

Marshall Precinct Structure Plan

EXPERT WITNESS STATEMENT – MARK WOODLAND (OCTOBER 2024)

Project number	2815
Prepared by	Mark Woodland
Date	29 October 2024



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1. INTRODUCTION.

1. I have been instructed in this matter by Maddocks Lawyers who act for Re-Grow Geelong Pty Ltd in relation to the proposed amendment C278ggee to the Greater Geelong Planning Scheme (the Amendment), which proposes to introduce the *Marshall Precinct Structure Plan*, the *Marshall Development Contributions Plans* and a number of additional planning controls into the Greater Geelong Planning Scheme.
2. Re-Grow own land in the precinct adjoining the Marshall Precinct (the North East Industrial Precinct), being the following properties:
 - 425-499 Barwon Heads Rd, Charlemont Vic 3216 (Property 1);
 - 42 Sparrowvale Rd, Charlemont Vic 3216 (Property 2);
 - 31-41 Sparrowvale Rd, Charlemont Vic 3216 (Property 3A and 3B); and
 - 52 Tannery Rd, Charlemont Vic 3216 (Property 4).

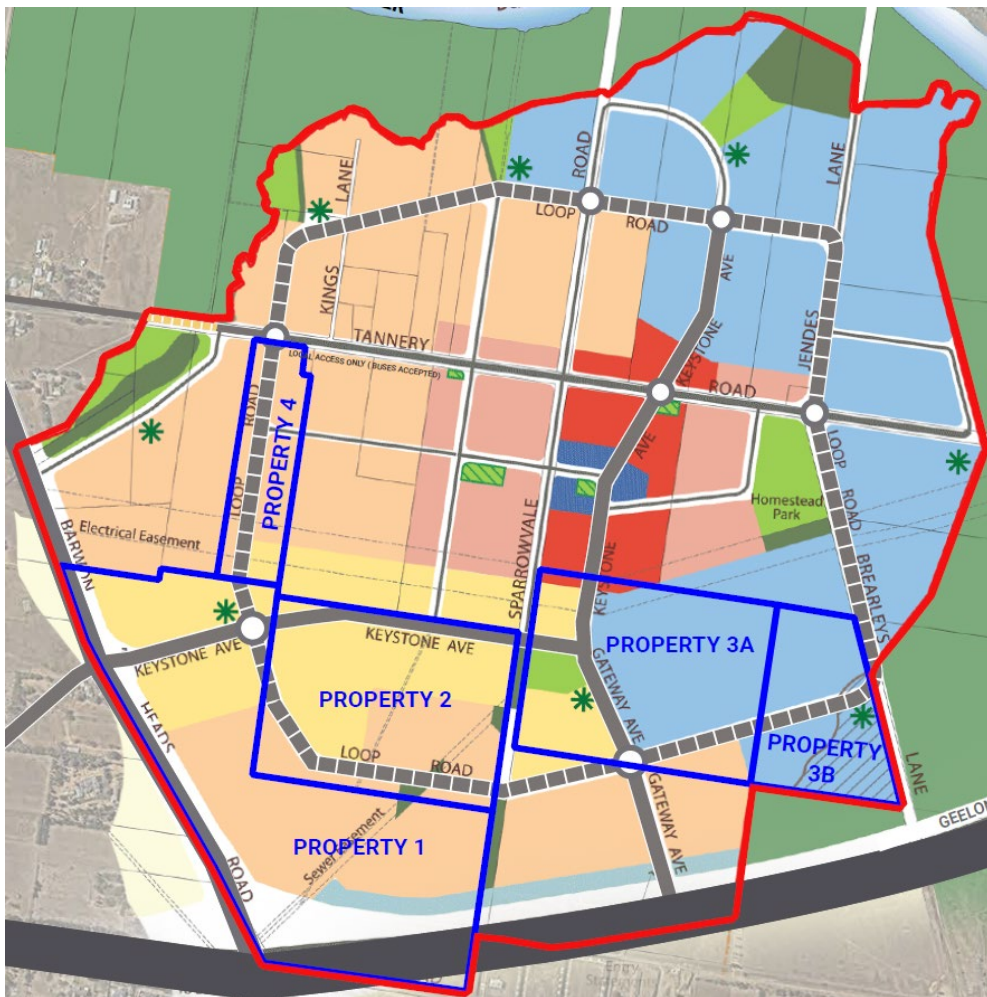


Figure 1 - Re-Grow land



3. The Amendment was exhibited 24 April to 3 June 2024 and received 28 submissions, of which 20 object or request a change or changes to the exhibited amendment. Council considered these submissions in August 2024 and resolved to refer the Amendment and submissions to a Planning Panel.
4. This evidence statement has been prepared to respond to instructions which asked me to review the Precinct Structure Plan (PSP) and related materials and address the following matters:
 - *Whether the proposed supply of land for commercial/bulky goods purposes within the Marshall PSP as proposed is generally in accordance with the Armstrong Creek Urban Growth Framework Plan;*
 - Whether the unplanned commercial bulky goods area is providing for the same land use activity as that already deliberately planned for by the NEIP in the area either side of Keystone Boulevard;
 - Whether residential may be a better use of the land given its location within 800 metres of the railway station; and
 - Whether the Marshall PSP is supported by any apparent strategy in so far as it introduces the C2 zone to the area either side of Barwon Heads Road.
5. A copy of my instructions is contained in **Appendix 1** to this statement.
6. In preparing this statement, I have reviewed the material provided to me in my instructions, as well as the following documents:
 - G21 Regional Growth Plan (2013)
 - Plan Melbourne, 2017-2050 (2017)
 - Precinct Structure Planning Guidelines (2020)
 - Armstrong Creek Economic impact analysis (compelling Economics, 2011)
 - North West Geelong Employment Land Study (SGS, 2017)
 - Western Geelong Growth Area Retail & Activity Centre Technical Report (Urban Enterprise, 2017)
 - North Geelong Growth Area Activity Centre Assessment (Essential Economics, 2017)
 - North West Geelong Growth Area Consolidated Activity Centre (Tim Nott, 2017)
 - Greater Geelong Settlement Strategy (2020)
 - City of Greater Geelong Retail Strategy 2020-2036 (2020)
 - South-West Employment Land Review (2023)
 - Ministerial Direction No. 11 - Strategic assessment of amendments
 - Approved precinct structure plans for nearby and adjacent areas within the Armstrong Creek Growth Area
 - Amendment C278GGEE: Marshall Precinct Structure Plan – Consideration of Submissions Report (Council delegate report dated 28 August 2024)



2. EXPERT WITNESS STATEMENT.

The name and address of the expert.

Mark Woodland of 3 Prentice Street, Brunswick 3056.

The expert qualification and experience.

I hold a Bachelor of Planning and Design from the University of Melbourne. I am a member of the Victorian Planning and Environment Law Association and the Property Council of Australia.

A Curriculum Vitae is included Appendix 2.

The expert's area of expertise to make this report.

I have a broad range of experience in planning and development matters with a sound understanding of statutory planning provisions and significant experience in strategic planning and policy development enabling me to comment on a wide range of planning and development issues.

Other significant contributors to the report.

Not applicable.

Instructions that define the scope of the report

I have been instructed in this matter by Maddocks Lawyers who act for Re-Grow Geelong Pty Ltd which is a submitter in relation to Amendment C278ggee to the Greater Geelong Planning Scheme.

The identity of any person who carried out tests or experiments upon which the expert has relied on and the qualifications of that report.

Not applicable.

The facts and matters and all assumptions upon which the report proceeds.

I rely upon the reports and documents referred to in my instructions and in section 1.0 of this report.

Documents and other materials the expert has been instructed to consider or take into account in preparing his report, and the literature of other material used in making the report.

I have reviewed and taken into account the reports and materials referred to in section 1.0 of this report.

A summary of the opinion or opinions of the expert witness

A summary of my opinions is set out in section 3.0 of this report.

Any opinions that are not fully researched for any reason

Not applicable.



Questions falling out of the expert's expertise and completeness of the report

I have not been asked to make comment on any matters outside of this area of expertise. This report is a complete statement of evidence.

Expert Declaration

I have made all the inquiries that I believe are necessary and desirable to prepare and present expert evidence in this matter and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.



Mark Woodland
29th October 2024



3. SUMMARY OF EVIDENCE.

8. My opinions on the topics put to me in my instructions are as follows

3.1. Is the proposed supply of land for commercial/bulky goods purposes within the Marshall PSP generally in accordance with the Armstrong Creek Urban Growth Framework Plan.

9. I consider that the supply of land for commercial/bulky goods purposes proposed within the exhibited version of the Marshall PSP is not generally in accordance with the Armstrong Creek Urban Growth Framework Plan. In coming to this view, I have considered the following questions relating to the concept of 'general accordance':

Is there is a reasonable degree of uniformity between the outcomes envisaged by the Framework Plan and the PSP?

10. Whilst there is some flexibility to refine the land use and infrastructure arrangements in the course of translating the Framework Plan into Precinct Structure Plans, I do not consider that there is sufficient uniformity of intent between the outcomes envisaged by the Framework Plan and the PSP, for the following reasons:

- The Framework Plan envisages the creation of a Major Activity Centre (MAC), a series of distinct residential neighbourhoods (based on a 1.6km grid) and two employment precincts on the eastern and western flanks of the growth area. It does not envisage the creation of a large commercial/bulky goods precinct within the Marshall PSP area.
- The Framework Plan envisages that land within the Marshall precinct will be developed as its own residential neighbourhood (based as far as possible on a 1.6km grid), and that land within 800m of the Marshall train station (including land east of Barwon Heads Road) will be developed for medium and higher density housing.
- The Framework plan makes explicit provision for commercial and bulky goods retailing uses within the Major Activity Centre, local town centres and the two employment precincts, but not elsewhere within the growth area.

Will the overall outcomes described within the wider Framework Plan and any relevant planning policies within the planning scheme be realised?

11. I consider that from a town planning perspective the creation of a large commercial/bulky goods precinct within the Marshall PSP area will be prejudicial to the realisation of outcomes described within the Framework Plan and the relevant retail and commercial planning policies contained within the Greater Geelong Planning Scheme (the Planning Scheme), for the reasons set out in this report.



Would the departures from the land use structure and layout shown within the Framework create unintended consequences?

12. Whilst I am not able to address this question from a commercial or economic perspective, I consider that from a town planning perspective the creation of a large commercial/bulky goods precinct within the Marshall PSP area has the potential to prejudice the timely establishment of both the commercial and bulky goods uses in the preferred locations identified by both the Framework Plan and the planning policies contained within the Greater Geelong Planning Scheme. For example, it might result in the some of the intended commercial/retail outcomes within the MAC and employment precincts either not being achieved or being significantly delayed.
13. I have also considered whether the revised extent of commercial/bulky goods referenced in Council's response to submissions is generally in accordance with the Framework Plan.
14. Council has resolved to amend the designation of some land from 'commercial/bulky goods' and it proposes that the PSP continue to designate properties 34-37 for 'commercial/bulky goods' purposes ('the amended draft PSP').
15. Whilst the additional dwelling yields available on the circa 2.4ha of developable land within these land parcels would be modest, the benefits/constraints of this outcome need to be weighed up against the benefits/constraints of designating this land for commercial/bulky goods purposes.
16. I see no obvious benefit or need to designate this land for commercial/bulky goods purposes. For the reasons cited above, I consider that this outcome is likely to prejudice the early realisation of commercial development outcomes within the nearby NEIP, albeit to a lesser degree than what was proposed within the exhibited PSP.
17. In my view, so long as the potential constraints identified by Council can be satisfactorily addressed (which I think is possible from a town planning perspective), then designating these properties for residential purposes would achieve a greater community benefit than designating them for commercial purposes.

4. Is the unplanned commercial bulky goods area providing for the same land use activity as that already deliberately planned for by the NEIP in the area either side of Keystone Boulevard?

18. I consider that the commercial bulky goods area shown within the exhibited draft Marshall PSP is providing for the same land use activities that are planned for in the NEIP, based on the following:
 - The NEIP Structure Plan and associated zoning controls (Urban Growth Zone Schedule 1 – UGZ1) encourage the establishment of or commercial uses across substantial parts of the NEIP, and for bulky goods to establish on an 'as of right' basis within Precinct 3 (industry & mixed business) and Precinct 1 (retail centre).



- The UGZ1 applies a Commercial 2 zone to Precinct 3 of the NEIP, the objectives of which are (inter-alia) to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.
- The UGZ1 also applies a Commercial 1 zone to Precinct 6 of the NEIP, the objectives of which are (inter-alia) to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- The UGZ1 also allows permits to be sought for bulky goods uses within Precincts 2, 4 and 5 within the NEIP.

4.1. Would residential be a better use of the land given its location within 800 metres of the railway station?

19. Locating medium-high density housing within walking distance of train stations and town centres is a fundamental organising concept within the Framework Plan, and it is supported by strategies contained within the Geelong Settlement Strategy (principle 2b) and State planning policy.¹
20. The need to maximise the use of designated urban land near existing transport and other infrastructure has taken on a heightened priority in recent years against a backdrop of a nationwide housing supply and affordability crisis.
21. The Geelong Settlement Strategy states that the development of growth areas should be guided by the relevant strategic framework plan (that being the Framework Plan for Armstrong Creek in the present case).
22. Since the finalisation of this Strategy, the Victorian Government has released a new statewide Housing Statement (September 2023) and it has set a draft housing target for the City of Greater Geelong. This target seeks to increase the total housing capacity in Geelong from the existing supply of 127,300 dwellings (2023) to a future capacity of 267,100 dwellings (2051). To achieve this capacity target, the Geelong Settlement Framework would need to have capacity to accommodate an additional 139,800 dwellings.
23. Given the above policy and housing forecast context, I consider that there is a very strong case for allocating the Subject Land for housing rather than other uses (especially considering that there is no evidence that additional land is required for commercial or retail uses within the Armstrong Creek growth area).

4.2. Is the Marshall PSP supported by any apparent strategy in so far as it introduces the C2 zone to the area either side of Barwon Heads Road?

24. I have not identified any specific strategies or analysis prepared by Council which have informed the decision to nominate the subject site for commercial/bulky goods purposes, or to apply the Commercial 2 zone to that land.

¹ See for example the PPF clauses 11.01-1S Settlement, 11.02-2S Structure Planning



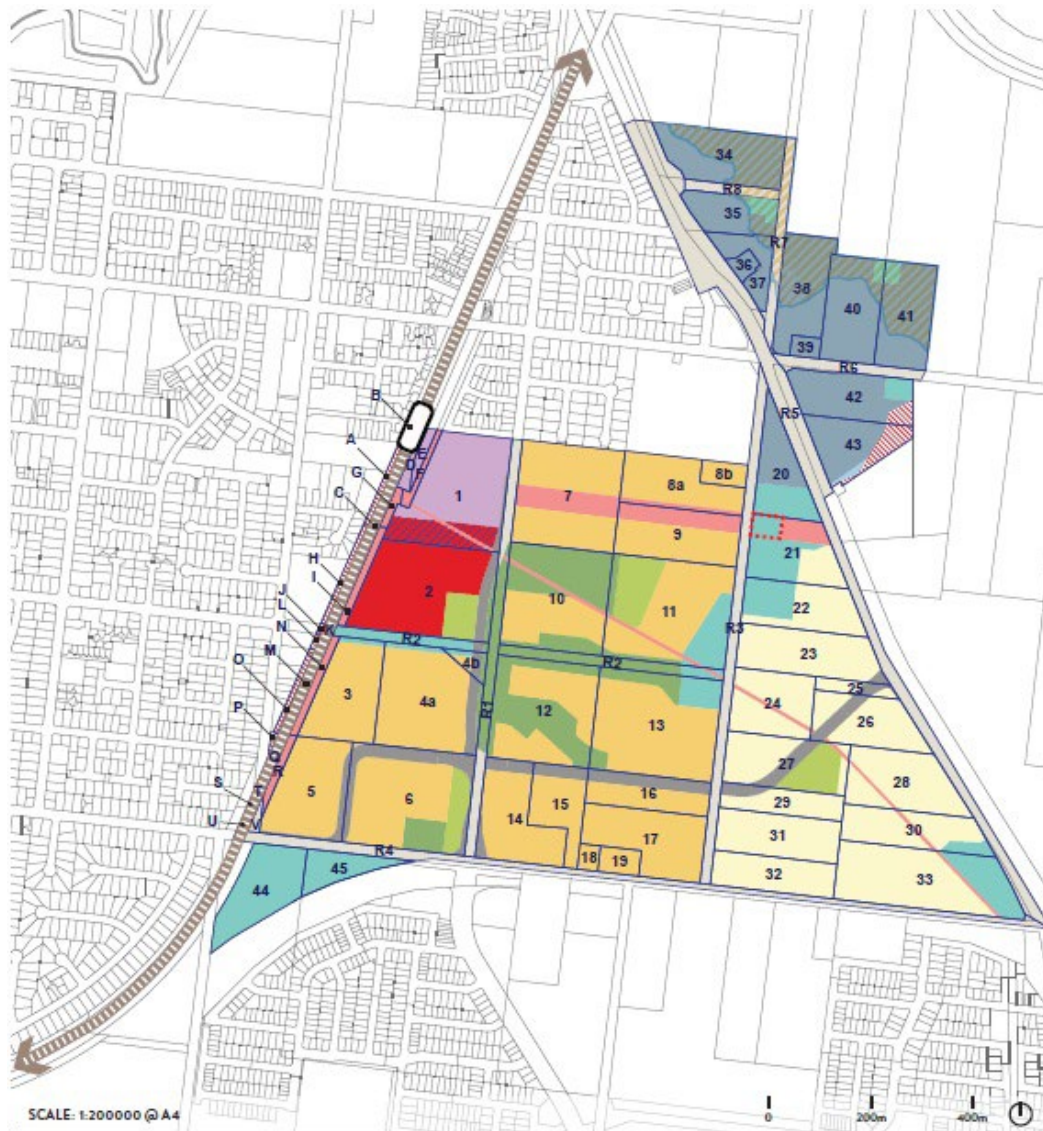
5. SUBJECT LAND.

25. The Subject Land contains the properties listed in **Table 1** below and comprises land as shown in **Figure 1a**.
26. The Subject Land was designated for commercial/bulky goods purposes in the exhibited Marshall PSP. Following consideration of submissions, Council subsequently resolved to alter the designation of some of the sites within the Subject Land from commercial/bulky goods to residential.

