

## Jetty Road Urban Growth Area (Stage 2 Precinct)

Date of Report: **8 April 2024**  
Report prepared for **Jetty Road Stage 2 Developer Group**  
Report prepared by **Sophie Jordan**



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# 1 Introduction

- 1 I have been requested by Norton Rose Fulbright, on behalf of Stockland (Stockland Land Lease Management Pty Ltd), SOHO Living (Curlewis Bellarine Pty Ltd) and APD Projects (Curlewis Land Pty Ltd) (collectively referred to as the **Developer Group**) to prepare and present planning evidence in relation to Amendment C387 to the Greater Geelong Planning Scheme (**the Amendment**).
- 2 The Amendment affects land on the western edge of the Drysdale/ Clifton Springs and Curlewis township, commonly referred to as the “Jetty Road Urban Growth Area (Stage 2)”. Specifically, the Amendment involves the rezoning of the Stage 2 Precinct from the Farming Zone and Rural Living Zone to the General Residential Zone (Schedule 1) and proposes to introduce permanent planning controls via the Development Contributions Plan Overlay and Development Plan Overlay, with specific parcels to be affected by the Environmental Audit Overlay.
- 3 The Developer Group own the majority of land within the Jetty Road Urban Growth Area (Stage 2), referred to here on as the **Stage 2 Precinct**. This evidence has sought to consider the implications of the Amendment from a strategic and statutory planning perspective as it affects the Developer Group’s land (**the review site**).
- 4 My assessment of the Amendment does not provide an opinion regarding matters in relation to development contributions, traffic, landscaping and drainage. In this regard, I have been instructed that expert evidence is to be presented by:
  - Mr Chris McNeil of Ethos Urban on matters relating to the development contributions plan;
  - Mr Jason Walsh of Traffix Group on matters relating to traffic engineering including road design;
  - Mr Barry Murphy of Murphy Landscape Consultancy on matters relating to landscape design and treatment of Stage 2;
  - Mr Claudio Petrocco of Charter Keck Cramer regarding valuation matters;
  - Mr Stephen Watters of SMEC Australia on matters of civil engineering and costing; and
  - Mr Jonathon McLean of Alluvium on matters relating to drainage and stormwater management.
- 5 In preparing this statement of evidence, I have undertaken the following:
  - Reviewed the relevant planning policies and controls contained within the Greater Geelong Planning Scheme (**GGPS**) applicable to the Stage 2 Precinct, including Plan Melbourne 2017 – 2050: Metropolitan Planning Strategy;
  - Reviewed strategic planning reports that have been prepared by the City of Greater Geelong and its appointed consultants relating to the Stage 2 Precinct;



## 1 Introduction

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- Reviewed the exhibited Amendment documentation including background documents and reports;
  - Reviewed a number of written submissions that were lodged during the exhibition period;
  - Reviewed the Council Meeting Agenda (dated 8 February 2024) and Attachments;
  - Reviewed various Development Plan controls located within other municipalities;
  - Reviewed the Small Lot Housing Code prepared by the Victorian Planning Authority; and
  - Reviewed relevant Practice Notes and Ministerial Directions that relate to the strategic assessment of Planning Scheme Amendments.
- 6 As detailed in the Letter of Instructions prepared by Norton Rose Fulbright Australia (dated 21 February 2024), I was requested to undertake the following:
- Review the proposed Amendment documents and background materials;
  - Consider the appropriateness of the proposed Amendment from a planning perspective; and
  - Prepare an expert witness statement considering planning matters.
- 7 **Attachment 1** provides a summary of my professional qualifications and experience.
- 8 In the preparation of this statement, I have made all the inquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have, to my knowledge, been withheld from the Panel.

# 2 Review Site and Surrounds

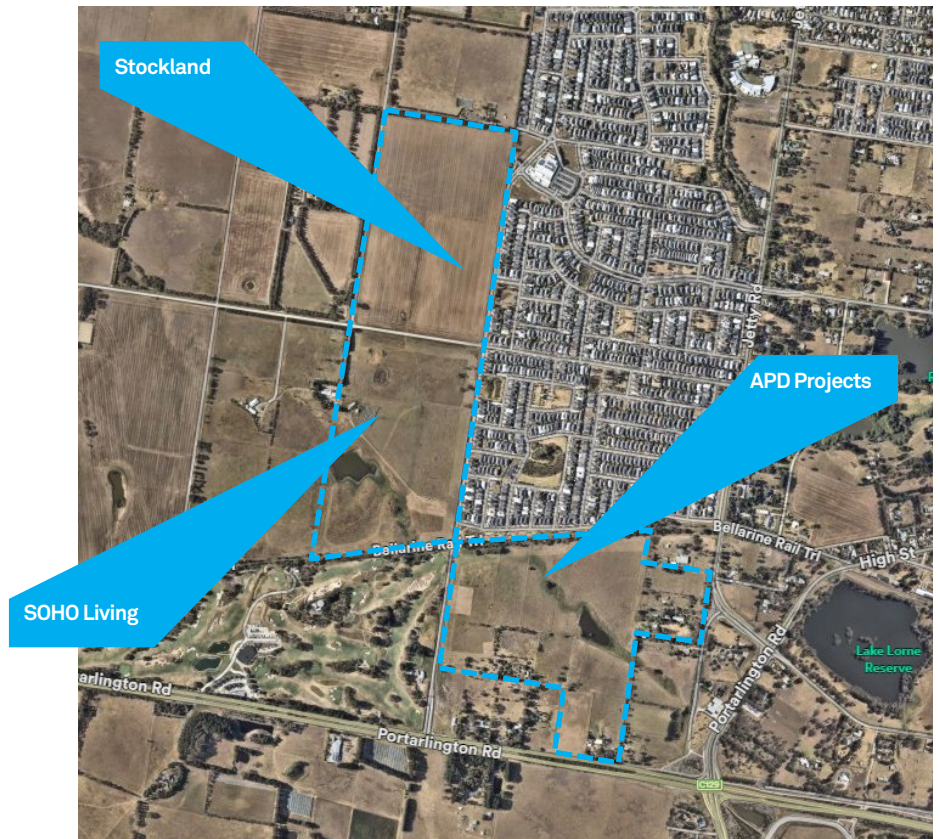
## 2.1 Review Site

9 The Amendment affects the review site which includes land known as:

- 32 – 70 McDermott Road, Curlewis (Stockland)
- 91-125 Coriyule Road, Curlewis (SOHO Living)
- 1421 – 1423 Portarlinton Road, Curlewis (APD Projects)
- 1471 – 1479 Portarlinton Road, Curlewis (APD Projects)
- 292 – 300 Jetty Road, Curlewis (APD Projects)
- 12 – 18 Hackwill Place, Curlewis (APD Projects)
- 2 – 8 Hackwill Place, Curlewis (APD Projects)

10 The review site is shown outlined in blue in the image below:

Figure 2.1  
Aerial View of review site



11 Key characteristics of the review site are described as follows:

- The land at 32 – 70 McDermott Road, Curlewis covers an area of approximately 26 hectares. It is primarily vacant farmland that was previously used for cropping;
- The land at 91 – 125 Coriyule, Curlewis covers an area of approximately 25.8 hectares. It is primarily vacant farmland that was previously used for cropping. A single storey dwelling is positioned on the western side of this allotment. To the south of the dwelling, is a dam.
- The land at 1421 – 1423 Portarlinton Road covers an area of approximately 26 hectares. It accommodates former farmland.
- The land at 1471 – 1479 Portarlinton Road covers an area of approximately 2 hectares.

## 2 Review Site and Surrounds

### 2.2 Immediate Surrounds

#### TO THE NORTH

- 12 To the north of the review site, is the land known as 72 – 100 McDermott Road. This property is zoned Farming Zone and is within the Stage 2 Precinct.

#### TO THE SOUTH

- 13 To the south of the review site, is the Bellarine Rail Trail and Portarlington Road respectively. The Bellarine Rail Trail is a 35km trail that links South Geelong to Queenscliff and provides a passage to tourist attractions across the Bellarine Peninsula.
- 14 To the south of the Bellarine Rail Trail is the Curlewis Golf Club. This land is zoned Special Use (Schedule 3).
- 15 Portarlington Road is an arterial road and is zoned Transport Zone 2. Within the vicinity of the Stage 2 Precinct, Portarlington Road comprises two traffic lanes and a bicycle lane in each direction.

#### TO THE EAST

- 16 The review site adjoins Tivoli Drive, Greenvale Drive and Jetty Road to the immediate east.
- 17 Tivoli Drive which connects to Greenvale Drive are local Council roads, aligned in a north – south direction between Oceania Drive (to the north) and Portarlington Road (to the south). Tivoli Drive consists of a single traffic lane in each direction.
- 18 Jetty Road is aligned in a north south direction, with a single traffic lane in each direction between Bay Shore Avenue (to the north) and Portarlington Road (to the south).
- 19 Further east of Tivoli Road and Greenvale Drive is land that makes up the completed Stage 1 of the Jetty Road Urban Growth Area. This land is primarily zoned General Residential (Schedule 1) with a portion of the land accommodating a commercial area on land zoned Commercial 1.
- 20 To the immediate east of this section of Jetty Road, land is zoned Rural Living Zone.

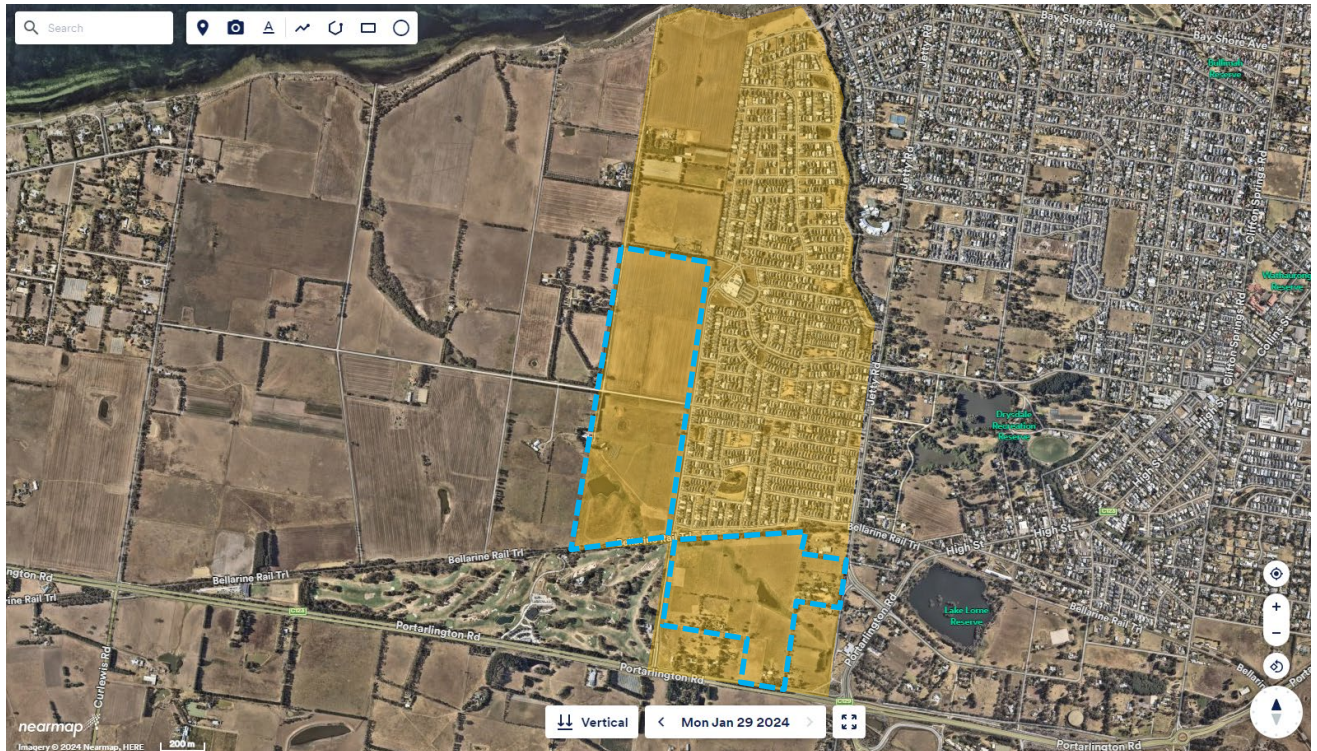
#### TO THE WEST

- 21 The review site immediately adjoins McDermott Road to the immediate west. McDermott Road is an unsealed gravel road that extends in a north to south direction.

