

Angela Wang

From: Susan Brown <SBrown@geelongcity.vic.gov.au>
Sent: Friday, 10 April 2026 6:23 PM
To: Paul Beeson
Cc: Todd Beauglehall
Subject: RE: PP-1454-2022 - 27-28 Nepean Road, North Geelong.

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Hi Paul,

Apologies for the delay in getting back to you. I have looked into your enquiry about a proposed amendment to the permit in relation to Condition 11 requiring a PRSA.

Firstly, as you mention you do have the option of a Section 87A amendment by lodging directly with VCAT as the permit was granted by VCAT. That is one option and potentially may be a more efficient option. There is the question of whether public notice should be given and you would be directed by the Tribunal if it required. The objections were from the residential land to the west and were related mostly to the built form and traffic and no contamination, from my memory.

If you lodge the amendment with the planning department, as there were seven objections with the original application, the application may need to go back to our DMC committee for consideration. However, I believe the delegation level for objectors has changed while I was on Long Service Leave, so it may be that an amendment could potentially be considered at officer level. I will check with our Co-ordinator on that matter. However, a recommendation of refusal still has to go to DMC.

Secondly, regarding the merits of changing the condition, that would depend on the changes. I don't think we would be supportive of removing the PRSA and adding additional testing might still lead to a PRSA and therefore a double up of costs. The planning department DM Committee meeting agreed on the proposed 'without prejudice' conditions for the Tribunal hearing and the condition was adopted by the Tribunal. The DMC comprises the Co-ordinator, our manager, team leaders.

The PSI concluded there is potential for contamination to exist in the soils at the site and in the groundwater beneath the site. In applying the risk matrix of the Planning Practice Note 30, the site is identified as a high potential for contamination to exist at the site. Consideration of potentially contaminated land of the subject site, including any offsite migration of contamination must be considered.

In addition, the adjoining land to the east at 17-49 Douro Street has been developed with warehouses approximately 6 years' ago. On the adjoining land and the land at 1-39 Roseneath Street was the location of former clay pits that were later backfilled with gasworks waste and other uncontrolled fill. The gas works waste was a primary source of the soil and groundwater contamination.

An Environmental Audit was undertaken for on the adjoining land at 17-49 Douro Street many years ago and an initial capping was undertaken sometime ago. The relatively recent warehouse development permit included conditions and remediation included a permanent lining and ongoing monitoring. This was done so the site was suitable for a warehouse use/development. This was achieved in consultation with the EPA. Whilst this was not a sensitive use, the practice note, planning scheme and Planning & Environment Act require consideration that the environmental condition of the site is suitable for the proposed use.

I hope this assist you.

Kindest Regards

Susan Brown
Senior Town Planner

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LGBTQIA+ Ally

We Acknowledge the Wadawurrung People as the Traditional Owners of the Land, Waterways and Skies. We pay our respects to their Elders, past and present. We Acknowledge all Aboriginal and Torres Strait Islander people who are part of our Greater Geelong community today.



From: Susan Brown
Sent: Wednesday, 1 April 2026 10:02 AM
To: pbeeson@hwle.com.au
Cc: Todd Beaglehall <TBeaglehall@geelongcity.vic.gov.au>
Subject: PP-1454-2022 - 27-28 Nepean Road, North Geelong.

Hi Paul,

We have received your enquiry (copy below) regarding Planning Permit PP-1454-2022 at 27-28 Nepean Road, North Geelong.

Todd and I will look into the matter and get back to you over the next few days.

Kind Regards

Susan Brown
Senior Town Planner

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We act for Nascon Group P/L, the owner of 27-28 Nepean Road, North Geelong (**the Subject Land**) and holder of PP-1454-2022 (**Permit**), which was recently amended by consent at VCAT.

We are hoping that you will be able to provide some guidance in respect of the process Council recommends be pursued to amend the Permit, or to direct to us to the appropriate officer to assist.

Background

Included in the supporting documents provided to Council for the application for the Permit was a 'preliminary site investigation' report (**PSI**) prepared by EnviroProtect (Vic) Pty Ltd and dated April 2023 (EV3042). The PSI found that the Subject Land has a 'high potential' for contamination in the context of the proposed land use having regard to Planning Practice Note 30 (**PPN30**), and that further investigations (including an intrusive soil sampling program) be carried out to identify the nature and extent of any contamination.

The PSI concluded that a 'preliminary risk screen assessment' (**PRSA**) or environmental audit would only be required if the Subject Land was to be redeveloped for a sensitive use, including accommodation, school, childcare or the like.

In granting the Permit, Condition 11 was included and this condition requires the preparation of a PRSA.

The need for a PRSA is inconsistent with both the recommendations of the PSI and PPN30. PPN30 requires that for proposed industry or warehouse uses with a high potential for contamination, a PSI is to inform the need for an environmental audit.

Condition 11 also requires the PRSA to identify whether the proposed use is suitable for the site. PRSAs cannot be used for this purpose and this is the role of an environmental audit, which as per PPN30 will only follow if the PSI recommends that an audit is carried out following further site investigations.

To bring the Permit into consistency with the requirements of PPN30, our client proposes to apply for an amendment to Condition 11 to address the above issues (**the Proposed Amendment**).

Council's advice is sought

Our client's preference is that the Proposed Amendment be lodged with the Council under section 72 of the *Planning and Environment Act 1987* rather than directly with the Tribunal under section 87A.

However, noting that the Permit has recently been amended by order of VCAT, Council's advice is sought to identify its preferred process for lodging the Proposed Amendment.

We would be happy to discuss any of the matters above in further detail and we look forward to hearing from you.

Kind regards,

Paul Beeson

Senior Associate



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