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Tomkinson
SURVEY ENGINEERING PLANNING PROJECT MANAGEMENT

SUBMISSION TO CITY OF GREATER GEELONG



Retrospective Approval for the use of an existing depot and associated buildings and works

110 Lemins Road, Waurn Ponds

Lot 1 532042D

Prepared for Steve Toohey | July 2026 | Ref: 503254

City of Greater Geelong, Statutory Planning - Date Received 16/07/2026

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DESCRIPTION

Address	110 Lemins Road, Waurn Ponds
Lot Description:	Lot 1 532042D
Project Number	503254
Project Manager	[redacted]
Reviewed by	

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1. INTRODUCTION

Tomkinson has been engaged by [redacted] to prepare this planning permit application to facilitate the retrospective approval for the use of an existing depot and associated buildings and works.

Concerns were previously raised by Council's Planning Compliance Team. A previous application was lodged to bring the site into compliance; however the site has since come under new ownership and management. The new application is being made in response to this. The Greater Geelong Planning Scheme does not contain a land use definition for 'Depot' and is therefore classified as "*other use not in section 1 or 3*" under the table of uses for the Rural Living Zone. Given this, the dictionary definition for Depot has been applied and is as follows:

> *"A building where supplies or vehicles, especially buses, are kept"*

The area of the site to the north-east where the proposal is located has been used and operated as a depot for over 15 years. It is Council's interpretation these existing use rights have since extinguished and this application is therefore for the retrospective approval to bring the site into compliance.

Details of the site and its surrounds are provided in Section 3, details of the proposal are provided in Section 4, and an assessment in relation to the provisions of the Greater Geelong Planning Scheme is identified in Section 5.

The following documents must be read in conjunction with this report and are provided as part of the application:

- Copy of Title – Appendix 1
- Site Plan – Appendix 2
- Historic Aerials – Appendix 3
- Floor Plan and Elevations – Appendix 4

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2. SUMMARY

This is an application for the retrospective approval for the use of an existing depot and associated buildings and works at 110 Lemins Road, Waurn Ponds. A planning permit is required subject to the following planning provisions of the Greater Geelong Planning Scheme:

Provision	Clause	Trigger
Rural Living Zone	Clause 35.03- 1	Permit required for any other use not in Section 1 or 3.
	Clause 35.03-4	Permit required to construct or carry out works associated with a Section 2 Use.
Significant Landscape Overlay	Clause 42.03-2	Permit required to construct or carry out works.

2.1 ABORIGINAL HERITAGE ACT



Figure 1: *Aboriginal Cultural Victoria Map Report. ACHRIS 2023*

The subject site is located within an area of Cultural Heritage Sensitivity. Pursuant to the Aboriginal Heritage Act 2006, a Cultural Heritage Management Plan is not required.

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3. SITE AND SURROUNDS

The site is formally identified as Lot 1 on Title Plan 532042D.

The site contains an existing single-story dwelling within the southeastern corner of the site and an open bay shed to the north of the site used as the depot. Waurn Ponds Drive bounds the site to the northern boundary, Lemins Road to the western and southern boundaries and Luggs Road to the eastern boundary. The entire site has had a long history, which includes parts of the site being used for a diary, lime quarry and a dwelling. The site is in the process being subdivided into two lots, which will separate the existing dwelling to the south from the depot site. The subdivision has been approved and is in the process of obtaining Certification (Cert) and Statement of Compliance (SOC).

The part of the site where the proposal is located is within the north of the site and has existed as a depot for over 15 years, with multiple tenants. Council previously indicated the site no longer qualified for existing use rights due to a period of inactivity exceeding two years.

The subject site has access to telecommunications and electricity, which are available from all road frontages. The property and adjoining allotments are fenced in typical rural post and wire fencing. Access is available to the site via an established crossover and informal driveway from Luggs Road for the dwelling, and Powercor utilises access from Waurn Ponds Drive.



***Figure 2**: Aerial image of the subject site.*

All adjacent and adjoining Rural Living Zone lots are privately owned and developed with dwellings and outbuildings and are generally used for rural lifestyle purposes. All adjoining roads are sealed, with all-weather roads providing access to Geelong and the surrounding road network.

The subject site is approximately 3km west of the Waurn Ponds Shopping Complex and surrounding area, which has a supermarket, primary schools, cafes, specialty shops, a recreation reserve and swimming pool, restaurants, pubs and train service.

