

TOWN PLANNING ASSESSMENT

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99 Asbury Street East Ocean Grove

July 2026

INTRODUCTION

It is proposed to develop the land at 99 Asbury Street, Ocean Grove for a single dwelling. T-Plan Town Planning Consultancy has been engaged by Hamlan Homes to prepare a town planning submission in support of the proposal.

The subject site is located within a Neighbourhood Residential Zone (Schedule 4) and subject to a Significant Landscape Overlay (Schedule 15). The site is not within a Bushfire Prone Area.

This planning report is to be read in conjunction with the plans prepared by Hamlan Homes and Arboriculture Impact Assessment & Tree Protection Management Plan prepared by Tree Insight Arboriculture Consulting.

SITE & SURROUNDS

The subject site, No. 99 Asbury Street East, Ocean Grove (Lot 2, LP 114209) is located to the north side of Asbury Street East, between Eggleston Street to the east and Presidents Street to the west. The site is currently occupied by a single storey brick veneer dwelling with a hipped pitched tiled roof. A driveway is located to the west side of the dwelling and leads to a flat roofed carport abutting the west side boundary. Limited vegetation is located within the front setback of the dwelling and there is no front fence. There are three semi-mature trees to the rear of the site, as identified within the Arboriculture Impact Assessment.

The site is relatively rectangular in shape, with a frontage to Asbury Street East of 15.27 metres and a maximum side boundary length (west boundary) of 35.65 metres. The site has an overall area of 540sqm. The site is generally flat in nature.

The title of the land contains Covenant 0138862 which prohibits the making or vending of malted, spirituous or vinous liquids. There are no agreements on the title. There is a 1.83 metre wide easement along the rear property boundary.

Surrounding land is occupied by dwellings of varying built form design, reflective of the relevant era of construction.

To the west at No. 97 Asbury Street East is a single storey rendered dwelling with a corrugated cement sheet appearance roof. The dwelling is set back behind a capped timber picket fence. The application plans show this dwelling is offset from the boundary shared with the subject site a distance of 2.43 metres.

To the east at No. 101 Asbury Street East is a single storey brick veneer dwelling. The driveway of this property is to the east side and adjoins the boundary shared with the subject site. A brick garage / shed is located to the rear of the property abutting the boundary shared with the subject site. The porch entry to the dwelling is offset 3.8 metres from the shared property boundary.

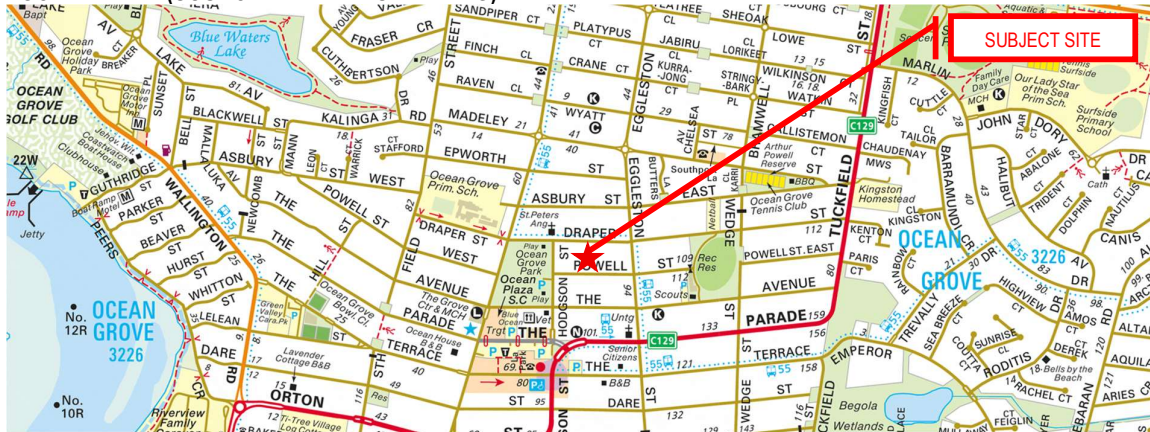
Opposite the site are single storey dwellings, including side by side contemporary designed dwellings at 99A and 99B Asbury Street East. The dwelling directly opposite at No. 100 Asbury Street East is of a gable end, tiled roof design with cement sheet style wall cladding and is set back behind a front picket fence.