Property Address	Designation in ACUGFP (Clause 72.04)	Designation in the exhibited Marshall PSP	Revised Designation (Council report dated 28/8/24)
25 Horseshoe Bend Road, Marshall - Lot 1 on Plan of Subdivision PS906870 (Parcel Number 20)	Medium-High Density Housing	Commercial/Bulky Goods	Medium-High Density Housing
321-329 Barwon Heads Road, Charlemont 3217 - Lot 2 on Plan of Subdivision PS849540 (Parcel Number 34)	Medium-High Density Housing	Commercial/Bulky Goods	Commercial/Bulky Goods
331-343 Barwon Heads Road, Charlemont 3217 - Lot 3 on Plan of Subdivision PS849540 (Parcel Number 35)	Medium-High Density Housing	Commercial/Bulky Goods	Commercial/Bulky Goods
355 Barwon Heads Road, Charlemont 3217 - Lot 2 on Plan of Subdivision PS849519 (Parcel Number 36)	Medium-High Density Housing	Commercial/Bulky Goods	Commercial/Bulky Goods
345 Barwon Heads Road, Charlemont 3217 - Lot 1 on Plan of Subdivision PS849519 (Parcel Number 37)	Medium-High Density Housing	Commercial/Bulky Goods	Commercial/Bulky Goods
1-5 Tannery Road, Charlemont 3217 - Lot 5 on Plan of Subdivision PS849540 (Parcel Number 38)	Medium-High Density Housing	Commercial/Bulky Goods	Conventional Residential
7-9 Tannery Road, Charlemont 3217 - Lot 1 on Title Plan TP8333 (Parcel Number 39)	Medium-High Density Housing	Commercial/Bulky Goods	Conventional Residential
11-19 Tannery Road, Charlemont 3217 - Lot 1 on Title Plan TP958789 (Parcel Number 40)	Partially Conventional Density Housing, Partially Medium-High Density Housing	Commercial/Bulky Goods	Conventional Residential
21-29 Tannery Road, Charlemont 3217 - Lot 2 on Title Plan TP958789 (Parcel Number 41)	Partially Conventional Density Housing, Partially Medium-High Density Housing	Commercial/Bulky Goods	Conventional Residential
8 Tannery Road, Charlemont 3217 - Lot 7 on Plan of Subdivision PS849540 (Parcel Number 42)	Partially Conventional Density Housing, Partially Medium-High Density Housing	Commercial/Bulky Goods	Conventional Residential
391-399 Barwon Heads Road, Charlemont 3217 - Lot 8 on Plan of Subdivision PS849540 (Parcel Number 43)	Partially Conventional Density Housing, Partially Medium-High Density Housing	Commercial/Bulky Goods	Conventional Residential

Table 1 - Subject Land





KEY

CONTEXT

- Property Boundary
- #12** Property Identification Number *

EXCLUDED & ENCUMBERED LAND

- Land excluded from Land Budget (NEIP PSP Area) *
- Existing Road Reserve Retained as Road
- Conservation Reserve

- Utilities Easements
- Drainage Reserve
- Station & Carpark TRZ 1
- Proposed DCP Connector Road
- Banwon River Floodplain
- Drainage area Included on Transmission Easement

NET DEVELOPABLE LAND

- Conventional Residential
- Medium/Higher Density Residential
- Mixed Use - High Density Residential
- Mixed Use - High Density Residential (subject to DTP approval; may be required for transport purposes until further advised by DTP)
- Commercial/Bulky Goods
- Credited (Unencumbered) Open Space

* Refer to property-specific land use budget table for more detailed landuse classification

Figure 2a - Subject Land



27. The Subject Land:

- has an approximate total area of 16.9 hectares;
- has a net developable area of 9.9 hectares (58.5% of total area);
- comprises land parcels that are predominately currently used for farming or rural lifestyle purposes with single dwellings on each lot, except for a service station which is located at the intersection of Barwon Heads Road and Horseshoe Bend Road at 355 Barwon Heads Road;
- has a number of road reserves with the Barwon Heads Road being an arterial road and the remainder of the roads built to rural standards;
- contains a watercourse that bounds the properties to the north and east; and
- contains a wetland to the north-east.

28. Of the properties listed above, 0.6 hectares of land sits outside land identified in the Marshall PSP, comprising 0.2 hectares of Parcel Number 42 and 0.4 hectares of Parcel Number 43 outside the precinct.



6. THE PLANNING SCHEME PROVISIONS

29. I have considered the following elements of the Greater Geelong Planning Scheme which apply to the Site:

- The Planning Policy Framework,
- The Local Planning Policy Framework
- The Zone and Overlay provisions
- Particular Provisions (as relevant)

The following pages contain an overview of these provisions.

6.1. The Planning Policy Framework.

30. The Greater Geelong housing and settlement framework plan (Clause 02.04-3) identifies the Subject Land as an urban development area, as shown in **Figure 2** overleaf.

31. The following state, regional and local planning policies are of particular relevance to the consideration of the amendment. These are summarised in **Appendix 3** to this report.

- Clause 02.02 – Vision
- Clause 02.03-1 - Settlement
- Clause 02.03-6 – Housing
- Clause 02.03-7 – Economic Development
- Clause 02.03-8 – Transport
- Clause 02.03-9 – Infrastructure
- Clause 02.04-2 – Retail activity centre hierarchy
- Clause 11.01-1R – Settlement – Geelong G21
- Clause 11.01-1L-01 – Settlement – Greater Geelong
- Clause 11.02-1S – Supply of urban land
- Clause 11.02-2S – Structure planning
- Clause 11.02-3L – Sequencing of development
- Clause 11.03-1S – Activity Centres
- Clause 11.03-1L – Activity Centres in Greater Geelong
- Clause 11.03-2S – Growth areas
- Clause 11.03-3S – Peri-urban areas
- Clause 12.03-1R – Rivers of the Barwon
- Clause 12.03-1L – River corridors, waterways, lakes and wetlands
- Clause 13.03-1S – Floodplain management
- Clause 13.06-1S – Air quality management
- Clause 13.07-1S – Land use compatibility
- Clause 14.02-1S – Catchment planning and management
- Clause 15.01-3S – Subdivision design
- Clause 16.01-1S – Housing supply



- Clause 16.01-2S – Housing affordability
- Clause 17.01-1S – Diversified economy
- Clause 17.01-1L-01 – Diversified economy – Greater Geelong
- Clause 17.02-1S – Business
- Clause 17.02-1L- Retail expansion
- Clause 17.03-1S – Industrial land supply
- Clause 17.03-2S – Sustainable Industry
- Clause 17.03-2L – Sustainable industry in Greater Geelong
- Clause 17.03-3S – State significant industrial land
- Clause 18.01-1S – Land use and transport integration
- Clause 18.01-2S – Transport system
- Clause 18.02-3S – Public transport
- Clause 19.03-1S – Development and infrastructure contributions plans
- Clause 37.07 – Urban Growth Zone
- Clause 52.16 – Native Vegetation Precinct Plan

32. The Armstrong Creek Growth Area Framework Plan is incorporated within the Greater Geelong Planning Scheme (at Clause 02.03) – see **Figure 3** below.

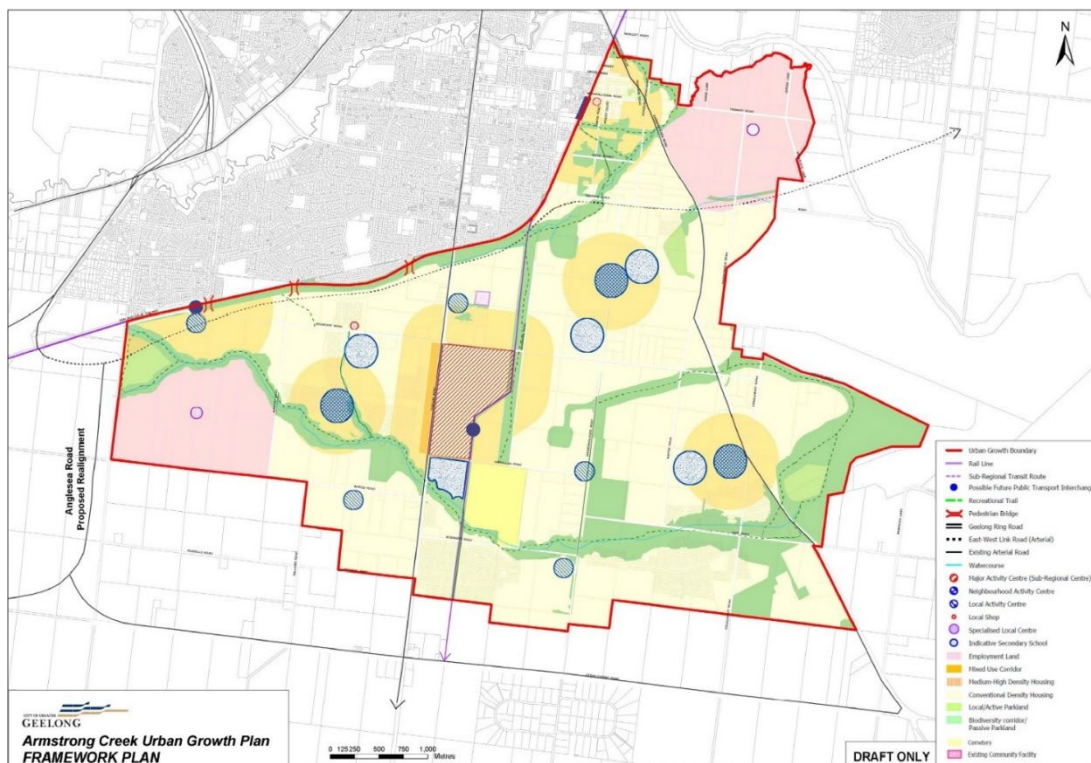


Figure 2 - Armstrong Creek Urban Growth Plan - Framework Plan (Incorporated Document November 2008, Updated June 2015).



33. The Geelong retail hierarchy is incorporated within the Greater Geelong Planning Scheme (at Clause 02.04-2 – Settlement) – see Figure 3 below.

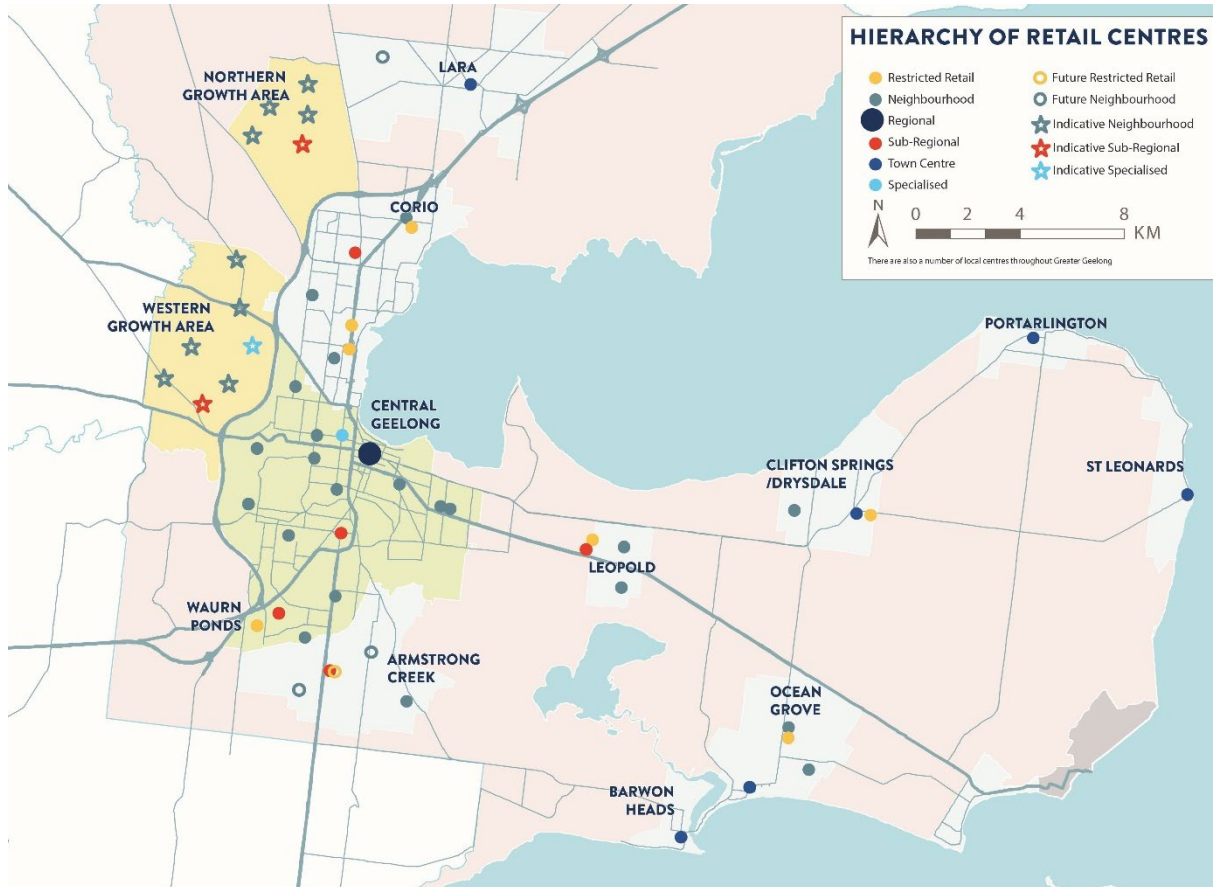


Figure 3 - Retail activity centre hierarchy at Clause 02.04-2.

6.2. Zone and Overlay Controls.

34. The Subject Land is located in the Urban Growth Zone (UGZ) (refer to **Figure 4**).
35. The purpose of the UGZ is as follows:
- To implement the Municipal Planning Strategy and the Planning Policy Framework.
 - To manage the transition of non-urban land into urban land in accordance with a precinct structure plan
 - To provide for a range of uses and the development of land generally in accordance with a precinct structure plan.
 - To contain urban use and development to areas identified for urban development in a precinct structure plan.
 - To provide for the continued non-urban use of the land until urban development in accordance with a precinct structure plan occurs.



- To ensure that, before a precinct structure plan is applied, the use and development of land does not prejudice the future urban use and development of the land.
36. No UGZ Schedule currently applies to the Subject Land as a Precinct Structure Plan is yet to be incorporated into the Planning Scheme.
37. The northern portion of 11-19 Tannery Road, Charlemont (Parcel Number 40) is also within the Farming Zone (FZ)

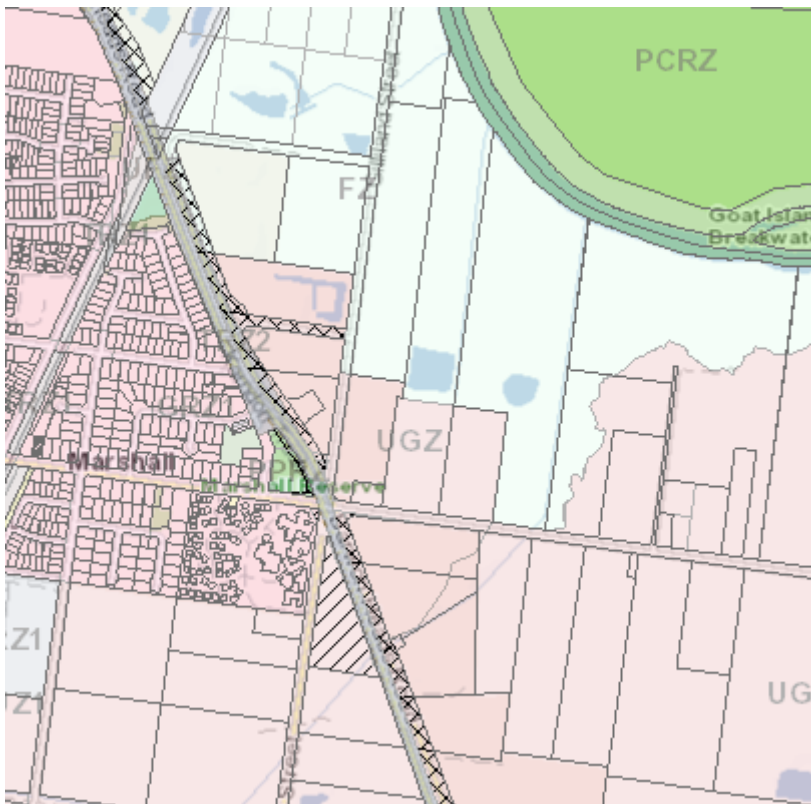


Figure 5 - Zone Plan

38. The following overlays affect the individual lots within the Subject Land (Refer to **Figures 5-11**):
- 25 Horseshoe Bend Road, Marshall; Lot 1 on Plan of Subdivision PS906870 (Parcel Number 20)
 - Special Controls Overlay (SCO8 – Barwon Heads Road (Settlement Road, Belmont to Reserve Road, Marshall) Duplication Project Incorporated Document, October 2020)
 - 321-329 Barwon Heads Road, Charlemont; Lot 2 on Plan of Subdivision PS849540 (Parcel Number 34)
 - Floodway Overlay (FO – Schedule 1)
 - Land Subject to Inundation Overlay (LSIO – Schedule 1)
 - 331-343 Barwon Heads Road, Charlemont; Lot 3 on Plan of Subdivision PS849540 (Parcel Number 35)



- Floodway Overlay (FO – Schedule 1)
 - Land Subject to Inundation Overlay (LSIO – Schedule 1)
 - Special Controls Overlay (SCO8 – Barwon Heads Road (Settlement Road, Belmont to Reserve Road, Marshall) Duplication Project Incorporated Document, October 2020)
- 355 Barwon Heads Road, Charlemont; Lot 2 on Plan of Subdivision PS849519 (Parcel Number 36)
 - N/A
- 345 Barwon Heads Road, Charlemont; Lot 1 on Plan of Subdivision PS849519 (Parcel Number 37)
 - Floodway Overlay (FO – Schedule 1)
 - Land Subject to Inundation Overlay (LSIO – Schedule 1)
- 1-5 Tannery Road, Charlemont; Lot 5 on Plan of Subdivision PS849540 (Parcel Number 38)
 - Floodway Overlay (FO – Schedule 1)
 - Land Subject to Inundation Overlay (LSIO – Schedule 1)
 - Special Controls Overlay (SCO8 – Barwon Heads Road (Settlement Road, Belmont to Reserve Road, Marshall) Duplication Project Incorporated Document, October 2020)
 - Vegetation Protection Overlay
- 7-9 Tannery Road, Charlemont; Lot 1 on Title Plan TP8333 (Parcel Number 39)
 - N/A
- 11-19 Tannery Road, Charlemont; Lot 1 on Title Plan TP958789 (Parcel Number 40)
 - Floodway Overlay (FO – Schedule 1)
 - Environmental Significance Overlay (ESO – Schedule 2 (High Value Wetlands and Associated Habitat Protection))
 - Land Subject to Inundation Overlay (LSIO – Schedule 1)
 - Significant Landscape Overlay (SLO – Schedule 16 (Rivers of The Barwon: Barwon River (Parwan) Corridor Environs))
- 21-29 Tannery Road, Charlemont; Lot 2 on TP958789 (Parcel Number 41)
 - Floodway Overlay (FO – Schedule 1)
 - Land Subject to Inundation Overlay (LSIO – Schedule 1)
- 8 Tannery Road, Charlemont; Lot 7 on Plan of Subdivision PS849540 (Parcel Number 42)
 - Special Controls Overlay (SCO8 – Barwon Heads Road (Settlement Road, Belmont to Reserve Road, Marshall) Duplication Project Incorporated Document, October 2020)
 - Development Contributions Plan Overlay (DCPO – Schedule 1)
- 391-399 Barwon Heads Road, Charlemont; Lot 8 on Plan of Subdivision PS849540 (Parcel Number 43)



- Special Controls Overlay (SCO8 – Barwon Heads Road (Settlement Road, Belmont to Reserve Road, Marshall) Duplication Project Incorporated Document, October 2020)
 - Development Contributions Plan Overlay (DCPO – Schedule 1)
39. No new or amended overlays have been proposed to apply to the Subject Land following the implementation of the Marshall Precinct Structure Plan.



