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Amendment C346 to the Greater Geelong Planning Scheme

Closing submission on behalf of the City of Greater Geelong

INTRODUCTION

1. These are Council's closing submissions to Amendment C346 to the Greater Geelong Planning Scheme (**Scheme**). They respond to the submissions and evidence put by others in relation to the Amendment under the following headings:

- Mr Ian Friend
- Sproules Investments Pty Ltd
- Glasshouse Farms Pty Ltd
- DDO39 and DPO22
- Tyrrell Brothers Share Farming and Matthew Hoare
- AG Robson Staff Superfund.
- Shell Road Developments Pty Ltd
- Morgan and Griffin Pty Ltd (Oakdene)

2. In response to the Panel's request, Council has also further considered the words recommended by Mr Milner and adopted by Council, for inclusion in clause 21.14-3 under the heading *Further Work*. The words suggested by Mr Milner read:

Undertake an assessment of long term growth options (both infill and settlement expansion) as part of the next Structure Plan review for Ocean Grove.

3. Having considered the submissions and evidence of others as part of this Panel hearing, Council considers that the proposed wording for clause 21.14 is appropriate. Council is, however, prepared to include additional wording in the Structure Plan (which is a reference document), more particularly under Part B "Review of Structure Plan" at page 39 of the document to describe what Council is proposing at the next review in 5 years' time. This is proposed to take the form of the following words:

To ensure the town is guided by an up-to-date planning framework, the Structure Plan will be reviewed 5 years from when it comes into effect.

The next review should undertake an assessment of long-term growth options (both infill and settlement expansion). This assessment should include consideration of:

- the role of Ocean Grove as a district town;
 - other planned growth on the Bellarine Peninsula;
 - physical and environmental constraints;
 - development trends;
 - lot supply and housing capacity within the settlement boundary; and
 - whether any adjustments to the settlement boundary are required.
4. Council is also proposing to update sections of the Structure Plan to reflect the outcomes of the Amendment and Panel process. In addition to the above change to Part B “Review of Structure Plan”, Council proposes to update Part C, at section 3.1 (Demographics) and 3.2 (Residential Land Supply) to bring it in line with Mr Stokes’ evidence. It will also make the changes requested by Lascorp in relation to the Grubb Road Activity Centre.
 5. As discussed throughout the course of the Panel Hearing, we also confirm that Council now collects housing development data (**HDD**) annually. HDD is a comprehensive audit of dwelling stock, housing construction and vacant land on a lot by lot basis. This data allows Council to monitor the implementation of its housing policy and forms an input to the land supply monitoring program. The G21 land supply monitoring program will continue to be updated every 18 months to two years.
 6. Council is committed to reviewing the Structure Plan in approximately 5 years from when it comes into effect. However, Council submits that the exact timing will inevitably be influenced by funding and other priorities. The next review will involve a discussion and consultation with the community on the future of Ocean Grove.
 7. This review will involve an analysis of all options for future growth for Ocean Grove, including within and outside the current settlement boundary in the context of the overall planning policy framework for the Bellarine Peninsula. It will also include a high level analysis of the physical constraints, infrastructure requirements and community needs of the various growth options.

8. In the meantime, it is appropriate that a single settlement boundary set the expectations for anticipated growth within the life of the Revised Structure Plan. Similarly, a future review would consider the extension or realignment of that boundary, delivering certainty and equity to all stakeholders concerned.
9. While Council is not pre-empting that a decision *will* need to be made to move the settlement boundary, it has formed the view that those decisions are more appropriately left to the next review of the Structure Plan. At that point Council will need to balance the push for outward growth and lot supply against other policies and constraints, including the urban consolidation of the township, the need to maintain rural breaks, sensitively manage development around the Nature Reserve, have regard to coastal policy and the ability to service the community.
10. We now turn to respond to individual submissions many of which will also include a referral back to the above Council “final” position.

MR IAN FRIEND

What is the issue?

11. Mr Friend’s main concern seemed to revolve around the issues of obstruction of views.
12. His submission was on the one hand that 13.5 metres in part of the Town Centre is too high, but on the other hand, he submitted that the increased height in the Town Centre (which only applies to the south side of The Terrace) was adopted because the Residential Growth Zone has increased to 10.5 metres.

