



# AMENDMENT C395 GREATER GEELONG PLANNING SCHEME

## STRATEGIC PLANNING EVIDENCE

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NOVEMBER 2019

ON BEHALF OF  
DFC SERVICES PTY LTD

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# 1.0 Introduction

## 1.1 Client and Land

- [1] I have been instructed by Minter Ellison on behalf of their client, DFC Services Pty Ltd, a related entity to The Dennis Family Corporation (**DFC**), to review the strategic planning merits of the exhibited planning scheme amendment C395 to the Greater Geelong Planning Scheme (GGPS) with specific reference to Armstrong Creek and the setting of a permanent settlement boundary to that growth area.
- [2] DFC has entered into a development agreement with the owner (the Sprague family) of the property at 372-450 Charlemont Road, Armstrong Creek (**Land**).
- [3] The Land is located immediately south of the Armstrong Creek Growth Area and is sited at the periphery of the non-urban, Farming Zone, break between Armstrong Creek and Torquay.
- [4] This evidence does not evaluate the urban development potential of that parcel of land but places the Land in the context of a larger strip of land, at the southern boundary of the growth area, which serves as one case study of the growth options at Armstrong Creek that warrant testing prior to the introduction of a permanent settlement boundary.

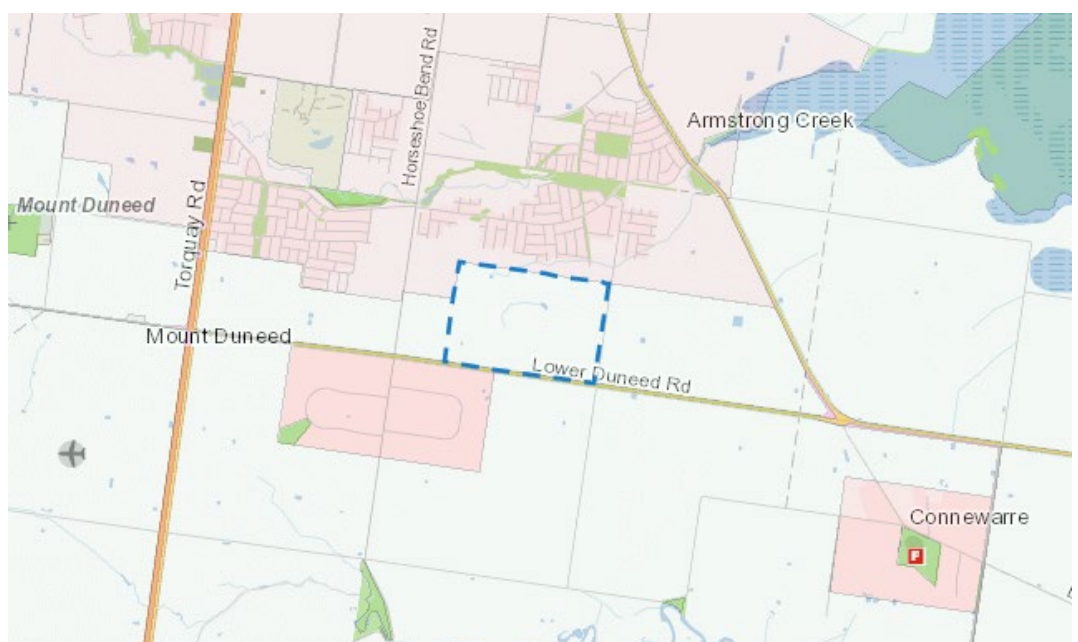


Figure 1 - Site context

## 1.2 Amendment C395 and the Settlement Strategy

- [5] Amendment C395 seeks to implement the Greater Geelong Settlement Strategy (October 2018) (**Settlement Strategy**) and the Northern and Western Growth Area Framework Plans (2019), and to introduce a growth area boundary by way of a series of amendments to select clauses of the Planning Policy Framework of the GGPS.
- [6] Amendment C395 includes provision for a permanent settlement boundary to be implemented through a (subsequent) 'logical inclusions' process (Clause 21.06-2).

## 1.3 Instructions

- [7] I have been instructed to focus my strategic planning assessment on the following two key matters:
- Whether it would be appropriate to undertake a future logical inclusions process in the Armstrong Creek area; and
  - Whether any changes are required to the Amendment documents on the basis of the above.
- [8] This evidence presumes that the Panel is familiar with the exhibited Amendment C395 and the associated Settlement Strategy.
- [9] This evidence also presumes that the Panel is familiar with the Growth Areas Logical Inclusions Review (2011) as an historical process to inform the identification of permanent growth area boundaries.

