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AMENDMENT C395 TO GREATER GEELONG PLANNING SCHEME

Expert Town Planning Evidence prepared by Sandra Rigo

Instructions from Minter Ellison for Purdies Paddock Pty Ltd (75-77 Williams Road, Mt Duneed)

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Contents

1. Introduction	2
2. Purdies Paddock and Environs	3
2.1. 55 & 75 Williams Road Mt Duneed	3
2.2. Environs	6
3. Planning Context	9
3.1. Greater Geelong Planning Scheme	13
3.2. Armstrong Creek Urban Growth Area	16
3.3. Amendment C395 and the Settlement Strategy	18
3.4. Surf Coast Declared Area (Distinctive Area and Landscape)	19
4. Key Strategic Planning Considerations	20
4.1. Physical characteristics and locational attributes of Purdies Paddock	20
4.2. Net community benefit	29
4.2.1. Social Impacts	29
4.2.2. Environmental Impacts	29
4.2.3. Economic Impacts	31
4.3. Does Amendment C395 address the opportunities of the subject land?	32
4.4. What changes could be made to Amendment C395 to facilitate the redevelopment of Purdies Paddock?	34
5. Conclusion	36

Appendices

Appendix 1: Response to Panel’s Guide to Expert Witnesses and CV

1. Introduction

1. Amendment C395 seeks to implement the City of Greater Geelong Settlement Strategy (October 2018) and the Northern and Western Geelong Growth Areas Framework Plan (2019) into the Greater Geelong Planning Scheme. Broadly, the Amendment seeks policy changes to the Local Planning Policy Framework and rezoning of the Northern and Western Growth Areas to the Urban Growth Zone. The strategic documents themselves are proposed to be included in the Planning Scheme under Clause 72.08.
2. 'Purdies Paddock' comprises land in two Titles at 55 (2.02ha) and 75 (14.3ha) Williams Road Mt Duneed and is owned by a consortium, who have made a submission (through Spectrum Planning Solutions) in response to Amendment C395 (the Amendment). The site, with an area of 16.32 hectares is regular shaped and located on the north east corner of Williams Road and Feehans Road Mt Duneed. It shares its northern and eastern boundaries with the Urban Growth Boundary of the Armstrong Creek Growth Area and is currently in the Farming Zone (FZ).
3. In summary, the submission seeks to have Purdies Paddock included in the Urban Growth Zone as a logical extension of the Armstrong Creek Urban Growth Area (and specifically the Armstrong Creek West Precinct).
4. My response to the Panel's Guide to Expert Witnesses is contained in Appendix 1 of this Statement together with my CV.
5. Having regard to the submission made in relation to Purdies Paddock, the Amendment, the documents noted in Appendix 1, my observations of the site and surrounds and the planning context, it is my opinion that the submission should be supported for the following reasons:
 - The subject land has locational and physical attributes that are consistent with the objectives and principles of the Settlement Strategy, the Armstrong Creek Urban Growth Plan and the strategic objectives and policies for housing in the Local

Planning Policy Framework which makes it a reasonable and logical candidate for inclusion in the Urban Growth Zone and settlement boundary;

- The subject land has the potential to be developed for residential development in the future, with direct connections into residential subdivisions approved and under construction to its immediate north and east;
- The rezoning of the subject land for residential use will generate positive economic, environmental and social outcomes resulting in a net community benefit consistent with the orderly planning of the area and broader strategic imperatives;
- As exhibited, Amendment C395 does not provide adequate certainty regarding the future of the subject land and the opportunity it presents with regards to the Armstrong Creek Growth Area; and
- The net community benefit opportunity presented by the future development of the subject land can be appropriately accommodated through changes to Amendment C395.

6. These and other reasons contained in my Statement underpin my support for the submission.

2. Purdies Paddock and Environs

2.1. 55 & 75 Williams Road Mt Duneed

7. The subject land is located adjacent to the south western edge of the Armstrong Creek Urban Growth Area, and is on the north east corner of Williams Road and Feehans Road, Mt Duneed.
8. The subject land comprises a total area of 16.32 hectares. No. 55 Williams Road is a relatively small rectangular Title of 2.02 hectares with frontage to Williams Road. No. 75 Williams Road comprises a larger L shaped corner lot of 14.3 hectares and has its longer frontage to Feehans Roads and smaller frontage to Williams Road. The land contains a dwelling, various outbuildings and a vineyard. The vineyard occupies a large part of the western half of the subject land, with a number of dams on the No. 75 Williams Rd Title.

- 9. Topographically, the land fall across the site from the south west corner down to the north east and east. The land also falls from the north with an east to west valley in between another high point at the south west corner. Vegetation is scattered and generally confined to the western and southern perimeter of the land, with scattered vegetation in clusters elsewhere.
- 10. Williams Road is an unsealed two way road along the frontage of the subject land. Feehans Road is a two way sealed rural style road with no kerb and channel.
- 11. The land is in the Farming Zone (FZ) pursuant to Clause 35.07 of the Greater Geelong Planning Scheme. No overlays affect the land.
- 12. Aerial photograph and photographs of the site follow.

