

REASONS FOR DECISION TO EXERCISE POWER OF INTERVENTION

UNDER SECTION 20(4) OF THE PLANNING AND ENVIRONMENT ACT 1987

GREATER GEELONG PLANNING SCHEME AMENDMENT C397ggee

The *Planning and Environment Act 1987* (the P&E Act), the *Heritage Act 2017* and the *Victorian Civil and Administrative Tribunal Act 1998* provide for the intervention of the Minister for Planning in planning and heritage processes.

In exercising the Minister's powers of intervention, including action taken under delegation from the Minister for Planning, the Minister has agreed to:

- make publicly available written reasons for each decision; and
- provide a report to Parliament at least every 12 months, detailing the nature of each intervention.

REQUEST FOR INTERVENTION

1. Rezone land at 174 Colac Road, Highton from Farming Zone to General Residential Zone (GRZ4), apply a Development Plan Overlay and modify Clause 16.01-1L-02 (Increased Housing Diversity Areas).

WHAT POWER OF INTERVENTION IS BEING USED?

2. Under delegated authority from the Minister for Planning I have decided to exercise the power to exempt the Minister from all the requirements of sections 17, 18 and 19 of the P&E Act and the Regulations in respect to Amendment C397ggee to the Greater Geelong Planning Scheme.
3. Section 20(4) of the P&E Act enables the Minister for Planning to exempt an amendment which the Minister prepares from any of the requirements of sections 17, 18 and 19 of the Act or the Regulations.
4. In seeking to exercise this power, section 20(4) of the Act requires that the Minister must consider that compliance with any of those requirements is not warranted or that the interests of Victoria or any part of Victoria make such an exemption appropriate.

BACKGROUND

5. The amendment rezones surplus government land at 174 Colac Road, Highton, from Farming Zone to General Residential Zone (GRZ4). It applies a Development Plan Overlay (DPO47), and amends Clause 16.01-1L-02 (Increased Housing Diversity Areas) by modifying the Waurn Ponds Increased Housing Diversity Area map boundaries to include the site.
6. The *Victorian Government Landholding Policy and Guidelines 2017* require Victorian government land-owning agencies to review and manage their land assets. When land is no longer needed for a public purpose, it must be declared surplus to requirements and disposed of by sale. The *Victorian Government Land Transactions Policy 2022* requires the land to be rezoned and have planning provisions in place to enable its highest and best use prior to it being disposed.
7. The amendment land is owned by the Roads Corporation (VicRoads), now a part of the Department of Transport and Planning. VicRoads declared the land surplus to requirements on 6 June 2018. The first right of refusal process was undertaken in 2018, and no government agency or the council expressed interest in acquiring the site.
8. Consultation was undertaken under s20(5) of the P&E Act from 30 August 2024 to 29 September 2024.

BENEFITS OF EXEMPTION

9. The exemption will enable a prompt decision on amendment C397ggee. This will mean that the benefits of the amendment are able to be delivered sooner and any consequence of delaying the amendment (land being underutilised) is minimised. The benefits include facilitating the timely and

orderly sale of land, more swiftly contributing to the Victorian Government's delivery of services and infrastructure by reallocating the funds from the surplus land, and more prompt delivery of an increase in housing stock.

EFFECTS OF EXEMPTION ON THIRD PARTIES

10. The effect of the exemption is that third parties will not receive formal statutory notice of the amendment in accordance with sections 17, 18 and 19 of the Act and the regulations and will not have the opportunity to make a submission to or be heard by an independent panel in relation to the amendment.

ASSESSMENT AS TO WHETHER THE BENEFITS OF EXEMPTIONS OUTWEIGH EFFECTS ON THIRD PARTIES

11. Community members, stakeholders and service authorities who may be materially affected by the amendment were provided with non-statutory notice of the amendment and a consultation period undertaken. They were given the opportunity to comment on the amendment.
12. The council was consulted in the preparation of this amendment. It supports the amendment and the Ministerial amendment process. The council made a written submission.
13. The views of community members, relevant stakeholders, referral authorities and the council were considered in the decision to approve the amendment.
14. The amendment is compatible with State and local policy.
15. As a result of the above, the views of relevant parties are known, and an additional public exhibition process is not likely to identify any new issues or result in changes to the proposed amendment.
16. Accordingly, I, acting under delegation from the Minister, consider that the benefits of exemption from sections 17, 18 and 19 of the P&E Act outweigh any effects of the exemption on third parties.

DECISION

17. Under delegated authority from the Minister for Planning, I have decided to exercise the power to exempt the Minister from all the requirements of sections 17, 18 and 19 of the P&E Act and the Regulations in respect of Amendment C397ggee to the Greater Geelong Planning Scheme.

REASONS FOR INTERVENTION

18. I provide the following reasons for my decision under delegated authority to exercise the power under section 20(4) of the P&E Act.
19. I, acting under delegation from the Minister, am satisfied that:

Compliance with any of the requirements of sections 17, 18 and 19 of the P&E Act and the Regulations is not warranted because:

- Amendment C397ggee will give effect to an outcome where the views of affected parties are known, and the issues have been considered.

SIGNED BY THE DELEGATE

Rebecca Collins
Director Regional Planning Services
Department of Transport and Planning

Date: 24 February 2025