

Amendment C278ggee to the Greater Geelong Planning Scheme

Draft Marshall Precinct Structure Plan

Expert Witness Report, Jason Black

At the instruction of Maddocks for Marshall Dev Co Pty Ltd

29 October 2024

TABLE OF CONTENTS

1	Introduction	3
1.1	Declaration	4
2	Summary of Evidence	5
3	Site context.....	8
3.1	Site Surrounds.....	9
3.1.1	Retail Context.....	11
4	Amendment C278ggee.....	14
4.1	Draft Marshall Precinct Structure Plan	15
4.1.1	Key Information.....	15
5	Planning Context: Greater Geelong	30
5.1	Plan Melbourne 2017-2050.....	30
5.2	Plan for Victoria.....	31
5.3	Precinct Structure Planning Guidelines	31
5.4	G21 Regional Growth Plan.....	32
5.5	Greater Geelong Settlement Strategy.....	34
5.6	Housing Diversity Strategy	36
5.7	Greater Geelong Retail Strategy.....	38
5.8	Armstrong Creek Urban Growth Plan.....	39
6	Greater Geelong Planning Scheme Provisions.....	42
6.1	Planning Policy Framework.....	42
6.2	Urban Growth Zone	48
7	Planning Review.....	53
7.1	Local Activity Centre.....	53
7.1.1	Floorspace Caps	53

7.1.2	Concept Plan.....	57
7.2	Implementation issues.....	59
7.3	Drainage Issues	60
8	Conclusion.....	63
	Appendix 1 – INSTRUCTIONS.....	65

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 Maddocks Lawyers, on behalf of Marshall Dev Co Pty Ltd, a subsidiary of Ample Investments Group Pty Ltd ("**Ample**"), to review the draft Marshall Precinct Structure Plan ("**PSP**"), their client's submission 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. Ample owns land known as 62-84 Drews Road, Marshall ("**the Site**"), which is identified in the Marshall PSP as Property 2.
7. In undertaking my review, I have been instructed as follows:
 - Subject to the Amendment being referred to a Planning Panel, you are instructed to prepare a statement of evidence and appear as an expert witness at the Panel Hearing. Your expert witness report should:
 - Be prepared in accordance with the Planning Panels Victoria *Guide to Expert Evidence*;
 - Express your opinion, as relevant to your expertise, in relation to the Amendment and associated material, with a particular focus on the following:
 - Council's response to:
 - a. The Ample submissions; and
 - b. Other submissions to the Amendment,
8. 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;*
- *Council’s Part A submission (2024);*
- *Evidence of John Glossop (2024)*
- *Using Victoria’s Planning System (2024)*
- *Plan Melbourne 2017-2050*
- *Precinct Structure Planning Guidelines: New Communities in Victoria (2021)*
- *VPA Business Plan 2024/2025 (2024)*
- *G21 Regional Growth Plan (2013)*
- *G21 Regional Growth Plan – Implementation Plan (2013)*
- *Armstrong Creek Urban Growth Plan, Volume 1 (2012)*
- *Armstrong Creek Urban Growth Plan – Economic Activity and Employment Technical Report (2006)*
- *Armstrong Creek Urban Growth Plan – Framework Plan, Incorporated Document (2015)*
- *Housing Diversity Strategy (2008)*
- *Greater Geelong Retail Strategy 2020-2036 (2020)*
- *Greater Geelong Settlement Strategy (2020)*
- *PPV Practice Note 1: Expert Evidence*
- *ABS Census 2021*
- *Greater Geelong Planning Scheme*

9. I declare that I have conducted a site and surrounds inspection on the 8 October 2024 for the whole day. This inspection included a detailed review of the Marshall precinct area, surrounding Armstrong Creek growth area and existing urban areas.

10. I have been assisted by Monica Ceckiewicz (Senior Planner) from my office in technical and research related matters.

1.1 DECLARATION

11. I declare that I have read and prepared this Expert Evidence Report in accordance with the Planning Panels Victoria *Practice Note 1: Expert Evidence*.

12. 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).

13. 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

14. The Site owned by Ample, at 62-84 Drews Road, is located within the Marshall PSP (Property 2) and forms part of the Mixed Use Station Precinct, along with land directly to its north owned by the Head, Transport for Victoria and managed by VicTrack. The Marshall PSP forms one of eight precincts in the Armstrong Creek Growth Area.
15. The Site is located approximately 150m south of the Marshall Train Station, which has recently been upgraded to include a new station building, accessible pedestrian overpass which connects both sides of the railway line to the Site, expanded car parking area, shared path connections and a dedicated bus interchange.
16. There are activity centres in proximity to the Site and the broader Marshall Precinct, the closest of which is located in Grovedale East to the west of the railway corridor and includes IGA and Aldi supermarkets.
17. Section 4.2 of the draft PSP sets out the vision, objectives and requirements for the Station Precinct and currently contains an associated Concept Plan. The proposed Urban Growth Zone Schedule 7, which implements the provisions of the Marshall PSP, requires the preparation of an Urban Design Framework for the Station Precinct which, among other things, is consistent with the Concept Plan.

Activity Centre Floorspace

18. The proposed activity centre in the Station Precinct is identified in Greater Geelong's retail hierarchy as a 'local centre', with an indicative retail floorspace area of 5,000 square metres.
19. However, there is extensive strategic policy that encourages maximizing the benefits of leveraging public transport infrastructure for economic and development growth opportunities and the need to integrate public transport with retail and employment centres and high density and diverse housing to benefit communities.
20. The designation of the Marshall Station activity centre as a local centre and its role in the broader retail context has not been adequately reviewed or challenged since the improvements to the station or passenger services were seriously contemplated and now delivered.
21. Given the proximity to the train station and bus interchange, and the extent of residential density sought by the draft PSP, I believe that the retail floorspace caps proposed by the draft PSP are unnecessary as they operate as a restriction rather than an enabler of development within the Station Precinct.
22. The Ample submission to the exhibited PSP includes a letter of support from Coles Group that identifies demand for a full-line supermarket within the Marshall Precinct. If this was proposed in the future, it would exceed the proposed retail floorspace cap, the UGZ7 would require an Economic Impact Assessment to be prepared in support of such an application.
23. Given the level of investment made in upgrading the Marshall Train Station and public transport infrastructure and services, the increased residential densities proposed within the Marshall Precinct, and the recent housing targets sets for the City of Greater Geelong by the State Government, it appears that a significantly greater population will need to be accommodated than was originally anticipated in previous planning strategies, such as the Armstrong Creek Urban Growth Plan.
24. It is not unreasonable to expect that an increased population would also result in an increased demand for retail services within the Marshall Precinct than was previously contemplated. Particularly since surrounding

activity centres, such as the Grovedale East activity centre, provide limited retail offerings and are physically constrained and unable to readily expand to meet increased demand.

Station Precinct Concept Plan

25. The current Station Precinct Concept Plan also acts as a restriction and constrains the ability of development within the Station Precinct to be flexible and innovative, as envisioned in the Precinct Structure Planning Guidelines, and respond to any site-specific detailed design challenges or new retail offerings that may arise.
26. This is particularly important due to the substantial uncertainty around the inclusion of the VicTrack land within the Station Precinct, and more broadly the PSP, as it has not yet been declared surplus to the transport needs of the Marshall Train Station. Deletion of the VicTrack land from the PSP or its exclusion from accommodating town centre uses, could have significant implications on the land use designation and layout of the Station Precinct.
27. Undoubtedly, there are multiple design options and layouts for the Station Precinct and the inclusion of the Concept Plan is not considered a useful exercise, and indeed may prevent a future UDF or development from being able to appropriately respond to the site-specific matters, constraints and opportunities that have been identified during the PSP process and may arise through the design process.

Drainage Infrastructure

28. The Marshall Precinct is heavily encumbered by existing and proposed waterways and drainage infrastructure and there is clear direction as to the delivery of this infrastructure in the PSP and associated Stormwater Management Strategy.
29. The issue which arises in relation to delivery of drainage infrastructure is due to the fragmentation of land within the Precinct, the relatively low NDA within the Precinct and the current staging specified for infrastructure delivery in the draft PSP.
30. Given that some of the drainage infrastructure required is located on properties that have little developable area and are within different catchments, it is difficult to see the incentive for landowners to transfer or vest this land, particularly if the infrastructure is required early in the life of the PSP. This could result in delays to the development of land in other parts of the PSP, including in the Station Precinct.
31. Given that the services offered in the Station Precinct will support both the existing and future communities in the surrounding area, any delays to the delivery of the Station Precinct should be avoided.
32. A Public Acquisition Overlay should be applied to land required for drainage infrastructure as part of the Amendment to enable Council to acquire land to deliver these assets as they are required.
33. This has recently been implemented in other parts of the Armstrong Creek Growth Area where Council determined that the transfer of land was not occurring in a timely manner and 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.
34. To adequately determine the land required for drainage infrastructure that the Public Acquisition Overlay is to be applied to, Functional Layout Plans for drainage infrastructure should also be prepared prior to the approval of the Amendment, particularly given they will be funded via the development contributions plan.

35. Further given the development of other precincts, such as the North East Industrial Precinct, has been delayed by implementation issues, such as stormwater management, it would seem appropriate, if not obvious, that further analysing the stormwater management requirements should occur to appropriately design the drainage assets so the land area requirements can be confirmed and funded.

Implementation Issues

36. There are various other implementation issues with the draft PSP in its current form, which will be outlined in more detail through this evidence statement and should be addressed prior to approval of the Amendment.
37. Further, the draft PSP is seeking to advance many themes that are new or go beyond the current legislative requirements for development (E.g. Affordable Housing contributions) that may be better addressed through separate strategies that sit outside of the PSP, or at a minimum through guidelines rather than requirements.

3 SITE CONTEXT

38. The Site owned by Ample is known as 62-84 Drews Road (Lot 3, PS631720) in Marshall. It has an area of approximately 4.56ha.
39. The Site is located within the Marshall Precinct Structure Plan (“PSP”) area and is identified in the PSP as Property 2.
40. The Site is located to the west of Drews Road, east of the railway corridor and is directly south of land owned by the Head, Transport for Victoria and managed by VicTrack under the Regional Infrastructure Lease (“RIL”), which has been partially developed with the car park for the existing Marshall Railway Station (referred herein as the “VicTrack land”).



Figure 1: Aerial of Site (Landchecker 2024)

41. The Marshall Station is located approximately 150m north of the Site and has recently been upgraded as part of the Victoria’s Big Build program. Key features of the station upgrade include a new station building and forecourt, a second platform, accessible pedestrian overpass, enclosed waiting room and amenities, 270 new car parking spaces (taking the total to 700 car spaces), additional secure bike cages and hoops, and a dedicated bus interchange. An aerial landscape concept from Victoria’s Big Build website is shown below.



Figure 2: Marshall Station Landscaping Concept Image (Victoria's Big Build 2024)

42. Further west of the railway corridor and north of the PSP boundary is existing residential land, which has generally been developed with single dwellings, units and townhouses.

3.1 SITE SURROUNDS

43. The Site 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.

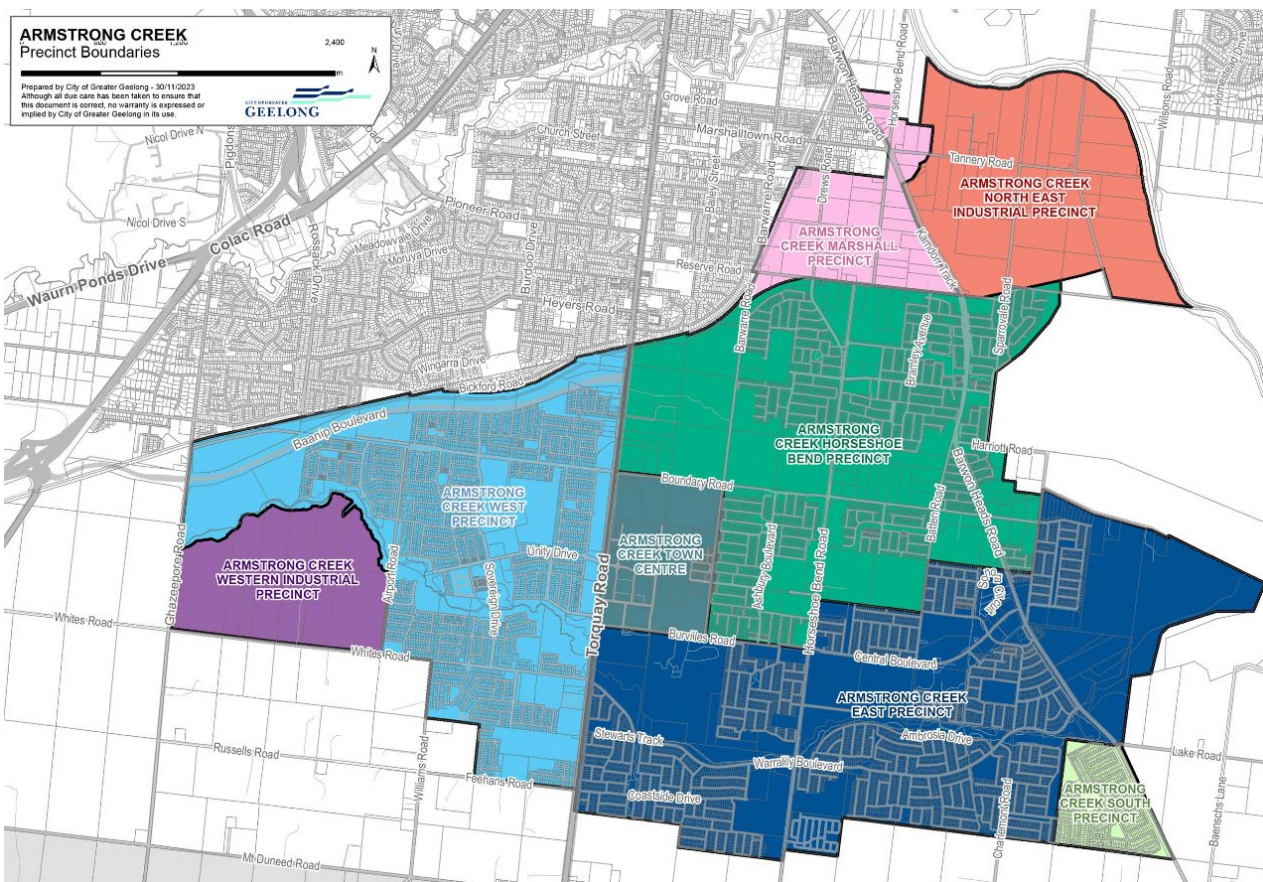


Figure 3: Armstrong Creek Precinct Boundaries (City of Greater Geelong 2023)

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”).

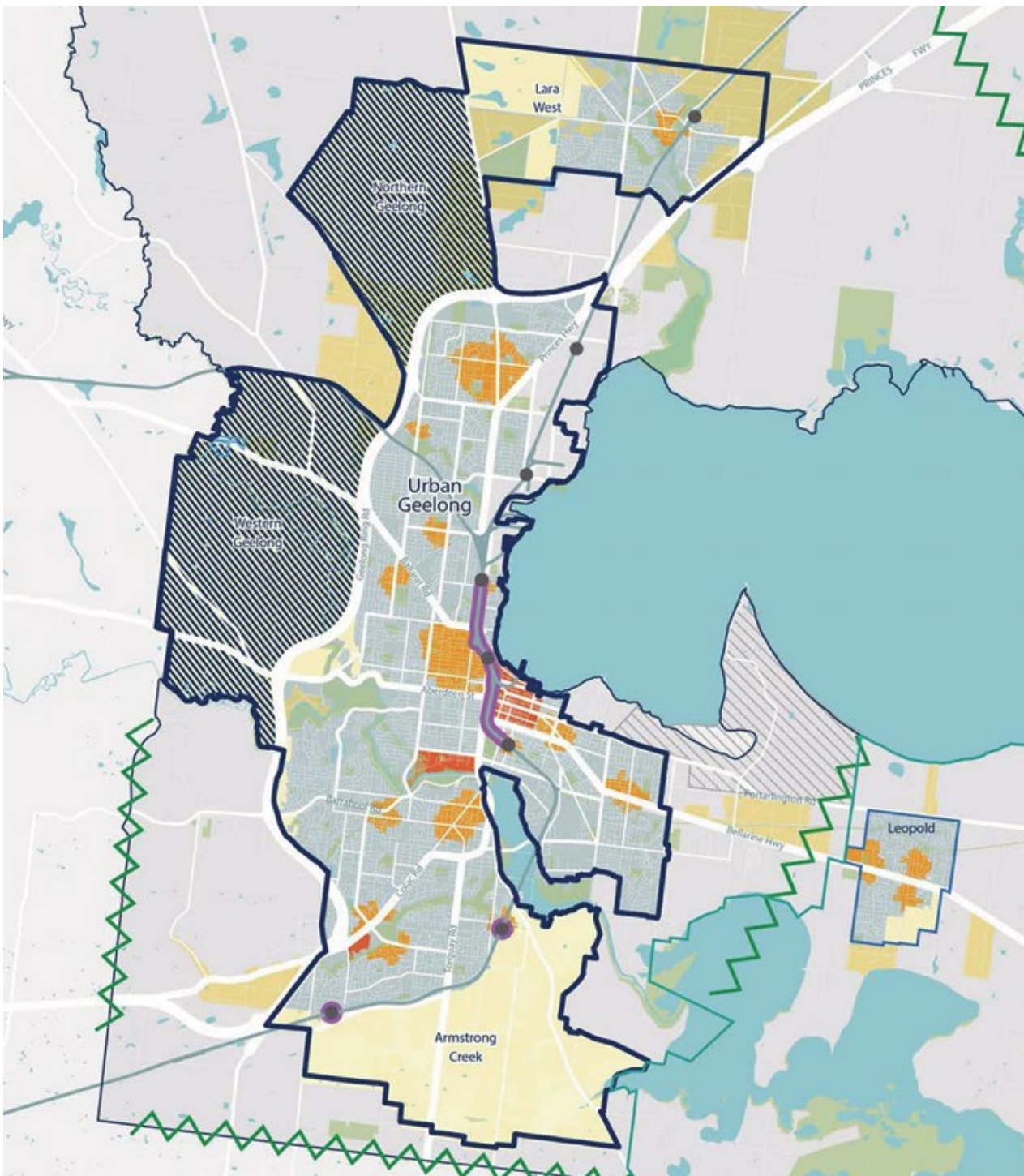


Figure 4: Greater Geelong Housing Framework Plan (Settlement Strategy 2020)

3.1.1 Retail Context

- 45. There are several existing and proposed activity centres in areas surrounding the Marshall Precinct, both within the existing urban area west of the railway corridor and within the broader Armstrong Creek Growth Area, as identified on the below map.

