

MINUTES

COUNCIL MEETING

Tuesday 24 May 2022
6:00 pm

City Hall
57 Little Malop Street, Geelong 3220

LIVE STREAMED ON THE CITY'S WEBSITE:

www.geelongaustralia.com.au/meetings

COUNCIL:

Cr S Asher (Bellarine Ward) - Mayor
Cr T Sullivan (Bellarine Ward) - Deputy Mayor
Cr J Mason (Bellarine Ward)
Cr E Kontelj (Brownbill Ward)
Cr S Mansfield (Brownbill Ward)
Cr P Murrphy (Brownbill Ward)
Cr B Harwood (Kardinia Ward)
Cr B Moloney (Kardinia Ward)
Cr R Nelson (Kardinia Ward)
Cr A Aitken (Windermere Ward)
Cr K Grzybek (Windermere Ward)

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2.6. Amendment C387ggee Proposed Rezoning - Jetty Road Urban Growth Area Stage 2, Curlewis

Source: City Planning & Economy
Director: Gareth Smith

Purpose

1. To seek a Council resolution to prepare and exhibit Planning Scheme Amendment C387ggee.

Background

2. In 2020/21 consultants acting for several Curlewis landowners lodged planning scheme amendment applications to rezone Rural Living Zone and Farming Zone land to the General Residential Zone.
3. The land to be rezoned is generally referred to as 'Jetty Road Urban Growth Area Stage 2' in the Greater Geelong Planning Scheme. This area is shown in **Attachment 1** maps and contains 20 individual land titles spread over 149.45 hectares.
4. Stage 2 of the growth area follows the near total build-out of Jetty Road Stage 1 which delivered over 1700 house lots and associated infrastructure, the Bayview Central Shopping Centre and new Griggs Creek and foreshore public open space. Stage 1 was rezoned in December 2009 by Amendment C152 and a Development Contributions Plan Overlay was applied later by Amendment C230.

Key Matters

5. The Jetty Road Stage 2 land is within the Drysdale Clifton Springs settlement boundary and designated in the Greater Geelong Planning Scheme for rezoning to facilitate conventional and medium density residential use. Stage 2 makes up 50 per cent of the total growth area and will yield a similar or greater number of dwellings as Stage 1.
6. The land is also identified in the State Government Distinctive Areas and Landscapes Draft Bellarine Peninsula Statement of Planning Policy as 'growth areas'.
7. Because the land is in fragmented ownership, the rezoning is supported by planning controls to require the form of future use and development to be shown on a plan, and for the levying of developer contributions to deliver shared infrastructure.
8. The planning controls will be structured to require early developer delivery of Tivoli Drive and Greenvale Drive north of the Bellarine Rail Trail as one single construction project.
9. The amendment proposes to: rezone the land to the General Residential Zone Schedule 1; apply a new Development Plan Overlay Schedule; and apply a new Development Contributions Plan Overlay Schedule.
10. It is recommended that the amendment be finalised and then exhibited in the second half of 2022 inviting submissions (subject to the Minister's authorisation).

RESOLUTION - Item 2.6

Cr Mason moved, Cr Grzybek seconded -

That Council:

- 1. Support the preparation and exhibition of Amendment C387ggee to the Greater Geelong Planning Scheme to:**
 - 1.1 Rezone the land bounded by Port Phillip Bay to the north, Portarlington Road to the south, existing housing estates, Jetty Road and Hackwill Place to the east, and McDermott Road and the Curlewis Golf Course to the west, from Rural Living Zone and Farming Zone to General Residential Zone Schedule 1 (as shown in Attachment 1);**
 - 1.2 Apply the Development Plan Overlay to the land being rezoned;**
 - 1.3 Apply the Development Contributions Plan Overlay to the land being rezoned; and**
 - 1.4 Incorporate the Jetty Road Urban Growth Area Stage 2 Development Contributions Plan.**
- 2. Request the Minister for Planning to authorise the preparation and exhibition of Amendment C387ggee.**

Carried

Financial Sustainability

11. It is proposed to apply a Development Contributions Plan (DCP) to the land being rezoned. The Jetty Road Urban Growth Area Stage 2 DCP is currently under preparation.
12. A Stage 1 DCP applied to the Stage 1 land only, identifying the infrastructure items that Stage 1 landowners were to contribute to. Applicable Stage 1 items have now been delivered. However, some of the infrastructure items identified in the Stage 1 DCP are to be funded by both Stage 1 and Stage 2 landowners.
13. It is critically important that Amendment C387ggee include a Stage 2 DCP. The map below sourced from the Stage 1 DCP shows where the DCPs are to be applied:



14. The Stage 1 DCP identified the infrastructure items to be partly funded by Stage 2 landowners infrastructure contributions as follows:
 - 14.1. Intersection North South Collector Road Part A and Portarlington Road (completed);
 - 14.2. Intersection North South Collector Road Part B and East West Collector Road (not completed);
 - 14.3. Pedestrian crossing over Griggs Creek to Clifton Springs Primary School (completed);
 - 14.4. Pedestrian crossing over Griggs Creek to Jetty Road Reserve (completed);
 - 14.5. Pedestrian crossing at Bellarine Rail Trail and North South Collector Road (completed, however under review due to Tivoli Drive duplication);
 - 14.6. Griggs Creek - Rehabilitation and revegetation (completed);
 - 14.7. Griggs Creek - Landscaping and improvements (completed);

