



Amendment C395 Greater Geelong Planning Scheme

Strategic planning evidence

Prepared for:

Shell Road Developments Pty Ltd

ROBERT MILNER DIP T&CP LFPIA FVPELA

November 2019



David Lock Associates Pty Ltd (DLA)

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1.0 Introduction

1.1 Instructions

1. I have been instructed by Minter Ellison on behalf of their client Shell Road Development Pty Ltd, to review the strategic planning merits of the exhibited planning scheme amendment C395 to the Greater Geelong Planning Scheme (GGPS).
2. Amendment C395 seeks to incorporate the recommendations of the Greater Geelong Settlement Strategy (October 2018) (the **Settlement Strategy**) into the GGPS by way of a series of amendments to select clauses of the Planning Policy Framework. The Strategy would be a reference document in the planning scheme.
3. Shell Road Development Pty Ltd owns land at 92-160 Grubb Road, Ocean Grove and is the developer of the emerging Kingston Downs commercial and residential estate known as the '*Kingston Downs Neighbourhood Activity Centre*' (**KDNAC**).
4. Given that the KDNAC is a significant new activity centre to serve the growth of Ocean Grove I am instructed that the company has shown an interest in and has submitted comments upon the merits of the proposed changes to the planning scheme provided for in Amendments C393 and C395. Each amendment has a bearing upon Ocean Grove as a growth centre and the population that it would support and accommodate.
5. Depending upon the outcomes of the Amendment process the long-term population forecasts for the centre may vary with direct implications for the role, planning and form of development of the activity centre.
6. I have addressed this issue in recent evidence to the concurrent Amendment C393 to the GGPS, which seeks to incorporate the recommendations of the Greater Geelong Retail Strategy 2016-2036.
7. This evidence presumes that the Panel will be familiar with the exhibited Amendment 395 and the associated Settlement Strategy. I refer to relevant provisions in the *Assessment* section.

1.2 Considerations

8. In preparing this report I have considered all the planning policies, strategies and provisions detailed in **Attachment 1**.

9. I have previously prepared and presented planning evidence on behalf of the City of Greater Geelong in the matter of Amendment C346 which was concerned with the review and revision of the *Ocean Grove Structure Plan 2016 (Structure Plan)*.
10. As a result of that work I have a sound understanding of the issues and opportunities presented by Ocean Grove and its regional context.

1.3 Witness Statement

11. A witness statement forms **Attachment 2** and my curriculum vitae is set out at **Attachment 3**.

2.0 Overview

12. It is entirely appropriate that the City of Greater Geelong has undertaken a review of its settlement strategy and seeks to reference and implement it through its planning scheme.
13. If strategic policy driven planning schemes are to function effectively established policy must be regularly reviewed and revised where it can be demonstrated that it is not appropriate to the emerging social, economic and environmental expectations, strategic context and community needs.
14. Within the Greater Geelong region, Ocean Grove has been nominated over the last decade as an urban growth area, despite its location on the Bellarine Peninsula.
15. To date the extent and amount of urban growth, including the setting of a settlement boundary and the role, functions and composition of activity centres within Ocean Grove has been managed through an iterative structure planning process.
16. The structure plans have been complemented by a hierarchy of master plans, development plans and permits, to confirm an increasing level of detail.
17. The culmination of that work has been a clarity and detail about the further development and growth of the town and the KDNAC to at least 2021 and the next review of the structure plan.
18. At that time (2021) a commitment has been made and detailed in the planning scheme to complete a strategic review of the settlement boundary of the town and set a long-term settlement boundary and limit to growth.
19. The unresolved question of the long-term settlement boundary for Ocean Grove is now the subject of the Greater Geelong Settlement Strategy as well as another current review of the 'Distinctive Areas and Landscapes' for the Bellarine Peninsula under the terms of the Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018. The latter process is estimated to be completed in late 2020.
20. The Settlement Strategy is to be credited with being:
 - Visionary for its forecast of population and housing needs in to the medium and long term (2051); and
 - Robust in its reliance on a range of growth scenarios.

-
21. The Strategy becomes challenging and its merits questioned as it seeks to change the adopted and agreed strategic direction for the spatial distribution of growth and land supply and manage future growth across the G21 Region.
 22. This evidence charts how regional and local planning policy over the last decade have provided a clarity about the directions and priorities for urban growth across the G21 Region and the Bellarine Peninsula.
 23. This has provided government and the community at broad with a high level of certainty regarding the processes and outcomes of growth upon which planning for the future and investment in land and infrastructure have been made.
 24. Aside from the amount of forecast growth and the land required to accommodate it a key feature of the Strategy and the associated amendment is a strategic change in policy regarding spatial direction and priorities. That change would see the role and potential of growth centres on the Bellarine Peninsula diminished to the advantage of Armstrong Creek and Northern and Western Geelong.
 25. While the Settlement Strategy references the 2021 review of the Ocean Grove Structure Plan as protecting the established policy position towards growth options for that settlement I consider the appropriate reading of the Strategy to be one that inappropriately and prematurely diminishes Ocean Grove's growth role, foreclosing upon some of the options that should be considered before settling upon a permanent settlement boundary.
 26. I elaborate upon and justify this assertion in the following evidence.

