

Planning and Environment Act 1987

Advisory Committee Report

Redevelopment of 50 Mackey Street, North Geelong (Powerview Pty Ltd proposal)

1 April 2020

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Advisory Committee Report pursuant to section 151 of the Act

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A handwritten signature in black ink, appearing to read 'Michael Kirsch', with a long, sweeping horizontal line extending to the right.

Michael Kirsch, Chair

A handwritten signature in black ink, appearing to read 'Steve Blackley', with a long, sweeping horizontal line extending to the right.

Steve Blackley, Member

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Glossary and abbreviations

2013 PDS	<i>Port of Geelong Development Strategy, 2013</i>
2018 PDS	<i>Port of Geelong Port Development Strategy, 2018</i>
Committee	Redevelopment of 50 Mackey Street, North Geelong (Powerview Pty Ltd proposal) Advisory Committee
Council	City of Greater Geelong
DDO20	Design and Development Overlay Schedule 20
DELWP	Department of Environment, Land, Water and Planning
EPA	Environment Protection Authority
GGPS	<i>Greater Geelong Planning Scheme</i>
GPSP	<i>Geelong Port Structure Plan, 2007</i>
GRREP	Geelong Ring Road Employment Precinct
IN1Z	Industrial 1 Zone
LPPF	Local Planning Policy Framework
MD14	<i>Ministerial Direction No 14 Port Environs</i>
MHF	Major Hazard Facility
MSS	Municipal Strategic Statement

NoD	Notice of Decision
the Objectors	Barrett Burston Malting Company Pty Ltd, GrainCorp Operations Ltd and the Victorian Regional Channels Authority
PAN56	<i>Planning Advisory Note 56 Planning for Ports and their Environs, October 2014</i>
Pivot City	Pivot City Innovation District
the Port	Port of Geelong
PPF	Planning Policy Framework
Retail Strategy	<i>City of Greater Geelong Retail Strategy 2016-2036, 2018</i>
RGP	<i>G21 Regional Growth Plan, 2013</i>
TIAR	Transport Impact Assessment Report
ToR	Terms of Reference
VCAT	Victorian Civil and Administrative Tribunal
VPP	Victoria Planning Provisions
VRCA	Victorian Regional Channels Authority

Overview

Application summary

Common name	Redevelopment of 50 Mackey Street, North Geelong (Powerview Pty Ltd proposal)
Permit application	City of Greater Geelong PP179-2018
VCAT reference	P28/2019
Responsible authority	City of Greater Geelong
Applicant	Powerview Pty Ltd/David Hamilton Property Group Pty Ltd
Brief description	Use and development of a multi-level office building
Subject land	50 Mackey Street, North Geelong
Zone and overlay	Industrial 1 Zone (IN1Z) Design and Development Overlay Schedule 20 (DDO20)

Committee process

The Committee	Michael Kirsch (Chair) and Steve Blackley
Terms of Reference	Refer to Appendix A
Directions Hearing	Geelong, 25 September 2019
Committee Hearing	Geelong, 20 and 21 February 2020 Melbourne, 24, 25 and 26 February 2020
Site inspections	Unaccompanied site inspection, 25 September 2019 Accompanied site inspection, 19 February 2020
Appearances	Refer to Appendix B
Date of this Report	1 April 2020

Executive summary

The Redevelopment of 50 Mackey Street, North Geelong (Powerview Pty Ltd proposal) Advisory Committee (the Committee) was appointed by the Minister for Planning to provide advice on whether a planning permit should be granted for an office development in the port environs of the Port of Geelong (the Port). The permit application proposed the conversion of a former power station building to a seven-level office building with a floor area of approximately 12,100 square metres.

The City of Greater Geelong (Council) issued a Notice of Decision (NoD) to grant a permit in December 2018 and various objectors subsequently lodged an appeal with the Victorian Civil and Administrative Tribunal (VCAT) for a review of that decision.

In July 2019, the Minister for Planning 'called in' the application from VCAT:

...on the basis that the proceeding raises a major issue of policy relating to the impacts of a multi-level office building development on a commercial trading port and the determination of the proceeding may have a substantial effect on the achievement or development of planning objectives relating to a commercial trading port, in particular, Clause 18.03-2S "Planning for port environs" of the Victoria Planning Provisions.

The Minister subsequently appointed the Committee and approved its Terms of Reference (ToR) in August 2019.

In accordance with the ToR, the Committee held public hearings in February 2020, during which three key issues were raised:

- The impact of the proposal on the operation and development of the Port.
- The appropriateness of locating a major office development in an 'out-of-centre' location.
- The capacity of the road network to accommodate the vehicular traffic that the proposal would generate.

In relation to the Port, the Committee concludes that protecting its ongoing operation is the primary land use planning consideration, consistent with the relevant policies in the Greater Geelong Planning Scheme (GGPS). In this context, the site should be used for port-related uses that contribute directly to the operation of the port, or for non-port-related uses that contribute to a buffer function between port operations to the north and sensitive uses to the south. Notably, the GGPS and port planning documents provide very little guidance about specific uses that might be suitable for the site, however the Committee believes that an office development could be supported if it is clearly port-related or contributes to the buffer function of the site.

In the case of the current application, the Committee was not satisfied that the office will service the port or could be characterised as 'port-related', and is concerned that its large scale and proximity to various port-related activities might create reverse amenity issues in the future. In the absence of a more thorough and technical assessment of these amenity issues it would not be prudent to support the application.

In relation to the location of the proposal, the Committee notes that activity centre and out-of-centre policies in the GGPS favour the development of large-scale offices in Central Geelong and other designated activity centres, and not in out-of-centre locations. In this context, it is

clear that the proposal would be a significant development in the Geelong context and that the site is rightly described as an out-of-centre location. Although there is an agglomeration of existing and developing office uses in the Federal Mills and Glasshouse complexes to the north, this area is not a designated activity centre and there is no specific planning policy that supports the broader Pivot City Innovation District (Pivot City) or office development on the application site.

While the proposal might have some synergies with the Pivot City concept and provide some broader benefits, these do not outweigh the extensive policy support for protecting and reinforcing Geelong's activity centre hierarchy, particularly the role of Central Geelong. For these reasons the Committee was not satisfied that the development would achieve a net community benefit and recommends that a permit not be granted.

In relation to traffic issues, the Committee concludes that the proposal will require mitigation works to the local network in response to increased traffic, including an extended right turn lane from Melbourne Road into Mackey Street. These issues can be addressed through planning permit conditions and do not warrant the application being refused.

Recommendation

Based on the reasons set out in this Report, the Committee recommends that City of Greater Geelong Planning Permit PP-179-2018 not be granted.

1 Introduction

1.1 The permit application

The permit application is for the use and development of a multi-level office building at 50 Mackey Street, North Geelong. The site layout is shown at Figure 1 and the east elevation is shown at Figure 2.

The proposal involves the refurbishment and redevelopment of a former power station building for a seven storey office building and associated car parking. The application includes approximately 12,106 square metres of leasable office floorspace, serviced by 466¹ at-grade car parking spaces on the north and south sides of the building. A large outdoor/forecourt area would be provided to the east of the building, adjacent to the Corio Bay foreshore. The site would be accessed via an existing crossover on Mackey Street.

Figure 1 Proposed site layout



The application was amended to:

- remove the 'Future Vehicular Link' to Osborne House shown on the Landscape Masterplan that accompanied the application
- delete 'Food and drink premises' from the application.²

¹ Various documents indicate different numbers of spaces, but the application plans provide 466 spaces

² These changes were reflected in condition 1 of the Notice of Decision

Figure 2 East elevation



1.2 Background

The ToR outline the background to the process as follows:

4. The site is located in the Geelong Port Environs at 50 Mackey Street, North Geelong, and is currently vacant and contains the derelict shell of a former power station building.
5. On 22 February 2018, the City of Greater Geelong Council received an application for a planning permit (179-2018) for the use and development of the land for a multi-level (7 storey) office building, with a total floor area of 12,106 m² and 440 carparking spaces.
6. Notice of the proposal was given and 9 objections were received, 3 objections were withdrawn.
7. The City of Greater Geelong Council issued a Notice of Decision to Grant a Permit on 12 December 2018.
8. An Appeal to the Victorian Civil and Administrative Tribunal (VCAT) was lodged on 9 January 2019 seeking a review of the decision of the responsible authority to grant a permit.
9. VCAT compulsory conferences were held on 24 May 2019 and 15 July 2019 and did not resolve the matter. On 14 July 2019, the Minister for Planning subsequently decided under section 58(2)(a) of Schedule 1 to the Victorian Civil and Administrative Tribunal Act 1990 to call in the proceeding from VCAT on the basis that the proceeding raises a major issue of policy relating to the impacts of a multi-level office building development on a commercial trading port and the determination of the proceeding may have a substantial effect on the achievement or development of planning objectives relating to a commercial trading port, in particular, Clause 18.03-2S "Planning for port environs" of the Victoria Planning Provisions.

Referral responses to the permit application were received from:

- Ausnet (no objection)
- Powercor (no objection subject to conditions)
- Country Fire Authority (no objection, suggested conditions)
- Environment Protection Authority (EPA) (no objection, suggested conditions)
- VicRoads (no objection).

Submissions on the permit application were received from:

- National Trust (objection withdrawn)
- Osborne Park Association (objection withdrawn)
- Invest Assist (Department of Economic Development, Jobs, Transport and Resources) (objection)
- Victorian Regional Channels Authority (objection)
- GrainCorp Limited (objection)
- Victorian Farmers Federation (objection)
- Geelong Manufacturing Council (objection)
- GeelongPort (objection).

1.3 Procedural issues

(i) Invitations to the Hearing

Clauses 10 and 11 of the ToR required that the Committee invite the following parties to the VCAT proceeding to present submissions:

- Barrett Burston Malting Company Pty Ltd (Barret Burston), GrainCorp Operations Ltd (GrainCorp) and the Victorian Regional Channels Authority (VRCA) (the Objectors)
- Powerview Pty Ltd (the Applicant)³
- City of Greater Geelong (Council).

These parties were invited and made submissions at the Hearing.

In addition, Clause 11(d) provided for the Committee to invite *“Any other parties identified by the Advisory Committee in consultation with the Department of Environment, Land, Water and Planning.”*

Following consultation with the DELWP Barwon South West office, the Committee invited Freight Victoria (Department of Transport), Invest Victoria and Regional Development Victoria to make submissions at the Hearing.

The Department of Transport (DoT) made a submission at the Hearing and lodged a ‘statement of grounds’⁴ prior to the Hearing.

Invest Victoria did not make a submission at the Hearing, but circulated a written submission⁵ prior to the Hearing.

Regional Development Victoria did not make a submission at the Hearing.

(ii) Department of Transport submission

At the conclusion of the Hearing, the Committee held a ‘without prejudice’ discussion of planning permit conditions. That discussion included a planning permit condition proposed by DoT that would require the preparation of a Transport Impact Assessment Report (TIAR),

³ The Committee understands that the owner is David Hamilton Property Group Pty Ltd.

⁴ Document 13

⁵ Document 19

to address, among other things, right turn movements from north-bound traffic on Melbourne Road into Mackey Street.

DoT submitted that assessing the type and mix of traffic mitigation measures that might be required to provide safe and efficient access into Mackey Street would be a complex task and requested that the Committee be reconvened to review and provide advice to DoT on the TIAR, in the event that a permit was granted.

The Committee noted that the process provided in its ToR did not allow for this to occur and that it would be a matter for the Minister for Planning, if a permit was issued, to determine whether there might be some further process to review a TIAR.

Figure 4 **Aerial photo of the site and immediate surrounds**
(Source: Dunstan evidence report)



Immediately to the south of the site is Osborne House, a range of associated structures and its grounds which extend approximately 240 metres south to Swinburne Street. The area bounded by Osborne House to the east, Swinburne Street and the Princes Highway to the west is comprised of sporting fields and associated facilities. The northern residential area of the Rippleside suburb is located to the south of Swinburne Street.

Industrial land immediately west of the site is occupied by a power substation and SOLOS Glass, while land further to the west is occupied by MHG Glass.

Directly opposite the site on the northern side of Mackey Street is the Barrett Burston malting plant and the GrainCorp terminal, both of which are included in the Port Zone. Further to the north is the Malteurope malting plant and the privately-owned Port of Geelong. The former Ford Motor Company site is further to the north-west on the Princes Highway.

To the immediate north-west on Mackey Street is the Federal Mills site, which has been redeveloped by the permit applicant to provide office space and food/drink premises. Immediately adjacent to its western boundary is the former Pilkington Glass factory (now the Glasshouse), which is also owned by the permit applicant, and includes separate premises currently leased for retailing.

A planning permit was issued by Council in July 2019 for a multi-warehouse development on the subject site. This comprises 65 warehouses ranging in area from approximately 100-150 square metres across five free-standing structures, including one structure which extends approximately 250 metres along the eastern boundary of the site. It also includes road

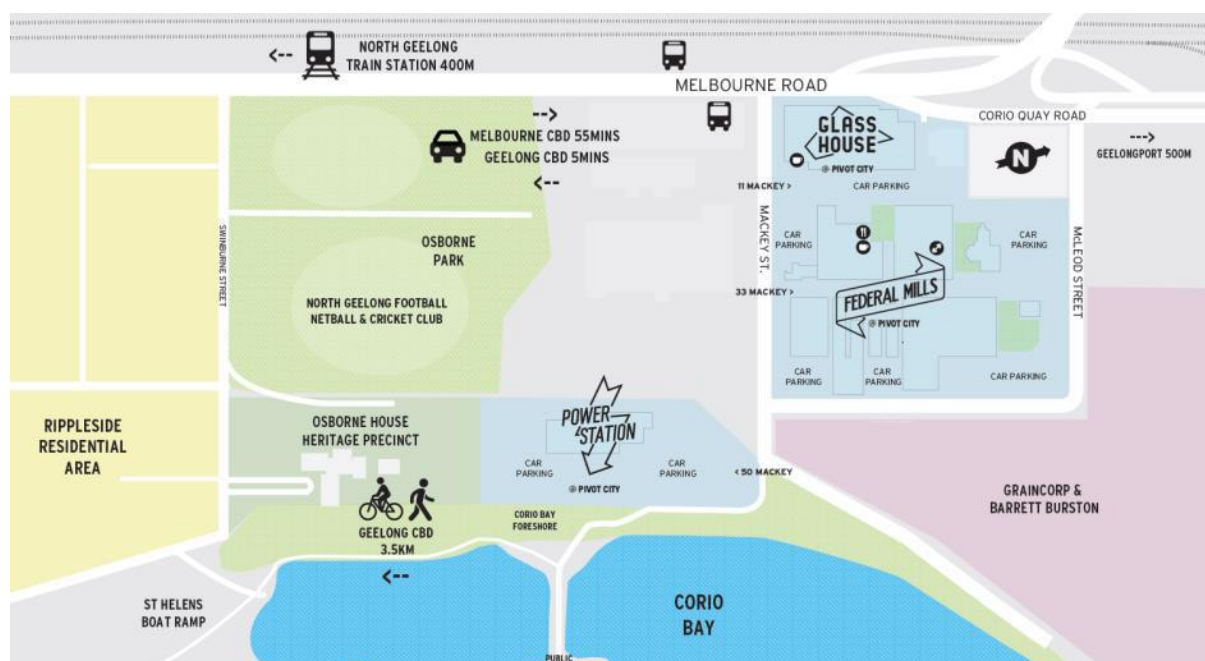
surfacing, parking and landscaping. The Applicant advised that if a permit is not granted for the office proposal, the warehouse permit will be actioned.

2.2 The Pivot City Innovation District

The Applicant has promoted the creation of the Pivot City Innovation District (Pivot City) to facilitate an employment cluster of 50,000 workspaces in the Mackey Street area. This comprises the three components shown in Figure 5:

- the former Federal Woollen Mills (the Federal Mills redevelopment)
- the former Pilkington Glass factory (the Glasshouse redevelopment)
- the subject site at 50 Mackey Street (the Powerview proposal).

Figure 5 Pivot City Innovation District
(Source: Peterson evidence report)



The Federal Mills site has been progressively redeveloped since 2013 and currently offers 25,000 square metres of predominantly office floorspace across 37 tenancies. Council initiated a 'master planning' process for Stages 1 and 2 of the redevelopment in consultation with key stakeholders, including the Objectors. The initial master plan was adopted by Council in November 2014 and provided for office uses over half of the site. An amended master plan was adopted by Council in July 2017 that allows office uses over all of the site.

