

PANEL SUBMISSION

PART B



GREATER GEELONG PLANNING SCHEME AMENDMENT C432ggee

South Geelong Urban Design Framework

Part B Submission to the Independent Panel

Date: 7 November 2024

Prepared by: City of Greater Geelong

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INTRODUCTION

1. This submission has been prepared by the Planning Authority, the City of Greater Geelong, for the Panel Hearing for Planning Scheme Amendment C432ggee (“the Amendment”). This submission responds to the 4 October 2024 Panel Direction, which requires a Part B submission that addresses:
 - a) How Council sees the relationship between the DDO, HO and the RGZ working.
 - b) The rationale for the GRZ5 and RGZ4, particularly around the north of the south Geelong station.
 - c) Councils’ response to the issues raised in submissions.
 - d) Its response to submission and evidence.
 - e) Its final position on the Amendment.

Overview

2. The Amendment implements the *South Geelong Urban Design Framework* Sept 2022 (UDF) prepared by the City of Greater Geelong into the Greater Geelong Planning Scheme. It seeks to increase housing densities within key development areas, including Moorabool Street and the Station Precinct / Barwon Water site whilst protecting neighbourhood character and heritage values in identified minimal change areas. The Amendment does this by introducing new planning policy, rezoning land to new residential zone schedules and the Mixed Use Zone and applying the Design and Development Overlay, Heritage Overlay, Public Acquisition Overlay and Environmental Audit Overlay to nominated properties
3. The Amendment is accompanied by a Draft Public Realm Improvement Works Plan and draft agreement under Section 173 of the Planning and Environment Act 1987 for 40-44 Lonsdale Street (the Barwon Water site).
4. The UDF has the following purposes (*UDF* p.8) which includes elements not implemented through the planning scheme:
 - *“To assist in implementing the City’s settlement Strategy by investigating the area for high density development potential.*
 - *To leverage opportunities for the Rail Duplication and Station upgrade project being undertaken by the Department of Transport.*

- *To prepare objectives, strategies and policies to support the vision for South Geelong which will filter through to a Planning Scheme Amendment and be included in the existing Strategic Framework.*
 - *To provide background information to support detailed design guidelines and planning provisions for future development.*
 - *To identify priority projects and an implementation plan to identify community needs, development potential.”*
5. The Amendment applies to all land within the UDF study area which is bounded by Latrobe Terrace to the west, Fyans Street to the south, Garden Street to the east and McKillop Street to the north. Council’s Part A submission describes the study area and its context being located immediately south of the Central Geelong Framework Plan area (Activity Centre Zone) and north of the West Fyans-Fyans Precinct Structure Plan area (Mixed Use Zone).
 6. The preparation of the UDF was driven by the potential future development of the Barwon Water site at 40-44 Lonsdale Street Geelong, the South Geelong to Waurin Ponds rail duplication project, and the City's Settlement Strategy 2020 and related planning policy which seek to facilitate infill development to increase its housing supply contribution.
 7. The UDF and the Amendment were prepared between 2019 and 2023 by the planning authority, City of Greater Geelong in consultation with Barwon Water, Department of Transport and Planning, Regional Rail Victoria, and the broader community.
 8. The UDF and Amendment were prepared in house by Council officers and were informed by several background and technical studies including:
 - *Barwon Water Site – Development Feasibility Study (Nov 2021) - SGS Economics & Planning*
 - *South Geelong Capacity and Change Areas Review (Feb 2022) - City of Greater Geelong*
 - *Providing social housing as essential infrastructure in Geelong’s infill areas (Jul 2022) - SGS Economics & Planning*
 - *Environmental Audit Overlay Recommendations, South Geelong and Pakington St / Gordon Avenue UDFs, Geelong, Victoria (Jun 2023) - Landserv Environmental*
 - *Carr Street Closure Traffic & Parking Impact Assessment (January 2024) – Onemilegrid*
 - *South Geelong UDF Heritage Review (2023) consisting of:*

- *Part 1 - South Geelong UDF Character Study (June 2020) - Dr David Rowe, Authentic Heritage Services Pty Ltd*
 - *Part 2 - South Geelong UDF Heritage Overlay Review (Feb 2022) - City of Greater Geelong*
 - *Part 3 - South Geelong UDF Peer Review (Feb, April 2022) – Ecology & Heritage Partners*
 - *Part 4 - South Geelong UDF Statement of Significance (Aug 2022) - City of Greater Geelong*
9. Council would like to note that our Part A Submission included correcting the abovementioned South Geelong UDF Heritage Review 2023 to include three individual assessments for proposed HO2023, HO2024, HO2025 and listing it as a Background Document in the Greater Geelong Planning Scheme. The updated document was circulated as Appendix 3 to Council’s Part A Submission and is referenced in this Part B Submission.
10. In addition to the abovementioned technical studies the *South Geelong Urban Design Framework First Draft* (July 2020) was also released for community engagement in August to September 2020. The draft UDF included development options for the Barwon Water site (with Option 1 up to 10 storeys and Option 2 up to 6 to 7 storeys). The final option selected was informed by community feedback and based on Option 2.

Summary of Council’s Position and Approach

11. Council submits that the Amendment addresses and implements the UDF’s Vision for South Geelong which is as follows (*South Geelong UDF 2022 p.43*):
- “The existing and identified heritage and neighbourhood character values will be protected within South Geelong with modest development to occur over time.*
- Opportunities for increased densities will occur within key development areas, including Moorabool Street, The Station Precinct and the Barwon Water site. These areas will present vibrant public spaces, including a combination of mixed uses for residents to enjoy.*
- Development will be of a high standard, incorporating a range of different building forms and materials and include exemplar ESD principles.*
- Existing infrastructure will be upgraded to include social housing, increased green spaces and improved open space areas, creating an attractive destination for new and existing residents.*

The character of Moorabool Street is expected to alter over time to have a residential focus with increased opportunities for active frontages and uses that provide vibrancy.

Improved pedestrian and cycling links will make movement in and around the study area more accessible with increased links provided to the train station.

Key development areas will undergo substantial change and incorporate increased densities whilst identified minimal change areas will protect neighbourhood and character values.

12. The Amendment implements the UDF Vision by taking a balanced approach to development in South Geelong that will help achieve not only the City's housing needs but expectations the community has for how they want their suburb to develop.
13. Since the preparation of the UDF and Amendment the State Government has released its Housing Statement and also initial elements of a Plan for Victoria. Outside of metropolitan Melbourne, the Greater Geelong municipality is the most populated region in Victoria, with an estimated resident population of 282,809. Population is forecast to grow to 396,388 by 2041. Due to its size and location, the City makes a significant contribution to the state's housing supply, economy, transport, and freight network. Plan for Victoria has allocated Geelong a draft target of 139,800 new homes by 2050 which is the largest proposed housing target in the state.
14. The State Government is also encouraging significant infill housing with early suggestions of a preference for 70% of new dwellings in infill areas and 30% in greenfield. The City's Settlement Strategy has a target of achieving a 50% infill/greenfield split which in itself is ambitious given the current status of 30% of new dwellings coming from infill and 70% in greenfield areas in Greater Geelong. Well located areas like South Geelong will make a critical contribution to the State and City's goal of achieving more dwellings and density in the established suburbs of urban Geelong (i.e. infill development).
15. Council submits the Amendment weighs and appropriately balances the competing objectives of protecting the existing character and heritage of the area while facilitating and encouraging new housing at higher densities particularly in proximity to the railway station and along Moorabool Street.
16. This Part B submission will provide further explanation and background on the approach taken to achieve the balance between growth and retention of heritage through the application of a suite of different residential zones (including General Residential Zone, Residential Growth Zone and Mixed Use Zone) and schedules, coupled with Design and Development Overlays, the Heritage Overlay and local policy.

17. We submit that the approach taken is generally consistent with the direction provided in the relevant planning practice notes for applying residential zones and is founded on solid research and analysis, technical assessments and peer reviews and input from the community, landowners and government agencies.
18. Council considers the suite of planning and built form controls and policies in the Amendment have been further improved and strengthened as a result of changes made in response to submissions and more recently after discussions with key submitters post the Directions Hearing.
19. In turn we look forward to explaining to the Panel what is a relatively complex and broad ranging Amendment and welcome any questions, feedback and recommendations from the Panel to further improve the Amendment.

A. RELATIONSHIP BETWEEN THE DDO, HO AND RGZ

20. Panel Direction 11a requires Council to address how it sees the relationship between the Design and Development Overlay (DDO), Heritage Overlay (HO) and the Residential Growth Zone (RGZ) working.
21. The Amendment proposes to apply the DDO, HO and RGZ in the following ways:
 - 21.1. Insert and apply two new Schedules to the DDO being DDO50 to the Barwon Water Site and DDO54 along Moorabool Street;
 - 21.2. Rezone land to the RGZ (Schedule 4) identified as 'Substantial Changes Areas' and
 - 21.3. Apply the Heritage Overlay to areas identified as having heritage significance in the *South Geelong UDF Heritage Review, 2024*.

