

**143-179 Flinders Avenue,
Lara**

**Planning Scheme Amendment
Combined Application for Rezoning and
Multi-Lot Subdivision**

Reference: 14134-03

December 2016

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1. INTRODUCTION

TGM Group Pty Ltd has been engaged by L. Bisinella Developments Pty. Ltd. to prepare and submit a combined Planning Scheme Amendment Application pursuant to Section 96A of the Planning and Environment Act 1987, for the rezoning and multi-lot subdivision of land at 143-179 Flinders Avenue, Lara (subject land). The subject land is approximately 2.1 hectares in area and forms part of a 5.9 hectare land parcel within the Rural Living Zone which is currently vacant and used for agricultural purposes (refer to figure 1 below).



Figure 1: Subject Land

The subject land is located in north Lara adjoining General Residential 1 Zone land to the west and Rural Living Zone land to the north, south and east. This application seeks approval to rezone and subdivide the subject land consistent with the alignment of the existing General Residential 1 Zone land boundary to the west as it is considered to be a logical rezoning within the Lara Settlement Boundary. The remainder of the land will be retained in the Rural Living Zone in keeping with the location of other Rural Living zoned land to the east and west.

This planning report has been prepared consistent with the overarching State and Local Strategic Planning Policies and specific statutory planning provisions of the Greater Geelong Planning Scheme relevant to the rezoning and the future subdivision of this land. The planning report also includes a number of technical reports and plans that demonstrate the subject land's suitability and capability for subdivision under the proposed zone, and should be read in conjunction with these technical reports as attached.

2. BACKGROUND

Planning Scheme Amendment C293 and Permit Application No. 1185/2013 was approved on 29 May 2014 which rezoned and subdivided land at Caddys Road Lara from the Rural Living Zone to the General Residential 1 Zone. The Amendment considered the rezoning of all Rural Living Zoned land 200 metres south of Windermere Road between Serendip Creek and Flinders Avenue except for land at 143-179 Flinders Avenue which although was recommended for rezoning in the then Lara Structure Plan did not form part of this application.

At the Panel Hearing to consider this Amendment, Council Officers submitted that the subject land at 143 - 179 Flinders Avenue should also form part of this amendment and recommended it for rezoning as General Residential 1 Zone land as it would be a logical inclusion. This recommendation was made on the basis that the land formed part of the Rural Living Zone 200 metres south of Windermere Road subject to the amendment and if rezoned would provide a consistent and contiguous area of General Residential zoned land in north Lara.

However as the owners of this land were not party to the Amendment, did not provide a submission and were previous objectors to Amendment C73, this land was not considered as part of Amendment C293 and thus the land was not recommended for rezoning. This was then reflected in the current Lara Structure Plan Map.

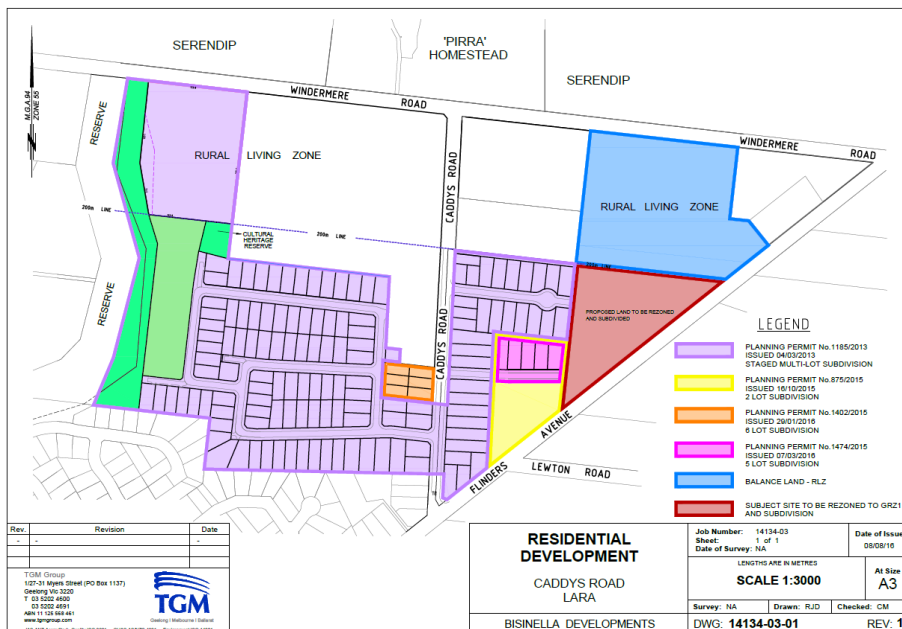


Figure 2: Plan of Recent Subdivision Permits (see Attachment 2).

