



Date: 14 November 2022

Submission on behalf of the Planning Authority
Amendment C434ggee to the Greater Geelong Planning Scheme

Council's submission: Part A

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INTRODUCTION

1. This submission is made on behalf of the City of Greater Geelong (**Council**).
2. Council is the Planning Authority for Amendment C434gee (**Amendment**) to the Greater Geelong Planning Scheme (**Scheme**). Council has prepared and is the proponent of the Amendment.
3. The Amendment proposes to rezone the land at Weddell Road and Thompson Road, North Geelong (shown in Figure 1 below and described as the **Saleyards Precinct**) from the Industrial 1 Zone to the Comprehensive Development Zone – Schedule 4 and make other various planning provision changes. It seeks to facilitate the use and redevelopment of the Saleyards Precinct primarily for residential as well as a limited mix of other uses generally in accordance with the *Saleyards Comprehensive Development Plan, May 2022 (Saleyards CDP)*.



Figure 1: Amendment area

4. On 22 June 2021, Council resolved to request authorisation from the Minister for Planning to prepare and exhibit the Amendment.
5. On 29 April 2022, Council received conditional authorisation from the Minister for Planning.
6. The Amendment was exhibited between 16 June 2022 and 25 July 2022.
7. In response to exhibition, Council received 15 submissions.
8. At the 27 September 2022 Council meeting, Council considered the submissions and resolved to:
 - 8.1 request the Minister for Planning to appoint an independent Panel under Part 5 of the *Planning and Environment Act 1987* to consider submissions relating to the amendment;

- 8.2 refer all submissions to the Panel;
 - 8.3 submit to the Panel its response to the submissions generally as outlined in this report; and
 - 8.4 advise the Panel that Council supports high density development within this precinct of up to 10 storeys, subject to appropriate design and siting outcomes and all applications above 6 storeys requirement a planning notice process.
9. On 4 October 2022, a Planning Panel was appointed to consider the submissions.

Summary of Amendment

10. The purpose of the Amendment is to implement the recommendations of the *Saleyards Precinct Plan (City of Greater Geelong, June 2021)* which was adopted by Council on 22 June 2021. More specifically, the Amendment (as exhibited) proposes to:
- 10.1 rezone the land at 125-135 Weddell Road (part), 8-14 Thompson Road, 6A Thompson Road and 2-6 Thompson Road (part), North Geelong from the Industrial 1 Zone to the Comprehensive Development Zone – Schedule 4 (**CDZ4**);
 - 10.2 amend the schedule to the Heritage Overlay (HO1915) to remove the exemption for prohibited uses;
 - 10.3 delete the Design and Development Overlay (DDO20 – Industrial 1, 2 and 3 Zones) as it applies to the land;
 - 10.4 apply the Environmental Audit Overlay (**EAO**) to the land 125-135 Weddell Road (part), 8-14 & 6A Thompson Road and 2-6 Thompson Road (part), North Geelong;
 - 10.5 amend Clause 21.06-8 (Implementation) to include the Saleyards Precinct Key Development Area in the Housing and Settlement Framework Plan and Key Development Area Maps;
 - 10.6 amend schedule to Clause 53.01 (Public open space contribution and subdivision) to include an amount of contribution for the land proposed to be rezoned to CDZ4;
 - 10.7 amend the schedule to Clause 72.04 to include the new incorporated document titled “*Saleyards Comprehensive Development Plan, May 2022 (City of Greater Geelong)*”, to inform the key use and development outcomes for the land;
 - 10.8 amend the schedule to Clause 72.08 (Background documents) to include *Saleyards Precinct Plan (City of Greater Geelong, June 2021)*, *Providing social housing as essential infrastructure in Geelong’s Saleyards precinct (SGS, March 2022)* and *Geelong Saleyards Precinct Surface Water Management Strategy (BMT, April 2021)*.
11. The background to the Amendment is described in further detail later in Council’s Part A Submission.

PANEL DIRECTIONS

13. This submission responds to directions #18(a) to (h) of the Panel's Directions issued on 28 October 2022 (**Panel's Directions**) directing Council to circulate its 'Part A' submission by 12pm on Monday 14 November 2022 and specifying items to be included in its submission.
14. The 'Part A' submission is arranged under the following headings, in accordance with the Panel's Directions:
 - a) background to the Amendment (including chronology of events);
 - b) strategic context and assessment;
 - c) an explanation of the Amendment drafting having regard to relevant Planning Practice Notes, Ministerial Directions and A Practitioner's Guide to Victoria's Planning Schemes;
 - d) other amendments that may be under preparation or recently approved that may impact on the Amendment;
 - e) current permit applications that may impact on the Amendment;
 - f) summary of the main issues identified in submissions;
 - g) suggested changes to the Amendment in response to submissions; and
 - h) any other strategic material that Council intends to rely upon in support of the Amendment that has not yet been provided, or that might assist the Panel in its consideration of the Amendment.
15. Council's 'Part B' submission (to be circulated on 24 November 2022) will present Council's submissions in relation to the Amendment and the changes to the Saleyards CDP and the CDZ Schedule that are proposed generally as circulated on 4 November 2022 and also address the matters required by direction 19 of the Panel's Directions, namely:
 - 15.1 Council's response to submissions and evidence; and
 - 15.2 Council's final position on the Amendment.