## 2 Review Site and Surrounds

**Figure 2.2**  
Aerial View of the review site (outlined in blue) and  
Jetty Road Urban Growth Area shaded yellow

Source: Nearmap January 2024



### 2.3 Broader Context

#### BELLARINE PENINSULA

- 22 The Bellarine Peninsula is located approximately 12km to the east of the urban area of Geelong and features a number of distinct townships set amongst open farmed landscapes and significant wetland areas.
- 23 The township of Drysdale/Clifton Springs is categorised as one of three “district towns” on the Bellarine Peninsula as identified in the Municipal Planning Strategy of the Greater Geelong Planning Scheme (GGPS). The town centre of Drysdale is the main commercial centre servicing the northern areas of the Bellarine Peninsula. The town and surrounding development also host significant education and arts facilities of regional importance.

#### JETTY ROAD URBAN GROWTH AREA

- 24 The Jetty Road Urban Growth Area, defined in the Municipal Planning Strategy of the GGPS, consists of approximately 310 hectares of land and is located to the immediate west of Drysdale/ Clifton Springs. It is bound by Jetty Road and Griggs Creek to the east, McDermot Road to the west, Port Phillip Bay to the north, the Curlew Golf Club to the south west and Portarlinton Road to the south. It is positioned approximately 17km east of the Geelong CBD.
- 25 The development of Stage 1 of the Jetty Road Urban Growth Area has

## 2 Review Site and Surrounds

delivered over 1700 house lots, together with services and amenities including the Bayview Central Shopping Centre and areas of public open space being the Jetty Road Reserve and Percy Cherry Park. It is also serviced by public transport including bus no. 60 which operates along Portarlington Road to the south. This service provides a connection between Geelong Railway Station and St Leonards. Bus no. 61 operates along Portarlington Road to the south and Jetty Road to the east.

- 26 In addition to this public transport infrastructure, the Jetty Road Urban Growth Area is also serviced by road infrastructure by way of the Drysdale Bypass which stretches from Jetty Road and Whitcombes Road.

Figure 2.3  
Context Map

Source: Melway Online 2024



## 2 Review Site and Surrounds

### 2.4 Background to Drysdale / Clifton Springs

- 27 The strategic planning for the land use and development of the district town of Drysdale/Clifton Springs is considered suitable to accommodate managed growth within the municipality of Greater Geelong has occurred across several decades. An outline of this strategic planning history for Drysdale / Clifton Springs is described as follows:
- The Drysdale/Clifton Springs Structure Plan (1983), prepared by the Geelong Regional Commission in consultation with the Shire of Bellarine was adopted by the Shire of Bellarine, in November 1983 and the Geelong Regional Commission in December 1983. This Structure Plan outlined the broad pattern of residential development and commercial and community facilities envisaged for the future and also served as a guide for the consideration of zoning changes and approval of development applications.
  - The Drysdale / Clifton Springs Structure Plan (1992) superseded the former Structure Plan (1983) and was prepared following the designation of Drysdale/Clifton Springs as one of the region's three preferred centres for urban growth along the coast. This Structure Plan nominated land to the north of the Rail Trail between Jetty Road and McDermott Road as "proposed residential". The area south of the Rail Trail was designated for "rural residential".
  - The City of Greater Geelong Urban Growth Strategy (1996) was prepared to provide advice on areas considered to be most suitable for urban development. This Strategy identified areas west of Jetty Road (i.e. The Jetty Road Urban Growth Area) as an area for future growth.
  - The Jetty Road Urban Growth Plan (2008) was adopted by the City of Greater Geelong on 26 June 2007 and amended on 23 September 2008 and sets out the strategic directions for the development of land in the Jetty Road Urban Growth Area. It identified that the future development of the land is to occur in stages and nominated the indicative location of proposed Stage 1.
  - The Jetty Road Urban Growth Area (Stage 1) land was rezoned in December 2009 via Amendment C152 to the GGPS. Subsequently, a Development Contributions Plan Overlay was applied to this land via Amendment C230 to the GGPS. The development of the Jetty Road Urban Growth Area (Stage 1) is complete.
  - The Drysdale – Clifton Springs Structure Plan (2010) was adopted by the City of Greater Geelong in September 2010 and was prepared to guide the land use and development for the precinct.

# 3 The Amendment

## 3.1 Background to Amendment C387 to the Greater Geelong Planning Scheme

- 28 The preparation of Amendment C387 (**the Amendment**) has been guided by the principles and objectives contained in the Jetty Road Urban Growth Plan (2008), whereby the City of Greater Geelong seeks to facilitate the planned residential development of the Stage 2 Precinct in the GGPS via new permanent planning controls.
- 29 The Amendment has been prepared by the City of Greater Geelong (**the Planning Authority**). The Amendment has been made at the request of SOHO Living, Stockland and APD Projects.
- 30 The land affected by the Amendment is identified with the red shaded area as shown in the figure below. The review site within the Stage 2 Precinct is marked in blue.

**Figure 3.1**  
Land Affected by Amendment C387

Source: Amendment C387 Explanatory Report

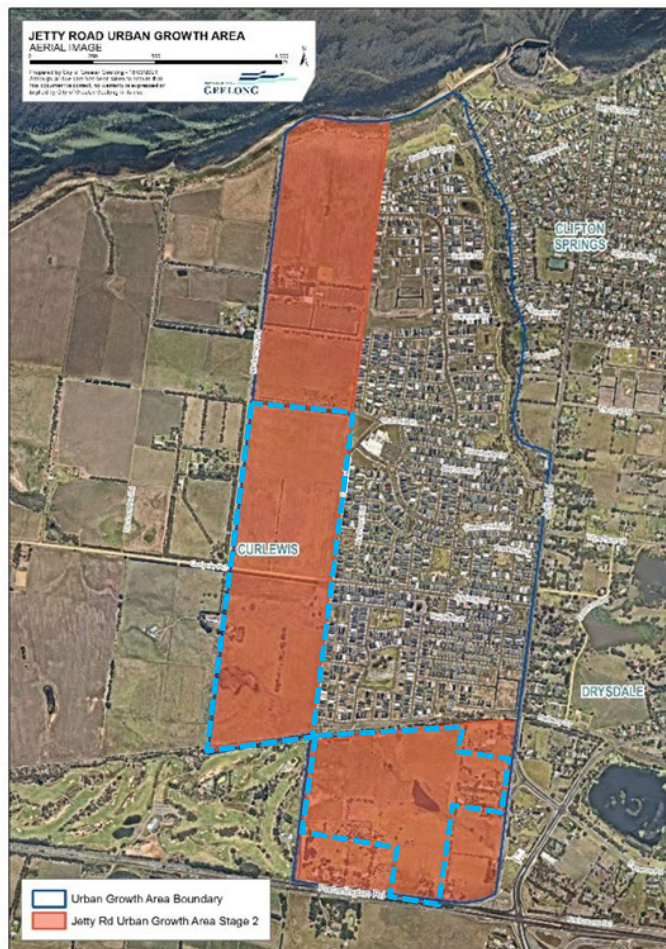


Figure 1: Jetty Road Urban Growth Area, Curlewis – Stage 2 land



- 31 The Explanatory Report prepared by the Planning Authority for the Amendment outlines the scope of the changes to the GGPS as follows:

### 3 The Amendment

- 
- Rezone the land from Farming Zone and Rural Living Zone to General Residential Zone Schedule 1 (GRZ1);
  - Apply a Development Plan Overlay Schedule 46 to the land being rezoned;
  - Apply a Development Contributions Plan Overlay Schedule 9 to the land being rezoned;
  - Apply an Environmental Audit Overlay to part of the land being rezoned;
  - Amend the Schedule to Clause 72.04 to insert an incorporated document, entitled the “*Jetty Road Urban Growth Area Stage 2 Development Contributions Plan, October 2023*”.
- 32 The Amendment was exhibited from 10 November 2023 to 18 December 2023. A total of 58 submissions were received, including a submission prepared by Bursill Consulting on behalf of the Developer Group (submission number 7).
- 33 In relation to the Stage 2 Precinct, the Council provided the following responses to the submission prepared by Bursill Consulting:
- *Requests to change DPO46 are responded to in Attachment 1 under the theme: Development Plan Overlay Schedule 46 requested changes.*
  - *Requests to change the DCP are responded to in Attachment 1 under the theme: Jetty Road Urban Growth Area Stage 2 DCP requested changes.*
  - *Council in principle supports use of the SLHC and draft Incorporated Document. However the SLHC can only be activated in special purpose zones and therefore the submission is beyond the scope of the amendment.*
  - *The EAO Map is incorrectly applied to Tivoli Dr road reserve and will be removed.*
- 34 Following, on 8 February 2024, the City of Greater Geelong (under delegation) requested that the Minister for Planning appoint an independent Panel under Part 8 of the Planning and Environment Act (the **Act**), 1987 to consider submissions received.

## 4 The Current Planning Framework

# 4 The Current Planning Framework

35 The following summary is of the relevant provisions of the current GGPS which I have considered in the preparation of this statement, and which provides guidance for the long term vision for the development of the Jetty Road Urban Growth Area.

