

GREATER GEELONG PLANNING SCHEME

AMENDMENT C-349

RESOLUTION TO EXHIBIT AMENDMENT

UNDER DELEGATION FROM COUNCIL IT IS HEREBY RESOLVED:

That Council:

- 1) Refer all submissions on the proposed post-exhibition change to Amendment C349 to the Panel that has been appointed under Part 8 of the Planning and Environment Act 1987;
- 2) Submit to the Panel its response to the submissions generally as outlined in this report; and
- 3) Revise proposed Schedule 5 to the Neighbourhood Residential Zone and Significant Landscape Overlay Schedule 15 generally as outlined in this report prior to the Panel Hearing.

SIGNED:

Pete KSLA

DATE:

6/9/2017

**PETER SMITH
COORDINATOR STRATEGIC IMPLEMENTATION**

GREATER GEELONG PLANNING SCHEME

DELEGATED AUTHORITY REPORT

AMENDMENT C349: OCEAN GROVE SIGNIFICANT TREE PROJECT CONSIDERATION OF SUBMISSIONS (2nd REPORT)

To: Peter Smith – Coordinator Strategic Implementation
From: Stuart Thiele – Strategic Planner
Subject: Consideration of submissions
File number: C349
Date of Report: 6 September 2017

Purpose

The purpose of this report is to consider submissions received regarding a proposed post-exhibition change to this Amendment, to recommend further changes to the exhibited Amendment and to recommend these submissions be referred to an independent Planning Panel.

Summary

- Amendment C349 seeks to implement the Ocean Grove Significant Tree Project (OGSTP) – Final Report, adopted by Council in September 2016. The Amendment was exhibited in March and April 2017. 20 submissions were received: 9 from landowners supporting, generally positive or neutral; 9 from landowners objecting or requesting changes; and 2 from government agencies.
- The State Government changed the maximum building height for the GRZ to 11 m as part of its Reformed Residential Zones, gazetted on 27 March 2017.
- In considering submissions on 1 August 2017, Council under delegated authority, among other things, resolved to seek comment from affected owners regarding rezoning the area exhibited as General Residential Zone Schedule 3 (GRZ 3) to a new Neighbourhood Residential Zone Schedule 5 (NRZ 5), with a maximum building height of 9 m, consistent with the exhibited GRZ 3.
- 54 submissions were received on this proposed post-exhibition change: 32 in support and 22 opposed.
- After consideration of all points raised in submissions, the proposed post-exhibition change is still supported. An 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area. Seeking to apply the most appropriate zone to an area of identified landscape significance does not constitute undermining the outcomes sought by the State Government through its Reformed Residential Zones. The proposed change is consistent with the original intent of the amendment.
- Three further minor modifications to the Amendment are recommended.
- It is recommended that submissions on the proposed post-exhibition change be referred to the appointed Panel.

Recommendation

That Council's delegate resolves to:

- 1) Refer all submissions on the proposed post-exhibition change to Amendment C349 to the Panel that has been appointed under Part 8 of the Planning and Environment Act 1987;**
- 2) Submit to the Panel its response to the submissions generally as outlined in this report; and**
- 3) Revise proposed Schedule 5 to the Neighbourhood Residential Zone and Significant Landscape Overlay Schedule 15 generally as outlined in this report prior to the Panel Hearing.**

Background

A more detailed background to this Amendment is provided in the Delegated Authority Report on submissions of 1 August 2017.

Ocean Grove Significant Tree Project

The Ocean Grove Significant Tree Project (OGSTP) aimed to identify and protect, through planning controls, the unique coastal/bush landscape character within the well established areas of Ocean Grove. Ecological consultants Okologie undertook vegetation surveys on public and private land and made recommendations regarding vegetation protection. Two areas were investigated: the extent of SLO 7 and an area of old Ocean Grove known in the project as the Significant Tree Area.

A detailed Background Report was prepared to inform and recommend draft planning controls. Informal public consultation on the Background Report and proposed planning controls was conducted in April and May 2016. 26 submissions were received, of which 20 raised objections or recommended changes.

An OGSTP – Final Report was prepared that included a response to issues raised in submissions and which recommended some changes to the draft planning scheme controls. At its meeting of 27 September 2016, Council adopted the OGSTP – Final Report and sought the Minister's authorisation to prepare an Amendment in accordance with its recommendations.

Current proposal – Amendment C349

Amendment C349, as exhibited, proposes:

- applying a new SLO 15 to the Significant Tree Area;
- rezoning the Significant Tree Area to a new Neighbourhood Residential Zone Schedule 4 (NRZ 4);
- rezoning most of the Hillside Precinct to a new General Residential Zone Schedule 3 (GRZ 3);
- replacing SLO 7 with Design and Development Overlay Schedule 14 (DDO 14) over a portion of the Hillside Precinct;
- deleting DDO 14 over most of the Significant Tree Area;
- revising the controls in SLO 7; and

- amending Clause 21.14 Bellarine Peninsula by deleting the further work items carried out by the project.

A location plan showing land affected by the Amendment is at **Appendix 1**. Existing zoning and SLOs (SLO 7 and interim SLO 15) are at **Appendix 2** and **3**. A map and a schedule detailing how the Amendment, as exhibited in March and April 2007, affects different areas are at **Appendix 4** and **5**.

Amendment VC 110 (Reformed Residential Zones)

The State Government's Amendment VC110 (Reformed Residential Zones) introduced changes to residential zone provisions across Victoria on 27 March 2017, during the exhibition of Amendment C349. Implications of this recent change are considered below.

Exhibition of Amendment

Amendment C349 was exhibited between 16 March and 18 April 2017. All affected landowners were notified by mail (2249 letters). 20 submissions were received. Of 18 submissions from landowners, 9 supported or provided neutral or generally favourable comment on the Amendment, while 9 objected, requested changes or provided generally negative comment. Two submissions were received from government agencies supporting the amendment.

Consideration of submissions – 1 August 2017

On 1 August 2017, Council considered the submissions on the Amendment under delegated authority and resolved, among other things, to:

- seek comment from affected landowners regarding rezoning the area exhibited as GRZ 3 to a new NRZ 5;
- consider any further or revised submissions resulting from that consultation in a separate report;
- request the Minister for Planning to appoint a Panel under Part 8 of the Planning and Environment Act 1987; and
- refer all submissions on Amendment C349 to the Panel.

Discussion

With respect to maximum building heights referred to in this report, please note that the scheme also allows for up to 1 m in additional building height on certain sloping sites.

Reformed Residential Zones (Amendment VC 110)

Among other changes, Amendment VC110 introduced mandatory maximum building heights and number of storeys for the GRZ and NRZ. In the GRZ, the discretionary building height limit of 9 metres was replaced with a mandatory building height limit of 11 metres and a maximum of three storeys. In the NRZ, the mandatory maximum building height limit of 8 metres was increased to 9 metres with a maximum of two storeys. Any new Schedules to these Zones can only vary the maximum building height by increasing it. While existing Schedules with a lower maximum building height remain unchanged, it is understood that the State Government expects any such Schedules to be amended by Councils over the next few years to remove any such lower maximum heights.

These changes affected the proposals in Amendment C349, particularly in the area being rezoned to GRZ 3. The area being rezoned from GRZ 2 to GRZ 3 (Areas 4 and 5 on the map at **Appendix 4**) has a 9 m mandatory height limit which will now in due course need to be changed to 11 m; the exhibited GRZ 3 also proposed a 9 m mandatory height limit, but if the Amendment proceeds with GRZ 3, this will change to 11 m. The area being rezoned from RGZ 3 to GRZ 3 (Area 6 on the map at **Appendix 4**) was proposed to have its mandatory height limit reduced from 10.5 m to 9 m, but as a result of Amendment VC110, this will change to an increase from 10.5 m to 11 m.

These changes represent a substantial departure from the proposals exhibited in Amendment C349 and also introduce the potential for adverse impact on the landscape values of the area, much of which is located on a hillside and is highly visible in long distance views from various vantage points. Accordingly, in its 1 August 2017 consideration of submissions, in order to retain building height limits consistent with those exhibited in Amendment C349 and which were recommended in the OGSTP, and which will minimise adverse visual impacts in a highly visible area of recognised landscape significance, Council supported the proposed GRZ 3 area being rezoned to a new NRZ 5 (extent shown at **Appendix 6** and draft Schedule shown at **Appendix 7**). This NRZ 5 has the same requirements as the exhibited GRZ 3, other than the lower 9 m maximum building height limit and 2 storey maximum. There are other differences between the NRZ and GRZ in the zones' respective parent clauses.

Post-exhibition consultation

As the change from exhibited GRZ 3 to a proposed NRZ 5 is a substantial post-exhibition change, affected landowners were given the opportunity to comment on it. All affected landowners (over 850) were contacted by mail and given an approximately three week period to comment, up until 31 August 2017.

54 submissions have been received regarding this proposed post-exhibition change (in addition to the 20 submissions on the Amendment during its formal exhibition in March and April 2017). 32 submissions support the proposed change while 22 submissions oppose it.

