



PLANNING REPORT

Combined Planning Scheme Amendment and
Planning Permit Application

(Three Lot Subdivision, Subdivision of land adjacent to a
RDZ1, and removal of an easement)

190-216 Princes Highway, Corio 3214

DECEMBER 2021



51 Little Fyans Street South Geelong. PO Box 919 South Geelong 320

P. 5201 1811

Document Control

Document Title: 16506

Document Author: LG

Client: Greater Geelong City Council

Version No:	Date:	Checked by:	Issued by:
1	24/03/2021	AS	LG
2	05/06/2021	AS	LG
3	3/12/2021	AS	LG

Issued to:	Version No:		
	1	2	3
Client	✓	✓	✓
Council	✓		✓

Contents

1. EXECUTIVE SUMMARY	4
2. INTRODUCTION	6
3. SETTING	7
3.1. Subject Site.....	7
3.2. Surrounding Context	8
4. PROPOSAL.....	9
4.1. Proposal Description	9
The Amendment Application – Re-Zoning and Road Closure.....	9
The Permit Application	10
Subdivision.....	10
4.2. Permit Triggers	13
5. STRATEGIC CONTEXT AND RESPONSE	14
5.1. Planning Policy Framework.....	14
13.03-1S Floodplain management.....	14
15.01-1S Urban design.....	14
15.01-3S Subdivision design	14
15.01-5S Neighbourhood character	15
15.03-2S Aboriginal cultural heritage	15
17.01-1S Diversified economy	15
18.02-3S Road system	16
19.02-6S Open space	16
5.2. Local Planning Policy Framework.....	18
Clause 21.18 Corio Norlane	18
6. STRATEGIC AMENDMENT ASSESSMENT.....	20
6.1. Why is an Amendment required?	20
6.2. How does the Amendment implement the objectives of planning in Victoria?.....	20
6.3. How does the Amendment address any environmental social and economic effects?	20
6.4. Does the amendment address relevant bushfire risk?	20
6.5. Does the Amendment comply with the requirements of any Minister’s Direction applicable to the Amendment?	20
6.6. How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?	21
6.7. How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?.....	21
6.8. Does the amendment make proper use of the Victoria Planning Provisions?.....	21
6.9. How does the amendment address the views of any relevant agency?.....	22
6.10. Does the amendment address the requirements of the Transport Integration Act 2010?	22

6.11.	What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?.....	22
	Potentially Contaminated land (Ministerial Direction No. 1)	23
7.	STATUTORY CONTEXT AND RESPONSE.....	25
7.1.	Zone	25
7.2.	Overlays.....	26
	Special Building Overlay.....	26
7.3.	Particular Provisions.....	27
	Clause 52.02 – Easements, Restrictions and Reserves	27
	Clause 52.29 Land Adjacent to a Road Zone Category 1 Road (Princess Highway).....	28
	Clause 53.01 Public open space contribution and subdivision.....	28
	Clause 53.18 Storm water management in urban development	28
	Clause 63.11 Existing Use Rights – Certificate of Compliance	28
8.	DECISION GUIDELINES	29
8.1.	Clause 65.01 Approval of an application or plan	29
	○ Clause 65.02 Approval of an Application to Subdivide Land	30
9.	CONCLUSION	31
10.	APPENDIX 1- CERTIFICATES OF TITLE.....	32
11.	APPENDIX 2 SUBDIVISION PLAN	33
12.	APPENDIX 3 FEATURES PLAN.....	34
13.	APPENDIX 4 ZONING PLAN	35
14.	APPENDIX 5 ROAD CLOSURE PLAN	36
15.	APPENDIX 6 DBYD – COUNCIL ASSETS.....	37
16.	APPENDIX 7 90 REFINERY ROAD CORIO EPA AUDITS	38
17.	APPENDIX 8 EXISTING USE RIGHTS DOCUMENTS.....	39
18.	APPENDIX 9 CERTIFICATE OF COMPLIANCE APPLICATION	40
19.	APPENDIX 10 FAST FOOD PREMISES LEASE.....	41

1. EXECUTIVE SUMMARY

This report has been prepared in support of a combined Planning Scheme Amendment and Planning Permit Application request relating to land at 190-216, Corio (the Subject Site). This report is submitted on behalf of the applicant, Greater Geelong City Council.

The overarching objective of the application is to create a separate title for the existing Fast Food Premises (KFC) and as a consequence of which, create a subdivision plan which reflects the existing built form and layout of the surrounding area of Stead Park.

The combined Amendment Request and Planning Permit Application can be considered by the Greater Geelong City Council pursuant to Section 96A of the Planning & Environment Act 1987.

The purpose of the Amendment Request is threefold:

1. To re-zone approximately 1,570 square metres of land that is currently Public Park and Recreation Zone (PPRZ), to Commercial Zone Schedule 2 (C2Z). This land is recognised as Lot 2 (proposed title constitutes two parts) on the submitted subdivision and consolidation plan.
2. To create a public road where the existing road is located which dissects the site from the Princes Highway to St Georges Road. The proposed road will be zoned both Public Park and Recreation Zone and Commercial 2 Zone to reflect the zones abutting the proposed road.
3. To apply the Road Closure Overlay at Clause 45.04 (RXO) of the Greater Geelong Planning Scheme and associated new mapping. The RXO is to be applied wholly to both Ballara Avenue and Staisa Avenue.

A Special Building Overlay (SBO) currently applies to the Subject Site, and this Amendment request does not seek to remove or alter this Overlay as currently applicable.

The purpose of the Planning Permit Application is to seek approval for the re-subdivision of numerous dated titles to reflect the existing conditions of the site of Stead Park along with the removal of an easement no longer required.

