

Greater Geelong Planning Scheme Amendment C401

120 Russells Road, Mount Duneed

Expert Planning Evidence

Robert Milner
May 2020

instructed by
ST. QUENTIN CONSULTING
on behalf of
FOUNDATION 61 INC.

TABLE OF CONTENTS

1.0 INTRODUCTION	3
1.1 Purpose.....	3
1.2. Background.....	3
1.3 Witness Statement.....	10
2.0 OVERVIEW.....	12
2.1 Alcohol and drugs in the community.....	12
2.2 Supply and demand of residential rehabilitation facilities	13
2.3 Community health, wellbeing and safety and the planning framework	17
2.4 Community care accommodation	19
2.5 Summary	21
3.0 FOUNDATION 61.....	23
3.1 Overview	23
3.2 The proposal in context	23
3.3 Commentary	28
4.0 LOCAL POLICY CONTEXT	31
4.1 Local strategies	31
4.2 Local Planning Policy Framework	32
4.3 Commentary	34
5.0 ASSESSMENT.....	35
5.1 The merits of the use and development potential.....	35
5.2 The proposed amendment	38
6.0 CONCLUSION	42

Appendix A: Relevant Considerations

Appendix B: Witness Statement

Appendix C: Curriculum Vitae

1.0 INTRODUCTION

1.1. Purpose

- (1) I have been instructed by St. Quentin Consulting on behalf of Foundation 61 Inc. (**Foundation 61**) to review the merits of Amendment C401 to the *Greater Geelong Planning Scheme (GGPS)*.

1.2. Background

1.2.1. Amendment C401

- (2) Amendment C401 applies to an 8,094sqm parcel of Farming Zone (**FZ**) land at 120 Russells Road, Mount Duneed (**Site**).
- (3) The amendment proposes to apply the Specific Controls Overlay to the Site and to include an incorporated document entitled: '*Community Care Accommodation Facility, 120 Russells Road, Mount Duneed, August 2019*' (**Incorporated Document**) in an associated schedule to the zone (Schedule 3) (**SCO3**).
- (4) SCO3 would have the practical effect of overriding other requirements of the planning scheme and would enable the use and development of the Site for a *Community Care Accommodation Facility* (residential drug and alcohol rehabilitation facility) in accordance with the plans forming part of the Incorporated Document, including the proposed provision for:
- a single storey (main) building positioned towards the southern boundary of the property;
 - access from Russells Road adjacent to the eastern boundary;
 - restricted access to the adjacent recreation reserve;
 - on-site effluent disposal and car parking facilities;
 - 2m high fencing around the periphery of the property, restricting access to the neighbouring reserve; and
 - removal of vegetation (Figure 1).



Figure 1 – Proposed Community Care Accommodation Facility

- (5) The controls in the Incorporated Document would function in a similar manner to the conditions of a planning permit and would restrict:
- the maximum number of adult residents to eight (8);
 - the maximum number of staff to five (5); and
 - visiting hours to between 1pm and 6pm on weekends, among other matters.
- (6) This report presumes that the Panel has familiarised itself with the exhibited amendment and the accompanying documentation and will not be further assisted with this evidence repeating that background.
- (7) In preparing this evidence I have considered the exhibited amendment as well as:
- the documents listed in the schedule at **Appendix A** of this report; and
 - the current provisions of the GGPS.
- (8) I inspected the Site on 19 April 2020.

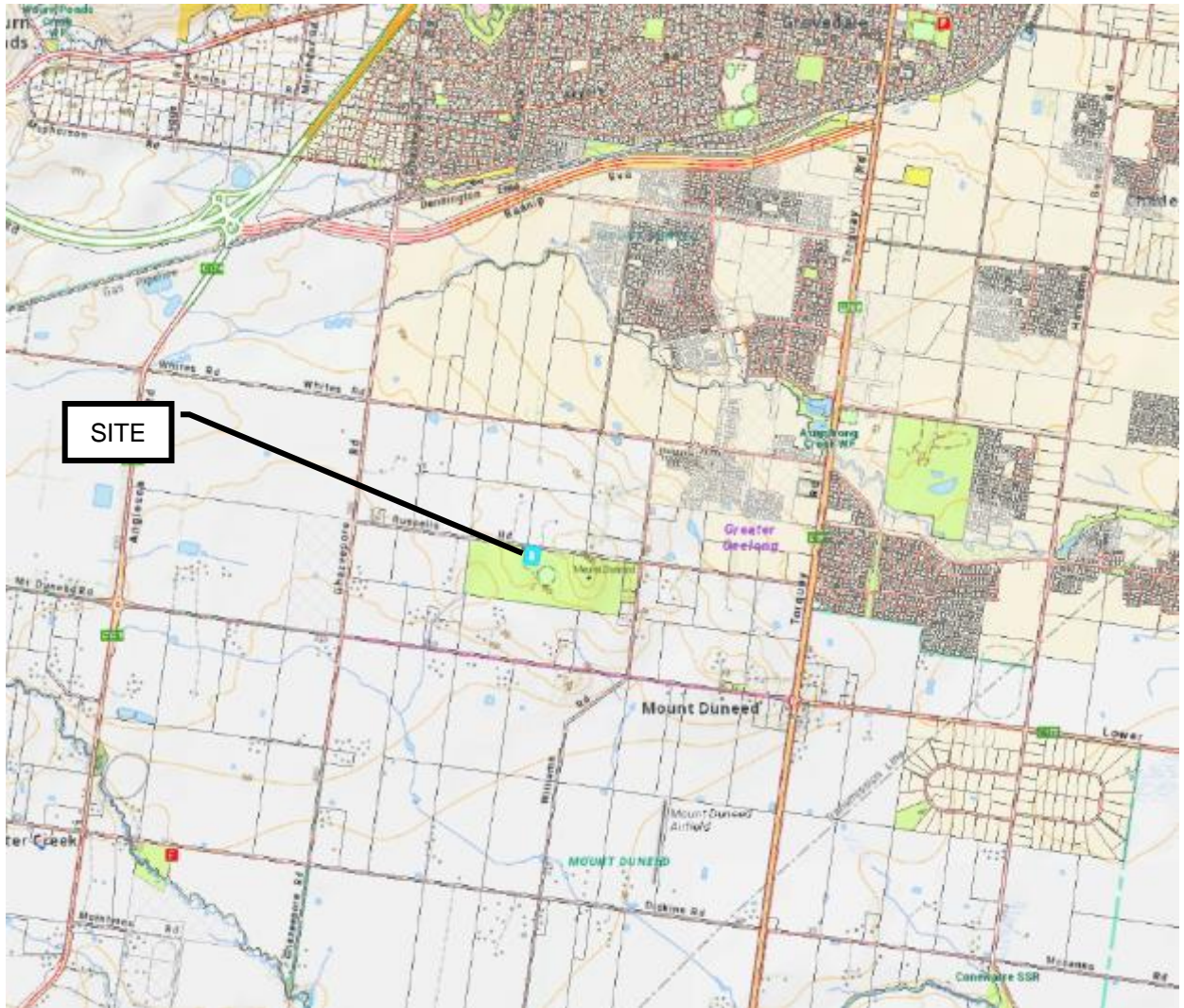


Figure 2 - Locality map (mapshare.vic.gov.au)