- 14.8. Sub-Regional Park - Improvements (not completed);
 - 14.9. Foreshore Reserve - Improvements (Stage 1 completed Stage 2 not completed);
 - 14.10. Community Hub - Land acquisition (completed); and
 - 14.11. Community Hub - Construction (not completed).
15. Items identified above that have not been completed are being rescoped and quantity surveyed to ensure the Stage 2 DCP applies current standards, and updated delivery timelines, avoiding shortfall costs that would ultimately fall on the City.
 16. Costs to prepare the Stage 2 DCP will be the responsibility of the developer group.
 17. The City, in consultation with the developer group, is also investigating whether any new shared infrastructure not identified in the Stage 1 DCP should be included in the Stage 2 DCP. For instance, a proposed Tivoli Drive/Greenvale Drive duplication delivery strategy will be tied to the DCP providing Council the ability to step in and construct the road as a last resort, in the knowledge that costs can be recovered via the DCP over time.
 18. The Stage 2 DCP will become an incorporated document in the planning scheme which would legally bind Council to the provisions of the plan. Contributions towards the Drysdale Regional Community and Learning Hub in the town centre will also apply in the form of a per dwelling levy consistent with Section 46L of the *Planning and Environment Act 1987*.
 19. The DCP will enable the collection of levies to ensure the identified shared infrastructure is funded to enable the City and developers to provide the infrastructure. The City will act as the collecting agency and may deliver infrastructure or enter into agreements with developers to provide land and works in-kind.

Community Engagement

20. In reaching this report's position to recommend preparation and exhibition of Amendment C387ggee, the City has directly engaged with the landowners whose land is proposed to be rezoned.
21. Council officers have now written to all the affected landowners informing them of this report being listed on the agenda for the 24 May 2022 Council Meeting.
22. More generally, it would be fair to acknowledge that recent events, such as the State Government Distinctive Areas and Landscapes project, Council's settlement strategy Amendment C395ggee and the Central Road Drysdale rezoning amendment, have heightened community awareness of urban growth planned for the town. Residents of Jetty Road Urban Growth Area Stage 1 would also be expected to have bought into the estate knowing that the farming land to the immediate west (i.e., Stage 2) would one day be rezoned and developed for housing.
23. There has also been separate recent community engagement by Council's Engineering Services division about traffic issues on Tivoli Drive and Greenvale Drive. The report of the 24 August 2021 Council Meeting included discussion on planning for Jetty Road Urban Growth Area Stage 2.
24. The report was followed by further assessments and the establishment of a 'Have Your Say' Geelong Australia webpage. The most recent community update provided a

summary of the key issues and said *'Tivoli and Greenvale Drive is planned to be duplicated to a boulevard style road during Stage 2 of the JRUGP (Jetty Road Urban Growth Plan). This is expected to occur in 2025/26'*.

25. Community engagement was also undertaken in 2020 to understand community sentiment on a potential relocation of the community hub to the Clifton Springs Primary School. Sixty-nine per cent of respondents expressed support for the relocation to the school, 8 per cent did not have a preference either way and 23 per cent of respondents thought the community hub should not be relocated, with accessibility being one of the key reasons.
26. If Council resolves to support the recommendation, the public exhibition process will involve a mail out to all directly affected and nearby landowners, notices in local newspapers, and notice on the City's website and the Victoria Government Gazette as required by the *Planning and Environment Act 1987*. Exhibition, subject to ministerial authorisation, is planned for the second half of 2022.
27. Interested parties will be able to make written submissions which are intended to be considered under Council delegation.
28. It is more than likely that all submissions will be referred to an independent panel appointed by the Minister for Planning. Submitters then have the opportunity to appear and present their case at the hearing. It is noted that all submissions referred to a panel are considered by the panel, irrespective of whether a submitter appears or not.

Social Equity and Sustainability

29. The amendment has appropriately considered social equity principles. The City has engaged with landowners about the proposed rezoning and supporting planning controls. Further engagement will occur as part of exhibiting the amendment.
30. The amendment will provide social benefits by facilitating residential development conveniently located to a broad range of services. The additional land supply will also provide opportunity for new residents to settle in the area and help ease housing affordability pressures.
31. Recent strategic planning undertaken has identified that the community hub should be delivered at a later stage than the trigger identified in the Stage 1 DCP. The Kindergarten Infrastructure and Services Plan (2021) and analysis prepared by Urban Enterprise (2022) forecasts early years capacity deficits for 2029 (KISP) and 2031 (UE) - well after the Stage 1 DCP trigger for delivery of the community hub (2022-2023 or 1800 lots). Advice of the Department of Education and Training (DET) has indicated that any funding support for the delivery of early years infrastructure is to align with KISP priorities.

Relevant Law/Policy/Legal Implications

32. There is strong support for the amendment in the Planning Scheme's Municipal Strategic Statement. Most notably, at Clause 21.14 *Bellarine Peninsula*, the subject land is identified for conventional and medium density residential. This area is located within the Drysdale Clifton Springs settlement boundary and has long been designated for urban growth.
33. Council's 2020 Settlement Strategy recognises Drysdale Clifton Springs (which includes part of Curlewis) as a district town on the Bellarine Peninsula capable of

accommodating population growth. The settlement strategy directs that district town boundaries will be based generally on existing urban areas and areas already identified in the policy.

Alignment to Community Plan and Vision

34. This report aligns with Our Community Plan 2021-2025 strategic priority:
Sustainable growth and environment.
35. This report aligns with the Community led 30-year Vision, “Greater Geelong: A Clever and Creative Future” community aspiration:
Sustainable development that supports population growth and protects the natural environment.

Conflict of Interest

36. No officer involved in the preparation of this report declared a general or material conflict of interest.

Risk Assessment

37. Deferral or delay in proceeding to exhibition is likely to cause confusion and uncertainty for directly affected landowners, developers, and the local community. This is particularly so given the clear policy direction in the Greater Geelong Planning Scheme.
38. Not proceeding with the amendment would also expose Council to legal and financial repercussions associated with its Development Contributions Plan obligations.
39. Tivoli Drive, Greenvale Drive and other nearby residents are also keenly waiting for the development of Jetty Road Stage 2 and the construction of the duplicated road as planned.

Environmental Sustainability

40. The amendment will be supported by technical assessments and planning controls to provide for sustainable subdivision design, stormwater management, native vegetation retention and the public realm. This information will inform the future development plan which is discussed in **Attachment 2**.