## 1.4 Considerations

- [10] In preparing this report I have considered the planning policies, strategies and provisions detailed in **Appendix A**.
- [11] I have recently prepared planning evidence on behalf of the owners of the Kingston Downs Neighbourhood Activity Centre at Ocean Grove in the matter of the concurrent Amendment C393 to the Greater Geelong Planning Scheme as it applies to the delivery of the Greater Geelong Retail Strategy 2016-2036.

- [12] I have also prepared planning evidence for the same client in Amendment C395. That evidence addresses different instructions and questions regarding the Greater Geelong Settlement Strategy.
- [13] I have considerable experience over the last two decades with growth area planning in and around the G21 Region, including the Armstrong Creek Growth Area, and draw on that experience to inform this evidence.

## 1.5 Witness Statement

- [14] A witness statement forms **Appendix B** and my curriculum vitae is set out at **Appendix C**.

## 2.0 Overview

- [15] My instructions relate to the appropriateness of a logical inclusions process to determine a defensible permanent settlement boundary for Greater Geelong, and specifically Armstrong Creek.
- [16] Amendment C395 proposes to introduce a permanent settlement boundary through a logical inclusions process at Clause 21.06-2 - *Spatial Distribution of Land Supply*:
- *Confirm enduring and defensible settlement boundaries by undertaking a logical inclusions process.*
- [17] The term 'logical inclusions' stems from the tested planning process in Victoria established through the *Melbourne Growth Corridors - Growth Areas Logical Inclusions Review* (2011).
- [18] A process congruent with the Logical Inclusions Review is an appropriate planning mechanism available to resolve the matter of permanent settlement boundaries across Greater Geelong.
- [19] The structure plan review process conducted on a settlement by settlement basis provides a similar and appropriate planning mechanism.
- [20] However, in the case of the Armstrong Creek Growth Area, seven precinct structure plans cover the growth area, fragmenting the review process. This evidence suggests both processes might operate alongside each other, with Armstrong Creek being the subject of a logical inclusions process followed by subsequent precinct structure plans.
- [21] The Armstrong Creek growth boundary was not reviewed by the Settlement Strategy having been reviewed and addressed through the Framework Plan process and Amendment C138 to the *Greater Geelong Planning Scheme*. That process created capacity for an approximate growth area population of between 55,000 and 65,000 persons and 20,000 jobs
- [22] With the elapse of a decade, a period of more sustained growth and the intention to establish a permanent settlement boundary, it is timely and appropriate to review and interrogate the strategic justification for the extent of the growth area boundary against the considerations of an enduring and defensible boundary.
- [23] The southern boundary of the growth area terminates without a clear, natural or physical defensible reason as an incongruous, hard edge interface, midway across

a rural landscape. Not only does this boundary warrant review but I also note in submissions to Amendment C395 that the former Blue Circle / Boral quarry site, to the west, may also present a new and untested option for urban growth.

- [24] The Settlement Strategy advances new and additional growth area land in Northern and Western Geelong, to absorb future forecast population growth, without consideration of strategic sites at the edges of the existing Armstrong Creek Growth Area.
- [25] The balance of my evidence provides an assessment of the background to and merits of the logical inclusions process for Greater Geelong and examines in more detail why a review of the southern boundary of the Growth Area, including the Land is warranted.

## 3.0 Background to establishing boundaries to settlements

### 3.1 Introduction

- [26] There is no single and agreed process for setting settlement boundaries in the Victorian planning system.
- [27] The last two decades have witnessed different mechanisms being used to 'draw a line' between urban growth areas, other settlements and the protection of the values and landscapes of non-urban areas.
- [28] The concept and term 'permanent settlement boundary' has been used on previous occasions with good intentions. However relatively recent history shows that on occasions the intention has not been delivered with subsequent extensions either foreshadowed despite the use of the word 'permanent' or required because the planning time horizon has been too short or the forecasts of population growth have needed to be revised.
- [29] This has contributed to an ongoing culture and practice of speculation in land in non-urban areas, close to growth and settlement boundaries, which serves to undermine the integrity of green wedges and other non-urban areas and urban consolidation strategies.
- [30] If permanent long-term settlement boundaries are to be applied and referenced in planning schemes they need to be established with a genuinely long term framework of thinking and vision towards the distinction between urban and non-urban areas, and be truly robust and defensible, based on real and tangible features, so that they ought to be able to stand across generations, otherwise the language is meaningless and speculation will be on going.

