



AMENDMENT C346
GREATER GEELONG
PLANNING SCHEME
Ocean Grove Structure Plan

APRIL 2016

EXPERT EVIDENCE

PREPARED BY
ROBERT MILNER DIP T&CP LFPIA, FVPELA

ON BEHALF OF
THE CITY OF GREATER GEELONG



Expert Evidence | Strategic Advice | Development Approvals

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1 INTRODUCTION

1.1 Purpose and scope

- 1 Maddocks, lawyers, on behalf of the City of Greater Geelong, has asked that I review the merits of Amendment C346 to the *Greater Geelong Planning Scheme* as it applies to the *Ocean Grove Structure Plan* (2015) (the **2015 Structure Plan**) and the management of urban growth.¹
- 2 This report presents my findings and the basis for the conclusions drawn.
- 3 I advance recommendations to enhance the amendment and the management of growth.
- 4 For the sake of brevity I have assumed that the reader is familiar with both Ocean Grove Structure Plans of 2007 and 2015 and the terms of Amendment C346 as it applies to the variations in local policy and Ocean Grove.
- 5 A brief summary is provided of the differences between the two versions of the structure plan and relevant references are made to the documents in this report.
- 6 In preparing this report I have also had regard to the documents and planning policy and provisions detailed in **Attachment 1**.
- 7 For the sake of brevity I have not summarised all of those provisions in this evidence.

1.2 Matters addressed

- 8 This report is confined to addressing the issues and submissions supporting and challenging:
 - The removal of the indicative long term growth boundary for Ocean Grove;
 - Extensions to the settlement boundary;

¹ Amendment C346 provides for a broader range of considerations including The Ocean Grove Town Centre Urban Design Framework and associated planning provisions.

- Land supply and population growth

1.3 Witness Statement

- 9 A witness statement and curriculum vitae are provided at **Attachments 2** and **3**.
- 10 I have previously provided evidence on the merits of the *Ocean Grove Structure Plan* (2007) to the Panel considering Amendment C129 to the *Greater Geelong Planning Scheme*. That evidence was prepared at the request of land-owner with property on the east side of Grubb Road.

2 PLANNING FRAMEWORK AND STRATEGIC CONTEXT

2.1 Key points

- The review of the *Ocean Grove Structure Plan* (2007) has to have regard to and integrate with a broader planning framework and strategic context.
- Ocean Grove has a demonstrated capacity for growth.
- Accommodating additional growth must be tempered and influenced by other relevant considerations.
- Settlement boundaries, shown in structure plans, carry weight in protecting non-urban breaks but longer-term growth opportunities may exist.

2.2 Ocean Grove – a growth area

- 11 Since WWII Ocean Grove has demonstrated consistent and sustained growth.
- 12 A coastal village of 472 persons in 1947 had increased almost twelvefold by 1981 (5,538 persons) and grown a further 250% (to 13,855 persons) by 2015.
- 13 Ocean Grove’s residential growth is in both permanent and visitor / occasional accommodation, attracting households that seek the special coastal amenity, character and lifestyle offered by this settlement and community.
- 14 State, regional and municipal, coastal and land use planning policy acknowledge and provide for the settlement’s continued growth.²
- 15 The *Victorian Coastal Strategy* (2014) identifies Ocean Grove as a town or district town with “*Medium growth or Support growth*”. Like other higher order strategic plans it does not set a target population for Ocean Grove.

² *Victorian Coastal Strategy* (2014); *G21 Regional Growth Plan* (2013); *Bellarine Peninsula Localised Planning Statement* (2015), *The Greater Geelong Planning Scheme* – (Clause 21.14) Bellarine Peninsula

2.3 Growth area planning

- 16 Providing and planning for urban growth is important³ but it is not the sole or the commanding objective.
- 17 Among other considerations⁴ growth is to:
- Be undertaken in a fair, orderly, economic and sustainable manner.
 - Provide for the protection of natural and man-made resources.
 - Secure a pleasant living, working and recreational environment.
- 18 The orderly delivery and development of additional urban land is to be undertaken by structure planning (Clause 11.02-3 GGPS) that:
- Takes account of the strategic and physical context of the location.
 - Provides a broad framework for an area as well as more detailed planning requirements.
 - Provides, in an integrated manner, for the development of sustainable and liveable urban areas.

2.4 Growth management on the Bellarine Peninsula

- 19 There are a series of principles and policies established by the broader planning framework and the Bellarine Peninsula that should influence the review of structure planning for Ocean Grove.

2.4.1 Identified planned growth

- 20 '*Identified planned growth*' across the Greater Geelong (G21) region provides adequate supply of residential and employment land for the next 20 to 30 years.

³ Clause 11 and 11.02-2 *Greater Geelong Planning Scheme*

⁴ Objectives of planning in Victoria – Section 4 *Planning and Environmental Act*

“... no new growth fronts are likely to be required within at least 10 years under either a base growth (1.5-1.7%) or higher growth (2.5% or above) rate scenario” (G21 Regional Growth Plan – page 24 (2013))

- 21 *‘Identified Planned Growth’* at Ocean Grove includes land to its north east and an identified employment precinct (Figure 1).
- 22 Ocean Grove is not alone as a growth area on the Bellarine Peninsula. The *Identified Planned Growth* plan (Figure 1) the *Bellarine Peninsula Localised Planning Statement (BPLPS)* (Figure 2) and the provisions of Clause 21.14 (GGPS) identify Leopold and Drysdale / Clifton Springs as other *‘Identified Planned Growth’* centres.
- 23 The BPLPS and Clause 21.14 also identify a number of other settlements on the Bellarine Peninsula where additional, if more limited growth is to be facilitated.

2.4.2 Land use in rural areas

- 24 The importance of rural land use and landscapes to the Bellarine Peninsula is articulated in the following passage from the BPLPS.

“The Vision for the rural areas of the Bellarine Peninsula is for the continuation of a working farmed landscape where the right to farm is respected and the key features of this open farmed landscape and values of the environmental assets are retained.”