### 4.1 Municipal Planning Strategy

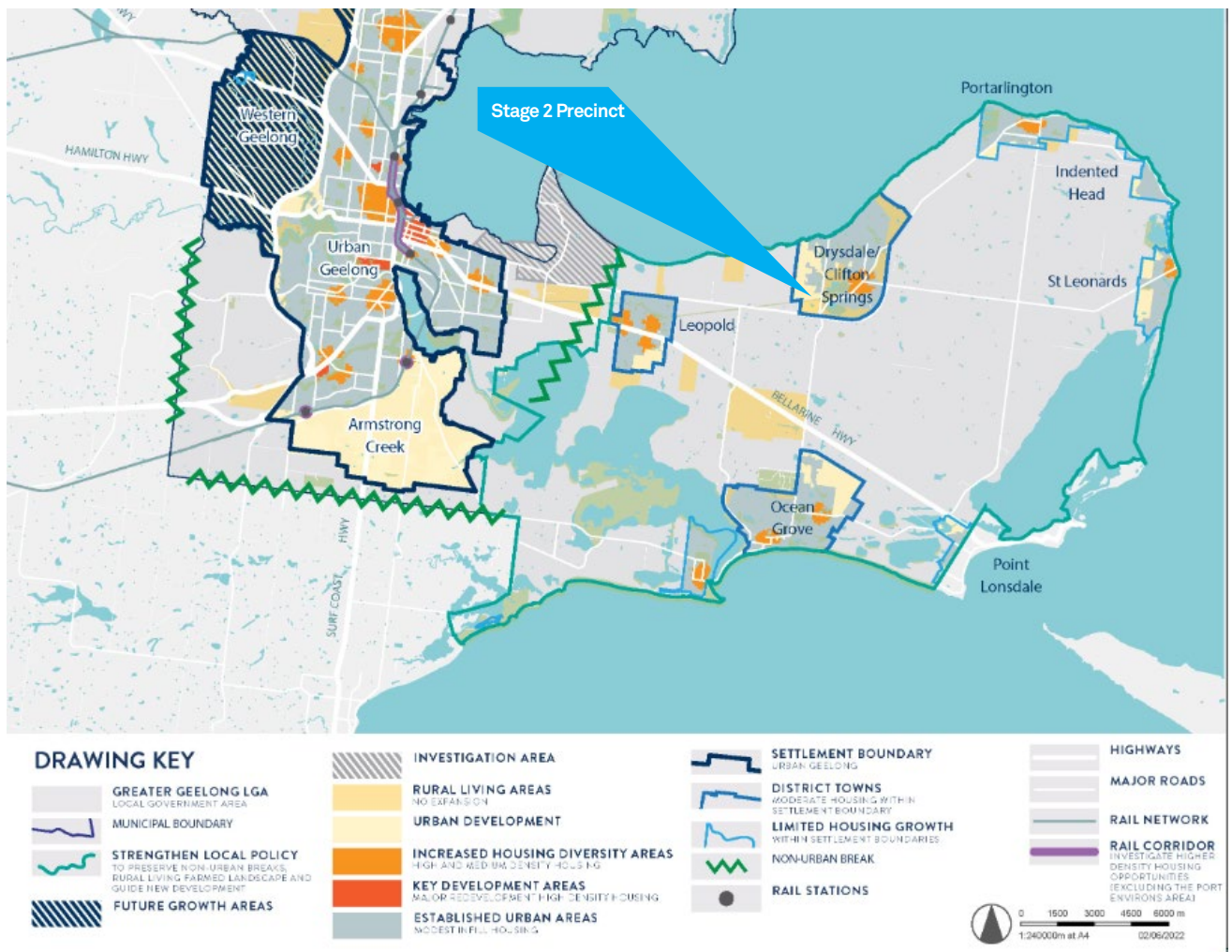
- **Clause 02 (Municipal Planning Strategy)** This Clause identifies that the anticipated population growth by 2036 will create demand for over 73,400 additional dwellings which can be met under the City's identified planned growth which will consist of a "*combination of greenfield and infill development*".
- **Clause 02.03 (Strategic Directions)** outlines that Council seeks to direct and contain growth within identified locations and this includes maintaining the "*unique township, landscape, tourism, farming and environmental values of the Bellarine Peninsula*". This Clause also encourages limiting rural living developments to existing zoned land in Drysdale/ Clifton Springs.
- The Housing and Settlement Framework Plan at **Clause 02.04 (Strategic Framework Plans)** illustrates Drysdale/ Clifton Springs as a "district town with moderate housing within the settlement boundary". The Stage 2 Precinct is nominated for "urban development" with the area south of the Bellarine Rail Trail shown as "rural living area – no expansion".

36 The figure on the following page is of this Housing and Settlement Framework Plan.

### 4 The Current Planning Framework

**Figure 4.1**  
Housing and Settlement Framework Plan

Source: Greater Geelong Planning Scheme



### 4.2 Planning Policy Framework

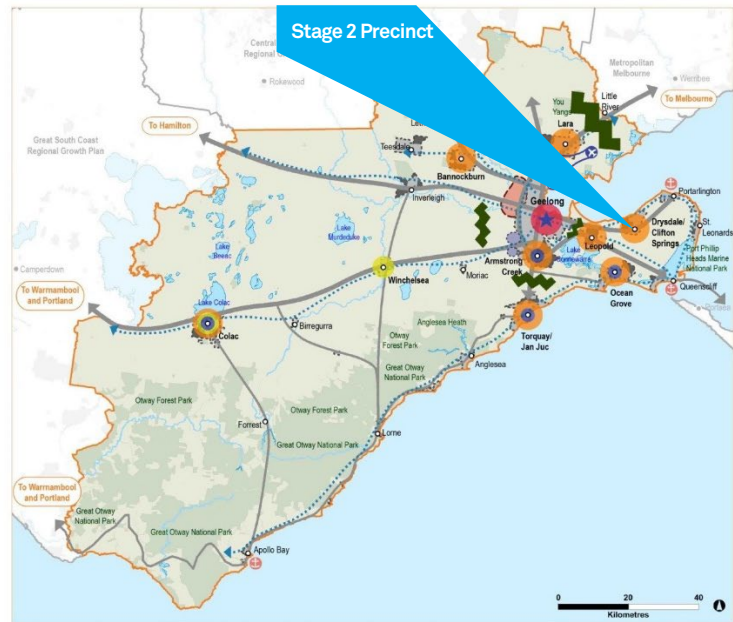
37 The Planning Policy Framework (PPF) seeks to develop the objectives for planning in Victoria (as set out in the Act) to foster appropriate land use and development planning policies and practices that encompass relevant environmental, social and economic factors.

- Clause 11 (Settlement)** This Clause is focused on recognising the needs of Victorians and identifying how planning should appropriately respond to these needs through the provision of zoned and serviced land that provides for a range of land use activities in order to create a healthy and sustainable community. Specific to this Amendment, Clause 11.01-1R (Settlement – Geelong 21) seeks to support the growth of Drysdale/Clifton Springs as district towns by building on existing and planned infrastructure and focusing growth along key road and rail networks. This Clause also encourages the role of district towns in providing services to

## 4 The Current Planning Framework

surrounding areas and to require a settlement boundary for all towns.

**Figure 4.2**  
Geelong G21 Regional Growth Plan



**SETTLEMENT ROLE AND GROWTH**

- ★ Reinforce the role of Geelong as a regional city and Victoria's second largest city
  - Strengthen Central Geelong's role as a major regional city centre by supporting growth with a focus on identified infill housing opportunity areas and building on the region's health, education and research capabilities
  - Support planned growth and reinforce the role of district towns
  - Introduce new targeted growth nodes at Colac and Winchelsea
  - Identification of two Further Investigation Areas in Geelong
  - Identification of four key settlement breaks
  - Settlement
  - Existing urban areas
  - Planned growth areas
  - Designation of settlement boundaries for all towns
- Provide infrastructure and services for planned growth areas and infill development

**MAJOR INFRASTRUCTURE**

- An efficient and equitable public transport, road and freight network leveraged off existing infrastructure
- ✈ Airport
- ⚓ Port of Geelong
- ⚓ Minor port

**EMPLOYMENT GROWTH**

- Maintain productive agricultural areas
  - Development of a national transport and logistics precinct
  - Strengthen and protect the identified existing and planned employment areas
  - Future employment nodes
- Provide land and infrastructure for existing and future employment nodes

**ENVIRONMENT**

- Maintain and enhance natural assets and infrastructure
- Lakes and wetlands
- Rivers

38 Clause 11.03-5S (Distinctive areas and landscapes) focuses on the importance of distinctive areas and landscapes of Victoria and the need to protect and enhance the valued attributes of these environments. One of the strategies of this Clause is to implement the strategic directions of approved Localised Planning Statements and Statements of Planning Policy.

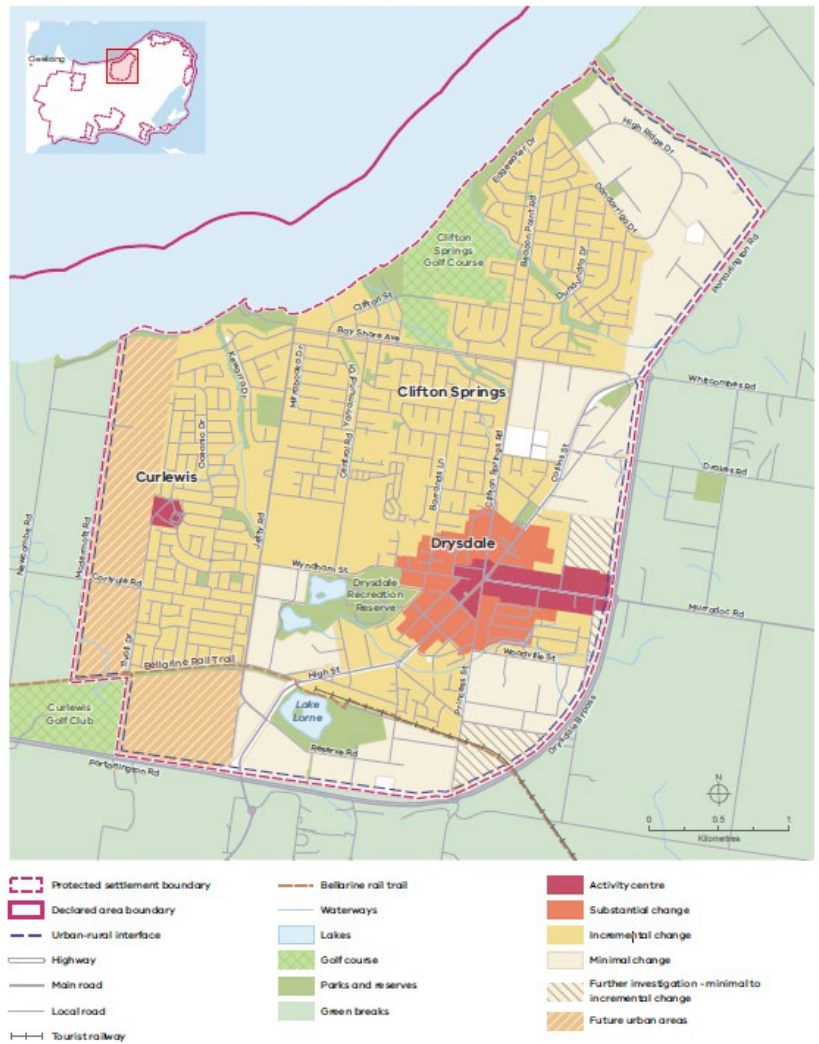
39 In October 2019, the Bellarine Peninsula was declared a Distinctive Area and Landscape under the Planning and Environment Act 1987 (the Act). This declaration triggered the requirement for the Council to prepare a Statement of Planning Policy. At its Council meeting on 8 February 2023, the City of Greater Geelong adopted the Bellarine Statement of Planning Policy (July 2023). An extract of the settlement plan is shown in the following image and identifies the land that is the

### 4 The Current Planning Framework

subject of this Amendment as “future urban areas”.

**Figure 4.3**  
**Drysdale – Clifton Springs – Curlewis Settlement Plan** Map 9: Drysdale–Clifton Springs–Curlewis settlement plan

Source: Bellarine Peninsula Statement of Planning Policy July 2023



40 In addition, Clause 11.03-6L-01 (Bellarine Peninsula) seeks to ensure development responds to the identity and preferred character of the individual township in which it is located and to provide attractive and sustainable industrial, commercial, retail, agricultural and tourism development in designated locations, to service the wider Bellarine community. This Clause provides general strategies for the Bellarine Peninsula more broadly, but also outlines strategies specific to Drysdale/Clifton Springs.

- **Clause 12 (Environmental and Landscape Values)** The broad focus of this Clause is on achieving the overarching objective of protecting the health of ecological systems and the biodiversity they support. This is achieved, in part, by the protection and conservation of areas identified as being of environmental and

## 4 The Current Planning Framework

landscape values and the implementation of principles for sustainable development.

- **Clause 13.04-1S (Contaminated and potentially contaminated land)** This Clause is focused on facilitating the necessary remediation of contaminated land to ensure any adverse effects on future land uses are appropriately addressed. A portion of the Stage 2 Precinct is proposed to be affected by the Environmental Audit Overlay as part of the Amendment.
- **Clause 15 (Built Environment and Heritage)** This Clause seeks to ensure that all new land use and development appropriately responds to its landscape, valued built form and cultural context and deliver liveable and sustainable cities, towns and neighbourhoods. Clause 15.01 outlines strategies in relation to urban design, landscaping and building design.
- **Clause 16 (Housing)** The scope of this Clause addresses housing diversity and promotes the location of appropriate densities of new housing to meet the needs of the local community and expected future population. Clause 16.01-3L (Rural Residential Development) seeks to limit rural living development to existing zoned land in Drysdale/Clifton Springs.
- **Clause 18 (Transport)** The guidance provided by this Clause addresses the need for new development to provide for an integrated solution to both sustainable and private transport networks.
- **Clause 19 (Infrastructure)** This Clause covers the development of social and physical infrastructure in a way that is efficient, equitable, accessible and timely. The scope of this Clause recognises social needs of the community and promotes a range of accessible community resources, such as education, cultural, health and community support facilities to meet growing communities.

