



# Planning Evidence Statement

Amendment C395 to the Greater Geelong Planning Scheme

201-209 & 231-299 Grubb Road, Wallington

For Dominion Property Group

Statement prepared by John Glossop, Director

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November 2019





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## 1. INTRODUCTION

1. Amendment C395 (the 'Amendment') to the Greater Geelong Planning Scheme (the 'Planning Scheme') seeks to implement the *City of Greater Geelong Settlement Strategy* (October 2018) (the 'Settlement Strategy') and the *Northern and Western Geelong Growth Areas Framework Plan* (2019) (the 'Framework Plan'). The Settlement Strategy is a Council adopted strategy that seeks to guide future settlement planning and housing provision within the municipality to 2036.
2. I received written instructions from Dominion Property Group acting on behalf of Morgan and Griffin, which owns land to the north and west of the Ocean Grove township.
3. I have been asked to review the Amendment and prepare a statement of planning evidence setting out my opinion as to the appropriateness of the implications of the Amendment upon the Morgan and Griffin land (the 'land'), which is identified in **Appendix A**.
4. Specifically, my instructions, which are enclosed at **Appendix C**, have asked me to consider:
  - *The potential for an alternative Ocean Grove enduring settlement boundary;*
  - *The appropriateness of the landholdings being included and redeveloped within a future Ocean Grove settlement boundary; and*
  - *The appropriateness of defining the Ocean Grove settlement boundary in the Settlement Strategy 2018 (as contained in Amendment C395) and the requirement for "further work" to review the Ocean Grove Structure Plan (and long term growth options) by no later than 2021, as detailed in Clause 21.14-4 (Implementation) of the Greater Geelong Planning Scheme.*
5. I was not involved in the preparation of the Amendment. I was engaged following the referral of submissions to the Panel.

p.2



6. In preparing this statement, I have:

- Read the *City of Greater Geelong Settlement Strategy (November 2018)*.
- Considered the *Northern and Western Geelong Growth Areas Framework Plan (2019)*.
- Reviewed the exhibited Amendment documentation.
- Inspected the site and its surrounds.
- Considered relevant aspects of the Greater Geelong Planning Scheme, including the Planning Policy Framework and the Local Planning Policy Framework.
- Considered the *G21 Regional Growth Plan*.
- Considered the *Bellarine Peninsula Localised Planning Statement*.
- Reviewed the submission by Morgan and Griffin to the planning authority.
- Considered all relevant Practice Notes.
- Considered all relevant Ministerial Directions (including the Ministerial Direction on the Form and Content of Planning Schemes and Ministerial Direction No. 11 – Strategic Assessment of Amendments).

7. My review of the Amendment is based on the exhibited material, having regard to the post-exhibition changes identified in Part F of Council's Part A submission. My reading of those changes is that they predominantly relate to the northern and western growth areas of Geelong and the settlement boundary for Barwon Heads. My impression is that there are not any significant changes in the post-exhibition version of the Amendment for Ocean Grove or the Morgan and Griffin land.



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8. I have previously given evidence for the Greater Geelong City Council for Amendment C349, which proposed to implement the Ocean Grove Significant Tree Study and for Amendment C375, which proposed to implement the Barwon Heads Structure Plan.
  9. My opinion on the Amendment is set down in Section 3 of my Statement and my conclusion in Section 4 summarises my opinion.



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## 2. STRATEGIC CONTEXT

### What is the strategic context for Ocean Grove?

10. Ocean Grove is a coastal township located on the Bellarine Peninsula, approximately 23 kilometres south-east of the Geelong Central Business District and approximately 5 kilometres east of Barwon Heads.
11. The township, like many on the Bellarine Peninsula, is a popular holiday and tourist destination. In more recent times, it is home to a growing resident population and accommodates a growing commuter population to Geelong, its surrounds and beyond.
12. Geographically, the township is constrained to the west by the Barwon River and the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar Wetlands (including Connewarre Swamp), to the east by significant landscapes and the Lake Victoria and Lonsdale Lakes Wildlife Reserve and to the south by its coastal dunes to Bass Strait.

### Regional Strategic Policy

13. At a regional level, the *G21 Regional Growth Plan*<sup>1</sup> is a policy document at Clause 11.01-1S 'Settlement' and Clause 11.03-4S 'Coastal settlement' of the Greater Geelong Planning Scheme.
14. The Regional Growth Plan identifies that Ocean Grove will function as a district town and provide 'significant housing opportunities' and services to smaller coastal towns.<sup>2</sup>
15. It highlights that the settlement is one identified for 'significant growth'<sup>3</sup> and an area where the majority of new residents and jobs will be located. It is recognised that planned

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<sup>1</sup> The G21 Regional Growth Plan is a policy document at Clause 11.01-1S 'Settlement' and Clause 11.03-4S 'Coastal settlement' of the Greater Geelong Planning Scheme.

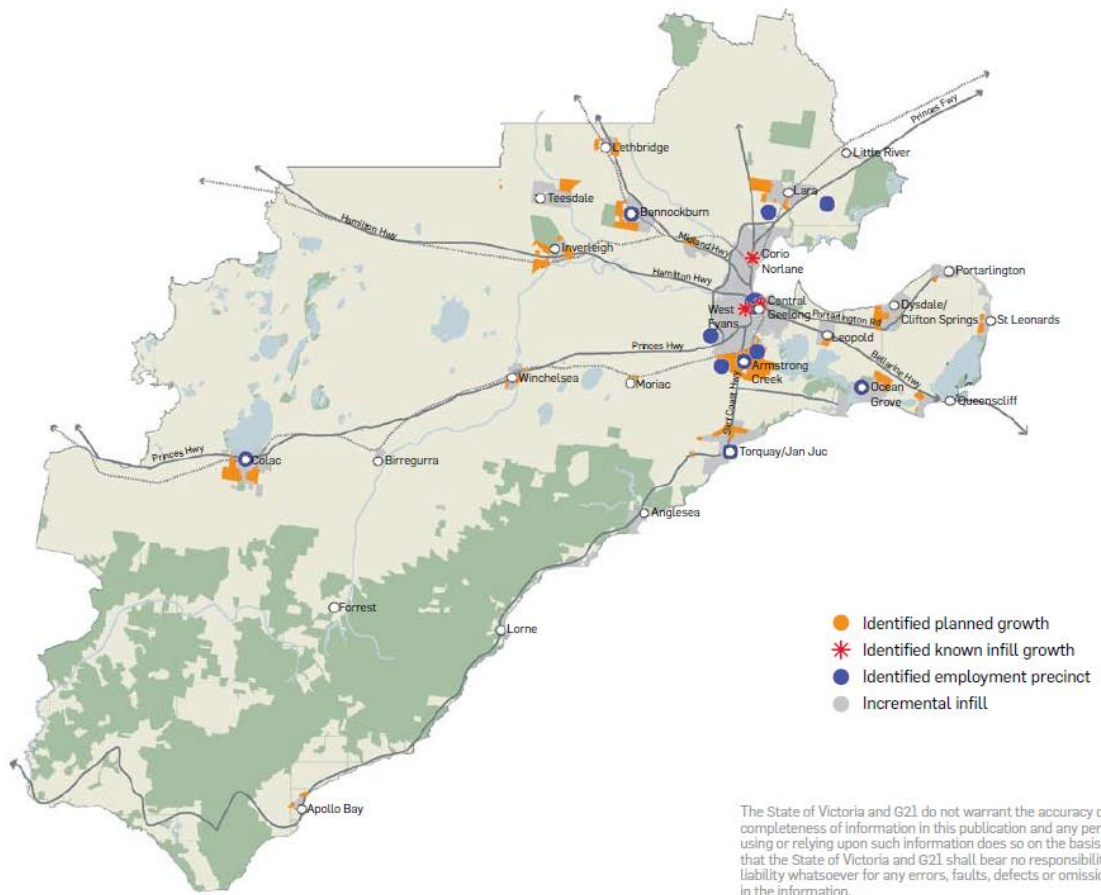
<sup>2</sup> G21 Regional Growth Plan, p. 9.

<sup>3</sup> G21 Regional Growth Plan, p. 24.



growth of these settlements will include greenfield development along with infill opportunities.

16. Map 6 within the Regional Growth Plan appears to identify land to the north-east of the existing Ocean Grove township as an area for 'identified planned growth'.



Map 6 – G21 Regional Growth Plan (p.25)



Map 6 – G21 Regional Growth Plan (extract) (p. 25)

17. The broad directions of the Regional Growth Plan are included in strategies at Clause 11.01-1R – Settlement – Geelong G21, which includes the following strategies relevant to my consideration of the Amendment:

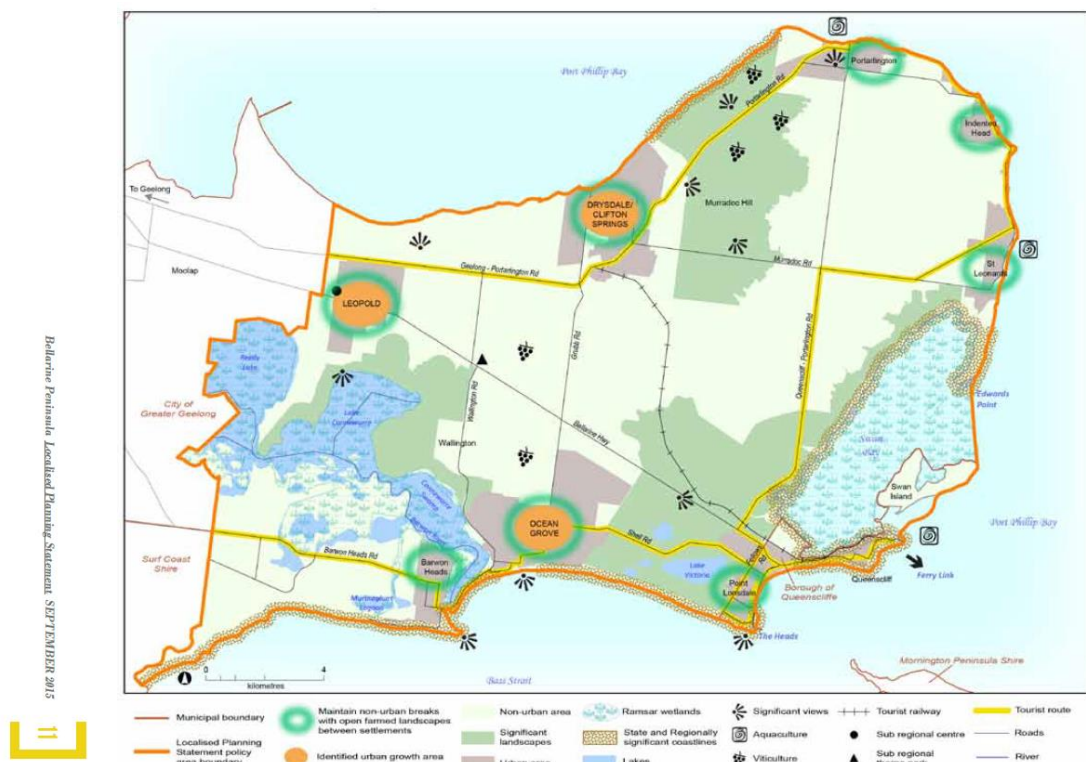
- *Support the growth of Bannockburn, Colac, Drysdale/Clifton Springs, Lara, Leopold, Ocean Grove and Torquay/Jan Juc as district towns by building on existing and planned infrastructure and focusing growth along key road and rail networks.*
- *Provide for settlement breaks between towns to maintain their unique identities.*
- *Require a settlement boundary for all towns.*

18. The *G21 Regional Growth Plan – Implementation Plan* indicates that Ocean Grove's planned growth consists of approximately one third dispersed infill and two thirds broad hectare residential.<sup>4</sup>

<sup>4</sup> G21 Regional Growth Plan – Implementation Plan, p. 16.