Since that period the land has been sold to L. Bisinella Developments Pty Ltd and planning permits surrounding this land have been issued for residential subdivisions by the City of Greater Geelong, including land directly adjoining to the west under Planning Permit No. 1185/2013 and Planning Permit No. 1475/2015 which includes road connections to the subject land to achieve a cohesive and practical road network between Caddys Road and Flinders Avenue. See **Figure 2** above. Thus the subject land represents a logical rezoning within the Lara Settlement Boundary to be rezoned as General Residential 1 Zone land to achieve an orderly planning outcome.

3. APPLICATION OVERVIEW

This application seeks approval for the combined rezoning and subdivision of land at 143-179 Flinders Avenue, Lara pursuant to Section 96A of the Planning and Environment Act 1987. The details of the Amendment include:

- Rezoning the subject land (2.1 hectares) at 143-179 Flinders Avenue, Lara from the Rural Living Zone to the General Residential 1 Zone.
- The creation of a multi-lot General Residential subdivision consistent with relevant planning provisions of the Greater Geelong Planning Scheme.
- The creation of a balance Rural Living Zone lot.
- Creation of a sewer pump station reserve.

3.1 SECTION 96A OF THE PLANNING & ENVIRONMENT ACT

As discussed above, this application seeks approval for the combined rezoning and multi-lot residential subdivision pursuant to Section 96A of the Planning and Environment Act. A Section 96A application is considered the most appropriate planning tool as:

- The proposed subdivision is of a relatively small area and there are no significant matters that require further detailed analysis under a secondary planning tool.
- The subdivision and future development of the site can be appropriately managed via planning permit conditions. Any additional work such as detailed engineering designs will be managed via permit conditions to the satisfaction of the Responsible Authority, which is the accepted planning process.
- The land is owned by one company only therefore there will be no disputes regarding the subdivision with other land owners.
- The proposed plan of subdivision layout has been designed to integrate with the adjoining uses.
- A Section 96A combined application provides a significant degree of certainty regarding the final form of the subdivision of the land.

4. SUBJECT SITE & CONTEXT

The land to be rezoned is approximately 2.1 hectares in area and forms part of a larger property that has essentially been used for agricultural purposes in the form of cropping raising and grazing. It currently forms part of a single parcel of approximately 5.91 hectares which is described as Lot A on PS734359J. See a copy of title at **Attachment 1**. The site is cleared undeveloped land with no dwellings or sheds.

The subject land is triangular in shape and thus has three frontages:

- Flinders Avenue to the south and east of approximately 285 metres.
- General Residential 1 zoned land to the west (currently under development and part underdeveloped with an existing house and sheds) of approximately 193 metres.
- Cleared Low Density Residential land (balance lot) to the north of approximately 206 metres.

The land currently being developed to the west of the subject land is part of the Lara Central Estate and includes an east-west pedestrian connection from Spoonbill Court to the subject land to provide access to Caddys Road and through the subject land to Flinders Avenue. Just south of this lot is land proposed for a five lot subdivision under Planning Permit 1474/2015, which will provide a road connection to the subject site to allow vehicle access from Caddys Road to Flinders Avenue. Land adjoining the south west boundary of the subject land contains an existing dwelling and sheds and has direct frontage to Flinders Avenue. Land located further west is General Residential zoned land which extends to Serendip Creek known as the Lara Central Estate.



Figure 3: Subject Land and Context

Flinders Avenue adjoining the southeast frontage of the subject land is a constructed bitumen surfaced road with gravel shoulders and open grassed swale drains.