The Glasshouse proposal received a planning permit from Council in October 2019 that provides for a change of use to offices, with a reduction in the provision of car parking. The permit provides for a total of 10,777 square metres of floorspace and includes 10 tenancies totalling 8,433 square metres of floorspace across ground and first floors. The redevelopment is currently underway.

Pivot City is not recognised in the Greater Geelong Planning Scheme (GGPS), however it is recognised in a number of 'economic development' documents, including:

- the *G21 Geelong Regional Alliance Economic Development Pillar* that provides in-principle support for the concept, subject to planning approval
- the *Regional Development Australia (Barwon South West) Business Plan 2019-2020* that supports and encourages investment in Pivot City as an Innovation Precinct
- the federal Department of Industry, Innovation and Science inclusion of Pivot City in its *Stocktake of Australian Innovation Precincts – February 2019*.

2.3 The Port of Geelong

The Port of Geelong is Victoria's largest bulk port and plays a significant role in the Victorian economy. The Port is managed by private operators GeelongPort and GrainCorp, and a number of significant port users have freehold land. The VRCA manages the shipping channels which provide port access.

The *Port of Geelong Port Development Strategy 2018* (2018 PDS)⁶ noted that the Port will continue to be Victoria's premier dry bulk and liquid hub, and that it is well positioned to accommodate potential trade growth. In 2017-18 the Port handled a total of 14.15 million tonnes of cargo. This included exports focussed on petroleum products, woodchips and grains, and imports focussed on crude oil (50%), fertiliser and petroleum products. The value of cargo traded in 2016-17 was estimated at \$7.8b⁷.

The 2018 PDS envisages future development potential across three main categories:

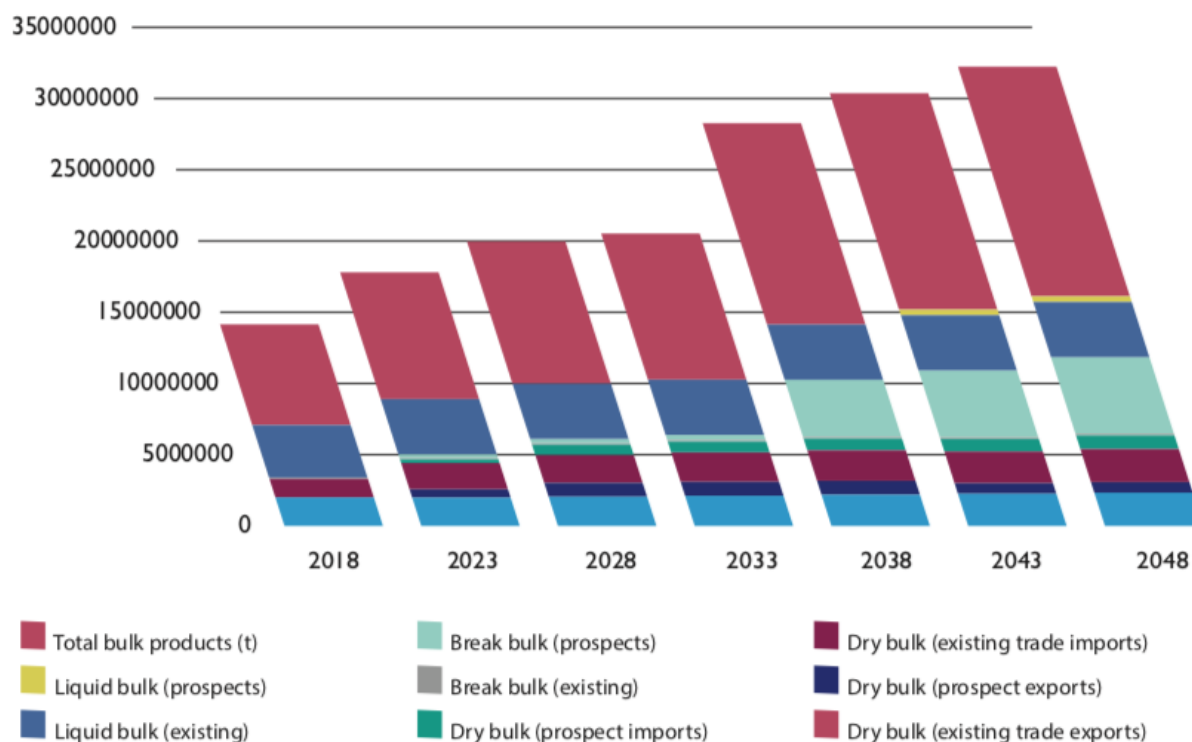
1. Growth in existing products and trades handled through the port and its environs in response to increasing international and domestic demand and other influencing market factors
2. Prospective trade and products identified and/or have indicated that they may choose to use the Port of Geelong and the local region for their operations in the future
3. Relocated bulk and break-bulk trade from the Port of Melbourne as it focusses on the enhancement of its container handling capacity.

Figure 6 summarises the 30 year forecast trade, showing total growth from existing trade, new trade and relocated trade according to the 2018 PDS. It also notes that if growth in existing trade is considered in isolation, the projected growth would represent a 25% increase from 2017-18 trades to 17.7 million tonnes in 2048.

⁶ Discussed in section 3.2 of this Report

⁷ Document 3.

Figure 6 Port of Geelong trade outlook
(Source: 2018 Port Development Strategy)



Bulk Grain Precinct

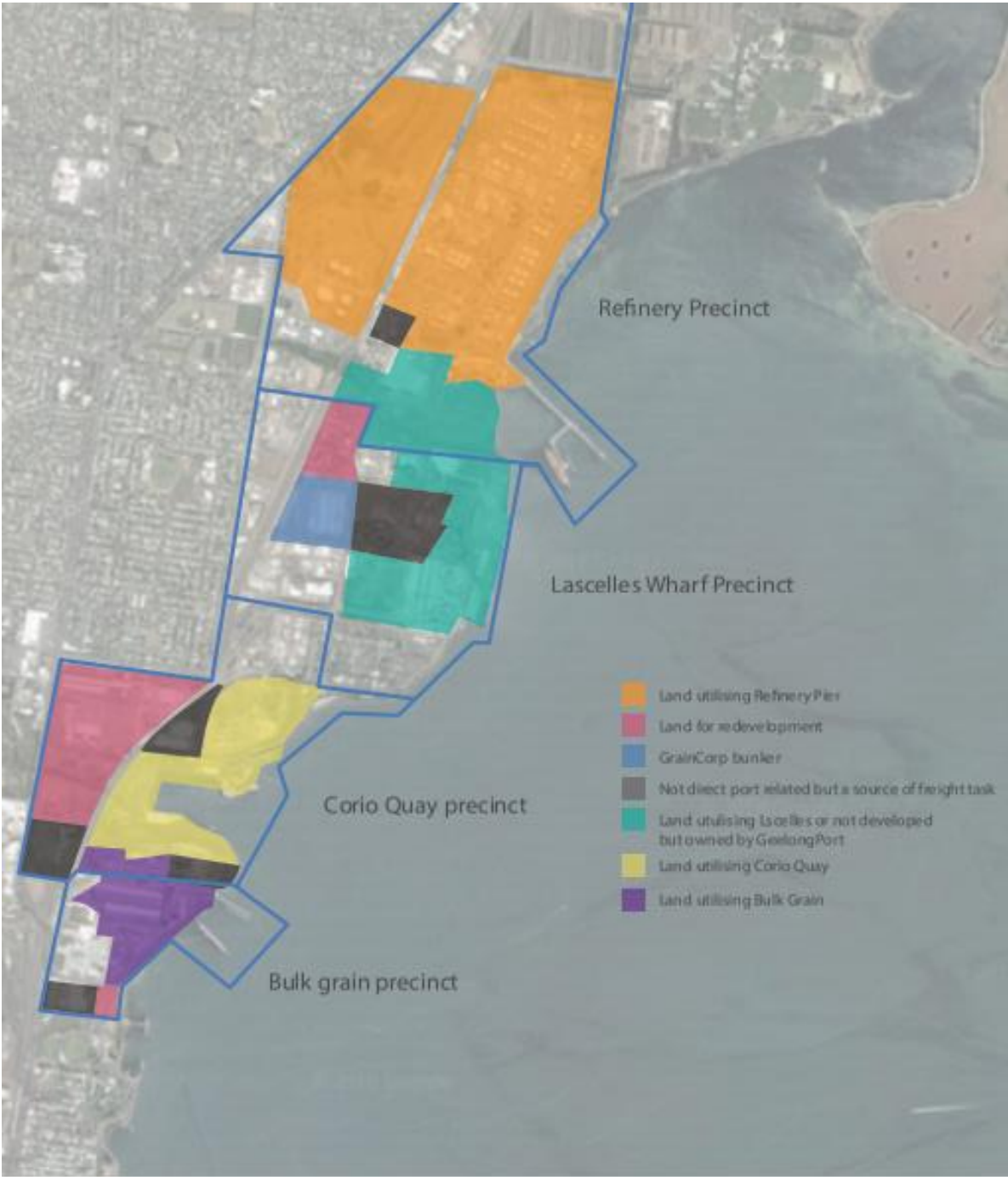
The 2018 PDS identifies four 'precincts' within the 'Port Environs' that cover an area of 774 hectares along approximately 6.7 kilometres of the western shore of Corio Bay. The subject site is located in the Bulk Grain Precinct at the southern end of the Port Environs. The precincts and the general arrangement of activities within the Port are shown in Figure 7.

The Bulk Grain Precinct provides a focal point for the movement of grain. It is accessed primarily by road through Mackey Street and McLeod Street and, to a lesser extent, Langdon Street. GrainCorp has substantial landholdings in this area which also host fertiliser storage and softwood export operations. The malting plants of Barrett Burston and Malteurope are located adjacent to GrainCorp to take advantage of grain freight movements. GrainCorp owns Bulk Grain Pier 3 which is utilised for grain and woodchip exports. GeelongPort owns the former bulk grain pier berths which are used as a tug and layup berth⁸. Substantial areas within the Precinct have uses which are non-port related, including the Pivot City developments.

Submissions and evidence about the Port's growth potential, including the Bulk Grain Precinct, were varied, with some saying the PDS trade outlook projections were overly optimistic. While this might be true, there was general acknowledgement that the Port is a significant State asset and will continue to be so, regardless of whether or how much its throughput might increase in the foreseeable future.

⁸ Document 3

Figure 7 Port of Geelong precincts and activities
(Source: 2018 Port Development Strategy)



3 Planning context

This section of the report outlines the key elements of the planning context that the Committee has considered.

3.1 Greater Geelong Planning Scheme

(i) Planning Policy Framework (PPF)

Clause 11.01-1R (Settlement - Geelong G21) supports the role of Central Geelong as a major regional city and as Victoria's second city.

Clause 11.02-1S (Supply of urban land) seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Clause 11.03-1S (Activity centres) encourages the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

Clause 17.01-1R (Diversified economy - Geelong G21) supports new businesses that provide employment and innovation opportunities in identified employment nodes across the region.

Clause 17.02-1S (Business) encourages development that meets the community's needs for retail, entertainment, office and other commercial services, including an adequate supply of commercial land in appropriate locations.

Clause 17.02-2S (Out-of-centre development) discourages proposals for the expansion of single use retail, commercial and recreational facilities outside activity centres and seeks to ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal.

Clause 17.03-1S (Industrial land supply) seeks to ensure the availability of land for industry and avoid non-industrial land uses that will prejudice the availability of land in identified industrial areas for future industrial use.

Clause 17.03-2S (Sustainable industry) seeks to protect industrial activity in industrial zones from the encroachment of commercial, residential and other sensitive uses that would adversely affect industry viability.

Clause 18.03-1S (Planning for ports) supports the effective and competitive operation of Victoria's commercial trading ports and facilitates their ongoing sustainable operation and development. It includes the strategies:

Provide for the ongoing development of ports at Melbourne, Geelong, Hastings and Portland in accordance with approved Port Development Strategies.

Identify and protect key transport corridors linking ports to the broader transport network.

Manage any impacts of a commercial trading port and any related industrial development on nearby sensitive uses to minimise the impact of vibration, light spill, noise and air emissions from port activities.

Clause 18.03-2S (Planning for port environs) supports planning for and managing land near commercial trading ports so that development and use are compatible with port operations and provide reasonable amenity expectations. It includes the strategies:

Protect commercial trading ports from encroachment of sensitive and incompatible land uses in the port environs.

Plan for and manage land in the port environs to accommodate uses that depend upon or gain significant economic advantage from proximity to the port's operations.

Ensure that industrially zoned land within the environs of a commercial trading port is maintained and continues to support the role of the port as a critical freight and logistics precinct.

Identify and protect key transport corridors linking ports to the broader transport network.

Ensure any new use or development within the environs of a commercial trading port does not prejudice the efficient and curfew free operations of the port.

Ensure that the use and intensity of development does not expose people to unacceptable health or safety risks and consequences associated with an existing major hazard facility.

Ensure that any use or development within port environs:

- Is consistent with policies for the protection of the environment.
- Takes into account planning for the port.

The clause lists various policy documents, some of which are discussed in the following section of this Report.

Clause 18.05-1S (Freight links) supports major 'Transport Gateways' as important locations for employment and economic activity by protecting designated ports and their environs from incompatible land uses and encouraging adjacent complementary uses and employment generating activities. The Port is identified as a Transport Gateway.

Clause 18.05-1R (Freight links - Geelong G21 Strategy) supports the development of a national transport and logistics precinct to the north of Geelong, connecting Avalon Airport, Geelong Port and the Geelong Ring Road Employment Precinct (GRREP).

(ii) Municipal Strategic Statement (MSS)

Clause 21.07 (Economic development and employment) notes the need to support industry through the maintenance and improvement of infrastructure including road, rail, Avalon Airport, the Port and associated facilities.

Clause 21.08 (Development and community infrastructure) notes that freight movements can have a significant impact on amenity in the Municipality, particularly east-west freight movements through Central Geelong, and movements to and from the Port.

Clause 21.09 (Central Geelong) seeks to reinforce and strengthen the primacy of Central Geelong as the business and cultural centre of the Geelong region.

Clause 21.12 (Geelong Port) highlights the regional and State significance of the Port and notes:

The current availability of suitably zoned land in the port area is critical to the continued viability of the port. Where demand for land cannot be met in the immediate Port

environs, the Geelong Ring Road Employment Precinct offers potential for port related industries to locate.

The clause includes various supporting strategies, including:

- To ensure that future development of the port and surrounding industrial land is linked and opportunities protected.
- Protect the port area from encroachment by non-compatible land uses or developments.
- Ensure that sufficient land is available for future port-related developments by discouraging non-port related land use and development.
- Facilitate and advocate for growth of the development of the port.
- Discourage further fragmentation of land holdings in the port area where this threatens to close off strategic development options for the port.
- Ensure that appropriate mechanisms are in place to protect the operation of the port and minimise potential conflicts with surrounding land uses.
- Facilitate and advocate for growth of the development of port related industries in the Geelong Ring Road Employment Precinct.

The clause also provides for the implementation of the *Geelong Port Structure Plan 2007* and includes the *Geelong Economic Development Strategy 2005-2010*, *City of Greater Geelong, 2005* as a reference document.

3.2 Planning strategies and policies

(i) Plan Melbourne 2017-2050

Plan Melbourne identifies the Port as a State significant ‘transport gateway’ that is supported by the policy:

Support major transport gateways as important locations for employment and economic activity.

It also notes:

Designated ports, airports, freight terminals and their surrounds will be protected from incompatible land uses to ensure they keep generating economic activity and new jobs. Adjacent complementary uses and employment-generating activities will be encouraged.

Plan Melbourne also notes the ‘Possible Bay West Seaport’ on the west side of Port Philip Bay that has been identified as a site for a second container port.⁹

(ii) G21 Regional Growth Plan, April 2013

The *G21 Regional Growth Plan* (RGP) is a policy document in the GGPS and informed elements of various regional planning policies.

The RGP provides higher order recognition of the role of the Port as a key national and regional economic asset, and as part of a “*national freight and logistics hub to the north of Geelong, connecting Avalon Airport, Geelong Port and the GRREP¹⁰*”. It also identifies the

⁹ Advice on securing Victoria’s ports capacity, Infrastructure Victoria, May 2017

¹⁰ Geelong Ring Road Employment Precinct

implementation of “*Geelong Port planning policy and buffer controls*” as a “*strategic planning priority*”.