Figure 4a - Development Contributions Plan Overlay (DCPO) Map





Figure 5 - Environmental Significance Overlay (ESO) Map



Figure 6 - Floodway Overlay (FO) Map





Figure 7 - Land Subject to Inundation Overlay (LSIO) Map



Figure 8 - Specific Controls Overlay (SCO) Map





Figure 9 - Significant Landscape Overlay (SLO) Map



Figure 10 - Vegetation Protection Overlay (VPO) Map



7. AMENDMENT C278 - MARSHALL PRECINCT STRUCTURE PLAN

40. Amendment C278 to the Greater Geelong Planning Scheme proposes to incorporate two new documents, titled the '*Marshall Precinct Structure Plan*' (PSP) and the '*Marshall Development Contributions Plan*' (DCP).
41. The Amendment rezones the land to Urban Growth Zone Schedule 7, as well as make various changes to the planning controls that apply to the land within the PSP area which are detailed in the Explanatory Report.
42. The Marshall PSP area comprises of approximately 123 hectares which is generally bound by:
 - Land in the Farming Zone to the north;
 - A tributary of the Barwon River to the north-east;
 - Barwon Heads Road to the south-east;
 - Reserve Road to the south; and
 - The Geelong and Warrnambool V/Line railway lines to the west.
43. The Future Urban Structure Plan, as shown overleaf in **Figure 12**, shows the proposed spatial layout of land use and infrastructure on land within the Marshall PSP area.
44. Schedule 7 to the Urban Growth Zone applies the Mixed Use Zone (MUZ) to the land around Marshall Railway Station, the Residential Growth Zone (RGZ1) to land identified for Medium-Higher Density Residential development, General Residential Zone (GRZ1) to land identified for conventional residential development, and the Commercial 2 Zone (C2Z) to land identified for business (commercial/bulky goods area) including the Subject Land.



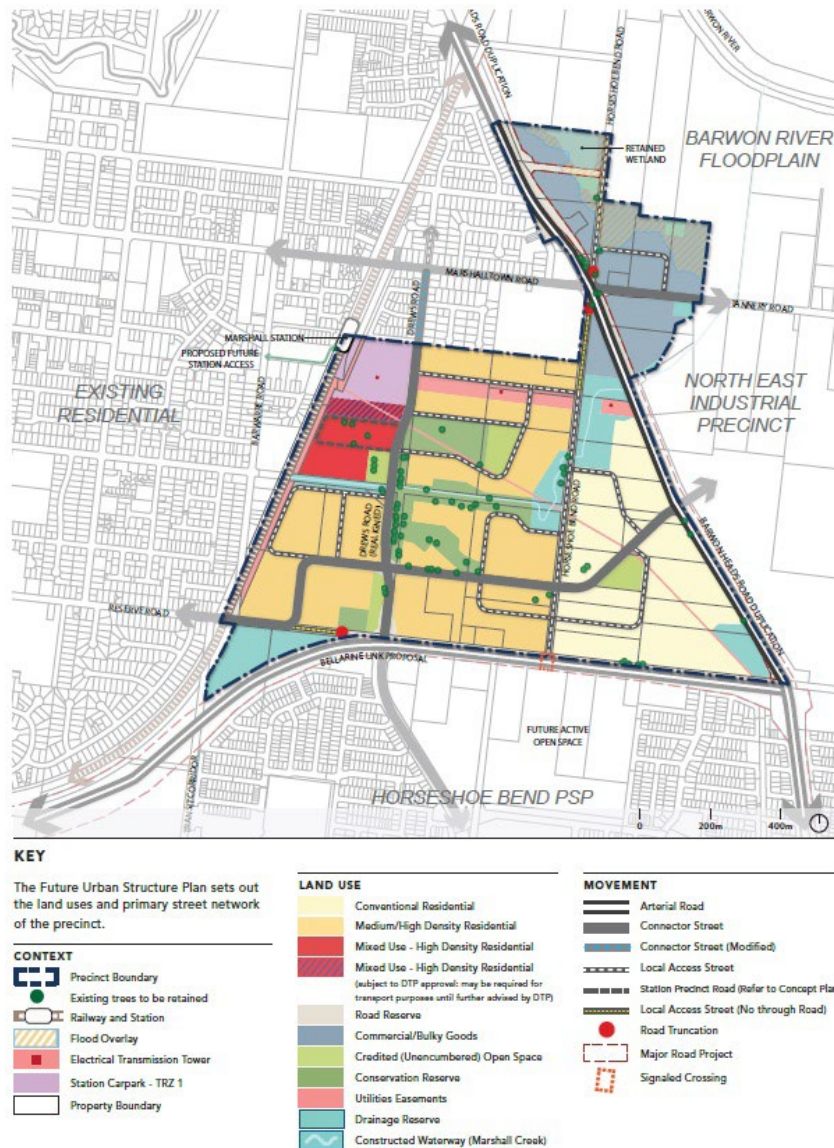


Figure 11 - Marshall Future Urban Structure Plan



7.1. Land Use Budget.

- 45. A Land Use Budget is included in the proposed Marshall PSP which sets out the total precinct area, net developable area and constituent land uses proposed within the precinct.
- 46. **Figure 13** shows the proposed land uses across the whole PSP and **Table 2** identifies the net developable area and land requirements for the specific parcels within the Subject Land.

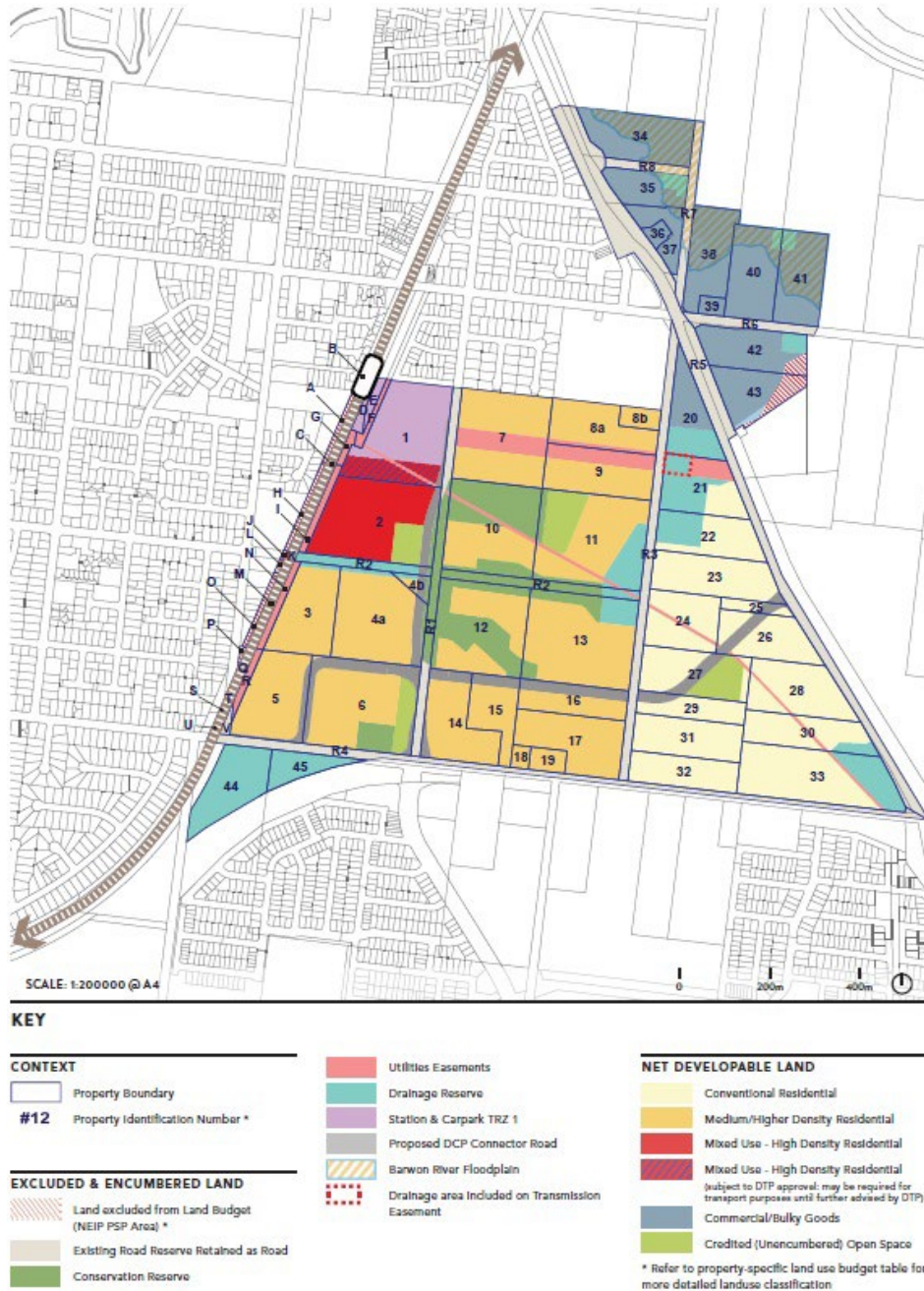


Figure 12 - Marshall Precinct Land Use (derived from the Marshall PSP)



Parcel	Area (hectares)
Parcel Number 20	
Total Area	1.748
Waterway, Wetland and Drainage Reserve	0.743
Total Net Developable Area (Hectares)	1.005
Parcel Number 34	
Total Area	2.408
Flood Overlay Land	1.612
Total Net Developable Area (Hectares)	0.797
Parcel Number 35	
Total Area	1.289
Flood Overlay Land	0.197
Waterway, Wetland and Drainage Reserve	0.253
Total Net Developable Area (Hectares)	0.84
Parcel Number 36	
Total Area	0.23
Total Net Developable Area (Hectares)	0.23
Parcel Number 37	
Total Area	0.83
Flood Overlay Land	0.079
Total Net Developable Area (Hectares)	0.751
Parcel Number 38	
Total Area	2.006
Flood Overlay Land	1.200
Total Net Developable Area (Hectares)	0.806
Parcel Number 39	
Total Area	0.233
Total Net Developable Area (Hectares)	0.233
Parcel Number 40	
Total Area	2.205
Flood Overlay Land	0.472
Waterway, Wetland and Drainage Reserve	0.096
Total Net Developable Area (Hectares)	1.637
Parcel Number 41	
Total Area	2.093
Flood Overlay Land	1.316
Waterway, Wetland and Drainage Reserve	0.135
Total Net Developable Area (Hectares)	0.642
Parcel Number 42	
Total Area	2.089
Waterway, Wetland and Drainage Reserve	0.237
Total Net Developable Area (Hectares)	1.659
Parcel Number 43	
Total Area	1.732
Waterway, Wetland and Drainage Reserve	0.057
Total Net Developable Area (Hectares)	1.264

Table 3 - Parcel Specific Land Use Budget



7.2. Development Contributions Plan.

47. The Marshall DCP is proposed to be incorporated in the Greater Geelong Planning Scheme for the purposes of imposing infrastructure contributions on development proponents to contribute to the provision of works, services or facilities and the provision of land for public purposes.
48. The Marshall DCP is implemented in the Greater Geelong Planning Scheme through Schedule 10 of Clause 45.06 to the Development Contributions Overlay and is an incorporated document under Clause 72.04.



8. RELEVANT STRATEGIES, PLANS & GUIDELINES.

49. The following strategies, plans and guidelines are of relevance to the assessment of Amendment C274:

- Armstrong Creek Urban Growth Plan – Framework Plan (2008)
- G21 Regional Growth Plan (2013)
- Plan Melbourne, 2017-2050 (2017)
- Precinct Structure Planning Guidelines (2020)
- Greater Geelong Settlement Strategy (2020)
- City of Greater Geelong Retail Strategy 2020-2036 (2020)
- South-West Employment Land Review (2023)
- Ministerial Direction No. 11 - Strategic assessment of amendments
- Approved precinct structure plans for nearby and adjacent areas

50. The following is a summary of key aspects of the above documents.

8.1. Armstrong Creek Urban Growth Plan – Framework Plan (2008)

51. The Armstrong Creek Urban Growth Plan – Framework Plan (ACUGFP) shows land in the Armstrong Creek precinct being developed for a combination of industrial, business and residential purposes (refer **Figure 2**).

52. The ACUGFP sets out the vision for urban growth in the Armstrong Creek Urban Growth Area as follows:

“The Armstrong Creek urban growth area will be developed into a sustainable community that sets new benchmarks in best practice urban development. Natural and cultural features will be protected and enhanced to create a distinct urban character. Armstrong Creek will become a highly sought-after location for living, working and recreation, forming an attractive addition to Geelong.”²

53. The Armstrong Creek Urban Growth Area is located to the south of existing urban Geelong and includes the communities of Marshall, Connewarre and Mt Duneed. The Armstrong Creek Growth Area is anticipated to:

- provide housing for 54,000 people, accommodated in 22,000 households; and
- provide employment for 22,000 people in industries and local businesses³

54. The Plan provides for a variety of housing needs by:

- basing development on walkable neighbourhoods of approximately 1.6 km across, centred on local centres;
- ensuring each neighbourhood provides for a mix of housing types, sizes and prices;

² Armstrong Creek Urban Growth Plan – Framework Plan, page 2

³ Ibid, page 2



- ensuring that housing achieves a minimum gross residential density of 15.5 dwellings per hectare across the whole growth area; and
- providing medium and higher density housing (30 dwellings per hectare) proximate to activity centres, open space, the existing Marshall train station, the proposed new Rossack Drive train station [now known as Waurm Ponds Station] and other areas of high amenity.⁴

55. The Plan provides for economic and employment growth by encouraging development of:

- an employment precinct (industrial) in the Tannery Road, Marshall area located in the north east portion of the growth area, which provides a service business function;
- an employment precinct in the western part of the growth area in close proximity to the Geelong Ring Road and future East-West link road, with a focus on hi tech manufacturing; and
- a mix of employment opportunities within the new activity centres.⁵

56. The ACUGFP was incorporated into the Greater Geelong Planning Scheme on 3 June 2010, and updated September 2012 and June 2015.

8.2. G21 Regional Growth Plan (2013)

57. The G21 Regional Growth Plan has identified Armstrong Creek for the higher density infill residential growth at key development areas and a key future employment node.

58. A settlement objective is to encourage growth of district towns or centres consistent with existing structure plans/growth plans. In Armstrong Creek, this will accommodate a further 125,000 people over the next 20 – 30 years. Development of underutilised sites and urban infill is actively recommended within these settlements to ensure a range of housing choice.⁶

59. The G21 Regional Growth Plan identifies the role of Armstrong Creek within the Geelong Region Plan is as a sub-regional employment centre that is planned to meet local and sub-regional needs for the growing population.⁷

60. The identified growth areas in the Geelong region were selected through local planning processes that involved extensive community engagement. Armstrong Creek was identified for significant growth, along with Central Geelong, Ocean Grove, Drysdale/ Clifton Springs, Leopold, Lara, Torquay/Jan Juc, Bannockburn and Colac. These settlements will contain the majority of new residents and jobs. They play an important role in supporting surrounding communities and productive farming activity.⁸

⁴ Armstrong Creek Urban Growth Plan – Framework Plan, page 3

⁵ Ibid, page 3

⁶ G21 Regional Growth Plan, page 27

⁷ South West Employment Land Review, page 42

⁸ G21 Regional Growth Plan, page 48



61. Through local planning strategies, the G21 councils have mapped out 20-30 years' supply of zoned and strategically identified residential and employment land across the region. This land will allow the region to grow to over 450,000 people and provides the base for the Growth Plan.
62. The planned growth is comprised of residential greenfield development, known major infill opportunities and employment precincts. Infrastructure development, such as water and sewerage, community services and public transport, will be required as the identified areas are developed.
63. The G21 Regional Growth Plan is incorporated into the Greater Geelong Planning Scheme at Clause 11.01-1R.

8.3. City of Greater Geelong Retail Strategy 2020-2036

64. The City of Greater Geelong Retail Strategy 2020-2036 considers current retailing trends, land use, population growth and recommends planning policy changes. Amendment C393 implemented the statutory recommendations of the City of Greater Geelong Retail Strategy 2020-2036 (August 2020), into the Greater Geelong Planning Scheme on 20 May 2021.
65. The report provides a technical analysis of Greater Geelong's retail network, proposing changes to the City of Greater Geelong Planning Scheme to accommodate the findings.
66. The City of Greater Geelong Retail Strategy 2020-2036 supports and implements relevant Council policies, particularly Clause 21.07 Economic Development and Employment (now at Clause 17). This Clause includes the following strategies:
 - Ensure that new retail development is directed to activity centres and is consistent with the role and function described in the Retail Activity Centre Hierarchy included at Clause 21.07-8.
 - Ensure Central Geelong remains the primary retail activity centre in the G21 Region and the focus of retail activity in the G21 region.
 - Encourage a mix of retail, office, cafes, entertainment, housing, education and community facilities to locate within activity centres.
 - Require that applications for new centres establish the retail need for such use and development and demonstrate that there are no adverse impacts on the operation of the retail activity centres hierarchy.
67. It is expected that the retail sector in Greater Geelong will need to grow to meet future demand for retail services by 2036, including in Armstrong Creek, as well as other areas experiencing population growth; Drysdale/Clifton Springs, Ocean Grove, Fyansford and Lara. Support to grow the retail sector within these retail centres will continue.
68. To meet the need for retail growth, the report recommends expanding the existing centres rather than deliver new ones, as it supports achieving urban consolidation and reduce travel times for those who visit and work there.



