

## IN PLANNING PANELS VICTORIA

### GREATER GEELONG PLANNING SCHEME AMENDMENT 278ggee

#### Marshal Precinct Structure Plan

## PART A SUBMISSIONS ON BEHALF OF CITY OF GREATER GEELONG

### INTRODUCTION

1. These Part A Submissions are made on behalf of the City of Greater Geelong (**Council**), the planning authority for Amendment 278ggee (**Amendment**) to the Greater Geelong Planning Scheme (**Planning Scheme**).

#### **A Nature of the Amendment**

2. The Amendment seeks to incorporate into the Planning Scheme and implement:
  - 2.1. The Marshall Precinct Structure Plan (**PSP**);
  - 2.2. The Marshall Development Contributions Plan (August 2023) (**DCP**); and
  - 2.3. The Marshall Native Vegetation Precinct Plan (October 2022) (**NVPP**).
3. In doing so, the Amendment:
  - 3.1. applies the Urban Growth Zone Schedule 7 (**UGZ7**);
  - 3.2. makes ordinance and mapping changes to support implementation of the Marshall PSP;
  - 3.3. applies the Development Contributions Plan Overlay Schedule 10 (**DCPO10**) to all land within the precinct;
  - 3.4. applies an Environmental Audit Overlay (**EAO**) to potentially contaminated land;
  - 3.5. incorporates the DCP and NVPP; and
  - 3.6. applies a Design and Development Overlay (**DDO51**) to 137 Barwarre Road, Marshall to safeguard land for future access to Marshall Railway Station from Barwarre Road.
4. Specifically, as outlined in the Explanatory Memorandum, the Amendment proposes to make the following changes:

#### Zoning maps

- Amend zoning map nos. 66 and 67 to apply Schedule 7 to the Urban Growth Zone (UGZ7). This schedule includes controls to facilitate land use and development controls for the Marshall Precinct and requires land use and development to be generally in accordance with the incorporated Marshall PSP.
- Amend zoning map nos. 66 and 67 to replace Schedule 4 to the Urban Growth Zone (UGZ4) with UGZ7, to correct an anomaly on the western portion of Reserve Road.

- Amend zoning map no. 67 to rezone land from Farming Zone (FZ) to UGZ7, to correct an anomaly on the northern portion of Horseshoe Bend Road.
- Amend zoning map no. 67 to rezone part of the land at 40-60 Drews Road, Marshall from Transport Zone (TRZ1) to UGZ7.

#### Overlay maps

- Amend overlay map no. 67DDO to apply Schedule 51 to the Design and Development Overlay (DDO51) to the land at 137 Barwarre Road, Marshall.
- Amend overlay map nos. 66DCPO and 67DCPO to apply Schedule 10 to the Development Contribution Plan Overlay (DCPO10) to all the land within the Marshall PSP boundary.
- Insert overlay map no. 67EAO to apply the Environmental Audit Overlay (EAO) to part of the land.

#### Planning scheme ordinance

- Insert a new Schedule 7 to Clause 37.07 Urban Growth Zone that will apply to the UGZ7 land.
- Insert a new Schedule 51 to Clause 43.02 Design and Development Overlay that will apply to the land at 137 Barwarre Road, Marshall.
- Insert a new Schedule 10 to Clause 45.06 Development Contributions Plan Overlay that will apply to the UGZ7 land and the whole of 40-60 Drews Road, Marshall.
- Amend the Schedule to Clause 52.16 Native Vegetation Precinct Plan to include reference to the Marshall Native Vegetation Precinct Plan (October 2022).
- Amend the Schedule to Clause 66.04 Referral of Permit Applications Under Local Provisions to require referral to the Department of Energy, Environment and Climate Action (DEECA) and the Corangamite Catchment Management Authority (CCMA) for specified permit applications.
- Amend the Schedule to Clause 72.03 What does this planning scheme consist of? to include a new map 67EAO.
- Amend the Schedule to Clause 72.04 Incorporated Documents in this Planning Scheme to:
  - insert the Marshall Precinct Structure Plan (City of Greater Geelong, March 2024)
  - insert the Marshall Native Vegetation Precinct Plan (Ecology & Heritage Partners, October 2022)
  - insert the Marshall Development Contributions Plan (City of Greater Geelong, August 2023)
  - remove the Small Lot Housing Code (December 2012) and insert the Small Lot Housing Code (Victorian Planning Authority, November 2019).

5. The Panel's directions dated 4 October 2024 require this submission to address the following matters:

- a) a summary of the physical context of the subject land and surrounds
- b) background to the Amendment including chronology of events
- c) a summary of the conditions of authorisation and how they have been met
- d) a summary of the strategic context, including:
  - i. relevant planning policies and provisions
  - ii. how the Amendment responds to:

- 1) *the Armstrong Creek Urban Growth Plan – Framework Plan (November 2008, Updated September 2012 and June 2015) Incorporated Document*
  - 2) *the North East Industrial Precinct (NEIP) Precinct Structure Plan and NEIP Refresh (referred to in the addendum to submission 12 dated 5 July 2024)*
  - iii. *any other recently approved or upcoming amendments that might impact on the Amendment*
  - e) *a summary of any permit applications or recently granted permits that might impact on the Amendment*
  - f) *a summary of the issues raised in submissions, including an explanation of which (if any) of those issues have been resolved and how*
  - g) *copies of any documents not exhibited with the Amendment that it intends to rely on, including but not limited to the CBRE Land Valuation Report, August 2023 and economic reports relating to Armstrong Creek Precinct structure Plan and Growth Framework Plan*
  - h) *the following information:*
    - iv. *The DTP submission (S5) says its submission should be read in conjunction with previous comments. Please provide copies of any relevant previous comments/correspondence.*
    - v. *Submission 9 addendum (dated 19 August 2024) refers to an image - please provide the image as this is not in the version provided to the Panel.*
6. These matters are addressed in the paragraphs that follow.
7. In addition to this Part A Submission, Council will rely upon the expert evidence to be filed on 25 October 2024 and the Council Part B Submission to be filed on Friday 1 November 2024.

## SUBMISSIONS

### B Background

8. Council has prepared the Amendment as part of the implementation of the incorporated Armstrong Creek Urban Growth Area Framework Plan – Revised 2015 (**Armstrong Creek Framework Plan**), a five page document outlining the vision for the Armstrong Creek Urban Growth Area (**ACUGA**). The PSP is one of eight precinct structure plans required to implement the ACUGA and is the final residential precinct structure plan required to complete this process, with six others having already been incorporated into the Planning Scheme.
9. The Amendment is required to provide a more granular approach to precinct structure planning and the development contributions framework to enable the proper and orderly development of the ACUGA as envisaged the Armstrong Creek Framework Plan. The framework's vision for the ACUGA is as follows:

*The Armstrong Creek urban growth area will be developed into a sustainable community that sets new benchmarks in best practice urban development. Natural and cultural features will be protected and enhanced to create a distinct urban character. Armstrong Creek will become a highly sought-after location for living, working and recreation, forming an attractive addition to Geelong.*

### C Physical Context and surrounds

10. The Amendment applies to land within the Marshall Precinct Boundary and to 137 Barwarre Road Marshall, as shown in Figures 1 and 2. This area covers approximately 123 hectares and

is located in the northernmost part of the Armstrong Creek Urban Growth Area (shown at Figure 3), having formed part of Amendment C138, which was gazetted on 4 December 2008.

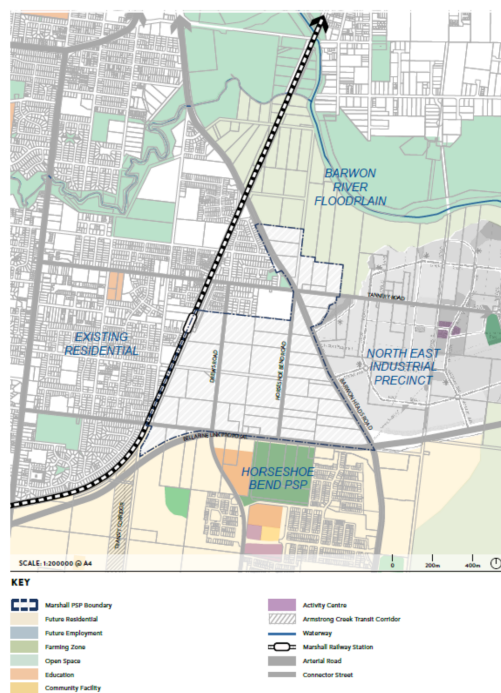
11. The Marshall precinct is a relatively small PSP precinct with a total area of approximately 120Ha and which has infill characteristics given its location adjacent to established areas of Geelong. As discussed in the Marshall Background Report (March 2024):<sup>1</sup>

*Located approximately seven kilometres south of Central Geelong, the PSP area is bounded on the diagonal western border by the Geelong to Waurin Ponds passenger rail line, on the diagonal eastern border by Barwon Heads Road, and to the south by the proposed Bellarine Link Road (currently Reserve Road).*

*The precinct includes a section to the east of Barwon Heads Road, between Barwon Heads Road and the Barwon River Floodplain, and mainly accessed from Tannery Road and Horseshoe Bend Road. Marshall Train Station, on the Geelong to Waurin Ponds line, sits at the northwestern edge of the precinct.*

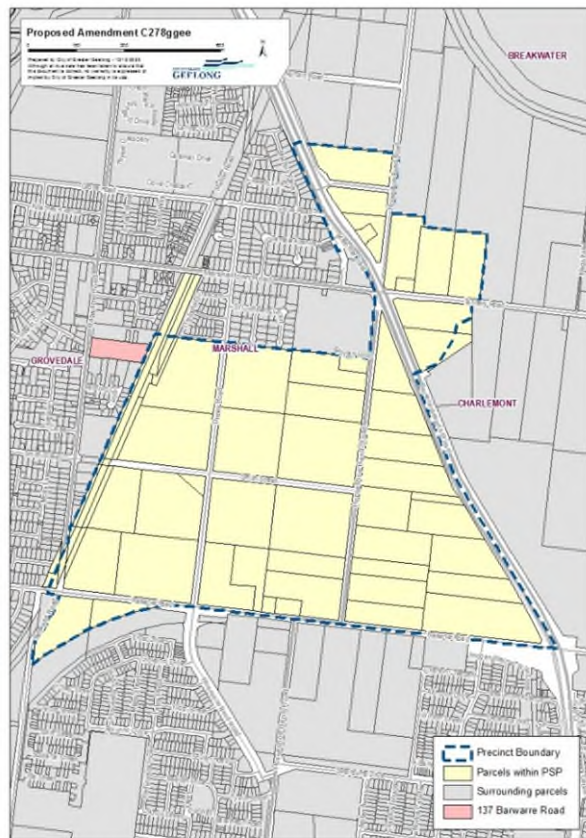
*The Marshall precinct abuts the established suburbs of Grovedale to the east and Marshall to the north, the developing Horseshoe Bend Precinct to the south, and the undeveloped North-East Industrial Precinct PSP to the west. Torquay Road and Barwon Heads Road form the arterial transport network in this part of Geelong. They are both declared arterial roads managed by the Department of Transport and Planning (DTP). Other roads in the area are managed by the City. Marshalltown Road and Horseshoe Bend Road carry the highest classifications, being a main distributor (urban) and link road (rural), respectively. Reserve Road is classified as a secondary distributor between Torquay Road and Barwon Heads Road. Drews Road, Tannery Road and the northern section of Horseshoe Bend Road are classified as local access roads.*

*Vegetation within the study area includes introduced species, pasture grasses, and remnant native vegetation, along with scattered shrubs and understory vegetation. This includes mature Bellarine Yellow Gum and River Red Gum within the Smith Street Road Reserve (closed to vehicles) and on the verges of Drews Road. Remnant and recruitment grassy woodland is located north and south of Smith Street, as well as a smaller patch fronting Reserve Road.*



<sup>1</sup> Marshall Background Report (March 2024), pp 12-13.

<sup>2</sup> Marshall Background Report (March 2024), p 13.



PSP location within Armstrong Creek Urban Growth Plan

Figure 2: Land affected by the Amendment<sup>3</sup>

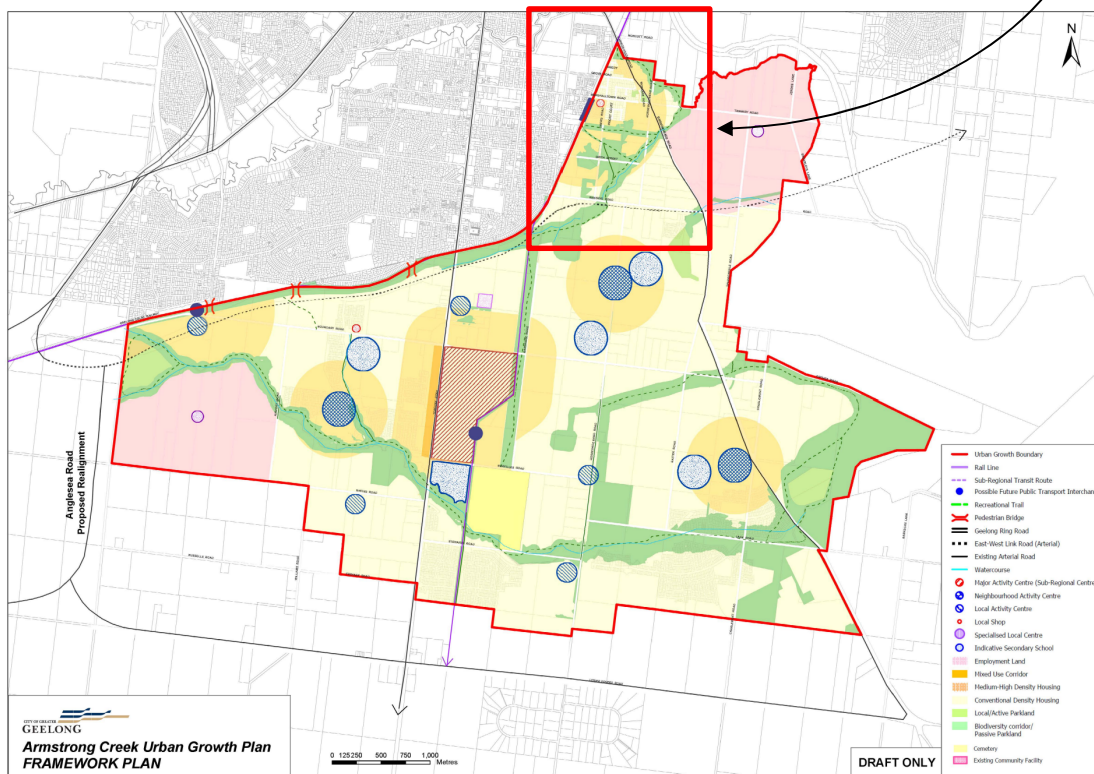


Figure 3: Armstrong Creek Urban Growth Plan (Incorporated Document)<sup>4</sup>

<sup>3</sup> C278ggee Explanatory Memorandum.

<sup>4</sup> Marshall Background Report (March 2024), p 11.

