

Planning Panels Victoria  
Amendment C395  
Greater Geelong Planning Scheme

## Northern & Western Geelong Growth Areas

Date of Inspection: (30 October 2019)

Date of Report: November 2019

Report prepared for **Adelaide Brighton Cement Limited (ABCL)**

Report prepared by **Marco Negri**



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### Attachment 1 Expert Witness Declaration

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# 1 Introduction

- 1 I have been requested by Norton Rose Fulbright Australia, on behalf of Adelaide Brighton Cement Limited (ABCL), to consider the planning implications of Amendment C395 to the Greater Geelong Planning Scheme (Northern Geelong & Western Geelong Growth Areas) and to provide expert evidence in respect of my findings.
- 2 The instructions are put to me in the context of submissions made by ABCL (Submission No. 1) in respect of the amendment.
- 3 My assessment of the amendment is focused on elements relevant to the ABCL land. This land is located within the proposed Western Geelong Growth Area.
- 4 My evidence is based on the following instructions:
  - The extraction of resources from the Batesford Quarry will become uneconomic in the short term with the operations anticipated to conclude by 2025;
  - The quarrying operations are limited to the eastern side of the pit;
  - There will be no blasting for the remainder of the operation of the quarry as the resources are able to be 'free dug'; and
  - Whilst there is a requirement for remediation of part of the land to the north of the Moorabool River, this can occur during the planning phase of any Precinct Structure Plan for this part of the land.
- 5 I understand that these matters will be addressed in the evidence/submissions presented on behalf of ABCL. A review of this material may cause modifications to the opinions contained in this report.
- 6 Contour Consultants Aust Pty Ltd was not involved with the Planning Scheme Amendment and did not assist ABCL in the preparation of the submission. I was engaged to provide an independent opinion on 2 October 2019.
- 7 Attachment 1 provides a summary of my professional qualifications and experience in accordance with the Planning Panels Victoria Guidelines for Expert Witnesses.
- 8 In preparing this report, I have:
  - Inspected part of the land holding of ABCL and familiarised myself with the broader growth area;
  - Reviewed the Greater Geelong Planning Scheme;
  - Reviewed the amendment documents and supporting material;
  - Reviewed the ABCL submission in respect of the amendment;



## 1 Introduction

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- Read Council Officer Reports in respect of the amendment;
- Reviewed various technical documents related to the amendment;
- Read the Panel Report in respect of Amendment C129;
- Reviewed Ministerial Directions including:
  - Ministerial Direction – Form and Content of Planning Schemes
    - Direction No. 1 – Potentially Contaminated Land
    - Direction No.9 - Metropolitan Planning Strategy
    - Direction No. 11- Strategic Assessment of Amendments;
    - Direction No. 12 – Urban Growth Areas
    - Direction No. 15 - The Planning Scheme Amendment Process
    - Direction No. 19 – Environment, Amenity & Human Health
- Reviewed Planning Practice Notes including:
  - Planning Practice Note 4 – Writing a Municipal Strategic Statement
  - Planning Practice Note 8 – Writing a Local Planning Policy
  - Planning Practice Note 30 – Potentially Contaminated Land
  - Planning Practice Note 46 – Strategic Assessment Guidelines
  - Planning Practice Note 47 – Urban Growth Zone
  - Planning Practice Note 89 – Extractive Industry and Resources

## 2 Planning Scheme Amendment C395

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- 9 Amendment C395 proposes to implement:
- The City of Greater Geelong Settlement Strategy (2018); and
  - The Northern and Western Geelong Growth Areas Framework (2019).
- 10 It proposes changes to the Municipal Strategic Statement (Clause 21) including the introduction of a new Clause 21.20 that relates to the Northern & Western Geelong Growth Areas.
- 11 The amendment also provides for the rezoning of particular properties to the Urban Growth Zone.
- 12 A summary of the amendment is included in the Planning Authority's Part A Submission to the Independent Panel.
- 13 As detailed in the Council's Part A Submission to the Independent Panel dated 28 October 2019, the authorisation of the Amendment included three conditions.
- 14 The third condition relates to the DELWP Smart Planning program and the pending translation of the Greater Geelong Planning Scheme into the new Municipal Planning Strategy and the Planning Policy Framework introduced by Amendment VC148.
- 15 It is understood that the Council is currently working toward this and that the Amendment will need to be redrafted to reflect the new format.



## 3 The ABCL Land Holdings

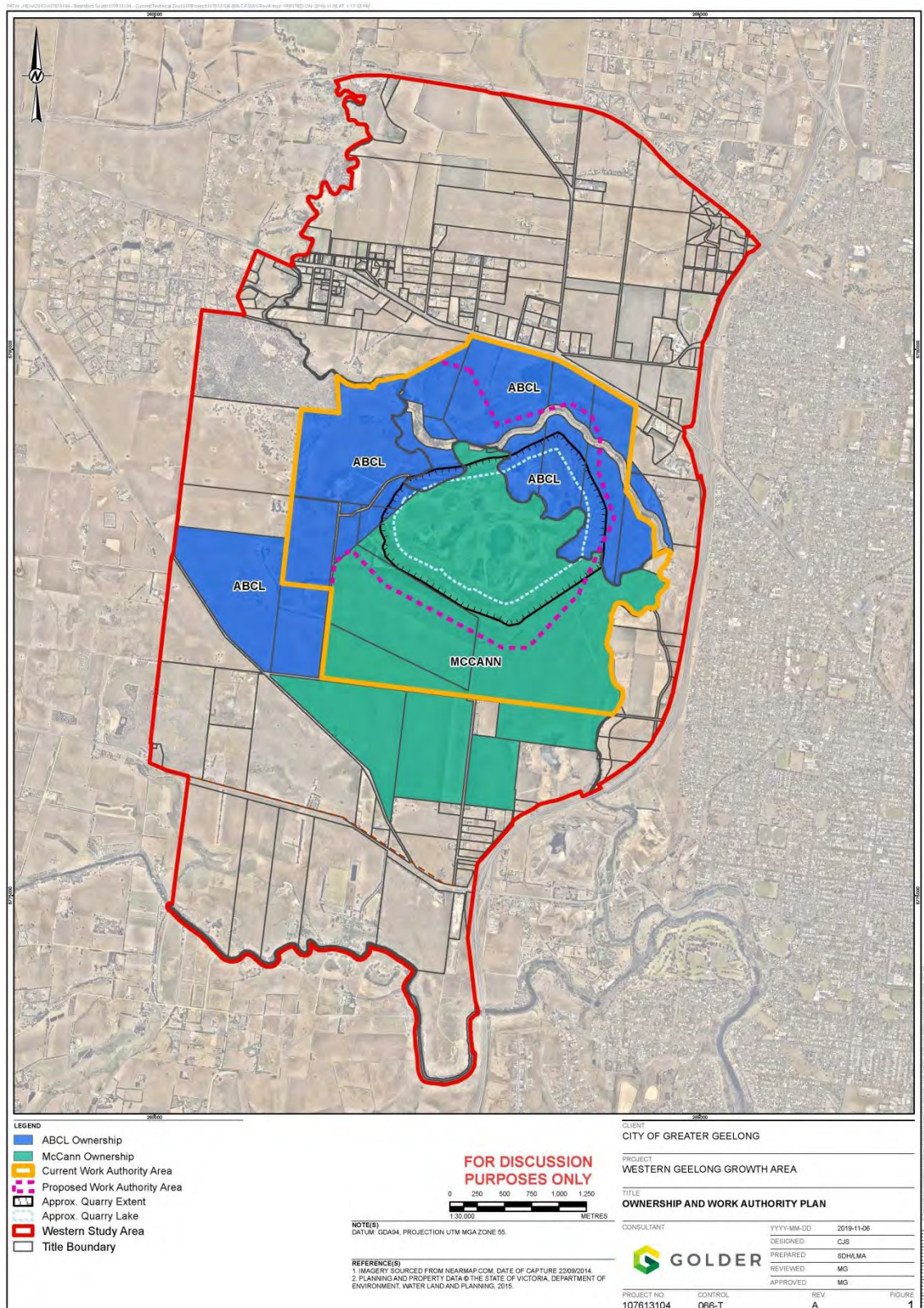
- 
- 16 Adelaide Brighton Cement Limited (ABCL) are a major land holder within the Western Geelong Growth Area.
  - 17 In conjunction with the McCann Group, ABCL operate a limestone extractive industry at the Batesford Quarry.
  - 18 Figure 3.1 maps the ownership of these entities. This plan also depicts the current Work Authority Area.
  - 19 I am advised that the current extent of resource extraction on the land is limited and focused on the eastern side of the pit. During my inspection I also observed the extent to which the walls surrounding the pit have been rehabilitated.
  - 20 I am advised that a request has been made to reduce the Work Authority area having regard to the current operations at the quarry. I understand that this request is being managed by Golders on behalf of the Batesford Quarry.
  - 21 I note that, in its submission (Submission 27) that Department of Jobs, Precincts and Regions raised concern in relation to the implications of the amendment on the Anakie Extractive Interest Area (EIA) but in respect of the implications in relation to the Batesford EIA it did not hold the same concerns and indicated that:

*...the Resources Branch does not raise the same concerns about this proposed encroachment; given the significant depletion of extractive resources within this EIA; along with the intention of the Western Growth Area plan to transform the former Batesford Quarry into a 48 billion litre freshwater lake to be the focal point for future urban development. This provides a valuable community asset and legacy for future residents of this community and the Greater Geelong area.*



### 3 The ABCL Land Holdings

Figure 3.1  
OWNERSHIP/WORK AUTHORITY AREA MAP



### 3 The ABCL Land Holdings

Figure 3.2  
LOCALITY MAP

Source: Melway



### 3 The ABCL Land Holdings

Figure 3.3  
AERIAL PHOTOGRAPH

Source: NearMap



## 4 The ABCL Submissions

- 
- 22 I have been requested to consider the planning implications of Amendment C395 in the context of the submission made by Adelaide Brighton Cement Limited dated 29 July 2019 (Submission No. 1).
- 23 The submission provides broad support for the amendment. It seeks the following modifications:
- The rezoning of part of the part of the ABCL land holding between the Moorabool River and the Midland Highway from the Special Use Zone – Schedule 7 to the Urban Growth Zone;
  - The inclusion of this part of the ABCL land holding in the Creamery Road precinct to enable ‘short term’ development of the land for urban purposes;
  - The reduction in the extent of the Batesford South precinct by breaking it into smaller precincts and including elements in neighbouring precincts;
  - Alterations to the Clever and Creative Corridor where it conflicts with waterbodies, topography and environmental features
  - The relocation of the western arterial alignment by shifting it westward;
  - Relocation of the Sub-Regional Centre to the northern part of the precinct adjacent to the Midland Highway;
  - The establishment of a mechanism to provide for the equitable collection of contributions to fund necessary infrastructure; and
  - The re-definition of the Quarry Work Authority Area in the Framework Plan to reflect the current status of extraction and rehabilitation works.
- 24 ABCL also request that:
- In the event that the realignment of the western arterial is agreed, the land to its east be nominated as ‘Residential’ rather than ‘Agriculture’ on the framework plan; and
  - the part of the holding referred to as Balyarta land be included in the Urban Growth Zone and nominated as forming part of the neighbouring precinct.
- 25 I am advised that ABCL no longer seek to pursue submissions in relation to the sub-regional centre as part of this process and consider that this is a matter that can be managed during the Precinct Structure Planning phase.



# 5 Planning Scheme Provisions

## 5.1 State Planning Policy Framework

26 The following clauses within the State Planning Policy Framework are relevant to the consideration of the amendment:

- Clause 11 – Settlement
  - Clause 11.01 – Victoria
  - Clause 11.01-1S – Settlement
  - Clause 11.01-1R – Geelong G21
  - Clause 11.02 – Managing growth
  - Clause 11.02-1S – Supply of urban land
  - Clause 11.02-2S – Structure planning
  - Clause 11.02-3S – Sequencing of development
  - Clause 11.03 – Planning for places
  - Clause 11.03-1S – Activity centres
  - Clause 11.03-2S – Growth areas
- Clause 12 – Environmental and Landscape Values
  - Clause 12.01 – Biodiversity
  - Clause 12.01-1S – Protection of biodiversity
  - Clause 12.01-2S – Native vegetation management
  - Clause 12.03 – Water bodies and wetlands
  - Clause 12.03-1S – River corridors, waterways, lakes and wetlands
  - Clause 12.05 – Significant environments and landscapes
  - Clause 12.05-1S – Environmentally sensitive areas
  - Clause 12.05-2S – Landscapes
- Clause 13 – Environmental Risks and Amenity
  - Clause 13.01-1S – Natural hazards and climate change
  - Clause 13.03 – Floodplains
  - Clause 13.03-1S – Floodplain management
  - Clause 13.04 – Soil degradation



## 5 Planning Scheme Provisions

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- Clause 13.04-1S –Contaminated and potentially contaminated land
  - Clause 13.04-2S –Erosion and landslip
  - Clause 13.05-1S –Noise abatement
  - Clause 13.06-1S –Air quality management
  - Clause 13.07 –Amenity and safety
  - Clause 13.07-1S –Land use compatibility
  - Clause 14 – Natural Resource Management
    - Clause 14.02 –Water
    - Clause 14.02-1S –Catchment planning and management
    - Clause 14.03 –Earth and energy resources
    - Clause 14.03-1S –Resource exploration and extraction
  - Clause 15 – Built Environment and Heritage
  - Clause 16 –Housing
    - Clause 16.01 –Residential Development
    - Clause 16.01-1S –Integrated housing
    - Clause 16.01-2S –Location of residential development
    - Clause 16.01-3S –Housing diversity
    - Clause 16.01-4S –Housing affordability
  - Clause 17 –Economic Development
  - Clause 18 –Transport
  - Clause 19 - Infrastructure

27 Clause 11.01-1S –Settlement includes strategy to:

...

*Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.*

...

## 5 Planning Scheme Provisions

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*Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.*

28 The G21 Regional Growth Plan (Geelong Region Alliance, 2013) is referenced as a Policy Document at Clause 11.01-1S.

29 Clause 11.01-1R – Geelong G21 references the Geelong G21 Regional Growth Plan and includes strategy to:

...