Relationship between DDO50, HO and RGZ

22. The Amendment applies DDO50 to land at 40-44 Lonsdale Street, 146 Swanston Street & 51 Carr Street South Geelong (the Barwon Water site).
23. The urban context surrounding the Barwon Water site is a mixture of significant heritage properties (with existing and proposed heritage overlays) that are to be zoned General Residential Zone GRZ5 (Schedule 5 – South Geelong - Incremental and Minimal Change Areas) and non-heritage areas that are to be rezoned RGZ4 (Schedule 4 – South Geelong – Substantial Change Area) (see Figure 1 below).
24. The DDO50 built form controls respond to the surrounding heritage by providing a transition in height and scale from high to medium density at the Station end to the west of the site, to lower scale development at the eastern edge towards Swanston Street. This ensures development is sympathetic to the properties proposed to have the HO applied along Swanston Street while still facilitating higher densities.
25. Council does note however, there is a small number of heritage properties either side of Bellarine Street to the north of the western end of the Barwon Water site (where preferred heights are 6 storeys, 22 metres). This is unavoidable if densities are to be achieved on the Barwon Water site. The impact of potential 6 storey buildings at the western edge of the Barwon Water site on the heritage properties to the north is reduced by the wide Lonsdale Street road reserve separating the two areas.
26. The preferred maximum building height for the eastern side of the Barwon Water site (see Parcel C in Figure 2 below) was exhibited at 11m (3 storeys). However, in Council's Part A submission, we proposed to increase this height to 13.5m (4 storeys) acknowledging the

properties directly to the north of the site are proposed to be rezoned to RGZ where the maximum building height “should” not exceed 13.5 m (4 storeys). Increasing this height responds to the future urban context of the area and will have minimal impact to properties identified with heritage significance along Swanston Street.

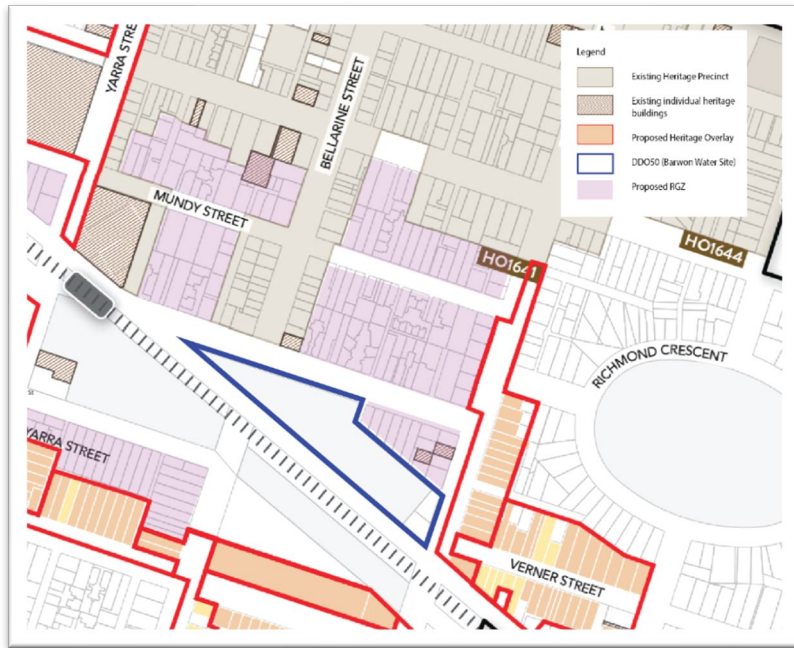


Figure 1 - Surrounding urban context of DDO50

Map 2 to Schedule 50 to Clause 43.02

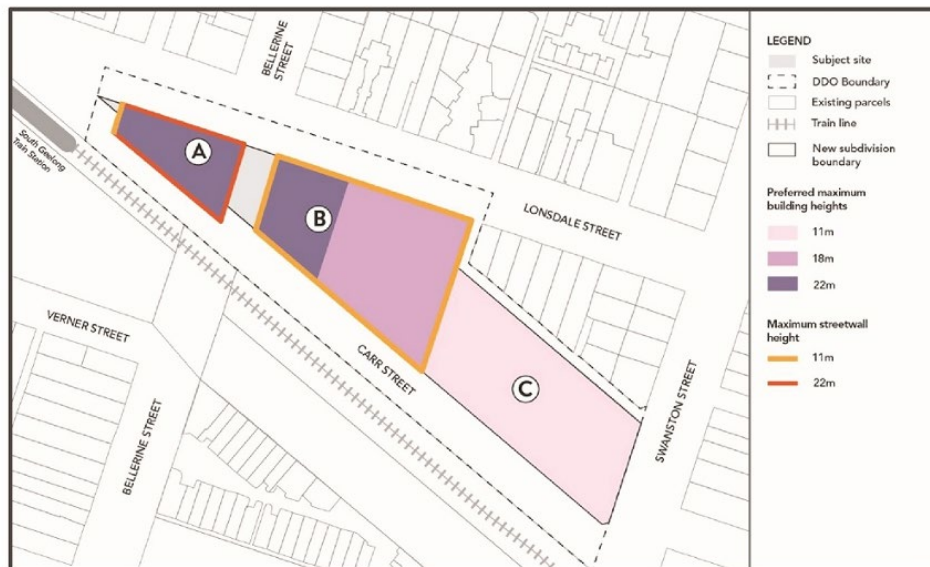


Figure 2 – DDO50 Building Heights Map

Relationship between DDO54, HO and RGZ

27. DDO54 applies to land along Moorabool Street that is proposed to be rezoned to Mixed Use Zone (MUZ). Figure 3 shows the urban context and planning controls existing and proposed.
28. DDO54 responds to the surrounding urban context by applying different preferred maximum building heights and setback requirements along Moorabool Street (Figure 4).
29. Residential properties adjoining the Moorabool Street DDO54 at the northern end close to the railway line and at the southern end along Fyans Street are identified as 'Substantial Change Areas' and are proposed to be rezoned to RGZ. DDO54 reflects these proposed higher densities on adjoining land by allowing the highest preferred maximum building height of 25m (7 storeys).
30. The GMHBA stadium in Kardinia Park to the west of Moorabool Street is a key built form feature of the area. DDO54 responds to this characteristic with a 22m (6 storeys) preferred maximum building height directly across from the stadium.

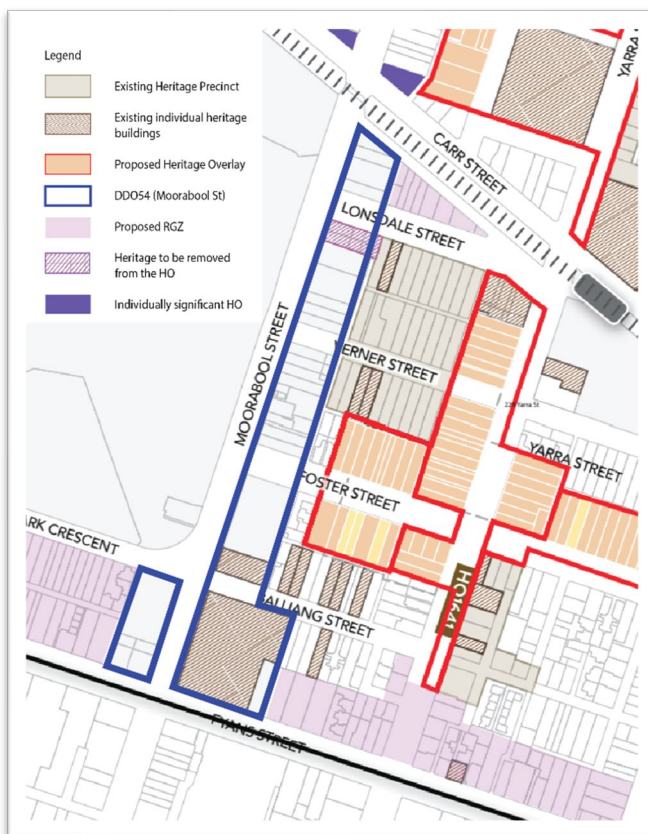


Figure 3 - Surrounding urban context of DDO54



Figure 4 – DDO54 Building heights map

31. The heritage properties relevant to proposed DDO54 include:
- residential properties with existing and proposed Heritage Overlays directly east of Moorabool Street 'Key Development Area' in the City South Heritage Precinct (HO1641).
 - the former South Geelong Uniting Church and Methodist Hall at 451-471 Moorabool Street and 4-6 Balliang Street (HO1072)
 - the Sons of Temperance Hall at 441 Moorabool Street (HO1071).
32. The exhibited DDO54 responds to the existing and proposed heritage of the area in the following ways:

City South Heritage Precinct (HO1061)

33. The exhibited DDO54 as it relates to properties in the Moorabool 'Key Development Area' with a laneway interface to Lambs Place adjacent to the existing and proposed heritage precinct on the eastern boundary aims to provide an appropriate transition in building heights, scale and setbacks with the following provisions:
- preferred maximum street wall of 8m (2 storeys)
 - preferred setback above street wall height of 5m.
 - preferred setback of 2.5m from laneway extension.
34. Council's Part A submission listed changes to DDO54 in response to the future urban context of the area including:
- Increase the preferred maximum street wall/podium height for interface type B1, B2 L and L2 to 13.5 metres (3 storeys).
 - Reduce the preferred setback above street wall height to Lambs Place 4.5m.
 - Remove the 2.5m rear setback requirement to interface type L1 and L2.
35. Council believes that these changes align with the adjoining RGZ and GRZ while providing sufficient transition to sensitive heritage areas. Any amenity impacts on neighbouring properties will be assessed at the permit stage through the requirements of Clause 58 Apartment Developments.

Former South Geelong Uniting Church and Methodist Hall (HO1072) and the Sons of Temperance Hall (HO1071)

36. HO1071 and HO1072 are located towards the south end of Moorabool Street 'Key Development Area' and are proposed to be MUZ and have DDO54 applied (Figure 5).

