



Date: 4 April 2024

Submission on behalf of the Planning Authority
Amendment C387ggee to the Greater Geelong Planning Scheme

Council Submission: Part A

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development of the Subject Land as Stage 2 of the Jetty Road Urban Growth Area (**Growth Area**).

SUMMARY OF AMENDMENT

Exhibited Amendment

12. In summary, the Amendment seeks to facilitate the urban development of the Subject Land in accordance with the *Drysdale – Clifton Springs Structure Plan* (adopted September 2010) and the *Jetty Road Urban Growth Plan* (adopted 26 June 2007, amended 23 September 2008), as well as implement the Stage 2 DCP into the Scheme. More specifically, the Amendment (as exhibited) seeks to:
- 12.1 amend Planning Scheme Map 59 to rezone the Subject Land from Farming Zone (**FZ**) and Rural Living Zone (**RLZ**) to General Residential Zone – Schedule 1 (**GRZ1**);
 - 12.2 amend Planning Scheme Map 59DPO to apply the Development Plan Overlay – Schedule 46 (**DPO46**) to the Subject Land;
 - 12.3 amend Planning Scheme Map 59DCPO to apply the Development Contributions Plan Overlay – Schedule 9 (**DCPO9**) to the Subject Land;
 - 12.4 insert Planning Scheme Map 59EAO to apply the Environmental Audit Overlay to part of the Subject Land;
 - 12.5 insert the new DPO46 that will apply to the Subject Land;
 - 12.6 insert the new DCPO9 that will apply to the Subject Land;
 - 12.7 amend the Schedule to clause 72.03 (What Does This Planning Scheme Consist Of?) to include new map 59EAO; and
 - 12.8 amend the Schedule to clause 72.04 (Documents Incorporated into this Planning Scheme) to include the Stage 2 DCP.
13. The DPO46 contains the *C387ggee Jetty Road Stage 2 Urban Growth Area Framework Plan* (**Growth Area Framework Plan**) at Map 1, which provides the framework for the development envisaged by the Amendment, as follows:

between Council and the Developer Group and are intended to guarantee the early provision of road land to enable Tivoli Drive and Greenvale Drive duplication works. The agreements are to be executed before the Amendment is adopted by Council.

PANEL DIRECTIONS

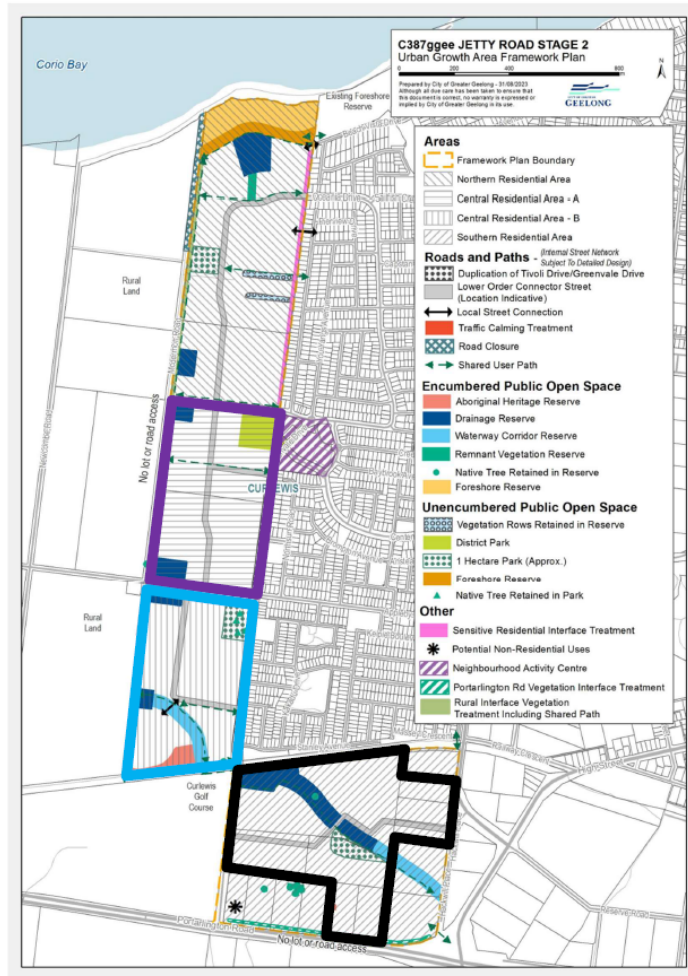
17. This Part A submission responds to direction #18 of the Panel's Directions (**Panel Directions**) issued on 13 March 2024.
18. The Part A submission is arranged under the following headings to address the Panel Directions:
 - 18.1 physical context of the subject land and surrounds (responds to direction #18a);
 - 18.2 background to the Amendment (responds to directions #18b,c and e);
 - 18.3 strategic context and assessment (responds to #18d);
 - 18.4 a summary of the issues raised in submissions (responds to direction #18f);
 - 18.5 suggested changes to the Amendment in response to submissions.
19. In accordance with direction #23 of the Panel Directions, on 8 April 2024 Council will be circulating evidence of:
 - 19.1 Mr Matt Ainsaar of Urban Enterprise in relation to development contributions;
 - 19.2 Mr Chris Beardshaw of Afflux Consulting in relation to drainage.
20. In accordance with direction #20 of the Panel Directions, on Thursday 18 April 2024 Council will be circulating its Part B submission and its 'Day 1' version of the Amendment documentation. The Part B submission will address, as appropriate, the remaining directions of the Panel.

PHYSICAL CONTEXT OF THE SUBJECT LAND AND SURROUNDS

21. The Subject Land forms part of the Growth Area, within the City of Greater Geelong, and contains 20 land titles making up approximately 150 hectares in area.
22. It is primarily bounded by McDermott Road to the west, Portarlington Road to the south, and Port Phillip Bay to the north. To the east of the Subject Land is the area known as Stage 1 of the Growth Area. This area was rezoned in 2009, as described at paragraphs 42 to 44 and has delivered over 1,700 lots and associated infrastructure. Stage 1 is currently zoned GRZ1, except for the Curlewis Neighbourhood Activity Centre which is in the Commercial 1 Zone and also forms part of the Stage 1 area (and includes part of the future district park);

ATTACHMENT1 STOCKLAND PURPLE, SOHO LIVING BLUE, APD PROJECTS BLACK

MAP 1 TO THE SCHEDULE 46 TO CLAUSE 43.04



(Submission #7 – page 4)

29. More broadly, the Subject Land is within the defined settlement boundary of the Drysdale Clifton Springs township and is located 98km south west of Melbourne and 22 km east of Geelong.



(Nearmaps – accessed 26 March 2024)

BACKGROUND TO THE AMENDMENT

30. Direction #18a) of the Panel Directions requests a description of the background to the Amendment. The background to the Amendment, including the strategic history of the Amendment, is set out below, and a chronology of events forms **Attachment A** to this submission.

