

Planning and Environment Act 1987

Panel Report

**Greater Geelong Planning Scheme Amendment C363ggee
Central Road Drysdale rezoning**

9 October 2020

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.
[section 27(1) of the *Planning and Environment Act 1987* (the Act)]

For the Amendment to proceed it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Greater Geelong Planning Scheme Amendment C363ggee

Central Road Drysdale rezoning

9 October 2020



Sarah Carlisle, Chair



Elke Cummins, Member

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Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
Council	Greater Geelong City Council
DCP	<i>Central Road Drysdale Draft Development Contributions Plan, Urban Enterprise, August 2019</i>
DCPO	Development Contributions Plan Overlay
DDO44	Design and Development Overlay Schedule 44
DPO37	Development Plan Overlay Schedule 37
G21 RGP	G21 Regional Growth Plan
GRZ	General Residential Zone
GST	Goods and Services Tax
NDHa	net developable hectare
NOD	Notice of Decision to Grant a permit
PPN[number]	Planning Practice Note [number]
RLZ	Rural Living Zone
Structure Plan	<i>Drysdale and Clifton Springs Structure Plan, September 2010</i>

Overview

Amendment summary

The Amendment	Greater Geelong Planning Scheme Amendment C363ggee
Common name	Central Road Drysdale rezoning
Brief description	The Amendment proposes to rezone land in Drysdale to the General Residential Zone, apply overlays and make associated changes to the Greater Geelong Planning Scheme to enable conventional residential development of the land
Subject land	Properties along Jetty Road, Wyndham Street, Sheileen Court, Marsh Court, Central Road and Thomas Street
The Proponent	McLeods Developments Pty Ltd
Planning Authority	Greater Geelong City Council
Authorisation	8 August 2019, subject to amending Design and Development Overlay Schedule 37 to: <ul style="list-style-type: none"> - remove duplication with the head clause provisions (at point 3 and regarding staging) - remove the note on cultural heritage requirements of the <i>Aboriginal Heritage Act 2006</i> as this is external to the operation of the Schedule
Exhibition	5 September to 14 October 2019
Submissions	76 (including 5 late submissions) <ul style="list-style-type: none"> - 44 objected to the Amendment - 21 objected to the Marsh Court road connection - 10 supported the Amendment - 1 neutral submission (from Barwon Water) See Appendix A

Panel process

The Panel	Sarah Carlisle, Elke Cummins
Directions Hearings	City of Greater Geelong office, 5 March 2020 Videoconference, 29 May 2020
Panel Hearings	24, 25, 26 and 27 August 2020 by video conference
Site inspections	Unaccompanied, 5 March 2020
Parties to the Hearing	See Appendix B
Citation	Greater Geelong PSA C363ggee [2020] PPV
Date of this Report	9 October 2020

Executive summary

Greater Geelong Planning Scheme Amendment C363ggee (the Amendment) seeks to rezone land in Central Road, Drysdale from Rural Living Zone to General Residential Zone, apply overlays and make associated changes to the Greater Geelong Planning Scheme to enable conventional residential development of the land.

The Amendment was exhibited from 5 September to 14 October 2019 and received 76 submissions (including 5 late submissions). While the Amendment received some support from landowners within the subject land, the majority of submissions objected to the Amendment or parts of it.

Key issues raised in objecting submissions included:

- the Amendment is inconsistent with key policies relating to the Bellarine Peninsula, including the *Drysdale and Clifton Springs Structure Plan* September 2010 (the Structure Plan)
- the Structure Plan is out of date and the Amendment should be postponed until the Structure Plan is reviewed
- concerns about the impacts of the proposed development on the rural character of Drysdale/Clifton Springs
- concerns in relation to the location of proposed drainage retarding basins and the associated co-located open space, in particular its impact on 164-168 Wyndham Street
- traffic and transport concerns (both local and regional)
- concerns with the proposed road connection between the subject land and residential land to the east in Marsh and Sheileen Courts
- concerns over whether there was enough nexus between the Bellarine Springs Retirement Village and the planned infrastructure to warrant including the retirement village land in the Development Contributions Plan Overlay
- environmental and biodiversity concerns, including the loss of vegetation, green open spaces and habitat for wildlife
- concerns over the loss of a glass art studio, an important asset that contributes to the artistic and cultural life of the local community (as well as its owners).

After careful consideration of the submissions, evidence and other material provided to it, the Panel concludes that the Amendment should be supported. The strategic justification for the rezoning is long established and has been embedded in planning strategies and the Planning Scheme for some time. The Amendment is entirely consistent with the Structure Plan, as well as the Bellarine Peninsula Localised Planning Statement and emerging policy such as the Settlement Strategy which seeks to direct growth on the Bellarine Peninsula to three designated growth locations (one of which is Drysdale/Clifton Springs) in order to take the pressure off the sensitive coastal and rural environments in between townships.

The Stormwater Management Plan and accompanying landscape masterplan provide for an appropriate drainage concept design and open space layout that utilises the best locations for drainage assets. The Panel is satisfied that the Proponent has thoroughly investigated the drainage issues, and there is no other logical location for the southern retarding basin proposed to be located at 164-168 Wyndham Street.

While the southern retarding basin may not be required for some years, the retention of the existing dwelling and glass art studio at 164-168 Wyndham Street will not be possible when the subject land is fully developed. This is clearly distressing for the landowners and creates much uncertainty for them. Legislation is in place to ensure that the landowners will be adequately compensated when their land is eventually acquired. In the meantime, the Panel strongly encourages Council and the Proponent to continue to maintain a constructive and sensitive dialogue with the landowners, and to provide them with as much information as possible about the likely staging of development, the timing of the construction of the retarding basins and the timing of the need to acquire their land. This will enable the landowners to plan for their future in an informed way.

Traffic modelling demonstrates that local traffic impacts of the development can be appropriately managed, and there is no basis on which the Amendment should not be supported on traffic or transport grounds. General concerns about congestion on the Bellarine Peninsula because of Bellarine townships being designated in local policy as commuter towns is beyond the scope of the Amendment and this Panel's remit.

The Panel supports Council's proposed post-exhibition change to convert the Marsh Court connection from a road and drainage connection to a pedestrian, cycling and drainage connection. It accepts Council's position that a road connection would have unacceptable amenity impacts on the residents of Marsh Court.

The Panel supports the application of the Central Road Development Contributions Plan (the DCP) to the subject land, and considers that the DCP has been prepared in accordance with the appropriate principles and guidelines. It supports Council's proposed post-exhibition changes to the DCP, including removing GST from some of the infrastructure costings, and removing open space land and cash in lieu contributions from the DCP and instead collecting these under Clause 53.01 of the Planning Scheme.

The Panel was not persuaded that there is insufficient nexus between the retirement village and the infrastructure to be provided under the DCP to justify removing the undeveloped portion of the retirement village from the DCP Overlay. That said, the Panel does consider that a future subdivision of retirement village units constructed in accordance with a permit approved before the DCP takes effect should be exempt from levies. This is because the demand for infrastructure is created by the construction and occupation of the units, not subsequent changes to the title arrangements.

There is no basis on which the Amendment should not be supported on environmental or biodiversity grounds. There was no evidence that the subject land supports particularly high quality native vegetation or suitable habitat for listed or threatened flora or fauna. Existing high value trees have been identified and are sought to be retained in the design of the development where practicable. Trees and native vegetation will be subject to further assessment as a development plan is prepared.

While the eventual loss of the glass art studio at 164-168 Wyndham Street will represent a significant loss to the landowners and to the artistic and cultural life of the Drysdale community more broadly, it is not a sufficient justification to halt the Amendment. It does not, in the Panel's opinion, alter the overall finding that on balance, the Amendment will deliver net community benefit.

Consolidated recommendations

Based on the reasons set out in this Report, the Panel recommends:

- 1. Adopt Amendmet C363ggee to the Greater Geelong Planning Scheme as exhibited subject to the following changes.**

Changes to the Development Plan Overlay Schedule 37

- 2. Amend the exhibited Development Plan Overlay Schedule 37 to:**
 - a) as shown in Council's Part A version, to convert the road and drainage link between the residential land in Marsh and Sheileen Courts and the land in the Development Plan Overlay Schedule 37 to a municipal reserve with a pedestrian, cycling and drainage link**
 - b) replace the final dot point under Urban Design Masterplan with the following:**
 - The stages by which the development of the land is to proceed, including the staging of the drainage and road infrastructure required to service the stages of development.**
 - c) replace the first dot point under Open Space and Landscape Masterplan with the following:**
 - Public open space generally in accordance with the Framework Plan that forms part of this Schedule. Encumbered land shall not be credited as Public Open Space including land required for the future stormwater retarding basins.**

Changes to the Design and Development Overlay Schedule 44

- 3. Amend the exhibited Design and Development Overlay Schedule 44 to:**
 - a) replace the dot point in Clause 3.0 with the following:**
 - A linear municipal reserve (or reserves) suitable to carry overland flow paths must be created and connect to the boundary of Development Plan Overlay Schedule 37 (Central Road, Drysdale) at a suitable location approved by the Responsible Authority.**
 - b) include the other changes shown in Council's Part A version.**

Changes to the Development Contributions Plan and Development Contributions Plan Overlay

- 4. Amend the exhibited Central Road Drysdale Development Contributions Plan to:**
 - a) remove Goods and Services Tax from the costings for the following projects:**
 - DI_DR_1a (Central Road Basin – Construction)**
 - DI_DR_2a (Jetty Road Downstream Basin – Construction (interim))**
 - DI_DR_2b (Jetty Road Downstream Basin – Construction (ultimate))**
 - b) remove the following Public Open Space items:**
 - 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 (Public Open Space Cash Contribution)**

- c) make various consequential changes to the text and Tables 5 and 6 as shown in Council's Part A version
 - d) replace 'Central Road RB' with 'Jetty Road RB' in the delivery trigger for DI_LA_3 in Table 3
 - e) replace 'interim' with 'ultimate' in the description of DI_DR_3a in Table 3 and Appendix B
 - f) remove 'Land' from the heading 'Public Open Space - Land, Improvements and Landscaping' in Table 5
 - g) amend section 7.5 (Collection of levies) to replace the first dot point with the following:
 - Subdivision of land (except subdivision of buildings and works constructed in accordance with a permit approved before this Development Contributions Plan takes effect).
 - h) include the other changes shown in Council's Part A version.
5. Amend the exhibited Development Contributions Plan Overlay Schedule 8 to:
- a) include the changes shown in Council's Part A version, consequential on the changes referred to in Recommendation 4(a), 3(b) and 3(c)
 - b) add the following provision to Clause 4.0:

The Development Contributions Plan does not apply to the following type of development:

 - Subdivision of buildings and works constructed in accordance with a permit approved before the gazettal of Amendment C363ggee to the Greater Geelong Planning Scheme.

1 Introduction

1.1 The Amendment

The Amendment seeks to rezone 28 Rural Living zoned properties on either side of Central Road, Drysdale, and apply associated overlays to enable conventional residential development of the land. Specifically, the Amendment proposes to:

- rezone land from Rural Living Zone (RLZ) to General Residential Zone Schedule 1 (GRZ1)
- apply a new Design and Development Overlay Schedule 44 (DDO44) to land in Sheileen Court and Marsh Court
- apply a new Development Plan Overlay Schedule 37 (DPO37) to the land being rezoned, except for 91-101 Central Road, Drysdale (part of the Bellarine Springs Retirement Village)
- apply a new Development Contributions Plan Overlay Schedule 8 (DCPO8) to the land being rezoned, except for 91-101 Central Road, Drysdale
- incorporate the Central Road Drysdale Development Contributions Plan (DCP) into the Greater Geelong Planning Scheme (the Planning Scheme) through Clause 72.04.



Figure 1 Subject land and context

Source: <https://mapshare.vic.gov.au/vicplan/> and Planning Panels Victoria

The Amendment will facilitate a conventional residential development of at least 550 dwellings (based on a density of 15 dwellings per hectare), with a 1 hectare local park on the east side of Central Road and a linear open space and drainage reserve connecting Griggs

Creek (to the west of the subject land) to McLeods Waterholes (to the south of the subject land).

1.2 Background

Council provided a comprehensive chronology of events with its Part A submission. Key events are summarised below:

Table 1 Chronology of key events

Date	Event
September 2010	Council adopted the Drysdale - Clifton Springs Structure Plan 2010 (the Structure Plan)
January 2011	Structure Plan introduced into the Planning Scheme by replacing Clause 21.14 and introducing new zones and overlays, following a public consultation, exhibition and panel process [Amendment C194]
November 2014	Letter sent to landowners and a public meeting convened to inform of the possible future land use direction of the subject land
December 2014	Questionnaire sent to landowners to survey views about rezoning the subject land to enable conventional residential development
February 2015	Landowners advised of a generally favourable survey response in support of rezoning, and that the absence of a developer to initiate the process meant rezoning was unlikely at this time
May 2016	Landowners advised that there is active developer interest in pursuing a residential rezoning of the subject land
June 2016	Landowners, including landowners in the wider area, invited to a presentation and workshop
15 June 2016	Landowner workshop
August 2016	Landowners advised of the outcomes of the workshop and next steps
December 2016	Landowners advised of Council's intention to accept and consider a developer initiated rezoning application
July 2017	Rezoning application received from consultant on behalf of the Proponent
July 2017 to May 2019	Completion of technical reports and preparation of amendment documents including the draft DCP
May 2019	Directly affected landowners advised that Council would consider a report recommending a planning scheme amendment to rezone the subject land to GRZ at its 28 May 2019 Ordinary meeting
28 May 2019	Council Ordinary meeting resolution to prepare and exhibit amendment
5 June 2019	Council officers meet with the owners of the rural living property on the south-west corner of the subject land
31 July 2019	Council requests Ministerial authorisation to prepare the Amendment
8 August 2019	Minister's delegate authorises amendment

5 September to 14 October 2019	Amendment exhibited
September and October 2019	Council officers meet with the owners of the rural living property on the south-west corner, the proponent, and the majority landowner on the east side of Central Road
22 October 2019	Bellarine Peninsula was declared a Distinctive Area Landscape
10 December 2019	Council resolves to defer Amendment
28 January 2020	Council considers submissions and resolves to refer submissions to a Panel
31 January 2020	Council requests the appointment of a Panel
11 February 2020	Panel appointed
5 March and 29 May 2020	Panel Directions Hearings
24 August 2020	Panel Hearing commenced

1.3 Supporting documents

The Amendment was informed by 13 supporting plans, assessments and reports.

