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PLANNING ADVISORY

Greater Geelong Planning Scheme

Amendment C436ggee

Section 96A application

Amendments to a Comprehensive
Development Zone Schedule,
Incorporated documents and a planning
permit application for an apartment
development

1-11 Harbourside Drive, Rippleside

Expert Planning Evidence

Robert Milner Dip T&CP (Hons) LRPIA, FVPELA

Instructed by Jackson Lane Legal

On behalf of Sam Smith

February 2024

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Milner Planning Advisory Pty Ltd
ABN 22 155 921 036 South Melbourne VIC 3205

PO Box 53

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Robert Milner

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Expert Planning Evidence
Robert Milner

1. Introduction

1.1 Instructions

- (1) I have been instructed by Jackson Lane Legal on behalf of Mr Smith, resident at 52 Walker Street, Rippleside and a member of the community group “*Stage 5 is too big for Rippleside,*” to provide my opinion on the planning merits of the proposed Amendment C436ggee to the Greater Geelong Planning Scheme (GGPS).
- (2) **Attachment 1** reproduces my letter of instruction.

1.2 Amendment C436ggee

- (3) Amendment C436ggee (**C436ggee**) revises part of a ‘package’ of planning controls conceived approximately 25 years for the infill redevelopment of approximately 2.8ha of foreshore land at ‘Rippleside’ formerly used as shipyard and tugboats quay.
- (4) Rippleside is approximately 1.8 Km north of the Geelong CBD, on the western shore of Corio Bay and is separated from the CBD by conventional residential development and parkland.
- (5) The Amendment:
 - has been initiated to enable changes to the existing planning controls which would increase the density of development and the form of development on land, identified as **Stage 5** of the Rippleside redevelopment and as 1-11 Harbourside Drive, Rippleside (**Site**) (Figure 1).



Figure 1 - The Site (source SJB application report)

- seeks to amend the applicable zone schedule and incorporated plans, including the *Rippleside Comprehensive Development Plan (RCDP)* and the *Rippleside Urban Design Guidelines (RUDG)*, to enable the concurrent approval of a planning permit for an apartment building that would rise to 7 levels and approximately 28. metres, providing accommodation for 90 dwellings and 135 car spaces, accessed from Balmoral Crescent and Harbourside Drive.
- provides for an increase in dwelling yield from 98 dwellings 190.

(6) This evidence presumes the Panel has familiarised itself with the scope and content of the amendment and permit application documentation and will not be greatly assisted by a full description of the amendment and development plans in this introduction.

(7) Commentary on relevant aspects of the amendment and documentation is set out in the body of this evidence.

1.3 **Considerations**

(8) The preparation of this evidence has been informed by:

- A review and consideration of the C436ggee documentation,
- A review of the Panel Report on Amendment R245 GGPS and the explanatory Report to C2 of the GGPS,
- A comparative analysis of the existing and proposed RCDP and RUDG,
- A review of the relevant provisions of the *Greater Geelong Planning Scheme*.
- A review of other adopted and relevant Planning Practice Notes, Ministerial Directions; strategies and policies as noted in the body of this report or in footnotes.
- An inspection of the Site, the foreshore, and their environs on 24 January 2024.
- My prior (1999) association with the redevelopment of the Site and the 'Rippleside Proposal' including the preparation of expert planning evidence on behalf of a group of residential neighbours, which was presented to the Panel and Advisory Committee considering Amendment R245 to the GGPS. The Panel report is referred to as *Greater Geelong R245 (PSA) [2000] PPV 34 (16 May 2000) (R245 Panel Report)*.

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- My prior experience and familiarity with the development and implementation of settlement planning policy for Greater Geelong over the three decades.

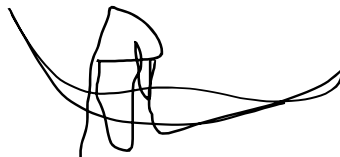
1.4 The evidence

(9) This evidence has been prepared in accordance with *Planning Panels Victoria – Practice Note 1 – Expert Evidence* and a *Witness Statement* addressing the required disclosures is at **Attachment 2**.

(10) A copy of my curriculum vitae is set out at **Attachment 3**.

1.5 Declaration

I have made all the 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

February 2024

2. Overview

2.1 The expectations of R245 and C2

(11) The planning process and framework enabling the redevelopment of the Rippleside shipyards as a predominantly residential, mixed-use precinct, was completed and gazetted in March 2001 by Amendment C2 to the GGPS.¹

(12) C2 entailed the redevelopment of a particularly sensitive site given:

- its coastal location and foreshore position,
- its abuttal to established residential areas which for decades had enjoyed the amenity and views associated with a relatively unobstructed, panoramic outlook over Corio Bay to Point Henry, Limeburners Point, Eastern Park, the Geelong CBD.

(13) The R245 Panel Report records the original proposal for 130 dwellings was reduced to 98 dwelling during the panel process.

(14) It is instructive that the Panel / Advisory Committee, in considering the question of appropriate dwelling density and yield deferred to urban design and traffic considerations to inform the appropriate dwelling yield and built form outcome. It avoided arbitrarily choosing between the Council's preference for a maximum of 85 dwelling or the proponent's revised proposal for 98 dwellings.

(15) In its reduced form, with its limit to building height identified in the incorporated Rippleside Comprehensive Development Plan (RCDP), the Panel / Advisory Committee was able to find:

"...this development proposal to be a bold and innovative concept that has considerable planning merit. It is an exciting proposal that evokes a sense of activity and vitality quite different to that normally found in a traditional urban environment. It has the potential to draw on the special features of the unique site that is to be located on and will add a high level of interest and character to the foreshore environment of Geelong".

(16) Among the positive benefits, said by the Panel / Advisory Committee, to accrue from the proposed development, the following are pertinent to the current matter. *(My emphasis added).*

- ***It will add to the housing stock of the City of Greater Geelong and will provide for a form of accommodation in a foreshore location that is likely to attract a high level of interest.***

¹ Amendment C2 gave effect to transitional amendment R245 that lapsed on the gazettal of the former amendment.

- *It will result in an innovative and exciting residential development that utilises its location in a manner that complements and responds well to the context of the site.*
- *It will enhance and complement the integrity, vitality and viability of the North Geelong Urban Village.*
- *It will enable excellent views from Corio Bay and will complement the immediate locality and the foreshore environment of Geelong.*
- *It will allow the site to be developed and opened up for public access (pedestrian and bicycle) to link Rippleside and St Helen's Parks in an attractive manner.*
- *It will result in a built form that will be developed in accordance with Urban Design Guidelines, that uses a variety of techniques particularly relevant to the Site, and which provides maximum heights to ensure that views from abutting cliff top residences are not overly compromised, although some variation in height for taller elements will add interest to the site.*

(17) While the second schedule to the Comprehensive Development Zone (CDZ2) – *Rippleside Comprehensive Development Plan* - (Clause 37.02 GGPS) has been amended on a few occasions over the last two decades (e.g. Amendments C396ggee and C258) those amendments have tended to be minor stylistic improvements or corrections. The substance of the approved planning controls remains.

(18) The *Purpose* of the schedule to the CDZ2 remains relevant and warrants reproduction in this evidence as it succinctly summarises the positive features that distinguished C2 as gazetted.

- *To facilitate the use, development and design of an urban environment that complements and enhances the area and provides linkages with the surrounding residential, community and open space networks.*
- *To provide residential, recreational and boating facilities and activities in conjunction with small scale commercial and tourism development.*
- *To provide for the integrated subdivision and redevelopment of the Rippleside Shipyards generally in accordance with the Rippleside Comprehensive Development Plan.*
- *To provide development that is sympathetic to the surrounding residential and recreational environment, utilising the waterfront location and harbour infrastructure.*

(19) Among other matters the Schedule to CDZ2:

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- made 98 dwellings the mandatory limit and capacity of the foreshore land without a permit.
- required a planning permit for all buildings and works and required that they be generally in accordance with the RCDP and *Rippleside Urban Design Guidelines*,
- required the height of development must not exceed the stated AHD for any site as shown in the RCDP, except with a permit.

2.2 The outcomes of C2

(20) While construction is almost complete on Stages 1-4, sufficient development is in place to acknowledge the built form outcome embodies the expectations of the Panel, 25 years ago, and the purposes of the zone schedule.

- The urban renewal project has emerged as an exemplar of smart infill development as sought by current planning policy. A notable increase and diversity of housing opportunities has been created in an unobtrusive manner, by nestling a quite different intensity and character of built form within the steps and folds of the foreshore landscape.
- The domestic form and conventional residential character of development in the North Geelong 'Village' has been remarkably respected and the amenity and views of abutting residents protected.
- The site layout of building blocks varies from that portrayed in the RCDP but retains the consistency and integration of scale, height, building typology and materiality that was envisaged.
- The views from Corio Bay to the foreshore and the former Shipyards site are to a composition of landscape and buildings that exhibits prevailing and layered horizontal 'bands' of low rise-built form and landscape elements such as escarpments, cliff forms and a generally consistent canopy height of trees.
- Apart from the cluster of taller buildings around the CBD and some taller, bulkier industrial and port related building stock to the north, the skyline of this northern part of Geelong is dominated by a consistent low rise-built form character.
- The open space linkages and built form interfaces to the parklands, north and south of the Shipyards site, has to date been positive and respectful.

(21) Based on the redevelopment to date there are sound reasons to conclude had Stage 5 and the redevelopment of the Site been implemented as provided for in the RCDP and RUDG it would have been equally meritorious for the same reasons.

2.3 The changes and implications of C436ggee

(22) C436ggee would amend:

- Schedule 2 of the Comprehensive Development Zone
- The RCDP enabling a revised footprint and a height up to 27.0 metres (28.2 metres to the top of the services) on Stage 5 instead of current permitted height of up to 13.5 metres,
- The RUDG with *“minor changes mainly relating to updating the document to remove reference to outdated policy and update relevant maps and figures where appropriate”* – according to the Explanatory Report.
- The schedule to Clause 74.04 to replace the current RCDP and RUDG with revised versions of the documents dated March 2023.

(23) C436ggee would notably change the template of controlling provisions embodied in the planning scheme for the Site and the Shipyards. The indices of those changes would be evident in the proposals to:

- essentially double the overall height of the built form in Stage 5,
- enable greater mass and composition of built form that would vary from the expressed preferred terrace typology to create a more substantial visual presence across part of the Balmoral Crescent frontage and impact upon the views and amenity of proximate neighbours,
- reduce the site area available for residential development,
- increase the yield of dwellings on Stage 5 from 51 to 84 and increase the overall yield of the shipyard’s development to 194 dwellings.²
- increase the amount of traffic and parking on the Site and enable the creation of a new vehicle access from Balmoral Crescent.