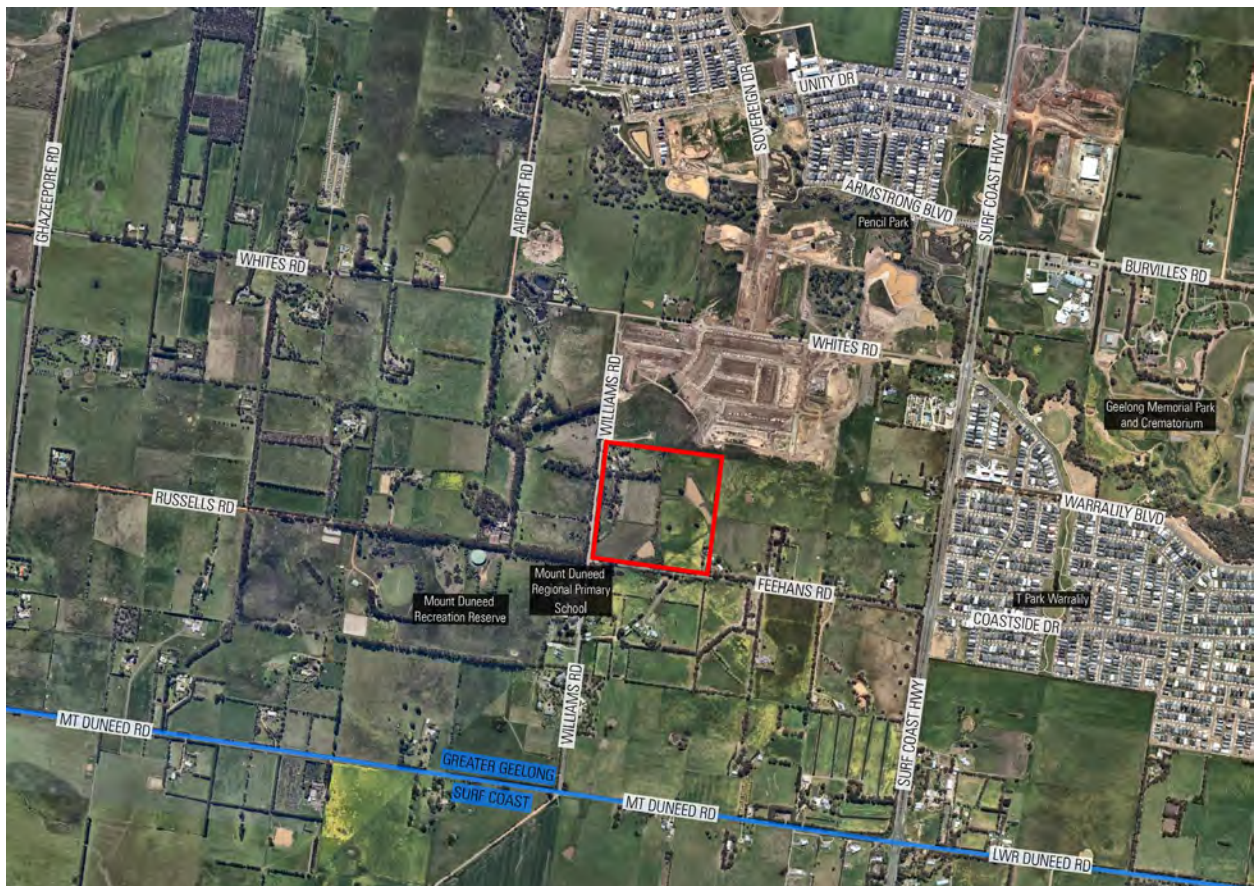


Figure 1. Context Aerial



Figure 2: View towards subject land from corner of Feehans Road and Williams Road



Figure 3: View of northern boundary of subject land (from adjoining land)



Figure 4: Southern boundary of subject land (Feehans Road)



Figure 5: Williams Road frontage of subject land (left)

2.2. Environs

13. The subject land is located in a large block bounded by Williams Road to the west, Feehan Road to the south, the Surf Coast Highway to the east and Whites Road to the north in Armstrong Creek.
14. All land within this block, with the exception of the subject land, is in the Armstrong Creek Urban Growth Area. More specifically, the block (with the exception of Purdies Paddock), together with land to its north, forms the Armstrong Creek West Precinct, which is zoned for urban development which is proceeding under the Armstrong Creek West Precinct Structure Plan (ACWPSP).
15. Under the ACWPSP, the block (excluding Purdies Paddock) comprises land in the Urban Growth Zone 3 (UGZ3) predominately for residential development, with land set aside for two schools, active open space, community facility, a local activity centre and passive open space areas. Land in the UGZ3 is also affected by the DCPO (Schedule 4). This UGZ3 and precinct plan adjoins the northern and eastern boundaries of the subject land. See Figure 6 below.
16. The northern and eastern boundaries of the subject land form part of the 'Indicative Permanent Settlement Boundary' depicted on the Housing Framework Plan in the Settlement Strategy (pg 12) and exhibited Amendment C395.

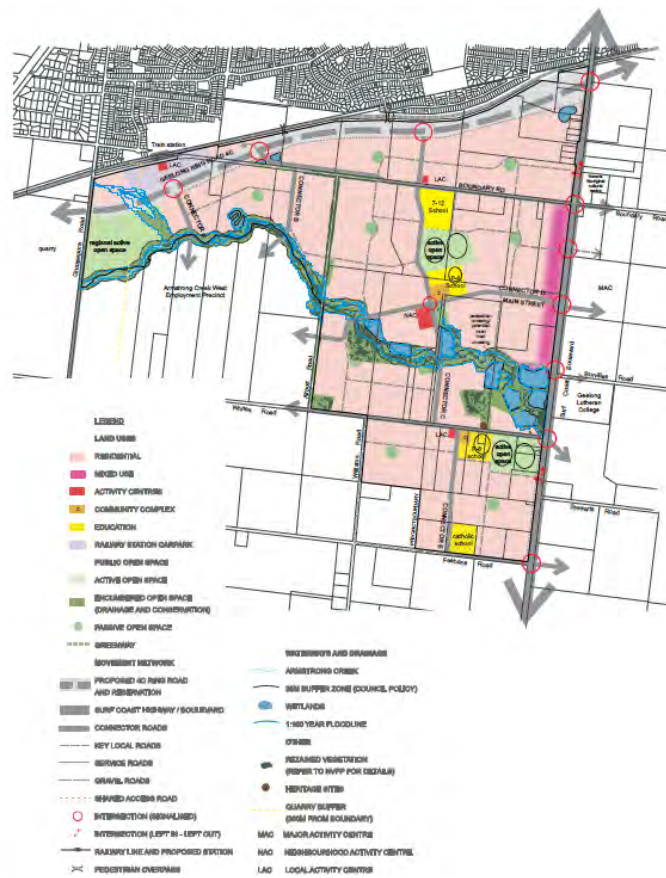


Figure 6. Armstrong Creek West Precinct Structure Plan

17. The residential subdivision of land adjoining the north of the site is currently under construction (Warralily Grange Estate). I am instructed that approvals have been granted for the residential subdivision of land adjoining the east of the subject land.
18. To the south, the land is adjoined by Feehans Road which is a sealed two way road. Further south, adjoining Feehans Road is land used for farming and rural residential purposes.
19. To the west of the subject land, are rural landholdings and the Geelong Pistol Club. Williams Road along the frontage of the subject land is unsealed. Between the northern boundary of the subject land and Whites Road further north, Williams Rd is currently unsealed but will be sealed as part of the residential subdivision under construction.
20. To the south west of the subject land is the Mount Duneed Regional Primary School, approximately 100 metres from the south west corner of the subject land. According to

the School's website, the school was established in 1994 and is 15 minutes by car from the Geelong CBD and the Torquay town centre. Students at the school travel from a radius of 15 kms around the school. The current student population is approximately 300 children. It is reasonable to anticipate that the student population will continue to grow as residential development occurs nearby.

21. I note west of the school is the Mt Duneed Recreation Reserve which encompasses the top of Mt Duneed, water tank, telecommunication facilities, a pony club, oval, clubrooms and other facilities for passive and active recreation.
22. Photographs of the surrounds follow.



Figure 7: Feehans Road and land opposite the subject land (south)



Figure 8: Mt Duneed Regional Primary School (Williams Road)



Figure 9: Warralilly Grange Estate, adjoining northern boundary of Purdies Paddock



Figure 10: Top of Mt Duneed facing north east



Figure 11: View to the east from viewing platform on Warralily Grange Estate (subject land to the right)



Figure 12: View to the north from viewing platform adjoining subject land



Figure 13: Mt Duneed Recreation Reserve (view towards Mt Duneed)

3. Planning Context

23. In considering the strategic merits of Amendment C395 and the role of the subject land in the future, I have had regard to the background to the Armstrong Creek Urban Growth Area as well as the Settlement Strategy, the Northern and Western Growth Areas Framework Plan and the existing planning policy framework in the Greater Geelong Planning Scheme, all of which are part of the planning context of the subject land and environs.

