

**REASONS FOR DECISION
TO EXERCISE POWER OF INTERVENTION**

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

GREATER GEELONG PLANNING SCHEME AMENDMENT C481ggee

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 has requested this intervention to approve Amendment C481ggee which amends Schedule 6 (Lara West Precinct Structure Plan) to Clause 37.07 (Urban Growth Zone) to ensure that a planning permit is not required to construct or extend a dwelling on a lot less than 300 square metres where the lot is identified as being subject to the Small Lot Housing Code (SLHC) and the dwelling complies with the Code. The amendment also amends Schedule 5 (Armstrong Creek Town Centre Precinct Structure Plan) to the Urban Growth Zone to delete reference to the Small Lot Housing Code (December 2012) and incorporates the Small Lot Housing Code (Victorian Planning Authority, November 2024) in the Greater Geelong Planning Scheme.

WHAT POWER OF INTERVENTION IS BEING USED?

2. 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 C481ggee to the Greater Geelong Planning Scheme.
3. 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.
4. 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

5. The amendment amends the Small Lot Housing Code provisions in Schedules 5 and 6 to Clause 37.07 (Urban Growth Zone), makes administrative corrections to both Schedules and incorporates the Small Lot Housing Code (Victorian Planning Authority, November 2024) in the Greater Geelong Planning Scheme.
6. The SLHC eliminates the need for a planning permit for the construction or extension of one dwelling on a lot less than 300 square metres where the lot is identified as a lot to be assessed against the SLHC and the design and siting standards of the Code are met.
7. The amendment is required to correct a technical anomaly in the current drafting of the UGZ6, which unintentionally requires a planning permit for dwellings on lots less than 300 square metres even where SLHC standards are met. This outcome is contrary to the intended operation of the

Code, which is designed to provide a streamlined assessment pathway for small lots in growth areas.

8. The amendment is also required to remove references to redundant previous versions of the Code.
9. The SLHC results in planning efficiencies through a reduction in the number of dwellings which would otherwise have required a planning permit. The avoidance of planning permits incentivises housing diversity in growth areas by reducing red tape and increasing cost benefits for small lot housing approvals. The SLHC supports housing diversity, affordability and design quality in precinct structure plan areas.
10. The introduction of SLHC 2024 in the Greater Geelong Planning Scheme aligns with state policy and a key pillar of *Victoria's Housing Statement* for 'Faster permits and planning certainty' which seeks to "*streamline assessment pathways with a range of new Deemed to Comply residential standards for different types of homes*".
11. In preparation of the SLHC 2024, the VPA engaged regular users of the code (surveyors, builders), growth area councils, industry peak bodies, and planners. The SLHC 2024 was incorporated into the Cardinia, Casey, Hume, Melton, Mitchell, Whittlesea, and Wyndham Planning Schemes in November 2024 through Amendment GC206.

BENEFITS OF EXEMPTION

12. The main benefit of the exemption is that it will enable a prompt decision to be made on the adoption and approval of an amendment which facilitates updates to the SLHC provisions in the Greater Geelong Planning Scheme to ensure it delivers outcomes that assist Victoria in achieving faster approvals and planning certainty for the delivery of housing in designated growth areas such as Lara West.

EFFECTS OF EXEMPTION ON THIRD PARTIES

13. The effect of the exemption is that third parties will not receive formal statutory notice of the amendment and will not have the opportunity to make a submission or be heard by an independent panel in relation to the amendment under the provisions of the P&E Act.

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

14. The exemption of the amendment from the requirements of sections 17, 18 and 19 of the P&E Act will enable a timely decision on the amendment and the changes to the planning scheme to come into effect without delay.
15. I am satisfied that the benefits of exempting the amendment from the formal notice requirements outweigh the effects upon third parties having regard to the economic and social benefits arising from the timely delivery of the amendment. Immediate implementation is critical to bring forward the benefits of exempting dwellings on small lots that comply with the SLHC from the need for a planning permit to avoid unnecessary burden on landowners and delays in the delivery of housing.
16. 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

17. 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 C481ggee to the Greater Geelong Planning Scheme.

REASONS FOR INTERVENTION

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

19. 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 made by Amendment C481ggee are administrative in nature, correcting a misalignment between the UGZ6 and the statewide operation of the SLHC.
- The amendment will improve planning efficiency and certainty for applicants, developers and the council.
- The exemption is necessary to facilitate the prompt approval of the amendment and update to the SLHC provisions in the Greater Geelong Planning Scheme

SIGNED BY THE DELEGATE

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

Date: 25 September 2025