Attachments

Attachment 1 - Maps - Amendment C387ggee land, property addresses and current zoning.

Attachment 2 - Discussion - Amendment C387ggee

Attachment 1

Maps - Amendment C387ggee land, property addresses and current zoning





Property Identifier	Address	Property Identifier	Address	Property Identifier	Address
1	1421-1423 Portarlington Rd, Curlewis	6	1441-1449 Portarlington Rd, Curlewis	11	324-346 Jetty Rd, Curlewis
2	1421-1423 Portarlington Rd, Curlewis	7	1451-1459 Portarlington Rd, Curlewis	12	312-322 Jetty Rd, Curlewis
3	1421-1423 Portarlington Rd, Curlewis	8	1421-1423 Portarlington Rd, Curlewis	13	302-310 Jetty Rd, Curlewis
4	1425-1429 Portarlington Rd, Curlewis	9	1471-1479 Portarlington Rd, Curlewis	14	292-300 Jetty Rd, Curlewis
5	1431-1439 Portarlington Rd, Curlewis	10	1481-1489 Portarlington Rd, Curlewis	15	276-290 Jetty Rd, Curlewis

Attachment 2**Discussion - Amendment C387ggee****Background to the Amendment**

1. Amendment C387ggee is a developer driven (referred to as the 'developer group' in this report) Planning Scheme Amendment seeking to rezone 149.45 hectares of Farming Zone and Rural Living Zone land to the General Residential Zone. The area is shown in **Attachment 1** and is generally known in planning terms as 'Jetty Road Stage 2'.
2. Because the Amendment has been initiated by developers, Council is relying on the group to prepare the necessary technical reports and be responsible for costs and fees associated with the Amendment process. The City is working closely with the developer group to complete the required documentation for exhibition planned in the second half of this year.
3. In September 2020 CardnoTGM acting for the landowners in the Rural Living Zone precinct south of the Bellarine Rail Trail lodged an Amendment application to rezone the land. Council officers accepted the application however noted progression of the application was dependent on joint consideration of the Farming Zone precinct north of the Rail Trail up to Port Phillip Bay that also forms part of Jetty Road Stage 2.
4. Asset 1 (91-125 Coriyule Road) and the Moss Family (32-70 McDermott Road) located within the Farming Zone precinct, then, in June 2021, lodged a rezoning application via CardnoTGM. The application applied to all the Farming Zone land north of the Rail Trail and originally sought concurrent multi-lot subdivision permits, which have since been removed. It is noted that CardnoTGM, Asset 1 and the Moss Family had commenced discussions with Council officers in 2018.
5. It was also in 2018 that Council officers first engaged the two northernmost Farming Zone precinct landowners at 72-100 McDermott Road and 102-170 McDermott Road. These landowners are not party to the Farming Zone precinct application however their properties form a critical component of the growth area and therefore must be included in the Amendment.
6. Since the applications were received, there has been some changes in land ownership. The majority landowner in the rural living precinct at 1421-1423 Portarlington Road is now APD Projects. 32-70 McDermott Road is currently being acquired by a developer. Together with Asset 1, these three developers are effectively the 'developer group'.
7. Council acceptance of this report will provide the developer group with confidence and certainty to continue with preparation of the Amendment.

Strategic basis for the Amendment

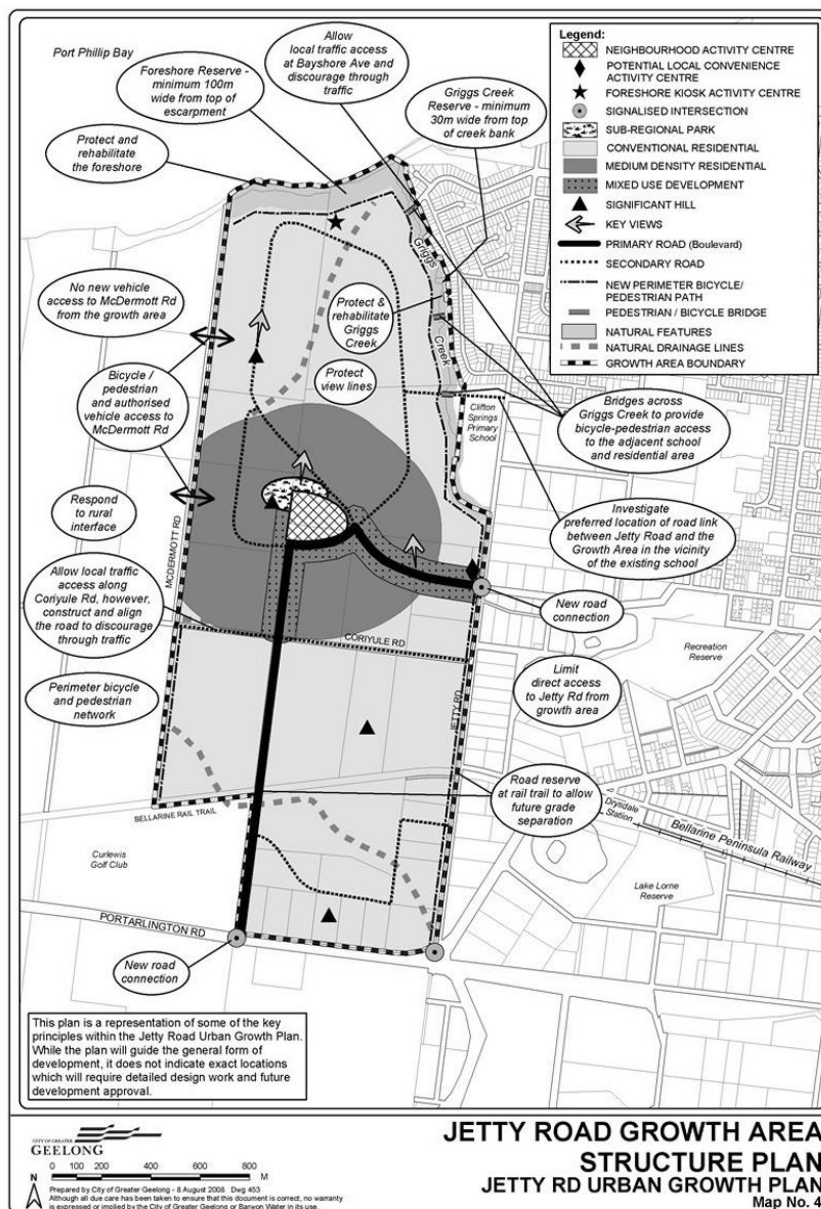
8. There is a long established history and planning context to the Jetty Road Urban Growth Area. As far back as 1983, the area was identified for long term future growth in the Drysdale/Clifton Springs Structure Plan prepared by the Geelong Regional Commission.
9. The next iteration of the Drysdale/Clifton Springs Structure Plan was in 1992 and the land north of the Rail Trail between Jetty Road and McDermott Road was designated for residential rezoning. The area south of the Rail Trail was designated for Rural Residential zoning. The rural residential designation was identified for consolidation in the City of Greater Geelong Urban Growth Strategy 1996.
10. Commencing in 2006, the City of Greater Geelong initiated planning of the growth area. The Jetty Road Urban Growth Plan, September 2008 (preface i) says:

The Jetty Road Urban Growth Plan (UGP) sets the strategic direction for the development of land in the Jetty Road growth area. The UGP sets out the key planning responses that will be pursued at each stage of the planning process for the growth area. The UGP will ensure that the growth area develops in an orderly and sustainable fashion, and that areas of high ecological, cultural or aesthetic value are protected.

11. The UGP was developed in consultation with a wide range of stakeholders, including state government agencies, statutory bodies, utility companies, community groups, developers and landowners. Public consultation was conducted in October and November 2006. The UGP was adopted by the City of Greater Geelong at the Council meeting on 26 June 2007 and amended on 23 September 2008, following Council adoption of Amendment C129.
12. The Jetty Road Urban Growth Plan map appears at Clause 21.14 *Bellarine Peninsula* of the Greater Geelong Planning Scheme as shown below:

21.14-12 Jetty Road Urban Growth Plan map

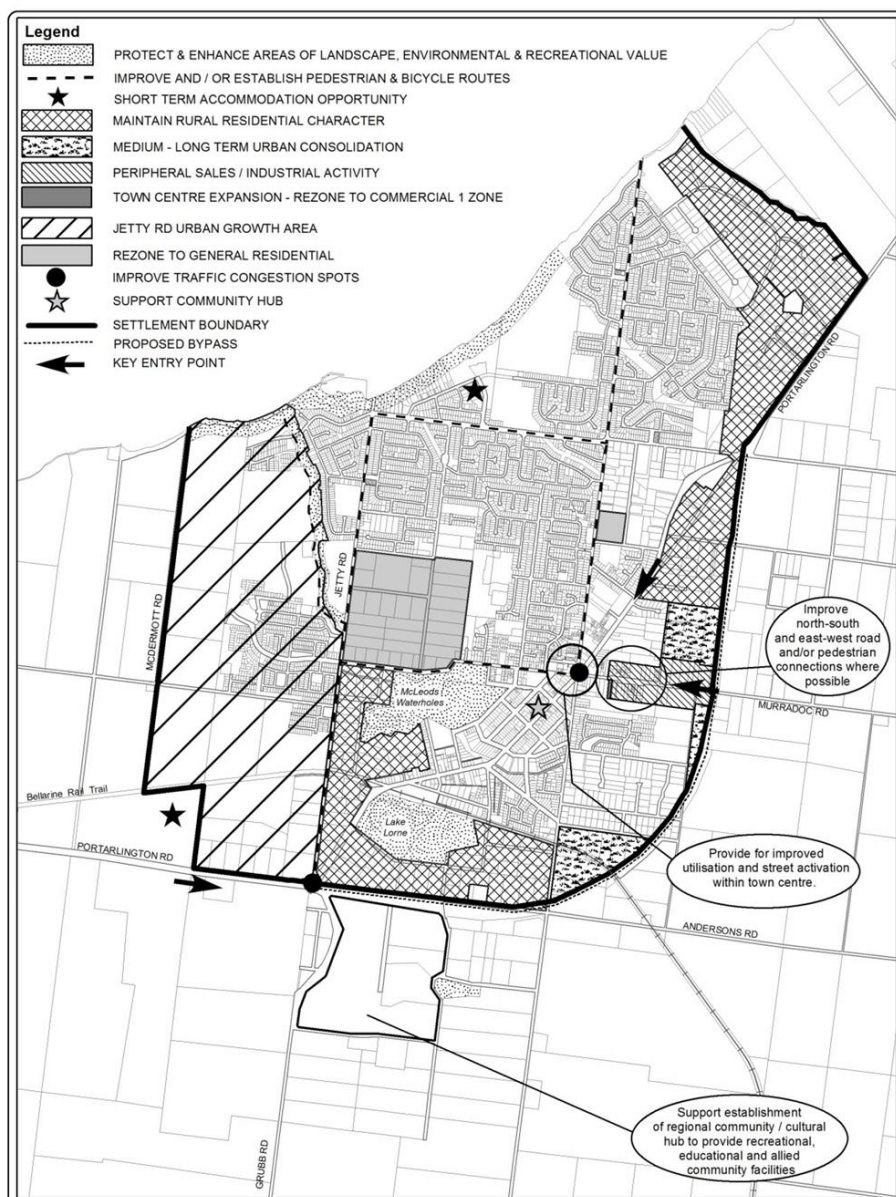
31/01/2019
C376pt1ggee



13. Preparation of Amendment C387ggee has been guided by the principles and objectives contained in the Jetty Road Urban Growth Plan. While these principles and objectives continue to apply, the plan is 14 years old and a range of new planning policies and requirements will form part of the proposed planning controls.
14. With the construction of Jetty Road Stage 1 there are also lessons learnt, such as improving housing diversity, management of stormwater drainage and outfall, and the efficient delivery of Tivoli Drive and Greenvale Drive.
15. Since the adoption of the Jetty Road Urban Growth Plan, subsequent Council and State Government strategic planning policies have re-affirmed the designation of Stage 2 for residential rezoning. The 2010 Drysdale Clifton Springs Structure Plan map (located below) identifies the Jetty Road Urban Growth Area within the town settlement boundary.