37. The former South Geelong Uniting Church and Methodist Hall also known as South Geelong Wesleyan Church Complex, at 451-471 Moorabool Street and 4-6 Balliang Street is of regional heritage significance.
38. The Church is constructed of basalt masonry and follows the typical early English Gothic Revival path and possess a distinctive corner tower (see photo in Figure 6). The site is currently being used for a motor vehicle repairs, office and sales centre and is proposed to be included in DDO54.
39. The Sons of Temperance Hall at 441 Moorabool Street holds local significance. Formerly part of an elegant 19th century complex, the hall and the residence (now demolished) have been severely compromised by unrelated later development.
40. DDO54 provides guidance for new development that abuts a heritage place in the form of lower preferred maximum building heights and interface setback requirements that softens development around the heritage places, restores the buildings original setting and provides future open space.

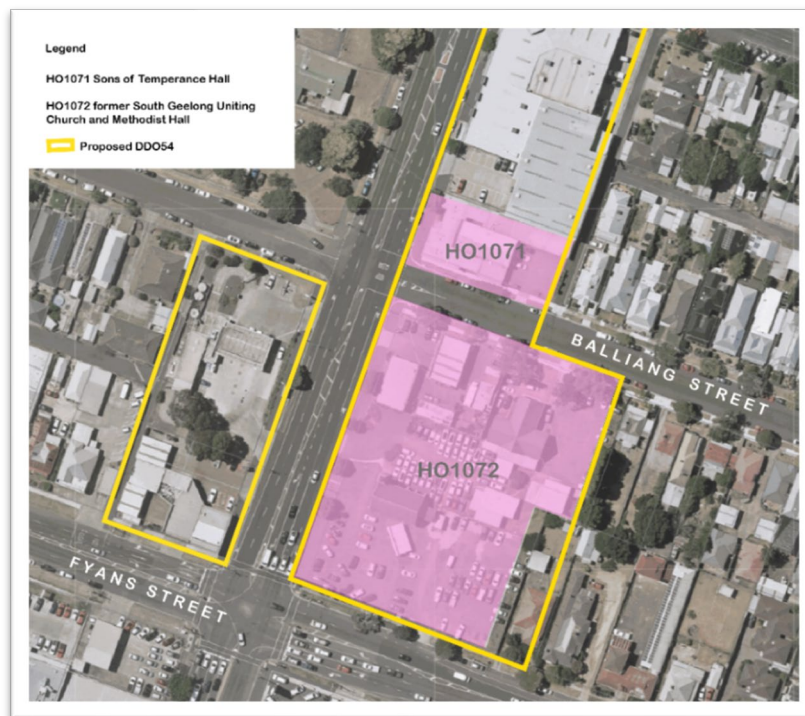


Figure 5 - HO1071 and HO1072



Figure 6 - Former South Geelong Uniting Church

B. RATIONALE FOR THE GRZ5 AND RGZ4

41. This section of the submission looks to respond to Panel Direction 11b and provide a rationale for the GRZ5 and RGZ4, particularly around the north of the South Geelong Railway Station.

Rationale for the RGZ4

42. Land proposed to be rezoned from General Residential Zone (GRZ) to Residential Growth Zone (RGZ4) has been identified through the *South Geelong Capacity and Change Review, 2022* and the *South Geelong UDF Heritage Review, 2024*.

Capacity and Change Review

43. The Capacity and Change Review investigated the development capacity of the South Geelong study area and its ability to accommodate additional housing. It identified three change areas - Substantial, Incremental and Minimal (Figure 7 below).

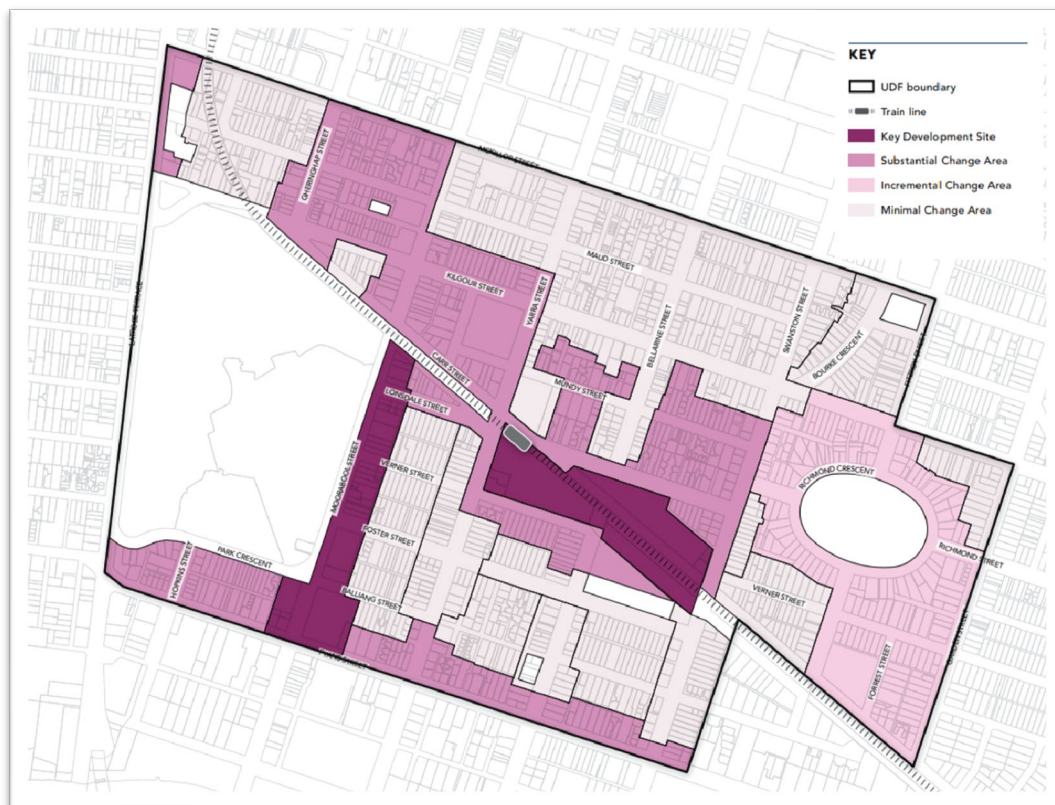


Figure 7 - Change areas (Figure 33 in the UDF)

44. Figure 8 below shows the current zoning of the properties that the Amendment seeks to rezone from GRZ1 and GRZ4 to RGZ4. The proposed RGZ4 generally matches the “Substantial Change Area” from the Capacity and Change review with the exception of the South Geelong Primary School and a handful of adjoining properties to its west.

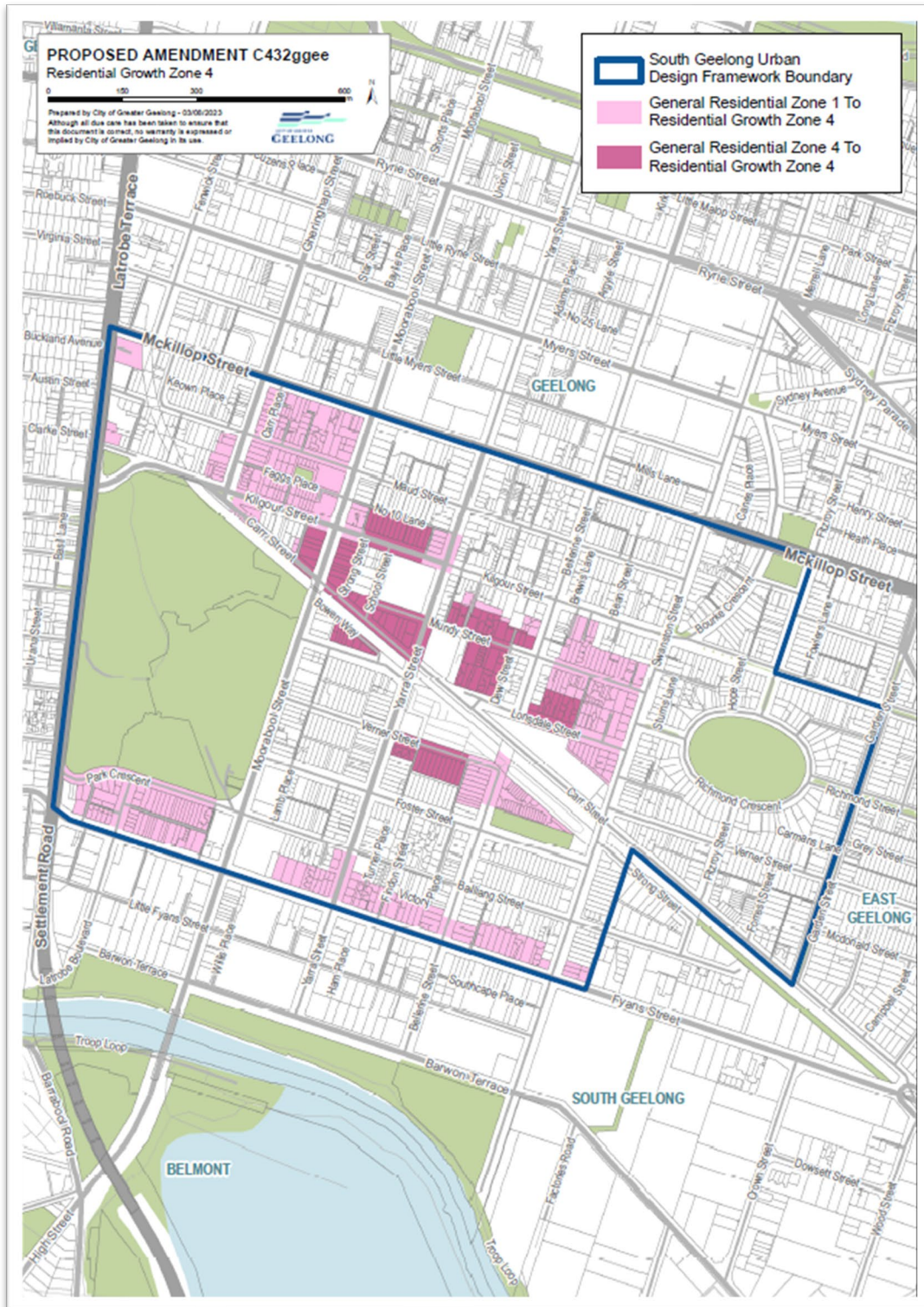


Figure 8 – Current and proposed zoning to RGZ

- 45. The Heritage Overlay Review which forms part of the South Geelong UDF Heritage Review proposed to extend the existing City South Heritage Precinct considerably.
- 46. In some instances, where there were individually significant heritage properties located within the ‘Substantial Change Area’, the proposed zone for those sites is RGZ4 (the balance of heritage area is not proposed for RGZ4 and is proposed for GRZ5).
- 47. Schedule 4 to the RGZ still seeks to minimise the loss of canopy trees but encourages lot consolidation and provides for diverse housing that responds to the surrounding built form and character. Any heritage impacts to these properties will be assessed at the Planning Permit application stage.