*Provide for long term growth options that build on existing infrastructure, including two further investigation areas north and west of Geelong.*

30 Clause 11.02-1S – Supply of Urban Land includes strategy to:

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

*Ensure that sufficient land is available to meet forecast demand.*

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

...

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

31 Clause 11.02-2S – Structure Planning includes strategy to:

...

*Facilitate the preparation of a hierarchy of structure plans or precinct structure plans that:*

- *Take into account the strategic and physical context of the location.*
- *Provide the broad planning framework for an area as well as the more detailed planning requirements for neighbourhoods and precincts, where appropriate.*
- *Provide for the development of sustainable and liveable urban areas in an integrated manner.*
- *Assist the development of walkable neighbourhoods.*
- *Facilitate the logical and efficient provision of infrastructure.*
- *Facilitate the use of existing infrastructure and services.*

## 5 Planning Scheme Provisions

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32 Clause 11.02-3S – Sequencing of Development includes strategy to:

*Define preferred development sequences in areas of growth to better coordinate infrastructure planning and funding.*

*Ensure that new land is released in areas of growth in a timely fashion to facilitate coordinated and cost-efficient provision of local and regional infrastructure.*

33 The objective of Clause 11.03-1S – Activity Centres is:

*To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.*

34 The objective of Clause 11.03-2S – Growth Areas is:

*To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.*

35 Strategies for achieving this objective include:

...

*Implement the strategic directions in the Growth Area Framework Plans.*

...

*Protect and manage natural resources and areas of heritage, cultural and environmental significance.*

36 Clause 12.03-1S – River corridors, waterways, lakes and wetlands includes strategy to:

*Protect the environmental, cultural and landscape values of all water bodies and wetlands.*

*Ensure development responds to and respects the significant environmental, conservation, cultural, aesthetic, open space, recreation and tourism assets of water bodies and wetlands.*

*Ensure development is sensitively designed and sited to maintain and enhance environmental assets, significant views and landscapes along river corridors and waterways and adjacent to lakes and wetlands.*

## 5 Planning Scheme Provisions

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*Ensure development does not compromise bank stability, increase erosion or impact on a water body or wetland's natural capacity to manage flood flow.*

- 37 Clause 12.05-1S – Environmentally sensitive areas includes strategy to:

*Protect environmentally sensitive areas with significant recreational value from development that would diminish their environmental conservation or recreational values. These areas include the Dandenong and Macedon Ranges, the Upper Yarra Valley, Western Port and Port Phillip Bay and their foreshores, the Mornington Peninsula, the Yarra and Maribyrnong Rivers and the Merri Creek, the Grampians, the Gippsland Lakes and its foreshore, the coastal areas and their foreshores, Alpine areas and nominated urban conservation areas, historic buildings and precincts.*

- 38 The objective of Clause 12.05-2S – Landscape is:

*To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.*

- 39 Clause 13.03-1S – Floodplain management includes strategy to:

*Identify land affected by flooding, including land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority in planning schemes.*

*Avoid intensifying the impact of flooding through inappropriately located use and development.*

- 40 The objective of Clause 13.04-1S – Contaminated and potentially contaminated land is:

*To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.*

- 41 The objective of Clause 13.04-2S – Erosion and Landslip is:

*To protect areas prone to erosion, landslip or other land degradation processes*

- 42 Clause 13.05-1S – Noise Abatement includes strategy to:

*Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

## 5 Planning Scheme Provisions

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43 Clause 13.06-1S –Air quality management includes strategy to:

...

*Ensure, wherever possible, that there is suitable separation between land uses that reduce air amenity and sensitive land uses.*

44 The objective of Clause 13.07-1S –Land Use Compatibility is:

*To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.*

45 Clause 14.02-1S –Catchment planning and management includes strategy to:

...

*Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.*

46 Clause 14.03-1S –Resource exploration and extraction includes strategy to:

*Provide for the long-term protection of natural resources in Victoria.*

*Protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and acceptable environmental practice.*

...

*Develop and maintain buffers around mining and quarrying activities.*

...

*Determine buffer areas between extractive activities and sensitive land uses on the following considerations:*

- *Appropriate limits on effects can be met at the sensitive locations using practical and available technology.*
- *Whether a change of land use in the vicinity of the extractive industry is proposed.*
- *Use of land within the buffer areas is not limited by adverse effects created by the extractive activities.*
- *Performance standards identified under the relevant legislation.*
- *Types of activities within land zoned for public use.*

## 5 Planning Scheme Provisions

### 5.2 Local Planning Policy Framework

47 The following clauses within the Local Planning Policy Framework are relevant to the consideration of the amendment:

- Clause 21 - Municipal Strategic Statement
  - Clause 21.02 –City of Greater Geelong Sustainable Growth Framework
  - Clause 21.03 –Objectives –Strategies- Implementation
  - Clause 21.04 –Municipal Framework Plan
  - Clause 21.05 –Natural Environment
  - Clause 21.06 –Settlement and Housing

48 The Municipal Framework Plan at Clause 21.04 acknowledges the ABCL Land as a ‘major resource’.

49 Strategies relating to the natural environment are at Clause 21.05-2 and include the following in relation to waterways

*Ensure that land use and development avoids isolating wetlands and provides for connective water flows and vegetative links.*

*Ensure waterways and wetlands are not drained or adversely affected as a result of development.*

*Ensure development provides for appropriate buffer setbacks and fencing to waterways and wetlands.*

50 Strategies relating to biodiversity are set out at Clause 21.05-3 and include:

*Ensure that land use and development enhances areas of native vegetation and other habitats.*

*Ensure that land use and development minimises the fragmentation of areas of native vegetation and other habitats.*

51 Strategies relating to flooding are set out at Clause 21.05-7 and include:

*Ensure that land use and development is compatible with flood prone land.*

*Discourage land use and development in floodplains where flood function may be impaired.*

*Recognise flood hazards associated with waterways and ensure the free passage of water whilst protecting development from flooding impacts.*

## 5 Planning Scheme Provisions

52 Clause 21.06-1 acknowledges that Geelong is expected to grow by approximately 63,000 between 2006 and 2031. To accommodate the anticipated demand, approximately 41,000 new dwellings will be required.

53 It also acknowledged that Geelong's population is ageing and will need to provide a range of housing types that are close to urban services in order to meet anticipated demand. This will ideally be in the form of new urban development around activity centres and public transport infrastructure.

54 Clause 21.06-2 includes strategy that states:

...

*Maintain the Geelong Ring Road as the western boundary of urban Geelong.*

55 Furthermore, Clause 21.06-2 includes the following strategies:

...

*Ensure that land use and development does not compromise the capacity or potential future development of areas designated for future urban growth, as shown on the relevant Structure Plan or Urban Growth Plan.*

...

*Where possible use natural boundaries to define the edges of urban areas.*

56 Clause 21.06-5 –Heritage and identity includes strategy to:

*Protect places of Aboriginal cultural heritage significance.*

57 There are no Local Planning Policies that directly relate to the proposed Amendment.

### 5.3 Existing Zones

58 The ABCL land is included in the Special Use Zone –Schedule 7 (SUZ7).

59 The Moorabool River is understood to be Crown Land and is generally reflected by the alignment of the Public Conservation and Resource Zone that divides the ABCL land into two parts.

