

# Amendment C278ggee to the Greater Geelong Planning Scheme

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## Draft Marshall Precinct Structure Plan

*Expert Witness Report, Jason Black*

At the instruction of Planning & Property Partners for Costa Asset Management Pty Ltd

29 October 2024

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## 1 INTRODUCTION

1. My name is Jason Robert Black, and I am the Managing Director of Insight Planning Consultants, which operates from Level 1, 240 Como Parade West, Parkdale.
2. I hold a Bachelor in Applied Science (Planning) from the Royal Melbourne Institute of Technology (RMIT). I have twenty-six years planning practice experience in local government and private consultancy.
3. I am a Fellow of the Planning Institute of Australia, a Member of the Victorian Planning & Environmental Law Association, a Member of the Urban Development Institute of Australia and a Registered Planner as recognised by the Planning Institute of Australia.
4. My experience as a planning consultant providing advice to both local government and private sector clients in relation to numerous urban growth plans, precinct structure plans, development plans, urban design framework plans, strategic planning directions, development & infrastructure contributions plans, subdivisions and town centre development applications provides me with the necessary background to carry out a review of a range of planning documents associated with this Amendment. I have been involved in many planning panels and advisory committee hearings relating to precinct structure plans and development contributions plans.
5. I have been instructed by Planning & Property Partners Lawyers (“PPP”), on behalf of Costa Asset Management Pty Ltd, the owner of land at 345-355 Barwon Heads Road, and Robin & Jennifer Ellis, owners of 331-343 Barwon Heads Road (collectively, the “Sites”), to review the draft Marshall Precinct Structure Plan (“PSP”), their client’s submissions (referred herein as the “client submissions”) and associated documents related to Amendment C278 of the Greater Geelong Planning Scheme (“the Amendment”), provide an expert witness statement and appear at the Panel Hearing on this matter.
6. In undertaking my review, I have been instructed as follows:
  - Upon confirmation of your availability, you are instructed to:
    - Review the attached material;
    - Consider and formulate your own opinions with respect to all town planning matters, within the limits of your expertise;
    - Prepare a report which sets out the conclusions you have reached, and the basis upon which you have arrived at them, including any facts you have relied upon or assumptions you have made.
7. In forming my opinion, I have made the necessary enquiries and reviewed the exhibited and supporting documents, including:
  - *Draft Marshall Precinct Structure Plan 2024, and all relevant background information, including:*
    - *Draft Marshall Development Contributions Plan (2023);*
    - *Draft Marshall Native Vegetation Precinct Plan (2022);*
    - *Marshall PSP Background Report (2024);*
    - *Marshall Stormwater Management Strategy (2022);*
    - *Council Delegate Report – Consideration of Submissions (2024);*
    - *Combined submissions;*
    - *Evidence of John Glossop (2024);*
    - *Council’s Part A submission (2024).*

- *Precinct Structure Planning Guidelines: New Communities in Victoria (2021);*
  - *G21 Regional Growth Plan (2013);*
  - *Greater Geelong Housing Diversity Strategy (2008);*
  - *Armstrong Creek Urban Growth Plan (2012);*
  - *Armstrong Creek Urban Growth Plan – Framework Plan, Incorporated Document (2015);*
  - *North East Industrial Precinct - Precinct Structure Plan (2010);*
  - *PPV Practice Note 1: Expert Evidence;*
  - *Greater Geelong Planning Scheme.*
8. I declare that I have conducted a site and surrounds inspection on the 8<sup>th</sup> October 2024 for the whole day. This inspection included a detailed review of the Marshall PSP area and surrounding land.
9. I have been assisted by Monica Ceckiewicz (Senior Planner) from my office in technical and research related matters.

## **1.1 DECLARATION**

10. I declare that I have read and prepared this Expert Evidence Report in accordance with the Planning Panels Victoria *Practice Note 1: Expert Evidence*.
11. I declare that I have read and agree to provide my evidence in accordance with the Direction for witnesses providing expert evidence through remote conferencing (if required).
12. I have made all the enquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have to my knowledge been withheld from the Committee.

## 2 SUMMARY OF EVIDENCE

13. The Sites consist of Properties 35, 36 and 37 as identified in the draft PSP and collectively have an area of approximately 2.35ha. The Sites are generally triangular in shape and bound by Barwon Heads Road to the south-west, Horseshoe Bend Road (also known as Gilliland Street) to the east and an east-west road to the north, referred to as Devine Street. An existing service station is located at Property 36 and operates 24/7.
14. Barwon Heads Road was recently duplicated and upgraded, which included (as relevant to the Sites) the truncation of Horseshoe Bend Road both north and south of the intersection with Barwon Heads Road, a new intersection with Devine Street directly north of the Sites, the replacement of the roundabout at Marshalltown/Tannery Roads with a signalised intersection, construction of safety barriers along Barwon Heads Road and an overpass over the railway corridor.
15. The Site and the broader Marshall PSP area form part of the Armstrong Creek Growth Area. The growth area consists of eight sub-precincts. Marshall is located within the northern part of the broader growth area, with the North East Industrial Precinct to its east and the Horseshoe Bend Precinct to its south.
16. The exhibited PSP identified a Commercial/Bulky Goods Precinct generally east of Barwon Heads Road, including the Site, with a small portion of Commercial/Bulky Goods between Barwon Heads Road to the east and Horseshoe Bend Road to the west.
17. Following receipt of Re-Grow's submission, which advocated for re-designation of the Commercial/Bulky Goods Precinct to residential, the Council Report included a revised plan which changed the Commercial/Bulky Goods land east of Horseshoe Bend Road to Residential, leaving only Properties 34-37 (including the Sites) as Commercial/Bulky Goods.
18. I support Council's decision to retain the Commercial/Bulky Goods designation of the Sites and do not consider a residential designation for this land appropriate.
19. The Sites are partially encumbered by flood-prone land and the existing flood overlays, and proposed drainage infrastructure. I consider it appropriate to locate non-sensitive uses adjacent to the flood impacted land in order to minimise risk to flooding.
20. Additionally, the existing service station creates an existing commercial presence within the Sites, but it could also create land use conflicts with residential uses if they were permitted on the Sites, particularly given its 24/7 operation.
21. Finally, the existing site context following the recent upgrades to Barwon Heads Road significantly restrict connectivity and walkability between the Sites and the existing urban area and Marshall Train Station on the western side of Barwon Heads Road. Re-designating the Sites for residential purposes would therefore conflict with existing planning policy.
22. The Armstrong Creek Urban Growth Plan had previously identified this land for residential purposes, however given the age of this document and the extensive upgrades to Barwon Heads Road and altered site context which have occurred since its preparation and further amendments, I consider that there is adequate justification to vary the land use designation within this document.

23. The NDA of the Commercial/Bulky Goods land, as per the revised land use plan in the Council Report, is only 2.618ha. Compared with the 180ha of land within the NEIP, the amount of additional employment land is negligible and I don't believe this will undermine the role and function of the NEIP.
24. The draft UGZ7 sets requirements for a Masterplan to be prepared for the Commercial/Bulky Goods land prior to subdivision and development, however I do not consider this necessary, particularly given the amount of Commercial/Bulky Goods land has been significantly reduced.
25. While I agree that it would be most logical and orderly for the Sites to be planned and developed collectively, I do not see the same benefit to including Property 34 to their north and believe that this property could be developed independently from the Sites.
26. Further, while the indicative concept plan prepared for the Sites presents one design and land use options, there may undoubtedly be multiple ways in which the Sites may develop that would still comply with the overall objectives, requirements and guidelines outlined in the draft PSP.
27. The requirement for a Masterplan adds unnecessary time and complexity to the planning process for little benefit and it is therefore appropriate to delete this requirement from the UGZ7.
28. In relation to the indicative site plan for the Sites, since I have not received a full suite of plans or associated background reports, I haven't undertaken an exhaustive review, however the plans appear to be generally consistent with the requirements and guidelines sets out in the draft PSP.

### 3 SITE CONTEXT

29. The Sites consist of three properties:

- 331-343 Barwon Heads Road (Lot 3 PS849540) – PSP Property 35
- 345 Barwon Heads Road (Lot 1 PS849519) – PSP Property 37
- 355 Barwon Heads Road (Lot 2 PS849519) – PSP Property 36

30. Collectively, the Sites have an area of approximately 2.349ha.

31. The Sites are located within the Marshall PSP Precinct (“Precinct”), within the City of Greater Geelong.

32. The Sites are generally triangular in shape and bound by Barwon Heads Road to the south-west, Horseshoe Bend Road (Gilliland Street) to the east and an east-west road to the north, referred to as Devine Street.



Figure 1: Aerial of Sites (Landchecker, July 2024)

33. A previous development on 331-343 Barwon Heads Road was constructed in 2021 and consisted of a building and hardstand for what appeared to be storage purposes related to the upgrade of Barwon Heads Road, see historic aerial below. The building was later demolished in around 2023 and this property is currently vacant except for a small outbuilding.



**Figure 2: Historic Aerial of Sites (Landchecker, Nov 2021)**

34. The service station on 355 Barwon Heads Road was constructed between 2022-2023. The service station benefits from direct access from Barwon Heads Road, including a designated 'left-in' turning lane from the north. The service station, currently a 7-Eleven, operates 24 hours a day, 7 days a week.
35. An existing dwelling is located on 345 Barwon Heads Road, which has maintained vehicle access from Horseshoe Bend Road.
36. The Sites are partially impacted by flooding on the eastern side and the Floodway Overlay ("FO") and Land Subject to Inundation Overlay ("LSIO") apply.
37. Between 2021 and 2023, Barwon Heads Road was duplicated and upgraded, which included (as relevant to the Sites) the truncation of Horseshoe Bend Road both north and south of the intersection with Barwon Heads Road, a new intersection with the east-west road directly north of the Sites, the replacement of the roundabout at Marshalltown Road and Tannery Road with a signalised intersection, and the construction of the overpass over the railway corridor.
38. In proximity to the Sites, there are no footpaths on the eastern side of Barwon Heads Road. Additionally, safety barriers are located along both sides of and in the centre median on Barwon Heads Road, which greatly restricts pedestrian access across Barwon Heads Road.

39. There are also limited opportunities for vehicles to cross Barwon Heads Road in proximity to the Sites, between the overpass to the north and the signalised intersection with Marshalltown Road and Tannery Road to the south, with north-bound traffic able to turn right into Devine Street.
40. There are no opportunities for south-bound traffic to turn right across Barwon Heads Road into the existing urban area between the overpass to the north and the signalised intersection with Marshalltown Road and Tannery Road to the south.
41. The below photographs demonstrate the site context of the Sites:



**Figure 3: Photo looking north-west to the overpass from intersection of Barwon Heads Rd and Devine St**



**Figure 4: Google Streetview looking south-east from intersection of Barwon Heads Rd and Devine St**



**Figure 5: Photo looking north-west across frontage of Property 36**



**Figure 6: Photo looking north-west from intersection of Barwon Heads Rd and Tannery Rd**



**Figure 7: Photo looking south on Horseshoe Bend Rd/Gilliland St towards road truncation**

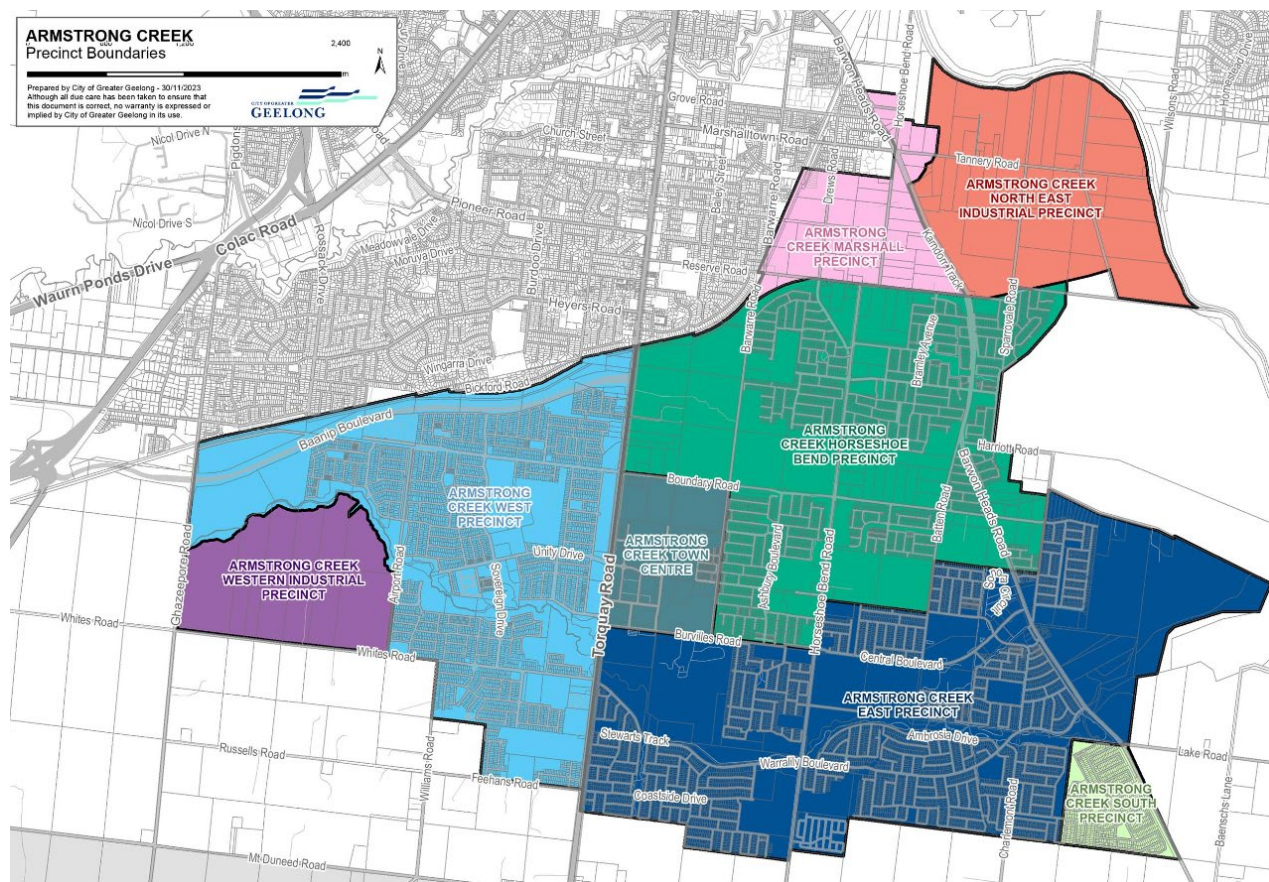


**Figure 8: Photo looking south-west from intersection of Horseshoe Bend Rd/Gilliland St and Devine St**

42. The Sites are surrounded by rural properties to the north and east. Land on the western side of Barwon Heads Road is within the existing urban area of Marshall and is zoned General Residential (“GRZ”). Land further to the north-east of the Sites is in the Farming Zone (“FZ”) and is within the Barwon River Floodplain.

