

REASONS FOR DECISION TO EXERCISE POWER OF INTERVENTION

UNDER SECTION 20(4) OF THE PLANNING AND ENVIRONMENT ACT 1987

GREATER GEELONG PLANNING SCHEME AMENDMENT C478ggee

The *Planning and Environment Act 1987* (the P&E Act), the *Heritage Act 2017* and the *Victorian Civil and Administrative Tribunal Act 1998* provide for the intervention of the Minister for Planning in planning and heritage processes.

In exercising the Minister's powers of intervention, including action taken under delegation from the Minister for Planning, the Minister has agreed to:

- make publicly available written reasons for each decision; and
- provide a report to Parliament at least every 12 months, detailing the nature of each intervention.

REQUEST FOR INTERVENTION

1. The City of Greater Geelong Council has requested an amendment to extend expiry dates of clauses within the Greater Geelong Planning Scheme.
2. The request affects Clause 11.01-1L-03 Lara, Clause 11.03-6L-01 Bellarine Peninsula and Clause 11.03-6L-02 Corio Norlane in the Greater Geelong Planning Scheme.
3. The extension of expiry dates ensures that the affected clauses will continue to operate while the council undertakes and implements necessary strategic work.

WHAT POWER OF INTERVENTION IS BEING USED?

4. Under delegated authority from the Minister for Planning, I have decided to exercise the power to exempt the Minister from all the requirements of sections 17, 18 and 19 of the P&E Act and the Regulations in respect to Amendment C478 to the Greater Geelong Planning Scheme.
5. Section 20(4) of the P&E Act enables the Minister for Planning to exempt an amendment which the Minister prepares from any of the requirements of sections 17, 18 and 19 of the Act or the Regulations.
6. In seeking to exercise this power, section 20(4) of the Act requires that the Minister must consider that compliance with any of those requirements is not warranted or that the interests of Victoria or any part of Victoria make such an exemption appropriate.

BACKGROUND

7. The amendment extends the expiry dates for three separate clauses in the Greater Geelong Planning Scheme by two years, while the council completes and implements necessary strategic planning work under future Amendment C469ggee which affects those clauses.
8. The expiry clauses were originally introduced as part of the Smart Planning Program administered by the former Department of Environment, Land, Water and Planning and undertaken in consultation with council. The program identified various matters within the Greater Geelong Planning Scheme requiring further work which was beyond the scope of the program at the time. Accordingly, the clauses were identified for expiry on the basis that this strategic work would occur and inform future changes.
9. The amendment is necessary to address the risk of the affected provisions expiring without appropriate substitution, and ensure the affected clauses continue to operate as intended.
10. The affected clauses will now expire on 7 July 2027.

11. The amendment is consistent with the planning objectives of section 4(1) of the P&E Act, in particular objective 4(1)(a), which seeks to provide for the fair, orderly, economic and sustainable use, and development of land. The amendment will provide certainty to stakeholders and facilitate fair and sustainable development by ensuring that the affected clauses do not lapse without appropriate consideration.

BENEFITS OF EXEMPTION

12. The exemption will enable a prompt decision to be made on the adoption and approval of an amendment that ensures the continuation of the affected clauses across the Greater Geelong Planning Scheme while the council progresses Amendment C469ggee to review and update those clauses.
13. Exempting the amendment from the requirements of sections 17 to 19 of the P&E Act and the regulations will ensure that the affected clauses do not lapse. This will provide certainty to decision makers, landowners, the community and other stakeholders.

EFFECTS OF EXEMPTION ON THIRD PARTIES

14. The effect of the exemption is that third parties will not receive statutory notice of the amendment and will not have the opportunity to make a submission or be heard by a panel appointed under Part 8 of the P&E Act in relation to the amendment.
15. It is not expected that third parties will be materially affected by the amendment and exemption decision.
16. Any changes to the affected clauses resulting from the strategic work that the council is undertaking are expected to be implemented via the standard amendment process, where third parties will have the opportunity to make a submission and be heard by a planning panel.
17. The views of the council are known, as the City of Greater Geelong requested the extension of expiry dates for the affected clauses.

ASSESSMENT AS TO WHETHER THE BENEFITS OF EXEMPTIONS OUTWEIGH EFFECTS ON THIRD PARTIES

18. I am satisfied that the exemption is justified because a prompt decision on the approval of the amendment will ensure the continuous operation of the Greater Geelong Planning Schemes while strategic work is completed to update or improve the relevant clauses.
19. This benefit outweighs the effects of third parties not having the opportunity to make formal submissions and have their submissions considered by an independent panel.
20. I have reached this decision on the basis that:
 - a. A formal statutory amendment process would unnecessarily and negatively affect the timely extension of the expiry dates of affected clauses, removing certainty and the smooth operation of the planning scheme; and
 - b. It is unlikely that any further process would change the outcome of the amendment.
21. Accordingly, I, acting under delegation from the Minister, consider that the benefits of exemption from sections 17, 18 and 19 of the P&E Act outweigh any effects of the exemption on third parties.

DECISION

22. Under delegated authority from the Minister for Planning, I have decided to exercise the power to exempt the Minister from all the requirements of sections 17, 18 and 19 of the P&E Act and the Regulations in respect of Amendment C478 to the Greater Geelong Planning Scheme.

REASONS FOR INTERVENTION

23. I provide the following reasons for my decision under delegated authority to exercise the power under section 20(4) of the P&E Act.

24. I, acting under delegation from the Minister, am satisfied that:

Compliance with any of the requirements of sections 17, 18 and 19 of the P&E Act and the Regulations is not warranted because:

- The changes implemented by Amendment C478 are policy neutral and administrative in nature.
- The amendment will ensure the relevant clauses of the Greater Geelong Planning Scheme continue to provide certainty for decision makers, landowners, the community and other stakeholders.

SIGNED BY THE DELEGATE

Rebecca Collins
Director, Regional Planning Services
Department of Transport and Planning

Date: 3 June 2025