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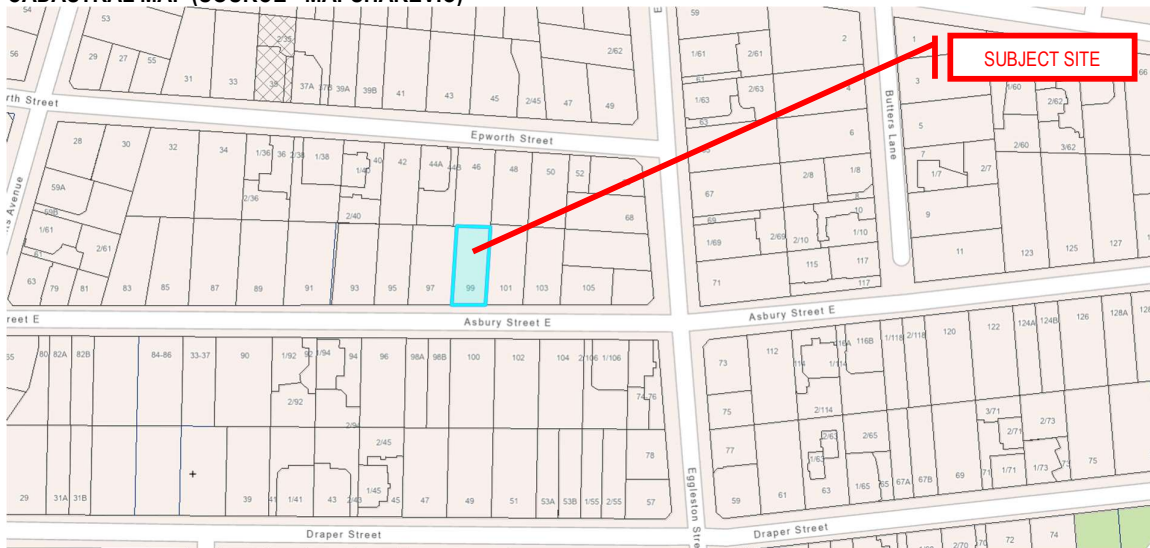
SITE PHOTOS (SOURCE: HAMLAN HOMES)



LOCALITY MAP (SOURCE - MELWAYS MAPPING)

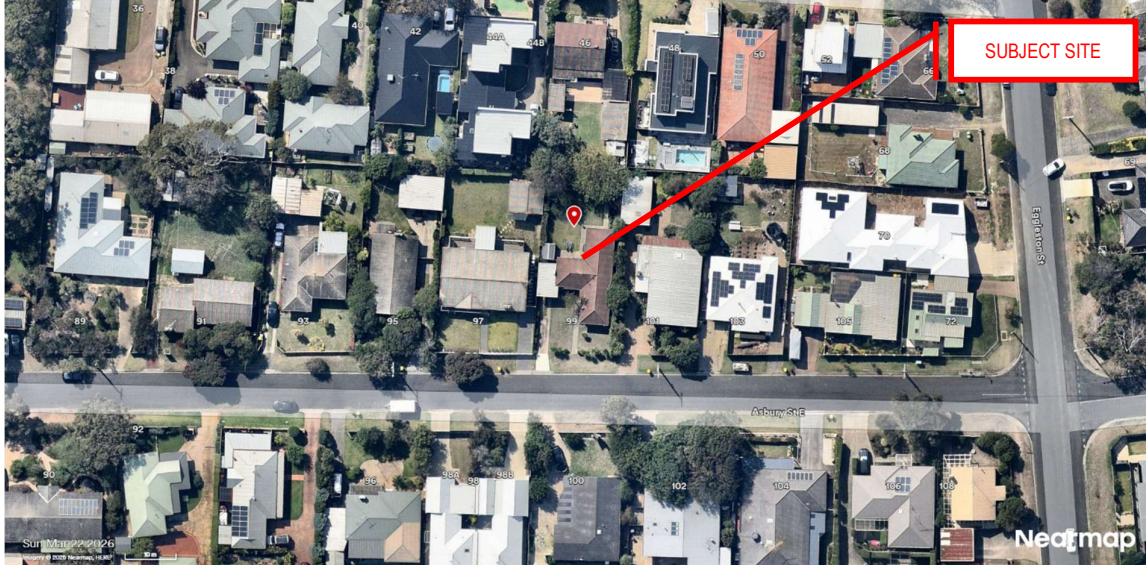


CADASTRAL MAP (SOURCE - MAPSHAREVIC)



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AERIAL PHOTO – SUBJECT SITE AND IMMEDIATE SURROUNDS (SOURCE: NEARMAP)



PROPOSAL

A planning permit is required under Schedule 15 to the Significant Landscape Overlay as the proposal to construct a building or construct or carry out works for the proposed dwelling does not meet all of the requirements for an exemption from a planning permit as set out in the Schedule. In this instance the proposed dwelling is designed with an offset less than the preferred 2.0 metre minimum from one side boundary and proposes works within the drip line of a *Pittosporum undulatum* 'significant tree' within the adjoining property.