### 3.1 SITE SURROUNDS

43. The Sites and the broader Marshall PSP area form part of the Armstrong Creek Growth Area. The growth area consists of eight sub-precincts, as below. Marshall is located within the northern part of the broader growth area, with the North East Industrial Precinct (“NEIP”) to its east and the Horseshoe Bend Precinct to its south.



**Figure 9: Armstrong Creek Precinct Boundaries (City of Greater Geelong 2023)**

44. The Armstrong Creek Growth Area makes up the southern-most growth area in Geelong and its location in the context of Geelong’s settlement boundary is shown below. Marshall is located approximately 5km south of the Geelong Central Business District (“CBD”).

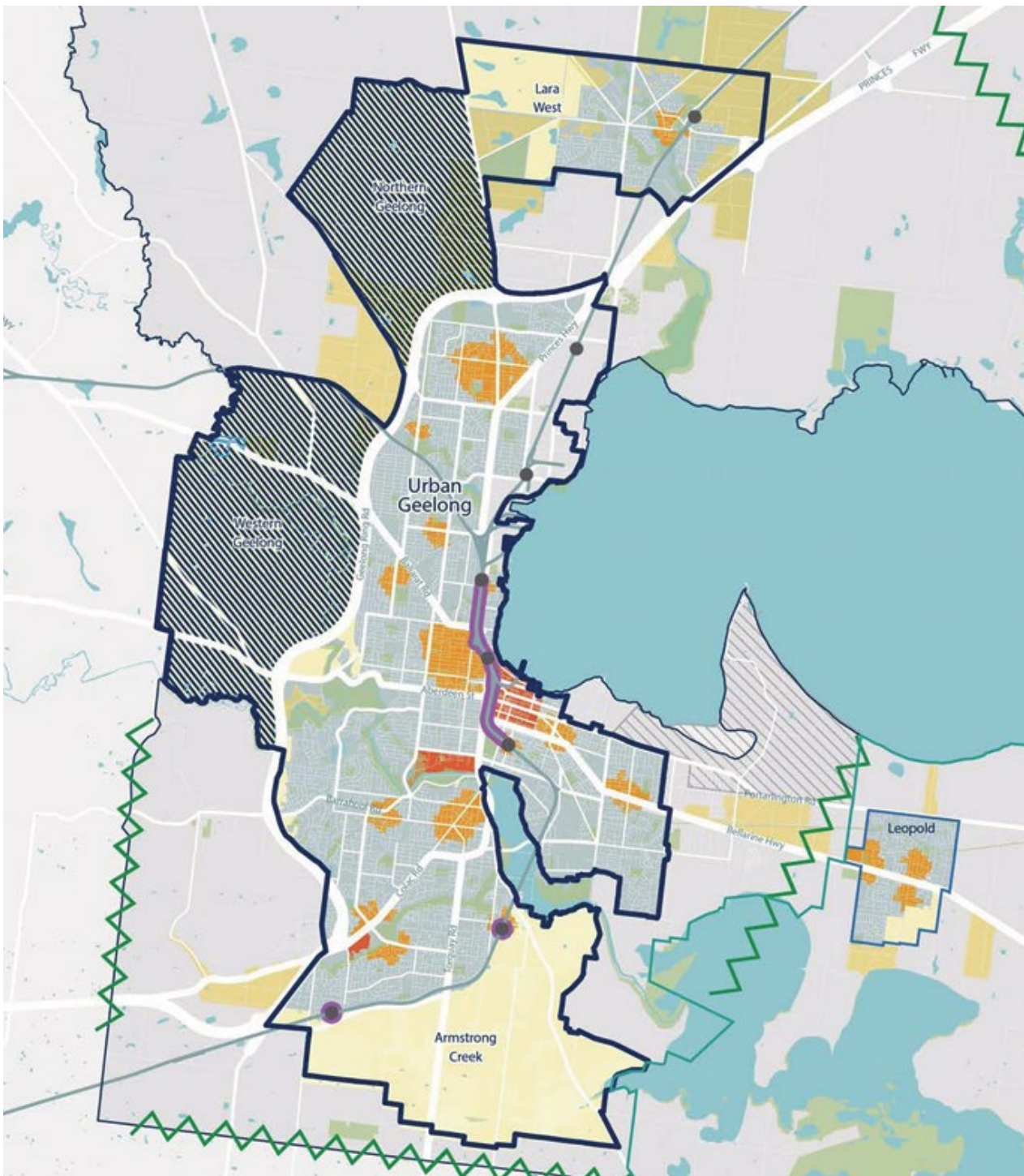


Figure 10: Greater Geelong Housing Framework Plan (Settlement Strategy 2020)

## 4 AMENDMENT C278GGEE

45. The Greater Geelong City Council ("**Council**") determined to adopt the Marshall PSP (July 2023) and to support the preparation and exhibition of the Amendment at its meeting on 26 September 2023.
46. The Amendment seeks to facilitate residential and commercial development in accordance with the Marshall PSP. Specifically, it proposes to apply the Urban Growth Zone Schedule 7 ("**UGZ7**"), which implements the Marshall PSP, as well as incorporate the Marshall PSP, Marshall Development Contributions Plan ("**DCP**") and Marshall Native Vegetation Precinct Plan ("**NVPP**") in the Greater Geelong Planning Scheme.
47. The Amendment was authorised by the Minister for Planning on 26 February 2024. Exhibition of the Amendment occurred between 24 April 2024 and 3 June 2024.
48. Submissions were received from a mix of landowners, developers and Government agencies and authorities in relation to the draft PSP. In response to these submissions, and following new technical assessments and further planning review, the Council has refined the plan.
49. Council's Delegated Authority Report dated 28 August 2024 ("**Council Report**") provides consideration of the submissions received and details what changes have been made to the PSP and why.

### 4.1 SUBMISSION HISTORY

50. In relation to the involvement of the landowners of the Sites in the Amendment process, I am instructed that no submission was initially made in response to the exhibited Amendment.
51. However, following exhibition of the Amendment, Council issued a letter that enclosed a submission lodged on behalf of Re-Grow Geelong Pty Ltd ("**Re-Grow**"), a major landowner of the adjacent NEIP. Re-Grow's submission suggested that the Commercial/Bulky Goods area should be re-designated to medium/high density housing.
52. Submissions were subsequently made on behalf of the landowners of the Sites to the Amendment ("**client submissions**"), in response to Re-Grow's submissions. Specifically, they submitted that the PSP's designation of the Sites as Commercial/Bulky Goods is appropriate.

## 4.2 DRAFT MARSHALL PRECINCT STRUCTURE PLAN

53. The following section outlines key information and plans from the draft Marshall PSP in so far as it relates to the Sites. A detailed planning review of the PSP and what I consider to be the key issues as relevant to the client submissions as per my instructions, is outlined in Section 7 of this report.

### 4.2.1 Key Information

54. Council released the draft Marshall PSP for public consultation in 2019. Submissions were received from landowners, developers and Government agencies and authorities. Council has since revised the PSP informed by the submissions, new technical assessment and further planning review.

55. The Marshall PSP is the northern most precinct in the Armstrong Creek Urban Growth Plan (“ACUGP”), which was originally adopted by Council in May 2008 and amended in 2012. The ACUGP set the long-term strategic planning directions to guide the creation of sustainable urban growth within Armstrong Creek and is anticipated to provide housing for 54,000 people in 22,000 households. The majority of the Armstrong Creek Growth Area has since been planned and development has substantially commenced.

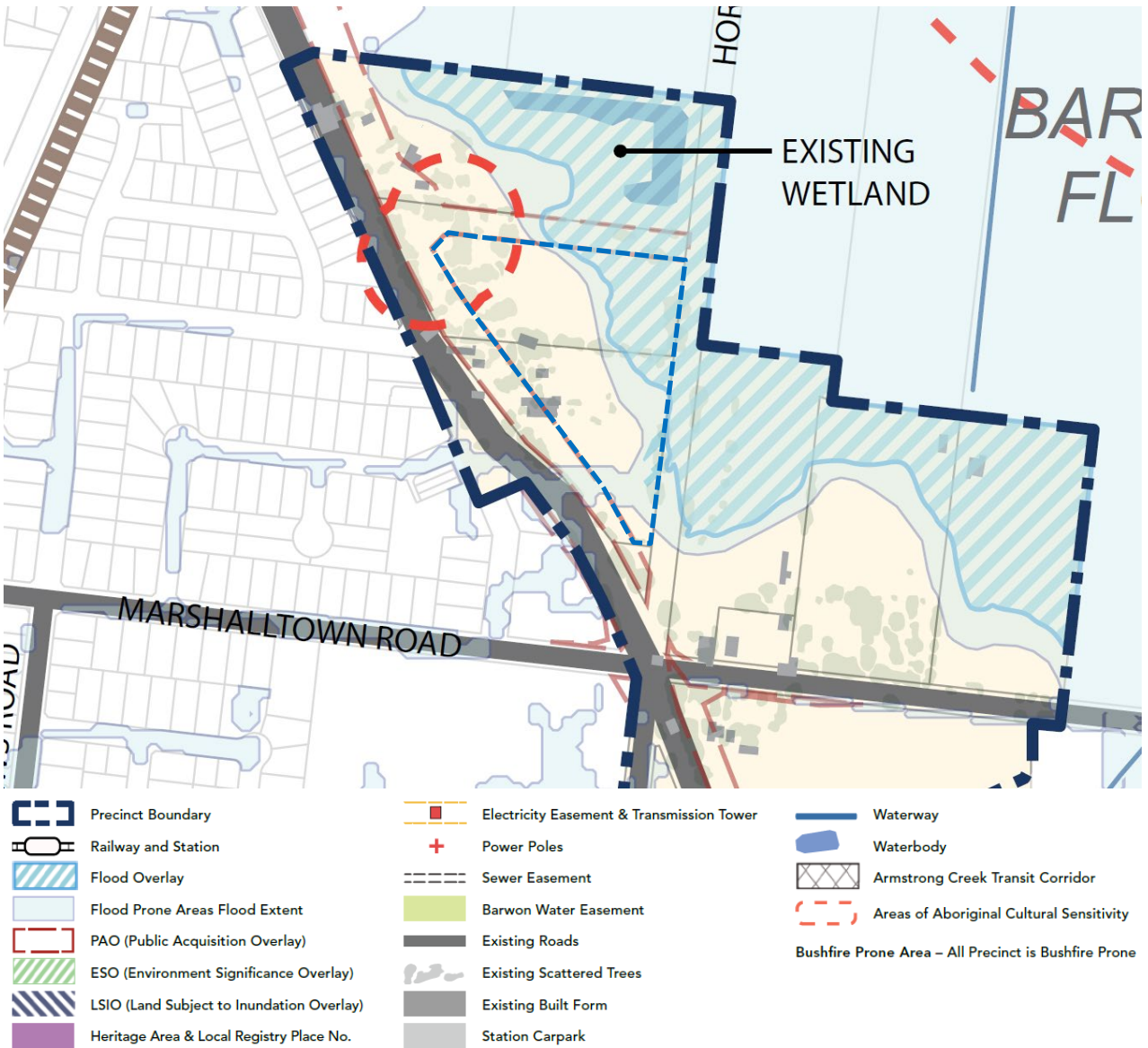
56. The Marshall PSP covers an area of approximately 124ha and is generally bound by Barwon Roads Road to the east, Reserve Road to the south, the Geelong to Waurin Ponds passenger rail line to the west and the edge of the current residential development to the south of Marshalltown Road.

57. There is also a small area to the east of Barwon Heads Road, close to the intersection of Marshalltown Road and Tannery Road, which is edged by the NEIP and the Barwon River flood plain. The Sites are located within this part of the Precinct, east of Barwon Heads Road.