The subject site is located within the Rural Living Zone (RLZ) and is affected by the Heritage Overlay (HO377) and Significant Landscape Overlay – Schedule 3 (SLO3). Further, Waurn Ponds Drive is within Transport Zone 2. The surrounding area includes land within the Rural Living Zone (RLZ), Public Use Zone – Education (PUZ2), Farming Zone and Special Use Zone – Schedule 7 (SUZ7).

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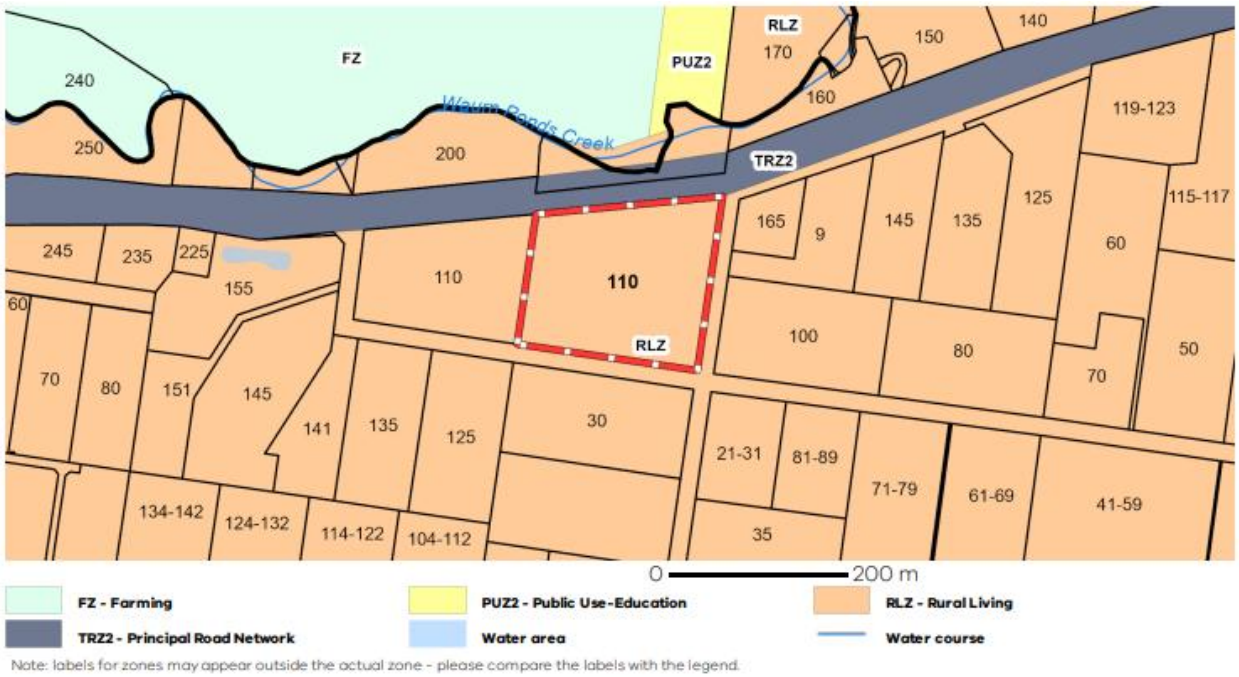


Figure 3: Planning Zones. Source - VicPlan

The Heritage Overlay (HO377) impacts a small part of the adjoining lot to the west. This relates to a lime-burning kiln, which is on the Victorian Heritage Register (VHR Number HO866). The heritage feature on the site is not affected by the proposal. Further analysis of the planning scheme context and applicable policies is included in Sections 5 and 6 of this report.

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4. THE PROPOSAL

The proposal is for the retrospective approval for the use of an existing depot and associated buildings and works. The north portion of the site has been used and operated as a depot for over 15 years, however, Council have since deemed the existing use rights extinguished due to a two-year period of inactivity.