2.4.3 Non urban breaks

- 25 The BPLPS notes that there has been a long history of planning policy maintaining the non -urban break between settlements, which fosters a sense of identity for each township and protects the intrinsic qualities of the environs surrounding existing settlements.

“To protect and enhance the rural and coastal environment on the Bellarine Peninsula and maintain non-urban breaks between settlements”. (Objective Bellarine Peninsula Clause 21.14-2 GGPS).

- 26 The *Victorian Coastal Strategy* (2014) (**VCS**) (pages 54-55) draws the connection between non-urban breaks, settlement boundaries and coastal urban character.

- 27 It makes the observation that some settlements will continue to face strong growth making it challenging to maintain local environmental values and coastal character.
- 28 The role of a settlement boundary is upheld as the means of defining the extent of growth to an urban settlement.

2.4.4 Structure planning and settlement boundaries

- 29 The role and importance of *structure planning* in association with *settlement boundaries* is frequently expressed through the BPLPS and GGPS. For example:
- Structure plans have defined clear settlement boundaries for townships which enable protection of rural and coastal landscapes. (BPLPS page 5).
 - Land use and development is expected to proceed in accordance with the relevant structure plans (Clause 21.14-2 GGPS and page 16 BPLPS)
 - Direct the bulk of residential growth and retail development to the designated growth locations of Drysdale / Clifton Springs, Leopold and Ocean Grove consistent with relevant Structure Plan maps. (BPLPS page 6).
- 30 The *G21 Regional Growth Plan* provides for designated settlement boundaries for all towns growth that “*will be limited to identified structure plan settlement boundaries*” The relevant *Settlement and Employment Growth Direction Plan* limits the settlement boundary to the north east of Ocean Grove.

2.4.5 Longer term growth opportunities

- 31 The relationship between settlement boundaries and long-term growth is articulated in the following strategy advanced for the Bellarine Peninsula at Clause 21.14-2 GGPS).

“Ensure that development outside of settlement boundaries (as shown in the Structure Plan maps included in this clause) does not compromise the rural, environmental and landscape values of the non-urban break or longer term growth opportunities.”

- 32 This strategy implies that there may be growth opportunities beyond the defined settlement boundaries but protection of non-urban values is a key driver.

2.5 What are settlement boundaries?

- 33 In *Planning Practice Note 36 – Implementing a Coastal Settlement (PPN36)* a *Coastal Settlement Boundary* is defined as:

“.. the allowable extent of urban use and development for a settlement. It is a fixed outer boundary of urban development and represents the future growth expectations for a settlement.

A coastal settlement boundary is established through a strategic planning process, which involves an analysis of opportunities and constraints within a minimum 10 year planning horizon.

A coastal settlement boundary is given statutory weight in a planning scheme through objectives, strategies and implementation measures and an associated Framework Plan in the Local Planning Policy Framework.

- 34 In the *Victorian Coastal Strategy* (2014) a *Settlement Boundary* is defined as:

The dividing line between areas where urban development is or expected, (the settlement) and areas where non-urban or rural expectations exist.

- 35 In discussing the definition of the extent of a settlement PPN36 notes the coastal settlement boundary should be clear and easy to justify and established through a strategic planning process with a 10 year planning horizon.

- 36 The process is expected to identify, among other matters, *“supply and demand of land within a 10 year planning horizon and opportunities for future growth (if any).”*

- 37 On the subject of showing a boundary on a plan PPN36 advises:

- Use a consistent symbol to show the location of the boundary.

- Map the boundary along a cadastral feature such as a lot boundary, waterway or road,
- Use a scale that easily identifies individual parcels of land.
- Arrows and other directional imagery should not be used.

38 The PPN36 also foreshows the need to review coastal boundaries with any change to a coastal settlement boundary being the product of a comprehensive strategic review.

2.6 Land supply

39 Urban growth policy as it applies to the supply of urban land (Clause 11.02-1GGPS) requires planning to accommodate projected population growth over at least a 15-year period with residential land supply considered upon a municipal basis rather than a town-by-town basis.

40 When it comes to a town-by-town basis coastal policy and the application of coastal settlement boundaries reduces that time frame to a 10-year period.

