

Geelong AmC278 - Marshall PSP

25 Horseshoe Bend Road, 391-399 Barwon Heads Road, 8 Tannery Road

Planning evidence by David Barnes, Hansen Partnership
For Rich and Pure and associates

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Contents

1.	Introduction.....	1
2.	Summary of opinions.....	2
3.	Subject land.....	4
4.	Surrounds	9
5.	The amendment process.....	11
5.1.	Pre-exhibition of the PSP and Amendment C278	11
5.2.	Council’s consideration of submissions	13
5.3.	Re-Grow submission.....	14
6.	Rich and Pure’s intentions	15
7.	Amendment C278.....	16
7.1.	Schedule 7 to the Urban Growth Zone.....	16
7.2.	Marshall Precinct Structure Plan Incorporated Document	17
8.	Existing planning policies and controls.....	21
8.1.	Zoning.....	21
8.2.	Flood Zone and Land Subject to Inundation Overlay	22
8.3.	Special Controls Overlay	23
8.4.	Relevant planning policies.....	24
8.5.	Precinct Structure Planning Guidelines.....	28
9.	Planning of Armstrong Creek Urban Growth Area	30
9.1.	Armstrong Creek Urban Growth Plan	30
9.2.	Armstrong Creek Urban Growth Plan - Framework Plan	32
9.3.	Adjoining PSPs.....	34
10.	Key issues.....	35
10.1.	The magnitude of the change proposed.....	35
10.2.	Generally in accordance with the Armstrong Creek Urban Growth Area Framework Plan.....	38
10.3.	Housing targets	40

10.4. Strategic justification.....	43
10.5. Impact on the Marshall Station Precinct.....	44
10.6. Impacts on North East Industrial Precinct.....	45
10.7. Barrier presented by Barwon Heads Road.....	52
10.8. Walkable neighbourhoods.....	54
10.9. Orderly and proper planning.....	56
11. Applied zones.....	59
11.1. Candidate zones.....	59
11.2. Appropriate zoning.....	61
12. Conclusion.....	64

Figures

<i>Figure 1 - Subject land and immediate abuttals</i>	4
<i>Figure 2 - 25 Horseshoe Road (left side of road), looking south along the road from the closure at its northern end</i>	5
<i>Figure 3 – Existing dwelling on the south part of 25 Horseshoe Bend Road, looking east from the road (appears to be used as a temple)</i>	6
<i>Figure 4 - Drain across the south-east corner of 25 Horseshoe Bend Road and the transmission lines to its south, looking south-west from Barwon Heads Road</i>	6
<i>Figure 5 - Looking south along Horseshoe Bend Road, showing number 25 to the left and the retirement village to the right</i>	7
<i>Figure 6 – Eastern paddock of 8 Tannery Road, looking south-east from the road</i>	7
<i>Figure 7 – 391-399 Barwon Heads Road, looking south-east from the west side of the road</i>	8
<i>Figure 8 - Marshall Station, looking north-west from car park</i>	9
<i>Figure 9 - Subject land and surrounds (aerial)</i>	10
<i>Figure 10 – Surrounds (Source Melways Online)</i>	10
<i>Figure 11 - Future Urban Structure Plan from the 2019 draft of the Marshall PSP</i>	12
<i>Figure 12 – Land use designation – As exhibited (left side). As recommended by Council following consideration of submissions (right side)</i>	14
<i>Figure 13 - Area covered by Schedule 7 to the Urban Growth Zone</i>	16
<i>Figure 14 - Future Urban Structure Plan</i>	17
<i>Figure 15 - P7 Character, Heritage and Housing Plan from PSP</i>	19
<i>Figure 16 - Zoning</i>	21
<i>Figure 17 - Flood Zone</i>	22
<i>Figure 18 - Special Controls Overlay 8 (Barwon Heads Road (Settlement Road, Belmont to Reserve Road, Marshall) Duplication Project)</i>	23
<i>Figure 19 - Hierarchy of Activity Centres (Clause 02.04-2 of the Greater Geelong Planning Scheme)</i>	26
<i>Figure 20 - Walkable neighbourhoods within 1.6km road grid (Source: VPA Structure Planning Guidelines, page 38.</i>	28
<i>Figure 21 - Source: Armstrong Creek Growth Area Plan (2008/10/12) page 44</i>	30
<i>Figure 22 - Source Armstrong Creek Growth Area Plan, page 49</i>	31
<i>Figure 23 - Armstrong Creek Urban Growth Plan - Framework Plan</i>	32
<i>Figure 24 - Location of PSPs within the Armstrong Creek Growth Area</i>	34
<i>Figure 25 - Property identification numbers (Source: Marshall PSP, Plan 6 page 29)</i>	35
<i>Figure 26 - Meaning of Generally in Accordance with (Source VPA Guidance Note, page 8)</i>	39
<i>Figure 27 - State Government's draft housing target for Greater Geelong</i>	40

Figure 28 - Land supply in Greater Geelong (2017) (Source: Geelong Housing and Settlement Strategy, page 38) 41

Figure 29 - NEIP PSP, Interface with Barwon Heads Road 47

Figure 30 - North East Industrial Area PSP – Future Urban Structure Plan 48

Figure 31 - North East Industrial Precinct PSP - Road Network Plan (page 42) 50

Figure 32 - North East Industrial Precinct - Character Precincts 51

Figure 33 - Source <https://bigbuild.vic.gov.au/projects/roads/barwon-heads-road-upgrade/stage-1> 52

Figure 34 - Median and edge safety barriers along Barwon Heads Road (Looking south-west across the road from the bus stop, towards 25 Horseshoe Bend Road) 53

Figure 35 - Barwon Heads Road, elevated over the railway line adjacent and to the north of the northern most lots in the PSP area (looking north along Norcott Road) 53

Figure 36 - Interaction with adjoining PSPs 55

Figure 37 – Barriers and logical planning units 56

Tables

Table 1- Area of parcel proposed to be designated commercial in PSP as exhibited 36

Table 2 - Area of land proposed to be designated commercial / bulky goods in the Marshall PSP (as Exhibited) compared to the total area of residential and commercial land in the Marshall and the North East Industrial Precinct PSPs 37

Table 3 – Permit triggers for candidate zones 60

Attachments

- Attachment 1 David Barnes Curriculum Vitae
- Attachment 2 Instructions

1. Introduction

1. My name is David Barnes. I am a Director of Hansen Partnership Pty Ltd, which is located at 150 Lonsdale Street, Melbourne.
2. I hold the following qualifications:
 - Bachelor of Town and Regional Planning (Hons), University of Melbourne, 1980.
 - Master of Business Administration, Royal Melbourne Institute of Technology, 1993.
3. I have practiced as a town planner for over 40 years, working in the public as well as the private sectors. I have also worked overseas in Vietnam on a variety of statutory planning, strategic planning, institutional strengthening and tourism projects.
4. I am both a statutory and a strategic planner. My planning experience covers many aspects of the planning approvals process on a range of projects including residential, industrial, retail, mixed use, tourism and rural developments. I regularly appear before VCAT and Planning Panels Victoria. I have been involved in a broad range of strategic planning projects including the preparation of industrial land use strategies, residential development strategies, integrated municipal strategies, township strategies, town centre strategies, structure plans and urban design frameworks for growth areas, activity centres and transit cities.
5. I have been instructed by Russell Kennedy, acting for Rich and Pure Pty Ltd and associates, in relation to land at 25 Horseshoe Bend Road, 391-399 Barwon Heads Road and 8 Tannery Road, Marshall, Geelong. I have been instructed to:
 - (a) *conduct a review of the Brief of Materials as necessary and relevant to my expertise;*
 - (b) *prepare a report within the limits of my expertise, having regard to **our client's** proposals, the planning considerations relating to changes in the designation and any planning impacts arising from this on the future development of the Subject Land and on the PSP.*
 - (c) *appear as an expert witness at the Hearing commencing the week of 4 November 2024; and*
 - (d) *consider any other matters you deem appropriate.*
6. Key documents I have reviewed in preparing this statement are referenced throughout my report.
7. This statement has been prepared in accordance with the Planning Panels Victoria Guideline to Expert Evidence.
8. I have made all inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.
9. A copy of my CV is included in Attachment 1.
10. My instructions in relation to this matter are included in Attachment 2.
11. I draw to the attention of the Panel that Jane Keddie from Hansen Partnership has been separately engaged to provide evidence on for the Greater City of Geelong in relation to this amendment. Jane's evidence specifically relates to those aspects of the amendment that relate to sustainability. My evidence does not relate to sustainable issues addressed by Jane.

2. Summary of opinions

12. After a period of some 6 years and considerable consultation, the Marshall PSP as exhibited, designated land along Barwon Heads Road for commercial / bulk goods use, with an applied Commercial 2 Zone.
13. A submission was made to the amendment opposing the designation of the land for commercial bulky / goods, raising among other things, that it was inconsistent with the designation of the land for residential in the Armstrong Creek Urban Growth Area Framework Plan, was not strategically justified, and would undermine the planning of the Marshall Station Precinct and the adjoining North East Industrial Precinct.
14. The City of Greater Geelong supported the submission (in part). Council determined that Rich Pure's land and other land abutting the north side of Tannery Road be designated residential. It determined to retain land further to the north of Tannery Road for commercial / bulky goods. In making this decision Council raised the need for additional land to be provided in the municipality for housing, given the State Government's new housing targets.
15. The amount of land proposed to be designated commercial bulky goods in the amendment as exhibited, totalled approximately 10 hectares (net developable area). It has the potential to accommodate some 170 dwellings. This is reduced to approximately 7 hectares (120 dwellings), on the basis of Council's post-exhibition changes. In the context of the of Greater Geelong and the Armstrong Creek area, is a very small area of land that is unlikely to have meaningful consequences on the long term supply of housing in the municipality or the planning of the proposed Marshall Station Precinct or the adjoining North East Industrial Precinct. Economic evidence is required to confirm this.
16. The Armstrong Creek Urban Growth Area Plan does identify the land for residential use. That designation does not prevent the Marshall Precinct Structure Plan from identifying the land for commercial / bulky goods, if sound strategic planning reasons exist to do so.
17. A fundamental principle in the planning of residential areas in Armstrong Creek, is to establish walkable neighbourhoods focussed on activity centres that generally have catchment of around 800 metres.
18. The Marshall PSP is the smallest PSP in the Armstrong Creek Urban Growth Area. It is not of sufficient size to accommodate a neighbourhood activity centre, with the range of facilities such a centre would normally provide. Residents of the PSP area will need to rely on services and facilities outside the area. This increases the distance to those facilities. It means that despite being within approximately 800 metres of the Marshall Station Precinct, the land proposed to be designated commercial / bulky goods, will not be within a walkable catchment of some of the key facilities normally located within a neighbourhood activity centre.
19. Barwon Heads Road is a significant barrier to a walkable neighbourhood. It has recently been upgraded to a four lane divided road with a central median. It contains considerable infrastructure within the road reserve that provides a barrier to pedestrian movement. The upgrading has included a fully signalised intersection with Tannery Road.
20. A distinction exists between 25 Horseshoe Bend Road, which is located on the west side of Barwon Heads Road and land on the east side of the road.
21. The Horseshoe Bend Road site has the potential to be considered for either residential development or commercial development, as it is located on the west side of Barwon Heads Road:
 - It is not particularly well suited for residential development due to its irregular shape, its narrow width, its long abuttal to Barwon Heads Road and its abuttal to electricity transmission lines to the

south. It would experience relatively poor residential amenity if developed for residential purposes. However it is some 600 metres from the Marshall Station precinct is not separated from the station by Barwon Heads Road

- It is essentially an island site, that is physically separated from nearby residential uses and has main road frontage. It is better suited for a range of non-residential commercial uses that:
 - Are appropriate in or adjacent to residentially zone land.
 - Would benefit from abuttal to Barwon Heads Road.
 - Would not undermine the establishment of the proposed Marshall Station Precinct.
- 22. Given the opportunity that exists to tailor permit triggers for applied zones in the Urban Growth Zone, the range of uses considered appropriate for the land is almost more important than the applied zone itself, as the schedule can be used to vary the provisions of zones to reflect the range of uses considered appropriate on the land.
- 23. The proposed Commercial 2 Zone, in which a supermarket is proposed to be prohibited, is an appropriate zone for 25 Horseshoe Bend Road, if a new zone that was not exhibited in the amendment, is not considered appropriate to apply. Additional variations recommended to the standard provisions of the Commercial 2 Zone, include making Restricted Retail Premise and Industry discretionary in Schedule 7 to the Urban Growth Zone (to the west of Barwon Heads Road).
- 24. The Mixed Use Zone would also be an appropriate candidate. The Mixed Use Zone has the benefit of allowing residential uses on the land. Whilst residential uses are not preferred use of the land for practical and amenity reasons, generally residential uses should be prohibited to the west of Barwon Heads Road. The standard permit triggers in the Mixed Use Zone would need to be tailored in Schedule 7, to prevent a supermarket and shops generally (except where discretionary in a residential zone), and to provide for a similar range of commercial uses to the Commercial 2 Zone, varied, as described above.
- 25. Land to the east of Barwon Heads Road is not considered to be appropriately located for residential use, despite such a designation in the Armstrong Creek Urban Growth Area Framework Plan. Barwon Heads Road is a barrier and creates an appropriate boundary to distinguish between residential and commercial / industrial uses in the Marshall area.
- 26. Tannery Road will provide a direct connection to the northern and central parts of the North East Industrial Precinct and to the core of that area. It would be poor planning to establish a small residential enclave on the east side of Barwon Heads Road, that is dissected by Tannery Road, given the future role of Tannery Road as an access road to one of the two most significant industrial / employment areas in Armstrong Creek.
- 27. The Commercial 2 Zone is appropriate for land to the east of Barwon Heads Road. If economic evidence identified an issue with Restricted Retail Premises undermining the role of other precincts in Armstrong Creek, proposed Schedule 7 to the Urban Growth Zone could be varied to make the use discretionary on land to the east of Barwon Heads Road.
- 28. The adjoining North West Industrial Precinct has been approved for over 14 years. No development has as yet occurred within the precinct. The PSP should be evaluated and reviewed. That review would provide the opportunity to integrate the planning of land proposed to be designated commercial / bulky goods within the Marshall PSP area, with the planning of the North West Industrial Precinct.

3. Subject land

30. The land owned by Rich and Pure an related entities, comprises the three parcels shown on Figure 1.¹ Whilst my evidence addresses these properties specifically, it also relates more generally to other properties to the east of Barwon Heads Road (north of Tannery Road) that are identified in the exhibited version of the Marshall Precinct Structure Plan (PSP) for commercial / bulky goods purposes.



Figure 1 - Subject land and immediate abutments

¹ Lot numbers shown on the plan are those used to identify individual lots in the Marshall PSP (see Plan 6 and Table 10 of the PSP).

31. Lot 20 (25 Horseshoe Bend Road) is located on the west side of Barwon Heads Road, whilst the other two lots (42 and 43) are located to the east of the road. All lots are generally flat and low lying in part, and are presently used for rural living purposes, with a dwelling on each. A drain crosses the south-east corner of 25 Horseshoe Bend Road and runs along the south boundary of 8 Tannery Road. The key features of each lot are summarised below:

- Lot 20 - 25 Horseshoe Bend Road:
 - Area = 1.748 hectares.²
 - Shape = Triangular.
 - Frontage to Barwon Heads Road = 280 metres.
 - Abuttals:
 - To the north – The intersection of Marshalltown Road and Barwon Heads Road, with a small park on the north side of Marshalltown Road.
 - To the south – An electricity transmission line and easement, beyond which are rural living properties.
 - To the east – Barwon Heads Road, which is a recently upgraded four lane divided arterial road with a central median. It includes an indented bus stop and a shared bicycle / pedestrian path abutting the common boundary with this property.
 - To the west - Horseshoe Bend Road, which is a local road that has recently been closed at Marshalltown Road. A retirement village exists on the opposite side of the road (north part) and rural living exists opposite the south part of the lot and to the south-west.



Figure 2 - 25 Horseshoe Road (left side of road), looking south along the road from the closure at its northern end

² Source of land area = Marshall PSP Table 10 – Property Specific Land Budget



Figure 4 - Drain across the south-east corner of 25 Horseshoe Bend Road and the transmission lines to its south, looking south-west from Barwon Heads Road



Figure 3 – Existing dwelling on the south part of 25 Horseshoe Bend Road, looking east from the road (appears to be used as a temple)



Figure 5 - Looking south along Horseshoe Bend Road, showing number 25 to the left and the retirement village to the right

- Lot 42 - 8 Tannery Road:
 - Area = 2.089 hectares.
 - Rectangular.
 - Frontage to Tannery Road = 230 metres.
 - Abuttals:
 - North – Tannery Road, with rural living to the north of the road.
 - South – Rural Living
 - East – Rural living, with informal storage.
 - West – Barwon Heads Road, including an indented bus stop (no footpaths on east side of the road).



Figure 6 – Eastern paddock of 8 Tannery Road, looking south-east from the road

- Lot 43 - 391-399 Barwon Heads Road:
 - Area = 1.732 hectares
 - Shape = Triangular
 - Frontage to Barwon Heads Road = 155 metres
 - Abuttals:
 - North – Rural living.
 - South – Caravan storage (and drain).
 - East – Rural living.
 - West – Frontage to Barwon Heads Road.



Figure 7 – 391-399 Barwon Heads Road, looking south-east from the west side of the road

4. Surrounds

32. The subject land is located approximately five kilometres to the south of the Geelong Central Activities Area, on what is presently the outer eastern edge of existing urban development in Geelong:
- It is located within the Armstrong Creek Urban Growth Area, which is presently Geelong’s major urban growth front to the south of the city.
 - It is located on the outer eastern edge of existing residential development in the Marshall area, in a generally rural living locality. A number of lots contain on-site business and storage uses and are not well maintained, characteristic of a fringe rural area transitioning to an urban area.
 - It is on the outer eastern edge of the proposed Marshall Precinct PSP area.
 - It abuts the proposed North East Industrial Precinct to the east, which is an undeveloped employment focussed precinct, that constitutes one of two key planned employment precincts within the Armstrong Creek Urban Growth Area.
 - The boundary of the future urban area in this locality is defined by the flood plain of the Barwon River to the north.
 - Barwon Heads Road roads has recently been upgraded to a four lane road with a central median, with a signalised intersection at Tannery Road / Marshalltown Road.
33. Features of the environs of the site include the following (See Figure 8, Figure 9 and Figure 10):
- The existing Marshall Station and proposed local activity centre (600 – 900 metres west).
 - Grovedale Primary School (1.3 Kilometres west).
 - Grovedale East IGA (1.4 kilometres west).
 - Grovedale Neighbourhood Activity Centre (1.8 kilometres west).
 - Grovedale Secondary College 3.2 kilometres south-west).
 - Bus routes along Marshalltown Road and Barwon Heads Road.