Planning Practice Note 91 Using the Residential Zones

- 48. The application of the RGZ4 to the substantial change area is entirely consistent with *Planning Practice Note 91 – Using the Residential Zones* July 2023 (PPN91).
- 49. Table 1 of PPN91 explains the role and application of RGZ as:
“Applied to areas suitable for housing diversity and housing at increased densities in locations offering good access to services, jobs and public transport, and to provide a transition between areas of more intensive use and development such as activity centres and other residential areas.
- 50. Table 2 of PPN91 provides a guide to aligning housing change areas with residential zones as shown below:

Table 2: Aligning housing change areas and residential zones

Zone	Minimal	Incremental	Substantial
Low Density Residential Zone	✓		
Mixed Use Zone		✓	✓
Township Zone	✓	✓	
Residential Growth Zone		✓	✓
General Residential Zone		✓	✓
Neighbourhood Residential Zone	✓	✓	

Rationale for the GRZ5

- 51. Land proposed to be zoned to General Residential Zone (GRZ5) is a combination of existing Neighbourhood Residential Zone (NRZ8) and General Residential Zone (GRZ1 and

GRZ4) that was identified as both 'Minimal' and 'Incremental Change Areas' in *The Capacity and Change Review, 2022* (see Figure 7).

52. Figure 8 below shows the current zoning of the properties that the Amendment seeks to rezone from GRZ1, GRZ4 and NRZ8 to GRZ5
53. The application of GRZ5 to the area identified by the Capacity and Change Review as an Incremental Change Area (see Figure 9) located at the east of the study area around Richmond Crescent is clearly in accordance with the guidance provided in PPN91.
54. The application of GRZ5 to land identified as 'Minimal Change Area' is not strictly in accordance with PPN91 which aligns minimal change areas with the NRZ.
55. While Council agrees the NRZ would typically apply to minimal change areas it considers in this instance the GRZ (with a tailored schedule) is a more appropriate zone for the South Geelong Minimal Change Areas.
56. The GRZ has the following purpose:
 - *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - *To encourage development that respects the neighbourhood character of the area.*
 - *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
 - *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*
57. This zoning and its purpose is appropriate given the proximity to South Geelong train station. It will facilitate infill development meeting Geelong's housing needs while respecting neighbourhood character and heritage (due to the HO permit trigger).
58. In addition, the Schedule to GRZ5 includes a Neighbourhood character objective "*To promote a preferred neighbourhood character where the design and siting of new dwellings provides generous landscaping through the retention of existing canopy trees.*" It also includes an additional landscaping requirement for one canopy tree per dwelling.

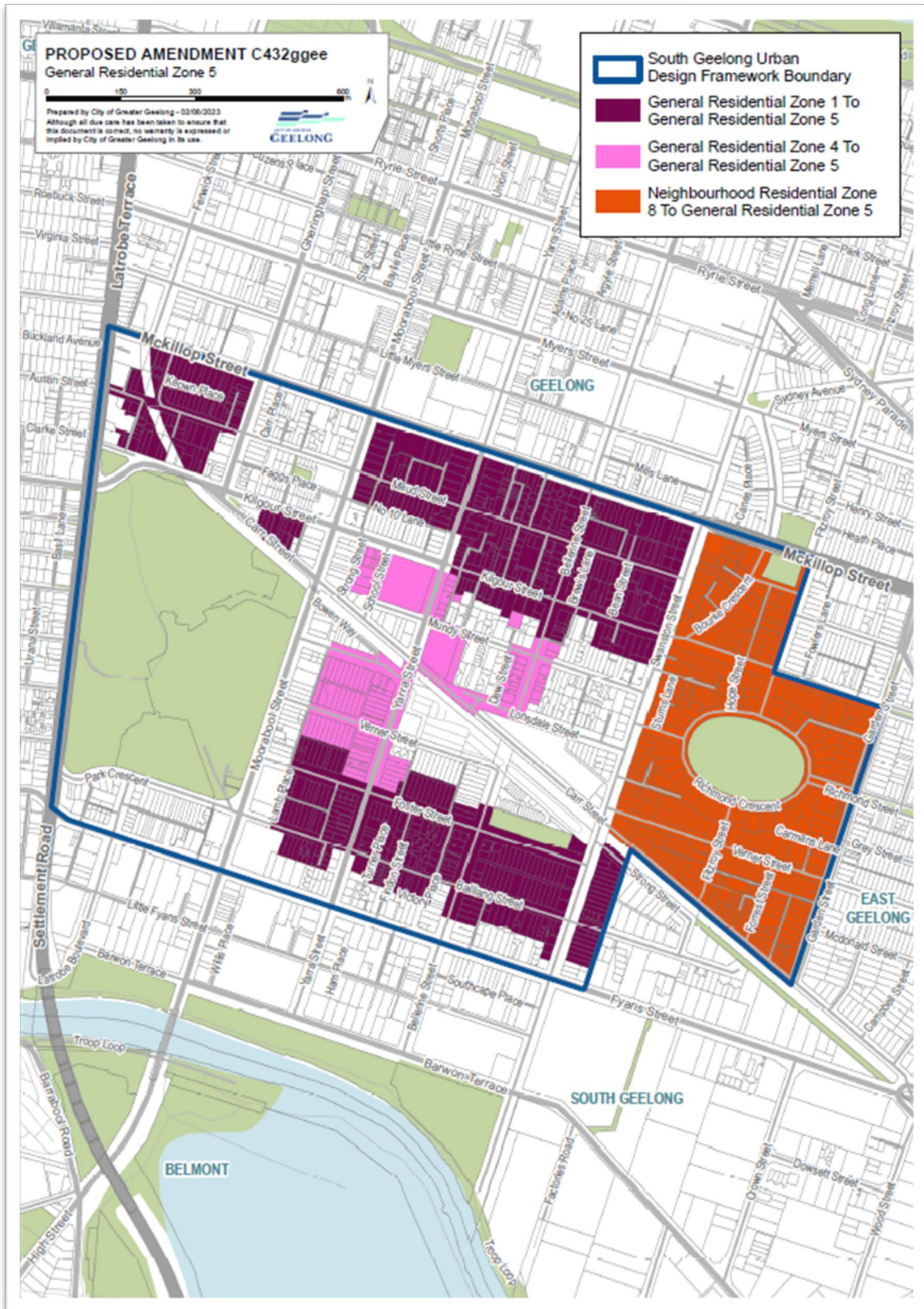


Figure 9 – Current and proposed zoning to GRZ5

C. ISSUES RAISED IN SUBMISSIONS

59. In total, 51 submissions were received regarding the Amendment.
60. The key issues raised in objecting submissions to the Amendment are grouped into the following themes:
 1. Objection to the proposed Public Acquisition Overlay (PAO) to the rear of properties fronting Moorabool Street to facilitate the widening of Lambs Place.
 2. Objections to the proposed and existing Heritage Overlay (HO).
 3. Concerns regarding the proposed rezoning of residential land to either General Residential Zone (GRZ) or Residential Growth Zone (RGZ).
 4. Requested changes to the two proposed Design and Development Overlays (DDO50 and DDO54).
 5. Proposed changes to Planning Policy in Clause 11.03-6L-05.
 6. Requested changes to the Urban Design Framework.

Theme 1 – Public Acquisition Overlay (PAO)

61. Six submitters objected to the application of Public Acquisition Overlay (Schedule 4 - Proposed Road - no category) for 2 metres of land adjacent to Lamb Place for the following reasons:
 - 61.1. There is a lack of documentation or assessment explaining why 2m is needed.
 - 61.2. Timing and delivery of a PAO has not been adequately considered.
 - 61.3. The PAO combined with the setback requirement in DDO54 results in 4m of undevelopable land.
62. Submitter no. 1 (APCO) questioned why specifically 2m had been chosen and not 1m or 1.5m, the lack of information regarding design specifications and how relevant design standards have been taken into account (for example, the absence of a cross section).
63. Submitter no. 4 expressed concerns regarding the practical implementation of the PAO with the number of properties that currently contain built form or car parking areas within the area of the PAO.

Theme 2 – Heritage Overlay (HO)

64. Six submitters objected to the proposed or existing HO while one submitter objected to the lack of heritage controls on specific properties.

