

*Planning and Environment Act 1987*

**Panel Report**

**Greater Geelong Planning Scheme Amendment C395ggee  
Settlement Strategy and Northern and Western Geelong  
Growth Areas Framework Plan**

**14 May 2020**

### How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment. [section 27(1) of the *Planning and Environment Act 1987* (the Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the Act]

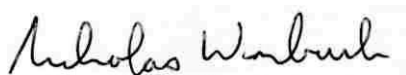
*The Panel would like to acknowledge the recent passing of Mr Phil Bisset of Minter Ellison Lawyers. Mr Bisset was an advocate before this Panel and a long-term advocate in front of Planning Panels. Mr Bisset was known for his intellect, good humour and an advocate who truly knew how to balance the needs of his clients with his duty to a Panel. He will be sorely missed in the planning and legal community.*

*Planning and Environment Act 1987 section 25 Panel Report*

*Greater Geelong Planning Scheme Amendment C395ggeegee*

*Settlement Strategy and Northern and Western Geelong Growth Areas Framework Plan*

*14 May 2020*



Nick Wimbush, Chair



John Hartigan, Member



Deanne Smith, Member

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## Glossary and abbreviations

|                     |   |
|---------------------|---|
| ABCL                | Adelaide Brighton Cement Ltd                                |
| Act                 | <i>Planning and Environment Act 1987</i>                    |
| ACUGA               | Armstrong Creek Urban Growth Area                           |
| ACUGP               | Armstrong Creek Urban Growth Plan                           |
| Boral               | Boral Ltd and Blue Circle Southern Cement Ltd               |
| CCC                 | Clever and Creative Corridor                                |
| Chemring            | Chemring Australia  |
| Council             | City of Greater Geelong                                     |
| DAL                 | Distinctive Areas and Landscapes                            |
| DELWP               | Department of Environment, Land, Water and Planning         |
| DFC                 | DFC Services Pty Ltd  |
| Framework Plan      | Growth Areas Framework Plan                                 |
| Geelong Solid Waste | Geelong Solid Waste Materials Reveal and Processing Pty Ltd |
| GGATS               | Geelong Growth Areas Transport Infrastructure Strategy      |
| GRZ                 | General Residential Zone                                    |
| Lascorp             | Lascorp Development Group                                   |
| LBDG                | Lovely Banks Development Group                              |
| L Bisinella         | L Bisinella Development                                     |
| LEMMP               | Lara Energetic Materials Manufacturing Plant                |
| Lexnorm             | Lexnorm Investments)  |
| MDD                 | Mount Duneed Developments                                   |
| MHF                 | Major Hazard Facility                                       |
| NGGA                | Northern Geelong Growth Area                                |
| NRZ                 | Neighbourhood Residential Zone                              |
| NWGGA               | Northern and Western Geelong Growth Area                    |
| PPF                 | Planning Policy Framework                                   |
| PSP                 | Precinct Structure Plan                                     |
| Purdies             | Purdies Paddock Pty Ltd                                     |
| Ramsay              | Ramsay Property Group                                       |
| RGZ                 | Residential Growth Zone                                     |

|                  |   |
|------------------|---|
| Riverlee         | Riverlee Heights                            |
| RLZ              | Rural Living Zone                           |
| Shell Road       | Shell Road Developments                     |
| SPP              | Statement of Planning Policy                |
| Strategy         | Settlement Strategy                         |
| SUZ              | Special Use Zone                            |
| UGZ              | Urban Growth Zone                           |
| VCAT             | Victorian Civil and Administrative Tribunal |
| VPA              | Victorian Planning Authority                |
| VPP              | Victoria Planning Provisions                |
| Wallington Group | Wallington Group of Landowners              |
| WGGA             | Western Geelong Growth Area                 |
| WIP              | Western Industrial Precinct                 |

## Overview

### Amendment summary

|                           |   |
|---------------------------|---|
| <b>The Amendment</b>      | Greater Geelong Planning Scheme Amendment C395ggee  |
| <b>Common name</b>        | Settlement Strategy and Northern and Western Geelong Growth Areas Framework Plan  |
| <b>Brief description</b>  | Implement the City of Greater Geelong's Settlement Strategy (2018) and Northern and Western Geelong Growth Areas Framework Plan (2019) into the planning scheme   |
| <b>Subject land</b>       | All land in the municipality with specific policy affecting the Northern and Western Geelong Growth Areas   |
| <b>The Proponent</b>      | City of Greater Geelong   |
| <b>Planning Authority</b> | City of Greater Geelong   |
| <b>Authorisation</b>      | Authorisation was provided on 31 May 2019 with conditions relating to: <ul style="list-style-type: none"> <li>• Coordinating with the DAL project</li> <li>• Native vegetation and biodiversity in the growth areas</li> <li>• Local Planning Policy Framework translation</li> </ul>   |
| <b>Exhibition</b>         | 23 June to 29 July 2019   |
| <b>Submissions</b>        | A total of 102 submissions were received during the exhibition period. Of these, 61 submissions related to the Framework Plan and 27 to the Settlement Strategy, and 14 to both. Seven submissions supported the Amendment, with the remaining requesting changes or making objections. A full list of submitters is attached in Appendix A |

### Panel process

|                           |   |
|---------------------------|---|
| <b>The Panel</b>          | Nick Wimbush (Chair), John Hartigan and Deanne Smith  |
| <b>Directions Hearing</b> | City Hall, Geelong, 14 October 2019   |
| <b>Panel Hearing</b>      | Geelong (City Hall or Library) <ul style="list-style-type: none"> <li>- 12, 13, 14, 18, 19 November 2019</li> <li>- 12, 13, 14 February 2020</li> </ul> Melbourne (Planning Panels Victoria) <ul style="list-style-type: none"> <li>- 20, 25, 26, 27 November 2019</li> <li>- 3, 4, 5, 6, 9, 16, 17, 18, 19, 21 December 2019</li> <li>- 28, 30, 31 January 2020</li> <li>- 3, 10, 11 February 2020</li> <li>- 16, 18 March 2020</li> </ul> |

|                            |  |
|----------------------------|--|
| <b>Site inspections</b>    | Accompanied on 15 November 2019 (Council organised bus tour of whole Amendment area).<br>Accompanied (limited numbers) on 20 February 2020 of the Lovely Banks Development Group and Boral holdings.<br>Numerous unaccompanied inspections of various parts of the Amendment area as a Panel and individual members. |
| <b>Appearances</b>         | See Appendix B   |
| <b>Citation</b>            | Greater Geelong PSA C395ggee [2020] PPV  |
| <b>Date of this Report</b> | 14 May 2020  |

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## **Executive summary**

### **(i) COVID-19**

The COVID-19 virus sent the Victorian, national and global community into lockdown in early 2020. The last Hearing day for this Amendment, Day 28, was held in an environment where a limited number of advocates, an expert and the Panel socially distanced in Hearing Room 1 at Planning Panels Victoria while another advocate already locked down participated by video link.

The Panel has no more insight than anyone into what Victoria and the Geelong community will be like in a post COVID-19 world, or even when that will occur. The Panel has based its considerations, as it must, on the pre-COVID-19 world and matters brought before it at that time.

Whatever the future implications for Geelong, the Panel is satisfied that the enormous work done to date leading to this Amendment will form a critical and well-founded platform for Geelong's future.

### **(ii) The Amendment**

Greater Geelong Planning Scheme Amendment C395ggee (the Amendment) has two major components; to implement the Geelong-wide Settlement Strategy (the Strategy) and the Northern and Western Geelong Growth Areas Framework Plan (the Framework Plan) into the planning scheme.

The Amendment implements a 20 year plan for Geelong to cater for a very significant population increase. The Panel commends Councils for taking a visionary approach to growth area and settlement planning to accommodate the growth in a logical planned manner.

### **(iii) Submissions**

The Amendment was exhibited in mid-2019 and attracted 102 submissions. A significant number of submissions on the Strategy were concerned with the 'pivot' in policy of some Bellarine settlements from growth centres to more limited development opportunities and the setting of 'permanent' town boundaries. Other submissions supported this approach.

Other major landowners saw the Strategy as an avenue to press their claims for inclusion of land parcels within the short to medium term growth picture for Geelong.

The Framework Plan generally received strong high-level support in submissions, with the provision of two large growth areas that will provide the bulk of Geelong's medium-long term growth, and with infill development taking over the housing provision load from Armstrong Creek. A small number of submitters objected to the growth areas.

Many submitters on the Framework Plan were landowners interested in the development of the growth areas, either via expedited timing for their holdings, or raising issues around the planning for development such as infrastructure funding and development sequencing.

Nearly all if not all of these submitters were strongly in support of the Amendment but have sought through the Panel process to make significant 'tweaks' to the Amendment via changes to wording in the Framework Plan or its translation into the planning scheme.

Very few submissions if any called for the abandonment of the Amendment as a whole, testament to the strategic planning work that Council has put into the Amendment over the past several years.

**(iv) The Panel Hearing**

The Panel held 28 days of Hearing in Geelong and Melbourne and undertook two accompanied site inspections and numerous unaccompanied inspections. Because of the scale of the Amendment the Hearings were complex and many of the submitters were landowners represented by legal advocates and calling expert evidence. More than 50 pieces of expert evidence were called in traffic engineering, planning, infrastructure planning, stormwater management, ecology, noise, dust, economics and land supply.

In addition, a small number of concerned individual submitters expressed their views in support of, or opposition to, particular parts of the Amendment.

**(v) Panel findings - Settlement Strategy**

The Strategy is aimed at looking at the totality of Geelong and directing at a strategic level where future growth will occur. This includes a policy 'pivot' from providing growth areas in some Bellarine Peninsula towns (primarily Ocean Grove and Leopold) and directing this growth to the Northern and Western Geelong Growth Areas (NWGGA) and the continuing development of Armstrong Creek.

In addition to this significant policy change from Council, the State Government has declared the Bellarine and Surf Coast Distinctive Areas and Landscapes (DAL) under the *Planning and Environment Act 1987* (Part 3AAB). The declarations occurred in mid-late 2019 and a State policy development process is underway.

The Panel considers that the conscious policy change away from further significant urban growth on the Peninsula is a choice Council has made; it is not for the Panel to interrogate this choice in principle. The change, in conjunction with the provision of significant new growth areas in the west and north, makes a powerful case for Council having an overall plan to accommodate growth.

The DAL declaration and planning process has been developed and implemented by the State Government. It is not for the Panel to challenge or question this process.

The big area of contention behind the Council policy 'pivot' and the DAL process is not so much the question in principle of whether there should be eventual township boundaries to limit growth on the Bellarine, but rather where those boundaries should be. One school of thought in submissions suggests township boundaries should be closely tied to existing residential zoned land or land already identified in the planning scheme as suitable for rezoning. The other school of thought in submissions, unsurprisingly often advanced by landholders with existing development interests on the edge of Bellarine towns, is that if an eventual town boundary is proposed, the identification of such boundaries should provide the opportunity to bring in additional land on the edges of existing towns for inclusion in the 'final' town boundary.

For an Amendment that does not set any town boundaries, the Panel has felt significant pressure to make findings on the issue in principle and even on particular landholdings as to

whether they should be ‘in’ or ‘out’ of eventual town boundaries. This of course it has not been tempted to do; that would be straying far outside of its remit.

The Panel does however consider that at the planning principles level, and this is explicit in some parts of the planning scheme such as for Ocean Grove, that this further review prior to the ‘locking down’ of town boundaries should be considered. This is not an explicit or implicit endorsement of any particular submission requesting inclusion in a Bellarine township boundary.

Rather it is expressing the view that some form of review should be undertaken for Bellarine townships, whether through the DAL process or structure plans as envisaged in the planning scheme.

It is neither fair, nor sound planning, to ‘shut the gate’ at a particular point of time without a logical review of what is inside or outside the paddock at the point in time when the gate shuts.

For other parts of Geelong addressed in the Strategy, the Panel considers these can be broken down into a ‘logical inclusions’ process and a ‘strategic landholdings’ group. In the former the Panel considers there are a number of parcels that have been identified in submissions, and probably others, that could be included in the urban area in the Strategy, and there are a number of examples discussed later in the report where it would seem to make sense and be sound planning to include them within the urban area. Again, the Panel does not try to pick ‘winners and losers’ but supports such a process being undertaken.

The ‘strategic landholdings group’ as termed by the Panel includes the Western Industrial Precinct (WIP) within Armstrong Creek and the Boral landholding further west. These are very significant landholdings which the Panel considers will have an important part to play in the future growth and development of Geelong.

The WIP clearly needs to be considered within the broader picture of Armstrong Creek and Geelong’s growth. A large portion of the WIP is in a single ownership, and the owners expressed a strong desire to consider an urban residential, rather than industrial, future. The Panel notes the submissions on this land but considers it is in no stronger a position than to note the submission for future consideration. Changing the future land use for such a major parcel of land will require a specific investigation.

The significant land holdings owned by Boral in Waurin Ponds appear to the Panel to be a strategic land resource for the future of Geelong that will require careful planning, and perhaps in conjunction with the future land use in the WIP. The Panel is satisfied that the medium to long term future of the land is not in the quarry resource, but rather as an alternative, higher economic value land use, probably including urban uses.

The Panel considers that such future land use planning is in its infancy and given Council’s measured strategic approach to growth area planning, the ‘bringing on’ of this land should be undertaken carefully and strategically. The Panel has thus recommended that the Boral land be identified at a high level for potential future urban growth, but no more strongly than this, and with no great imperative to bring the land forward for development with a sense of urgency.

**(vi) Panel findings - Northern and Western Geelong Growth Areas Framework Plan**

There was strong support for the work Council has undertaken in bringing the NWGGA forward for planning and development. As discussed above a number of submitters made strong representations to the Panel about development sequencing and timing and infrastructure funding amongst others.

Many of these issues are appropriately addressed at the Precinct Structure Plan (PSP) stage and the detail of infrastructure provision, road alignments and so on will be debated and finalised through those processes. Whilst the Framework Plan does provide a higher level of apparent detailed design, including 'draft' PSPs, the Panel considers that provided the reference to the Framework Plan allows appropriate flexibility to make changes where it is warranted in PSPs then this should not be a major impediment to growth area planning and development.

The Panel understands the sequencing of PSPs that has been proposed in the Framework Plan by Council and notes it is based on a logical, ordered process for providing growth areas, and one that can be accelerated if growth occurs faster than planned. The Panel considers however that while the sequencing proposed may be a good starting point, there should be flexibility in PSP preparation and implementation to allow different arrangements to come forward when it is shown there is potential for a superior outcome.

The Panel has not attempted to devise its own sequencing scheme based on submissions, as that would merely be a different approach, and not necessarily superior. The Panel has however based on submissions, attempted to recommend a more flexible approach to determine the final precincts and PSP sequencing.

A major issue that will be critical for the success of the growth areas is infrastructure funding and apportionment of large-scale infrastructure projects across many PSP areas within the two growth areas. It would seem to the Panel that there is merit in a layered scheme to fund large scale (expensive) projects across a whole growth area, possibly including state funding, and then having a more traditional precinct scale DCP or ICP to fund the precinct specific infrastructure.

The Panel has not strongly concluded that there is one perfect answer but after considering submissions does conclude that it is vital that flexibility is retained to enable further consideration of options for funding infrastructure. In its view, the proposed planning scheme ordinance (at Clause 21-08) does provide sufficient flexibility and does not, for example, preclude the adoption of a global ICP/DCP for the growth areas should further work in progress demonstrate that such an approach is the best way to fund and deliver key infrastructure.

The Clever and Creative Corridor (CCC) concept was generally supported by submitter landowners with some reservations as to detail. In the Western Geelong Growth Area (WGGA) it was suggested that the CCC should be placed west of the Batesford Quarry. The Panel has not accepted that submission.

Activity centre locations attracted numerous submissions. In response to these Council has agreed to some changes to activity centre number and location in the Northern Geelong Growth Area (NGGA) which the Panel supports.

**(vii) The Settlement Strategy and Framework Plan documents**

Many submitters to the Strategy and Framework Plan sought to have the Panel redraft the documents or at the least recommend the inclusion of specific wording. The Panel has generally avoided this approach. Rather it provides recommendations that should help Council redrafting.

The Panel is aware that the documents have been drafted over many years by teams of Council staff and consultants and trying to 'remake them in our own image' would be a difficult task within the timeframes expected of a Panel to report. More than this for every specific change made or recommended, there would be many others missed and it would, the Panel believes, be a most unsatisfactory exercise for all concerned.

Where the Panel considers critical changes to the documents need to be made, recommendations have been made, even if the detailed drafting is not included.

**(viii) Overall conclusions**

The Panel concludes:

- Geelong has undergone a sustained period of high population growth which is predicted to continue
- The Amendment is a well thought out and visionary response to logically cater for this predicted growth
- Whilst there were some outright objections and many requests for changes, the Panel considers there is a high level of support for the overall direction of the Amendment, and particularly the Framework Plan
- The refocusing of long-term growth away from the Bellarine Peninsula is a conscious policy decision of Council and the State Government; implementation of this policy requires some further consideration of long term or permanent settlement boundaries
- Subject to addressing some issues of principle and detail, the Panel strongly supports the Amendment.

**Recommendations**

Based on the reasons set out in this Report, the Panel recommends:

- 1. Adopt Greater Geelong Planning Scheme Amendment C395ggee as exhibited subject to the changes recommended in this report.**

**Settlement Strategy**

- 2. Revise the Settlement Strategy to clearly articulate that for the Bellarine Peninsula, the process to finalise an enduring boundary for Geelong will be:**
  - Secured by the Distinctive Areas and Landscapes program; and
  - If not addressed by the Distinctive Areas and Landscapes, through the proposed review of structure plans; or
  - Where no Structure Plan review is proposed in the near future, then the logical inclusions process as described in the Settlement Strategy.
- 3. Council consider revising the Settlement Strategy to identify the Boral land as an 'Investigation Area' for future urban development.**

## **North and Western Geelong Growth Areas Framework Plan**

- 4. Add a preamble to the North and Western Geelong Growth Areas Framework Plan (March 2019) to:**
  - clearly state its purpose
  - provide flexibility in its interpretation in the next stages of the planning process
  - confirm that the Precinct Structure Plans included in the Framework Plan are concept plans only that will be subject to change through the process of preparing Precinct Structure Plans for the precincts in the Northern and Western Geelong Growth Areas.
- 5. Amend the exhibited Clause 21.20 by adopting the changes proposed by Council as set out in Document 245 to the Hearing with the deletion of the last dot point under Clause 21.20-3 Strategies.**
- 6. In relation to the transport network:**
  - a) Retain the 14 metre wide reservation for the Clever and Creative Corridor in the North and Western Geelong Growth Areas Framework Plan**
  - b) Remove the measurement details for the Clever and Creative Corridor from the North and Western Geelong Growth Areas Framework Plan**
  - c) Add a description to the Clever and Creative Corridor section in the North and Western Geelong Growth Areas Framework Plan to make it clear that the interim and ultimate configurations of the Clever and Creative Corridor as described and depicted in the North and Western Geelong Growth Areas Framework Plan are conceptual only and there will be variability in the abutting land uses and development as determined through the preparation of the Precinct Structure Plans**
  - d) Add an annotation to the Framework Plan map to state that the alignments shown for the road network are indicative and may be subject to change following further analysis and assessment at the Precinct Structure Plan preparation stage, or words to that affect**
  - e) Amend the description of the symbol shown on the North and Western Geelong Growth Areas Framework Plan map with respect to the Creamery Road upgrade to clarify that the upgrade will not include an interchange with the Geelong Ring Road**
  - f) Retain the classification of Evans Road as an arterial road between the two growth areas on the North and Western Geelong Growth Areas Framework Plan**
  - g) Review the references to Evans Road in the North and Western Geelong Growth Areas Framework Plan to clarify which parts of Evans Road will be duplicated rather than just upgraded.**
- 7. Amend the North and Western Geelong Growth Areas Framework Plan in the Northern Geelong Growth Area to change the location of the subregional activity centre and split the neighbourhood centre into two centres as proposed by the Lovely Banks Development Group.**

8. **Make any subsequent necessary changes to North and Western Geelong Growth Areas Framework Plan background document arising from Recommendation 7.**
9. **Add the following strategy to Clause 21.20-3:**
  - *Undertake a detailed biodiversity assessment prior to any Precinct Structure Plan being approved, that ensures that Commonwealth, State and local protection of high value biodiversity assets is reflected in strategic and statutory planning.*
10. **Revise the text on Plan 12 to say:**
  - *LEMMP (1,000 metre default buffer, subject to technical confirmation).*
11. **Revise the first bullet point under Action N.1.7.7 to say:**
  - *A default buffer of 1,000 metres to the Lara Energetic Material Manufacturing Plant, subject to technical confirmation.*
12. **Revise the text under the Action N.1.7.7 to say:**
  - *No additional sensitive land uses, including residential development and community facilities, will be permitted within these buffers. At the time of the preparation of the PSP the buffers should be reviewed to determine accurate, evidence-based buffers.*

#### **Amendment documentation**

13. **Revise the Northern and Western Geelong Growth Area Framework Plan, Settlement Strategy and Amendment documentation as relevant in accordance with:**
  - a) **The City of Greater Geelong changes as shown in Appendix D to this report; and**
  - b) **The revised planning scheme ordinance shown in documents 238 - 246 of the Hearing tabled documents; but**
  - c) **13a) and 13b) above modified as relevant by the recommendations in this report.**

# 1 Introduction

## 1.1 The Amendment

### (i) Amendment description

Greater Geelong Planning Scheme Amendment C395ggee (the Amendment) seeks to accommodate predicted very significant population growth, to ensure future growth and development occurs in a staged and orderly manner.

The Amendment includes the City of Greater Geelong's (Council) Settlement Strategy (the Strategy) and Northern and Western Geelong Growth Areas Framework Plan (the Framework Plan) in the planning scheme.

Specifically, the Amendment proposes:

- Amend Clause 21.03 Objectives - Strategies – Implementation to include reference to 21.18 Corio Norlane and 21.20 Northern and Western Geelong Growth Areas.
- Replace Clause 21.04 Municipal Framework Plan with a new Clause 21.04 to implement the Strategy through a new Municipal Framework Plan.
- Replace Clause 21.06 Settlement and Housing with a new clause including objectives, strategies and references to implement the Settlement Strategy.
- Amend Clause 21.08 Development and Community Infrastructure to update strategies on Transport and Development Contributions to implement the Strategy.
- Amend Clause 21.11 Armstrong Creek Urban Growth Area to reflect the role of the Northern and Western Geelong Growth Areas.
- Amend Clause 21.14 The Bellarine Peninsula to update objectives, strategies, further work and references to implement the Strategy.
- Amend Clause 21.16 Anakie to implement the Strategy by amending objectives and strategies, deleting reference to the *Anakie Structure Plan 1996* and replacing the map.
- Insert a new Clause 21.20 Northern and Western Geelong Growth Areas including new objectives, strategies, references and plans to implement the Framework Plan.
- Replace the Schedule to Clause 72.08 Background Documents with a new Schedule that includes the City of Greater Geelong's *Settlement Strategy (2018)* and *Northern and Western Geelong Growth Areas Framework Plan (2019)*.
- Rezone areas of land in the Northern and Western Geelong Growth Areas from Rural Living Zone, Farming Zone, Public Park and Recreation Zone and Industrial 1 Zone to Urban Growth Zone.

### (ii) Settlement Strategy (2018)

The Strategy addresses the City of Greater Geelong's municipal housing needs until 2036. Strong population growth has informed policy that guides decision-making and investment, while retaining the essential and unique characteristics of Geelong. The Strategy has been informed by expert housing, land and demographic research and analysis. Policy objectives are aimed at providing clear strategic direction, promoting positive social and economic effects and delivering sustainable communities and development, including:

- contain growth within identified locations across the municipality

- increase the level of infill development and housing diversity in targeted locations
- increase the level of affordable and social housing.
- minimise the economic, environmental, visual and servicing impacts of residential development on rural areas.
- maintain the unique township, landscape, tourism, farming and environmental values of the Bellarine Peninsula.
- maintain the unique identity of Greater Geelong and its townships.
- promote the early provision of public transport infrastructure and services in all growth areas.
- support the district towns of Ocean Grove, Drysdale and Leopold to fulfil their role as service hubs for the Bellarine Peninsula. In all other townships provide retail, commercial and community uses and facilities that serve the daily needs of the community.
- manage the release of new growth areas to efficiently deliver infrastructure, services and facilities.

The Housing Framework Plan from the Strategy is shown in Figure 1.

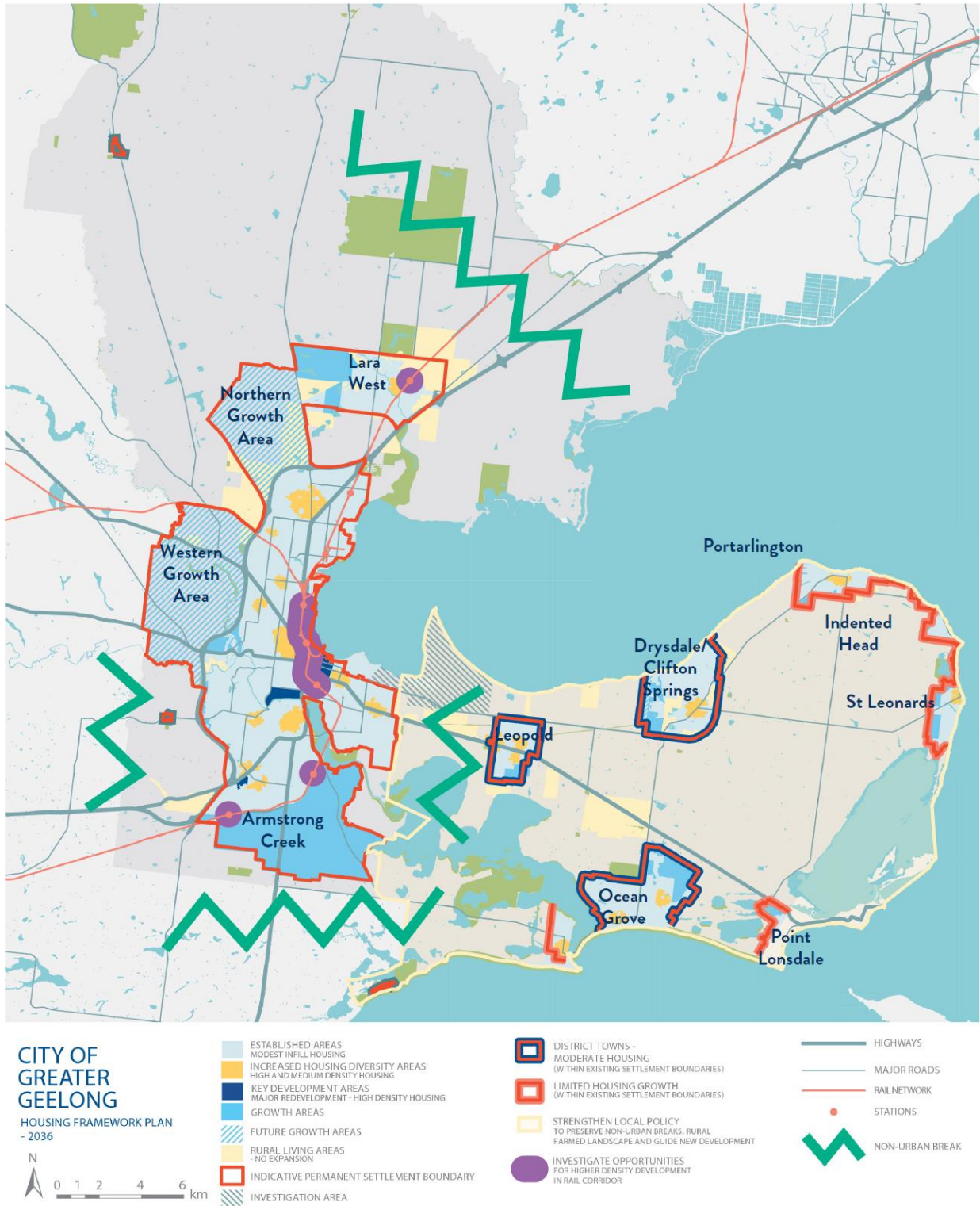
### **(iii) Northern and Western Geelong Growth Areas Framework Plan (2019)**

The Framework Plan aims to guide urban growth through sequenced development and is the largest greenfield planning project in regional Victoria. It is informed by expert technical reports including social infrastructure, retail and activity centre analysis, and transport strategies. The implementation of the Framework Plan will provide overarching principles for land use and development with localised Precinct Structure Plans (PSPs) and infrastructure contributions. Policy objectives are aimed at promoting the following outcomes:

- create neighbourhoods where residents can live locally and meet most of their everyday needs within a 20-minute walk, cycle or local public transport trip of their home.
- provide a network of activity centres in the Northern and Western Geelong Growth Areas that provide employment, retail, commercial, entertainment and community uses for growth area residents without adversely impacting the broader Geelong activity centre network.
- develop a Clever and Creative Corridor as a fundamental design element of the Northern and Western Geelong Growth Areas to ensure development is sustainable, self-sufficient, distinctive and connected through varied transport options.

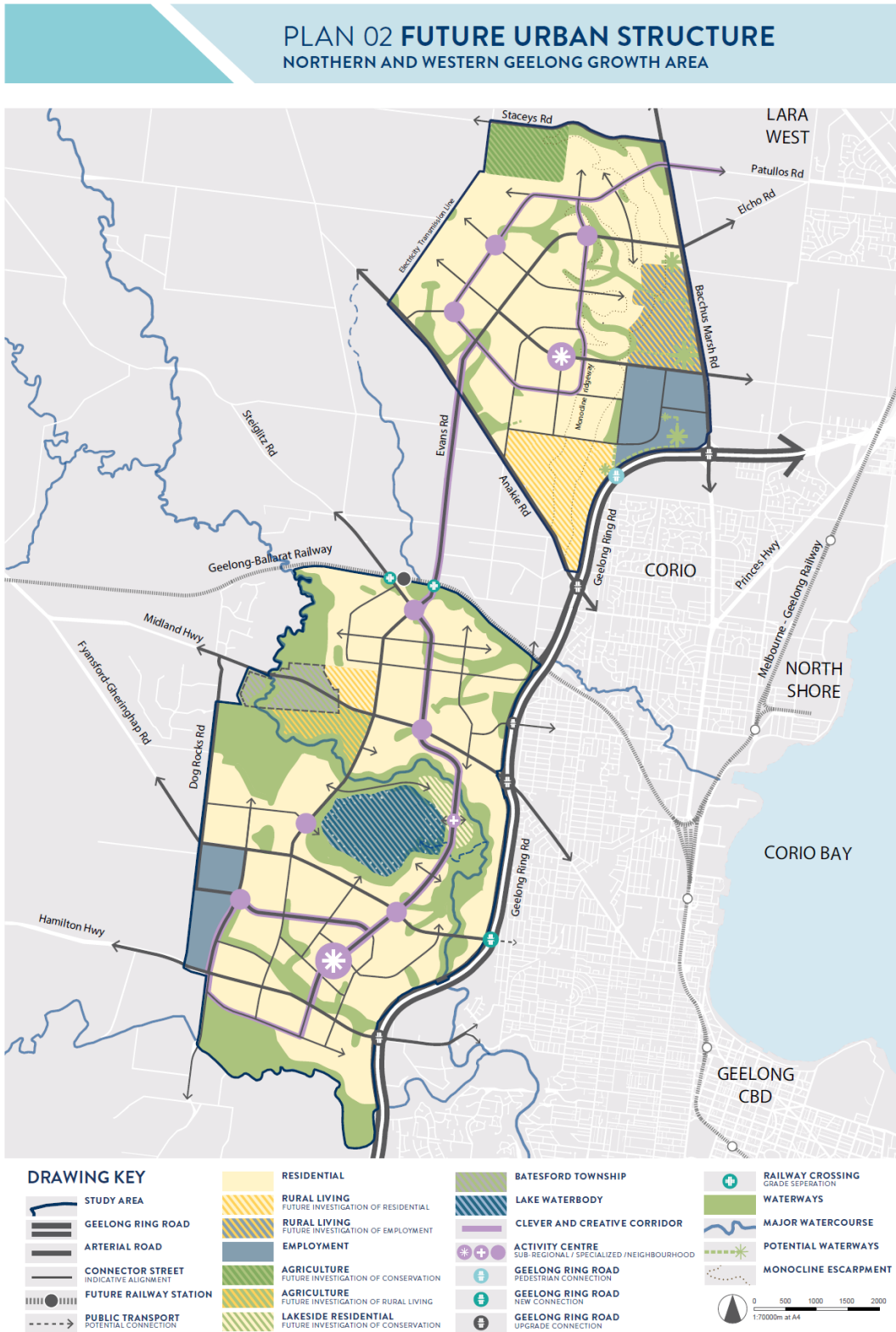
The Future Urban Structure in the plan is shown in Figure 2.

Figure 1 Housing Framework Plan - 2036<sup>1</sup>



<sup>1</sup> From page 12, Settlement Strategy

Figure 2 Future Urban Structure<sup>2</sup>



<sup>2</sup> Northern and Western Geelong Growth Area Framework Plan, page 32

## 1.2 Procedural issues

### (i) Referral of submissions

A number of late submitters requested to be heard by the Panel despite Council advising that late submissions would not be referred to the Panel. This included a submission from Mr Gary Snow, the Ocean Grove Community Association and an addendum submission from Lascorp Development Group (Lascorp), amongst others.

The Panel determined not to accept or hear the late submissions not referred by the planning authority and provided a written ruling to this effect.

In making its ruling, the Panel considered that the *Planning and Environment Act 1987* (the Act) provides a clear separation of powers between the planning authority and the Panel in the collection and consideration of submissions. The Panel considered it would not be appropriate or lawful if it allowed submitters to make written submissions directly to a Panel without being referred by the planning authority. This would effectively bypass the planning authority and give the Panel a greater role not provided for in the Act.

While the Panel has general powers of informing itself under section 161(d)(i), it considered this power should be read in the context of the establishment of the hearing and consideration of submissions referred to it. The Panel did not consider this power extended to unilaterally considering third party submissions not referred by the planning authority.

The Panel noted that late submitters may ask the Minister for Planning to direct the Council to refer their late submissions. The Panel understands that this did not occur.

### (ii) Production of documents

The exhibited Framework Plan's Plan 12 includes a shaded area on the northern edge of the Northern Geelong Growth Area (NGGA) south of Staceys Road and east of Evans Road with the notation 'LEMMP (1,000m Buffer)'; a buffer for Chemring Australia's (Chemring) Lara Energetic Materials Manufacturing Plant (LEMMP).

Lovely Banks Development Group (LBDG) requested information from Chemring, relating to the declaration of the LEMMP as a Major Hazard Facility (MHF). The request went to substantiating the proposed 1,000 metre buffer in the Framework Plan.

LBDG sought directions from the Panel that the following (in summary) be provided by Chemring, subject to confidentiality agreements if necessary:

- a) Particulars of the MHF listing
- b) Particulars of materials on site
- c) Location of materials
- d) Handling procedures
- e) Particulars of structures that may aid or inhibit blast
- f) Any Quantitative Risk Assessment (QRA) for the site.

Chemring declined to provide the information requested and advised that it was premature to provide the information as the Safety Case for the site is being prepared. Under the regulations the Safety Case needs to be prepared by July 2021.

Chemring provided further information regarding defence related contractual sensitivities in correspondence dated 13 November 2019 and again reiterated that they were not in a position to accede to the information request.

In correspondence to Council dated 17 October 2019, Worksafe Victoria advised they supported a 'precautionary' 1,000 metre buffer where residential rezoning should not occur.

LBDG made written submissions on 13 November 2019 in support of its application and Chemring provided a verbal response.

The Panel determined not to make the directions sought by LBDG in their email of 31 October 2019. The Panel found that the presence of the LEMMP and its MHF status is not in dispute. This leads to the logical consequence that some buffer around the facility is likely to be required to ensure that sensitive uses, including residential development, are separated from the facility spatially by an appropriate buffer.

The key issue before parties, prior to rezoning and development, is the appropriateness of the extent of buffer.

LBDG submitted, and the Panel accepted, that the appropriate eventual, or final, buffer could only be determined by a fine-grained assessment of the risk from the facility based on a more detailed understanding of the type, location and amount of hazardous materials on site. Such buffer may be less than the indicative buffer shown in Plan 12 of the Framework Plan or may be measured more accurately from a hazard source on site rather than from the site boundary. Any reduction in buffer, however, is far from certain.

The Panel noted the conclusion of LBDG, that it would be 'manifestly unfair' for the 1,000 metre buffer to remain without further consideration of the risk, and consequently the consideration of a reduced buffer. The Panel agreed to the extent that it would be unfair if the opportunity to 'test' the buffer was not provided prior to rezoning and development of the land in question.

The Panel however concluded that the time to test the buffer is not now. It is considering a high-level framework plan with significant further detailed planning to occur in future through a PSP process. Reviewing the issue in more detail through the PSP process is appropriate because the Safety Case for the MHF will have been prepared, providing a clearer picture of buffer requirements. This assumes access to the data can be provided to relevant experts at that time, which the Panel considers is a reasonable expectation. Additionally, specific land use proposals for this part of the NGGA will have been developed, providing a more detailed concept of how land use can be planned to meet the requirements of the 1,000 metre buffer, or a smaller buffer if future investigations find this to be appropriate.

The Panel considered the exact notation of the buffer on Plan 12 in the Framework Plan was a live matter to be tested through the course of the Panel Hearing. This is discussed in Section 6.10 of this report.

### **(iii) Interrelationship with Geelong Amendment C393**

#### **Retail matters**

At the Directions Hearing, Mr Townshend for Lascorp Development Group (Lascorp) raised the interrelationship of Amendment C395ggee with Amendment C393 (Geelong Retail

Strategy). Lascorp raised concern about the compatibility of the two amendments progressing through Panel process concurrently with no apparent opportunity for parties to reconcile the Panel's advice from one to the other.

At that time, the Panel report for Amendment C393 was expected to be delivered in December 2019. In response to Lascorp's concern, Council undertook to release the report as soon as possible after receipt. The Panel agreed to allow Lascorp to file its evidence and schedule them after the anticipated release of the report.

The Panel report was submitted on 31 January 2020 and made publicly available on 3 February 2020. The Panel provided an opportunity for other parties with an interest in retail matters to make further submissions. The retail matters, largely related to Leopold, were heard on 16 and 18 March 2020.

The matters raised are addressed in Chapter 7 of this report.

### **Section 24(e) Direction – Panel to hear a particular submission**

On 10 February 2020, Council wrote to the Panel to direct it to hear from a landowner affected by the findings of the C393 Panel Report.

In summarising a finding of the Panel, Council noted the Panel *“drew a conclusion that an acceptable case had been made for review of the direction of growth for the Leopold shopping centre. One direction of growth considered for the Leopold Shopping Centre was outside of the existing settlement boundary”*.

In light of that finding, Council as Planning Authority directed the Panel to hear from the landowners of the Leopold activity centre under section 24(e) of the Act. The landowners were submitters to Amendment C393 but not to Amendment C395ggee.

Section 24 of the Act provides that the Panel must consider all submissions referred to it and under s24(e) give a reasonable opportunity to be heard to any person whom the Minister or planning authority directs it to hear.

In directing the Panel to hear from the owners of the Leopold activity centre, Council cited the provisions of section 168 of the Act which enable a panel to take into account any matter it thinks relevant in making its report and recommendation. Council agreed that to the extent that matters raised by Lascorp or the landowners of the Leopold activity centre are matters relevant to Amendment C395ggee, they should be considered by this Panel.

The Panel noted the direction to hear from the landowner. The landowner made a written submission and was heard by the Panel on 16 March 2020.

## **1.3 Summary of issues raised in submissions**

### **1.3.1 Settlement Strategy**

The key issues raised in the submissions regarding the Strategy are outlined below.

#### **Growth rates and Housing**

Submitters queried the accuracy of the housing data, particularly in relation to the supply and demand figures. The Strategy uses land supply information from 1 January 2017. Some submitters were concerned that an additional 12 month of growth has occurred since the land supply information was collected and there has been a significant change in land supply

in this time. Several submitters stated the 2.5 percent growth rate cited as a realistic scenario in the Strategy is too low.

### **Permanent Growth Boundary**

Submitters questioned the need for a permanent settlement boundary and considered the recommendation is anti-growth. It was argued Melbourne had a population around 3.2 million people when the urban growth boundary was introduced in 2002, Geelong's population currently sits around 250,000. It was argued the introduction of a permanent boundary is not consistent with state or federal policy to promote growth in the regions and relieve pressure on the capital cities. The nomination of a permanent settlement boundary on the framework plan was criticised when the process to finalise the boundary had not been undertaken. Some submitters supported the use of a permanent growth boundary particularly on the Bellarine.

### **Infrastructure**

Submitters considered the Strategy needed a greater emphasis on the infrastructure required, the importance of infrastructure in keeping pace with growth and how infrastructure will be funded, including the need for the preparation of an Infrastructure of Development Contributions Plan.

