

## **Greater Geelong Planning Scheme**

### **Amendment C465ggee**

### **Planning Permit Application PP-1013-2023**

### **Explanatory Report**

#### **Overview**

An application has been made pursuant to Section 96A of the *Planning and Environment Act 1987* (the Act) for a combined planning scheme amendment and planning permit application for land at 60-62 Morgan Street, part of 43 The Boulevard and part of 21 Birdwood Avenue, Norlane.

This amendment rezones the land at 60-62 Morgan Street and the southeast portion of land at 43 The Boulevard, Norlane from Public Park and Recreation Zone (PPRZ) to a new Special Use Zone Schedule 18 (SUZ18), to facilitate the redevelopment of the land for the North Geelong Aboriginal Hub [the Wathaurong Aboriginal Cooperative (WAC)]. Both sites will also have the Environmental Audit Overlay (EAO) applied. A draft planning permit application is considered concurrently for use of the land as a Function centre, buildings and works associated with the redevelopment of the WAC North Geelong Hub, and associated car parking on the land at 60-62 Morgan Street, part of 43 The Boulevard and part of 21 Birdwood Avenue, Norlane.

#### **Where you may inspect this amendment**

The amendment can be inspected free of charge at the City of Greater Geelong website at [geelong.link/amendments](http://geelong.link/amendments)

And/or

The amendment is available for public inspection, free of charge, during office hours (by appointment only) at the following place:

- 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 may make a submission to the planning authority about the amendment and/or planning permit. Submissions about the amendment and/or planning permit

must be received by Monday 24 March 2025.

A submission must be sent to Strategic Implementation, City of Greater Geelong:

Lodged online: [geelong.link/amendments](https://geelong.link/amendments)

or

By post: PO 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:

- Directions hearing: week commencing 2 June 2025
- Panel hearing: week commencing 30 June 2025

## **Details of the amendment**

### **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 Town Planning and Bushfire Services on behalf of Wathaurong Aboriginal Cooperative Ltd.

### **Land affected by the amendment**

The amendment applies to land located at 60-62 Morgan Street, Norlane, and part of 43 The Boulevard, Norlane as shown on the map below.

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

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

The planning permit application applies to land at 60-62 Morgan Street, Norlane, part of 43 The Boulevard, Norlane and part of 21 Birdwood Avenue, Norlane.