(24) The proposed changes would introduce implications for the:

- Integration of land use, movement and built form,
- character of the neighbourhood and the relationship with the existing urban and park context,

² Planning Permit PP-647/2004 issued in 2005 and enabled more than 98 dwellings

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- private amenity and public realm experiences, and
- additional implications for the adequacy of local infrastructure.

(25) This evidence details, that over the last 25 years there have been a broad range of changes in the relevant planning policy framework and its expectations for settlement and coastal area planning.

(26) Key questions for the Panel are whether:

- these changes in policy justify the proposed design response and proposed amendments to the CDZ2, RCDP and the RUDG, and
- the existing planning provisions adequately reflect the expectations of the policy framework and the constraints and opportunities presented by the Site in 2024.

2.4 Structure planning and Rippleside

(27) The *Planning and Environment Act (1987) (Act)* and the policies and decision-making guidelines of the GGPS place weight upon orderly planning and development in the context of managing growth (Clause 11.02 GGPS).

(28) The *Objectives for Structure Planning* at Clause 11.02-2S of the GGPS seek to facilitate the fair orderly and sustainable use and development of urban areas.

(29) Orderly planning is to be achieved by among other considerations, ensuring “*effective planning and management of the land use and development of an area through the preparation of relevant plans.*”

(30) That effective planning and management process, was the driver of the planning process that resulted in the RCDP and RUDG.

(31) The special and unusual attributes of Rippleside and the Site warranted a comprehensive development plan integrating a broad range of considerations and site-specific design guidelines.

(32) By 2005 all Rippleside had been granted planning permit approval including Stage 5 and the Site for development that was generally in accordance with the RCDP and the RUDG.

(33) More recently most of the approved development, except stage 5, has been constructed and the intended orderly development of the area has been delivered as planned.

(34) Barwon Water’s acquisition of land and infrastructure on Stage 5 land has been a notable intervening event and a change which could have been accommodated by minor redrafting of the dwelling layout on the comprehensive development plan.

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Given the overall layout and number of dwellings on the Site had been modified by permit approval, a planning scheme amendment was probably not required for such a change.

- (35) Structure planning at Rippleside has performed a central role in delivering a commendable urban design outcome. For Stages 1-4 it has completed its purpose, and the only change of possible value to the incorporated plans is the RCDP might be changed to reflect the outline of residential development, movement networks and public spaces as constructed.
- (36) The structure planning task remaining to be undertaken is confined to one Site in which the proponent seeks to notably depart from the previously agreed template, of building typology, dwelling density, height of development and access to the site from Balmoral Crescent that warrants strategic justification.
- (37) In the orderly progression of strategic and orderly planning it is those changes to the incorporated documents that need to be justified before serious consideration should be given to a particular permit application and development proposition.
- (38) While Division 5 and section 96A of the Act enables the concurrent application for an amendment and a permit that does not excuse the need to evaluate the merits of the changes to provisions in the planning scheme, ahead of evaluating whether the development proposal is consistent with those provisions.
- (39) In this first strategic planning task a development plan can be useful in informing the potential impacts and outcomes that might arise should the changes to the incorporated documents be worthy of approval.
- (40) In the assessment I have undertaken I have prioritised a consideration of the changes to the RUDG and RCDP.
- (41) Save for built form and access considerations many of the urban design principles and guidelines of the existing RUDG remain contextually relevant to Stage 5 although they had more direct implications for the development of stage 1-4.

2.5 **Urban village**

- (42) Throughout this evidence reference is made to the Urban village concept, as it has historically been associated with the further development of North Geelong.
- (43) The term has been locally and internationally widely and loosely used over the last few decades in academic papers, strategies, planning schemes and development reports to describe locations with the following characteristics.
- Higher density housing in walking and cycling distance of the village,
 - Mixed use development,

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- Access to a heavy rail network near the core,
- A mixture and public housing opportunities,
- Recreational opportunities and landscaping,
- Access to community facilities,
- High level of sustainability.

(44) The concept was relied upon for the structure of activity centre development and planning in the Cities of Glen Eira and Moreland (now Merri Bek).

(45) Its principles are evident in the 20-minute Neighbourhood concept.

2.6 Summary

(46) In this evidence, despite the social benefit of some additional housing, on balance the community would be poorly served by the amendment because insufficient rigour, revision and strategic justification has been advanced to support the changes proposed to the CDZ2, RUDG and RCDP.

(47) The follow lists the deficiencies, with the amendment and permit application, as well as the planning and urban design evidence called by the applicant.

1. The amendment to the RUDG does not appropriately rely upon current planning policy and more recent changes to the planning scheme,
2. The amendment and proposal have not been evaluated against coastal policy or the siting and design guidelines for structures on the Victorian coast and are inconsistent with those considerations.
3. The proposal is advanced as a landmark when there is no policy support for such an outcome on this Site.
4. The proposal would rise to a storey higher than any housing in the immediate urban context or permitted in the proximate Increased Housing Diversity Area, to the detriment of the urban context and neighbourhood character.
5. The height and mass of the proposed building could not be reasonable satisfy the retained guideline of the RUDG that it should be designed having regard to the built form character of existing buildings in Balmoral Crescent.
6. The height and positioning of the proposed building would detrimentally overshadow the adjacent park and protrude above the tree canopy.

7. The changes to the RUDG have not interrogated the more recent changes in the site context including the implications of the Barwon Water assets and recent medium density redevelopments.
8. The deletion from the RUDG of the reference to 2-4 storey town house development and its replacement with a reference to 5-7 storey-built form has not been:
 - o mentioned in the Explanatory Report,
 - o highlighted in the exhibited material, or
 - o justified in the supporting material or evidence.
9. The deletion from the RUDG of the reference deterring the use of Balmoral Crescent as an access to the Site has not been:
 - o mentioned in the Explanatory Report,
 - o highlighted in the exhibited material, or
 - o justified in the supporting material or evidence.
10. The amendment and the proposal would diminish the amenity of proximate neighbours.
11. The proposed RCDP and the RUDG are internally contradictory and incapable of consistent interpretation because they:
 - o retain objectives, principles and passages that would be inconsistent with the proposal,
 - o mix and interchange plans that show the development intended 25 years ago with plans of the current proposal.

(48)

The accompany supporting documentation has inappropriately prioritised the approval of the development proposal ahead of the strategic merit of the statutory changes.

3. Changes in planning policy

3.1 Introduction

(49) A potential justification for a review of the planning provisions applying to the Site is to consider the changes in the Planning Policy Framework (**PPF**) and the Municipal Strategic Statement / Municipal Planning Strategy (**MPS**) between 2000 and 2024.

(50) The purpose of the following analysis is to identify major shifts in the scope and content of policy that might have a bearing on the intensity of appropriate development and a modification of built form in 2024.

(51) The conclusions to draw from the analysis are:

- Urban consolidation, infill, medium density development, greater diversity and improved affordability of housing have been consistent themes of settlement and housing policy for the Rippleside locality.
- Regardless of C436ggee the density of development and mix of housing associated with the redevelopment of Rippleside has been consistent with the prevailing policy expectations for medium density development and has made a substantial contribution of new infill housing as expected by the Greater Geelong Settlement Strategy.
- Rippleside is located external to a recognised *Increased Housing Diversity Area*, but its redevelopment has reflected a scale and typology of development greater than to be expected within such a policy area.
- The urban design and built form planning controls for the foreshore and coast, including new guidelines, have consistently cautioned and expressed concern about taller and intrusive residential built form.
- Rippleside is a special and sensitive coastal location with a distinctive character, views and amenity, warranting careful management. Its specialness and sensitivity is attributed to the manner in which the land 'pushes out' into Corio Bay and lies lower, making it a distinctive and different part of the foreshore. As now developed there is no comparable development on the bay that is so proximate to the waterline.

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3.2 Settlement and housing planning policy

3.2.1 Policy in 2000

(52) In 2000 at the time of C2, the relevant local planning principles for settlement and housing policy (Clause 21.05) were:

- ***Urban consolidation should be encouraged to enable the existing boundaries of urban areas and townships to be maintained and provide for increased densities that will not only justify the provision of additional services but utilise surplus capacity in existing services.***
- ***Future population growth will be accommodated within existing residential land zoning, new growth locations and will be at a higher density.***
- ***A broad variety of medium density housing options will be encouraged to assist urban consolidation objectives.***

(53) These policies were further developed at Clause 21.18 (*Housing*) where an emphasis was placed through objectives upon improving the quality of the city's urban areas by protecting and improving their character and providing a diversity of residential opportunities across the municipality to cater for a range of household needs.

(54) *Urban Growth* policy (Clause 21.08) advanced the following relevant objectives:

To promote higher residential densities within established urban areas.

(55) It supported that objective with strategies that included:

- Consolidation of development activity in urban Geelong, with medium density housing located in areas close to town centres and within urban Geelong.
- Increase of residential development in the inner-city area.
- Encouraging the redevelopment of under-utilised commercial and industrial sites to provide opportunities for medium density inner city living.

3.2.2 Significant events and changes

(56) Since 2000 the following have been the significant strategic influences on the evolution of settlement and housing planning policy:

Metropolitan Development

- A series of iterations of metropolitan development strategy in 2002, 2008, 2010 and 2017, and most recently with *Plan Melbourne 2017-2050*. Each iteration has dedicated a section to regional growth and development with the current Direction 7.1 seeking investment in regional Victoria to support housing and population growth.

Regional Growth Plans

- *Geelong G21 - Regional Growth Plan* was prepared in 2013. As with metropolitan development strategies Geelong was recognised as having a ‘regional city’ role with potential for a population more than 100,000 persons and an expectation that preference would be given to harnessing underutilised land and minimising additional land for residential purposes. Support was given for the growth of Geelong with a focus upon infill housing opportunities.

Settlement Strategy

- Adopted in 2020 the *Greater Geelong Settlement Strategy (Settlement Strategy)* set a comprehensive, revised framework for managing settlement development and housing growth.
 - The **Spatial Distribution and Growth** principles place an expectation upon urban Geelong (urban infill, Armstrong Creek and the northern and western Geelong Growth Areas) to meet the majority of housing needs.
 - The **Housing Diversity** principles are to:
 - Ensure that housing diversity is achieved in both existing and growth areas, and
 - Increased levels of affordability and social housing are achieved in Greater Geelong,
 - The **Urban Consolidation** principles include:
 - Increase the role of urban consolidation as part of Geelong’s overall housing supply. This is expected to be achieved by:
 - 50% of new housing by 2047 being delivered through infill.
 - An investigation of a rail corridor precinct from north Geelong Station to Waurn Ponds.

