

The draft conditions must be provided to the Tribunal in electronic Word format and must be sent to [planningconditions.vcat@courts.vic.gov.au](mailto:planningconditions.vcat@courts.vic.gov.au)

(Note: this does not apply in applications under section 80 of the *Planning and Environment Act 1987* for a review of conditions in a permit.)

### What objectors and referral authorities must do

- 8 If you are entitled to become a party to this proceeding and want to take part, you must complete a Statement of Grounds online at [www.vcat.vic.gov.au/respondplanning](http://www.vcat.vic.gov.au/respondplanning) and give a copy to the responsible authority and the applicant by **29 October 2021**.

(Note: you must also pay a fee. Information regarding fees is available at [www.vcat.vic.gov.au/fees](http://www.vcat.vic.gov.au/fees). A fee does not apply to referral authorities.)

### What all parties must do

- 9 No later than **5 business days** before the hearing, the parties must provide an electronic copy of their submissions and associated material (such as supporting documentation, case law and photographs) to the Tribunal and all parties. The copy for the Tribunal must be sent to [admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au)

All expert evidence must be filed and served in accordance with the Tribunal's Practice Note PNVCAT2 Expert Evidence.

### Requests for procedural orders

- 10 Any request for procedural orders from the Tribunal must be made in writing and a copy must be given to all parties.

Megan Carew  
Member

*Objector*  
Submit Statement  
of Grounds +  
participate at  
hearing  
\$21.10  
Submit Statement  
Grounds but not  
participate \$0





1 October 2021

Township of Lara Care Group  
C/- Barry White  
PO BOX 156  
LARA VIC 3212

Our Reference: FRV/1

Dear Sir/Madam

**Re: VCAT Application for Review No. P11419  
Planning Permit Application No. PP-396-2020  
Proposed Emergency services facility (fire station)  
147-153 Windermere Road, Lara**

We continue to act for Fire Rescue Victoria (the Permit Applicant) in connection with the above-mentioned matter.

Our client has applied to the Victorian Civil and Administrative Tribunal ("VCAT") for a review of the decision made by the Greater Geelong City Council to refuse to grant the permit sought in the Application.

In the responding Order issued by VCAT on 3 September 2021, our client has been instructed to inform the persons who objected to the permit application and also the relevant authorities that the application for review has been lodged, and to inform them that they may lodge a Statement of Grounds with VCAT by the closing date of 29 October 2021, should they wish to be joined as parties to the proceeding.

This letter serves as formal notice in the above regard.

As directed by VCAT, we enclose copies of the following documents:

- The application for review
- The VCAT order

You are further advised that if applicable:

- The link to the on-line Statement of Grounds form on the VCAT website is [www.vcat.vic.gov.au/respondplanning](http://www.vcat.vic.gov.au/respondplanning)
- A copy of the Statement of Grounds must be given to VCAT, the responsible authority (City of Greater Geelong), and the applicant by the closing date of 29 October 2021
- The review hearing is to be held on 26, 27, 28, and 29 April 2022 between the hours of 10.00 am and 4.30 pm, via the VCAT Online Platform

25. If the permit application is about amending a permit, has the permit expired?

## REASONS FOR THE APPLICATION

Complete this section **unless** it is about a failure to grant a permit within the prescribed time (section 79). If you are applying about the conditions in a Notice of Decision, permit or amended permit (section 80), state all conditions you want reviewed and your reasons for wanting each reviewed.

26. State your reasons for applying.

The permit applicant is aggrieved by the decision of the responsible authority to refuse the application notwithstanding the officers' recommendation that the application should be approved. This is on the basis of the following:

1. The proposal is for a much needed emergency services facility to serve and safeguard Lara and adjacent urban and rural areas.
2. The subject land is in an optimal location to enable fire fighting appliances to gain access throughout the defined assignment area.
3. The proposed development and use will be of a relatively passive nature and will not cause unreasonable amenity impacts on adjacent and nearby residential properties.
4. The proposed development has been designed so as to achieve a compatible interface with adjacent land uses.
5. The proposed development and use will not impact unreasonably on the environmental values of Serendip Sanctuary (opposite) and the welfare of fauna that is captive within it.
6. The proposal is for a special purpose use that is essential for the protection of life and property, and the interests of the community at large. In this context, therefore, the proposal is not in conflict with State and Local planning policies in clause 12.01-1S, 21.13 and 22.04 of the Planning Scheme.
7. The proposal is not inconsistent with the purpose of the Rural Living Zone.
8. The proposal has strong planning policy justification and if implemented should result in a significant net community benefit.
9. The responsible authority failed to give balanced consideration to all of the relevant town planning issues associated with the proposal and the planning officers' report and recommendations when it decided to refuse the application.
10. When considered holistically, the proposal has overarching planning merit, and should be approved subject to appropriate conditions.

## HEARING ARRANGEMENTS

You can request to have your case heard in the Major Cases List and/or Short Cases List. You can also ask for a practice day hearing or preliminary hearing. We will decide if it is appropriate to grant your request.

The Major Cases List fast tracks some cases. It means your case is resolved quicker, but you will need to pay an application fee and an additional fee to enter the Major Cases List. To check fees, go to [www.vcat.vic.gov.au/planningfees](http://www.vcat.vic.gov.au/planningfees).

27. Are you applying for any of the following? If you select Short Cases List, skip to Question 29.

Major Cases List

# REFUSAL TO GRANT A PLANNING PERMIT

Permit No. PP-396-2020

Planning Scheme Greater Geelong Planning Scheme

Responsible Authority Greater Geelong City Council

ADDRESS OF THE LAND 147-153 WINDERMERE ROAD, LARA

WHAT HAS BEEN REFUSED? USE AND DEVELOPMENT FOR AN EMERGENCY SERVICES FACILITY (FIRE STATION), AND REMOVAL OF NATIVE VEGETATION (ROAD RESERVE)

## WHAT ARE THE REASONS FOR REFUSAL?

1. The proposal does not give effect to the Planning Policy Framework objective and strategies of Clause 12.01-1S (Protection of biodiversity) where the avoidance of an impact on Serendip Sanctuary as an important area of biodiversity will not be achieved.
2. The proposal is not consistent with the objectives and policy of Clause 22.04 for the Use and Development in Rural Living and Low Density Residential Areas. The proposal will likely disturb the planned and emerging residential amenity of the area and will attract substantial numbers of people to the site.
3. The proposal is not consistent with the objectives of Clause 21.13 for Lara as it does not maintain and enhance the rural characteristics of Lara; it does not protect the rural landscape setting of the township particularly to the north; nor does it protect or enhance key environmental, cultural and landscape features in the area.
4. The proposal is not consistent with the purpose of the Rural Living Zone, being to protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.

Date Issued: 2 July 2021

PLSF-018

Signature of the

Responsible Authority:



Form 7