69. The Strategy supports an updated retail hierarchy that reflects the role and function of centres across the retail network.
70. The updated retail hierarchy seeks to reflect the role and function of centres across the retail network and includes the following strategies:
- Support a hierarchy of retail centres across Greater Geelong that reflects shopping behaviour and reduces travel times for residents
 - Prioritize Central Geelong as the city's premier cultural, social, and shopping precinct
 - Direct retail development to existing centres within the retail hierarchy rather than establishing new ones
 - Encourage "slow" or "cultural" retailing to develop and enhance retail centres across Greater Geelong
 - Encourage retail uses located in industrial areas with few synergies to industrial activity to relocate within existing retail centres
 - Implement floor space caps as part of a schedule to the Commercial 1 Zone to ensure the timing and size of development will not impact the retail hierarchy or nearby centres
 - Provide an appropriate forward land supply for retail and activity centre development to meet current and anticipated needs of communities and stimulate competition
 - Encourage a diversity of businesses in new supermarket-based centre proposals, creating opportunities for local, independent enterprises
 - Develop a dense network of convenience-based local and neighbourhood centres within walking distance for all residential areas of Greater Geelong (approximately 800 metres)
 - Consolidate the demand base of individual retail centres by integrating housing where possible
71. Population growth, paired with trends in retail expenditure, will increase demand for additional retail floor space across the hierarchy. By 2036, there is projected to be an undersupply of 418,200 square metres of retail floor space across Greater Geelong. However, with plans already in place in these areas of high population growth, no new centres are required.
72. There is also an identified demand for additional restricted retail services in Greater Geelong. However, it is recommended that restricted retail businesses in Greater Geelong continue to be directed to existing restricted retail centres and existing commercial-zoned land, as there is sufficient space to accommodate this.
73. The strategy aims to direct demand for floor space to existing retail centres, supporting the established retail hierarchy and meeting broader planning policy objectives such as urban consolidation. While several centres are identified in Armstrong Creek, the Marshall Precinct has not been recognised as having a function in the Retail Hierarchy.



74. The following State planning policies were implemented into the scheme through Amendment C393:

- Clause 11.01-1S Settlement and Clause 11.01-1R Settlement (Geelong G21), which outline strategies to promote regional development, including to develop compact urban areas based around existing or planned activity centres to maximise accessibility to facilities and services.
- Clause 11.03-1S Activity centres, seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.
- Clause 11.03-2S Growth areas, to implement growth area framework plans.
- Clause 11.03-4S Coastal settlement, to support for a network of diverse settlements that provide for a broad range of economic opportunities and services.

75. Other State clauses that are supported by the Amendment include 17.01-1S Diversified economy, 17.01-1R Diversified economy - Geelong G21 and 17.02-2S Out-of-centre development. These policies seek to:

- Protect and strengthen existing and planned employment areas and plan for new employment areas.
- Facilitate growth in a range of employment sectors including retail, based on existing and emerging factors – such as the rate of population growth.
- Discourage proposals for expansion of single use retail and commercial facilities outside activity centres.
- Give preference to locations in or on the border of an activity centre for expansion of single use retail and commercial facilities.

8.4. South-West Geelong Employment Land Review (2023)

76. The City of Greater Geelong commissioned this report to provide information on the state of the employment land sector in south west Geelong so as to inform land use planning decisions for the area. A specific focus is to review employment land requirements for:

- Boral quarry site (Boral land), which is 1,030 hectares (ha) of Special use Zone 7 (SUZ7) land for Earth and Energy Resources Industry (this allows industrial uses, leisure and recreation and place of assembly activities).
- Armstrong Creek Western Industrial Precinct (WIP), which is a proposed 140 ha industrial area nominated for general and local industrial uses targeting 7,350 jobs.



8.5. Adjoining & nearby precinct structure plans.

77. The Marshall PSP area adjoins the following PSP areas:

- North East Industrial Precinct (NEIP) PSP to the east; and
- Horseshoe Bend PSP to the south.

78. Other PSPs in the Armstrong Creek area include:

- Western Industrial Precinct PSP in the south-west;
- East Precinct PSP;
- West Precinct PSP, and;
- Armstrong Creek Town Centre PSP to the south.

79. The NEIP PSP adjoins the Marshall PSP to the south, and it envisages that this precinct will become a vibrant, new generation, master planned industry and business park, that embodies benchmark standards in design, amenity and sustainability

80. The future urban structure for each of these PSPs is shown in figures below/overleaf.

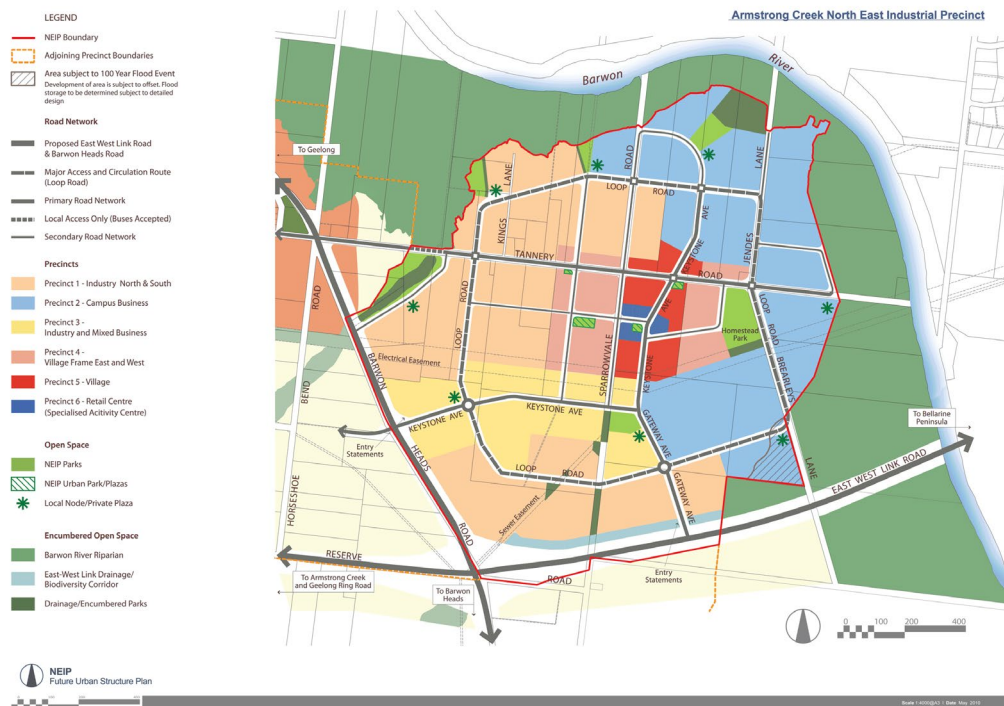
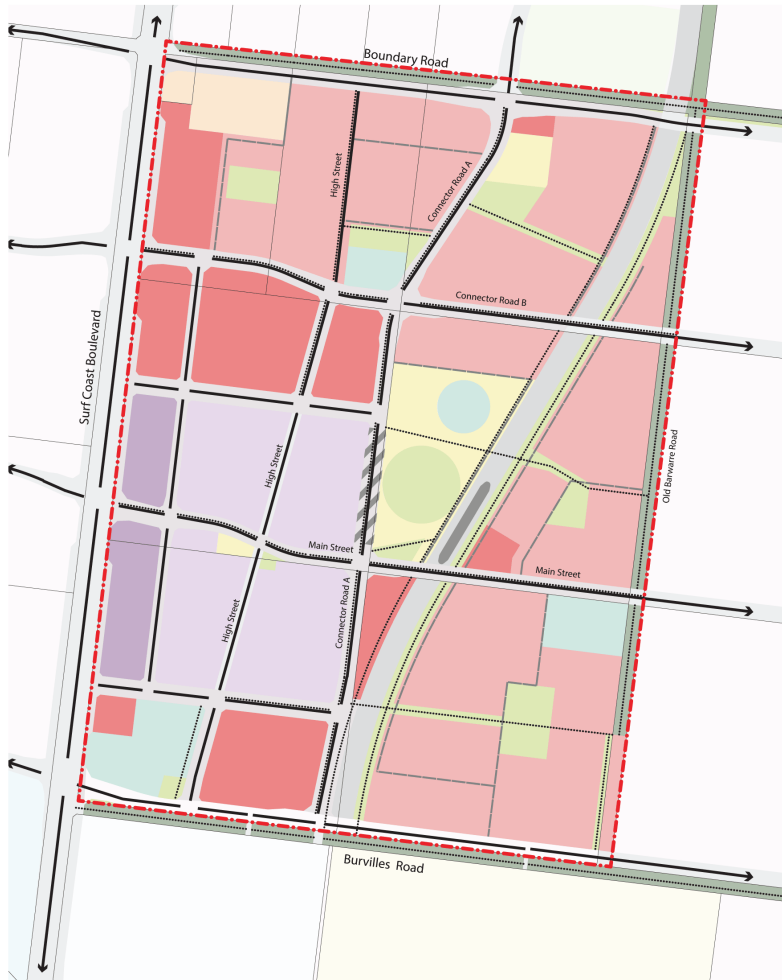


Figure 13 - North East Industrial Precinct (NEIP) PSP





Legend

- | | | |
|--|--|--|
| <ul style="list-style-type: none"> - - - ACTCPSP BOUNDARY PRIMARY ROAD NETWORK ACCESS STREET (indicative only) PRIMARY RETAIL / SHOPPING (Allowing upper level use) COMMERCIAL / MIXED USE (Allowing upper level use) COMMERCIAL / RESTRICTED RETAIL / MIXED USE (Retail, commercial on ground floor) RESIDENTIAL / MIXED USE (Primary residential) | <ul style="list-style-type: none"> EMERGENCY SERVICES COMMUNITY FACILITIES OPEN SPACE ENCUMBERED OPEN SPACE (Storm water quality and management) ENCUMBERED OPEN SPACE (Biodiversity values) | <ul style="list-style-type: none"> TRANSIT CORRIDOR PRIORITY PEDESTRIAN NETWORK ULTIMATE INTEGRATED TRANSIT HUB INTERIM BUS INTERCHANGE |
|--|--|--|

Figure 14 - Armstrong Creek Town Centre PSP



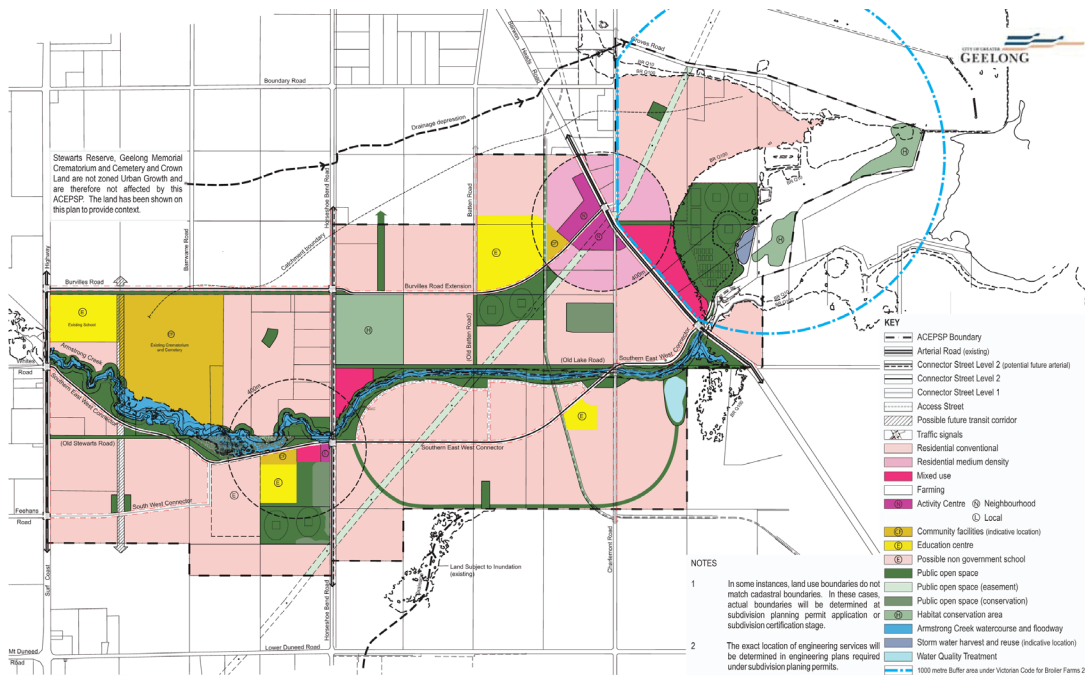


Figure 15 - East Precinct PSP

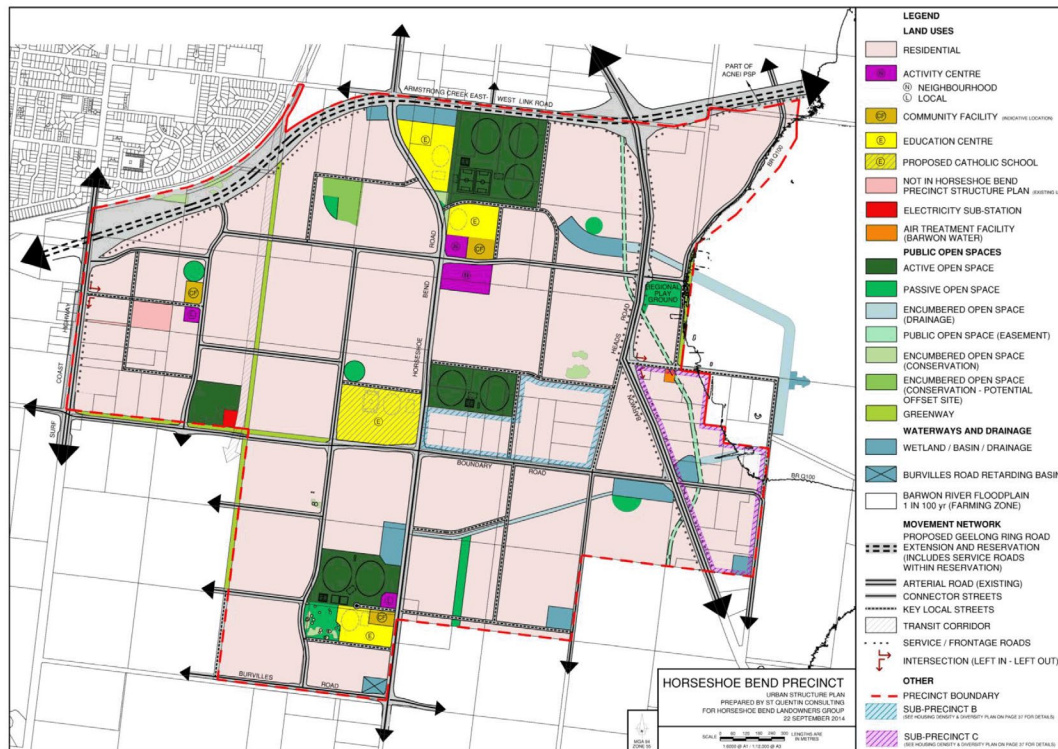


Figure 16 - Horseshoe Bend Precinct PSP



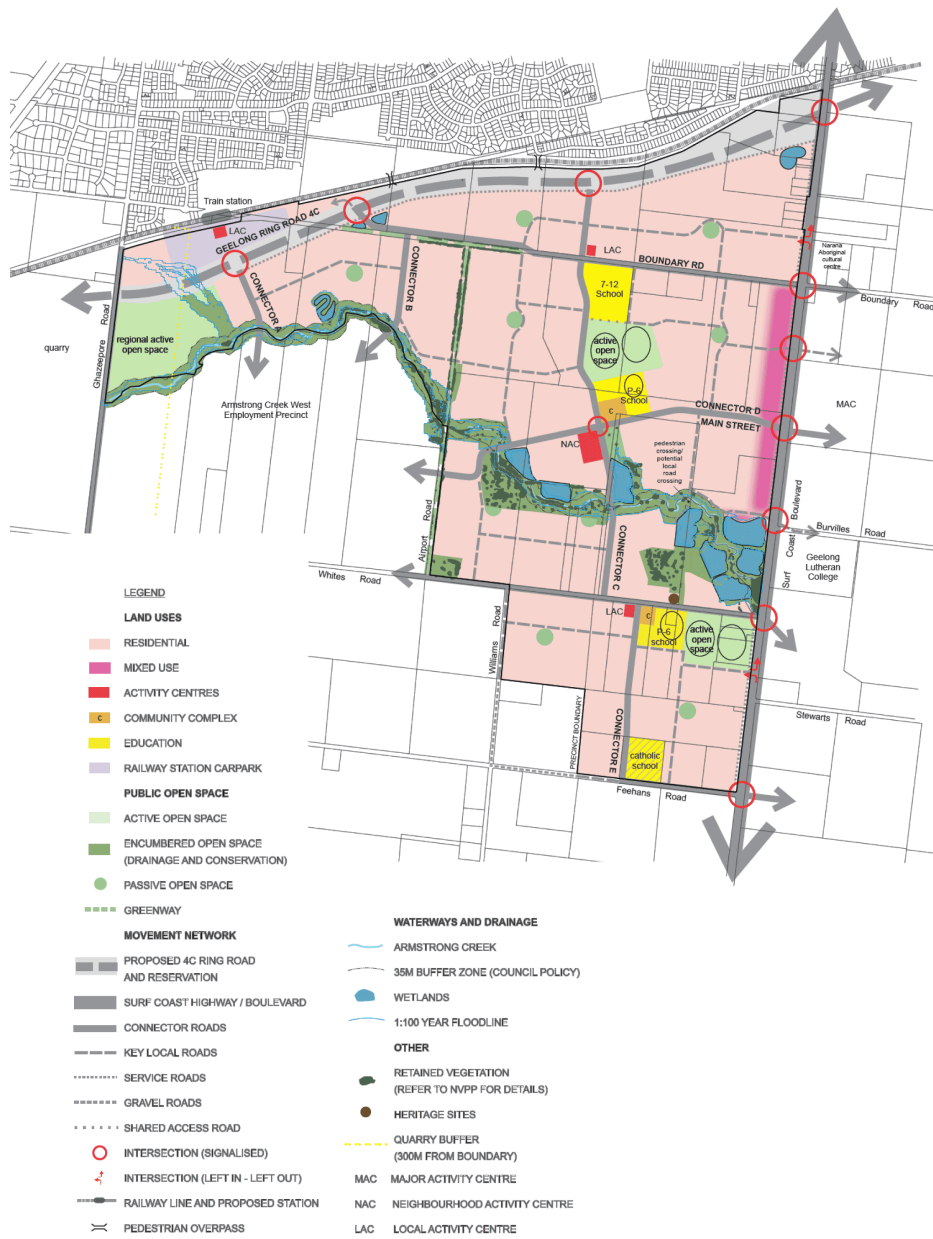


Figure 17 - West Precinct PSP



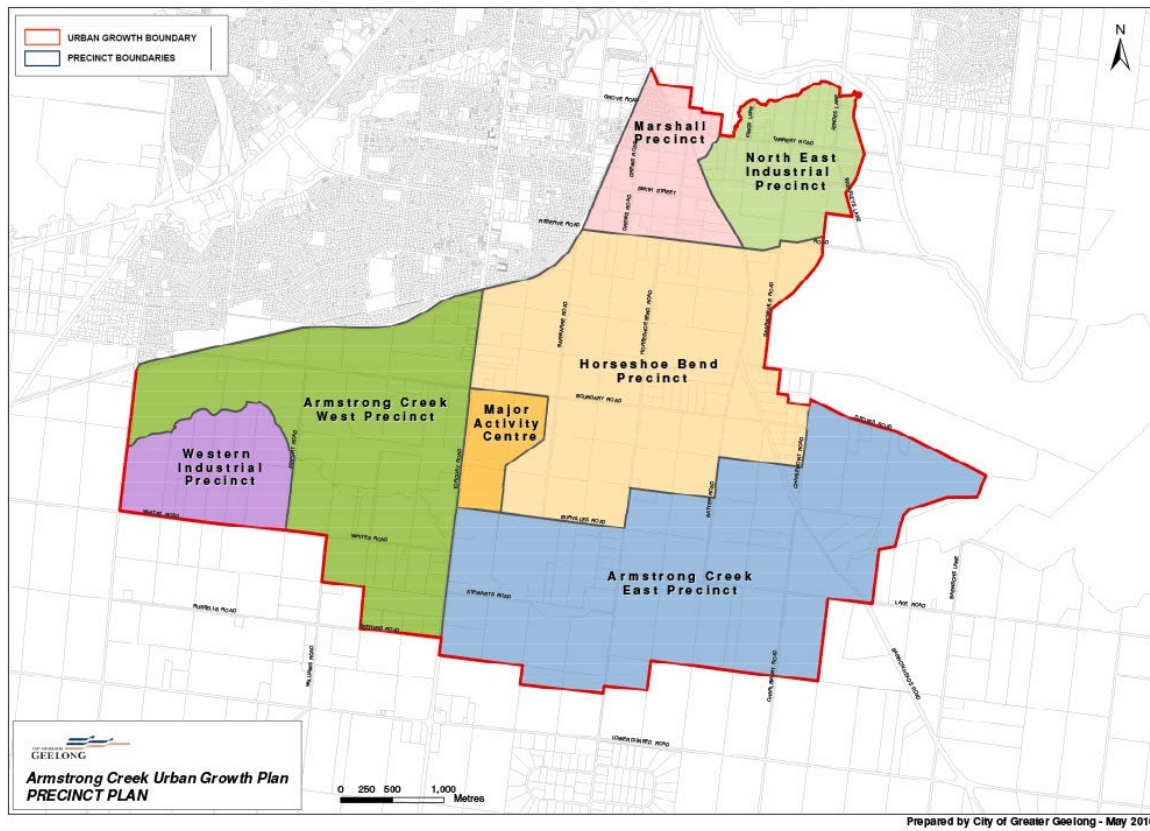


Figure 18 - Armstrong Creek Precincts Map



8.6. PSP Guidelines

81. Updated PSP Guidelines were launched by the Victorian Planning Authority in October 2021. The purpose of the Guidelines is to provide the framework for preparing Precinct Structure Plans (PSPs), and they provide guidance on the following topics:

- Viable densities
- Safe, accessible and well connected places
- Connecting people jobs and higher order services
- Public realm quality
- Services and destinations
- Economic outcomes
- Infrastructure coordination

8.7. Ministerial Direction 11 – Strategic Assessment of Amendments.

82. Minister’s Direction No. 11 - *Strategic Assessment of Amendments* (MD11) requires a planning authority to evaluate and discuss how an amendment addresses various strategic planning considerations.



9. MY OPINION.

83. I have been asked to undertake analysis and express my opinions on the following matters:
- Whether the proposed supply of land for commercial/bulky goods purposes within the Marshall PSP as proposed is generally in accordance with the Armstrong Creek Urban Growth Framework Plan;
 - Whether the unplanned commercial bulky goods area is providing for the same land use activity as that already deliberately planned for by the NEIP in the area either side of Keystone Boulevard;
 - Whether residential may be a better use of the land given its location within 800 metres of the railway station; and
 - Whether the Marshall PSP is supported by any apparent strategy in so far as it introduces the C2 zone to the area either side of Barwon Heads Road
84. I have also been asked to have regard to the potential implications of the Housing Capacity Targets for Victorian Municipalities as released in draft form by the Department of Transport and Planning in early 2024.
85. My views in relation to each of the above matters is set out as follows.

9.1. Is the proposed supply of land for commercial/bulky goods purposes within the Marshall PSP generally in accordance with the Armstrong Creek Urban Growth Framework Plan.

86. I consider that the supply of land for commercial/bulky goods purposes proposed within the exhibited version of the Marshall PSP is not generally in accordance with the Armstrong Creek Urban Growth Framework Plan.
87. In coming to this view, I have reviewed the Armstrong Creek Growth Area Framework Plan (Framework Plan), the exhibited draft Marshall PSP and relevant policies within the greater Geelong Planning Scheme. My views in relation to these documents are set out overleaf.
88. I have also considered whether the revised extent of commercial/bulky goods referenced in Council's response to submissions is generally in accordance with the Framework Plan. My views in relation to this question are set out at the end of this part of my evidence.



9.1.1. What does the Armstrong Creek Growth Area Framework Plan show for the Marshall Precinct?

89. The Greater Geelong Planning Scheme (clause 2.03-01 – ‘Settlement’) contains the following strategic direction in relation the Armstrong Creek Urban Growth Area:

“Facilitate the orderly and controlled development of the ACUGA, generally in accordance with the Armstrong Creek Urban Growth - Framework Plan Incorporated Document.” (underlining my emphasis)

90. The Framework Plan itself shows the following land use outcomes on land within the Marshall PSP boundary (refer **Figure 19**):

- Medium/higher density residential uses within 800m of the (then) proposed location of the Marshall station⁹
- Biodiversity & other open spaces areas located across the precinct
- Conventional residential uses on the balance of the land

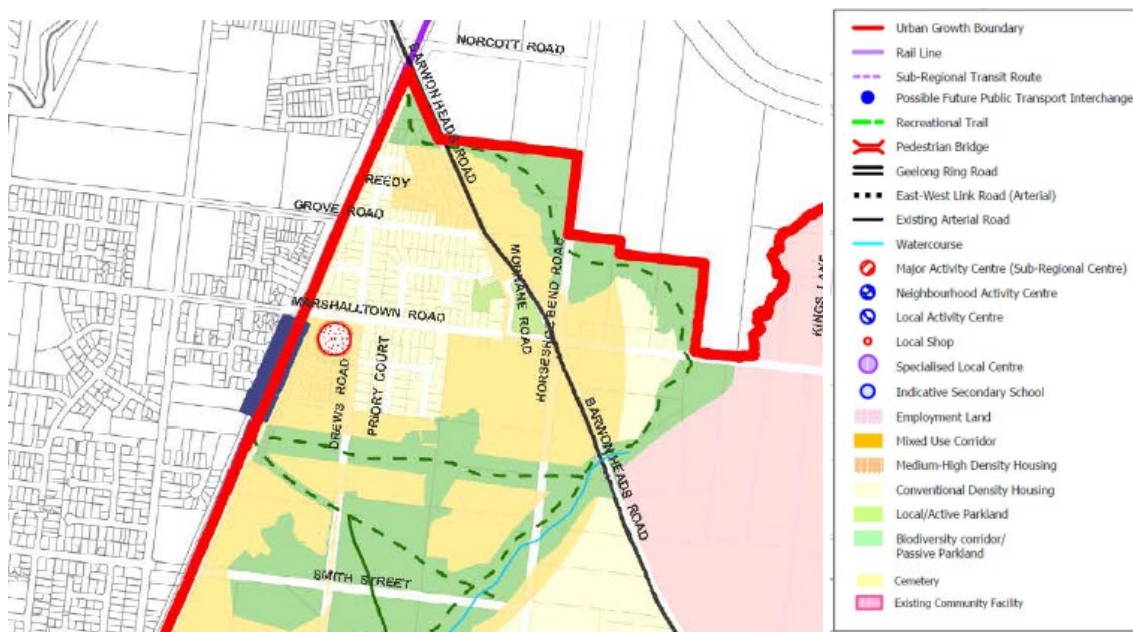


Figure 19 - Extract from the Armstrong Creek Framework Plan

⁹ The Marshall station has recently been rebuilt, in a location further south than the location shown in the Framework Plan.



91. The Framework Plan document describes the land use and development outcomes contained within it as including the following:

Housing:

The Plan provides for a variety of housing needs by (inter-alia):

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

Activity Centres:

The Plan makes provision for a bulky goods retailing precinct within the Major Activity Centre

Employment:

The Plan makes provision for an employment precinct (industrial) in the 'Tannery Road, Marshall area' located in the north east portion of the growth area, which provides a 'service business' function, and a mix of employment opportunities within the new activity centres.

9.1.2. What does the exhibited draft Marshall PSP show for the Marshall Precinct?

92. The exhibited draft Marshall PSP identifies the following land use outcomes on land within the precinct boundary:

- Marshall station & associated carpark
- Mixed use high density area (including retail uses and possible supermarket)
- Medium/higher density residential uses generally within 800m of the mixed use precinct proposed on land south of the Marshall carpark
- Conventional residential uses west of Horseshoe Bend Road
- Commercial/bulky goods uses in the north-west portion of the precinct
- Biodiversity & other open spaces areas located across the precinct



9.1.3. What are the key differences between the Framework Plan and the draft Marshall PSP?

93. The main departures from the Framework Plan that are proposed by the draft Marshall PSP are as follows:

- The PSP includes large areas of land east and west of Barwon Heads Road for ‘commercial/bulky goods’ purposes.
- The PSP identifies the Marshall station in a more southerly location than shown within the Framework Plan, reflecting more recent decisions by the State Government to reconstruct the station on land south of Marshalltown road.
- The PSP located medium/higher density residential uses on land generally within 600m of the mixed use precinct proposed on land south of the Marshall carpark, whereas the Framework Plan identified medium/higher density residential uses on land generally within 800m of the Marshall Train Station.
- The open space layouts shown within the PSP depart from those shown in the Framework Plan.

9.1.4. Is the proposed supply of land for commercial/bulky goods purposes within the exhibited version of the Marshall PSP generally in accordance with the Armstrong Creek Urban Growth Framework Plan?

94. The phrase ‘generally in accordance with’ has been considered by the Tribunal on a number of occasions over many years. The Tribunal has consistently reaffirmed that a requirement to be ‘generally in accordance’ with a plan does not mean that there has to be precise or absolute accordance with it, and some common guidance has emerged over time on how ‘general’ accordance’ has been determined by the Tribunal.

95. The Victorian Planning Authority prepared a Guidance Note on determining ‘general accordance’ in 2020. This guidance note is based the abovementioned VCAT guidance, and it states that it has been developed specifically for growth areas and precinct structure plans (PSPs).

96. Whilst the guidance note is primarily aimed at assisting developers, referral authorities and decision makers applying the ‘generally in accordance’ provision in the Urban Growth Zone (UGZ) and overlay controls, the principles contained within it are useful in considering the question of whether or not the Marshall PSP can be said to be in general accordance with the Framework Plan.

97. A Growth Area Framework Plan is not intended to be an absolute fixed prescription for how development is to be laid out across an entire growth area. The Armstrong Creek Growth Area covers some 2,600ha and is being developed over a number of decades.



GUIDANCE	<p>1. The test established by VCAT for ‘generally in accordance’ is:</p> <p>General accordance is a question of fact to be judged on the facts and circumstances of each case; and</p> <p>The less detail and precision there is in the primary document or documents, the more flexibility is given by the phrase ‘generally in accordance with’.</p>
	<p>2. ‘Generally in accordance’ implies a degree of flexibility. When considering a permit application, achieving the objectives of the PSP is an important starting point. In addition:</p> <p>Judge each matter on its facts and circumstances.</p> <p>Make decisions in the context of the whole PSP.</p> <p>Make decisions in the context of the objectives to be achieved. A matter can be in general accordance without being identical to the PSP.</p> <p>Accord less flexibility to matters resolved to a higher level of detail in the PSP.</p> <p>Accord greater flexibility on matters resolved in less detail in the PSP.</p>
	<p>3. ‘In accordance’ provides much less flexibility and only allows for differences that are minor, insignificant, tiny or of a trifling nature.’</p>

Figure 20 - Extract from the Guidance Note on General Accordance (VPA, 2020)

98. In the above context, I consider that there should be some flexibility to consider alternative layouts of land use and/or infrastructure to that shown in the Framework Plan, so long as:

- There is a reasonable degree of uniformity between the outcomes envisaged by the Framework Plan and the PSP
- The overall outcomes described within the wider Framework Plan and any relevant planning policies within the planning scheme will be realised;
- Any departures from the land use structure and layout shown within the Framework do not create unintended consequences.

99. My views in relation to how the proposed designation of the land east and west of Barwon Heads Road for ‘commercial/bulky goods’ address each of the above matters are as follows:

Is there is a reasonable degree of uniformity between the outcomes envisaged by the Framework Plan and the PSP?

100. I do not consider that there is sufficient uniformity between the outcomes envisaged by the Framework Plan and the PSP, for the following reasons:

- The Framework Plan envisages the creation of a Major Activity Centre (MAC), a series of distinct residential neighbourhoods (based on a 1.6km grid) and two employment precincts on the eastern and western flanks of the growth area. It does not envisage the creation of a large commercial/bulky goods precinct within the Marshall PSP area.
- The Framework Plan envisages that land within the Marshall precinct will be developed as its own residential neighbourhood (based as far as possible on a 1.6km grid), and that land within 800m of



the Marshall train station (including land east of Barwon Heads Road) will be developed for medium and higher density housing.

- The Framework plan makes explicit provision for commercial and bulky goods retailing uses within the Major Activity Centre, local town centres and the two employment precincts, but not elsewhere within the growth area.

Will the overall outcomes described within the wider Framework Plan and any relevant planning policies within the planning scheme be realised?

101. I consider that from a town planning perspective the creation of a large commercial/bulky goods precinct within the Marshall PSP area will be prejudicial to the realisation of outcomes described within the Framework Plan and the relevant retail and commercial planning policies contained within the Greater Geelong Planning Scheme (the Planning Scheme), for the reasons set out below.

102. The land use outcomes described within the Framework Plan are supported by the following local policies contained within the Planning Scheme:

Activity Centres & retail uses (clause 2.03-1):

Ensure that new retail development is consistent with the Geelong retail hierarchy (the retail hierarchy plan contained within this clause identifies the Armstrong Creek MAC as the preferred location for future restricted retail uses)

Retail expansion (clause 17.02-1L):

Ensure that any new or expanded retail floorspace fits into the Geelong Retail Centre hierarchy as detailed in clause 2.03-1

Out of Centre development (clause 17.02-2S):

Discourage proposals for expansion of single use retail & commercial facilities outside of activity centres.

Employment (clause 17.01-1L-01):

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

Industrial (clause 17.03-2L):

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

103. I consider that from a town planning perspective, the creation of a large commercial/bulky goods precinct within the Marshall PSP area has the potential to prejudice the above commercial and retail (bulky goods) land use policy outcomes.



Would the departures from the land use structure and layout shown within the Framework create unintended consequences?

104. Whilst I am not able to address this question from a retail economics perspective, I consider that from a town planning perspective the creation of a large commercial/bulky goods precinct within the Marshall PSP area has the potential to prejudice the timely establishment of both the commercial and bulky goods uses in the preferred locations identified by both the Framework Plan and the abovementioned commercial and retail planning policies.
105. The Framework Plan is an important tool for providing certainty over the location of land uses across the growth area. Any significant departures from the Framework Plan have the potential to undermine the orderly planning of the growth areas as well as the confidence of landowners and investors.
106. The designation of significant areas of land for uses that are already catered-for within the Framework Plan (and PSPs) that have been in place for a substantial period of time must be done with caution, and it must be informed by clear evidence that there is a need for this to occur.
107. Having reviewed what I understand to be all relevant/available reports and studies relating to this topic, there does not appear to be any substantial evidence supporting the need to allocate more land for commercial or bulky goods purposes in the Armstrong Creek Growth Area. Without a clear, evidence-based justification for such an action, it could potentially disrupt the orderly planning of other areas within the Armstrong Creek growth area.
108. Furthermore, this decision might have unintended consequences. It could, for instance, hinder or significantly delay the realisation of planned commercial and retail developments within the MAC and employment precincts.
109. In summary, I consider that for the above reasons the supply of land for commercial/bulky goods purposes proposed within the exhibited version of the Marshall PSP is not generally in accordance with the Armstrong Creek Urban Growth Framework Plan.



9.1.5. The revised extent of commercial/bulky goods referenced in Council’s response to submissions.

110. I note that following consideration of submissions, Council has resolved to amend the designation of land from ‘commercial/bulky goods’ on the following properties:

- Properties 38-43: change to conventional residential density
- Property 20: change to medium/high residential density

111. Council proposes that the PSP continue to designate properties 34-37 for ‘commercial/bulky goods’ purposes (‘the amended draft PSP’).



Figure 21 - Location of properties 34-37 within the draft Marshall PSP

112. Council’s reasoning for retaining this designation of these properties includes the following:

- Property 36 has been recently developed as a service station
- Properties 34 & 35 are significantly flood prone and barriered against Barwon Heads Road
- Amenity and access to these lots is poor
- It is doubtful that any residential development would be viable on these properties

113. Whilst I understand the above reservations, I note that these properties are located relatively close to Marshall Station. Whilst I am not able to comment on development viability, servicing or traffic engineering matters, residential development in this location could potentially gain access to the wider road network via internal street connections to the Tannery/Barwon Heads Road signalised intersection.

114. A subdivision design oriented towards the wetlands to the east could also mitigate the amenity constraints of Barwon Heads Road (noting that residential development already exists behind landscape screening on the west side of this road).



115. Regarding Council's concern that that residential zoning adjacent to a service station may be inappropriate, I note that there are numerous examples where residential areas coexist adjacent to service stations, and that environmental and safety regulations for service stations can effectively mitigate the amenity impacts of such uses on surrounding dwelling.
116. Additionally, the future siting, design and landscaping of any residential areas adjacent to the existing petrol station can future mitigate any potential amenity conflicts between the residential areas and the service station.
117. Whilst the additional dwelling yields available on the circa 2.4 ha of developable land would be modest, the benefits/constraints of this outcome need to be weighed up against the benefits/constraints of designating this land for commercial/bulky goods purposes.
118. I see no obvious benefit or need to designate this land for commercial/bulky goods purposes. For the reasons cited earlier in my report, this outcome is likely to prejudice the early realisation of commercial development outcomes within the nearby NEIP, albeit to a lesser degree than what was proposed within the exhibited PSP.
119. In my view, so long as the potential constraints identified by Council can be satisfactorily addressed, designating these properties for residential purposes would achieve a greater community benefit than designating them for commercial purposes.

9.1.6. Is the unplanned commercial bulky goods area providing for the same land use activity as that already deliberately planned for by the NEIP in the area either side of Keystone Boulevard?

120. I consider that the commercial bulky goods area shown within the exhibited draft Marshall PSP is providing for the same land use activities that are planned for in the NEIP, for the reasons outlined below.

The exhibited draft Marshall PSP & UGZ7:

121. The exhibited draft Marshall PSP provides for the establishment of 'commercial/bulky goods' uses on circa 9.9ha of land on either side of Barwon Heads Road. It provides some guidance on the siting/design of development within these areas but it does not provide any further explanation or direction in relation to these land uses.
122. The exhibited draft UGZ Schedule 7 proposes to apply a Commercial 2 zone to the area shown within the Marshall PSP as 'commercial/bulky goods'. It also proposes to prohibit the establishment of a supermarket or education centre on this land.