Municipal Framework Plan

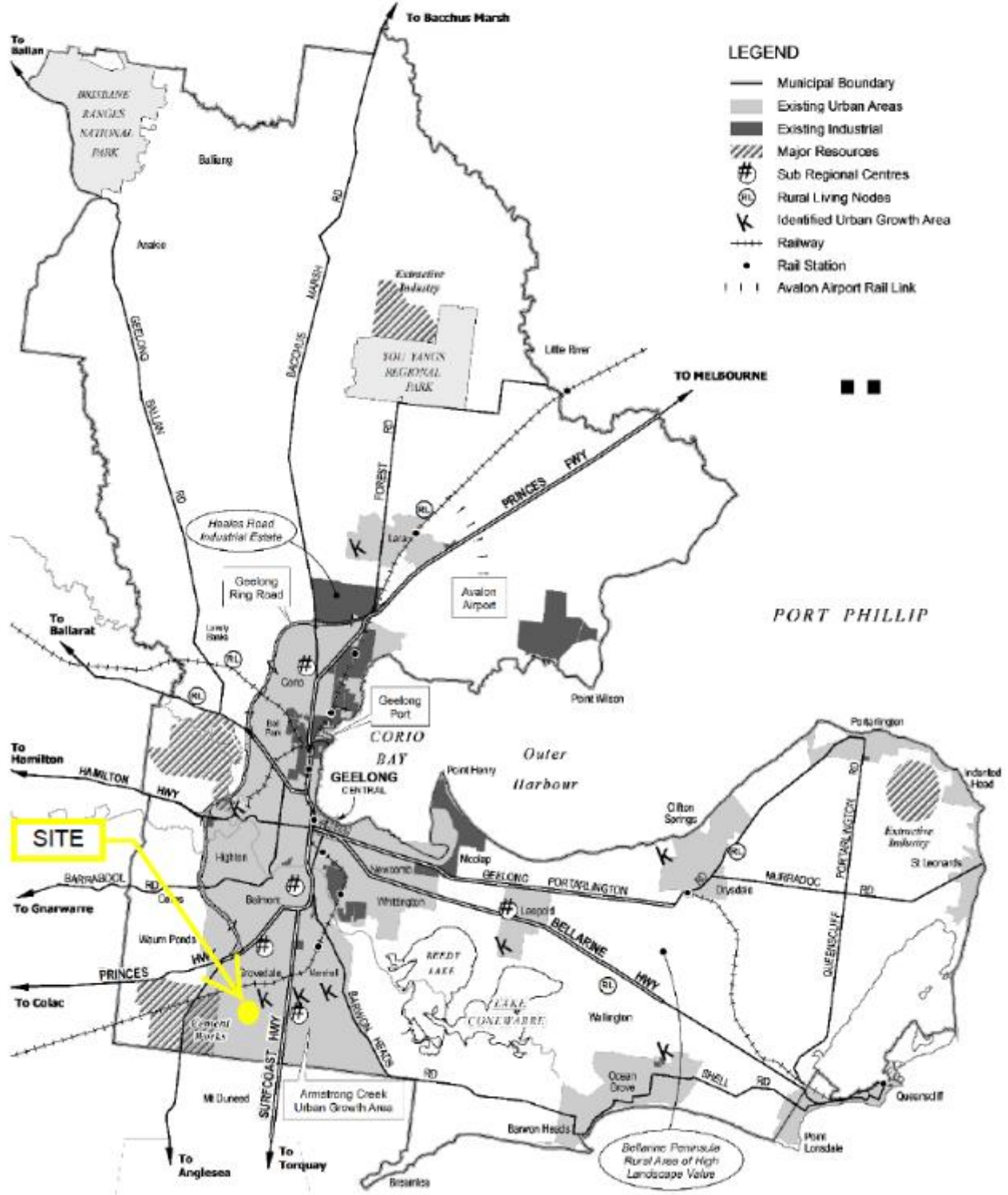


Figure 3 - Municipal Framework Plan (Greater Geelong Planning Scheme, Clause 21.04) (Site shown indicatively)





Figure 4 - Site and surrounds (nearmap) (shown indicatively)

1.2.2. Subject Site

- (9) The Site is described as Crown Allotment L2 Section 21 Parish of Duneed and is located approximately 11kms southwest of central Geelong and 2kms east of the Surf Coast Highway, between Williams and Ghazeeopore Roads, Mount Duneed.
- (10) It comprises a relatively small, regularly shaped 'island' parcel and paddock of land which is bounded by the Mount Duneed Recreational Reserve on three sides (to the east, south and west) and separated from the surrounding rural area by Russells Road to the north.
- (11) It forms part of the non-urban break and rural hinterland immediately surrounding the southern front of the Armstrong Creek Growth Area, which is a primary focus for growth in the G21 Region.
- (12) It is also centrally located to the surrounding regional growth centres, including Leopold and Ocean Grove to the east (Figure 3) and Torquay in the neighbouring Surf Coast Shire to the south.
- (13) Figure 4 illustrates the Site's locational attributes, including its proximity to the established and emerging urban areas approximately 1km to the northeast.
- The Mount Duneed Recreation Reserve, comprising the land bounded by Russells Road to the north, Ghazeeopore Road to the west, Mount Duneed Road to the south and Williams Road to the east, includes a range of active and passive recreation opportunities, including an extensive open space network incorporating the Mount Duneed Pony Club Grounds and a cricket oval.
 - Mount Duneed Regional Primary School is located on Williams Road at the eastern end of the reserve, approximately 600 metres from the Land.
 - Geelong Pistol Club is located toward the northeast, at 70-80 Williams Road.
 - The surrounding rural area includes a range of rural living opportunities surrounding the Land.
- (14) The Site is currently zoned Farming Zone (Figure 6).
- (15) The land has historically not been put to a beneficial agricultural use.
- Its constrained ability for agricultural pursuits is illustrated by its small size (0.81ha) relative to the 40ha minimum lot size permitted in the Farming Zone in this part of the municipality

- Its agricultural potential is further compromised by its inability to be consolidated with other adjoining farmland to form a larger holding. The publicly owned reserve contains the land and precludes such a longer-term outcome,
- The Site's earlier use and development as the Mount Duneed Wesleyan Methodist Church tells of a time when the land served a role as a place for community gathering, rather than as productive agricultural land.
- While the Site is currently vacant the presence of historic features, including the remains of the former church building and a cattle yard and ramp, have further restricted the opportunity for rural based use and development. The site is included in the Victorian Heritage Inventory¹.

(16) Russells Road is unsealed, and terminates immediately east of the site's entrance, limiting access and movement from Ghazeepore Road. It serves a limited local access function for the Land, the reserve and a handful of rural properties.

1.2.3. Relevant Planning Provisions

- •
- 9
- (17) The purpose and provisions of the FZ are strongly focussed on protecting and promoting farming and agricultural activities.
- (18) The zone provides that land uses not related to farming may be contemplated provided that they do not limit the operation or expansion of agricultural uses and / or lead to the loss or fragmentation of productive agricultural land.
- (19) For the purposes of this report and assessment it is sufficient to note that the GGPS provides that within the FZ:
- *Accommodation*², including *Community care accommodation*, and *Education centre*³ is **prohibited** (Clause 35.07-1); and
 - the minimum subdivision area (in the Southwest Rural Area) is 40 hectares (Clause 35.07-3).

¹ Victorian Heritage Inventory H7721-0534 (Mount Duneed Wesleyan Methodist Church Site) identifies the relevant heritage features on the Land.

² Other than *Bed and breakfast*, *Camping and caravan park*, *Dependent person's unit*, *Dwelling*, *Group accommodation*, *Host farm* and *Residential hotel*.

³ Other than *Primary school* and *Secondary school*.

- (20) Figure 5 illustrates the combined segregating effects of the subdivision pattern and existing surrounding land use with the zoning map upon the Site.
- (21) The surrounding reserve is zoned Public Park and Recreation Zone (**PPRZ**) and the rural land on the northern side of Russells Road is zoned FZ, providing that the Site is for practical purposes a substandard farming 'island' severely constrained by size and sensitive interfaces on three sides to positively realise the purpose of the zone.
- (22) In addition, the Site is:
- covered by an **Environmental Significance Overlay** (Schedule 1) (**ESO1**) (Figure 6); and
 - identified in a **Designated Bushfire Prone Area**.
- (23) ESO1 applies to areas of *Flora and Fauna Habitat and of Geological and Natural Interest* and is directed to ensure that development does not impact on the environmental significance of the land, and to ensure that siting and design of any buildings and works maintains the environmental integrity of the land, among other matters.
- (24) It includes permit triggers for buildings and works and to remove, destroy or lop certain vegetation, including dead vegetation (Clause 42.01-2).

• •
10

1.3. Witness Statement

- (25) An expert witness statement and curriculum vitae are included at **Appendix B** and **Appendix C**.
- (26) I have a broad range of experience in providing expert planning evidence and advice on a range of planning matters associated with addictions including drugs, alcohol and gambling. It is this experience that in part enables me to comment with some authority on the merits of this matter.