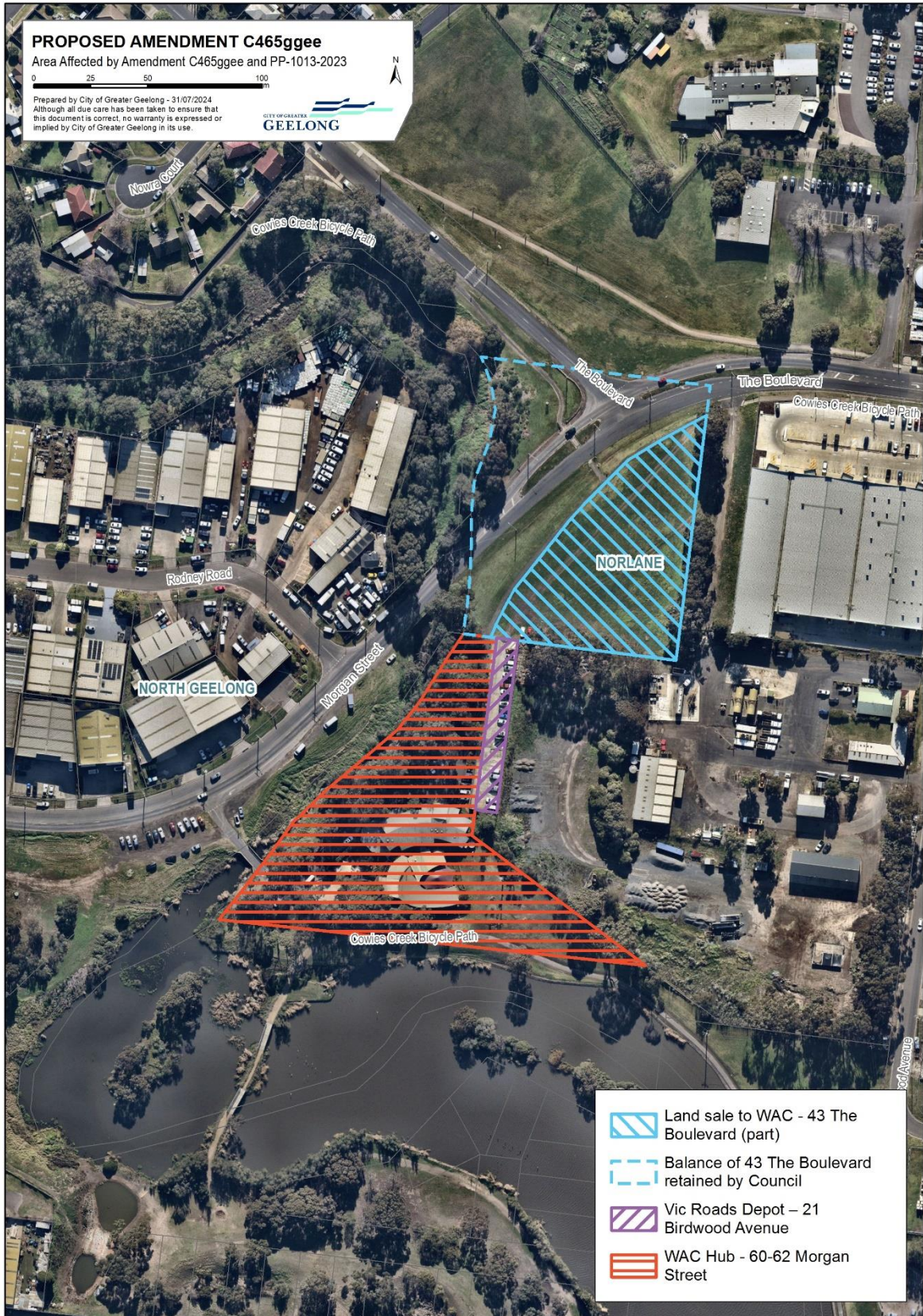


Figure 1 – Land affected by the amendment and planning permit application.

## **What the amendment does**

The amendment rezones land at 60-62 Morgan Street, Norlane, and part of 43 The Boulevard, Norlane to Schedule 18 to Clause 37.01 (Special Use Zone) and applies the Environmental Audit Overlay (Clause 45.03) to all the land being rezoned. The amendment is accompanied by a planning permit for the development of a new multi-storey Wathaurong Aboriginal Cooperative North Geelong hub building and associated parking and access on 60-62 Morgan Street, Norlane, part of 43 The Boulevard, Norlane and part of 21 Birdwood Avenue, Norlane.

Specifically, the amendment makes the following changes:

### **Zoning Maps**

- Amends Planning Scheme Map No. 33 to rezone land at 60-62 Morgan Street and 43 The Boulevard, Norlane from Public Park and Recreation Zone (PPRZ) and Transport Zone 2 (TRZ2) to Special Use Zone Schedule 18 (SUZ18).

### **Overlay Maps**

- Amends Planning Scheme Map No. 33EAO to apply the Environmental Audit Overlay (EAO) to land at 60-62 Morgan Street and part of the land at 43 The Boulevard, Norlane.

### **Planning Scheme Ordinance**

- Inserts new Schedule 18 to Clause 37.01 (Special Use Zone) to provide for the use and development of the land for cultural and community programs, support, and services for Aboriginal and Torres Strait Islander people.

The planning permit application seeks approval for:

- Use of the land at 60-62 Morgan Street for a Function Centre.
- Buildings and works for the construction of the Wathaurong Aboriginal Cooperative building and associated car parking at 60-62 Morgan Street, Norlane.
- Development of a carpark in association with the Wathaurong Aboriginal Cooperative at 43 The Boulevard, Norlane.
- Use and development of a carpark at 21 Birdwood Avenue, Norlane in association with the Wathaurong Aboriginal Cooperative.
- Display of Business Identification Sign
- Reduction in carparking.
- Removal of native vegetation.
- Alteration of access to a road in a Transport Road Zone 2.

The draft planning permit is attached as a separate document to this Explanatory Report.

## **Strategic assessment of the amendment**

## Why is the amendment required?

This amendment is required to facilitate the redevelopment and use of the land by the WAC. A new facility is required to accommodate an increase in service demand and to consolidate currently dispersed operations to one single site. A knock down and rebuild approach is necessary to achieve a best practice, fit-for-purpose hub building for the WAC to deliver services and programs to the community.