BACKGROUND TO THE AMENDMENT

16. This section of Council's submission provides an overview of the strategic planning context and background relevant to this Amendment.
17. The closure of the Saleyards and the departure of Target retail business headquarters (now Gateways Support Services) from Geelong in 2017 presented an opportunity for Council to consider what the best use and development of the Saleyards Precinct should be into the future. When Council resolved to close the Geelong Saleyards in August 2017, it also resolved to:
 - 17.1 engage with the community to develop a strategy to recognise the history of the Geelong Saleyards;
 - 17.2 identify heritage elements to be retained at the Geelong Saleyards, and to make safe the site by demolishing unsafe infrastructure;
 - 17.3 develop a Precinct Plan for the Weddell Road site incorporating the provision of public open space.
18. At the 28 August 2018 Council meeting, Council resolved to:
 - 18.1 support a mixed use development incorporating residential development in the Saleyards Precinct Plan;
 - 18.2 note the progress of work on the Geelong Saleyards Precinct Plan; and
 - 18.3 support consultation with the community and affected landowners to inform the directions of the Geelong Saleyards Precinct Plan.
19. In response to this Council resolution, Council embarked on a program of strategic planning and technical work to inform future use and development of the Saleyards Precinct.
20. The Amendment has been informed by the following documents:
 - 20.1 *Saleyards Precinct Plan* (City of Greater Geelong, June 2021) (**Precinct Plan**);
 - 20.2 *Providing social housing as essential infrastructure in Geelong's Saleyards precinct* (SGS, March 2022) (**SGS Report**);
 - 20.3 *Geelong Saleyards Precinct – Surface Water Management Strategy* (BMT, April 2021) (**BMT Report**);
 - 20.4 *Saleyards Precinct Shared Infrastructure Funding Plan* (City of Greater Geelong, May 2022) (**SIFP**);
 - 20.5 *Geelong Saleyards Precinct Plan – Movement and Access Strategy* (ESR Transport Planning, March 2020) (**ESR Report**);
 - 20.6 *Geelong Saleyards Further environmental Site Assessment and Remediation Estimate* (Tetra Tech Coffey, August 2021), *Environment Site Assessment for 2 – 6 Thompson Road, North Geelong* (Golder Associates Pty Ltd, 26 June 2019) and *Environment Site Assessment for 8 – 14 Thompson Road, North Geelong* (Golder Associates Pty Ltd, 14 May 2019) (**Environmental Site Assessments**);
 - 20.7 *Geelong Saleyards Precinct - Environmental Land Use Buffer Assessment* (Landserv Environment, February 2021) (**Buff Assessment**);

- 20.8 *Geelong Saleyards Precinct – Acoustic Report* (Renzo Tonin & Associates, May 2022) (**Acoustic Report**); and
- 20.9 *Geelong Saleyards Precinct Plan – Arborists Assessment* (Let’s Talk About Trees, February 2018) (**Arborist Assessment**).

Precinct Plan

- 21. The Precinct Plan was prepared internally by Council. It was informed by a series of background technical studies (relating to drainage, environmental site assessment and buffer study, movement and access, heritage, vegetation and acoustics) as well as extensive community consultation.
- 22. The following design principles were developed based on the site analysis and community and stakeholder consultation namely that the redevelopment of the Saleyards Precinct should:
 - 22.1 provide spacious public open space and improved habitat;
 - 22.2 respect the heritage of the site;
 - 22.3 connect to surrounding streets;
 - 22.4 enhance pedestrian and bicycle networks throughout the precinct;
 - 22.5 provide a community node;
 - 22.6 provide a critical mass for housing; and
 - 22.7 encourage best practice environmentally sensitive design.
- 23. Building on these design principles, the Precinct Plan develops a framework plan for:
 - 23.1 provision of open spaces ranging from urban plazas, wetlands, to a planted central parkland;
 - 23.2 block and development parcel plan to facilitate the delivery of an integrated and high quality walkable urban neighbourhood;
 - 23.3 delivery of higher density housing, with a diversity of housing types and built form;
 - 23.4 improved pedestrian and cycling paths and connections to key destinations such as train station, activity centres and the city centre;
 - 23.5 architectural quality and building typologies;
 - 23.6 best practice environmentally sustainable design, stormwater management and water quality treatment;
 - 23.7 street network design; and
 - 23.8 street design.
- 24. The Precinct Plan includes an implementation plan that addresses:
 - 24.1 purpose of the Precinct Plan;

- 24.2 design principles relating to built form and scale, open and public spaces, pedestrian and cycle access and movement, vehicle access, car parking and movement, landscaping, sustainability and water sensitive urban design, subdivision and signs;
 - 24.3 social housing requirements;
 - 24.4 zone and overlays;
 - 24.5 infrastructure delivery plan; and
 - 24.6 open space contribution.
25. The Precinct Plan was adopted by Council on 22 June 2021 and should be a background document to the Scheme as it informs the various provisions to be inserted into the Scheme to implement the aspirations of the Precinct Plan.

SGS Report

- 26. Council engaged SGS Economics & Planning to consider the provision of social and affordable housing as part of the redevelopment the Saleyards Precinct.
- 27. The SGS Report firstly examines the strategic justification for implementing social and affordable housing contribution within the Saleyards Precinct. It then considers what an appropriate social and affordable housing contribution rate may be for the Saleyards Precinct.
- 28. The Amendment includes the SGS Report as a background document to the Scheme.

BMT Report

- 29. Council commissioned BMT to update the flooding mapping to current standards and develop a strategy for surface water management for the Saleyards Precinct to inform the development of the Precinct Plan.
- 30. The BMT Report assesses changes in stormwater quality as a result of the development of the Saleyards Precinct and develops a strategy for the management of stormwater quality pollutants. It shows that the proposed stormwater treatment strategy will result in a decrease in stormwater pollutant loads, with a 80% reduction in Total Suspended Solids, 45% reduction in Total Phosphorus, 45% reduction in Total Nitrogen and 70% reduction in Gross Pollutants.
- 31. The Amendment refers to the stormwater objectives set out in the BMT Report and seeks to include the BMT Report as a background document to the Scheme. Given that the BMT report is informative in relation to the drainage strategy, it is appropriate that it be referenced.