- Planning Report, St Quentin, July 2017
- Wetland Functional Design Report, Water Tech, July 2018
- Stormwater Management Plan, Water Technology, May 2019
- Landscape Masterplan Report, Tract, July 2019
- Ecological Assessment, Okologie, October 2016
- Arboricultural Assessment, Let's Talk About Trees, February 2018
- Traffic and Transport Assessment, Cardno, 14 January 2019
- Tree assessment plans, St Quentin, December 2016
- Urban Services Assessment, July 2017
- Bushfire Hazard Assessment, Okologie, April 2018
- Masterplan Infrastructure Costs Report, Tract, August 2019.
- Land Budget, 11 July 2018
- Cultural Heritage Assessment, Cultural Heritage Management Group, August 2019.

The key findings of the supporting reports are summarised in Appendix C.

The Amendment proposes to incorporate the *Central Road Drysdale Development Contributions Plan* (the DCP) into the Planning Scheme. Urban Enterprise prepared the DCP in August 2019.

1.4 Procedural issues

The Hearing was initially scheduled to commence on 6 April 2020 at the Geelong Town Hall.

On 13 March 2020, Planning Panels Victoria contacted the parties to advise that the Panel may need to reschedule or cancel the Hearing at short notice due to COVID-19.

The Panel wrote to parties on 19 March 2020 advising that it did not intend to proceed with a face-to-face Hearing on 6 April 2020, and seeking comments from the parties on four alternative options:

- hear the entire matter ‘on the papers’
- video/telephone conferencing the entire matter
- a hybrid of Options 1 and 2
- postpone the hearing for several months.

Council, the Proponent and some other parties preferred that the Hearing proceed on the papers, by video conference or as a hybrid of options 1 and 2, while other parties preferred that the Hearing be adjourned. Some parties indicated that they did not have access to internet and/or technology that would enable them to participate in a video conference.

After considering comments received, the Panel wrote to parties on 1 April 2020 advising that the Hearing would be adjourned until parties had the opportunity to be heard in person.

After that time, legislation was passed confirming a panel’s powers to conduct hearings electronically. Following the new legislation, the Proponent wrote to the Panel and parties on 30 April 2020 requesting the Panel progress the matter electronically and hold a second Directions Hearing to explore further directions.

In response to the Proponent’s request, the Panel received a considerable amount of correspondence from other parties objecting to the Hearing proceeding electronically, including correspondence from two members of Parliament who are not parties to the Hearing. The correspondence is compiled in Document 21.

The Panel held a second Directions Hearing by video conference on 29 May 2020 to consider the future conduct of the Hearing. Following the second Directions Hearing, the Panel rescheduled the Hearing to commence in person on 24 August 2020 at Geelong Town Hall, and wrote to the parties advising them of this by letter dated 3 June 2020.

On 7 August 2020, the Panel wrote to the parties indicating that spatial distancing restrictions meant that the Hearing would not be able to be held in person. The Panel reviewed previous comments from parties regarding their preferences for how the Hearing should proceed and advised the parties that the Hearing would be conducted through a combination of video conference, telephone and a written process. The letter set out proposed procedural directions for the conduct of the Hearing and invited further comment from the parties on the proposed directions. The Panel’s letter stated:

The Panel is cognisant that parties have different circumstances and the flexible options will enable all parties to participate in the Hearing process. This includes those who have advised they do not have suitable internet to participate in the process. A link to the MS Teams guide is provided at Direction 10 for your convenience. You can comment on the draft directions and/or confirm how you propose to present your submission by telephone or in writing by 5.00pm on Friday 14 August 2020. You do not need to respond if you are satisfied with the directions and if you propose to present by video.

The Hearing proceeded on 24 August 2020, with all parties choosing to participate electronically and make their submissions via video conference. Planning Panels Victoria provided technical assistance to those parties who requested it, including assisting them to present material at the Hearing using screen sharing.

1.5 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic justification
- Issues
 - Drainage and open space
 - Traffic and transport
 - Marsh Court connection
 - Development contributions
 - Environmental and biodiversity impacts
 - Social impacts.

2 Planning context

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

2.1 State planning policy

Clause 11 (Settlement – Geelong G21)

The Amendment supports:

- **Clause 11.01** by providing for planned housing growth and development in a designated location (Drysdale/Clifton Springs), which is identified as a district town supported by planned growth
- **Clause 11.03** by facilitating planned residential growth consistent with the adopted Structure Plan.

Clause 15 (Built environment and heritage)

The Amendment supports Clause 15 by creating an urban environment that is safe, healthy, functional and enjoyable and contributes to a sense of place and cultural identity.

Clause 16 (Housing)

The Amendment supports Clause 16 by facilitating new housing development in an area forecast for population growth while improving the range of housing stock and affordability.

Clause 18 (Transport)

The Amendment supports Clause 18 by ensuring vehicle, walking and cycling networks are safe, attractive and connect with the broader neighbourhood.

Clause 19 (Infrastructure)

The Amendment supports:

- **Clause 19** by providing development that can be adequately serviced by the relevant authorities
- **Clause 19.02-6S (Open Space)** by linking walking and cycling trails, providing new parkland and planning open space areas for multiple uses including flood storage basins
- **Clause 19.03-1s (Development and infrastructure contributions plans)** through the preparation of the DCP to guide the delivery of identified shared infrastructure such as drainage basins, road intersection upgrades and improvements to new areas of public open space. Levies will also contribute towards construction of the Drysdale Regional Community and Learning Hub.

2.2 Local planning policy

(i) Clause 21 (the Municipal Strategic Statement)

The Amendment supports the Municipal Strategic Statement by:

- directing growth to designated locations
- managing stormwater runoff from development by preparing a site stormwater management plan

- enhancing areas of native vegetation by planting indigenous vegetation in newly created municipal reserves (the Okologie ecological assessments find the site to be highly modified and characterised by areas of open pasture, interspersed with planted (non-indigenous) and exotic trees and shrubs)
- focusing urban coastal development within existing urban settlements and preventing lineal urban sprawl
- recognising flood hazards associated with waterways and enduring the free passage of water whilst protecting development from flooding impacts
- facilitating residential development in a designated location inside the town's settlement boundary (the proposed overlay controls can manage orderly, integrated development where a variety of housing types will be required)
- responding to the established character of the area and retaining some canopy trees of high arboricultural value
- introducing a DCP to provide development and community infrastructure and respond to the changing needs of the City's population
- containing urban development, facilitating residential growth in a designated location, supporting energy efficiency, connectivity and water sensitive urban design, and providing for future new pedestrian and cycle paths.

(ii) Clause 21.14-11 The Bellarine Peninsula

Clause 21.14-11 contains the local policy for the Bellarine Peninsula and implements the Structure Plan (discussed below). The objectives of Clause 21.14-11 are:

- To protect and enhance the rural and coastal environment on the Bellarine Peninsula and maintain non-urban breaks between settlements.
- To facilitate the development of Ocean Grove, Drysdale/Clifton Springs and Leopold as hubs of development and service provision on the Bellarine Peninsula. In all other townships on the Bellarine Peninsula provide retail, commercial and community uses and facilities that serve the daily needs of the community and encourage street based activity.
- To provide for sustainable industrial, commercial, retail, agricultural and tourism development in designated locations, to service the wider Bellarine community.
- To preserve the individual character, identity and role of each Bellarine township.

General strategies include (as relevant):

- Ensure that development responds to the identity and character of the individual township in which it is located.
- Protect rural and coastal environments from inappropriate urban encroachment.
- Ensure land use and development proceeds generally in accordance with the relevant Structure Plan maps included in this Clause.
- Ensure that development outside of settlement boundaries (as shown in the Structure Plan maps included in this clause) does not compromise the rural, environmental and landscape values of the non-urban breaks.
- Direct the bulk of residential growth and retail development to Ocean Grove, Drysdale/Clifton Springs and Leopold consistent with the relevant Structure Plan maps included in this clause.

The clause then sets out specific strategies for each of the Bellarine townships. The strategies for Drysdale/Clifton Springs include (as relevant):

- Contain urban development within the defined settlement boundary on the Structure Plan map.

- Support the development of the Jetty Road Urban Growth Area and other areas identified for residential development on the Structure Plan map.
- Ensure new development incorporates sustainability principles including environmentally sustainable design, energy efficiency, connectivity and water sensitive urban design.
- Provide additional bicycle and pedestrian opportunities throughout the townships including new footpaths and bicycle lanes.

The Drysdale/Clifton Springs Structure Plan map is set out in Clause 21.14-11, extracted in Figure 2. The subject land is identified as “Rezone to General Residential”.

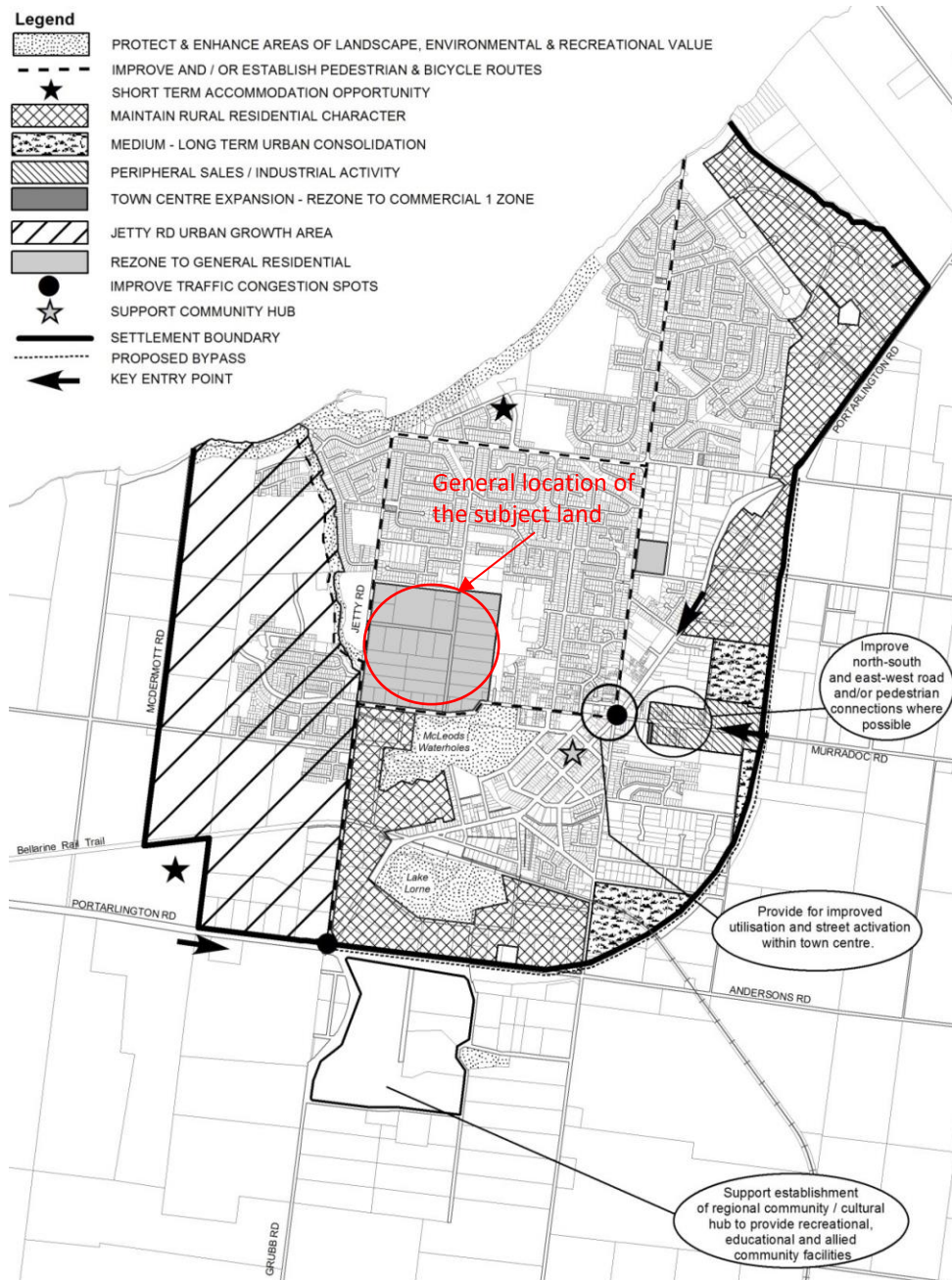


Figure 2 Drysdale/Clifton Springs Structure Plan map
 Source: Clause 21.14 of the Planning Scheme, with the Panel’s annotations

2.3 Other relevant planning strategies and policies

(i) Structure Plan

Council adopted the Structure Plan in September 2010. The Structure Plan:

- identifies the key strategic planning issues facing the township, including community aspirations and needs
- articulates the preferred future directions for the township, including the location of settlement boundaries
- identifies appropriate planning provisions to protect and enhance the distinctive elements of the township, biodiversity and landscape features.

Regarding the land around Central Road (which includes the subject land), the Structure Plan states:

Consistent with the 1992 Structure Plan, the area bound by Jetty Road, Wyndham Street, Central Road (including the large Residential 1 zoned allotments to the north east) and Ada Street is considered suitable for residential development. This area is within close proximity to the town centre, has access to recreational spaces and community facilities and is connected to appropriate infrastructure. The development of this area will achieve the long term objective of linking Drysdale and Clifton Springs together and help to integrate the Jetty Road Urban Growth Area with the rest of the community.

The Structure Plan:

- recommends the Development Plan Overlay (DPO) or Incorporated Plan Overlay (IPO) to coordinate development of land around Central Road in multiple ownerships
- refers to the DCPO as an option to deliver drainage infrastructure and an open space network, including linkages from Griggs Creek to McLeods Waterholes and the recreation reserve
- states that Council will rezone the land and develop a DPO for the area in partnership with landholders
- refers to advice from Council's Engineering Services Department that the area south of Wyndham Street and east of Jetty Road (ie the land to the south of the subject land) has significant drainage issues and recommends that it remain in the Rural Living Zone.