58. Plan 4 *Precinct Features* of the PSP, see extract below, identifies that the Sites are impacted by areas of:

- *Flood Overlay*
- *Flood Prone Areas Extent*
- *Existing Scattered Trees*
- *Existing Built Form*
- *Areas of Aboriginal Cultural Sensitivity*
- *Bushfire Prone Area*

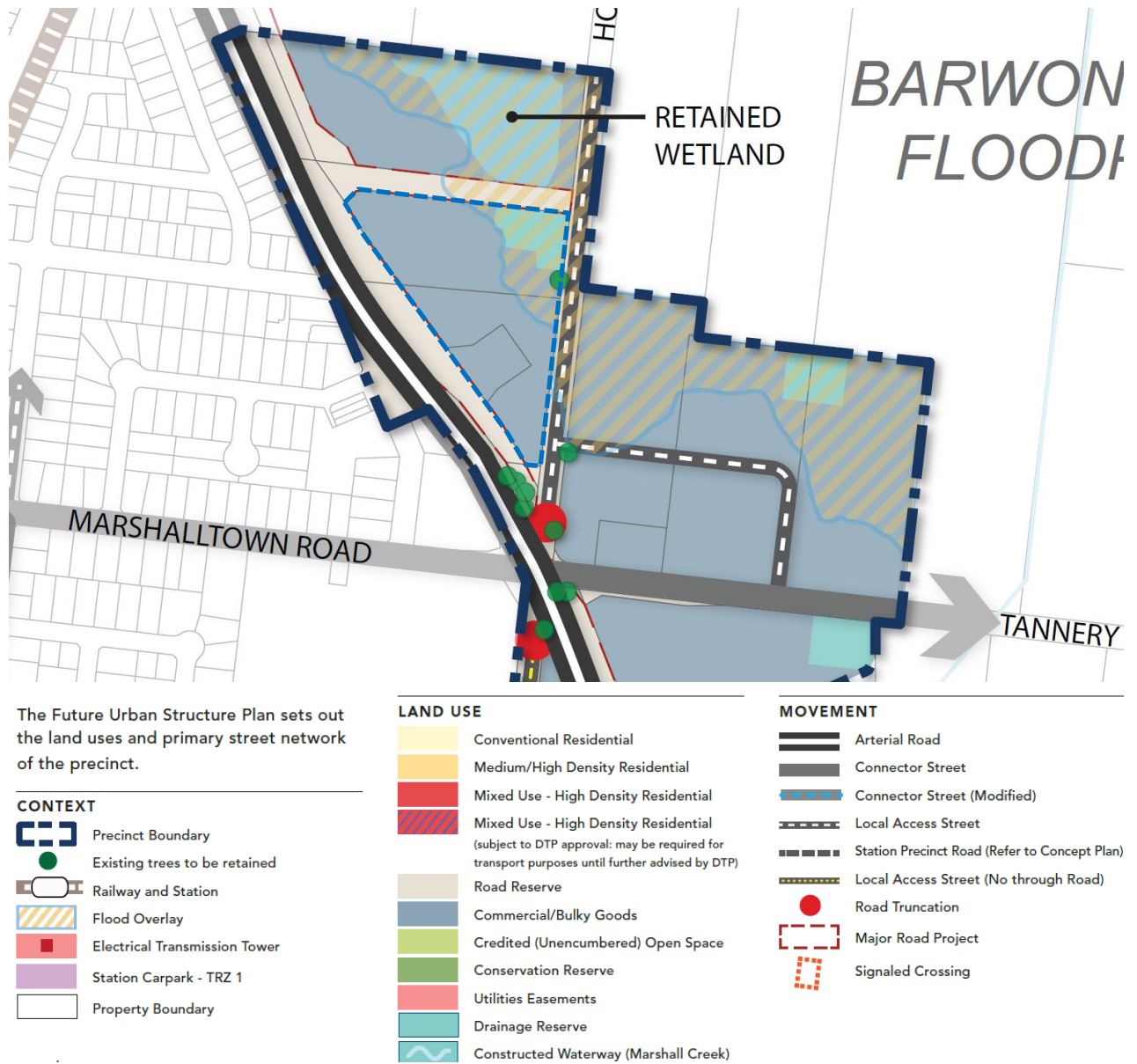
59. It is noted that the area of Public Acquisition Overlay (“PAO”) adjacent to the Sites was acquired as part of the recent upgrade to Barwon Heads Road.



**Figure 11: P4 Precinct Features (Draft Marshall PSP)**

60. Plan 5 *Future Urban Structure* of the PSP, see extract below, designates the land use for the Sites for:

- Commercial/Bulky Goods (1.821ha)
- Drainage Reserve (0.253ha)
- Flood Overlay (0.276ha)
- Existing trees to be retained



**Figure 12: P5 Future Urban Structure (Draft Marshall PSP)**

61. Horseshoe Bend Road directly east of the Sites is designated as a 'local access street' and includes a 'road truncation' at the intersection with Barwon Heads Road. This truncation has already occurred, and there is no longer access to Barwon Heads Road from Horseshoe Bend Road to its north or south.
62. It is acknowledged that in Attachment 3 of Council's Report in response to submissions, dated 28 August 2024, an alternative Future Urban Structure Plan was provided, see extract below, which re-designates the employment land east of Horseshoe Bend Road for residential purposes, and retains the Commercial/Bulky Goods designation for the Sites and Property 34 to their north.

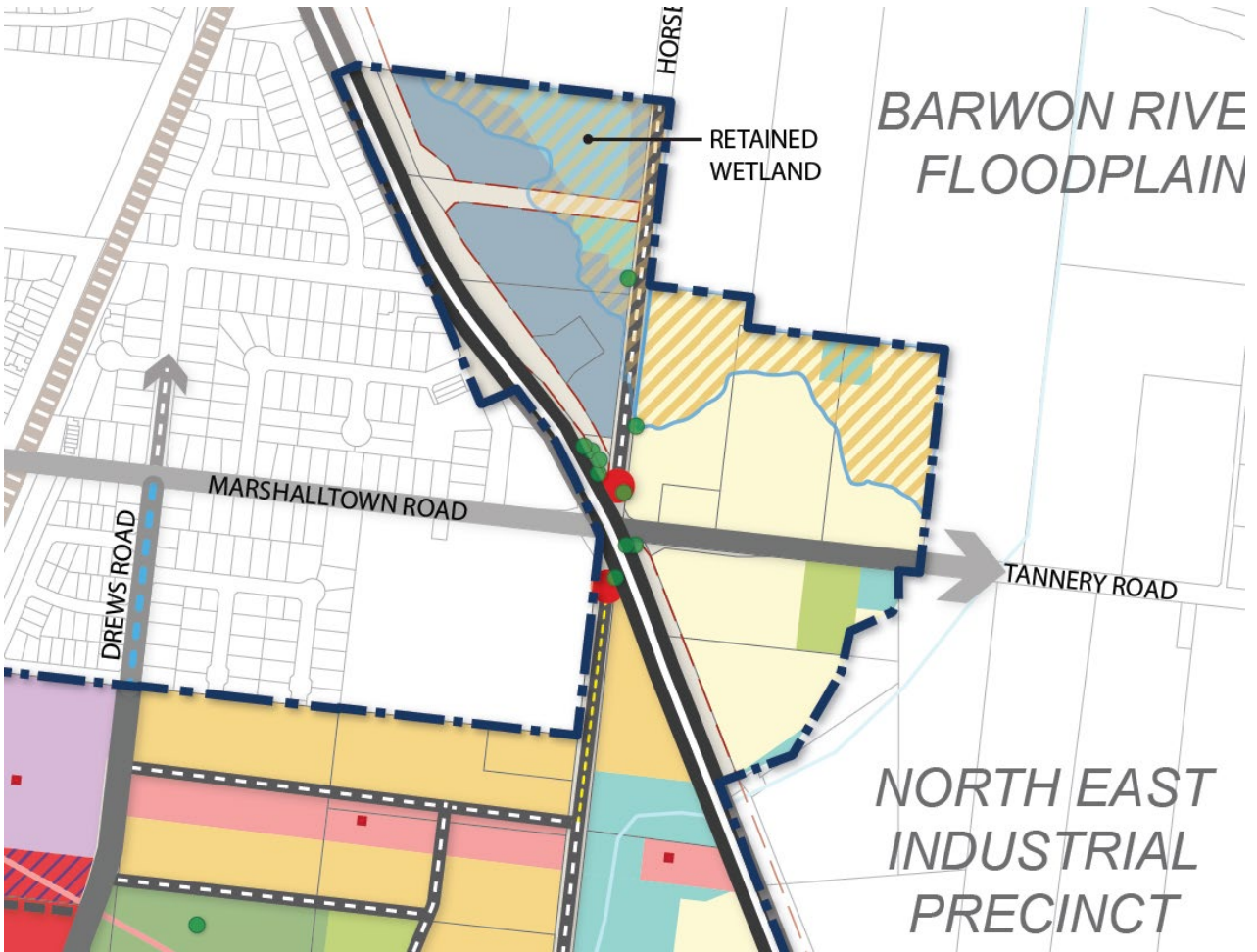
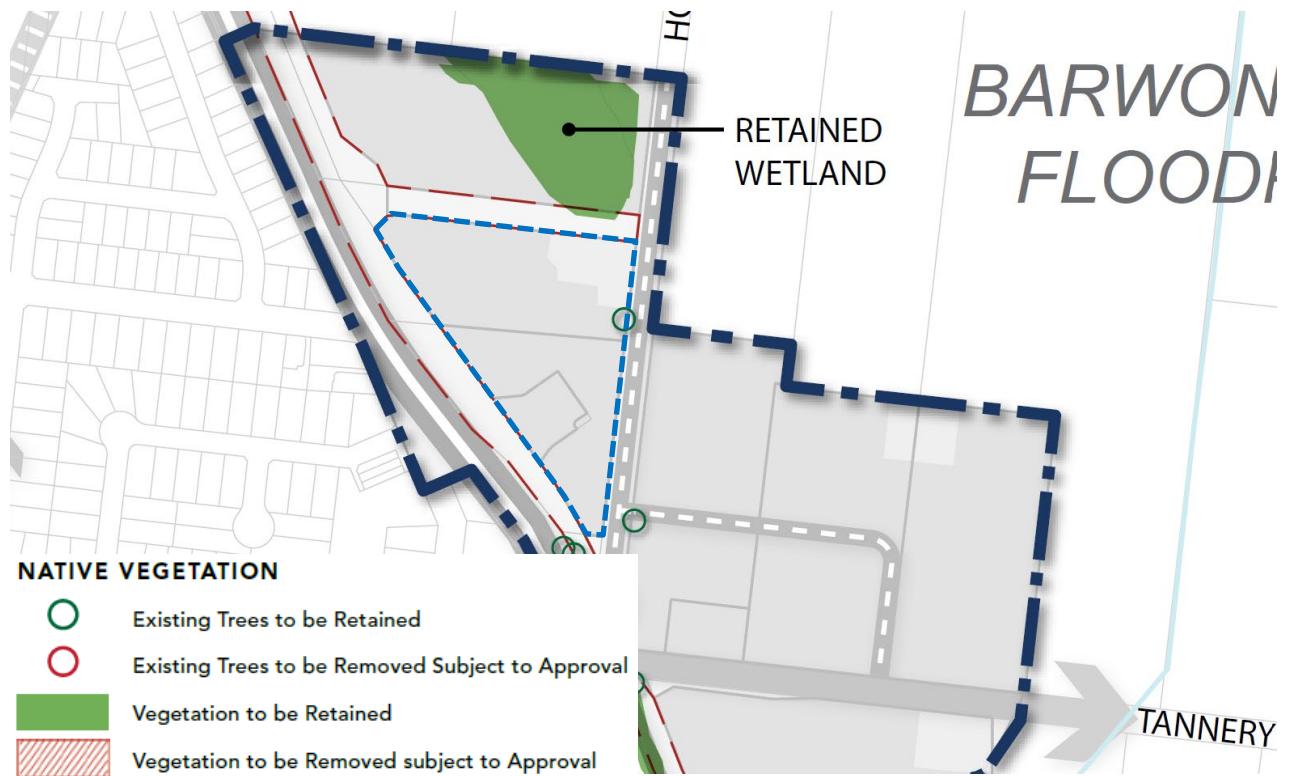


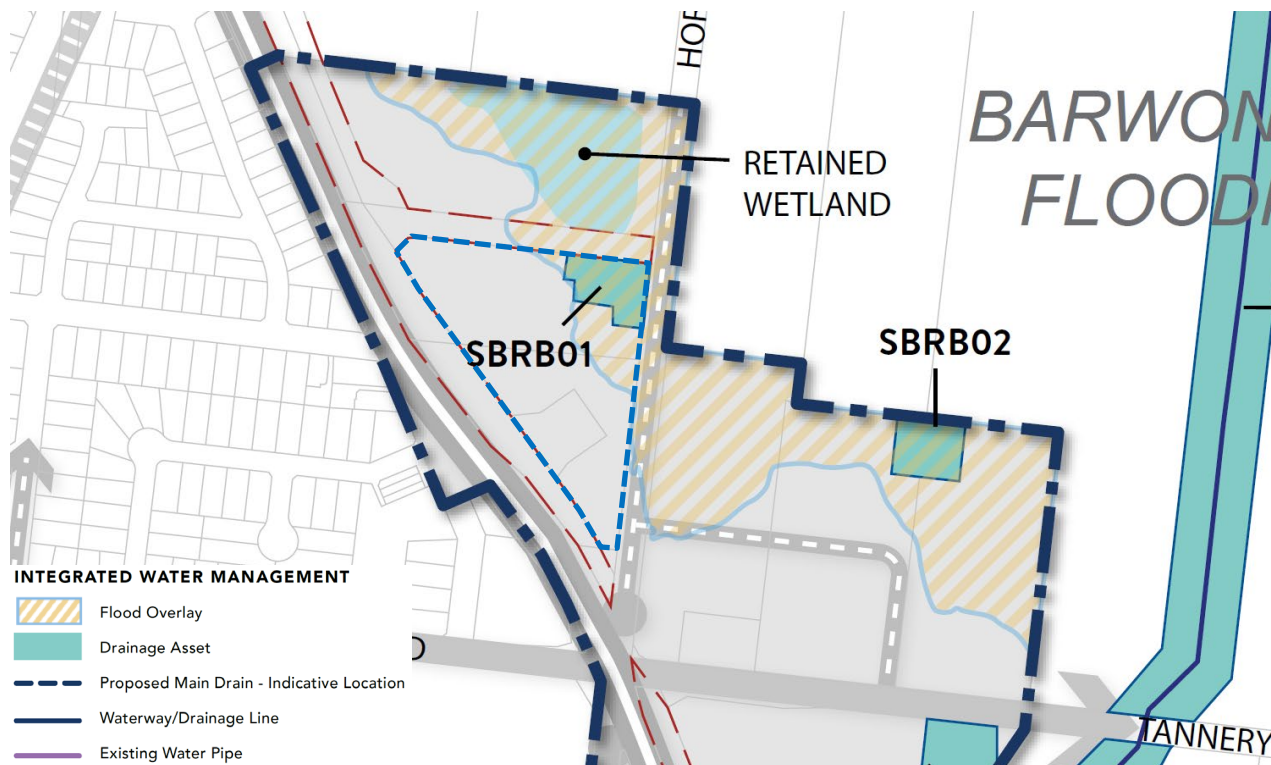
Figure 13: Revised Future Urban Structure Plan (Council Report, 28 Aug 2024)

63. Table T1 *Summary Land Use Budget* outlines key land use calculations for the Precinct. Of the total Precinct area of 122.96ha, there is a total net developable area (“NDA”) of 70.79ha or 58%.
64. The Employment Area has an NDA of 9.86ha – noting that this is based on the exhibited plan. Based on the revised plan, the revised Employment Area, consisting of the Sites and Property 34, would have a combined NDA of 2.618ha.
65. Plan 9 *Native Vegetation Precinct Plan*, see extract below, shows vegetation to be retained and removed from the Sites. One (1) native tree is shown to be retained on the eastern part of the Sites within the Flood Overlay.



