

**Greater Geelong Planning Scheme Amendment C437ggee
135 Staceys Road, Lovely Banks**

Panel Report

Planning and Environment Act 1987

22 April 2022

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Greater Geelong Planning Scheme Amendment C437ggee

135 Staceys Road, Lovely Banks

22 April 2022



Sarah Raso, Chair

Contents

	Page
1 Introduction.....	1
1.1 The Amendment.....	1
1.2 Summary of issues raised in submissions	2
1.3 Procedural issues	3
1.4 The Panel’s approach	3
2 Planning context.....	4
2.1 Planning policy framework.....	4
2.2 Strategic framework.....	4
2.3 Planning scheme provisions	6
2.4 Ministerial Directions and Practice Notes.....	7
2.5 Discussion and conclusion	7
3 General issues.....	8
3.1 Location of sensitive uses and separation distances	8
3.2 Cultural heritage considerations.....	9
4 Conclusion and recommendations	10
Appendix A Submitters to the Amendment	
Appendix B Document list	

List of Tables

	Page
Table 1 Permit requirements for sensitive uses	8

List of Figures

	Page
Figure 1 Subject Land - Existing zoning	1
Figure 2 Subject Land - Proposed zoning.....	2
Figure 3 The subject land aerial photo.....	2
Figure 4 Zoning context	6

Glossary and abbreviations

Council	City of Greater Geelong
DELWP	Department of Environment, Land, Water and Planning
EPA	Environment Protection Authority Victoria
Framework Plan	Northern and Western Growth Areas Framework Plan (August 2020)
MSS	Municipal Strategic Statement
NGGA	Northern Geelong Growth Area
PE Act	<i>Planning and Environment Act 1987</i>
PPF	Planning Policy Framework
subject land	135 Staceys Road, Lovely Banks and the (unmade) road reserve adjoining the southern boundary of the land
UGZ	Urban Growth Zone

Overview

Amendment summary

The Amendment	Greater Geelong Planning Scheme Amendment C437ggee
Common name	135 Staceys Road, Lovely Banks
Brief description	Rezone land at 135 Staceys Road, Lovely Banks and the (unmade) road reserve adjoining the southern boundary of the land from Farming Zone to Urban Growth Zone
Subject land	135 Staceys Road, Lovely Banks and the (unmade) road reserve adjoining the southern boundary of the land
Planning Authority	City of Greater Geelong
Authorisation	26 August 2021
Exhibition	18 November to 20 December 2021
Submissions	Number of Submissions: three, two of which sought changes and one in support

Panel process

The Panel	Sarah Raso (Chair)
Directions Hearing	By video conference: 7 March 2022
Panel Hearing	By video conference: 1 April 2022
Site inspection	Not required
Parties to the Hearing	Greater Geelong City Council represented by Rohan Farmer
Citation	Greater Geelong C437ggee PSA [2022] PPV
Date of this report	22 April 2022

Executive summary

Greater Geelong Planning Scheme Amendment C437ggee (the Amendment) seeks to rezone the subject land from the Farming Zone to the Urban Growth Zone (UGZ). The subject land is within the Northern Geelong Growth Area (NGGA), land which is largely planned for residential use as shown in the Northern and Western Growth Areas Framework Plan (August 2020) (the Framework Plan).

The Framework Plan was introduced into the planning scheme through Amendment C395ggee on 6 May 2021. It is now included as a background document under Clause 21.20 (Northern and Western Geelong Growth Areas) of the Municipal Strategic Statement (MSS), as well as the schedule to Clause 72.08 (Background documents).

Other land shown for residential use in the Framework Plan was rezoned to the UGZ in Amendment C395ggee on 6 May 2021. The subject land however was accidentally omitted from being rezoned through Amendment C395ggee. Council therefore proposes to rezone the subject land to the UGZ. This will facilitate the further consideration of the subject land for residential use, as part of the Elcho Road East precinct structure planning process.

Key issues raised in submissions included:

- the possibility of sensitive uses being approved within land use separation distances
- the inclusion of an additional land parcel to be rezoned to UGZ as part of this Amendment
- future cultural heritage management/considerations.

