

REASONS FOR DECISION TO EXERCISE POWER OF INTERVENTION

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

GREATER GEELONG PLANNING SCHEME AMENDMENT C475ggee

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 amendment has been requested by the Gordon Institute of Technical and Further Education (Gordon TAFE) to correct the zoning of part of the land at 2-6 Fenwick Street, Geelong. The land is incorrectly zoned Transport Zone 1 – State Transport Infrastructure (TRZ1) and is proposed to be rezoned to Activity Centre Zone – Schedule 1 (ACZ1) consistent with the balance of the Gordon TAFE campus and surrounding land.

WHAT POWER OF INTERVENTION IS BEING USED?

1. 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 C475ggee to the Greater Geelong Planning Scheme.
2. 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.
3. In seeking to exercise this power, section 20(4) of the P&E 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

4. The amendment affects part of the land at 2-6 Fenwick Street, Geelong owned by the Gordon TAFE, specifically Lot 1 on TP097207T and Lot 1 on TP115706E. Both parcels are currently zoned Transport Zone 1-State Transport Infrastructure (TRZ1) and were formerly part of the adjacent railway reserve. They were transferred to the Minister for Education from the State Transport Authority in 1985 and subsequently to Gordon TAFE in 2014.
5. The current zoning of the land within the TRZ1 is reflective of its historical use and association with the railway. This amendment seeks to rectify the anomalous zoning and apply an appropriate land use zone consistent with the balance of the Gordon TAFE campus and surrounding area.
6. The amendment rezones Lot 1 on TP097207T and Lot 1 on TP115706E from TRZ1 to Activity Centre Zone- Schedule 1 (ACZ1).

BENEFITS OF EXEMPTION

6. The exemption will enable a prompt decision on Amendment C475ggee.

7. This will support the ongoing and orderly use and development of the land for tertiary education purposes as provided by Gordon TAFE.

EFFECTS OF EXEMPTION ON THIRD PARTIES

8. The effect of the exemption is that third parties will not receive statutory notice of the amendment in accordance with sections 17, 18 and 19 of the P&E Act and the regulations and will not have the opportunity to make a submission or be heard by an independent panel under Part 8 of the P&E Act in relation to the amendment.

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

10. The views of the Greater Geelong City Council and the adjacent landowner VicTrack were sought and have been considered during the preparation of the amendment. No other landowners or relevant parties are affected by, or are likely to have an interest in, the amendment.
11. The amendment corrects the zoning of former railway land that is now used for tertiary education purposes.
12. The views of relevant parties are known. A public exhibition process is unlikely to identify any new issues or result in changes to the proposed amendment. Compliance with the notice requirements of the P&E Act and the Regulations is not warranted.
11. 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

13. 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 C475ggee to the Greater Geelong Planning Scheme.

REASONS FOR INTERVENTION

14. I provide the following reasons for my decision under delegated authority to exercise the power under section 20(4) of the P&E Act.
15. 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 views of relevant parties are known. A public exhibition process is unlikely to identify any new issues or result in changes to the amendment.
- The exemption will enable a prompt decision on Amendment C475ggee.

SIGNED BY THE DELEGATE

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

Date: 16 May 2025