The Proposed Subdivision seeks to create 3 allotments all of which will partially front Princes Highway, Lot 2 which is proposed to hold the existing KFC Fast Food Premises will feature two parts to account for the existing car parking associated with the use, the subdivision will also create a Council Road which dissects the overall site from the existing access off of the Princess Highway to St Georges Road which borders the southern boundary of the site.

The proposed Lot 1 (corner allotment entailing The Fort Youth Centre and The Northern Skate Park, car parking and open space) is currently contained wholly within the Public Park and Recreation Reserve and will remain so.

The proposed Lot 2 is to be held over two parts (existing KFC and associated car parks) and is proposed to be zoned Commercial Zone Schedule 2.

The remainder of the land is to be held in a balance allotment Lot 3 of 3.895 hectares (Norlane Bowling Club, Stead Park Playground, Rollerama Drain, Dog Park and the remainder of Ballara Avenue and Staisa Avenue) which will be wholly zoned as Public Park and Recreation Zone and will consolidate a range of existing titles.

The amendment proposes the creation of the road which is to be zoned both Public Park and Recreation Zone and Commercial 2 Zone to reflect the zones abutting the proposed road and to reflect the existing conditions of the site.

All portions of the land encumbered by the Special Building Overlay (SBO) will remain unaffected by the proposed amendment.

A redundant easement affecting lot 2 as noted on the submitted subdivision plan will be removed as part of the application.

This report supports and justifies the combined Planning Scheme Amendment and Planning Permit Application by detailing:

- The site and its context.
- The proposed Amendment and its performance against the relevant Strategic Assessment Guidelines.
- The proposed Planning Permit Application and its performance against State and Local Planning Policy as well as applicable Zone, Overlay and Particular Provisions.

This Planning Report should also be read in conjunction with the appendices listed below:

Appendix 1: Certificates of Title

Appendix 2: Subdivision Plan

Appendix 3: Features Plan

Appendix 4: Zoning Plan

Appendix 5: Road Closure Plan

Appendix 6: DBYD – Council assets

Appendix 7: 90 Refinery Rd Corio EPA Audits

Appendix 8: Existing Use Rights documents

Appendix 9: Certificate of compliance application form

Appendix 10: Fast Food Premises Lease

2. INTRODUCTION

St Quentin has been instructed to prepare this planning report in relation to (Combined Planning Scheme Amendment and Planning Permit Application (Three Lot Subdivision, subdivision adjacent to a Road Zone Category 1 Road and removal of an easement) at 190-216 Princes Highway, Corio 3214.

The overarching objective of the application is to create a separate title for the existing Fast Food Premises (KFC) and as a consequence of which, create a subdivision plan which reflects the existing built form and layout of the surrounding area of Stead Park.

The purpose of this report is to detail the proposal and its context, outline its consistency with the relevant strategic framework and statutory controls, and in doing so explain why the proposal is worthy of Council's support and approval.

This report is supported by and should be read in conjunction with the following supporting documentation:

Appendix 1: Certificates of Title

Appendix 2: Subdivision Plan

Appendix 3: Features Plan

Appendix 4: Zoning Plan

Appendix 5: Road Closure Plan

Appendix 6: DBYD – Council assets

Appendix 7: 90 Refinery Rd Corio EPA Audits

Appendix 8: Existing Use Rights documents

Appendix 9: Certificate of compliance application form

Appendix 10: Fast Food Premises Lease

3. SETTING

3.1. Subject Site

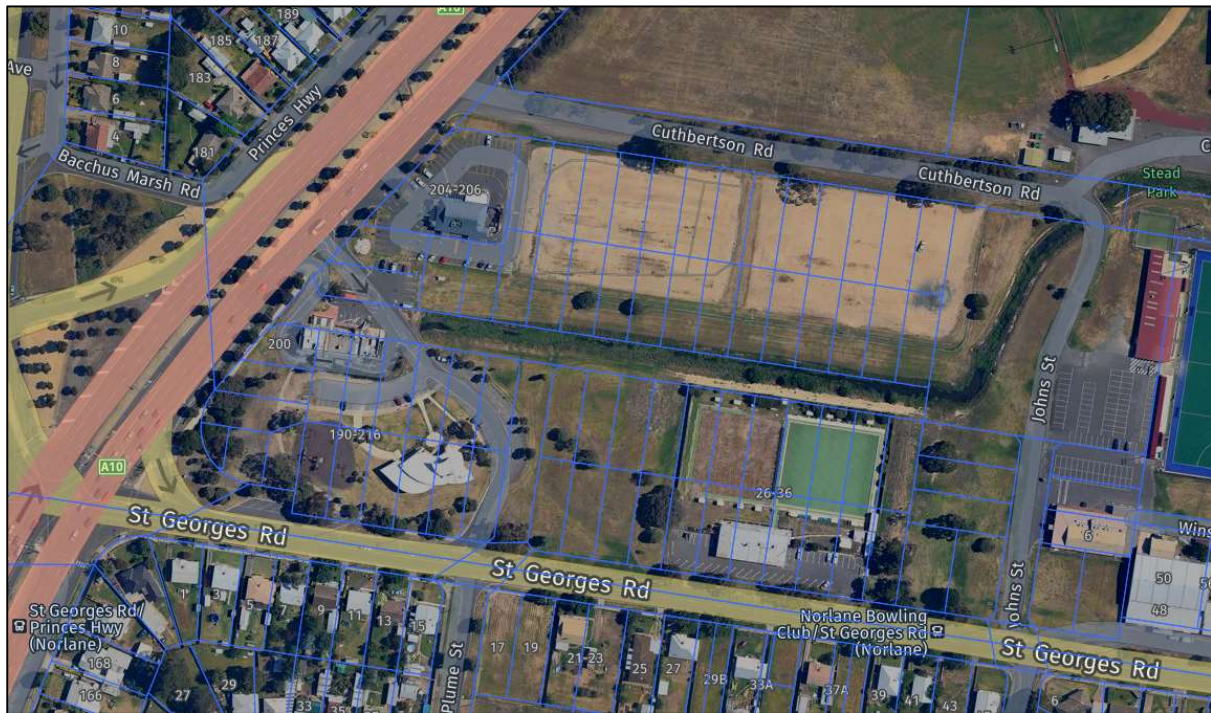


Figure 1: Subject site (Aerial – NearMaps)