3.0 The existing growth area policy context

3.1 Growth area policy

27. The underlying premise of settlement planning is an anticipation and response to the need for zoned and serviced land for a range of land use and community needs (Clause 11 GGPS).
28. A body of State planning policy (Clause 11.02 GGPS) addresses the management of urban growth under the headings of:
- Supply of urban land;
 - Structure planning and
 - The sequence of development.
29. This theme of policy has converted into the declaration of growth areas around the metropolitan area and growth area strategies for each of Victoria's economic regions.
30. It is relevant to observe that urban growth strategies and areas have to be tempered by a balanced considerations of the non-urban areas, into which they may encroach. In the metropolitan area the balance has been struck by the Urban Growth Boundary (**UGB**) and the permanent protection of green wedges.
31. Alternative tools have been developed and applied outside the metropolitan area including settlement boundaries around coastal communities and the identification and protection of distinctive areas and landscapes by Localised Planning Statements and shortly by Statements of Planning Policy.

3.2 G21 Regional Growth Plan 2013

32. The *G21 Regional Growth Plan (2013)* (**Growth Plan**) is the relevant and applicable growth framework. The growth plan did not predict a growth rate or forecast population size at specific periods. It accepted the there would be steady growth in the region and was likely to exceed 500,000 in the period between 2043 and 2053.
33. The Growth Plan recognised one 'regional city' within the G21 region and seven 'district towns', with Ocean Grove included in the latter grouping and providing for a '*planned employment growth*' in the general location of the KDNAC (Figure 1).