19. The Bellarine Localised Planning Statement (LPS) is also relevant and is a policy document that is to be considered as relevant at Clause 11.03-5S 'Distinctive areas and landscapes' of the Greater Geelong Planning Scheme.
20. The Framework Plan within the LPS identifies Ocean Grove as an urban area, with designations that note that:
- Ocean Grove is an 'identified urban growth area'.
  - Non-urban breaks with open farmed landscapes between settlements should be maintained.



**Bellarine Peninsula Localised Planning Statement Framework Map**



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21. The LPS also notes the following about the role of Ocean Grove:

- It serves a significant growth function, with the 'bulk of residential growth' to be located in Ocean Grove, Leopold and Drysdale/Clifton Springs.<sup>5</sup>
- Accepts that major growth is expected to the north with residential and commercial growth planned.<sup>6</sup>
- Seeks to protect rural and coastal environments from inappropriate urban encroachment and development.<sup>7</sup>
- Considers that expansion should be undertaken in accordance with the Ocean Grove Structure Plan.<sup>8</sup>

22. Relevantly, at the time the LPS was adopted, the 2007 iteration of the Ocean Grove Structure Plan was the adopted policy position of the Council. The 2007 Structure Plan, as shown in the map below, differs from the current version of the Structure Plan<sup>9</sup> in that the long-term growth boundary to the north of the township (and designation to 'protect long-term growth option') has been deleted from the 2015 document.

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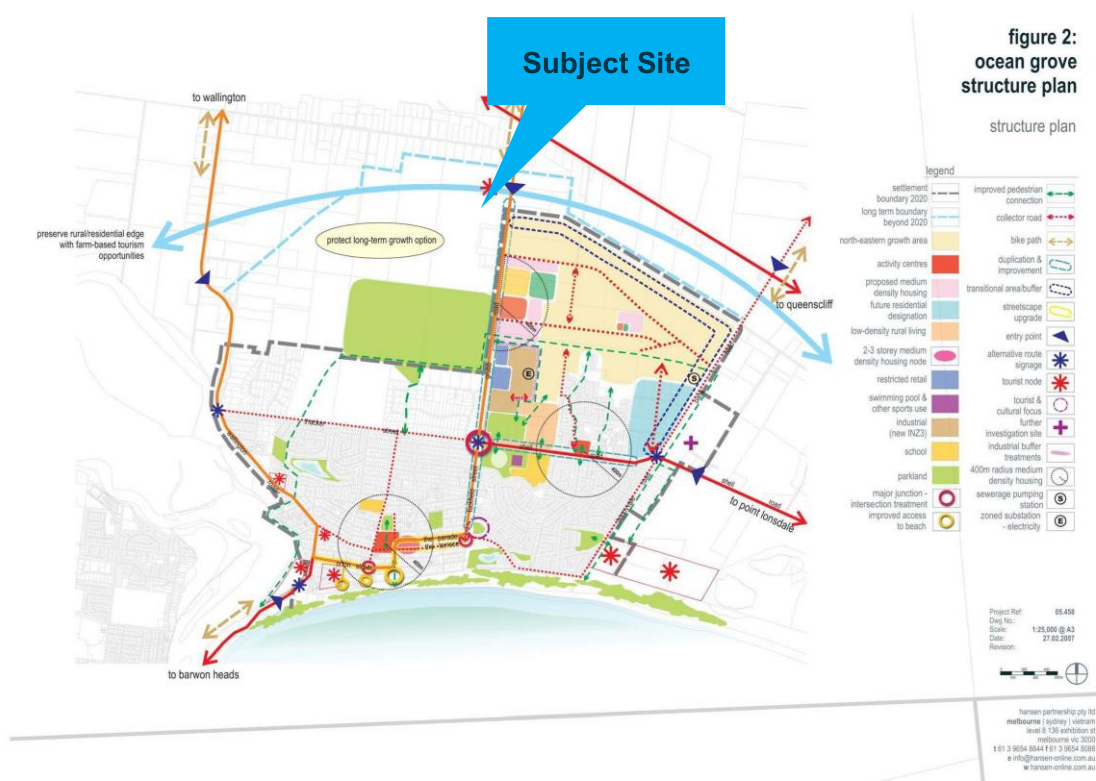
<sup>5</sup> Bellarine Peninsula LPS, p. 16.

<sup>6</sup> Bellarine Peninsula LPS, p. 8.

<sup>7</sup> Bellarine Peninsula LPS, p. 14.

<sup>8</sup> Bellarine Peninsula LPS, p. 16.

<sup>9</sup> Ocean Grove Structure Plan 2015.



**Ocean Grove Structure Plan Map (Ocean Grove Structure Plan, 2007)**

23. I contrast these regional directions in the Regional Growth Plan and LPS with those of Barwon Heads, which is not identified for growth in either document.
24. In addition to the Localised Planning Statement, the Bellarine Peninsula was declared a distinctive area and landscape on 22 October 2019 under Part 3AAB of the *Planning and Environment Act 1987*.
25. The declaration triggers a requirement to prepare a Statement of Planning Policy for the region. The Statement of Planning Policy is to include a long-term vision of at least 50 years, policy objectives and strategies to achieve the vision and a strategic framework plan for guiding the future use and development of land in the declared areas.<sup>10</sup>

<sup>10</sup> Distinctive Areas and Landscapes, <https://www.planning.vic.gov.au/policy-and-strategy/distinctive-areas-and-landscapes>



26. The State Government brochure for the declaration, identifies that:

*To ensure the region's long-term sustainability, and manage threats from climate change risks, the Victorian Government must effectively balance growth with the preservation of distinctive features and characteristics.*

...

*The Statement will consider height controls and identify long-term protected settlement boundaries. This will ensure development does not inappropriately encroach into valued natural and rural landscapes. These will be subject to the same strong protections in place for Melbourne's permanent Urban Growth Boundary, requiring parliamentary approval to amend them. Implementing these boundaries will safeguard valuable landscapes and protect them from overdevelopment and encroachment.<sup>11</sup>*

27. The Statement of Planning Policy is to be prepared by mid-2020.

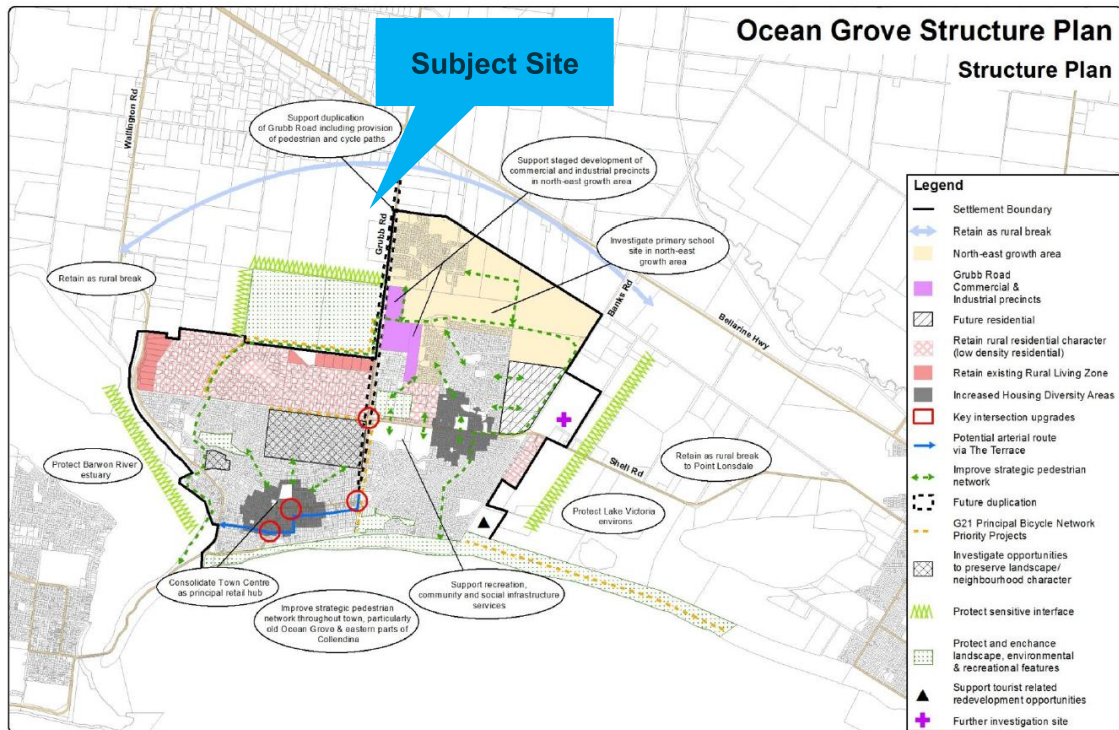
### The Ocean Grove Structure Plan

28. At the local level, the *Ocean Grove Structure Plan* (2015) identifies that the town is the principal coastal town in the municipality and is an urban growth location that will accommodate large scale residential growth in the designated north-east growth region.<sup>12</sup>
29. The town's sensitive coastal and environmental settings are identified as constraints on future growth beyond existing township boundaries.
30. The Structure Plan identifies that the site lies to the north and west of the existing settlement boundary, south of a designated line marked as 'retain as rural break' and north of a 'sensitive interface' associated with the Nature Reserve, as shown on the map below.

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<sup>11</sup> [https://www.planning.vic.gov.au/\\_data/assets/pdf\\_file/0017/417230/G000961\\_Bellarine\\_DAL-Comms\\_Brochure\\_V10\\_290519.pdf](https://www.planning.vic.gov.au/_data/assets/pdf_file/0017/417230/G000961_Bellarine_DAL-Comms_Brochure_V10_290519.pdf)