(ii) Bellarine Peninsula Localised Planning Statement

Localised planning statements are State policies for protecting and enhancing distinctive areas with State significant geographic and physical features, biodiversity, natural resources, cultural and tourism values, productive rural land and regional and national infrastructure assets. Ministerial Direction 17 requires any planning scheme amendment affecting these areas to have regard to the localised planning statement.

To date, Localised Planning Statements have been developed for four areas within Victoria - the Mornington Peninsula, the Yarra Valley and Dandenong Ranges, Macedon Ranges and the Bellarine Peninsula.

The Bellarine Peninsula Localised Planning Statement was prepared in September 2015. It identifies Drysdale/Clifton Springs as one of three designated growth locations on the

Bellarine Peninsula and directs land use and development to proceed generally in accordance with the relevant Structure Plan maps.

(iii) Distinctive areas and landscapes declaration

Amendments to the Planning and Environment Act in 2018 enabled the State Government to declare valued parts of Victoria as a 'distinctive area and landscape', subject to meeting strict criteria. To date, four areas have been declared – Macedon Ranges, Bass Coast, Surf Coast and the Bellarine Peninsula.

The Bellarine Peninsula was declared a distinctive area and landscape in October 2019. The area declared is generally consistent with the area covered by the Localised Planning Statement prepared in 2015 (see above).

A Statement of Planning Policy must be prepared for the area in partnership with Traditional Owners, Council and the community. The Statement will include a long term vision of at least 50 years, policy objectives and strategies to achieve the vision, and a strategic framework plan for guiding the future use and development of land on the Bellarine Peninsula.

Statements of Planning Policy may identify long term settlement boundaries to ensure that development does not inappropriately encroach into valued natural and rural landscapes. Once implemented, Parliament must ratify any future changes the settlement boundaries (similar to the process for amending Melbourne's Urban Growth Boundary).

A draft Statement of Planning Policy is currently in preparation by the Department of Environment, Land, Water and Planning. It is expected to be released for public comment in mid to late 2020.

(iv) G21 Regional Growth Plan

The G21 Regional Growth Plan (G21 RGP) provides broad direction for land use and development across the G21 region (which includes the entire Greater Geelong municipality). The G21 RGP:

- designates Drysdale/Clifton Springs as a District town
- states that larger towns on the Bellarine Peninsula including Drysdale/Clifton Springs provide significant housing opportunities and services to support smaller towns.

(v) The Settlement Strategy

The Settlement Strategy provides a planning framework to ensure the municipality can meet the region's housing needs to 2036. The Strategy includes directions for both urban consolidation and greenfield development, including directing residential development to within designated settlement boundaries and facilitating infill development to increase its contribution to housing supply.

The Settlement Strategy will be implemented into the Planning Scheme by Amendment C395ggee. The amendment was adopted by Council at its Ordinary Meeting on 25 August 2020, and at the time of writing this report is awaiting approval by the Minister.

2.4 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

The zones and overlays shown in Table 2 are either existing or proposed planning provisions that apply to the subject land.

Table 2 Purposes of relevant zones and overlays

Zones and overlays	
Zones	
Rural Living (current)	<ul style="list-style-type: none"> - To provide for residential use in a rural environment. - To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses. - To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area. - To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
General Residential (proposed)	<ul style="list-style-type: none"> - 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.
Overlays (all proposed)	
Design and Development	<ul style="list-style-type: none"> - To identify areas which are affected by specific requirements relating to the design and built form of new development.
Development Plan	<ul style="list-style-type: none"> - To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land. - To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.
Development Contributions Plan	<ul style="list-style-type: none"> - 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.

2.5 Ministerial Directions and Practice Notes

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here. It states that the Amendment also complies with:

- Ministerial Direction under section 7(5) (The form and content of Planning Schemes)

- Ministerial Direction 1 (Potentially contaminated land)
- Ministerial Direction 15 (The planning scheme amendment process)
- Ministerial Direction 17 Localised Planning Statements
- Ministerial Direction 19 (Part A: The preparation and content of amendments that may significantly impact the environment, amenity and human health)
- Ministerial Direction under section 46M (Preparation and content of Development Contributions Plans).

PPN23: Applying the Incorporated Plan and Development Plan Overlays

PPN23 Explains the functions of the IPO and DPO – the preferred tools for supporting plans – and provides advice about when these tools should be used and guidance on how to use them to achieve site planning requirements.

3 Strategic justification

3.1 The issue

The issue is whether the Amendment has sufficient strategic justification to progress.

3.2 Submissions

(i) The Proponent

The Proponent submitted that the strategic intent for the subject land has long been known, and that the Amendment is firmly grounded in all levels of planning policy and fulfils the objectives of planning in Victoria. In particular, the Proponent noted the Amendment:

- will provide for the coordinated, orderly and sustainable development of the land while protecting and enhancing the natural environment
- is a direct and proactive response to the strategic objectives of the Planning Scheme and the objectives of planning in Victoria
- is supported by key objectives and strategies guiding land use to facilitate residential growth within an adopted settlement boundary and provide urban land to accommodate population growth in a location which has been designated by the Planning Scheme as appropriate for that purpose (11.02 and 11.03-5S)
- is supported by Clause 21.14 (The Bellarine Peninsula) which
 - identifies the subject land for rezoning through the Structure Plan map included in Clause 21.14-11
 - includes the strategy to “*contain urban development within the defined settlement boundary*”
 - provides for the application of the GRZ to identified residential infill areas with appropriate Development Plan Overlay and Developer Contribution Plan controls
- is entirely consistent with the Settlement Strategy, which builds on the strategic planning already done for the area as it seeks to strengthen development within an existing settlement boundary.

(ii) Council

Council submitted that the Amendment implements the Planning Policy Framework for the reasons set out in Chapters 2.1 and 2.2, and because it:

- supports planned housing growth and development in a designated location (11.02)
- provides for, through the proposed overlay provisions, an integrated neighbourhood which is walkable, provides areas of usable open space and can be serviced efficiently (11.02-2S)
- supports the Localised Planning Statement by facilitating planned residential growth consistent with the Structure Plan
- appropriately responded to the site’s context and landscape features through DPO37 (15.01-1S)
- will enhance the town’s rural ambience and improve walking and cycling connections through a public open space trail that will link the Griggs Creek and Drysdale Recreation reserves, drainage reserves and new parks (15.01-1S)

- will provide additional housing which will improve Drysdale's range of housing stock and affordability (16)
- enables future development which ensures that the vehicle, walking and cycling networks are safe, attractive and connect with the broader neighbourhood (18)
- includes the DCP and DCPO8 which:
 - will guide the delivery of identified shared infrastructure, such as drainage basins, road intersection upgrades and the provision of public open space
 - require developers to contribute towards the specified infrastructure (19)
- directs new housing supply to a designated primary urban growth area – Drysdale/Clifton Springs (21.06)
- provides for development and community infrastructure to service the new residents, managed and funded through the DCP (21.08)
- contains urban development in the defined settlement boundary and supports identified areas for residential development (21.14).

Council submitted that the Amendment supports the G21 RGP and Localised Planning Statement as it:

- directs growth to the identified growth area of Drysdale/ Clifton Springs, consistent with an adopted Structure Plan
- ensures land use and development proceeds generally in accordance with the Structure Plan map.

(iii) Submitters

The objecting submissions were generally in relation to whether the Amendment supported strategic planning policy and town character, the proposed connection to Marsh Court and impacts on directly affected landowners.

Submitters believed the Amendment is contrary to the Structure Plan, the Settlement Strategy and the distinctive areas and landscape process. The Drysdale Clifton Springs Curlewis Association and several individual submitters stated that the Amendment was premature, as the Structure Plan was basically at the end of its 10 year lifespan and should be reviewed prior to the rezoning going ahead. Further, the Amendment should not proceed while other strategies they believed impacted the Amendment were still subject to the community consultation process. They submitted that these other strategies and processes, particularly the distinctive areas and landscape process, should inform the outcomes for land use and development.

In response to submitters' concerns that the Structure Plan is being implemented without the opportunity for a five or ten year review as envisioned in the Structure Plan, Council stated a five year review of a structure plan would ordinarily clarify minor matters, rather than involve a complete review of the policy direction outlined in the structure plan. Council did not undertake a five year review of the Structure Plan (which would have been due in 2015) as it concluded this was unnecessary and would not affect the long term land use outcomes for the area. Likewise, Council considered a ten year review unnecessary at this time, as the Structure Plan is in the process of being implemented as a long existing element of the Planning Scheme. Further, broader policy reviews like the Settlement Strategy and the distinctive areas and landscapes process are underway.

A number of submitters expressed concern that the Amendment will result in the loss of the town's rural lifestyle character and an important 'green belt' or 'rural break' within the town, which are important elements that they say the Structure Plan and other policies relating to the Bellarine Peninsula seek to protect. Instead, this rural living area which contributes to the rural character of the town will be replaced with urban density like the surrounding development in the Jetty Road growth area and in Ada Road. Submissions were also concerned with the loss of habitat for native animals and vegetation.

In response, Council stated that the Amendment appropriately considered the local environment and character. It submitted:

... this does not mean 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.

3.3 Discussion

The Panel accepts that the strategic justification for the rezoning is long established and has been embedded in planning strategies and the Planning Scheme for some time.

The Amendment is entirely consistent with the Structure Plan, which has been in place for some 10 years and in relevant respects reflects the 1992 Structure Plan. The subject land is within the town's settlement boundary, and clearly identified in the Structure Plan for urban growth and rezoning to GRZ. This is in notable contrast to other areas within the town boundary, which the Structure Plan identifies as being retained for rural living.

Council advised the Panel that the Structure Plan was developed after an extensive public consultation process and implemented via a publicly exhibited planning scheme amendment which was considered by an independent panel. As outlined in the chronology in Chapter 1.2, further consultation followed the implementation of the Structure Plan in relation to a possible rezoning. The Panel acknowledges that this consultation was primarily aimed at the directly affected landowners rather than the broader community, however given the rezoning is highly consistent with longstanding policy (reinforced by more recent policy documents such as the Localised Planning Statement), the Panel does not consider that broader community consultation was necessary or appropriate.

The Amendment is not only consistent with current policy, but also with emerging policy including the Settlement Strategy and adopted Amendment C395ggee. The Settlement Strategy directs growth on the Bellarine Peninsula to three designated growth locations – one of which is Drysdale/Clifton Springs. It strengthens and builds on current policy directions that support growth within the town boundaries of these three designated growth locations in order to take the pressure off the sensitive coastal and rural environments in between townships. Policy directions about protecting rural breaks on the Bellarine Peninsula refer to rural breaks between townships, not pockets of rural living within town boundaries (particularly such pockets that have for many years been identified as suitable for conventional residential development).

The Panel accepts Council's submission that there is unlikely to be anything arising from the distinctive areas and landscapes process that fundamentally alters this policy position. If anything, the Panel anticipates that the Statement of Planning Policy for the Bellarine Peninsula will reinforce the policy of directing growth to within the three growth town boundaries in order to protect the valued rural and coastal landscapes in between townships.

The Panel does not consider it is necessary or appropriate to delay the Amendment until the Structure Plan is reviewed. Despite its age, the Structure Plan remains consistent with current and emerging policy in the Planning Scheme, including the Localised Planning Statement and the Settlement Strategy. The Panel was not persuaded that the directions in the Structure Plan require revisiting at this stage, and it agrees with Council that the appropriate time to undertake a comprehensive review is after the completion of the distinctive areas and landscape process.

The Panel therefore sees no reason for delaying the Amendment. The Amendment is entirely consistent with the current (and longstanding) policy framework as well as emerging policy, and the Amendment should proceed.

3.4 Conclusions and recommendations

For reasons set out in the following chapters, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning and Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

The Panel recommends:

Adopt Amendment C363ggee to the Greater Geelong Planning Scheme as exhibited, with the changes recommended in this report.

4 Issues

4.1 Drainage and open space

(i) What is proposed?

The supporting documents exhibited with the Amendment included a Wetland Functional Design Report (July 2018) and a Stormwater Management Plan (May 2019), both prepared by Water Technology. They propose a stormwater management system consisting of three stormwater retention basins at catchment low points (see Figure 3):

- an upstream basin to the east of Central Road
- a large downstream basin in the south west of the subject land near Jetty Road (known as the interim basin)
- a smaller ultimate basin south of this, just to the north of the existing dwelling at 164-168 Wyndham Road.

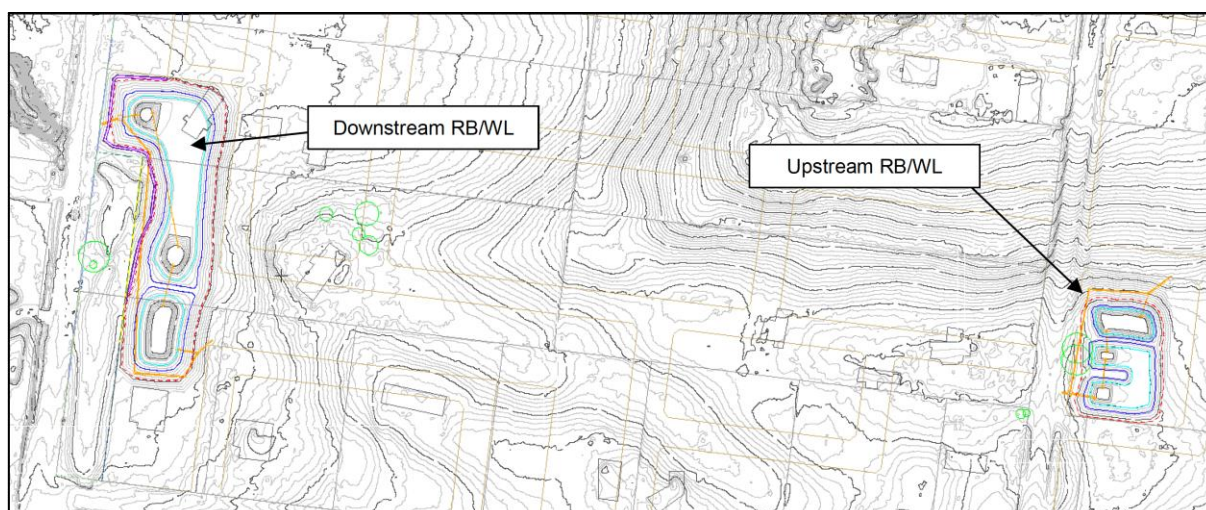


Figure 3 Concept drainage design
Source: Functional Design Report

The key elements of the stormwater management system have been translated into the Framework Plan in DPO37.