41 I have taken these provisions into account in the preparation of this evidence statement and note that the Amendment does not propose any modifications to the MPS and PFF.

### PLAN MELBOURNE 2017 – 2050: METROPOLITAN PLANNING STRATEGY

42 Plan Melbourne (2017-2050): Metropolitan Planning Strategy (**Plan Melbourne**) is of relevance to the Amendment as it reflects the changing needs of our city and State and the aspirations for future development including within regional Victoria. Outcome 7 of Plan Melbourne states that regional Victoria is productive, sustainable and supports jobs and economic growth. To this end, Plan Melbourne acknowledges the importance of planning for growth and change in regional Victoria – which are “*important urban settlements with diverse*

## 4 The Current Planning Framework

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*economies and strong communities that operate as service hubs for many small communities” (page 129).*

- 43 Direction 7.1 of Plan Melbourne seeks to invest in regional Victoria to support housing and economic growth. It is supported by policies relevant to the Amendment. This includes Policy 7.1.1 which outlines the need to stimulate employment and growth in regional cities including building on the regional growth plans which “*will require development strategies that reflect the individual growth opportunities and priorities of each regional city, including the identification of urban renewal and infill opportunities to optimise infrastructure investment and surplus government land*” (page 131).
- 44 In addition, Direction 7.1.2 seeks to support planning for growing towns in peri-urban areas, noting “*peri – urban towns can provide an affordable and attractive alternative to metropolitan living. However, strategies need to be developed for the timely delivery of state and local infrastructure to support growth and protect their significant amenity*”.
- 45 Furthermore, it is stated that “*development in peri-urban areas must also be in keeping with local character, attractiveness and amenity. Growth boundaries should be established for each town to avoid urban sprawl and protect agricultural land and environment assets*” (page 131).

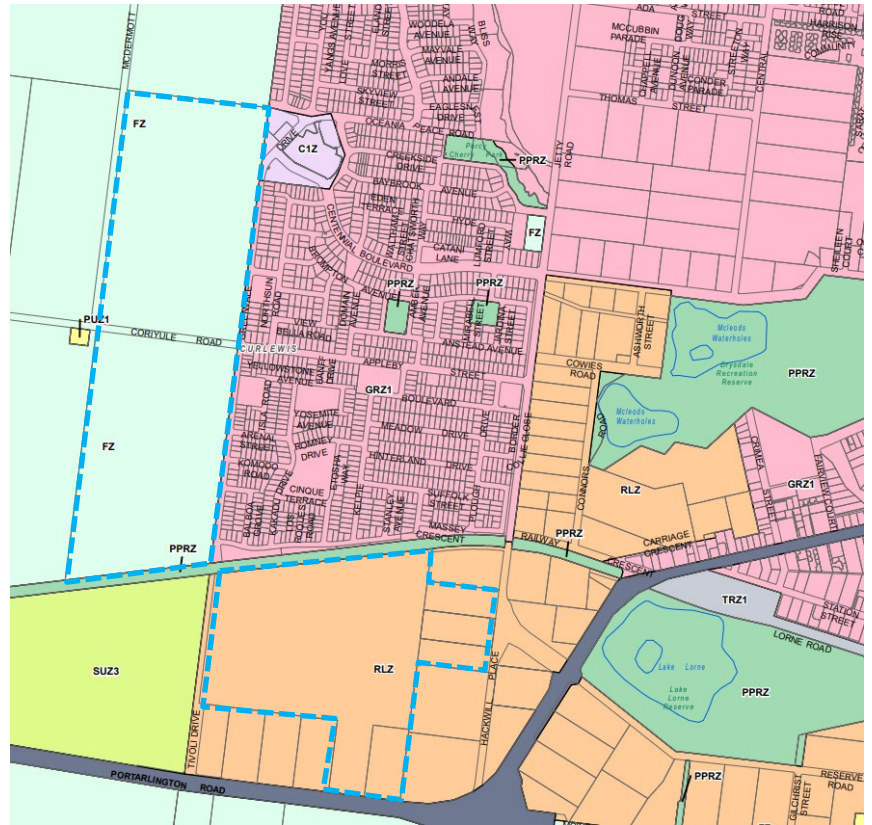
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### 4.3 Zone

- 46 The Stage 2 Precinct is zoned Farming Zone and Rural Living Zone as shown in the blue outline in the following figure.

## 4 The Current Planning Framework

Figure 4.4  
Zoning Map



47 The following summarises the purpose of the current zone controls that affected the Stage 2 Precinct.

### CLAUSE 35.07 FARMING ZONE

The purposes of the Farming Zone include:

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

## 4 The Current Planning Framework

- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

48 In accordance with Clause 35.07-1, the use of the land for the purposes of accommodation (other than Bed and breakfast, Camping and caravan park, Dwelling, Group accommodation, Host farm, Residential hotel, Rural worker accommodation and Small second dwelling) is a Section 3 prohibited use.

### CLAUSE 35.03 RURAL LIVING ZONE

The purposes of the Rural Living Zone include:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *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.*

49 In accordance with Clause 35.03-1, the use of the land for the purposes of accommodation (other than Community care accommodation, Dwelling and Small second dwelling) is a Section 2 permit required use.

50 In accordance with Clause 35.03-4, a permit is required to construct or carry out works associated with a use in Section 2 of Clause 35.03-1.

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#### 4.4 Overlays

51 The Developer Group's land is not affected by any overlays.

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#### 4.5 Particular Provisions

52 In addition to the abovementioned zoning requirements, there are a number of Particular Provisions contained at Clause 52 through to Clause 58 of the GGPS relating to matters of detail including car parking, bicycle parking and signage and residential development of one or more dwellings. These Particular Provisions apply to various types of permit applications, depending on the scope of works and land use activity.

53 Subject to the nature of a permit application, other Particular Provisions may also be of relevance and are dependent on the particular detail of the proposal.

## 4 The Current Planning Framework

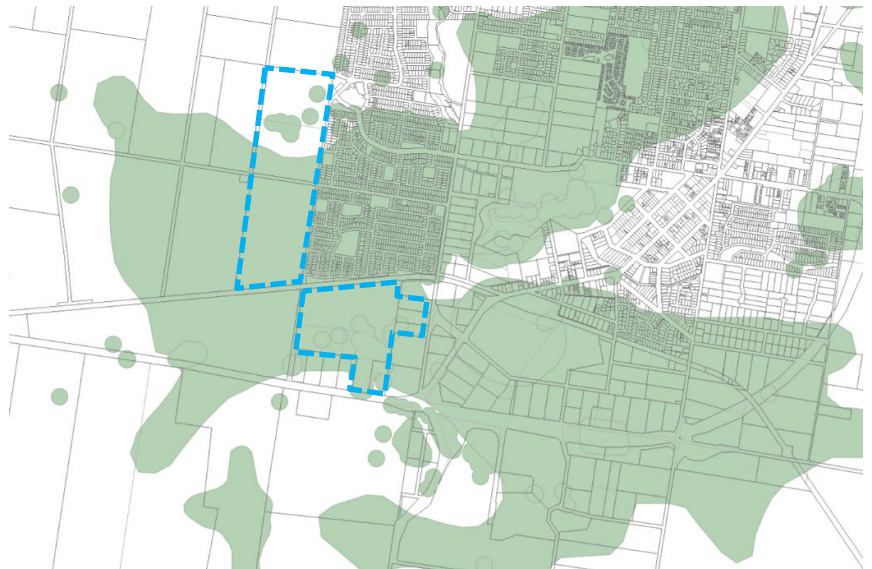
- 54 The Amendment does not propose any modifications to these Particular Provisions.

### AREAS OF ABORIGINAL CULTURAL HERITAGE SENSITIVITY

- 55 A portion of the Stage 2 Precinct is within an area of Aboriginal cultural heritage sensitivity. A cultural heritage management plan may need to be prepared should any part of the land contained within an area of sensitivity be developed for a high impact activity (as defined under the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018).

**Figure 4.5**  
Map illustrating areas of Aboriginal Cultural Heritage

Source: VicPlan 2024



### DESIGNATED BUSHFIRE PRONE AREA

- 56 It is noted that a portion of the Stage 2 Precinct is identified as being within a designated bushfire prone area. It is not however, subject to a Bushfire Management Overlay. Developer Group's land. And therefore bush fire management issues will be managed within the building permit system.

## 4.6 Other Strategic Planning Documents

### BACKGROUND DOCUMENTS

Jetty Road Urban Growth Plan (City of Greater Geelong, 2007, amended 2008)

- 57 The Jetty Road Urban Growth Plan (UGP) was prepared by the City of Greater Geelong and set the strategic direction for the development of land in the Jetty Road growth area. This UGP set out urban growth principles in relation to natural environment, heritage, residential neighbourhoods, community infrastructure and activity centres, open space and recreation, movement and access, flooding drainage and utility principles and staging principles.

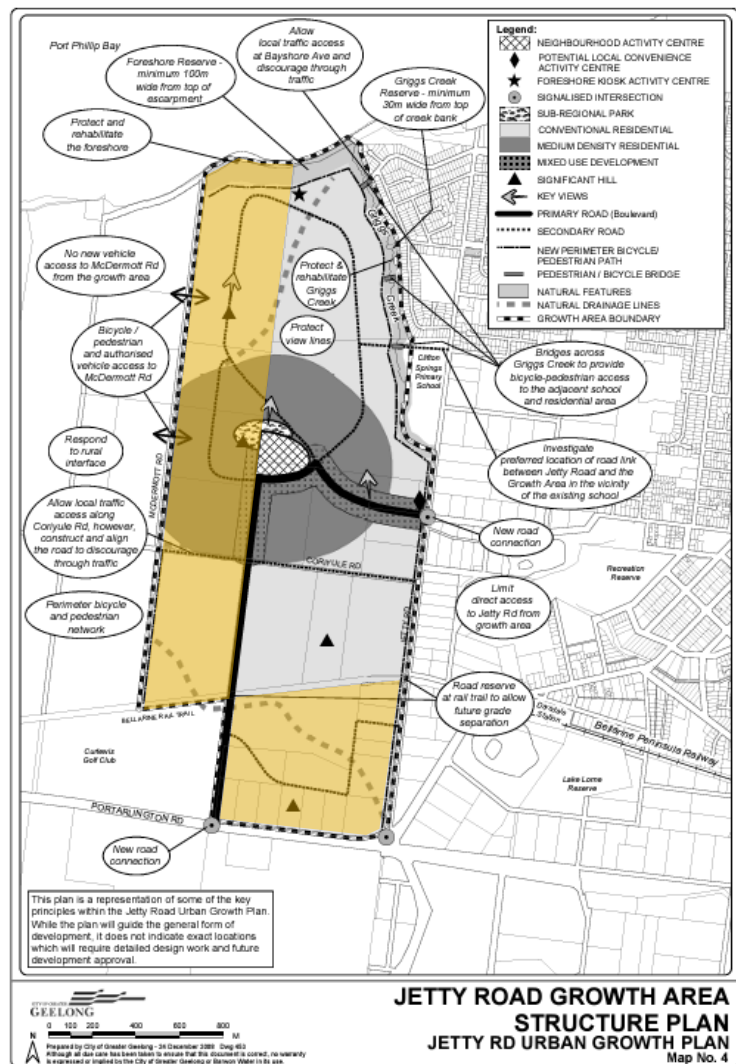
### 4 The Current Planning Framework

58 It was anticipated that the development of the Jetty Road Urban Growth Area will occur “*through staged rezoning of the land and the creation of Development Plans for each of these stages*” (page vi).