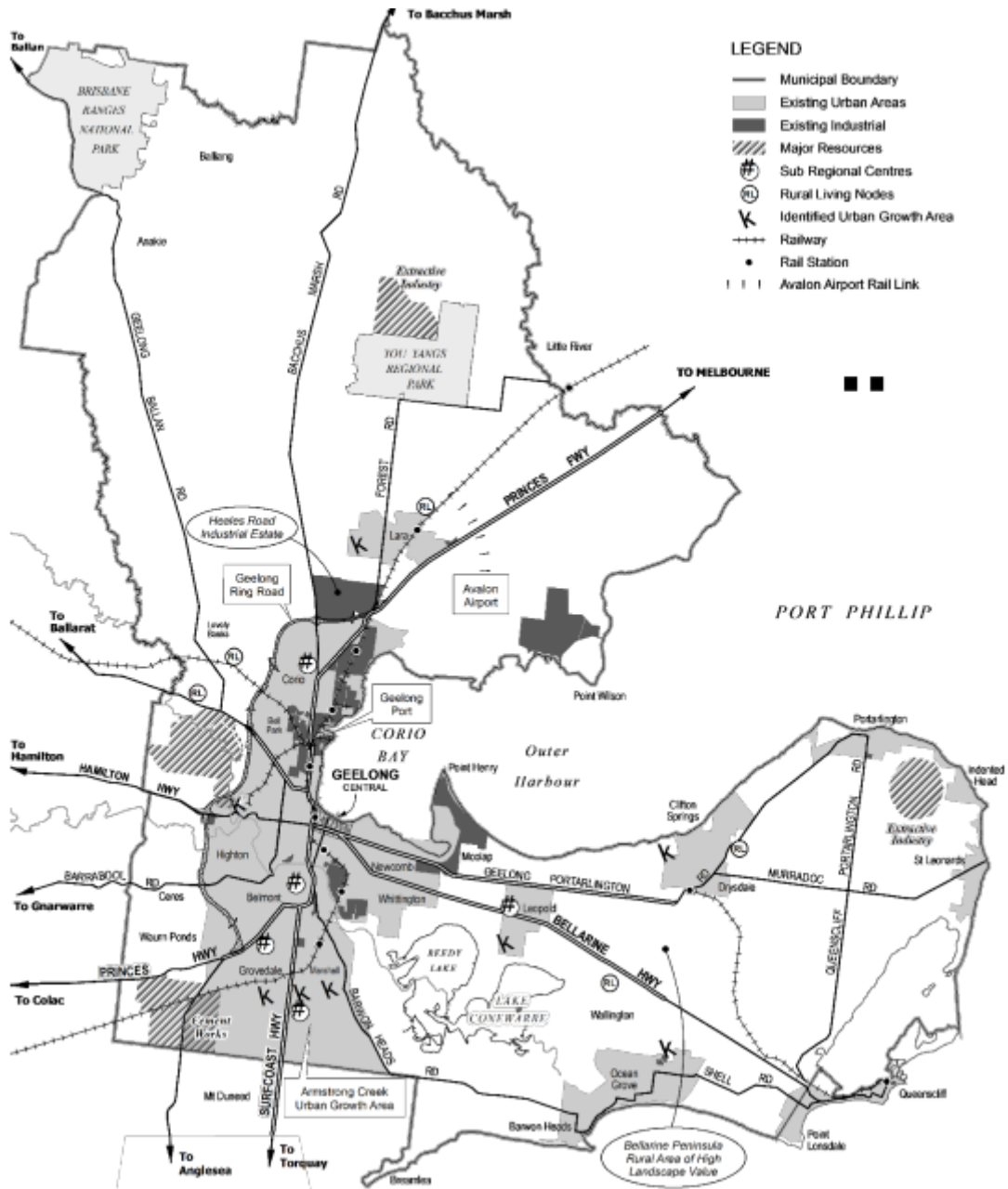
<sup>12</sup> Ocean Grove Structure Plan (2015), p. 11.



Ocean Grove Structure Plan Map (Ocean Grove Structure Plan, 2015)

### Local Planning Policy Framework

31. Within the Greater Geelong Planning Scheme, Clause 21.02 'City of Greater Geelong sustainable growth framework', the strategies indicate that Council will set clear settlement boundaries and consolidate development within those boundaries in a managed way.
32. The Municipal Framework Plan at Clause 21.04 includes Ocean Grove as an existing urban area, with an 'identified urban growth area' designation to its north. On the northern side of the Bellarine Highway, there is a further designation indicating 'Bellarine Peninsula Rural Area of High Landscape Value'.



Municipal Framework Plan (Clause 21.04)



33. Clause 21.06-2 'Urban growth' has a strategy which seeks to:

*Direct the majority of new greenfield residential development to the designated primary urban growth areas at Armstrong Creek, Ocean Grove, Drysdale/Clifton Springs, Lara and Leopold.*

34. A further strategy at the same clause seeks to ensure that development occurs within designated settlement boundaries.

35. Specific local guidance for the Bellarine Peninsula is provided at Clause 21.14 'Bellarine Peninsula'. Relevant directions for Ocean Grove at Clause 21.14-3 of the Greater Geelong Planning Scheme seek to (among other things):

- *Contain urban development within the defined settlement boundary on the Structure Plan map.*
- *Support the continued development of the north-east growth area as shown on the Structure Plan map.*
- *Ensure development avoids impacts on environmental assets including the Coast, Buckley Park Foreshore Reserve, Goandra Estate, Ocean Grove Nature Reserve, Begola Wetlands, Barwon River/Lake Conneware and the Lake Victoria Wetlands.*

36. Further work at Clause 21.14-4 identifies the need to:

- *Review the Structure Plan including an assessment of long term growth options (both infill and settlement expansion) for Ocean Grove by no later than 2021. The assessment should include a consideration of:*
  - *land to the north, north-west and east of Ocean Grove.*
  - *the role of Ocean Grove as a district town.*
  - *other planned growth on the Bellarine Peninsula.*



- *development trends, lot supply and housing capacity within the settlement boundary.*
- *the desirability of providing a diversity of living options.*
- *physical and environmental constraints, including the importance of protecting the biodiversity values of the 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 Highway, Grubb Road and Wallington Road.*
- *the implications for significant agricultural uses and their employment generating potential.*
- *whether any adjustments to the settlement boundary are required.*

### Population Growth Forecasts

37. Victoria in Future 2019 (VIF2019) population forecast data indicates that the Ocean Grove – Barwon Heads Statistical Area 2 (SA2) population is expected to increase as follows:

	2016	2021	2026	2031	2036
Estimated Resident Population	24,177	30,128	46,006	41,576	45,973

38. Notably, this represents an approximately 90% increase in population over the 20-year forecast, or an average growth rate of approximately 4.5% per annum.



39. The Ocean Grove – Barwon Heads SA2 area is identified on the map below:



**SA2 Division Boundaries, Ocean Grove – Barwon Heads SA2 centred (source: Australian Bureau of Statistics)**

40. It is relevant that while the SA2 area includes the townships of Barwon Heads and Breamlea, neither is identified in regional or local policy as locations for growth. The recent review of the Barwon Heads Structure Plan, implemented by Amendment C375 to the Greater Geelong Planning Scheme, confirms that Barwon Heads is not a township identified for growth or urban expansion.
41. Instead, towns such as Ocean Grove and Drysdale / Clifton Springs are expected to accept the bulk of residential growth on the Bellarine Peninsula.
42. Other areas within the SA2, such as Marcus Hill and Wallington, serve a predominantly rural function, with limited areas of Rural Living Zone in Wallington.
43. SA2 also includes a small part of Armstrong Creek, which is an identified growth area. I have not been able to calculate how much 'growth' this represents, but I accept that the growth figures referred to in VIF2019 are not specific to Ocean Grove.



44. At a township level, .id Consultants provided forecast population projections for the Ocean Grove Structure Plan, which are replicated below, along with .id Consultants updated projections for Ocean Grove as at July 2019.

	2016	2021	2026	2031	2036
Estimated Resident Population (Ocean Grove SP)	14,071	14,942	15,575	16,234	- (not in forecast)
Estimated Resident Population (July 2019)	14,607	16,633	18,230	19,447	21,316

45. I also note that the Panel for Amendment C346 to the Greater Geelong Planning Scheme concluded:

*The 2015 Structure Plan was underpinned by forecasts that understated likely land requirements and this informed the view that there was no need to assess options to provide for growth beyond the 2007 Structure Plan 2020 settlement boundary.<sup>13</sup>*

46. State policy at Clause 11.02-1S Supply of urban land requires decision makers to consider Victoria in Future data, as it represents official government forecasts.
47. It is apparent from this analysis that VIF2019 anticipates a significant population increase in the SA2 region for Ocean Grove – Barwon Heads. I consider that this information is relevant to any Settlement Strategy in terms of the direction it provides to accommodate any population change.
48. I defer to the evidence of Mr Shipp on the land supply and demand implications of this forecast growth.

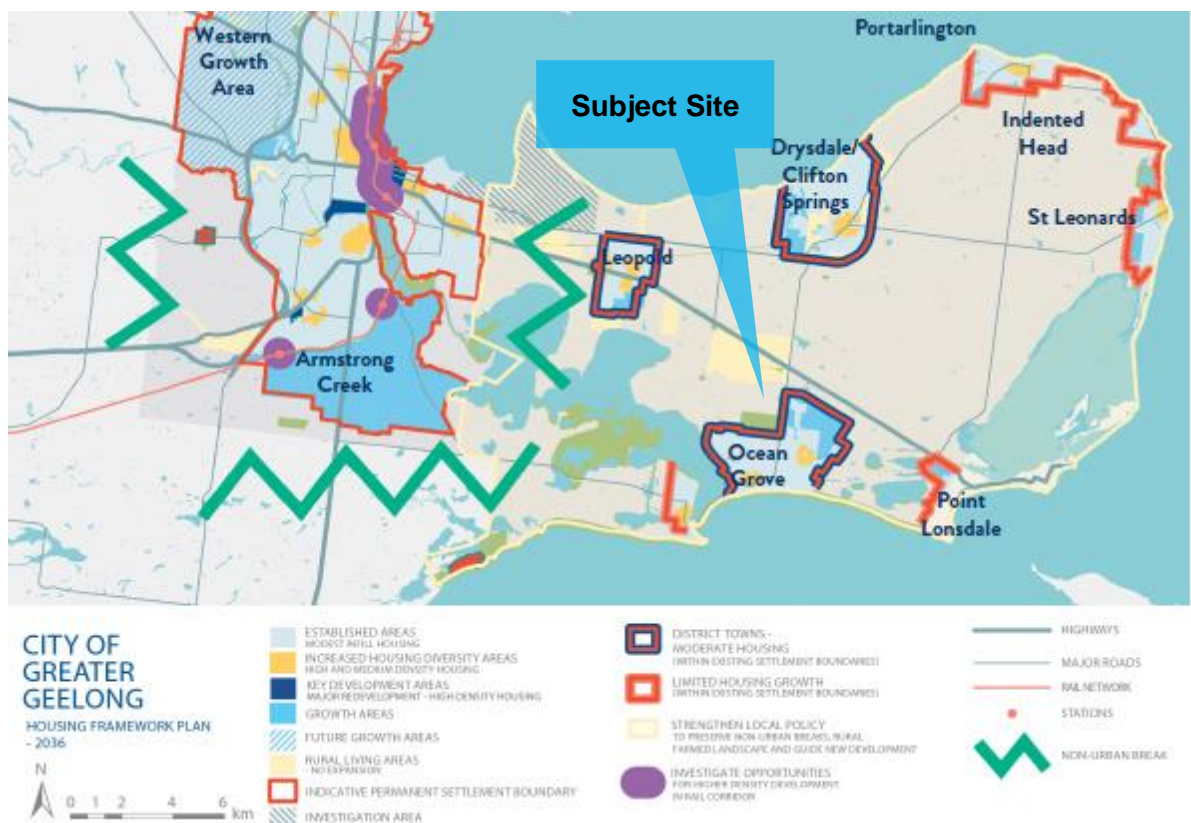
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<sup>13</sup> Amendment C346 to the Greater Geelong Planning Scheme Panel Report, p. 1.



## The City of Greater Geelong Settlement Strategy and Amendment C395

49. The Settlement Strategy was adopted by Council in 2018. The document articulates a series of principles to guide future settlement planning and housing provision within the municipality to 2036.
50. It sets out a broad framework for future development that is summarised in the Housing Framework Plan extract below.



Partial extract of the Housing Framework Plan (source: City of Greater Geelong Settlement Strategy)

51. The Settlement Strategy identifies that the municipality is experiencing strong levels of growth and there is a need to show the housing needs of that growing population will be met towards 2036.