The subject land and land to the north, south and east is zoned as Rural Living Zone with no overlays. Land adjoining the subject land along the western boundary is zoned General Residential Zone 1 with no Overlays.

5. APPLICATION DETAILS

In accordance with Section 96A of the Planning and Environment Act 1987, this application seeks approval for a combined planning scheme amendment to rezone the subject land and planning permit application for a multi-lot subdivision. The details of the Amendment include:

- Rezoning of the subject land of approximately 2.1 hectares from the existing Rural Living Zone to the General Residential 1 Zone.
- Multi lot subdivision of the General Residential 1 Zone land.
- Creation of a balance Rural Living Zone lot of approximately 3.9 hectares in area.
- Creation of a Barwon Water sewer pump station reserve.

It is proposed to rezone approximately 2.1 hectares of green field Rural Living Zone land at 143-179 Flinders Avenue, Lara. The rezoning of this land will create a continuous precinct of residential land north of Lara and 200 metres south of Windermere Road and Serendip Sanctuary which has already been established west to Serendip Creek. The proposed rezoning and subdivision of this land will form an extension to the Lara Central Residential Estate. Access to each lot will be established via crossovers from the proposed local road network and for 9 lots from crossovers to Flinders Avenue.

The proposed multi lot subdivision will create 23 residential lots which will range in size from 522m² to 1,076m². The proposed lots are predominantly orientated north-south with some east-west which together with the proposed lot diversity will satisfy the varying needs of the Lara housing market. The subdivision design seeks to create mostly larger lots along the northern boundary along the interface to the Rural Living zoned land and smaller lots adjoining the existing residential land and Flinders Avenue. The design also incorporates a road and pedestrian connection to the residential land to the west and provides access to Caddys Road and Flinders Road.

Each lot will be of an appropriate size to develop a variety of dwelling types and have sufficient space for private open space, access and on-site car parking. Each lot will also be of sufficient width to allow safe access to the existing and proposed road network and will be developed with a footpath and street trees. The proposed landscaped footpath along Flinders Avenue will extend to the south west (past the proposed subdivision) to integrate with the street treatment already established on the corner of Caddys and Flinders Roads. The subdivision also seeks to create a Barwon Water Reserve to establish a sewerage pumping station to service the subdivision.

See the proposed Zoning Map at **Attachment 3** and the Plan of Proposed Subdivision at **Attachment 4**.

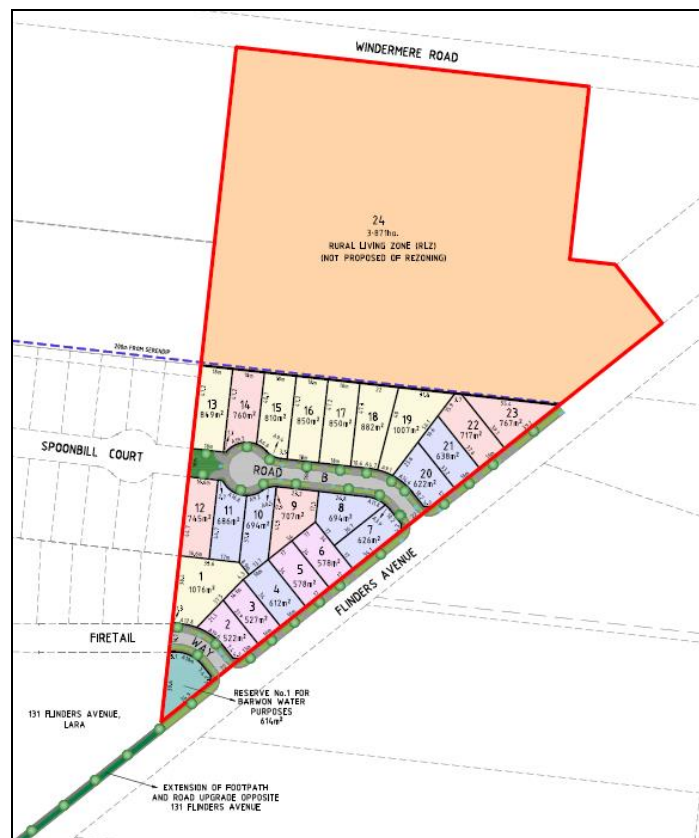


Figure 4: Proposed Plan of Subdivision (see Attachment 4)

This application is supported by the following documents and specialist consultant reports which are attached:

- Vegetation Assessment prepared by Mark Trengove Ecological Services (**Attachment 5**);
- Cultural Heritage Management Plan by Terra Culture (**Attachment 6**);
- Flood Impact Assessment by BMT WBM (**Attachment 7**).
- Infrastructure & Servicing Report by TGM (**Attachment 10**).