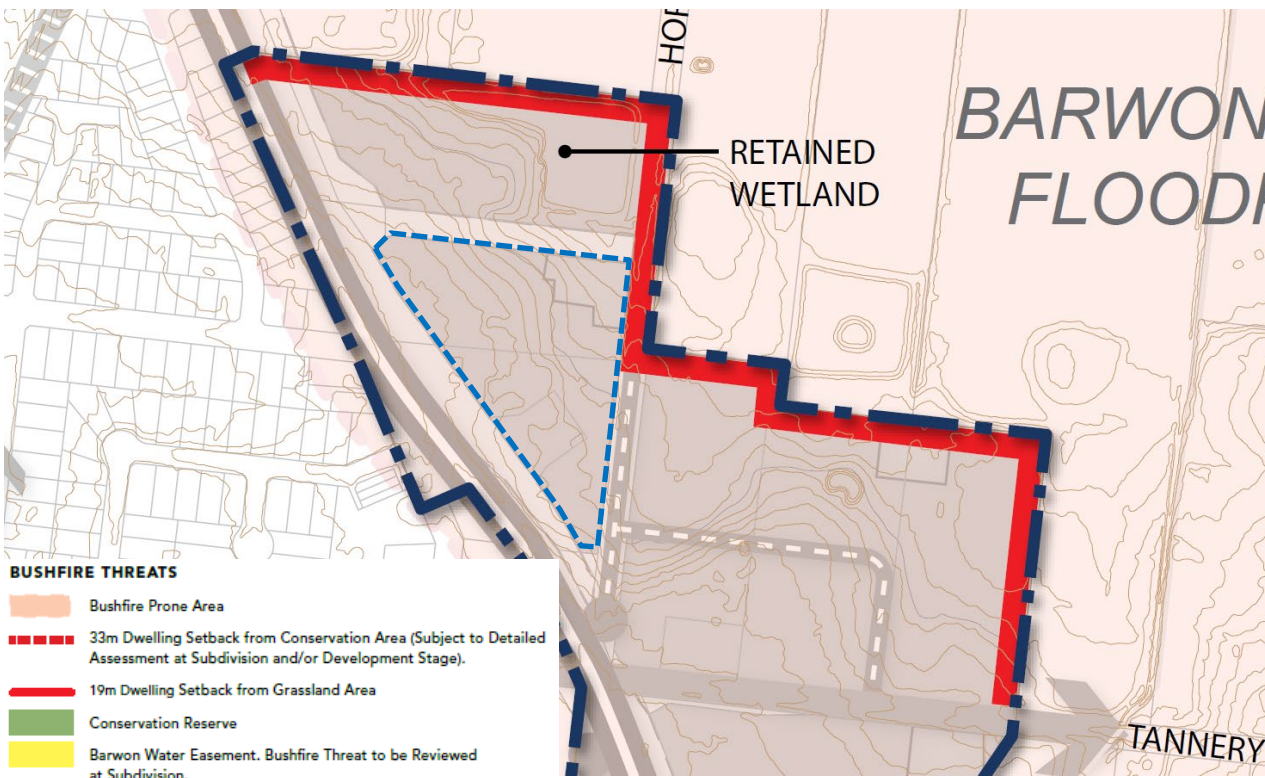
**Figure 14: P9 Native Vegetation Precinct Plan (Draft Marshall PSP)**

66. Plan 12 *Integrated Water Management*, see extract below, identifies water management assets within the Precinct, and demonstrates the general drainage flow north-east from the Sites across the Floodplain to the Barwon River. Asset SBRB01 is located in the north-eastern corner of the Sites.



**Figure 15: P12 Integrated Water Management (Draft Marshall PSP)**

67. Plan 13 *Bushfire Classifications*, see extract below, identifies bushfire threats within the Precinct and specifies a '19m Dwelling Setback from Grassland Area' along part of the eastern portion of the Sites.

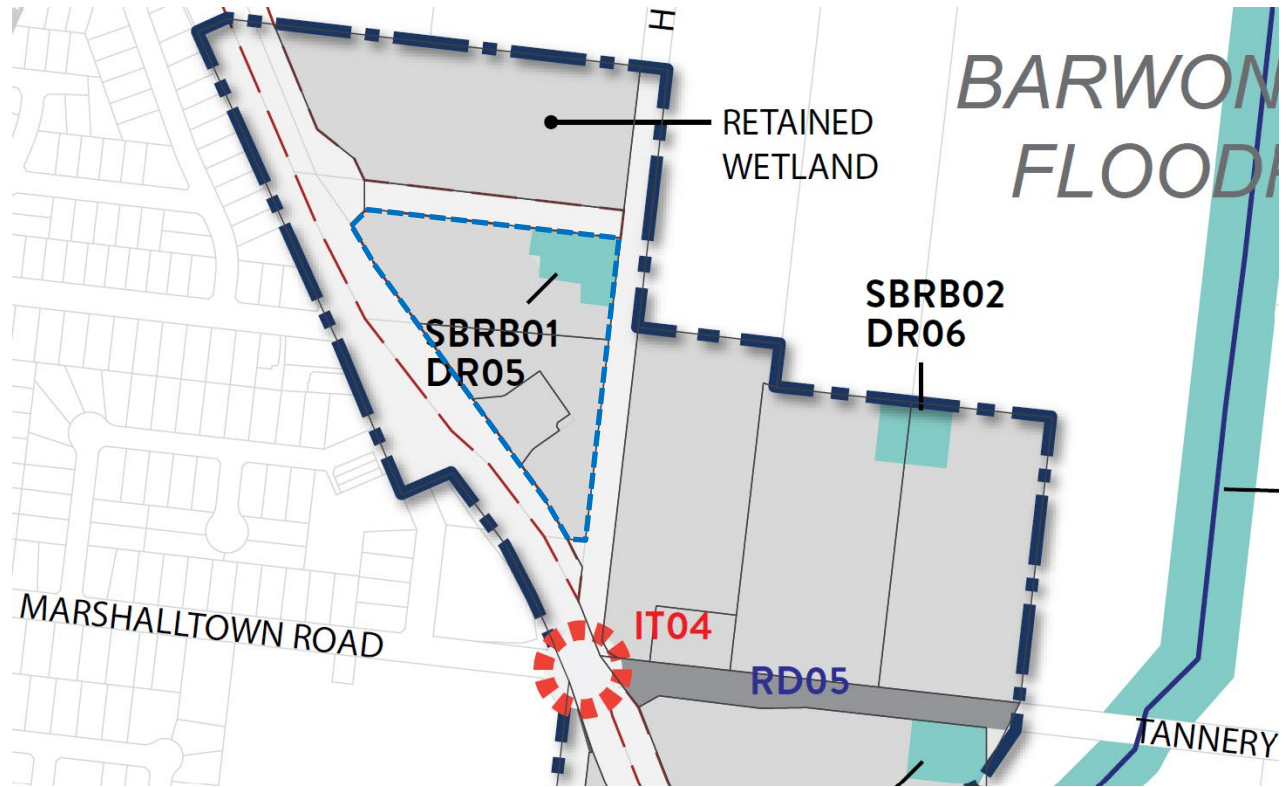


**Figure 16: P13 Bushfire Classifications (Draft Marshall PSP)**

68. Plan 16 *Precinct Infrastructure Plan*, see extract below, identifies the precinct infrastructure to be delivered, while Table 9 *Precinct Infrastructure Plan* outlines the lead agency, delivery timing/provision trigger/staging, and whether funding for these projects is included in the DCP.

69. As relevant to the Sites, Plan 16 shows:

- SBRB01 – DR05 – Sedimentation / Retarding Basin and Outflow



**Figure 17: P16 Precinct Infrastructure Plan (Draft Marshall PSP)**

70. Plan 17 *Development Staging*, see extract below, identifies staging catchments for the Precinct, generally in accordance with the *Stormwater Management Strategy (2022)* (“*SWMS*”). The Site is located within Staging Catchment G.

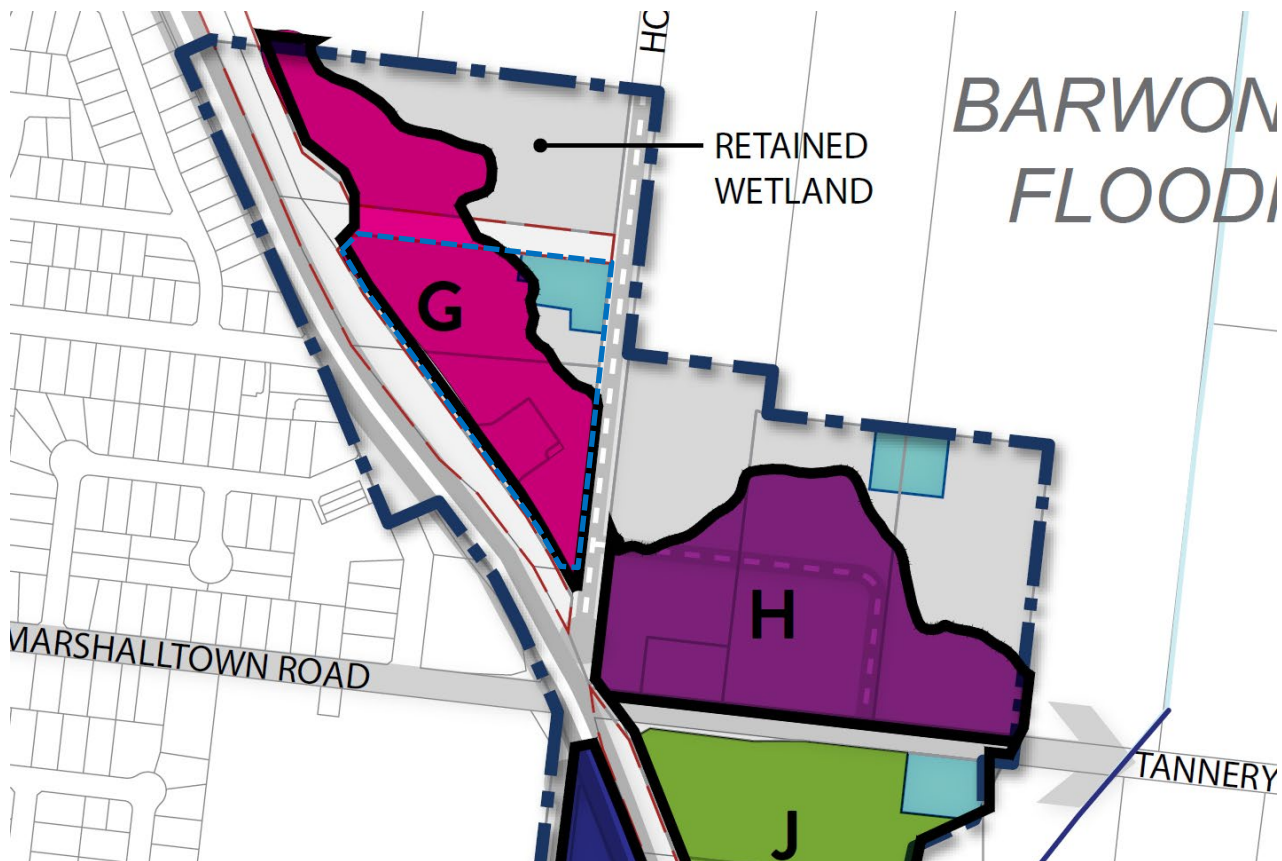


Figure 18: P17 Development Staging (Draft Marshall PSP)

71. The Infrastructure Project identified in Table 9 *Precinct Infrastructure Plan* as being relevant to the Sites or Catchment G, is detailed below.

Project Category	Project Number	Title	Project Description	Lead Agency	Delivery Timing/Provision Trigger/Staging	Included in DCP
Drainage	SBRB01 – DR05	Sedimentation / Retarding Basin and outflow	Land reservation and construction of a Sediment Pond and Retarding Basin and associated infrastructure.	City of Greater Geelong	The first subdivision / development within Catchment G	Yes

## 5 PLANNING CONTEXT: GREATER GEELONG

72. There have been multiple strategic planning processes that have been undertaken in the last 20 years that (amongst other things) provide direction for urban growth in Greater Geelong.

### 5.1 PRECINCT STRUCTURE PLANNING GUIDELINES

73. The *Precinct Structure Planning Guidelines: New Communities in Victoria* (2021) (the “**PSP Guidelines**”) provide the framework for preparing PSPs that guarantee quality outcomes while also being flexible, responsive and supportive of innovation. The PSP Guidelines are based on planning for 20-minute neighbourhoods, a principle that advocates for living locally to ensure accessible, safe and attractive communities.
74. One of the general principles of the PSP Guidelines is that “permeability of the street network for pedestrians and cyclists and direct access routes to services and facilities should be a feature of the street and path network in precincts. Heightened permeability should be considered in areas where a higher intensity and density of land uses are proposed” (F4.2, pg 53).
75. While the Sites are geographically located in relatively close proximity to the existing urban area of Marshall and the Marshall Train Station, the recently constructed safety barriers and the lack of footpaths on the eastern side of Barwon Heads Road severely limit accessibility to and from the Sites and pedestrian safety.

