

Application by the City of Greater Geelong to:

- **Rezone land**

Location:

**77-79 Draper Street and
128-130 Asbury Street East
Ocean Grove**

May 2013

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1 Introduction

The City of Greater Geelong (“the Council”) is the owner of land at 77 and 79 Draper Street and 128 and 130 Asbury Street East, Ocean Grove (“the land”).

The land consists of 4 residential lots zoned Public Park and Recreation Zone which have been used for netball courts and a club room. A new facility has been constructed at the Shell Road Recreation Reserve and it is proposed to rezone the old courts and sell the land.

In accordance with Council policy and the requirements of the Local Government Best Practice Guideline on the Sale and Exchange of Land, the Council is seeking to have the land containing the old courts rezoned from Public Open Space and Recreation Zone to Residential 3 Zone.

2 Property Description

The land to be rezoned exists as 4 separate lots located at 77 and 79 Draper Street and 128 and 130 Asbury Street East, Ocean Grove described as Lots 372, 373, 392 and 393 LP 1854 (Vol 2332 Fol 273, Vol 9053 Fol 781, Vol 4907 Fol 377). All lots are of the same size of approximately 807m² each.

Title searches are provided in Attachment 1.

3 Site Conditions

Refer to Attachment 2 for aerial view of site and surrounding land uses.

The land to be rezoned has a total approximate area of 3,228m² and contains the former Ocean Grove netball courts and club rooms. The netball courts have protective mesh fencing on three sides and 6 pole mounted lights.

The site is relatively flat and all services are provided including power, water, sewer and drainage.

No vegetation of significance exists on the land to be rezoned.

There are no heritage buildings or known archaeological sites on the land.

4 Surrounding Development

The land is surrounded by conventional detached housing and the Ocean Grove Recreation Reserve is located on the southern side of Draper Street.

5 Availability of Services

Refer to Attachment 3 Services Plan.

The land to be subdivided is serviced with all services. Water, drainage, power and gas services are accessed directly from public roads and a sewer crosses the land in an east west direction at the rear or northern boundary of the Draper Street lots.

Both Draper Street and Asbury Street East are fully constructed but without footpaths and each lot is provided with a driveway cross over.

6 Proposal

Refer to Attachment 5 Existing and Proposed Zones.

The land is currently zoned Public Park and Recreation Zone and the amendment proposes to rezone the land to Residential 3 Zone. It is also proposed to extend the Design Development Overlay 14 over the land to be rezoned.

7 Justification

Under the Local Government Best Practice Guideline for the Sale and Exchange of Land, the Council is required to ensure that "... (p)rior to being offered for sale, property should be appropriately zoned. This will ensure that the ultimate use of the land is determined by that zone and the highest possible sale price is achieved."

Having determined that the land containing the former netball courts is to be sold, the Public Park and Recreation Zone is to be replaced with a Residential 3 Zone the objectives of which are:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*

- *To encourage residential development that respects the neighbourhood character.*
- *To limit the maximum height of a dwelling or residential building.*
- *In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.*

The proposed Residential 3 Zone with the Design Development Overlay 14 reflects the existing surrounding zoning and overlay.

The justification for the rezoning of the land being zoned Public Park and Recreation Zone takes into account the following:

- The recommendations of the Ocean Grove Sporting Infrastructure Plan that the land be sold to help offset the cost of the new facility at Shell Road Reserve.
- There is no apparent shortage of open space in the immediate neighbourhood.
- The Memorial Reserve is located immediately to the south of the land and provides 2.4ha of land with active and passive recreation opportunities.
- The tennis courts in Madeley Street are located 100m to the east of the land providing 7,000m² of both active and passive recreation space.

8 Strategic Assessment of the Amendment

Why is the amendment required?

One of the purposes of the Public Park and Recreation Zone is “To recognise areas for **public** recreation and open space”. As it is intended to sell the land it will become privately owned which is inconsistent with this purpose of the Public Park and Recreation Zone.

The land is already subdivided in to 4 residential sized lots and is likely to be used for residential purposes following sale.

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

Section 4 of the Planning and Environment Act sets out the objectives for planning in Victoria. Objectives of relevance to the amendment include:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria; and
- (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 satisfies the above objectives, by providing for development consistent with the proposed Residential 3 Zone.

How does the amendment address the environmental effects and any relevant social and economic effects?

The amendment is not expected to have any significant economic and social effects.

There are no foreseeable adverse environmental effects as a result of the amendment and there is no significant fauna or flora on the land.

Does the amendment address relevant bushfire risk?

Bushfire risk is not relevant to this amendment.

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

No Ministerial Directions under Section 12 of the Planning and Environment Act 1987 affect this amendment. The amendment is consistent with the Ministerial Direction on the form and content of Planning Schemes under Section 7 (5) of the Act.

How does the amendment support or implement the SPPF and any adopted State policy?

The amendment ensures that the most appropriate zone is used to recognise the possible future use of the land and is consistent with the zoning of the surrounding land.

How does the amendment support or implement the LPPF, and specifically the Municipal Strategic Statement?