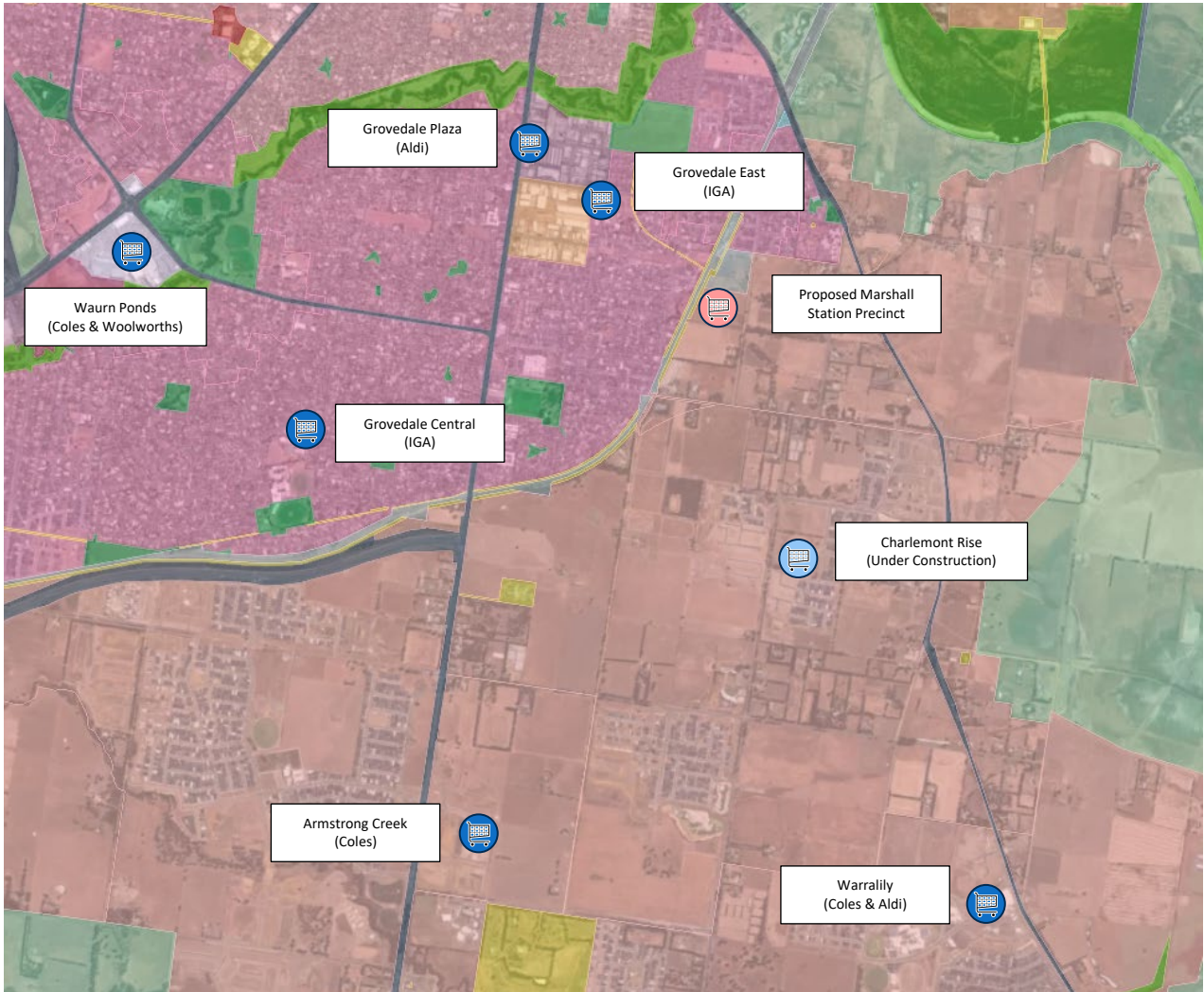


Figure 5: Existing Retail Context Plan

46. The proximity of the Supermarkets within these activity centres to the Site is listed below:

- IGA, Grovedale East – 700m
- Aldi, Grovedale Plaza – 1.2km
- Supermarket Under Construction, Charlemont Rise – 1.3km
- IGA, Grovedale Central – 2.1km
- Coles/Woolworth, Waurm Ponds – 2.8km

- Coles, Armstrong Creek – 3km
- Woolworths/Aldi, Warralily – 3.4km

47. While the existing Grovedale East IGA and Aldi supermarkets are in relatively close proximity to the Marshall Precinct, both of these supermarkets provide a limited retail offering and are physically constrained in their locations.

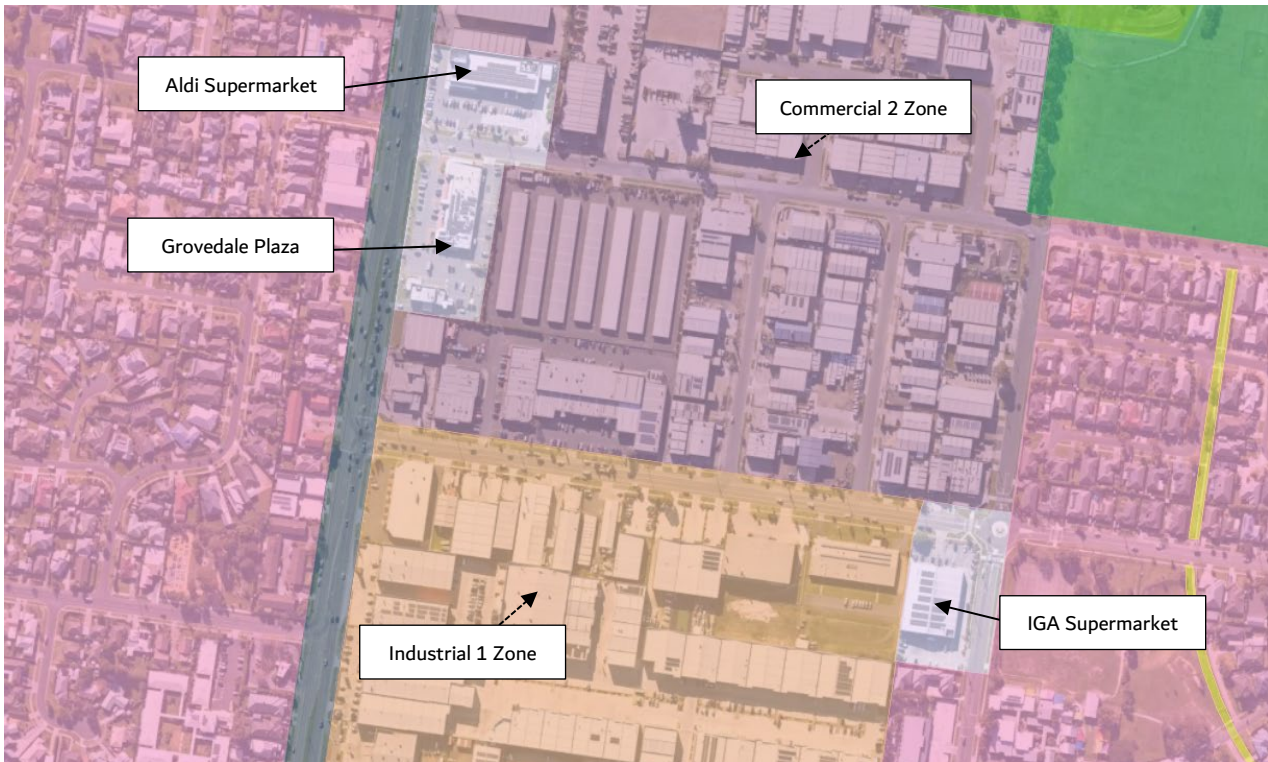


Figure 6: Grovedale East Retail Context

4 AMENDMENT C278GGEE

48. The City of Greater Geelong (“**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.
49. 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.
50. 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.
51. 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.
52. Council’s Delegated Authority Report dated 28 August 2024 provides consideration of the submissions received and details what changes have been made to the PSP and why.
53. Council’s Part A submission dated 21 October 2024 provides additional information outlined in Directions from the Panel, including a broad response to submissions.

4.1 DRAFT MARSHALL PRECINCT STRUCTURE PLAN

54. The following section outlines key information and plans from the draft Marshall PSP in so far as it relates to the Site. A detailed planning review of the requirements and guidelines and relevant background documents to what I consider to be the key issues with the PSP, as relevant to the Ample submission as per my instructions, is outlined in Section 7 of this report.

4.1.1 Key Information

55. Council released a 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.

56. 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.

57. The majority of the Armstrong Creek Urban Growth Area (“ACUGA”) has since been planned and development has substantially commenced.

58. The Marshall PSP covers a relatively small area of approximately 124ha and is generally bound by Barwon Heads 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.

59. 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.

60. On page 14 of the draft Marshall PSP it is stated that “the existing Marshall Station offers the uncommon opportunity of a station in a greenfield setting. To ensure value capture of this transport linkage, higher density minimums have been set in surrounding residential areas.”

61. Plan 4 *Precinct Features* of the PSP, see extract below, identifies that the Site is impacted by areas of:

- *Flood Prone Areas Extent*
- *ESO (Environmental Significance Overlay)*
- *Heritage Area & Local Registry Place No MAR05*
- *Sewer Easement*
- *Existing Scattered Trees*
- *Bushfire Prone Area*

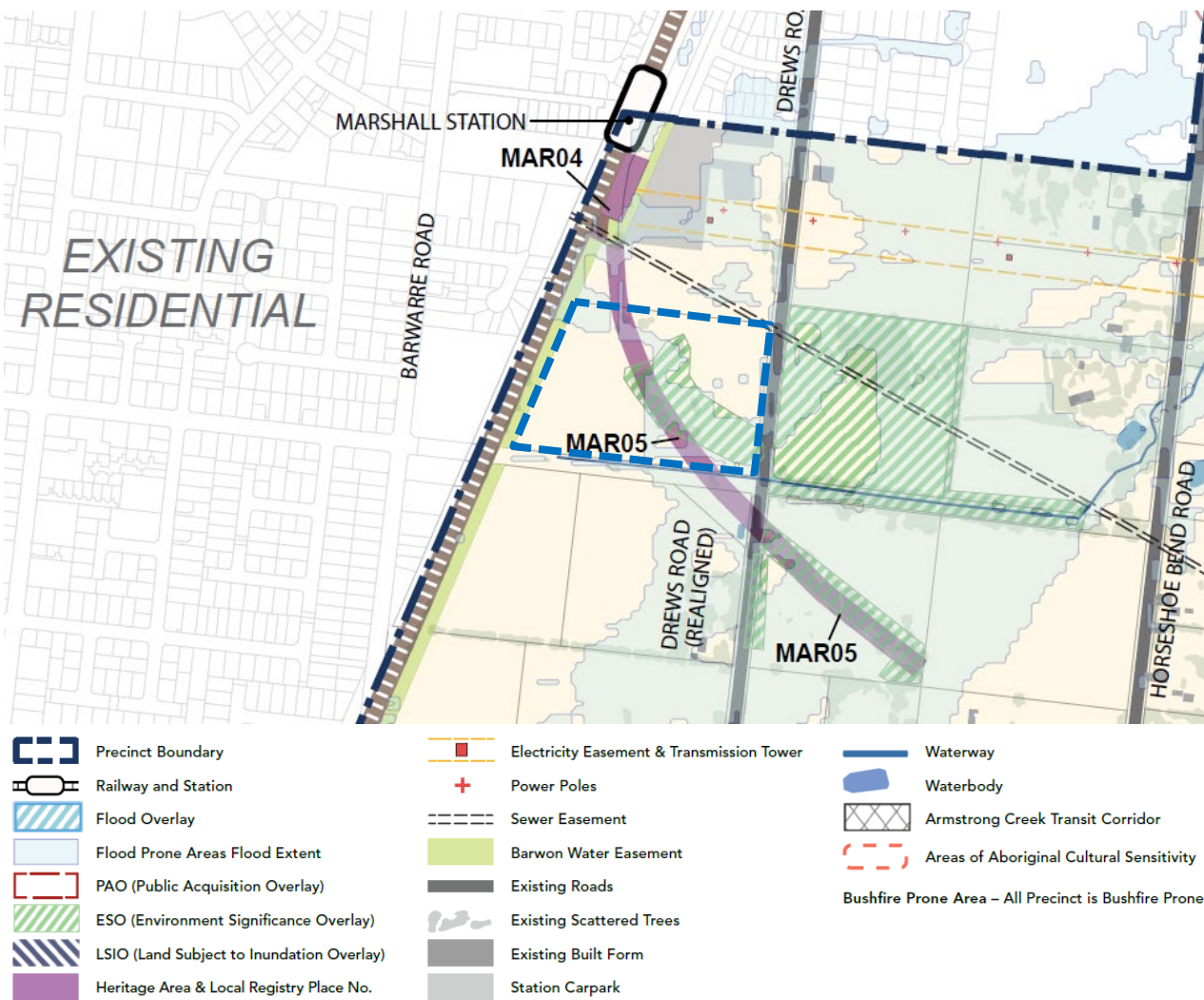
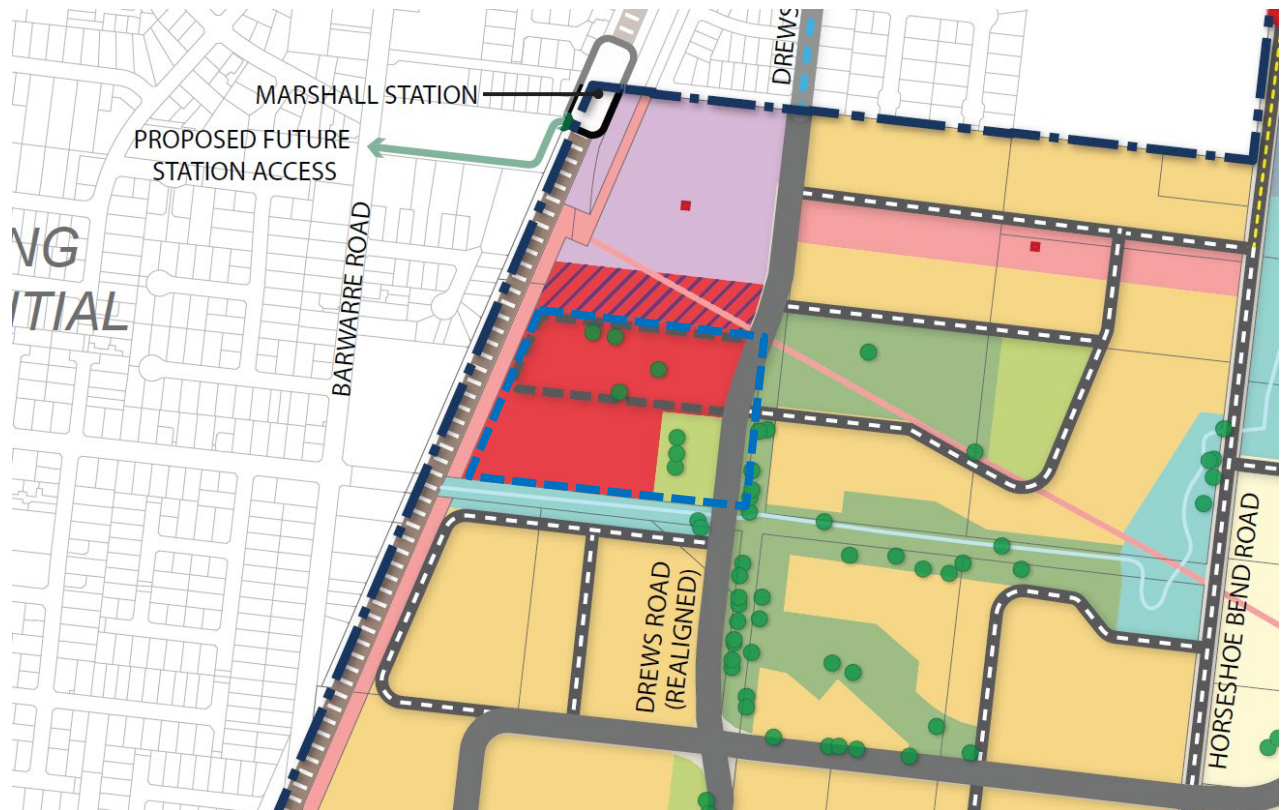


Figure 7: P4 Precinct Features (Draft Marshall PSP)








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

- Mixed Use – High Density Residential (3.543ha)
- Credited (Unencumbered) Open Space (0.548ha)
- Conservation Reserve (0.110ha)
- Connector Street (realignment of Drews Road into the Site) (0.361ha)
- Station Precinct Road (refer to Concept Plan)
- Existing trees to be retained



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

CONTEXT

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

LAND USE

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

MOVEMENT










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

Figure 8: P5 Future Urban Structure (Draft Marshall PSP)

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%. The Station Precinct (Mixed Use) has an area of 4.49ha, of which 3.543ha is located on the Site.
64. Plan 9 *Native Vegetation Precinct Plan*, see extract below, shows vegetation to be retained and removed from the Site. Seven (7) scattered native trees are shown to be retained on the Site and all other vegetation is identified for removal subject to approval.

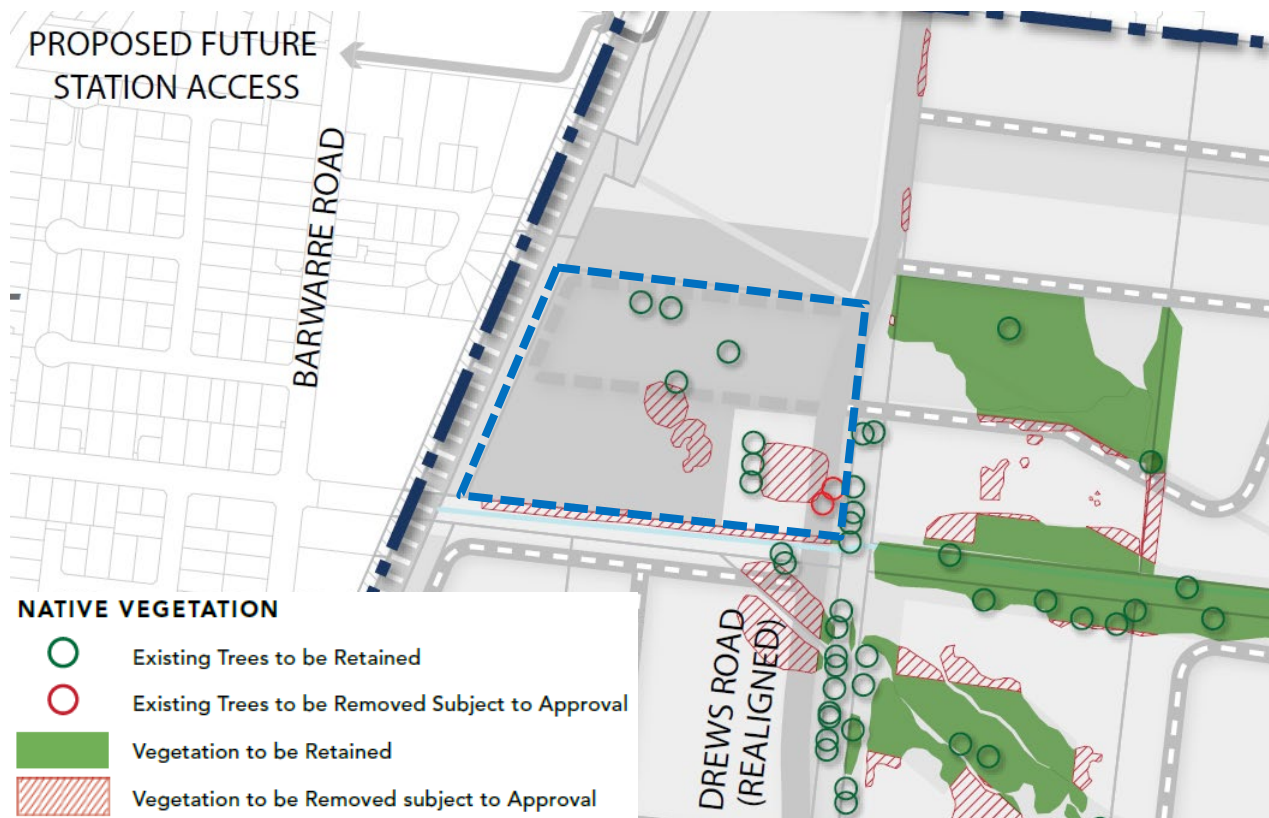


Figure 9: P9 Native Vegetation Precinct Plan (Draft Marshall PSP)

65. 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 Site across the Precinct via existing and proposed waterways and drainage assets to the Barwon River Floodplain.