Examples of relevant submissions:

Lack of heritage controls

- 64.1. Submitter no. 15 raised concerns regarding a lack of heritage controls on properties 65 - 73 and 83 Kilgour Street, 190 and 194 Yarra Street and 313 and 315 Moorabool Street.

Existing Heritage Controls

- 64.2. Submitter no. 30 requested existing HO be removed on the following grounds: “The house is in a state of disrepair and much of the heritage character has reduced. There are many other examples of the classic Geelong federation homes that are in better condition and that will remain as general residential rather than being amended to the residential growth zone.”

Proposed Heritage Controls

- 64.3. Submitter no. 38 objected to the proposed HO and being rezoned to GRZ5 on the following basis: “the location is in an inner urban local, with great access to facilities, infrastructure and transport and therefore lends itself to urban growth, which will promote sustainability, energy efficiency, cultural diversity and community engagement.”

Theme 3 – Zone Controls

Rezoning of land to General Residential Zone (GRZ5)

65. Two submitters objected to the proposed zone changes from either Neighbourhood Residential Zone (NRZ) to General Residential Zone (GRZ5) on the basis that NRZ is more appropriate for the area and applying GRZ will change the heritage and character of the area.

Examples of relevant submissions:

- 65.1. Submitter no. 7 opposed the proposed rezoning from NRZ to GRZ5, “as this will change the heritage, landscape and environmental character of the existing neighbourhood.”

- 65.2. Submitter no. 28 requested that Verner Street and Foster Street be rezoned neighbourhood residential which:
- a) Recognises areas of predominantly single and double storey residential development.
 - b) Manages and ensures that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

Rezoning of land to Residential Growth Zone (RGZ4)

66. Several submitters objected to being rezoned from GRZ to RGZ4 for the following reasons:

- 66.1. Potential for overshadowing and overlooking on neighbouring properties.
- 66.2. Potential increases in crime rates with a change in demographic.
- 66.3. Negative impacts to the landscape and environment of the area in particular the loss of green space.
- 66.4. Negative impacts to property values.
- 66.5. Increased levels of traffic and limited car parking.
- 66.6. Impact on amenity and neighbourhood character of the area.
- 66.7. Impact on the existing infrastructure.
- 66.8. Impact on surrounding heritage.

Examples of relevant submissions:

- 66.9. Submitter no. 8 believes that “a transition towards higher density brings with it a magnitude of issues” including heightened pollution levels, strain on already limited resources such as healthcare infrastructure and higher crime rates.
- 66.10. Submitter no. 12 is “concerned with the proposed increased density housing” directly opposite South Geelong Primary School along Kilgour Street as it “is already extremely busy at peak hour and at school drop off and pick up times. Increased vehicles will lead to further congestion and parking problems”.
- 66.11. Submitter no. 15 opposes the rezone of land bound by Moorabool Street, Kilgour Street, Yarra Street and Lane No. 10 to RGZ due to the impact on existing services including drainage, water, sewerage, gas, power and communications. Additionally, submitter no. 15 questions whether a Traffic Impact Assessment was undertaken, and the impact higher densities will have on car parking.

66.12. Submitter no. 28 requests the following changes to proposed Schedule 4 to the RGZ.

- a) A requirement for a rear and side setback which interfaces with the GRZ5 of at least 5m in Clause 55 (B17).
- b) That the RGZ4 includes specific decision guideline which discourages the use of the rear lanes as primary access in Verner Street.
- c) Consideration of the interface with the heritage fabric of the surrounding properties and encourage increased rear and side setbacks.

66.13. Submitter no. 42 objects to the proposed rezone changes adjacent South Geelong Primary School as it will result in: “High density living spaces looking directly over the school site and student outdoor learning and play activities, this will impact on student’s privacy and security.”

67. Several submitters objected to areas being too restricted with growth opportunities more specifically, the lack of proposed RGZ areas.

Examples of relevant submissions:

67.1. Submitter no. 3 noted that “GRZ5 (“minimal change”) zoning is proposed for a significant portion of the UDF area including properties immediately next to the train station”. They proposed for properties fronting Bellerine Street north of Lonsdale Street to be zoned RGZ.

67.2. Submitter no. 4 encouraged Council to reconsider the zone control that is applied to properties between Moorabool Street and the Station site, particularly along Lonsdale Street and Verner Street on the basis that the Council’s Increased Housing Diversity Area (IHDA) previously applied to properties subject to the HO.

67.3. Submitter no. 34 noted that the Amendment restricted growth on some main arterial roads and encouraged properties along McKillop Street to be rezoned to RGZ.

Theme 4 – Design and Development Overlays

68. Of the 51 submissions, 1 submitter requested changes to the Design and Development Overlay Schedule 50 (DDO50, Barwon Water Site) and 4 submitters requested changes to the Design and Development Overlay Schedule 54 (DDO54, Moorabool Street).

Examples of relevant submissions:

DDO50

- 68.1. Submitter no. 3 (Barwon Water) noted that there is “a lack of overshadowing or overshadowing potential, especially on Carr Street and that there is no technical justification for nominated preferred max building heights, street wall heights or setbacks. They submitted a track changed version of DDO50 with requested changes.

DDO54

- 68.2. Submitter no. 1 (APCO) raised concerns with the requirement to consolidate lots to maximise development potential, and prescribed overshadowing requirements.
- 68.3. Submitter no. 4 noted two primary issues; the proposed rear setback interface requirements and the proposed future pedestrian links, both of which they say should be deleted.
- 68.4. Submitter no. 43 notes that “buildings up to 7 storeys will overlook our property, increase noise, cast shadows and lead to lighting constantly shining into our property”. They request to limit building height to 5 storeys.
- 68.5. Submitter no. 47 requests the preferred building heights on the western side of Moorabool Street are increased from 5 to 7 storey’s noting that “they have no direct interface with existing residential property and enjoy a favourable North/South orientation towards Kardinia Park. I believe a genuine opportunity exists to raise the preferred height limit of these two properties without any detrimental effect on amenity or the public realm, ensuring that the intent of the UDF is fully realised.”

Theme 5 – Planning Policy

Clause 11.03-6L-05 South Geelong

69. Several submitters objected to strategies in proposed Clause 11.03-6L-05 South Geelong.

Examples of relevant submissions:

- 69.1. Submitter no. 1 (APCO) opposed the limitation of commercial uses to ground levels and the number of buildings used solely for commercial. Recommends supporting a reduction in, or shared car parking space for commercial uses.
- 69.2. Submitter no. 3 (Barwon Water) recommends creating a useable water sensitive public green space within the broad Lonsdale Street Road reserve rather than

“support centre median car parking along Lonsdale and Bellerine Streets adjacent to the Station Hub”.

- 69.3. Submitter no. 4 requests the headings Public Domain, Street Network and Access and Movement Networks are removed from Clause 11.03-6L-05 as planning policy needs to relate to matters that require planning approval and the strategies under those headings pertain to public realm upgrades that will be the responsibility of the Council or the State Government.

Clause 16.01-1L-02 Increased housing diversity areas

70. Submitter no. 4 asked Council to clarify why Clause 16.01-2L Increased Housing Diversity Areas for South Geelong Station no longer applies to the Heritage Overlay.

Theme 6 – Urban Design Framework

71. Of the 51 submissions, 5 submitters made requested changes to the UDF.

Examples of relevant submissions:

- 71.1. Submitter no. 3 believes properties between Yarra Street and Swanston Street immediately north of the train station could be included in the station precinct ‘Key Development Area’.
- 71.2. Submitter no. 4 requests a review of the UDF in particular:
- a) Objectives and strategies to be consolidated.
 - b) Rear setback interface requirements.
 - c) Proposed future pedestrian links.
 - d) Reduction of on-street parking provision in Lonsdale St.
 - e) Overshadowing requirements that exceed typical ResCode standards contained at Clause 55.
- 71.3. Submitter no. 11 recommends improving access and connectivity between Moorabool Street and GMHBA Stadium in Geelong. They suggest making the area more pedestrian-friendly to better integrate the stadium with its surroundings, especially considering its increased capacity and proposes reconfiguring the layout, relocating or removing Moorabool Street.
- 71.4. Submitter no. 13 (Department of Transport and Planning) provided numerous recommendations to the UDF for consideration. These include elements involving

the implementation of Victoria's Housing Statement, South Geelong's arterial and local road network, public and active transport. Some of the key recommendations include:

- a) Further assessment of the Barwon Water site, including technical assessment of potential maximum heights with a view to the long-term maximisation of realisation of benefits from this strategic development site.
- b) The UDF should contain interface measures such as controlling setbacks, limiting new vehicle crossovers, parking controls to maintain the efficient operation of these high movement corridors on arterial roads such as Fyans Street, McKillop Street and Latrobe Terrace.
- c) A comprehensive Traffic Impact Assessment should be undertaken for the UDF study area to inform any potential upgrades to the arterial and local road network including intersections as a result of the proposed changes to street character and changes to vehicle, public and active transport patterns and volumes as a result.
- d) The direction in the UDF to discourage private vehicles on Moorabool Street is not supported and will result in adverse impacts on the surrounding road network.

71.5. Submitter no. 37 requests to amend the UDF in the following ways:

- a) Revise Figure 11 to ensure alignment with other plans.
- b) Reinstate previous building height regulations permitting up to 10 storeys within the Station Precinct.
- c) Adopt a more flexible approach to building heights in the Moorabool Street 'Key Development Area'.
- d) Expand the Moorabool Street 'Key Development Area' to encompass the 'wedge' of land north of Lonsdale Street between Moorabool and Yarra Street.
- e) Extend the IHDA into the area south of Foster Street between Yarra Street and Bellerine Street (Neighbourhood Area 8), and sites around Richmond Crescent (Neighbourhood Area 3).
- f) Introduce a section outlining additional actions necessary to address social and community infrastructure needs for the future South Geelong community to align with the upcoming review of the Geelong Social Infrastructure Plan.