- Articulating the preferred location for increased housing densities including maximising opportunities for a diverse mix of housing types around activity centres and in *Increased Housing Diversity Areas*. The land east of North Geelong Station was included in this categorisation but it did not extend to the Site or the balance of the Rippleside land (Figure 2).
- **Managing the impact of increased housing densities on neighbourhoods with a direction to prepare design guidelines for areas of housing change to reduce uncertainty about the scale, form and design of neighbourhood development.**
- Examining opportunities around North Geelong station to extend the *Increase Housing Diversity Area*. This opportunity would be subject to a *North Geelong Structure Plan* being prepared and a review being completed of the *Increased Housing Diversity Area* that justify the change.

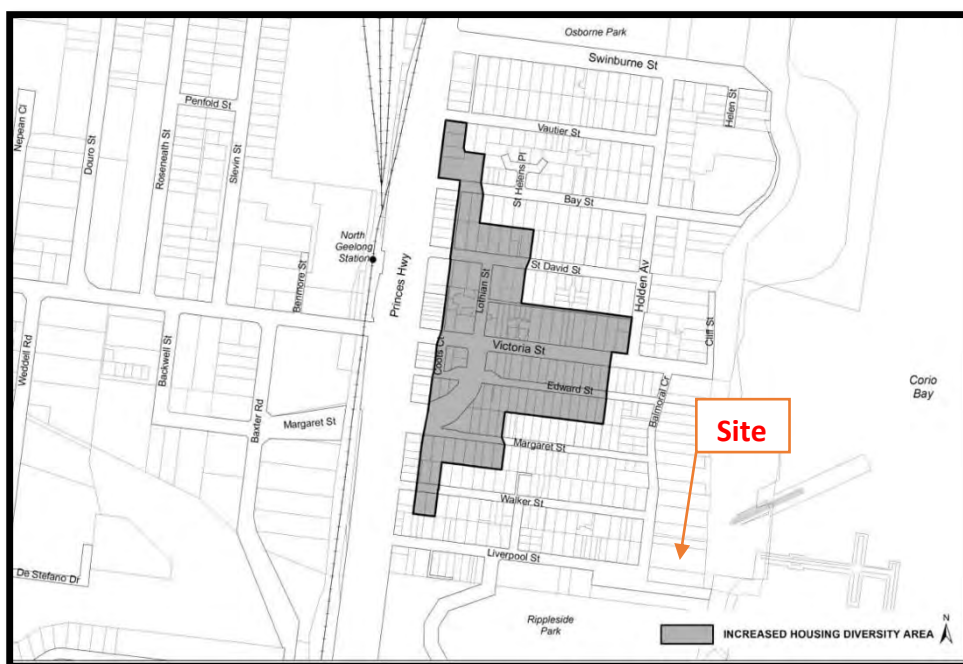


Figure 2 - North Geelong Increased housing diversity area - Clause 16.01-1L-02 GGPS and also boundaries of the GRZ4

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- (57) Discussion is warranted regarding the implications of the Settlement Strategy on the redevelopment of Rippleside, particularly as the Explanatory Report to C436ggee draws attention to the amendment responding to the direction of the strategy to increase housing supply contributions of infill development by 50% by 2047.
- (58) The reference is not to be interpreted to mean that the yield upon each infill redevelopment site should increase by 50%. The Settlement Strategy makes this clear at page 82 when it notes:
- one of the outcomes from a recent visioning process was to increase **the contribution of urban consolidation to Geelong's total housing needs from approximately 35% to 50%**.
 - **the current policy and zoning regime has substantial capacity** for scattered, small scale, dispersed infill and could support a substantial uptake in medium and high-density apartment types of development, and
 - **the 50% urban consolidation is an aspirational target.**
- (59) The urban consolidation provisions of the Settlement Strategy for areas outside Central Geelong place weight on the Housing Diversity Strategy, Key Development Areas, Increased Diversity Areas and Incremental Change Areas as delivering the appropriate densities in the appropriate locations.
- (60) This report makes it clear that the subject site is not within any of these areas and in so far as opportunities might exist to extend the diversity area towards the Site, the recommendations towards that outcome have not been implemented.
- (61) Within the above context it can be fairly and reasonably said that Rippleside has previously been singled out for a principal role in urban consolidation terms and that it has made the order of medium density contribution expected and appropriate for a large *Increased Housing Diversity Area* site.
- (62) Provided that objectives for the policy framework, zone and urban design framework provisions are satisfied additional growth in housing on the Site should be encouraged and enabled.
- (63) It would be inappropriate to conclude that somehow the Site has been underdeveloped from an urban consolidation perspective because of the RCDP and RUDG. The Panel to R245 / C2 did not form that view and accepted a reduction in yield in the face of urban consolidation policy applying at the time.
- (64) In terms of housing diversity, the development to date has included townhouses and apartments, providing a real choice alongside the detached housing that otherwise is the dominant stock in North Geelong. There is no constraint on Stage 5 further notably contributing to those more diverse housing options.

Victoria's Housing Statement 2024-2034

(65) This most recent of housing statements applies across the State as 5 themes:

- Good decisions made faster,
- Cheaper housing, closer to where you work,
- Protecting renter's rights,
- More social housing and
- A long-term housing plan.

(66) The statement restates adopted policy on housing supply, diversity and affordability, while setting new targets on growth and further reviews to the planning housing strategy and approvals processes.

3.2.3 Current Policy framework

(67) The current Planning Policy Framework and the Municipal Planning Strategy on *Settlement* and *Housing* at Clauses 02, 11 and 16 of the GGPS reflects the above objectives, strategies and considerations.

- Investment and growth in the regional city is sought (Clause 11.01-1S).
- The preferred settlement patterns for the Geelong G21 region are embedded in the provisions of the planning scheme (11.08-1R)
- Ensuring a sufficient supply of urban land requires that urban growth consider opportunities for consolidation, redevelopment and intensification, while also considering neighbourhood character and landscape (Clause 11.02-1S).

(68) While there are localised area plans, at Clause 11.03-6L, under the policy heading of *Planning for Places* for select townships and neighbourhoods of Geelong there is no structure plan or outline development plan for North Geelong.

(69) Because Rippleside and the Site are not included in the *Increased Housing Diversity Area* they do not benefit from the objectives, general and built form strategies that apply at Clause 16.01-1L.02.

(70) If they were in that policy area it would encourage development up to three stories, with three storey development preferably located on larger sites abutting activity centres where the amenity of adjoining properties would not be unreasonably impacted.

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(71) The *Housing* directions of Clause O2.03-6 reinforce housing diversity, affordability and densities, mass and scale of development complementary to the location, role and character of the *Increased Housing Diversity Area*.

3.2.4 Zones and overlays

(72) In the early 2000's the Site and Rippleside was zoned Comprehensive Development Zone 2 and the abutting residential areas to the west were included in the Residential 1 Zone.

(73) Today the Site and Rippleside is in the same zone where the provisions of the RCDP enable development up to four storeys; a storey greater than permitted in the preferred policy area for greater diversity.

(74) The neighbouring residential area to the west is now included in the General Residential Zone - Schedules 1 and 4, where development up to 11 metres and three storeys is permitted.

(75) The 4th Schedule aligns with the boundaries of the Increased Housing Diversity Area (Figure 2).

(76) The residential precinct to the west of the Site (excluding lots with a frontage to Liverpool Street) is included in Heritage Overlay HO 1630.

(77) The Site and the shipyard site are covered by the Environmental Audit Overlay.

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3.3 Coastal and foreshore planning policy

3.3.1 Policy 2000

(78) *Coastal Areas* policy in 2000 specifically addressed coastal residential development (Clause 21.13) and the protection of the special character and coastal environment in urban areas.

(79) The following observation from the above clause of the GGPS, made 25 years ago remains pertinent to the current matter:

The proximity of coastal townships to urban Geelong and Melbourne has heavily influenced their desirability as both coastal residential and tourist locations. As this popularity continues to grow the interest in taking advantage of the attractive views afforded of the coast raise concern about the impact of tall buildings. This is echoed in the coastal residential areas of urban Geelong where proximity to Corio Bay and the Waterfront Precinct make these areas attractive for apartment and townhouse redevelopment. This has created two significant issues:

The impact of new development on views from the coast either from the sea or the beach; and impact of new development on views of the coast from surrounding development.

In coastal areas the distinction needs to be drawn between the objective of protecting views of the coast enjoyed from other development and protecting the coast from visual intrusion caused by new development.

Poorly sited and designed buildings intended to take advantage of coastal views can be visually intrusive and may undermine Council's objective that development be designed and constructed in a manner which respects and enhances the coastal environment and experience.

(80) The relevant policy objective in 2000 was:

To focus urban coastal development around existing settlements and development locations to prevent linear urban sprawl along the coast.

(81) Associated strategies included:

- ***Contain growth in coastal locations to a non-linear nature and ensure that inland growth is subject to consideration of direct and indirect impacts (including visual and water quality impacts) upon coasts and estuaries).***
- ***Design and develop in a manner that respects and enhances the coastal environment and experiences.***

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(82) The objective - *To protect and maintain the visual qualities of the City's coastal areas*- was to be achieved by strategies that sought to:

- *Protect and enhance viewsapes and the characteristics of intervening coastal areas, particularly along major tourist routes.*
- *Visually integrate / link foreshore and hinterland areas using vegetation and / or structures.*

3.3.2 Significant changes and events

(83) Over the intervening period there has been an evolution to coastal legislation, policy, strategies and guidelines, with relevance to this matter.

(84) The sum of these changes has been a precautionary approach to the environmental risk associated with climate change and sea level rise and to bring a greater level of refinement and understanding to the sensitive siting and design of structures on the coastline.

(85) Relevant references include:

- The *Coastal Management Act* has applied since 1995.
- The *Victorian Coastal Strategy* has been issued in 1997, 2007 and 2014.
- *Ministerial Direction 13: Managing coastal hazards and the coastal impacts of climate change* has applied since 2008. Associated with the Direction are:
 - Planning Practice Note 53,
 - Guidelines for Coastal Catchment Management Authorities – assessing development in relation to sea level rise (June 2012).
- *The Coastal Spaces Landscape Assessment Study* (2006).
- *The Marine and Coastal Act (2018)* and the associated:
 - *Marine and Coastal Policy* (2020).
 - *Marine and Coastal Strategy* (2022).
 - *Siting and Design Guidelines for Structures on the Victorian Coast* (2020).

(86) The latter guidelines advance 15 'fundamental elements' for site analysis and the siting and design of proposals.

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(87) Not all elements are of direct relevance to this matter, given the historic use and development of the Site but the elements and consideration in the table below are:

| Element | Consideration |
|--|---|
| Morphology (form and line of landscape and development) | <p>Is the form and line of the proposed structure sympathetic to the landscape and context?</p> <p>Is the structure appropriate in scale, relative to the line of the landscape?</p> <p>Does the structure contribute to a new form of coastal character where specific local character is undefined?</p> |
| Views | <p>Does the structure enrich and not impede views to and from the coast?</p> <p>Does the structure maintain important views, vistas and sightlines?</p> |
| Local character and sense of place | Does the structure blend with and complement the local coastal character. |
| Materials and finishes | Are the materials, colours and textures representative of the coastal environment and setting, durable and sustainable? |

(88) The RUDG calls up consideration of these guidelines in their earlier iteration. Neither the Planning Authority nor the Applicant have applied them in their analysis reports.