6. PLANNING PERMIT TRIGGERS

A Planning Permit is required for the above proposal under the following provisions of the Planning Scheme:

<p>General Residential 1 Zone (GRZ1) (Proposed)</p>	<p>Clause 32.08-2</p>	<p>Subdivision of Land</p>
<p>Rural Living Zone (RLZ) (Current)</p>	<p>Clause 35.03-3</p>	<p>Subdivision of Land</p>

7. ZONING & OVERLAY PROVISIONS

7.1 CURRENT ZONING

The land is currently within the Rural Living Zone, the purpose of which is:

- 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 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.

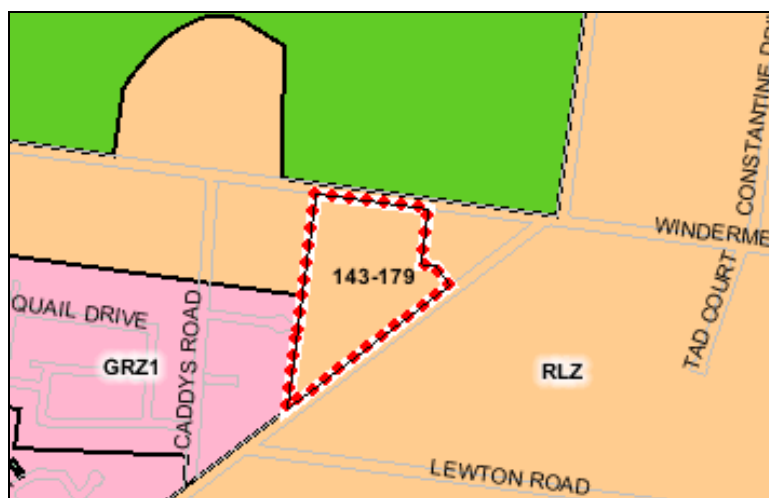


Figure 5 - Current Zoning

A permit is required for subdivision of land in the Rural Living Zone pursuant to Clause 35.03-3.

Response: *The site is currently within the Rural Living Zone and has been used for grazing and cropping purposes. As advised part of the 5.920 hectare parcel (approximately 3.9 hectares) will remain in the Rural Living Zone and will continue to be used consistent with this zone. The southern portion of this site (approximately 2.1 hectares) is proposed to be rezoned and subdivided under the General Residential 1 Zone which accords with the rezoning and subdivision of land to the west as part of the Lara Central Estate. This will be consistent with the existing development pattern of this area and in Lara north generally. The proposal will not adversely affect the rural amenity and natural values, as the land has only very limited agricultural value due to its size and location and does not contain any significant natural values. The land is considered to be ideally located adjoining conventional residential land with access to Flinders Avenue and Caddys Road to facilitate additional residential growth.*

7.2 PROPOSED ZONING

The land is proposed to be rezoned from the Rural Living Zone to the General Residential 1 Zone.

Purpose:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage development that respects the neighbourhood character of the area.
- To implement neighbourhood character policy and adopted neighbourhood character guidelines.
- To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Response: *The introduction of this zone is considered appropriate in this context as land located to the west and south west is all within the General Residential 1 Zone. This includes the Lara Central Estate which directly adjoins the subject land to the west. Thus it will promote the consistent use and development of this land in accordance with the surrounding context.*

The introduction of this zone will facilitate the creation of a consistent and appropriate subdivision design response that will positively enhance and add to the urban design features of the adjoining residential estate. The proposed subdivision will also create a number of connections between Caddys Road and Flinders Avenue which will assist in the establishment of an integrated and safe road and pedestrian network. It will also provide an opportunity to add to the existing lot diversity to satisfy the varying household needs of the Lara Community within close walking distance to the community and commercial facilities of Lara.

