

## AMENDMENT C437ggee, RESOLUTION TO EXHIBIT UNDER DELEGATION

**To:** Peter Smith – Coordinator Strategic Implementation  
**From:** Rowan Farmer – Strategic Planner  
**Subject:** Resolution to exhibit an amendment under delegation  
**File number:** C437ggee

### Purpose

The purpose of this report is to seek a Council resolution (under delegation) to prepare and exhibit Amendment C437ggee, in relation to land at 135 Staceys Road Lovely Banks subject to authorisation by the Minister for Planning. The subject land is shown outlined in blue in the aerial photograph below.



### Summary

- The proposed amendment seeks to rezone the land at 135 Staceys Road, Lovely Banks (and unmade road reserve adjacent to the south) from Farming Zone to Urban Growth Zone. The land is in the Northern Geelong Growth Area, but was accidentally omitted from rezoning in amendment C395ggee, which implemented the *Northern and Western Geelong Growth Areas Framework Plan (August 2020)* into the planning scheme.
- The land is shown to be used for largely residential use and therefore it is important to rezone the land as soon as possible, to enable its consideration in the precinct structure planning process. The land is subject to a number of constraints, including being partly within the land use buffer of the Lara Energetic Material Manufacturing Plant (Chemring) at 230 Staceys Road,

Lovely Banks. The constraints have, however, been considered in amendment C395ggee and will be further considered in the precinct structure planning process.

- The proposed amendment will be referred and exhibited to the relevant authorities and nearby landowners and occupiers (including Chemring). This will provide an opportunity for any further comments, although it is not anticipated further matters will be raised beyond those considered in C395ggee.

## **Recommendation**

### **That Council:**

- 1) Supports the preparation and exhibition of Amendment C437ggee to the Greater Geelong Planning Scheme to rezone land at 135 Staceys Road from Farming Zone to Urban Growth Zone; and**
- 2) requests the Minister for Planning to authorise the preparation and exhibition of Amendment C437ggee.**

**Approved as a resolution of Council by Council's delegate: P.Smith  
Date: 30 September 2021**

## ***Background***

The subject land is located on the south side of Staceys Road, approximately 1 km west of Bacchus Marsh Road in Lovely Banks. The site is within the Northern Geelong Growth Area and is planned for residential use in Plan 03 (Future Urban Structure - Northern Geelong Growth Area) in the *Northern and Western Geelong Growth Areas Framework Plan (August 2020)*. The Framework Plan was implemented in the planning scheme in Amendment C395ggee on 6 May 2021 and is now included under Clause 21.20 (Northern and Western Geelong Growth Areas) of the Municipal Strategic Statement.

Other land shown for residential use in the Framework Plan was rezoned to the Urban Growth Zone in Amendment C395ggee 6 May 2021. The subject land, however, was accidentally omitted from being rezoned in the application for Amendment C395ggee. It is therefore proposed to rezone the subject land to Urban Growth Zone as a correction. This will facilitate the further consideration of the land for residential use, as part of the precinct structure planning process.

## ***Discussion***

The subject land is one of four lots (135, 165, 195 and 225 Staceys Road) in the northwest corner of the Northern Geelong Growth Area that were not rezoned to Urban Growth Zone as part of Amendment C395ggee. While the other three lots were shown in Framework Plan (now in Clause 21.20) as 'Agriculture – Future investigation of conservation', the majority of the subject land is shown as residential. Rezoning the land to the Urban Growth Zone for its planned use is essential to facilitate the planning of the site, as well as to integrate it into the surrounding urban area, in the precinct structure planning process.

The Framework Plan shows the southern part of the site within the 400 m catchment of the Clever and Creative Corridor and adjacent to a neighbourhood activity centre. Medium and high dwelling densities are proposed in this area,

with the remainder of the site (excluding a waterway corridor along the northern boundary) as conventional density. The land is also shown as suitable for a community facility. Active transport paths, public transport routes and roads are all proposed through the subject land under the Framework Plan.

Consideration of Aboriginal and European cultural heritage will also be required. The site is identified in the Framework Plan as having low and moderate archaeological potential and a dry stone wall is located on the eastern boundary.