The proposal provides a built to boundary garage to the west side of the site and an offset to the new dwelling from the east boundary of 1.2 metres. The east side of the proposed dwelling is to be within the drip line (outer edge of tree canopy) of the *Pittosporum undulatum* 'significant tree' (Tree 6) on the adjoining property, where the Arboriculture Impact Assessment identifies the tree canopy spread is 4.0 metres.

The proposed dwelling is to be set back 4.53 metres from the front property boundary, 1.2 metres from the east side boundary and 5.41 metres from the rear (north) boundary. The proposed dwelling provides a hard surfacing site coverage of 56%, a site permeability of 44% and a Garden Area of 44%. The application plans provide details of the areas of cut and fill required in relation to the siting of the proposed new dwelling. The application plans provide details of the vegetation and trees to be retained and removed.

The proposed dwelling is to comprise four bedrooms, with the main bedroom to have a WIR and ensuite. The layout of the dwelling also includes an open plan kitchen / living / meals area with a walk in pantry, a separate rumpus room, bathroom and laundry facilities, and a double car garage. The open plan living areas provide sliding door access to the secluded private open space area.

The proposal provides a skillion roof streetscape presentation for the dwelling and a flat roof design over the attached garage. The balance of the dwelling is provided with a hipped pitched roof design. The external materials of the dwelling within the streetscape elevation include rendered brickwork, Matrix cladding, vertical timber cladding with some vertical Axon cladding. A sectional roller door is proposed for

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the garage. The external materials for the side and rear elevations of the dwelling include face brickwork, Colorbond cladding, vertical Axon cladding, Matrix cladding and to the west side of the garage a section of rendered brickwork. A small roller door is proposed to the rear (north) elevation of the garage. A muted tone colour theme is proposed for these external materials.

PROPOSED EXTERNAL COLOURS / MATERIALS SCHEDULE



3D IMAGE OF PROPOSED DWELLING



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PLANNING CONTROLS

Zoning

Neighbourhood Residential Zone, Schedule 4 (Clause 32.09)

Within this Zone:

- A planning permit is not required to use the land for a dwelling pursuant to the provisions of Clause 32.09-2.
- A planning permit is not required for the construction of one dwelling on a lot pursuant to the provisions of Clause 32.09-5 where the land is greater than 300sqm in area.

The Garden Area provisions at Clause 32.09-4 apply and require 30% of the lot to be set aside for garden area on a lot above 500sqm and less than 650sqm.

Clause 32.09-11 provides that the maximum height for dwelling in the Zone is 9 metres or no more than 2 storeys, unless otherwise specified in the Schedule to the Zone. There is no variation to this height requirement within the Schedule to the Overlay.

Schedule 4 to the Overlay relates to 'Ocean Grove Significant Tree Area'.

A permit is not required to use or develop the land for a single dwelling on the subject site. There are no provisions applicable to the proposal within the Schedule to the Zone.

Overlays

Significant Landscape Overlay, Schedule 15 (Clause 42.03)

Within this Overlay, Clause 42.03-2 states that 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.*

Decision guidelines in relation to this Overlay are provided at Clause 42.03-5.

Schedule 15 to the Significant Landscape Overlay relates to 'Ocean Grove Significant Tree Residential Area'. The statement of nature and key elements of landscape within this Schedule provides:

This precinct within Ocean Grove is distinctive due to the high number of significant canopy trees (indigenous and other Australian native) located on both public and private land. These trees are a dominant feature of the neighbourhood with buildings nestled within spacious bush garden settings.

Dwellings in the area generally sit below the tree canopy and are characterised by low density and scale, detached housing surrounded by generous areas of open space capable of accommodating significant and multiple canopy trees.

*Vegetation includes the threatened Bellarine Yellow-gum *Eucalyptus leucoxylon* subsp. *Bellarinensis* which are endemic to the Bellarine Peninsula and Surf Coast. The residential streetscape and private*

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gardens within the precinct support a large component of the remnant Bellarine Yellow-gum population. The retention of these trees is important for the ongoing survival of the species.

The incremental loss of significant indigenous and other Australian native canopy trees has the potential to change the character of the area over time. The retention of existing and establishment of new canopy trees by ensuring a reasonable proportion of the site is free from buildings and hard surfaces will help integrate and reduce the impact of new development on neighbourhood character.

For the purposes of this Schedule, a significant tree is any Australian native tree 3 or more metres in height.

The landscape character objectives to be achieved are 'To enhance the spacious bush garden character of the area characterised by unobtrusive buildings and the dominance of established Australian native canopy trees by protecting significant Australian native or indigenous canopy trees, minimising the impact of development or works on these trees, and providing adequate space for replacement and new trees, particularly locally indigenous trees.'