Drysdale Clifton Springs Structure Plan 1992

31. In March 1992, the former Geelong Regional Commission prepared and adopted the Drysdale Clifton Springs Structure Plan (**1992 Structure Plan**).

32. The 1992 Structure Plan identified two large areas for residential growth:

- 32.1 the rural land in between Drysdale and Clifton Springs, with an intent to link the two suburbs; and
- 32.2 the land west of Jetty Road.

33. Other key recommendations in the 1992 Structure Plan included:

- 33.1 designating the land bound by Grubb Road, Belchers Road, Andersons Road and Gillies Road as a possible sub regional site which would service various commercial needs for Drysdale Clifton Springs and Ocean Grove;
- 33.2 designation of the Drysdale By-Pass Road.

34. The 1992 Structure Plan guided land use and development in Drysdale Clifton Springs until 2010 when the plan was reviewed and amended (as described at paragraphs 45 to 49 below).

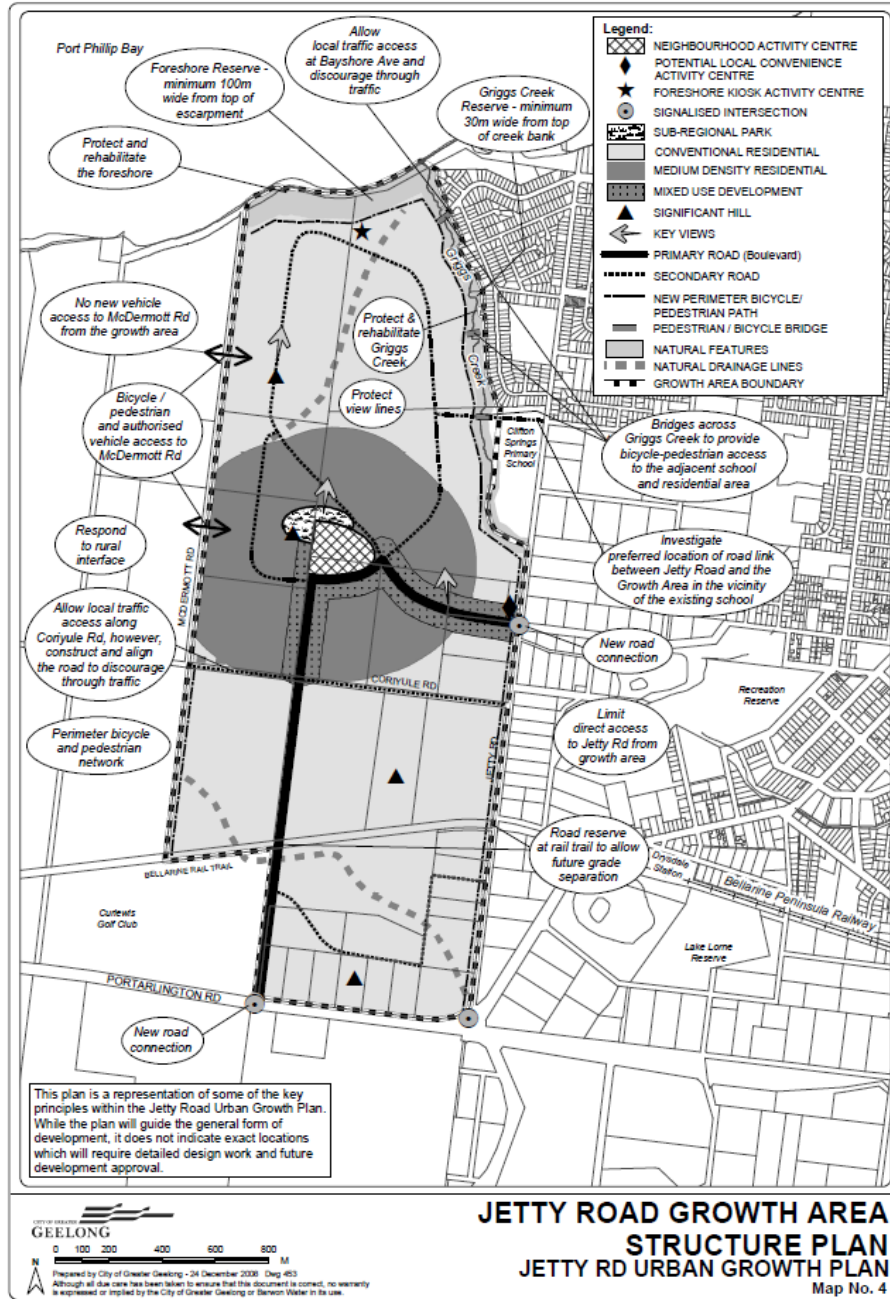
Jetty Road Urban Growth Plan

35. On 26 June 2007, Council adopted the Jetty Road Urban Growth Plan (**Urban Growth Plan**). It was developed in consultation with a wide range of stakeholders, including state government agencies, statutory bodies, utility companies, community groups, developers and landowners.
36. On 23 September 2008, the Urban Growth Plan was amended through the adoption of Amendment C129. Amendment C129 sought to implement the recommendations of the Municipal Strategic Statement Review, which included updates to the Local Planning Policy Framework based off various studies, including the Urban Growth Plan.
37. The Urban Growth Plan sets the strategic direction for the development of the land in the Growth Area, as well as the key planning responses that will be pursued at each stage of the planning process for the area. It notes that the Growth Area will accommodate a large proportion of the growth forecast for the Bellarine Peninsula, containing 3,300 dwellings when fully developed, with a population in excess of 8,000 people.¹
38. The Urban Growth Plan identifies the following ‘vision’ for the Growth Area²:
- The Jetty Road urban growth area will be developed into a sustainable community that demonstrates best practice urban development. The relationship to the bay, connections to adjacent residential areas and the growth areas natural features will be enhanced to form a distinct urban character. By responding to the needs of the future community and managing sensitive interfaces, Jetty Road will become a highly sought after location for living, working and recreation, forming an attractive addition to Drysdale/Clifton Springs.
39. The Urban Growth Plan sets the long term strategic framework for the development of the Growth Area in relation to:
- 39.1 Land use (such as residential development of varying densities, open space and community facilities);
 - 39.2 Transport (such as the road network, collector roads & proposed public transport);
 - 39.3 The neighbourhood activity centre; and
 - 39.4 Open space (passive & active), waterways and environmentally sensitive areas.

¹ Page iii.

² Page 24.

40. The Jetty Road Urban Growth Plan map no. 4 provides a visual representation of the principles in the Urban Growth Plan, and is currently included in the Scheme at clause 11.03-6L-01 (Bellarine Peninsula):



41. The objectives and principles of the Urban Growth Plan continue to apply to the Subject Land and have guided the preparation of the Amendment (subject to some changes reflecting the new polices and controls that have been developed since the Urban Growth Plan was adopted).