Council reply

13. The RGZ was applied to the Dare Street properties as part of Amendment C300 to the Scheme and is not subject to review as part of this Amendment. The Dare Street properties are currently affected by SLO7 that includes the following decision guideline in relation to views:

The siting and design of buildings to achieve a reasonable sharing of views between properties with significant landscape features having particular regard to the following:

- The impact of the proposed buildings and works on the view from another property as a result of the design, siting, height, size, bulk (including the roof), and colour of the building.
 - The opportunity for a reasonable sharing of views having regard to the extent of the available view(s) and the significance of the view(s) from the properties affected.
14. The effectiveness of this overlay is currently being reviewed and the issue of views and view sharing should be left to be dealt with by the review of the existing controls that is currently underway.
15. The Panel will be aware that so far as the RGZ is concerned, Council is able to lower the building height from the default specified in the zone and once it does so, the building height becomes mandatory implying a high degree of certainty. This is what has occurred in the RGZ around the Town Centre, with the height being reduced from the default of 13.5 metres to the height of 10.5 metres.
16. That said, it is important, however, to ensure that the issue of views is not permitted to determine higher order policy considerations such as urban consolidation and the provision of a diversity of housing types.
17. The objective in relation to views is (where there is a limited right to a view) a right to reasonable sharing of views. This sometimes involves some views being obscured. Accordingly, no change to the Amendment is necessary.

SPROULES INVESTMENTS PTY LTD

What is the issue?

18. The Sproules Investments Pty Ltd submission concerns the land at 41 – 99 Sproules Road (to the west of the recently optioned Morgan & Griffin land). It is one of the examples of where people speculated on a property purchase hoping that it would one day be rezoned. The submitter indicated that the purchase was made on the basis of the 2007 Structure Plan “protect for long term growth” designation.
19. Evidently, the land was purchased in 2013 for a long term investment over the period of 10 – 20 years. The owner also submitted that it would be the next logical development for Ocean Grove, being very long term after the property on Grubb Road is developed.

Council reply

20. Council submits that this land should be dealt with like all other land that might be suitable for urban purposes. Whether it is required for urban purposes or not, and the timing of this, should be left to the structure planning process. The commitment of Council set out above will be undertaken well within the 10 – 20 year time frame envisaged by the landowner.
21. Council's final position is an appropriate response to this submission.

GLASSHOUSE FARMS PTY LTD

What is the issue?

22. Glasshouse Farms is an intensive horticultural business which has substantially established since the residential zoning of the urban land to the south. Council understands that significant capital has been ploughed into the site since Amendment C60 to the Scheme.

Council reply

23. Our assessment of the chronology as advised by Mr Said is as follows:
- In 1993, the Ocean Grove Structure Plan contemplated the northward expansion of residential development.
 - The site was purchased 2007.
 - The 2007 Structure Plan was adopted in February 2007. It followed a period of consultation (see page C-1 of the 2007 Structure Plan) The 2007 Structure Plan clearly showed residential development to the boundary of the Mifsud land.
 - A permit for the development of the Glasshouse Farms land (that is the capital investment) was granted in November 2007, after the adoption of the 2007 Structure Plan.
 - Construction of the first glass house commenced on or after November 2007. In 2009 it was still partly constructed.

- In 2010, Amendment C60 was approved. Amendment C60 has no record of a submission from the Mifsuds or Fresh Select.
 - In 2011, the Kingston Downs Development Plan was approved.
 - Construction of the second glass house commenced in 2014.
24. The notion that the planning system should lend a hand here is a very brave suggestion. The role of the planning system is not to provide assistance to individuals for either good or bad investment decisions that they make. The above chronology speaks for itself.
25. Council's final position is also relevant to this submission.

TYRRELL BROTHERS SHARE FARMING AND MATTHEW HOARE

What is the issue?

26. Mr Kane's submission proposed that a timing point to be specified for the review of long term growth options for Ocean Grove. Paragraph 17 of Mr Kane's submission states that the Structure Plan has:

...turned its back on the strategic challenge by no longer nominating any land that is suitable for long term growth. This is a fundamental flaw in the Amendment and an outcome that should not be supported by the panel.

Council reply

27. The changes proposed at paragraph 6 of Mr Kane's submission are not agreed. Council's position is that the change recommended by Mr Milner and the various other changes outlined earlier in this reply are appropriate.
28. Council does not agree that it is appropriate for a hard timing point to be specified within the Scheme. It is not especially helpful, particularly noting that a council is required to review the scheme from time to time. Accordingly Council reviews structure plans from time to time and in what order it does so depends on a number of considerations.