Schedule 15 provides the following permit requirements:

A permit is not required to construct a building or construct or carry out works provided all of the following requirements are met:

- *No more than 60 per cent of the site is covered by buildings and impervious/hard surfaces including driveways, paving, decks, crushed rock, swimming pools or tennis courts.*
- *At least 40 per cent of the site is available (free from hard surfaces) for soft landscaping (i.e. areas of natural ground surface set aside for vegetation).*
- *Proposed buildings are setback a minimum of 2 metres from one side boundary.*
- *There is only one dwelling on the lot.*
- *Works are not being carried out within the drip line (outer edge of tree canopy) of a significant tree including a significant tree on an adjoining property or nature strip.*

A permit is required to remove, destroy or lop a tree. This does not apply to:

- *Australian native trees less than 3 metres in height.*
- *Exotic trees.*
- *A tree listed within the incorporated document, Environmental Weeds, City of Greater Geelong, September 2008.*
- *Pruning a tree to improve its health or appearance, provided its normal growth habit is not retarded.*
- *A tree that presents an immediate risk of personal injury or damage to property, if only that part of the tree which presents the immediate risk is removed, destroyed or lopped.*
- *Pruning or lopping a tree to remove any branch that overhangs an existing dwelling or is within 2 metres of an existing dwelling.*
- *A tree that is dead.*
- *Maintaining a Minor Utility Installation to the minimum extent necessary by the relevant authority.*
- *Works carried out in accordance with the Geelong Street Tree Policy by or on behalf of the responsible authority.*

Decision guidelines are provided with the Schedule.

A permit is required under the provisions of this Overlay at Clause 42.03-2 for the proposed buildings and works to construct the proposed dwelling as the dwelling does not meet all of the permit exemption requirements of Schedule 15 to the Overlay. No trees protected by the Schedule to the Overlay are proposed to be removed.

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Areas of Aboriginal Cultural Heritage Sensitivity

The subject site is not within an identified Area of Aboriginal Cultural Heritage Significance.

Municipal Planning Strategy

Strategic Directions (Clause 02.03)

Settlement (Clause 02.03-1)

Geelong is expected to grow by an additional 152,000 people by 2036 based on an average annual growth rate of 2.5 per cent. This growth will create demand for over 73,400 additional dwellings which can be met under the City's identified planned growth. While the City is keen to take advantage of Geelong's proximity to Melbourne it is important to the community that the unique identity and character of the municipality is retained.

A combination of greenfield and infill development will deliver housing for Geelong's growing population. Over time the share of new housing from infill is expected to increase. ...

Targeted infill development is supported in areas with access to infrastructure, goods and services. In order for medium and high density housing to be embraced by established communities it needs to deliver high quality design and achieve a high level of amenity for future residents while being appropriate for the site and neighbourhood.

Strategic directions [inter alia]

- *Direct and contain growth within identified locations across the municipality.*
- *Maintain the unique township, landscape, tourism, farming and environmental values of the Bellarine Peninsula.*
- *Maintain the unique identity of Greater Geelong and its township*

Bellarine Peninsula

The Bellarine Peninsula comprises a series of contained townships separated by green breaks. It has experienced strong population growth in recent years driven by the scenic location, lifestyle opportunities and proximity to Geelong.

It is also highly valued for its tourism function, agriculture, significant rural and coastal landscape, and environmental attributes.

All urban growth on the Bellarine Peninsula is contained within protected settlement boundaries to retain its identity and attributes.

Strategic directions

- *Contain urban development within protected settlement boundaries.*
- *Provide for urban rural transition at the urban-rural interface within the protected settlement boundaries.*
- *Support and preserve the individual character, identity, role and function of each Bellarine Peninsula township.*
- *Protect and enhance the rural and coastal environment and landscapes on the Bellarine Peninsula and maintain non-urban breaks between settlements.*
- *Protect the Bellarine Peninsula as a productive rural area with significant landscapes.*

Built environment and sustainability (Clause 02.03-5)

Built environment

Geelong's sense of place and identity is valued by its community. Council seeks to balance growth in the municipality while maintaining its identity by identifying areas for varying levels of change and by balancing the need for conservation and renewal. Medium density housing can have a greater impact on neighbourhood character than traditional detached housing. As housing density intensifies, it is important

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that housing makes a positive contribution to the neighbourhood. The protection of amenity and facilitation of environmentally sustainable and healthy development that will benefit and improve the community's quality of life is at the forefront of Council's built environment goals.

Strategic directions

- *Ensure that development enhances Geelong's sense of place and identity.*
- *Support the design and provision of healthy, walkable neighbourhoods.*
- *Encourage environmentally sustainable design in all development.*
- *Encourage all development to provide high quality urban design and landscaping.*

Housing (Clause 02.03-6)

To accommodate its growing population Council has identified Increased Housing Diversity Areas (IHDA). IHDAs are located around activity centres and transport hubs and have significant capacity to accommodate residential growth and increased housing diversity. These areas can provide for local shopping needs or are serviced by public transport. Development in these areas should encourage walking and discourage reliance on cars for all trips. The intensity of redevelopment will be highest around the activity centre core and lower at the edge of the IHDA.

