

Planning and Environment Act 1987

Panel Report

Greater Geelong Planning Scheme Amendment C346 Ocean Grove Structure Plan and Town Centre Urban Design Framework

6 July 2016

Planning and Environment Act 1987

Panel Report pursuant to Section 25 of the Act

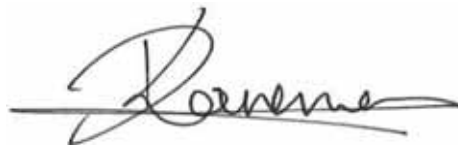
Greater Geelong Planning Scheme Amendment C346

Ocean Grove Structure Plan and Town Centre Urban Design Framework

6 July 2016



Cathie McRobert, Chair



Dora Kouremenos, Member

Contents

	Page
Executive Summary	1
Summary	1
Consolidated panel recommendations.....	2
1 Introduction.....	5
1.1 Issues dealt with in this report.....	6
1.2 Planning context.....	6
2 Changes to settlement boundaries	10
2.1 The issues	10
2.2 The policy and strategic planning context for changes to the settlement boundary	10
2.3 Broadhectare land requirements.....	25
2.4 Should the long term growth areas be evaluated?.....	28
2.5 Settlement boundary changes – specific areas.....	32
3 The urban design framework	45
3.1 The issues	45
3.2 What is proposed?	45
3.3 Impacts of taller buildings on views.....	45
3.4 Improving rear access to the town centre shops.....	46
3.5 Preserving the option for an alternative town centre arterial route.....	47
4 Other issues	49
4.1 The Grubb Road activity centre.....	49
4.2 Grubb Road duplication	51
4.3 Location of a new school.....	53
4.4 Footpath and pedestrian movements.....	54
4.5 The 2015 Structure Plan consultation process	55
4.6 Protection of neighbourhood character north of Asbury Street West.....	56
4.7 Soccer facilities	57

Appendix A Submitters to the Amendment

Appendix B Parties to the Panel Hearing

Appendix C Document list

List of Tables

Table 1	Summary of expert views on land demand and supply in Ocean Grove	26
Table 2	Forecast development based on committed demand.....	34

List of Figures

Figure 1	Clause 21.14 Ocean Grove Structure Plan (ie the 2007 Structure Plan map).....	15
Figure 2	Proposed Clause 21.14 Ocean Grove Structure Plan (ie the 2015 Structure Plan map).....	16
Figure 3	Land Supply Map – Ocean Grove	25
Figure 4	Revised Clause 21.14 Structure Plan Map.....	31
Figure 5	Ocean Grove Conceptual Precincts.....	32
Figure 6	Glasshouse Farms Expansion Concepts	34

List of Abbreviations

DDO	Design and Development Overlay
DET	Department of Education and Training
DPO	Development Plan Overlay
MSS	Municipal Strategic Statement
PPN	Principal Pedestrian Network
PPN36	Planning Practice Note 36 - Coastal Settlement Boundaries (August 2015)
SLO	Significant Landscape Overlay
SPPF	State Planning Policy Framework
the 2015 Structure Plan	the Ocean Grove Structure Plan (December 2015)
the Reserve	the Ocean Grove Nature Reserve
the Urban Design Framework	the Ocean Grove Town Centre Urban Design Framework Plan (June 2014)

Overview

Amendment Summary

The Amendment	Greater Geelong Planning Scheme Amendment C346
Common Name	Ocean Grove Structure Plan and Town Centre Urban Design Framework
Planning Authority and Proponent	City of Greater Geelong
Authorisation	Authorisation (12 January 2016) was not subject to any conditions
Exhibition	4 February - 4 March 2016
Submissions	43 submissions (including a late submission) comprising: 10 submissions in support, 11 submissions provided comments and 22 submissions objected Submitters are listed in Appendix A

Panel Process

The Panel	Cathie McRobert (Chair), Dora Kouremenos
Directions Hearing	Geelong, 5 April 2016
Panel Hearing	Geelong, 2-5 and 13 May 2016
Site Inspections	Unaccompanied, 5 April and 13 May 2016 (one member)
Appearances	See Appendix B
Date of this Report	6 July 2016

Executive Summary

Summary

Amendment C346 proposes to implement the revised *Ocean Grove Structure Plan* (the 2015 Structure Plan) and the *Ocean Grove Town Centre Urban Design Framework* (the Urban Design Framework) through changes to Clause 21.14 and the application of Design and Development Overlays (DDOs) to the town centre and the new Grubb Road activity centre.

Exhibition of the Amendment resulted in 43 submissions.

The strong focus on potential residential growth areas in submissions and at the Hearing suggests that much of the 2015 Structure Plan and the Urban Design Framework enjoys broad acceptance. As a result, this report also focuses on the appropriate settlement boundary to accommodate projected growth in Ocean Grove and, in particular, whether potential long term growth opportunities should be protected.

The 2015 Structure Plan

The major issue raised in submissions result from the proposed removal from the Structure Plan map of the “*Long-term boundary beyond 2020*” on the east and west sides of Grubb Road and exclusion of land to the east of Banks Road from the settlement boundary. The significant associated shift in policy reflected in changes to the annotations on the Structure Plan map showing ‘*protect rural landscape setting*’ replacing ‘*protect long term growth option*’ was also contentious.

An enduring settlement boundary that provides, or at least preserves options, for long term growth is important to provide certainty for public and private investment decisions, particularly for a town which designated for growth, such as Ocean Grove.

The 2015 Structure Plan was underpinned by forecasts that understated likely land requirements and this informed the view that there was no need to assess options to provide for growth beyond the 2007 Structure Plan 2020 settlement boundary.

As the necessary strategic justification to reduce the growth ambitions, limit the planning horizon, and preclude evaluation of long term development options in Ocean Grove has not been provided, the Panel supports recognition in the planning scheme of the need to review the relative merits of potential growth areas. This assessment should integrate the range of planning policy and applicable constraints.

While the analysis of land requirements confirms there is no urgent need to rezone land or advance additional growth options, the review should occur in the short to medium term and should not rule in or rule out options to the north, north-west or east of the current settlement boundary.

As the Panel has been conscious not to pre-empt the review, it has not made recommendations relating to specific areas inside the long term boundary or requests for extension of the settlement boundary to the north of the existing north-east growth area. However, the Panel has set out the nature of submissions made to it and, as illustrated by

the strategic precincts in planning evidence from Mr Milner, it is apparent there is substantial variation in the development potential of areas to be assessed.

The Urban Design Framework

The Panel finds that the Urban Design Framework provided a sound basis for the built form provisions of the Amendment. A design feasibility will be required to ensure the planned laneway is functional and parking implications are addressed.

Views to the coast are highly valued and the Panel endorses Council plans to reinforce the importance of view sharing between properties as part of the review of Schedule 7 to the Significant Landscape Overlay (SLO). An additional design and built form guideline could also be included in the schedule to DDO40.

In view of the absence of support from VicRoads, the Panel considers the alternative arterial route along The Terrace should be identified as a potential, rather than the preferred, long term arterial route.

Other matters

The Panel consideration of various other matters raised in submissions concluded that:

- a revised DDO39 should be retained to guide the future development of the Grubb Road activity centre
- the planned duplication of Grubb Road should be informed by consultation with all stakeholders and an urban design or landscape study
- the protection of neighbourhood character in the area north of Asbury Street West is within the scope of work being undertaken by Council that is well advanced
- the reference to the potential school site co-located with the Grubb Road activity centre in the 2015 Structure Plan should be maintained but this does not preclude the investigation of other possible school locations
- Council's approach to address submissions relating to pedestrian and cycle network improvements through its Principal Pedestrian Network project is appropriate
- the informal consultation preceding the Amendment provided opportunities for the community and stakeholders to input to the review of the 2007 Structure Plan and the Panel has not identified any issues with the exhibition of the Amendment.

Consolidated panel recommendations

Based on the reasons set out in this Report, the Panel recommends:

Greater Geelong Planning Scheme Amendment C346 be adopted as exhibited subject to the following changes:

1. **Preserve the potential of land to the north, north-west and east of Ocean Grove for urban development in the long term and include a commitment in the planning scheme to establish an enduring settlement boundary for Ocean Grove by changing clause 21.06 and 21.14 as follows:**
 - a) **At clause 21.06-6 Further Work add:**
 - **Assess the potential of rural land to the north, north-west and east of Ocean Grove for future urban development to determine the location of an enduring settlement boundary around Ocean Grove.**

- b) At clause 21.14-2 under Ocean Grove add:
 - Avoid development of rural land to the north, north-west and east of Ocean Grove (identified on the Ocean Structure Plan in this clause) that would compromise development for urban purposes in the future.
 - c) At clause 21.14 Further Work add:
 - Review the Ocean Grove Structure Plan at least every 5 years.
 - Assess long term growth options (both infill and settlement expansion) for Ocean Grove by no later than 2020. The assessment should include consideration of:
 - the role of Ocean Grove as a district town
 - other planned growth on the Bellarine Peninsula
 - development trends, lot supply and housing capacity within the settlement boundary
 - the desirability of providing a diversity of living options
 - physical and environmental constraints, including the importance of protecting the biodiversity values of the Reserve and maintaining a rural break between settlements
 - the protection of landscape values and implications for the character of approaches to Ocean Grove township along the Bellarine Highway, Grubb Road and Wallington Road
 - the implications for significant agricultural uses and their employment generating potential
 - whether any adjustments to the settlement boundary are required.
 - d) At Clause 21.14 on the Ocean Grove Structure Plan:
 - identify the need for a rural break and interface treatment along the Bellarine Highway
 - indicate in relation to areas to the north, north-west and east of Ocean Grove *'Protect long term growth potential'*
 - reinstate the current settlement boundary to the east of Banks Road, move the annotation *'protect sensitive interface'* to land at the interface with the reinstated settlement boundary and maintain the existing annotation *'further investigation site'*.
2. Update the 2015 Structure Plan reference document to ensure consistency with changes recommended by the Panel.
 3. Reinforce the importance of view sharing between properties by:
 - a) Considering extension of Significant Landscape Overlay Schedule 7 to include the properties on the south side of The Terrace via proposed Amendment C300; or
 - b) Adding a design and built form guideline to Design and Development Overlay Schedule 40 to address the issue of view sharing.
 4. Change the annotation on Map 1 of Design and Development Overlay Schedule 40 from *'preferred long term arterial road route'* to *'potential long term arterial route'*.

5. **Adopt the revised changes to Design and Development Overlay Schedule 39 as agreed by Lascorp and Council (Hearing document 14), subject to the following:**
- a) **Under Built Form and Scale section replace:**
- dot point five to read 'Provide articulation to larger built forms to break up continuous frontages and visual bulk'
 - dot point ten to read 'Built form should provide an articulated and attractive presentation towards Grubb Road avoiding blank facades and back of house uses'
- b) **Under Vehicle Access and Movement:**
- dot point one - replace the word '*multiple*' with '*restricted*'.

1 Introduction

Amendment C346 to the Greater Geelong Planning Scheme (the Amendment) proposes to implement two comprehensive strategic planning documents - the *Ocean Grove Structure Plan* December 2015 (the 2015 Structure Plan) and the *Ocean Grove Town Centre Urban Design Framework Plan* June 2014 (the Urban Design Framework).

The strong focus on the provision of additional areas for residential growth in submissions suggests that much of the 2015 Structure Plan enjoys broad acceptance. As a result, this report also focuses on the appropriate settlement boundary to accommodate projected growth in Ocean Grove and, in particular, whether a long term settlement boundary should be maintained.

The Amendment

The Amendment applies to land in Ocean Grove. It proposes to implement the key strategies and recommendations of the 2015 Structure Plan and the Urban Design Framework by:

- amending Municipal Strategic Statement (MSS) Clause 21.14 Bellarine Peninsula
- making the following changes to the DDO, with associated changes to planning scheme maps:
 - insert a new schedule 40 to implement the key design recommendations for the Town Centre
 - insert a new schedule 39 to implement key urban design recommendations for the Grubb Road activity centre and restricted retail precinct in the north-east growth area
 - delete Schedules 16 (Presidents Avenue, Ocean Grove) and 27 (Hodgson Street mixed use precinct)
 - apply schedule 20 (Industrial 1, 2 and 3 Zones) to the Industrial 3 zoned land within the north-east growth area.

Post-exhibition changes to the Amendment supported by Council

Council supported changes to the Amendment and the 2015 Structure Plan to reflect the recommendations in the planning evidence from Mr Milner that the opportunities and constraints of potential growth areas be identified in Clause 21.14 as further work. These changes are discussed in chapter 2.4.

Consultation between experts

Justin Ganly, Paul Shipp and Dales Stokes provided land economics evidence relating to the structure planning for Ocean Grove and the settlement boundary in particular.

Planning evidence relating to the structure planning for Ocean Grove, and the settlement boundary in particular, was provided by:

- Rob Milner
- Jason Black, who had a particular focus on land in the Farming Zone to the east of Grubb Road, to the immediate north of the 2020 growth boundary

- Richard Strates, who had a particular focus on land in the Farming Zone to the west of Grubb Road, between the 2020 and long term growth boundaries.

The Panel directed that the planning experts and the land economics experts meet to identify points of agreement and disagreement. A summary of the outcome of these conclaves was circulated on Day 1 of the Hearing.

1.1 Issues dealt with in this report

The Panel considered all written submissions, as well as submissions presented to it during the Hearing. In addressing the issues raised in submissions, the Panel has been assisted by the information provided to it as well as its observations from inspections of Ocean Grove.

This report deals with the issues raised in submissions under the following headings:

- changes to settlement boundaries
- the Urban Design Framework
- other issues including: the Grubb Road activity centre; duplication of Grubb Road; the location of a new school; pedestrian movement; the 2015 Structure Plan consultation process; protection of neighbourhood character north of Asbury Street West and soccer facilities.

Matters not addressed in this report

This report has a specific focus on the issues raised in submissions. While the Panel has considered the Amendment as a whole, it has not reviewed elements of the Amendment that were not contentious.

Morgan and Griffin tabled investigations relating to west of Grubb Road in support of a separate request to Council to rezone land on the western side of Grubb Road for urban development. These assessments were provided in support of Morgan and Griffin submissions to the Panel that the land is not subject to insurmountable development constraints. It was made clear at the Hearing that the merits of any rezoning will not be evaluated as the Panel does not propose to pre-empt a future review of potential growth areas or consideration of the merits of a specific rezoning proposal.

1.2 Planning context

The Amendment explanatory report provided a response to the Strategic Assessment Guidelines. Relevant policy and strategic planning documents are identified below and have been taken into account by the Panel. However, consideration of the implications of these documents in relation to the issues raised in submissions is provided in subsequent chapters of this report.