52. For Ocean Grove, the Strategy specifically identifies a potential future dwelling supply of 3,500 lots, comprising broad hectare and major infill sites. The Major Land Supply map reproduced below identifies land to the north-east of the existing township as an area for planned growth.



**Major Land Supply Stocks by Location (source: City of Greater Geelong Settlement Strategy)**

53. The Settlement Strategy identifies 14 principles and accompanying direction for settlement.



54. Of relevance to Ocean Grove, these directions include the following:

***Spatial Distributions 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 over time.*
- *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 roles as district towns.*
- *Discontinue the use of the term 'growth area' in favour of 'district town'.*
- *Acknowledge the share of housing development going to the Bellarine Peninsula should decrease over time.*
- *Review housing opportunities within townships to determine if further localised housing intensification can be achieved.*
- *Ensure development reflects the preferred character of townships.*

***Permanent Settlement Boundaries***

- *Pursue options to implement permanent settlement boundaries for Greater Geelong.*
- *Implement permanent boundaries based generally on existing urban areas and areas already identified in policy.*



- *Place structure plan reviews on hold until the permanent boundary is known.*
55. Amendment C395 to the Greater Geelong Planning Scheme proposes to implement the findings of the Settlement Strategy and the *Northern and Western Geelong Growth Areas Framework Plan (2019)*. It predominantly seeks to amend the Local Planning Policy Framework within the Planning Scheme. Some rezoning is proposed to implement the Growth Areas Framework Plan.
56. The amendment does not propose to rezone land within or around Ocean Grove. However, proposed changes to Clause 21.14 in particular have implications for the strategic direction of the township and its surrounds.



### 3. PLANNING EVIDENCE

57. Having considered the strategic context of Ocean Grove and the intent of Amendment C395, the relevant questions for my evidence are as follows:

- Is the proposal for a permanent settlement boundary for Ocean Grove appropriate?
- Would an alternative or expanded settlement boundary be appropriate for Ocean Grove?

58. I consider these questions in the balance of my evidence.

59. My evidence is not a critique of the Settlement Strategy per se. I acknowledge that the Settlement Strategy provides broad direction for the municipality's future settlement planning. My evidence focuses on the relevant directions for Ocean Grove and the implications of those directions.

60. I have limited my evidence to the directions of the Settlement Strategy, as this document has greater relevance to the strategic role of Ocean Grove. However, I have also had regard to the *Northern and Western Growth Areas Framework* document and have considered the manner in which it influences growth elsewhere in the municipality.

#### **Reviewing the strategic role of Ocean Grove**

61. My impression of Amendment C395 (and by extension the Settlement Strategy) is that it seeks to re-cast the strategic role for Ocean Grove by:

- Removing its designation as an area for growth in the Settlement Strategy and at Clauses 21.06-2 and 21.14-3 of the Greater Geelong Planning Scheme.
- Supporting that the share of housing development on the Bellarine Peninsula will decline over time.



- Recommending that a permanent settlement boundary be introduced, generally based on existing urban areas and areas identified in policy.

62. I have considered the Amendment in these terms.

**Is the proposal for a permanent settlement boundary for Ocean Grove appropriate?**

63. In broad terms, the idea of permanent settlement boundaries to coastal townships is appropriate in a context where there is clear policy direction in the Bellarine Peninsula LPS to maintain non-urban breaks between settlements.

64. The recent declaration of the Bellarine Peninsula as a distinctive area and landscape under Part 3AAB of the *Planning and Environment Act 1987* provides further support for the provision of a settlement boundary. The provision of a settlement boundary in such a context may support the protection of parts of the declared area that are distinctive and significant. Section 46AV of the Act says that a Statement of Planning Policy for a declared area may specify settlement boundaries.

65. Notwithstanding this, I am concerned that the proposed sequencing of future actions in the Settlement Strategy and in turn Amendment C395 may undermine the potential for an enduring settlement boundary in Ocean Grove to meet other needs anticipated by the planning scheme, such as the provision of sufficient housing supply to meet housing need.

66. This is an important consideration, particularly, having identified in Section 2 of my evidence that the broader Ocean Grove-Barwon Heads region is expected to grow by approximately 90% over the next 20 years<sup>14</sup>, and that the G21 Regional Growth Plan acknowledges Ocean Grove as a key location for growth. It is important, therefore, that any permanent settlement boundary be prepared in a context where there is a

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<sup>14</sup> Noting that some of SA2 for this region includes part of Armstrong Creek, an identified growth area.



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reasonably high level of comfort that expected population growth can be accommodated within the enduring boundary.

67. The Settlement Strategy and Amendment C395 have directions which collectively aim to:

- Introduce a permanent settlement boundary – generally based on existing urban areas and areas already identified in policy.
- Place structure plan reviews on hold until the permanent boundary is known and delete this further work item from Clause 21.14.

68. Notably, and somewhat curiously, the further work item to specifically review the Ocean Grove Structure Plan remains. This is despite the Settlement Strategy saying:

*Any relevant work outlined the Municipal Strategic Statement would also need to be addressed. For example, Clause 21.14, Bellarine Peninsula, calls for a structure plan review of long-term growth options for Ocean Grove by no later than 2021.*

*A permanent settlement boundary process should commence as soon as resources allow and must precede any further township structure plan reviews.<sup>15</sup>*

69. In its response to submissions reported to Council's 24 September 2019 meeting about the further review of the Ocean Grove township boundary, Council noted:

*The [Distinctive Areas and Landscapes] DAL process will now deliver settlement boundaries on the Bellarine with consideration given to provisions in the local planning policy framework and the usual technical considerations. Any future changes to boundaries will be considered under the DAL legislation. The current framework plan uses the term 'indicative permanent settlement boundaries' which indicates there is a process to make them permanent.*

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<sup>15</sup> City of Greater Geelong Settlement Strategy, p. 75.



*Given that the DAL will establish protected settlement boundaries on the Bellarine, a logical inclusions process will no longer be required for the Bellarine Peninsula. Likewise, township settlement boundaries will not be reviewed in the future review of structure plans for the various Bellarine Peninsula towns.<sup>16</sup>*

70. Despite this response, Council's Part A submission does not identify any further change at Clause 21.14 to delete the reference to reviewing the Ocean Grove Structure Plan by 2021. This creates a level of uncertainty and inconsistency about the Council's intentions for the township and whether the structure plan would be reviewed prior to the introduction of a permanent settlement boundary or after that process has occurred.
71. I further note that Council's response to submissions indicated that the Framework Plan identifies an 'indicative permanent settlement boundary'. By my reading of the Framework Plan, that notation only applies to the Geelong urban area. Other townships are just notated with the term 'settlement boundary'.
72. The lack of the term 'indicative' increases the uncertainty as to whether the current boundary would be subject to any further review. For instance, including a settlement boundary within the planning scheme increases the expectation that that boundary is a de-facto edge condition or has a degree of permanence to it.
73. In my view, it would be contrary to notions of orderly and proper planning or 'good planning' to introduce a permanent boundary for Ocean Grove prior to a review of the Structure Plan being undertaken.
74. In *Foster v Port Phillip CC* [2004] VCAT 1912, the Tribunal considered the question of what constitutes orderly planning. It held:

*I do not think that the current case raises any questions of orderly planning. Apparently Mr Taylor wanted to argue that the term "orderly planning" is more or less synonymous with good planning. I do not agree with this. Orderly planning, in my view, means a proper order in planning. This might refer to an appropriate*

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<sup>16</sup> Agenda to the Ordinary Council Meeting, 24 September 2019, Attachment 2 – page. 30.



*hierarchy, but normally means avoiding premature decisions that might pre-empt proper or orderly planning. Sometimes the future planning of an area is in flux, or at least in doubt, and where proper planning permit applications decisions are dependent on planning policies or decisions in relation to planning controls that have yet to be made. For example, it may (or may not) be contrary to orderly planning to make a premature decision before the outcome of a revision of zoning or the preparation of an outline development plan that is foreshadowed but not yet determined.*

75. In my view, implementing a permanent settlement boundary without it being informed by an appropriate review of the existing boundary would be inconsistent with notions of orderly planning.
76. I also question whether such an approach would be 'fair' in a strategic context where growth is encouraged and expected.
77. This is not only important in the context of the growth figures that I have referred to earlier, but also having regard to other factors, including:

- **The current strategic policy settings within the Greater Geelong Planning Scheme.**

The Greater Geelong Planning Scheme identifies at Clauses 11.01-1R, 21.06-2 and 21.14 that Ocean Grove is a township where growth should be supported and a significant amount of housing and population growth should be directed.

I am not convinced that the Settlement Strategy has adequately justified why the environmental or physical context of Ocean Grove has changed to such an extent that these policy ambitions are irrelevant or wrong.

In the context of the proposed Clauses 21.06 and 21.14 in Amendment C395, there is a level of conflict between these clauses and what Clause 11.01-1R says for the township (that is, that growth should be supported).



- **The comments of the Panel for Amendment C346 in relation to the settlement boundary.**

The Panel for Amendment C346 evaluated the proposed settlement boundary for the Ocean Grove Structure Plan 2015. It made many comments about the appropriateness of the boundary, which are best summarised by the following comments:

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

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

*As the necessary strategic justification to reduce the growth ambitions, limit the planning horizon, and preclude evaluation of long term development options in Ocean Grove has not been provided, the Panel supports recognition in the planning scheme of the need to review the relative merits of potential growth areas. This assessment should integrate the range of planning policy and applicable constraints.<sup>17</sup>*

These comments are important in the context of the Settlement Strategy stating that any settlement boundary should be generally based on current boundaries or urban zoning.

The Panel's conclusions in Amendment C346 seem to raise a level of caution about Ocean Grove's ability to meet its future population and land supply challenges based on the boundary articulated in the 2015 Structure Plan.

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<sup>17</sup> Amendment C346 to the Greater Geelong Planning Scheme Panel Report, p. 1.



- **The contradiction between Amendment C395 and other strategy policy at the regional level.**

The G21 Regional Growth Plan and Bellarine LPS both identify Ocean Grove as serving a growth function, consistent with policy at Clause 11.01-1R and current policy within the Greater Geelong Planning Scheme.

The Settlement Strategy says that it supports the G21 Regional Growth Plan by encouraging infill development consistent with structure plans.<sup>18</sup> As I explore later in my evidence, there is only a discrete area of Ocean Grove where policy anticipates increased infill development.

78. Having regard to these matters, it is not immediately clear to me that a robust justification has been provided for ‘de-tuning’ the growth function of Ocean Grove, beyond a need to ensure that development respects the area’s character and landscape qualities. This challenge is not unique to Ocean Grove, nor the Bellarine Peninsula.
79. While I accept that the declaration of the Bellarine Peninsula as a distinctive area and landscape provides a stronger justification for the establishment of settlement boundaries, it does not provide the answer to where that boundary should be. It is my view that this process needs to be undertaken based on an integrated assessment of the range of planning policy considerations, including policy directions at a regional level for growth.
80. It should also occur after the distinctive elements of the Bellarine Peninsula that are to be protected are articulated and justified. For instance, current regional policy in the Bellarine Peninsula LPS identifies significant landscapes to the east and west of the township, but does not identify landscape constraints to the immediate north of Ocean Grove.

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<sup>18</sup> City of Greater Geelong Settlement Strategy, p. 25.