Under the DPO37, the Development Plan must include an Integrated Water Management Plan that includes (among other things):

- a stormwater management system that:
 - ensures peak discharge rates and pollutant loads of all stormwater leaving the site post development are no greater than pre-development
 - no adverse impacts to any surrounding area, upstream or downstream
- identification of all land to be set aside for drainage purposes, detailing the approximate size and location of all drainage reserves, retarding basins to meet peak discharge limits and Water Sensitive Urban Design elements to meet Best Practice Environmental Management Guidelines
- a drainage connection to the residential land in Marsh and Sheileen Courts east of the site
- consideration of development staging.

The downstream retarding basins are proposed to be co-located with open space, including the land at 164-148 Wyndham Street. The co-located drainage and open space land is proposed to connect to Griggs Creek and McLeods Waterholes via a linear link as shown in Figure 4.



Figure 4 Co-located drainage and open space link

Source: Part A version of the DCP

(ii) The issues

The issues are:

- whether the Amendment has appropriately considered stormwater management
- whether the downstream drainage retarding basins should be located as proposed.

(iii) Functional Design Report and Stormwater Management Plan

Both the Functional Design Report and the Stormwater Management Plan were informed by discussions with the relevant drainage authorities (Council and Corangamite Catchment Management Authority). They indicate that the concept drainage design has been designed to:

- attenuate post development runoff to pre-development levels
- achieve best practice targets
- reduce the development's impact on the downstream environment.

The Functional Design Report presents hydraulic modelling undertaken to assess flood risk, including flood depths, water surface elevations and flood velocities for existing and developed flood conditions. It demonstrates that the concept drainage design results in no

adverse off-site flood or drainage impacts or increased flood risk, and meets water quality treatment targets. Flood hazard is generally reduced within the site and along Jetty Road. Importantly, the strategy allows for staged development.

The Stormwater Management Plan modelled the retarding basins to ensure that peak post development flow rates do not exceed pre-development discharge rates during 100 year average recurrence interval events.

(iv) Evidence and submissions

Submitters

Mr Hughes and Ms MacNaughton are directly impacted by the Amendment. Their residence, a glass art studio and an extensive garden are located at 164-168 Wyndham Street, on land identified in the Framework Plan as a co-located drainage and open space reserve. Theirs is the only dwelling that will need to be removed to facilitate the implementation of the Amendment.

Mr Hughes and Ms MacNaughton objected to the Amendment, primarily on the basis that the destruction of their home is not required to construct the southern retarding basin. The footprint of the southern retardation basin sits just to the north of their dwelling. They questioned whether Council could consider a design that allowed for their dwelling to remain in place. They provided a series of emails from Council that appeared to concede that the removal of the dwelling was not directly required for the southern retarding basin to be constructed. They also pointed to examples (and provided photographs to the Panel) of retarding basins constructed within just a few metres of side fences of residential properties in the neighbouring Jetty Road estate.

Mr Hughes and Ms MacNaughton submitted that the Amendment financially impacts them, and discriminates against them, as theirs is the only land designated as encumbered land for drainage and open space. Their property cannot be subdivided for housing like other properties within the subject land, making it *“unlikely that anyone will want to buy our property other than the developer driving the rezoning”*. They questioned whether the real purpose for acquiring their land was for drainage, or for open space. They submitted that there is plenty of vacant land within the amendment area on which open space could be constructed, and it seemed particularly unfair and unreasonable to identify the land on which their home is located as open space.

The Drysdale Clifton Springs Curlewis Association expressed some concern that the drainage strategy has been developed on the assumption of a yield of 550 dwellings on the subject land, when higher densities with far more dwellings could be built. It questioned whether the drainage system should be remodelled based on higher dwelling numbers.

CardnoTGM appeared on behalf of the landowners at 148-156 Central Road and 128-132 Wyndham Street (within the subject land). CardnoTGM was generally supportive of the Amendment but highlighted that past amendments similar to this involving multiple landowners have resulted in some development being stifled due to the inability to access infrastructure in a timely way, particularly drainage infrastructure. CardnoTGM submitted that staging of development should allow for flexibility to allow owners who wish to proceed with developing their land to do so.

CardnoTGM further submitted that the retention of existing dwellings should be considered in any subdivision layout. It sought changes to the DPO37 in relation to concerns about timing and infrastructure access, and suggested the application of a Public Acquisition Overlay over the land at 164-168 Wyndham Street.

Mr Knights requested changes to DPO37 to allow temporary drainage solutions, in order to allow flexibility of development. In response, Council advised that it does not support temporary drainage works as they result in poor design outcomes and there are issues with the responsibility for their management, removal and remediation of the land.

The Proponent

The Proponent submitted that the location of the proposed retarding basins will be the most efficient use of existing encumbered and unencumbered land and allow for logical placement of residential lots and internal roads. The drainage design was developed over a number of years in consultation with the drainage authorities, and included consideration of a number of design options having regard to the site conditions, existing encumbered land (demonstrated by the 1% Annual Exceedance Probability flood extent), the contours of the land and existing site features such as the Jetty Road drainage easement.

The Proponent concluded that the drainage design will deliver an integrated and functional residential community, including the co-location of encumbered and unencumbered open space (which will look to incorporate higher retention value vegetation) and the linear open space path connecting through to Griggs Creek and McLeods Waterholes.

In relation to the land at 164-168 Wyndham Street required for the ultimate (southern) retarding basin, the Proponent highlighted that the Amendment does not include a Public Acquisition Overlay over the land, and therefore the owners do not have to sell their land and can continue to reside in their property and use it as they wish until such time as it is acquired either through negotiation or subsequent application of a Public Acquisition Overlay.

Mr Bishop of Water Technology gave drainage evidence for the Proponent. His evidence was that the proposed Stormwater Management Plan will support development in a range of between 450-650 lots. His evidence was that slight changes in those figures would have a negligible impact on the capacity and operation of the stormwater management system.

In response to questions from the Panel, Mr Bishop explained that as the density of a development increases, there is likely to be more impervious areas which could impact on flow rates, but it is unlikely to impact on the overall capacity of the drainage system. He explained that there is some flexibility within the drainage reserves to increase the size of the retarding basins if needed, and that additional facilities could also be incorporated into the stormwater management system such as rainwater tanks which provide some form of on-site detention. He did not consider that this needed to be built into the stormwater management system at the outset, and that any additional measures could be required at the permit stage when the density of development is known.

In relation to access to drainage infrastructure, Mr Bishop's evidence was that the development of the interim basin wasn't linked to the development of specific land parcels and allows for flexibility in both the location and amount of parcels developed. He explained that any part of the subject land could drain to the interim retarding basin, and that this would come down to a negotiation between landowners and developers, and Council.

Mr Bishop responded to submitter concerns that land identified as Catchment E1 (including the land in the Sheileen Court area) was not included in the drainage assessments, despite contributing to an existing flow path across the subject land. His evidence was that the majority of Catchment E1 is proposed to be diverted to the north, away from the subject land, pursuant to a Special Charge Scheme already in place. While flows from land in Sheileen Court partly drain to the south, flows are expected to be limited given the relatively small area. His view was that despite the minor contribution, the flow path should be maintained post development and was satisfied the proposed drainage connection provided for in DDO44 can act as a designated overland flow path to connect run off from the Sheileen Court land to the retarding basins located on the subject land.

The Panel asked Mr Bishop whether he was concerned in relation to the marginal compliance predicted for nitrogen loads in stormwater discharged from the site, given the proximity of nearby waterways including Griggs Creek and McLeods Waterholes. He advised that the figures provided in these preliminary reports are to be considered estimates and it is likely they would be subject to some balancing as development commenced. He did not expect any direct impact on these waterways and noted that there are no sensitive environments such as wetlands located downstream. He did not consider that any additional measures were necessary to address nitrogen in stormwater runoff and did not consider that nitrogen loads needed to be monitored.

In response to the impact of the ultimate (southern) retarding basin on the property at 164-168 Wyndham Street, Mr Bishop advised the proposed basins were in the most logical location and it was uncommon to look for other alternatives unless under specific instruction. There was no other logical location for the southern retarding basin. His evidence was that the proposed interim (northern) basin will serve approximately 80 per cent of the precinct west of Central Road before there would be a need to construct the ultimate (southern) basin.

Mr Bishop stated there was some opportunity in the design process to optimise the design of the downstream basins if the intent is to minimise impact on the dwelling at 164-168 Wyndham Street, which could allow Mr Hughes and Ms MacNaughton to occupy the property for a longer period of time. However, he considered that the dwelling could not remain long term, as at best only a very small setback could be achieved between the ultimate (southern) retarding basin and the dwelling. He also considered that the construction of the drainage basins would severely impact the amenity of the property.

Council

Council acknowledged that the functional layout of the southern retarding basin does not necessitate the demolition of the existing dwelling at 164-168 Wyndham Street. However, the distances from the retarding basin and overall plan for the site make retaining the dwelling inappropriate. Council considered a 15 metre buffer between retarding basins or wetlands and dwellings to be appropriate, and there is insufficient room for a 15 metre buffer between the existing dwelling and the southern retarding basin.

In closing submissions Council stated that the key driver of the requirement to acquire the land at 164-168 Wyndham Street is to provide for a drainage function. Where possible, it is Council policy to co-locate passive open space areas with drainage reserves to provide for improved accessibility, amenity and environmental values. Council included a statement

from its senior planning engineer that it would be a poor planning outcome, particularly around safety and risk management, to place residential lots or dwellings between two major flood control features (McLeods Waterholes and the proposed retarding basins). Hence the decision to co-locate the open space and the drainage reserve and extend them all the way to Wyndham Street.

Both the Proponent and Council reiterated in closing that the proposal allows a significant portion of the precinct to develop before the land at 164-168 Wyndham Street will be required. The Proponent pointed to Mr Bishop's evidence that the proposed interim basin allows for development flexibility in terms of the location of development, and will allow approximately 80 per cent of the precinct west of Central Road to be developed before the ultimate basin is required. Council indicated that the DCP binds Council as the development agency to acquire the property and construct the ultimate basin when delivery is triggered under the provisions of the DCP.

In response to the submissions from Mr Hughes and Ms MacNaughton that the Amendment financially discriminates against them, Council and the Proponent concluded that their land has significant value as a drainage basin to support development of approximately 90 upstream lots. Council and the Proponent also concluded that given there was no Public Acquisition Overlay on the property, there is no requirement that Mr Hughes and Ms MacNaughton sell their land and they can continue to reside there as they wish.

(v) Discussion

The Panel is satisfied the Functional Design Report and the Stormwater Management Plan appropriately demonstrate that the proposal will not result in adverse off-site flood or drainage impacts or increased flood risk, and that it meets water quality treatment targets.

The key drainage issue is the impact of the downstream retarding basins, particularly the ultimate (southern) basin, and the associated open space on the property at 164-168 Wyndham Street.

The Panel has considered whether it is possible to revisit the downstream retarding basin designs and provide an outcome that will impact less on the dwelling at 164-168 Wyndham Street. The Panel accepts that the general location of the downstream retarding basins takes advantage of lowest point in the topography of the land, water flows and existing conditions. While there may be some opportunity to reduce the encroachment of the southern basin onto the property, it seems unlikely any design will leave the property completely unimpacted.

The Panel agrees with Council's view that providing a co-located drainage reserve and parkland around the downstream retarding basins represents a good planning outcome. The landscape and engineering plans that form part of the DCP show the area around the downstream basins to include a sediment drying area, wetland planting, scattered native tree planting and shared paths to link into the overall open space network. The reserve will function in association with the existing 25 metre-wide drainage easement that runs north-south through the property at 164-168 Wyndham Street.

Council and the Proponent submitted that the subject land can be developed in stages, and it may be some time – years even – before the land at 164-168 Wyndham Street is required.

However, the issue as the Panel sees it is providing the landowners with some certainty as to when this may occur.

The Panel explored with both Council and the affected landowners whether a Public Acquisition Overlay may provide more certainty. The Panel accepts that it is Council's preferred approach for the acquisition of the land to be negotiated, and to only apply a Public Acquisition Overlay if needed. It also accepts the landowners' position that a Public Acquisition Overlay would not address their key concern, which is that they want control over when to leave (should they have to), rather than having the decision forced upon them.

The Panel accepts that Council and the Proponent have made every effort to provide a reasonable, logical timeframe for when the land at 164-168 Wyndham Street may be required. Regardless of the eventual method of acquisition, the landowners are entitled to fair and reasonable compensation for their land, and there are legal processes in place to ensure this will occur.

The Panel shares the landowners' concerns that they have little control over the timing of the acquisition of their land and will, in effect, be living in limbo until they are approached by a buyer for their property (be that a developer, or Council as the development agency responsible for delivering the retarding basins under the DCP). Ultimately, no real certainty can be provided as to when this can be achieved, being dependent on lot take up and developer interest in the area. It may be that COVID-19 slows the demand for new housing stock in the area, but that is difficult to predict.

The Panel acknowledges that this creates much uncertainty for the landowners about their future, and that this is a cause of significant distress. It encourages Council and the Proponent to continue to maintain a constructive and sensitive dialogue with the landowners, and to provide them with as much information as possible about the likely staging of development, the timing of the construction of the downstream retarding basins and the timing of the need to acquire their land. At least this will enable the landowners to plan for their future in an informed way.

The Panel agrees with Council that DPO37 and the drainage design allows for enough flexibility in staging of the development and access to drainage infrastructure, and that more detail in the concept plan is not required at this stage. However, the wording of the provisions of DPO37 about staging of development should be amended to provide further clarity around the staging of infrastructure as the Development Plan is progressed.

The Panel does not support changes to Amendment documents to allow for temporary drainage works. It agrees with Council's position that this can lead to poor design outcomes and associated issues with the management, removal and remediation of the land.

