

Planning And Environment Act 1987
GREATER GEELONG PLANNING SCHEME
DELEGATED AUTHORITY REPORT
AMENDMENT C334

To: Peter Smith – Coordinator Strategic Implementation
From: Stuart Thiele – Snr Strategic Planner
Subject: Amendment C334 Consideration of Submission
File number: C334

Purpose

The purpose of this report is to consider submissions on Amendment C334 which seeks to implement the *Incremental Change Areas Review 2015* by rezoning four identified garden character areas from General Residential Zone Schedule 1 (GRZ 1) to General Residential Zone Schedule 2 (GRZ 2).

Summary

- Amendment C334 seeks to implement the *Incremental Change Areas Review 2015* by making the following changes to the Greater Geelong Planning Scheme:
 - Rezoning land within identified garden character areas in Bell Post Hill, North Geelong, Newcomb and Point Lonsdale from GRZ 1 to GRZ 2.
 - Amending Clause 21.06 by removing the further work requirement to review the implementation of areas identified for incremental change in the Housing Diversity Strategy to consider the application of GRZ 2.
- Council considered the *Incremental Change Areas Review* and adopted the Review's recommendations at its meeting of 28 April 2015.
- GRZ 2 aims to better protect the existing neighbourhood character by varying requirements relating to private open space, building height, landscaping and subdivision application requirements.
- Amendment C334 was placed on public exhibition between 2 July and 3 August 2015. A total of 27 submissions have been received. 11 submissions support the Amendment, 10 object to the Amendment and 6 only make comment on the Amendment.
- The majority of the objecting submissions relate to decreased development potential and property values and/or to the justification for the Amendment.
- Council officers have considered the submissions and do not recommend any modifications to the exhibited Amendment.
- This report addresses the issues raised in the submissions and recommends that the submissions be referred to an independent Panel appointed by the Minister for Planning.

Recommendation

That Council, having considered all submissions to Amendment C334 to the Greater Geelong Planning Scheme, resolves to:

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- 1) **Request the Minister for Planning to appoint an Independent Panel under Part 8 of the Planning and Environment Act 1987;**
- 2) **Refer all submissions to the Panel; and**
- 3) **Submit to the Panel its response to the submissions generally as outlined in this report.**

Background

In 2007 Council adopted a Housing Diversity Strategy (HDS). The HDS identified three development fronts to deliver housing diversity across Geelong: Key Development Areas, Increased Housing Diversity Areas and Incremental Change Areas. Incremental Change Areas were residential areas where the majority of new development will be in keeping with Geelong's traditional suburban character.

Amendment C129, gazetted in January 2010, implemented the Housing Diversity Strategy. Amendment C129 applied the former Residential 3 Zone to incremental change areas that had a garden character. The former Residential 1 Zone was applied to Key Development Areas and Increased Housing Diversity Areas.

Amendment C300, gazetted in November 2014, applied the new suite of residential zones introduced by the previous State Government. Incremental Change Areas were zoned either GRZ 1 or GRZ 2, generally following the zoning that was introduced by Amendment C129. GRZ 2 applies to those areas exhibiting a clear garden character. In considering submissions on Amendment C300, Council supported including a further work requirement in Clause 21.06-6 of the Planning Scheme to *undertake further work to review the implementation of areas identified for incremental change in the Housing Diversity Strategy, to consider the application of General Residential Zone Schedule 2.*

Council officers undertook a review of existing GRZ 1 areas to determine if any areas had a garden character. There were two stages in the review process, a desktop assessment using available data, followed by a more detailed assessment involving site visits and qualitative assessment. Identified garden character areas had to have at least three of these five elements:

- most dwellings constructed before 1965;
- development pressure exists for medium density housing;
- most lots between 500 m² and 800 m²;
- most lots have less than 30% site coverage; and
- street tree density exceeds 9 street trees per hectare.

Identified garden character areas had to have all of these characteristics:

- on-site vegetation or established gardens on most lots;
- the setting or space around most buildings providing opportunity for planting;
- most buildings being in good condition and appearance;
- a nature strip and footpath along most street frontages; and

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- street trees along most street frontages.

The review identified four garden character areas and recommended their rezoning from GRZ 1 to GRZ 2. Council adopted this recommendation at its meeting of 28 April 2015.

Amendment C334 seeks to implement the *Incremental Change Areas Review 2015* by making the following changes to the Greater Geelong Planning Scheme:

- rezoning land within the identified garden character areas in Bell Post Hill, North Geelong, Newcomb and Point Lonsdale from GRZ 1 to GRZ 2; and
- amending Clause 21.06 by removing the further work requirement to review the implementation of areas identified for incremental change in the Housing Diversity Strategy to consider the application of GRZ 2.