1.2.1 Planning policy

Council submitted that the Amendment is supported by the following clauses in the State and local planning policy frameworks:

State Planning Policy Framework

- **clause 11 Settlement** directs planning to anticipate and respond to the needs of existing and future communities through the provision of land for housing, employment, recreation and open space, commercial and community facilities and infrastructure

- **clause 11.02 Urban growth** aims to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, institutional and other community uses
- **clause 11.02-3 Structure planning** aims to facilitate orderly development of urban areas
- **clauses 11.05 Regional development** provides a framework for the regional settlement network and planning must take into account the relevant regional growth
- **clause 11.07 Geelong (G21) regional growth** provides the regional context for planning infrastructure and growth across the Geelong region. The G21 Regional Growth Plan includes a strategy to:

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

Map 3 of clause 11 identifies Ocean Grove as an area to 'support planned growth and reinforce the role of district towns'

- **clause 11.05-5 Coastal settlement** seeks 'to plan for sustainable coastal development' through strategies that include encouraging development within existing settlements to reduce urban sprawl and identifying a clear settlement boundary to ensure that growth is planned and coastal values are protected
- **clause 11.14 Planning for identified distinctive areas** seeks to protect and enhance the valued attributes of the distinctive areas, including the Bellarine Peninsula. The *Bellarine Peninsula Localised Planning Statement (2015)*, which is listed in the policy guidelines to the clause, provides for:
 - protecting non-urban breaks between settlements
 - supporting the growth of identified growth locations in line with adopted structure plans
 - seeking to protect, preserve and enhance cultural and urban character and preserve the individual identity and role of townships.
- **clause 12 Environmental and landscape values** notes that planning should help to protect ecological systems and conserve areas with identified environmental and landscape values
- **clause 12.02 Coastal areas** addresses the protection of coastal values, including landscapes and significant open spaces that contribute to character, identity and sustainable environments
- **clause 13 Environmental risks** seeks to plan for and manage the potential impacts of climate change (clause 13.01 Climate change impacts) and strengthen community resilience to bushfire (clause 13.05 Bushfire)
- **clause 16 Housing** directs that planning should provide for housing diversity and ensure the efficient provision of supporting infrastructure
- **clause 19 Infrastructure** encourages planning for the growth and redevelopment of settlements to provide for the logical and efficient provision of infrastructure.

Local Planning Policy Framework

- **clause 21.05 Natural environment** addresses protecting significant environmental features, directing urban coastal development within existing urban settlements, and acknowledging the impacts of climate change

- **clause 21.05-7 Flooding** discourages development in floodplains
- **clause 21.06-2 Settlement** directs the majority of new greenfield residential development to the designated primary urban growth areas
- **clause 21.07 Economic development and employment** identifies opportunities commercial and industrial use in Ocean Grove's north-east growth area
- **clause 21.14 The Bellarine Peninsula** includes key objectives and strategies relevant to this Amendment. They include:

To protect and enhance the rural and coastal environment on the Bellarine Peninsula and maintain non-urban breaks between settlements.

To facilitate the development of Ocean Grove, Drysdale/Clifton Springs and Leopold as hubs of development and service provision on the Bellarine Peninsula ...

To provide for sustainable industrial, commercial, retail, agricultural and tourism development in designated locations, to service the wider Bellarine community.

To preserve the individual character, identity and role of each Bellarine township.

1.2.2 Planning strategies underpinning the Amendment

The key strategic documentation, which are discussed in subsequent chapters are (in chronological order):

- The Ocean Grove Structure Plan 2007 (Amended 2008)
- G21 Regional Growth Plan (April 2013)
- G21 Regional Growth Plan – Implementation Plan (November 2013)
- The Ocean Grove Urban Design Framework (June 2014)
- G21 Region (Geelong) Residential Land Supply Monitoring Project (June 2015)
- Bellarine Localised Planning Statement (September 2015)
- The 2015 Structure Plan.

1.2.3 Zones and Overlays

The zoning of land in Ocean Grove comprises the expected residential, commercial, industrial and public use zones for a town of this type. Of note is the use of the Residential Growth Zone around the town centre and Shell Road activity centre, the residential zoning of virtually all land within the 2020 settlement¹ and zoning of the Ocean Grove Nature Reserve (the Reserve) Public Conservation and Resource Zone in recognition of its primary function to conserve ecological values (rather than for recreation).

Overlays of interest, in terms of issues raised in submissions, include the:

- SLOs apply to protect coastal landscapes, based on the principles and analysis set out in the State-wide *Coastal Spaces Landscape Assessment Study* (Planisphere, 2006):

¹ With the exception of land on the south-eastern side of Banks Road, which is in the Farming Zone and is the subject of submissions.

- SLO6 applies to rural residential land containing significant native vegetation and scenic landscape qualities as it rises from the Barwon Valley floodplain. It aims to protect the attractive rural entrance to the town and a natural setting for the Connewarre wetlands to the west of Wallington Road
 - SLO11 aims include maintaining a natural landscape break between settlements and to protect views and vistas, including extensive and scenic views across waterbodies from main roads and settlements
 - SLO10 recognises the of regional visual significance of the prominent escarpment that wraps around the northern and eastern edges of Lake Connewarre and the lower reaches of the Barwon River Estuary. This escarpment is and part of the largest area of remnant indigenous vegetation on the Bellarine Peninsula and provides an attractive entrance to Ocean Grove.
- Development Plan Overlay (DPO) schedules 22 and 31 apply to the north-east growth area to manage its conversion to urban use. Development Plans have been prepared for these areas
 - DDO14 addresses view sharing in established areas of the town
 - Bushfire Management Overlay (BMO) applies to the Reserve and a buffer around it.

1.2.4 Ministerial Directions and Practice Notes

Council submitted that the Amendment meets the relevant requirements of:

- Ministerial Direction No 11 - Strategic Assessment of Amendments
- The Form and Content of Planning Schemes (s7(5)).

Planning Practice Note 36 - Coastal Settlement Boundaries (PPN36) provides directly relevant guidance on the most contentious aspect of the Amendment – changes to the settlement boundary for Ocean Grove (see discussion in Chapter 2).

2 Changes to settlement boundaries

The proposed changes to the settlement boundary for Ocean Grove were the central issues at the Hearing. This chapter addresses the issues raised by firstly setting out the policy and strategic basis for this aspect of the Amendment and the existing and forecast supply of residential land. The Panel then discusses the broader issues relating to the durability of settlement boundaries and the need for evaluation of potential growth areas, before recording issues raised relating to particular areas.

2.1 The issues

- Did the 2015 Structure Plan provide appropriate justification for the deletion of the long term settlement boundary and the new policy emphasis on the protection of landscape values to the west of Grubb Road?
- Should potential areas for residential growth be evaluated?

2.2 The policy and strategic planning context for changes to the settlement boundary

(i) Planning policy

A number of consistent policy themes in State, regional and local policy are particularly relevant to the Amendment and submissions made about it. They include:

- ensure a sufficient ongoing supply of residential land and competition in the housing market to meet forecast demand and to improve housing affordability². Of particular relevance are the associated strategies:

Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur ...³

Maintain competition and diversity in the housing market⁴.

- structure planning is to facilitate the orderly development of urban areas, optimise infrastructure and consolidate growth⁵
- establishing a clear settlement boundary, particularly around coastal settlements, to ensure that growth is planned and coastal values are protected, including:
 - *Support a network of diverse coastal settlements which provides for a broad range of housing types, economic opportunities and services.*
 - *Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values protected. Where no settlement boundary is identified, the extent of a settlement is defined by*

² Clauses 11.02-1 Supply of urban land, 16.01-5 Housing affordability and 21.06-2 Urban growth.

³ Clause 11.02-1 Supply of urban land.

⁴ Clause 21.06 Settlement and housing.

⁵ Clause 11.02-3 Structure planning.

*the extent of existing urban zoned land and any land identified on a plan in the planning scheme for future urban settlement*⁶

- ... set clear settlement boundaries and consolidate development within these boundaries in a managed way⁷
- Coastal settlement boundaries should be clear and easy to justify. The location of a coastal settlement boundary should be established through a Strategic planning process with a 10 year planning horizon⁸
- urban renewal and redevelopment opportunities within existing settlements are encouraged to reduce urban sprawl⁹, and to limit linear urban sprawl along the coastal edge, to avoid ribbon development within rural landscapes and to protect areas between settlements for non-urban use¹⁰. It is policy to *'protect and enhance the rural and coastal environment on the Bellarine peninsula and maintain non-urban breaks between settlements'*¹¹
- regional and local policy direct the bulk of residential growth on the Bellarine Peninsula to the three district towns/designated primary urban growth areas: Ocean Grove, Drysdale/Clifton Springs, and Leopold¹²
- coastal areas and significant wetlands, such as Lake Connewarre, are identified as important biodiversity assets that are to be protected¹³.

Clause 21.14 The Bellarine Peninsula, which reinforces the G21 and Coastal Strategy policy directions, is directly relevant to the Amendment. The overarching objectives for the Bellarine Peninsula include, amongst other things:

To protect and enhance the rural and coastal environment on the Bellarine Peninsula and maintain non-urban breaks between settlements.

To facilitate the development of Ocean Grove, Drysdale/Clifton Springs and Leopold as hubs of development and service provision on the Bellarine Peninsula.

To preserve the individual character, identity and role of each Bellarine township.

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 breaks or longer term growth opportunities.

⁶ Clause 11.05-5 Coastal Settlement which requires planning to consider the *Victorian Coastal Strategy* (Victorian Coastal Council, 2014) and the G21 Regional Growth Plan (Geelong Region Alliance, 2013).

⁷ Clause 21.02 Sustainable Growth Framework.

⁸ Planning Practice Note 34.

⁹ Clause 21.06-2 Urban growth.

¹⁰ Clause 11.05-5 Coastal settlement.

¹¹ Clauses 11.05-5 Coastal settlement, and 21.06 Settlement and housing.

¹² Clauses 11.07-1 and 21.06-2 Urban growth.

¹³ Clauses 11.07, Map 3 – G21 Regional Growth Plan, 12.01-1 Protection of biodiversity, 12.02 Coastal areas, 21.05 Natural environment.

Specific guidance about planning for Ocean Grove¹⁴ includes:

Direct new greenfield residential development to the designated growth area in the north-east of the township, as shown on the Structure Plan map.

Encourage a range of accommodation and housing options ...

Ensure development avoids impacts on environmental assets including the Coast, Buckley Park Foreshore Reserve, Goandra Estate, Ocean Grove Nature Reserve, Barwon River/Lake Connewarre and the Lake Victoria Wetlands.

Ensure the town centre remains the primary retail centre for Ocean Grove by providing for a range of retail, business and accommodation uses.

Where appropriate, ensure new developments assist in the establishment of a safe bicycle-pedestrian path network around the town connecting the foreshore, river, nature reserve, Grubb, Banks and Bonnyvale Roads as shown on the Structure Plan map.

Where appropriate, ensure new development contributes to the improvement of open spaces, key pedestrian links and roads as identified on the Structure Plan map.

Support the duplication of Grubb Road in a manner which preserves significant roadside vegetation, provides an attractive town entry, safe crossing points, pedestrian/cycle paths and undergrounding of powerlines.

(ii) Key planning strategies

It is State policy that planning must consider as relevant, the G21 Regional Growth Plan¹⁵ and the Victorian Coastal Strategy. The 2007 and 2015 Structure Plans and the Urban Design Framework are also central to the evaluation of issues raised in submissions.

The G21 Regional Growth Plan

As recognised in the SPPF, the G21 Regional Growth Plan identifies Ocean Grove, Drysdale/Clifton Springs, and Leopold as District Towns on the Bellarine Peninsula to accommodate larger scale residential (population) growth. The associated G21 Implementation Plan anticipates that growth in these District Towns will accord with approved structure plans and will consist of one third dispersed infill and two thirds of conventional broad hectare residential. As Council highlighted, by supporting urban growth in the District Towns, a range of environmental, landscape and agricultural objectives can be maintained across the majority of the Bellarine Peninsula, particularly near the coastline.

¹⁴ Clause 21.14-2.

¹⁵ *G21 Regional Growth Plan* Geelong Region Alliance, 2013.

The Victorian Coastal Strategy 2014

Like other relevant planning documents, the Victorian Coastal Strategy promotes the identification of clear settlement boundaries to protect coastal values. It draws the connection between non-urban breaks, settlement boundaries and coastal urban character.

Planning Practice Note 36 - Coastal Settlement Boundaries (PPN36)

PPN36 describes a coastal settlement boundary 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 expectation for a settlement'*. The definition of the allowable extent of urban development is intended to produce positive outcomes that include:

- allowing for long term planning and infrastructure needs
- enabling *'landowners and authorities to make investment decisions about land use and development both inside and outside the settlement boundary with greater certainty'*
- preventing ribbon development along the coast and maintaining a non-urban break between towns
- encouraging more compact and efficient urban settlements
- containing outward growth and safeguarding conservation areas, coastal landscapes and productive agricultural land
- reducing land-use conflict at the urban-rural interface.

The 2007 Structure Plan

The 2007 Structure Plan, which was introduced into the Scheme by Amendment C129 in December 2009, provides the basis for the current G21 Regional Growth Plan and Clause 21.14 provisions relating to Ocean Grove.

The 2007 Structure Plan was developed having regard to the community vision, issues and feedback from community consultation, assessment of opportunities and constraints, projected future growth and development to 2020 to build upon the town's attributes.

The 2007 Structure Plan adopted a 'Study Area' comprising *'the existing urban area of the town and areas at the periphery, including land to the north of the existing urban zones and the rural interface.'* To the west of Grubb Road the northern boundary of the Study Area became the long term settlement boundary however, its alignment did not follow an administrative, tenure, topographical or other distinguishable natural feature.

In relation to urban growth, the 2007 Structure Plan took account of a 'high' growth rate scenario with a forecast total population of 21,184 by the year 2020:

The future population growth of the town up to the year 2020 is based on three scenarios, adopting low (2%), medium (3%) and high (4%) growth rates. At these rates the population increase would range from 3,798 to 10,334 resulting in a total projected population for Ocean Grove ranging from 14,648 to 21,184 people, as seen in Table 1. This represents an average increase of some 271 to 738 people each year.

The following principles and directions are relevant to urban growth:

Urban Growth – Principles

To protect the unique character of Ocean Grove as a coastal town within a sensitive environmental and significant landscape setting.

To channel future residential expansion to the north-east away from the sensitive environmental areas to the south, east and west of the town.

To maintain a compact urban form with all development within the identified Settlement Boundary.

To ensure that new urban growth is provided with adequate provision of community and social infrastructure, particularly pedestrian access and open space.

To identify a potential long term boundary beyond 2020 for the future growth of the town and to ensure that development within area between the identified urban settlement boundary and potential long term boundary [sic] boundaries does not prejudice the potential for urban growth.

Urban Growth – Directions

Identify a Settlement Boundary around Ocean Grove within which all urban expansion anticipated to occur up to the year 2020 will be contained.

Determine a potential long term Settlement Boundary that identifies the possible ultimate extent to which the town might expand, based on logical and defensible long term planning boundaries.

Retain a Rural zoning around the Settlement Boundary.

Accommodate the majority of urban growth within a North-Eastern Residential Development Corridor between Banks and Grubb Road which is to be staged in an orderly manner.

No expansion is proposed to the south, east and west due to physical and environmental constraints. Land between the two settlement boundaries should be used for rural and related purposes. No use or development should occur that would prejudice the long term future use of the land for urban purposes.

The 2007 Structure Plan identified two settlement boundaries, which were translated into Clause 21.14 (see Figure 1):

- **the settlement boundary 2020**, which represents the boundary for the lifetime of the Structure Plan. Land within the 2020 settlement boundary is now zoned for urban purposes, with the exception of the ‘*further investigation site*’ on the south-east side of Banks Road, which is in the Farming Zone. This land was identified as a possible location for an environmentally sensitive, master planned eco-tourist facility given its unique views of the coast, significant wetlands and proximity to the urban edge.
- **the long-term settlement boundary beyond 2020 (the long term boundary)**, which adopted the 2007 Structure Plan study area, encompasses the north-west quadrant of

the structure plan area with a small portion east of Grubb Road. The main area west of Grubb Road extends across to Wallington Road, north and west of the Ocean Grove Nature Reserve, north of low density residential areas along Thacker Street and south of the Wallington rural residential estate along Rhinds Road.

An annotation '*protect long-term growth option*' applied to the area to the west of Grubb Road between the 2020 and long-term boundaries. A '*tourist node*' was also identified on the western side of Grubb Road between the settlement boundaries.



Figure 1 Clause 21.14 Ocean Grove Structure Plan (ie the 2007 Structure Plan map)

The 2015 Structure Plan

The 2015 Structure Plan provides the primary basis for the proposed changes to Clause 21.14. It is the outcome of a review of the 2007 Structure Plan which drew on research and community consultation (see chapter 4.5 of this report). The 2015 Structure Plan, which maintains the same study area, addressed key influences in terms of planning policy, urban growth, settlement and housing, infrastructure, the natural environment, economic development and employment, and rural areas.