(iii) Geelong Port Structure Plan, City of Greater Geelong, adopted October 2007

The *Geelong Port Structure Plan* (GPSP) was prepared by Council to provide a “*strategic framework for the future development of the Geelong Port and its surrounding port related land uses*”. The ‘implementation’ of the GPSP is included as an item of ‘further work’ in Clause 21.12 (Geelong Port).

Council advised that the GPSP had not been ‘implemented’ because it had been overtaken by other port planning initiatives, including the introduction of the Port Zone in the Victoria Planning Provisions (VPP) and the preparation of the 2013 *Port of Geelong Development Strategy* (discussed below). Although the GPSP has effectively been superseded, its key elements are described below because it is still referenced in the GGPS and was referred to in submissions and evidence.

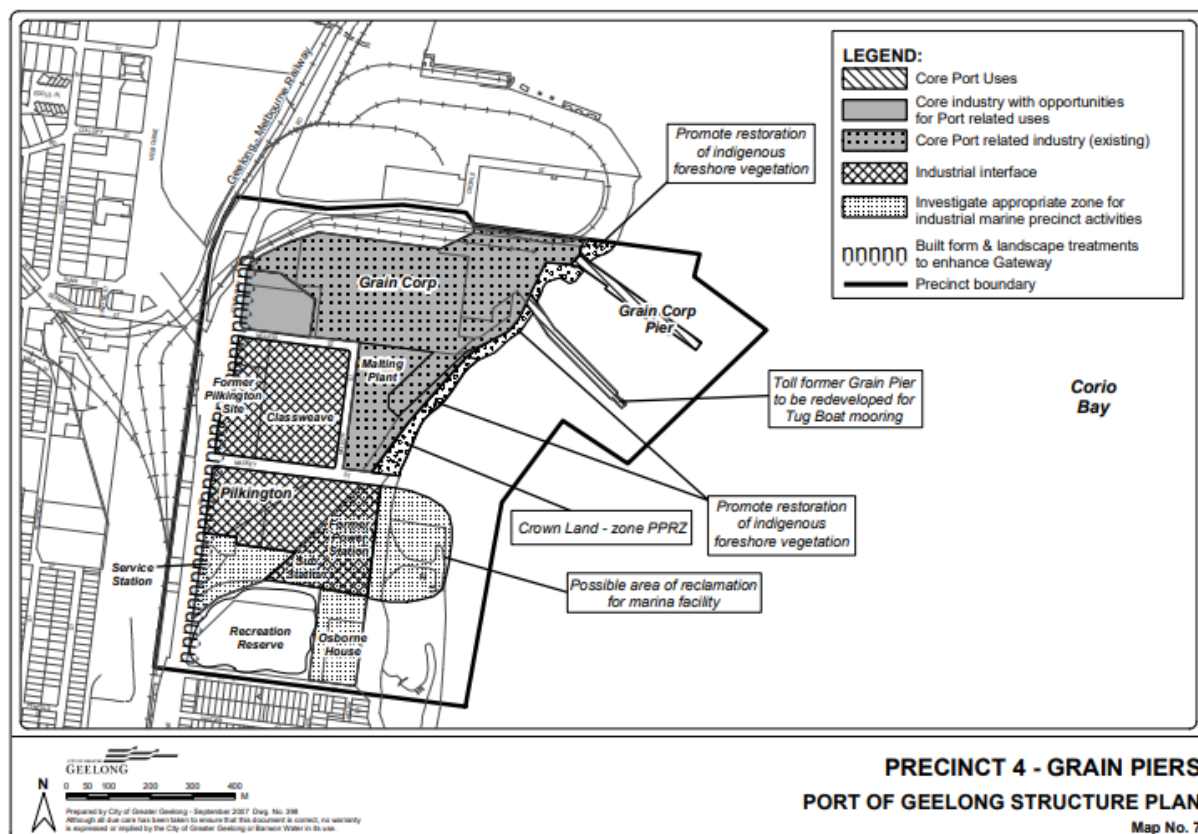
The GPSP includes the site in the southern area of the Port ‘study area’ and within Precinct 4 – Grain Piers. The relevant objectives for Precinct 4 include:

- To support the expansion of complementary industrial uses on existing industrial zoned land that do not compromise the future development of the Port.
- To reduce the amenity conflicts between existing industrial and port uses with nearby residential areas, acknowledging that both uses have rights to co-exist into the future.
- To support the development of interface activities to the south of the precinct that can provide suitable buffer between North Geelong and the Port area.

The GPSP recommend that the IN1Z be retained over the site and includes a precinct plan (included as Figure 8) that applies the following designations to the site:

- *Industrial interface*
- *Investigate appropriate zone for industrial marine precinct activities.*

Figure 8 Geelong Port Structure Plan, Map No 7



(iv) Port of Geelong Development Strategy, Victorian Regional Channels Authority, 2013

The *Port of Geelong Development Strategy, 2013* (2013 PDS) was prepared in accordance with (Part 6B) of the *Port Management Act 1995* that requires the relevant port authority to prepare a Port Development Strategy “at intervals of 5 years” and describes the matters that a strategy must address.

The 2013 PDS is a policy document at Clause 18.03-1S (Planning for Ports). It includes the site within a broader ‘Port Area of Interest’ and includes the commentary:

Ensuring the land use zoning in the Port Area of Interest is compatible with port-related industry, thus limiting the incursion of incompatible land use, is a key requirement for further development of the Port of Geelong.

...

Industrial zoned land surrounding the core port areas serves as a land use buffer for the port. This provides appropriate distances and ensures appropriate land use occurs between the core areas of port operation and the surrounding areas

It also includes the site in the Dry Bulk Precinct shown in Figure 9 and within the designation “Potential port related land – not currently port-related”. The theme “Maximise use of available land” includes:

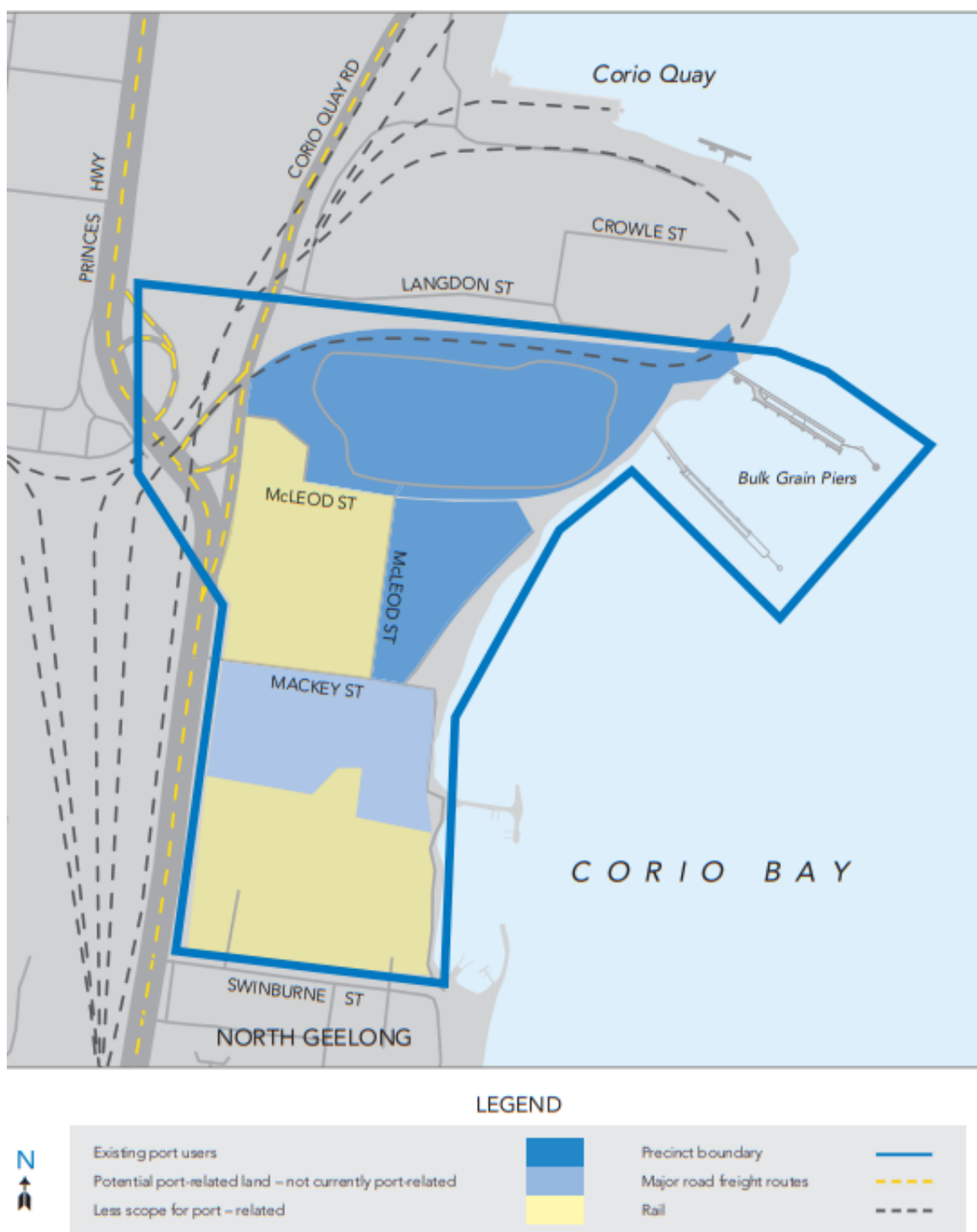
- the ‘Driver’: “Maximise the potential for available land”

- the 'Opportunity': *"Potential for former power station to be utilised for port-related use – subject to buffers etc."*

In relation to port-related industries, the 2013 PDS also notes:

The Geelong Ring Road Employment Precinct provides an alternate location for port-related industries, within close proximity to key port infrastructure. It is envisaged that this precinct will be the focus for developments outside the port area.

Figure 9 2013 Port of Geelong Development Strategy, Figure 11



(v) Port of Geelong Port Development Strategy, 2018

The *Port of Geelong Port Development Strategy, 2018* (2018 PDS) was also prepared in accordance with (Part 6B) of the *Port Management Act 1995* and replaces the 2013 PDS. During the Hearing, DoT tabled a letter from the Minister for Ports and Freight to the Minister for Planning¹¹ requesting that the GGPS be updated to include a reference to the 2018 PDS.¹²

There was discussion during the Hearing about the status of the 2018 PDS and what ‘weight’ the Committee should give it. The Committee is satisfied that it should give the 2018 PDS significant weight given that it is a ‘finalised’ document prepared under the *Port Management Act 1995* and that the process for referencing it in the GGPS has commenced.

The 2018 PDS includes the site within the Bulk Grain Precinct shown in Figure 10 and includes the following commentary under the theme ‘Non-industrial land use’:

Land use not in accordance with the primary zoning of the area reduces potential development of port use or services that complement port use. The Bulk Grain Precinct has limited options for growth outside the current port footprint. Un-developed properties in close proximity to GrainCorp’s terminal provide the only potential area for port use outside the existing footprint.

The Federal Mills development has resulted in the encroachment of commercial land into the industrial zoned port environs. Development of non-industrial use can bring amenity expectations that are in conflict with the industrial zoning of the area.

The associated ‘Implementation action’ is:

Land use is in accordance with the primary purpose of the planning zone.

Figure 13 in the 2018 PDS (under the theme ‘Transport’) identifies three ‘rest areas’ in the broader Port, one of which is within the general area in which the subject site is located.¹³ There is no specific discussion about using the site for that purpose or any detail about what a ‘rest area’ might entail, however, there is an ‘implementation action’ under the Transport theme that the “*VRCA, port operators and users, council and transport agencies to establish a network plan which establishes optimal locations*” for the provision of clean-up and rest areas. The Committee understands that this action has not been implemented and was advised by the Applicant that it had not been directly consulted about the possible use of part of its site for this purpose during the preparation of the PDS.

The 2018 PDS also provides an assessment of land availability (refer to Figure 11) based on whether the available land within the Bulk Grain Precinct is capable of accommodating growth in existing trade, prospective trade and relocated trade.¹⁴

In relation to the zoning regime within the broader Port area, the 2018 PDS noted:

All key port infrastructure owned by GeelongPort and GrainCorp situated on the western side of Corio Bay have land abutting the Port Zone. This provides a strong basis for future development of trade through the Port of Geelong.

A number of properties not owned by the port asset managers (GrainCorp and GeelongPort) but whose use is directly connected to port operations have industrial

¹¹ Document 47A

¹² The request also included the Hastings and Portland PDSs.

¹³ Given the scale and poor clarity of Figure 13 the precise location of the ‘rest area’ designation is not clear.

¹⁴ Yellow: Options need to be assessed for future demand. Red: Expected that capabilities will not meet demand.

zoning. The use of these sites meets the intentions of the Port Zone and could represent an opportunity to expand the land that is specifically identified for port activity.

Figure 10 Bulk Grain Precinct, 2018 Port of Geelong Development Strategy, Figure 12



Figure 11 Bulk Grain Precinct land availability table, 2018 Port of Geelong Development Strategy

IS THERE SUFFICIENT LAND AVAILABLE FOR TRADE GROWTH?

	0-5 years	5-15	15-30
Existing			
Prospective			
Relocation trades			

(vi) Geelong Port-City 2050, Final report of the Geelong Port and Land Infrastructure Plan, July 2013

This report assessed the Port's trade growth opportunities, future growth scenarios and the economic impacts of future growth scenarios. It included the recommendation:

Ensure that the port's land use development aspirations are represented and protected in local government and state government plans.

The report did not specifically refer to the subject site, but noted:

The future of the port lies in part on the landside space afforded to its further development: if options for sustainable expansion and consolidation for further efficiencies are taken away, the long-term growth of Geelong as an effective Port-City is put in question.

...

Key sites adjacent port operations that might become available in the years ahead for port use should be weighed for their efficiency in achieving a highest and best economic use as port related infrastructure, before wider commercial disposal actions are taken; this might best be achieved with sympathetic local government planning arrangements in the first instance.

(vii) Greater Geelong Planning Scheme Amendment C393

This Amendment seeks to implement the *City of Greater Geelong Retail Strategy 2016-2036, 2018* (the Retail Strategy). The Amendment was the subject of a Panel report released in January 2020 and was yet to be adopted by Council at the time of the Committee's Hearing. The Panel generally supported the Amendment, but recommended various changes and further work before adoption.

The Retail Strategy identified the INZ2 area to the north of Mackey Street (including the Federal Mills and Glasshouse sites, but not the subject site) as a 'dispersed centre' and noted the following in relation to its 'future role and opportunities':

Both State and Local Planning Policy support the protection of industrial land including the Geelong Port from sensitive and incompatible uses. Retail uses in close proximity to the port can pose a safety risk by encouraging more visitors and car movements in an area frequently used by heavy vehicles and noxious industries which operates 24/7.

The centre has not been identified as a designated restricted retail centre. Whilst the area now contains a number of large format retail stores and offices the further expansion of retail and office uses is not supported at this location.

The exhibited Amendment does not include any specific references to the subject site or the 'dispersed centre' to its north, although it proposes to include the Retail Strategy as a reference document in the GGPS.

The Amendment seeks to reinforce the role of nominated activity centres, focusing on Central Geelong, and includes the objective:

To ensure that Central Geelong remains the primary activity centre in the municipality.

The Amendment and the Retail Strategy were discussed at the Hearing, particularly the reference to the 'dispersed centre' and the commentary about the lack of support for further expansion of retail and office uses. Council submitted that the reference was consistent with focussing retailing within activity centres and that the reference to office was *"simply a reflection of existing land uses already in play on the site and the emphasis should be placed on the lack of support for the further expansion of the site as a retail based activity centre"*.

Regardless of how this material in the Retail Strategy might be interpreted, the Committee notes that it is not included in the exhibited Amendment and was not referred to in the Panel's recommendations. For these reasons, the Committee has not relied on the 'dispersed centre' references but has, however, had regard to the Amendment and its support for Central Geelong and other nominated activity centres given that it is a 'seriously entertained planning proposal'.