For areas of heritage significance, new development should balance the preservation and restoration of the heritage place and other opportunities for housing.

Suburban detached family homes make up 85 per cent of current housing stock. Increasing the diversity of the City's housing stock over time will help cater for the growing trend of smaller households, the need for affordable housing, ageing in place and low maintenance housing, and strong demand for housing in high amenity locations.

In order to meet these demands, there is a need to provide for a range of housing types in both established and developing communities.

Strategic directions

- *Facilitate infill development to increase its housing supply contribution.*
- *Support residential development where the density, mass and scale is complementary to the location, role and character of the specific IHDA.*
- *Ensure housing diversity is achieved in established and growth area communities.*
- *Increase the level of affordable and social housing in Greater Geelong*

Planning Policy Framework**Settlement (Clause 11)**

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. ...

Bellarine Peninsula (Clause 11.03-6L-01)**Policy application**

This policy applies to land shown on the following maps forming part of this clause:

...

- *Ocean Grove Structure Plan Map*

Objectives

To ensure development responds to the identity and preferred character of the individual township in which it is located.

To provide attractive and sustainable industrial, commercial, retail, agricultural and tourism development in designated locations, to service the wider Bellarine community.

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General strategies

Contain urban development within the protected settlement boundaries identified in the structure plan maps.

Support the district towns of Ocean Grove, Drysdale, Clifton Springs and Curlewis, and Leopold to fulfil their role as service hubs for the Bellarine Peninsula.

Ensure all other townships provide retail, commercial and community uses and facilities that serve the daily needs of the community.

Retain the land outside protected settlement boundaries as green breaks to preserve agricultural, environmental, tourism, landscape and scenic values.

Ocean Grove strategies

Encourage development that respects the coastal landscape setting of Ocean Grove, by:

- *Providing reasonable sharing of views of the coast and foreshore.*
- *Promoting contemporary design that reflects the existing scale, setbacks, spacing, forms and materials of the buildings in the locality.*
- *Ensuring that development allows for the protection of significant trees or planting around buildings and minimises impacts on roadside vegetation.*

Support residential and community development in the neighbourhood activity centre and north-east growth area.

Encourage accommodation diversity, including aged care, within and adjacent to the town centre, neighbourhood activity centre and increased housing diversity areas.

Ensure development avoids detrimental impacts on environmental assets including the coast, Buckley Park Foreshore Reserve, Goandra Estate, Ocean Grove Nature Reserve, Begola Wetlands, Barwon River/Lake Conneware and the Lake Victoria Wetlands and the landscape, environmental and recreational features areas.

Support the town centre as the primary retail centre by providing for a range of retail, business and accommodation uses.

Preserve The Terrace as the potential long-term arterial route through the town centre.

Support the development of the restricted retail and industrial precincts in the Grubb Road commercial and industrial precincts.

Support the development of a strategic footpath network for the town that provides permeable and safe routes to key destinations and services.

Encourage developments to assist in the establishment of a safe bicycle-pedestrian path network around the town connecting the foreshore, river, nature reserve, and Grubb, Banks and Bonnyvale Roads.

Encourage development to contribute to the improvement of open spaces and key pedestrian links.

Encourage a range of appropriately scaled and located tourism accommodation and activities, including opportunities for revitalisation of existing uses.

Support further development of existing caravan parks and accommodation uses in residential areas, particularly those close to the beach and river, to provide a broader range of accommodation type and mix.

