

Date: 14 February 2020

City of Greater Geelong Planning Scheme Amendment C395

Closing Submission on behalf of the City of Greater Geelong

Planning Panels Victoria

A.	INTRODUCTION	4
B.	THE CENTRAL ISSUE IN THE AMENDMENT	4
C.	WHAT THE AMENDMENT IS AND IS NOT	7
D.	INTEGRATION OF CHANGES TO THE FRAMEWORK PLAN AND ORDINANCE	7
E.	NWGGGA PROJECT CONTROL – HOW WE GOT HERE	8
F.	URBAN STRUCTURE PRECINCT BOUNDARIES (WESTERN GEELONG GROWTH AREA)	9
G.	PRECINCT BOUNDARIES (NORTHERN GEELONG GROWTH AREA)	12
H.	SIZE OF PRECINCT STRUCTURE PLANS	12
I.	ORDER OF PRECINCTS	13
J.	UNIVERSAL CONTRIBUTIONS	14
K.	SUBMITTERS	17
K.1.	DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING	17
K.2.	VAHID & NAOMI HAYDARI	17
K.3.	CHEMRING AUSTRALIA	18
K.4.	GRAHAM BARBER	18
K.5.	VICTORIAN PLANNING AUTHORITY	18
K.6.	BARWON HEADS LIFESTYLE PTY LTD	18
K.7.	WALLINGTON LANDOWNERS	19
K.8.	LASCORP DEVELOPMENT GROUP (AUST) PTY LTD	19
K.9.	LOVELY BANKS DEVELOPMENT GROUP	20
K.10.	BORAL LIMITED AND BLUE CIRCLE SOUTHERN CEMENT LIMITED	21
K.11.	MORGAN AND GRIFFIN	22
K.12.	ADELAIDE BRIGHTON CEMENT LTD	23
K.13.	VILLAWOOD PROPERTIES AND LEOPOLD LANDOWNERS	26
K.14.	MT DUNEED DEVELOPMENTS PTY LTD	27
K.15.	PROPERTY CORPORATE HOLDINGS PTY LTD	28
K.16.	VILLAWOOD PROPERTIES	28
K.17.	DEPARTMENT OF TRANSPORT	29
K.18.	PURDIES PADDOCK	29
K.19.	RAMSEY PROPERTY GROUP	29
K.20.	SHELL ROAD DEVELOPMENTS PTY LTD	30
K.21.	DENNIS FAMILY	30
K.22.	L BISINELLA DEVELOPMENT PTY LTD	30
K.23.	MCCANN FAMILY	31
K.24.	JIM GREEN	32
K.25.	GOLDEN PLAINS SHIRE COUNCIL (GPSC)	32
K.26.	GEELONG SOLID WASTE MATERIALS RECEIVAL & PROCESSING P/L	33
K.27.	ELDORADO CARAVAN AND TOURIST PARK/ ADG CARAVAN PARK PTY LTD	34
K.28.	COMMITTEE FOR GEELONG	34
K.29.	ROD REID	35
K.30.	WENDY DUNCAN	35
K.31.	SAM AND KRISTINE PRATT	35

K.32.	LEXNORM INVESTMENTS.....	36
K.33.	RIVERLEE HEIGHTS PTY LTD	36
K.34.	JIA QI FANG.....	37
K.35.	GEELONG ENVIRONMENT COUNCIL	37
K.36.	RICHARD WEATHERLY OAM AND JENNIFER WEATHERLY	38
L.	CONCLUSION	38
M.	APPENDIX A	39
N.	APPENDIX B	41
O.	APPENDIX C	43

A. INTRODUCTION

1. Greater Geelong City Council (**Council**) is the Planning Authority for Amendment C395 (**Amendment**) to the Greater Geelong Planning Scheme (**Planning Scheme**).
2. The Amendment proposes to implement the City of Greater Geelong Settlement Strategy October 2018 (**the Settlement Strategy**) and the Northern and Western Geelong Growth Areas Framework Plan March 2019 (**the Framework Plan**) into the Planning Scheme.
3. This closing submission is made on behalf of Council in response to matters raised during the submissions and evidence of parties. It has been a lengthy hearing. Not each and every issue raised is responded to within. Where Council is silent upon an issue its position is unchanged from its Part B submission and Council relies upon the matters illustrated through its cross examination of witnesses.

B. THE CENTRAL ISSUE IN THE AMENDMENT

4. The Amendment principally concerns the provision of housing for the anticipated high level of growth in Greater Geelong over the life of the strategy. At its core, the measure of the Amendment's success is its response to the content of Clause 11.02-1S. To revisit that Clause:

Objective

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Strategies

Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.

Ensure that sufficient land is available to meet forecast demand.

Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

Planning for urban growth should consider:

- *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
- *Neighbourhood character and landscape considerations.*
- *The limits of land capability and natural hazards and environmental quality.*
- *Service limitations and the costs of providing infrastructure.*

Monitor development trends and land supply and demand for housing and industry.

Maintain access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure and industry.

Restrict rural residential development that would compromise future development at higher densities.

Policy guidelines

Consider as relevant:

Victorian Government population projections and land supply estimates.

5. Dealing with the various parts of this Clause:

Relevant part of the Clause	Response
<p><u>To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.</u></p> <p>Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.</p> <p><u>Ensure that sufficient land is available to meet forecast demand.</u></p>	<p>No expert before the Panel has questioned that the strategy identifies sufficient land to accommodate population growth.</p> <p>Limited submissions (Tom Roe and Boral) question adequate land supply.</p> <p>The Settlement Strategy and Amendment are premised on detailed population estimates based on varying growth scenarios.</p>
<p><u>Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur.</u></p> <p><u>Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.</u></p>	<p>The Amendment is unashamedly clear in setting a policy about where growth is preferred.</p> <p>The amendment adopts a municipal basis of land supply.</p>
<p>Planning for urban growth should consider:</p> <ul style="list-style-type: none"> • Opportunities for the consolidation, redevelopment and intensification of existing urban areas. • Neighbourhood character and landscape considerations. • The limits of land capability and natural hazards and environmental quality. • Service limitations and the costs of providing infrastructure. 	<p>The Amendment sets an ambitious infill goal but does not rely upon it.</p> <p>The shift in policy direction away from the Bellarine is founded in character, environmental and infrastructure basis.</p>

Monitor development trends and land supply and demand for housing and industry.	The Settlement Strategy is founded on ongoing review of uptake of land over the life of the strategy to inform the need for further release of land and performance.
Consider as relevant: Victorian Government population projections and land supply estimates.	The success of the amendment is founded upon the adoption of robust population growth rates higher than State based forecasting.

6. Council has carefully questioned each of the planning witnesses that have appeared before this Panel.
7. No witness has asserted:
 - 7.1. That the Amendment does not provide the requisite 15 year land supply.
 - 7.2. There will be shortfalls in land supply during the life of the strategy.
 - 7.3. That the delivery of the majority of housing growth in planned growth areas in the NWGGA represents inappropriate planning.
 - 7.4. The reducing the share of growth to be accommodated on the Bellarine represents inappropriate planning.
8. None of the population witnesses have asserted:
 - 8.1. That the Amendment does not provide the requisite 15 year land supply.
 - 8.2. There will be shortfalls in land supply during the life of the strategy.
9. In a contested hearing with well-resourced submitters and approximately 50 witnesses called, these are profound indicators of the underlying success of the Amendment. The Amendment will facilitate a planning framework that will more than meet the forecast population demand of Geelong.
10. The concerns that has been raised by parties are not whether there is enough land but is either about whether their land can be developed and when.
11. For example, Morgan and Griffin adopted colourful language to draw an analogy between Council's approach to directing where growth should occur and a communist state directing people where to live. This completely fails to acknowledge that Clause 11 requires Council to provide clear direction on where growth should go. Council's job is to make choices about appropriate locations to accommodate growth. This is precisely what the Council is doing

through the Amendment. It is encouraging the growth areas as the primary area for residential growth.

12. This does not mean there is no growth on the Bellarine – to the contrary there is substantial supply already – in Ocean Grove there is 9-13 years supply without any structure plan review¹.
13. Planning policy is not set in stone – it is open to and frequently does change. General Residential Zones become Neighbourhood Residential Zones at the stroke of a pen. When it changes it does impact the choices or people and the price of housing. That does not mean this is poor or unacceptable planning outcome.
14. While the parties have identified disquiet with Council's introduction of the growth areas and realignment of policy, the Panel should be content that no party has put a case on need. At its highest, the argument has been put on the basis of choice in circumstances of the level of existing and potential supply. This argument is simply not a compelling one.

C. WHAT THE AMENDMENT IS AND IS NOT

15. Having heard the submissions it is also important to acknowledge what the Amendment is and is not.
16. The Amendment is founded on a settlement strategy that is in two parts, existing Geelong and the growth areas. The Amendment does not seek to introduce new land to the existing areas of Geelong. The Amendment specifically contemplates, and the Council accepts, a further process for the finalization of an enduring boundary for Geelong. This will be:
 - (a) In the form of a logical inclusions process; or
 - (b) Secured by the DAL program; or
 - (c) In the case of Ocean Grove, if not addressed by the DAL, through the proposed review of the structure plan in accordance with the exhibited planning scheme provisions.
17. A number of submissions have sought to demonstrate the particular attributes of particular parcels of land for inclusion via these future processes. Respectfully, this Amendment is not the place for the Panel to be pre-empting future processes about the inclusion of land parcels in existing urban Greater Geelong
18. This Amendment is about the higher order matters and not the devil in the detail.

D. INTEGRATION OF CHANGES TO THE FRAMEWORK PLAN AND ORDINANCE

¹ Evidence of Mr Shipp.

19. An emerging issue in the Amendment is how the Panel should deal with recommendations concerning the drafting of the Framework Plan and the drafting of the proposed planning scheme ordinance. In this submission Council presents its panel version of the planning scheme ordinance associated with the Amendment. In respect of the ordinance it is Council's submission that these documents are more critical in the hierarchy of planning documents and it is necessarily more important that the Panel provide advice on what it considers should be included within the Amendment.
20. The situation for a background document such as the Framework Plan or the Settlement Strategy is different. Combined, the documents run to many hundreds of pages and the Panel has heard submissions about a range of specific and general changes. Council does not consider it is the role of the Panel to seek to re-draft these background documents. It invites the Panel to make any specific or general recommendations it considers appropriate in respect of these documents such that the drafting exercise and structure of the documents can be prepared in a careful and appropriate manner.
21. This approach is consistent with the approach in many PSP hearings where specific changes to documents incorporated into the planning scheme such as PSP text and other ordinance are matters of line by line analysis. The Framework Plan and Settlement Strategy are not incorporated documents, but background documents.
22. Council is confident in the documents it has presented but accepts that with the benefit of the input of the parties to the hearing there will be updates to the documents recommended. Council will consider the Panel's recommendations and update the documents faithfully, as appropriate in accordance with its role as planning authority.

