



This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach copyright legislation

Planning Report

Buildings and works associated with construction of a replacement Dwelling and Garage

165 Waurm Ponds Drive, Waurm Ponds

Lot 1, TP818709D



V1

Document Control

Document Title: Planning Report**Document Author:** AS**Client:****Job No:** 18675

Version No	Date created	Comments
1	07/05/26	
2		
3		



Contents

1. Introduction.....	4
2. Key Considerations.....	5
2.1. Existing Use Rights.....	5
2.2. Significant Landscape Overlay - Schedule 3 (SLO3).....	5
3. Setting	7
3.1. Subject Site	7
Surrounding Context.....	8
4. Proposal	9
4.1. Proposal Description.....	9
4.2. Permit Triggers.....	11
5. Strategic Context & Response.....	12
5.1. Municipal Planning Strategy.....	12
Clause 02.03-1 Settlement.....	12
5.2. Planning Policy Framework	12
Clause 15.01-1S Urban design.....	12
Clause 15.01-2S Building design.....	12
6. Statutory Context & Response	14
6.1. Zone.....	14
Rural Living Zone (RLZ).....	14
Clause 35.03-4 Buildings and works.....	14
Clause 35.03-5 Decision guidelines	15
6.2. Overlay/s.....	18
Significant Landscape Overlay – Schedule 3 (SLO3) <i>WAURN PONDS VALLEY</i>	18
Clause 42.03-1 Landscape character and objectives	18
Clause 42.03-2 Permit requirement	19
Clause 42.03-4 Application requirements	20
Clause 42.03-5 Decision guidelines	20
Clause 5.0 of SCHEDULE 3 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY Decision guidelines	21
6.3. Particular Provisions	23
Clause 52.09 EXTRACTIVE INDUSTRY AND EXTRACTIVE INDUSTRY INTEREST AREAS.....	23
Clause 52.12 BUSHFIRE PROTECTION EXEMPTIONS.....	25



6.4.	General Provisions	26
	Clause 63 Existing Uses	26
7.	Decision Guidelines	28
7.1.	Clause 65.01 Approval of an application or plan	28
8.	Conclusion	30
	Appendices	31
	Certificate of Title	31
	Development Plans (Blasco Stuart)	31



1. Introduction

St Quentin has been instructed to prepare this planning report in relation to: Buildings and works associated with construction of a replacement Dwelling and Garage at No. 165 Waurm Ponds Drive, Waurm Ponds (Lot 1, TP818709D).

The purpose of this report is to detail the proposal and its context, outline its consistency with the relevant strategic framework and statutory controls, and in doing so explain why the proposal is worthy of Council's support and approval.

This report is supported by and should be read in conjunction with the following **Appendices**:

- Certificate of Title
- Development Plans (Blasco Stuart)



2. Key Considerations

The key considerations for Council to assess within this planning application are as follows:

2.1. Existing Use Rights

The application proposes to construct a replacement Dwelling, Garage and Shed.

A **Dwelling** is a 'Section 2 – Permit required use' under the Table to Clause 35.03-1 (Rural Living Zone).

However, Existing Use Rights are established under Clause 63.01 as the Dwelling has been used for a continuous period of more than 15 years.

Clause 63.05 states:

A use in Section 2 or 3 of a zone for which an existing use right is established may continue provided:

- *No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.*
- *Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.*
- *The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.*

A permit is therefore sought for 'buildings and works' associated with a use in Section 2 of Clause 35.03-1 and under Clause 63.05 (in addition to the Permit requirements under Clause 42.03-2 (Significant Landscape Overlay)).

Existing Use Rights extend over the entirety of the site – i.e. the Planning Unit for the purpose of this application includes all land contained within Certificate of Title – Volume 9488 Folio 412.

The amenity of the area will not be damaged as there is no change to the purpose of the use preserved by the existing use rights.

2.2. Significant Landscape Overlay - Schedule 3 (SLO3)

The 'Landscape character objectives to be achieved' under SCHEDULE 3 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY (WAURN PONDS VALLEY) include *inter alia*:

To protect the landscape from visual intrusion by inappropriate buildings and works and their siting, design or materials.

To maintain the natural skyline of ridge and escarpment areas and avoid obtrusive building silhouettes.

To encourage the siting, design and landscaping of buildings and works responsive to the landscape values of the area.

The 'Statement of nature and key elements of the landscape' identifies particular features within the landscape deemed to be of significance. Whilst the landscape is no longer "...a strategic location at the westerly entrance to Geelong via the Princes Highway" following completion of the Geelong Ring Road,



the scenic attributes of the area remain – focused on the contrast between the hills and valley of the Waurin Ponds Creek.

However, the proposal seeks to replace the existing Dwelling with a new Dwelling in a similar location on site limiting visual impact as view from Waurin Ponds Drive owing to screening effect provided by established vegetation within the site itself.

The proposed buildings and works are low rise and will be constructed of materials and colours that minimise visibility.

No removal of vegetation is required under SLO3 to facilitate construction of the Dwelling or associated buildings and works, including access.

Established vegetation around much of the site's periphery limit visibility from the adjacent road corridor and nearby Dwellings.

Overall, the proposal is consistent with the landscape character objectives to be achieved as set out under SLO3.