There is nothing in DPO37 to prevent the retention of existing dwellings within lot layout and design, if this is desired, except for the dwelling at 164-168 Wyndham Street.

(vi) Conclusions and recommendations

The Panel concludes:

- The Functional Design Report, Stormwater Management Plan and accompanying landscape masterplan provide for an appropriate drainage concept design and open space layout that utilises the best locations for drainage assets.

- Combining drainage assets and open space is an efficient use of the land that maximises the extent of open space able to be provided.
- The identification of the land at 164-168 Wyndham Street as a drainage and open space reserve creates considerable uncertainty and understandable distress for the landowners. However, the Panel was not persuaded that the downstream retarding basins and open space should be relocated elsewhere.
- The Panel encourages Council and the Proponent to continue to maintain a constructive and sensitive dialogue with the landowners, and to provide them with as much information as possible about the likely staging of development, the timing of the construction of the downstream retarding basins and the timing of the need to acquire their land.
- The provisions of DPO37 in relation to staging of development should be amended to provide greater clarity around the staging of infrastructure.

The Panel recommends:

Amend the exhibited Development Plan Overlay Schedule 37 to:

a) replace the final dot point under Urban Design Masterplan with the following:

- **The stages by which the development of the land is to proceed, including the staging of the drainage and road infrastructure required to service the stages of development.**

4.2 Traffic and transport

(i) What is proposed?

Under the DPO37, the Development Plan must include a Road Network and Traffic Management Plan that includes (among other things):

- details of all necessary upgrades to the surrounding road network or intersections to urban standards
- an internal road network with a high level of access for all vehicular and non-vehicular traffic and which responds to the topography
- no new lot access to Jetty Road
- identification of any areas where new lot access to Central Road is not desirable due to sight lines or proximity to intersections
- upgrades to Central Road including road widening, the provision of a footpath, landscaping and curb and channel at the Thomas Street no through road reserve
- on-road bicycle lanes in Jetty Road, Wyndham Street and Central Road that connect to the existing network
- a road connection to the residential land in Sheileen Court and Marsh Court.

The Framework Plan in the DPO37 does not include an indicative internal road network, other than the existing Central Road.

The DCP includes the following road and trail projects:

- an upgrade to the intersection of Central Road and Wyndham Street
- construction of a new T-intersection providing access into the development from Jetty Road
- a signalised pedestrian crossing on Jetty Road

- construction of a shared path along the north side of Wyndham Street, between the proposed linear open space and Central Road.

The Central Road upgrades will be undertaken as developer works and are not funded under the DCP.

The exhibited Amendment also proposes to facilitate a road connection between the subject land and residential land to the east in Marsh Court and Sheileen Court. This issue is discussed separately in Chapter 4.3.

(ii) The issue

The issue is whether the Amendment has appropriately considered any potential traffic and transport impacts.

(iii) Traffic and Transport Assessment

Key findings from the Traffic and Transport Assessment were:

- The proposed subdivision will include in the order of 550 residential lots, and is anticipated to generate in the order of 550 vehicle movements in the peak hours and 5,500 vehicle movements per day.
- Access to the estate will be from Jetty Road, Wyndham Street, Central Road and Thomas Street.
- The proposed subdivision road layout, road hierarchy and road cross sections are generally consistent with the requirements of the Greater Geelong Planning Scheme and are considered appropriate for the development.
- The proposed subdivision has been designed to match into the road infrastructure of the surrounding area already constructed or under construction in adjoining subdivisions.
- Analysis of the proposed access intersections indicates that the level of traffic generated by the proposed development can be easily accommodated by the surrounding road network.

The Traffic and Transport Assessment recommended the following works:

- an upgrade to the intersection of Central Road and Wyndham Street, to provide a right turn lane for vehicles entering Central Road from the east
- a new T-intersection on Jetty Road to provide access into the subject land
- a signalised pedestrian crossing at the Jetty Road intersection.

(iv) Submissions

Several submitters raised traffic concerns in relation to the Amendment. Some were concerned about the impact of additional dwellings on traffic and congestion in the local area, as well as the potential to create a safety hazard for school children, pedestrians and residents of the Bellarine Springs Retirement Village. Several submitters referred to high volumes of traffic in Jetty Road already, and Mr Hall raised specific concerns about the current condition of Wyndham Street.

Others raised concerns about broader traffic impacts, including those arising from Bellarine Peninsula towns being designated in local policy as 'commuter towns' from which workers

can commute to Geelong and Melbourne. For example, the Barwon Heads Association submitted that:

The area has inadequate public transport facilities and an increasing volume of private vehicle traffic. Such existing deficiencies will be exacerbated by such a substantial increase in housing and population in this area and the concept of a 'commuter town' for residents working in Geelong or beyond is no longer a desirable planning outcome as it will lead to increased traffic and parking congestion and vehicle pollution within Geelong.

The Drysdale Clifton Springs Curlewis Association submitted that the estimation of an additional 550 dwellings on the subject land (and the associated 5,500 traffic movements per day) was overly conservative, and that further analysis should be undertaken of the impacts of 7,500 additional traffic movements per day on travel times within the network. It submitted that the commuter road into Geelong (which the Panel assumes is a reference to Portarlington Road) is already overloaded at peak periods, and that queuing occurs at various intersections along the road. It submitted:

The community considers traffic congestion is a major issue in that it impacts the economy, degrades the environment and affects community safety and wellbeing.

Mr McGuinness raised many concerns about traffic congestion on the Bellarine Peninsula which he submitted was resulting from the designation of Bellarine towns as commuter towns. He submitted that according to his calculations, the approval of the Amendment would increase travel time to Geelong by 13 minutes, and that the broader population increase in Drysdale/Clifton Springs contemplated under the Structure Plan would further increase the travel time to Geelong by 50 minutes.

Mr Turner, a resident of Bellarine Springs Retirement Village, has been advocating for some time for a shared footpath along Central Road. He presented a petition in relation to the footpath to Council in July 2019 (not in connection with the Amendment). The petition pointed to the increase in residents along Central Road, and an increase in pedestrian, bike and mobility scooter traffic from a range of users and age groups. The petition indicated that the southern part of Central Road is a narrow country road, with hills and poor visibility creating major safety hazards for these users. The petitioners were concerned that without the construction of a footpath along Central Road, a serious incident is inevitable.

Council's reply to the petition indicated that it is Council's policy to defer all footpath construction to developers where appropriate. Mr Turner submitted that most petitioners and retirement village residents strongly support the rezoning of the subject land, as this is the essential pre-cursor to the construction of a footpath. He submitted that a footpath would provide residents with greater access to more open spaces and public land, enabling more recreational opportunities.

CardnoTGM submitted on behalf of the landowners at 148-156 Central Road and 128-132 Wyndham Street (within the subject land) that staging and sequencing of development must ensure access to infrastructure for all landowners. It submitted that the Framework Plan in DPO37 should include an internal road layout concept to assist with staging and future interconnection with individually owned land holdings.

Relying on the Traffic and Transport Assessment, the Proponent submitted that the traffic generated by the development will be dealt with appropriately and will not result in unreasonable traffic impacts in the area. It submitted that CardnoTGM (authors of the

Traffic and Transport Assessment) assessed the post development capacity of the key intersections (Central Road and Wyndham Street, and the new intersection on Jetty Road), and found that both intersections will perform very well, with minimal delays and queues.

In response to CardnoTGM's submission, the Proponent submitted that including an indicative internal road network in the Framework Plan in DPO37 would be premature and unwarranted. It submitted that the detailed design work has not yet been done to determine an appropriate internal local street network, which is quite typical for this stage of the process. The locations of the critical roads through the precinct are largely known, dictated by the fact that this is a relatively small subdivision surrounded by an established road network. It submitted that showing an indicative road network in the DPO37 "*would place an unnecessary burden on future permit applicants and Council's statutory planning team*" in assessing whether future permit applications are generally in accordance with the concept layout.

Council submitted that the works identified in the Traffic and Transport Assessment will support the predicted increased traffic volumes generated by new residents, and that the signalised pedestrian crossing on Jetty Road would provide a safe crossing point from the Jetty Road basin pedestrian link to the Griggs Creek trail. It also noted that cycle lanes will be provided on Jetty Road, Wyndham Street and Central Road, and submitted that these would all benefit the community.

(v) Discussion

Many of the traffic concerns raised by submitters related to broader traffic issues. The issue of commuter towns on the Bellarine Peninsula contributing to congestion and delays on roads into Geelong and the broader road network are beyond the scope of the Amendment. While the Panel understands the concerns of residents that more intensive development in this part of Drysdale may exacerbate existing problems within the broader network, there was no evidence before the Panel that this would be the case.

The Traffic and Transport Assessment included a comprehensive analysis of the impact that development traffic would have on the local network, including Signalised and unsignalised Intersection Design and Research Aid (SIDRA) analysis. The Assessment concluded that, based on the modelling, the predicted increase in traffic generated by the development can be easily accommodated on the local road network without any unacceptable impacts on congestion, queuing and the like. Even if the estimates of dwelling density on the subject land are overly conservative as the Drysdale Clifton Springs Curlewis Association suggested, the modelling demonstrates to the Panel's satisfaction that there is more than enough capacity in the local network to absorb higher increases in traffic than those assumed in the Assessment.

The Panel agrees with Council that the road upgrades and other transport related projects identified in the Assessment, which will either be funded under the DCP or delivered as part of developer works as the subject land is developed, will benefit not just the residents of the new development but also the broader community.

The Panel agrees with the Proponent that it would be premature and unnecessary to include an indicative internal road network on the Framework Plan in DPO37. This is more suitably addressed once the Road Network and Traffic Management Plan is completed as part of the Development Plan.

(vi) Conclusions

The Panel concludes that:

- General concerns about congestion on the Bellarine Peninsula because of townships being designated as commuter towns in local policy is beyond the scope of the Amendment and this Panel's remit.
- Traffic modelling demonstrates that local traffic impacts of the development can be appropriately managed, and there is no basis on which the Amendment should not be supported on traffic or transport grounds.
- There is no justification for showing an indicative internal road network on the Framework Plan in DPO37.

4.3 Marsh Court connection**(i) What is proposed?**

The Amendment proposes to apply DDO44 to properties at 1 Sheileen Court, 2-20 Sheileen Court and 23 Marsh Court, to provide for a connection between land in Marsh Court and Sheileen Court and the subject land. The exhibited DDO44 provided for a road and drainage link, but in response to submissions Council proposes to amend this to require a linear reserve for pedestrian, bicycle and drainage use only.

(ii) The issue

The issue is whether the Amendment should require a road link between the subject land and land in Marsh Court and Sheileen Court.

(iii) Evidence and submissions

Twenty one submissions (many of which were from landowners within Marsh Court) objected to the proposed road connection, generally on the basis that a road connection is not needed, and that through traffic would result in parking and traffic congestion, safety concerns, reduction in residential amenity for the affected landowners and reduction in property values.

Having considered the submissions, Council officers recommended that the proposed road connection to Marsh Court be replaced with a pedestrian, cycling and drainage connection, as suggested by many of the submitters. Council submitted that from a traffic management perspective, a road connection to Marsh Court would lead to a convenient short cut to avoid the Central Road and Wyndham Street intersection, which would likely result in increased traffic levels that would have an unacceptable impact on the amenity of Marsh Court. The drainage connection from the northern lots in Marsh Court and Sheileen Court through to the Central Road retarding basin could be achieved via a municipal reserve link, without the need for a road.

(iv) Discussion

The Panel notes that the Marsh Court road link was initiated by Council, not the Proponent. The Traffic and Transport Assessment did not consider or recommend a road connection in this location, and there is no suggestion that the road link is required from a traffic management perspective.

The Panel accepts Council's assessment that the road link would have unacceptable impacts on the amenity of residents in Marsh Court, and that the necessary drainage connection can be provided through a linear municipal reserve. The proposed pedestrian and cycle link should provide connectivity and permeability between the subject land and the residential land in Marsh and Sheileen Courts.

The Panel supports the changes shown in Council's Part A versions of DPO37 and DDO44 but considers that the permit requirement in Clause 3.0 of DDO44 could be more clearly expressed.

(v) Conclusions and recommendations

The Panel concludes:

- It supports Council's proposed post-exhibition change to convert the Marsh Court connection from a road and drainage connection to a pedestrian, cycling and drainage connection, but considers that the requirement could be more clearly expressed in DDO44.

The Panel recommends:

Amend the exhibited Development Plan Overlay Schedule 37 to:

- a) **as shown in Council's Part A version, to convert the road and drainage link between the residential land in Marsh and Sheileen Courts and the land in the Development Plan Overlay Schedule 37 to a municipal reserve with a pedestrian, cycling and drainage link.**

Amend the exhibited Design and Development Overlay Schedule 44 to:

- a) **replace the dot point in Clause 3.0 with the following:**
 - **A linear municipal reserve (or reserves) suitable to carry overland flow paths must be created and connect to the boundary of Development Plan Overlay Schedule 37 (Central Road, Drysdale) at a suitable location approved by the Responsible Authority**
- b) **include the other changes shown in Council's Part A version.**

4.4 Development contributions

(i) What is proposed?

The exhibited DCP lists and provides cost estimates for 24 development infrastructure projects, comprising:

- 5 roads and trails projects
- 9 drainage projects
- 9 open space items (land, cash contributions and improvements)
- 1 community infrastructure item, being a contribution to the construction of a new Regional Community and Learning Hub in Drysdale
- plan preparation costs.

The DCP specifies levies payable to fund these projects:

- a Development Infrastructure Levy of \$350,590 per net developable hectare (NDHa) (\$230,900 per NDHa for Charge Area 2)
- a Community Infrastructure Levy of around \$1,010 per dwelling.

Drainage infrastructure for land in Charge Area 2 is being funded and provided under Special Charge Schemes approved under the *Local Government Act 1989*, not the DCP. Hence the lower Development Infrastructure Levy rate for Charge Area 2.

The DCP totals for the retarding basins include Goods and Services Tax (GST).

The DCP and DCPO8 are proposed to apply to all the land being rezoned from RLZ to GRZ, including the south western (as yet undeveloped) portion of the Bellarine Springs Retirement Village. The retirement village is in Charge Area 2, where the lower Development Infrastructure Levy rate applies.