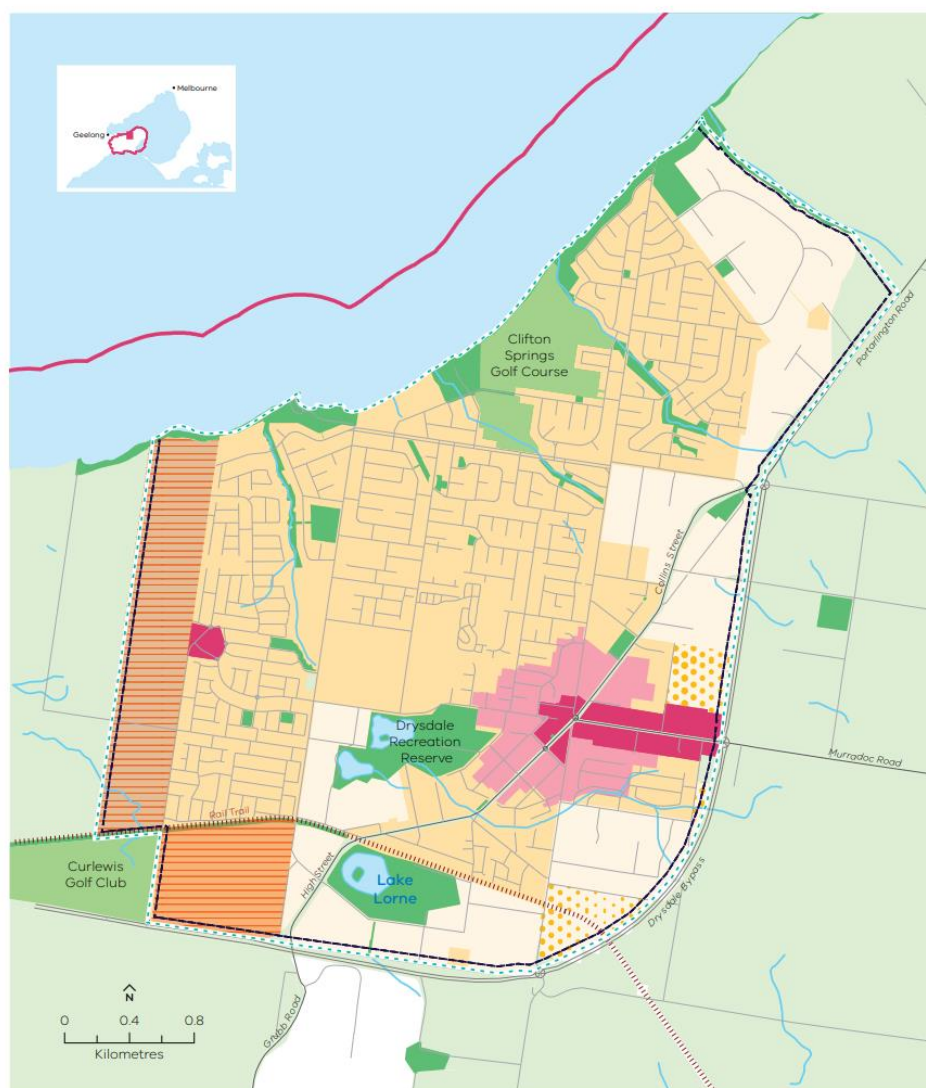
21.14-11 Drysdale Clifton Springs Structure Plan map

31/01/2019
C376ptfggee



16. The other strategies, which are also embedded in the planning scheme, are:
 - 16.1 *G21 Regional Growth Plan 2013* at State clause 11.01-1S.
 - 16.2 *Bellarine Localised Planning Statement 2015* at State clause 11.03-5S.
 - 16.3 *City of Greater Geelong Settlement Strategy 2020* at Local clause 21.06.
17. On 29 October 2019 the Bellarine Peninsula was declared a Distinctive Area and Landscape (DAL) under the *Planning and Environment Act*. The declaration triggered the requirement to prepare a Statement of Planning Policy – and a draft dated June 2021 was prepared and exhibited by DELWP. Below is the Drysdale Clifton Springs map.

Map 9: Proposed Drysdale–Clifton Springs protected settlement boundary



LEGEND

Protected settlement boundary	Waterways	Activity centre
Declared area boundary	Lakes	Increased Housing Diversity Area - Substantial change
Urban-rural Interface	Parks and reserves	Incremental change
Green break	Golf course	Minimal change
	Highway	Minimal change - Further investigation
	Main road	Growth areas
	Local road	
	Rail Trail	

18. The draft Bellarine Peninsula Statement of Planning Policy (SPP) designates the Jetty Road Stage 2 land as 'growth areas' consistent with previous strategies. The land is positioned inside the proposed protected settlement boundary, this boundary being the same as the settlement boundary location in the Drysdale Clifton Springs Structure Plan.
19. The draft Bellarine Peninsula SPP has not yet been given effect in the Greater Geelong Planning Scheme. The Minister for Planning has decided to refer all submissions about the location of the protected settlement boundary (for all Bellarine towns) to the Distinctive Areas and Landscapes Standing Advisory Committee. A public hearing commenced in late April 2022.
20. In outlining the strategic basis for Amendment C387ggee, it is clear that the draft Bellarine Peninsula SPP continues to designate the land for urban development.