The land is also subject to a number of constraints that will require further consideration in the precinct structure planning process. The northern part of the site is shown as waterway open space, which also includes part of the monocline escarpment and is subject to landform stability concern. The site is also shown to contain existing native vegetation in the Plains Grassland EVC, including two scattered trees and potential Golden Sun Moth habitat. Large tree canopy cover is proposed within the site for future neighbourhood amenity.

Conflicts with existing land uses in the surrounding area will also need to be avoided and a primary consideration in the precinct structure planning process. Part of the site is within the 1 km buffer of the Lara Energetic Material Manufacturing Plant (Chemring) at 230 Staceys Road, Lovely Banks. A buffer to a materials recycling facility at 225 Staceys Road, Lovely Banks will also need to be considered. It is noted the site has hazardous and combustible waste stored onsite and is subject to ongoing planning compliance action by the City. A pollution abatement notice was issued 25 June 2019, as well as a minor works pollution abatement notice 17 April the same year ([epa.vic.gov.au](http://epa.vic.gov.au)) for 225 Staceys Road. The subject land is also partly within a 570 m gas pipeline buffer to the south.

It is acknowledged these constraints are significant and will likely affect the suitability of parts of the site for residential use, the rezoning of the site to the Urban Growth Zone is required to enable this to be considered in greater detail as part of the precinct structure planning.

The panel in Amendment C395ggee recommended the four lots (including the subject land) that are within the Northern Geelong Growth Area, but remained in the Farming Zone, all be rezoned during or before the precinct structure planning process. This amendment seeks to rezone only 135 Staceys Road only, as it is the only lot containing land planned for residential use that is largely outside of the Chemring buffer. The other three lots are located almost entirely within the buffer and as noted earlier are not planned for residential use. These will likely be rezoned at a later stage, subject to resolving issues including the Chemring buffer.

### ***Financial Implications***

There will be no financial implications for Council as a result of the adoption of this amendment.

### ***Stakeholder Consultation and Communication***

Nearby landowners and occupiers, prescribed Ministers and other relevant agencies will be directly notified during the statutory exhibition period. The broader community will be notified through notices in local newspapers and the City of Greater Geelong website.

The amendment and draft planning permit will be exhibited in accordance with the provisions of the Planning and Environment Act 1987 (Act).

***Policy/Legal/Statutory Implications***

The Amendment is consistent with the State Planning Policy Framework as follows:

- Clause 11.01-1S Settlement – by achieving the objective and relevant strategies including:
  - Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong...
  - Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.
  - Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.
  - Create and reinforce settlement boundaries.
  - Limit urban sprawl and direct growth into existing settlements.
  - Ensure land that may be required for future urban expansion is not compromised
  - Consider as relevant...G21 Regional Growth Plan (Geelong Region Alliance, 2013)
- Clause 11.01-1R Settlement Geelong G21 - the amendment 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.
- Clause 11.02-1S Supply of urban land – meets the objective “To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses” and strategies including:
  - Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.
- Clause 11.02-3S Sequencing of development – by meeting the objective “To manage the sequence of development in areas of growth so that services are available from early in the life of new communities”.
- Clause 13.02-1S Bushfire planning – by meeting the objective “To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life” and strategies including:
  - Directing population growth and development to low risk locations, being those locations assessed as having a radiant

heat flux of less than 12.5 kilowatts/square metre under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).

- Clause 13.03-1S Floodplain management – by meeting the objective and strategies including “Avoid intensifying the impact of flooding through inappropriately located use and development”.
- Clause 13.07-1S Land use compatibility – by meeting the objective “To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts” and strategies including:
  - Ensure that use or development of land is compatible with adjoining and nearby land uses.
  - Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
  - Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
  - Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.
- Clause 13.07-2S Major hazard facilities – by meeting the objective “To minimise the potential for human and property exposure to risk from incidents that may occur at a major hazard facility and to ensure the ongoing viability of major hazard facilities” and strategies including:
  - Consider the risks associated with increasing the intensity of use and development within the threshold distance of an existing major hazard facility. Apply appropriate threshold distances from sensitive land uses for new major hazard facilities and between major hazard facilities.
  - Apply appropriate threshold distances from sensitive land uses for new major hazard facilities and between major hazard facilities.
  - Protect registered or licenced major hazard facilities as defined under Regulation 5 of the Occupational Health and Safety Regulations 2017 from encroachment of sensitive land uses.