3. Setting

3.1. Subject Site



Figure 1 Subject site (Source: LandChecker: 11/08/2025)

Street Address:	No. 165 Waurin Ponds Drive, Waurin Ponds
Title Details:	Lot 1, TP818709D Volume 9488 Folio 412
Restrictions/Covenants:	Not Applicable
Zone:	Rural Living Zone (RLZ)
Overlays:	Significant Landscape Overlay – Schedule 3 (SLO3) <i>WAURN PONDS VALLEY</i>
Other Regulatory Constraints:	All of this property is an 'area of cultural heritage sensitivity'. 'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.



This property is in a designated bushfire prone area under the *Building Act 1993 / Building Regulations 2018*. Special bushfire construction requirements apply to properties within designated bushfire prone areas (BPA).

Key Site Features: Existing Dwelling, Garage and Shed

Refer **Appendices** for Certificate of Title

Surrounding Context

North:	Waurin Ponds Drive, Waurin Ponds
	Rural Living Zone (RLZ) / Transport Zone 2 (TRZ2)
	Road Reserve

East / South:	No. 9 Luggs Road, Waurin Ponds
	Rural Living Zone (RLZ)
	Dwelling

West:	Luggs Road, Waurin Ponds
	Rural Living Zone (RLZ)
	Road Reserve



4. Proposal

4.1. Proposal Description

The application seeks approval for: Buildings and works associated with construction of a replacement Dwelling and Garage.

Use

The site is already developed for use as a Dwelling.

A **Dwelling** is defined by Clause 73 of the Greater Geelong Planning Scheme as:

A building used as a self-contained residence which must include:

- a) a kitchen sink;*
- b) food preparation facilities;*
- c) a bath or shower; and*
- d) a toilet and wash basin.*

It includes outbuildings and works normal to a dwelling.

Buildings and Works

Demolition (No Permit Required)

Complete demolition of Dwelling, Garage and Shed.

Replacement Dwelling / Garage

The proposal involves: Buildings and works associated with construction of a replacement Dwelling, and Garage.

The **Dwelling** will be setback approx. 30 metres (min.) from Waurm Ponds Drive and 31 metres (min.) from Luggs Road.

The Dwelling contains: Four Bedrooms (several with ensuites), open plan kitchen / dining / living area opening onto terraces either side of the main living room. A smaller living room, study, bathroom and laundry / mudroom are also provided.

The existing Garage and Shed will be demolished and replaced.

The Garage will be setback approx. 10 metres (min.) from Luggs Road. Overall dimensions 18.5m (approx.) x 8.0m (approx.).

The Garage incorporates a double garage general storage area. It will be used on occasion as a habitable outbuilding with a bedroom/bathroom within Level 1.

Vehicle access will continue to be provided via an existing Culvert Crossover from Luggs Road. No access is proposed via Waurm Ponds Drive.



Crossover

Existing vehicle crossover to be utilised without need for alteration.

Materials and Colours

Materials and Colours are detailed on the Elevations.

Refer **Appendices** for Development Plans (Blasco Stuart)



4.2. Permit Triggers

Use	Development	Subdivision	Other
N/A	Clause 35.03-4 (RLZ) <i>A permit is required to construct or carry out any of the following:</i> <i>A building or works associated with a use in Section 2 of Clause 35.03-1.</i> Clause 42.03-2 (SLO) <i>A permit is required to:</i> <i>Construct a building or construct or carry out works.</i>	N/A	Clause 63.05 (Existing Uses / Section 2 or 3 Uses) <i>A use in Section 2 or 3 of a zone for which an existing use right is established may continue provided:</i> <i>No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.</i> <i>Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.</i> <i>The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited</i>



*purpose of the use
preserved by the
existing use right.*

5. Strategic Context & Response

The key planning, land use and development policies relevant to the consideration and assessment of the proposal are as follows:

5.1. Municipal Planning Strategy

Clause 02.03-1 Settlement

Rural living areas offer an important lifestyle choice in the housing market. However, they can be inefficient to service and are generally contrary to the objective of maintaining a farmed rural landscape and supporting agriculture in rural areas.

Strategic direction

- *Limit rural living developments to existing zoned land in Lara, Drysdale/Clifton Springs, Wallington, Waurin Ponds, Lovely Banks, Batesford, Fyansford, Leopold, Newcomb, Moolap, Curlew, Portarlington and Ocean Grove.*

5.2. Planning Policy Framework

Clause 15.01-1S Urban design

Objective

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Relevant Strategies

Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.

Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

Clause 15.01-2S Building design

Objective

To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Strategies

Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.



Ensure development responds and contributes to the strategic and cultural context of its location.

Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.

Improve the energy performance of buildings through siting and design measures that encourage:

- *Passive design responses that minimise the need for heating, cooling and lighting.*
- *On-site renewable energy generation and storage technology.*
- *Use of low embodied energy materials.*

Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.

Response to Planning Policy Framework

The proposal is consistent with relevant strategies set out within the Planning Policy Framework.

Waurm Ponds is one of several Rural Living nodes identified in Council's Settlement strategy.

A comprehensive site analysis prepared by Blasco Stuart identified key site opportunities and constraints which informed the design response.

