shared path link and co-located park through the subject land that will connect the Griggs Creek trail to the Drysdale Recreation Reserve. The crossing at Jetty Road will be signalised and there will be Wyndham Street improvements to allow safe crossing to the recreation reserve;
 - 9.4 Retention of canopy trees with high arboricultural value in the public open space network;
 - 9.5 New roads to intersect with Jetty Road and Wyndham Street, and the upgrade of the Central Road and Wyndham Street intersection; and
 - 9.6 Two new drainage retardation basins.
10. Properties located at the south-west corner of the subject land are partly encumbered by a Council stormwater drainage easement. This area forms part of the principle waterway connection between McLeods Waterholes and Griggs Creek. Development of Wyndham Street land parcels will be dependent on full (ultimate) construction of the proposed Jetty Road drainage basin reserve.
 11. There is no available road and drainage connection to the residential land east of the Central Road properties. Development of the subject land presents an opportunity to provide a connection and can be facilitated when the adjoining underutilised residential land is also redeveloped.
 12. The cultural heritage due diligence included desktop and field assessments. The assessment finds that Aboriginal burials have been identified within similar landform types within 1km of the subject land and the site will need to be managed in accordance with the *Aboriginal Heritage Act 2006*.
 13. A Cultural Heritage Management Plan (CHMP) prepared prior to development will be a mandatory requirement for the land close to McLeods Waterholes. The assessment recommends a CHMP covering the entire subject land should be considered by the proponent. While a request to rezone land does not trigger a requirement to prepare a CHMP, subdivision permits cannot be issued until the responsible authority receives an approved CHMP. Permits must also be consistent with any approved CHMP.

Amendment documents

14. The subject land is currently zoned for rural living. In order to permit conventional residential subdivision, it is proposed to rezone the subject land to the General Residential Zone Schedule 1. This zone is consistent with the surrounding developing estates in the Jetty Road Growth Area and between Ada Street and Thomas Street.
15. Directly north of the subject land is 91-101 Central Road, also applied with the Rural Living Zone. This property is currently under construction as part of the Bellarine Springs Retirement Village and should be rezoned. The property will not however be subject to other planning controls proposed as part of Amendment C363.
16. The area south of Wyndham Street will remain in the Rural Living Zone and Public Park and Recreation Zone (Drysdale Recreation Reserve) consistent with the directions of the Drysdale Clifton Springs Structure Plan.
17. It is proposed to apply a Development Plan Overlay and Development Contributions Plan Overlay to the subject land. The map at **Attachment 5** shows the land proposed to be applied with the overlay provisions and the land to be rezoned.

18. The purpose of a Development Plan Overlay is to identify areas which require the form and conditions of future use and development to be shown on a development plan before a planning permit can be granted. There are 24 individual owners that make up the subject land which means it is essential for development to occur in a planned and coordinated manner.
19. Once the subject land is rezoned and a development plan has been prepared to the satisfaction of the responsible authority, subsequent planning permit applications are exempt from the notice and review requirements of the *Planning & Environment Act 1987*. Planning Practice Note 23 (p.3) states: "Appropriate strategic planning and community consultation from the start also ensures that once the overlays are in place the council is able to make decisions on planning applications without the need to further consult".
20. It is intended that the land owned by the proponent, and land that the proponent has agreement with other owners to develop, will be the first stage of construction and the planning provisions have been structured to allow for this to occur.
21. The proposed DCPO will include a framework plan map similar to that shown in **Attachment 6**.
22. The purpose of a DCPO is to identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.
23. In the past when rezoning similar, relatively small areas in fragmental land ownership, Council has tended to enter into section 173 agreements with individual owners to provide for shared infrastructure. Entering agreements with multiple owners is a time-consuming and uncertain process. It has therefore been decided that the use of the development contributions plan planning tool is the preferred approach.
24. The proposed DCPO is informed by the preparation of a draft DCP. The DCP will become an incorporated document in the planning scheme. The draft DCP lists the infrastructure items required to service the future residents, states timing of delivery and calculates a development contribution rate. The draft DCP is supported by a land valuation report and costings for road, drainage and open space infrastructure.
25. The specific details of the draft DCP are currently being resolved with the proponent. The timing of exhibition of Amendment C363 will be subject to finalising the draft document acceptable to Council officers.
26. In order to improve connectivity between the subject land and existing residential land to the east, it is proposed to apply a Design and Development Overlay to 1 Sheileen Court, 2-20 Sheileen Court and 23 Marsh Court, Drysdale (shown in **Attachment 5**). The purpose of a Design and Development Overlay is to identify areas which are affected by specific requirements relating to the design and built form of new development. In this instance, the overlay control will require any subdivision permit application to provide for a road reserve connection.
27. All amendment and supporting documentation will be exhibited and any affected or interested person may lodge a submission about the amendment.