A permit is required to subdivide land under Clause 32.07-2 of the General Residential 1 Zone. An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space must meet the requirements of Clause 56.

Response: *As advised the application also seeks approval for the subdivision of this land to create 23 conventional residential lots. See the Proposed Plan of Subdivision at **Attachment 4**. The proposed plan of subdivision seeks to create a range of lot sizes that respond to the immediate context with larger lots located along the northern boundary adjoining the Rural Living Zone land and a mix of smaller lots adjoining Flinders Avenue. The plan of subdivision also proposes to create road and pedestrian connections that essentially provide an east-west connection between Caddys Road and Flinders Avenue. Most lots are north-south orientated and will have access from the proposed local roads with some having direct access to Flinders Avenue. The lot design and proposed road network have been developed to appropriately integrate with the residential estate to the west and Flinders Avenue. A Clause 56 response is provided as an attachment to this report. See **Attachment 8**.*

7.3 OVERLAYS

The site is not covered by any overlay controls.

8. PARTICULAR PROVISIONS

8.1 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

Under the provisions of Clause 52.01, a person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under Section 18 of the Subdivision Act 1988.

Response: *Under this Clause and Schedule, an open space contribution is required for residential subdivision. As advised the land will provide a small extension to the existing Lara Central Estate which has created considerable areas of open space adjacent to the Serendip Creek Reserve. In addition the site is a short walking distance to existing sporting grounds to the south east. Given the size and location of this land on the eastern periphery of the Lara Central Estate and its proximity to existing open space areas it is not considered necessary for open space to be provided at this location.*

8.2 NATIVE VEGETATION

Under the provisions of Clause 52.17-2, a permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.
- To an area specified in the schedule to this clause.

***Response:** The site has historically been used for agricultural purposes and as such is devoid of any native flora and fauna. This assessment is supported by the attached Vegetation Assessment (September 2015) prepared by Mark Trengove Ecological Services (see **Attachment 5**) which determined that 'no remnant patch or scattered tree vegetation is proposed to be removed. Consequently vegetation off-sets or a referral to DELWP are not required'.*

9. GENERAL PROVISIONS

9.1 DECISION GUIDELINES

Under the provisions of Clause 65.02, before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.

- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sillage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

Response: *The application is considered to be appropriate in the context of the above decision guidelines. The site is a greenfield site historically used for agricultural purposes and thus has no native flora and fauna values. The land is considered suitable for residential subdivision as it adjoins a new estate located to the west and is in close proximity to central Lara, local schools and sporting and community facilities. The subdivision will also provide a logical extension of the Lara Central Estate and has been designed to integrate with the urban design features of this estate in terms of lot design, density and road connectivity. The subdivision can be fully serviced by all utilities (refer to Attachment 10) and the lots have been designed to facilitate the development of a dwelling, off-street parking and private open space.*

10. POLICY CONTEXT

The following planning provisions must be considered in response to a combined planning scheme amendment and planning permit application:

- The objectives of Planning Victoria as set out in Section 4(1) of the Planning and Environment Act 1987;
- The State Planning Policy Framework of the Greater Geelong Planning Scheme; and
- The Local Planning Framework of the Greater Geelong Planning Scheme.

10.1 PLANNING AND ENVIRONMENT ACT 1987

Pursuant to Section 12(1) (a) of the Planning and Environment Act 1987, it is a duty of planning authorities to implement the following objectives of Planning Victoria as set out in Section 4(1) of the Planning and Environment Act 1987:

- to provide for the fair, orderly, economic and sustainable use, and development of land;*
- to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*

- (d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- (e) to protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community;
- (f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and;
- (g) to balance the present and future interests of all Victorians.

Response: This application accords with Section 4(1) of the Planning and Environment Act 1987 as it will provide for the rezoning and subdivision of the land to achieve an orderly, well planned outcome consistent with the strategic direction of Lara north.

10.2 STATE PLANNING POLICY FRAMEWORK

Clause 11.02 – Urban Growth – Aims to ensure a sufficient supply of land is available for residential and other uses; to locate urban growth close to transport corridors and services and provide efficient and effective infrastructure; and to facilitate the orderly development of urban areas.

