



Town Planning Evidence Statement

Amendment C278ggee to the Greater Geelong Planning Scheme
instructed by Harwood Andrews for City of Greater Geelong

Statement prepared by John Glossop, Director
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Date: 25 October 2024



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INTRODUCTION

- 1 I received instructions from Harwood Andrews acting on behalf of the City of Greater Geelong (Council) to prepare a statement of planning evidence in relation Amendment C278ggee (the Amendment) to the Greater Geelong Planning Scheme (the Planning Scheme) for the upcoming Panel Hearing.
- 2 The Amendment concerns land around the Marshall Train Station, which comprises the northern part of the Armstrong Creek Urban Growth Area (ACUGA). Specifically, the key features of the Amendment seek to:
 - Incorporate the Marshall Precinct Structure Plan (March 2024) (the PSP).
 - Insert a new Schedule 7 (Marshall PSP) to the Urban Growth Zone (UGZ7).
 - Insert a new Schedule 10 to the Development Contributions Plan Overlay (DCPO10) and incorporate the Marshall Development Contributions Plan (August 2023).
 - Insert a new Schedule 51 (137 Barwarre Road, Marshall) to the Design and Development Overlay (DDO51).
 - Apply the Environmental Audit Overlay to three parcels of land.
 - Amend the Schedule to Clause 52.16 (Native Vegetation Precinct Plan) and incorporate the Marshall Native Vegetation Precinct Plan (October 2022).
- 3 My letter of instructions is provided at **Appendix A**. I was asked to review a brief of material concerning the Amendment and advise whether I support the proposed PSP and planning ordinance, either as exhibited or subject to change.
- 4 I have inspected the site and its environs and considered relevant documents, including:
 - Relevant aspects of the Planning Scheme.
 - The exhibited Amendment material.
 - The Delegated Authority Report dated 28 August 2024 where Council considered submissions and where some changes to the exhibited material were adopted.
 - Submissions received by Council during exhibition as well as those received following the supplementary notice period in August 2024.



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- Relevant Practice Notes (including PPN30: Potentially Contaminated Land; PPN46: Strategic Assessment Guidelines, PPN47: Urban growth zone, PPN54: Managing Referral and Notice Requirements, PPN90: Planning for housing and PPN91: Using the residential zones) and the Precinct Structure Planning Guidelines: New Communities in Victoria (October 2021) and Applying the PSP Guidelines in regional areas (Guidance note) (2021).
 - Relevant Ministerial Directions (including the Ministerial Direction on the Form and Content of Planning Schemes, Ministerial Direction No. 1 – Potentially Contaminated Land, Ministerial Direction No. 11 – Strategic Assessment of Amendment, Ministerial Direction No. 12 – Urban Growth Areas, Ministerial Direction No. 15 – The Planning Scheme Amendment Process, Ministerial Direction No. 19 – Amendments that may Result in Impacts on the Environment, Amenity and Human Health and the Ministerial Direction on the Preparation and Content of Development Contributions Plans).

5 My evidence is based on the documents exhibited between 24 April 2024 and 3 June 2024 as well as the documents described above. While I have not provided a response to each submission, I have considered them and where necessary have provided comments.

6 My opinion on the Amendment is in Section 2 of my statement and my conclusion at Section 3 summarises my opinion.





PLANNING OPINION

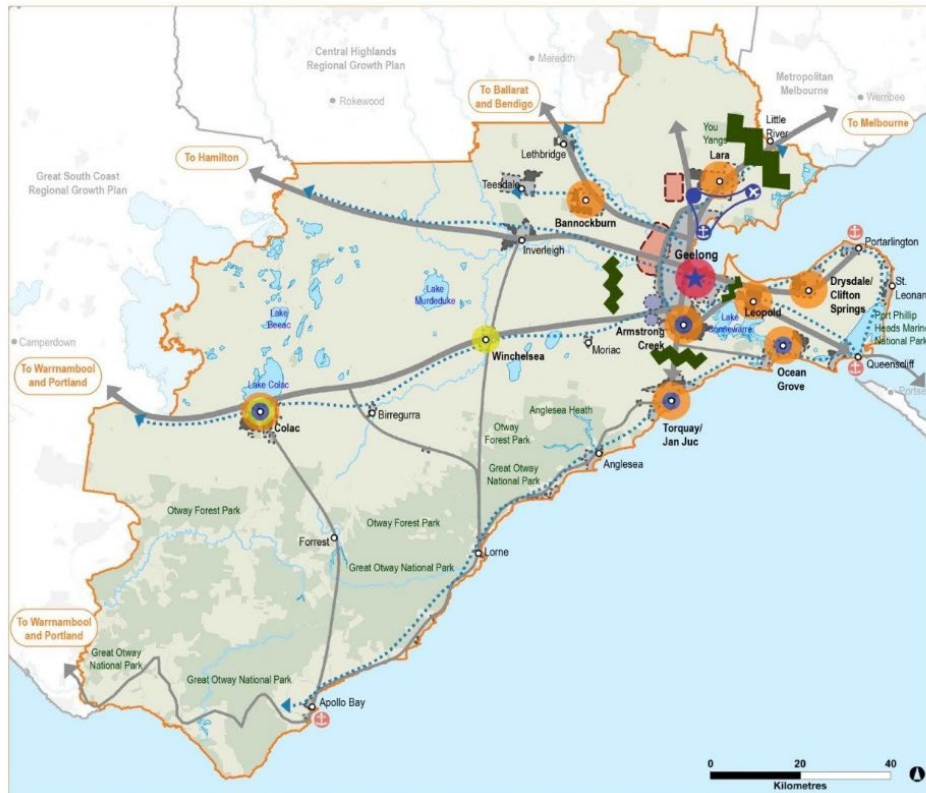
- 7 Geelong is the largest regional city in Victoria. According to Plan Melbourne 2017-2050, between 2011 and 2031, Greater Geelong, Greater Bendigo and Ballarat are projected to account for 50 per cent of all population growth outside Melbourne. Pursuant to the draft housing targets released by the State government earlier in 2024, the municipality has 127,300 existing dwellings and an additional 139,800 are sought by 2051. This draft target is more than double the existing dwelling stock and hastens the need to locate and release land suitable for urban development¹.
- 8 The Council has undertaken strategic work to guide policy making and zoning decisions on urban settlement. Relevantly, Council adopted the City of Greater Geelong Settlement Strategy (the Settlement Strategy) in August 2020. The Settlement Strategy provides a planning framework to meet the housing needs of Greater Geelong. It identifies that between 2015 and 2020 the local population grew by 23,000 people, and the growth rate increased from 1.5% to 2.7%². Strong growth and demand are projected to continue over a sustained period.
- 9 The Settlement Strategy established principles and directions to manage and direct population growth. These includes:
- Principle: Provide clear strategic direction on the spatial distribution of residential growth in Greater Geelong.*
- Direction: Direct the majority of future housing needs to urban Geelong (urban infill, Armstrong Creek and the Northern and Western Geelong Growth Areas).*
- 10 Geelong is the primary service and employment hub for the G21 Geelong Regional Alliance, which covers the municipalities of Greater Geelong, Queenscliffe, Colac Otway,

¹ I consider that these draft housing targets should be given some weight given the wording of Clause 1.02-1S, which lists 'Victorian government population projections and land supply estimates' as a Policy guideline'.

² Page 5



Surf Coast and Golden Plains. The G21 Regional Growth Plan is located at Clause 11.01-1R and is reproduced below. The Plan identifies Armstrong Green as a 'planned growth area' with a 'district town'.



SETTLEMENT ROLE AND GROWTH

- ★ Reinforce the role of Geelong as a regional city and Victoria's second largest city
 - Strengthen Central Geelong's role as a major regional city centre by supporting growth with a focus on identified infill housing opportunity areas and building on the region's health, education and research capabilities
 - Support planned growth and reinforce the role of district towns
 - Introduce new targeted growth nodes at Colac and Winchelsea
 - Identification of two Further Investigation Areas in Geelong
 - ▬▬▬ Identification of four key settlement breaks
 - Existing urban areas
 - Planned growth areas
 - Designation of settlement boundaries for all towns
 - Settlement
- Provide infrastructure and services for planned growth areas and infill development

MAJOR INFRASTRUCTURE

- An efficient and equitable public transport, road and freight network leveraged off existing infrastructure
- ✈ Airport
- ⚓ Port of Geelong
- ⚓ Minor port

EMPLOYMENT GROWTH

- Maintain productive agricultural areas
 - 🗺 Development of a national transport and logistics precinct
 - Strengthen and protect the identified existing and planned employment areas
 - ⚙ Future employment nodes
- Provide land and infrastructure for existing and future employment nodes

ENVIRONMENT

- Maintain and enhance natural assets and infrastructure
- Lakes and wetlands
- Rivers

Excerpt from Clause 11.01-1R Settlement – Geelong G21 (Geelong G21 Regional Growth Plan)



- 11 Armstrong Creek has been set aside to accommodate future growth in Greater Geelong for many years. The Armstrong Creek Urban Growth Plan Background Report (21 April 2006) states³:

The Armstrong Creek area was originally designated as a growth corridor in the 1980s by the Geelong Region Commission. This was reinforced in 1994 by the Mount Duneed Armstrong Creek Urban Development Study. The status of this area as Geelong's future urban growth corridor was confirmed again in the City's Urban Growth Strategy 1996 and is supported by a range of Council documents including the Municipal Strategic Statement. Armstrong Creek is the major growth area identified in the Geelong Region Plan, currently being prepared by the G21 organisation.


The area has great potential for urban development, with existing railway services and good road links to central Geelong, Barwon Heads, Torquay and the Surf Coast. It provides the opportunity for future residents to take advantage of the employment opportunities and services offered by Geelong city, whilst being only a short distance from the beaches of the Surf Coast and the Bellarine Peninsula. This, combined with the undulating topography of parts of the land makes the area very attractive for a healthy residential and business environment.

- 12 The Armstrong Creek Urban Growth Plan was first adopted by Council on 13 May 2008 (and later amended in May 2010 and then again in September 2012). The overarching planning for the area is now guided by the Armstrong Creek Urban Growth Plan – Framework Plan (November 2008, updated September 2012 and again in June 2015) Incorporated Document (the Framework Plan). The Framework Plan identifies the following vision for the area:

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.

³ Page 2

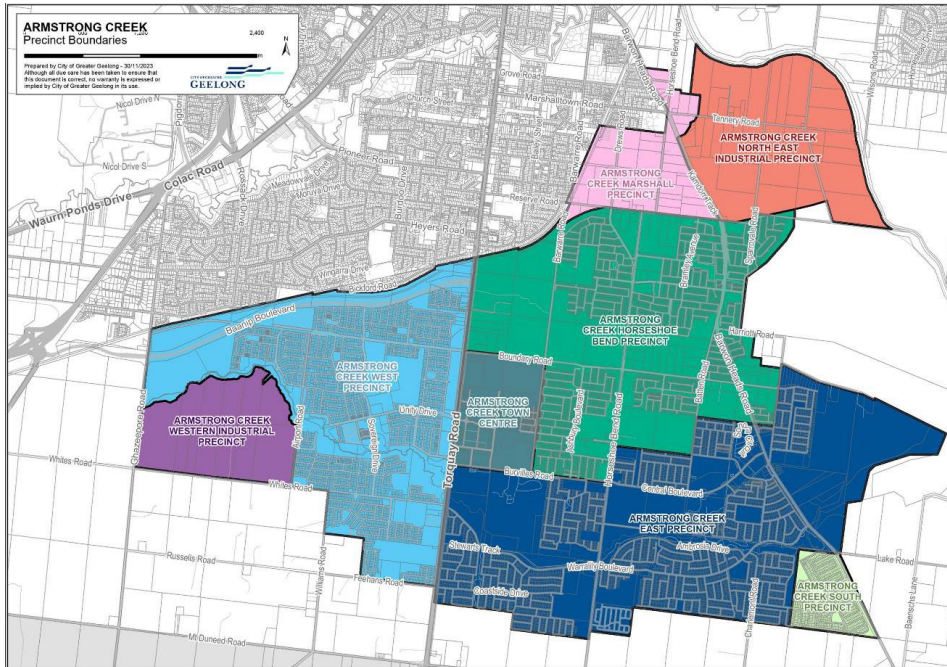


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- 13 The Framework Plan currently anticipates that the growth area will provide housing for 54,000 people, accommodate 22,000 dwellings and 22,000 jobs in industry and business. This aspiration is reflected (with slightly inflated figures) at Clause 02.03-1 (Settlement) which states:

The Armstrong Creek Urban Growth Area (ACUGA) is a key growth area for the G21 Region. At capacity, the ACUGA is expected to accommodate approximately 55,000 to 65,000 people.

Development in the ACUGA will provide a wide range of housing types and densities in an urban structure based on walkable neighbourhoods, public transport and mixed use activity centres. Areas of visual sensitivity along the Mount Duneed ridgeline and flood prone areas to the east of Barwon Heads Road will be protected from urban development. Rural land outside of the ACUGA will be maintained in productive agricultural parcels providing an attractive rural setting.

- 14 Clause 11.01-1L-01 (Settlement – Greater Geelong) states: Direct the majority of future housing needs to urban Geelong (urban infill, Armstrong Creek and the Northern and Western Geelong Growth Areas).
- 15 The planning for the Armstrong Creek growth area is now well advanced. Five precinct structure plans have already been approved for the area, leaving only the Western Industrial Precinct and the Marshall Precinct without an applicable schedule to the Urban Growth Zone.




Armstrong Creek Precincts Plan

- 16 The Marshall Precinct constitutes 123 hectares of mostly rural living land, which is immediately adjacent to the established suburbs of Geelong, and which includes the newly redeveloped Marshall Train Station. The Amendment land also includes 137 Barwarre Road, which is immediately west of the Marshall Train Station and mostly located in the General Residential Zone – Schedule 1 (General Residential Areas)⁴.