Impacts on landowners

28. **Attachment 1** includes a summary of the community engagement with directly affected owners. From previous engagement, the majority of landowners support the proposed amendment, though at least four owners were known to be in opposition when surveyed in December 2014.

29. Eight of the 28 properties are owned by land developers.
30. Landowners who continue to live on their property while development takes place on neighbouring land are likely to be subject to construction amenity impacts. These impacts would be mitigated by conditions on subdivision permits as would normally be expected in this situation.
31. It is important to note that should the proposed overlays be applied to the subject land, there is no automatic requirement for landowners to deliver works or pay levies or develop their land for housing. Owners can continue to reside on their property and undertake improvements or additions to their dwelling, outbuildings and gardens as they see fit. The overlays will only place statutory requirements when or if owners decide to seek permits for subdivision and or development for accommodation.
32. Owners who would seek to subdivide their property (for example, into two lots to retain an existing dwelling and sell a new lot) once the subject land is rezoned, can only apply after a development plan has been approved by the responsible authority.
33. Further fragmentation of the subject land will make coordinated development more difficult and would generally not be supported. It is likely that developers will acquire properties over time.
34. With regards to 1 Sheileen Court, 2-20 Sheileen Court and 23 Marsh Court, Drysdale, this part of the amendment has been instigated by the City.
35. The parcels at 2-20 Sheileen Court and 23 Marsh Court are owned by a land developer. It is noted that a planning permit application was lodged in 2008 seeking multi-lot residential subdivision of 1 Sheileen Court and 2-20 Sheileen Court. The application was ultimately withdrawn by the proponent as the proponent was unable to satisfactorily address drainage and road connection constraints.