### Zoning

The current zoning of the privately WAC owned land at 60-62 Morgan Street, Norlane is PPRZ which does not accurately reflect the existing private land ownership, use and operation of the land. The rezoning corrects an anomaly in the zoning of the WAC site that has persisted since acquiring the site in the mid-1980s.

The tailored SUZ schedule will cover the WAC community services, cultural, health, function centre use, and administrative uses. These uses have previously been approved and are currently operating on the site. The rezoning to the new SUZ18 will allow these uses to continue at 60-62 Morgan Street and provide scope for the expansion of their services in the future.

Critical to achieving the vision and masterplan for the redevelopment of the WAC hub is the acquisition of part of the Council owned land at 43 The Boulevard. This area of land is zoned PPRZ with a small portion zoned TRZ2 and is currently unused and undeveloped and Council has resolved to subdivide and sell this land to the WAC. Rezoning this portion of land to the new SUZ18 and approving a planning permit on the site as an associated car park for the WAC hub will contribute to an important community service being able to expand its service offerings.

The vision and redevelopment rely on the extension of the current lease of a small portion of the adjoining VicRoads depot at 21 Birdwood Avenue for car parking and internal road linkage between the current WAC land and the 43 The Boulevard land which will contain most of the car parking for the new hub. WAC has negotiated the lease to extend for 20 years with a further 10-year option, effectively operating through to 2055. A condition in the draft planning permit requires the applicant and the landowner of 21 Birdwood Avenue to enter a s173 Agreement under the *Planning and Environment Act 1987* to provide for the vehicular and pedestrian access and car parking on part of the land and for ongoing management. This is an ongoing land use measure to ensure the linking of the land beyond the term of the lease.

The new zone schedule will provide the best planning outcome for the site. The rezoning is a logical transition that will ensure consistency with existing and future use of the site, whilst the new SUZ18 will allow the site to be redeveloped specifically for the WAC community. The amendment will facilitate appropriate future development of the site associated with WAC services, the land's capability, and will be complimentary to surrounding land uses.

## Overlay

Past use of the land at 43 The Boulevard, Norlane as a landfill and the proximity of it and the WAC land at 60-62 Morgan Street to the VicRoads depot means there is high and medium potential of soil contamination. In lieu of undertaking an environmental audit whilst the current buildings are in-situ, an EAO is being applied to both sites being rezoned to safeguard any future sensitive uses on the land such as childcare.

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

The amendment gives effect to the following objectives of the *Planning and Environment Act 1987*:

*(a) To provide for the fair, orderly, economic and sustainable use, and development of land.*

The amendment will achieve this by implementing a new fit-for-purpose Special Use Zone Schedule 18 that addresses the redevelopment needs of the WAC enabling a new and expanded hub to provide needed services and facilities for their community.

*(b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*

The amendment has minimal impact on the nearby Cowies Creek and adjoining reserve. Conditions are included in the accompanying draft planning permit to address impacts of the new development on the Creek environs.

*(c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*

The amendment introduces a new, tailored land use zone and the EAO to guide future development of the land and to ensure that sensitive uses are appropriately safeguarded.

*(d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

Traditionally the current WAC site has been a place of gathering and connection for Aboriginal people with emphasis placed on sharing language, knowledge, and traditions with their community. Connection to Country underpins the overall design of the new hub, respectfully integrating elements of culture within the new spaces. The redevelopment responds to a need for consolidating services to this one site and growing a stronger community connection and space.

*(e) 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.*

This amendment does not impact on the provision of public utilities and

infrastructure. Road access matters are addressed in the draft planning permit and via other legal processes.

*(f) To facilitate development in accordance with the objectives.*

The amendment and the accompanying draft planning permit will facilitate the redeveloped WAC hub and ongoing service provision for the community.

*(fa) To facilitate the provision of affordable housing in Victoria.*

This amendment does not impact on the provision of affordable housing in the North Geelong/Norlane area.

*(g) To balance the present and future interests of all Victorians.*

The new planning provisions allow for the growth of the WAC hub to meet current and future demand for local services for the Aboriginal and Torres Strait Islander community.

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

### Environmental

The land located at 43 The Boulevard was a former mine and landfill, and 60-62 Morgan Street is immediately adjacent to this former land fill site. Adjoining both sites to the south and east is the VicRoads depot which includes fuel and bitumen storage. The balance of the surrounding area is primarily industrial. The closest residential area is approximately two hundred metres to the north-west.