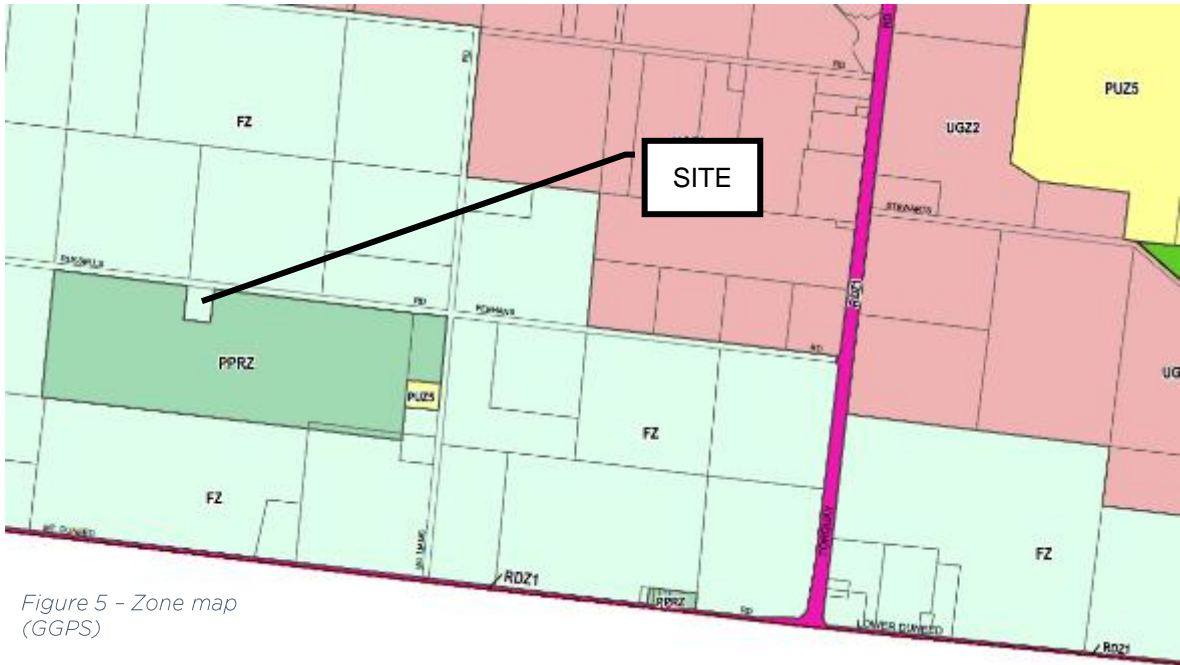


Figure 5 - Zone map (GGPS)



Figure 6 - ESO map (GGPS)

2.0 OVERVIEW

2.1. Alcohol and drugs in the community

- (27) The prevalence and destructive impact of excessive or inappropriate use of drugs and alcohol upon the wellbeing and safety of the community, workplaces, families, households and individuals is widely documented.
- (28) No area or community is protected or immune from the accessibility and availability of either alcohol or drugs and the associated negative health, legal, social and economic outcomes.
- (29) All levels of government, private sector and not for profit organisations are motivated to increase awareness; improve education; reform control and policing; provide help and support; and to provide and increase access to treatment and rehabilitation programs to assist those in most need of help to overcome life controlling issues.
- (30) Current National, State and local drug and alcohol strategy (refer **Appendix A**) recognises that preventing and minimising alcohol and drug related harms and effective interventions require a coordinated and collaborative approach, including across health care, education, social services, policy regulators, law enforcement, the justice system, governments and the community. ••
12
- (31) The Victorian Government has developed an integrated suite of plans and strategies directed to expand access to vital treatment services for people experiencing drug and alcohol related harm, including a record investment of \$259.9 million in drug services in the period 2018-19⁴.
- (32) The National Health Services Directory lists 61 residential drug and alcohol dependence treatment facilities and 357 drug and alcohol counselling services in Victoria⁵.
- (33) Most municipal health and wellbeing plans reference the presence of and response to alcohol and drug use within their communities.

⁴ Source: *Victoria's Alcohol and Other Drugs Workforce Strategy 2018-2022*

⁵ https://widget.nhsd.healthdirect.org.au/v1/widget/search?widgetId=07888fb2-90c7-4f66-beaf-f72b49ab932d&types=%5Bservices_types%5D%3Adrug+and+alcohol+counselling+service&location

(34) The *Greater Geelong Public Health and Wellbeing Plan 2018-2021* is no exception. The plan:

- identifies the increased lifetime risk of 58.2% of Greater Geelong adults to alcohol related harm among key challenges facing the community; and
- establishes 11 strategic priorities, including improved community health and safety and a more inclusive and diverse community.

2.2. Supply and demand of residential rehabilitation facilities

(35) An analysis of demand for residential services prepared by Thomson Goodall Associates (**TGA**) on behalf of Foundation 61 accompanied the original planning proposal. It identified:

- unmet demand for drug and alcohol treatment services ranged between approximately 26% and 48% of all people who sought treatment in Australia;
- the under-funding of residential rehabilitation services compared to other forms of alcohol and drug treatment; and
- a lack of residential rehabilitation facilities across Australia.

(36) When the analysis was prepared in January 2019, Victoria had the second *lowest* number of residential beds per head of population nationally, including 50% less State funded residential rehabilitation beds than NSW.

(37) Highlighting critical deficiencies in the health care system, only approximately 6% of those beds were reportedly available specifically for women and waiting periods to access State funded services typically ranged between 2 and 6 months across Victoria.

(38) In the Barwon Region, where the TGA analysis identified *no* State funded residential rehabilitation facilities:

- the long-term risk from alcohol consumption among males and females in the City of Greater Geelong (**CoGG**) was estimated to be approximately consistent with all Victorians;
- there were 1,166 hospital admissions due to alcohol in 2014/15, including 7,999 males and 367 females;

- there were approximately 970 ambulance attendances related to alcohol and 354 attendances related to illicit substances in 2014.-15;
- there was approximately 1,300 drug and alcohol clients per annum, and 1,270 clients who misused illicit substances in the CoGG; and
- estimated demand for residential rehabilitation was approximately 160 persons per annum, including approximately 50 women, in the CoGG.

(39) As part of the Government's investment initiative under the current *Ice Action Plan* and *Drug Rehabilitation Plan* a new 30-bed facility is proposed to be established at 95 Hendy Street, Corio⁶ in the northern part of the municipality, to address demand for accessible residential rehabilitation services and to grow the number of residential rehabilitation beds from 208 in 2014-15 to 450 beds across Victoria.

(40) Once operational the Victorian Government anticipates that the service, along with other facilities planned and established, will support a doubling in number of drug residential rehabilitation beds in Victoria since 2014-15, with more than half of the new beds based in regional Victoria⁷.

(41) Notably, the proposed facility at Corio is intended to offer mixed (male and female) accommodation⁸ and is to be located in an urban setting and on residentially zoned land immediately adjacent to a public reserve (Figure 7).

(42) The location of existing and planned State funded services is significant with respect to both the nexus between location and need and demand for services and facilities within Greater Geelong, and the locational and physical attributes of sites appropriate to establish similar rehabilitation facilities.

(43) In the absence of State funded facilities, the analysis identifies that the Barwon Region relies upon three (3) existing private / not for profit residential rehabilitation services to address local and regional demand, including:

- an existing men's facility operated by Foundation 61 at Mount Duneed, offering 15 beds and rehabilitation programs with a typical duration of 6 to 9 months;

⁶ <https://www.vhhsba.vic.gov.au/corio-event>

⁷ Ibid

⁸ Including a medium length stay (i.e. 3-4 months).

- a 52-bed mental health hospital in St Albans Park (Geelong Clinic), offering programs for addictive behaviours including rehabilitation services for alcohol and drug related issues; and
 - a 30-bed private facility at Bellarine (Ray Hader Clinic), offering a 90-day program for men.
- (44) The existing facilities are located in a mix of urban and semi-rural settings accessible to the local community as well as wider regional and State-wide catchments, which residential rehabilitation services are acknowledged to serve.
- (45) For context, Figure 8 illustrates the location of the existing Foundation 61 men's facility, which is located in the FZ at 470 Williams Road, Mount Duneed, approximately 3.5 kms to the south of the Site.