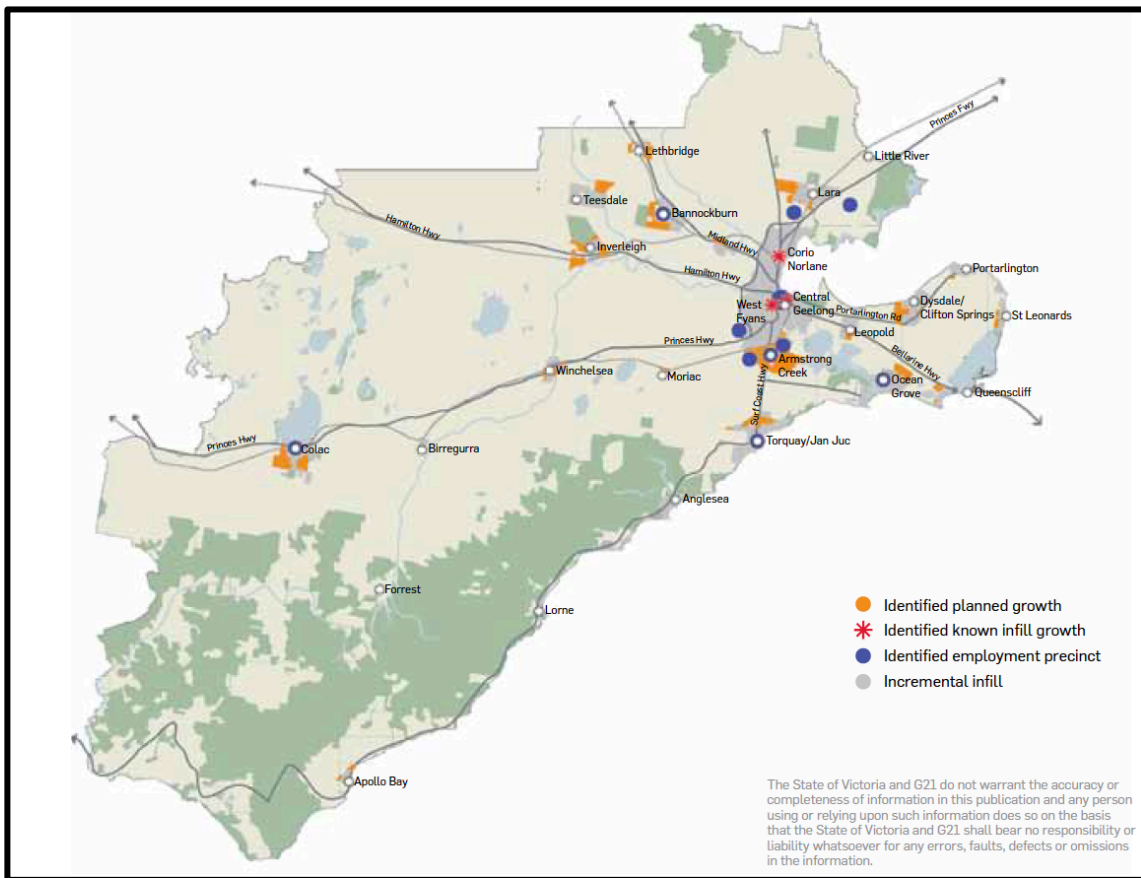


Figure 1: Identified planned growth (The G21 Regional Growth Plan)



Figure 2: Bellarine Peninsula Localised Planning Statement (September 2015)

3 OCEAN GROVE

3.1 Key points

- There is significant land for development within Ocean Grove.
- There is a choice of growth options and opportunities around the periphery of the settlement but each presents a range of policy, land use, environmental and other constraints.

3.2 Development in Ocean Grove

- 41 The aerial photograph at Figure 3 depicts the state of development and the strategic context of the Ocean Grove Structure Plan.
- 42 I have inspected the town and environs in preparing this evidence and consider the following factors will influence the growth of Ocean Grove.

3.3 Strategic precincts

- 43 The following commentary on sub precincts within Ocean Grove cross-references with the notations on Figure 3.
1. The older established areas of Ocean Grove south of Thacker Street / Shell Road will be an ongoing source of opportunities for individual site redevelopment and some medium density consolidation.
 2. The growth area east of Grubb Road offers capacity for considerable residential growth in accordance with the approved and proposed structure plan and development plans.
 3. The town centre and employment areas to be located centrally on Grubb Road will provide a high level of convenience to households in the northern part of Ocean Grove. The location of these commercial, community and employment opportunities will be an influence upon the merits of longer-term growth options west of Grubb Road.
 4. Low-density development amidst heavily vegetated land immediately north of Thacker Street is in marked contrast to the density and character of residential development to the south and that expected east of Grubb Road. It provides an insight into some of the constraints

upon possible residential development on part of the land west of Grubb Road.

5. Land to the east of Wallington Road presents a range of notable constraints on opportunities for urban growth. A rolling topography and water courses associated with the sensitive catchment of Lake Connewarre; smaller lots; multiple tenures; established rural living and lifestyle uses; combine with a significant landscape overlay to embody important characteristics of the rural landscape of the Bellarine Peninsula. These are features that might be associated with an urban break.
6. The Ocean Grove Nature Reserve is a substantial parcel of bush parkland set aside for conservation purposes. It would have an important influence on any proximate, alternative use of land in the long term.
7. The opportunities and constraints analysis of 2007 (Figure 4) has drawn attention to the opportunities tourism accommodation, conference facilities and eco-tourism.
8. The balance of the land west of Grubb Road forms an intact relatively flat rural landscape contained by conservation or low intensity uses. It may have some urban potential but that will be influenced by its surrounding context, as noted above.
9. The Bellarine Highway is a principal transport corridor across the Bellarine Peninsula. The absence of urban development along this corridor serves to reinforce the sense of the non urban break and the rural landscape from this major public domain route.
10. The rural land to the east of the settlement boundary is flat and relatively featureless exhibiting some attributes similar to the adjoining land within the settlement boundary.