- 17 The appropriateness of the Marshall Precinct for urban development is not in question (in a strategic sense). This is demonstrated by its inclusion in the Armstrong Creek Urban Growth Plan area and the application of the UGZ. The only remaining planning challenge is to arrive at the appropriate suite of controls to implement this strategic plan. It is therefore necessary in this planning analysis to consider whether the proposed PSP and Planning Scheme ordinance is appropriate drafted to achieve the specific, intended outcomes. In that regard, I accept that there are many ways to draft these provisions and that some might have different views about specific metrics or development outcomes.

⁴ There is an easement traversing the site contained in a Public Use Zone





18 I now turn to the key features of the amendment in my evidence which follows. In doing so, it should be noted that I am not an expert in native vegetation, site contamination or transport planning, so in respect to these matters I defer to the relevant subject area expert.

The Marshall PSP

19 The Marshall PSP (the PSP') has been prepared by the City of Greater Geelong. The PSP is structured around ten themes. These are:

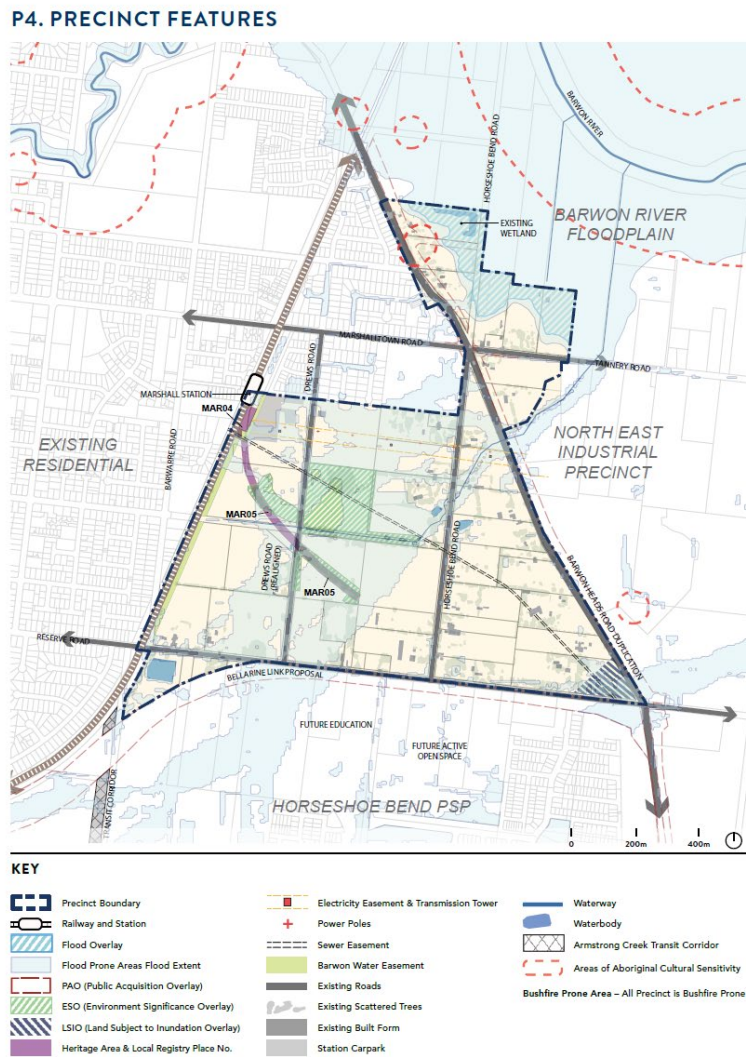
- Character, heritage and housing.
- Open space
- Biodiversity
- Transport and movement
- Integrated water management
- Climate resilient communities
- Circular economy
- Employment, retail and community facilities
- Energy and technology
- Delivery.

20 In general, these themes reflect (but do not mimic) the broad structure of the Planning Policy Framework ('the PPF').

21 The Marshall context has some constraints that future development must have regard to. This includes native vegetation (particularly that subject to Environmental Significance Overlay – Schedule 1 (Areas of Flora and Fauna Habitat and of Geological and Natural Interest) (ESO1)), flood hazards, easements (electricity and sewerage) and a fragmented cadastre and ownership pattern. On the other hand, the precinct has good opportunities

for growth, given its proximity to established areas of Geelong, arterial road connectivity and the recent investment made by the State government in the Marshall Train Station⁵.

22 The precinct features are illustrated on Plan 4: Precinct features. This plan is reproduced below.



P4: Precinct features. Page 19.

⁵ <https://bigbuild.vic.gov.au/projects/geelong-line-upgrade/projects/marshall-station>



23 The vision for the Marshall PSP is as follows:

Marshall will be a distinctive residential and commercial neighbourhood that responds to its unique location. Development will capitalise on convenient access to Marshall Station and arterial roads, as well as remnant vegetation and other open space features. Marshall will become a sustainable, connected, walkable and visually interesting place set within a semi- natural environment.

The Marshall PSP will continue the work of the Armstrong Creek Urban Growth Plan (June 2015), providing a diversity of housing types and densities and a mixed-use activity centre within a walkable neighbourhood with strong active and public transport links. The Marshall PSP enacts the vision of the ACUGA by providing for a sustainable community that sets new benchmarks in best practice urban development and protecting and enhancing natural and cultural features to create a distinct urban character. Marshall will be a well-connected and attractive neighbourhood which includes a range of residential densities that seamlessly links the Armstrong Creek urban development to the south with the existing Greater Geelong urban area to the north⁶.

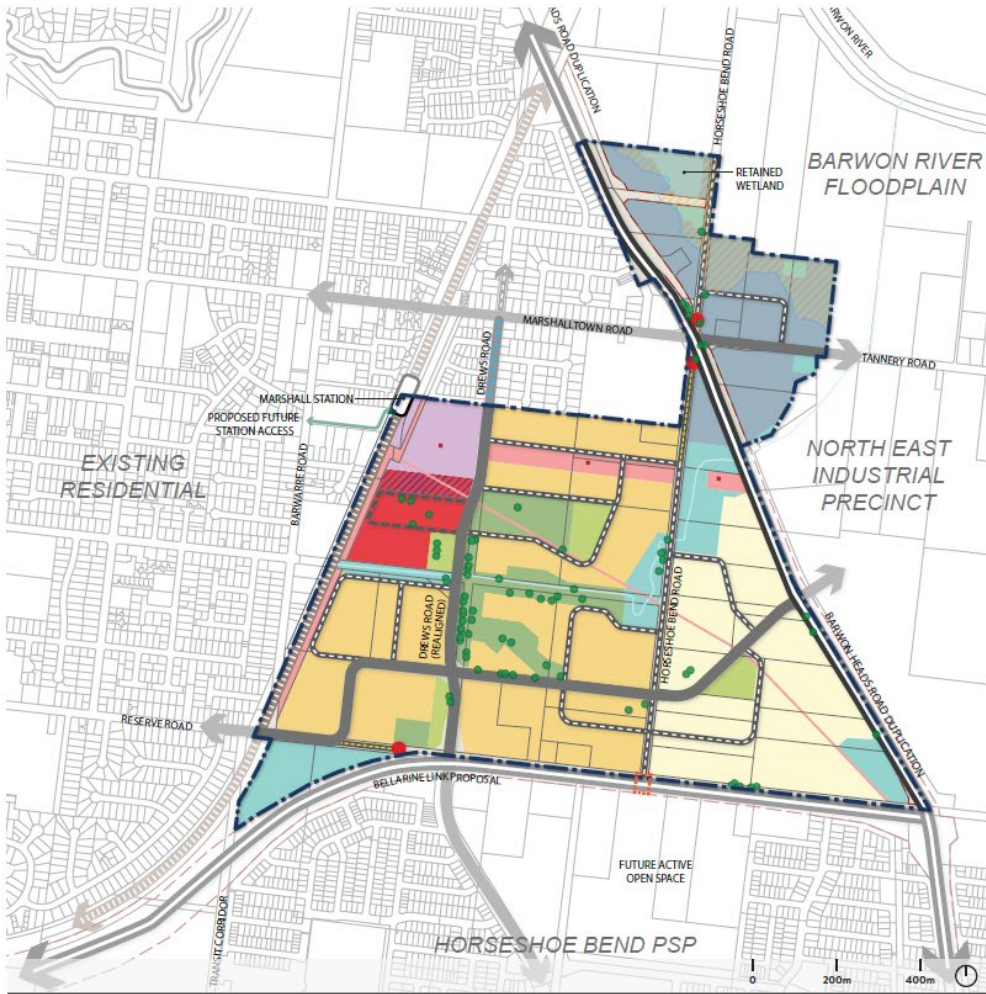
24 Spatially, the Marshall PSP vision is illustrated in Plan 5 Future Urban Structure which is reproduced below.

⁶ Page 22.



2.3 FUTURE URBAN STRUCTURE

P5. FUTURE URBAN STRUCTURE



KEY

The Future Urban Structure Plan sets out the land uses and primary street network of the precinct.

CONTEXT

- Precinct Boundary
- Existing trees to be retained
- Railway and Station
- Flood Overlay
- Electrical Transmission Tower
- Station Carpark - TRZ 1
- Property Boundary

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LAND USE

- Conventional Residential
- Medium/High Density Residential
- Mixed Use - High Density Residential
- Mixed Use - High Density Residential (subject to DTP approval: may be required for transport purposes until further advised by DTP)
- Road Reserve
- Commercial/Bulky Goods
- Credited (Unencumbered) Open Space
- Conservation Reserve
- Utilities Easements
- Drainage Reserve
- Constructed Waterway (Marshall Creek)

MOVEMENT

- Arterial Road
- Connector Street
- Connector Street (Modified)
- Local Access Street
- Station Precinct Road (Refer to Concept Plan)
- Local Access Street (No through Road)
- Road Truncation
- Major Road Project
- Signaled Crossing



25 Sensibly, the exhibited PSP provides for a mix of residential and commercial land uses around a new road and open space network. Commercial uses include the new mixed use Station Precinct and a designated bulky goods area. The PSP protects significant vegetation in new conservation areas and provides drainage reserves and constructed waterways to manage flood conditions. The PSP maintains the grided street network which current exists though the precinct and adds a layer of local streets, as well as an additional connector street linking Reserve Road (the future Bellarine Link) to Barwon Heads Road.

26 Many aspects of the PSP are uncontroversial and clearly supported by a wider review of planning policy and the area's physical context. There are, however, some key aspects which require a detailed analysis, which I do below, where I consider the following:

- Housing
- The Station Precinct
- The bulky goods area

Housing

27 The Framework Plan identifies the following policies relevant to housing:

The Plan provides for a variety of housing needs by:

- *basing development on walkable neighbourhoods of approximately 1.6km across, centered on local centres;*
- *ensuring each neighbourhood provides for a mix of housing types, sizes and prices;*
- *ensuring that housing achieves a minimum gross residential density of 15.5 dwellings per hectare across the whole growth area; and*
- *providing medium and higher density housing (30 dwellings per hectare) proximate to activity centres, open space, the existing Marshall train station, the proposed new Rossack Drive train station and other areas of high amenity.*





- 28 The PSP identifies that the Marshall Precinct will accommodate upwards of 1,555 dwellings. Areas for three different levels of growth are identified, namely:
- High density residential adjoining the Station Precinct with a minimum density of 50 dwellings per hectare. Pursuant to UGZ7, this area will have an applied Mixed Use Zone (MUZ).
 - Medium to high density residential for the area west of Horseshoe Bend Road with a minimum density of 30 dwellings per hectare where within 400m of the Station Precinct and 25 dwellings outside this catchment. Pursuant to UGZ7, both of these areas will have an applied Residential Growth Zone (RGZ).
 - Conventional density residential elsewhere with a minimum density of 17 dwellings per hectare. Pursuant to UGZ7, this area will have an applied General Residential Zone (GRZ).
- 29 The selection of zones is consistent with the practice guidance provided in PPN91 Using the residential zones July 2023. Table 1 of that document contains a description of the role and application of the various residential zones and is reproduced in fully below.



Table 1: The role and application of the residential zones

Residential zone	Role and application
Clause 32.03 - Low Density Residential Zone (LDRZ)	Applied to areas on the fringe of urban settlements and townships with reticulated sewerage (0.2 ha minimum) or without reticulated sewerage (0.4 ha minimum) to ensure lots remain large enough to treat and retain all wastewater but small enough to be maintained without the need for agricultural techniques or equipment.
Clause 32.04 - Mixed Use Zone (MUZ)	Applied to areas suitable for a mixed-use function, including a range of residential, commercial, industrial and other uses. Suitable for areas identified for residential development at higher densities including urban renewal and strategic redevelopment sites.
Clause 32.05 - Township Zone (TZ)	Applied to small towns with no specific structure of residential, commercial and industrial land uses.
Clause 32.07 - Residential Growth Zone (RGZ)	Applied to areas suitable for housing diversity and housing at increased densities in locations offering good access to services, jobs and public transport, and to provide a transition between areas of more intensive use and development such as activity centres and other residential areas.
Clause 32.08 - General Residential Zone (GRZ)	Applied to areas where housing development of three storeys exists or is planned for in locations offering good access to services and transport.
Clause 32.09 - Neighbourhood Residential Zone (NRZ)	Applied to areas where there is no anticipated change to the predominantly single and double storey character. Also, to areas that have been identified as having specific neighbourhood, heritage, environmental or landscape character values, that distinguish the land from other parts of the municipality or surrounding area.