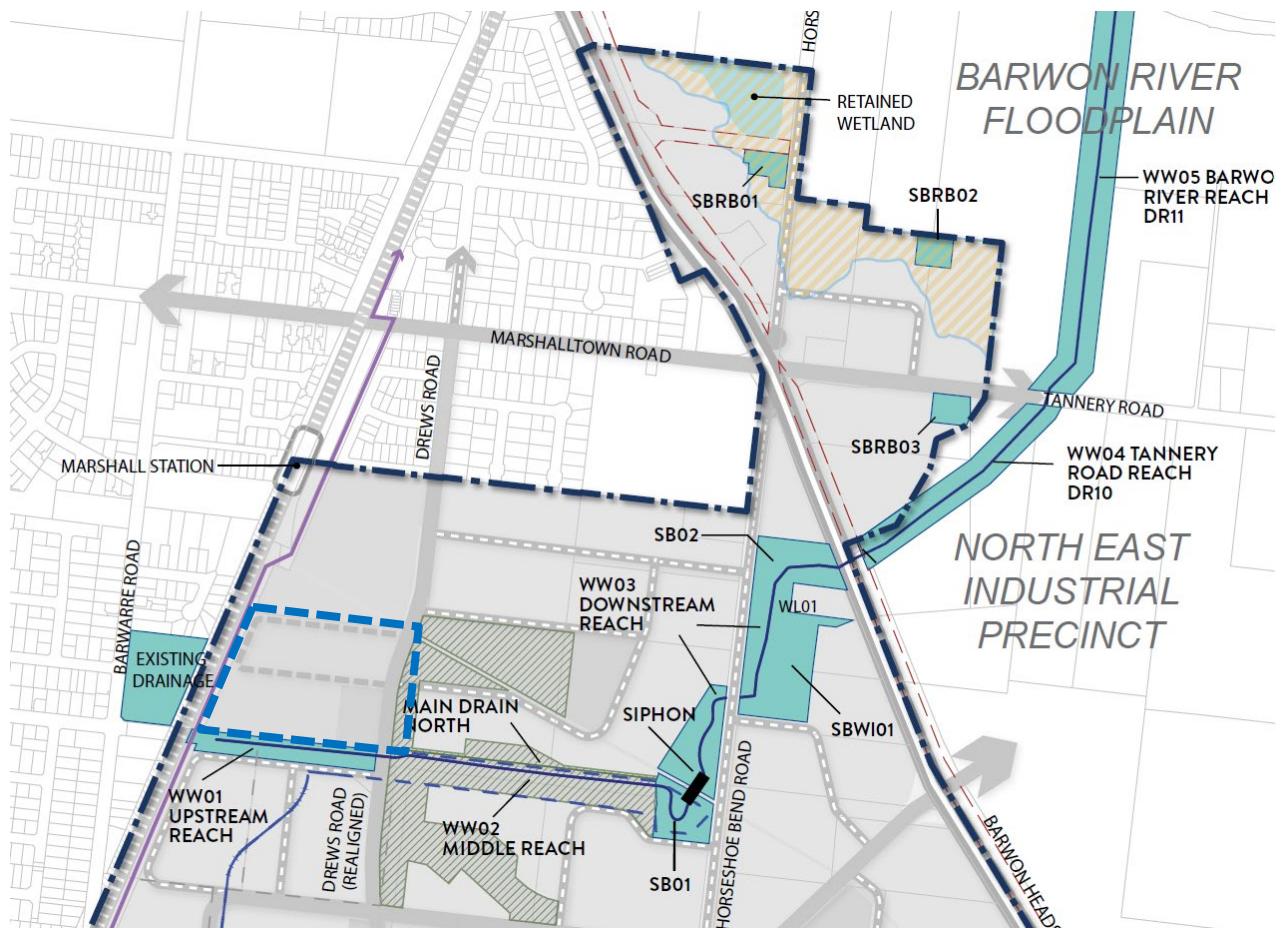


Figure 10: P12 Integrated Water Management (Draft Marshall PSP)

66. Plan 13 *Bushfire Classifications*, see extract below, identifies bushfire threats within the Precinct and specifies a ‘33m Dwelling Setback from the Conservation Area (Subject to Detailed Assessment at Subdivision and/or Development Stage)’ which impacts the eastern portion of the Site.

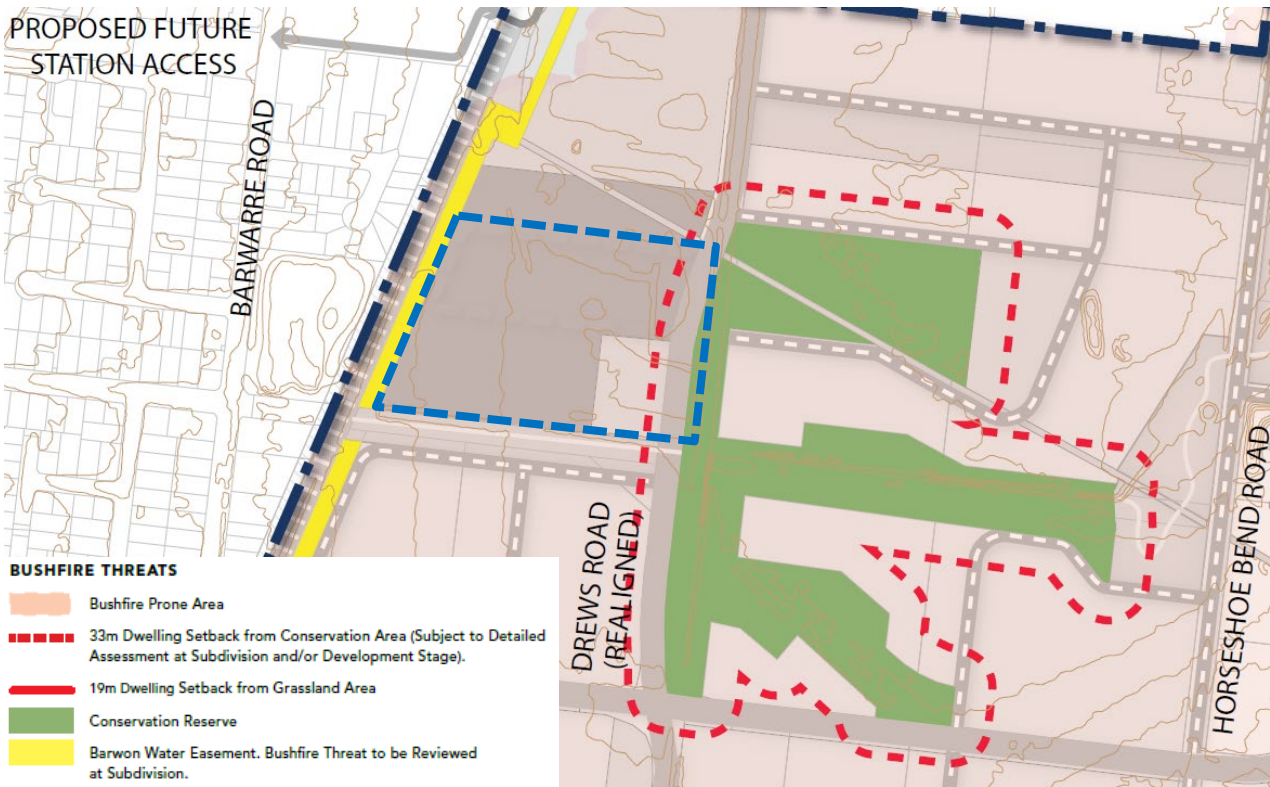


Figure 11: P13 Bushfire Classifications (Draft Marshall PSP)

67. 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.

68. As relevant to the Site, Plan 16 shows:

- LP04 – Station Precinct Local Park
- RD03 – Drews Road
- CR02 – Drews Road Greenway Conservation Reserve
- LOS02 – Drews Road Greenway Linear Open Space
- SUP08 – WW01 Upstream Reach shared user path
- WW01-DR08 – Outfall and environmental flow (Upstream Reach)

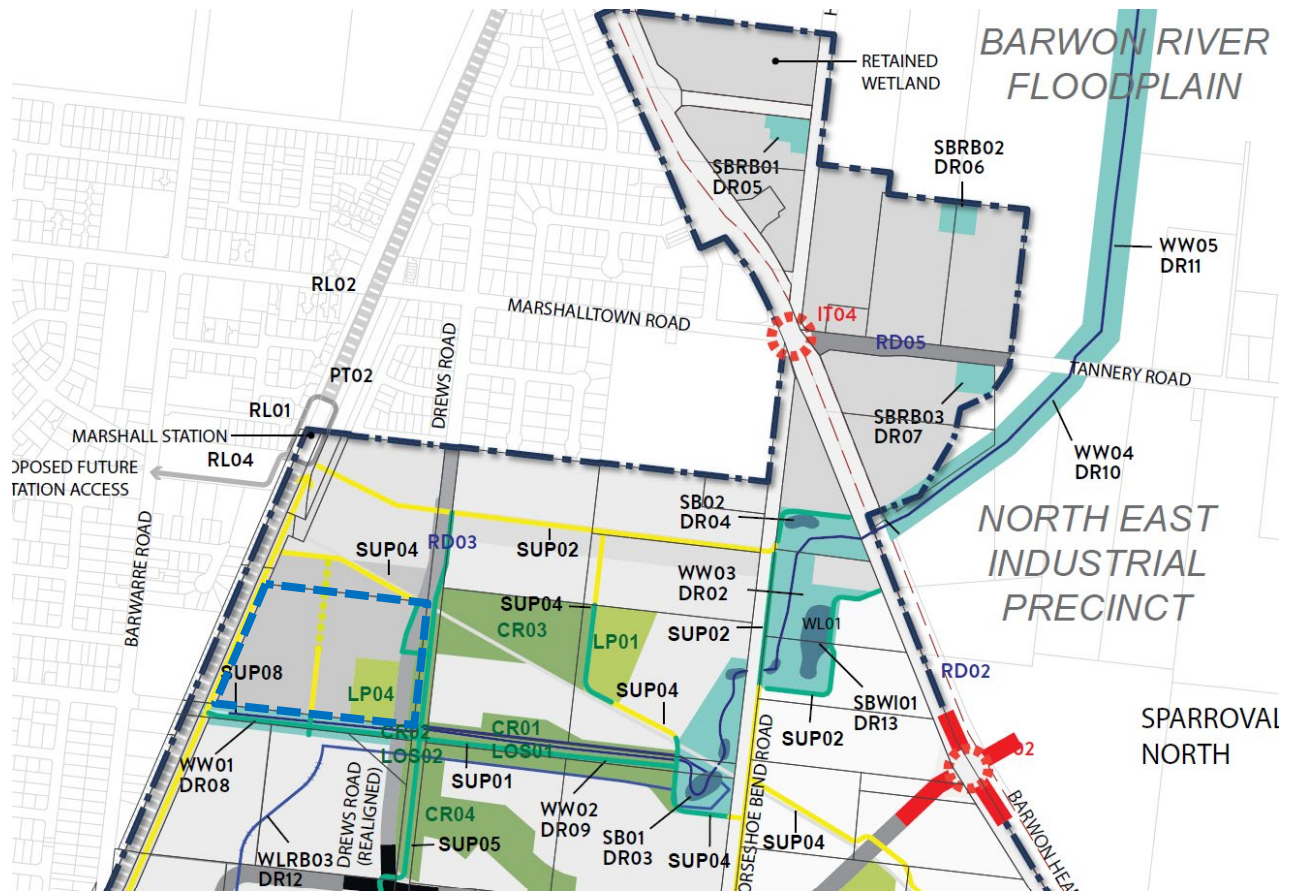


Figure 12: P16 Precinct Infrastructure Plan (Draft Marshall PSP)

69. 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 Catchment C. It is noted that Council, in its Part A Submission, clarified that the catchments are not intended to be delivered sequentially from A-K (para 107).

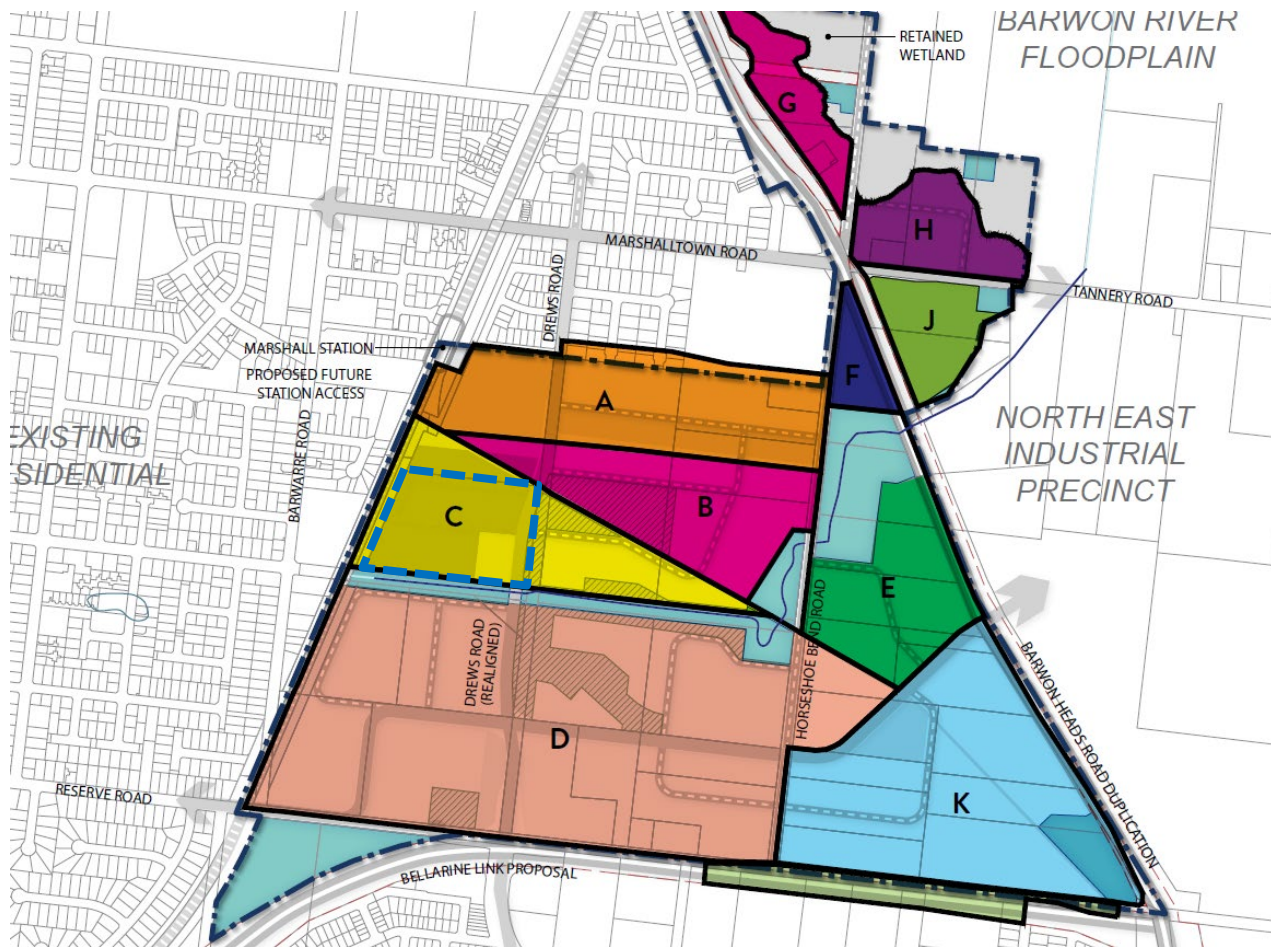


Figure 13: P17 Development Staging (Draft Marshall PSP)

70. The Infrastructure Projects identified in Table 9 *Precinct Infrastructure Plan* as being relevant to the Site or Catchment C, is shown below.

Project Category	Project Number	Title	Project Description	Lead Agency	Delivery Timing/Provision Trigger/Staging	Included in DCP
Road	RD03	Drews Road: Reserve Road to northern boundary of PSP	Land and construction of 2 lane connector to connect to Reserve Road / Bellarine Link and the northern boundary of the precinct (generally at 25 metres width, reducing to 21 or 20 metres where shown on the Cross Section Location Plan). Includes road realignment to avoid remnant vegetation in and on the boundary of the middle section of the existing road reserve.	City of Greater Geelong	Upon development of the relevant Catchment, or to the satisfaction of the Responsible Authority	Land – yes, for all land outside the existing road reserve; construction - no
Intersection	IT05	Drews Road and Station	Land for ultimate configuration and construction of roundabout	City of Greater Geelong	Upon development	No

		Precinct Main Street	intersection (final design and function determined at detailed planning stage)			
Shared User Path	SUP01	Smith Street Greenway Reserve Walking Trail	Retain pedestrian gravel trail between Drews Road and Horseshoe Bend Road / SB01. Path improvements limited to additional toppings to remove any trip hazards. Includes upgrade of footbridge at Drews Road to be 2.5m clear width and be of durable materials as outlined in Design Note 9. Appropriate signage.	City of Greater Geelong	The first subdivision within Catchment C or D, whichever comes first, or to the satisfaction of the Responsible Authority	Yes
Shared User Path	SUP05	Drews Road Greenway Reserve shared user path	Shared user path and appropriate intersection with pedestrian priority. Includes removal of excess road pavement and revegetation to enhance greenway. Subject to road reserve closure for realigned RD03. Path also located in LP03.	City of Greater Geelong	The first subdivision within Catchment C or D, whichever comes first, or to the satisfaction of the Responsible Authority	Yes – both in road reserve and LP03
Shared User Path	SUP08	WW01 Upstream Reach shared user path	Shared user path, appropriate signage, vegetation management and appropriate intersection with pedestrian priority. Path located within drainage reserve.	City of Greater Geelong	The first subdivision within Catchment C or D, whichever comes first	Yes
Drainage	WW03-DR02	Conveyance and connection to Barwon Heads Road culverts (Downstream reach)	Land reservation (upstream of Horseshoe Bend Road and 1.43ha downstream of Horseshoe Bend Road) and construction of a Waterway from north of SB01 to Barwon Heads Road, including Siphon from SB01 to the southern section of the waterway	City of Greater Geelong	The first subdivision within Catchment A, B, C, D, E and F, whichever comes first	Yes
Drainage	SB01 – DR03	Sedimentation Basin and connection to Waterway	Land reservation and construction of Sediment Basin and Siphon and associated infrastructure and portion of SUP-04 surrounding the Basin	City of Greater Geelong	The first subdivision within Catchment C or D, whichever comes first	Yes
Drainage	WW01 – DR08	Outfall and environmental flow (Upstream Reach)	Land reservation and construction of Waterway in between the Railway Corridor and Drews Road, including the construction of SUP08	City of Greater Geelong	The first subdivision within Catchment C or D, whichever comes first	Yes
Drainage	WW02 – DR09	Marshall Creek (Middle Reach) and Main Drain North	Land reservation and construction of Marshall Creek (Middle Reach) within the Smith Street Greenway, and underground Main Bypass Drain North	City of Greater Geelong	The first subdivision within Catchment C or D, whichever comes first	Yes
Linear Open Space	LOS01	Smith Street Greenway Linear Open Space	General improvements – integrated with waterway (WW02 Marshall Creek Middle Reach), SUP01 and SUP05 and Drews Road Greenway LOS02	City of Greater Geelong	The first subdivision within Catchment C or D, whichever comes first, or to the	No

					satisfaction of the Responsible Authority	
Conservation	CR02	Drews Road Greenway Conservation Reserve	Conservation and environmental improvements. Includes Native Vegetation Precinct Plan requirements, management, signage and appropriately designed fencing of conservation area	City of Greater Geelong	The first subdivision – the Land is transferred to or vested in Council, and subject to road reserve closure for realigned RD03	No
Linear Open Space	LOS02	Drews Road Greenway Linear Open Space	General improvements – integrated with SUP05 and SUP01, and Smither Street Greenway LOS01	City of Greater Geelong	The first subdivision within Catchment C or D, whichever comes first, to the satisfaction of the Responsible Authority	No
Passive Open Space	LP04	Station Precinct Local Park	Land reservation (0.5ha) and urban park facilities, protection of native trees and general improvements. Integrated with Station Precinct UDF	City of Greater Geelong	The subdivision and/or development of the parcel which contains the park	Land – No (Clause 53.01 contribution); Construction - Yes

71. Section 4.2 *Station Precinct Urban Design Framework Requirements and Guidelines* sets out the vision, objectives, requirements and guidelines for the Mixed Use ‘Station Precinct’.
72. Plan 18 *Station Concept Design Intention*, see extract below, includes a concept design for the Mixed-Use Station Precinct.