### **Interests in further residential development outside of settlement boundaries**

A number of submissions put forward land (generally farming zoned land) they believe should be developed for housing that is not currently identified in the Strategy. The reasons put forward to support the proposals included: proximity to existing services and established urban areas, no environmental significance, not viable for farming, will provide innovative housing solutions, will increase competition, choice and affordability in the market. The areas noted, include:

- 35 and 69-93 Hams Road, Waurin Ponds
- Boral site, Waurin Ponds
- Moolap - Future Urban Growth Boundary to extend to the future Geelong Ring Road extension
- Moolap – Alcoa
- Mount Duneed
- Lara / Avalon
- Leopold – North of Portarlington Road and west of Melaluka Road
- Wallington / Ocean Grove
- Barwon Heads
- St Leonards, Portarlington and Curlewis.

### **Bellarine Peninsula**

Some submissions outlined the need to preserve the character of the Bellarine and the fact balance is needed between natural areas and residential areas. Submissions supported the introduction of permanent settlement boundaries and the protection of non-urban breaks. There was support for permanent boundaries and the need to provide an overall strategic planning framework to accommodate growth. There were concerns that any further expansion will erode landscape, tourism, farming and environmental values. In contrast,

some submissions suggested that Bellarine towns should not be excluded from contributing to housing supply and must ensure those towns remain affordable to future residents.

### **1.3.2 Framework Plan**

The key issues raised in the submissions regarding the Framework Plan are outlined below.

#### **Opposition to Northern and Western Growth Areas**

Some submissions expressed outright opposition to the growth areas, with some suggesting that the urban growth proposed for the growth areas should be redirected to other locations in or on the eastern edge of urban Geelong, or to other towns in the region.

#### **Existing Rural Areas**

Several submitters argued that land in Lovely Banks currently in the Rural Living Zone should remain a Rural Living area. Submitters argued that adjacent residential subdivision would impact on landowners' rural living lifestyle and amenity. Some expressed concern at the impact of rates increases resulting from a change in zoning, while others called for a transitional low-density residential area between the existing rural living area and any conventional residential development.

#### **Proposed Arterial Road**

A few submissions expressed opposition to a proposed arterial road identified in the draft future urban structure plan running north from the Barwon Water Lovely Banks Basin and located in the vicinity of Viewhill Road. Submissions indicated concern with the impact of the road on landowners, including possible land acquisition. Several submissions suggested an alternative location for the proposed arterial road.

#### **Precinct Structure Plan staging**

Some submissions argued that the north-eastern portion of the WGGGA (land bounded by Midland Highway, Geelong Ring Road, Geelong-Ballarat railway and Moorabool River) is best placed to be the first stage of development of the growth area through the initial PSP.

#### **Environmental considerations**

Some submissions specifically called for protection of environmental values (particularly native vegetation and fauna habitat) in the development of the growth areas. Others opposing the NWGGGA outright or opposing elements of the draft future urban structure plan, referred to environmental impacts.

#### **Transport**

Submissions called for new or improved pedestrian/cycling facilities, both within the growth areas and linking the growth areas to urban Geelong. Some made specific recommendations on public transport including requests for new rail connections between the growth areas and to the existing rail network. Light rail was also proposed. Other submissions noted public transport inadequacies in the vicinity of the growth areas and in the region more generally.

## **1.4 The Panel's approach**

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

Of note there are many important issues in the NWGGA that will require detailed consideration through future planning and PSPs. These include issues such as Aboriginal Cultural Heritage and Post-Contact Cultural Heritage.

The Panel does not address many of these issues in detail; satisfied that they are identified and assessed at a suitable level for this stage of the planning process.

This Report deals with the issues under the following headings:

- Planning context and strategic justification
- Population growth and land supply
- Settlement Strategy – general issues
- Settlement Strategy – strategic land holdings
- Growth Area Framework Plan
- Retail issues
- The Amendment provisions.

## 2 Planning context and strategic justification

### 2.1 Introduction

The Amendment is arguably the most significant single planning scheme amendment that Council has undertaken. Based on strong and strengthening population growth, Council has taken a visionary approach to cast its mind forward and plan for a population within our lifetimes of nearly double the current city size.

Such a large and ambitious amendment could be expected to stimulate significant discussion and even opposition from the community and industry. In the Panel's view this is not the case. Many submissions have sought changes on issues of detail and substance, but most submitters were at pains before the Panel to point out that fundamentally they supported the approach taken by Council in terms of planning policy support.

Some issues of policy difference are considered in the following chapters, but there were not submissions of substance in the Panel's view that sought to argue that the Amendment as a whole is not supported in State and local planning policy.

Council in the Explanatory Report and its Part A Submission outlined how it considered the Amendment responds to policy. It submitted the Amendment effectively responds to Ministers Direction No. 11. A summary is provided below for completeness.

### 2.2 Objectives of planning in Victoria

Section 4 of the Act provides the objectives of planning in Victoria as shown below. The Panel considers the Amendment will implement or is consistent with all of these objectives to some extent.

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- (b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- (d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- (e) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;
- (f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- (fa) to facilitate the provision of affordable housing in Victoria;
- (g) to balance the present and future interests of all Victorians.

### 2.3 Planning policy framework

#### 2.3.1 State Policy

Council submitted the Amendment supports and implements the following:

- Settlement (**Clause 11.01-5**). Relevant strategies being:

- Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong ...
- Ensure regions and their settlements are planned in accordance with their relevant regional growth plan
- Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks
- Create and reinforce settlement boundaries
- Limit urban sprawl and direct growth into existing settlements
- Promote and capitalise on opportunities for urban renewal and infill redevelopment
- Ensure land that may be required for future urban expansion is not compromised.
- Coastal Settlement (**Clause 11.03-S**). Relevant strategies being:
  - Encourage urban renewal and redevelopment opportunities in existing settlements to reduce the demand for urban sprawl
  - Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values are protected
  - Direct new residential and other urban development and infrastructure to locations within defined settlement boundaries of existing settlements that are capable of accommodating growth
  - Avoid linear urban sprawl along the coastal edge and ribbon development in rural landscapes
  - Protect areas between settlements for non-urban use.
- Distinctive areas and landscapes (**Clause 11.03-5S**). The Settlement Strategy achieves the objective “To protect and enhance the valued attributes of identified distinctive areas and landscapes” for the Bellarine Peninsula.
- Supply of urban land (**Clause 11.02-1S**). The Amendment meets the objective “To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses” including the key strategy:
  - 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.
- Structure Planning (**Clause 11.02-2S**). The Amendment supports the policy by undertaking comprehensive planning for new areas as sustainable communities.
- Sequencing of development (**Clause 11.02-3S**). The Amendment meets the objective “To manage the sequence of development in areas of growth so that services are available from early in the life of new communities”.
- Floodplain management (**Clause 13.03-1S**). The Framework Plan takes into account flooding along the Barwon and Moorabool Rivers and Cowries Creek.
- Resource exploration and extraction (**Clause 14.03-1S**). The relevant strategy, which is to “Develop and maintain buffers around mining and quarrying activities”, has been taken into account for the Batesford Quarry in the Framework Plan.

### 2.3.2 Regional policy

Council submitted the Amendment supports and implements regional policy:<sup>3</sup>

- Settlement - G21 Region (**Clause 11.01-R**). The key strategies include:
  - Provide for long term growth options that build on existing infrastructure, including two further investigation areas north and west of Geelong.
  - Reinforce the role of district towns in providing services to surrounding areas.
  - Maintain a significant settlement break between the region and Melbourne.
  - Provide for settlement breaks between towns to maintain their unique identities.
  - Require a settlement boundary for all towns.
  - Protect critical agricultural land by directing growth to towns.

### 2.3.3 Local policy

Council submitted the Amendment supports or implements a range of local policy, in addition to introducing new local policy. Key policies were said to be:

- City of Greater Geelong Sustainable Growth Framework (**Clause 21.02**). In particular *Managing Urban Growth*.
- Municipal Framework Plan (**Clause 21.04**). To be updated to show the new Settlement Strategy directions.
- Flooding (**Clause 21.05-7**). The Northern and Western Geelong Growth Areas Framework Plan meets the objectives:
  - to protect floodplains
  - minimise the potential for damage and risks to public safety and property from flooding.
- Settlement and Housing (**Clause 21.06**). The Amendment directly implements the Further Work requirement of the existing Clause 21.06 to investigate future residential and industrial land use needs for Geelong including:
  - the assessment of the environmental, resource, landscape, development pattern, access, servicing, land use, economic and social constraints and opportunities associated with possible growth areas around Geelong
  - the identification of a preferred growth area or areas
  - the preparation of detailed growth area plans.
- Settlement and Housing (**Clause 21.06**). The Amendment implements the Further Work requirement of the existing Clause 21.06 to prepare a settlement strategy for the municipality. The Amendment also updates Clause 21.06 to reflect new directions on settlement and housing and inclusion of the Strategy as a Reference/Background Document.
- Development and Community Infrastructure (**Clause 21.08**). The Amendment updates this clause to reflect new transport and development contribution objectives.
- Bellarine Peninsula (**Clause 21.14**). The Amendment updates this clause to reflect the change in role of Ocean Grove, Drysdale/Clifton Springs and Leopold as district

<sup>3</sup> Many of the submitters seeking additional opportunities for growth on the Bellarine Peninsula submitted that this was one area where the Amendment doesn't align well with policy as it seeks to curtail growth in towns identified for growth in the G21 Plan. This issue is addressed further in Section 4.2.

towns rather than growth areas. A further work requirement is added to “Work with the state government on the designation of the Bellarine Peninsula under the Distinctive Areas and Landscapes Bill 2017.”

### 2.3.4 Ministerial Directions

Council submitted that the Amendment is consistent with relevant Ministerial Directions including:

- the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the PE Act
- Ministerial Direction No.1 – Potentially Contaminated Land has been considered through high level soil contamination assessments undertaken for the Northern and Western Growth areas
- Ministerial Direction No.11 – Strategic Assessment of Amendments under section 12 of the PE Act
- Ministerial Direction No.15 – The Planning Scheme Amendment Process
- Ministerial Direction No.19 – Council sought and received advice from the EPA which will be considered as further planning work progresses.

## 2.4 Planning scheme provisions

### (i) Zones

The Amendment rezones some land to the Urban Growth Zone (UGZ) in the NWGGA; much of the land already having been rezoned previously.

The UGZ is a holding zone for future urban development under which more detailed land use in PSPs will be planned.

## 2.5 Distinctive Areas and Landscapes

Part of the relevant planning context for the Amendment, and particularly the Settlement Strategy, is the recent declaration of the Distinctive Areas and Landscapes (DAL).

Part 3AAB of the Act, introduced through the *Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018*, contains a process for implementing a framework to guide decision-making in relation to an area determined to be a Distinctive Area and Landscape (DAL). The objectives of implementing a framework are to:

- protect and conserve distinctive areas and landscapes
- enhance the conservation of the environment in declared areas
- integrate policy development, implementation and decision-making in declared area
- recognise the connection and stewardship of traditional owners in relation to land in declared areas.

Once a DAL is declared, a Statement of Planning Policy (SPP) is to be prepared which will include a 50-year vision and strategies, including long-term settlement boundaries, to better protect the unique features of the area for current and future generations.

In preparing a SPP, the Minister for Planning must consult with each responsible public entity (as defined by the Act) for the declared area, the local community and any other

person that may be affected by the SPP consistent with s46AW of the Act. Once the SPP has been endorsed by each responsible public entity (s46AX), the Governor in Council may approve the SPP by publishing a notice in the Government Gazette (s46AY). The SPP must be prepared within one year after the declaration or a longer period but not exceeding two years after the declaration, if a greater period is approved by the Governor-in-Council, otherwise the declaration will lapse.

The Minister must then prepare an amendment to the planning scheme in which the declared area is located to give effect to the approved SPP. The amendment must not be inconsistent with a SPP. In respect of a planning scheme amendment implementing a protected settlement boundary, the amendment does not take effect unless and until it is ratified by Parliament. An SPP must be reviewed no later than 10 years after its commencement.

The Greater Geelong region is affected by two declared DALs, the Surf Coast and Bellarine Areas (see figures 3 and 4 below). Parts of the Surf Coast Shire and City of Greater Geelong were declared the Surf Coast Declared Area on 17 September 2019. The Surf Coast DAL includes the section of Greater Geelong between the municipal boundary at Mt Duneed/Lower Duneed Road and the southern boundary of the Armstrong Creek Growth Area. It also includes part of the Boral land between Anglesea Road and Bogans Lane.

The Bellarine Peninsula DAL was declared on 22 October 2019.

The Amendment proposes to include policies in the planning scheme about anomalies, logical inclusions and a settlement boundary, which include actions to:

- confirm enduring and defensible settlement boundaries by undertaking a logical inclusions process (Clause 21.06-2 Strategies)
- establish a consultation process to deal with any significant anomalies or logical inclusions as part of confirming an enduring settlement boundary (Clause 21.06-8 Implementation).

The issue before the Panel is the interrelationship between the DAL process and the Amendment in setting long term settlement boundaries. This is addressed in detail in Chapter 4.

Figure 3 Bellarine Peninsula DAL Area

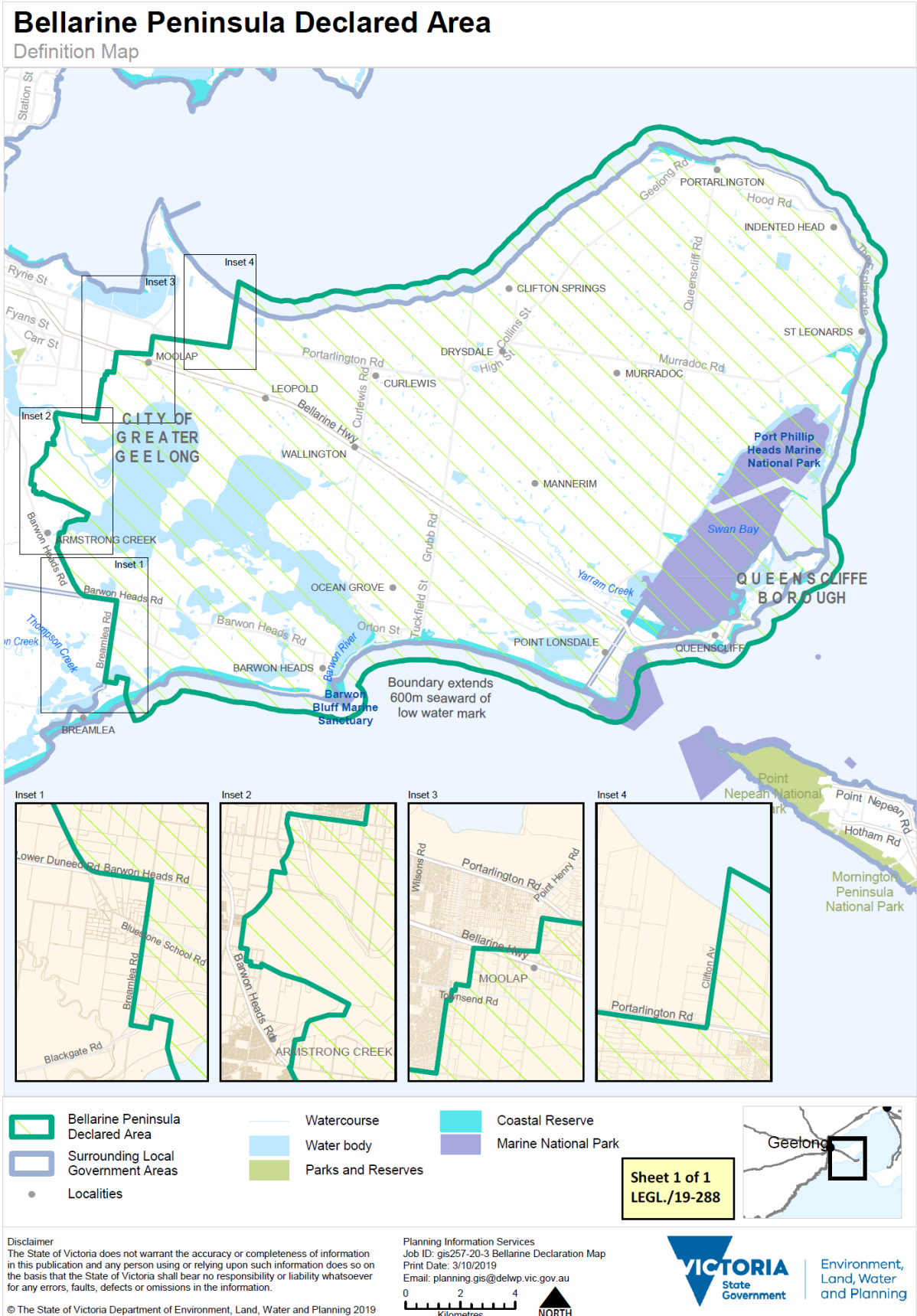


Figure 4 Surf Coast DAL Area



## **2.6 Conclusions and recommendation**

For the reasons set out in the following chapters, the Panel concludes that the Amendment is supported by, and implements, the relevant sections of the PPF, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

The Panel considers Council, often in conjunction with landowners in the NWGGA, has undertaken two very significant planning processes in one, being the Strategy and Framework Plan. It is clear that the many years, and substantial cost, incurred by Council in getting to this point have laid the foundation for a significant growth oriented and well directed planning future for Geelong.

The Panel recommends:

- 1. Adopt Greater Geelong Planning Scheme Amendment C395ggee as exhibited subject to the changes recommended in this report.**

### 3 Population growth and land supply

*Please note in this section the Panel has concentrated on the population growth rates and land supply requirements as presented in the Hearing. It does not speculate about the impact of COVID19 (if any) on future growth.*

The Strategy highlights that in recent years Geelong has been growing strongly and the growth rate has been accelerating, to 2 per cent in the period 2011-2016. It was submitted that the growth rate since 2016 has accelerated again to 2.7 per cent based on the latest data.

The Strategy proposed scenarios for population and dwelling growth. Extracts from the Strategy are shown in Table 1 below.

**Table 1 Scenario growth rates<sup>4</sup>**

| Scenario                                   | A       | B       | C       | D       | E       |
|--|---------|---------|---------|---------|---------|
| Population in 2036                         | 307,400 | 320,800 | 352,300 | 387,900 | 427,121 |
| Population growth 2016-2036                | 72,100  | 85,400  | 116,900 | 152,600 | 191,778 |
| Annual average change in pop'n             | 1.3%    | 1.6%    | 2.0%    | 2.5%    | 3.0%    |
| Change in dwellings 2016-2036 <sup>5</sup> | 36,200  | 42,300  | 56,900  | 73,400  | 91,543  |

#### 3.1.1 Evidence and submissions

Numerous parties called expert evidence that fell broadly into the category of demographics, population and lot supply. These included:

- Dale Stokes and Jeremy Reynolds – Council
- Justin Ganly – Shell Road Development
- Chris McNeil – Mount Duneed Developments
- Paul Shipp – Dominion Property Group
- Brian Haratsis – Boral.

The experts were directed to meet and produced a statement of agreement and points of disagreement. It became apparent that whilst there was some disagreement between experts, there was a high level of agreement between experts on fundamental issues, particularly when population, demographics and lot supply are considered on a municipal basis.

Some of the key points of agreement by all at the expert meeting included:

- Regular monitoring of population growth will be needed to ensure adequate residential land stocks
- Adoption of the higher scenario D or E population growth rates is appropriate for planning purposes
- 75 per cent of new housing on broad hectare land is reasonable

<sup>4</sup> From Settlement Strategy, part Table 10, p50.

<sup>5</sup> I.E. additional dwellings required.

- Annual dwelling requirements under scenario D and E are significantly higher than forecasts by Victoria in Future and .id consulting
- Stocks of zoned residential land will be exhausted within 9-11 years
- Residential development will need to commence in the NWGGA by 2025
- Ensuring population growth can be accommodated for 15 years is just one requirement<sup>6</sup> and choice, affordability and desirable locations also need to be considered
- The Geelong housing market is very diverse with limits to substitutability
- There are different housing sub-markets within Geelong and the Bellarine.

In terms of points not agreed by all experts, the following, in summary, are notable:

- Messrs Stokes, McNeil and Haratsis agreed that due to fragmentation of ownership and other reasons there may be delays to the delivery of a significant number of remaining lots in Armstrong Creek
- Mr Stokes and Mr Shipp agreed there were approximately 2,800 zoned lots left in Ocean Grove
- Mr Ganly and Mr Shipp agreed that the Strategy fails to recognise the unique nature of the Bellarine housing market by falsely assuming substitutability
- Messrs Ganly, McNeil, Shipp and Haratsis agreed there is a tension between the Strategy (15-year timeframe) and Distinctive Areas and Landscapes (DAL) (50-year timeframe) processes. Adoption of permanent settlement boundaries will need to take this into account.

Some submitters such as Mr Roe sought to argue that the growth potential of Geelong, including the Bellarine Peninsula is significantly higher than that suggested in the Strategy and Geelong should be including much larger and more extensive areas for urban development.

In the Hearing, some of the experts expanded on the view that whilst the Amendment met the '15-year test' in State policy, this should be viewed as being desirable at the township as well as the municipal level. For example, Mr Shipp in evidence agreed that the municipal wide target of 15 years is met, but that there is only in order of 9-13 years of supply in Ocean Grove, and that it is desirable for a range of reasons to ensure adequate lot supply in Ocean Grove.

Similarly, Mr Ganly had no issue that on a municipal wide basis the land supply is adequate, but that is not consistent with the lack of substitutability between the sub-markets in Geelong and housing choice.

### 3.1.2 Discussion

For such a city-shaping Amendment, the Panel considers there was little disagreement about the municipal wide approach and scenarios predicted in the Strategy. Most submitters and experts agreed that Geelong is a rapidly growing city, and that the approach in the

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<sup>6</sup> Panel note: a reference to the strategy in clause 11.02-1S which reads *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.*

Amendment to provide for an additional population of approximately 152,000 to 191,000 by 2036 is sound.

Disagreements around population growth and land supply largely in the Panel's view go to not the round numbers, but the policy 'pivot' away from the Bellarine Peninsula to the new growth areas in the west and north.

The Panel addresses the issues of settlement boundaries and the DAL further below in this chapter, but in principle accepts that the policy pivot is a conscious, planned policy choice by Council that will as a result over time lead to a reduction, probably significant, in the share of housing provided by the Bellarine Peninsula.

The Panel notes that this is not an instant 'turning off the tap'; the zoned land supply in Ocean Grove is in the order of 9-11 years supply alone and in the order of 20 years across the whole Bellarine.

The Panel considers there is no disagreement that the 15 years of supply at a municipal level can be met with the Amendment, and thus the strategy in Clause 11.02-1S is satisfied. The Panel also accepts that the '15 year' test does not need to be met at a township, or even sub-municipal level, in the planning scheme.

It follows that over time the experts and submissions around substitutability and choice may prove to be right as supply on the Bellarine dries up and the west and north growth areas pick up an even greater share of the growth heavy lifting.

This however is a conscious planned choice of Council in putting forward the Amendment, and the State government if the DAL process is included in the equation. The Panel would be more concerned if this was a perverse, accidental outcome.

### **3.1.3 Conclusions**

The Panel concludes:

- Geelong has undergone a sustained period of high population growth which is predicted to continue
- Council in putting forward the Amendment is planning to accommodate most of this growth in the new western and northern growth areas and there is general agreement amongst experts that the growth scenarios are reasonable and lot supply should be adequate for the planning period
- The importance of the Bellarine Peninsula in providing housing growth is planned to decline over time.

## 4 Settlement Strategy – general issues

### 4.1 Introduction and overview

The Settlement Strategy (the Strategy) seeks to establish the long-term framework for urban development across the City of Greater Geelong. Essential to this is a ‘pivot’ for greenfield development from identified growth townships on the Bellarine Peninsula and Armstrong Creek, to Armstrong Creek and two major growth areas to the west and north of Geelong.

Part of this consideration is the role and interrelationship between the Strategy and the DAL program in setting long term or permanent settlement boundaries.

Whilst many submissions referred to the Bellarine, most if not all, related to specific areas within the Bellarine Peninsula where most submitters have a land interest. It was a common theme through the submissions that the process to determine the settlement boundaries of each individual township of the Bellarine Peninsula needs to be robust.

### 4.2 Settlement boundaries – Bellarine Peninsula

#### 4.2.1 Evidence and submissions

##### (i) Ocean Grove and Wallington

Mr Black provided evidence for the Wallington Group of Landowners (Wallington Group) on the strategic planning matters arising from the Amendment as they relate to the land area generally north of Ocean Grove Township, south of Wallington, west of Grubb Road and east of Wallington-Ocean Grove Road. Mr Black articulated that he saw a direct conflict between the Settlement Strategy stating that a *“permanent boundary should be based on existing residential zones and strategic plans, as these have been developed over a number of years, with extensive community consultation and peer review”* with the expectation that is set out in Clause 21.14 to review the Ocean Grove Structure plan by no later than 2021. Mr Black noted that Wallington is not identified as a ‘Settlement’ and expressed the view that the land between Wallington and Ocean Grove is not considered to be a non-urban break and as such should not need to be protected nor maintained.

The Wallington Group also called evidence in agricultural capability and ecology to justify the consideration of their land for future residential use.

The Wallington Group principally contended that its land does not have the criteria that would qualify it to be declared as a distinctive area and landscape. It considered its land had been declared by default, simply as the declaration includes its land.

With regard to settlement boundaries, the Wallington Group referred to s46AV(2)(b) of the Act which provides the SPP:

may specify settlement boundaries in the declared area or designate specific settlement boundaries in the declared area as protected settlement boundaries.

The Wallington Group considered that the two options which exist to specify, or designate settlement boundaries have markedly different consequences. If the SPP were to designate settlement boundaries without designating them as a protected settlement boundary, then those boundaries would be able to be altered without the ratification of both Houses of

Parliament. In the alternative, if the SPP is to designate specific settlement boundaries as protected settlement boundaries, then any amendment to those protected settlement boundaries could only take effect if ratified by resolution, passed by both Houses of Parliament. The Wallington Group considered such requirement as difficult and *“subject to the vagaries of the politics of the day”*.

The Wallington Group raised concern that an independent oversight of the DAL process appears to it unlikely. It contended that the opportunity to consider a logical extension of the existing settlement boundaries as contemplated at Clause 21.14 would be lost if the DAL process, without independent scrutiny, is completed before a review of the existing structure plan. The Wallington Group contended that the sensible approach is to:

Undertake a proper evidence-based analysis of what are the impacts on the environmental and landscape values of the Peninsula, ensure that those impacts are avoided and then adopt a process which is transparent, robust with the benefit of scrutiny by a Panel or Advisory Committee to determine whether there is opportunity to expand any of the existing settlement boundaries of the towns on the Peninsula without impacting on the identified environmental and landscapes values.

Mr Glossop gave planning evidence for Morgan and Griffin that the establishment of a settlement boundary *“needs to be undertaken based on an integrated assessment of the range of planning policy considerations, including policy directions at a regional growth level”*.

Morgan and Griffin submitted that it did not have a difficulty with the imposition of settlement boundaries. It considered that settlement boundaries are, by now, a well-established planning tool, particularly for coastal settlements such as the Bellarine townships. However, it submitted any change to the settlement boundaries must be strategically justified. It observed that where development potential is reduced, inevitably, so is the ability to achieve other critical planning objectives such as housing choice and affordability.

Morgan and Griffin contended that Council had not undertaken the necessary strategic work to determine the environmental values of the Peninsula that must be protected, and what the particular constraints on the growth of individual Bellarine townships are, or how that determines where the settlement boundaries should go.

Morgan and Griffin noted that any expansion of settlement boundaries could only occur with the consent of both the Council and the Minister for Planning and only following a process in which members of the public, whether directly affected or not, are permitted to appear and interrogate the proposed expansion and where the proposal will be evaluated by an independent Panel against a planning framework.

Morgan and Griffin sought the Panel conclude that there is no obvious barrier to the use of its land in Ocean Grove for residential purposes and it has provided sufficient technical justification to Council for rezoning.

Mr Milner gave evidence for Shell Road Developments (Shell Road) that the logical and systematic planning process for setting settlement boundaries would be to use the next iteration of structure plan reviews to inform and determine permanent boundaries of growth centres. In the case of Ocean Grove, the planning scheme already explicitly nominates the timing and process for the review of the structure plan and the requirement that the role of the town and settlement boundary be set.

His evidence was that *“the Settlement Strategy and Amendment 395 have not been strategically justified in so far as they provide for a diminished role and renaming of the growth centres on the Bellarine Peninsula.”*

Mr Milner, like others, did not support the change in designation from ‘growth centre’ to ‘district town’ for Ocean Grove. Mr Milner considered that:

There is no sustainable reason why the next round of structure plan reviews for the other growth centres on the Bellarine should not be approached in the same manner as Ocean Grove with suitable common provisions outlining the scope and intent of the next iteration of structure plan reviews with reference to identifying a permanent settlement boundary.

In his evidence Mr Milner (and other experts) noted that the downgrading of Ocean Grove from an identified growth centre is inconsistent with the *G21 Regional Growth Plan* which is referenced in the planning scheme. The G21 Plan identifies Ocean Grove for growth and employment.

Mr Milner went on to recommend that the Further Work provisions of Clause 21.14 should be amended to detail the purpose of the next review of the structure plans in terms of setting permanent settlement boundaries and the matters that should be considered as part of that review.

Shell Road submitted that:

- It supports the submissions made by other landowners on the Bellarine, particularly that of Morgan and Griffin
- It fundamentally opposes the Amendment insofar as it relates to the Bellarine Peninsula and particularly Ocean Grove
- The Amendment fails to appropriately acknowledge the ongoing role of Ocean Grove on both the Bellarine Peninsula and within the City of Greater Geelong more broadly and seeks to pre-empt strategic work that must be done to determine an enduring settlement boundary for the towns.

It submitted that there are options available to extend the time for completion of the SPP in the DAL program, which would allow an opportunity for further work as identified at Clause 21.14 to be completed. This would allow the SPP to be drafted to allow flexibility in that further work being done. This could include the provision in the SPP for a non-protected settlement boundary with text acknowledging the need for further work before such a boundary is set. It was suggested this was the approach taken for some settlements in the Macedon Ranges DAL.

Ms Wendy Duncan submitted that that the Ocean Grove Nature Reserve and the land that forms the current non-urban break north of Ocean Grove has important environmental and community values. Mr Richard Weatherly submitted on the same issue and presented extensive information from his observations of a decline in the presence of species setting the context of the Nature Reserve in the broader Bellarine and beyond.

Dr Dutson presented evidence on the ecological values of the area west of Grubb Road, mostly related to the Ocean Grove Nature Reserve. Dr Dutson made the point that *“any residential development would significantly increase and add to these threatening processes and would reduce the viability of many of these ecological values”*.

Dr Dutson went on to say that:

“options to minimise, mitigate or offset these threatening processes are not effective. To maintain these ecological values, the only viable option is to avoid residential development in this area”.

Mr Lingham presented on the historical movement patterns and change of habitat on the Bellarine Peninsula. Mr Lingham advised that the precautionary principle should apply to any potential development that my impact on wildlife biodiversity and that current township boundaries should become permanent boundaries.

**(ii) Leopold**

Lexnorm Investments (Lexnorm) has interests in land east of the Leopold township at 980-1000 Portarlington Road and 40-90 Bawtree Road, Leopold. Lexnorm expressed support for the Settlement Boundary and the future consideration of logical land inclusion as part of the proposed establishment of a permanent settlement boundary around Leopold. Lexnorm submitted that minimal drainage constraints, proximity to the existing settlement and arterial road access are reasons why its land is the only logical direction for additional urban growth in Leopold.

A joint submission was made by Villawood Properties and a group of landowners with landholdings on the west side of Melaluka Road, Leopold between the Bellarine Highway, O’Halloran Road and Hoares Lane. Together they submitted that *“the subject land is strategically located as a discreet precinct opposite the recently expanded activity centre on the north side of the Bellarine Highway”*. The landowners objected to:

the impact of the Amendment which proposes to give greater weight to the existing settlement boundary which is shown on the Leopold Structure Plan and the Housing and Settlement Framework Plan at clause 21.06 which directs that housing within District Towns (such as Leopold) be accommodated within Existing Settlement Boundaries in the absence of any proper and transparent review.

Lascorp raised some particular issues around the Leopold settlement boundary relating to retail. This issue is dealt with in Chapter 7.

**(iii) Barwon Heads**

Barwon Heads Lifestyle Ltd owns land comprising 49.63 hectares at 1900 Barwon Heads Road, Barwon Heads. The land is to the west of the township of Barwon Heads, located outside the township boundary, and has been considered in some detail by other Planning Panels. Barwon Heads Lifestyle stated that Council is aware that its proposed redevelopment concept comprises a retirement village, aged care facility, residential lots and environmental improvements of the Murtnaghurt Lagoon. Barwon Heads Lifestyle submitted that the retention of the land as Farming Zone presented a number of concerns and potential land use conflicts with the Murtnaghurt Lagoon and the existing urban edge.

Barwon Heads Lifestyle submitted that the Panel can and should make recommendations on the process and timing so that any existing opportunities to extend those boundaries in an environmentally sustainable way are not lost. Further to that, Barwon Heads Lifestyle sought for the inclusion of the land in an updated Barwon Heads Structure Plan as an ‘investigation area’.

Mr Slater provided town planning evidence relating to this site and Barwon Heads. With respect to the inclusion of the site within the Barwon Heads settlement boundary he concluded that:

- There are strong grounds to warrant further investigation regarding the expansion of the Barwon Heads Settlement Boundary
- There are strong grounds to warrant further investigation regarding the expansion of the Barwon Heads Settlement Boundary
- The Settlement Strategy and Barwon Heads Structure Plan do not have long-term regard for population growth nor recognise the impacts of settlement preferences and I am concerned that this may prejudice the forthcoming DAL which should be predicated on a longer timeframe
- Existing development (Thirteenth Beach Resort and multiple golf courses) beyond the proposed Settlement Boundary effectively extends the urban settlement of the town beyond the conventional subdivision. This, combined with 1920 Barwon Heads Road compromises the non-urban break and the boundary
- The Settlement Boundary follows the Structure Plan which is largely unchanged for over 20 years which represents a political consideration rather than strategic merits review
- The Site presents an opportunity to improve amenity and sense of arrival to Barwon Heads through considered development.

**(iv) DELWP Position regarding the DAL program**

At the outset of the Panel hearing, parties requested a more detailed explanation of the DAL process from Department of Environment, Land, Water and Planning (DELWP). DELWP explained in correspondence to the Panel, dated 12 November 2019 that while the Surf Coast and Bellarine areas had been declared, the declaration does not change the current planning scheme or property rights, nor does it predetermine a future land use.

DELWP advised that it sought to align the development of the draft Bellarine SPP with this Amendment as the outcome of the Panel process will inform the preparation of the SPP. It advised that community engagement for the Bellarine SPP would be undertaken in the first quarter of 2020, with a draft expected to be available for public comment in mid-2020.

Mr McGough for DELWP advised on Hearing Day 1 that the DAL will be the opportunity to review settlement boundaries around townships. Ms McWhirter for DELWP advised on Hearing Day 5 that any settlement boundary process will not be formalised as a logical inclusions type process. It would likely proceed through a process which does not require the advice and assessment of a planning panel or advisory committee, but this is yet to be confirmed.

**(v) Council position**

Council presented two expert witnesses that had considered the issues raised for the broader context of the Bellarine Peninsula.

Mr Barlow considered that:

the future role of the Bellarine townships is one of the most significant raised by the Settlement Strategy as it sets a long-term direction that will vary from the planning strategies and development trends of the past 30-40 years.

From the information put before the Panel, this observation was shared by the majority of Bellarine-related submissions and experts for Council also clearly articulated this view. Mr Barlow expressed the opinion that:

in the past there has been a natural pressure to ensure that each of the larger townships maintains a 15-year supply of development land (for both permanent and holiday residents) rather than defining a maximum spatial extent of the township and managing growth within that context.

Mr Barlow identified that the Settlement Strategy proposes the guiding principle for the urban development of the Bellarine Peninsula will be to: *Maintain the unique township, landscape, tourism, farming and environmental values of the Bellarine Peninsula.*

Mr Barlow went further to state that:

this will be achieved through five Directions being:

- 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 the townships.

Mr Collins gave evidence for Council that there were three possible processes for the review of settlement boundaries being the DAL process; a logical inclusions process; or review of the existing structure plans. Through cross-examination by Mr Cicero, Mr Collins ultimately agreed that a process which has independent scrutiny is the preferred method to review and define settlement boundaries.

Council submitted that Amendment C395ggee adopts the local structure plans as they currently exist as its basis. Many of the structure plans are up to their third or fourth iteration and all have been subject to community consultation and planning scheme amendments.

Council's Part A submission identified some of the pressures through the Bellarine Peninsula Localised Planning Statement of 2015:

The Localised Planning Statement documents that "considerable strategic planning has been undertaken to provide for the managed expansion of urban areas on the Bellarine Peninsula, and townships have been planned on the basis of clear settlement boundaries. Ongoing population and employment growth within the Greater Geelong area, combined with the unique and high quality rural and coastal landscapes is contributing to increasing development pressures in rural areas of the Bellarine Peninsula. Managing growth and development is therefore critical to protect and enhancing the significant values of the Bellarine.

Council submitted that:

... on the Bellarine Peninsula more broadly, the Localised Planning Statement identifies the significance of the visual landscape, distinct coastal settlements in rural settings, sweeping views across rolling hills, coastlines, wetlands and open farmed landscapes.

At the hearing, Council submitted that *“just because land is developable, does not mean land should or need be developed”*. In exercising the duties of a Planning Authority, Council has made choices about directing growth to appropriate locations.

Council submitted that:

The Settlement Strategy recognises that some townships can accommodate further growth within existing structure plans. Equally it recognises that the proportionate contribution of the Bellarine to growth will diminish over time in order to protect the valued environmental and landscape assets of the Bellarine, including the inter-urban breaks and unique identity of individual townships.

These changes were identified by Council as occurring under Clause 21.06-2 with the strategies *“reduce the share of new housing development on the Bellarine Peninsula”* and *“Protect the distinct landscape areas of the Bellarine Peninsula and the You Yang Precinct from urban encroachment”*. Council submitted that the Amendment does not alter the existing localised planning for the Bellarine Peninsula except for the major towns now being referred to as ‘district towns’ rather than ‘growth areas’.

Council advised it had sought clarification on the DAL process as it relates to the Bellarine. In Council’s words:

The Amendment and the Settlement Strategy are consistent with and complementary to the Bellarine Peninsula Localised Planning Statement and the Bellarine Peninsula Distinctive Areas and Landscapes program” and “the strategy provides a long-term vision and recommendations for the Bellarine Peninsula which will operate over the period of time until the SOPP for the Bellarine is integrated into the Planning Scheme under the Distinctive Areas and Landscapes program”.

Council submitted that over time, the extent of urban development contained by permanent boundaries and the protection of landscapes and non-urban breaks will be seen. Council submitted that it had clearly indicated that:

- If the DAL process addresses boundaries on the Bellarine then this represents the proper forum for these landowners.
- When assessing the existing policy framework, the DAL should address that part of Clause 21.14 that refers to Ocean Grove.
- To the extent that the DAL does not grapple with boundaries then it would follow that the logical inclusions process would extend to the Bellarine.

During the hearing, Council advised that it regards the further work listed in Clause 21.14 as part of existing planning policy that relates to Ocean Grove and emphasised that the DAL process needs to look at the words in the scheme and not just the map. Council’s preference is that if there is to be interrogation of settlement boundaries then the DAL process should do the further work. If not, then the further work should be preserved such as what occurred in the Macedon Ranges case.

Council referred to its local policy regarding the Bellarine Peninsula at Clause 21.14 which identifies further work, including the need to *“[r]eview township structure plans as scheduled (in structure plans) to meet emerging needs of communities”*. Were it not for the DAL process, Council noted that it would be initiating investigations to respond to these Further Work requirements as they apply to Ocean Grove. Other localised settlement

boundaries such as Barwon Heads have been reviewed recently, and Council considered these did not necessitate review at this time.<sup>7</sup>

Council's central position was that this Amendment was not the correct process to facilitate changes to settlement boundaries that will be considered as part of the Bellarine and Surf Coast DALs. It considered that the DAL process must be undertaken before more detailed review of existing structure plans occur, and that it would be poor planning to pre-empt the DAL outcome.

Council drew the Panel's attention to the DELWP Frequently Asked Questions for the Bellarine DAL, noting the contemplation of settlement boundaries for the Bellarine townships.