(ii) The issues

The issues are:

- whether open space land and cash in lieu contributions for open space land should be included under the DCP
- whether the costings in the DCP should include GST
- whether the DCP and DCPO8 should apply to the retirement village land (and if so, whether reduced levy rates should apply).

(iii) Evidence and submissions

GST and open space contributions

Mr Carollo queried whether the levies under the DCP include open space contributions and GST. He also raised queries in relation to whether the cost estimates in the DCP will be subject to a checking process, and whether Council could guarantee the transparency and accuracy of the cost estimates.

In response, Council proposed the following post-exhibition changes to the DCP and the DCPO8:

- remove GST from the relevant costings
- remove public open space land and cash contributions from the DCP, and instead collect open space contributions under Clause 53.01 of the Planning Scheme. Open space improvements such as playgrounds are proposed to be retained in the DCP.

Council circulated a Part A version of the DCP and DCPO8 with its Part A submission.

The Proponent called Mr Shipp to give evidence in relation to the DCP. He provided an overview of the strategic basis for the DCP, the methodology used in preparing the DCP, and responded to issues related to the DCP raised by submissions.

Mr Shipp supported the removal of GST from the relevant infrastructure costings on the basis that the default responsibility for delivering the drainage infrastructure rests with local government which is GST exempt. He also supported removing open space land and cash contributions from the DCP on the basis that they would still be collected under the alternative statutory mechanism of Clause 53.01.

The retirement village

Clifton Springs Holdings Pty Ltd operates the Bellarine Springs Retirement Village, which has been developed in stages under a series of permits as shown in Figure 55. The last remaining part to be developed is at 101-113 Central Road (shown in blue in Figure 55). At

the time of the Hearing, Council had issued a Notice of Decision to Grant a permit (NOD) for the development of this land for an extension of the retirement village.

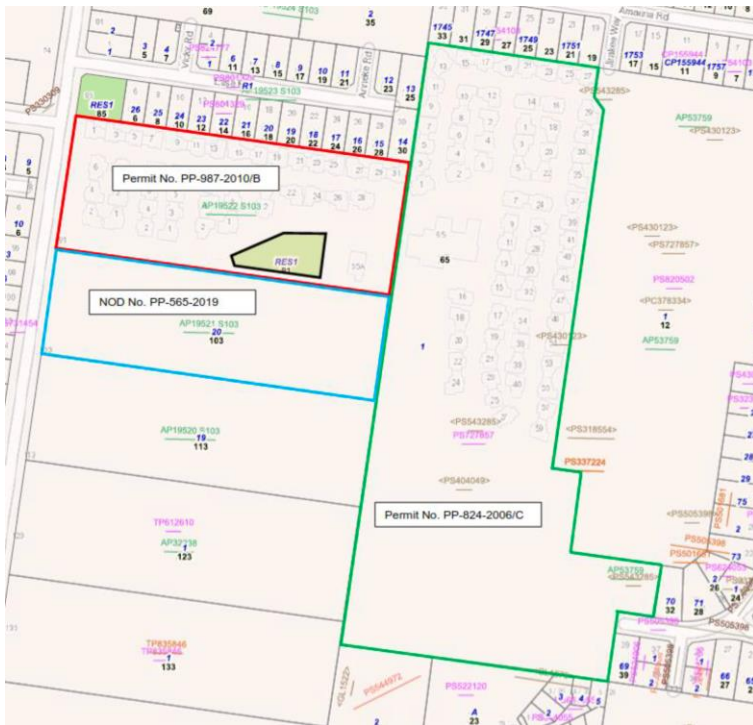


Figure 5 Bellarine Springs Retirement Village land

Source: Clifton Springs Holdings submission, Document 45

The Amendment proposes to apply the DCPO8 to 101-113 Central Road. It is identified as Property 19 in the DCP. The NOD includes the following condition:

6. As required by section 46N of [the Act] 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 by the Responsible Authority, the Development Infrastructure Levy must be paid prior to the occupation of any building authorised by this planning permit.

Clifton Springs Holdings' primary submission was that the DCP and DCPO8 should not apply to 101-113 Central Road. It submitted that condition 6 of the NOD was unlawful insofar as it seeks to retrospectively apply the DCP, and that it was proposing to appeal against the condition at VCAT.

Alternatively, if the DCP and DCPO8 were to apply, they should exempt:

- developments approved or constructed prior to the introduction of the DCP ('pre-approved development')
- future amendments to pre-approved development
- future subdivisions of pre-approved development.

Clifton Springs Holdings submitted that there was insufficient nexus between the extension of the retirement village and the infrastructure items listed in the DCP. It had already provided extensive infrastructure and on-site facilities for its residents under the existing permits for the retirement village. Further, much of the infrastructure to be funded under the DCP is "some distance" from the retirement village. Essentially, retirement village residents are unlikely to use the infrastructure to be funded under the DCP, so they shouldn't be required to pay for it.

Clifton Springs Holdings submitted that ‘retirement village’ is a different land use to ‘dwelling’ that generates less demand for off-site infrastructure. If the DCP is applied to the retirement village, it should not be levied at the same rate as dwellings in the new development. Clifton Springs Holdings submitted that the Community Infrastructure Levy is a concern given the retirement village would be a significantly higher density than the surrounding conventional residential development. It submitted that the Community Infrastructure Levy should not apply to the retirement village, or a lower levy rate should apply.

Mr Shipp responded to the issues raised by Clifton Springs Holdings. In relation to the exemptions sought by Clifton Springs Holdings, Mr Shipp’s view was that if a planning permit is approved prior to the gazettal of the Amendment, no levies will be payable in respect of development which occurs in accordance with the permit. He therefore did not consider it necessary to specify an exemption for pre-approved development.

In respect of future subdivisions of pre-approved development, Mr Shipp’s evidence was *“it is standard practice that any subdivision of land subject to a DCPO is required to make a development contribution in accordance with the relevant DCP”* and that *“it would not be equitable to exempt any potential subdivision on the basis that a planning permit has already been issued”*. He went on to state:

Subdivision of land generally results in or formalises the creation of additional residential lots. These lots are occupied by residents which require the provision of a range of infrastructure.

In my view, it is appropriate for any subdivision which occurs following gazettal of the Amendment to make a development contribution in accordance with the DCP, regardless of whether a planning permit for the use and/or development has been previously issued.

Mr Shipp did not agree with Clifton Springs Holdings’ proposition there is insufficient nexus with future residents of a retirement village and infrastructure items such as playgrounds, public open space and pedestrian links due to the provision of on-site facilities. His evidence was:

- Recreation and community facilities provided in retirement villages often offer a ‘trade-off’ to residents whose private properties in the village usually have limited private open space compared with standard density residential lots;
- The provision of communal recreation facilities as part of the retirement village is at the discretion of the operator and does not replace the need for broader public infrastructure external to the site, such as those funded through the DCP. This is especially the case for projects which create access to a broader network of roads, trails and open spaces ...

He noted that although a permit application for an extension to the retirement village has been made (the NOD had not yet issued at the time Mr Shipp prepared his evidence), alternative development proposals may also be made, such as standard residential development. His view was that the DCP should therefore apply to 101-113 Central Road regardless of the nature of the current application.

Mr Shipp did concede that the retirement village would likely be around double the density of a standard residential development, and that given the Community Infrastructure Levy will contribute to the construction of the Drysdale Regional Community and Learning Hub which will provide benefit to residents across the broader Drysdale/Clifton Springs area, it

would be reasonable to reduce the Community Infrastructure Levy rate applicable to the retirement village by 50 per cent.

Council did not support this proposal, noting that the retirement village land at 91-101 Central Road – which is also being rezoned by the Amendment – does not pay any contribution at all, and that no reduced rate is proposed for other potential higher density development within the amendment land such as townhouses. It also submitted that a reduction in the Community Infrastructure Levy (CIL) rate is not 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.

The Proponent submitted that facilities provided on the retirement village site will be used solely by the residents and separate to the infrastructure in the DCP, and that exempting the retirement village from developer contributions would be inappropriate. It submitted that:

... there is a clear nexus with the development of 103-111 Central Road and ... no evidence has been provided which demonstrates that the retirement village will not draw on the infrastructure provided under the DCP. The retirement village will be in the nature of a standard residential development. It will generate the need for broader public infrastructure like the other residential developments proposed on the Amendment land.

Other minor corrections

Other minor corrections to the Amendment documents were observed as needed:

- The Proponent observed that the first dot point in DPO37 under Open Space and Landscape Masterplan included a reference to a 10 per cent open space contribution, which should be removed if land contributions are being dealt with under Clause 53.01. The Proponent suggested that this be replaced with a reference to open space generally in accordance with the Framework Plan.
- The Proponent observed the word 'interim' should be replaced with 'ultimate' in the description of DI_DR_3a (Table 3 and Appendix B).
- Mr Shipp observed a text error in Table 3. The delivery trigger for DI_LA_3 refers to the "*first residential allotment in the Central Road RB drainage catchment*". Mr Shipp suggested that the trigger should reference the "*first residential allotment in the Jetty Road RB drainage catchment.*"

(iv) Discussion

GST and open space

The Panel supports the proposed post-exhibition changes to remove GST from project costings, and to remove open space land and cash contributions from the DCP. It notes that Mr Shipp supported these changes.

The retirement village

The Panel was not persuaded that the DCP and DCPO8 should not apply to the retirement village land. As Mr Shipp pointed out, notwithstanding the NOD that has issued, it is possible that the land may be developed for other purposes. Any new development proposal undertaken after the DCP is approved should be subject to the DCP.

Nor was the Panel persuaded that there is insufficient nexus between the retirement village and the need for the infrastructure that will be funded under the DCP to justify exempting the retirement village from the DCP.

The Panel accepts that the retirement village has provided significant on-site facilities for its residents. However, there was no evidence presented to the Panel demonstrating that this results in a reduction in usage of infrastructure in the neighbourhood. Residents of a retirement village are independent, mobile and able to use community infrastructure and facilities just as they would if they were living in the adjacent residential subdivision.

The Panel anticipates that village residents could well use Central Road, Wyndham Street or Jetty Road to access the town centre and nearby shopping facilities, and for other local trips. Visitors to the retirement village may use these roads to access the village. Residents may well use the linear and other open spaces to be improved under the DCP, and while they may use playgrounds less than families with young children, it is quite conceivable that residents will use local parks and playgrounds when families with children visit. Similarly, the Panel was not presented with any evidence that the residents would be unlikely to use the Drysdale Regional Community and Learning Hub.

It is therefore not, in the Panel's opinion, inequitable or unfair to expect the retirement village to contribute to the costs of the local infrastructure that they are able to use.

The proposed permit condition and questions about the legality of seeking to retrospectively apply a DCP are not matters before the Panel. However, the Panel shares Mr Shipp's view that development that takes place under a permit issued before the DCP is applied would not ordinarily attract levies. The Panel therefore does not consider it necessary to include an exemption for pre-approved development in the DCP or the DCPO8.

The following questions remain:

- Should future amendments to the retirement village be exempt from contributions?
- Should a future subdivision of the retirement village be exempt from contributions?
- Should a reduced levy apply to development associated with the retirement village?

The Panel does not consider that it is justified to exempt future amendments to the retirement village (assuming it is pre-approved) from contributions. A future change to the form of development on the retirement village may result in a change to the need or demand for local shared infrastructure. For example, if a previously approved permit for the retirement village is amended to increase the density of development, that may increase the demand for infrastructure. The Panel therefore does not support an exemption for future amendments to pre-approved development.

However, the Panel agrees with Clifton Springs Holdings that a future subdivision of a previously approved development should be exempt. Although it notes Mr Shipp's evidence that it is standard practice to require a future subdivision of pre-approved development to pay levies, the Panel does not see that a subdivision of previously constructed retirement village units would have the necessary nexus. It is the occupation of the units that creates the demand (and therefore the nexus), not a subsequent change to the title arrangements for the units. The Panel does not see how the future subdivision of existing units would create a further need for or usage of the infrastructure described in the DCP.

Put another way, if the units were constructed after the DCP was applied, and a levy was paid on the permit for the construction of the units, and then at some later point the units were subdivided (with no other change to the form of development), it would appear to be double dipping if a second levy was sought to be applied at the subdivision stage.

The Panel therefore supports an exemption for a future subdivision of pre-approved development.

The Panel does not consider that a 50 per cent reduction in the amount of the Community Infrastructure Levy for the retirement village, as suggested by Mr Shipp, is justified. While a retirement village may be more densely developed (in terms of the number of dwellings) than a conventional residential development, no evidence was put to the Panel which persuaded it that the occupants of the retirement village would generate less demand for the Community and Learning Hub than occupants of a conventional residential development. In fact, if densities in the retirement village are higher, the usage of the Community and Learning Hub by retirement village residents may be higher than usage rates from the (less dense) surrounding conventional residential development.

The Panel therefore considers that the retirement village should be subject to the same Community Infrastructure Levy rate as the surrounding development.

Finally, Mr Carollo raised queries in relation to whether the cost estimates in the DCP will be subject to a checking process, and whether Council could guarantee the transparency and accuracy of the cost estimates. DCPs are only ever intended to provide cost estimates for infrastructure projects. Based on Mr Shipp's evidence, the Panel is satisfied that the estimates are reasonable. The Act contains rigorous provisions that require collecting and development agencies to accurately record and properly account for levies collected under a DCP.

Minor corrections

The Panel supports the minor corrections identified by the Proponent and Mr Shipp, and notes that heading 'Public Open Space - Land, Improvements and Landscaping' in Table 5 should be amended to remove the reference to land.

(v) Conclusions and recommendations

The Panel concludes that:

- GST should be removed from project costings in the DCP, and the levies in the DCP and DCPO8 should be adjusted accordingly.
- Open space land items and cash contributions should be removed from the DCP, and the levies in the DCP and DCPO8 should be adjusted accordingly.
- In respect of the Bellarine Springs Retirement Village:
 - the DCP and DCPO8 should apply to the land at 101-113 Central Road (the currently undeveloped portion of the village)
 - future amendments to the retirement village should not be exempt from levies
 - future subdivision of retirement village units constructed in accordance with a permit approved before the DCP takes effect should be exempt from levies
 - there is no justification for reducing the Community Infrastructure Levy rate.