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81. While the Council's response to submissions indicates that the distinctive areas and landscape process will be the mechanism for implementing and reviewing the settlement boundaries for Ocean Grove, the declaration should not preclude the Council from reviewing its structure plans, as planned. Indeed, the two processes could be sequential.
82. The approach taken in the Statement of Planning Policy prepared for the Macedon Ranges Distinctive Area and Landscape is illustrative of this approach. To date, this is the only Statement of Planning Policy that has been prepared.
83. Notably, the Macedon Ranges Statement of Planning Policy considers the role of settlements in the context of their role and function in regional planning policy. It says that:

*Protected settlement boundaries apply or will be applied to towns identified for future growth. These comprise the townships of Gisborne, Kyneton, Romsey, Riddells Creek, Lancefield and Woodend.<sup>19</sup>*

84. While the Statement of Planning Policy does provide protected settlement boundaries for Kyneton, Riddells Creek, Lancefield and Woodend, it notes that boundaries for Gisborne and Romsey are to be determined following reviews of the relevant Outline Development Plans and Structure Plans for those townships.<sup>20</sup>
85. In my view, this is the approach that can and should be adopted for Ocean Grove, where Council had previously committed to an extensive review of the structure plan by 2021.
86. Such an approach would be consistent with the process adopted in the Macedon Ranges distinctive area and landscape and consistent with the notions of orderly and proper planning I have outlined above.

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<sup>19</sup> Macedon Ranges Statement of Planning Policy, p. 28.

<sup>20</sup> Macedon Ranges Statement of Planning Policy, pp. 28-30, 38.



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## Would an alternative or expanded settlement boundary be appropriate for Ocean Grove?

87. I have previously established that the process for setting a permanent settlement boundary for Ocean Grove outlined in Amendment C395 is inconsistent with notions of proper or orderly planning. The substantive question that follows is whether a 'different' boundary would be more appropriate than the current boundary?
88. There has been considerable debate about the appropriate settlement boundary for Ocean Grove, as highlighted the Panel for Amendment C346.
89. I have reviewed the 2007 Structure Plan and 2015 Structure Plan for Ocean Grove, along with the current planning provisions that apply to the township and its surrounds.
90. The further work at Clause 21.14-4 identifies the need to:
- *Review the Structure Plan including an assessment of long term growth options (both infill and settlement expansion) for Ocean Grove by no later than 2021. The assessment should include a consideration of:*
    - *land to the north, north-west and east of Ocean Grove.*
    - *the role of Ocean Grove as a district town.*
    - *other planned growth on the Bellarine Peninsula.*
    - *development trends, lot supply and housing capacity within the settlement boundary.*
    - *the desirability of providing a diversity of living options.*
    - *physical and environmental constraints, including the importance of protecting the biodiversity values of the 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 Highway, Grubb Road and Wallington Road.*
- *the implications for significant agricultural uses and their employment generating potential.*
- *whether any adjustments to the settlement boundary are required.*

91. This is generally the same criteria that was recommended by the C346 Panel for reviewing the settlement boundary and forms a logical starting point in my consideration.
92. It does not appear that the Settlement Strategy has 'done' this review.
93. This Amendment includes a Framework Plan that sets a township boundary for Ocean Grove based on the 2015 Ocean Grove Structure Plan and current township boundary.
94. It is accompanied by strategies that seek to ensure that development occurs within designated settlement boundaries and to reduce the share of housing along the Bellarine.<sup>21</sup>
95. In a coastal setting such as Ocean Grove, the appropriateness of a settlement boundary should be informed by *Planning Practice Note No. 36 'Implementing a Coastal Settlement Boundary'*. Relevantly, that Practice Note identifies that any change to a coastal settlement boundary should be the product of a review which considers other planning issues arising in the municipality and that there needs to be adequate recognition of the *Victorian Coastal Strategy 2014* (the 'VCS').<sup>22</sup>
96. The VCS says that settlement planning should direct growth to areas suitable for accommodating sustainable growth. One of the key mechanisms for achieving

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<sup>21</sup> Amendment C395 exhibited Clause 21.06.

<sup>22</sup> The VCS is a policy document at Clause 12.02-1S of the Greater Geelong Planning Scheme.



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sustainable population management along the coast is the protection of the environment and non-urban breaks through the implementation of settlement boundaries.

97. Particularly, the VCS identifies that reviewing a settlement boundary should consider:

- *The desired future vision for a settlement.*
- *Its role and function in comparison to other settlements on a regional<sup>23</sup> basis.*
- *Constraints of development such as topography, natural geomorphic features, native vegetation, rural land use activity and areas of environmental or landscape significance and sensitivity.*
- *Areas with susceptibility to flooding (both river and coastal inundation), landslip, erosion, coastal acid sulphate soils (CASS), salinity, wildfire or geotechnical risk.*
- *The supply/demand of land within a 10 year planning horizon and opportunities for growth (if any).<sup>24</sup>*

98. Relevantly, the VCS also highlights that the Regional Growth Plans for each region set out the framework for coastal settlement planning and that there is a need to maintain non-urban breaks.

99. Having regard to the directions of the VCS and the criteria established in Clause 21.14, I consider that determining an appropriate settlement boundary for Ocean Grove is an amalgam of factors that can generally be distilled with regard to:

- Locational attributes.
- Policy considerations.

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<sup>23</sup> My emphasis.

<sup>24</sup> Victorian Coastal Strategy 2014, pp. 54-55.



- Environmental constraints.
- Economic matters.
- Social matters.

100. In my view, these factors should be relevant in considering the extent of the township boundary.

101. My assessment of these matters for Ocean Grove broadly and the Morgan and Griffin land particularly follows.

#### Locational attributes

102. Settlement 'boundaries' provide a number of planning benefits including certainty for stakeholders and clarity for decision makers. Occasionally, areas are identified for further study, perhaps because their status is unclear or the opportunities that they offer need further resolution. Placing land in a further investigation area and leaving it outside the settlement boundary inevitably creates a degree of uncertainty about what might happen in the future, although it does create an expectation that 'something' will happen in the future.

103. At face value, there are some reasonably logical 'edges' to the Ocean Grove township that would appropriately define a township and settlement boundary.

104. To the west, the Ramsar wetlands and Barwon River form a logical edge condition.

105. Similarly, on the eastern side, significant landscapes between Ocean Grove and Point Lonsdale identified in regional policy are worthy of recognition and form another logical edge condition.

106. Naturally, the coastal foreshore to the south of the town is a limit to its development.

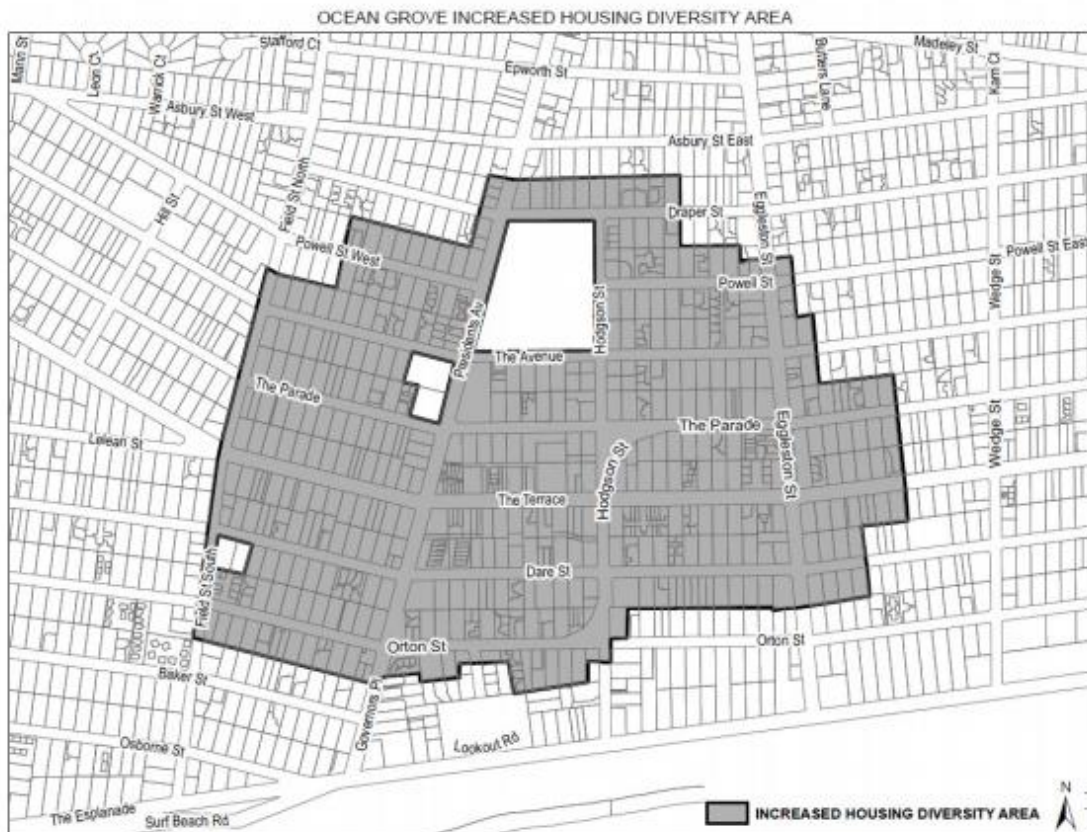


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107. To the north of Ocean Grove, there has been no logical edge condition adopted. Indeed, historically the township has expanded northwards progressively and most recently into the north-eastern growth area, identified as the Oakdene residential estate.
108. The 2007 Structure Plan recognised the potential for further northerly expansion.
109. I consider that there is merit in exploring this approach further. The Bellarine Highway forms what I consider to be a logical edge condition. The duplication of Grubb Road is likely to 'urbanise' this interface even more and would support a more northerly expansion of the town.
110. Having inspected the area, I think that there are locational attributes that make the Bellarine Highway a logical candidate for a northern boundary. Particularly:
- The land is within a walkable catchment of the Neighbourhood Activity Centre within the Oakdene residential estate.
  - It has good road network connectivity via the Bellarine Freeway and Grubb Road (which is proposed to be duplicated).
  - It is relatively flat, unencumbered land.
  - As I discuss later, it is relatively free from identified environmental constraint.

### Policy

111. I outlined the strategic policy context for Ocean Grove within Section 2 of my statement.
112. Within the policy context, I extract the following salient points:
- Ocean Grove is identified as having a strategic role at a regional and local level within the Greater Geelong Planning Scheme.

- It is a location where population and housing growth is anticipated by regional and current local policy.
- Development should have regard to the unique coastal setting of the Bellarine Peninsula.
- Housing diversity and increased density is encouraged in a discrete area of the township where the Increased Housing Diversity Area policy at Clause 22.63 applies. Relevantly, the extent of that area was decreased as part of Amendment C349, with the area west of Field Street deleted.



**Ocean Grove Increased Housing Diversity Area (source: Clause 22.63)**

113. In this context, it is important that any township boundary has regard to ensuring sufficient supply over time.

**p.35**



114. While township boundaries can be (and are regularly) reviewed, the relevant planning settings should also not seek to unjustifiably thwart the achievement of the growth expectations set out in regional and local policy, particularly where land has previously been considered suitable for future urban expansion, subject to further investigations.<sup>25</sup>
115. In the context of Amendment C395 and the declaration of the Bellarine Peninsula as a distinctive landscape, the Council is effectively seeking to permanently exclude any land from being included within the township boundary.
116. As I established earlier in my evidence, I consider that Council's adopted approach does not constitute orderly or proper planning (or good planning) and would unnecessarily constrain the township in a manner inconsistent with State, regional and local policy expectations for Ocean Grove.
117. Setting a permanent boundary would also mean that there is a greater reliance on infill development to meet expected demand (whether or not the area is identified for growth). To some extent, there are limitations to achieving consolidation within Ocean Grove, including:
- The limited application of the Increased Housing Diversity Area policy within the township.
  - The presence of the Bushfire Management Overlay on land west of Grubb Road, south of the Nature Reserve.
  - The presence of Significant Landscape Overlays on some land, which encourage new development to protect existing vegetation and ensure development responds to the landscape character.