The buildings and works are to replace an existing Dwelling and outbuildings which have been sited and designed taking account of the natural features, surrounding context and landscape.

Overall, the form and scale of the proposed works are appropriate to the subject site and will have minimal impact upon the function or amenity of the public realm.

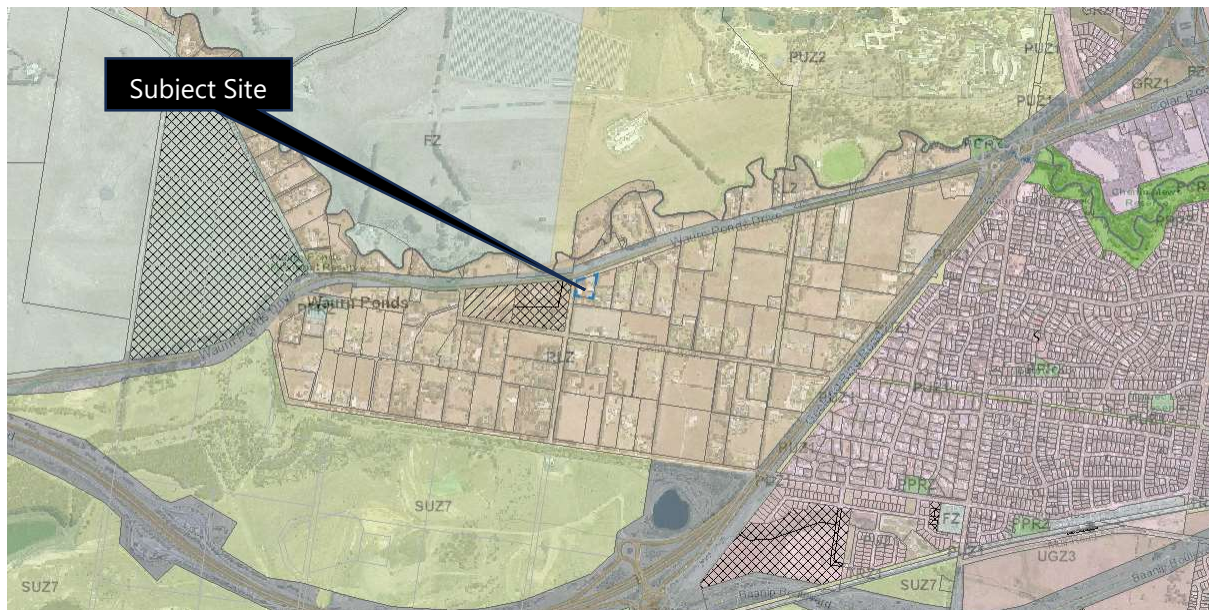


6. Statutory Context & Response

6.1. Zone

Rural Living Zone (RLZ)

The subject site is located within a 'Rural Living Zone' (**RLZ**) under the Greater Geelong Planning Scheme (Planning Scheme Map No. 65).



In addition to implementing the Municipal Planning Strategy and the Planning Policy Framework the purpose of the Zone is:

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.

Clause 35.03-4 Buildings and works

A permit is required to construct or carry out any of the following:

- *A building or works associated with a use in Section 2 of Clause 35.03-1.*
- *A building which is within any of the following setbacks:*
 - *The setback from a Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road, specified in the schedule to this zone or, if no setback is specified, 30 metres.*
 - *The setback from any other road or boundary specified in the schedule to this zone.*
 - *The distance from a dwelling not in the same ownership specified in the schedule to this zone.*
 - *30 metres from a small second dwelling not in the same ownership.*
 - *100 metres from a waterway, wetlands or designated flood plain or, the distance specified in the schedule to this zone. Any distance specified must be less than 100 metres.*



Assessment:

A Planning Permit is required to construct or carry out a building or works associated with a use in Section 2 of Clause 35.03-1 (i.e. a 'Dwelling').

The proposed buildings *exceed* the setback thresholds specified – i.e. buildings are outside the 30 metre setback from a Transport Zone 2 and beyond 100 metres from a waterway (Waurin Ponds Creek) under the Rural Living Zone.

Clause 35.03-5 Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

Decision Guidelines	Response
General	
The Municipal Planning Strategy and the Planning Policy Framework.	The proposal is consistent with the Municipal Planning Strategy and the Planning Policy Framework as set out in this Planning Report.
Any Regional Catchment Strategy and associated plan applying to the land.	The Corangamite Regional Catchment Strategy (RCS) is a high level blueprint for catchment health. It provides a strategic, integrated framework for natural resource management in the Corangamite Catchment Management Authority's region of Victoria. The proposal does not offend this framework.
The capability of the land to accommodate the proposed use or development.	As evidenced by the existing use, the site can support the development of a single Dwelling and ancillary outbuildings.
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	As above, the site is compatible with the nearby use and development of land for a Dwelling.
The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted	Not Applicable. Buildings used for accommodation are >500 metres from the nearest title boundary of land on which a Work Authority (WA63) has been granted.



under the *Mineral Resources (Sustainable Development) Act 1990*.

Agricultural issues

The capacity of the site to sustain the agricultural use. Not Applicable. No existing or proposed agricultural use.

Any integrated land management plan prepared for the site. Not Applicable.