3.1. Greater Geelong Planning Scheme

24. The Planning Policy Framework (PPF) sets out a number of statewide policies regarding settlement, supply of urban land, management of urban growth and distinctive areas and landscapes (amongst other things). I note the following which I consider to have particular relevance:

- **Clause 11 Settlement:** which requires Planning to provide for the needs of existing and future communities, contribute towards health, safety and wellbeing, economic viability, high standard of urban design and amenity, protection of environmentally sensitive areas, and accessibility;
- **Clause 11.01-1S Settlement:** focus investment and growth in places of State significance including Geelong, to promote sustainable growth through a network of settlements;
- **Clause 11.01-1R Settlement – Geelong G21:** which provides for long term growth options that build on existing infrastructure, including two further investigation areas north and west of Geelong, require a settlement boundary for all towns and protect critical agricultural land;
- **Clause 11.02-1S Supply of Urban Land:** the objective of which is to ensure a sufficient supply of land is available for residential and other uses based on 15 year projected population growth;
- **Clause 11.02-2S Structure Planning:** to facilitate the orderly development of urban areas;

- **Clause 11.02-3S Sequencing of development:** to ensure services and facilities are available from the early life of new communities;
 - **Clause 11.03-2S Growth Areas:** focusses on the implementation of Growth Area Framework Plans and precinct structure planning to ensure sustainability benefits are achieved whilst protecting primary production and valued environmental areas;
 - **Clause 11.03-5S Distinctive areas and landscape:** the objective of which is to protect and enhance the valued attributes of identified distinctive areas and landscapes;
 - **Clause 12.05-2S Landscapes:** the objective of which is to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments;
 - **Clause 14 Natural Resource Management:** contains a number of policies to conserve and use natural resources in sustainable ways and to acknowledge the importance of productive agricultural land and to ensure agricultural land is managed sustainably; and
 - **Clause 19.02-2S Education facilities:** the objective of which is to assist the integration of facilities with local and regional communities.
25. At the local level, the Local Planning Policy Framework (LPPF) contains a number of policies relating to housing and settlement which build on the State level policies in the PPF, the following are particularly relevant (noting AmC395 proposes changes to some):
- **Clause 21.02 City of Greater Geelong Sustainable Growth Framework:** identifies key principles to ensure all actions meet the needs of present and future communities, including managing urban growth and building sustainable infrastructure, amongst others;
 - **Clause 21.06 Settlement and Housing:** acknowledges social, environmental and economic imperatives to reduce urban sprawl and improve accessibility to urban services, the careful management of outward urban growth, encouraging urban consolidation, directing urban growth to designated urban growth areas (one of which is Armstrong Creek), ensure development occurs within designated settlement boundaries and ensure urban development enhances Geelong’s sense of

place and identity. It calls for the preparation of a settlement strategy which has been completed and now sought to be implemented through Amendment C395;

- **Clause 21.08 Development and Community Infrastructure:** which identifies a number of policies including improving public transport, bicycle and pedestrian linkages to reduce car dependence, upgrading of existing community infrastructure to meet the needs of the current and future population, improving open space when residential densities are increased and improving and ensuring safe access to community and development infrastructure; and
- **Clause 21.11 Armstrong Creek Urban Growth Area:** implements the policies and provisions for the ACUGA (see below), detailing key issues and influences, objectives and strategies.

26. I note the subject land is contained in the Farming Zone whilst land adjoining it to the east and north is in the Urban Growth Zone (UGZ3) and DCPO4. Land to the south of Feehans Road and west of Williams Road are also in the Farming Zone. The land use zoning map is included below.

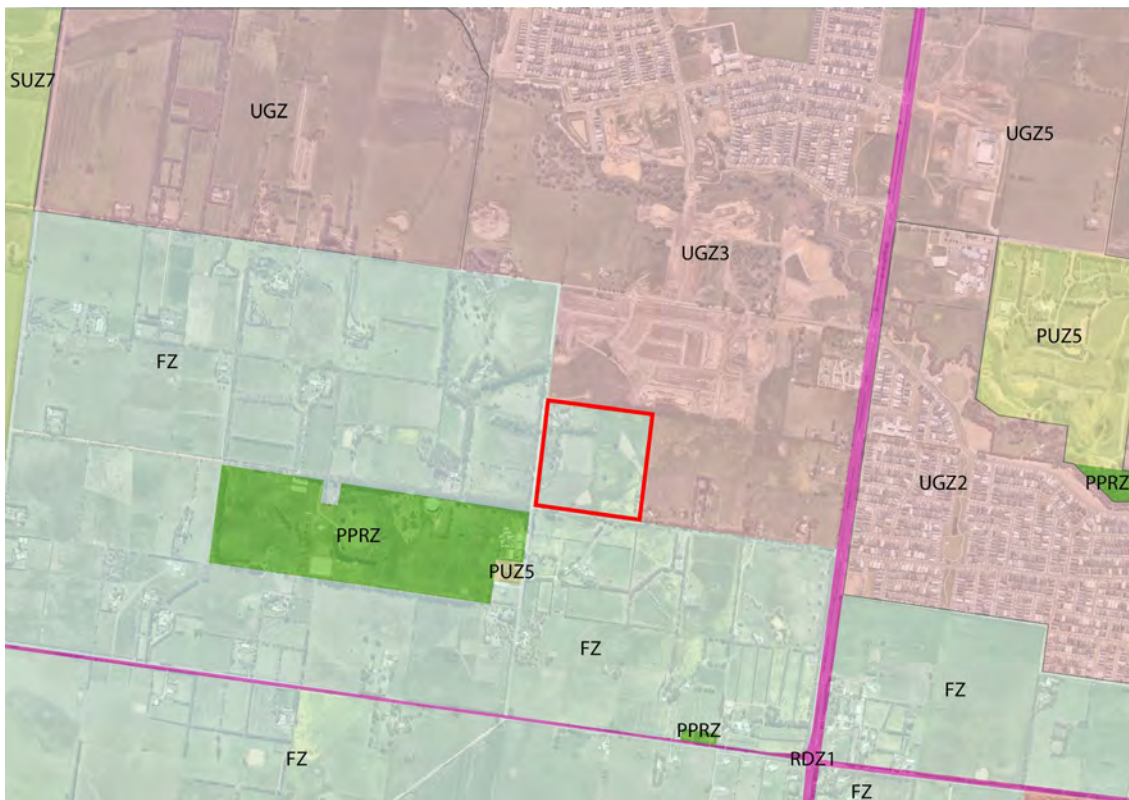


Figure 14: Zoning Map

3.2. Armstrong Creek Urban Growth Area

27. The Armstrong Creek area was first identified as an urban growth area in the 1980s by the former Geelong Regional Commission. The *Armstrong Creek Urban Growth Plan* (ACUGP) was implemented in the Planning Scheme through Amendment C138 in 2008 (amended in 2010) and supported in the G21 Regional Growth Plan 2013. The ACUGP is illustrated in Figure 15 below together with the location of the subject land and the location of the Mt Duneed Regional Primary School and Recreation Reserve.
28. I note the following from the ACUGP:
- Envisages a population of 54,000 people in 22,000 households spread across seven precincts (four residential precincts, two employment precincts and one sub-regional activity centre);
 - The Plan seeks a distinctive green character for the new Armstrong Creek community with natural features such as Mt Duneed providing a focal point for new development;
 - It seeks to retain the green skyline provided by Mt Duneed to contribute to an attractive entrance to Geelong from the south and south west, provide a green backdrop to development and establish a permanent and natural edge to urban development, thus excluding Mt Duneed from urban development and protecting the rural character of its township;
 - Mt Duneed and the adjoining ridgeline along Lower Duneed Road form an appropriate southern boundary to urban development, therefore land outside the urban growth boundary should continue to be used for agricultural purposes; and
 - It notes that the Mt Duneed Recreation Reserve contains a significant indigenous cultural heritage site.