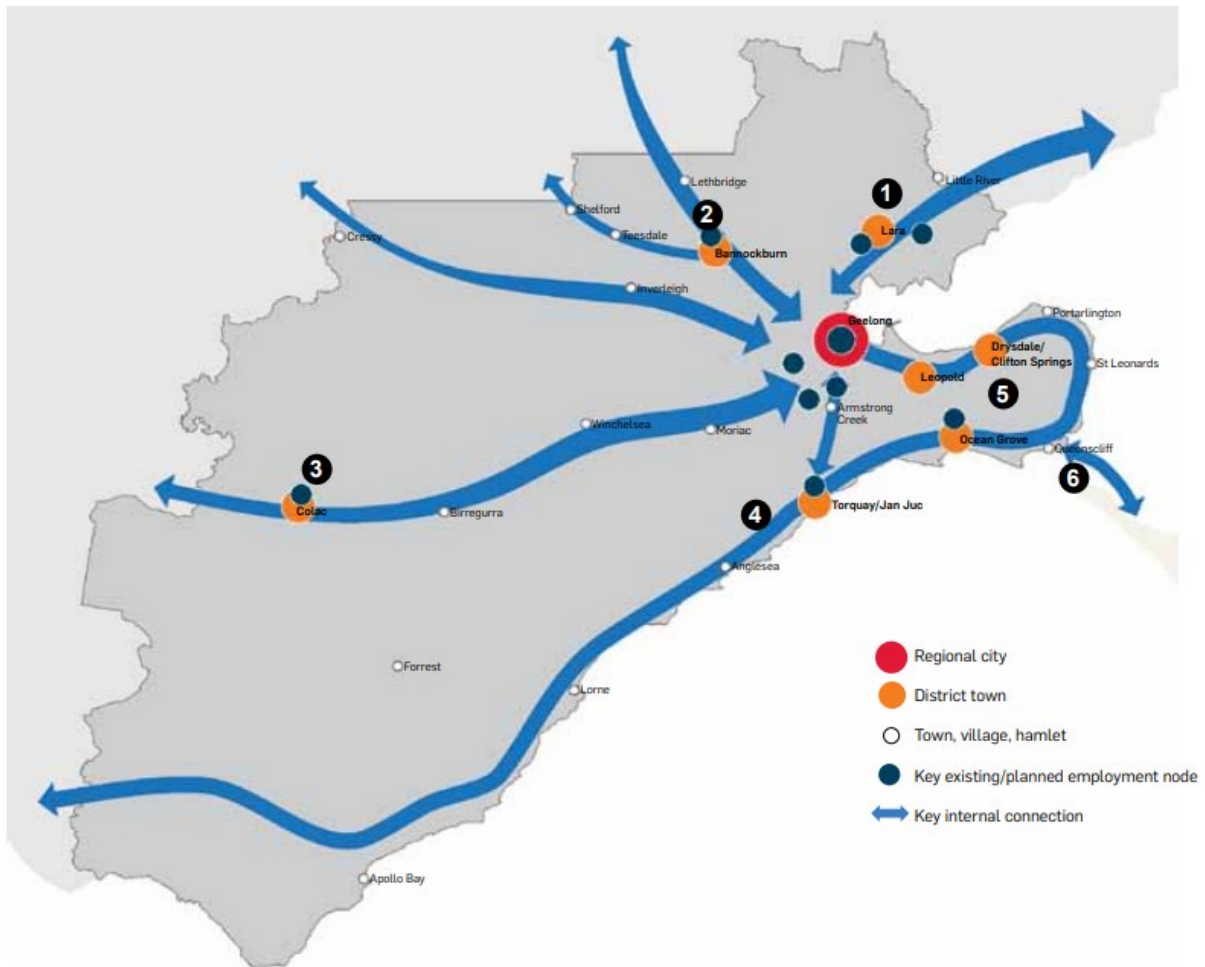


Figure 1 – Roles and functions within the region, extract from *G21 Regional Growth Plan 2013* (Map 2)

34. The *Settlement and Employment Growth Directions* plan (Figure 2) identified Ocean Grove as being:

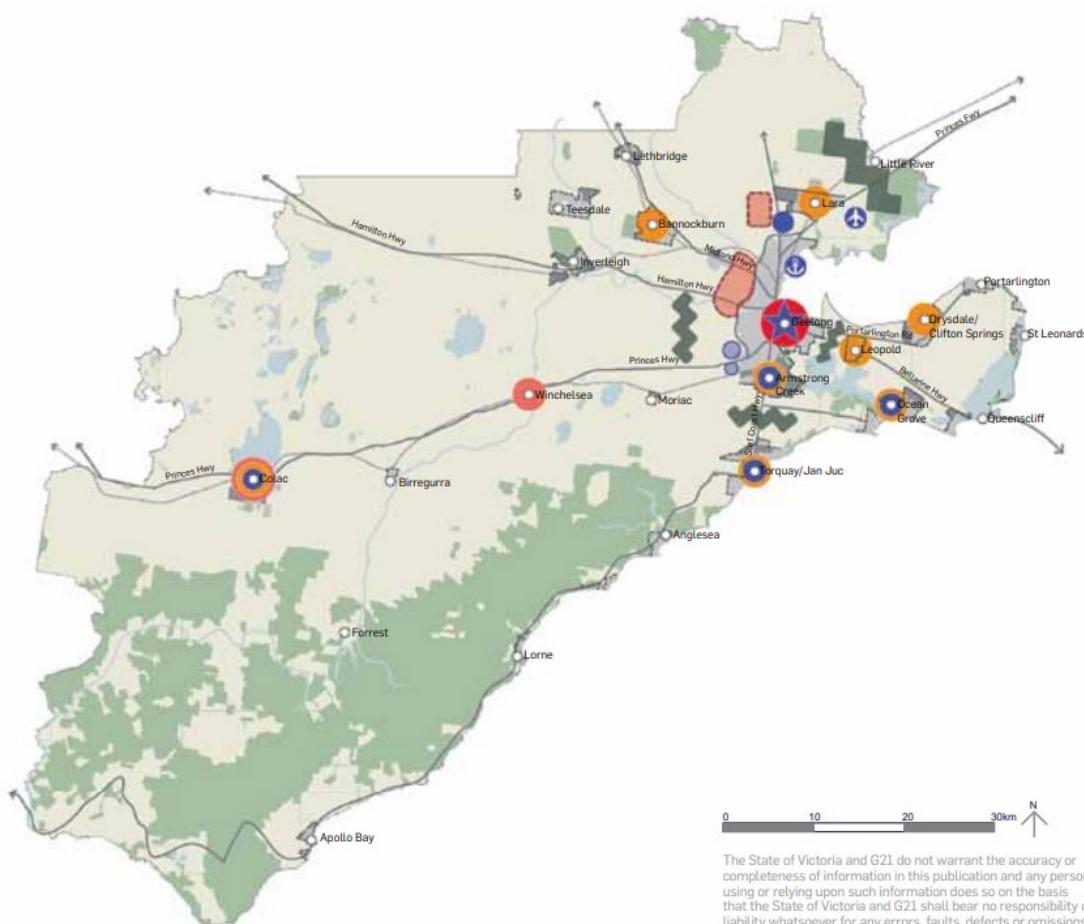
- A centre supporting growth and reinforcing the role of district centres; and
- Strengthening and protecting its identified existing and planned employment areas.

35. In addition, the Growth Plan confirmed:

- A similar role and direction for Armstrong Creek; and
- Identified two *Further Investigation Areas* in north and west Geelong.

36. With regard to the latter the Growth Plan noted:

- These *Further Investigation Areas* were unlikely to be required ahead of identified planned growth or in the short term and were intended to serve the longer-term expansion of urban Geelong;
- The need to provide capacity for the region to respond to higher rates of growth beyond 2050; and
- These areas were seen as supporting the capacity of the region beyond 500,000 persons:
- A growth rate higher than 2.5% could result in the *Further Investigation Areas* being needed earlier than anticipated to ensure the right mix of housing supply and choice.