E. NWGGA PROJECT CONTROL – HOW WE GOT HERE

23. A number of submitters have attended the Panel seeking to make changes to the urban structure in the NWGGA. These changes are usually requested on the basis of limited evidence from witnesses and a viewpoint which is narrow. Council considers it important to understand that there has been a substantial process of planning and engagement to get to the Framework Plan stage. This has involved the landowners, agencies and the public.
24. The project team that has defined the proposed size and sequencing of the NWGGA PSPs has extensive previous experience in the preparation of PSPs and DCPs in Melbourne's growth corridors. This experience includes a detailed understanding of the relative complexity of structure planning across a diverse range of precincts. The project team has prepared precincts of various size and yield (Toolern PSP, 2000+ hectares to Lincoln Heath South PSP, 40 hectares), ownership patterns (Rockbank North PSP, single ownership, to Greenvale Central PSP, high fragmentation), and process (standard PSP preparation and 2011 'fast-tracked' PSPs).

25. The project team that has overseen the proposed size and sequencing of the NWGGA PSPs includes Executive-level staff members of the City of Greater Geelong, the Department of Environment, Land, Water and Planning (DELWP), the Victorian Planning Authority (VPA) and Regional Development Victoria (RDV).
26. The Framework Plan has already been the subject of a substantial interrogation by public and private interests. The proposed future urban structure of the growth areas, including the alignment of arterial roads and the Clever and Creative Corridor, location of activity centres and employment precincts, and aspirations relating to the quarry and broader open space network was discussed and articulated as part of the Enquiry by Design.
27. The Enquiry by Design was a 10-hour workshop with 250 participants including state government agencies, Council departments, non-government organisations, servicing authorities, landowners/occupiers and developers and their consultants in November 2017. The future urban structure plan was subsequently released for community engagement in May 2018. All of the parties to this Panel process have been intimately involved in these earlier processes, and, will be intimately involved in the detailed planning which is to come.
28. In Council's submission the Panel should be cautious in applying piecemeal changes to the Framework Plan in circumstances where:
 - 28.1. For the most part the agencies have not been involved in this stage of planning.
 - 28.2. The Panel can have confidence that there is another stage of planning that will follow with the preparation of PSPs. This will involve land owners, agencies and an independent assessment process through a Panel if the PSP preparation does not conclusively resolve any outstanding issues.

F. URBAN STRUCTURE PRECINCT BOUNDARIES (WESTERN GEELONG GROWTH AREA)

29. There exists an inherent and justifiable logic to the way in which the precinct boundaries have been determined. Yes, it is true that Council's approach does not represent the only way in which the precincts could be divided. Council submits though this is not the enquiry which the Panel should undertake – assessing each and every option.
30. Provided that the boundaries present logically, provided that they permit the supply of land for urban purposes and provided they can be implemented – they are satisfactory, and the Panel should adopt them.
31. Creamery Road PSP and Batesford North PSP are defined by logical precinct boundaries: the Geelong-Ballarat rail line, the Geelong Ring Road, the Midland Highway and the northern extent of the Moorabool River (north of the Midland Highway). Each of these boundaries creates a

significant barrier to neighbouring land uses, and in each instance presents a relatively straight forward planning constraint to address when preparing a PSP. As Mr Woodland identified, each can support the critical mass for infrastructure and housing for a community.

32. Planning related to the Moorabool River interface is significantly less complex to the north of the Midland Highway than to its south. The river interface within Batesford North PSP includes a significant setback from future urban development generated by the floodplains of the Moorabool Valley. This differs substantially from that part of the river which is to the south of the Midland Highway within the Batesford South PSP. In the south, urban development is anticipated to occur in close proximity to the river and significant rehabilitation will be required as part of the remediation of the deviation channel.² The added complexity of these matters will require significant stakeholder investment and, if applied to Creamery Road PSP, will cause substantial delay to the anticipated precinct structure planning process for Creamery Road PSP. Mr Black's evidence on this point was instructive. Under cross examination by Adelaide Brighton Cement Ltd (**ABCL**), Mr Black confirmed the somewhat obvious proposition that the owners of adjacent land will be highly involved in the works along the river corridor.
33. Creamery Road PSP and Batesford North PSP have been deliberately split. Aside from rationale supporting the size and scale of the precincts referred to below, the Batesford North PSP includes the Batesford township. The plan specifies more than a dozen specific actions relating to the detailed planning of the future interface to Batesford township. In terms of growth area planning, the interface with existing communities is one of the most challenging aspects compared with more isolated green field development. In this case it involves interfacing with a separate municipal Council – Golden Plains. The process of interfacing with the Batesford township process will best occur as part of a localised approach to planning that leverages from processes established by the forerunning preparation of the Creamery Road PSP and does not create additional delays for the initial PSP.
34. Merrawarp Road PSP provides a small neighbourhood sized precinct with a small number of landowners, relatively discrete infrastructure requirements and significant physical barriers, the Hamilton Highway to the north and the Barwon River to the south. Urban development in this precinct will directly support community and retail infrastructure in the neighbouring McCanns Lane precinct and Fyansford.
35. The McCanns Lane precinct's most significant strategic boundary is McCanns Lane, the boundary of the work authority for the Batesford quarry. The southern and western boundaries (Hamilton Highway and the municipal boundary) are well defined. The eastern boundary provides for drainage outfall at the Geelong Ring Road and preserves a logical long-term

² The presentation prepared by the southern landowners and attached to Mr Stewart's evidence directly contemplates these works.

boundary for new communities: the existing and permanent road interface of McCanns Lane. Further extension of the precinct to the east may result in long term 'back of fence' development³ and complex drainage outcomes toward to the Moorabool River. It also brings forward the management of the Moorabool river master planning process and delivery. Critically, no barrier to McCanns land progressing has been identified.

36. The Batesford South PSP boundary is *deliberately* large in size. The precinct packages the Batesford quarry (and other quarries), the Moorabool River corridor and the Dog Rocks Sanctuary. These land use features require a comprehensive, coordinated and holistic planning response from the City and many other key stakeholders including but not limited to DELWP, DJPR, Parks Victoria, Wadawurrung, Corangamite Catchment Management Authority, Barwon Water. This commencement of the PSP is also subject to defined rehabilitation outcomes relating to the quarry.
37. A large precinct has a larger contributions base and accordingly an ability deliver infrastructure. Council is very concerned with submissions that seek to erode the size of this precinct. There is a real risk that without critical mass, expensive and complex infrastructure such as the lake may not be realised.
38. Importantly, the current definition of the precincts allows for planning and development of the four short- and medium-term precincts without engaging in the complexity of the ongoing operations of the Batesford quarry and its eventual closure and rehabilitation. This hearing alone has identified different expectations for its closure between the joint venture partners and it was confirmed in evidence⁴ that rehabilitation plan already needs to be revisited. Any revision of the current boundary of the Batesford South PSP may prejudice the timely preparation of the adjacent precincts. It is stressed that the closure date of the Batesford quarry is not known to Council, or it appears the land owners.
39. With their existing access to the Midland Highway and Hamilton Highway, all four of the short and medium term precincts can be delivered without reliance on infrastructure to be provided in the Batesford South PSP. Council can rely on the infrastructure provision outlined for the earlier PSPs without concern relating to the future development capacity of the Batesford South precinct. Scenario testing in the GTA transport strategy has established a suitable road network in the event that urban development does not occur in the Batesford South precinct.
40. Something has been made of precincts being short term or medium term or long term. It is careful not to be caught in the hyperbole and concentrate on just what the Framework Plan provides for. In the west, the Framework Plan calls for one short term precinct, three medium term precincts and one long term precinct. All of the medium-term precincts are on equal footing

³ Building up to but not beyond a proposed road prevents this.

⁴ Mr Stewart for ABCL.

and could potentially be delivered second. The one long term precinct is a quarry that will be active to 2025, at least, and is not required for the purpose of land supply in the short term. Why the haste? Just what is the problem?

G. PRECINCT BOUNDARIES (NORTHERN GEELONG GROWTH AREA)

41. Aside from rationale supporting the size and scale of the precincts referred to below, the Northern Geelong Growth Area precincts allow for fragmented land holdings – that are difficult to finance and plan as standalone precincts – to be included within comprehensive broad-acre greenfield PSP processes.
42. Annexing land in the growth area that results in the preparation of PSPs that are exclusively comprised of rural living properties will fundamentally decrease the prospect of that land being appropriately planned for urban development. Metropolitan examples, such as Collison Estate in Casey and Greenvale Central PSP in Hume, provide relevant case studies relating to the funding, timely and complexity of transitioning fragmented land as a detached process.
43. Splitting the Northern Geelong Growth Area in four quadrants provides valuable flexibility in planning for transport infrastructure. The northern half of the growth area is solely reliant on Bacchus Marsh Road for access to Geelong and the broader area. The proposed PSP boundaries and timing as set out in the Framework Plan allows for the provision to split traffic between Bacchus Marsh Road and Anakie Road, if required, by commencing the Heales Road West PSP before the Elcho Road West PSP.

H. SIZE OF PRECINCT STRUCTURE PLANS

44. The size and scale of PSPs varies greatly in the metropolitan growth areas. The variability is such that there is no specific rule or delineation that makes one size right and another wrong. What is important is that the proposed sizing of precincts is workable. No expert, and this includes Mr DeSilva for LBDG⁵, suggests that size of the precincts as proposed cannot be planned to deliver viable PSPs. The Panel is asked to recall the considered evidence of Mr Woodland about creating precinct sizes that can sustain communities.
45. Council submits that decisions relating to appropriate precinct boundaries should be guided by the setting, constraints and scale of the local setting. Metropolitan Melbourne, with a population of five million, is more than 20 times the size of urban Geelong in terms of population. Defining, and allowing for the unrestricted development, of Geelong precincts that are in most cases larger than their metropolitan counterparts does not reflect the local context of a regional city,

⁵ Given Mr DeSiva was until this Panel hearing retained by Council and that he led the enquiry by design process that underpins the Framework Plan it would have been surprising if he did.

overextends the capacity of interested stakeholders to provide planning guidance, and is unwarranted on the basis of land supply.