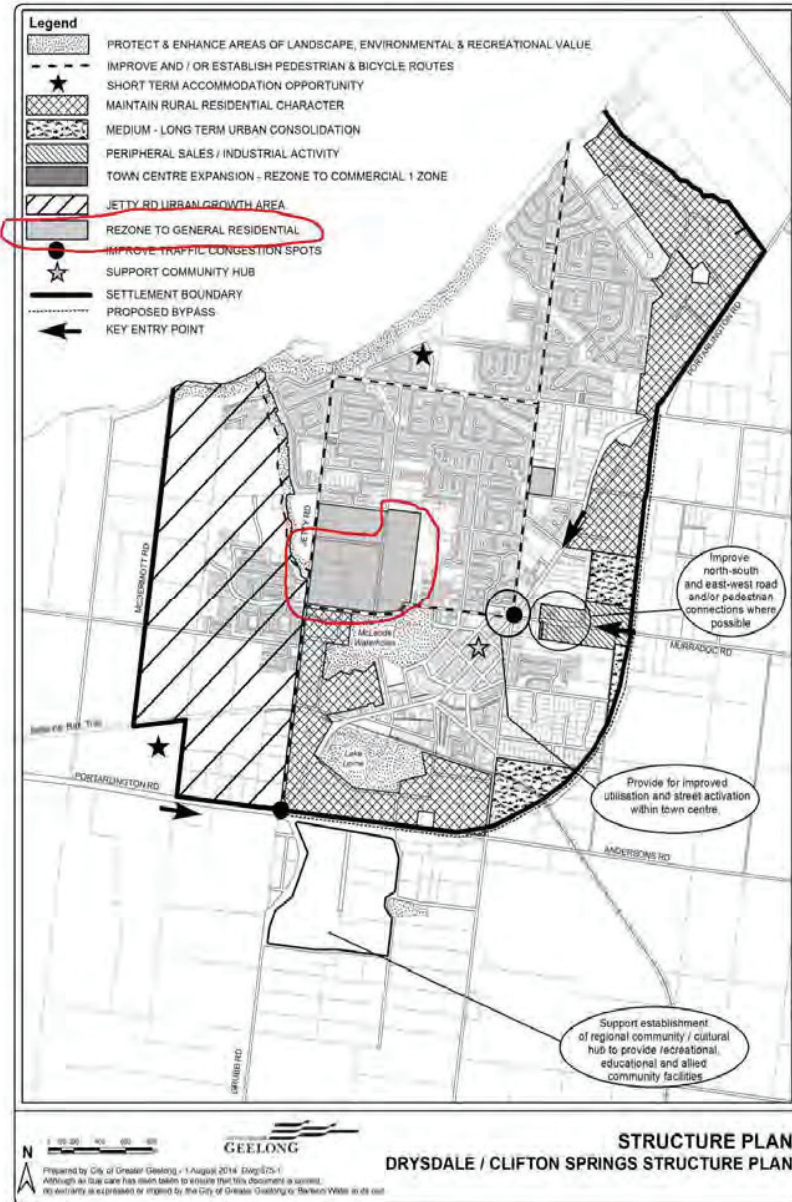
Attachment 4

Clause 21.14-11 Drysdale Clifton Springs Structure Plan map

GREATER GEELONG PLANNING SCHEME

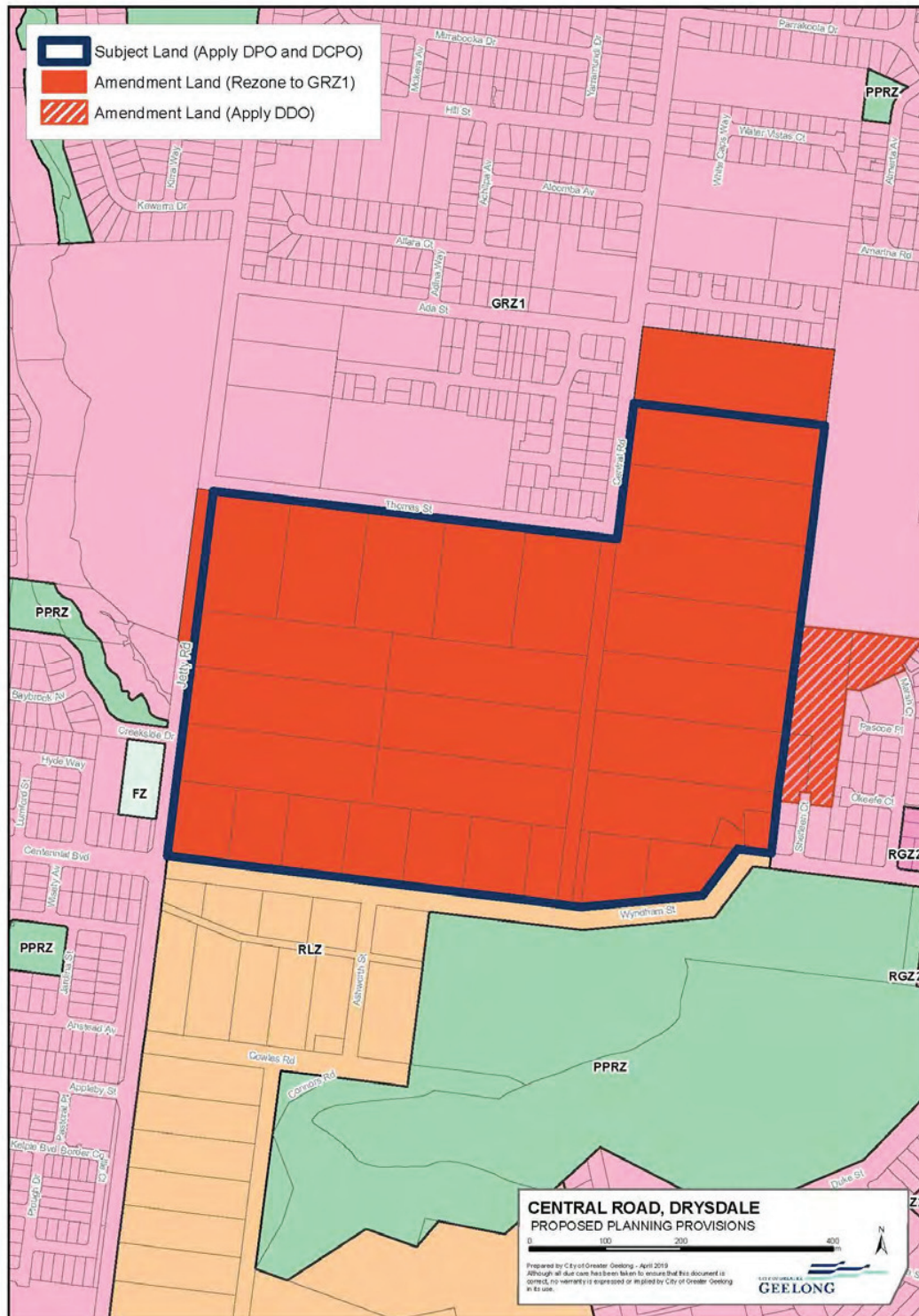
21.14-11 Drysdale Clifton Springs Structure Plan map

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Attachment 5

Proposed Amendment C363 Planning Provisions map



Attachment 6

Draft Central Road Drysdale Framework Plan map