Street Address:	190-216 Princes Highway, Corio 3214.
Title Details:	This property consists of 71 parcels
Restrictions/Covenants:	Not applicable.
Zone:	Commercial Zone Schedule 2 (C2Z) Public Park and Recreation Zone (PPRZ) Road Zone Category 1 (RDZ1) – Princess Highway & St Georges Road
Overlays:	Special Building Overlay (SBO)
Other Regulatory Constraints:	Partially affected by Cultural Heritage Sensitivity Mapping
Key Site Features:	190-216 Princess Highway, Corio 3214 The subject site is commonly referred to as Stead Park Norlane which currently consists of 71 allotments and several internal roads, some constructed and others not in use. The site is situated within both the Public Park and Recreation Zone and the Commercial 2 Zone (existing McDonald’s site) and abuts the Princess Highway to the west which is zoned Road Zone Category 1.

	<p>The site comprises a mixture of community sporting clubs, playing fields inclusive of clubrooms and associated ancillary facilities (changerooms, storage sheds etc) including:</p> <ul style="list-style-type: none"> ▪ Norlane Bowls Club ▪ The Fort Youth Centre ▪ Northern Skate Park ▪ Stead Park Playground ▪ Geelong Soccer Club ▪ Geelong Darts Club ▪ Dog Park ▪ Geelong Softball Association <p>Cuthbertson Road and Johns Street access the site as does an informal road situated between the McDonalds and KFC fast food restaurants.</p>
--	---

3.2. Surrounding Context

North:	North of Stead Park is Industrial 1 Zoned land developed with a mix of industry and storage facilities along Harpur Road and Kambouris Court.
South:	South of the site, opposite St Georges Road is General Residential Schedule 1 zoned land with largely single storey residential dwellings present on allotments varying from 400-600sqm.
East:	Station Street borders the East of the site which abuts Public Use Zone Schedule 1 and Industrial Zone Schedule 1 land.
West:	To the West of the site is the Road Zone Category 1 Princes Highway which accesses Stead Park, further west is the General Residential Zoned parcels developed with single and double storey dwellings on varying lot sizes. Barwon Health North is located on the corner of the Princes Highway and Cox Road.

4. PROPOSAL

4.1. Proposal Description

The overarching objective of the application is to create a separate title for the existing Fast Food Premises (KFC) and as a consequence of which, create a subdivision plan which reflects the existing built form and layout of the surrounding area of Stead Park.

The combined Amendment Request and Planning Permit Application can be considered by the Greater Geelong City Council pursuant to Section 96A of the Planning & Environment Act 1987.

The Amendment Application – Re-Zoning and Road Closure

This report has been prepared in support of a combined Planning Scheme Amendment and Planning Permit Application request relating to land at 190-216, Corio (the Subject Site). This report is submitted on behalf of the applicant, Greater Geelong City Council.

The combined Amendment Request and Planning Permit Application can be considered by the Greater Geelong City Council pursuant to Section 96A of the Planning & Environment Act 1987.

The purpose of the Amendment Request is fivefold:

1. To re-zone approximately 1570 square metres of land that is currently Public Park and Recreation Zone (PPRZ), to Commercial Zone Schedule 2 (C2Z). This land is recognised as Lot 2 (proposed title constitutes two parts) on the submitted subdivision and consolidation plan.
2. To create a public road where the existing road is located which dissects the site from the Princes Highway to St Georges Road. The proposed road will be zoned both Public Park and Recreation Zone and Commercial 2 Zone to reflect the zones abutting the proposed road.
3. To apply the Road Closure Overlay at Clause 45.04 (RXO) of the Greater Geelong Planning Scheme and associated new mapping. The RXO is to be applied wholly to both Ballara Avenue and Staisa Avenue.

A Special Building Overlay (SBO) currently applies to the Subject Site, and this Amendment Request does not seek to remove or alter this Overlay as currently applicable.

The amendment proposes the creation of the road which is to be zoned Public Park and Recreation Zone in line with the balance of the abutting allotments.

The Permit Application

Subdivision

A Planning Permit is sought to facilitate the subdivision of the allotments in accordance with the proposed plan of subdivision included within the appendices to this report.

The purpose of the Planning Permit Application is to seek approval for the subdivision and consolidation of numerous titles (62) associated with the site.

The Proposed Subdivision seeks to create 3 allotments all of which will partially front Princes Highway. Lot 2 which is proposed to hold the existing KFC Fast Food Premises will feature two parts to account for the existing car parking associated with the use, the subdivision will also create a Council Road which dissects the overall site from the existing access off of the Princes Highway to St Georges Road which borders the southern boundary of the site.

The proposed Lot 1 (corner allotment entailing The Fort Youth Centre and The Northern Skate Park, car parking and open space) is currently contained wholly within the Public Park and Recreation Reserve and will remain so.

The proposed Lot 2 is to be held over two parts (existing KFC and associated car parks) and is proposed to be zoned Commercial Zone Schedule 2.

The remainder of the land is to be held in a balance allotment, lot 3 (Norlane Bowling Club, Stead Park Playground, Rollerama Drain, Dog Park and the remainder of Ballara Avenue and Staisa Avenue) which will be wholly zoned as Public Park and Recreation Zone.

All portions of the land are affected by the Special Building Overlay (SBO) which will remain unaffected by the proposed amendment.

A Plan of Subdivision is included within this submission at Appendix 3 of which an extract is included below.