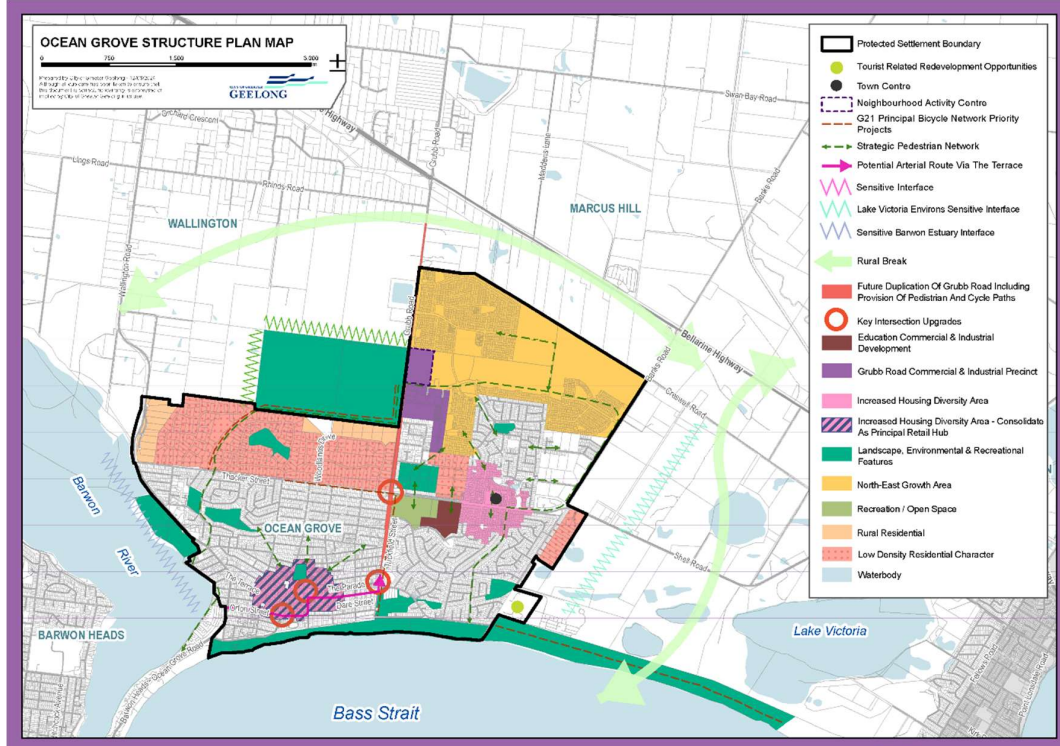
Encourage a range of appropriately scaled tourism related activities on the rural periphery of the town that are complementary to the environmental and rural setting.

Support the duplication of Grubb Road in a manner that preserves significant roadside vegetation, provides an attractive town entry, safe crossing points, pedestrian/cycle paths and undergrounding of powerlines.

Support the provision of community and social infrastructure commensurate with population growth.

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OCEAN GROVE STRUCTURE PLAN MAP

**Built Environment and Heritage (Clause 15.01)**

Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

Building design (Clause 15.01-2S)**Objective**

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

Neighbourhood character (Clause 15.01-5S)**Objective**

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

Neighbourhood character (Clause 15.01-5L)**Objectives**

To manage the impact of urban change on existing neighbourhoods.

To protect areas with a significant garden character.

Strategies

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.

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Retain existing vegetation wherever possible, particularly vegetation that contributes to the municipality's tree canopy.

Avoid gated communities.

Housing (Clause 16)

Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.

Housing supply (Clause 16.01-1S)

Objective

To facilitate well-located, integrated and diverse housing that meets community needs.

Particular & General Provisions**Canopy Trees (Clause 52.37)**

Clause 52.37-2 Permit requirements provide that:

A permit is required to remove, destroy or lop a canopy tree in the Mixed Use Zone, Township Zone, Residential Growth Zone, General Residential Zone, Neighbourhood Residential Zone, and Housing Choice and Transport Zone.

This does not apply:

- *If the table of exemptions in clause 52.37-8 specifically states that a permit is not required.*
- *To the removal, destruction or lopping of a canopy tree (other than a boundary canopy tree) identified for assessment in an application to which clause 54, 55, 57 or 58 applies and the tree is not removed, destroyed or lopped until the permit is issued.*
- *To the removal, destruction or lopping of a canopy tree (other than a boundary canopy tree) if the site is developed with an existing dwelling.*

Within Clause 52.37 the following definitions apply:

- *canopy tree means a tree that has:*
 - *a height of more than 5 metres above ground level; and*
 - *a trunk circumference of more than 0.5 metres, measured at 1.4 metres above ground level; and*
 - *a canopy diameter of at least 4 metres;*
- *boundary canopy tree means a canopy tree if any part of its trunk is within:*
 - *6 metres of the narrowest street frontage of a lot; or*
 - *4.5 metres of the rear boundary of a lot;*
- *new canopy tree means a canopy tree proposed to be planted. It must be a species and type that will, at maturity, have:*
 - *an expected height of at least 6 metres above ground level; and*
 - *an expected canopy diameter of at least 4 metres.*

At Clause 52.37-3 Canopy tree requirements are provided which specify that the site with an area of 540sqm requires the planting of 4 (four) canopy trees.

No canopy tree is to be removed from the subject site. The only tree to be removed is 4.0 metres high according to the Arboriculture Impact Assessment submitted with this permit application. Existing canopy trees on the site are to be retained New canopy tree planting is proposed. The site will be provided with the required four (4) canopy trees.