Clause 11.05-1 – Regional Settlement Networks – To promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan.

Clause 11.05-1 – Regional Planning Strategies & Principles - To develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable.

Clause 11.07 – Geelong (G21) Regional Growth – Lara is identified as an area to ‘Support planned growth and reinforce the role of distinct towns’ (see plan below). Relevant policies relate to planning for growth, connected communities and sustainable communities. Relevant objectives of these policies are to:

- Optimise infrastructure and consolidate growth.
- Create unique and connected communities.
- Allow communities to live, work and participate locally.
- Build the region’s economy.



Figure 6 - Extract from G21 Regional Growth Plan

Clause 15.01 – Urban Environment – Aims to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity; to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.

Clause 16.01 – Residential Development – Contains policies relating to integrated housing, location of residential development, housing diversity and housing affordability.

Clause 19.03 – Development Infrastructure – Contains policies relating to development contribution plans, water supply, sewerage, drainage and stormwater.

Response: *The subdivision as proposed is considered to be consistent with the above State Policies relating to urban development within the Geelong region. With respect to Lara, the G21 Regional Growth Plan recognises it as a settlement and makes recommendations to ‘support planned growth and reinforce the role of district towns’. This subdivision will contribute to the range of lot sizes in this area consistent with the developing character, and will contribute to housing diversity and affordability. The land is located within the Lara Settlement Boundary in a location that is in close proximity to a range of commercial, community and recreational facilities, and a full range of services are available for connection. The site will be drained using current best practice water sensitive urban design principles and to Council standards as required and is supported by a Flood Impact Assessment by BMT WBM (See **Attachment 7**). It is not anticipated that approval of this subdivision would place any undue pressure on the delivery of these services.*

Clause 15.03 – Heritage – Contains policies relating to heritage conservation and aboriginal cultural heritage.

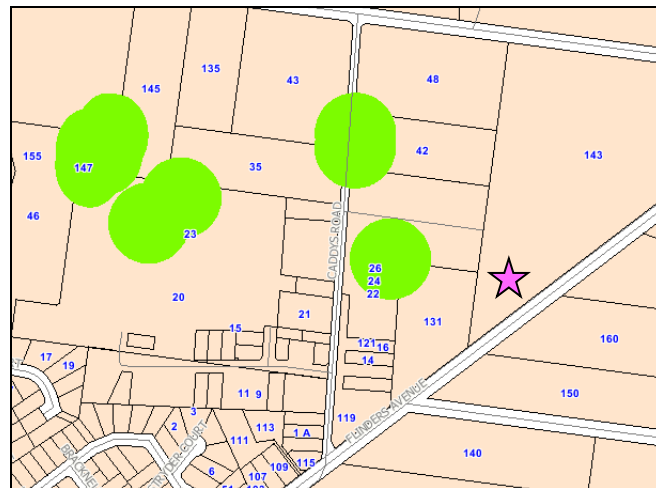




Figure 7 – Areas of Aboriginal Cultural Heritage Sensitivity

-  Areas of Possible Cultural Heritage Sensitivity
-  Subject Site

Response: Under the Aboriginal Heritage Act 2006, the site is not identified as being within an area of possible cultural heritage sensitivity, as indicated on the above map extract from the Department of Environment, Land, Water and Planning data base. A Cultural Heritage Management Plan has been prepared and approved however, which has revealed that the site does not contain any cultural material. See Attachment 6.

10.3 LOCAL PLANNING POLICY FRAMEWORK

10.3.1 MUNICIPAL STRATEGIC STATEMENT

Clause 21.06 – Settlement & Housing – Identifies a number of issues which influence urban form and direct future growth for the region.

Clause 21.06-2 – Urban Growth – Aims to limit urban sprawl by directing urban growth to designated urban growth areas and to improve housing affordability through the maintenance of appropriate urban land supplies, the promotion of competition in the housing market and the development of a diverse range of well-located housing stock.

Clause 21.06-3 – Urban Consolidation – This policy aims to provide for the consolidation of existing urban areas in a managed way, encourage an appropriate range of development densities and to improve accessibility to urban services.