60 The land surrounding the ABCL is generally included in the Farming Zone and Rural Conservation Zone (Schedule 12).

## 5 Planning Scheme Provisions

61 The purpose of the Special Use Zone (Schedule 7 – Earth and Energy Resources Industry) is:

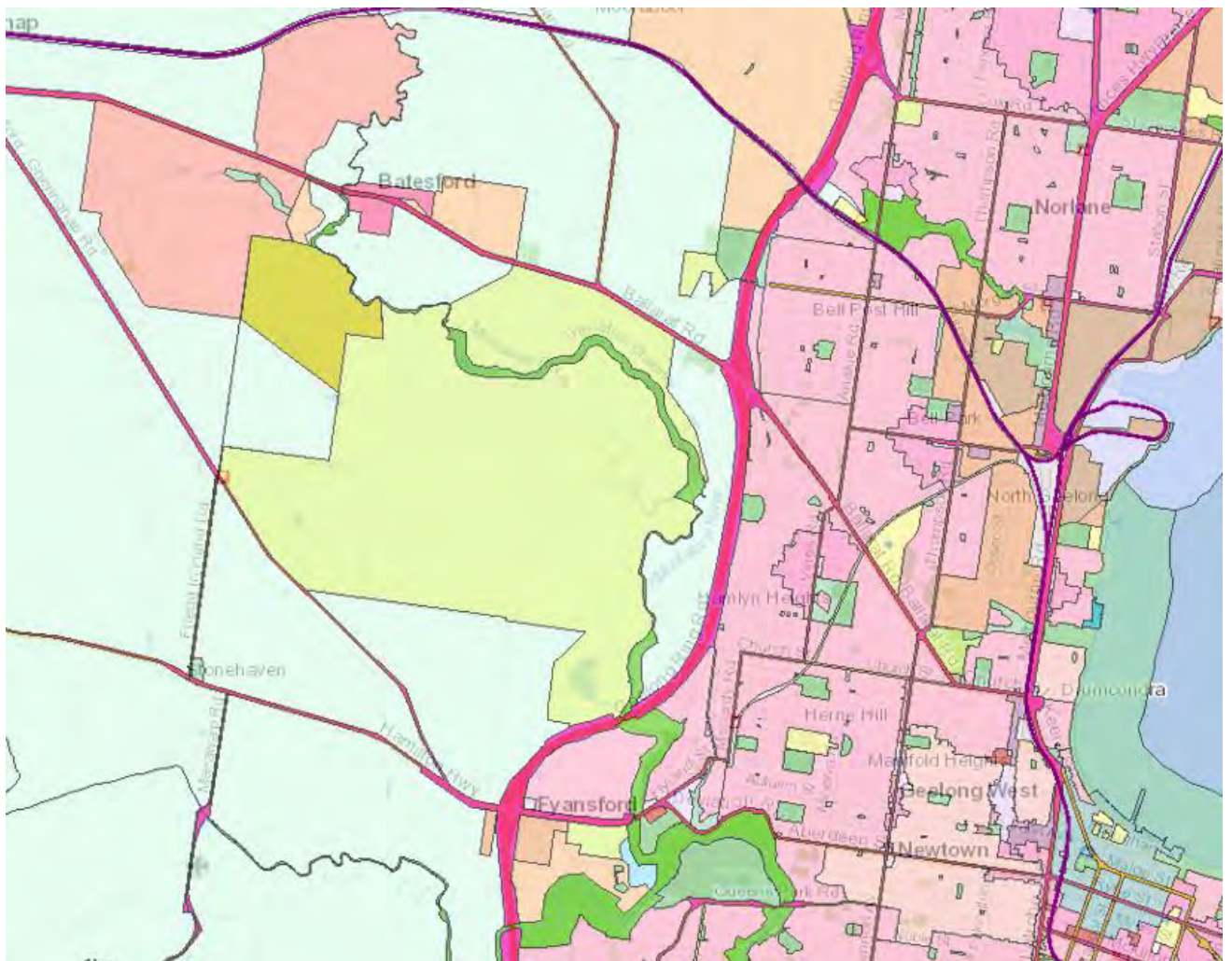
*To recognise or provide for the use and development of land for earth and energy resources industry.*

*To encourage interim use of the land compatible with the use and development of nearby land.*

*To encourage land management practice and rehabilitation that minimises adverse impact on the use and development of nearby land.*

**Figure 5.1**  
**ZONING MAP**

Source: VicPlan



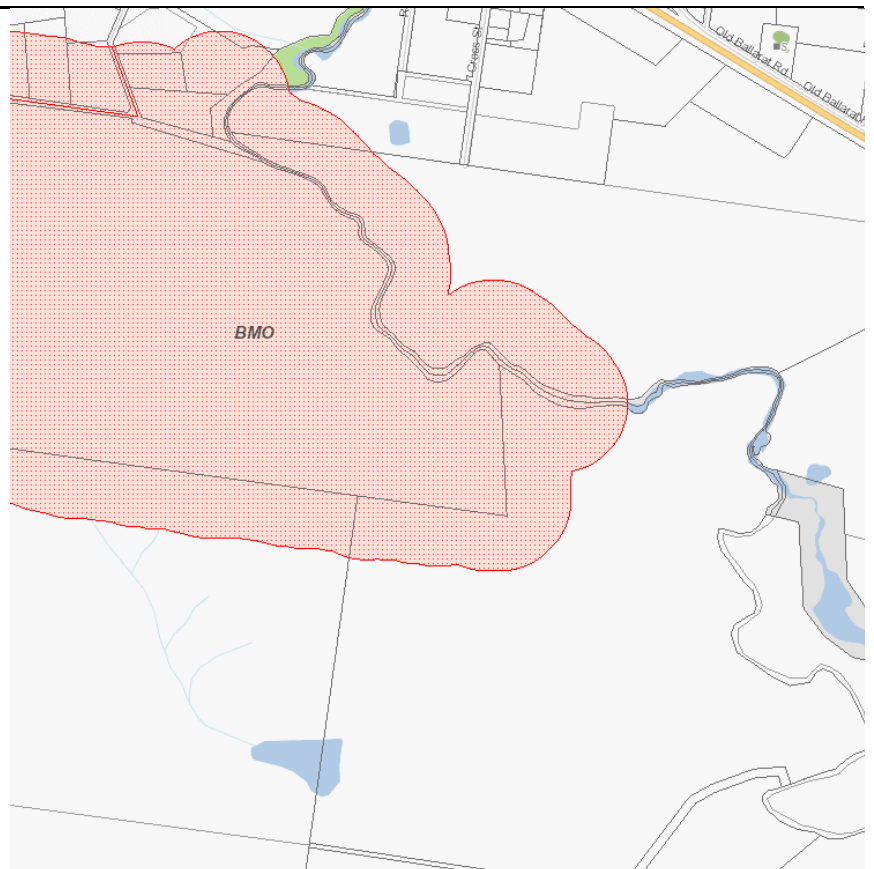
## 5 Planning Scheme Provisions

### 5.4 Existing Overlays

- 62 Part of the ABCL land is affected by the Bushfire Management Overlay as shown in Figure 5.2.
- 63 The ABCL land is otherwise unaffected by any other existing overlay.