46. Taking that issue of land supply, under cross examination Mr DeSilva conceded that he had not undertaken an analysis of land supply to determine whether there is a need for larger PSPs. No expert has.
47. The west growth corridor plan seeks to plan a minimum of 377,000 people and provide jobs for at least 164,000 people. It includes more than 25 PSPs. So yes, in response to Mr Black's evidence, over this vast area from Werribee and Point Cook in the south to Melton in the north there are multiple PSPs and growth fronts operational. But what does this mean for Geelong? The two projects are fundamentally of a different scale and purpose.
48. It was asserted that Council had been introspective and not wishing to stretch its resources by opening multiple larger growth fronts. Council seeks to plan these areas in a manner that will best deliver these communities. Best deliver means the greater certainty of shorter (but still sufficient) build out periods for PSPs, shorter timeframes for ICPs/DCP meaning that the costings are more accurate and the Council is not 'stung in the tail'. It means lessons from PSPs can be progressively applied.
49. Rhetorically, Council asks the question: what is the justification, the warrant for bigger or more PSPs? Mr Black, Mr DeSilva, Mr Ainsaar, Mr Negri – none had assessed or determined any land supply issues. As was illustrated to Mr Black there is already choice – there will be three active PSPs in the north of Geelong – Lara West, and one each from the northern and western growth areas. There remains Armstrong Creek and the substantial existing supply on the Bellarine.
50. Appendix A provides site context in relation to Geelong's regional city counterparts. The conglomeration of precincts – Elcho Road East PSP and Elcho Road West PSP, Heales Road East PSP and Heales Road West PSP, and/or Creamery Road PSP and Batesford North PSP – requires Council to plan and release singular precincts for urban development equivalent to the urban extents of Ballarat, Warrnambool and Bendigo respectively. This is not necessary or appropriate.

I. ORDER OF PRECINCTS

51. Various parties have asserted that Council's approach to short-term, medium-term and long-term precincts in the growth areas is not appropriate or will, as Mr Black suggested, sterilise land.

52. Firstly, any amendment that takes land, predominately zoned for farming and places it within a UGZ with a detailed framework plan is facilitative, not sterilising. The assertion completely miscasts the Council's case and the facts of the Amendment. The Amendment facilitates the urban development of the northern and western growth areas with a combined population of 110,000. It is true that the Amendment identifies short, medium- and long-term precincts, but such an identification merely facilitates the orderly progression of development through a growth area.
53. Council is confident that the development of the Elcho Road East in the north and the Creamery Road precinct in the west are both developments which have the capacity, ownership and deliverability that earmark them as the initial precincts. There does not appear to be any opposition to this concept.
54. After that, within the entire Northern and Western Growth Areas there are two long term precincts identified. They are the Heales Road East precinct in the north and the Batesford South precinct in the west. In the north, the relevant precinct is highly fragmented land. In the west, it is a working quarry and topographically challenging area without existing access to the higher order roads. The long-term designation is appropriate even on the position expressed by Adelaide Brighton that it will end quarrying in 2025. Having regard to the lead time for preparation of precinct structure plans, this puts it in the longer-term basket.
55. All of the other precincts are medium term precincts and are ostensibly on equal footing to be the second precinct prepared. Council will determine which of the medium-term precincts is delivered in the second tranche of PSPs at the appropriate time.
56. Finally, if growth exceeds even the robust estimates of growth underpinning the Settlement Strategy, Council can accelerate the delivery of medium-term precincts. The order of delivery is a policy – it must be applied flexibly and intelligently. There is no benefit to Council in holding back land where a need is demonstrated. This is different however to opening up land where no party has identified a need.

J. UNIVERSAL CONTRIBUTIONS

57. A number of parties are requesting that this Panel predetermine that a universal contributions plan for the Western Growth Area is required. Council says such a recommendation would be illogical and unsupported by necessary evidence.
58. The notional justification for a global contributions plan is to ensure that there is equity in the provision of infrastructure. Council makes a series of observations.
59. Firstly, just because a land owner will use a road in an adjacent precinct, or might join a sporting club in an adjacent precinct on funded open space, has not historically meant and does not

mean that the costs must be shared between precincts. The requirements of need and nexus do not work in this manner and the suggestion and everyone must pay for everything for it to be fair is just incorrect. This might be the case if all land was uniform in character, area and topography but of course it is not. People buy land cognisant of its characteristics, opportunities and constraints. If a developer purchases an undulating piece of land next to a flat one – does this mean that the flat land must subsidise the development costs of the undulating land? No, it is matter that is worked out in the market – at the time of purchase and at the time of development.

60. Council requested that Mr Black list all of the items that he says constitute shared infrastructure. In answer he could identify only the CCC, the Church Street bridge and the open space areas (which Council understands to be regional open space requirements). While Mr Black agreed that arterial roads (land and first carriageway are contributions items) he did not list these as shared infrastructure and did not list bridges as shared infrastructure. This is a very short list of items to justify mandating a global contributions plan. In respect of these items:

60.1. Mr Black conceded that the Church Street bridge may well be State infrastructure.

60.2. Agreed that the CCC contribution to the interim level identified in the Framework Plan is land and a shared path.

61. In respect of the CCC, the Council observes that this 'shared infrastructure' touches and concerns every precinct and the amount of CCC to be provided is commensurate to the amount of land it travels in the PSP. Even if it was equalised and funded globally, the contributions would balance out with larger precincts having more and smaller precincts having less.

62. No submissions or evidence before this panel has established that the Batesford South precinct is unable to pay for infrastructure attributed to it as described in the Framework Plan. Of course, there is no detailed costings or even a rough spreadsheet. It was Council's impression from Mr Black this this could be readily done – but it has not been done.

63. The four smaller precincts in the Western Geelong Growth Area have the capacity to transition to urban development without reliance on infrastructure to be provided within Batesford South PSP. Nexus relating to fair apportionment of infrastructure funding is a matter to be established as part of the precinct structure planning process.

64. The support for a universal contributions plan in the west is not universal. Mr Marshall on behalf of submitter Reid stated '*it would be impossible to accurately assess the likely future costs to develop this area on a per hectare basis*'. He went further to say that '*Even if an infrastructure plan was developed detailing the shared infrastructure the shared infrastructure costs for the entire WGGA. This would be a guesstimate at best.....*'.

65. Riverlee confined their interest to only the larger shared items.

66. Preparation of individual DCPs or ICPs allows for the planning authority to specify infrastructure requirements to be delivered in short timeframes (5-10 years) and avoids the need to revisit long term assumptions relating to infrastructure provision. As costs fluctuate with the market this is desirable. Council must deliver the infrastructure in a contributions plan irrespective of whether it is funded.
67. A universal approach (a global DCP or ICP) will open the entire plan to enquiry on any occasion that the planning authority seeks to amend the plan to address precinct-scale issues. External apportionment in each DCP or ICP can provide the benefits of a globalised approach without causing significant site-specific delays to planning.
68. Smaller precincts also have large scale projects that need to be funded (e.g. grade separation of the roads intersecting with the Geelong-Ballarat rail line in Creamery Road and Batesford North precincts). It is just as likely that a localised approach to collecting contributions will result in a similar apportionment to a global approach – at least on the information available at this time. There is no reason to leap to a global solution.
69. The detailed planning and costing of infrastructure in the Batesford South precinct cannot be undertaken without technical studies required as part of the preparation of the PSP. Requiring this information to inform the Creamery Road PSP is not feasible and would significantly delay urban development in the Western Geelong Growth Area.
70. Council has initiated the Geelong Growth Areas Transport Infrastructure Strategy in 2019 to identify the major transport (road and rail) infrastructure requirements to support the ultimate development scenario in Geelong's three major growth areas. Project partners in the technical reference group include the Department of Transport, Victorian Planning Authority, Regional Roads Victoria, DELWP, Golden Plains Shire, Surf Coast Shire and VicTrack. The project does not include costing of localised infrastructure within Batesford South PSP but will form the basis for identifying transport infrastructure requirements for short- and medium-term precincts in the growth areas. Once this is identified then the next step of funding analysis and apportionment can occur. This project is scheduled for completion in 2020.
71. The submitters in favour of a single global contributions plan have not adequately responded to the barriers with implementation of this approach.
72. The essential characteristic of a DCP is that the estimated project cost of all necessary projects must be itemised, costed and tallied before being divided by the total net developable area. In this case, this will include at least transport (land and construction – this means the design of individual intersections), open space, and drainage. This will necessitate that all infrastructure

is determined for every precinct from Creamery Road down to Merrawarp. Effectively this means every PSP must be planned before Creamery Road.

73. This is unworkable and unrealistic.
74. Under the ICP system as the extracts provided to the Panel demonstrate, all public land must be determined precisely to allow for land equalisation, and again, all intersections, etc must be determined to establish the land and construction needs. If it is possible that a supplementary levy is required, then the process is much the same as the DCP with all items specifically costed.
75. Again, this simply does not work and defies common sense. Rhetorically, how many global contributions plans have been adopted and how many individual plans have been adopted. Notably where joint ICPs have been applied recently, it has been where multiple PSPs are planned simultaneously such as Plumpton/Kororoit, and Mt Atkinson/Tarneit Plains.
76. When these matters we put to Mr Black his response was these matters could be estimated and that “through the swings and roundabouts it ends up about right”! ‘About right’ on well in excess half a billion dollars of infrastructure might represent a satisfactory margin of error for Mr Black, but the Council adopts a more cautious approach with its role as Collecting and Development agency.

K. SUBMITTERS

K.1. DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING

77. The Department has indicated to the Panel that it will have regard to the Panel’s recommendations in respect of the Amendment in preparing the Statement of Planning Policy for the DAL.
78. During the Panel hearing, Council wrote to the Department to clarify that in having regard to existing policy, this includes the retained policy concerning Ocean Grove. It remains the Council’s preference that the DAL process address, if possible, the issue of township boundaries on the Bellarine.
79. However, if it does not this will fall to the Council.

K.2. VAHID & NAOMI HAYDARI

80. This submission sought to include land within electricity easements at the western edge of the Northern Growth Area within the PSP. Council have already agreed to extend the PSP to the inner edge of the easement.