The approved NEIP Structure Plan and UGZ1:

123. The Armstrong Creek North East Industrial Precinct (NEIP) Structure Plan provides for the development of the entire precinct as a 'new generation industrial and business park'.



124. The NEIP Structure Plan contains six separate precincts, and it defines specific roles for each precinct in contributing towards the creation of a contemporary industrial and business park (see Figure 13).
125. The NEIP Structure Plan and associated zoning controls (Urban Growth Zone Schedule 1 – UGZ1) encourage the establishment of commercial uses across substantial parts of the NEIP, and for bulky goods to establish on an ‘as of right’ basis within Precinct 3 (industry & mixed business) and Precinct 1 (retail centre).
126. The UGZ1 applies a Commercial 2 zone to Precinct 3 of the NEIP, the objectives of which are (inter-alia) to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.
127. The UGZ1 applies a Commercial 1 zone to Precinct 6 of the NEIP, the objectives of which are (inter-alia) to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
128. The UGZ1 also allows permits to be sought for bulky goods uses within Precincts 2, 4 and 5 within the NEIP.
129. **Table 3** (overleaf) provides a summary of the land use vision contained within the NEIP Structure Plan, alongside with the relevant ‘applied zones’ and permit triggers/conditions that apply to commercial and bulky goods within each precinct.



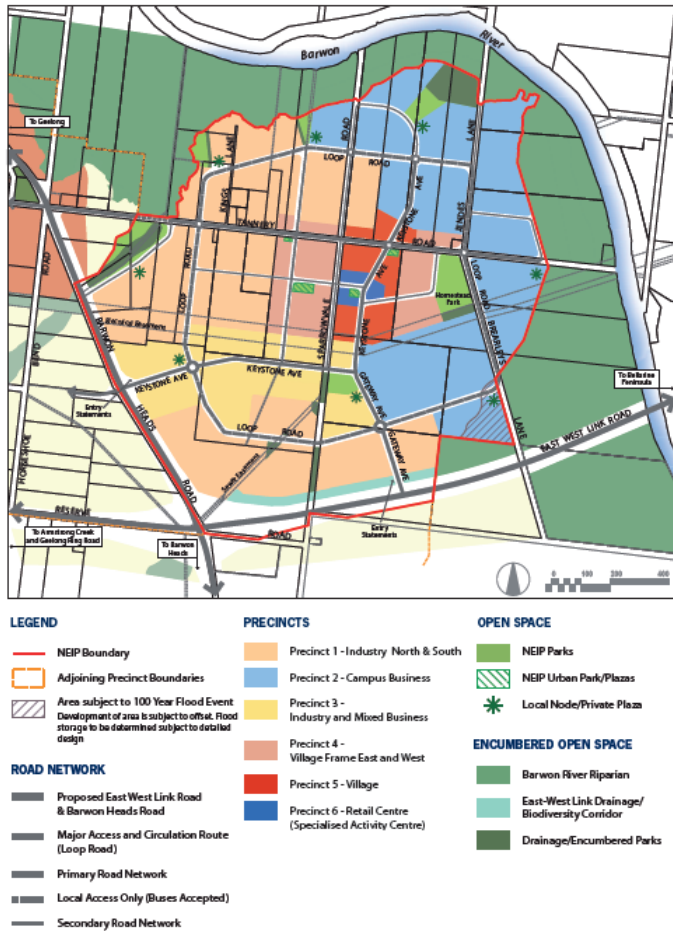


Figure 22 - NEIP Urban Structure Plan

Precinct:	Vision/Objectives:	Applied Zone:	Commercial (office) use:*	Bulky Goods (Restricted Retail) use:*
1. Industry	Primary focus for industrial. Provide for car, boat & caravan sales on Barwon Heads Road.	IN1	Permit required No floorspace limit	Permit required No floorspace limit
2. Campus business	Prestige business address – including industry with a higher proportion of office/commercial floorspace	IN1	Permit required No floorspace limit	Prohibited
3. Industry & mixed business	Mix of small-medium scale industry & office/commercial uses.	C2	Permit required Ground floor frontage must not exceed 10m to Keystone or Gateway Avenue	No permit required for occupation with <1000sqm leasable floor area



			No floorspace limit	Ground floor frontage must not exceed 10m to Keystone or Gateway Avenue No floorspace limit
4. Village Frame E&W	Mix of industry & commercial uses, excluding retail (but including wholesale trade & trade supplies)	MU	No permit required if under 250sqm	Permit required No floorspace limit
5. Village	Mix of industry, business, accommodation, recreation & professional services	MU	No permit required if under 250sqm	Permit required No floorspace limit
6. Retail centre	Retail to serve the needs of the local worker population (<2800sqm), plus entertainment, child care, cafes, restaurants, housing, service industry, trade supplies & office uses.	C1	No permit required No floorspace limit	No permit required No floorspace limit

Table 3- Summary of the land use vision contained within the NEIP Structure Plan, ‘applied zones’ and permit triggers/conditions.

(* This is a summary of the permit requirements and conditions of the planning scheme based on the relevant applied zone plus specific use provisions contained in clause 2.3 of UGZ1)

9.2. Would residential be a better use of the land given its location within 800 metres of the railway station?

130. Locating medium-high density housing within walking distance of train stations and town centres is a fundamental organising concept within the Framework Plan, and it is supported by strategies contained within the Geelong Settlement Strategy (principle 2b) and State planning policy.¹⁰
131. I also note that the Marshall Station has been constructed further south than was originally indicated in the Framework Plan. I have plotted an 800 m catchment from the new station entrance to determine how much of the Subject Land falls within this catchment (noting that the exhibited Marshall PSP contains a 600m catchment from the proposed mixed use precinct to the south of the station). Refer to **Figures 23 and 24** for a comparison of this catchment vs the catchment shown in the Framework Plan.
132. The need to maximise the use of designated urban land near existing transport and other infrastructure has taken on a heightened priority in recent years against a backdrop of a nationwide housing supply and affordability crisis.
133. The Geelong Settlement Strategy was prepared as a long term framework to cater for housing demand over the period to 2036. It anticipates that an additional 73,400 dwellings will be required in the

¹⁰ See for example the PPF clauses 11.01-1S Settlement, 11.02-2S Structure Planning



municipality over the period 2016-2036 (see the Scenario D forecast in **Figure 25**, which formed the basis of this Strategy).

134. This Strategy directs the majority of future housing needs to urban Geelong (urban infill, Armstrong Creek and the Northern and Western Geelong Growth Areas) and it states that the development of growth areas should be guided by the relevant strategic framework plan (that being the Framework Plan for Armstrong Creek in the present case).¹¹
135. Since the finalisation of this Strategy, the Victorian Government has released a new statewide Housing Statement (September 2023). This set a target of building 2.24 million homes across Victoria by 2051, as well as a target to build 425,600 of those homes across regional Victoria.¹²
136. A draft housing target has also been set for the City of Greater Geelong. This target seeks to increase the total housing capacity in in Geelong from the existing supply of 127,300 dwellings (2023) to a future capacity of 267,100 dwellings (2051) – see **Figure 26** overleaf. It is intended that this target figure will be confirmed as part of the release of A Plan for Victoria by the end of this year.¹³
137. To achieve this capacity target, the Geelong Settlement Framework would need to have capacity to accommodate an additional 139,800 dwellings.
138. As I have noted above, the current Geelong Settlement Framework was prepared on the basis of needing to accommodate an additional 73,400 dwellings by 2036.
139. Whilst the planning horizon for the State Government’s housing target is 15 years longer than that of the Geelong Settlement Strategy, if this draft target is adopted, then more work will need to be done to determine how and where the additional 66,400 dwellings might be accommodated.
140. Given the above policy and housing forecast context, I consider that there is a very strong case for allocating the Subject Land for housing rather than other uses (especially considering that there is no evidence that additional land is required for commercial or retail uses within the Armstrong Creek growth area).
141. I have considered whether there is likely to be any implications on the achievement of the land use vision for the NEIP if residential land use was permitted on the Subject Site within the Marshall PSP.
142. I do not consider that residential use on the subject will have any significant or unintended consequences on the achievement of the land use vision for the following reasons:
 - The Armstrong Creek Framework Plan always intended that the NEIP would be adjacent to residential uses on its north and west interfaces.
 - The NEIP PSP envisages that this precinct will become a vibrant, new generation, master planned industry and business park, that embodies benchmark standards in design, amenity and

¹¹ Geelong Settlement Strategy recommendations 1a &3a

¹² Victoria’s Housing Statement (2023), page 22

¹³ <https://engage.vic.gov.au/project/shape-our-victoria/page/housing-targets-2051>



sustainability.¹⁴ It is not envisaged to be a location for 'heavy' industry, or industries that require large land use separation distances.

- The NEIP is separated from the Subject Site by a large open space corridor. This will provide physical and landscape/visual separation between the uses in each precinct.
- Land within the north-east part of the NEIP is already opposite land that is designated for residential purposes. Permitting residential uses to the north of the NEIP will not overtly limit potential uses within this part of the NEIP, given this planned residential context.

143. I have also considered whether permitting residential use on the Subject Site is likely to have any adverse impacts on the provision and funding of infrastructure within the Marshall PSP area. As I have noted earlier in this report, the additional dwelling yields available on the circa 2.4ha of developable land would be modest against a backdrop of the wider Marshall PSP yielding circa 1500 dwellings, and I do not expect that it would generate a need for any additional infrastructure (i.e. over and above what would be required to develop the land for commercial purposes). The additional funds collected from the residential development of the land would modestly 'top up' the funding available for delivery of community infrastructure within the DCP.

¹⁴ See NEIP PSP, page 10



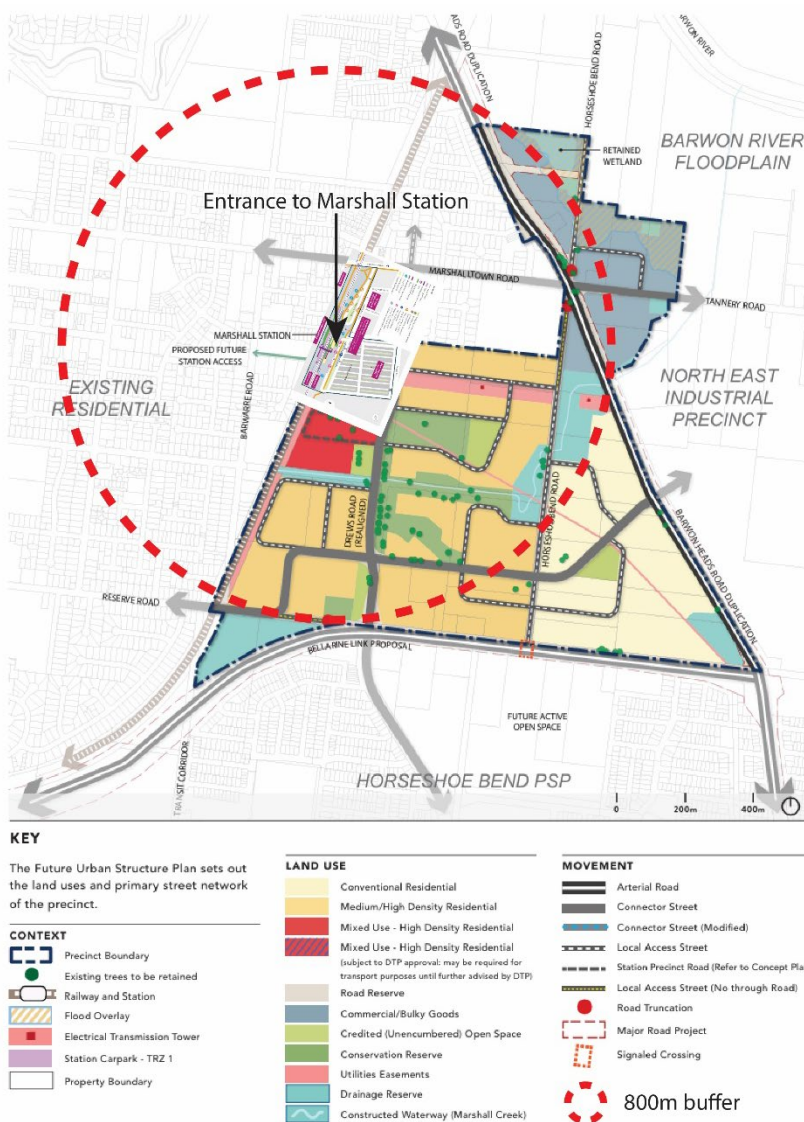


Figure 23 - Extract from Armstrong Creek Framework Plan location of 800m catchment on land within the draft Marshall PSP (new train station entrance a centre-point for catchment).



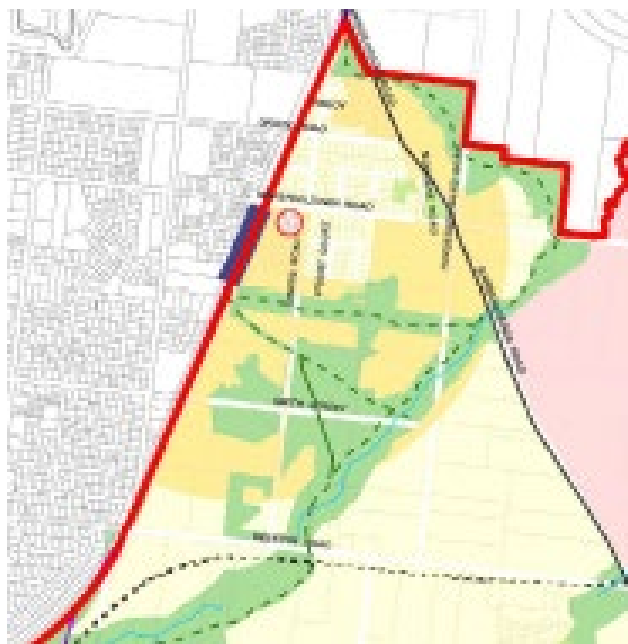


Figure 24 - Extract from Armstrong Creek Framework Plan.

TABLE 10: Projection scenarios City of Greater Geelong, 2016–2036 - population, households and dwellings

SCENARIOS:	A	B	C	D	E
Population in 2036	307,400	320,800	352,300	387,900	427,121
Population growth, 2016–36	72,100	85,400	116,900	152,600	191,778
Annual average change – pop'n	1.3%	1.6%	2.0%	2.5%	3.0%
Households in 2036	127,400	133,000	146,000	160,800	177,062
Household growth 2016–36	32,300	37,900	50,900	65,700	81,930
Average annual household change	1.5%	1.7%	2.2%	2.7%	3.2%
Dwellings in 2036	142,300	148,400	163,000	179,500	197,638
Change in dwellings, 2016–2036	36,200	42,300	56,900	73,400	91,543
Average annual change – dwellings	1.5%	1.7%	2.2%	2.7%	3.2%

Source: Spatial Economics Pty Ltd

Figure 25 - Projection Scenarios for the City of Greater Geelong 2016-36 (from the Geelong Settlement Strategy)



Regional Victoria

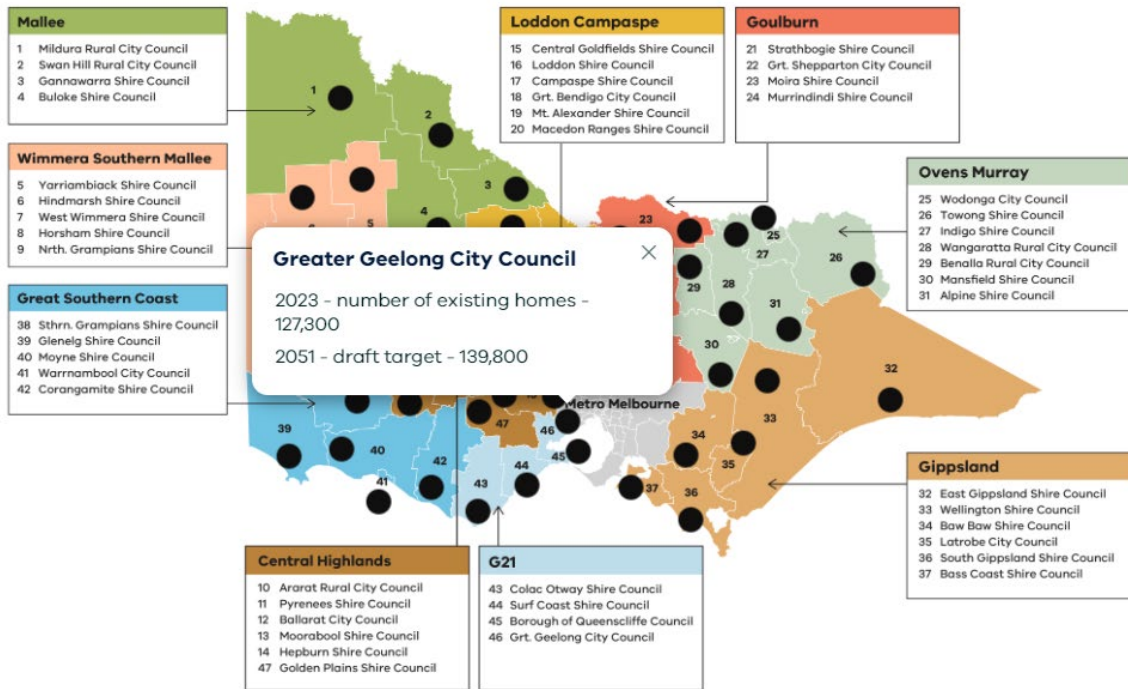


Figure 26 - Draft housing target - City of Greater Geelong



9.3. Is the Marshall PSP supported by any apparent strategy in so far as it introduces the C2 zone to the area either side of Barwon Heads Road?

144. I have reviewed the background documents prepared by the City of Greater Geelong in support of the draft Marshall PSP.
145. I have not identified any specific strategies or analysis which have informed the decision to nominate the subject site for commercial/bulky goods purposes, or to apply the Commercial 2 zone to that land.
146. I have also reviewed various other economic strategies and reports previously commissioned by the City of Greater Geelong in relation to the future planning of retail and commercial land in the wider Geelong region, and I did not find any specific strategies or analysis that supports designating subject site for commercial/bulky goods purposes, or to apply the Commercial 2 zone to that land.
147. The following is an overview of these economic reports:

Armstrong Creek Economic Impact Analysis (Compelling Economics, May 2011):

This report explored the potential mix and distribution and timing of employment outcomes across the different activity centres and employment precincts identified within the Armstrong Creek Growth Area.¹⁵

North & West Geelong Growth Area Commercial & Retail Studies (2017):

The following technical reports were prepared on behalf of Council in the course of preparing the North & West Geelong Growth Area Framework Plan:

- North West Geelong Employment Land Study (SGS, 2017)
- Western Geelong Growth Area Retail & Activity Centre Technical Report (Urban Enterprise, 2017)
- North Geelong Growth Area Activity Centre Assessment (Essential Economics, 2017)
- North West Geelong Growth Area Consolidated Activity Centre (Tim Nott, 2017)

These reports assessed the future employment, commercial and retail needs for the north and west Geelong growth areas within the wider context of existing/planned activity centres and employment precincts across the Greater Geelong municipality.