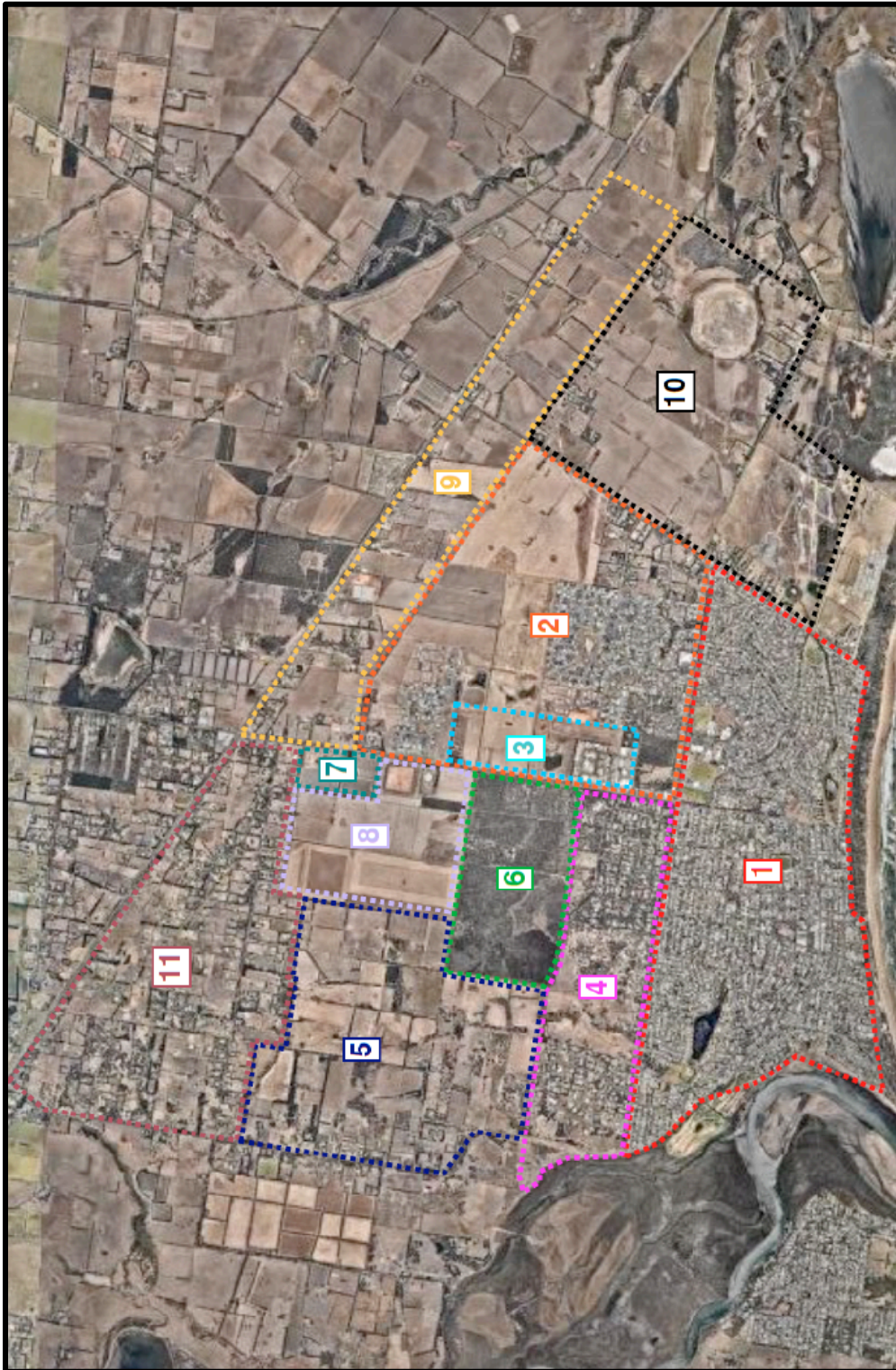


Figure 3: Aerial photograph (Nearmap)



Figure 4: Opportunities and constraints (Ocean Grove Structure Plan, 2007 amended 2008)

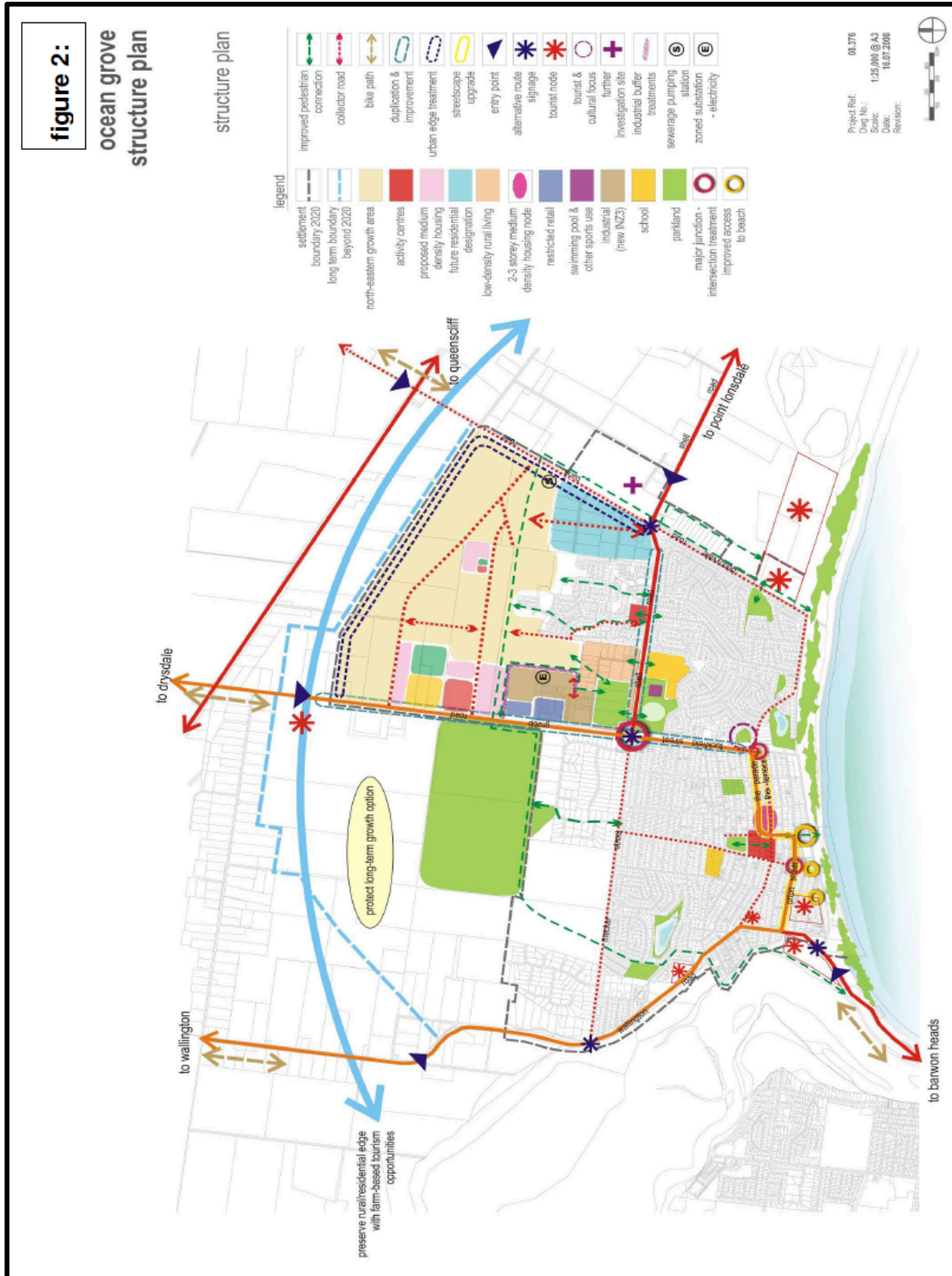


Figure 5: Ocean Grove Structure Plan (2007 amended 2008)