81. The Council does not agree to this further change. Yes, easements can be utilised within the urban fabric as uncredited open space but this generally occurs when the easements are embedded in the fabric. This is demonstrably different to the examples provided in the submission. It is suggested that a decision on the inclusion of this easement should wait the more detailed planning that will occur at the time of a PSP.

K.3. CHEMRING AUSTRALIA

82. Chemring operates an explosive manufacturing plant. It seeks to maintain an annotation within the Framework Plan for a default 1 kilometre buffer. LBDG seeks changes to the annotation of that buffer but in its detailed submissions on the issue reluctantly accepted the default buffer subject to changes to the notation and measurement from the corner of the administration building.

83. For reasons asserted in its submissions Chemring has not supplied information that would permit determination of site-specific buffer.

84. Council had difficulty in discerning any basis for variation of the default buffer or taking the measurement from the point of the administration building. The evidence of Mr Erskine seemed at times to contradict this approach.

85. While perhaps imperfect, Council sees little option but to adopt the default buffer from the boundary and to effectively defer this issue until after the safety case for Chemring is finalised.

86. Council is content to receive a recommendation that the buffer be clearly notated as being a default buffer subject to further assessment at the time of a PSP. Mr Montebello provided a form of words generally consistent with this.

K.4. GRAHAM BARBER

87. The Council does not intend to raise further matters in response to this submission to the Amendment.

K.5. VICTORIAN PLANNING AUTHORITY

88. The Council does not intend to raise further matters in response to this submission to the Amendment.

K.6. BARWON HEADS LIFESTYLE PTY LTD

89. The submitter owns land outside of the township boundary for Barwon Heads. Its submission to the Panel⁶ expresses concern with Council's reluctance to incorporate its land into the township. The submission concedes that the introduction of new land is not within the scope of the Amendment⁷ but goes on to state that :

'this Panel is not here to make recommendations on the DAL process, it can make recommendation on matters within the strategy, which have been the subject of submissions, including the process that should be followed and the timing of that process to ensure that if the settlement boundaries are to be effectively locked away, and only able to reviewed if both Houses of Parliament so resolve, that any existing opportunities to extend those boundaries in an environmentally sustainable way are not lost'

90. With respect, the submission is misguided. The submitter's witness was provided with extracts of the draft Macedon Ranges Statement of Planning Policy. That document demonstrates that the DAL process can incorporate a range of tools to determine township boundaries which is itself one potential outcome (not a mandatory one) under the legislation.
91. The Barwon Heads township will be subject to DAL process ~~or if this does not grapple with township boundaries, the Council's logical inclusions process.~~ There is no warrant or need for the Panel to make commentary on this submission.

K.7. WALLINGTON LANDOWNERS

92. The submitter adduced evidence which sought to support the inclusion of its land within settlements as a part of future processes. Council has clearly indicated that:
- 92.1. If the DAL process addresses boundaries on the Bellarine then this represents the proper forum for these land owners.
- 92.2. When assessing the existing policy framework, the DAL should address that part of Clause 21.14 that refers to Ocean Grove.
- 92.3. To the extent that the DAL does not grapple with boundaries then it would follow that the logical inclusions process would extend to the Bellarine.
93. Council observes that the DAL process in Macedon demonstrates that there are a range of tools available to address settlement boundaries under the DAL process.

K.8. LASCORP DEVELOPMENT GROUP (AUST) PTY LTD

94. Lascorp is yet to submit. Council reserves its position.

⁶ Document 103.

⁷ Paragraph 35.

K.9. LOVELY BANKS DEVELOPMENT GROUP

95. Council has indicated that it does not oppose a recommendation for the relocation and redistribution of activity centres sought by LBDG. Its list of changes does not depict every consequential change on every plan associated with this redistribution, but Council recognises that this will necessarily follow.
96. This submission addresses the other issues outstanding.
97. In respect of sequencing Council relies on the submissions set out above. It observes the LBDG did not present a case that established that Council's progression of PSPs would negatively impact land supply. It is clear that Council and LBDG both agree on the first PSP to be realised, and it is then a matter of the timing of the subsequent two PSPs before the long term precinct the south east of the north.
98. Council reiterates that if land supply or other reasons necessitated it could revisit the policy position in the Amendment. It is not necessary to do so now.
99. Council does not see the need to realign the Elcho Road in the Framework Plan at this time. It represents precisely the type of matter that can be addressed at the PSP stage of the planning once surrounding land uses are locked down.
100. LBDG called Mr Craigie to provide evidence. There is no doubt that Mr Craigie is a very experienced consultant and one that the Council briefs on projects from time to time. However, this experience with Mr Craigie does not suggest that Council should blindly adopt any recommendation he makes. In respect of his cross examination the Panel is asked to recall that:
- 100.1. He was comfortable that the next stages of planning were capable of and appropriate to continue to refine the drainage network.
 - 100.2. He was complimentary of the work undertaken to date, though was of the mind that there exist alternate solutions that are in his view appropriate.
 - 100.3. He conceded that his report contained none of the design work that was said to justify his conclusions.
101. Council submits that there is simply no warrant to take Mr Craigie's assertions about the outcomes of the work he has completed because they were not described in his report, were therefore not interrogated through his evidence and therefore do not form a reliable basis upon which to alter the Amendment.
102. As Mr Craigie suggests, this work can occur at the next phase of planning.

103. Council confirms it has undertaken a detailed consideration of the list of changes proposed by LBDG and has adopted those parts which it supports.
104. Council's response to the buffer for the Chemring facility are included in its response to the Chemring submission.

K.10. BORAL LIMITED AND BLUE CIRCLE SOUTHERN CEMENT LIMITED

105. Council recognises the future potential of the land owned by Boral. It is a site with good connectivity to the road and rail system and existing urban areas. The changes Council propose to the Settlement Strategy specifically recognise that at the end of its extractive use, (and resolution of the DAL process) it is a site (along with others) for investigation to meet the municipalities future housing needs.
106. Council does not accept to the substance of the requests made by Boral in respect of this Amendment. Those requests are summarised at paragraph 13 of Boral's written submission.
107. The first change sought by Boral is that its land be put within the settlement boundary. For reasons set out above, this Amendment is not about identifying new areas of land outside of the existing settlement boundary and outside of the Northern and Western Growth Areas. It would be premature for the Panel to make recommendations about the Boral land in this matter. There is no demonstrated need for this to occur.
108. At paragraph 13(b) of its submission, Boral sought to have its southern precincts designated as an investigation area. This has effectively been acceded to by Council in its recommendations to the review section of the Settlement Strategy. Council has identified the Boral land by name and in substance as requiring investigation for inclusion within the settlement boundary when land supply or other needs suggest that there may be a shortage in land supply. This provides Boral with the comfort that it is land that will be investigated for this purpose.
109. Boral seek that its land in part be the subject of immediate rezoning to a UGZ. Again, that is not the purpose of this Amendment, is not justified on the materials presented and in particular is not needed to meet Council's forecast land supply.
110. Council refers to the letter from White & Case which described this response of the Council as falling, "*woefully short of adequately recognising the clear net community benefit of the short term potential of the site for urban development*". Council relies on Mr Barlow in respect of the timing for the Boral area. Quite apart from being a short-term need, it is realistically a long term need. It follows that it is not necessary or appropriate for the Amendment to bring this land forward.

111. To the extent that Boral attempts to question land supply in its written submission, Council observes that this was not supported by its evidence. To the contrary, the position runs counters to all of the expert evidence before the Panel on this issue.
112. Finally, at Appendix B, Council has included an extract from its Part B Submission for C376, Hams Road. This extract indicates that at least at August 2019, the Boral buffer remain a live planning issue. Ultimately given there is no demonstrated need for the immediate introduction of Boral, the Panel is not required to make any finding on this buffer issue.

K.11. MORGAN AND GRIFFIN

113. These submissions are made in response to the Morgan and Griffins submissions, but they apply with equal weight to submissions made by other parties concerning Ocean Grove including Shell Road Developments. The position expressed by the submitter is that it agrees that there will be an end to sustainable development on the Bellarine Peninsula but that that end has not yet reached. In principal the Council does not disagree. The Amendment is specifically cognisant of the proposal in the existing and proposed clause 21.14 to review the Ocean Grove structure plan.
114. Council has made it clear with the Department that this should occur as it is part of the existing policy framework and that the Department has indicated that it will take into account in preparing the Bellarine DAL statement of planning policy. Much was said that the Council's words were weasel words. This is refuted, the words say what the Council means. There is a process on foot that on any view will be completed in advance of any structure plan review that Council could undertake for Ocean Grove. It seeks to cover some of the same issues and, in particular, the settlement boundary for Ocean Grove. If it addresses these matters in a manner generally consistent with Clause 21.14 then the work of Clause 21.14 is done, if it does not then Council will do the work under Clause 21.14. It is Council's preference that the settlement boundary be identified sooner rather than later and this is reflected in the Council's correspondence with the department.
115. In many respects the case in relation to Ocean Grove is, frankly, overstated. The tap is not being turned off in Ocean Grove (compare with the evidence of Mr Milner for Shell Road Developments which the Council described in cross examination as hyperbole). On Morgan and Griffin's own evidence there is 9 to 13 years land supply existing today. That is most of the life of this strategy. If more land comes onboard through the DAL process or a structure planning process there will be more than 9 to 13 years of land supply. Contrary to what was put on behalf of Morgan and Griffin, directing where growth is to go within the municipality is not a negative outcome, it is the Council's job. Mr Shipp gave evidence (the Panel is reminded of his selective quotation of background reports) that 15 years supply was required on the Bellarine. This is not founded in the planning scheme and it ought be rejected outright.

116. Morgan and Griffin suggest that this Amendment runs counter to various existing policies in the scheme and ought, therefore, be rejected in so far as it addresses the Bellarine. Examining these, the Bellarine G21 plan which is referred to under the planning scheme was drafted in 2013. If we pursued the G21 plan and its supporting reports to its end, this Amendment would only be contemplating a single growth area in the north or the west. Of course, time passes, needs evolve and reliance on policy like the G21 plan some 7 years old and giving it weight over more recent and empirically based strategies is simply the wrong approach. Reliance was placed on the Victorian Coastal Strategy. Of course as the Panel would be aware the Coastal Strategy is being re-written. This Panel should not give greater weight to a Coastal Strategy that is “leaving the building” compared to Council’s recent sound and balanced strategic work. The role Bellarine Peninsula planning statement is clearly under review in effect by this amendment and the DAL process. The Panel should not read down the benefits of the amendment again to give weight to these other broader and older policies.
117. In truth much stays the same under the regime of the amendment in Ocean Grove and no ill effects of this Amendment will be felt. It will continue to be a district town and grow in accordance with that designation, there will be land supply and for Ocean Grove, there will be a structure plan review either in substance or literally.
118. Turning to the recommendations sought by Morgan and Griffin:
- A recommendation that the Amendment ought be abandoned as it relates to the Bellarine should be rejected outright.
 - A recommendation that any permanent settlement boundary for Ocean Grove not be adopted until the work required by Clause 21.14 is completed, is entirely consistent with the Council’s position.
 - A recommendation that the Morgan and Griffin land is potentially suitable for urban development is unnecessary as Morgan and Griffin have presented some but not all of the information that would support its urban development and this Amendment does not address expansions to the existing settlement boundary.
119. Council has carefully considered the proposed changes to ordinance put forward by Morgan and Griffin and others on the Bellarine and adopted those parts which it considers appropriate.