### 3.2 Early practice

- [31] Historically strategic planning studies and strategies might nominate a settlement boundary or limit to urban growth but that was no more than a form of policy guidance.
- [32] The ability to amend the extent of zoned land beyond a nominated boundary served to diminish the prospect that the boundary would be consistently upheld, particularly in the face of short-term population forecasts and planning horizons.

- [33] Early planning for the metropolitan area included a strategic framework plan that defined the metropolitan urban boundary. In the Dandenong and Yarra Ranges, the Yarra Valley, Westernport and the Mornington Peninsula government policy statements, strategy plans, and legislation restricted urban development to prescribed locations.
- [34] However, as planning powers were devolved to local government a regional approach to urban growth was eroded.
- [35] Ministerial Direction No,2 in November 1990, under section 12(2)(a) of the Planning and Environment Act 1987 and the release of Growth Area Plans for Werribee and the South Eastern metropolitan region, marked an evolution in the way additional urban land was to be identified. The plans were conceptual, without boundaries defined on a cadastral base.
- [36] The ability to reference the policies in planning schemes, particularly post the introduction of new format schemes, added additional weight to settlement boundaries expressed as policy.

### 3.3 Melbourne 2030 and the UGB

- [37] The release of Melbourne 2030 (2002) with its enhanced recognition of the importance of the metropolitan green wedges and the introduction of an interim Urban Growth Boundary (UGB) marked a significant progression towards the concept of a permanent settlement boundary.
- [38] The UGB was given legislative and statutory effect by the Planning and Environment (Green Wedges Protection) Act (2003). The sense of permanence was given substance by the requirement to secure the consent of both Houses of Parliament to vary the UGB.
- [39] Melbourne 2030 was accompanied by a series of draft Implementation Plans.
- [40] Melbourne 2030 - Draft Implementation Plan 1 specifically addressed the Urban Growth Boundary and explained the basis upon which the boundary was established.

*The urban growth boundary indicates the long-term limits of development and where non-urban values and land uses should prevail in metropolitan Melbourne, including the Mornington Peninsula. There will be some*

*potential for it to be altered in designated growth areas. It may also be applied to other towns and settlements in non-urban areas.*

*Once the UGB has been settled by the Minister, it will be permanent. Modifications will only be considered in designated growth areas following an assessment of housing needs and a review of growth area plans or if applied to small towns and settlements.*

[41] Addressing the application of the UGB the Implementation Plan noted:

*The interim UGB, with some exceptions, reflects the existing edge of urban development together with a number of known commitments that are consistent with Melbourne 2030. An open and transparent process has been developed to deal with any anomalies and transitional cases.*

[42] In a forerunner to the logical inclusions process the Implementation Plan noted that while the interim UGB was applied following a diligent assessment of existing information, it was recognised that there may be instances of error or oversight, unresolved amendments to planning schemes or cases where there would be sound reasons for the variation of the UGB.

[43] The Minister for Planning provided the opportunity for submissions to be considered to vary the UGB, in consultation with the affected planning authority.

[44] Variations to the UGB had to be either anomalies or transitional cases, and able demonstrate:

- consistency with Melbourne 2030;
- consistency with State Planning Policy Framework; and
- maintain the integrity of any non-urban area affected by the change.

### 3.4 Smart Growth Committees

[45] The Smart Growth Committee process in 2005 was conducted by committees comprising representatives of the local community and council(s), the land development and property industry and government. A Committee was appointed for each of the growth corridors identified in Melbourne 2030.

[46] The Committees were established by the Minister for Planning to advise councils and the Department of Sustainability and Environment on a range matters

including the preparation of an overall strategic framework plan for the Growth Area.

- [47] In subsequent advice the Minister advised the Committees that they were not required to make recommendations on the location of the Urban Growth Boundary although they could advise on the timing and sequence of development. Despite the above direction at least one of the Committees made recommendations to vary the UGB.
- [48] The Committees work informed the Growth Area Framework Plans released in 2006.
- [49] The Smart Growth Committee process can be viewed as an alternative third-party review process with some limited scope to advance recommendations for the inclusion of additional growth area land or a variation in the Urban Growth Boundary.

