

2 October, 2013

Mr Peter Smith
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Our Reference: 0136740_Subdivision

Dear Peter,

**RE: NO. 1-89 HOARES LANE, LEOPOLD
APPLICATION FOR PLANNING PERMIT**



1. INTRODUCTION

Environmental Resources Management Australia Pty Ltd acts on behalf of Lascorp Development Group (Aust) Pty Ltd in relation to a planning permit application to subdivide the land at No. 1-89 Hoares Lane, Leopold.

The following documentation is enclosed in support of this application

- A completed Application for a Planning Permit form;
- A fee payable to the City of Greater Geelong for \$386.00;
- A copy of the Certificate of Title; and
- Three copies of the proposed Plan of Subdivision prepared by Cardno Victoria Pty Ltd.

2. BACKGROUND

By way of background, a combined Planning Permit Application 944/2012 and Planning Scheme Amendment C277 for the Leopold Sub-Regional Activity Centre was lodged with the City of Greater Geelong on 2 August 2012.

The application was considered at the 23 July 2013 Council Meeting where Council resolved to support the preparation and exhibition of the combined amendment and permit application to facilitate the expansion of the existing Leopold Gateway Plaza to a sub-regional activity centre. More specifically, Council's resolution states the following with respect to the subject site:

'1) *Resolves to support the preparation and exhibition of Amendment C277 to the Greater Geelong Planning Scheme to:*

- *Apply the Public Acquisition Overlay (PA012) and the Public Purpose and Recreation Zone (PPRZ) to approximately 6,000 sq m of land west of the Gateway Sanctuary If required for drainage purposes.*

- 4) *Resolves to prepare and exhibit a draft planning permit for a 2 lot subdivision of land west of the Gateway Sanctuary to create a reserve for drainage purposes;*
- 5) *Requests the Minister for Planning authorise the preparation of Amendment C277, Planning Permit 944/2012 and the 2 lot subdivision permit;*

We understand that it is Council's intention to rezone the land at No. 1-89 Hoares Lane, Leopold to the PPRZ in accordance with Council's resolution outline above. In that zone the use of land for a Utility Installation or Minor Utility Installation is a Section 1 Use provided it meets the condition that it is:

'A use conducted by or on behalf of a public land manager or Parks Victoria under the relevant provisions of the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forest Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958, or the Crown Land (Reserves) Act 1978'.

We confirm that in the case of the current circumstances where the drainage basin will be owned and operated by Council that it is Council's view that it will meet this definition. The condition that applies to the use also applies to buildings and works. Therefore, providing that any buildings and works are carried out *'by or on behalf of a public land manager or Parks Victoria under the Local Government Act 1989*' no planning permit is required for such buildings and works.

In addition, a permit is required to subdivide land in the PPRZ however there is no minimum lot size specified.

This permit application has been prepared in accordance with Council's resolution outlined above.

3. PROPOSAL

The subject site relates to a parcel of land at No. 1-89 Hoares Lane, Leopold which is irregular in shape and is more formally described at Lot 1 on TP444245. The site has a total area of 11.5622 hectares.

The application seeks approval for the subdivision of No. 1-89 Hoares Lane, Leopold into two lots, namely Lots 1 and 2. Lot 2 being a small portion to the north west of the site, comprising a total area of 8,022 square metres and Lot 1 comprising the balance of the land and measuring 10.76 hectares in area. The creation of Lot 2 is proposed further to Council's resolution outlined in the Meeting Minutes dated 23 July 2013.

Specifically, the proposed subdivision is required to accommodate the drainage services associated with the expansion of the existing Leopold Gateway Plaza (located to the north of the site, over the Bellarine Highway) and to facilitate the exhibition of the combined Planning Scheme amendment and permit application.

4. GREATER GEELONG PLANNING SCHEME

The subject site is located within the Farming Zone (FZ) at **Clause 35.07** of the Greater Geelong Planning Scheme. Pursuant to **Clause 37.05-3** a permit is required for the subdivision of land and each lot must be at least the area specified in the schedule to the zone. The schedule to the FZ identifies the land to be within the 'Farming Zone-Bellarine' area which has a minimum subdivision lot size of 30 hectares.

In addition, and as outlined earlier, the north west portion of the site will be rezoned to the PPRZ following Council's resolution.

The subject site is not affected by any overlays.

Clause 64.03 'Subdivision of land in more than one zone' states that a permit may be granted to create one lot smaller than specified in the Scheme if all of the following criteria are met:

- *'The lot to be subdivided is in more than one zone and cannot comply with the minimum lot area specified in the scheme.'*
- *The proposed subdivision does not create lots where any lot extends into more than one zone. This does not apply to any lots created for the following purposes:*
 - *To comply with the requirements of the Urban Floodway Zone.*
 - *To provide access to a road.*
- *The remainder of the proposed lots must comply with the minimum lot area specified in the scheme.'*

5. ASSESSMENT

In support of the proposed subdivision we submit the following:

- The proposed subdivision is intended to facilitate the use and development of Lot A as the drainage basin and wetlands associated with the expansion of the Leopold Sub-Regional Activity Centre which is located to the north of Bellarine Highway.
- This application is made in conjunction with ongoing discussions with Council and in response to the Council Meeting Minutes dated 23 July 2013 which identifies the subject land to be used *'to construct a retarding basin/water quality treatment wetland and discharge into the channel that runs south of Reedy Lake.'* Importantly, Council has requested that an application for subdivision of the land be prepared.
- The proposed use of Lot 2 as a wetland basin for the Leopold Sub-Regional Activity Centre will ensure the comprehensive storm water management of the future re-zoned land.

- The proposal will not have any adverse impact on the surrounding locality, in particular the existing Gateway Sanctuary to the east of the site. More specifically, the proposed use of Lot A is in accordance with Council's recommendation to protect the Gateway Sanctuary.
- The proposal accords with **Clause 64.03** for the following reasons:
 - The lot to be subdivided will be located in more than one zone (i.e. the FZ and PPRZ) and is unable to comply with the minimum lot area specified in the Schedule to the Farming Zone.
 - The proposed subdivision does not create a lot that will extend into more than one zone. The proposal will formalise the land parcels to coincide with the respective zones (i.e. the FZ and PPRZ).
 - The remainder of the proposed lots complies with the minimum lot area specified in the Scheme, given that the PPRZ does not contain a minimum lot area for land subdivision.

6. CONCLUSION

In conclusion, we consider that the proposal is an appropriate planning outcome for the site and will aid the authorisation of the combined Planning Scheme Amendment C277 and Planning Permit Application 944/2012 by providing appropriate storm water management facilities for the proposed re-zoning. Accordingly, it is submitted that a planning permit should be issued subject to appropriate conditions.

Please do not hesitate to contact the office on 9696 8011 if you have any questions in regards to the above matter.

Yours sincerely,
for Environmental Resources Management Australia Pty Ltd



Zoe Porlai
Planner, Impact Assessment & Planning