### 5.2 G21 REGIONAL GROWTH PLAN

76. The *G21 Regional Growth Plan* (2013) (“**G21 RGP**”) covers the municipalities of City of Greater Geelong, Colac Otway Shire, Surf Coast Shire, Borough of Queenscliff and the southern portion of Golden Plains Shire, and provides for broad direction for regional land use and development in the G21 region.
77. The G21 RGP identifies Geelong as the region’s largest city, not only accommodating 75% of the region’s population, but also providing key services and employment activity for the whole region. The G21 RGP anticipated a need for 57,000 new dwellings to accommodate population growth in the Geelong region to 2050 – substantially less than is now contemplated by the new Plan for Victoria.
78. Map 6 *Identified Planned Growth* of the G21 RGP identifies two employment precincts within the Armstrong Creek Growth Area, including one to the east of the Marshall Train Station, as shown below.

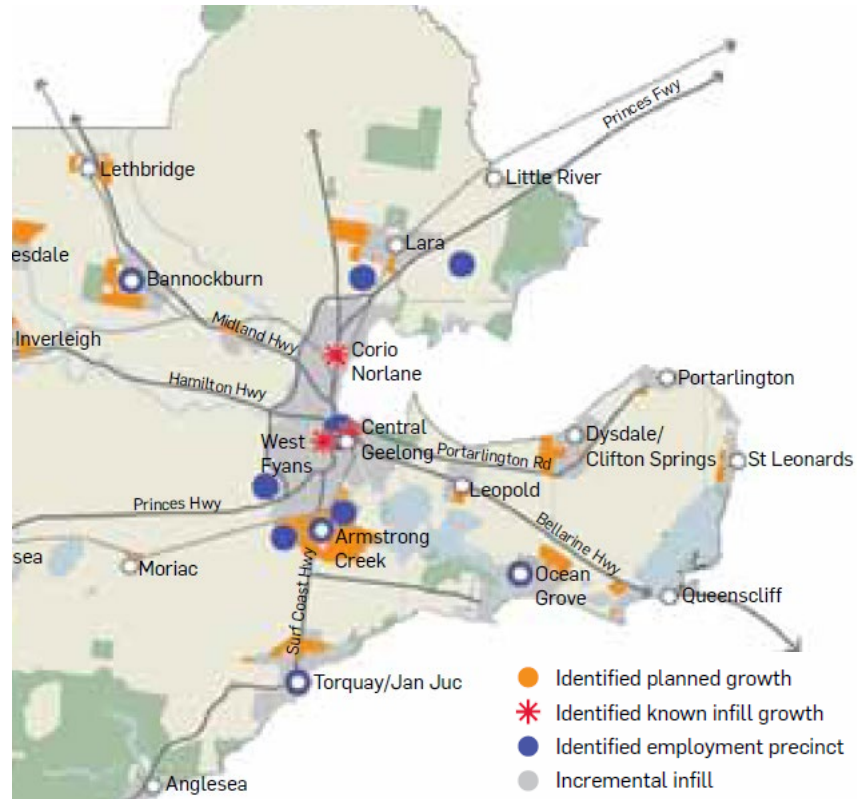


Figure 19: Map 6 Identified Planned Growth (G21 Regional Growth Plan 2013)

### 5.3 GREATER GEELONG HOUSING DIVERSITY STRATEGY

79. The *Greater Geelong Housing Diversity Strategy* (2007, amended 2008) aims to provide certainty to where different housing types and densities will be generally supported or discouraged by Council and to provide for the development of a sustainable overall urban structure.
80. The Housing Diversity Strategy generally guides the general location and mix of housing development, the development of social and affordable housing, and the detailed design of housing.
81. The Housing Diversity Strategy identifies ‘Key Development Areas’, which are “*large existing and future development areas that have the potential to accommodate significant amounts of new medium and high density housing, including mixed use development*” (pg 26). This includes the proposed Armstrong Creek Medium and Higher Density Areas.
82. An extract of Figure 9 *Proposed Armstrong Creek Medium and High Density Areas*, with particular focus on the area around Marshall Station, is shown below. This shows that the medium and high density area associated with Marshall Station does not extend to Barwon Heads Road and therefore does not apply to the Sites.

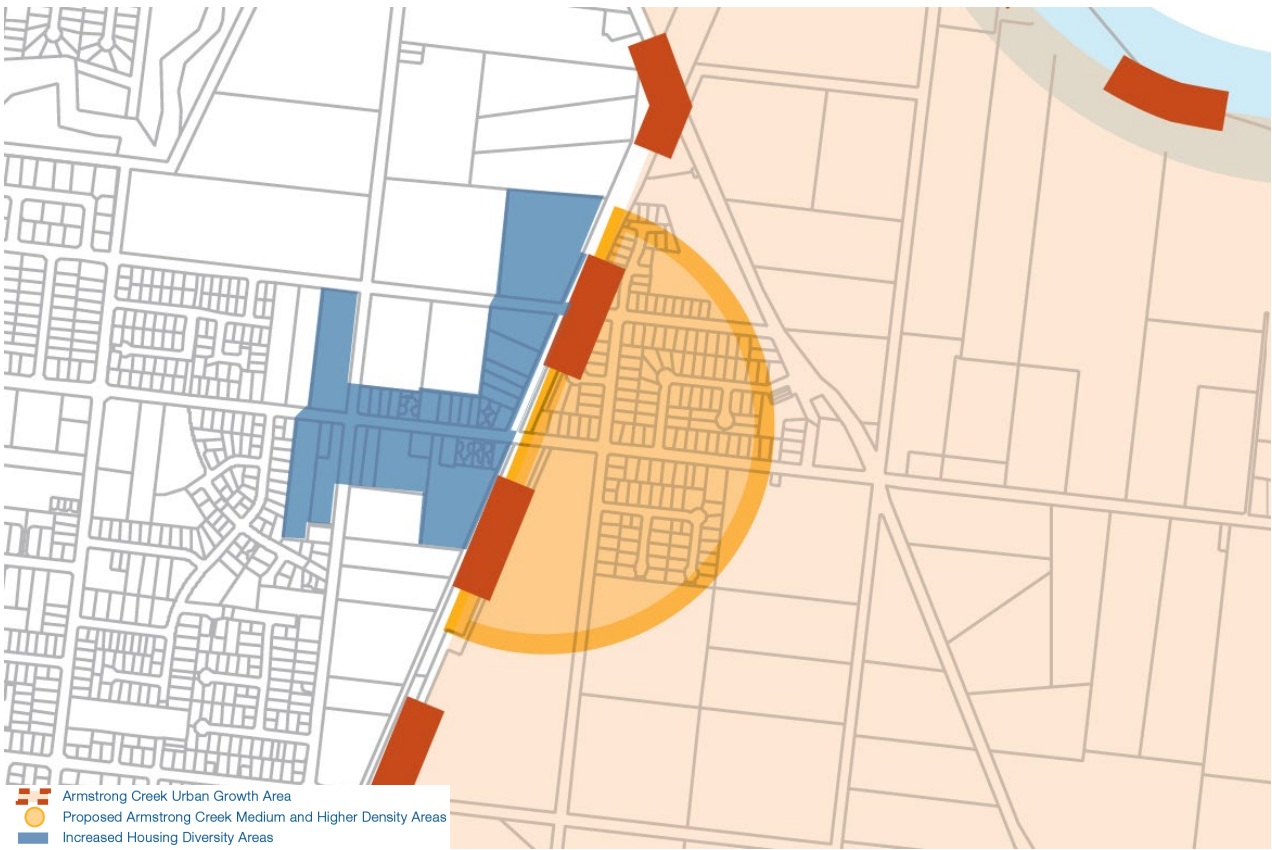


Figure 20: Armstrong Creek Medium and Higher Density Areas (Housing Diversity Strategy 2008)

## 5.4 ARMSTRONG CREEK URBAN GROWTH PLAN

83. The ACUGP (2008, amended 2012) is a high level strategic document which guides the urban development of the Armstrong Creek Urban Growth Area (“ACUGA”). The actions and objectives laid out in the ACUGP guide the preparation of PSPs for the ACUGA, including the Marshall Precinct.
84. The ACUGA is the largest contiguous growth area in Victoria, consisting of 2,500ha of developable land, and is one of the largest growth fronts in the country. The area was originally designated as a growth corridor in the 1980s by the Geelong Regional Commission and was confirmed as Geelong’s future urban growth corridor in the Council’s *Urban Growth Strategy* (1996).
85. The ACUGA has been divided into eight precincts: Armstrong Creek East, Armstrong Creek West, Horseshoe Bend, Marshall, North East Industrial, Western Industrial, Armstrong Creek South, and Armstrong Creek Town Centre. PSPs have been completed and incorporated into the Scheme for all precincts, except Marshall and Western Industrial.
86. The Framework Plan, see extract below, sets out the key structing elements of the Growth Area, and identified all land within the Marshall Precinct, including the Sites, for residential use. However, the ACUGP notes that “the infrastructure alignments and boundaries between urban land uses are indicative only and subject to refinement at the Precinct Structure Planning stage” (pg 11).

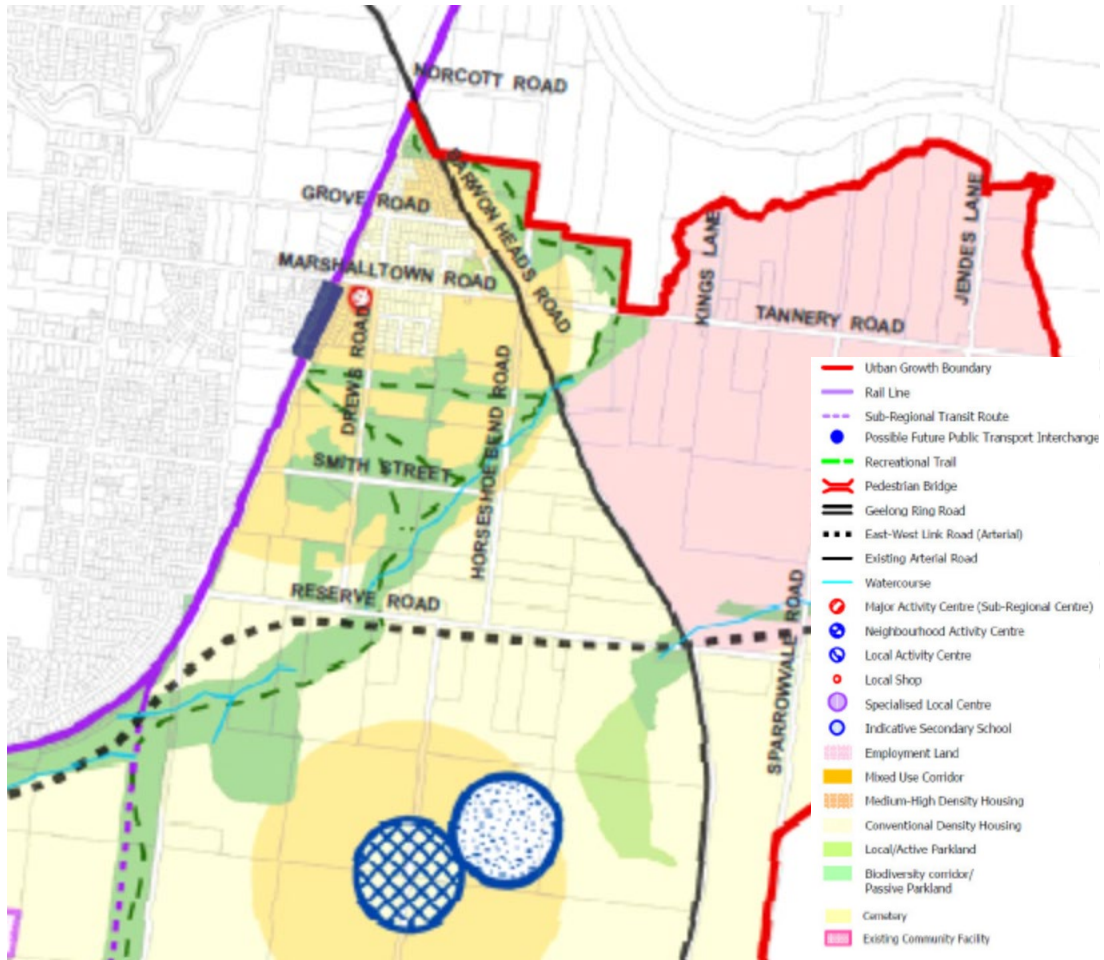


Figure 21: Armstrong Creek Framework Plan (ACUGP 2012)

87. In relation to the NEIP, the ACUGP states:

- *“The North Eastern Industrial Precinct is an extension of the Marshall Industrial Area. This area is conceptualised to accommodate a mix of business types, with a focus on the service industry needs of the area. The primary role of the Precinct is to be the home of businesses that serve the regional population and business base with light industry and trade supplies.*

*Approximately 180 hectares is allocated to this Precinct. Although designed for service industry, it is likely that this area will absorb some of the hi tech manufacturing development that is targeted for Armstrong Creek.*

*Key elements of the rationale for the location of this precinct are:*

- *Extension to the existing Marshall industrial area*
- *Junction of Barwon Heads Road and future east-west link to the Geelong Ring Road will provide businesses with quality access and exposure*
- *Located in relatively isolated (an in some cases lower amenity) pockets to the east of Barwon Heads Road, that are difficult to provide with residential services.*

*This area can expect to hold approximately 8,000 jobs. The job mix will be focused on technical, trades, transport and labouring jobs” (pg 39)*

88. Given the small amount of business/commercial land proposed in the PSP, this is not considered to undermine the role or land use designation in the NEIP, particularly given the anticipated increase in population within the Marshall Precinct as well as in the Armstrong Creek Growth Area more broadly.