The Panel concludes that the Amendment is strategically justified and should be supported. The subject land is located in the NGGA and warrants the application of the UGZ to facilitate its consideration for a residential use as part of its future precinct structure planning process.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Greater Geelong Planning Scheme Amendment C437ggee be adopted as exhibited subject to the following:

- 1. Update the Explanatory Report to reflect the introduction of the *Environment Protection Act 2019* as outlined in Ministerial Direction No 1.**

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Amendment is to rezone the subject land from Farming Zone to UGZ, in accordance with Clause 21.20 (Northern and Western Geelong Growth Areas). The Amendment corrects an omission from Amendment C395ggee, which rezoned land in the NGGA to the UGZ to facilitate the implementation of the Framework Plan, but omitted to rezone the subject land.

Most of the subject land is shown as residential in *Plan 03 Future Urban Structure - Northern Geelong Growth Area*¹ in the Framework Plan, but it was left in the Farming Zone because of an inadvertent omission in Amendment C395ggee. The subject land is within the Elcho Road East precinct, which is the first Precinct Structure Plan (PSP) to be commenced in accordance with Plan 40 (Development Sequencing) of the Framework Plan.

Rezoning the subject land to the UGZ is therefore required to facilitate its consideration for residential use as part of the area's precinct structure planning process.

Figure 1 shows the existing Farming Zone which applies to the subject land and Figure 2 shows the proposed UGZ.

Figure 1 Subject Land - Existing zoning



¹ Page 38 of the Framework Plan

Figure 2 Subject Land - Proposed zoning**(ii) The subject land**

The Amendment applies to land shown in Figure 3 below. The subject land is on the south side of Staceys Road, around one kilometre west of Bacchus Marsh Road in Lovely Banks. Staceys Road forms the northern boundary of the NGGA. The subject land is 35.2 hectares in size and is an open grassy lot with a waterway that runs generally along the northern boundary. The subject land includes the unmade road reserve that adjoins the southern boundary of 135 Staceys Road.

Figure 3 Subject Land - aerial photo**1.2 Summary of issues raised in submissions**

The key issues raised by submitters were:

- the possibility of sensitive uses being approved within land use separation distances

- the inclusion of an additional land parcel to be rezoned to the UGZ as part of this Amendment
- future cultural heritage management/considerations.

1.3 Procedural issues

Mr Dinh submitted that his land at 165 Staceys Road, Lovely Banks, should be included in the Amendment and rezoned to the UGZ. At the Directions Hearing, the Panel advised Mr Dinh that it was not able to consider his submission in relation to rezoning his land as it was not part of the exhibited Amendment. To do so would be beyond the scope of this Amendment process. Surrounding landowners were not given the opportunity to comment on the rezoning of 165 Staceys Road, Lovely Banks, and for Council to rezone this land without exhibition would be a denial of natural justice. Mr Dinh understood this position and advised the Panel that he would not attend the Hearing.

The Panel has therefore not considered whether the additional land parcel at 165 Staceys Road should be rezoned to UGZ.

1.4 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, and submissions and other material presented to it during the Hearing.

This report deals with the issues under the following headings:

- planning context
- general issues
- conclusion and recommendations.

2 Planning context

2.1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework (PPF), MSS and Local Planning Policy Framework, which the Panel has summarised below.

(i) State policy

Council submitted the Amendment will assist in implementing State policy objectives as set out in section 4(1) of the *Planning and Environment Act 1987* (PE Act) by providing for the fair, orderly, economic, and sustainable use and development of the subject land.

The Explanatory Report explains how the Amendment supports and implements the Planning Policy Framework, relevant planning policies of which include:

- Clause 11 (Settlement)
- Clause 13 (Environmental Risks and Amenity).

(ii) Regional policy

Council submitted the Amendment supports and implements regional policy at Clause 11.01-1R Settlement - G21 Region. Specifically, the Amendment directly implements the following strategy:

- Provide for long term growth options that build on existing infrastructure, including two further investigation areas north and west of Geelong.