Figure 8 - Marshall Station, looking north-west from car park

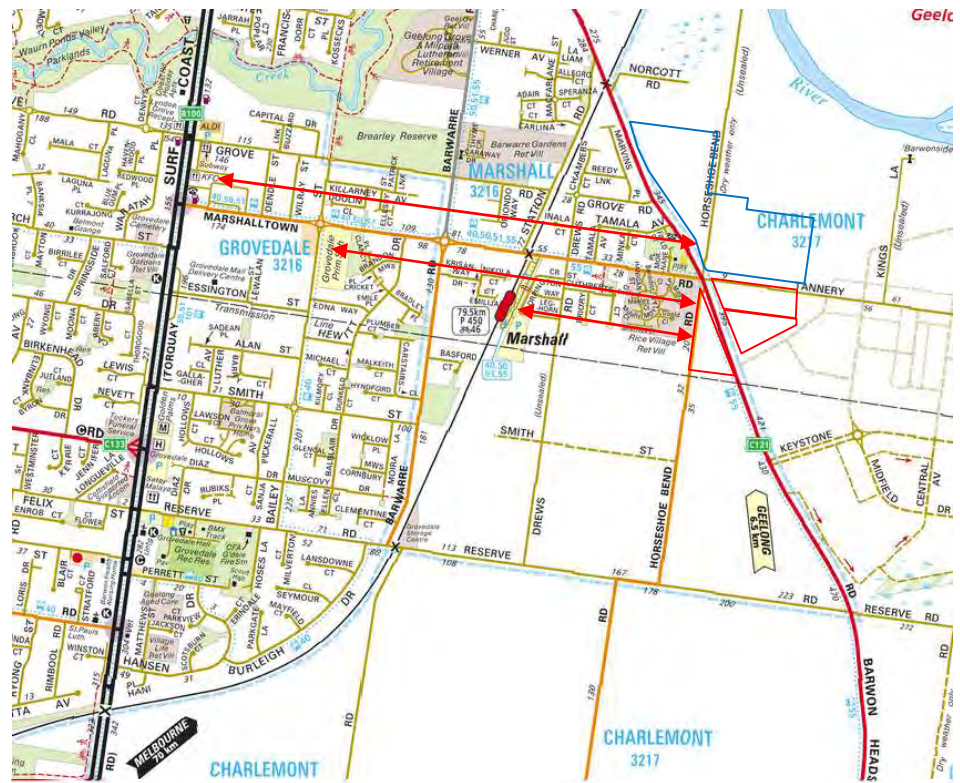


Figure 10 – Surrounds (Source Melways Online)

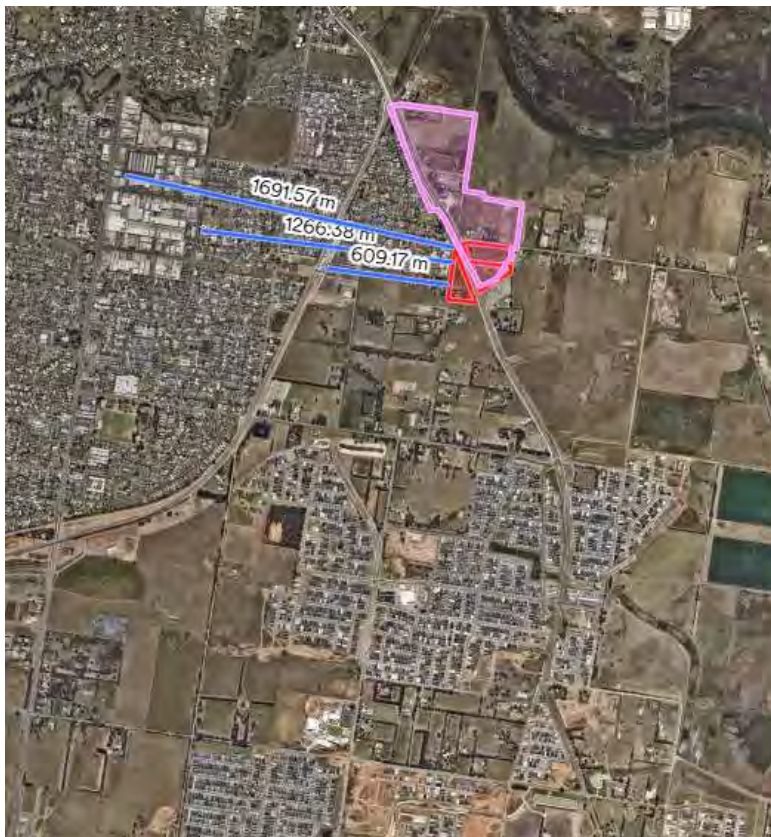


Figure 9 - Subject land and surrounds (aerial)

5. The amendment process

5.1. Pre-exhibition of the PSP and Amendment C278

34. Council's delegates report dated 28 August 2024 states that:

... due to the precinct's fragmented landownership, the City committed to prepare the PSP. Preparation of other Armstrong Creek PSPs were developer-led and development has substantially commenced.

Council released a draft Marshall PSP for public consultation in mid-2019 following approval to do so at the 9 July 2019 council meeting. Informal submissions were received from a mix of landowners, developers, government agencies and authorities.

35. From the minutes of the Council meeting of 26 September 2023, it is apparent that considerable consultation was undertaken with landowners and agencies in the early stages of the preparation of the PSP. A draft PSP was released for informal public consultation in 2019. Submissions were received and were generally supportive of the Urban Framework Plan, which included commercial / bulk goods uses along Barwon Heads Road, as shown in the exhibited version of the Marshall PSP:

Marshall is the northern-most precinct structure plan (PSP) covering 123 hectares. In 2017, due to the precincts' fragmented landownership, the City committed to prepare the PSP. Preparation of other Armstrong Creek PSPs were developer-led.

4. Council released a draft Marshall PSP for informal public consultation in mid-2019. Submissions were received from a mix of landowners, developers and Government agencies and authorities.

5. Directly affected landowner submissions were generally supportive of the plan, particularly the allocation of land uses for residential purposes and commercial uses in the northern part of the precinct accessed from Barwon Heads Road. Two landowners suggested the extent of land reserved for native vegetation conservation be modified.

6. Several submissions were received from surrounding landowners, mainly about existing traffic issues, gaps in the pedestrian and cycle network and environmental impacts of future development. Residents of Priors Court and St Cuthberts Court opposed any through vehicle access to the Marshall Precinct.

Comments were received from Barwon Water, VicTrack, the Department of Transport (now Department of Transport and Planning) and the Corangamite Catchment Management Authority highlighting corrections to the plan and providing relevant advice.

8. Since release of the 2019 draft Marshall PSP, Council has refined the plan informed by the submissions, new technical assessments and further planning review. Delay in completing the PSP was due to complexities in resolving the stormwater management strategy for the precinct, as well as updates to native vegetation and fauna survey work.³

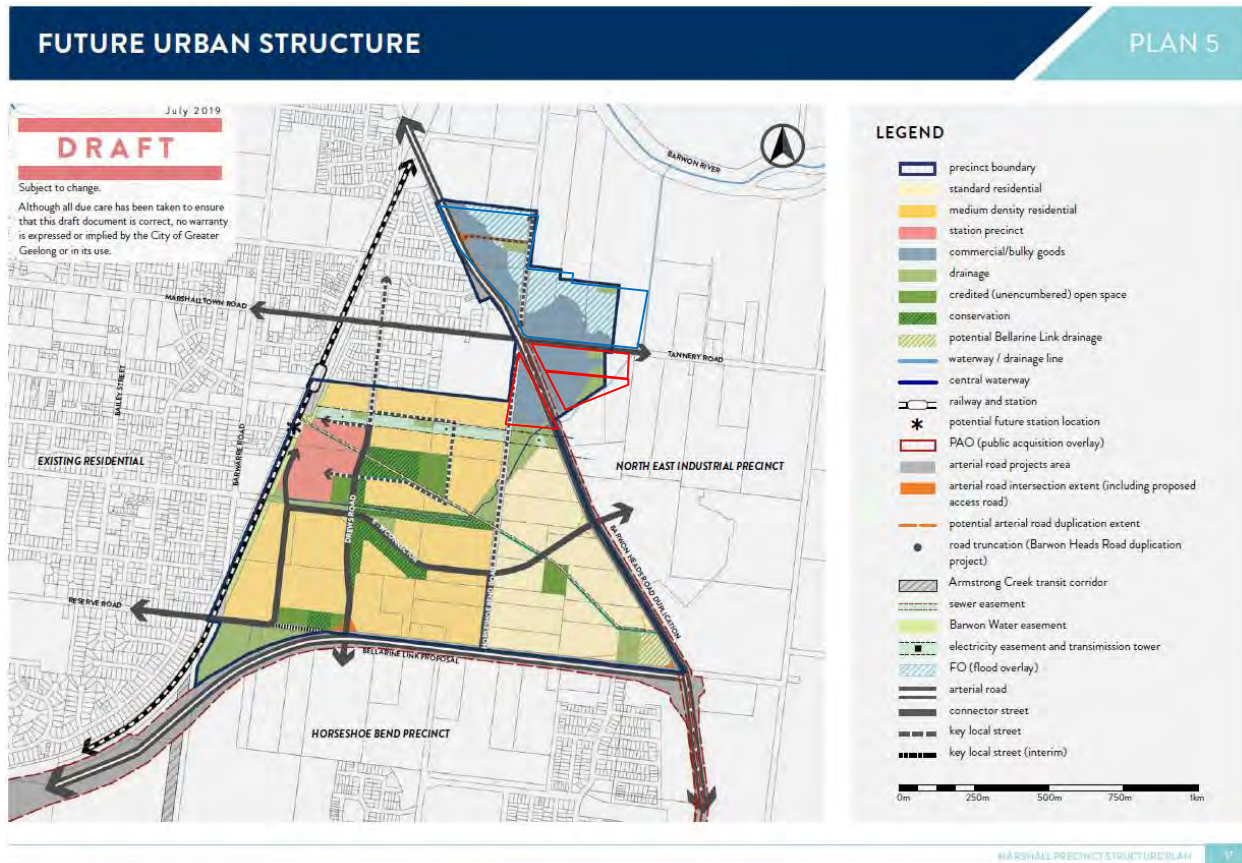


Figure 11 - Future Urban Structure Plan from the 2019 draft of the Marshall PSP

³ Minutes of Council Meeting - 26 September 2023, Attachment 2.2.1, page 27 of 241

5.2. Council's consideration of submissions

36. Following exhibition of the amendment some 26 submissions were initially received. Of relevance to the matters address in this report is a submission from Mesh on behalf of Re-Grow Geelong Pty Ltd (Re-Grow). That submission objected to the designation of land along Barwon Heads Road for commercial / bulky goods.
37. In response to the Re-Grow submission, in August 2024 Council notified all owners of land in the proposed 'commercial / bulky goods area, being both those who lodged a submission and those who did not, of the Re-Grow submission.
38. In response to this notification Council received 6 submissions. Four of the submissions were from landowners who had previously lodged a submission. Three of the four submissions did not support the proposed change. The remaining 2 submissions were from landowners who had not previously lodged a submission. Both submissions objected to the change, meaning the submissions supported the amendment as exhibited.
39. Council in considering the submission from Re-Growth, varied its proposal to designate land along Barwon Heads Road to commercial / bulky goods.⁴ Council determined to:
 - *Designate Lots 38, 39, 40, 41, 42 and 43 for conventional residential development.*
 - *Designated Lot 20 for 'medium/high density residential' development.*
 - *Retain the 'commercial / bulky goods' designation for Lots 34, 35, 36 and 37.*
40. The consequence of this change is shown on Figure 12Figure 12 – Land use designation – As exhibited (left side). As recommended by Council following consideration of submissions (right side).
41. The reasons given by Council to support the Re-Grow submission were:
 - Due to the need for more housing due to the State Government Housing Statement.
 - The commercial designation of the land is contrary to the Armstrong Urban Growth Plan.
 - The designating is incompatible with the NEIP PSP Vision to 'draw-in' commercial and business activities along the proposed Keystone Avenue from its intersection with Barwon Heads Road.

⁴ Delegates report 28 August 2024



Figure 12 – Land use designation – As exhibited (left side). As recommended by Council following consideration of submissions (right side)

5.3. Re-Grow submission

42. Mesh Planning Consultants made a submission to the amendment as exhibited, on behalf of Re-Grow Pty Ltd (Re-Grow). Re-Grow is a landowner within the adjoining North East Industrial Precinct (NEIP).
43. As far as relevant to the subject land, the Re-Grow submission objected to the designation of land along Barwon Heads Road for commercial / bulk goods purposes, suggesting that it was inconsistent with the designation of the land for residential purposes in the Armstrong Creek Urban Growth Area Framework Plan. It also commented that no strategic assessment had been undertaken to justify a change in designation of the land from residential to commercial / bulky goods. The submission was that the proposed unplanned introduction of the commercial / bulky goods land along Barwon Heads Road is of significant concern because it will:
 - Dilute the walkable catchment to the Marshall train station.
 - Undermine the role of Tannery Road as a public transport link.
 - Directly compete and potentially undermine the NEIP's planned land uses and urban structure.
 - Undermine the well conceived east-west relationship between the Marshall PSP and the NEIP.
 - Weaken the viability of the internalised local activity centres within both the Marshall PSP and the NEIP.
 - Promote ribbon development along Barwon Heads Road.
 - Generate significantly higher traffic volumes than the originally planned medium density housing.
 - Undermine the future viability of the Armstrong Creek Town Centre Bulky Goods Precinct, noting that the City of Greater Geelong Retail Strategy 2020-2036 does not support delivery of a further commercial / bulky goods precinct on Barwon Heads Road within the Marshall PSP.

6. Rich and Pure's intentions

44. I have been instructed that Rich and Pure has purchased the subject land to develop it for commercial purposes, generally consistent with the uses that would be permitted by a Commercial 2 Zone, as intended to be applied pursuant to Schedule 7 to the Urban Growth Zone as exhibited. It has not been purchased the for residential development purposes.
45. Rich and Pure's current intentions are to develop 25 Horseshoe Bend Road for a mixture of commercial uses that would be appropriate adjacent to a residential area, and would benefit from frontage to Barwon Heads Road. Such uses would also provide a degree of convenience to residents of the area. All such uses would be subject to the resolution of the applied zoning of the land, as well as to the issue of any planning permit that may be required in the future. Such uses include:
- Petrol station
 - Convenience shop
 - Take-away food premises
 - Convenience restaurant
 - Carwash
 - Child care
 - Medical centre and pharmacy
 - Gymnasium
46. Uses indented for 8 Tannery Road and 391-399 Barwon Heads Road provide for a mix of activities including:
- Petrol station
 - Convenience shop
 - Convenience restaurant
 - Medical centres
 - Offices
 - Flexible tenancies for warehouse, industrial, storage use

7. Amendment C278

47. As stated in the explanatory statement for Amendment C278:

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.

48. The amendment proposes to:

- Apply the Urban Growth Zone Schedule 7 to the Marshall Precinct
- Incorporate the Marshall Precinct Structure Plan, Marshall Development Contributions Plan and Marshall Native Vegetation Precinct Plan into the planning scheme.
- Apply overlays to manage potentially contaminated land and development design.

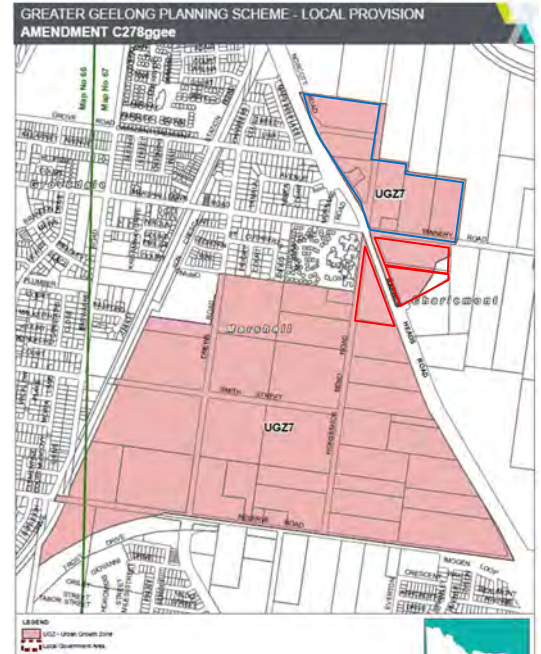


Figure 13 - Area covered by Schedule 7 to the Urban Growth Zone

7.1. Schedule 7 to the Urban Growth Zone

49. Schedule 7 to the Urban Growth Zone inserts into the planning scheme the key land use and development controls required to implement the Marshall PSP.
50. Schedule 7 contains the Future Urban Structure Plan proposed for the area that is contained in the Marshall PSP document (Figure 14).
51. Key features of the Urban Structure Plan relevant to the subject land and to other land to the east of Barwon Heads Road include the following:
- Identifies the subject land and all land to the east of Barwon Heads Road as “commercial / bulky goods”.
 - States that the applied zone for land identified as “commercial / bulky good” is a Commercial 2 Zone (Clause 2.2).
 - Varies the permit triggers of the standard Commercial 2 Zone to prohibit a Supermarket “where the Commercial 2 Zone applies”. This control has the effect of making “Shop” a discretionary use “where the Commercial 2 Zone applies”.
 - Includes a specific requirement for “commercial / bulky land” to the east of Barwon Heads Road, that a master plan must be prepared before any permit is granted to construct buildings and works in any of three sub-precincts identified within that area.

General directions

52. The Marshall PSP as exhibited, provides for residential and some commercial development:
- Its focal point is the Marshall Station and a small scale convenience style local activity centre located adjacent to the Station Precinct, although these facilities are located on the western edge of the PSP area and are not centrally located.
 - Most of the land within the PSP is located between the railway line and Barwon Heads Road.
 - A relatively small area of land within the PSP boundary extend to the east side of Barwon Heads Road. A narrow part of that land extends north along the east side of Barwon Heads Road, opposite existing residential development that is outside the PSP boundary.
 - All future residential land within the PSP area has an applied Residential Growth Zone, other than for residential land on the east side of Horseshoe Bend Road, to the south of the subject land. That land has an applied General Residential Zone.
 - The PSP will accommodate upwards of 1,555 dwellings and a population of approximately 3,000 to 5,000. (Page 25)
 - It has a gross developable area 123.0 hectares.
 - 57.6% of the land is available for development, which translates to a net developable a of 70.8 hectares.
 - 60.9 hectares of land has been identified for residential use and 9.9 hectares has been identified for commercial / bulky goods use, along Barwon Heads Road on the east side of the PSP area.
 - Anticipated employment in the PSP area is for 27 jobs in the Station Precinct and 198 jobs in the commercial / bulky good precinct area.
 - Anticipated residential densities include:
 - Station precinct 50 dwellings per hectares.
 - Medium – higher density residential = 25 to 30 dwellings per hectares.
 - Conventional residential 17 dwellings per hectares (Table T2, page, 28 of the PSP).

Local activity centre

53. A small local activity centre is proposed adjacent at the Marshall Station within the Station Precinct (Page 74, R83). The centre is planned to provide:
- Up to 2,750 sqm of retail floor space that includes no more than 2,000 sqm for a supermarket and the balance for specialty shops and food and drink premises.
 - Up to 2,250 sqm of non-retail uses (excluding residential) including a mix of small-scale office, medical, gym, childcare uses, etc.
 - A maximum overall floor area of no more than 5,000 sqm.
 - Ground level retail with high density residential development above, in a Main Street format.