K.12. ADELAIDE BRIGHTON CEMENT LTD

120. Adelaide Brighton Cement Ltd (**ABCL**) controls land in the Western Growth Area within the Batesford South Precinct.
121. Its issues concern the long term status of this PSP, the boundaries of the PSP, the road network within the PSP, the CCC and a global funding mechanism for infrastructure.

122. It relies on a combination of tested evidence and a statement by Mr John Oakes.
123. In respect of Mr Oakes statement:
- 123.1. It is unsworn.
 - 123.2. He was not made available for cross examination.
 - 123.3. It relies on untested assertions regarding the content of conversations without documentary support such as contemporaneous notes.
 - 123.4. Contains a number of inaccuracies or questionable assertions:
 - 123.4.1. At 3.2, it is asserted that the quarry will no longer be viable by 2025. This conflicts with the submissions of the McCanns, the email dated 27 February 2018 from Mr Pelchen to Council, copied to Mr Oakes⁸ which suggests a 12 year quarry life based on 'extensive financial modelling'.
 - 123.4.2. At 4.17, it is asserted that ABCL had no input with road alignments. This directly conflicts with Document 94 and Document 95, which is an email from Golder to Council enclosing functional layout plans of the western arterial road extending west of the 1930s quarry. Mr Oakes is copied into those communications. Council adopted the alignment of the roads in the plans in the exhibited future urban structure plan.
 - 123.4.3. At 4.29 it is asserted that the consortium was first informed of the CCC in 2019. Appendix C to this submission contains the Enquiry by Design Workshop Summary and which occurred in 2017 which clearly depict the CCC.
124. No weight should be afforded to the statement of Mr Oakes.

Closure of quarry

125. It is submitted by ABCL that the quarry operations will cease in 2025. In so far as this date was included in the expert evidence statements, it was apparent from cross examination that the experts were instructed to adopt this date. It is not a derived from the expert opinions itself.
126. It is apparent from the McCann submission that this date is at least uncertain and quarrying may continue for a substantial period beyond 2025.
127. This supports the long term designation of the area.

Amendment of the rehabilitation plan will not delay the quarry

128. Amendment of the rehabilitation plan was held out as a barrier to the identified road arterial route and a potential delay on development. Mr Stewart quite fairly acknowledged in cross examination that the changes to the 'beach' part of the quarry rehabilitation to accommodate

⁸ Tendered in cross examination of Paul Stewart.

the lake will require amendment of the rehabilitation plan. He indicated that the 1930s quarry rehabilitation could also be amended.

129. At its highest, the evidence concerning the location of the western arterial confirms that further work is required.

Western arterial crossing of Moorabool River

130. ABCL argue for the westerly relocation of the western arterial in the Batesford South Precinct.
131. It is apparent from the evidence of Ms Marshall that her opinion is based upon traffic considerations and a preliminary assessment of cost. There has been no assessment of the various other parameters that go to the siting and development of a substantial piece of infrastructure. These will include, but not be limited to cultural heritage, native vegetation, landscape assessment.
132. Ms Marshall agreed that her evidence supported the further investigation of the appropriate road crossing.
133. Council agrees. This is why at this stage of planning there is a relatively high degree of flexibility in the presentation of the of the roads. Why then, the Council asks rhetorically should the ACBL variation of the arterial (the start and end points are the same) be preferred?
134. Council considers this to be an unnecessary change to the Framework Plan. Quite possibly a route through disturbed land being the 1930s quarry could be the most appropriate location for a cross once all matters are considered.

The CCC should stay with the eastern side of the lake and associated specialised activity centre

135. There is insufficient justification to amend the location of the CCC to the west of the lake. This would effectively collate this high amenity transport route with an arterial road – an outcome which is to be avoided where practicable. No empirical analysis of catchment was presented that would support assertions that there would be a superior catchment with the relocation of the CCC to the west.
136. Ms Marshall in her evidence asserted that the CCC and arterial roads should both be located to the west of the quarry and separated in their functional design. This, in addition to a connector street to the east of the quarry confirmed to be required under cross examination, would result in an additional road corridor running north-south through the growth area.

The land to north of the Moorabool should not be included within the Creamery Road Precinct.

137. The proposal to include land to the north of the Moorabool River within the Creamery Road precinct would be a poor planning outcome.

138. Council joins with the McCanns in stating that excising more readily developable areas of land from the Batesford South Precinct makes it less likely that the quarry lake can be sustainably delivered. Council goes further to say that Batesford South precinct is appropriately sized (it is the largest of these precincts) to facilitate the delivery of the larger scale infrastructure in the precinct. Removal of NDA could result in higher contribution rates for the precinct.

139. It was apparent throughout the ACBL case that is contention for excision of the northern land failed to understand the important role of master planning and rehabilitating the Moorabool River. At Paragraph 30(d) of its submission, ACBL stated:

While there may need to be a river corridor study , the river corridor is not land owned by ACBL, it is Crown Land. Therefore any study of that corridor would be controlled and conducted by another party, presumably the Council. It is difficult to understand how any such study would affect the timing of the development within the Creamery Road Precinct (including the ABCL Land).

140. In contrast Mr Stewart's evidence attaches a presentation that directly contemplates works to the Moorabool River to break up the concrete invert and other matters.⁹

141. Further ABCL cross examined Mr Black on this issue in an attempt to elicit support for the proposition that the corridor was a matter for government agencies. Mr Black confirmed that it would involve both the adjacent land owners and agencies. In cross examination from Council Mr Black confirmed that there would be contributions items relating to the river corridor.

142. The Framework Plan contemplates a single plan for the Moorabool between the Midland highway and the Ring Road prior to development.¹⁰ Contrary to the submissions of ABCL the inclusion of its northern land within the Creamery Road precinct would jeopardise the rejuvenation of this important asset.

It is not appropriate to continue the western arterial to the Hamilton Highway

143. ABCL seek to have the western arterial continue through to the Hamilton Highway. This is not appropriate. It would result in an arterial spacing that is not required or justified and is much less than the traditional 1.6 mile grid.

144. The other surrounding uses in the area require arterial access – the subregional activity centre on the McCann's land and the employment area in the west of the precinct.

K.13. VILLAWOOD PROPERTIES AND LEOPOLD LANDOWNERS

⁹ Page 17 of presentation on lake filling.

¹⁰

145. The primary requests of the submitter are identified at Paragraph 103 of the submission.
146. Neither the Settlement Strategy or the Amendment support the proposal to undertake further structure plan reviews for the Leopold township. The Amendment does of course represent a change in policy and care must be adopted in reading into the Leopold Structure Plan as a basis for redefining this new policy.
147. The landholders did not present any evidence in relation to land supply in Leopold or demonstrate a need for further land supply to satisfy the objectives of the Amendment.
148. It seeks a review of the structure plan – this would be a business as usual approach for the Council. The Amendment seeks to remove the growth designation from the district towns on the Bellarine and this is supported by Council's independent expert, Mr Barlow. Of course, this does not stop the ongoing development of these district towns but it does confirm the direction that the majority of growth will be in the new growth areas.
149. Leopold will be subject to a DAL process and if settlement boundaries are not confirmed through that the Council will address these boundaries in the course of the logical inclusions process.

K.14. MT DUNEED DEVELOPMENTS PTY LTD

150. Mount Duneed Developments Pty Ltd is a residential land developer that has secured interests in a portion of land earmarked for industrial land use within the western industrial precinct. It seeks changes to the Amendment such that it becomes policy that Council investigate the potential for the Western Industrial Precinct to contribute to the provision of future housing supply for the Armstrong Creek urban growth area. Mount Duneed Developments relied on the evidence of Mr McNeil. Mr McNeil was a fair witness, he:
- 150.1. acknowledged that insofar as the Deakin University site at Waurm Ponds is seeking to facilitate employment outcomes, he had been unable to determine what area of the entire site would be put to industrial use.
- 150.2. acknowledged that there was no analysis that he had undertaken which demonstrated a need for this land to be put to residential purposes to satisfy a shortfall in land supply over the duration of the Settlement Strategy.
- 150.3. accepted that his report was something less than a comprehensive assessment of availability of industrial land.
151. In Council's experience, the uptake of industrial land is a slower process than the uptake of residential land. Industrial land requires a market to be developed and no evidence or

submissions were adduced that suggested that the submitter has in fact made efforts to realise an outcome on this land which is consistent with the vision of the Armstrong Creek Framework Plan.

152. It is not an uncommon occurrence that residential developers seek the release of future industrial land for residential purposes. A review of the employment land needs in the Armstrong Creek growth area was undertaken in September 2018 by SGS for Council in relation to another request in the Western Industrial Precinct which led to Council refusing that request. As no change to Council's policy was necessary this work did not proceed to an amendment.
153. There is a threshold case which Mount Duneed Developments must overcome to support the policy changes that it seeks are adopted. Council regards Mr McNeill's evidence as suggesting a potential outcome but something less than the type of fulsome assessment that would support such a change.
154. What Mr McNeill's evidence did not demonstrate was any land supply basis which would demonstrate a need for the outcomes sought.
155. In Council's submission the changes sought by Mount Duneed Developments are premature, particularly when it seeks to leverage off submissions made by Boral which itself is an area for which the development future is not yet clearly articulated. At any time it is open to the submitter, or another person to present information to Council seeking support for change. Signposting such potential change is unnecessary and unjustified.