Stage 1 of the Growth Area

- 42. In December 2009, Stage 1 of the Growth Area was rezoned by Amendment C152 in accordance with the Urban Growth Plan.
- 43. On 9 February 2012, a Development Contributions Plan Overlay was applied to the Stage 1 area by Amendment C230, implementing the *Jetty Road Urban Growth Area Stage 1 Development Contributions Plan (Stage 1 DCP)*. It delivered over 1,700 lots and associated infrastructure, the Bayview Central Shopping Centre and new Greeks Creek and foreshore public open space. The Stage 1 DCP applies to the Stage 1 land only.
- 44. The extracted map below shows where the areas known as Stage 1 and Stage 2 are located.



(Jetty Road Urban Growth Area Stage 1 Development Contributions Plan, Version 4.2, September 2011, City of Greater Geelong, page 5)

Drysdale-Clifton Springs Structure Plan, September 2010

- 45. In September 2010, Council adopted the *Drysdale – Clifton Springs Structure Plan (2010 Structure Plan)*.
- 46. The 2010 Structure Plan was implemented into the Scheme via Amendment C194 on 6 January 2010, which included updates to the Municipal Strategic Statement for the Bellarine Peninsula and various rezonings.

47. The 2010 Structure Plan outlines a plan to guide future planning and development of Drysdale Clifton Springs for the next 10-15 years. It includes the following vision for Drysdale Clifton Springs:

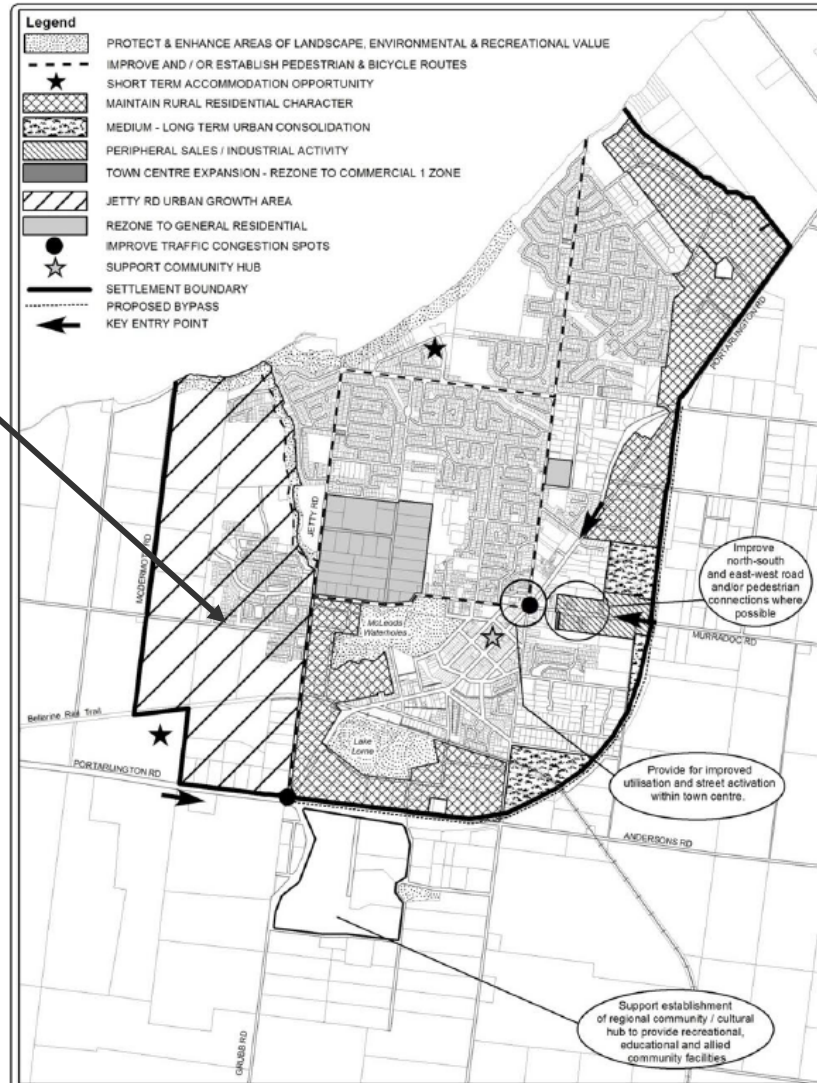
In the year 2016 Drysdale Clifton Springs will provide residents with a unique lifestyle offering comfortable and convenient urban living with bay vistas in a peaceful rural setting. It will be well serviced with education, community, sports cultural and recreation facilities, have a vibrant shopping precinct with distinct village character and a renewed focus on the foreshore with improved landscaping, facilities and access.

48. The purpose of the 2010 Structure Plan is to:

- 48.1 identify the key strategic planning issues facing the townships, including community aspirations and needs;
- 48.2 articulate the preferred future directions for the townships, including the location of settlement boundaries; and
- 48.3 identify appropriate planning controls which will protect and enhance the distinctive elements of the townships, biodiversity and landscape feature.

49. The 2010 Structure Plan depicts the Growth Area within the settlement boundary in the Structure Plan map, which is now included in the Scheme at clause 11.03-6L-01 (Bellarine Peninsula):

Jetty Road Growth Area



Landowner request for the Amendment and background studies

- 50. In September 2020, TGM Group, acting for the landowners in the RLZ precinct (part of the Developer Group), lodged an application to Council seeking a planning scheme amendment to rezone the RLZ precinct to GRZ.
- 51. Council accepted the application but noted that the progression of the application was dependent on joint consideration of the FZ precinct, which also formed part of Stage 2 of the Growth Area.
- 52. In June 2021, a rezoning application was lodged by consultants on behalf of the landowners located in the FZ precinct to apply to all of the FZ land north of the Rail Trail.
- 53. The combined request from the Developer Group was supported by various technical reports including in relation to service infrastructure, flooding and stormwater drainage, public open space, traffic engineering, bushfire hazard, land contamination, native vegetation, planted trees, aboriginal cultural heritage and housing needs.

54. Cultural heritage assessments have confirmed that Cultural Heritage Management Plans will be required when the Subject Land is subdivided (and are not triggered by the Amendment). Wadawurrung Traditional Owners Aboriginal Corporation will be actively engaged in the process of preparing future open space landscape plans.
55. Some of the technical reports and assessments prepared by the Developer Group have since been updated following Council and State Government agency and authority review, to a level that can appropriately inform the proposed DPO and DCPO schedules.

PREPARATION OF THE AMENDMENT

Preparation and authorisation

56. At its meeting on 24 May 2022, Council resolved (amongst other things) to request the Minister to authorise the preparation and exhibition of the Amendment.
57. Following the resolution of 24 May 2022:
 - 57.1 Council and the Developer Group worked collaboratively to prepare technical reports to inform the Stage 2 DCP and the three draft s 173 agreements in relation to the early delivery of Tivoli Drive and Greenvale Drive. Council engaged Urban Enterprise to prepare the draft Stage 2 DCP;
 - 57.2 Council sought the views of the Environment Protection Authority (**EPA**) in accordance with the *Ministerial Direction 19 – Amendments that may result in impacts on the environment, amenity and human health*. Following advice from the EPA and the Department of Transport and Planning (**DTP**), Council agreed to apply the EAO to part of the Subject Land through the Amendment.
58. On 9 October 2023, Council requested Ministerial authorisation to exhibit the amendment.
59. On 25 October 2023, DTP issued authorisation under delegation from the Minister subject to administrative conditions to amend the Instruction Sheet and Explanatory Report. Council satisfied these conditions prior to exhibition of the Amendment.