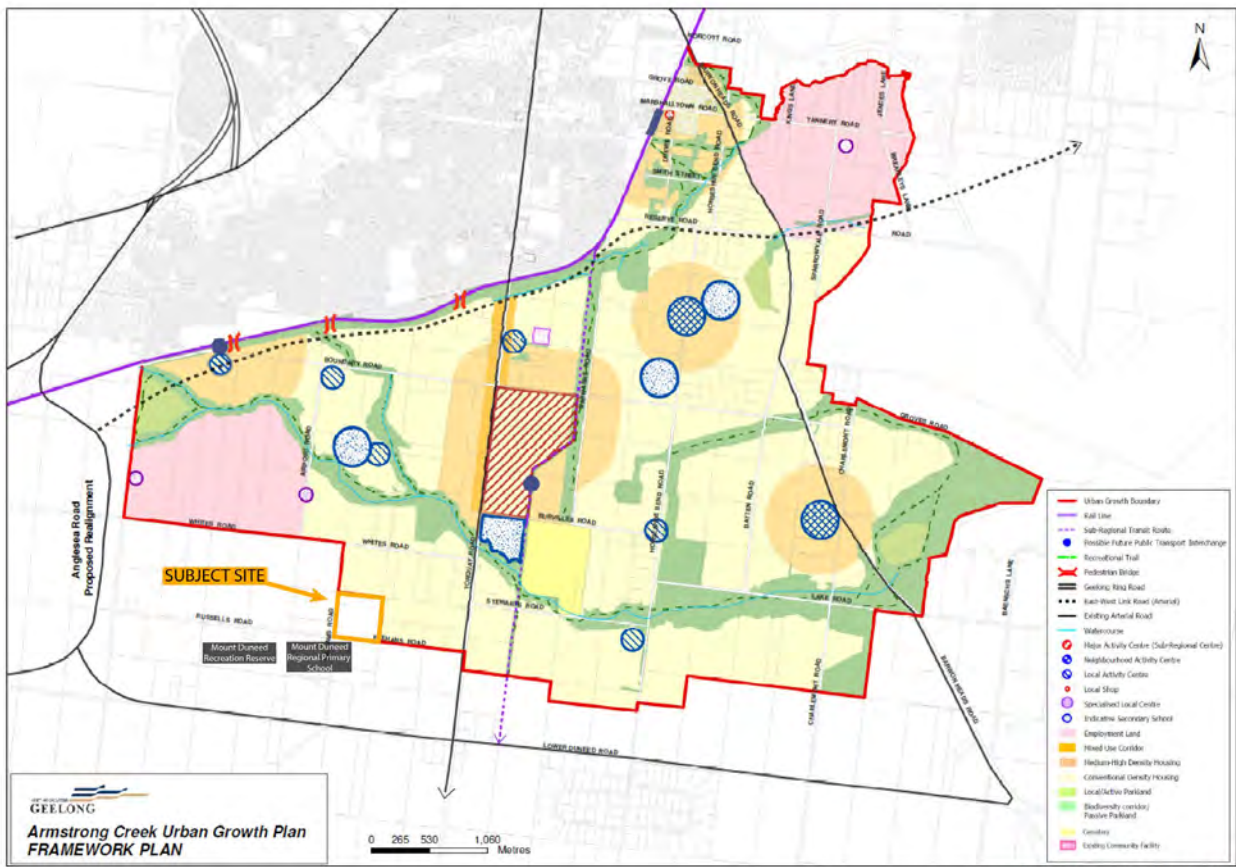


Figure 15: Armstrong Creek Urban Growth Plan – Framework Plan

Prepared by City of Greater Geelong - May 2010

29. The Panel Report on Amendment C138 recommended the southern side of the Urban Growth boundary be amended to follow cadastral boundaries rather than a ridgeline contour. I note that the Panel Report did not consider Mt Duneed to be that significant a natural feature (pg 51) and its prominence, importance and visual contribution overstated by Council (pg 77). Further, I note there is no consideration or mention of the existence and/or integration of the Mt Duneed Regional Primary School in the Panel Report (or ACUGP).
30. Amendment C138 introduced Clause 21.11 Armstrong Creek Urban Growth Area into the Planning Scheme and includes the ACUGP as a reference document.
31. The *Armstrong Creek West Precinct Structure Plan (2012)* was implemented via Amendment C240 to the Greater Geelong Planning Scheme. The subject land adjoins the west precinct of the ACUGA. The Precinct comprises approximately 559 hectares of land

and the Plan estimates a resident population of 14,280 people (one quarter of the total estimated population for the ACUGA) and 5,829 dwellings.

3.3. Amendment C395 and the Settlement Strategy

32. I note the Council's submission to the Panel details the components of Amendment C395 which I have relied on, together with the exhibited documents and explanatory report.

33. I note the following with regards to AmC395 and the Settlement Strategy:

- The Settlement Strategy seeks to guide decision making around settlement planning and housing provision to the year 2036;
- Key issues identified in the Settlement Strategy include establishing a permanent settlement boundary and the protection of highly valued non-urban breaks between townships, and between Geelong and Surf Coast;
- The Strategy is based on a 2.5% growth rate and concludes that there is ample land available in the existing Armstrong Creek Urban Growth Area and the proposed Western and Northern Urban Growth Areas to meet demand;
- The City wants to ensure that new development is well planned, serviced, cost effective, sustainable, logically sequenced and embraces the community's vision;
- The Strategy nominates an 'indicative permanent settlement boundary' to reflect there is further work to be undertaken that could potentially result in some minor amendments to the boundary (I note the Council's Submission to the Panel seeks to change the terminology to 'indicative long term settlement boundary');
- At Page 60, the Settlement Strategy states that "no rezoning proposals beyond those already planned will be considered..."; and
- The proposed new Clause 21.06 forecasts population growth of 152,000 people by 2036 with the majority of greenfield housing supply being provided in Armstrong Creek and the Northern and Western Growth Areas. It includes references to a logical inclusions process which will be undertaken by Council in determining an enduring and defensible settlement boundary. I note under Further Work, the

proposed Clause 21.06 seeks to establish a consultation process to address any significant anomalies or logical inclusions as part of confirming a settlement boundary.

34. I accept the findings of the Settlement Strategy with respect to the assessment of population forecasts and availability of land to address anticipated population growth in Geelong and defer to other expert witnesses with expertise in these matters. I have also not formed any views with regards to the content and detail of the Northern and Western Growth Areas Framework Plan.

3.4. Surf Coast Declared Area (Distinctive Area and Landscape)

35. In my opinion, Clause 11.03-5S Distinctive areas and landscapes is relevant in considering the future role of the subject land under Amendment C395 given the Surf Coast was declared a Distinctive Area and Landscape in September 2019. It is my understanding that a Statement of Planning Policy (SOPP) is required to be prepared within 12 months of the declaration.
36. I note the boundary of the Declared Area includes the subject land.
37. I note from the Council's Part A Submission to the Panel that the SOPP may specify a 'protected settlement boundary' in the declared area. In my opinion, this becomes a relevant consideration with regards to the timing of the logical inclusions process that Amendment C395 raises because the Responsible Authority cannot prepare an amendment which is inconsistent with the SOPP and the Minister must not approve an amendment inconsistent with a SOPP. The timing of the logical inclusions process (which I am instructed is yet to be commenced) is undetermined at this stage whereas the SOPP is required to be prepared by 17 September 2020. The SOPP process has the potential to create inconsistencies with the logical inclusions process which the Council has committed to.

4. Key Strategic Planning Considerations

38. Having regard to my observations of the subject land and surrounds, Amendment C395 (including the Settlement Strategy), the relevant policies of the Greater Geelong Planning Scheme, the Armstrong Creek Urban Growth Area and the Strategic Assessment Guidelines (Ministerial Direction No. 11), it is my opinion that there is merit in facilitating the rezoning of the subject land for residential development for the following key reasons:

- The physical attributes and location of the subject land makes it a logical candidate for inclusion in the settlement boundary and rezoning for residential development consistent with the objectives and strategies for the Armstrong Creek Urban Growth Area, and the strategic policies for housing and settlement in Amendment C395;
- The rezoning of the land and inclusion inside the long-term settlement boundary will generate positive economic, environmental and social outcomes resulting in a net community benefit consistent with broader strategic objectives for housing and sustainable communities;
- As exhibited, Amendment C395 does not address the community benefit opportunities afforded by including the land within the settlement boundary and rezoning it for residential use, particularly given the recent declaration of the Surf Coast Distinctive Area and Landscape; and
- The Panel has the scope to recommend changes to Amendment C395 which addresses the opportunities of the subject land consistent with the Settlement and Housing policies the Amendment is seeking to introduce.