Figure 7 - Proposed location for new State fund facility at 95 Hendy Street, Corio



Figure 8 - Proximity to existing Foundation 61 Men's Facility at 470 Williams Road, Mt Duneed (shown indicatively) (nearmap)

2.3. Community health, wellbeing and safety and the planning framework

- (46) Within this context community health, wellbeing and safety is both a priority and multi-faceted issue.
- (47) On the one hand, the health, wellbeing and safety of the community through the establishment and delivery of education and treatment programs targeted at drugs and alcohol requires no further strategic justification.
- (48) On the other hand, the health, wellbeing and safety of the community must be assured through the appropriate location, integration, management and delivery of those programs.
- (49) The submissions to the planning proposal the subject of this report raise concerns regarding community safety in the context of the proposal proceeding. The submissions include concerns about the potential for adverse impacts on community health, wellbeing and safety and perceived consequences of adverse social behaviour on the existing experience and amenity of the surrounding semi-rural area, adjoining public reserve, nearby school and people's homes.
- (50) While it might be an instinctive response for the community to be apprehensive and cautious about the social behaviour of individuals with an immediate history of alcohol and drug related issues, it is inappropriate to presume that antisocial behaviours typically associated with addiction, such as theft and violence, will be an unavoidable consequence.
- (51) It is noteworthy that the residential rehabilitation program proposed by Foundation 61 would be on a voluntary basis only and that in the Foundation's experience participants are typically supported by family and or close friends to enter the program.
- (52) Further, that in approximately 13 years of operation the Foundation's proximate men's facility nearby in Williams Road Mt Duneed has not been the subject of a formal or informal complaint, noting that the closest resident in that instance is located within approximately 250 metres of the site (Figure 9).
- (53) Notwithstanding, the relevant planning approvals framework provides for the consideration of these matters and concerns, including a balancing of the appropriateness of the site and location, having regard to the relevant strategic,

locational and physical characteristics, with the particular proposed operating characteristics and management arrangements for the proposal.

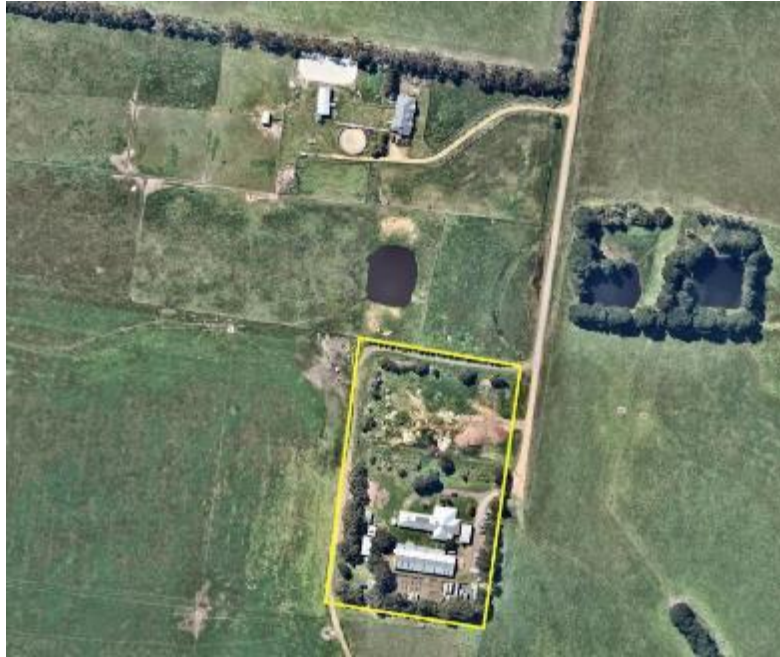


Figure 9 - Existing men's facility and nearest neighbour (nearmap) (shown indicatively)

• •

2.3.1. Planning Policy Framework

(54) From an overarching strategic policy context, the following features of State planning policy are noted and relevant.

- Among its principal objectives, the *Planning and Environment Act 1987* seeks to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- The Planning Policy Framework gives effect to this objective and seeks to integrate relevant environmental, social and economic factors in the interests of sustainable development and net community benefit.
- As it applies to *Settlement*, policy foreshadows that planning will recognise the need for, and as far as practicable, contribute towards health, wellbeing and safety, while preventing amenity problems created by siting incompatible land uses close together, among other matters (Clause 11).
- It is anticipated that planning will balance and protect:

- growth in peri-urban areas to enhance their identified valued attributes, including by ensuring that development is linked to the timely and viable provision of physical and social infrastructure (Clause 11.03-3S); and
 - productive agricultural land from unplanned loss due to permanent land use changes (Clause 14.01-1S).
- Complementary built environment policy provisions are directed to create urban environments that are safe, healthy, functional and enjoyable and contribute to a sense of place and cultural identity (Clause 15.01-1S).
 - In rural areas, development is to protect and enhance rural character (Clause 15.01-6S).

(55) Within this policy context, planning is furthermore and specifically expected to:

- **assist the integration of both health and education facilities within local and regional communities having regard to demographic trends, the existing and future demand requirements and the integration of services into communities** (Clauses 19.02-1S and 19.02-2S); and
- **facilitate the establishment of community care accommodation and support their location being kept confidential, including without the requirement for a planning permit in certain circumstances** (Clause 16.01-6S).

2.4. Community care accommodation

(56) The current metropolitan planning strategy, *Plan Melbourne 2017-2050*, forms an integrated part of the planning policy framework and establishes an important and high-level objective for Melbourne to be a city of inclusive, vibrant and healthy neighbourhoods, including through the delivery of social infrastructure to support strong communities (Direction 5.3).

(57) It is underpinned by policy which expects that the planning system will not impede the delivery of social infrastructure to support strong communities, acknowledging that key community services are often delivered by not-for-profit community organisations with many attached long-term benefits.

Key community services are often delivered by not-for-profit community organisations. These organisations offer services and support, build social capital and strong communities, and create education and local work opportunities. The

work of not-for-profit organisations provides many long-term benefits, such as reducing the future costs of disadvantage and poor health.

Not-for-profit organisations will be supported to operate in both established and growing neighbourhoods. This will be achieved by facilitating access to affordable space, by reducing project costs, and ensuring that the planning system supports the establishment of services and delivery of integrated responses with other service providers (Policy 5.3.3).

- (58) These observations apply to Foundation 61, which is a not-for profit service provider.
- (59) Notably, the recent 2019 addendum to the metropolitan strategy embedded the concept of 20-minute neighbourhoods as a vehicle to deliver more inclusive, vibrant and healthy neighbourhoods.
- (60) It also identified continued strong growth in health care and social assistance services alongside an overall story of sustained population growth in Metropolitan Melbourne, the latter having attached implications for increased demand for special types of accommodation.
- (61) Adding weight to the evolving recognition of the importance of community infrastructure and community care facilities in the planning policy framework, the Minister for Planning approved Amendment VC152 in July 2019 to introduce reforms to clarify existing permit exemptions and streamline permit application processes for certain types of accommodation in the Victorian Planning Provisions.
- (62) Of those changes, Clause 52.22 (*Community care accommodation*) was introduced to supersede previous *Community care unit* provisions.
- (63) Clause 73.03 includes the following definition for *Community care accommodation*.
- *Land used to provide accommodation and care services. It includes permanent, temporary and emerging accommodation. It may include supervisory staff and support services for residents and visitors.*
- (64) It is technically appropriate that the amendment and proposed use be described in the above terms of the GGPS.
- (65) Both the historic and amended provisions support the State planning policies and broader government policy and are based on long-standing policy to exempt *Community care accommodation* as a special type of use from permit requirements in

order to reduce discrimination against disadvantaged people seeking support in a confidential manner.

One of the reasons for the exemption was to avoid objections to permit applications based on physical, mental social characteristics of the residents to be accommodated.

The State Planning Policy Framework and Plan Melbourne supports the supply of social housing and affordable housing. Rooming houses and community care units play an important role in providing inclusionary, social and affordable housing⁹.

(66) The Clause 52.22 provisions provide permit exemptions for the use and development of land for Community care accommodation in the Activity Centre Zone, Capital City Zone, Commercial 1 Zone, General Residential Zone, Low Density Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone, Rural Living Zone and Township Zone when specified requirements are met, including where the *Community care accommodation* is funded or provided by, or on behalf of, a government department or public authority.

(67) This report has established that the FZ provisions prohibit the establishment of a *Community care accommodation* on the Site and on land in the surrounding rural area.

(68) Notwithstanding, the Clause 52.22 provisions highlight the appropriateness of the use in a range of locations and contexts, including urban and semi-rural zones.

2.5. Summary

(69) If there is a location in the municipality where consideration might be given to a discrete, 'small' community facility that would benefit from a semi-rural location, accessible to the established and emerging growth areas, the small site contained by the Mount Duneed Recreation Reserve is a prime candidate..

