

# Greater Geelong Planning Scheme

## Amendment C414ggee

### Explanatory Report

#### Overview

The amendment rezones surplus government land owned by VicTrack that was formerly part of the Fyansford Cement Works railway line at 67B (part) and 67C (part) McCurdy Road, Herne Hill from Transport Zone 1 (TRZ1 – State Transport Infrastructure) to the Neighbourhood Residential Zone, Schedule 8 (NRZ8 – Incremental Change Areas) and applies the Design and Development Overlay, Schedule 14 (DDO14 – Dwellings over 7.5 metres in areas with access to views) and the Environmental Audit Overlay (EAO) to the affected land, to facilitate its sale and future use for infill residential development. The amendment excludes land that may be required for a roundabout at the intersection of Hyland Street and McCurdy Road, while a separate plan of subdivision proposes to subdivide the land into three lots, create an easement to protect an Ausnet gas pipeline and create a road to accommodate an existing shared user path.

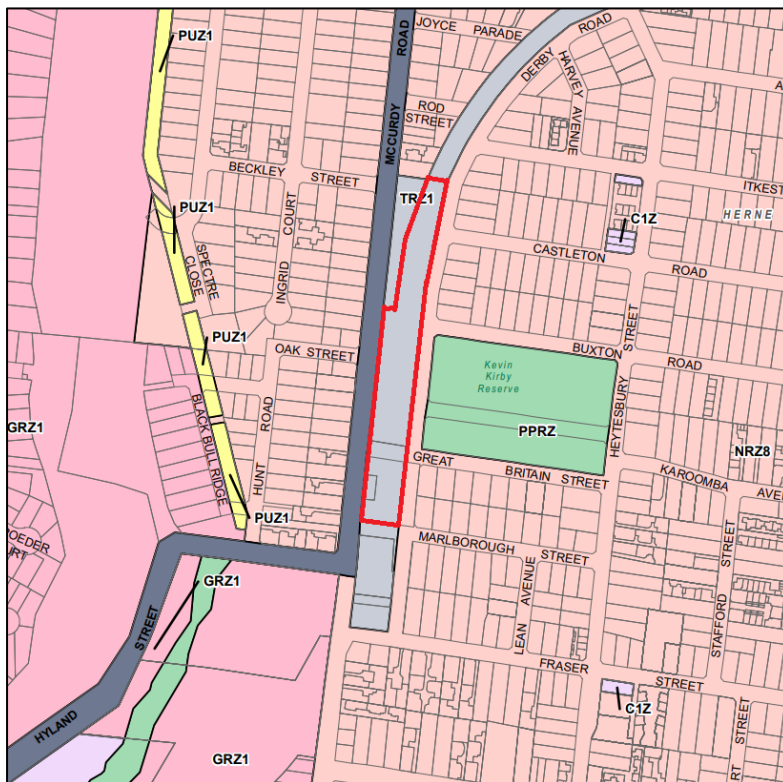


Figure 1: Land to be rezoned to NRZ8, with DDO14 and EAO to be applied

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

The amendment can be inspected free of charge at the City of Greater Geelong website at [www.geelongaustralia.com.au](http://www.geelongaustralia.com.au).

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.

## **Details of the amendment**

### **Who is the planning authority?**

This amendment has been prepared by the Minister of Planning, who is the planning authority for this amendment.

The amendment has been made at the request of Victorian Rail Track (VicTrack).

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

The amendment applies to land at 67B (part) and 67C (part) McCurdy Road, Herne Hill, as shown on the map at Figure 1 above.

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

### **What the amendment does**

The amendment rezones surplus government land at 67B (part) and 67C (part) McCurdy Road, Herne Hill from TRZ1 to NRZ8 and applies the DDO14 and EAO to the affected land to facilitate the disposal of the land for infill residential development.

Specifically, the amendment makes the following changes:

#### **Zoning Map**

- Amends Planning Scheme Map No. 36 to rezone land at 67B (part) and 67C (part) McCurdy Road, Herne Hill from TRZ1 to NRZ8.

#### **Overlay Maps**

- Amends Planning Scheme Map No. 36DDO14 to apply the DDO14 to land at 67B (part) and 67C (part) McCurdy Road, Herne Hill.
- Amends Planning Scheme Map No. 36EAO to apply the EAO to land at 67B (part) and 67C (part) McCurdy Road, Herne Hill.

## **Strategic assessment of the amendment**

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

The *Victorian Government Landholding Policy and Guidelines* require Victorian Government departments and agencies to review and manage their land assets on an ongoing basis. Land no longer needed for a public purpose must be declared surplus to requirements and disposed of by sale.