Two submissions supporting the proposed change were received from the same submitters with respect to two separate properties; two submissions opposing the proposed change were submitted by the same person representing two different owners of adjacent strata properties. Five of the 54 submissions were received from submitters who also made submissions on the Amendment in March/April or a company on whose behalf a submission was made in March/April.

Issues raised in submissions

The main issues raised in submissions supporting the proposed change were:

- support for landscape protection;
- concern at potential loss of views; and
- opposition to the change made to the maximum building height for GRZ by the State Government.

Some submissions expressed a preference for a maximum building height lower than 9 m and/or indicated an understanding that there is or was a 7.5 m maximum building height in the area.

Among several others, the main issues raised in submissions opposing the proposed change were:

- inconsistency with State Government policy and its direction with the Reformed Residential Zones;
- the more restrictive zone purposes of NRZ as opposed to GRZ;
- SLO 7 provisions including the 7.5 m building height permit trigger should be sufficient to address landscape impacts;
- NRZ is more restrictive, resulting in reduction of development or redevelopment potential;
- NRZ limited to two storeys whereas exhibited GRZ 3 allowed three; and
- the additional maximum building height compensates for reduced maximum site coverage.

In addition to addressing the proposed post-exhibition change, a small number of submissions also made comment on or raised issues with Amendment C349 as a whole. Responses to these are provided in the summary of post-exhibition submissions at **Attachment 8**. None of the issues raised warrant a change to Council's position on the wider Amendment as set out in the 1 August 2017 delegated authority report.

Officer comment

Issues raised by submissions supporting proposed change

Council considers that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area. NRZ 5 with a 9 m maximum building height is still supported.

View sharing is addressed in application requirements for development over 7.5 m under SLO 7. A 7.5 m height is not a maximum building height in the area, but is a permit trigger under SLO 7. There is no scope for Council to set a lower maximum building height than 9 m under a Schedule to the NRZ.

Inconsistency with Reformed Residential Zones

Some submissions opposing the proposed change from GRZ 3 to NRZ 5 argued that this was undermining or inconsistent with the State Government's policy and direction with the Reformed Residential Zones.

However, it is not considered that seeking to apply the most appropriate zone to an area of identified landscape significance constitutes undermining the outcomes sought by the State Government through its Reformed Residential Zones (by Amendment VC110, gazetted in March 2017). The land proposed to be zoned NRZ 5 rather than GRZ 3 is a very small fraction of land within the General Residential Zone throughout the City. It also differs from the vast majority of other General Residential zoned land in the City in being subject of an SLO. Only two other SLOs (out of the 14 other SLOs in the scheme) affect land in the GRZ: SLO 9 (Barwon River Environs) and a small portion of interim SLO 15. In each of these cases, it is also proposed to rezone that land from the GRZ to the NRZ.

The proposed change from GRZ 3 to NRZ 5 is consistent with the original intent of a strategically justified planning scheme amendment that was already under

exhibition at the time the State Government's changes to residential zones were made.

More restrictive zone purposes

It is noted that the zone purposes for the NRZ are more conservative than those for the GRZ with respect to development. For example, one GRZ purpose is to "encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport", whereas an NRZ purpose is "to recognise areas of predominantly single and double storey residential development." However, the more conservative zone objectives in the NRZ are generally consistent with the lower maximum building height that is appropriate in an area of identified landscape significance, as well as the reduced maximum site coverage proposed by the Amendment to better protect existing trees and allow for new trees.

SLO 7 provisions and 7.5 m height permit trigger

While it is anticipated that SLO 7, as reworded by this Amendment, will achieve better outcomes from a landscape protection perspective than SLO 7 as currently worded, SLO 7 provisions will not be the sole consideration in the determination of permit applications by Council or VCAT. Council considers that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area.

Other issues

While the NRZ may impose some constraint on redevelopment potential, this is generally consistent with the reduced minimum site coverage and a 9 m maximum building height. It is not considered that additional maximum building height (above 9 m) is required to "compensate" for reduced maximum site coverage; indeed, the Amendment as exhibited proposed the same reduced maximum site coverage with a 9 m maximum building height.

However, two changes to the proposed NRZ 5 Schedule are recommended in response to matters raised in submissions. Reinstating a limit of three storeys (rather than two), along with a 9 m maximum building height, would be consistent with the exhibited GRZ 3. Changing the NRZ 5 area name from Ocean Grove Hillside Area to Ocean Grove Hillside and Coastal Fringe Area would reflect the different topography and landscape character across the area.

Conclusion

It is recommended that Council continues to support proposed NRZ 5 with a 9 m maximum building height and advocates this position at the Panel Hearing.

Recommended modifications

As outlined above, it is recommended that proposed Schedule 5 to the NRZ be modified by:

- changing the area name from Ocean Grove Hillside Area to Ocean Grove Hillside and Coastal Fringe Area;
- in Point 5.0, specify a 9 m maximum building height and a maximum of three storeys.

One further recommended modification to the Amendment has been identified. To minimise unnecessary permit applications in the SLO 15 area, a permit should

not be required for any extension to an existing building that does not alter the building footprint.

Environmental Implications

The Amendment would have positive environmental implications including retention of existing vegetation and promoting new vegetation leading to improved biodiversity, stormwater management, habitat and urban heat impact outcomes. In particular, the Amendment would assist in the retention of threatened Bellarine Yellow-gums. The post-exhibition change considered in this report has minimal environmental implications.

Financial Implications

The Amendment will have no significant financial implications for Council.

Policy/Legal/Statutory Implications

The Amendment is consistent with the State Planning Policy Framework (Clauses 11.05-2, 12.01-1 and 15.01-5) and the Local Planning Policy Framework (Clauses 21.05-3, 21.06-4, 21.14-2 and 21.14-3).

Alignment to City Plan

The Amendment is consistent with directions of the Sustainable Built and Natural Environment theme of City Plan.

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 80C of the Local Government Act.

Risk Assessment

There are no notable risks associated with implementing the recommendation contained in this report. There is a risk of continued loss of the vegetated landscape character in the subject area without the introduction of the proposed new and revised planning controls.

Social Considerations

The Amendment strikes a balance between new residential development and preservation and enhancement of the vegetated landscape. The planning scheme amendment process affords landowners and residents a formal opportunity to participate.

Human Rights Charter

The Amendment will not impact on any basic rights, freedoms and responsibilities as 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.

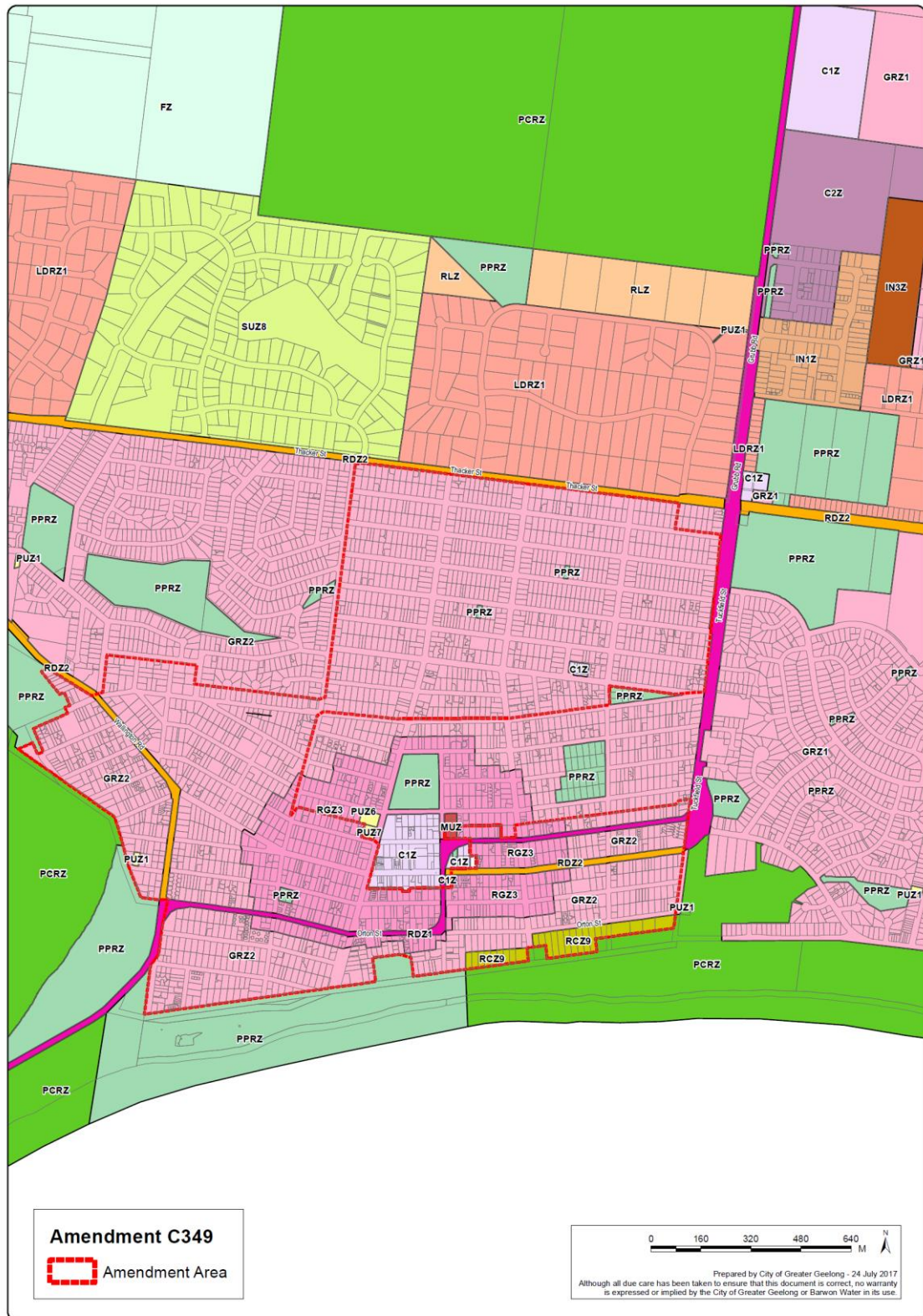
Consultation and Communication

Extensive consultation took place in the preparation of the OGSTP. The Amendment was exhibited in accordance with statutory requirements. Further consultation was conducted with all affected landowners affected by a post-exhibition change to proposed zoning.