(iii) Clause 21 (Municipal Strategic Statement)

Council's Part A submission and the Explanatory Report provided a strategic assessment of the Amendment and a discussion of the overarching policy context. Relevantly, the Amendment supports and implements the following policies from the MSS:

- Clause 21.02 (City of Greater Geelong Sustainable Growth Framework)
- Clause 21.04 (Municipal Framework Plan)
- Clause 21.05-7 (Flooding)
- Clause 21.05-8 (Wildfire)
- Clause 21.06-2 (Spatial distribution of growth and land supply)
- Clause 21.06-3 (Managing future growth)
- Clause 21.20 (Northern and Western Geelong Growth Areas).

2.2 Strategic framework

(i) Northern and Western Geelong Growth Areas Framework Plan (August 2020)

The Framework Plan was implemented in the planning scheme through Amendment C395ggee on 6 May 2021 and is now included as a background document under Clause 21.20 (Northern and Western Geelong Growth Areas), as well as the schedule to Clause 72.08 (Background documents).

The Framework Plan provides broad direction for land use and development across the north and west Geelong region. It is a high-level strategic document that describes considerations related to future urban development in the growth areas.

The Framework Plan describes the existing site context of the growth areas and outlines a vision and urban development objectives and actions to inform the subsequent detailed preparation of PSPs. Preparation of each PSP will be the subject of further detailed technical investigations and reports specific to that precinct. A separate planning scheme amendment will facilitate the detailed future urban structure and infrastructure requirements of the precincts.

The subject land is within the NGGA and is largely planned for residential use as shown in *Plan 03 (Future Urban Structure - Northern Geelong Growth Area)* in the Framework Plan.

(ii) G21 Regional Growth Plan 2013

The G21 Regional Growth Plan provides broad direction for the further land use and development across the Geelong region. The Plan is reflected within Clause 11.01-1R – Settlement – Geelong G21. Specifically, the G21 Regional Growth Plan:

- identifies opportunities for managing the future growth of population, employment, and housing
- identifies opportunities for supporting regional level infrastructure, providing an essential contribution to the long-term sustainability of the region
- identifies natural assets which require protection.

The G21 Regional Growth Plan seeks to deliver co-ordinated growth in the region to the year 2051 and make land supply available to provide for the predicted population target of 500,000 people.

Map 7 – Settlement and Employment Growth Directions identifies the NGGA as a ‘further investigation area’ and notes the Lovely Banks area as a ‘higher priority’ for development, given its ‘greater connection with Melbourne and links with proposed national transport logistics employment areas’².

Council submitted the Amendment is consistent with the G21 Regional Growth Plan and Clause 11.01-1R as it proposes to increase residentially zoned land within the designated area for residential growth.

(iii) City of Greater Geelong Settlement Strategy, 2020

The City of Greater Geelong Settlement Strategy seeks to contain growth within identified locations across the local government area. The Strategy is centred around the following themes:

- spatial distribution of growth and land supply
- housing diversity
- managing future growth
- Bellarine Peninsula
- permanent settlement boundaries
- urban consolidation
- monitoring and review.

² G21 Regional Growth Plan 2013, page 27

Key policy from the City of Greater Geelong Settlement Strategy is incorporated into the Planning Scheme at Clause 21.06 (Settlement). The Housing and Settlement Plan in Clause 21.06 identifies the NGGA as a ‘Future Growth Area’.

2.3 Planning scheme provisions

A common zone and overlay purpose is to implement the MSS and the PPF.