Exhibition

60. The Amendment was formally exhibited between 10 November 2023 and 18 December 2023 in accordance with the Act.
61. Notice of the Amendment was:
 - 61.1 sent to all directly affected landowners, as well as 327 nearby residents / business owners;
 - 61.2 published in the Government Gazette on 16 November 2023;
 - 61.3 published in the Times News Group; and

- 61.4 informally published in the December 2023 edition of the SpringDale Messenger.
62. In addition to the above, the Amendment documentation, facts sheets and other background information was made available for inspection at the Boronggook Drysdale Library at Council's customer service desk, as well as online at Council's and DTP's website;
63. The exhibited Amendment documentation comprises the following:
- 63.1 Explanatory Report;
 - 63.2 Instruction Sheet;
 - 63.3 DPO46;
 - 63.4 DCPO9;
 - 63.5 Schedule to Clause 72.03 – What Does This Planning Scheme Consist Of? (including track-changes);
 - 63.6 Schedule to Clause 72.04 – Incorporated Documents (including track-changes);
 - 63.7 Zoning and Overlay maps; and
 - 63.8 Stage 2 DCP.
64. Further, the following supporting documents were exhibited with the Amendment:
- 64.1 Rail Trail North – Infrastructure Servicing Assessment prepared by Cardno TGM;
 - 64.2 Rail Trail North – Jetty Road North Preliminary Risk Screening Assessment Report prepared by EHS Support;
 - 64.3 Rail Trail North – Native Vegetation Assessment – 32-70 McDermott Rd prepared by Mark Trengove Ecological Services;
 - 64.4 Amendment C387GGEE General Questions and Answers prepared by City of Greater Geelong;
 - 64.5 Rail Trail North – Native Vegetation Assessment – 91-125 Coriyule Rd prepared by Mark Trengove Ecological Services;
 - 64.6 Rail Trail North – Bushfire Risk Assessment – Response to Clause 13.02.1S prepared by South Coast Bushfire Consultants;
 - 64.7 Rail Trail North – Town Planning Report prepared by Planit Consulting;
 - 64.8 Rail Trail North – Aboricultural Tree Assessment – 91-125 Coriyule Rd prepared by Let's Talk About Trees;
 - 64.9 Rail Trail North – Aboricultural Assessment for Tree Identification, Health and Retention Value prepared by Let's Talk About Trees;
 - 64.10 Rail Trail North – Flood Study prepared by TGM;
 - 64.11 Rail Trail North – Environmental Audit Report – Portion of 91-125 Coriyule Road Curlewis prepared by AAA Environmental;



- 64.12 Rail Trail South – Ecological Assessment for Phase 2 prepared by Ecology and Heritage Partners;
- 64.13 Rail Trail South – SWMS prepared by Water Technology;
- 64.14 Rail Trail South – Bushfire Risk Assessment prepared by South Coast Bushfire Consultants;
- 64.15 Rail Trail South – Existing Conditions Flood Study prepared by TGM;
- 64.16 Rail Trail South – Infrastructure Servicing Report prepared by SMEC;
- 64.17 Rail Trail South – Letter of Site Inspection - TPZ Calculations prepared by Let's Talk About Trees;
- 64.18 Rail Trail South – Town Planning Report prepared by Bursill Consulting;
- 64.19 Rail Trail South – Vegetation Assessment prepared by TGM;
- 64.20 Development Contributions Plan Report prepared by Traffix Group;
- 64.21 Traffic Engineering Assessment prepared by Traffix Group;
- 64.22 Development Plan Report prepared by Traffix Group;
- 64.23 Coriyule Rd Drain Report prepared by Afflux Consulting;
- 64.24 Development Plan Overlay Schedule 46 – Background Landscape Report, City of Greater Geelong;
- 64.25 Geotechnical Investigation for Cliff Stability prepared by Stantec;
- 64.26 Final Report - Jetty Rd Rezoning Stage 2 SWMS prepared by Water Technology;
- 64.27 ASR Research Memo Letter regarding Timing of Delivery of the Curlewis Early Years Hub prepared by ASR Research;
- 64.28 Letter of Advice regarding Affordable Housing prepared by Affordable Development Outcomes;
- 64.29 Housing Diversity Affordability Report prepared by Urbis;
- 64.30 Jetty Road Urban Growth Area Stage 1 Development Contributions Plan prepared by Urban Enterprise;
- 64.31 Jetty Road Urban Growth Plan Adopted 2007 (Amended 2008) prepared by City of Greater Geelong;
- 64.32 Bellarine Peninsula Statement of Planning Policy prepared by Victorian Department of Transport and Planning;
- 64.33 2010 Structure Plan prepared by City of Greater Geelong;
- 64.34 DRAFT Tivoli Greenvale Delivery Strategy 173 Agreement A;
- 64.35 DRAFT Tivoli Greenvale Delivery Strategy 173 Agreement B;
- 64.36 DRAFT Tivoli Greenvale Delivery Strategy 173 Agreement C; and

- 64.37 Council Meeting Minutes (resolving to request the Minister for Planning to authorise the preparation and exhibition of the Amendment).

Submissions

65. In response to exhibition, Council received 58 submissions, including one petition with 39 signatures.
66. Of the 58 submissions:
- 66.1 56 submissions either requested changes or opposed the Amendment; and
 - 66.2 two were supportive of the Amendment.
67. All of the submissions have been referred to the Panel and a summary of the issues raised in the submissions is set out in the officer report and also set out later in this submission along with a description of the recommended changes proposed by Council in respect of the issues.

Council consideration of submissions

68. On 8 February 2024, Council considered all submissions to the Amendment and under delegation resolved to:
- 68.1 request the Minister to appoint a Panel under Part 8 of the Act;
 - 68.2 refer all submissions to the Panel; and
 - 68.3 submit to the Panel its response to the submissions generally as outlined in the report.
69. The Panel has previously been provided with a copy of the Delegated Authority Report in relation to Council's consideration of submissions (see below) dated 8 February 2024.

Relevant permits or permit applications

70. In accordance with direction #18e) of the Panel Directions, Council confirms that there are no permit applications or recently granted permits that might impact on the Amendment.

STRATEGIC CONTEXT AND ASSESSMENT

71. This section provides an overview of the strategic basis for the Amendment. It is noted that the Explanatory Report exhibited with the Amendment includes a strategic assessment, including the relevant State policies expressed through the Planning Policy Framework and local planning policies. These assessments are adopted for the purposes of Council's submission.