The 2015 Structure Plan identifies the following urban growth principles:

To protect the unique character of Ocean Grove as a coastal town within a sensitive environmental and significant landscape setting.

To direct urban growth away from sensitive environmental and significant landscape areas to the south, east and west.

To maintain a compact urban form within the nominated settlement boundary.

To ensure new urban growth is provided with adequate provision of community and social infrastructure.

These principles are supported by the following urban growth directions:

Identify a clear, logical and robust coastal settlement boundary around Ocean Grove.

Retain the Farming Zone around the nominated settlement boundary to ensure the sensitive environmental and significant landscape setting is maintained.

Support the continued subdivision and development of the north-east growth area as the key urban growth front in Ocean Grove to ensure there is sufficient land supply and necessary infrastructure to meet the needs of the growing population.

Ensure no further expansion is proposed east, south and west due to environmental and physical constraints.

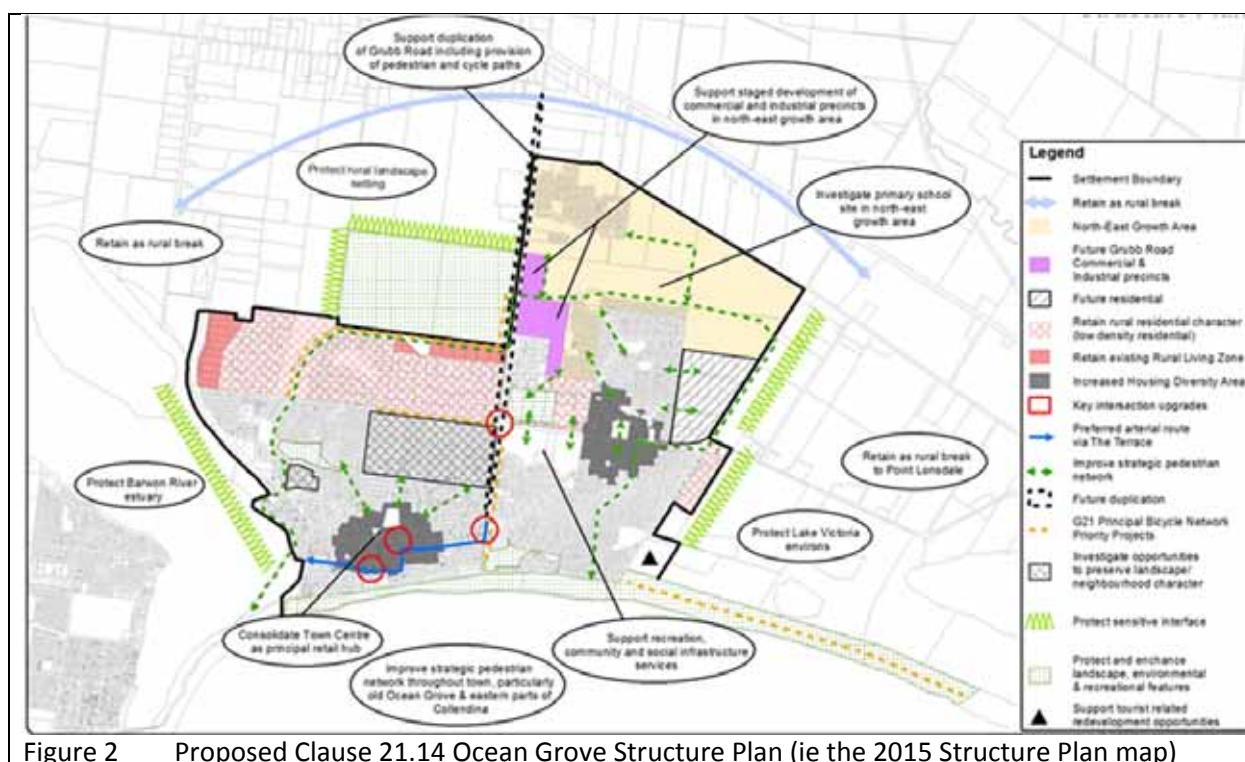


Figure 2 Proposed Clause 21.14 Ocean Grove Structure Plan (ie the 2015 Structure Plan map)

What changes are proposed?

The Amendment proposes a major policy shift in planning for the long term growth of Ocean Grove, with significant changes to both the location and durability of settlement boundaries.

Whereas the 2007 Structure Plan and Clause 21.14 (see Figure 1) identify a 2020 settlement boundary and a long term boundary, the 2015 Structure Plan and changes to Clause 21.14 (see Figure 2) propose to:

- realign the 2020 settlement boundary to exclude land at the south-east side of Banks Road and remove the identification of the land as a 'Further investigation site'
- delete the 'Long term boundary beyond 2020'
- delete references to protection of potential future urban development

- indicate the rural landscape setting outside the 2020 settlement boundary (to the west of Grubb Road) is to be protected
- Delete the ‘*urban edge treatment*’ along the northern and eastern boundaries of the north-east growth area
- Include explicit references to rural breaks to the east as ‘*retain as rural break to Point Lonsdale*’ and to the north of the settlement boundary as ‘*retain as rural break*’.

Whereas the 2007 Structure Plan anticipated a long term population for Ocean Grove of 25-30,000 people and identified the long term boundary accordingly, the 2015 Structure Plan was prepared on the basis:

For structure planning purposes, the ultimate population and urban development potential of Ocean Grove should be taken into consideration. Analysis of development trends, land supply and forecast population growth shows that the nominated settlement boundary will continue to provide enough land up to 2030, including the forecast population growth up to 21,000 persons identified in the previous Structure Plan.

The 2007 Structure Plan anticipates evaluation of land between the 2020 and long term settlement boundaries for urban development but the 2015 Structure Plan only foreshadows monitoring of take-up of land and redevelopment with *a basic review of development trends and lot supply within the town every 5 years*. Evaluation of further areas for urban development is not envisaged:

Given this Structure Plan identifies a nominated settlement boundary with significant land rezoned for urban growth, it is not anticipated that any subsequent review would need to examine further areas for urban development.

The effect of these changes would be to establish a planning framework with a settlement boundary that is fixed and there is an explicit policy to accord priority to the protection of the landscape setting of land between the 2007 Structure Plan boundaries, rather than protecting the potential of this land for urban development.

(iii) Submissions and evidence

There was broad agreement in submissions and evidence that all relevant planning documents recognise Ocean Grove as one of the three designated growth areas for the Bellarine Peninsula and a planning timeframe of at least 10 years should be adopted. There was also widespread recognition that, as directed by clause 10.04, this policy to accommodate growth in Ocean Grove must recognise and integrate with the range of relevant planning objectives, such as the protection of environmental and landscape values, rural breaks and the character of the town.

As noted in both the 2007 and 2015 Structure Plans, there are conspicuous constraints on urban expansion to the east, south and west (referred to at the Hearing as ‘*river, sea and swamp*’) and these were not challenged.

PPN36 was recognised as relevant to Ocean Grove and various submitters and expert witnesses referred to the value of a coastal settlement boundary to provide certainty for both public and private investment and about development outcomes.

It was the weight accorded to various planning objectives, and the consequent implications for how much growth should be accommodated and where growth should be directed to that was contentious.

Submissions were received both in support and objecting to the location of the proposed rural breaks. While some landowners want to protect the rural feel of Wallington, others with an interest in one day rezoning their land for residential purposes, opposed the identification of their land as part of a rural break.

Ms Wane supports Council strategies to contain urban development and reinforce rural breaks. She submitted:

... I favour strict containment to enforce the restriction of urban development. It is important to retain all rural breaks to stop further subdivision and development of land as this erodes the much loved country feel to the Bellarine Peninsula.

Ms Duncan, a resident of Wallington, submitted that ‘Wallington needs a rural break between it and Ocean Grove’. She considers the land is so significant that in future it should be designated as a Green Wedge. ‘When looking out there from my window, or when walking the paddocks, I experience the undulating hills with their pockets of remnant vegetation, and scattered mature trees’.

Ms Duncan submitted the distinctive character and village atmosphere of Ocean Grove has already been seriously damaged and continued urban sprawl with a uniformity of size and type of housing will only further detract from the valued character. Ms Duncan submitted a long term view that is based on a well-considered appraisal of a broader set of policies is needed - growth should not be at the expense of the valued character of Ocean Grove and important environmental and landscape values to the west of Grubb Road.

Ms Duncan articulated a view, shared by others who opposed the preservation of urban growth options to the west of Grubb Road, which challenged the emphasis placed on providing broadhectare housing for swelling populations. She challenged the use of market driven projections of population growth and demand for residential land to underpin planning strategies, arguing that the G21 ‘macro figures cannot and should not be used to establish future growth at the local level, for the town of Ocean Grove. Even the figures for “Regional Centre” being between 10,000 and 100,000 are so vague that they can be used to support virtually any argument.’ Ms Duncan also questioned the capacity of community infrastructure to meet the demands of continued growth, particularly in the peak tourist season, submitting:

19. *As we all know, population projections are created by political decisions and at local levels by artificial demand. The projected figures are based on a plentiful supply of relatively cheap land/house packages, which is then marketed. Thereby “demonstrating” the need for further land supply.*

22. *There is no good reason to base planning and housing needs derived from market driven statistics. There is good reason, supported by objectives within planning schemes, to offer people diversity in housing, as well as sustainable housing.*
23. *Nor is there any real force in the argument that broadhectare development is what people want. This is again a self-perpetuating argument. When people buy a house, unless they are wealthy, they chose from what is available. Cheap houses are estate houses, so when they are marketed and competitively priced (because developers get in early and purchase land cheaply) people take that option. If the options were different people would still choose from what is available. Diversity of housing is often repeated in planning schemes but rarely delivered.*

Council and those supporting removal of the long term boundary emphasised that the long term boundary was highly qualified as requiring further investigation and its removal would enhance certainty.

Council submitted that the 2015 Structure Plan proposes an approach that:

... is more in line with PPN36 and provide greater certainty for the short to medium term development of Ocean Grove. There is no need or strategic support (beyond its current designation) for the land in between the existing settlement boundary and the indicative long term settlement boundary to be developed within the short to medium term. This is not to say that Council has formed the view this land can never be developed for urban purposes. Rather, the ample supply of land within the existing settlement boundary removes any imperative to adhere to or make uninformed decisions about the long term direction of growth required to satisfy the projected population growth.

... The indicative long term settlement boundary sets an unclear direction for the town and uncertainty in regards to future development ... of land outside the nominated settlement boundary.

Whilst a district town and a designated urban growth location, the extent of planned growth and associated infrastructure and services has largely met this status and role. Building and strengthening the town does not necessarily mean further urban growth.

Council submitted that settlement boundaries should be clear and easy to justify. However, it could find no rational explanation for the odd alignment of the long term boundary, which does not align with cadastre. Council argued that two boundaries *'is somewhat of a contortion and only creates uncertainty. It effectively renders the first boundary a line drawn for timing purposes only, negating one of its important characteristics that is to say, "no further"'*.

Council also emphasised the role of an enduring settlement boundary to create the necessary 'pressure' to make more compact and efficient urban development attractive, the policy imperative to maintain a non-urban break between Ocean Grove and other localities

such as Wallington, the importance of minimising landuse conflict at the urban-rural interface and safeguarding the productivity of agricultural land. Council referred to the PPN 36, the G21 Regional Growth Plan and the Bellarine Peninsula Localised Planning Statement support for maintaining rural breaks:

These boundaries are critical in creating breaks between settlements and preserving the natural and landscape values and settings of all towns and settlements in the region.

The Bellarine Peninsula is significant for its visual landscape characteristics, individually distinct coastal settlements in a rural setting, sweeping views across rolling hills, coastlines, wetlands and open farmed landscapes.

Council referred to various other Amendments, such as C194 to the Greater Geelong Planning Scheme which gave effect to the Drysdale – Clifton Springs Structure Plan, in support of deletion of the identification of land outside the structure plan settlement boundary as an area to 'Protect Rural Land for Future Urban Growth'.

It was Council's view that there is sufficient land supply within the municipality and in the town over the lifetime of the Revised Structure Plan to accommodate the anticipated future population growth up to 2030 and there is no pressing need for a review. However, Council made a significant concession at the Hearing by adopting their expert witness's (Mr Milner's) recommendation relating to review of growth options (discussed in chapter 2.4).

Submitters objecting to the removal of the long term boundary argued that:

1. The 2015 Structure Plan was based on flawed forecasts of land requirements (discussed in chapter 2.3)
2. As recognised in the 2007 Structure Plan, the work necessary to justify a definitive settlement boundary to accommodate Ocean Grove's strategic role as a settlement to accommodate significant growth and removal of the long term boundary simply has not been undertaken.

Others who objected to changes to the 2020 settlement boundary or sought inclusion of land between the 2020 boundary and the Bellarine Highway also argued that the 2015 Strategy had not dealt with urban growth adequately or justified the changes proposed.

(iv) Discussion

It is clear from submissions, evidence and the Panel's own review of the strategic planning context for the Amendment that planning for Ocean Grove should continue to be on the basis that:

- The planning framework recognises the importance of protecting significant landscape and environmental values, in particular views from the coast and rural breaks between settlements, and regionally significant environmental assets, such as the coastal areas, wetlands and the Reserve. The Panel understands the term rural break to relate to:
 - the rural areas between settlements
 - the visual landscape characteristics of sweeping views across rolling hills, coastlines, wetland and open farmed landscapes (as described in the Local Policy Statement).

- There are conspicuous constraints on urban growth to the east, south and west of Ocean Grove – referred to at the Hearing as ‘*River, sea and swamp*’.
- As a designated District Town, Ocean Grove has a role to accommodate significant growth.
- Settlement boundaries have important roles to accommodate growth in a way that avoids unwanted impacts of development sprawling into sensitive landscapes or environmentally constrained areas and to provide certainty for public and private decisions.

There is clear policy to plan to meet forecast population growth over at least a 15 year period and to provide clear direction on locations where growth should occur. A broad range of policy objectives invariably need to be balanced, with accommodating growth forming part of the policy mix. However, the strategic role of Ocean Grove to accommodate significant growth makes the capacity to accommodate projected growth a more important policy consideration than in settlements where policy does not promote growth.

In contention is whether the rigor of the analysis in the review of the 2007 Structure Plan justified:

- changes to the settlement boundary along Banks Road deletion of the protection of the potential of land in the north-west of Ocean Grove for urban development
- rejection of submissions seeking expansion of the north-east growth area to the Bellarine Highway.

Before turning to issues relating to specific areas the appropriate planning timeframe and the intended durability of settlement boundaries and the residential land requirements that underpinned the 2015 Structure Plan are considered.

The durability of settlement boundaries

PPN36 makes it clear that a coastal settlement boundary is intended to be ‘fixed’ to provide certainty about growth expectations for an extended timeframe:

- *A coastal settlement boundary defines 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 land opportunities and constraints with a **minimum** 10 year planning horizon. (emphasis added)*

The 2015 Structure Plan indicates ‘*a single, robust settlement boundary will also provide certainty for the community about the town’s future growth direction*’, suggesting the 2020 settlement boundary will endure in the long term. This is reinforced by other statements in the 2015 Structure Plan, such as:

- *Given the extent of land supply within the nominated settlement boundary, the need to consolidate development within settlement boundaries, the need to protect rural land and the need to protect the rural landscape and town identities on the Bellarine Peninsula and also, landscape and environmental features, land outside the nominated settlement boundary is not supported for urban growth as part of this Structure Plan. (page 14)*

- *To direct urban growth away from sensitive environmental and significant landscape areas to the south, east and west. (page 14)*
- *Retain the Farming Zone around the nominated settlement boundary to ensure the sensitive environmental and significant landscape setting is maintained. (page 15)*
- *Ensure any land use activities within Farming Zone retain an agricultural focus and preserves the rural, environmental and landscape qualities of the land. (page 16)*
- *Given this Structure Plan identifies a nominated settlement boundary with significant land rezoned for urban growth, it is not anticipated that any subsequent review would need to examine further areas for urban development. (page 39)*

Despite Council submissions that long term growth options have not been ruled out, the 2015 Structure Plan statement *'it is not anticipated that any subsequent review (of the Structure Plan) would need to examine further areas for urban development'* is a clear indication that the single settlement boundary is intended to endure. If this was not the case, the benefit of certainty for public and private investment decisions put forward as justification for the proposed changes would be significantly compromised.