K.15. PROPERTY CORPORATE HOLDINGS PTY LTD

156. This submitter is essentially seeking to have land outside of the settlement boundary included within the settlement boundary. Council has foreshadowed a process for this.
157. The submitter seeks to present a 'hardship case' premised upon its recent inclusion with the Bellarine DAL which it says runs counter to its historic designation as being outside of the Bellarine. Council observes that:
 - 157.1. It is not responsible for the scope of the designation of the DAL process, that is a matter for the Minister.
 - 157.2. An opportunity exists for this submitter to put its case through either or both of the DAL process and the logical inclusions process.

K.16. VILLAWOOD PROPERTIES

158. The submission principally supports the revised sequencing proposed by LBDG and it is addressed elsewhere in this submission. The submission¹¹ supports revised sequencing on the basis of 'de-risking' land supply.¹² In order to de risk, it is necessary to first identify that there exists a risk. Villawood, like the other parties has presented no evidence that this is the case.
159. Council assumes greater risk in adopting larger and more unwieldy development fronts and lengthier contributions plans.
160. Finally, Council observes that Paragraph 61 is incorrect in so far as it relates to the Mount Atkinson/Tarneit Plains ICP. Permits were issued relying on agreements for collections.

K.17. DEPARTMENT OF TRANSPORT

161. The Council does not intend to make reply submissions to the Department of Transport submissions.

K.18. PURDIES PADDOCK

162. The submitter sought a recommendation for the rezoning of the land known as Purdies Paddock. The submitter relied on the evidence of Ms Rigo.
163. Under cross examination it was conceded that the information presented was not the material that would normally support a rezoning, and that the rezoning may create a defect in notice.
164. The relevant parcel is on its face capable of satisfying at least a number of the propose criterion for the future logical inclusions process. This will be further examined if a submission is made to the process. It is not necessary, or appropriate that the Panel identify the land now as an investigation site.

K.19. RAMSEY PROPERTY GROUP

165. Council adopts and supports the submissions of the Ramsey Property Group in respect of the PSP size and configuration. It also adopts those submissions provided by Ricardo and the PLC Consulting which support that proposition. Council further adopts Ramsey's position in respect of the global ICP and DCP.
166. Council has worked productively with the Ramsey Group to attempt to narrow the issues between the parties. Council does not adopt all of the changes contended for by the Ramsey Group and these are matters which remain before the Panel.

¹¹ Document 162.

¹² Paragraph 64.

K.20. SHELL ROAD DEVELOPMENTS PTY LTD

167. In reply to the Shell Road Developments Pty Ltd submission, Council refers to and relies on its submissions in response to Morgan and Griffin's proposed changes to the Amendment. The submission followed that earlier submission closely in terms of content and in terms of recommendations sought.
168. In respect of the evidence called on behalf of the submitter, Council does observe that Mr Milner adopted an approach in evidence that Council was suddenly turning of residential supply in the Bellarine. This is not a fair characterisation of the Amendment which proposed to review the structure plan and in circumstances of a 9-13 year land supply. Mr Milner agreed that Ocean Grove is already functioning as a district town and will continue to grow into this role.
169. Mr Ganley focussed on housing choice but agreed that the Amendment meets the 15 year supply rule. Council's criticism of Ganley evidence relates principally to the ideology behind it. Council understands this position to be that substantial weight should be afforded to providing choice in the market and that this is a priority factor in determining land release (Council's words).
170. The reality is that there is a great diversity of choice in the Geelong market already and into the future. There is a reasonable choice and there will continue to be reasonable choice. But this reasonable choice does not require that every character of development type must continue to be replicated. There are other important questions of infrastructure, delivery, the environment etc that factor into Council's assessment as the planning authority.

K.21. DENNIS FAMILY

171. DFC Services Pty Ltd submitted in relation to its intention to participate in the logical inclusions process foreshadowed by the Council. It has interests in land to the north of Lower Duneed Road.
172. Council and DFC agreed to a series of minor changes to the Planning Scheme in this matter such that any relevant outcomes of logical inclusions process as it affect Armstrong Creek are recognised in policy. Council regards the submission as having been resolved.

K.22. L BISINELLA DEVELOPMENT PTY LTD

173. The Council has made changes to address the concern identified by the submitter in relation to the width of the waterway by reducing the width to better accord with the underlying SMEC

work. This coupled with the text in the Framework Plan confirming these features are indicative effectively addresses the submission.

174. It is not appropriate to assume that the waterway will be confined to the minimum Melbourne Water Guidelines width and it is not necessary to identify the approved width under the existing permit. The existing permit represents a rural residential outcome approved outside of the PSP process. It may be acted upon, it may not. This strategic planning process is to address the proposed urbanised form of development and the Framework Plan should reflect this future vision not each and every other potential development.
175. In respect of native vegetation, the further evidence of Mr Trengove confirmed that the current surveys identified native vegetation that was not found on the previous inspections by Mr Trengove. Council will await it receipt of the vegetation assessment that forms part of the current work program and effect necessary updates to the native vegetation depiction as part of this or the next process.
176. Finally, in respect of Aboriginal Cultural Heritage, the designation on Plan 18 of the Framework Plan of 'Existing Archaeological Site' corresponds to the Existing Site Extents shown on Map 8 of the *Western Geelong Growth Area: Phase 1 Aboriginal Heritage Assessment report* (Ecology & Heritage Partners, 21 Nov 2016). Council agrees to the modification advanced that the drawing key for Plan 18 to change the designation "Existing Archaeological Site" to "Registered Aboriginal Places – Existing Site Extents".

K.23. MCCANN FAMILY

177. The McCann family raise issues with the location of the Church Street extension.
178. It is clear through the evidence that it is a complex piece of infrastructure for which the location is uncertain and which will fall across several land holdings. Mr Prosser has provided a proposal which he fairly concedes is at a preliminary stage. The important matter for the Panel in respect of the bridge is that it is satisfied that there exists sufficient flexibility in the ordinance and Framework Plan to identify a fil solution when known. Given the stage of planning, the Council regards there is significant latitude in this issue but the Panel may recommend further commentary.
179. Development contributions is the most significant issue raised by the McCanns. Council considers that there are substantial barriers to the concept of a single contributions plan over the whole western growth area. It would require PSP level planning to address the matters to be covered by the contributions plan before the first PSP proceeds.

180. This troubles Council, as does the inability of Mr Black to provide clear guidance on what he considered were the likely jointly shared projects. If the norm is that contributions plans are prepared for a single or perhaps two PSPs, has enough been demonstrated here to say that the WGGGA warrants a substantially different approach? Council is not persuaded on the evidence.
181. Council does need to consider contributions carefully, and it will. Mandating a global contributions plan rules out the obvious and tested incumbent.
182. Council has agreed to changes in the south eastern corner of the McCanns Lane precinct. It seems to Council that wherever the line is drawn the Prosser evidence demonstrates a catchment split into and out of the precinct. With this in mind it not clear that the case is successfully made for the entire inclusion of the land to the south. Extending beyond the road is not an ideal urban design outcome – it may result in a back of house treatment which is undesirable.
183. Council agrees with the submissions of the McCann family on the CCC and need for flexibility in the treatment of is outside the 14 metre reservation. Council also agrees with the broad position the McCanns took on the easterly location of the CCC and avoiding the extension of the southern arterial road.
184. Council simply notes the McCann's submissions on the life of the quarry. It is consistent with Council's dealings with the joint venture over the period of preparation of the Framework Plan. The McCann's position supports the long term designation of Batesford South.
185. Council's final drafting of the ordinance encompasses its consideration of the McCanns proposed drafting changes.

K.24. JIM GREEN

186. The Council makes no further response in respect of this submission.

K.25. GOLDEN PLAINS SHIRE COUNCIL (GPSC)

187. Council does not need to respond in detail to the submission from the GPSC. In brief, in so far as the submission contemplates substantial change to population in Bannockburn and supports the reopening of the Ballarat-Geelong train line, the submission is consistent with the position of Council.
188. The submission lends weight to the concept of introducing policies through the Framework Plan that support a modal shift to public transport. As Council has stated through submissions and

in cross examination it is important that these concepts are imbedded within the Framework Plan and planning policy at the outset.

K.26. GEELONG SOLID WASTE MATERIALS RECEIVAL & PROCESSING P/L

189. The principal submission on behalf of the landowner of 70 & 80 Thoona Lane, Fyansford was that the land should be removed from the longer term Batesford South Precinct and included in the medium term McCanns Lane precinct. The submitter contended that this was advantageous for reasons associated with servicing and that further there was no negative impact of this associated with the preparation and implementation of the Moorabool River Masterplan.
190. This submitter relied on the evidence of Mr Prosser. Mr Prosser was open and frank in his evidence:
- 190.1. He agreed that his recommendations regarding the location of stormwater assets could be readily picked up at the next stage of the development in the PSP.
- 190.2. He agreed that the currently identified need([which on his evidence was subject to change) for a Barwon Water pump station on his client's land was not a 'significant barrier' to the development of McCanns Lane.
- 190.3. He agreed that the text at page 97 of the Framework Plan¹³ contemplates a single river masterplan between the Midland Highway and the Geelong Ring Road.
- 190.4. he agreed while it may be possible to undertake rehabilitation in stages that the "better approach" was that it be planned as a single masterplan.
191. With this evidence fresh in the Panel's collective mind, it is clear that the assertion at paragraph 51 of the written submission¹⁴ that the balance is tipped in favour of consolidation with McCanns Lane does not hold.
192. There is no need for such consolidation to occur and there is only the downside that the River Masterplan Process would commence on a less than ideal footing. This would be demonstrably poor planning.
193. No case based on supply and demand was presented to justify bringing this land forward. No supply and demand analysis, nothing which indicated that the performance of Council's Settlement Strategy as against clause 17 would be compromised. No assessment of the impact of removing this developable area from the Batesford South precinct on the associated contributions plan.