- g) Incorporate a section considering potential UDF adjustments if an underground train station is constructed at South Geelong.
- h) Collaborate with Rail Projects Victoria to establish a more realistic timeline for redeveloping the Station land and multi-deck car park.

D. RESPONSE TO SUBMISSIONS AND EVIDENCE

72. This section of Council's Part B Submission looks to respond to Panel Direction 11d and provide Council's response to submissions and expert witness evidence.

Council's response to issues raised in submissions.

73. Council officers have further considered and responded to submissions as outlined Council's Part A Submission and the revised "Day 1" amendment documents. The following section is based on both the response to submissions in the Council Report of 27 August 2024 and the more recent changes as outlined in the Part A Submission.

Theme 1 - Public Acquisition Overlay

74. The 2m PAO is proposed to facilitate the widening of Lamb Place from 4m to 6m wide to allow for two way traffic and safe vehicle manoeuvring. The UDF and DDO54 also directs for the number of vehicle crossings on Moorabool Street to be reduced potentially resulting in increased levels of traffic down Lambs Place.
75. The Council Report of 27 August 2024 proposed to retain the PAO for the above reasons.
76. After the Directions Hearing, Council officers further reviewed the PAO and met with APCO Service Station to gain a greater understanding of its submission.
77. As outlined in Council's Part A submission, after further review, Council officers decided that the PAO is difficult to implement at this point in time. This is particularly the case where parts of the proposed PAO contain existing developments. An accurate plan or budget for widening Lamb Place has also not yet been formulated and the delivery lacks certainty for property owners.
78. Council submits retention of the 2m rear setback requirement to the boundary of Lambs Place will provide sufficient turning radius and ensure safe vehicle manoeuvring without publicly acquiring the land at this time.

Theme 2 - Heritage Overlay

79. The Amendment proposes to: extend the City South Heritage Area (HO1641) by including an additional 193 buildings to the precinct; apply the HO to three individually significant

buildings; and remove several properties from the HO that are considered to lack significance or where there is an anomaly.

80. The proposed HO is informed by the *South Geelong UDF Heritage Review, 2023* which identified heritage values and additional character areas within the context of the UDF. The Heritage Review sought to conserve the most intact heritage character areas.
81. The Council Report of 27 August 2024 considered submissions and removed 262 Bellerine Street from the proposed HO and rezoned the site to RGZ4 for the following reason:
 - 81.1. A review of property 262 Bellerine Street confirms that the dwelling was built around 2004 after the original dwelling's demolition. It is a Victorian-style recreation that complements the City South Precinct streetscape. However, as a rebuild it is of no heritage value itself and being the last house on the proposed precinct boundary adjoining a likely redevelopment area adjoining the station, its removal from the proposed precinct is supported.
82. Council's Part A Submission included a further review of submissions. Council concluded to recommend a second property, 263 Yarra Street, be removed from the existing Heritage Overlay due to a lack of heritage significance and its location on the edge of the City South Heritage Precinct as per Council's Part A Submission.

Theme 3 – Zone controls

83. The UDF outlines the changes to residential zones and is informed by *The Capacity and Change Area Review 2022* and *The South Geelong Heritage Review 2024*.
84. Earlier in this submission (section B), we provided a rationale for the application of the two residential zones (GRZ5 and RGZ4). We consider the proposed zones to be suitable in achieving balance between housing growth and preserving neighbourhood character and heritage significance.
85. The Council Report of 27 August 2024 identified 263 Yarra Street to be rezoned to RGZ4 instead of GRZ5. 263 Yarra Street is in the City South Heritage Area Heritage Overlay (HO1641) and is non-contributory. However, as stated previously, Council officers recommend removing the building from the HO due to a lack of significance.
86. The site is approx. 1000m² in size and has three street frontages. The property to the south and across Yarra Street to the west are included in the IHDA and are also proposed to be rezoned RGZ4.

Theme 4 – Design and Development Overlay

87. Council reviewed both DDO50 and DDO54 in response to submissions in the Council Report of 27 August 2024 and again in Council's Part A Submission after discussions with key submitters.
88. Changes made to both DDO50 and DDO54 can be viewed in Council's 'Day 1' version of Amendment Documents.
89. It should be noted that while the DDOs provide built form controls and require development to respond to the surrounding urban context (including built form character of adjacent and nearby buildings, adjacent and nearby heritage places, and equitable outcomes for potential development on adjoining sites), all provisions are discretionary and provide flexibility when assessed at the planning permit stage.

Theme 5 – Planning Policy

90. Council reviewed the proposed planning policy in response to submissions and agreed to remove or reword several strategies in Clause 11.03-6L-05 that were either redundant, not implementable or duplicated in the MPS including:
 - 90.1. Discourage private vehicle use by designing streets for slow circulation speeds, giving priority to other modes at intersections and constraining provisions of private vehicle parking.
 - 90.2. Support a reduction in, or shared car parking space for ~~residential~~ development.
 - 90.3. Provide directional signage to clearly mark the start and finish of the Bellerine Rail Trail.
 - 90.4. Support an upgrade to the Bellerine/Lonsdale Street intersection to improve pedestrian and vehicle safety.
 - 90.5. Support the provision of a bus stop accommodating additional bus routes improving access to the South Geelong Station Hub and surrounding suburbs.
91. Changes made to Clause 11.03-6L-05 can be viewed in Council's 'Day 1' version of the Amendment Documents circulated with Council's Part A Submission.

Theme 6 – Urban Design Framework

92. The UDF was adopted by Council in September 2022. Consultation was a key part of the development of the UDF. Three stages of public consultation sought to provide

opportunities for those impacted by the UDF to have input into the final framework. Having considered the views from submitters the UDF is considered a balanced approach to development in South Geelong that will help to achieve not only the City's housing needs but expectations the community has for how they want their suburb to develop.

93. Council identified several anomalies within the UDF which can be amended if required.
94. These corrections were listed in Council's Part A Submission.

Council's response to expert evidence

95. The only expert evidence tabled for the hearing is from Council's heritage expert Ms Helen Lardner. Ms Lardner is a heritage architecture consultant, Director of HLCD Pty Ltd and a member of the Victorian Design Review Panel.
96. Previously, Ms Lardner has been a member of the Heritage Council of Victoria and Chair of Registrations, a historic expert member of the Australian Heritage Council and sessional member of Planning Panels Victoria.
97. With over 30 years experience, Ms Lardner is a well-regarded expert in her field.
98. In Ms Lardner's expert statement, she noted that all supporting assessments and the Statements of Significance were thorough, provides strong support for places to be included in the HO and applies the criteria to proposed heritage places as required by Planning Practice Note 1 (PPN1).
99. Having reviewed all submissions, Amendment documents and supporting studies, Ms Lardner concludes:

Amendment C432 is supported in relation to the application of the Heritage Overlay with the following suggested amendments arising from the submissions:

- *262 Bellerine Street South Geelong should not be included in the Heritage Overlay.*
- *264 Bellerine Street South Geelong should not be included in the Heritage Overlay.*
- *The properties at 65, 67, 69, 71 and 73 Kilgour Street should be considered as part of a future amendment as they meet the threshold to be contributory to HO1641.*
- *The north side of Kilgour Street between Moorabool Street and Swanston Street, except for the properties in the proposed RGZ4 facing Moorabool Street, should be zoned GRZ5. This means that 65, 67, 69, 71 and 73 Kilgour Street would be zoned GRZ5 not RGZ4.*

- 100. Council adopts Ms Lardner’s evidence as it relates to heritage overlays and her responses to relevant submissions including recommendations to remove 262 and 264 Bellerine Street from the Heritage Overlay as detailed in her evidence.
- 101. Council agrees with Ms Lardner’s statement that properties at 65, 67, 69, 71 and 73 Kilgour Street meet the threshold to be contributory to HO1641. They were not included in this Amendment as the block is broken up by a number of unsympathetic modern houses preventing the entire block being included as a contiguous addition to the Precinct.
- 102. Therefore, Council does not adopt Ms Lardner’s recommendation regarding rezoning properties on Kilgour Street between Moorabool Street and Yarra Street (i.e.65, 67, 69, 71 and 73 Kilgour Street) and believes they should remain in the proposed RGZ4.

Council’s response to EPA correspondence and Ministerial Direction 19.

- 103. On 4 August 2023, the City wrote to EPA Victoria in accordance with Ministerial Direction 19 in relation to Draft Planning Scheme Amendment C432ggee.
- 104. EPA Victoria reviewed the documents relevant to the Amendment and provided comments in a letter dated 25 August 2023 (Appendix 1).
- 105. EPA provided their views on noise and vibration, land use conflict and potentially contaminated land.
- 106. Below is a table summarising EPA recommendations as per the letter dated 25 August 2023 and Council’s response.