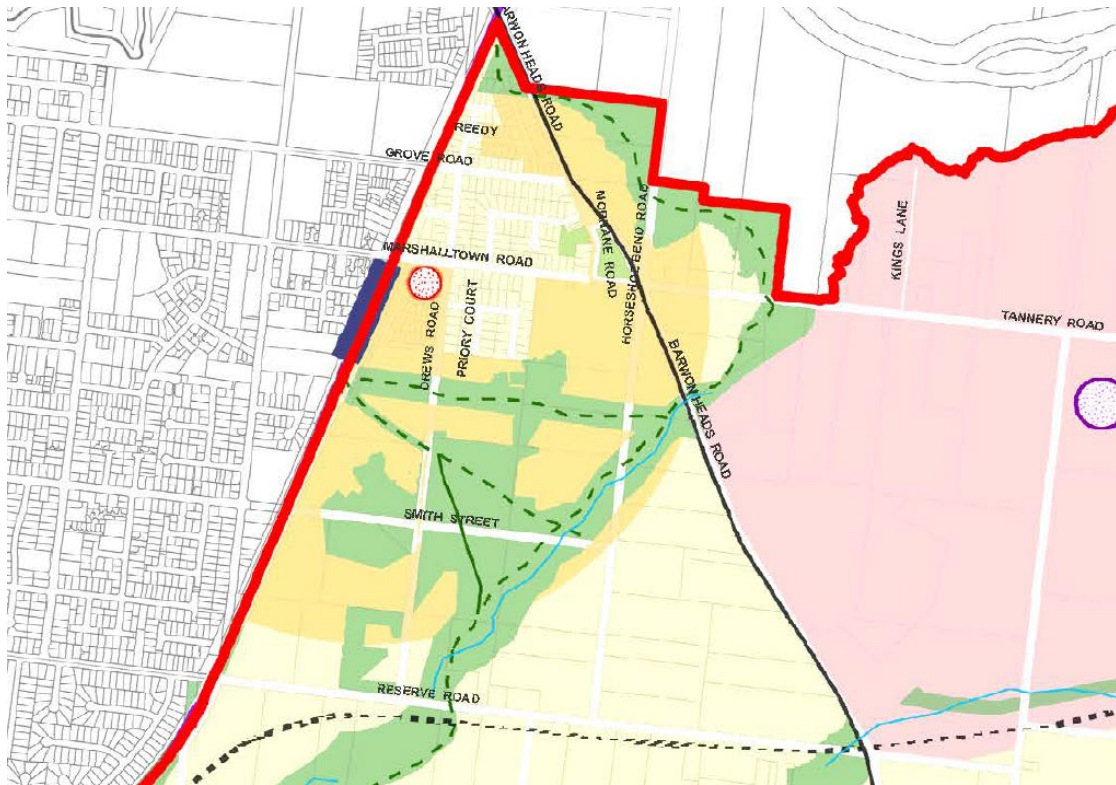
Excerpt from PPN91 Using the residential zones July 2023

30 In summary, the selection of applied zones (and their spatial application) is generally consistent with these directions.

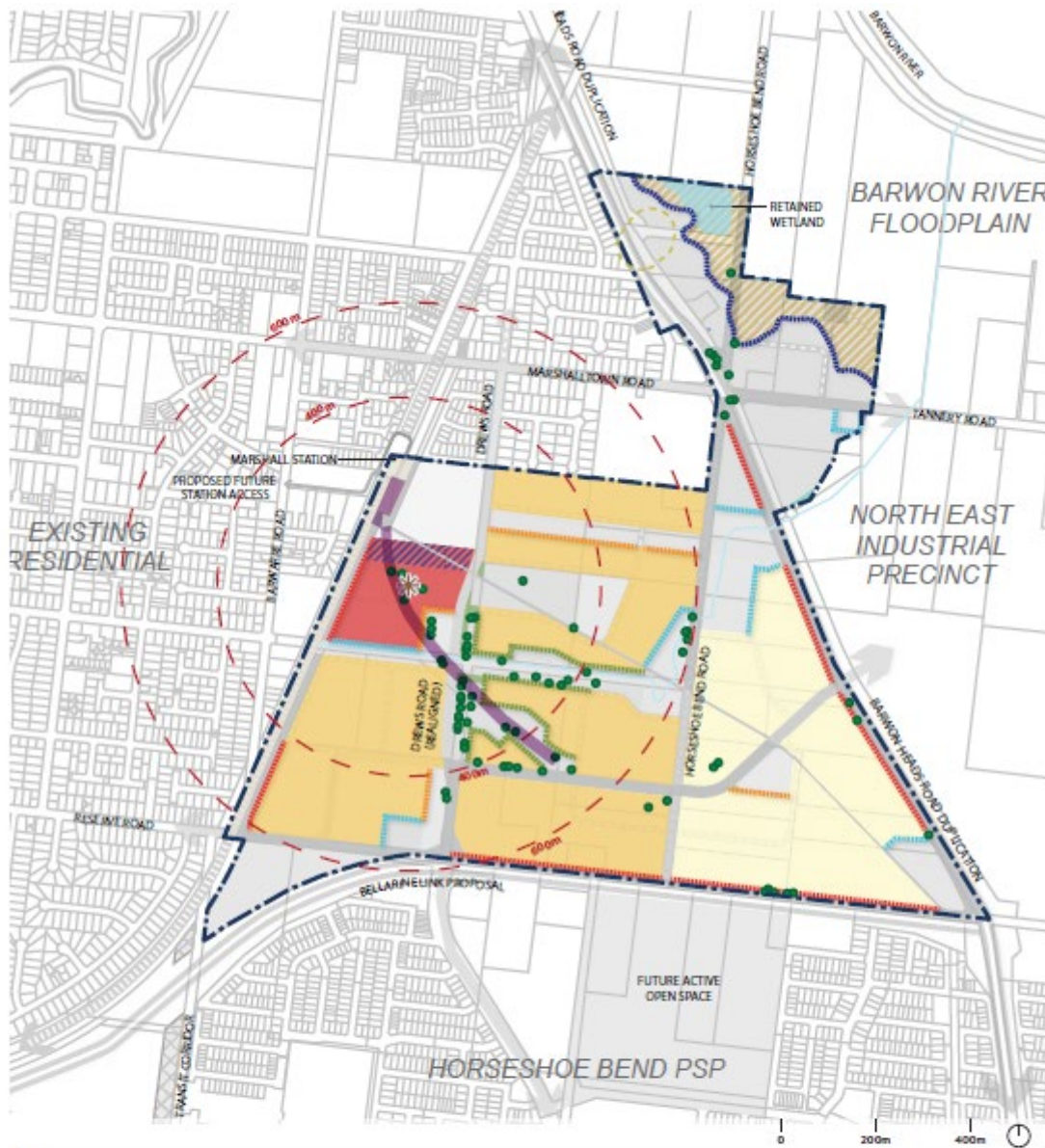
31 The proposed housing densities exceed the minimum targets from the housing policy of the Framework Plan, which are reproduced above. I do note though, that the map provided in the Framework Plan includes a different ‘walkable’ catchment around Marhsall Station than proposed by the PSP. While the former shows less land within the designation for medium high density housing to the south and south east of the Station, it also captures additional land on the east side of the Barwon Heads Road. The exhibited



PSP also proposes that this land be bulky goods and not residential. I return to the appropriateness of this change separately below.



Excerpt from Framework Plan showing Marshall Precinct



KEY

CONTEXT

- Precinct Boundary
- Railway and Station

LANDUSE

- Conventional Residential
- Medium/Higher Density Residential
- Mixed Use - High Density Residential
- Mixed Use - High Density Residential (subject to DTP approval may be required for transport purposes until further advised by DTP)

HERITAGE AND CHARACTER

- Public Space at Heart of Station Precinct
- Distance to Station Precinct Heart
- Areas of Aboriginal Cultural Sensitivity
- European Heritage Area
- Existing Trees to be Retained
- Flood Overlay

INTERFACES

- 1 - Passive Open Space / Utilities
- 2 - Drainage Open Space
- 3 - Conversation
- 4 - Arterial of Transport Corridor
- 5 - Flood Overlay

Excerpt from P7. Character, Heritage and Housing of the PSP (Page 43)





- 32 On the whole, I support the allocation of different densities across the Precinct west of Barwon Heads Road. Achieving a higher density than was contemplated in the Framework Plan is appropriate in town planning terms and reflects the growing importance of capitalising on well-located land and perhaps also demonstrates that the housing market in Greater Geelong is maturing. It provides for more diverse housing than is typical in Armstrong Creek and suburban Geelong and captures benefit from the Government's recent investment in Marshall Station. The selection of applied zones is also appropriate to achieve the density outcomes sought by the PSP.
- 33 The PSP includes character requirements and guidelines, which will assist in creating a high quality and cohesive community in the future. It also includes heritage requirements and guidelines, which seek to address both Aboriginal cultural heritage and post contact heritage. In respect to the latter, I note that the PSP identifies two sites within the Precinct which are sought to be recognised (the racecourse railway corridor and a former pipeworks). Neither of these places are currently in a Heritage Overlay, nor are they proposed to be. The racecourse railway corridor appears to fall within proposed conservation areas, which will likely see its protection. For the former pipeworks, which is in the Station Precinct, it appears that this site's history just needs to be 'recognised' (See Guideline 6). I assume there is no structure which needs to be protected and if so, it would seem more appropriate to introduce a Heritage Overlay.
- 34 The PSP requires permit applicants contribute towards social and affordable housing (Requirement 16). Guidelines 7 and 8 additionally provide specific rates for contributions for different land uses, which are to be implemented by entering into a Section 173 Agreement. Proposed UGZ7 includes associated application requirements (a Social and Affordable Housing Delivery Strategy) and a condition that a development 'must' comply with the Social and Affordable Housing Delivery Strategy. While the use of the word 'must' appears to connote a mandatory requirement, it is in fact discretionary given the following wording at the commencement of Clause 3.0:



The following application requirements apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the Responsible Authority.

If in the opinion of the Responsible Authority an application requirement listed below is not relevant to the assessment of an application, the Responsible Authority may waive, vary or reduce the requirement.

- 35 I am not aware of the provenance of the rates concerning social housing in the PSP are specifically derived, although there is broader policy support for the principle of including social and affordable housing in the municipality. One the principles from the Council's Settlement Strategy is: *Increase the level of affordable and social housing in Greater Geelong.* Council has also adopted the Social Housing Plan 2020 to 2041, which identifies a municipal wide need to deliver 13,500 new social housing dwellings by 2041.
- 36 I cannot comment on the appropriateness of the metrics set out in Guideline 7 of the PSP although I support including, non-mandatory contributions of social and affordable housing in-principle.
- 37 In relation to the wording of the PSP, Guideline 7 currently states "*Permit applications for subdivision of land, or development of land for residential, commercial or mixed use purposes should provide a contribution towards social housing*". While this Guideline seems to apply to residential, commercial and mixed use development (ie. not just dwellings), I am instructed that Council's intention is only to capture the development of land for residential purposes, including in commercial and mixed use developments and zones. This would be consistent with Requirements in the UGZ7, which says:

Requirement - Social and Affordable Housing Delivery Strategy

An application for buildings and works for residential purposes must submit a Social and Affordable Housing Delivery Strategy that demonstrates how the proposal achieves the social and affordable housing requirements and guidelines, in accordance with Section 3.1 (Character, Heritage and Housing) of the Marshall Precinct Structure Plan and to the satisfaction of the Responsible Authority.



38 I think that the wording of Guideline 7 should be clarified to remove this uncertainty.

The Station Precinct

39 The PSP's Station Precinct and UGZ7 comprises one large title at 62-84 Drews Road, as well as part of the land which is owned by the State government. It also accommodates the newly updated Marshall Train Station. UGZ7 identifies that a portion of the Station land may be surplus, in which case it would form part of the Mixed Use – High Density Residential area (subject to DPT's approval). The relevant land is currently located in the Transport Zone – Category 1 (TZ1) and would need to be rezoned to the UGZ7 before the proposed schedule would have any application⁷.

40 The PSP includes a Station Concept Design Intention⁸ (see image on the next page). This concept may be workable even if the TZ1 land is not ultimately transferred although there are obvious benefits in terms of linkages if it were.

41 Under the PSP, the Station Precinct Concept includes the following key features:

- Minimum building heights of 3 storeys in the medium-high area and 5 storeys in the high density area.
- A preferred location for retail / commercial uses, clustered around the intersection of a new local street and key pedestrian link, with active interfaces.
- A potential supermarket location.
- An area of passive open space in the southeast corner, containing vegetation to be protected. There is also a requirement to retain two other trees outside this open space area.

⁷ Clause 2.1 states that the provisions of the schedule only apply to land zoned UGZ7

⁸ At page 109.



KEY

- | | | |
|---|---|---|
| Station Precinct Boundary from FUS | Potential Community Facility | Activated interface for ground-level non-residential uses |
| Connector Road | Passive Open Space | Activated interface with landscaped setback |
| Roundabout | Medium-High Density Residential | Indicative pedestrian bridge |
| Main Street (Bus Capable) | High Density Residential | Pedestrian and Cyclist Priority Treatment |
| Local Access Street (Bus Capable) | Drainage Reserve | Possible Supermarket Location |
| Sewer Easement | Preferred locations for Retail / Commercial Non-Resi Uses | Apartment Building Location with Active Corner |
| Pedestrian Street (16m Refers to New Cross Section) | Indicative Trees to be Retained (refer to NVFP) | Key Intersection with Placemaking Potential Corner |
| Train Station | Key Place Making Opportunity | Active Retail Edge Presented to Station |
| Shared Path | | |
| Key Pedestrian Link | | |

Excerpt from Station Concept Design Intention of the PSP (Page 109)



- 42 The 'loss' of the TZ1 land may have consequential implications for the delivery of the Station Concept Design Intention Plan in the PSP. For instance, the north / south 'Key Pedestrian Link' might need to be relocated and the design treatment of the northernmost east-west 'Local Street' might change. It follows that the planning control should be flexible enough to react to such a change. That said, I think that the planning control should still provide sufficient guidance so that the 'essence' of the current concept is not lost.
- 43 UGZ7 requires the submission of a Station Precinct Urban Design Framework prior to the grant of a permit for either subdivision or buildings and works in this precinct (although this requirement can be waived by Council⁹). This is appropriate although the unknown status of the DTP land in the Station may present issues in resolving such a plan in the future.
- 44 The labelling of the Station Concept plan in the PSP is revealing. For instance, I note that the full title of the plan is the 'Station Concept Design *Intention* Plan¹⁰. This suggests to me that it is meant to be one way of delivering the Vision statement for the precinct contained in the PSP. I have seen some PSPs (and Built Form Frameworks and the like) that contain a plan or image that is for illustrative or guidance purposes only. I also note that the Requirement at Section 4.2 of the PSP says that the landowner needs to be prepare an Urban Design Framework 'for the area indicated in Plan 18 Station Concept Design Intention' and that the UDF 'must comply and respond to the 'intentions' prescribed in the Station Precinct Concept Plan'.
- 45 It would be helpful if the PSP provided more detail about the weight to be given to Plan 18. I believe discretion is necessary in its implementation particularly as the status of the DTP land is unknown. I recommend that a notation be added to P18 that says: '*This concept plan provides an indicative example of how the Station Precinct could be developed.*

⁹ Presumably it would only be waived for 'smaller' matters.