(viii) Greater Geelong Planning Scheme Amendment C98 and Planning Permit Application 1701/2004 (Hometown Geelong)

The 'Hometown Geelong' proposal involved the rezoning and development of a 15.2 hectare site for a 'homemaker centre' and 'office business park' in North Geelong, between the Princes Highway and the Port. The proposal was the subject of a Panel Hearing and report that was referred to in submissions and evidence at the Committee's Hearing.

The Panel recommended that the Amendment be abandoned and that a permit not be issued, in part, because of its finding that the proposal might constrain the future operation and growth of the Port having regard to the *"primacy"* of port policy in the GGPS. It also raised concerns about the lack of policy support for what it described as a significant out-of-centre proposal.

While the Committee has had regard to submissions and evidence about the Hometown Geelong proposal and the Panel's findings, it notes that the scale, land use mix and location of that proposal are different from the Powerview proposal before the Committee and that the GGPS has evolved since that time.

(ix) Draft Osborne Park Precinct Master Plan, 2019

This masterplan was commissioned by Council and is intended to guide development of the Osborne Park precinct, including the subject site. In 2019, Council directed that the draft plan be 're-scoped' before it is further considered.

Although the plan was referred to in submissions and evidence, the Committee has not relied on it given that it has not been adopted by Council.

(x) Other planning strategies and policies

The Committee has also had regard to the following documents:

- *Victorian Ports Strategic Framework, Department of Infrastructure, 2004*

- *The Victorian Transport Plan, 2008*
- *Freight Futures; Victorian Freight Network Strategy for a more prosperous and liveable Victoria, 2004*
- *Greater Geelong Industrial land supply monitoring and land supply report, 2018.*

3.3 Planning scheme provisions

A common zone and overlay purpose is to implement the MSS and PPF.

(i) Industrial 1 Zone

The site is in the Industrial 1 Zone (IN1Z), the second purpose of which is:

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

The proposed office requires a permit for 'use' under Clause 33.01-1 and 'buildings and works' under Clause 33.01-4.

(ii) Design and Development Overlay Schedule 20

The land is subject to the Design and Development Overlay Schedule 20 (DDO20), the purposes of the schedule are:

- To improve the visual appearance and image of industrial areas through well designed site responsive developments.
- To facilitate economic development through efficient and functional industrial development.
- To provide a high level of amenity for workers and visitors to industrial areas.
- To minimise the potential for negative off-site effects to occur.
- To promote best practise storm water quality and reuse measures.

The proposal requires a permit for 'buildings and works' under Clause 43.02-2.

3.4 Ministerial Directions and guidance material

Ministerial Direction No 14 Port Environs

Ministerial Direction 14 (MD14) applies to the preparation of planning scheme amendments that affect land in the environs of Victoria's four main ports, including Geelong. The subject site is within the 'Port Environs boundary' defined in the Direction.

MD14 *"requires a planning authority to satisfy itself that an amendment to a planning scheme will not introduce a sensitive use or will not intensify existing sensitive uses in the areas designated as port environs, if the use prejudices the operation of the port"*.

The Applicant submitted that *"the inclusion of the Subject Land as part of the Port Environs carries no weight for the purposes of the Committee's consideration"* because MD 14 (that defines the port environs) only applies to planning scheme amendments and not planning permit applications. While this is correct, the Committee is satisfied that the subject site is within the port environs as generally defined in the 2013 and 2018 PDSs and consequently is subject to Clause 18.03-2S (Planning for port environs).

Planning Advisory Note 56: Planning for Ports and their Environs, October 2014

Planning Advisory Note 56 (PAN56) accompanied the introduction of various port-related changes to the VPPs through Amendments VC94 and VC112, and provides guidance to applicants and responsible authorities about preparing and assessing permit applications on port land and port environs. It notes that port environs are defined in MD14.

PAN56 discusses 'sensitive uses' and lists them as "*accommodation, childcare facilities, preschool centre or a primary school*". It notes that some recreational, commercial and office uses can be considered 'sensitive', particularly in areas close to a major hazard facility (MHF). It also notes industrial zones have traditionally provided an effective buffer between port operations and sensitive uses.

4 The Port of Geelong

4.1 The issues

The key issues are related to:

- the primacy of the Port in land use decision making
- appropriate port-related uses in the port environs
- reverse amenity impacts on the future operation and more intensive use of the Bulk Grain Precinct.

4.2 Evidence and submissions

Council outlined the relevant port-related policies, including those in the GGPS, and submitted that an office use is not necessarily incompatible with the operation of the Port. Council submitted that the potential of the site to accommodate industrial and port-related uses is “*relatively limited*” having regard to:

- The fact that the land has remained vacant for 30 years;¹⁵
- That the land is located at the southern end of the port environs with interfaces to public uses and residential uses beyond that;
- The Federal Mills development already creates a transition point in uses between the Port operations and land to the south and provides complementary and not incompatible land uses within this part of the port environs. While one can argue that the Federal Mills site presents unique circumstances because of the heritage values of the site, it does not detract from the emerging role of the site as an innovation/employment hub and its relationship to the Land;
- The land does not have a physical connection to the Port or a particularly strategic infrastructure connection advantageous to industrial or port related activities and the possible industrial/port related activity envisaged for the land is not clear. There is also alternative industrial land available within the GREP.

Council submitted that because an office is permitted under the IN1Z it cannot be argued that the proposal is inconsistent with the purposes of the zone. Council also submitted that the possible negative impacts of the proposal on the Port anticipated by the Objectors had not been specified and were unclear.

Council noted that there is approximately 21 years supply of vacant industrial land in Geelong, including supply within the Geelong Ring Road Employment Precinct (GRREP), and submitted that the use of the site for non-industrial purposes would not have a significant impact on the availability of industrial land within the Municipality.

Council concluded that:

... the proposal strikes the right balance between protecting the ongoing operations of the Port and ensuring the efficient use and development of the Land. Council submits that this is not a case of balancing impacts to Port operations with the benefits of development. Council does not consider that the proposal poses a land use conflict for the Port if the permit issued is appropriately conditioned and the use is managed.

¹⁵ The Applicant advised that the site has been vacant since 1970. There was some uncertainty among the parties about how long it has been vacant.

The Applicant also outlined the various strategies and policies related to the Port and submitted that:

- MD14 (which identifies the ‘port environs’) only applies to planning scheme amendments and does not apply to the consideration of planning permit applications.
- If the site had been considered a strategic parcel of land for the port operations, it could have been included in the Port Zone.
- The 2013 PDS is a background document in the GGPS, not a policy, and should be read as identifying a ‘buffer’ role for the site.
- The 2018 PDS should not be given any ‘weight’ because it is not referenced in the GGPS.
- The proposal is consistent with Clause 18.03-2S because the use is compatible with port operations and will not create amenity conflicts.

The Applicant relied on the ‘port operations’ evidence of Mr Bradford, the ‘planning’ evidence of Ms Peterson and the ‘economic’ evidence of Mr Quick.

Mr Bradford submitted that *“port planning documents, by their nature, present an optimistic view on future trade growth”* and that the factors such as the sale of the Port of Melbourne, the possible development of Bay West and port channel depth constraints are likely to limit future port growth. He concluded that *“Geelong will continue as a viable port but significant growth is more unlikely than likely”*.

Mr Bradford noted that port planning documents¹⁶ do not address specific uses for the site and that the future of the site for port purposes seems *“vague and indeterminate”*. He also noted that the 2018 PDS suggests that the site could be used as a *“heavy vehicle waiting area”*¹⁷ but submitted that port and terminal operators now use sophisticated technology to control truck arrivals and that any future truck parking facilities are more likely to occur along the Geelong Ring Road than at the Port.

Mr Bradford concluded that proposed office would be a *“highly desirable”* use for the site given that no reasonable alternative port related use has been identified, it would not generate any reverse amenity impacts and would be attractive office space for port and port related businesses.

Ms Peterson supported the proposal and submitted that:

- The site has not been identified in the various port reviews and strategies as being necessary for port operations or for the future expansion of the port.
- Various reviews and strategies suggest that the site and immediate area might have a buffer role between port operations and sensitive uses to the south.
- The EPA recommended separation distances make it unlikely that port-related uses could be established on the site.
- ‘Office’ is not a ‘sensitive’ use and could be an appropriate buffer use.
- The proposal is *“relatively benign”* and will not impact on the operation of the Port.

¹⁶ 2013 PDS, 2018 PDS and Geelong Port-City 2050

¹⁷ This relates to the ‘rest area’ designation discussed in section 3.2 of this report.

- The draft Osborne House Masterplan provides a “*comprehensive managed approach*” to addressing buffer issues in the area and nominates the site as an “*employment and innovation precinct*”.
- The proposal will not create any reverse amenity impacts as a result of becoming an ‘agent of change’.

Ms Peterson concluded that the proposal would not compromise or constrain the future operation of the port and was an appropriate use for the site.

Mr Quick provided an assessment of industrial land supply, including land within the Port, and noted that the *Greater Geelong Industrial Land Supply Report 2018* identified that the Port has 8 hectares of vacant land in addition to land that is ‘underutilised’. He also noted the availability of vacant industrial land more broadly and concluded that the proposed office would not impact on overall land availability.

The Objectors submitted that:

- State and local planning policy establish that the Port is the primary planning consideration.
- The site is an important asset for the future development of the Port.
- There need not be an immediate or proposed port-related use in order to protect the opportunity for future port development and growth.
- Even if current Port activities would not threaten office amenity, this might not always be the case in the future.

The Objectors relied on the ‘port operations’ evidence of Mr Harvey, the ‘planning’ evidence of Mr Biacsi and Mr McNamara and the ‘economic’ evidence of Mr McNeill.

Mr Harvey outlined the history of the Port, recent port-related development initiatives and the contribution that the Port makes to the regional and State economies. He submitted that the Port has the capacity to accommodate projected growth in cargo tonnage but noted that:

The major constraints are the availability of land for port activities whether it be cargo movement and handling, storage or processing and the location of land, in particular relative to the wharves and jetties within the port that are critical to operations. Waterfront precincts are of greatest importance to facilitate growth of the port.

Mr Harvey also noted that recent developments at the Port have reduced the available land for future development and submitted that these developments will create increased truck traffic and challenges for truck movements and parking. He noted that a significant proportion of dry bulk products are transported into and out of the Port and that “*any constraints on truck movements will be a major impediment to both efficient operation and growth*”.

In response to questions, Mr Harvey indicated that the site could be used for port-related uses such as warehousing, cargo assembly before export and the possible laying down of wind turbine components, although he was not aware of any current plans to use the site for these purposes. He also advised that the ‘warehouse’ development already permitted for the site was not of the scale or type that would be suitable for the port-related uses that he had described.

Mr Biacsi outlined various policies and planning scheme provisions to demonstrate that the Port is a significant State infrastructure asset and that it *“must hold primacy over other policy against which the proposal is assessed”*. He submitted that:

There has been a consistent theme in planning policy and the various strategies applicable to Geelong Port that opportunities for the potential expansion of the Port should be protected. The protection of the land within the Port environs from the encroachment of sensitive or incompatible uses is a consistent policy objective and one that is a corner stone of industrial policy.

The Geelong Port’s economic contribution and its significance to the City of Geelong and the State is profound and there is significant planning policy to ensure that this is not only emphasised and understood but forms part of the decision making process that may impact its future. The Geelong Port is not a footloose industrial asset, it is location dependent and unlike office development, unable to be accommodated elsewhere.

Mr McNamara made similar observations that emphasised the role and significance of the Port, and concluded that an office use on the site would not be a *“beneficial use on port related land”*. Mr McNamara also raised concerns about the traffic impacts of the proposal, particularly on the operation of the Port, and potential amenity issues associated with the grain and malting processes.

Mr McNeill provided an overview of port operations, including past tonnage, projected trade outlook and the regional and State economic benefits. Mr McNeill concluded that *“the strategic and economic importance of the port of Geelong is significant and should not be compromised”*.

DoT opposed the proposal and submitted that it was inconsistent with various policy documents, including *Delivering the Goods, Victorian Freight Plan, 2018* and the 2018 PDS that *“reaffirms the role of the subject site within the current and future dry bulk precinct”*. DoT also submitted that the proposal was inconsistent with these documents and State and regional policies in the GGPS because it *“proposes to introduce a non-port and non-industrial office development within an area of strategic importance to the functioning of Victoria’s freight network”*. DoT did not identify any port-related uses that might be suitable for the site and instead relied on the ‘guidance’ documents about possible uses.

The written submission from Invest Victoria¹⁸ (Document 19) submitted that the proposal *“is inconsistent with relevant planning, port and freight policy and should not be approved”*. The submission also outlined the various policy documents that are relevant to the Port and highlighted its role and significance in the regional and State economies. Similar concerns were raised by the Victorian Farmers Federation in its written submission to Council when the permit application was first notified.

Invest Victoria submitted that:

Port environs, in which the Powerview site is located, plays a key role in the management of ports. It has the dual role of accommodating businesses that are port-related or well suited to industrial zoned land, while also managing the interface between the port and adjacent communities.

¹⁸ Invest Victoria is the State’s lead agency for attracting foreign direct investment to Victoria and reports to the Minister for economic Development.

Invest Victoria noted its involvement in and support for the Federal Mills project, but submitted that the circumstances of the Federal Mills and Powerview proposals are different given the heritage significance of the Federal Mills site and because it extends further from the Port. The submission concluded that the proposal *“would not support the ongoing interests of the Port of Geelong”*.

4.3 Discussion

The primacy of the Port in planning policy

The Committee agrees that the Port is a significant regional and State infrastructure asset and that its future operation and further development should be safeguarded. This is consistent with State and local policies and the various port planning strategies that discuss its role and future operation. As the Objectors noted, the nature of the Port is such that its location is fixed and relocating it to an alternative location in order to provide capacity for growth or in response to potential land use constraints is simply not an option.

The Committee also notes the finding of the Panel that considered Amendment C98 to the GGPS *“that a considered review of the scheme and its broad intent demonstrates that the Geelong Port has primacy and the designation of the Geelong Port as key infrastructure in the region and the State is significant”*. Although the GGPS has changed since that time, it continues to reflect the importance of the Port.

For these reasons, the Committee is satisfied that the need to protect the Port is the primary planning consideration in the assessment of the application, consistent with Clauses 18.03-1S and 18.03-2S and their respective objectives:

To support the effective and competitive operation of Victoria’s commercial trading ports at local, national and international levels and to facilitate their ongoing sustainable operation and development.

To plan for and manage commercial trading ports so that development and use are compatible with Port operations and provide reasonable amenity expectations.

It follows that a proper assessment of the proposal must have regard to the potential impacts that it will have on the ongoing operation of the Port and whether it will constrain its future development. These matters are discussed in the following sections.

Port-related use of the site

The potential port-related role and use of the site is discussed in the various port planning documents referred to in section 3.2 of this Report. These documents generally include the site within the port environs or within the broader port area, and propose that land use decisions affecting the site have regard to its role as part of the Port, or at least in support of port operations. However, these documents provide limited guidance about what might constitute suitable port-related uses or uses for which there is a demonstrated or potential need. As Ms Peterson noted, the most relevant and consistent reference in these documents is to the ‘buffer’ role that the site and the broader IN1Z area play in protecting the Port.

For example, the 2007 Structure Plan notes that the site forms part of the *“important buffer to port industry”* and has the potential *“to be used for marine related activity where this does not interfere with Port related activities without requiring rezoning”*.

The 2013 PDS notes the *“Potential for former power station to be utilised for port-related use – subject to buffers etc”* but does not identify any specific port-related uses. It also notes that *“Industrial zoned land surrounding the core port areas serves as a land use buffer for the port”*.

The 2018 PDS identifies the site as *“Potential Port use (non port user owned)”*¹⁹ and *“Land for redevelopment”*²⁰. As noted earlier, it also identifies a potential ‘rest area’²¹ in the vicinity of the site, although it does not clearly identify the location and provides little detail about what this might entail. The designation of rest areas is also subject to preparing a network plan that establishes optimal locations. Other than that reference, which the Committee understands has not been acted upon, the 2018 PDS does not identify any specific port-related uses for the site.