Environmental assessments submitted with the application and undertaken by the City for the current Council owned land at 43 The Boulevard, indicate that there is potential for contamination due to previous uses on the land and nearby land, including mining, landfill, fuel storages, vehicle operations, imported soil material (landfill capping), and asphalt/bitumen storage.

In accordance with Planning Practice Note 30 Potentially Contaminated Land, July 2021 (PPN30), the uses of mining and former landfill sites/waste depot carry a 'high' potential for contamination. This means that the activities associated with the mining and subsequent landfill practices have a high potential to cause contamination across the land at 43 The Boulevard.

The WAC Hub has been operating on 60-62 Morgan Street, North Geelong since 1996 and was expanded in 2007. There was a condition from a previous planning permit (946/00) for the site that buildings and works could not commence on that site until, either evidence was shown that there was no contamination on that site, or a certificate of environmental audit was issued. The building and works were completed for this site and no evidence has been found that an environmental audit was completed.

The application has not included any information on the past uses of the WAC land

meaning the history of land uses and any potential for contamination on this site prior to the establishment of the WAC hub are also unknown.

Despite this lack of information, the site at 60-62 Morgan Street is adjacent to land that has a former landfill and is also adjacent to a current VicRoads works depot, PPN30 deems that this site is likely to have a 'medium' potential for contamination. PPN30 further notes that where there is 'medium' potential for contamination on a site that is to be used for 'other uses' (such as office) rather than sensitive uses, then the recommended approach to assessing the land is for the Planning Authority to document the consideration of potential for contamination to impact the proposal.

However, given the alignment between all three parcels for the draft planning permit and for the two properties subject of the rezoning, the City has determined to treat the land as a whole when determining the future planning regime for the site.

For a planning scheme amendment that would allow, whether or not by permit, a sensitive use on land that is potentially contaminated, PPN30 requires a planning authority to satisfy itself that the land is suitable for the use by:

- A Preliminary Risk Screen Assessment (PRSA) statement stating that no audit is required; or
- An environmental audit statement stating that the land is suitable for the use; or
- Where complying with either of the above is difficult or inappropriate, deferring these requirements through the application of an EAO or other appropriate measure.

Given the historical mining and landfill uses in this location it is very unlikely that a PRSA statement would conclude that no audit is required.

Undertaking an environmental audit now to declare or state that the land is suitable for the proposed use is unsatisfactory for the following reasons:

- The planning permit application lodged in conjunction with the amendment is not proposing sensitive uses but rather is primarily for buildings and works.
- The proposed SUZ18 has been tailored to include most sensitive uses into section 3 of the zone land use table, meaning they will be prohibited.
- The site at 60-62 Morgan Street is currently an operational site for the WAC and having an invasive environmental audit conducted on the site while it is operating is not appropriate and would be difficult to properly conduct.

The third option of deferring the environmental audit requirement via the application of an EAO is appropriate in this circumstance. As the permit application lodged with the amendment and the accompanying draft planning permit is only proposing buildings and works across the existing WAC land as well as the existing Council owned land, it is also reasonable on this basis to apply the EAO over both properties being rezoned.

Application of the EAO will ensure that any future applications for a sensitive use will require appropriate assessment of any risks due to the former landfill use. The Special Use Zone Schedule 18 has been drafted to prohibit agriculture and most outdoor leisure and recreation uses to further guard against inappropriate land uses being conducted on the land. The draft planning permit also contains site

remediation conditions requiring assessments to be undertaken before development starts.

Landfill gas risk has been identified as a potential issue for the development. An assessment of this was included for the 43 The Boulevard site as part of the Out-Task Environmental consultant report completed for the City. An assessment for 60-62 Morgan Street can be deferred to a condition in the planning permit.

Acid Sulphate Soils (ASS) may be present at the overall site. Any potential risks posed by ASS are likely to eventuate during construction activities which may disturb them. If they are present and disturbed, the risks posed are likely to require management/mitigation as guided by a site-specific ASS management plan. Such a plan is conditioned in the draft planning permit.

The subject land is located adjacent industrial zoned land. Separation distances are designed to protect sensitive land uses from adverse amenity and health impacts from air emissions such as odour, dust, and noise. They also protect industry from encroachment of sensitive uses, as these can constrain the full operation and sometimes ongoing viability of those industries.