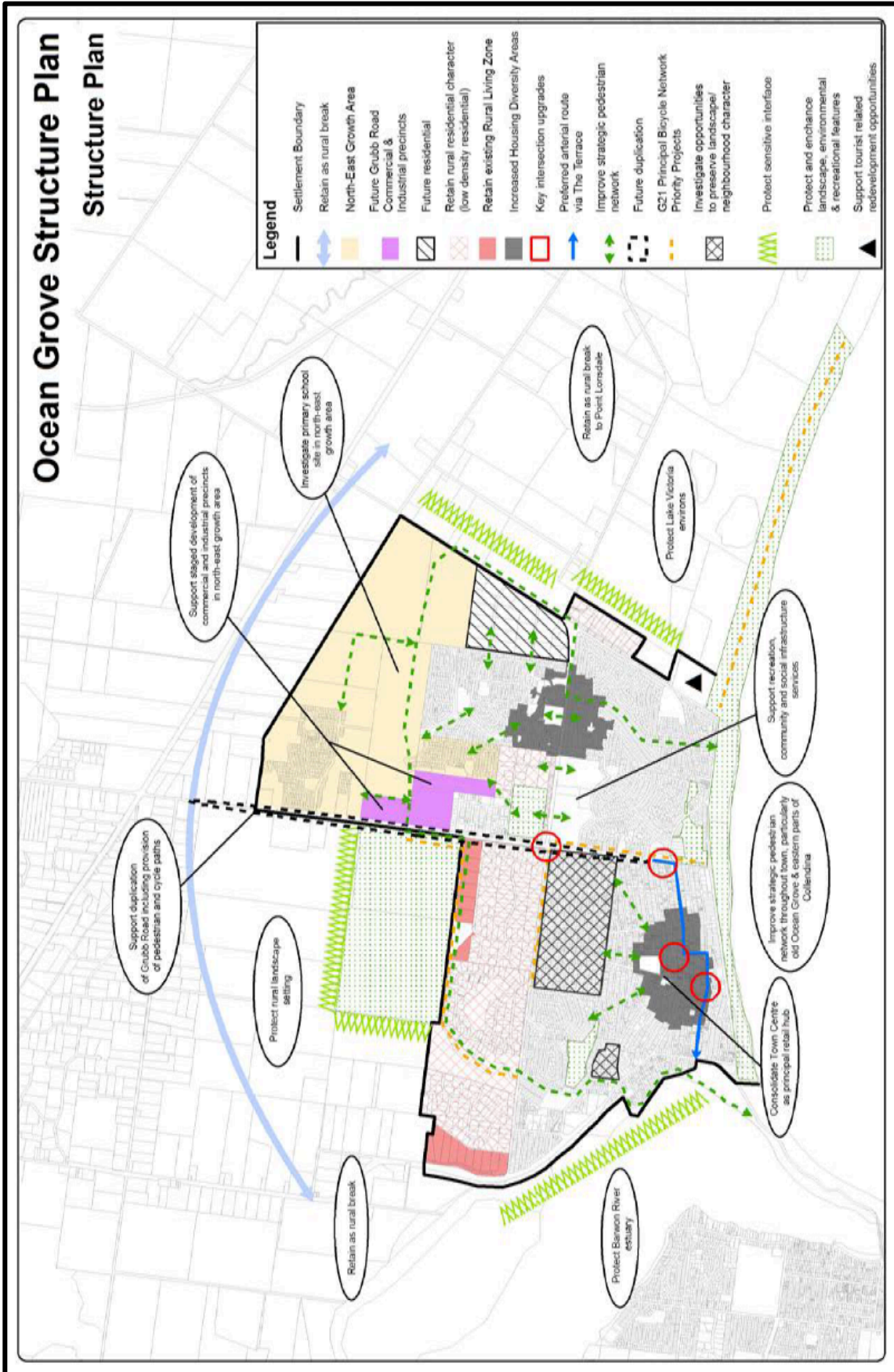


Figure 6: Ocean Grove Structure Plan (2015)

4 POINTS OF DIFFERENCE AND CHANGE (2007 -2015)

4.1 The structure plans

44 Figure 6 and Figure 6 reproduce the 2007 and the 2015 Structure Plans.

45 The principal points of difference and change between the plans as they apply to urban growth may be summarised as:

- The removal of the indicative long term growth boundary beyond 2020.
- Removal of reference to a *“Potential long-term growth option”* west of Grubb Road and replacement by *“Protect rural landscape setting.”*
- Removal of reference to not advocating a long term, on going expansion of the town beyond a total population of 25,000 -30,000 persons.
- Changes to the settlement boundary, including deletion of land at the north on the east side of Grubb Road and to the east of Banks Road.
- Variation in the language used to denote the non-urban edge from *“Preserve rural residential edge with farm based tourism opportunities”* to *“Retain as a rural break”*

46 Both plans focused growth on land to the east of Grubb Road and north east of Ocean Grove.

47 The Structure Plan 2015 revises the planning horizon from 2020 to 2030.

48 The population is envisaged to grow to 16,105 persons from 13,855 in 2015 increasing by 2,250 persons or at a rate of 150 persons per year.

49 The 2015 plan estimates that are 4,050 lots comprising principally broad hectare land but including infill lots and future residential lots.

5 POPULATION PROJECTIONS AND LAND SUPPLY

5.1 Key Points

- The population and housing growth projections in the Structure Plan appear to be too conservative.
- Revised estimates, to be presented as evidence, indicate there is sufficient land supply within the settlement boundary to satisfy and exceed the planning horizon.

5.2 Analysis and commentary

50 The appropriateness of the settlement boundary is in part a function of the suitability of the population projections, projected dwellings and land supply.