Commercial / bulk goods area

55. Requirement R84 (page 74) addresses the commercial / bulky area to the east of Barwon Heads Road and Requirement R85 (page 74) addresses the 25 Horseshoe Bend Road site to the west of Barwon Heads Road. The requirements provide for direct access to Barwon Heads Road from properties to the east of the road but seek to avoid permitting direct access to Barwon Heads Road from 25 Horseshoe Bend Road. I understand that Rich and Pure intends to call traffic evidence in relation to this matter.
56. Requirement R86 (page 74) requires that development within the Bulky Goods Area requires the preparation of a Concept Plan which must (among other things):
 - *Demonstrate suitable connections and integration with surrounding lots and land uses.*
 - *Provides land uses that do not compromise the function of existing surrounding land uses, including those within the North East Industrial Precinct.*

8. Existing planning policies and controls

8.1. Zoning

57. The subject land and all land that is part of the Marshall PSP area is included in an Urban Growth Zone. No schedule applies to the land yet, as a precinct structure plan has not yet been approved for the area.

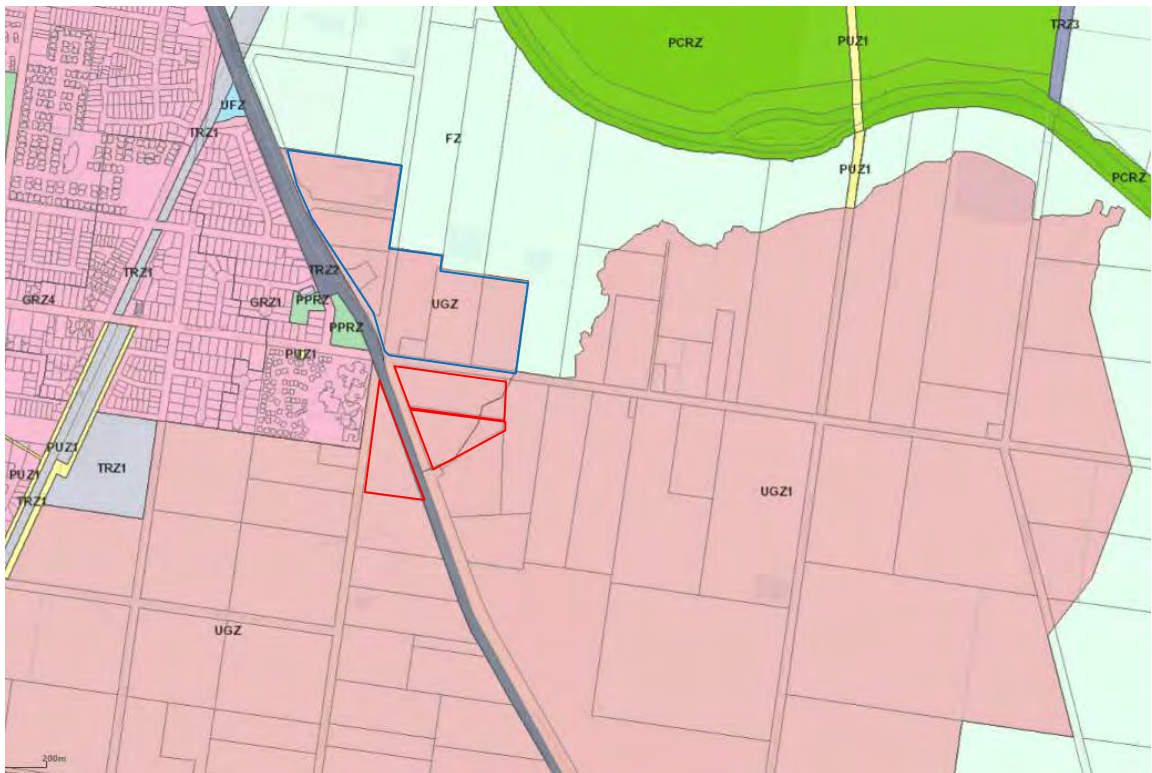


Figure 16 - Zoning

8.2. Flood Zone and Land Subject to Inundation Overlay

58. The Barwon River floodplain exists to the north of Tannery Road. The flood plan effectively defines the extent of future urban development to the north of Tannery Road and the northern and eastern boundaries of the North East Industrial Precinct, which is located to the east of the Marshall PSP.
59. On the east side of Barwon Heads Road, to the north of the intersection of Tannery Road, only a narrow strip of land exists that is free from flooding, which has development potential.
60. The subject land is not affected by flooding. However, other lots designated commercial / bulky goods to the north of Tannery Road are affected by a Land Subject to Inundation Overlay. This will reduce the development potential of those lots.

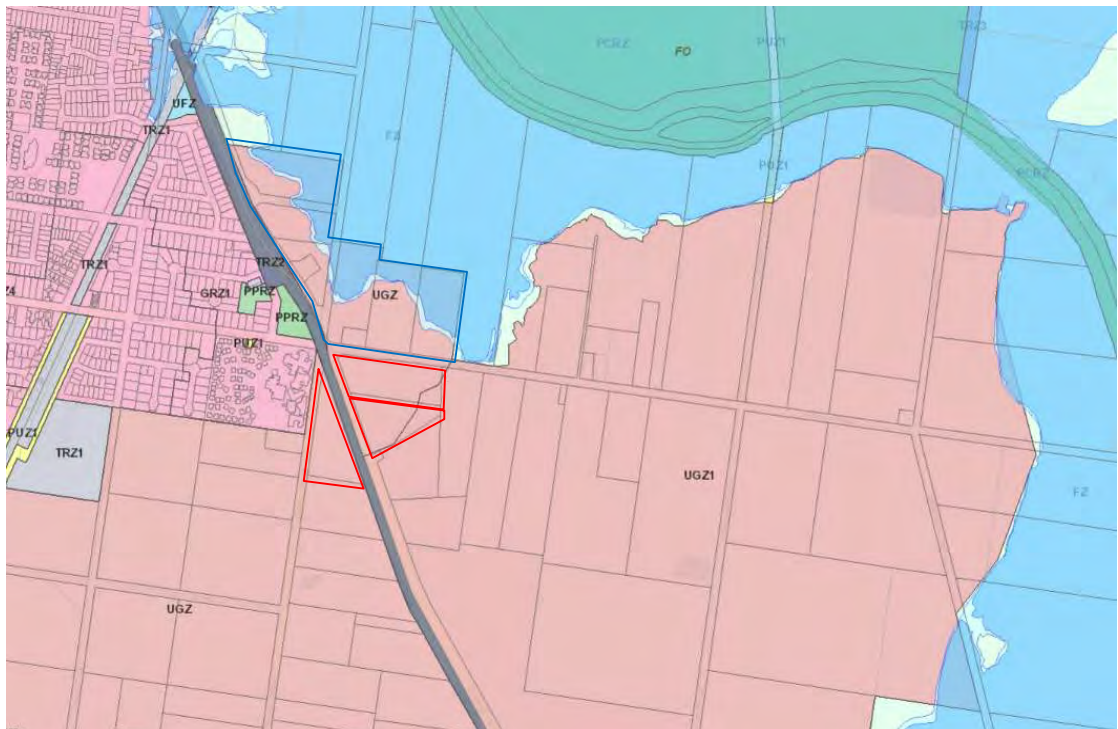


Figure 17 - Flood Zone

8.3. Special Controls Overlay

61. A Special Controls Overlay 8 affects the south-east corner of the 25 Horseshoe Bend Road site. This overlay is for the purpose of the Barwon Heads Road (Settlement Road, Belmont to Reserve Road, Marshall) Duplication Project.
62. As stated on the VicRoads website for the project:

The Specific Controls Overlay (SCO) identifies land within the Barwon Heads Road corridor, surrounding road reserves and rail corridor that may be temporarily required to access and construct the project.

Project works within land located in the SCO outside of the main road corridor to Barwon Heads Road may include landscaping, service and utility installation, the construction of driveways and retaining walls, and the development of temporary construction compounds. It is not expected that these activities will involve major disruption to landowners and occupiers in these areas. Traffic may also be redirected through roads located within the SCO when construction works for the project commence.

The SCO will only apply for the purpose of delivering the project and does not impact the underlying planning scheme zones and overlays for purposes unrelated to project delivery.⁵

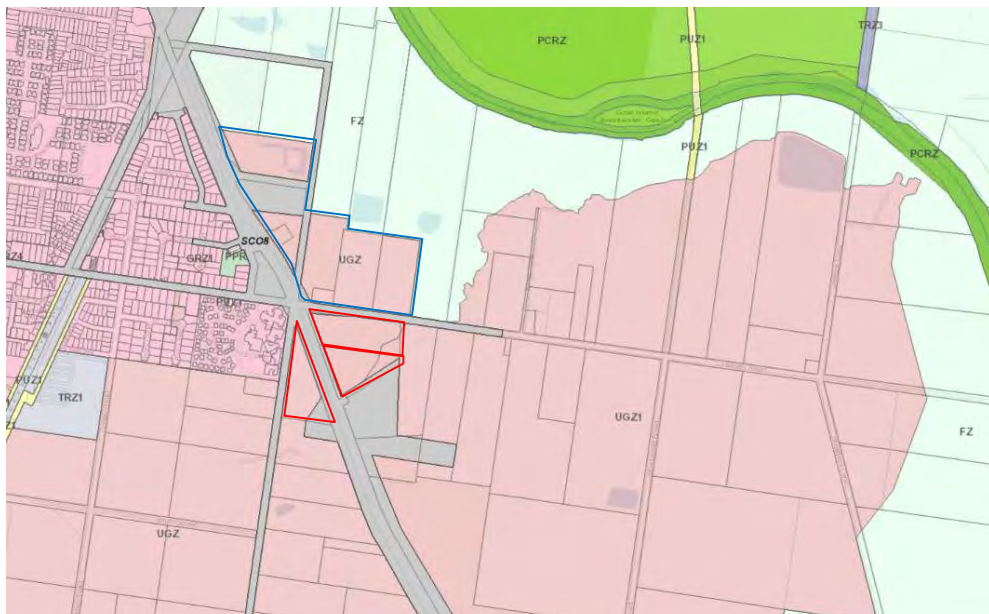


Figure 18 - Special Controls Overlay 8 (Barwon Heads Road (Settlement Road, Belmont to Reserve Road, Marshall) Duplication Project)

⁵ Source: <https://bigbuild.vic.gov.au/projects/roads/barwon-heads-road-upgrade/stage-1/planning>

8.4. Relevant planning policies

63. The Greater Geelong Planning Scheme contains numerous state and regional planning policies which are relevant to the Marshall PSP area in a general sense. Most of the planning policies that are most relevant to designation of land within in the PSP area are contained in the background and incorporated documents that relate to the Armstrong Creek Urban Growth area. However, there are a number of local planning policies in the scheme that are of some relevance. They include the following.

Settlement and urban growth area policy

64. *Clause 02.03-1 Strategic Directions Settlement* contains policies for urban, primarily residential growth in the municipality.
65. Geelong contains three major urban growth areas that are anticipated to accommodate very significant development over coming decades. They are:
- the existing Armstrong Creek (in which the Marshall PSP is located); and
 - the emerging Northern and Western Growth Areas.
66. Combined these areas are identified as having the potential to accommodate between 167,000 to 177,000 people. As of June 2023, the Greater City of Geelong had a population of around 290,000.

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.

The Northern and Western Geelong Growth Areas will provide for significant population growth close to the existing urban area of Geelong, with the capacity to accommodate over 112,000 people. At capacity, the Northern Geelong Growth Area is anticipated to accommodate approximately 17,000 dwellings and 48,000 people. At capacity, the Western Geelong Growth Area is anticipated to accommodate approximately 23,000 dwellings and 64,500 people.⁶

67. Clause 02.03-1 includes a strategic direction that requires development to be generally in accordance with the 'Armstrong Creek Urban Growth – Framework Plan':

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

⁶ Clause 02.03-1 It Strategic Directions Settlement

68. It includes a strategic direction to:

Facilitate the creation of neighbourhoods where residents can live locally and meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip of their home.

69. Clause 02.03-1 identifies the importance of housing densities within Armstrong Creek being sufficient to establishing 'walkable neighbourhoods' and accessibility to mixed use activity centres, as a fundamental planning principle for Armstrong Creek.

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.

Activity centre and retail policy

70. Details of the location, role and size of activity centres within the Armstrong Creek Urban Growth Area are generally described in the Armstrong Creek Urban Growth Area Framework Plan and subsequent precinct structure plans. The type of centres relevant to the planning of the Marshall area include:

- Neighbourhood activity centre - Serves a neighbourhood catchment and is anchored by one or more supermarkets plus speciality stores (2,000 to 15,000 sqm).
- Local activity centre - Small groups of shops serving a limited catchment, and typically providing for the daily convenience needs of residents in the surrounding area (5,000sqm).

71. Activity Centre and Retail Policy contained in Clause 02.03-1 provides general guidance to activity centre planning in growth areas. It identifies a hierarchy of activity centres (which is also applied in the growth area) and contains a map showing the location of centres (Figure 19). In relation to the Marshall PSP area it shows:

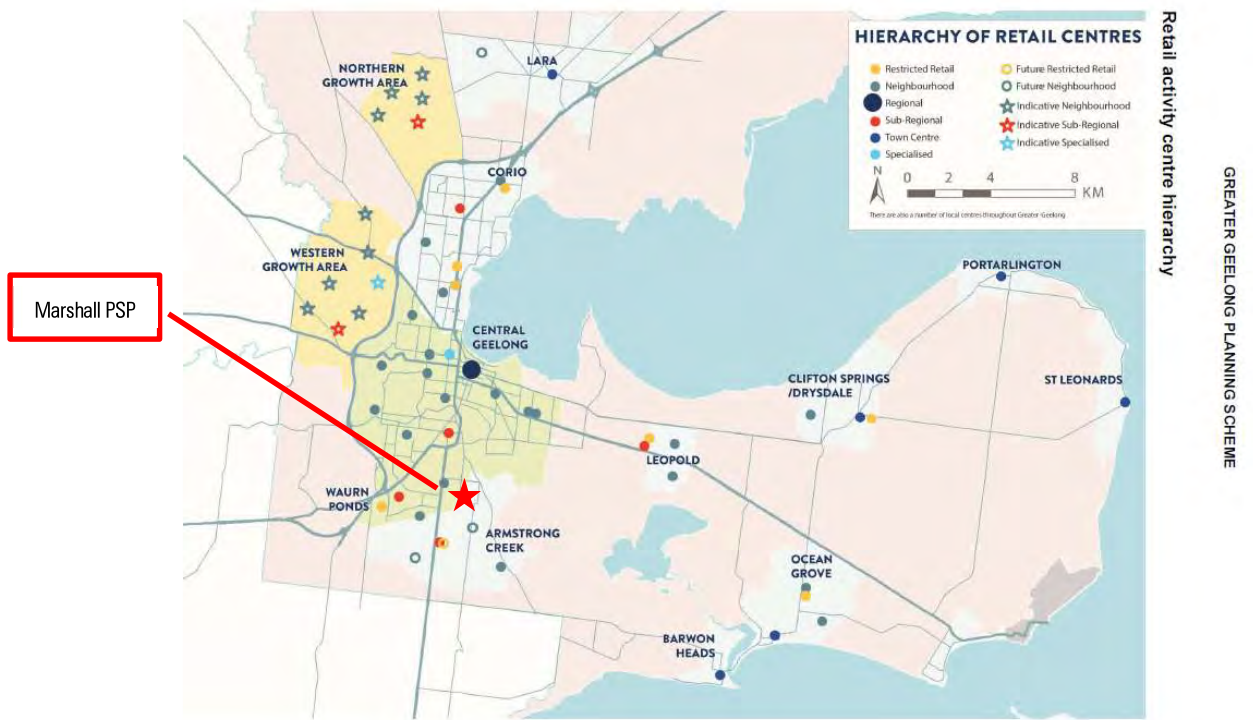
- An existing neighbourhood activity centre outside and to the west of the Marshall PSP area, on the Surf Coast Highway at Grovedale.
- A future neighbourhood activity centre outside and to the south of the Marshall PSP area, within the Horseshoe Bend PSP area.

72. The policy map does not show an activity centre within the Marshall PSP Area. The activity centre hierarchy does however include lower order centres called "local" activity centres, that are not shown on the policy map.

73. Additional local policies for activity centres are contained in Clause 11.03-1L. Of note is a policy to ensure that supermarket based centres within a Commercial 2 Zone, do not have a significant economic impact on nearby activity centres:

Ensure that use or development for a new or expanded supermarket-based centre within the Commercial 2 Zone or Industrial 3 Zone:

- *Does not have a significant economic impact on a nearby centre(s) identified within the Geelong Retail Centre Hierarchy at Clause 02.03-1.*



Page 21 of 1827

Figure 19 - Hierarchy of Activity Centres (Clause 02.04-2 of the Greater Geelong Planning Scheme)

Industrial policy

74. Clause 12.01-7L-01 Diversified economy – Greater Geelong:

Encourage regional and national scale industrial businesses to locate in the southern part of the Geelong Ring Road Employment Precinct and in the South Western Armstrong Creek Employment Area.

Support the development of a technology / business park in the South Western Armstrong Creek Employment Area.

75. Clause 17.03-2L provides the following strategy for the North East Industrial Precinct:

Develop the North East Industrial Precinct in Armstrong Creek as a master planned industry and business park that will attract a wide range of users and be flexible enough so that it can respond to the changing needs of industry sectors over time.

76. 17.03-1S Industrial Land Supply:

Provide an adequate supply of industrial land in appropriate locations including sufficient stocks of large sites for strategic investment.

Identify land for industrial development in urban growth areas where:

- *Good access for employees, freight and road transport is available.*
- *Appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.*

Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.

Preserve locally significant industrial land for industrial or employment generating uses, unless long-term demand for these uses can be demonstrably met elsewhere.

Avoid approving non-industrial land uses that will prejudice the availability of land in identified industrial areas for future industrial use.

8.5. Precinct Structure Planning Guidelines

77. The VPA’s Precinct Structure Planning Guidelines place emphasis on establishing walkable neighbourhoods and 20 minute neighbourhoods:⁷

The 20-minute neighbourhood is all about ‘living locally’—giving people the ability to meet most of their daily needs within a 20-minute return walk from home, with access to safe cycling and local transport options. Research shows that 20-minutes is the maximum time people are willing to walk to meet their daily needs locally. These daily needs may include accessing local health facilities and services, schools and shopping centres. This 20-minute journey represents an 800m walk from home to a destination and back again, or a 10 minute walk to your destination and 10 minutes back home. (page 11)

78. A walkable neighbourhood is premised on a walking distance of 800 metres (10 minutes) from the edge of a neighbourhood to an activity centre at its core. The concept is aligned with a safe and accessible road network. Transport and movement guidelines identify a 1.6 kilometre grid of arterial roads, which generally relates to a walkable neighbourhood.⁸ Examples provided throughout the document identify walkable neighbourhoods being located within a 1.6km arterial road grid.