¹⁰ Emphasis added.





46 While I agree that there needs to be some flexibility in the planning controls to adapt / react to circumstances such as the loss of the TZ1 land, it is also important to retain the overall design intention for the Marshall Station precinct, which contains a number of good planning ideas. With that in mind, I have then turned my mind to the wording of UGZ7 and specifically Clause 2.4 Specific Provisions and Clause 2.5 Buildings and works (both are repeated below).

2.4 Specific provisions - Subdivision

Proposed C278ggee

Station Precinct Urban Design Framework

A permit must not be granted to subdivide land within the Station Precinct shown on Plan 18 'Station Concept Design Intention' of the incorporated *Marshall Precinct Structure Plan* until an Urban Design Framework (UDF) has been prepared for the precinct to the satisfaction of the Responsible Authority.

Unless the Responsible Authority agrees otherwise, the UDF must:

- address all of the land in the Station Precinct
- be generally in accordance with the incorporated *Marshall Precinct Structure Plan*
- address and respond to Section 3.0 (Implementation) and Section 4.2 (Station Precinct Urban Design Framework Requirements and Guidelines) of the incorporated *Marshall Precinct Structure Plan*.

A permit may be granted to subdivide land within the Station Precinct prior to approval of an UDF if, in the opinion of the Responsible Authority, the granting of the permit will assist in achieving the objectives, the relevant planning and design guidelines and provisions of Section 4.2 as set out in the incorporated *Marshall Precinct Structure Plan*.

The UDF may be amended to the satisfaction of the Responsible Authority.

Subdivision applications must be generally in accordance with the approved UDF.

2.5 Specific provisions - Buildings and works

Proposed C278ggee

Station Precinct Urban Design Framework

A permit must not be granted to construct a building or construct or carry out works within the Station Precinct shown on Plan 18 'Station Concept Design Intention' of the incorporated *Marshall Precinct Structure Plan* until an Urban Design Framework (UDF) has been prepared for the precinct to the satisfaction of the Responsible Authority.

Unless the Responsible Authority agrees otherwise, the UDF must:

- address all of the land in the Station Precinct
- be generally in accordance with the incorporated *Marshall Precinct Structure Plan*; and,
- address and respond to Section 3.0 (Implementation) and Section 4.2 (Station Precinct Urban Design Framework Requirements and Guidelines) of the incorporated *Marshall Precinct Structure Plan*.

A permit may be granted to construct a building or construct and carry out works for land within the Station Precinct prior to approval of an UDF if, in the opinion of the Responsible Authority, the granting of the permit will assist in achieving the objectives, the relevant planning and design guidelines and provisions of Section 4.2 as set out in the incorporated *Marshall Precinct Structure Plan*.

The UDF may be amended to the satisfaction of the Responsible Authority.

Buildings and works applications must be generally in accordance with the approved UDF.





47 The second sentence of both clauses says:

Unless the Responsible Authority agrees otherwise, the UDF must

48 Theoretically, that sentence allows the Responsible Authority to completely disregard the content of the PSP (including Section 4.2) which provides too much flexibility. Instead, I recommend that the Clause 2.4 and 2.5 be amended to read as follows:

~~*Unless the Responsible Authority agrees otherwise*~~ *The UDF must*

49 I have also had regard to the structure and land use composition of the Station Precinct.

50 The table of uses provided in proposed UGZ7 allows a supermarket in the Station Precinct of up to 2,000sqm without a permit, along with up to 750sqm for other shop and up to 500sqm of office. A permit can be sought for shop and supermarket of a greater floor area than specified, however, an application of this sort needs to be supported by a Retail Economic Impact Assessment (although this requirement can also be waived by Council).

51 The PSP describes the Station Precinct as a Local Activity Centre (see Requirement 83). It identifies that it should provide a maximum overall floor area of no more than 5,000sqm.

52 The Framework Plan identifies a 'local shop' at Marshall Station and while it provides policy for major, neighbourhood and local activity centres, it does not describe the intention for this designation of service. The Framework Plan locates a Major Activity Centre centrally within the Armstrong Creek Growth Area (this area is now subject to the Armstrong Creek Town Centre PSP as set out in UGZ5) and also identifies three Neighbourhood Activity Centres (east, west and central), two Specialised Activity Centres (within the employment areas), five Local Activity Centres (LAC) and two locations for 'local shop' (inclusive of the Station Precinct). The Framework Plan implies that a local shop ought to be lower in the retail hierarchy than a LAC, but this is not made explicit in the text.



53 I have reviewed Council's Retail Strategy 2020-2036, which defines LACs as¹¹: Small groups of shops, serving a limited catchment and typically providing for the daily convenience needs of residents in the surrounding area and up to 5,000sqm in size. The Station Precinct would ultimately appear to fit within this designation. While I am not an expert in economics or activity centre hierarchies, I make the following comments from a town planning perspective:

- It is logical and appropriate that some commercial and community services be co-located with the Station. Co-locating services with high quality transport is in keeping with planning policy (such as Clause 11.03-1S and Clause 18.01-1S). These services will be convenient for those who commute to work or education by train and limit the need for multiple journeys.
- The Station Precinct is not immediately proximate to other activity centres either within Armstrong Creek or the established residential areas to the north and west.
- I assume the designation of a 'local shop' predated the State government's recent investment in Marshall Station, which included a range of new facilities, including a new station building, second platform, waiting area and improved connections.
- The density of housing which is anticipated to go around the Station is higher than anticipated by the Framework Plan. These residents will bring with them increased demand for services. The proposed Station Precinct will have an applied Mixed Use Zone, meaning its primary purpose will be residential.
- The provision for a 2,000sqm supermarket will not allow a 'full line' supermarket unless demand for such can be specifically justified.

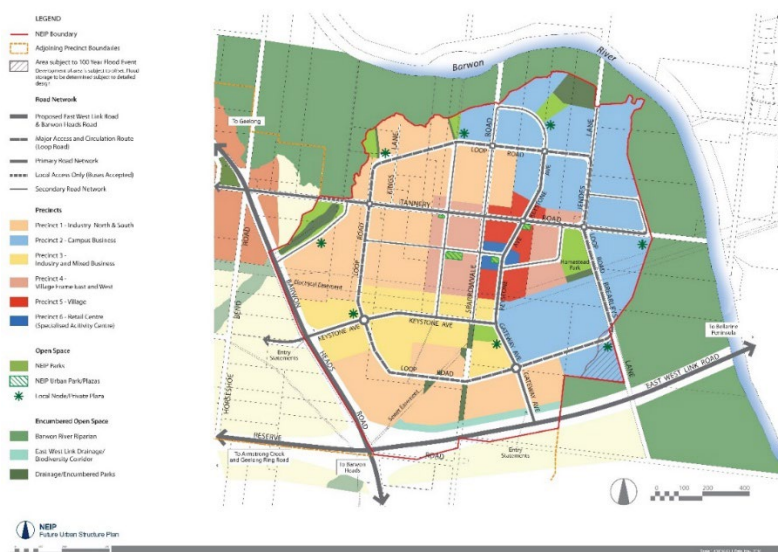
54 It follows that I have no issue with the nature of the commercial offer planned for the Station Precinct from a town planning perspective. I also find that the layout and housing density and scale proposed is appropriate. Treating this land as a sub-precinct will allow an integrated development outcome, which then graduates downwards in intensity as one moves further into the Marshall Precinct. The railway line provides a good separation to the more traditional dwellings to the west of the Precinct.

¹¹ See Table 2; Retail Hierarchy Role and Function of Centres (Page 27).



Bulky Goods

- 55 The exhibited Amendment showed the northern portion of the Marshall PSP as 'commercial / bulky goods' with an applied zone of the Commercial 2 Zone (C2Z). The exhibited table of uses in the UGZ7 additionally prohibits 'supermarket' and 'education centre'¹² from occupying this land.
- 56 During exhibition, a submitter to the amendment argued that the bulky goods area was inappropriate and inconsistent with the ACUGP. I understand that that submitter is also a major landowner within the North East Industrial Precinct (NEIP). The NEIP is located immediately east of the Marshall Precinct on the east side of Barwon Heads Road. It is subject to UGZ – Schedule 1 (UGZ1), which appears to have been approved (along with the NEIP PSP) by way of Amendment C207 on 3 June 2010. Development of the NEIP does not appear to have visibly progressed¹³.



Excerpt from UGZ1 NEIP

¹² Except at 25 Horseshoe Bend Road.

¹³ I am also aware that the Council is partnering with a 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.





57 The majority of the UGZ1 (Precincts 1 and 2) has an applied Industrial 1 Zone. Although, there are also areas of C2Z (Precinct 3), MUZ (Precinct 4 & 5) and Commercial 1 Zone (C1Z) (Precinct 6).

58 Of most relevance, is Precinct 3 which is called 'Mixed Business and Industry'. It mostly abuts the main entry road to the NEIP in Keystone Avenue. UGZ1 includes the following table of uses pertaining to this land.

Precinct 3 - Commercial 2 Zone	
Use	Condition
Child care centre	No permit required. Must be located in a local node.
Convenience shop	No permit required. Must be located in a local node.
Dwelling	Permit required. Must be within 200 metres of Precincts 4 or 5. Any frontage at ground floor level must not exceed 2 metres.
Equestrian supplies	No permit is required for occupation with a leasable floor area of less than 500 square metres, ground level frontage must not exceed 10 metres to Keystone or Gateway Avenue
Food and drink premises	No permit required. Must be located in a local node.
Industry	Permit required. Despite the provisions of the Commercial 2 Zone may locate within 30 metres of an education facility or child care centre provided the use meets the requirements of Clause 53.10
Lighting shop	No permit is required for occupation with a leasable floor area of less than 500 square metres. Ground level frontage must not exceed 10 metres to Keystone or Gateway Avenue
Manufacturing sales	No permit required. Ground level frontage must not exceed 10 metres to Keystone or Gateway Avenue

Office	Permit required. Ground level frontage must not exceed 10 metres to Keystone or Gateway Avenue. There is no floor space limit on each use or in aggregate
Party supplies	No permit is required for occupation with a leasable floor area of less than 500 square metres. Ground level frontage must not exceed 10 metres to Keystone or Gateway Avenue
Restricted retail	No permit required for occupation with a leasable floor area of less than 1000 square metres. Ground level frontage must not exceed 10 metres to Keystone or Gateway Avenue
Trade supplies	No permit required. Ground level frontage must not exceed 10 metres to Keystone or Gateway Avenue
Warehouse	No permit required. Despite the provisions of the Commercial 2 Zone may locate within 30 metres of an education facility or child care centre provided the use meets the requirements of Clause 53.10

Excerpt from UGZ1

59 This table creates a number of variations to the C2Z most notably a permit trigger for 'office' and permission for 'dwellings' (in some cases). It also reduces the restrictions for 'industry' and 'warehouse' as well as for some uses provided they are in an identified 'node' (such as 'child care centre' and 'food and drink'). Notably too, the table increases the restrictions on 'restricted retail premises' (including 'equestrian supplies' and 'party supplies') and 'trade supplies'. Taken collectively, UGZ1 creates a somewhat bespoke zone for Precinct 3, which will operate quite differently from a standard C2Z.

60 I am also not convinced that there was an obvious intention that this precinct accommodate bulky goods type retailing. I have reviewed the NEIP PSP, which outlines the following vision for Precinct 3¹⁴:

Precinct 3 contains approximately 14.13Ha of land. This is the gateway to the NEIP and will provide a distinctive high quality built form that sets the flavour and theme for the overall NEIP. Lot sizes in this precinct will be mixed to enable a wide range of uses of a medium to small scale. Built form in this precinct will represent a transition to the core industrial and campus business areas, and will typically be more articulated to reflect a more human scale.

¹⁴ Page 26





Precinct 3 is a focus for higher amenity uses fronting the key boulevard entries: Keystone and Gateway Avenue. These uses will address the street directly with their principle pedestrian entrances, reception, sales, office, and display areas, creating a quality pedestrian environment on the desire line to the finer grain (small scale, small street frontage) uses in the core of the site.

Industry which contains a larger component of ancillary office will be encouraged at the Keystone and Gateway Avenue frontage in addition to service industry and wholesale trade. Opportunities for service based education and training facilities will be contained in this Precinct, creating positive synergies with the skills needs of industry and business located in the NEIP.

61 From my review of this and other policy contained in the NEIP PSP, the emphasis for this land is more on employment, industry, warehouse and general business. There is, in fact, no reference to either 'bulky goods' or 'restricted retail' in the whole NEIP PSP and while there are some references to 'sales' more generally, usually this is in the context of wholesale.

