

GREATER GEELONG PLANNING SCHEME AMENDMENT C435GCEE

PLANNING PERMIT APPLICATION PP-468-2021

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the City of Greater Geelong, which is the planning authority for this amendment.

The amendment has been made at the request of St Quentin on behalf of the Greater Geelong City Council.

Land affected by the amendment

The amendment applies to land at 190-216 Princes Highway, Corio, 200 Princes Highway, Corio and 26-36 St Georges Road, Corio as shown on the below map:

The land contains a KFC restaurant and associated access and car parking. The land is part of the broader Stead Park area of Corio.



The amendment is a combined planning scheme amendment and planning permit application under section 96A of the *Planning and Environment Act 1987*.

The planning permit applications also applies to 190-216 Princes Highway, Corio, 200 Princes Highway, Corio and 26-36 St Georges Road, Corio and specifically affects the following lots:

- LP13397. L5, 8, 11, 13, 16, 44, 48, 55, 56, 60, 61, 62, 63, 64, 65, 66, 67, 71, 72

- LP14404. L3-7
- TP213232. L1
- TP254237. L1, 2
- TP258192. L1
- TP258962. L1-3
- TP431302. L1
- TP955288. L1-43

What the amendment does

The amendment proposes to rezone part of the affected land from Public Park and Recreation Zone (PPRZ) to Commercial 2 Zone (C2Z) and apply the Road Closure Overlay (RXO) to two roads within the site.

Specifically, the amendment proposed to amend the Greater Geelong Planning Scheme as follows:

Mapping changes

- Amend Map 26 to rezone 1570 square metres of land at 190-216 Princes Highway, Corio from Public Park and Recreation Zone (PPRZ) to Commercial 2 Zone (C2Z).
- Insert Map 26RXO to apply the Road Closure Overlay (RXO) to both Ballara Avenue and Stasia Avenue, Corio.

Ordinance changes

- Amend the Schedule to Clause 72.03 to include reference to the new map 26RXO.

The planning permit application seeks approval for subdivision of the affected land from the balance of the Park Reserve as follows:

- Three-lot subdivision;
- Subdivision of land adjacent to a Transport Zone 2 (TRZ2);
- Creation of an easement for drainage; and
- Removal of an existing drainage easement.

Strategic assessment of the amendment

Why is the amendment required?

The purpose of the combined application is to “tidy-up” the site in planning terms (zoning and subdivision). The rezoning and subdivision of the site will ensure the appropriate planning controls are in place to reflect the established and ongoing use of the site.

The conflicting nature of the current use of the subject land for a restaurant and take away food premises (KFC) in the PPRZ and also, through the process of preparing Council-owned land for sale, provides justification for the rezoning.

The use of the subject land as a food and drink premises conducted by/on behalf of a private operator conflicts with the underlying purpose of the PPRZ “*To recognise areas for public recreation and open space*”.

Council has determined to sell the site of the food and drink premises to the current operator.

The Ministerial Direction on The Form and Content of Planning Schemes advises that:

“A planning scheme may only include land in a Public Use Zone, a Public Park and Recreation Zone or a Public Conservation Zone and Resource Zone if the land is Crown land, or is owned by, vested in or controlled by a Minister, government, public authority or municipal council.”

In consideration of the above factors, the Commercial 2 Zone is the most appropriate zone for subject land. The C2Z reflects the commercial use and the predominant surrounding commercial context (McDonalds to the north).

The amendment is required to enable the Fast-Food Premises to operate within appropriate planning controls and to establish a subdivision layout which reflects the existing and preferred road network on the subject land.

The road closure overlay is being implemented as part of the rationalisation or tidy up of the land titles and road access across the broader site.

How does the amendment implement the objectives of planning in Victoria?

The amendment is consistent with the objectives of planning in Victoria by:

- Providing for the orderly subdivision of the Subject Site in a manner that is responsive to its particular characteristics, opportunities, and constraints.
- Securing a pleasant and safe environment through an appropriate consideration of and response to surrounding neighbourhood character.

How does the amendment address any environmental, social and economic effects?

The amendment and planning permit are unlikely to create any adverse environmental issues as it is reflecting an existing commercial use and development on the site.

The land is highly modified and comprises relatively sparse vegetation except for grasses and plantings within the existing road reserves.

No development is proposed within the amendment and permit area so there will be no impacts on existing vegetation.

The Special Building Overlay (SBO) applies to a portion of the site and will remain untouched by the amendment. Any future development will be assessed against this established provision and also the proposed C2Z which has as one of its purposes to ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

Whilst there is no documented history of potentially contaminating activities on the site since the 1980s, there is a low risk of transfer of contamination from a former landfill to the north-east of the site. Consideration has been given to the Ministerial Direction No. 1, PPN30 and Clause 13.04-1S that there is very low potential for contamination of the subject land. Sensitive uses such as residential hotel, primary school, childcare, and caretaker's house, whilst very unlikely in this location, are to be restricted through conditions on the accompanying planning permit.

The combined planning scheme amendment and planning permit is unlikely to result in any adverse social impacts on the area and adjoining land uses. The site has been used by KFC for a food and drink premises for many years and will remain in commercial use following the rezoning and land sale.