The Panel draws a distinction between the timeframe for strategic planning settlement planning and the implementation of the strategy. A long term view is desirable for strategic planning to take preserve long term options, to provide enduring protection of important environmental assets, and to recognise long lead times for strategic decisions about investment in infrastructure. On the other hand, implementation, such as ensuring zoning maintains adequate land supply and projects, more appropriately takes a 'rolling' medium term view.

Like the C129 Panel, which considered structure plans across the Greater Geelong municipality, this Panel considers there is benefit in taking a longer view in delineating settlement boundaries and long term options for growth to:

- *ensure that adequate urban land supplies are maintained to meet future population and housing needs,*
- *provide for appropriate competition and consumer choice in the housing market,*
- *ensure that the most suitable location for long term urban growth can be protected from inappropriate development which may undermine its future development potential,*
- *inform long term strategic planning by all stakeholders, including government agencies, service providers and the wider community, and*
- *provide certainty to all stakeholders with regards to Geelong's longer term growth directions and urban structure.*

Unlike the 2015 Structure Plan focus on medium term functions of the settlement boundary (to 2030), Plan Melbourne and other recent strategies such as Ballarat, adopt longer planning horizons to 2050. It is also noted that on the Bellarine Peninsula, Council recently supported the Structure Plan for St Leonards, which is not a nominated centre for growth,

providing for residential land supply within the settlement boundary to meet forecast land requirements for 25-33 years¹⁶. The C129 and C312 Panels endorsed the identification of long term growth areas (within the settlement boundary). As the C312 Panel commented:

We do not see the rezoning of an extensive supply as problematic provided that the planning framework and subsequent processes ensure integration with the existing urban area, good movement and open space networks and development staging to achieve orderly development and release of lots.

As noted above, the Amendment proposes to change the guidance about the extent of growth envisaged for Ocean Grove to ensure sufficient land supply for a 15 year time horizon, and foreshadows a substantially lower level of growth¹⁷. In a centre identified for growth, the Panel does not consider that a capacity to satisfy demand identified for a 15 year timeframe is sufficient justification to remove the protection of long term options that, subject to evaluation, could contribute to meeting the growth expectations established in previous strategic planning for Ocean Grove.

The need for sound analysis underpinning the settlement boundary

In towns identified for growth there is a strategic policy predisposition in favour of accommodating significant growth, however, this should not overwhelm the other legitimate planning objectives.

It is entirely appropriate to set firm limits to growth that only accommodate forecast growth (if any) for a relatively short period in recognition of clear constraints, such as the 'sea, river and swamp'. However, the nature of constraints should be evaluated, particularly where there is an established strategic planning direction to accommodate growth, as is the case in Ocean Grove. There should be consideration of: constraints on development (such as topography and land use conflict); areas of environmental or landscape significance or sensitivity that should be protected; and responses to risk from environmental hazards such as fire, flooding and coastal acid sulfate soils.

The 2007 Structure Plan, which addressed issues such as development constraints and has informed the G21 Regional Growth Plan, suggests that limits on long-term expansion took relevant factors into account, stating:

- *Long term, ongoing expansion of the town beyond a total population of between 25,000 – 30,000 is not advocated as it is considered that 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.*

It seems clear that constraints to the north, south and east mean that growth in Ocean Grove should be directed to the north. However, the basis for the specific delineation of the long term boundary in the 2007 Structure Plan was questioned at the Hearing.

¹⁶ Council's land supply analysis, which was tested at the C321 Panel hearing by other experts, suggested the St Leonards Structure Plan would provide for forecast requirements for 25-33 years.

¹⁷ Page 39 2015 Structure Plan.

The Panel infers that the long term boundary adoption of the whole of the structure plan study area may have been intended to avoid inferences about the suitability of different areas between the 2020 and long term boundaries. While there appears to be little basis for the specific delineation of the long term boundary, the inferred intention to provide a conceptual indication of land with potential that warrants full evaluation is consistent with the strategic level assessment of the opportunities and constraints in the 2007 Structure Plan. That is, land to the north was identified for growth, however, more detailed assessment of the effect of a range of constraints to the west of Grubb Road on urban development potential was required.

As emphasised in PPN36, coastal settlement boundaries should be established through a planning process that is informed by the vision, role and function of the settlement, together with assessment of supply/demand and constraints on development. The settlement boundary changes in the 2015 Structure Plan (and the Amendment) appear to be based on the assessment of land supply, which is discussed below, rather than any specific consideration of development opportunities and constraints that apply in the north of the town.

There was discussion at the Hearing about the importance of policy to retain rural breaks between settlements on the Bellarine Peninsula. Long established policy to maintain rural breaks relates to visual landscape characteristics that reinforce distinct coastal settlements in a rural setting, sweeping views across rolling hills, coastlines, wetlands and open farmed landscapes. In the context of Ocean Grove:

- urban development along the Bellarine Highway, to the east of Grubb Rd would not compromise the rural break between settlements, however the land use future and positive interface to the highway need to be determined
- rural residential uses to the north-west of the town could contribute a rural break, however Wallington does not constitute a settlement
- potential urban development east of Banks Road would not put the rural break to Point Lonsdale at risk.

Whereas the 2015 Structure Plan adopted the view that it is not necessary to evaluate long term options for growth, the Panel considers justification would be required to reduce the growth ambitions and virtually 'close the door' on the evaluation of longer term options in a town identified for growth.

Council's concession at the Hearing to support Mr Milner's recommendation that the future review of the Structure Plan include evaluation of potential areas for urban expansion represents a significant departure from the 2015 Structure Plan guidance that this would not be required. The timing, scope and implications of such a review is discussed in chapter 2.4.

Panel Conclusions

- A generous settlement boundary that provides, or at least preserves options, for long term growth is important to provide certainty, particularly for a centre designated for growth.
- The settlement boundary should have a sound basis that recognises the range of planning policy and applicable constraints. In Ocean Grove, these include maintaining the rural break between settlements, protecting landscape values, protecting

conservation values of the Reserve and considering implications for character of Ocean Grove (noting that, as a growth centre, there will be change and this needs to be managed).

- The necessary strategic justification has not been provided to reduce the growth ambitions, limit the planning horizon, and preclude evaluation of long term development options in Ocean Grove.

2.3 Broadhectare land requirements

2.3.1 Existing Broadhectare land supply

The extensive supply of broad hectare land in Ocean Grove of more than 3,000 lots in the north-east growth area and the anticipated timing of take up are shown in Figure 3 below. It is noted that land identified as '*Potential Residential (unzoned)*' has now been rezoned.

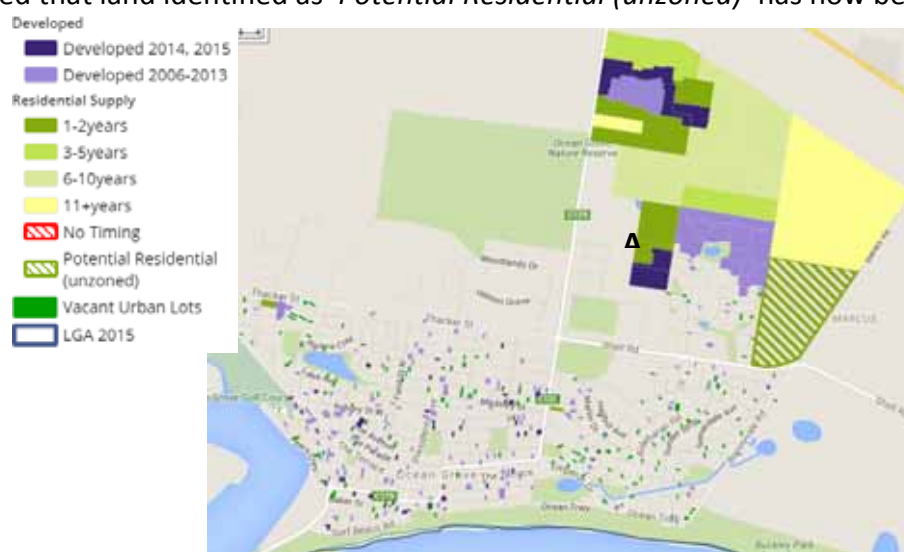


Figure 3 Land Supply Map – Ocean Grove

Source: G21 Land Supply Report referred to in Paul Shipp Evidence Statement April 2016

2.3.2 Forecast land requirements in Ocean Grove

(i) Submissions

The forecast land supply and demand was central to the approach adopted to planning for growth in the Amendment. Morgan and Griffin and others highlighted that the .id consulting analysis of the adequacy of the land supply within the 2020 settlement boundary, which experts agree understated likely requirements, provided the principle justification for:

- removal of the long term settlement boundary
- the view in the 2015 Structure Plan that no further planning for growth is required during the lifetime of the Structure Plan.

(ii) Evidence

At the Hearing, Mr Stokes updated dwelling approvals data he used to reflect annualised (rather than 9 month) building approvals for 2015-16. This increased the level of development indicated for that year.

There was agreement amongst the experts about the:

- approach to assessing the adequacy of broadhectare residential land stocks which involved assessing the number of years of broadhectare residential land supply by dividing the estimated future demand into broadhectare residential land
- range of relevant data and information sources, although the experts view about the importance of sources differed
- supply data, particularly when timing differences were taken into account
- significant understatement of the likely future dwelling and population growth in Ocean Grove in the .id forecasts used in the 2015 Structure Plan. This was because the projections relied on data for periods when supply was significantly constrained, in the mid-2000s and in 2011/2012 when broad hectare lot construction rates in Ocean Grove fell to zero.
- the three year period since the rezoning and release of land in the north-east growth area provides a more appropriate indication of unconstrained demand and it seems likely that increased demand will be a continuing trend.

The key differences between these experts relate to demand projections, which are illustrated in Table 1 below.

Table 1 Summary of expert views on land demand and supply in Ocean Grove
(Source: Expert Conclave Statement 28/4/16)

Item	JG	PS	DS
Demand (lots/annum)			
Total	250-290	200-230	200-250
Broadhectare	210-250	n/a	148-185 (74% of total)
Supply (lots)			
Broadhectare	3,302 (April 2016)	3,000-3,529 (October 2015)	3,557 (March 2016)
Years of supply			
Total	n/a	15-17 years	n/a
Broadhectare	13-16 years	n/a	19-24 years

Mr Stokes identified two demand scenarios, considering Scenario 1 to be most likely:

1. Scenario One – Recent ‘peak activity’: where the future average annual dwelling requirement is assumed at is 200. He considered strong growth.
2. Scenario Two – Sustained Accelerated Growth: where the future average annual dwelling requirement is assumed to be 250. He considered this high demand scenario (for sensitivity testing purposes) is unlikely to be sustained on an ongoing basis.

Mr Shipp indicated under cross examination that he expected demand to be at least 190 and up to 240 lots per annum and adopted an average of 200 lots created per annum. This aligned with Mr Stokes’ evidence.

However, Mr Ganly drew on developer data from recent land releases and expected sustained accelerated growth rates, with broadhectare lot demand increasing to 250 lots per annum due to Kingston Coast estate (accessed from Banks Road) opening up a new growth

front from 2017 and accelerated infrastructure investment in the north-east growth area (for example, a new east-west road from Grubbs Road and a neighbourhood centre with surrounding aged care and child care super lots).

Expert views differed on the extent of demand and opportunities for infill development in established areas of Ocean Grove. Mr Stokes assumed 26 per cent would be infill, noting the estimate was conservative as small scale dispersed infill opportunities were not included, while Mr Shipp expressed the view that an assumption that 74 per cent of development being in the form of broadhectare development is a reasonable starting point. However, Mr Ganly considered the supply of infill opportunities is dwindling and assumed 15 per cent of dwellings would be infill development. He noted that, unlike inner Melbourne, consumer expectations and land values in Ocean Grove may not support more intensive forms of housing and the relatively recent housing development in some areas identified for more intensive forms of housing may limit infill development.

Mr Shipp and Mr Stokes both indicated under cross examination that the share of infill development is likely to decrease as the overall level of development increases. This is because infill development has a limited relationship to broadhectare development and the number of infill units remains quite constant even when there is an increase in broadhectare development.

Mr Milner considered that, while the population and dwelling construction forecasts are overly conservative, evidence suggest the settlement boundary nominated in the 2015 Structure Plan is appropriate and adequate to meet the planning horizon.

2.3.3 Discussion

The Panel has significant concern that, in the long term, the 2015 Structure Plan would have the effect of constraining the population growth of Ocean Grove, a town designated for growth, and this has occurred without the further assessment foreshadowed in the 2007 Structure Plan of the urban development potential of areas for long term growth.

The Revised Structure Plan states:

Given the adequacy of municipal land supply, there is limited merit in retaining the indicative "long term settlement boundary for the period beyond 2021", as identified in the 2007 Structure Plan ...

The .id consulting forecasts indicating there is sufficient supply of zoned land to meet anticipated demand over the next 15 years appear to be the only basis for this change and there was consensus in the evidence presented at the Hearing that those forecasts significantly understated likely residential land requirements.

While there was some variation in projected land requirements for Ocean Grove by expert witnesses, the evidence suggests land currently zoned for urban development (that is, within the 2020 settlement boundary) should meet requirements for at least 13 years and possibly for more than 20 years.

The Panel does not consider it necessary to form a definitive view on the specific number of years supply that exists. The analysis of land requirements is not a precise science and over an extended planning timeframe it can be expected that demand and the rate of take-up will

vary. There may even be significant changes, as has recently occurred in relation to the rate of apartment development in Melbourne. Provided sufficient supply is maintained, preferably with competition and alternative housing options available in the residential market, and mechanisms are in place to monitor supply and respond when necessary, strategic planning can focus on a broader evaluation of policy driven growth objectives and the suitability of land for urban development. Implementation through effective management of development planning and staging of land release should achieve logical, efficient, cost-effective forms of development, with departures from anticipated take up rates simply influencing how long the supply lasts.

The evidence presented indicates there is no immediate need to rezone land or advance potential additional growth options in Ocean Grove. However, the supply analysis has informed the Panel's consideration of when the review of growth options should occur (see discussion in chapter 2.4).

Panel Conclusions

- The 2015 review was underpinned by the forecasts that understated likely land requirement and this informed the view that there was no need to provide for growth beyond the 2007 Structure Plan 2020 settlement boundary.
- Recent growth rates should inform planning, rather than projections based on periods of constrained supply.
- Analysis indicates there is between 13 and 20 years of land zoned for residential development. This is broadly in line with State policy to maintain at least 15 years supply.

2.4 Should the long term growth areas be evaluated?

(i) Submissions and evidence

As discussed in chapter 2.5.3, submissions from the Ocean Grove Community Association, Geelong Field Naturalists Club, Friends of the Ocean Grove Nature Reserve and some residents of rural living properties in Wallington¹⁸ strongly supported the proposed removal of the long term settlement boundary to provide certainty that the Reserve and landscape values would be protected.