Site context and development opportunities

21. The Jetty Road Stage 2 area contains 20 individual land titles spread over 149 hectares. The area can logically be categorised into two distinct precincts – a Rural Living Zone precinct south of the Bellarine Rail Trail and a Farming Zone precinct north of the Bellarine Rail Trail.
22. Maps of the two precincts showing property addresses and zoning can be found in **Attachment 1**.

Farming Precinct

23. The farming precinct consists of 5 titles and four landowners and has a total area of 96.7 hectares. The precinct extends north to Port Phillip Bay, south to the Bellarine Rail Trail and Curlewis Golf Course and west to McDermott Road which marks the western extent of the Drysdale/Clifton Springs settlement boundary. Land located further west is described as cleared farming zone land. The land parcels are as follows:
24. 102-170 McDermott Road: 32.9ha in area with a variety of uses including cropping, vineyard and use as a function centre. The property contains a substantial dwelling and extensive ornate landscaping and planted native tree rows, near where the vineyard and reception building are located. The balance area located to the north is cleared farmland with remnant vegetation patches which extends to the Port Phillip Bay shore.
25. 72-100 McDermott Road: this property is a small farming lot of 11.81ha in area and is used for grazing and cropping and also contains a small vineyard. The land contains a house and sheds and is bound by windrows on each boundary.
26. 32-70 McDermott Road: 26.10 ha in area and made up of two individual lots (Lots 9 and 10 on LP10309), located to the north of Coriyule Road and east of McDermott Road. The land is described as predominantly vacant farmland with a shed located along the southern boundary. The land is cropped, undulating and naturally drains to the south-west and north-west. The high point is at the north-east corner where the planned sub-regional park will be located and the heritage listed "Coriyule" Homestead is located opposite at 1-69 McDermott Road.
27. 91-125 Coriyule Road: this property is 25.89 ha in area of cleared farmland used for cropping and grazing. The land contains a single storey house surrounded by planted vegetation and planted windrows. A dam is located along the western boundary and some scattered native vegetation (river redgums) are located along the north-eastern boundary. A single river redgum is also located at the south-eastern boundary of the land. The subject land is predominantly flat to the northern boundary and undulating to the south which forms the designated waterway through the land. The subject land adjoins Coriyule Road to the north which provides the primary access to the land.

Rural Living Precinct

28. The rural living precinct is irregular in shape with an overall area of 52.745 hectares. It is bounded by the Bellarine Rail Trail to the north, Portarlington Road to the south, Jetty Road and Hackwill Place to the east and Curlewis Golf Course to the west.
29. The precinct is made up of fifteen individual allotments most of which are typical rural residential lots containing a mix of dwelling types, sheds and outbuildings and planted trees and landscaped garden areas. Each property has its own access to either Jetty Road and Hackwill Place or Portarlington Road. 276-290 Jetty Road contains the Drysdale Community Church.
30. There is a natural designated waterway located diagonally across the precinct from south-east to north-west. Two formed farm dams are present on the waterway with wetland native vegetation. There is also some scattered river gum, swamp gum and mana gum trees in the precinct.

Technical assessments

31. In preparing the Amendment application, the developer group commissioned technical assessments to inform the future development layout and infrastructure requirements.
32. Assessments were prepared for service infrastructure, flooding and stormwater drainage, public open space, traffic engineering, bushfire hazard, land contamination, native vegetation, planted trees, aboriginal cultural heritage and housing needs. The urban servicing investigations confirm that Jetty Road Stage 2 is able to efficiently connect to all necessary infrastructure (i.e., water, sewer, gas, electricity, drainage, roads and telecommunications).
33. Under the *Aboriginal Heritage Act 2006*, the Amendment land is found to be within an area of possible cultural heritage sensitivity. Cultural heritage assessments have confirmed that Cultural Heritage Management Plans (CHMP) will be required. While a request to rezone land does not trigger a requirement to prepare a CHMP, subdivision permits cannot be issued until the Responsible Authority receives an approved CHMP. Permits must also be consistent with any approved CHMP.
34. Referral comments from the Wadawurrung Traditional Owners Aboriginal Corporation (WTOAC) request that the WTOAC be invited to be a co-design partner in public realm planning. In preparing future open space landscape plans, Council and developers will actively engage with the WTOAC in this process.
35. Some assessments are now being updated following Council and State Government agency and authority review, to a level that can appropriately inform the proposed Development Plan Overlay and Development Contributions Plan Overlay schedules.

Features of Jetty Road Stage 2

36. Based on this work, the Jetty Road Urban Growth Plan 2008 and current planning policy, Jetty Road Stage 2 is intended to include the following features:
 - 36.1 A mix of different forms of housing, including medium density product strategically located close to the Neighbourhood Activity Centre (Bayview Central), bus routes and public open space.
 - 36.2 Urban and sustainable subdivision design objectives and requirements to achieve best practice neighbourhood character and built form outcomes. This will include sensitive interface treatments to adjoining properties.
 - 36.3 Developer contributions to deliver on-site social and/or affordable housing.
 - 36.4 Continuation of the foreshore reserve established in Jetty Road Stage 1.