## **5.5 NORTH EAST INDUSTRIAL PRECINCT PSP**

89. The NEIP PSP was approved under Amendment C207ggee on 3 June 2010 and was a developer-led PSP.

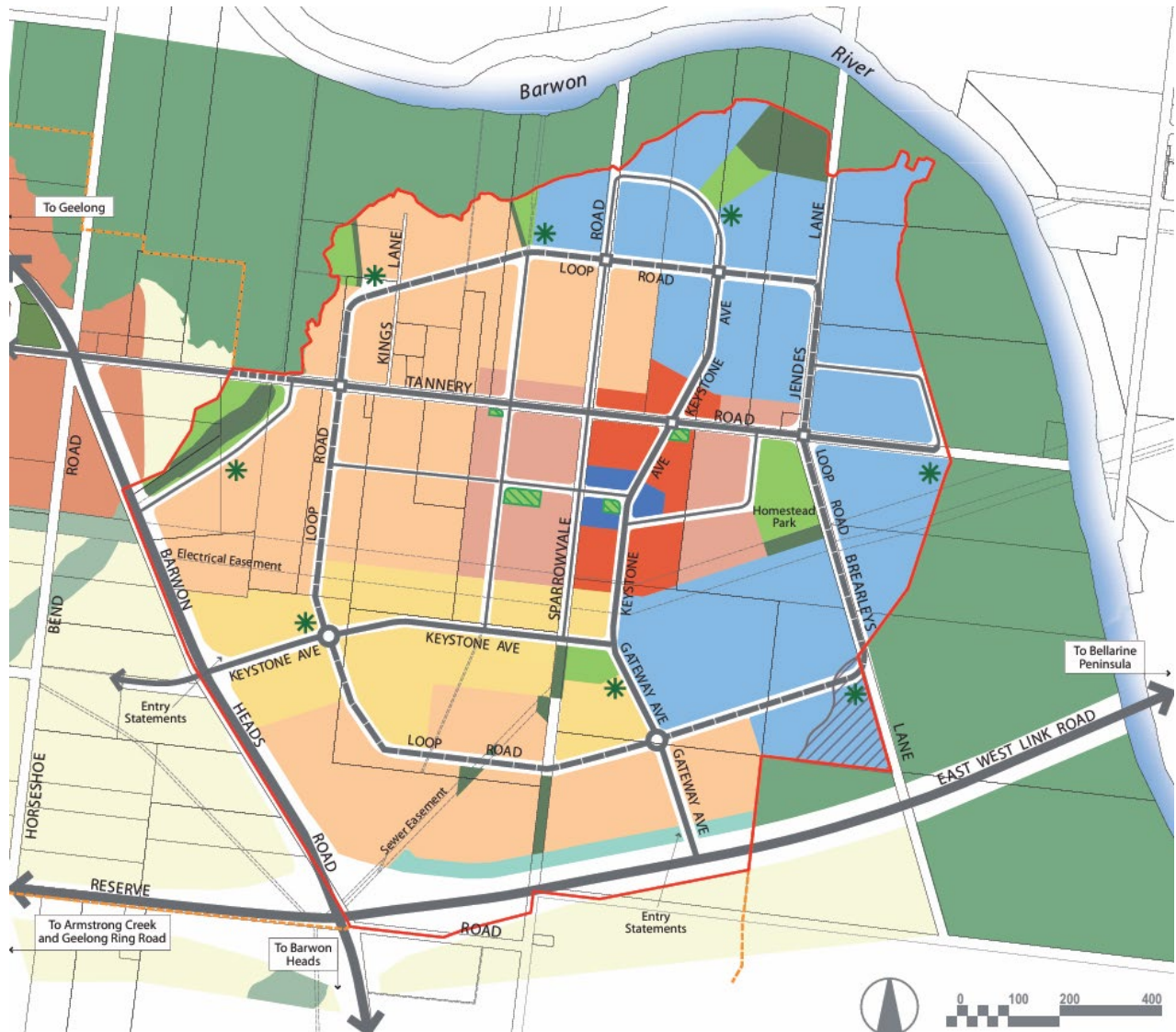
90. The NEIP comprises approximately 180 hectares and is generally bound by the Barwon River to the north and east, Barwon Heads Road to the west and the future East-West Link Road (“**EWLR**”) to the south.

91. The NEIP PSP identifies the upgrade of Barwon Heads Road as a major transport project that would impact the NEIP, and that “access to any development fronting Barwon Heads Road would be via service roads and be restricted to left in/left out access only” (pg 5).




92. The vision for the NEIP is:

- *The NEIP will become a vibrant, new generation, master planned industry and business park. Embodying benchmark standards in design, amenity and sustainability, the NEIP will introduce a new form of development to Geelong, establishing it as an attractive employment area in the region and as a key industry and business address in Victoria (pg 10).*






93. An extract of Figure 4 *NEIP Future Urban Structure Plan* is shown below.









**LEGEND**

-  NEIP Boundary
-  Adjoining Precinct Boundaries
-  Area subject to 100 Year Flood Event  
Development of area is subject to offset. Flood storage to be determined subject to detailed design




**ROAD NETWORK**

-  Proposed East West Link Road & Barwon Heads Road
-  Major Access and Circulation Route (Loop Road)
-  Primary Road Network
-  Local Access Only (Buses Accepted)
-  Secondary Road Network




**PRECINCTS**

-  Precinct 1 - Industry North & South
-  Precinct 2 - Campus Business
-  Precinct 3 - Industry and Mixed Business
-  Precinct 4 - Village Frame East and West
-  Precinct 5 - Village
-  Precinct 6 - Retail Centre (Specialised Activity Centre)

**OPEN SPACE**

-  NEIP Parks
-  NEIP Urban Park/Plazas
-  Local Node/Private Plaza

**ENCUMBERED OPEN SPACE**

-  Barwon River Riparian
-  East-West Link Drainage/Biodiversity Corridor
-  Drainage/Encumbered Parks

**Figure 22: NEIP Future Urban Structure Plan (NEIP PSP 2010)**

94. Land in the north-western part of the NEIP, adjacent to the Marshall PSP boundary, is designated as 'Precinct 1 – Industry North & South' and has an applied IN1Z under the UGZ1.
95. Table 3 *NEIP Lot Size Range* of the NEIP PSP specifies that land in Precinct 1 – Industry has an indicative lot size range of 250sqm to >5,000sqm.
96. 'Precinct 3 – Industry and Mixed Business', located along Keystone Avenue east of Barwon Heads Road, has an applied C2Z, similarly to the proposed Commercial/Bulky Goods land in the Marshall Precinct.
97. Table 3 *NEIP Lot Size Range* of the NEIP PSP specifies that land in Precinct 3 – Mixed Industry and Business Precinct has an indicative lot size range of 250sqm to 5,000sqm.
98. Despite the similar applied zoning in Precinct 3, there are no references in the NEIP to 'bulky goods' or 'restricted retail' uses within this precinct or more broadly.
99. Currently minimal subdivision or development has occurred in this Precinct or the broader NEIP.

## 6 GREATER GEELONG PLANNING SCHEME PROVISIONS

100. The Site and the broader Marshall PSP area are located within the City of Greater Geelong and the Greater Geelong Planning Scheme applies.

### 6.1 PLANNING POLICY FRAMEWORK

101. The following outlines key provisions from the current Planning Policy Framework that are relevant to the matters previously identified, being the development and servicing of land for urban purposes.

#### Clause 02.03-1 Settlement

102. In relation to the ACUGA, this policy highlights that the Armstrong Creek Growth Area is 'a key growth area for the G21 Region... 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'.

#### Clause 02.03-7 Economic Development

103. This policy identifies that there is 'a need to provide support for ongoing employment and economic development in the Geelong region'.

104. Strategic directions include (as relevant):

- *Provide an adequate supply of industrial land that meets the needs of different industries.*
- *Focus new industrial development around major transport routes and infrastructure assets.*
- *Provide a diverse range of high quality industrial and commercial land.*

#### Clause 02.03-8 Transport

105. In relation to Transport, this policy identifies that 'there is a need to reduce car dependence by improving public transport, bicycle and pedestrian linkages, particularly in growth areas'.

106. This policy sets strategic directions to (as relevant):

- *Support the delivery of safe, accessible linkages within and between towns that encourage walking, cycling and the use of alternative modes of transport.*

#### Clause 11.02-2S Structure planning

107. The objective of this policy is 'to facilitate the fair, orderly, economic and sustainable use and development of urban areas.

108. It sets strategies to 'undertake the preparation of a hierarchy of structure plans or precinct structure plans' that (as relevant):

- *Address the strategic and physical context of the location, including increase physical risks associated with climate change*
- *Assist the development of walkable neighbourhoods*

- *Facilitate the use of active and sustainable transport modes*

Clause 18.01-1S Land use and transport integration

109. This policy sets strategies to (as relevant):

- *Plan and develop a transport system that facilitates (as relevant):*
  - *A reduction in the distances people have to travel to access jobs and services.*
  - *Better access to, and greater mobility within, local communities.*
- *Plan the use of land adjacent to the transport system having regard to the current and future development and operation of the transport system.*
- *Design neighbourhoods to:*
  - *Better support active living.*
  - *Increase the share of trips made using sustainable transport modes.*
  - *Respond to the safety needs of all users.*

## 6.2 URBAN GROWTH ZONE

110. The Amendment seeks to implement the Marshall PSP through a new Schedule 7 to the Urban Growth Zone (“UGZ7”), which will apply to all land within the Precinct.

111. The proposed UGZ7 applies the provisions of the Commercial 2 Zone (“C2Z”) to land designated for ‘Commercial/Bulky Goods’, including the Sites.

112. The UGZ7 also applies the provisions of the Public Park and Recreation Zone (“PPRZ”) to land identified for Drainage Reserves.

113. The proposed UGZ7 sets specific provisions to use of land in the C2Z, as follows:

### Section 3 – Prohibited

Use
Supermarket - where the applied zone is Commercial 2
Education centre - where the applied zone is Commercial 2 and on land east of Barwon Heads Road
Gaming premises
<b>Any use listed in Section 3 in the Table of uses of the applicable applied zone</b>

114. The proposed UGZ7 sets specific provisions that relate to the Commercial/Bulky Goods Precinct, as follows (as relevant):

**Commercial/Bulky Goods Precinct east of Barwon Heads Road (Clause 2.4)**

*A permit must not be granted to subdivide land designated as Commercial/Bulky Goods on Plan 1 of this schedule until a separate Masterplan has been prepared for each of the following sub-precincts to ensure integrated development, to the satisfaction of the Responsible Authority:*

- *Sub-precinct A - land between Barwon Heads Road and Horseshoe Bend Road, north of Tannery Road; correlates to Catchment G of Marshall Precinct Structure Plan, Plan 17.*
- *Sub-precinct B - land with direct frontage to the north side of Tannery Road; correlates to Catchment H of Marshall Precinct Structure Plan, Plan 17.*
- *Sub-precinct C - land between Barwon Heads Road and the south side of Tannery Road; correlates to Catchment J of Marshall Precinct Structure Plan, Plan 17.*

*A Masterplan must:*

- *be supported and informed by any relevant technical report prepared by a suitably qualified person*
- *be generally in accordance with the incorporated Marshall Precinct Structure Plan*
- *address and respond to Section 3.0 (Implementation) of the incorporated Marshall Precinct Structure Plan*
- *be reviewed and approved by the Head, Transport for Victoria*

*For Sub-precincts A and B, subdivision must be designed to restrict access or use of Flood Overlay land designated in the incorporated Marshall Precinct Structure Plan, Plan 14.*

*Subdivision applications must be generally in accordance with the approved Masterplan.*

*A Masterplan may be amended to the satisfaction of the Responsible Authority.*

**Commercial/Bulky Goods Precinct east of Barwon Heads Road (Clause 2.5)**

*A permit must not be granted to construct a building or construct or carry out works on land designated as Commercial/Bulky Goods on Plan 1 of this schedule until a separate Masterplan has been prepared for each of the following sub-precincts to ensure integrated development, to the satisfaction of the Responsible Authority:*

- *Sub-precinct A - land between Barwon Heads Road and Horseshoe Bend Road, north of Tannery Road; correlates to Catchment G of Marshall Precinct Structure Plan, Plan 17.*
- *Sub-precinct B - land with direct frontage to the north side of Tannery Road; correlates to Catchment H of Marshall Precinct Structure Plan, Plan 17.*
- *Sub-precinct C - land between Barwon Heads Road and the south side of Tannery Road; correlates to Catchment J of Marshall Precinct Structure Plan, Plan 17.*

*A Masterplan must:*

- *be supported and informed by any relevant technical report prepared by a suitably qualified person*

- *be generally in accordance with the incorporated Marshall Precinct Structure Plan*
- *address and respond to Section 3.0 (Implementation) of the incorporated Marshall Precinct Structure Plan*
- *be reviewed and approved by the Head, Transport for Victoria*

*For Sub-precincts A and B, subdivision must not locate any buildings on Flood Overlay land designated in the incorporated Marshall Precinct Structure Plan, Plan 14.*

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

*A Masterplan may be amended to the satisfaction of the Responsible Authority.*

115. The proposed UGZ7 specifies the following application requirements which must accompany an application, as appropriate to the satisfaction of the Responsible Authority (as relevant):

- ***Subdivision – General Subdivision (Clause 3)***

*For any application to subdivide land a subdivision design response must include to the satisfaction of the Responsible Authority:*

- *A written report that sets out how the application implements the objectives, requirements and guidelines within the incorporated Marshall Precinct Structure Plan.*
- *A Subdivision Staging Plan.*
- *The location of proposed community infrastructure, public open space areas and their recreation function where appropriate.*
- *A street network plan that addresses:*
  - *Access arrangements of properties to all existing and future arterial roads*
  - *Potential bus route and bus stop locations in consultation with the Head, Transport for Victoria*
  - *Walking catchment to activity centres, which nominates key transport stops, active and passive open space, schools and community facilities*
  - *Cross sections proposed in accordance with Section 4.3 (Road Design and Cross Sections) of the Marshall Precinct Structure Plan*
- *A land use budget table in the same format and methodology as those within the Marshall Precinct Structure Plan, setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yield.*
- *A response to the incorporated Marshall Native Vegetation Precinct Plan (NVPP) and how the proposal addresses this including trees marked for retention and removal. If trees marked as 'to be retained' within the NVPP are proposed to removal, an arboricultural report prepared by a suitably qualified person must be submitted.*

- *A canopy cover plan that demonstrates that a proposal meets the minimum requirements set out in Section 4.4.1 (Canopy Cover Targets and Calculations) of the Marshall Precinct Structure Plan.*
- *Upon request, tree location and species data should be made available in a GIS or vector format.*
- *A Bushfire Management Plan that addresses bushfire risk at the site. The plan must be prepared in accordance with Section 2.6 (Climate Resilient Communities) of the Marshall Precinct Structure Plan.*
- *A Zero Carbon Operational Energy Plan which addresses Section 3.9 (Energy and Technology) of the Marshall Precinct Structure Plan.*
- *An Integrated Water Management Plan (IWMP) which must:*
  - *Respond to the requirements and guidelines of Section 3.5 (Integrated Water Management) and the relevant requirements and guidelines of Section 3.10 (Delivery) of the Marshall Precinct Structure Plan*
  - *Assess the existing surface and subsurface drainage conditions on the site and*
  - *Address the provision, staging and timing of stormwater drainage infrastructure.*

- **Commercial/Bulky Goods**

*An application to use or subdivide land, construct a building, or construct or carry out works for land shown in Plan 1 as Commercial/Bulky Goods – Flood Overlay must be accompanied by a letter from the floodplain management authority confirming that the authority does not object to the permit application.*

- **Staging Plan**

*An application to subdivide land, construct a building, or construct or carry out works must be accompanied by a report which addresses how the application responds to the staging plan.*

116. Whilst the application requirements for ‘Subdivision – General Subdivision’ and ‘Staging Plan’ apply to subdivision of all land within the Marshall Precinct, I note that many of the specific requirements are not directly relevant to the subdivision of the Commercial/Bulky Goods land, including the Sites.