Lot 1 (corner of Princes Highway and St Georges Road)

The proposed allotment will have an area of 7,130 square metres and will encompass the skate park and Fort Youth Centre. The site will be bound by the Princes Highway to the west, St Georges Road to the south and the new internal road to the East.

The subject allotment will remain Public Park and Recreation Zone as nominated within the Amendment facet of the application.

Will consist of the current titles:

- Portions of Lots 28-32 and 37-39 on Title Plan 955288J:
- Portions of Lots 1-8, 11, 13 and 16 of Lodged Plan 13397.

Lot 2 (Fast Food Premises - KFC)

Will feature two parts. Part 1 will account for the site of the fast food premises – KFC and its associated drive thru and surrounds inclusive of the 5 car parking bays situated adjacent to the Northern wall of the building. Part 2 will which is situated to the North of the proposed internal road and will encompass 5 car parking spaces associated with the fast food premises and the surrounding median strip.

The subject allotment will be amended to become Commercial 2 Zone as nominated within the Amendment facet of the application.

The proposed internal road will dissect the site from the Princes Highway to St Georges Road. The proposed road is constructed and has been in operation since the operation of the Fast Food Premises. The two accesses from the Princes Highway are one way. Ingress to the site is from a turning lane from Princes Highway which leads to the site of carparking for the numerous uses within Stead Park. The Fast Food Premises drive thru has an egress from the site adjacent to the site of the access on the Princes Highway.

The internal road leads to the Southern boundary and allows for ingress and egress to St Georges Road approximately adjacent to the intersection of Plume Street.

The subject road will be zoned both Public Park and Recreation and Commercial 2 reflecting the abutting zoning of the land.

Fast Food Premises (KFC) - Certificate of Compliance

In accordance with the overarching objective of the application, to create a separate title for the existing Fast-Food Premises (KFC) St Quentin are seeking a Certificate of Compliance for the ***use of a fast food restaurant and associated display of business identification signage*** under the Existing Use rights clause at 63.11 of the Greater Geelong Planning Scheme.

It is submitted that the KFC and its business identification signage have been used continuously for a period greater than 15 years. The subject Fast food Premises (KFC) has been in operation since the mid-1980s.

Pre – application advice from Council notes that in 1980 an application for “Change of Use” for a Takeaway Food Premises (KFC) (PP1433/1979) was issued for the site.

Under the provisions of Clause 63.11 An existing use right may be established under this clause even if the use did not comply with the scheme immediately prior to or during the 15 year period, unless either:

- At any time before or after commencement of the 15 year period the use has been held to be unlawful by a decision of a court or tribunal.
- During the 15 year period, the responsible authority has clearly and unambiguously given a written direction for the use to cease by reason of its non-compliance with the scheme.

Under the provisions of the Scheme a Certificate of Compliance can be applied for existing use and development of a Fast Food Premises and display of business identification signage on proposed allotment 2.

An appendix to the application details the accompanying evidence submitted to attain the existing use Certificate of Compliance.

Removal of Easement

The application proposes the removal of an easement. The proposed easement to be removed is not required for the servicing functions of the proposed subdivision layout and not thought to impact any associated authority. The removal of this easement is to ensure that Lot 2 is free of any redundant easements for future sale of the fast food premises. The easement to be removed is:

- Part of the drainage easement created on LP 13397 (noted as BL) encumbering lot 5, LP 13397.

4.2. Permit Triggers

Use	Development	Subdivision	Other
		<p>Clause 36.02-2 (PPRZ) A permit is required to subdivide land.</p> <p>Clause 44.05-3 (SBO) A permit is required to subdivide land.</p> <p>Clause 52.29-2 (RDZ1) Subdivide land adjacent to a road in a Road Zone, Category 1.</p>	<p>Clause 52.02 A permit is required to create, vary or remove an easement.</p>

5. STRATEGIC CONTEXT AND RESPONSE

The key planning, land use and development policies relevant to the consideration and assessment of the proposal are as follows.

5.1. Planning Policy Framework

13.03-1S Floodplain management

Objective

To assist the protection of:

- Life, property and community infrastructure from flood hazard.
- The natural flood carrying capacity of rivers, streams and floodways.

13.07-1S Land use compatibility

Objective

To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Strategies (abridged)

Ensure the compatibility of a use or development as appropriate to the land use functions and character of the area by:

- Directing land uses to appropriate locations.
- Using a range of building design, urban design, operational and land use separation measures.

15.01-1S Urban design

Objective

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Strategies (abridged)

- Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.
- Ensure the interface between the private and public realm protects and enhances personal safety.

15.01-3S Subdivision design

Objective

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Strategies (abridged)

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.
- Creating neighbourhood centres that include services to meet day to day needs.
- Creating urban places with a strong sense of place that are functional, safe and attractive.

15.01-5S Neighbourhood character

Objective

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

- **Strategies (abridged)**
- Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.
- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:
 - Pattern of local urban structure and subdivision.
 - Underlying natural landscape character and significant vegetation.
 - Heritage values and built form that reflect community identity.

15.03-2S Aboriginal cultural heritage

Objective

To ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Strategies

- Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.
- Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.
- Ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.

17.01-1S Diversified economy

Objective

To strengthen and diversify the economy.

Strategies (abridged)

- Protect and strengthen existing and planned employment areas and plan for new employment areas.
- Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.
- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.

- Improve access to jobs closer to where people live.
- Support rural economies to grow and diversify.

18.02-3S Road system

Objective

To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

Strategies (abridged)

- Plan and regulate the design of transport routes and nearby areas to achieve visual standards appropriate to the importance of the route with particular reference to landscaping, the control of outdoor advertising and, where appropriate, the provision of buffer zones and resting places.
- Ensure that road space complements land use and is managed to meet community and business needs.

19.02-6S Open space

Objective

To establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.