(89) From my analysis of the proposal against the relevant guidelines, it would:

- not respect the long horizontal line and form of the local landscape and development and building form would be the first to break the canopy line.
- not result in a building that is visually unobtrusive when viewed from public areas including the park, foreshore, beach and the water.
- detract from important public views to and from the coast.
- not result in a structure designed to fit and blend with the surrounding character and landscape.
- not avoid extreme contrasts in design, scale and shape.

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- not avoid visual prominence in a highly visible location.

3.3.3

The current policy framework

(90)

Protection of the marine and coastal environment is addressed at Clause 12.02-15. The policy objective is to be achieved by strategies that include:

- Managing the privately-owned foreshore consistent with the adjoining public land, which in this matter includes Rippleside Park and the foreshore in front of Rippleside. Both are included in the Public Park and Recreation Zone.
- Focusing development in areas already developed or areas that can tolerate more intense use.

(91)

Climate change impacts and natural coastal hazards are addressed at Clause 13.01.

(92)

The *Strategic Directions* of the MPS (Clause 02.03-2) address the coast in the following terms.

*The extensive coastline is an important natural feature of the municipality, that is **vulnerable to the impacts of development**, climate change and natural processes.*

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3.4 Design and built form policy

3.4.1 Policy 2000

(93) The composition and implications of the approved planning controls of C2 for Rippleside and the Site in 2000 are appropriately understood in the context of the following extract on important and key issues of *Design and Built form* (Clause 21.30):

The townships and urban areas of Geelong and the linkages between them, can be made to effectively inter-relate if new development is grounded in local forms, distinguished with a natural fit with site and context. It must complement the character of existing forms taking into account scale, siting, mass, materials, architectural features and landscape.

(94) It was the paucity of urban design advice and guidance two decades ago in the *Greater Geelong Planning Scheme* that gave rise to the need for both the RCDP and the RUDG.

(95) These documents are properly understood to be a considered and tested set of guidelines customised to the site-specific opportunities and constraints presented by Rippleside and the Site and should be given weight because of the process and evaluation associated with their standing as incorporated documents in the planning scheme.

3.4.2 Significant changes and events

(96) There remains a paucity of local urban design guidelines, but the subject was assisted by the *Urban Design Guidelines for Victoria in 2017*.

3.4.3 Current planning policy and provisions

(97) The *Strategic Directions* of Clause 02-03-5 addressing the built environment and sustainability seek to:

- *Ensure that development enhances Geelong's sense of place and identity.*
- *Support the design and provision of healthy neighbourhoods.*
- *Encourage environmentally sustainable design in all development.*
- *Encourage all development to provide high quality urban design and landscaping.*

(98) Those *Directions* are prefaced with the following observation.

Geelong's sense of place and identity is valued by the community. Council seeks to balance growth in the municipality while maintain its identified

areas for varying levels of change and by balancing the need to conserve and renew. Medium density housing can have a greater impact on neighbourhood character than traditional detached housing.

3.4.4 Planning provisions

- (99) The Planning Authority in its report to Council categorises the proposal as high density rather than the low and medium density that it attributes to the Site's context
- (100) Consequently, the planning permit application proposal before the Panel requires an assessment against different residential standards because of the height and density of the proposal.
- (101) A development in accordance with the current RCDP and the RUDG is to be assessed against the provisions of Clause 55.
- (102) A development, as proposed, of more than 5 storeys, is to be considered under the *Apartment Development* provisions of Clause 58. This distinction draws attention to the order of change proposed in the building typology and is an indicator of how and why the amendments and proposal would be an uncomfortable fit to the local context.

4. Changes in the site's context

4.1 Introduction

(103) While many of the defining topographical features of the Site remain unchanged over the last two and half decades there are other matters that warrant consideration ahead of an evaluation of the merits of the proposed amendment and development proposal.

4.2 Barwon Water Reservation

(104) In September 2017 works were undertaken installing pumping infrastructure for Barwon Water on the north central part of the Site.

(105) The Planning Authority's Part A submission, at paragraphs 76 to 81, does not materially advance new information on the background to the Barwon Water land holding but does clarify it was an existing condition when the current proponent took over the delivery of the project.

(106) While the RCDP did not set land aside for the Barwon Water assets and land holding, the schedule to the CDZ2 noted under the *Building and Works* provisions at sub-clause 4.0:

The construction or carry out of buildings and works is conditional upon the owner of the land entering into an agreement with the responsible authority and other relevant statutory authority pursuant to Section 173 of the Act which agreement shall contain the following covenants:

That the owner at its cost shall:

- *Provide road, drainage and other infrastructure to the land as may be required by the responsible authority and other relevant statutory authority.*

(107) The requirement did not stipulate whether the 'cost' was to be paid for financially, or with land or 'works in kind' or any combination of the above.

(108) It fell upon the owner or developing party to establish what those servicing requirements and costs were and integrate them into the overall design and feasibility of the development project.

(109) The need to set land aside for Barwon Water was not shown on the RCDP but was consistent with the above requirement.

(110) The setting aside of that land did not create a condition justifying a greater intensity and height of development than that contemplated by R245 and C2.

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(111) Infrastructure requirements were to be absorbed in the ‘package’ approved by C2.

4.3 New development on Rippleside

(112) This evidence has already addressed the extent and character of development that has occurred in Stages 1-4 of the redevelopment. It has established a new urban design benchmark, and context into which Stage 5 and the redevelopment of the Site should integrate.

(113) In essence a ‘family’ of complementary and consistent building types of similar height and massing has been established which is expected to extend in to Stage 5, unless otherwise varied.

4.4 New development in Balmoral Crescent

4.4.1 Introduction

(114) Many of the properties on Balmoral Crescent between Victoria Street in the north and Liverpool Street in the south have either been refurbished, extended, or redeveloped over the last 20 years.

(115) The outcome has been the retention of a single and two storey detached housing character even though the size of dwellings has increased and there is a more pronounced presence of modern and contemporary design styles and use of materials.

4.4.2 52 Walker Street

(116) 52 Walker Street is an example of such change. Located on the west side of Balmoral Crescent to the south of its intersection with Walker Street, it has been extensively remodelled and extended in the last three years replacing a single storey, tiled hipped roof home with a larger two storey home that has sought to capture and optimise the special outlook and views east and south over Corio Bay and towards the Geelong CBD (Figures 3 and 4).

(117) The amenity of and views from the property because of the refurbishments and extensions undertaken were reasonably assured, having regard to the RCDP, RUDG and the planning permits that had issued.

(118) The approved lower height limits (Figure 5) protected the view to the horizon from the upper level of 52 Walker Street, over the proposed flat roof of the new development, as envisaged in the RUDG.

(119) The approved development opposite 52 Walker Street would have presented in the streetscape as a single and two storey form that screened the recent development at Rippleside as well as part of the view of Corio Bay, but retained the sense of an open, bayside space and environment.



Figure 3 - 52 Walker Street, recently refurbished and extended



Figure 4 - View from upper level deck - 52 Walker Street

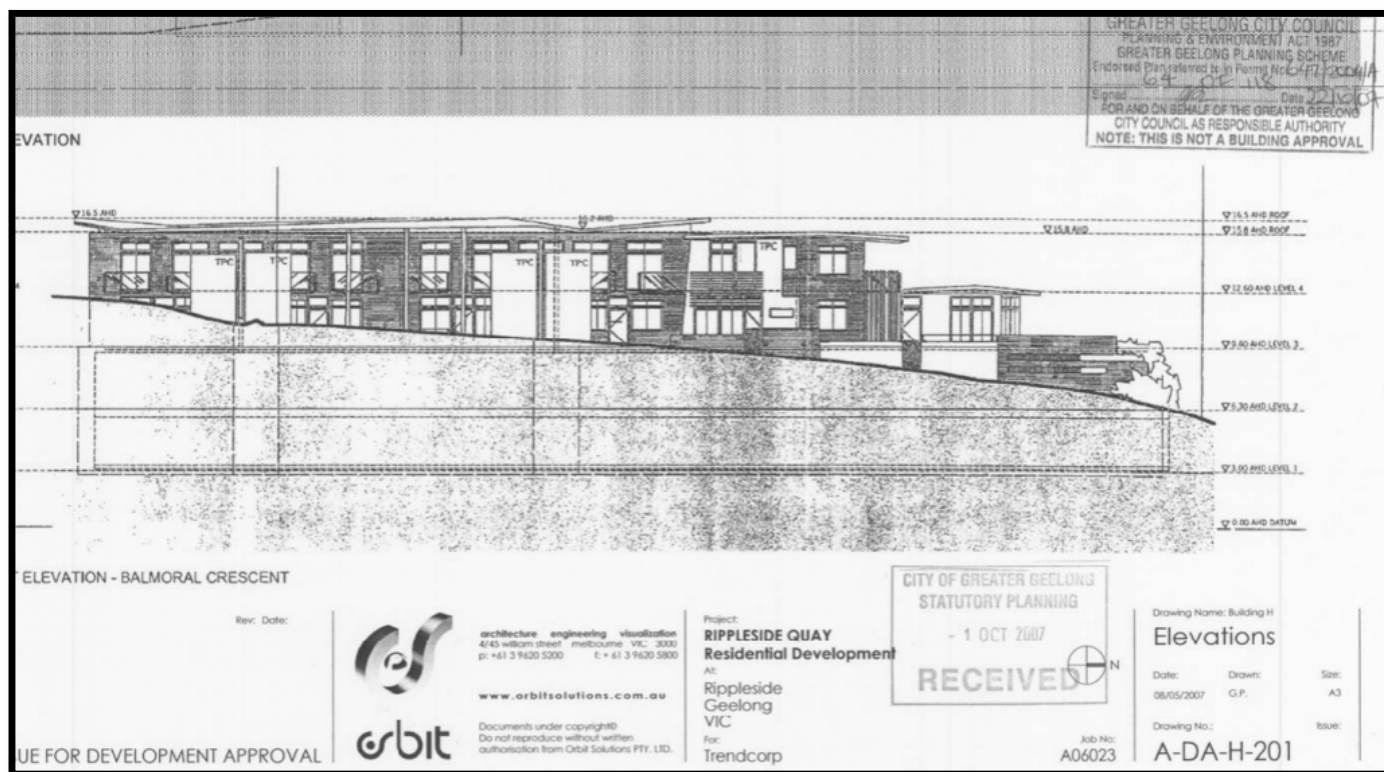


Figure 5 - Approved development for the Balmoral Crescent frontage

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- (120) The proposal would eliminate the view as explained above, except, possibly for a glimpse of the Bay between the proposed development and 5 Balmoral Crescent.
- (121) Of equal significance and consequence, the sense of place of an open vista would be replaced by a large plane of modulated wall, enclosing the street space.
- (122) The proposed development embodies none of the 'fine grain' character of Balmoral Crescent comprising domestic buildings separated by spaces and view corridors.
- (123) In my opinion the proposal embodies none of the outcomes explicitly stated for the protection of the amenity of residents, including the design of buildings adjacent to Balmoral Crescent respecting the existing built character of the street.
- (124) Such an outcome is graphically shown and written about in the current RUDG at **Guideline G3 – Interface issues : Visual Appearance** but partially deleted in the proposed RUDG, as explained more fully later.