Use of the land for a Depot:

Our client will continue to use the site as a depot. Employees will pick up work vehicles and then leave the depot for the day to attend site. The proposal includes the following details:

- Total of four (4) employees. Personal vehicles will be left on the site during work hours.
- Hours of operation will be Monday to Friday 7:30am till 4:30pm.
- Two work vehicles stored on the site when not in use.
- Employees will generally be out on site for most of the day but may return to the depot to pick up supplies periodically.
- Noise will be minimised through limited use throughout the day and the proposed hours of operation.
- Water suppression will be utilised for dust control, however, this is considered to be minor due to low overall vehicle movements.
- Speed limit restrictors will be in place at the entrance to the site to ensure noise and dust generation by vehicles is reduced.
- Vehicle movements in and out of the site would generally be limited to 15-20 movements a day. This accounts for the following:
    - Eight (8) car movements by employees arriving and leaving each day.
    - Four (4) car movements accounting for the work cars leaving for site each day.
    - An additional three (3) to eight (8) movements for incidental movements throughout the day.

Ancillary Office:

The site will also include a transportable, prefabricated site office for administrative purposes, such as daily planning meetings prior to leaving for site, site administrative and project management activities and the storage of documents. The office will also include a lunchroom and be subject to minor deliveries and courier services similar to those in residential areas. No wastewater (sinks or effluent) will be generated by the office space. The office is associated with the depot use and includes the following.

- A total area of 18 square metres (6m x 3m) with an overall height of 2.7m.
- Sited to the west of the existing depot building.
- External wall and roof cladding is finished in a light (off-white) powder-coated steel, with contrasting dark grey/charcoal powder-coated steel trims to the roofline, corner flashings and window/door surrounds.

Existing Depot Building External Works:

The existing building on the site has historically been used in association with the depot use of the land and will continue to be utilised for this purpose. As part of the application, the following minor external works are included with the application:

- Addition of two roller doors along the northern elevation.
- Cladding of the wall between the open bay and roller doors – corrugated iron cladding.

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5. PLANNING CONTROLS

5.1 Municipal Planning Strategy

The following relevant Municipal Planning Strategies under 02.03 and 02.04 Strategic Directions have been considered in the preparation of this planning permit application, with responses provided below:

POLICY	RESPONSE
Clause 02.03-2 Environmental and landscape values	No vegetation is proposed to be removed as part of the proposal. The site has been used as a depot for over 15 years (refer to Appendix 3), with the existing building, accessway and yard area retaining their existing locations. As such, the site does not contain any significant environmental and landscape values. The office building has been located within the established depot area, which has long been clear of any vegetation. Additionally, areas of the property to the west were previously utilised as a quarry, which has since been rehabilitated. Given this and the longstanding use of the land for a depot, it is considered the northern end of the site does not retain significant biodiversity value. The site does not contain any waterways or wetlands which would be impacted by the proposal.
Clause 02.03-3 Environmental risks and amenity	The property is located within the Bushfire Prone Area; however, the depot building and office are sited within a cleared area that is close to the existing infrastructure and generally cleared of vegetation. The site is easily accessible from Waurn Ponds Drive via an existing crossover which has existed for over 15 years, as seen in Appendix 3. Clause 02.03-3 encourages a balance between the need for goods and services that serve local residents and workers and the potential for negative impacts on residential amenities. The use of the land for a depot has existed on the site for more than 15 years and has not drastically impacted on the residents of the surrounding area in any way which has resulted in the use of the land ceasing. The depot is significantly setback at least 130 metres from all adjoining dwellings not in the same ownership. The addition of a small office building will not drastically impact the surrounding residential area or change the operation of the site.
Clause 02.03-5 Built environment and sustainability	The bulk and scale of the office building is considered to be minimal and does not detract from the amenity of the surrounding area. The office has been designed to provide a high-quality urban design outcome that is considered normal for a detached office building. The use of light (off-white) powder-coated steel cladding provides a contemporary building design that is consistent with the surrounding buildings in the Rural Living Zone.

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5.2 Planning Policy Framework

The following Planning Policy Framework (PPF) clauses are considered relevant to this proposal, with responses provided below:

CLAUSE	RESPONSE
Clause 12 – Environmental Landscape and Values Clause 12.01-1S Protection of Biodiversity Clause 12.01-1L Protection of Biodiversity Clause 12.01-2S Native Vegetation Management	Parts of the subject site were formerly used as a quarry, which has since undergone rehabilitation works. As such, the site is not considered to contain significant biodiversity value. The majority of the vegetation within the site is either self-seeded or weed species that have been generated since the closure of the quarry. Additionally, the site has historically been used as a depot and therefore was cleared of vegetation over 15 years ago. This is demonstrated through the historic aerial images found in Appendix 3. The application does not propose the removal of native vegetation or impact on the existing vegetation within the site.
Clause 13 Environmental Risks and Amenity Clause 13.01-1S Natural Hazards and Climate Change Clause 13.02-1S Bushfire Planning Clause 13.03-1S Floodplain Management	The subject site is located within a bushfire-prone area but is unlikely to be subject to significant bushfire risk. The surrounding properties have been developed as rural lifestyle allotments and are managed accordingly to reduce the risk of bushfires in the area. Additionally, the office building is located within a developed area of the site that is clear of vegetation. The site is not located within an area subject to inundation and is well within the non-urban break boundary detailed in the Municipal Framework Plan and an existing rural residential area. The proposal helps to direct development to a low-risk location identified, within practical distance to services, minimising the impacts of natural hazards and adapting to the impacts of climate change.
Clause 15 Built Environment and Heritage Clause 15.01-2S Building Design Clause 15.01-6S Design for Rural Areas Clause 15.03-1S Heritage Conservation Clause 15.03-1L Heritage Conservation	The form, scale, appearance, and siting of the additional office pod are considered to enhance the function and amenity of the site without detracting from the surrounding landscape. The office building has a total area of only 60 square metres, with an overall height of 2.7 metres. Additionally, it has been sited within a cleared area that is to the rear of the site against the hillside slope. This helps to minimise visual impacts on surrounding natural scenery and landscape features, including ridgelines, hilltops, waterways, lakes and wetlands. This siting also ensures all buildings are clustered within the same area. The office building is significantly setback from the heritage significant Kiln to the west of the site and will not impact it.
Clause 17 Employment Clause 17.01-1S Diversified Economy Clause 17.03-1S Industrial Land Supply Clause 17.03-2S Sustainable Industry Clause 17.03-2L Sustainable Industry in Greater Geelong	The use of the land for a depot is associated with a local company. The site is used to store the vehicles used for this business and provide a base of operations for workers. As such, it is considered the site has an association with the industrial sector. The office use will assist with the operation of the business and provide workers and site visitors with an administrative building. This is consistent with the strategies of Clause 17.03-2L, which looks to facilitate well-designed and serviced industrial development that provides a high level of amenity for workers and visitors.

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5.3 Zone

5.3.1 Clause 35.02 Rural Living Zone

The site is included within the Rural Living Zone (RLZ) under the Greater Geelong Planning Scheme.

The Rural Living Zone includes the following stated purposes:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for residential use in a rural environment.*
- *To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.*
- *To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

The use of the land for a 'depot' is not classified within the planning scheme and falls under Section 2 (Any other use not in Section 1 or 3). Pursuant to Clause 35.03-1, a planning permit is required for any other use not in Section 1 or 3. Additionally, pursuant to Clause 35.03-4, a planning permit is required to construct or carry out a building or works associated with a use in Section 2.

While the use of the land for an office is classified as a prohibited land use within the Rural Living Zone pursuant to Clause 35.03-1, the proposal is associated with the primary land use being a depot. The retrospective office will assist with the administration and operation of the depot, which is the primary land use and is not considered to be a standalone use.

Decision Guidelines Response

The following decision guidelines are considered to be relevant to the application:

Decision Guideline	RESPONSE
General: ▪ The Municipal Planning Strategy and the Planning Policy Framework. ▪ The capability of the land to accommodate the proposed use or development. ▪ Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	The proposal has been designed in accordance with the PPF as described in Section 5 above. The subject site has been operating as a depot for over 15 years, and as such it is considered that the land is capable of continuing to accommodate this use of the land. All nearby sensitive uses are appropriately setback at least 130 metres from the depot. This setback has not been reduced in the last 15 years. Additionally, the depot is only used as a base of operations, with employees leaving their personal vehicles at the site before heading out to job sites in company vehicles. The use will also operate within set hours of operation and will not have any amenity impacts that are not considered normal for the Rural Living Zone. The addition of an associated office pod will impact on the continued use of the land as a depot. The building is associated with the existing depot and is located within an already-developed area of the site to the west of the depot shed. The inclusion of an office on the site is considered to be normal operation for a depot and will not detrimentally impact any adjoining landowners.
Agricultural Issues:	The site and surrounding area are not used for agricultural purposes and largely contain rural residential development. The