(i) Zones

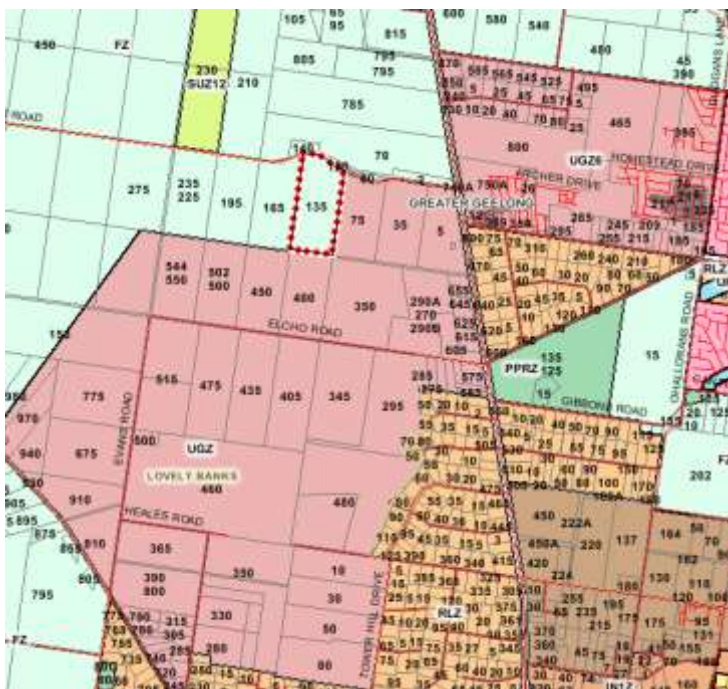
The subject land is currently located within the Farming Zone and is proposed to be rezoned to UGZ. The purposes of the UGZ are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To manage the transition of non-urban land into urban land in accordance with a precinct structure plan.
- To provide for a range of uses and the development of land generally in accordance with a precinct structure plan.
- To contain urban use and development to areas identified for urban development in a precinct structure plan.
- To provide for the continued non-urban use of the land until urban development in accordance with a precinct structure plan occurs.
- To ensure that, before a precinct structure plan is applied, the use and development of land does not prejudice the future urban use and development of the land.

The UGZ is a holding zone for future urban development under which more detailed land use in PSPs will be planned.

Figure 4 highlights that the areas surrounding the subject land to the immediate south and east are generally within the UGZ, with the land to the north and west remaining in the Farming Zone pending future consideration.

Figure 4 Zoning context



(ii) Overlays

The land is subject to the Environmental Significance Overlay. The purposes of the Overlay are:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas where the development of land may be affected by environmental constraints.

To ensure that development is compatible with identified environmental values.

It is not proposed that the Environmental Significance Overlay is removed from the subject land, and no additional overlay is proposed to be applied.

2.4 Ministerial Directions and Practice Notes

Council submitted the Amendment is consistent with relevant Ministerial Directions, including:

- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the PE Act
- Ministerial Direction No.1 – Potentially Contaminated Land
- Ministerial Direction No.11 – Strategic Assessment of Amendments under section 12 of the PE Act
- Ministerial Direction No.15 – The Planning Scheme Amendment Process
- Ministerial Direction No.19 - Preparation and content of amendments that may significantly impact the environment, amenity and human health

The Explanatory Report discusses how the Amendment meets the relevant requirements of the Ministerial Direction 11 and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

Upon its review of the Amendment, Environment Protection Authority Victoria (EPA) requested the Explanatory Report be updated in response to the updated Ministerial Direction 1 (Potentially contaminated land) following the introduction of the new *Environment Protection Act 2019*.

2.5 Discussion and conclusion

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the PPF, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment has strong strategic support through the provisions of the Greater Geelong Planning Scheme, and particularly through the Framework Plan and its recognition that residential development ought be located on the subject land (subject to going through a future PSP process). The Amendment is well founded and strategically justified and should proceed.

3 General issues

3.1 Location of sensitive uses and separation distances

The key issue is whether the rezoning will allow for sensitive uses to be located on the subject land.

(i) Submissions

While the EPA did not oppose the Amendment, it recommended that Council should remain conscious of the possibility of a sensitive use being established on the subject land prior to the PSP planning process, and how this might coincide with potential impacts from existing industry. Part of the subject land is within the 1000 metre threshold distance for the Lara Energetic Material Manufacturing Plant (the Chemring facility). Also within proximity to the subject land is a materials recycling facility at 225 Staceys Road, Lovely Banks.

Council produced Table 1 to summarise the permit requirements for each sensitive use in both the Farming Zone and the UGZ and submitted there is little difference in permit requirements between the two zones. In fact, Council said that in the case of the subject land, which is 35.2ha in size, the UGZ is more restrictive, given the subject land is below the minimum lot size for which a permit is not required to use land for a dwelling.