39. The basis of my opinions are detailed below.

4.1. Physical characteristics and locational attributes of Purdies Paddock

40. Purdies Paddock is the only landholding in the area bounded by Whites Road (north), Surf Coast Highway (east), Feehans Road (south) and Williams Road (west) which is not

in the Urban Growth Zone and thus not within the settlement boundary of the Armstrong Creek Urban Growth Area.

41. I note the following characteristics of the subject land:

- It is on the north eastern slopes of Mt Duneed, being the Armstrong Creek urban area side of Mt Duneed and thus when viewed from the north, north east and east, will be viewed in context with the emerging urban landscape of Armstrong Creek;



Figure 16: View towards Mt Duneed from Whites Road

- The contours across the subject land are generally the same or lower than the crest of the hill on and adjoining the north west corner of the land, which is part of the Warralily Grange Estate (see Figure 17 below);
- It is generally not visible from the southern approach from Mt Duneed Road, up Williams Road heading north given it sits behind a ridgeline between Mt Duneed Road and the Mt Duneed Regional Primary School (Figure 18 below);



Figure 17: Contour Map



Figure 18: Williams Road (between Mt Duneed Road (south) and Mt Duneed Regional Primary School (north))

- From the west (Ghazepore Road and beyond), it is not visible given the peak of Mt Duneed screens it;



Figure 19: View towards Mt Duneed (east) from Ghazepore Road)

- It is physically located alongside approved residential subdivision on two sides and physically separated from all other rural zoned land by roads;
- I am instructed that the land is within the Armstrong Creek West drainage catchment and all reticulated urban services can be extended to the land from adjoining subdivisions;
- The south west corner of Purdies Paddock is diagonally opposite the Mt Duneed Regional Primary School (and Mt Duneed Recreation Reserve beyond) and thus presents a clear opportunity to connect an existing school and public open space to the growing community in Armstrong Creek;
- The site has significant frontages to both Williams Road and Feehans Road and thus there are no apparent constraints for access;
- Vegetation is generally confined to the frontages of the land, with the bulk of the land cleared of vegetation;

- The approved residential subdivision of land adjoining the site to the north and east facilitates connections to the subject land, thus ensuring it is integrated and accessible to the broader Armstrong Creek West Precinct (see Figure 20);
 - Williams Road along the frontage of the subject land will be the only part of the road which is unsealed between Mt Duneed Road and Whites Road once Warralily Grange Estate is complete;
 - The southern boundary of Purdies Paddock does not extend as close to Mt Duneed Road (the municipal boundary between Greater Geelong and Surf Coast) as the existing southern boundary of the ACUGA (east of Surf Coast Highway) and matches the existing southern boundary of the Armstrong Creek West Precinct along Feehans Road;
 - The contours and fall of the land are gentle and do not pose a physical constraint to development; and
 - I am instructed that parking outside the Mt Duneed Regional Primary School is limited and during drop off and pick up times, cars are parked along the frontage of the subject land on the unsealed section of Williams Road.
42. These characteristics are similar to adjoining land to the north and east, with the exception of the physical relationship of the School to the subject land. Development of Purdies Paddock will still maintain the green backdrop of Mt Duneed when viewed from the north and north east because of the higher ridgeline behind it.
43. Further, the total size of the subject land, at 16 hectares (two lots) is comparable to the total area of land comprising four lots to the east of Purdies Paddock (between the subject land and Surf Coast Highway, fronting Feehans Road) which the Panel for Amendment C138 (the Armstrong Creek Urban Growth Area) recommended be included in the settlement boundary of Armstrong Creek.

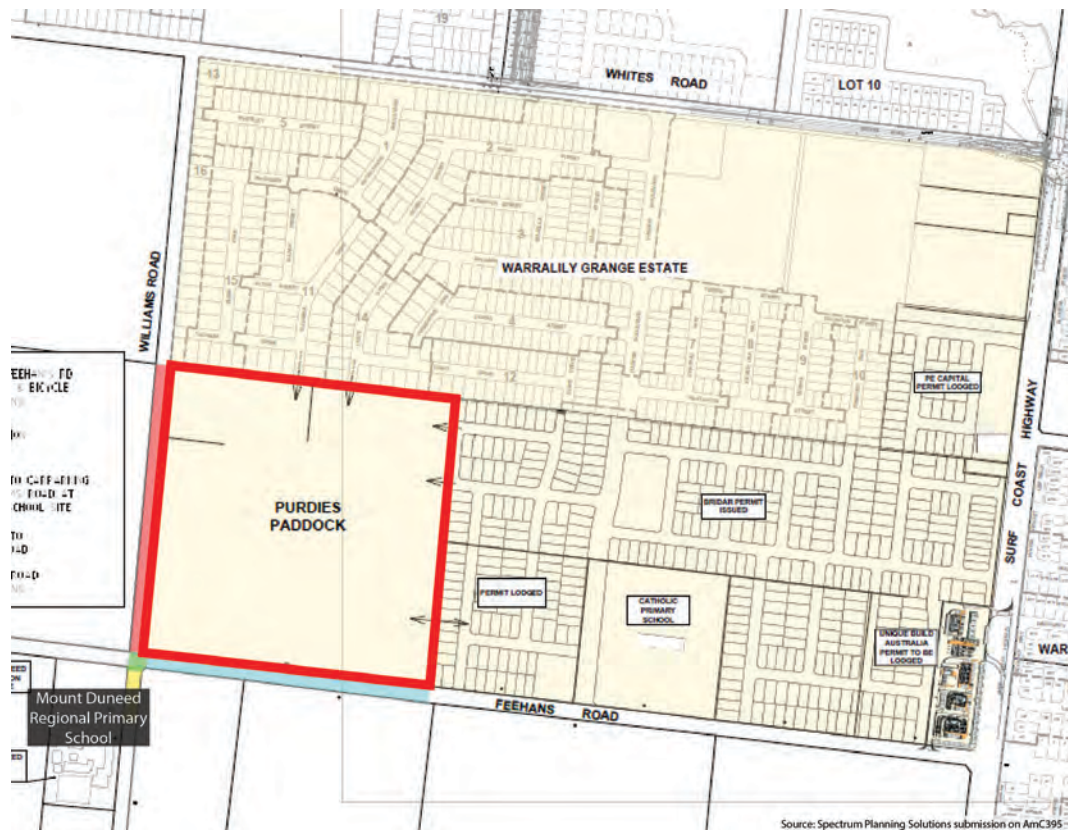


Figure 20: Surrounding Approved Subdivisions

44. Page 77 of the Panel Report on Amendment C138 noted:

“However, there is one instance where the Panel considers that the Urban Growth Boundary should be extended a greater distance. Submission No 31 was originally a joint submission by four landowners at 10-50 Feehans Road and 649 Torquay Road, Mount Duneed...but the Panel considers that the particular circumstances of all four lots are common. These four contiguous lots are each less than four hectares in area, and are only marginally outside of the Urban Growth Boundary...These properties front the north side of Feehans Road.