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. Development of the site is typical of properties within the Rural Living node of Waurin Ponds. The replacement Dwelling does not change the use of the site, nor is it expected to impose any constraint on nearby agricultural or other land uses.

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. No known impacts on the physical features and resources of the area.

The impact of the use or development on the flora, fauna and landscape features of the locality. The replacement Dwelling will have no impact on the flora and fauna and landscape features of the site.

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 biodiversity of the area and the natural features of the site will not be detrimentally impacted as a consequence of the proposed development of the site.

The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation. As before, sufficient area is available of site for the treatment and disposal of wastewater effluent without impact on nutrient loads on the waterway.

Design and siting issues

The impact of the siting, design, height, bulk, colours and materials to be used, on the The siting, design, height and visual bulk of the proposed replacement Dwelling and ancillary



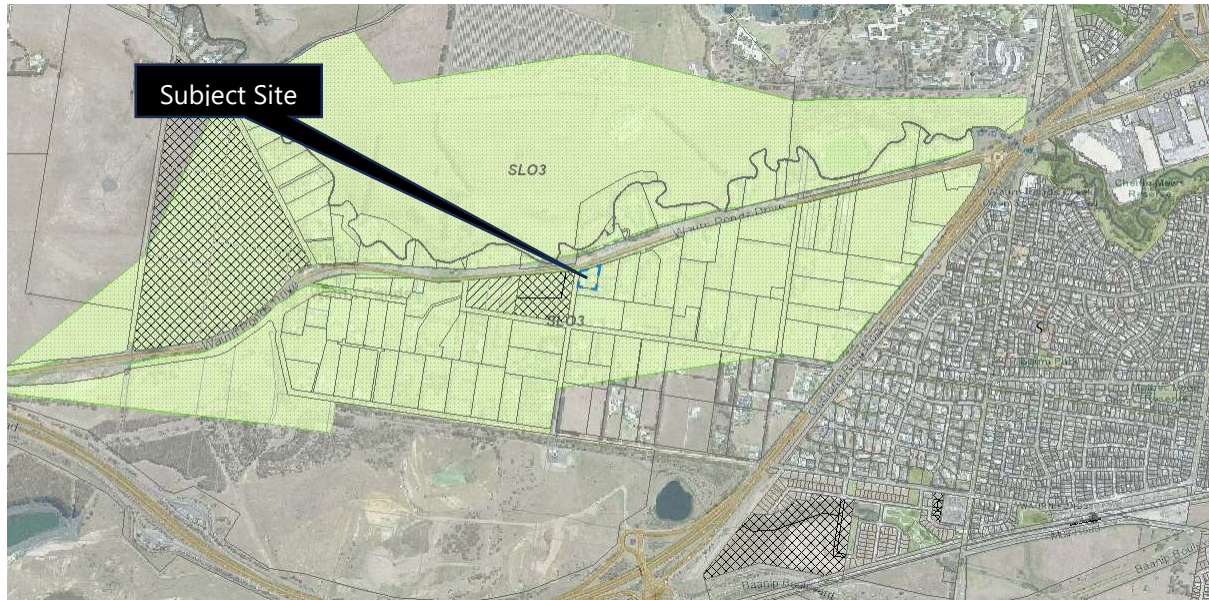
natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.	outbuilding is sympathetic to the landscape and visual character of the Waurin Ponds Valley.
The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.	The area has been recognised as having a landscape character of local importance, which will be unaffected by the proposed works.
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	The site is already connected to relevant service infrastructure which will be utilised as part of the site's redevelopment.
Whether the use or development will require traffic management measures.	Not Applicable.
The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.	Not Applicable. Buildings used for accommodation are >500 metres from the nearest title boundary of land on which a Work Authority (WA63) has been granted.



6.2. Overlay/s

Significant Landscape Overlay – Schedule 3 (SLO3) WAURN PONDS VALLEY

The subject site is affected by a 'Significant Landscape Overlay - Schedule 3' (**SLO3**) under the Greater Geelong Planning Scheme (Planning Scheme Map No. 65SLO).



In addition to implementing the Municipal Planning Strategy and the Planning Policy Framework, the purpose of the Overlay is:

To identify significant landscapes.

To conserve and enhance the character of significant landscapes.

Clause 42.03-1 Landscape character and objectives

A schedule to this overlay must contain:

- *A statement of the nature and key elements of the landscape.*
- *The landscape character objectives to be achieved.*

Clause 1.0 of SCHEDULE 3 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY contains the following:

1.0 Statement of nature and key elements of landscape

The Waurn Ponds Valley is comprised of smoothly rounded hills sloping steeply to a flatbottomed, meandering river valley. The area is mainly used for rural pursuits. It is a strategic location at the westerly entrance to Geelong via the Princes Highway.

The landscape of the area is visually prominent and exposed when viewed from the Highway, especially on its northern side. Further, the scenic qualities of the area are enhanced by the contrast of the hills and valley and the Waurn Ponds Creek. The lack of natural vegetation affects the capacity of the slopes of the hills to readily absorb development and therefore appropriate siting and design of buildings is critical.



Clause 2.0 of SCHEDULE 3 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY contains the following:

2.0 Landscape character objectives to be achieved

To ensure that the scenic values of the Princes Highway through the Waurin Ponds Valley are not compromised by inappropriate development.