Shared Infrastructure Funding Plan (SIFP)

- 32. It is not proposed to employ a formal development contributions plan in the precinct given its relatively small size and small number of landowners at the present time. Therefore, an alternative model of infrastructure provision is proposed. The SIFP has been prepared to identify key infrastructure to be provided to support redevelopment of the Saleyards Precinct. It has been developed based on technical reports prepared for the Saleyards Precinct, and concepts and principles for infrastructure delivery and infrastructure contributions as discussed with relevant stakeholders.
- 33. The SIFP identifies shared infrastructure items which generally fall with the following categories:

- 33.1 pedestrian intersections and external road improvements;
 - 33.2 open space construction and improvements;
 - 33.3 drainage works; and
 - 33.4 community facility and planning contributions.
34. It will form the basis for agreements between Council and the landowners in the Saleyards Precinct to be made under s 173 of the *Planning and Environment Act 1987* which formalise infrastructure delivery and infrastructure contributions agreements.
35. The agreements will be based on the template agreement prepared by Council (exhibited alongside the Amendment), and describe the implementation principles of the SIFP, while also including details regarding levies payable for the relevant lot, the infrastructure items to be funded, and the administrative and legal provisions contained within the SIFP and delivery of infrastructure over time. The agreements will need to be executed prior to the approval of the Amendment save that in respect of the Council land, any sale of the land will include a condition requiring entry into the agreement.¹

ESR Report

36. Council commissioned ESR Transport in 2019 to undertake a movement and access study to inform the preparation of the Precinct Plan.
37. The ESR Report considers the following issues:
- 37.1 traffic generation as a result of the redevelopment of the Saleyards Precinct;
 - 37.2 road network hierarchy and layout;
 - 37.3 road cross sections;
 - 37.4 walking, cycling and access to public transport;
 - 37.5 road assess intersections;
 - 37.6 car parking; and
 - 37.7 Victoria Street / Weddell Road / Douro Street intersection.

Environmental Site Assessments

38. In 2018, Council commissioned Tera Tech Coffey to complete a Phase 1 and Phase 2 environmental site assessment to investigate the level of soil and ground water contamination for the land at 125 – 135 Weddell Road, North Geelong.
39. The environmental site assessment identifies contaminants in soil and groundwater. However, it concludes that with appropriate remediation works, the site can be remediated to accommodate residential or open space uses.
40. Leaf Corporation also commissioned Golder Associates Pty Ltd to undertake an environmental site assessment for the land at 2 – 6 Thompson Road and 8 – 14 Thompson Road, North Geelong.

¹ A Council (as owner) cannot enter into an agreement with itself.

41. The environmental site assessment undertaken by Golder identifies contaminants in soil and groundwater. However, it considers the impact of the existing contamination on redevelopment of the land at 2 – 6 and 8 – 14 Thompson Road for residential purpose to be low to moderate, subject to appropriate investigation and remediation works.
42. The planning provisions in the Schedule to the CDZ includes text which provides for the planning framework to be implemented on account of the potential for site contamination.

Buffer assessment

43. Council commissioned Landserv to undertake a buffer study to investigate whether the existing surrounding industrial uses would have an impact or would be impacted by the redevelopment of the Saleyards Precinct as a mixed-use residential precinct.
44. A land use audit and assessment reveals the type and scale of industrial uses found in the area does not pose an unacceptable risk. It also notes that the proximity of existing sensitive land uses (residential and open space) means industrial uses that require buffers are already restricted in this area. The Landserv report concludes that subject to design treatments such as acoustic considerations, any potential impacts could be managed via the normal permit, regulation and enforcement processes.

Acoustic Report

45. Council engaged Renzo Tonin & Associates to conduct an assessment of acoustic impacts that may affect redevelopment of the Saleyards Precinct. In undertaking the assessment, Renzo Tonin & Associates:
 - 45.1 inspected the Saleyards Precinct and placed noise monitors to record and benchmark existing noise impacts;
 - 45.2 set out relevant noise criteria;
 - 45.3 proposed agent of change principles to guide redevelopment of the Saleyards Precinct;
 - 45.4 assessed recorded existing noise impacts against the nominated criteria; and
 - 45.5 provided recommendation for noise attenuation where existing noise impacts were predicted to exceed noise criteria.
46. The Acoustic Report concludes that subject to appropriate noise attenuation of development within the Saleyards Precinct, redevelopment of the Saleyards Precinct could provide suitable residential amenity with respect to acoustics without unduly impacting on the existing uses in the area.

Arborist Assessment

47. In 2018, Council commissioned Let's Talk About Trees to undertake an assessment of the existing vegetation at 125 – 135 Weddell Road, North Geelong.
48. The assessment identifies 43 trees on the site, all were identified as planted and of both native and exotic species. It concludes all the trees on the site carry no specific or high habitat value and are easily replaceable.

Other background documents

49. The Amendment is also supported by the following background documents.

Settlement Strategy (City of Greater Geelong, August 2020)

- 50. Council adopted the Greater Geelong Settlement Strategy on 25 August 2020.
- 51. The Settlement Strategy comprises of a background section with development and population analysis and strategy section including recommendations based around the themes of:
 - 51.1 spatial Distribution of Growth and Land Supply;
 - 51.2 housing Diversity;
 - 51.3 managing Future Growth
 - 51.4 Bellarine Peninsula;
 - 51.5 settlement boundaries;
 - 51.6 urban consolidation; and
 - 51.7 monitoring and review.
- 52. A key direction of the Settlement Strategy is to increase the housing supply contribution made by infill development to 50 per cent by 2047, as well as to ensure housing diversity is achieved in existing communities. The Settlement Strategy also includes a principle seeking to increase the level of affordable and social housing in Greater Geelong.