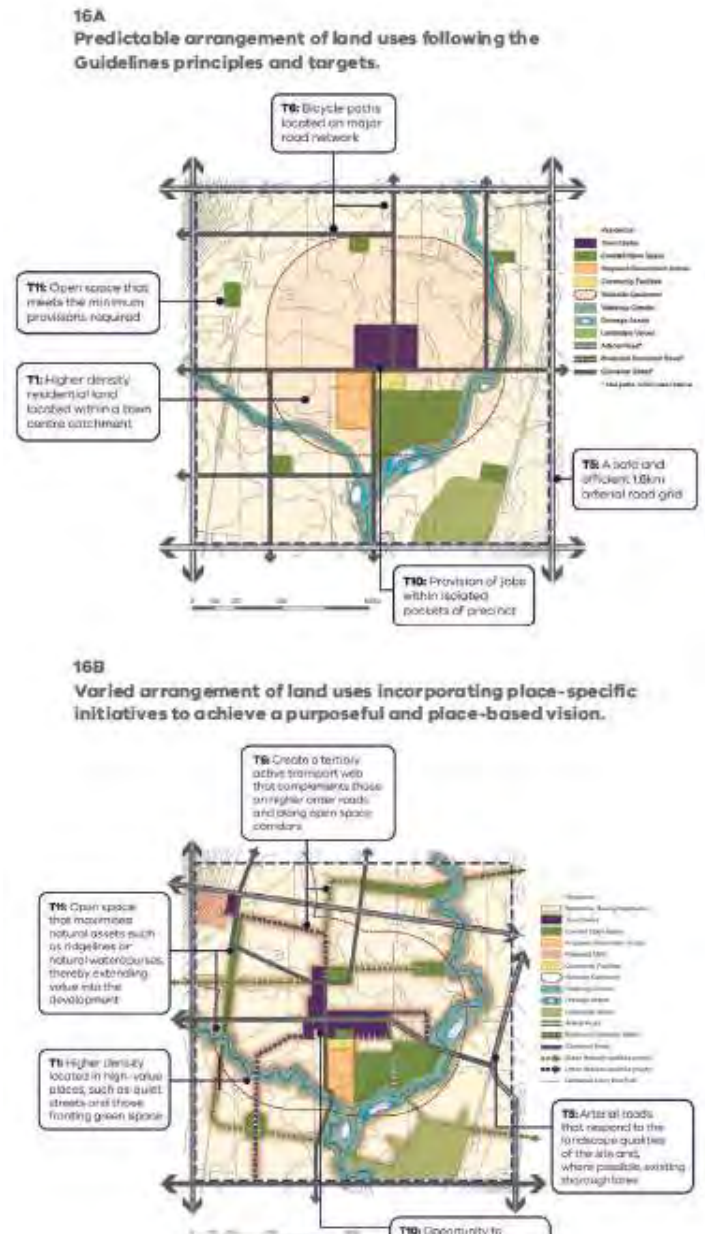


Figure 20 - Walkable neighbourhoods within 1.6km road grid (Source: VPA Structure Planning Guidelines, page 38).

⁷ Precinct Structure Planning Guidelines 2021, Viable Densities page 38 onwards

⁸ Ibid., Safe, Accessible and Well Connected, page 55 onwards

F.6 Walkability and safe cycling networks

F6.1 Streets should be carefully and deliberately designed (in terms of their scale, design speeds, configuration and landscaping treatments) to respond to the site context (i.e. topography, natural features), proposed land use context (i.e. future urban form, intensity of activity) and to support early habits for walking and cycling.

79. The guidelines identify features such as arterial roads and railways as being barriers to walkability:

T.8 Pedestrian and cyclist crossings should be provided every 400-800m, where appropriate, along arterial roads, rail lines, waterways and any other accessibility barriers.

9. Planning of Armstrong Creek Urban Growth Area

9.1. Armstrong Creek Urban Growth Plan

80. The preparation of the Marshall PSP is largely guided by earlier planning policies and strategic plans prepared for the Armstrong Creek Urban Growth Area. The originating document was the Armstrong Creek Urban Growth Plan (2008 since updated). That document comprised a detailed suite of reports that provided the background, rational and principles that influenced the framework and structure planning for the urban development in Armstrong Creek.
81. The document is referred to within the planning scheme but not an incorporated document.
82. The document included an explanation of some of the key concepts that were embedded into the Framework Plan. Concepts relevant to this hearing include walkable neighbourhoods and directions in relation to activity centres.
83. Walkable neighbourhoods are described as those that are large enough to support the provision of daily needs such as basic convenience shops and services, a primary school and essential community services, generally within an 800 metre walk for residents.

KEY CONCEPT: WALKABLE NEIGHBOURHOODS

We must not build housing, we must build communities. Mike Burton

The UGP organises residential development within the growth area into a series of neighbourhoods, each large enough to support the provision of daily needs—basic convenience shops and services, a primary school, essential community services and local parks/ recreation facilities—but small enough that it is possible to walk comfortably from any part of the neighbourhood to those daily needs if centrally located. These are called 'walkable neighbourhoods'.

By enabling people to walk (or cycle) to meet their daily needs, this:

- reduces car dependency and, therefore, the social exclusion of those not able to drive or without access to a car;
- fosters community spirit or social cohesion and capital—and, consequently, a sense of ownership of and belonging to the area—through increased social interaction between the residents in a neighbourhood;
- improves personal health, through increased physical exercise;
- improves personal security in the public realm, through more 'eyes on the street'; and
- reduces car use and, consequently, oil consumption, greenhouse gas emission, road accidents and congestion.

The plan for the growth area is based on the premise that many people are willing to walk up to ten minutes—approximately 800 metres—to reach local facilities if it is a pleasant walk. Neighbourhoods sized on this basis can provide sufficient catchment to support a 'family hub' of children and family services, co-located with a primary school and retail floorspace ranging from a multipurpose 'corner' store to a small supermarket and a number of convenience shops and services. Any smaller, and they are not large enough to support more than a milk bar unless densities are at undesirable levels.

Therefore, the plan for the growth area is organised around such neighbourhoods: each around 3000 dwellings or 7,500 people. Within each of those neighbourhoods, local parks and corner stores are also proposed within a five-minute walk—approximately 400 metres—of each home.

The UGP provides attractive and safe walking routes to the centres of all neighbourhoods... it also provides a network of local transit routes that will offer direct links to each of the centres.

The centres are also located on connector streets, in order to contribute to their viability through the provision of exposure to passing trade. This can be contrasted with the small strip centres typically provided in late 20th Century suburban development, many of which failed through poor location and low densities.

Figure 21 - Source: Armstrong Creek Growth Area Plan (2008/10/12) page 44

84. The document identified that the proposed Marshall area was not able to accommodate a primary neighbourhood activity centre⁹. In such circumstances the approach taken was to designate smaller local centres¹⁰ to service those areas that had relatively poor access to one of the primary neighbourhood activity centres identified for the wider Armstrong Creek Growth Area. The Marshall Station area was identified as a location for such a centre.
85. The Marshall PSP area does not comfortably fit within Growth Area Plan's description of a walkable neighbourhood, as the mix of retail and community facility and facilities such as a primary school, are not located within PSP area and are not within an 800 metre walk for those parts of the PSP area located along Barwon Heads Road.

P 6.5 Local centres should be developed in areas that have relatively poor access to the four primary centres, including at Marshall Station and the possible future public transport interchange at Rossack Drive, and adjacent to the aged care facility near Torquay Road. All local centres should contain:

- local shops (at least a multi-purpose 'corner' store);
- a government primary school and associated local sporting facilities jointly used by the community (except at Marshall, where an additional school is not required); and
- a 'family hub' of children and family support services associated with kindergarten, child care, maternal and child health.

Figure 22 - Source Armstrong Creek Growth Area Plan, page 49

⁹ Activity centres anchored by single supermarket and containing complementary convenience retailing, business services and community services—including 'family hub', primary school and associated local sporting facilities—and shop top apartments (page 12)

¹⁰ Activity centres with range of convenience shops and services, 'family hub', primary school and associated local sporting facilities (page 12)

9.2. Armstrong Creek Urban Growth Plan - Framework Plan

86. The Armstrong Creek Urban Growth Plan – Framework Plan is the key document that guideline the preparation of PSPs in Armstrong Creek. It is an incorporated document in the planning scheme.
87. The Framework Plan is a concise document that contains the “Framework Plan” (as included in the Armstrong Creek Urban Growth Plan), that shows the urban structure of the growth area. It provides a theme based summary of key elements of the Framework Plan.
88. The introduction of the document explains that:

The land identified in the document may be developed and used in accordance with the specific controls contained in this document.

89. Clause 02.03-1 of the planning scheme implements the Framework Plan (Figure 23). It includes a strategic direction that requires development to be “generally in accordance with the Armstrong Creek Urban Growth – Framework Plan”:

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

90. The overarching policy that directs the development of land withing the PSP area is the *Armstrong Creek Urban Growth Plan – Framework Plan November 2008*, updated in September 2012 and June 2015 (Figure 23).

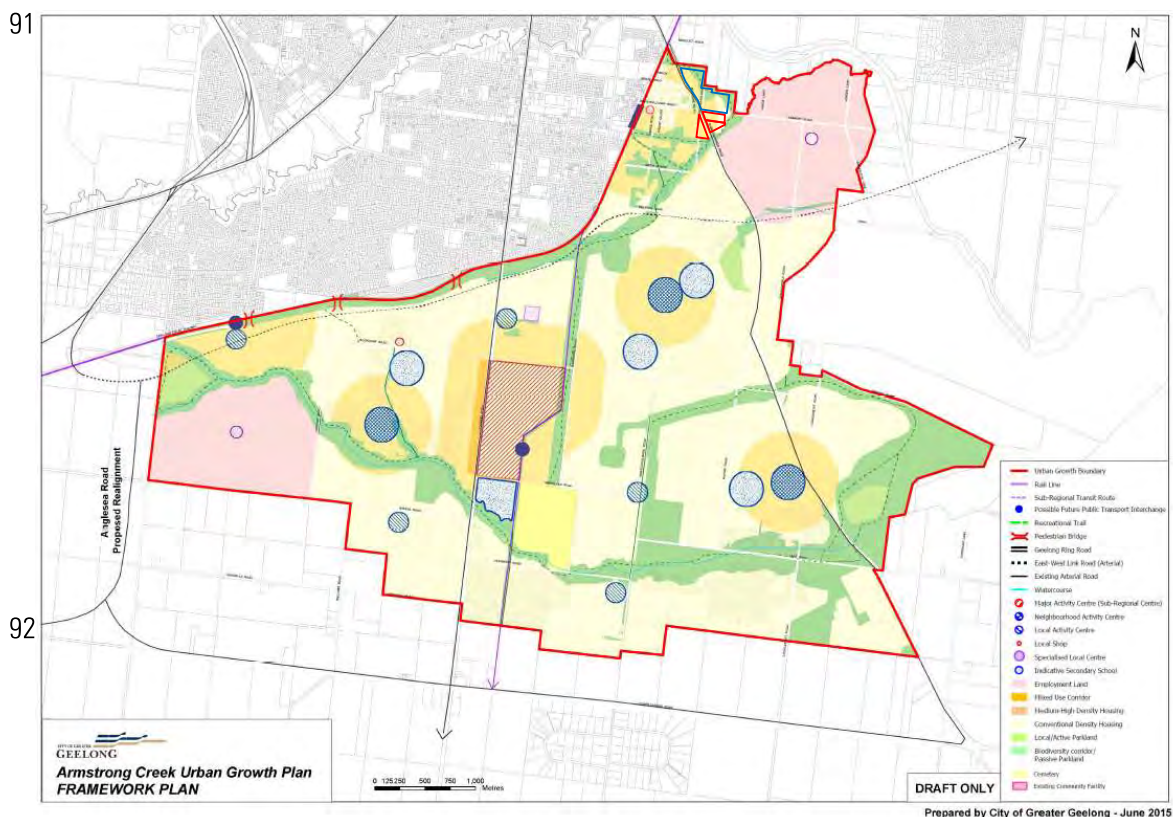


Figure 23 - Armstrong Creek Urban Growth Plan - Framework Plan

93. In relation 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.*

94. In relation to Activity Centres:

The Plan provides for vibrant activity centres by: providing for a new centrally located Major Activity Centre within the growth area; supporting the primacy of Geelong Central Activities Area to the region; provision of a bulky goods retailing precinct within the Major Activity Centre; providing three new Neighbourhood Activity Centres, one in the north east, one in the south east, and one in the west of the growth area; and provision of a (non-retail based) mixed use corridor along Torquay Road.

95. In relation to employment:

The Plan provides for economic and employment growth by encouraging development of: an employment precinct (industrial) in the Tannery Road, Marshall area located in the north east portion of the growth area, which provides a service business function; an employment precinct in the western part of the growth area in close proximity to the Geelong Ring Road and future East-West link road, with a focus on hi tech manufacturing; and a mix of employment opportunities within the new activity centres.

9.3. Adjoining PSPs

96. Figure 24 shows the location of the Marshall PSP in the context of adjoining PSPs. Marshall abuts the:
 - North East Industrial Precinct to the east.
 - Horseshoe Bend precinct to the south.
97. Adjoining land to the west and north-west of the Marshall PSP is part of the existing established urban area of Geelong.
98. The southern boundary of the Marshall PSPS is the proposed Armstrong Creek East West Link Road / Geelong Western Bypass Extension. The eastern boundary is generally, but not wholly the Barwon Heads Road, and the western boundary is a railway line.

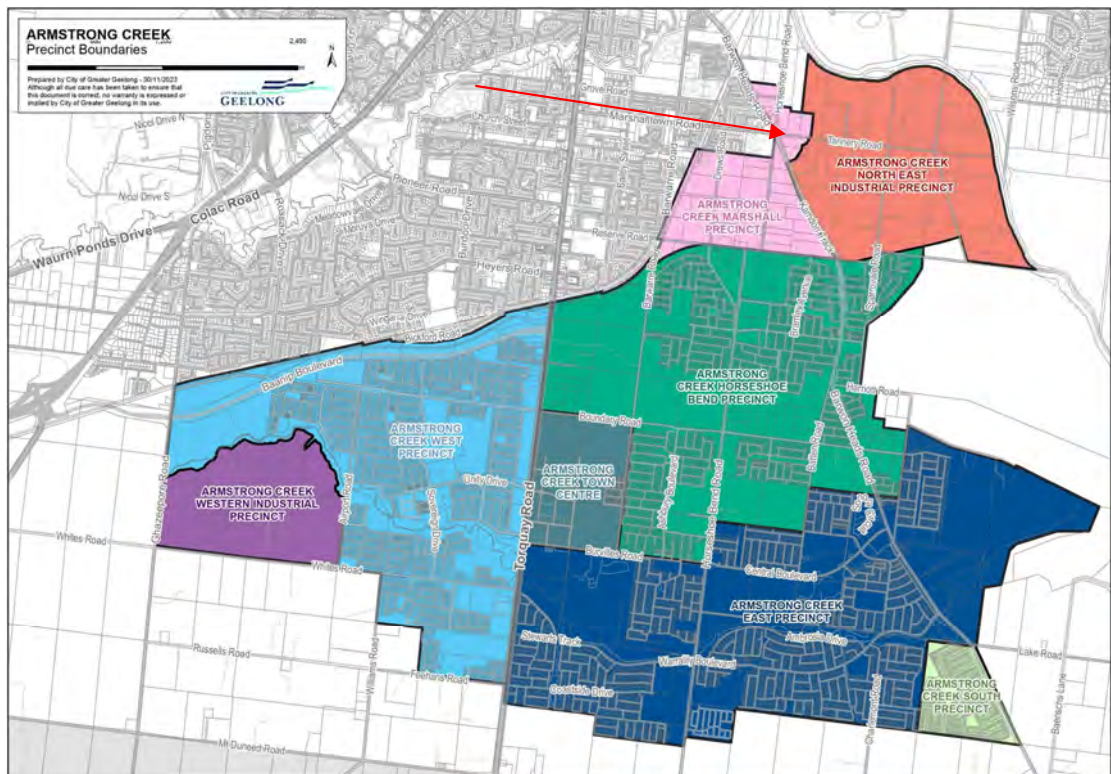


Figure 24 - Location of PSPs within the Armstrong Creek Growth Area

10. Key issues

10.1. The magnitude of the change proposed

99. In assessing the impact of the proposed changes on the viability of other activity centres proposed and the North East Industrial Precinct, it is relevant to consider the area of land involved and its development potential.
100. Figure 25 shows the land use designation proposed in the Marshall PSP as exhibited, and the property identification numbers for lots that comprise the subject land and other properties to the east of Barwon Heads Road.

101. Table 1 shows the area of each property in the proposed commercial / bulky goods area and the net developable area of each of property. The net developable area (NDA) is relevant area in determining the development potential of the properties and potential impacts of the development of the properties on the viability of other centres.



Figure 25 - Property identification numbers (Source: Marshall PSP, Plan 6 page 29)

102. The NDA of the properties is considerably less than their total land area, as the rear of large parts of the properties to the north of Tannery Road are flood affected. Land areas as summarised as follows:
- Total NDA of the area identified for commercial / bulky goods in the exhibited version of the Marshall PSP = 9.864 hectares.
 - NDA of the properties Council now supports for designation as commercial / bulky goods = 2.618 hectares.
 - NDA of area Council now supports for residential = 7.246 hectares.
103. Table 2 shows the area of land proposed to be designated commercial / bulky goods in the Marshall PSP (as exhibited), compared to the area of the Marshall and the North East Industrial Precinct PSPs. From that table it is apparent that:
- The land designated for commercial / bulky goods in the Marshall PSP (as exhibited) would increase the amount of industrial / commercial zoned land in the combined Marshall and North East Industrial Precincts, by approximately 8%.
 - Designation of Rich and Pure's land commercial, would increase the amount of commercial / industrial land in the area by 3%.

104. I consider the amount of land to be designated commercial / bulky goods to be relatively small in the context of the Armstrong Creek Growth Area and the Marshall and North East Industrial Precincts. From a planning perspective, I do not consider it likely that the impact of the designation would adversely impact on:

- The viability of the Station Precinct.
- The viability of the industrial or commercial development in the NEIP.
- The viability of the bulky good precincts identified for the Major Activity Centre in Surf Coast Highway.
- The housing capacity of Greater Geelong.

105. Economic evidence is required to confirm this opinion.

Table 1- Area of parcel proposed to be designated commercial in PSP as exhibited

Property identification number	Parcel area (within PSP) ha	Parcel (Area Outside PSP) ha	Net developable area ha	%
Subject land				
20	1.748		1.005	57.49%
42	2.089	0.192	1.659	79.42%
43	1.732	0.0411	1.264	72.98%
Sub-total	5.569		3.928	
Other lots east of Barwon Heads Road				
34	2.408		0.797	33.10%
35	1.289		0.84	65.17%
36	0.23		0.23	100.00%
37	0.83		0.751	90.48%
38	2.006		0.806	40.18%
39	0.233		0.233	100.00%
40	2.205		1.637	74.24%
41	2.093		0.642	30.67%
Sub-total	11.294		5.936	
Total	16.863		9.864	
Total residential	12.106		7.246	
Total commercial	4.757		2.618	
Total	16.863		9.864	
Council recommended land use designation after exhibition of the PSP				
			Council support residential	
			Council support commercial	

Table 2 - Area of land proposed to be designated commercial / bulky goods in the Marshall PSP (as Exhibited) compared to the total area of residential and commercial land in the Marshall and the North East Industrial Precinct PSPs

	Net developable area within PSP (ha)	% of both PSPs NDA
Land designated commercial /bulky goods in the exhibited version of the Marshall PSP		
Commercial land (exhibition)	9.9	8%
Residential (post exhibition)	7.2	6%
Commercial (post exhibition)	2.6	2%
Rich and Pure's land	3.9	3%
Marshall PSP - Total areas (exhibited version)		
Residential	60.9	
Commercial	9.9	
Total	70.8	
North East Industrial PSP - Total areas		
Commercial / employment	120.0	
Total	120.0	
Both PSPs areas combined		
Residential	60.9	
Commercial	129.9	
Total	190.8	

10.2. Generally in accordance with the Armstrong Creek Urban Growth Area Framework Plan

106. The Armstrong Creek Growth Area Framework Plan identifies the subject land and other land to the east of Barwon Heads Road for residential purposes.