Strategies (abridged)

- Plan for regional and local open space networks for both recreation and conservation of natural and cultural environments.
- Ensure that open space networks:
 - Are linked, including through the provision of walking and cycling trails.
 - Are integrated with open space from abutting subdivisions.
 - Incorporate, where possible, links between major parks and activity areas, along waterways and natural drainage corridors, connecting places of natural and cultural interest.
 - Maintain public accessibility on public land immediately adjoining waterways and coasts.
- Create opportunities to enhance open space networks within and between settlements.
- 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.
- Ensure that land use and development adjoining regional open space networks, national parks and conservation reserves complements the open space in terms of visual and noise impacts, preservation of vegetation and treatment of wastewater to reduce turbidity and pollution.
- Improve the quality and distribution of open space and ensure long-term protection.
- Protect large regional parks and significant conservation areas.
- Ensure land identified as critical to the completion of open space links is transferred for open space purposes.
- Ensure that where there is a reduction of open space due to a change in land use or occupation, additional or replacement parkland of equal or greater size and quality is provided.
- 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.

Response to Planning Policy Framework

The proposal is consistent with the relevant policies.

The proposal will not have a detrimental impact on any marked waterways or floodplains identified by the Planning Scheme or Special Building Overlay affecting the site as there will be no change to the existing built form.

The proposal does not incorporate any allotments which are affected by an area of Cultural Heritage Mapping Sensitivity.

The proposal responds positively to both 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 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 and aligns with the objectives of Clause 17.01-1S Diversified economy.

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 supporting the objectives of Clause 18.02-3S Road systems.

The consolidation and resubdivision of the allotments and creation of a road is a logical outcome to the sites existing characteristics and will allow for a more harmonious management of the site Stead Park from the City of Greater Geelong.

The proposed Certificate of Compliance for the existing Fast Food Restaurant which has been in operation since the 1980s is a logical response to the existing and future use of the KFC and will not have any detrimental implications against the relevant policies and objectives of the Greater Geelong Planning Scheme.

There will not be any alteration to the existing use of the site. The Certificate of Compliance will act to give guidance to the existing and future property owners in reference to the prescribed lawfulness of the existing operation.

5.2. Local Planning Policy Framework

Clause 21.18 Corio Norlane

Key issues

Corio and Norlane, including the residential neighbourhood of North Shore, are established northern suburbs of Geelong with a rich industrial, manufacturing, migrant settlement and working class and community history which continue to this day.

Corio and Norlane provide affordable housing that is close to the Geelong CBD, Avalon Airport, Geelong Port and surrounding industrial land and the Geelong Ring Road Employment Precinct, with convenient access to Melbourne via road and rail.

Ongoing economic restructuring affecting manufacturing is likely to continue to disproportionately impact the Corio and Norlane community.

The health and wellbeing challenges facing many residents means there is a greater need to provide high quality, easily accessible social infrastructure and services.

There is a stagnant resident population, low housing densities and a marked concentration of ageing public housing stock built from the 1950s onwards.

The median weekly household income in Corio and Norlane is significantly less than the Greater Geelong and Victorian average. Corio and Norlane are recognised in the G21 Regional Growth Plan as areas that should be targeted for infill and higher density housing.

Response to Planning Policy Framework

The consolidation and resubdivision of the allotments and creation of a road is a logical outcome to the sites existing characteristics and will allow for a more harmonious management of the site Stead Park from the City of Greater Geelong.

The proposal is consistent with the intended use of the area as identified within the Corio-Norlane Framework Plan of Clause 21.18 as a mixed use PPRZ parcel.

The proposed application for the Certificate of Compliance application for the existing Fast Food Restaurant which has been in operation since the 1980s is a logical response to the existing and future use of the KFC and will not have any detrimental implications against the relevant policies and objectives of the Greater Geelong Planning Scheme.

There will not be any alteration to the existing use of the site. The Certificate of Compliance will act to give guidance to the existing and future property owners in reference to the prescribed lawfulness of the existing operation.

6. STRATEGIC AMENDMENT ASSESSMENT

6.1. Why is an Amendment required?

The site is situated within both the Public Park and Recreation Zone (PPRZ) and the Commercial 2 Zone (C2Z) (existing McDonald's site) and abuts the Princes Highway to the west and south which is zoned Road Zone Category 1 (RDZ1). The site comprises some 71 separate titles.

The subject site has a number of different uses and building present on the land including the KFC Fast Food Premises and an established internal road.

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 site.

6.2. How does the Amendment implement the objectives of planning in Victoria?

The Amendment is considered to implement the objectives of planning in Victoria, in particular 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.

6.3. How does the Amendment address any environmental social and economic effects?

Environmental Effects

The subject site is highly modified and comprises relatively sparse vegetation save for grasses and plantings within the existing road reserves. No development is proposed within the Amendment as such no impacts will result on existent vegetation. The Special Building Overlay applies to large portions of the site. The Amendment does not seek to remove or alter this Overlay as it is currently applicable, and as such all future development on the Subject Site will be assessed against the established provisions. Accordingly, the Amendment is not anticipated to have any adverse environmental impacts.

Social and Economic Effects

The Amendment is anticipated to result in positive social and economic effects by facilitating the consolidation and resubdivision of the allotments and creation of a road as a logical response to the sites existing characteristics and will allow for a more harmonious management of the site Stead Park from the City of Greater Geelong and associated landholders.

6.4. 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.

6.5. Does the Amendment comply with the requirements of any Minister's Direction applicable to the Amendment?

The Amendment complies with the following Ministerial Directions:

- Form and Content of Planning Schemes (Section 7[5] direction)
- Strategic Assessment of Amendments (Direction No. 11)

- The Planning Scheme Amendment Process (Direction No. 15)
- Potentially Contaminated land (Ministerial Direction No. 1) – elaborated below.

6.6. How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?

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.

The Amendment supports and implements Clause 18.02-3S Road systems 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.