Social Housing Plan 2020-2041

- 53. Council endorsed the Social Housing Plan 2020 - 2041 (**SH Plan**) on 25 February 2020. The SH Plan aligns with the Settlement Strategy and its overarching purpose is to facilitate an increase in the supply of social housing.
- 54. The SH Plan notes that the current estimated demand for social housing is 13,500 new dwellings over 21 years, including the replacement of 1,500 existing public dwellings that will come to the end of their economic life. This equates to the delivery of an average of approximately 675 social housing dwellings (or an investment of \$235 million) per annum to 2041.
- 55. The SH Plan outlines 5 key goals for increasing supply of social housing across the City:
 - 55.1 increase the supply of social housing from the current three per cent to seven per cent of total households by 2031 (an estimated increase in supply of 6,000 dwellings) and to 10 per cent by 2040 (a further 6,000 dwellings);
 - 55.2 increase the supply of social housing through the provision of City owned land for social housing developments, and a new requirement for all development on City owned land to contribute to an increased supply of social housing;
 - 55.3 maximise State and Commonwealth investment in new social housing across the City;
 - 55.4 amend the Scheme to require the inclusion of social and affordable housing in new development based on identified need; and
 - 55.5 complete an 'Urban Refreshment' of areas of high social housing concentration to enhance the utilisation and quality of social housing and increase the liveability and social wellbeing of these areas.

Housing Diversity Strategy

56. Council prepared the Housing Diversity Strategy in conjunction with alphaPlan and David Lock Associates. It was adopted by Council in July 2007 and was amended in September 2008.
57. In 2005, Council prepared a Housing Strategy Background and Issues Report for the municipality. The study highlighted a significant need for Council to facilitate increased housing diversity in the municipality whilst at the same time protecting the rural and garden character that many individuals associate with non-metropolitan centres like Geelong.
58. The Housing Diversity Strategy aims to reconcile these needs, particularly by providing certainty to the Geelong community as to where different housing types and densities will be generally supported or discouraged by Council. It seeks to:
 - 58.1 provide for the development of a range of housing types and densities and encouraging urban consolidation within existing urban areas;
 - 58.2 provide certainty to the existing and future community with regard to where different housing types would be supported or discouraged;
 - 58.3 provide for a sustainable overall urban structure for the City.
59. The Housing Diversity Strategy divides the established urban areas into the following 3 categories:
 - 59.1 Key Development Areas – Higher density and mixed use housing;
 - 59.2 Increased Housing Diversity Areas – a mix of conventional housing with some medium density housing around activity centres and train stations; and
 - 59.3 Incremental Change Areas – primarily conventional residential housing.
60. The Amendment includes the Saleyards Precinct in the Key Development Areas category.

PREPARATION OF THE AMENDMENT

61. A chronology of events for the Amendment is included at **Attachment A**.

Resolution to prepare Amendment

62. On 22 June 2021, Council resolved to:

- 62.1 adopt the Saleyards Precinct Plan; and
- 62.2 request the Minister for Planning authorise the preparation of a planning scheme amendment to introduce policy and development controls into the Greater Geelong Planning Scheme consistent with the principles of the Saleyards Precinct Plan and draft local policy.

Preparation of the Amendment, SIFP and draft s 173 agreement

63. Council officers spent around 10 months post the 22 June 2021 Council resolution drafting the planning scheme amendment and associated documents. In particular the Saleyards CDP and CDZ schedule were drafted in consultation with Leaf Corporation, Council as landowner, Environment Protection Authority Victoria and DELWP regional planning officers. Further infrastructure planning and costing was also undertaken to develop the SIFP and an associated draft section 173 agreement.

Authorisation

64. On 29 April 2022 Council received authorisation to prepare the Amendment from the Minister for Planning (under delegation) subject to the following conditions:

- 64.1 revise the amendment documents in consultation with the Department of Environment, Land, Water and Planning (**DELWP**) prior to exhibition to ensure that the affordable housing contribution is not a mandatory requirement; and
- 64.2 revise the amendment documents and supporting documents in consultation with DELWP prior to exhibition to address the Environment Protection Authority recommendations provided to council in its letter dated 14 April 2022.

Exhibition

65. The Amendment was exhibited between 16 June 2022 and 25 July 2022 in accordance with the Act.

66. Notice of the Amendment was:

- 66.1 sent to 660 owners and occupiers of affected properties in the area, Prescribed Ministers and referral authorities on 16 June 2022;
- 66.2 published in the Geelong Times, Bellarine Times and Armstrong Creek Times on 16 June 2022;
- 66.3 made available on Council's website, at Council offices and on DELWP's website;
- 66.4 published in the Government Gazette on 23 June 2022.