107. The Framework Plan is an incorporated document in the planning scheme.

108. Planning policy contained in Clause 02.03-1 of the scheme requires that development be “generally in accordance with the Armstrong Creek Urban Growth – Framework Plan”. I take this to mean the Marshall PSP should also be generally in accordance with the Framework Plan.

109. This requirement of the scheme is a policy requirement rather than a control. Accordingly, a degree of discretion exists in applying the requirement, generally based on a consideration of net community benefit and sustainable development:

The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.¹¹

110. The Victorian Planning Authority (VPA) describes the meaning of the term “generally in accordance with” on its website. It states that the term is part of a flexible and a responsive assessment framework that focusses on the intention of the accompany planning documents, rather than the detail:

A crucial component of the Urban Growth Zone (UGZ) is the requirement that planning applications be “generally in accordance” with the corresponding Precinct Structure Plan (PSP). The requirement is part of a flexible and responsive assessment framework that reduces red tape and streamlines planning applications that align with the intention of the accompanying PSP. This has been a key innovation in allowing efficient and streamlined development approvals in Melbourne’s growth areas.¹²

¹¹ Greater Geelong Planning Scheme Clause 71.02-3

¹² <https://vpa.vic.gov.au/generally-in-accordance-guidelines/>

111. The VPA has also prepared a guidance note to explain what 'generally in accordance with' means.¹³ The key guidance provided in that note is contained in Figure 26.

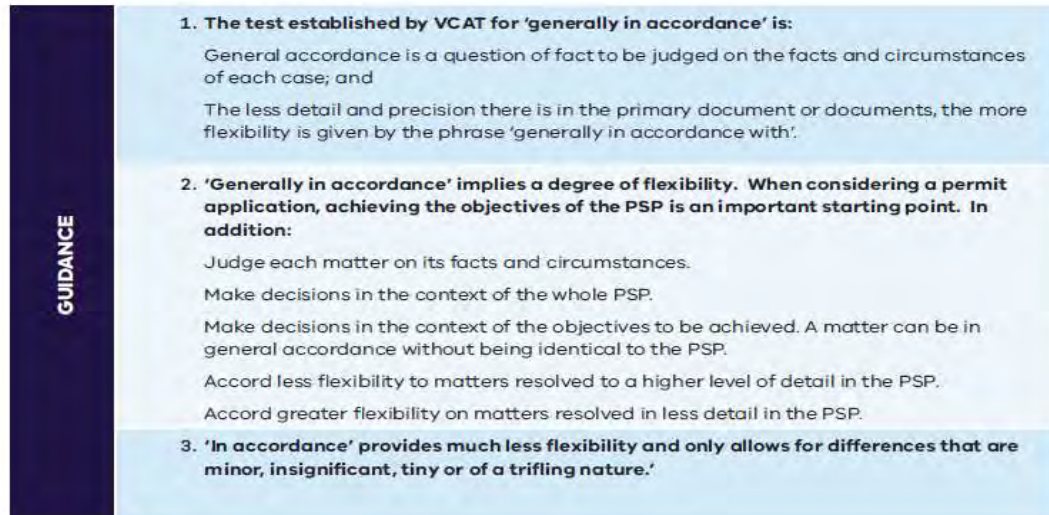


Figure 26 - Meaning of Generally in Accordance with (Source VPA Guidance Note, page 8)

112. The Armstrong Creek Urban Growth Plan was prepared in 2008, some 16 years ago. The Framework Plan is a high level plan that is conceptual and schematic. It only shows key land uses such as activity centres, residential land, employment land, parkland and biodiversity corridors. The decision regarding the change in the designation of land to the east of Barwon Heads Road should be made in the context of the whole Framework Plan.
113. The Housing Principle contained in the plan is based on walkable neighbourhoods of approximately 1.6km across, is a general principal only. It is not an absolute requirement that must be applied in all circumstances.
114. I consider that the proposal advanced in the exhibited version of the Marshall PSP, to designate land to the east of Barwon Heads Road for commercial purposes, rather than residential purposed can be considered to be 'generally in accordance with the Framework Plan'.
115. I consider that there are good planning reasons for changing the designation of that land from residential to commercial purposes.
116. I do not consider that the requirement for development to be 'generally in accordance with' the Framework Plan, prevents the consideration of a change in the designation from residential to commercial / bulky goods.

¹³ Generally In Accordance: Guidance Note April 2020

10.3. Housing targets

117. Council, in the delegates report that considered submissions to the Marshall PSP amendment, referred to the importance of the supply of new housing opportunities as a reason to reconsider its decision to designate the subject land and other land to the east of Barwon Heads Road, commercial rather than residential:

The Housing Statement targets a build of 425,600 regional homes, mainly in Geelong. This area can be serviced in what is, in effect, an urban infill site. The area is located very close to the public transport network, including Marshall Station within 800m, bus stops on Barwon Heads Road and future planning for the redevelopment of Tannery Road to accommodate buses. Pedestrian and cycle paths service the area, as will the planned Barwon River Trail in the longer term.

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. Clearly, the Marshall precinct is strategically recognised in policy as a residential growth area.¹⁴



Figure 27 - State Government's draft housing target for Greater Geelong

118. Draft housing targets for all municipalities in Victoria have been released by the State government. The targets identify that the City of Greater Geelong current contains 127,300 homes. The draft target is for another 139,800 homes to be established in the municipality by 2051:¹⁵

In regional cities and rural areas, the targets will also help deliver more new homes in cities and towns to boost key worker and affordable housing. The City of Greater Geelong is proposed to accommodate 139,800 new homes by 2051.¹⁶

119. In referring to this target it is important to realise that it is a draft target and is subject to review. Some context is also required:

- Victoria in Future 2023 provides the State's population and housing forecasts to 2036 for all municipalities and to 2051 for regions.
- Victoria in Future 2023 identifies that an additional 41,596 occupied dwellings will be required in the Greater City of Geelong over the 15 year period from 2021 to 2036.

¹⁴ Greater City of Geelong Delegates Report, 28 August 2024 Page 15

¹⁵ <https://engage.vic.gov.au/project/shape-our-victoria/page/housing-targets-2051>

¹⁶ <https://www.premier.vic.gov.au/councils-get-first-shot-unlocking-space-more-homes>

- If it is assumed double that number will be required in the 30 year period between 2021 and 2051, the figure would be 83,192. This is considerably less than the draft housing target set as part of the Housing Statement.

120. The Geelong Housing and Settlement Strategy 2020 was prepared by Council to ensure that sufficient housing could be established in Geelong to 2036, with consideration given to the ability to accommodate long term housing needs until 2051. It was implemented into the planning scheme by Amendment C395 in 2021.

121. That document identified the potential to accommodate an additional 123,247 dwellings in the municipality, as of 2017 (see Figure 28). This compares to the draft housing target of 139,800.

TABLE 1: Major land supply stocks by location, as of 1 January 2017

	BROAD HECTARE	MAJOR INFILL	MAJOR REDEVELOPMENT	UNZONED	TOTAL
Bellarine Peninsula	8972	39		3481	12492
Urban Geelong	3886	785	5543	411	10625
Lara	5297			715	6012
Armstrong Creek	18211			1450	19661
Western Growth Area				18000	18000
Northern Growth Area				16000	16000
TOTAL	36366	824	5543	40057	82790

Note excludes dispersed infill capacity, rural residential capacity and unidentified major redevelopment sites

38

Figure 28 - Land supply in Greater Geelong (2017) (Source: Geelong Housing and Settlement Strategy, page 38)

122. The 123,247 figure is likely to considerably understate the potential dwelling yield in the municipality for the following reasons:

- It only considered urban growth areas and major development site identified as of 2017. It did not consider 'dispersed infill capacity', which includes medium density development in the established urban area of less than 10 dwellings.
- It was prepared on the basis of the planning policies and housing densities existing and assumed as of 2017, prior to the significant changes being introduced by the State government as part of its Housing Policy.
- It is to be expected that significant changes to municipality housing policy in Geelong, particularly in relation to infill potential, will continue to occur as a consequence of the State Government's Housing Statement. Such policy changes will increase the housing capacity of the municipality, compared to that identify by Council in 2017.
- Such changes are likely to more that counter balance the number of dwellings that have been constructed in the municipality since 2017, which reduce the potential supply identified in the 2017 figures.

123. The net developable area of the land proposed to be designated commercial / bulky goods in the exhibited version of the Marshall PSP, is approximately 10 hectares (Rich and Pure's land comprises about 4 hectares of this). If developed at a density of 17 dwellings per hectare, as per the Marshall PSP, this would result in around 170 dwellings. This represents 0.01% of the draft housing target identified for the municipality by the State government.
124. Housing supply is an important consideration. However, I do not consider that a change in the designation of approximately 10 hectares of land with the potential yield around 117 houses will have a noticeable impact on the supply of housing in the municipality over the next 30 years. It does not justify designating land for residential development, that is not otherwise well suited for residential development given its location characteristics.

10.4. Strategic justification

125. Council commenced preparation of the Marshall PSP in 2017. Considerable consultation was undertaken with landowners, agencies and the wider community in the early stages of the preparation of the PSP.
126. A draft PSP was released for informal public consultation in 2019. Submissions were received that were generally supportive of the PSP, which identified land along Barwon Heads for commercial / bulk goods uses.
127. An economic assessment was not prepared as part of the preparation of the Marshall PSP. This may be because a change in the designation of around 10 hectares of land (NDA) from residential to commercial / bulky goods, was not considered to be a significant change, in the context of the Marshall and North East Industrial Precinct PSPs and the wider Armstrong Creek Growth Area. From a planning perspective there is merit in this view.
128. Rich and Pure has engaged an economist to assess the economic implications of the PSP as exhibited on the Marshall Station Precinct and the North East Industrial Area. I consider this is an appropriate way to respond to the matters raised in the Re-Grow submission, in terms of potential impacts on the viability of the Marshall Station Precinct and the North East Industrial Precinct.

10.5. Impact on the Marshall Station Precinct

129. Economic evidence will be presented in relation to this matter. From a planning perspective I make the following comments:

- The proposed applied zone for the commercial / bulk goods area is a Commercial 2 Zone.
- The Commercial 2 zone allows a supermarket of up to 1,800 sqm and up to 500 sqm of associated shops, as of right, where a site abuts a main road. This requirement would have the potential to enable a supermarket based centre to establish along Barwon Heads Road, which would undermine retail uses in the Station Precinct.
- Schedule 7 to the Urban Growth Zone varies the standard provisions of the Commercial 2 Zone to prohibit a supermarket (which would also make 'Shop' a discretionary use).
- I consider this change to the zone provision will safeguard the proposed retail role of the Station Precinct.
- Residential zones allow discretion for a wide range non-residential, commercial uses. Such uses frequently gravitate to main road locations where they serve the needs of local residents as well a passing traffic, without adversely impacting on residential amenity.
- I consider that benefit exists in planning for such uses in a positive way, rather than enabling ad hoc development on a site by site basis over time.
- Provided that the economic evidence does not identify and unreasonable impact on the viability of proposed Marshall Station Precinct, I have no issue from a planning perspective in designating land along Barwon Heads Road for an appropriate form of non-residential uses.

10.6. Impacts on North East Industrial Precinct

The North East Industrial Precinct PSP requires updating

130. In considering the implications of the designation of land in the Marshall PSP for commercial / bulky goods on the North East Industrial Precinct PSP, it is relevant that:

- The North East Industrial Precinct PSP was approved by amendment C207 in June 2010.
- It is now nearly 15 years since the PSP was approved and included into the planning scheme.
- No development has as yet occurred within the North East Industrial PSP.

131. The introduction of the PSP clearly indicates that its effectiveness will be regularly evaluated and that it is expected that the PSP will be revised over time:

1.3 Monitoring and Review

The Department of Planning and Community Development and the City of Greater Geelong will jointly monitor the implementation of this Precinct Structure Plan. The effectiveness of the PSP will be evaluated regularly, at least every four years. It is expected that this PSP will be revised page 1 from time to time as required.¹⁷

132. Given the age of the PSP and the fact that development has not yet commenced, I consider it is appropriate that the PSP be reviewed. Such a review would provide the opportunity to consider the commercial / bulky goods designation of land within the Marsh PSP, to the east of Barwon Heads Road, and an integrated part of that precinct.

133. I consider that a number of issues raised in the Re-Grow submission to the amendment could be addressed in a positive way as part of such a review. In my opinion, many of the issues raised in the submission do not relate to poor planning, as such. Rather they merely highlight matters of inconsistency that were not anticipated in the North East Industrial Precinct PSP, when it was approved. For example, issues raised in relation to the traffic movement along Tannery Road.

Impacts on the viability of the precinct

134. Economic evidence will be presented in relation to this matter. From a planning perspective I make the following observations:

- The North East Industrial Precinct PSP was approved in 2010.
- In the 14 years since the PSP was prepared, no development has commenced and no local jobs have been provided within the precinct.
- My instructing solicitors have requested a copy of the economic assessment prepared for the North East Industrial PSP, which at the time of writing, had not yet been provided.

¹⁷ North East Industrial Precinct PSP, page 1

- The precinct provides for a net developable area of 129.9 hectares of land.
- The Marshall PSP as exhibited is proposing close to 10 hectares of land for commercial / bulky goods development.
- There are good planning reasons for Barwon Heads Road to demark the boundary between residential and commercial / industrial land in the Marshall Area. Logically that land should be included in a commercial / industrial zone of some type.
- If economic evidence present at the hearing identifies that bulky good uses have the potential to undermine other bulky goods precincts within Armstrong Creek, the provisions of Schedule 7 of the Urban Growth Zone could be modified to make Restricted Retail Premises a discretionary use in a Commercial 2 Zone, rather than an-as of right use.
- The designation of additional land outside the boundaries on the North East Industrial Precinct PSP, which is in separate ownership to that within the PSP, may provide a stimulus to commence development of commercial land in the area.
- I note that the North East Industrial Precinct contains a considerable area of land to which a Commercial 2 Zone applies, and that Restricted Retail Premises remain an as-of-right in that zone.

The designation is incompatible with the NEIP PSP Vision to ‘draw-in’ commercial and business activities along the proposed Keystone Avenue from its intersection with Barwon Heads Road.

135. The North East Industrial Precinct PSP identifies the proposed Keystone Avenue as a key access road into the precinct, leading to its central core, which is to be flanked by commercial and business activities as the area develops. However, it does not suggest that this is to occur at the exclusion of development along the Barwon Heads frontage of the precinct.

136. The precinct identifies that the entire Barwon Heads Road frontage of the PSP area will comprise a service road, with appropriately space left in and left out breaks to provide access to Barwon Heads Road. This service road will be fronted by industrial / commercial buildings specifically designed to address the service road and Barwon Heads Road in a positive way:

Service roads will be located on Barwon Heads Road providing one way traffic movements and left in/left out access in accordance with the VicRoads Access Management Policy. These service roads will create a perceived sense of direct frontage for uses located along this interface within a managed road network that will avoid any impact on traffic flows on Barwon Heads Road.¹⁸

137. The PSP does not set out a rigid staging strategy:

Development stages have been proposed based on achieving an efficient and effective development pattern. Sequencing of development stages, other than as generally shown

¹⁸ North East Industrial Precinct PSP, page 41

in Figure 15 is not proposed in the PSP but will be guided by a series of development principles set out below.

138. The PSP highlights that Barwon Heads Road frontage will be one of the first areas to be developed:

It is important that the initial stages reflect the vision and set the development theme for the entire project. Land with access from Barwon Heads Road will be a prime driver for the location of the initial stages.

Stage 1 will unlock the south-west corner of the NEIP, enabling commencement of construction of the key access road, designation of reservations for the duplication of Barwon Heads Road, and ensure the delivery of a high quality, well presented address to the key frontage of the NEIP in the short term. Access to any new allotment must be via a sealed road.¹⁹

139. I do not consider that designation of land in the Marshall PSP area is incompatible with the planned role of Keystone Avenue being established and drawing-in development towards the proposed core of the area. Rather it will extend as similar frontage of development to Barwon Heads Road, further to the north towards Central Geelong than was envisaged in that Plan. By utilising land that fronts Barwon Heads Road, it may well aid in establishing employment generating uses in this part of the Armstrong Creek Urban Growth Area.