The land at 67B (part) and 67C (part) McCurdy Road, Herne Hill has been deemed surplus to Victorian Government requirements.

The amendment is required to facilitate the sale of public land in accordance with the *Victorian Government Land Transactions Policy* (Department of Environment, Land, Water and Planning, April 2022).

The amendment rezones the land to NRZ8, consistent with the zoning of most of the surrounding residential land, to facilitate its sale for infill residential development.

The application of the DDO14 is consistent with the application of this overlay to surrounding land in the NRZ8 and aims to ensure that design outcomes achieve a reasonable sharing of views to significant landscape features, while the EAO will ensure that the land is suitable for uses which could be significantly adversely affected by any contamination.

The land is proposed to be re-subdivided into three lots as permitted by Planning Permit No. 246-2024 and shown on certified Plan of Subdivision No. PS 905615R.

Lot 1 will contain a telecommunications facility, while Lots 2 and 3 will be available for future residential use.

Land to the east of the site will become a road (Road R1) vested in the City of Greater Geelong containing a significant portion of the existing shared user path.

An easement (E-1) for the purpose of gas transmission will be created to protect the Ausnet Pty Ltd gas pipeline which runs through the site.

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

The objectives of planning in Victoria are set out in section 4 of the *Planning and Environment Act 1987* (PE Act). The amendment is consistent with the following objectives:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land.
- (b) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

- (f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e).
- (g) to balance the present and future interests of all Victorians.

The amendment will achieve these objectives by:

- Rezoning surplus Government land to a zone that enables sale for its highest and best use in accordance with Victorian government policy.
- Providing additional land for residential development within an existing urban area with access to infrastructure and services.
- Ensuring appropriate built form and environmental planning controls are in place to guide the development of the site.
- Ensuring a pleasant and safe environment by facilitating future residential development that will not adversely affect the telecommunications facility, gas pipeline or shared user path.

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

### *Environmental effects*

- The land is considered potentially contaminated land and the application of the EAO will ensure any land contamination is satisfactorily addressed prior to the use of the land for a sensitive purpose.
- The amendment is expected to have minimal effect on existing vegetation.
- The application of the DDO14 will ensure that future development considers the need to achieve a reasonable sharing of views to significant landscape features.

### *Social effects*

- The amendment supports the provision of infill residential development and housing diversity within an existing urban area close to shops and services.
- The amendment provides greater certainty regarding the future use and development of the land.
- The amendment is not expected to have any adverse effect on the shared user path, which will be mostly contained within the existing road reserve or proposed Road R1 on Plan of Subdivision No. PS 905615R. A small section of the path will need to be protected within Lot 3 (e.g. by an additional easement, reserve or road approved under a planning application process or re-certification of an amended plan of subdivision) or alternately realigned via the adjacent road reserve in Derby Road (if approved by the council).

### *Economic effects*

- The proposed rezoning will enable the land to be sold and redeveloped for residential purposes, creating economic activity through construction and new residents patronising local businesses.
- Funds realised through the sale of the surplus government land will be reinvested

in new infrastructure and services across Victoria.

These positive environmental, social and economic effects and the mitigation of any environmental concerns are expected to result in a net community benefit.

### **Does the amendment address climate change?**

The amendment does not address climate change, as section 12(2A) of the PE Act and *Ministerial Direction No. 22 – Climate Change Consideration* do not apply to the amendment.

The transitional provisions relating to the *Climate Change and Energy Legislation Amendment (Renewable Energy and Storage Targets) Act 2024* (CELA REST Act) under section 230 of the PE Act apply, as immediately before the day on which section 17 of the CELA REST Act came into operation, the following steps had been taken:

- A person had made a request for the preparation of the amendment and applied for an exemption under section 20(4) from any of the requirements of section 19 of the PE Act in respect of the amendment.
- The Minister had referred the preparation of the amendment to the Government Land Standing Advisory Committee established under section 151 of the PE Act for advice.

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

The amendment is not expected to result in an increase in risk to life, property, community infrastructure or the natural environment from bushfire, as the land is not within a Bushfire Management Overlay or a designated Bushfire Prone Area.

The amendment meets bushfire policy in Clause 13.02 because it will facilitate infill residential development in a low-risk urban location.

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

The following ministerial directions are relevant to the amendment:

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

The amendment has been prepared in accordance with the *Ministerial Direction – The Form and Content of Planning Schemes* and section 7(5) of the PE Act.

#### *Ministerial Direction 1 – Potentially Contaminated Land*

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

MD1 states that potentially contaminated land includes land where a known past or present activity or event (occurring on or off the land) may have caused contamination on the land.