72. A response to the strategic issues raised in the submissions to the Amendment, and more particularly, those that questioned the strategic merit of particular aspects of the Amendment, will be addressed in Council's Part B submission.

Why is the Amendment required?

73. The Amendment is required to facilitate urban development of the Subject Land in accordance with the 2010 Structure Plan and the Growth Plan.
74. The proposal is supported by the relevant state, regional, and local planning policy framework and achieves a net community benefit by facilitating growth in an appropriate location, within a long-standing settlement boundary. The amendment will also contribute to the sustainable growth of a designated district town in the *Bellarine Peninsula Statement of Planning Policy, July 2023 (BPSPP)*.

Planning and Environment Act 1987

75. The Amendment implements the following objectives of planning in Victoria set out in s 4(1) of the Act:
- (a) to provide for the fair, orderly, economic and suitable use, and development of the land;
 - (b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
 - (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
 - ...
 - (e) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community, and
 - (f) to facilitate development in accordance with the objectives of planning in Victoria.
76. The Amendment seeks to implement these objectives by:
- 76.1 aligning the zoning of the land with the strategic direction of policy as outlined in the 2010 Structure Plan, the Urban Growth Plan, and the BPSPP;
 - 76.2 allowing the development of the Subject Land whilst protecting significant vegetation and waterways; and
 - 76.3 providing improved public access to the foreshore, public open space, and pedestrian and cycle networks that will contribute to high quality urban environment.

Planning Policy Framework (PPF)

77. Strategic justification is firmly grounded in the PPF. The Council submits the Amendment is consistent with, and supports the implementation of, the PPF.

Clause 11 (Settlement)

78. The state policy at clause 11 includes the following strategic direction:

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

79. The Amendment supports clause 11 by:

79.1 facilitating residential growth in an orderly manner within the established town of Drysdale Clifton Springs with access to recreational, community, schooling and retail services; and

79.2 delivering on the planning extension to the town identified in the 2010 Structure Plan and Urban Growth Plan maps contained in clause 11.03-6L-01 of the Scheme.

Clause 11.01-1R (Settlement – Greater Geelong)

80. Clause 11.01-1R includes a strategy to:

Support the growth of Bannockburn, Colac, Drysdale/Clifton Springs, Lara, Leopold, Ocean Grove and Torquay/Jan Juc as district towns by building on existing and planned infrastructure and focussing growth along key road and rail networks.

81. The Amendment implements this strategy as it will support the development of the Growth Area, which is identified as the primary area for growth within Drysdale Clifton Springs.

Clause 11.02-1S (Managing Growth)

82. The Amendment implements the objectives of clause 11.02-1S including:

82.1 to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses (clause 11.02-1S);

82.2 to facilitate the fair, orderly, economic and sustainable use and development of urban areas (clause 11.02-2S);

82.3 to manage the sequence of development in areas of growth so that services are available from early in the life of new communities (clause 11.02-3S); and

82.4 to manage the release of new growth areas to make sure infrastructure, services and facilities are provided in a timely and efficient way, and to ensure development proceeds in a logical, sequenced manner that maximises the efficient delivery and use of development and community infrastructure (clause 11.02-3L).

Clause 11.03 (Planning for Places)

83. The Amendment supports the following objective of clause 11.03-2S (Growth areas);

To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.

84. The Amendment will facilitate an increase in population and expansion of the Drysdale Clifton Springs area, resulting in residential growth in a town close to services and necessary infrastructure within the defined settlement boundary.

85. Clause 11.03-6L(Bellarine Peninsula) contains general strategies including:

Support the district towns of Ocean Grove, Drysdale/Clifton Springs and Leopold to fulfil their role as service hubs for the Bellarine Peninsula.

Ensure all other townships provide retail, commercial and community uses and facilities that serve the daily needs of the community.

86. Clause 11.03-6L includes the 2010 Structure Plan map and the Growth Plan Map. It also contains strategies in relation to Drysdale Clifton Springs, including the following which are most relevant to the Amendment:

Contain urban development within the defined settlement boundary identified on the Drysdale/Clifton Springs 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.

87. The Amendment is within the settlement boundary identified on the 2010 Structure Plan map, as shown at paragraph 49 above, and is necessary to support the development of the Growth Area in accordance with the 2010 Structure Plan.

Clause 12 (Environmental and landscape values)

88. The Amendment advances the objectives and strategies of Clause 12 (Environmental and landscape values) by ensuring development responds to the significant environmental, aesthetic and open space and recreational benefits of waterways.

89. The Amendment will facilitate the transfer of the foreshore land into public ownership. This will deliver on strategies in clause 12.02-1L (Protection of coastal areas) to:

Set use or development back from coastal areas, estuaries and coastal wetlands to provide a buffer that is adequate to accommodate coastal recession and the landward migration of coastal wetland vegetation communities such as mangroves and salt marshes.

Minimise the loss of, and wherever possible increase, public access to the foreshore environment.

90. Further, Clause 12.03-1S (River and riparian corridors, waterways, lakes, wetlands and billabongs) of the Scheme seeks as its main objective:

To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.

91. It seeks to protect waterways through the following strategies:

Protect the environmental, cultural, landscape values of all waterway systems as significant economic, environmental and cultural assets.

Conserve waterway systems and the landscapes and environmental values surrounding them by protecting ecological values, indigenous vegetation, terrestrial and aquatic habitats and encouraging biodiversity.

Sensitively design and site development to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems.

Address the impacts of use and development on drought and flooding events at a catchment and site scale to protect the health and natural function of waterway systems and their surrounding landscape and environment.

92. The Amendment incorporates the designated waterway, that flows from the corner of Portarlinton Road/ Hackwill Place north-west through the RLZ precinct and 91-125 Coriyule Road, into a stormwater drainage constructed waterway corridor reserve, with revegetation and shared paths, therefore supporting the objectives and strategies relating to protecting and enhancing waterways in Clause 12.03-1S.

Clause 15 (Built environment and heritage)

93. The Amendment also supports key provisions of the PPF relating to built form and heritage, particularly Clause 15.01-1S (Urban design) and Clause 15.01-3S (Subdivision design).

94. Clause 15.01-1S (Urban design) of the Scheme seeks as its main objective:

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

95. Clause 15.01-3S (Subdivision design) of the Scheme seeks as its main objective:

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

96. The Amendment implements and supports this objective by appropriately responding to the Subject Land's context and landscape features. Off-road trails will link the foreshore to the Bellarine Rail Trail and nearby community facilities, and native habitat will be protected to provide nature in urban areas.

Clause 16 (Housing)

97. The Amendment implements the objectives and strategies of Clause 16 (Housing) by facilitating housing diversity and the efficient provision of supporting infrastructure.

98. Clauses 16.01-3S and 16.01-4S seek to provide for a range of housing types and delivery of affordable housing close to services. The Amendment will facilitate housing close to the Curlewis Neighbourhood Activity Centre (which is within the Stage 1 area), as well as nearby schools and other community facilities. The Amendment provides for the provision of affordable housing.