4.4.3 5 and 7 Balmoral Crescent

- (125) The redevelopment of 5 Balmoral Crescent for four dwellings is an important consideration in this matter. That property shares a common boundary with the Site. Figures 6 to 7 capture the main features of this recent redevelopment.
- (126) The medium density housing is on land set notably higher than the dominant ground level of the Site and falls progressively towards the east and the completed development at Rippleside.
- (127) The form of redevelopment provides for two and three storey development that steps down the slope of the land with large windows and open spaces that have an outlook over the Site and to the east.
- (128) The development provides for clear views over the Site, across the Bay and into the park, which would have been protected by the approved development and current design guidelines of the RUDG (Figures 8 and 9).
- (129) A planning permit has issued but not been implemented for a three-storey apartment development on land at 7 Balmoral Crescent overlooking Corio Bay. That site is flatter and did not lend itself to development stepping down the site. That proposal is included in the plans exhibited as part of C436ggee.
- (130) Both developments accord with the height restrictions of the GRZ1 and provide separation between built form.
- (131) As detailed later the development proposal for the Site seeks to leverage the potential for extra height from the presence of these approvals.



Figure 6 - 5 Balmoral Crescent



Figure 7 - 5 Balmoral Crescent viewed from Harbourside Drive



Figure 8 - View from first floor - 1/ 5 Balmoral Crescent



Figure 9 - View top floor - 1/5 Balmoral Crescent

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4.5 The interface with Rippleside Park

- (132) Rippleside Park is a large and well patronised parkland to the immediate south of the Site and the Rippleside redevelopment, offering extensive open space, and a substantial adventure playground. It is a high amenity and well used space.
- (133) To date the interface with the park by the development of Rippleside has been well mannered with development addressing the park and providing passive surveillance of the space.
- (134) To date development surrounding the park has not overshadowed it, but part of the north east border would be during the winter months, should the development proceed.
- (135) The application material advances various justifications for why an encroachment should be permitted. I do not share that view, while acknowledging that there is no planning control preventing such an outcome.
- (136) The reason for opposing shadow encroachment is because this would compound other intrusive attributes of the building on the park, including its proposed substantial presence and mass, and the way the taller built form would project above the prevailing tree canopy, when viewed from various vantage points in the park (Figure 10).



Figure 10 - The tree line with the Site on the right and the established neighbourhood to the left - note how tree canopy approximates to 2-3 storeys.

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(137) A lower profile building would mitigate the above detrimental consequences, each attributable to greater height.

(138) Once broached this development might be used as a precedent to justify shadow encroachments on other important public open space.

4.5.2 The established neighbourhood

(139) Despite its taller buildings and greater mass, a notable feature of the recent redevelopment of the shipyard land has been its integration with the established character of the residential neighbourhood to the west. Older detached housing and new townhouse terraces have established below the tree line and vegetated canopy of the park.

(140) The planning framework seeks compatibility, not departure, from this context,

4.6 The attributes of the Site

(141) The Site is in a particularly sensitive corner location at the interface between:

- a major public park,
- an older established residential neighbourhood,
- the new medium density redevelopment of Rippleside, and
- view lines to and from Corio Bay.

(142) An intrusive built form in this location would negatively impact on each of these interfaces and experiences.

(143) Most of the Site shares the same ground level as the balance of the Rippleside redevelopment. It was created by extensive cutting into the Balmoral Crescent escarpment leaving battered and vegetated embankments to the north and adjacent to Balmoral Crescent.

(144) There is approximately 9.5 to 10 metres height difference between the ground level and the northwest corner of the Site.

(145) There is also a 6.53 metre north to south fall across the 25 metre Balmoral Crescent frontage of the Site.

(146) The previously approved development provided for a four-storey built form, shown in Figure 5 ensured an outcome that integrated with the neighbouring, higher land while stepped down the slope of the Balmoral Crescent frontage, to respect the character and amenity of that street and the scale of development in the broader neighbourhood.

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(147)

Because of its greater height, the proposed development, as it would present to the publicly prominent corner of Liverpool Street and Balmoral Crescent, would be fully exposed due to the absence progressive reduction in height as the topography falls away. This would be inconsistent with the guidelines for siting and design of development on the Victorian coast.

5. Assessment – strategic justification

5.1 Introduction

(149) The siting and size of the Barwon Water land holding has resulted in a reduced area available for development and warrants a different development layout to that shown in the RCDP.

(150) Rather than resulting in a reduced dwelling yield because of a reduced site size the development proposal seeks to combine:

- the policy encouragement for enhanced urban consolidation, greater diversity and affordability of dwellings, with
- the building height references of established and proposed development at 5 and 7 Balmoral Crescent,
- selective editing of important RUDG guidelines,

to justify:

- a greater dwelling yield,
- different site access arrangements off Balmoral Crescent,
- a different building typology,
- notably greater building height and mass, with
- quite different off-site implications.

5.2 Net community benefit

(151) It might be reasonably claimed that the greater dwelling yield and larger development would socially and economically positively contribute to the supply side of housing and further investment in the economy and jobs of Geelong.

(152) The proposal also embodies an offer of an affordable dwelling however that offer should not be seen as inter-changeable with or an excuse for inappropriate urban design outcomes.

(153) However *Integrated Decision Making* and the securing of a net community benefit, called for by Clause 71.02-3, requires the consideration of a broader range of complementary and competing objectives. in this case particularly those matters associated with appropriate development on the coast, neighbourhood character the sense of place and impact on the amenity of neighbours.

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5.3 Do the purposes of the Comprehensive Development Zone Schedule unreasonably constrain the appropriate development of the Site

(154) The applicant seeks to amend and add to the last purpose of the schedule with the words underlined to read:

To provide for development that is both sympathetic to the surrounding residential and recreational environment utilising the waterfront location and harbour infrastructure and also contributes to housing density and housing diversity.

(155) In my opinion this part of the proposed amendment is entirely unnecessary and unwarranted.

(156) Regardless of Stage 5 the redevelopment of the Rippleside has already appropriately delivered on the matters of increased dwelling density and diversity.

(157) The earlier stages of development have delivered townhouse and apartment development and there is nothing in the zone purposes and provisions preventing the last stage comprising either townhouses or apartments or both.

(158) The indicative masterplan in the RUDG (2000) foreshadowed serviced apartments in Stage 5.

(159) If the amendment to the *Purpose* is to provide a platform upon which to justify the conditional limit on *Dwellings* and *Residential buildings* in the *Table of uses*, being lifted from 98 dwellings to 194 dwellings then it is ill founded. An appropriate dwelling yield should be arrived as the product of a site responsive design.

5.4 Are the development proposal and its associated planning scheme amendments site responsive?

5.4.1 The proposed RUDG

(160) As noted earlier the Explanatory Report to the amendment states:

Minor changes are also proposed to the Rippleside Urban Design Guidelines June 2000 mainly relating to updating the document to remove references to outdated planning policy and updating relevant maps and figures where appropriate.

(161) I disagree with this characterisation of this part of the amendment for the reasons detailed below.

(162) At paragraph 22 of its Part A submission the Planning Authority has advanced a brief further explanation for “*retaining as much of the original directions as possible*”.

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(163) It also notes “Further maximum heights and references within the Urban Design Guidelines needed to be updated to reflect the Comprehensive Development Plan.”

(164) As this report explains before heights changes in the Comprehensive Development Plan can be made changes to the height controls in the Urban Design Guidelines have to be justified, not the other way round.

(165) I agree that the proposed amendment to the RUDG relies upon a considerable body of the old document but the parties to C436ggee are not assisted by the absence of a tracked version of the changes.

(166) In the absence of a fuller explanation, (than the above, and that in the planning report prepared by Urbis to support the section 96A application), of where or why changes have been made to specific passages of the RUDG, the amendments and their justification are rendered opaque.

5.4.2 Structure and composition of the existing RUDG

(167) The existing RUDG analysed the Rippleside context in 2000 against:

- **strategic objectives** to be achieved:
- the **implications** of the strategic objectives,
- **urban design principles** that should apply.

(168) An *Urban Design Framework* and Guidelines followed that addressed key urban design features of the framework highlighting which of the above urban design principles were relevant and should be implemented and what the design response should be.

5.4.3 A failure to address the change in policy and context

(169) The *Strategic objectives* throughout the *context analysis* of the revised RUDG retain the policy objectives as they existed in 2000 with the principal change being to delete the clause reference as it existed at that date. Some additional strategic objectives have been added to the old stock of policy. No serious attempt has been made to fully revise the strategic objectives sourced from the planning scheme with the current policy.

(170) If urban design guidelines are to be revised and reissued as relevant to 2024, at a minimum, I would expect the guidelines would reference the current, relevant planning policy provisions if the consequential changes in the design response are to be justified.

(171) While I can find minor changes and some additions to the wording of old **strategic objectives**, most of the commentary on **implications** remains unchanged and the original **urban design principles** are retained.

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(172)

Noteworthy shortcomings in the contextual analysis include:

- No mention of the presence or implications of the Barwon Water pumping station.
- No mention of the recent medium density residential redevelopments on Balmoral Crescent or what their presence might mean for changing the guidelines. This is particularly troublesome because the supporting material to the planning permit application appears to place weight on this change.
- Continued reproduction of the 'urban village' concept and its 800-metre catchment, relied upon in the RUDG in 2000, despite no mention of:
 - the concept or its application in the current planning scheme and Settlement Strategy, or
 - the change in policy to *Increased Housing Diversity Areas* and its reliance upon a 400-metre catchment, or
 - the corresponding application of the schedules to the GRZ Schedules 1 and 4.
- Reproduction of references to the *Siting and Design Guidelines for Structures on the Victorian Coast*, without acknowledgement of the changes and their implications that have occurred between the 1998 and the current, 2020 version, of the guidelines.

5.4.4

Shortcomings in the RUDG urban design framework

(173)

The absence of a current, critical, review and the reproduction of most of the 2000 RUDG continues in the proposed *Urban Design Framework* and *Guidelines* sections of the proposed RUDG, but with an outcome that demonstrates select editing of the text that does not suit the planning permit application. The editing results in a disconnect in the justification between what is stated and what is proposed.