Appendix 1 – Location plan



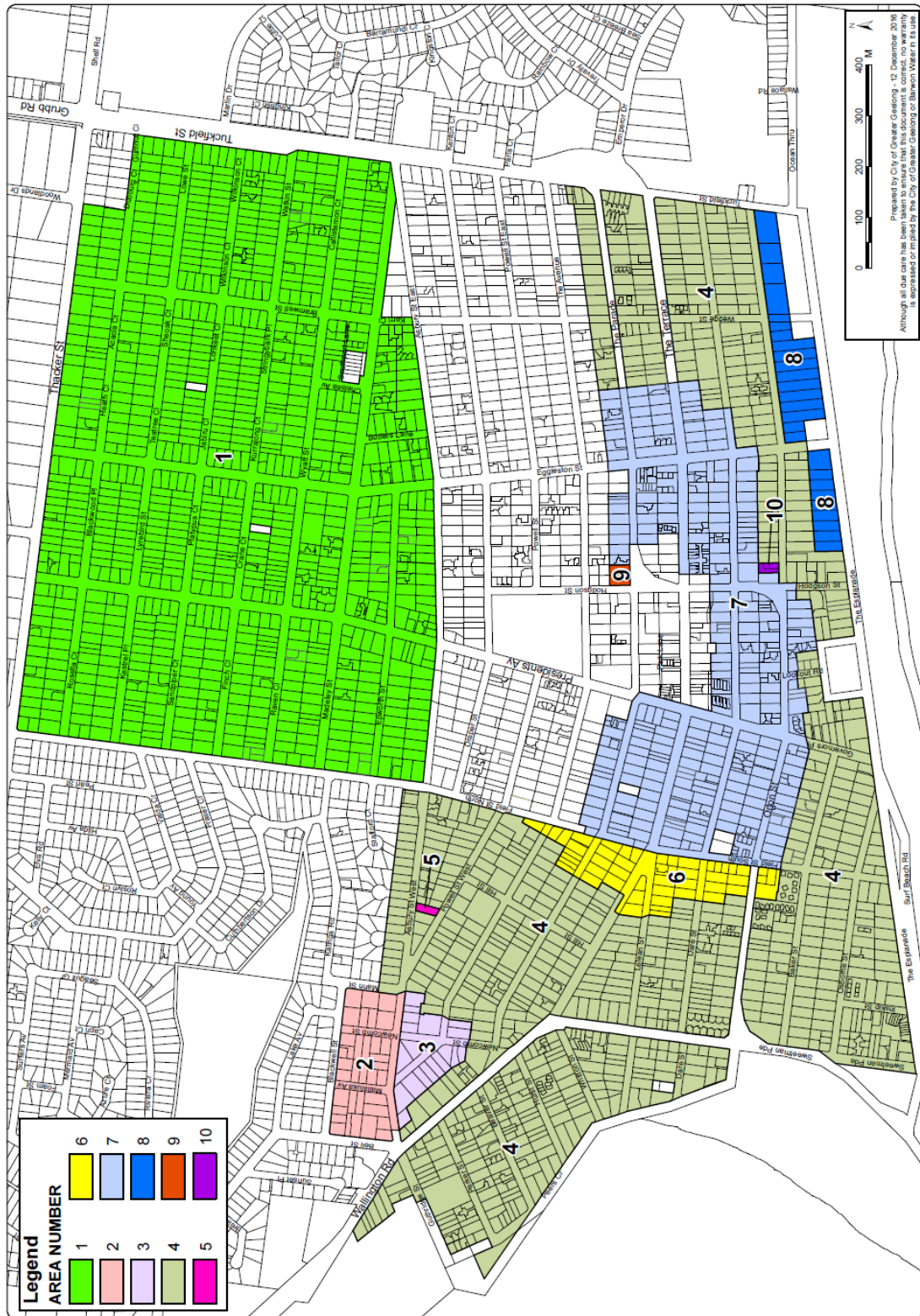
Appendix 2 – Existing zoning



Appendix 3 – Existing SLO 7 and interim SLO 15



Appendix 4 – Amendment C349 – map of exhibited proposed changes



Appendix 5 – Amendment C349 – list of exhibited proposed changes

Area 1

- Rezone from General Residential Zone Schedule 2 to Neighbourhood Residential Zone Schedule 4.
- Replace Design and Development Overlay Schedule 14 with permanent Significant Landscape Overlay Schedule 15. [Interim Significant Landscape Overlay applies until 28 February 2018]

Area 2

- Rezone from General Residential Zone Schedule 2 to Neighbourhood Residential Zone Schedule 4.
- Apply a permanent Significant Landscape Overlay Schedule 15. [Interim Significant Landscape Overlay applies until 28 February 2018]

Area 3

- Rezone from General Residential Zone Schedule 2 to Neighbourhood Residential Zone Schedule 4.
- Replace Significant Landscape Overlay Schedule 7 with permanent Significant Landscape Overlay Schedule 15.

Area 4

- Rezone area from General Residential Zone Schedule 2 to General Residential Zone Schedule 3.
- Revise the wording of Significant Landscape Overlay Schedule 7.

Area 5

- Rezone from General Residential Zone Schedule 2 to General Residential Zone Schedule 3.

Area 6

- Rezone from Residential Growth Zone Schedule 3 to General Residential Zone Schedule 3.
- Revise the wording of Significant Landscape Overlay Schedule 7.

Area 7

- Replace Significant Landscape Overlay Schedule 7 with Design and Development Overlay Schedule 14.

Area 8

- Revise the wording of Significant Landscape Overlay Schedule 7.

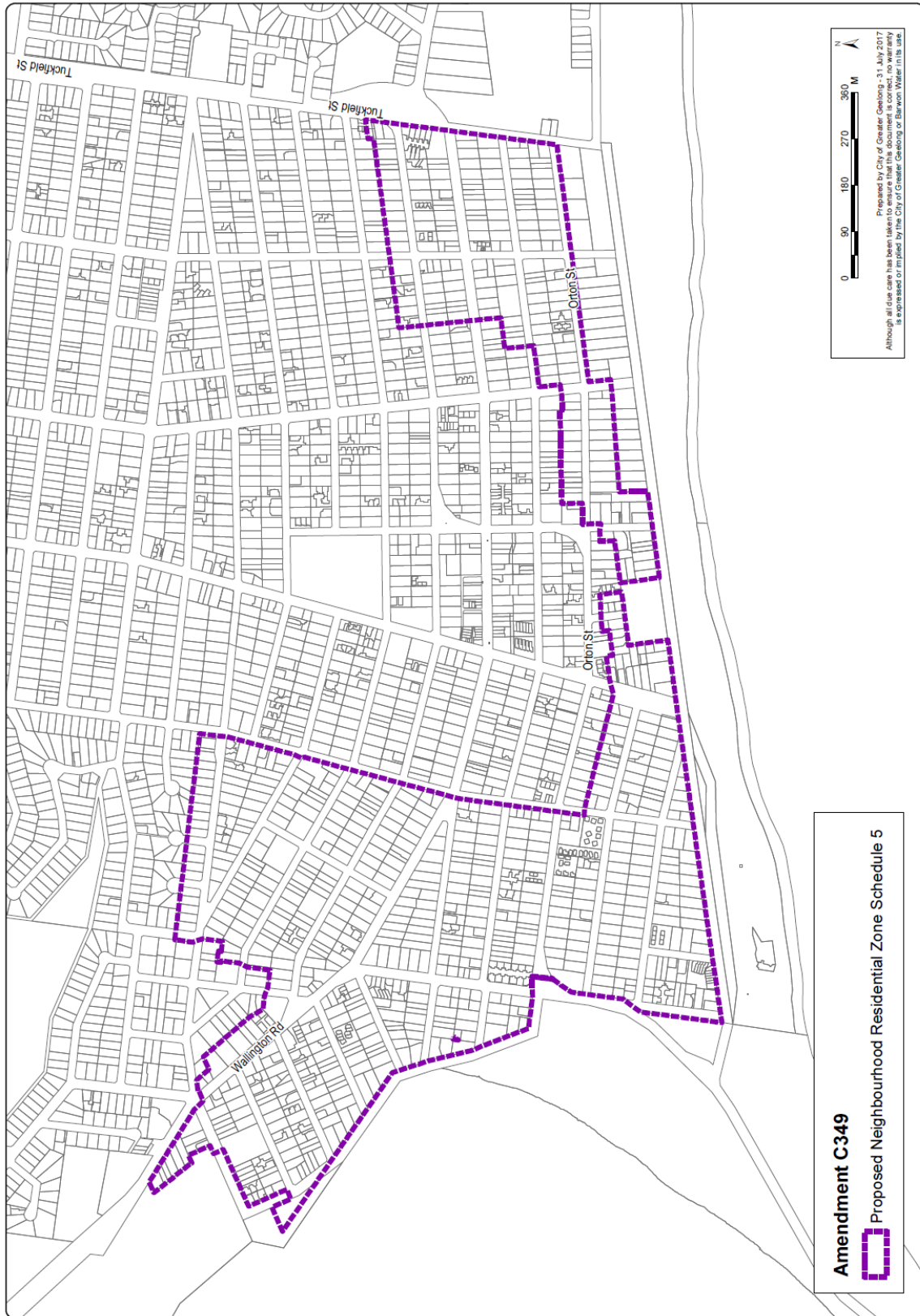
Area 9

- Delete Significant Landscape Overlay Schedule 7.