There are no surrounding uses with potential adverse impacts as described in Clause 53.10 of the Planning Scheme and in EPA Publication 1518 *Recommended Separation Distances for Industrial Residual Air Emissions*.

The combined application facilitates the redevelopment of a community and cultural hub that has occurred on the land for well over 20 years and which has been compatible with the surrounding industry, the majority of which is light and service industry during this time.

The amendment and accompanying draft planning permit allows for the significant re-development of the facility and the additional land use 'Function centre'. This combination will intensify the use of the WAC site through expanding to a larger building with more and extended services and uses on site. It is not expected that the new Function centre use will negatively impact the surrounding industrial and service industry environment.

Two sensitive uses of 'Childcare' and 'Community care accommodation' are included in Section 2 *Permit required* of the new SUZ18 and would be subject of a future merits-based permit application and the requirements of the EAO. The new SUZ18 also contains requirements for a Certificate or Statement of Environmental Audit under the *Environment Protection Act 2017* for all sensitive uses including child care and community care accommodation.

Most of the balance of sensitive uses as defined in the Ministerial Direction No. 1 including primary and secondary schools, kindergarten, pre-school centre, accommodation (other than community care accommodation) and hospital are included in Section 3 *Prohibited use* in the new SUZ18. The remaining land use referred to in Ministerial Direction No.1, 'children's playground', is defined as 'Informal outdoor recreation' and this is a Section 1 *Permit not required* use in the new SUZ18. This has been structured in this way to ensure that a permit is not required for casual use of the land for walking and shared paths (also covered by this land use definition). However, as the EAO applies to the land, before the use or construction of buildings and works associated with a 'playground' can occur a preliminary risk screen assessment statement, or an environmental audit statement,

or a certificate of environmental audit or a statement of environmental audit must be issued. This provides adequate oversight for this sensitive use.

The amendment and planning application does not designate land for future residential development or for most other sensitive uses but rather is facilitating community type services and will have minimal impact on the environment, and will not impact on air, land, or water quality in the area.

In summary, the amendment will ensure appropriate land use and development will occur within the context of the site and surrounding environs and will ensure that the contamination levels of the site are considered prior to approving any sensitive uses on this site.

### Social

The WAC provides culturally appropriate programs, support and services for all Aboriginal and Torres Strait Islander peoples living within the wider Geelong, Bellarine, and Colac Regions on Wathaurong, Gulidjan and Gadabanud Country land. The WAC and its community have a sense of belonging and deep connection with this land and have helped build it to what exists there today.

The rezoning will facilitate the redevelopment of the WAC North Geelong Hub by introducing a schedule specifically for the WAC community, cultural, health, function centre and administrative uses. The accompanying draft planning permit allows the buildings and works for the new hub.

Both sites are mapped within an area of cultural heritage sensitivity. The land is within two hundred metres of a waterway and potential Aboriginal places, objects and knowledge of significance may be within the area. A Cultural Heritage Due Diligence Assessment by GHD consultants has concluded that a mandatory Cultural Heritage Management Plan (CHMP) is required on the site at 43 The Boulevard limited to the area of proposed development on that site. The WAC has prepared a CHMP for its land and the land at 21 Birdwood Avenue and this needs approval before a final planning permit is issued.

Part of the City's land at 43 The Boulevard, Norlane is currently zoned and reserved for public open space and includes a shared pathway along the western perimeter, following the alignment of Morgan Street. Approximately 5,000 m<sup>2</sup> of the land is proposed to be sold to the WAC. This land is surplus to Council's open space needs and its sale will not diminish the availability of open space in the area. The land sale is to be finalised prior to the completion of this planning scheme amendment.

### Economic

The amendment provides the opportunity for the WAC to facilitate a mixture of uses on appropriately zoned land, which will have a positive impact on the WAC community, local economy, and investment. The WAC is the largest employer of Aboriginal people in the Geelong Region. The amendment will also have the

potential to increase employment opportunities within the area providing an overall benefit to the broader community.

Whilst the land at 43 The Boulevard is zoned PPRZ for public park use, it has never been developed for this purpose. Council has determined that this land is undesirable to develop and is surplus to the open space network. The sale of the land will see the proceeds reinvested into Council's Open Space Reserve Fund to purchase land or improve parks in the broader open space network.

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

The land at 60-62 Morgan Street and 43 The Boulevard is not located within a designated Bushfire Prone Area and is not subject to a Bushfire Management Overlay. Accordingly, the amendment is unlikely to result in any increase to the risk to life from bushfire.