FIGURE 5: INTERFACE WITH BARWON HEADS ROAD

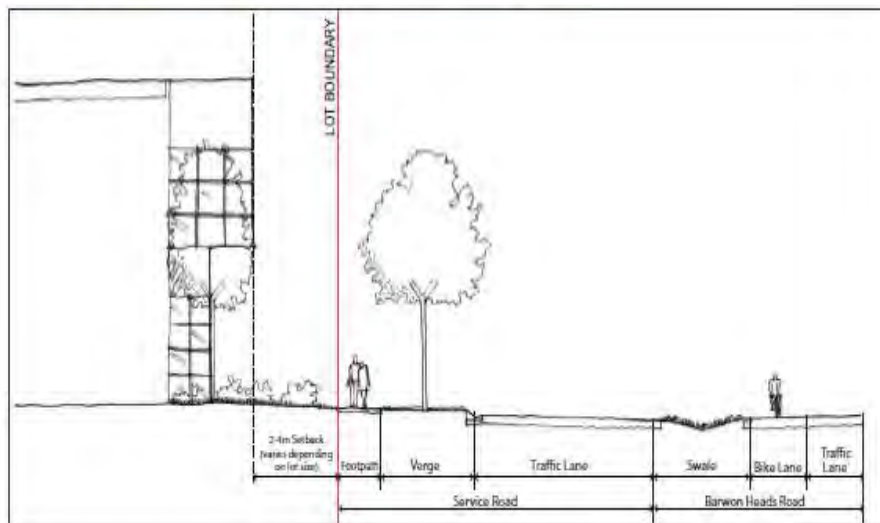


Figure 29 - NEIP PSP, Interface with Barwon Heads Road

¹⁹ Ibid., page 64

FIGURE 4: NEIP FUTURE URBAN STRUCTURE PLAN

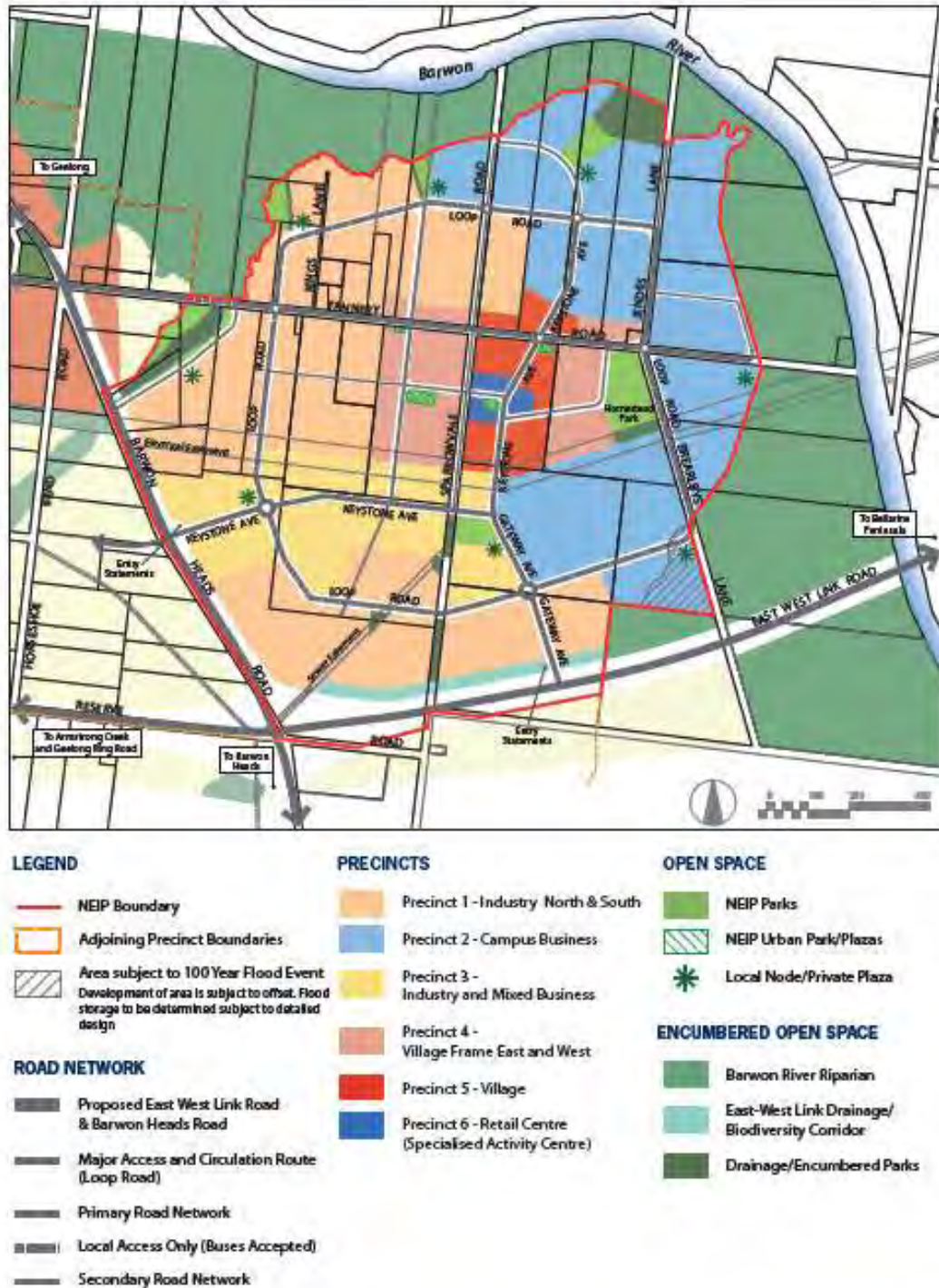


Figure 30 - North East Industrial Area PSP – Future Urban Structure Plan

Tannery Road

140. Traffic evidence will be presented in relation to this matter. The comments I make below are from a strategic planning perspective.

141. The comments made in the North East Industrial PSP in relation to Tannery Road appear to be based on the fact that the intersection of Tannery Road and Barwon Heads Road, was outside the PSP area and that the upgrading of the intersection would therefore be uncertain. At the time the PSP was prepared, the timing of the upgraded of Barwon Heads Road was unknown. However, the PSP continued to identify Tannery Road as an important road in the PSP area:

Tannery Road – An east-west spine road providing access to the village centre and connecting to Marshalltown Road for efficient bus connections.²⁰

142. The following assumptions appear to have been made in the preparation of the North East Industrial Precinct PSP:

- Because the Tannery Road intersection is outside the PSP boundary it poses a constraint to the early development of the precinct if Barwon Heads Road is not upgraded.
- Accordingly, it would be appropriate to provide major road access to the precinct further south, midway between Tannery Road and Reserve Road (i.e. the proposed new Keystone Avenue).
- The intersection between Tannery Road and Barwon Heads Road would be left in and left out only and would not be signalised. Is now a signalised road with full access.

Intersections between collector roads and Barwon Heads Road would be expected to be signalised. The intersection of the Tannery Road collector road and the Barwon Heads Road, which would provide a key point of access to the NEIP, is located outside of the precinct boundary. This poses a potential constraint for the early development of the NEIP should Barwon Heads Road not be upgraded in line with the development timing of the NEIP. As such, it would be appropriate to provide the major site access further south on Barwon Heads Road midway between Tannery Road and Reserve Road. This would also assist in addressing safety concerns at the intersection where Tannery Road, Marshalltown Road and Horseshoe Bend Road all connect.²¹

²⁰ North East Industrial Precinct PSP, page 41

²¹ Ibid, page 6

143. As a consequence of the above assumptions, the recommendation of the North East Industrial PSP was that Tannery Road be a "local road only (buses accepted)". Given that the intersection has now been fully developed and is signalised, merit exists in reviewing the intersection constraint previously identified, and the future role of Tannery Road in the context of the providing access to the Precinct:

In addition to the key access road, external access to the site will be provided in the south via connections to the EWLR, and potentially at the intersection of Tannery Road and Barwon Heads Road. As Tannery Road is outside of the precinct, the timing and delivery of an appropriate standard intersection in this location is uncertain. As such, the PSP proposes a left in / left out un-signalised intersection at this location providing access for public transport only (not commercial or associated vehicles).

FIGURE 10: NEIP ROAD NETWORK PLAN



LEGEND

- | | | |
|---------------------------------------|--|--|
| — NEIP Boundary | ⑤ Local Access Only (Buses Accepted) | ⑩ Sparrowvale Road (service road & water treatment corridor) |
| — Adjoining Precinct Boundaries | ⑥a Service Road Barwon Heads Road | — Existing Tannery Road |
| — Existing Easements | ⑥b Service Road E-W Link Road | A Intersection Designation (Refer to Table 23) |
| — Road Acquisition | ⑦a Keystone Avenue Entry section | |
| ① East West Link Road | ⑦b Keystone Avenue Main Street section | |
| ② Barwon Heads Road | ⑧ Tannery Road | |
| ③a Gateway Avenue Entry section | ⑨a Local Road - Industrial | |
| ③b Gateway Avenue Main Street section | ⑨b Local Road - Campus Business | |
| ④ Loop Road | | |

Figure 31 - North East Industrial Precinct PSP - Road Network Plan (page 42)

Increasing the permit trigger threshold for industrial uses

144. The North East Industrial Precinct PSP identifies land abutting the proposed commercial / bulky good area of the Marshall PSP area, as being in Precinct 1 Industrial North (see Figure 32). Schedule 1 to the urban Growth Zone identifies the applied zone for that precinct is an Industrial 1 Zone.
145. The land uses 'Industry' and 'Warehouse' are permitted as-of-right in an Industrial 1 Zone, unless the use is listed in Clause 53.10 of the planning scheme. If a use is listed in Clause 53.10 a planning permit is required. Clause 53.10 lists threshold distances for certain uses, which are measured from a residential zone boundary (among other things). Threshold distances range from 100 metres to 2,000 metres. For uses not listed in Clause 53.10, a standard 30 metre separation to a residential zone applies for a permit trigger.
146. Changing the designation of the subject land and other land on the east side of Barwon Heads Road from commercial / bulky goods use to residential use, would extend the distance from which the threshold distance is to be measured, by up to 240 metres further into the North East Industrial Precinct than would be the case with the Marshall PSP as exhibited. This would add a constraint to the development of the west part of industrial zoned land in Precinct 1 Industry North. In making this comment I note that Precinct 4, 5 and 6 of the North East Industrial Precinct, trigger the need for a planning permit given the applied zones for those areas are Mixed Use (4 and 5) and Commercial 1 (6).
147. In my opinion it would be poor planning to designate land to the east of Barwon Heads Road, which is not well suited for residential use, for residential purposes, when it would adversely encroach towards a planned industrial area.
148. I consider such would be contrary to Clause 17.03-1S:

Identify land for industrial development in urban growth areas where:

- *Good access for employees, freight and road transport is available.*
- *Appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.*

Avoid approving non-industrial land uses that will prejudice the availability of land in identified industrial areas for future industrial use.

Plan 2 to Schedule 1 to Clause 37.07

Armstrong Creek North East Industrial Precinct Urban Structure Plan – Character Precinct names



Figure 32 - North East Industrial Precinct - Character Precincts

10.7. Barrier presented by Barwon Heads Road

149. Stage 1 of the Barwon Heads Road Upgrade, between Settlement Road in the north and Reserve Road in the south, has been completed. In the vicinity of the subject land:

- It has been upgraded to a four lane divided road with a central median.
- Traffic lights have been provided at the intersection of Barwon Heads Road and Tannery Road.
- Horseshoe Bend Road has been terminated to the south and to the north of the intersection of Barwon Heads Road and Tannery Road / Marshalltown Road.
- A shared pedestrian cycle path has been provided along the west side of the road.

150. I consider that the road presents a significant barrier to walkability and that residential development on the east side of the road is not appropriate in this location:

- It is designated as an arterial road and it will accommodate increasing levels of traffic as the east side of the Armstrong Creek Urban Growth Area develops.



Figure 33 - Source <https://bigbuild.vic.gov.au/projects/roads/barwon-heads-road-upgrade/stage-1>

- It provides access to Barwon Heads and to Ocean Grove, and to coastal areas and beaches, which are popular tourist destinations on weekends and during holiday periods.
- Safety railings are located along the edges of the road and in the central median for large lengths of the road, preventing any informal pedestrian crossings.
- The road overpass over the railway line to the north of Tannery Road, provides a dominating infrastructure element that impacts on the residential amenity of the northern most lots to the east of Barwon Heads Road.
- Any future residents on the east side of the road, would not have access to conveniently spaced, safe pedestrian crossing points across Barwon Heads road, to access Marshall Train Station and the services and facilities, and the other residential areas, located to the west of the road.
- Whilst pedestrian crossings across through traffic lanes are signalised, left turning lanes into and out of the intersection are not signalised. From my experience as a planner, this provides less safety for pedestrians using the intersection, than a fully signalled intersection with a design emphasis on pedestrians.



Figure 35 - Barwon Heads Road, elevated over the railway line adjacent and to the north of the northern most lots in the PSP area (looking north along Norcott Road)



Figure 34 - Median and edge safety barriers along Barwon Heads Road (Looking south-west across the road from the bus stop, towards 25 Horseshoe Bend Road)

10.8. Walkable neighbourhoods

151. Marshall is the smallest structure plan area within the Armstrong Creek Urban Growth Area. It is not a 'self-contained' neighbourhood. It contains a railway station and is planned to contain a small 'local activity centre' with the potential for a small supermarket and up to 2,750 sqm of retail floorspace, adjacent to the station. It is not planned to be a higher order 'neighbourhood activity centre' and to contain the wider range of shops, services and facilities normally provided in such a centre. It does not contain a primary school. These are key elements of the 'walkable neighbourhood' concept upon which the planning of Armstrong Creek is based.
152. Residents of the Marshall PSP area will need to leave the area to access many of the facilities anticipated to be provided within a walkable catchment of a neighbourhood activity centre. This acknowledged in the PSP:
- Access to schools and facilities to the immediate west in Grovedale and the immediate south in Horseshoe Bend Precinct Structure Plan must be easily accessible with a minimum of two safely accessible pedestrian and cycling crossings at the proposed Bellarine Link Road and three safely accessible pedestrian and cycling crossings at the Geelong to Waurn Ponds Rail line, including at Marshall Train Station. (R91 page 77)*
153. This increases the distance to those facilities from the subject land and other land identified as commercial / bulky goods along Barwon Heads Road. It means that land will not be within a 'walkable distance' of many of the facilities associated with a 'walkable neighbourhood'.
154. Figure 36 shows the Marshall PSP, the adjoining Horseshoe Bend PSP to the south, the North East Industrial Precinct PSP to the east, and established urban areas to the west. The closest primary schools and larger neighbourhood activity centres to the subject land will be in the established residential areas of Grovedale to the west of the railway line, and in the Horseshoe Bend PSP area to the south:
- Grovedale Primary School (1.3 km to the west).
 - Grovedale Neighbourhood Activity Centre (1.8 kilometres to the west).
 - Proposed new schools in the Horseshoe Bend Precinct (on the south side of the proposed East West Arterial Road extension) (1.3 kilometres to the south).
 - New neighbourhood activity centre in the Horseshoe Bend PSP area (1.5 kilometres to the south).
155. I do not consider that just because land on the east side of Barwon Heads Road is within 800 metres of the proposed Station Precinct and was identified on the Framework Plan for residential purposes, is sufficient justification to designate the land for residential purposes in this this case. There are other relevant planning considerations that need to be taken into account is making such a decision. For example:
- The limited range of services and facilities provided in the Station Precinct, which is not a full neighbourhood centre and does not include a primary school.
 - The distance to larger 'neighbourhood centres' and primary schools.
 - The barrier presented to a walkable catchment by Barwon Heads Road.
 - Other considerations such as the abuttal to a major employment area and the orderly and proper planning of the area, as outlined in the following sections of my report.

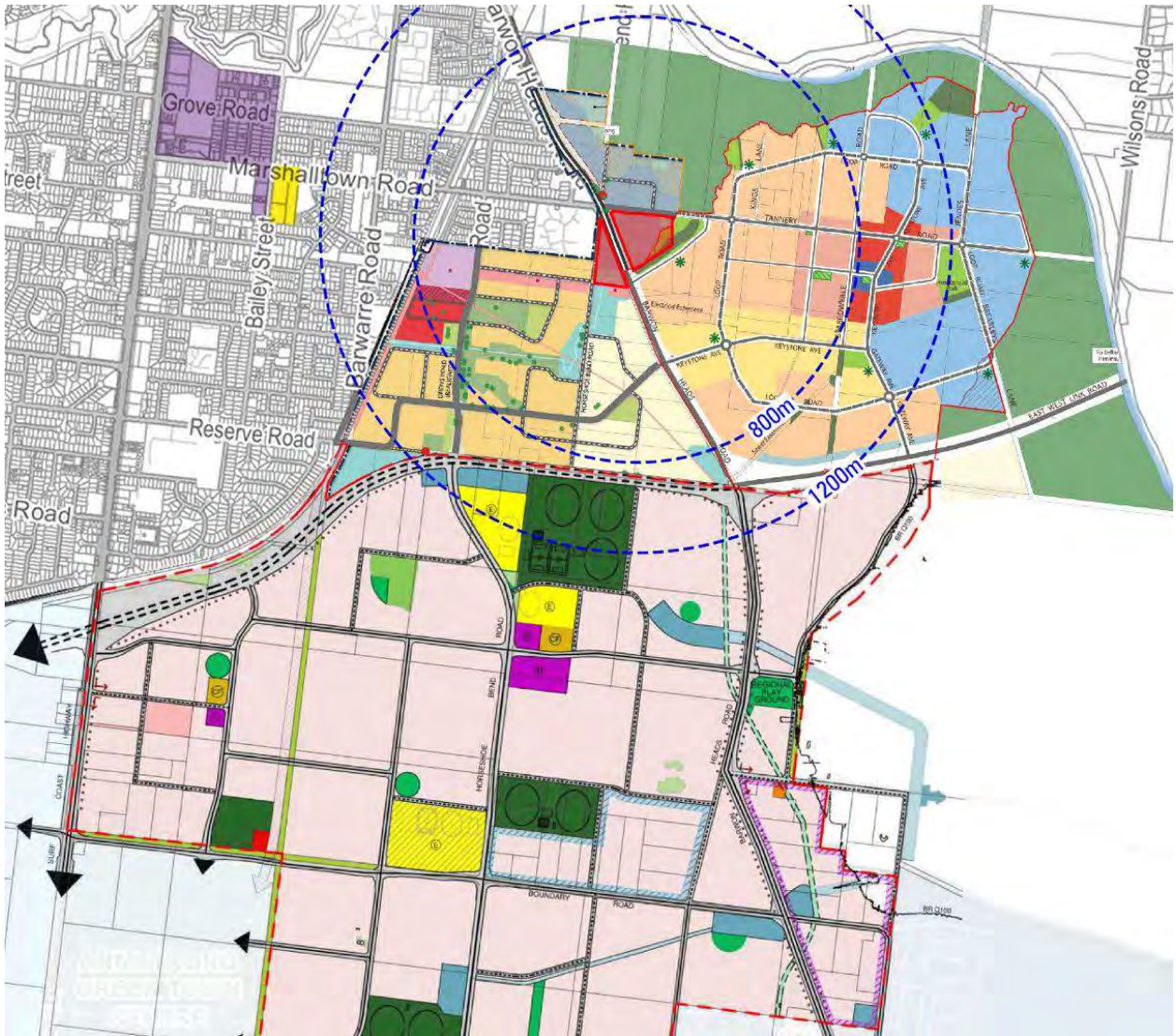


Figure 36 - Interaction with adjoining PSPs

10.9. Orderly and proper planning

156. In examining the planning of the area from a first principles basis (i.e. without reference to the Armstrong Creek Urban Growth Framework Plan), it is not clear why that part of the Marshall PSP area to the east of Barwon Heads Road was not identified as part of the North East Industrial Precinct, rather than as part of the Marshall Precinct. I consider that would result in more logical and more functional planning units.