Area 10

- Rezone from General Residential Zone Schedule 2 to Residential Growth Zone Schedule 3.
- Replace Significant Landscape Overlay Schedule 7 with Design and Development Overlay Schedule 14.

Appendix 6 – Recommended new Neighbourhood Residential Zone Schedule 5



Appendix 7 – Proposed NRZ 5 Schedule

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ProposedC349

SCHEDULE 5 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ5**.

OCEAN GROVE HILLSIDE AREA

1.0 Neighbourhood character objectives

- XX/XX/XXXX
ProposedC349
- To provide a balance between vegetation and built form such that development sits within a vegetated setting.
 - To promote vegetated streetscapes where the vegetation acts to filter and soften the appearance of buildings and hard surface areas.
 - To provide adequate space in new developments for the retention of existing significant trees wherever practicable and for the planting of new trees.

2.0 Minimum subdivision area

XX/XX/XXXX
ProposedC349

None specified.

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

XX/XX/XXXX
ProposedC349

Requirement	
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot	None specified

4.0 Requirements of Clause 54 and Clause 55

XX/XX/XXXX
ProposedC349

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	50%
Permeability	A6 and B9	None specified
Landscaping	B13	At least 30% of the site is available for landscaping. Two canopy trees (indigenous and/or Australian native) per site (parent lot).
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified

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	Standard	Requirement
Private open space	A17 and B28	An area of 60 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. It cannot include a balcony or roof top terrace.
Front fence height	A20 and B32	None specified

5.0 Maximum building height requirement for a dwelling or residential building

XX/XX/XXXX
ProposedC349

None specified.

6.0 Application requirements

XX/XX/XXXX
ProposedC349

The following application requirements apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

Subdivision

- When any of the lots being created are less than 500 square metres, a subdivision application must be accompanied by a development application or approved planning permit plans for the site for the construction of the dwellings.

7.0 Decision guidelines

XX/XX/XXXX
ProposedC349

The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the landscaping requirement can be met by including existing trees that are considered worthy of retention.
- Whether the development provides for adequate landscaping opportunities.
- Whether a subdivision proposal has sufficient land area and minimum dimensions to be in keeping with the surrounding subdivision and development patterns.

Appendix 8 – Summary of submissions

Summary of Submissions for Amendment No C349 (Post-exhibition consultation, August 2017)

(Note the following abbreviations used throughout: OGSTP: Ocean Grove Significant Tree Project; SLO 7: Significant Landscape Overlay Schedule 7; GRZ 2: General Residential Zone Schedule 2; GRZ 3: General Residential Zone Schedule 3; NRZ 5: Neighbourhood Residential Zone Schedule 5)

No	Name	Address	Type	Summary of Submission	Officer Response
1	Elizabeth Anderson - Bernazzoli	The Avenue, OCEAN GROVE	Oppose	Object to proposed change. The current 11 m maximum building height should not be modified.	Council continues to support proposed NRZ 5 with a 9 m maximum building height.
2	Sarah Artis	MONTMORENCY	Oppose	1. Object to proposed reduction in maximum building height from 11 m to 9 m. 2. Development in Area 4 will not impact on tree protection plans. Many recent new buildings have removed large trees.	Council continues to support proposed NRZ 5 with a 9 m maximum building height. The Amendment has moved to improve the retention of significant trees in the area by reducing maximum site coverage to 50% and modifications to the wording of SLO 7. This is not altered by the proposed change from the exhibited GRZ 3 to the now proposed NRZ 5.
				3. Want consistent policies throughout Victoria, with 11 m maximum height, not 9 m.	Under the reformed residential zones (March 2017), General Residential Zones throughout Victoria have an 11 m maximum building height, while Neighbourhood Residential Zones have a 9 m maximum – unless varied by a Schedule to the Zone, noting that no new Schedule can set a lower maximum height than those. In this instance, in an area of identified landscape values reflected in the operation of SLO 7, Council has taken the view that the NRZ, with a 9 m maximum height, is appropriate for the area.

No	Name	Address	Type	Summary of Submission	Officer Response
				4. An additional 2 m of building height will not stop land being cleared of vegetation.	See the response to Point 2 of this submission above.
3	Dale Aston	Whitton Street, OCEAN GROVE	Oppose	1. Wish for the State imposed 11 m maximum building height to be retained	Council continues to support proposed NRZ 5 with a 9 m maximum building height.
				2. Do not agree with amateurish wording of notification letter: it states in part "we need to change Amendment C349"; this incorrectly assumes submitter wishes to maintain 9 m height limit.	The letter conveyed Council's position. However, affected landowners were consulted to seek their comments on the proposal; it was not assumed that any particular landowner necessarily supported a 9 m maximum building height.
4	Dominic Bagnato	CARLTON	Oppose	1. Oppose 9 m maximum building height because steep slope on submitter's site makes it difficult to meet 9 m height limit without compromising design.	Clause 32.09-9 (Neighbourhood Residential Zone) provides that a building may exceed the maximum building height by up to 1 m if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 m, is greater than 2.5 degrees.
				2. Sloping sites should be given a greater height limit. 11 m height gives more scope for design.	See the response to Point 1 of this submission above. This allowance of up to 1 m excess of the stated maximum building height for the zone is a standard provision, also applying in both the General Residential Zone and Residential Growth Zone.
				3. A compromise should be that on sloping sites a building over 9 m does not require a Planning Permit.	SLO 7 contains a permit trigger for any proposed building that exceeds 7.5 m in height. There is no justification to amend this to 9 m on sloping sites.
5	Tino Ballan	WERRIBEE	Oppose	1. Agree with the 11 m maximum building height.	Council continues to support proposed NRZ 5 with a 9 m maximum building height.
				2. The State Government has agreed with the new	Proposed GRZ 3 was part of the Amendment

No	Name	Address	Type	Summary of Submission	Officer Response
				GRZ 3, which should be left as it is.	authorised for exhibition, but it has not been considered by a Panel or formally considered for approval by the State Government.
6	Body Corporate RP 4002	Orton Street, OCEAN GROVE	Oppose	<ol style="list-style-type: none"> 1. It is too late to introduce these changes. Maintain maximum building height at 11 m. 	Council continues to support proposed NRZ 5 with a 9 m maximum building height.
				<ol style="list-style-type: none"> 2. Most developments have already been completed and overdeveloped. This should not have happened as SLO 7 had the necessary restrictions. 	A range of factors have contributed to developments in the SLO 7 area that may have diminished the landscape character. It is anticipated that the revised and strengthened SLO 7 controls will lead to improved development outcomes from a landscape perspective.
				<ol style="list-style-type: none"> 3. Submitters' land is walking distance to all infrastructure, bank and shops. Property cannot be seen from the beach. This part of Orton Street is a no through road. 	See the response to Point 7 of Submission 13 in the Summary of Submissions in the 1 August 2017 report on submissions.
				<ol style="list-style-type: none"> 4. Should be able to develop under Residential Zone Schedule 3. 	It is not clear whether this refers to the exhibited proposed General Residential Zone Schedule 3 or to the Residential Growth Zone. With respect to the latter, see the response to Point 6 of Submission 13 in the Summary of Submissions in the 1 August 2017 report on submissions. With respect to GRZ 3, Council continues to support the proposed change to NRZ 5 with a 9 m maximum building height.
7	Don and Jeanette Brown	LAKE WENDOUREE	Oppose	<ol style="list-style-type: none"> 1. Amendment is too restrictive. It reduces development potential and does not allow maximum use of the site. 	It is noted that the proposed change to NRZ 5 may provide more constraint to development, but this is considered warranted in order to better protect the significant landscape values of

No	Name	Address	Type	Summary of Submission	Officer Response
					the area.
				2. Will devalue submitters' property.	The impact, negative or positive, on property values is not known. It has been consistently held by Planning Panels and Tribunals that impact on property values is not a relevant planning consideration.
				3. Would prefer that it stays as is, with the new zoning.	Council continues to support proposed NRZ 5 with a 9 m maximum building height.
				4. There is no overall plan for the area, just a restrictive planning scheme.	The Ocean Grove Structure Plan 2015 (amended September 2016) is a strategic framework for future growth and development of the town. The Structure Plan is used to guide future use and development and is instrumental in determining planning scheme controls.
8	Ross Closter	GEELONG	Oppose	1. Previously objected to Amendment C349 and stand by those objections. Vehemently oppose the proposed post-exhibition change to NRZ 5.	Noted. Points raised in the submitter's previous submission are addressed in the responses to those points in the summary of submissions (for submissions during the March and April 2017 exhibition of the Amendment). With respect to the proposed post-exhibition change, Council continues to support proposed NRZ 5 with a 9 m maximum building height.
				2. From officer discussions and report on submissions, it is apparent the only reason this change is now proposed is as a result of the new residential zones and the increase in the maximum height limit in the General Residential Zone from 9 m to 11 m.	Noted.

