

## GREATER GEELONG PLANNING SCHEME

### AMENDMENT C443ggee

#### PLANNING PERMIT APPLICATION PP-750-2022

#### EXPLANATORY REPORT

##### Who is the planning authority?

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

The amendment has been made at the request of Ratio Consultants Pty Ltd on behalf of Norlane Community Initiatives (NCI).

##### Land affected by the amendment

The amendment applies to land at 4-8 Spruhan Avenue, Norlane. The land is formally referred to as:

- Lots 348 and 349 Plan of Subdivision 11342, within Certificate of Title Volume 6100 Folio 946;
- Lot 350 on Plan of Subdivision 11342, within Certificate of Title Volume 5084 Folio 763.



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

The planning permit application applies to 4-8 Spruhan Avenue, Norlane.

## **What the amendment does**

Amendment C443ggee provides for the removal of the restrictive covenants 1641285 on Certificate of Title Volume 6100 Folio 946 and 1445490 on Certificate of Title Volume 5084 Folio 763, affecting the land at 4-8 Spruhan Avenue, Norlane.

Specifically, the amendment proposes the following change to the Planning Scheme

- Amend the Schedule to Clause 52.02 to include the land at 4-8 Spruhan Avenue, Norlane allowing for removal of the registered restrictive covenants.

The planning permit application seeks approval for:

- Buildings and works associated with the existing building on site;
- A change of use from Place of Worship to a Place of Assembly;
- A waiver of eight car parking spaces; and
- Display of Business Identification Signs.

## **Strategic assessment of the amendment**

### **Why is the amendment required?**

The amendment is required to allow for the continued use of the subject site for a Place of Assembly comprising of community-related services operated by NCI, and buildings and works to the existing building on the site.

The land is affected by two restrictive covenants which do not reflect the historic use of the subject site as a Place of Worship and its use by NCI who operate an essential community service.

Registered restrictive covenants 1641285 (created on 12 February 1937) and 1445490 (created on 31 January 1930) prohibit the erection or construction on the site of any building other than one dwelling with usual outbuildings and fences, the excavation or removal of soil, the carrying out of any trade or business, and the erection of an advertising sign.

Both the Place of Worship and use operated by NCI fall under the land use definition of a Place of Assembly.

The restrictive covenants prevent the use as a Place of Assembly and associated buildings and works. Under section 61(4) of the *Planning and Environment Act 1987*, a planning permit cannot be granted if the permit would result in a breach of a restrictive covenant.

The restrictive covenants must be removed to enable a permit to be granted for the proposed use and development and this can be facilitated by including the land in the Schedule to Clause 52.02 of the Greater Geelong Planning Scheme.

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

The amendment is consistent with the following objectives of planning in Victoria as outlined in the Planning and Environment Act 1987:

- to provide for the fair, orderly, economic, and sustainable use, and development of land.
- to secure a pleasant, efficient, and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.
- to balance the present and future interests of all Victorians.

The amendment will remove the restrictive covenants, which prohibits the use and development of the subject site for a Place of Assembly. This will result in the use and development of the subject site compliant with the Planning Scheme.

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

The amendment will not result in any adverse environmental effects.

The amendment and planning permit will facilitate positive social benefits by enabling the continued use of the land for community related services and the completion of building and works to the site.

The amendment will generate economic benefits through direct and indirect employment opportunities during the construction phase of the works.

### **Does the amendment address relevant bushfire risk?**

The subject site is not in, or in proximity to, a designated bushfire prone area or affected by a Bushfire Management Overlay. The site is within the middle of an established urban area. Therefore, there is no perceived increased risk to bushfire.

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

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

The amendment is consistent with Ministerial Direction No.11 (Strategic Assessment of Amendments) under section 12 of the Act.

The amendment is also consistent with Ministerial Direction No. 15 (The Planning Scheme Amendment Process).