- 36.5 A two hectare sub-regional hilltop park located immediately west of the Neighbourhood Activity Centre, and other one hectare local parks to service walkable catchments.
- 36.6 Protection and restoration of the designated waterway that flows from the corner of Portarlington Road/High Street north-west through the rural living precinct and 91-125 Coriyule Road. The waterway will form part of a stormwater drainage waterway corridor reserve inclusive of revegetation and shared paths.
- 36.7 Protection of remnant vegetation and non-native vegetation in parks and road reserves that contribute to biodiversity, local character and sense of place.
- 36.8 Rural-urban transition landscape buffers on the western edge of the growth area and to the interfaces with the Bellarine Rail Trail and Portarlington Road.
- 36.9 A network of off-road shared paths to link key areas of open space and provide connectivity from the foreshore to the Bellarine Rail Trail and down to the schools, arts and sporting precinct south of the Drysdale Bypass.
- 36.10 The early duplication of Tivoli Drive and Greenvale Drive to a boulevard-style road that is bus capable. Coriyule Road will remain open but be redesigned with traffic calming measures to discourage use other than for Farming Zone residents to the west. The McDermott Road reserve shall be retained in its current rural form and not provide access to new housing estates. No new lot access will be permitted onto Portarlington Road.
- 36.11 New stormwater drainage retardation basins located on the western edge of the growth area at McDermott Road and at the north-west corner of the Rural Living Zone precinct.
- 36.12 Designation of the corner of Portarlington Road and Tivoli Drive as a possible location for non-residential uses allowed in the GRZ1 subject to permit.

Proposed planning controls

- 37. The subject land is currently zoned for rural living and farming. In order to permit conventional and medium density residential subdivision and development, it is proposed to rezone the land to the General Residential Zone Schedule 1 (GRZ1).

General Residential Zone

- 38. The GRZ1 is applied to the Jetty Road Stage 1 area except the Neighbourhood Activity Centre which is zoned commercial. The nearby Central Road Drysdale area was recently rezoned the GRZ1 (Amendment C363ggee approved by the Minister for Planning in July 2021). Most of the residential land in the town is zoned GRZ1, with the Residential Growth Zone applied to land around the Drysdale Town Centre.
- 39. The maximum residential building height allowed in the GRZ1 is 11 metres and must contain no more than 3 storeys. Conventional single and double storey dwellings are standard in Jetty Road Stage 1 with larger two storey dwellings located closer to the bay. The housing market and product continues to evolve and a greater variety of housing forms is supported in Jetty Road Stage 2.
- 40. The GRZ1 is considered to be the appropriate zone for Jetty Road Stage 2. It will allow for a diverse range of housing types and support higher densities around the Neighbourhood Activity Centre, bus routes and public open space as encouraged in policy. Some non-residential uses are also allowed subject to permit.
- 41. In December 2019 the State Government released new guidance about using and applying Victoria's suite of residential zones. This prompted a resolution at the 24 March 2020 Council Meeting to request the Minister for Planning implement zone changes in the Greater Geelong Planning Scheme. Some General Residential Zone areas have since been rezoned to the Neighbourhood Residential Zone.

42. The 24 March 2020 Council resolution contained part 8.5:
- Note the Bellarine Peninsula towns are not included in these zone changes. Building heights will be considered by the Bellarine Peninsula Distinctive Area and Landscapes project managed by DELWP.**
43. The current status of the Bellarine DAL was discussed earlier in this report. The exhibited draft SPP Table 2 (p. 53) designates Drysdale-Clifton Springs-Curlewis, Leopold and Ocean Grove as: *'District town: a large town providing a diversity of housing, services and employment for a large, diverse population, which has a strong relationship with surrounding villages and rural areas'*.
44. The draft SPP is accompanied by background reports, one being a township character assessment which recommended the Neighbourhood Residential Zone be applied to Bellarine Townships. The draft SPP itself contains no mention or direction about rezoning. The final form of the policy is contested and the role and status of background reports remains unclear.
45. Most recently in December 2021 the Independent Panel that considered Amendment C391ggee Ash Road, Leopold (which is located in the Bellarine DAL declared area) said: *'The Panel has reviewed the General Residential Zone and notes no party raised issues with its application to the site, nor its structure or format. The Panel agrees it is the appropriate zone for the land and will provide for the opportunity to deliver a new residential area that provides for a diverse housing offer'* (p. 37).
46. Any residential rezoning consideration of Bellarine towns, including the Jetty Road Stage 2 area, should rest with the State Government.
47. It is proposed to apply a Development Plan Overlay and Development Contributions Plan Overlay to the land being rezoned.