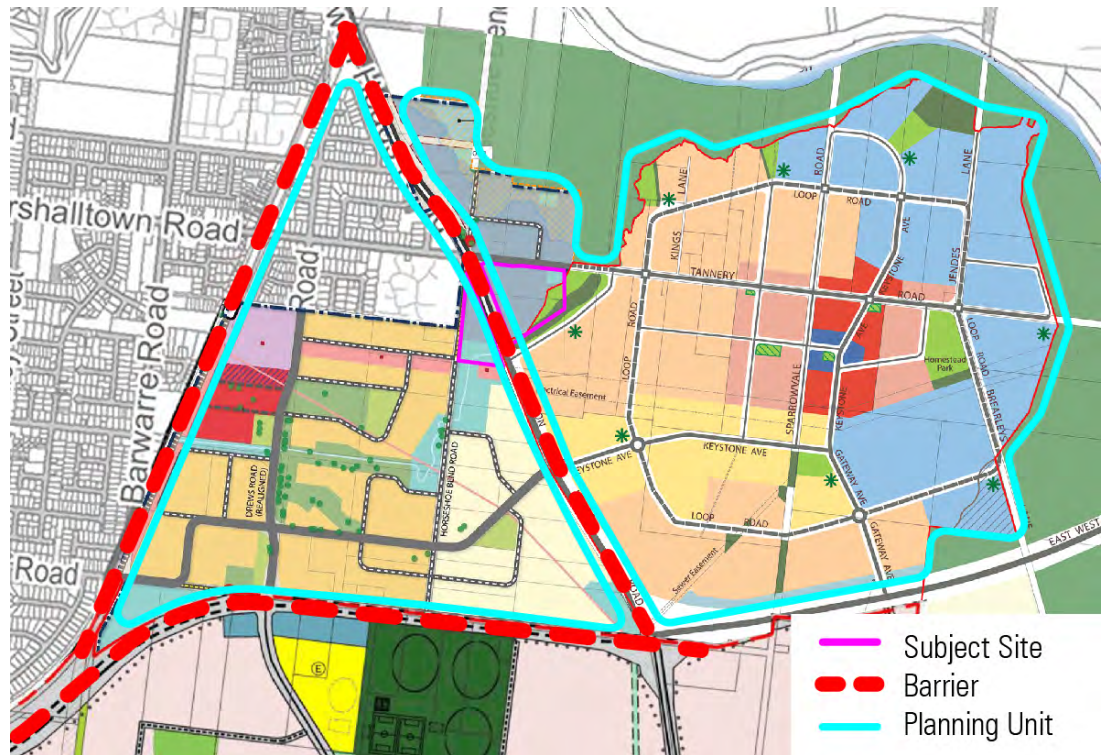


Figure 37 – Barriers and logical planning units

Horseshoe Bend Road site

157. Barwon Heads Road is a barrier to a walkable residential neighbourhood focussed on the Marshall Station Precinct and the established residential areas of Grovedale to the west of the railway line. In my opinion it is a logical planning boundary between residential and employment land in the Marshall area.
158. The Horseshoe Bend Road site is located on the west side of Barwon Heads Road and is not subject to the barrier presented by Barwon Heads Road. The planning / location context of the Horseshoe Bend Road site is as follows:
- Is a triangular shaped site with a narrow apex at its northern end and a width of approximately 200 metres along its southern boundary.
 - Its amenity for residential development is adversely affected by its narrow width and long frontage to Barwon Heads Road (280 metres).
 - It is accessible to north bound traffic along Barwon Heads Road (subject to Department of Transport and Planning approval for access).
 - It is an island site that is separated from:
 - existing residential development to the west (a retirement village) and future residential development to the south-west, by Horseshoe Bend Road.
 - Proposed residential development to the south by land designated for 'drainage' and by an electricity transmission easement.
 - The southern part of the site is designated for drainage.
 - The site is approximately 600 metres from the proposed Station Precinct.
 - The site is not within a walkable catchment of a designated neighbourhood centre or a primary school.
 - A bus stop is located adjacent to the site in Barwon Heads Road. Barwon Heads Road contains also a shared walking /cycling path along its west side.
159. I considered that the land has the potential to used for either residential or for non-residential purposes.
160. Whilst the land could be developed for residential purpose, I consider its suitability for residential use is constrained by its irregular shape. I consider its residential amenity would be also by reduced by its long abuttal to Barwon Heads Road and the location of transmission lines to the south.
161. I consider the land is potentially well suited to a range of non-residential / commercial uses that are appropriate in or adjacent to a residential area, which would provide convenience to north bound traffic on Barwon Heads Road as well as to residents on the eastern edge of residential development in this part of Geelong.
162. I consider that it is important that the range of non-residential uses permitted does not prejudice the viability of the proposed Marshall Station Precinct.

Land east of Barwon Heads Road

163. The planning / location context of land to the east of Barwon Heads is as follows:

- It is separated from community services and facilities in the proposed Marshall Station Precinct, and further west in the established residential areas of Grovedale, by Barwon Heads Road.
- It is a small relatively 'isolated' pocket of land, of insufficient size to establish the critical mass required to establish a meaningful residential precinct (Total area of 9 hectares - NDA).
- It abuts North East Industrial Precinct to the east and to the south (proposed to be separated by a landscaped drainage line).
- Land to the north of Tannery Road is significantly affected by flooding from the Barwon River. Land with development potential comprises a long, narrow, elongated area of land that extends along Barwon Heads Road for some 450 metres, with a width of around 90 metres.
- The amenity of the area to the north of Tannery Road is adversely affected by traffic on Barwon Heads Road, as well as by the embankment upon which Barwon Heads Road is elevated where it crosses the railway line.
- An existing petrol station and convenience store is located to the north of Tannery Road.
- Bus routes exit along Barwon Heads Road, with bus stops south of the Tannery Road intersection.

164. I consider it would be poor planning to establish a small cluster of dwellings along both sides of the short 300 metre length of Tannery Road, that is part of the Marshall PSP area:

- Tannery Road extends east through entire northern / central parts of the North East Industrial PSP.
- It provides a direct connection between the core of the North East Industrial Precinct and Barwon Heads Road, on onto to the Surf Coast Highway further to the west.
- In the future it will be largely an access / collector road for industrial / employment precinct and will not provide an appropriate amenity for residential uses.

165. Now that the Tannery Road intersection has been upgraded, from a planning perspective, I do not consider it is either necessary or appropriate to designate the west end of Tannery Road for "local access only (buses accepted)" as proposed in the North East Industrial Precinct PSP.

11. Applied zones

11.1. Candidate zones

166. Following are the key purpose statements for what I consider to be candidate zones for application to land along Barwon Heads Road:

Commercial 2 Zone

- *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*

Residential Growth Zone

- *To provide housing at increased densities in buildings up to and including four storey buildings.*
- *To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.*
- *To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.*
- *To ensure residential development achieves design objectives specified in a schedule to this zone.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

General Residential Zone

- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Industrial 1 Zone

- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

Mixed Use Zone

- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

167. The following table compares the permit triggers that apply in each of these zones, for possible uses.

Table 3 – Permit triggers for candidate zones

Land use	General Residential Zone	Residential Growth Zone	Mixed Use Zone	Commercial 2 Zone	Industrial 1 Zone
Dwelling	Section 1	Section 1	Section 1	Section 3	Section 3
Supermarket	Section 3		Section 2	Section 1 - Up to 1800 sqm	Section 3
Shop	Section 3 – Limited	Section 3 - limited	Section 1 – up to 150sqm	Section 1– Limited; up 500sqm where associated with a supermarket	Section 3 – limited
Retail premise	Section 3 – generally	Section 3 - generally	Section 2	Section 2 - limited	Section 2 – limited
Food and drink premises	Section 2 - limited	Section 2 – limited	Section 1 – up to 150sqm	Section1 – Up to 100 sqm	Section 2
Restricted retail premises	Section 3	Section 3 - generally	Section 2	Section 1	Section 2
Office	Section 3 - generally	Section 2 - conditional	Section 1 – up to 250 sqm	Section 1	Section 2 - conditional
Medical centre	Section 1 - up to 250 sqm	Section 1 – up to 250 sqm	Section 1 – up to 250sqm	Section 1	Section 2
Car wash	Section 2 – conditional	Section 2 - conditional	Section 2	Section 2	Section 1
Convenience restaurant	Section 2 – conditional	Section 2 conditional	Section 1 – 250 sqm	Section 1 – up to 100 sqm	Section 2
Convenience shop (up to 240 sqm)	Section 2	Section 2	Section 1 – 150 sqm	Section 1 - conditional	Section 1
Take-away food premise	Section 2 - conditional	Section 2 - conditional	Section 1 – 150sqm	Section 1 – 100 sqm	Section 1
Service station	Section 2 - conditional	Section 2 - conditional	Section 2	Section 2	Section 1 - Conditional
Gymnasium	Section 2	Section -2	Section 2	Section 2	Section 2

168. The main difference between the candidate zones identified above are that:

- The Commercial 2 Zone and the Industrial 1 Zone - Prohibit residential purposes, whilst allowing a range of other retail and commercial uses either with or without the need for a planning permit.
- The Mixed Use Zone and residential zones – Allow both residential and a range of retail and commercial uses (a more limited range in the residential zones), either with or without the need for a planning permit.

169. Given the opportunity that exists to tailor permit triggers for applied zones in the Urban Growth Zone, the range of uses considered appropriate for the land is almost more important than the applied zone, as the schedule can be used to vary the provisions to reflect the range of uses considered appropriate on the land. Accordingly, considerable flexibility exists in relation to the zones applied, subject to subtle variations to permit triggers in Schedule 7.

11.2. Appropriate zoning

Horseshoe Bend Road site

170. I consider that the Horseshoe Bend Road site has the potential to be used for either:

- residential purposes, or
- a range of non-residential / commercial uses that are good neighbours with residential uses, and benefit from an arterial road frontage.

171. Accordingly, I considered its applied zone could either be a residential zone or a commercial zone.

172. I consider that the site is appropriate to be used for a range of non-residential / commercial uses, that are appropriate in or near a residential area, but which benefit from a main road location, and will not undermine the establishment of the Marshall Station Precinct. Potential uses include:

- Service station
- Car wash
- Convenience restaurant
- Convenience shop
- Food and drink premises (subject to use restrictions)
- Medical centre and associated pharmacy
- Place of worship
- Place of assembly (subject to use restrictions)
- Plant nursery
- Take away food premises
- Childcare centre
- Gymnasium.

173. As explained in the preceding section of my report, the planning permit triggers that relate to these types of uses are quite subtle between candidate zones. Given the schedule to the Urban Growth Zone enables permit triggers to be varied for standard zones, the importance of the actual zoned applied becomes less relevant, as the provision can be varied.
174. From a planning perspective, I agree that a supermarket should be prohibited on the site in order to protect the Marshall Station Precinct. The exhibited version of the PSP does this. In addition, I consider that shops generally should be prohibited, other than for those that are discretionary in residential zones i.e. a Convenience Shop. As a Medical Centre is an as-of-right use in the residential zones, I also consider it would be appropriate to allow a Pharmacy (which is included in the definition of a Shop) to be discretionary, in association with a medical centre.
175. Further, I do not consider that Restricted Retail Premises or industrial uses would be appropriate to occur as-of-right on this site.
176. I consider that a modified version of the Commercial 2 Zone is an appropriate zone to be applied to the site, for the following reasons:
- Council, over a long period of consultation with land owners and others as part of the preparation of the Marshall PSP, identified the land for commercial / bulky goods use.
 - An applied Commercial 2 Zone was exhibited as part of Amendment C278.
 - A Commercial 2 Zone gives a clear indication that the land is appropriate to be used for commercial and other non-residential uses.
 - Schedule 7 can tailor the provision of the zone to prevent adverse amenity impacts on residential properties on the west side of Horseshoe Bend Road, and to prevent adverse impacts on the viability of the Marshall Station Precinct. I support:
 - The prohibition of supermarket and shops, as exhibited
 - Recommend that Schedule 7 be modified to make Restricted Retail Premises and Industry discretionary, for that part of Commercial 2 Zone to the west of the Horseshoe Bend Road.
177. The Mixed Use Zone would also be an appropriate candidate. The Mixed Use Zone has the benefit of allowing residential uses on the land. Whilst residential uses are not my preferred use for the land for practical and amenity reasons, generally I do not consider residential uses should be prohibited on land to the west of Barwon Heads Road. The permit triggers would need to be tailored in Schedule 7, to prohibit a supermarket and shops generally, and to provide for a similar range of commercial uses to the Commercial 2 Zone as varied, as I have described above.
178. If the Panel decided the site should be designated residential in the PSP, discretion would remain for most of the above uses. If this approach was adopted, I consider it would be appropriate to 'mark' the site with an asterisk on the relevant plans in the PSP, and to include appropriate text in the PSP to describe its commercial potential. This would provide policy support to exercise the discretionary available in a residential zone to grant permits for non-residential uses.

Land to the east of Barwon Heads Road

179. I do not consider land east of Barwon Heads Road is appropriate to include in a residential zone.
180. I consider the options for the zoning of the land to be either a Commercial 2 Zone as exhibited, or an Industrial 1 Zone, as applies to adjoining land in the North East Industrial Precinct. In reality, given the opportunity to tailor permit triggers for applied zoned provided by the Urban Growth Zone, little difference would exist between the two zone.
181. I consider a Commercial 2 Zone, as exhibited, the most appropriate zone for that land. The Commercial 2 Zone allows for a diverse range of commercial and industrial uses. It was originally introduced partly to allow for Restricted Retail Premises (i.e. bulky good retailing), which is an as-of-right use in the zone. However, it allows for a wider range of commercial and employment uses, than an industrial zone.
182. The Industrial 1 Zone is an alternative zone that could be applied along the east side of Barwon Heads Road. However, my preference is to retain the Commercial 2 Zone, as it has a more commercial and a less industrial focus. If economic evidence was presented that questioned the appropriateness of Restricted Retail Premises along Barwon Heads Road, Schedule 7 could be modified to make Restricted Retail Premises a discretionary use in that part of the zone to the east of the road.
183. I note that the provisions of the applied Industrial 1 and the Commercial 2 zones within North East Industrial Area, have a complex list of variations to the standard zone controls. I do not consider that the provisions of the proposed Commercial 2 Zone within the Marshall PSP should be modified to be consistent with the North East Industrial Precinct at this time. In my opinion, the North East Industrial Precinct PSP should be reviewed and that review should consider integrating land in the Marshall PSP area to the east of Barwon Heads Road. It may be that the applied zones and the permit triggers contained in Schedule 1 to the Urban Growth Zone that applies to that precinct, will be simplified.
184. If when reviewing the North East Industrial Precinct PSP a compelling case is identified to vary the permit triggers for the Commercial 2 Zone in the Marshall PSP area, then an amendment could be considered at that time.

12. Conclusion

185. My findings in relation to matters relevant to the designation of land along Barwon Heads Road, within the Marshall PSP area are summarised in Section 2 of this report.



David Barnes
Director and Town Planning BTRP(Hons); MBA; FPIA

Attachment 1
David Barnes Curriculum Vitae

DAVID BARNES

Director

SUMMARY OF EXPERIENCE

David has been a town planner since 1980. With an MBA to supplement his planning qualifications, David is both a strategic planning specialist and an experienced statutory planner. As a statutory planner, David has been involved in obtaining planning approvals for a wide range of projects including residential, retail, commercial, industrial, rural, tourism, entertainment, sports, recreation and community development projects. He has extensive experience representing clients at planning appeals and panel hearings as both an advocate and as an expert witness.

As a strategic planner, David's experience encompasses policy formulation and implementation; preparation of strategy plans, structure plans, urban design frameworks, development plans, planning schemes and amendments; community consultation; preparation of infrastructure funding strategies and development contributions plans; and preparation of commercial, industrial and residential market assessments. In addition, David has experience in Asia, preparing urban management plans, strategy plans, structure plans, master plans and detailed plans, planning and development controls, and in relation to institutional strengthening programs and professional training programs.

QUALIFICATIONS

Master of Business Administration
RMIT University (1993)

Bachelor of Town and Regional Planning (hons)
University of Melbourne (1980)

CURRENT

Hansen Partnership
Director
July 2022 - Present

EXPERIENCE

Hansen Partnership
Managing Director (January 2012 - July 2022)
Director (September 1997 – December 2011)

Henshall Hansen Associates
Director (July 1995 – Aug 1997)
Associate Director (1992 – July 1995)
Senior Planner (April 1988 – November 1989)
Associate (1989-1992)

WBCM Consultants Limited
Senior Urban Planner (July 1985 – April 1988)

Melbourne and Metropolitan Board of Works
Statutory Planner (February – June 1985)
Planning Officer (April 1982 – February 1984)

Estate Office, Victorian Railways
Town planner (November 1980 – April 1982)

SPECIALISATIONS

- Strategic planner
- Statutory planner
- Town planning advocate
- Town planning expert witness
- Infrastructure funding and development contributions
- International planning – urban management, institutional strengthening, training

AFFILIATIONS

- Planning Institute of Australia (PIA) (2007 – present) - Fellow
- Victoria Planning and Environmental Law Association (2009 – present) - member



KEY PROJECT EXPERIENCE

Structure Planning

- Review of Bayswater / Bayswater North Industrial Precinct, with the AEC
- Group, State Development Business and Innovation (2014)
- Bendigo Hospital Surrounds Structure Plan, the City of Greater Bendigo (2013)
- Birregurra Structure Plan Review, Otway Shire Council (2013)
- Chapel Vision Structure Plan Review, Stonnington City Council (2013)
- Warrnambool – North Dennington Structure Plan and Development Control Plan, Warrnambool City Council (2012)
- Hamilton Structure Plan and Town Centre Urban Design Framework, for South Grampians Shire (2010)
- Traralgon Town Centre Structure Plan and Urban Design Framework, for Latrobe Valley Shire (2010)
- Ringwood Transit City Development Contributions Plan, for Maroondah City Council (2009)
- Frankston Safe Boat Harbour Planning Scheme Amendment, for Frankston City Council (2008)
- Clifton Springs Town Centre Structure Plan, for the City of Greater Geelong (2008)
- Warrnambool and Moyne Development Program, for Warrnambool City Council and Moyne Shire Council (2008)
- Spring Creek Urban Growth Framework Plan and Precinct Structure Plan, for the Surf Coast Shire (2008)
- Newhaven, Cape Woolamai and San Remo Structure Plan, for Bass Coast Shire Council (2007)
- Ocean Grove Structure Plan, for the City of Greater Geelong (2006)
- Jackass Flat Structure Plan, Greater Bendigo City Council (2006)
- Burwood Heights Activity Centre Structure Plan, Whitehorse City Council, (2004)
- Torquay / Jan Juc Population and Residential Development Review, (2004)

- West Melbourne Structure Plan, for the City of Melbourne (2003)
- Highett Structure Plan, for the Cities of Bayside and Kingston (2002-2003)

Character Studies

- Barwon Heads Residential and Landscape Character Study (2017)
- Birregurra Neighbourhood Character Study, Otway Shire Council, (2011)
- Romsey Neighbourhood Character Study, for Macedon Ranges Shire, (2010)
- Boroondara My Neighbourhood – Prized Residential Character Areas, for Boroondara City Council (2008)
- Dandenong Neighbourhood Character Study, for the City of Greater Dandenong (2007-2008)
- Queenscliffe Urban Character Study, for the Borough of Queenscliffe (2000)

Strategy Planning & Studies

- Mitchell Rural Land and Activities Review, for the Shire of Mitchell (2019)
- Eastern Region Metropolitan Land Use Framework Plan, for the Department of Land Water Environment and Planning (2017-2019)
- Garden Area Review, for the Department of Land, Water Environment and Planning, (2018)
- Avalon Corridor Framework Plan, for the Cities of Greater Geelong and Wyndeham, and the Department of Environment Land Water and Planning (2017)
- Baw Baw Rural Land Use Strategy, for the Baw Baw Shire Council (2016)
- Community Plans for Nerrim South, Labatouche, Jindivik and Trafalgar, for the Shire of Baw Baw (2016)
- Ballarat Growth Areas Review, for the Greater City of Ballarat (2016)



- Frankston Native Vegetation Control Review, for the City of Frankston (2015)
- La Trobe University Boroondara Campus Vision, La Trobe University (2012)
- Mildura Settlement Strategy, Mildura Rural City Council (2013)
- New Gisborne Development Plan, Macedon Ranges Shire Council, (2011)
- Traralgon Growth Areas Review, for LaTrobe City Council (2011)
- Sweetwater Creek, Strategic Justification for Development / Environmental Overlays, for Frankston City Council (2010)
- Shepparton East Outline Development Plan, for the City of Greater Shepparton (2009)
- Fishermans Bend Industrial Land Review, with Charter Keck Cramer, for Port Phillip City Council (2009)
- Melbourne Industrial Land Supply and Demand Study, with Charter Keck Cramer, for Melbourne City Council (2009)
- LaTrobe University Strategy Planning Review, for LaTrobe University (2008/2009)
- Review of Referral Requirements under the Victoria Planning Provisions, for the Department of Planning and Community Development (2008)
- Whitehorse Student Accommodation – Strategic Review and Planning Scheme Amendment, for Whitehorse City Council (2007)
- Geelong Region Strategy Plan, for the G21 Geelong Regional Alliance (2005-2006)
- Bell Street Strategy Plan and Urban Design Framework, Darebin City Council (2005)
- Kingston Retail and Commercial Development Strategy, with Charter keck Cramer, for the City of Kingston (2004)
- Willoughby Industrial Strategy, Willoughby City Council (2003)
- Yarra Industrial Strategy, for Yarra City Council (2003)
- Moorabool Rural Housing Study, for Moorabool Shire Council (2003)
- Ballan Township Strategy Plan, for Moorabool Shire Council (2003)