The Amendment is consistent with the Local Planning Policy Framework as follows

- Clause 21.02 City of Greater Geelong Sustainable Growth Framework – in particular element 1. Managing Urban Growth.
- Clause 21.04 Municipal Framework Plan – the subject land is shown as part of the future growth areas in the Municipal Framework Plan.
- Clause 21.05-7 Flooding – the amendment meets the relevant objectives: to protect floodplains; and to minimise the potential for damage and risks to public safety and property from flooding.

- Clause 21.05-8 Wildfire – the amendment meets the objective to minimise the impacts of wildfire.
- Clause 21.06-2 Spatial distribution of growth and land supply – the amendment implements the objective to “Contain growth within identified locations across the municipality” and strategies including:
  - Direct the majority of future housing needs to urban Geelong (urban infill, Armstrong Creek and the Northern and Western Geelong Growth Areas).
- Clause 21.06-3 Managing future growth – by meeting the objective to “Manage the release of new growth areas to make sure infrastructure, services and facilities are provided in a timely and efficient way”.
- Clause 21.20 Northern and Western Geelong Growth Areas – by directly implementing the direction of Clause 21.20-4 (Implementation) to “Apply the Urban Growth Zone to most land in the Northern and Western Geelong Growth Areas...” and strategies including:
  - Land use and development should have regard to the Northern and Western Geelong Growth Areas Framework Plan (City of Greater Geelong, August 2020).

#### ***Alignment to Council Plan***

The proposed Amendment C437 supports both the Planned sustainable development and Effective environmental management strategic priorities of the Council Plan.

#### ***Officer Direct or Indirect Interest***

No Council officers involved in the preparation of this report have any direct or indirect interest in the matter to which this report relates, in accordance with Section 80 (c) of the Local Government Act.

#### ***Risk Assessment***

Land use buffers

As discussed earlier, there are a number of nearby land uses that require buffers affecting the subject land. These were addressed in amendment C395ggee, with the following responses from the relevant authorities:

- EPA: “EPA supports the delineation of buffers within strategic documents and considers it useful for these buffers to be translated into clear, easy to understand planning controls. This could be done by including the application of an overlay during the PSP stage, and/or inserting planning permit triggers (to the schedule to the UGZ) for sensitive uses where these are encroaching on existing and proposed industry”.
- Worksafe: No written submission was received, but the panel report for C395ggee notes Worksafe recommended against residential rezoning within the buffer.

A submission was also received on behalf of Chemring objecting to residential development within the 1 km buffer of the southern boundary of 230 Staceys Road.

Action N1.7.7 of the *Northern and Western Geelong Growth Areas Framework Plan (August 2020)* provides that no residential development will be permitted within the 1 km buffer. As noted earlier, an additional buffer may also be required for the existing materials recycling facility at 225 Staceys Road.

The proposed amendment will apply only the Urban Growth Zone to the subject land. It does not propose residential use, as this is determined through the precinct structure planning process. This is consistent with the recommendation of the panel report in C395ggee as well as the EPA response. The proposed amendment will also be referred to EPA and Worksafe in accordance with Ministerial Directions 19 (Amendments that may significantly impact the environment, amenity and human health) and 20 (Major hazard facilities), in addition to exhibiting the amendment to nearby landowners and occupiers, including Chemring and 225 Staceys Road.

The Framework Plan also provides directions for the gas pipeline, including a 570 m buffer within which land uses are to be planned carefully to minimise risk to community safety (Action N1.6.8). The APA Group are the licensee of the pipeline and in their submission to amendment C395ggee, the preferred position was for a number of land uses, including higher density residential uses, be located outside the buffer area. As noted earlier, the application of the Urban Growth Zone will not itself provide for residential use, but instead allows for this to be further considered as part of the precinct structure planning process. The proposed amendment will also be exhibited to the APA Group.

#### Bushfire

The subject land is in a bushfire prone area, although it is not in a Bushfire Management Overlay. Action N1.7.2 of the *Northern and Western Geelong Growth Areas Framework Plan (August 2020)* provides 'fire risks associated with non-urban interfaces to new neighbourhoods will be identified and managed as part of urban development'.

The Country Fire Authority (CFA) was consulted for amendment C395ggee and a high level bushfire planning assessment report was prepared, which included the subject land in the study area. The report concluded there was 'no potential for extreme fire behaviour due to the lack of larger, non-grassland areas of vegetation and the relatively flat terrain'. It further advised the proposal (for the Northern and Western Geelong growth areas) was consistent with the bushfire planning scheme policies, subject to implementation of the report recommendations in precinct structure planning. This conclusion was supported in evidence presented to the C395ggee panel by a different consultant.