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- ★ **Reinforcing the role of Central Geelong as a regional city and Victoria's second largest city**
 Major infill is proposed to support the revitalisation and strengthening of central Geelong.
- **Supporting the growth of Geelong with a focus on infill housing opportunities**
 A focus on infill housing opportunities at targeted activity centres and Key Development Areas as identified in the Greater Geelong Planning Scheme.
- **Supporting planned growth and reinforcing the role of district towns**
 Encourage growth of district towns or centres consistent with existing Structure Plans/Growth Plans. With Armstrong Creek, this will accommodate a further 125,000 people over the next 20 – 30 years. Development of underutilised sites and urban infill is actively recommended within these settlements to ensure a range of housing choice.
- **Introducing new targeted growth nodes**
 Grow Colac to a town of 20,000 and Winchelsea to a town of 10,000. Further strategic work will need to be undertaken for both towns to identify the most appropriate areas for growth and to identify major incentives to support growth. These areas are not anticipated to be required until at least 2030-2040.
- **Identification of two Further Investigation Areas in Geelong**
 Potential development of these areas, is not likely to be required ahead of identified planned growth. They will require further assessment of suitability and capacity for growth and the monitoring of land supply within the region to determine timing. The Lovely Banks area near Lara potentially has a higher priority, given greater connection to Melbourne and links with proposed national transport logistics employment areas.
- **Strengthening and protecting the identified existing and planned employment areas (shown on map)**
 As well as tourism precincts and district town activity centres (not shown on map).
- **Maintain productive agricultural areas**
 Consistent with existing Rural Land Use Strategies and includes opportunities for broadacre cropping and livestock, intensive livestock and horticulture, irrigated agriculture, forestry and emerging agricultural activities.
- **Identifying new employment nodes**
 A new Education, Health and Research Hub at Deakin University, the long term potential employment hub at Waurn Ponds South, subject to further investigation, and the expansion of industrial employment areas in Colac and Winchelsea, subject to more detailed planning.
- ⚡ **Identification of four key settlement breaks**
 Discussion provided in section 4.11.
- **Designation of settlement boundaries for all towns**
 The region's other rural and coastal settlements will continue to experience modest growth and play an important tourism and agricultural role to surrounding areas. Growth will be limited to identified structure plan settlement boundaries.
- **Maintain and enhance natural assets**
 Protect and build on our natural assets by maximising key opportunities to link and rehabilitate ecosystems and enable sustainable and planned productive uses. Sustain the health of our natural assets by considering future challenges in the management, planning and development of these assets.

Figure 2 – Settlement and Employment Growth Directions, extract from G21 Regional Growth Plan 2013 (Map 7)

3.3 Planning for the Bellarine Peninsula

37. The overarching framework for planning for the Bellarine Peninsula is provided by the *Bellarine Localised Planning Statement (2015)* (BLPS) and supported by references and the provisions of Clause 11.03-5S, 21.06, and 21.14 of the *Greater Geelong Planning Scheme*.

38. More recently the *Planning and Environment Act (Act)* has been amended to legislatively enact the *Distinctive Areas and Landscapes* provisions.

- The *Framework Plan* of the BLPS is reproduced at Figure 3 showing Ocean Grove as one of the select '*Identified Urban Growth Areas*'. The BLPS advances 6 policy objectives addressing environmental, coastal, rural use, tourism and built environment purposes as well as:

To facilitate the development of Ocean Grove, Drysdale/Clifton Springs and Leopold as hubs of development and service provisions on the Bellarine Peninsula. In all other townships on the Bellarine Peninsula provide retail, commercial and community uses and facilities that serve the daily needs of community and encourage street activity.

- Clause 11.03 sets out to protect and enhance the valued attributes of identified distinctive areas and landscapes citing the BLPS as a reference document.
- Clause 21.06 – *Settlement and Housing* – addresses urban growth and directs it to designated urban growth areas. A strategy to achieve this outcome is to direct most of the new greenfield residential development to the designated primary urban growth areas at Ocean Grove and other nominated centres, including Armstrong Creek.
- Clause 21.14 – *The Bellarine Peninsula* – has the following relevant objective:

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

It also reproduces the objective for development of select towns reproduced above and included in the BLPS.

- A specific strategy at Clause 21.14-3 addresses Ocean Grove. Among many considerations this provision provides for urban development to be contained within the defined settlement boundary on the Structure Plan map and encourages continued development of the north-east growth area.
- The Bellarine Peninsula is among 4 regions being considered under the *Distinctive Area and Landscape* provisions of the Act. On the 29th October 2019 a declaration was made in the government gazette of the Bellarine Peninsula as a Distinct Area and Landscape.
- The declared area is the entirety of the Bellarine Peninsula including the foreshore 600 metres seawards of the low water mark.