To protect and enhance the Waurin Ponds Valley as an entrance feature to Geelong.

To protect the landscape from visual intrusion by inappropriate buildings and works and their siting, design or materials.

To maintain the natural skyline of ridge and escarpment areas and avoid obtrusive building silhouettes.

To encourage the siting, design and landscaping of buildings and works responsive to the landscape values of the area.

Clause 42.03-2 Permit requirement

A permit is required to:

- *Construct a building or construct or carry out works. This does not apply:*
 - *If a schedule to this overlay specifically states that a permit is not required.*
 - *To the conduct of agricultural activities including ploughing and fencing (but not the construction of dams) unless a specific requirement for that activity is specified in a schedule to this overlay.*
- *Construct a fence if specified in the schedule to this overlay.*
- *Remove, destroy or lop any vegetation specified in a schedule to this overlay. This does not apply:*
 - *If the table to Clause 42.03-3 specifically states that a permit is not required.*
 - *To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.*

Clause 3.0 of SCHEDULE 3 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY contains the following:

3.0 Permit requirement

A permit is not required for works undertaken by or on behalf of the Head, Transport for Victoria for the construction of the Geelong Bypass – Section 3 and associated works and on land within a Transport Zone 2 or covered by a Public Acquisition Overlay (PAO3) for that purpose.

A permit is required to remove, destroy or lop any vegetation except:

- *Where listed within the incorporated document Environmental Weeds , City of Greater Geelong, September 2008;*
- *Exotic and native vegetation if within 10 metres of a dwelling on a lot exceeding 0.4 hectares; and*
- *Any vegetation which is dead.*
- *Any native vegetation including trees, shrubs, herbs and grasses to the minimum extent necessary for works undertaken by or on behalf of the Head, Transport for Victoria in the construction of the Geelong Bypass – Section 3 and associated works.*



Assessment:

A Planning Permit is required under Clause 42.03-2 to construct a building and works associated with a Dwelling.

No vegetation removal is required under SLO3 to construct the building or works associated with the Dwelling.

Clause 42.03-4 Application requirements

An application must be accompanied by any information specified in a schedule to this overlay.

Assessment:

Clause 4.0 of SCHEDULE 3 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY contains the following:

4.0 Application requirements

None specified.

Clause 42.03-5 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

Decision Guidelines	Response
The Municipal Planning Strategy and the Planning Policy Framework.	The proposal is consistent with the Municipal Planning Strategy and the Planning Policy Framework as set out in this Planning Report.
The statement of the nature and key elements of the landscape and the landscape character objective contained in a schedule to this overlay.	The proposed development is consistent with the statement of the nature and key elements of the landscape and the specified landscape character objectives for SLO3.
The conservation and enhancement of the landscape values of the area.	Established mature vegetation around much of the periphery of the site will be retained providing a visual screen to the proposed buildings and works.
The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.	No BMO applies, however the land is in a designated Bushfire Prone Area (BPA) under the Building Regulations. The '10/30 rule' (Clause 52.12-1) allows landowners to clear any vegetation: • Within 10 metres of an existing building • Other than trees within 30 metres of an existing building.



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 buildings and works are low rise and positioned on site such that they are well screened from public vantage points. Existing vegetation would be retained sufficient to maintain screening effect.
The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area.	The proposed buildings and works are sited and designed such that they will have limited visibility (if any) beyond the boundaries of the subject site.
The impact of buildings and works on significant views.	The buildings and works are not expected to have a detrimental impact upon any significant views.
Any other matters specified in a schedule to this overlay.	Refer below Table.

Clause 5.0 of SCHEDULE 3 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

Decision Guidelines	Response
The landscape values of the Waurn Ponds Valley.	Replacement Dwelling will be sited in similar location to existing Dwelling footprint. The proposed works are not considered to have a detrimental impact upon the landscape values of the Valley.
The protection and appropriate enhancement of the landscape and vantage points of high quality.	Existing vegetation surrounding the proposed works areas will be retained.
Whether the siting, height, scale, materials and form of proposed buildings and works has been designed to have least visual effect on the landscape and scenic views of the Waurn Ponds Valley.	The replacement Dwelling and associated works replace existing buildings in a similar location on site. The low-rise scale and use of appropriate materials and colours are designed to minimise visual impact on the landscape and scenic values of the Valley.
Whether approval of the proposed buildings and works is compatible with maintaining the visual significance of the landscape.	As per above, there will be limited visual impact.



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.	Materials and colours as shown on the plans for endorsement are non-reflective and complementary to 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.	Existing vegetation surrounding the proposed works areas will be retained.
Whether an alternative site is available on the land for the proposed buildings and works that would better meet the landscape objectives of this schedule.	The replacement Dwelling and associated works replace existing buildings in a similar location on site.
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.	Not Applicable. No water courses in vicinity.
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.	Stormwater will be directed to Legal Point of Discharge (LPOD) to the satisfaction of the Responsible Authority.



6.3. Particular Provisions

The following Particular Provisions under Clause 50 of the Greater Geelong Planning Scheme are relevant to this application:

Clause 52.09 EXTRACTIVE INDUSTRY AND EXTRACTIVE INDUSTRY INTEREST AREAS

Purpose

To ensure that use and development of land for extractive industry does not adversely affect the environment or amenity of the area during or after extraction.