### 3.5 VC68 and the Logical Inclusions Process

- [50] The UGB was the subject of significant change in 2010 as the culmination of similar significant change in population projects (Melbourne @5 million).
- [51] Delivering Melbourne's Newest Sustainable Communities (2009) and Amendment VC68 (August 2010) marked the culmination of a metropolitan development process of technical investigation and review of the growth options around the metropolitan area to align with the significant changes in forecast growth.
- [52] The Logical Inclusion Process as referenced and proposed in the Settlement Strategy is assumed to be the complementary process and sequel to the above review of metropolitan development strategy and the decision by government to change the urban growth boundary and substantially increase the extent of growth area land.
- [53] Announced in May 2011 by the then Minister for Planning a new process was created "to help address the shortage of metropolitan land supply, known as the Growth Areas Logical Inclusion Review processes".

*"The process will determine possible urban growth boundary inclusions stemming from a review of submissions made during the 2009 boundary*

*changes process through the Delivering Melbourne's Newest Sustainable Communities and the associated Melbourne@5 million."*<sup>1</sup>

- [54] Under the process the Minister requested the then Growth Areas Authority (**GAA**), to review and assess the merits of submissions already submitted as part of the 2009 urban growth boundary review, together with any submissions made by the growth area Councils.
- [55] The GAA was then to refer submissions and the '*Assessment Report*' to an especially established Logical Inclusions Advisory Committee for final advice to the Minister.
- [56] It was the opportunity for interested parties, stakeholders and landowners to submit for consideration by an independent advisory committee areas and parcels of land that they consider had been inappropriately overlooked or presented anomalies and which represented logical inclusions within the new scope of growth areas.
- [57] The independent review was a further refinement of the similar inclusions review process that had been the sequel to *Melbourne 2030*.

### 3.6 Coastal Settlement Boundaries

- [58] The development and containment of settlement expansion along the Victorian coast was an outcome of the *Victorian Coastal Strategy* (2014).
- [59] *Planning Practice Note 36 - Implementing a Coastal Settlement Boundary* details the purposes, rationale and a process for applying a settlement boundary.
- [60] It has relevance in this matter because Greater Geelong comprises some growth centres that are also coastal settlements.
- [61] The Practice Note states:
- A coastal settlement boundary defines the allowable extent of urban use and development for a settlement. It is a fixed outer boundary of urban development and represents the future growth expectations for a settlement.

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<sup>1</sup> *GAA Preliminary Assessment Report 2011* – Growth Areas Authority

- It is to be established through a strategic planning process which involves an analysis of land opportunities and constraints within a minimum 10-year planning horizon.
- A coastal settlement boundary is given statutory weight in a planning scheme through objectives, strategies and implementation measures and an associated Framework Plan in the Local Planning Policy Framework.

[62] Unlike the intent of a permanent settlement boundary the Practice Note foreshadowed there may be a need to review the boundary having regard to a number of relevant considerations.

### 3.7 Distinctive areas and landscape legislation

[63] The *Planning and Environment (Distinctive Areas and Landscapes) Act 2018* has introduced a recent new dimension to the setting of settlement boundaries.

[64] The Act now provides at Part 3AAB for Protected Settlement Boundaries and amendments and Statements of Planning Policy.

[65] The legislation is notable for the manner in which the task of setting settlement boundaries is in effect approached from the reverse direction by a consideration of non-urban areas and their environmental, cultural heritage, land use and landscape attributes.

[66] The legislation provides for the declaration of Distinctive Areas and Landscapes as a forerunner to public consultation and / or other imprecisely defined processes culminating a Statement of Planning Policy including a protected settlement boundary.

[67] The relevance to this matter is that the Surf Coast and Bellarine Peninsula are both the subject of declarations under the Act with the Surf Coast declaration extending to the existing southern boundary of Armstrong Creek.

[68] The Bellarine Peninsula declaration covers the entirety of the peninsula including settlements currently recognised in the *G21 Regional Growth Plan* (2013) as growth areas.

[69] An option available to government and the Planning Authority would be to use the proposed logical inclusion process to set the southern *Protected Settlement Boundary* of the Surf Coast Distinctive Area and Landscape.