Mr Marshall, through a combination of topographic and photographic evidence demonstrated that the land south of Feehans Road is substantially steeper compared to the land between Whites Road and Feehans Road, and in this regard urban development of those properties would have little if any effect on the green skyline to Mt Duneed. The Panel considers that the combination of factors, these being close proximity to the exhibited Urban Growth Boundary, the small size of the lots, their contiguous arrangement and their specific topographic conditions indicate that the Urban Growth Boundary should be extended to Feehans Road to include these lots.”

45. I am instructed that the then owners of the subject land did not make a submission to Amendment C138 at the time and from my reading of the Panel Report, it is clear that no consideration was given to the subject land, which has very similar physical characteristics to the land adjoining it to the east and north.

46. I note that previous strategic work has not recognised or considered the location of the Mt Duneed Regional Primary School nor the Recreation Reserve to its west, with regard to its physical proximity and relationship to the growing population of Armstrong Creek. The ACUGP makes no provision for improving access to these community facilities given their proximity and accessibility to the growth area.
47. In my opinion, the inclusion of the subject land into the settlement boundary as part of the ACUGA will provide the 'missing link' between this growing community and the community infrastructure which is already in place and well established. The development of Purdies Paddock provides a key opportunity to connect the Mt Duneed school and reserve to a new residential community and opportunities to enhance these facilities through:
- The sealing of Williams Road and upgrades to Feehans Road which can include shared pedestrian and cycling paths, providing safe access to the Mt Duneed school and reserve and encouraging walking and cycling;
 - The sealing and upgrading of Williams Road provides an opportunity to improve the safety of vehicular access to the School and improved parking facilities for parents;
 - Strengthening the school community through its integration into the Armstrong Creek urban area; and
 - Facilitating the school's connection to reticulated sewer and town water as these services are extended into Purdies Paddock.
48. These opportunities are not afforded by the existing ACUGP or ACWPSP. In my opinion, this is a strategic planning oversight having regard to strategic policy for growth areas and Section 4 of the Planning and Environment Act, which includes the following objectives for Planning (amongst others):
- *"To provide for the fair, orderly, economic and sustainable use, and development of land;*
 - *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*

- *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians;*
- *To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and*
- *To balance the present and future interests of all Victorians.”*

49. In my opinion, the inclusion of Purdies Paddock inside the settlement boundary and its rezoning to the Urban Growth Zone, integrating its future use and development into the approved subdivisions to its east and north, as well as connecting the Armstrong Creek West Precinct to existing community infrastructure is practical, logical and entirely consistent with the objectives of Planning in Victoria, particularly with respect to the orderly, economic and sustainable use and development of land. I address the social, environmental and economic benefits of rezoning Purdies Paddock more specifically in the following section of my Statement.

50. The inclusion of Purdies Paddock and its rezoning for urban development and the connections it makes to the Mt Duneed School and Recreation Reserve is in my opinion, consistent with State and local planning policy for growth areas and principles underpinning structure planning, particularly:

- Facilitating sustainable development that takes full advantage of existing settlement patterns and investments in social and community infrastructure and services, in this case an existing school and public open space, helping to achieve healthy and walkable neighbourhoods and encourage alternative modes of transport;
- Integrating the planning response between settlements, in this case Armstrong Creek and Mt Duneed;
- Limiting urban sprawl and not undermining the long term natural or non-urban use of land, with the inclusion of Purdies Paddock not extending the settlement boundary any further south than where it is, thus not undermining the non-urban break between Geelong and the Surf Coast and using Feehans Road as the boundary (and physical separation) between urban and non-urban land use;

- It is a proactive and positive response to issues regarding the cost of new infrastructure (these facilities are established) in new growth areas and making more efficient and cost effective use of existing infrastructure in much the same way, consistent with the principles of urban consolidation; and
 - Creating walking and cycling connections between the Mt Duneed school and recreation reserve and the ACUGA is consistent with the Armstrong Creek Urban Growth Framework Plan which seeks to create an urban structure based on walkable neighbourhoods.
51. I note that the subject land comprising of approximately 16 hectares would increase the area of the Armstrong Creek West Precinct by 2.79% (from 559 hectares to 575 hectares) which is minor and highly unlikely to undermine strategic objectives for the Northern and Western Growth Areas or ongoing development of the ACUGA.
52. In addition to existing policies for growth areas and housing and settlement, the inclusion of Purdies Paddock in the settlement boundary and its rezoning for urban development is consistent with the new and amended strategic objectives and policies exhibited in Amendment C395 and the Settlement Strategy, in particular the proposed Clause 21.06 and Clause 21.08 with regards to:
- Maintaining a range of services and facilities useful to all age groups, with the connection to existing community based infrastructure, delivering infrastructure to meet community needs and incorporating sustainable living principles;
 - The principle of targeting infill development in areas with access to infrastructure, goods and services which the locational attributes of Purdies Paddock provides;
 - Minimising servicing impacts by containing growth in identified areas;
 - Maintaining the non-urban break between Geelong and Surf Coast and protecting significant landscape features; and
 - Reducing car dependence, enhancing safety and accessibility, developing a comprehensive and accessible open space network.

4.2. Net community benefit

53. In my opinion, the inclusion of Purdies Paddock in the settlement boundary and its rezoning for urban development will generate a net community benefit through positive social, economic and environmental impacts. I detail these below.

4.2.1. Social Impacts

54. As noted previously, the urban development of the subject land has significant potential to facilitate the connection of the Mt Duneed school and recreation reserve with the growing community of Armstrong Creek.

55. The social benefits of these connections directly relate to strategies advocated in the ACUGP. The provision of shared pedestrian and cycling connections between the Armstrong Creek West Precinct and the school and recreation reserve, together with improved conditions of Williams Road and Feehans Rd (to the edge of the school) will foster community spirit, cohesion and interaction, reduce car dependency and improve health and safety, all specifically sought in the ACUGP.

56. These opportunities afforded by the inclusion of Purdies Paddock address common social issues arising from new growth areas such as social exclusion (through lack of access and provision of community infrastructure), lack of direct pedestrian, cycling and public transport routes, poor sense of community and poorly looked after public open space.

57. I note the Mt Duneed Regional Primary School has expressed its support of the opportunity and benefits the urban development of the subject land will provide to the school.

4.2.2. Environmental Impacts

58. Environmental impacts typically associated with growth areas include consideration of the impacts of servicing and development on the ecological values, archaeological values, landscape values, rural values, environmental sustainability and agricultural use of the land and area.

59. I note the Armstrong Creek Urban Growth Plan adopted in May 2008 (and implemented in Clause 21.11 of the Planning Scheme) seeks a 'distinctive green character' for the new community and highlights Mt Duneed as a significant landscape feature. Further, on page 122, the Plan specifically precludes Mt Duneed from urban development "*due to the desire to maintain an attractive green entrance to Geelong from the south and south west, and a green backdrop to development within the growth area.*"
60. Further, I note the Panel Report on Amendment C138 which implemented the ACUGP detailed the visual impact assessment undertaken with regards to Mt Duneed and concluded that:
- "the prominence, importance and visual contribution made by Mt Duneed is somewhat overstated by Council and its consultants. The Panel understands that there are view lines to Mt Duneed at present, but once Armstrong Creek is developed these view lines will be very restricted due to the presence of intervening buildings, new vegetation and the fact that Mt Duneed is not particularly high and prominent above the horizon". (pg 75)*
61. Drawing on the characteristics of the site and surrounds I noted previously and my observations, the Panel's comments above are beginning to ring true with development occurring within the growth area to the north and north east of Mt Duneed changing the viewlines to Mt Duneed. From this perspective, the development of the subject land for residential purposes will not further restrict view lines of Mt Duneed and will be read as part of the ACWP with the backdrop of trees above and behind it. The green skyline of Mt Duneed will not be affected by the development of Purdies Paddock, thus protecting the green backdrop desired in the ACUGP.
62. From the south and south west, the ridgeline (south) and Mt Duneed (south west) will screen the subject land, thus maintaining the desired green entrance to Geelong from these viewlines as sought in the ACUGP.
63. Accordingly, it is my opinion that the proposed rezoning of Purdies Paddock and inclusion inside the settlement boundary of Armstrong Creek will not have any significant impact on the landscape values and objectives sought in the ACUGP. As noted previously, I am also of the opinion that the alignment of the settlement boundary with

the inclusion of the subject land, will not undermine the rural break between Geelong and the Surf Coast.