Table 1 Permit requirements for sensitive uses

Land Use	Farming Zone (current zone)	UGZ (proposed zone)
Dwelling	Permit not required for one dwelling, provided on a lot of minimum 80ha. If this condition is not met, a permit is required. No limit is specified for the number of dwellings.	Permit not required for one dwelling, provided on a lot of minimum 40ha. If this condition is not met, a permit is required. No limit is specified for the number of dwellings.
Residential Aged Care Facility	Prohibited	Prohibited
Childcare centre	Prohibited	Prohibited
Hospital	Permit required	Permit required
Place of assembly	Permit required	Permit required
School	Permit required	Permit required

Source: Council Part B Submission

In conclusion, Council submitted there is very little difference in the planning scheme for how sensitive uses will be treated on the subject land under the proposed UGZ (prior to the PSP process) and the current Farming Zone. Council agreed with the EPA that the Explanatory Report should be updated to respond to the updated Ministerial Direction 1.

(ii) Panel discussion and conclusion

The UGZ is a holding zone and sensitive uses such as residential uses will require a further amendment to introduce a schedule into the UGZ based on a PSP. The Framework Plan designates the subject land for residential use. However, at this stage, the Amendment does not

implement a residential use, but simply applies the UGZ to signal that the subject land will transition to a residential use in the future.

The PSP process and future planning scheme amendment process to implement a schedule to the UGZ will further consider the subject land's suitability for residential use. The Framework Plan describes buffers and separation distances to certain industries and includes actions to deal with buffers from industries such as quarries, abattoirs and the Chemring facility.

The Panel agrees with the recommendation of the EPA, and concludes that the Council should:

- ensure appropriate buffers are maintained, and any other necessary buffers established, in the preparation of PSPs within the growth areas
- be conscious of the possibility of any sensitive uses being established prior to the PSP process and how this coincides with potential impacts from existing industry
- update the Explanatory Report to reflect the updated Ministerial Direction 1.

3.2 Cultural heritage considerations

The Wadawurrung Traditional Owners Aboriginal Corporation had no objection to the Amendment and sought no changes, but simply sought to confirm the position that if development is proposed on the subject land in the future, a Cultural Heritage Management Plan will be required.

(i) Panel Discussion and conclusion

The submission of the Wadawurrung Traditional Owners Aboriginal Corporation is noted by the Panel. The Amendment does not include a development proposal, so the matter of a Cultural Heritage Management Plan is not required as part of this process.

4 Conclusion and recommendations

The Panel has reviewed the UGZ and notes that no party raised issues with its application to the subject land, nor its structure or format. The Panel agrees that it is the appropriate zone for the land and will provide an opportunity to delivery residential housing following the precinct structure planning process.

The Panel recommends that Greater Geelong Planning Scheme Amendment C437ggee be adopted as exhibited, subject to the following:

- 1. Update the Explanatory Report to reflect the introduction of the *Environment Protection Act 2019* as outlined in Ministerial Direction No 1.**

Appendix A Submitters to the Amendment

No.	Submitter
1	Mr Dinh
2	Environment Protection Authority Victoria
3	Wadawurrung Traditional Owners Aboriginal Corporation

Appendix B Document list

No.	Date	Description	Provided by
1	1 Feb 2022	Letter to Planning Panels Victoria to Request Appointment of a Panel	Peter Schembri, City of Greater Geelong
2	“	Instruction Sheet Exhibition	“
3	“	Proposed zone map Exhibition	“
4	“	Explanatory Report Exhibition	“
5	“	Council delegate report and resolution (under delegation) of 30 September 2021 to Seek Authorisation to Exhibit	“
6	“	Ministerial Authorisation of 26 August 2021	“
7	“	Submissions to the Amendment	“
8	“	Submitter contact details	“
9	“	Council delegate report and resolution (under delegation) of 14 January 2022 to consider submissions	“
10	14 Feb 2022	Directions Hearing Letter	Planning Panels Victoria
11	8 Mar 2022	Panel Directions, Distribution List and Hearing Timetable	Planning Panels Victoria
12	15 March 2022	Greater Geelong C395ggee Panel Report	Rowan Farmer, City of Greater Geelong
13	29 March 2022	Council submission and updated Explanatory Report	“