*Planning Practice Note 30: Potentially Contaminated Land* (July 2021) identifies cement manufacture and railway yards as land uses with high potential to contaminate land.

The land is considered potentially contaminated land as it has previously been used for railway purposes associated with the former Fyansford Cement Works.

MD1 defines sensitive uses to include residential use and applies to potentially contaminated land, requiring 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 the last point above, the amendment applies the EAO to trigger the need for an audit or statement at any time a sensitive use is proposed.

It is appropriate to apply the EAO to the land for the following reasons:

- The Environment Protection Authority Victoria (EPA) and Greater Geelong City Council support applying the EAO to the entire site.
- The Preliminary Environmental Site Assessment conclusions and the EPA response give reasonable confidence that the land can be made suitable for its proposed residential use.
- The residential development process provides a practical mechanism to manage any contamination identified during the environmental audit process, as planning approval will be required, providing an opportunity to impose any restrictions recommended by an environmental audit.

#### *Ministerial Direction 11 – Strategic Assessment of Amendments*

The amendment complies with Ministerial Direction No. 11 (Strategic Assessment of Amendments) under section 12 of the PE Act. The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces, as set out in this Explanatory Report.

#### *Ministerial Direction 19 – The preparation and content of amendments that may have significant impact on the environment, amenity and human health*

The amendment complies with this direction because the views of the EPA have been sought and addressed through the application of the EAO to the land.

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

The amendment supports State Planning Policy in the following ways.

*Clause 11.01-1S (Settlement)*

The amendment will focus investment and growth in the major regional city of Geelong and provide an opportunity for infill residential development with convenient access to jobs, services, infrastructure and community facilities, helping reduce development pressure that results in urban sprawl.

*Clause 11.01-1R (Settlement – Regional Victoria)*

The amendment is consistent with the strategy of focusing regional investment and growth in the major regional cities of Ballarat, Bendigo and Geelong, as it will facilitate infill residential development in urban Geelong.

*Clause 11.01-1R (Settlement – Geelong G21)*

The amendment is consistent with the strategy of supporting the role of Central Geelong as a Major regional city and revitalising and strengthening its role as Victoria's second city, by facilitating the development of well-located surplus government land for residential infill development.

*Clause 11.01-1L-01 (Settlement – Greater Geelong)*

The amendment is consistent with the strategy of directing the majority of future housing needs in the City of Greater Geelong to urban Geelong (urban infill, Armstrong Creek and the Northern and Western Geelong Growth Areas), by facilitating infill residential development on surplus government land.

*Clause 11.02-1S (Development capacity)*

The amendment is consistent with the strategy of considering opportunities for the consolidation, redevelopment and intensification of existing urban areas, by rezoning surplus government land for infill residential development.

*Clause 13.04-1S (Contaminated and potentially contaminated land)*

The affected land is considered potentially contaminated land, as discussed earlier in this report. The amendment is consistent with the strategy of ensuring the land is or will be suitable for the proposed residential use prior to the commencement of any use or development, by applying the EAO to the land.

*Clause 15.01-5S (Neighbourhood character)*

The amendment is consistent with the strategy of ensuring development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the underlying natural landscape character.

The rezoning of the land to NRZ8 will ensure any redevelopment of the land will recognise, support and protect the neighbourhood character of the surrounding area, while the DDO14 aims to ensure that the siting, height and visual bulk of dwellings achieves a reasonable sharing of views between properties to significant landscape

features such as the coast (ocean and foreshore), Corio Bay, Barwon River, Central Geelong, Barrabool Hills and the You Yangs.

*Clause 16.01-1S (Housing supply)*

The amendment is consistent with the objective of facilitating well-located, integrated and diverse housing that meets community needs, by facilitating residential infill development consistent with strategies to accommodate housing targets, increase the proportion of housing in urban areas with good access to opportunities and services (including under-utilised land) and identify opportunities for increased residential densities to help consolidate urban areas.

*Clause 16.01-2S (Housing affordability)*

The amendment is consistent with the objective of delivering more affordable housing in areas with good access to opportunities and services by ensuring land supply continues to be sufficient to meet demand, as future residential development on the site will contribute to a diverse housing market that meets community needs.

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

The amendment supports the Municipal Planning Strategy in the following ways.

*Clause 02.02 (Vision)*

The amendment is consistent with the stated land use and development aspiration of facilitating sustainable development that supports population growth and protects the natural environment.