Figure 3 – Framework Plan, extract from the Bellarine Localised Planning Statement (2015)

3.4 Growth area structure planning Ocean Grove

39. The structure planning for Ocean Grove has progressed within the direction provided by the Growth Plan.
40. An earlier (2007) structure plan for the town advanced a representation of a long-term settlement boundary beyond 2020 (Figure 4). That boundary protected long term northern growth options either side of Grubb Road.
41. The exhibited 2015 structure plan depicted a settlement boundary that provided for continuing growth east of Grubb Road but made no representations regarding future growth west of the arterial road. The land to the west was represented as “Protected rural landscape setting” (Figure 5).
42. In evidence to the Panel considering Amendment C346 to the Greater Geelong Planning Scheme, to incorporate the 2015 structure plan, I identified 10 precincts in which further growth might be contemplated and evaluated taking in both urban consolidation and green field options (Figure 6).
43. The City of Greater Geelong and in turn the Panel accepted and adopted my recommendation that insufficient strategic justification had been advanced to form the view that the exhibited settlement boundary should be accorded a long term or ‘permanent status.
44. While the structure plan that currently appears in Clause 21.14 aligns with that which was exhibited and gazetted as part of Amendment C346, it is equally important to note that the *Further Work* section of the Clause provides for a review of:
- “.....the Structure Plan including an assessment of long term growth options (both infill and settlement expansion) for Ocean Grove by no later than 2012. The assessment should include consideration of:*
- *Land to the north, north-west and east of Ocean Grove;*
 - *The role of Ocean Grove as district town;*
 - *Other planned growth on the Bellarine Peninsula;*
 - *Development trends, lot supply and housing capacity within the settlement boundary;*
 - *The desirability of providing diversity of living options;*

- *Physical and environmental constraints, including the importance of protecting the biodiversity values of the Nature Reserve and maintaining a rural break between settlements;*
- *The protection of landscape values and implications for the character of approaches to Ocean Grove township along the Bellarine Peninsula, Grubb Road and Wallington road.*
- *The implications for significant agricultural uses and their employment generating potential.*
- *Whether any adjustments to the settlement boundary are required.*



Figure 4 – Ocean Grove Structure Plan (2007)

