

GREATER GEELONG PLANNING SCHEME

AMENDMENT C437ggee

EXPLANATORY REPORT

Who is the planning authority?

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

The proposed amendment has been made at the request of the City of Greater Geelong.

Land affected by the amendment

The proposed amendment applies to 135 Staceys Road, Lovely Banks and the (unmade) road reserve adjoining the south boundary of the land.

What the amendment does

The proposed amendment proposes to rezone the land at 135 Staceys Road, Lovely Banks and road reserve adjoining the south boundary from Farming Zone to Urban Growth Zone, in accordance with Clause 21.20 (Northern and Western Geelong Growth Areas).

Strategic assessment of the amendment

Why is the amendment required?

The proposed amendment is required to apply the Urban Growth Zone to the subject land in accordance with the implementation strategy at Clause 21.20-4. The amendment will also correct an omission in amendment C395ggee, which rezoned land in the Northern and Western Geelong Growth Areas to the Urban Growth Zone, to facilitate the implementation of the *Northern and Western Geelong Growth Areas Framework Plan* (August 2020).

The majority of the affected land is shown as residential in Plan 03 Future Urban Structure - Northern Geelong Growth Area in the Framework Plan, but it was left in the Farming Zone as a result of an inadvertent omission in amendment C395ggee.

Rezoning the land to Urban Growth Zone is therefore required to facilitate its consideration for residential use as part of the precinct structure planning process.

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

The proposed amendment will implement the objectives of Section 4 of the *Planning and Environment Act 1987*. In particular, it will provide for the fair, orderly, economic and sustainable use and development of the subject land by ensuring it is in the Urban Growth Zone, in accordance with Clause 21.20 and the *Northern and Western Geelong Growth Areas Framework Plan* (August 2020).

This will facilitate precinct structure planning and the preparation of a development contributions framework, as well as provide a more equitable basis for negotiations in this process as recommended by the panel in amendment C395ggee. This is also consistent with Section 12(1) of the Act, which requires a planning authority to provide sound, strategic and co-ordinated planning of the use and development of land in its area.

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

Environmental effects

The proposal is consistent with the *Northern and Western Geelong Growth Areas Framework Plan* (August 2020). The Framework Plan 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.

The proposal will facilitate consideration of the biodiversity significance of the affected land in the precinct structure planning process. The site is shown in Plans 08 and 09 (Biodiversity and Biodiversity Linkage – Northern Geelong Growth Area) to contain existing native vegetation in the Plains Grassland EVC, including two scattered trees and potential Golden Sun Moth habitat. The proposal will also facilitate planning for large tree canopy cover within the site, as identified on Plan 22 (Neighbourhood amenity – Northern Geelong Growth Area).

Environmentally sustainable development (ESD) principles are being applied and an objective of Clause 21.20 is to deliver urban development in the Northern and Western Geelong growth areas that establishes carbon neutral neighbourhoods.

Social and economic effects

The *Northern and Western Geelong Growth Areas Framework Plan* (August 2020) was informed by a number of technical reports including social infrastructure, retail and activity centre analysis and transport strategies. The implementation of the Framework Plan through Clause 21.20 includes the following positive social and economic objectives:

- create neighbourhoods where residents can live locally and meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip of their home.
- provide a network of activity centres in the Northern and Western Geelong Growth Areas that provide employment, retail, commercial, entertainment and community uses for growth area residents without adversely impacting the broader Geelong activity centre network.
- develop a Clever and Creative Corridor as a fundamental design element of the Northern and Western Geelong Growth Areas to ensure development is sustainable, self-sufficient, distinctive and connected through varied transport options.

Does the amendment address relevant bushfire risk?

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 addressed in C395ggee and will be further (and more comprehensively) addressed in the precinct structure planning process. This will satisfy the objective of Clause 13.02-1S "to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life", as well as Clause 21.05-8 (Wildfire) "to minimise the impacts of wildfire".

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

- The proposed amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*.
- Ministerial Direction No.1 (Potentially Contaminated Land) was considered with high level soil contamination assessments undertaken across the Northern and Western Growth areas, as part of amendment C395ggee. The assessments included a limited historical review, site inspections and some soil sampling. The study area included the subject land and concluded (with the exception of a materials recycling facility at 225 Staceys Road) there was no significant risk of impacting environmental conditions within the northern growth area.

The report included information in a VCAT proceeding that noted the presence of uncontrolled fill and aluminium oxide at 225 Staceys Road, which present a risk to underlying soils on that site, with a low risk of compromising groundwater offsite. Two other properties near the site at 270 and 350 Elcho Road were identified in the report as medium or high risk of contamination. Further auditing or site assessments were recommended for those sites.

A review of the priority sites register indicates 225 Staceys Road is no longer listed on the EPA Priority Sites Register, although it is subject to EPA pollution abatement notices as well as ongoing planning compliance action by the City of Greater Geelong. City officers have confirmed the hazardous material remains onsite. This will be addressed further under Ministerial Direction No.19 (Amendments that may result in impacts on the environment, amenity and human health).