6.7. How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment supports and implements Clause 21.07-4 (Economic Development and Employment) by facilitating business opportunities within the City's strategic economic growth sectors.

The Amendment supports and implements Clause 21.18-1 (Corio Norlane) by providing for a safe, functional, and efficient road network, areas of active open space and appropriately sited economic opportunities.

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

The Public Park and Recreation Zone (PPRZ) combined with the existing Special Building Overlay (SBO) is considered the most appropriate suite of VPP's to apply to the proposed eastern holding allotment (Lot 3) and the corner allotment (Lot 1). This will not result in any changes to the current planning controls which affect these proposed parcels.

The Public Park and Recreation Zone (PPRZ) combined with the existing Special Building Overlay (SBO) is considered the most appropriate suite of VPP's to apply to the portion of the proposed internal road abutting Lot 1 and Lot 3.

The Commercial 2 Zone (C2Z) combined with the existing Special Building Overlay (SBO) is considered the most appropriate suite of VPP's to apply to the portion of the internal road which abuts the land within proposed Lot 2 (the existing Fast Food Premises and associated car parking).

The Commercial 2 Zone (C2Z) combined with the existing Special Building Overlay (SBO) is considered the most appropriate suite of VPP's to apply to the proposed allotment 2 – the existing Fast Food Premises and associated car parking.

For these reasons, the proposed retention of the Public Park and Recreation Zone (PPRZ) and Special Building Overlay (SBO) to the majority of the subject site, and the implementation of the Commercial 2 Zone, constitutes a proper and most appropriate use of the Victoria Planning Provisions.

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

The views of any relevant agencies will be addressed as part of the exhibition process.

6.10. Does the amendment address the requirements of the Transport Integration Act 2010?

The amendment is not likely to have a significant impact on the transport system.

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

The Amendment is unlikely to have a significant impact on the resources and administration costs of the responsible authority.

Potentially Contaminated land (Ministerial Direction No. 1)

Ministerial Direction No. 1 establishes two tests that must be met in determining if land is potentially contaminated:

1. Zoning of the land allowing sensitive uses to establish (whether or not subject to a permit); and
2. Land is potentially contaminated

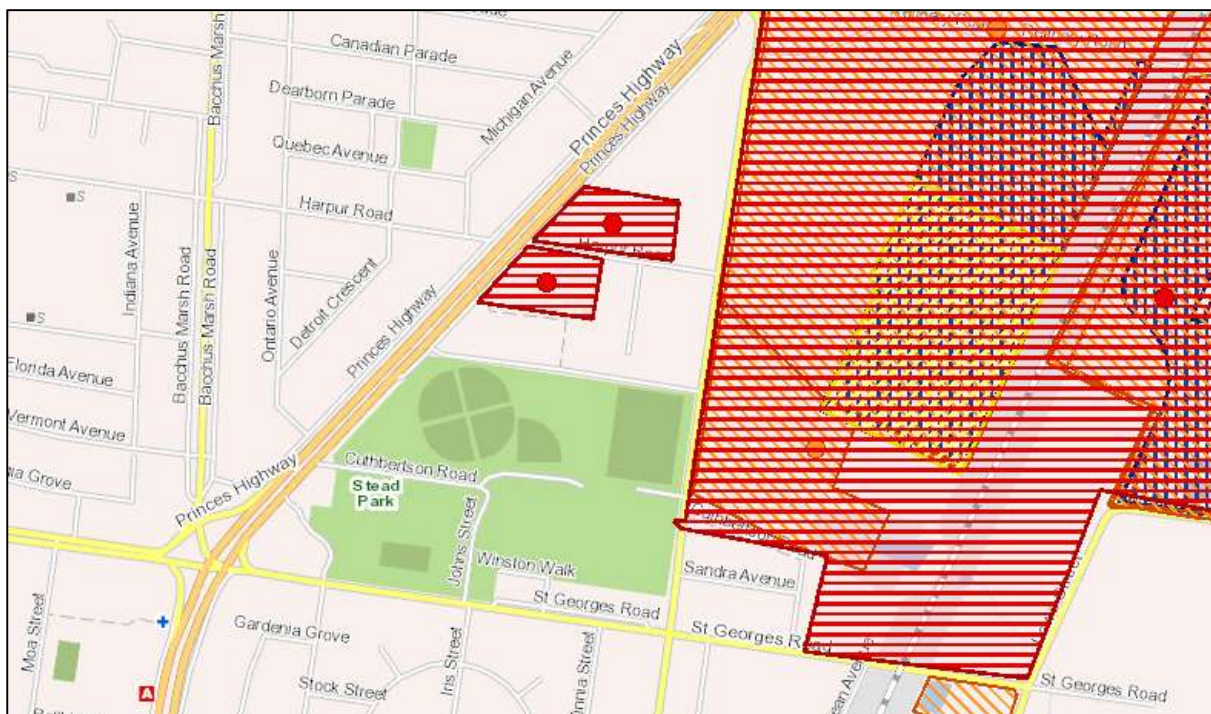
Planning Practice Note 30 – Potentially Contaminated Land (DELWP 2021) provides steps to determine whether land is potentially contaminated. If these steps have been undertaken and Council are satisfied that the land is not potentially contaminated, Ministerial Direction No. 1 does not apply.