KEY



























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

Figure 14: P18 Station Concept Design Intention (Draft Marshall PSP)

73. Section 4.3 *Road Design Characteristics and Cross Sections*, see extract below, sets out key road cross sections and their locations within the Precinct.

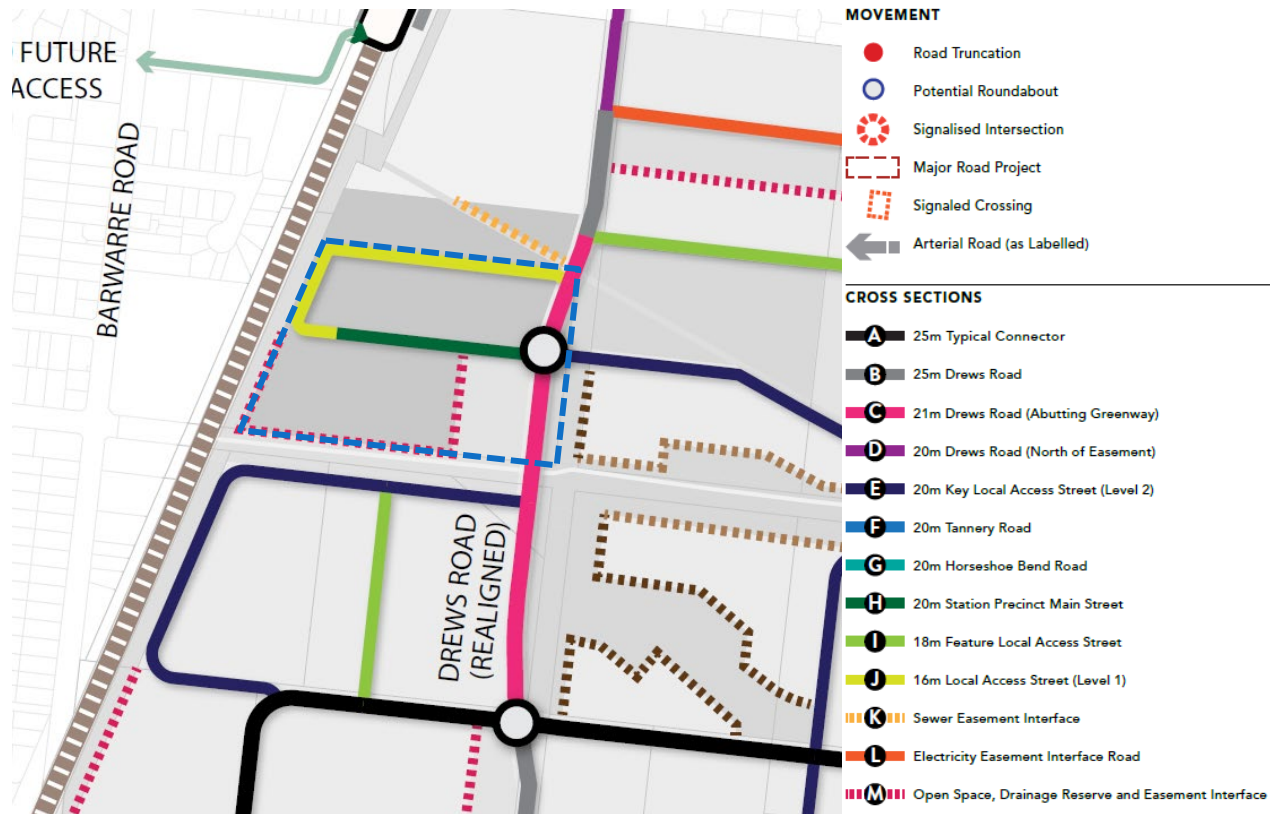


Figure 15: Road Design Characteristics (Draft Marshall PSP)

74. The relevant cross sections, see extracts below, which are located within the Site include:

- 21m Drews Road (Abutting Greenway)
- 20m Station Precinct Main Street
- 16m Local Access Street (Level 1)
- Open Space, Drainage Reserve and Easement Interface

75. The plan also identifies a ‘Potential Roundabout’ at the intersection of Drews Road and the ‘Main Street’.

76. It is noted that in the Council Report dated 28 August 2024, in response to Ample’s submission, Council has stated that the ‘Main Street’ and the ‘Local Access Street’ in the Station Precinct are to be swapped.

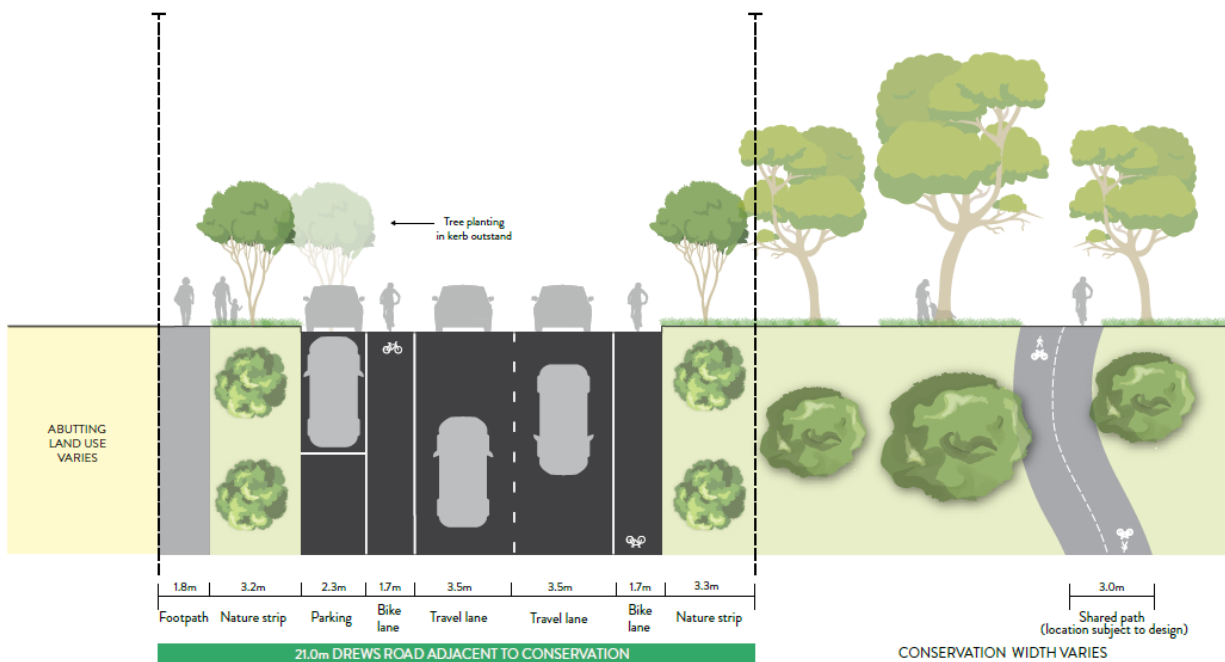


Figure 16: Cross Section C - 21m Dreads Road (Conservation) (Draft Marshall PSP)



Figure 17: Cross Section H - 20m Station Precinct Main Street (Draft Marshall PSP)

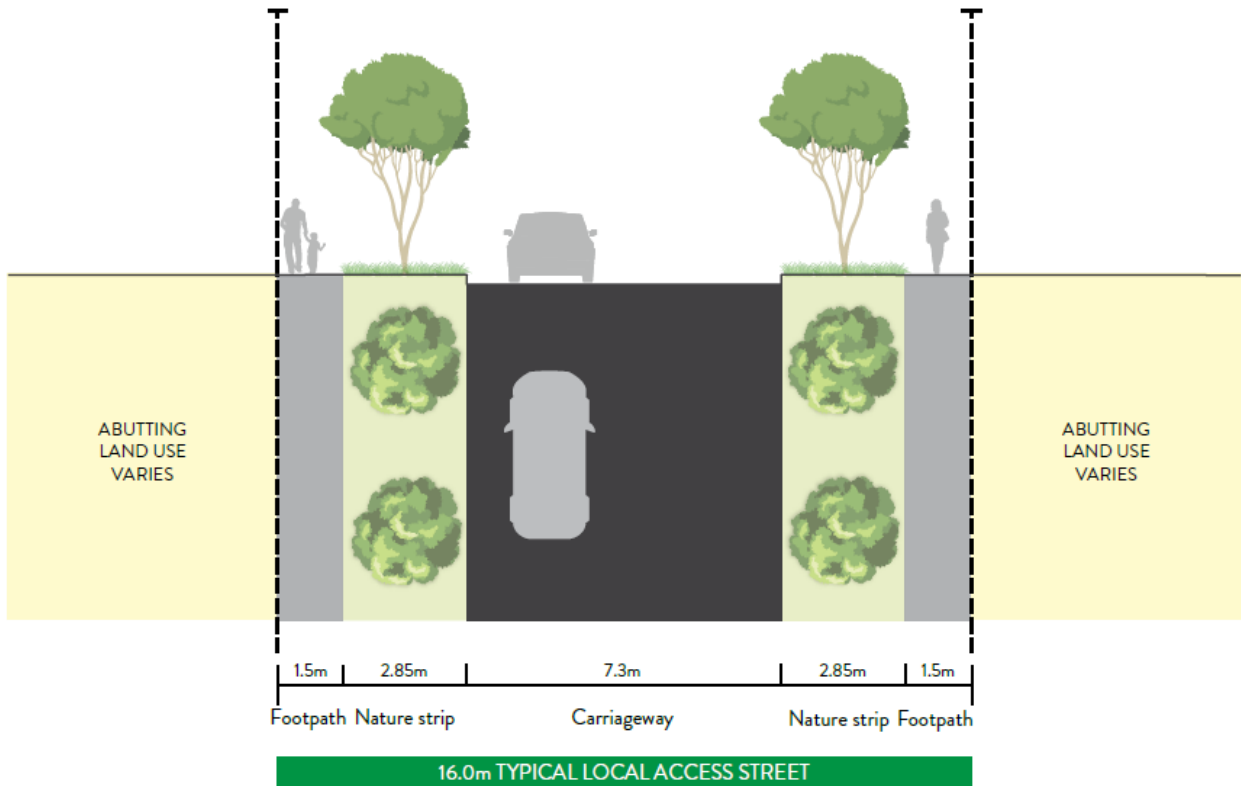


Figure 18: Cross Section J - 16m Key Local Access Street (Level 1) (Draft Marshall PSP)

NOTE:

CARRIAGEWAY CAN BE REDUCED TO 5.5M FOR ROADS ABUTTING BARWON HEADS ROAD.

A PAPER ROAD IS AN ACCEPTED INTERFACE INSTEAD OF 14M ROAD ABUTTING SOME DRAINAGE, OPEN SPACE OR EASEMENT LOCATIONS. SUBJECT TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

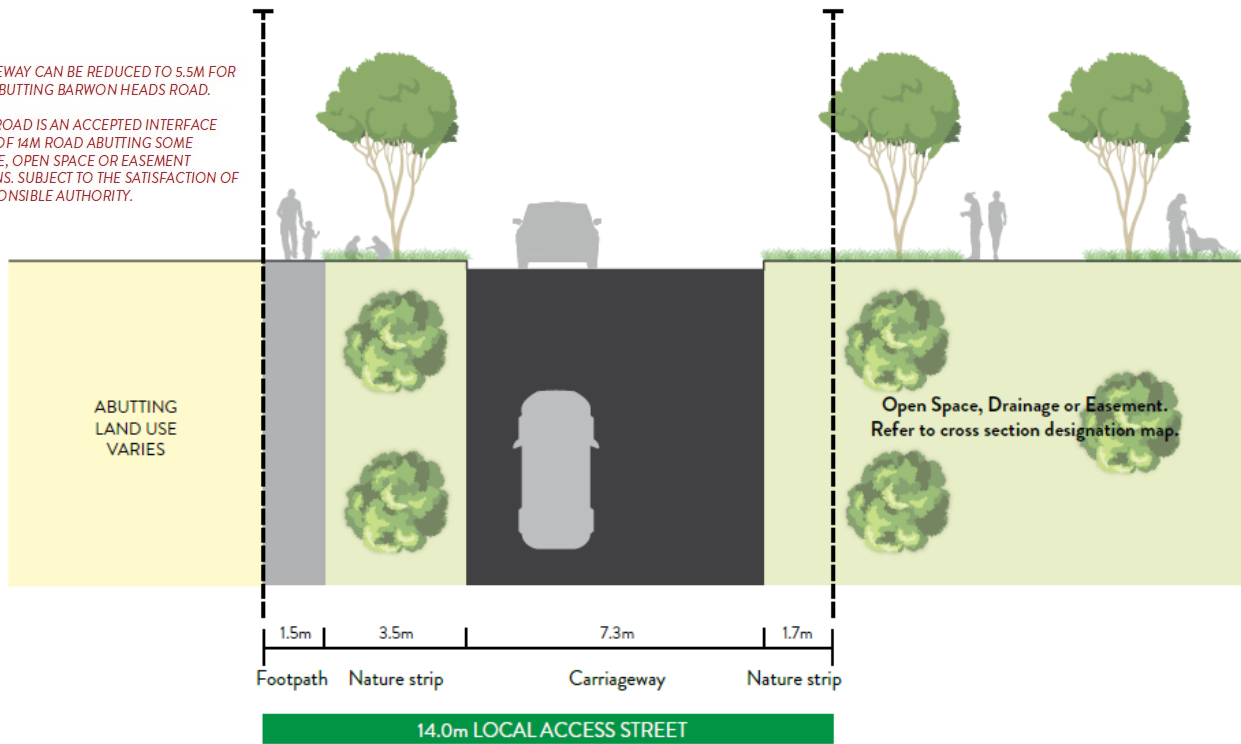


Figure 19: Cross Section M - 14m Local Access Street (Level 1) Abutting Open Space, Drainage, Easements, Barwon Heads Road (Draft Marshall PSP)

5 PLANNING CONTEXT: GREATER GEELONG

- 77. 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.
- 78. Much of the strategic direction in these documents is repetitive, as key concepts have been carried over across the various strategies through time.

5.1 PLAN MELBOURNE 2017-2050

- 79. *Plan Melbourne 2017-2050* is the overarching strategic document for metropolitan Melbourne published in 2017.
- 80. While the Plan’s primary focus is on Melbourne, it does also provide strategic direction for regional Victoria and acknowledges the importance of regional centres such as Geelong and their connection to Melbourne.
- 81. Map 23 *Victoria’s connected cities and regions*, see extract below, identifies key connections between Melbourne and Victoria’s regional cities, including Geelong.



Figure 20: Map 23 Victoria's connected cities and regions (Plan Melbourne 2017-2050)

- 82. The Plan’s Policy 1.3.2 – *Plan for new development and investment opportunities on the existing and planned transport network*, highlights the importance of maximising the benefits of existing transport infrastructure

by identifying land-development and investment opportunities and the need for planning to leverage off major transport investments.

83. The Plan's Policy 7.1.1 – *Stimulate employment and growth in regional cities*, identifies that “regional city railway stations and their surrounds need to be targeted for potential growth opportunities” (pg 131).
84. Given the recent upgrades to the Marshall Train Station, the Marshall Precinct presents a unique growth and development opportunity within the broader Armstrong Creek corridor.

5.2 PLAN FOR VICTORIA

85. The State Government is currently preparing a new *Plan for Victoria*, which will be the first whole-of-state plan, guiding growth and development through to 2050.
86. The VPA's 2024/25 Business Plan, states at page 6 under ‘Delivering the Housing Statement By 2050’, that “Victoria will be home to more than ten million people, with eight million forecast to live in Melbourne and over two million in regional Victoria. The Victorian Government set out a clear path to tackle housing supply and affordability in the Housing Statement. The Housing Statement initiatives will boost the supply of safe, high quality, affordable and accessible housing across our suburbs, cities and regions”.
87. As part of the work being undertaken for the new *Plan for Victoria*, each of Victoria's 79 Councils has been provided with a draft target for where the 2.24 million new homes needed to meet projected population growth could be built by 2051. These draft targets are intended to guide Councils on where future homes should be built across the State to create more housing choice in areas with existing and planned public transport, jobs and services.
88. The draft housing target for Greater Geelong City Council is for 139,800 new dwellings by 2051, which is a significant increase from previous population forecasts within other strategic policies.
89. Mr Glossop, in the footnote to his paragraph 7, states that he considers the “draft housing targets should be given some weight given the wording of Clause 1.02-1S, which lists ‘Victorian government population projections and land supply estimates’ as a Policy Guideline”.
90. It is noted that the draft housing targets will be finalised and incorporated into the new Plan for Victoria once consultation on this has been concluded. The draft Plan for Victoria is anticipated to be released for consultation in late 2024.

5.3 PRECINCT STRUCTURE PLANNING GUIDELINES

91. 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.
92. “While the Guidelines maintain a focus on preparing PSPs in Melbourne's new communities, PSPs will also be prepared across regional Victoria's growing cities and towns. While a more nuanced approach to the application of the Guidelines in these areas is required, the same principles, features and targets should be considered in the regional context, particularly where larger growth areas are proposed” (pg 3).

93. Under Section *Connect people to jobs & higher order services*, the PSP Guidelines set out general principles, including:
- *F8.1 Preferred local, sub-regional and/or regional economic development opportunities should be identified based on the current and future strategic conditions of the PSP area (including advantages and challenges). These areas should be located, designed and staged to (as relevant):*
 - *Be located in areas adjacent to, or in close proximity to, arterial road, public transport and freight networks (pg 65)*
94. Under 'how to apply in a PSP' of the same section, it states that:
- *An Employment & Activity Centre Plan should identify key areas for economic activity. The plan should demonstrate locational advantages and opportunities for linkages, including access to roads, public transport, the PPTN and freight networks. Consider opportunities for locations where consolidation of high trip generating uses could align with the PPTN (pg 65)*
95. Under Section *Infrastructure Coordination*, the PSP Guidelines set out general principles, including:
- *F17.4 Structure and design of a PSP should seek to maximise opportunities for development to utilise existing infrastructure or to capitalise on planning infrastructure commitments (pg 98)*

5.4 G21 REGIONAL GROWTH PLAN

96. 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.
97. 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 (40.8%) than is now being contemplated by the new Plan for Victoria (139,800).
98. One of the key principles for regional growth identified in the G21 RGP is to 'optimise infrastructure and consolidate', being to "maximise capacity and leverage off existing infrastructure and services, particularly near central retail and transport nodes" (pg 20).
99. The G21 RGP directs growth to the Armstrong Creek Growth Area, which is identified as a 'sub-regional centre', but does not break this down further into the sub-precincts including Marshall. Map 3 – *Geelong Context* of the G21 RGP identifies the train station at Marshall, but does not identify any of the lower order activity centres in the Growth Area, as shown below.