**D Background to the Amendment and chronology of events**

DATE	EVENT/DESCRIPTION
1980s – 1990s	The Armstrong Creek Urban Growth Area was designated as a growth corridor in the 1980s by the Geelong Regional Commission and was confirmed as Geelong’s future urban growth corridor in the Council’s Urban Growth Strategy, 1996.
28 November 2006	Council adopted the <i>Armstrong Creek Urban Growth Plan (UGP)</i> and resolved to prepare and exhibit Amendment C138 to the Scheme.
May 2008	The UGP was finalised (subsequently amended in May 2010 and September 2012) through future planning scheme amendment processes.
4 December 2008	Amendment C138 (UGP policy) was gazetted. Amendment C170 (UGP land rezoning to Urban Growth Zone) was gazetted.
3 June 2010	Amendment C207 (North East Industrial Precinct PSP, DCP, NVPP and GGFP) was gazetted.
27 November 2014	Amendment C259 (Horseshoe Bend Precinct PSP, DCP and NVPP) was gazetted.
9 March 2017	Amendment C301 (Rezone, replace East Precinct PSP and amend framework plan incorporated document to <i>Armstrong Creek Urban Growth Plan – Framework Plan November 2008, Updated September 2012 and June 2015</i> ) was gazetted.
Late 2017	The Council committed to lead preparation of the Marshall PSP due to there being multiple small land parcels and fragmented land ownership in the precinct. Technical reports relating to stormwater management, native vegetation, transport and utility services were commissioned.
25 January 2018	Amendment C357 (Armstrong Creek Public Acquisition Overlays – Sparrovale Wetlands) was gazetted. Note: Amendment C360, which was prepared, exhibited and subject to a combined Panel Report, was abandoned.
June 2018	A Marshall PSP community consultation workshop was held at the Grovedale Hall. Stakeholder engagement commenced with Transport for Victoria, VicRoads, Major Roads Projects Victoria, Barwon Water, Department of Environment, Land, Water and Planning and various internal departments from the Council.
15 June 2018	Amendment C278ggee was created in the Amendment Tracking System (planning schemes online).
9 July 2019	Council endorsed release of a draft Marshall PSP for informal public consultation.
19 July 2019	Drop-in session was held for the community with Council officers.
March 2021	The Council engages Spiire Australia to progress the Marshall Stormwater Management Strategy (SWMS) to completion, including functional design of the DCP assets.

DATE	EVENT/DESCRIPTION
2021 - 2023	The Council's consultants prepared and completed reports relating to traffic impact, bushfire, biodiversity, native vegetation, land contamination and social housing.
6 May 2021	<a href="#">Amendment C410</a> (Public Acquisition Overlays applied to 18 properties across the Armstrong Creek Urban Growth Area) was gazetted.
19 October 2022	Marshall NVPP completed.
23 December 2022	Marshall SWMS completed.
July 2023	Marshall Precinct Structure Plan (PSP) finalised by Council officers.
August 2023	Marshall Development Contributions Plan (DCP) finalised by Council officers.
18 September 2023	Letter/ email sent to Marshall PSP owners, occupiers and previous submitters to the draft 2019 Marshall PSP notifying of the listing of a report to Council at its 26 September Ordinary Meeting recommending the Marshall PSP be adopted and a planning scheme amendment be prepared and exhibited.
26 September 2023	Council Meeting resolution was passed to prepare and exhibit amendment and adopt Marshall Precinct Structure Plan, July 2023.
2 November 2023	EPA advice was provided in accordance with Ministerial Direction no. 19. Recommendations of the advice included the application of the Environmental Audit Overlay to land in the Marshall Precinct.
23 January 2024	Council requested Ministerial Authorisation to prepare the Amendment.
26 February 2024	Minister's delegate authorised the preparation and exhibition of the Amendment, subject to conditions
March 2024	As a consequence of the Authorisation DTP disclaimer condition, the adopted July 2023 Marshall PSP was amended prior to exhibition and dated March 2024. Reference to the Victorian Grasslands Earless Dragon was added in the C278ggee Explanatory Report following completion of a habitat assessment in April 2024.
April 2024	Victorian Grasslands Earless Dragon habitat assessment was completed.
24 April to 3 June 2024	The Amendment's public exhibition period.
7 August 2024	Council notified all Marshall PSP 'Commercial/ Bulky Goods' designated area landowners, being both those who lodged a submission and those who did not, of the Mesh submission.
28 August 2024	Council Delegated Authority Report to consider submissions was completed.
30 August 2024	Council's delegate resolved to request the Minister for Planning to appoint an independent panel and refer all submissions to the Panel.
2 September 2024	Council wrote to Planning Panels Victoria to request Panel.

DATE	EVENT/DESCRIPTION
6 September 2024	Panel appointed by Minister’s delegate.
2 October 2024	Panel Directions Hearing held.
4 October 2024	Panel issued its directions.
10 October 2024	Panel issued version 1 timetable.
10 October 2024	At the direction of the Panel, Council wrote to all Marshall PSP ‘Commercial/Bulky Goods’ designated area occupiers and to the EPA, CCMA and DTP to notify them of the proposed change from ‘Commercial/Bulky Goods’ to ‘Conventional Residential’ and ‘Medium/High Density Residential’.
11 October 2024	Council accepted late submission from the owner of 137 Barwarre Road, Marshall, and referred the submission to the Panel Chair.
6 November 2024	Panel Hearing to commence

**E Summary of authorisation conditions and how they have been met**

12. By letter dated 26 February 2024, Council was authorised by the delegate of the Minister for Planning to prepare the Amendment (**Authorisation**), subject to the following conditions:

- *Amend the Marshall PSP as follows:*
  - *In relation to Department of Transport and Planning (DTP) owned land adjacent to Marshall Railway Station, include a disclaimer to the effect that any proposed uses are subject to DTP approval and that this land may be required in the future for transport purposes until further advised by DTP.*
  - *Remove the drainage basin shown on the Station Concept Plan (p18 in the PSP).*
- *Replace Plan 1 in UGZ Schedule 7 with the revised plan.*

13. To address these conditions, prior to exhibition, Council amended the PSP and changed the date to ‘March 2024’ to:

- 13.1. add the required disclaimer — “(subject to DTP approval: may be required for transport purposes until further advised by DTP)” — see pages 24, 29 and 43 of the PSP; and
- 13.2. remove the drainage basin shown on the Station Concept Plan (p18 in the PSP).

14. Council replaced the UGZ7 Plan 1 with the version shown in P5 of the PSP (March 2024).

15. While not expressed as a condition, the Authorisation continued:

*The precinct is within the modelled distribution area of the Victorian Grassland Earless Dragon, which is listed as critically endangered under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The Fauna Surveys report prepared by Ecolink Consulting in support of the PSP did not consider this species. It is understood that following discussions with DTP and the Department of Energy, Environment and Climate Action (DEECA), the council has committed to engage a consultant to undertake a ‘habitat refinement exercise’ to inform or rule out likelihood of habitat and impacts to the species. This exercise will inform the need for targeted surveys and any revisions to the PSP and/or proposed UGZ7 and will be undertaken during exhibition of the amendment.*

16. In line with its commitment, Council engaged Ecolink Consulting to undertake a habitat assessment for the Victorian Grassland Earless Dragon (**VGED**) within the Marshall Precinct Structure Plan Area. Ecolink completed this assessment and produced its VGED Habitat Assessment Marshall PSP Report dated 5 April 2024 (**Ecolink VGED Habitat Report**), which was then exhibited as a supporting document with the Amendment.

17. The Ecolink VGED Habitat Report concluded that:

*the study area is unlikely to provide Victorian Grassland Earless Dragon habitat due to an absence of suitable habitat features. It is unlikely that Victorian Grassland Earless Dragon will constrain the gazetting of the Marshall PSP.*

*The areas that could not be visually assessed have a low, but not zero possibility of supporting Victorian Grassland Earless Dragon habitat, and some of those areas may contain the higher-quality vegetation than what was assessed elsewhere (Figure 1). As mentioned, Geelong City Council inform us that the areas within 67-87 Drews Road and 89-109 Drews Road support embedded rocks, this, and the likely higher quality vegetation in these areas, may result in a moderate level of habitat for Victorian Grassland Earless Dragon in these areas. An on-ground assessment of those areas would be required to assess the habitat with greater certainty. It is recommended that access from the landholders be sought, and on-ground assessments conducted to rule out this possibility.*

18. By its nature the Amendment (including the PSP, DCP and NVPP) does not authorise development, rather it provides a strategic planning framework to assist the assessment of future development and the collection of development contributions towards necessary public infrastructure. The Amendment also does not bypass the need for future development to consider all relevant environmental matters and, if need be, be referred for assessment under the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**).

## **F Summary of the strategic context**

### **Relevant planning policies and provisions**

19. In respect of the Planning Policy Framework, and State Policy, the Explanatory Report provides the following analysis:

*The Planning Policy Framework (PPF) is based on general themes of sustainable land management, orderly planning, improving accessibility, land use, transport integration and the protection of significant landscapes. The amendment is consistent with these broad state policy objectives which informed both the application of the Urban Growth Zone to the wider Armstrong Creek area via Amendment C170ggee and the implementation of the Armstrong Creek Urban Growth Area Framework Plan via Amendment C138ggee. This amendment continues to align with the state policies, as established through the rezoning and introduction of a framework plan, to facilitate fair and orderly urban development within the Marshall Precinct.*

*The amendment facilitates the fair, orderly, economic and sustainable use and development of urban areas by developing a structure plan informed by the ACUGA Framework Plan in an area identified via the G21 Regional Growth Plan (Geelong Region Alliance, 2013) for increased development, in accordance with the strategies of Clause 11.02-2S Structure Planning.*

*The preparation of the Marshall NVPP, to be incorporated into the planning scheme via this amendment, supports the objectives of Clause 12.01-2S Native Vegetation Management. Significant conservation areas are proposed within the precinct to support the protection of biodiversity values within the area.*

*The amendment supports the settlement objectives of the PPF by anticipating and responding to the needs of existing and future communities through the provision of appropriately zoned land for housing, employment, commercial and open space.*

*Specifically, the amendment supports or implements the following PPF objectives and strategies:*

*Clause 11.01-1S Settlement – the amendment supports this policy by facilitating sustainable development close to public transport and service and community infrastructure. The Marshall precinct is essentially an ‘infill’ development opportunity. The amendment is delivering on the Armstrong Creek Urban Growth Framework Plan incorporated in the planning scheme and the Geelong G21 Regional Growth Plan at Clause 11.01-1R and 11.01-1L-01.*

*Clause 11.02-1S Supply of urban land – the amendment contributes to the supply of land for housing in response to forecast population growth, including to increase the share of new housing from infill development.*

*Clause 11.02-2S Structure planning – a precinct structure plan has been prepared consistent with the Precinct Structure Planning Guidelines (Victorian Planning Authority, 2021).*

*Clause 11.02-3S and Clause 11.02-3L Sequencing of development – Marshall is the northernmost precinct in the ACUGA and able to efficiently connect to service infrastructure and the surrounding road network. New development will contribute financially to shared infrastructure required by the future residents and construction staging is informed by stormwater management requirements.*

*Clause 11.03-2S Growth areas – the Marshall Precinct is well served by high-capacity public transport, notably the Marshall Railway Station. The precinct will provide a diversity of housing types and employment opportunities, retain distinct site features and protect significant native vegetation. The PSP has been developed consistent with the Precinct Structure Planning Guidelines.*

*Clause 12.01-1S Protection of biodiversity – the Marshall FUS Plan is informed by recent native flora and fauna assessments. This includes protecting remnant vegetation areas and scattered trees in conservation reserves, realigning roads to safeguard roadside vegetation and requiring development of the drainage network to provide suitable habitat for wetland native plant and animal species.*

*Clause 12.01-2S Native vegetation management – the amendment seeks to retain a substantial amount of existing native vegetation and has applied the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017). The Marshall NVPP has been prepared concurrently with the PSP to enable native vegetation matters to be considered in a coordinated manner across the precinct, consistent with the requirements of the Guidelines.*

*Clause 13 Environmental Risks and Amenity – the Marshall Precinct is entirely within a designated bushfire prone area and partially within the Barwon River floodplain or within a flood prone area. The precinct is affected to some degree by soil contamination, noise emissions and off-site land-use impacts. The amendment supports policy as follows:*

- *Clause 13.02-1S Bushfire planning: bushfire hazard requirements apply in the PSP and UGZ7 and development can achieve a BAL-12.5 rating or lower.*
- *Clause 13.03-1S Floodplain management: land affected by flooding has been mapped and flood hazard requirements apply in the PSP and UGZ7, and the amendment requires referrals to the Catchment Management Authority. The Marshall SWMS is designed to manage both stormwater water quality and stormwater quantity, including volume and conveyance of flows through, and downstream of the precinct area.*
- *Clause 13.04-1S Contaminated and potentially contaminated land: land contamination requirements apply in the UGZ7 and via application of the EAO to some parcels to ensure land can be used for sensitive uses.*
- *Clause 13.05-1S Noise management: to minimise noise effects on sensitive land uses, requirements apply in the PSP and UGZ7 to meet environment protection regulations.*
- *Clause 13.07-1S Land use compatibility: nearby industrial land (NEIP), while currently vacant, is protected from encroachment of residential development in the Marshall Precinct due to separation uses and distance including arterial roads, local roads and drainage infrastructure.*

*Clause 15.01-1S Urban design – the Marshall FUS Plan meets urban design strategies by responding to the natural features, particularly remnant vegetation, and constraints such as transmission and sewer lines, by setting aside conservation reserves and providing shared paths and interfacing roads. Safe and convenient walking and cycling networks lead to the train station and local roads, paths and dwellings promote good design abutting arterial roads and the railway line.*

*Clause 16.01-1S Housing supply – the amendment supports this policy by providing for diverse housing, including social housing, and capitalising on higher densities close to Marshall Railway Station.*

*Clause 17.02-1S Business – the amendment supports convenience shopping for train customers and local residents, as well as larger commercial uses accessed from Barwon Heads Road. These activities support employment creation and a diversified economy. The amendment accords with the City of Greater Geelong Retail Strategy 2020-36 by confining shop retail uses (provision of a small-scale local activity centre) to the station precinct Mixed Use Zone.*

*Clause 18.01-1S Land Use and Transport Integration and Clause 18.02 Movement Networks – the amendment provides for improved access (vehicle, bus, cycling and walking) to Marshall Station and protects existing transport infrastructure and identified potential transport infrastructure. High and medium density residential development close to the railway station will take advantage of this transport mode and support better active living. The PSP will deliver a network of walking and cycle trails.*

*Clause 19 Infrastructure – the Marshall DCP has been prepared to facilitate the timely delivery of planned infrastructure for new residents. The PSP provides for a diverse and integrated network of public open space that link to Marshall Railway Station and surrounding residential and active open space areas. Local parks are distributed throughout the PSP area providing residents with convenient access and conservation public land, connected to the open space network, will be created at time of subdivision.*

20. In respect of the Municipal Planning Strategy, the Explanatory Report provides the following analysis:

*The amendment supports and is consistent with the Municipal Planning Strategy (MPS).*

*In accordance with the Vision (Clause 02.02) and Strategic Framework Plans (Clause 02.04), the amendment facilitates sustainable development that supports population growth and protects the natural environment and creates the framework for the implementation of an inclusive, healthy and socially connected community.*

*The amendment implements a number of Strategic Directions at Clause 02.03 of the Greater Geelong Planning Scheme, namely:*

*Clause 02.03-1 Settlement*

- *Direct and contain growth within identified locations across the municipality.*

*Urban Growth Areas*

- *Facilitate the orderly and controlled development of the ACUGA, generally in accordance with the Armstrong Creek Urban Growth - Framework Plan Incorporated Document.*

*Activity Centres and Retail*

- *Ensure that new retail development is consistent with the Geelong Retail Centre Hierarchy.*

*Clause 02.03-2 Environmental and landscape values*

- *Biodiversity, waterways and coastal areas*

- *Protect the habitats of indigenous species from the impacts of land use and development.*
- *Protect, restore and enhance biodiversity and natural systems.*
- *Protect, maintain and enhance waterways, rivers, wetlands and groundwater.*
- *Reduce the amount of runoff from urban development and improve the quality of stormwater runoff entering waterways, estuarine and marine waters.*

Clause 02.03-3 Environmental risks and amenity

*Bushfire*

- *Ensure that development in susceptible areas responds to the risk of bushfire.*

*Amenity*

- *Encourage a balance between the need for goods and services that serve local residents and workers and the potential for negative impacts on residential amenity.*

Clause 02.03-5 Built environment and sustainability

*Built environment*

- *Support the design and provision of healthy, walkable neighbourhoods.*
- *Encourage environmentally sustainable design in all development.*
- *Encourage all development to provide high quality urban design and landscaping.*