Submissions from landholders wanting to maintain or establish the potential of their land for future residential development acknowledged that the long-term growth boundary was highly qualified and had not been strategically justified. They also recognised that any scope for growth would be influenced by a range of environmental, topographic, infrastructure and land use considerations. However, these submitters, endorsed the consensus view put by planning expert witnesses that the long term boundary and the strategic intent to preserve potential growth options should not be deleted in the absence of an evidence based analysis of the opportunities and constraints of land beyond the 2007 Structure Plan 2020 settlement boundary.

¹⁸ Submissions 6, 9, 19, 39, 40, 41.

For example, Morgan and Griffin submitted the long term boundary does not create uncertainty over the likely development future of the land within the boundary, rather, it informs land owners that the land will potentially be required for urban development. As the possibility of future urban development arises from the proximity of the land to Ocean Grove, deletion of the long term boundary will not remove any uncertainty that may exist. It was submitted that '*... the effect of the Amendment as a whole is to promote uncertainty and elevate the risk that short term decision-making will compromise long term opportunities for urban development.*'

Morgan and Griffin argued that the long term boundary and protection for any identified future growth areas should be retained until the strategic work is complete. Alternative acceptable options put forward relied on recognition in the planning scheme where it is both accessible and is required to be taken into account in statutory decision making. It could take the form of either extending the long term boundary to include other potential future growth areas or including relevant text if a 'boundary' is considered inappropriate.

Goandra sought recognition of the potential of their land in the Farming Zone to the north of Thacket Street for environmentally sensitive rural residential development through the following addition to Clause 21.14:

- *Encourage development that has a suitable and sensitive interface with the Goandra Estate and the Ocean Grove Nature Reserve for example rural residential development.*

Mr Millner considered the current "*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.' He advocated a more generalised reference in the MSS at Clause 21.14 to the need for further assessment of long term growth options as land west of Grubb Road is not the only option for urban growth. Mr Milner suggested options should not be ruled out at this stage.

While Mr Black advocated extending the settlement boundary to include land adjoining the Bellarine Highway, if that change is not adopted he broadly endorsed the views expressed by Mr Milner, noting '*the timing of any such review should be brought forward if 'accelerated development' is realised. That is, any further work shouldn't need to wait for the next Structure Plan review if accelerated growth occurs in the meantime.*

Whereas Council had taken the view, based on the 2015 Structure Plan, that the removal of the long term boundary would enhance certainty, it accepted Mr Milner's recommendation that the evaluation of options and opportunities for longer-term growth at Ocean Grove should be explicitly identified in the planning scheme under further work. Council advised that it is also prepared to include additional wording in the Revised Structure Plan (which is a reference document), under Part B "Review of Structure Plan" (page 39):

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.*

Council is also proposing to update sections of the Structure Plan to reflect the outcomes of the Amendment C346 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.

The various potential changes to Clause 21.14 put forward on behalf of landholders seeking to maintain or advance the identification of their land as a potential area for residential development in the longer term are discussed below.

(ii) Discussion

The Panel considers, the required justification to delete the long term boundary (and associated changes) has not been established and long term growth options should be assessed. The Panel agrees with evidence and submission that:

- The long term boundary shown on the Clause 21.14 structure plan for Ocean Grove does not appear to be based on analysis of the particular attributes of land.
- While there are conspicuous constraints to the south east and west, further assessment of the range of potential growth options should inform the delineation of an enduring long term settlement boundary.

The MSS should provide some guidance on the scope of the assessment of growth options, which should address the matters identified by Council (for inclusion in the reference document), with additional specific reference to the importance of protecting the biodiversity values of the Reserve and maintaining a rural break between settlements. It should also highlight, the need to consider impacts on the character of approaches to Ocean Grove township along the Bellarine Highway, Grubb Road and Wallington Road, the protection of landscape values, the protection of significant agricultural uses and their employment generating potential, and the desirability of providing a variety of living options. The Panel does not consider it is necessary to specifically refer to PPN36 in Clause 21.06-6 Further Work (as suggested by Morgan and Griffin). Like other policy and guidance documents, the Practice Note can be expected to inform the review of growth areas and the settlement boundaries.

Unless lot take up rates increases significantly (as expected by Mr Ganly), land zoned for residential development in the north-east growth area should meet requirements for more than 15 years. However, the lead time from commencing a review to the release of lots is significant and, in the interests of certainty and ensuring an adequate land supply, the review of potential growth areas should occur in the short to medium term. Council noted competing demands on its resources and foreshadows a five year review. It also indicated

that a new system of annual monitoring of land take up will enable responses if accelerated development trends are maintained or exceeded.

The Panel considers completion of the review by 2020 (that is, five years from the 2015 Structure Plan rather than from the approval of the Amendment as advocated by Council) sets a reasonable timeframe.

Pending the assessment of growth areas, the structure plan in Clause 21.14 (and supporting reference document) should delete the specific delineation of the long term growth boundary and make explicit reference to protecting long term growth potential, as shown on Figure 4 below (a version submitted by Shell Road Developments).



Figure 4 Revised Clause 21.14 Structure Plan Map
(source: Shell Road Developments)

Panel Conclusions

- While there is no immediate need to rezone land to maintain supply, given lead times that include initiating a review, rezoning is likely to be needed during the life of the Structure Plan.
- Clause 21.14 should indicate a commitment to assess potential long term growth areas to the north, north-west and east of Ocean Grove to establish a robust basis for an enduring settlement boundary.
- Pending review of potential growth areas, the long term settlement should be deleted. However, Clause 21.14 should indicate that the long term potential of these areas (shown conceptually on the Structure Plan) should be protected.

2.5 Settlement boundary changes – specific areas

The Panel does not propose to pre-empt the recommended assessment of potential growth areas. In any event, the Panel is not in a position to form a view on the relative merits of requests to change the designation of specific land holdings, such as identifying land between the Bellarine Highway and the north-east growth area for urban development or supporting rural residential development of Goandra land. Further, others who could be affected should have an opportunity to present their views on changes.

Nevertheless, the following discussion sets out the nature of submissions to the Panel and includes some observations that may assist the subsequent review.

The discussion of issues relating to particular areas refers to description of key attributes of Ocean Grove strategic precincts (see Figure 5) outlined in Mr Milner’s evidence.



Figure 5 Ocean Grove Conceptual Precincts
(Source: Milner Evidence)

2.5.1 East of Grubb Road

(i) Submissions

Removal from the long term boundary

Morgan and Griffins (the developers of Oakdene Estate), the Cusworths and the Henrys objected to the excision of their rural living properties to the north boundary of the north-east growth area from the long term boundary shown in Clause 21.14 and the 2007 Structure Plan. It was submitted that the only apparent justification for the proposed change is the forecast population and land requirements underpinning the 2015 Structure Plan, which are now acknowledged as being flawed. The unjustified changes to the established planning strategies, which people base important investment decisions on, undermines certainty and the credibility of the planning system (see Chapter 2.2).

Morgan and Griffins submitted that a development expectation identified as part of Planning Permit 503/2010 would be removed without any justification. Future rezoning consistent

with the designation of their land in development planning as ‘lifestyle lot’ would be compromised and the land would be partly in and partly outside the boundary.

The Cusworths and the Henrys emphasised that they enjoy their current rural living lifestyle but raised strong concerns, which are summarised by the Panel as:

- Retaining the long term settlement boundary does not cause planning problems, conflicts or costs, and preserves the future growth plan for Ocean Grove
- The majority of future residential development will be controlled by one company, creating a de-facto monopoly that will restrict competition and local growth
- Plans to upgrade Grubb Road should be finalised, after consultation with those affected, and would then inform planning for growth in Ocean Grove (see chapter 4.5).

The Henrys queried how the ‘*urban edge treatment*’ identified in the 2007 Structure Plan along their common boundary with the northeast growth area would be implemented. Council advised that the recently approved development plan for the land provides an area of public open space with 1000 square metre lots along most of the common boundary. The Henrys did not consider this would maintain their amenity and were concerned there had been no consultation regarding the treatment adopted.

Extension of the settlement boundary

Shell Road Development Pty Ltd owns the 220 hectare Kingston Estate development in the north-east growth area and land in the Farming Zone between that growth area and the Bellarine Highway. It submitted that land to the north of the Kingston and Oakdene Estates is the most appropriate location for future growth and sought identification of this land as a ‘*future logical inclusion, subject to further investigations*’ on the Structure Plan.

A late submission from the Gedyes also advocated extension of the north-east growth area towards the highway, suggesting a planted buffer of 100 metres could both screen residential development and provide a green belt incorporating a path for pedestrians and cycling. It was noted that careful consideration of any access using Develin’s Road would be required to address drainage issues and to protect large indigenous trees.

The Glasshouse Farms intensive agriculture farming business on a 32 hectare property on the south of the Bellarine Highway adjoins the north-east growth area. It is part of multi-site operations across Australia. Chemical free production of lettuces using sophisticated hydroponic technology occurs under 6300 square metres of glass house and a further ‘low tech’ production area of 8500 square metre under shade cloth is being developed.

Mr Said, the managing director of ‘Fresh Select’¹⁹, outlined the strong growth achieved since 2010 and plans for major expansion at the site to serve highly regulated domestic and export (including Hong Kong, Japan and China) markets. Mr Said presented the forecast development to 2021 (Table 2 below), noting that employment on the site is expected to increase from the current five to 80-100 full time equivalent jobs.

¹⁹ In 2010 the Glasshouse Farms Pty Ltd horticultural joint venture was formed between the Mifsud family and Fresh Select, a Werribee South based growing and marketing company.

YEAR	DEVELOPMENT	ANNUAL TURNOVER	STAGING OF DEVELOPMENT	ESTIMATED DEVELOPMENT COST
2010 - 2016	Existing High & Low Tech Production	\$1.2m	Existing	\$4.5m
2017	Intensive horticulture open field	\$382,000	Stage 1 & 2	\$300,000
2018	Protected 2ha High Tech	\$3.7m	Protected cropping production 2.0H	\$5.5m
2019	Seedling Nursery	Cost Centre	Stage 3	\$1.5m
2021	Protected Cropping	\$11.3m	Stage 4	\$8.2m

Table 2 Forecast development based on committed demand
(Source: Said presentation on behalf of Glasshouse Pty Ltd)

Mr Said advised that their plans, which are underpinned by contractual commitments, involve expansion of protected cropping and processing facilities to 4ha (with allowance for further expansion to 6.5 hectare), establishing a seedling nursery and a specialised market garden of potentially 7.5 hectare for in-soil crops such as Asian vegetables, zucchini and baby broccoli (see Figure 6).



Figure 6 Glasshouse Farms Expansion Concepts

Glasshouse Farms submitted that their purchase of the site in 2007 was informed by due diligence, including Council planning department confirmation that the urban area would not create interface issues for proposed operations. However, the development plan approval of residential lots on their boundary has the effect of requiring buffers to be contained within Glasshouse Farms' landholding. Mr Said emphasised the importance of 'area freedom' in their selection of sites and contrasted past experience of conflict with residential uses in the Adelaide Hills with the recent development of a Queensland site

benefitting from a guaranteed separation distance of more than two kilometres to the nearest neighbour. He now considers the risks from land use conflict due to residential encroachment make the site *'a bad agricultural investment'* and seeks inclusion of the site within the settlement boundary to *'recoup existing sunk capital (\$4.5 million) and reinvest in a new site.'*

Glasshouse Farms sought revision of the Structure Plan to either:

- *Retract the northern boundary of the Growth Area so the 300 metre buffer is outside of Glasshouse Farms' site; or*
- *Extend the settlement boundary to Bellarine Hwy to include the Farming Zone land as a further extension of the residential area (the preferred option).*

Council responded that there is no planning scheme impediment to the development of future glasshouses on the subject site. Council challenged Mr Phillips proposition that the anticipated conflicts between intensive agriculture with residential development on adjoining land justifies a rezoning of further land in the buffer. Council advised that an increased role for Develin's Road to provide access for urban development has not been considered as the requested extension of the settlement boundary has not been supported by the planning framework.

(ii) Evidence

Mr Milner characterised key attributes of this sub-precincts (see Figure 3), as follows:

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.*

Nevertheless, Mr Millner considered that this land should form part of the review of long term growth opportunities and that process would include balancing competing objectives, such as whether the non-urban break would be compromised.

Mr Black argued that the settlement boundary should be extended to include all land between the north-east growth area and the Bellarine Highway between Grubb Road and Banks Road. He emphasised Ocean Grove's designation as a growth area and that accommodating growth in Ocean Grove would relieve unwanted pressures on other parts of the Bellarine Peninsula. It was his opinion that:

- This land is relatively unconstrained, already has a mix of uses, and is not recognised as a sensitive landscape via a SLO.
- The depth of this area (approximately 700 metres) makes it quite easy to achieve a suitable landscape response (in the order of 50 metres width) that ensures a rural-urban break is maintained along the Bellarine Highway corridor. The Clause 21.14 structure map should identify the need for an interface treatment in this location.
- As the land within the north-east growth area develops, the potential for urban-rural interface issues will increase, as indicated by the Glasshouse Farms submission.
- The protection of rural uses should focus on those north of the Highway, as previous rezoning decisions have already compromised those to the south.

Like submissions from Mr Said, evidence from Mr Phillips relating to Glasshouse Farms highlighted the potential for land use conflict as separation from residential uses reduces. He identified these potential conflicts as follows:

- disruptions to 'Area Freedom' -it was highlighted that the risks are likely to rise with urban encroachment as pests (such as aphids, thrips and Rutherglen Bugs) and some fungus diseases (downy and powdery mildews) can thrive in a residential environment
- the loss of visual amenity through the construction of specialised farm buildings
- noise associated with transport, machinery movement or irrigation activity
- spray drift and water drift from spray irrigation
- irrigation and drainage water runoff contributing to nutrient and chemical loadings
- odour from spreading organic manures
- dust from cultivation or spreading of some fertilisers
- stubble and grass burn-offs.

At the Hearing Mr Phillips conceded that soil based operations are the primary source of most of these conflicts.

(iii) Discussion

The Panel was not presented with clear justification for the change to exclude the most northern properties from the long term settlement boundary. The only apparent rationale is that they are smaller holdings and are not owned by those who have been planning and developing the north-east growth area.

The Panel appreciates that Glasshouse Farms committed to their property before the 2007 Structure Plan was recognised in the planning scheme and approval of the development planning with residential development to the northern boundary of the growth area.

Conflicts between residential and intensive farming uses can be very real and significant separation is highly desirable to manage the real and perceived impacts. As Mr Said emphasised, certainty is important to underpin substantial investments. However, we note that plans to expand the glasshouse would generate by far the greatest revenue and it is the soil based activities that are the source of most offsite impacts on residential amenity.

The Panel understands the concerns expressed by the Henry's and Glasshouse farms about the adequacy of the interface treatment between the new urban development and properties to the north within the Farm Zone. The adoption of slightly larger urban blocks in this location (1,000 square metres) is a minimal response to the Structure Plan provision indicating '*urban edge treatment*' within the growth area. However, as the development plan has been approved, the planning framework for development in that location has been established. In addition to operational responses, there may be potential to mitigate conflicts through site layout and design that maximises the separation between the amenity impacting elements of the Glasshouse Farms operations and residential development.

The Panel notes that this part of the Bellarine Highway passes through a predominantly rural setting, interrupted by the Adventure Park, Mitre 10, Adventure Golf, Glasshouse Farms and Big 4 Holiday Park. To the north-east of Grubb Road, urban development is approaching the Highway and will be within 700 metres of the Road when it reaches the settlement

boundary. The proposed duplication of Grubb Road will further 'urbanise' the entry to the town.

In view of the topography and the existing mix of uses and form of development, the Panel does not consider this area makes a critical contribution to the maintenance of open landscapes to nearby settlements, such as Point Lonsdale. The policy intent of a rural break between Bellarine Peninsula towns can be realised irrespective of the treatment along the highway at this location. What is important is that the appearance of this part of the Highway is enhanced. The Panel agrees with Mr Black that an effective interface treatment along the highway is required and this should be recognised in the planning scheme.