As with amendment C395ggee, this amendment rezones land to the Urban Growth Zone. The UGZ is, however, a holding zone and sensitive uses such as residential will require a further amendment to introduce a schedule into the UGZ based on a Precinct Structure Plan (PSP). Further environment assessments will need to be prepared as part of future PSP amendment processes to fully satisfy Ministerial Direction No.1. It is considered this work undertaken for C395ggee satisfies the requirements of this direction.

It is further noted the *Environmental Protection Act 2017* has recently come into operation and Ministerial Direction 1 is currently being updated. The existing ministerial direction remains applicable until the new direction is available. Under the new Planning Practice Note 30 (Potentially contaminated land) there would be no further requirements for the affected land, as there is no evidence to suggest the subject land is potentially contaminated.

- The proposed amendment is affected by Ministerial Direction No.11 (Strategic Assessment of Amendments) under section 12 of the Planning and Environment Act 1987 and complies with this direction.
- The proposed amendment is affected by Ministerial Direction No.12 (Urban growth areas). The proposal implements of the *Northern and Western Geelong Growth Areas Framework Plan* (August 2020) by rezoning the subject land, which is identified in the Framework Plan in the Northern Geelong growth area, to Urban Growth Zone. This will facilitate the precinct structure planning for this site and other land in the growth area.
- The proposed amendment is affected by Ministerial Direction No. 15 (The Planning Scheme Amendment Process) and complies with this Direction.
- Ministerial Direction No.18 requires a planning authority to seek and have regard to the advice of the Victorian Planning Authority when preparing an amendment to rezone land the Authority has previously provided advice. The VPA provided a submission to amendment C395ggee which was supportive of the Framework Plan. It did not provide any comments relevant to the subject land. The proposed amendment will be exhibited to the VPA to satisfy the requirement of the direction.
- Ministerial Direction No.19 requires planning authorities to seek the views of the EPA in preparing planning scheme amendments that could “result in significant impacts on the environment, amenity and human health due to pollution and waste”. The Direction applies to amendments that may allow use and development under four scenarios.

The written views of the EPA were sought in Amendment C395ggee. The EPA advised it was generally supportive of the amendment and provided comments advising on issues likely to be relevant in future work to further implement the Northern and Western Geelong Growth Areas Framework Plan. Matters addressed in these comments included establishing and maintaining buffers and preventing encroachment of sensitive uses. The proposed amendment will also be exhibited to EPA.

As noted earlier, the Urban Growth Zone is a holding zone and sensitive uses such as residential will require a further amendment to introduce a schedule into the UGZ based on a Precinct Structure Plan (PSP).

The Northern and Western Geelong Growth Area Framework Plan describes buffers and separation distances to certain industries and includes actions are included to deal with buffers from industries such as quarries, abattoirs and the Chemring facility. Council will ensure these buffers are maintained, and any other necessary buffers established, in the preparation of precinct structure plans within the growth areas.

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

The proposed amendment supports and implements numerous state policies. The most relevant policies are listed below:

- 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 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.
- 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 11.02-2S Structure planning – by facilitating the preparation of precinct structure plans.
- 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 – the Framework Plan takes into account flooding along the Barwon and Moorabool Rivers and Cowries Creek.
- 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.

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

The proposed amendment supports and implements the following policies from the Local Planning Policy Framework:

- 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).

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

The proposed amendment makes proper use of the Victoria Planning Provisions by applying the Urban Growth Zone to the affected land, which is identified for future urban growth in the Northern Geelong Growth Area.

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

The preparation of the *Northern and Western Geelong Growth Areas Framework Plan* (City of Greater Geelong, August 2020) and subsequent amendment C395ggee involved extensive consultation with government and service agencies. They will be further notified as part of the subject amendment exhibition.

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

Impacts on the transport system were analysed through specialist technical reports on transport, movement and access for the Framework Plan. State government agencies were consulted and guided the *Northern and Western Geelong Growth Areas Framework Plan* (City of Greater Geelong, August 2020) in relation to public transport provision, impacts on existing arterial roads (such as the Geelong Ring Road and Midland Hwy) and future road and transport networks.

There are no additional impacts on the transport system defined by the Transport Integration Act as a result of this amendment.

Resource and administrative costs

The proposed amendment will not pose unreasonable resource and administrative costs on Council in its normal capacity as the Responsible Authority.

Where you may inspect this amendment

The proposed amendment is available for public inspection, free of charge, during office hours at:

- by appointment during office hours, at Greater Geelong City Council, Brougham Street Customer Service Centre, Ground Floor, 100 Brougham Street. GEELONG – **8.00am to 5.00pm weekdays** and subject to any public health directives that may be in place.
- ‘Amendments’ section of the City’s website www.geelongaustralia.com.au/amendments/

The proposed amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 20 December 2021.

A submission must be sent to:

The Coordinator
Strategic Implementation
City of Greater Geelong

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

Panel hearing dates

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

- directions hearing: 7 March 2022
- panel hearing: 4 April 2022