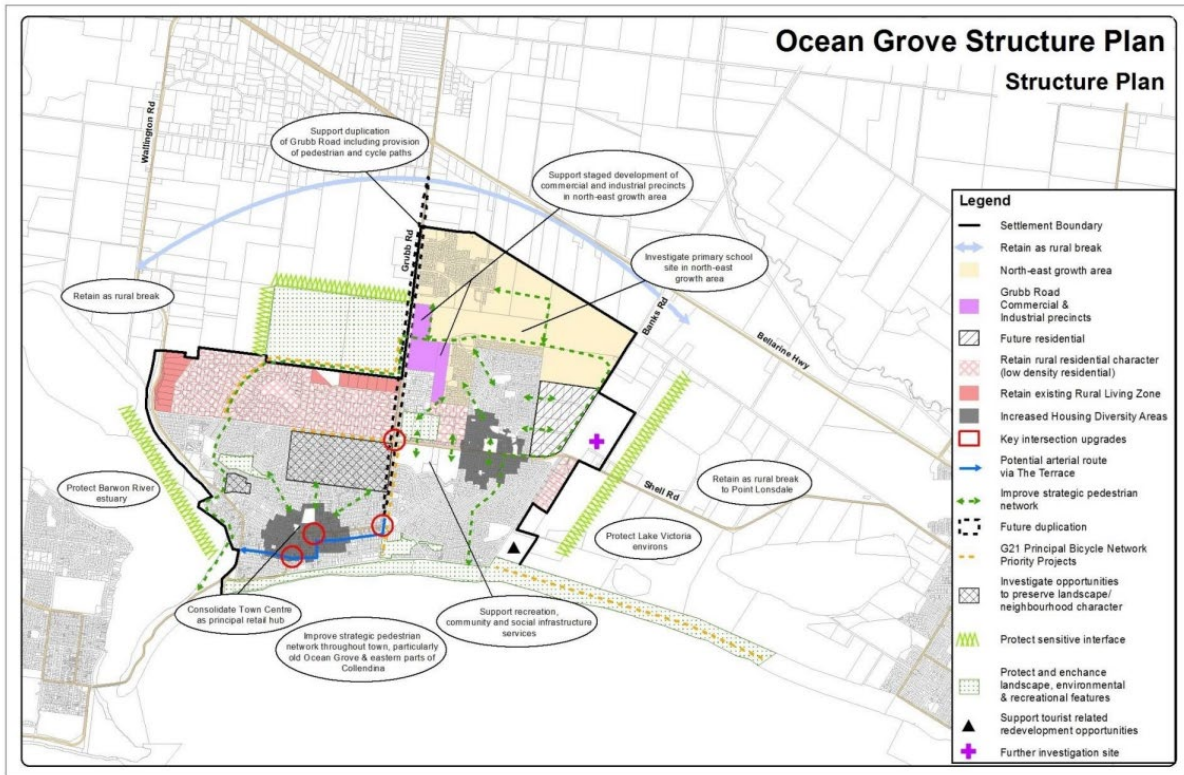


Figure 5 –Extract from Clause 21.14, 2015 Ocean Grove Structure Plan

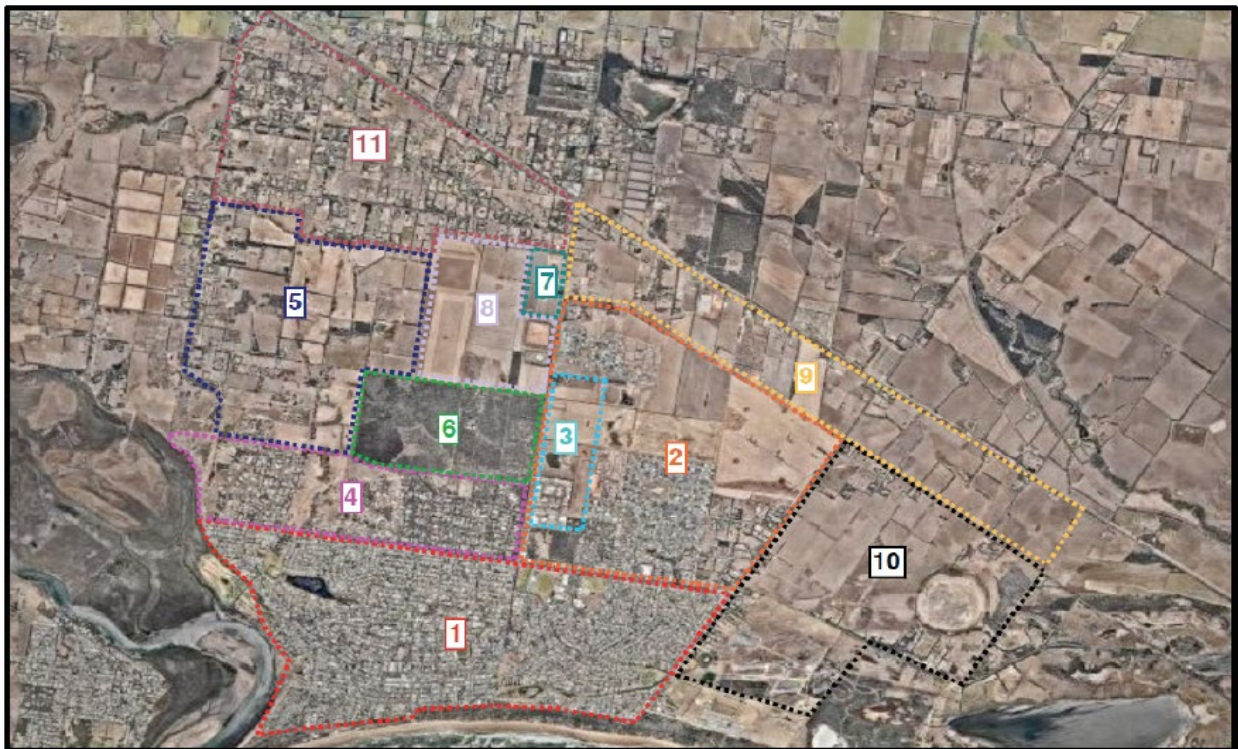


Figure 6 – Identified areas for future growth

4.0 Merits assessment

4.1 Strategic directions warranting review

45. I endorse the 6 themes and the *Principles* upon which the recommendations of Settlement Strategy are advanced.

46. It is the strategic justification for the following associated *Directions* that warrant review.

Spatial distribution of growth and land supply

- *Direct the majority of future housing needs to urban Geelong (urban infill, Armstrong Creek and the Northern and Western Geelong Growth Areas);*
- *Acknowledge the share of new development on the Bellarine Peninsula should decline overtime.*
- *Discontinue the use of the term 'growth area' when describing district towns on the Bellarine;*
- *Ensure development occurs within designated settlement boundaries;*
- *Reconsider the need and timing of the structure plan review process for townships.*

Bellarine Peninsula

- *Recognise that Drysdale/ Clifton Springs, Leopold and Ocean Grove are fulfilling their role as district towns*
- *Discontinue the use of the term growth area in favour of district towns;*
- *Acknowledge the share of housing development going to the Bellarine Peninsula should decrease over time.*

Permanent Settlement boundaries

- *Implement permanent boundaries based generally on existing urban areas and areas already identified in policy.*

- *Establish a consultation process to review the appropriateness of this boundary and deal with any significant anomalies or logical inclusions.*
- *Place structure plan reviews on hold until the permanent boundary is known.*