There is a further issue regarding combustible material stored at the materials recycling facility at 225 Staceys Road, which is subject to ongoing planning enforcement action by the City. While this matter is more an issue for the precinct structure planning process, it is a bushfire risk matter that will need to be considered in the proposed amendment, which will be exhibited to CFA.

Other than the matter of 225 Staceys Road, the broader bushfire risk was sufficiently addressed in C395ggee and will be further (and more comprehensively) addressed in the precinct structure planning process.

#### Flooding

A small part of the site, along the waterway corridor at the northern end, is designated as flood prone. A Floodway Overlay and Land Subject to Inundation

Overlay are proposed to cover this area in Amendment C339ggee, which is currently on exhibition.

The flood prone area is also shown in the Framework Plan and directions for flood prone land are included in actions N1.2.2, N1.2.3, N1.2.5 and N1.2.6. A flood impact assessment and stormwater management strategy was prepared for the Northern Geelong growth area in amendment 395ggee, of which the study area included the subject land.

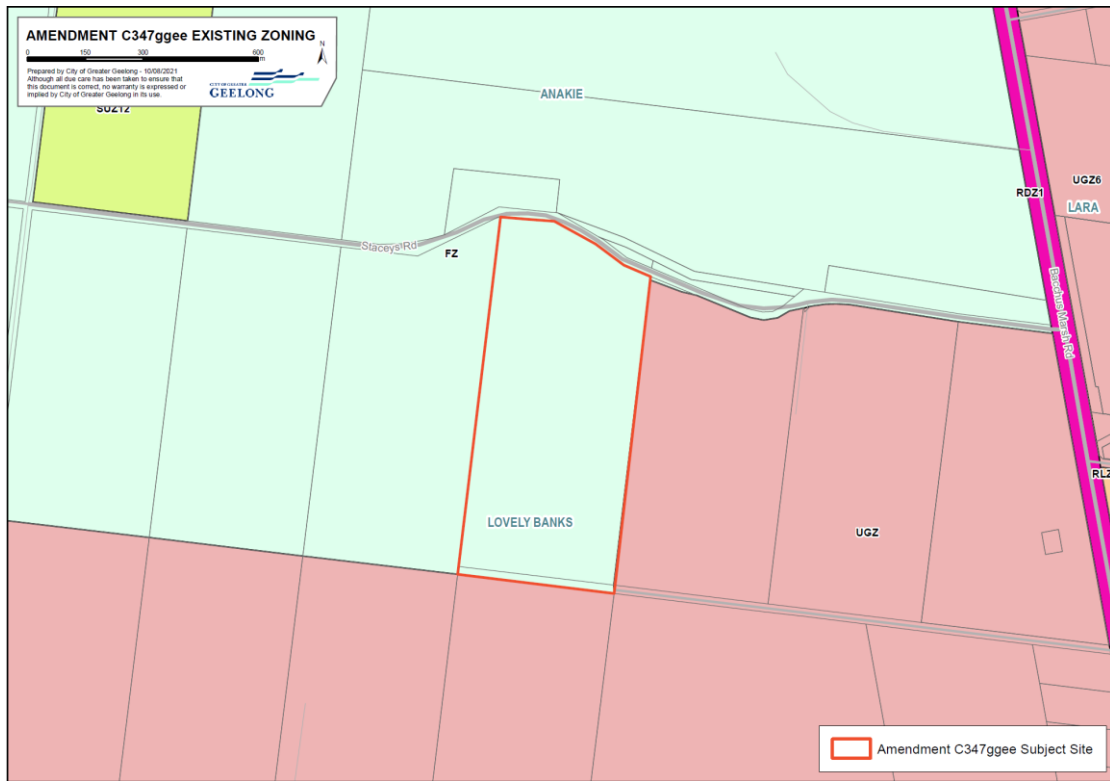
The study included a conceptual site stormwater management strategy for the subject land and other land within the subcatchment. It included hydrologic modelling and recommendations for future development. It is considered flood risk has been sufficiently considered in amendment C395ggee and will be further covered in the precinct structure planning process. The proposed amendment will also be exhibited to the floodplain manager (Corangamite Catchment Management Authority).