*Clause 02.03-1 (Settlement)*

Geelong is expected to grow by an additional 152,000 people by 2036 based on an average annual growth rate of 2.5 per cent. This growth will create demand for over 73,400 additional dwellings which can be met under the City's identified planned growth. Over time the share of new housing from infill is expected to increase.

By facilitating infill residential development in urban Geelong, the amendment is consistent with strategies include directing and containing growth within identified locations across the municipality, including the major regional city of Geelong.

*Clause 02.03-5 (Built environment and sustainability)*

Council seeks to balance growth in the municipality while maintaining its identity by identifying areas for varying levels of change. As housing density intensifies, it is important that housing makes a positive contribution to the neighbourhood.

By rezoning the affected land to NRZ8 and applying the DDO14 to the land, the amendment will facilitate development that is consistent with the intended built form outcomes for this part of Geelong, which include modest building heights and sharing of views to landscape features. The surplus land is sufficient in area to enable a range of development typologies that can respond to the character of the surrounding area.

### *Clause 02-03-6 (Housing)*

By facilitating residential development on surplus government land within an existing urban area, the amendment is consistent with strategies of facilitating infill development to increase its housing supply contribution and ensuring housing diversity is achieved in established communities.

### *Clause 02.04-3 (Housing and Settlement Framework Plan)*

By rezoning the land to NRZ8, the amendment is consistent with the Housing and Settlement Framework Plan, which identifies the affected land as within 'Established Urban Areas – Modest Infill Housing'.

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

The amendment recognises that the existing zone (TRZ1) cannot continue to apply to land that is not required for public use. The amendment rezones the land to the most appropriate alternative zone (NRZ8), consistent with most of the surrounding residential land, to facilitate one to two storey residential development.

The application of the DDO14 is consistent with most of the surrounding residential land, to achieve the intended purpose of protecting shared views to landscape features, while the application of the EAO is an acceptable mechanism to ensure that the potentially contaminated land is suitable for its intended residential use.

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

The former Department of Transport, now the Department of Transport and Planning (Transport), EPA and Greater Geelong City Council were consulted during the preparation of this amendment and their views have been addressed.

## **Consultation Stage**

- The former Department of Transport made a submission during consultation advising that part of the land included in the amendment was required for a future roundabout at the intersection of McCurdy Road and Hyland Street. This submission has been resolved by deleting land from the amendment.
- AusNet Pty Ltd made a submission concerning protection of the AusNet gas transmission pipeline that traverses the site from north to south. An easement shown as E-1 on the plan of subdivision will protect the gas pipeline.
- The council and community raised concerns about the loss of use of the shared user path known as the Tom McKean Trail, despite this land being owned by VicTrack and leased to the council for this purpose. The affected portion of the shared user path will be included in Road R1 on the plan of subdivision, except a small portion that crosses the north-east corner of Lot 3, which should be realigned to within Derby Road or included within an additional easement, reserve or road on the plan of subdivision.

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

The amendment is not expected to have a significant impact on the transport system, as defined in the *Transport Integration Act 2010*.

The former railway is no longer required for railway purposes and VicTrack has been authorised by the Department of Transport and Planning to sell the land in accordance with section 125(1)(b) of the *Transport Integration Act 2010*.

The extent of land to be rezoned has been reduced to allow for the future construction of a roundabout at the intersection of McCurdy Road and Hyland Street.

The land has three existing points of vehicle access to McCurdy Road, which is a road in a Transport Zone 2 (TRZ2 – Principal Road Network), while any new vehicle access to Derby Road would need to cross the existing shared user path.

The impacts on the transport system of any proposed residential development can be considered and addressed as part of any future planning application.

## **How does the amendment have regard to the principles set out in the Yarra River Protection (Wilip-gin Birrarung murron) Act 2017 in relation to Yarra River land and other land, the use or development of which may affect Yarra River land?**

The amendment does not have regard to the principles set out in the *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017*, as the affected land is distant from Yarra River land.

## **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 not expected to have a significant impact on the resources or administrative costs of the responsible authority, as it is expected that the consideration of any future planning applications could be accommodated within the council's existing resources.

## Attachment 1 – Mapping reference table

Location	Mapping Reference	Address	Proposed Zone changes	Proposed Overlay changes	Proposed deletion changes
Herne Hill	001ddo14Map36	67B (part) and 67C (part) McCurdy Road, Herne Hill	N/A	Apply DDO14	N/A
Herne Hill	002eaoMap36	67B (part) and 67C (part) McCurdy Road, Herne Hill	N/A	Apply EAO	N/A
Herne Hill	003znMap36	67B (part) and 67C (part) McCurdy Road, Herne Hill	Rezone from TRZ1 to NRZ8	N/A	N/A