62 When describing the NEIP Urban Structure, Section 3.3.3 (Local employment and business activity) states:

The NEIP will provide for 8,000 jobs across a mix of business and industry types, including service industry, manufacturing, transport and storage, wholesale trade, professional services and public administration.

A form-based approach to the NEIP structure has been established which will create mixed land use sub-precincts across the whole site. While each sub-precinct will contain a general land use focus, the uses will be mixed and flexible, and will be informed by the built form guidelines in Section 4.

In terms of the land use profile, mixed business and industry will be located along the main boulevard entry leading into the site from Barwon Heads Road. This boulevard will be flanked by uses including service industry, manufacturing, transport and storage, warehouse and distribution and small office based industrial uses.



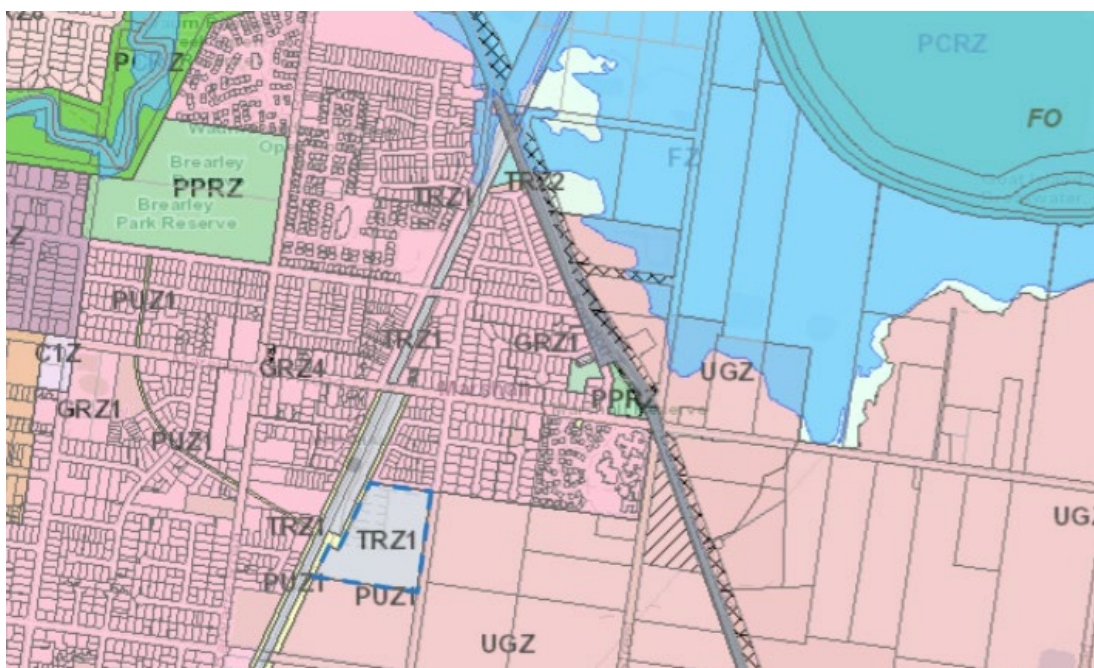
At the interface to Barwon Heads Road, the mixed business and industry areas will combine to deliver a variable land use frontage with a focus on service industry and associated wholesale trade. The provision of larger format car, boat and machinery sales could be located along this frontage, on well designed sites that maximise exposure and improve the presentation quality of this key address to the precinct

- 63 While the applied C2Z in this precinct permits bulky goods (though often subject to a permit), I do not think it is clearly the intention that such services be provided in the NEIP and that the NEIP in turn would be unreasonably impacted by the proposed Amendment. The land use directions for the NEIP can be contrasted with the Armstrong Creek Town Centre PSP, where 'restricted retail' is specifically sought in one precinct under the applicable UGZ – Schedule 5¹⁵. I also note that the Framework Plan specifically seeks to provide bulky goods retailing precinct within the Town Centre. This area is more than 3km (measured as the crow flies) from the proposed bulky goods area within the Marshall Precinct.

- 64 The land which the exhibited version of the Amendment sought to designate for bulky goods is constrained by flooding. For parcels north of Tannery Road, there are large areas of land which are largely undevelopable on the basis of a Floodway Overlay associated with Barwon River. The flood prone area extent (see Plan 5 of the PSP) extends even further into these parcels.

¹⁵ Albeit in an applied C1Z, to allow accommodation at upper levels





Floodway Overlay

65 This leaves fairly isolated, relatively small developable parcels east of Barwon Heads Road. Further, the newly duplicated Barwon Heads Road creates a notable barrier to a residential community contained on its east. While there are other residential parts of Armstrong Creek located east of this road, they are larger, and more self-contained than dwellings would be east of Barwon Heads Road in Marshall.

66 Given this, I understand the Council's initial decision to designate the area for commercial uses. The question of what economic impact this may have on the other commercial and / or bulky goods precincts in and around Armstrong Creek is outside my expertise. I also note that post-exhibition, Council has modified its position to reduce the amount of bulky goods, in lieu of a new residential precinct east of Barwon Heads Road. This is an option but as I say above, it would be a somewhat isolated precinct. It would also need to be ensured that residents of this precinct were not unreasonably affected by activity within the NEIP (and in turn that they would not unreasonably limit operation of the NEIP).

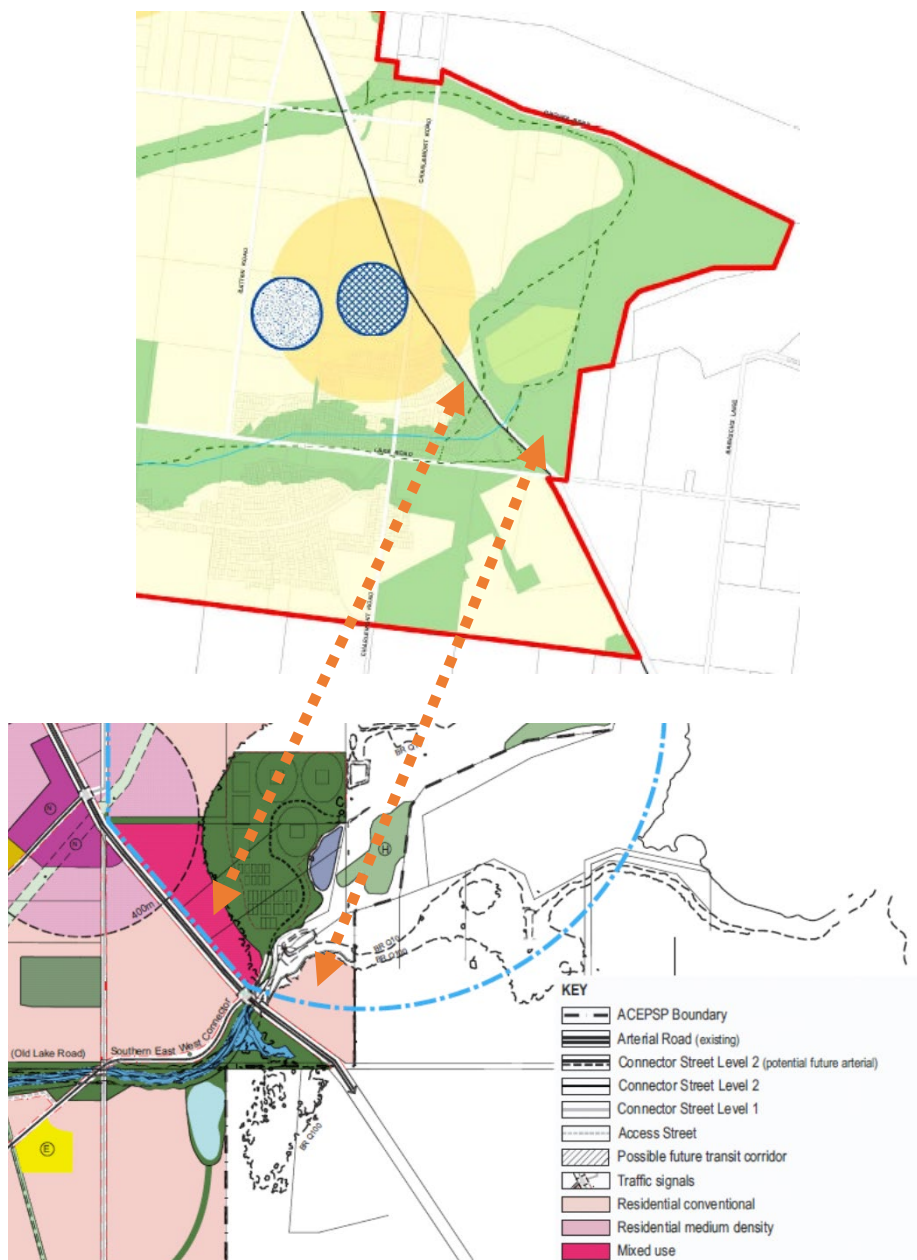


Excerpt from Attachment 3 of Council Agenda 28 August 2024

67 In a statutory sense, I do not think Council is precluded from including some supply of bulky goods in this location by the Framework Plan or any other document. The Framework Plan is a high level policy, which provides a strategic outline of how the whole Growth Area will be developed. It covers some 4,284 hectares of land¹⁶ and it is logical that some of its parameters will change in the course of detailed planning but it is, nevertheless, a relevant consideration.

68 There are other instances in Armstrong Creek where development has not entirely aligned with the Framework Plan. For example, in Schedule 2 to the UGZ (East Precinct), there is a residential area shown east of Barwon Heads Road in what the Framework Plan shows as open space. In that case too, a 'mixed use' area south of the NAC has been introduced (with an applied MUZ).

¹⁶ According to the Armstrong Creek Urban Growth Plan Background Report 21 April 2006

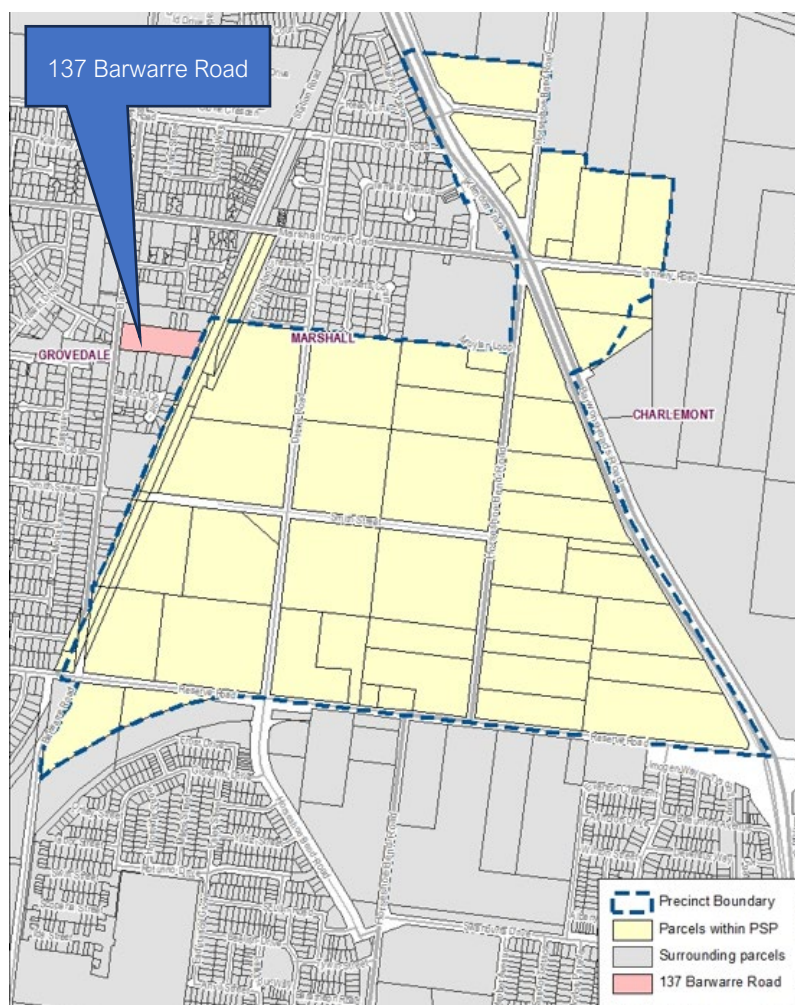


Marked Up Excerpt from Framework Plan (above) and UGZ5 (below)

69 Having taken account of the above, my key findings on the 'new' bulky goods area are that the land is highly constrained and somewhat isolated making it *well* suited for only a few purposes. It could conceivably be used for either bulky goods or residential purposes although, I would slightly favour the former.

Design and Development Overlay – Schedule 51

70 The Amendment proposes to apply a new Schedule 51 of the Design and Development Overlay (DDO51) to the land at 137 Barwarre Road, Marshall. This site is outside the Marshall Precinct and located west of the Marshall Train Station. The purpose of DDO51 is to facilitate direct public access to the Station for the Grovedale community to the west of the railway line.