Appendix 1 shows the areas being rezoned.

Discussion

Exhibition details

The Amendment was exhibited from 2 July 2015 to 3 August 2015.

Notice of the Amendment was mailed to all landowners affected by the Amendment. 3727 letters were mailed out; duplicate letters were not sent where a landowner owned multiple properties in the same identified garden character area.

The Amendment was exhibited in local newspapers and on the City's website. The Amendment received over 1200 views on the website. City staff answered over 150 telephone queries and around 30 front counter queries on the Amendment. A public information session held at the City's Brougham Street office on the evening of 15 July 2015 was attended by 15 people.

The table below indicates how many letters were mailed out and how many submissions were received from each identified garden character area. For submissions received, this is based on the location of the property owned by the submitter; in some instances the submitter resides elsewhere.

Property	Mailout	Support	Comment	Object	Total
Bell Post Hill	1575	6	2	3	11
North Geelong	440	1	0	3	4
Newcomb	1303	1	1	4	6
Point Lonsdale	409	2	1	0	3
Other	-	1	2	0	3
TOTAL	3727	11	6	10	27

A total of 27 submissions were received, comprising 11 submissions of support, 10 objections and 6 submissions making comment only. The number of objections represents 0.27% of the letters mailed out.

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Issues raised in submissions

Issues raised in the objections included:

- Amendment decreases development potential and/or property values (7 submissions)
- Amendment is unwarranted (4)
- Amendment will prevent necessary and/or desirable redevelopment (3)
- Oppose the landscaping requirement for a canopy tree per dwelling (2)
- Council should concentrate on planting trees in nature strips (2)
- Area(s) do not have garden character (2)
- Land on Helms Street, Newcomb is near many townhouse/multiple dwelling developments, particularly on the eastern side of Helms Street (2).

These issues are addressed in this report below. Several other issues were raised in individual submissions and are addressed on the attached Summary of Submissions (Appendix 2).

Impact on development potential and property values

Seven of ten objections indicated that the Amendment would detrimentally affect the development potential and/or value of the submitters' properties.

Schedule 2 to the General Residential Zone makes the following changes compared to the provisions applying under GRZ 1:

- Landscaping: varies Standard B13 in Clause 55.03-8 (Landscaping objectives), relating to two or more dwellings on a lot or residential buildings, by requiring one canopy tree per dwelling.
- Private open space: varies Standard A17 in Clause 54.05-2 (Private open space objective) and Standard B28 in Clause 55.05-4 (Private open space objective), by specifying the following requirement: 60 m² of private open space, with 40 m² of secluded private open space having a minimum dimension of 5 m. For two or more dwellings, this requirement increases from 40 m² of private open space, with 25 m² of secluded private open space having a minimum dimension of 3 m. For one dwelling on a lot, whether the requirement represents an increase or decrease depends on the lot size. Also, for two or more dwellings on a lot or residential buildings, GRZ 2 changes the current provision by stipulating that a balcony or rooftop terrace cannot be included in the private open space calculation.
- Maximum building height: changes the wording from "should not exceed" 9 m (or 10m on certain sloping sites) to "must not exceed"; this makes the height limit an absolute requirement, not able to be varied.
- Application requirements: requires any subdivision application proposing a lot (or lots) less than 500 m² to be accompanied by a development application or preceded by an approved planning permit for construction of the dwellings. In effect, this extends the requirement for a planning permit

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for a dwelling to lots of between 300 m² and 500 m², ensuring that the other requirements of GRZ 2 apply to new lots of that size.

These requirements do, in many cases, represent an increased constraint on new residential development, but GRZ 2 still provides for incremental growth. In most cases, the requirements of GRZ 2 (compared to GRZ 1) would not prevent additional dwelling(s) or subdivision, though a smaller building footprint may be required to ensure a more spacious form of development. The additional constraints applied by GRZ 2 are considered warranted to ensure new development better reflects the existing garden character of these areas.

The Amendment is not proposing to introduce a new schedule. GRZ 2 zoning has been in place since the gazettal of Amendment C300 in November 2014; similar provisions (with the exception of the canopy tree requirement) applied in the Residential 3 zone previously. There are currently over 31,000 properties zoned GRZ 2 across the City, 23% of all properties in the GRZ. This Amendment would include another 4162 properties (3%) in GRZ 2.

The fact that the City has issued a substantial number of planning permits for two or more dwellings on a lot in GRZ 2 since it came into place shows that GRZ 2 zoning is not a severe constraint to development potential. Rather, it has introduced a design parameter that numerous applicants successfully incorporate into development proposals.