The amendment meets bushfire policy in Clause 13.02-1S of the Greater Geelong Planning Scheme, which seeks to strengthen the resilience of settlements and communities to bushfire and prioritising human life over all other policy considerations.

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

#### Ministerial Direction – The Form and Content of Planning Schemes

The amendment complies 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

The VicRoads Depot at 21 Birdwood Avenue is not part of the amendment and therefore Ministerial Direction No. 1 does not apply to this site.

The purpose of Ministerial Direction No. 1 (MD1) is to ensure that potentially contaminated land is suitable for use which is proposed to be allowed under an amendment to a planning scheme and which could be significantly affected by contamination.

MD1 outlines that potentially contaminated land means land that:

- used or known to have been used for industry or mining;
- used or known to have been used for the storage of chemicals, gas, waste or liquid fuel (other than minor above-ground storage that is ancillary to another use of the land); or
- where a known past or present activity or event (occurring on or off the land) may have caused contamination on the land.

These past or present activities or event (occurring on or off the land) may have caused contamination on the land. The former activity of a landfill at 43 The Boulevard may have caused contamination on the land at both 43 The Boulevard and at 60-62 Morgan Street.

MD1 defines sensitive uses as residential use, childcare centre, pre-school centre, and a primary school, even if ancillary to another use.

Consistent with this, MD1 applies only to potentially contaminated land, and it essentially requires that either:

- Subject to Clause 6 (1) (of the Ministerial Direction) that an environmental auditor has deemed an environmental audit is not required for sensitive uses; or
- Subject to Clause 6 (2) an environmental auditor has issued an environmental audit statement stating that land is suitable for sensitive uses; or
- Subject to Clause 6(3) an assessment to satisfy the two previous clauses can be deferred by application of the EAO, or other appropriate measure.

Following the requirement of last point above, the City has determined that for the unique circumstances of this application and proposal, the amendment applies the EAO to trigger the need for an audit or statement to be effected at any future time a sensitive use is proposed.

#### Ministerial Direction No. 11 – Strategic Assessment of Amendments

This amendment complies with Ministerial Direction No. 11 Strategic Assessment of Amendments. The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcome it produces.

#### Ministerial Direction No. 15 – Planning Scheme Amendment Process

This planning scheme amendment has been prepared in accordance with this direction.

#### Ministerial Direction No. 19 – Amendments that may result in impacts on the environment, amenity and human health

Ministerial Direction No. 19 (MD19) applies as the planning scheme amendment may allow the use or development of potentially contaminated land. The requirements of MD19 are to seek the views of the EPA about the potential impacts of the proposal. The views of the EPA were sought pre-exhibition of this amendment and have been addressed by:

- Applying an EAO to both sites to be rezoned.
- Tailoring the new SUZ18 to prohibit some sensitive uses.
- Confirming there are no uses in the surrounding areas that could be found in Clause 52.10 *Uses with Adverse Amenity Potential*.
- Applying an Acid Sulphate Soils Management Plan and Landfill Risk Assessment as conditions of the draft planning permit.
- Applying site remediation conditions in the draft planning permit accompanying this amendment.

The amendment has been prepared in accordance with MD19. It will apply appropriate zones and overlays to ensure no adverse impacts on the environment, amenity and human health occurs.

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

The amendment is consistent with and gives effect to the following provisions of the Planning Policy Framework:

Clause 11.02-1S Supply of urban land seeks *'To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.'*

The amendment facilitates the public sale of surplus underutilised open space, which will enable the development and use of land by the WAC. Funds from the sale of land will enable Council to purchase land or improve parks in the broader open space network.

Clause 11.03-6S Regional and local places seeks to *'To facilitate integrated place-based planning.'*

The amendment will provide specific direction for the use and redevelopment of land for the WAC North Geelong Hub.

Clause 11.03-6L-02 Corio Norlane seeks *'To facilitate the urban renewal of the Corio Norlane area'* and to *'Improve the amenity and safety of local reserves and parks and consider for trade poorly configured parks that do not contribute to the permeability of neighbourhoods.'*

The amendment will facilitate the redevelopment of the WAC North Geelong Hub to increase capacity of services, benefiting the WAC community. The amendment will make better use of surplus open space, and better allocate public funds to purchasing land or improving parks in the open space network.

Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs seeks *'To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.'*

Clause 12.03-1L River corridors, waterways, lakes and wetlands seeks to *'Ensure waterways and wetlands are not drained or adversely affected as a result of development.'*

Except for a minor encroachment of the outdoor decking of the redeveloped hub building into a nominated wetland area associated with Cowies Creek, there are no biodiversity impacts with this application.

The Department of Energy, Environment and Climate Action (DEECA) has noted that the Growling Grass Frog *Litoria raniformis* (listed under the Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)) has previously been recorded within Cowies Creek in several locations around Geelong (particularly within the Northern and Western Growth Areas). Accordingly, DEECA has recommended targeted surveys are undertaken for the species prior to the commencement of works and this has been included as a condition in the draft planning permit.

Conditions have also been included in the draft planning permit to address vegetation removal and revegetation within this area, as will any required vegetation offsets.

Clause 13.02-1S Bushfire planning seeks *'To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.'*

The subject land is not affected by bushfire risk as evidenced by the absence of the BMO. The redevelopment of the WAC land does not increase the bushfire risk to the area.

Clause 13.03-1S Floodplain management seeks to *'Avoid intensifying the impact of flooding through inappropriately located use and development.'*

The Corangamite Catchment Management Authority (CCMA) has advised on the 1% Annual Exceedance Probability (AEP) flood levels of Cowies Creek. The development proposed in the planning permit application raises the basement finished floor level 300mm above this 1% AEP flood level.

The development has been designed in accordance with relevant CCMA flood levels and advice. The site is not located within a designated flood overlay.

Clause 13.04-1S Contaminated and potentially contaminated land seeks:

- *'To ensure that contaminated and potentially contaminated land is used and developed safely.'*
- *'Ensure contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the commencement of any use or development.'*
- *'Facilitate the remediation of contaminated land to make the land suitable for future intended use or development.'*

Clause 13.07-1S Land use compatibility seeks:

- *'To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.'*
- *'Ensure that use or development of land is compatible with adjoining and nearby land uses.'*
- *'Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.'*

The land uses under the planning permit application are all land uses that currently exist at the site. An EAO is being applied to the land and is triggered if a sensitive use is proposed.

Clause 15.01-2L Environmentally sustainable development seeks *'To achieve best practice in environmentally sustainable development from the design stage through to construction and operation.'*

An ESD report has been provided with the planning permit application and the development incorporates all required measures.

Clause 15.03-2S Aboriginal cultural heritage seeks *'To ensure the protection and*

*conservation of places of Aboriginal cultural heritage significance.'*

A Cultural Heritage Due Diligence Assessment (CHDDA) was undertaken for the WAC to inform heritage legislative requirements across two properties: Lot A 60-62 Morgan Street, Norlane and Lot B 43 The Boulevard, Norlane.

This CHDDA concludes that a mandatory Cultural Heritage Management Plan (CHMP) is triggered for the proposed works at Lot B 43 The Boulevard, Norlane but not at Lot A 60-62 Morgan Street, Norlane. A CHMP however has now been prepared for all sites.

Clause 19.02-4S Social and cultural infrastructure seeks *'To provide fairer distribution of and access to, social and cultural infrastructure.*

The amendment will allow for the continued and future use by the WAC for the purpose of providing culturally appropriate programs, support and services for all Aboriginal and Torres Strait Islander peoples living on Wathaurong, Gulidjan and Gadabanud Country, within the wider Geelong, Bellarine, and Colac Regions.

Clause 17.01-1S Diversified economy seeks *'To strengthen and diversify the economy.'*

The amendment provides the opportunity for the WAC to facilitate a mixture of uses on appropriately zoned land, which will have a positive impact on the WAC community, local economy, and investment. The WAC is the largest employer of Aboriginal people in the Geelong Region. The amendment will also have the potential to increase employment opportunities within the area to provide an overall benefit to the broader community.

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

The amendment is consistent with and gives effect to the relevant objectives and strategies of the Municipal Planning Strategy (MPS) as follows:

Clause 02.02 States Council's overarching vision for Greater Geelong is:

*'Geelong, coast, country and suburbs, is the best place to live through prosperity and cohesive communities in an exceptional environment.'*

Clause 02.03-1 Settlement acknowledges Corio North Geelong's established residential, industrial, manufacturing communities and provides strategic direction for development in Corio North Geelong, specifically to *'Facilitate an increase in commercial and community activities.'*

The redeveloped WAC hub implements this strategic direction making a significant investment and contribution to the local and broader community.