¹³ W1.3.2

¹⁴ Document 211,

K.27. ELDORADO CARAVAN AND TOURIST PARK/ ADG CARAVAN PARK PTY LTD

194. The Panel has heard from the Eldorado Caravan & Tourist Park/ ADG Caravan Park Pty Ltd seeking, in summary, that that land which is situated to the south of the Midland Highway be included within the short term Creamery Road precinct. The submitter contends that it would assume its share of the delivery of infrastructure with the Creamery Road precinct.
195. The caravan park is an isolated parcel of land to the south of the Midland Highway with an area of approximately 10 hectares. Assuming ordinary development densities for this land, the yield will be something less than 200 dwellings from the entire area.
196. It follows that the inclusion of this land is not going to materially change the supply of land within the short term precinct and no case of need was demonstrated to support its inclusion.
197. Council considers that the Midland Highway forms an appropriate and logical southern boundary for the Creamery Road precinct. Roads are frequently boundaries and inclusion of a small parcel of land to the south of the Midland Highway does not serve any ready planning purpose. To the contrary, its inclusion may lead to difficulties in infrastructure provision and inequities.
198. No traffic evidence was provided to support or compare the traffic generation of the approved caravan park as against residential development, what movements would be permissible from exiting to the Midland Highway in a future development scenario. Is the land to be accessed left in, left out and so forth.
199. The land is proximate to the southern leg of a proposed four-way signalised intersection. That leg of the signalised intersection supports access from land south of the Midland Highway to the Midland Highway. The inclusion of a small developable area within Creamery Road from the south of the Midland Highway and the potential that one might need to deliver the full southern leg of this intersection then creates a potential funding inequity for parcels to the north of the Midland Highway.
200. In summary the Council considers there is no compelling reason for inclusion of this land within the Creamery Road precinct and its inclusion would, if anything, raise complications about the delivery of infrastructure and access which are not resolved to a satisfactory level to justify departure from the exhibited Framework Plan.

K.28. COMMITTEE FOR GEELONG

201. The Council does not intend to make further submissions in response to the matters raised.

K.29. ROD REID

202. The submitter raised two matters that warrant brief comment in closing.

203. The submitter questioned the feasibility of the residential densities that the Framework Plan aspires to within the CCC catchment. While Action N2.1.7 talks about medium density housing within 400 m of the CCC, that does not mean that there will be an identical form of development in that catchment along entire corridor length.

204. The submitter also raised what Council considers to be valid concerns about the practicality of a global contributions plan and the lack of certainty that may be associated with this. This supports Council's contention that the Panel should not recommend adoption of a global ICP.

K.30. WENDY DUNCAN

205. Council notes the considered submissions and evidence on behalf of this submitter. The material provides a useful balance to the information presented by others in respect of the Bellarine and some of the environmental characteristics sought to be protected by the existing and proposed planning policy.

K.31. SAM AND KRISTINE PRATT

206. The Pratt's submit that the identification of a "Potential Waterway" in the general area of their land is inappropriate. The underlying SMEC technical document identifies a retarding basin on their land. In the Framework Plan this is described as an 'Indicative Waterway and Basin'.

207. Mr Swan acknowledged that SMEC plan described one of the available drainage options, that the Framework Plan contemplated that there would be further investigations during the PSP process that may revise this and that if infrastructure was required in this area his client's land was the likely candidate to accommodate this given topography.

208. This is an instance where the Framework Plan talks directly to the underlying study and provides a high level of confidence that the location and nature of assets is subject to review ('indicative' and 'potential'). In this way the submission really overstates the imposition of identifying such assets on this and other land.

209. While it is possible that the land will not accommodate infrastructure, based on Mr Swan's evidence it appears some land in that vicinity likely will. The Framework Plan in the scheme and supporting document communicate this with an appropriate level of generality.

K.32. LEXNORM INVESTMENTS

210. The submitter owns land proximate to but outside of the existing Leopold town boundary. It expresses three general concerns being that the logical inclusions process and the DAL process creates confusion, and that the structure plan process is the appropriate methodology for resolving future township boundaries.
211. Council's position on the DAL and other processes is outlined elsewhere. While the district towns on the Bellarine were designated as growth centres there existed a warrant for the ongoing review or structure plans. There will be further opportunity for review prior to the setting of enduring township boundaries. These district towns will continue to grow with existing supply and an additions through the DAL or logical inclusions.
212. However, that growth will not be indefinite. Despite this, Geelong will continue to have a healthy supply of land for population growth on the basis of the strategy it seeks to impose.

K.33. RIVERLEE HEIGHTS PTY LTD

213. The Amendment proposes rezoning the submitter's land to the UGZ. The submitter says its land should be included within the Creamery Road PSP (some distance to the north) or is the subject of what was termed a 'mini PSP' at the time the Creamery Road PSP is prepared.
214. The effect of inclusion within the UGZ is that the land cannot be developed for conventional residential purposes until a PSP is prepared. The land controlled by Riverlee and the area to its north identified in the submission, is approximately 50Ha which on the minimum proposed density would produce in the order of 750 lots. This might accommodate a population of slightly over 2,000 people.
215. The Council refers to the evidence of Mr Woodland about the necessary population to prepare a PSP which is approaching 10,000 population. This parcel falls well short of this mark.
216. Council also observes that:
- 216.1. The land abuts the Moorabool River which is contemplated to be the subject of a detailed wholistic masterplan between the Midland Highway and the Geelong Ring Road. For reasons expressed elsewhere the better approach is that this is planned as one unit as agreed with Mr Prosser. The previous master planning for this area was to interface with land in the Farming zone. Council submits it is likely that this planning will change for an urban interface.
- 216.2. The land has no relationship with Creamery Road. In particular, if the southern access arrangement is adopted, Mr Butler agreed that there would be no impetus to go to the Creamery Road precinct.

- 216.3. As agreed by Mr Prosser, the location and land take of the Church Street connection is unknown and will affect both this and the balance of the Batesford South PSP.
- 216.4. For similar reasons to those expressed by the McCann Family, it is undesirable to remove developable area from the Batesford South PSP.

217. Like many submissions Riverlee has not identified any need for its proposed changes in terms of lot supply or demand. Rather the proposal is opportunistic.

218. Council submits that there is no good planning reason to accept the submissions of Riverlee.

K.34. JIA QI FANG

219. With respect to issues raised by Jia Qi Fang in their submission to Panel, we firstly refer to our response to the Chemring submission to Panel.

220. It would be imprudent to rely on the past performance of a MHF to justify waiving or reducing a buffer requirement – it only takes one incident to have the sort of impacts that such planning controls seek to protect against.

221. Historic development of houses or other uses close to MHFs – whether those developments occurred prior to or after the MHF developing – should not be considered precedents for waiving or reducing a buffer requirement determined under contemporary standards and based on current information.

222. With respect to Paragraph 63 of the submission, it should be noted that Council last month refused an application for a dwelling at 210 Staceys Road, around 360 m from the Chemring facility, for reasons including that the proposal conflicts with Clause 13.07-2S (Major Hazard Facilities) of the Greater Geelong Planning Scheme.

223. We also note that the Jia Qi Fang land is additionally subject to the know constraint of biodiversity. Initial reporting suggests that vegetation (grassland) on the property is of high significance relative to other vegetation in the Northern Geelong Growth Area.

224. With respect to application of the Urban Growth Zone to a portion of the land, it should be noted that this Amendment is not the last opportunity to do this. The constraints issues relative to the land – the Chemring buffer and biodiversity studies – can be resolved and refined through the subsequent PSP process. The planning scheme amendment subsequent to the PSP can include rezoning additional land to the Urban Growth Zone if appropriate.

K.35. GEELONG ENVIRONMENT COUNCIL

225. Attended on final day

K.36. RICHARD WEATHERLY OAM AND JENNIFER WEATHERLY

226. Attended on final day.

L. CONCLUSION

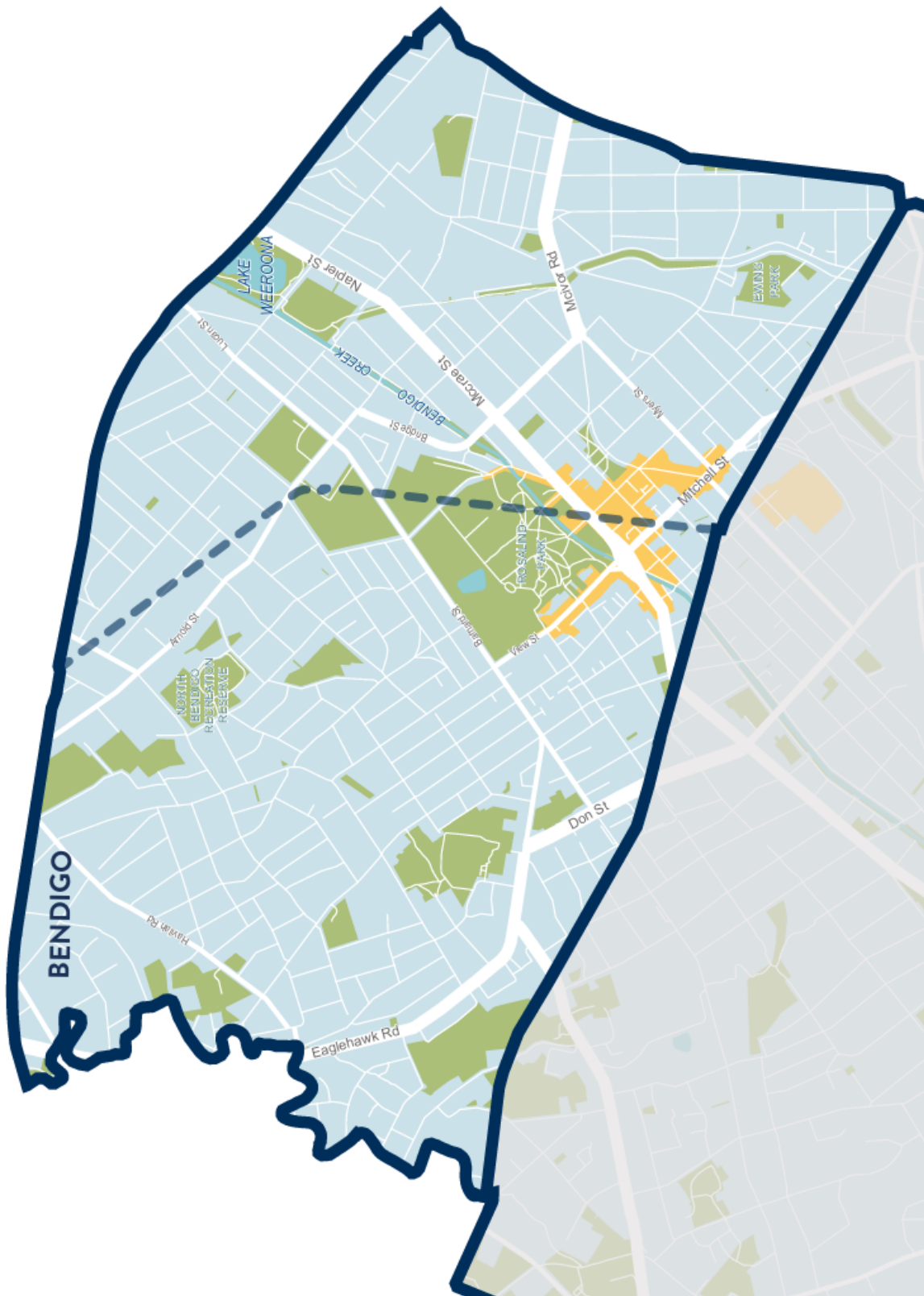
227. This concludes Council's Closing submission.