The impact, if any on property values is uncertain. It is possible that constraints on development imposed by GRZ 2 variations, particularly the private open space requirements, might in some instances have a negative effect; on the other hand, protection of garden character in an area over time might have a positive effect. It should be noted that property values are determined by many different factors. Moreover, it has been consistently held that the impact of a planning proposal (a planning scheme amendment or a planning permit application) on property values is not in and of itself a relevant planning consideration.

Justification for Amendment

Submissions questioned the need for the Amendment or asserted that it is unwarranted (terms used include ill-conceived, fruitless, not relevant, not useful and not important).

The Amendment results from a review carried out to fulfil a further work requirement in Clause 22.06 of the Planning Scheme. This further work requirement resulted from Council's consideration of submissions on Amendment C300 (Residential Zones Review). The *Incremental Change Areas Review 2015* found that four areas both possessed a garden character and were subject of development pressures that warranted protection of that garden character. The GRZ 2 zoning proposed already applies widely across the City. Accordingly, the Amendment is considered to be well justified and based on rigorous assessment.

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Prevention of necessary/desirable redevelopment

Submissions argued that the Amendment will prevent redevelopment. Submissions also identified garden character areas in Bell Post Hill, North Geelong and Newcomb are areas where redevelopment should be encouraged, noting proximity to central Geelong and other facilities/infrastructure.

These proposed GRZ 2 areas were identified as incremental change areas in the City's Housing Diversity Strategy (HDS), rather than as increased housing diversity areas (which were areas within 400 m of an activity centre). This has been reflected in Amendments C129 (which implemented the HDS) and C300 (Residential Zones Review); hence, the areas are currently zoned GRZ 1. As outlined above, GRZ 2 also provides for incremental growth, but applies provisions to help ensure new development better reflects the existing garden character of the area.

Canopy tree requirement

One submission stated that a canopy tree may not be appropriate to the size of the dwelling, nor fit the character and style of garden wanted. Another submission indicated that the requirement for a canopy tree per dwelling is excessive as the submitter's property and numerous others do not have a tree at present.

The City does not specify heights, widths or species for canopy trees. A landscaping plan, required as a condition of a planning permit, is considered on its merits. A tree should not be proposed that will grow too large for the site in which it will be planted or adversely impact adjacent property, but the site design and layout for proposed development should provide adequate space for an appropriate canopy tree. Garden character was identified, among other criteria, on the basis of the majority of properties in an area having on-site vegetation (other than lawn) or established gardens. This does not mean that all properties have trees. The canopy tree requirement for two or more dwellings on a lot will help retain the garden character of the area when new multiple dwelling developments proceed.

Planting street trees

Two submissions objecting to the Amendment indicated that rather than rezoning land to GRZ 2, the City should address garden character by planting trees in nature strips. Some submissions supporting the Amendment also indicated that Council should do more planting in nature strips.

While the City conducts some targeted planting in areas with limited canopy cover, street tree planting is usually done at the request of the adjacent landowner.

Planting additional street trees may *enhance* existing garden character. However, the purpose of the Amendment is to *protect* existing garden character from development that may detract from it. Planting additional street trees would not provide such protection.

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Presence of garden character

One submission stated that there are similar suburbs to Newcomb in Geelong and questioned why the Amendment is so selective. Another contended that there is very little inherent garden character in the areas in the Amendment that distinguishes them from other suburbs such as Norlane and Corio.

The four identified garden character areas were identified based on detailed assessment using a range of criteria (see Background section above). All other areas of the city zoned GRZ 1 were assessed but did not satisfy the required criteria for garden character to be established. Parts of Corio and Norlane did not meet sufficient criteria in the first stage of the review. Those areas that were assessed in the second stage of the review did not meet all of the the criteria.

Extent of garden character area in Newcomb

Two objecting submissions from landowners in Newcomb raised the issue of the extent of garden character in Newcomb.

One objection, from an owner of a property on the western side of Helms Street, questions why land on the western side of Helms Street is being treated differently to land on the eastern side of Helms Street. The submission indicates that as there are many multi-unit developments on both sides of Helms Street, garden character does not exist in the area. The submission also notes that land west of Helms Street is slightly nearer to key infrastructure. Another objection cited the fact that the submitter's property was close to the border of the Amendment changes (the property is on the western side of Helms Street).

Helms Street forms the boundary of the identified garden character area in Newcomb. Land on the western side of Helms Street, as a whole, displays garden character, whereas land on the eastern side of Helms Street does not due to prevailing lot size, site coverage and age of dwellings. There are many more multi-unit dwellings on the eastern side of Helms Street than the western side.