29. Noting that elsewhere Mr Kane's submission (in writing and orally) agreed with Mr Milner's evidence, Mr Milner was certainly not of the view set out in paragraph 17 of Mr Kane's submission. In fact to the contrary.
30. The Revised Structure Plan already provides for 19 – 24 years of broad hectare supply based on Mr Stokes evidence, and if one takes into account infill (which was excluded from the analysis), then the overall supply is greater in terms of the overall quantity of land.
31. Council is of the opinion that this land should be dealt with like other land outside the settlement boundary. Until the review, nothing should be counted as in or as out.
32. In relation to the questions posed at paragraph 36 of Mr Kane's submission, we simply note that the land is zoned Farming Zone. The owner, over the years, has shown no propensity or inclination to investigate the future use of the land for the purpose identified in the 2007 Structure Plan (Eco-tourist purposes). Thus it seems that the designation is no longer appropriate (especially given the broadened ambit of the Farming Zone). Furthermore, given the future investigations have not been carried out the designation as shown in the 2007 Structure Plan has been removed.
33. As to the question of why shouldn't the land be rezoned, we note that all land can be rezoned but this is the wrong question. The proper question is, *should* it be rezoned and if so, to what? That question is one that should generally be answered by a structure planning process.
34. We cannot be certain as to the genesis of the eco-tourism designation. However, it would seem to be related to a number of aspects namely:
 - the location of the town boundary aligned to Banks Road;
 - the nature of other uses on the east side of Banks Road, namely the holiday park and the Collendina Hotel; and
 - the environmentally sensitive areas between Ocean Grove and Point Lonsdale.
35. Council's final position is relevant to this submission.

AG ROBSON STAFF SUPERFUND

What is the issue?

36. Mr Robson's submission involved the 150 acre property to the west of the Oakdene winery, which we understand to have been purchased for investment.

Council reply

37. We offer the same reply to this submission as to a number of others that seek to have their land included in the settlement boundary or the reintroduction of the indicative long term settlement boundary.
38. Council's final position is relevant to this submission.

SHELL ROAD DEVELOPMENTS PTY LTD

What is the issue?

39. Mr Bisset indicated that his client accepts the revised form of DDO39 (discussed below).
40. In relation to the identification of the school site, it was submitted that within the Structure Plan itself there is a specific site shown for the school (refer page 123 and the diagram on page 124).
41. In relation to the settlement boundary issue, Mr Bisset pointed to the G21 Growth Plan and Implementation Plan to suggest that regional planning has relied upon the designation of land within the long term growth boundary for urban purposes.

Council reply

School site

42. While Council is not fixed on the exact location of the school, and it is noted that the plan in which the school is shown is labelled as an indicative plan or the like, it needs to be kept in mind that the statutory planning for the area is done essentially by development plans, most of which have been approved.
43. However, the development plan for the activity centre hasn't been approved as yet. The DPO22 requires one to turn their mind to the location of a school site.

44. DPO22 states that the development plan must be generally consistent with the Ocean Grove Growth Area Master Plan in clause 4.0 of the schedule and meet the following objectives:

To provide for a community hub comprising the Grubb Road Activity Centre, a primary school site (if required), regional park and medium density residential development.

45. The plan at page 124 is labelled as an indicative location of the potential school in North East Growth Area.
46. Shell Road is the major developer of the North East Growth Area and has some responsibilities itself to ensure that appropriate provision is made for necessary community facilities, noting that the site will be purchased by the Department of Education.

Long term growth boundary

47. First, we refer to Council's final position as set out above.
48. Turning to the submission itself however, in relation to paragraph 11 of the Shell Road Development submission, we do not disagree. But we do say that the indicative long term settlement boundary shown in the 2007 Structure Plan has never been the subject of the type of analysis that is suggested by the Practice Note or Mr Bissett. He says there needs to be a spatial strategic analysis of enduring planning constraints and opportunities as to whether the settlement can grow anymore.
49. The identification of the boundary that Mr Bissett is referring to (what sounds to us more like an "ultimate" boundary) is a significant planning exercise and it requires both political and planning decisions to be made that are beyond the remit of the 2015 iteration of Ocean Grove's structure planning.
50. Further, it is submitted that the reliance Mr Bisset sought to place on the long term settlement boundary and its influence on the G21 Growth Plan and Implementation Plan is not borne out by a simple examination of the maps and text within those documents.