(70) The semi-rural setting and generously proportioned Site presents a special opportunity to establish a community care facility in a semi-rural setting, removed from the activity, temptations and behaviours that might be typically associated with and / or attach to 'everyday' life in an urban setting.

⁹ *Review and reform of planning provisions for community care unit, crisis accommodation and share housing, consultation information* (Department of Environment, Land, Water and Planning, May 2017).

(71) The proposed community care accommodation facility presents a well-tested proposal to positively realise a range of relevant planning policy objectives, including:

- the sustainable use and development of fragmented, constrained and underutilised land in the FZ, unsuitable for viable commercial primary productivity;
- securing an investment in community infrastructure, on private land, by a not-for-profit organisation;
- protecting productive agricultural land to the north of Russells Road and surrounding the neighbouring reserve;
- protecting the amenity and character of the Site and its surrounding locality, including the amenity and experience of the adjoining reserve and the surrounding road network;
- improving the health, safety and wellbeing of the community, including as a result of equitable access to a range of facilities to meet the identified needs of the existing and future community, including males and females;
- consolidating community land use and facilities in a single location and part of Mount Duneed where community activity is an established feature and expectation;
- protecting heritage values; and
- protecting and enhancing the landscape attributes of the Site as appropriate.

3.0 FOUNDATION 61

3.1. Overview

(72) I have been instructed that Foundation 61 is a not-for-profit faith based charitable organisation whose mission is to provide positive opportunities for people affected by addiction.

Our mission is to "... empower people who are confronting addictions, whether it is to drugs, alcohol, gambling, or any other life controlling issue, to experience healing in their lives and contribute positively to mainstream society."¹⁰

(73) The Foundation has been offering similar residential services to those now proposed to be offered specifically for women at its established men's facility nearby the Site in Williams Road, and via outreach services to women in the Geelong region for approximately 13 years.

(74) It has both proven experience and is well established within the existing network of rehabilitation Alcohol and Other Drugs (**AOD**) services.

We currently provide a live-in residential program for men on a rural property located at Mt Duneed near Geelong. The facility caters for 15 men and includes an intensive rehabilitation program and follow up support.

Foundation 61 also provides a counselling service, a weekly community meal, and a community-based program for women. Since establishing the residential program for men we have been conscious of the need for residential support for women. There is a gap in service provision for women in the Barwon region and we have a vision to open a rehabilitation facility designed to meet the specific needs of women.

3.2. The proposal in context

3.2.1. The program

(75) I have reviewed the 'Proposed Service Model' prepared by TGA; the draft proposed Facilities Management and the draft Emergency Management Plan prepared by

¹⁰ *Foundation61.org.au*

Foundation 61; the Foundation 61 website; and the *Foundation 61 Women's Rehabilitation Service Model Prospectus 2019*, which expresses a principal commitment to provide a residential rehabilitation facility for women who want to address their addiction issues.

(76) The prospectus establishes a purpose for the program to offer a safe and secure environment that enables healing and recovery from addiction and to support women to live healthy and balanced lives, including through the provision of:

- supported accommodation;
- a recovery program that responds to individuals needs and issues;
- opportunities to address difficulties in a safe environment;
- opportunities to develop life skills that are changing and permanent;
- support for participants to reconcile with significant others and to reintegrate into their communities; and
- ongoing support and monitoring.

••

24

(77) The main features of the proposed program can be summarised as follows.

- Establishment of a new 8-bed residential rehabilitation AOD facility for women and women with children, including a structured, secure and therapeutic environment for participants to address their addictions and develop new skills to make positive life changes.
- The proposed program will:
 - cater for women aged 18+ years, with longer term AOD use and other needs;
 - provide for and be able to accommodate up to eight (8) women, including up to two (2) women with children up to 4 years of age; and
 - be delivered over a period of 3-6 months and on a voluntary participation basis.
- The program will be enhanced by:
 - appropriate building design, private rooms, and good visibility and sight lines to common areas;
 - a safe (semi-rural) location;

- appropriate staffing (a maximum of 5 staff present on site at any one time) 24/7, including professional staff and volunteers;
 - safety and security features, including CCTV, fencing, gates and locked doors;
 - a controlled living environment, including restricted visiting hours and rules and regulations to manage and reduce risk, including prohibitions on alcohol, medication or other drugs being brought onto the premises by participants or their visitors; and
 - detailed occupational health and safety policies and procedures.
- The program will be financially accessible and resident fees will be set at 75% of Centrelink benefits, with other income being received by Foundation 61 in the form of donations from other organisations as well as volunteer contributions.
 - The program is proposed to operate within an existing integrated AOD treatment system, whereby Foundation 61 will:
 - accept referrals from a range of organisations, the majority of which will originate from the Geelong Region;
 - induct new participants on-site following off-site assessment and referral;
 - arrange for services to be delivered to participants on-site as appropriate, including sessional services delivered by GPs, community health services, counsellors, education and employment services;
 - assist participants to access services off-site as required; and
 - facilitate the transition of participants back into the community.
 - The facility will operate 24 hours per day and participants will spend most of their time on site.
 - In general, participants will not be permitted to leave the facility / premises unless accompanied by a staff member, volunteer or an authorised family member for recreation as part of the program, medical or other reasons.
 - The proposed facilities management plan establishes circumstances and eligibility for 'day leave' from the program, including after a minimum 2 month stay.
 - The program is designed to:
 - support women to develop greater reflective capacity and healthy strategies to manage their own lives; and

- focus on building self-esteem, safety and life skills, relationship and parenting skills, and to support participants to transition to healthy independent living.
- The program provides for:
 - time and space to allow the participant to focus on recovery and transformation;
 - residential community-based accommodation within a controlled and safe environment;
 - opportunities for participants to set goals with support by case support workers;
 - a community environment of professionals and peers;
 - a holistic healthy living environment;
 - integrated recovery model, addressing emotional, physical, social and spiritual wellbeing;
 - professional counselling services with qualified allied mental health practitioners;
 - therapeutic group work;
 - recreational and educational activities such as creative arts, stress management practices, psycho-education on addictions and relapse prevention, relationship and parent education;
 - building and repairing relationships;
 - childcare and preschool education (internal or external) as appropriate;
 - vocationally based education and training opportunities;
 - transitional support; and
 - proactive partnership with other professional services to enable effective referrals as relevant, including with respect to family violence, mental health, sexual abuse, family support, for example.
- The program is to be delivered in the context of an integrated care pathway, including:
 - assessment and referral;
 - detoxification¹¹;
 - professional treatment services, including counselling and group work;

¹¹ Usually as a precursor to admission to residential rehabilitation.

- health and medical services;
- case management and care planning;
- community based support¹²;
- access to affordable and safe housing;
- opportunities to access education, training and employment support;
- development of social and life skills; and
- transitional support services and aftercare.

3.2.2. The facility

(78) The key features of the proposed facility are illustrated in the proposed plans (refer Figure 1 and Figure 10) and as follows.

- Capacity for 8 adult women including 2 family accommodation facilities.
- Integrated indoor and outdoor spaces, including an internal courtyard and children's playground with security features.
- A commercial grade kitchen, including facilities for daily food preparation and education.
- Private bedrooms for residents.
- A range of separate living spaces.
- Staff quarters including offices and accommodation.
- Specific program spaces able to accommodate a range of activities including art / craft; seminar / educational / recreational / exercise; children's play; family therapy; visitation; and private meeting / counselling.

• •
27

¹² For example, Alcoholics Anonymous and Narcotics Anonymous.



Figure 10 – Proposed floor plan (excerpt exhibited Incorporated Document)

3.3. Commentary

- (79) Being an established and experienced local AOD services operator and with its head offices and the men's facility located within convenient proximity to the Site in Williams Road, Foundation 61 from my analysis appears to offer a wide range of associated benefits as the proponent for this proposal that would contribute to minimise risk and serve to protect wellbeing, safety and amenity, to be enjoyed both on and off the Site, with respect to the management and administration of the facility and the program.
- (80) The proposed Facility Management Plan and Emergency Management Plan emphasise this and outline the appropriate detail to manage and mitigate risk, including to participants and the community, in relation to the proposed use.
- (81) The following relevant matters are noted.
- The exclusory nature of the women's only facility would support the specialised needs of women and enable a gender-responsive service with attached benefits for

both greater access by women to residential AOD rehabilitation services and enhanced and sustainable treatment outcomes.