*The Department is collaborating with the Borough of Queenscliffe and the City of Greater Geelong to consider appropriate protected settlement boundaries. Current township structure plans that have been through public exhibition and independent review will be used as basis to inform protected settlement boundaries, along with the results of public engagement and any relevant recommendations from technical assessments currently being prepared. There will be an opportunity for further public feedback on the draft Statement of Planning Policy and Protected Settlement Boundaries. [Emphasis added]*

Council considered that it would be inefficient and potentially unworkable if it were to initiate its own program to evaluate substantively the same matters that the DAL process seeks to examine and determine through a separate process under the Act. Council observed that the DAL process provides for consultation and did not oppose such consultation including a public forum, such as a panel or advisory committee, noting that ultimately it is not Council's decision.

Council anticipated that once the DAL process to establish a Statement of Planning Policy (SPP) is complete, the subsequent amendment to the Planning Scheme to implement the SPP will necessitate changes to the Further Work clause under 21.14. It expected that the DAL process would cover at least part of the matters contemplated in the Further Work provisions.

Council also submitted in closing that any inconsistency with the G21 Plan is a matter of timing, and to place weight on that seven year old plan over more recent strategic planning in the Strategy would not be appropriate.

#### **4.2.2 Discussion**

The Panel considers that a future process for refining township boundaries is necessary. Whilst there was arguably differing perspectives among some parties and even in community understanding, the Amendment does not define permanent settlement boundaries, nor was it intended to. The options remain open to decision makers as to whether this is undertaken through the DAL program, Council's logical inclusions (discussed

<sup>7</sup> In its closing submission, Council initially submitted that "the Barwon Heads township will be subject to the DAL process or if this does not grapple with the township boundaries, the Council's logical inclusions process". Council later corrected this to note that the logical inclusions process will not apply to Barwon Heads (Document 237a).

at Section 4.4), or as an iteration of structure planning for towns in future. While this question is not squarely before the Panel, it makes some observations.

The declaration of the Bellarine and Surf Coast as DALs is the statutory precursor to the preparation of an SPP. However, the declaration itself does not have any material effects. It has not made any changes to planning policy or applied any land use restrictions.

The Panel considers that there is flexibility available in the DAL process regarding its approach to settlement boundaries. The DAL can introduce a 'protected' boundary without necessarily introducing a 'permanent' boundary. As such, capacity exists for any SPP developed to take a tailored approach to each settlement boundary, if one is set. The Panel notes that this approach was used in determining the SPP for the Macedon Ranges DAL.

The Panel understands the concern raised by parties about the uncertainty of the level of consultation likely to be afforded to landowners and affected parties through the DAL process. Submissions and evidence from developers and landowners overwhelmingly supported the need for third party input and independent assessment.

In the interests of sound planning and fairness, the Panel considers that any permanent or long term boundary setting or refinement should include the opportunity for those landowners and other parties, including the community, with an interest to be given notice and an adequate opportunity to respond.

The Panel has had regard to the broad principles raised in the submissions and evidence, but importantly has not examined the merits of including specific land parcels or locations within a settlement or township and makes no comment or recommendation on these. The Panel considers this would be a level of advice which is neither sought nor appropriate. Rather the Panel has focused on the process of implementing the direction of the Strategy in the Bellarine.

That aside, the Panel has the view that there needs to be a robust process in determining the settlement boundaries. This is particularly pertinent with the DAL process recognising the values of the Bellarine Peninsula.

Part of this process in the Panel's view should be the importance of preserving non-urban breaks as sought by the Strategy. The Panel sees it as an important part of the settlement boundary process that an assessment is undertaken based on ecological values, the capability of land for farming and rural purposes, identification of valued landscape and the high level principles of the Strategy to ensure that the vital role of the non-urban breaks are retained with their inherent role in the Bellarine Peninsula. It is essential that the purpose, characteristics and location of non-urban breaks are clarified.

The Panel expects that in some places on the Bellarine Peninsula non-urban breaks may have viable agriculture conducted on them, whereas some may be of landscape and environmental value. It is the network and connectivity of these non-urban breaks that need to be determined as part of the DAL process to ensure the fabric of the Bellarine Peninsula continues to protect the values for which it is identified and community expectations.

The Panel notes the efforts of local submitters and experts in bringing forward a wealth of knowledge, qualification and passion to the hearing that clearly illustrated that the Ocean

Grove Nature Reserve is one example of the environmental values on the Bellarine Peninsula that needs to be part of the robust process to determine settlement boundaries.

### 4.2.3 Conclusions

The Panel concludes:

- The Amendment as it relates to the Bellarine Peninsula is strategically justified and the Panel supports the directions and intent in the Strategy.
- The Amendment does not, and does not purport to, define a long term or permanent settlement boundary for Bellarine Peninsula towns.
- A long term or permanent boundary for townships should be defined so that growth can be managed within that context.
- The process to define the long term or permanent settlement boundary should be robust, transparent, evidence-based and start from existing structure planning in the planning scheme.
- The DAL process would seem to be the logical process to undertake this exercise. Where additional strategic investigative work is required to inform the final township boundary, the DAL could adopt the tailored approach to settlement boundaries used in the Macedon Ranges SPP, and the detailed structure planning be undertaken within the DAL SPP.

## 4.3 Settlement boundaries – other areas

The issue is whether:

- Land parcels identified by submitters should be rezoned to Urban Growth Zone and included in the Armstrong Creek Growth Area.

### 4.3.1 Evidence and submissions

Purdies Paddock Pty Ltd (Purdies) has an interest in the land at 55 and 75 Williams Road, Mt Duneed. The land of interest comprises approximately 16.32 hectares across two lots and is located on the north east corner of the intersection of Williams Road and Feehans Road. The land is in the Farming Zone with immediate abuttal to its north and east to the Armstrong Creek Urban Growth Area. Purdies submitted that Amendment C395ggee *“does not go far enough in identifying and protecting land in the vicinity of Mt Duneed, which Purdies has an interest in, for future conventional residential land use”*.

Purdies submitted that:

it is readily apparent from a review of the land’s physical and planning context, that it is an anomaly, as it is the only land within the area bounded by Williams, Feehans and Whites Road the Surf Coast Highway which is not within the Armstrong Creek Urban Growth Area and not zoned to facilitate conventional residential development.

Purdies submitted that Amendment C138 to the Greater Geelong Planning Scheme introduced the planning controls to facilitate urban growth in Armstrong Creek and submissions were heard on behalf of landowners along Feehans Road and Torquay Road (the Surf Coast Highway). Purdies further submitted that even though the then landowner of the land was not a submitter to Amendment C138 nor represented at the Amendment C138 Panel Hearing:

the logic adopted by the Panel in supporting the inclusion of the adjoining land along Feehans Road with the urban growth boundary also applies to the Land and it

appears inevitable that had representations been made to include the Land within the urban growth boundary as part of Amendment C138, the Land would have been included.

Ms Rigo gave planning evidence for Purdies that *“as exhibited, Amendment C395 does not provide adequate certainty regarding the future of the subject land and the opportunity it presents with regards to the Armstrong Creek Growth Area”*.

In relation to the subject land Ms Rigo formed the opinion it:

has locational and physical attributes that are consistent with the objectives and principles of the Settlement Strategy, the Armstrong Creek Urban Growth Plan and the strategic objectives and policies for housing in the Local Planning Policy Framework which makes it a reasonable and logical candidate for inclusion in the Urban Growth Zone and settlement boundary.

Ms Rigo, and others, noted the Surf Coast DAL affects the area south of the Armstrong Growth Creek Area. There was concern expressed that the DAL may jeopardise expansion of the settlement boundary to the south regardless of the merits and opportunities.

DFC Services Pty Ltd (DFC) has an interest in land at 372-450 Charlemont Road, Armstrong Creek. The land comprises three lots and lies immediate south of the current settlement boundary for Armstrong Creek taking land up to Lower Duneed Road. DFC stated that it *“generally does not oppose the Amendment however seeks some minor amendments to the Amendment documents to appropriately acknowledge the future strategic work that should be undertaken in relation to Armstrong Creek”*. DFC submitted changes to Clause 21.06 and 21.11 with regard to reflecting the work which should occur in relation to Armstrong Creek.

DFC submitted that a logical inclusions process could work in concert with the resolution of the Surf Coast DAL process, to determine the location of any protected settlement boundary, again, if one is even set. DFC considered that the proposed timing for the logical inclusions process, if undertaken expeditiously following the conclusion of this Amendment, would allow any findings to be incorporated into a SPP developed for the Surf Coast DAL.

Property Corporate Holdings Pty Ltd has an interest in land at 70 Baenschs Lane, Connewarre. The land of interest comprises approximately 43 hectares and is located on the western side of Baenschs Lane. The land is bounded by Lake Road to the north, Baenschs Lane to the east, Barwon Heads Road to the west and adjoins 15 Baenschs Lane to the south. Property Corporate Holdings submitted its case to rezone the land to Urban Growth Zone, or as an alternative, update the Greater Geelong Housing Framework Plan – 2036, Municipal Framework Plan at Clause 21.04 and Housing and Settlement Framework Plan at Clause 21.06 to identify this land and similar sites that have the ability to satisfy Council’s broad principles for the logical inclusion process as ‘strategic investigation sites’.<sup>8</sup>

Through its Part B submission, Council advised that its interactions with DELWP on the Surf Coast DAL have not to date suggested that the Surf Coast DAL will propose protected settlement boundaries within the City of Greater Geelong. On this basis Council did not alter its position on logical inclusions for this area of the municipality.

Mr Milner giving planning evidence for DFC observed that *“the southern boundary of the growth area terminates without a clear, natural or physical defensible reason as an*

<sup>8</sup> The Panel notes this property is potentially affected by the SPP for the Bellarine Peninsula DAL.

*incongruous, hard edge interface, midway across a rural landscape*". Mr Milner went on to conclude that:

With the elapse of a decade, a period of more sustained growth and the intention to establish a permanent settlement boundary, it is timely and appropriate to review and interrogate the strategic consideration for the extent of the growth area boundary against the considerations of an enduring and defensible boundary.

Council submitted that submissions seeking to rezone land or to at the minimum include within the settlement boundary are able to participate in the logical inclusions process foreshadowed by Council. In its closing submission, Council advised that *"Council and DFC had agreed to a series of minor changes to the Planning Scheme in this matter such that any relevant outcomes of logical inclusions process as it affect Armstrong Creek are recognised in policy"* and Council regards the submission as having been resolved.

In relation to the Surf Coast DAL, DELWP advised that community engagement was to close on 15 November 2019, and an opportunity for public comment on the draft SPP would commence in early 2020.

#### **4.3.2 Discussion**

The Panel heard a number of submissions arguing for the inclusion of land within the Armstrong Creek Growth Area either through a rezoning of the land, or the nomination of strategic investigation areas. The Panel draws no conclusion as to whether these parcels of land should be used for residential purposes, rezoned or included within settlement boundaries. The Panel has formed the view however that there is enough reason to further assess the merits of the land nominated in submissions and land in the immediate environs of Armstrong Creek for inclusion in the settlement boundary using the logical inclusions process. The Panel agrees with Mr Milner's observation regarding the southern boundary and expects that the logical inclusions process will be used to create an enduring and defensible boundary.

In contrast to its view on the Bellarine settlement boundaries, the Panel has formed the view that the logical inclusions process needs to occur for the area of land interfacing with Armstrong Creek Growth Area before the DAL is finalised.

This includes reviewing the Armstrong Creek southern edge (Surf Coast DAL) and Armstrong Creek eastern edge (Bellarine DAL) along Breamlea Road.

A reviewed settlement edge is essential to inform the DAL as the southern and eastern edge of the urban settlement will have an enduring interface with rural land. The eastern edge of Armstrong Creek (western edge of Bellarine DAL) is to the Panel clearly a different case from the Bellarine townships as it potentially forms part of Geelong's major already-developing growth area.

The success of urban settlement and the protection of the DAL are entwined. A robust edge will provide long-term benefits and certainty.

#### **4.3.3 Conclusions**

The Panel concludes:

- There are several parcels of land that could be considered for inclusion in the Urban Growth Zone and provide a robust settlement edge for the Armstrong Creek Growth Area.

- The Panel is not in a position to make judgement on the individual merits of each parcel of land suffice to say that there is a degree of variation between land that presents strongly for residential use and land that does not.

## 4.4 Logical inclusions process

### 4.4.1 The issue

The Amendment proposes to introduce a permanent settlement boundary through a logical inclusions process at Clause 21.06-2 Spatial Distribution of Land Supply with the strategy 'confirm enduring and defensible settlement boundaries by undertaking a logical inclusions process'. The Strategy outlines that the preferred process to settling the permanent boundaries is an approach similar to that utilised by the Logical Inclusions Advisory Committee that reviewed the Melbourne Urban Growth Boundary in 2011.

The issues are:

- Whether the proposed logical inclusions process is satisfactory.
- The timing of the logical inclusions process.

### 4.4.2 Evidence and submissions

The Strategy outlines a 'logical inclusions' type process on page 75. It would be based on existing zoning and strategic plans and include a series of steps including the establishment of criteria, consultation, advice from infrastructure agencies and independent oversight amongst others.

Several submitters raised concerns with the proposed logical inclusions process proposed by Amendment C395ggee, in particular what the process will be; the timeframe for the conduct of the process; the inter-relationship with the DAL process; and whether there will be any opportunity for independent review of Council's findings.

As outlined by Council's expert witness Mr Barlow:

The proposed Settlement Strategy Framework Plan (see Figure 4 – page 15) proposes that all townships, including urban Geelong, will have 'permanent' settlement boundaries. The Settlement Strategy does not nominate what form of control will be applied to create the settlement boundaries. It also outlines the preferred process (together with some suggested matters for consideration) to setting the permanent boundaries suggesting that an approach similar to that utilised by the Logical Inclusions Advisory Committee that reviewed the Melbourne Urban Growth Boundary in 2011. The Strategy also notes that the 'logical inclusions' process should commence as soon as resources allow and must precede any further township structure plan reviews

As expressed by Mr Barlow, there was a mix of proposals for land to be included within the indicative permanent settlement boundary or as part of a future logical inclusions process. Mr Barlow did not consider all the submissions that cited concern with logical inclusions. He investigated the Boral Land only. The Victorian Planning Authority (VPA) submitted that "*the Settlement Strategy consider identifying the Waurin Ponds Boral landholdings (particularly the northern part) as a future investigation area or alternately through a future logical inclusions type review*". Mr Barlow preferred the site not to be reviewed in isolation but be done as part of a broader review of the Armstrong Urban Growth Area.

Council's expert Mr Collins also presented to the Panel his view on the submissions made regarding the logical inclusions process. He expressed the view that:

A 'logical inclusions process' would potentially be most relevant to the Bellarine Peninsula townships – especially the three 'district towns' where there may previously have been an expectation of regular boundary reviews to provide for ongoing greenfield housing growth. The Council has indicated that it believes that the Bellarine DAL process is the appropriate way to address any issues associated with defining permanent ('protected') township boundaries

Mr Collins indicated that his work on the Strategy addressed the issue of whether the growth of the townships should be allowed to continue on an open-ended basis, it did not attempt to review past structure planning studies to determine whether the existing boundaries of these townships are 'logical' or in need of some change. Mr Collins suggested that that type of investigation could occur through a 'logical inclusions' process or the DAL process. He also expressed his view that he saw *"no apparent justification, apart from self-interest, for suggesting that the growth area boundaries should be subject to review through an immediate 'logical inclusions' process."*

Mr Milner gave evidence that *"a process congruent with the Logical Inclusions Review is an appropriate planning mechanism available to resolve the matter of permanent settlement boundaries across Greater Geelong"* and *"the structure plan review process conducted on a settlement by settlement basis provides a similar and appropriate planning mechanism."*

Mr Glossop giving planning evidence for Morgan and Griffin outlined some basis to the uncertainty of the logical inclusions process. This evidence included:

- An extract from Council's 24 September 2019 meeting about the further review of the Ocean Grove township boundary with Council noting:

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. 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.

- The observation that Council's Part A submission does not identify any further change to Clause 21.14 creating a level of uncertainty and inconsistency about Council's intention 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.
- The Framework Plan identifying an 'indicative permanent settlement boundary' for the Geelong Urban Area and other townships having a 'settlement boundary'.

Mr Glossop expressed his view that *"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."*

LBDG sought a change to the proposed Clause 21.06-2 (Spatial distribution of growth and land supply) by modifying the fourth Strategy by adding "to consider minor changes" after "logical inclusions process".

As noted above, Mr Collins stated that in his view other than self-interest, there is no apparent reason for an immediate 'logical inclusions' process. Under cross-examination from Mr Bissett, Mr Collins agreed there needs to be some way to get to a well-argued and well-justified township boundary and that this may be achieved by Structure Plan review or logical inclusions process or other process.

Council submitted that the DAL process for the Bellarine will satisfy the 'logical inclusions' identified within the Amendment in so far as it relates to the Bellarine. It said that *'on the basis that the Settlement Strategy, except for the Northern and Western Growth Areas, does not identify new areas of growth, the Amendment includes a proposed process by which minor logical adjustments or omissions can be addressed'*.

Council proposed that this will occur pursuant a separate Planning Scheme Amendment process to be initiated in the short term after gazettal of the Amendment. Council submitted that the process will be based upon the following principles:

- Bellarine township boundaries to be determined by the DAL process
- Geelong will upon gazettal of the Amendment have and adequate land supply
- Geelong is committed to delivering sustainable and functional communities in a timely manner to the existing identified growth areas and does not need to identify further additional growth fronts at this time
- Adequacy of supply will be identified during the ongoing monitoring and review
- Geelong is committed to achieving 50 percent of housing via infill by 2047 and providing greater densities and housing diversity in identified growth areas.

Council submitted that the precise nature of the broad principles for the logical inclusions process may alter however the following principles reflect current thinking and understanding:

- Land supply is not a consideration
- Land must be contiguous with urban residential areas – GRZ, RGZ, NRZ or UGZ
- It is unlikely that the Northern and Western Growth Areas would be included given they have recently been the subject of a specific investigation process
- Land must deliver a benefit to existing or identified residential land/development through for example more efficient infrastructure provision or utilisation
- Land must be able to rely on existing facilities and services and not create the need for additional or new community infrastructure or significant council investment that would be required for a new residential node.

Council also submitted that the suitability for urban development should consider:

- Flooding risk, climate change, environmental issues including acid sulphate soils;
- Accessibility, including the feasibility and cost of providing adequate public transport and roads access;
- Impacts of any proposed boundary changes on the economic provision of other development fronts;
- Urban services including both utility and community services;
- Impacts of any proposed changes on the establishment of logical and enduring settlement boundaries;
- Physical boundaries including consideration of natural features, location of major roads and reservations for public utilities; and
- Potential impacts on significant existing non-urban land uses and activities including agricultural, activities, extractive industry, sensitive land use buffers, tourism and other established and valued land uses.

Council submitted that a Planning Scheme Amendment to determine the long-term boundary for urban Geelong through a logical inclusions process will occur upon the implementation of Amendment C395ggee. A draft 'long term' or 'permanent boundary' to replace the 'indicative' boundary exhibited through this Amendment will be prepared and will include the final methodology and criteria used to come to Council's preferred position. Once Council has completed any supporting strategic work the report and draft boundary will go out on public exhibition and follow the usual amendment process.

On Day 5 of the Hearing, Council submitted that it had not altered its position on the logical inclusions process as detailed in Clause 21.06. In its Part B opening submission Council advised that:

Council considers that the DAL process is the proper forum for consideration of specific planning policy on the Bellarine and anticipates that it is through this process that the some or all of the matters of Implementation under Clause 21.14 of the Planning Scheme will be satisfied and addressed. It considers the DAL process for the Bellarine will resolve both these matters and will satisfy the 'logical inclusions' identified within the Amendment in so far as it relates to the Bellarine.

Under proposed Clause 21.06 the Amendment includes the following text under Further Work:

Establish a consultation process to deal with any significant anomalies or logical inclusions as part of conferring an enduring settlement boundary.

The Amendment includes a proposed process by which minor logical adjustments or omissions can be addressed. Council submitted that this proposed process is on the basis that the Settlement Strategy, except for the Northern and Western Growth Areas, does not identify new areas of growth.

In its closing submission, Council noted that 'Purdie's Paddock' is a relevant parcel that on face value is capable of satisfying at least a number of the proposed criteria for the future logical inclusions process and this can be further examined if a submission is made to the process. Council also noted that other submitters such as Property Corporate Holdings Pty Ltd may also pursue their cases through the logical inclusions process. Council's commentary varied on the sites.

In its closing, Council reinforced that as with other parts of this Amendment, the concerns raised by parties are not whether there is enough land but is either about whether their land can be developed or when it can be developed. Council submitted that the Amendment is founded on a two-part settlement strategy, existing Geelong and the growth areas; and does not seek to introduce new land to the existing areas of Geelong. Council accepted "*a further process for finalisation of an enduring boundary for Geelong*" and submitted this is what the Amendment specifically contemplates.

Council considered that the form of this finalisation will be:

- In the form of a logical inclusions process; or
- Secured by the DAL program; or
- In the case of Ocean Grove, if not addressed by the DAL, through the proposed review of the structure plan in accordance with the exhibited planning scheme provisions.

When responding to specific submissions, in its closing submission Council submitted that *“to the extent that the DAL does not grapple with boundaries then it would follow that the logical inclusions process would extend to the Bellarine”*.

#### 4.4.3 Discussion

The Strategy notes that the ‘logical inclusions’ process should commence as soon as resources allow and must precede any further township structure plan reviews. Under proposed Clause 21.06, the Amendment includes the following text identified as Further Work:

Establish a consultation process to deal with any significant anomalies or logical inclusions as part of an enduring settlement boundary.

The Panel does not fully agree with the view of Mr Collins regarding the immediate need of a logical inclusions process, as there are some parcels of land where such a process is appropriate and will deliver robust and logical settlement boundaries that accord with the principles outlined in the Strategy, for example the southern settlement boundary for the Armstrong Creek Growth Area. The Panel agrees with Mr Barlow that as with other parts of this Amendment, the concerns raised by parties are not whether there is sufficient land but whether their land can be developed and when it can be developed.

The Panel considers that the issue of timing of the process needs to be clearly defined.

#### 4.4.4 Conclusions

The Panel concludes:

- the logical inclusions process is important, and has been clearly articulated by Council
- the logical inclusions process should be undertaken as soon as possible for Armstrong Creek to assess the land, and where justified, include in an addendum to the Armstrong Creek Growth Area in a single strategic planning exercise. This logical inclusion process will in turn inform the Surf Coast DAL (policy for northern edge) and Bellarine Peninsula DAL (policy for south western edge)
- a logical inclusions process should be considered for townships on the Bellarine Peninsula, where a structure plan review or settlement boundary resolution through the DAL process is not proposed
- there is no need for a logical inclusions process to be used in the short to medium-term for the NWGGA.

#### 4.4.5 Recommendation

The Panel recommends:

2. **Revise the Settlement Strategy to clearly articulate that for the Bellarine Peninsula, the process to finalise an enduring boundary for Geelong will be:**
  - **Secured by the DAL program; and**
  - **If not addressed by the DAL, through the proposed review of structure plans; or**
  - **Where no Structure Plan review is proposed in the near future, then the logical inclusions process as described in the Settlement Strategy.**

## 5 Settlement Strategy – strategic land holdings

### 5.1 Settlement boundaries – Boral land

The issue is whether the land should be rezoned to Urban Growth Zone and how it should be designated in local policy.

#### 5.1.1 Evidence and submissions

Boral Ltd and Blue Circle Southern Cement Ltd (Boral) owns a large parcel of land to the southwest of the urban areas of Geelong. The land of interest comprises 1,020 hectares and is dissected by the Geelong-Warrnambool railway and the Geelong Ring Road with existing underpasses providing connectivity across the site. The southern portion of the land has been included in the Surf Coast Distinctive Areas Landscape.

Boral submitted that the land should be rezoned Urban Growth Zone and included within the urban growth boundary; that the land will be required for housing prior to 2036; and that the current zoning of part of the Boral land as Special Use Zone is an anomaly. Boral submitted that the land has a unique combination of attributes that provides a compelling reason why its submission should be supported. Boral detailed these attributes as including size, single ownership, existing servicing, proximity to excellent road and public transport infrastructure; and proximity to major employment generators.

Boral submitted that certainty for the future of its land was needed to ensure that the rehabilitation plan catered for urban development. Additionally, Boral submitted that the land needs to be at least designated for investigation as the southern area of the land is nominated in the Surf Coast DAL and the DAL process needs to take the future use of the land into consideration.

In particular, Boral submitted the following changes should be made to the Amendment:

- Make changes to the exhibited Municipal Framework Plan at Clause 21.04 by designation of the part of the Boral land north of Reservoir Road as ‘growth area’ and removal of the ‘major resources’ designation.
- Make changes to the exhibited Housing and Settlement Framework Plan at Clause 21.06 to include all of the Boral land within the settlement boundary; designate the part of the Boral land north of Reservoir Road as ‘future growth areas’ and designate the part of the Boral land south of Reservoir Road as ‘investigation area’.
- Insert text into Clause 21.06-1 to direct the further investigation of the land for its potential for further urban development; and delete text from Clause 22.11 in relation to the protection of the land for extractive industries.
- Rezone all of the part of the Boral land north of Reservoir Road from Special Use Zone-Schedule 7 to Urban Growth Zone.
- Update the Strategy consistent with these changes to the Planning Scheme.

The VPA submitted on the matter in its capacity as ‘Advisor’ to Council and expressed a concern that there had been a possible oversight in Council’s application of areas for future long-term investigation. The VPA submitted that:

It is the submission of the VPA that the land should be at the very least considered as a ‘Long-term Investigation Area’ on Figure 1 in the Settlement Strategy. The key reasons the VPA supports its consideration relate to its location, size, single

ownership, zoning and cessation of quarrying activity. It is an opportunity to include land that will clearly be considered into the future and is included with the current G21 Regional Growth Plan.

Mr Barnes provided planning evidence for Boral on the position of the land within the context of Amendment C395ggee, the Strategy and existing and proposed planning policy expressing the view that:

The issue in relation to the Boral land is not about whether the land is needed to accommodate future urban development in Geelong. Rather, it is about whether the land is as well or is better located to accommodate future urban development than the other areas that have been identified.

In its Part A submission, Council expressed its position in not supporting Mr Barlow's recommendation to identify the northern part of Boral land as a potential investigation area as:

Council officers do not dismiss the attributes of the Boral land as a potential long-term growth area. However, it is premature to designate it for future investigation at this point in time as there is adequate lot supply in other areas including NWGGA and Armstrong Creek. Subject to the commentary above Council would not oppose include some further discussion on the Boral land in the Settlement Strategy document (subject to appropriate qualifications) and must consider any Panel recommendations on this issue."

Council further submitted that that the rezoning and designation of the Boral land within the settlement boundary as part of the Amendment would be premature and inappropriate. Council submitted that it is unnecessary to rezone or include more land within the indicative urban growth boundary at this point in time as the Strategy already provides for the municipality's growth for over 20 years. Council also submitted that the rezoning of the land is not before the Panel.

In its Part B submission, Council argued that in chronological terms there is nothing surprising in the non-recognition of the Boral land and acknowledged that:

The Boral site, on the evidence before the Panel and logically, represents a large land holding capable, at least in part, of accommodating substantial growth and potentially suitability for residential development. Its investigations however are not so advanced as those for the northern and western growth let alone at the time the Settlement Strategy was prepared.

Council submitted that it acknowledges the locational and strategic attributes of the Boral land for urban development and that these factors are recognised in its identification in the G21 Regional Growth Plan Implementation Plan Background Report for potential long-term growth (2040+). Council submits that the use of the Boral land for quarrying and clinker grinding combined with the rehabilitation that is necessary before residential uses can commence has meant that priority has been appropriately given to the NWGGA. Council acknowledges that Mr Barlow provided expert planning opinion that the Boral land should not be assessed in isolation but as part of broader review of the Armstrong Creek Growth Area.

In its closing submission, Council acknowledged the future potential of the land. Council proposed changes to the Strategy to specifically recognise that at the end of its extractive use and resolution of the DAL process it is one of several sites for investigation to meet the municipality's future housing needs.

### 5.1.2 Discussion

As heard under cross-examination of a number of expert witnesses, the Panel recognises that the Boral land holds characteristics that are advantageous to its future development to support the growth of Geelong. In particular, the Panel heard from Mr Barnes that the knowns are the opportunities presented, the unknowns are the details of the opportunities and it is the balance of the knowns and the unknowns that leads him to suggest it be designated as a further investigation area. The Panel agrees with this pragmatic approach.

The ability of the Strategy in its current form to provide sufficient land supply to deliver the requirement of a 15 year land supply has remained essentially unchallenged through the proceedings. Concern was raised that the adequacy of land supply did not take into account challenges in Armstrong Creek (e.g. fragmentation of ownership) and any future challenges in the NWGGA.

During the Hearing considerable debate occurred between Council and Boral regarding the chronology of the preparation of Amendment C395ggee and its key documents including the Strategy and the Framework Plan; Boral's intentions for the future use of the land and cessation of current works; and whether or not the rezoning of the land is before the Panel. To the Panel the main question is whether there is strategic justification for 'bringing on' the Boral land prior to or at the same time as NWGGA.

In the implementation of Clause 11.2-1S, Council must provide clear direction on locations where growth should occur. With appropriate considerations, Council may choose to direct growth where it deems appropriate and strategically justified. The Strategy adequately justifies the decision to direct growth to the NWGGA.

The Panel partly agrees with Council that the Amendment is not about identifying new areas of land. The Amendment does not seek to broadly rezone land to Urban Growth Zone except for select area of the NWGGA which have been determined to be required in the short-term for the residential growth of Geelong. However, the Amendment does provide the opportunity to identify land for further investigation, particularly where that land has been formally recognised in other strategic planning documents.

### 5.1.3 Conclusions and recommendation

The Panel concludes:

- The Boral land could be designated in the Settlement Strategy for further investigation to meet the municipality's future housing needs at the end of its extractive use and resolution of the DAL process.
- There is insufficient strategic justification for the Boral land to be identified as a growth area or rezoned to Urban Growth Zone as part of this Amendment.

The Panel recommends:

- 3. Council consider revising the Settlement Strategy to identify the Boral land as an 'Investigation Area' for future urban development.**

## 5.2 Settlement boundaries – Western Industrial Precinct

The issue is whether the Geelong Settlement Strategy and the planning policies contained within the Greater Geelong Planning Scheme, including the Framework Plan contained in Clause 21.11, should be amended to identify land in the south-west precinct of the Armstrong Creek Urban Growth Area for residential purpose.

### 5.2.1 Evidence and submissions

Mt Duneed Developments Pty Ltd (MDD) has interests in land within the Urban Growth Zone and more specifically within the Western Industrial Precinct (WIP) of the Armstrong Creek Urban Growth Area (ACUGA). The land of interest is located in the south-west of the ACUGA in the area generally bounded by Whites Road, Ghazeepore Road, Armstrong Creek and the Surf Coast Highway and comprises approximately 77 per cent of the land within the WIP. The WIP is bounded to the north and east by land within the ACUGA, and no PSP has been prepared.

MDD requested that the designation of the south-west part of the ACUGA as an employment precinct be revisited. In particular, MDD requested that the Geelong Strategy and the planning policies contained within the Greater Geelong Planning Scheme (including the Framework Plan contained in Clause 21.11) be amended to identify land in the south-west precinct of the ACUGA for residential purposes.

MDD submitted that the preparation of a new Strategy presents the opportunity to review the way that existing urban land in the Armstrong Creek Growth Area is planned in the future. MDD provided submissions identifying the changes that have occurred in Geelong since the original ACUGP was adopted in May 2008, and subsequently amended in May 2010.

MDD invited the Panel to recommend a revisitation of the industrial precinct citing three reasons for this being: the closure of the Boral quarry; rise of the Geelong Future Economy Precinct; and the passage of time and what has transpired in the intervening period.

In regard to the lack of need for a quarry buffer, MDD emphasised that the proximity to the quarry was the overriding consideration in the designation of the WIP in the ACUGP. The submission was made that:

As a consequence of the changing use of the Boral land, the function of the WIP as a buffer in relation to residential land further to the east in the ACUGA has ceased to be necessary or relevant to questions of strategic use of the WIP land.

Mr Barnes also shared the view that the presence of the quarry directly influenced the designation of the land immediately east of the Boral land as 'Employment Land' and 'Parkland' in the ACUGP. MDD noted general support for the position taken by Boral in its submission but submitted that the suitability of the Boral land for residential purposes should be assessed in conjunction with consideration of the WIP land for a residential outcome.

In regard to the envisaged use and current designation of the land, MDD submitted that the WIP's proximity to the Deakin University Waurin Ponds Campus, and the size of the Deakin site at the time of conceptualising the WIP, underpinned the location and tenants expected. Ms Brennan submitted that "*what was anticipated for Armstrong Creek hasn't materialised and will not materialise*". MDD submitted that "*with the Deakin site being expanded from 54*

*hectares to 543 hectares, the niche anticipated by the ACGUP for the WIP appears to be filled”.*

In considering other tenancies for the land, MDD submitted that the land attributes don't make it attractive for major business and investment and that other locations like the Heales Road precinct and the Northern Employment and Industrial Precinct provide a reasonable supply of 'service industry land'.

Mr McNeil presented evidence relating to the future development prospects of the WIP located in the ACUGA with consideration of any impact on the WIP arising from the closure of the Boral Quarry located to the west of the WIP.

Mr McNeil provided strong support to the Strategy saying that:

The Settlement Strategy effectively provides a high level framework aimed at meeting the future housing needs of Greater Geelong. In doing so, it assesses the city's future growth prospects, housing needs and where those needs are likely to be met in spatial terms.

Mr McNeil expressed his opinion that:

The Settlement Strategy represents a sound approach and addresses many of the key issues Greater Geelong is likely to face in the future. Like all such documents however, it is reliant on the best information available at the time it was written. I consider a number of matters from the Settlement Strategy in the balance of my evidence statement.

Mr McNeil agreed that the use of Scenario D in the Strategy *“is the most appropriate growth scenario for the purposes of planning future growth”*. Mr McNeil did note that *“based on the trajectory of recent growth it may be prudent to consider the possibility of Scenario E in considering future urban growth and land supply requirements”*. Mr McNeil supported MDD's submission on the land attributes and concluded that the WIP should be identified for residential development as there is strong demand for residential land in Greater Geelong and the Armstrong Creek Growth Area.

In presenting evidence for the Boral land, Mr Barnes also expressed views on the future approach to development of the WIP, the interface between the ACUGA and the Boral land. He identified that there are clear benefits in extending urban areas and designated growth areas, rather than establishing new urban growth fronts; and that such an approach is supported by planning policy. Of relevance, Mr Barnes detailed that:

Urban development on the eastern parts of the Boral land would in my opinion be a natural and logical extension of the Armstrong Creek Urban Growth Area. There would be a need to rethink the PSPs for the western part of Armstrong Creek, in particular the Western Employment Area. However, I do not believe this would be unreasonable, given that the employment precinct has not yet been developed and a PSP has not yet been approved.

Council submitted that the uptake of industrial land is often delayed, and that suitable land should not necessarily become land for residential use. Under cross-examination by Mr Tobin, Mr McNeil acknowledged that there was no analysis that had been undertaken which demonstrated a need for this land to be put to residential purposes to satisfy a shortfall in land supply over the duration of the Strategy. Mr McNeil accepted that his report was something less than a comprehensive assessment of availability of industrial land.

In closing submissions, Council submitted that the changes sought by Mount Duneed Developments are premature. Mr Tobin went on to say that the changes sought are

leveraged off submissions made by Boral which is an area for which the development future is not yet clearly articulated. Additionally, Council's closing submission noted that information seeking support for change can be submitted to Council at any time and that signposting potential change is unnecessary and unjustified.

### **5.2.2 Discussion**

MDD supported the proposed Amendment but sought changes to recognise the strategic circumstances of land within the WIP. The MDD submission was prefaced on the alteration to the policy components of the Greater Geelong Planning Scheme, taking the view that Amendment C395ggee therefore affects all land within the municipality.

The Panel acknowledges that ACGUP was adopted over a decade ago and that many residential aspects of the plan are well under development. Whilst the recommendation contained in the Amendment C138 Panel Report and the changing face of Greater Geelong may lend some weight to the need to revisit the size and intent of the WIP, that alone is not enough to change the designation as part of the Amendment C395ggee process. Nor is the generic background work that Ms Brennan indicated has been undertaken on the land by her client.

Upon review of the ACUGP, it is clear that the provision of a buffer between residential and quarry activities is one of five key elements listed for the rationale for the location of the WIP. The future of the Boral land is uncertain as is the future need for a buffer to the sensitive uses stemming from that land. The evidence of Mr McNeil left some doubt in the Panel's mind when he expressed the opinion that he is not convinced it can become a 140 hectare business park but did not turn his mind fully to non-residential uses of the land. The Panel is of the view that there is insufficient justification to change the designation through this Amendment process. In closing submissions, Council identified that at any time it is open for information to be presented to Council seeking support for change and the Panel notes this point.

The Panel accepts Council's view that industrial land takes time to develop. In conjunction with the breadth of work undertaken by Council for the Northern and Western Growth Areas to meet future residential demand, the Panel has the view there is no pressing need to redesignate the land for residential use. It may be prudent to wait until such time as there is certainty over the future of the Boral land and both areas of land can be reviewed in conjunction with each other.

### **5.2.3 Conclusions**

The Panel concludes:

- On the evidence before it, any redesignation of the WIP for residential use would be premature and without sufficient certainty of the adjacent land use and employment land requirements in Greater Geelong.
- Any review of the WIP should not be considered in isolation of the Boral Land, and the broader ACUGA.

## 6 Growth Area Framework Plan

### 6.1 Introduction

The Framework Plan provides a high level outline development plan for the two proposed growth areas. Many submissions sought changes to the Framework Plan, but these were generally changes directed to development form, sequencing and timing rather than outright objections.

There were some objections to the growth areas, but these were relatively few and generally went to issues that the Panel considers can be managed through future planning and development, or were not of such weight to count against the provision of a very significant growth area for Geelong with a 20 year time horizon.

### 6.2 Planning process

The process followed by the Council in formulating the Framework Plan was extensive and involved community and stakeholder consultation over a period of some three years. The Framework Plan draws on a significant number of background and technical reports commissioned by the Council.

The exhibited Amendment seeks in part to implement the NWGGA Framework Plan by inserting a new clause (Clause 21.20) which includes the Framework Plan map (Figure 2) and adding the Framework Plan document as a Background Document (in Schedule to Clause 72.08).

#### 6.2.1 Evidence and submissions

Council submitted that the Framework Plan was innovative, ambitious, worthy of strategic support and contained overarching principles for land use and development of the Northern and Western Growth Areas and was intended as a high-level plan to guide the preparation of PSPs and DCPs/ICPs for the precincts within the two growth areas. Council acknowledged that:

The Framework Plan contains some greater detail than is commonly seen in framework plans. This reflects the extensive background work carried to inform the ultimate plan. In effect, this information is catalogue of existing conditions. This is useful information in a framework plan to assist in preparing PSPs, acknowledging there is flexibility in the application of the Framework when preparing those PSPs.

It submitted that while future PSPs must be consistent with the vision of the Framework Plan, it accepted that further work would be required on indicative land use and infrastructure items.

In his planning evidence for Council, Mr Woodland stated that he supported the underlying intension of Clause 21.20-3 in seeking to ensure that land use and development proceeds generally in a accordance with a Framework Plan but that he did not consider it appropriate for policies or strategies in a planning scheme to rely on material in Background Documents as a basis for decision making. He therefore suggested alternative wording for Clause 21.20-3. He also noted that framework plans are not intended to be an absolute prescription of the land use and development outcomes for land within growth areas and specifically recommended that amongst other changes, the PSP concept plans should either be removed

from the Framework Plan background document or that a ‘statement of limitations’ be included in the Framework plan explaining that “... *these (PSP concept plans) are only intended to show the potential combination of land uses and infrastructure requirements that need to be addressed at the PSP stage, and that the plans do not represent a final or preferred urban structure for the precinct.*”

Council advised that:

Council accepts Mr Woodland’s advice that the exhibited requirement for ‘general accordance with the Framework Plan’ is instead amended to a requirement to ‘have regard’ to the Framework Plan in preparing PSPs (or similar wording) and to require general accordance only with the plans incorporated into the Planning Scheme.

To this end, Council submitted that Clause 21.20 as exhibited should be amended “... *to not require that PSPs prepared must be in accordance with the entire Framework Plan*” and that a new section should be included in the Framework Plan as follows:

#### Role of the framework plan

The Northern and Western Geelong Growth Areas Framework Plan is a high-level strategic document that describes considerations related to future urban development in the growth areas. The framework plan describes the existing site context of the growth areas and outlines a vision and set of urban development objectives and actions to inform the subsequent detailed preparation of precinct structure plans (PSPs).

The framework plan proposes the sequential preparation of nine PSPs. Each PSP provides the basis for localised urban development and investment and will further consider and incorporate relevant directions outlined in this framework plan. Each PSP will elaborate on the framework plan by adding important land uses that support the local community such as local roads, schools, community facilities and open space not included at this preliminary level of planning.