*Heritage*

- *Conserve and enhance individual heritage places and areas of pre-contact heritage significance.*

Clause 02.03-6 Housing

- *Ensure housing diversity is achieved in growth area communities.*
- *Increase the level of affordable and social housing in Greater Geelong.*

Clause 02.03-7 Economic Development

*Industry*

- *Focus new industrial development around major transport routes and infrastructure assets.*
- *Provide a diverse range of high quality industrial and commercial land.*

Clause 02.03-8 Transport

- *Support the development of a safe, accessible, equitable and efficient traffic, transport and freight network.*
- *Support the delivery of safe, accessible linkages within and between towns that encourage walking, cycling and the use of alternative modes of transport.*
- *Prioritise active and public transport modes over private vehicle use.*

- *Facilitate the early provision of public transport infrastructure and services in all growth areas.*

Clause 02.03-9 Infrastructure

- *Encourage safe and equal access to community and development infrastructure for all members of the community.*
- *Develop a comprehensive, safe and accessible open space network.*
- *Ensure that development and community infrastructure is provided or upgraded in a sustainable and timely manner in all areas, with particular regard to the servicing of new communities in urban growth areas and large urban infill areas.*

21. In respect of the Victoria Planning Provisions, the Explanatory Report provides the following analysis:

*The amendment meets the form and content requirements of the Victoria Planning Provisions (VPP).*

*Introducing a Schedule to the Urban Growth Zone is the tool to apply the suite of VPP conventional zones to guide future use and development of the precinct. The schedule also allows for the specification of conditions and requirements for permits.*

*The purpose of a Development Contributions Plan Overlay (DCPO) is to identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence. Shared infrastructure has been identified in the Marshall DCP, which will become an incorporated document in the planning scheme. The DCP lists the infrastructure items required to service the future residents, states timing of delivery and calculates a development contribution rate.*

*To provide for the holistic protection, management and removal of native vegetation, Clause 52.16 provides for the use of a native vegetation precinct plan (NVPP) incorporated into the planning scheme. The Marshall NVPP includes the required information and provides for the matters set out in section 10.1 of the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017).*

*The planning tool proposed to be applied to 137 Barwarre Road is a Design and Development Overlay (DDO). The purpose of the DDO is to identify areas which are affected by specific requirements relating to the design and built form of new development. The DDO51 will ensure a subdivision application forms part of any future permit application and a public access land reserve is provided prior to the issue of statement of compliance.*

*The purpose of the Environmental Audit Overlay (EAO) is to ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination. Three land parcels require appropriate management prior to allowing any sensitive use. The EAO is the primary deferral mechanism to manage potentially contaminated land where the planning authority has determined it to be difficult or inappropriate to undertake a PRSA or environmental audit at the amendment stage.*

*The Schedule to Clause 66.04 is the appropriate local provision to require referral to DEECA and the CCMA for permit applications relating to native vegetation removal and flood hazard. The amendment also includes documents that need to be read in conjunction with the planning scheme – and therefore added to the Schedule to Clause 72.04 Incorporated Documents. This includes the updated Small Lot Housing Code currently incorporated in Metro Melbourne planning schemes.*

### **Amendment response to the Armstrong Creek Urban Growth Plan – Framework Plan**

22. As discussed throughout this Part A submission, the Amendment has been guided by and prepared for the purpose of advancing the Council Municipal Planning Strategy to facilitate the orderly and controlled development of the Armstrong Creek Urban Growth Area, generally in

accordance with the Armstrong Creek Urban Growth Plan, Framework Plan (2008, updated September 2012 and June 2015) (cl 02.03).

23. The Explanatory Report states that the PSP has been prepared recognising the PSP Guidelines:

*Clauses 11.02-2S and 11.03-2S state the policy document to be considered is the Precinct Structure Planning Guidelines (Victorian Planning Authority, 2021). The Marshall PSP draws upon these guidelines by establishing a vision for how the land should be developed, based on the opportunities, constraints and aspirations for the precinct. The PSP is consistent with the 20-minute neighbourhood principle and provides sufficient flexibility in the assessment of future planning permit applications.*

*The PSP provides development objectives before setting out an implementation section divided on themes (or elements), similar to the structure outlined in the PSP Guidelines. The PSP has been further adapted consistent with the Guidance Note: Applying the PSP Guidelines in Regional Areas (Victorian Planning Authority, 2021).<sup>5</sup>*

24. As shown in the extracts below, the land use budget shown in Figure 4 closely reflects the vision of the Framework Plan (Figure 5), with the notable variation being the bulk goods / commercial area in the north-east of the PSP, most of which is proposed to be changed to a combination of conventional residential and medium/higher density residential in response to submissions raised. This is discussed in more detail later in this Part A Submission.

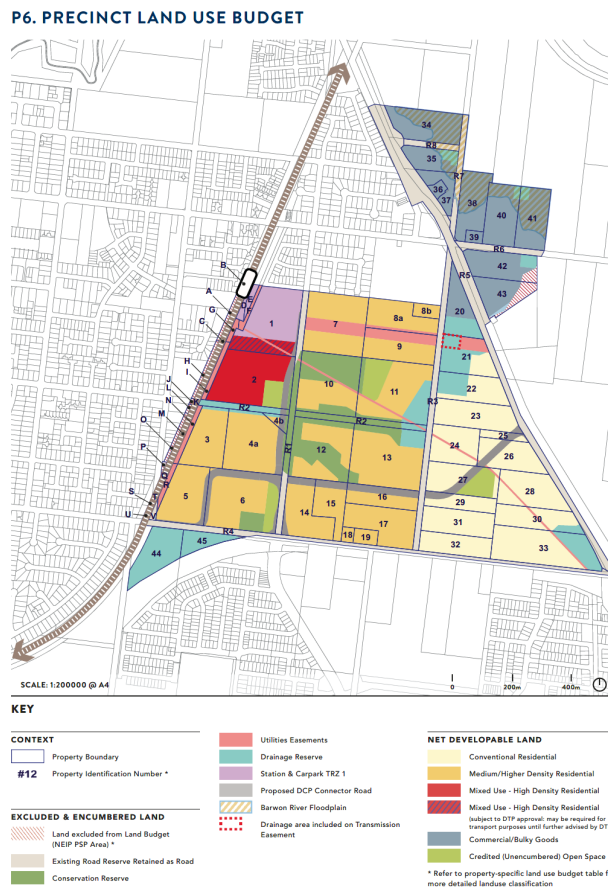


Figure 4: PSP land use budget<sup>6</sup>

<sup>5</sup> Explanatory Report Page 15.

<sup>6</sup> Exhibited PSP, p 29.

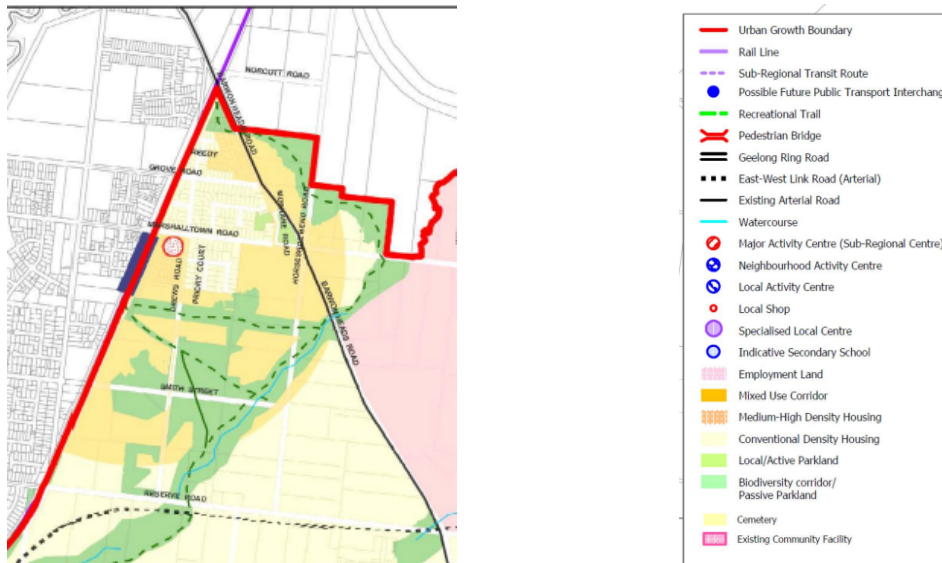


Figure 5: Armstrong Creek Urban Growth Plan (Incorporated Document)<sup>7</sup>

25. The Amendment has been prepared with the vision, objectives and strategies of the Armstrong Creek Urban Growth Plan – Framework Plan firmly in mind, treating it as the framework for the preparation of the PSP and DCP, as it was intended to be.

**Amendment response to the North East Industrial Precinct (NEIP) Precinct Structure Plan and NEIP Refresh**

26. The North East Industrial Precinct Structure Plan (NEIP) was the first PSP introduced in the Armstrong Creek Growth Area. However, to date there has been no development within the precinct. A review of the PSP has identified the primary barriers to development relate to the transport and stormwater management strategies.
27. Council have partnered with the major landowner in the NEIP to prepare an updated Transport & Access Strategy and Stormwater Management Strategy to inform a future Planning Scheme Amendment to update the PSP and DCP. The intent of this project is a limited 'refresh' with a scope primarily to update the DCP with new transport and drainage infrastructure.
28. The scopes for the Transport & Access Strategy and Stormwater Management Strategy have been approved by Council, but substantial work on the strategies is yet to commence. The draft program anticipates a draft PSA to be ready for authorisation mid-late 2026.
29. The NEIP and its PSP refresh interface with the PSP area and the Amendment as the adjoining precinct share stormwater catchments and a key transport infrastructure item, being the intersection on Barwon Heads Road, DI\_IT\_02. The Amendment has been prepared with a view to ensuring that stormwater and transport infrastructure are appropriately designed and the NEIP refresh when completed will result in overall acceptable outcomes.
30. Engagement with the NEIP is ongoing, with the scale and design of the proposed intersection at Barwon Heads Road / Keystone Avenue, being a key access point to the NEIP, currently the subject of continuing discussions. Submissions have also been made in response to the exhibition of the Amendment by Mesh on behalf of Re-Grow Geelong Pty Ltd, a key developer in the NEIP. The concerns raised, including that the commercial/ bulky goods area along Barwon Heads Road be re-designated for medium and high density housing, have been considered and, where appropriate, acted upon.
31. Both the Amendment and the NEIP PSP refresh are important for the future planning in the ACUGA.

<sup>7</sup> Marshall Background Report (March 2024), p 11.

## **Any other recently approved or upcoming amendments that might impact on the Amendment**

### Recently approved or upcoming amendments

32. Council is not aware of any recently approved or upcoming planning scheme amendments that might impact on the Amendment (noting commentary on the NEIP refresh above).

### Climate Change and Energy Legislation Amendment (Renewable Energy and Storage Targets) Act 2024 (Vic)

33. Council is aware of the *Climate Change and Energy Legislation Amendment (Renewable Energy and Storage Targets) Act 2024 (Vic) (CCEL Amendment Act)*, which received royal assent on 26 March 2024, and notes in particular Part 3, which amends the *Planning and Environment Act 1987 (Vic) (P&E Act)*.
34. Section 17 of the CCEL Amendment Act inserts requirements into the P&E Act to the effect that a planning authority, in the process of preparing a planning scheme or amendment in accordance with directions issued by the Minister under a new s 12(2A), must have regard to emissions reductions targets and significant risks arising, or likely to arise from, climate change.
35. Part 3 of the CCEL Amendment Act has not yet commenced. Section 19 of the CCEL Amendment Act provides transitional provisions that exempt amendments from the operation of the mandatory considerations introduced by s 17 of the CCEL Amendment Act where, among other things, prior to the commencement of s 17 of the CCEL Amendment Act, the planning authority has given notice of the preparation of the amendment in accordance with section 19 of the P&E Act.
36. The present Amendment has been prepared and exhibited, and is being brought before this Panel, so is well advanced. With Part 3 of the CCEL Amendment Act yet to commence, it is clear the new mandatory considerations under s 17 of the CCEL Amendment Act will not strictly apply to the Amendment.
37. Council notes for completeness, however, that the following objective will be inserted into the P&E Act at a new s 4(2)(da) by or before 26 March 2025 (being the default commencement of the balance of the CCEL Amendment Act on the anniversary of the act's royal assent):

*to provide for explicit consideration of the policies and obligations of the State relating to climate change, including but not limited to greenhouse gas emissions reduction targets and the need to increase resilience to climate change, when decisions are made about the use and development of land;*

## **G Summary of permit applications, relevant projects and recently granted permits**

38. There are no current permit applications within the Marshall PSP area.
39. Council has identified two permits recently granted with the Marshall PSP area, both in respect of the land at 345-365 Barwon Heads Road, Charlemont.

### **Permit PP-273-2018 - 345-365 Barwon Heads Road, Charlemont**

40. On 24 April 2021, in proceeding P1615/2020, the Victorian Civil and Administrative Tribunal directed that planning permit PP-273-2018 be issued for the land at 345-365 Barwon Heads Road, Charlemont in accordance with endorsed plans and subject to conditions. The permit allowed:

*use and development of a Service Station, works associated with an existing dwelling (driveway), Creation of Access to a Road Zone Category 1, Removal of Native Vegetation and Display of Internally Illuminated Business Identification and Pylon Signage.*

41. This permit has been acted upon. A review of Google Earth imagery as at 1 March 2024 shows 345-365 Barwon Heads Road, Charlemont has since been developed as a service station and is currently operated by 7-Eleven.

**Permit PP-380/2022 - 345-365 Barwon Heads Road, Charlemont**

42. On 16 September 2022, Council issued planning permit PP-380/2022 relating to the land at 345-365 Barwon Heads Road, Charlemont. The permit allowed:

*Two (2) lot subdivision generally in accordance with the endorsed plans.*

43. Council considers this development (and both its permits) has no bearing on the Panel's consideration of the PSP.
44. Permits issued in the Horseshoe Bend PSP area to the south are likely to be of limited relevance, but can be produced if considered necessary the Panel. Aerial photographs indicated development in the area to the south appears to be progressing in accordance with the Horseshoe Bend PSP.

**Agreement under s 173 of the Planning and Environment Act 1987 (Vic)**

45. On 14 December 2022, Council and the landowner entered into an agreement under s 173 of the P&E Act in relation to the land at 345-365 Barwon Heads Road, Charlemont (**S 173 Agreement**).
46. The S 173 Agreement was entered in anticipation preparation and gazettal of the Marshall PSP and Marshall DCP and provided for the payment of development and open space contributions upon development or subdivision of the land in accordance with the PSP and DCP, once they are incorporated into the Planning Scheme. The S 173 Agreement also provided a mechanism for the recognition of works in kind as an offset to the required development contributions under the DCP, if relevant infrastructure works are undertaken by the landowner.

**Barwon Heads Road Upgrade**

47. Barwon Heads Road between Settlement Road, Belmont and Reserve Road, Charlemont, has been recently upgraded by the State. Stage 2 planning is also underway for an upgrade of Barwon Heads Road between Reserve Road, Charlemont and Lake Road, Armstrong Creek with early works to commence in early 2025.
48. The stage 1 works comprised of:
- 48.1. duplicated 4km of Barwon Heads Road between Settlement Road and Reserve Road
  - 48.2. built a bridge over the railway line at Marshall, removing the level crossing
  - 48.3. upgraded intersections at Settlement Road, Breakwater Road, Marshalltown Road / Tannery Road and Reserve Road
  - 48.4. installed new traffic lights at Crows Road, Barwarre Road, Marshalltown Road and Reserve Road
  - 48.5. built 4km of new shared walking and cycling path and dedicated on road cycling lanes
  - 48.6. installed new street lighting, road signage, drainage and landscaping.
49. Planning is ongoing for the Bellarine Link Stage 1 Surf Coast Highway to Barwon Heads Road. The Amendment has been prepared in light of consultation with DTP regarding the Bellarine Link which will ultimately lead to the truncation of Reserve Road. A PAO is in place for the Bellarine Link.