An extract of the Jetty Road Growth Area Structure Plan is provided below:

**Figure 4.6**  
**Jetty Road Growth Area Structure Plan (Stage 2**  
**Precinct identified in yellow)**

Source: Jetty Road Urban Growth Plan (2008)



### Drysdale Clifton Springs Structure Plan (City of Greater Geelong, 2010)

59 The Drysdale Clifton Springs Structure Plan was adopted by Council in September 2010 and was implemented into the GGPS via amendment C194 in January 2011. The Structure Plan provides direction for the future growth of the townships including recommendations regarding the application of local policies planning zones and overlays and to guide the consideration of proposed rezoning of land.

## 4 The Current Planning Framework

- 
- 60 The Structure Plan map identifies the Jetty Road Urban Growth Area within the town settlement boundary.

### Drysdale Urban Design Framework (City of Greater Geelong, 2012)

- 61 The Drysdale Urban Design Framework was adopted by Council in August 2012 and provides guidance on future growth and development of the town centre of Drysdale/Clifton Springs. Amendment C283 to the GGPS implemented the recommendations of the Drysdale Urban Design Framework in November 2014.

### INCORPORATED DOCUMENTS

#### Small Lot Housing Code (2012)

- 62 The Small Lot Housing Code was incorporated into the GGPS as part of Amendment C267. Amendment C267 applied to the Urban Growth Zone (Schedule 5) to the Armstrong Creek Town Centre Precinct Land.

- 63 Clause 2.4 of the Urban Growth Zone (Schedule 5) relates to specific provisions for buildings and works. This Clause states:

*Within Precinct 5, a permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code (Standard for construction of a Single Class 1 Building and associated Class 10a buildings on an allotment) December 2012.*

- 64 In addition, Clause 4.4 of the Urban Growth Zone (Schedule 5) relates to subdivision or building and works permits where land is required for community facilities, public open space, road widening and drainage. For lots less than 300 square metres, this Clause states:

*Any permit for subdivision that allows the creation of a lot less than 300 square metres must contain the following conditions:*

- *Prior to the certification of the plan of subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the Responsible Authority, which identifies the lots that will include a restriction which reads 'The construction or extension of a dwelling on lots identified on this plan must be assessed for compliance against the Small Lot Housing Code (forming part of the City of Greater Geelong Planning Scheme)'. This restriction must also be shown on the plan of subdivision submitted for certification to the satisfaction of the Responsible Authority.*

#### Jetty Road Urban Growth Area Stage 1 Development Contributions Plan (Urban Enterprise, December 2023)

- 65 The Jetty Road Urban Growth Area Contributions Plan was implemented in the GGPS as an incorporated document as part of Amendment C230 to provide for the funding of infrastructure in Stage 1.

## 4 The Current Planning Framework

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### OTHER

#### Bellarine Localised Planning Statement (2015)

- 66 The Bellarine Localised Planning Statement was endorsed by Council in September 2014 and approved by the Minister for Planning in September 2015. It is a reference document at Clause 11 of the PPF that builds on existing strategies and policies that are in place and relevant to the Bellarine Peninsula.

#### Bellarine Peninsula Statement of Planning Policy (2023)

- 67 The Bellarine Peninsula Statement of Planning Policy was approved by the Governor in Council and will guide the future use, development and management of land within the Bellarine Peninsula declared area for the next 50 years. This Statement of Planning Policy seeks to protect the declared areas outstanding landscapes and coastal landforms, whilst also providing certainty around the areas potentially suitable for development.

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### 4.7 Planning Practice Note

- 68 In the preparation of this statement, I have reviewed a number of Planning Practice Notes that have direct relevance to the Amendment including:
- Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlays.
  - Planning Practice Note 46: Strategic Assessment Guidelines
  - Ministerial Direction No.17 – Localised Planning Statements
  - Ministerial Direction No.1 – Potentially Contaminated Land
  - Small Lot Housing Code Practice Note November 2019

# 5 Planning Assessment

## 5.1 Overview

69 A comprehensive analysis of Amendment C387 to the GGPS and the implications from a planning perspective on the next and final stage of development of the Jetty Road Urban Growth Area must examine a number of broad questions that are focused on:

- the strategic role of the Stage 2 Precinct within the broader township of Drysdale / Clifton Springs located on the Bellarine Peninsula. This includes an assessment of how this land has historically been identified in strategic plans for the area and whether the proposed rezoning aligns with this strategic planning;
- the suitability of the Stage 2 Precinct for an alternative use, being primarily residential, and the nominated planning framework to facilitate the redevelopment of the land;
- the delivery of affordable housing to respond to the demographic profile of the area and meet a diversity of needs and community expectations in the long term; and
- the response to detailed matters to be addressed as part of the future development plan preparation.

70 My assessment of this Amendment includes a review of the land use patterns and development that has occurred to the immediate east as part of Stage 1 of the Jetty Road Urban Growth Area, the opportunities available for the Stage 2 Precinct to accommodate a new land use, as well as the way in which any future development will interface with adjacent rural land and road networks.

71 These matters ultimately determine the extent to which a primarily residential development may contribute to the future land use planning objectives for the area, and the net community benefit achieved as a result of the proposed transformation of the precinct more broadly.

72 This strategic assessment of the Amendment, together with an examination of the planning tools that have been employed to facilitate the Stage 2 Precinct and the refinement of these tools, is the subject of my expert evidence given these are the key town planning matters for consideration.

73 I have been instructed that other experts will address various technical matters relating to the development contributions plan for the precinct, the road network proposed and connections with the surrounding area and the design and implementation of drainage requirements and open space across the precinct. As such my evidence has not addressed these areas of assessment.



## 5 Planning Assessment

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### 5.2 Strategic Justification of the Amendment

- 74 For several decades, the City of Greater Geelong has carefully planned for the anticipated growth of the municipality, including the expected growth for the district towns across the Bellarine Peninsula. It has been consistently recognised that these district towns play a role in accommodating the projected population growth, but of equal importance, it is recognised that this growth must be balanced with the protection and enhancement of the natural environment for more sustainable development.
- 75 The outcomes of this strategic planning have resulted in the once rural and farming areas being consolidated and transformed for urban use and development supported by physical and social infrastructure. This expansion of the urban area of the town is however contained within longstanding settlement boundaries which distinguish these district towns.
- 76 Plan Melbourne identifies that by the census year of 2051, the population of Victoria's regions is "*expected to grow from 1.5 million to 2.2 million*". It also acknowledges that between 2011 and 2031, the City of Greater Geelong as one of three regional towns (with the others being Greater Bendigo and Ballarat) is projected to account for 50 per cent of the expected population growth in regional Victoria.
- 77 Plan Melbourne recognises that peri-urban towns can offer an "*affordable and attractive alternative to metropolitan living*". However, it places an emphasis on requiring the development of strategies for the timely delivery of state and local infrastructure to support their growth and the importance of growth boundaries to avoid urban sprawl so as to protect agricultural land and environmental assets.
- 78 Today, the GGPS aligns with this State policy and promotes a strong strategic commitment to achieving sustainable development in regional places, including the requirement to retain the land surrounding its district towns as rural breaks and for their agricultural and scenic values. This is a critical theme that permeates through several clauses that make up the PPF of the GGPS.
- 79 Drysdale/ Clifton Springs is identified as one of three district towns on the Bellarine Peninsula within the City of Greater Geelong. Within Drysdale/ Clifton Springs "urban development and rural living areas" is envisaged within the Jetty Road Urban Growth Area.

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Figure 5.1  
Municipal Framework Plan

Source: Greater Geelong Planning Scheme



80 Of relevance to this Amendment, the local planning policy contained in the GGPS at Clause 11.03-6L-01 (Bellarine Peninsula) outlines strategies to support the district town of Drysdale/Clifton Springs in particular, so that it can fulfill its role as a service hub for the Bellarine Peninsula. These strategies are:

- *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.*
- *Reinforce the Drysdale town centre as the primary retail centre including the development of an additional supermarket on the south side of Murradoc Road.*
- *Provide for the expansion of the Drysdale town centre to the east along Murradoc Road.*
- *Locate future service business or industrial development in the identified precinct along Murradoc Road extending to the Drysdale Bypass.*

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- *Design development opposite or close to the Drysdale Bypass to minimise back fencing as viewed from the Bypass.*
  - *Co-locate and integrate future education, community and recreation facilities to enhance their accessibility and to maximise joint use wherever possible.*
  - *Develop the Council owned Palmerston Street site and the Drysdale Regional Community and Cultural Hub for community and recreation purposes.*
  - *Locate development of short-term tourist accommodation at the Curlewis Golf Course at the eastern end of the course close to the Jetty Road Urban Growth Area.*
  - *Facilitate additional bicycle and pedestrian opportunities throughout the townships including new footpaths and bicycle lanes.*
  - *Support the creation of consolidated parking areas in the town centre.*

(\*my emphasis added)

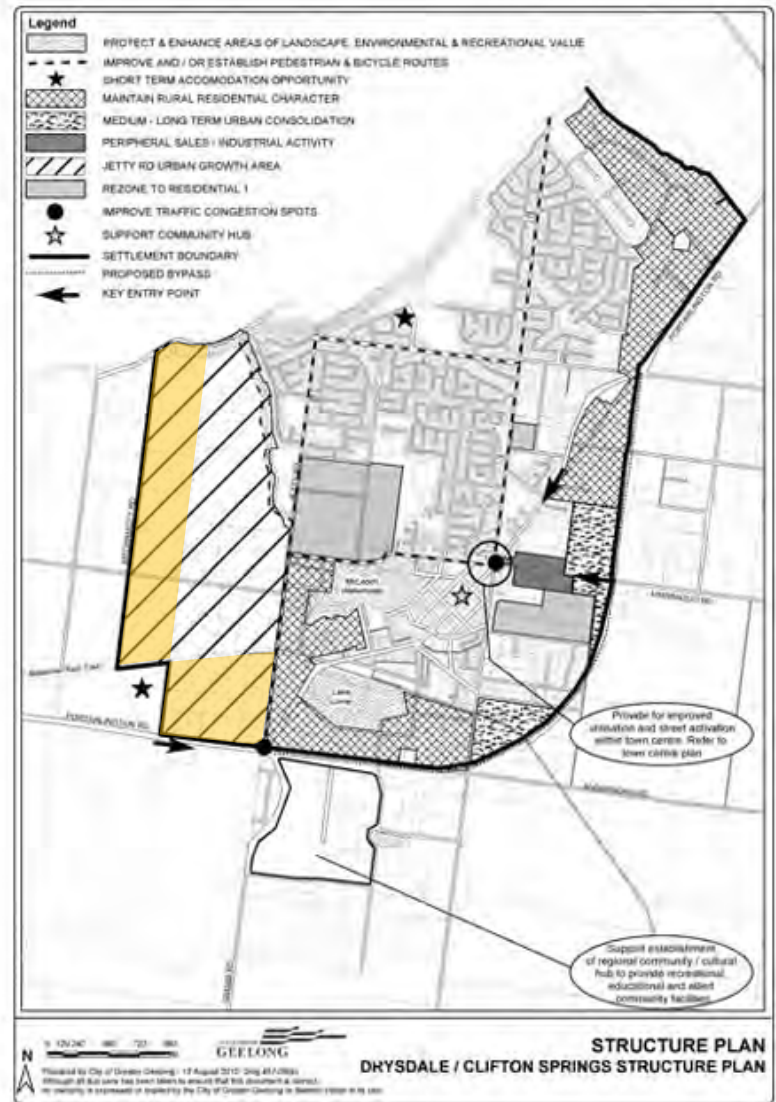
- 81 In response to this strategic commitment, it is critical that opportunities for redevelopment within the Jetty Road Urban Growth Area are facilitated through both policy and the supporting suite of planning controls that will guide development in the future.
- 82 As highlighted earlier in this statement, the strategic planning for the Jetty Road Urban Growth Area is longstanding, and for several decades, it has been designated as an area of managed and planned growth. To this end, it is anticipated that the population for Geelong as a whole, is to increase by approximately 152,000 people by 2036, including the demand for 73,400 new dwellings. The Council have however, indicated that this growth “*can be met under the City’s identified planned growth*” (source: Clause 02.03-1 of Greater Geelong Planning Scheme). The City of Greater Geelong has also highlighted that the Bellarine Peninsula has been delivering around 27 per cent of the City’s new housing supply, albeit “*housing development at this rate will have a detrimental impact on the character and values of this area*”.
- 83 The Amendment seeks to facilitate the land use and development of the Stage 2 Precinct that forms a part of the Jetty Road Urban Growth Area. It is proposed to enable primarily residential uses to cater for the anticipated population growth. In alignment with local policy, the Amendment only covers an area of contained land nominated as the Jetty Road Urban Growth Area i.e. it is wholly within the **defined settlement boundary** – refer to the following figure.