4.2 Spatial distribution of growth and land supply

47. The potential for Greater Geelong to experience sustained long-term growth and the need to provide zoned and serviced land for that growth while optimising the scope and potential for urban renewal and urban consolidation within established areas should be beyond question.
48. It follows that the advancement, inclusion and progression of structure planning for the development of the Northern and Western Geelong Growth Areas (the former *Further Investigation Areas*) is necessary and timely to the scale and need for choice of growth areas and options both within the G21 Region and Greater Geelong.
49. What is both surprising and strategically unjustified is how the direction and language of previously agreed and partially implemented growth area policy (summarised earlier) is, at the least, effectively diminished and on one view abandoned by the Settlement Strategy.
50. While the G21 Regional Growth Plan identified the opportunity for significant additional longer term growth options for the region, the City of Greater Geelong seeks through the amendment to fundamentally change its part of the Regional Growth Plan and the Localised Planning Statement for the Bellarine Peninsula (without reviewing them) by elevating agreed longer term growth areas to immediate short term preferences and diminishing and rebranding other previously agreed growth centres on the Bellarine Peninsula, including Ocean Grove.
51. The Settlement Strategy seeks to justify this change of strategic direction and priorities on the basis of high-level generalised observations regarding the environmental features and significant landscapes of the Bellarine Peninsula.
52. In pursuing this course and approach it also offends:
- The logical progression of structure planning and review with a lower order municipal based strategy contradicting and conflicting with the higher order regional growth plan. Clause 11.02-2S seeks to achieve the orderly development of urban areas by ensuring effective planning and management of land use and development of an area through the preparation of relevant plans. Growth area planning is to be 'read down', with the higher-level region

framework providing the context for the lower order and smaller area planning, not the other way round.

- The integrated decision-making provisions of Clause 71.02-3 of the Greater Geelong Planning Scheme that requires that Planning Authorities should integrate the potential regional impacts in their decision making and coordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.

4.3 Settlement boundaries, designations and structure planning

53. I have no grievance with the observations and recommendations of the Settlement Strategy in so far as they commit to setting long term permanent settlement boundaries around all of the growth centres and provide for a logical inclusions review or similar process to test the robustness of the proposed boundaries.
54. However, it is altogether premature to decommission the growth centre nomenclature, rebrand the growth centres with a more benign title and essentially use the language of the Settlement Strategy to diminish / discourage further growth, before that permanent settlement boundary processes are complete.
55. Similarly, it is premature to be placing structure plan reviews on hold until the permanent settlement boundaries are known.
56. The orderly, logical and systematic planning process would be to use the next iteration of structure plan reviews to inform and determine the permanent boundary of growth centres.
57. The circumstances of Ocean Grove, are a useful case study, illustrating the above observations.
58. Regardless of any further change to the existing settlement boundary, Ocean Grove has the capacity to continue to accommodate notable growth. The community infrastructure to serve that growth, such as the KDNAC is only beginning to be delivered and the activity centre was conceived at a time when structure planning had anticipated additional land being released for urban purposes to the west of Grubb Road and north west of the township.
59. The planning scheme already explicitly nominates the timing and process for the review of the structure plan and the requirement that the role of the town and settlement boundary be set. The list of requirements to be considered in the review

would ensure the full and balanced consideration of both land suitability and environmental constraints as well as the orderly development of the activity centre and the last, if any, green field land suitable for development.

60. There is no sustainable reason why the next round of structure plan reviews for the other growth centres on the Bellarine should not be approached in the same manner as Ocean Grove with suitable common provisions outlining the scope and intent of the next iteration of structure plan reviews with reference to identifying a permanent settlement boundary.
61. The C395 Amendment could be used to insert that direction in the planning scheme as an outcome of the Settlement Strategy.
62. At the completion of the above process and after the permanent settlement boundary is set, would be the more appropriate time to then consider renaming and rebranding the growth centre towns.

4.4 Managing Future Growth

63. Because Greater Geelong and the G21 Region will need substantial new growth areas going out beyond 2050, the Settlement Strategy is essentially the last opportunity to optimises the potential for growth and secure housing choices across the municipality, within the context of environmental, rural use and landscape constraints, before permanent boundaries are set. Once set those boundaries will prevent iterative and incremental reviews.
64. Rather than changing the regional growth strategy 'midstream' and advancing new growth areas at the expense of established ones, the preferable approach from a land supply and robustness of policy perspective would be to bring Northern and Western Geelong 'on-stream' along-side the residual growth potential of the Bellarine Peninsula. Such an approach would be consistent with the adopted and referenced Regional Growth Plan and Localised Planning Statement.
65. It is widely accepted that the Bellarine Peninsula has a finite growth capacity because of environmental constraints and there will come a time when the Bellarine housing market can no longer be served when that capacity is absorbed. The longer-term community benefit rests with securing the limited potential that remains.
66. It might be said that the Settlement Strategy has foreshadowed and accounted for the structure plan review circumstances of Ocean Grove in its commentary on the '*Introduction of a boundary*' at page 75.