Figure 5.2  
OVERLAY MAP

Bushfire Management Overlay



## 5 Planning Scheme Provisions

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### 5.5 Particular Provisions

64 The following particular and general provisions of the Planning Scheme are also relevant to this Amendment:

- Clause 52.08 – Earth and Energy Resources Industry
- Clause 52.09 – Stone Extraction and Extractive Industry Interest Areas
- Clause 53.10 – Uses with Adverse Amenity Potential

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### 5.6 Other Considerations

65 A number of strategic documents are relevant, including the following:

- *Plan Melbourne 2017-2050: Metropolitan Planning Strategy (Department of Environment, Land Water and Planning, 2017) (Plan Melbourne)*;
- *G21 Regional Growth Plan (Geelong Region Alliance, 2013)*;
- *City of Great Geelong Settlement Strategy (2018)*;
- *Northern and Western Geelong Growth Areas Framework Plan (2019)*;
- *The Commissioner for Better Regulation's report, Getting the Groundwork Right – Better regulation of mines and quarries (October 2017); and*
- *Joint ministerial statement on extractive resources (July 2018)*.

66 I have considered the above outlined strategic documents as appropriate in preparing this report.

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### 5.7 Ministerial Directions

67 The following Ministerial Directions and Practice Notes are relevant to the consideration of the proposed Amendment:

- Ministerial Direction – Form and Content of Planning Schemes
- Direction No. 1 – Potentially Contaminated Land
- Direction No.9 - Metropolitan Planning Strategy
- Direction No. 11- Strategic Assessment of Amendments;
- Direction No. 12 – Urban Growth Areas
- Direction No. 15 - The Planning Scheme Amendment Process
- Direction No. 19 - Ministerial Direction on the Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health and Ministerial Requirement for Information for Authorisation or Preparation of Amendments That May Significantly Impact the Environment, Amenity and Human Health

## 5 Planning Scheme Provisions

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- Planning Practice Note 4 – Writing a Municipal Strategic Statement
- Planning Practice Note 8 – Writing a Local Planning Policy
- Planning Practice Note 30 – Potentially Contaminated Land
- Planning Practice Note 46 – Strategic Assessment Guidelines
- Planning Practice Note 47 – Urban Growth Zone
- Planning Practice Note 89 – Extractive Industry and Resources

68 I have considered the above mentioned Ministerial Directions and Planning Practice Notes as appropriate in the preparation of this report.

# 6 Strategic Assessment

## 6.1 Overview

- 69 The strategic basis of Amendment C395 to the Greater Geelong Planning Scheme is sound.
- 70 It is informed by land supply, housing and demographic analysis that identifies projected housing needs. It introduces a settlement strategy that provides guidance in relation to housing growth including a preference for growth to be contained to specific areas. It includes strategy directed at protecting areas with distinctive landscape from urban development.
- 71 Northern Geelong & Western Geelong are identified as new growth areas that, together with urban infill and continued development of Armstrong Creek, are to accommodate the majority of the future housing needs for Geelong.
- 72 These growth areas are well located relative to urban Geelong to accommodate growth.
- 73 My evidence focuses on the Western Growth Area.
- 74 The boundaries of the Western Geelong Growth Area are logical. The Geelong-Ballarat rail line forms the northern boundary. The municipal boundary forms the western boundary. The Barwon River forms the southern boundary. The Geelong Ring Road is to the east and separates the Western Geelong Growth Area from urban Geelong.
- 75 It has convenient connections to urban Geelong via:
- Midland Highway/Ballarat Road;
  - Hamilton Highway; and
  - Creamery Road.
- 76 I note that the Panel in Amendment C129 observed that road links from Fyansford Area (the southern part of the Western Growth Area) are sparse. It observed that:

*Access to the rest of Geelong is via the Hamilton Highway including the narrow twisting Deviation Road adjacent to Zillar Crawcour Park. It is by no means obvious how other convenient links could be created. Simply observing that there is good connection to the Ring Road does not solve the problem of connection to the rest of Geelong. In planning for the growth of Geelong we think connection to the urban services of Geelong is probably going to be more important in creating liveable suburbs and a vibrant Geelong CBD than connection to a freeway and out of town services.*

- 77 Whilst it is so that the southern part of the Western Growth Area is to be connected to urban Geelong by the road network set out above, the northern part of the precinct benefits from a very direct connection via the Midland Highway providing good access to the services available in



## 6 Strategic Assessment

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urban Geelong and providing the opportunity for the increased population within this growth area to contribute to the vibrancy of the Geelong CBD.

- 78 The Framework Plan also proposes connections across the Geelong Ring Road to enhance connectivity.
- 79 It also has future potential connections to urban Geelong in the form of fixed rail via a potential station along the Geelong-Ballarat railway.
- 80 The Western Geelong Growth Area also comprises various landscape and environmental features that can be incorporated into a future urban structure to provide residents and future visitors with a high level of amenity.
- 81 The Moorabool and Barwon Rivers are also features that can be celebrated as part of the urban future, contributing to the open space, biodiversity and landscape quality of the precinct.
- 82 The quarry pit has the potential to transform into a substantial lake/waterbody to define this precinct and to provide significant recreational, visual and landscape benefit.
- 83 The Framework Plan regards the Quarry as being the centrepiece of the Western Geelong Growth Area. It identifies a vision where:
- Western Geelong will prosper as a district of lakeside neighbourhoods connected by healthy waterways and attractive open spaces that that strengthen Geelong's identity as a city built around water. (p.39)*
- 84 The Dogs Rock Flora and Fauna Sanctuary offers further opportunity to incorporate landscape and biodiversity values into the future urban structure of the precinct.
- 85 The topography and land form can also be managed to create a visually appealing urban future.
- 86 The Framework Plan generally proposes a future urban structure that honours these features and provides opportunity for various land uses including housing, employment, activity centres and open space areas.
- 87 The ambitious concept of the Clever and Creative Corridor is also promoted. It is envisaged as a tree-lined, boulevard style transit corridor that facilitates public transport connections, walking and cycling between activity centres, schools, community facilities and other social infrastructure.
- 88 It has the potential to become a major asset within the growth area subject to the careful consideration and management of its alignment and land use mix as part of the Precinct Structure Planning phase. It will be necessary for the alignment and width of the corridor to respond to features within the growth area, land form and topography. The land

## 6 Strategic Assessment

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use preferences within the corridor will also need to be determined during the Precinct Structure Planning phase with a practical understanding of site conditions and the land use requirements within the growth area.