It is considered the risks presented by rezoning the subject land to the Urban Growth Zone have been appropriately addressed in Amendment C395ggee and will be further dealt with in the precinct structure planning process. The views of the EPA, Worksafe, CFA and CCMA will be sought during the amendment process and it will be exhibited to the nearby landowners and occupiers, including Chemring and the materials recycling facility at 225 Staceys Road. There are no additional risks associated with implementing the recommendation contained in this report.

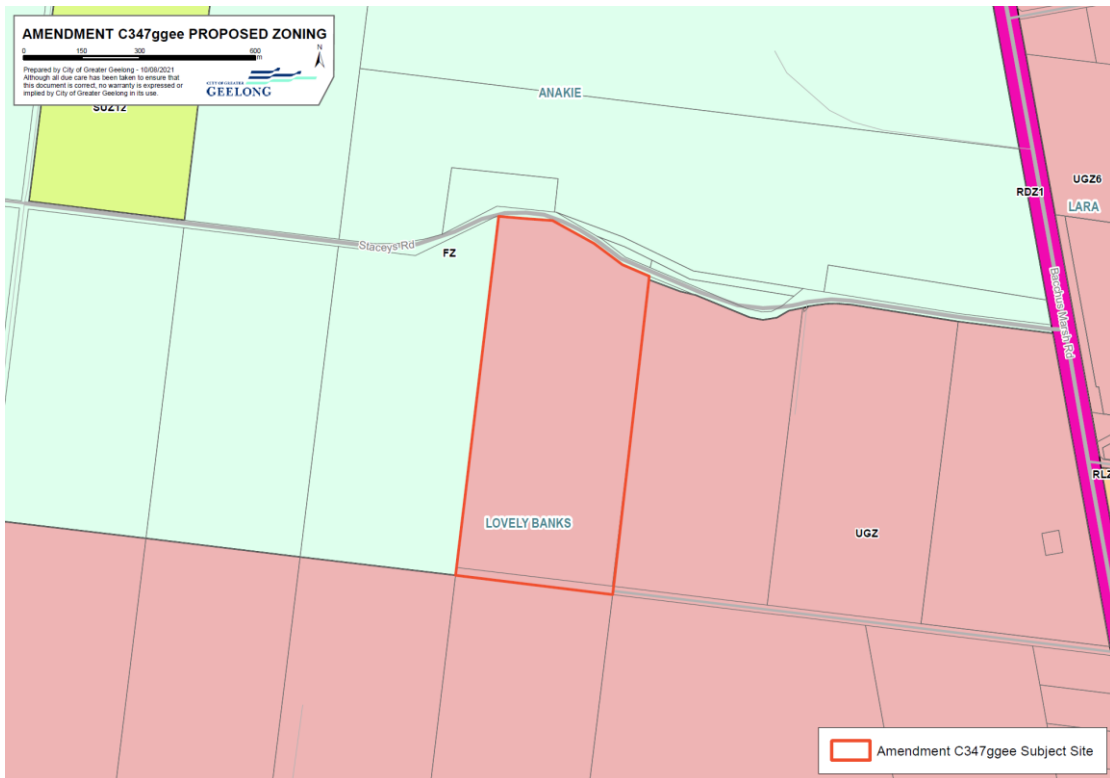
#### ***Environmental Implications***

The *Northern and Western Geelong Growth Areas Framework Plan (August 2020)* is based on a series of expert technical reports and assessments covering issues such as flora and fauna, stormwater management, integrated water cycle management, cultural heritage, groundwater, geotechnical and soils. As a result the plan recognises environmental constraints and guides development to ensure environment impacts are managed. Environmentally sustainable development (ESD) principles are being applied and there is a policy to design urban development in the Northern and Western Geelong growth areas to achieve carbon neutral neighbourhoods.

