



**GREATER GEELONG PLANNING SCHEME
AMENDMENT C349**

OCEAN GROVE SIGNIFICANT TREE PROJECT

Part A Submission to the Independent Panel

Panel: Michael Ballock (Chair)
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Date: 30 & 31 October 2017

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Contents

1	INTRODUCTION	3
1.1	SUMMARY OF THE AMENDMENT	3
1.2	SUMMARY OF THE MAIN ISSUES AND COUNCIL'S SUBMISSION	4
1.3	RESPONSE TO PANEL DIRECTIONS	5
2	SUBJECT AREA AND CONTEXT	7
3	BACKGROUND.....	9
3.1	SIGNIFICANT LANDSCAPE OVERLAY SCHEDULE 7	9
3.2	OCEAN GROVE STRUCTURE PLAN 2007	10
3.3	HOUSING DIVERSITY STRATEGY	10
3.4	INTRODUCTION OF NEW RESIDENTIAL ZONES – AMENDMENT C300	11
3.5	OCEAN GROVE STRUCTURE PLAN 2015	11
3.6	OCEAN GROVE SIGNIFICANT TREE PROJECT	12
3.7	REFORMED RESIDENTIAL ZONES – AMENDMENT VC100	15
3.8	BUSHFIRE CONTROLS.....	16
3.9	AMENDMENT C272 (INTERIM CONTROL).....	16
4	CHRONOLOGY OF EVENTS.....	17
5	STRATEGIC CONTEXT AND ASSESSMENT.....	20
5.1	CONSIDERATION OF AMENDMENT AGAINST STATE PLANNING POLICY FRAMEWORK.....	20
5.2	CONSIDERATION OF AMENDMENT AGAINST LOCAL PLANNING POLICY FRAMEWORK	22
6	EXHIBITION AND COUNCIL RESOLUTIONS.....	24
6.1	COUNCIL RESOLUTION TO PREPARE AND EXHIBIT AN AMENDMENT	24
6.2	AUTHORISATION	24
6.3	EXHIBITED AMENDMENT	24
6.4	EXHIBITION.....	25
6.5	SUBMISSIONS RECEIVED DURING EXHIBITION	26
6.6	COUNCIL CONSIDERATION OF SUBMISSIONS	26
6.7	POST-EXHIBITION CONSULTATION	27
6.8	SUBMISSIONS RECEIVED DURING POST-EXHIBITION CONSULTATION	27
6.9	COUNCIL CONSIDERATION OF POST-EXHIBITION SUBMISSIONS	28
7	ISSUES RAISED AND RESPONSE TO SUBMISSIONS.....	29
7.1	ISSUES RAISED IN SUBMISSIONS DURING EXHIBITION	29
7.2	AMENDMENT VC100 (REFORMED RESIDENTIAL ZONES).....	32
7.3	ISSUES RAISED IN POST-EXHIBITION SUBMISSIONS	35
7.4	RESPONSE TO ISSUES RAISED DURING EXHIBITION.....	35
7.5	RESPONSE TO ISSUES RAISED DURING POST-EXHIBITION CONSULTATION	40
8	PROPOSED CHANGES TO EXHIBITED AMENDMENT DOCUMENTATION.....	43
9	CONCLUSION.....	45

1 Introduction

This submission has been prepared by the City of Greater Geelong. The City prepared and is the Planning Authority for Amendment C349 to the Greater Geelong Planning Scheme. The submission seeks the Panel's support for this Amendment.

This Part A submission provides the background to the Amendment and addresses the matters specified in the Panel Directions. A Part B submission will be tabled at the Panel Hearing.

1.1 Summary of the Amendment

Amendment C327 proposes to implement the Ocean Grove Significant Tree Project (OGSTP) Final Report 2016.