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<sup>25</sup> The 2007 Structure Plan identified that land to the north and east of Ocean Grove was suitable for inclusion within a long term settlement boundary, subject to investigation.



- The presence of Design and Development Overlays on some land, which seeks to limit the design, height and siting of some development for view sharing purposes.
- The zoning of some land within the township boundary as Low Density Residential, Rural Living and, to a lesser extent, Neighbourhood Residential.
- Fragmented patterns of land ownership, the presence of an existing settled urban community and the inherent challenges this poses to infill growth.

118. It is also important to highlight that other settlements along the Bellarine, particularly Barwon Heads, have been planned on the basis that growth be directed to townships like Ocean Grove.

119. In my view, land can be identified for future investigation, as envisaged by the 2007 Structure Plan, without the need to preclude it from being within a protected settlement boundary.

120. Indeed, this is the approach that has been taken in the Macedon Ranges distinctive area and landscape, where growth areas are included within the protected boundaries.

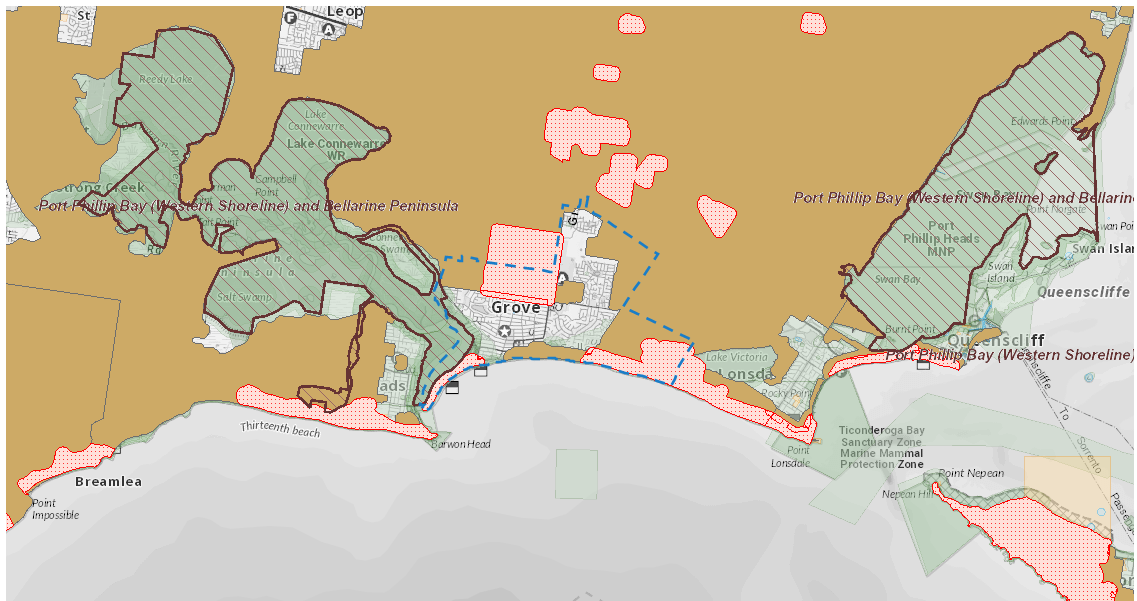
#### Environmental considerations

121. There are a range of environmental factors that influence the future potential settlement boundary of the Ocean Grove township. I note that development should have regard to:

- The presence of bushfire risk to land in and around the township.
- The Ramsar wetlands to the west and east of the township and the coastal environment to the south.
- Areas of Aboriginal cultural heritage sensitivity to the west and east of the township.
- The declaration of the Bellarine Peninsula as a distinctive area and landscape.



- The Ocean Grove Nature Reserve to the north of the town and south of the subject land.
- Potential se-level rises caused by climate change.



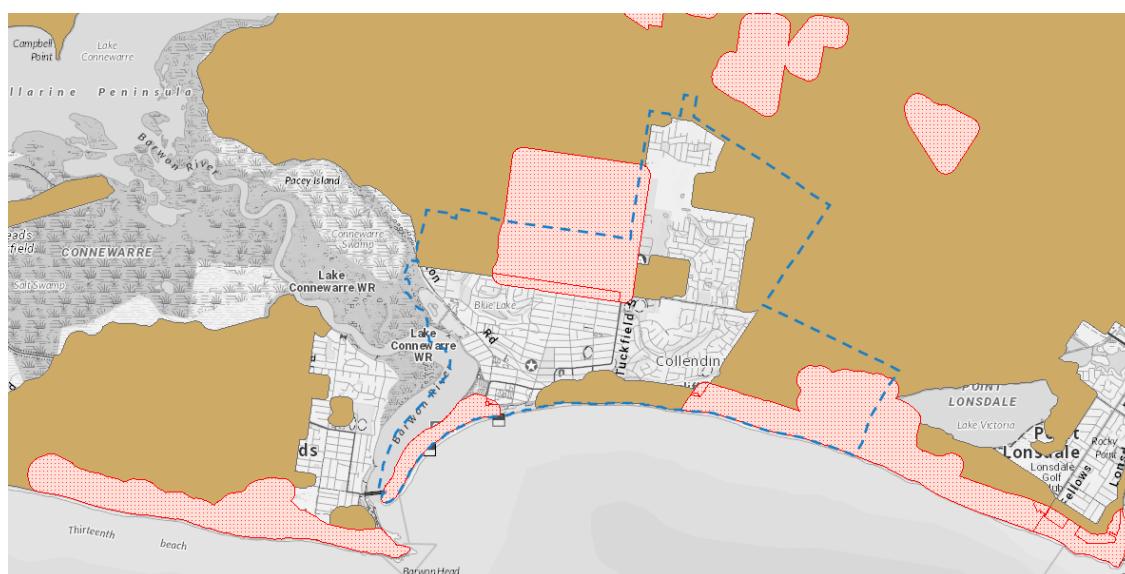
**Environmental constraints in and around Ocean Grove (Bushfire risk denoted in brown and red, Ramsar wetlands hatched and areas of Aboriginal Cultural Heritage Sensitivity in green)**

122. It is relevant that the Greater Geelong Planning Scheme also includes some land within and adjoining the township in the Significant Landscape Overlay, Environmental Significance Overlay and Vegetation Protection Overlay.
123. I have considered these matters in relation to the subject land and Ocean Grove more broadly and make some further comments on key matters below.
124. My broad conclusions are that Ocean Grove is not subject to the same level of topographic or environmental constraint as other coastal townships and hamlets within Greater Geelong, such as Barwon Heads and Breamlea.



## Bushfire risk

125. With the exception of the southern parts (excluding the foreshore and coastal areas) of the existing township, Ocean Grove and its surrounds are within a designated bushfire prone area and some areas are within a Bushfire Management Overlay.



**Land affected by the Bushfire Management Overlay or that is bushfire prone in and around Ocean Grove (source: VicPlan)**

126. Planning policy at Clause 13.02-1S applies to land that is within a designated bushfire prone area. It seeks to prioritise the protection of human life over competing policy considerations by means which include directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.
127. The requirements for settlement planning seek to ensure that there is no net increase in risk to existing and future residents, property or community infrastructure and that strategic planning documents, local planning policies and planning scheme amendments should not be approved if they will result in an introduction or intensification of development in an area that has a BAL rating greater than BAL-12.5 under *AS3959-2009 Construction of Buildings in Bushfire-prone Areas*.



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128. This is further reinforced by the integrated decision-making provisions at Clause 71.02-3, which seek to ensure that the protection of human life is prioritised above all other policy considerations when making an integrated decision.
129. I have been provided with a Bushfire Management Assessment<sup>26</sup> for the land that is subject to my evidence. The assessment concludes that with responsible management of land, bushfire risk can be reduced to an acceptable level and that a Bushfire Attack Level of BAL-12.5 can be achieved and maintained. To achieve this rating, future development will need to be designed with building protection measures to a BAL-12.5 standard.
130. While I am not a bushfire expert, I am satisfied from a town planning perspective that the land is at a manageable level of risk to bushfire and is capable of appropriately responding to bushfire policy at Clause 13.012-1S.

#### Ramsar wetlands and Coastal foreshore

131. Ramsar wetlands abut the current western settlement boundary.
132. Policy at Clause 12.01-1S seeks to ensure development at these interfaces is appropriately managed. From a town planning perspective, the wetlands form a logical south-eastern edge to the township.
133. The foreshore forms a natural southern edge to the township.
134. Land to the north of Ocean Grove is generally remote from these constraints.

#### Distinctive Area and Landscape

135. I have outlined my views on the declaration of this land as a distinctive area and landscape earlier in my evidence.

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<sup>26</sup> Prepared by South Coast Bushfire Consultants and dated 25 June 2019.

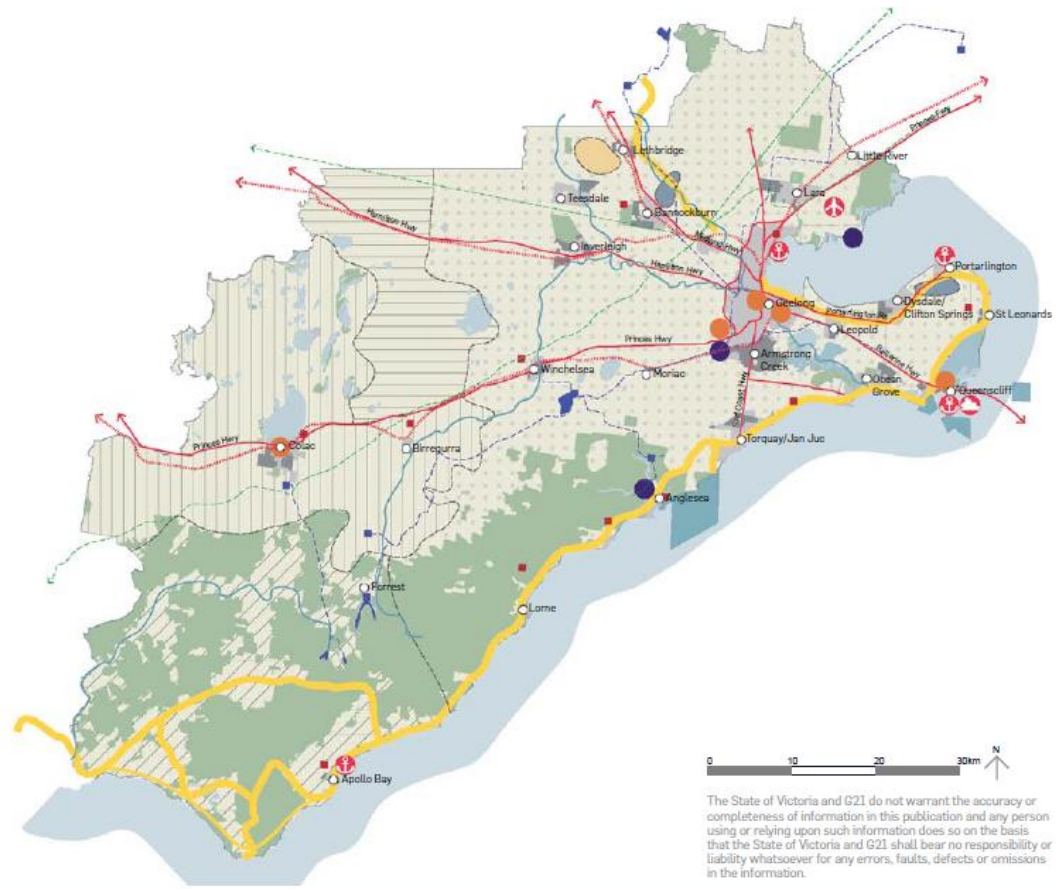


- 
136. Relevantly, I note that a process is yet to commence to identify and formalise the distinctive attributes of the Bellarine Peninsula.
137. Any township expansion can only be undertaken having regard to those matters once known. This is not dissimilar to planned urban expansions in Romsey and Gisborne, consistent with structure plan reviews currently underway.
138. I accept that the current Bellarine Peninsula LPS identifies land to the west and east of Ocean Grove as being within a significant landscape. I consider that this designation would limit the potential of land to the west and east to be within a settlement boundary.
139. Notably, the land to the north of the township is not identified as having the same level of significance.
140. In this regard, I consider that the land to the north of the township has few environmental constraints that would preclude its inclusion within a township boundary, unlike land to the east and west.