50. Council is leading the delivery of the DCP funded interim stage intersection at Horseshoe Bend Road / Drews Road, which is currently at planning and costing stages.

## **H Submissions to the Amendment**

51. Public exhibition of the Amendment commenced on 24 April 2024 and closed on 3 June 2024, though late submissions were received, accepted and referred to the Panel for consideration. In total, 29 submissions were received. Of these, 21 objected or requested changes to the Amendment. Included at Appendix A to this Part A submission is a table of submissions and Council's consideration and response to each.
52. Five key themes emerged from the submissions to the Amendment, as follows:
- 52.1. PSP land uses;
  - 52.2. DCP infrastructure cost, delivery and staging;
  - 52.3. Stormwater drainage;
  - 52.4. Movement network and traffic; and
  - 52.5. Marshall PSP drafting and plans.
53. The submissions made have been considered and responded to in the Delegated Authority Report on pages 10 – 26, which is drawn from and paraphrased in the below section.

### **Marshall PSP land uses**

#### Designated commercial / bulk goods area

##### *Submissions*

54. Submissions made by Mesh Planning (12) for an Armstrong Creek NEIP landowner (Re-Grow Geelong) requested the commercial / bulky goods area along Barwon Heads Road be re-designated for medium and high density housing on the basis the proposed C2Z is unplanned, departs from the Armstrong Creek Urban Growth Plan - Framework Plan and has the potential to undermine the orderly development of the adjacent NEIP. The submission also considers the C2Z to be contrary to State housing policies.
55. Ratio Consultants (15) supports the commercial/ bulky goods designation and applied C2Z. The submission requests strengthening of the Marshall PSP by referring to employment uses in the Vision and Objectives. There is objection to the UGZ7 supermarket prohibition and specific provisions requiring preparation of a masterplan for the commercial/ bulky goods sub-precincts.
56. To further support commercial uses Ratio provided engineering plans to demonstrate how direct access to 25 Horseshoe Bend Road and 391-399 Barwon Heads Road can be achieved from Barwon Heads Road. The submission states the plans are supported by the Department of Transport and Planning (**DTP**).
57. DTP (5) submitted it is unlikely to support direct access to Barwon Heads Road from the proposed commercial/bulky good areas to ensure traffic flows on Barwon Heads Road are not impaired. Council understands DTP remains of that view.
58. Following Council's letter dated 7 August 2024 outlining the proposed change from commercial / bulk goods to residential, and that Council would be considering the same, further submissions were received.

59. Ratio made an addendum submission opposing the re-designation for housing on the basis the Mesh submission disregards the orderly planning undertaken to-date in preparing the PSP. Ratio submitted Growth Area Framework Plans are not rigid documents and refinements may be necessary, as in this case where the applied Commercial 2 Zone (not sensitive land uses) provides a logical transition to the NEIP and Barwon Heads Road.
60. Whiteman's (22) addendum submission also opposed the re-designation. Whiteman submitted the Commercial 2 Zone provides an appropriate transition to the NEIP, whereas residential uses will compromise NEIP industrial development. Adjacent to an arterial road, Whiteman considers the site is a logical location for non-residential uses and lists potential compatible commercial uses given the lot's triangular shape. Whiteman says the shape and abutting Barwon Heads Road and major intersection would result in poor residential amenity.
61. Both Hublet Capital (8) and Hungerford (9), located on the north side of Tannery Road, lodged addendum submissions. Hublet Capital prefers a Mixed Use Zone and Hungerford supports either a commercial or residential designation.
62. Costa Asset Management (27) and owner of the service station at 355 Barwon Heads Road, provided reasons why the Commercial / Bulky goods designation continues to be appropriate. Spiire, for the owners of 331-343 Barwon Heads Road, also support the exhibited designation.

#### *Council response*

63. Council supports the following Mesh submission requests:
  - 63.1. Change the PSP designation of land east of Barwon Heads Road and south of Tannery Road (Properties #42 and 43); and land east of Horseshoe Bend Road and north of Tannery Road (Properties #38, 39, 40 and 41) to 'Conventional Residential'. The UGZ7 applied zone will be General Residential Zone Schedule 1.
  - 63.2. Change the PSP designation of land west of Barwon Heads Road (Property #20) to 'Medium/High Density Residential'. The UGZ7 applied zone will be Residential Growth Zone Schedule 1.
64. Council considers the balance of the designated commercial / bulky goods area located between Barwon Heads Road and Horseshoe Bend Road, north of the Barwon Heads Road / Tannery Road / Marshalltown Road intersection (Properties #34, 35, 36 and 37) should remain as exhibited.
65. In summary, Council proposes the following:
  - 65.1. 'Conventional Residential' designation: Properties #38, #39, #40, #41, #42 and #43
  - 65.2. 'Medium/High Density Residential' designation: Property #20
  - 65.3. 'Commercial/Bulky Goods' designation: Properties #34, #35, #36 #37 (no change)
66. When it was released for public consultation in May 2019, the draft version designated the area for 'Commercial/ Bulky Goods' did not result in any objecting submissions. Council's designation at the time was mainly based on poor road and pedestrian infrastructure and connectivity across Barwon Heads Road, as well as in-progress Barwon River flood mapping. The designation was not supported by an economic assessment report or other analysis.
67. There are several reasons why the change is appropriate. Most significantly, there is the overriding policy objective to facilitate more housing consistent with Victoria's Housing Statement.
68. Given the need for more housing and given the NEIP is already planned for employment and industry, it would be a poor outcome to forgo the opportunity to increase housing supply in the

Marshall PSP. The Marshall precinct is strategically recognised in policy as a residential growth area and this is consistent the Framework Plan.

69. Since this time the Stage 1 Baron Heads Road Upgrade has occurred which is provided to functional crossing points of Barwon Heads Road and shared path infrastructure.
70. The DTP submission is also relevant. DTP cast doubt on the ability of the area to provide direct vehicle access from Barwon Heads Road, which would be a significant impediment to commercial development.
71. Furthermore, Council considers the proposed re-designated residential areas would result in similar impervious surfaces to a commercial designation. No reassessment of the Marshall SWMS is required. Drainage design and retardation calculations can be reassessed with site specific stormwater management plans at the permit application stage. Likewise, it is considered the Principal Road Network, particularly Barwon Heads Road, can accommodate residential uses.

### Residential designation

#### *Submissions*

72. DTP oppose the rezoning of the southern portion of the Marshall Station land (Property #1) to UGZ7 as it has not been declared surplus to transport. The PSP designates this area for Mixed Use - High Density Residential (subject to DTP approval: may be required for transport purposes until further advised by DTP).
73. DTP submit the land must remain TRZ1 until Council has undertaken the clearance process which can be initiated via the VicTrack website.
74. Tomkinson Consultants (18) lodged a submission requesting the PSP designation change from 'Medium/High Density Residential' to 'High Density Residential' only.
75. Urbis Ltd (18) advocated for more flexible residential density targets so as to respond to site-specifics and market conditions. The submission seeks more flexible PSP requirements to allow for standard larger homes.

#### *Council response*

76. Council engaged with DTP about potential mixed and residential use of surplus Marshall Station land when preparing the amendment. Authorisation of the amendment was conditional on the addition of a disclaimer to the PSP. Council lodged a property enquiry with the VicTrack land assessment department on 18 June 2024 and a review can take up to 20 weeks. In a meeting with DTP staff on 19 July, DTP offered to follow-up the enquiry and it is expected Council will have further to say at the hearing.
77. Council considers the unique location of the land, forming part of the Marshall PSP Station Precinct, supports Council's rezoning initiative. Council notes DTPs opening submission reference to Victoria's Housing Statement and also notes the Statement's intention to unlock and rezone surplus government land.
78. Submissions from Tomkinson and Urbis together form the 14 hectares of land in the south-east section of the PSP, between Drews Road and the railway line. The area is within 600 metres of the Marshall Station Precinct and will be serviced by convenient road, public transport and active transport connections.
79. Tomkinson has requested a higher residential density designation, while Urbis is requesting more flexible density requirements to support larger lot sizes and standard dwellings. Council does not agree with any changes to the exhibited 'Medium/High Density Residential' designation. The applied zone should also remain RGZ. PSP Table 2 provides the expected

residential development yield and minimum density of 30 dwellings per hectare within 400 metres of the Station Precinct and 25 dwellings beyond 400 metres of the Station Precinct.

80. These targets are minimum and higher densities can be supported where the design demonstrates acceptable outcomes. PSP Table 3 identifies the preferred housing typology in this area to be a combination of apartments, townhouses, attached dwellings and some detached houses. Council does not support lower densities than shown in PSP Table 2.

### Supermarket use

#### *Submissions*

81. Tract (19) lodged a submission on behalf of the owner of 62-84 Drews Road, Marshall (Property #2), which most of the Marshall Station Precinct; designated 'Mixed Use - High Density Residential' in the PSP. Tract requested the PSP supermarket floor area requirement be lifted from a maximum of 2,000 square metres to a 'full-line supermarket' of about 3,500 square metres. The submission is supported by a letter from Coles confirming interest to develop a full-line supermarket in the Marshall Station Precinct.
82. Ratio (15) objects to the prohibition of a supermarket in the UGZ7 applied Commercial 2 Zone (C2Z) fronting Barwon Heads Road. The submission says prohibition is in direct contrast to the C2Z provisions and reflects a highly simplistic and overly restrictive approach to land use planning.

#### *Council response*

83. Council does not agree to change PSP requirement R83 in support of a full-line supermarket. The vision for the Marshall Station Precinct is that of a mixed use, high and medium density housing precinct, integrated with cafes, convenience retail and some commercial and office activities. Given its proximity to the station, the precinct's retail uses will serve train customers, as well as the local Marshall community.
84. The PSP and UGZ7 provisions are drafted to support an as-of-right supermarket with a leasable floor area not exceeding 2,000sqm. This could be a Coles Local, Woolworths Metro or IGA for example. A supermarket of the scale proposed by Tract requires additional car parking area, encourages increased vehicle trips and may compromise the opportunity to maximise housing development.
85. A full-line supermarket would also be contrary to the intent of the Marshall PSP and Council's retail policy. Council notes any permitted development of the Station Precinct first requires the preparation of an Urban Design Framework (UDF) under UGZ7, and the UDF must be to the satisfaction of the Responsible Authority. A minor increase in Supermarket floor area may be acceptable, however would be subject to an economic impact assessment.
86. Geelong has a well-established retail centre hierarchy expressed in its Municipal Planning Strategy at Clauses 02.03 and 02.04. A full-line supermarket would elevate the precinct from a 'Local Activity Centre' to a 'Neighbourhood Activity Centre' (NAC). The role and function of a NAC is to serve a broader catchment anchored by one or more supermarkets. The nearby Horseshoe Bend North East NAC (with an approved UDF and currently under construction) is designated in the Geelong Retail Centre Hierarchy, and establishing another NAC in the Station Precinct is not supported in policy.
87. In addition to Council's retail policy, the Armstrong Creek Urban Growth Plan - Framework Plan designates three locations for a NAC, one being the Horseshoe Bend North East site. The Framework Plan identifies a 'Local Shop' adjacent to Marshall Station. And on further reviewing the Armstrong Creek Urban Growth Plan, Volume 1 Sept 2012, a local shop is identified at Marshall Station (page 53) 'up to approximately 1000 sqm of local convenience shops and services considered desirable as part of Precinct Structure Planning'. The Marshall PSP is supportive of a relatively larger area of 2,750 sqm retail floor space and an overall Local Activity Centre floor area of 5,000 sqm.

88. Even were the applied Commercial 2 Zone to remain, Council maintains that a Supermarket ought to be prohibited.

#### DCP infrastructure cost, delivery and staging

##### *Submissions*

##### Infrastructure delivery

89. Several submitters highlight the fragmented nature of landholdings within the Marshall PSP and the complexity of the drainage network in particular, which will lead to delay in the delivery of infrastructure and consequently new housing. Submissions 16, 19, 20 and 21 suggest applying the Public Acquisition Overlay (PAO) for drainage infrastructure to ensure land can be compulsorily acquired should negotiations with landowners by the City or third parties not succeed.
90. The submission from Tract (19) includes a memo from Spiire outlining the drainage constraints. Spiire recommend Council should investigate appropriate planning mechanisms to ensure DCP drainage assets are delivered in a timely manner without delay.
91. Some requests to apply PAOs also highlighted Amendment C410ggee, gazetted on 6 May 2021. That amendment applied the PAO to 18 properties across the Armstrong Creek Growth Area to enable acquisition of land for road upgrades, drainage infrastructure and sporting reserves.
92. Submitter 10, ID\_Land, owns the triangular parcels south of Reserve Road (Properties #44 and #45) designated for drainage assets WLRB03/DR12 and requests the City prioritise the transfer of this land to facilitate development of the PSP. ID\_Land says the land is already performing a public function and should no longer remain in private ownership. ID\_Land request to discuss this matter with the City.

##### Infrastructure cost

93. Submissions 16, 19, 20 and 21 point to the high DCP levy and suggest Council explore ways to reduce this cost on development. The UDIA highlight the NDA is 58 per cent of the total precinct and there is a substantial amount of unencumbered land – conservation, easements, rail, drainage, etc, which is passively used and should be credited. The UDIA also believe the Clause 53.01 10 per cent public open space requirement is too high saying the total credited open space is just 2.36 percent of NDA.
94. Mesh Planning (12) is interested in the northern catchment cost apportionment assumptions for projects DI\_DR\_10 and DI\_DR\_11. Mesh requests redesign and associated updated cost of road item DI\_IT\_02, being the Barwon Heads Road and east-west connector road intersection. DTP (5) have also raised this intersection for further consultation, discussed in the traffic section below.
95. Urbis (21) queries the land acquisition costs which constitutes 35% of all chargeable items. Urbis highlight that a substantial portion of the acquisition cost relates to the realignment of Drews Road (DI\_LA\_17) and seeks to understand what alternative solutions were considered to strike a better balance between conservation efforts and financial implications.

##### Infrastructure staging

96. Submissions 5, 16, 17,18 and 21 raise concerns with PSP Plan 17 Development Staging and associated requirements and guidelines (Section 3.10 Delivery).
97. Spiire in submissions 16 and 17 say Marshall PSP Guideline 58 and Plan 17 are unclear and requests refinement, including re-titling Plan 17 to 'Development Catchments' and modified to provide indicative 'short', 'medium' and 'long' term staging areas, as is typical for VPA-led PSPs.

98. Urbis (21) suggests review to provide greater flexibility and prevent development delays. Tomkinson (18) requests that Property Number 5 be included in an earlier development stage as it is designated in 'Stage D'. DTP recommends consideration of an alternative staging plan that begins in the south to better utilise Reserve Road and the recently duplicated Barwon Heads Road.

#### *Council response*

#### Infrastructure delivery

99. Council acknowledges concerns about infrastructure delivery challenges where the land fragmentation and site constraints are well known. Council has taken the lead to unlock the precinct's significant potential and has proposed planning controls to facilitate development through the preparation of the Amendment.
100. The PSP was informed by the Marshall Stormwater Management Strategy (**SWMS**), prepared by Spiire Australia for Council. The SWMS provides a precinct catchment plan to target delivery of individual drainage assets into more manageable areas. Importantly, the DCP has itemised, apportioned and costed the entire drainage network to ensure that land and construction costs are fairly shared by all landowners.
101. The Amendment does not include application of PAOs to any private land, as Council prefers to wait for the Marshall DCP to be implemented and allow the private development sector time to initiate infrastructure delivery. Council will monitor development progress and may consider PAOs as part of any broader priority asset acquisition program if necessary – as it did in Amendment C410ggee.