The Responsible Authority has no policies that impact directly on the proposed amendment.

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

The proposal is consistent with the VPP.

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

The land is appropriately serviced with all standard urban services.

How does the amendment address the relevant requirements of the Transport Integration Act 2010?

There are no requirements of the Transport Integration Act that apply to this amendment.

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The proposal will have no adverse consequences for the Responsible Authority's resources or impose any unreasonable administrative costs.

Attachment 1: Titles

Register Search Statement - Volume 2322 Folio 273

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 02322 FOLIO 273

Security no : 124044930642Y

Produced 27/02/2013 11:33 am

LAND DESCRIPTION

Lots 392 and 393 on Plan of Subdivision 001854.
PARENT TITLE Volume 01946 Folio 059
Created by instrument 0294707 23/12/1890

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

THE PRESIDENT COUNCILLORS AND RATEPAYERS OF THE SHIRE OF BELLARINE
D346200 24/03/1969

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT 0294707

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP001854 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

Register Search Statement - Volume 9053 Folio 781

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 09053 FOLIO 781

Security no : 124044930809S
Produced 27/02/2013 11:39 am

LAND DESCRIPTION

Lot 372 on Plan of Subdivision 001854.
PARENT TITLE Volume 04892 Folio 365
Created by instrument F430561 21/08/1974

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

THE PRESIDENT COUNCILLORS AND RATEPAYERS OF THE SHIRE OF BELLARINE
F430561 21/08/1974

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT 0269636

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section
24 Subdivision Act 1988 and any other encumbrances shown or entered on the
plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP001854 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 04907 FOLIO 377

Security no : 124044930811Q

Produced 27/02/2013 11:39 am

LAND DESCRIPTION

Lot 373 on Plan of Subdivision 001854.
PARENT TITLE Volume 04892 Folio 365
Created by instrument 1181464 27/08/1924

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

THE PRESIDENT COUNCILLORS AND RATEPAYERS OF THE SHIRE OF BELLARINE
1722288 02/03/1939

ENCUMBRANCES, CAVEATS AND NOTICES

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ACTIVITY IN THE LAST 125 DAYS

NIL

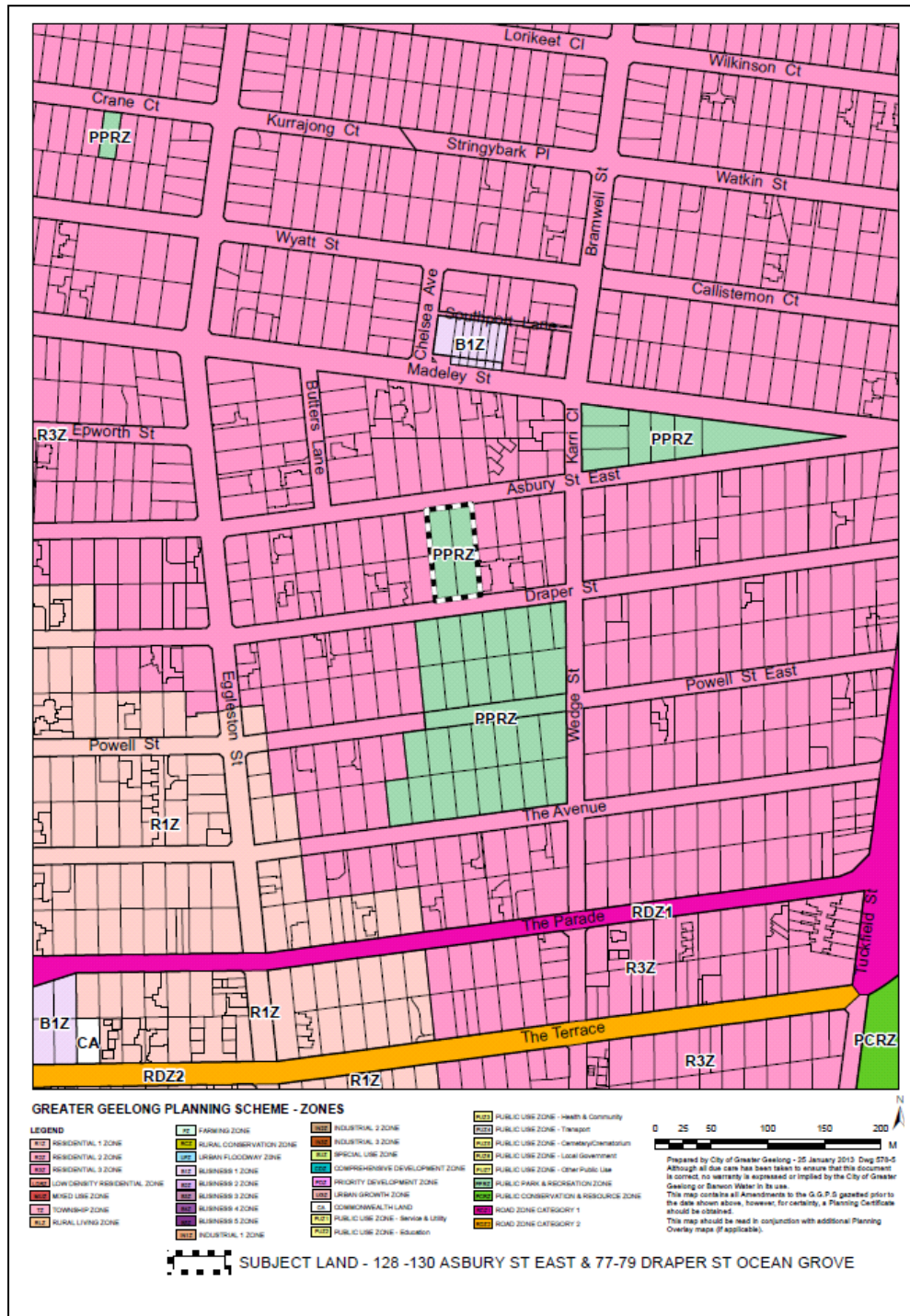
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Attachment 2: Aerial View of Site