Noise and Vibration	
EPA Comments	Council Response
<p>Make the following changes to DDO50 and DDO54:</p> <ul style="list-style-type: none"> a) Replace the application requirement ‘acoustic assessment report’ with the text provided in Appendix 1 to EPA’s letter dated 25 August 2023. b) Include a design objective relating to noise impacts and update to capture all land uses sensitive to noise and all current and potential noise generating sources. c) Include a buildings and works requirement for acoustic attenuation and updated to capture all land uses sensitive to noise and 	<ul style="list-style-type: none"> a) Council has updated both DDO50 and DDO54 to include application requirements as per Appendix 1 to letter dated 25 August 2023. However, the last dot point was overlooked in DDO54. This has now been amended and documented in Council’s ‘Day 2’ version of the Amendment Documents. b) The design objective in both DDO50 and DDO54 has been updated to consider all land uses sensitive to noise and all current and potential noise generating sources. See ‘Day 2’ version. c) The Building and works requirement for both DDO50 and DDO54 has been updated to

<p>all current and potential noise generating sources.</p> <p>d) Update the content of the decision guidelines to capture all land uses sensitive to noise and all current and potential noise generating sources.</p>	<p>consider all land uses sensitive to noise. See 'Day 2' version.</p> <p>d) The decision guidelines for both DDO50 and DDO54 have been updated to include all current and potential noise generating sources. See 'Day 2' version.</p>
Land Use Conflict	
<p>Identify land use conflicts which may result from the proposed rezoning and ensure the Amendment documents include consideration and requirements to address such risks.</p>	<p>Council considers that the Mixed Use Zone and other existing planning scheme provisions such as Clause 55 and Clause 58 adequately deal with potential land use conflicts and required consideration of such conflicts when planning permit applications are assessed against the Planning Scheme.</p>
Potentially Contaminated Land	
<p>Make the following changes to the Explanatory Report:</p> <p>Document reasons for deferral of an Environmental Audit to an Environmental Audit Overlay (EAO) in the Explanatory Report.</p>	<p>Council believes the Explanatory Report sufficiently documents the reasons for deferral of an Environmental Audit to an EAO by stating: <i>“The amendment implements the UDF which is a long-term plan for the area. Therefore, it is difficult or inappropriate to meet environmental audit system requirements at the amendment stage. Applying the EAO allows the properties to continue to be used in their current capacity and is consistent with Planning Practice Note 30 – Potentially contaminated land (PPN30) in deferring the requirements to undertake site-specific environmental assessments to future developers as part of their development applications.”</i></p> <p>The sites on Moorabool St proposed for an EAO include two current service stations and other businesses, and it would be difficult and inappropriate to convince the owners to have a PRSA or Environmental Audit done at this early stage. The property owners are not actively pursuing rezoning, and this is being instigated by the City as part of implementing the broader UDF which is a long term plan for South Geelong. In the event one of the proposed EAO site owners wish to redevelop their land in the future it is more appropriate that soil contamination investigations and auditing is undertaken at the time rather than potentially years in advance of development and changes in use. The EAO is considered the best option to defer this requirement under these circumstances.</p> <p>In relation to the Barwon Water properties Council understands environmental auditing is underway. At the time of preparing the amendment sign off had not been provided hence the need to apply an EAO. It is possible that by the time the amendment reaches the</p>

	adoption stage the land will be all clear and the EAO can be dropped from the amendment.
<p>Make the following changes to DDO50 and DDO54:</p> <p>as per Appendix 1 of EPA's letter dated 25 August 2023</p> <p><i>If an environmental audit statement under Part 8.3 of the Environment Protection Act 2017 has been issued stating that the land is suitable for the use or proposed use subject to recommendations:</i></p> <ul style="list-style-type: none"> <i>The recommendations that relate to the use and development of the land must be complied with to the satisfaction of the responsible authority before the use or development commences, and,</i> <p><i>Written confirmation of compliance with any recommendations in the environmental audit statement must be provided by a suitably qualified environmental professional (with the costs borne by the applicant) to the satisfaction of the responsible authority, regarding verification of works”.</i></p>	<p>Council considers that this requirement is problematic in a DDO for two reasons:</p> <ol style="list-style-type: none"> 1) It relates to the use of land which is beyond the scope of a DDO which is limited to buildings, works and subdivision. 2) The EAO will already apply to the site and it is clear that an environmental audit statement must be issued stating the land is suitable for the use or proposed use (before a sensitive use commences). The EAO doesn't refer to conditional environmental audits and in any event if conditions were included in the audit that would be picked up by the Council planner as part of considering a permit application against the EAO. <p>On this basis the requirement has not been included in the DDOs.</p>

E. COUNCIL'S FINAL POSITION

107. Council submits the Amendment (as modified post exhibition) appropriately implements the *South Geelong Urban Design Framework 2022* by introducing new policy content, rezoning land identified as 'Key Development Areas' to Mixed Use Zone, 'Minimal' and 'Incremental Change Areas' to Schedule 5 to the General Residential Zone, and "Substantial Change Areas' to Schedule 4 to the Residential Growth Zone, The Amendment applies the Heritage Overlay, Environmental Audit Overlay and Design and Development Overlay to selected properties.
108. In Council's view, the Amendment is strategically justified, implements state and local policy objectives and the Municipal Planning Strategy and has been prepared in accordance with expert technical advice, planning practice notes and relevant guidelines.
109. The Amendment supports Victoria's Housing Strategy and draft Plan for Victoria housing targets by directing increased housing densities to areas that are well serviced with transport, employment and commercial activities while preserving neighbourhood character and places of heritage significance.
110. Accordingly we seek the Panel's support for what we consider to be a well founded and strategically important Amendment.
111. That concludes Council's submission.

APENDICES

Appendix 1 – EPA MD19 letter 25 August 2023.

Appendix 2 – 'Day 2' version of the Amendment Documents (with EPA changes).



25 August 2023

Peter Smith
Coordinator Strategic Implementation
City of Greater Geelong
PO Box 104
Geelong VIC 3220

Our Reference: REQ003579

Dear Peter,

RE: CITY OF GREATER GEELONG – SOUTH GEELONG DRAFT PLANNING SCHEME AMENDMENT C432

Thank you for the opportunity to provide our views in accordance with Ministerial Direction 19, in relation to Draft Planning Scheme Amendment C432 (the Amendment) which seeks to implement the *South Geelong Urban Design Framework*, September 2022 (South Geelong UDF), referred to the Environment Protection Authority (EPA) via email on 4 August 2023.

EPA has reviewed the following documents of relevance:

- Environmental Audit Overlay Recommendations, prepared by Landserv, June 2023 (the EAO Report);
- The following relevant maps:
 - Residential Growth Zone 4
 - General Residential Zone 5
 - Moorabool Street MUZ
 - Station Hub Precinct MUZ
 - Environmental Audit Overlay
- The following relevant draft planning ordinance:
 - Clause 32.07 – RGZ4
 - Clause 32.08 – GRZ5
 - Clause 43.02 – DDO48
 - Clause 43.02 – DDO49
- EAO Excel Spreadsheet, dated 30 June 2023;
- Explanatory Report, amendment C432; and
- Letter from City of Greater Geelong, Proposed Planning Scheme Amendment C432, dated 18 July 2023.

Ministerial Direction 19

The recognition of the preventative value of EPA's early involvement in strategic land use planning is reflected in Ministerial Direction 19 (MD19). MD19 requires planning authorities to seek early views from EPA when undertaking strategic planning processes that may significantly impact Victoria's environment, amenity or human health due to pollution and waste.

EPA's consideration and views on relevant planning matters is intended to support decisions made by planning authorities in the early stages of the planning process. It is in this context that we provide the following comments.

epa.vic.gov.au

Environment Protection Authority Victoria
GPO Box 4395, Melbourne VIC 3001
1300 372 842



Our Understanding of the Proposal

The City of Greater Geelong (Council) is seeking to implement the South Geelong UDF by proposing an Amendment to the Greater Geelong Planning Scheme.

The Amendment seeks to introduce new planning policy, rezone land and apply new overlays to South Geelong (the Site). See image below of the Site.



EPA understand the Amendment proposes:

Planning policy framework

1. Amend *Clause 16.01 Residential Development* to:
 - a. Amend *Sub-Clause 16.01-1L-01* to insert the 'South Geelong Key Development Area Map', to identify Moorabool Street and Station Hub as Key Development Areas.

Zones

2. Amend the Planning Scheme zone maps and associated schedules to:

Moorabool Street

Rezone land along Moorabool Street, including rear laneways, from the Commercial Zone and General Residential Zone to Mixed Use Zone (MUZ).

Station Hub

Rezone 40-44 Lonsdale Street (existing Barwon Water Site), 146 Swanston Street, 51 Carr Street, 223 Yarra Street and a portion of the Carr Street road reserve from the Public Use Zone and General Residential Zone to Mixed Use Zone (MUZ).

Overlays

3. Amend the Planning Scheme overlay maps and associated schedules to:

Moorabool Street

Insert a new Environmental Audit Overlay (EAO) to apply to contaminated land along Moorabool Street.

Insert a new Design and Development Overlay map and associated Schedule 49 (DDO49) to apply to land along Moorabool Street, including rear laneways.

Station Hub

Insert an Environmental Audit Overlay (EAO) to apply to 40-44 Lonsdale Street, Geelong (existing Barwon Water site)

Insert a new Design and Development Overlay map and associated Schedule 50 (DDO50) to apply to 40-44 Lonsdale Street (Existing Barwon Water Site), 146 Swanston Street, 51 Carr Street and a portion of the Carr Street road reserve.

Other consequential changes are also proposed to the Greater Geelong Planning Scheme, outside of EPA's scope to comment on.

Previous Responses

EPA provided advice to Council on two separate occasions relating to the draft South Geelong UDF:

- EPA provided MD19 views on 14 October 2020, (EPA Ref: 5011113). Based on the information provided at that time, EPA determined the proposal presented a low risk to the environment, amenity, and human health as a result of pollution or waste and therefore did not have any specific advice.
- In an Email on 18 October 2022 (EPA Ref: REQ002662), EPA provided information to Council regarding the application of the EAO.