Response: *The rezoning and subdivision of this land is considered to accord with the direction for residential growth in Lara. Whilst the site is not recommended for rezoning in the Lara Structure Plan it represents a logical rezoning as it forms part of a broader area to the west that has been recently rezoned and subdivided and provides a logical extension of the General Residential Zone 200 metres south of Windermere Road within the current northern extension of the Lara Settlement boundary. It is also ideally located near educational and community facilities. The subdivision also proposes to create a range of lot sizes to accommodate the varying housing needs of the Lara Community.*

Clause 21.06-4 – Neighbourhood Character – Relevant objectives include:

- Managing the impact of urban change on existing neighborhoods.
- Ensuring that new development responds to the existing neighborhood character.

Response: *The site is located in a developing residential area and the proposal will result in conventional residential development, consistent with the developing character of the surrounding area.*

Clause 21.13 – Lara – Relevant objectives include:

- To maintain a compact urban form and provide for sustainable communities.
- To maintain and enhance the rural characteristics of Lara.
- To ensure an adequate supply of appropriately zoned and located residential and commercial land.

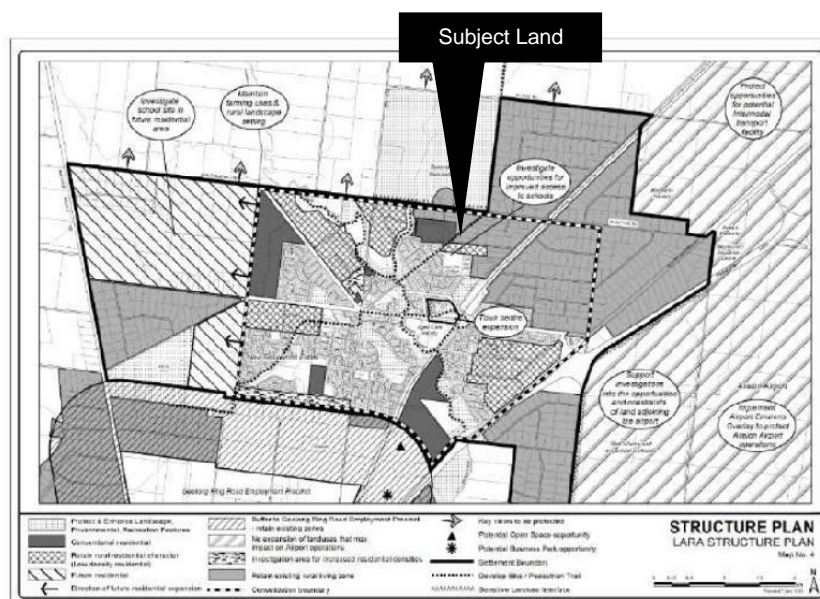


Figure 8 – Extract from Lara Structure Plan

Relevant strategies include:

- Contain urban development within the defined settlement boundary in accordance with the Structure Plan map included in this clause.
- Support the development of areas identified for rezoning to Residential 1 and Low Density Residential in accordance with the Structure Plan map included in this clause.

Response: *Under the Lara Structure Plan, the site is located in an area recommended for consolidation adjoining land identified for conventional residential development. The proposal can be supported as it will assist to achieve a compact urban form consistent with the northern extent of the Lara Settlement boundary and thus assist in the maintenance of the existing rural landscape to the north. The rezoning and subdivision of this land also accords with the preferred strategic direction of the City of Greater Geelong in response to Planning Scheme Amendment C293.*

10.3.2 LOCAL PLANNING POLICIES

There are no Local Policies relevant to this application.

11. CONCLUSION

In summary, it is considered that the rezoning and subdivision of this land within the settlement boundary of Lara for conventional residential development is a logical and appropriate planning outcome having regard to the surrounding context and the current settlement boundary of Lara north. The proposal is also consistent with relevant planning considerations of the City of Greater Geelong, as detailed above.

The proposed rezoning and subdivision provides the appropriate planning tools to guide and manage the future use of the land and will facilitate appropriate residential development in an area well serviced by educational, commercial, community and recreational facilities.



.....
Chris Marshall
Manager - Town Planning