67. The exhibited Amendment documentation comprises the following:

- 67.1 Explanatory Report;

- 67.2 Instruction Sheet;
- 67.3 proposed clause 21.06 – Settlement and Housing;
- 67.4 proposed schedule 4 to clause 37.02 – Comprehensive Development Zone;
- 67.5 proposed schedule to clause 43.01 – Heritage Overlay;
- 67.6 proposed schedule to clause 53.01 – Public Open Space Contribution and Subdivision;
- 67.7 proposed schedule to clause 72.04 – Documents Incorporated in this Planning Scheme;
- 67.8 proposed schedule to clause 72.08 – Background Documents;
- 67.9 maps identifying:
 - 67.9.1 area of proposed CDZ4 application;
 - 67.9.2 area of deletion of DDO20;
 - 67.9.3 area of proposed EAO application;
- 67.10 the Saleyards CDP as an incorporated document;
- 67.11 the following supporting documents:
 - 67.11.1 Saleyards Precinct Plan (City of Greater Geelong, June 2021);
 - 67.11.2 Providing social housing as essential infrastructure in Geelong’s Saleyards precinct (SGS, March 2022); and
 - 67.11.3 Geelong Saleyards Precinct Surface Water Management Strategy (BMT, April 2021).
- 68. In addition to the exhibited documents, the following documents were published on Council’s Amendment C434 – Geelong Saleyards Precinct Plan webpage:
 - 68.1 Environmental site assessment for 8 – 14 Thompson Road, North Geelong (submitted by Golder Associates Pty Ltd for Leaf Corporation, dated 14 May 2019);
 - 68.2 Environmental site assessment for 2 - 6 Thompson Road, North Geelong (submitted by Golder Associates Pty Ltd for Leaf Corporation, dated 26 June 2019);
 - 68.3 Geelong Saleyards further environmental site assessment and remediation estimates (Tetra Tech Coffey, dated 19 August 2021);
 - 68.4 Geelong Saleyards arborist assessment (Lets Talk About Trees, February 2018);
 - 68.5 Additional tree assessment (City of Greater Geelong, 18 January 2019);
 - 68.6 Saleyards precinct shared infrastructure funding plan (City of Greater Geelong, May 2022);
 - 68.7 Geelong Saleyards precinct plan - Acoustic report (Renzo Tonin & Associates, dated 20 May 2022);

- 68.8 Geelong Saleyards precinct plan – Movement and assess strategy (ESR transport planning, dated 20 March 2020);
- 68.9 Geelong Saleyards precinct - Environmental land use buffer assessment (Landserv Environment, dated 26 February 2021); and
- 68.10 Draft section 173 agreement regarding Saleyards precinct infrastructure contributions (Maddocks Lawyers, 26 May 2022).

Submissions

- 69. In response to public exhibition, Council received a total of 15 submissions.
- 70. Of the 15 submissions received:
 - 70.1 2 objected to the Amendment with no changes requested,
 - 70.2 2 objected to the Amendment with changes also requested,
 - 70.3 9 were generally supportive and requested changes to the Amendment; and,
 - 70.4 2 support the Amendment without changes.
- 71. The 27 September 2022 officer's report provides a detailed summary of the issues in the submissions, together with Council officers' response to these issues. Attachment 2 of the officer's report includes a summary of the individual submissions as well as Council officers' response to these submissions.

Council consideration of submissions

- 72. Council considered the submissions at its meeting on 27 September 2022 and resolved to:
 - 72.1 request the Minister for Planning to appoint an independent Panel under Part 5 of the Planning and Environment Act 1987 to consider submissions relating to the amendment;
 - 72.2 refer all submissions to the Panel;
 - 72.3 submit to the Panel its response to the submissions generally as outlined in this report; and
 - 72.4 advise the Panel that Council supports high density development within this precinct of up to 10 storeys, subject to appropriate design and siting outcomes and all applications above 6 storeys requirement a planning notice process.
- 73. The Panel has previously been provided with a copy of the officer's report dated 27 September 2022 (including attachments) and the Council resolution dated 27 September 2022.

STRATEGIC CONTEXT AND ASSESSMENT

- 74. This section provides an overview of the strategic basis for the Amendment, including the relevant State and local policies. The exhibited Explanatory Report includes a strategic assessment, which is adopted for the purposes of Council's submission.
- 75. A response to the strategic issues raised in submissions, and more particularly, those that questioned the strategic merit of particular aspects of the Amendment, will be addressed in Council's 'Part B' submission.

Planning Policy Framework (PPF)

- 76. It is submitted that the strategic justification for the Amendment is firmly grounded in the PPF.
- 77. Clause 11 (Settlement) seeks to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services. It seeks for planning to as far as practicable contribute towards health, wellbeing and safety; diversity of choice; economic viability; a high standard of economic sustainability; urban design and amenity; climate change adaptation and mitigation; accessibility; and land use and transport integration. In particular:
 - 77.1 the Amendment supports the following strategies of clause 11.01-S (Settlement):
 - 77.1.1 develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities;
 - 77.1.2 focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of .. Geelong ...;
 - 77.1.3 ensure regions and their settlements are planned in accordance with their relevant regional growth plan;
 - 77.1.4 limit urban sprawl and direct growth into existing settlements;
 - 77.1.5 promote and capitalise on opportunities for urban renewal and infill redevelopment;
 - 77.2 the Amendment supports the following strategies of clause 11.01-R (Settlement – Geelong G21):
 - 77.2.1 support the role of Central Geelong as a major regional city and revitalise and strengthen its role as Victoria's second city;
 - 77.3 the Amendment supports the following strategies of clause 11.01-L (Settlement – Greater Geelong):
 - 77.3.1 direct the majority of future housing needs to urban Geelong (urban infill, Armstrong Creek and the Northern and Western Geelong Growth Areas); and
 - 77.3.2 ensure urban development occurs within designated settlement boundaries.
- 78. The Amendment supports the strategies of clause 13.04-1S (Contaminated and potentially contaminated land) by applying an EAO to the Saleyards Precinct.