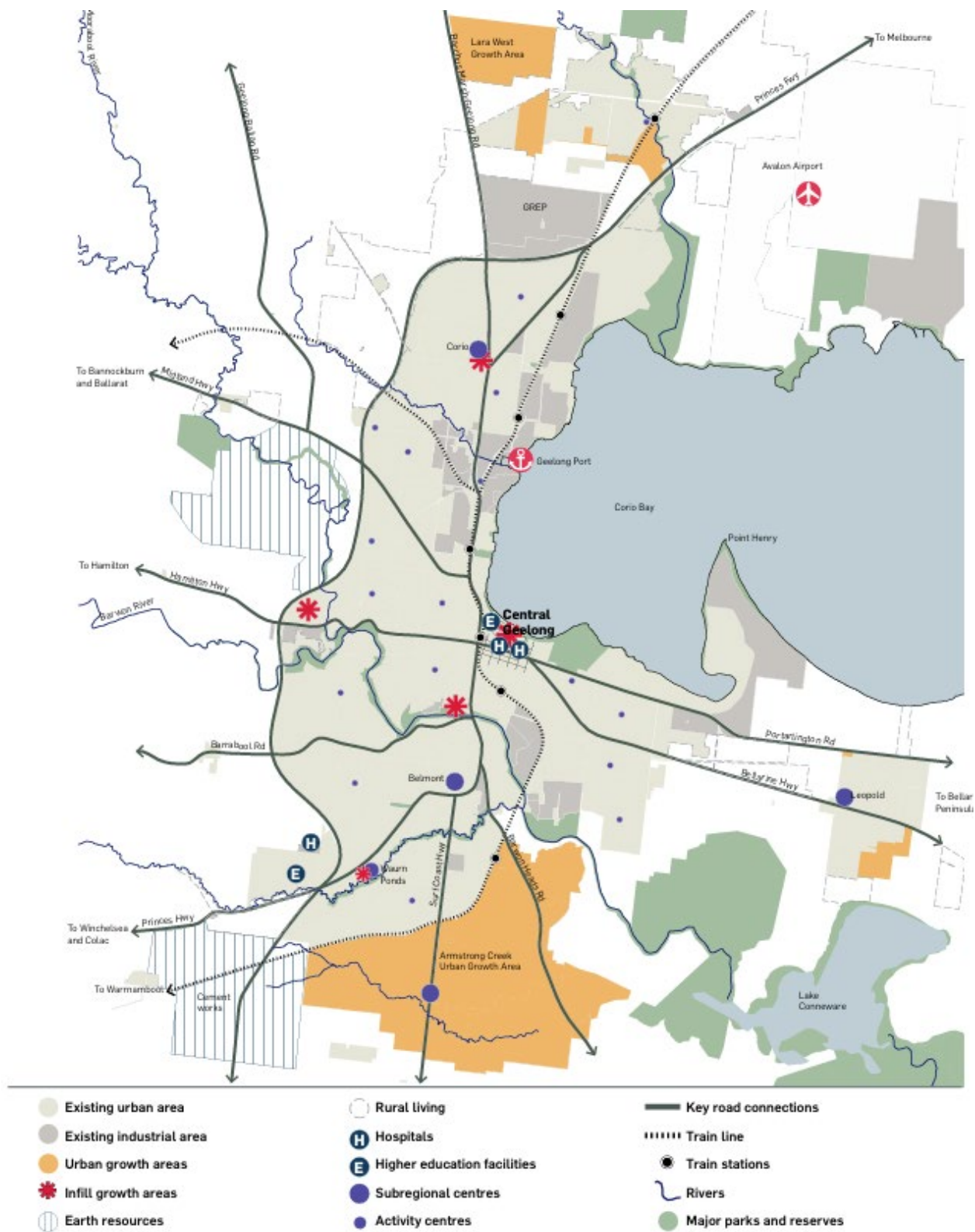


Figure 21: Map 3 Geelong Context (G21 Regional Growth Plan 2013)

100. The *G21 Regional Growth Plan – Implementation Plan* (2013) identifies that “a key opportunity to reduce traffic pressures on roads is to facilitate commuting and movement of freight by rail... importance of upgrading passenger facilities at local stations as a catalyst for community regeneration and to encourage rail travel. Network upgrades are required to provide increased rail passenger services within Geelong, to Melbourne and to Colac-Warrnambool” (pg 20).

101. Additionally, it states that “integrating public transport with land use helps broaden lifestyle choices and reduces car dependence. Locating residences, employment areas and community facilities along transit corridors or near stations and interchanges supports housing diversity/choice and offers improved access between centres of activity. It also builds demand and strengthens the case for service improvements and upgrades to higher capacity, faster modes such as rail” (pg 21).

102. Given the increase in population being targeted by the new Plan for Victoria, serious consideration should be given to maximising growth opportunities within the Station Precinct and broader Marshall PSP to provide increased housing and jobs with good access to public transport.

5.5 GREATER GEELONG SETTLEMENT STRATEGY

103. The *Greater Geelong Settlement Strategy* (2020) (“**Settlement Strategy**”) was adopted by Council on 25 August 2020 and implemented under Amendment C395, which was gazetted on 6 May 2021. The Settlement Strategy provides an overview of settlement and housing policies and analyses population and housing trends, to develop a clear policy framework to guide planning and decision-making that will manage growth in Geelong to 2036 whilst protecting its unique lifestyle and environmental values.

104. The Settlement Strategy has built on previous policies and strategic direction, and specifically does not make new recommendations on settlement boundaries or address the detailed structure planning of growth areas.

105. The Settlement Strategy makes reference to the *Housing Diversity Strategy*, which sets out different housing diversity categories. The existing urban area around the Marshall railway station is identified as being in an Increased Housing Diversity Area, where a mix of housing diversities are appropriate.

106. In relation to the spatial distribution of growth and land supply, the Settlement Strategy includes Directions to (as relevant):

- *Direct the majority of future housing needs to urban Geelong (urban infill, Armstrong Creek and the Northern and Western Geelong Growth Areas).*
- *Adopt a scenarios-based approach to planning for future housing needs. Use regular monitoring and review to adjust planning, if required* (pg 6).

107. The Settlement Strategy acknowledges that “*there are significant infrastructure costs associated with broad-hectare development such as social, transport, and utility infrastructure*” (pg 70). Further, the City of Greater Geelong will continue to take advantage of funding opportunities, including “*opportunities to create additional value for the community through value creation and capture initiatives. Investment in new growth areas must be balanced against the need for local infrastructure and place making improvements in established areas. Encouraging intensification of development in Central Geelong, Key Development Areas and Increased Housing Diversity Areas will produce longer term savings, given the cost comparison of delivering infill versus greenfield housing*” (pg 71).

108. Similarly, given the significant level of Government investment that has recently gone into the redevelopment of the Marshall Train Station and associated bus interchange, growth opportunities in the Marshall Precinct should be maximised to leverage off this upgraded infrastructure.

109. In relation to Sustainable Transport, the Settlement Strategy states that *“critical to delivering more sustainable communities is increasing the usage of active and public transport modes. Reducing the need for car trips and car dependence has a number of reported environmental, social and economic benefits to communities”* (pg 72).

110. In response to the *Housing Diversity Strategy*, the Settlement Strategy highlights that *“the importance of promoting and providing for active and public transport is equally important in established areas experiencing intensification as it is in planning new growth areas. Building capacity, including transit-orientated development (high quality, mixed use, pedestrian orientated development) around train stations is a key directive but of equal importance to securing bus services that effectively link with train stations and other key destinations such as central Geelong. Given current state government investigations into rail upgrades, it is timely to re-evaluate the extent of development anticipated around train stations... there is potential to expand this work and take a ‘rail corridor precinct’ approach from North Geelong Station through to Waurm Ponds”* (pg 83).

111. Table 12 *Development Opportunities around train stations*, identifies the following for Marshall:

STATION	CURRENT POLICY	OPPORTUNITY	RECOMMENDATION
Marshall	Increased Housing Diversity Area of 400 metres.	The Marshall Precinct Structure Plan will require a station Urban Design Framework, to guide integrated land use and development. Upgrades to the station and new cross-corridor connections will warrant a review of the existing Increased Housing Diversity Area boundary west of the rail line. This will likely be to a 400 metre maximum, due to existing subdivision layouts.	As well as ongoing Precinct Structure Plan development, further work is needed, including an Increased Housing Diversity Area review.

112. Key Directions under Urban Consolidation include:

- *Investigate a ‘rail corridor precinct’ approach to infill opportunities from North Geelong Station through to Waurm Ponds.*
- *Undertake a strategic planning program to increase the contribution of train station environs to future housing needs and mixed use development.*
- *Ensure new major development are designed and located to maximise public and active transport options* (pg 88)

113. The below extract from Figure 1A *Greater Geelong Housing Framework Plan – 2036 Urban Inset* also identifies an ‘Increased Housing Diversity Area: high and medium density housing’ and ‘rail corridor: investigate higher density housing opportunities’ around the Marshall Station.

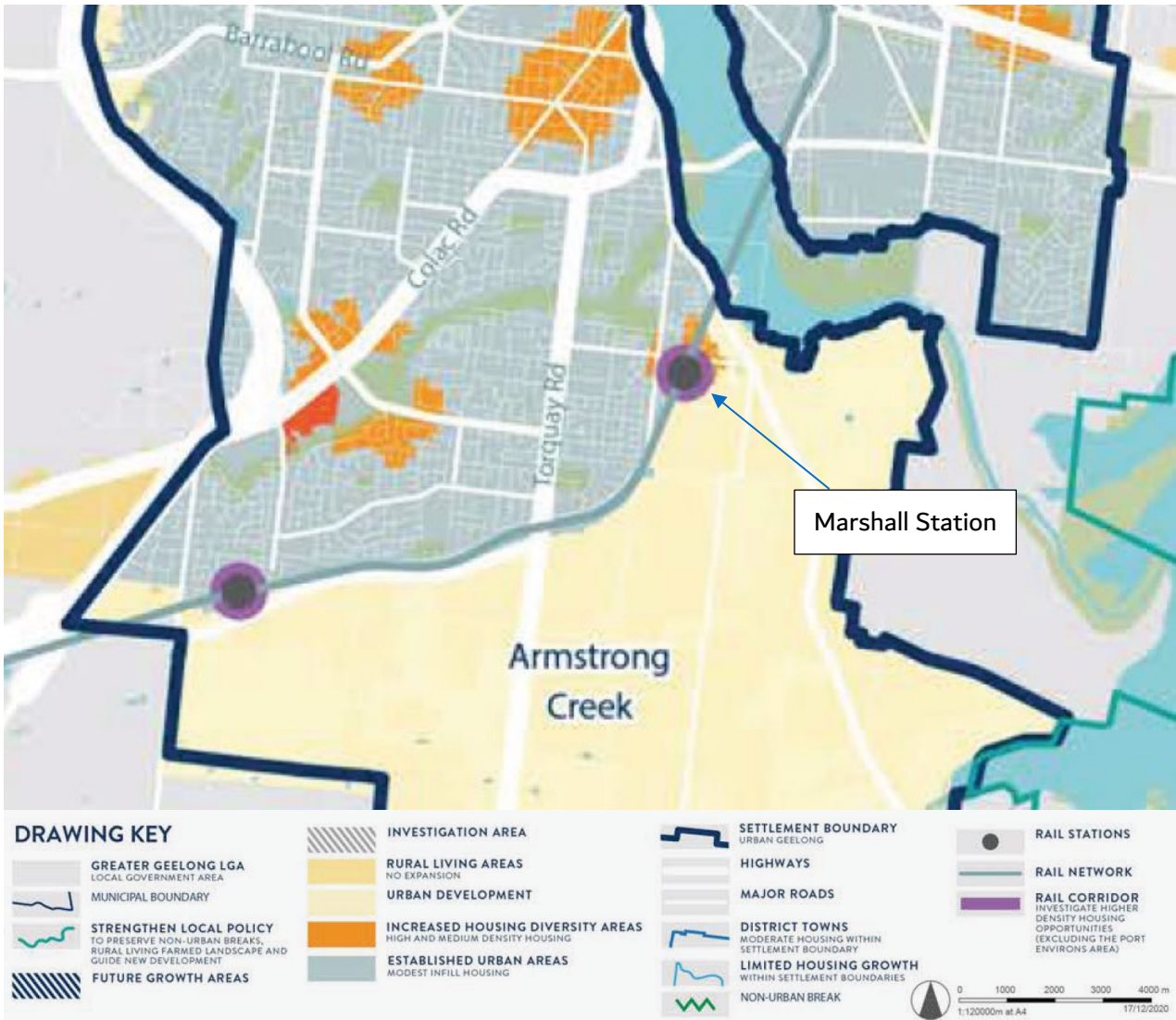


Figure 22: Greater Geelong Housing Framework Plan - 2036 Urban Geelong Inset (Settlement Strategy 2020)

114. In relation to Commencing a Precinct Structure Plan, the Settlement Strategy identifies the need to address “the services and infrastructure needed including stormwater management, drainage, and utilities – and whether it can be provided in a logical, timely and cost-effective manner” (pg 72).

115. It is essential that drainage infrastructure within the Precinct is provided efficiently to facilitate growth and development. The highly fragmented nature of the Precinct and relatively low NDA creates a risk that land for drainage and other necessary infrastructure is unable to be acquired in a timely manner.

5.6 HOUSING DIVERSITY STRATEGY

116. The *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.

117. 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.

118. Key Points at section 3.2.5 of the Housing Diversity Strategy include:

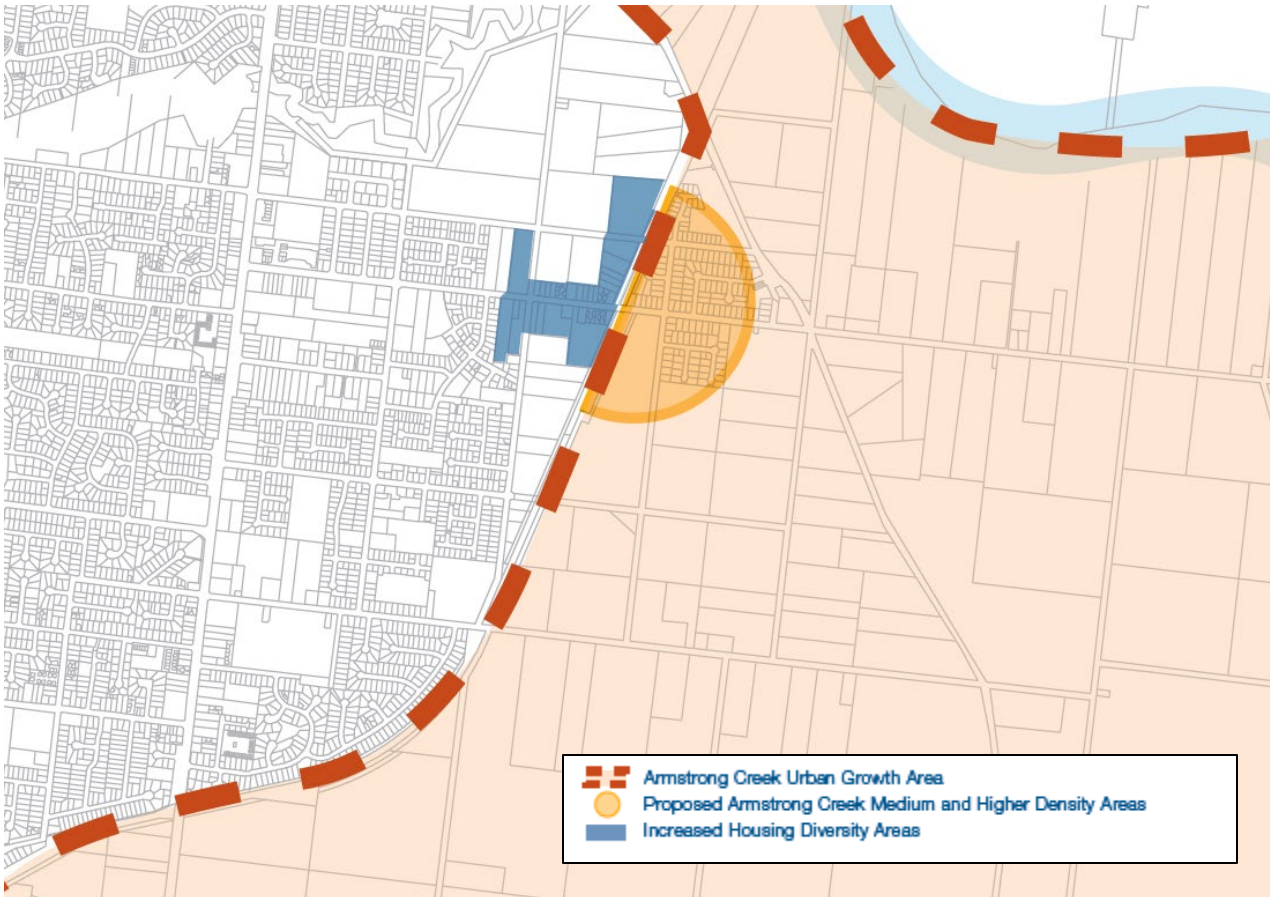
- *“By allowing for the development of a more diverse range of housing types within existing urban areas, particularly areas around public transport infrastructure and activity, we can (as relevant):*
 - *Reduce trip distances in cars and, consequently, oil consumption, greenhouse gas emissions, road accidents, and congestion.*
 - *Give more people, particularly elderly people and those on low incomes, better access to existing employment, activity and transport nodes.*
 - *Enhance the vitality and viability of the city’s activity centres” (pg 23).*

119. 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.

120. Specifically, *“medium and higher density housing in the Armstrong Creek UGA is to be clustered in areas close to public transport nodes and mixed use activity centres, maintaining the more traditional character of other residential areas. To this end, specific areas for the development of medium or higher housing are designated” (pg 32)*. These include:

- **Higher Density Housing:**
Within 400 metres of Marshall Station and the proposed public transport interchanges at Rossack Drive and the proposed new Sub-Regional Centre.
- **Medium Density Housing:**
Up to 800 metres from Marshall Station and the proposed public transport interchange at Rossack Drive, and within 400 metres of the edge of the proposed new Sub-Regional and Neighbourhood Centres (pg 32).

121. 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.



122. Under section 6.3 *Monitoring and Review*, the Housing Diversity Strategy requires “update the Housing Capacity Map as more detailed planning work for different areas is undertaken, particularly Structure Plans for individual places” (pg 55).

123. Given that the recent investments into the upgrade of Marshall Station were not contemplated at the time that this strategy was prepared, it appears that there is scope to increase the extent of higher density housing and retail facilities in proximity to the Station than was originally anticipated.

5.7 GREATER GEELONG RETAIL STRATEGY

124. The *Greater Geelong Retail Strategy 2020-2036* considers current retailing trends, land use, population growth and recommends planning policy changes and seek to guide retail development until 2036.

125. Within the retail hierarchy, Marshall is identified as a local centre. A local centre is defined as “small groups of shops, serving a limited catchment and typically providing for the daily convenience needs of residents in the surrounding area”, with an indicative retail floor space of up to 5,000m²” (pg 27).

126. The comparison of existing and planned floor space supply to supportable floor space demand finds that “growth area sub-regions around Geelong, including Geelong (Armstrong Creek), Northern Geelong Growth Area and Western Geelong Growth Area, are all anticipated to see strong growth in supportable floor space demand at centres due to demand from growing local populations” (pg 37).

127. The Retail Development Objectives set out in the Retail Strategy include (as relevant):

- *Provide convenient access to goods and services, minimising the number, and length, of car trips.*
- *Encourage walkable access to suppliers of day-to-day essentials.*

128. Retail Development Strategies to Support Objectives outline that a revised Local Planning Policy Framework should reflect the objectives in the following ways:

- *Where possible, reduce the need for shoppers to travel long distances from home to access retail services.*
- *Locate any new retail centres on sites that have existing or potential future access to public transport services and quality road access for private vehicles.*
- *Allow the development of new retail centres only where all of the following can be demonstrated:*
 - *Supply in the existing network of centres is constrained;*
 - *They are justified by demand growth; and*
 - *Where they generate a net community benefit.*
- *Require advocates for new supermarket-based centres to encourage a diversity of businesses in their proposals, creating opportunities for local, independent enterprises.*

129. The current upgrades to the Marshall Station and improvement to passenger services present an opportunity to maximise residential development within the Precinct and accommodate a significantly greater population than was originally anticipated. It is therefore reasonable to expect that an increase in population within the Precinct would also result in increased retail demand within the Station Precinct.

