

Our Ref: 26096/P
26 Peterho Boulevard, Point Lonsdale
EWO

16 April 2026

Greater Geelong Shire Council

Lodged via email: planninginfo@geelongcity.vic.gov.au

Dear Council,

**26 Peterho Boulevard, Point Lonsdale
Application for a Planning Permit
Covenant Variation**

Taylors Development Strategists acts on behalf of Boutique Homes ('the Applicant') in relation to the land at 26 Peterho Boulevard, Point Lonsdale ('the site'). We have been engaged to prepare this report to support an application for the variation of a restrictive covenant. To assist Council's consideration, please find herewith the following documentation in support of the application:

- Development Plans prepared by Boutique Homes
- Complete Title Information

Subject Site and Surrounds

The site is located on the western side of Peterho Boulevard within the established residential area of Point Lonsdale. The site is formally known as Lot 54 on Plan of Subdivision 211638M per the Certificate of Title Volume 09820 Folio 296 (a copy of which has been submitted with the Application). The site is predominantly rectangular in shape with a maximum depth of 37 metres, and a street frontage of approximately 16.862 metres. The site maintains a total area of 659 square metres. Formal vehicular access is currently not provided to the site.

The subject site is currently vacant of any development or vegetation.

The character of the surrounding area is generally defined by a mixture of single and double storey detached dwellings. Dwellings are commonly constructed using brick, render and cladding and incorporate a variety of roof forms.

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Proposed Development

The application seeks to vary the restrictive Covenant T114893T in relation to the external materiality of a dwelling:

“...shall not build... on the lot... any dwelling house with the usual outbuildings unless not less than sixty-five (65%) of the external wall (excluding windows) thereof shall be constructed of brick, brick veneer, stone or like material”

It is proposed to amend the Covenant to exclude the subject lot from such restriction. This will allow for the construction of a dwelling with external materials and finishes that are complimentary of the existing developments within the surrounding area. The proposed working of the covenant would therefore be:

*“...shall not build... on the lot... any dwelling house with the usual outbuildings unless not less than sixty-five (65%) of the external wall (excluding windows) thereof shall be constructed of brick, brick veneer, stone or like material **except for Lot 54 on Plan of Subdivision 211638M**”*

[emphasis added]

The proposed dwelling incorporates a mixture of rendered brickwork, feature brickwork and vertical cladding. The façade comprises predominantly rendered brickwork and feature brickwork with the sides comprising vertical cladding. Please refer to the elevations within the development plans prepared by Boutique Homes for a visualisation of the proposed materials and finishes.

The above sought variation is proposed to allow flexibility in the materials and finishes proposed, hence making the proposal appropriate under this Covenant.

As demonstrated in Figures 1 – 8 below, the materiality of the proposed single storey dwelling is generally consistent with the character of residential development within the surrounding area and other lots under Plan of Subdivision 211638M. An assessment of the proposed covenant variation against the relevant planning considerations is outlined in the following sections of this report.



Figure 1 – 58 Peterho Boulevard



Figure 2 – Unit 2 3 Peterho Boulevard

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TAYLORS



Figure 3 – 18 Peterho Boulevard



Figure 4 – 60 Peterho Boulevard



Figure 5 – 54 Peterho Boulevard



Figure 6 – 50 Peterho Boulevard



Figure 7 – 46 Peterho Boulevard



Figure 8 – 48 Peterho Boulevard

Planning Assessment

The first and initial component of this assessment is to delineate the permit trigger, and then identify and assess the proposed covenant variation against the relevant provisions of the Planning Scheme to demonstrate how the proposed variation to the Covenant will remain in accordance with the aspirations of the relevant provisions of the Planning Scheme and to ensure that the interests of the other beneficiaries of the covenant will not be impeded upon.

As such, the following points are pertinent to the assessment of this application:

- Clause 52.02 Easements, Restrictions and Reserves Assessment
- Zone Assessment
- Overlay Assessment
- Planning Policy Framework Assessment
- Clause 65.01 Approval of an Application or Plan

The overarching question informing the assessment of this application are as follows:

- Will the proposed Covenant variation result in the permissibility of outcomes incongruous with the Planning Scheme?
- Will the proposed Covenant variation at all impact the interests of affected people and beneficiaries of the Covenant?

An assessment of how the proposed Covenant variation is in accordance with each of the above is discussed below in detail in the following sections of this report.

The existing Covenant dates back to 1994, restricts any future development on site by requiring all buildings to be constructed predominantly of only brick, brick veneer and/or stone. This restriction in particular is no longer reflective of the mixed materiality present throughout the surrounding area. Within the local context, there is a clear incorporation of mixed materiality, including the use of weatherboard cladding and rendered finishes in combination with brickwork. Strict adherence to the Covenant would prevent future development from achieving consistency with the character of nearby dwellings and would inhibit a design response that positively contributes to the streetscape and immediate surrounds.

The proposed variation to the Covenant seeks to align it with current urban design principles and the purposes of the GRZ, of which supports housing diversity and high-quality built form outcomes. Whilst planning permission is not required to construct a single dwelling in this instance, it is important for development to complement the surrounding built form. Allowing a greater variety of external finishes will ensure that future development can respond more effectively to the established context and evolving design expectations, particularly with regard to articulation, environmental sustainability and streetscape integration. Finally, we emphasise that this Covenant predates current planning policy by several decades and no longer aligns with contemporary development outcomes. For these reasons, we consider it highly appropriate for the Covenant to be varied to allow for unrestricted development onsite.