Preparation of each PSP will be the subject of further detailed technical investigations and reports specific to that precinct. A separate planning scheme amendment will facilitate the detailed future urban structure and infrastructure requirements of the precincts. The location and extent of some features (e.g. road network, waterways and activity centres) depicted in plan set of the framework plan are accordingly illustrative or enlarged with the intent that they will be refined or amended as part of the preparation of each PSP.

The framework plan summarises existing technical investigations that provide a preliminary basis for the preparation of each PSP. It is important to ensure that the preparation of the PSP allows for the consideration and adoption of new technical information that may provide increased benefits to the future community.

Mr Woodland in oral evidence agreed that it would be helpful to include words to this intent.

In closing, Council submitted that the planning scheme ordinance documents were the most critical in the hierarchy of planning documents and necessarily the most important aspects on which the Panel should provide its advice on what should be included in the Amendment. It noted that the Framework Plan is not an incorporated document, but a background document and it should not be the role of the Panel to re-draft this background document. It invited the Panel to make recommendations it considered appropriate to assist Council to re-draft and structure the document in a careful and considered manner.

LBDG expressed concern about the content of the Framework Plan, the extent of detail in the plan and the rigidity of its outcomes. It stated that:

Lovely Banks is seeking modifications to clause 21.20 and the Framework Plan to ensure that the Framework Plan will be given the proper weight, having regard to its status as a background document and that this is reflected appropriately in the text to clause 21.20.

LBDG argued that as established in VCAT decisions, whether a proposal was 'generally in accordance with' a plan was a question of fact and the more detail there is in the primary document (in this case the Framework Plan) the less flexibility is given by the phrase. LBDG submitted that:

This is precisely why the application of that phrase here is concerning. Not because of the phrase itself, but because of the content of the primary document it refers to either by reference to the spatial plan or the background document which provides insight into the spatial plan. The Framework Plan document is too detailed in certain respects. Mr Woodland agrees with that and his evidence essentially tried (but did not properly resolve how) to grapple with the implications. Consequently, we submit that the operative phrase in the policy ('generally in accordance with') will arguably leave little flexibility in the application of the Framework Plan.

We submit that the solution is not to come up with a new planning phrase such as "have regard to" or whatever else it might be, but rather to use the appropriate and commonly applied language, but address the Framework Plan.

It is beyond the scope of our submission to rewrite the Framework Plan. Neither does Lovely Bank wish to do that. However, we have identified (in Appendix 1) the parts of it that we submit require some review or amendment. In addition to that, because we do not seek to extensively rewrite the Framework Plan, we seek that the text of clause 21.20 be modified to ensure that the required level of elasticity exists going forward.

LBDG sought a change to the exhibited Clause 21.20-3 to replace the first four strategies with:

Prepare Precinct Structure Plans that are generally in accordance with the spatial framework plan set out in clause 21.20-5 and consider, as relevant, the Northern and Western Geelong Growth Areas Framework Plan background document.

LBDG welcomed the new text proposed by Council for inclusion in the Framework Plan but proposed some changes to it.

The Ramsay Property Group (Ramsay) submitted that it generally supported the Framework Plan but endorsed the evidence of Mr Black (who gave planning evidence for the McCann Family) and Mr Woodland that the exhibited wording of Clause 21.20 did not allow sufficient flexibility in the preparation of the PSPs. Ramsay supported Council's intention to redefine the relationship between Clause 21.20 and the Framework plan to promote greater flexibility and to include further wording in the Framework Plan to clarify the role of the Framework Plan. It endorsed the wording change to Clause 21.20-3 proposed by Mr Woodland as striking "*... the right note for the Framework Plan to play in moving forward*".

The McCann Family submitted that the drafting proposed for Clause 21.20-3 by LBDG was most appropriate as it "*adopts phrases commonly used in statutory planning ... and provides an appropriate form of reference to a 'background document' in the planning scheme, recognising the usefulness of such documents within the planning scheme whilst also retaining flexibility to depart from that document where appropriate.*"

The McCann Family tabled a marked-up version of the exhibited Clause 21.20-3 with proposed changes. It stated that this revised wording was based on the submission made by LBDG and the evidence of Mr Woodland and Mr Black.

In his evidence, Mr Black referred to the *Planning Practice Note 13, Incorporated and Background Documents, September 2018*. He opined that specifically mentioning the Framework Plan in a local planning provision is consistent with the direction set in the Practice Note but questioned the way it is done in the exhibited Clause 21.20-3. He noted that background documents have only a limited role as they are not part of the planning scheme and therefore the strategy stated in the exhibited Clause 21.20-3 was “... *not appropriate as it seemingly places too much reliance on the role the Framework plan will play in future decision making.*”

Mr Black suggested wording changes to the strategies in Clause 21.20-3 to ensure some flexibility is provided for the future planning of the growth area.

Mr Marshall for Mr Rodney Reid raised concerns with the level of detail in the Framework Plan and the draft planning scheme provisions that support its implementation. He submitted that either the planning provisions are “... *relaxed to allow a more liberal interpretation of the Framework Plan or the detail within in the WGGA Framework Plan is substantially reduced or considered a guide only.*”

Council responded to submissions and evidence and included in its closing submissions what it described as ‘its panel version’ of Clause 21.20 (Document 245). This version incorporated the changes requested by the McCann Family except for the following:

- replace “Framework Plan map” with “spatial plan” (which was also suggested by Mr Montebello)
- under the second dot point in Clause 21.20-3 delete the second dash point regarding development sequencing (see Section 6.4 below)
- delete the second sentence in the ninth dot point
- delete tenth dot point
- delete eleventh dot point.

This final version of Clause 21.20-3 Strategies added a new dot point at the end which reads:

Land use and development **should have regard** to the Northern and Western Geelong Growth Areas Framework Plan (City of Greater Geelong, XX, YY) (Panel’s emphasis)

The version submitted by Council did not include under Further Work in clause 21.20-4 (Implementation) a reference to a single ICP or DCP or an Infrastructure Funding Plan as requested by the McCann Family. This issue is discussed in Section 6.5 below.

## 6.2.2 Discussion

There was overall support for the Framework Plan as an important strategic document to guide the development of the two growth areas. No parties questioned whether it should be listed in the Greater Geelong Planning Scheme as a background document.

There were, however, several submitters who questioned some aspects of the Framework Plan, in particular that it was too detailed for a strategic document. They expressed concern with the proposed changes to the Planning Scheme to implement the Framework Plan and consequently how the Framework Plan as a background document and the incorporated Framework Plan map could be interpreted by those developing the PSPs for the growth areas. The Panel heard much evidence and lengthy submissions on these matters.

The Panel considers that some changes sought by submitters to the Framework Plan map and background document are relevant to its consideration of the Amendment. These specific issues are discussed in the following sections of this report. Many other issues raised in submissions were considered by the Panel to be matters of detail most appropriately dealt with through the PSP development process.

The Panel considers that the planning process followed by Council in developing the Framework Plan was robust and comprehensive. It is satisfied that the Framework Plan should be adopted with some changes. The Panel agrees with Council that the role of the Panel is not to rewrite the Framework Plan, noting that this is a background document, but rather it is to provide guidance on how the Framework Plan could be improved and make recommendations with respect to the Amendment's implementation of the Framework Plan, in particular Clause 21.20-3.

The Panel does share the concerns of some submitters that the Plan is very detailed and if narrowly interpreted could diminish flexibility in the development of the Precinct Structure Plans in the two growth areas. As noted by Mr Woodland in his evidence, it is questionable whether as a strategic document, the Framework Plan should include 'draft' PSPs. The Panel accepts however that the included PSPs are intended to be no more than concepts at this stage and much more detailed analysis will be needed to determine PSPs to guide future land use development and infrastructure provision.

Significant redrafting of the Framework Plan could take some time and potentially delay development of some precincts. To avoid this the Panel considers that the best remedy at this stage is to include a new set of words as a preamble in the Framework Plan and to revise the proposed amendment to planning scheme ordinance (Clause 21.20-3) to clarify the purpose of the Framework Plan. This should provide increased flexibility in how it should be interpreted in the preparation of PSPs. Most parties at the hearing agreed this was an appropriate way forward. Council put forward a form of words for such a 'preamble' and other parties, notably LBDG, provided some commentary on them.

The Panel considers that the draft words proposed by Council provide a good basis for a new 'preamble' to the Framework Plan. The Panel suggests that additional words should be included to emphasise that the document is a background document and should be interpreted in that light. Mr Montebello suggested some words worthy of Council's consideration although the Panel considers that Council should add in simple and clear wording that leaves no room for misinterpretation as to the purpose of the Framework Plan. The Panel is not offended by the second and third paragraphs of Council's proposed words (i.e. parts which Mr Montebello suggested should be deleted) but does not think this form of words goes far enough in making it clear that the PSPs in the Framework Plan background document are no more than concept PSPs albeit developed with the benefit of not insignificant background preliminary analysis. The Panel considers that unambiguous wording should be added to Council's draft words to simply state that the concept PSPs are just that, providing a starting point and will in all likelihood be subject to significant changes as the PSPs are prepared in some detail through the usual processes of development and review.

Some potential changes to the Framework Plan map and consequential changes to the Framework Plan background document are discussed in the following sections of this report.

During the Hearing there were lengthy submissions on the wording of the proposed Clause 21.20-3 and strong evidence put to the Panel, notably by Mr Black and Mr Woodland, on the appropriate wording of the ordinance.

There was much discussion on phrases such as 'generally in accordance with', 'have regard to', 'be guided by' and 'gives effect to', whether they were commonly accepted planning terminology and how they could be interpreted in a statutory planning sense. In the end, there appeared to be a meeting of minds on acceptable wording for most of Clause 21.20-3. Council in closing presented its preferred wording for Clause 21.20-3 (Document 245) that incorporated the suggested wording put forward by the McCann Family and LBDG with the exceptions outlined in section 6.2.1 above.

The Panel endorses the wording for Clause 21.20-3 put forward by Council in its closing submission. It considers that the dot points with respect to the Batesford Quarry (which the McCann Family sought to have deleted) should be retained to provide guidance for further work on the transition of the land surrounding the quarry.

The Panel has some concerns with the last dot point added by Council to Clause 21.20-3 (the 'should have regard to' addition). It considers the strategy unnecessary because it essentially duplicates with different wording the second dash point in the first strategy. It also uses the phrase 'should have regard to' that was the subject of much debate during the Hearing. This last dot point under Clause 21.20-3 Strategies should be deleted.

Other proposed Clauses and sub-clauses are considered elsewhere in this report.

### **6.2.3 Conclusions**

The Panel concludes:

- The Framework Plan is an import strategic document developed through an extensive and robust planning process.
- The Framework Plan with some modifications provides a sound basis for the future planning of the North and West Geelong Growth Areas.
- The Framework Plan spatial plan with some minor changes as detailed in the following sections should be included as Clause 21.20-5 in the Municipal Strategic Statement of the Greater Geelong Planning Scheme.
- A preamble should be added to the Framework Plan background document to clarify its purpose, provide flexibility in its interpretation in the next stages of the planning process and that the PSPs in the Framework Plan are concept plans and will be subject to change and refinement during the course of PSP development and review.
- With the addition of a preamble and changes as set out in the following sections, the Framework Plan should be listed as a Background Document at Clause 21.20-4 and the Schedule to Clause 72.08 of the Greater Geelong Planning Scheme.
- Council's 'panel version' of Clause 21.20 (Document 245) is an appropriate form of words for inclusion in the Greater Geelong Planning Scheme with the deletion of the last dot point under Clause 21.20-3 Strategies.

## 6.2.4 Recommendations

The Panel recommends:

4. **Add a preamble to the North and Western Geelong Growth Areas Framework Plan (March 2019) to:**
  - **clearly state its purpose**
  - **provide flexibility in its interpretation in the next stages of the planning process**
  - **confirm that the Precinct Structure Plans included in the Framework Plan are concept plans only that will be subject to change through the process of preparing Precinct Structure Plans for the precincts in the Northern and Western Geelong Growth Areas.**
5. **Amend the exhibited Clause 21.20 by adopting the changes proposed by Council as set out in Document 245 to the Hearing with the deletion of the last dot point under Clause 21.20-3 Strategies.**

## 6.3 Precinct boundaries

A number of submissions were made both for and against changes to the precinct boundaries set out in the Framework Plan. The issue is whether any of these changes discussed below should be accepted and the relevant maps and sections of the Framework Plan amended accordingly.

### 6.3.1 Evidence and submissions

#### (i) Northern Geelong Growth Area

##### Reduction in the number of PSPs

LBDG submitted that the number of PSPs should be reduced from four to two by combining the Heales Road East and West PSPs and the Elcho Road East and West PSPs. If that was not accepted, LBDG requested that there be flexibility by amending Framework Plan Action N5.2.3 to allow for the Heales Road PSP to be delivered in two stages and to amend Plan 40 to identify some of the land south of Heales Road in the medium term precinct, that is, in the Heales Road West PSP.

LBDG submitted that it had calculated that it would simply run out of (developable) land based on Council's schedule. LBDG referenced the evidence of Mr De Silva that:

Adoption of larger Precinct Structure Plans along with a specific infrastructure delivery strategy will simplify the process and avoid any future risk of delay in provision of land supply for urban purposes. Internal staging (including the potential for land supply on the flatter western part of the Northern Growth Area) can be controlled by the Precinct Structure Plan as required.

LBDG drew on the evidence of Mr De Silva in his Attachment 2 which outlined a comparison of PSP sizes and populations noting that the majority of the PSPs plan for a population range of 20,000 – 40,000 people. LBDG stated that:

Accordingly, we take issue with the Council's submissions on this point. Council suggests that PSPs can be any size, small, medium, large, and that these PSPs would sit comfortably in the 'medium' range.

We submit that there is no comparison to be made between smaller plans and the conditions and opportunities, which apply to the NGGA.

LBDG provided some commentary on the PSP areas cited by Council and submitted that the smaller sized PSPs referenced by Council are all explained by their context and circumstances and should not be regarded as any sort of precedent for smaller PSPs in the NGGA.

In his statement of evidence, Mr De Silva suggested that larger rather than smaller PSP areas should be adopted in the NGGA. In his view, combining Elcho Road East and West and Heales Road East and West PSPs would reduce the impact on Council and developer resources and enable efficient and timely provision of infrastructure.

In its original submission, Villawood Properties sought the inclusion of its land at 450 Elcho Road in the Elcho Road East precinct. In submissions at the hearing, Villawood stated that on considering submissions and evidence statements, it had reviewed its position and now agreed with the LBDG proposition that the PSPs in the NGGA should be consolidated from four into two precincts. Villawood submitted that there was no clear on-ground delineation between the Elcho Road West and East precincts, that the presence of consolidated land ownership warranted the adoption of a larger PSP area and the consolidation of the precincts into two PSPs would provide an increased capacity to cater for growth more in line with PSPs in the Melbourne growth areas of approximately 20,000 people.

Council stated that it did not accept the proposition put by Mr De Silva. Council noted that the precincts sizes in NGGA are approximately 485, 437, 467 and 700 hectares. It submitted that:

These areas are mid-range in comparison to the wide range of PSP areas successfully developed in metropolitan Melbourne and regional Victoria, as set out in Council's opening submission.

The precinct areas have been carefully selected to provide logical staging of development through each neighbourhood. These areas have been adopted based on a balancing of factors including existing infrastructure, topography, road alignments, activity centre placement, waterways and drainage, efficient and timely provision of infrastructure relative to the size of each precinct.

In closing, Council noted that no expert, including Mr De Silva, suggested that the size of the precincts as proposed could not be planned to deliver viable PSPs. Council concluded that:

- the NGGA precincts allowed for fragmented land holdings to be included within the broad-acre greenfield PSP processes
- annexing land in the growth area that results in PSPs that are exclusively comprised of rural living areas would decrease the prospect of that land being appropriately planned for urban development
- splitting the NGGA into four quadrants provided valuable flexibility in planning for transport infrastructure.

### **Extension of the NGGA to include all the transmission line easement**

Council had agreed to amend Zone Maps 16 and 17 included in the Amendment to rezone the land between the north western boundary of the exhibited UGZ and the high voltage transmission line easement from Farming Zone to UGZ.

The Haydari family requested that the Panel consider the merits of not only extending the UGZ to the inner edge of the existing transmission line easement but to extend the NGGA and UGZ to include all of the land within the transmission line easement itself. They cited

the evidence of Mr Woodland that there was precedence for land covered by a transmission line easement to be included in a PSP and what zone to apply to land within the power line easement could be resolved as part of the Amendment process or during the preparation and approval of PSPs for the relevant land. Under cross-examination, Mr Woodland agreed that while the subject land should be included in future PSPs, rezoning of the transmission line easement should be delayed until a future amendment process when the PSPs are prepared.

In closing submissions, Council stated that it did not agree to the further change requested by the Haydari family. Council noted that easements can be utilised within the urban fabric as uncredited open space but that typically occurred when an easement was *“embedded in the fabric”*. It suggested that a decision on the inclusion of the easement within the PSP area *“... should wait the more detailed planning that will occur at the time of a PSP.”*

## **(ii) Western Geelong Growth Area**

### **Inclusion of land north of the Moorabool River in the Creamery Road PSP**

Adelaide Brighton Cement Ltd (ABCL) sought the rezoning of land between the Moorabool River and the Midland Highway and its inclusion in the Creamery Road PSP and the Batesford North PSP. ABCL submitted that the subject land is most akin to the land north of the Midland Highway being highly accessible to Geelong, typically flat, distant from the Batesford Quarry and with few topographical constraints. It added that the land would provide a development parcel with high amenity, could be serviced without causing unreasonable delays to the development of the land to the north and that its inclusion in the Creamery Road PSP would ensure that the area would not become isolated which may occur if left in the Batesford South precinct. ABCL noted that the subject land had never (ABCL emphasis) been quarried and is to be excised from the Works Authority WA3.

ABCL accepted that there may need to be a Moorabool River planning study but submitted that the river corridor is not owned by ABCL and any study would be controlled and conducted by presumably Council. ABCL argued that it was difficult to understand how a corridor study would affect the timing of development in the Creamery Road PSP.

In their evidence for ABCL, both Mr Ainsaar and Mr Negri supported the inclusion of the ABCL land in a precinct that will be developed earlier than the Batesford South precinct. Their support was based on the subject land no longer being used for quarrying and developing more land earlier would provide more development contributions to fund high-level infrastructure items that will benefit the establishing communities. Mr Negri found that the PSP boundaries are generally logical, but the river could equally form an appropriate boundary.

Mr Ainsaar supported the Batesford North and Creamery Road PSPs being combined because these precincts are small and in his view, combining them would *“... provide economies of scale in the delivery of infrastructure and a greater funding pool through development contributions”*.

Council submitted that the precincts have been devised having regard to logical physical boundaries and the ability to deliver infrastructure and communities in a co-ordinated manner. Council added that size alone is not a reason to alter PSP boundaries at the framework plan stage. It submitted that the area in question would likely have noise and

dust impacts from the operating quarry which would make early residential development problematic.

Council noted that the Moorabool River will be an important part of the WGGA and the Framework Plan envisaged that the river corridor will be subject to a detailed masterplan which should be delivered as an integrated whole. It added that:

Council regards the coordinated delivery of the Moorabool River masterplanning process is best served by maintaining a boundary for the Batesford South PSP that instead adopts another logical boundary, that logical boundary being the Midland Highway. In any PSP spread across the Midland Highway, there will be a substantial physical and practical barrier. It is difficult to envisage a coordinated precinct across that barrier in circumstances where the Midland Highway is projected to have in excess of 50,000 vehicles per day. Further, the nature of infrastructure that will be required to deliver the Creamery Road precinct is limited.

In closing, Council submitted that the inclusion of the land north of the Moorabool River in the Creamery Road precinct would be a poor planning outcome. Council stated that it joins with the McCann Family in concluding that excising more developable land from the Batesford South PSP makes it less likely that the quarry could be sustainably developed. Council went further, adding that the Batesford South precinct is appropriately sized to facilitate the delivery of the larger scale infrastructure in the precinct and that removal of net developable land could result in higher contribution rates for the precinct.

The McCann Family stated that:

The McCann Family is very concerned not to materially reduce the extent of the Batesford South precinct, given the extent of land within the precinct that is not developable, and the high cost of infrastructure items in that precinct. This issue is resolved if a global infrastructure approach is adopted, but in circumstances where that approach is not guaranteed, a very poor planning outcome could result from whittling the precinct down – i.e. it may become undevelopable or infrastructure may be sacrificed. While there is always room for debate about precinct boundaries, Council's boundaries for the WGGA are logical and appropriate viewed at a macro scale. In particular, the McCann Family agrees with the Council's observations that the Moorabool River environs is an area requiring master planning and which would benefit greatly from being within a single PSP, rather than at the boundary between two.

Ramsay submitted that the suggestion from ABCL that part of its land be included within the Creamery Road PSP is *"... unfounded and would clearly work against the objectives of the Amendment in facilitating the expedient and efficient delivery of communities."* Ramsay submitted that inclusion of any land south of the Midland Highway would significantly delay the delivery of the Creamery Road PSP and would, amongst other things, trigger the need for a strategic plan for the Moorabool River and further work on biodiversity, the potential duplication of the Midland Highway and the need to provide additional infrastructure that are not needed for the Creamery Road PSP as currently anticipated. Ramsay stated that it supports Council's position that the size of the Creamery Road PSP is appropriate.

### **Rezoning of Balyarta land**

In its original submission to the Amendment, ABCL submitted that the Batesford South PSP was too large and that a new western precinct should be created which would cover its land to the west of the Batesford Quarry. ABCL sought to have part of its land – the so-called Balyarta land – rezoned from SUZ7 to UGZ.

ABCL stated that the three parcels comprising Balyarta have not been used for quarrying or stockpiling, two of the parcels are not within the WA3 area and the third parcel is to be excised from the WA3 area. It argued that there has been no justification by Council for its refusal to consider rezoning of the Balyarta land.

No submissions were made during the Hearing by ABCL regarding its initial request to have the Balyarta moved from the Batesford South PSP to the neighbouring McCanns Lane PSP.

Mr Negri in his evidence argued that with the operational horizon of the quarry and the anticipated timing for the planning and release of land within the growth area, it was not necessary for all the ABCL land to remain in the SUZ7 and the Balyarta land should be included in the UGZ. He also argued that the boundaries of the McCanns Lane Precinct should be modified to include the Balyarta land.

Mr Ainsaar in evidence noted that the land to the west of the quarry has been rehabilitated and a large part has never been quarried including the Balyarta land. He stated that in his view because the land is available for development in the short to medium term, it was more logical for the land to be included in the McCanns Lane Precinct than in the Batesford South Precinct.

In response to the ABCL submissions, Council agreed with the UGZ rezoning of the land outside the Batesford Quarry Works Authority area but did not support the proposal to include the land within the McCanns Lane Precinct. Council stated that the Batesford South Precinct is larger than the other precinct areas on the basis that it should provide for the comprehensive rehabilitation and master planning of the Moorabool River and the quarry.

In its Part B submission, Council submitted that it did not agree with ABCL's submission based on access and spread of development and asserted that the existing precinct boundaries are appropriate.

### **355 Church Street, Fyansford**

Riverlee Heights (Riverlee) sought a change to the proposed development sequencing shown on Plan 40 of the Framework Plan so that the land at 355 Church Street, Fyansford could be developed as part of an amended Creamery Road PSP or an alternative precinct. Riverlee submitted that three significant matters support the early development of the subject land:

- the land is located adjacent to existing development
- it can be serviced by the extension of existing infrastructure and is not reliant on any other precinct
- it will provide a significant net community benefit by the early provision of a bike and pedestrian pathway along the Moorabool River with a direct connection to existing pathways in Geelong.

Riverlee submitted that the assessment by Council that the land is a relatively small, isolated pocket surrounded by the quarry and bordered by the freeway is not entirely correct. Rather in its view, the land is bordered by the Moorabool River and a reserve with an approved concept plan and landscape plan.

Riverlee submitted that the evidence of Mr Cook on air quality and dust emissions and Ms Lenchine on noise show that the land could be developed for residential purposes without unreasonable amenity impacts from the nearby quarry, noting that it appears that the

quarry will cease operations in 2025. Riverlee acknowledged that some of the land is in the vicinity of the quarry but the quarry face and active areas are approximately 1.6 km away.

Riverlee added that the developed land would not be isolated because on the evidence of Mr Butler, “... it can be connected to the Creamery Road precinct to the north and has the potential to be linked to the existing residential areas in Herne Hill by connecting under the existing overpass into an extended Beacon Avenue.”

Riverlee submitted further that with any major infrastructure there can be an interim version and with respect to the Moorabool River, there is a reserve already planned which could form an interim solution that could be modified and/or upgraded as a result of any ultimate master planning process for the Moorabool River.

In its Part B submission, Council submitted that the evidence of Mr Cook and Ms Lenchine demonstrated that further work is required to develop this site and although on the evidence of Mr Prossor that the land has the potential to be serviced ahead of the adjoining land, there are other matters that must be considered when developing a site such as the subject land. Council submitted that:

Effectively, it would mean a relatively small, isolated pocket of land is developed surrounded by quarry land and bordered by a freeway. This is not orderly planning.

The development of the land is likely to be complex given its proximity to the Moorabool River, the Geelong Ring Road and the relationship to the Church Street connection. It rightly should occur with the master planning of the Moorabool River and the detailed planning and design of the Church Street connection.

In closing submissions, Council noted that the land controlled by Riverlee and the area to its north is approximately 50 hectares which on the minimum proposed density would realise about 750 lots accommodating slightly more than 2,000 people. It referenced the evidence of Mr Woodland that the necessary population to prepare a PSP approaches a population of 10,000 and stated that the subject parcel falls well short of that mark.

Council observed that the Riverlee land has no relationship with Creamery Road and if the southern access arrangement is adopted, Mr Butler agreed that there would no impetus to connect to the Creamery Road precinct. Council also noted that as agreed by Mr Prossor, the location and land take of the Church Street connection will affect this land and the balance of the Batesford South PSP. It concluded that Riverlee had not identified any need for its proposed changes in terms of lot supply and submitted that there was no good planning reason to accept the submissions of Riverlee.

### **360-370 Ballarat Road, Batesford (the El Dorado Caravan Park)**

The owners of the land at 360-370 Ballarat Road, Batesford (the El Dorado Caravan Park) requested that the that this land be removed from the Batesford South PSP and included in the Creamery Road PSP.

The landowners submitted that the subject land has no relationship with the Batesford South PSP and is closely aligned in topography to that of the Creamery Road interface, not the Batesford Quarry. They noted that the land is physically separated from the balance of the Batesford South precinct by the Moorabool River and is more aligned with and opposite the Creamery Road precinct to the north of the Midland Highway.

The landowners submitted that the land has always been unaffected by the quarry operations and based on a previous assessment by Cardno/TGM, it is serviceable at present. They concluded that:

The future development of the El Dorado Caravan Park should be undertaken at the same time with areas north of the Midland Highway to ensure that local infrastructure delivery is planned and sequenced appropriately.

In closing submissions, Council noted that the subject land is an isolated parcel of approximately 10 hectares south of the Midland Highway which would less than 200 dwellings and would therefore not materially change the supply of land within the short-term precinct.

Council submitted that the Midland Highway forms an appropriate and logical southern boundary for the Creamery Road precinct, the inclusion of a small parcel of land to the south of the Highway would not serve any real planning purpose and may lead to servicing difficulties and inequities. Council concluded:

In summary the Council considers there is no compelling reason for inclusion of this land within the Creamery Road precinct and its inclusion would, if anything, raise complications about the delivery of infrastructure and access which are not resolved to a satisfactory level to justify departure from the exhibited Framework Plan.

### **70 and 80 Thoona Lane, Fyansford**

The land at 70 and 80 Thoona Lane, Fyansford is owned by the Geelong Solid Waste Materials Reveal and Processing Pty Ltd (Geelong Solid Waste). It sought rezoning of the land from SUZ7 to UGZ and its move from the Batesford South PSP into the McCanns Lane PSP. Council supported the rezoning of the land.

Geelong Solid Waste submitted that shifting the land into the medium-term McCanns Lane Precinct would assist with the logical development and servicing strategy for the growth area and would support the early connections to existing urban areas of the proposed sub-regional activity centre in the McCanns Lane PSP. Geelong Solid Waste submitted further that the early planning and delivery of a small section of the Moorabool River adjacent to the subject site would not impact on the quarry or the broader master planning for the river. It stated that the submission relied on the evidence of Mr Prossor who stated in his evidence that:

It is considered that with appropriate setback from the river and escarpment for ecological and geotechnical requirements, and with the appropriate planning, design, approvals and permits in place, that there is no reason why the development cannot occur in isolation from the larger master planning of the greater Moorabool River corridor.

In conclusion, Geelong Solid Waste submitted that:

There will be no impacts on the Moorabool River through the earlier implementation of a master plan, there are no impacts on the planning for the Church Street alignment, servicing or geotechnical matters can be adequately dealt with during the PSP process and there are no implications to on the Batesford Quarry.

In closing, Council noted that Geelong Solid Waste relied on the evidence of Mr Prossor who in Council's view was open and frank in his evidence in that Mr Prossor agreed that:

- his recommendations regarding the location of stormwater assets could be readily picked up at the next stage of the development in the PSP

- the currently identified need for a Barwon Water pump station on the subject land was not a ‘significant barrier’ to the development of the McCanns Lane Precinct
- the text at page 97 of the Framework Plan contemplates a single river masterplan between the Midland Highway and the Geelong Ring Road
- while it may be possible to undertake rehabilitation in stages that the “*better approach*” was that it be planned as a single masterplan.

Council submitted that the assertion by Geelong Solid Waste in its written submission that the balance is tipped in favour of consolidation with the McCanns Lane Precinct does not hold. It concluded that:

There is no need for such consolidation to occur and there is only the downside that the River Masterplan Process would commence on a less than ideal footing. This would be demonstrably poor planning.

No case based on supply and demand was presented to justify bringing this land forward. No supply and demand analysis, nothing which indicated that the performance of Council’s Settlement Strategy as against clause 17 would be compromised. No assessment of the impact of removing this developable area from the Batesford South precinct on the associated contributions plan.

#### **Amendment to the precinct boundary in the southeast corner of the McCanns Lane PSP**

The McCann Family sought a modification to the boundary between the McCanns Lane and Batesford South PSPs. The McCann Family submitted that due to servicing and drainage inefficiencies associated with the exhibited McCanns Lane Precinct’s southeastern boundaries, these should be realigned slightly to provide outfall contained within the McCanns Lane Precinct across land owned by the McCann Family and to follow drainage catchments that drain to planned Wetland Retarding Basin assets within the McCanns Lane Precinct.

The McCann Family submission stated that the evidence of Mr Prossor showed that the requested changes to the McCanns Lane Precinct boundary are needed to better accommodate catchment boundaries and outfall and noted that Council had agreed to the change relating to outfall. This left in dispute with Council the remaining issue of the boundary shift required to follow drainage catchments.

The McCann Family submitted that the requested northern boundary extension follows catchment boundaries that drain to WLRB assets within the McCanns Lane Precinct as demonstrated in the Western Geelong Growth Area Flood Impact Assessment and Stormwater Management Strategy, Volume 2: Developed Conditions Report (May 2019) being the relevant technical report that has informed planned drainage assets within the WGGA. They submitted that accordingly, this minor boundary change is logical and justified.

Council confirmed that it had agreed with the boundary change to accommodate the drainage outfall noting that Mr Prossor had provided evidence that this land can be serviced as part of the McCanns Lane Precinct without impacting other proposed servicing arrangements.

In closing submissions, Council stated that it seemed that wherever the line was drawn, the evidence of Mr Prossor demonstrated a catchment split into and out of the precinct. He submitted that:

With this in mind it not clear that the case is successfully made for the entire inclusion of the land to the south. Extending beyond the road is not an ideal urban design outcome – it may result in a back of house treatment which is undesirable.

### **6.3.2 Discussion**

In short, with one exception the Panel is not convinced on the evidence presented to it that any of the requested changes to the PSP boundaries should be made at this time.

The exception is the small area of land in the southeast corner of the Batesford South precinct that Council has already agreed to move into the McCanns Lane PSP at the request of the McCann Family. The Panel endorses this change.

The Panel does not conclude that there is no merit in any of the requested changes. Rather more analysis and assessment is needed and that this is best done through the detailed PSP planning development and review process. The Panel therefore reiterates its strong view that there needs to be flexibility in interpreting the Framework Plan to allow for potential changes in PSP boundaries at the appropriate stage.

As noted previously in Chapter 6.2, the Panel recommends that a preamble be added in the Framework Plan background document to clarify its purpose and provide flexibility in its interpretation in the next stages of the planning process. The preamble should make it clear and unambiguous that the Framework Plan is a background document, that the PSPs should be prepared 'generally in accordance' with the Framework Plan spatial plan and the PSPs included the Framework Plan background document are concept plans subject to change and refinement at the PSP preparation stage. The Panel notes that Council has agreed to add 'a statement of limitations' to explain the purpose of the precinct concept plans and requirements within the relevant sections of the Framework Plan background document. The Panel is firmly of the view that these statements should be included upfront in the proposed preamble.

More specifically, the Panel offers comment on each of precinct boundary changes sought by the submitters.

Firstly, the Panel is not convinced that any of the PSP areas as exhibited are too small. It did not find the comparison of the size of PSP areas with those in the Melbourne growth areas particularly helpful. The Panel notes the evidence of Mr Negri that the PSPs in the Northern Geelong Growth Area should be reduced from four to two precincts but agrees with Council's view that no experts considered that any of the proposed PSPs would be unviable in terms of area, lot yield or population. The PSP boundaries generally reflect topography, drainage lines, major roads and other existing factors and respond appropriately to existing uses such as the Batesford Quarry and short and longer development potential. That is not to say that the boundaries are perfect; they can and should be refined at the PSP preparation stage.

For these reasons, the Panel does not find it necessary to recommend combining the Elcho Road East and West PSPs and the Heales Road East and West PSPs. It does not consider that the reasons put forward by Mr Negri outweigh the arguments put by Council to support the proposed PSP boundaries.

The inclusion of all of the high voltage transmission line easement in the Heales Road West and Elcho Road West precincts can be considered when these PSPs are prepared. As noted

by Council, it not unusual for transmission line easements to be included in PSPs as uncredited open space and to incorporate suitable uses.

Regarding the ABCL land north of the Moorabool River, the Panel acknowledges the advice of ABCL that this land has never been quarried. Its topography is like the topography of the land to the north and relatively flat until the land falls away to the Moorabool River. It could conceivably be added to the Creamery Road and Batesford North PSPs with the top of the escarpment above the Moorabool River forming the southern boundary as sought by ABCL. It is not uncommon for rivers and creeks to be the boundaries of a PSP area. In this case, however, the Panel considers the Midland Highway to be a more appropriate southern boundary. The Highway will carry a relatively high volume of traffic which will present a physical barrier and makes it in the Panel's view a more logical precinct boundary than the Moorabool River.

In addition, as highlighted by Council, the rehabilitation and master planning of the Moorabool River will be vital to the successful development of the Batesford South PSP. A master plan for the river should be prepared in a comprehensive way and in the Panel's view this would be best achieved by a single master plan over the full length of the Moorabool River between the Midland Highway and the Geelong Ring Road. The Panel notes also the submissions made by Council and the McCann Family that excising more developable land from the Batesford South PSP would make it less likely that the quarry could be sustainably developed and could result in higher contribution rates for a smaller precinct to meet the costs of significant infrastructure. For these reasons the Panel does not support the request by ABCL that land north of the Moorabool River be moved to the adjoining PSPs to the north.

It makes no sense to the Panel that the land at 360-370 Ballarat Road, Batesford (the El Dorado Caravan Park) be added to the Creamery Road PSP. The subject land is small in area, would provide relatively few additional lots for development and is cut off from Creamery Road precinct by the Midland Highway. This land should remain in the Batesford South PSP.

The Panel accepts that the Balyarta Land is not part of quarrying operations and for the main is outside the Works Authority Area. It could be rezoned now. The Panel notes that Council has agreed to this rezoning.

The Riverlee Heights land at 355 Church Street, Fyansford is a relatively small development area. It is surrounded by the Batesford Quarry and the Geelong Ring Road and abuts the Moorabool River. The land is also remote from the Creamery Road precinct. As noted by Council and notwithstanding the expert advice lead on behalf of Riverlee, further analysis would be needed to confirm that any impacts of the quarry and the Ring Road could be mitigated to protect the amenity of residential development of the land. The Panel is not convinced by the suggestion by Mr Butler that access to the subject land could be provided by a link to the Creamery Road precinct. While Mr Butler is right in saying that a link will happen as part of the Batesford South PSP development, that is not planned for some time. If built in the short term, it would need the agreement of the owners of the property to the north and in the Panel's view this could be a major impediment.

Master planning for the Moorabool River is also a consideration. Landscaping of the river could be done on an interim basis as suggested by Riverlee but as stated above, the Panel

considers that the master planning for the Moorabool River should be done over its whole length between the Midland Highway and the Geelong Ring Road.

The Panel is not persuaded that the Riverlee Heights land should be added to the Creamery Road precinct or developed in the shorter term as a standalone precinct.

Council supports the rezoning of the land at 70 and 80 Thoona Lane. Master planning for the Moorabool River is a consideration for the development of this land. No case was put forward in terms of lot supply and demand to bring forward earlier planning for this small parcel of land. The Panel concludes that this land should remain in the Batesford South PSP.

The McCann Family requested a minor change to the precinct boundaries in the southeast corner of its land. Council has agreed in part to this request and the Panel endorses that change which for drainage asset purposes moves a small area from the Batesford South PSP into the McCanns Lane Precinct. The Panel agrees with Council that further technical work is required to determine whether the additional land as requested by the McCann Family should be brought into the McCanns Lane PSP area. This further work would be best done when the McCanns Lane PSP is prepared which is scheduled for the medium term. The additional change requested by the McCann Family should be considered at that time.

### **6.3.3 Conclusions**

The Panel concludes:

- On the evidence before it, with one exception, none of the requested changes to PSP boundaries should be made at this stage.
- Some of the requested changes are not without merit but more detailed assessment and analysis is required, and this work should be done during the PSP preparation and approval process.
- The exception is the change requested by the McCann Family to the boundary of the McCanns Lane Precinct in the south east of its land to better align drainage catchments. The Panel notes that Council has agreed to this change.

## **6.4 Development sequencing**

In Plan 40 and Plan 46 of the Framework Plan, and accompanying text, development sequencing across the two growth areas is provided. The exhibited planning scheme amendment at Clause 21.20 required the preparation of PSPs in accordance with the sequencing in the Framework Plan.

### **6.4.1 Evidence and submissions**

Council referred to the evidence of Mr Woodland. Mr Woodland noted that defining a preferred sequence for development in growth areas is supported by State planning policy.

Mr Woodland's evidence stated that the criteria in actions N5.2.1 and W5.2.1 in relation to sequencing should be included in the planning scheme with some additional factors related to staged extension of infrastructure; delays and constraints affecting housing yield; and development supporting early development of public transport, town centres and employment precincts. His view was that if the criteria are included in the planning scheme, the planning scheme itself does not need to mandate the specific development sequencing.

There was specific support from some submitters for Mr Woodland's view on development sequencing and more general support for the principle that there should be flexibility in sequencing; for example that sequencing could change if necessary due to a range of factors rather than be locked into the sequencing in the Framework Plan.

Council in its Part B submission generally accepted Mr Woodlands approach, identifying:

Importantly, if it becomes apparent that further precincts are required, the PSP process can be initiated earlier. As provided in Council's opening submission, Council supports Mr Woodland's recommendation to include in Actions N5.21. and W5.2.1 additional factors that should be considered when determining PSP sequencing. These factors provide flexibility in managing the efficient and timely roll-out of PSPs. The changes that the Council has agreed to in opening mean that the sequencing of precincts is not said to be required to be 'in accordance' with the Framework Plan. Rather regard must be had to the plan (or it will guide steps taken) when decision making occurs.

In its final version of clause 21.20 (Document 245), Council has included criteria similar to the recommendations of Mr Woodland which move the emphasis from the sequencing being in accordance with the Framework Plan to 'considering' a range of criteria prior to resolving to commence a PSP.

#### **6.4.2 Discussion**

The Panel considers that the sequencing put forward in the Framework Plan has a level of logic that should ensure development occurs in a planned, coordinated manner as required by State policy.

However, the Panel accepts the evidence of Mr Woodland that this can and should be achieved with a degree of flexibility to account for changing ownership, development conditions, economic conditions and other factors.

The Panel considers the changes put forward by Mr Woodland to the Framework Plan and consequent changes to planning scheme ordinance (Clause 21.20) and generally accepted by Council should achieve the balance between direction and flexibility required.

#### **6.4.3 Conclusion**

The Panel concludes:

- Changes should be made to the actions for development sequencing in the Framework Plan as suggested by Mr Woodland; Council's suggested words in the version in the 'agreed changes' Document 205 are acceptable.
- Council's proposed changes to clause 21.20 in Document 245 in relation to replacing strict development sequencing with criteria are supported.