(174)

The following select sections of the *Framework (F)* and *Guidelines (G)* illustrate the above point most effectively, but there is a broad range of other inconsistencies throughout the document.

Section F4 – Built form

- In 2000 section F4 showed how variations in height should be dissipated across the Site in small select locations to create visual interest and locate the taller forms in diverse positions, adjacent to the back of the escarpment. On Stage 5 this was to be in the north west and south east corners of the Site.

- The proposed amendment to the RUDG response is to show all the established buildings as intermediate or lowest height (although this is ‘academic’ as the proposed master plan shows that the difference is an almost imperceptible 0.6 metres between various terraces of three storey buildings).
- Further the *urban design principles and framework response* provides no explanation or justification for why in 2024 all the highest buildings should now be concentrated only in Stage 5, on the Site.
- This fundamentally changes the urban design rationale and logic for the management of height across the whole of Rippleside and is not rectified by inserting a self-serving plan that shows the development proposal without explanation or comparative evaluation as to why the amendment is an acceptable resolution of the design objectives.

Section F7 – Implications for buildings

(175)

Section F7 - *Implications for Buildings* in the 2000 RUDG started with the following passage:

The implications of the Urban Design Framework for buildings are that they should:

- ***Be built as terraced form at higher densities, and***
- *Provide new inner urban living environments and housing types.*

These implications combine to suggest a model of development founded in the Urban Village approach foreshadowed in the North Geelong village project. The Urban village approach typically incorporates:

- *Inner urban dwelling types such as town houses and apartments in **two and four storey terraced forms**, achieving higher densities and a resulting sense of vitality; and*
- *A fine-grained subdivision pattern and thus variation of building height, facilitating the stepping and framing of building height and incorporation of landmark features.*

(176)

The proposed guidelines are identically reproduced save that the underlined words in the passage above have been changed from two and four storey terraced forms to ‘five and seven storey built forms’.

(177)

There is no explanation as to how the height references attributed to the *Urban Village* approach in effect doubled between 2000 and 2024 or why references to terraced forms should translate into any built form.

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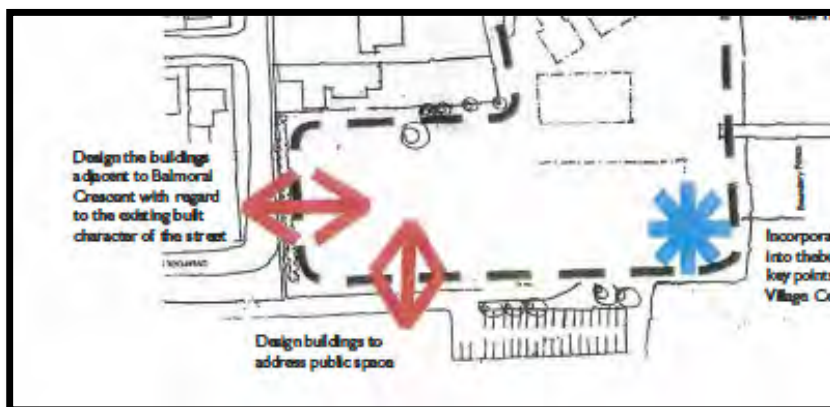
- (178) In the town planning report accompanying the application for amendment and permit there is no mention of the urban village concept or any suggestion that the original reference to storeys was either an error or that it had been changed.
- (179) The change appears to be self-serving and was presumably required to justify the heights and built form now advanced in the revised RUDG and permit application plans.
- (180) This change is not a minor update or correction of policy. It opaquely changes a fundamental premise of what has previously been held to be an appropriate height for development.
- (181) Compounding the above, Section F7 makes no reference to the *Increase Housing Diversity Area* that has replaced the 'Urban Village Concept' into statutory terms.
- (182) Further, a section of the guidelines relies upon the old height distribution / view corridor plan while including a quite different height plan with different view line implications in section F4.
- (183) Taken literally the revised guidelines at F7 suggests that 5-7 storeys might be an appropriate development outcome across the entire Rippleside redevelopment site. That has not been seriously entertained to date.

Section G3 Interface issues: visual appearance

- (184) In the original version of this guideline (Figure 11) a note was included opposite a red interface arrow between Balmoral Crescent residents and Stage 5 / the Site reading:

Design the buildings adjacent to Balmoral Crescent with regard to the existing built form character of the street.

- (185) In the proposed 2024 guidelines that note on the plan has been deleted without explanation.



5.4.5

Figure 11 - Notation regarding interface with Balmoral Crescent - deleted without explanation in 2024

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(186)

(187)

On one view the omission does not matter because the amended RUDG has retained *Guideline 3.5*.

Design the buildings adjacent to Balmoral Crescent with regard to the existing built form character of the street, maintaining the predominant scale and setback of the existing residential dwellings from the street.

(188)

In my opinion the development proposal simply does not respect this guideline.

5.4.6

The urban design justification accompanying the permit application

Site context and design response

(189)

The documentation accompanying the permit application and development plans includes a site context analysis and design response prepared by SJB.

(190)

The document is notable for its absence of reference to the 2000 or proposed RCDP and RUDG of March 2024 save for reproducing the 2000 RCDP and noting it is to be replaced.

(191)

Ordinarily a development proposal for a planning permit would rely upon, reference to the planning framework and urban design principles and guidelines to demonstrate how the proposal complied with the existing and / or proposed design guidelines prepared for the Site.

(192)

On the other hand, the documentation reproduces in detail the development plans for 5 and 7 Balmoral Crescent (not referenced in the RUDG) and relies upon those plans at sections 2.14 to 2.16 of the *Design Response* to in part justify the proposed height, mass and built form along the Balmoral Crescent frontage.

An understated landmark

(193)

The *Design Statement* on the first page of the 'Town Planning Application' report for *Balmoral Quay – State 5* (dated July 2022) opens with the words – '*An understated landmark for Geelong.*'

(194)

This statement sets the tone for the design response which follows and advances a typology, height, mass and scale of building without parallel in its immediate locality and which by default would be a 'landmark' because of its exposure to the public domain and notably taller presence relative to its urban context.

(195)

'*Landmark features*' is referenced in the RUDG, under the heading *Built Form* but the reference is to the nuance and subtlety of built form rather than making the Site and its development a landmark in its context.

PLANNING ADVISORY

(196) The **Strategic objectives** for *Built Form* do not seek to create a ‘landmark.’ They are stated as:

- To minimise the detrimental impact of development on neighbouring properties.
- *To achieve high quality urban design and architecture, that enhances the public realm and promotes attractiveness of towns.*
- New development to be sensitively designed so that it visually complements the surrounding coastal landscape.
- *New development should contribute to the complexity and diversity of the built environment.*
- *To ensure the design and layout of new or expanded centres minimises amenity impacts on surrounding uses and contribute positively to the streetscape and surrounding area.³*

(197) The **Implications** for built form include –

Varied building heights with landmark features should be incorporated to ensure a legible built form, and

(198) **Urban Design Principle 19** states - ‘Incorporate landmark features to enhance legibility.’

(199) The creation of ‘landmark features’ was appropriately expressed in terms of the complexity and diversity of terraced built form with some variations in height.

(200) If there was any doubt about what constituted ‘landmark features’ this is clarified at Guideline 9.1 of the proposed RUDG where it states:

Vary the building heights to reflect the underlying landform and create an interesting skyline, incorporating landmark features to mark key points such as the main entrance to the development and to encourage the use of roof space for habitable rooms.

5.4.7 Development inconsistent with the guidelines

(201) The above guideline (which is reproduced at Guidelines G3.2) is instructive in another key respect because it draws attention to how the proposed building does not vary building height to reflect the underlying landform.

³ This objective is an addition in the 2024 RUDG, no source is provided as where it came from and in the context of the proposal it is difficult to understand what it means.

PLANNING ADVISORY

- (202) The proposal does the entire opposite. Despite being on lower lying land it is proposed to exceed the height of buildings that are located on land with almost 10 metres of greater elevation.
- (203) In this evidence I have previously drawn attention to how Balmoral Crescent falls by 6 metres across its frontage.
- (204) *Urban Design Principle 18* in both RUDGs provides for –
- Step built form down towards the foreshore and incorporate variations in height to provide view corridors towards the water.*
- (205) The proposal in both a conceptual form and in detail fails the intent of this provisions.
- (206) Figures 12 and 13 reproduce the conceptual sketches and detailed plans including the outline of the former, approved development.
- (207) I do not find the conceptual sketch particularly useful as it portrays a seemingly smaller building with a different number of levels on elevated ground, stepping down to the east, while omitting to show the presence of development to the west and how the concept would rise up above that context.
- (208) The detailed drawing at Figure 13 is notably more informative, clearly demonstrating in both elevations that the development rises above the existing development and rather than following the slope of the landscape maintains a relatively uniform height across most of the Balmoral Crescent and Rippleside Park frontages despite the notable fall across each frontage.
- (209) The reproduction of the proposed built forms at 5 and 7 Balmoral Crescent as a progression and rhythm (Figure 14) does not excuse or override the urban design principles of the guidelines for a contextually responsive design.
- (210) The proposed development would not align with even the revised guidelines, and it would have a series of detrimental impacts on abutting and adjacent neighbours and the broader neighbourhood.
- (211) The building would present to Balmoral Crescent as a modulated wall of development.
- (212) The scale and mass of development would be alien to the character, grain, rhythm and scale of development in Balmoral Crescent, the broader neighbourhood and even the recent redevelopment of Rippleside.
- (213) The quality views and associated amenity of the coastline, horizon, city and bay enjoyed by near neighbours would be wholly or partially blocked from most vantage points and windows. Any genuine sense of view sharing for some affected properties would be lost.