79. Clause 13.07-1S (Land use compatibility) seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. Relevant strategies include:
- 79.1 ensure that use or development of land is compatible with adjoining and nearby land uses;
 - 79.2 avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses;
 - 79.3 avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures;
 - 79.4 protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.
80. Clause 15 (Built Environment and Heritage) provides that 'planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context'. In particular:
- 80.1 the Amendment supports Clause 15 by introducing planning controls which seek to ensure development responds appropriately to the heritage values of the former Geelong Saleyards and its site context;
 - 80.2 the Amendment supports the following objective and strategy of Clause 15.01-1S (Urban design):
 - 80.2.1 create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity; and
 - 80.2.2 require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate;
 - 80.2.3 ensure development supports public realm amenity and safe access to walking and cycling environments and public transport; and
 - 80.2.4 ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.
 - 80.3 the Amendment supports the overarching objective of Clause 15.03-1S (Heritage Conservation) which is to ensure the conservation of places of heritage significance and the following strategies:
 - 80.3.1 provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance;
 - 80.3.2 encourage appropriate development that respects places with identified heritage values;
 - 80.3.3 retain those elements that contribute to the importance of the heritage place;
 - 80.3.4 encourage the conservation and restoration of contributory elements of a heritage place; and

- 80.3.5 ensure an appropriate setting and context for heritage places is maintained or enhanced.
- 80.4 the Amendment supports the objective and strategies of Clause 15.01-4S (Healthy neighbourhoods) to achieve neighbourhoods that foster healthy and active living and community wellbeing.
- 81. Clause 16 (Housing) emphasises the importance of providing housing diversity and ensuring the efficient provision of supporting infrastructure. The Amendment seeks to accommodate future housing growth at an appropriate scale and facilitate the delivery of affordable and social housing.
- 82. Clause 19.02-6S (Open space) seeks to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community. The Amendment supports this objective and the following strategies:
 - 82.1 plan for regional and local open space networks for both recreation and conservation of natural and cultural environments;
 - 82.2 ensure that land is set aside and developed in residential areas for local recreational use and to create pedestrian and bicycle links to commercial and community facilities;
 - 82.3 ensure that urban open space provides for nature conservation, recreation and play, formal and informal sport, social interaction, opportunities to connect with nature and peace and solitude;
 - 82.4 ensure open space provision is fair and equitable with the aim of providing access that meets the needs of all members of the community, regardless of age, gender, ability or a person's location;
 - 82.5 develop open space to maintain wildlife corridors and greenhouse sinks; and
 - 82.6 plan open space areas for multiple uses, such as community gardens, sports and recreation, active transport routes, wildlife corridors and flood storage basins.
- 83. Clause 19.03-2S (Infrastructure design and provision) seeks to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community. The Amendment supports this objective.
- 84. The Amendment seeks to advance the above objectives and strategies.

Municipal Planning Strategy (MPS)

- 85. The Amendment supports and implements the following strategic directions in the MPS:
 - 85.1 Clause 02.03-1 (Settlement) supporting targeted infill development in areas with access to infrastructure, goods and services. It calls for medium and high density housing to deliver high quality design and achieve a high level of amenity for future residents while being appropriate for the site and neighbourhood;
 - 85.2 Clause 02.03-2 (Environmental and landscape values) seeking to protect and enhance the nature environment and provide for more sustainable development;
 - 85.3 Clause 02.03-3 (Environment risks and amenity) seeking to (amongst other things) protect the function of floodplains, and minimise the potential for damage and risks to public safety and property from flooding;

- 85.4 Clause 02.03-5 (Built environment and sustainability) seeking to balance growth in the municipality while maintaining its identity by identifying areas for varying levels of change and by balancing the need for conservation and renewal. The Amendment supports the following directions:
- 85.4.1 ensure that development enhances Geelong’s sense of place and identity;
 - 85.4.2 support the design and provision of healthy, walkable neighbourhoods;
 - 85.4.3 encourage environmentally sustainable design in all development;
 - 85.4.4 encourage all development to provide high quality urban design and landscaping; and
 - 85.4.5 conserve and enhance individual heritage places and areas of pre- and post-contact heritage significance.
- 85.5 Clause 02.03-6 (Housing) seeking to accommodate housing supply and providing for a range of housing types and diversity. The Amendment supports the following directions under Clause 02.03-6:
- 85.5.1 facilitate infill development to increase its housing supply contribution;
 - 85.5.2 ensure housing diversity is achieved in established and growth area communities; and
 - 85.5.3 increase the level of affordable and social housing in Greater Geelong.
- 85.6 Clause 02.03-9 (Infrastructure) recognising the need to provide or upgrade infrastructure that enhances safety, accessibility and inclusion for all members of the community including social infrastructure that responds to Geelong’s ageing population, and the provision of a comprehensive, safe and accessible open space network.

Clause 71.02 (Operation of the Planning Policy Framework)

86. Clause 71.02-1 sets out the purpose of the PPF as follows:

The Planning Policy Framework provides a context for spatial planning and decision making by planning and responsible authorities. The Planning Policy Framework is dynamic and will be built upon as planning policy is developed and refined, and changed as the needs of the community change.

The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in section 4 of the Act) are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

87. Clause 71.02-3 requires Council as the Planning Authority (as well as in the context of considering an application a Responsible Authority) to endeavour to:

... integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

88. Council submits the Amendment strikes an appropriate balance in facilitating redevelopment of the Saleyards Precinct, whilst providing built form certainty where there are heritage, amenity and public realm sensitivities and protecting the character of the area.