51. The Growth Plan maps do not illustrate the land to the north west of Ocean Grove as an area for planned growth. Indeed, Map 6, which illustrates Identified Planned Growth (at page 25 of the Growth Plan) identifies:
- 'Identified planned growth' in yellow to the north east; and
 - 'Incremental infill' in grey shading within the existing township.
52. The area to the north west of the existing township does not appear to have been provided any designation.
53. Furthermore, while the growth area initiatives for Ocean Grove (at page 72 of the Implementation Plan) do refer to 'two growth areas' identified in the 2007 Ocean Grove Structure Plan. However, these 'two' growth areas are not identified, and it is important to read this table in conjunction with Figure 6 (Land Supply Summary Tables) at page 79 of the Implementation Plan, which identifies the land supply within Ocean Grove as comprising:
- 3,929 broadhectare lots;
 - 404 minor infill (lots under 5,000m²); and
 - 436 future residential (unzoned lots) which Council understands to relate specifically to the potential yield available within the Trethowan growth area which at that time was not yet zoned for urban purposes.
54. While Council clearly understands the aspirations of many landowners, ultimately decisions about “how much” growth and where growth goes are matters that need a much broader and detailed level of consideration than has been undertaken.
55. The 2015 Structure Plan as proposed to be amended, does as Mr Bissett noted, take a step back; but equally it also is fairly clear that it is saying that for the life of the 2015 Structure Plan, there is no pressing need to either identify or rezone further land for urban purposes having regard to overall objectives of the Structure Plan for Ocean Grove as a whole.
56. In this regard, it is important to emphasise that growth can take various forms. It may be broadhectare growth. But, it may not be. It may be infill and consolidation.

57. Equally, it may be a combination of broadhectare and infill growth and while estimates of broadhectare land obviously only take into account of broadhectare land supplies, the reality is that the growth potential of Ocean Grove and its capacity to accommodate the growth expected of the Bellarine Peninsula is made up of a composite of broadhectare and infill in proportions which, like in Melbourne, may over time move to more of a reliance on infill redevelopment rather than broadhectare land. But this is yet to be tested and examined.
58. Even if the population was determined to aim, for example, for 25,000 then the question will be how should that be accommodated?
59. These and other considerations will all go into the mix no doubt when the issue is opened up to a more fulsome examination by the Planning Authority at the next Structure Plan review.

Evidence of Justin Ganly

60. Mr Ganly's evidence is different from Mr Stokes' in an important respect, namely the demand side. The evidence of Mr Shipp re broadhectare demand can be determined by applying the proportion of development attributable to broadhectare and infill/rural residential. The evidence is for all intents and purposes consistent with Mr Stokes.
61. Mr Ganly is out on his own in terms of demand at 210 to 250 in the broadhectare areas. The evidence is based on instructions from his client and another developer, but it must be noted that by virtue of the table at paragraph 58 of his evidence regarding the 173 lots per year that are sold (not 210 per year) and in terms of building approvals, these are also substantially lower for the broadhectare (based on Mr Ganly's own assessment) than the assessment he makes.
62. We submit that the Panel should prefer the evidence and estimates of Mr Stokes. His assessment is rigorous, transparent, and consistent with State Government and Local Government methodology. Furthermore, he is the expert which has assessment of demand and supply as his core skill set. His assessment is reliable and as he emphasised, conservative.
63. Mr Stokes' evidence in relation to the break up between dispersed infill and broadhectare is not "at a point in time". To understand the methodology, you can go to the main report to understand clearly how its determined (pages 17 – 30).

Evidence of Jason Black

64. It seems that where we landed with this evidence was that subject to the assessment of further options, Mr Black did not pursue the recommendations contained in paragraph 15 of this evidence. This is consistent with Council's final position.
65. In the context of expectations, we are however concerned, and therefore need to state, that the exercise of assessing further options should not be interpreted as somewhat of a formality that land will be rezoned.
66. Our position is that it may or may not be, but this will be determined as part of the next Structure Plan review. This is entirely consistent with the "if any" statement in PPN36.
67. In making that submission, we do not want to be taken as supporting either side of the argument. The Planning Authority has not determined this issue and will only do so upon the assessment described at the outset of this reply. The decision as to "whether or not" was one that was always a decision to be made after the 2007 Structure Plan and it remains so.
68. To use Mr Milner's words, no land is ruled in and no land is ruled out.
69. We argue the formulation as proposed provides more options for the future and not less. The options are not limited to the north-west area as appears to be currently the case in the 2007 Structure Plan.
70. We do not support the retention of the current 2007 text to the Structure Plan. However, if the 2007 text was retained, so too would the need to retain the text that refers to "whether or not" the land within the long term settlement boundary should be rezoned.