Mr Harvey outlined possible port-related uses for the site but acknowledged that he was not aware of any current plans to use the site for such purposes. Mr Bradford noted that no specific port-related uses have been identified for the site, except for the ‘rest area’ proposal that he did not believe was necessary or realistic. Mr Hunt, who provided traffic evidence, advised that based on his observation of truck movements, the street network has the capacity to accommodate truck parking without a formal ‘rest area’. The Applicant also noted that although the site has been unoccupied for many years, there has been no apparent interest in developing it for port-related uses. Council did not identify or nominate possible port-related uses and advised that it had only assessed the current proposal and not what other uses might be suitable.

The Committee agrees with the Objectors that there need not be a defined port-related use or uses in order to reject non port-related development proposals. However, the Committee questions whether it is reasonable to effectively ‘quarantine’ the site from alternative uses, such as the office proposal, given the limited guidance in port planning documents about how the site might be used and the lack of port-related development interest in the site over many years.

The Committee’s assessment of the background documents and evidence suggests that the most likely port-related role of the site is as a ‘buffer’ between existing port operations in the Bulk Grain Precinct and the sensitive uses to the south, particularly the residential area south of Swinburne Street. In this context, the appropriate test would be whether a proposed use performs this buffer role, rather whether the use is directly port-related. Adopting this approach would provide a greater degree of flexibility than objectors would support, but would enable alternative uses such as the proposed office or the approved warehouses to be considered despite not being port-related.

On the other hand, adopting this more flexible approach would arguably be inconsistent with the strategy in Clause 18.03-2S:

Plan for and manage land in the port environs to accommodate uses that depend upon or gain significant economic advantage from proximity to the port’s operations.

¹⁹ 2018 PDS Figure 12

²⁰ 2018 PDS Figure 17

²¹ 2018 PDS Figure 13

This strategy requires a nexus between proposed uses in the port environs and port operations, an outcome that has not been clearly established for the proposed office. Although the office might accommodate some port-related tenants, it will not “*depend upon*” or gain “*significant economic advantage*” from proximity to the Port.

Clause 18.03-2S also includes the more general strategy:

Ensure that industrially zoned land within the environs of a commercial trading port is maintained and continues to support the role of the port as a critical freight and logistics precinct.

It is arguable that allowing non port-related uses, including offices, to perform the ‘buffer’ function would be consistent with this strategy because they might protect the operation of the Port. As Mr Biacsi and Mr McNamara agreed, the approved warehouse development would perform that buffer role, as might the proposed office.

On balance, the Committee believes that a practical reading of these provisions, informed by evidence and port planning documents, indicates that an office use could be appropriate on the site if it supports the buffer function necessary to protect port operations.

Reverse amenity impacts

None of the parties called technical evidence (although this was foreshadowed at the Directions Hearing) or made detailed submissions about possible ‘reverse amenity’ impacts that the proposal might have on the Port, however, the Committee believes that this is a relevant consideration. In noting this, the Committee acknowledges that ‘office’ is not a ‘sensitive use’ as defined in MD14, but is potentially captured by the broader definition included in the *EPA Publication 1518 March 2013: Recommended Separation Guideline Distances for Industrial Residual Air Emissions*:

Any land uses which require a particular focus on protecting the beneficial uses of the air environment relating to human health and wellbeing, local amenity and aesthetic enjoyment, for example residential premises, child care centres, pre-schools, primary schools, education centres or informal outdoor recreation sites

The Committee believes that the characteristics and scale of the proposed office, including extensive outdoor areas and a large number of workers, are likely to have some sensitivity to current and future port operations, particularly impacts associated with dust, odour and noise.

The general evidence on this issue was mixed, with Ms Peterson and Mr Bradford concluding that the proposal would not create any amenity issues, while Mr Biacsi and Mr McNamara expressed concerns about possible impacts. Mr McNamara concluded that:

The prudent planning course would be to avoid the potential for adverse impacts on the operation of the port through odour or dust onto the port buffer area) ...

In addition, the 2018 PDS discussion of amenity issues in relation to the Bulk Grain Precinct noted that:

The Federal Mills development has resulted in the encroachment of commercial land into the industrial zoned port environs. Development of non-industrial use can bring amenity expectations that are in conflict with the industrial zoning of the area.

In assessing amenity issues, the Committee notes that Clause 53.10 (Uses with adverse amenity potential) recommends a 300 metre threshold distance between sensitive uses and a maltworks (such as the Barrett Burston Malting facility) and a grain elevator (such as at the

GrainCorp facility). Setting aside whether the proposed office would be correctly defined as a 'sensitive use', the Barrett Burston malting facility would not meet this threshold.

However, this would also be true for the existing Federal Mills complex to the immediate west of the maltworks. As the Applicant submitted, the Federal Mills is arguably "*the agent of change*" in this area and is likely to be more of a constraint on port operations than the more distant Powerview proposal.

In the absence of detailed evidence about possible amenity impacts, including factors such as the prevailing wind direction and sources, frequency and types of emissions, it is not possible to reach any detailed conclusions about the extent of any impacts or whether the site would be more vulnerable than other sites in the immediate area. Instead, the Committee notes that the proposal would introduce a large-scale office use that is likely to have some sensitivity to port operations and might therefore constrain those operations or limit the potential for more intensive operations in the future. The Committee notes that the proximity of the Federal Mills complex might have a more constraining impact on port operations, but takes the view that introducing an additional potential constraint on the Port would not be a desirable planning outcome.

In reaching this conclusion, the Committee does not believe that the possibility of reverse amenity impacts is a reason by itself to reject the proposal, but is satisfied that it is a relevant consideration.

Finally, the Committee notes that the NoD includes a condition that would require the landowner to enter into an agreement under Section 173 of the *Act*, acknowledging that:

- the site might be impacted by "*noise, odours and other emissions from nearby industrial activities*"
- the site must not be used for a "*sensitive use*"
- the owner or occupier must consider measures to mitigate acoustic or odour impacts from nearby industrial activities
- the owner will alert future tenants of the potential amenity impacts.

While this is an appropriate permit condition, it does not overcome the need to separate incompatible uses.

The current planning permit

The site has a current permit for the development of 65 warehouses. The Applicant advised that if the office application was unsuccessful, it would act on the current permit.

There were discussions about the implications of this permit during the Hearing and whether the proposed warehouses were appropriate in the context of the Port.

It was generally agreed that the warehouse development would be unlikely to be directly port-related, but would be an appropriate buffer use in the port environs.

The Committee simply notes that the permit has been issued and that it is up to the Applicant whether it is actioned.

4.4 Conclusions

The Committee concludes:

- Protecting the ongoing operation of the Port is the primary land use planning consideration in assessing the application.
- Port related planning documents provide limited guidance about specific port-related uses that might be appropriate for the site or that have some likelihood of being required or developed in the future.
- There has been no demonstrated interest in developing the site for port-related uses despite its proximity to port operations and being vacant for a considerable period.
- A key function of the site, as part of the broader port environs, is to provide a buffer between port operations and sensitive uses to the south.
- The use of the site for offices could be consistent with its buffer function.
- Recent office development and approvals in the port environs, such as the Federal Mills and Glasshouse complexes, might create reverse amenity issues that constrain the future operation and more intensive use of the Bulk Grain Precinct.
- The scale and configuration of the proposed office might create or compound reverse amenity issues and constrain the future operation and more intensive use of the Bulk Grain Precinct.
- Reverse amenity impacts, while a relevant consideration, are not a determinative factor in the absence of further technical information and evidence about amenity issues.

5 Out-of-centre development

5.1 The issue

The key issues are related to:

- policies that discourage out-of-centre development
- policies that seek to reinforce and direct office development to Central Geelong and other identified activity centres.

5.2 Evidence and submissions

Council acknowledged that State and local policies:

Seek to ensure that office-based and employment generating uses are located in accessible locations and in existing and planned activity centres.

Promote Central Geelong as the focus for commercial development.

Generally discourage 'Out-of-centre' single use commercial development outside of activity centres other than where it can be demonstrated that there is a net community benefit to the community in the region served by the proposal (Clause 17.02-2S).

Nevertheless, Council submitted that policies that promote Central Geelong as the focus for commercial development:

... cannot be interpreted as seeking to prevent any commercial development outside of central Geelong and regard must be had for the different types and markets for commercial development and the site context.

In this context, Council submitted that Central Geelong will attract different types of commercial development and play a different role to other locations, such as the subject site. Council also submitted that the proposal would have *"employment and economic development benefits"*, including:

The refurbishment of a building that has been empty and derelict for a significant period of time.

The efficient use of land that has been unused for a significant period of time.

The generation of employment opportunities for the growth of innovative and emerging industries in a manner similar to the Federal Mills site.

Council submitted that these outcomes are supported by State, regional and local policy, as follows:

Clauses 17.01-1S (Diversified economy), 17.01-1R (Diversified economy - Geelong G21) and 17.01-2S (Innovation and research) support a strong and diverse economy that facilitates growth in a range of employment opportunities and seek the provision of jobs close to where people live. Clause 17.01-1R supports innovation opportunities and seeks skills within the region to be used.

There is also local policy support for encouraging growth of new and sustainable industry sectors and the development of collaborative industry clusters at principle 3 of clause 21.02.

Local policy also facilitates the development of the City's strategic economic growth sectors, including knowledge, innovation and research, advanced manufacturing and health at clause 21.07-4 (Economic growth sectors).

Council also submitted that:

... there are the agglomeration of similar uses emerging to the north-west of the Land and the potential community and commercial uses to the south, which diminish the extent to which the proposal can be considered to be 'out-of-centre' in the usual sense.

Council concluded that the proposal would result in an acceptable planning outcome and a net community benefit.

The Applicant acknowledged that the GGPS does not specifically identify the site as part of an activity centre, but submitted that the broader area (including the Geelong Port and Pivot City) *"can quite properly be described as an "activity" centre or at the very least an employment node"*. In this context, Clause 17.02-2S should be interpreted as focussing *"on standalone facilities that have no relationship with other retail or broader commercial facilities"* and that:

For example, if it was proposed to establish the proposed use in a context where there was no Geelong Port, no Federal Mills nor other employment generating activities existing or proposed such as the Glass House redevelopment then it might be more convincingly contended that what was proposed was an out-of-centre development.

The Applicant explained the background to the Pivot City concept and noted that although it was not specifically recognised in the GGPS, it is referred to in various 'economic development' documents.²² It also submitted that the *"legitimacy"* of the Pivot City concept has been *"endorsed"* by key tenants, including the VRCA and the EPA.

The Applicant also noted that if the proposal was characterised as an out-of-centre development, Clause 17.02-2S provides for it to be considered for approval if it is of net community benefit.

The Applicant relied on the planning evidence of Ms Petersen who also noted that the site was not specifically defined in the GGPS as an activity centre, but considered that *"the proposal combined with other similar land uses in the immediate vicinity display the qualities of what (the) Planning Scheme intends an activity centre to be."* Nevertheless, Ms Peterson agreed that the proposal was an out-of-centre development and could trigger the net community benefit test in Clause 17.02-2S.

Ms Peterson submitted that the proposal would not *"unreasonably"* compete with office space within the activity centre hierarchy, in part because the targeted tenant mix would be focussed on start-up, innovation and technology businesses. She noted that the GGPS encouraged these types of uses. Ms Peterson submitted that although 12,000 square metres was a large area, it was not a significant development in the context of the total office floorspace in Central Geelong.

Ms Peterson submitted that the proposal would have the following benefits:

- the provision of 12,000 square metres of *"flexible and innovative"* floorspace
- growth in innovative knowledge industries
- economic benefits for Geelong and the wider Victorian economy
- improved physical access to jobs, particularly for residents of North Geelong
- a broader diversity of business types in Geelong

²² G21 Economic Development Pillar, Regional Development Australia Barwon South West Business Plan 2019-2020 and the Department of Industry, Innovation and Science Stocktake of Australian Innovation Precincts February 2019

- the economic benefits of the construction phase
- revitalisation of the site and reuse of the former power station.

Ms Peterson did not describe any disbenefits.

The Applicant also relied on the economic evidence of Mr Quick who outlined recent and emerging trends in the Geelong economy, including the transition from traditional manufacturing to a knowledge-based, service oriented economy and the ongoing need for office development.

Mr Quick submitted that existing office development in North Geelong (Federal Mills) serves a different market to Central Geelong, given its focus on innovation, technology and port related activity, and is therefore not directly competitive. Mr Quick expected that similar uses would be attracted to the proposed development, although he agreed that this could not be 'locked in' and that the site might be also be attractive for other, more conventional businesses that require large floor areas and are attracted by low rent. These might, for example, include a call centre or 'back-of-house' operations for a large business.

The Objectors submitted that the proposal was contrary to various State and local planning policies related to out-of-centre development and activity centres, and should be located in Central Geelong. They also submitted that because the proposal was inconsistent with those policies, *"it is of central disbenefit to the community"*. In relation to the net community benefit test at Clause 17.02-2S, they submitted that *"only proposals that are of net community benefit to the community are considered – not necessarily approved"*.

The Objectors relied on the planning evidence of Mr Biacsi and Mr McNamara who agreed that the proposal was an out-of-centre development and submitted that it was contrary to various policies, particularly Clause 17.02-2S.

Mr Biacsi highlighted that the GGPS identifies Central Geelong and the Geelong Western Wedge Precinct *"as the focus for business investment and intensive commercial development"* and noted that *"these areas are favoured for the sort of development contemplated by the Permit Application"* because of their *"location and proximity to services and transport"*. He added that policies that support innovative, knowledge based business, such as claimed for the Federal Mills complex and by association the subject site, should be read as supporting these uses in identified activity centres, particularly Central Geelong, and not in out-of-centre locations. Mr Biacsi submitted that the GGPS *"is clear and purposeful about where major office development ought go"*.

Mr Biacsi acknowledged that Clause 17.02-2S provides for out-of-centre proposals to be considered where there is a net community benefit, although he believed that the focus of this provision is where out-of-centre proposals should not go, rather than whether they might have a net community benefit. Nevertheless, he outlined a range of factors that he believed were relevant to the net community benefit assessment and concluded that while the proposal had *"many commendable features"* it *"is simply not supportable when assessed against the PPF"* and does not generate a net community benefit.

Mr McNamara submitted that the proposal was *"encouraged"* by some policies, but that the combination of Clauses 17.02 and 21.09 *"provide both a strong discouragement and a clear locational direction"*. In particular, local policy creates *"a clear expectation that a use as*

described in the Proposal would be located in Central Geelong". Mr McNamara advised that he had not assessed the net community benefit of the proposal and had instead focussed on the broader policy framework, and concluded that the policy framework 'overrides' any possible community benefit.

Mr McNeill provided an outline of trends in office and employment based development, including recent and proposed office developments. He noted the policy support for office development in Central Geelong and that the scale of the proposal *"represents a significant competitive element that has the potential to undermine the viability of one or more proposed CBD developments."* He submitted that the proposal, in combination with the Federal Mills and Glasshouse developments, *"has the potential to provide an area of critical mass with the potential to compete directly against the CBD"* and provide *"an element of competition that may undermine investment on the CBD"*.

Invest Victoria's written submission discussed the role and significance of the Port, and noted that *"Geelong is served by several employment precincts, accommodating an evolving and growing economy"*. Invest Victoria submitted that the type of use provided for in the proposal would be *"well suited to one or two other employment precincts"* and that they should *"be the focus for further development"* to support Geelong's long term economic growth, rather than the Port.

The Victorian Farmers Federation, in its written submission to Council, submitted that the proposal should be located in Central Geelong and that the existence of the Federal Mills complex should not be relied upon to support the Powerview proposal, given its unique circumstances.

5.3 Discussion

Scale of the proposal

The scale of the proposal (a standalone seven storey building, providing approximately 12,000 square metres of office floorspace) is significant in the Geelong context, particularly when compared to recent Central Geelong office developments, including the redevelopment of:

- 1 Malop Street into an A-grade office tower of 15,301 square metres for Worksafe Victoria in July 2018
- 55-67 Ryrie Street into an A-grade office tower of 5,248 square metres fully occupied by Barwon Water and delivered in mid-2017
- 13-19 Malop Street into an A-grade office tower of 15,000 square metres for the National Disability Insurance Agency national headquarters.²³

In addition, the proposal will further reinforce and expand Pivot City (including Federal Mills with 25,000 square metres of floorspace and the Glasshouse with 10,700 square metres of floorspace²⁴) despite this area not being a designated activity centre or having any specific recognition in the GGPS.