#### Infrastructure cost

102. Except for Mesh and, to some extent Urbis, submissions that raise concerns about the cost of DCP infrastructure items and the total levy fail to articulate which infrastructure items are not required or do not meet the tests of 'need and nexus'. Nor do any of these submissions put forward alternative design and costings to support a reduction in the cost of any individual DCP item.
103. Road item DI\_IT\_02 will be reviewed and Mesh has offered to provide a proposed redesign and costing which Council will review. Cost apportionment assumptions for items DI\_DR\_10 and DI\_DR\_11 (WW04 and WW05 outfalls), are derived from the Marshall SWMS pages 70-71 noting there is an error in the percentage calculations – Marshall catchment is 70.75% (not 71.4%) and NEIP catchment is 29.25% (not 21.6%) of the total catchment.
104. Regarding Urbis, there are significant biodiversity assets within Drews Road and in the land immediately adjoining both sides of the road. Upgrade versus deviation (east or west) of Drews Road was analysed during design of the PSP. Given the status of the road a decision had to be made between retaining the current alignment and impacting the treed and wetland vegetation within and adjacent the current reservation from an upgrade, or relocation to either side and retaining the vegetation within the road reserve. Relocation to the west was ultimately preferred so as to avoid impacts to significant trees and absorb this vegetation and habitat into existing conservation areas on the east side of Drews Road (Smith Street and the core patches north and south of Smith Street).
105. The Clause 53.01 10 per cent (unencumbered) public open space requirement is consistent with the clause schedule. The planned 4.10 per cent credited open space attributed to local parks reflects the compact nature of the PSP and planned active open space area in the Horseshoe Bend PSP, located directly south of Reserve Road. It is noted the UDIA reference to 2.36 per cent of 'NDA' is incorrect. This figure was sourced from the Marshall DCP page 37 – local parks make up 2.36 per cent of the total precinct area not NDA.

#### Infrastructure staging

106. Marshall PSP Plan 17 is sourced from the Marshall SWMS Appendix 6 Catchment Plans - DCP Staging and Implementation Plan (last page of the document) and discussion is provided in Chapter 7.
107. The alphabetical letters (A through to K) represent separate catchment areas in Plan 17. The plan is not saying that each catchment must be delivered sequentially from A-K. It is attempting to convey the order in which assets within each catchment should be delivered.
108. Council therefore agrees with Spiire's suggestion to re-title PSP Plan 17 to 'Development Catchments' or similar. Some changes to the drafting of section 3.10.2 'Development Staging' will also be required. Indicative 'short', 'medium' or 'long' term classifications to individual development catchments was not assessed in the Marshall SWMS and is not considered necessary.

### Stormwater drainage

#### *Submissions*

##### Volume reduction

109. Barwon Water (2) and the Department of Energy, Environment and Climate Action (DEECA) (25) question how the Marshall PSP and Marshall SWMS has considered and where reasonably practical, proposed to achieve, a reduction in stormwater volume. The submissions point to EPA Publication 1739.1 June 2021 Urban stormwater management guidelines and the recently gazetted 'Order for Obligations of managers of land or infrastructure (Urban stormwater management and On-site wastewater management)' made under section 156 of the Environment Protection Act.
110. The Barwon Water submission states that DEECAs experts have advised that 'urbanisation, without appropriate stormwater management (including volume reduction) will negatively impact physical, ecological and social values of waterways and will result in the loss of high value wetlands.'
111. Mesh (12) notes the close NEIP - Marshall PSP relationship and submits there is a lack of certainty about whether the outfall to Sparrovale (DCP drainage item DI\_DR\_14), in terms of flow rate and volume, is acceptable to Council and other stakeholders. In its addendum submission, Mesh is concerned Council may be planning a different approach to the exhibited Marshall SWMS and requests any additional stormwater assets required within the Sparrovale Wetlands be identified prior to resolving the Marshall DCP.

#### *Council response*

##### Volume reduction

112. Council notes no percentage reduction targets are recommended or specific elements to reduce volumes suggested. Council also notes that the 3rd pipe requirement from Barwon Water actually precludes simpler catchment based reduction methods like mandatory rainwater tanks.
113. Council officers met with staff from Barwon Water, DEECA and the CCMA on 4 June 2024 to discuss stormwater volume reduction. While the CCMA (4) did not specifically submit on this issue, Council is aware the CCMA is undertaking a flow assessment of the Lower Barwon River with an outcome potentially being revised operating rules for the tidal barrage and outlets from Reedy Lake and Hospital Swamps.
114. Following the June 4 meeting, DEECA clarified that while the 'other' reduction targets in EPA 1739.1 have the strength of guidance, there is an expectation to consider volume reduction in broad terms in upholding the general environmental duty, which applies to anyone engaging in an activity that may give rise to risk of harm. Barwon Water commented that the Marshall PSP

takes practical steps to reduce volumes via wetlands, swales, passive street trees, rain gardens, permeable pavements and additional pervious areas.

115. Council acknowledges, as highlighted in the DEECA submission, that the Marshall SWMS did not specifically assess volumetric reduction of stormwater. The SMWS states on page 6: 'Recycled Water will be provided by Barwon Water to Marshall Precinct and the expectation is that this will be mandated for toilet flushing and garden tap supply. In the absence of any other large demands, such as sporting ovals within the Precinct, meaningful volumetric reduction of stormwater is considered unfeasible.'
116. Council notes that volumetric reduction currently is not required by BPEM or Clause 56.07, other than 'Maintain discharges for the 1.5 year ARI at pre-development levels'. The Marshall SWMS was scoped and commenced before the release of EPA 1739.1, and research to date indicates regional scale stormwater harvesting schemes or significant land area for stormwater retention/evaporation are the most effective methods of volume reduction. As stated in the Water Minister's Letter Of Expectations, the regional IWM Forum is the appropriate place to advocate for regional schemes.
117. Overall, Council considers the Marshall PSP and Marshall SWMS measures indirectly address volumetric reduction and satisfy its general environmental duty under the Environment Protection Act 2017.
118. The Marshall SWMS presents the catchment split between Marshall and NEIP precincts draining to waterway WW06 – which extends down to Sparrovale Wetlands. The NEIP catchment contributes 85 per cent (97ha) with the remaining 15 per cent to Marshall SE Catchment K (17ha).
119. At pages 60-61 the Marshall SWMS describes the drainage outfall strategy to Sparrovale Wetlands and notes:

*It should be noted that an allowance for fill embankments has been made to some areas in the waterway design, where due to flat grades, a waterway in cut is not possible. These fill embankments can have relatively flat batters, and be designed to integrate with the landscape, if designed appropriately.*

*It should also be noted that due to flat topography, the concept waterway to Sparrovale Linear Wetland does not have full 1% AEP capacity. Ultimate design will need to consider where flows break out with provision of floodplain. Providing infrequent wetting of localised areas adjacent to the waterway may be considered as a benefit from an environmental perspective, in the context of Sparrovale – Nubijt yooree Wetlands. This should be discussed with The City Environment Team as the design phase.*

*Collaboration with The City (in particular the Environment Department) will be required during the design development for the outfall waterway, given the waterway will extend through the Sparrovale – Nubijt yooree Wetlands area.*

...

*Therefore, it is critical that the future waterway integrates appropriately with the Sparrovale – Nubijt yooree Wetlands Master Plan, with the following requirements met:*

- *No impact to biodiversity values within Sparrovale – Nubijt yooree Wetlands by either construction impacts or detrimental impacts through changes to the flow regime.*
- *No impact to hard assets (such as access tracks) within the Sparrovale – Nubijt yooree Wetlands area.*
- *Design of waterway to consider a more meandering alignment, with particular focus on the pools/ponds, to the satisfaction of The City.*

120. Council is the Sparrovale Wetlands Land Manager and acquired the land in 2019 following Amendment C357. The amendment applied the Public Acquisition Overlay to 510 hectares of land within the Armstrong Creek Urban Growth Area Horseshoe Bend Precinct, to facilitate the

construction of stormwater management infrastructure. The Sparrovale Wetlands form part of the drainage scheme for the Horseshoe Bend PSP and is designed to mitigate impacts on the adjoining Ramsar Listed Connewarre Complex.

121. Sparrovale Wetlands also contains areas of biodiversity significance as highlighted in the Marshall SWMS. Consistent with the Strategy, there may be an opportunity to use the northern portion of Sparrovale (currently cropped and not supporting biodiversity values) as a location to evaporate treated stormwater.
122. Council has to date operated the Sparrovale Wetlands for the purposes of stormwater management through evaporation and, where needed, overflow outfall to the Barwon River in accordance with planning permit PP-35-2019 and the endorsed Wetland Monitoring and Management Plan (18 June 2020). As part of its development of the stormwater management system in the Sparrovale Wetlands, Council referred the following action under the EPBC Act:  
*'to re-develop and operate the Sparrovale Wetlands, including upgraded infrastructure and reinstated drainage channels, in Armstrong Creek and Charlemont, Victoria [see EPBC Act referral 2018/8375].*
123. On 7 March 2019, the proposed action was determined to be not a controlled action.
124. Deakin University has been monitoring the hydrology and water quality behaviour in Sparrovale Wetlands since early 2021, and recently completed a report (v1.6, July 2024).
125. The panel hearing is the appropriate forum to determine whether changes to the design and cost of the southern outfall Marshall DCP drainage item DI\_DR\_14 (WW06) is required. Council will consider the drainage evidence advanced in respect of the Amendment and confirm its position on any need to amend the DCP projects in the relevant catchments according.

#### Movement network and traffic

##### *Submissions*

126. DTP (5) submit they are unable to assess the impacts of the Amendment and PSP on the Principal Road Network due to the Marshall Traffic Impact Assessment (TIA) 8 March 2023 use of 2015 volumes, which are not representative of current conditions. DTP say they will not be able to support the movement networks proposed until the TIA is updated to reflect current and future traffic volumes.
127. DTP suggest further consultation regarding the proposed new intersection with Barwon Heads Road and the NEIP planned Keystone Avenue and new Marshall PSP east-west connector road. Mesh (12) submit this intersection design is deficient and also request review.
128. DTP also comment on staging, Barwon Heads Road access, the exhibited Marshall PSP Access Management Strategy (AMS), Station Precinct interface and public and active transport. Submission 13, from the owner of 82-90 Horseshoe Bend Road, also refers to the AMS.
129. Ratio (15) provided engineering plans to support access from Barwon Heads Road to 25 Horseshoe Bend Road and 391-399 Barwon Heads Road. This issue is discussed above in the 'Marshall PSP land uses' section.

##### *Council response*

130. Council met with DTP on 19 July 2024 to discuss their submission and has continued to positively engage since. Prior to the meeting, Council officers sought the opinion of Ratio, the author of the TIA, who advised the 2023 TIA pre-dates the completion of the Barwon Heads Road Stage 1 duplication works and there was no logic in collecting updated data at that time.
131. The Council is satisfied that the internal road network for the PSP will permit the distribution of traffic with the PSP area. The appropriate level of enquiry is the question of where the PSP

meets the external road network and ensuring that these connection points are adequate. Since the directions hearing in respect of the Amendment, Council has conducted two meeting with DTP to explore the issues raised in the traffic related submissions and it is intended that further meeting(s) will occur prior the hearing.

132. The Access Management Strategy (AMS) was prepared by Council in May 2019. It was prepared at a point in time to consider high level transport network options within the Precinct and identify a preferred option, which was then subject to a final detailed traffic impact assessment – being the July 2019 Cardno report. The AMS is appropriately referenced in the Marshall PSP Background Report but is not listed as a PSP technical report. Council does not intend to prepare an amended version as requested by DTP.
133. DTP support for the planned walking and cycling network is welcomed. Continuing Shared User Path 04 along the sewer easement was discounted as it would require removal of native vegetation where acceptable alternatives are available. Barwon Water do not permit any infrastructure within the easement.
134. On the DTP general support for station access outside the Marshall PSP (west of the railway line), Council proposes to change DDO51 by removing reference to a cycling path. While the future DDO51 link will primarily serve train customers, the new station overpass provides improved connectivity between neighbourhoods and access to the Marshall PSP Station Precinct. Focusing on pedestrian access only and avoiding multi-modal conflicts is consistent with the DTP advice.

#### *Submissions*

##### Marshall PSP drafting and plans

135. Several submissions raised concerns with the exhibited Marshall PSP without providing specific requested changes to the document. The proposed re-designation of part of the 'Commercial/Bulky Goods' area to a residential designation will require substantial changes to the document, including to most of the plans in Section 3.0 Implementation. The overall master plan for the PSP – Plan 5 Future Urban Structure – has been revised.

##### Environmentally Sustainable Development (ESD)

136. Submissions 16, 17, 20 and 21 are generally of the view that PSP Requirement 18 (R18) goes beyond the scope of the PSP and current benchmarks for environmental sustainability policies and guidelines. The UDIA (20) foresee development implementation difficulties, while Urbis (21) say the PSP should focus on sustainability principles and ESD elements addressed later in the development process.
137. None of these submissions propose alternative drafting.

##### Affordable housing

138. Submissions 16, 17, 20 and 21 consider the PSP affordable housing requirements and guidelines will unnecessarily increase development cost, particularly given the high DCP rate and other development costs in general.
139. Urbis consider R15 and G7 are overly ambitious, prescriptive and developers typically prefer locations close to existing services. Urbis is concerned as to the appetite of providers for delivering housing within Marshall. The UDIA refers to G7, commenting the provisions of G7 are difficult to interpret, calculate and apply.

#### *Council response*

##### Environmentally Sustainable Development (ESD)

140. Amendment VC216 made changes to the Planning Policy Framework (PPF) and all planning schemes to support ESD policies. Clause 01 of the Greater Geelong Planning Scheme states one of the purposes of the planning scheme is to 'support responses to climate change'. R18 builds on Clauses 12 and 15.01 and provides measurable targets and a more comprehensive approach to climate resilience.
141. Delivering environmentally sustainable subdivisions and developments are key objectives of the Marshall PSP. The ESD requirements are intended to provide a long-term vision for how an area is to be developed. The detailed design stage is often too late in the planning process to introduce ESD requirements.
142. Following a review of submissions, the wording of R18 has been revised and several requirements for urban heat island effect removed.

#### Affordable housing

143. The Marshall precinct is a unique greenfield urban growth area, being co-located with a train station, accessible to the bus and arterial road network, and close to a range of community and retail services. Council considers the precinct is, in effect, an infill residential area where a percentage of dwellings should be provided for social and affordable housing.
144. The PSP proposes a 4.5% contribution 'negotiation threshold' informed by the SGS assessment Providing social housing as essential infrastructure in Geelong's KSPAs, 21/12/2021. The 4.5% contribution (i.e. the 'Primary Obligation') is a starting point for developers to then negotiate and submit a site-specific Social and Affordable Housing Delivery Strategy as required by R15 and UGZ7.
145. Council encourages applicants to meet the 4.5% quantum, noting delivery of an affordable housing contribution is voluntary in the Victorian planning system and is open to discuss and negotiate other proposed delivery outcomes that are specific to each development context, such as partnering with Registered Housing Associations for discounted land/ dwellings.
146. A revision to G7 is required to clarify exactly what is the 'Primary Obligation'. This term will be added to bullet point 1 as follows:
  - Include social housing units in the project at the rate of 0.045 sqm (or 4.5%) for each square metre of commercially saleable or leasable floorspace (GFA) in the building(s) in question, with these social housing units being delivered at zero consideration to a registered community housing provider (This is referred to as the Primary Obligation), or;

#### CONCLUSION

147. These submissions will be supplemented by expert evidence, and Council's Part B submission to be filed in accordance with the Panel's directions.
148. In addition, Council will file its 'Day 1' version of the Amendment prior to the commencement of the hearing.