### 3.8 Structure plans

- [70] The Settlement Strategy and Amendment C395 have recommended logical inclusions as the only mechanism for determining a permanent settlement boundary without also debating and considering the role of structure plan reviews.
- [71] The City of Greater Geelong has a commendable record in preparing and regularly reviewing structure plans for the settlements on the Bellarine Peninsula.
- [72] In the case of Ocean Grove, the planning scheme explicitly nominates a date and scope of works that must be addressed in the next structure plan review, including the consideration of a long-term settlement boundary.
- [73] In complementary evidence that I will present to the Panel I conclude that the growth centres on the Bellarine Peninsula should retain their standing as provided for in the overarching *G21 Regional Growth Plan*, in which case the next iteration of structure plan reviews could all be tasked with establishing permanent settlement boundaries.
- [74] The added benefit of the structure plan review process is that it not only enables decisions on boundaries and additional land to be made but also enables a suitable urban structure to be simultaneously advanced.
- [75] In the case of Armstrong Creek, a logical inclusions process could determine the merits of additional land and permanent boundaries and subsequent new precinct structure plans could address the more detailed design and planning of the new urban land particularly given the scale of additional land that might added.

### 3.9 Conclusion

- [76] In the above context I consider the logical inclusions process has merit in informing the location of a permanent settlement boundary for Armstrong Creek.
- It is an open and transparent process with a publicly accessible review process and reporting.
  - It provides a vehicle for both the Planning Authority, other public agencies, the private sector, other stakeholders as well as the broader community to participate by submitting potential land for consideration and inclusion.
  - The proposals for inclusion can be rigorously tested.

- The outcome is either or both advice to the Planning Authority or the Minister.

- [77] While previously only applied in a metropolitan context I do not consider this to be a barrier to its application to a regional city.
- [78] While the former approach confined the review to earlier submission, I do not consider that its application needs to be so limited.
- [79] There are governance and reporting considerations that would need to be resolved if the process was applied in Greater Geelong, which are beyond my expertise.
- [80] The following extract from the *Logical Inclusions Advisory Committee Final Report, Section 5.7 Approach of the Committee* is useful in defining the land and proposals that should be considered by a logical inclusions process.

*Based on the Standards and Decision Criteria and the submissions made, the Committee considers that an extension to the UGB could be considered a logical extension of the current UGB if:*

- a) The constraints of the land are known and it contains a reasonable percentage of unconstrained land suitable for residential or employment purposes; and*
- b) It has similar characteristics to adjoining land within the UGB; and*
- c) It will not compromise an existing high amenity rural landscape; and*
- d) The land can be planned as part of a corridor, PSP or master plan process, and the issues raised in developing the land can be dealt with by that process; and*
- e) It would allow for the development of well connected, neighbourhoods capable of providing a range of local services; and*
- f) If brought into the UGB, there is reasonable certainty that the land can be developed generally consistent with State and local planning policy; and*
- g) It is capable of being serviced at costs typical of servicing in the locality; and*
- h) The boundary is not arbitrary but relates to a strong natural or constructed feature. Cadastral boundaries have been supported where the land to be included is along the 'front' of a growth area where it is expected that further land might be included in the future.*

## 4.0 Merits Assessment

### 4.1 Settling an Urban Growth Boundary through a ‘logical inclusions’ process

#### 4.1.1 How to define a settlement boundary

[81] The role of an urban growth or settlement boundary is typically two-fold:

- to ensure a sufficient supply of developable land is available to meet (forecast) demand; and
- to protect areas of land and development that are worth protecting (Source: Logical Inclusions Advisory Committee Report, Section 4.2).

[82] The Settlement Strategy seeks to ensure adequate land supply for Greater Geelong to meet a 25-year demand, based on population forecasts. It simultaneously seeks to protect areas of non-urban land for environmental, landscape, cultural heritage, economic and settlement separation purposes.

[83] The provision of a non-urban break and separation between Armstrong Creek and Torquay, to the south, might be advanced as part of the reasoning why the Land is retained in a non-urban role.

[84] Clause 11.03 - 2S - *Growth Areas* - provides the only policy direction on the need for boundaries to growth areas but does not advance a preferred process to deliver such an outcome.

*Develop Growth Area Framework Plans that will:*

...

*Identify the boundaries of individual communities, landscape values and as appropriate the need for discrete urban breaks and how land uses in these breaks will be managed.*

[85] For the reasons advanced earlier I consider the Logical Inclusions Review process to be an appropriate mechanism.

[86] In order to identify a sustainable boundary, the *Logical Inclusions Advisory Committee Final Report* (November 2011) made the following comments:

### *Identifying a Sustainable Boundary*

*A logical revised boundary of the UGB must be a good 'fit' in the surrounding environmental, social and policy context. The UGB is not just descriptive of the edge of urban settlements but has a significant role in shaping future growth patterns. On the edges of Growth Areas, a boundary that relates to physical features will be more defensible and reduce expectation that more land will be included on the edges in time. Its delineation therefore, must make sense on the ground, physically as well as in the context of its role in future planning. The Committee considers that some boundaries make more sense on the ground than others. Key boundary indicators include the following:*

- i. Roads*
- ii. Waterways and floodplains*
- iii. Ridgelines*
- iv. Parkland*
- v. Historic title boundaries*
- vi. Low density and rural residential areas*

[87] I consider this is a sound framework to assess settlement boundary location for Greater Geelong.