The Panel recommends:

Amend the exhibited Central Road Drysdale Development Contributions Plan to:

- a) **remove Goods and Services Tax from the costings for the following projects:**
 - **DI_DR_1a (Central Road Basin – Construction)**
 - **DI_DR_2a (Jetty Road Downstream Basin – Construction (interim))**
 - **DI_DR_2b (Jetty Road Downstream Basin – Construction (ultimate))**
- b) **remove the following Public Open Space items:**
 - **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 (Public Open Space Cash Contribution)**
- c) **make various consequential changes to the text and Tables 5 and 6 as shown in Council's Part A version**
- d) **replace 'Central Road RB' with 'Jetty Road RB' in the delivery trigger for DI_LA_3 in Table 3**
- e) **replace 'interim' with 'ultimate' in the description of DI_DR_3a in Table 3 and Appendix B**
- f) **remove 'Land' from the heading 'Public Open Space - Land, Improvements and Landscaping' in Table 5**
- g) **amend section 7.5 (Collection of levies) to replace the first dot point with the following:**
 - **Subdivision of land (except subdivision of buildings and works constructed in accordance with a permit approved before this Development Contributions Plan takes effect).**
- h) **include the other changes shown in Council's Part A version.**

Amend the exhibited Development Contributions Plan Overlay Schedule 8 to:

- a) **include the changes shown in Council's Part A version, consequential on the changes referred to in Recommendation 3(a), 3(b) and 3(c)**
- b) **add the following provision to Clause 4.0:**

The Development Contributions Plan does not apply to the following type of development:

 - **Subdivision of buildings and works constructed in accordance with a permit approved before the gazettal of Amendment C363ggee to the Greater Geelong Planning Scheme.**

Amend the exhibited Development Plan Overlay Schedule 37 to:

- a) **replace the first dot point under Open Space and Landscape Masterplan with the following:**
 - **Public open space generally in accordance with the Central Road Drysdale Framework Plan that forms part of this Schedule. Encumbered land shall not be credited as Public Open Space including land required for the future stormwater retarding basins.**

4.5 Environmental and biodiversity impacts

(i) What is proposed?

Under the DPO37, the Development Plan must include an Open Space and Landscape Masterplan which includes:

An assessment of existing vegetation within the DPO37 map area and the abutting road reserves and identification of all vegetation to be retained and those trees to be removed. Such vegetation may influence road alignments, overland flow paths for the stormwater or open space siting. Where possible, trees of high arboricultural value will be retained within the public open space and road reserve network.

(ii) The issue

The issue is whether the biodiversity impacts of the proposed Amendment are acceptable.

(iii) Ecological and arboricultural assessments

In 2016, Okologie Consulting was engaged to undertake preliminary ecological assessments of parts of the subject land and to identify any potential constraints associated with the proposed future development. It did not have access to all parts of the land, and undertook a visual assessment from property boundaries where access was not possible.

The assessments (in May and October 2016) included the following key findings:

- most of the site is highly modified and characterised by areas of open pasture, interspersed with planted native (non-indigenous) and exotic trees and shrubs along windrows, property boundaries and around dwellings
- native vegetation is limited to several scattered trees, a sparse cover (less than 5 percent) of indigenous grasses and a remnant patch within a road reserve
- remnant vegetation on the site is likely Grassy Woodland, but does not meet the criteria for statutory protection
- other than Black Wattle, no listed threatened flora or fauna species or associated habitat were recorded within the site or observed during the field assessment and none were considered likely due to the absence of suitable habitat
- it is possible that the subject land contains native grasses, although none were visible from the boundary of properties
- a detailed assessment should be obtained to confirm the presence of native vegetation including grasses.

In 2016, Let's Talk About Trees assessed trees located on 151, 161 and 171 Jetty Road and the corner allotments at the intersection of Wyndham Street and Central Road. The assessment found:

- no trees are remnant indigenous, with most of the trees being native
- no very mature trees were seen, consistent with most gardens having been established 30 to 40 years ago
- while some trees show retention value, only a few on 171 Jetty Road have a high long term retention value.

Let's Talk About Trees was engaged again in 2017 and 2018 to undertake a visual assessment of trees located on eight other parcels, and prepared an addendum to the 2016 arboricultural assessment dated February 2018 which found:

- most of the trees are native, but none are remnant indigenous
- no very old mature tree assets were seen
- no trees are outstanding specimens, and most are in average to poor health.

(iv) Evidence and submissions

Several submissions raised environmental and biodiversity concerns. Several submitters expressed concern that the lot sizes and open space areas were not enough to allow large trees to be planted to replace those that will be lost when the land is developed. For example, Ms Carollo stated:

We will need land to grow food on and trees to keep our air and water clean in the very near future. People living on blocks so small that they cannot even plant a tree will not be able to do this, and so some large blocks of arable land, such as those the developer proposed to render useless by covering them in concrete, should and must be kept for this purpose in our area.

Biodiversity is also essential to human health as well as that of the many creatures living interdependently in the few open areas left to them here. I note that the ecological assessment included in the amendment paperwork here is far from conclusive.

Bellarine Catchment Network submitted that the Amendment would limit opportunities for connectivity through the landscape, and opportunities for revegetation and restoration projects conducted by organisations such as Coastcare and Landcare:

Short and long term planning for this site could see significant additions to biodiversity values through revegetation and natural regeneration principles, marrying in with appropriate recreation activities. Consideration of these elements should be contemplated with any amendments to the development application.

It submitted that linear vegetation corridors like that proposed under DPO37 do not offset the loss of biodiversity functions and ecosystem services that would result from the proposed development, and that:

The most intensively farmed paddock has higher biodiversity functions than a high-density estate.

Bellarine Catchment Network was critical of the 'single snapshot fauna survey' conducted by Okologie, submitting that it does not consider the way indigenous fauna, particularly birds, rely on these open spaces or use them seasonally. Nor did it consider the cumulative effect of development on natural and biodiversity areas. Further, the arboricultural assessments did not consist of a comprehensive assessment of the whole of the subject land.

Bellarine Catchment Network submitted that the Clifton Springs foreshore is narrow, and that several species rely on the foreshore for foraging, feeding, and other biodiversity functions. It submitted another 4,000 people in the vicinity of these foreshore areas "*will only increase these pressures and bit by bit indigenous species are pushed further and further away*".

Mr Hughes and Ms MacNaughton submitted that the Amendment will reduce local biodiversity by destroying wildlife habitats and turning open green spaces into housing. They submitted that the proposal "*will undo years of effort and investment promoting biodiversity by creating safe wildlife habitats*" on their property. They referred to many native bird, insect and mammal species regularly seen on their property, and expressed concern over the loss of this local habitat given there has been significant loss of wildlife

habitat across the Bellarine Peninsula. They submitted that new trees that may be planted as part of the development would not compensate for habitat loss, because it doesn't replace 'like with like'. The result would be reduced local biodiversity, as has been seen with recent development of the neighbouring Jetty Road growth area.

Mr Drummond submitted:

The loss of this Rural Living area impacts not only the 28 landowners affected, but the entire Drysdale, Clifton Springs, Curlewis community. It will severely impact wildlife and the removal of around 1000 mature trees will adversely affect the quality of life throughout Drysdale. ...

Mr Drummond and others considered that the additional dwellings would result in increased pollution and contribute to climate change, and that it is imperative that 'green belts' through residential areas are protected.

Council responded that seasonal ecological assessments were not considered necessary. The land has no environmental overlays and it is not identified in the Structure Plan or the Okologie assessments as containing remnant native vegetation, native fauna or other habitat worthy of protection. It noted that Okologie recommended further detailed assessment to confirm the presence or absence of native vegetation, which will be required as part of the Development Plan.

Council acknowledged that the arboricultural assessments were not comprehensive, but submitted that further vegetation assessments will be required. It submitted that the Framework Plan in DPO37 has been designed to retain and take advantage of trees with arboricultural value:

The location of the 1-hectare park for instance was determined after assessment by Council parks and environment officers to incorporate suitable, healthy trees.

Council noted that the Amendment will deliver 2.739 hectares of passive open space (not counting the drainage reserves) including a link from McLeods Waterholes to Griggs Creek which provides an opportunity to retain canopy trees and recreate natural habitat.

The Proponent submitted that most of the land has been cleared, and that no evidence has been produced by the submitters on the significance of the existing vegetation or wildlife habitats. The preliminary ecological and arboricultural assessments do not identify any environmental or ecological reasons why the land cannot be rezoned for urban purposes, and that scattered trees of significance have been incorporated into future public open spaces wherever possible. Further assessment will occur through the Development Plan approval process, and if any native vegetation is required to be removed a permit will be required under Clause 52.17 and a suitable offset will need to be provided.

The Proponent submitted that the approval of the Amendment:

... will result in a significant improvement in environmental conditions and in particular by providing unbroken connectivity between Griggs Creek through to McLeods Waterholes... The Amendment, and in particular the delivery of the linear open space link (the properties of which will be developed early in the life of the land) will provide this to the net benefit of the community.

(v) Discussion

The Panel acknowledges the concern of the local community about environmental and biodiversity impacts, but no evidence was presented to the Panel that the subject land

contains significant ecological values or performs any significant biodiversity function. While the assessments conducted to date are preliminary, they have identified no protected species or native vegetation of significant value on the subject land, and have concluded that the presence of protected species (both flora and fauna) is unlikely due to an absence of suitable habitat. The land is not subject to any overlay that protects environmental values, nor is it identified in any Structure Plan, study or other strategic document as having any significant environmental values.

The Panel considers that the creation of the linear open space linking Griggs Creek and McLeods Waterholes will generate an environmental benefit for the community. It will extend an existing corridor along the creek to the foreshore, and will link existing water features, providing possible habitat links as well as recreational links for the community to enjoy. If the linear open space is properly planned and vegetated, it will provide more suitable habitat and greater connectivity than currently exists on or through the subject land.

The Panel is satisfied that the further assessments required under DPO37 will ensure that ecological impacts are appropriately managed, and that the development of the subject land will deliver positive environmental outcomes.

(vi) Conclusion

The Panel concludes:

- There is no basis on which the Amendment should not be supported on environmental or biodiversity grounds.

4.6 Social impact

(i) The issue

The issue is:

- whether the Amendment will have unacceptable social impact due to the threatened loss of the glass studio at 164-168 Wyndham Street.

(ii) Submissions

Mr Hughes and Ms MacNaughton have constructed a glass art studio on their property at 164-168 Wyndham Street. This property is designated as a drainage and open space reserve, and ultimately the house, garden and glass studio will need to be removed. See Chapter 4.1 for more detail.

Mr Hughes and Ms MacNaughton open the studio to the local community and to visiting artists, donating their time and materials and providing mentorship to students and local artists. They submitted:

Loss of a local cultural/artistic resource

In our original submission to the council, we argued that Amendment C363's threat to our home extends to our glass art home business. We have invested considerable time, intellectual and creative effort and money to create a space for the home business where ambience and safety are key features.

The studio has been the site of several community based, cultural/artistic projects associated with the annual Festival of Glass. These include a glass "Welcome to

Drysdale" mural on the town's 'village green', the glass mosaic murals in Drysdale's arcade and the "Glass Trail" of glass art installations throughout the town.

The Drysdale Clifton Springs Curlewis Association submitted that the studio *"has been central to several local cultural/artistic projects"*, both private and public, and was *"especially concerned that the loss of the studio will diminish the area's cultural life"*. Public art projects produced by the community from the studio include the Drysdale Arcade Mosaics project, the 'Welcome to Drysdale' sign on the village green, a Local Flora path and a series of mosaic plaques in local businesses. Photographs of these projects were provided to the Panel by Ms MacNaughton.

The studio is used by community arts groups on a monthly basis, and to run workshops as part of Drysdale's annual Festival of Glass. Ms Drummond is the coordinator of the Festival of Glass Mentorship Programme, which invites cohorts of local school students to attend specialist classes at the studio. Ms Drummond submitted:

This has provided the confidence to continue senior students to pursue their love of glass and participate in workshops run by our resident artists from the island of Murano in Venice. We currently have two tertiary students who have taken on board a major project for the 2010 Festival of Glass in the hope that they will bring on board other young artists.

Furthermore, interstate and overseas glass artists visiting the annual Festival of Glass use the Wyndham Street studio to prepare their public performances, to create samples for their workshops and to create prizes for Festival fundraisers. The studio also hosts meetings of the Festival of Glass committee and of its project groups and provides storage for these groups.

(iii) Discussion

The Panel has no doubt that the glass art studio at 164-168 Wyndham Street makes a significant contribution to the cultural life of the Drysdale/Clifton Springs community. The studio is well equipped, and the landowners have clearly invested significant time, money and effort into the studio. They have generously opened the studio to students, visiting artists and the local community, and it has clearly become an important community asset.

After careful deliberation, the Panel finds that notwithstanding the value of this asset to the landowners and the community, it is not enough justification to halt the Amendment. There is overwhelming policy support for the conventional residential development of the subject land, and its rezoning has been foreshadowed in the Structure Plan and the policy framework for many years. The loss of the studio does not, in the Panel's opinion, alter the overall finding that on balance, the Amendment will deliver net community benefit.

It may be that the land at 164-168 Wyndham Street is not required for some years, although the Panel notes that there is no certainty around the timing of when the land will be needed. The Panel encourages the landowners to relocate the studio to another suitable location in Drysdale and encourages Council to provide the landowners with appropriate support to facilitate a relocation.

(iv) Conclusion

The Panel concludes:

- While the eventual loss of the glass art studio at 164-168 Wyndham Street will represent a significant loss to the landowners and to the artistic and cultural life of

the Drysdale community more broadly, it is not sufficient to alter the balance of net community benefit and justify halting the Amendment.