Development Plan Overlay

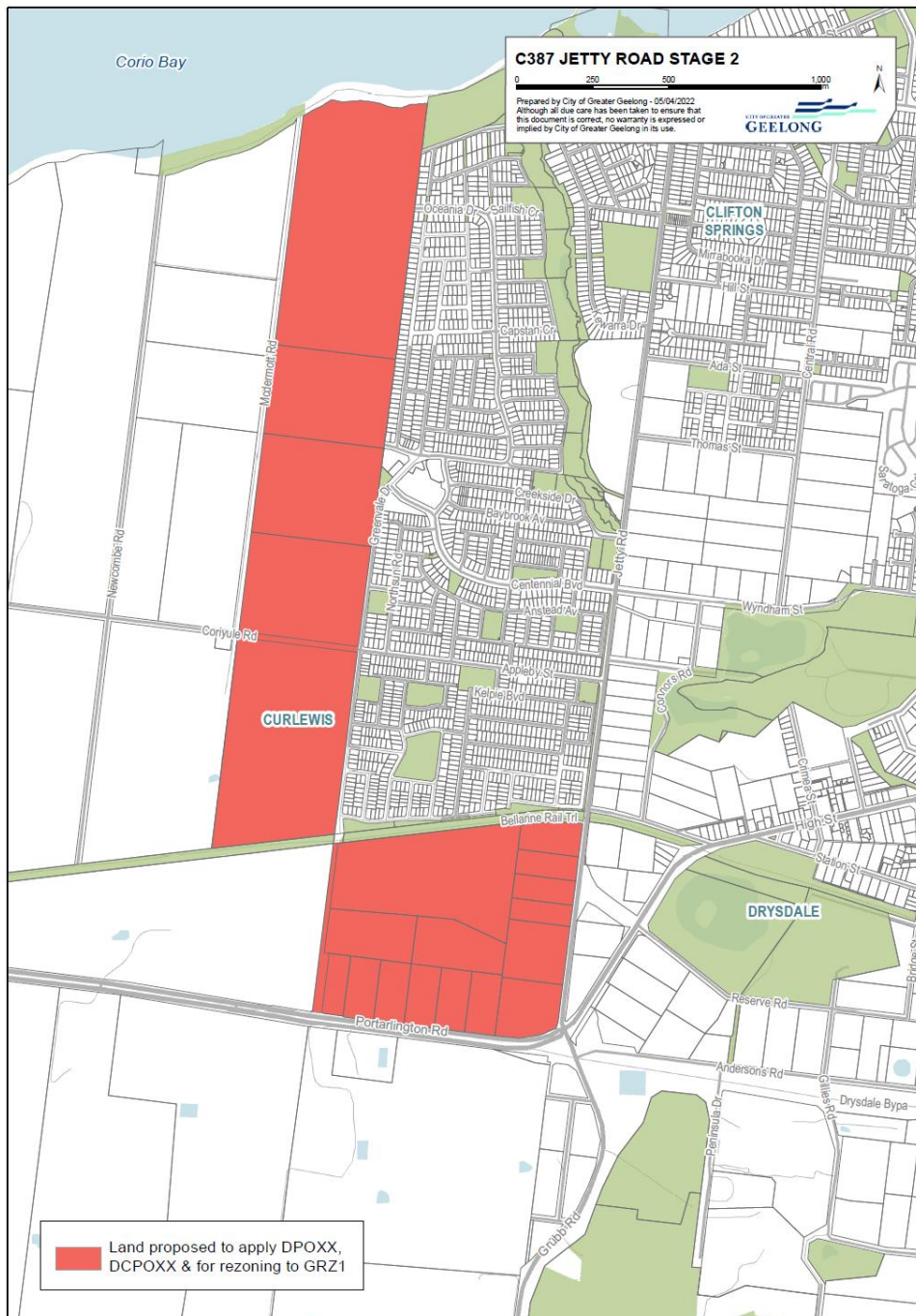
48. The purpose of a Development Plan Overlay is to identify areas which require the form and conditions of future use and development to be shown on a development plan before a planning permit can be granted. There are 15 individual owners that make up Jetty Road Stage 2 which means it is essential for development to occur in a planned and coordinated manner.
49. Once the land is rezoned and a development plan has been prepared to the satisfaction of the Responsible Authority, subsequent planning permit applications are exempt from the notice and review requirements of the Planning & Environment Act. Planning Practice Note 23 (p.3) states: *'Appropriate strategic planning and community consultation from the start also ensures that once the overlay is in place the council is able to make decisions on planning applications without the need to further consult'*.
50. It is expected that land owned by the developer group will be subdivided and developed first, and the proposed Development Plan Overlay Schedule will be structured to allow for this to occur. The Development Plan Overlay Schedule to be exhibited will include a concept plan that shows the location of key land uses, as well as urban design and development requirements (outlined in paragraph 35).

Development Contributions Plan

51. The purpose of a Development Contributions Plan Overlay is to identify areas which require the preparation of a Development Contributions Plan (DCP) for the purpose of levying contributions for the provision of works, services and facilities before development can commence.
52. The proposed Development Contributions Plan Overlay shall be informed by the preparation of the draft Jetty Road Urban Growth Area Stage 2 DCP. The DCP will ultimately become an incorporated document in the planning scheme. The draft DCP

lists the infrastructure items required to service the future residents, states timing of delivery and calculates a development contribution rate. The draft DCP is supported by a land valuation report and costings for road, drainage, and open space infrastructure.

- 53. The specific details of the draft DCP are currently being resolved with the developer group. The timing of exhibition of Amendment C387ggee will be subject to finalising the draft document acceptable to Council officers.
- 54. All Amendment and supporting documentation will be exhibited and any affected or interested person may lodge a submission about the Amendment.
- 55. The map below shows the land subject to Amendment C387ggee planning controls.



Impacts on landowners and adjoining landowners

56. **Attachment 1** includes maps showing individual properties located in the Jetty Road Stage 2 area. Eleven of the 20 parcels are owned by the developer group or others for investment purposes.
57. Directly affected landowners who continue to live on their property while development takes place on neighbouring land are likely to be subject to construction amenity impacts. Any impacts would be mitigated by conditions on subdivision permits as would normally be expected in this situation. Landowners in the rural living precinct are most likely to be affected during the construction period.
58. It is important to note that should Amendment C387ggee be approved, there is no automatic requirement for landowners to deliver works or pay levies or develop (or sell) their land for housing. Owners can continue to reside on their property and undertake improvements or additions to their dwelling, outbuildings and gardens as they see fit. The overlays will only place statutory requirements when or if owners decide to seek permits for subdivision and or development for accommodation.
59. As noted earlier in the report, some parcels are presently used for purposes in addition to a dwelling, which can continue – including improvements (subject to permit). These are:
 - 59.1 102-170 McDermott Road: vineyard, function centre and cropping.
 - 59.2 72-100 McDermott Road: cropping, cattle grazing and small vineyard.
 - 59.3 276-290 Jetty Road: place of worship.
60. Owners who would seek to subdivide their property (for example, into two lots to retain an existing dwelling and sell a new lot) once the land is rezoned, can only apply after a development plan has been approved by the Responsible Authority.
61. Further fragmentation of the Amendment land will make coordinated development more difficult and would generally not be supported. It is likely that developers will acquire properties over time.
62. Given the location of Jetty Road Stage 2 on the western edge of the town, impacts to town residents are generally expected to be minimal. Residents of Tivoli Drive north of the Bellarine Rail Trail and Greenvale Drive and other close by residents will be most affected, particularly in the early stages of development as the road duplication and new estates are constructed.
63. There are also dwellings in Jetty Road Stage 1 north of the Neighbourhood Activity Centre at Pierview Drive and Shoreline Drive that back on to what is currently rural land (72-100 McDermott Road and 102-170 McDermott Road). This rural land will eventually be developed for housing, noting the owners are not part of the developer group and existing uses are expected to continue for some time.