The Urban Enterprise report identified the role of the Armstrong Creek MAC in catering for future retail and bulky good demand, and the SGS report identified the future role of the two designated employment precincts in catering for future demand for industrial and commercial activities.

¹⁵ <https://www.geelongaustralia.com.au/common/public/documents/amendments/8ce70eaea3d8008-100509%20Armstrong%20Creek%20-%20Economic%20Impact%20Analysis%20-%20FINAL.pdf>



Geelong Retail Strategy (2020):

The Geelong Retail Strategy was prepared to determine how future demand for retail services can be met across the municipality over the period to 2036.

It notes the following in relation to bulky goods (restricted retail) uses:

- Restricted retail is generally oversupplied across the municipality, except on the Bellarine peninsula.¹⁶
- The Armstrong Creek Town Centre has been planned to support 40,000 square metres of retail floor space and 25,000 of restricted retail floor space.¹⁷
- There is demand for additional restricted retail services in Greater Geelong. Restricted retailing in Greater Geelong should continue to be directed to identified restricted retail centres and existing commercial-zoned land, as there is sufficient space to accommodate this.¹⁸

South West Employment Land Review (Hill PDA, 2022):

The Review explores employment land needs and opportunities in south-west Geelong, with a focus on the Boral quarry site (Wauran Ponds) and the adjacent Western Industrial Precinct (Armstrong Creek Growth Area). Its recommendations included the following:

- The Western Industrial Precinct and Boral land be defined as one 'investigation precinct'.
- The precinct needs to deliver approximately 170 hectares of employment land (net developable area).
- The investigation precinct should meet the existing market demand for warehousing, large format retail and trade supplies and growth sectors such as social service and caring economy activities, sustainable growth and environment sectors and advanced manufacturing.
- Activation of the additional employment land is recommended for approximately 2027.¹⁹

148. As noted above, none of these reports identified a need for additional commercial/bulky goods precincts or Commercial 2 zoned land in the Marshall Precinct.



Mark Woodland
Director, Echelon Planning

¹⁶ Geelong Retail Strategy (2020), page 41

¹⁷ Ibid, page 90

¹⁸ Geelong Retail Strategy (2020), page 6

¹⁹

[https://www.geelongaustralia.com.au/planning/documents/item/8dad8f6dc918d51.aspx#:~:text=HillPDA%20consultants%20prepared%20the%20review,land%20\(net%20developable%20area\).](https://www.geelongaustralia.com.au/planning/documents/item/8dad8f6dc918d51.aspx#:~:text=HillPDA%20consultants%20prepared%20the%20review,land%20(net%20developable%20area).)



Appendix 1 – My Letters of Instruction





IN PLANNING PANELS VICTORIA

**GREATER GEELONG PLANNING SCHEME AMENDMENT C278ggee
MARSHALL PRECINCT STRUCTURE PLAN**

RE-GROW GEELONG PTY LTD

EXPERT WITNESS BRIEF TO MARK WOODLAND

IN PLANNING PANELS VICTORIA**GREATER GEELONG PLANNING SCHEME AMENDMENT C278ggee
MARSHALL PRECINCT STRUCTURE PLAN****RE-GROW GEELONG PTY LTD**

BRIEF TO EXPERT

1. Overview

- 1.1 Maddocks acts for Re-Grow Geelong Pty Ltd (**Re-Grow**), which is the owner of a number of land parcels within the Armstrong Creek North Creek North East Industrial Precinct (**NEIP**). The plan below in Part 2.0 identifies the parcels owned by Re-Grow
- 1.2 Re-Grow has lodged a submission in relation to Draft Greater Geelong Planning Scheme Amendment C278ggee (**Amendment**), which proposed to introduce the *Marshall Precinct Structure Plan* (**Marshall PSP**), the *Marshall Development Contributions Plans* (**Marshall DCP**) and a number of additional planning controls into the Greater Geelong Planning Scheme (**Scheme**).
- 1.3 The Amendment was placed on exhibition between 24 April - 3 June 2024, and Re-Grow lodged its submission responding to the Amendment for Council's consideration on 3 June 2024.
- 1.4 We understand that Council will consider any submissions at a meeting in August 2024.
- 1.5 Following this, the Amendment will be listed for hearing in Planning Panels Victoria in or around **6 November 2024**.
- 1.6 You are instructed to advise and appear for Re-Grow in relation the Amendment.
- 1.7 This Memorandum outlines the relevant background to the matter and identifies your instructions.
- 1.8 We also **attach** an electronic brief of relevant documents.

KEY ISSUES FOR REGROW RELEVANT TO YOUR AREA OF EXPERTISE

- 1.9 By way of overview, as relevant to your area of expertise, Re-Grow's key issue with the Amendment relates to the introduction of a Commercial Bulky Goods area on the east side of Barwon Heads Road (and partly on the west side) where residential was previously planned as part of the Armstrong Creek Framework Plan.

BACKGROUND**2. Re-Grow Land**

- 2.1 Re-Grow is the owner of the following properties within the NEIP:
 - 2.1.1 425-499 Barwon Heads Rd, Charlemont Vic 3216 (**Property 1**);
 - 2.1.2 42 Sparrovale Rd, Charlemont (**Property 2**);
 - 2.1.3 31-41 Sparrovale Rd, Charlemont (**Properties 3A & 3B**); and

2.1.4 52 Tannery Rd, Charlemont (**Property 4**) –

collectively, the **Re-Grow Land**. It is a substantial holding comprising approximately ~ 54 ha.



2.2 Re-Grow was previously a mortgagee in relation to the Re-Grow Land, when it was owned by Armstrong Creek Industrial No 2 Pty Ltd. Re-Grow then became mortgagee-in-possession and owner of the Re-Grow Land upon the previous owner's default of the mortgage. Armstrong Creek Industrial No 2 Pty Ltd was, as we understand it, the relevant owner at the time the NEIP PSP was prepared and approved together with the planning permit described below in Part 3.0.

3. Planning matters

3.1 Concurrently with the consideration of the NEIP PSP, Council issued Planning Permit PP-661-2010 (**Original Permit**) in respect of Properties 1 & 2 on 25 November 2010 allowing the subdivision of *part* of the land that is now the Re-Grow land.

3.2 On 23 March 2012 Council issued amended Permit PP-661-2010/A (**Planning Permit and Endorsed Plans**)(**Tab 2**), incorporating a number of amendments to conditions to allow:

- 3.2.1 a reconfiguration and reduction in the number of lots from 71 to 39 (excluding balance lots).
- 3.2.2 changes to the proposed road network.
- 3.2.3 addition, deletion and renumbered of a number of conditions.
- 3.2.4 amendments to conditions imposed by Barwon Water.

3.3 The Planning Permit has since been extended three times.

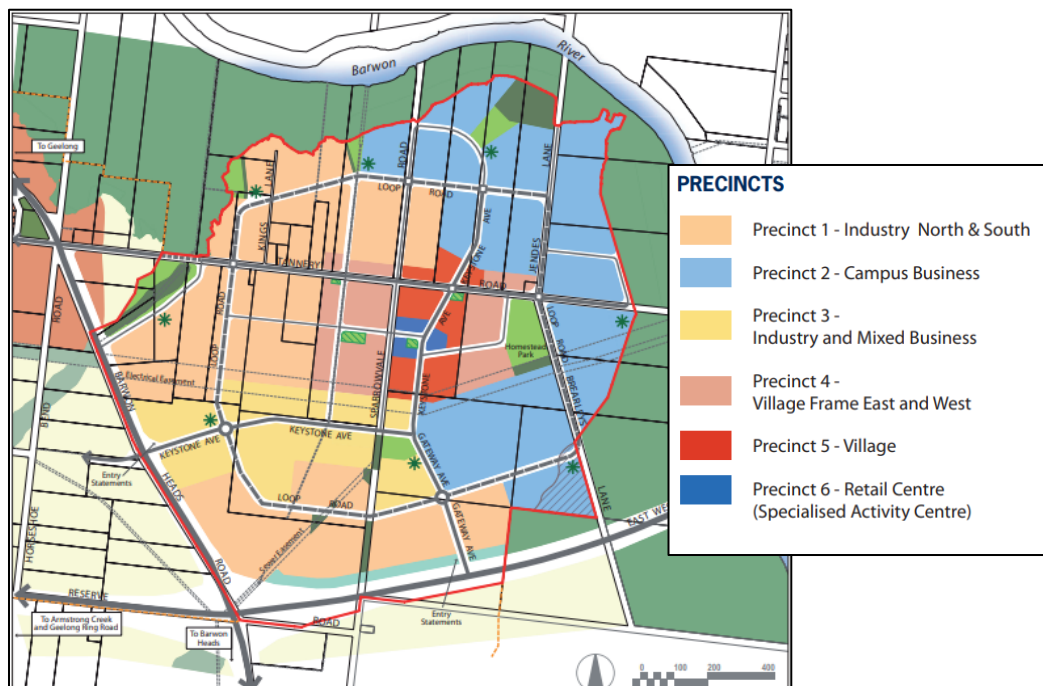
3.4 On 25 November 2021, after it came into ownership of the Re-Grow Land, Re-Grow lodged an application for extension of time of the Planning Permit under section 69 of the Act (**EOT Application**). The EOT Application has not been determined and remains before Council for consideration pursuant to the MOU discussed below.

3.5 Re-Grow entered into a Memorandum of Understanding with Council (**MOU**), in which both parties have agreed to use their best endeavours to facilitate a 'refresh' of the *Armstrong Creek North East Industrial Precinct - Precinct Structure Plan (NEIP PSP) (PSP Refresh)* and the associated DCP and an amendment to the Planning Permit (**Section 72 Amendment**) so as to *modernize* the planning permit and bring it up to contemporary standards.

4. Armstrong Creek NEIP Precinct Structure Plan

4.1 The NEIP PSP was introduced into the Scheme following the gazettal of Amendment C207ggee on 3 June 2010 (**Tab 1**).

4.2 The purpose of the NEIP PSP is to set out an integrated vision for one of the key employment precincts within the Armstrong Creek Framework Plan and to then guide its future use and development.

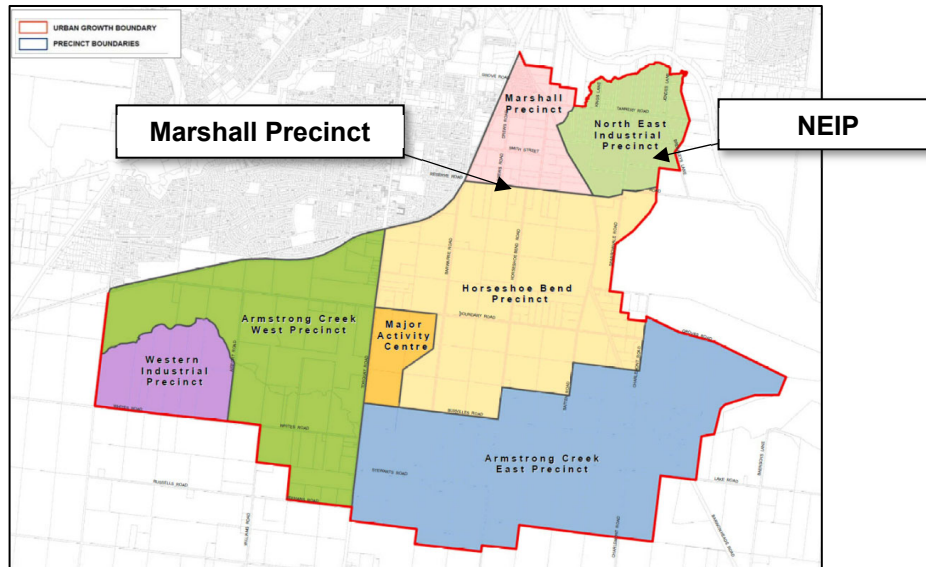


NEIP PSP – Figure 4: Future Urban Structure (p 17)

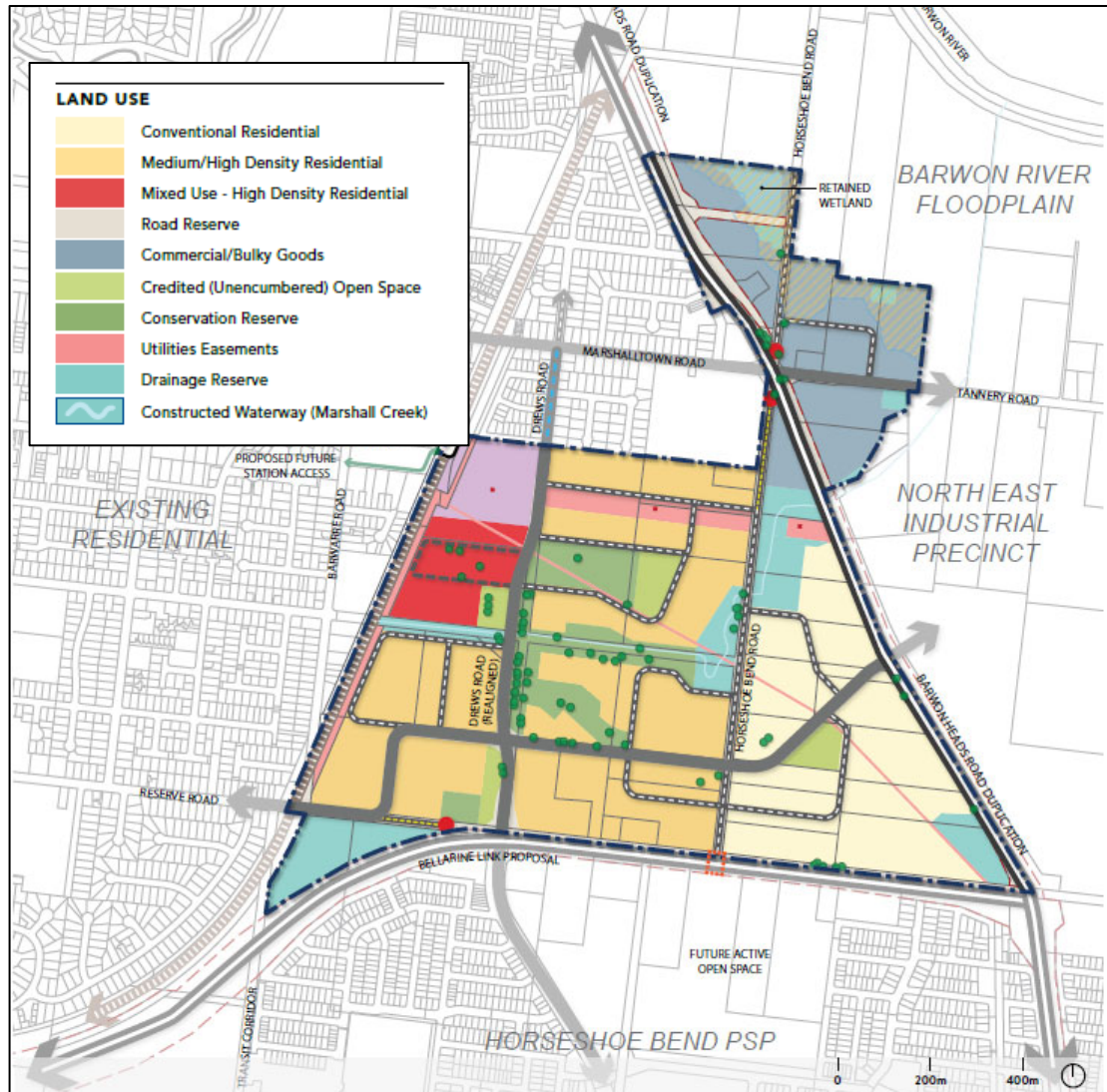
4.3 As discussed above, because of the time that has past since gazettal and noting that there has been no development within the NEIP, Re-Grow is working with Council in accordance with the terms of the MOU to provide for the Refresh of the PSP and the DCP.

5. Marshall PSP

5.1 The Marshall Precinct is located directly to the west of the NEIP also within the Armstrong Creek Precinct.



- 5.2 In 2017, Council committed to prepare the Marshall PSP. The Marshall PSP was supported by a number of background reports. Each of these documents are accessible on the [City of Geelong Website](#).
- 5.3 We are not aware of any report relevant to your area of expertise, other than the PSP Background Report.
- 5.4 At its Council meeting on 26 September 2023, the Council adopted the most recent draft of the Marshall PSP. Copies of the Marshall PSP and the report which was presented to Councillors at that meeting are also accessible at the link set out above.
- 5.5 In its current drafting, the Marshall PSP identifies the Marshall Precinct for, amongst other things:
- 5.5.1 a high-use and transit-oriented transport precinct within a walkable catchment to Marshall Train Station;
 - 5.5.2 designation of land for medium and high-density residential development; and
 - 5.5.3 commercial development (including bulky goods) proposed for land with a frontage to Barwon Heads Road and on land close to the Barwon River floodplain and the North East Industrial Precinct.
- 5.6 From a land use perspective, the use of land for commercial development including bulky goods, is a concern to Re-Grow for reasons which are set out in Re-Grow's submission to the Planning Scheme Amendment which is included in your brief. **For your information it is also included as submission 12 (plus addendum) in the submissions made to the Amendment.**
- 5.7 The Future Urban Structure Plan located at page 24 of the Marshall PSP sets out the land uses and street network for the precinct:



Draft Marshall PSP – Future Urban Structure (p 24)

5.8 We note that land in the north-eastern part of the Marshall Precinct, which directly adjoins the NEIP, is identified for ‘Commercial/Bulky Goods’ and will have an underlying zone of Commercial 2. As noted earlier, this is a key concern to Re-Grow.

6. Amendment C278ggee

6.1 At the Council meeting on 26 September 2023, Council expressed its support for the public exhibition of Amendment C278ggee (**Amendment**) to the Greater Geelong Planning Scheme (**Scheme**).