### **6.5 Development contributions**

A number of submissions were made regarding development contributions to fund infrastructure in the growth areas. Several parties requested that the Panel determine that a global (or universal) Infrastructure Contributions Plan (ICP) or Development Contributions Plan (DCP) should be prepared for the Western Growth Area. Alternatively, it was proposed that an Infrastructure Funding Plan be prepared for major infrastructure items in the growth areas.

The issue is whether a universal ICP/DCP or Infrastructure Funding Plan for each growth area should be mandated at this time and relevant sections in the planning scheme ordinance amended to incorporate this requirement.

### 6.5.1 Evidence and submissions

Council stated that the Framework Plan does not specify the mechanism for collecting development levies. While it was not opposed to a universal ICP/DCP for each growth area rather than individual ICPs or DCPs for each PSP, it submitted that this should be determined through a separate process in 2020 in conjunction with DELWP and the VPA. Council advised that it was already undertaking further work – the Geelong Growth Areas Transport Infrastructure Strategy (GGATS) for completion in 2020 – to identify which infrastructure could be considered as shared between PSPs and therefore costs apportioned.

Council submitted that it was inappropriate to specify in Clause 21.20 that a single ICP/DCP should be prepared for each growth area as suggested by Mr Black. It argued that there are difficulties with the approach. Council noted in closing remarks that it was a complex task to determine a universal ICP. It argued that the situation in the Geelong growth areas was not comparable to the example of the Wyndham West growth area on the western plains cited by Mr Black because benchmark design and costings could not be used. Rather it would be necessary to plan out every PSP in detail to determine infrastructure costs for inclusion in a universal ICP/DCP.

In closing, Council noted that when asked to list all items that would constitute shared infrastructure, Mr Black identified only the CCC, the Church Street bridge and open space areas. Council described this as “... a very short list of items to justify mandating a global contributions plan.”

Council submitted that:

No submissions or evidence before this panel has established that the Batesford South precinct is unable to pay for infrastructure attributed to it as described in the Framework Plan. Of course, there is no detailed costings or even a rough spreadsheet. It was Council’s impression from Mr Black this this could be readily done – but it has not been done.

The four smaller precincts in the Western Geelong Growth Area have the capacity to transition to urban development without reliance on infrastructure to be provided within Batesford South PSP. Nexus relating to fair apportionment of infrastructure funding is a matter to be established as part of the precinct structure planning process.

Council argued that a localised approach to collecting contributions would likely result in a similar apportionment to a global approach and therefore “*There is no reason to leap to a global solution.*” It added that external apportionment in each ICP/DCP could provide the benefits of a global ICP/DCP without causing significant delays to planning. Council noted it was concerned that the detailed planning and costing of infrastructure in Batesford South precinct would require technical studies and requiring that information for the Creamery Road PSP would delay significantly urban development in the Western Growth Area.

In closing submissions, Council noted that for a DCP, the estimated cost of all relevant projects must be itemised, costed and tallied before being divided by the total net developable area. It noted further that under an ICP, all public land must be determined precisely to allow for land equalisation, all intersection, etc must be determined to establish the land and construction costs and if a supplementary levy is required, the process is much

the same as a DCP with all items costed. Council suggested that neither a global DCP nor global ICP was workable. It added that where joint ICPs have been applied recently, multiple PSPs have been planned simultaneously, for example, Plumpton/Koroit and Mt Atkinson/Tarneit Plains.

Council concluded by submitting that:

When these matters were put to Mr Black his response was these matters could be estimated and that “through the swings and roundabouts it ends up about right”! ‘About right’ on well in excess half a billion dollars of infrastructure might represent a satisfactory margin of error for Mr Black, but the Council adopts a more cautious approach with its role as Collecting and Development agency.

The McCann Family submitted that there should be a thorough infrastructure funding plan prepared which sets a framework for the coordinated funding of infrastructure across the WGGA. The McCanns added that it is necessary to set a framework in advance of the first DCP or ICP (if there are to be multiple) that takes a holistic view of infrastructure funding within the WGGA. They noted that Council is already undertaking some work that could be an input to such a strategy but the scope of this needs to be significantly expanded.

The McCanns argued that:

The Council’s submissions to the Panel, and line of cross examination of Mr Ainsaar and Mr Black, has persistently pursued the line of thinking that it is not practical (or perhaps even ‘possible’) to prepare a global DCP until land has been planned out to a PSP level of detail. Mr Black disagreed. He noted that many infrastructure items can be planned based on standard assumptions (e.g. standard road cross sections; standard community infrastructure needs based on catchments) and that it is quite possible for ‘smart people’ working in the Victorian planning industry to make reliable assessments of infrastructure costs and Net Developable Area in advance of a fully planned PSP. He noted the likelihood that landowners and Council (and their consultants) already have a very good understanding of NDA and development configurations.

The McCanns submitted whether it is true or not that the global ICP/DCP approach will hold up development of the early precincts, on balance, a delay to the delivery of the first precinct would be a relatively small price to pay for getting the funding right.

They tabled copies of Clauses 21.08 and 21.20 which included marked up changes under ‘Further Works’ and other relevant sections requiring that a single ICP or DCP be prepared for the WGGA or, alternatively, an Infrastructure Funding Plan be prepared prior to exhibition of the first PSP which:

- identifies the infrastructure and the source of funding
- costs the items to be shared by multiple precincts
- apportions the costs of shared items between the precincts.

Mr Ainsaar and Mr Black both favoured a single ICP/DCP for the Western Geelong Growth Area. In his evidence statement, Mr Ainsaar said that:

... regardless of whether the infrastructure contribution mechanism is a DCP or ICP, a regional approach to infrastructure contributions will be required and that this must be undertaken prior to, or concurrently with, the first PSP to be prepared in the WGGA. This is necessary not only to ensure equity and fairness in the funding of infrastructure by all development, but also to provide certainty to the Council that the infrastructure will be funded and delivered. What this means is that the scope, cost and timing/triggers for the provision of regional and sub-regional infrastructure will need to

be investigated in detail as part of the first PSP to be delivered so that an overarching DCP/ICP is introduced alongside the first PSP(s).

In my view, the model that will need to be adopted in the N&WGGA is that which was adopted for the Wyndham North Growth Area.

Mr Black supported the development of the WGGA in precincts but because of the large-scale key infrastructure items, he recommended a growth area wide ICP rather than ICPs for each precinct. He gave the example of the Wyndham West Contributions Plan. He noted that planning in the Wyndham West growth area has not been limited or constrained to a single precinct and thus development contributions are being collected from several development fronts to fund the delivery of Ison Road. Mr Black said that in simple terms, the development contributions test of 'need, nexus and apportionment' applied to Ison Road. He stated that:

In the Geelong's western growth area there appears to be similar projects to Ison Road that extend over numerous precincts or key connection points that support numerous precincts (E.g. Church Street connections and the Clever and Creative Corridor), that should be delivered early in the development process and / or funded by the broader development areas.

Like the Wyndham West Growth Area, coordinating funding from numerous developments across the Western Geelong Growth Area should be supported and therefore an integrated infrastructure funding approach rather than individual development contributions plans for each precinct structure plan area should be applied.

Mr Black recommended that Clauses 21.08 and 21.20 be amended to include under 'Further Works' the statement:

Prepare a Development Contributions Plan for the Northern and Western Geelong Growth Areas.

ABCL submitted that a regional or global approach to infrastructure contributions will be critical to ensuring equity, that infrastructure does not fail because of insufficient funds and Council is not left in the position where it has to fund major infrastructure items. It submitted further that a global approach must be undertaken prior to, or with, the first precinct structure plan in the WGGA.

ABCL sought a recommendation that words be added to Clause 21.08 and the Framework Plan requiring that development cannot be approved until infrastructure requirements have been investigated and costed to ensure an equitable impost on all landowners within the WGGA.

Riverlee submitted that with the significant multiple precinct requirements, the most equitable methodology would be a global infrastructure funding plan which should be prepared and resolved prior to or part of the first PSP. Riverlee cited the evidence of Mr Ainsaar and concluded that implementing a global infrastructure plan prior to the first PSP would "... *greatly assist in the orderly planning of the entire Western Growth Area.*"

The Ramsay submission supported Council's position that there was no need for a global ICP or DCP. It submitted that:

The work had not been done to support any finding of the Panel that there exists a nexus between work in the Creamery Road PSP and other projects in other areas of the WGGA (specifically, the Batesford South Precinct).

Ramsay urged the Panel to recommend that issues relating to the preparation of a global ICP or DCP ought be left to Council to determine at a later time noting that “... *given the benefit to Council of establishing an ICP or DCP regime, Council is unlikely to delay this work for too long.*”

Mr Marshall for Rodney Reid stated that his client did not support a WGGA wide DCP because given the WGGA covers a substantial area, “... *it would be impossible to accurately assess the likely future costs to develop this area on a per hectare basis.*”

Mr Marshall submitted that an infrastructure plan detailing the shared costs for the entire WGGA would likely change over the lifespan of development of the area and could be subject to challenges by landowners and developers who may not be direct beneficiaries of shared infrastructure attributed to their costs. He added that the development of a global DCP would likely take some time to resolve and would therefore unduly delay the role out of the PSPs.

Mr Marshall submitted that the whole principle of ‘fairness’ underpinning the argument in support of a WGGA wide DCP was flawed because the detailed plan and accounting for rising costs potentially over 20 years “... *would be at best an estimate only.*”

### **6.5.2 Discussion**

The Panel considers that it would be premature at this time to determine that a global ICP or DCP should be prepared for each growth area, or alternatively an infrastructure plan, to fund infrastructure items in the growth areas. Accordingly, in the Panel’s view Clauses 21.08 and 21.20 should not be amended to effectively mandate a global ICP or DCP. Clause 21.08 as exhibited does not preclude using a global ICP. The best mechanism for infrastructure funding should be determined after further work is done in 2020.

The post-exhibition amendments to Clause 21.08 as proposed by Council will provide further guidance and are supported by the Panel.

Submissions were made both for and against adopting a global ICP/DCP. Arguments were put and evidence lead that a global ICP/DCP was necessary to ensure that sufficient funding would be available to provide key infrastructure particularly in the Western Geelong Growth Area. It was argued further that on equity grounds, a global approach was required so that funding contributions were collected from all PSPs that would benefit from key infrastructure.

Others put a contrary view that there is no nexus between, for example, development of the Creamery Road PSP and projects in other areas of the WGGA. Council was concerned that applying a global ICP/DCP, which of necessity would need to be developed before development occurred in the first PSP area, would delay development in the WGGA.

The example given by Mr Black of the Wyndham West growth area where one DCP was used across several PSPs was informative and demonstrated that a global ICP/DCP could be used and such an approach was not without precedent. The Panel is not convinced, however, that the Wyndham West growth area situation is entirely analogous to the Geelong growth areas. The design and costing of the key infrastructure in the WGGA is likely to a more complex task than was needed in Wyndham West where the key item in that case was an arterial road running through several PSPs. As the Panel understands it, that road was

needed to provide access to allow progressive development of those PSPs and the nexus to justify fair apportionment was established at an early stage.

The Panel notes that the GGATS is due for completion in 2020. Council expects that once that strategy is completed, the infrastructure likely to benefit communities outside the PSP precinct in which they are located could be identified and costings apportioned between PSPs or if warranted, a global ICP/DCP established. The Panel considers that would be an appropriate time to decide on the appropriate infrastructure funding mechanism. One would also expect that by then, the Government will have decided whether an ICP approach is to be applied to regional growth areas including those in Geelong. A determination to adopt an ICP approach would clarify the work needed to prepare contribution plans.

It is also interesting to note that during the Hearing, few items of infrastructure were mentioned as possibly requiring apportionment of costs across several PSPs. Mr Black suggested the Church Street bridge, the development of the CCC and open space areas should be funded through a global contributions plan. The Panel agrees with Council that this is a very short list of items to justify a global ICP/DCP but it may be that the Geelong Growth Areas Transport Infrastructure Strategy being done by Council will identify other key infrastructure items for which funding should be apportioned.

The Panel is also mindful that as noted by Council, the preparation of an ICP does require the design and costing of all allowable items and that land requirements determined. There are similar requirements for a DCP. That would be an extensive task if a global contributions plan were to be adopted and would inevitably delay development in the growth areas although the McCann Family suggested that any delay would be acceptable to get the infrastructure funding right.

Given the limited number of key infrastructure items that potentially should be funded by development in several PSP areas and the likely delays if all allowable items were to be costed for a global ICP or DCP, the Panel considers that some form of a global infrastructure plan is unwarranted. There may, however, be established through the further work being done by Council a nexus of benefits between PSPs and that some apportionment of costs is justified. Shared costs could be allocated across relevant PSPs through the apportionment mechanism allowable under the ICP guidelines.

Another option to allocate infrastructure costs across PSPs could be to prepare a global ICP/DCP for each growth area limited to the key infrastructure items for which nexus has been established with remaining items costed and funded through separate ICPs/DCPs for each PSP area. Mr Black considered that this methodology was feasible but impractical and unnecessary. The Panel is inclined to agree and therefore considers at this time that the apportionment methodology allowable under the ICP guidelines, assuming that the ICP methodology is adopted for the Geelong growth areas, is the most appropriate approach if nexus is established for some projects and that costs should be met through the development of two or more PSPs in each of the growth areas.

That is not to say that a global ICP or DCP should be categorically ruled out. Rather a final decision should be taken when the further work foreshadowed by Council is completed. It is important therefore in the Panel's view that this work is completed as soon as possible and is comprehensive. As suggested by the McCann Family, this work should identify the key

infrastructure to be shared by multiple precincts, cost them and apportion the costs of shared items between the precincts.

### **6.5.3 Conclusions**

The Panel concludes:

- A global ICP or DCP approach has not been justified to the Panel's satisfaction at this time and changes to Clauses 21.08 and 21.20 to effectively mandate a global infrastructure plan should not be adopted.
- Clause 20.8 with the amendments proposed post-exhibition by Council does not preclude the use of a global ICP or DCP.
- The appropriate mechanism to fund infrastructure items should be determined when the GGATS and any subsequent further required work is completed.
- The GGATS and any required subsequent work must be done expeditiously and identify the relevant key infrastructure to be shared across PSPs, determine their costs and apportion the costs to relevant PSPs.

## **6.6 Transport network**

The proposed transport network for the two growth areas is set out in Plan 02 Future Urban Structure of the Framework Plan (Figure 2). Shown on the Plan are indicative alignments of proposed arterial roads and connector streets, a network termed the Clever and Creative Corridor and potential upgrades to roads that cross the Geelong Ring Road.

There was general support for the transport network. Several submitters did, however, raise issues with the transport network and sought changes as to how it is depicted on the on the Framework Plan, in particular to ensure flexibility in road alignments in the preparation of PSPs. The issue is whether any changes should be made to the Framework Plan map as part of the Amendment.

### **6.6.1 Evidence and submissions**

#### **(i) The Clever and Creative Corridor**

The Clever and Creative Corridor (CCC) network is shown on the Framework Plan map (Figure 2) and in more detail on Plan 05 of the Framework Plan document (see Figure 5). The CCC also has a chapter devoted to it in the Framework Plan background document. The CCC Chapter describes interim and ultimate configurations with both including a median reserve 14 metres in width for dedicated active transport, planting and place making furniture. Indicative cross-section designs for the CCC are included in the Framework Plan. Submissions were generally supportive of the CCC. Some submitters raised concerns, however, with its alignment, the specifications shown on the Framework Plan, the substantial land requirements and the lack of demand for higher density along the length of the corridor.

Council described the CCC in its Part B statement as a tree-lined boulevard style transit corridor with priority for active and public transport between key destinations within the growth areas. It stated that it did not object to removal of the detail on pages 45-51 of the Framework Plan to take out references to carriageway width of standard road features, parking bays and other features. Council acknowledged that in different places the Clever

and Creative Corridor would be different in terms of cross section and these details would be established during the PSP planning process. Council submitted that the purpose of the corridor is to create a dedicated public transport route that will facilitate a prompt and desirable service for the community and achieve actual mode shift. It stated that its main interest is that the CCC reservation is not watered down in terms of width (14 metres) and to ensure that it did not become a shared traffic solution with general traffic.

In response to submissions made by Mr Graham Barber and Mr Deepinder Mann, Council has agreed to delete the proposed 400 metre wide catchment along the CCC corridor between the growth areas on both sides of Evans Road as depicted on Plan 05 in the Framework Plan document.

LBDG stated in closing submissions that it supported the CCC but was seeking some changes including modification to the CCC chapter to remove some unnecessary measurement details and to make it clear that the depictions are conceptual. LBDG submitted that the only dimension justified at this stage is the reservation width where a separate reservation is considered necessary. Where a separate reservation is not considered necessary such as between the two growth areas, its width should not be specified. LBDG noted that Mr De Silva and Mr Young supported maintaining flexibility in the CCC design and concepts.

The Ramsay submission supported Council's aspirations to facilitate a significant proportion of movements within and between the WGGA and NGGA of public transport, particularly, by way of the proposed CCC and was generally supportive of a 14 metre wide reservation for the CCC. Ramsay submitted, however, that:

... there needed to be greater flexibility within the Amendment documentation to facilitate bespoke, varying road profiles along the CCC which allow it to appropriately respond to its immediate context, noting that there is upwards of 15 kilometres of road frontage associated with the CCC.

Ramsay submitted that it is appropriate for the Panel to:

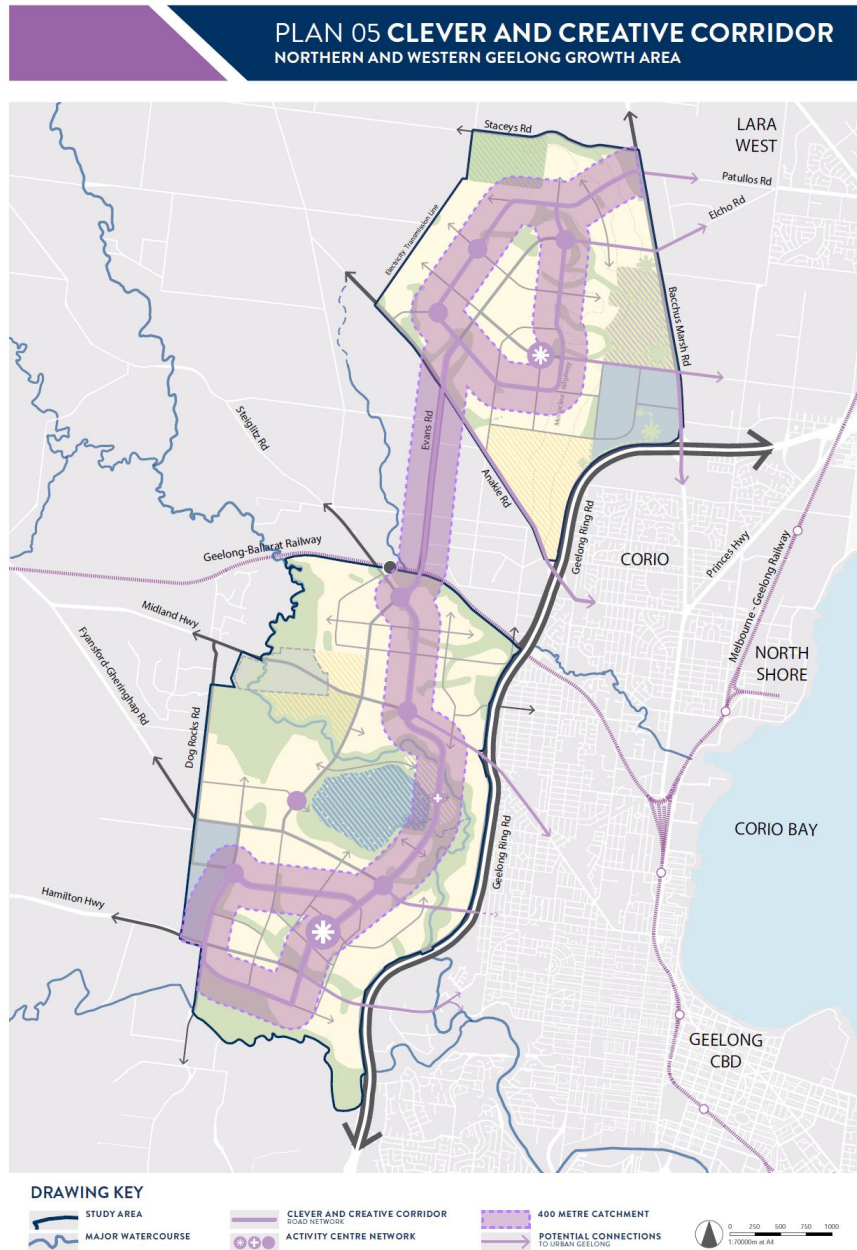
- acknowledge that there will be multiple different road profiles along the length of the CCC, and
- as a result, recommend that issues relating to the ultimate road profiles of the CCC are to be dealt with at PSP stage.

In order that these matters are made fundamentally clear within the Framework Plan, Ramsay sought an amendment to the Framework Plan document to add under the text for the 'Clever and Creative Corridor – Interim Configuration' and under 'Clever and Creative Corridor – Ultimate Configuration' the words:

The above is subject to further investigation and detailed planning at precinct structure plan stage. Further work may lead to variations in road profiles along the CCC pending ultimate resolution of abutting land uses.

Ramsay noted that this matter has been agreed with Council.

Figure 5 Clever and Creative Corridor



The McCann Family supported the 14 metre wide median reserve for dedicated public transport but submitted that like many other submitters and expert witnesses the design of the adjoining parts of the road profile (car parking bays, landscaping, shared paths, etc) should be “*context responsive*” with the potential for different cross-sections where it runs through activity centres, residential areas, open space and between growth areas. The McCann Family added that it supported Council’s intention to remove detail from the Framework Plan as well as the additional wording proposed by the Ramsay submission.

Mr Day in his evidence stated that there should be greater flexibility in the interpretation and implementation of the CCC concept and recommended the removal of specific dimensions.

Mr De Silva recommended that the Framework Plan should include “... *some variability in the configuration of the Clever and Creative Corridor such that it is responsive to existing site features and the planned environment.*”

Ms Marshall gave evidence for ABCL and considered the unique aspect of the CCC was the proposal to reserve the 14 metres central median as a dedicated public transport corridor. She supported the aspiration of retaining a 14 metres wide corridor in the Framework Plan but recommended some changes to design details.

At their joint meeting, the traffic engineering experts<sup>9</sup> supported the CCC concept and its identification within the Framework plan. They agreed that the reservation width will vary along its length. They noted:

- the opinion of Mr Young that the concept can be developed at the PSP stage and reference to a fixed 14 metre reservation should be removed from the Framework Plan to provide greater flexibility
- Mr Hunt considered that the 14 metre public transport corridor is appropriate and additional corridor width may be required to accommodate active transport connections.

**(ii) Alignment of the Clever and Creative Corridor through the Batesford South Precinct**

ABCL submitted that the alignment of the CCC through the Batesford South precinct should be reconsidered and moved to the west side of the Batesford Quarry. It submitted that:

The utility of such an ambitious piece of infrastructure passing on the east side of the Quarry is questionable given the significant reduction in the available catchment as compared with an alignment on the west side of the Quarry.

Maximising the catchment of the CCC will be important in ensuring that it is developed and used to its full potential. Locating it to the east of the WGGA ensures that it will never be used to its full potential and that will be remote from a large segment of the community within the WGGA.

In her evidence, Ms Marshall stated that the proposed path of the corridor on the eastern side of the lake appears particularly constrained and that “... *the (Moorabool) River and the (future) Lake will require buffers such that the amount of developable land between the two will be limited*”. She recommended that the catchment area of the CCC be maximised by relocating the corridor to the western side of the lake and that the arterial road and public transport corridors be combined on the western side of the lake so that one large bridge can be provided and the second river crossing to the east (which she supported) could be reduced in size.

The McCann Family submitted that:

... the further justifications for the proposed shift offered in Ms Marshall’s evidence – increased developable land and efficiencies associated with utilizing the arterial bridge crossing of the Moorabool Review for the CCC – should not be accepted as sufficient justification for the relocation.

<sup>9</sup> Document 110, Mr Humphreys for Council, Mr Hunt for Ramsay and Mr Young for LBDG.

Neither Ms Marshall nor any other Adelaide Brighton witness has quantified the purported increased developable area and it is certainly not obvious from the Future Urban Structure plan that the increase would be significant or compelling.

...

The second justification outlined in Ms Marshall's evidence is that the CCC could utilize the western arterial bridge crossing (i.e. an 'economies of scale' type rationale).

The McCann Family question whether shifting the CCC to the most topographically challenging river crossings is likely to realise any development efficiencies.

The McCann Family added that the Panel has enough information before it to determine that there are good reasons for, and nothing fundamentally wrong with, the alignment of the CCC to the east and the arterial road to the west of the future lake. They argued in closing that the proposed swap in alignment is not based on costing or traffic modeling and would result in significant changes to the whole WGGA with the likely result being a CCC located next to an arterial road carrying substantial volumes of traffic. The McCann Family submitted that the proposed alignment change should therefore be rejected.

Council noted in its Part B Submission that both the western and eastern alignments of the CCC were considered in the development of the Framework Plan. It submitted that principle benefits for an eastern alignment still prevails.

In closing, Council submitted that:

There is insufficient justification to amend the location of the CCC to the west of the lake. This would effectively collate this high amenity transport route with an arterial road – an outcome which is to be avoided where practicable. No empirical analysis of catchment was presented that would support assertions that there would be a superior catchment with the relocation of the CCC to the west.

Ms Marshall in her evidence asserted that the CCC and arterial roads should both be located to the west of the quarry and separated in their functional design. This, in addition to a connector street to the east of the quarry confirmed to be required under cross examination, would result in an additional road corridor running north-south through the growth area.

### **(iii) Alignment of the north south arterial road in the Western Geelong Growth Area**

ABCL sought a change in the alignment shown on the Framework of the north south arterial road and the crossing of the Moorabool River. ABCL submitted that as currently proposed, the north south arterial road crossing of the Moorabool River has significant topographic and geotechnical challenges and would also require that the approved rehabilitation plan for the 1930's quarry be revisited.

It noted that the bridge location has been examined by a number of experts on behalf of ABCL and from the investigations carried out to date, the preferred location of the crossing is further to the west, away from the 1930's quarry, being Options 2 and 3 identified in Ms Marshall's evidence.

ABCL noted that:

- Mr Woodland was of the view that if there was consensus among experts that there was a better alignment, then it should be shown on the Framework Plan
- Mr Humpheys for Council agreed that a less topographically challenging location was preferable in a general sense.

ABCL submitted that:

There does not appear to be a specific reason for the location of the bridge crossing, other than, that was where the Council drew the line. There has been no reason advanced by the Council in submission or its experts that supports the selected location for the bridge crossing in preference to the location identified by Ms Marshall. Given this, there can be little argument that reflecting ABCL's preferred location on the Framework Plan would cause any difficulty.

In her evidence, Ms Marshall stated that based on her review of investigations to date, there is merit in relocating the arterial road to the west because:

- options 2 and 3 appear to respond more sympathetically to the topography, potentially requiring less earthworks, retaining walls and batters
- moving the road to the west would potentially negate the need for a significant trench through developable land.

Council stated in its Part B Submission that it agreed that further work would be required to determine the preferred alignment as part of the PSP process. Council noted that Mr Woodland and Mr Negri had acknowledged in their evidence that the final alignment can be addressed as part of the PSP process.

In closing submissions, Council noted that it was apparent from the evidence of Ms Marshall that her opinion was based on traffic considerations and a preliminary assessment of cost. Council stated that it agreed with Ms Marshall that her evidence supported further investigation and that is why at this stage of planning there is a high degree of flexibility in the presentation of the roads. Council added that:

Council considers this to be an unnecessary change to the Framework Plan. Quite possibly a route through disturbed land being the 1930s quarry could be the most appropriate location for a cross(ing) once all matters are considered.

#### **(iv) Extension of the north south arterial road through to the Hamilton Highway**

ABCL sought to have the western arterial road continue through to the Hamilton Highway. It described ending the north south arterial road at Fyansford-Gheringhap Road as "*an odd result*". While as currently forecast, there may be insufficient traffic along the southern section to warrant an arterial road connection all the way through to the Hamilton Highway, ABCL suggested that this was a missed opportunity. It submitted that:

Providing the arterial connection through to the Midland Highway will significantly enhance the convenience and attractiveness of the arterial road network and connections through the WGGA.

Ms Marshall noted that there is no direct arterial road connection between the Midland and Hamilton Highways. She added that the direct connection south of Fyansford-Gheringhap Road to the Hamilton Highway "*... appears to be downgraded with priority transferred to the east west arterial, then south to Hamilton Highway via the Clever and creative corridor.*" She considered that this was not an appropriate location for the north south arterial road to end because as shown, traffic will either use the Connector Street as a pseudo arterial or will divert to the east using the CCC link. She noted the traffic modelling done by GTA predicated that the north south arterial road would carry 25,000 to 28,000 vehicles per day and "*(T)ypically you would expect the southern continuation to be an arterial connecting through to Hamilton Highway.*"

In closing, Council submitted that this extension was not appropriate and “... *would result in an arterial road spacing that is not required or justified and is much less than the traditional 1.6 kilometre grid.*” Council added that other surrounding uses in the area such as the subregional activity centre and the employment area in the west of the precinct require arterial road access.

#### **(v) Church Street Connection**

The Framework Plan transport network includes the extension into the Batesford South Precinct of the existing Church Street in a straight line over the Geelong Ring Road until it crosses the Moorabool River. The extension provides access to the Ring Road via a half diamond interchange.

Riverlee sought a revised alignment of the Church Street connection that sweeps to the north west of Church Street and turns south west to cross the Moorabool River further north than currently shown on the Framework Plan map (Figure 2). In its submission, Riverlee noted that due to its elevation and length, the Church Street extension would be a prominent and significant feature in the landscape. It submitted that investigations by Cardno TGM had identified significant issues with the currently proposed location. Riverlee cited the infrastructure evidence of Mr Prossor that the issues include:

- extremely high constructed embankments and or bridges (20 – 25 metres high)
- an extremely long bridge over the Moorabool River
- high aesthetic impost on the surrounds
- significant impact on the adjoining properties.

Mr Prossor outlined three alternate options for the Church Street over pass with a preferred option described as:

Option 4 which initially runs in a north westerly direction across the existing escarpment batter to allow the road to achieve the maximum permissible bus route grades whilst also minimising the creation of large embankments. It then loops back to arrive at approximately the same location as detailed in the framework plan on the west side of the Moorabool River.

Riverlee submitted that while the uncertainty as to who will ultimately fund the bridge, its preferred location and ultimate design will be clarified at the PSP stage, orderly planning dictates that a connection is needed in this location. It added that:

To avoid confusion and differing interpretations between developers and Council's planners in relation to its alignment, it is submitted that the relevant plans within the Framework plan showing this connection should be amended to remove the straight line connection. It should be replaced with a notation that the ultimate design, location and route of the Church Street connection will be determined as part of the future PSP process.

The McCann Family supported the option preferred by Mr Prossor. They submitted that while some disadvantages are noted in the advice of Mr Prossor including increased lengths of roads and bridges, an option such as option 4 is clearly preferred to the 'straight' connection. The McCann Family recalled the concession made by Mr Woodland under cross examination that the Church Street extension was one of those examples where the Framework Plan may need to be amended to make note of the need for further investigation.

The McCann Family submitted that the major engineering issues associated with the Church Street extension are sufficiently known at this stage to warrant an amendment to the Framework "... to reflect option 4 or at the very least amended to acknowledge that the Church Street extension is likely to require a non-straight connection determined having appropriate regard to topography, engineering, cost, land efficiency and visual and landscape considerations." They sought a recommendation from the Panel that the Framework Plan be amended to show option 4 as the alignment for the Church Street extension and that the Plan be annotated with some qualifying words such as "New connection to Church Street – alignment subject to further studies".

In its Part B submission, Council stated that it does not in principle oppose the alternative alignment but submitted that this level of detail should be resolved at the PSP stage. Council advised that it was seeking flexibility in the delivery of the PSP and it understood that was also what Riverlee was seeking.

Council submitted that it was concerned that including a loop road now could result in less flexibility in 10 or 15 years time when the detailed planning is done for this road and bridge.

In closing submissions, Council submitted that:

It is clear through the evidence that it is a complex piece of infrastructure for which the location is uncertain and which will fall across several land holdings. Mr Prossor has provided a proposal which he fairly concedes is at a preliminary stage. The important matter for the Panel in respect of the bridge is that it is satisfied that there exists sufficient flexibility in the ordinance and Framework Plan to identify a final solution when known. Given the stage of planning, the Council regards there is significant latitude in this issue but the Panel may recommend further commentary.

#### **(vi) Upgrade of Creamery Road crossing of the Geelong Ring Road**

The Ramsay submission sought changes to the Framework Plan map to make it clear that an interchange with the Geelong Ring Road was not being considered as part of an upgrade of the Creamery Road overpass. It submitted that the notation on the Framework Plan map indicates that the Creamery Road/Geelong Ring Road requires some form of 'upgrade' but no new transport infrastructure was listed for the Creamery Road overpass. Ramsay noted the evidence of Mr Hunt that Creamery Road is already capable of handling bus movements, can accommodate a shared path as contemplated by the Framework Plan and can perform as a local connector street. He added that if any alteration was required, it could be done within the existing profile and Ramsay was not opposed to a reconfiguration in this manner.

Ramsay submitted that an upgrade of the Creamery Road overpass was not required and that the Panel should recommend the following changes to the Framework Plan:

- removal of the 'Geelong Ring Road – Upgrade Connection' symbol from Creamery Road at Plan 04 (page 38) and Plan 47 (page 238)
- inclusion of an acknowledgement within the Framework Plan (for example at page 239) that:
  - any upgrade to Creamery Road does not include provision of access and / or egress to the Geelong Ring Road. Ramsay notes that this matter has been agreed by Council; and
  - that any upgrade to the Creamery Road overpass / flyover, if required, will be completed within the confines of the existing overpass infrastructure.

Mr Hunt in his evidence statement expressed the view that upgrading of the existing bridge to provide an interchange with the Geelong Ring Road was not necessary or desirable and in his opinion, the only possible upgrade to be considered at the PSP stage was the widening of the footpath on the northern side to enable it to operate as a fully compliant shared path.

In responding to the original Ramsay submission, Council indicated that the Creamery Road flyover is identified for upgrades that will be determined as part of the PSP process. During cross-examination of Mr Hunt, Council suggested that some form of words could be included in the Framework Plan regarding the upgrade to the Creamery Road flyover.

#### **(vii) Duplication of Evans Road**

Evans Road is shown on the Framework Plan as an arterial road running between the two growth areas. The CCC is also depicted as following the Evans Road alignment. Evans Road is currently a rural road and unsealed over part of its length.

The Ramsay submission sought a change to text in the Framework Plan to add a qualification to references to the duplication of Evans Road to make it clear that its duplication would, if required, be subject to further investigation and detailed planning at the PSP stage. Ramsay in submissions acknowledged that parts of Evans Road would need to be upgraded to a sealed condition to facilitate connection between the two growth areas, noting that this upgrade could be done within the existing 20 metre wide road reserve along Evans Road. It noted:

the findings of the traffic conclave at paragraph 10, where it was agreed that the development of the Creamery Road PSP will not in and of itself trigger the need to upgrade Evans Road; and

the evidence of Mr Hunt that the upgrade of Evans Road (beyond basic sealing work) will only be required in the longer term. In his view, any need to upgrade Evans Road beyond this point would be triggered by development in both the NGGA and WGGA.

In his expert statement, Mr Hunt opined that as modelled, volumes on Evans Road do not warrant duplication and identification of an upgrade to this standard in the Framework Plan *"... is premature and unnecessary."*

LBDG submitted that the Framework Plan should be amended to remove reference to Evans Road between the two growth areas. It argued that Evans Road is a local arterial road which on the traffic evidence is unlikely to carry the volume of traffic to justify duplication. LBDG submitted that:

If the CCC has any prospect of success (which we hope given its extensive land take it requires) then there is no basis for excessive duplication especially in the area between the two growth areas.

LBDG added that the traffic needs for duplication are likely to emerge over 20 to 30 years and as the land between the two growth areas is rural, the option to preserve potential widening is inherently protected.

The statement from the meeting of the traffic engineering experts said that they agreed that Evans Road was an important and strategic link between the two growth areas and should form part of the CCC. The statement noted that with Evans Road carrying potentially between 15,000 and 18,000 vehicles per day, it may or may not require duplication and the opportunity for duplication should be preserved.

In responding to the Ramsay submission, Council stated that Evans Road would require an upgrade to allow movements between the two growth areas and it forms part of the CCC. In its Part B Submission, however, Council stated that as part of recommended post-exhibition changes, it has removed the 400 metre wide catchment along the CCC link between the two growth areas but has retained the CCC link itself along Evans Road.

#### **(viii) Alignment of Elcho Road**

The Framework Plan shows Elcho Road as an arterial road running through the Northern Geelong Growth Area. Its proposed alignment follows the existing Elcho Road alignment from the north east boundary of the growth area to connect with the existing Evans Road to the south west.

In its submission in response to the exhibition of the Amendment, LBDG sought a minor realignment of Elcho Road by looping it to the north rather than following the straight alignment of the existing Elcho Road. LBDG submitted that the realignment would reduce cost, increase amenity, achieve better integration and have less impact on the natural landform. It submitted that the site-responsive merits of the realignment of Elcho Road are well canvassed in the landscape evidence of Mr Lethlean and Mr Young's evidence demonstrated that there is no impediment to the realignment from a traffic engineering perspective. LBDG noted that at their meeting the traffic engineering experts agreed that the proposed realignment of Elcho Road would not impact on or change the outcomes of the traffic modelling.

Mr Lethlean stated in his evidence that the anticipated upgrade of Elcho Road to an arterial road would require a large scale engineering response which would "... *have a large visual impact the landscape and valley formation*". He concluded that:

From a landscape architecture and urban design approach, responsive design approach and reinforcing a sense of place, the alternative design location is preferred.

In his evidence, Mr De Silva was of the opinion that the value of the Framework Plan could be improved by, amongst other changes, a refinement to the alignment of Elcho Road (and the CCC associated with it) to be more site responsive and to activate the proposed activity centres.

Mr Young in his evidence outlined his review of the vertical geometry of the proposed realignment. He concluded that the minor localised realignment would be unlikely to have a negative impact on the traffic carrying capacity of Elcho Road and that there were transport benefits associated with the road's realignment due the splitting of the activity centres.

Council stated that it did not support the change in the alignment. In closing submissions, Council submitted that it did not see the need to realign Elcho Road at this time as this matter could be addressed at the PSP stage once the surrounding land uses are locked down.

### **6.6.2 Discussion**

#### **(i) Clever and Creative Corridor**

There was general support for the CCC. The Panel considers the concept to be ambitious and may be difficult to realise fully along the entire length of the Corridor. It agrees nonetheless that the concept is worthy of pursuit. The option of realising the concept

should be preserved and therefore it is important to retain the proposed 14 metre wide corridor in the Framework Plan. Preservation of the corridor width of 14 metres was the main concern expressed by Council.

Several submitters were concerned about the measurement detail (carriageway widths and parking bays for example) and the depictions of interim and ultimate configurations included in the Framework. Council has agreed to delete the measurement detail except for the 14 metre wide corridor. The Panel endorses Council's decision. Deletion of the detail will provide greater flexibility in designing the CCC at the PSP stage. The Panel agrees that flexibility in urban design to respond to surrounding land uses is an important aspect sought by the McCann Family, LBDG and Ramsay amongst others and endorsed by the planning experts.

Some submitters requested that the depictions of the interim and ultimate configurations should be removed from the Framework Plan again to provide flexibility and avoid constraining the CCC design during the preparation of the PSPs. The Panel is not concerned with the depictions provided that it is made clear that they are intended to be conceptual in nature and there can be variations along the corridor depending on the abutting land uses. The Ramsay submission suggested some words to that effect and the Panel endorses Council's agreement to include the words suggested Ramsay with respect to the interim and ultimate configurations.

The Panel also notes that Council has agreed to remove the 400 metre wide catchment between the two growth areas along Evans Road. The land between the two growth areas will only be developed, if ever, in the very long term and the design of the corridor and abutting land uses can be determined at the appropriate time in the future.

**(ii) Alignment of the Clever and Creative Corridor through the Batesford South Precinct**

The Panel is not convinced that the change in alignment of the CCC to the west side of the future lake, as sought by ABCL, is justified. It agrees with the McCann Family that it is not clear from the evidence that there would be any substantial increase in net developable land and therefore catchment. The Panel also notes that having the CCC corridor adjacent to the north south arterial could present a substantial barrier and reduce the amenity of the CCC. The claimed cost savings of building a single bridge for the arterial road and the CCC may not be made: a single bridge would have to be wider and in any event, another river crossing would still be needed to the east of the lake should the CCC be moved to the west.