## 7 PLANNING ASSESSMENT

117. In responding to the instructions provided by PPP, I have broken up my evidence into four parts, as detailed below.

### 7.1 LAND USE DESIGNATION

118. The exhibited PSP identified a Commercial/Bulky Goods Precinct generally east of Barwon Heads Road, including the Site, with a small portion of Commercial/Bulky Goods between Barwon Heads Road to the east and Horseshoe Bend Road to the west.

119. As outlined previously, following receipt of Re-Grow's submission, which advocated for re-designation of the Commercial/Bulky Goods Precinct to residential, the Council Report included a revised plan which changed the Commercial/Bulk Goods land east of Horseshoe Bend Road to Residential, leaving only Properties 34-37 including the Sites, as Commercial/Bulky Goods.

120. Specifically in relation to the Sites, and by association Property 34 to their north, I support Council's decision to retain the Commercial/Bulky Goods designation of this land. I do not consider a residential designation for this land appropriate for the following reasons.

121. The Sites are partially encumbered by flood-prone land and the existing flood overlays, and proposed drainage infrastructure. I consider it appropriate to locate non-sensitive uses adjacent to the flood impacted land in order to minimise risk to flooding.

122. Additionally, the existing service station on Property 36, which operates 24/7, could create land use conflicts if the Sites were to be re-designated for residential purposes.

123. Not only does the service station create an existing commercial presence within the Sites, but it could also create detrimental amenity impacts for surrounding residential uses if they were to be permitted on the Sites, due to noise, fumes or light spill from the existing development.

124. Finally, the existing site characteristics and context do not facilitate residential development within the Sites.

125. The recent upgrades to Barwon Heads Road included the construction of safety barriers from the overpass to the north to the intersection with Marshalltown/Tannery Roads to the south, which prevent pedestrians from crossing Barwon Heads Road.

126. There is also no footpath on the eastern side of Barwon Heads Road, so accessibility and walkability adjacent to the Sites is significantly restricted, and pedestrians would not even be able to safely walk to the signalised intersection at Marshalltown/Tannery Roads to cross Barwon Heads Road there.

127. Given the substantial constraints on walkability within and adjacent to the Sites, and the lack of connection back into the existing urban area and Marshall Train Station on the western side of Barwon Heads Road, a residential designation of this land would be inappropriate.

128. Further, due to the existing safety barriers and lack of footpaths along Barwon Heads Road, locating residential uses on the Sites would conflict with existing planning policy on connectivity and walkability of residential areas and the 20-minute neighbourhood principles as detailed in the PSP Guidelines.

129. Mr Glossop in his evidence acknowledges the physical barriers separating the Commercial/Bulky Goods land from the existing residential areas and constraints resulting from the existing flood overlays, however while he suggests that this land “could conceivably be used for either bulky goods or residential purposes”, he leans towards bulky goods (para 69).

130. I believe however that all the background information, the review of the role and function of the NEIP and the existing site characteristics point to this land being set aside for Commercial/Bulky Goods.

131. In response to Re-Grow’s submission as it relates to the proposed Commercial/Bulky Goods area, I acknowledge that the ACUGP had previously identified this land for residential purposes, however given the age of this document and the extensive upgrades to Barwon Heads Road and altered site context which have occurred since, I consider that there is adequate justification to vary the land use designation within this document.

132. Further, the Re-Grow submission suggests that the proposed Commercial/Bulky Goods area could potentially undermine the orderly development of the NEIP.

133. The NDA of the Commercial/Bulky Goods land, as per the revised land use plan in the Council Report, is only 2.618ha. Compared with the 180ha of land within the NEIP, the amount of additional employment land is negligible and highly unlikely to have any detrimental impact on the development within the NEIP.

134. Additionally, the NEIP PSP does not anticipate bulky goods or restricted retail type land uses within the NEIP and specifically does not make any reference to ‘bulky goods’.

135. While the applied C2Z would permit some of the same land uses on the Sites as those provided for in the NEIP, given the relatively small land area proposed, I don’t believe this will undermine the role and function of the NEIP.

136. Mr Glossop, at paragraph 63 of his evidence, presents a similar point that he does not think “the intention that such services be provided in the NEIP and that the NEIP in turn would be unreasonably impacted by the proposed Amendment”.

137. I therefore support the designation of the Sites as Commercial/Bulky Goods, with an applied C2Z, in accordance with the Council Report dated 28 August 2024.

## 7.2 COMMERCIAL/BULKY GOODS MASTERPLAN

138. The provisions of the draft UGZ7 currently require a Masterplan to be prepared for three identified Commercial/Bulky Goods sub-precincts prior to subdivision, and buildings and works. The sub-precincts include:

- *Sub-precinct A - land between Barwon Heads Road and Horseshoe Bend Road, north of Tannery Road; correlates to Catchment G of Marshall Precinct Structure Plan, Plan 17.*
- *Sub-precinct B - land with direct frontage to the north side of Tannery Road; correlates to Catchment H of Marshall Precinct Structure Plan, Plan 17.*
- *Sub-precinct C - land between Barwon Heads Road and the south side of Tannery Road; correlates to Catchment J of Marshall Precinct Structure Plan, Plan 17.*

139. Based on the revised land use plan, I would anticipate that this requirement would be revised to only require one Masterplan for the remaining Commercial/Bulky Goods land, consistent with Sub-precinct A.
140. However, while the intent of the Masterplan is specified to “ensure integrated development”, I do not agree that there is need for one to be prepared prior to subdivision and development of the land, particularly now that the amount of Commercial/Bulky Goods land has been significantly reduced.
141. The existing conditions of the Sites have been established through the upgrade and duplication of Barwon Heads Road, the construction of Devine Street and the truncation of Horseshoe Bend Road.
142. Combined with the relatively small NDA of the Sites available to be developed, and the inability for development to provide additional direct access to Barwon Heads Road, access to future development must be either from integration with the existing service station or via the local road network (ie Devine Street and Horseshoe Bend Road).
143. An indicative concept plan for the Sites has been prepared on behalf of the landowners, which provides one option for how the Sites might develop in the future.
144. While I agree that it would be most logical and orderly for the Sites to be planned and developed collectively, I do not see the same benefit to including Property 34 to their north and believe that this property could be developed independently from the Sites.
145. Further, while the indicative concept plan prepared for the Sites presents one design and land use options, there may undoubtedly be multiple ways in which the Sites may develop that would still comply with the overall objectives, requirements and guidelines outlined in the draft PSP.
146. The requirement for a Masterplan adds unnecessary time and complexity to the planning process for little benefit, given the Sites are proposed to be planned and developed together anyway.
147. It is therefore appropriate to delete the requirements for a Masterplan for the Commercial/Bulky Goods land prior to subdivision and development from the UGZ7.

**Recommended Change:**

- **Remove the requirements under the UGZ7 for a Masterplan to be prepared for the Commercial/Bulky Goods land prior to subdivision and development.**

### **7.3 DRAINAGE INFRASTRUCTURE**

148. The Sites are partially encumbered by drainage infrastructure, as demonstrated through the draft PSP and SWMS.
149. To ensure the land required for drainage infrastructure is accurately determined, I recommend that Functional Layout Plans (“FLPs”) of all assets be prepared to the satisfaction of the relevant authority prior to the approval of the Amendment to provide greater certainty as to the areas required for the infrastructure and for the PAO to be applied.
150. Given that the proposed drainage infrastructure will be funded by the DCP, Council should have an accurate understanding of the land areas required for the drainage infrastructure to ensure the land areas included in the DCP are accurate.

151. An issue arises in relation to delivery of drainage infrastructure due to the fragmentation of land within the Precinct, the relatively low NDA within the Precinct and the current timing specified for infrastructure delivery in the draft PSP.
152. Specifically, the delivery timing column in Table 9 *Precinct Infrastructure Plan* for some projects creates situations where development in one Catchment, is reliant on the acquisition of land and/or delivery of works for infrastructure on other landholdings.
153. Given that some of the drainage infrastructure is located on properties that have little developable area remaining, it is difficult to see the incentive for these landholders to transfer or vest this land should they not develop the balance of their landholdings, particularly if the infrastructure is required relatively early in the life of the PSP.
154. While this issue is not directly relevant to the Sites, I consider it appropriate that a Public Acquisition Overlay (“PAO”) be applied to all land required to deliver waterways and drainage infrastructure within the Precinct.
155. This approach has been utilised both by the City of Greater Geelong, elsewhere in the Armstrong Creek Growth Area, and in other municipalities, to avoid circumstances where significant parts of a precinct are not able to develop due to the inability to deliver necessary infrastructure on land owned by others.
156. I understand, through Council’s Part A Submission, that Council does not support the application of PAOs as part of the Amendment and “*prefers to wait for the Marshall DCP to be implemented and allow the private development sector time to initiate infrastructure delivery*” (para 101).
157. However, without the PAOs in place from the start, Council risks stalling development from occurring within the Marshall Precinct or creating significant delays through the planning process by requiring a further planning scheme amendment process to implement the PAOs separately in the future.

**Requested Change:**

- **Prepare FLPs for drainage infrastructure projects, as identified in Plan 16 Precinct Infrastructure Plan and Table 9 Precinct Infrastructure Plan, of the Marshall PSP, prior to the approval of the Amendment so the land areas can be accurately included in the Development Contributions Plans.**
- **Apply a PAO to land for drainage infrastructure projects, as identified in Plan 16 Precinct Infrastructure Plan and Table 9 Precinct Infrastructure Plan, of the Marshall PSP.**

## **7.4 CLIENT INDICATIVE SITE PLAN**

158. PPP have provided me with an indicative site plan, see extract below, prepared by their clients for development of the Sites and requested that I consider this plan in my evidence statement. This plan also forms Appendix 2 of this statement.
159. Since I haven’t received a full suite of plans or associated background reports, I haven’t undertaken an exhaustive review, however the below section provides an overview of this plan against the proposed provisions in the Amendment.

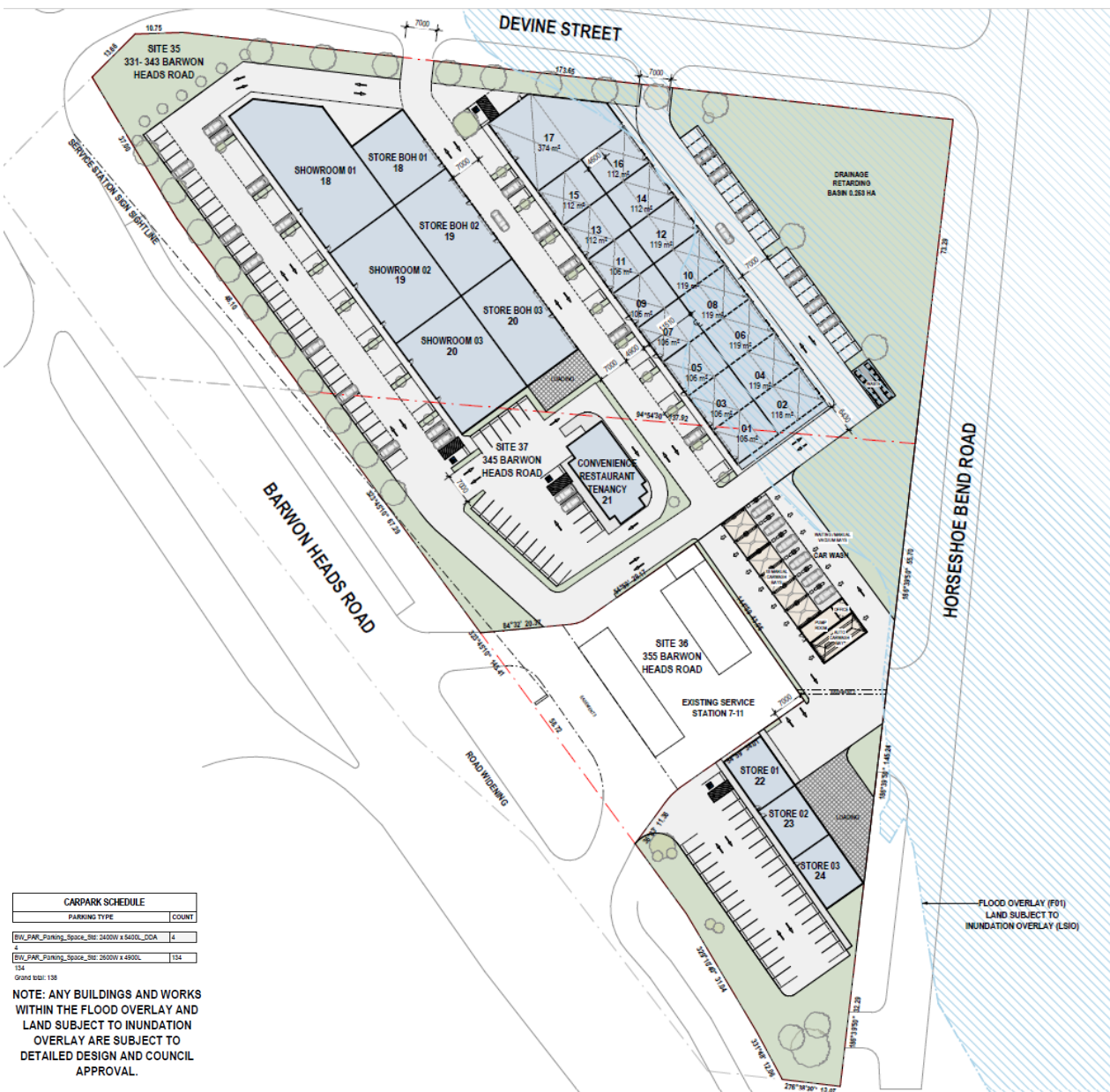


Figure 23: Indicative Site Plan (Cella 2024)

160. The plan provides for development on 331-343 and 345 Barwon Heads Road and integrates into the existing service station development on 355 Barwon Heads Road. The proposed development consists of:

- A convenience restaurant;
- Three (3) Showrooms, with ancillary stores;
- A car wash;
- Seventeen (17) Warehouses;
- Three (3) stores; and

- Drainage infrastructure.