14 February 2020

Greg Tobin
HARWOOD ANDREWS
on behalf of
Greater Geelong City Council

M. APPENDIX A

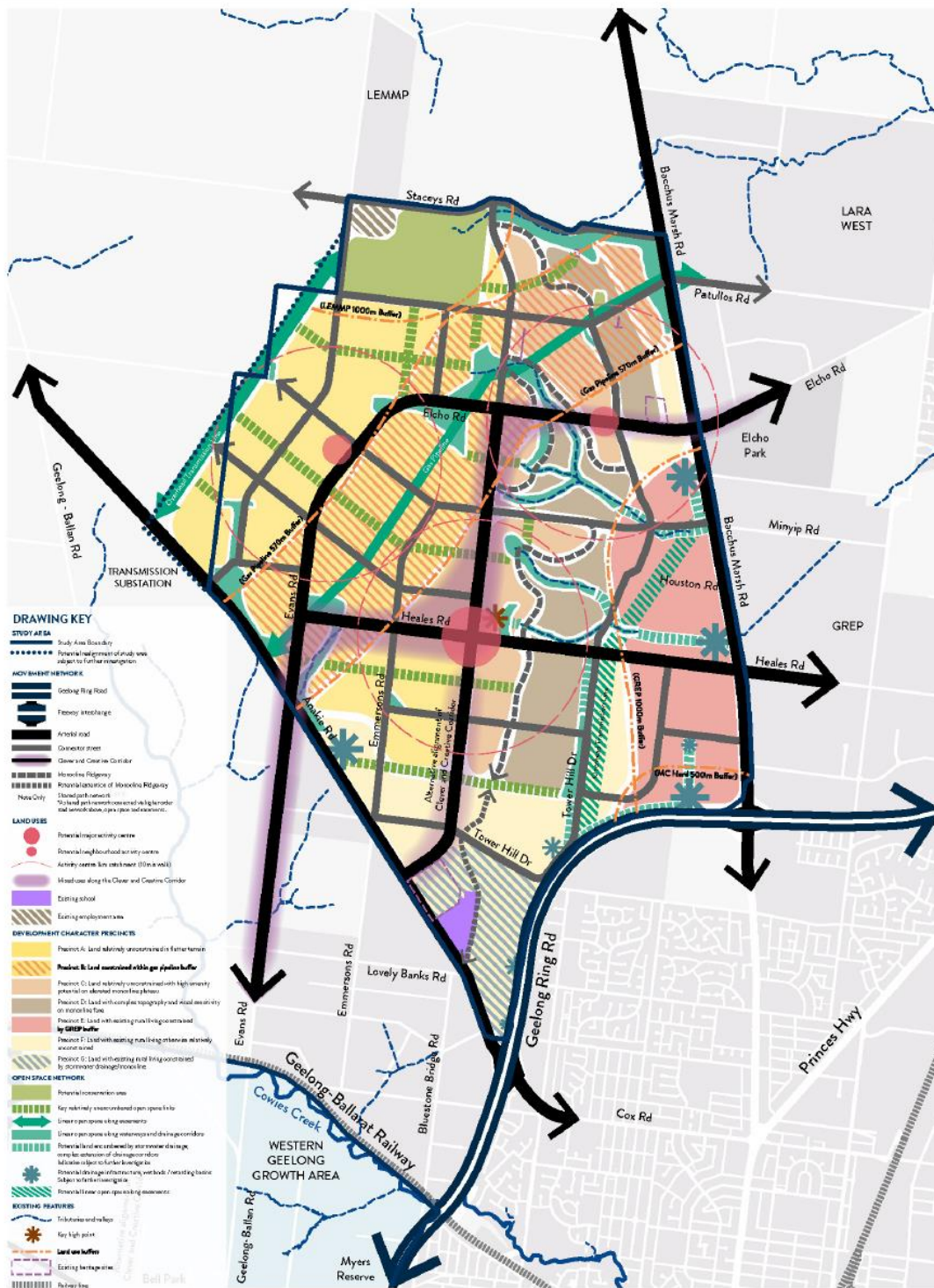
Regional comparisons





N. APPENDIX B

Extracts from the Northern and Western Geelong Growth Areas – Enquiry by Design Workshop Summary (April 2018), pages 4 and 10



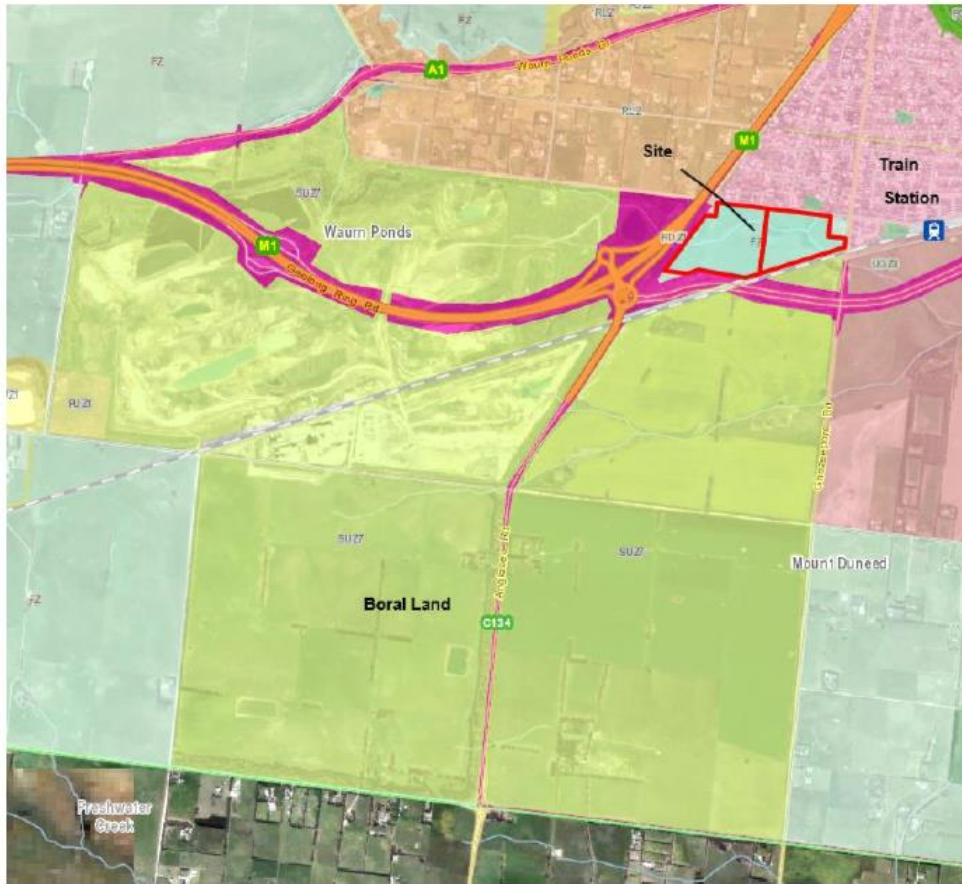
O. APPENDIX C

Extract from Council's Part B Submission for C376, Hams Road, pages 20-22

BORAL WORK AUTHORITY

62. The Panel has directed that Council include the Boral Work Authority for its quarry, south of the subject land. In response to the Panel direction Council officers contacted the Earth Resources Regulation Branch of Department of Jobs, Precincts and Regions (DJPR) requesting a copy of the Work Authority for the Boral land.
63. A copy of a plan showing the extent of Work Authority WA63 was provided but not a copy of the licence/works authority. The plan is in **Appendix 1**.
64. Council officers again requested a copy of WA63 and in an email of 8 August 2019 DJPR advised "*Unfortunately, I can't provide you with a copy of the Work Authority conditions without the consent of the authority holder. You may wish to contact Boral directly to seek their consent.*"
65. Boral was contacted and the National Development Manager advised by email of 14 August 2019 "*In relation to your request, the Work Authority (WA63) is a confidential document and therefore we are not in a position to provide a copy. However, if have a particular point or issue of reference in relation to what is proposed in C372 then we may be in a position to provide feedback on a specific matter.*"
66. On 20 August 2019 by email Boral provided the following answers to questions put by Council:
- Q. What does the WA6 allow? (Even in general terms i.e. limestone extraction, quarrying)
- A. In terms of Quarrying activities, WA63 permits the excavation and processing of basalt, scoria and limestone for crushing and screening.
- Q. Is extraction allowed on all the land shown as SUZ7 on the map below? Particularly interested if you can extract up to the edge of the Railway line / Baanip Blvd.
- A. Extraction is allowed to all of the land shown as SUZ7 within WA63 (which includes the SUZ land shown on the attached plan except for the south-eastern parcel). However, for clarity, it includes the parcel adjacent to the Railway line/Baanip Blvd. The current buffer from the Railway/Baanip Blvd is 30m]
- Q. Is it current, is there an expiry date?
- A. WA63 is current and does not include an expiry date.

Figure 4 –Map of Special Use Zone 7 - Earth and Energy Resources Industry (SUZ7)



67. Figure 5 below is a map with a 220 metre buffer (shown as a red line) from the northern edge of the Boral land title boundary (shown as a black line). The 220m is based on the 250m separation distance minus the 30m buffer that Boral is required to accommodate.
68. In the lead up to Ministerial authorisation Council officers worked closely with the DJPR on the buffer issue and the following condition is in the draft permits:
- All Lots contained within stages 6,7,8 & 9 (whether wholly or partially) affected by the 250m extractive industry buffer as shown on the endorsed plan shall not be developed without the further written agreement of the Department of Jobs, Precincts and Regions.*
69. Figure 6 below is a copy of the latest Masterplan from the proponent. The 250m buffer the proponent marked on their plan is highlighted red.
70. Boral has indicated it no longer intends to extract from the land north of the subject and we will discuss its plans and ambitions for the land later in this submission.

Figure 5 –Map showing 220m buffer from Boral land



Figure 6 –Buffer as shown on Proponent’s masterplan (Version MP19)