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Decision Guidelines (Clause 65)

Clause 65 Decision Guidelines and in particular Clause 65.01 Approval of an Application or Plan are relevant to the proposal. Clause 65.01 states that before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate (inter alia):

- *The matters set out in Section 60 of the Act.*
- *Any significant effects the environment, including the contamination of land, may have on the use or development.*
- *The Municipal Planning Strategy and the Planning Policy Framework*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the environment, human health and amenity of the area.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *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.*

PLANNING CONSIDERATIONS

The proposal is considered to address the relevant planning provisions affecting the site, including planning policy, zone purpose and overlay considerations.

Planning Policy

Consistent with planning policy the proposed dwelling is located within the existing settlement boundary of Ocean Grove. The proposed single storey dwelling delivers a well-articulated, coastal style design and will positively contribute to the character of the Ocean Grove township. The new dwelling will add to the range of housing types evident within the township. The proposal seeks to protect the existing established trees to the rear of the site which are part of the vegetation cover within the locality.

Zoning & Overlays

The proposal provides for a residential development within an established residential area. The use and development of the land for dwelling does not require planning permission within a Neighbourhood Residential Zone.

The proposal requires a planning permit under the provisions of Clause 42.03-2 for the proposed buildings and works to construct the proposed dwelling as the dwelling does not meet all of the permit exemption requirements of Schedule 15 to the Overlay.

Schedule 15 to the Significant Landscape Overlay relates to 'Ocean Grove Significant Tree Residential Area' and identifies that the precinct in which the subject site is located is '*distinctive due to the high number of significant canopy trees (indigenous and other Australian native) located on both public and private land.*'

The subject site does not contain any significant canopy trees or any indigenous / other Australian native trees and does not present as a site '*with buildings nestled within spacious bush garden settings*'. The only tree to be removed from the subject site to facilitate the construction of the dwelling is a 4.0 metre high Exotic Fruit tree (*Prunus* species). This tree is located towards the front of the site. Therefore no planning permit is required for the removal of vegetation from the subject site.

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A Sweet Pittosporum (*Pittosporum undulatum*) of 4.0 metres height exists along the driveway of the adjoining property to the east and abuts the boundary shared with the subject site. The Arboriculture Impact Assessment prepared to support this permit application identifies that this tree is of fair health and structure and of low arboricultural significance.

The subject site does not provide any remnant vegetation, in particular any threatened Bellarine Yellow-gum *Eucalyptus* species. The site offers opportunity for new canopy tree planting of an indigenous and other Australian native species within the front setback to the new dwelling, along with suitable mid to low level plantings, to contribute to the preferred bush garden character outcome for the locality.

Consistent with the preferred outcomes for the construction of a building or construction and carrying out of works on land affected by Schedule 15 to the Significant Landscape Overlay:

- Not more than 60 per cent of the site will be covered by buildings and impervious/hard surfaces.
- At least 40 per cent of the site will be free from hard surfaces and available for soft landscaping.
- The proposed dwelling will be the only dwelling on the lot.

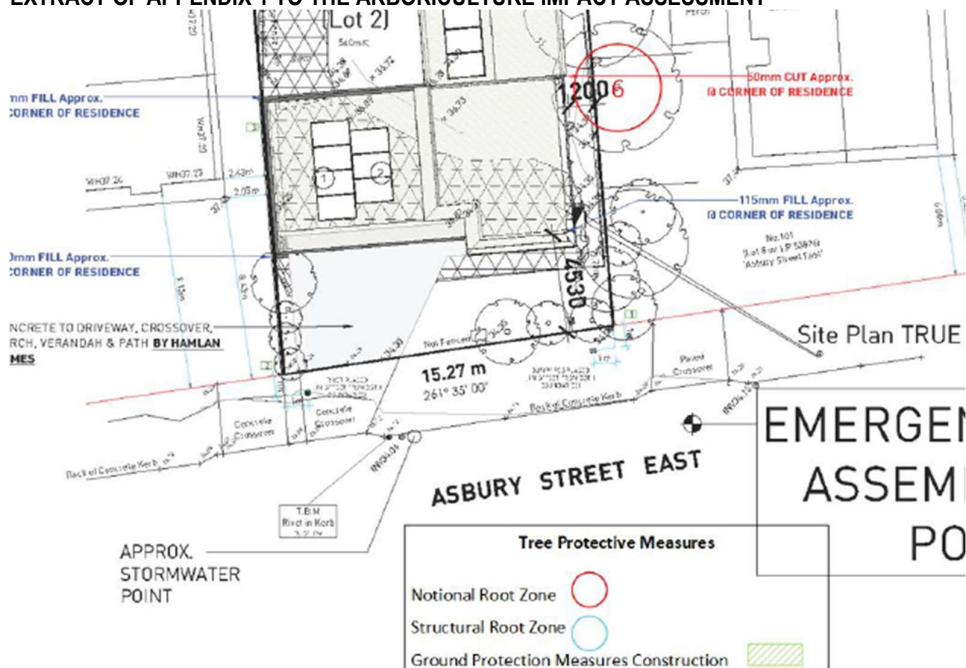
The proposal requires a planning permit as the new dwelling is to be offset 1.2 metres from the east boundary rather than the preferred 2.0 metre offset from one side boundary identified within the SLO15 provisions. In support of the proposed reduced side setback it is submitted that the 1.2 metre offset is still able to provide an appropriate separation of the new dwelling from the boundary and the adjoining dwelling to the east in terms of the rhythm and spacing of dwellings within the street and the sense of spaciousness within the streetscape. Opportunity for new bush garden landscaping within the front setback of the dwelling will provide for softening of the visual impact of the dwelling to the east side of the site frontage so that the lesser setback will not be readily discernible within the overall streetscape presentation of the dwelling.