- The voluntary participation service model combined with the associated residential fee will serve to qualify persons genuinely wanting to submit to the rehabilitation opportunity and embed an attached self-regulatory incentive for program participants to commit to achieving positive outcomes, including without nuisance or detriment to the local and wider community.
- The exclusionary residential nature of the program, including the semi-rural setting removed from an urban context and convenient access to alcohol and drugs will reduce the risk of divergent behaviour. The attached opportunity to engage in a range of therapeutic activities remote from urban influences with potential to distract from rehabilitation will further enhance the opportunity for positive and sustainable treatment outcomes that do no impact or detract from amenity and safety as a result of adverse behaviours.
- The proposed 24/7 staffing including the proposed security arrangements provide further assurance about the support, monitoring and Foundation 61's preparedness to appropriately manage the program and to respond to participant's needs without adverse impacts on the local community.
- The proximity to the men's facility and the attached opportunity to share resources, including staff on a needs basis further enhances the management response and the qualifications of Foundation 61 to establish a women's residential AOD facility in this location.
- While divergence from the program cannot be absolutely guaranteed, strict restrictions on participants' movement, including general containment on the premises and accompanied access to off-site services along with the controlled living environment will strongly support positive outcomes for participants to focus on significantly improving the quality and conduct of their own lives, including without detriment to the community.

• •
29

- (82) It is notable that no household, neighbour or other nearby community activity is regulated to provide and or provides assurances about quality of behaviour.
- (83) I am currently undertaking a project with the Northern Metropolitan Partnership and the Cities of Hume, Whittlesea and the Shire of Mitchell on building community resilience in new and emerging communities.

- (84) This work is directed at emerging communities in new growth areas similar to Armstrong Creek and North Torquay which have an embedded propensity for higher levels of stress due to the compounding challenges of new and additional financial, travel and employment concerns and where their new home is constrained by a lag in the establishment of community and transport infrastructure. As often as not, informal or formal support networks and services either do not exist or are only just forming.
- (85) I view the attributes of the proposal by Foundation 61 as being an essential part of building a more resilient community serving the southern suburbs of Geelong, the Bellarine Peninsula and the northern part of Surf Coast.

4.0 LOCAL POLICY CONTEXT

(86) Within the broader State and metropolitan strategic planning policy context, the following strategies and themes of local policy are relevant.

4.1. Local strategies

4.1.1. City of Greater Geelong Social Infrastructure Plan 2014-2031

(87) Council's Social Infrastructure Plan acknowledges that **investment in social infrastructure is essential** for the economic prosperity of the community, with the provision of infrastructure linked to significant positive impacts including improved liveability.

(88) It also acknowledges that the delivery of social infrastructure should be **focused in areas of significant socio-economic disadvantage** across the municipality and directs planning to provide for **social infrastructure well located and connected to the community it serves**.

"New facilities should be integrated with surrounding land uses such as open space and recreation, complement existing uses and aim to activate spaces."

• •

31

4.1.2. City of Greater Geelong Council Plan 2018-22

(89) The Council Plan prioritises the **improved health and safety** of the community as Council's no. **#1 priority** of 11 key strategic priorities to 2022¹³.

(90) In so doing, the plan places emphasis upon safety, health and wellbeing as well as **'social equity'** as key considerations in planning for services and facilities to be delivered in the areas that need them most.

¹³ Those priorities are also translated in Council's *Public Health and Wellbeing Plan 2018-2021*.

4.2. Local Planning Policy Framework

4.2.1. Settlement strategy

(91) The Municipal Framework Plan provides that the Land is strategically located to the immediate southwest of the Armstrong Creek Growth Area and to the south of the established areas of Geelong (refer Figure 3).

(92) Given that the Land is located in the FZ, it is appropriate to note that policy directs urban growth to designated urban growth areas and development within designated settlement boundaries, including to support farming and rural landscapes as significant elements to the City's identity, image and liveability.

(93) *Rural Areas* policy (Clause 21.07-5) expects that planning will:

- ***maintain rural land in large and productive parcels***, in accordance with the schedules to the farming zones;
- ***minimise non-agricultural land uses in rural areas***; and
- ***ensure that any non-agricultural land uses will not compromise farming activity in the area*** (inter alia).

• •
32

(94) *Agriculture, rural dwellings and subdivision* policy (Clause 22.05) applies to all FZ land and is directed to:

- ***support the ongoing use of the rural areas for agriculture and to preserve their farmed rural landscape***;
- *protect agricultural production and the normal operation of agricultural activities by preventing land use conflicts*, particularly conflicts associated with the introduction of non-farm related dwellings into rural areas; and
- *limit development of new dwellings on prime or high-quality agricultural land* (inter alia).

(95) Within this context, while **rural land outside the Armstrong Creek Growth Area is specifically expected to be maintained in productive agricultural parcels**, including “to provide an attractive rural setting” (Clause 21.11), Council's settlement and housing strategy is heavily underpinned by a **key strategic environmental, economic and social imperative for improved access to urban services** (Clause 21.06), and thereby requires a careful balancing of strategic planning objectives.

4.2.2. Community infrastructure

- (96) Local policy importantly recognises the necessity of upgrading existing community infrastructure and **providing new community infrastructure to meet the needs of the current and future population, including to enhance the safety, accessibility and inclusion for all members of the community** (Clause 21.08).
- (97) It is notable that strategies associated with developing a comprehensive, safe and accessible open space network, expect land provided as open space is usable for its intended recreational purpose.

4.2.3. Agriculture, Rural Dwellings and Subdivision

- (98) The policy at Clause 22.05 is premised on the understanding that Geelong's rural areas make a significant contribution to the economy, liveability and amenity of the whole community and accordingly that land use and development in rural areas must be carefully managed to ensure that the ongoing use of land for agriculture is supported and the farming character of the area is preserved.
- (99) It advances policy principally concerned with the construction of dwellings in the FZ and directed to ensure that that farming land is not removed from agricultural production and existing or adjoining agricultural activity will not be compromised.

• •
33

4.2.4. Discretionary Uses in Rural Areas

- (100) **Except for** agricultural, tourism, function centre and **accommodation land uses,** Council's *Discretionary uses in rural areas* policy (Clause 22.64) applies to use and development within the FZ and the Rural Conservation Zone and is instructive to this matter.
- (101) It is premised on understandings that:
- Non-agricultural uses in rural areas must be carefully managed to ensure that the ongoing use of land for agriculture is supported and the rural landscape character of the rural area is preserved.
 - Non-agricultural uses that would attract a significant number of visitors, accommodate large numbers of people or generate significant volumes of traffic and car parking demand are generally incompatible with farming activities and rural amenity.

“These uses should be directed to urban areas where municipal infrastructure services and good transport connectivity is available. An adequate supply of land is zoned for industrial, commercial and community purposes in urban areas to provide for those uses. The encroachment of non-agricultural uses into rural areas is discouraged and should only be considered when the use or development cannot be catered for in an urban area and there are unique circumstances to justify a rural location.”

(102) It includes the following policy objectives:

- *discourage discretionary non-agricultural uses in rural areas that **could reasonably be located in an urban zone**;*
- ***preserve the productive agricultural capacity** of the land and where possible **enhance the environmental condition of the land**; and*
- ***maintain the unique rural landscape character** of rural areas.*

4.3. Commentary

• •

34

(103) The proposed amendment and use and development are responsive to the relevant planning policy framework and policy considerations.

(104) The long established and historical role of the Site as a focus for community ‘care’ would be respected and reinstated by the amendment, which provides for:

- the use of the under-utilised land in a socially equitable manner; and
- the provision and siting of an important and accessible community care facility to serve in the interests of improved safety, health and wellbeing for all members of the existing and future community.

(105) In so far as planning policy seeks to limit urban use and development outcomes in non-urban areas, the proposal would not impact or detract upon the productive capacity of the land or surrounding farming land or existing or future agricultural activities by virtue of the Site’s isolated setting.

(106) Rather, the clustering and consolidation of community activities and land use at Mount Duneed around the recreation reserve, including the school and pony club, avoids land use conflicts, including those with the potential to detract or adversely impact upon ongoing rural activities or the quality of the rural landscape and surrounding rural area.