64. I note the approved layout of the Warralily Grange Estate to the north includes the backyards of approximately 21 residential lots adjoining the subject land, with an additional approximately 18 lots adjoining the east boundary of the subject land. This configuration and lack of an appropriate buffer to agricultural use raises significant potential land use conflicts between residential land use and agricultural land use (spray drift, odour and machinery noise etc associated with the vineyard). This potential negative environmental impact has been created by applying the boundary between residential and farming land uses on a Title boundary and then permitting residential land use to immediately abut existing agricultural uses with known potential negative environmental impacts.
65. This potential environmental impact would be eliminated through shifting the settlement boundary to Feehans Road which will provide a physical separation between urban development and farming uses to the south (as well as the west with Williams Road). The provision of a 'buffer zone' between farming uses at the interface with an urban growth area is identified on page 125 of the ACUGP.
66. I would expect any ecological, archaeological, drainage and/or other servicing type issues would be addressed through the detailed design process as part of the planning approvals process for the subject land.
67. Accordingly, I am of the opinion that the inclusion of Purdies Paddock in the settlement boundary would not result in any significant adverse environmental impacts and is likely to avoid potential conflicts between the current farming activity on the subject land and residential land use directly abutting it in the near future.

4.2.3. Economic Impacts

68. Strategic planning for growth areas and structure planning call for timely and cost effective provision of community and servicing infrastructure in new urban communities.

69. The opportunity to physically connect the Mt Duneed school and recreation reserve to the growing Armstrong Creek community through the residential development of Purdies Paddock, will in my opinion, contribute to the economic efficiencies sought in strategic planning of growth areas.
70. It will result in the upgrading of the remaining section of Williams Road which is presently unsealed with formalised drainage and shared pedestrian and cycling paths connecting to the school, and formalise drainage and facilitate the construction of a shared pedestrian and cycling path connecting future subdivision and a catholic school on Feehans Road to Williams Road. The urban development of Purdies Paddock could contribute to works along Williams Rd in front of the school to improve car parking, drainage and access, as well as facilitate the connection of the school to reticulated sewer and town water. In due course, improvements to the recreation reserve could also be facilitated through contributions associated with the urban development of Purdies Paddock.
71. In my opinion, the structure planning process for the Armstrong Creek Urban Growth Area has failed to identify the economic efficiencies of utilising and enhancing existing community infrastructure through ignoring the presence of these facilities and services within close proximity to the Growth Area. The rezoning of the subject land and its inclusion in the settlement boundary will address this anomaly and encourage a more integrated approach to the planning of the ACUGA.

4.3. Does Amendment C395 address the opportunities of the subject land?

72. In my opinion, Amendment C395 and the Settlement Strategy does not directly address the opportunities of the subject land by leaving it outside the indicative permanent/long term settlement boundary (Clause 21.06). Instead, the Settlement Strategy and proposed Clause 21.06 indicates that a 'logical inclusions process' will be undertaken to address anomalies and minor changes to the settlement boundary. However, no

- timeframe or methodology is provided in the Settlement Strategy or Amendment for the logical inclusions process.
73. I am instructed that the Council supports the settlement boundary being an indicative long term boundary that will be confirmed by a logical inclusions process and that the subject land could be considered as part of that process.
74. Whilst I agree in principle with this approach, the declaration of the Surf Coast as a Distinctive Area and Landscape in September 2019 (post exhibition of the Amendment and adoption of the Settlement Strategy) and the statutory process that initiates heightens the importance of considering the future role of the subject land sooner rather than later.
75. The exhibited Clause 21.06 adopts a population scenario approach to plan for future housing needs, with the Settlement Strategy indicating there is ample land available across the three growth areas to accommodate forecast population growth. The inclusion of the subject land within the ACUGA is not based on a population scenario approach but rather a consideration of the physical and locational attributes of the land, the economic efficiencies, environmental benefits and the social benefits its inclusion will generate for the community. In my opinion, this is not presently provided for in the Settlement Strategy and Amendment C395.
76. The *Advisory Committee Report on Logical Inclusions* for the Urban Growth Boundary (UGB) around Metropolitan Melbourne establishes a set of criteria to define a logical extension to the UGB (page 38) 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.*
77. Having regard to my opinions in previous sections of my Statement, I am satisfied that the subject land meets all of the criteria for a logical inclusion and as such, I see no reason why it should not be included in the settlement boundary and rezoned for urban development in this Amendment.

4.4. What changes could be made to Amendment C395 to facilitate the redevelopment of Purdies Paddock?

78. As previously noted, the Panel Report on Amendment C138 which implemented the ACUGP recommended that the settlement boundary extend to property boundaries (rather than a contour which traversed properties) but also extend to include four properties along Feehans Road (being the land to the east of Purdies Paddock, up to the Surf Coast Highway). It recommended changes to the urban boundary and consequent rezoning of land from the Farming Zone to the Urban Growth Zone.
79. I see no reason why Purdies Paddock cannot be treated in the same way in Amendment C395, by rezoning it to the Urban Growth Zone and through further changes to the Housing and Settlement Framework Map in Clause 21.06 and consequent changes to Clause 21.11 and its mapping given the exceptional circumstances presented by the location of this land.
80. Including the subject land into the ACUGA would require further consideration given to how developer contributions are addressed. It could be included in the area covered by

the DCPO4 (Armstrong Creek West Precinct). However, I note the School and Reserve are not included in the Precinct. An option would be to consider appropriate contributions at the time of subdivision as part of a Precinct Infrastructure Plan specific to Purdies Paddock which would be administered through a Section 173 Agreement.

81. Alternatively, other options to ensure the strategic opportunities and benefits of the subject land are not compromised in the future include:
- Proposed Clause 21.06:
 - The ‘indicative permanent/long term settlement boundary’ as proposed is clarified to include a reference that it may be altered subject to a logical inclusions process or significant anomalies;
 - The mapping could designate land such as the subject land as an ‘investigation area’ given this notation has already been used, or ‘potential inclusion in settlement boundary subject to further investigation’ or similar;
 - Additional commentary could be added to Clause 21.06 to indicate consideration be given to including the land at 55 and 75 Williams Rd Mt Duneed in the settlement boundary in the short term due to its strong relationship to existing community assets (school and recreation reserve);
 - Additional guidance provided on what may constitute a logical inclusion, that is, some definition or criteria given to give this term context in Greater Geelong;
 - ‘Further work’ in Clause 21.06 could be amended to include reference to the consideration of land at 55 and 75 Williams Road Mt Duneed for inclusion in the settlement boundary be undertaken within 12 months of the approval of the ‘indicative permanent/long term settlement boundary’;
 - Exhibited Clause 21.11: the ‘urban growth boundary’ in the ACUGP in Clause 21.11 should be updated to use the same terminology as the map in Clause 21.06 to ensure consistency across the policy framework with respect to settlement boundaries. Further, additional references to the subject land (similar to those proposed above) or the logical inclusions process should be included to ensure consistency across the policies. The map in Clause 21.11 should also be updated to

acknowledge the existence of the Mt Duneed Regional Primary School and the Mt Duneed Recreation Reserve.