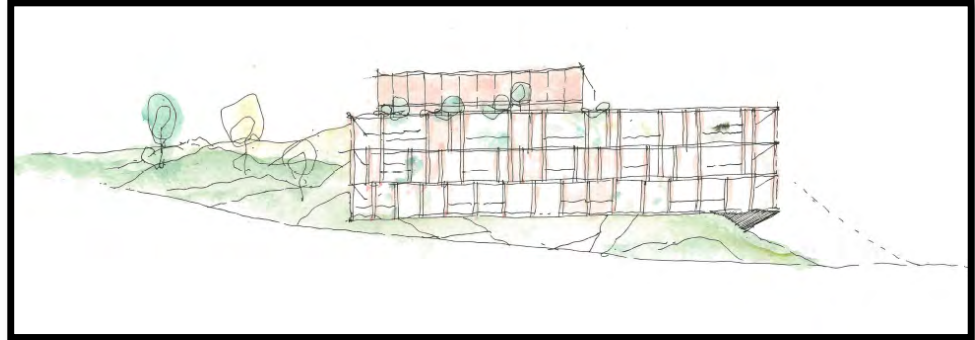


Figure 12 - Design concept - SJB



Figure 13 - Design detail

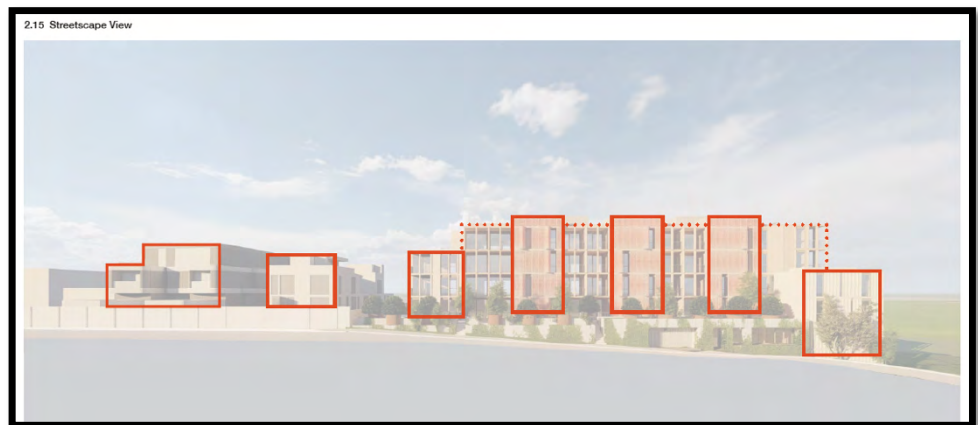


Figure 14 - Rhythm with 5 and 7 Balmoral Crescent - SJB

PLANNING ADVISORY

(214) The experience of the development from many vantage points in Rippleside Park and from the scenic drive of Bell Parade to the south, would be of the only building rising above the tree line and canopy.

5.4.8 Summary

(215) The objectives of minimising the impact upon neighbouring properties and new development that visually complements the surrounding coastal landscape could not realistically be achieved by the presence of the proposed large 'landmark' building.

(216) The above is sufficient to conclude that the proposal is not strategically justified and would be inconsistent with the design expectations of the policy framework. It would not satisfy key urban design principles and guidelines advanced in the revised RUDG, a document which is itself flawed. Compounding these outcomes, it would have an unreasonable and detrimental impact on immediate Balmoral Crescent neighbours.

5.4.9 Traffic and parking

(217) I confine my comments on traffic and parking to unexplained or unjustified changes in guidelines rather than comment on technical traffic engineering matters.

(218) The proposal provides for an access to two levels of the basement parking and 71 spaces in Stage 5 directly from Balmoral Crescent, in a position proximate to the acute bend connecting with Liverpool Street.

(219) The 2000 RUDG sought as objectives:

- *To avoid parking and traffic difficulties in the neighbourhood.*
- *To minimise potential impacts on existing traffic network*

(220) These objectives were supported by Guideline 4.2. to:

install measures to discourage traffic accessing the site from using Balmoral Crescent, such as traffic calming mechanisms and directional signs, following the development of a shared vision for the area in conjunction with the Council and community.

(221) Guideline 6.1 built upon the above outcome providing for:

Provide car parking for residents in enclosed garages integrated within their building, reached by access lanes or courts or directly off the Liverpool Street Extension, where possible.

(222) The revised version of the RUDG March 2023:

PLANNING ADVISORY

- retains the same traffic objectives:
- deletes reference to discouraging traffic using Balmoral Crescent and rewrites the guideline to say:

Install measures to ensure appropriate use of the surrounding road network, such as traffic calming mechanisms and directional signs, following the development of a shared vision for the area in conjunction with the Council and community.

- retains Guideline 6.1.

- (223) Apart from the proposed guidelines being internally irreconcilable, the basis upon which the redevelopment of Rippleside and the role of Balmoral Crescent was to function would be fundamentally discarded by the proposed development and the change to the guidelines. I have not identified any discussion that demonstrates discouraging traffic using Balmoral Crescent was ill conceived.
- (224) If a planning permit issued for the development, there could be *no development of a shared vision for the area in conjunction with the Council and community* that did not include access to the Site from Balmoral Crescent. The proposed words of the guideline are meaningless, and the original intent lost.
- (225) The guideline is proposed to change to suit the proposed development rather than the proposed development accord with reasonable and agreed development guidelines.

6. Assessment – Amendment to CDZ2

6.1 Scope

(226) During my assessment, I reviewed three versions of the 2nd Schedule to the CDZ.

- The current version in the *Greater Geelong Planning Scheme*,
- The version exhibited by the City of Greater Geelong and accessed on its website as late as 8 February 2024, and
- The version on the Department of Transport and Planning website.

(227) I am instructed that the latter version is the one to be considered by the Panel.

6.2 Guidelines and incorporated documents

(228) It follows from the foregoing *Assessment* that the required orderly planning process of approval of structure /development plans and guidelines ahead of approval of a planning permit is compromised by the Amendment.

(229) Some of the changes to the *Rippleside Urban Design Guidelines March 2023* have not been reported by the Planning Authority nor strategically justified. Consequently, the changes to the *Rippleside Comprehensive Development Plan March 2023* and the planning permit cannot be respectively endorsed and approved, as consistent with the guidelines.

(230) The proposed amendments to the 2nd Schedule of the CDZ would further weaken these planning tools applicable to Rippleside.

(231) Not only does Sub-clause 4 of CDZ2– *Buildings and Works* - propose the deletion of the heading and passage referencing the *Urban Design Guidelines* but also the section referencing the *Incorporated documents*.

(232) The only retained reference to the urban design guidelines is in the application requirements and decision guidelines. Neither of these references note a version or date of the document.

(233) These features of the amendments both emaciate the structure planning framework established for Rippleside while making navigation of the planning scheme and identification of relevant provisions opaquer.

6.3 Number of dwellings

(234) For the reasons cited above the amendment has not strategically justified the Site's capability or suitability to accommodate 194 dwellings (Table of Uses – Dwelling).

PLANNING ADVISORY

(235) If this limiting provision was to be amended, I am not persuaded that there needs to be a limit placed on the number of dwellings.

(236) The appropriate number of dwellings on the Site would be established by an appropriate design. Historically the Responsible Authority has granted a permit to exceed the dwelling limit.

6.4 Subdivision – Decision Guidelines

(237) One of the proposed decision guidelines for subdivision provides for:

The effect the subdivision will have on the potential to accommodate future use and development of the precinct.

(238) This provision opens the opportunity to argue that the Barwon Water land holding has impacted upon the potential to accommodate future use and development and in turn to use that as a justification for greater height and yield.

(239) Earlier in this evidence I have advanced the reasons why this feature and land holding does not justify greater height and yield.

(240) I recommend that if the amendment, in a revised form, was approved this guideline should be deleted.

6.5 Guidelines for structure on the Victorian Coast.

(241) The *Application Requirements* for buildings and works (Sub-clause 4) currently includes a reference to a written submission detailing how and to what extent the proposed buildings and works meet the requirement of the *Siting and Design Guidelines for Structures on the Victorian Coast 1998*.

(242) The amendment proposes to delete this requirement despite its relevance and reference in the UDG.

(243) I have earlier drawn attention to the absence of analysis of the proposal against these guidelines.

(244) The appropriate action is to retain the requirement and amend the date to 2020.

(245) This is supported by Mr Twite in his evidence at paragraph 136 b).

7. Conclusions

- (246) The amendment is ill conceived and strategically unjustified.
- (247) The potential increase in housing arising from the increase in height would be a social benefit but would not outweigh the detrimental impacts upon the built environment, coastal setting, public spaces, residential amenity and previously agreed guidelines on traffic management.
- (248) Consequently, the development proposal would be inappropriate.
- (249) As noted earlier in this evidence statement:
- The rationale and justification for some changes to the proposed Rippleside Urban Design Guidelines are either non-existent or opaque.
 - The guidelines principally rely upon an expression of planning policy that is more than 20 years old, and which has been superseded. The additions that have been made to strategic objectives have avoided the full review of objectives that is warranted.
 - The existing language of the guidelines has been inappropriately modified and without explanation, to reflect the development proposal the subject of the planning permit.
 - The proposed masterplan, which would replace the Existing Rippleside Comprehensive Development Plan, would result in a form of development on Stage 5 that is inconsistent with some of the objectives, urban design principles and guidelines it is said to implement.
 - The outcome would be an intrusive building and landmark that would detract from its urban setting, its coastal and foreshore location and detrimentally impact upon neighbours.
- (250) The early redevelopment of Stage 5 as a mixed-use precinct should be encouraged.
- (251) I do not discount some variation in the heights of development and dwelling yield might be appropriate, but the form of these amendments does not constitute orderly planning or strategic justification.
- (252) A development proposal and planning permit application should reflect and respond to current, justified changes to urban design guidelines specific to the site, and not the other way round.

(253)

I have not commented on matters of the liveability of the development, the adequacy of the apartments or its potential sustainability. These are matters that should be addressed when an appropriate series of guidelines have been established based upon the shortcomings identified in this evidence.

Robert Milner
February 2024

Attachment 1 – Instructions

18 January 2024

FROM

Jack Chiodo
Principal Planner
Jackson Lane Legal
jack.chiodo@jlgp.com.au

TO

Rob Milner
Principal
Milner Planning Advisory
robm@milnerpa.com.au

**Greater Geelong Planning Scheme Amendment C436ggee
Planning Permit Application PP-573-2021
Instructions to prepare evidence statement and appear at PPV hearing**

Dear Rob,

We are instructed to act for Sam Smith and the community group “Stage 5 is too big for Rippleside”, submitters to a combined application for an amendment to the Greater Geelong Planning Scheme (**Scheme**) and an application for a planning permit (collectively, **Application**). Specifically, the Application consists of Amendment C436ggee to the Scheme (**Amendment**) and Planning Permit Application PP-573-2021 (**Permit Application**).

Greater Geelong City Council (**Council**) have prepared and are the planning authority for the Amendment. The Amendment is made at the request of Balmoral Quay Pty Ltd (**Applicant**), who are also the applicant in the Permit Application.

Background

The Application relates to the ongoing redevelopment of the former Rippleside Shipyard in Rippleside (**Redevelopment**), being land of approximately 2.8 hectares that is generally between Victoria Street to the North, Liverpool Street to the South and bound by the coast to the east and the existing residential development in Balmoral Crescent to the west (**Redevelopment Area**).

In your accompanying electronic brief, **tab 1** is a series of NearMap aerial images that identify the Redevelopment land, including locating the land relative to the Geelong CBD.

The Redevelopment is facilitated by a series of specific and targeted controls and other documents under the Scheme.

The Scheme was first amended to facilitate the Redevelopment through Amendment C002, which came into effect on 8 March 2001. The Explanatory Report for Amendment C002 explained why the amendment is required in the following terms:

The amendment is required to enable the development of a new substantially residential precinct with low key office, restaurant and retail components on the former Rippleside Shipyards site. It will enable development to occur in accordance with a Comprehensive Development Plan and Urban Design Guidelines incorporated into the planning scheme.