While still subject to detailed design at the PSP stage, the Panel considers the eastern alignment as set out in the Framework Plan is superior to the one to the west. The eastern alignment should provide more potential scope for building on the amenity afforded by the future lake and the rehabilitated Moorabool River.

**(iii) Alignment of the north south arterial road in the Western Geelong Growth Area**

Strong evidence was presented to the Panel that there could be better options for the alignment of the north south arterial road than that shown on the Framework Plan. Relocating the alignment to the west (along the lines of option 2 or 3 proposed by Ms Marshall) could on the preliminary analysis done to date enable the construction of the north south arterial road and bridge to be less visually intrusive, more sympathetic to the

landscape and require less cut and fill to meet required levels and grades. A more westerly alignment would also avoid the old 1930s quarry, but the Panel does not think avoiding the 1930s quarry area adds much weight to the benefits of adopting a re-alignment.

The question then arises as to how best to ensure there is flexibility in the Framework Plan to allow for further investigations of the alignment of the arterial road and to reflect the best alignment in the PSP. Council argued that the alignment shown is intended to be indicative and there is already enough flexibility in the Framework Plan for an alternative alignment to be investigated and adopted during the preparation of the PSP. There was therefore in its view no need to amend the Framework Plan to show a different alignment. The Panel is aware of other PSPs where the alignment and design of a major road and bridge were revised significantly at the PSP preparation stage. The alignment and design of the proposed arterial road and bridge over Jacksons Creek in the Lancefield South PSP is a case in point.

Mr Woodland suggested in his evidence that a revised alignment should be shown on the Framework Plan if there was consensus among experts that it was a better alignment. The Panel is not entirely convinced that there is complete consensus amongst the experts. In fact, there is much more detailed investigation on a range of factors (including biodiversity and cultural heritage along with traffic and engineering consideration) to be done before a final alignment can be determined. It may eventuate that as noted by Council, the most appropriate alignment is though the site of the 1930s quarry.

An alternative to amending the alignment shown on the Framework Plan is to add a notation to the Plan stating that the alignment shown is indicative only and subject to change following detailed analysis, design and costing at the PSP stage. As an aside, such a notation could equally apply to other infrastructure shown on the Framework Plan such as the alignment of the extension to Church Street.

The Panel is not inclined to recommend the alignment change requested by ABCL. Instead, it proposes that an annotation be added to the Framework Plan map to make it clear that the alignment shown for the north south arterial road and bridge is indicative and may be subject to change following further analysis and assessment at the PSP preparation stage.

#### **(iv) Extension of the north south arterial road through to the Hamilton Highway**

While it may seem in the words of the ABCL submission “*odd*” that the north south arterial in the WGGA does not extend through to the Hamilton Highway, there are in the Panel’s view sound reasons as to why that may not be the case.

As noted by Council, other land uses and development in the area need to be serviced by an arterial road and the road network shown on the Framework Plan map is appropriate in terms of the accepted spacing between arterial roads. The Panel notes also that routes along arterial roads are available for drivers wanting to travel through the WGGA to the Hamilton Highway albeit not as direct as a straight connection as proposed by ABCL.

No traffic modelling and analysis was presented to the Panel to justify what would amount to a substantial change to the road network that could have other ramifications for the transport network shown on the Framework Plan. It may be that subsequent work at the PSP stage identifies a need, based on traffic desire lines and other factors, for the north south arterial road to connect straight through to the Hamilton Highway. The Panel

considers that this issue can be re-examined if justified during the preparation of the PSP for the area. No change to the Framework Plan is required.

**(v) Church Street Connection**

There may be merit in the re-alignment of the Church Street connection as proposed by LBDG. On the evidence of Mr Prossor, there may be benefits in the alternative alignment. But again, these benefits are derived from preliminary analysis and more investigation will be needed to confirm a preferred alignment during developing the PSP for the precinct.

The Panel considers there is enough flexibility for alternative alignments for Church Street to be considered when the PSP is developed. To provide some comfort and more certainty for those who requested a change in the Framework Plan map, the Panel recommends that an annotation along the lines suggested above with respect to the north south arterial road should be added to the Framework Plan. The Panel is inclined to the view that one general annotation stating that the alignments of roads shown on the Framework Plan map are indicative and subject to review and confirmation at the PSP stage would suffice in preference to separate descriptions against each of the roads for which changes in alignment have been requested in submissions.

**(vi) Upgrade of Creamery Road crossing of the Geelong Ring Road**

The Panel understands that an interchange with the Geelong Ring Road is not being considered as part of any upgrade to the existing Creamery Road overpass. Creamery Road is shown on the Framework Plan road network as a Connector Street and, as stated by Mr Hunt, an interchange is not warranted at this location.

What will constitute the upgrade will be determined as part of the development of the Creamery Road PSP. The upgrade may, as suggested by Mr Hunt, be limited to a widening of the existing footpath to make it a fully compliant footpath but Council did not confirm this nor provide any details on what is being considered.

The symbol at the Creamery Road overpass as shown on the Framework Plan map is described as 'Geelong Ring Road – upgrade connection'. The Panel considers that this description may be misleading and could be interpreted as meaning that an interchange or 'connection' to the Geelong Ring Road was being contemplated. The Ramsay submission proposed that the symbol should be removed, and words added to the Framework Plan to clarify that any upgrade will not include an interchange with the Ring Road and the extent of the upgrade will be confined to the existing overpass width. Council agreed that words could be added to the Framework Plan.

The Panel considers that the upgrade symbol should be retained on the Framework Plan map (and for consistency on Plan 47 Creamery Road Precinct of the Framework Plan document) given that some upgrade to the overpass is likely to occur. The current description should, however, be changed on both plans to make it clear that the upgrade is not a 'connection' but an improvement to the existing overpass. Replacing the description of 'upgrade connection' to 'upgrade existing overpass' should suffice.

The details of the upgrade are yet to be determined and therefore it may be going too far to state in the Framework Plan that upgrade works will be confined to the existing width of the overpass as requested by Ramsay.

The Panel notes that at page 239 of the Framework Plan background document under 'Local Infrastructure' there is a brief reference to Creamery Road. The Panel suggests this could be a suitable place to add some words to clarify the extent of any upgrades to the Creamery Road overpass. It leaves that up to Council in consultation with Ramsay as to whether words in addition to changes to the map symbol are still required and, if so, the form of those words.

#### **(vii) Duplication of Evans Road**

Evans Road is shown on the Framework Plan road network as an arterial road and as part of the CCC network. The traffic experts agreed that Evans Road would be an important link between the two growth areas and should be part of the CCC. It was acknowledged by parties that some upgrade, effectively sealing of the road over its entire length, will be needed for Evans Road to function as a strategic link between the two growth areas. The issue is whether Evans Road will need duplication. The traffic experts advised that duplication may be required but not until well into the future.

The local (Panel's emphasis) duplication of Evans Road is listed in the Framework Plan background document at, for example, page 227 in the context of the delivery of the Heales Road PSP, but reference is also made to its 'external upgrade', that is between the two growth areas. It seems to the Panel that the wording in the Framework Plan while not excluding its future duplication between the two growth areas does no more than specify an upgrade (which could simply mean sealing of the pavement) to Evans Road that as noted above has been agreed as necessary by the experts.

The Panel also notes that while arterial roads are typically two lanes in each direction, that is duplicated, that is not always the case particularly in rural areas where many arterial roads function quite efficiently without duplication. Indeed, even within PSP areas arterial roads are often constructed in the interim as two lane roads with duplication not occurring for many years, if at all.

It is clear to the Panel that Evans Road should be shown as an arterial road on the Framework Plan road network. It will function as an important link between the two growth areas. Some upgrade will be required as the two growth areas are developed but as the traffic experts agreed, duplication of Evans Road may never be warranted. Current land use abutting Evans Road notably to the west is farming. The opportunity to duplicate Evans Road at some point in the future will not in the Panel's view be at risk unless and until such time as development of the abutting land and/or the CCC occurs. The need for duplication could be assessed at that time.

The Panel is not inclined to recommend changes to the text within the Framework Plan. It does suggest, however, that in this instance Council may wish to review references to Evans Road to clarify which parts of Evans Road are to be duplicated, rather than upgraded, as part of the implementation of the PSP areas.

#### **(viii) Alignment of Elcho Road**

Evidence was presented to the Panel that suggests a minor re-alignment of Elcho Road would produce a better outcome but again, the assessment presented was preliminary. More detailed analysis will be required to determine a precise alignment.

The Panel agrees with Council that this further work will be necessary when the detailed PSP planning is done. The Elcho Road alignment will of necessity be confirmed at the PSP stage.

As with other road alignments discussed above, the Panel does not consider that the alignment shown on the Framework Plan map should be adjusted at this stage of the process. The alignments as shown are indicative. Again, the Panel suggests that a notation be added to the Framework Plan to make it clear that the road network alignments are indicative and subject to change as a result of detailed analysis and assessment during the course of developing the PSPs for the various precincts.

### 6.6.3 Conclusions

The Panel concludes:

- The 14 metre wide median reservation for the Clever and Creative Corridor should be retained in the Framework Plan.
- The measurement details for the Clever and Creative Corridor should be removed, and a description added to make it clear that the interim and ultimate configurations as described and depicted in the Framework Plan Document are conceptual only and there will be variability in the abutting land uses and development determined at the PSP preparation stage.
- No change should be made to the alignments as shown on the Framework Plan map of:
  - the north south arterial road through the Batesford South PSP
  - the Church Street extension
  - Elcho Road.
- An annotation should be added to the Framework Plan map to state that the alignments shown for road network, including the above three roads, are indicative and may be subject to change following further analysis and assessment at the PSP preparation stage, or words to that affect.
- No change to the Framework Plan map should be made to show the north south arterial road through the Western Geelong Growth Area connecting directly with the Hamilton Highway.
- The description of the symbol shown on the Framework Plan map with respect to the Creamery Road upgrade could be misleading and should be amended by replacing the word 'connection' to clarify that the upgrade will not include an interchange with the Geelong Ring Road.
- The classification of Evans Road on the Framework Plan road network as an arterial road between the two growth areas should be retained but references to its duplication should be reviewed to clarify which parts of Evans Road will be duplicated rather than just upgraded from a partly unsealed rural road.

### 6.6.4 Recommendation

The Panel recommends:

6. **In relation to the transport network:**
  - a) **Retain the 14 metre wide reservation for the Clever and Creative Corridor in the North and Western Geelong Growth Areas Framework Plan.**

- b) **Remove the measurement details for the Clever and Creative Corridor from the North and Western Geelong Growth Areas Framework Plan.**
- c) **Add a description to the Clever and Creative Corridor section in the North and Western Geelong Growth Areas Framework Plan to make it clear that the interim and ultimate configurations of the Clever and Creative Corridor as described and depicted in the North and Western Geelong Growth Areas Framework Plan are conceptual only and there will be variability in the abutting land uses and development as determined through the preparation of the Precinct Structure Plans.**
- d) **Add an annotation to the Framework Plan map to state that the alignments shown for the road network are indicative and may be subject to change following further analysis and assessment at the Precinct Structure Plan preparation stage, or words to that affect.**
- e) **Amend the description of the symbol shown on the North and Western Geelong Growth Areas Framework Plan map with respect to the Creamery Road upgrade to clarify that the upgrade will not include an interchange with the Geelong Ring Road.**
- f) **Retain the classification of Evans Road as an arterial road between the two growth areas on the North and Western Geelong Growth Areas Framework Plan.**
- g) **Review the references to Evans Road in the North and Western Geelong Growth Areas Framework Plan to clarify which parts of Evans Road will be duplicated rather than just upgraded.**

## **6.7 Activity centres**

Submissions were made on the location of activity centres as depicted on the Framework Plan Future Urban Structure plan (Figure 2).

This issue is whether the Framework Plan should be amended to relocate some of the activity centres or left unchanged with the precise location of the activity centres to be resolved during the preparation and approval of the PSPs for the two growth areas.

### **6.7.1 Evidence and submissions**

#### **(i) Relocation of NGGA Subregional Activity Centre**

LBDG requested that the NGGA subregional centre be relocated approximately 500 metres north east of its location currently shown on the Framework Plan to a location on the edge of the monocline alignment and away from the alignment of the Heales Road extension.

In its Part B submission, Council indicated that while the requested relocation may have merit in maximising views, there are other factors to consider beyond views. It questioned whether the urban design disadvantages of locating an activity centre on an arterial road could not be appropriately managed through urban design and built form controls. Its stated position was that the exact location of activity centres could be dealt with at the PSP planning stage.

Council submitted that the requested changes came within the realms of general accordance with the proposed Framework Plan at Clause 21.20. However, it would not object to a recommendation that the location of these centres be amended as requested by LBDG.

In closing, Council stated that:

Council has indicated that it does not oppose a recommendation for the relocation and redistribution of activity centres sought by LBDG. Its list of changes does not depict every consequential change on every plan associated with this redistribution, but Council recognises that this will necessarily follow.

LBDG submitted that:

Placemaking is critical in growth area planning. Where a growth area has natural assets, those assets should be used and supplemented and exploited by good planning. That is the key driver of Lovely Banks position on this issue. It is the point at the heart of Mr DeSilva's evidence and Mr Lethlean described this canvas as one of the best opportunities he has ever had to deal with. Mr Day was of the same view.

The relocation of the Sub-Regional Centre is sought essentially as a place making point of difference. The monocline is one of the key assets of the growth area yet the Sub Regional Activity Centre, as proposed in the Framework Plan, has not been sited inboard so as to take full advantage of what the monocline has to offer. Rather it has been identified as being centred on an arterial road outboard to the monocline.

LBDG noted the conclusion of Mr De Silva that "*... the alternative site offers unique conditions that could enrich and enliven the Precinct Structure Plan and Urban Design Framework Plan processes and further the objectives of the Framework Plan beyond the exhibited position.*" Mr Montebello added that these observations are supported by the evidence of Mr Day and Mr Lethlean.

LBDG submitted that the change in location would ensure that within the activity centre there would be public places and views from memorable buildings. It added that by being a destination centre, the activity centre could draw in more and varied investment and have unique character allowing the NGGA to be more self-sustaining. LBDG quoted the conclusion of Mr De Silva that the exhibited location "*... simply cannot compete with the alternative location*" due to its locational attributes.

**(ii) Change in location and floorspace allocation of the NGGA north eastern activity centre**

The LBDG requested that the north eastern activity centre be split into two relocated centres with each centre accommodating 5,000 square metres of floor space as opposed to 10,000 square metres in the one centre as currently proposed.

In its Part B submission, Council stated that:

Council does not agree. As previously put to the Panel, these are matters (that) are properly dealt with at the PSP stage. The Council submits that the Panel should only grant such changes where it is definitively known that the outcome is the final appropriate outcome and where that outcome could not be facilitated in the context of an Amendment which will have regard to or be guided by the Framework Plan. Where those changes can be made at that later time, supported by appropriate detailed work, it should occur at that later time, and the detailed redrafting of a Framework Plan document at this point is simply unnecessary.

LBDG submitted that Plan 28 of the Framework Plan identified significant gaps in the one-kilometre catchment for the neighbourhood activity centres. It noted that the notion of a

walkable catchment is a key planning concept and according to the evidence of Mr Young, there are significant areas of residential development that would not meet the 20 minute neighbourhood unless a number of smaller local activity centres were provided. LBDG submitted that the report from the meeting of traffic experts confirms that the alternative network is a superior outcome “... with shorter internal vehicle trips and a greater level of walking trips expected.”

In its conclusion on this matter, LBDG submitted:

Finally, putting these benefits to the side for a moment, Mr Lee highlights a significant *disbenefit* of the large NAC proposed in the Framework Plan. Noting the likely development time frames and sequencing, catchments and size of the large NAC, he expresses a concern that it may in fact detract from the role and development opportunity at the Sub Regional Centre, and delay its development and prime location for sub-regional retail, business and community services. As such, Lovely Banks submits that the Panel should accept the alternative NAC network, recognising that it would provide the dual advantages of:

1. providing for more accessible facilities for more people; and
2. ensuring that there are no constraints to the successful development of the Sub Regional Activity Centre nor delays to its development.

### **(iii) Western Geelong Growth Area**

In its Part B submission, Council noted the following requests from submitters for changes in the location of activity centres in the WGGA:

- relocate the subregion centre
- relocate neighbourhood centres shown on the boundary of the Creamery Road and Batesford North precincts wholly within the Creamery Road precinct
- move the north western activity centre closer to the future railway centre.

Council submitted that:

No planning or economic evidence has been called to support these submissions.

It is Council’s position that the location of these activity centres on the Framework Plan is indicative. Subject to further analysis and detailed design, the requested changes may eventuate. However, this is a matter for the PSP or planning permit stage.

Mr Woodland supports Council’s position that the ultimate location of activity centres is a matter that can be determined when preparing the PSPs.

## **6.7.2 Discussion**

### **(i) Northern Geelong Growth Area**

The Panel heard evidence from several experts on the location of the activity centres in the NGGA. Strong submissions were made by Council and LBPG including debate of whether the relocation of the centres as proposed by the LBDG would be ‘generally in accordance with’ the exhibited Framework Plan.

At the end of the day, it would seem that Council has softened its position regarding a change to the Framework Plan indicating that it would not oppose a recommendation for the redistribution and relocation of the activity centres sought by LBDG.

The locations proposed by the LBDG could well be considered to be ‘generally in accordance with’ the Framework although that could be subject to later interpretation during the course of preparing the PSP for the precinct. In the Panel’s view, it would be better to provide more certainty and amend the Framework Plan provided that the evidence to hand has established a superior outcome. The Panel is reluctant to recommend changes to the Framework unless a strong case has been made out. In this instance, the Panel considers that strong case for change has been made. The planning, economic, traffic and landscape evidence pointed to better locations for the activity centres. This was confirmed in the minds of the Panel through its observations during the course of a site inspection of the area.

The Panel therefore finds that the Framework Plan spatial plan to be included at Clause 21.20-5 should be amended to reflect the relocation of the activity centres (including the splitting of the neighbourhood centre into two centres and their locations) proposed by the LBDG. As noted by Council, there will be subsequent amendments to the Framework Plan background document. The Panel leaves it up to the parties involved to identify and agree on what those subsequent changes should be.

#### **(ii) Western Geelong Growth Area**

No evidence was called, or further submissions made during the Hearing on changes in the location of activity centres in the WGGA.

The Panel therefore makes no further comment and leaves the matter for resolution during the PSP preparation and approval process.

### **6.7.3 Conclusions**

The Panel concludes:

- the Framework Plan spatial plan should be amended as requested by LBDG to change the location of subregional activity centre and split the neighbourhood centre into two centres at the locations proposed by the LBDG in the NGGA
- subsequent necessary changes to the Framework Plan background document should be identified and made by Council.

### **6.7.4 Recommendations**

The Panel recommends:

- 7. Amend the North and Western Geelong Growth Areas Framework Plan in the Northern Geelong Growth Area to change the location of the subregional activity centre and split the neighbourhood centre into two centres as proposed by the Lovely Banks Development Group.**
- 8. Make any subsequent necessary changes to North and Western Geelong Growth Areas Framework Plan background document arising from Recommendation 7.**

## **6.8 Integrated water management**

The NWGGA will require significant management of existing waterways and the development of drainage infrastructure to manage the increase in stormwater runoff that occurs through development.

The WGGA has the added element of the filling of the quarry void which will in time, estimated to be 20 years, fill to become a large artificial lake as groundwater return to more natural pre-pumping levels.

There were submissions and evidence about the extent and location of indicative stormwater infrastructure in the Framework Plan and the approach to integrated water management.

### **6.8.1 Evidence and submissions**

LBDG called evidence from Mr Neil Craigie in surface water management for its land in the NGGA. Mr Craigie's views were confined to the Framework Plan. He was generally supportive of the approach taken in the Framework Plan including the modelling undertaken by SMEC.

His particular concerns can be summarised as the indicated extent of drainage reserves on Plan 7 of the Framework Plan; the view that infrastructure can be accommodated in stream reserves and road reserves without widening; developing the higher areas of LBDG land earlier will bring drainage infrastructure benefits; and it is not feasible to maintain and enhance pre-development hydrology.

In cross examination by Council, Mr Craigie expressed the view that it is not helpful to put in indicative larger basins or reserves than that which may be needed as it *"... upsets them and puts them on the wrong footing"*.<sup>10</sup>

Mr Craigie also conceded under questioning from Council that the Framework Plan approach is indicative, that his concepts were a refinement of those in the Framework Plan and further detailed design can be undertaken through the PSP process. He agreed that both his alternative proposal for drainage along Elcho Road and the indicative concept in the Framework Plan could both work, but he stressed that it will not be feasible to meet pre development flow conditions.

The Lee-Pratts through Mr Marshall called Mr Swan to give water engineering evidence in relation to their land on the north west corner of Heales Road and Bacchus Marsh Road in the NGGA. Plan 7 of the Framework Plan shows an indicative location for a stormwater basin at this location.

Mr Swan's evidence in summary was that the basin appears to be oversized; there is likely to be additional drainage directed to this location; more detailed design will need to be undertaken through the PSP process; the infrastructure proposed is not necessarily the most appropriate and individual precincts will be expected to manage their own stormwater drainage to avoid downstream impacts.

Mr Swan conceded in cross examination by Council that this is a general low point where it is likely some stormwater infrastructure will be required but he thought it too prescriptive as indicated in the Framework Plan.

L Bisinella Development (L Bisinella) called Mr Prout to give evidence on waterways and stormwater for its land on Avonlea Road in Bell Post Hill in the WGGA. The land currently

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<sup>10</sup> This comment was made in relation to LBDG land and the RLZ land and indicative basins at the foot of the escarpment.

has a permit for subdivision under the existing zone but more intensive development in future under the Framework Plan is envisaged.

Mr Prout's evidence in summary was that the waterway corridors shown in the Framework Plan are significantly wider than the criteria for identification of corridors in the background Water Technology report would indicate.

Council questioned Mr Prout and he acknowledged that the next stage of PSP development will be where a lot of detail is addressed but reconfirmed that in his view the Framework Plan did not accurately reflect the background work undertaken by Water Technology for this site.

Ramsay called Mr Swan to give evidence in relation to drainage and stormwater for their holdings upstream of the L Bisinella land in the WGGGA. His evidence was similar in theme to that for the Lee-Pratts in that whilst drainage infrastructure is needed, it is premature to be too prescriptive as suggested in the Framework Plan. As suggested in evidence by Mr Prout and others he also considered that the drainage and stormwater areas indicated are significantly larger than what will actually be needed.

Mr Swan acknowledged under questioning from Council that additional detailed planning and design work will need to be undertaken through the PSP process but was concerned that the Framework Plan concepts not be locked in.

In closing submissions on stormwater and drainage Council submitted that with the exception of the L Bisinella land, the concerns raised by submitters and experts can be effectively addressed through the PSP process and with additional clarification in the Framework Plan to reinforce its indicative nature.

Council agreed to reduce the indicative waterway widths on the L Bisinella land to better accord with the SMEC background report and made comments accordingly in the table of changes.

### **6.8.2 Discussion**

The Panel generally accepts the Council position that whilst there is considerable future planning and design work to be undertaken in relation to integrated water management, the Framework Plan provides a suitable platform to undertake this work.

Council has invested heavily in background work to start the planning and design process, and this work, undertaken by Water Technology (WGGGA) and SMEC (NGGA), was generally well supported by the experts who gave evidence.

Trying to take planning and design to the next level as will be required for the PSP now is not necessary or desirable. The Panel does not consider it is defensible to suggest that in general the indicative depictions of waterways (for example) require infrastructure to be constructed to that spatial extent. Elsewhere in this report the Panel has accepted the need to reinforce the indicative nature of the Framework Plan.

The one exception noted and accepted by Council is for the L Bisinella land where they have demonstrated with a detailed design that the indicative waterway extent is significantly

different to that likely to be required. The Panel notes Council's position in the table in Document 205 that this is a change to the Framework Plan they will make.<sup>11</sup>

### 6.8.3 Conclusions

The Panel concludes:

- Alterations to the Framework Plan for the land at 30 Avonlea Bell Post Hill as outlined in Document 205 should be undertaken.
- No further changes to the Framework Plan in relation to integrated water management are necessary and the issues can be addressed through detailed design in the PSP process.

## 6.9 Ecology

Ecology in this section relates to biodiversity values in the NWGGA. Ecology in the Settlement Strategy, primarily around the Bellarine Peninsula, is addressed in Section 4.2.

The Framework Plan identifies ecological values in the NGGA on Plan 7 and page 67, including 408 hectares of Plains Grassland and associated species, a critically endangered ecological community. The Framework Plan notes that only 53 per cent of the area has been surveyed for its ecological values.

The Framework Plan identifies ecological values in the WGGA on Plan 16 and page 98, including 268 hectares of threatened ecological communities (Plains Grassland and others) and significant waterways. The Framework Plan notes that only 75 per cent of the area has been surveyed for its ecological values.

The Panel is aware that additional ecological surveys are being undertaken. The Framework Plan requires an overall conservation strategy for the growth areas and the detailed planning work will come through the PSP process.

### 6.9.1 Evidence and submissions

DELWP's original submission appeared, at face value, to be reasonably critical of biodiversity planning for the NWGGA, suggesting in essence, that:

- the engagement with DELWP had not been as effective as hoped in developing measures to protect biodiversity
- this has led to a 'missed opportunity' to integrate biodiversity into strategic planning
- the known biodiversity values in the NWWGA are based on limited surveys leading to uncertainty in planning for the NWGGA
- the degree of offsetting likely to be needed, if it available, is likely to be considerable which may impact on the deliverability of urban development.

DELWP submitted:

DELWP's submission is that the uncertainty around the full scope of the Biodiversity Conservation Strategy, the process to be undertaken in its development, its linkages

<sup>11</sup> Council's closing submission (Document 237) refers to the SMEC background report at para 173; this should be a reference to the Water Technology background report. Document 205 also refers to Revising Plan 16; this should be a reference to Plan 15.

between successive precinct plans and how it will address State requirements or legislation, limit the confidence that the FP can provide to all parties. ...

DELWP recommended an additional strategy be included at Clause 21.20-3.

Following subsequent discussion between DELWP and Council, a further joint submission was lodged which essentially acknowledged that the parties will continue to work together and resolve the identified issues through future planning.

The joint submission outlined how DELWP and Council will work together in future years and the opportunities for DELWP participation. The submission also acknowledged the challenges ahead in protecting biodiversity through planning and development.

In response to questions from the Panel about the potential impact of biodiversity on predicted lot supply, Council prepared a separate brief written submission. Essentially Council submitted that the lot yield calculations contain 'substantial conservatism' and it would be premature to consider revising lot yields when there is still significant survey work and detailed planning to come including planning for biodiversity and offsets.

Council also submitted that planning includes a proposed 100 hectare site on Stacey's Road with ecological values that may be suitable for offsets.

L Bisinella called ecology evidence from Mr Trengove on ecology in relation to its property at 30 Avonlea Road Bell Post Hill. The evidence essentially went to outline the ecological values on the property and support the contention that the development proposed (the draft subdivision plan) would not impact unacceptably on these values.

Mr Trengove submitted an additional statement following a meeting on site with Ecology and Heritage Partners who were doing additional assessments. The additional statements identified the presence of the Growling Grass Frog and a native vegetation patch. Mr Trengove concluded these ecological attributes can be addressed thorough more detailed planning and the broader Biodiversity Conservation Strategy and Native Vegetation Precinct Plans.

### **6.9.2 Discussions**

The biodiversity values of the NWGGA are significant and managing them and protecting them in accordance with State policy and State and Commonwealth legislation will be no easy task.

There are extensive areas of native grassland in the NWWGA and the ability to protect them or provide offsets across the growth area is largely unknown and will remain so until detailed surveys are complete and further planning is undertaken.

The Panel notes and accepts the reservations expressed by DELWP and there is a fine balance between planning proceeding apace, obtaining a fulsome assessment of biodiversity values, and specific land use outcomes that may result.

That said, the Panel accepts the staged approach through the actions in the Framework Plan including the Biodiversity Conservation Strategy, eventual Native Vegetation Precinct Plans for precincts and the PSP process itself is the appropriate way forward.

The Panel notes the reservations of Council in accepting the additional strategy in Clause 21.20-3. However, the Panel does not consider that it imposes any additional impost on Council and provides a clear expression of the need to address biodiversity responsibilities at

a strategic level. There must be a satisfactory level of knowledge and planning for biodiversity protection across the growth areas prior to PSP approval (as opposed to *preparation* proposed by DELWP). The risk of compromising a strategic approach to biodiversity conservation can be minimised by ensuring that the 'big picture' is in place first.

The Panel has considered the evidence of Mr Trengove in relation to the L Bisinella land. It accepts that evidence to the extent that it agrees that these are matters to be addressed through detailed planning to come.

The Panel considers there is one further matter to be addressed. Council's submissions mentioned the land along Staceys Road as a potential offset area. This land<sup>12</sup> is included in the NGGA but identified to remain in the Farming Zone. It is identified as having ecological values on Plan 8 of the Framework Plan and identified as 'Agriculture Future Investigation of Conservation' on Plan 42 for the Elcho Road West Precinct. The land is mostly within the Chemring Buffer identified on Plan 12 and discussed in Section 6.10 below.

It seems to the Panel that the logical and fair approach to planning for this area would be to include it in the Urban Growth Zone so that it can be equally considered in discussions around PSP planning including biodiversity values and buffers. This is not to suggest that the values and constraints on the property are not real, far from it. The Panel merely suggests that discussions around the properties cannot be held on an equitable basis if they are locked into the Farming Zone.

The Panel has not taken the additional step of recommending the land be rezoned now. Such a rezoning would require additional comments from landowners, surrounding landowners (including Chemring) and others. But the Panel does consider it is an issue that should be addressed at the PSP preparation stage if not before to ensure that any discussions and negotiations through the PSP are undertaken on an equal footing.

### 6.9.3 Conclusion

The Panel concludes:

- The general strategic approach to biodiversity conservation is acceptable but there are likely to be significant challenges in balancing biodiversity conservation and development as the NWGGA progresses.
- The new strategy recommended by DELWP should be included in Clause 21.20-3; with 'prepared' changed to 'approved'.
- Council should consider the properties on Staceys Road remaining in the Farming Zone with a view to ensuring they are fairly treated in growth area planning, perhaps through UGZ rezoning in future.

### 6.9.4 Recommendation

The Panel recommends:

#### 9. Add the following strategy to Clause 21.20-3:

- ***Undertake a detailed biodiversity assessment prior to any Precinct Structure Plan being approved, that ensures that Commonwealth, State***

<sup>12</sup> Specifically parcels 162\PP3184, 161\PP3184, 1\TP95400 and 1\TP95213

***and local protection of high value biodiversity assets is reflected in strategic and statutory planning.***

## **6.10 Major Hazard Facility**

Background to the LEMMP on Staceys Road, Lara operated by Chemring is provided in Section 1.2 in relation to procedural issues and document production. The issue considered here is whether the 1,000 metre buffer, annotated on Plan 12 of the Framework Plan is appropriate at this time, and in what form should it be included.

### **6.10.1 Evidence and submissions**

LBDG called evidence from Mr Erskine in risk management. Mr Erskine outlined the regulatory framework for MHF and risk management related to explosive storage and manufacture. Without having access to detailed information about hazardous materials and quantities, he drew the following conclusions in summary:

- it will be possible to determine appropriate buffers using Quality Distance (QD) calculations or modelling
- the proper point to measure a separation distance from is the hazard source, not a property boundary
- he would not expect storage above 5 tonnes of division 1.1 explosives
- using 10 tonnes of explosive, for demonstration purposes, the distance from an explosives storehouse to residences would need to be 478 metres
- a 1,000 metre separation is excessive and unreasonably conservative
- a 500 metre separation to residential and 1,000 metres to schools and hospitals.

In response to questioning from Council, Mr Erskine indicated that if he was provided the Safety Case he would be able to provide a clearer idea of the extent of buffer needed.

Chemring questioned Mr Erskine about his approach to buffer determination and some of the matters that may affect the need for separation distances such as quantities of material and operational practices on site.

In submissions LBDG submitted that it is in a difficult position and dealing with a 'moving target'. Without the detailed information on hazards and materials on site it is not in a position to effectively test the need for a 1,000 metre buffer. Drawing on the work of the MHF Advisory Committee and Mr Erskine's evidence, LBDG submitted that it is an essential part of the planning system that a tailored approach to MHF is required; and that is not possible in this case.

LBDG concluded that if the 1,000 metre buffer is to be retained in the Framework Plan, it should be:

- drawn to commence from the southern boundary of the administration building at least, and preferably from the hazard source
- labelled as *LEMMP Default Buffer (measured from southern point of admin building on LEMMP land)*.

LBDG tabled a plan showing the difference in land encumbered by taking the 1,000 metres from the site boundary or the administration building (Document 203).

LBDG also submitted that Action N1.7.7 should be modified to identify that appropriate buffers need to be identified, rather than specifying distances in the existing Framework

Plan. It submitted that the text under Action N1.7.7 should be modified to note that the default buffers are subject to further detailed investigation through the PSP process to settle on an accurate evidence-based buffer.

The Jia Qi Fang family provided a comprehensive submission on the MHF buffer issue. The family owns land on Staceys Road that would be at least partially covered by the 1,000 metre buffer. They submitted that the 1,000 metre buffer is, in summary:

- unjust, unbalanced and unreasonable
- inequitable in that Chemring are impinging on the rights of adjacent landholders
- too large and should be reduced to 500 metres.

The Jia Qi Fang family submitted that the 500 metre buffer should be taken from the activity boundary on the Chemring site and all of their land, or at least that outside the reduced buffer, should be rezoned to the UGZ.

Chemring's submission provided significant background information on the plant and its operation. Chemring reinforced the sensitive nature of the work on site and why it is not appropriate to provide detailed information on the type and quantity of materials or processes that are undertaken.

Chemring's position is that the 1,000 metre buffer should be retained, a position supported by Worksafe, and if anything strengthened to ensure it is maintained through the subsequent PSP process. This position was maintained following the hearing of evidence from Mr Erskine.

In its closing submission Council submitted it was not clear on why a buffer should be measured from the administration building. It submitted that the 1,000 metre buffer should be taken from the boundary and further consideration be given after the safety case for the plant is finalised.

Council concluded:

Council is content to receive a recommendation that the buffer be clearly notated as being a default buffer subject to further assessment at the time of a PSP. Mr Montebello provided a form of words generally consistent with this.

### **6.10.2 Discussion**

Separation distance or buffer identification around MHF is often a highly contested space. There is often a lot at stake in terms of developable land or the ability to continue a high value business in a manner not restricted unnecessarily by surrounding land use.

As outlined in Section 1.2 the Panel has suggested the issue should be considered in detail during the PSP preparation process. The Panel is acutely aware that this position is dependent on:

- the LEMMP Safety Case being completed and approved in 2021
- the Safety Case, or relevant parts of it, being made available to experts for surrounding landowners, perhaps with undertakings as to confidentiality.

The latter is by no means certain, with Chemring indicating that at least partly due to the requirements of certain overseas clients, it may not be able to provide the required information under any circumstances. This would be a difficult scenario where the retention

of a larger buffer than seems reasonable, without detailed evidence, might be hard to sustain.

Access to information will need to be considered in future; at this time the Panel is comfortable with the position of leaving further resolution of the issue to the PSP stage. The Panel agrees with LBDG and Council that reference to the 1,000 metre buffer could be 'softened' to some extent, albeit not as much as LBDG has suggested. The Panel recommends some words below.

The Panel notes that Jia Qi Fang family submission in relation to buffers; the recommendations below equally apply to the long term planning for their land and the buffer issue. The Panel has also commented in Section 6.9 about the consideration of UGZ rezoning in this area.

### 6.10.3 Conclusions

The Panel concludes:

- A 1,000 metre LEMMP buffer should be retained in the Framework Plan at this time measured from the site boundary.
- Wording in the Framework Plan should be modified to recognise that the 1,000 metre buffer is a default buffer that has not had detailed technical assessment and justification.

### 6.10.4 Recommendations

The Panel recommends:

10. **Revise the text on Plan 12 to say:**
  - ***LEMMP (1,000 metre default buffer, subject to technical confirmation).***
11. **Revise the first bullet point under Action N.1.7.7 to say:**
  - ***A default buffer of 1,000 metres to the Lara Energetic Material Manufacturing Plant, subject to technical confirmation.***
12. **Revise the text under the Action N.1.7.7 to read:**
  - ***No additional sensitive land uses, including residential development and community facilities, will be permitted within these buffers. At the time of the preparation of the PSP the buffers should be reviewed to determine accurate, evidence-based buffers.***

## 6.11 Anakie Extractive Industry Interest Area

### 6.11.1 Submission

The Department of Jobs, Precincts and Regions submitted that the NGGA intrudes into the Anakie Extractive Industry Interest Area. Whilst it was comfortable with the intrusion, DJPR requested that a non-urban break be identified in the Settlement Strategy to ensure there is no future incursion and to protect the resource.

Council submitted that there is no need or policy requirement to insert a non-urban break in the Strategy or the planning scheme at this time. If further urban expansion is considered this will be part of the policy consideration at this time.

### **6.11.2 Discussion and conclusion**

The Panel is satisfied that there is no need at this point to identify a non-urban break for the Anakie Extractive Industry Interest Area. Future planning for the post 2036 period will be able to account for resource protection needs.

## 7 Retail issues

A number of submitters raised specific matters related to retail in the growth areas and on the Bellarine Peninsula. The Greater Geelong C393 (Retail Strategy) Panel Report was released in February 2020 and was said to be relevant to this Amendment.

### 7.1.1 Evidence and submissions

#### (i) The Bellarine Peninsula

Lascorp submitted that this Amendment (C395ggee) and the Retail Strategy (C393) are intrinsically linked and its retail interests in Leopold and Ocean Grove must be seen in the context of the two amendments.

In particular Lascorp wished to preserve the opportunity for retail expansion on the west side of Geelong. It asked the Panel to recommend:

- An endorsement of the recommendations of the Independent Panel in Amendment C393 on the basis that the Planning Authority has directed policy matters relevant to activity centre planning specifically to that Panel
- Specific acknowledgement that planning for the Leopold Activity Centre should include identified land for retail development to the west of Clifton Street and as shown in Mr McNamara's report dated March 2020
- Further acknowledgement that settlement and activity planning requires a broader focus than retail planning.

Lascorp called Mr McNamara to give planning evidence in relation to Leopold. He made a number of recommendations to change the text of clause 21.14 and the structure plan map to more clearly identify retail opportunities west of the township. Lascorp also tabled the evidence of Mr Noyce (stormwater) and Mr Dimasi (economics) which was called in the C393 Hearing.

The Perez family was heard at the Hearing at the Direction of Council (see Section 1.2(iii)). The Perez family has holdings in Leopold and object to Lascorp's intent to provide retail further west towards Geelong.

The Perez submission was that Lascorp submissions and evidence are an ongoing attempt by Lascorp to seek to extend the retail centre and that this Amendment (C395ggee) is not the appropriate vehicle.

Villawood Properties and Melaluka Road also provided a written submission outlining some key issues in relation to retail in Leopold. Essentially, they sought to ensure opportunities to review the Leopold town boundary are retained.

The Wallington Landowners provided a brief written submission, essentially commenting on the C393 findings to support the view that Ocean Grove still has significant growth potential.

In response to Lascorp, Council submitted that they are asking this Amendment (C395ggee) to do something it was not designed to do, does not need to do, and would be inappropriate for it to do without further investigation. Council noted that it had not even considered the C393 report at this stage and that it would be premature to support Lascorp's request to endorse its position.

**(ii) The WGGA**

The McCann Family, supported by Mr McNeil's evidence, essentially noted that as a result of Amendment C393 the sub-regional activity centre in the WGGA was relocated north to a more favourable position, a position endorsed by Council.

**7.1.2 Discussion**

**(i) The Bellarine Peninsula**

The Panel notes the submissions commenting on or endorsing the findings of the C393 Panel. The Panel does not comment on or endorse the findings of the C393 Panel. This is not a suggestion that they may be unsound or not relevant to that matter, but rather that this Panel considers they are of limited relevance to this Amendment.

There is no doubt an exercise to be undertaken which involves the joint consideration of township boundaries and retail provision, but that it is not a task for this Panel or this Amendment. The Panel has commented extensively on the need to settle township boundaries in Chapter 4, but the 'where, when and how' are matters for the Planning Authority to determine in consultation with DELWP through the DAL process or other process as discussed by the Panel.

**(ii) The WGGA**

The Panel notes the relocated sub regional activity centre in the WGGA. This will be confirmed and refined in the more detailed planning to come through the preparation of PSPs.

**7.1.3 Conclusions**

The Panel concludes:

- The specific retail matters raised do not materially influence the Panel's view of the Amendment.
- Retail planning is one component of settlement planning to be considered as township boundaries are refined.

## **8 The Amendment provisions**

### **8.1 General drafting issues**

As the Panel has noted previously in this report it has not sought to rewrite the Framework Plan and Settlement Strategy documents, but rather sought to provide recommendations on critical areas. Amongst others these include:

- a recommendation to reinforce that the Framework Plan is a guidance document, not a statutory rule book
- recommendations to provide for a logical process for settlement boundary finalisation.