6.2 The Amendment seeks to facilitate residential and commercial development in accordance with the Marshall PSP.

6.3 The Amendment proposes to:

6.3.1 apply the Urban Growth Zone Schedule 7 (**UGZ7**) to the Marshall Precinct (noting the precinct is currently zoned UGZ with no schedule);

6.3.2 incorporate the Marshall PSP, the Marshall DCP and the *Marshall Native Vegetation Precinct Plan*;

- 6.3.3 apply the Design and Development Overlay – Schedule 51 (**DDO51**) to 137 Barwarre Road, Marshall to safeguard future access to Marshall Railway Station from Barwarre Road; and
- 6.3.4 apply the Environmental Audit Overlay (**EAO**) to potentially contaminated land.
- 6.4 The Amendment was placed on public exhibition between 24 April 2024 - 3 June 2024.
- 6.5 Re-Grow lodged a submission and an Addendum to its submission, prepared by Chris De Silva on Mesh’s letterhead, responding to the Amendment on 3 June 2024 (**Tab 36**).
- 6.6 Turning now to the key issue, Re-Grow submitted that:

Unplanned Commercial/Bulky Goods Area

- 6.6.1 Clause 02-03-1 regarding Settlement provides that for Urban Growth Areas, the strategic direction is to facilitate the orderly and controlled development of the ACUGA (Armstrong Creek Urban Growth Area) generally in accordance with the Armstrong Creek Urban Growth- Framework Plan Incorporated Document.
- 6.6.2 The Marshall PSP is not generally in accordance with the *Armstrong Creek Urban Growth Area – Framework Plan (ACUGFP)*(**Tab 3**). In providing for a new, unplanned commercial/bulky goods area on the east and west sides of Barwon Heads Road, the Marshall PSP departs from the ACUGFP in a very significant way which will potentially undermine the orderly development of the adjacent NEIP that is the recognised employment area in this part of Armstrong Creek;
- 6.6.3 The proposed commercial/bulky goods area on the east and west sides of Barwon Heads Road is not orderly planning because:
 - (a) it is unplanned and has not been subject to any strategic assessment prior to being exhibited;
 - (b) it will hinder the orderly and economic development of the NEIP and potentially other areas within the Armstrong Creek Growth Area, including as the Armstrong Creek Town Centre; and
- 6.6.4 Accordingly, the proposed commercial/bulky goods area should be re-designated for medium/high density housing consistent with the ACUGFP;
- 6.6.5 More recently, following the release of the Housing Statement, noting the very significant targets identified for Geelong, it is inconsistent with the Housing Targets to direct land planned for residential development relatively proximate to train line, to a different unplanned land use that is already well provided for in the area.

7. Instructions

- 7.1 Initially you are requested to prepare an opinion in the form of an expert witness report and provide that to us. The report should be in the form required by PPV
- 7.2 You are also requested to appear on Re-Grow’s behalf at the Panel hearing as an expert.
- 7.3 You are kindly asked to review the accompanying brief of documents and provide a fee proposal for our client’s consideration.
- 7.4 If your fee proposal is approved, all accounts for this matter should be referred directly to Maddocks (marked to the attention of Terry Montebello/Georgia de Castella (Reference **TGM: CWUR:9407846**)).



8. Brief of Documents

- 8.1 Please find **attached** an indexed brief of documents, provided electronically. Please let us know if you require printed copies.
- 8.2 If you have any queries concerning the above, or the documents which are enclosed, you should not hesitate to contact Georgia de Castella on 9258 3326 or at georgia.decastella@maddocks.com.au or Terry Montebello on 9258 3698 or at terry.montebello@maddocks.com.au

Date delivered: 1 August 2024

**Amendment C278ggee | Marshall PSP & DCP
Re-Grow Geelong Pty Ltd**

Brief of Documents

INDEX

Tab	Description	Date
Armstrong Creek North East Industrial Precinct (NEIP)		
1.	<i>Armstrong Creek North East Industrial Precinct Structure Plan</i>	3 June 2010
2.	Permit PP-661-2010/A	23 March 2012
3.	<i>Armstrong Creek Urban Growth Plan – Framework Plan</i>	Amended June 2015
4.	<i>Draft Marshall Precinct Structure Plan</i>	July 2023
5.	Council Meeting Agenda - Report – Amendment C278ggee	26 September 2023
Amendment C278ggee - Exhibited		
<i>Draft Ordinance</i>		
6.	Clause 37.07 Urban Growth Zone - Schedule 7 (UGZ7) - Exhibition	-
7.	Clause 45.06 Development Contributions Plan Overlay - Schedule 10 (DCPO10) - Exhibition	-
8.	Clause 43.02 - Design And Development Overlay - Schedule 51 (DDO51) - Exhibition	-
9.	Clause 52.16 Schedule - Native Vegetation Precinct Plan - Exhibition	-
10.	Clause 66.04 Schedule - Referral Of Permit Applications Under Local Provisions - Exhibition	-
11.	Clause 72.03 Schedule - What Does This Planning Scheme Consist Of - Exhibition	-
12.	Clause 72.03 Schedule (Track Changes) - What Does This Planning Scheme Consist Of - Exhibition	-
13.	Clause 72.04 Schedule - Incorporated Documents - Exhibition	-
14.	Clause 72.04 Schedule - Incorporated Documents - Exhibition	-
Explanatory Report & Instruction Sheet		
15.	Amendment C278ggee – Explanatory Report - Exhibited	-
16.	Amendment C278ggee – Instruction Sheet – Exhibition	-

Tab	Description	Date
<i>Map Sheets</i>		
17.	Zone Maps - Exhibition	-
18.	DDO Map - Exhibition	-
19.	DCPO Maps - Exhibition	-
20.	EAO Map - Exhibition	-
<i>PSP, DCP and Native Vegetation Precinct Plan – Proposed Incorporated Documents</i>		
21.	<i>Marshall Precinct Structure Plan (Marshall PSP)</i>	July 2023 - Amended March 2024
22.	<i>Marshall Development Contributions Plan (Marshall DCP)</i>	August 2023
23.	<i>Marshall Native Vegetation Precinct Plan</i>	October 2022
<i>Supporting Documents</i>		
24.	<i>Aboriginal Heritage And Post Contact Archaeological Assessment</i> prepared by TerraCulture	July 2013
25.	<i>Post-Contact Cultural Heritage Assessments</i> prepared by Dr David Rowe & Wendy Jacobs	January 2014
26.	<i>Servicing Plan</i> prepared by TGM	13 September 2018
27.	<i>Marshall PSP – Access Management Strategy</i> prepared by Greater Geelong City Council	May 2019
28.	<i>Preliminary Transport Infrastructure Assessment</i> prepared by Cardno	9 July 2019
29.	<i>Bushfire Assessment And Development Report</i> prepared by Terramatrix	May 2022
30.	<i>Fauna Surveys</i> prepared by Ecolink Consulting	May 2022
31.	<i>Stormwater Management Strategy</i> prepared by Spiire	December 2022
32.	<i>Traffic Impact Assessment</i> prepared by Ratio Consultants	8 March 2023
33.	<i>Preliminary Environment Assessment</i> prepared by WSP	September 2023
34.	<i>Marshall PSP – Background Report</i> prepared by Greater Geelong City Council	March 2024
35.	<i>Vegetated Habitat Assessment</i> prepared by EcoLink Consulting	5 April 2024

Tab	Description	Date
Re-Grow submission		
36.	Submission – Amendment C278ggee – Re-Grow Geelong Pty Ltd, prepared by Mesh Consultants	3 June 2024
Preliminary expert assessments		
37.	Economic Review of Marshall PSP prepared by Justin Ganly (Deep End Services)	31 January 2024
38.	Transport Review of Amendment prepared by Stantech	17 May 2024
Re-Grow Addendum Submission		
39.	Addendum Submission – Re-Grow Geelong Pty Ltd, prepared by Mesh Consultants	5 July 2024
Submissions to Exhibited Amendment Material [redacted]		
40.	Bundle of Submissions to Exhibited Amendment Material	



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Email Letter

From
Charlie Wurm
Direct
03 9258 3570
Partner
Terry Montebello

Date
11 October 2024
Email
charlie.wurm@maddocks.com.au

To
Mark Woodland

Organisation
Echelon Planning

Email
mark@echelonplanning.com.au

Our Ref: TGM:CWUR:9407846

Dear Mark

Greater Geelong Amendment C278ggee Marshall PSP - Re-Grow Geelong Pty Ltd

We continue to act for Re-Grow Geelong Pty Ltd (**Re-Grow**), in respect of Greater Geelong Amendment C278ggee.

With respect to the preparation of your expert evidence report in relation to the Amendment, we provide you with an Addendum to your existing instructions, which we request that you consider and respond to in the preparation of your report. We also **attach** a number of documents which you should also have regard to in considering these additional instructions.

Should you have any issues or queries, please contact Charlie Wurm on 03 9258 3570 or email charlie.wurm@maddocks.com.au.

Yours faithfully,

Terry Montebello
Partner

- The ‘sub-precinct’ approach that has been adopted in the NEIP where specific land uses were contemplated (see for example UGZ1 and Figure 4 of the PSP and Parts 4.5 – 4.10 of the PSP;
- The applied zones that have been used including the C2Z that contemplates the same uses as the bulky goods/commercial precinct;
- The presence of the C2Z land that is related to the central specialized activity centre (Precincts 3, 4, 5 and 6) in which there are a range of large format retail and non-standard residential land uses permitted; and
- The emphasis in the PSP Vision, the text of the PSP and the schedule to UGZ1 for NEIP, on built form control and quality.

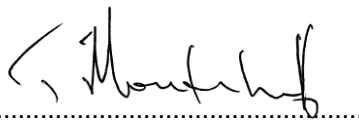
The concern expressed in the submission of Re-Grow is not so much based on the unplanned nature of the bulky goods/commercial precinct potentially undermining the fulfillment of the objectives of the NEIP as described above due, among other things, to the proposed bulky goods precinct being on the main transport corridor namely Barwon Heads Road.

In this regard, a comparison between the land uses that were contemplated in the NEIP and the bulky goods/commercial precinct in Marshall PSP may be useful. Fundamentally, our client’s submission as lodged is that the bulky goods/commercial precinct has no strategic basis whatsoever where, by comparison, the NEIP is supported by the Armstrong Creek Growth Area Framework Plan and the approval of the PSP itself.

Re-Grow has also contended that since the Housing Statement was released, there is an emphasis on “priority” being directed toward residential outcomes that are located in relatively close proximity to existing railway stations and services.

Under the Refresh it would not be correct to say that everything is ‘up in the air’ and that anything could happen during the Refresh process. The Refresh is not about completely recasting the NEIP PSP but rather to refresh it to account for any changes in the last 10 years that are relevant particularly in the areas of transport and drainage. In that regard the MOU, which you have a copy of identifies the purpose of the Refresh.

Date delivered: 11 October 2024



Maddocks
Terry Montebello & Charlie Wurm

Appendix 2 – CV

CURRICULUM VITAE

Address:
3 Prentice Street, Brunswick

Phone:
Work: 03 9021 0432
(mob) 0437 467 024

Date of Birth:
25th June 1970

Nationality:
Australian

Mark Woodland

Expertise:

- Strategic planning
- Development facilitation
- Project management & feasibility
- Structure planning
- Urban policy
- Stakeholder & Government relations
- Community consultation
- Media & communications.

Employment Overview:

Director, Echelon Planning
(July 2012 –Present)

Strategic Planning Director– Growth Areas Authority
(July 2010 – June 2012)

New Business/Strategic Planning Manager – Delfin Lend Lease
(July 2007 – July 2010)

Senior Planning Adviser - Minister for Planning
(February 2005 - June 2007)

Manager, Strategic Planning - City of Melbourne
(September 2001 - January 2005)

Manager, Investment Development - Hume City Council
(Jan 2001 - Aug 2001)

Manager, Strategic Planning – City of Kingston
Sept 1997 - Dec 2000

Urban & Environmental Planning Consultant - Gutteridge Haskins & Davey Pty Ltd
(Sept 1995 - Aug 1997)

Urban Planner – Cities of Port Phillip, Boroondara and Camberwell
(1991 - 1995)

Qualifications:

- Bachelor Planning and Design 1990 - Melbourne University.
- Grad. Certificate, Business Administration. , 2000 - Monash School of Business.

Committee Memberships:

- Property Council of Australia – current member of the Residential Developers Committee
- Victorian Planning & Environmental Law Association

Curriculum Vitae for Mark Woodland



Appendix 3 – State and Local Planning Policy Framework

The following state and local policies are of particular relevance to the matters under consideration:

- Clause 0203-1 – Settlement

The majority of greenfield housing supply will be provided in urban Geelong in the master planned communities of Armstrong Creek and the Northern and Western Geelong Growth Areas. New residential communities should incorporate sustainable living principles and deliver infrastructure to meet community needs.

- Urban growth areas

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

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

- Clause 02.03-5 Built environment and sustainability

Geelong's sense of place and identity is valued by its community. Council seeks to balance growth in the municipality while maintaining its identity by identifying areas for varying levels of change and by balancing the need for conservation and renewal. Medium density housing can have a greater impact on neighbourhood character than traditional detached housing. As housing density intensifies, it is important that housing makes a positive contribution to the neighbourhood. The protection of amenity and facilitation of environmentally sustainable and healthy development that will benefit and improve the community's quality of life is at the forefront of Council's built environment goals.

- Clause 02.03-6 Housing

To accommodate its growing population Council has identified Increased Housing Diversity Areas (IHDA). IHDA's are located around activity centres and transport hubs and have significant capacity to accommodate residential growth and increased housing diversity. These areas can provide for local shopping needs or are serviced by public transport. Development in these areas should encourage walking and discourage reliance on cars for all trips. The intensity of redevelopment will be highest around the activity centre core and lower at the edge of the IHDA.

- Clause 02.03-7 Economic Development

There is a need to provide support for ongoing employment and economic development in the Geelong region.



While traditional manufacturing industries will continue to be economic and employment drivers in the municipality, the City's economy will need to focus on emerging industry sectors that underpin economic development.

The changing nature of industrial development means that most industrial development now requires land that offers a high amenity environment for workers and visitors.

- Clause 02.04 – Strategic framework plan

The PSP area and Subject Land are identified as a growth area on the Strategic Framework Plan.





Figure 27 - Municipal Framework Plan

The Retail activity centre hierarchy identifies an area to the south of the Marshall Precinct as a future Neighbourhood Activity Centre. No retail centres have been located in the PSP area or Subject Land.



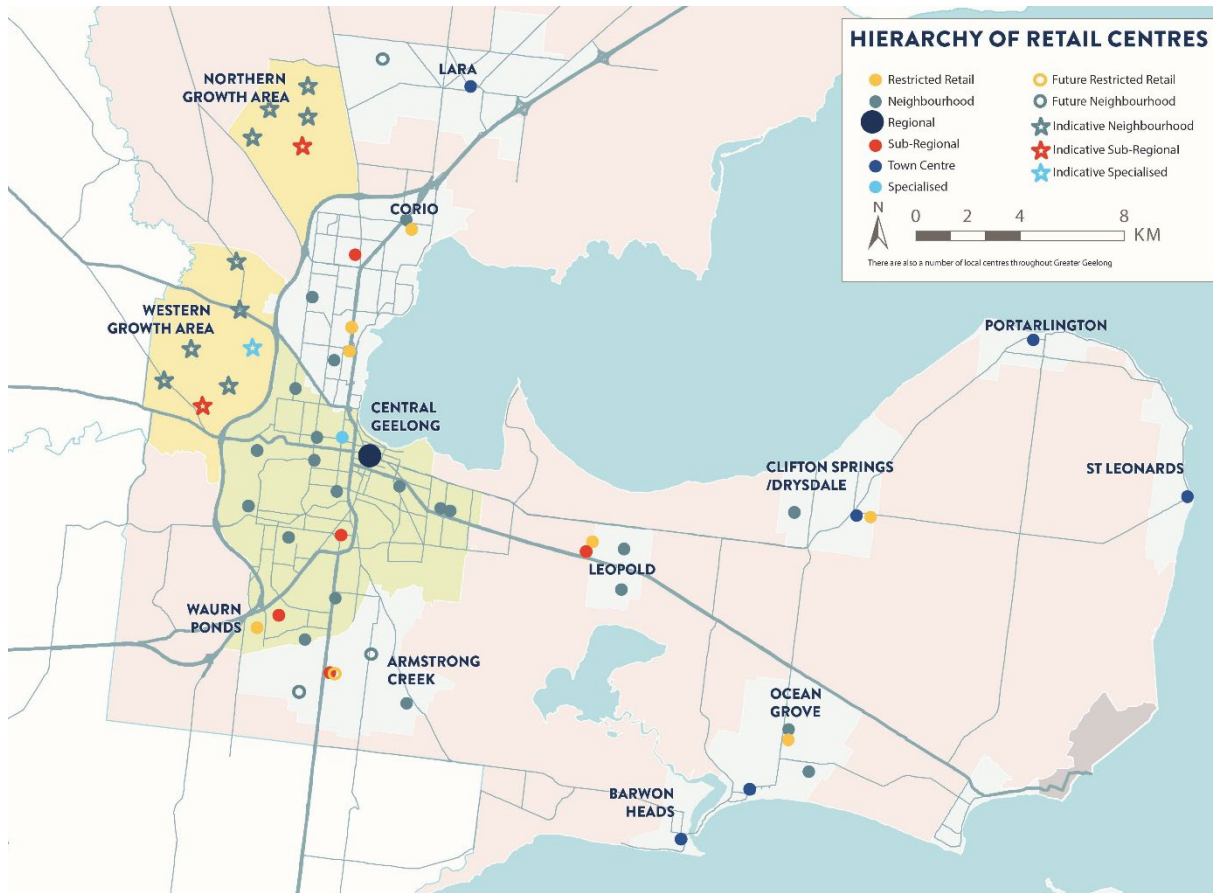


Figure 28 - Retail activity centre hierarchy

- Clause 11.01-1R – Settlement – Geelong G21

Support the role of Central Geelong as a major regional city and revitalise and strengthen its role as Victoria’s second city.

- Clause 11.02-1S – Supply of urban land

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

- Clause 11.02-2S – Structure planning

To facilitate the fair, orderly, economic and sustainable use and development of urban areas.

Ensure effective planning and management of the land use and development of an area through the preparation of relevant plans.



- Clause 11.03-2S – Growth areas

Implement the strategic directions in the Growth Area Framework Plans.

Provide for significant amounts of local employment opportunities and in some areas, provide large scale industrial or other more regional employment generators.

- Clause 13.03-1S – Floodplain management

To assist the protection of:

- *Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.*
- *The natural flood carrying capacity of rivers, streams, and floodways.*
- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environmental significance or of importance to river, wetland or coastal health.*

- Clause 13.07-1S – Land use compatibility

Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

- Clause 15.01-3S – Subdivision design

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

- Clause 15.03-1S – Heritage conservation

To ensure the conservation of places of heritage significance.

Retain those elements that contribute to the importance of the heritage place.

- Clause 15.03-2S – Aboriginal cultural heritage

To ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.

- Clause 17.01-1S – Diversified economy



To strengthen and diversify the economy.

Protect and strengthen existing and planned employment areas and plan for new employment areas.

- Clause 17.02-1S – Business

To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

Plan for an adequate supply of commercial land in appropriate locations.

Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

- Clause 17.03-1S – Industrial land supply

To ensure availability of land for industry.

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

Identify land for industrial development in urban growth areas where:

- *Good access for employees, freight and road transport is available.*
- *Appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.*
- Clause 17.03-2L – Sustainable Industry in Greater Geelong

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

- Clause 19.03-1S – Development and infrastructure contributions plans

To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans.

Prepare development contributions plans and infrastructure contributions plans, under the Planning and Environment Act 1987, to manage contributions towards infrastructure.