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

The Amendment is consistent with the following aspects of the PPF:

- Clause 11.01-1S Settlement includes strategies to promote and capitalise on opportunities for urban renewal and infill redevelopment.
- Clause 11.03-6L-02 – Corio Norlane includes the strategy to support the development of health and support services that will facilitate the urban renewal of the Corio Norlane Area.
- Clause 15.01-1S - Urban Design includes key strategies of ensuring development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility, and providing for inclusiveness.
- Clause 15.01-4R Healthy Neighbourhoods seeks to create a city of 20-minute neighbourhoods, that gives people the ability to meet most of their everyday needs within a 20-minute walk, cycle, or local public transport trip from their home.
- Clause 15.01-5S - Neighbourhood Character supports development that contributes to a preferred neighbourhood character, recognising, supporting, and protecting cultural identity and sense of place.
- Clause 15.02-1S - Energy and Resource Efficiency seeks to promote consolidation of urban development and integration of land use and transport.
- Clause 19.02-4S - Social and Cultural Infrastructure includes key strategies of addressing gaps and deficiencies in social infrastructure and to design social infrastructure to be accessible. The objective is to provide fairer distribution of and access to, social and cultural infrastructure.

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

The Amendment is consistent with the Municipal Planning Strategy contained in the Planning Scheme:

- Clause 02.03-1 Corio Norlane has the strategic direction for Corio Norlane to seek to facilitate an increase in community activities. The amendment facilitates this happening.
- Clause 02.03-3 - Environmental risks and amenity encourages a balance between the need for goods and services that serve residents and workers and the potential for negative impacts on residential amenity. This amendment and permit facilitate the on-going local service for the community and provides certainty for their operations without detracting from the amenity of the area.
- Clause 02.03-5 Built environment and sustainability seeks to ensure that development will improve the community's quality of life through renewal and good, sustainable design. The amendment and permit will implement the strategic direction to encourage all development to provide high quality urban design and landscaping

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

The amendment makes proper use of the Victoria Planning Provisions by amending the Schedule to Clause 52.02 Easements, Restrictions, and Reserves to allow the person affected by the restrictive covenant to proceed under Section 23 of the Subdivision Act 1988 to vary the covenant by lodging with the Land Titles Office an appropriate certified plan for registration. The removal of restrictive covenant is for land at 4-6 Spruhan Avenue.

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

Barwon Water, Powercor, Downer and the Wadawurrung Traditional Owners Aboriginal Corporation were consulted about the combined permit and planning scheme amendment with some contributing conditions for the draft planning permit.

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

The amendment is consistent with the transport system objectives and the decision-making principles of the *Transport Integration Act 2010*. The amendment will facilitate the continued use of the land for community-related services, and associated buildings and works to the existing building on site. The amendment will not result in any adverse impacts on the transport system.

## Resource and administrative costs

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

The amendment will not have an adverse impact on the resourcing and administrative costs of the responsible authority. The amendment will result in an orderly planning outcome for the land ensuring an enduring planning framework is applied.

## Where you may inspect this amendment

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

'Amendments' section of the City's website [www.geelongaustralia.com.au/amendments/](http://www.geelongaustralia.com.au/amendments/)

By appointment only, during office hours at the following place:

City of Greater Geelong, Wurriki Nyal, 137-149 Mercer Street, Geelong – Monday to Friday 8am to 5pm

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

## **Submissions**

Any person who may be affected by the amendment and/or planning permit may make a submission to the planning authority. Submissions about the amendment and/or planning permit must be received by Monday 13 March 2023.

A submission must be sent to:  
The Coordinator  
Strategic Implementation Unit  
City of Greater Geelong,  
PO Box 104,  
Geelong VIC 3220; or

- lodged online at [www.geelongaustralia.com.au/amendments](http://www.geelongaustralia.com.au/amendments)
- by e-mail to [amendments@geelongcity.vic.gov.au](mailto:amendments@geelongcity.vic.gov.au) , or
- by post to P O Box 104, GEELONG VIC 3220

## **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:

1. directions hearing: week commencing 8 May 2023
2. panel hearing: week commencing 19 June 2023

## **Further information**

For further information about Amendment C443ggee please contact the Strategic Implementation Unit at the City of Greater Geelong on (03) 5272 4820 or via email [amendments@geelongcity.vic.gov.au](mailto:amendments@geelongcity.vic.gov.au)