Council have stated that the site has not had potentially contaminating activities undertaken on it since at least the mid 1980’s. However, as mentioned in PPN30 2021, potential contamination may occur from activities undertaken on land adjacent to the subject site. One of the activities listed within PPN30 2021 which has the potential to contaminate adjacent land is landfill operations. From a brief search of the area on Vic Unearthed, the applicant notes that a former landfill located to the north-east of the site along with other notable sites as specified on Vic Unearthed;

Identified by the EPA Priority Sites Registered and highlighted on the below Vic Unearthed extract:

- Address: 246 - 258 Princes HWY Corio Issue: Former petroleum storage site.
- Address: 232 - 244 Princes HWY Corio Issue: Former petroleum storage site.
- Address: 90 Refinery Rd Corio Issue: Current petroleum storage site/ Viva Energy Australia Geelong Refinery 1/ Former Corio landfill

(Audits relating the above sites are attached in appendices to this report)



Extract from Vic-Unearthed

Council must satisfy themselves that the land is not potentially contaminated. The reports within the appendices provide that the risk of transfer of potentially contamination to the subject site of the permit and amendment is low.

Should Council not be satisfied that this is the case the applicant would be willing to enter into a section 173 Agreement pertaining that the land known as Lot 2 containing the Fast food premises can not be used for any sensitive land use, unless otherwise agreed in writing by the Responsible Authority.

7. STATUTORY CONTEXT AND RESPONSE

7.1. Zone

The subject site is contained within the Public Park and Recreation Zone PPRZ (Clause 36.02).

The purpose of the zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise areas for public recreation and open space.*
- *To protect and conserve areas of significance where appropriate.*
- *To provide for commercial uses where appropriate.*

A permit is required to subdivide land.

Decision Guidelines

Before deciding that a plan prepared under Clause 36.02-5 is satisfactory the responsible authority must consider as appropriate:

Decision Guidelines	Response
The Municipal Planning Strategy and the Planning Policy Framework	Please refer to Section 5 of the report.
The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.	The public land manager is in support of the application to subdivide and consolidate the allotment to more accurately reflect the existing use and development of the site.
Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.	No further development is proposed.

As part of the amendment component of the application portions of the subject land is to be held within the Commercial 2 Zone (Clause 34.02).

The purpose of the zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*

A permit is required to subdivide land.

Decision Guidelines

Before deciding that a plan prepared under Clause 34.02-7 is satisfactory the responsible authority must consider as appropriate:

Decision Guidelines – Subdivision	Response
The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.	The resubdivision of the allotments and creation of a road is a logical outcome to the sites existing characteristics and will allow for a more harmonious management of the site Stead Park from the City of Greater Geelong.
Any natural or cultural values on or near the land.	The site is not affected by any Cultural Heritage Sensitivity Mapping.
Streetscape character.	As no development is proposed the streetscape character will remain as is.
Landscape treatment.	As no development is proposed the existing landscape treatment present throughout the site will remain as is.

7.2. Overlays

Special Building Overlay

The purpose of the overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

The objectives of the overlay are:

- Flooding management objectives to be achieved.
- A statement of risk.

Decision Guidelines

Before deciding that a plan prepared under Clause 44.05-7 is satisfactory the responsible authority must consider as appropriate:

Decision Guidelines	Response
The Municipal Planning Strategy and the Planning Policy Framework	Please refer to Section 5 of the report.
Any local floodplain development plan.	Not applicable.

Any comments from the relevant floodplain management authority.	The Corangamite Catchment Management Authority have not been engaged to provide preliminary comment on the proposal.
The existing use and development of the land	The existing use and development of the land will remain unaltered by the proposed subdivision and consolidation.
Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.	No development is proposed. The subdivision and consolidation of the allotments is designed to reflect the existing built form and characteristics of the site.
The susceptibility of the development to flooding and flood damage.	No development is proposed.
<p>Flood risk factors to consider include:</p> <ul style="list-style-type: none"> – The frequency, duration, extent, depth and velocity of flooding of the site and accessway. – The flood warning time available. – The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded. 	<p>As no development is proposed.</p> <p>The existing conditions of the site will remain. The site has been developed with the current Fast Food Premises and associated infrastructure in excess of 30 years.</p>
The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.	No development is proposed within the application, the current floodwater, stormwater or drainage water will remain unaffected by the proposal.
Any other matters specified in a schedule to this overlay.	Not applicable.

7.3. Particular Provisions

Clause 52.02 – Easements, Restrictions and Reserves

The propose of Clause 52.02 is to enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

The application proposes the removal of an easement. The proposed easement to be removed is not required for the servicing functions of the proposed subdivision layout and not thought to impact any associated authority. The removal of this easement is to ensure that Lot 2 is free of any redundant easements for future sale of the fast food premises. The easement to be removed is:

- Part of the drainage easement created on LP 13397 (noted as BL) encumbering lot 5, LP 13397.

Clause 52.29 Land Adjacent to a Road Zone Category 1 Road (Princess Highway)

The purpose Clause 52.29 is to ensure appropriate access to identified roads and to ensure appropriate subdivision of land adjacent to identified roads.

The proposal requires assessment under the provisions of the Clause as it proposes a 3 lot subdivision and creation of a Road adjacent to and from the Princes Highway which is a Road Zone Category 1 Road.

The resubdivision of the allotments and creation of a road is a logical outcome to the sites existing characteristics and will allow for a more harmonious management of the site Stead Park from the City of Greater Geelong.

Clause 53.01 Public open space contribution and subdivision

In accordance with the Schedule to 53.01 the subdivision of land for residential purposes for a resubdivision of allotments which has no further subdivision potential has no liability to pay a public open space contribution.

Clause 53.18 Storm water management in urban development

Under the provisions of Clause 53.18 an application must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.

Pursuant to initial review from the Responsible Authority further investigations and review can be conducted to ensure compliance with the objectives and standards of the Storm water management of the site.

Clause 63.11 Existing Use Rights – Certificate of Compliance

In accordance with the overarching objective of the application, to create a separate title for the existing Fast-Food Premises (KFC) St Quentin are seeking a Certificate of Compliance for the ***use of a fast food restaurant and associated display of business identification signage*** under the Existing Use rights clause at 63.11 of the Greater Geelong Planning Scheme.

It is submitted that the KFC and its business identification signage continuous use for a period greater than 15 years. The subject Fast food Premises (KFC) has been in operation since the mid-1980s.