- 89 The submissions made on behalf of Adelaide Brighton Cement Limited support the identification of Western Geelong as a Growth Area. The issues raised in the submission relate primarily to the phasing of development within the Growth Area, detailed design matters and infrastructure funding.
- 90 Given that part of the ABCL land has not been subject to quarrying, the majority of the quarry has been rehabilitated, current quarrying operation is limited to the eastern side of the pit and the remaining limestone resource is diminishing such that extractive activities will conclude in the short term (on my understanding 2025), the inclusion of the whole of this land in a single precinct identified for 'long term' (on my understanding 2035) release, does not respond to the site opportunity.
- 91 The detailed design considerations relate to the alignment of major roads. There is concern that the selected alignment does not provide an acceptable response to the topography of the land.
- 92 Infrastructure funding is a critical consideration for the Northern & Western Growth Area. Infrastructure funding implications are considered in the evidence of Matt Ainsaar.
- 93 The remainder of my report considers:
- Zoning within the Western Geelong Growth Area;
  - The sequencing of development;
  - The future urban structure of the precinct; and
  - The drafting of the proposed VPP tools.

## 6 Strategic Assessment

### 6.2 Zoning within the Western Geelong Growth Area

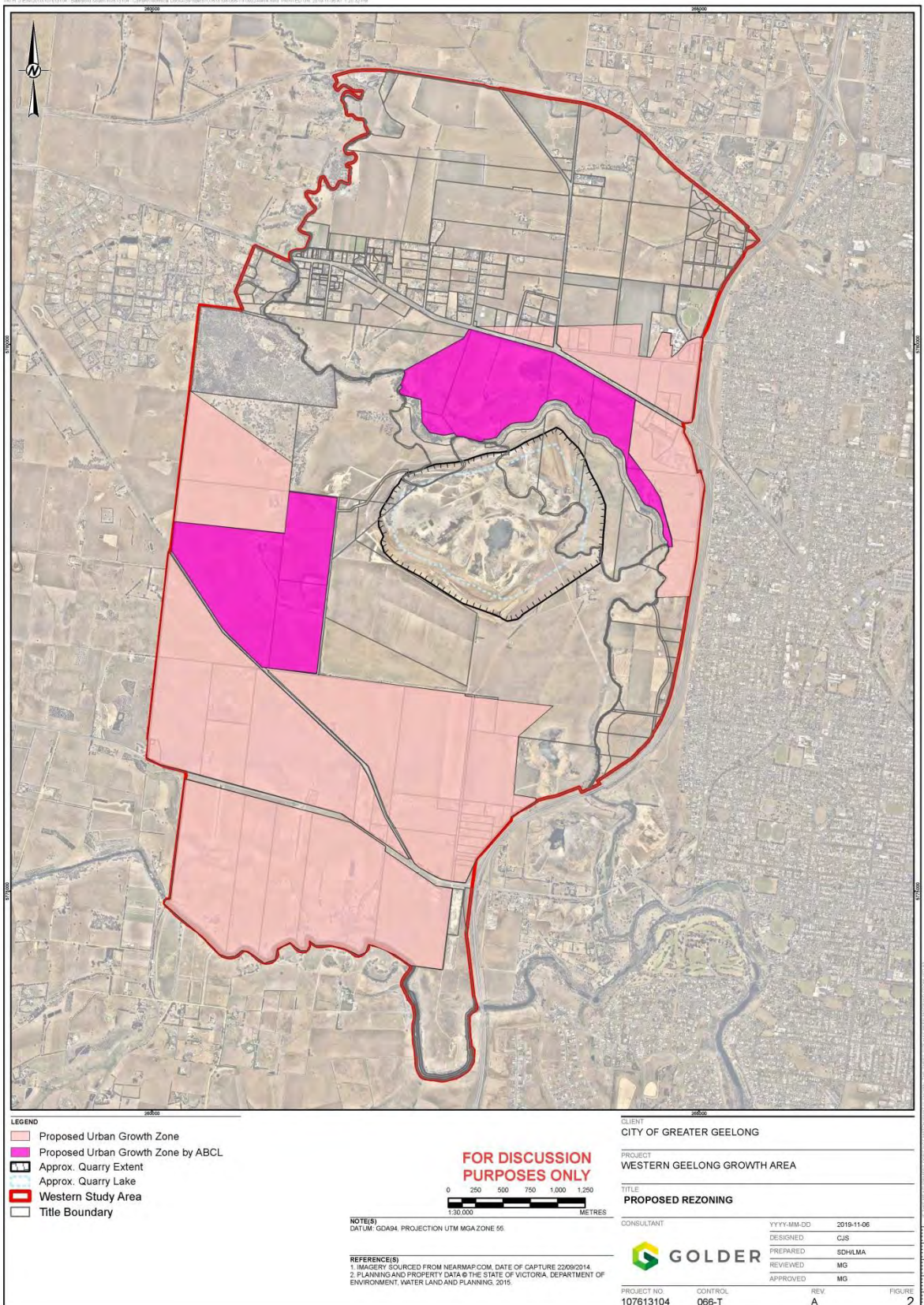
- 94 Amendment C395 proposed to include the majority of the land in the Urban Growth Zone. This is consistent with the identification of this land for urban growth in the Northern and Western Geelong Growth Areas Framework Plan.
- 95 There are some properties that are not proposed to be included in the Urban Growth Zone. In this regard:
- The Dogs Rocks Fauna and Flora Sanctuary is to continue to be included in the Rural Conservation Zone – Schedule 12;
  - An area to the east of the Batesford Township is to continue to be included in the Rural Living Zone;
  - The Myer’s Reserve will continue to be included in the Public Park & Recreation Zone;
  - Convent College will continue to be included in the Special Use Zone – Schedule 15 (Private Education);
  - The Batesford Quarry land will continue to be included in the Special Use Zone – Schedule 7;
  - Land to the north-west of the Batesford Quarry land (between Moorabool River and the Midland Highway) will continue to be included in the Farming Zone; and
  - The riparian zone of the Moorabool and Barwon Rivers will continue to be included in the Public Conservation and Resource Zone.
- 96 The strategic importance of extractive industries is well documented. The publication of the *Joint Ministerial Statement on Extractive Resources* by the Minister for Resources and the Minister for Planning in July 2018 and the publication of *Planning Practice Note 89 – Extractive Industry and Resources* confirm the need to consider the use of land within buffer areas, particularly where a change of use is proposed.
- 97 Given the operational horizon of the Batesford Quarry (quarrying anticipated to conclude in the short term (2025)) and the anticipated timing for the planning and release of land within the growth area, it is not necessary for the whole of this land to continue to be included in the Special Use Zone – Schedule 7.
- 98 The current application of the Special Use Zone – Schedule 7 is inconsistent with the current extent of Work Authority 3 (WA3) (Refer Figure 3.1) which authorises the extractive industry operation.

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- 99 The current boundary of WA3 is also inconsistent with the extent of the current operation and the extent of rehabilitation carried out to date. This Work Authority area boundary is proposed to be amended to relate to the current activities (refer Figure 3.1).
- 100 The Special Use Zone should be limited to the part of the land where quarrying and rehabilitation works are ongoing. The remainder of the land should be included in the Urban Growth Zone to provide a transparent understanding of the intended urban future.
- 101 The part of the ABCL land between the Moorabool River and the Midland Highway should be included in the Urban Growth Zone.
- 102 This part of the land is separated from the remainder of the ABCL land holding by the Moorabool River, fronts the Midland Highway and given its land form has a direct visual connection to the land to its north that is proposed to be included in the Creamery Road precinct.
- 103 It has the benefit of being accessible to urban Geelong via the Midland Highway.
- 104 I am advised that, with the exception of an historic quarry to the immediate north of part of the river, that this land has not been the subject of quarrying operations. I am also advised that the small quarry can be rehabilitated within the time frame of any Precinct Structure Planning process for this part of the land.
- 105 The western part of the land, known as the Balyarta Land, is outside the current and proposed Work Authority Area for the quarry and consistent with the land to its immediate north and south, it should also be included in the Urban Growth Zone.