The Panel agrees with Mr Millner that this area should be included in the recommended review of growth areas. The future of this land should be determined after that evaluation of the relative merits of options. The recommended review of potential growth areas should not be restricted to consideration of residential options and should also extend to the potential for uses that benefit from a highway location and interface treatments that are consistent with preferred land uses.

The Panel notes that the protection of significant agricultural uses such as Glasshouse Farms, and their employment generating potential, together with objectives relating to rural breaks, and the achievement of attractive interfaces with both the Highway and along Grubb Road would be important considerations in the evaluation of the development potential of this area. Consideration could include whether 'urban' Ocean Grove should be present from the Highway, screening urban development using a landscape corridor treatment, or a gateway treatment for Ocean Grove as a way of announcing arrival to the town from the Highway.

2.5.2 Settlement boundary changes - east of Banks Road

The Amendment proposes to exclude approximately 38 hectares of land on the east of Banks Road at the corner of Shell Road from within the current the 2020 settlement boundary, and to delete the notations '*further investigations site*' and apply '*protect sensitive interface*' that apply to the land.

(i) The Issue

- Is the proposed boundary change in the Amendment justified or should the boundary remain as it is?

(ii) Submissions and evidence

Tyrrell Brothers Share farming opposes their land being excluded from the proposed settlement boundary. They submitted the '*location and lack of significant constraints make the land very well placed to make an important contribution to the long term growth of Ocean Grove*'. The land is opposite the north-east growth area, provides unique views of the coast and wetlands, adjoins the proposed pedestrian and cycling network and is located opposite the planned pump station with access to reticulated sewerage and a potable water supply.

Tyrrell Brothers referred to Mr Milner's planning evidence that '*one street east of Banks Road might be a long term growth option*' and that there was insufficient information '*to rule anything in or anything out*'. Mr Milner also described the land as '*flat and relatively*

featureless exhibiting some attributes similar to the adjoining land within the settlement boundary’.

The 2007 Structure Plan had proposed an eco-tourism use on the land; however, the landowners informed the Panel that they were unsure of the origin of the idea and had not been consulted by the Council regarding this use. Council suggested the eco-tourist idea could be related to the nature of other uses on the east side of Banks Road, such as the holiday park and the Collendina Hotel.

In response, Council submitted that this land is not suitable for residential development or inclusion in the settlement boundary stating *‘there are particular sensitivities of this land and its surrounds that make it inappropriate for residential development’*. The 2007 Structure Plan²⁰ identified an opportunity for sensitive development on the site but did not consider it appropriate for urban development due to possible environmental impacts. Council also submitted that changes to Farming Zone provisions allow more tourism related uses to be considered without the need to rezone the land.

(iii) Discussion

Based on the planning evidence and submissions presented, the Panel believes there are arguments for and against a non-farming use for this land. However, further analysis is necessary to evaluate the relative merits of options. Reviewing the possible uses for this site should be undertaken as part of Councils planning for Ocean Grove’s long term growth. The current settlement boundary and map annotation should remain until this further work is undertaken.

Panel Conclusion

- The Panel does not support the Amendment changes to the settlement boundary east of Banks Road or the changes to the map annotations relating to the site.

2.5.3 The long term settlement boundary - west of Grubb Road

(i) The issues

- Should the potential for long term growth to the west of Grubb Road be protected?
- Has the shift in strategic policy emphasis for this area to protect landscape and environmental values been justified?

(ii) Submissions

There was strong support for the proposed removal of the long term boundary and the shift in emphasis to preserving landscape values in submissions from the Ocean Grove Community Association, Geelong Field Naturalists Club Inc, Friends of the Ocean Grove Nature Reserve and some residents of rural living properties in Wallington²¹. The Panel has summarised the key reasons for support for these changes in submissions as follows:

- It is not sustainable to continue to expand Bellarine Peninsula towns. Planning for Ocean Grove should be directed towards maintaining rural breaks, including between Ocean

²⁰ Page C-38.

²¹ Submissions 6, 9, 19, 39, 40, 41.

Grove and Wallington, and more efficient land use through a definite limit to the future growth of Ocean Grove that restricts urban expansion and consolidation of the established urban area.

- Mr Lingham and others highlighted that the Ocean Grove Nature Reserve, as the largest remaining stand of native vegetation on the Bellarine Peninsula, has highly significant habitat value for a range of indigenous plants, fauna and birds. The importance of a 'buffer' from urban disturbance to the protection of ecological values of the reserve was emphasised. It was submitted that the proposed retention of the current farmland zoning of land to the west and north of the Reserve is the most important single decision to support the long-term viability of the Reserve's ecological values and vital Bellarine Peninsula wildlife corridor links.
- Water courses which run both to the west and south to lake need protection. Ms Duncan submitted *'This should not be considered merely as a storm water problem in a subdivision; it should be recognised as vital to an intricate eco-system which is bigger than the Nature Reserve, but supportive of it and beyond.'*
- The land to the west of Grubb Road has agricultural value, as demonstrated by the variety of produce from the area, which includes cropping, wine grapes production for award winning wines, strawberry a farm and grazing. These agricultural uses underpin enterprises that contribute to both the local economy and sense of community, such as the Strawberry Fair and wine related tourism.
- The landscape values of the rural break, including between Ocean Grove and Wallington, should be preserved for future generations. Conversely, urbanisation to Wallington Road would have unwanted impacts on the amenity of current residents that would not be mitigated a cosmetic separation strip or "buffer". It was submitted open space and landscape qualities are *'a valued amenity shared by many people, who live in Wallington, or whose properties back onto the paddocks, or people who walk their dogs or just themselves. Other people run around the paddocks or ride their horses'* whereas *'broadhectare development is generally very uniform, and has little or no local character. It is an anathema to any rural or landscape considerations.'*

On the other hand, objecting submissions²² from some residents and developers who own or have an interest in properties between the 2007 Structure Plan 2020 and long term boundaries argued that:

- Substantial investment in the area since 2007 has been based on an expectation that land would one day be developed. In addition to devaluing land holdings, the unjustified change would undermine the credibility of the Geelong region as a good place to invest and created a perception that some land holders are given preference over others.
- As discussed in chapter 2.3, further zoned land will be required to support Ocean Grove's designation for growth. Given its location opposite the Grubb Road activity centre and community hub, this land is the next logical growth area for Ocean Grove.
- When Oakdene land to the east of Grubb Road runs out in a few years, housing affordability will be undermined as Kingston will again have a monopoly.

²² Submissions 3, 6, 17, 12, 18, 25, 26, 27, 30, 34.

- Agriculture is not a viable long term use in this context and larger properties require a lot of maintenance.
- Development can address environmental constraints, including the protection of the Reserve and water quality, to achieve positive outcomes for the environment and landowners.
- The design of development could appropriately address potential visual impacts.
- Development would both benefit from and support acceleration of investment in the duplication of Grubb Road and the development of the neighbourhood activity centre and associated community facilities. It could also facilitate rehabilitation of the abandoned Barwon Water reservoir.
- There is potential for a range of development forms, to extend the housing choices for those who do not want conventional (600m² or medium density) lots.

Like others, Oakdene Estate highlighted that agricultural use will be challenged by ongoing urbanisation. While it is keen to maintain the restaurant, café, cellar door wine sales and associated activities that benefit from the exposure their property enjoys, expansion of agricultural endeavours has been elsewhere due to identification of the property as *'protected long-term growth option'*.

Morgan and Griffin, the developer of Oakdene Estate to the east of Grubb Road and owner under contract of 231-299 Grubb Road (Oakdene Vineyard) to the west, have recently put proposals for rezoning this land to Council. Copies of assessments in support of rezoning were provided to the Panel for information. These assessments related to land demand and supply, agricultural capability, environmental conditions, transport impacts, infrastructure servicing, urban design and master planning. It was submitted that, *'On a first pass analysis, however, it is clear that the land west of Grubb Road cannot be ruled out of contention'*. It was noted that Mr Milner's evidence identified his Precincts 7 and 8 as a 'good candidate' for development.

It was submitted on behalf of Goandra that:

- landscape features combined with rolling topography make the area to the north of the Goandra Estate more suitable for rural residential development than either farming or urban development
- the long term boundary should remain to enable housing choices for those who want larger than conventional lots. The strong demand for the 3,000 - 4,000m² lots being provided in the Goandra Estate (north of Thacker Street) was highlighted, together with the limited supply (6 to 8 years) of low density residential stock in Ocean Grove.

As already noted, Council endorsed the identification of further work relating to urban growth options in the planning scheme. However, it maintained the view that exhibited changes affecting land to the west of Grubb Road - the deletion of the long term boundary and refocusing policy guidance to the protection of landscape values in this area - should be maintained to enhance certainty. The rationale presented by Council related to:

- The north-east growth area provides sufficient supply to meet housing requirements during the planning timeframe.
- The Special Use Zone and Low Density Residential Zone on Thacker Street has historically been seen as the northern urban edge of the town due to environmental constraints.

Coastal and environmental values of the Barwon River Estuary and Lake Victoria environs and the Ocean Grove Nature Reserve are significant enough to preclude development at this point in time. It was noted that stormwater drainage and runoff from development could adversely impact upon these assets.

- The area is designated as bushfire prone and the Bushfire Management Overlay applies to the Reserve and adjoining land.
- Development could adversely affect the attractiveness of the undeveloped rural character of the backdrop to Ocean Grove and the Grubb Road entry to the town.

Council submitted that the maintenance of the long term boundary would inevitably lead to intense pressure on Council and a race by owners to get land rezoned, as illustrated by the current proposal by the owner of the Oakdene Estate vineyard. It argued that a statement indicating that the need for further land for urban development will be considered at the next Structure Plan review would mean *'Speculators can then proceed at their own risk in every respect and not point to the Scheme as providing any encouragement whatsoever.'*

(iii) Evidence

Whereas Mr Millner advocated removal of the long term boundary and identification of the need for further assessment of growth options for Ocean Grove, Mr Strates supported its retention to identify the areas that are worthy of further investigation whilst creating appropriate opportunities for future growth.

Mr Milner identified precincts to the west of Grubb Road with quite different attributes and development implications:

- 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.

During cross examination, Mr Milner acknowledged that capitalising on proximity to the new activity centre and community hub to be developed opposite the Morgan and Griffin land (his strategic precinct 8) was a factor that should be taken into account in the evaluation of potential growth areas.

(iv) Discussion

Investments decisions based on an expectation that land within the long term boundary could be developed for urban purposes should have been made with the knowledge that this is by no means assured.

The 2007 Structure Plan appropriately emphasised that the purpose of the long term settlement boundary is to preserve opportunities for growth; however, assessment of a range of factors would be required to determine whether urban development would be appropriate:

*For structure planning purposes, the ultimate population and urban development potential of Ocean Grove should be taken into consideration, assuming land between the two growth area boundaries is used for urban development in the very long term. **This is to ensure that short and medium term planning decisions do not prejudice the potential long term form and structure of Ocean Grove**, should the town continue to grow toward the long term (beyond 2020) Settlement Boundary.*

*The proposed long term (beyond 2020) Settlement Boundary is indicative only and included for consideration of very long term potential future growth. **The boundary seeks to preserve opportunities for town expansion whilst balance with the appropriate protection of the environment and landscape features of the land located on the periphery of the town.***

*The land available for **urban growth within the long term boundary will be constrained by landscape and environmental factors** including the need for a sensitive interface with the Ocean Grove Nature Reserve and significant coastal landscapes limiting growth to small, well planned and interconnected nodes.*

*... According, **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 a major consideration and examination of transport, infrastructure, social and community impacts. (emphasis added)*

The clear need to protect the environmental values of the land within the long term boundary is not in question. It has been recognised in the 2007 Structure Plan, submissions to the Panel (both supporting and objecting to the changes proposed) and in the evidence presented at the Hearing.

However, while the existence of constraints in this area has been recognised, the Panel considers the following broad brush approach to this area in the 2015 Structure Plan has not been justified:

The existing Low Density, Special Use and Rural Living zoned land between Wallington and Grubb Roads has significant environmental and landscape attributes given the extent of significant vegetation and exposed coastal views, which make these areas unsuitable for increased development or conventional residential zoning. Low Density zoned lots east of Bonnyvale Road are also unsuitable for conventional residential development given their low lying nature, drainage constraints and proximity to significant environmental features.

The Panel agrees with Mr Milner that even a preliminary assessment indicates that the land within the long term boundary exhibits different attributes and this is likely to affect the potential and appropriate forms of development, if any.

It is noted that from the far west of the Ocean Grove through to the north, the town is characterised by the rural living area of Wallington with a rolling topography, water courses and open rural landscape. While the value of these attributes will be important in the assessment of the area's potential for urban growth, the Panel does not consider Wallington itself is a settlement as envisaged by planning policy and PPN36. As rural breaks seek to separate urban settlements, a rural break between Ocean Grove and Wallington is not necessarily warranted; rather Wallington contributes to the rural character of Ocean Grove and could form part of a rural break.

At the Hearing, the Panel made it clear that its role relates to the changes proposed in the Amendment and does not extend to determining suitability of specific land for conversion to urban purposes or to recommend specific forms of development or that particular land be rezoned. The Panel accepted reports prepared for Morgan and Griffin relating to their land fronting Grubb Road in association with submissions that preliminary assessment had not identified constraints that should preclude urban development. The Panel's review of those reports confirms that this is the case.

Panel Conclusions

- The significant environmental and landscape values of land within the long term boundary are not in question. In particular, planning will need to ensure that the conservation values of the Reserve are associated habitat values of nearby land are protected.
- Land within the long term boundary to the west of Grubb Road exhibits different attributes and this is likely to affect the potential and appropriate forms of development, if any.
- Further investigations are necessary to inform the planning for area to the west of Grubb Road.

2.5.4 Panel Recommendations

- 1. Preserve the potential of land to the north, north-west and east of Ocean Grove for urban development in the long term and include a commitment in the planning**

scheme to establish an enduring settlement boundary for Ocean Grove by changing clause 21.06 and 21.14 as follows:

- a) At clause 21.06-6 Further Work add:
 - *Assess the potential of rural land to the north, north-west and east of Ocean Grove for future urban development to determine the location of an enduring settlement boundary around Ocean Grove.*
 - b) At clause 21.14-2 under Ocean Grove add:
 - *Avoid development of rural land to the north, north-west and east of Ocean Grove (identified on the Ocean Structure Plan in this clause) that would compromise development for urban purposes in the future.*
 - c) At clause 21.14 Further Work add:
 - *Review the Ocean Grove Structure Plan at least every 5 years.*
 - *Assess long term growth options (both infill and settlement expansion) for Ocean Grove by no later than 2020. The assessment should include consideration of:*
 - *the role of Ocean Grove as a district town*
 - *other planned growth on the Bellarine Peninsula*
 - *development trends, lot supply and housing capacity within the settlement boundary*
 - *the desirability of providing a diversity of living options*
 - *physical and environmental constraints, including the importance of protecting the biodiversity values of the Reserve and maintaining a rural break between settlements*
 - *the protection of landscape values and implications for the character of approaches to Ocean Grove township along the Bellarine Highway, Grubb Road and Wallington Road*
 - *the implications for significant agricultural uses and their employment generating potential*
 - *whether any adjustments to the settlement boundary are required.*
 - d) At Clause 21.14 on the Ocean Grove Structure Plan:
 - *identify the need for a rural break and interface treatment along the Bellarine Highway.*
 - *indicate in relation to areas to the north, north-west and east of Ocean Grove 'Protect long term growth potential'.*
 - *reinstate the current settlement boundary to the east of Banks Road, move the annotation 'protect sensitive interface' to land at the interface with the reinstated settlement boundary and maintain the existing annotation 'further investigation site'*
2. Update the 2015 Structure Plan reference document to ensure consistency with changes recommended by the Panel.