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Figure 5.2  
Structure Plan – Drysdale / Clifton Springs Structure Plan (Stage 2 Precinct identified in yellow)

Source: Drysdale Clifton Springs Structure Plan 2010

Map 2 - Structure Plan



84 In addition, the Amendment is clearly consistent with the underlying purposes and objectives of strategic policy and plans in place which have historically guided and will continue to provide guidance on the staged development of the Bellarine Peninsula, i.e. the Structure Plan for Drysdale / Clifton Springs (2010), the Bellarine Localised Planning Statement (2015) and the Bellarine Peninsula Statement of Planning Policy (2023). Collectively, this strategic planning recognises the importance of the non-urban breaks between settlements on the Bellarine Peninsula.

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- 85 In response, the Amendment will enable the existing boundaries of the urban townships to be maintained and provide for residential development at increased densities that will justify provisions of additional services and utilise surplus capacity in existing services, whilst also providing certainty around the areas potentially suitable for development.
- 86 In my view the Amendment is clearly delivering on the existing (and long standing) PPF of the GGPS and is in line with the directions of Plan Melbourne. In essence, the Amendment is delivering on the realisation of this planned growth for the Jetty Road Urban Growth Area more broadly, which constitutes the planned extension to the town identified in the Drysdale-Clifton Springs Structure Plan.
- 87 To accommodate the Stage 2 Precinct for land use and development within the Jetty Road Growth Area, it is therefore appropriate to examine whether the Amendment will promote the outcomes commensurate with the strategic role of the district town of Drysdale/Clifton Springs.

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### 5.3 The Proposed Planning Framework

- 88 The facilitation of Stage 2 Precinct does require a new set of controls tailored to specifically respond to the staged implementation of the project and the stages it will follow through to delivery. This framework is not to be read in isolation and does not sit separate to the rest of the GGPS. This is made clear by the first purpose of both the General Residential Zone and the Development Plan Overlay which is “*to implement the Municipal Planning Strategy and the Planning Policy Framework*”. It is therefore important to remember that the key policy messages and directions that form part of the GGPS overall will continue to guide the consideration of any future proposal, particularly in the fullness of time when permit applications are to be assessed.
- 89 With this in mind, the process of drafting the required planning controls to guide the first stage of the project should achieve the right balance between establishing clear objectives to respond to the site-specific requirements for future development and broader policy. It should:
- not be overly prescriptive but allow for a degree of flexibility that will foster design innovation and provide scope for alternative solutions that can be demonstrated to deliver net community benefit;
  - establish a clear vision for the land and ensure the community has an understanding of what broad development outcomes are to be achieved;
  - respond to current policy directions espoused at both the state and local policy levels; and
  - not seek to regulate the specifics of the social or economic outcomes as this is a matter for consideration outside of this arena.

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90 The Amendment has focused on introducing four key planning tools to the GGPS to facilitate the delivery of this second stage of the Jetty Road Urban Growth Area and to ensure the ongoing development and use of the land is appropriately managed. These include:

- Rezoning farming and rural living zoned land to the General Residential Zone Schedule 1 (GRZ1). This change in zone will effectively facilitate a transformation from the rural use of the Stage 2 Precinct to an urban area that contributes to the Jetty Road Urban Growth Area.
- Applying a Development Plan Overlay Schedule (DPO46) that will create the framework for the preparation of a development plan across the Stage 2 Precinct, establishing the parameters for land uses, landscape design, drainage systems, sustainable development, access, parking and circulation and other matters of detail.
- Applying a Development Contributions Plan Overlay Schedule (DCPO9) for the purposes of levying contributions for the provision of works, services and facilities before development can commence;
- Applying an Environmental Audit Overlay (EAO) to part of the land to manage any potential contamination; and
- Incorporating the Jetty Road Urban Growth Area Stage 2 Development Contributions Plan (City of Greater Geelong, October 2023) into the planning scheme.

91 I have considered each of these planning controls proposed as part of the Amendment and the degree to which they will integrate with the GGPS more broadly, respond to relevant site conditions and facilitate an urban development over various stages.

92 Having reviewed the background material prepared by the City of Greater Geelong as the Planning Authority in support of the Amendment, I am supportive of the suite of controls proposed and, consistent with the opinions outlined in section 5.0 of this statement, consider the long term vision for the precinct will be appropriately facilitated as a result.

93 I note that other expert witnesses will be providing expert evidence in relation to the Development Contributions Overlay and the Jetty Road Urban Growth Area Stage 2 Development Contributions Plan. The following provides further analysis and recommendations specifically in response to the proposed Development Plan Overlay Schedule 46 as exhibited.

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### 5.4 Refinement of Development Plan Overlay Schedule 46

- 94 Like any Amendment of this detail and broad application, there are always elements that might benefit from further refinement and there can be some potential outcomes that come to light which were an unintended consequence of the provisions. An independent review of any new control to be introduced into a planning scheme provides the opportunity for these matters to be examined, with the benefit of understanding issues raised by submitters and any changes to the broader planning context that may have occurred since the control was first drafted.
- 95 As part of my assessment, I have considered a number of submissions and the modifications that have been accepted by the City of Greater Geelong to the exhibited DPO46 as reported at the Council meeting of 8 February 2024.
- 96 The following provides a summary of my key recommendations for where modification to DPO46 is considered necessary, having reviewed all material available. These recommendations are aimed at ensuring the key objectives and vision for the Stage 2 Precinct can be delivered efficiently and to improve, where possible, the approach required when preparing a development plan in the future.
- 97 In line with the guidance provided by Planning Practice Note 23, the Overlay should provide an appropriate level of guidance that will allow for a development plan that:
- Is concise and flexible;
  - Is not onerous for the proponent to prepare;
  - Is not overly prescriptive;
  - Contains objectives and performance measure to help the responsible authority determine if a proposal is generally in accordance with the schedule.
- 98 In respect of the following key recommendations I am instructed that the Panel will be provided with a tracked changes version of the DPO46 incorporating these, and other modifications on behalf of the Developer Group.

### 5.5 Recommendation 1: Approach to the Delivery of Affordable Housing

- 99 Over the last 5 to 10 years, new planning controls drafted for urban renewal precincts, mixed housing projects and growth area estates have grappled with the approach to delivering affordable housing as part of the mix of new housing and response to population growth. Different rates, different triggers for the delivery of this form of housing and different approaches to the intended long term responsibilities have been examined and trialled. There remains some variation to the timing and scope of this form of housing, depending on the planning control, the nature of the project and the municipality.
- 100 This is, to a significant degree, a result of the provision of affordable housing remaining a voluntary contribution and a maturing market with

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various models of housing affordability now having been constructed and operating.

101 My experience over the last few years with a wide range of projects that seek to deliver extensive new housing over several stages, and guided by a DPO, is that the planning scheme will include a requirement for an Affordable Housing Strategy to be prepared as part of the overall development plan. The approach taken in this regard has become relatively consistent and will commonly require the Strategy to address the key elements:

- An examination of the range of housing to be delivered across the project and the degree to which this new housing will meet population needs and assist with housing affordability.
- Nomination of a preferred model for the delivery of affordable housing affordability and how this model will be structured across different land holdings and different stages of development.
- The nomination of a target for the delivery of affordable housing and how this target is to be measured.
- Any nominated exclusions.

102 The preparation of a detailed strategy that can comprehensively address these elements is achievable once the quantum and scope of housing that is to be delivered has been defined, typically at the time the development plan for the precinct is prepared. The analysis that will underpin the Affordable Housing Strategy allows for different delivery models to be examined, including the opportunity to vary the application of a delivery model across a precinct, depending on the type of housing and the degree to which an affordability standard can be maintained over a number of years.

103 The implementation of the Affordable Housing Strategy in the form of a quantifiable and enforceable affordable housing contribution is achieved through an agreement between the land owner(s) and the responsible authority under Section 173 of the Act. This last step has consistently formed part of the planning scheme provisions, including through a DPO schedule.

104 Importantly, it must be acknowledged that the delivery of affordable housing which will have a significant and valued benefit to the community (specifically the section of the community that meet the definition at Section 3AA of the Act) is complex. This is particularly the case in circumstances where there are a number of land owners / developers in control of the precinct to be developed, there are varied housing types to be provided and several stages of development expected over many years. Some delivery models are more appropriate to higher density housing, some models may provide for a degree of affordability in the short term and some models may not benefit those in need the most but have a broader application across the community.

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- 105 Furthermore, the number of delivery models that are now applied across Victoria has significantly increased in recent years and it is expected this will continue as the affordable housing delivery models mature.
- 106 Given the strategic opportunity that the Stage 2 Precinct represents in terms of providing a substantial supply of new housing to meet the population's needs into the future, I support the delivery of affordable forms of housing as part of this mix. I consider the ability to achieve the affordable housing objectives is significantly improved by the increase in overall supply and the diversity of this housing, including residential villages to meet the affordability issues for those who are retired, smaller lots that deliver more compact dwellings and opportunities for medium density housing together with the more traditional sized lots. As such, I support the nomination of the affordable housing commitment as a requirement of the DPO46 to address housing across the Stage 2 Precinct.
- 107 This is despite the fact that there is no requirement to provide for affordable housing in line with the definition at Section 3AA of the Act for the Stage 1 Jetty Road Urban Growth Area, or any other growth area along the Bellarine Peninsula controlled via a DPO.
- 108 In undertaking a review of this requirement, I note that the Bursill Consulting submission for the Developer Group states that the proposed quantum of housing to be provided as affordable is 3.5 % of the total housing. I note that this differs from the DPO46 exhibited version which stipulates that 5% of the total number of serviced lots proposed on the land in the application is to be provided, at a discount of 35% to market value as determined by an appropriately qualified expert and is nominated as the "Primary Obligation". These serviced lots are to have an assumed area of 300 square metres.
- 109 Clearly the quantum of housing that is the position of the Developer Group versus the DPO46 exhibited version cannot be directly compared either in terms of total value or the potential amount of housing. For the purposes of my evidence and my area of expertise however, I do not seek to examine what is the appropriate percentage specifically, but rather the drafting of this obligation as part of the DPO46.
- 110 As a starting point, it is necessary to keep in mind the purpose and ultimate outcome sought. The Victorian Planning System is seeking to provide housing for members of the community that are within the scope of Section 3AA of the Act – that is people who are on a very low, low and moderate incomes according to income thresholds set by the Minister. The necessary affordable forms of housing for this group of the population may need to address different life stages, must ensure the specified income levels are addressed and may include both rental accommodation and / or housing that is purchased (either outright or over time).
- 111 In my view, the opportunity that arises from the preparation of an

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Affordable Housing Strategy is that the needs of the local community that fall within the very low, low and moderate income streams can be carefully assessed and then the form and type of housing, across all sectors to be delivered within Stage 2, to best suit their needs can be identified. The nomination of the most appropriate delivery model or models to suit the outcomes of this analysis is one of the key roles of the Strategy, together with an implementation program and how different stages of development across Stage 2 may adapt with time.