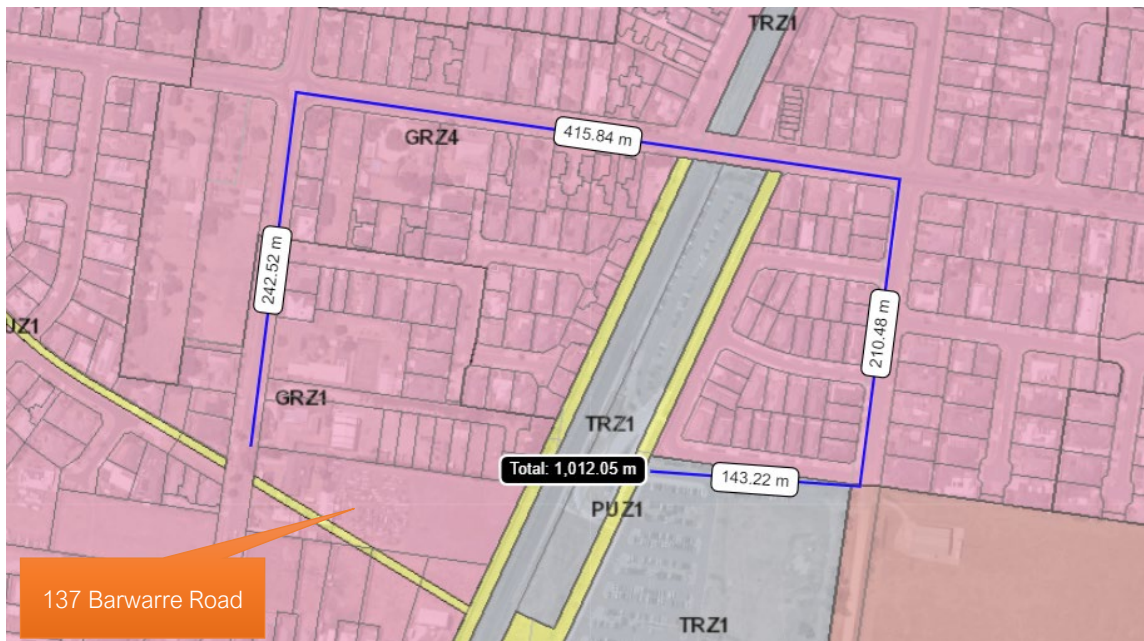


Excerpt from Explanatory Report

71 There is clear strategic and community value in the outcome Council is seeking through DDO51. The proposed connection would provide an immediate link to the Station from the west, reduce walking time and in turn increase the likelihood that train travellers will walk, rather than drive, to the Station. At present, it is necessary to approach the Station



from the west via either Marshalltown Road (to the north) or Reserve Road (to the south). The distance from 137 Barwarre Road to the Station via Marshalltown Road is around 1km. Reserve Road is around 700m south of 137 Barwarre Road. This site, therefore, provides an important strategic opportunity to improve the connectivity of the Grovedale community to high capacity public transport.



Marked Up Zone Map

- 72 I support the town planning objective underpinning proposed DDO51. Having said that, DDO51 as drafted strikes me as unfair in that it places burdens upon this party without a mechanism for appropriate compensation.
- 73 Usually, the main means by which a municipal Council acquires private land is either via a PSP process, by applying a Public Acquisition Overlay (PAO) or by agreement. The subject property, and more importantly the benefiting community, are outside the PSP in this case, making this method inappropriate. A PAO could be an option if there was a plan in place for (ideally) both the future development of 137 Barwarre Road and the design and siting of the Railway connection. It would be inappropriate to place a PAO without understanding the impact it had, and what specific development outcome it would be facilitating. I understand that there are no current plans afoot for the redevelopment of 137 Barwarre Road.



- 74 This leaves acquiring the land by negotiation, and this will only be successful (or fair and reasonable) if there is a commensurate benefit to the owner of 137 Barwarre Road. This party has lodged an objecting submission to the Amendment, which they see as detrimental to their interests. On the basis of the exhibited DDO51, I agree with them. I still see it is potentially possible though to reach a mutually satisfactory outcome with this party through negotiation and a discretionary, simplified DDO51. I provide my marked up version of such a control in **Appendix E**.
- 75 In preparing my version of DDO51, my objective has been to clearly articulate a desire for a link but not to prescribe specific actions and outcomes in a mandatory way. Rather, I would imagine that DDO51 would form the basis of a negotiation around the requirement to provide a public open space contribution in association with a future residential subdivision of this land. Currently Clause 53.01 of the Planning Scheme, prescribes a 10% public open space contribution, and as the site is around 1 hectare in size, this equates to 1,000sqm. The length of the site is an average of 176m, and a walking path I imagine would need to be at least 3m wide (equalling 529sqm). The link, therefore, would likely equate to far less than the required contribution and I believe this method would result in a reasonable outcome for this owner.
- 76 To make this outcome certain, the Planning Authority could also amend the schedule to Clause 53.01 to reflect this possibility.
- 77 The downside of this option (as opposed to a PAO) is that the outcome is not certain, particularly not within any known timeframe. It may be that nothing happens at 137 Barwarre Road for decades. It is probably the 'best' option though since it would be detrimental to put a PAO across land which may ultimately severely impacted upon the feasibility and practicality its future development.
- 78 Unfortunately, there does not appear to be other candidate sites for achieving such a direct form of access to the Station in Barwarre Road. Other nearby sites are either already subdivided and / or developed, are more indirect or the connection relies on multiple properties (which is less desirable). While there is a large, undeveloped property at 167-179 Barwarre Road, it is quite distant from the Station meaning a connection would



need to bypass the rear of a number of houses, where there would be poor surveillance and safety. The only viable site appears to me to be 137 Barwarre Road.

Other comments on the proposed ordinance

79 Generally, my review supports the remainder of the Amendment documentation.

80 In terms of DCPO10 the costings and apportioning are outside my expertise, although I note consistency with the Marshall Development Contributions Plan Final Draft August 2023. Modifications will also need to be made to DCPO10 to reflect the ultimate land use mix across the Precinct (in particular the use of the exhibited bulky goods areas).

81 I note it is proposed to introduce new referral requirements in the schedule to Clause 66.04 as follows:

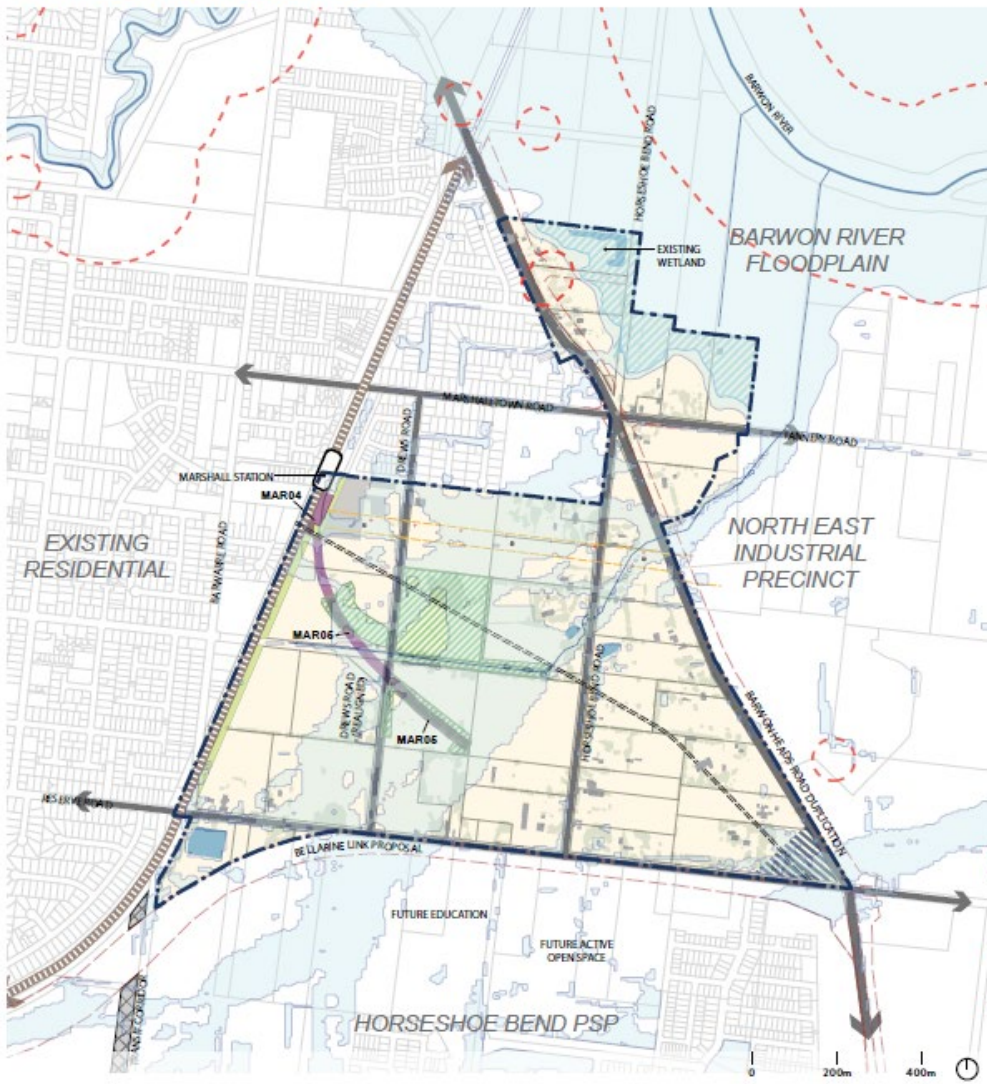
Schedule 7 to Clause 37.07 (UGZ)	An application for the removal of 'vegetation to be retained' identified in the incorporated Marshall Native Vegetation Precinct Plan October 2022 and identified on Plan 9 of the incorporated Marshall Precinct Structure Plan March 2024.	Secretary to the Department of Energy, Environment and Climate Action	Determining referral authority
Schedule 7 to Clause 37.07 (UGZ)	An application on land subject to flooding in a 1 in 100 year event identified on Plan 4 (Flood Prone Areas Flood Extent) in the incorporated Marshall Precinct Structure Plan March 2024.	Catchment Management Authority	Recommending referral authority

Excerpt from exhibited Clause 66.04

82 The first of these referrals is appropriate and reflects the Marshall Native Vegetation Precinct Plan and changes to Clause 52.16. The second provision though is somewhat unusual, although I do note there are similar provisions applying in UGZ2, UGZ3, UGZ4 and UGZ6. The relevant Plan 4 from the PSP is reproduced below.



P4. PRECINCT FEATURES



KEY

Precinct Boundary	Electricity Easement & Transmission Tower	Waterway
Railway and Station	Power Poles	Waterbody
Flood Overlay	Sewer Easement	Armstrong Creek Transit Corridor
Flood Prone Areas Flood Extant	Barwon Water Easement	Areas of Aboriginal Cultural Sensitivity
PAO (Public Acquisition Overlay)	Existing Roads	Bushfire Prone Area - All Precinct is Bushfire Prone
ESO (Environment Significance Overlay)	Existing Scattered Trees	
LSIO (Land Subject to Inundation Overlay)	Existing Built Form	
Heritage Area & Local Registry Place No.	Station Carpark	

Excerpt from Plan 4 of the PSP

83 I am instructed that the flood extent shown on Plan 4 is existing and it will be significantly reduced following the provision of drainage, public reserves and streets with the full





development of the PSP. I understand that progressively the actual flood extent will be reduced, although the referral will remain in place. Unless the mapping is regularly updated, it is possible that unnecessary referrals will take place. Consequently, I recommend that this mapping be reviewed and updated at intervals across the PSP's development to reflect the reduced / true flood extent.





CONCLUSION

84 My key conclusions are as follows:

- The provision of a new residential community within the PSP is appropriate along with the distribution of housing densities.
- The Station Precinct is well designed and will provide a valuable service to train users and the community. There needs to be greater flexibility in the design of the Station precinct. I recommend that a notation should be added to P18 of the PSP that says: *'This concept plan provides an indicative example of how the Station Precinct could be developed'*.
- However, there should be some limits to this flexibility. Accordingly, I recommend that Clause 2.4 and 2.5 of UGZ7 be amended as follows: ~~Unless the Responsible Authority agrees otherwise~~ *'The UDF must*'
- The exhibited bulky goods area can be supported provided an economic analysis demonstrates no unreasonable impacts on other designated bulky good areas. The exhibited bulky goods area could conceivably be used for either bulky goods or residential purposes although, I would slightly favour the former.
- I support the principle of providing a link to Marshall Station through 137 Barwarre Road although I do not support the exhibited drafting of DDO51.
- I recommend my marked up version of this overlay be applied. An amendment to the Schedule to Clause 53.01 could also be made to ensure that the provision of a link to the railway station would offset the public open space contribution.
- Map 4 of the PSP should be reviewed and updated at intervals across the PSP's development to reflect the reduced flood extent.

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



John Glossop FPIA
Director
Glossop Town Planning Pty Ltd
25 October 2024



REQUIREMENTS UNDER PPV PRACTICE NOTE PN01:

Expert Evidence

Name and address John Glossop
Director, Glossop Town Planning
Level 5, 111 Cecil Street, South Melbourne VIC 3205

Qualifications Bachelor of Arts (Urban Studies) (Hons)
Victoria University (1994)

Experience I have 28 years of experience as a town planner and have practiced in the following roles:

- Director, Glossop Town Planning (1997 – present).
- Director, ADDO Training (2015 – present)
- Sessional Member, Planning Panels Victoria (1997-2013).
- Member, ResCode Advisory Committee (2000).
- Strategic and Social Planning Manager, Melton Shire Council (1995-1997).
- Town Planner, Shire of Newham and Woodend (1994-1995).

I have been a sessional lecturer at Victoria University (1996-1999), Latrobe University (2000-2002) and RMIT University (2016-2021) in strategic and statutory planning and urban studies.

I have sat as Chairman or Member on several planning scheme amendments, dealing with a broad range of issues from high-rise housing in Williamstown, the redevelopment of Pentridge Prison and the application of flooding overlays in the Mornington Peninsula Shire.

Expertise to make this report I have considerable experience in statutory and strategic planning and the drafting of new format planning schemes.

My expertise to make this statement is based on my experience working in metropolitan Melbourne and regional Victoria, an understanding of the site and my experience as a planner in both the private and public sectors.

Instructions I received written instructions from Harwood Andrews acting on behalf of the City of Greater Geelong; a copy of which is attached to this statement.