161. The development seeks to utilise vehicle access from the existing service station, as well as proposing access via Devine Street. No new vehicle access from Barwon Heads Road is proposed.

162. Under the applied C2Z, and the specific use requirements under the UGZ7, the uses are all permitted uses.

163. The proposed development generally complies with the requirements and guidelines of the PSP by providing:

- Site access via the local road network and by integrating with the existing service station to avoid new direct access from Barwon Heads Road;
- An internal loop road with development to provide an active frontage to Barwon Heads Road;
- Drainage infrastructure generally in accordance with the SWMS;
- Active building frontages to address Barwon Heads Road and the drainage reserve and rural/floodplain land adjacent to the Sites;
- Loading areas to the rear of the buildings;
- Landscaping strip to the Barwon Heads Road and Devine Street frontages.

164. While the size (0.253ha) and general location of the proposed drainage infrastructure (SBRB01) in the north-eastern part of the Sites is consistent, the shape of this basin is different to what is shown in the PSP and SWMS.

165. R58 of the PSP outlines that the “final layout and design of stormwater infrastructure... must be designed to the satisfaction of the Responsible Authority...”. The layout of the basin will be subject to detailed design, however the area provided for within the concept plan is appropriate.

166. Additionally, the native scattered tree identified to be retained on the Site has not been identified on the site plan, however appears to be located generally within the drainage reserve along the eastern boundary of the Sites. This tree should be retained if possible, in accordance with the PSP and NVPP.

## 8 CONCLUSION

167. Having reviewed the range of documents associated with the Amendment and undertaken a detailed site and surrounds review, I support the Amendment and the Commercial/Bulky Goods land use designation of the Sites, as proposed on Council's revised future urban structure plan (Plan 5) in the Council Report dated 28 August 2024.

168. Additionally, I am of the opinion that the following changes should be made to the Marshall PSP and associated documents:

- **Remove the requirements under the UGZ7 for a Masterplan to be prepared for the Commercial/Bulky Goods land prior to subdivision and development.**
- **Prepare FLPs for drainage infrastructure projects, as identified in Plan 16 Precinct Infrastructure Plan and Table 9 Precinct Infrastructure Plan, of the Marshall PSP, prior to the approval of the Amendment so the land areas can be accurately included in the Development Contributions Plans.**
- **Apply a PAO to land for drainage infrastructure projects, as identified in Plan 16 Precinct Infrastructure Plan and Table 9 Precinct Infrastructure Plan, of the Marshall PSP.**

JASON BLACK  
MANAGING DIRECTOR  
INSIGHT PLANNING CONSULTANTS

## APPENDIX 1 – INSTRUCTIONS

8 October 2024

Jason Black  
Insight Planning Consultants  
PO Box 5381  
Mordialloc VIC 3195

**By email to: [black@insightplanning.com.au](mailto:black@insightplanning.com.au)**

Dear Mr Black

**INSTRUCTIONS TO PROVIDE EXPERT EVIDENCE  
GEELONG PLANNING SCHEME AMENDMENT C278  
MARSHALL PRECINCT STRUCTURE PLAN**

We act for Costa Asset Management Pty Ltd, the owner of the land at 345 -355 Barwon Heads Road and Robin & Jennifer Ellis owner of the land at 331-343 Barwon Heads Road (*collectively the 'Sites'*).

Our respective clients lodged a submission in response to the Planning Scheme Amendment 278ggee (**'Amendment'**), which seeks to incorporate the Marshall Precinct Structure Plan (**'PSP'**) into Geelong Planning Scheme (**'Planning Scheme'**).

The Sites are identified as Properties 35, 36 and 37 in the PSP.

A Standing Advisory Committee (**'SAC'**) has been appointed to consider the Amendment. The SAC hearing is scheduled to commence on Wednesday, 6 November 2024 and will run for two and a half weeks.

Our client has instructed us to brief you to provide a fee proposal for the provision of independent expert evidence at the hearing.

We **attach** a Schedule of Documents and a link to an electronic briefing folder for your review.

[https://pppartnersaustralia-my.sharepoint.com/:f/g/personal/charlottet\\_pppartners\\_com\\_au/EsBccQI7-nRAtLW8tBH-Uj8BwXlpokDOBeSMdChL42UH1Q?e=b6rcEX](https://pppartnersaustralia-my.sharepoint.com/:f/g/personal/charlottet_pppartners_com_au/EsBccQI7-nRAtLW8tBH-Uj8BwXlpokDOBeSMdChL42UH1Q?e=b6rcEX)

**Background**

The Amendment is being introduced by Geelong City Council (**'Council'**) to guide development of the Marshall Precinct (**'Precinct'**), which comprises 123 hectares of land. The Amendment proposes to apply the Urban Growth Zone Schedule 7 (**'UGZ7'**) to the Precinct.

The Amendment also seeks to incorporate the Marshall PSP, Development Contributions Plan (**'DCP'**) and Native Vegetation Precinct Plan. It will also apply overlays to manage potentially contaminated land and development design.

The Precinct will facilitate the residential and commercial development to realise the vision for Marshall.

**Site Context**

The Sites are presently zoned Urban Growth Zone. A large portion of the Sites are affected by the Floodway Overlay (**'FO'**) and Land Subject to Inundation Overlay (**'LSIO'**).

The Sites comprise four parcels that collectively form a 'wedge' in the Precinct between Barwon Heads Road and Horseshoe Bend Road.

The Sites are improved by a petrol station to the south and a dwelling and associated shed to the north.

### **Submission**

The applied zone for the Site is the Commercial 2 Zone and it has been designated in the PSP for commercial/bulky goods. Our clients did not lodge an initial submission in response to exhibition of the Amendment.

Following exhibition of the Amendment, Council issued a letter that enclosed a submission lodged on behalf of Re-Grow Geelong Pty Ltd ('**Re-Grow**'). Re-Grow is a major landholder of the adjacent North East Industrial Precinct ('**NEIP**'). This submission suggested that the commercial/bulky goods area should be re-designated to medium/high density housing.

Our respective clients lodged a submission to the Amendment in response to Re-Grow's submissions. In summary, our client's position is that the PSP's commercial/bulky goods designation applied to the Site is appropriate.

A copy of our client's respective submissions is included as part of the briefing documents.

### **Instructions**

Upon confirmation of your availability, you are instructed to:

- Review the **attached** material;
- Consider and formulate your own opinions with respect to all town planning matters, within the limits of your expertise.
- Prepare a report which sets out the conclusions you have reached, and the basis upon which you have arrived at them, including any facts you have relied upon or assumptions you have made.

We **attach** *Practice Note – PNVCAT2 Expert Evidence*. Your report must be prepared in compliance with this document.

Not all the documents sent to you will be necessarily relevant to your task. You should examine the material to determine what is relevant for you. The content, format and layout of your report, the manner of expression and the way in which you address the tasks are all matters for you.

If you require any further information, or if you require any assistance in understanding the tasks you have been asked to undertake, please contact us.

### **Fee Proposal and Payment**

We confirm that you will be engaged directly by Costa Asset Management Pty Ltd.

Accordingly, prior to commencing work, please provide your fee proposal to Costa Asset Management Pty Ltd and direct all accounts as follows:

Client contact: C/- Brix Property Group  
Client name: Josh Freezer  
Address: Suite 15, 214 Bay Street, Brighton  
Email: jfreezer@brixproperty.com.au  
Telephone: 0466 364 808

### **Dates**

The SAC hearing will commence **Wednesday, 6 November 2024**.

Council's Part A submissions are due on **Monday, 21 October 2024**.

Council's expert evidence is due on **Friday, 25 October 2024**.

Our evidence is due to be filed by **29 October 2024**.

**Provision of Expert Report**

We will file and serve the evidence, and it must be provided to us by **Friday, 25 October 2024**.

Please contact Chris Taylor available on 03 8626 9030 – (email: [taylor@pppartners.com.au](mailto:taylor@pppartners.com.au)) or Charlotte Townshend available on 03 8626 9065 – (email: [charlottet@pppartners.com.au](mailto:charlottet@pppartners.com.au)) if you have any queries.

Yours faithfully

A handwritten signature in black ink, consisting of several loops and a horizontal line at the bottom, enclosed within a faint circular outline.

**CHRIS TAYLOR**  
**Planning & Property Partners Pty Ltd**  
Encl.

## APPENDIX 2 – INDICATIVE SITE PLAN



AREA SCHEDULE		
NAME	#	AREA
OFFICE	01	62 m <sup>2</sup>
WAREHOUSE	01	105 m <sup>2</sup>
OFFICE	02	75 m <sup>2</sup>
WAREHOUSE	02	118 m <sup>2</sup>
OFFICE	03	63 m <sup>2</sup>
WAREHOUSE	03	106 m <sup>2</sup>
OFFICE	04	76 m <sup>2</sup>
WAREHOUSE	04	119 m <sup>2</sup>
OFFICE	05	63 m <sup>2</sup>
WAREHOUSE	05	106 m <sup>2</sup>
OFFICE	06	76 m <sup>2</sup>
WAREHOUSE	06	119 m <sup>2</sup>
OFFICE	07	63 m <sup>2</sup>
WAREHOUSE	07	106 m <sup>2</sup>
OFFICE	08	76 m <sup>2</sup>
WAREHOUSE	08	119 m <sup>2</sup>
OFFICE	09	63 m <sup>2</sup>
WAREHOUSE	09	106 m <sup>2</sup>
OFFICE	10	76 m <sup>2</sup>
WAREHOUSE	10	119 m <sup>2</sup>
OFFICE	11	63 m <sup>2</sup>
WAREHOUSE	11	106 m <sup>2</sup>
OFFICE	12	76 m <sup>2</sup>
WAREHOUSE	12	119 m <sup>2</sup>
OFFICE	13	63 m <sup>2</sup>
WAREHOUSE	13	112 m <sup>2</sup>
OFFICE	14	76 m <sup>2</sup>
WAREHOUSE	14	112 m <sup>2</sup>
OFFICE	15	63 m <sup>2</sup>
WAREHOUSE	15	112 m <sup>2</sup>
OFFICE	16	76 m <sup>2</sup>
WAREHOUSE	16	112 m <sup>2</sup>
OFFICE	17	196 m <sup>2</sup>
WAREHOUSE	17	374 m <sup>2</sup>
SHOWROOM	18	634 m <sup>2</sup>
STORE BOH	18	228 m <sup>2</sup>
SHOWROOM	19	451 m <sup>2</sup>
STORE BOH	19	351 m <sup>2</sup>
SHOWROOM	20	451 m <sup>2</sup>
STORE BOH	20	351 m <sup>2</sup>
CONVENIENCE RESTAURANT TENANCY	21	220 m <sup>2</sup>
STORE	22	133 m <sup>2</sup>
STORE	23	132 m <sup>2</sup>
STORE	24	133 m <sup>2</sup>
	44	6541 m <sup>2</sup>

CARPARK SCHEDULE		
PARKING TYPE	COUNT	
BW_PAR_Parking_Space_Sld: 2400W x 5400L_DDA	4	
BW_PAR_Parking_Space_Sld: 2600W x 4900L	134	
Grand total:	138	

**NOTE: ANY BUILDINGS AND WORKS WITHIN THE FLOOD OVERLAY AND LAND SUBJECT TO INUNDATION OVERLAY ARE SUBJECT TO DETAILED DESIGN AND COUNCIL APPROVAL.**

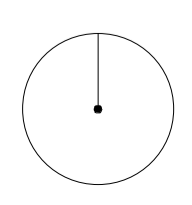
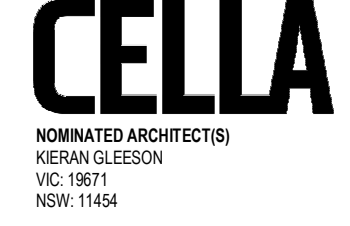
FLOOD OVERLAY (F01)  
LAND SUBJECT TO  
INUNDATION OVERLAY (LSIO)

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PROJECT NAME  
**345-365 BARWON HEADS ROAD, CHARLEMONT VIC**  
INDICATIVE ISSUE

CONTACT  
VICTORIAN OFFICE  
21-23 CHESSSELL STREET,  
SOUTHBANK, VIC 3006  
T: 03 9695 0222  
M: 0403 605 121  
EMAIL:  
bowen@cella.com.au



DRAWING NAME  
**GA CONCEPT PLAN**  
SCALE 1:500 @ A1 / 50% @ A3