21 OCTOBER 2024  
**HARWOOD ANDREWS**  
on behalf of  
**GREATER GEELONG CITY COUNCIL**

## Appendix A – Submission Response Table

No	Surname/Business Name	Address	Summary of Submission to Amendment C278ggee	Council response
1.	Bartlett	Horseshoe Bend Road, Marshall	<p>Landowner of Property No. 21 (NOTE: the location of all Property Numbers in this table are shown on Figure 4: PSP Land Use Budget).</p> <p>Objects to the proposed location and area size of the drainage assets, which reduces developable land and devalues the property.</p>	<p>The Marshall SWMS incorporates offline wetlands, retarding basins, sediment basins and main drainage pipes, which then defines developable area. No change to the SWMS is required.</p> <p>Drainage asset land has been valued and costed in the Marshall DCP. The Marshall SWMS, DCP and Valuation Report do not consider whether drainage assets devalue property sale price.</p>
2.	Barwon Water	55-67 Ryrie Street, Geelong	<p>Barwon Water generally supports the amendment proceeding however makes the following comments on the PSP:</p> <ul style="list-style-type: none"> <li>▪ FUS Plan 5: What is the proposed treatment adjacent the outfall sewer easement through the conservation reserve? Suggest the 6m easement is fenced through here and maintained separate to the conservation reserve. Barwon Water will need to ensure it can continue to be maintained and doesn't become overrun with significant vegetation affecting our ability to operate and maintain asset in the future. Suggest provision is made for the future outfall sewer relocation adjacent the drainage reserve by way of a 6m easement adjacent the Shared User Path.</li> <li>▪ R56: Barwon Water has been working closely with DEECA and local government across the region to pursue concepts for stormwater volume reduction, in line with the EPA Guidance Note (2021). DEECAs experts have advised that 'urbanisation, without appropriate stormwater management (including volume reduction) will negatively impact physical, ecological, social values of waterways and will result in the loss of high value</li> </ul>	<p>The sewer easement located on Property 10 partly sits within conservation reserve CR03. BW requests information on any proposed treatment adjacent to the easement through conservation reserve and suggests that this is fenced and maintained separately (presumably in future by the City) to ensure that the easement is not overrun by vegetation.</p> <p>No specific treatment adjacent the easement is proposed. The area is encumbered by native vegetation (noting applied ESO1) and the conservation status of the land is to maintain the status quo. Clearing this vegetation and/or bisecting the core patch of grassy woodland within the Marshall PSP is not supported.</p> <p>Stormwater volume reduction response provided in Attachment 1 under the theme: Stormwater drainage.</p> <p>Response provided in Attachment 1 under the theme: Marshall PSP drafting and plans.</p>

No	Surname/Business Name	Address	Summary of Submission to Amendment C278ggee	Council response
			<p>wetlands.' It also states that 'stormwater harvesting can - and should - be considered an imperative to protect flow regimes and water quality and the receiving water bodies.' Most recently, Barwon Water received our Corporate Letter of Expectations (LOE 2024-25) from the Minister for Water, the Hon. Harriet Shing MP. It specifically calls out the above issues and risks of stormwater management, specifically, How does the Marshall PSP Stormwater Strategy propose to address this?</p> <ul style="list-style-type: none"> <li>▪ Removal or correction of R104, P15, P16 and T9.</li> </ul>	
3.	Bingham	Horseshoe Bend Road, Marshall	<p>Landowner of Property No. 27.</p> <p>Submitter requests to be kept informed on the progress of the amendment.</p>	Submission noted.
4.	Corangamite CMA	64 Dennis Street, Colac	<p>The CCMA submission focuses on the PSP land east of Barwon Heads Rd, stating it is subject to flooding from the Barwon River during a 1% AEP flood event. Flood extents and levels for the 1% Annual Exceedance Probability (AEP) flood event have been modelled for this area through the Lower Barwon &amp; Moorabool Flood Study (2019).</p> <p>The CCMA's assessment of the above information has determined that depths throughout the north-east areas of the PSP are largely greater than 0.3 metres, except for a narrow band of Land Subject to Inundation Overlay on the flood fringe. This is likely to limit residential, commercial, and industrial development within the floodplain in this area</p>	<p>Submission noted.</p> <p>The submission does not request any specific changes to the amendment. Flood constraints on land in the north east section of the precinct are identified and managed through the PSP and UGZ7. The CCMA is added as a recommended referral authority in the Schedule to Clause 66.04 for an application on land subject to flooding.</p>
5.	Department of Transport and Planning	GPO Box 2392, Melbourne	<p>DTP submission on behalf of the Head, Transport for Victoria. Notes opportunity to deliver on Vic Govt's Housing Statement.</p> <p>Arterial and Road Network comments:</p>	<p>Response provided in Attachment 1 under the theme: <i>Movement network and traffic</i></p> <p>Response provided in Attachment 1 under the theme: <i>Marshall PSP drafting and plans</i></p>

No	Surname/Business Name	Address	Summary of Submission to Amendment C278ggee	Council response
			<ul style="list-style-type: none"> <li>▪ Unable to assess the impacts of the Amendment and PSP on the Principal Road Network from the supporting documentation exhibited.</li> <li>▪ The Traffic Impact Assessment (TIA) currently uses traffic volumes from 2015 which are not representative of the current network conditions.</li> <li>▪ DTP will not be able to support the movement networks proposed until the TIA updated to reflect current and future traffic volumes.</li> <li>▪ The TIA should consider staging of the PSP and requests the TIA be updated to assess traffic impacts of the proposed staging plan. The DTP also recommends consideration of alternative staging that begin in the south to better utilise Reserve Rd and the recently duplicated Barwon Heads Road.</li> <li>▪ The PSP Infrastructure Plan allocates responsibility for construction of the Bellarine Link, Drews Road and Horseshoe Bend Road intersection to the State Govt. However, the responsibility to deliver the interim intersection is left undefined. It is DTP's position that council should be the lead agency in the delivery of the interim intersection and for it to be included as DCP item.</li> <li>▪ The intersection of Reserve Rd &amp; the truncated northern section of Horseshoe Bend Rd will require modification dependant on the timing and sequencing of the internal connector roads linking up to Horseshoe Bend Rd. Should this occur prior to completion of the Bellarine Link, DTP recommends that a left-in/left-out treatment be considered to avoid possibility of rat-running, and potential delays at the signals to the west.</li> <li>▪ Access arrangements to the proposed commercial/bulky goods areas are unclear in the PSP and TIA. DTP</li> </ul>	<p>Response provided in Attachment 1 under the theme: <i>PSP land uses</i></p> <p>PSP Infrastructure Plan responsibility – DCP interim intersection item (Bellarine Link/ Drews Rd/ HSB Rd)</p> <p>Response as follows:</p> <ul style="list-style-type: none"> <li>▪ PSP identifies IT01 interim as land and construction and lead agency CoGG.</li> <li>▪ PSP identifies separate IT01A ultimate land and construction, lead agency is State Govt.</li> <li>▪ DCP identifies DI_IT_01 and DI_LA_13 for interim construction and ultimate land take.</li> <li>▪ No change required.</li> </ul> <p><u>Appendix A – NVPP</u></p> <p><i>Comment 1 – Native vegetation removed as part of Barwon Heads Stage 1 is shown as retained. NVPP should be updated to accurately depict existing conditions.</i></p> <p>The approach of nominating the vegetation within the Barwon Heads Corridor as being retained was developed in consultation with MRPVs Planning and Environment Manager.</p> <p>At the time of drafting the NVPP the BHRD project's impact to native vegetation was uncertain, and Council did not inadvertently want to allow full removal of the vegetation within this footprint via a NVPP if some would end up being</p>

No	Surname/Business Name	Address	Summary of Submission to Amendment C278ggee	Council response
			<p>considers it unlikely that the proposed land use for these areas can be adequately serviced via the local road network. In particular, the commercial precinct in the wedge of land between Horseshoe Bend Rd &amp; Barwon Heads Rd is of concern to DTP, with Horseshoe Bend Rd (proposed to be a local access road) being the sole access in and out.</p> <ul style="list-style-type: none"> <li>▪ Further consultation is required with DTP as it is unlikely to support direct access to Barwon Heads Rd, ensuring traffic flows on Barwon Heads Rd are not impaired.</li> <li>▪ Further consultation is required with DTP regarding the proposed new intersection with Barwon Heads Rd &amp; Keystone Ave (future road into NEIP). Re. DCP Plan 10 (Appendix C – Intersection Plans): previous modelling suggested two right-turn lanes into Keystone Ave from Barwon Heads Rd.</li> </ul> <p>Public Transport comments:</p> <ul style="list-style-type: none"> <li>▪ Supports provision of bus capable streets</li> <li>▪ Concerns regarding the location and design of the Station Precinct. Abutting directly with the Marshall Station carpark creates potential for the carpark to be patronized for uses other than rail / bus commuting.</li> <li>▪ There are opportunities to consolidate car parking within the Station Precinct and to reduce the overall footprint allocated to this function should be facilitated by the PSP, particularly within high and medium-high density zones.</li> </ul> <p>Active Transport comment:</p> <ul style="list-style-type: none"> <li>▪ Supports walkability objectives, noting there may be an opportunity to develop a continuous shared user path (SUP04) along the sewer easement (E01).</li> </ul>	<p>retained. Refer to Section 5.1 of the NVPP for more detail.</p> <p>While some of this vegetation will have since been removed by MRPV for the road project, Council does not consider that amending the NVPP to reflect this an absolute necessity, though it may be useful from a project implementation perspective to note what vegetation has been removed by this project in tables 7 and 8 within the NVPP, as the City will have a role in overseeing rollout of the NVPP over time.</p> <p><i>Comment 2 – Native vegetation within PAO3 for the Bellarine Link must not be shown as retained as it will likely need to be removed to meet design requirements and reduce likelihood of needing additional land beyond existing PAO.</i></p> <p>Council does not agree that this change should be made, and in the absence of an actual design or any funding to deliver the Bellarine Link that this vegetation is shown as being retained.</p> <p>The State could then utilise one of the newer provisions at Clause 52.30 or 52.35 to permit the removal of said vegetation should that be required. The State has utilised this approach for both BHRD stage 1, BHRD Stage 2 and the Geelong – Waurin Ponds Rail upgrade (Cl. 52.36) recently despite the NVPPs in those precincts allowing the removal of that vegetation anyway. Council will however redraft section 5.1 of the document to discuss this area specifically in addition to Barwon Heads Road.</p>

No	Surname/Business Name	Address	Summary of Submission to Amendment C278ggee	Council response
			<ul style="list-style-type: none"> <li>▪ The Active Transport Network plan currently designates on-road cycling lanes on Drews Rd. Due to the expected volumes on Drews Rd, off-road cycling lanes should be considered further, to improve the overall safety outcomes of the active transport network.</li> <li>▪ Future station access to the west outside the Marshall PSP is generally supported. However, the station access should not double as an active transport link for through movements. Further consideration should be given to providing pedestrian permeability across the rail corridor and connecting with the existing pedestrian network outside of the precinct. Clarification should also be provided as to the type of access being considered to avoid multi-modal conflicts between active transport and vehicular access.</li> </ul> <p>General comments</p> <ul style="list-style-type: none"> <li>▪ Land to accommodate Marshall Station and its ongoing upgrade is currently owned by the Head, Transport for Victoria and managed by VicTrack under the Regional Infrastructure Lease (RIL). This land is nominated by the PSP to include mixed use and residential purposes. The southern portion of the land should not be included in this amendment to be rezoned, as it has not been declared surplus to transport, and must remain zoned Transport Zone 1 (TRZ1) until Council has undertaken the clearance process for this land. Enquiry about the status of this land can be initiated via the VicTrack website.</li> <li>▪ All proposed development that has interface with the rail corridor should consider and comply with the VicTrack Rail Development Guidelines (2019).</li> </ul> <p>Detailed comments on the Marshall PSP, DCP and NVPP are provided in Appendix A to the DTP submission.</p>	<p><i>Comment 3 – Aerial imagery to be updated.</i></p> <p>The aerial imagery was current at the time of drafting and given the pace of change in the area, it will be out of date reasonably quickly regardless. No change to the NVPP.</p> <p><u>Other</u></p> <p>Other comments not addressed above are noted.</p>

No	Surname/Business Name	Address	Summary of Submission to Amendment C278ggee	Council response
6.	EPA Victoria	GPO Box 4395, Melbourne	<p>The EPA provides written views on the UGZ7 as follows:</p> <ul style="list-style-type: none"> <li>▪ Amend the Clause 3.0 Application requirements 'Requirement - 'Preliminary Risk Screen Assessment' as drafted in the submission.</li> <li>▪ Amend the Clause 3.0 Application requirements 'Requirement - Preliminary Site Investigation' as drafted in the submission.</li> <li>▪ Amend the Clause 3.0 Application requirements 'Requirement - Preliminary Risk Screen Assessment' as drafted in the submission.</li> <li>▪ Amend the Clause 4.0 Application requirements by deleting part of the condition: 'Condition – Environmental Audit'.</li> </ul> <p>The submission also notes</p> <ul style="list-style-type: none"> <li>▪ The explanatory report has provided a response to deferring environmental audit system requirements through application of an EAO.</li> <li>▪ Decisions about NEIP industrial land use interface and separation distances rests with the planning authority.</li> <li>▪ UGZ7 noise and vibration emissions provisions are consistent the EPA's recommended wording.</li> </ul>	<p>The suggested changes to UGZ7 are accepted.</p> <p>Other potentially contaminated land matters, as well as how the amendment manages interface and separation distances and noise emissions are generally supported by EPA.</p>
7.	Giorgio	Sutalo Street, Marshall	<p>Submission from resident outside the Marshall PSP area.</p> <p>Supports high-rise development in the local area and suggests expanding the native vegetation corridor to minimise the impact on the environment.</p>	<p>The Marshall NVPP establishes the native vegetation to be retained as part of future development. The vegetation will predominantly be retained within conservation reserves shown in the PSP and no additional vegetation corridors are proposed.</p> <p>Turning over more land to conservation will reduce developable land for housing, which is a</p>

No	Surname/Business Name	Address	Summary of Submission to Amendment C278ggee	Council response
				key objective of the PSP. The PSP integrates conservation reserves with other areas of open space and the precinct as a whole provides the right balance between protecting native vegetation and enabling residential development.
8.	Hublet Capital Pty Ltd	5 Nichosdale Road, Camberwell	<p>The submission does not state which property(s) it owns or has an interest in. Council records show the submitter is the owner of 1-5 Tannery Rd (PN #38) and 7-9 Tannery Rd (PN #39).</p> <p>The submission raises the following concerns relating to the PSP local access street shown on property numbers 38, 39, 40 and 41:</p> <ul style="list-style-type: none"> <li>▪ Owned by unrelated investors not developers</li> <li>▪ High development cost may be financially unviable for individual owners.</li> <li>▪ Restrictive covenants restricts immediate use as a masterplan is required.</li> <li>▪ Appears to be an afterthought and band aid solution to bad design of the now built signalised intersection (Barwon Heads Rd &amp; Tannery Rd).</li> </ul> <p>The submission suggests a solution:</p> <p>Update the Local Access Street to Arterial and make it the responsibility of VicRoads or council to develop the same, this will provide a fast and clear solution to this issue which is being dealt by planners this will also allow better management of Flood overlay as part of the now truncated Horseshoe Bend Rd is within the Flood overlay zone.</p> <p>Addendum submission in response to Council's letter dated 7 August 2024. Objects to the proposed change and submits a Mixed Use Zone designation is more appropriate and provides reasons.</p>	<p>Response provided in Attachment 1 under the theme: PSP land uses. The property is proposed to be re-designated 'Conventional Residential'.</p> <p>Concerns that the UGZ7 masterplan requirement (sub-clause 2.4 &amp; 2.5) restricts immediate development will no longer apply as it is proposed to change the PSP designation to 'Conventional Residential'.</p> <p>The Local Access Street is also no longer required and will be deleted from the FUS Plan.</p> <p>Unrelated landowners, particularly within the catchment area H shown in PSP Table 9 and Plan 17, are encouraged to coordinate development or consolidate activities so that permit applications are generally in accordance with the Marshall PSP and DCP, and service infrastructure is delivered in an orderly and efficient manner.</p>