### Appendix 1 – Existing and proposed zoning

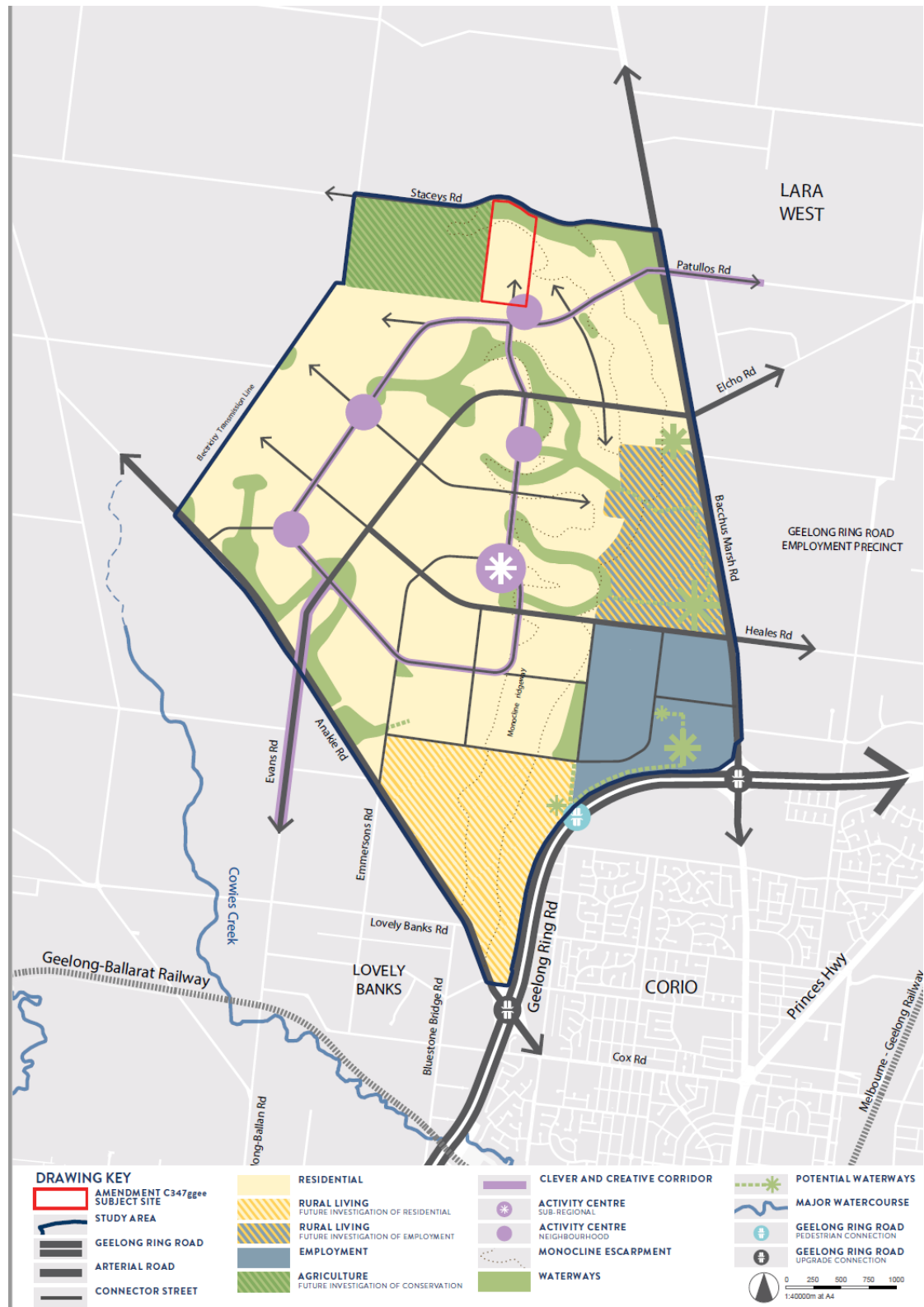


Existing Zoning – Farming Zone



Proposed Zoning – Urban Growth Zone

**Appendix 2 – Northern Geelong Growth  
 Areas Framework Plan map  
 (subject land outlined in red)**



**GREATER GEELONG PLANNING SCHEME  
AMENDMENT C437GEE**

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**RESOLUTION TO EXHIBIT AMENDMENT**

UNDER DELEGATION FROM COUNCIL IT IS HEREBY RESOLVED:

That Council:

- 1) **Supports the preparation and exhibition of Amendment C437ggee to the Greater Geelong Planning Scheme to rezone land at 135 Staceys Road from Farming Zone to Urban Growth Zone; and**
- 2) **Requests the Minister for Planning to authorise the preparation and exhibition of Amendment C437ggee.**

SIGNED:



DATE: 30/09/2021

**PETER SMITH  
COORDINATOR STRATEGIC IMPLEMENTATION**