3 The urban design framework

3.1 The issues

A small number of submissions raised issues or objected to the Ocean Grove Urban Design Framework (the Urban Design Framework). Issues raised in submissions related to:

- How the heights proposed by the Amendment will affect views?
- Will the planned laneway south of The Terrace be functional?
- Should the Amendment support arterial road realignment from The Parade to The Terrace?

3.2 What is proposed?

The Urban Design Framework seeks to guide built form outcomes, streetscapes, traffic and pedestrian movements, car parking, land use and Council investment in the town centre over the next 10 years. It provides a vision for how the centre, design principles and recommends improvements to existing infrastructure and functionality of the town. The Urban Design Framework recommendations and projects include:

- consolidate commercial land use within the existing zoned land to promote a compact town centre
- create a town square in The Terrace
- signalise the intersection of Orton Street and Presidents Avenue
- promote high quality mixed use development of three and four storeys that respects the coastal setting of Ocean Grove
- upgrade streetscapes in Presidents Avenue, Hodgson Street and The Avenue
- square up the intersection of Hodgson Street and The Parade
- preserve The Terrace, east of Hodgson Street as the long term arterial road through the Town Centre
- improve footpath connection to the Town Centre.

DDO40 is proposed to give effect to the recommendations of the Urban Design Framework.

3.3 Impacts of taller buildings on views

(i) Submissions

Mr Friend submitted that the proposed new building heights for the town centre and Residential Growth Zone *“has now become a big issue with buyers who have concerns for potential view loss”* and for existing residential properties. He also questioned whether development to the maximum height would be viable.

Mr Field submitted that the height of all buildings in the town centre should be limited to 10.5 meters in order to preserve the low scale character.

Council’s closing submission responded to submitter concerns about views to the beach:

... 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.

The Council highlighted that the recommended maximum height in DDO40 is 10.5 metres in the town centre, except for the south side of the Terrace where a height of 13.5 metres is proposed. The Residential Growth Zone applies to Dare Street properties with maximum heights to 10.5 metres and these properties are also subject to SLO7, which includes objectives and decision guidelines seeking to protect the reasonable sharing of views between properties. The current review of SLO7 will look at whether the overlay should extend to other areas in the town centre.

(ii) Discussion

The Panel believes that the heights proposed by the Urban Design Framework are well founded. The higher forms will allow for shop top residences and some higher intensity development, which will contribute to dwelling diversity. While providing for dwelling diversity is good planning, in Ocean Grove it is likely to be realised over the longer term.

The proposed setbacks serve to minimise potential impacts on adjoining properties and overshadowing of streets and footpaths. The upper storey setbacks allow for a human scale street interface and minimise the presence of the upper floors from the street level.

The Panel recognises that views to and from the coastline are important to landowners and the community. The Coastal Spaces Initiative (2006) sought to protect natural views inland from the coast. In assessing the impact of the proposed taller built forms from the beach towards the town centre, the Panel believes there will be minimal impact. The dramatic and varied topography of Ocean Grove, together with housing development closer to the beach, means that taller buildings do not appear out of context with the surroundings.

In terms of views towards the beach, the Urban Design Framework²³ identifies that The Terrace offers *'sought after views to the ocean and the river'*. Although the Framework seeks to protect these views from the public realm by limiting building heights on key prominent corners, it does not refer to view sharing between private properties.

The impact of new development on views should be assessed on a permit application basis and, although Clause 21.14 contains the strategy *'providing reasonable sharing of views to the coast and foreshore'*, this should be reinforced through SLO7 or an additional design and built form guideline in the DDO40.

Panel Conclusion

- The proposed planning framework should reinforce the importance of view sharing between properties.

3.4 Improving rear access to the town centre shops

The Urban Design Framework identifies the need for a rear laneway connection on the south side of The Terrace. The aim is to remove loading and driveways from The Terrace and to improve pedestrian safety and car parking capacity. It would also provide redevelopment opportunities for Dare Street and The Terrace properties with rear garages.

²³ Figure 24 Significant views and contours map.

(i) Submissions

Mr Tuttle objected to the proposed laneway, as he believes that there is insufficient width at the rear of his property to accommodate the proposed six meter laneway. He submitted '*a possible laneway width of 2700mm for a clear height of 4650mm which is simply not practical*'. Mr Tuttle was also concerned that plans for the lane could compromise current parking for a retail tenant and two existing apartments.

At the Hearing, the Council responded that:

- the width along the rear property boundaries is adequate to accommodate the laneway
- in the longer term, the laneway connection would be realised through a Public Acquisition Overlay, which would be applied through a separate amendment.

(ii) Discussion

The Panel supports the identification of the laneway as a longer term strategy that will enhance the amenity and redevelopment potential of the town centre. However, Council will need to undertake more detailed design work to ensure the planned lane configuration is functional. An understanding of the implications for car parking will also be required.

Panel Conclusion

- A design feasibility will be required to ensure the planned laneway is functional and parking implications are addressed.

3.5 Preserving the option for an alternative town centre arterial route

The Urban Design Framework proposes to change the arterial route east of Hodgson Street from The Parade to The Terrace. This realignment has been foreshadowed since the 1993 Structure Plan.

(i) Submissions

Three submissions²⁴ opposed the designation of The Terrace as the town's future arterial road and one submission²⁵ supported the designation. The submission in support of the proposed change was on the basis that the alternative route would allow better design of the dangerous round about near the bus shelter (post office). On the other hand, the objecting submissions were on the basis that:

- there would be significant impacts on properties along the Terrace
- adequate traffic studies have not been undertaken; instead, traffic issues and the proposed realignment relied on discussions with stakeholders.

VicRoads has not objected to Map 1 in the DDO40 showing the realignment as the '*preferred long term arterial road route*' but does not support the relocation of the arterial road to The Terrace:

²⁴ Submissions 21, 31 and 38.

²⁵ Submission 1.

As the proposed location along The Terrace may not adequately address the conflict between the through traffic function of the arterial road and the pedestrian movements.

VicRoads advised at the Hearing that the topography at The Terrace and Tuckfield Street would create a dangerous intersection. VicRoads is working with Council to install traffic signals 90 metres north of the intersection of The Parade and The Terrace.

Council submitted that the current road network in the Town Centre presents '*a significant barrier to pedestrian amenity and safety*'. However, it noted that, as the conversion of The Terrace to an arterial road is not currently achievable due to the high construction costs, it remains a long-term option requiring VicRoads support.

(ii) Discussion

The Panel acknowledges that altering the arterial route in the town centre has been a long standing strategy for Council. However, as the alternative arterial route along The Terrace is still subject to further investigation and is not supported by VicRoads, the Panel considers the reference to the proposed realignment in DDO40 should be '*potential long term arterial road route*', rather than '*preferred long term arterial road route*'.

Panel Conclusions

- The alternative arterial route along The Terrace should be identified as a '*potential long term arterial route*'.

3.5.2 Panel Recommendations

- 3. Reinforce the importance of view sharing between properties by:**
 - a) Considering extension of Significant Landscape Overlay Schedule 7 to include the properties on the south side of The Terrace via proposed Amendment C300; or**
 - b) Adding a design and built form guideline to Design and Development Overlay Schedule 40 that addresses the issue of view sharing.**
- 4. Change the annotation on Map 1 of Design and Development Overlay Schedule 40 from '*preferred long term arterial road route*' to '*potential long term arterial route*'.**

4 Other issues

4.1 The Grubb Road activity centre

The proposed DDO39 applies to land in the Commercial 1 and Commercial 2 Zones on Grubb Road within the north-east growth area of Ocean Grove. DDO39 aims to achieve a high quality, innovative and contemporary urban design outcome for the Main Street, Cheviot Terrace and Grubb Road.

(i) The issues

- Does DDO39 unnecessarily duplicate existing provisions and should it be removed?
- Are revisions to DDO39 required and what should they be?

(ii) Submissions

Four submissions²⁶ related to DDO39. Lascorp, the developer of the Kingston Village, and Shell Road Developments, the owner of the land designated for the Grubb Road activity centre, consider DDO39 is not required as the existing DPO22 can deal with the matters raised. Lascorp submitted:

... there is already a Development Plan Overlay in place that requires the provision of a more detailed urban design plan for the whole of the Grubb Road Activity Centre and such a Plan has recently been submitted to Council for endorsement.

Council does not see any significant overlap between the overlays. It submitted that DPO22 is too broad brush to provide any useful guidance for a permit application and DDO39 provisions *'will better enable Council to assess future stages of the NAC and development of the C2Z land, particularly the interface with Grubb Road'*.

Lascorp withdrew their request to be heard by the Panel as Council and Lascorp had agreed to a revised DDO39²⁷. Shell Road Developments were also satisfied with the proposed revisions to DDO39.

During the Hearing, the Panel queried two of the proposed revisions to DDO39, under the section Built Form and Scale:

- deleting *'... and a variation of ground floor setbacks to break up continuous frontages and visual bulk'* and
- replacing *'not present a blank façade or back of house'* with *'provide an articulated and attractive presentation toward'* Grubb Road.

The Panel asked Council to inform Lascorp of its query and about the without prejudice discussion scheduled for the last day of the Hearing. Council submitted they were content with the revised version of DDO39 as agreed to with Lascorp. In support of the revisions,

²⁶ Submissions 8, 25, 29 and 38.

²⁷ Document Number 14.

Lascorp referred to the concept designs²⁸ for the new activity centre (Kingston Village) showing the proposed built form and architecture of the development.

VicRoads did not object to DDO39, subject to the rewording of dot point one under the section Vehicle Access and Movement to change *'multiple'* to *'restricted'* access points being provided onto Grubb Road from the new activity centre. VicRoads consider this change is necessary to *'confirm the objective on such arterial roads ... and encourage vehicular access from local roads as this is a safer outcome.'* Council accepted the revised wording proposed by VicRoads.

(iii) Discussion

The Panel agrees with Council that DDO39 should guide development applications in the Grubb Road activity centre. It is an important tool to help achieve high quality and contemporary urban design outcomes. The Panel does not believe that DDO39 duplicates planning provisions as suggested by some submitters. The current DPO22 applies to a much larger area than the proposed activity centre and extends over the north-east residential growth area of Ocean Grove. Its guidance over the development of the new activity centre is limited, it states:

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.*

Although Lascorp has undertaken the concept design for Kingston Village, the first stage of developing the activity centre, DDO39 will also apply to future stages of development. In addition, it provides detail regarding built form objectives as a basis for an urban design assessment of proposals, including but not limited to the proposed Kingston Village.

The Panel agrees with the joint Council and Lascorp revisions to DDO39²⁹ with the exception of two Built Form and Scale provisions:

- *'to break up continuous frontages and visual bulk'* should remain as it explains why it is desirable to *'provide articulation to larger built forms'*³⁰.
- dot point ten should read *'Built form should provide an articulated and attractive presentation towards Grubb Road avoiding blank facades or back of house uses'*.

These recommendations will reinforce the high urban design standards expected of current and future stages of development within the Grubb Road activity centre.

The Panel agrees with the changes to the wording as proposed by VicRoads and notes that detailed design issues can be resolved during the planning investigation phase of the Grubb Road duplication project scheduled for 2017.

²⁸ Document Number 36.

²⁹ Document Number 14.

³⁰ DDO39 dot point five under Built Form and Scale.

Panel Conclusions

- Retention of DDO39 is appropriate to guide the future development of the Grubb Road activity centre.
- The agreed revisions proposed by Council and Lascorp are appropriate subject to amending dot points five and ten under the section Built Form and Scale.
- DDO39 should include VicRoads revisions.

(iv) Panel Recommendations

5. Adopt the revised changes to Design and Development Overlay Schedule 39 as agreed by Lascorp and Council (Hearing document 14), subject to the following:

a) Under Built Form and Scale section replace:

- dot point five to read *'Provide articulation to larger built forms to break up continuous frontages and visual bulk'*
- dot point ten to read *'Built form should provide an articulated and attractive presentation towards Grubb Road avoiding blank facades and back of house uses'*

b) Under Vehicle Access and Movement, dot point one replace the word *'multiple'* with *'restricted'*.

4.2 Grubb Road duplication

Grubb Road is the main arterial route into Ocean Grove from the Bellarine Highway and is currently a two-lane road. The proposed duplication of Grubb Road by VicRoads is supported in and was identified in both the 1993 and 2007 structure plans. Land along the eastern side of the Grubb Road has been reserved to facilitate the widening.

(i) The issues

How will the proposed duplication of Grubb Road affect the:

- rural entrance to the town?
- existing vegetation along the road?
- traffic movements into and out of the road?

(ii) Evidence and submissions

One submission³¹ supports and three submissions³² oppose the proposed duplication of Grubb Road. Submission 18 believes the duplication of Grubb Road is a key piece of infrastructure to support the ongoing urbanisation of Ocean Grove.

The three opposing submissions are concerned about the loss of vegetation along the road, which they believe will *'destroy the wildlife corridor that exists and the rural look and entry to Ocean Grove'* and believe that more community consultation is required regarding the retention of existing trees. It was submitted that the Oakdene and Kingston estates should have their own access points to the Bellarine Highway without entering Grubb or Banks Roads.

³¹ Submission 18.

³² Submissions 4, 23, 42.

In response, the Council submitted that *'every effort has been made to protect the significant roadside vegetation and a VPO applies along the Grubb Road reservation.'* Council anticipates that the existing vegetation will be incorporated into the median strip when the Road is widened. Regarding alternative exits onto the Bellarine Highway, Council submitted that access utilising the existing Devlin Road reservation has not been allowed, as development extending to the Bellarine Highway has never been contemplated.

VicRoads submitted that the G21 Plan states *'duplication is necessary to manage the very high traffic volumes on the road due to residential growth in Ocean Grove'*, the G21 Implementation Plan identifies this project as a priority for the Bellarine Peninsula and Federal Government funding has been provided for the planning stage of the project, which will commence in 2017. The construction of the project is not expected to be delivered until 2023 and 2030. VicRoads noted that the project will be *'seeking to preserve significant roadside vegetation, provide for an attractive town entry, accommodating existing property access and considering the views of the local community.'*

(iii) Discussion

The Panel notes that the duplication of Grubb Road has been long standing proposal identified in the 1993 Structure Plan and is considered a key piece of infrastructure for the Bellarine Peninsula by G21 Regional Growth Plan. The planning scheme already provides the following guidance:

Support the duplication of Grubb Road in a manner which preserves significant roadside vegetation, provides an attractive town entry, safe crossing points, pedestrian/cycle paths and undergrounding of powerlines³³.

Urban growth to the north east of Ocean Groves, which will include significant commercial activity of the proposed Grubb Road activity centre, will change the character of this area. Therefore, in addition to maintaining much of the existing mature vegetation along Grubb Road, the project planning should adopt a treatment that recognises the importance of Grubb Road as the primary entry to the town. The Panel considers the proposed road works should be informed by an urban design or landscape study that considers the changing land uses and built form character of Grubb Road, including a gateway treatment, the new activity centre setting, the reserve and rural interfaces. The possibility of urban development to the west of Grubb Road could also alter the current rural interface along Grubb Road.

A new intersection is proposed to serve the urban development on the eastern side of Grubb Road. Proposals put forward to Council to rezone land on the western side support the new intersection and consider it would also provide good access to the west. The planning and design phase commencing in 2017 should address submitter issues regarding traffic and safety along various parts of Grubb Road.

Panel Conclusions

- Duplication of Grubb Road is required and this has been recognised in planning for Ocean Grove for at least 15 years.

³³ Clause 21.14.