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▪ The capacity of the site to sustain the agricultural use. ▪ The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses.	area to the west of the site was previously used as a quarry, currently being rehabilitated, and as such, the land is not considered to be viable for future agricultural uses. Additionally, the office is located within the existing footprint of the long-standing depot, which has been cleared of grass cover and vegetation.
Environmental Issues: ▪ The impact on the natural physical features and resources of the area and, in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours. ▪ The impact of the use or development on the flora, fauna and landscape features of the locality. ▪ The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area. ▪ The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	The proposal will not detrimentally impact the natural physical features and resources of the site. There are no waterways on the site, and the land is generally cleared of vegetation, with some scattered vegetation that will not be impacted. The office building has been located within a cleared area that has been developed as part of the depot. While it is considered the site does not contain any significant biodiversity given its extensive land use history, which includes a rehabilitated quarry, the use of the land has not impacted the natural features to the south of the depot. The office does not include any effluent disposal.

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5.4 Overlays

5.4.1 Clause 42.03 Significant Landscape Overlay – Schedule 3 (SLO3)

The subject site is fully subject to the Significant Landscape Overlay – Schedule 3, the purposes of which are:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify significant landscapes.*
- *To conserve and enhance the character of significant landscapes.*

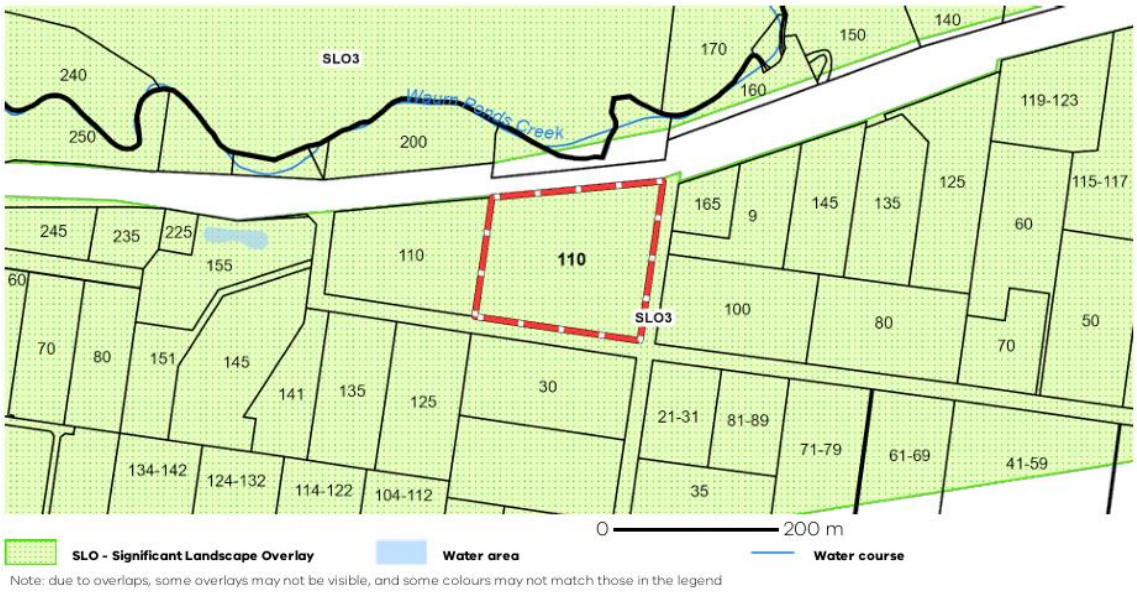


***Figure 4**: Significant Landscape Overlay. Source VicPlan*

A planning permit is required to construct a building or construct or carry out works pursuant to Clause 42.03-1 of the Greater Geelong Planning Scheme.

Decision Guidelines Response

Decision Guideline	RESPONSE
General: ▪ The Municipal Planning Strategy and the Planning Policy Framework. ▪ The statement of the nature and key elements of the landscape and the landscape character objective contained in a schedule to this overlay. ▪ The conservation and enhancement of the landscape values of the area. ▪ The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation.	The proposal has been designed in accordance with the PPF as described in Section 5 above. The depot on the site has been operating for more than 15 years, with the adjoining land to the west previously used as a quarry. As such, the site is not considered to retain any significant environmental value. The office has been sited within the already developed area of the site next to the existing depot shed. As such, it does not impact on the landscape values of the site. The height, bulk, colour and general appearance of the office are minimal and do not obtrude into the surrounding landscape. No vegetation was required to be removed as a result of the officer being constructed. The proposed office is considered to be complementary to the existing structure on the site and does not impact the significant views to the north. There is a significant downward slope towards the north of the site, with the office and depot located along the northern boundary up