Pre – application advice from Council notes that in 1980 an application for “Change of Use” for a Takeaway Food Premises (KFC) (PP1433/1979) was issued for the site.

Under the provisions of Clause 63.11 An existing use right may be established under this clause even if the use did not comply with the scheme immediately prior to or during the 15 year period, unless either:

- At any time before or after commencement of the 15 year period the use has been held to be unlawful by a decision of a court or tribunal.
- During the 15 year period, the responsible authority has clearly and unambiguously given a written direction for the use to cease by reason of its non-compliance with the scheme.

Under the provisions of the Scheme a Certificate of Compliance can be applied for existing use and development of a Fast Food Premises and display of business identification signage on proposed allotment 2.

An appendix to the application details the accompanying evidence submitted to attain the existing use certificate of compliance, including the existing lease of the land dating back 15 years, dated images of the fast food premises in operation for 15 years and dated newspaper advertising extracts.

8. DECISION GUIDELINES

8.1. Clause 65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

Decision Guidelines	Response
The matters set out in section 60 of the Act.	All matters have been considered.
The Municipal Planning Strategy and the Planning Policy Framework.	Please refer to section 5 of the report.
The purpose of the zone, overlay or other provision	Please refer to Section 7 of the report.
Any matter required to be considered in the zone, overlay or other provision.	Please refer to Section 7 of the report.
The orderly planning of the area	The consolidation and resubdivision of the allotments and creation of a road is a logical outcome to the sites existing characteristics and will allow for a more harmonious management of the site Stead Park from the City of Greater Geelong.
The effect on the amenity of the area.	The existing amenity of the area will not be altered by the proposed subdivision and consolidation.
The proximity of the land to any public land.	The balance of the allotments is held within Council owned Public Park and Recreation Zoned land.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	The site is covered by a Special Building Overlay, there is no development proposed within the application that would attribute to any factors of land degradation, salinity or a reduction in water quality.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	Pursuant to initial review from the Responsible Authority further investigations and review can be conducted to ensure compliance with the objectives and standards of the Storm water management of the site.
The extent and character of native vegetation and the likelihood of its destruction.	Not applicable.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate	Not applicable.
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.	No development is proposed within the application, the current floodwater, stormwater or drainage water will remain unaffected by the proposal.

The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts	The proposal will not have any affect on the existing traffic movements of the site other than to formalise the existing road network of Stead Park.
---	--

○ **Clause 65.02 Approval of an Application to Subdivide Land**

Before deciding on an to subdivide land, the responsible authority must consider, as appropriate:

Decision Guidelines	Response
The suitability of the land for subdivision	The subject subdivision is a suitable response to form a plan which accurately reflects the existing characteristics of the site.
The existing use and possible future development of the land and nearby land.	Not applicable. The subdivision is not designed to facilitate further development.
The availability of subdivided land in the locality, and the need for the creation of further lots.	Not applicable.
The effect of development on the use or development of other land which has a common means of drainage.	Pursuant to initial review form the Responsible Authority further investigations and review can be conducted to ensure compliance with the objectives and standards of the Storm water management of the site.
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	The subdivision pattern will directly reflect the existing physical characteristics of the site.
The area and dimensions of each lot in the subdivision.	The area and dimensions of the subject subdivision will reflect the existing built form and layout of the site.
The layout of roads having regard to their function and relationship to existing roads.	The creation of the internal road is a logical outcome to the sites existing characteristics and will allow for a more harmonious management of the site Stead Park from the City of Greater Geelong.
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.	The movement of pedestrians and vehicles throughout the subdivision will remain unaltered by the proposed subdivision.
The provision and location of reserves for public open space and other community facilities.	The balance of the allotments is held within Council owned Public Park and Recreation Zoned land.
The staging of the subdivision.	Not applicable.
The design and siting of buildings having regard to safety and the risk of spread of fire.	Not applicable.

The provision of off-street parking.	All on street parking within the road reserve proposed (existing internal road) will be retained through the subdivision application.
The provision and location of common property.	Not applicable.
The functions of anybody corporate.	Not applicable.
The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.	The site has current connections to all services.
If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.	No development is proposed within the application, the current floodwater, stormwater or drainage water will remain unaffected by the proposal.
Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.	Not applicable.

9. CONCLUSION

As this report demonstrates, the combined Planning Scheme Amendment and Planning Permit Application complies with and implements the applicable policy directions of the State and Local Planning Policy Framework, and meets the applicable performance criteria set out in the Greater Geelong Planning Scheme.

The combined application is anticipated to have positive social and economic effects by providing for the orderly subdivision of the Subject Site in a manner that is responsive to its particular characteristics, opportunities and constraints, by applying an appropriate suite of Victoria Planning Provisions, and by securing a pleasant and safe living environment through the appropriate consolidation of an established urban area.

It is considered that the proposed Planning Scheme Amendment and Planning Permit application to facilitate the subdivision of the Subject Site as detailed in this report is sound and strategically justified. On this basis, it is respectfully requested that Council seek Ministerial Authorisation to prepare a Planning Scheme Amendment.

10. APPENDIX 1- CERTIFICATES OF TITLE

11. APPENDIX 2 SUBDIVISION PLAN

12. APPENDIX 3 FEATURES PLAN

13. APPENDIX 4 ZONING PLAN

14. APPENDIX 5 ROAD CLOSURE PLAN

15. APPENDIX 6 DBYD – COUNCIL ASSETS

16. APPENDIX 7 90 REFINERY ROAD CORIO EPA AUDITS

17. APPENDIX 8 EXISTING USE RIGHTS DOCUMENTS

18. APPENDIX 9 CERTIFICATE OF COMPLIANCE APPLICATION

19. **APPENDIX 10 FAST FOOD PREMISES LEASE**