To ensure that excavated areas can be appropriately rehabilitated.

To ensure that stone resources, which may be required by the community for future use, are protected from inappropriate use and development.

Clause 52.09-1 Application

This clause applies to an application to use or develop land:

- *For extractive industry;*
- *Within an Extractive Industry Interest Area; or*
- *Within 500 metres of an existing or proposed extractive industry operation.*

Clause 52.09-3 Referral of applications

An application must be referred under section 55 of the Act to the person or body specified as the referral authority in Clause 66, if the application is to use or develop land for:

- *Extractive industry; or*
- *Accommodation in a rural zone is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.*

Clause 52.09-7 Notice of an application

Notice of the following kinds of applications must be given in accordance with section 52(1)(c) of the Act to the person or body specified as the person or body to be notified in Clause 66.05:

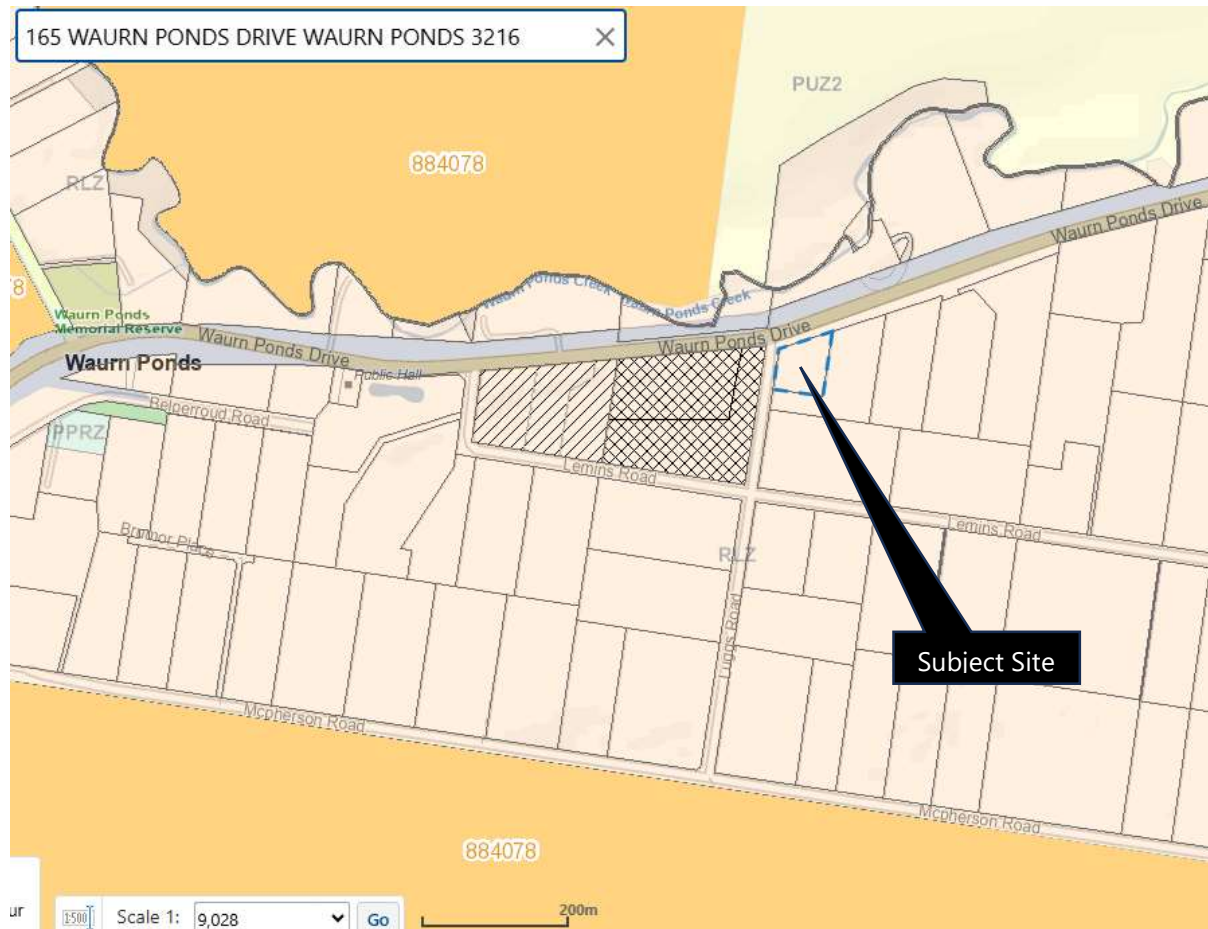
- *An application to use or subdivide land or construct a building for accommodation, child care centre, education centre or hospital:*
 - *Within an Extractive Industry Interest Area.*
 - *On land which is within 500 metres of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.*
- *An application to construct a building or construct or carry out works on land for which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.*