- (107) The presence and the history of the church on the Site, its limited site area, and the encompassing relationship of the neighbouring open space reserve provides that the Site is severely constrained and restricted for a wide range of intensive agricultural activities and cannot be said to comprise 'farming' land for a wide range of practical purposes.
- (108) The merits of the proposal are addressed in detail in the following assessment section of this report. Notwithstanding, the relevant planning policy context highlights an important distinction and twofold starting point in the assessment of this matter.
- One the one hand, the proposed use could be reasonably and would be appropriately located in either an urban zone or a rural zone.
 - On the other, the proposal will not adversely impact upon productive agricultural capacity, unreasonable loss of productive agricultural land and / or the unique landscape values of the surrounding rural area.
- (109) Local agricultural policy is based upon the 2007 *Greater Geelong - Rural Land Use Strategy*, which identified the Site as within an area of 'Class 3' soil capability and an area of moderate agricultural quality. ••
- (110) Notably, the Strategy observed:
- 'Class 3 land' is generally suitable for grazing and broad acre cropping but is not suitable for intensive cropping or horticulture (page 13); and
 - as a planning tool, land capability offers an effective indication of the importance of land resources for agriculture in specific areas.

5.0 ASSESSMENT

(111) The following provides a commentary on the merits of the proposed amendment and the land use and development proposal.

5.1. The merits of the use and development potential

5.1.1. Built form response

(112) The site layout and built form response are appropriately evaluated in the immediate context of land use(s), development and the prevailing landscape.

(113) While predominantly an elevated rural landscape the locality of the Site comprises a series of discrete farm and lifestyle dwellings, outbuildings and sheds and other community / recreation uses that introduce built form to this landscape as a subservient element.

(114) Within this context the proposed built form of the community care facility will integrate comfortably with the scale and character of that style and form of development while retaining a dominant landscape setting by virtue of the recreation reserve that surrounds it.

(115) The proposed building would be of a domestic scale and similar idiom. It would be a single storey structure conceived around an internalised series of communal indoor and outdoor spaces. Its proposed style and architectural form would not offend its siting alongside a recreation reserve.

5.1.2. Vegetation and landscaping

(116) The Site contains a cluster of replanting that I understand may have been undertaken by the local community in conjunction with council on the mistaken belief regarding the boundaries of the recreation reserve and the Site.

(117) I have reviewed the ecology report prepared by Okologie Consulting (dated 20 April 2020). For the sake of brevity, I do not reproduce that advise in this report but observe the following.

- The landscape and vegetation are of highly modified nature.
- Approval is required to remove some native vegetation under the provisions of the ESO and native vegetation provisions at Clause 52.17.

- The design and siting of development has been modified during the course of the application to minimise and avoid loss of native vegetation, while also being influenced by the protection of heritage values on the Site.
- 0.099ha of native vegetation will have to be removed and that this is acceptable.
- The proposal includes a landscape plan. It provides for a number of existing trees to be retained and a few to be removed. A new regime of boundary planting is provided for in the revised proposal.

(118) The mature roadside vegetation alongside the abutting section of Russells Road will continue to provide a mature treed setting to the Site and the proposed development and will form a backdrop and context to the new planting. This strategy will ensure a softening and partial screening of the new development and add to its ability to be visually absorbed into the landscape.

5.1.3. Activity and use

- (119) Concern is expressed in submissions regarding the appropriateness of the location given its relative isolation. This is also articulated in terms of more intense use of the unsealed road.
- (120) I understand from the application material that this will not be a high traffic generating land use with participants remaining on site and the small number of staff and visitors accounting for minimal impact upon the access road.
- (121) It is appropriate to recognise that the Site is located adjacent to a community recreation facility and resource that itself generates a range of formal and informal activities and use.
- (122) Submitters make reference to both the pony club and adult riding as uses of the reserve as well as cricket and informal dog exercising and walking. These observations emphasise that the Site is regularly used for community gatherings and that this locality presents a different context to an area and locality given over entirely to agriculture and rural pursuits on private land.
- (123) In my opinion this context of adjoining land use provides a more robust setting in which a further increment in public / private community facilities can be accommodated without materially changing the character of the area.

(124) While concerns have been expressed about the potential negative implications of the use, which I comment upon below, I have formed the view that on a daily basis the proposed use will be experienced as a relatively benign activity in comparison to some of the more active uses currently undertaken on the reserve. I would anticipate it being experienced as quiet and predominantly self-contained.

5.1.4. Off-site amenity and other impacts

(125) This proposal presents none of the amenity challenges typically associated with residential based development including excessive building mass, height, overlooking, overshadowing, car parking or lack of privacy.

(126) As noted previously the concerns of submitters with the use and development proposition are for the safety and wellbeing of the surrounding and proximate community including users of the reserve.

(127) The submitters concerns are typical of the matters I have experienced to be expressed regarding the establishment of a use and or development of this nature. They express a fear that residents of the facility or their friends and family will pose a threat to their own wellbeing by virtue of their concentration on a property.

(128) Addiction to alcohol and drugs is a condition prevalent throughout the community and residential suburbs and the impact and implications of excessive use and abuse of substances upon families and the broader community is a subject of frequent and disturbing reports associated with violence and other crimes.

(129) Neighbours on being asked about an incident tend to express shock and surprise that it would happen in their seemingly quiet and peaceful neighbourhood. The reality of the challenges and incidents presented by excessive alcohol and drug use is that it is not confined to 'another' location but is everywhere across the community to some degree.

(130) The first important distinction to be made between these contextual observations and the proposal is that the proposal is directed to those who want help and care and who have voluntarily sought a sheltered, supervised, supportive and controlled environment.

(131) Other points of distinction and relevance are as follows.

- The proposal is for a small facility accommodating only 8 women and it would have a high proportion of staff supervision.

- The remoteness of the location and its lack of access to transport and other services would tend to favour discouraging residents from leaving the supervised care.
- With one or two exceptions there are no immediate resident neighbours. While the recreation reserve is used on an occasional basis and there is a primary school in the locality it is not clear if and why there would be a threat to occasional users or children.
- The history of Foundation 61 in operating a similar men's facility without complaint in the locality over a 15-year period is strong evidence that this proposal is appropriately conceived and constructed to complement the challenges presented by the proposed use.
- The many measures that the Foundation brings to its work, management and facilities demonstrates an awareness and experience in appropriately managing this type of land use for the wellbeing of those both on and off site.

(132) I have reviewed similar proposals located in the middle of suburban streets of regional towns and cities and operated by seasoned organisations in the care of those with various addictions. Managed properly and effectively I have found that concerns expressed through submissions and objections do not materialise in the manner envisaged.

• •
39

5.2. The proposed amendment

5.2.1. Introduction

(133) The foregoing has established that there is no compelling reason why the Site should be protected for its agricultural values or potential.

(134) Its size, isolation and inability to be consolidated with a larger agricultural holding preclude a meaningful agricultural role.

(135) The maintenance of the Farming Zone on the Site could have been open to challenge earlier given its small and isolated nature, its historical association with and tenure by the church and its heritage values.

(136) Presuming that the Panel and in turn the Planning Authority agrees that the proposal is an appropriate use of the land I have considered if there might be a more appropriate zoning of the land.

- (137) In the circumstances there was a choice of planning tools to facilitate the proposed development in addition to the Specific Controls Overlay relied upon by the amendment.
- (138) A Special Use Zone with a schedule that nominates the community care accommodation role of the Site might have been considered or alternatively the land might have been rezoned to Rural Living and a concurrent application made for use, buildings and works.

5.2.2. Farming Zone / Specific Controls Overlay

- (139) The merits of the retention of the Farming Zone and the use of the Specific Controls Overlay with an Incorporated Document are it retains a reference to the overall rural setting of the Site and optimises the control over the use and development of the land.
- (140) The Specific Controls Overlay makes an exemption for only the use and development as described in the Incorporated Document. Thus, in the event the proposal does not proceed any other use and development would have to be as enabled by the Farming Zone and the specific control would lapse after a passage of time.
- (141) The shortcoming of this approach is that it retains an inference that the land is suitable for farming when my findings are that it is highly constrained to be used independently in a farming role and would not be used for farming in the event that the amendment is approved.

••
40

5.2.3. Special Use Zone

- (142) A Special Use Zone, explicitly referencing the community care accommodation in a local schedule, would presumably make the use permitted and retain a control only on buildings and works.
- (143) This would create challenges in providing for the level of control of the use enabled by the current amendment. It would also remove the Site from the rural suite of zones, losing the connection with the rural landscape and use context.

5.2.4. Rural Living Zone

- (144) I have considered the merits of the Rural Living Zone because the zone retains an association with the suite of rural zones, the site has limited potential for farming and in the final analysis the proposal amounts to a form of rural living.