No	Name	Address	Type	Summary of Submission	Officer Response
				3. The purposes of the two zones (GRZ and NRZ) in Clauses 32.08 and 32.09 are substantially different. Substituting one for the other to address a height limit is unwarranted and may have many unintended consequences. GRZ is about encouraging development whereas NRZ is more about managing development – substantial changes in regards to the intent of the zone.	The more conservative zone objectives in the NRZ are generally consistent with the lower maximum building height that is appropriate in an area of identified landscape significance, as well as the reduced maximum site coverage proposed by the Amendment to better protect existing trees and allow for new trees.
				4. The Minister is entitled to make changes to residential zones, such as maximum height limits. Seeking to nullify these changes by the “back door” by applying the most conservative zone seeks to undermine the outcomes sought by the Minister. Considering the maximum height limit in isolation is not an appropriate means for determining a residential zone.	The land proposed to be zoned NRZ 5 rather than GRZ 3 is a very small fraction of land within the General Residential Zone throughout the City of Greater Geelong. Seeking to apply the most appropriate zone to this area of identified landscape significance is not seeking to undermine the outcomes sought by the Minister in Amendment VC 110 (Reformed Residential Zones).
				5. SLO 7 requires a planning permit for development above 7.5 m. Such an application would need to have regard to the SLO 7 provisions, including statement of nature and key elements and landscape objectives to be achieved. These provide guidance regarding ensuring buildings sit in a landscaped setting, don’t dominate the streetscape, have adequate setbacks and provide for view sharing. There is adequate protection to be confident that a building higher than 9 m would be unlikely to be approved by the Tribunal.	It is anticipated that SLO 7, as reworded by this Amendment, will achieve better outcomes from a landscape protection perspective than SLO 7 as currently worded. However, SLO 7 provisions will not be the sole consideration in the determination of permit applications by Council or VCAT. Council considers that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area. The 9 m height limit proposed in NRZ 5 is

No	Name	Address	Type	Summary of Submission	Officer Response
					consistent with that which was proposed in the exhibited GRZ 3.
				6. Under exhibited GRZ 3, a three level building up to 9 m was possible. The SLO 7 provisions would require a third level to be well set back and not visible from the street with appropriate design controls. Under proposed NRZ 5 there is no discretion for approval of a third storey. This is more change than only the maximum height limit.	Maintaining a 9 m maximum building height and a three storey limit would be consistent with the exhibited GRZ 3. Accordingly, it is recommended that Point 5.0 of proposed NRZ 5 specify a 9 m maximum building height and a maximum of three storeys.
				7. New Panel dates must provide sufficient time to give submitters opportunity to secure Counsel.	This matter can be considered by the Panel at the Directions Hearing.
9	Susan Conte	Baker Street, OCEAN GROVE	Support	Support proposed NRZ 5 with 9 m building height limit as in the exhibited GRZ 3.	Noted.
10	Elizabeth and David Curtain	PO Box, OCEAN GROVE	Oppose	1. Object to proposed NRZ 5 over land north of Dare Street between Wedge and Tuckfield Streets.	Council continues to support proposed NRZ 5 with a 9 m maximum building height.
				2. The current zone and previously proposed GRZ 3 both have/provide for a 10 m height limit, not 11 m.	Under the current GRZ 2, the maximum building height is 9 m (except in some circumstances on sloping sites where a 10 m limit applies). This was also proposed in the exhibited GRZ 3. However, in March 2017, State Government changes set the default maximum building height for the GRZ (in Clause 32.08-9) at 11 m (except in some circumstances on sloping sites where a 12 m limit applies). Council will not be able to specify a lower maximum building height in a new Schedule to the GRZ; hence if the Amendment were to proceed with GRZ 3, the 11 m maximum building height would apply (except in some circumstances on sloping sites where a 12 m limit

No	Name	Address	Type	Summary of Submission	Officer Response
					would apply). Also, it is understood that Councils will be required to bring existing Schedules into conformity with the reformed residential zones, meaning that GRZ 2 (the current zone) will in due course need to be amended so that the 11 m maximum building height (12 m on some sloping sites) will apply.
				3. Proposed 9 m height limit under NRZ 5 is heavy handed and unreasonable, as is the purposes of the zone.	Council considers that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area. With respect to zone purposes, see the response to Point 3 of Submission 8 above.
				4. SLO7 is already heavy handed and unreasonable in being applied north of Dare Street given it is outside of the dune system and much of the vegetation is non-native.	SLO 7 has applied to the area since April 2003. The landscape significance identified and protected by SLO 7 is not limited to the coastal dune system. A vegetation survey as part of the OGSTP identified 1330 significant trees (indigenous trees over 3 m and other native trees over 5 m) in the SLO 7 area, along with 233 significant street trees.
11	Maree De Cruz	KEW	Support	Support proposed rezoning to change height limit to 9 m to avoid impact of higher buildings on landscapes and streetscapes.	Noted.
12	Geraldine and Philip Dewhurst	PO Box, OCEAN GROVE	Support	Support proposed change. Believe 9 m is the correct height limit.	Noted.
13	Michael Drew	The Avenue, OCEAN GROVE	Support	Support proposed Amendment	Noted.
14	Jennifer Foster	PO Box, OCEAN	Support	1. Support proposed NRZ 5.	Noted.

No	Name	Address	Type	Summary of Submission	Officer Response
		GROVE			
				2. No need for an 11 m height limit.	The 11 m height limit has been applied to the GRZ throughout Victoria, but Council supports a proposed NRZ 5 with a 9 m maximum building height.
				3. Submitters value area for its treed landscape, low building height limits and views.	Noted.
				4. Landscape values in the area are diminishing due to new development, little landscaping and few new trees.	Other changes proposed by Amendment C349 address the issue of landscape values, protection of existing trees and providing for new trees.
15	Roger Fyfe	Lelean Street, OCEAN GROVE	Support	1. Strongly support proposed NRZ 5.	Noted.
				2. While would prefer clarity on side and rear setbacks, endorse 50% maximum site coverage, landscaping and private open space requirements.	Endorsement of site coverage, landscaping and private open space requirements is noted. With respect to side and rear setbacks, "None specified" simply means that the provisions of Standards A10 and B17 in Clauses 54.04 and 55.04 respectively apply.
				3. Standard A17 and B28 phrasing is confusing. If the minimum area of one part of 40 m ² has a minimum dimension of 5 m, then given straight property boundaries one would assume 8 x 5 m.	The wording is not considered confusing. The submitter's understanding of a minimum sized compliant area with the minimum dimension (5 m x 8 m) is correct.
				4. Support exclusion of a balcony or roof terrace from this standard. However, proposed 7.0 Decision Guidelines leave too much latitude – particularly the reference to surrounding subdivision and development patterns. What does this mean?	It means that surrounding subdivision and development patterns are taken into account in assessing a permit application for a subdivision.

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				5. Surrounding subdivision and development patterns may date back many decades. Should historic development be the standard against which adjoining developments should be assessed?	It is appropriate to consider subdivision and development patterns in the area, among other matters, in determining an application for subdivision, regardless of whether or not those patterns are recent.
				6. Council has recently changed zones and zone boundaries. How is Council to introduce a new zoning if Decision Guidelines are mired in past decisions using different criteria?	In this Amendment, Council is proposing a zoning change that is relatively more conservative to better protect the existing landscape significance. In conjunction with the zone purposes and all of the other matters required to be considered in determining a subdivision application, the proposed Decision Guideline is appropriate.
				7. How important is the first subdivision in a street? What distance is considered to determine what will become the standard for subdivision in the street and area?	The decision guideline refers to surrounding subdivision and development "patterns". This infers that subdivision and development across many surrounding lots will be considered; no single lot or subdivision would be determinative of the pattern for an area.
				8. 4.0 Requirements of Clause 54 and 55: these require more than "none specified": minimum site setback; permeability; side and rear setbacks; walls on boundaries.	See the response to Point 2 of this submission above. The use of "none specified" is consistent with the Ministerial Direction on the Form and Content of Planning Schemes and avoids unnecessary duplication within the scheme.
				9. Can a developer build the entire length of a boundary with walls? Satisfies the secluded open space requirement and two canopy trees can still be planted.	Walls on boundaries are addressed by Clauses 54.04-2 and 55.04-2 of the Scheme. These are not varied by the Amendment, including the proposed NRZ 5.