51 Since 1966 Ocean Grove has grown by at least an annual average of 190 persons in any inter census period and during some periods, such as between 2005 to 2015 and between 1981 and 1986 that has increased to an average of approximately 300 persons per annum.

52 With this in mind I have challenged the population projections presented in the 2015 strategy that foreshadow an annual decrease in the number of persons added to the resident population through to 2021 when it is anticipated that less than 150 persons will be added.

53 The Structure plan has progressed with a population projection of 16,105 persons by 2030, equating to a population increase of 2,250 persons or an additional 150 persons per annum.

54 I have difficulty identifying the factors that would suggest the growth patterns are about to strategically change.

55 I raised this concern with the officers of the City of Greater Geelong and I have subsequently been supplied with the evidence prepared by Dale Stokes of Spatial Economics for the purposes of this Panel.

56 That evidence shares a similar concern regarding the population projections upon which the Structure Plan proceeds.

- 57 Within the limitations of my expertise I find Mr Stokes evidence more robust and compelling in terms of population projections, annual dwelling construction and land supply.
- 58 I have adopted his conclusions for the purpose of this evidence.
- 59 He has advanced two scenarios for the purposes of assessing the adequacy of land supply and relying upon more bullish (accelerated development) activity forecasts approximately 19 years of residential broad hectare supply in Ocean Grove.
- 60 This estimate does not consider the “high probability that dispersed infill development will increase its share over- time”.
- 61 In the event that the current development activity level is maintained Mr Stokes estimates 24 years supply of broad hectare land.
- 62 It follows from this evidence that the planning horizon of 10 years to 2030 will be met and that no variation to the Settlement Boundary is required from that exhibited.

5.3 Recommendation

- 63 The City of Greater Geelong should review and monitor land take up trends regularly to establish the more likely scenario.
- 64 In the event that the ‘accelerated development’ scenario is maintained or exceeded, say by 2020 - 2022, that would form a strategic justification to advance the review of growth options and opportunities as recommended later in this report.

6 THE SETTLEMENT BOUNDARY

6.1 Key points

- The settlement boundary is appropriate and consistent with the relevant practice note.

6.2 Analysis and commentary

65 The application of the settlement boundary in the 2015 Structure Plan is in accordance with the expectations of the Practice Note 36.

66 It was established through a strategic planning process with a 10 year planning horizon.

67 There is no obligation or requirement in the Practice Note to identify any additional areas that might be considered for future development beyond the planning horizon.

68 There is also nothing preventing a settlement boundary being more tightly drawn than a previous boundary provided that the process relied upon to define that boundary is strategically justified.

69 In this matter “protection of rural landscapes” and retention of a “rural breaks” as shown outside the settlement boundary are higher order objectives and strategies contained in the G21 Regional Growth Plan, the BPLPS and the existing local policy framework.

70 There are sound strategic reasons why the Structure Plan should denote those outcomes for land outside the settlement boundary.

6.3 Recommendations

71 No additional action or change required.

7 GROWTH OPTIONS AND OPPORTUNITIES

7.1 Key points

- The longer-term indicative growth boundary was not strategically justified.
- The options and opportunities for longer-term growth at Ocean Grove should be explicitly acknowledged but a different approach is recommended to how this is referenced in the planning scheme.

7.2 Analysis and commentary

72 The strategies for the Bellarine Peninsula at Clause 21.14 foreshadow that there may be longer-term growth opportunities outside the settlement boundaries of growth areas and that those opportunities should not be compromised by inappropriate development.

73 The 2005 Structure Plan identified:

- The west side of Grubb Road as a “potential” long-term growth option.
- An “indicative” long-term growth settlement boundary beyond 2020.
- Possible future development areas and advanced an opportunities and constraints analysis of those opportunities (Figure 5).
- That an ongoing expansion of the town population of between 25-30,000 was not advocated:

“... as this would result in a significant loss of the unique setting and character of the town that makes it popular for residents and tourists alike and runs contrary to coastal planning principles.”

“Accordingly a decision will need to be made in a subsequent structure plan as to whether or not it is appropriate for urban development associated with Ocean Grove to expand onto land between these two settlement boundaries involving

consideration and examination of transport infrastructure, social and community impacts.”

- 74 On one view the 2015 Structure Plan has protected those opportunities and options in so far as it protects the non urban breaks and protects the rural landscape setting.
- 75 The grievance articulated through submissions is that essentially all reference to the possibility of Ocean Grove expanding beyond the settlement boundary has been removed.
- 76 I acknowledge this implied consequence and criticism and recommend that it be addressed by the inclusion of a reference under the *Further Work* at Clause 21.14 to the conduct of an assessment of growth options and opportunities for Ocean Grove.
- 77 I favour this approach rather than the notation and advice detailed in the 2007 Structure Plan for the following reasons.

7.2.1 A longer term population target cannot be established on the information set out in the structure plan

- 78 There was no strategic justification or analysis in the 2005 Structure Plan that identified the population cap or target of 25,000 to 30,000 persons for Ocean Grove.
- 79 The structure plan had been clear and explicit that the prospect of urban development between the settlement boundary and the indicative long-term boundary was uncertain and would be the subject of further study.
- 80 If there was to be any additional development and therefore a capacity to accommodate any additional population outside the settlement boundary it would be a product of an evidence based analysis of the opportunities and constraints presented by the policy and the land presenting the opportunity.

7.2.2 The indicative long term settlement boundary is not helpful

- 81 As the commentary in Section 3 has illustrated the undeveloped land surrounding Ocean Grove that constitutes potential opportunities or options for growth is not uniform nor without a range of constraints.