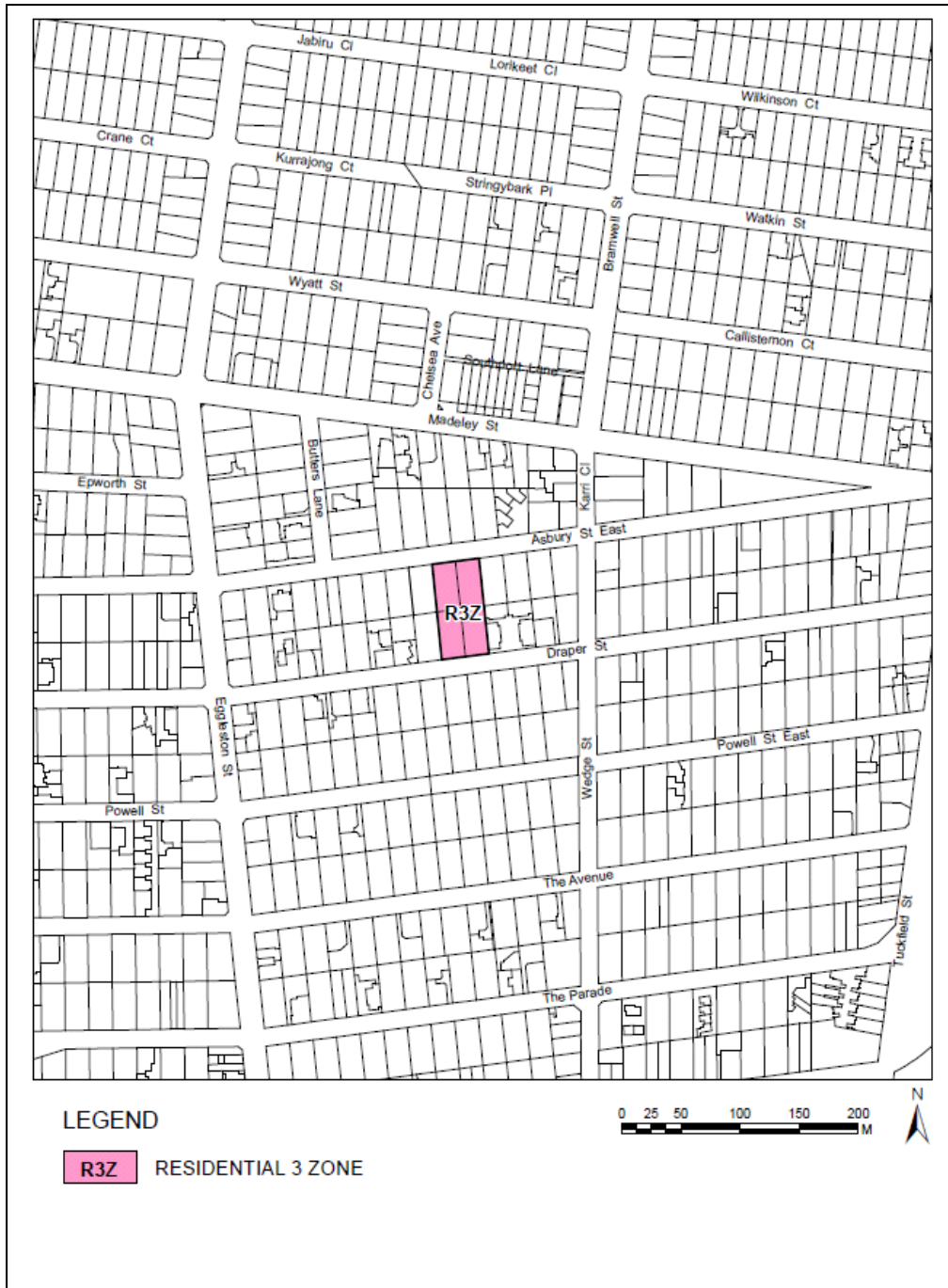


Attachment 4: Existing and Proposed Zones and Overlays

Existing Zone



Proposed Zone



Proposed Overlay