5. Conclusion

82. In my opinion, the submission for the inclusion of Purdies Paddock in the settlement boundary and its future use and development as part of the Armstrong Creek Urban Growth Area is consistent with the Settlement Strategy and the policies proposed in Amendment C395. Its inclusion as part of this process is strategically justified and builds on the opportunity and benefits it provides with regards to key strategic objectives of connected, healthy, safe, cost effective and walkable neighbourhoods.
83. I have made all the inquiries that I believe are desirable and appropriate and no matters of significant which I regard as relevant have to my knowledge been withheld from the Panel.



Sandra Rigo BPD (Hons) PIA Fellow

Appendix 1

Response to Guide to Expert Evidence

Response to Planning Panels Victoria Expert Witnesses Guide April 2019

This statement of evidence has been prepared in accordance with the Planning Panels Victoria Guide for Expert Witnesses April 2019.

Expert's particulars

My name is Sandra Rigo and I am a Director of Hansen Partnership Pty Ltd, Urban Planning, Urban Design and Landscape Architecture, Level 4, 136 Exhibition Street Melbourne.

Qualifications and experience

I hold a Bachelor of Planning and Design (Honours) from the University of Melbourne.

I have practiced as a town planner for over 25 years. I have worked in both local government and in the private sector. My areas of expertise cover the statutory planning approvals process across a broad range of land use and development proposals, including in rural areas, coastal and landscape sensitive areas, as well as strategic planning for local government clients. I have appeared before the Tribunal and Panels on numerous occasions.

I have been employed at Hansen Partnership Pty Ltd since 1999 and became a Director of the firm in 2003 and a Fellow of PIA in 2019. A copy of my CV is included at Appendix 1 of this Statement.

Details of any other significant contributors to the statement

None

Instructions that define the scope of the statement

I have been engaged by Mr Andy Duke, a part of the landowner consortium of Purdies Paddock.

I have been instructed by Minter Ellison Lawyers in writing. My instructions were to provide advice as to whether I would be able to provide expert evidence in support of their clients

submission to Amendment C395 and in preparing evidence, to consider the following questions:

“1. On a 'first principles' assessment, does the Property have the potential to be developed in the future for conventional residential development, similar to that which is occurring immediately to its north and east? Consideration should be given to the net community benefit of providing footpaths, shared paths and sealed roads(Williams Road and Feehans Road) and reticulated urban services to the Mt Duneed Regional Primary School.

2. If the answer to question 1 is 'yes', then does Amendment C395 appropriately recognise that opportunity?

3. If the answer to question 2 is 'no', then what recommendations would you make for changes to Amendment C395.”

Facts, matters and assumptions relied on in preparing the statement

In preparing this Statement I have:

- Inspected the site comprising Purdies Paddock as well as the surrounding area including Mt Duneed Recreation Reserve and Mt Duneed;
- Reviewed the explanatory report, instruction sheet, clauses and schedules, map sheets, and supporting documents (including the City of Greater Geelong Settlement Strategy October 2018) as exhibited in Amendment C395 to the Greater Geelong Planning Scheme;
- Relied on the information provided in the submission made to Amendment C395 by Spectrum Planning Solutions dated 26 July 2019 and the Memorandum prepared by SMEC dated 27 June 2018 on the Infrastructure Servicing Report for 50-75 Williams Road Mt Duneed;
- Reviewed the relevant policies and provisions of the Greater Geelong Planning Scheme; and
- Reviewed the Council Officer’s report to the Community Focus Council Meeting on 9 October 2019 (City of Greater Geelong) and The Council’s *Part A Submission to the*

Independent Panel to the Greater Geelong Planning Scheme Amendment C395 dated 28 October 2019.

Documents and materials used in preparing the statement

In preparing my Statement I have used the following documents:

- City of Greater Geelong Planning Scheme;
- *Strategic Assessment Guidelines*, Planning Practice Note 46, August 2018;
- Ministerial Direction No. 11 (Sec 12(2)(A) of the Planning and Environment Act), Strategic Assessment of Amendments;
- DELWP 28/8/19 Surf Coast Declared Area Definition Map;
- City of Greater Geelong *Armstrong Creek Urban Growth Plan* (Adopted 13/5/08, Amended May 2010);
- G21 Regional Growth Plan 2013;
- City of Greater Geelong *Armstrong Creek West Precinct Structure Plan* September 2012;
- Greater Geelong Planning Scheme Amendment C138 Armstrong Creek Urban Growth Plan, Report of a Panel 27 February 2008;
- DELWP Advisory Committee Reports for Armstrong Creek West (2012) and Logical Inclusions (Melb UGB);
- Mt Duneed Regional Primary School website

Summary of opinion

It is my opinion that the submission seeking to rezone Purdies Paddock for future residential land use is strategically justified and can be accommodated in Amendment C395 because:

- The subject land has locational and physical attributes that are consistent with the objectives and principles of the Settlement Strategy, the Armstrong Creek Urban Growth Framework Plan and the strategic objectives and policies for housing in the Local

Planning Policy Framework which makes it a reasonable and logical candidate for inclusion in the Urban Growth Zone and settlement boundary;

- The subject land has the potential to be developed for residential development in the future, with direct connections into residential subdivisions approved and under construction to its immediate north and east;
- The rezoning of the subject land for residential use will generate positive economic, environmental and social outcomes resulting in a net community benefit consistent with the orderly planning of the area and broader strategic imperatives;
- As exhibited, Amendment C395 does not provide adequate certainty regarding the future of the subject land and the opportunity it presents with regards to the Armstrong Creek Growth Area; and
- The net community benefit opportunity presented by the future development of the subject land can be appropriately accommodated through changes to Amendment C395.

Sandra Rigo

Director

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Summary of Experience

Sandra Rigo holds more than 25 years' experience in statutory and strategic planning at a senior level in local government, and in the private sector at **Hansen Partnership**. Her experience encompasses all elements of the development approvals process for a wide range of land uses and developments, including residential development, use and development of land in rural areas, assessment of proposals in heritage areas, coastal locations and other environmentally sensitive areas.

Sandra's responsibilities include the preparation and presentation of development proposals in the public forum, liaison with relevant stakeholders (both private and public sector), conducting community consultation meetings, advocacy at VCAT and Panel Hearings and presentation of expert planning evidence at VCAT and Panel Hearings. Her expertise extends to strategic planning projects, including built form reviews, urban character studies, structure plans and urban design framework plans. Responsibilities include coordinating and conducting community consultation programs and writing of planning policies and controls.

Current

Director
Hansen Partnership
 September 2003 – present

Experience

Hansen Partnership

- Associate (August 2001 - August 2003)
- Senior planner (August 1999 - August 2001)

Mornington Peninsula Shire Council

- Team leader development planning (June 1998 – July 1999)
- Development planner – (February 1994 – June 1998)

City of Caulfield

- Planning officer (April – July 1993)

Qualifications

Bachelor of Planning and Design (Honours),
 University of Melbourne (1993)

Affiliations

- Planning Institute of Australia (PIA) - Fellow
- Victorian Planning and Environmental Law Association (VPELA) – Member

Specialisations

- VCAT and Planning Panels expert witness
- Residential infill development
- Land use and development in coastal areas
- Land use and development in green wedge and rural zones
- Tourism and recreational development