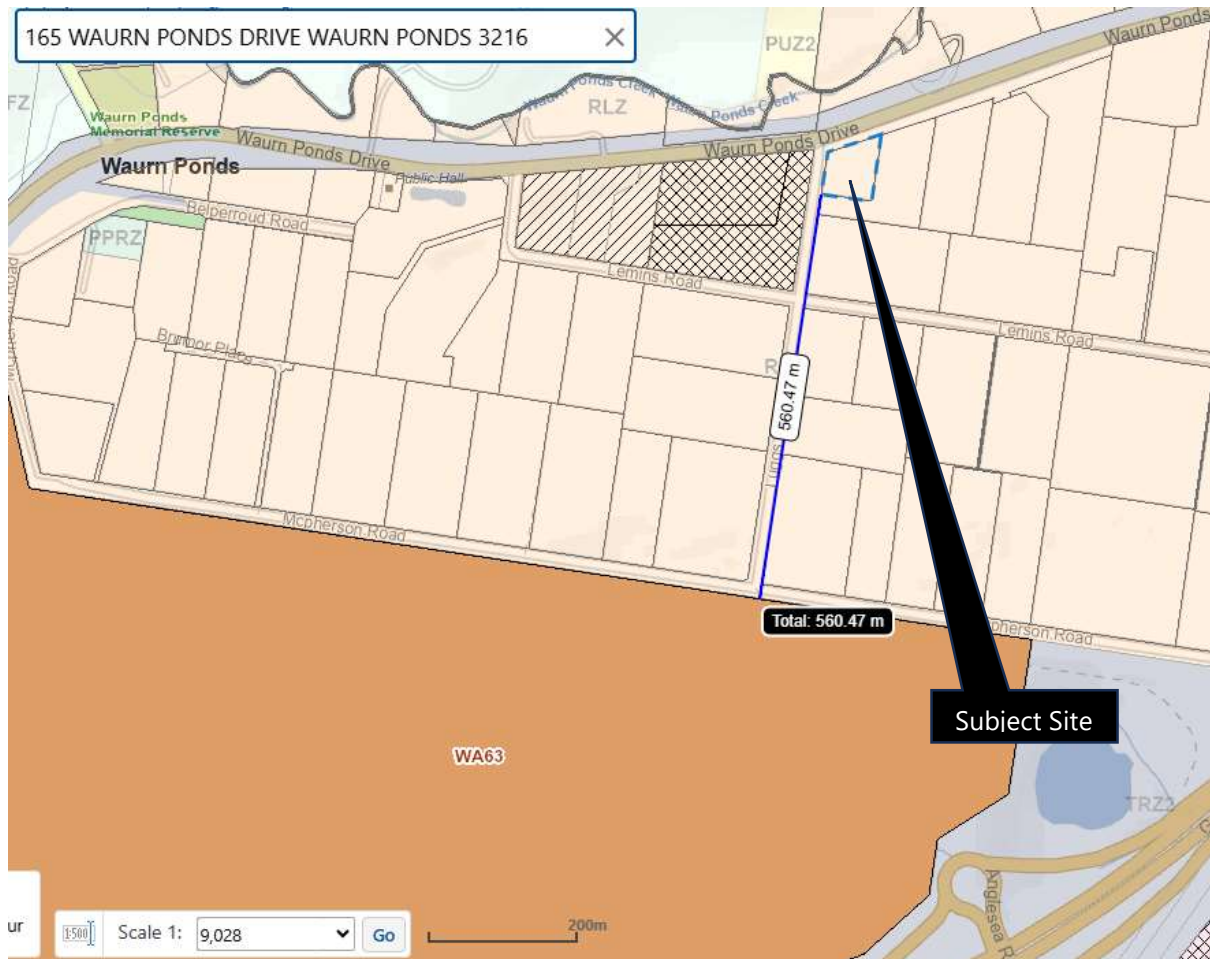
- An application to use or develop land for accommodation in a rural zone if the building or works associated with the accommodation is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

Assessment:

Whilst the application is to construct a building for accommodation, the subject land is not located within an Extractive Industry Interest Area (EIIA). The nearest EIIA (Site ID: 884078 – Waurm Ponds limestone) is located to the North:



Further, whilst the application is to develop land for accommodation in a rural zone the building or works associated with the accommodation are located greater than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*. The nearest title boundary of (approved) Work Authority (WA63) is located >500 metres to the South:



Clause 52.12 BUSHFIRE PROTECTION EXEMPTIONS

Purpose

To facilitate the removal of vegetation in specified circumstances to support the protection of human life and property from bushfire.

To facilitate the construction and protection of community fire refuges and private bushfire shelters.

Clause 52.12-1 Exemptions to create defensible space around buildings used for accommodation

Any requirement of a planning permit, including any condition, which has the effect of prohibiting the removal, destruction or lopping of vegetation, or any requirement of this planning scheme to obtain a planning permit, or any provision of this planning scheme that prohibits the removal, destruction or lopping of vegetation or requires the removal, destruction or lopping of vegetation to be carried out in a particular manner, does not apply to any of the following:

- *The removal, destruction or lopping of any vegetation within 10 metres of an existing building used for accommodation if all of the following requirements are met:*
 - *The building must be located in an area that is designated as a bushfire prone area under the Building Act 1993.*
 - *The building must have been:*
 - *constructed before 10 September 2009; or*



- *approved by a planning permit or a building permit issued before 10 September 2009; or*
- *constructed to replace a dwelling or dependent persons unit that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.*
- *The removal, destruction or lopping of any vegetation, except trees, within 30 metres of an existing building used for accommodation if all of the following requirements are met:*
 - *The building must be located in an area that is designated as a bushfire prone area under the Building Act 1993.*
 - *The building must have been:*
 - *constructed before 10 September 2009; or*
 - *approved by a planning permit or a building permit issued before 10 September 2009; or*
 - *constructed to replace a dwelling or dependent persons unit that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.*

Assessment:

No permit is required (under Clause 52.12-1) to remove any vegetation within 10 metres of an existing building / any vegetation other than trees within 30 metres of a building used for accommodation (where constructed prior to 10 September 2009) as the property is in an area that is designated as a bushfire prone area under the Building Act 1993.