A further review of the garden character of the eastern portion of Newcomb bounded by Wilsons Road in the west and Helms Street in the east was carried out as a result of submissions from landowners in Newcomb. This confirmed that all of the criteria for garden character in the detailed second stage assessment were met for the area as a whole. Some streets have sparse or no street trees, but these streets are in a minority and are mostly short culs-de-sac. A clear majority of lots in the identified garden character area front streets with several or many visually prominent street trees. All other criteria were met in all or nearly all streets in the area.

Issues raised in other submissions

One submission in support of the Amendment also indicated that a Heritage Overlay should, over time, be applied to part of North Geelong subject of this Amendment to protect the nature of houses in the area (brick veneer houses, many with interesting polychromatic brickwork). Potential heritage values of this area were previously assessed as part of the late 1990s Outer Areas

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Heritage Study. That study made no recommendation for a Heritage Overlay in this area. No further heritage study over this area is currently planned.

Another submission indicated that the suburb of Bell Park should be included in the Amendment. The GRZ 1 land in Bell Park was considered as part of the *Incremental Change Areas Review 2015*. Land generally south of Barton Street met sufficient criteria in the first stage of review to be included in the second stage detailed qualitative assessment. This assessment found that this southern part of Bell Park did not, on the whole, have visually dominant street trees to create garden character; street trees were generally sparse and/or small. Therefore the area did not meet all of the criteria needed to recommend a change in zoning to GRZ 2.

No modification to the Amendment is recommended with respect to either of the above issues.

Conclusion

Investigation of the issues raised in submissions has not indicated any required modifications to the Amendment. Rezoning of the four areas from GRZ 1 to GRZ 2 is well justified, and reflects a detailed review carried out to satisfy a further work clause of the Planning Scheme. The geographical extent of the Amendment is appropriate, with neither additions nor deletions warranted.

Environmental Implications

The Amendment will have minimal environmental impacts. Increased private open space requirements for two or more dwellings on a lot may marginally reduce stormwater runoff compared to development under GRZ 1.

Financial Implications

The costs associated with conducting a planning scheme amendment process can be accommodated within the existing planning scheme amendments

Policy/Legal/Statutory Implications

The amendment is consistent with State Planning Policy in:

- Clause 11.02-1 (Settlement – Supply of urban land), which indicates that planning for urban growth should consider neighbourhood character and landscape considerations.
- Clause 16.01-4 (Housing diversity), which seeks to provide for a range of housing types to meet increasingly diverse needs and encourages well-designed medium density housing which respects the neighbourhood character.

The amendment is consistent with the Local Planning Policy Framework in:

- Clause 21.06-3 (Urban consolidation), which seeks to provide for incremental change in GRZ2 areas.

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- Clause 21.06-4 (Neighbourhood character), which seeks to manage the impact of urban change on existing neighbourhoods and to protect areas with a significant garden character.
- Clause 21.06-6 (Implementation – Further work), which identifies the need to review the implementation of areas identified for incremental change in the HDS, to consider the application of GRZ 2.

Alignment to City Plan

The Amendment is consistent with City Plan's Sustainable Built and Natural Environment priority to enhance and protect natural areas and ecosystem health, in that it increased private open space requirements for two or more dwellings on a lot may marginally reduce stormwater runoff compared to development under GRZ 1.

Officer Direct or Indirect Interest

No Council Officers involved in the preparation of this report have any direct or indirect interest in the matter to which this report relates, in accordance with Section 80 (c) of the Local Government Act.

Risk Assessment

There are minimal risks to Council in supporting this Amendment. A panel hearing would give submitters further opportunity to have their views heard.

Social Considerations

The Amendment will have minimal social impacts. Maintaining the garden character of these areas may contribute to residents' satisfaction with their environment.

Human Rights Charter

The proposal does not impact on any human rights and responsibilities set out in the Charter. Planning legislation ensures an open community consultation process occurs enabling people to freely express their views and if necessary obtain a fair hearing before an independent Panel.

Consultation and Communication

The Amendment has been exhibited in accordance with the provisions of the Planning and Environment Act 1987 to provide for full public comment. All affected landowners received notification of the Amendment in writing - 3,727 letters were sent. The Amendment was exhibited in local newspapers and online. Around 150 phone calls were taken to answer questions and inform members of the public about the Amendment and around 25 people attended Council's Brougham Street office to ask questions of staff. A public information session was held on the evening of Wednesday 15 July 2015, attended by 15 people.

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