Clause 52.02 Easements, Restrictions and Reserves

The overarching purpose of this provision is as follows:

To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

Pursuant to Clause 52.02 of the Planning Scheme, the following permit triggers are as follows:

A permit is required before a person proceeds:

- *Under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.*
- *Under Section 24A of the Subdivision Act 1988.*
- *Under Section 36 of the Subdivision Act 1988 to acquire or remove an easement or remove a right of way.*

This does not apply:

- *If the action is required or authorised by the schedule to this clause.*
- *In the circumstances set out in Section 6A(3) of the Planning and Environment Act 1987.*
- *If the person proceeds under Section 362A of the Land Act 1958*
- *In the case of a person proceeding under Section 36 of the Subdivision Act 1988, if the council or a referral authority gives a written statement in accordance with Section 36(1)(a) or (b) of the Subdivision Act 1988.*

*In this clause, **restriction** has the same meaning as in the Subdivision Act 1988.*

Pursuant to Clause 52.02, a planning permit is required before a person proceeds under Section 23 of the Subdivision Act 1988 to vary a restrictive covenant.

Zone Provisions

The subject site is located within the General Residential Zone – Schedule 1 ('GRZ1').

The use of a dwelling within the GRZ1 is 'as of right' and does not require planning permission pursuant to Clause 32.08-2 of the Planning Scheme. A planning permit is not required to construct a single dwelling pursuant to Clause 32.08-5 in this instance as the total land area exceeds 300 square metres.

The plans indicate a total garden area equating to approximately 48.68% of the site area, well exceeding the 35% requirement of Clause 32.08-4 of the Planning Scheme. The proposed maximum building height of 5.623 metres and 1 storey is comfortably under the maximum height of 11 metres and 3 storeys as prescribed at Clause 32.08-11 of the Planning Scheme.

On the basis of the above, we maintain that the proposal is entirely appropriate in the context of the General Residential Zone.

Overlay Provisions

Design and Development Overlay - Schedule 14 ('DDO14')

The subject site is located within the Design and Development Overlay – Schedule 14 ('DDO14') pursuant to the Greater Geelong Planning Scheme.

Pursuant to Item 2 of Schedule 14 to the DDO, a permit is not required for buildings and works other than to construct a dwelling which is more than 7.5 metres above natural ground level.

As the proposed dwelling maintains a height of 5.623 metres, a permit is not required to construct the dwelling under the DDO.

Planning Policy Framework

Clause 15.01-5S (Neighbourhood character) identifies the following objective:

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

The proposed covenant variation will ensure future redevelopment onsite is of a high architectural standard and appropriately responds to the local context of the site, hence making a positive contribution to the character of the neighbourhood. In accordance with this clause, the site is located in an area suitable for residential development.

Neighbourhood Character (Clause 15.01-5L)

The strategies of this Clause include:

- *Support medium density housing that respects the existing neighbourhood character in the General Residential Zone areas.*
- *Design development on the periphery of the Residential Growth Zones to be responsive to and respectful of the neighbourhood character in any adjoining residential zones.*

As aforementioned, the proposed development adheres with the character of the prevailing development as shown within Figures 1-8 above. The surrounding area is characterised by a variety of materiality including weatherboard and cladding, highlighting an established yet flexible architectural aesthetic that allows for a degree of visual and material variation. The proposed variation to the restrictive covenant seeks to align with the character of the surrounding area and supporting a respectful infill development.

Importantly, the variation does not entirely propose a departure from the use of brick. As shown in the development plans submitted as part of this application, the façade of the dwelling incorporates the use of rendered brickwork, feature brickwork and rendered brickwork rebate. The predominant use of cladding is utilised along the sides and rear of the dwelling. Acknowledging the existing dwellings on either side of the site, we highlight that the appearance of the cladding will be predominantly skewed from view from the streetscape and will not result in an overwhelming use of the proposed cladding.

Particular Provisions

Clause 65.01 Approval of an Application or Plan

Before deciding on an application, the responsible authority must consider the following relevant decision guidelines pursuant to Clause 65 of the Planning Scheme:

Decision Guideline	Response
<i>The purpose of the zone, overlay or other provision.</i>	The proposed covenant variation will ensure that the purpose of the GRZ1 is appropriately fulfilled.
<i>Any matter required to be considered in the zone, overlay or other provision.</i>	Please refer to previous sections of this report.
<i>The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.</i>	The proposed covenant variation will not increase any risk to flood, erosion or fire hazard especially in consideration that the site is not located within a designated bushfire prone area or in an area with potential risk to flooding.

Conclusion

It is considered that the proposal has a high level of compliance with the relevant planning policies and is consistent with the objectives of the GRZ and DDO. In conclusion the proposal is considered to:

- Conform with the Planning Policy Framework.
- Allow for a future unrestricted residential redevelopment onsite.
- Allow future development to be congruent with the prevailing development within the streetscape and surrounding area.
- Vary a Covenant that was created in 1994 that does not align with the key characteristics of the area.

It is therefore submitted that a permit should be issued for the proposal.

Taylors Development Strategists Pty Ltd

April 2026