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				10. Can a developer build to the front boundary in order to satisfy the private open space requirement?	Street setbacks are addressed by Clauses 54.03-1 and 55.03-1 of the Scheme. These are not varied by the Amendment, including the proposed NRZ 5.
16	John Grant Nominees	Orton Street, OCEAN GROVE	Oppose	1. Changes are not needed. The horse has already bolted. Leave height at 11 m.	Council continues to support proposed NRZ 5 with a 9 m maximum building height.
				2. State Government changed the zones to cover more people living near all the infrastructure and shopping facilities.	Changes to the General Residential Zone made by the State Government in Amendment VC 110 (Reformed Residential Zones) apply to all General Residential zoned land, regardless of proximity or otherwise to infrastructure and shops.
				3. Refer to previous objection.	Refer to responses to points raised in Submission 13 in the Summary of Submissions in the 1 August 2017 report on submissions.
				4. Most developments have already been completed and overdeveloped. This should not have happened as SLO 7 had the necessary restrictions.	Refer to response to Point 2 of Submission 6 above.
17	Sheree Gray	Hodgson Street, OCEAN GROVE	Support	1. Support proposed NRZ 5.	Noted.
				2. Would like 9 m maximum building height.	Noted.
				3. Believe we need to keep as many existing significant trees as possible.	Noted.
18	George Hajduk and Annmaree Darbyshire	The Avenue, OCEAN GROVE	Support	1. Support proposed 9 m building height limit.	Noted.
				2. 11 m height limit would allow blocking of views and	Council considers that an 11 m maximum building

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				negative impact on lifestyle and property value.	height may allow development that is inconsistent with protection of the identified landscape values of the area.
19	Colin and Marion Hardwick	Hurst Street, OCEAN GROVE	Support	1. Support proposed 9 m height limit.	Noted.
				2. Would appreciate if mature trees could be planted outside 11 Hurst Street to complete the treed nature of the street.	This suggestion will be referred to Council's Tree Management Unit.
20	Mark Hardwick	The Parade, OCEAN GROVE	Support	1. Support changing maximum building height from 11 m to 9 m.	Noted.
				2. A greater building height allows adverse impact on existing houses and established coastal and river views.	Council considers that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area.
21	Jeni Holmes	Osborne Street, OCEAN GROVE	Support	Support 9 m maximum building height as originally proposed. Object to maximum 11 m building height.	Noted.
22	Raelee Hunter	KEILOR DOWNS	Oppose	1. Object to proposed change from GRZ 3 to NRZ 5 to circumvent State Government planning reforms. Prefer an 11 m height limit in the Osborne Street area.	Council continues to support proposed NRZ 5 with a 9 m maximum building height.
				2. Understand a 9 m height limit under NRZ would prevent an underground basement or garage in future development, as it would constitute a storey. That has nothing to do with affecting views.	Clause 32.09-9 specifies that a basement is not a storey for the purposes of calculating the number of storeys contained in a building. Nonetheless, it is now recommended, for consistency with the exhibited GRZ 3, that proposed NRZ 5 specify a maximum building height of 9 m and a maximum of three storeys.
				3. Proposal is an unfair imposition on owners adjacent	With respect to building heights, a 9 m maximum

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				to existing building developments.	building height applies under the current GRZ 2. It is understood that Councils will be required to bring existing Schedules into conformity with the reformed residential zones, meaning that GRZ 2 will in due course need to be amended so that the 11 m maximum building height will apply. However, at present there is no discrepancy between the maximum building height under the existing GRZ 2 and that under proposed NRZ 5.
				4. Submitter's family has owned property for about 50 years. There should be recognition of the rights of longstanding owners. Proposal will adversely affect property's future utility and value.	The views of all affected landowners have been sought and are being considered, regardless of their length of ownership. The impact, negative or positive, on property values is not known. It has been consistently held by Planning Panels and Tribunals that impact on property values is not a relevant planning consideration.
				5. Communications on the proposed change are confusing. Council's website still only refers to rezoning of 'Area 4' to GRZ 3, with no mention of the proposed NRZ 5.	It is Council's practice to retain on an Amendment's webpage an indication of the changes proposed during the exhibition of the Amendment, even at subsequent stages in the Amendment, so that this information is clearly available. However, at the top of the explanatory text on the webpage it was made clear that NRZ 5 was proposed for Areas 4, 5 and 6.
				6. Proposed change demonstrates unnecessary complication of planning schemes, producing	While this Amendment is relatively complex, it is strategically justified and seeks to implement the

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				contrary and inconsistent outcomes. Question the legality of this mismanaged change process.	OGSTP Final Report adopted by Council. The Amendment has followed due process.
23	Robert Jost	SOUTH YARRA	Oppose	Prefer the increased height limit of 11 m.	Council continues to support proposed NRZ 5 with a 9 m maximum building height.
24	Warren Jowers	GLEN IRIS	Support	1. Support proposed 9 m building height limit.	Noted.
				2. Should maintain the previous height limit of 7.5 m.	7.5 m is a permit trigger under SLO 7, in that a proposed building exceeding that height requires a permit. However, 7.5 m is not and has not been a maximum building height within the current or previous zone.
				3. 11 m height limit would allow a lot of coastal and river views to be blocked.	Council considers that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area.
25	Glen Kempe	GEELONG	Support	1. Change height back to 9 m.	Noted.
				2. Don't agree with tree project.	The OGSTP Final Report has been adopted by Council. A wide range of issues raised in submissions on Amendment C349, which seeks to implement the OGSTP, has been considered by Council. Subject to certain modifications, Council continues to support Amendment C349.
26	Michael Kottek	PO Box, OCEAN GROVE	Support	Support the amendment as a means of protecting the character of my neighbourhood.	Noted.
27	Barbara Lee	Hodgson Street, OCEAN GROVE	Support	1. Support change in maximum building height from 11 m to 9 m, although would prefer 6 m.	Noted. It is not open to Council to set a maximum building height lower than 9 m.
				2. Higher buildings would spoil views.	Council considers that an 11 m maximum building height may allow development that is

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					inconsistent with protection of the identified landscape values of the area.
				3. Support proposed landscaping and maximum site coverage requirements.	Noted.
28	Michelle, Michael and Nicole Loader	MIDDLE PARK	Oppose	Oppose the Amendment.	Council continues to support proposed NRZ 5 with a 9 m maximum building height.
29	Pauline Messenger	BENALLA	Support	1. Support the Amendment.	Noted.
				2. Long term residents will lose their views, looking into buildings and rooftops.	Council considers that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area.
				3. Car parking on-street and on submitters' nature strip due to insufficient on-site parking is causing safety problems.	Car parking controls are independent of the zoning and are not varied by this Amendment.
30	Helen Pang	Powell Street West, OCEAN GROVE	Support	Support proposed rezoning and 9 m building height limit to prevent higher buildings that would adversely impact on the landscape.	Noted.
31	Stephen Park	Guthridge Street, OCEAN GROVE	Oppose	1. Resent Council overriding State Government changes to residential zones, including height limits.	See the response to Point 4 of Submission 8 above.
				2. Submitter's property already adversely affected by townhouses developed on surrounding properties. Council failed to follow up compliance issues during development. All native trees have been removed in surrounding developments. Council has no credibility.	A range of factors have contributed to developments in the SLO 7 area that may have diminished the landscape character. It is anticipated that the revised and strengthened SLO 7 controls will lead to improved development outcomes from a landscape perspective.

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				3. Submitter should not be penalised by overriding State Government policy. Will this prevent submitter's land from being subdivided?	A range of matters would be taken into consideration in determining a permit application to subdivide. Among the Decision Guidelines proposed for NRZ 5 is whether a subdivision proposal has sufficient land area and minimum dimensions to be in keeping with the surrounding subdivision and development patterns.
32	Ian R and Lynette D Pattison	Baker Street, OCEAN GROVE	Support	Support new NRZ 5 with the 9 m height limit previously proposed.	Noted.
33	Gary Pearce and Susan Rawling	The Parade, OCEAN GROVE	Support	1. Support the proposed change to the Amendment.	Noted.
				2. Against any rezoning that increases the building height.	Noted. The proposed post-exhibition change would reduce maximum building height.
				3. When Amendment was exhibited in March/April, discussed with Council officer and was not advised that building height was being revised to 9 m, let alone 11 m.	The exhibited proposed GRZ 3 specified a 9 m maximum building height. This reflected the then maximum building height under the current zoning. When exhibition of the Amendment commenced, Council was not aware of the changes to be made by Amendment VC110 (Reformed Residential Zones); Council had little notice before those changes came into force on 27 March 2017.
				4. Submitter built house to obtain river views. A maximum height of 7.5 m applied. An 11 m maximum building height may significantly affect submitters' views.	7.5 m is a permit trigger under SLO 7, in that a proposed building exceeding that height requires a permit. However, 7.5 m is not and has not been a maximum building height within the current or previous zone. Council considers that an 11 m maximum building height may allow development that is

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					inconsistent with protection of the identified landscape values of the area.
34	Roy Preece	KENNINGTON	Support	1. Support the proposed change to the Amendment.	Noted.
				2. Support reintroducing the 9 m height limit that existed previously, for the amenity of residents and consistency of the streetscape. Any other decision would be unfair to existing residents and cause unnecessary vexation.	Noted. Council considers that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area.
				3. Applaud and support Significant Landscape Overlay provisions on native trees.	Noted.
35	William Robertson	DOCKLANDS	Support	1. Support change to maintain the 9 m maximum building height limit.	Noted.
				2. Would prefer the height was at the current maximum of 7.5 m.	7.5 m is a permit trigger under SLO 7, in that a proposed building exceeding that height requires a permit. However, 7.5 m is not and has not been a maximum building height within the current or previous zone.
				3. Increased building heights would be detrimental to the character of this special area.	Council considers that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area.
				4. If increased building heights allowed building of small apartments, this would have a negative impact on traffic flows and congestion, as Peers Crescent is not a main thoroughfare.	Traffic impacts would be among matters considered in determining a permit application. However, potential traffic impact has not been a factor in Council's support for NRZ 5 with a 9 m maximum building height.