No	Surname/Business Name	Address	Summary of Submission to Amendment C278ggee	Council response
9.	Hungerford	Huntingdon Street, Newtown	<p>Submission from the owner of Property No. 41. Submitter notes the drainage basin straddles PN #41 and PN #42.</p> <p>Opposes the location of SBRB02 for the following reasons:</p> <ul style="list-style-type: none"> <li>▪ The basin is sited over shedding which is used for storage of business plant and equipment.</li> <li>▪ Discrepancies in the land valuation of DI_LA_7 need to be rectified.</li> </ul> <p>Requests the following changes:</p> <ul style="list-style-type: none"> <li>▪ Move the basin to the eastern corner of Property 41</li> <li>▪ Provide a revised land valuation</li> <li>▪ Consider increasing the size of SBRB01 and SBRB03 and remove SBRB02.</li> </ul> <p>Addendum submission in response to Council's letter dated 7 August 2024. Supports either commercial or medium/ high density housing designation.</p>	<p>The location and design of the basin is informed by the Marshall SWMS, discussed in sections 6.10 and 6.11 (pages 54- 57). No change to the SWMS.</p> <p>A revaluation is not required. As is best practice, the subject land is valued at its highest and best use within the context of land zoned for urban purposes.</p> <p>Response to Addendum Submission provided in Attachment 1 under the theme: PSP land uses. The property is proposed to be re-designated 'Conventional Residential'.</p>
10.	ID_Land	L11, 484 St Kilda Road, Melbourne	<p>Submission from the owner of Properties #44 and #45 – notes the land is to be acquired for the future construction of assets DI_DR_12 and DI_DR_12a, being a retarding basin and a piped main drain.</p> <p>Says full development of the Marshall PSP requires this land to be acquired and the basin delivered, however the PSP offers no certainty on timing. And it is not expected a single developer would be able to purchase the land from ID_Land.</p> <p>ID_Land requests the following:</p> <ul style="list-style-type: none"> <li>▪ The City prioritise the transfer of land in the short term in order to remove the existing basin out of private ownership and to facilitate development of the PSP; and</li> </ul>	<p>Response provided in Attachment 1 under the theme: DCP infrastructure cost, delivery and staging</p>

No	Surname/Business Name	Address	Summary of Submission to Amendment C278ggee	Council response
			<ul style="list-style-type: none"> <li>▪ Discuss the matter further with the City.</li> </ul>	
11.	Johnson	Tannery Road, Charlemont	<p>Submission from the owners of 31-39 Tannery Rd, Charlemont, whose land sits between the Marshall PSP and NEIP PSP and extends north to the Barwon River.</p> <p>The submission makes several comments/ requested changes:</p> <ul style="list-style-type: none"> <li>▪ Exclusion from the Marshall PSP – shift the precinct boundary to include part of the property with frontage to Tannery Rd (approx 2ha) and above flood prone land. This area should be regarded the same as parcels to the west.</li> <li>▪ Timing of when waterways WW04 &amp; WW05 are constructed – this is triggered when the Marshall PSP catchment development is 50%. In extreme rainfall events, this presents an immediate threat and therefore construction timing should be revised forward.</li> <li>▪ Location of Tannery Rd culvert – this is proposed to be opposite the SE corner of our property with the open waterway angling to the adjoining property after the rest of the drain has been refilled. The design will apply resistance to the flow of water and presents as an aesthetic impediment. Requests the culvert be located east of property boundary and the earthen bank to the west of the existing drain be left intact, when the old drain is refilled.</li> <li>▪ The lowest point of Tannery Rd – This is located 70m west of the present culvert, and in extreme rainfall events the creek can back-up and flow over the road and across our property. Suggest building a piped storm water drain on the north side of Tannery Rd so the SBRB02 pipe can connect into it. Also the swale drain in front of our property</li> </ul>	<p><u>Rezoning</u></p> <p>The property is zoned Farming Zone and lies between the Marshall (UGZ) and NEIP (UGZ1) PSPs. The exhibited amendment does not propose to rezone all or part of the property or include any part of the property in the Marshall PSP.</p> <p>The land is substantially flood-prone however as a result of Amendment C339ggee the extent of the LSIO and FO were reduced and some land fronting Tannery Rd is now potentially available for development. The south east corner is burdened by an existing drainage easement and forms part of the Marshall SWMS – WW05 Barwon River Reach and DR11.</p> <p>The extent of flood-free land is about 1ha though a practical development parcel on the south-west corner with access from Property 41 or Tannery Rd is more like 500 square metres. There are also drainage considerations resulting from any future final design associated with the NEIP on the opposite side of Tannery Rd as outlined in the Marshall SWMS section 6.11 on pages 54-57.</p> <p>Rezoning some land to the UGZ7 is considered premature and would require a concurrent subdivision permit to prevent the property being applied with two zones. Further investigation would be required by the landowner.</p>

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			<p>is inadequate and is now receiving more runoff from the Barwon Heads Rd duplication.</p> <ul style="list-style-type: none"> <li>▪ Farm dam on the flood plain – a significant bird and potentially growling grass frog habitat. So to maintain this water body, the pipe will need to be extended east to the invert of the proposed new waterway, as the dam has no other water source.</li> <li>▪ The channel on western boundary of our property's river flats – this is a private channel to drain a low laying area. SBRB03 discharges into this channel and we consider that this may impede its function and cause more flooding on our property.</li> <li>▪ Ponding and meandering in the waterway – design should consider excessive breeding of mosquitoes.</li> </ul>	<p><u>Farm dam</u></p> <p>The comment suggesting maintenance of the existing hydraulic regime to the farm dam onsite is supported (and noted as a recommendation of the Fauna work undertaken by Ecolink).</p> <p>The PSP will be revised to ensure the dam is not cut off from the relocated channel WW05 to the Barwon River, so as to prevent decline in habitat availability for GGF and Lathams Snipe.</p> <p><u>Waterway design for mosquitos</u></p> <p>Council has a mosquito management program which includes review of drainage asset design before approval, monitoring of breeding sites and mitigation.</p> <p><u>Stormwater drainage issues</u></p> <p>Response to be provided by Council's drainage expert.</p>
12.	Mesh Planning	Level 2, 299 Clarendon Street, South Melbourne	<p>Submission on behalf of Re-Grow Geelong Pty Ltd, landowner in the NEIP. The submission includes a map showing the location of the Re-Grow land and its relationship with the Marshall PSP.</p> <p>The submission raises three issues that require changes to the PSP and DCP:</p> <ul style="list-style-type: none"> <li>▪ Designation of the commercial/ bulky goods area (proposed applied zone C2Z) on Barwon Heads Road lacks strategic basis and the applied zone should be residential consistent with the ACUGFP.</li> <li>▪ Design and costing of DCP road intersection DI_IT_02 (Barwon Heads Rd &amp; east-West Connector Rd) is deficient and should be updated.</li> </ul>	<p>Response provided in Attachment 1 under the theme: <i>PSP land uses</i></p> <p>Outfall to Sparrovale Wetlands response provided in Attachment 1 under the theme: <i>Stormwater drainage</i></p> <p>Response provided in Attachment 1 under the theme: <i>DCP infrastructure cost, delivery and staging</i></p> <p><u>Response to Issue 3 DCP drainage projects not addressed elsewhere in the report</u></p> <p><i>Implications associated with deletion of stormwater treatment assets (located</i></p>

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			<ul style="list-style-type: none"> <li>DCP drainage projects that provide outfall to the Barwon River and Sparrovale Wetlands requires further review taking into consideration the close relationship between the Marshall PSP and the NEIP. The outfall to Sparrovale Wetlands issue is supported by an addendum submission.</li> </ul>	<p><i>within/adjacent to project DI_DR_10) that is included within the NEIP drainage strategy.</i></p> <p>This issue is acknowledged in the Marshall SWMS section 6.11 on pages 54-57, which also provides an example (p.55) design solution.</p> <p><i>Whether the alignment of project DI_DR_01a can be accommodated without impacting on privately owned land and whether it is required to service the NEIP land.</i></p> <p>This waterway drainage pipe outfall from WLRB02 is discussed in the Marshall SWMS at sections 4.4, 6.12 &amp; 6.13 and shown on the concept design plans (PDF pages 132 &amp; 133). Partly located on 425-499 Barwon Heads Rd and to be resolved with development planning for NEIP and Bellarine Link. All major drainage infrastructure is included in the Marshall DCP (refer to page 22).</p>
13.	Miloi	Horseshoe Bend Road, Marshall	<p>Owners of Property No. 16.</p> <p>The Access Management Strategy (AMS) shows 4 options and option 2 runs through the northern side of Property #16 consuming 36% NDA. The submission requests details for selecting option 2 given Option 4 was the most practical option in the AMS.</p>	<p>The AMS was prepared by the City in May 2019. It was prepared at a point in time to identify potential high level transport network options within the Precinct, which would then be subject to a final detailed traffic impact assessment – being the July 2019 Cardno report. The AMS is referenced in the exhibited Marshall PSP Background Report but not listed as a technical report in the PSP.</p> <p>The submission correctly highlights that the AMS selected ‘Option 4’ as the preferred response, meaning no part of the E-W Connector Rd is proposed to be located on Property 16.</p>

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				<p>Following completion of the AMS, the Marshall NVPP was finalised in October 2022. The NVPP identified recruitment of native vegetation within and near the alignment of the east-west connector road and at its intersection with Drews Road. Retaining the option 4 road alignment would result in levels of vegetation removal contrary to principles of 'avoid and minimise', particularly where alternatives are available. Delivery of the road would have been challenging given both sides would be fronted by conservation reserves for a section on Property 12, in effect resulting in a parcel with very limited development potential.</p> <p>For these reasons the alignment of the E-W Connector Rd is similar to AMS Option 2 and is the alignment shown in the Marshall FUS and informs the DCP. This alignment is supported by the 2023 Ratio Traffic Impact Assessment and the overall road and active transport network will provide appropriate connectivity to Marshall Station for local and broader area residents.</p> <p>It is noted that the submitters land still contains 62.6% NDA and the E-W Connector Rd is a DCP land item in the Marshall DCP (DI_LA_16).</p>
14.	Mitchell	Saunders Street, Coburg	Owner of Property No. 11. General support for the amendment subject to other submissions not negatively impacting on the NDA.	Submission noted.
15.	Ratio Consultants	Geelong Office, 12-14 Union Street, Geelong	Submission on behalf of the owner of: <ul style="list-style-type: none"> <li>▪ 25 Horseshoe Bend Rd, Marshall (PN #20)</li> <li>▪ 8 Tannery Rd, Charlemont (PN #42)</li> </ul>	Response provided in Attachment 1 under the theme: Marshall PSP land uses. The properties are proposed to be re-designated 'Medium/High

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			<ul style="list-style-type: none"> <li>▪ 391-399 Barwon Heads Rd, Charlemont (PN #43)</li> </ul> <p>Generally supportive of the amendment including designation of commercial/ bulky goods land in the PSP and UGZ7 applied Commercial 2 Zone.</p> <p>However recommends several drafting changes to the PSP and UGZ7 or provides comments to that effect:</p> <ul style="list-style-type: none"> <li>▪ Redraft the 'Vision' to include the important role of employment within the precinct.</li> <li>▪ Plan 9 shows existing trees to be retained that have been removed by the road duplication.</li> <li>▪ Redrafting of R40.</li> <li>▪ Integrated water management requirements (Plan 12, Table 10 &amp; R56) must allow flexibility in design and location.</li> <li>▪ Redraft requirements relating to employment, retail and community facilities (R84, R85, R86 &amp; G43).</li> <li>▪ Objection to the prohibition of a supermarket use in UGZ7.</li> </ul> <p>Addendum submission in response to Council's letter dated 7 August 2024. Objects to the proposed change and submits the 'commercial/ bulky good' designation is appropriate and provides several reasons.</p>	<p>Density Residential' (#20) and 'Conventional Residential' (#42 &amp; #43).</p> <p>Response provided in Attachment 1 under the theme: Marshall PSP drafting and plans.</p> <p>Given Council's proposed re-designation of the commercial/bulky goods area east of Barwon Heads Rd to 'Conventional Residential', the UGZ7 applied zone for the land will change from C2Z to General Residential Zone. This means a Supermarket is prohibited unless it is associated with a use or development to which Clause 53.23 applies (excluding subdivision).</p> <p>Even were the C2Z to remain, Council does not support the objection and would continue to propose a Supermarket be prohibited in the UGZ7 applied zone. Further consideration under the theme: Marshall PSP land uses.</p>
16.	Spiire Australia	2/10 Moorabool Street, Geelong	<p>Submission on behalf of the owner of 62-80 Horseshoe Bend Rd, Marshall (Property No. 13).</p> <p>Generally supportive submission, though seeking:</p> <ul style="list-style-type: none"> <li>▪ Application of the PAO on land designated for drainage assets.</li> </ul>	<p>Response provided in Attachment 1 under the theme: <i>DCP infrastructure cost, delivery and staging</i></p> <p>Response provided in Attachment 1 under the theme: <i>Marshall PSP drafting and plans</i></p>

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			<ul style="list-style-type: none"> <li>▪ Reconsideration of Guideline G58 and Plan 17 in relation to staging and sequencing</li> <li>▪ Alternative design solutions and/or funding to reduce DCP and affordable housing rates.</li> <li>▪ Demonstrated justification of Requirement R18 (ESD provisions).</li> </ul>	
17.	Spiire Australia	2/10 Moorabool Street, Geelong	<p>Submission on behalf of the owner of 205-243 Reserve Rd, Marshall (Property No. 33).</p> <p>Generally supportive submission, though seeking:</p> <ul style="list-style-type: none"> <li>▪ Reconsideration of Guideline G58 and Plan 17 in relation to staging and sequencing</li> <li>▪ Alternative design solutions and/or funding to reduce DCP and affordable housing rates.</li> <li>▪ Demonstrated justification of Requirement R18 (ESD provisions).</li> </ul>	<p>Response provided in Attachment 1 under the theme: <i>DCP infrastructure cost, delivery and staging</i></p> <p>Response provided in Attachment 1 under the theme: <i>Marshall PSP drafting and plans</i></p>
18.	Tomkinson	Western Avenue, Westmeadows	<p>Submission from Tomkinson Consultants on behalf of the owners of 91-109 Reserve Rd (Property No. 5). There are two key issues raised:</p> <ul style="list-style-type: none"> <li>▪ The submission notes the property is identified for Medium/ High Density Residential and RGZ is the applied zone. However there is objection to this designation and it is submitted the land is more suitable for high density in the form of multi-unit apartments and terraced/ row housing. It is requested the land be identified as 'High Density Residential' in the PSP.</li> <li>▪ The submission notes the property is included in Stage D on PSP Plan 17. There is opposition to including the property in Stage D since the land currently has road access to the Marshall Station and has the potential for</li> </ul>	<p>Response provided in Attachment 1 under the theme: <i>PSP land uses</i></p> <p>Response provided in Attachment 1 under the theme: <i>DCP infrastructure cost, delivery and staging</i></p>