²³ Quick evidence report

²⁴ Floorspace figures from the Quick evidence report

As Mr Biacsi's noted:

It is by any measure a substantial development providing for a considerable amount of commercial floorspace and associated car parking. It compares with the scale of commercial development that one would expect in Central Geelong for example, benefitted by proximity to transport, services, synergies with other activities and an amenity conducive to a business environment.

For these reasons, the Powerview proposal is rightly described as a significant out-of-centre proposal and subject to Clause 17.02-2S and the strategy:

Discourage proposals for expansion of single use, retail, commercial and recreational facilities outside activity centres.

In addition, the clause includes the caveat that out-of-centre proposals should only be considered where they are of "*net community benefit to the community in the region served by the proposal ...*".

The Committee believes that the scale of the proposal and its agglomeration with the Federal Mills and Glasshouse developments warrant a more rigorous examination of Clause 17.02-2S and activity centre policies than might be the case for a smaller, standalone out-of-centre proposal.

Activity centre policy

The GGPS includes extensive activity centre policy, largely focused on the role and primacy of Central Geelong. At State level, Clause 11.03-1S (Activity centres) includes the overarching objective:

To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

The GGPS also includes various references in support of 'employment nodes' but these are not identified, and the term is not defined. Although Pivot City was described by some at the Hearing as an 'employment node' is it not clear whether the term has a specific meaning in that context.

In the MSS, Clause 21.07-8 (City of Greater Geelong Retail Activity Centre Hierarchy) identifies Central Geelong as a 'regional centre' in addition to various 'sub-regional' and other centres, but does not identify Pivot City or the Powerview site as part of the hierarchy.

Clause 21.09 (Central Geelong) includes the overarching strategy:

Within each of the land use areas of the Central Geelong Precincts Map at Clause 21.09-4, strengthen key activities and appropriate ancillary activities, such that the land use areas support and complement each other and reinforce and strengthen the primacy of Central Geelong as the business and cultural centre for the Geelong region.

It also identifies the 'Activity Centre Zone' precinct as:

The region's primary location of retail, business, entertainment, education, civic and cultural facilities with complementary accommodation uses.

The Committee notes that the policy support for activity centres is continued in Amendment C393 that includes, for example, the following proposed objective at Clause 21.19-2:

To ensure that Central Geelong remains the primary activity centre in the municipality.

The Committee believes that the breadth of activity centre policy clearly supports the agglomeration of appropriate uses, including offices, in designated activity centres, particularly Central Geelong. As Mr Biacsi noted, planning policy guiding the location of major office development in Geelong is *“clear and well articulated”*.

Council submitted that activity centre policy did not require that all office development be located in activity centres and that there may be situations where a development might satisfy a different market or have some other reason for justifying an out-of-centre site. The Committee agrees that this is true, but the tests for supporting a significant out-of-centre development, such as the Powerview proposal, need to be applied rigorously, particularly the relevant strategies in Clause 17.02-2S, and there would need to be clear and significant net community benefit.

The Committee notes that the recent preparation of the Retail Strategy and Amendment C393 provided opportunities for Council to define and formalise a role for the Pivot City concept in the GGPS, but this did not occur. Instead, the Retail Strategy, depending on how it is interpreted, raised concerns about further office development in the area²⁵ rather than legitimise or provide any support for the concept.

The Committee is satisfied that activity centre policy supports large scale office development locating in Central Geelong and other designated activity centres, rather than in out-of-centre locations.

Benefits of an out-of-centre development

The Applicant submitted that the proposal had a number of particular locational advantages and would have limited, if any, impact on Central Geelong. It relied on Mr Quick’s evidence to that effect and submitted that:

- the proposal would serve a different office role to Central Geelong
- the broader Pivot City concept can co-exist and complement Central Geelong
- the proposal would provide an opportunity to agglomerate emerging innovation and technology based activities
- the proposal would provide lower rents than were available in Central Geelong
- the proximity to the Port would be an attraction for some tenants, as would being closer to Melbourne.

The Committee was not persuaded that the types of tenants envisaged for the proposal by the Applicant and Council, including ‘innovation and technology’ based industries, would necessarily be attracted to or actually locate at the site. As the Objectors noted, there is nothing in the planning provisions or the proposed permit that would require or encourage specific types of businesses to locate at the site, although the Committee accepts that it might be ‘marketed’ to those types of uses. The Committee also notes Mr Quick’s response to questions, that the office could be tenanted by conventional business that are simply seeking lower rents. In any event, it is not clear why the types of ‘emerging’ industries referred to by the Applicant and Council should not be encouraged in Central Geelong or other activity centres, rather than at an out-of-centre location.

²⁵ Refer to the discussion in section 3.2 of this Report.

The Committee was also not persuaded that the proposed office was needed or likely to be tenanted by port-related businesses or organisations. Although the VRCA has office space in the Federal Mills complex, there was no evidence that other port-related office space would be required in the area, or if it was, why it couldn't be accommodated at the Federal Mills or Glasshouse complexes. In this context, Mr Quick advised that although he had spoken to the Applicant about potential tenants, he had not spoken to any businesses or operators associated with the Port about their potential office needs or identified any potential port-related tenants.

The Committee accepts Mr Quick's evidence that rents are likely to be lower in this area than in Central Geelong and that this is a possible benefit of the proposal. However, the Committee is also mindful of Mr McNeill's observation that if the proposal proceeds it is likely to delay additional office floorspace being provided in Central Geelong, while this new floorspace is taken up. The Committee also notes Mr McNeill's evidence that there are no significant constraints on developing additional office floorspace in Central Geelong that necessitate a large out-of-centre office development. He noted that although there were challenges in assembling large sites in Central Geelong, there are enough sites to provide for similar sized proposals.

The Applicant and Mr Quick submitted that the proximity of the site to the suburbs in northern Geelong will provide employment opportunities in an area that suffers from high unemployment, particularly following the decline of local manufacturing. While that would be a positive outcome, the Committee believes that the potential benefits of a North Geelong location were overstated in comparison to a Central Geelong location that would have access to more extensive services and facilities, and more extensive public transport. The Committee was also unconvinced that being three kilometres closer to Melbourne than Central Geelong was a notable advantage.

The Applicant emphasised that the development of Pivot City would be complementary to Central Geelong and that, in any event, the *"horse had bolted"* in terms of limiting future development in the Precinct. The Committee agrees with Mr Biacsi's observation that the role of Pivot City should be determined through a strategic planning process and not be driven by a series of planning permit decisions. If the precinct is to be an activity centre, employment node, an agglomeration of particular uses or to have a specific role that is complementary to Central Geelong then this should be investigated and, if appropriate, clearly articulated in the GGPS. In the absence of this, the proposition that Powerview should be supported because it will achieve all or some of these things is unsubstantiated and premature.

The Committee also notes that in the absence of more focused policy guidance for this area, there will continue to be uncertainty about its role and relationship with the Port and Central Geelong. Although the 'horse may have bolted' in relation to some sites, there is likely to be some benefit in a broader 'planning' review of this area, perhaps through the Osborne Park master plan process.

Suitability of the site

Setting aside the broader policy issues, the Committee agrees with the Applicant that the site and proposal have some characteristics and features that make them suitable or beneficial for office use. These include:

- The site is reasonably close and accessible to Central Geelong (approximately 3 kilometres) depending on the specific destination).
- The site is reasonably well serviced by public transport, including a bus stop on Melbourne Road (within approximately 400 metres) and the North Geelong Station (within approximately 1.2 kilometres).
- There might be some synergies with the Port and Pivot City in terms of office tenants and activities.
- There might be some co-use of the facilities in the broader Pivot City, such as restaurant facilities.
- The re-use of the former power station would be a positive outcome.
- The building will have an attractive outlook to the east over Corio Bay.
- The site has the capacity to provide extensive open space and at-grade car parking.

While the Committee acknowledges these factors, it does not believe that they are significant and notes that a Central Geelong location would have much better access to public transport and a broader range of facilities and services.

Net community benefit

As noted earlier, Clause 17.02-2S provides for out-of-centre development to be considered and approved if it *“is of net benefit to the community in the region served by the proposal”*.

There were differing views in submissions and evidence about the benefits and disbenefits of the proposal, however the Committee’s assessment is that the proposal will not achieve a net community benefit.

As discussed in Chapter 4 of this Report, the proposal might be able to co-exist with the Port as part of the buffer between port operations and sensitive uses to the south, however, it is clearly inconsistent with activity centre and out-of-centre policies that direct large scale office development to Central Geelong and other activity centres. Although it is difficult to quantify what the practical disbenefits of approving the proposal might be, the Committee believes that it would contribute to undermining long-standing activity centre policy and the activity centre hierarchy that is a fundamental building block of strategic land use planning in Greater Geelong.

The Committee accepts that the proposal will achieve some of the ‘benefits’ cited in submissions and evidence, but believes that those benefits are either relatively minor or have been overstated. In the Committee’s view, any benefits do not outweigh the potentially significant disbenefits.

5.4 Conclusions

The Committee concludes:

- The proposal is a large scale out-of-centre development that warrants careful consideration against Clause 17.02-2S (Out-of-centre development).
- Activity centre policies favour the development of large scale offices in Central Geelong and other designated activity centres.
- The site and the broader Pivot City are not within an identified activity centre.

- If Council intends to promote the Pivot City concept (including the application site), it should investigate its possible role and include any appropriate policies or provisions in the GGPS.
- The site has some physical and locational attributes that are suitable for the proposed office use, but does not have the range of opportunities that would be associated with a Central Geelong location.
- The proposal will not achieve a net community benefit.
- The permit should not be granted because the proposal is contrary to 'activity centre' and 'out-of-centre' policies.

6 Traffic, parking and public transport

6.1 Traffic

(i) The issues

The key issues are related to:

- the adequacy of the road network to accommodate the traffic that will be generated by the development, particularly traffic movements from Melbourne Road into Mackey Street
- impacts on the Mackey Street access to the GrainCorp site
- the adequacy of the proposed car parking arrangements
- upgrading the existing bus stop on Melbourne Road.

(ii) Evidence and submissions

At the commencement of the Hearing, the Applicant and Objector advised the Committee of their intention to convene a conclave of traffic experts, including DoT. The purpose of the conclave was, among other things, to reach agreement on modelling baseline information prior to expert evidence being presented at the Hearing. The conclave was attended by Mr Hunt (on behalf of the Applicant), Ms Dunstan (on behalf of the Objectors) and DoT (represented by Mr Hayes). The outcomes of the conclave were recorded in Document 43.

The conclave agreed on the following:

- Updated traffic data collected by Ratio and Traffix independently in November and December 2019 provided an appropriate 'existing conditions' base for assessing the traffic implications of the proposal.
- While consideration of traffic growth on Melbourne Road was not required for analysis, future growth in traffic movements generated by permitted developments in Mackey Street should be considered.
- Truck movements into and out of the area occur via both Mackey Street and McLeod Street, with the choice of access route influenced by arrival and departure directions and the location of access to sites.
- The existing right turn lane from Melbourne Road into Mackey Street only allows for a single B-double vehicle to store. The intersection currently operates well within capacity and the key issue is over-queueing of the right turn lane during the morning peak period (8:15-9:15AM).
- Traffic generation rates adopted by consultants for the initial permit application²⁶ were too low for the proposed land use in this locality. The traffic distribution assumptions adopted were appropriate.
- The access intersection arrangement proposed at Figure 9.1 of the Ratio evidence would cater for access to the site without compromising direct truck ingress to GrainCorp.

²⁶ Proposed Office Development 50 Mackey Street, North Geelong TIAR, ESR Transport Planning, 2018

- Carriageway widths of existing streets are capable of accommodating higher traffic volumes.

Council provided a summary of planning policies relevant to the proposal and noted that the relevant port and freight-related strategic documents reinforce these themes. Council highlighted that Plan Melbourne recognises the strategic importance of the Port as a “*State-significant transport gateway*”, that the Port is part of the Principal Freight Network identified in the *Victorian Freight Network Strategy 2008* and that the 2013 PDS identifies Melbourne Road as a major freight route.

Council advised that its traffic engineers had not raised concerns about proposed traffic impacts, although Council acknowledged that right turn movements from Melbourne Road into Mackey Street would be impacted by the proposal and require mitigation works. Council submitted that the proposal would not, by itself, create the need for mitigation works and that it would not be equitable to require the permit applicant to exclusively fund such works.

DoT noted that the Princes Highway is a State arterial road, a national key freight route and forms part of the Principle Freight Network in Victoria, and that Mackey Street and McLeod Street are approved B-double routes. DoT was concerned that increased traffic movements at the Melbourne Road/Mackey Street intersection would have a detrimental impact on Melbourne Road through traffic and freight vehicle access in and out of the Bulk Grain Precinct.

DoT agreed with the evidence reports that the right turn from Melbourne Road to Mackey Street in the morning peak was an issue because of the increase in the number of vehicle movements and the short lane length (30 metres). DoT advised that a range of mitigation measures to address this had been considered, including:

- extending the lane length to allow for additional capacity to some considerable cost;
- removing the ability to turn right and requiring the movement of traffic further north and through McLeod St; and
- increasing the phasing for the right-hand signal increasing delays to through traffic.

DoT recommended that the application be refused because “*it will have a detrimental impact on the safety and operation efficiency of the State arterial road network*”. However, at the conclusion of the Hearing, DoT provided the Committee with proposed permit conditions²⁷ that would require the Applicant to prepare a Traffic Impact Assessment Report (TIAR) and fund any mitigation works, to the satisfaction of DoT and Council.

The Objectors submitted that the proposal would have a detrimental impact on the road network by “*degrading access to the port and reducing the safety and level of service of the Princes Highway*” and noted the reference at Clause 21.12 of the GGPS that “*Efficient freight movements by road and rail within Geelong and beyond are critical to the port’s growth and efficiency*”.

The Applicant noted that traffic management issues are likely to arise “*to some degree or another with any redevelopment*” of the site and that they can be addressed by permit conditions. The Applicant provided a draft permit condition (Document 62) that would require

²⁷ Document 63

the preparation of a TIAR and the completion of any recommended mitigation works prior to the commencement of the use.

The Applicant and the Objectors relied respectively, on the evidence of Mr Hunt and Ms Dunstan whose differences narrowed as a result of the conclave process. At the Hearing they generally agreed that the key unresolved issue related to the right turn into Mackey Street from Melbourne Road, however they differed about the extent of the problem and the appropriate mitigation works. The focus was on the length of the right turn lane and the frequency and extent of right turn traffic exceeding the capacity of the lane and having to queue in a through lane. The issues was largely confined to the morning peak, although as Ms Dunstan noted, the 30 metre length of the right turn land could only accommodate one B double vehicle, meaning that queuing issues could arise any time the lane was occupied by a B double.

Mr Hunt initially proposed a suite of mitigation works including an increase in the Melbourne Road/Mackey Street right turn signal phase during the morning peak and greater use of the Corio Quay Road and McLeod Street intersection as an alternative access to the Bulk Grain Precinct. During the Hearing, he agreed that lengthening the right turn lane on Melbourne Road should be part of the mix and that this could be addressed through a planning permit condition. Mr Hunt provided a concept plan for the intersection (Document 46) that indicated how a lengthened right turn lane might be achieved, however, he acknowledged that the width and therefore the length of the lane extension and its capacity to accommodate B-double vehicles would be impacted by the width of the existing road.

Ms Dunstan agreed that the right turn lane on Melbourne Road should be extended and placed less reliance on the other mitigation work recommended by Mr Hunt. In this context, Ms Dunstan submitted that service levels on Melbourne Road (associated with the signal phasing) should be maintained given its status as an arterial road and that directing traffic to the Corio Quay Road and McLeod Street intersection was inappropriate for safety and road design reasons.

Ms Dunstan provided a comparison of her SIDRA analysis with Mr Hunt's analysis (Document 51) that highlighted how their different assumptions impacted on the preferred turn lane length. Ms Dunstan highlighted a number of issues with Mr Hunt's analysis and noted that his 'existing conditions data' was inaccurate because it did not include actual signal times and phasing, affecting the accuracy of subsequent modelling.

(iii) Discussion

Road network capacity

Through the Hearing and conclave processes it was agreed that traffic volumes in the local road network and at the intersection of Melbourne Road and Mackey Street are expected to increase. The uptake of existing approved developments at Federal Mills and the Glasshouse will contribute to increased traffic, as might the anticipated growth in port-related activity. The subject site has the potential to make a further contribution through either the development of the approved warehouses or the proposed office.