- 112 The approach taken in the drafting of the exhibited version of DPO46 by the planning authority does not allow for the Affordable Housing Strategy to fulfil this role to the degree appropriate, but rather seeks to impose a method or model that may not meet the needs of the cohort that Section 3AA is seeking to house, may not be the best fit for the local community or may not allow for the degree of variation necessary to deliver a range of affordable housing over time.
- 113 Therefore, it is my recommendation that the drafting of the Affordable Housing Strategy requirement as part of DPO46 be refined to:
- Remove all reference to specific delivery models that are to form the basis of the provision of affordable housing across Stage 2. Whilst I note that the DPO46 as exhibited does provide “options”, I consider it is the role of the Strategy to identify the correct model or models to be applied without constraint and without the DPO schedule identifying what could be deemed as the preferred approach.
  - Remove all reference to how the affordable housing is to be provided across the Stage 2 area, including the references to the distribution, mix and design presentation of the affordable housing. It is important that housing that will meet the needs of the local community be located, designed and varied in a manner that responds to market conditions and following advancement of the development plan in detail and for example meeting the needs of a community housing association.
  - The provision of affordable housing be nominated as a percentage of **all housing** or some other measure that would constitute the “primary obligation”.
- 114 As noted previously, the Panel will be provided with a tracked changes version of the DPO46 incorporating the necessary modification to the clause in response to this recommendation.

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### 5.6 Recommendation 2: Environmentally Sustainable Design Strategy Assessment

- 115 The delivery of environmentally sustainable design should be part of every stage in the design and delivery of our urban and suburban areas. It should be a feature of the physical and social infrastructure delivered for all of our community and it should be part of the design of individual buildings, particularly dwellings and residential development. It is a commitment that the GGPS has articulated very clearly as part of Clause 15.01-2L and is integral to the objectives and strategies of subdivision design (Clause 15.01-3S), building design (Clause 15.01-2S) and the delivery of healthy neighbourhoods (Clause 15.01-4S).
- 116 In the case of a development plan, prepared in response to a Development Plan Overlay contained within a planning scheme, it has become a feature of many planning schemes, adopting the approach to setting an overarching strategy for the future delivery of an activity centre, housing estate or mixed use precinct. Ensuring that at each planning approval stage in the statutory process, environmentally sustainable design is a central feature.
- 117 It is important to note however that this aspect of urban planning has advanced significantly over the last decade. Development Plan Overlays introduced more than 5 years ago typically had no requirement for a specific strategy to be set around matters of ESD beyond targets for addressing water sensitive urban design and stormwater management.
- 118 The scope of Development Plan Overlay Schedule 20 that covers the Jetty Road Growth Area Stage 1, introduced as part of Amendment C152 in December 2009, is a case in point. This DPO schedule provides no scope for the consideration of ESD matters at the development plan stage and the corresponding planning scheme at the time had minimal policy to guide ESD matters.
- 119 In contrast, some fifteen years later we see a different approach for the Stage 2 Precinct. The DPO46 as exhibited requires that the development plan(s) prepared for Stage 2 must include the following to address matters of environmental design:

*An **Environmentally Sustainable Development (ESD) Assessment** must be prepared for residential subdivision as well as any buildings and works. The ESD Assessment must include:*

- *Residential ESD Design Guidelines prepared for residential subdivision which includes requirements for:
 
  - *The roof and façade materials of all new residential dwellings to meet a minimum Solar Reflective Index (SRI) benchmark of 50 or greater.*
  - *All new dwellings with up to two bedrooms to have installed a 3kW minimum capacity solar photovoltaic (PV) system. An additional 1kw capacity solar photovoltaic (PV) system is required for each additional bedroom proposed.**

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- *A Sustainable Energy and Zero Carbon Plan prepared for residential subdivision or development which demonstrates:*
    - *Actions to reduce greenhouse gas emissions from the construction and ongoing operation of any new dwellings towards net zero.*
    - *How opportunities for renewable energy and/or green energy will be maximised.*
    - *That subdivision and development does not connect existing or future reticulated gas networks.*
  - *A Circular Economy Plan prepared for residential subdivision or development that demonstrates, through ISCA Materials Calculator 2.1 or a similar life cycle assessment tool, how materials containing recycled content and low embodied carbon will be utilised.*
  - *For commercial and community buildings, commitment to the use of a best practice environmental performance rating tool, such as a Green Star Buildings rating of 6 stars, or an equivalent rating achieved through a similar tool.*

120 Whilst the requirement for an ESD Strategy as part of a development plan is now relatively common, it is important to consider the scope of this strategy carefully and reflect on the context of the overall development area, the range of land uses to be delivered and the mix of public and private infrastructure that is expected.

121 Subject to this scope and the timeframes for overall delivery, an ESD strategy should provide a clear vision or framework for the advancement of an environmentally sustainable future across the precinct and articulate the key objectives for all development across the relevant area, set ESD targets or commitments for different types of development / land use. It may also call up the preparation of design guidelines to address matters that may be key features of the development area or agreed design details that are to form part of future built form.

122 The intent of an ESD Strategy at the development plan stage should always be about setting the broad parameters for future design and development to work towards, making the overarching objectives very clear and promoting the use of relevant and applicable rating tools and techniques for assessment at the next stage. It cannot or should not nominate very specific design features or outcomes that could only be known or comprehensively assessed at the permit application stage when a detailed design is prepared, this includes the proposed requirements for roof reflectivity or solar systems.

123 Future planning permit applications submitted in accordance with the approved development plan will of course need to (a) demonstrate compliance with the overarching objectives and requirements of the ESD strategy and (b) provide the necessary detail in response to the

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relevant rating tools. Importantly it is the planning permit stage where we expect to see the detailed response to the strategy and where we might see new initiatives embraced. This is also the appropriate stage where the detailed rating of an individual building will occur, with the benefit of a detailed design and land owner commitment.

- 124 Therefore, accepting the principle that an ESD Strategy for Stage 2 Precinct is an appropriate element of the future development plan, it is my view that the drafting of this requirement as part of DPO46 does require modification.
- 125 At the time of preparing this report, the GGPS included 38 different schedules to the Development Plan Overlay, facilitating a range of different development outcomes. Only one of these current schedules requires a development plan to respond to Sustainable Development Objectives (DPO22 – Ocean Grove Growth Area). In this regard it is a very significant change in approach for the GGPS both in the requirement for a detailed strategy to be prepared and in the information and matters to be included in this strategy.
- 126 In assessing the drafting of the ESD Strategy that forms part of DPO46, I have considered the text included in the Bursill Consulting submission on behalf of the Developer Group. The outcomes sought by this modified provision are generally more appropriate for a Development Plan Overlay whereby the role of the Strategy is to define the overarching framework to address sustainable development applicable to the Precinct. In addition, the Strategy will address the broader sustainable design outcomes to be achieved for the Precinct. Once the scope of development is known, the opportunity to define the key sustainable design commitments will form a part of any future planning permit application.
- 127 Importantly, the modified provision requires an ESD or Sustainability Strategy to align with current policies and strategies that are relevant at the time the document is prepared.
- 128 In my view, the modified provision as outlined in the Bursill Consulting submission, rather than the requirements or specific targets being written into the DPO46, is also more appropriate given it is highly likely that planning policies and potentially the overarching approach to ESD may change significantly over the life of the development plan. Therefore, the flexibility to update the Strategy versus the provisions DPO46 as required is a key consideration.
- 129 I therefore recommend that refinement and simplification of this modified provision be considered, to ensure that scope of the final strategy is appropriately detailed and informs future permit applications in the long term together with addressing Council's aspirations.

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### 5.7 Recommendation 3: Specific Land Use Development – Residential and Retirement Villages

- 130 The DPO46 includes a clause that makes provision for requirements that the responsible authority considers relevant to particular land uses when undertaking an assessment. This includes residential or retirement villages and non residential uses in the General Residential Zone.
- 131 The Bursill Consulting submission on behalf of the Developer Group addresses the residential and retirement village requirements in detail. This is because Stockland, who form part of the Developer Group, is proposing a residential village within the Central A precinct, and therefore the application of this clause is particularly relevant.
- 132 The DPO46 as exhibited nominates the following requirements in addition to the requirements contained in Clause 4.0 of the Schedule relating to matters that must be provided for in the Development Plan:

*In addition to the Development Plan general requirements at Clause 4.0 of this Schedule, the Development Plan must make provision for the following further specific requirements for the following land-uses:*

#### *Residential village and Retirement village*

- *The use and development must not be located within 100 metres of the boundary of the district park.*
- *Regard must be had to, and compliance must be demonstrated with, the Urban Design Guidelines for Victoria.*
- *A movement analysis must be undertaken to demonstrate that public pedestrian connectivity through the area including convenient and direct access to bus stops and public open space is not compromised by the proposed use and development.*
- *Gates that provide access to the public realm must be open during daylight hours.*
- *Any boundary fencing installed should be of low height, transparent in design, and be sympathetic to the urban or rural character.*
- *Dwelling frontage should ensure strong passive surveillance and contribute towards activation of the public realm.*
- *Trees should generally be located to provide shade to paved surfaces, with specific focus on shading pedestrian paths.*
- *Where the use interfaces with the western boundary rural land:*
  - *A Plan of Subdivision must vest land in Council sufficient to provide for a rural interface reserve inclusive of a shared path. This area is not to be credited as part of the public open space contribution.*
  - *A landscape plan must be prepared showing generous planting including canopy trees within the rural interface reserve.*
  - *A dwelling (or any other building) colour and materials schedule, and a fence design plan, must be prepared which reflects the coastal and rural transition, to the satisfaction of the Responsible Authority.*

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- *On-site stormwater assets required to drain and treat stormwater from the development must be designed, constructed and maintained as private assets, to the satisfaction of the Responsible Authority.*

- 133 The application of the above requirements to a retirement or residential village, in my experience, is contrary to the way this form of residential development typically operates. Furthermore, it appears to seek a very specific outcome for Stage 2 Precinct that unreasonably limits the potential for this important housing outcome to fully contribute to the township more broadly.
- 134 Residential and retirement villages, particularly in locations outside of the metropolitan area, are a critical part of providing for housing diversity within our community and deliver accommodation to meet a sector of our population that is rapidly growing. Specific housing of this type also delivers density that might otherwise be difficult to achieve as part of standard residential subdivision and, of particular importance to Stage 2 Precinct, will contribute towards affordable housing for the older cohort.
- 135 As a starting point, the design of a village (primarily for people over the age of 55) must take into consideration a number of unique or key features important to the health and wellbeing of the residents. These design features are focused on supporting a more communal style of living and the needs of older residents, who will normally be independent but are usually an average age of 70 plus.
- 136 The first key feature, and perhaps the most important, is the need for residents of the village to be provided with appropriate safety and security due to their stage in life and the very significant number of residents that live alone. It is for this reason that almost exclusively a residential or retirement village across metropolitan Melbourne and regional areas of Victoria will have a very limited number of vehicle entry / exit points – typically a maximum of two. All roads into and out of a central or main entry / exit point are private roads associated with the village layout and independent living units across the village are accessed by vehicles from this internal road network.
- 137 The majority of residential or retirement villages will incorporate a gate or similar barrier at the primary point of entry to manage movement into and out of a village. However, there may be many other design features that could achieve the same outcome – being to provide residents the sense of security on a day to day basis.
- 138 There are many examples across the municipality where this design feature is evident and well accepted, including the retirement village very recently completed at Armstrong Creek (Armstrong Green) and the village contained within The Point estate (The Breeze). These and many other examples of villages that have formed part of an estate that was

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developed across stages and were able to adapt the road network around the village to suit the needs of the broader community.