130. The Retail Strategy outlines that *“significant departures from the established hierarchy may be supported to address changes in development outcomes, trends in retail or supply opportunities, but only where clear merit and a net community benefit can be demonstrated”* (pg 58). An Economic Impact Assessment is required for the assessment of these proposals. This approach has been carried into the draft PSP, which requires an economic impact assessment to justify exceedances in the specified floorspace caps within the Station Precinct.

5.8 ARMSTRONG CREEK URBAN GROWTH PLAN

131. 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.

132. 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).

133. The ACUGP anticipated to provide housing for 54,000 people in 22,000 households, noting that this was based on an average household size of 2.45 persons per dwelling. However, the 2021 ABS Census data reflects an increased average household size of 2.8 persons per dwelling within the Armstrong Creek Growth Area, which suggests the population will be greater than the current strategic planning documents envisage.

134. 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.

135. The ACUGP outlines that the ACUGA was designated Geelong's primary growth corridor due to its location *"immediately adjacent to the Melbourne-Warrnambool railway line and possible railway station providing excellent public transport access to Geelong and Melbourne"* (pg 1). Further, *"the potential will be explored for improvements to Marshall Station and for new, high-quality public transport services to serve the Armstrong Creek community. Public transport services will be provided from the outset. Development will be organised to ensure that all homes are within a short walk of public transport, reducing reliance on private cars"* (pg 10).

136. The Key Concept: *Mixed Use Activity Centres* is outlined in the ACUGP, which states:

- *Mixed use centres:*
 - *provide an important focus for communities by increasing opportunities for social interaction;*
 - *enable trip combining;*
 - *concentrate demand and therefore efficiency of public transport services;*
 - *increase the potential for the exchange of ideas and other synergies among businesses;*
 - *result in safer places by incorporating uses active at different times of the day and week;*
 - *offer the potential for an urban lifestyle; and*
 - *are more robust, due to the range of potential tenants* (pg 47).

137. The ACUGP sets the following activity centre principle as relevant to Marshall:

- *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.*

138. The ACUGP *Economic Activity and Employment Technical Report* (2006) outlines that "population catchments determine the economic possibilities when establishing an activity centre network – that is, quantum of retail floorspace and type of floorspace. Planning policy however determines how that floorspace is allocated – for example, dispersed retail network, strip based, centre based, mall based" (pg 50).

139. I agree that the size of activity centres is determined by population as well as specific site attributes, such as proximity to a train station where increased densities are likely to occur.

140. Given that the current upgrades to the Marshall Train Station weren't fully contemplated or considered at the time the ACUGP was prepared, there is a need to reconsider the level of growth expected within the Precinct, particularly in proximity to the Train Station. Accommodating a significantly higher population than was originally anticipated would increase the retail demand within the Station Precinct.

141. Mr Glossop concurs that "the density of housing which is anticipated to go around the Station is higher than anticipated by the Framework Plan. These residents will bring with them increased demand for services" (para 53).

6 GREATER GEELONG PLANNING SCHEME PROVISIONS

142. 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

143. 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

144. In relation to the ACUGA, this policy sets the strategic direction to 'facilitate the orderly and controlled development of the ACUGA, generally in accordance with the Armstrong Creek Urban Growth Framework Plan Incorporated Document'.

145. In relation to Activity centres and retail, this policy outlines that 'the Geelong Retail Centre Hierarchy has been established to articulate the role and function fulfilled by centres of different sizes'. The Marshall Station activity centre is not specified in the hierarchy table, however falls under a 'local' centre, which is defined as 'small groups of shops serving a limited catchment, and typically providing for the daily convenience needs of residents in the surrounding area', with an indicative retail floorspace of up to 5,000sqm.

146. Strategic directions include (as relevant):

- *Ensure that new retail development is consistent with the Geelong Retail Centre Hierarchy.*
- *Encourage expanding existing centres over developing new centres in out-of-centre locations.*

147. An extract of the Retail activity centre hierarchy at Clause 02.04-2 is shown below. Local centres are not identified on this plan.

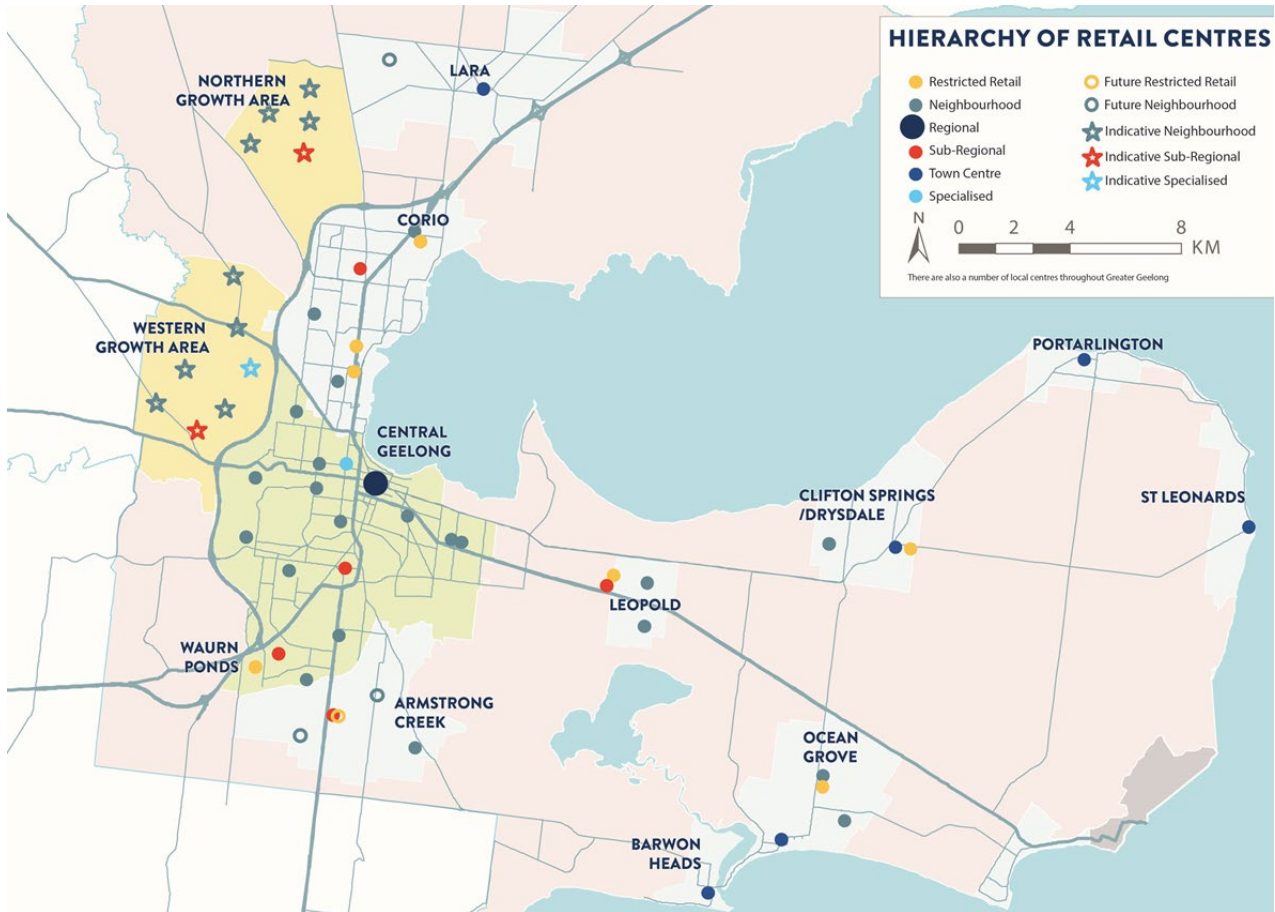


Figure 23: Retail Activity Centre Hierarchy (Greater Geelong Planning Scheme)

Clause 02.03-8 Transport

148. 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’.

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

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

Clause 02.03-9 Infrastructure

150. In relation to Infrastructure, this policy identifies that ‘there is a need to provide infrastructure in an efficient and timely manner, particularly in growth areas’.

Clause 11.01-1S Settlement

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

- *Plan for development and investment opportunities along existing and planned transport infrastructure.*
- *Encourage a form and density of settlements that supports healthy, active and sustainable transport.*
- *Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.*

Clause 11.02-2S Structure planning

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

153. It sets strategies to 'undertake the preparation of a hierarchy of structure plans or precinct structure plans' that:

- *Assist the development of walkable neighbourhoods*
- *Facilitate the use of active and sustainable transport modes*
- *Facilitate the use of existing infrastructure and services*

Clause 11.03-1S Activity centres

154. The objective of this policy is 'to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community'.

155. It sets strategies to (as relevant):

- *Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that (as relevant):*
 - *Is connected by transport.*
- *Support the role and function of each centre in the context of its classification, the policies for housing intensification, and development of the public transport network.*
- *Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.*
- *Improve access by walking, cycling and public transport to services and facilities*

Clause 11.03-1L Activity centres in Greater Geelong

156. The objective of this policy is (as relevant) 'to support the role and function of centres in the Geelong Retail Centre Hierarchy'.

157. It sets strategies to (as relevant):

- *Support increased intensity and vertical growth of centres to encourage expansion and to reduce the need to develop new centres.*
- *Ensure planned centres in growth area are consistent with the role, function, size and type of centre as set out in the Geelong Retail Centre Hierarchy at Clause 02.03-1*

Clause 11.03-2S Growth areas

158. The objective of this policy is 'to locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas'.

159. It sets strategies to (as relevant):

- *Concentrate urban expansion into growth areas that are served by high-capacity public transport*
- *Deliver timely and adequate provision of public transport and local and regional infrastructure and services, in line with a preferred sequence of land release*
- *Develop precinct structure plans consistent with the Precinct Structure Planning Guidelines (Victorian Planning Authority, 2021) approved by the Minister for Planning to (as relevant):*
 - *Create highly accessible and vibrant activity centres.*
 - *Provide for local employment and business activity.*
 - *Provide better transport choices.*
 - *Deliver accessible, integrated and adaptable community infrastructure.*

Clause 17.01-1S Diversified economy

160. This policy sets strategies to (as relevant) 'improve access to jobs closer to where people live'.

Clause 17.02-1S Business

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

- *Plan for an adequate supply of commercial land in appropriate locations.*
- *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
- *Locate commercial facilities in existing or planned activity centres.*

Clause 17.02-1L Retail expansion

162. This policy applies to use applications that exceed the floorspace cap in the schedule to the Commercial 1 Zone and any other proposals identified as being 'out-of-centre'.

163. The objectives of this policy are (as relevant):

- *To support the viability of existing centre and the operation of the retail hierarchy*
- *To ensure that new or expanded centres are based on a demand for such use and minimise adverse economic impacts on nearby centres*
- *To ensure any new or expanded centres provide a new community benefit.*

164. It sets strategies to (as relevant):

- *Assess any likely impact on existing, planned or approved retail facilities.*
- *Ensure any new centres provide benefits to the community (whether or not these can be monetised).*
- *Encourage new or expanded centres to provide for net employment benefits.*
- *Ensure that any new or expanded retail floorspace fits into the Geelong Retail Centre Hierarchy as detailed in Clause 02.03-1.*
- *Discourage new or expanded centres where the existing supply of retail floorspace is adequate to meet existing and foreseeable demand levels over a 15 year period.*
- *Allow centres where they will fill any existing retail gaps in merchandise/services.*
- *Ensure any new centres minimise detrimental impacts on the catchment of nearby centres and the effect on centres within those catchments.*
- *Ensure any new or expanded centres lead to an overall improvement in the provision of retail facilities to the catchment population, including the potential for retaining spending that would otherwise escape to other centres.*
- *Ensure any new centres improve access to services by reducing travel times for residents.*
- *Ensure any use that exceeds the maximum floorspace area specified in the schedule to the Commercial 1 Zone does not impact on the timing, delivery and viability of other retail centres including planned centres*

Clause 18.01-1S Land use and transport integration

165. 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 land use and development to allow for the ongoing improvement and development of the State Transport System in the short and long term.*
- *Plan the timely delivery of transport infrastructure and services to support changing land use and associated transport demands.*

- *Plan the use of land adjacent to the transport system having regard to the current and future development and operation of the transport system.*
- *Support urban development that makes jobs and services more accessible:*
 - *In accordance with forecast demand.*
 - *By taking advantage of all available modes of transport.*
- *Locate major government and private sector investments in regional cities and centres on major transport corridors to maximise the access and mobility of communities.*
- *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.*

Clause 18.02-3S Public transport

166. The objective of this policy is 'to facilitate an efficient and safe public transport network and increase the proportion of trips made by public transport'.

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

- *Plan and develop public transport to:*
 - *Connect activity centres, job-rich areas and outer suburban areas.*
 - *Enable people to not have to rely on cars for personal transport.*
 - *Integrate bus and tram networks and stops and public transport interchanges in new development areas, including key urban renewal precincts and outer-suburban areas.*
 - *Integrate with land use and development in outer suburban and growth areas.*
- *Protect and develop the Principal Public Transport Network and Regional Rail Network to facilitate (as relevant):*
 - *High quality public transport services that support increased diversity and density of development, particularly at interchanges, activity centres and where Principal Public Transport Network routes intersect.*
- *Allocate adequate land and infrastructure to support public transport provision in activity centres, transport interchanges and major commercial, retail and community facilities.*
- *Locate higher density and increased development on or close to the Principal Public Transport Network in a way that does not compromise the efficiency of the Principal Public Transport Network.*

6.2 URBAN GROWTH ZONE

168. 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.

169. The proposed UGZ7 applies the provisions of the Mixed Use Zone (“**MUZ**”) to the Station Precinct, specifically to land identified in the Future Urban Structure Plan of the PSP as ‘Mixed Use – High Density Residential’, including the Site.

170. The purpose of the MUZ is (as relevant):

- *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.*

171. Pursuant to the MUZ, a Shop not exceeding a leasable floor area of 150sqm is a Section 1 Use – Permit Not Required. Over 150sqm, Shop is a Section 2 Use – Permit Required.

172. The proposed UGZ7 sets specific provisions to use of land, as follows:

Section 1 - Permit not required

Use	Condition
Shop (other than Supermarket and Adult sex product shop) - where the applied zone is Mixed Use	The combined leasable floor area of all shops must not exceed a leasable floor area of 750 square metres.
Supermarket - where the applied zone is Mixed Use	The leasable floor area must not exceed 2,000 square metres.
Office - where the applied zone is Mixed Use	The combined leasable floor area of all offices must not exceed 500 square metres.
Any use listed in Clause 62.01	Must meet requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Education centre	On land west of Barwon Heads Road
Any other use not in Section 1 or 3	

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
Any use listed in Section 3 in the Table of uses of the applicable applied zone

173. The proposed UGZ7 sets specific provisions to subdivision, as follows (as relevant):

Station Precinct Urban Design Framework (Clause 2.4)

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

Unless the Responsible Authority agrees otherwise, the UDF must:

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

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

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

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

174. The proposed UGZ7 sets specific provisions to the development of buildings and works, as follows:

Station Precinct Urban Design Framework (Clause 2.5)

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

Unless the Responsible Authority agrees otherwise, the UDF must:

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

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

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

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

175. 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.*
- **Retail Economic Impact Assessment**

An application to use land for a Supermarket or Shop in the applied Mixed Use Zone where the leasable floor area exceeds the figure shown in the land use table at Clause 2.3 of this Schedule must be accompanied by a retail economic impact assessment prepared by a suitably qualified person.

The Responsible Authority may waive the requirement for the submission of a retail economic impact assessment where the development is for a Shop (excluding a Supermarket) that exceeds the combined leasable floor area figure shown in the land use table at Clause 2.3 of this Schedule.

- **Public Realm**

Where relevant, an application to use or subdivide land, construct a building, or construct or carry out works within the areas of Public Realm within the Station Precinct as shown on Marshall Precinct Structure Plan, Plan 18 must be accompanied by a written report to the satisfaction of the Responsible Authority detailing how the proposal responds to the following elements:

- *Built form*
- *Sustainable design*
- *Signage*
- *Public transport*
- *Public art*
- *Street furniture*
- *Public lighting*
- *Paving*
- *Street trees and landscaping*
- *Utility installations*
- *Pedestrian crossings and priority zones*
- *Public/private way finding*
- *Compliance with the Disability Discrimination Act 1992 (Cth)*
- *Cycling facilities.*

An application to use or subdivide land, construct a building, or construct or carry out works must also outline how the proposal responds to the Station Precinct Urban Design Framework and Section 4.2 (Urban Design Framework Requirements and Guidelines) of the Marshall Precinct Structure Plan.

- **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.

7 PLANNING REVIEW

176. In responding to the instructions provided by Maddocks, I have broken up my evidence statement into three parts, as detailed below.

7.1 LOCAL ACTIVITY CENTRE

7.1.1 Floorspace Caps

177. The PSP identifies a Mixed Use 'Station Precinct' activity centre south of the existing Marshall Station and associated car park, which covers the Site and the VicTrack land directly to its north.

178. The development of the Station Precinct is broadly guided by the PSP Objectives, including:

- *To deliver a high use public and active transport precinct through transit-oriented development and design focused on a walkable catchment around Marshall Train Station and links seamlessly with green spaces*
- *To provide medium and high density residential development that maximises the location of Marshall Train Station, provides a high amenity interface and integration with land uses including roads, schools, parks, shopping and open spaces*

179. As previously detailed in Section 5 of this evidence statement, there is extensive strategic policy that encourages maximising the benefits of and leveraging existing public transport infrastructure for economic and development growth opportunities, and the need to integrate public transport networks with retail and employment centres and high-density and diverse housing to reduce car dependence, increase accessibility and provide other environmental, social and economic benefits to communities.

180. These policies also highlight the importance of undertaking regular monitoring and review of planning documents to ensure that they remain current and that they be adjusted if required to address changes in development trends and population forecasts as well as commitments and investments in infrastructure delivery.

181. The upgrades to the existing Marshall Station that are currently under construction are a perfect example where government investment in infrastructure should be fully considered in the review of planning policy and the preparation of new plans, such as the draft Marshall PSP.

182. According to the Victoria's Big Build *Marshall Station Upgrade Factsheet*, the contract for the upgrade was awarded and construction commenced in 2022. With the new station operating and broader construction activities now nearing completion, the City of Greater Geelong is faced with a unique opportunity to maximise the benefits of this investment and infrastructure delivery through the Marshall PSP.

183. However, the draft PSP is overly restrictive as it relates to the Station Precinct and may in fact diminish the development opportunity of this land, including the Site, to properly leverage off the upgraded public transport infrastructure.

184. While it is acknowledged that the designation of the Marshall Station activity centre as a 'local' centre is long-standing in planning policy, I do not believe that this has been adequately reviewed or challenged since the upgrades to the station or passenger services were seriously contemplated and now delivered, as expressed by Mr Glossop in his paragraph 53.

185. Given the proximity to the train station and bus interchange, and the extent of residential density sought by the draft PSP, I believe that the retail floorspace caps proposed by the draft PSP are inappropriate and unnecessary as they operate as a restriction rather than an enabler.