The land is not required for public open space purposes and does not reduce the open space offering in this part of the municipality. Council proposes to apply proceeds from the sale of the subject land to be deposited into the Open Space Reserve Fund for future open space purchases or upgrades, including any opportunities for open space improvements locally including Stead Park.

Does the amendment address relevant bushfire risk?

The subject site is not affected by the Bushfire Management Overlay, nor is the site identified as being within a Bushfire Prone Area. The site has no identified bushfire risk.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*.

The amendment is required to consider Ministerial Direction No. 1 Potentially Contaminated Land given the Commercial 2 Zone allows sensitive uses (i.e. residential hotel, primary/secondary school, childcare centre or caretaker's house) to be established (subject to the grant of a permit). Council and the proponent have agreed to include a condition in the accompanying planning permit to enter into a Section 173 Agreement, pertaining to the land known as Lot 2 containing the KFC premises, stating the land must not be used for a sensitive use in the absence of a certificate of environmental audit or statement. The resulting Agreement will be signed and registered on title as part of the Section 96A planning permit, thereby satisfying Ministerial Direction No. 1

The amendment is affected by Ministerial Direction No.11- Strategic Assessment of Amendments under section 12 of the Planning and Environment Act 1987 and complies with this direction.

The amendment is affected by Ministerial Direction No.15- the Planning Scheme Amendment process and complies with this direction.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment supports and implements Clause 11.03-6L-02 Corio Norlane by providing for a safe, functional, and efficient road network, areas of active open space and appropriately sited economic opportunities.

The amendment supports and implements Clause 15.01-3S Subdivision design and 15.01-1S Urban design through the subdivision's response to the:

- Existing development responding to its context in terms of character, cultural identity, natural features, surrounding landscape.
- Ensure the interface between the private and public realm protects and enhances personal safety.
- The formalisation of the sites layout which creates a neighbourhood centre that include services to meet day to day needs and an urban place with a strong sense of place that are functional, safe, and attractive.

The amendment supports and implements Clause 17.01-1S Diversified economy as the proposal will allow the existing Fast-Food Premises to operate on a single title which enables future use of the premises to operate with increased certainty.

Rezoning of the subject land to C2Z is consistent with the strategy in Clause 17.02-1S Business to ensure that commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility, and efficient use of infrastructure.

Clause 17.02-2S & L Out-of-centre development discourages proposals for single use retail and commercial facilities outside of activity centres. This amendment is recognising a long existing commercial operation in a prominent location. It is located adjacent to another long-established premises (McDonalds) which was sold by Council and included in the commercial zone by Amendment R012 to the previous Geelong Regional Planning Scheme. It is not expected that the amendment will set a precedent or pressure for further commercial development to expand at Stead Park.

The amendment supports and implements Clause 18.02-4S Road as the creation of the internal road which is constructed and in use will ensure that the road space complements land use and is managed to meet community and business needs.

How does the amendment support or implement the Municipal Planning Strategy?

The amendment supports and implements Clause 02.03-1 Settlement which has the strategic direction to "*Facilitate an increase in commercial and community activities*" in the Corio Norlane area.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions. The Commercial 2 Zone is the most appropriate zone to reflect the established and future commercial use of the land.

The application of the Road Closure Overlay is an appropriate use of this planning tool to officially close roads as part of a consolidation and re-subdivision of the titles affecting the subject land.

How does the amendment address the views of any relevant agency?

The views of the EPA, Department of Transport, Barwon Water, Downer, Tenix and Powercor were sought as part of the consideration of the application. The views of the EPA have led to the inclusion of a condition in the accompanying planning permit to limit sensitive uses on the site. Barwon Water and Powercor provided permit conditions, and these have been included in the draft planning permit being exhibited.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The surrounding road network is capable of accommodating the established use and associated end user requirements. The subject land adjoins the Princes Highway which is included in the Transport Zone Schedule 2 and has appropriate access/egress points. The Department of Transport offered no objection to the proposal.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The Amendment will have no adverse impact on the resources and administration costs of the Responsible Authority.

Where you may inspect this amendment

The amendment is available for public inspection, free of charge, at:

'Amendments' section of the City's website www.geelongaustralia.com.au/amendments/

The amendment is available for public inspection, free of charge and by appointment only, during office hours at the following place:

Wurriki Nyal Wadawurrung Country, 137-149 Mercer Street, Geelong - Monday to Friday 8am to 5pm

The amendment can also be inspected free of charge at the Department of Transport and Planning website at www.planning.vic.gov.au/public-inspection or by contacting 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person who may be affected by the amendment and/or planning permit may make a submission to the planning authority. Submissions about the amendment and/or planning permit must be received by Monday 20 February 2023.

A submission must be sent to:

The Coordinator
Strategic Implementation
City of Greater Geelong

- either by mail to: PO Box 104, GEELONG VIC 3220
- or by email to: amendments@geelongcity.vic.gov.au
- or lodged online at: www.geelongaustralia.com.au/amendments

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: **Week commencing 22 May 2023**
- panel hearing: **Week commencing 19 June 2023**

Further information

For further information about Amendment C435ggee please contact the Strategic Implementation Unit at the City of Greater Geelong on (03) 5272 4820 or via email amendments@geelongcity.vic.gov.au