MORGAN AND GRIFFIN PTY LTD

What is the issue?

71. Mr Tweedie's submission on behalf of Morgan and Griffin is predicated on the basis that the long term settlement boundary should not be removed because it would be unfair to his client, it would stifle competition in the market and would prejudice the long term growth of Ocean Grove by encouraging rural activities to the north.

72. He submitted that the only real option for the extension of the township is onto his client's land, to the north of the Nature Reserve.

Council reply

73. Again, we think that Council's final position is the correct way to proceed and ultimately responds to the concerns expressed by this submittor.
74. Responding to some of the matters raised, the submission that there will be no community benefit in the growth plan provided for by the Revised Structure Plan is simply wrong, and ignores the substantial benefits that arise from:
- the consolidation of growth within existing broadhectare and infill development opportunities;
 - a carefully considered strategic analysis of *all* growth options from the existing urban area at a time it is determined to be required.
75. Further, Mr Tweedie's submission that the deletion of the indicative long term settlement boundary is contrary to the edict that 'long-term planning is good planning' overlooks the findings of his own land economics expert and that of the considered analysis of Mr Stokes. To accept this submission, the Panel needs to be satisfied that the Structure Plan will not provide adequately for long term growth.
76. In our submission this submittor seems to be pushing for is the identification of a boundary that is more akin to an "ultimate" boundary. It is submitted that this is a decision that should be made, with the benefit of the next review as set out above in which the opportunities and constraints will be analysed and when the necessary political and planning decisions are made .
77. Ultimately it is submitted that such decisions are beyond the remit of the 2015 iteration of the Structure Plan.
78. We do not accept the distinction that Mr Tweedie has sought to read at paragraph 29 of his submission into the strategy for providing growth at clause 11.02. To suggest that the 15 year planning horizon is to be severed or somehow compartmentalised from the need to provide a 'clear direction on locations where growth should occur' is without any support in the Scheme or elsewhere.

Evidence of Richard Strates

79. Mr Strates' consideration of the development interests of his client clearly compromised his ability to undertake an independent and impartial evaluation of the planning merits of this Amendment which could usefully inform the Panel's deliberations. This is understandable, given his firm prepared the Morgan and Griffin submission to the Amendment, and has very recently sought out Council to discuss his client's anticipated rezoning request.
80. It does, however, we say significantly compromise his evidence, rendering it unbalanced and therefore should accordingly only be afforded limited weight.
81. Insofar as the points raised by Mr Strates are concerned and as demonstrated through his evidence to the Panel, we submit that:
- In considering the strategic merit of this Amendment the Panel should be cognisant to consider all relevant aspects of the relevant strategic material, including the SPPF, LPPF and text of the 2007 Structure Plan, keeping in mind that Mr Strates has highlighted only a limited number of provisions which suit his client's interests.
 - The examples provided by Mr Strates at page 7 of his evidence to demonstrate that a long term growth boundary is "good planning practice" do not hold any weight when a simple examination of those examples is undertaken. They either relate to inland regional settlements, with starkly different circumstances to those found within Ocean Grove, or they do not show multiple settlement boundaries as suggested by Mr Strates. In the case of the single example which does show an area of growth within a 'long term' settlement boundary in addition to a settlement boundary (Colac Framework Plan), it should be highlighted that the sole area of land within this designation (which lies to the south west of the settlement boundary), which was also provided with the designation 'Potential future (long term) rural residential growth area', was rezoned to the Rural Living Zone as part of the planning scheme amendment that introduced the Framework Plan.
 - Mr Strates undertook a narrow and unbalanced review of PPN36 without regard to the positive outcomes that can be achieved through the identification of a settlement boundary.

82. Under questioning from the Panel, Mr Strates seemed to suggest that the 2007 long term settlement boundary should be *the* settlement boundary with some adjustments. This recommendation comes in the absence of any analysis or knowledge of the opportunities and constraints represented by the development of any land within Ocean Grove that is not held by his client.