Clause 18.01 (Land use and transport)

99. The Amendment supports and implements the objectives and strategies of Clause 18.01 as the future development will be designed to ensure that vehicle, walking and cycling networks are safe, attractive and connect with the broader neighbourhood.
100. The three s 173 agreements that have been exhibited alongside the Amendment will ensure the early delivery of Tivoli Drive and Greenvale Drive to support increased traffic volumes and allow for the development to be developed in an orderly and serviced manner.

Clause 19 (Infrastructure)

101. The Amendment advances the strategies and objectives of Clause 19 (Infrastructure) of the Scheme by rezoning the land and applying the appropriate overlay controls allowing for the provision of shared infrastructure required to service future residents in the community.
102. Clause 19.03-1S (Development and infrastructure contribution plans) seeks as its main objective:

To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans.

103. Clause 19.03-1S includes the following strategies:

Prepare development contributions plans and infrastructure contributions plans, under the *Planning and Environment Act 1987*, to manage contributions towards infrastructure.

Collect development contributions on the basis of approved development and infrastructure contributions plans.

Require annual reporting by collecting and development agencies to monitor the collection and expenditure of levies and the delivery of infrastructure.

104. The Amendment implements and supports these objectives and strategies through the preparation and incorporation of the Stage 2 DCP and the application of the DCPO9 which will guide the delivery of identified shared infrastructure, as well as the construction of the Drysdale Regional Community and Learning Hub.
105. Clause 19.03-3S (Integrated water management) seeks:
- To sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.
106. The Amendment supports this policy objective as it will manage stormwater via the incorporation of water-sensitive urban design techniques to reduce volume run-off and peak flows, and integrate stormwater treatment.

Municipal Planning Strategy (MPS)

107. Strategic justification for the Amendment is also firmly grounded in the MPS.
108. At Clause 02.02 (Vision), the MPS outlines the ‘overarching vision’ for Greater Geelong, being:
- Geelong, coast, country and suburbs, is the best place to live through prosperity and cohesive communities in an exceptional environment.
109. Clause 02.02 also identifies key land use and development aspirations to support Council’s vision, in particular:
- Sustainable development that supports population growth and protects the natural environment.
110. The Amendment supports the vision and aspirations of Clause 02.02 as it directs growth in a location identified for that purpose.
111. The Amendment also implements the strategic directions identified in Clause 02.03 of the Scheme.
112. In relation to settlement, Clause 02.03-1 identifies that the Bellarine Peninsula comprises a series of contained townships separated by green breaks and has experienced strong population growth in recent years due to the scenic location, lifestyle opportunities and proximity to Geelong. Clause 02.03-1 recognises that managing urban growth on the Bellarine Peninsula will be critical to retaining its identity and attributes.
113. The Amendment supports Clause 02.03-1 by directing development within an area identified for growth, as well as implementing the strategic direction to ‘support and preserve the individual character, identity, role and function of each Bellarine Peninsula township’.
114. Clause 02.03-2 relates to environmental and landscape values and recognises that the municipality’s rural areas contain important environmental assets and the need to protect and enhance the natural environment and provide for more sustainable development. The Amendment is consistent with strategies to protect, restore and enhance biodiversity and natural systems and to protect and enhance waterways, noting the designated waterway that is proposed to be incorporated into a drainage reserve.
115. Clause 02.03-3 recognises that several areas in the municipality are susceptible to bushfire hazards. The Amendment is underpinned by bushfire risk assessments that were exhibited with the Amendment which ensures that the development of the Subject Land will appropriately respond to bushfire risks.

116. Clause 02.03-5 relates to built environment and sustainability and recognises that maintaining the municipality's identity is important when responding to regional growth, including in relation to cultural heritage. The Amendment supports these objectives as it encourages environmentally sustainable design in all development as well as conserving and enhancing individual heritage places and areas of pre-contact heritage significance.

117. Clause 02.03-6 recognises Council's desire to increase the diversity of housing stock in certain areas to respond to growth pressures:

To accommodate its growing population Council has identified Increased Housing Diversity Areas (IHDA). IHDA's are located around activity centres and transport hubs and have significant capacity to accommodate residential growth and increased housing diversity. These areas can provide for local shopping needs or are serviced by public transport. Development in these areas should encourage walking and discourage reliance on cars for all trips. The intensity of redevelopment will be highest around the activity centre core and lower at the edge of the IHDA.

For areas of heritage significance, new development should balance the preservation and restoration of the heritage place and other opportunities for housing.

Suburban detached family homes make up 85 per cent of current housing stock. Increasing the diversity of the City's housing stock over time will help cater for the growing trend of smaller households, the need for affordable housing, ageing in place and low maintenance housing, and strong demand for housing in high amenity locations.

In order to meet these demands, there is a need to provide for a range of housing types in both established and developing communities.

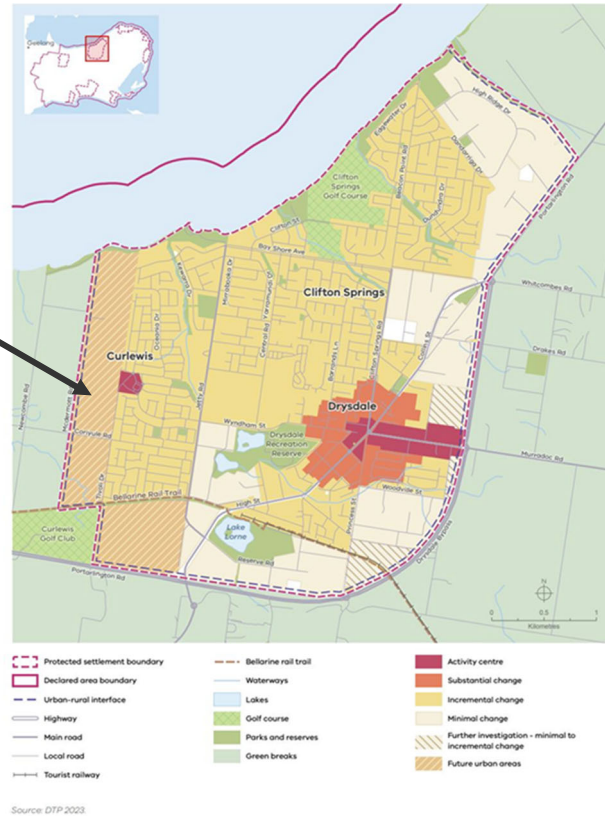
118. The Amendment advances the above objectives by ensuring housing diversity is achieved in the Growth Area, including through the provision of affordable housing.

119. Clause 02.03-8 relates to transport and includes strategic directions to support the development of safe, accessible, equitable and efficient traffic networks and delivery of linkages within towns that encourage walking, cycling and the use of alternative modes of transport. The Amendment is underpinned by traffic engineering reports and the DPO46 includes a requirement for a road network and traffic management plan which will ensure the delivery of a transport network that is consistent with clause 02.03-8.