The Committee agrees with the Objectors and DoT that maintaining effective and efficient access to the Port has clear policy support. The Committee also agrees that maintaining

appropriate levels of service and safety on Melbourne Road, as part of the arterial network, is also important in the local area and wider region.

The Committee accepts that the north-bound right turn lane from Melbourne Road into Mackey Street requires attention to safely accommodate current and future traffic movements through the intersection. The Committee accepts that the intersection can present issues for both vehicle safety and the efficient movement of freight at all times, though most acutely in the morning peak between 815-9:15AM.

The Committee also notes that the mix of proposed solutions includes extending the north-bound right turn lane on Melbourne Road, changing the signal cycles and phasing for the right turn into Mackey Street and focussing entry into the Bulk Grain Precinct through the Corio Quay Road/McLeod Street intersection.

The Committee heard evidence that the extension of the right turn lane on Melbourne Road into Mackey Street might be cost-prohibitive due to the presence of services in the median and might also be compromised by the width of the road and the capacity of an extended right turn lane to accommodate B-double vehicles. The Committee has not formed any definitive views about these constraints given the lack of detailed evidence and analysis and has not therefore formed a view about potential for lengthening the right turn lane or its possible contribution as part of a mix of mitigation works. Nevertheless, the Committee believes that lengthening the right turn lane would potentially address the mutual concerns about maintaining efficient port access and service levels on Melbourne Road, and should be the key element in any mix of mitigation actions.

The Committee believes that signal changes at this intersection, as recommended by Mr Hunt, might have some potential to achieve improved traffic flow through the intersection and into Mackey Street, but would need to be balanced against the delays to through traffic along Melbourne Road. The Committee is not satisfied that re-routing heavy vehicle traffic to enter the Bulk Grain Precinct via McLeod Street, also recommended by Mr Hunt, is a desirable outcome and only presents a very limited opportunity to ameliorate traffic issues in the area. The Committee accepts Ms Dunstan's evidence that the design of the intersection at Corio Quay Road and McLeod Street only allows limited storage of larger vehicles and presents challenges for the safe entry and storage of B-double vehicles. If applied to all vehicles in the morning peak it also has the potential to create congestion on both McLeod and Mackey Streets.

Given these issues, the Committee believes that a TIAR should be prepared to the satisfaction of DoT and Council, and that this should be a condition of any permit that is issued. The Committee is also satisfied that the mitigation works should be funded by the Applicant, given that it also owns the Federal Mills and Glasshouse complexes that have contributed to the existing capacity issues at that intersection.

For these reasons, the Committee has included permit conditions based on the conditions proposed by DoT (Document 63) in the recommended planning permit at Appendix D and is satisfied that they will provide the necessary mechanism to determine and implement appropriate mitigation measures.

Mackey Street entries into the Powerview and GrainCorp sites

The Mackey Street entries into the subject site and the GrainCorp site to the north are generally opposite each other and potentially create a point of traffic conflict. This was discussed in submissions and evidence, and Mr Hunt recommended that modified traffic island and pavement markings be provided on Mackey Street in accordance with his Figure 9.1 shown below in Figure 12. This was supported by Ms Dunstan and was the subject of a draft permit condition provided by the Applicant in Document 62.

Figure 12 Recommended access intersection works
(Source: Hunt evidence report Figure 9.1)



The Committee agrees that if a permit is issued, the works recommended by Mr Hunt should be undertaken at the cost of the permit holder and has included a condition to that effect in the recommended planning permit at Appendix D.

(iv) Conclusions

The Committee concludes:

- The local road network is generally capable of supporting the additional traffic that will be generated by the proposal, except for the queuing capacity of the right turn lane from Melbourne Road into Mackey Street.
- The right turn lane from Melbourne Road into Mackey Street is not long enough for safe queuing of traffic, particularly in the morning peak and will require mitigation works.
- The appropriate type and mix of mitigation works should be the subject of further review and analysis.
- If a planning permit is issued, it should require the preparation of a TIAR and the provision of appropriate mitigation works at the cost of the permit holder.

- The entries to the site and the GrainCorp site from Mackey Street should be upgraded at the cost of the permit holder and be included as a permit condition.

6.2 Parking

(i) The issue

The key issue relates to the number and design of car parking spaces on the site.

(ii) Evidence and submissions

Parking issues were discussed at the traffic conclave and it was agreed that *“a revised car parking and access plan that incorporated Clause 52.06 designed car spaces would be satisfactory, subject to the inclusion of the requisite number of DDA spaces being included”*.²⁸ The conclave minutes also noted that the plan circulated by Mr Hunt provided 434 spaces and would require *‘a dispensation of car parking under Clause 52.06’*. The plan provided to the Committee (Document 16) provides 466 spaces and would achieve the required 441 spaces under Clause 52.06.

Mr Hunt and Ms Dunstan identified various issues with the provision and design of the proposed parking spaces, but both concluded that these issues could be addressed through an appropriate permit condition and compliance with Clause 52.06. The Applicant provided a draft permit condition to that effect (Document 62).

(iii) Discussion

There was discussion during the Hearing about how many car parking spaces were shown on various plans, however, the Committee understands that the Applicant was not seeking a waiver of spaces and intends to provide the required number. The Committee notes that meeting the design standards of Clause 52.06-9 will likely reduce the number of spaces compared the initial plan, but is satisfied that the site is large enough to enable this to occur without compromising the layout of the site, including the central open space area.

The matters that were unresolved were the dimensions and configuration of the spaces, and there was general agreement that these could be addressed through a permit condition and compliance with Clause 52.06-9. The Committee agrees with this and has included an appropriate condition in the recommended permit conditions at Appendix D.

(iv) Conclusions

The Committee concludes:

- The site is capable of providing adequate parking spaces to comply with Clause 52.06, but some redesign will be necessary to comply with Clause 52.06-9.
- Car parking issues can be resolved through a planning permit condition.

²⁸ Clause 52.06 (Car parking) in the GGPS

6.3 Public transport

(i) The issue

The key issue is related to the upgrading of the bus stop on Melbourne Road to the west of the site.

(ii) Evidence and submissions

DoT submitted that if a permit is issued it should include a condition requiring the upgrade of the existing bus stop on Melbourne Road (Route 20) to the west of the site. DoT provided a proposed condition (Document 63) that would provide a *“fully Disability Discrimination Act 1992 compliant bus stop, shelter and all associated infrastructure”*.

The Applicant agreed to upgrade the bus stop, but sought a simplified permit condition.

(iii) Discussion

The Committee is satisfied that it would be appropriate to require the upgrading of the bus stop and has included a condition in the recommended planning permit at Appendix D. The condition is based on the condition recommended by DoT.

(iv) Conclusion

The Committee concludes:

- If a permit is issued, it should include a condition requiring the upgrading of the bus stop on Melbourne Road.

7 Recommended planning permit conditions

Clause 17 of the Committee's ToR require it to prepare a report, that among other things, includes:

- A draft planning permit including relevant conditions from section 55 referral authorities (if relevant)

Although the Committee has recommended that a permit not be granted, it has provided a 'without prejudice' draft planning permit at Appendix D in accordance with its ToR.

To facilitate this, the Committee held a 'without prejudice' discussion of planning permit conditions at the end of the Hearing. This discussion was based on an updated version of the NoD provided by Council²⁹ that included some relatively minor changes sought by Council officers and explained in its written submission³⁰.

The key 'permit condition' issues that were discussed at the Hearing included:

- the changes proposed by Council
- providing for appropriate traffic mitigation works, including the upgrade of the right turn lane from Melbourne Road into Mackey Street
- providing for the upgrade of the bus stop on Melbourne Road
- various drafting issues raised by DELWP.

The changes proposed by Council were relatively minor and were not contested by the parties.

The need for traffic mitigation works and the recommended permit conditions are discussed in section 6.1 of this Report.

The upgrade of the bus stop and the recommended permit conditions are discussed in section 6.2 of this Report.

The Committee reviewed the various changes proposed by DELWP at the end of the Hearing and has included those that it supports.

²⁹ Document 33

³⁰ Document 32

Appendix A Terms of Reference

Terms of Reference

Redevelopment of 50 Mackey Street, North Geelong (Powerview Pty Ltd proposal) Advisory Committee

August 2019

Advisory Committee appointed pursuant to Part 7, section 151 of the Planning and Environment Act 1987 to consider an application for the use and development of land for a multi-level office development at 50 Mackey Street, North Geelong (VCAT P28/2019).

Name

1. The Advisory Committee is to be known as the 'Redevelopment of 50 Mackey Street, North Geelong (Powerview Pty Ltd proposal) Advisory Committee'.
2. The Advisory Committee is to have members appointed with knowledge and experience in:
 - a. statutory and strategic planning
 - b. traffic / transport planning
 - c. amenity issues, including noise, dust and odour.

Purpose

3. The purpose of the Advisory Committee is to provide all parties an opportunity to present submissions and to provide advice to the Minister for Planning on the planning merits of the proposed development, including whether a planning permit should be granted and, if so, what would be the appropriate conditions for the permit, or refused.

Background

4. The site is located in the Geelong Port Environs at 50 Mackey Street, North Geelong, and is currently vacant and contains the derelict shell of a former power station building.
5. On 22 February 2018, the City of Greater Geelong Council received an application for a planning permit (179-2018) for the use and development of the land for a multi-level (7 storey) office building, with a total floor area of 12,106 m² and 440 carparking spaces.
6. Notice of the proposal was given and 9 objections were received. 3 objections were withdrawn.
7. The City of Greater Geelong Council issued a Notice of Decision to Grant a Permit on 12 December 2018.
8. An appeal to the Victorian Civil and Administrative Tribunal (VCAT) was lodged on 9 January 2019 seeking a review of the decision of the responsible authority to grant a permit.
9. VCAT compulsory conferences were held on 24 May 2019 and 15 July 2019 and did not resolve the matter. On 14 July 2019, the Minister for Planning subsequently decided under section 58(2)(a) of Schedule 1 to the *Victorian Civil and Administrative Tribunal Act 1998* to call in the proceeding from VCAT on the basis that the proceeding raises a major issue of policy relating to the impacts of a multi-level office building development on a commercial trading port and the determination of the proceeding may have a substantial



Terms of Reference

effect on the achievement or development of planning objectives relating to a commercial trading port, in particular, Clause 18.03-2S "Planning for port environs" of the Victoria Planning Provisions.

Method

Notice

10. The Advisory Committee will write to the parties to the VCAT proceeding inviting them to present their submissions to the Advisory Committee.
11. The parties include the following:
 - a. Barrett Burston Malting Co. Pty Ltd, GrainCorp Operations Ltd, Victorian Regional Channels Authority (Applicant for Review)
 - b. Powerview Pty Ltd (the Applicant)
 - c. City of Greater Geelong Council (Responsible Authority)
 - d. Any other parties identified by the Advisory Committee in consultation with the Department of Environment, Land, Water and Planning.
12. The Advisory Committee is not expected to carry out any additional public notification or referral.

Hearing

13. The Advisory Committee is expected to provide all parties to the VCAT proceeding with an opportunity to be heard.
14. The Advisory Committee must conduct a Directions Hearing and Public Hearing. It may conduct workshops or other meetings as necessary.
15. The Advisory Committee may regulate its own proceedings, including:
 - conducting a hearing and inviting parties to present and make submissions to it
 - limiting the time of parties appearing before it
 - prohibiting or regulating cross-examination.

Outcomes

16. The Advisory Committee may inform itself in any way it sees fit, and must consider all relevant matters, including, but not limited to:
 - relevant provisions of the *Planning and Environment Act 1987* and the Greater Geelong Planning Scheme
 - all relevant material prepared by or for the Applicant
 - all material filed in VCAT in the proceeding P28/2019 including all submissions or objections
 - the views of the Applicant, the Applicant for Review, and the City of Greater Geelong Council.
17. The Advisory Committee must produce a written report for the Minister for Planning, responding to its terms of reference, including the following:
 - an assessment of all relevant matters relating to the application for review and any amended application material submitted to the Advisory Committee
 - an assessment of submissions to the Advisory Committee
 - a recommendation as to whether a planning permit should be granted or refused, and the reasons for this recommendation

Terms of Reference

- a draft planning permit including relevant conditions from section 55 referral authorities (if relevant)
 - any other relevant matters raised during the Advisory Committee hearing
 - a list of persons consulted or heard.
18. The written report must respond to the statements of grounds received by VCAT and the Advisory Committee in this matter.

Submissions are public documents

19. The Advisory Committee must retain a library of any written submissions or other supporting documentation provided to it directly until a decision is made on its report or five years has passed from the time of its appointment.
20. Any written submissions or other supporting documentation provided to the Advisory Committee must be available for public inspection until the submission of its report, unless the Advisory Committee specifically directs that the material is to remain confidential.

Timing

21. The Advisory Committee must hold a hearing as soon as practicable after the date of its appointment.
22. The Advisory Committee is required to submit its report in writing as soon as practicable, but no later than 40 days from the completion of the hearing.

Fee

23. The fee for the Advisory Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.
24. The costs of the Advisory Committee will be met by the Department of Environment, Land, Water and Planning.



HON RICHARD WYNNE MP
Minister for Planning

Date: 25/8/19

Appendix B Parties to the Committee Hearing

Submitter	Represented by
Department of Environment, Land, Water and Planning	Bart Gane (Senior Regional Planner)
City of Greater Geelong	Kim Piskuric (Harwood Andrews)
Department of Transport	Kate Stapleton (Manager Planning Practice)
David Hamilton Property Group Pty Ltd (the Applicant)	John Cicero (Best Hooper), who called expert evidence on: <ul style="list-style-type: none">- ports from Stephen Bradford (Flagstaff Partners)- planning from Colleen Peterson (Ratio Consultants)- economics from Rhys Quick (Urbis)- traffic engineering from Steve Hunt (Ratio Consultants)
Victorian Regional Channels Authority, GrainCorp Operation Ltd and Barret Burston Malting Co. Pty Ltd	Chris Canavan (counsel) and Peter O'Farrell (counsel) instructed by Corrs Chambers Westgarth, who called expert evidence on: <ul style="list-style-type: none">- town planning from Andrew Biacsi (Contour)- traffic from Charmaine Dunstan (Traffix) Group- town planning from Bernard McNamara (BMDA)- ports from Michael Harvey- economics from Chris McNeill (Ethos Urban)

Appendix C Document list

No.	Date	Description	Presented by
1	25/8/2019	Redevelopment of 50 Mackey Street, North Geelong Terms of Reference (Powerview Pty Ltd proposal) Advisory Committee	DELWP
2	4/9/2019	Advice of Advisory Committee appointment and notification of Directions Hearing	Committee
3	29/9/2019	Port of Geelong, Port Development Strategy 2018	DELWP
4	30/9/2019	Directions and Timetable	Committee
5	1/10/2019	Invitation to Regional Development Victoria (RDV) to make a submission	Committee
6	7/11/2019	Revised timetable (V2)	Committee
7	11/11/2019	Statement of grounds (Victorian Regional Channels Authority, GrainCorp Operations Ltd and Barrett Burston Malting Co Pty Ltd)	Objectors
8	15/11/2019	Letter to the Objectors in relation to their statement of grounds	Committee
9	22/11/2019	Letter to the Advisory Committee in relation to the Objectors statement of grounds	Objectors
10	29/11/2019	Statement of grounds	Invest Victoria
11	2/12/2019	Advice from RDV that it will not be making a submission	RDV
12	3/12/2019	Revised plans in accordance with direction 3 (David Hamilton Property Group)	Applicant
13	11/12/2019	Statement of grounds	Department of Transport
14	17/12/2019	Revised timetable (V3)	Committee
15	20/12/2019	Revised timetable (V4)	Committee
16	24/1/2020	Revised plans (without 'without prejudice' notation)	Applicant
17	30/1/2020	Site inspection itinerary	DELWP
18	7/2/2020	Letter to the Advisory Committee regarding McNeill evidence	Objectors
19	10/2/2020	Submission	Invest Victoria
20	10/2/2020	Bradford evidence report	Applicant
21	10/2/2020	Peterson evidence report	Applicant
22	10/2/2020	Quick evidence report	Applicant
23	10/2/2020	Hunt evidence report	Applicant