Refer **Appendices** for Development Plans (Blasco Stuart)

6.4. General Provisions

The following Particular Provisions under Clause 60 of the Greater Geelong Planning Scheme are relevant to this application:

Clause 63 Existing Uses

Clause 63.01 EXTENT OF EXISTING USE RIGHTS

An existing use right is established in relation to use of land under this scheme if any of the following apply:

- *The use was lawfully carried out immediately before the approval date.*
- *A permit for the use had been granted immediately before the approval date and the use commences before the permit expires.*
- *A permit for the use has been granted under Clause 63.08 and the use commences before the permit expires.*
- *Proof of continuous use for 15 years is established under Clause 63.11.*



- *The use is a lawful continuation by a utility service provider or other private body of a use previously carried on by a Minister, government department or public authority, even where the continuation of the use is no longer for a public purpose.*

Clause 63.05 SECTION 2 AND 3 USES

A use in Section 2 or 3 of a zone for which an existing use right is established may continue provided:

- *No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.*
- *Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.*
- *The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.*

Assessment:

The use of land for a Dwelling (a Section 2 use under Clause 35.03-1 of the Rural Living Zone) may continue provided a Permit be obtained for buildings and works which comply with any other buildings and works requirement under the Greater Geelong Planning Scheme.

The existing use rights apply to the Planning Unit – i.e. the whole of the subject site which has been used for purposes directly or ancillary to use of land for a Dwelling.



7. Decision Guidelines

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

7.1. Clause 65.01 Approval of an application or plan

Decision Guideline	Response
The matters set out in section 60 of the Act.	All relevant matters set out in Section 60 of the Act have been appropriately addressed.
Any significant effects the environment, including the contamination of land, may have on the use or development.	No significant effects are known or anticipated.
The Municipal Planning Strategy and the Planning Policy Framework.	The proposal is consistent with the Municipal Planning Strategy and the Planning Policy Framework as detailed in this Planning Report.
The purpose of the zone, overlay or other provision.	The proposal is consistent with the purpose of the Rural Living Zone (RLZ) and Significant Landscape Overlay (SLO) applying to the site under the Greater Geelong Planning Scheme.
Any matter required to be considered in the zone, overlay or other provision.	All relevant matters have been considered.
The orderly planning of the area.	The proposal is compatible with the pattern of development within Waurn Ponds Valley area. The proposed replacement Dwelling has been designed sympathetic to the Landscape character objectives to be achieved under SLO3.
The effect on the environment, human health and amenity of the area.	The proposal will have minimal effect on the environment, human health, and amenity of the area.
The proximity of the land to any public land.	Waurn Ponds Memorial Reserve (No. 270 Waurn Ponds Drive) is located approximately 1 kilometre West of subject site.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	Not Applicable. No issues that are likely to cause or contribute to land degradation, salinity or reduce water quality are known.



Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	Stormwater runoff will be directed to a Legal Point of Discharge (LPOD) consistent with the requirements of the Drainage Authority (City of Greater Geelong).
The extent and character of native vegetation and the likelihood of its destruction.	Not Applicable.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	Not Applicable.
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.	The subject site is <u>not</u> in a recognised flood, erosion or fire hazard area.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	Not Applicable.



8. Conclusion

As this report demonstrates, the proposal constitutes an appropriate response to the physical context of the subject site and surrounds, supports and implements the applicable strategic directions of the Planning Policy Framework and meets the objectives and requirements of the key statutory controls within the Greater Geelong Planning Scheme.

A Permit is required under Clause 35.03-4 (**Rural Living Zone**) of the Greater Geelong Planning Scheme to:

- *Construct a building or construct or carry out works.*

No Permit is required under Clause 35.03-1 (**Rural Living Zone**) to use the land for a **Dwelling**.

A Permit is also required under Clause 42.03-2 (**Significant Landscape Overlay**) to:

- *Construct a building or construct or carry out works.*

Pursuant to Clause 63.05 (Section 2 or 3 Uses): *A use in Section 2 or 3 of a zone for which an existing use right is established may continue provided:*

- *No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.*
- *Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.*
- *The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.*

The siting, design and materials of the proposed buildings and works will not result in visual intrusion into the Waurin Ponds Valley. The building is maintained below the ridgeline and is largely screened from view from the road corridor by retained mature vegetation along both road frontages.

For these reasons, we submit that the responsible authority would be justified in reaching a conclusion that the proposal is worthy of support and approval.



Appendices

Certificate of Title

Development Plans (Blasco Stuart)