The proposal also requires a planning permit for being within the drip line (outer edge of tree canopy) of Tree 6, a Sweet Pittosporum, on the adjoining property to the east. This tree is identified, within Table 1 to the Arboriculture Impact Assessment prepared in support of the application, as having a height of greater than 3.0 metres and a canopy spread of 4.0 metres. The tree is considered a 'significant tree' under the provisions of SLO15.

As the dwelling is offset 1.2 metres from the boundary shared with the subject site, which is proximate to Tree 6, it appears the proposed dwelling will be within the canopy area of the tree and therefore considered under SLO15 to be within the tree drip line. The Arboriculture Impact Assessment does not identify that the proposed dwelling will result in any impact on this 'significant tree' on the adjoining property to the east, where the proposed dwelling is to be constructed within its '*drip line (outer edge of tree canopy)*'. The Arboriculture Impact Assessment (at Appendix 1) identifies that the proposed dwelling is outside the Notional Root Zone of Tree 6.

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EXTRACT OF APPENDIX 1 TO THE ARBORICULTURE IMPACT ASSESSMENT



Having regard to the decision guidelines within Schedule 15 to the Significant Landscape Overlay, it is submitted that:

- The existing building does not currently sit within a treed garden setting and the proposed new dwelling and its landscaping will provide an improved bush garden outcome for the site.
- The submitted application material provides sufficient detail in relation to the site and adjoining properties in terms of vegetation and features of the locality. Given the flat nature of the site it is not identified as having any significant views to or from the site.
- An Arboriculture Impact Assessment & Tree Protection Management Plan prepared by Tree Insight Arboriculture Consulting has been prepared in support of the proposal.
- The proposed siting of the building and its footprint allows for the retention of the trees at the rear of the site, which whilst of a greater height than 3.0 metres are not native and therefore not considered to be 'significant trees'. The siting of the proposed dwelling will allow for new canopy tree planting within the front setback.
- The Arboriculture Impact Assessment considers the impact of the proposed dwelling on the existing trees to be retained and provides appropriate tree management and building design outcomes.
- The proposal does not impact any street trees.
- A landscaping plan has been prepared by Hamlan Homes as part of the application plans as shows the retention of the existing canopy trees at the rear of the site and the provision of new plantings within the front setback and along the west side boundary using species appropriate for the locality.
- The landscaping plan identifies that appropriate sized trees are proposed for the area of land available for tree planting.

Particular and General Provisions

Based on the Arboriculture Impact Assessment, the site contains two canopy trees as defined under Clause 52.37. It is submitted that the proposal appropriately addresses the relevant decision guidelines at Clause 65.01, including planning policy, the purpose of the Zone and Overlay, the orderly planning of the area and consideration of the proposed dwelling with regard to the surrounding locality.

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CONCLUSION

A planning permit is sought under the provisions of the Significant Landscape Overlay at Clause 42.03-2 for the proposed buildings and works to construct the proposed dwelling as the dwelling does not meet all of the permit exemption requirements of Schedule 15 to the Overlay, which comprise a reduced side setback and construction with the 'drip line' of an adjoining tree.

The proposed dwelling with its reduced side setback is intended to be provided with good landscaping outcomes within the front setback that will contribute to the garden bush setting sought by the Schedule to the Overlay and to minimise any visual impact from the street in relation to the reduced side setback. The proposed 1.2 metre side setback will provide sufficient offset from the east side boundary and the adjoining dwelling to the east such that the proposed dwelling will provide for separation from the fence and dwelling to contribute to the rhythm and spacing of dwellings within the streetscape and the sense of spaciousness around dwellings.

Based on the information within the Arboriculture Impact Assessment prepared to support the application, the proposed dwelling will not impact on the 'significant tree' within the adjoining property to the east.

Overall it is submitted that proposal provides an appropriate outcome for the subject site and Hamlan Homes look forward to a favourable outcome.