- Blackrock Shopping Centre Study, for the Cities of Bayside and Kingston, (2002-2003)
- Geelong Western Wedge Strategic Framework Plan and Railway Station Master Plan, for the Department of Infrastructure (2002)
- Bayside Industrial Areas Study, for the City of Bayside (2002)
- Moreland Industrial Areas Review, for the City of Moreland (2002)
- Geelong Industrial Land Use Study, for the City of Greater Geelong, with MacroPlan (2001)
- Anglesea Population Review and Review of Township Boundaries, for Surf Coast Shire Council (2000)
- Torquay Population and Residential Strategy Review, for Surf Coast Shire Council (2000)
- Torquay Industrial Area Review, for Surf Coast Shire Council (2000)
- Bayside Height Control Study, for the City of Bayside (1999)
- Geelong CAA Revitalisation Program, for the Greater City of Geelong (1998)
- Sydenham Activity Area Policy Review, for the City of Brimbank (1998)

Infrastructure Reviews

- Ringwood Transit City Development Contributions Plan, for the Maroondah City Council (2007)
- Development Contributions Plan for Plenty and Yarrambat, for the Nillumbik Shire Council (1998-1999)
- Car Parking Rate Review, for the Department of Infrastructure (1999)

Sustainability

- Port Phillip Bay Coastal Climate Change Planning Project, for the Municipal Association of Victoria (2017 to 2019)
- Strengthening Victoria's Food Bowl, with PSI Delta, for Moira Campaspe, Swan Hill and Mildura councils (2011)



- Utilising Victoria's Planning Framework to Support Sustainability, Municipal Association of Victoria (2009-2010)
- Sustainability in the Planning Process, for the municipalities of Moreland, Port Phillip and Darebin (2007-2008)
- Doncaster Hill Energy Plan, for Manningham City Council and Sustainability Victoria (2008)
- Ballan Township Strategy Plan, for Moorabool Shire Council (2003)

Urban Design Frameworks

- Torquay Town Centre Urban Design Framework and Investment Facilitation Plan, for Surf Coast Shire (2017)
- Urban Design Frameworks for Longwarry, Nerrim South and Traralgon, for the Shire of Baw Baw (2016)
- Ringwood Town Centre Urban Design Framework, for the City of Maroondah (2002-2003)
- Knox Central Urban Design Framework, for the City of Knox (2002-2003)

Design Guidelines

- Yarra Ranges Residential Design Guidelines, for Yarra Ranges Shire (2018 / 2019)
- Knox Residential Capacity and Design Guidelines Project, Knox City Council (2010)
- Aireys Inlet Activity Centre Urban Design Guidelines, for Surf Coast Shire, (2008-2009)
- Kingston Residential Design Guidelines, for the city of Kingston (2000)
- Miller Street and Gilbert Street Preston Design Guidelines, for Darebin City Council (2009)
- Station Street Fairfield Design Guidelines, for Darebin City Council (2008)
- Victoria Street Urban Design Framework and Streetscape Plan, for the City of Yarra (2002)
- Hastings Foreshore Urban Design Framework, for Mornington

- Peninsula Shire (2000)
- Carrum Urban Design Framework, for the City of Kingston (2000)

International Planning

- Thai Binh Economic Zone Master Plan, with the Vietnam Institute for Urban and Rural Planning, for a private development company (2019)
- Con Dao Tourism Master Plan, for the Ba Ria Vung Tao People's Committee, Vietnam (2014 to 2016)
- Ben Dam Detailed Master Plan and Urban Management System, for the Ba Ria Vung Tao People's Committee, Vietnam (2013)
- Long Thanh International Airport Master Plan – Vietnam, with the Vietnamese Institute of Architecture Urban and Rural Planning, for the Dong Nai People's Committee (2009-2012)
- Three Delta Towns Water Supply and Sanitation Project – Vietnam, with Gutteridge Haskins and Davey, for AusAide, (2002-2003)
- Capacity 21 Project – Environment Issues in Investment Planning in Vietnam – Quang Ninh Provincial Pilot Project, Ha Long Bay Vietnam, UNDP Project VIE 97/007, prepared for Colenco~Holinger (2000)
- HCMC UNDP Public Administration Reform Project, preparation of Proposal for Consultancy Team, (1999)
- Hanoi Planning and Development Controls, Hanoi, Vietnam, as part of Hanoi Planning and Development Control Project (1995-1997)

Management Plans

- Melton North Green Wedge Management Plan, Melton Shire Council (2014)

Attachment 2 Instructions

24 September 2024

BY EMAIL dbarnes@hansenpartnership.com.au

David Barnes
Hansen Partnership
Level 10, 150 Lonsdale Street
Melbourne VIC 3000

Dear David

**Letter of Instruction
Planning Scheme Amendment C278ggee
25 Horseshoe Bend Road, Marshall VIC 3216**

- 1 We act on behalf of Rich and Pure Pty Ltd and associated entities (**Client**) in relation to the above Planning Scheme Amendment.
- 2 This matter concerns Planning Scheme Amendment C278ggee (**Amendment**), which seeks to incorporate the Marshall Precinct Structure Plan (**PSP**) into the Greater Geelong Planning Scheme (**Planning Scheme**).
- 3 Our Client's land at 25 Horseshoe Bend Road, 391-399 Barwon Heads Road, and 8 Tannery Road (**Subject Land**) is located within the area covered by the PSP. The preliminary issue is how the Subject Land is to be classified under the PSP. As explained in further detail below, the PSP originally showed the Subject Land as being classified as Commercial/Bulky Goods with the Commercial 2 Zone being the applied zone. However, it is now being nominated as Medium / High Density Residential, with the Residential Growth Zone being the applied zone.
- 4 The purpose of this correspondence is to provide you with instructions to prepare an expert report regarding planning issues in this matter.

Background

Subject Land

- 5 The Subject Land is located within the Urban Growth Zone (**UGZ**) of the Planning Scheme and is affected by the Specific Controls Overlay – PS Map Ref SCO8 (**SCO8**).

6 The Subject Land is shown in the red outline below:



Figure 1: VicPlan aerial image showing the Subject Land in red as at 16 September 2024.

Planning Scheme Amendment C278ggee

7 The initial draft PSP, dated July 2019, had nominated the Subject Land as Commercial / Bulky Goods:

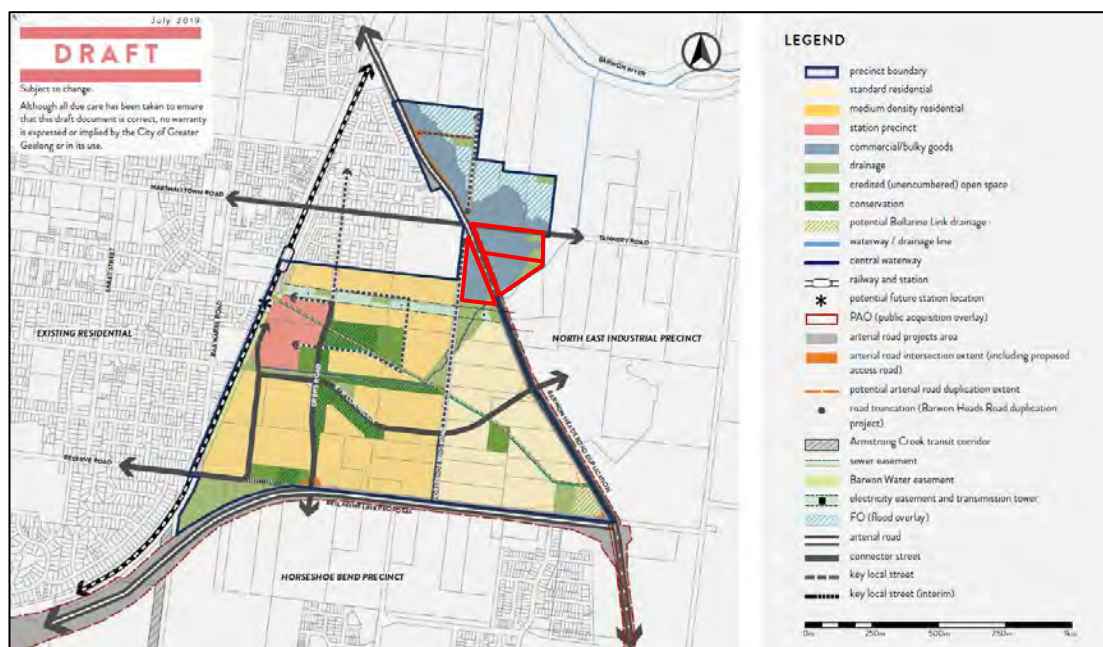


Figure 2: Screenshot of Plan 5 (Future Urban Structure) showing the Subject Land in red with the designation of Commercial / Bulky Goods.

8 The Amendment was on exhibition between 24 April and 3 June 2024. The exhibited PSP, dated March 2024, had nominated the Subject Land as Commercial / Bulky Goods:

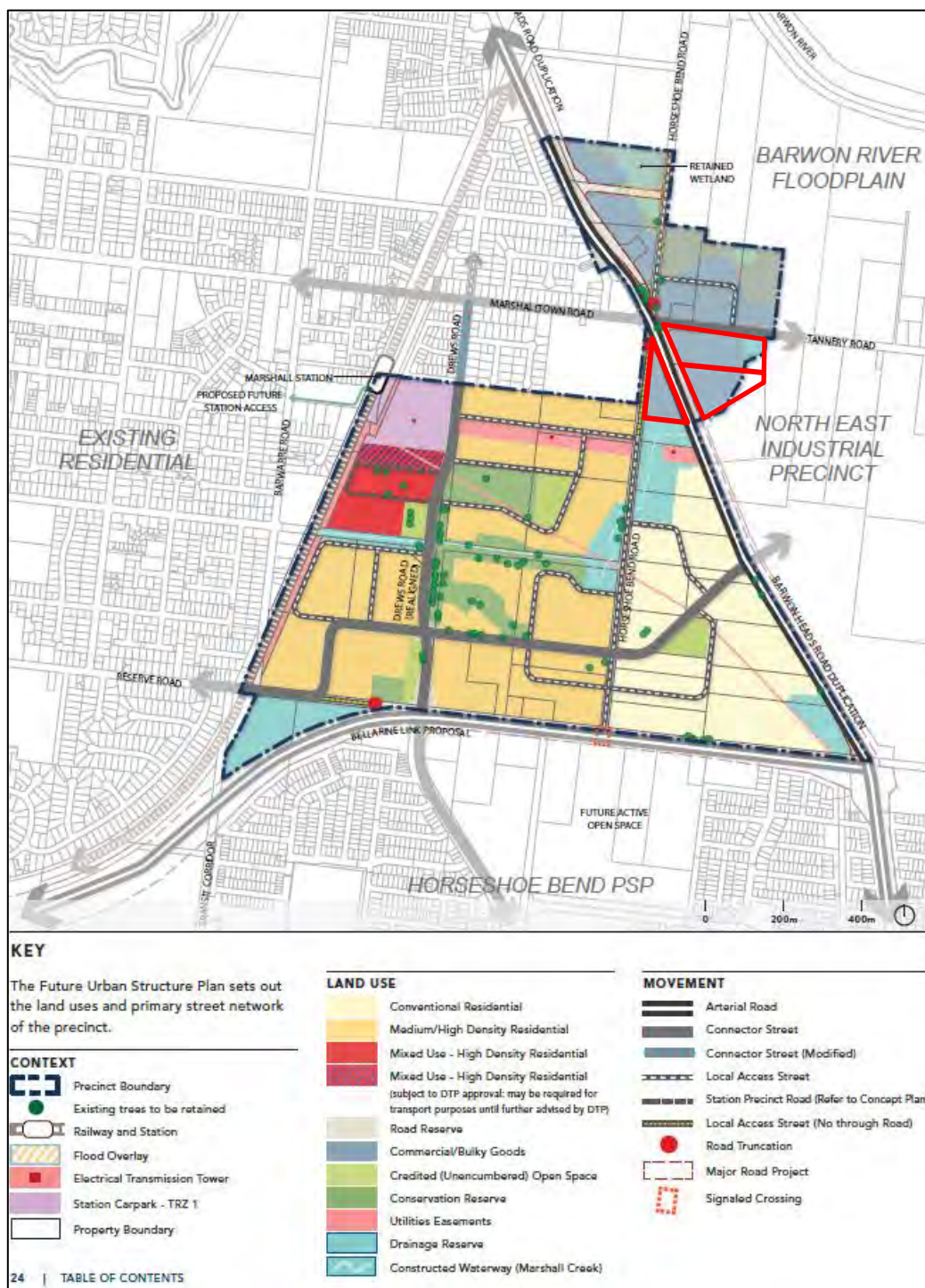


Figure 3: Screenshot of Plan 5 (Future Urban Structure) showing the Subject Land in red with the designation of Commercial / Bulky Goods.

9 On 2 June 2024, Whiteman Property & Associates (WPA) lodged an initial submission on behalf of its Client, Rich and Pure Pty Ltd, predominantly concerning that the retarding basin be shifted as much as possible within the Ausnet Transmissions Line Easement directly south of the Subject Land.

- 10 On 3 June 2024, Mesh Planning lodged its submission on behalf of Re-Grow Geelong Pty Ltd. This sought an amendment to the Commercial / Bulky Goods classification, as it considered it to be inconsistent with the Armstrong Creek Urban Growth Plan – Framework Plan (**ACUGPFP**). It proposed that the Commercial / Bulky Goods area be re-designated for medium / high density housing consistent with the ACUGPFP. Council informed WPA that it was entertaining considering this issue.
- 11 On 21 August 2024, WPA lodged a response to Mesh Planning’s submission, advocating that the land should remain designated as Commercial / Bulky Goods because:
- (a) the Commercial 2 Zone provides an appropriate transition from Industrial 1 Zone land;
 - (b) the Commercial / Bulky Goods designation will not compete with the Armstrong Creek North East Industrial Precinct PSP;
 - (c) the triangular shape of the Subject Land puts constraints on an efficient conventional residential subdivision layout; and
 - (d) potential poor amenity outcomes for future residents.
- 12 On 21 August 2024, Ratio Consultants lodged a response to Mesh Planning’s submission on behalf of its client, Real Rise Pty Ltd, stating it does not support the proposed redesignation. Real Rise Pty Ltd owns the land at 8 Tannery Road and 391-399 Barwon Heads Road, which is also affected by the proposed redesignation of the land from Commercial / Bulky Goods to Medium / High Density Housing.
- 13 On 28 August 2024, the Delegate’s Report was published, in which Council proposes that 25 Horseshoe Bend Road (Property #20) is to have the Medium / High Density Residential designation, and 8 Tannery Road and 391-399 Barwon Heads Road (Property #42 and #43) are to have the Conventional Residential designation. It also resolved to refer the submissions to an Independent Panel.
- 14 On 2 September 2024, WPA were made aware that Council had changed the land use designation of the Subject Land to Medium / High Density Housing, as part of the Delegate’s Report.

Key Dates

- 15 The Directions Hearing will be held online at **10am on Wednesday 2 October 2024**.
- 16 All parties are to circulate expert evidence by **midday 29 October 2024**.
- 17 The Panel Hearing is listed as commencing **4 November 2024**.
- 18 We will confirm further dates once they have been determined after the Directions Hearing.

Brief of Materials

- 19 Please see enclosed to this letter an index of documents which includes material for you to consider to the extent that you deem relevant.
- 20 The material can be accessed at the below link:

<https://russellkennedylawyers.sharefile.com/public/share/web-scd8935e35daf44cd9b498909fd550f26>

Please note that this link will expire on **14 December 2024**.

Instructions

- 21 You are instructed to:
- (a) conduct a review of the Brief of Materials as necessary and relevant to your expertise;
 - (b) prepare a report within the limits of your expertise, having regard to our client's proposals, the planning considerations relating to changes in the designation and any planning impacts arising from this on the future development of the Subject Land and on the PSP.
 - (c) appear as an expert witness at the Hearing commencing the week of **4 November 2024**; and
 - (d) consider any other matters you deem appropriate.
- 22 We are required to circulate your expert witness report five business days prior to the commencement of the Hearing, or another date directed by Planning Panels Victoria. As the Hearing is expected to commence on **4 November 2024**, your expert report will need to be circulated by **29 October 2024**. Accordingly, we request that you provide your draft expert report to us by **22 October 2024**.
- 23 The content, format, and layout of your expert report, the manner of expression, and the way in which you seek to address yourself to the tasks you have been engaged to undertake are all matters for you. However, your report must be prepared in compliance with [PPV Practice Note 1 - Expert Evidence](#) and the duties outlined therein.
- 24 It will be apparent to you that not all the materials which have been provided to you will be necessarily relevant to the task which you have been asked to undertake. You are instructed to examine the material and to determine for yourself what is relevant to the formulation of your conclusions, including any other matters you consider relevant. If you require any further information to complete the tasks you have been instructed to undertake, or if you require any assistance in understanding the nature of the tasks you have been asked to undertake, please contact us.

Billing

- 25 In the first instance, please provide us with your fee estimate addressed to our firm as follows:
- Rich and Pure Pty Ltd
C/- Mark Bartley
Russell Kennedy
Level 18, 500 Bourke Street
Melbourne VIC 3000
- 26 Please contact us if you have any queries.

Yours faithfully
RUSSELL KENNEDY

A handwritten signature in black ink, appearing to read "Mark Bartley". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Mark Bartley
Special Counsel

INDEX TO BRIEF OF MATERIALS

Tab	Document
1.	Subject Land
1.1	Planning Property Report dated 16 September 2024.
1.2	Planning Controls: <ul style="list-style-type: none"> a. Urban Growth Zone; b. Specific Buildings Overlay; c. Schedule to Specific Controls Overlay – PS Map Ref SCO8.
2.	Planning Scheme Amendment Materials
2.1	Initial Draft PSP dated July 2019.
2.2	Exhibited PSP dated March 2024.
2.3	Council’s Delegate’s Report dated 28 August 2024: <ul style="list-style-type: none"> a. Original version; and b. Copy with relevant sections highlighted by WPA.
3.	Relevant Submissions
3.1	WPA initial submission dated 3 June 2024.
3.2	Mesh Planning submission dated 3 June 2024.
3.3	WPA submission dated 21 August 2024.
3.4	Ratio Consultants submission dated 21 August 2024.
4.	Relevant Plans
4.1	Armstrong Creek Urban Growth Plan Framework Plan dated November 2008, updated September 2012 and June 2015.
4.2	Armstrong Creek North East Industrial Precinct PSP dated May 2010