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▪ The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area. ▪ The impact of buildings and works on significant views.	against the hill. As such, the buildings do not visually interrupt the views to the north of the properties to the south.
Schedule 3: ▪ The landscape values of the Waurn Ponds Valley. ▪ The protection and appropriate enhancement of the landscape and vantage points of high quality. ▪ Whether the siting, height, scale, materials and form of proposed buildings and works have been designed to have least visual effect on the landscape and scenic views of the Waurn Ponds Valley. ▪ Whether approval of the proposed buildings and works is compatible with maintaining the visual significance of the landscape. ▪ The benefit of permit conditions requiring all building materials to be non-reflective and of colours which are complementary to those of the natural landscape. ▪ The benefit of the conditions requiring the landscaping of buildings and works, while also having regard to the maintenance of existing viewlines. ▪ The benefit of the conditions requiring the landscaping of buildings and works, while also having regard to the maintenance of existing viewlines. ▪ The necessity of retaining a buffer strip of vegetation in the vicinity of water courses, roads and property boundaries, in particular any remnant indigenous species. ▪ The need to control the discharge of any stormwater into Waurn Ponds Creek so as to minimise the impact on water quality, aquatic flora and fauna and disturbance to the riparian zone.	Schedule 3 to the Significant Landscape Overlay looks to protect the scenic values of the Waurn Ponds Valley from visual intrusion by inappropriate buildings and works and their siting, design or materials. The shed associated with the depot use is existing and has previously been used as a depot. The external changes to the shedding are not considered to impact the surrounding landscape, as the overall floor area will not be increased. The office building does not encroach or impact the landscape and vantage points of the surrounding area. It has been sited with an already developed area of the property to the north of the property. There is a significant downward slope towards the north of the site, with the office and depot located along the northern boundary up against the hill. As such, the buildings within the developed area do not visually interrupt the views to the north for the properties to the south or impact the wider scenic values of the Waurn Ponds Valley. The design of the office building itself is considered to be minimally intrusive. It has been constructed of muted tones and is not a significant scale or height that would have an impact on the surrounding landscape. It has a floor space of 60 square metres and an overall height of 2.7 metres. Given its minimal scale, it is not considered to drastically alter or change stormwater discharge and is significantly setback from Waurn Ponds Creek to the north.

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6. General Provisions

6.1.1 Clause 62.11 Proof of Continuous Use

Existing use rights are established in relation to the use of land under this scheme if proof of continuous use for 15 years is established under Clause 63.11.

While it is acknowledged that Council have deemed the existing use rights for the site as extinguished as a result of a two-year period of inactivity, the fact that the site has historically been used as depot is considered to provide contextual justification for the retrospective use of the land. The below aerial images show that the depot has continuously operated on the site for 15 years.

The original depot building was part of the landscape garden supplies and lime sales, located across the entirety of the site. At the closure of the landscape garden supplies and lime sales, the depot was used in association with the initial site clean-up, including covering of exposed lime, and removal of hundreds of car tyres used in the quarry walls. The site has also been used by Powercor as a depot as part of the power pole replacement program within Waurn Ponds.



***Figure 5**: Aerial image from November 9, 2009. Source – NearMap*

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***Figure 6**: Aerial image from December 19, 2024. Source – NearMap*

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7. CONCLUSION

The retrospective approval for the use of an existing depot and associated buildings and works is consistent with the relevant objectives and policies as stated in the Planning Policy Framework of the Greater Geelong Planning Scheme.

The subject site is currently developed and serviced with minimal impact on existing infrastructure and the scenic values of the Waurn Ponds Valley. The site has historically been used as a depot for over 15 years, with a small 2-year period of inactivity resulting in the existing use rights being extinguished. The site is proposed to be continually used as it has historically been used for.

The office has been designed to reduce visual impacts and is sited within an already developed area of the site. The office will assist with the administrative operation of the existing depot, which has been operating on the site for more than 15 years.

The proposal is commended to Council and, on behalf of our client, we look forward to a positive outcome from the application.

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APPENDIX 1 – TITLE DOCUMENTS

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APPENDIX 2 – SITE PLAN

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APPENDIX 3 – HISTORIC AERIAL IMAGES

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APPENDIX 4 – FLOOR PLAN AND ELEVATIONS

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