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			<p>early delivery of housing. It is requested the land be included in an earlier development stage and that the phasing approach be revisited to facilitate earlier development of land closer to the station.</p>	
19.	Tract Consultants	39 Gheringhap Street, Geelong	<p>Submission on behalf of Marshall Dev Co Pty Ltd, a subsidiary of Ample Investments, owner of 62-84 Drews Road, Marshall (Property No. 2).</p> <p>The submission notes the site is located within, and makes up a majority of, the proposed 'Station Precinct' of the PSP and DCP. The future 'Station Precinct' is intended to accommodate a mix of uses, including high density residential, commercial and retail. The Site is approximately 4.5ha in area and is located immediately south of Marshall Station.</p> <p>The submission is broadly supportive of the amendment however raises the following issues:</p> <ul style="list-style-type: none"> <li>▪ Consistency between guidelines and plans</li> <li>▪ Station Precinct (Local Activity Centre) Supermarket floorspace cap</li> <li>▪ Drainage infrastructure and consequential delay</li> </ul> <p>The submission is supported by attached documents:</p> <ul style="list-style-type: none"> <li>▪ Coles Supermarket letter of support</li> <li>▪ Spiire memo</li> <li>▪ CHC Station Precinct Concept Plan</li> <li>▪ VMK Station Precinct Concept Plan</li> </ul>	<p>Response provided in Attachment 1 under the theme: <i>PSP land uses</i></p> <p>Response provided in Attachment 1 under the theme: <i>Marshall PSP drafting and plans</i></p> <p>Response provided in Attachment 1 under the theme: <i>DCP infrastructure cost, delivery and staging</i></p>
20.	UDIA Victoria	54 Wellington Street, Collingwood	<p>The UDIA supports the overall intent of the PSP and DCP, but in its current form does not facilitate the timely delivery of private housing at an affordable price point.</p>	<p>Response provided in Attachment 1 under the theme: <i>Marshall PSP drafting and plans</i></p>

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			<p>Refers to the Victorian Government's 2023 <i>Housing Statement</i> and that Marshall represents one of a limited number of opportunities that Council can seek to maximise land use and development and embed a sustainable and efficient approach to housing delivery.</p> <p>Raises the following implementation issues:</p> <ul style="list-style-type: none"> <li>▪ Environmental sustainability concerns (ESD, social/affordable housing, urban greening).</li> <li>▪ High DCP residential rate and substantial amount of encumbered land (NDA is just 58% of total precinct).</li> <li>▪ The total credited open space at 2.36% of NDA while Clause 53.01 requirement is 10%, is too high for such a constrained PSP with so much useable encumbered land.</li> <li>▪ Drainage infrastructure delivery: apply PAOs upfront to avoid a significant portion of the precinct not being delivered in a timely manner.</li> </ul> <p>Utility subdivision application requirements in the PSP identified too soon and should be designed in at functional design stage.</p>	<p>Response provided in Attachment 1 under the theme: <i>DCP Infrastructure cost, delivery and staging</i></p>
21.	Urbis Ltd	8 James Street, Geelong	<p>Submission on behalf of DRD (Vic) Pty Ltd, who control the following landholdings</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 84-104 Drews Rd (Properties #3, 4a and 4b)</li> <li><input type="checkbox"/> 113-129 Reserve Rd (Property #6)</li> </ul> <p>Supportive of the amendment but advocates for a more flexible and balanced approach to the PSP. The requirements present significant challenges to development.</p> <p>Raises the following general matters of concern:</p>	<p>Response provided in Attachment 1 under the theme: <i>PSP land uses</i></p> <p>Response provided in Attachment 1 under the theme: <i>Marshall PSP drafting and plans</i></p> <p>Response provided in Attachment 1 under the theme: <i>DCP Infrastructure cost, delivery and staging</i></p> <p>Response to specific issues:</p>

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			<p><input type="checkbox"/> Residential density targets – set more flexible density requirements to allow for standard larger home residential use (not only medium/ high density) to respond to site-specifics and market conditions.</p> <p><input type="checkbox"/> High development contributions levy – the high DCP cost will create a significant barrier to development and the DCP should be reviewed with a focus on the land items.</p> <p><input type="checkbox"/> Affordable housing – requiring prescriptive social housing requirements will lead to increased delivery costs and impact affordability. Encourage a more balanced and context-specific approach.</p> <p><input type="checkbox"/> ESD requirements – the PSP should focus on setting sustainability principles not prescribing specific design solutions as found within R18.</p> <p>The submission then raises concerns specific to the site:</p> <p><input type="checkbox"/> Designated conservation area – reconsider CR05 as an asset to be retained or limit to 0.293 ha.</p> <p><input type="checkbox"/> Public open space location – relocate the Southern Local Park to improve the distribution of open space.</p> <p><input type="checkbox"/> Staging – located within Catchment D and suggests a review to provide greater flexibility of the requirements and prevent development delays.</p> <p><input type="checkbox"/> Bushfire setbacks – provide greater flexibility and clarity of the PSP R78, for the setback from woodlands. Redraft to <i>‘dwelling setback to be determined at detailed assessment’</i> to allow for site-specific considerations.</p> <p><input type="checkbox"/> Land acquisition – PAOs should be considered.</p> <p><input type="checkbox"/> Realignment of Drews Rd – eager to understand what alternative solutions were considered for the proposed Drews Rd realignment.</p>	<p><u>Conservation area CR05 (113-129 Reserve Road)</u></p> <p>The submission suggests that the space allowed for the retention of CR05 is too large and queries the benefit of retaining this patch at all due to a lack of a specific description of fauna values in the NVPP. The conservation reserve is larger than the patch size listed in the NVPP (0.508ha and 0.293ha respectively), and Urbis submit that the reserve should be reduced to 0.293ha or deleted entirely.</p> <p>The approach of nominating a conservation reserve of the exact size of the patch of native vegetation was used in previous Armstrong Creek PSPs and resulted in poor outcomes. It fails to acknowledge that to actually retain native vegetation, particularly if large trees are present, construction can't occur along the very edge of the patch. In other PSPs this results in a conflict with the strategic intent of the NVPP if a permit application was to be approved, or a deviation from the land budget to include a buffer to the patch and allow retention to occur. Learning from this, Council sought to include buffers on CR05, and specific to this patch have squared off a reserve to allow for a more logical and implementable edge road design.</p> <p>Regarding deletion of the conservation reserve due to a lack of identified fauna values, an NVPP is a strategic tool to inform retention and removal of native vegetation only. Fauna values have been one input to the broader approach to conservation in the precinct, and a lack of specifically identified fauna values does not then</p>

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				<p>mean that there is no value in retaining native vegetation. This argument is not valid. Council notes that the DEECA submission supports the use of buffers to native vegetation to be retained to protect from construction and conflicting land uses.</p> <p><u>Bushfire Setbacks</u></p> <p>Council has no concerns with the approach of defining dwelling setbacks at detailed design, though propose that the requirement of an edge road is maintained adjacent conservation reserves. Agree to redraft R78.</p> <p><u>Location of southern local park (LP03)</u></p> <p>Not supported. Purposely designed and located to compliment conservation reserve CR05 and shared user path 05.</p>
22.	Whiteman Property & Assoc Pty Ltd	3/20 Enterprise Drive, Bundoora	<p>Submission on behalf of the owner of 25 Horseshoe Bend Rd Marshall (Property #20).</p> <p>Raises the following issues:</p> <ul style="list-style-type: none"> <li>▪ The PSP restricts the long-term viability of the site noting a significant portion of the property is currently inhibited by a drainage reserve.</li> <li>▪ Requests amending the PSP to provide flexibility in the location of the drainage reserve by locating it within the AusNet Services Electrical Easement (220kV high voltage transmission lines). The submission notes discussions with AusNet that the asset is currently de-energised, with no immediate plans for reuse.</li> </ul>	<p>The Ausnet electrical transmission easement and assets within the easement form a significant feature of the precinct and the Marshall PSP is designed accordingly.</p> <p>The PSP shows the location and width of the drainage reserve (WW03) within the easement which was informed by the Marshall SWMS - refer to Section 6.7.3.</p> <p>The Marshall SWMS design followed advice from Ausnet, which is now confirmed by their submission (No. 23).</p> <p>It is noted that the exhibited TGM servicing plan is outdated, though it does conclude the precinct can be readily serviced. Marshall PSP P15 Utility</p>

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			<ul style="list-style-type: none"> <li>▪ Refers to the TGM Servicing Plan indicating AusNet would not object to the co-usage of the easement for wetlands, drainage, so long as compliant with regulations.</li> <li>▪ Relocation of the drainage assets could be accompanied by shared paths within the easement, improving surveillance and activation of open space, and offsetting the space becoming a 'wasteland'.</li> <li>▪ Other benefits include a reduction in DCP levies</li> </ul> <p>Suggests if council is flexible with the location of the drainage reserve, WPA propose to obtain 'in-principle' approval from AusNet Services to confirm the shift of the reserve to within the transmission easement.</p> <p>Addendum submission in response to Council's letter dated 7 August 2024. Objects to the proposed change and submits the 'commercial/ bulky good' designation is appropriate and provides several reasons.</p>	<p>Service is 'draft only' and will be updated before the amendment is adopted.</p> <p>No change to the drainage reserve location.</p> <p>Response to Addendum Submission provided in Attachment 1 under the theme: <i>PSP land uses</i>. The property is proposed to be re-designated 'Medium/High Density Residential'.</p>
23.	AusNet Services	L31, Southbank Boulevard, Southbank	<p>Submission from the AusNet Property Manager, stating:</p> <ul style="list-style-type: none"> <li>▪ AusNet supports the Greater Geelong Planning Scheme Amendment C278ggee - Marshall Precinct Structure Plan, as advertised.</li> <li>▪ Including the specific protection and design references to interfaces with the High Voltage Transmission Easement (including the treatment of drainage reserve infrastructure design and road interfaces adjacent the easement).</li> <li>▪ Any future development proposal contrary to the advertised Amendment would be subject to review and consent of AusNet.</li> </ul>	Submission noted.
24.	Country Fire Authority	CFA Fire Risk, Research & Community	Supportive submission from the CFA Land Use Planning Coordinator, stating:	Submission noted.

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		Preparedness, 8 Lakeside Drive, Burwood East	CFA are generally supportive of the bushfire protection measures included within PSP and understand that, as part of this amendment, the PSP will be an incorporated document within the GGPS. This will give effect to the bushfire protection measures required to ensure future development will satisfy bushfire policy at Clause 13.02-1S.	
25.	Department of Energy, Environment and Climate Change (DEECA)	Planning & Environment Assessment, PO Box 13, Geelong	<p>Generally supportive submission to introduce the Marshall PSP and Marshall NVPP. Provides the following comments:</p> <p><u>Planning Scheme Amendment components</u></p> <ul style="list-style-type: none"> <li>▪ Clause 66.04: accepts the referral authority role for vegetation removal however recommends change to preferred legal dept name.</li> <li>▪ UGZ7: unclear how feasible it is to retain trees in the mixed use – high density residential area. Queries some provisions in sub-clause 4.0.</li> <li>▪ Marshall NVPP: recommends update of aerial imagery, remove reference to native vegetation that has already lawfully been removed and correct the precinct boundary.</li> <li>▪ Marshall PSP comments focus on biodiversity and integrated water management: supports conservation reserves and greenways, supports the requirements and recommends including a definition of ‘Conservation Reserve’, and add requirement(s) to meet volume reduction targets as per EPA Publication 1739.1, June 2021).</li> </ul> <p>Other supporting documents</p> <ul style="list-style-type: none"> <li>▪ Marshall SWMS (2022): notes no assessment of stormwater volume reduction and this may not be adequate under current policy settings and legislative requirements (GED).</li> </ul>	<p>Stormwater volume reduction response provided in Attachment 1 under the theme: <i>Stormwater drainage</i> Response provided in Attachment 1 under the theme: <i>Marshall PSP drafting and plans</i></p> <p><u>UGZ7</u></p> <p>Plan 1 depicts trees as being retained in high density areas and DEECA notes concerns regarding how feasible this will be. The City has a relatively mature and robust approach to significant tree retention as development proceeds. Council does not have concerns with feasibility of retention.</p> <p>Re. ‘<i>Condition – Security of Conservation Land</i>’: agree to redraft in consultation with DEECA.</p> <p><u>Marshall NVPP</u></p> <p>Recommended changes –</p> <ul style="list-style-type: none"> <li>▪ Update aerial imagery – refer to DTP response.</li> <li>▪ Remove reference to native vegetation that has been removed lawfully – refer to DTP response.</li> <li>▪ Consistently depict precinct boundary. Change is agreed as appropriate.</li> </ul>

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			<ul style="list-style-type: none"> <li>▪ Marshall Servicing Plan (2018): unclear on the future role of the plan.</li> <li>▪ VGED Habitat Assessment (2024): supports the report findings that moderate level habitat may require on-ground assessment at time of development.</li> </ul>	<p><u>TGM Servicing Plan</u></p> <p>DEECA have identified that this plan doesn't necessarily integrate with requirements of the PSP and NVPP and may result in conflicts in delivery, specifically with conservation areas. Agree that this document should be reviewed to ensure that the servicing plan can be implemented as intended without barrier/contradictions with other requirements.</p> <p><u>VGED</u></p> <p>DEECA are supportive of the approach undertaken in the exhibited Ecolink report. The report will be added as a technical report in the Marshall PSP.</p>
26.	Drews Development Pty Ltd	Susan Court, Mount Waverley	<p>Late submission from the owners of 67-87 Drews Road, Marshall (Property #10) objecting on the following grounds:</p> <ul style="list-style-type: none"> <li>▪ Trees Identified in the Report: Our property contains one large tree and several smaller, common trees, whereas properties such as 197 Reserve Road, Marshall, which have more trees, are not classified as Conservation Zones. We seek clarity on why our property is classified as such.</li> <li>▪ Native Vegetation on the Property: We fully support measures to protect native vegetation and recognize its importance for local biodiversity and environmental health. However, we are interested in exploring options for vegetation relocation. There are areas on our site without native vegetation or significant trees, yet these areas are also classified as Conservation Zones.</li> </ul>	<p>Point one refers to '197 Reserve Rd' which is not a listed address. It is assumed the correct address is 181-203 Reserve Rd (Property #32). Property 32 does not contain any native vegetation.</p> <p>The submitters land supports the best intact patch of woodland native vegetation within the Marshall Precinct and identified in the Marshall NVPP for retention. The whole property is also applied with <i>ESO1 AREAS OF FLORA AND FAUNA HABITAT AND OF GEOLOGICAL AND NATURAL INTEREST</i> Regarding point 2, established native vegetation cannot be relocated. Areas of the property not containing native vegetation, but still designated as 'Conservation Reserve', are designated as such for the following reasons:</p>

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				<ul style="list-style-type: none"> <li>▪ to square off the reserve;</li> <li>▪ allow a buffer to the biodiversity values; and</li> <li>▪ to absorb small area pockets that can't be logically developed.</li> </ul>
27.	Costa Asset Management	174 Moorabool Street, Geelong	<p>Submission in response to Council's letter dated 7 August 2024. Costa is the owner of 345 and 355 Barwon Heads Rd (Property #36 &amp; #37).</p> <p>The submission notes that the site comprises part of a triangular wedge bound by Barwon Heads Road, Gilliland Street (formerly Horseshoe Bend Rd) and Devine Street. No. 355 Barwon Heads Rd is developed as a service station accessed by southbound traffic on Barwon Heads Rd via a slip lane. No.345 Barwon Heads Rd is developed with a single dwelling.</p>	Response provided in Attachment 1 under the theme: <i>PSP land uses</i> , noting the submission is agreed.
28.	Spiire Australia	2/10 Moorabool Street, Geelong	<p>Submission in response to Council's letter dated 7 August 2024. Spiire act on behalf of the owners of 331-343 Barwon Heads Rd (Property #35).</p> <p>Spiire objects to the proposed change and submits the 'commercial/ bulky good' designation is appropriate and provides several reasons.</p>	Response provided in Attachment 1 under the theme: <i>PSP land uses</i> , noting the submission is agreed.
29.	Domaschenz	Barwarre Road, Marshall	<p>Strongly objects to this DDO51 being placed over the property, as:</p> <ul style="list-style-type: none"> <li>▪ Placing this overlay on the property will be detrimental to the value of the property should a developer/future purchaser be interested in purchasing the property.</li> <li>▪ There are other alternative access points from other locations along Barwarre Road to the Marshall station that could be utilised instead of the property at 137 Barwarre Road, Marshall.</li> </ul>	Submission is noted.