Appendix A Submitters to the Amendment

No	Submitter	No	Submitter
1	Sarah Amenity	30	Sara and Eero Keranen
2	Ample Investments Group	31	Brian Knights
3	Dr Peter Kym and Bronwyn Anderson	32	Peter Laing
4	Barwon Heads Association Inc	33	Kathy Lanthois
5	Barwon Water	34	Meryn Lavingdale
6	Gael Bayley	35	Alison Learey
7	Julie Beattie	36	Tracey Lee
8	Breamlea Association	37	Russell and Colleen Lincoln
9	Lenard Bufton	38	Tina Luton
10	Michael Carollo	39	Amy M
11	Sarah Carroll	40	Ross Macdonald
12	Doug Carson	41	Maureen Mahoney
13	Kaye Clancy	42	Owners of 148-156 Central Road and 128-132 Wyndham Street, Drysdale
14	Combined Bellarine Community Associations	43	Kym Matek
15	Context Planning for Clifton Springs Holdings Pty Ltd	44	Neil and Jill McGuinness
16	Margaret Daniel	45	McLeods Developments Pty Ltd
17	Alasdair Dickerson	46	Lynette and Brendan Meredith
18	A Bruce Drummond	47	Melissa Mitchell
19	Mercedes Drummond	48	Travis Nicholls
20	Sally Edgerton	49	Andrea Nisbet
21	Ernie Elliott	50	Susan O'Connor
22	Susan Formby	51	Janet Paradise
23	Linda Gallus	52	Point Lonsdale Civic Association Inc
24	Geelong Environment Council Inc	53	Portarlington Community Association
25	Stephen Gregg	54	Queenscliffe Community Association Inc
26	Alistair Hall	55	Ken Rankin
27	Patrick Hughes and Glenda MacNaughton	56	Richard Robert
28	Kim Jackson	57	Julie Rysdale
29	Janet Jenkin	58	Stephen Sayers

No	Submitter	No	Submitter
59	David and Diane Schofield	68	Alexandra Zauli
60	Tim Shaw	69	Kathleen Bourke
61	Joe Spiteri	70	Drysdale Clifton Springs Curlewis Association
62	Jonathan Sturman	71	Mark Eldridge and Daniela Zimmermann
63	Jill Tilton	72	Geoff Turner
64	Merryl Van Den Bosch	73	Dianne Toe and James Powell
65	Melissa Vervest	74	Greg Collier
66	Miranda Williams	75	Faith Stuart
67	Inez and John Woods	76	Bellarine Catchment Network

Appendix B Parties to the Hearing

Submitter	Represented by
Greater Geelong City Council	Peter Schembri, Senior Strategic Planner, Greater Geelong City Council
McLeods Developments Pty Ltd (Proponent)	Briana Eastaugh of Maddocks, calling expert evidence on: <ul style="list-style-type: none"> - DCP economics from Paul Shipp of Urban Enterprise - water and drainage from Warwick Bishop of Water Technology
Bellarine Catchment Network	Matt Crawley
Clifton Springs (Holdings) Pty Ltd	Tania Cincotta of Best Hooper
148-156 Central Road and 128-132 Wyndham Street owners	Joanne Preece of CardnoTGM
Drysdale Clifton Springs Curlewis Association	Mercedes Drummond
Barwon Heads Association Inc	Colin Bridges
Melissa Mitchell	
Dianne Toe and James Powell	
Colleen and Russell Lincoln	
Andrea and Darren Nisbet	
Mercedes Drummond	
Bruce Drummond	
Patrick Hughes and Glenda MacNaughton	
Neil McGuinness	
Doug Carson	
Faith Stuart	
Greg Collier	

Appendix C Document list

No.	Date	Description	Presented by
2020			
1	10/3/20	Directions and timetable (version 1)	Ms Thomas, PPV
2	13/3/20	Letter – Further Panel directions in response to COVID-19	Ms Thomas
3	19/3/20	Letter – Panel inviting feedback on process	Ms Thomas
4	23/3/20	Council delegated authority report attaching late submission – Geoff Turner	Mr Schembri
5	“	Letter – Cardno TGM requesting hybrid hearing process	Ms Preece
6	24/3/20	Letter – Drysdale Clifton Springs Curlewis Association requesting adjournment	Ms Drummond
7	“	Letter – Bruce Drummond requesting adjournment and advising does not have technology to access a hearing by video	Mr Drummond
8	“	Further Panel directions	Ms Thomas
9	“	Email – Preferred hearing option for Council	Mr Schembri
10	“	Letter – Proponent requesting ‘on the papers’ process	Ms Eastaugh
11	25/3/20	Preferred hearing option for Barwon Heads Association	Mr Bridges
12	30/3/20	Council Part A submission	Mr Schembri
13	31/3/20	Expert evidence – Paul Shipp, Urban Enterprise, 30 March 2020	Ms Eastaugh
14	“	Expert evidence – Warwick Bishop, Water Technology, March 2020	Ms Eastaugh
15	“	Letter – Clifton Springs (Holdings) Pty Ltd requesting adjournment	Ms Cincotta
16	1/4/20	Letter – Panel advising of adjournment	Ms Thomas
17	30/4/20	Letter – Proponent requesting the process to progress	Ms Eastaugh
18	12/5/20	Email – A Nisbet regarding process	Ms Nisbet
19	15/5/20	Letter – Panel clarifying details for further directions hearing	Ms Thomas
20	27/5/20	Letter – requesting correspondence	Ms Eastaugh
21	28/5/20	Consolidated correspondence from parties regarding the public hearing process	Ms Thomas
22	25/6/20	Correspondence from Mr Collier regarding process	Mr Collier
23	7/7/20	Letter – Proponent to the Panel regarding process	Ms Eastaugh
24	8/7/20	Letter – Proponent’s response to MPs and Councillors regarding process	Ms Eastaugh

No.	Date	Description	Presented by
25	9/7/20	Letter – Proponent regarding continuation of the Hearing via electronic means and site inspection	Ms Eastaugh
26	“	Existing planned key features map	Ms Eastaugh
27	14/7/20	Letter – Libby Coker MP to the Panel	Mr Hubbard, Electorate office
28	15/7/20	Letter – Council advising the Panel of face-to-face Hearing	Mr Smith
29	16/7/20	Response to correspondence from the Proponent	Ms Drummond, on behalf of DCSCA
30	20/7/20	Letter – Patrick Hughes to the Panel regarding process	Mr Hughes
31	“	Letter – Geoff Turner to the Panel regarding process	Mr Turner
32	21/7/20	Further written submission – Ernie Elliott regarding process	Mr Elliott
33	22/7/20	Letter – Hon Lisa Neville MP to the Panel regarding process	Mr Trezise
34	27/7/20	Council Delegated Authority Report – referring a late submission from Bellarine Catchment Network	Mr Schembri
35	28/7/20	Council Delegated Authority Report – referring late submissions from Dianne Toe and James Powell; Greg and Sharon Collier; and Faith Stuart	Mr Schembri
36	3/8/20	Council revised Part A submission	Mr Schembri
37	7/8/20	Email correspondence	Ms Nisbet
38	10/8/20	Updated evidence statement Paul Shipp	Ms Eastaugh
39	“	Updated evidence statement Warwick Bishop August 2020	Ms Eastaugh
40	24/8/20	Submitter questions of Mr Bishop	Ms Thomas
41	“	Council Part B submission	Mr Schembri
42	“	Proponent submissions	Ms Eastaugh
43	“	Planning controls and policies	Ms Eastaugh
44	25/8/20	Barwon Heads Assoc. submission	Mr Bridges
45	“	Clifton Springs (Holdings) submission and attachments: <ul style="list-style-type: none"> a. permit PP-987-2010/B for existing development at 91-101 Central Road b. permit PP-824-2006/C for existing development at 91-101 Central Road c. endorsed secondary consent layout plan for permit PP-824-2006/C d. Notice of Decision to grant a permit for retirement village extension at 103-111 Central Road 	Ms Cincotta
46	“	Submission by 148-156 Central Road and 128-123 Wyndham Street – Cardno	Ms Preece

No.	Date	Description	Presented by
47	“	Bellarine Catchment Network submission	Mr Crawley
48	“	Response to questions for Expert Witness Warwick Bishop	Ms Eastaugh
49	“	Construction images	Ms Toe and Mr Powell
50	26/8/20	Collen and Russell Lincoln submission	Ms Lincoln
51	“	Andrea and Darren Nisbet submission	Ms Nisbet
52	“	Mercedes Drummond submission and attachment: a. Photos of the Drysdale, Clifton Springs and Curlewis	Ms Drummond
53	“	Bruce Drummond submission	Ms Drummond
54	“	Drysdale Clifton Springs Curlewis Association submission (including photo)	Ms Drummond (President)
55	“	Glenda MacNaughton and Patrick Hughes submission and attachment a. PowerPoint presentation	Mr Hughes and Ms MacNaughton
56	“	Neil McGuinness submission	Mr McGuinness
57	“	Doug Carson submission (question)	Mr Carson
58	27/8/20	Photos of glass art and studio at 164-168 Wyndham Street and community based glass art projects	Ms MacNaughton
59	“	SpringDale Messenger Sept 2020	Mr Carson
60	“	Proponent closing submission	Ms Eastaugh
61	“	Council closing submission	Mr Schembri

Appendix D Supporting document

The Amendment was informed by 13 supporting plans, assessments and reports.

(i) Planning Report

The Planning Report prepared by St Quentin Consulting, July 2017 in support of the Amendment concluded that the proposal would ensure that the future residential development of the subject site occurs generally in accordance with the both the broader strategic planning policy framework (both State and Local), as well as the key principles of the Jetty Road / Central Road Framework Plan. Further, the proposed DPO Schedule will require a range of more detailed planning issues to be resolved prior to the commencement of any development works.

(ii) Stormwater Management Plan

The Stormwater Management Plan was prepared by Water Technology in May 2019 and informed by discussions with the relevant drainage authorities – City of Greater Geelong and Corangamite Catchment Management Authority. The Plan identifies on-site stormwater management solutions and a concept drainage design for the proposed development.

Water Technology developed a concept design to manage 1% AEP flood flows across the subject site under developed conditions, which has been incorporated into the proposed urban layout as layout as detailed on the Framework Plan.

(iii) Wetland Functional Design Report

The Proponent commissioned a Functional Design Report by Water Tech in July 2018, to describes the functional design of two combined sediment basin/wetland/retarding basin systems that form the basis of the Stormwater Management Plan. The Report demonstrated that the proposed wetlands and retarding basins for the site are founded on best practice principles and meet Best Practice Guidelines for water quality treatment. The Report included designs for an interim basin, to allow staged development of the area without impact on land at 164-168 Wyndham Street.

(iv) Urban Services Assessment

St Quentin Consulting provided an Urban Services Assessment in July 2017 that identified that, aside from the need to provide on-site stormwater infrastructure, the site can be serviced via connection to or extension of the existing urban services network.

(v) Traffic and Transport Assessment

The Traffic and Transport Assessment was prepared by Cardno in 14 January 2019 and recommended that access to the estate will be from Jetty Road, Wyndham Street, Central Road and Thomas Street.

The Assessment reviewed an approximate 550 lot subdivision layout and determined the proposed road layout, road hierarchy and road cross sections are generally consistent with the requirements of the Planning Scheme and considered appropriate for the development. It is considered the subdivision has been designed to match into the road infrastructure of the surrounding area already constructed or under construction of adjoining subdivisions.

The Assessment anticipated development of the area would generate in the order of 550 vehicle movements in the peak hours and 5,500 vehicle movements per day and that this level of traffic can be adequately accommodated by the surrounding road network.

(vi) Ecological Assessment

An ecological assessment was prepared by Okologie in May 2016 with an addendum in October 2016, for 20 hectares of the area, comprising several separate properties bound by Thomas Street to the north, Central Road to the east, private property to the south and Jetty Road to the west.

The purpose of the assessment was to ascertain the presence or absence of ecological values within the site and to identify any potential constraints associated with the proposed future development.

The assessment found that the site was highly modified and characterised by open pasture, interspersed with planted native (non-indigenous) and exotic trees and shrubs along windrows, property boundaries and around dwellings. No native vegetation was observed within the site. No listed threatened flora or fauna species or associated habitats were observed during the field assessment, and none are considered likely to occur due to the absence of suitable habitat.

As the assessment covered only 20 hectares of the proposed area, it was recommended that a detailed assessment be undertaken to confirm the presence or absence of native vegetation (in particular native grasses) within the site.

(vii) Arboricultural and Tree Assessment

Arboricultural Assessments were undertaken on 151, 161 and 171 Jetty Road, Drysdale by Let's Talk About Trees, in December 2016, and then on a further 8 parcels of land off Thomas Street and Central Road, Drysdale, in February 2018. The arboricultural assessments were based on tree assessments undertaken by St Quentin Consulting in December 2016.

The assessments were to assist in managing the useful safe retention of trees to ensure the area's tree assets are managed well through the development process for the site, and the sound assets are protected for retention post works.

The report assessed 1,042 trees and made recommendations on the health, arboriculture value and retention for these for future reference in preparing development and subdivision plans.

(viii) Landscape Masterplan Report

The Landscape Masterplan Report was prepared by Tract in July 2019 and included designs for a 1 hectare park, linear reserve and designs for interim and ultimate drainage reserves. The masterplan was supported by an Infrastructure Costs Report by Tract, August 2019.

(ix) Cultural Heritage Assessment

Cultural Heritage Management Group were engaged to provide a Cultural Heritage Assessment in August 2019, which found that part of the subject site is located within an area of Aboriginal Cultural Heritage Sensitivity as it is located proximate to McLeods Waterholes and Griggs Creek.

The report noted that a Cultural Heritage Management Plan (CHMP) will be a mandatory requirement for the subdivision and development of land in the southern portion of the subject site that is within an area of Aboriginal Cultural Heritage Sensitivity.

(x) Bushfire Hazard Assessment

A Bushfire Hazard Assessment was undertaken by Okologie, April 2018, to inform the bushfire risk and management response to reduce this risk to appropriate levels. The report recommended that the proposed subdivision will not increase the bushfire risk to the local community or the adjacent area and it is located in a low bushfire risk area. It concluded that development is capable of achieving BAL-12.5 defensible space and construction in accordance with Column A of Table 2 to Clause 52.47-3 of the Planning Scheme.

(xi) Land Budget

The Land Budget, 11 July 2018, identified 41.6 hectares of land within the subject area.

(xii) Central Road Drysdale Draft Development Contributions Plan

The Amendment proposes to incorporate the Central Road Drysdale Draft Development Contributions Plan (the DCP) into the Planning Scheme. Urban Enterprise prepared the DCP in August 2019.