In taking the Amendment to Council for adoption, Council officers will need to undertake the complex task of updating the documents to accord with the agreed changes below and the consideration of the Panel's recommendations.

### **8.2 Changes agreed to by Council**

The Panel notes the table of changes to the Amendment agreed by Council; the final version in the Hearing being Document 205 which has been extracted without change and is reproduced in Appendix D to this report.

### **8.3 Final form of planning scheme ordinance**

Councils' final view on Amendment documentation wording can be found in Documents 238 to 246 inclusive in Appendix C. In normal circumstances the Panel would insert these final versions into an Appendix for completeness, but as they run to nearly 50 pages it has not done so. Parties to the Hearing have a copy of these documents electronically so the Panel is not concerned that they are not widely known.

### **8.4 Discussion and conclusions**

The Panel's support for the Amendment is clearly articulated throughout this report. The Panel has made a number of recommendations at a high, and in some instances, more detailed level.

Prior to this in the Hearing, Council has moved to accommodate many submitters issues through the table of changes in Appendix D and the revised planning scheme provisions. As is normal in these broad strategic processes, the changes do not go far enough for some submitters.

The Panel received many suggested wording changes from submitters said to improve the operation of the ordinances, many of which the Council has accepted. Others, in the Panels view offer a different approach, but not necessarily a superior approach when considered in the broader context of the Amendment and net community benefit.

At the end of a very lengthy process, the Panel considers that the approach it is comfortable with is to take the final position as put by Council in the table of changes and ordinance and impose as necessary its recommendations on these.

## **8.5 Recommendations**

The Panel recommends:

- 13. Revise the Northern and Western Geelong Growth Area Framework Plan, Settlement Strategy and Amendment documentation as relevant in accordance with:**
  - a) The City of Greater Geelong changes as shown in Appendix D to this report; and**
  - b) The revised planning scheme ordinance shown in documents 238 - 246 of the Hearing tabled documents; but**
  - c) 13a) and 13b) above modified as relevant by the recommendations in this report.**

## Appendix A Submitters

| No. | Submitter  | No. | Submitter   |
|-----|--|-----|---|
| 1   | Adelaide Brighton Cement Ltd (ABCL)                                | 2   | ADG Caravan Park P/L, AVA Land Geelong P/L          |
| 3   | Algo Properties  | 4   | APA Group   |
| 5   | Neda Arapovic  | 6   | Diana Arapovic                                      |
| 7   | Austin Land  | 8   | Dominik Baban                                       |
| 9   | Kata Baban   | 10  | Natalija Baban                                      |
| 11  | Diane Balaburova   | 12  | Graham Barber                                       |
| 13  | Barwon Heads Lifestyle Pty Ltd                                     | 14  | Barwon Water  |
| 15  | Batesford, Fyansford, Stonehaven Landcare Inc.                     | 16  | Bisinella Developments Pty. Ltd.                    |
| 17  | Boral  | 18  | Chemring Australia Pty Ltd                          |
| 19  | Mary Ciuffetelli   | 20  | Scott and Christine Cockerell                       |
| 21  | Committee for Geelong (CfG)  | 22  | Creamery Road Precinct Landowners                   |
| 23  | Phil and Tania Curmi   | 24  | Lorenzo D'Ascola                                    |
| 25  | Dennis Family Corporation  | 26  | Department of Environment, Land, Water and Planning |
| 27  | Department of Jobs, Precincts and Regions                          | 28  | Robert & Gail Dries                                 |
| 29  | Drysdale Clifton Springs Curlewis Association Inc                  | 30  | Drysdale Landowners                                 |
| 31  | Wendy Duncan   | 32  | Environment Protection Authority Victoria           |
| 33  | Mike Everest   | 34  | Jia Qi Fang   |
| 35  | Geelong Branch, Public Transport Users Association                 | 36  | Geelong Gospel Trust                                |
| 37  | Geelong Solid Waste Materials Reveal and Processing Centre Pty Ltd | 38  | Gersh Investment Partners Ltd                       |
| 39  | David & Catherine Gillett  | 40  | Goandra Estate Pty Ltd                              |
| 41  | Jeffrey Gocentas   | 42  | Golden Plains Shire Council                         |
| 43  | Pam Goodall  | 44  | Jim Green   |
| 45  | Allen and Gwen Haigh   | 46  | Vahid and Naomi Haydari                             |
| 47  | Idyll Wine Co  | 48  | Neda Ivic   |
| 49  | Ondrej Krivka  | 50  | Lara Landowners                                     |
| 51  | Lascorp Development Group (Aust) Pty Ltd                           | 52  | Alfred & Cynthia Lauterbach                         |

|     |   |     |  |
|-----|---|-----|--|
| 53  | Lexnorm Investments                     | 54  | Ann-Maree Lineen   |
| 55  | Lovely Banks Development Group          | 56  | John Madden  |
| 57  | Janis Madden                            | 58  | Deepinder Mann   |
| 59  | Paula Mantay                            | 60  | McCann Family  |
| 61  | Sash Miceski                            | 62  | Morgan & Griffin   |
| 63  | Mount Duneed Developments Pty Ltd       | 64  | Challon Murdock  |
| 65  | Anthony Murray                          | 66  | Robert Baxter Murray                                       |
| 67  | Park Street Group                       | 68  | People for a Living Moorabool                              |
| 69  | Portarlington Community Association Inc | 70  | Lee-Pratt Properties                                       |
| 71  | Property Corporate Holdings Pty Ltd     | 72  | Nicole Pupavac   |
| 73  | Purdies Paddock Development Pty Ltd     | 74  | Nicoletta Quaranta   |
| 75  | Ramsay Property Group                   | 76  | Rod Reid   |
| 77  | Riverlee                                | 78  | Daryl Rowbottom  |
| 79  | Stephen Ryan                            | 80  | Brian Saunders   |
| 81  | Georgette Sawan                         | 82  | Shell Road Development P/L                                 |
| 83  | Simoni & Flower                         | 84  | Alan and Maxine Sinclair                                   |
| 85  | Patricia Sirolli                        | 86  | Lena Spiteri   |
| 87  | Ana Sutalo                              | 88  | Melanie Velinos  |
| 89  | Victorian Planning Authority            | 90  | Victorian Regional Channels Authority                      |
| 91  | Villawood Properties                    | 92  | Villawood Properties and Melaluka Road, Leopold landowners |
| 93  | Wallington Landowners                   | 94  | Richard & Jennifer Weatherly                               |
| 95  | David Williamson                        | 96  | Raymond Zammit   |
| 97  | Geelong Environment Council             | 98  | Department of Transport (DoT)                              |
| 99  | Ian McCartney                           | 100 | Yih Sheng Investments Pty Ltd                              |
| 101 | Runpinder Brar                          | 102 | Vincent Kelly  |

## Appendix B Appearances in heard order

| Submitter   | Represented by  |
|---|---|
| City of Greater Geelong Council                     | Greg Tobin of Harwood Andrews instructed by Peter Smith and Stuart Thiele of Council, who called expert evidence: <ul style="list-style-type: none"> <li>- planning (NWGGA) from Mark Woodland of Echelon Planning</li> <li>- population and demographics from Jeremy Reynolds of Spatial Economics</li> <li>- land supply from Dale Stokes, Spatial Economics</li> <li>- planning (Settlement Strategy) from Michael Barlow of Urbis</li> <li>- transport from Reece Humphreys of GTA</li> </ul> |
| Department of Environment, Land, Water and Planning | Geoff Brooks, Alana McWhirter and Mia Davidson  |
| Department of Transport                             | Jozef Vass  |
| Vahid & Naomi Haydari                               | Nick Clements of Tract Consulting   |
| Gersh Investment Partners Ltd                       | Tom Roe   |
| Chemring Australia                                  | Kirsten Kilpatrick of Novo Planning   |
| Graham Barber                                       |   |
| Victorian Planning Authority                        | Charlene McCoy  |
| Barwon Heads Lifestyle Pty Ltd                      | John Cicero of Best Hooper Lawyers, who called the following expert evidence: <ul style="list-style-type: none"> <li>- planning from Justin Slater of Tract</li> </ul>  |
| Wallington Landowners                               | John Cicero of Best Hooper Lawyers, who called the following expert evidence: <ul style="list-style-type: none"> <li>- planning from Jason Black of Insight Planning Consultants</li> <li>- ecology from Lincoln Kern of Practical Ecology</li> </ul>   |
| Lascorp Development Group (Aust) Pty Ltd            | Chris Townshend QC and Mr Peter O'Farrell of Counsel, instructed by Amy Golvan of Lascorp, who called the following expert evidence: <ul style="list-style-type: none"> <li>- planning from Bernard McNamara of BMDA Development Advisory</li> </ul>  |
| Lovely Banks Development Group                      | Terry Montebello and Briana Eastaugh of Maddocks Lawyers, who called the following expert evidence: <ul style="list-style-type: none"> <li>- urban design from Mike Day of Roberts Day</li> <li>- landscape from Perry Lethlean of TCL</li> <li>- economics from Matt Lee of Deep End Services</li> <li>- traffic and transport from Brett Young of Ratio</li> <li>- drainage Neil Craigie of Neil Craigie P/L</li> <li>- strategic planning from Chris de Silva of Mesh</li> </ul>               |

|   |   |
|---|---|
|   | <ul style="list-style-type: none"> <li>- separation distances from Mike Erskine of GHD</li> <li>- acoustics from Val Lenchine of GHD</li> <li>- separation distances from Mike Erskine of GHD</li> </ul>  |
| Boral Limited and Blue Circle Southern Cement Limited | <p>Chris Canavan QC and Alexandra Guild of Counsel, instructed by Tim Power and Zachary Tyler of White &amp; Case, who called the following expert evidence:</p> <ul style="list-style-type: none"> <li>- planning and economics from Brian Haratsis of Macroplan Strategic</li> <li>- planning from David Barnes of Hansen Partnership</li> <li>- traffic from Jason Walsh of Traffix Group</li> <li>- service infrastructure from Nick Glasson of Cardno</li> </ul>   |
| Morgan and Griffin                                    | <p>Stuart Morris QC and Rupert Watters of Counsel, who called the following expert evidence:</p> <ul style="list-style-type: none"> <li>- town planning from John Glossop of Glossop Town Planning</li> <li>- land supply and demand from Paul Shipp of Urban Enterprise</li> <li>- landscape and visual from Brendan Papworth of Papworth Davies Pty Ltd</li> <li>- agricultural capability from Ray Phillips of Phillips Agribusiness</li> </ul>  |
| Adelaide Brighton Cement Ltd                          | <p>Marita Foley SC and Jennifer Trehwella of Counsel, instructed by Jessica Kaczmarek and Elisa de Wit of Norton Rose Fulbright, who called the following expert evidence:</p> <ul style="list-style-type: none"> <li>- planning from Marco Negri of Contour consultants</li> <li>- quarry rehabilitation from Paul Stewart of Golder</li> <li>- hydrology from Anthony Lane of SRL Consulting</li> <li>- traffic from Hillary Marshall of Ratio Consultants</li> <li>- economics and infrastructure contributions from Matt Ainsaar of Urban Enterprise</li> </ul> |
| Villawood Properties and Leopold Landowners           | <p>Juliet Forsyth SC and Sean McArdle of Counsel, instructed by Linda Choi of Norton Rose Fulbright</p>   |
| Mt Duneed Developments Pty Ltd                        | <p>Susan Brennan SC and Tiphonie Acreman of Counsel, instructed by Norton Rose Fulbright, who called the following expert evidence:</p> <ul style="list-style-type: none"> <li>- economics from Chris McNeill of Ethos Urban</li> </ul>   |
| Property Corporate Holdings Pty Ltd                   | <p>Anthony Msonda-Johnson of Roberts Day</p>  |
| Purdies Paddock                                       | <p>John Carey of Minter Ellison, who called the following expert evidence:</p> <ul style="list-style-type: none"> <li>- strategic planning from Sandra Rigo of Hansen Partnership</li> </ul>  |
| Ramsay Property Group                                 | <p>Phil Bisset of Minter Ellison, who called the following expert evidence:</p> <ul style="list-style-type: none"> <li>- traffic from Steve Hunt of Ratio</li> </ul>  |

|  |  |
|--|--|
|  | - drainage from Rob Swan of Cardno   |
| Shell Road Developments Pty Ltd                              | Phil Bisset of Minter Ellison, who called the following expert evidence:<br>- strategic planning from Rob Milner of David Lock Associates<br>- lot supply, demographics and population from Justin Ganly of Deep End Services  |
| Dennis Family Corporation                                    | Phil Bisset of Minter Ellison, who called the following expert evidence:<br>- town planning from Rob Milner of David Lock Associates   |
| L Bisinella Development Pty Ltd                              | Adrian Finanzio SC and Robert Forrester of Counsel, instructed by Andrea Towson of Arnold Bloch Leibler, who called the following expert evidence:<br>- ecology from Mark Trengove of Ecology Services<br>- drainage from Andrew Prout of Engeny Water Management    |
| McCann Family  | Juliet Forsyth SC and Sean McArdle of Counsel and instructed by Linda Choi of Norton Rose Fulbright who called the following expert evidence:<br>- planning from Jason Black of Insight Planning<br>- infrastructure from Leigh Prossor of Cardno TGM                |
| Golden Plains Shire Council                                  | Laura Wilks  |
| Geelong Solid Waste Materials Receptival & Processing P/L    | Marshall Sullivan of Context Planning who called the following expert evidence:<br>- engineering from Leigh Prossor of Cardno  |
| Eldorado Caravan and Tourist Park / ADG Caravan Park Pty Ltd | Shelly Fanning of Coastal Planning Pty Ltd   |
| Committee for Geelong  | Jennifer Cromarty  |
| Rod Reid   | Chris Marshall of Cardno TGM   |
| Wendy Duncan   | Ms Duncan called the following expert evidence:<br>- ecology from Barry Lingham of Bellarine Peninsula Wildlife Ecology<br>- biodiversity from Dr Guy Dutson from Biodiversity Solutions   |
| Jim Green  | Kirsten Kilpatrick of Novo Planning  |
| Lee- Pratt Properties  | Chris Marshall of Cardno TGM who called the following expert evidence:<br>- water engineering from Rob Swan of Cardno  |
| Lexnorm Investments  | Chris Marshall of Cardno TGM   |
| Riverlee Heights Pty Ltd                                     | David King of King Lawyers, instructed by Chris Marshall of Cardno TGM, who called the following expert evidence:<br>- servicing from Leigh Prossor of Cardno TGM<br>- air quality and emissions from Barry Cook of GHD<br>- traffic from Chris Butler of Cardno TGM |

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- acoustics from Dr Valeria Lenchine of GHD

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Jia Qi Fang

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Richard Weatherly OAM and  
Jennifer Weatherly

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Perez Family

Chris Wren QC

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## Appendix C Document list

| No. | Date      | Description  | Presented by   |
|-----|-----------|--|--|
| 1   | 10/10/19  | Correspondence from Lascorp requesting Panel directions re interrelationship between C393 and C395ggee | Ms Golvan for Lascorp  |
| 2   | 18/10/19  | Directions letter  | Panel Chair  |
| 3   | “         | Statement of reasons   | “  |
| 4   | “         | Request to extend allocated appearance timeframe   | Ms Kaczmarek, Norton Rose Fulbright for Adelaide Brighton Cement |
| 5   | 24/10/19  | Site inspection itinerary  | Ms Tansley, Harwood Andrews for Council                          |
| 6   | 06/11/19  | Correspondence regarding site inspection itinerary   | Mr Roe, Gersh Investment Partners                                |
| 7   | 28/10/19  | Council Part A submission  | Ms Tansley, Harwood Andrews for Council                          |
| 8   | 29/10/19  | Evidence statement of Justin Ganly   | Ms Mann, Minter Ellison for Shell Road Developments              |
| 9a  | “         | Evidence statement of Dale Stokes  | Mr Tobin, Harwood Andrews for Council                            |
| 9b  | “         | Evidence statement of Jeremy Reynolds  | “  |
| 10  | “         | Evidence statement of Paul Shipp (Interim dated 29/10/19)  | Dominion Property Group for Morgan and Griffin                   |
| 11  | 30/10/19  | Evidence Statement of Brian Haratsis   | Mr Tyler, White & Case for Boral and Blue Circle                 |
| 12  | “         | Evidence Statement of Chris McNeill  | Ms Choi, Norton Rose Fulbright for Mt Duneed Developments        |
| 13  | “         | Correspondence seeking confirmation of Mr Dimasi's attendance at conclave meeting                      | Ms Tansley, Harwood Andrews for Council                          |
| 14  | 30/10/19  | Panel Direction clarifying Mr Dimasi's attendance at conclave meeting                                  | Ms Harwood, Planning Panels Victoria                             |
| 15  | 01/11/19  | Request for Panel Directions to require Chemring to disclose information dated 31 October 2019         | Ms Eastaugh, Maddocks Lawyers for Lovely Banks Development Group |
| 16  | “         | Panel response to request for Directions   | Ms Harwood, PPV  |
| 17  | 6/11/2019 | Statement of Evidence of Ray Phillips  | Dominion Property Group for Morgan & Griffin                     |

| No. | Date | Description  | Presented by  |
|-----|------|--|---|
| 18  | "    | Statement of Evidence of John Glossop  | "   |
| 19  | "    | Statement of Evidence of Brendan Papworth  | "   |
| 20  | "    | Statement of Evidence of Paul Shipp (dated 6/11/19)  | "   |
| 21  | "    | Statement of Evidence of Barry Lingham   | Ms Duncan   |
| 22  | "    | Statement of Evidence of Dr Guy Dutson   | "   |
| 23  | "    | Riverlee Heights – Evidence filing letter  | Mr King, Kings Lawyers for Riverlee Heights   |
| 24  | "    | Statement of Evidence of Chris Butler  | "   |
| 25  | "    | Statement of Evidence of Barry Cook  | "   |
| 26  | "    | Statement of Evidence of Valeri Lenchine   | "   |
| 27  | "    | Statement of Evidence of Leigh Prossor (Riverlee Heights)  | "   |
| 28  | "    | COGG - Evidence filing letter  | Ms Tansley, Harwood Andrews for Council   |
| 29  | "    | Statement of Evidence of John Collins  | "   |
| 30  | "    | Statement of Evidence of Reece Humphreys   | "   |
| 31  | "    | Statement of Evidence of Rob Swan  | Mr Marshall, Cardno TGM for the Lee-Pratt Properties                                    |
| 32  | "    | Statement of Evidence of Leigh Prossor (The Landowner of 80 Thoona Lane, Fyansford)  | Mr Sullivan, Context Planning for Geelong Solid Waste Materials Reveal & Processing P/L |
| 33  | "    | Statement of Evidence of Sandra Rigo   | Ms Negri, Minter Ellison for Purdies Paddock  |
| 34  | "    | Lovely Banks Development Group – Evidence filing letter  | Mr Montebello, Maddocks Lawyers for Lovely Banks Development Group                      |
| 35  | "    | Statement of Evidence of Brett Young   | "   |
| 36  | "    | Statement of Evidence of Matt Lee  | "   |
| 37  | "    | Statement of Evidence of Mike Day  | "   |
| 38  | "    | Statement of Evidence of Neil Craigie  | "   |
| 39  | "    | Request for Panel Directions to require DELWP to cover matters in relation to the Distinctive Landscapes and Assessment work | Ms Mann, Minter Ellison for Shell Road  |
| 40  | "    | Statement of Evidence of Steve Hunt  | Ms Mann, Minter Ellison for Ramsay Property Group                                       |

| No. | Date      | Description   | Presented by   |
|-----|-----------|---|--|
| 41  | "         | Statement of Evidence of Rob Milner   | Ms Mann, Minter Ellison for Shell Road Developments              |
| 42  | "         | Statement of Evidence of David Barnes   | Ms Sugden of White & Case for Boral and Blue Circle              |
| 43  | "         | Statement of Evidence of Jason Walsh  | "  |
| 44  | "         | Correspondence advising of late circulation of evidence statements                    | Mr Low of Arnold Bloch Leibler for L Bisinella Developments      |
| 45  | "         | Statement of Evidence of Justin Slater  | Mr Cicero of Best Hooper Lawyers for Wallington Landowners       |
| 46  | "         | Statement of Evidence of Jason Black  | "  |
| 47  | "         | Statement of Evidence of Lincoln Kern   | "  |
| 48  | 7/11/2019 | Request re accompanied site inspection to include Wallington on itinerary             | Mr Mahony of Best Hooper Lawyers for Wallington Landowners       |
| 49  | "         | Response to request re accompanied site inspection to include Wallington on itinerary | Ms Tansley, Harwood Andrews for Council                          |
| 50  | 6/11/2019 | Statement of Evidence of Rob Milner   | Ms Mann, Minter Ellison for Dennis Family Cooperation            |
| 51  | 7/11/2019 | McCann Family - Evidence filing letter  | Ms Choi, Norton Rose Fulbright for McCann Family                 |
| 52  | "         | Statement of Evidence of Leigh Prossor  | "  |
| 53  | "         | Statement of Evidence of Chris McNeill  | "  |
| 54  | "         | Adelaide Brighton Cement - Evidence filing letter                                     | Ms Kaczmarek, Norton Rose Fulbright for Adelaide Brighton Cement |
| 55  | 6/11/2019 | Statement of Evidence of Anthony Lane   | "  |
| 56  | "         | Statement of Evidence of Hilary Marshall  | "  |
| 57  | "         | Statement of Evidence of Marco Negri  | "  |
| 58  | "         | Statement of Evidence of Matt Ainsaar   | "  |
| 59  | "         | Statement of Evidence of Paul Stewart   | "  |
| 60  | 7/11/2019 | Statement of Evidence of Mark Trengove  | Mr Low of Arnold Bloch Leibler for L Bisinella Developments      |

| No. | Date       | Description   | Presented by   |
|-----|------------|---|--|
| 61  | “          | Statement of Evidence of Andrew Prout   | “  |
| 62  | 6/11/2019  | Statement of Evidence of Perry Lethlean   | Mr Montebello, Maddocks Lawyers for Lovely Banks Development Group |
| 63  | “          | Statement of Evidence of Chris De Silva   | “  |
| 64  | 7/11/2019  | COGG - Evidence filing letter   | Ms Tansley, Harwood Andrews for Council                            |
| 65  | “          | Statement of Evidence of Mark Woodland  | “  |
| 66  | “          | Statement of Evidence of Michael Barlow   | “  |
| 67  | 8/11/2019  | McCann Family - Evidence filing letter  | Ms Choi, Norton Rose Fulbright for McCann Family                   |
| 68  | “          | Statement of Evidence of Jason Black  | “  |
| 69  | “          | Statement of Evidence of Robert Swan  | Ms Mann, Minter Ellison for Ramsay Property Group                  |
| 70  | “          | Statement of Evidence of Nick Glasson   | Ms Sugden, White & Case for Boral and Blue Circle                  |
| 71  | 11/11/2019 | Conclave statement on lot supply, demographics and population                         | Ms Tansley, Harwood Andrews for Council                            |
| 72  | “          | Revised Hearing Timetable and Distribution List (v3)                                  | Ms Harwood, PPV  |
| 73  | 12/11/19   | PPV 2019 Professional Development Site Visit Itinerary                                | Panel Chair  |
| 74  | “          | Email to DELWP re DALs  | Ms Harwood, PPV  |
| 74A | “          | Correspondence from DELWP regarding DAL Project                                       | Ms McWhirter for DELWP   |
| 75  | “          | Preliminary issues submission and attachments   | Mr Montebello, Maddocks Lawyers for Lovely Banks Development Group |
| 76  | “          | Further Direction from Panel of Geelong Retail Strategy C393 (dated 7 November 2019)  | Mr Tobin, Harwood Andrews for Council                              |
| 77  | “          | Letter updating panel and parties of ABCL current position                            | Ms Foley SC, for Adelaide Brighton Cement                          |
| 78  | “          | Letter from Barwon Water advising they are no longer submitters with Morgan & Griffin | Mr Tobin, Harwood Andrews for Council                              |
| 79  | “          | Opening submission on behalf of CoGG  | “  |
| 80  | “          | West Growth Corridor Plan, example of plan layering from framework plan to PSP        | “  |
| 81  | “          | PowerPoint slides: Northern and Western Geelong Growth Areas                          | Mr Anson for Council   |

| No. | Date     | Description  | Presented by   |
|-----|----------|--|--|
| 82  | "        | Letter from Chemring regarding MHF and safety case   | Ms Kilpatrick for Chemring   |
| 83  | 13/11/19 | Email from Maddocks to Chemring 23 October 2019  | Mr Montebello, Maddocks Lawyers for Lovely Banks Development Group |
| 84  |          | <i>No document</i>   |  |
| 85  | "        | Correspondence providing further information on Chemring and its MHF status dated 13 November 2019   | Ms Kilpatrick for Chemring   |
| 86  | "        | Correspondence in relation to site inspections of Highview Estate  | Ms Choi of Norton Rose Fulbright for McCann Family                 |
| 87  | "        | Council position on Clause 21.20 dated 13 November 2019  | Mr Tobin, Harwood Andrews for Council                              |
| 88  | 14/11/19 | Surf Coast DAL Declaration and FAQs  | Mr Canavan for Boral and Blue Circle                               |
| 89  | 15/11/19 | Panel decision on request for further information related to Chemring  | Panel Chair  |
| 90  | 18/11/19 | Council Part B Submission  | Mr Tobin, Harwood Andrews for Council                              |
| 91  | "        | Extracts from Lara West PSP and correspondence from Boral (Settlement Strategy Discussion Paper - 1 September 2017) and DEDJTR (New facility, Port of Geelong - 18 April 2018) | "  |
| 92  | "        | Mt Atkinson and Tarneit Plains PSP June 2017   | "  |
| 93  | "        | Email from Golder to Council re Road Alignment dated 11 January 2019   | "  |
| 94  | "        | Email from GTA to Golder re Road Alignment dated 9 January 2019  | "  |
| 95  | "        | TGM North South Connector Road Diagram Ref 15410-99  | "  |
| 96  | 19/11/19 | DELWP BSW Submission   | Mr Brooks, DELWP BSW   |
| 97  | "        | DELWP Presentation Distinctive Areas and Landscapes  | Ms McWhirter and Ms Davidson, DELWP                                |
| 98a | "        | Bellarine Peninsula Declared DAL Area  | "  |
| 98b | "        | Surf Coast Declared DAL Area   | "  |
| 99  | "        | Presentation for Haydari Family  | Mr Clements from Tract for the Haydari Family                      |
| 100 | 20/11/19 | Email chain raised in cross-examination of Mr Stokes   | Mr Roe   |
| 101 | "        | Speaking notes and slides  | Mr Roe   |

| No.  | Date     | Description  | Presented by   |
|------|----------|--|--|
| 102  | “        | Submission   | Ms McCoy for Victorian Planning Authority                          |
| 103  | “        | Submission   | Mr Cicero for Barwon Heads Lifestyle Pty Ltd                       |
| 103a | “        | Extract (pp16-28) from Greater Geelong C375 Panel Report   | “  |
| 103b | “        | Victorian Government Media Release dated 27 September 2017, ‘Stopping Developers Ruining Bellarine and the Surf Coast’ | “  |
| 103c | “        | Victorian Government Media Release dated 31 October 2019, ‘Protecting Victoria’s Iconic Bellarine Peninsula’           | “  |
| 103d | “        | Section 46AO of the <i>Planning and Environment Act 1987</i>   | “  |
| 103e | “        | Government Gazette No S430 29 October 2019, Declaration of Bellarine and Surf Coast DALs                               | “  |
| 103f | “        | Map of Bellarine Declared DAL  | “  |
| 104  | “        | Summary of evidence slides   | Mr Slater called by Barwon Heads Lifestyle Pty Ltd                 |
| 105  | “        | Extract from G21 Regional Growth Plan April 2013   | Mr Cicero for Barwon Heads Lifestyle Pty Ltd                       |
| 106  | “        | Extract from Macedon Ranges SPP  | “  |
| 107  | “        | Comparison of Macedon Ranges SPP township plans with existing planning scheme framework plans                          | “  |
| 108  | “        | Submission   | Mr Cicero for Wallington Landowners                                |
| 109  | 22/11/19 | Submission   | Ms Kilpatrick for Chemring   |
| 110  | “        | Traffic Conclave Statement dated 21 November 2019  | Ms Tansley, Harwood Andrews for Council                            |
| 111  | 25/11/19 | Opening submissions  | Mr Montebello, Maddocks Lawyers for Lovely Banks Development Group |
| 112  | “        | Extract: Chapter 5 North Growth Corridor Plan  | “  |
| 113  | “        | Extract: Chapter 1 Growth Corridor Plan  | “  |
| 114  | “        | Extract: Activity Centre Assessment by Essential Economics, pp15-16  | “  |
| 115  | “        | Presentation: Perry Lethlean, Landscape Assessment   | “  |
| 116  | “        | Presentation: Mike Day, Urban Design   | “  |

| No. | Date     | Description  | Presented by   |
|-----|----------|--|--|
| 117 | "        | Presentation: Brett Young, Traffic   | "  |
| 118 | "        | 20 Minute Neighbourhoods: Creating a more liveable Melbourne, DELWP 2019                         | Ms Eastaugh, Maddocks Lawyers for Lovely Banks Development Group   |
| 119 | 26/11/19 | Presentation: Chris De Silva, Town Planning  | Mr Montebello, Maddocks Lawyers for Lovely Banks Development Group |
| 120 | "        | Corrected Figure 12 from Chris De Silva evidence   | Mr De Silva called by LBDG   |
| 121 | "        | Precinct Structure Plan Update, VPA  | Mr De Silva called by LBDG   |
| 122 | "        | Joint submission on biodiversity from City of Greater Geelong and DELWP                          | Ms Tansley, Harwood Andrews for Council                            |
| 123 | "        | Submission on biodiversity and lot supply  | "  |
| 124 | "        | Statement of James Young dated 26 November 2019  | Ms Sugden, White & Case for Boral and Blue Circle                  |
| 125 | 27/11/19 | Correspondence from Steve Hunt (called by Ramsay Property Group) in relation to traffic evidence | Ms Mann, Minter Ellison for Ramsay Property Group                  |
| 126 | "        | Boral site inspection itinerary  | Ms Sugden, White & Case for Boral and Blue Circle                  |
| 127 | "        | Final Submission   | Mr Montebello, Maddocks Lawyers for Lovely Banks Development Group |
| 128 | "        | PPF Clauses 11.02-2S, 11.02-3S, 11.03-2S   | "  |
| 129 | "        | Core Projects, Builder Product brochure  | "  |
| 130 | "        | Map of Geelong growth areas on contour base  | "  |
| 131 | 2/12/19  | Updated table of changes to Amendment  | Ms Tansley, Harwood Andrews for Council                            |
| 132 | "        | Plan 46 McCanns Lane Precinct as changed   | "  |
| 133 | 2/12/19  | Plan 46 McCanns Lane Precinct proposed change  | "  |
| 134 | 3/12/19  | Submissions  | Mr Canavan QC for Boral and Blue Circle                            |
| 135 | "        | Amendments requested by Boral and Blue Circle  | "  |
| 136 | 5/12/19  | Correspondence from Council to DELWP re DAL process  | Mr Tobin, Harwood Andrews for Council                              |
| 137 | "        | Panel Report for Greater Geelong C346  | Panel Chair  |
| 138 | "        | Photos of Morgan & Griffin land and vicinity   | Mr Glossop called by Morgan & Griffin                              |
| 139 | "        | Aerial photos of Morgan & Griffin land and vicinity  | "  |

| No.  | Date     | Description  | Presented by                                       |
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| 140  | “        | Extract of City of Greater Geelong Rural Land Use Strategy 1997                              | Mr Tobin, Harwood Andrews for Council              |
| 141  | 6/12/19  | Panel Report for Greater Geelong C375  | Panel Chair  |
| 142  | 6/12/19  | Extracts from Settlement Strategy Discussion Papers 2 & 3                                    | Mr Tobin, Harwood Andrews for Council              |
| 143  | “        | Map extracts from Oakdene West Planning Scheme Amendment request                             | Mr Watters for Morgan & Griffin                    |
| 144  | “        | Extract from Victorian Coastal Strategy 2014   | Mr Morris QC for Morgan & Griffin                  |
| 145  | “        | Page from DELWP Website ‘Coastal Management’ with link to Victorian Coastal Strategy         | “  |
| 146  | “        | Extract from Ocean Grove Community Association Facebook feed                                 | “  |
| 147  | “        | Web profile of Mayor of Geelong  | “  |
| 148  | “        | Submission   | “  |
| 149  | 9/12/19  | Submission   | Ms Forsyth SC for Villawood and Leopold landowners |
| 150  | “        | Electronic package of attachments  | “  |
| 150a | “        | Letter to Mesh regarding a Catholic School on the Bellarine                                  | “  |
| 151  | “        | Letter dated 9/12/19 with Estuary Project Lot Analysis                                       | “  |
| 152  | 16/12/19 | Correspondence enclosing Council resolution on Surf Coast DAL                                | Ms Tansley, Harwood Andrews for Council            |
| 153  | “        | Correspondence enclosing directions of C393 Panel  | “  |
| 154  | “        | Correspondence from Lascorp regarding submissions and evidence on C393                       | Ms Golvan for Lascorp                              |
| 155  | “        | Extract from Productivity Commission Report ‘Transitioning Regional Economies’ December 2017 | Ms Brennan SC for Mt Duneed Developments           |
| 156  | “        | Extract from ‘Armstrong Creek Urban Growth Plan’ Volume 1 May 2010                           | “  |
| 157  | “        | Submission   | “  |
| 158  | “        | Extract from Greater Geelong Amendment C138 Panel Report                                     | “  |
| 159  | “        | Package of materials relating to Geelong Future Economy Precinct at Deakin University        | “  |
| 160  | “        | Website extracts relating to the North East Industrial Precinct in Armstrong Creek           | “  |

| No. | Date     | Description   | Presented by   |
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| 161 | "        | Submission  | Mr Msonda-Johnson for Property Corporate Holdings                |
| 162 | 17/12/19 | Submission (450 Elcho Road property)                              | Mr Moyle for Villawood Properties                                |
| 163 | "        | Presentation  | Mr Vass for Department of Transport                              |
| 164 | "        | Submission  | Mr Carey, Minter Ellison for Purdies Paddock Pty Ltd             |
| 165 | 18/12/19 | Submission  | Mr Bisset, Minter Ellison for Ramsay Property Group              |
| 166 | "        | Extract from Sunbury South PSP (pp56-57)                          | Mr Tobin, Harwood Andrews for Council                            |
| 167 | "        | Extract from Mt Atkinson and Tarneit Plains PSP (pp62-64)         | "  |
| 168 | 19/12/19 | Supplementary submission in relation to Lovely Banks case         | "  |
| 169 | "        | Submission (includes marked up changes)                           | Mr Bisset, Minter Ellison for Shell Road Developments            |
| 170 | "        | Submission  | Mr Bisset, Minter Ellison for DFC Services                       |
| 171 | "        | Correspondence clarifying Boral Position on WIP                   | Mr Tyler, White & Case for Boral and Blue Circle                 |
| 172 | 9/1/20   | Supplementary drainage report from Andrew Prout dated 8/1/20      | Mr Low, Arnold Bloch Leibler for L Bisinella Developments        |
| 173 | 13/1/20  | Correspondence from ABL regarding supplementary report on ecology | Arnold Bloch Leibler for L Bisinella Developments                |
| 174 | "        | Supplementary ecology report from Mark Trengove dated 6/1/2020    | "  |
| 175 | "        | Study Area – Biodiversity assessment                              | "  |
| 176 | 15/1/20  | Boral inspection itinerary  | Ms Sugden of White & Case for Boral and Blue Circle              |
| 177 | 16/1/20  | Lovely Banks DG Inspection Itinerary                              | Ms Eastaugh, Maddocks Lawyers for Lovely Banks Development Group |
| 178 | 21/1/20  | Planning permit for subdivision of 30 Avonlea Road                | Mr Finanzio SC for L   |

| No. | Date    | Description  | Presented by   |
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|     |         | and 165 Bluestone Bridge Road and plans  | Bisinella Developments   |
| 179 | “       | Submission   | “  |
| 180 | “       | Note on Development in Steeper Terrain prepared by L Bisinella Developments                | “  |
| 181 | “       | Waterway Corridor for Greenfield Development Guidelines, Melbourne Water 2013              | Panel Chair  |
| 182 | 28/1/20 | Clause 21.19 – Moolap Point Henry Geelong Planning Scheme                                  | Mr Tobin, Harwood Andrews for Council                            |
| 183 | “       | Corrections to tables – Mr Reynolds witness statement                                      | “  |
| 184 | “       | Email from McCann Group to Council dated 27 February 2018 re: quarry                       | “  |
| 185 | 28/1/20 | Expert evidence of Mike Erskine  | Mr Wurm, Maddocks Lawyers for Lovely Banks Development Group     |
| 186 | 29/1/20 | Lay witness statement of Mr Oakes for Adelaide Brighton                                    | Ms Kaczmarek, Norton Rose Fulbright for Adelaide Brighton Cement |
| 187 | 30/1/20 | Submission   | Ms Foley SC for Adelaide Brighton Cement                         |
| 188 | “       | Correspondence from Mr Negri, Contour, dated 24 January 2020 in response to RPG Submission | “  |
| 189 | “       | Correspondence from Mr Whalen, GHD, dated 23 January 2020 in response to RPG Submission    | “  |
| 190 | 31/1/20 | Track Changes to Clause 21.06  | Ms Forsyth SC for McCann Family                                  |
| 191 | “       | Track Changes to Clause 21.08  | “  |
| 192 | “       | Track Changes to Clause 21.20  | “  |
| 193 | “       | Track Changes to Growth Area Framework Plan  | “  |
| 194 | “       | Track Changes to Settlement Strategy   | “  |
| 195 | “       | Panel directions re: drafting session  | Panel Chair  |
| 196 | “       | Mt Atkinson & Tarneit ICP extract  | Mr Tobin, Harwood Andrews for Council                            |
| 197 | “       | Planning and Environment Act Section 46GA extract  | “  |
| 198 | “       | Infrastructure Contributions Plan Guidelines Extract                                       | “  |
| 199 | “       | Extract from Rockbank DCP Appendices   | “  |
| 200 | “       | Slides from Mr Prossor regarding infrastructure  | Ms Forsyth SC for McCann Family                                  |

| No.  | Date    | Description   | Presented by  |
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| 201  | 3/2/20  | Submission  | “   |
| 202  | “       | Further submission – buffers/separation   | Mr Montebello, Maddocks Lawyers for Lovely Banks Development Group          |
| 203  | “       | Plan – Chemring buffer analysis   | “   |
| 204  | 4/2/20  | Panel directions for reconvened hearing on retail matters                             | Panel Chair   |
| 205  | 9/2/20  | Consolidated list of Greater Geelong changes (excluding Bellarine changes)            | Mr Tobin, Harwood Andrews for Council                                       |
| 206  | 10/2/20 | Correspondence to Greater Geelong on behalf of McCann Family re: changes to amendment | Ms Choi, Norton Rose Fulbright for McCann Family                            |
| 207  | 11/2/20 | Submission  | Ms Wilkes for Golden Plains Shire   |
| 208  | “       | Correspondence from LBDG regarding retail matters in C393/C395ggee                    | Mr Montebello, Maddocks Lawyers for Lovely Banks Development Group          |
| 209  | “       | Correspondence from Council regarding reconvened hearing                              | Mr Tobin, Harwood Andrews for Council                                       |
| 210  | “       | Email from Best Hooper regarding comments from Bellarine landowners                   | Mr Mahony of Best Hooper Lawyers for various Bellarine landowners           |
| 210a | “       | Tracked changes version of part Settlement Strategy (pp58-63)                         | “   |
| 210b | “       | Tracked changes version of part Settlement Strategy (pp72-77)                         | “   |
| 210c | “       | Tracked changes version of clause 21.06   | “   |
| 210d | “       | Tracked changes version of clause 21.14   | “   |
| 211  | 12/2/20 | Submission  | Mr Sullivan for Geelong Solid Waste Materials Reveal & Processing P/L       |
| 212  | “       | Submission and attachments  | Ms Fanning for Eldorado Caravan and Tourist Park / ADG Caravan Park Pty Ltd |
| 213  | “       | Further written submission in relation to Amendment C393/C395ggee                     | Dominion Property Group for Morgan & Griffin                                |
| 214  | “       | Panel Directions regarding reconvened Hearing in March                                | Panel Chair   |
| 215  | “       | Submissions on drafting changes dated 12 February                                     | Minter Ellison for Ramsay   |

| No.  | Date    | Description  | Presented by   |
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|      |         | 2020   | Property Group   |
| 216  | "       | Email from Wallington Landowners in relation to C393/C395ggee issues         | Mr Cicero of Best Hooper Lawyers for Wallington Landowners       |
| 217  | "       | <i>Australia's Gateway Cities</i> booklet                                    | Ms Cromarty for Committee for Geelong                            |
| 218  | "       | Committee for Geelong Strategic Framework                                    | "  |
| 219  | "       | Submission, 100 Ballan Road and 115 Ballan Road                              | Mr Marshall of Cardno for Mr Rodney Reid                         |
| 220  | "       | A3 plan of Mr Reid's holdings  | "  |
| 221  | "       | Submission   | Ms Duncan  |
| 222  | "       | Attachment to submission: Bellarine Peninsula                                | "  |
| 223  | 11/2/20 | Correspondence from L Bisinella dated 11/2/20: Drafting changes              | Mr Low of Arnold Bloch Leibler for L Bisinella Developments      |
| 224  | 12/2/20 | Correspondence from Boral and Blue Circle dated 11/2/20 – restating position | Mr Tyler, White & Case for Boral and Blue Circle                 |
| 225a | 13/2/20 | Plan of Mr Green's land Batesford  | Ms Kilpatrick for Mr Green                                       |
| 225b | "       | Batesford Structure Plan map from Golden Plains Planning Scheme              | "  |
| 226  | "       | Submission   | Mr Marshall for Lee-Pratts                                       |
| 227  | "       | Map of Lee-Pratt land  | "  |
| 228  | "       | Submission   | Mr Marshall for Lexnorm  |
| 229  | "       | Plan of Lexnorm Land, Leopold  | Lexnorm  |
| 230  | "       | Submission and three attachments   | Mr King, Kings Lawyers for Riverlee Heights                      |
| 231  | "       | Letter regarding Amendment changes from ABCL dated 13/2/20                   | Ms Kaczmarek, Norton Rose Fulbright for Adelaide Brighton Cement |
| 232  | "       | Letter regarding Amendment changes for LBDG dated 13/2/20                    | Mr Montebello, Maddocks Lawyers for LBDG                         |
| 233  | "       | Presentation 12/2/20 ecology – Mr Bingham                                    | Ms Duncan  |
| 234  | "       | Presentation 12/2/20 ecology – Dr Dutson                                     | "  |
| 235  | 14/2/20 | Submission   | Mr Cong Dinh for Jia Qi Fang                                     |
| 236  | "       | Submission   | Mr Weatherly   |
| 237  | "       | Closing Submission   | Mr Tobin, Harwood Andrews for Council                            |

| No.  | Date    | Description  | Presented by   |
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| 237a | 19/2/20 | Council correction letter – Barwon Heads   | “  |
| 238  | 14/2/20 | Council’s final position on Clause 21.03   | “  |
| 239  | “       | Council’s final position on Clause 21.04   | “  |
| 240  | “       | Council’s final position on Clause 21.06   | “  |
| 241  | “       | Council’s final position on Clause 21.08   | “  |
| 242  | “       | Council’s final position on Clause 21.11   | “  |
| 243  | “       | Council’s final position on Clause 21.14   | “  |
| 244  | “       | Council’s final position on Clause 21.16   | “  |
| 245  | “       | Council’s final position on Clause 21.20   | “  |
| 246  | “       | Council’s final position on schedule to Clause 72.08   | “  |
| 247  | “       | Email correspondence from Purdies Paddock dated 12 February 2020   | Mr Andy Duke for Purdies Paddock                           |
| 248  | 10/3/20 | Lascorp written submission – retail matters  | Ms Golvan for Lascorp                                      |
| 249  | “       | a) Filing Letter<br>b) Submission<br>c) Submission attachments<br>d) Geelong C393 Panel Report                             | Ms Choi for the McCann Family                              |
| 250  | 02/3/20 | Evidence statement of Tony Dimasi  | Ms Golvan for Lascorp                                      |
| 251  | “       | Evidence statement of Marc Noyce   | “  |
| 252  | “       | Evidence statement of Bernard McNamara   | “  |
| 253  | 10/3/20 | a) Filing letter – Villawood Properties and Melaluka Road Leopold Landowners<br>b) Submission<br>c) Submission Attachments | Ms Choi for Villawood and Melaluka Road Landowners         |
| 254  | 11/3/20 | Written submission – retail matters  | Mr Cicero of Best Hooper Lawyers for Wallington Landowners |
| 255  | 12/3/20 | Written submission   | Mr Wren QC for Ms M and E Perez                            |
| 256  | 13/3/20 | Panel Directions on COVID 19   | Panel Chair  |
| 257  | “       | Version 10 Timetable   | Panel Chair  |
| 258  | 16/3/20 | Extracts from Leopold Sub Regional Activity Centre Development Plan  | Mr Wren QC for Ms M and E Perez                            |
| 259  | 18/3/20 | Schedule 30 to DPO – Leopold Sub Regional Activity Centre  | Mr Townshend QC for Lascorp                                |
| 260  | “       | Lascorp Submission 1 to Amendment C393 dated October 2019  | Mr Townshend QC for Lascorp                                |

| No. | Date | Description   | Presented by                |
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| 261 | “    | Lascorp Submission 2 to Amendment C393 dated December 2019          | Mr Townshend QC for Lascorp |
| 262 | “    | Leopold Independent Bulky Goods Report dated March 2020             | Mr Townshend QC for Lascorp |
| 263 | “    | Letter from Woolworths Group to Lascorp dated 10 March 2020         | Mr Townshend QC for Lascorp |
| 264 | “    | Letter from Woolworths Group to Lascorp dated 17 March 2020         | Mr Townshend QC for Lascorp |
| 265 | “    | Table of strategic considerations regarding Leopold Activity Centre | Mr Townshend QC for Lascorp |