- 82 A range of environmental, physical and land use considerations that would influence any scope for spatial and population growth.
- 83 The submissions to the amendment illustrate the prospect of a range of options or opportunities that parties consider warrant assessment and which might provide potential for longer-term growth. Land west of Grubb Road is not the only option.
- 84 A generalised rather than location specific reference to the need for further strategic work is the fairest way of addressing these consideration and opportunities.
- 85 The “*indicative long-term growth boundary*” has probably created unrealistic and inappropriate expectations and led to uncertainty rather than clarity about where longer-term growth might be appropriate.
- 86 There is no recognition or definition of the term or concept of an “*indicative long-term settlement boundary*” (ILTSB) in the Practice Note 36.
- 87 There is no analysis or justification for its alignment save that it coincides with the boundaries of the study area set at the outset of the strategic process, to focus and confine the consultant’s work.
- 88 The boundary does not entirely follow cadastral boundaries and particular to the west of Grubb Road appears to ‘mirror’ in an equitable, symmetrical manner the alignment to the east of Grubb Road.
- 89 West of Grubb Road it is an alignment that follows no administrative, tenure, topographical or other distinguishable natural feature or boundary.
- 90 It is an alignment that, for no apparent reason, leaves a small wedge of rural land between the ILTSB and the land zoned Rural Living to its north.
- 91 Having regard to the repeated use of language including “*potential*” “*indicative*” and “*possible*” in the 2007 Structure Plan no party should fairly have interpreted the plan to provide assurance that longer-term growth would be permitted on all or most land contained by the boundary.

- 92 In my opinion it was at best the extent of the study area that might be examined at a later date. Even that boundary is arguably redundant given the scope of submissions.

7.3 Recommendations

- 93 That Clause 21.14-3 is amended to include the following additional task under the heading *Further Work*.

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

8 CONCLUSIONS

- 94 Amendment 346 to the Greater Geelong Planning Scheme represents an orderly progression of strategic planning for Ocean Grove as it applies to urban growth.
- 95 The plan integrates effectively with higher order policy and strategies.
- 96 While the population and dwelling construction forecasts are overly conservative evidence and revised projections to be presented in evidence indicates the nominated settlement boundary is appropriate and adequate to meet the planning horizon.
- 97 The removal of references to a population target, an indicative longer term growth boundary and growth options from the structure plan is supported.
- 98 Wording indicating that an assessment of growth options and opportunities will be undertaken with the next review of the plan is recommended.

Robert Milner
April 2016

Attachment

1 List of relevant considerations

Schedule of relevant considerations

The following is a summary of the relevant considerations addressed in this report.

- *Greater Geelong Planning Scheme*
- *Ocean Grove Structure Plan* (December 2015)
- *Bellarine Peninsula Localised Planning Statement* (September 2015)
- *Planning Practice Note 36 – Implementing a Coastal Settlement Boundary* (August 2015)
- *Residential Land Supply Monitoring Project G21 Region Geelong* (June 2015)
- *Ministerial Direction No 17 – Localised Planning Statements* (22 August 2014)
- *Ocean Grove Town Centre Urban Design Framework* (June 2014)
- *Victorian Coastal Strategy* (2014)
- *G21 Regional Growth Plan* (April 2013)
- *Ocean Grove Structure Plan* (Adopted 27 February 2007)
- *Adopted Ocean Grove Structure Plan* (August 1993)
- *Amendment C129 – Greater Geelong Planning Scheme*
- *Amendment C346 – Greater Geelong Planning Scheme Exhibited Material*

Attachment

2 Witness Statement

Expert Witness Statement

The name and address of the expert

Robert Milner, Director of 10 Consulting Group Pty Ltd, 3/2 Yarra Street, South Melbourne, Victoria, 3205.

The expert's qualifications and experience

Robert Milner holds an Honours Diploma in Town and Country Planning from Liverpool Polytechnic. He is a Life Fellow of the Planning Institute of Australia and a Fellow of the Victorian Planning and Environmental Law Association.

A Curriculum Vitae is included at Attachment 3.

The expert's area of expertise to make this report

Robert has a broad range of expertise in planning and development matters enabling him to comment on a wide spectrum of urban and rural, statutory and strategic planning issues and processes.

Other significant contributors to the report

Not applicable

Instructions that define the scope of the report

Robert Milner has been instructed by Maddocks Lawyers to prepare expert evidence on behalf of their clients, City of Greater Geelong.

The identity of any person who carried out tests or experiments upon which the expert has relied on and the qualifications of that person

Not applicable.

The facts, matters and all assumptions upon which this report proceeds

There are no other facts, matters or assumptions upon which the report relies other than those explicitly stated in the report.

Documents and other materials the expert has been instructed to consider or take into account in preparing his report, and the literature or other material used in making the report

Rob Milner has reviewed the material listed in Attachment 1 and other material as referenced in the body of this report.

A summary of the opinion or the opinions of the expert

A summary of Robert Milner's opinions are provided within the body of the report.

Any provisions or opinions that are not fully researched for any reason

Not applicable.

Questions falling outside the expert's expertise and completeness of the report

Robert Milner has not been instructed to answer any questions falling outside his area of expertise. The report is complete.

Expert declaration

I have made all inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.



Robert Milner
April 2016

Attachment

3 Curriculum vitae

Robert Milner – Director

Qualifications and Positions

- Director 10 Consulting Group Pty Ltd and The Milner Group Pty Ltd
- Diploma in Town and Country Planning (First Class Honours) Liverpool Polytechnic
- Life Fellow Planning Institute of Australia
- Fellow of the Victoria Planning and Environmental Law Association
- Former State and National President of the Planning Institute of Australia
- Member, Planning and Local Government Advisory Council (1994 – 1999)
- Deputy Chairman, Future Farming Expert Advisory Group (2009)

Employment History

2010 – Current	Director 10 Consulting Group Pty Ltd
1999 – 2010	General Manager, Senior Principal and Adjunct Senior Planning Counsel – Planning, CPG Australia Pty Ltd (Formerly the Coomes Consulting Group)
1994 – 1999	Director, Rob Milner Planning Pty Ltd and Savage Milner
1991 - 1994	Project Director, Collie Planning and Development Services
1988 – 1991	General Manager, Town Planning, Jones Lang Wootton
1980 - 1988	City Planner, City of Box Hill
1977 – 1980	Planner, Perrott Lyon Mathieson, Architects and Planners
1976 – 1977	Planner, Kirklees Metropolitan Borough Council

Career Overview

Rob Milner is a respected strategic and statutory planner. He is equally competent in urban and regional practice.