	I was engaged after the Planning Authority resolved to refer submissions to a Planning Panel. Neither me nor any member in my firm was involved in the preparation of the amendment or its background studies.
Facts matters and assumptions relied upon	The facts, matters and assumptions upon which I have relied are set out in the introduction of this statement.
Documents and other materials that I have considered	The documents and materials upon which I have relied are set out in the introduction of this statement.
Identity of the person who carried out any tests or experiments	There were no tests or experiments carried out in the preparation of this statement.
Identity of any other significant contributors to the report	I was assisted in this statement by Edwina Laidlaw, Senior Associate.





Appendix A - Letter of Instructions



Our ref: 22301160
Contact: Aaron Shrimpton
Direct Line: 03 5225 5248
Direct Email: ashrimpton@ha.legal
Principal: Greg Tobin

17 September 2024

John Glossop
Director
Glossop Town Planning
By email: john@glossopco.com.au

Subject to legal professional privilege

Dear John,

Brief to prepare expert evidence Amendment C278ggee to the Geelong Planning Scheme Marshall PSP and DCP

We act for the City of Greater Geelong (**Council**) regarding Planning Scheme Amendment C278ggee to the Greater Geelong Planning Scheme (**Amendment**).

We are instructed to brief you to provide expert opinion and evidence regarding the Amendment.

Background

1. The Amendment proposes to incorporate the Marshall Precinct Structure Plan (**PSP**) and Development Contributions Plan (**DCP**) into the Greater Geelong Planning Scheme (**Planning Scheme**). In particular the Amendment proposes to:¹
 - 1.1. Introduce the PSP, DCP and the associated *Marshall Native Vegetation Precinct Plan (October 2022)* (NVPP), as incorporated documents;
 - 1.2. Apply the Urban Growth Zone – Schedule 7 to the PSP area, which is predominantly currently within the Urban Growth Zone but not subject to a schedule;²

¹ The Amendment does not propose to remove existing Public Acquisition, Specific Controls, Environmental Significance, or Land Subject to Inundation overlays.

² As described in the Explanatory Report, the following zone mapping changes are proposed:

- 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.

- 1.3. Apply the Design and Development Overlay (DDO51) to 137 Barwarre Road, Marshall to safeguard future access to Marshall Railway Station from Barwarre Road.
- 1.4. Make associated ordinance and mapping updates.
2. The exhibited Amendment, including the PSP and DCP, are included in the enclosed brief of materials.
3. As described in the exhibited Explanatory Report:

This amendment seeks to facilitate residential and commercial development in accordance with the Marshall Precinct Structure Plan (PSP) prepared by the City of Greater Geelong. The Marshall Precinct consists of 123 hectares of fragmented rural living land, some lots developed with dwellings and some vacant. The amendment also applies to land outside the Marshall PSP boundary at 137 Barwarre Road, Marshall, located west of the railway line.

The amendment proposes to apply the Urban Growth Zone Schedule 7 (UGZ7) to the Marshall Precinct (note: the precinct is currently zoned UGZ with no schedule) in the Greater Geelong Planning Scheme. The amendment also incorporates the Marshall Precinct Structure Plan, Marshall Development Contributions Plan and Marshall Native Vegetation Precinct Plan; as well as applying overlays to manage potentially contaminated land and development design.

4. The Explanatory Report describes the land affected by the Amendment as follows:

The amendment applies to land within the Marshall Precinct Boundary and to 137 Barwarre Road Marshall, as shown in Figure 1.

The Marshall Precinct consists of 123 hectares of fragmented rural living parcels bounded by the railway line to the west, established residential subdivision to the north, Barwon Heads Road / Tannery Road and the Barwon River floodplain to the north and east, and Reserve Road to the south (other than a triangular area adjacent to the railway line south of Reserve Road). Reserve Road is the alignment for the planned future Bellarine Link arterial road.

There are 33 parcels west of Barwon Heads Road, ranging from 2,000 square metres to 4 hectares, some developed with dwellings and some vacant. This area is partly flood-prone and characterised by waterbodies, fragmented stands of woodland vegetation and scattered trees in garden settings. High voltage transmission lines and main outfall sewer infrastructure transverse the precinct from west to east.

Private property access is from Drews Road, Horseshoe Bend Road and Reserve Road. Smith Street is a central reserve feature of the precinct that serves a conservation, passive recreation and walking function. The Marshall Railway Station and associated patron car parking area (40-60 Drews Road) is located in the north-west corner of the precinct. The station is currently under redevelopment which includes the southerly expansion of the car park accessed from Drews Road.

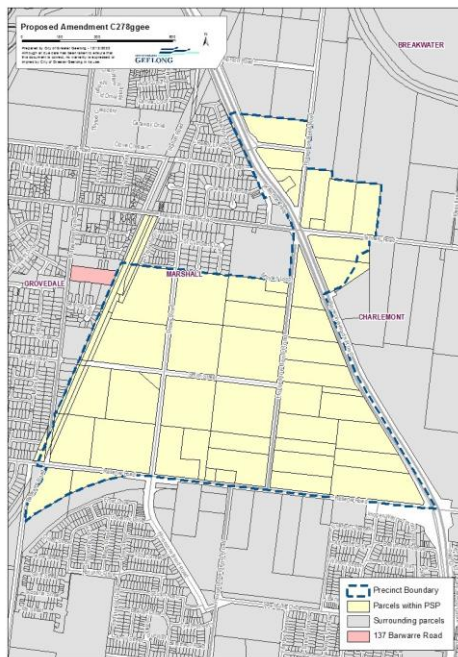


Figure 1: Land affected by the amendment

East of Barwon Heads Road, ten parcels are generally vacant and partly sit within the Barwon River floodplain. Some lots are developed with service industry accessed from Barwon Heads Road or Tannery Road and two lots fall partly within the North East Industrial Precinct Structure Plan boundary.

The land at 137 Barwarre Road is a one hectare rectangular lot located to the west of the railway line, accessed from Barwarre Road. The property is zoned General Residential and developed with a single dwelling and outbuildings.

Public exhibition and submissions

5. The Amendment was exhibited between 24 April and 3 June 2024.
6. Council received 25 submissions to the Amendment. Copies of all submissions are included in the enclosed brief of materials.
7. Council officers have considered all submissions under delegation and determined to refer all submissions to a Planning Panel Hearing. A copy of the delegate report, and Council's detailed response to submission is included in the enclosed brief of materials.

Planning Panel hearing process

8. The pre-set planning panel hearing dates for the Amendment are:
 - 8.1. Directions hearing 2 October 2024;
 - 8.2. Panel hearing in the week commencing 4 November 2024.
9. We will keep you updated regarding hearing dates as we receive the directions from the Panel.

Expert evidence

10. We are instructed to brief you to:
 - 10.1. review the enclosed materials and meet with Council and its legal team to discuss your preliminary views;

- 10.2. if instructed to do so, prepare an expert witness statement, participate in any relevant conclave and provide evidence at the upcoming planning panel hearing.
11. Your expert witness statement must comply with the requirements of Planning Panels Practice Note 1, a copy of which is included in the enclosed brief.
12. In addition to any other matter you consider relevant, your review and expert witness statement should address the following:
 - 12.1. The issues raised in submissions and Council's response to those submissions;
 - 12.2. Whether you are able to support the proposed PSP and planning ordinance drafting, either as exhibited or subject to any changes you may recommend.

Your fees

We understand you may have already entered into a costs agreement directly with Council. Please let us know if any new or revised costs disclosure is required following receipt of this brief.

Our client will be responsible for payment of your fees, however we are instructed to request all fee proposals are addressed to the City of Greater Geelong, care of Aaron Shrimpton, Harwood Andrews (ashrimpton@ha.legal).

Legal professional privilege

We confirm that your professional opinion is sought in the context of us providing legal advice in relation to the Planning Panel hearing for the Amendment.

Our advice, and your advice by virtue of your engagement by us, attracts legal professional privilege. Our client is therefore not required to disclose any advice provided by you to any other party unless that legal professional privilege is waived.

To ensure that legal professional privilege is maintained, we request that you do not advise anyone, other than our client or Harwood Andrews, that you have been requested to provide independent advice in relation to this matter.

We will notify you if legal professional privilege is waived in respect of your advice. We expect that this will not occur until just prior to the Planning Panel hearing at the time when expert witness reports are due to be filed and served.

Contact

If you have any queries or require any further information, please contact Greg Tobin (gtobin@ha.legal or 0412 845 035) or Aaron Shrimpton (ashrimpton@ha.legal; or 5225 5248).

Yours sincerely,



Greg Tobin
HARWOOD ANDREWS

Enc. Brief of documents

INDEX	
Brief to Experts	
Documents accessible at the following link:	
Expert Briefs - Marshall PSP	
A. Exhibited Amendment	
1.	Explanatory Report and Instruction Sheet <ul style="list-style-type: none"> a. Explanatory Report Exhibition Gazetted b. Instruction Sheet Exhibition Gazetted
2.	Planning Scheme Ordinance <ul style="list-style-type: none"> a. CI37.07_ggee Schedule 7 Urban Growth Zone b. CI43.02_ggee Schedule 51 Design And Development Overlay c. CI45.06_ggee Schedule 10 Development Contributions Plan Overlay d. CI52.16_ggee Schedule Native Vegetation Precinct Plan e. CI66.04_ggee Schedule Referral Of Permit Applications Under Local Provisions f. CI72.03_ggee Schedule What Does This Planning Scheme Consist Of g. CI72.04_ggee Schedule Incorporated Documents
3.	Map Sheets <ul style="list-style-type: none"> a. Zone b. Development Contributions Plan Overlay c. Environmental Audit Overlay d. Design and Development Overlay
4.	PSP, DCP and NVPP <ul style="list-style-type: none"> a. Marshall Precinct Structure Plan. b. Marshall Native Vegetation Precinct Plan c. Marshall Development Contributions Plan
B. Background Documents	
5.	Aboriginal Heritage and Post Contact Archaeological Assessment July 2013
6.	Post Contact Cultural Heritage Assessments January 2014
7.	Schedule Native Vegetation Precinct Plan track changes
8.	Schedule Referral of Permit Applications Under Local Provisions track changes
9.	Schedule What Does This Planning Scheme Consist Of track changes
10.	Schedule Incorporated Documents track changes
11.	Marshall PSP Access Management Strategy May 2019
12.	Bushfire Assessment and Development Report May 2022
13.	Fauna Surveys (Incorporating Fish Surveys) May 2022
14.	Preliminary Environmental Assessment September 2023
15.	Preliminary Transport Infrastructure Assessment July 2019
16.	Servicing Plan September 2018
17.	Stormwater Management Strategy December 2022
18.	Traffic Impact Assessment March 2023
19.	Vegetated Habitat Assessment April 2024
20.	Social Housing as Infrastructure In Gelongs Dec 2021
C. Submissions received by Council	
21.	#01 Submission
22.	#02 Submission – Barwon Water

23.	#03 Submission
24.	#04 Submission - CCMA
25.	#05 Submission - DTP
26.	#06 Submission - EPA
27.	#07 Submission
28.	#08 Submission – Hublet Capital
29.	#09 Submission
30.	#10 Submission – ID Land
31.	#11 Submission
32.	#12 Submission – Mesh for Re-Grow
33.	#13 Submission – Property 16
34.	#14 Submission
35.	#15 Submission – Ratio (for owner of PSP property 20, 42 and 43)
36.	#16 Submission – Spiire (for owner of 62-80 Horseshoe Bend Road)
37.	#17 Submission – Spiire (for owner of 205-243 Reserve Road)
38.	#18 Submission – Tomkinson (for owner of 91-109 Reserve Road)
39.	#19 Submission – Tract for Marshall Dev Co (62 Drews Road)
40.	#20 Submission – UDIA
41.	#21 Submission – Urbis for DRD (Vic) Pty Ltd
42.	#22 Submission – Whiteman Property & Associates
43.	#23 Submission – AusNet
44.	#24 Submission – CFA
45.	#25 Submission – DEECA
D. Select Planning Provisions & Background Documents	
46.	Clause 2.03 – Strategic Directions
47.	Clause 2.04 – Strategic Framework Plans
48.	Clause 11.01 – Victoria
49.	Clause 11.02 – Managing Growth
50.	Clause 11.03 – Planning for Places
51.	Clause 12.01 – Biodiversity
52.	Clause 12.03 – Water Bodies and Wetlands
53.	Clause 14.02 – Water
54.	Clause 16.1 – Residential Development
55.	Clause 17.01 – Employment
56.	Clause 17.02 – Commercial
57.	Clause 17.03 – Industry

58.	Clause 18.01 – Land Use and Transport
59.	Clause 18.02 – Movement Networks
60.	Clause 19.02 – Community Infrastructure
61.	Clause 19.03 – Development Infrastructure
62.	Armstrong Creek, Urban Growth Plan (Volume 1 May 2008 (Amended May 2010 & September 2012)
63.	Armstrong Creek Urban Growth Plan Background Report, 21 April 2006
64.	The City of Greater Geelong Settlement Strategy August 2020
E. Other materials	
65.	Council Meeting Minutes 26 September 2023
66.	Marshall PSP Background Report March 2024
67.	Delegate report - Consideration of Submissions
68.	PPV Practice Note PN01 Expert Evidence
F. Supplementary & Late submissions received by Council	
69.	Sample letter from Council regarding revisions under consideration
70.	Original and Addendum Submission 008 - Hublet Capitol Pty Ltd
71.	Original and Addendum Submission 009 - Hungerford - Brett
72.	Original and Addendum Submission 015 - Ratio Consultants on behalf of T P Singh
73.	Original and Addendum Submission 022 - Whiteman Property Associates Pty Ltd on behalf of TP & Kulbeer Singh
74.	Late Submission 027 - Devine Property Advisory on behalf of Costa Asset Management
75.	Late Submission 028 - Spiire on behalf of Robin and Jennifer Ellis



Appendix B - Site Photographs



Marshall Precinct Structure Plan Photographs taken 23 October 2024



Marshall Train Station looking north



Marshall Train station looking south

Marshall Precinct Structure Plan Photographs taken 23 October 2024



Marshall Train Station bus interchange



Marshall Train Station looking south



Pedestrian access to Station (west side)



Station Road north of Marshalltown Road



Marshalltown Road looking west from Station Road



Marshalltown Road looking east from Station Road



Marshall Train Station west side.