120. In relation to infrastructure, Clause 02.03-9 recognises that there is a need to provide infrastructure in an efficient and timely manner, particularly in growth areas and that the provision of a comprehensive, safe and accessible open space network is a key feature of the City. The Stage 2 DCP and DCPO provides for the delivery of appropriate infrastructure, including open space, which is also depicted in the Growth Area Framework Plan at Map 1 to the DPO46.

Map 9: Drysdale-Clifton Springs-Curlewis settlement plan

Future Urban Areas



125. The Amendment, including the various strategic documents which informed the Amendment, are clearly consistent with Objective 8 of the BPSPP relating to settlements:

To plan and manage the sustainable development of settlements in the declared area consistent with the protection of the area's landscape significance, environment and biodiversity values, Wadawurrung living cultural heritage and historic heritage values and consistent with the unique character and hierarchy designation of each settlement.

126. Further, it is consistent with the relevant strategies designed to achieve the objectives of the BPSPP, as detailed on pages 7 and 8 of the Explanatory Report which was exhibited with the Amendment.

Ministerial Directions and Planning Practice Notes

127. The Amendment complies with the *Ministerial Direction on the Form and Content of Planning Schemes* and *Ministerial Direction 11- Strategic Assessment of Amendments*.

128. The Amendment is also consistent with *Ministerial Direction 17- Localised Planning Statements* that requires planning authorities to have regard to the relevant adopted Localised Planning Statements and include a discussion in the Explanatory Report of how the Amendment implements the Localised Planning Statements (although the BPLPS has now been replaced by the BPSPP).

129. The Amendment has also been prepared in accordance with *Ministerial Direction 1 Potentially Contaminated Land* and *PPN30 – Potentially Contaminated Land*. The majority of the Subject Land has been used for a range of farming and agricultural uses historically and there is a risk of contamination associated with those uses. Preliminary Risk Screen Assessments (**PRSA**) were undertaken by EHS Support Pty Ltd for all of the land owned by the Developer Group, and on other land where permission was given to the Developer Group.
130. After considering the PRSAs, Council determined that all of the Subject Land is potentially contaminated other than specific areas identified in the PRSAs as not requiring an audit, and a portion of 91-125 Coriyule Road, where a Statement of Environmental Audit has already been issued. Accordingly, the Amendment proposes to apply the EAO to the part of the Subject Land that is considered to be potentially contaminated.
131. The Amendment has also been prepared in accordance with the following relevant Ministerial directions:
- 131.1 *Ministerial Direction 15 – The Planning Scheme Amendment Process;*
 - 131.2 *Ministerial Direction 19 – Part A: The Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health; and*
 - 131.3 *Ministerial Direction on the Preparation and Content of Development Contribution Plans.*

Recently approved or upcoming amendments that might impact on the Amendment

132. There are no recently approved amendments that might impact on the Amendment.
133. DTP is responsible for introducing the BPSPP into the planning scheme. Council has provided feedback on the draft amendment documentation but no timeline for approval has been given. The amendment will introduce the policy but will not be making any zone or overlay changes.

SUMMARY OF ISSUES RAISED IN SUBMISSIONS

134. The Delegate’s Report provides a detailed summary of the issues raised in the submissions, together with Council’s response to these issues. Pages 10 to 31 of the Delegate’s Report summarises the issues raised in the submissions by theme and pages 32 to 53 of the report includes a summary of the individual submissions. Council’s response to each of the issues raised in submissions is also included the Delegate’s Report.
135. Broadly, the issues raised in the submissions can be categorised under key themes as follows:

- 135.1 requests for the Childrens and Community Hub (Stage 2 DCP item CF-01) to be delivered earlier, rather than 2031 or at an alternative time to be decided by Council if supported by demand evidence, as provided for in the Stage 2 DCP;
- 135.2 issues in relation to the delivery of Coriyule Road, which is proposed to be constructed between Tivoli / Greenvale Drive and McDermott Road as part of developer works;
- 135.3 issues in relation to the duplication of Tivoli Drive and Greenvale Drive;
- 135.4 requests for changes to the DPO46 including in relation to
 - 135.4.1 the road reserve shown traversing along the southern boundary of 32-70 McDermott Road;
 - 135.4.2 development plan timing and consultation;
 - 135.4.3 lack of certainty;
 - 135.4.4 affordable housing;
 - 135.4.5 drainage;
 - 135.4.6 environmentally sustainable development;
 - 135.4.7 residential villages;
 - 135.4.8 drafting of sections 3.0 and 4.0;
 - 135.4.9 vegetation;
 - 135.4.10 location of the 1 hectare local park shown on Map 1 to the DPO46;
 - 135.4.11 non-residential uses;
 - 135.4.12 Portarlington Road and Tivoli Drive;
 - 135.4.13 signage;
- 135.5 requests for changes to the Stage 2 DCP and DCPO9 including in relation to:
 - 135.5.1 Coriyule Road Drain (Stage 2 DCP item DR-02) which is requested to be removed;
 - 135.5.2 the costs of Southern Wetland (Stage 2 DCP item DR-04) relating to:
 - (a) reducing the area required for batters;
 - (b) the correct land area and correct landscape costs;
 - 135.5.3 land valuation methodology for the Southern Wetland (Stage 2 DCP item DR-04-L);
 - 135.5.4 financing costs for the early delivery of infrastructure which have not been provided for in the Stage 2 DCP;
 - 135.5.5 costs of items DR01 and DR03;

- 135.5.6 costs of construction of Coriyule Road and traffic calming treatments which have not been provided for in the Stage 2 DCP;
- 135.5.7 costs of Foreshore Works;
- 135.5.8 indexation applicable to projects completed prior to the introduction of the Stage 2 DCP;
- 135.5.9 inclusion of the Tivoli Drive and Greenvale Drive works in the Stage 2 DCP (RD-01, RD-01-L, RD-02, RD-02-L, RD-03 and RD-03-L);
- 135.5.10 apportionment of costs under the Stage 2 DCP.

SUGGESTED CHANGES TO THE AMENDMENT IN RESPONSE TO SUBMISSIONS

136. In response to the submissions, Council supports some of the recommended changes to the exhibited Amendment. The proposed changes are contained in the Delegate's Report and are summarised as follows:

136.1 update the DPO46 to:

136.1.1 amend the provisions relating to Environmentally Sustainable Development (in response to submission #7);

136.1.2 amend the Growth Area Framework Plan at Map 1 to:

(a) remove the north-south road on properties 13 and 14 (in response to submission #7);

(b) update the legend description from 'Lower Order Connector Street (Location Indicative)' to 'Indicative Key Local Street' (in response to submission #7);

(c) extend the 'Portarlington Rd Vegetation Interface Treatment' designation to the boundary of the Tivoli Drive Road reserve (in response to submission #53);

136.1.3 revise clause 4.0 (Urban Design Masterplan) in relation to the acoustic assessment requirements of the EPA (in response to submission #18);

136.2 update the Stage 2 DCP to:

136.2.1 reflect the latest land budget information in relation to:

(a) DR-04-L to reflect that there is a declared waterway in this area by ensuring that DR-04-L only relates to the unencumbered land area. This change is achieved by adopting the 'post-development' 40m-wide constructed waterway corridor as the encumbrance, with any land outside this waterway to be classified as unencumbered land (in response to submissions #7 and #52);

(b) DR-04 to correct the landscape costs (in response to submission #7);



- 136.2.2 add item DR-05 for the constructed waterway on Property 23 and 24 as these costs were not included in DR-04 (in response to submission #7);
- 136.2.3 remove the reference to the carpark from OS-01 (identified by Council when considering submissions);
- 136.3 amend the EAO map by removing it from Tivoli Drive road reserve (in response to submission #7); and
- 136.4 update the Explanatory Report to include how the EPA's views have been addressed (submission #18).