#### Economic considerations

141. The most relevant economic consideration to the northern, eastern and western expansion of the township is the extent to which the inclusion of the land within the township boundary may impact on agricultural production. The land is currently within the Farming Zone.
142. Clause 14.01-1S (Protection of Agricultural Land) seeks to protect the state's agricultural base by preserving productive farmland. Permanent removal of productive farmland should be avoided without consideration of the land's economic importance.
143. The Regional Strategic Assets map in the Regional Growth Plan identifies that the 'predominant agricultural land uses' on Farming Zone land around Ocean Grove are 'mixed farming and grazing'. Relevantly, the Regional Growth Plan identifies activity in rural areas, rather than whether it is strategically important.

**p.41**



The State of Victoria and G21 do not warrant the accuracy or completeness of information in this publication and any person using or relying upon such information does so on the basis that the State of Victoria and G21 shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.

<p><b>Transport corridors and assets</b></p> <ul style="list-style-type: none"> <li> Road</li> <li> Rail</li> <li> Major airport</li> <li> Port or harbour</li> <li> Significant tourism routes and trails</li> <li> Earth resources</li> <li> Health, education and research facilities</li> </ul>	<p><b>Predominant agricultural land uses</b></p> <ul style="list-style-type: none"> <li> Dairy and beef cattle</li> <li> Sheep</li> <li> Forestry</li> <li> Mixed farming and grazing</li> <li> Viticulture</li> <li> Poultry</li> </ul>	<p><b>Natural assets</b></p> <ul style="list-style-type: none"> <li> Public parks and reserves</li> <li> Major rivers</li> <li> Lakes, wetlands and coastlines</li> <li> Marine parks</li> </ul> <p><b>Water supply and sewerage infrastructure</b></p> <ul style="list-style-type: none"> <li> Water infrastructure - reservoirs, mains</li> <li> Sewerage infrastructure - treatment and reclamation plants</li> </ul> <p><b>Energy infrastructure</b></p> <ul style="list-style-type: none"> <li> 500kv line and main gas pipeline</li> </ul>
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G21 REGIONAL GROWTH PLAN

23

**Map 5 – G21 Regional Growth Plan**

144. Notably, the City’s *Rural Land Use Strategy 2007* does not appear to identify the land around Ocean Grove as forming a strategically important rural role. It was prepared in a context where land to the north of Ocean Grove was within an investigation area and



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there appears to be a tacit acknowledgement that this land would be suited for urban expansion.

145. In turn, there does not appear to be any strategic value in maintaining the land within the Farming Zone.
146. It would be logical to identify the land for a future residential purpose, by way of its inclusion within the township boundary, to allow its future development to be appropriately planned, as appears to be envisaged by the Rural Land Use Strategy.
147. I defer to the evidence of Mr Phillips in relation to this matter.

### Social matters

#### **Population and housing supply / demand**

148. It is state policy to ensure that sufficient land is available to meet forecast demand within appropriate locations is identified in Clause 11.02-1S (Supply of Urban Land), and supported by Clause 16.01-1S (Integrated Housing), Clause 16.01-2S (Location of Residential Development), Clause 16.01-4S (Housing Affordability), Clause 16.01-5S (Rural Residential Development) and Clause 17.03-1S (Industrial Land Supply).
149. This requires the preparation of relevant structure plans accommodating projected population growth over at least a 15 year period<sup>27</sup> and providing clear direction on locations where growth should occur. Policy guidelines require consideration of the Victorian Government population projections and land supply estimates.
150. I have highlighted earlier in my evidence that there is a significant population increase expected by VIF2019 forecasts in Ocean Grove and its surrounds.
151. I defer to the evidence of Mr Shipp regarding the implications of these forecasts.

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<sup>27</sup> At a municipal level for housing supply.



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## 4. CONCLUSION

152. My conclusions are summarised below:

- Ocean Grove is designated for growth in regional and local policy within the Greater Geelong Planning Scheme.
- Although the Settlement Strategy is a city-shaping policy document that identifies two regionally significant growth areas to the west and north of Geelong, it also makes some fundamentally different policy directions for Ocean Grove and townships along the Bellarine Peninsula.
- The strategic consequences of those changes appear to be 'lost in the fog' of the broader strategy and have not had appropriate regard to the relevant State, regional and local policy that describe the context for Ocean Grove. Equally, the strategy has not adequately articulated why those policy settings are wrong or need to be changed.
- I support the notion and intent of introducing a permanent settlement boundary to Ocean Grove. However, I consider that the approach outlined in the Settlement Strategy and Amendment C395 is contrary to notions of orderly and proper planning.
- The Settlement Strategy is not a substitute for the detailed work required to review the Ocean Grove settlement boundary in the manner recommended by the Amendment C346 Panel and Clause 21.14-4.
- It would be poor planning to place the review of the Ocean Grove Structure Plan on hold until a permanent settlement boundary is adopted in Ocean Grove. It would be preferable for both processes to be conducted sequentially with the Ocean Grove Structure Plan review process preceding the delineation of a permanent settlement boundary.



- There is logic in including land to the north of Ocean Grove within the township boundary as part of a review of the Ocean Grove Structure Plan, as supported by the Panel for Amendment C346.

153. I have made all inquiries 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 Panel.

**John Glossop (B.A Hons.) MPIA  
Director  
Glossop Town Planning Pty Ltd  
November 2019**



## 5. REQUIREMENTS UNDER PPV'S GUIDE TO EXPERT EVIDENCE

154. This statement is prepared by John Glossop, Glossop Town Planning Pty Ltd, 1/182 Capel Street, North Melbourne. I am a Director of the firm. The firm has been in business since 1997.
155. I have a Bachelor of Arts (Urban Studies) Hons. I have been engaged in the following positions and roles in my career as a planner including:
- Former planner with the Shire of Newham and Woodend (prior to its amalgamation with the Macedon Ranges Shire).
  - Strategic and Social Planning Manager, Shire of Melton until 1997.
  - Sessional member, Planning Panels Victoria between 1997-2012.
  - Member of the ResCode Advisory Committee 2000.
156. I have sat as a Chairman or member on a number of planning scheme amendments, dealing with a broad range of issues from high-rise housing in Williamstown, the redevelopment of Pentridge Prison and the application of flooding overlays in the Mornington Peninsula Shire.
157. I was a sessional lecturer and tutor in strategic, statutory planning and urban studies at Victoria University of Technology (1996-99) and lecturer in statutory planning Latrobe University Bendigo (2000- 02). I am currently a sessional lecturer in Statutory Planning and Environment at the Royal Melbourne Institute of Technology University.
158. I have considerable experience in statutory and strategic planning and new format planning schemes.
159. My expertise to make this statement is based on a combination of my experience working in metropolitan Melbourne and regional Victoria, an understanding of the site and my experience as a planner in both the private and public sectors. I have been instructed by Dominion Property Group to provide an opinion on the planning merits of Amendment C395 to the Greater Geelong Planning Scheme.



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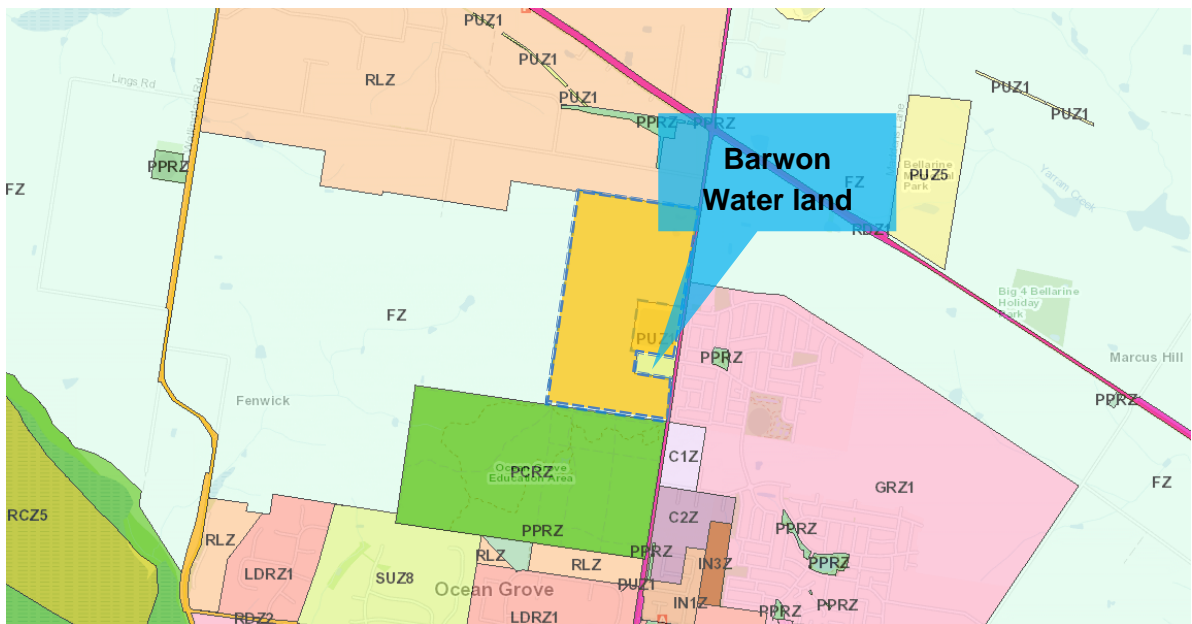
160. I have relied on the documents referred to in the introduction section of my statement.  
There were no tests undertaken in the preparation of this statement.

161. I have been assisted in the preparation of this statement by Matthew Gilbertson, Senior Associate in my office.



## APPENDIX A: THE SITE AND CONTEXT

162. The land subject to this evidence comprises two parcels of land which are located north of the Ocean Grove township (directly north of the Ocean Grove Nature Reserve), on the western side of Grubb Road, as identified on the map and aerial photograph below.