67. I place little weight on this reference because the directions and tenor of the strategy and the proposed approach to growth centres on the Bellarine means that they would be essentially discounted as centres for further growth before any structure plan review, logical inclusion or other mechanism to establish a settlement boundary.
68. The Settlement Strategy review has not identified new constraints on the Bellarine Peninsula that have not already been factored into a balanced conservation / development strategy.
69. The Localised Planning Statement has in effect provided a heightened awareness of the significance of the region to Victorians and already identified it as a Distinctive Area and Landscape.
70. The recent declaration under the provisions of the Act reinforces that appreciation of the area but does change the community's fundamental knowledge and awareness of its special attributes.

4.5 The merits of Amendment C395

71. Having regard to the above I make the following observations and recommendations regarding the terms of the Amendment.
72. The Amendment seeks to modify the Greater Geelong Strategic Framework Plan and those local clauses at 21 and 22 that refer to settlement policy generally or are location specific.
73. Because the Settlement Strategy is municipality specific the amendment does not address how it will manage the inconsistencies it would create between the G21 Regional Growth Plan or the Bellarine Localised Planning Statement.
74. Given the above critique and finding on the strategy it follows that I do not support the proposed amendments to Clause 21.06 and 21.14 that provide for the renaming and down grading of the growth centres on the Bellarine Peninsula. These provisions should be re-draft to retain the standing of these towns as growth centres.
75. The *Further Work* provisions of the Clause 21.14 should be amended to detail the purpose of the next review of the structure plans in terms of setting permanent settlement boundaries and the matters that should be considered as part of that review.
76. I also recommend that the proposed new plan to be introduced at Clause 21.04 should be amended to be consistent with the Regional Growth Plan shown at Clause

11.01-1R, by deleting the classification of 'Urban Development' and including the growth areas on the Bellarine Peninsula within that classification.

5.0 Conclusion

77. The Settlement Strategy and planning scheme Amendment C395 have not been strategically justified in so far as they provide for a diminished role and renaming of the growth centres on the Bellarine Peninsula.
78. The longer-term growth potential of Greater Geelong warrants upholding the Regional Growth Plan as adopted and referenced in the Greater Geelong Planning Scheme while elevating the status of Northern and Western Geelong to two operational Growth Areas.
79. The structure plan review process should be used to identify permanent settlement boundaries.
80. The amendment documentation should be varied accordingly.

Robert Milner

November 2019

Attachment 1 – Relevant considerations

- Greater Geelong Planning Scheme
- Amendment C393 and C395 *Greater Geelong Planning Scheme*
- Greater Geelong Retail Strategy 2016-2036
- Greater Geelong Settlement Strategy 2018
- Panel Report C346 Greater Geelong Planning Scheme
- Ocean Grove Structure Plan 2011 and 2016
- C21 Regional Growth Plan 2013
- The Kingston Downs NAC & Industrial Estate Development Plan 2016
- Permits for the use and development of KDNAC
- Bellarine Peninsula – Distinctive Areas and Landscapes Program
- Minutes – Geelong City Council 27th November 2018
- Submissions to C393 and C395 lodged on behalf of Shell Road Developments Pty Ltd.

Attachment 2 – Witness Statement

EXPERT WITNESS STATEMENT

The following outlines the information requirements for expert evidence as set out in the Victorian Civil & Administrative Tribunal Practice Note PNVCAT 2 - Expert Evidence under s158 of the *Victorian Civil and Administrative Tribunal Act 1998*:

a. Name and address of the expert

Robert Milner, Principal of David Lock Associates. David Lock Associates is located at Level 2 166 Albert Road, South Melbourne.

b. Expert's qualifications and experience

Robert Milner has 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.

Relevant experience includes:

- 8 years as a planner in local government undertaking statutory and strategic work;
- 31 years experience in private practice with various planning and property related consultancies;
- State and National President of the Royal Australian Planning Institute; and
- A member of the Local Government and Planning Advisory Council.

Robert Milner is recognised as a leader and expert in the field of urban and regional planning. He has given evidence before the Victorian Civil and Administrative Tribunal, Planning Panels Victoria, and the Supreme Court on many occasions.

A Curriculum Vitae is included at Attachment 3 to this report.

c. Expert's expertise to make the report

Robert Milner 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.

d. Private or business relationship between the expert and the party for whom the report is prepared

Other than a business relationship for the purpose of preparing the report, Robert Milner has no relationship with the parties.

e. Instructions that define the scope of the report

Robert Milner has been requested by Minter Ellison to prepare town planning evidence on behalf of their clients, Shell Road Developments Pty Ltd.

f. The facts, matters and all assumptions upon which the report proceeds

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

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

Robert Milner has not made any assumptions other than those that are made explicit in the report.

h. A statement summarising the opinion of the expert; any provisional opinions that are not fully researched for any reason; any questions falling outside the expert's expertise; and whether the report is incomplete or inaccurate in any respect.

A summary of Robert Milner's opinion is set out in the body of the report. There are no provisional opinions contained within the report.

Robert Milner has not been asked any questions which fall outside of his area of expertise.

The report is complete.

i. Signed declaration

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



Robert Milner

September 2019

Attachment 3 – 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 2016¹ 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.

¹ *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.