#### **4.1.2 How was the current extent of growth in Armstrong Creek determined?**

[88] The spatial extent of the current Armstrong Creek Growth Area has been determined in part by key physical constraints and also by judgements on a choice of potential boundaries to provide an adequate urban break.

- The Blue Circle / Boral cement quarry prevented the consideration of urban development west of Ghazeporre Road.
- To the north east and east the physical constraint of the Barwon River and its floodplain were influential on the potential for eastward growth.
- In the north the rail corridor and urban Grovedale prevented northern expansion.
- The southern boundary was open to greater debate.

- [89] The Armstrong Creek Urban Growth Plan (**ACUGP**) (Volume 1) advanced the visual prominence of the green break around Lower Duneed Road, and the role of the Aeolian Dune as factors influencing the extent of urban development.
- [90] The Planning Panel that considered Amendment C138 was also influenced by two other factors in recommending the current boundary:
- an alignment with title boundaries (rather than the physical boundary of the creek as proposed in the Framework Plan); and
  - the long-held urban design concept of a non-urban break between Geelong / Armstrong Creek and the Surf Coast.
- [91] For the above reasons no consideration was given to an urban role for the remaining parcels between the title boundaries proximate to the creek and Lower Duneed Road.
- [92] This outcome may also have been influenced by submission for the Rural Living and Rural Activity Zones to be applied to this 'balance land'.
- [93] The Panel did not support those submissions because of the designation of appropriate land for those purposes as part of the then recently adopted *Rural Living Strategy* (2007).
- [94] The submission of the City of Greater Geelong to the Amendment C138 Panel is of relevance in this context. It acknowledged that further review and consideration of the non-urban land at the south of the proposed growth area may be required once Armstrong Creek was fully developed and that:
- "... a Rural Living type zoning would inevitably limit potential to accommodate the contingency for any urban expansion in the future".*
- [95] The Panel did not accept this submission and concluded that
- "... if it was intended that areas south of the presently designated growth boundary might form some future urban development stage, then they should be so designated on the plan".*
- [96] It is evident from that above that even a decade ago there was ambivalence and lack of certainty as to where the southern boundary of the growth area should be located. A long-term resilient and sustainable southern boundary to the Armstrong Creek Growth Area was not fully and satisfactorily resolved through the Amendment C138 process.

[97] Submissions to the Settlement Strategy and Amendment C395 demonstrate stakeholder interest in revisiting opportunity for logical urban expansion to the south and west of Armstrong Creek.

#### 4.1.3 Has the non-urban break interface been achieved appropriately?

[98] The G21 Regional Growth Framework Plan and Clause 21 of *the Greater Geelong Planning Scheme* require and place importance on maintaining a southern non-urban break between Armstrong Creek and Torquay. The Settlement Strategy and the amendment confirm this position.

[99] *Key Issues and Influences* detailed at Clause 21.11 - Armstrong Creek Urban Growth Area - include the following relevant considerations:

- *the rural break between the ACUGA and Surf Coast Shire is to be maintained;*  
and
- *rural land outside of the ACUGA will be maintained in productive agricultural parcels which provide an attractive rural setting.*

[100] This was a key matter for consideration in the C138 Panel. Expert urban design evidence presented to the Panel stated that the limitation of development in the south of the growth area was based on the following principles:

- *establish a permanent and natural edge to developments;*
- *maintain the green skyline viewed from within the growth area and from land to its north*
- *maintain an attractive green edge to Geelong when approached from the south, south-east, and*
- *protect the existing character of Mount Duneed.*

[101] It is worth noting that the importance of Mount Duneed was determined by the Panel to be "overstated".