- (145) The use of the Rural Living Zone would have amounted to a 'spot' rezoning of a single and isolated lot, and might be seen by some as setting a precedent or justifying the rezoning of other small lots incapable of an effective farming role.
- (146) *Community care accommodation* is a permitted use and development in the zone provided that the provisions of Clause 52.22 are satisfied.
- (147) In this matter it is yet to be established that the proposal would be unable to satisfy all of the use and building and works exemptions of Clause 52.22 because of its source of funding and therefore that it would be subject to permit approval in the event that the Site was zoned Rural Living Zone.
- (148) While I understand that Foundation 61 will assume responsibility for the proposal's on-going operation and management costs, I am instructed that Foundation 61 is the recipient of a Commonwealth Grant which will assist with establishing the proposal.
- (149) Notwithstanding, in circumstances where the exemption did not apply the provisions of the Incorporated Document might have formed conditions of permit or have been included in the endorsed development plans.
- (150) If the land was zoned Rural Living and the proposal did not proceed a permit would be required to build a dwelling on the lot because of the small size of the lot.
- (151) In summary the amendment as put and an alternative approach relying upon the Rural Living Zone would have enabled the project on similar terms.
- (152) I consider either statutory approach, Farming Zone / Specific Controls Overlay or Rural Living Zone, suitable in the circumstances.

6.0 CONCLUSION

(153) On the basis of this evidence I am able to conclude the following.

- The community needs more community care accommodation in the Greater Geelong Area.
- The use is advanced by an experienced operator which has developed strategies and set down plans and controls that are appropriate for a use of this nature on this site.
- There is strong planning policy support for this manner of community infrastructure.
- A rural, retreat is an appropriate location for a use of this nature that would benefit from the intrinsic differences of environment and setting offered by a non-urban location.
- The use and development plan has had proper regard to the heritage and ecological values of the Site.
- The use is appropriate to locate next to a public reserve.
- The development and landscaping will be able to integrate into the rural setting.
- The facilities management and emergency management plans are appropriate tools for this use and provide the mechanisms to ensure that concerns about broader community welfare are addressed.
- The use of the Farming Zone and a Specific Controls Overlay are appropriate planning tools.
- This proposal is worthy of support and will be a net benefit to the community.

Rob Milner
May 2020

APPENDIX A: RELEVANT CONSIDERATIONS

Schedule of Relevant Considerations

- *Alcohol Strategy 2019-2023*, VicHealth (2019)
- *National Alcohol Strategy 2019-2028*, Commonwealth of Australia as represented by the Department of Health (2019)
- *Victorian Public Health and Wellbeing Plan 2019-2023*, State Government of Victoria (2019)
- *Victoria's Alcohol and Other Drugs Workforce Strategy*, State of Victoria, Department of Health and Human Services (2018)
- *City of Greater Geelong Council Plan 2018-22*, City of Greater Geelong (2018)
- *Drug Rehabilitation Plan*, State Government of Victoria (2017)
- *City of Greater Geelong Social Infrastructure Plan 2014-2031*, City of Greater Geelong (2015)
- *Ice Action Plan*, State Government of Victoria (2015)
- *Reducing the alcohol and drug toll - Victoria's Plan 2013-2017*, State of Victoria, Department of Health (December 2012)

• •

44

APPENDIX B: WITNESS STATEMENT

The name and address of the expert

Robert Milner, Principal of Kinetica Studio Pty Ltd, located at 25/500 Collins Street, Melbourne 3000.

The expert's qualifications and experience

Robert Milner holds an Honours Diploma in Town and Country Planning from Liverpool Polytechnic. He is a Life Fellow of the Planning Institute of Australia and a Fellow of the Victorian Planning and Environmental Law Association.

A Curriculum Vitae is included at Appendix C.

The expert's area of expertise to make this report

Robert has a broad range of expertise in planning and development matters enabling him to comment on a wide spectrum of urban and rural, statutory and strategic planning issues and processes.

Other significant contributors to the report

Not applicable.

Instructions that define the scope of the report

Robert Milner has been instructed by St. Quentin Consulting on behalf of Foundation 61 Inc. to review and report on the strategic planning merits of Amendment C401 to the *Greater Geelong Planning Scheme*.

• •
46

The identity of any person who carried out tests or experiments upon which the expert has relied on and the qualifications of that person

Not applicable.

The facts, matters and all assumptions upon which this report proceeds

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

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

Robert Milner has reviewed the following material:

- *Greater Geelong Planning Scheme*;
- *Exhibited Greater Geelong Planning Scheme Amendment C401*; and
- Other material as referenced in the body of this report and Appendix A.

A summary of the opinion or the opinions of the expert

A summary of Robert Milner's opinions are provided within the body of the report.

Any provisions or opinions that are not fully researched for any reason

Not applicable.

Questions falling outside the expert's expertise and completeness of the report

Robert Milner has not been instructed to answer any questions falling outside his area of expertise. The report is complete.

Expert declaration

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



Robert Milner
May 2020

APPENDIX C: CURRICULUM VITAE



Robert Milner

Principal

Rob Milner is a respected strategic and statutory planner and a recognised leader of the planning profession in Victoria. He has had a high profile career spanning more than 40 years with extended periods of experience working for local government and in private practice. His clients have included many State government agencies (including planning, community development, justice, roads, growth areas and regional development), municipalities throughout Victoria, as well as a broad range of corporate and other private sector interests. He has a reputation for integrity, objectivity, an original style of evidence and for providing clear and fearless advice to proponents and objectors; the responsible authority; claimants and government agencies. Particular expertise is in complex and controversial projects, gaming matters, acquisitions and restrictive covenants.

Professional Experience

Principal

KINETICA (FORMERLY DLA)
Melbourne, Australia
2019 - present

Director

10 CONSULTING GROUP PTY LTD
Melbourne, Australia
2010 - 2019

General Manager - Planning

CPG AUSTRALIA PTY LTD
Melbourne, Australia
1999 - 2010

Director

ROB MILNER PLANNING PTY LTD &
SAVAGE MILNER
Melbourne, Australia
1994 - 1999

Project Director

COLLIE PLANNING AND
DEVELOPMENT
Melbourne, Australia
1991 - 1994

General Manager Town Planning

JONES LANG WOOTTON
Melbourne, Australia
1988 - 1991

City Planner

CITY OF BOX HILL
Melbourne, Australia
1980 - 1988

Planner

PERROTT LYON MATHIESON
ARCHITECTS AND PLANNERS
Melbourne, Australia
1977 - 1980

Planner

KIRKLEES METROPOLITAN BOROUGH
COUNCIL
Kirklees, United Kingdom
1976 - 1977

Qualifications

Diploma in Town and Country Planning (First Class Honours)

Liverpool Polytechnic

Associations

Life Fellow Planning Institute of Australia
(PIA)

Fellow of the Victoria Planning and
Environmental Law Association (VPELA)

Former State and National President of
the Planning Institute of Australia (PIA)

Member, Planning and Local Government
Advisory Council
(1994 - 1999)

Deputy Chairman, Future Farming Expert
Advisory Group (2009)

Areas of Expertise and Experience

- Strategic studies, policy development and statutory implementation
 - Expert evidence and advocacy
- Rob is regularly retained to provide expert evidence to courts, panels and tribunals on the broadest range of land use and development planning issues. He is able to evaluate and form a robust opinion on complex matters quickly and has a capacity to manage a considerable body of work in an

efficient and timely manner.

Rob is also an acknowledged advocate and negotiator and is regularly engaged in development approval and rezoning projects where process and relationships need to be carefully nurtured to ensure a viable and timely outcome.

- Legislative and planning scheme reviews and amendments
- Gaming policy and applications
- Restrictive Covenants
- Acquisition and compensation
- Organisation audits and process reviews

Rob's ability to communicate effectively among a broad range of stakeholders means that he is regularly engaged to facilitate workshops, conferences, consultation and other situations where leadership and engagement of groups is required.

He has committed to 'giving back' to a profession that has provided him with a rewarding career. As well as contributing to the development of the Planning Institute of Australia he has acted over the last two decades in the capacity of mentor for many younger planners. Additionally, he regularly attends and gives papers at professional development forums.



Level 25 / 500 Collins Street
Melbourne / 3000 / VIC / Australia
03 9109 9400 / kinetica.net.au