186. Specifically, R83 of the PSP sets out Local Activity Centre requirements, as follows:

- *A small scale, convenience style Local Activity Centre is provided, which must:*
 - *Be located within the Station Precinct.*
 - *Comply with Section 4.2 Station Precinct Urban Design Framework Requirements and Guidelines.*
 - *Permit a maximum as of right of 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. An application that proposes to exceed the floor space maximum of 2,750 sqm must be supported by an Economic Impact Assessment that responds to Clause 17.02-1L. Council may waive the requirement for the submission of an Economic Impact Assessment where the development is for a shop use (excluding supermarket) that results in the development exceeding the maximum retail floor space for the Local Activity Centre of 2,750 sqm.*
 - *Support up to 2,250 sqm of non-retail uses (excluding residential) including a mix of small-scale office, medical, gym, childcare uses, etc.*
 - *Provide a maximum overall Local Activity Centre floor area of no more than 5,000 sqm.*
 - *Support ground level retail co-location with high density residential development in a Main Street structure that provides for activated street frontages, prioritises pedestrian connections, facilitates diverse architecture and provides on-street parking in discrete locations.*
 - *Demonstrate the relationship and connectivity of the Centre with co-located and surrounding land uses, including the train station and open space.*
 - *Not permit electronic gaming machines.*
 - *Provide all car parking and loading facilities to all commercial building at the rear so as to present an attractive address to the street.*
 - *Ensure all goods and materials, storage areas and refuse areas are not visible from public areas, including open space and street sightlines.*

To the satisfaction of the Responsible Authority.

187. This retail cap is also implemented through the proposed UGZ7. Within the applied MUZ (the Station Precinct), the proposed UGZ7 specifies the following 'as-of-right' uses:

- Shop (other than Supermarket and Adult sex product shop) is a Section 1 Use – permit not required if 'the combined leasable floor area of all shops must not exceed a leasable floor area of 750 square metres'.

- Supermarket is a Section 1 Use – permit not required if ‘the leasable floor area must not exceed 2,000 square metres’.
- Office is a Section 1 Use – permit not required if ‘the combined leasable floor area of all offices must not exceed 500 square metres.’

Where the above conditions are not met, the uses become Section 2 Uses – permit required.

188. From an implementation perspective, given that both the PSP Requirement (R83) and UGZ7 provisions allow for an application to exceed the specified floorspace maximums, any commentary on how the activity centre may develop may be better expressed as a Guideline within the PSP, and separated from the broader activity centre requirements.

189. As outlined in Appendix A of the Ample submission to the exhibited Marshall PSP, a letter of support has been received from Coles Group, which identifies that there is demand for a full-line supermarket within the Station Precinct.

190. While the proposed UGZ7 does not prohibit an application for a supermarket which exceeds the 2,000sqm leasable floorspace specified, it becomes a Section 2 Use – permit required, R83 specifically requires an Economic Impact Assessment in support of an application to exceed the retail floor space maximum of 2,750sqm.

191. The retail hierarchy clearly sets an ‘indicative retail floorspace range’ of up to 5,000sqm, therefore I consider that there is sufficient floorspace direction in the Retail Strategy to support an increase in retail floorspace.

192. Further, I believe that Council’s commentary, in its Part A Submission, on the types of supermarkets (i.e. Coles Local, Woolworths Metro, IGA) that could be accommodated under the proposed 2,000sqm cap is also inappropriate. The potential future operator of the retail offering is irrelevant, and again could change in the future depending on market trends and demands.

193. While the car parking requirements of a larger supermarket would be greater, as outlined in Council’s Part A Submission as a key reason for not revising the draft floorspace caps, this is not sufficient justification and could be resolved through detailed design to ensure walkability within the Station Precinct.

194. Further, it is important to acknowledge that while the geographical catchment size for the Marshall Station activity centre may appear relatively small, given the proximity to other existing activity centres and supermarkets, such as those at Grovedale East to the west of the Precinct, these nearby supermarkets offer a smaller limited retail offering and do not have sufficient site area to reasonably offer the opportunity of future expansion even if growth in the surrounding catchment created sufficient demand. If there is an increase in retail demand in the Marshall Station activity centre, due to the limitations of other existing centres in the area, this would be assessed by undertaking an Economic Impact Assessment at the appropriate time.

195. The residential densities estimated by the draft PSP within the Station Precinct are also substantially higher than the existing residential development within the urban area west of the railway corridor and north of the PSP boundary. Therefore, the population expected to be accommodated within this relatively small area is significant and substantially higher than was previously anticipated in the ACUGP.

196. Additionally, given the proximity and connection to the existing Marshall Train Station and the current designation of this station as a ‘park-and-ride’ with 700 car spaces, which encourages people from the

broader Armstrong Creek Growth Area and Bellarine Peninsula to drive to and park at the Marshall Station to utilise rail connections into Central Geelong, or to Melbourne or Colac / Warrnambool, there is a clear opportunity to utilise the additional catchment of people traveling to and from the station and encourage multi-purpose trips.

197. Mr Glossop, at paragraph 53 of his evidence, concurs that “it is logical and appropriate that some commercial and community services be co-located with the Station” and that “these services will be convenient for those who commute to work or education by train and limit the need for multiple journeys”.

198. Barwon Heads Road is already carrying significant arterial road volumes, in excess of what was originally contemplated prior to its upgrade as outlined in DTP’s submission, and with the increases in population growth expected within the Marshall Precinct and already occurring within the broader Armstrong Creek Growth Area, this is expected to worsen. This highlights the importance of transit-oriented development and reducing car dependence in areas closer to the Train Station.

199. I also do not consider a need to cap non-retail floorspace within the Station Precinct, as the types of uses anticipated by the PSP, such as childcare centres, medical centres and gym, can be accommodated both within the Station Precinct as well as surrounding residential areas within the applied zones.

200. Given the discretion offered by the UGZ7 provisions and the ability to exceed the floorspace caps with an Economic Impact Assessment, I recommend that R83 be amended to delete the floorspace requirements and for a separate guideline to be inserted which deals with these matters.

201. Specifically, a new Guideline should be included which specifies a maximum ‘as-of-right’ retail floorspace of 2,750sqm, which includes both Shop and Supermarket uses. This Guideline should also make it clear that an Economic Impact Assessment must be provided to justify an exceedance of the proposed retail floorspace caps specified. This approach would also be consistent with the purpose of the MUZ, which encourages a range of land uses which complement the mixed-use function of the locality.

Recommended Change:

- **Amend R83 of the Marshall PSP as follows:**

A Local Activity Centre is provided, which must:

- **Be located within the Station Precinct.**
- **Demonstrate the relationship and connectivity of the Centre with co-located and surrounding land uses, including the train station and open space.**
- **Not permit electronic gaming machines.**
- **Provide all car parking and loading facilities to all commercial buildings at the rear so as to present an attractive address to the street.**
- **Ensure all goods and materials, storage areas and refuse areas are not visible from public areas, including open space and street sightlines.**

To the satisfaction of the Responsible Authority

- **Insert a new Guideline under ‘Employment & Retail Guidelines’ of the PSP, as follows:**

A Local Activity Centre is provided, which should:

- **Comply with Section 4.2 Station Precinct Urban Design Framework Requirements and Guidelines.**
- **Allow a maximum as of right of 2,750sqm of retail floor space (including both Shop and Supermarket uses). An application that proposes to exceed the retail floor space maximum of 2,750sqm must be supported by an Economic Impact Assessment that responds to Clause 17.02-1L.**
- **Support ground level retail co-location with high density residential development in a Main Street structure that provides for activated street frontages, prioritises pedestrian connections, facilitates diverse architecture and provides on-street parking in discrete locations.**

7.1.2 Concept Plan

202. Another key issue relating to the Station Precinct is the inclusion of the Concept Plan at Plan 18 *Station Concept Design Intention* at Section 4.2 of the draft Marshall PSP.

203. R12 of the draft PSP requires preparation of an Urban Design Framework (“UDF”) for the Station Precinct, as outlined in Section 4.2 *Station Precinct Urban Design Framework Requirements and Guidelines*.

204. The need for a UDF is also implemented through the proposed UGZ7, which sets specific provisions that prevent subdivision or buildings and works from occurring in the Station Precinct until a UDF has been prepared to the satisfaction of the Responsible Authority, in accordance with the PSP and specifically, Section 4.2 *Station Precinct Urban Design Framework Requirements and Guidelines*.

205. In addition to the requirements set out in R83, Section 4.2 of the PSP sets out the vision for the Station Precinct, as well as requirements and guidelines to be addressed in the preparation of a UDF.

206. Requirement 01 of this section requires the UDF to comply with the Station Precinct Concept Plan – Plan 18 *Station Concept Design Intention*.

207. The Ample submission to the exhibited Marshall PSP provides two different concept plans for the Station Precinct which vary from the concept shown at Plan 18 of the draft PSP.

208. Undoubtedly, there may be a multitude of design options and layouts for the Station Precinct that would still comply with the overall objectives, requirements and guidelines outlined in Section 4.2 of the draft PSP.

209. Additionally, there is currently substantial uncertainty around the inclusion of the VicTrack land directly north of the Site within the Station Precinct and more broadly within the PSP. The submission from the Department of Transport (“DTP”) on behalf of the Head, Transport for Victoria to the exhibited PSP outlines their opposition for this land to be rezoned to the UGZ7, and for it to remain in the Transport Zone 1 (“TRZ1”) until Council has undertaken the relevant clearance process, as it has not yet been declared surplus to transport purposes.

210. Given the significant investment that the Government has made in the growth of the Marshall Station it is highly possible that VicTrack further expand the car park if the ‘park and ride’ function is supported.

211. This uncertainty puts further doubt over the appropriateness of having a Concept Plan for the Station Precinct in the PSP, as depending on the outcome of the VicTrack land this could have significantly design and land use implications on the Station Precinct.
212. In my experience, dealing with numerous growth area activity centre applications across metropolitan Melbourne and regional Victoria, I do not consider the inclusion of a concept plan in the PSP to be a particularly useful nor worthwhile exercise.
213. Often, the activity centre that is ultimately delivered substantially differs in layout and design to that which formed part of a concept plan in the PSP as a result of additional assessment and detailed design, both during the preparation of the UDF and subsequent permit applications.
214. Even in instances where the developer of an activity centre was heavily involved in the PSP process and the preparation of a concept plan within the PSP, I have found that minimal, if any, efficiencies can be achieved through the application process. On the contrary, often extensive delays and challenges can arise when there are implementation issues or unavoidable differences in design, as well as the introduction of new retail offerings, such as 'click-and-collect' or 'direct-to-boot', that were not anticipated at the time the concept plan was prepared.
215. The inclusion of the Concept Plan and a requirement to comply with it within the draft PSP sets a rigid line across what should be a flexible and innovative process and may prevent a future UDF from being able to appropriately respond to the site-specific matters, constraints and opportunities that arise through the design process.
216. Given that there are likely multiple layout and design options and opportunities for the activity centre, I consider that it is not appropriate to include the Concept Plan in the PSP as it offers no planning benefit.
217. Notwithstanding the above, I acknowledge that Mr Glossop at paragraph 45 of his evidence recommends that wording to the effects of 'this concept plan provides an indicative example of how the Station Precinct could be developed' be notated on Plan 18 to clarify the weight to be given to this plan.
218. If the Concept Plan is not deleted from the PSP, which is my preference, at a minimum I would support the addition of such a notation on the plan.
219. Further, if the VicTrack land was deleted from the PSP and the Station Precinct, then the entirety of the Station Precinct would be located on the Site. If this was to occur, I consider the need for a UDF to be prepared in advance of the planning for development on the Site void, as the benefits of a UDF only arise when development spreads across multiple landholdings to ensure consistency.
220. It is therefore appropriate, given the uncertainty on this matter, that additional wording be included in the UGZ7 provisions requiring a UDF for the Station to allow Council to waive this requirement.

Recommended Change:

- **Remove Plan 18 Station Concept Design Intention and references to it from the Marshall PSP and UGZ7.**
- **Amend UGZ7 provisions requiring preparation of the Station Precinct UDF for subdivision and development applications to include additional wording which allows Council to waive this requirement.**

7.2 IMPLEMENTATION ISSUES

221. In addition to issues raised specifically relating to the Marshall Station activity centre, I have also identified further implementation issues with the PSP more broadly that should be addressed prior to its approval.
222. The PSP is seeking to advance many themes that are new or go beyond the current legislative requirements for development, such as those relating to circular economy or sustainability. Given this, these matters may be better addressed through separate strategies that sit outside of the PSP, or at a minimum through PSP guidelines rather than requirements.
223. With regard to the Bushfire Setbacks specified in Plan 13 *Bushfire Classifications*, part of the Site is affected by a 33m bushfire setback to the conservation area. While Drews Road is located between the conservation area and the Site, this road has a width of 21m, as specified in the relevant Cross Section.
224. G40 suggests that the bushfire setback required can be achieved either through widening the identified road cross section to provide for larger nature strips, or incorporating larger front or side setbacks to dwellings.
225. In an area designated for high and medium density residential development, requiring a 12m setback for dwellings and residential buildings could have a significant impact on development outcomes within the Station Precinct.
226. Other alternatives to the bushfire setbacks specified should be able to be considered to the satisfaction of the Responsible Authority.
227. The Marshall NVPP identifies native trees and vegetation to be retained and removed within the Precinct, and this is also shown in Plan 9 *Native Vegetation Precinct Plan* of the draft PSP.
228. The NVPP locates trees to be retained within the Station Precinct, however these trees may not realistically be able to be retained depending on the ultimate layout of the activity centre, which will include large format buildings, roads / streets and utility service easements throughout.
229. Further, R28 requires native trees specified to be retained within public open space reserves to be independently assessed by a suitably qualified arborist to justify their retention. Given the assessment that has already been undertaken through the PSP process to determine the retention value of these trees, such a requirement appears overly onus, and further assessment of these trees should only be required if proposed to be removed.
230. With regard to implementation of the PSP through planning permit applications, the PSP specifies that:

Requirements must be adhered to in developing the land. Where they are not demonstrated in a permit application, requirements will usually be included as a condition on a planning permit where or not they take the same wording as in the structure plan. A requirement may include or reference a plan, table or figure in the PSP.

Guidelines express how discretion will be exercised by the Responsible Authority in certain matters that require a planning permit. A guideline may include or reference a plan, table or figure in the PSP.

231. There are examples of requirements within the PSP that use discretionary language – these should be reviewed and reworded where possible to make the intention and direction of the requirement clear. As an example, R101 contains aspects that must be met, as well as aspects that should be met. In these instances, the requirement is better broken up into a Requirement and a Guideline.

232. R111 specifies that utilities must avoid traversing conservation areas, however Plan 15 *Utility Service* currently shows this occurring by both existing and proposed utilities. This requirement may be better presented as a Guideline that should be met as the location of utilities is often determined by considering a range of factors, including topography.

7.3 DRAINAGE ISSUES

233. Both the Site and the broader Precinct are heavily encumbered by waterways and drainage infrastructure as demonstrated through the draft PSP and *SWMS*.

234. R56 of the draft PSP requires the stormwater management system to be designed in accordance with Plan 12 *Integrated Water Management* and the *SWMS*.

235. R68 of the draft PSP requires that development staging must provide for timely and coordinated delivery of ultimate waterway and drainage infrastructure in accordance with Table 9 *Precinct Infrastructure Plan* and the *SWMS*.

236. Further, R113 of the draft PSP requires that the infrastructure projects listed in Table 9 *Precinct Infrastructure Plan* must be delivered as per the staging priority identified in the delivery column, while R115 requires delivery of drainage infrastructure to be guided by the sequencing specified in the *SWMS* and Table 9 *Precinct Infrastructure Plan*.

237. There is therefore clear direction set through the draft PSP for the delivery of drainage infrastructure in accordance with the PSP and the *SWMS*.

238. The issue which arises in relation to delivery of drainage infrastructure is 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.

239. 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 in different Catchments.

240. 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.

241. One example is Project WW03-DR02, which is for land and construction of a Waterway between SB01, located at the corner of Horseshoe Bend Road and the Marshall Creek, to Barwon Heads Road. This project is located partially in Catchment C and Catchment E, as identified on Plan 17 *Development Staging* of the draft PSP and the *SWMS*.

242. The project delivery for WW03-DR02 is specified in Table 9 *Precinct Infrastructure Plan* to be triggered at the first subdivision within Catchments A to F, whichever comes first.

243. Therefore, if subdivision was proposed on the Site, Council would need to acquire land for this project, as well as multiple others within the Precinct, from multiple other landholders within the Precinct, or alternatively, subdivision and/or development of the Site would be delayed if the acquisition of the land was unable to be achieved in a timely manner.
244. Any delays to development in the Station Precinct should be avoided as the services offered in the activity centre will support both the existing and new communities.
245. As such, I consider that a Public Acquisition Overlay (“PAO”) should be applied to all land required to deliver waterways and drainage infrastructure within the Precinct.
246. While the responsible authority is given power to compulsorily acquire land under the *Planning and Environment Act 1987*, the acquisition process set out in the *Land Acquisition and Compensation Act 1986* (LAC Act) must be followed.
247. *Using Victoria’s Planning System (2024)* states that “before the commencement of the acquisition process, the land must first be reserved under a planning scheme. Generally, this will involve a planning scheme amendment to apply a Public Acquisition Overlay to the land” (pg 185), which satisfies the requirement of the LAC Act.
248. Further, it states that “land may be included in a Public Acquisition Overlay well in advance of its proposed acquisition” and that “early reservation enables control of the use and development of land that will eventually be acquired” (pg 190).
249. The approach to apply a PAO to enable the acquisition of land for infrastructure projects under a DCP 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.
250. While Amendment C410ggee, which reactively applied the PAO to properties within the Armstrong Creek Growth Area to enable acquisition of land for road upgrades, drainage infrastructure and sporting reserves, once Council determined that the transfer of land required for these infrastructure projects through the permit process was not being conducted in a timely manner, I believe that Council take from this example and act proactively with regards to the application of a PAO in the Marshall precinct.
251. A recent example where a PAO has been proactively applied to land necessary for drainage purposes is Amendment C117gshe, which sought to implement the Shepparton South East PSP. It is noted that this amendment has recently undergone a Panel Hearing and is still under consideration.
252. However as part of this amendment, a PAO is proposed to be applied to reserve land for retardation basins and stormwater conveyance within the precinct and nominates the Greater Shepparton City Council as the acquiring authority. Separate PAOs are also proposed to reserve land for road widening and sporting reserves.
253. Like the Shepparton South East precinct, given the significant land fragmentation within the Marshall Precinct, Council should apply the PAO upfront as part of this Amendment to enable the acquisition of land and delivery of drainage infrastructure in a timely manner.

254. 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).

255. However, without the PAOs in place from the start, Council risks stalling development from occurring within the Marshall Precinct, at a time when there is a critical shortage of housing, or creating significant delays through the planning process by requiring a further planning scheme amendment process to implement the PAOs separately in the future.

256. In relation to submissions made to the exhibited PSP, I understand that the owner of Property 40 objected to the location of SB-RB02, which is located between Properties 40 and 41, and sought either the asset relocated or their property valuation within the DCP revised.

257. The owner of Properties 44 and 45 has submitted that land required for drainage assets on their land should be acquired by Council immediately, rather than subject to the staging outlined in the draft PSP, to facilitate development of the broader Precinct.

258. Spire, on behalf of the owner of Property 13, have submitted that a PAO should be applied to land designated for drainage infrastructure. This is echoed in the submission by the Urban Development Institute of Australia ("**UDIA**") and Urbis on behalf of DRD (Vic) Pty Ltd, owner of Property 6.

259. Given the various submissions made from other parties in relation to the potential relocation or modification to drainage infrastructure identified in the PSP, I recommend that Functional Layout Plans ("**FLPs**") of all assets should 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. It is noted that Council should have an accurate understanding of the land areas required for the drainage asset to ensure the land areas included in the DCP are accurate.