[102] The ACUGP Volume 1 contains the following reference to land south of the Mount and Lower Duneed Roads:

*"The UGP proposes that rural land uses be maintained in the area along Mt Duneed/ Lower Duneed Road within the City of Greater Geelong. This will complement the 'green wedge' of rural land provided in the Surf Coast Shire between the northern edge of Torquay and Mount Duneed. A non-urban break or 'green wedge' will help maintain the individual identities of Torquay*

*and Geelong and preserve the rural scenery and agricultural productivity of the area.*

*The UGP approach complements the Torquay Jan Juc Structure Plan (July 2006), which provides an Urban Growth Boundary limiting the urban expansion of Torquay to Blackgate Road. The distance between the two growth boundaries is approximately 4 to 5 km".*

- [103] In the subsequent decade, since Amendment C138, conventional density residential has been developed to the southern edge of the growth area resulting in a hard edged and poorly resolved interface with the non-urban areas, dominated by suburban back fences and roof tops.
- [104] This is at odds with the intention to “... *maintain an attractive edge to Geelong when approached from the South*” as observed in the Amendment C138 Panel Report.
- [105] In addition to land supply, a logical inclusions process provides an opportunity to deliver a better quality of transition to the non-urban break through appropriate urban design and planning provisions.

## 5.0 Conclusions

- [106] The logical inclusion process, in association with subsequent precinct structure planning, provides a suitable process and model for resolving a Permanent Settlement Boundary at Armstrong Creek and may assist inform the Protected Settlement Boundary to the Surf Coast Distinctive Areas and Landscapes.
- [107] Given the history and requirements for structure planning and reviews in other growth areas on the Bellarine Peninsula and the requirements of Practice Note 36 on coastal settlement boundaries I am open to the view that the two processes could be operated alongside each other over a short year period to deliver the same end.
- [108] If the latter view is accepted, then the only revision required to Amendment C395 would be to insert structure plan reviews alongside a logical inclusions processes in proposed Clause 21.06-2.

**Robert Milner**  
**November 2019**

## Appendix A: Relevant Considerations

## Relevant considerations

- Greater Geelong Planning Scheme
- Amendment C395 Greater Geelong Planning Scheme
- Panel Report C138 Greater Geelong Planning Scheme
- C21 Regional Growth Plan (2013)
- Greater Geelong Settlement Strategy (2018)
- Northern and Western Growth Area Framework Plans (2019)
- Settlement strategy Council minutes (9 October 2018)
- Logical Inclusions Advisory Committee Report (11 November 2011)
- Submissions to C395 lodged on behalf of DFC Services Pty Ltd

## Appendix B: Witness Statement

### The name and address of the expert

Robert Milner, Principal of David Lock Associates Pty Ltd, located at 2/166 Albert Road, South Melbourne 3205.

### The expert's qualifications and experience

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

### The expert's area of expertise to make this report

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

### Other significant contributors to the report

Not applicable.

### Instructions that define the scope of the report

Robert Milner has been instructed by Minter Ellison on behalf of their client, DFC Services Pty Ltd, a related entity to The Dennis Family Corporation (DFC), to review the strategic planning merits of the exhibited planning scheme Amendment C395 to the *Greater Geelong Planning Scheme* with specific reference to Armstrong Creek and the setting of a permanent settlement boundary to that growth area.

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

Not applicable.

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

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

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

Robert Milner has reviewed the material identified in Appendix A and other material as referenced in the body of this report.

### A summary of the opinion or the opinions of the expert

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

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

Not applicable.

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

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

**Expert declaration**

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



**Robert Milner**

**November 2019**

## Appendix C: Curriculum Vitae

## **ROBERT MILNER – Curriculum vitae**

### **Qualifications and Positions**

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

### **Employment History**

2019 – Current	Principal David Lock Associates (Australia) Pty Ltd
2010 – Current	Director 10 Consulting Group Pty Ltd.
1999 – 2010	General Manager – Planning, CPG Australia Pty Ltd (Formerly the Coomes Consulting Group).
1994 – 1999	Director, Rob Milner Planning Pty Ltd and Savage Milner. 1991 -
1994	Project Director, Collie Planning and Development.
1988 – 1991	General Manager, Town Planning, Jones Lang Wootton. 1980 -
1988	City Planner - City of Box Hill.
1977 – 1980	Planner, Perrott Lyon Mathieson, Architects and Planners. 1976 –
1977	Planner, Kirklees Metropolitan Borough Council (UK).

### **Career Overview**

Rob Milner is a respected strategic and statutory planner.

He is a recognised leader of the planning profession in Victoria.

He has had a high profile career spanning more than 40 years with extended periods of experience working for local government and in private practice.

He is the sole Director of 10 Consulting Group, a small consultancy offering the highest level of advice and service to clients wanting the benefit of his considerable experience, knowledge and understanding of planning in Victoria.

He is regularly retained to provide expert evidence to courts, panels and tribunals on the broadest range of land use and development planning issues.