### 6 Strategic Assessment

Figure 6.1  
ADDITIONAL REZONINGS



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### 6.3 The Sequencing of Development

- 106 To provide for an orderly release of urban land, the Western Geelong Growth Area is to be delivered in five discrete precincts.
- 107 The Creamery Road precinct is in the north-east quadrant of the growth area bound by the Geelong-Ballarat Railway to the north, the Geelong Ring Road to the east, the Midland Highway to the south and Geelong-Ballan Road to the west. It benefits from a vehicle connection over the Geelong Ring Road to Bell Post Hill. It is identified as being a short term precinct in the Framework Plan (pp. 234-235).
- 108 The Batesford North Precinct is in the north-west quadrant of the growth area bound by the Geelong-Ballarat Railway to the north, the Midland Highway to the south, Geelong-Ballan Road to the east and Moorabool River to the west. It is identified as being a medium term precinct.
- 109 The McCanns Lane Precinct is located in the southern part of the precinct. It is bound by Friend in Hand Road to the west, Hamilton Highway to the south, property boundaries to the east and a combination of property boundaries and Fyansford-Gheringhap Road to the north. It is identified as being a medium term precinct.
- 110 The Merrawarp Road Precinct is located at the southern extent of the growth area bound by the Hamilton Highway to the north, the Geelong Ring Road to the east, Merrawarp Road to the west and the Barwon River to the south. It is identified as being a medium term precinct.
- 111 The remainder of the land, containing the Batesford Quarry, is to be included in the Batesford South Precinct. It is identified as being a long term precinct.
- 112 The two northern precincts apply the Midland Highway as the southern boundary. In response to the ABCL submission, the Council Officer report observed that:
- ...Arterial roads provide a strong basis for defining PSP boundaries given that their future upgrade creates a substantial barrier between neighbourhoods and that they provide a fixed boundary at the early planning stage.*
- 113 Whilst it is the case that a road can form a PSP boundary, it is also necessary to consider whether there are any features (land form, water course, etc.) that form a natural boundary.
- 114 In the case of the Batesford Quarry land, there is a clear boundary that is established by the Moorabool River and the escarpment. The Moorabool River and the escarpment create a substantial barrier between the northern part of the ABCL land (that part with frontage to the Midland Highway) and the remainder of the ABCL land.
- 115 This land is better connected to the land on the north side of the Midland Highway and has a clear visual connection to this neighbouring land.

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116 The Western Geelong Growth Area Framework Plan describes connections between this part of the land and the precinct to the north. It also provides for a Neighbourhood Activity Centre that straddles the boundaries of each of the precincts.

117 Rather than adopting the Midland Highway as the southern boundary to Creamery Road Precinct, the Moorabool River should be applied as the boundary. It provides a distinct natural boundary to the south of this precinct.

118 Instead of being the southern boundary to the precinct, the Midland Highway can provide a clear connection from this modified precinct to urban Geelong. This is consistent with the approach to Development Sequencing described in the Framework Plan that observes:

*Commencing new urban development in proximity to existing neighbourhoods is generally preferred as it will allow nearby access to service new residents prior to the delivery of local infrastructure. Where possible, private sector investment and contributions toward early infrastructure provision will be fully explored to support the early stages of Geelong's new neighbourhoods.*

119 Action W5.2.3 of the Framework Plan, further observes that:

*Urban development will be supported that provides initial connections to urban Geelong via the Midland Highway and Hamilton Highway...*

120 This part of the land supports this outcome given the clear connection available to urban Geelong via the Midland Highway.

121 Action W5.2.3 of the Framework plan, continues to observe that:

*...Urban development south of the Midland Highway and north of McCanns Lane will be avoided in the short to medium term to ensure that the transition of the Batesford Quarry is undertaken in a strategic and consolidated manner.*

122 The part of the land between the Midland Highway and the Moorabool River does not form part of the active quarry operation. For the reasons set out above, it can be planned to transition to an urban use through a Precinct Structure Planning process.

123 The existing and proposed strategies at Clause 21.08-3 both support development which '*maximises the efficient delivery and use of development and community infrastructure*'.

124 The delivery of the Creamery Road precinct identifies the requirement to upgrade and duplicate the Midland Highway. This upgrade would benefit land to the north and south.

125 The inclusion of the Moorabool River in the Creamery Road Precinct

## 6 Strategic Assessment

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also provides an opportunity for the early delivery of the landscape, open space and biodiversity benefits associated with access to the linear space.

- 126 The boundaries to the McCanns Lane Precinct to the north-west should also be modified to include the land referred to as the Balyarta Land given that this land is located outside the existing and proposed Work Authority Area boundaries.

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### 6.4 Future Urban Structure

- 127 The Northern and Western Geelong Growth Areas Framework Plan – March 2019, generally provides an urban structure that is responsive to the physical context of the Western Geelong Growth Area.
- 128 The ABCL submission raises concern in relation to the alignment of western arterial road. Whilst the final alignment of this road is a matter that could be addressed as part of the Precinct Structure Plan, the level of specificity in on the Framework Plan and proposed Clause 21.20 will establish a ‘base-line’ position in any planning process that will need to be shifted in order to respond to the topographic difficulties in delivering the proposed alignment.
- 129 The submission raises concerns about the alignment given the topography, land form of this part of the land and point of crossing of the Moorabool River. It is supported by an engineering assessment that identifies an option to realign the road to better respond to these features.
- 130 The alignment of the western arterial road should be altered to consistent with the engineering analysis included in the ABCL submission.
- 131 In the event that the arterial road is realigned in this form, land to its east should be identified as ‘residential’ rather than ‘agriculture’ on the framework plan.
- 132 Whilst I have expressed support for the concept of the Clever and Creative Corridor there will be a need to consider the practicalities of land form and site features in its detailed planning. This may require some flexibility in the in the overall width of the corridor, its ultimate alignment and the land use activities that occupy its length.