Exhibited Amendment

The Amendment, as exhibited, proposes to do this by:

- introducing and applying new schedules to the General Residential Zone and the Neighbourhood Residential Zone (GRZ 3 and NRZ 4 respectively);
- introducing and applying a new Schedule 15 to the Significant Landscape Overlay (SLO 15);
- amending Schedule 7 to the Significant Landscape Overlay (SLO 7);
- removing properties from Schedule 7 to the Significant Landscape Overlay (SLO 7);
- removing and adding properties to Schedule 14 to the Design and Development Overlay (DDO 14); and
- amending Clause 21.14 Bellarine Peninsula.

The land subject of the Amendment is shown at **Appendix 1**. The zoning of the subject and surrounding land is shown at **Appendix 2**. The current extent of SLO 7 as well as the interim SLO 15 is shown at **Appendix 3**.

A map dividing the subject area into ten separate areas differently affected by the Amendment is at **Appendix 4**, with a list of the proposed changes in each of those areas at **Appendix 5**. The five exhibited Scheme Amendment Maps are at **Appendices 6 to 10**. The proposed revised Clause 21.14 and new and revised Zone and Overlay Schedules are at **Appendices 11 to 15**.

Proposed post-exhibition changes

Having considered changes to Residential Zones introduced by Amendment VC100, Council resolved to replace the exhibited proposed new GRZ 3 with a new Schedule 5 to the Neighbourhood Residential Zone (NRZ 5). A map showing the proposed NRZ 5 is at **Appendix 17**.

In response to issues raised in submissions, a range of other changes are proposed to the exhibited Zone and Overlay Schedules, and to Clause 21.14.

Details of the proposed post-exhibition changes are set out in Section 8 of this Submission below. The proposed new or revised Schedules and Clause 21.14 are at **Appendices 18 to 23**.

1.2 Summary of the main issues and Council's submission

A wide range of issues were raised in submissions, both during exhibition in March and April 2017 and during post-exhibition consultation in August 2017. However, the key issues arising from submissions and from State Government changes were as follows:

- effects of Reformed Residential Zones (Amendment VC110), particularly building height;
- objections to exhibited proposed GRZ 3 area and controls, and to proposed post-exhibition change of this area NRZ 5;
- objections to proposed NRZ 4 area and controls, particularly maximum site coverage;
- inadequate application of current SLO 7 controls;
- bushfire management controls; and

- objection from Wynndean Holiday Resort, both to exhibited proposals and proposed post-exhibition change.

Council's Panel Submission (both this Part A submission and, in more detail, the Part B submission to be tabled and presented at the Panel Hearing) will outline Council's continued support for the Amendment. The Amendment implements recommendations of the OGSTP Final Report 2016 and these are the result of rigorous analysis, detailed vegetation surveys, public consultation and review of existing provisions. The Amendment has strong strategic justification and will lead to better protection and enhancement of the valued vegetated landscape character of portions of old Ocean Grove as new development takes place.

Council respectfully seeks the Panel's support for the Amendment, subject to a range of post-exhibition changes to address some matters raised in submissions and the State Government's March 2017 changes to residential zones.

1.3 Response to Panel Directions

The Panel directed Council to circulate a Part A submission to all parties by 2:00 pm on Monday 23 October 2017, with this to include:

- a. *Background to the Amendment;*
- b. *Chronology of events;*
- c. *Strategic context and assessment;*
- d. *Identification of the issues raised in submissions and Council's response;*
- e. *A copy of the Authorisation letter from the Minister for Planning or Delegate;*
and
- f. *Changes to the Amendment documentation proposed as a result of the issues raised in submissions.*

This Part A submission includes all of the abovementioned items. A brief indication of issues raised in submissions and Council's response to these is provided in Section 7 of this Part A submission. More detailed consideration of these issues will be provided in the Part B submission.

The Panel directed Council to address, through its Part B Submission at the Panel Hearing:

- a. *A summary of the key issues raised in submissions at exhibition and post-exhibition;*
- b. *Council's response to the issues raised in submissions following exhibition and post-exhibition; and*
- c. *Council's final position on the Amendment.*

A Part B submission is being prepared by Council and will be presented and tabled at the Panel Hearing.