CONCLUSION

137. This completes the 'Part A' submission for the Council.

Maddocks

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Per Terry Montebello - Partner
Maddocks
Lawyers for the Planning Authority
4 April 2024

ATTACHMENT A – CHRONOLOGY OF EVENTS

Date	Description of event
26 June 2007	Council adopts the Urban Growth Plan.
23 September 2008	Council amends the Urban Growth Plan as part of Council's adoption of Amendment C129 which implements the recommendations of the Municipal Strategic Statement Review, including updates to the Local Planning Policy Framework based off various studies, including the Urban Growth Plan.
22 December 2009	Amendment C152 is gazetted which rezones Stage 1 of the Growth Area from FZ to Residential 1 Zone and applies DPO20.
28 January 2010	Amendment C129 is gazetted.
6 January 2011	Amendment C194 is gazetted which implements the 2010 Structure Plan, including updates to the MSS for the Bellarine Peninsula and various rezonings.
6 April 2011	The Stage 1 Jetty Road Development Plan is approved by Council.
3 November 2011	Amendment C188 is gazetted which rezones the Jetty Road Neighbourhood Activity Centre from Residential 1 Zone to Business 1 Zone and applies DDO28.
9 February 2012	Amendment C230 is gazetted which implements the Stage 1 DCP, applies the DCPO2 and applies the PAO4 over land required for the new primary road network between Portarlington Road and the Bellarine Rail Trail.
February 2017	TGM Group on behalf of the owners of 91-125 Coriyule Rd (Property 15) and 32-70 McDermott Rd (Property 13 & 14) approach Council planning officers regarding the future rezoning of Jetty Road Stage 2. TGM Group query whether any rezone would include 102-170 McDermott Rd (Property 11) and 72-100 McDermott Rd (Property 12), with the owners having been contacted by TGM prior.
8 March 2017	Council officers write to the owners of Property 11 and Property 12 in relation to the proposed rezoning and discussions remain ongoing.
October 2017	TGM Group complete a preliminary flood study for the development of the Subject Land and commence stormwater drainage discussions with Council engineers.
27 November 2017	TGM Group meet with Council officers to present proposed work programme for rezoning the land north of the Bellarine Rail Trail, concurrent with a subdivision permit for Property 15.

March 2018	Council officers decide the planning approach for Stage 2 of the Growth Area requires all the land to be rezoned and applied with a DCPO and DPO (i.e. only one planning scheme amendment) and advise TGM Group.
2 July 2018	Amendment C387ggee is created in the Amendment Tracking System
25 July 2018	TGM Group and Council officers hold a presentation and consultation meeting with landowners south of the Bellarine Rail Trail on the proposed rezoning and accompanying development overlay controls. Following the meeting, landowners engage TGM Group to apply for the rezoning.
21 September 2020	TGM Group formally lodge a rezoning application for the RLZ precinct. Council acknowledges the application however advises TGM Group that lodgement fees will be accepted and a report prepared for a Council meeting once all the land in Stage 2 of the Growth Area is requested for rezoning.
30 July 2021	TGM Group formally lodge a rezoning application for the FZ land north of the Bellarine Rail Trail and a concurrent multi-lot subdivision permit application for 30-70 McDermott Rd, Curlewis (Property 15) in accordance with s 96A of the Act.
24 August 2021	The Council Meeting report to consider engineering treatment options for Tivoli Drive and Greenvale Drive until the road is duplicated when Jetty Rd Stage 2 is prepared. Th report responds to some community feedback on traffic volume and safety concerns since the opening of Tivoli Drive in August 2020.
7 February 2022	Cardno (now Stantec and formerly TGM Group/ CardnoTGM) write to Council's planning director advising of changes to ownership of part of the Subject Land such that now there are three main developers (the Developer Group) that will facilitate and fund the rezoning. Cardno also requests Council discard the application under s 96A of the Act by removing the multi-lot subdivision permit application.
March 2022	Monthly meetings between consultants representing the Developer Group and Council officers commence.
12 May 2022	Letters sent to directly affected landowners and nearby owners and occupiers notifying of the listing of a report to Council at its Ordinary Meeting on 24 May 2022 recommending a planning scheme amendment to rezone the Subject Land.
24 May 2022	Council resolves at its Ordinary Meeting to prepare and exhibit the Amendment.
May 2022 to October 2023	The Developer Group and Council work together to prepare the Stage 2 DCP.
19 August 2022	Cardno (now Stantec) submits an updated package of documents on behalf of Property 13, 14 & 15 owners relating to the land north of the Bellarine Rail Trail.

8 November 2022	DTP provides advice that the application of the Specific Controls Overlay is not the correct planning scheme mechanism for activating the Small Lot Housing Code.
27 November 2022	Bursill Consulting on behalf of APD Projects submits an updated package of documents relating to the land south of the Bellarine Rail Trail.
26 May 2023	DTP provides advice in relation to its recommendation to apply the EAO following its internal review and considering the views of the EPA as required by Ministerial Direction No. 19
8 August 2023	BPSPP approved by the Governor in Council.
10 August 2023	BPSPP is gazetted.
6 October 2023	The exhibited version of the Stage 2 DCP is finalised by Urban Enterprise.
9 October 2023	Council requests Ministerial Authorisation for the Amendment.
25 October 2023	DTP authorises the Amendment under delegation from the Minister, subject to conditions.
10 November 2023	Draft section 173 agreements (x 3) are for early delivery of Tivoli Drive and Greenvale Drive land and works are finalised for exhibition.
10 November to 18 December 2023	The Amendment undergoes public exhibition.
8 February 2024	Council's Delegated Authority Report to consider submissions is completed.
13 February 2024	Council's delegate resolves to request the Minister to appoint an independent panel and refer all submissions to the Panel.
14 February 2024	Council writes to Planning Panels Victoria to refer all submissions and request Panel.
21 February 2024	The Panel is appointed for the Amendment.
13 March 2024	The Panel holds a Directions Hearing.
15 March 2024	The Panel issues a timetable and directions.
22 April 2024	The Panel Hearing is to commence.