- 139 The second key design feature of a residential or retirement village is the desire to have this form of housing positioned within a close, walkable catchment to activity centres and open space networks. Residents of residential or retirement villages will often be in the process of reducing their car dependency and either walk to services or use public transport where it is convenient. It is for this reason that we often see a residential or retirement village nominated in a Precinct Structure Plan close to a town centre or adjacent to an area of high activity.
- 140 The third key design feature is that the layout of a village will have very specific or unique requirements relating to the:
- width of internal roads;
  - treatment of pedestrian movement in the absence of designated foot paths;
  - provision and design of visitor parking;
  - extent of communal spaces and facilities for resident use;
  - size and layout of the independent living units (including limited private open space)
- 141 Virtually all of these design features are different from what would be expected for residential subdivision and that relates to “standard” housing with urban design guidelines or Clause 56 – subdivision requirements. The reason for these significant variations in design and layout requirements is that retirement and residential villages are focused on communal living, increasing levels of accessibility for enhanced mobility, delivering affordability through more compact housing and catering for the needs of older residents that require low maintenance living.
- 142 With these key features in mind, it is my view that the requirements contained in DPO46 as exhibited do warrant some significant refinement to acknowledge the above. It is essential that the approach to the siting of village(s) within the Stage 2 Precinct, the design of public roads and access arrangements as nominated in DPO46 are aligned with the unique requirements and needs of a residential or retirement village specifically. Not doing so would most likely result in residential or retirement village development not being feasible, which would severely impact on the needs of the local community being met.
- 143 To address the need for some modification to DPO46 as exhibited, I have considered the scope of the proposed clause outlined in the Bursill Consulting submission and support the approach that has been drafted, including the text nominated for Clause 4.0 as part of the

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Urban Design Masterplan. In my view this alternative approach acknowledges the need for a residential or retirement village to integrate appropriately with surrounding development, including with areas of public open space, and ensures any restriction on access for the public is reasonable. This balance is important for the successful engagement of retirement or residential village residents with their community whilst still feeling the necessary sense of safety and security.

- 144 I would however recommend that further consideration be given to the proposed text proposed by the Bursill Consulting submission for the Developer Group that states:

*All of Central Residential Area A identified on Map 1 for residential use may be developed and used as a Residential Village or Retirement Village with the exception of a 14 metre wide local access street to be provided along the south and west boundaries of the District Park.*

- 145 I would recommend this text be deleted in preference for Map 1 being amended to graphically identify the potential for a residential or retirement village land use to be accommodated across the Central Residential Area A and the alignment of local access streets accordingly.

### 5.8 Implementation of the Small Lot Housing Code

- 146 Whilst the scope of the residential subdivision across the Stage 2 Precinct has not yet been designed in any detail, I have been instructed that the Developer Group intends to provide for a number of lots that will be of 300 square metres in area or less. These smaller lots are critical for providing housing diversity within the precinct, which in turn will provide for a diversity in the population accommodated and deliver the opportunity for an affordable form of housing compared with the traditional detached dwelling on a larger allotment.
- 147 The Bursill Consulting submission prepared on behalf of the Developer Group proposes the introduction of a Specific Control Overlay (SCO) and an Incorporate Document within the Greater Geelong Planning Scheme to facilitate the SLHC in the Stage 2 Precinct. Specifically, the Incorporated Document would 'switch off' a permit trigger for a dwelling on a lot less than 300 square metres provided that the dwelling complies with the SLHC. As part of my assessment, I have considered this submission and the benefit that might be derived for the delivery of housing across the Jetty Road Urban Growth Area.
- 148 By way of background, the SLHC was introduced to advance the delivery of affordable housing in Melbourne's growth areas, eliminating the need for a planning permit for dwellings on lots less than 300 square metres, provided the standards in the Code are met.
- 149 If the standards of the SLHC are achieved, approval is provided in the form of a building permit issued by a Relevant Building Surveyor (RBS).

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- 150 The SLHC provides a prescriptive framework with house design and siting standards including requirements for setbacks, building heights, car spaces, private open space, overlooking, overshadowing, building articulation and fences. The standards of the SLHC establish an envelope that is established with the siting matters covered in Part 5 of the *Building Regulations 2018*.
- 151 There is no discretion available or local variations possible as part of the operation of the SLHC. If the standards are not met, a permit is required and the permit application for a single dwelling on a small lot must be considered in accordance with Clause 54.
- 152 The *Small Lot Housing Code – Practice Note (November 2019)* indicates that the primary planning controls commonly used to introduce the SLHC are:
- The mechanism that activates the use of the Code is set out in the Schedule to the Urban Growth Zone or in another Special Purpose Zone. The Schedule provides that a planning permit is not required to construct one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code. The restriction should identify each lot as “Type A” or “Type B” under the Small Lot Housing Code.*
- 153 Although the SLHC was primarily introduced to assist the delivery of housing on smaller lots in Melbourne’s growth areas, it has also been used in Precinct Structure Plans (PSPs) and Comprehensive Development Plans in Greater Geelong, Ballarat, Shire of Baw Baw, Cardinia and Knox.
- 154 The implementation of the SLHC as the assessment tool specific to dwellings on lots less than 300 square metres does not appear to be confined to only land in an Urban Growth Zone or Special Purpose Zone (with a corresponding Incorporated Document). I would accept that the preparation of the SLHC was focused on facilitating housing on smaller lots within a growth area setting in an attempt to make the planning approvals required more efficient and the majority of these growth areas in metropolitan Melbourne are within an Urban Growth Zone. However, the use of the SLHC should not be limited only to these areas if it is deemed to be an appropriate tool to facilitate smaller dwellings.
- 155 Importantly there is a clear difference between the application of the SLHC within a growth area setting where large scale subdivision and development of dwellings occurs in a co-ordinated manner and a fully developed residential environment where a SLHC is likely to be more challenging given the constraints associated with established neighbourhood character. It is for this reason that careful consideration must be given to circumstances where the SLHC may be appropriate but where a Special Purpose Zone does not apply.
- 156 Given the Jetty Road Urban Growth Area is clearly an environment

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which could be deemed as a **growth precinct**, I see significant planning merit in exploring the options for its application in the setting. This includes the ability to streamline planning approvals to allow for the delivery of dwellings to the market in a more timely and cost effective manner - something that will certainly assist with affordability.

- 157 Having reviewed the Victoria Planning Provisions and the planning tools and mechanism that may be available, I consider there are two primary options that could be considered for the Stage 2 Precinct:

### Option 1:

- 158 The introduction of a **Specific Control Overlay** across the relevant Stage 2 Precinct, which would include an Incorporated Document stipulating that a planning permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code.
- 159 Consistent with the way a Precinct Structure Plan that is incorporated through the Urban Growth Zone works for many growth areas across metropolitan Melbourne, it would fall to the building surveyor to require the necessary documentation to demonstrate compliance with the SLHC prior to the issuing of a building permit.
- 160 The proposed introduction of this overlay to exclude the permit trigger for dwellings on lots under 300 square metres (as required in the General Residential Zone) could be highly beneficial for the efficient delivery of smaller dwellings, thereby improving the timeframes and costs associated with the availability of affordable housing. I note this approach would respond to submissions made as part of the Amendment.

### Option 2:

- 161 An appropriate mandatory condition or conditions drafted into Clause 3.0 of DPO46 that would require any permit for development of the land to utilise the SLHC for the assessment of single dwellings on lots less than 300 square metres in area. This condition would not remove the permit trigger under the General Residential Zone for these small dwellings but seek to replace Clause 54 as the relevant planning tool for the assessment of the dwelling with the SLHC. This condition could then be drafted so as to stipulate that only single dwellings that **do not comply** with the SLHC must submit detailed plans to the satisfaction of the responsible authority.
- 162 Again, a building permit would also be necessary for each of the single dwellings on these smaller lots would be necessary and it could continue to be the responsibility of the relevant building surveyor to undertake an assessment of the dwellings that do comply with the SLHC and confirm that compliance is satisfactory.

## 6 Conclusion

163 The future development of the Jetty Road Urban Growth Area to the west of the Drysdale / Clifton Springs township has been identified over many decades of strategic planning as being the area for managed growth. To facilitate the second and final stage of this growth area, it is necessary for the Greater Geelong Planning Scheme to provide for a clear and effective policy framework supported by a suite of planning controls that will efficiently implement the long term vision.

164 I have considered the key planning issues relevant to the Amendment and specifically the proposed application of the General Residential Zone, Development Plan Overlay Schedule 46, Development Plan Contributions Overlay Schedule 9 and an Environmental Audit Overlay across the Stage 2 Precinct. I have concluded that:

- There is clear strategic justification for the rezoning of the land to accommodate a predominately residential development, facilitating a range of building types and density of new housing. In this regard I consider the Stage 2 Precinct represents an opportunity to address the ongoing housing needs for the Bellarine Peninsula and is well supported by the Planning Policy Framework as a location of for managed growth.
- The application of a General Residential Zone and Development Plan Overlay working together across the Stage 2 Precinct to guide the broad outcomes in the manner proposed is an appropriate application of planning controls for the Precinct and its context.
- The DPO46 as exhibited establishes clear objectives and framework for the future development of the Stage 2 Precinct, subject to further consideration being given to the structure of various requirements for the preparation of a development plan; and
- The recommended modifications to the DPO46 have sought to provide greater clarity and to ensure the final development plan provides for an appropriate level of flexibility to guide the final development and land use outcomes.

165 In addition to the planning controls proposed for the Stage 2 Precinct by the Amendment, it is my view that consideration should also be given to the implementation of the Small Lot Housing Code to provide a more efficient planning pathway to address the future development of smaller dwellings.

166 I am therefore supportive of the draft Amendment subject to the modifications outlined in Section 5.0 of this report.

**Sophie Jordan**

Director, Contour Consultants Aust Pty Ltd



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# Attachment 1

## Professional Experience

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**Attachment 1** - Professional Experience

Name and Address	Sophie Millicent Jordan Director of Contour Consultants Australia Pty Ltd, Level 1, 283 Drummond Street, Carlton, in Victoria.	
Qualifications and Expertise	Bachelor of Planning and Design (Hons), University of Melbourne, 1996	
Professional Experience	<ul style="list-style-type: none"> <li>• 1997</li> <li>• 1998-2001</li> <li>• 2001-2003</li> <li>• 2003 – June 2005</li> <li>• July 2005 – June 2008</li> <li>• July 2008 – Dec 2011</li> <li>• January 2012 – June 2022</li> <li>• July 2022 – Present</li> </ul>	<ul style="list-style-type: none"> <li>Town planner, City of Stonnington</li> <li>Senior planner, City of Melbourne</li> <li>Senior planner, Hassell Pty Ltd</li> <li>Senior planner, Urbis Pty Ltd</li> <li>Associate Director, Urbis Pty Ltd</li> <li>Director, Urbis Pty Ltd</li> <li>Director, Sophie Jordan Consulting Pty Ltd</li> <li>Director, Contour Consultants</li> </ul>
Area of Expertise	<ul style="list-style-type: none"> <li>• Residential developments including medium density housing projects through to larger high rise apartment complexes across metropolitan Melbourne.</li> <li>• Special needs residential accommodation including student accommodation, retirement villages, nursing homes and social housing projects.</li> <li>• Large scale commercial projects including inner urban office developments.</li> <li>• Large scale retail development within metro Melbourne and regional Victoria.</li> <li>• Preparation of Urban Design Frameworks for regional town centres.</li> <li>• Licensed venue and gaming applications; and</li> <li>• Heritage applications, including management of Heritage Victoria approval processes.</li> </ul>	