## Appendix D Council's proposed changes to the Amendment<sup>13</sup>

| Modification to | Source                         | Date                               | Clause /map/ page | Change  |
|-----------------|--------------------------------|------------------------------------|-------------------|---|
| ordinance       | Identified by Council officers | 24 Sep 2019 - Council              | 21.06             | On the drawing key on Housing and Settlement Framework Plan proposed in Clause 21.06, change " <b>BOUNDARY – INDICATIVE PERMANENT SETTLEMENT BOUNDARY</b> " to " <b>SETTLEMENT BOUNDARY – INDICATIVE LONG TERM BOUNDARY</b> " |
| ordinance       | Identified by Council officers | 24 Sep 2019 - Council              | 21.06             | In addition to the single Housing and Settlement Framework Plan for the whole municipality, include several segment maps covering smaller areas for clearer interpretation  |
| ordinance       | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 21.06-1           | Under the heading Key issues and influences, change "Geelon's" to "Geelong's".  |
| ordinance       | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 21.06-1           | In the first sentence under the heading Demographics, change "annual growth" to "average annual growth".  |
| ordinance       | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 21.06-1           | In the first paragraph under the heading Housing, change "Inceasing" to "Increasing" and change "maintainence" to "maintenance".  |
| ordinance       | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 21.06-1           | In the last paragraph under the heading "Settlement", change "settlement" to "settlement".  |
| ordinance       | Identified by Council officers | 24 Sep 2019 - Council              | 21.06-2           | Change the heading of proposed 21.06-2 from Spatial Distribution of Growth and Land Supply to Spatial distribution of growth and land supply  |
| ordinance       | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 21.06-2           | Replace the fourth strategy (commencing with "Confirm enduring ...") with the following: "Deliver defensible long-term settlement boundaries via a consultative boundary review process".                                     |
| ordinance       | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 21.06-3           | Delete the third strategy relating to One Planet Living principles.   |
| ordinance       | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 21.06-4           | In the last strategy, change "facilities" to "facilities".  |

<sup>13</sup> Hearing Document 205

|           |                                |                                    |                                      |   |
|-----------|--------------------------------|------------------------------------|--------------------------------------|---|
| ordinance | Submission 26                  | 24 Sep 2019 - Council              | 21.06-8                              | In proposed 21.06-9 (Implementation), modify the proposed third Further Work item by changing the words “special local environmental or landscape values” to “environmental or landscape values of local, state or national importance” |
| ordinance | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 21.06-8                              | Replace the fourth point under the heading Further work (commencing with “Establish a ...”) with the following:<br>“Undertake a consultative settlement boundary review process.”   |
| ordinance | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 21.06-8                              | In the fifth point under the heading Further work, change “opportunities” to “opportunities”.   |
| ordinance | Submission 14                  | 24 Sep 2019 - Council              | 21.06-8                              | In proposed 21.06-8 (Implementation), modify the proposed fifth Further Work item by adding the words “and mixed use development” after “train station environs to future housing needs”  |
| ordinance | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 21.06-8                              | In the final paragraph under the heading Further work, change “residential” to “residential”.   |
| ordinance | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 21.06-8                              | In the References, replace the date for the Settlement Strategy with “(XX, YY)”.  |
| ordinance | Submission 25                  | 24 Sep 2019 - Council              | 21.06 Housing and Framework Plan map | On the drawing key on Housing and Settlement Framework Plan proposed in Clause 21.06, change “SETTLEMENT BOUNDARY” to “ <b>MUNICIPAL BOUNDARY</b> ”   |
| ordinance | Identified by Council officers | 24 Sep 2019 - Council              | 21.06 Housing and Framework Plan map | Housing and Settlement Framework Plan: on the map, show the future growth areas as growth areas and delete “ <b>FUTURE GROWTH AREAS</b> ” from the drawing key  |
| ordinance | Mark Woodland evidence         | 18 Nov 2019 - Part B submission    | 21.06 Housing and Framework Plan map | Modify the Housing and Settlement Framework Plan map at Clause 21.06-8 to remove the word 'permanent' from 'indicative permanent settlement boundary'   |
| ordinance | Identified by Council officers | 6 Feb 2020 - Gareth Smith approved | 21.06 Housing and Framework          | In the Drawing Key for the Housing and Settlement Framework Plan map, change “INDICATIVE PERMANENT SETTLEMENT BOUNDARY” to “SETTLEMENT BOUNDARY”.   |

|           |  |   | Plan map                             |  |
|-----------|--|---|--------------------------------------|--|
| ordinance | Panel submission                               | 6 Feb 2020 - Gareth Smith approved                                    | 21.06 Housing and Framework Plan map | In the Drawing Key for the Housing and Settlement Framework Plan map, under DISTRICT TOWNS, change "EXISTING SETTLEMENT BOUNDARIES" to "SETTLEMENT BOUNDARIES".  |
| ordinance | Submission 55                                  | 28 Oct 2019 - Part A submission                                       | 21.08-3                              | In 21.08-3 (Strategies), modify the first proposed strategy by adding "expected" before "metropolitan-equivalent"  |
| ordinance | Panel submission                               | 6 Feb 2020 - Gareth Smith approved                                    | 21.08-6                              | In the References, replace the date for the Settlement Strategy with "(XX, YY)".   |
| ordinance | Submission 25                                  | 24 Sep 2019 - Council   | 21.11-1                              | 1 <sup>st</sup> paragraph: change "54,000 persons and 22,000 dwellings" to "approximately 55,000 to 65,000 persons"  |
| ordinance | Panel submission                               | 6 Feb 2020 - Gareth Smith approved                                    | 21.11-3                              | Add the following point under the heading Further Work: Implement any relevant findings of the logical inclusions process undertaken pursuant to Clause 21.06".  |
| ordinance | Michael Barlow evidence                        | 18 Nov 2019 - Part B submission                                       | 21.14-4                              | Update the proposed Further Work task "Work with the state government on the designation of the Bellarine Peninsula under the Distinctive Area and Landscapes Act 2018" to reflect the fact the declaration has been made and the next step is to finalise a Statement of Planning Policy  |
| ordinance | Panel submission                               | 6 Feb 2020 - Gareth Smith approved                                    | 21.14-4                              | In the References, replace the date for the Settlement Strategy with "(XX, YY)".   |
| ordinance | Panel submission                               | 6 Feb 2020 - Gareth Smith approved                                    | 21.16-3                              | In the References, replace the date for the Settlement Strategy with "(XX, YY)".   |
| ordinance | Panel submission                               | 6 Feb 2020 - Gareth Smith approved                                    | 21.20-2                              | In the second last objective, change "in the short to medium term" to "while it remains operational" and delate "in the long term".  |
| ordinance | Submission 26                                  | 24 Sep 2019 - Council   | 21.20-2                              | Add the following objective: "To retain and protect or appropriately offset valuable biodiversity assets, including grassland areas"   |
| ordinance | Mark Woodland evidence<br>Jason Black evidence | 18 Nov 2019 - Part B submission<br>6 Feb 2020 - Gareth Smith approved | 21.20-3                              | Replace the first strategy with the following:<br>"Prepare Precinct Structure Plans that:<br>§ Are generally in accordance with the Northern and Western Geelong Growth Areas Framework Plan map at clause 21.20-5.<br>§ Consider, as relevant, the Northern and Western Geelong Growth Areas Framework Plan (City of Greater Geelong, XX, YY)." |

|           |                        |                                     |         |   |
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|           |                        |                                     |         | ["have regard to" is an alternative to "consider, as relevant"]   |
| ordinance | Panel submission       | 6 Feb 2020 - Gareth Smith approved  | 21.20-3 | <p>Replace the second strategy with the following:</p> <p>"Prior to resolving to commence a Precinct Structure Plan, consider, as relevant:</p> <p>§ The City of Greater Geelong Settlement Strategy (XX, YY).</p> <p>§ Development sequencing set out in the Northern and Western Geelong Growth Areas Framework Plan (City of Greater Geelong, XX, YY).</p> <p>§ The need to maintain an adequate supply of urban land.</p> <p>§ Third party funding agreements with land developers to undertake technical studies.</p> <p>§ Whether the precinct will enable the staged extension of infrastructure networks in a way that minimises the real cost of infrastructure provision.</p> <p>§ Whether or not a precinct is subject to major constraints or uncertainties that is likely to delay development.</p> <p>§ Whether or not the precinct is of a size that is likely to result in a substantial and predictable development yield.</p> <p>§ The pattern of land ownership and the potential for multiple landowners to coordinate the planning and development of the precinct.</p> <p>§ Whether a precinct's development will support the effective and early development of public transport infrastructure, town centre and employment precincts."</p> <p>["have regard to" is an alternative to "consider, as relevant"]</p> |
| ordinance | Panel submission       | 6 Feb 2020 - Gareth Smith approved  | 21.20-3 | In the fifth strategy, replace "effeicient" with "efficient".   |
| ordinance | Mark Woodland evidence | 18 Nov 2019 - Part B submission     | 21.20-3 | Include an additional strategy in Clause 21.20-3: "Land use and development should have regard to the Northern and Western Geelong Growth Areas Framework Plan."  |
| ordinance | Submissions 1, 37      | 11 Nov 2019 - Gareth Smith approved | 21.20-3 | Reword the second last strategy in Clause 21.20-3 to read: "Maintain an appropriate buffer around the Work Authority boundary of the Batesford Quarry to minimise the impacts of activities that may be carried out under the Work Authority."  |
| ordinance | Panel                  | 6 Feb 2020 -                        | 21.20-  | In the References, replace the date for the   |

|                     |                                |                                    |             |   |
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| ce                  | submission                     | Gareth Smith approved              | 4           | Framework Plan with "(XX, YY)".   |
| ordinance           | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 21.20-5     | Revise the Northern and Western Geelong Growth Areas Framework Plan map to reflect all modifications in this schedule to Plans 2, 3, 4 and 5 of the Framework Plan.       |
| Maps                | Submission 46                  | 28 Oct 2019 - Part A submission    | Maps 16, 17 | Rezone land between the north-western boundary of the exhibited Urban Growth Zone and the high voltage transmission line easement from Farming Zone to Urban Growth Zone  |
| Maps                | Panel submission               | 6 Feb 2020 - Gareth Smith approved | Map 31      | Rezone land outside of the current Work Authority for the Batesford Quarry from Special Use Zone Schedule 7 to Urban Growth Zone.   |
| Maps                | Submission 37                  | 24 Sep 2019 - Council              | Map 31      | Rezone 80 Thoona Lane, Fyansford from Special Use Zone Schedule 7 to Urban Growth Zone  |
| Settlement Strategy | Identified by Council officers | 6 Feb 2020 - Gareth Smith approved | Various     | Throughout the text of the Strategy, change "permanent settlement boundary" (or "... boundaries") to "long term boundary" (or "... boundaries").                          |
| Settlement Strategy | Identified by Council officers | 6 Feb 2020 - Gareth Smith approved | 12          | In the Drawing Key, change "INDICATIVE PERMANENT SETTLEMENT BOUNDARY" to "SETTLEMENT BOUNDARY".   |
| Settlement Strategy | Identified by Council officers | 6 Feb 2020 - Gareth Smith approved | 12          | In the Drawing Key, under DISTRICT TOWNS, change "EXISTING SETTLEMENT BOUNDARIES" to "SETTLEMENT BOUNDARIES".   |
| Settlement Strategy | Submission 13                  | 24 Sep 2019 - Council              | 12          | Change the Barwon Heads settlement boundary on the Housing Framework Plan in the Settlement Strategy to match that in Clause 21.14-10 and that proposed in Clause 21.06   |
| Settlement Strategy | Submission 25                  | 24 Sep 2019 - Council              | 12          | Change the non-urban breaks on the Housing Framework Plan in the Settlement Strategy to match those proposed on the Housing and Settlement Framework Plan in Clause 21.06 |
| Settlement Strategy | Identified by Council officers | 6 Feb 2020 - Gareth Smith approved | 52          | Table 11 caption: change "1 January 2017" to "1 November 2017".   |
| Settlement Strategy | Identified by Council officers | 6 Feb 2020 - Gareth Smith approved | 59          | In the second paragraph, change "The bulk of" to "The major share of".  |
| Settlement Strategy | Identified by Council officers | 6 Feb 2020 - Gareth Smith approved | 59          | In the first paragraph under the heading Land Supply, change "20" to "17".  |

|                     |                                |                                    |       |  |
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| Settlement Strategy | Identified by Council officers | 6 Feb 2020 - Gareth Smith approved | 63    | In direction e. under the Principle “Provide clear strategic direction ...”, add the words “upon completion of the Bellarine Peninsula Distinctive Area and Landscape process” after “process for townships”.  |
| Settlement Strategy | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 63    | Change direction b. under the Principle “Maintain an adequate supply ...” to “Continue to monitor and review land supply and respond accordingly.”   |
| Settlement Strategy | Submission 38                  | 24 Sep 2019 - Council              | 69-70 | Add reference to value capture opportunities in the Costs of Housing Growth section  |
| Settlement Strategy | Submission 32                  | 24 Sep 2019 - Council              | 70    | Include reference to considering industry and infrastructure buffers in the Managing Future Growth section   |
| Settlement Strategy | Submissions 1, 22              | 24 Sep 2019 - Council              | 71    | Add this direction under the Principle “Manage the release of new growth areas ...”: “Ensure infrastructure funding strategies recognise items that deliver high level infrastructure that benefits multiple precinct structure plan areas will require a contribution.”   |
| Settlement Strategy | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 73    | In the last paragraph, change “permanent settlement boundaries will undoubtedly” to “protected or long-term settlement boundaries may”.  |
| Settlement Strategy | Identified by Council officers | 6 Feb 2020 - Gareth Smith approved | 75    | In the last paragraph before the heading Urban growth boundaries, change “There are two options” to “There a number of options”.   |
| Settlement Strategy | Identified by Council officers | 6 Feb 2020 - Gareth Smith approved | 75    | Add the following heading and text after the heading and text for Urban growth boundaries:<br>“Long term settlement boundaries<br><br>We already have nominated settlement boundaries for townships and urban areas of Geelong. The role and function of these boundaries could be strengthened through the introduction of the term ‘long term’ or ‘enduring’ within the Planning Policy Framework including the Municipal Framework Plan.” |
| Settlement Strategy | Identified by Council officers | 6 Feb 2020 - Gareth Smith approved | 75    | Change the heading “Distinctive Areas and Landscapes Bill 2017” to “Distinctive Areas and Landscapes”.   |

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| Settlement Strategy | Identified by Council officers | 6 Feb 2020 - Gareth Smith approved | 75 | <p>Replace the text under the heading Distinctive Areas and Landscapes with the following, to reflect the current status of the project:</p> <p>“On 29 October 2019 the Bellarine Peninsula was declared a Distinctive Area and Landscape under the Planning and Environment Act 1987. This declaration triggers the requirement to prepare a Statement of Planning Policy by October 2020.</p> <p>The Statement of Planning Policy will include a 50-year vision and land use strategies to better protect the unique features of the Bellarine for current and future generations. It also provides the opportunity to designate long term settlement boundaries. The policy will be informed by strategic planning work already undertaken, relevant technical studies and outcomes from community engagement. The City considers the Distinctive Areas and Landscapes the most appropriate process to determine long term boundaries for the Bellarine. If long term boundaries are not resolved, the City will need to determine long term boundaries via a separate consultative process for the district towns with regard to Statement of Planning Policy.”</p> |
| Settlement Strategy | Identified by Council officers | 6 Feb 2020 - Gareth Smith approved | 75 | In the first paragraph under the heading Defining the Boundary, change “should be based” to “should be largely based”.  |
| Settlement Strategy | Identified by Council officers | 6 Feb 2020 - Gareth Smith approved | 75 | Delete the third last dot point (commencing “establishing the timing ...”).   |
| Settlement Strategy | Identified by Council officers | 6 Feb 2020 - Gareth Smith approved | 75 | Add text after the list of dot points under the heading Defining the Boundary that reflects the principles set out in Council’s Part B Panel Submission for considering land through the logical inclusions process.  |
| Settlement Strategy | Identified by Council officers | 6 Feb 2020 - Gareth Smith approved | 75 | Replace the second last paragraph under the heading Defining the Boundary with the following:<br>“A long-term settlement boundary process should commence as soon as resources allow.”  |
| Settlement Strategy | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 77 | Townships on the Bellarine Peninsula, 2 <sup>nd</sup> last paragraph, last sentence: change “will impact” to “may impact”.  |
| Settlement          | Panel submission               | 6 Feb 2020 - Gareth Smith          | 77 | Delete direction d. under the Principle “Contain growth within ...”   |

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| Strategy            |                                | approved                           |    |  |
| Settlement Strategy | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 77 | Replace direction c. under the Principle "Maintain the unique ..." with the following: "Work with the state government on the Bellarine Peninsula Distinctive Areas and Landscapes process and the development of a Statement of Planning Policy for the Bellarine Peninsula." |
| Settlement Strategy | Submission 32                  | 24 Sep 2019 - Council              | 78 | Include reference to considering industry and infrastructure buffers in the Urban Consolidation section  |
| Settlement Strategy | Submission 90                  | 24 Sep 2019 - Council              | 80 | Table 12, North Geelong station, Opportunity: revise to exclude land within Port Environs from investigation for expansion of Increased Housing Diversity Area or identification as Key Development Area   |
| Settlement Strategy | Submission 90                  | 24 Sep 2019 - Council              | 84 | Under the Principle "Increase the role of urban consolidation as part of Geelong's overall housing supply", Direction c: change "Breakwater" to "Waurm Ponds"  |
| Settlement Strategy | Submission 14                  | 24 Sep 2019 - Council              | 84 | Under the Principle "Articulate the preferred location for increased housing densities", add the words "and mixed use development" after the words "train station environs to future housing needs"  |
| Settlement Strategy | Identified by Council officers | 6 Feb 2020 - Gareth Smith approved | 85 | In the Drawing Key, change "INDICATIVE PERMANENT SETTLEMENT BOUNDARY" to "SETTLEMENT BOUNDARY".  |
| Settlement Strategy | Identified by Council officers | 6 Feb 2020 - Gareth Smith approved | 85 | In the Drawing Key, under DISTRICT TOWNS, change "EXISTING SETTLEMENT BOUNDARIES" to "SETTLEMENT BOUNDARIES".  |
| Settlement Strategy | Submission 13                  | 24 Sep 2019 - Council              | 85 | Change the Barwon Heads settlement boundary on the Overall Framework Plan in the Settlement Strategy to match that in Clause 21.14-10 and that proposed in Clause 21.06  |
| Settlement Strategy | Submission 25                  | 24 Sep 2019 - Council              | 85 | Change the non-urban breaks on the Overall Framework Plan in the Settlement Strategy to match those proposed on the Housing and Settlement Framework Plan in Clause 21.06  |
| Settlement Strategy | Submission 90                  | 24 Sep 2019 - Council              | 85 | Amend the extent of land identified on the Overall Framework Plan as "Investigate opportunities for higher density in the rail corridor" by excluding land within the Port Environs  |

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| Settlement Strategy | Identified by Council officers | 24 Sep 2019 - Council                    | 85              | In addition to the single Housing and Settlement Framework Plan for the whole municipality, include several segment maps covering smaller areas for clearer interpretation   |
| Settlement Strategy | Identified by Council officers | 6 Feb 2020 - Gareth Smith approved       | 88              | At the end of the Monitoring and Review section, but before the Principles and Directions, add a heading and text as follows:<br><br><b>"PLANNING FOR THE NEXT PHASE OF GROWTH</b><br><br>If Council's regular demand and supply analysis make it clear that further land needs to be identified due to higher take-up or issues with delivering identified areas, consider the next phase of growth and update the strategy accordingly. Investigations should include consideration of the Boral Wauru Ponds site and amongst any other relevant factors have regard to substantial parcels contiguous with existing urban area, ability to integrate with existing and planned urban areas, excellent rail and road access, cost effective servicing, protection of productive farmland and significant landscapes, other land use needs and requirements for Geelong." |
| Framework Plan      | Various submissions            | 12 Nov 2019 - Council opening submission | 5               | Include a new introductory section with a heading "Role of the framework plan" that reads in accordance with the wording in Paragraph 107.2 at Pages 26 and 27 of Council's Opening Submission   |
| Framework Plan      | Submissions 12, 58             | 24 Sep 2019 - Council                    | 44              | Plan 5 – Clever and Creative Corridor: Delete 400 metre catchment from land between the two growth areas   |
| Framework Plan      | Mark Woodland evidence         | 18 Nov 2019 - Part B submission          | 44              | Plan 5 – Clever and Creative Corridor: Identify the key destinations that the Clever and Creative Corridor is intended to link to, including the Geelong CBD and key train stations.   |
| Framework Plan      | Panel submission               | 6 Feb 2020 - Gareth Smith approved       | 44 (and others) | Consider modifying the alignment of the Clever and Creative Corridor to accommodate revised Neighbourhood Activity Centre locations in the Northern Geelong Growth Area.<br>If the alignment is modified, revise all relevant maps and text in the Framework Plan accordingly.   |
| Framework Plan      | Mark Woodland evidence         | 18 Nov 2019 - Part B submission          | 45              | Include additional text in the Clever and Creative Corridor section to clarify how the land use framework along the Clever and   |

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|                |                   |                                    |                 | Creative Corridor is expected to deliver an urban density and land use mix that can sustain the level of public transport service needed to support public transport patronage in this corridor.  |
| Framework Plan | Submission 55     | 7 Nov 2019 - Gareth Smith approved | 45-53           | Revise the Clever and Creative Corridor section (pages 45 to 53) by removing reference to specific reservation widths, except for reference to the 14 metre median reserve, which is to be retained.  |
| Framework Plan | Panel submission  | 6 Feb 2020 - Gareth Smith approved | 47, 49, 51, 53  | Add the following text under the headings CLEVER AND CREATIVE CORRIDOR – INTERIM CONFIGURATION and CLEVER AND CREATIVE CORRIDOR – INTERIM CONFIGURATION:<br><br>“Design features are subject to further investigation and detailed planning at Precinct Structure Plan stage. Further work may lead to variations in road profiles along the Clever and Creative Corridor pending ultimate resolution of abutting land uses.” |
| Framework Plan | Panel submission  | 6 Feb 2020 - Gareth Smith approved | 65              | Action N1.2.9, 2 <sup>nd</sup> paragraph, 2 <sup>nd</sup> sentence: Change “may be considered” to “will be considered”.   |
| Framework Plan | Panel submission  | 6 Feb 2020 - Gareth Smith approved | 67              | Action N1.3.3: Change “Corridors will be located” to “Corridors may be located”.  |
| Framework Plan | Submission 55     | 24 Sep 2019 - Council              | 68              | Biodiversity – Northern Geelong Growth Area: Action N1.3.7, second paragraph: change “securing offsets within the growth area” to “securing offsets in accordance with the outcomes of the biodiversity conservation strategy”  |
| Framework Plan | Submissions 4, 55 | 8 Nov 2019 - Gareth Smith approved | 83              | Environment - Northern Geelong Growth Area: Reword Action N1.6.8 to read: " <b>Land uses within 570 metres of the gas pipeline easement must be planned carefully to minimise risk to community safety</b><br>The siting of different land uses will have regard to the recommendations of a safety management strategy to be prepared as part of the relevant precinct structure plan process."                              |
| Framework Plan | Panel submission  | 6 Feb 2020 - Gareth Smith approved | 92 (and others) | Revise Plan 16 by adjusting the width of the Waterways designation on 30 Avonlea Road, Bell Post Hill to better reflect the underlying background report.<br>Revise Plans 2, 4, 5, 17, 25, 26, 27, 30, 31, 35, 36, 37, 47, 48, 49, 50 and 51 accordingly.   |
| Framework Plan | Panel submission  | 6 Feb 2020 - Gareth Smith          | 95              | Action W1.2.9, 2 <sup>nd</sup> paragraph, 2 <sup>nd</sup> sentence: Change “may be considered” to “will be  |

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|                |                                | approved                           |     | considered".  |
| Framework Plan | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 98  | Action W1.3.3: Change "Corridors will be located" to "Corridors may be located".  |
| Framework Plan | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 98  | Action W1.3.3: Change "moment" to "movement".   |
| Framework Plan | Submission 55                  | 24 Sep 2019 - Council              | 99  | Biodiversity – Western Geelong Growth Area: Action W1.3.8, second paragraph: change "securing offsets within the growth area" to "securing offsets in accordance with the outcomes of the biodiversity conservation strategy" |
| Framework Plan | Submission 16                  | 6 Feb 2020 - Gareth Smith approved | 102 | Plan 18 Drawing Key: Change "EXISTING ARCHAEOLOGICAL SITE" to "REGISTERED ABORIGINAL PLACES – SITE EXTENTS"   |
| Framework Plan | Submissions 1, 77              | 24 Sep 2019 - Council              | 106 | Plan 19 – Post Contact Heritage – Western Geelong Growth Area: Delete HO 45 and most of HO 1740, in accordance with Amendment C376 (Pt 2)   |
| Framework Plan | Submission 47                  | 24 Sep 2019 - Council              | 110 | Plan 20 – Built Environment – Western Geelong Growth Area: Include Idyll Wines Co. winery on map  |
| Framework Plan | Submission 47                  | 24 Sep 2019 - Council              | 111 | Built Environment – Western Geelong Growth Area - Context: 3 <sup>rd</sup> last dot point: Change "a vineyard" to "a winery"  |
| Framework Plan | Submission 60                  | 24 Sep 2019 - Council              | 114 | Plan 21 – Surrounding Areas – Western Geelong Growth Area: Change Plan 21 to show The Dog Rocks in the correct location, and the land currently shown as The Dog Rocks as Agricultural, not Recreation                        |
| Framework Plan | Identified by Council officers | 24 Sep 2019 - Council              | 123 | Neighbourhood Design – Northern Geelong Growth Area: Action N2.1.7, 2 <sup>nd</sup> dot point: change "halves of these catchments" to "half of this catchment"  |
| Framework Plan | Identified by Council officers | 24 Sep 2019 - Council              | 128 | Neighbourhood Sustainability – Northern Geelong Growth Area: Third paragraph under Context: change "Western Geelong Growth Area" to "Northern Geelong Growth Area"  |
| Framework Plan | Identified by Council officers | 24 Sep 2019 - Council              | 135 | Social Infrastructure – Northern Geelong Growth Area: 2nd sentence of 2nd paragraph under Context: change "Geelong's new" to "Northern Geelong's new"   |
| Framework Plan | Submission 55                  | 24 Sep 2019 - Council              | 135 | Neighbourhood Amenity – Northern Geelong Growth Area: Change 3 <sup>rd</sup> dot point to "A mix of local, indigenous and exotic species"   |
| Framework Plan | Identified by Council officers | 24 Sep 2019 - Council              | 141 | Neighbourhood Design – Western Geelong Growth Area: Action W2.1.6, 2 <sup>nd</sup> dot point: change "halves of these catchments" to "half of this catchment"   |

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| Framework Plan | Submission 55                  | 24 Sep 2019 - Council              | 144              | Neighbourhood Amenity – Western Geelong Growth Area: Change 3 <sup>rd</sup> dot point to “A mix of local, indigenous and exotic species”   |
| Framework Plan | Identified by Council officers | 24 Sep 2019 - Council              | 150              | Housing – Western Geelong Growth Area: Action W2.4.4 – 2 <sup>nd</sup> paragraph: replace with explanatory text relating to the action   |
| Framework Plan | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 162 (and others) | Plan 28: Replace the north-eastern Neighbourhood Activity Centre with two Neighbourhood Activity Centres, in accordance with expert evidence provided for Lovely Banks Development Group. Revise Plans 2, 3, 5, 23, 24, 29, 32, 33, 34, 41, 42, 43, and 44, and any associated text accordingly. |
| Framework Plan | Identified by Council officers | 24 Sep 2019 - Council              | 163              | Activity Centres - Northern Geelong Growth Area: Action N3.1.1: delete last dot point  |
| Framework Plan | Identified by Council officers | 24 Sep 2019 - Council              | 167              | Activity Centres – Northern Geelong Growth Area: Add an action relating to local activity centres for the Northern Geelong Growth Area   |
| Framework Plan | Identified by Council officers | 24 Sep 2019 - Council              | 179              | Employment – Western Geelong Growth Area: Renumber Actions W3.2.2 to W3.2.4 as Actions W3.2.1 to W3.2.3 respectively   |
| Framework Plan | Identified by Council officers | 24 Sep 2019 - Council              | 194              | Integrated Transport – Northern Geelong Growth Area: Action N4.3.2 – 2 <sup>nd</sup> last dot point: delete reference to the Batesford township  |
| Framework Plan | Submission 90                  | 24 Sep 2019 - Council              | 196              | Plan 35 – Active Transport – Western Geelong Growth Area: Extend the shared path along Friend in Hand Road south to Hamilton Highway   |
| Framework Plan | Identified by Council officers | 24 Sep 2019 - Council              | 201              | Public Transport – Western Geelong Growth Area: Change two references to “Northern Geelong Growth Area” to “Western Geelong Growth Area”   |
| Framework Plan | Identified by Council officers | 24 Sep 2019 - Council              | 201              | Public Transport – Western Geelong Growth Area: Under context, 5 <sup>th</sup> dot point: change “Creamery Road” to “Rollins Road and Braund Avenue”   |
| Framework Plan | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 203              | Action W4.2.5: In the first paragraph (bold font), change “ and Cowies Creek corridors and Batesford Quarry” to “, Barwon River and Cowies Creek corridors, Batesford Quarry and the Geelong Ring Road”.   |
| Framework Plan | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 203              | Action W4.2.5: In the second paragraph, change “ and quarry” to “, quarry and Geelong Ring Road”.  |
| Framework Plan | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 212              | In the fifth paragraph (commencing “The Clever ...”, change “short, medium and long term precincts” to “new growth areas”.   |

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| Framework Plan | Mark Woodland evidence         | 18 Nov 2019 - Part B submission    | 215      | Utilities and Infrastructure – Northern Geelong Growth Area: Include a statement of limitations explaining that the precinct concept plans at pages 222-229 are only intended to show the potential combination of land uses and infrastructure requirements that need to be addressed at the PSP stage, and that the plans do not represent a final or preferred urban structure for the precinct   |
| Framework Plan | Mark Woodland evidence         | 18 Nov 2019 - Part B submission    | 215      | Utilities and Infrastructure – Northern Geelong Growth Area: Include a statement of limitations explaining that the purpose of the Precinct Infrastructure Requirements at pages 222-229 is to identify the broad infrastructure needs for each precinct, but that these will be refined as each PSP is prepared   |
| Framework Plan | Identified by Council officers | 24 Sep 2019 - Council              | 217      | Utilities and Infrastructure – Northern Geelong Growth Area: Change Action N5.1.5 to reflect Action W5.1.5 and adjust N5.1.4 accordingly   |
| Framework Plan | Mark Woodland evidence         | 18 Nov 2019 - Part B submission    | 220      | Delivery - Northern Geelong Growth Area: Include the following additional factors in Action N5.2.1:<br><ul style="list-style-type: none"> <li>* Whether the precinct will enable the staged extension of infrastructure networks in a way that minimizes the real cost of infrastructure provisions</li> <li>* Whether or not a precinct subject to major constraints or uncertainties that could delay development and are of a size and with a pattern of land ownership that is likely to result in a substantial and predictable yield of housing and/or industrial land</li> <li>* Whether a precinct's development will support the effective and early development of public transport infrastructure, town centres and employment precincts</li> </ul> |
| Framework Plan | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 220, 236 | In Actions N5.2.1 and W5.2.1, replace the dot points with the following:<br>“<br>§ The City of Greater Geelong Settlement Strategy.<br>§ Development sequencing set out in the Northern and Western Geelong Growth Areas Framework Plan.<br>§ The need to maintain an adequate supply of urban land.<br>§ Third party funding agreements with land developers to undertake technical studies.<br>§ Whether the precinct will enable the staged extension of infrastructure networks in a way that minimises the real cost of infrastructure  |

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|                |                                |                                    |  | <p>provision.</p> <p>§ Whether or not a precinct is subject to major constraints or uncertainties that is likely to delay development.</p> <p>§ Whether or not the precinct is of a size that is likely to result in a substantial and predictable development yield.</p> <p>§ The pattern of land ownership and the potential for multiple landowners to co-ordinate the planning and development of the precinct.</p> <p>§ Whether a precinct's development will support the effective and early development of public transport infrastructure, town centre and employment precincts."</p> |
| Framework Plan | Identified by Council officers | 6 Feb 2020 - Gareth Smith approved | 223, 223, 225, 227, 229, 239, 242, 243, 245, 247 | <p>Add the following additional note at the foot of each page after the note "* Infrastructure required to support multiple precincts":</p> <p>"Infrastructure requirements will be refined as part of the Precinct Structure Plan process."</p>  |
| Framework Plan | Identified by Council officers | 24 Sep 2019 - Council              | 226  | Integrated Transport – Western Geelong Growth Area: Action W4.3.2, 6 <sup>th</sup> dot point: delete "and within the Batesford township"  |
| Framework Plan | Identified by Council officers | 24 Sep 2019 - Council              | 227  | Delivery – Heales Road West PSP: Change "One integrated children's centres" to "One integrated children's centre"; and change "One long day child care centres" to "one long day child care centre"   |
| Framework Plan | Mark Woodland evidence         | 18 Nov 2019 - Part B submission    | 231  | Utilities and Infrastructure – Western Geelong Growth Area: Include a statement of limitations explaining that the precinct concept plans at pages 238-248 are only intended to show the potential combination of land uses and infrastructure requirements that need to be addressed at the PSP stage, and that the plans do not represent a final or preferred urban structure for the precinct   |
| Framework Plan | Mark Woodland evidence         | 18 Nov 2019 - Part B submission    | 231  | Utilities and Infrastructure – Western Geelong Growth Area: Include a statement of limitations explaining that the purpose of the Precinct Infrastructure Requirements at pages 238-248 is to identify the broad infrastructure needs for each precinct, but that these will be refined as each PSP is prepared   |
| Framework Plan | Submission 60                  | 7 Nov 2019 - Gareth Smith          | 234  | Change the south-eastern boundary of the McCanns Lane precinct as shown on the  |

|                |                                | approved                           |     | attached plans.   |
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| Framework Plan | Mark Woodland evidence         | 18 Nov 2019 - Part B submission    | 236 | Delivery - Western Geelong Growth Area: Include the following additional factors in Action W5.2.1:<br>* Whether the precinct will enable the staged extension of infrastructure networks in a way that minimizes the real cost of infrastructure provisions<br>* Whether or not a precinct subject to major constraints or uncertainties that could delay development and are of a size and with a pattern of land ownership that is likely to result in a substantial and predictable yield of housing and/or industrial land<br>* Whether a precinct's development will support the effective and early development of public transport infrastructure, town centres and employment precincts |
| Framework Plan | Panel submission               | 6 Feb 2020 - Gareth Smith approved | 239 | Add the following point under Integrated transport infrastructure: "Upgrade the Creamery Road flyover of the Geelong Ring Road."  |
| Framework Plan | Identified by Council officers | 24 Sep 2019 - Council              | 241 | Delivery – Batesford North PSP: Change "One integrated children's centres" to "One integrated children's centre"  |
| Framework Plan | Identified by Council officers | 24 Sep 2019 - Council              | 243 | Delivery – McCanns Lane PSP: Change "One long day child care centres" to "one long day child care centre"   |
| Framework Plan | Identified by Council officers | 24 Sep 2019 - Council              | 247 | Delivery – Batesford South PSP: Change "One integrated children's centres" to "One integrated children's centre"  |