No.	Date	Description	Presented by
24	10/2/2020	Biacsi evidence report	Objectors
25	10/2/2020	Dunstan evidence report	Objectors
26	10/2/2020	McNamara evidence report	Objectors
27	10/2/2020	Harvey evidence report	Objectors
28	12/2/2020	Revised site inspection itinerary	DELWP
29	13/2/2020	McNeill evidence report	Objectors
30A	18/2/2020	Revised timetable (Version 5)	Committee
30B	20/2/2020	DELWP submission	DELWP
31	20/2/2020	Department of Transport (DoT) submission	DoT
32	20/2/2020	City of Greater Geelong (CoGG) submission	CoGG
33	20/2/20	Revised Notice of Decision – proposed conditions	CoGG
34	20/2/20	Development approvals	CoGG
35	21/2/20	David Hamilton Property Group submission and attachments	Applicant
36	21/2/20	Federal Mills Masterplan: Stage 2 Discussion minutes	Applicant
37	21/2/20	CoGG - Land Use Options 13-35 Mackey St- Summary of Issues	Applicant
38	21/2/20	Expert evidence - 1550 Pascoe Vale Rd, Coolaroo: Colleen Peterson, 2019	Objectors
39	21/2/20	GGPS Amendment C98 Panel Report, December 2006	Objectors
40A	21/2/20	Referral authority responses: PP-179-2018 50 Mackey Street, North Geelong	CoGG
40B	21/2/20	Objections to PP-179-2018 50 Mackey Street, North Geelong	CoGG
41	21/2/20	Supplementary submission	CoGG
42	24/2/20	Extract of Council report relating to Osborne House Report, 25 February 2020	CoGG
43	24/2/20	Minutes of Conclave (Traffix, Ratio, DoT)	DoT
44	24/2/20	Supplementary submission	DoT
45	24/2/20	Updated SIDRA Analysis	Stephen Hunt
46	24/2/20	Melbourne Road/Mackey Street - Concept right turn arrangement	Stephen Hunt
47A	24/2/20	Minister for Ports and Freight – Request to update PDS references in planning schemes	DoT
47B	24/2/20	Geelong Port Development Strategy 2018	DoT

No.	Date	Description	Presented by
48	24/2/20	Traffic evidence - presentation slides	Stephen Hunt
49	25/2/20	Traffic evidence – presentation slides	Charmaine Dunstan
50	25/2/20	Mark-up of carparking	Charmaine Dunstan
51	25/2/20	SIDRA Analysis	Charmaine Dunstan
52	25/2/20	Extract p38 Geelong Port-City 2050	Applicant
53	26/2/20	Osborne House – CoGG recommendations	CoGG
54	26/2/20	Community Focus Council Meeting 13.8.19 - Minutes	CoGG
55	26/2/20	Plan 40 excerpt from Northern and Western Geelong Growth Areas Framework Plan	CoGG
56	26/2/20	Northern Geelong Growth Area Framework Plan Summary	CoGG
57	26/2/20	Community Agents of Sustainability Network News #186	CoGG
58	26/2/20	CoGG correspondence re PDS, Powerhouse, Osborne Park – 2018 and 2019	CoGG
59	26/2/20	VRCA correspondence re PDS 2018– Dec 2018	Objectors
60	26/2/20	Stakeholders/Pivot City Innovation Group meeting minutes – 1 st June 2018	Objectors
61	26/2/20	Submission	Objectors
62	26/2/20	Draft conditions - Applicant	Applicant
63	26/2/20	Draft Conditions - DoT	DoT

Appendix D Recommended planning permit conditions

The base for these conditions is the version circulated by Council on 20 February 2020 (Document 33). All changes shown are recommended by the Committee.

Tracked Added

~~Tracked Deleted~~

Planning Permit PP179-2018

ADDRESS OF THE LAND: 50 Mackey Street, North Geelong

THE PERMIT ALLOWS: Use and Development of a Multi-Level Office Building generally in accordance with the endorsed plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

AMENDED PLANS

1. Prior to the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans (Rev D) prepared by Another Dimension Building Design dated 1 May 2019 ~~prepared~~ in response to Advisory Committee Direction 3 of the Directions dated 30 September 2019 but modified to show:
 - a) ~~R~~removal of any vehicular link to Swinburne Street across Osborne Park.
 - b) ~~D~~detailed floor and elevation plans which show gross floor area/s, ingress and egress, internal circulation, facilities, toilets, showers, storage, bicycle parking, universal access initiatives, lift overruns and other plant equipment, detailed materiality schedule including fenestrations, balustrades, colours and glazing.
 - c) ~~V~~vehicle turning areas at the end of each isle.
 - d) ~~A~~a amended plans required by conditions specified by Powercor in this permit.
 - ~~e) Removal of the proposed food and drink premises.~~
 - ~~f~~e) ~~T~~the location of bicycle facilities, including end of trip facilities, in accordance with Clause 52.34 of the Greater Geelong Planning Scheme.
 - f) car parking in accordance Clause 52.06 of the Greater Geelong Planning Scheme.

ENDORSED PLANS

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

ENVIRONMENTALLY SUSTAINABLE DESIGN

3. ~~Unless otherwise agreed in writing by the Responsible Authority, p~~prior to the commencement of the development, a report prepared by an appropriately qualified person which outlines the environmentally sustainable design (ESD) elements of the proposal in relation to building energy management, water sensitive urban design, construction materials, indoor environment quality, waste management and transport must be submitted to and approved by the Responsible Authority. The approved ESD measures must be incorporated into the development.

LANDSCAPE MASTER PLAN

4. ~~Unless otherwise approved in writing by the Responsible Authority,~~ Prior to commencement of the project, a landscape master plan (incorporating a street tree master plan) for the permit area must be developed and submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and form part of the permit. It must be drawn to scale with dimensions and submitted electronically. The landscape master plan must show and include, but not be limited to:
- a. Details of surface finishes of pathways and driveways;
 - b. the ultimate 1% and 10% Annual Exceedance Probability storm event extents;
 - c. the style and location of all fencing for all boundaries abutting reserves or council land;
 - d. the proposed species and general layout of canopy tree planting in car parking areas;
 - e. the principles and graphical concepts of any Public Art which complies with the requirements of the City's Arts and Culture Department;
 - f. the location and size of any water sensitive urban design assets. This must include detailed design of the proposed rain gardens and outlets for storm water. All rain gardens must be setback greater than 3 metres from property boundaries;
 - g. the proposed treatment in the area between the existing fence and the existing eastern road;
 - h. interface with the Crown land east of the subject land and pedestrian links to the foreshore.

Notes:

- 1. Any pathway within the open space reserves should be located having regard to the protection of existing vegetation worthy of retention.
5. Prior to the occupation of the building, the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.

SECTION 173 AGREEMENT

6. Prior to the occupation of the building the owner of the land ~~may be required to~~ must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the owner of the land must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must

contain covenants to be registered on the Title of the property so as to run with the land or any part of it, and must provide an acknowledgement that:

- a) ~~the~~ the land is located within an Industrial Zone and the owner or occupier may be impacted by noise, odours and other emissions from nearby industrial activities.
- b) ~~the~~ the site must not be used for a sensitive use. "sensitive use" means a residential use, a child care centre, a pre-school centre or a primary school.
- ~~c) The owner or occupier must consider measures to mitigate acoustic or odour impacts from nearby industrial activities.~~
- ~~d)~~ c) ~~the~~ the owner will alert future tenants of the potential impacts, for example through a lease agreement and/or making this agreement available to tenants.

ENVIRONMENTAL ASSESSMENT

- 7. ~~Unless otherwise agreed in writing by the Responsible Authority,~~ prior to the commencement of works, an updated site assessment must be submitted by a suitably qualified environmental professional. The assessment must be in accordance with the Potentially Contaminated Land General Practice Note, June 2005 and confirm that the site is suitable for its intended use to the satisfaction and/or make recommendation for site remediation (if applicable) of the Responsible Authority. The report should also make reference to the 'Preliminary Site Contamination Report Geelong Powerhouse Site' dated 10 August 1999. Any recommendations required to satisfy site assessment must be implemented prior to the occupation of the building unless otherwise agreed in writing with the Responsible Authority.

CAR PARKING, ACCESS AND TRAFFIC

- 8. Prior to the use of the development hereby approved and unless otherwise approved in writing by the Responsible Authority, the developer must construct:
 - a) ~~vehicular~~ vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong;
 - b) ~~any~~ redundant vehicular crossings must be removed, kerb and channel reinstated and the footpath/nature strip area reinstated to match existing construction in the street;
 - c) ~~the~~ the car park including accessways, surface with an all-weather sealed coat and linemark the car and accessways in accordance with the endorsed plans;
 - d) ~~pedestrian~~ pedestrian links to the foreshore as approved by the Responsible Authority and as shown on the Endorsed Landscape Master Plan.
 - e) ~~pedestrian~~ pedestrian connections to the Federal Mills site which includes a connection to the existing concrete footpath on the north side of Mackey Street and provision of a pedestrian refuge in Mackey Street and a connection to the existing concrete footpath on the south side of Mackey Street (approximately 165 metres).
 - f) works necessary to separate the vehicular access to and from the subject land from traffic accessing the land immediately to the north (the GrainCorp site)

generally in accordance with Figure 9.1 in the evidence statement of Mr Stephen Hunt (Ratio Consultants) provided to the Advisory Committee.

~~A~~all to the satisfaction of the Responsible Authority.

ENGINEERING CONDITIONS

Drainage

9. Unless otherwise approved in writing by the Responsible Authority, the stormwater drainage system on the site must be designed such that stormwater runoff exiting the subject site meets the current best practice performance objectives for stormwater quality, as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) as follows:

- a) 80% retention of the typical annual load of suspended solids~~;~~
- b) 45% retention of the typical annual load of total phosphorous~~;~~
- c) 45% retention of the typical annual load of total nitrogen~~;~~~~and~~
- d) 70% retention of the typical annual load of gross pollutants.

The stormwater drainage system must be modelled using the MUSIC (Model for Stormwater Improvement Conceptualisation) program and submitted for review prior to approval to the satisfaction of the Responsible Authority. The stormwater drainage system must be consistent with the Stormwater Management Strategy approved by the responsible authority under this permit.

Stormwater Management Strategy

10. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of works, a Stormwater Management Strategy must be submitted to and approved by the Responsible Authority. The SMP must contain (but not be limited to) the following:
- a) ~~D~~details of the best practice Water Sensitive Urban Design (WSUD) treatment, On-Site Detention (OSD), locations of all Gross Pollutant Traps (GPT's) and the ultimate infrastructure providing outfall of stormwater~~;~~
 - b) ~~D~~details of the management of flows during and after the construction period~~;~~

~~A~~all to the satisfaction of the Responsible Authority

Road and Drainage Construction Plans

11. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of works, Engineer designed roadworks and drainage construction plans must be submitted to and approved by the Responsible Authority. The Engineering plans must show, but are not limited to, the following:
- a) ~~C~~construction of new kerb and channel on the northern side of Mackey Street, from the entrance to the GrainCorp Site to the eastern boundary of Mackey Street

- b) ~~E~~extension of the asphalt in Mackey Street along the new kerb and channel alignment and to incorporate the 90 degree curve in the road, and associated signage and linemarking
- c) ~~D~~rainage infrastructure associated with the new road works
- d) ~~C~~onstruction of a 6.0 metre wide vehicle crossing to be centred on the driveway
- e) ~~P~~rovision of a new street light to illuminate Mackey Street at the proposed driveway and the access road to the GrainCorp site

all to the satisfaction of the Responsible Authority.

Construction of Roadworks / Drainage

- 12. Prior to the commencement of use, roadworks and drainage assets must be constructed in accordance with the approved plans and specifications, to the satisfaction of the Responsible Authority.

Street light in Mackey Street

- 13. Unless otherwise approved in writing by the Responsible Authority, prior to the occupation of the building, provision of a new street light to illuminate Mackey Street at the proposed driveway must be provided to the satisfaction of the Responsible Authority.

Waste

- 14. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded, drained and screened from public view to the satisfaction of the Responsible Authority.

~~All waste material must be regularly removed from the site to the satisfaction of the Responsible Authority.~~

DEPARTMENT OF TRANSPORT CONDITIONS

Roads

- 15. Prior to the commencement of works on the site a new Transport Impact Assessment report must be submitted to and approved by the Head, Transport for Victoria and the Responsible Authority. The assessment must include:
 - a) 10 year projected growth in the road network
 - b) appropriate mitigation measures, including the consideration of any works to the Melbourne Road and Mackey Street intersection to ensure safe and efficient operation.
- 16. Unless otherwise agreed in writing by Head, Transport for Victoria, prior to the commencement of any works, Functional Layout Plans must be submitted to and approved by the Head, Transport for Victoria. The plans must reflect the mitigating works identified in the approved Transport Impact Assessment and be generally in accordance with the New Transport Impact Assessment.

17. Prior to the commencement of development on the site, the following must be constructed to the satisfaction of and at no cost to the Head, Transport for Victoria and the Responsible Authority:

- a) works in accordance with the approved Functional Layout Plans at no cost to the Head, Transport for Victoria and the Responsible Authority.

Public transport

18. Before development starts, or such other time agreed to in writing by the Head, Transport for Victoria, a plan or plans addressing the following matters must be approved by the Head Transport for Victoria and the Responsible Authority. The plan/s must be dimensioned and drawn to scale and digital copies must be provided. The plan/s must:

- a) show the upgrade of the south bound bus stop, east side of Melbourne Road (Mackey Street stop)
- b) comply with the Disability Discrimination Act 1992 (Cth) and the Disability Standards for Accessible Public Transport 2002 to the satisfaction of the Head, Transport for Victoria.

19. Before occupation of the development:

- a) all bus stop upgrade works described on the endorsed plan/s must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria
- b) the Head, Transport for Victoria must be provided with GPS co-ordinates of the bus stop and high resolution photos (300 dpi) of the bus stop (streetscape perspective including the entire stop) to the satisfaction of the Head, Transport for Victoria.

POWERCOR CONDITIONS

Amended Plans Required (Powercor)

20 Prior to the commencement of works, amended plans must be submitted to and approved by Powercor which:

- a) provide for permanent access to the Powercor Site, through a secure gate with safe access for vehicles passing through the Proposed Development and into the Powercor Site.
- b) provide a notation on the plans that appropriate low growing species of vegetation are planted to Powercor's satisfaction (vegetation must not grow to a height above 2.7 metres below a powerline)
- c) provide a notation that no part of the building will be closer than 4.6 metres horizontally to the side or 6.4 metres from the top of any part of the building to the overhead powerlines.

When approved the plans will be endorsed by the Responsible Authority and will form part of the permit.

Access to Powercor Geelong B Zone Substation (ZSS) (Powercor)

21. Powercor's access through the carriageway from Mackey Street must be maintained, both during the construction phase and after the completion of construction; and the new driveways must be of a sufficient width, and built to a standard that supports large heavy vehicles carrying replacement transformers and other equipment.

Overhead Powerlines (Powercor)

22. Access must be maintained around the poles and lines at all times (including during the construction phase).

Noise Attenuation - Acoustic Report Required (Powercor)

23. An acoustic report must be prepared which assesses background noise levels from Powercor Geelong B Zone Substation (ZSS) and provides requirements for:
 - a) ~~the~~ refurbishment works to the building and replacement glazing should be designed to control noise intrusion;
 - b) ~~the~~ internal design objective noise levels should be consistent with values described in the Aust/New Zealand Standard: Acoustics – Recommended design sound levels and reverberation times for building interiors.

The recommendations of the acoustic report must be implemented prior to the occupation of the building.

COUNTRY FIRE AUTHORITY (CFA) CONDITIONS

Hydrants

24. Prior to the occupation of the building, the following requirements must be met to the satisfaction of the CFA:
 - a) ~~A~~above or below ground operable hydrants must be provided so that the buildings are within 90 metres of any street fire hydrant;
 - b) ~~the~~ hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the CFA ~~Country Fire Authority~~.

Note – CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au).

PERMIT EXPIRY

20. This permit as it relates to the use and development of buildings will expire if one of the following circumstances applies:
 - a) ~~the~~ use and development of the building(s) hereby approved has not commenced within two (2) years of the date of this permit;
 - b) ~~the~~ use and development of the building(s) hereby approved is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires; or

- a) ~~W~~Within six (6) months after the permit expires where the use or development has not yet started; or
- b) ~~W~~Within twelve (12) months after the permit expires, where the use or development allowed by the permit has lawfully commenced before the permit expiry.