89. Finally, the Amendment implements the objectives of planning in Victoria by introducing land use and development controls that:
- 89.1 provide for the development and use of the Saleyards Precinct primarily for higher density housing, with a high level of amenity, particularly in the form of open space and pedestrian/cycling connections with the surrounding area, including public transport;
 - 89.2 ensure the land is suitable for residential use and open space through the application of the EAO;
 - 89.3 encourage infill development in an established urban area which will increase housing diversity, as well promoting environmentally sustainable development and integrated water management;
 - 89.4 provide for a limited range of mixed uses to support the Saleyards Precinct and protecting existing non-residential uses in the surrounding area from land use conflict, through requiring acoustic treatments to residential development within the Saleyards Precinct;
 - 89.5 require the preservation and interpretation of heritage elements within the former Geelong Saleyards site; and
 - 89.6 contribute to the provision of social and affordable housing.

AMENDMENT DRAFTING

Ministerial Directions

90. The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes. Council submits the proposed ordinance and map changes have been prepared in accordance with the relevant requirements of the Ministerial Direction.
91. Council submits the Amendment has also been prepared in accordance with following relevant Ministerial directions:
- 91.1 Ministerial Direction No. 1 – Potentially Contaminated Land;
 - 91.2 Ministerial Direction No. 11 – Strategic Assessment of Planning Scheme Amendments;
 - 91.3 Ministerial Direction No. 15 – The Planning Scheme Amendment Process; and
 - 91.4 Ministerial Direction No. 19 – Preparation and content of amendments that may significantly impact the environment, amenity and human health.

Planning Practice and Advisory Notes

92. The Amendment has been prepared in accordance with the following practice and advisory notes:
- 92.1 PPN30 – Potentially Contaminated Land (**PPN30**)
 - PPN30 provides guidance on how to identify potentially contaminated land, the appropriate level of assessment of contamination in different circumstances, appropriate provisions in planning scheme amendments and appropriate conditions on planning permits.
 - 92.2 PPN90 – Planning for housing (**PPN90**)
 - PPN90 provides information and guidance about how to plan for housing growth and protect neighbourhood character to ensure a balanced approach to managing residential development in planning schemes.
 - 92.3 A Practitioners Guide to Victoria's Planning Schemes (**Practitioners Guide**)
 - The Practitioners Guide is intended to be used by practitioners who are preparing a new or revised provision for the planning scheme (such as a schedule). Guidance surrounding the application of a Comprehensive Development Zone in a planning scheme has been considered by this Amendment.

RELEVANT PLANNING SCHEME AMENDMENTS UNDER PREPARATION OR RECENTLY APPROVED

93. Direction #18d of the Panel's Direction seeks information regarding any other relevant amendments under preparation or recently approved that may impact on this Amendment.

Amendment C417ggee

94. Amendment C417ggee was prepared by the Minister for Planning, who was the planning authority for that amendment. It was approved on 7 July 2022.

95. Amendment C417ggee replaces the Municipal Strategic Statement at Clause 21 and Local Planning Policies at Clause 22 of the Scheme with a MPS at Clause 02, local planning policies within the Planning Policy Framework (**PPF**) at Clauses 11-19 and a selected number of local schedules to overlays. Specifically, it makes the following changes to the local sections of the Scheme:

95.1 Purpose and Vision

- introduces a new MPS at Clause 02 based on content from Clauses 21 and 22 of the Local Planning Policy Framework (**LPPF**);

95.2 Planning Policy Framework

- introduces revised local policy content into the PPF at Clauses 11 (Settlement), 12 (Environmental and landscape values), 13 (Environmental risks and amenity), 14 (Natural resource management), 15 (Built environment and heritage), 16 (Housing), 17 (Economic development), 18 (Transport) and 19 (Infrastructure) based on content from Clauses 21 and 22 of the LPPF;

95.3 Overlays

- replaces the Schedule to Clause 43.01 (Heritage) with a new schedule that includes application requirements previously contained at Clause 22.09 (Cultural Heritage) and incorporated documents created from content previously contained in Clauses 22.10-22.42, 22.44-22.55, 22.58-22.62 and 22.65-22.70 of the LPPF;

95.4 Particular Provisions

- replaces the Schedule to Clause 52.28 (Gaming) with a new schedule that includes content previously contained at Clause 22.57 (Gaming) of the LPPF;

95.5 Operational Provisions

- amends the Schedule to Clause 72.04 (Incorporated documents) to include reference to the incorporated documents that form part of the Schedule to Clause 43.01;
- replaces the Schedule to Clause 72.08 (Background documents) with a new schedule that consolidates and updates all background documents from Clauses 21 and 22 of the LPPF;
- introduces a new Schedule to Clause 74.01 (Application of zones, overlays and provisions) to provide an explanation of the relationship between the municipal objectives, strategies and controls on the use and development of

land in the planning scheme. The schedule consolidates all planning scheme implementation actions from Clause 21 of the LPPF; and

- introduces a new Schedule to Clause 74.02 (Further strategic work) that consolidates all further strategic work actions from Clause 21 of the LPPF.

Impact on the Amendment

96. The Amendment seeks to amend Clause 21.06-8 (Implementation) to include the Saleyards Precinct Key Development Area in the Housing and Settlement Framework Plan and Key Development Area Maps.
97. The Housing and Settlement Framework Plan is now included at Clause 02.04-3, which should be updated accordingly.
98. The Key Development Area Maps are no longer included in the Scheme due to technical errors during the process of Amendment C417. Council is liaising with DELWP to consider options of reintroducing the Key Development Area Maps to the Scheme.

RELEVANT PLANNING PERMIT APPLICATIONS

99. Panel Direction #18e requests details of any current permit applications which may impact on the Amendment.
100. Council officers have reviewed the Planning Register and set out the relevant permit applications below.