EPA Views

EPA provide our views on noise and vibration, land use conflict and potentially contaminated land in relation to the draft Amendment.

Noise and vibration

The proposed MUZ at the South Geelong Station Hub (the Station Hub) would allow sensitive land uses to establish next to the railway line. The draft DDO50 includes noise requirements to manage the impact on future sensitive uses.

The proposed MUZ at Moorabool Street would allow sensitive land uses to abut the railway line, Kardinia Park and existing commercial businesses. The draft DDO49 includes noise requirements to manage the impact on future sensitive uses.

EPA Views

Whilst EPA supports the inclusion in DDO49 and DDO50 for an acoustic assessment report as an application requirement to address the identified noise impacts, we consider that it could be strengthened to better protect future sensitive land uses from noise impacts. EPA recommend the content provided at Appendix 1 be considered to replace the existing application requirements. The updated application requirement will ensure that all noise generating sources are captured and all land uses sensitive to noise impacts are addressed (i.e., the current wording in the DDOs references specific but not all potential noise sources and does not address all land uses sensitive to noise).

EPA also recommends an additional requirement which verifies that buildings accommodate sensitive land uses are constructed in accordance with the recommendations of any acoustic assessment, as a way of ensuring that the intended outcome with respect to noise attenuation has been achieved.

In terms of consistency, Council may wish to consider the following updates to the draft DDOs:

- DDO49 does not include a design objective relating to noise impacts, whereas DDO50 does, however, the content should be updated to capture all land uses sensitive to noise and all current and potential noise generating sources.
- DDO49 does not include a buildings and works requirement for acoustic attenuation, whereas DDO50 does, however, the content should be updated to capture all land uses sensitive to noise and all current and potential noise generating sources.
- Both DDO49 and DDO50 include a decision guideline for acoustic attenuation, however, the content should be updated to capture all land uses sensitive to noise and all current and potential noise generating sources.
- All of the above suggested updates should be drafted consistently in each DDO.

EPA recommend Council consider any scenario where the DDO noise requirements are not triggered, for example in land use applications where no development is proposed.

Land use conflict

EPA understands that Council is seeking to facilitate a mix of commercial and other land uses including sensitive uses. There is a potential for existing and future land uses to conflict, creating a risk of harm to human health and the environment. For example, an existing service industry within Moorabool Street may continue to operate in the MUZ where sensitive uses seek to establish nearby.

Council should identify land use conflicts which may result from the proposed rezoning and should ensure the Amendment documents include consideration and requirements to address such risks.

Potentially contaminated land

Council is proposing to manage potentially contaminated land by applying an EAO to land parcels deemed to be potentially contaminated. Council is seeking EPA guidance on the submitted *Environmental Audit Overlay Recommendations, Landserv, June 2023* (the EAO Report), including whether it is in accordance with PPN30 and MD1. Council requested EPA to only provide comments on the South Geelong properties, EPA is therefore only commenting on South Geelong properties.

The map below identifies which properties have been recommended for an EAO:



To defer the audit system requirements via an EAO, Ministerial Direction No. 1 (MD1) specifies:

“Where a planning authority determines that complying with subclause (1) or (2) is difficult or inappropriate it may defer the requirements of those subclauses provided the requirements are included in the amendment through the application of an Environmental Audit Overlay or other appropriate measure.”

Planning Practice Note 30 – Potentially Contaminated Land (DELWP, 2021) (PPN30) includes further guidance on deferring the audit system requirements:

“Audit system requirements must be met at the time of the amendment unless the planning authority determines that compliance with this requirement is difficult or inappropriate, noting that assessment time and costs are not in themselves sufficient reasons to defer assessment. ”

EPA highlights that our comments are based on the guidance set out in PPN30 and MD1. The EAO report undertakes a historical review of contaminated land across South Geelong. EPA has not undertaken a detailed review of the EAO report; however, we highlight the following findings.

Findings

- The EAO report categorised land with a low, medium or high potential for contamination.
- Table 3 of the EAO report further categorised land as follows:

- Category a) refers to land that has a high potential for contamination, and requires an EAO;
 - Category b) and c) refers to land that has a high potential for contamination, and reduced planning requirements apply;
 - Category d) to f) refers to land that has a medium potential for contamination, and reduced planning requirements apply; and
 - Category g) refers to land that has a low potential for contamination, requiring no action.
- Five properties have been identified for an EAO within the South Geelong UDF.

EPA Observations

1. PPN30 provides no guidance for land that has a 'low' potential for contamination. In this instance it appears that the EAO Report concludes that land with a 'low' potential for contamination is not potentially contaminated land. We also draw Council's attention to page 27 of the [Planning for Environment Protection Consultation Report - March 2023](#) prepared by the Department of Energy, Environment, and Climate Action, and which seeks to provide clarification regarding a 'low' categorisation for potentially contaminated land.
2. The reference to 'reduced planning requirements' refers to Clause 65.01 and Clause 13.04-15. These are not reduced planning requirements; these are standard planning requirements, and it appears that this option in resolving potentially contaminated land is not in accordance with PPN30 or MD1.
3. The EAO report contends that MD1 requirements do not apply when proposing to rezone for a sensitive use, where a sensitive use already exists. It is important to note that MD1 does not take into consideration the existing zoning of land, but rather what is being proposed, as stated in MD1 "when preparing an amendment which allows land to be used for a sensitive use".
4. For land that has been determined to have a 'low' potential for contamination, no information has been provided on the former/current land uses at that location.
5. For land that has been determined to have a 'medium' potential for contamination, this is based on adjacent land uses, however no information has been provided on the former/current land use at that location.

EPA Views

1. MD1 requires the planning authority to satisfy itself that the land is potentially contaminated or not. It appears that there is incomplete/insufficient information in the EAO Report to make a clear determination on whether all land proposed to be rezoned is potentially contaminated or not. This has been highlighted in the above section.
2. Consistent with MD1 and PPN30, audit system requirements must be met at the time of amendment, where land has been identified to be potentially contaminated, unless the Planning Authority has determined that complying with audit system requirements is difficult or inappropriate. EPA recommend Council document the reasons for deferral of these requirements in the Explanatory Report.
3. As outlined in PPN30, where an environmental audit may be completed in response to an EAO, it is necessary to carefully draft the planning provisions in the planning scheme amendment to address implementation of the environmental audit statement recommendations. Refer to Appendix 1 for recommended wording.

Summary and Recommendations

Noise and vibration

1. Council should consider making updates to the draft amendment to strengthen acoustic attenuation requirements. Appendix 1 includes a recommended application requirement.
2. EPA recommend Council consider any scenario where the DDO noise requirements are not triggered, for example in land use applications where no development is proposed.

Land use conflict

3. Council should identify land use conflicts which may result from the proposed rezoning and should ensure the Amendment documents include consideration and requirements to address such risks.

Potentially contaminated land

1. It appears that there is incomplete/insufficient information in the EAO Report to make a clear determination on whether all land proposed to be rezoned is potentially contaminated or not, in accordance with MD1.
2. Council should provide reasons why the application of the EAO is appropriate, as required by MD1.

Closing

EPA thanks Council for the opportunity to provide its views and extends an invitation to meet further for discussions if necessary.

If you need additional information or would like to discuss this matter further, please contact Todd Cracknell on 1300 EPA VIC (1300 372 842), or at stratplan@epa.vic.gov.au.

Yours sincerely,



Kristen Argus
Team Leader- Strategic Planning
Environment Protection Authority Victoria

Appendix 1:Recommended application requirement for noise

Any application for use, subdivision or development of land for Accommodation, Education centre (other than Tertiary institution and Employment training centre) or Hospital, must be accompanied by an acoustic assessment report prepared by a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority which:

- *Applies the following noise objectives:*
 - *Not greater than 35 dB LAeq,8h when measured within a sleeping area between 10pm and 6am.*
 - *Not greater than 40 dB LAeq,16h when measured within a living area between 6am and 10pm.*
 - *For areas other than sleeping and living areas, not greater than the median value of the range of recommended designed sound levels of Australian Standard AS/NZ 2107:2016 (Acoustics – Recommended design sound level and reverberation times for building interiors).*
- *Noise levels should be assessed:*
 - *Considering the cumulative noise from all sources impacting on the proposal including road traffic noise and industry noise, as well as potential other potential noise sources; and*
 - *In unfurnished rooms with a finished floor and the windows closed and be based on average external noise levels measured as part of a noise level assessment.*
- *Addresses noise compatible design for buildings, with siting, orientation, and internal layout, to be considered prior to setting building envelope performance requirements.*
- *Addresses potential noise character (such as tonality, impulsiveness or intermittency) is addressed wherever relevant, including through the application of adjustments to the internal noise levels that are determined using the procedures to adjust industry noise levels of the Noise Protocol.*

The following conditions and/or requirements apply to permits:

- *A permit must contain conditions which give effect to the Acoustic Assessment Report, where the land has been identified as a lot that requires mitigation measures against noise impacts”.*

Recommended provision for implementation of audit recommendations to include in the draft DDOs

If an environmental audit statement under Part 8.3 of the Environment Protection Act 2017 has been issued stating that the land is suitable for the use or proposed use subject to recommendations:

- a) *the recommendations that relate to the use and development of the land must be complied with to the satisfaction of the responsible authority before the use or development commences, and,*
- b) *Written confirmation of compliance with any recommendations in the environmental audit statement must be provided by a suitably qualified environmental professional (with the costs borne by the applicant) to the satisfaction of the responsible authority, regarding verification of works”.*