He is able to evaluate and form a robust opinion on complex matters quickly and has a capacity to manage a considerable body of work in an efficient and timely manner.

He has a reputation for integrity, objectivity, an original style of evidence and for providing clear and fearless advice to proponents and objectors; the responsible authority; claimants and government agencies.

Particular expertise is in complex and controversial projects, gaming matters, acquisitions and restrictive covenants.

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

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

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

He has committed to 'giving back' to a profession that has provided him with a rewarding career. As well as contributing to the development of the Planning Institute of Australia he has acted over the last two decades in the capacity of mentor for many younger planners.

He regularly attends and gives papers at professional development forums.

## Areas of Expertise and Experience

### Strategic studies, policy development and statutory implementation

Robert Milner is widely acknowledged for his capacity to take a strategic perspective to urban and regional planning challenges and provide direction and leadership that is responsive and creative in a more detailed statutory context.

He also has extensive experience in assembling and managing consultant teams to undertake strategic plans and projects.

In 1994 he led the planning consultancy that recommended the model for the Victorian Planning Provisions.

In 2009 he served as the Deputy Chairman on the Future Farming Expert Advisory Group reporting to the Minister for Planning.

Most recently he has been retained by DELWP to review, research and prepare an issues and options paper for Ministerial consideration on the green wedge planning provisions.

### Expert evidence and advocacy

Robert Milner is regularly called upon to provide expert evidence and reports to clients, courts, Independent Panels and VCAT. He has acted in this capacity and as an advocate throughout his career.

In a Supreme Court of Victoria – Court of Appeal matter of 2016<sup>1</sup> his evidence was singled out for being “*rational, detailed and credible.*”

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

- Melbourne Metropolitan Rail Project
- Fishermans Bend Urban Renewal Area;
- Westernport Freeway;
- Building controls for the Central City and Southbank;
- The redevelopment of the Victoria Market;
- Widening of Punt Road;
- The further development of Flemington Racecourse;
- Development over Ormond Station;
- Waterfront Place, at Station Pier.

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<sup>1</sup> *Winky Pop Pty Ltd & Anor v Mobil Refining Australia Pty Ltd & Anor* S AP1 2015 0084

## **Legislative and planning scheme reviews and amendments**

Robert Milner has extensive experience in planning scheme reviews, amendments to planning schemes and projects that redefine the planning provisions.

Recent relevant projects have included:

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

## **Gaming policy and applications**

Robert Milner has been responsible for local planning policy on gaming in many metropolitan and regional based planning schemes.

That experience has been complemented by the preparation and presentation of expert evidence before Tribunals and Panels on particular policies or applications for approval.

## **Restrictive Covenants**

Robert Milner is regularly retained to provide reports expressing his opinion on the merits of the removal or variation of covenants, from a planners and beneficiaries perspective. This work often requires application of the provisions of the Property Law Act, but also includes applications for planning permit or amendments to planning schemes under the provisions of the Planning and Environment Act.

## **Acquisition and compensation**

Acquiring authorities or claimants regularly retain Robert Milner to provide reports and give evidence on the planning context to property valuation for land that is to be publicly acquired. This requires judgement about the planning context in the absence of the purpose of the proposal.

Relevant recent projects have included:

- Bypasses of Geelong, Craigieburn, Kilmore and Drysdale;
- The Outer Metropolitan Route;
- The Regional Rail Link;
- The Melbourne Metropolitan Rail Project;
- Mornington Peninsula Link;
- The Western Port Highway;
- East-West Link.
- New station at Mernda.

## **Organisation audits and process reviews**

Robert Milner has a long association with the conduct reviews of planning documents, teams and processes, particularly in a local government environment.

Trained as a LARP facilitator in 1990 as part of a Commonwealth government initiative, his experience in this manner of work commenced with the development of planning and building specifications for tenders as part of compulsory competitive tendering process and the coaching of bid teams.

He has developed a specialisation in reviews and advancing recommendations to State and local government, on the audit of planning schemes, the performance of planning teams and development approvals processes.

In the last 20 years he has worked with the majority of metropolitan councils and many regional municipalities.

He prepared the model audit process for the Department of Sustainability and Environment in 2003 and provided a facilitated program for the Department of Planning and Community Development on how it processes planning scheme amendments.

He has also undertaken this type of work in New South Wales and South Australia.

His most recent work has included a major contributor to the VicSmart program and longer term thinking for the Smart Planning reform program.



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