Planning Permit Application No. PA143/2022 – 2 – 6 Thompson Road, North Geelong

101. This application seeks permission for buildings and works associated with the Sphinx hotel, including an outdoor dining area, alterations and additions to associated accommodation buildings, alterations to car parking and vehicle access, use and development of land for outdoor recreation facility (adventure mini golf), display of business identification signs, including floodlit signs, changes to liquor licence area, hours and patron numbers, reduction of carparking and alteration of access to a road in a Transport Zone 2.
102. This application is being assessed by Council and a decision is yet to be made.
103. The land at 2 – 6 Thompson Road, North Geelong is not affected by the Amendment. However, the proposed outdoor dining area and extension to the licensed area may create noise impact on future residential development within the Saleyards precinct.

Planning Permit No. PA538/2020 – 8 – 14 Thompson Road, North Geelong

104. On 18 September 2020, Council issued Planning Permit No. PA538/2020 for buildings and works, display of advertising signage, use of land for a medical centre, function centre, restricted recreation facility (gymnasium), disability support services and food and drink premises, liquor licence for café (café and restaurant licence), liquor licence for function centre (on-premises licence) and reduction of car parking.

Planning Permit Application No. PA900/2020 – 6A Thompson Road, North Geelong

105. On 26 March 2021, Council resolved to refuse Planning Permit Application No. PA900/2020 which sought permission for buildings and works associated with the use of the land at 6A Thompson Road for industry/warehouse, display of internally illuminated business identification signage, alteration of access to a road in a Road Zone Category 1, creation of carriageway easement and reduction of car parking.

ISSUES IDENTIFIED IN SUBMISSIONS

106. The Council officer's report of 27 September 2022 includes a detailed summary of the issues raised in the submissions and the officers' response to each issue identified (provided as Attachment 2 to the Council officer's report of 27 September 2022).
107. Broadly, the issues raised in the submissions can be categorised under the following key themes:
- 107.1 the requirements for social housing should be removed as it is not a requirement of the Scheme and may cause negative impacts on surrounding residents;
 - 107.2 the introduction of sensitive land uses (such as residential) to an area with operating industrial and live music venues gives rise to concerns of noise attenuation and land use conflict;
 - 107.3 traffic impacts and the suitability of Weddell Road to accommodate additional traffic;
 - 107.4 the scale of the development within the precinct and its impact on the neighbourhood character;
 - 107.5 the extent of the proposed EAO and whether the requirement for a preliminary risk screen assessment in the CDZ schedule duplicates the EAO requirements;
 - 107.6 public open space contribution;
 - 107.7 pedestrian and cycling connectivity through and around the Saleyards precinct;
 - 107.8 the design of internal road widths and the ability to cater for emergency vehicle access;
 - 107.9 waste management; and
 - 107.10 flooding.
108. The Council officers' response to submissions is adopted by Council for the purposes of the Panel hearing. Council will expand on the key issues raised by submitters through its Part B submissions and address changes which are recommended to the planning ordinance so as to address some of those submissions.



ATTACHMENT A – CHRONOLOGY OF EVENTS

ATTACHMENT A – CHRONOLOGY OF EVENTS

Date	Event / Description
2007	The Housing Diversity Strategy adopted by Council
February 2018	<i>Arborist Assessment</i> completed by Let's Talk About Trees
28 August 2018	<p>Council resolves to support:</p> <ul style="list-style-type: none"> • a mixed use development incorporating residential development in the Saleyards Precinct; and • consultation with the community and affected landowners to inform the directions of the redevelopment of the Saleyards Precinct.
3 September 2019	Council hosts the Stage 1 consultation for the development of the Saleyards Precinct Plan
25 February 2020	Council endorses the Social Housing Plan 2020 - 2041
June – July 2020	Council conducts stage 2 consultation for the development of the Saleyards Precinct Plan
25 August 2020	Council adopts the Greater Geelong Settlement Strategy
26 February 2021	<i>Geelong Saleyards Precinct - Environmental Land Use Buffer Assessment</i> completed by Landserv Environment
April 2021	<i>Geelong Saleyards Precinct – Surface Water Management Strategy</i> completed by BMT
19 August 2021	<i>Geelong Saleyards Further environmental Site Assessment and Remediation Estimate</i> completed by Tetra Tech Coffey
March 2022	<i>Providing social housing as essential infrastructure in Geelong's Saleyards precinct</i> completed by SGS Economics & Planning
20 March 2022	<i>Geelong Saleyards Precinct Plan – Movement and Access Strategy</i> completed by ESR Transport Planning
May 2022	<i>Saleyards Precinct Shared Infrastructure Funding Plan</i> completed by Council officers
20 May 2022	<i>Geelong Saleyards Precinct – Acoustic Report</i> completed by Renzo Tonin & Associates
22 June 2021	Council adopts the <i>Saleyards Precinct Plan</i> and resolves to request authorisation from the Minister for Planning to prepare and exhibit the Amendment.



July 2021 – April 2022	Council officers draft proposed planning controls and policy, the Saleyards CDP, the SFP and the associated section 173 agreement template
29 April 2022	Council receives authorisation to prepare the Amendment from the Minister for Planning (under delegation), subject to conditions
May 2022	Council amends the Amendment documentation to comply with the conditions of authorisation
16 June 2022 and 25 July 2022	The Amendment is formally exhibited. Council receives 15 submissions.
27 September 2022	Council considered the submissions and resolved to (amongst other things) request the Minister for Planning to appoint an independent Panel to consider the submissions
4 October 2022	Planning Panel appointed to consider Amendment C434ggee
27 October 2022	Directions Hearing for Amendment C434ggee held by video conference
11 November 2022	Accompanied site visit
28 November 2022	Panel hearing for Amendment C434ggee commences