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.**

8 CONCLUSION

260. Having reviewed the range of documents associated with the Amendment and undertaken a detailed site and surrounds review, I support the Amendment and recommend that the following changes should be made to the Marshall PSP and associated documents:

- **Amend R83 of the Marshall PSP as follows:**

A Local Activity Centre is provided, which must:

- **Be located within the Station Precinct.**
- **Demonstrate the relationship and connectivity of the Centre with co-located and surrounding land uses, including the train station and open space.**
- **Not permit electronic gaming machines.**
- **Provide all car parking and loading facilities to all commercial buildings at the rear so as to present an attractive address to the street.**
- **Ensure all goods and materials, storage areas and refuse areas are not visible from public areas, including open space and street sightlines.**

To the satisfaction of the Responsible Authority

- **Insert a new Guideline under ‘Employment & Retail Guidelines’ of the PSP, as follows:**

A Local Activity Centre is provided, which should:

- **Comply with Section 4.2 Station Precinct Urban Design Framework Requirements and Guidelines.**
- **Allow a maximum as of right of 2,750sqm of retail floor space. An application that proposes to exceed the retail floor space maximum of 2,750sqm must be supported by an Economic Impact Assessment that responds to Clause 17.02-1L.**
- **Support ground level retail co-location with high density residential development in a Main Street structure that provides for activated street frontages, prioritises pedestrian connections, facilitates diverse architecture and provides on-street parking in discrete locations.**

- **Remove Plan 18 Station Concept Design Intention and references to it from the Marshall PSP and UGZ7.**
- **Amend UGZ7 provisions requiring preparation of the Station Precinct UDF for subdivision and development applications to include additional wording which allows Council to waive this requirement.**
- **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**

- **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

AMENDMENT C278ggee

CITY OF GREATER GEELONG

Planning Authority

MEMORANDUM TO EXPERT – JASON BLACK, INSIGHT PLANNING

INTRODUCTION

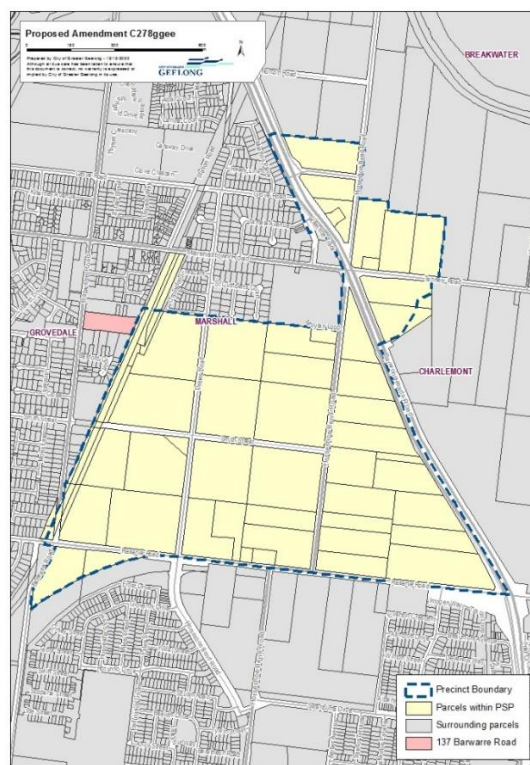
1. We act for Marshall Dev Co Pty Ltd (a subsidiary of Ample Investments Group Pty Ltd) (**Ample**).
2. The City of Greater Geelong (**Council**) has prepared Amendment C278ggee (**Amendment**) to the Greater Geelong Planning Scheme (**Scheme**). Ample owns land known as 62-84 Drews Road, Marshall (PSP Parcel No. 2) (**Site**), which is affected by the Amendment.
3. The Amendment is, in essence, required to realise the urban development of the Marshall Precinct, a precinct within the Armstrong Creek Urban Growth Area, for residential and commercial purposes (**Precinct**). More specifically, it is required to implement the *Marshall Precinct Structure Plan March 2024 (PSP)*, *Marshall Development Contributions Plan August 2023 (DCP)* and *Marshall Native Vegetation Precinct Plan October 2022 (NVPP)* into the Scheme.
4. On 26 September 2023, Council resolved to (among other things):
 - 4.1 adopt the PSP; and
 - 4.2 request authorisation from the Minister for Planning to prepare and exhibit the Amendment.
5. The Amendment was exhibited from 24 April 2024 to 3 June 2024.
6. In response to exhibition, we understand that Council has received 25 submissions (including agency and referral authority submissions).
7. At this stage it is anticipated that:
 - 7.1 Council will consider submissions by delegation on 30 August 2024; and
 - 7.2 a Directions Hearing will be held in the week commencing 30 September 2024 and a Panel Hearing will be held in the week commencing 4 November 2024. You will not be required to appear at the Directions Hearing, however we expect that there will be Panel directions arising from the Directions Hearing including the date for expert evidence and the like, which we will bring to your attention following the Directions Hearing.
8. We will let you know when these dates have been confirmed. In the meantime, please let us know if you have any availability constraints in the weeks of 4 and 11 November 2024 so that we advise the Panel accordingly.

9. Subject to the Amendment being referred to a Planning Panel, you are instructed to prepare a statement of evidence and appear as an expert witness at the Panel Hearing on behalf of Ample.

AMENDMENT C278ggee

Summary

10. As shown on the map below, the Amendment applies to:
 - 10.1 the Precinct which consists of 123 hectares of fragmented rural living land, some lots developed with dwellings and some vacant; and
 - 10.2 land outside the Precinct at 137 Barwarre Road, Marshall (west of the railway line).



Exhibited Explanatory Report

11. The Amendment proposes to:
 - 11.1 apply the Urban Growth Zone Schedule 7 (**UGZ7**) to the Precinct;
 - 11.2 correct zoning anomalies and make other changes such as the rezoning of 40-60 Drews Road from a Transport Zone (**TRZ1**) to the UGZ7;
 - 11.3 apply the Development Contributions Plan Overlay Schedule 10 (**DCPO10**) to the Precinct;
 - 11.4 apply the Environmental Audit Overlay to specific sites;
 - 11.5 apply Design and Development Overlay Schedule 51 (**DDO51**) to 137 Barwarre Road, Marshall;

- 11.6 introduce the PSP, DCP and NVPP as incorporated documents to the Greater Geelong Planning Scheme; and
- 11.7 make other complementary changes to the Planning Scheme and ordinance provisions to give effect to the above.

Incorporated documents

PSP

- 12. The PSP is the northern most residential development precinct structure plan in the Armstrong Creek Urban Growth Plan. In 2017, due to the Precinct’s fragmented land ownership, Council committed to prepare the PSP. Preparation of other Armstrong Creek PSPs were developer-led.
- 13. The PSP sets out the vision and objectives for the Precinct and how these will be implemented. The 10 principle themes are:
 - 13.1 Character, heritage and housing;
 - 13.2 Open space;
 - 13.3 Biodiversity;
 - 13.4 Transport and movement;
 - 13.5 Integrated water management;
 - 13.6 Climate resilient communities;
 - 13.7 Circular economy;
 - 13.8 Employment, retail and communities,
 - 13.9 Energy and technology; and
 - 13.10 Delivery.

Land Use

- 14. The Precinct is predominantly earmarked for residential development.
- 15. A small part of the Precinct (3.65%) to the south-east of Marshall Train Station, known as ‘Station Precinct’, is earmarked to accommodate a mix of uses, including high density residential, commercial and retail.
- 16. Detailed descriptions of the land use visions are provided on pages 24-29 of the PSP.

Employment, retail and community facilities

- 17. The requirements and guidelines relating to employment, retail and community facilities are provided on pages 74-78 of the PSP.
- 18. R83 provides that a small scale Local Activity Centre is to be located within the ‘Station Precinct’ and must (among other things):

Permit a maximum as of right of 2,750 sqm of retail floor space that includes no more than 2,000 sqm for a supermarket and the balance for speciality shops and food and drink

premises. An application that proposes to exceed the floor space maximum of 2,750 sqm must be supported by an Economic Impact Assessment that responds to Clause 17.02-1L. Council may waive the requirement for the submission of an Economic Impact Assessment where the development is for a shop use (excluding supermarket) that results in the development exceeding the maximum retail floor space for the Local Activity Centre of 2,750 sqm.

Support up to 2,250 sqm of non-retail uses (excluding residential) including a mix of small-scale office, medical, gym, childcare uses, etc.

Provide a maximum overall Local Activity Centre floor area of no more than 5,000 sqm.

Support ground level retail co-location with high density residential development in a Main Street structure that provides for activated street frontages, prioritises pedestrian connections, facilitates diverse architecture and provides on-street parking in discrete locations.

Demonstrate the relationship and connectivity of the Centre with co-located and surrounding land uses, including the train station and open space.

Station Precinct Urban Design Framework Requirements and Guidelines

19. The PSP outlines that the proposed 'Station Precinct' will be structured on a permeable grid of public streets designed to be the principle area for an integrated mix of activities, which prioritises pedestrian connections from the Marshall Train Station to the retail and commercial area.
20. Detailed descriptions of 'Station Precinct' including a vision statement, requirements and design objectives are in Section 4.2 of the PSP.

DCP

21. The DCP was prepared by Council.
22. The DCP levy per net residential developable hectare is \$989,000 and the levy per net commercial developable hectare is \$858,000. The total DCP infrastructure cost is \$68,700,000.
23. Contributions towards Armstrong Creek Growth Area community facilities (regional library and community pavilion) will also apply in the form of a per dwelling levy consistent with s 46L of the *Planning and Environment Act*. The total community infrastructure levy is \$2,170,000.

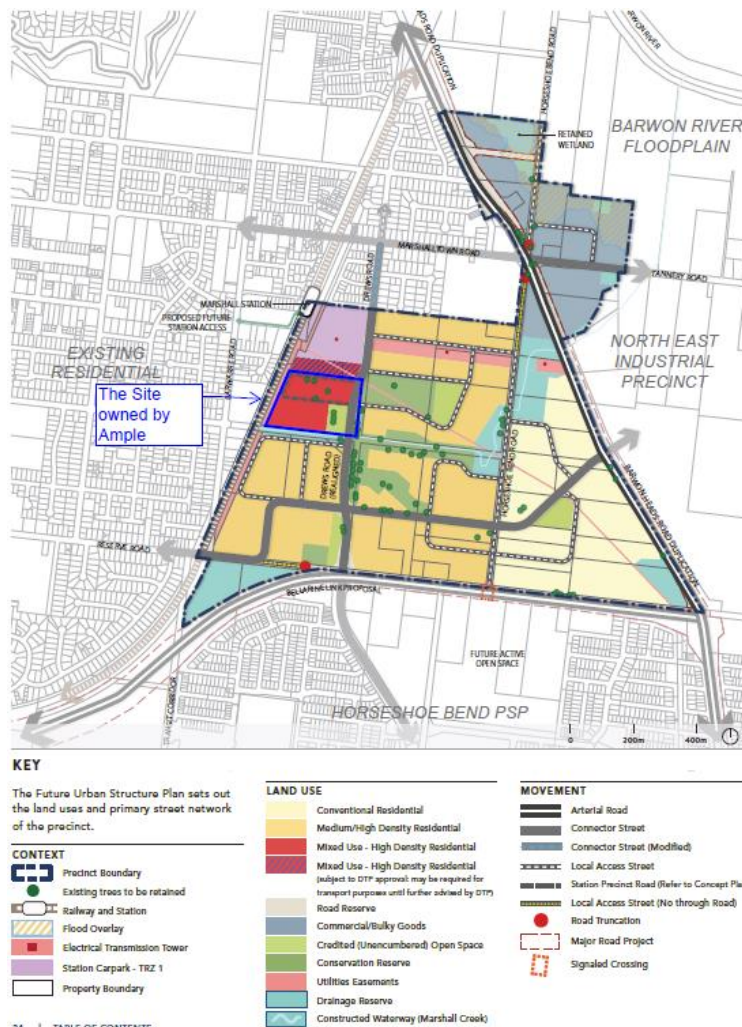
NVPP

24. The NVPP applies a landscape wide approach to retention and removal of native vegetation within the Precinct.
25. The purposes of the NVPP are to:
 - 25.1 map and describe the native vegetation that can be removed, destroyed or lopped in the Precinct;
 - 25.2 map and describe the native vegetation to be retained in the Precinct;
 - 25.3 ensure that any removal, destruction or lopping of native vegetation identified in the NVPP meets the no net loss objective set out in the Guidelines for the Removal, Destruction or Lopping of Native Vegetation (DELWP 2017a);
 - 25.4 streamline the planning approvals process through a landscape approach to native vegetation protection and management; and

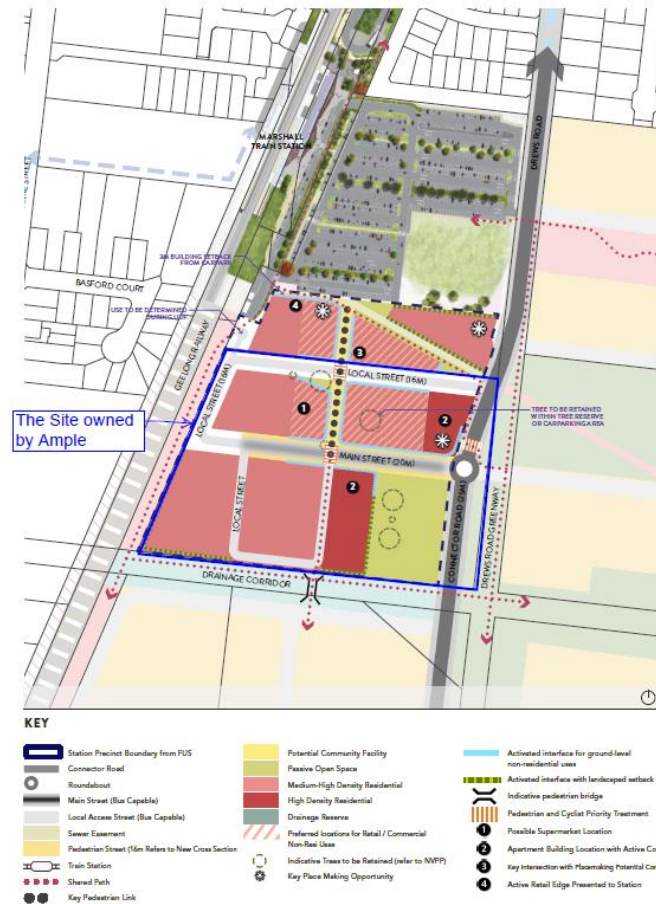
25.5 describe the offset requirements for any permitted removal, destruction or lopping of native vegetation in the Precinct.

Ample's position

26. As noted above, Ample owns the land known as 62-84 Drews Road, Marshall (**Site**) – outlined in blue on the maps below – within the Precinct. The Site is approximately 4.5 hectares and is located within, and makes up the majority of, the proposed 'Station Precinct' within the PSP.



Annotated Future Urban Structure Plan from PSP



Annotated Station Concept Design Intention Plan in PSP

27. Broadly, Ample’s concerns relate to:

27.1 The **preferred location of retail and commercial activity** - specifically, inconsistency between:

27.1.1 the intent to establish the heart of retail and commercial activity around the Main Street environment, as demonstrated by the requirements, objectives and guidelines of Section 3.8 (Employment, retail and community facilities) and Section 4.2 (Station Precinct); and

27.1.2 what is shown in the future concept plan for the Station Precinct at Section 4.2 of the PSP, which is for retail and commercial uses concentrated around the east-west Local Street to the north.

27.2 The **supermarket floorspace cap** and the way in which **Requirement R83** is drafted (ie. mandatory vs discretionary language and intent) - specifically, Ample submits that:

27.2.1 the overall 5,000sqm, the 2,750sqm of retail and the 2,250sqm of non-retail floor area should all have the ability to be exceeded, subject to economic advice; and

27.2.2 the supermarket floorspace cap (of 2,000sqm) is insufficient and has provided a letter of support from Coles for a full-line supermarket.

- 27.3 The delivery of **drainage infrastructure and risk of delay** to development as a consequence of the fragmented ownership within the Precinct. Supported by a memorandum from Spiire, Ample submits that Council should apply a PAO upfront, in order to secure the timely delivery of drainage infrastructure and to allow development to proceed.

Next steps

28. As noted above, at this stage is anticipated that:
- 28.1 Council will consider submissions on 30 August 2024; and
 - 28.2 a Directions Hearing will be held in the week commencing 30 September 2024 and a Panel Hearing in the week commencing 4 November 2024.
29. We expect to receive the Panel's directions, arising from the Directions Hearing, in the week of 30 September 2024 or shortly thereafter. We will forward these to you immediately on receipt and we will draw any relevant directions to your attention. Based on our experience, however, we anticipate that your evidence statement will need to be circulated by no later than Friday 25 or Monday 28 October.

YOUR INSTRUCTIONS

30. Subject to the Amendment being referred to a Planning Panel, you are instructed to prepare a statement of evidence and appear as an expert witness at the Panel Hearing. Your expert witness report should:
- 30.1 be prepared in accordance with the Planning Panels Victoria *Guide to Expert Evidence*;
 - 30.2 express your opinion, as relevant to your expertise, in relation to the Amendment and associated material, with a particular focus on the following:
 - 30.2.1 Ample's submission to the exhibited Amendment, and particularly as it relates to implementation of the PSP and the delivery of drainage infrastructure;
 - 30.2.2 Council's response to:
 - (a) the Ample submission; and
 - (b) other submissions to the Amendment,as relevant to the Station Precinct and the development of the Site.

Other matters

31. Please find enclosed an indexed brief of documents. Kindly let us know if you require any further information or documentation.
32. Please contact Briana Eastaugh on 9258 3372 or Chloe Henry-Jones on 92588 3155 should you have any queries.

Dated: 8 August 2024



.....

Maddocks

Index

TAB NO	DESCRIPTION OF DOCUMENT	DATE
A – EXHIBITED AMENDMENT DOCUMENTS		
Amendment Documents Statutory		
1.	Explanatory Report	
2.	Instruction Sheet	
3.	Planning Scheme Maps	
Planning Provisions		
4.	Schedule 7 to Clause 37.07 (Urban Growth Zone)	
5.	Schedule 51 to Clause 43.02 (Design and Development Overlay)	
6.	Schedule 10 to Clause 45.06 (Development Contributions Plan Overlay)	
7.	Schedule to Clause 52.16 (Native Vegetation Precinct Plan)	
8.	Schedule to Clause 66.04 (Referral of Permit Applications Under Local Provisions)	
9.	Schedule to Clause 72.03 (What Does This Planning Scheme Consist Of?)	
10.	Schedule to Clause 72.04 (Incorporated Documents)	
Incorporated Documents		
11.	PSP	
12.	DCP	
13.	NVPP	
Background Documents		
14.	Marshall Precinct Structure Plan Background Report	March 2024
15.	Providing Social Housing as Essential Infrastructure in Geelong’s KSPAs	December 2021
16.	Fauna Surveys, Marshall Precinct Plan Area, Marshall	May 2022
17.	Marshall Precinct Structure Plan: Servicing Plan	September 2018
18.	Marshall Precinct Structure Plan: Stormwater Management Strategy	December 2022



TAB NO	DESCRIPTION OF DOCUMENT	DATE
19.	Habitat Assessment: Marshall PSP	April 2024
20.	Marshall Precinct Preliminary Environmental Assessment Update	September 2023
21.	Armstrong Creek Urban Growth Area: Post Contact Cultural Heritage Assessments	January 2014
22.	Bushfire Assessment and Development Report	May 2022
23.	Marshall Precinct Structure Plan: Access Management Strategy	May 2019
24.	Marshall Precinct Structure Plan: Traffic Impact Assessment	March 2023
25.	Marshall Precinct Structure Plan: Preliminary Transport Infrastructure Assessment	July 2019
B – SUBMISSIONS		
26.	Ample's submission (submission 19), which includes a letter from Coles and a memorandum from Spiire regarding the delivery of DCP drainage assets	30 May 2024
27.	Combined PDF of all submissions (25)	
C – COUNCIL MEETING MINUTES		
28.	Council Meeting Minutes	6 December 2023
29.	Council Meeting Minutes	30 August 2024 [to be provided on receipt]
D – MISCELLANEOUS		
30.	PPV Guide to Expert Evidence	
31.	Panel Directions [to be provided on receipt]	