Land subject to the submission by Morgan & Griffin highlighted in yellow (source:VicPlan)



**Aerial Photograph dated 2 October 2019 (source: Nearmap.com.au)**

163. The land is used for the following purposes:

- 231-299 Grubb Road comprises an area of approximately 94 hectares and is partially occupied by the Oakdene Winery.
- 201-209 Grubb Road comprises an area of approximately 9.5 hectares and comprises a disused Barwon Water storage basin that is surplus to its operational requirements.

164. The Oakdene Winery land is zoned Farming, while the Barwon Water land is zoned Public Use Zone 1 'Service and Utility'.



- 
165. The land is partially affected by the Bushfire Management Overlay, which extends from the southern boundary of the land to approximately 155 metres within the site. No other overlays affect the site.
166. All of the land is within a bushfire-prone area. The site is not within an area of Aboriginal cultural heritage sensitivity.<sup>28</sup>
167. I am also instructed that a planning scheme amendment is proposed by Morgan & Griffin to rezone the land to a combination of Mixed Use Zone and General Residential Zone and apply the Development Plan Overlay.
168. Within its broader context, the land is to the north and east of the Ocean Grove township. The settlement boundary abuts the site's eastern boundary. Land to the north is zoned Rural Living.

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<sup>28</sup> According to the Planning Property Report.



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## APPENDIX B: POLICY CONTEXT

169. In preparing this Statement, I have considered the policy context as set out in the Planning Scheme and listed below.

### Planning Policy Framework

170. Within the Planning Policy Framework (the “PPF”), the following policies are considered particularly relevant to this matter:

- Clause 11 ‘Settlement’.
- Clause 12 ‘Environmental and Landscape Values’.
- Clause 13 ‘Environmental Risks and Amenity’.
- Clause 14 ‘Natural Resource Management’.
- Clause 15 ‘Built Environment and Heritage’.
- Clause 16 ‘Housing’.
- Clause 17 ‘Economic Development’.
- Clause 19 ‘Infrastructure’.

### Local Planning Policy Framework

171. The following clauses within the Local Planning Policy Framework (the “LPPF”) are particularly relevant to this matter:

- Clause 21.01 ‘Introduction’.
- Clause 21.04 ‘Municipal Framework Plan’.
- Clause 21.05 ‘Natural Environment’.



- 
- Clause 21.06 'Settlement and Housing'.
  - Clause 21.07 'Economic Development and Employment'.
  - Clause 21.14 'Bellarine Peninsula'.

172. I have considered this policy context within Sections 2 and 3 of my statement.

#### **Other Relevant Documents**

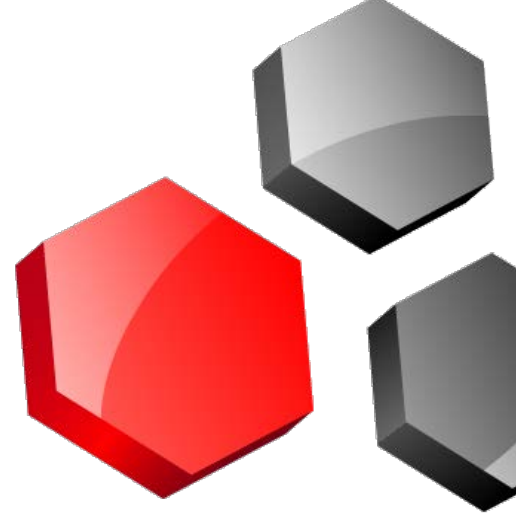
- G21 Regional Growth Plan.
- Bellarine Peninsula Localised Planning Statement.
- Victoria in Future 2019.
- Ocean Grove Structure Plan 2015.



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## APPENDIX C: MY INSTRUCTIONS

# Dominion Property Group



18<sup>th</sup> October 2019

Mr John Glossop  
Director  
Glossop Town Planning  
182 Capel Street  
NORTH MELBOURNE VIC 3051  
By email: [john@glossopco.com.au](mailto:john@glossopco.com.au)

Dear John,

**Greater Geelong Planning Scheme Amendment C395  
Greater Geelong Settlement Strategy (2018) and Northern and Western Growth Areas Framework Plan (2019) -  
Preparation of Expert Evidence**

We act on behalf of Morgan & Griffin who are advocating on behalf of Oakdene West Pty Ltd and Barwon Region Water Corporation. Oakdene West Pty Ltd is the registered proprietor of land at 231-299 Grubb Road and Barwon Region Water Corporation are the registered proprietor of 201-209 Grubb Road, Wallington (“the landholdings”).

The City of Greater Geelong exhibited Planning Scheme Amendment C395 between 27<sup>th</sup> June 2019 and 29<sup>th</sup> July 2019. Amendment C395 proposes to implement the City of Greater Geelong’s Settlement Strategy (2018) and Northern and Western Geelong Growth Areas Framework Plan (2019). As part of the Amendment, changes are proposed to local policy, the Municipal Strategic Statement and zones associated with the northern and western growth areas.

Our client has prepared a submission to Greater Geelong Planning Scheme Amendment C395 that requests the landholding be included within the future enduring Ocean Grove settlement boundary.

The City of Greater Geelong has referred all submissions to Planning Scheme Amendment C395 to an Independent Planning Panel for consideration. The Panel is scheduled to consider submissions from 12 November until February 2020. Please note, the Panel dates are currently being confirmed and once the timetable has issued by Planning Panels Victoria, a copy will be made available.

**Instructions:**

Morgan & Griffin’s legal team formally request you to provide expert evidence for presentation to the C395 Planning Panel based on your area of expertise. As part of your evidence, you are required to comment on:

- a) The potential for an alternative Ocean Grove enduring settlement boundary;
- b) the appropriateness of the landholdings being included and redeveloped within a future Ocean Grove settlement boundary; and
- c) the appropriateness of defining the Ocean Grove settlement boundary in the Settlement Strategy 2018 (as contained in Amendment C395) and the requirement for “further work” to review the Ocean Grove Structure Plan (and long term growth options) by no later than 2021, as detailed in Clause 21-14-4 (Implementation) of the Greater Geelong Planning Scheme.



You are reminded of the guide to preparing expert evidence as identified by Planning Panels Victoria dated April 2019.

**Background:**

1. In 2002 the (then) existing registered proprietor of the land at 231-299 Grubb Road, Wallington entered into an Agreement under Section 173 of the Planning and Environment Act associated with the placement and screening of water tanks on the Barwon Water landholding;
2. In 2004, Barwon Water constructed a water tank at 201A Grubb Road, rendering the 215ML Ocean Grove basin at 201-209 Grubb Road redundant;
3. The 2007 (Amended 2008) Ocean Grove Structure Plan identified the landholdings within a long term growth boundary;
4. In March 2016, the City of Greater Geelong exhibited Planning Scheme Amendment C346 which sought to implement an updated Ocean Grove Structure Plan, December 2015, (Amended September 2016), and an Ocean Grove Urban Design Framework, by making changes to the Local Planning Policy Framework and Design and Development Overlays;
5. On 6<sup>th</sup> July 2016, the Planning Panel outlined their findings in relation to Amendment C346 and the Ocean Grove Structure Plan;
6. On 8<sup>th</sup> December 2016, Amendment C346 was gazetted;
7. On 1<sup>st</sup> October 2018, 231-299 Grubb Road was transferred to Oakdene West Pty Ltd. The Section 173 Agreement regarding the Barwon Water tanks remains on Certificate of Title Vol 8925, Folio 264.
8. On 10<sup>th</sup> April 2019, the City of Greater Geelong exhibited Planning Scheme Amendment C393 which sought to implement Greater Geelong's Retail Strategy;
9. In April 2019, the Victorian State Government commenced consultation on the Bellarine Peninsula Distinctive Areas and Landscape (DAL) Program. When the Bellarine is declared a DAL, a Statement of Planning Policy will be prepared which will include a 50-year vision and strategies, including a long-term settlement boundary, to better protect the unique features of the Bellarine Peninsula for current and future generations. As of the date of this letter, the declaration of the DAL for the Bellarine is yet to be made.
10. On 16<sup>th</sup> May 2019, our client made a submission to Greater Geelong Planning Scheme Amendment C393 – Retail Strategy 2016-2036;
11. On 27<sup>th</sup> June 2019, the City of Greater Geelong commenced exhibition of Planning Scheme Amendment C395 to implement the Greater Geelong Settlement Strategy and Northern and Western Geelong Growth Areas Framework Plan;
12. On 2<sup>nd</sup> July 2019, Morgan & Griffin made a submission to the Bellarine DAL Program suggesting their land be included as a further investigation area within the Ocean Grove Settlement Boundary;
13. On 26<sup>th</sup> July 2019 our client made a submission to Amendment C395, which included a draft Planning Scheme Amendment.
14. On 5<sup>th</sup> August 2019, our client made a late submission to the State Government's consultation on "Protecting Melbourne's Strategic Agricultural Land" for 231-299 Grubb Road, Wallington.
15. On 24<sup>th</sup> September 2019, the City of Greater Geelong considered a Council Officer report regarding submissions to Planning Scheme Amendment C395. The Council resolved to refer the submissions to an Independent Planning Panel appointed by the Minister for Planning.



#### Attachments:

To assist in the preparation of your evidence, the following documents are linked to this letter:

<https://www.dropbox.com/sh/5kosy9218n3pie0/AABoXOYaC1hOLKd83hQorfFa?dl=0>

1. Certificate of Title Vol. 8925 Fol. 264 for the Oakdene West Pty Ltd landholding;
2. Certificate of Title Vol. 11410 Fol. 029 for the Barwon Region Water Corporation landholding;
3. A map illustrating the location of the subject properties;
4. The 2007 (Amended 2008) Ocean Grove Structure Plan;
5. The 2015 (Amended 2016) Ocean Grove Structure Plan;
6. CoGG Planning Scheme Amendment C346 to implement the 2015 Ocean Grove Structure Plan;
7. Planning Scheme Amendment C346 Planning Panel Report;
8. Extract from CoGG Council Meeting Agenda dated 27<sup>th</sup> September 2016 in response to the Planning Panel Report on Amendment C346;
9. Clause 21.14 (The Bellarine Peninsula) of the City of Greater Geelong Planning Scheme;
10. CoGG Planning Scheme Amendment C395 to implement the Greater Geelong Settlement Strategy and Northern and Western Growth Areas Framework;
11. Greater Geelong Settlement Strategy (2018);
12. Northern Western Geelong Growth Areas Framework Plan (2019)
13. C395 Bushfire Report
14. Morgan & Griffin submission to the Distinctive Areas and Landscape (DAL) Program;
15. Morgan & Griffin's submission to CoGG Planning Scheme Amendment C395;
16. Morgan & Griffin's draft Rezoning Request inclusive of Attachments (A – P);
17. Morgan & Griffin submission to "*Protecting Melbourne's Strategic Agricultural Land*";
18. Council Agenda dated 24<sup>th</sup> September 2019;
19. City of Greater Geelong Part A Submission for Amendment C393 Panel; and
20. Planning Panels Victoria Expert Evidence requirements

You are therefore requested to provide a quote to Morgan & Griffin C/o Dominion Property Group, for preparation and presentation of the expert evidence by C.O.B. 21<sup>st</sup> October 2019 via email, ([admin@dominionpg.com](mailto:admin@dominionpg.com)).

As part of your quote you should allow for attendance at the Planning Panel in Geelong, a potential conclave of experts and two meetings to discuss your draft and final evidence. If no conclave is required for your area of expertise, your evidence will need to be circulated by noon on 4<sup>th</sup> November 2019 (tbc).

Yours faithfully,

**Tim Fallaw**

**Managing Director**

**Dominion** Property Group

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