He is recognised as a leader of the planning profession in Victoria. He has had a high profile career spanning 40 years with extended periods of experience working for local government and private practice.

Until 2010 he worked with CPG Australia building that planning team to be one of the larger and most respected strategic and statutory practices in Victoria. The team was twice awarded planning consultant of the year in Victoria.

He now directs 10 Consulting Group, as a small boutique consultancy offering the highest level of advice and service to clients wanting the benefit of Rob's considerable experience, knowledge and understanding of planning in Victoria.

He is regularly retained to provide expert evidence to courts, panels and tribunals on the broadest range of land use and development planning issues. He is usually involved in 4 or 5 different matters monthly and has a reputation for objectivity, an original style of evidence and for providing clear and fearless advice. Particular expertise is in complex and controversial projects, gaming matters, acquisitions and compensation and restrictive covenants.

He is an acknowledged advocate and negotiator and is regularly engaged in development approval and rezoning projects where process and relationships need to be carefully nurtured to ensure a viable and timely outcome.

His ability to communicate effectively among a broad range of stakeholders means that he is regularly engaged to facilitate workshops, conferences, consultation and other situations where leadership and engagement of groups is required.

His clients have included many State government agencies (including planning, community development, justice, roads, growth areas and regional development), municipalities throughout metropolitan Melbourne and regional Victoria, as well as a broad range of corporate and other private sector interests.

Robert Milner brings a high level of integrity to his work, choosing to participate on those projects that accord with his professional opinion.

Areas of Expertise and Experience

Strategic studies, policy development and statutory implementation

Rob is widely acknowledged for his capacity to take a strategic perspective to urban and regional and planning challenges and provide direction and leadership that is responsive, creative and thoughtful in its strategic intent and detail.

When combined with his depth of experience with strategic policy based planning schemes he is powerfully equipped to deliver sound advice on the spectrum of land use and development planning issues.

His strategic planning skills are ground in work experience at the State, regional, local and site specific levels dealing with the issues that affect a town or sub region or examining themes or subjects that span geographical areas.

While working for CPG Australia he lead multi disciplinary planning teams that worked for clients that included DPCD, Department of Justice, Department of Innovation, Industry and Regional Development, and many municipal councils in metropolitan Melbourne and regional Victoria.

In 1994 he lead the planning consultancy that recommended the model for the Victorian Planning Provisions, the strategic policy driven planning scheme that is now consistently used throughout Victoria.

In 2009 Robert served as the Deputy Chairman on the Future Farming Expert Advisory Group reporting to the Minister for Planning. That work addressed a broad range of issues facing the next three decades of land use and development in regional Victoria.

Expert evidence and advocacy

Rob is regularly called upon to provide expert evidence and reports to clients, courts, Independent Panels and VCAT. He has acted in this capacity or as an advocate in over 1,200 cases during his career.

He is often retained to provide the strategic perspective to planning disputes. He is equally capable in commenting on matters of urban design, and compliance with planning policy and provisions.

The scope of matters that he has addressed in this capacity is extremely diverse and includes:

- *Medium density and high rise residential development,*
- *Greenfield, master planned communities in growth areas,*
- *Waste management, quarries and landfill proposals,*
- *Major shopping centres and mixed use developments,*
- *Industrial and residential subdivisions,*
- *Hotels, motels, restaurants and other leisure facilities*
- *Retirement villages,*
- *Rail projects,*
- *Coastal developments,*
- *Office and CBD projects*
- *Heritage projects*
- *Compensation and land acquisition matters,*
- *Liquor licence and gaming proposal,*
- *Freeway service centres and petrol stations,*
- *Agribusiness centres.*

Legislative and planning scheme reviews and amendments

Aside from Rob's leadership of the consultant planning team that conceived the model for the Victorian Planning Provisions, he has been associated with many reviews of municipal planning schemes and amendments.

Planning scheme review usually takes the form of comprehensive research examining both the merits of the strategic policies as well as the statutory provisions. Wide ranging consultation is involved in the task.

Work associated with planning scheme amendments usually includes strategic justification of the proposal as well as statutory documentation and management of the process. The provision of expert evidence to independent panels is often involved.

In more recent times Rob has been involved in projects that entail a review of allied legislation as well as amendments to planning schemes. Recent relevant projects have included the following:

Reviews of Victorian planning provisions and allied legislation

- *Activity Centre Zone construction and application in Footscray, Doncaster, Knox and Sunshine*
- *Tramway infrastructure and the VPP's,*
- *Higher density living adjacent to tramway corridors*
- *Liquor Licensing legislation and planning provisions*
- *Gaming (EGM) policy and provisions for Councils*
- *Review of the Farming and Green Wedge zones for their economic implications*

Planning scheme reviews

- *Shire of Surf Coast 2007*
- *Shire of Wellington 2009 -10*
- *Rural City of Horsham 2010*
- *Borough of Queenscliffe 2015*

Organisation audits and process reviews

Rob has a long and established career providing reviews of planning documents, teams and processes, particularly in a local government environment.

Trained as a LARP facilitator in 1990 as part of a Commonwealth Government initiative his experience in this area commenced with the development of planning and building specifications for tenders as part of Compulsory Competitive tendering process and the coaching of bid teams.

Since then Rob has developed a specialisation in providing reviews and recommendations to State and Local Government, which audit planning schemes, the performance of planning teams and departments and development approvals processes.

In the last 20 years he has worked with the majority of metropolitan councils and many regional municipalities; he prepared the model audit process for the Department of Sustainability and Environment in 2003 and recently provided a facilitated program for the Department of Planning and Community Development reviewing how it processes planning scheme amendments.

He has worked with Councils in Victoria, New South Wales and South Australia.

He uses a range of audit techniques, extensive consultation with users of the processes and provides detailed strategies on necessary reforms.

His most recent work has been as a major contributor to the VicSmart program.



Expert Evidence | Strategic Advice | Development Approvals