Clause 02.03-2 Environmental and landscape values seeks to *protect and enhance the regions biodiversity, waterbodies and coastal areas.*

*Clause 02.03-3 Environmental risks and amenity seeks to discourage encroachment of incompatible uses in residential areas. Specifically, to 'Encourage a balance between the need for goods and services that serve the local residents and workers and the potential for negative impacts on residential amenity.'*

*Clause 02.03-5 Built environment and sustainability policy seeks to ensure that development enhances Geelong's sense of place and identity.*

*Clause 02.03-9 Infrastructure policy seeks to encourage safe and equal access to community and development infrastructure for all members of the community in addition to ensuring that development and community infrastructure is provided or upgraded in a sustainable and timely manner in all areas.*

The amendment does not seek to change the strategic directions of the MPS, rather, it responds to policy that seeks to enhance Geelong's sense of place and identity, provide access to safe and equal community infrastructure, and protect and enhance the regions biodiversity and waterbodies. The concurrent amendment and draft planning permit will facilitate the redevelopment of the WAC North Geelong Hub which responds to a recognised increased service demand. The outcome of the proposal will ensure the WAC North Geelong Hub continues to provide social, economic, and cultural support to Aboriginal and Torres Strait Islander peoples within the Geelong, Bellarine, and Colac Regions. Overall, the proposal is responsive to the relevant MPS policy and is consistent with strategic directions and with minimal impact on the local environment.

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

The amendment makes proper use of the Victoria Planning Provisions (VPP) by rezoning the land to a new SUZ18. The VPP do not have a zone dedicated to private community facilities and health services. The SUZ is the appropriate planning tool to apply to the cultural community hub and to control development outcomes unique to this site, which are specifically for use by the WAC. The surrounding Industrial 1 Zone is inappropriate to apply to the land and there is no other zone dedicated to combined community facilities, health, and car parking.

The zone has been carefully considered and is the most appropriate given the sites constraints and its current and future private land ownership.

An Environmental Audit Overlay is being applied to both sites given that the land at 43 The Boulevard, Norlane was a previous land fill site and has high potential for contamination on it and the WAC land to the south. If a future sensitive use is proposed in the future, an Environmental Audit would be triggered by the EAO.

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

Views were sought from the Environment Protection Authority, Barwon Water, Corangamite Catchment Management Authority, Department of Transport and Planning, Wadawurrung Traditional Owners Corporation, Department of Energy, Environment and Climate Action (DEECA), Country Fire Authority, and service agencies as part of the Council consideration of the combined amendment and permit application.

The form of the amendment has been guided by the EPA response through the application of the EAO to the land being rezoned.

The responses have assisted the preparation of the draft planning permit, which includes conditions required by these agencies.

Both the amendment and accompanying draft permit will be exhibited to these agencies.

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

The amendment is consistent with the transport system objectives, decision-making principles, and statement of policy principles of the Transport Integration Act 2010. The amendment will not have significant impact on the transport system as it is anticipated an increase to the intensity of use of the site will be minimal. The surrounding road network can accommodate the use and anticipated traffic generation given the existing use of the site.

The Department of Transport and Planning recommended changes to the access to the new hub site and this has been incorporated into updated plans and associated conditions for the draft planning permit.

### **Resource and administrative costs**

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

The amendment is unlikely to impact on the administrative costs of the City of Greater Geelong Council. A comprehensive concurrent draft planning permit for the development of the new WAC hub is the primary planning permission needed for the site. It is anticipated that there will be a low volume of future planning permits for the site once the new hub is developed. The new SUZ18 contains the key uses for the site in Sections 1 (No Permit Required) and 2 (Permit Required Uses) that are being either being sought by the WAC now and desired in the future.

## Attachment 1 – Mapping reference table

Location	Land /Area Affected	Mapping Reference		Proposed Zone changes	Proposed Overlay changes	Proposed deletion changes
Norlane	60-62 Morgan Street, Norlane & Part of 43 The Boulevard, Norlane	Greater Geelong C465ggee 001znMap 33 Exhibition		Rezone from PPRZ and TRZ2 to SUZ18	-	-
Norlane	60-62 Morgan Street, Norlane & Part of 43 The Boulevard, Norlane	Greater Geelong C465ggee 002eaoMap33 Exhibition		-	EAO	-