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### 6.5 The drafting of the proposed VPP tools

- 133 The amendment generally makes appropriate use of the VPP tools.
- 134 I understand that the Council is currently in the process of reviewing the Local Planning Policy Framework to accord with the new format. It will be necessary for the LPPF clauses proposed by Amendment C395 to be translated/updated to adopt this new format. I understand that the Council will ultimately attend to this matter.
- 135 There is a need to modify clauses with the proposed Clause 21 (MSS) to more accurately reflect the status and operation of the Batesford Quarry.
- 136 The Framework Plan at Clause 21.04 should be amended to remove the reference to 'Major Resources' over the Batesford Quarry land. Given the acknowledgement by the Department of Jobs, Precincts and Regions in its submission dated 25 July 2019 of the *significant depletion of extractive resources* within the Batesford Quarry and given the intention of the operators to conclude quarrying of the resource by 2025, the reference to 'Major Resources' overstates the significance of the available resource.
- 137 The second and third strategies at Clause 21.06-3 are unnecessary and should be deleted.
- 138 The footer of Clause 21.06 should also be corrected to reference the correct provision (Clause 21.06 rather than Schedule 6 to the Special Use Zone).
- 139 The second last objective of proposed Clause 21.20 –Northern and Western Geelong Growth Areas should be modified to read:
- To manage the transition of the Batesford Quarry to a recreational lake.*
- 140 The second and third last strategies of proposed Clause 21.20 –3 are unnecessary and should be deleted given that they follow a strategy to:
- Complete rehabilitation of the Batesford Quarry to an urban standard prior to urban development in its proximity. Complete detailed master planning of the transformation of the quarry to a recreational lake and detailed geotechnical and groundwater assessment prior to commencement of a precinct structure plan.*
- 141 In any event, I am advised that there is no blasting associated with the operation of the Batesford Quarry. On this basis, the second land strategy of proposed Clause 21.20 –3 is not necessary.
- 142 It is common for urban growth areas to plan around existing extractive industry operations as they provide the raw materials needed to support urban development. In these instances, appropriate buffer distances, and potential end uses can be determined as part of the preparation of the individual PSP/s. The Western Geelong Growth Area

## 6 Strategic Assessment

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is no different in that appropriate buffers can be incorporated into the future urban structure plans at PSP stage.

- 143 Long term strategic planning for Metropolitan Melbourne includes the Growth Corridor Plans which affect four nominated growth corridors. These are the North, West, Sunbury and South East Growth Corridor Plans.
- 144 In some instances, the Growth Corridor Plans recognise the location of extractive industry. Some also identify buffer areas by way of future 'non-urban/utilities', 'industrial' or 'biodiversity value' areas.
- 145 There are also examples of current extractive industries locations where the Growth Corridor Plans identify future land use.
- 146 Specific examples of completed PSPs that recognise extractive industries include:
- Thompsons Road PSP – which identifies the extent of WA190 which is a Clay/Clayshale quarry operated by Daniel Robertson Pty Ltd. Future land use that includes 'major town centre' has been detailed for this land.
  - Wollert PSP – Identifies the extent of WA393 that partly falls within the PSP area and which is a Basalt quarry operated by Hanson Construction Materials Pty Ltd. Future land use as 'extractive industries' has been identified for the land. A buffer of 'general light industrial' has been identified as an area where 'construction restrictions apply'.
- 147 Specific examples of PSP areas where a PSP has not been prepared include:
- Botanic Ridge – Stage 4 – identified on the South East Growth Corridor Plans as 'existing urban'. The VPA Interactive Status Map identifies that, despite the land being shown as 'existing urban', that a PSP will be prepared and has not been started. The PSP area appears to reflect WA441 and surrounds which is a Clay, Sand and Gravel quarry operated by Stevenson Bros Industries Pty Ltd
  - Hampton Park South – identified as 'non-urban/utilities on the South East Growth Corridor Plan. A PSP has not been started. The PSP area appears to reflect WA18 and surrounds which is a Sand & Gravel quarry operated by SITA Resourceco Alternative Fuels Pty Ltd
- 148 The second last point of Clause 21.20-4 under the heading Applying Zones and Overlays should be modified to read:

*Existing Special Use Zone applying to the Batesford Quarry Works Authority area.*

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## 6 Strategic Assessment

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- 149 The identification of 'Further Work ' at Clause 21.20-4 should be modified to read:

*Include the remainder of the Batesford Quarry land in the Urban Growth Zone, once the necessary rehabilitation works to an urban standard have been documented.*

- 150 The Framework Plan Map at Clause 21.20-5 should be amended to alter the alignment of the western arterial road with associated logical re-alignment of the land use preferences.

# 7 Conclusion

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- 151 The strategic basis of Amendment C395 is sound.
- 152 The amendment follows detailed land supply, housing and population studies.
- 153 The Western Geelong Growth area is well located relative to urban Geelong to accommodate anticipated population growth. The boundaries of this growth area are logical.
- 154 Part of the Batesford Quarry land is available to be planned for future urban development. It should be included in the Urban Growth Zone to acknowledge this opportunity.
- 155 The northern part of the Batesford Quarry Land is conveniently accessibly to urban Geelong. Given the land form it has a clear relationship to the Creamery Road Precinct. The southern boundary of this precinct should be defined by the Moorabool River rather than the Midland Highway.
- 156 I have also recommended some changes to the drafting of the VPP tools.



MARCO C NEGRI  
DIRECTOR  
CONTOUR CONSULTANTS AUST PTY LTD

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# Attachment 1

## Expert Witness Declaration

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**A1**

**Attachment 1 - Expert Witness Declaration**

<b>Name and Address</b>	Marco Cristoforo Negri is a Director of Contour Consultants Australia Pty Ltd, Town Planners and Practices from Level 1, 283 Drummond Street, Carlton, in Victoria.
<b>Professional Qualifications</b>	Bachelor of Applied Science (Planning) Graduate Diploma of Planning & Design Member of the Planning Institute of Australia
<b>Professional Experience</b>	1986-1995: Town Planner in Local Government 1995-2002: Senior Town Planning Management in Local Government 2002-Present: Town Planning Consultant
<b>Areas of Expertise</b>	Strategic and Statutory Planning. Planning assessment of land use and development applications including major retail, residential and commercial developments. Expert advice to local government on a variety of statutory and strategic planning projects including policy development in relation to housing, retail, environmental and heritage issues. Advice to commercial clients covering the management of urban development.
<b>Expertise to Prepare this Report</b>	Professional training and experience in town planning and specialist experience in both residential and commercial development.
<b>Instructions which Defined the Scope of this Report</b>	I received instructions from Norton Rose Fulbright Australia, on behalf of Adelaide Brighton Cement Limited (ABCL), to consider the town planning implications of proposed Amendment C395 to the Greater Geelong Planning Scheme.
<b>Facts, Matters and Assumptions Relied Upon</b>	<ul style="list-style-type: none"> <li>• Familiarised myself with the Subject Land and surrounds;</li> <li>• Reviewed the provisions of the Planning Scheme;</li> <li>• Reviewed and considered the exhibited version of the Amendment and relevant background reports and accompanying material which informed the Amendment;</li> <li>• Reviewed the submissions received in response to the public exhibition of the Amendment;</li> <li>• Reviewed the Council Officer Reports associated with the Amendment as contained in the Agendas to Council Meetings;</li> <li>• Reviewed relevant Ministerial Directions and Practice Notes; and</li> <li>• Reviewed relevant strategy documents including the Northern and Western Geelong Growth Areas Framework Plan (2019)</li> </ul>
<b>Documents Taken Into Account</b>	Refer documents described in above and in the Statement.
<b>Identity of Persons Undertaking the Work</b>	I prepared this report.

**Attachment 1 - Expert Witness Declaration**

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**Relationship with Applicant**

I have no private or business relationship with the proponent, other than being engaged to prepare this report.

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**Summary of Opinion**

Refer to Report.

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I have made all the 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.

MARCO C NEGRI  
DIRECTOR  
CONTOUR CONSULTANTS AUST PTY LTD