Evidence of Paul Shipp

83. As noted earlier, Mr Shipp's evidence is largely consistent with the analysis undertaken by Mr Stokes.
84. Indeed, it is instructive that Mr Shipp has been content to rely largely on the analysis and methodology undertaken by Spatial Economics throughout the G21 Growth Plan work as well as the updated analysis prepared by Mr Stokes for this Panel.
85. Whilst he did not consider the impact that the Residential Growth Zone could have on infill development within the town, it is instructive to note that Mr Shipp agreed that Mr Stokes analysis of the split between the broadhectare (74%), dispersed infill (17%) and rural residential (9%) was reasonable and did not question the methodology applied. Mr Shipp confirmed that if an 80% split for broadhectare demand was adopted to his analysis, it indicates supply of 16 – 19 years within Ocean Grove. If a 74% split was applied to Mr Shipp's figures, the supply would come to more like 19 – 23 years supply.
86. In his written submission to the Panel (a part which he did not take the Panel to) Mr Tweedie suggests that there are good reasons for doubting the correctness of Mr Stokes split assumptions. As the Panel will be aware, Mr Stokes was not cross examined on this aspect, this was not the position taken by his own expert, and it is instructive that no other expert before this Panel presented an alternative or more robust methodology for analysing this issue.
87. Finally, notwithstanding that all land required to satisfy the projected demand over the life of the Structure Plan (and indeed for 19 – 24 years on Mr Stokes analysis) is currently zoned and available for urban purposes, it is submitted that the time frames predicted by Mr Shipp and other experts to bring land to the market is inflated and unrealistically conservative. This is particularly so when one considers, as put by Mr Strates, that there would be a 'driving force' behind the desire to deliver additional lots.

88. This is in addition to the benefits in infrastructure and servicing provision that arise from staged and sequential development that follows existing development patterns.
89. It is submitted that the material before this Panel indicates that there is no pressing need to either identify or rezone further land for urban purposes as part of the 2015 Structure Plan having regard to overall objectives of the Structure Plan for Ocean Grove as a whole. As Mr Strates noted, the opportunities and constraints associated with the development of land can be resolved quickly, particularly when there is a driving force behind the development of that land.
90. In those circumstances the submissions of individual submitters seeking to protect their speculative investment decisions should be seen within their proper light. The potential rezoning request put forward by Morgan and Griffin highlights the risks associated with raising expectations and leap frogging potentially more appropriate development options to the detriment of the proper strategic planning of Ocean Grove.
91. Council has not closed its eyes to the need to consider further growth options within and surrounding Ocean Grove, nor is it pre-empting that a decision will need to be made to move the settlement boundary.
92. Rather Council submits that the proper strategic framework and analysis of the most desirable options should inform where that growth is to occur if/when the need arises. As noted at the outset, that analysis will need to balance *all* competing objectives, including the need to accommodate outward growth against the need to sensitively and appropriately manage the environmental constraints in expanding urban development within a coastal setting and the ability to best service the future community.

DDO39 AND DPO22

What is the issue?

93. DPO22 is a general DPO schedule which applies to the North East Growth Area. The DPO22 has one reference to a framework plan for the Grubb Road Activity Centre which is as follows:

A Development Plan must include:

An Activity Centre Urban Design plan which provides for:

- A conceptual design for the ultimate development of the Grubb Road Activity Centre.
 - Integration of community/recreational/open space facilities as and when required with future retail facilities.
94. The Panel has heard submissions concerning the need for DDO39 in circumstances where DPO22 is in place.
95. As the Panel is aware, revisions to DDO39 have been discussed. VicRoads has also requested that the word 'multiple' be amended to 'restricted' access points along Grubb Road.

Council reply

96. The provision is quite rudimentary and provides no real guidance on the preparation of the Urban Design Masterplan.
97. Conversely, the provisions of the DDO39 provide a set of design principles in relation to the key elements of:
- built form and scale;
 - pedestrian and cycle access and movement;
 - vehicle access;
 - car parking;
 - landscaping;
 - sustainability; and
 - advertising signage.
98. Council does not see any significant overlap between the two planning controls.
99. The DPO22 is too broad brush to provide any useful guidance for a permit application which has to be generally in accordance with the approved development plan.
100. Importantly, the DDO39 applies to the permit while the DPO22 applies to the development plan.

101. The final proposed changes to the wording of DDO39 has been the subject of without prejudice discussions between the Panel and the parties on the final day of the hearing.

CONCLUSION

This completes the submissions for the Council.

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13 May 2016