- VicRoads should maintain or replace the vegetation along Grubb Road impacted by the duplication.
- An urban design or landscape study, involving consultation with all stakeholders, is required to determine an appropriate treatment for the entry of the town, integration with the new Grubb Road activity centre as well as the rural interfaces.
- Community consultation should identify safety and traffic concerns to be addressed in the planning and design phase of the road project.

4.3 Location of a new school

The 2015 Structure Plan identifies a potential schools site co-located with the Grubb Road activity centre.

(i) The issue

- Should the 2015 Structure Plan be amended to remove reference to the potential school site³⁴ co-located with the Grubb Road activity centre?

(ii) Submissions

Shell Road Developments opposed the identification of a potential school site within the Grubb Road activity centre *'on land that has been set aside to provide retail and employment services for the NEGA'*³⁵. Shell Road submitted that the hypothetical school site *'significantly infringes on the area set aside for commercial land use and abuts an industrial area'*. Shell Road Developments proposed that a more appropriate strategy would be to investigate options for a new school site within the north-east growth area. At the Hearing, a preference for the school to be located within the Kingston Estate was indicated *'to ensure its proximity to potential users'*. They also submitted that showing a particular location for the school within the Structure Plan might create confusion amongst the community and an expectation from homebuyers when there is no commitment from relevant parties, including the Department of Education and Training (DET).

Shell Road requested deletion of references to a school site within the Grubb Rd activity centre from the 2015 Structure Plan and changes to Clause 21.14 to support a school site to the north of the Kingston and Oakdene Estates.

Council's response to the submission stated that, while the Council was *'not fixed on the exact location of the school'*, most of the planning for the area is done by development plans, most of which have been approved. However, the development plan for the activity centre has not been approved yet. Council also referred to DPO22, which contains the following objective for the development of the north-east growth area:

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.

³⁴ Figure 21 2015 Structure Plan.

³⁵ Figure 21 2015 Structure Plan.

(iii) Discussion

Although the 2007 Structure Plan identified land within the north-east growth area for a school, the approved development plans did not include a schools site, following advice from DET that a school was not required. Subsequently, DET has advised Council that there is an immediate need for a new primary school to serve the future resident population, however no timing or planning for the new school has been established.

The Panel believes the Council has acted responsibly by undertaking an options testing exercise for a new school site. There is merit in co-location of a primary school with the Grubb Road activity centre to deliver a good outcome for the community. Council has also established that the location is only *'indicative'* at this stage, as DET would be required to purchase the land. Figure 21 does not hinder investigation of other sites for a new school as proposed by Shell Road, Kingston Estate. The 2015 Structure Plan map does identify a particular location for the school but provides the annotation *'investigate primary school site in north-east growth area'*.

The Panel believes that the wording used in Figure 21 *'indicative location of a potential school...'* adequately conveys to future homebuyers that this is an investigation rather than a proposal and should not unrealistically raise community expectations.

The Panel does not support Shell Road Developments' requested change to clause 21.14 to refer to a school site outside the existing settlement boundary, as the idea of an 'expanded' north-east growth area is not part of the current planning scheme. However, a school site outside the settlement boundary could be investigated as part of Council's longer term planning and depending on DET timelines for a new school.

Panel Conclusions

- The 2015 Structure Plan should retain Figure 21 and reference to the potential school site in the Grubb Road activity centre. This identifies the preferred site but does not preclude the investigation of other possible school locations.

4.4 Footpath and pedestrian movements

(i) The issue

- Should the Amendment be changed to include improvements to pedestrian and cycle paths and networks?

(ii) Submissions

Four submissions³⁶ raised issues about footpaths. Views about sealing footpaths were mixed, with two in support and two opposing the concept. The need for pedestrian/cycle pathways separated from roads, particularly on main thoroughfares, was emphasised and the provision of a bicycle track along Grubb Road was advocated.

Council acknowledged the strong community support for a more coordinated and comprehensive network of paths to access key locations such as the Town Centre.

³⁶ Submissions 4, 7, 13, 14.

The 2015 Structure Plan discusses the need for improvements to achieve an overall pedestrian and bicycle networks³⁷. The Town Centre UDF also identified the need for a strategic and coordinated approach to developing a comprehensive footpath network for Ocean Grove and recommended the preparation of Principal Pedestrian Network (PPN) for the town. This project is underway and a separate consultation process for that project occurred at the same time as the exhibition of the Amendment.

(iii) Discussion

Map 4 of the 2015 Structure Plan identifies the strategic pedestrian networks requiring improvement. The map also shows a bicycle link along the foreshore towards Point Lonsdale as the G21 Principle Bicycle Network Priority Project.

The Panel agrees with Council that the detailed pedestrian and cycle network issues raised in submissions should be addressed as part of the PPN project. It will be appropriate to update the Structure Plan based on the PPN project findings through a future Amendment.

Panel Conclusion

- The Panel endorses the approach adopted by Council to refer submissions relating to pedestrian and cycle network improvements to the PPN project for consideration.

4.5 The 2015 Structure Plan consultation process

(i) The issue

- Was the consultation with stakeholders that underpins the 2015 Structure Plan appropriate?

(ii) Submissions

A number of submissions³⁸ expressed concern about the process leading to the 2015 Structure Plan, referring to an apparent unwillingness to consider inputs received and failure to consult directly with property owners. Shell Road Developments, had previously expressed similar concerns.

Whilst individual landowners were not notified during the preparation of the Structure Plan, Council submitted that an extensive consultation process informed the preparation of the 2015 Structure Plan. This included newspaper notices and articles, social media information, public meetings and numerous meetings with the key landowners³⁹. Council noted that the engagement process with the community focused on what has happened since 2007, the current known issues and community view for the future of the town. The current Amendment process provides the mechanism for feedback on the draft Structure Plan.

³⁷ pages 115-120.

³⁸ For example submissions 3, 6, 17, and 34.

³⁹ Consultation included: A public consultation event (May 2015) which was attended by more than 50 people, extensive coverage in the local media; Council's Facebook page and The Ocean Grove Voice' Facebook page were used to inform the public; a consultation brochure, feedback form and consultation posters were prepared; Council officers presented to the Ocean Grove Community Association AGM Annual General meeting; and numerous meetings were held with key landowners about future growth options. A total of 34 submissions were received through the informal consultation process.

(iii) Discussion

Although individual notice and opportunities for comment on the Draft 2015 Structure Plan were not provided, it is apparent that Council sought community input into the review of the 2007 Structure Plan. The formal exhibition process set out in the *Planning and Environment Act 1987*, which includes the current Panel process, ensures those affected by the Amendment can present their views and independent review of submissions.

Panel Conclusions

- The informal consultation process preceding the Amendment provided opportunities for the community and stakeholders to input into the review of the 2007 Structure Plan.
- The Panel has not identified any issues with the exhibition of the Amendment and the panel process provides for independent review of submissions from those affected by the Amendment.

4.6 Protection of neighbourhood character north of Asbury Street West

(i) The issue

- Should the Amendment be revised to protect the character and vegetation of the area north of Asbury Street West?

(ii) Submissions

Mr Head requested additional planning controls to protect existing vegetation and the bush garden character of the area bounded by Bell Street, Blackwell Street, Mann Street, Newcomb Street and Wallington Road. He submitted that the area is *'heavily treed with mature natives (mainly Manna gums and coastal Moonah) had no made roads or drainage'*.

Mr Head advised that a drafting error had resulted in the area north of Asbury Street West being excluded from SLO7, which applies to the land south of Asbury Street of a similar character. SLO7 requires a permit to remove vegetation and the absence of this protection has resulted in vegetation losses over the past thirteen years, particularly in Mallaluka Avenue.

Mr Head referred to recent development sites where larger lots are subdivided and all vegetation is removed. Larger houses are being built on smaller lots with inadequate space to replace the lost vegetation or to reinforce the established neighbourhood character:

With no vegetation protection for the bush garden properties north of Asbury West and the current high land values these lots a becoming a haven for developers who are 'moonscaping' the land and building boundary to boundary dwellings which is alien to the neighbourhood character of the area.

Mr Head also referred to previous panel recommendations⁴⁰ and VCAT decisions⁴¹ that recognised the special character of this residential pocket and requested that Amendment C346 extend the existing SLO7 up to Bell, Blackwell and Mann Streets.

⁴⁰ Greater Geelong Planning Scheme Amendment C40/C41 – 2002.

⁴¹ VCAT reference P1620/2008.

In response to Mr Head's submission Council advised that the area north of Asbury Street West is being investigated under a review of the SLO7, as well as the 'Ocean Grove Significant Tree Project'. Public consultation is scheduled to commence shortly.

(iii) Discussion

The Panel understands that provisions to protect the character of this area have been foreshadowed for many years and its exclusion from the SLO7 may have been in error. Council has shown the area in the 2015 Structure Plan Map as '*investigate opportunities to preserve landscape/neighbourhood character*' and has included it in its Significant Tree Project.

While Ocean Grove is fulfilling its function as a growth town, areas of valued seaside character are under increasing pressure and should be protected to prevent further vegetation loss and to provide residents with greater certainty about the form development in their neighbourhood will take.

It is beyond the scope of the Panel to recommend new controls over the area north of Asbury Street West that have not been exhibited, as others have not had an opportunity to present their views. However, the Panel notes that the Amendment recognises this area should be investigated and that Council's work is well advanced.

Panel Conclusion

- Council should protect the neighbourhood character of the area north of Asbury Street West up to Bell Street.

4.7 Soccer facilities

(i) The issue

- Should the Amendment provide for additional soccer facilities in Ocean Grove?

(ii) Submissions

Three submissions⁴² requested additional soccer facilities in Ocean Grove in recognition of the continuing growth in the sport.

(iii) Discussion

The Panel accepts Council advice that:

- the 2015 Structure Plan provides for a regional public open space site (8 hectares) in the north-east growth corridor
- the new regional open space, which will include two multi-use ovals, will be able to accommodate additional soccer pitches as the need arises in the future.

Panel Conclusion

- Revision of Amendment documents to refer specifically to additional soccer facilities is not needed.

⁴² Submissions 28, 33 and, 37.

Appendix A Submitters to the Amendment

No.	Submitter
1.	Warren Allan
2.	Barwon Water
3.	Peter Billings
4.	John Bowman
5.	Ben Chudoschnik
6.	Cusworth Family Trust Pty Ltd
7.	Brian Daly
8.	Lascorp Development Group (Aust) Pty Ltd
9.	Wendy Duncan
10.	Peter Field
11.	Ian Friend
12.	Sally Friend
13.	Beverley Gamble
14.	Frances Hamblin
15.	Ocean Grove Community Assoc
16.	Brian Head
17.	B & J Henry
18.	Bernard Hooley, Oakdene Estate
19.	Rowan Klingberg
20.	David Lean
21.	John Lind
22.	Geelong Field Naturalists Club Inc
23.	Susan Meyer
24.	Glasshouse Farms
25.	Morgan & Griffin
26.	Sproules Investments Pty Ltd
27.	Jim Robson
28.	Cath Sattler
29.	Shell Road Development Pty Ltd
30.	Goandra Estate
31.	Anthony Street
32.	Friends of the Ocean Grove Nature Reserve
33.	Surfside Waves Soccer Club
34.	Paul Tierney
35.	Tuttle Holdings Pty Ltd
36.	Lauris Tyrell, Tyrell Brothers Share Farming

37.	Jacob Van Eggelen
38.	VicRoads
39.	Heidi Wane
40.	Richard Weatherly
41.	Colin White
42.	Wendy & John Wilkins
43. (late)	James and Susan Gedye

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Greater Geelong City Council	Terry Montebello and Briana Eastaugh of Maddocks Lawyers who called evidence from: <ul style="list-style-type: none"> Dale Stokes of Spatial Economics (Land Supply) Rob Milner of 10 Consulting Group (Planning)
Glasshouse Farms Pty Ltd	Megan Schutz of Schutz Consulting Pty Ltd who called evidence from: <ul style="list-style-type: none"> Ray Phillips of Phillips Agribusiness (Agricultural businesses)
Ian Friend	
Sproules Investments Pty Ltd	Geoff Nicol
Tyrrell Brothers Sharefarming	Jason Kane, barrister
Santhor Pty Ltd AG Robson Staff Superannuation Fund	Jim Robson
Shell Road Developments Pty Ltd	Phillip Bisset and John Carey of Minter Ellison lawyers who called evidence from: <ul style="list-style-type: none"> Justin Ganly of Deep End Services (Land Supply) Jason Black of Insight Planning Consultants (Town Planning)
Heidi Wane	
VicRoads	David Fary
Morgan and Griffin Pty Ltd	Nick Tweedie SC and Rupert Watters of Counsel who called evidence from: <ul style="list-style-type: none"> Paul Shipp of Urban Enterprise (Land economics) Richard Strates of Dominion Property Group (Planning).
Wendy Duncan	
Tony Reilly	Brendan O'Loar of St Quentin Consulting
Bernard and Jacqueline Henry	
Peter Billings	
Brian Head	
Richard Weatherly OAM	
Cusworth Family Trust	Neil Cusworth
Geelong Field Naturalists Club	Barry Lingham

Appendix C Document list

No.	Date	Description	Presented by
1	2/05/16	Meeting of Planning Experts Notes	Council
2	2/05/16	Residential Land Economist conclave statement	Council
3	2/05/16	Part B submission City of Greater Geelong	Council
4	2/05/16	Expert Planning Evidence	Rob Milner
5	2/05/16	Amendment C60	Rob Milner
6	2/05/16	All Overlays map	Morgan and Banks
7	2/05/16	Map No 18 Environment and Landscape features	Morgan and Banks
8	2/05/16	Map 17 Key Environment Features	Morgan and Banks
9	2/05/16	Significant Coastal Landscapes	Morgan and Banks
10	2/05/16	Spatial Economics Graphs	Dale Stokes
11	3/05/16	Presentation Glasshouse Farms	Glasshouse Farms
12	3/05/16	Submission Glasshouse Farms	Glasshouse Farms
13	3/05/16	Submissions Tyrrell Brothers Share Farming	Tyrrell Brothers Share Farming
14	4/05/16	Lascorp agreed changes to DDO39	Lascorp
15	4/05/16	Letter to Council re Oakdene West 21/04/16	Nick Tweedie
16	4/05/16	Shell Road Developments Submission	Phillip Bisset
17	5/05/16	VicRoads Submission	Noel Treacy
18	5/05/16	Oakdene West Land Tenure	Morgan and Banks
19	5/05/16	Winchelsea Strategy	Richard Strates
20	4/05/16	Submission – West Grubb Road	Jim Robson
21	5/05/16	Lot Construction – Ocean Grove	Paul Shipp
22	5/05/16	Morgan & Griffin submission	Morgan and Banks
23	13/05/16	e-mail Shell Road Proposed changes to Amendment clauses	Stephanie Gale
24	13/05/16	e-mail letter 12/05/16 Councils wording for Amendment	Council
25	13/05/16	e-mail 12/05/16 Expressing concern	Neil Cusworth
26	13/05/16	e-mail Lascorp response	Lascorp
27	13/05/16	Submission 39	Heidi Wane
28	13/05/16	Submission 9	Wendy Duncan
29	13/05/16	Submission 30 St Quentin	Brendan O’Loar

No.	Date	Description	Presented by
30	13/05/16	Submission 17	Jacqueline Henry
31	13/05/16	Submission 3	Peter Billings
32	13/05/16	Submission 40	Richard Weatherly OAM
33	13/05/16	Submission 33	Neil Cusworth
34	13/05/16	Field Naturalist Club presentation	Barry Lingham
35	13/05/16	Council's closing submission	Council
36	13/05/16	Lascorp Kingston Village Concept Design	Lascorp
37	13/05/16	Shell Road proposals for Clauses 21.14 & 21.6	John Carey
38	13/05/16	Morgan & Griffin proposal for Clause 21.14	Nick Tweedie