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36	Graeme Robin	The Parade, OCEAN GROVE	Support	<p>1. Ten years ago we were forced to stay below 7.5 m. Now with the stroke of a pen a developer is allowed to build us out. This is unfair and unjust for residents. [The submitter has verbally advised that they prefer the proposed NRZ 5 with 9 m maximum building height to GRZ 3 with 11 m maximum building height, though they would rather a 7.5 m maximum height apply.]</p>	<p>7.5 m is a permit trigger under SLO 7, in that a proposed building exceeding that height requires a permit. However, 7.5 m is not and has not been a maximum building height within the current or previous zone. Submitter's preference for NRZ 5 with 9 m maximum building height ahead of GRZ 3 with 11 m maximum building height is noted.</p>
				<p>2. Increase in maximum building height to 11 m was a betrayal.</p>	<p>Increased maximum building height was one of several changes introduced by the State Government in Amendment VC 110 (Reformed Residential Zones).</p>
37	Salih Salih	GLENROY	Support	<p>1. Support change to maintain the 9 m maximum building height limit.</p>	<p>Noted.</p>
				<p>2. Purchased in Ocean Grove to get away from higher buildings.</p>	<p>Noted.</p>
				<p>3. 11 m high buildings will diminish the character of Ocean Grove, create overshadowing and affect development of native plants.</p>	<p>Council considers that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area.</p>
38	Robyn Smith	Dare Street, OCEAN GROVE	Support	<p>1. Support proposed change and 9 m maximum building height.</p>	<p>Noted.</p>
				<p>2. Submitter bought in Ocean Grove due to seaside ambience, treed environment and absence of high density buildings. Concerned at large dwellings which are erasing the character and beauty of the area.</p>	<p>Noted.</p>

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				3. 9 m maximum building height is essential to preserve coastal character in all localities outside the town centre.	Council considers that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area.
				4. Trees are an essential component of all environments, especially in an era of global warming.	Noted.
39	Faye Tandy	BACCHUS MARSH	Oppose	1. Oppose reduction in maximum building height from 11 m to 9 m.	Council continues to support proposed NRZ 5 with a 9 m maximum building height.
				2. Support retaining significant vegetation and having minimum open space and planting requirements. However, this entails a reduced available building footprint. The additional height allows for dwellings or extension to achieve desired floor space.	A 9 m maximum building height allows for extensions and achieving floor space constrained by reduced maximum site coverage. Maintaining a 9 m maximum building height and a three storey limit would be consistent with the exhibited GRZ 3 and allow for additional floor space. It is recommended that Point 5.0 of proposed NRZ 5 specify a 9 m maximum building height and a maximum of three storeys.
				3. The sealing of streets in this area, despite strenuous opposition, shows Council is encouraging growth and development in this area. As such, the right to build to 11 m in height must be retained.	Development is able to proceed in the area without exceeding 9 m in height. Planning for road sealing in the Baker Street area took place well before any plans to change maximum building height in the GRZ to 11 m were known.
				4. Area is low lying so additional building height will not affect neighbour views.	Much of the area covered by SLO 7 and the proposed NRZ 5 is visually prominent. Council considers that an 11 m maximum building height

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					may allow development that is inconsistent with protection of the identified landscape values of the area.
				5. Additional building height will improve, not detract, from the area.	Council considers that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area.
40	Elizabeth and Neil Teese	Governors Place, OCEAN GROVE	Support	Support the same 9 m height limit as originally proposed in the Amendment.	Noted.
41	Jane Thomas	Powell Street West, OCEAN GROVE	Support	1. Support change to reduce maximum building height back to 9 m.	Noted.
				2. Support better protection of existing trees, encouragement of planting new trees and limiting over-development of land.	Noted.
42	Leon Trethowan	Powell Street West, OCEAN GROVE	Support	1. Support a 9 m maximum building height limit.	Noted.
				2. 9 m height limit will assist tree preservation.	Council considers that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area. However, the change to a 9 m maximum building height, by itself, would not impact on tree protection.
				3. Enforcement and penalties will be required.	Breaches of the planning scheme may be subject to enforcement and penalties.
43	Dean Trickey	Orton Street, OCEAN GROVE	Oppose	1. Oppose proposed change from GRZ 3 to NRZ 5, reducing height limit from 11 m to 9 m.	Council continues to support proposed NRZ 5 with a 9 m maximum building height.
				2. A residence is currently under construction at 21	See response to Point 3 of Submission 22 above.

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				Baker Street that was approved at a height of 11.67 m. This has set a precedent for adjacent properties and other landowners must be granted the same opportunity to construct to 11 m. Restricting to height to 9 m would be unfair in these circumstances.	With respect to the cited development, the landowner has indicated, and provided information showing, that the residence will not exceed 7.5 m in height. Had the proposed dwelling exceeded 7.5 m, a planning permit would have been required under SLO 7. No planning permit application was made.
44	Tiffany Trickey	Orton Street, OCEAN GROVE	Oppose	1. Oppose proposed change from GRZ 3 to NRZ 5, reducing height limit from 11 m to 9 m.	Council continues to support proposed NRZ 5 with a 9 m maximum building height.
				2. A residence is currently under construction at 21 Baker Street that was approved at a height of 11.67 m. This has set a precedent for adjacent properties and other landowners must be granted the same opportunity to construct to 11 m. Restricting to height to 9 m would be unfair in these circumstances.	See response to Point 3 of Submission 22 above. With respect to the cited development, the landowner has indicated, and provided information showing, that the residence will not exceed 7.5 m in height. Had the proposed dwelling exceeded 7.5 m, a planning permit would have been required under SLO 7. No planning permit application was made.
45	Harold Vallance	MENTONE	Support	Support proposed NRZ 5, with a 9 m height limit as was originally proposed.	Noted.
46	Sam Van Deuren	The Parade, OCEAN GROVE	Oppose	1. The 11 m maximum building height should be retained.	Council continues to support proposed NRZ 5 with a 9 m maximum building height.
				2. 11 m maximum building height gives more people a chance to extend and enjoy coastal views. As long as there is no loss of vegetation or the right to view sharing, 11 m height limit is good.	Council considers that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area.
47	Dawn Wade	Osborne Street, OCEAN GROVE	Support	1. Support 9 m maximum building height limit.	Noted.

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				2. 11 m building height limit is unfair and can impact on residences built to the 7.5 m height limit that applied until late January 2017.	7.5 m is a permit trigger under SLO 7, in that a proposed building exceeding that height requires a permit. However, 7.5 m is not and has not been a maximum building height within the current or previous zone.
				3. Suggest the new zoning be for new buildings only and not for established residential areas or homes.	A zone applies to all land within its boundaries. With respect to building height, Clause 32.09-9 recognises that the height and number of storeys of any existing buildings confers a right for a new building up to that height and number of storeys, even if it exceeds the maximum building height and number of storeys specified for the zone.
48	Paul Whelan	The Avenue, OCEAN GROVE	Oppose	1. Object to proposed NRZ 5 and 9 m maximum building height.	Council continues to support proposed NRZ 5 with a 9 m maximum building height.
				2. Strongly object to Amendment C349 which on the pretext of "community support" placed major restrictions on landowners in the Hillside precinct that don't apply other areas of Ocean Grove.	Amendment C349 seeks to implement the OGSTP Final Report. One aspect of the OGSTP was a review of the existing SLO 7, which has applied to the Hillside Precinct since being introduced to the Greater Geelong Planning Scheme in April 2003. The recommendations in the OGSTP Final Report have taken into account the results of public consultation, but stem from detailed vegetation surveys and analysis of a range of planning considerations.
				3. Original subdivision of old Ocean Grove didn't distinguish between the "hillside" and other areas. Planting or retention of trees or gardens were at owners' discretion. It was originally fashionable to	The differing levels of landscape significance throughout Ocean Grove derive in part from historical development and land use, but this does not diminish the significance of those areas