DDO51 land (137 Barwarre Road)

Marshall Precinct Structure Plan Photographs taken 23 October 2024



DDO51 land (137 Barwarre Road)



Looking south from Marshall Train Station platform

Marshall Precinct Structure Plan Photographs taken 23 October 2024



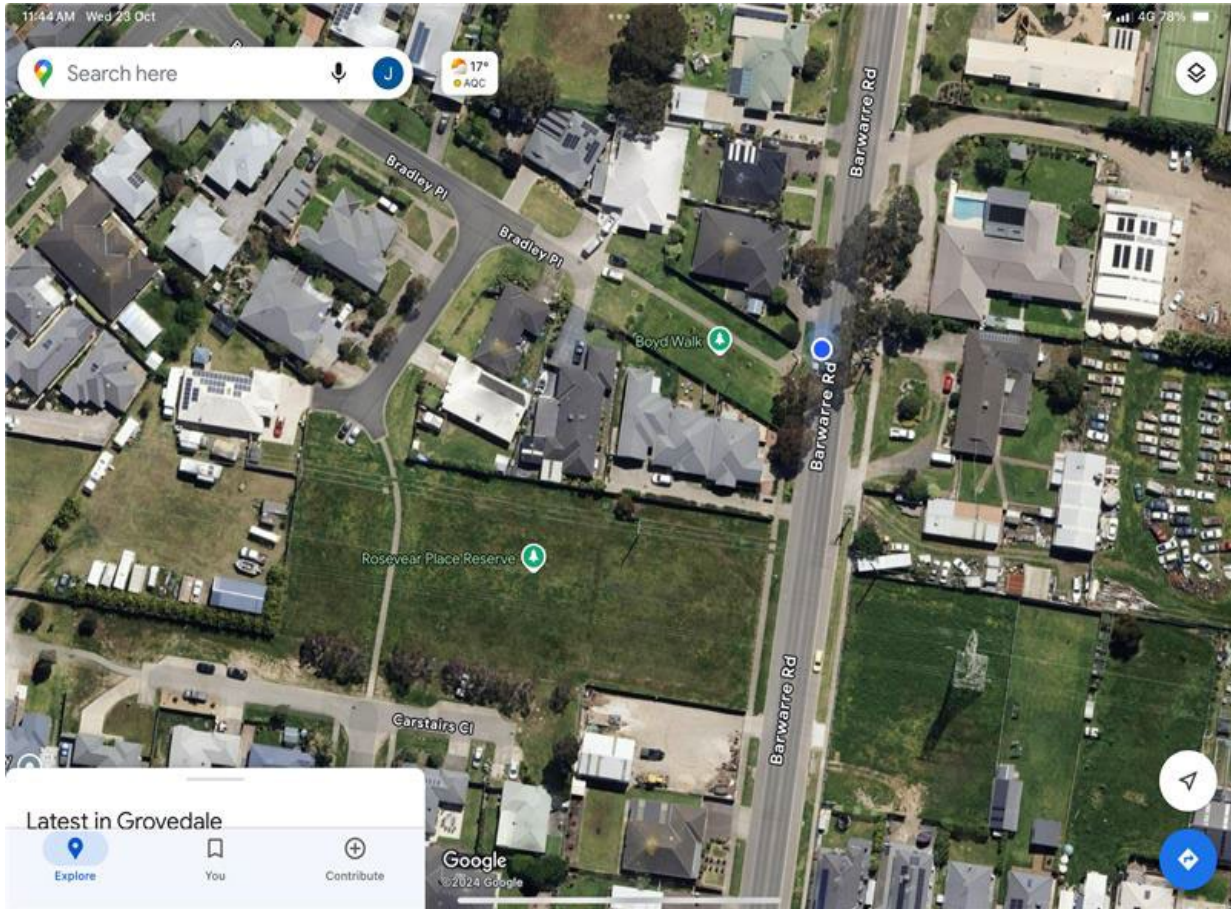
135 Bawarre Road



Drews Road looking south



Horseshoe Bend PSP south of Reserve Road



Boyd Walk opposite 137 Bawarre Road



135 Bawarre Road



Tannery Road looking east



Tannery Road looking west



Horseshoe Bend Road looking north



Termination of Horseshoe Bend Road



Horseshoe Bend Road looking south



355 Barwon Heads Road



Norcott Road looking north



Norcott Road looking south



Devine Street looking east



Horseshoe Bend Road_Guilland Street



Horseshoe Bend Road looking north



137 Bawarre Road



Bawarre Road looking north



Barwarre Road looking south



Barwarre Road looking south

Marshall Precinct Structure Plan Photographs taken 23 October 2024



Existing pedestrian link west of 137 Bawarre Road

Appendix C – The Amendment

86 According to the exhibited Explanatory Report:

The amendment facilitates future urban development consistent with Clause 02.03 (Strategic Directions) by incorporating the Marshall Precinct Structure Plan (March 2024) (the PSP) into the Greater Geelong Planning Scheme. The amendment applies the Urban Growth Zone Schedule 7 (UGZ7) and makes ordinance and mapping changes to support implementation of the Marshall PSP.

The amendment applies the Development Contributions Plan Overlay Schedule 10 (DCPO10) to all land within the precinct; applies an Environmental Audit Overlay (EAO) to potentially contaminated land; and incorporates the Marshall Development Contributions Plan (August 2023) and Marshall Native Vegetation Precinct Plan (October 2022).

The amendment also applies a Design and Development Overlay (DDO51) to 137 Barwarre Road, Marshall to safeguard future access to Marshall Railway Station from Barwarre Road.



Appendix D – Key Policy Context

Municipal Planning Strategy


87 Within the Municipal Planning Strategy, I consider the following clauses to be particularly relevant to this matter:

- Clause 02.01 ‘Context’.
- Clause 02.02 ‘Vision’.
- Clause 02.03 ‘Strategic directions’, and in particular:
 - Clause 02.03-1 ‘Settlement’.
 - Clause 02.03-3 ‘Environmental risks and amenity’
 - Clause 02.03-5 ‘Built environment and sustainability’.
 - Clause 02.03-6 ‘Housing’.
 - Clause 02.03-8 ‘Transport’.
 - Clause 02.03-9 ‘Infrastructure’.
- Clause 02.04 ‘Strategic framework plans’.

Planning Policy Framework

88 Within the Planning Policy Framework, I consider the following policies relevant to this matter:

- Clause 11 ‘Settlement’, and in particular:
 - Clause 11.01-1S ‘Settlement’
 - Clause 11.01-1R ‘Settlement – Geelong G21’
 - Clause 11.01-1L-01 ‘Settlement – Greater Geelong’
- Clause 11.02-1S ‘Supply of urban land’.
- Clause 11.02-2S ‘Structure planning’.
- Clause 11.02-3S ‘Sequencing of development’.
- Clause 11.02-3L ‘Sequencing of development’.

- 
- Clause 11.03-1S - 'Activity centres'.
 - Clause 11.03-1L 'Activity centres in Greater Geelong'.
 - Clause 11.03-2S 'Growth areas'.
 - Clause 11.03-2S 'Peri-urban areas'.
 - Clause 12 'Environmental and Landscape Values', and in particular:
 - Clause 12.01-1S 'Protection of biodiversity'.
 - Clause 12.01-1L 'Protection of biodiversity'.
 - Clause 12.01-2S 'Native vegetation management'.
 - Clause 12.03-1S 'Rivers and riparian corridors, waterways, lakes, wetlands and billabongs'.
 - Clause 12.03-1R 'Rivers of the Barwon'.
 - Clause 12.03-1L 'River corridors, waterways, lakes and wetlands'.
 - Clause 13 'Environmental risks and amenity', and in particular:
 - Clause 13.01-1S 'Natural hazards and climate change'.
 - Clause 13.02-1S 'Bushfire planning'.
 - Clause 13.03-1S 'Floodplain management'.
 - Clause 13.03-1L 'Floodplain management'.
 - Clause 13.07-1S 'Land use compatibility'.
 - Clause 15 'Built environment and heritage', and in particular:
 - Clause 15.01-1S 'Urban design'.
 - Clause 15.01-3S 'Subdivision design'.
 - Clause 15.01-4S 'Healthy neighbourhoods'.
 - Clause 16 'Housing', and in particular:
 - Clause 16.01-1S 'Housing supply'.
 - Clause 16.01-1L-02 'Increased housing diversity areas'.
 - Clause 17 'Economic development; and in particular:
 - Clause 17.01-1S 'Diversified economy'.

- Clause 17.01-1L-01 'Diversified economy – Greater Geelong'.
- Clause 17.02-1S 'Business'.
- Clause 17.02-1L 'Retail expansion'.
- Clause 17.02-2S 'Out-of-centre development'.
- Clause 18 'Transport', and in particular:
 - Clause 18.01-1S 'Land use and transport integration'.
 - Clause 18.01-2S 'Transport system'.
 - Clause 18.02-1S 'Walking'.
 - Clause 18.02-2S 'Cycling'.
 - Clause 18.02-3S 'Public transport'.
 - Clause 18.02-4L 'Road system'.
- Clause 19 'Infrastructure'.

Other Documents

89 I have also had regard to the following in preparing my statement:

- Armstrong Creek Urban Growth Plan Volume 1 May 2008 (Amended May 2010 & September 2012)
- Armstrong Creek Urban Growth Plan Background Report (21 April 2006)
- The City of Greater Geelong Settlement Strategy (August 2020)
- Armstrong Creek Urban Growth Plan - Framework Plan (November 2008, updated September 2012 and June 2015)
- The City of Greater Geelong Retail Strategy 2020-2036 (adopted August 2020)
- The City of Greater Geelong Social Housing Plan 2020-2041





Appendix E – Proposed DDO51



Proposed
C278ggee

SCHEDULE 51 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO51**.

137 BARWARRE ROAD, MARSHALL – TRAIN STATION ACCESS

1.0 Design objectives

Proposed
C278ggee

To create a direct public land reserve link to Marshall Train Station from Barwarre Road.
To provide a comfortable and safe pedestrian/cyclist experience along the length of the linkage.
To ensure that new development is appropriately designed to integrate with the linkage.

2.0 Buildings and works

Proposed
C278ggee

A permit is not required for ~~any~~ buildings and works associated with ~~an the existing~~ dwelling ~~that exists on the land at the time of the gazettal of Amendment C278ggee~~.

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- ~~A subdivision application must form part of the application and any permit issued must include a Plan of Subdivision in accordance with Clause 3.0 of this Schedule.~~
- ~~Dwellings and any other building must be designed to provide passive surveillance of the public access reserve required by Clause 3.0 of this Schedule.~~
- ~~Development should provide a pedestrian link between Barwarre Road and the Marshall Train Station of suitable dimensions and design to accommodate safe and convenient pedestrian and cyclist access.~~

~~A permit cannot be granted to vary these requirements.~~

~~The requirements of Clause 2.0 to this Schedule do not apply to buildings and works associated with an existing dwelling.~~

3.0 Subdivision

Proposed
C278ggee

~~A permit to subdivide land must meet the following requirements:~~

- ~~Provision of a public access land reserve of a suitable design to accommodate a pedestrian and cycle path compliant with the Disability Standards for Accessible Public Transport 2002, lighting structures, and landscaping, to connect Barwarre Road to a future station entry point.~~
- ~~A permit condition requiring the land reserve shown on the Plan of Subdivision to be created and vested in Council prior to the issue of statement of compliance.~~

~~A permit cannot be granted to vary these requirements unless the responsible authority, in consultation with the Head, Transport for Victoria, determines an alternative arrangement.~~

~~A permit to subdivide land should meet the following requirements:~~

- ~~Subdivision should provide a pedestrian link between Barwarre Road and the Marshall Train Station of suitable dimensions and design to accommodate safe and convenient pedestrian and cyclist access.~~

4.0 Signs

Proposed
C278ggee

None specified.

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5.0 Application requirements

~~JJ-
Proposed
C278ggee~~

~~The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:~~

- ~~• A Marshall Station—Barwarre Road Access Report prepared by a suitably qualified person, in consultation with the the Head, Transport for Victoria and Barwon Water, that evaluates the optimal design, width and location for a public access reserve to link Barwarre Road to the station, including assessment of but not limited to:
 - ~~— Prioritisation of pedestrian and cyclist convenience and safety, including safe entry and exit points.~~
 - ~~— Integration with the surrounding built form and provision of passive surveillance.~~
 - ~~— Provision of signage, lighting, shade and landscaping.~~
 - ~~— Provision for maintenance access.~~
 - ~~— Any infrastructure servicing constraints and opportunities.~~~~

6.0 Decision guidelines

~~JJ-
Proposed
C278ggee~~

~~The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:~~

~~Whether the proposed subdivision or development:~~

- ~~• Meets the subdivision requirements in Clause 3.0 of this Schedule.~~
- ~~• Appropriately responds to the findings of the Marshall Station—Barwarre Road Access Report.~~

~~Whether the proposed development:~~

- ~~• Is designed and located to provide the reserve described in Clause 3.0 of this ScheduleProvides a public reserve of sufficient width to accommodate a safe and high quality through connection between Barwarre Road and Marshall Train Station.~~
- ~~• Provides an appropriate interface between the private realm and the new public reserve.~~
- ~~• Is designed and located to ensure passive surveillance of the reserve.~~
- ~~• Appropriately responds to the findings of the Marshall Station—Barwarre Road Access Report.~~