The changes proposed in the amendment were previously exhibited in Amendment R245 to the former Greater Geelong Planning Scheme. Upon approval of the new Greater Geelong Planning Scheme, the former scheme and amendment R245 lapsed. The Minister for Planning appointed an independent panel to consider the submissions received in respect of Amendment R245. The panel supported the proposal subject to various modifications to the exhibited amendment.

Included at **tab 2** is a copy of the Amendment C002 Explanatory Report.

The Redevelopment is currently facilitated under the Scheme by a combination of the Comprehensive Development Zone, Schedule 2 (**CDZ2**), the Environmental Audit Overlay (**EAO**) and the following two incorporated documents that apply to the Redevelopment Area:

- *Rippleside Comprehensive Development Plan* (David Loc Associates and James D. Ramsey), February 2000) (**Development Plan**); and
- *Rippleside Urban Design Guidelines* (David Lock Associates and Andrew Olszewski, June 2000) (**UD Guidelines**).

All of the abovementioned controls and incorporated documents were introduced to the Scheme through the aforementioned Amendment C0002.

Included at **Tab 3** are copies of the CDZ, EAO and the two incorporated documents. We also direct your attention to the Scheme more broadly for the wider policy context.

Since the date of Amendment C0002, we understand that there have been several planning permits issued for the Redevelopment, including a 'master' permit, Planning Permit PP647/2004, issued in 2005, that allows:

Use of the land for a convenience shop, restricted recreation facility, marina and more than 98 dwellings, construction of buildings and works, including buildings that exceed the heights shown on the comprehensive development plan), and variation of loading bay requirements generally in accordance with the endorsed plans.

We are in the process of requesting copies of these permits and endorsed plans and will provide those to you once they are available.

The physical redevelopment has been ongoing since approximately 2016.

Subject Land

More specifically, the Application relates to the parcel of land that is located at the south-western corner of the Redevelopment Area, currently known as 1 and 11 Harbourside Drive, Rippleside (**Subject Land**).

With specific reference to the Subject Land, we draw your attention to the following under the abovementioned controls:

- the CDZ2 requires at cl 4.0 that:
 - all buildings and works be 'generally in accordance with' the Development Plan and UD Guidelines;

'Stage 1' and 'Stage 2' appear to be complete and subdivided. The Minutes of the aforementioned Council meeting identifies that 'Stages 3 & 4' were due to be completed in December 2023.

The current form of development (at least insofar as built form layout) significantly differs from that shown on the Development Plan.

Other contextual documents, including those relating to Council works within the surrounding area, are provided at **Tab 4**.

Application

At a high level, the Application seeks to alter the form of development allowed within the 'Stage 5' land whilst also seeking approval for a specific form of development in accordance with these altered controls.

The Application is one made under Division 5 of the Act, incorporating a combined permit and amendment process.

The **Amendment** specifically seeks to:

- replace the Development Plan and UD Guidelines as incorporated documents within the Scheme with the following updated documents:
 - *Rippleside Urban Design Guidelines March 2023*; and
 - *Rippleside Comprehensive Development Plan March 2023*.
- amend the CDZ2 to refer to new incorporated documents and make other 'consequential changes'.

Along with other changes, the updated Development Plan shows an L-shaped building on the Subject Land with a maximum height of 27.0 metres to AHD noted. The Development Plan also updates the indicative development layouts within the other stages to reflect the 'as built' conditions.

The exhibited Amendment material is included at **Tab 5**.

The **Permit Application** specifically seeks approval for:

- buildings and works for the purpose of a seven-storey building containing 84 dwellings, office and retail premises; and
- reduction in the car parking requirements of clause 52.06.

The exhibited Permit Application material is included at **Tab 6**.

On 22 November 2022, Council resolved to support the preparation and public exhibition of the Amendment.

Between 24 August 2023 and 25 September 2023, the Amendment and Permit Application were on public exhibition. A total of 173 submissions were received.

On 12 December 2023, Council resolved to request the Minister for Planning appoint an independent panel and all submissions be referred to the panel for consideration.

Extracts of the relevant items from the minutes of the abovementioned Council meetings are included at **Tab 7**.

Included at **Tab 8** are the submissions and petition lodged by our clients.

The minutes from the 12 December 2023 meeting include a summary and response to all submissions received following public exhibition.

Your instructions

We are instructed to engage you to:

- review the Application documentation and background documentation and undertake a site inspection of the Redevelopment Area;
- prepare an evidence statement;
- if relevant, prepare a presentation to guide your evidence-in-chief (which the Panel will likely direct is to be limited to 30 minutes only);
- appear as an expert witness at the panel hearing.

Your statement of evidence should (among other things):

- consider, assess and provide an opinion on the town planning merits of the Amendment including the merits of the design response of the Application proposal in terms of character and other relevant town planning matters; and
- be prepared in accordance with *Planning Panels Victoria Practice Note 1 – Expert Evidence* (included at **Tab 9**), which includes appending a copy of these instructions to your statement.

Key dates

The Application is currently scheduled for a Directions Hearing on 22 January 2024.

Beyond this, the remaining dates are indicative only at this stage and will not be confirmed until the Directions Hearing.

In accordance with the Directions Hearing Letter, we advise of the following indicative dates for your reference:

- lodgement of your expert witness report: **9 February 2024**; and
- commencement of the hearing: **19 February 2024**.

The hearing is currently anticipated to run for between 10 to 8 days with the timetable to be confirmed following the Directions Hearing next week.

Included at **Tab 10** is a copy of the Panel's Directions Hearing Letter.

In the event that your expert witness report is required to be filed on 9 February 2024 as noted in the Directions Hearing Letter, we would request that you provide the report to us by no later than **7 February 2024**.

We will confirm the above dates following the Directions Hearing.

Fee proposal

We kindly ask you to provide us with a copy of your fee proposal for the work outlined in these instructions for our clients' records.

We also ask you also provide a schedule of fees and rates in the event you are required to perform additional tasks in future relating to this matter.

We will advise following receipt of the fee proposal where your invoices in this matter should be addressed to.

Maintaining client legal privilege and confidentiality

The advice you are being asked to provide may be relied on for any future hearing or litigation and for the purposes of providing legal advice to our client. You must as far as legally possible treat all communications relating to the scope of works as confidential and subject to client legal privilege.

Electronic brief

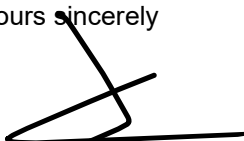
We attach an index of briefing materials relevant to the scope of instructions.

Your electronic brief can be accessed through the following link:

 [C436ggee - Electronic Brief to Rob Milner](#)

Should you have any queries or require any further information, please contact Jack Chiodo on 0404 074 273 or by email on jack.chiodo@jlqp.com.au.

Yours sincerely



Jack Chiodo
Principal Planner

Liability limited by a scheme approved under Professional Standards Legislation

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| 6. | Exhibited Permit Application material |
| 7. | Council meeting minutes |
| 8. | Client submissions |
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| 10. | Directions Hearing Letter – 18 Dec 2023 |

Attachment 2 – Witness statement

The following outlines the information requirements for expert evidence.

a. Name and address of the expert

Robert Milner, Principal of Milner Planning Advisory Pty Ltd practicing from 24 Milan Street, Mentone. 3194

b. Expert's qualifications and experience

Robert Milner has 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.

Relevant experience includes:

- 10 years as a planner in local government undertaking statutory and strategic work;
- 37 years' experience in private practice with various planning and property related consultancies;
- State and National President of the Royal Australian Planning Institute; and
- A member of the Local Government and Planning Advisory Council.

Robert Milner is recognised as a leader and expert in the field of urban and regional planning. He has given evidence before the Victorian Civil and Administrative Tribunal, Planning Panels Victoria, and the Supreme Court on many occasions. A Curriculum Vitae is included at Attachment 1 to this report.

c. Expert's expertise to make the report

Robert Milner has a broad range of expertise in land use planning and development matters enabling him to comment on a wide

spectrum of urban and rural, statutory and strategic planning issues and processes.

d. Private or business relationship between the expert and the party for whom the report is prepared

As detailed above.

e. Instructions that define the scope of the report

Robert Milner has been instructed by Jackson Lane Legal on behalf of Sam Smith of 52 Walker Street, Geelong North as detailed in Attachment 1.

f. The facts, matters and all assumptions upon which the report proceeds

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

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

Robert Milner has considered the documents and material contained within his briefing material and has reviewed additional documents identified in the body of this report.

h. Identity of the person who carried out any tests or experiments upon which the expert relied in making the report and the qualifications of that person.

Not applicable.

i. A statement summarising the opinion of the expert; any provisional opinions that are not fully researched for any reason; any questions falling outside the expert's expertise; and whether the report is incomplete or inaccurate in any respect.

A summary of Robert Milner's opinion is set out in the body of the report. There are no provisional opinions contained within the report. Robert Milner has not been asked any questions which fall outside of his area of expertise. The report is complete.

j. Signed declaration

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



Robert Milner
February 2024

Attachment 3 – Curriculum vitae



Robert Milner

Principal
Milner Planning Advisory

robm@milnerpa.com.au
+61 417 113 631

Career Overview

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 45 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.

Areas of Expertise and Experience

- Strategic studies,
- Policy development,
- Statutory implementation,
- Expert evidence,
- Gaming policy and applications,
- Complex strategic land use issues,
- Restrictive covenants,
- Public land acquisitions and compensation,
- Planning organisational audits and process reviews

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 approvals and rezoning projects where process and relationships need to be carefully nurtured to ensure a viable and timely outcome.

Qualifications and Positions

Principal

Milner Planning Advisory
2022 – Present

Principal

Kinetica Studio
(formerly David Lock Associates)
2019 – 2022

Director

10 Consulting Group Pty Ltd
2010 – Current

General Manager, Planning

CPG Australia Pty Ltd
(formerly the Coomes Consulting Group)
1999 – 2010

Director

Rob Milner Planning Pty Ltd
and Savage Milner
1994 – 1999

Project Director

Collie Planning and Development
1991 – 1994

General Manager, Town Planning

Jones Lang Wootton
1988 – 1991

City Planner

City of Box Hill
1980 – 1988

Planner

Perrott Lyon Mathieson,
Architects and Planners
1977 – 1980

Planner

Kirklees Metropolitan Borough
Council (UK)
1976 – 1977

Diploma in Town and Country Planning (First Class Honours)

Liverpool Polytechnic

Life Fellow Planning Institute of Australia

Fellow of the Victoria Planning and Environmental Law Association

Former State and National President of the Planning Institute of Australia

Member, Planning and Local Government Advisory Council

1994 – 1999

Deputy Chairman

Future Farming Expert Advisory Group
2009