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				have trees, shrubs, lawns and flowers but fashions change: in recent years, stone/oriental gardens have become the fashion.	identified and protected as SLOs.
				4. Community support is problematic. Which community and what level of support? Unless similar restrictions apply to the whole of Ocean Grove, it is too easy for a noisy group to put up a case that results in their property values being maintained or increased but at the cost of owners in an area in which those supporters don't live. A levy should be applied to supporters of Amendment C349 to provide compensation to affected owners for additional requirements and restrictions imposed on them.	All, or nearly all, landowner submissions in support of Amendment C349, or in support of the proposed post-exhibition change, have been received from affected landowners.
				5. 11 m maximum building height provides some compensation for the restrictions imposed by Amendment C349.	Council considers that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area.
49	Merridy Witkowski	Dare Street, OCEAN GROVE	Support	1. Support the Amendment and proposed change to NRZ 5 with a 9 m height limit.	Noted.
				2. Important to ensure a 9 m maximum building height so that Ocean Grove loses no more of its ambience as a friendly village.	Council considers that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area.
				3. The 7.55 m building height should be enforced throughout old Ocean Grove, but a 9 m height limit is next best.	7.5 m is a permit trigger under SLO 7, in that a proposed building exceeding that height requires a permit. However, 7.5 m is not and has not been

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					a maximum building height within the current or previous zone.
50	James Woodburn	KEW	Oppose	1. Explanation of changes in Council notification letter is unconvincing and flies in the face of State Government policy.	See the response to Point 4 of Submission 8 above.
				2. Clause 5.0 of the proposed NRZ 5 Schedule does not specify a maximum building height requirement, which is puzzling.	In Point 5.0, "None specified" simply means that the maximum building height set out in Clause 32.09-9 (9 m, except in limited circumstances) applies.
				3. Where is the evidence that an increase in maximum building height from 9 m to 11 m will adversely affect the neighbourhood character objectives? More rigorous research is required and a more balanced view of the situation. Cannot support proposed change without more convincing rationale.	Council considers that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area. This is based on professional opinion noting the topography and landscape characteristics of the area.
				4. Increased height limit may mean smaller building footprints and more vegetation opportunities, consistent with Council's objectives.	Reduced maximum site coverage already proposed by the Amendment will achieve smaller building footprints and improved tree retention and planting.
51	Geoff and Ruby Wookey	MOOLAP	Support	1. As owners of Lot 1, 147 The Terrace, support a standard building height of 7.5 m with an option for owners of blocks in lower sections of Ocean Grove to apply for a Permit to build up to a maximum of 9 m, providing views are not blocked.	Noted. 7.5 m is a permit trigger under SLO 7, in that a proposed building exceeding that height requires a permit. However, 7.5 m is not a "standard" building height. It is not open to Council to propose a lower maximum building height than 9 m in a Schedule to the NRZ.

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				2. 11 m building height limit would mean residents of The Terrace would lose views and properties would be devalued.	Council considers that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area.
52	Geoff and Ruby Wookey	MOOLAP	Support	1. As owners of Lot 2, 147 The Terrace, support a standard building height of 7.5 m with an option for owners of blocks in lower sections of Ocean Grove to apply for a Permit to build up to a maximum of 9 m, providing views are not blocked.	Noted. 7.5 m is a permit trigger under SLO 7, in that a proposed building exceeding that height requires a permit. However, 7.5 m is not a "standard" building height. It is not open to Council to propose a lower maximum building height than 9 m in a Schedule to the NRZ.
				2. 11 m building height limit would mean residents of The Terrace would lose views and properties would be devalued.	Council considers that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area.
53	Roger Wynn	Orton Street, OCEAN GROVE	Oppose	1. Oppose proposed change to NRZ 5 and reduction of maximum building height from 11 m to 9 m.	Council continues to support proposed NRZ 5 with a 9 m maximum building height.
				2. An 11.67 m high residence has been permitted at 21 Baker Street. Permitting this residence and then restricting future development on adjacent land would be grossly unfair and could reduce value of submitter's land for development. The precedent has been set and other landowners must be given the same opportunity to construct to 11 m.	See response to Point 3 of Submission 22 above. The submitter has subsequently advised that the residence will not be 11.67 m high. The landowner has indicated, and provided information showing, that the residence will not exceed 7.5 m in height. Had the proposed dwelling exceeded 7.5 m, a planning permit would have been required under SLO 7. No planning permit application was made.
54	Wynndean Holiday	The Esplanade,	Oppose	1. Oppose proposed NRZ 5. Request retention of GRZ	Council continues to support proposed NRZ 5

No	Name	Address	Type	Summary of Submission	Officer Response
	Resorts Pty Ltd	OCEAN GROVE		3.	with a 9 m maximum building height.
				2. Wynndean Holiday Resorts Pty Ltd is a family owned and operated company. It was established in 1944 as holiday accommodation. It offers 236 seasonal sites on 43 separate titled residential lots, accommodating over 1000 tourists at peak times. All sites are “annual sites” with no permanent living. It is located adjacent to the main surf beach and within 400 m walking distance of the town centre.	Noted.
				3. Under initial zoning in the 1970s, Wynndean was designated Resort zoning. In 1978 the land owned by Wynndean was proposed resort development. The 1993 Structure Plan identified the park as under-utilised and encouraged redevelopment of the park for higher density units, particularly apartment and motel styled developments, if the caravan park ceases operation.	Noted.
				4. All 2003, 2007 and 2015 Structure Plans identify Wynndean as under-utilised and encourage consideration for redevelopment and medium density accommodation. This was also recognised in the 2016 OGSTP Final Report.	Noted.
				5. Wynndean is by far the largest undeveloped contiguous parcel of land in the zone. It needs to be recognised as an operating caravan park and as land for potential redevelopment if and when the	Noted.

No	Name	Address	Type	Summary of Submission	Officer Response
				caravan park is unviable.	
				6. GRZ 3 caters for the current diversity of housing and caravans and allows for suitable future development. However, the proposed more restrictive NRZ will impact on the current operations of the business and does not accurately reflect the current environment and landscape.	Proposed NRZ 5 would only impact on proposed new development. With respect to continuation of current caravan park operations, it is not clear that NRZ 5 would impose more constraint than the exhibited proposed GRZ 3.
				7. A permit trigger for buildings over 7.5 m is sufficient to manage heights. View sharing on near coastal lots must also be maintained and encouraged where appropriate. The 7.5 m permit trigger and 11 m maximum building height should be retained. With reduced site coverage and increased permeability requirements, the height must be offered as an offset. This is preferable to removing existing vegetation if site coverage were greater.	See the response to Point 5 of Submission 8 above.
				8. Concerns over building heights or tree removal can be addressed without changing the zones.	Without the proposed change to NRZ 5, an 11 m maximum building height would apply. Council considers that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area.
				9. Wynndean agrees many recent developments have ignored current vegetation overlays and requirements. Wynndean has report many instances where lots have been cleared. Recently	The tea-tree cited was removed from the Osborne Street road reserve as its condition presented an immediate risk of injury or damage to property.

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				Council cut down a mature Tea-tree in a nature strip, identified as significant by Okologie, weeks after ceasing a major road scheme because a planning permit was required under SLO 7.	The process of seeking a planning permit, where required, for vegetation removal as part of the road upgrading works in the Baker Street area, is underway.
				10. Wynndean is bound by many restrictive planning controls. Believe Wynndean has complied and met statutory requirements under SLO 7.	Noted.
				11. There is no identified heritage significance within the area and hence no protection requirement as described in the neighbourhood character in NRZ.	One of the four zone purposes for the NRZ in Clause 32.09 is to “manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics”. Heritage is only one of four aspects to be respected and the use of the word “or” makes it clear that it is not necessary for all four of these to be present.
				12. To refer to areas 4, 5 and 6 below the ridgeline as “Hillside” misrepresents the zone’s proximity to the beach, topography and coastal character.	The original OGSTP public consultation broke the SLO 7 area into two precincts: Hillside and Coastal Fringe. When, in response to submissions received, the two precincts were amalgamated into one, with the name Hillside Precinct adopted. Nonetheless, there is merit in the name of NRZ 5 being changed from Ocean Grove Hillside Area to Ocean Grove Hillside and Coastal Fringe Area to reflect the different topography and landscape character across the area. Accordingly, this change is recommended.

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				13. Wynndean acknowledges existing planning policy supporting existing caravan parks and tourism in the region. Wynndean encourages ongoing investment in facilities and infrastructure supporting tourism.	Noted.
				14. Caravan parks are under pressures from taxes, rates and the fire service levy. Increasing compliance with regulations, planning controls, registration, CFA legislation and guidelines make it difficult for small business to operate. Wynndean must apply every two years for a planning exemption under SLO 7 to maintain and operate. No such planning controls apply over adjacent Crown land or foreshore. The competitor Foreshore Caravan Park has been excluded from the Scheme.	Noted. See the response to Point 24 of Submission 20 in the Summary of Submissions in the 1 August 2017 report on submissions.
				15. Reduced car parking on the Ocean Grove foreshore has increase traffic and car parking on streets adjacent to Wynndean. Wynndean supports the road construction scheme in the area. Encourage Council investment to continue pedestrian linkage from the town centre to the main surf beach along Field Street South. During peak periods emergency vehicle access is prohibited. Council has supported Wynndean in signage and bollards around fire hydrants to prevent illegal car parking.	Noted.