The Panel has also asked that at the Panel Hearing, Council should arrange for:

- a. *A map showing the location of submitters' properties by submitter number.
This map:*
 - i. *must not show submitter names,*
 - ii. *does not need to show the location of pro-forma submitters, and*
 - iii. *must not be placed on the internet or replicated in any report;*
- b. *Zone and Overlay maps at a large scale;*
- c. *Appropriate aerials and plans at large scale; and*
- d. *Access to Council's GIS maps/system.*

Each of these will be provided at the Panel Hearing.

2 Subject area and context

The land affected by the Amendment is in the older part of Ocean Grove and can be broken into two areas: the Significant Tree Area and the current extent of SLO 7. These were separate investigation areas addressed by vegetation surveys conducted by Okologie, ecological consultants on the OGSTP.

The Significant Tree Area is mostly bounded by Thacker Street, Tuckfield Street, Asbury Street East and Field Street North. A smaller parcel further west is located between Blackwell Street and Asbury Street West. This area was identified by Council as having a high number of significant canopy trees, including the endangered Bellarine Yellow-gum, on both public and private land.

The SLO 7 area is located in the older part of Ocean Grove generally nearest the coast – bounded on the west by the Barwon River and Wallington Road, the south by the coastal foreshore reserve and the east by Tuckfield Street. SLO 7 was introduced into the Scheme in 2003 with the aim of protecting the landscape character of the coastal area, while balancing development pressure and landscape qualities. Much of the SLO 7 area enjoys coastal and/or Barwon River views. Conversely, much of the subject area is highly visible in longer distance views from outside of the area such as from the The Bluff or the Barwon River foreshore in Barwon Heads.

The area subject of the Amendment is shown in **Appendix 1**. **Appendix 3** delineates the two different areas, with SLO 15 having been applied on an interim basis in the Significant Tree Area.

Vegetation surveys by Okologie as part of the OGSTP recorded 1050 significant trees on private land and 517 significant street trees within the Significant Tree Area, and 1330 significant trees on private land and 233 significant street trees in the SLO 7 area.

Adjacent and surrounding land

The Ocean Grove town centre is directly adjacent to the SLO 7 area. The town centre is mostly zoned Commercial 1 Zone. A Mixed Use Zone applies to a small area to the northeast of the town centre. Two lots on The Parade are within both the Mixed Use Zone and SLO 7 (Area 9 on the map at **Appendix 4**); this Amendment proposes to rectify this anomaly by deleting SLO 7 from those lots.

Between the SLO 7 area and Significant Tree Area to the north and northeast of the town centre, residential land is zoned either Residential Growth Zone Schedule 3 (GRZ 3) or General Residential Zone Schedule 2 (GRZ 2). GRZ 3 applies to land in the identified Ocean Grove town centre Increased Housing Diversity Area (see Point 3.3 of this submission below). GRZ 2, applied to incremental change areas with a garden character, also applies to residential areas to the northwest and northeast of the Amendment area.

GRZ 1, which allows for more conventional residential development, applies to residential areas of Ocean Grove to the east of Tuckfield Street and Grubb Road. This includes the large north-east growth area of the town.

The zoning of the subject, adjacent and surrounding areas is shown at **Appendix 2**.

3 Background

3.1 Significant Landscape Overlay Schedule 7

Significant Landscape Overlay Schedule 7 (SLO 7) was introduced into the Scheme in April 2003 by Amendment C74. That Amendment sought to protect the special seaside character of Ocean Grove, as Council's Residential Character Study had identified residential coastal and riverside areas of the town as having consistent character warranting protection through Scheme provisions.

The landscape character objectives of SLO 7 when it was introduced were:

- To preserve the balance between roof tops and vegetation in long distance views of the town.
- To encourage the development of buildings that fit within the landscape and do not dominate the streetscape and long distance views.
- To minimise the impact of buildings project above the vegetation canopy.
- To provide space around buildings for the retention and planting of vegetation, particularly high canopied coastal vegetation and other native coastal species common to the area.
- To maximise opportunities for view sharing, particularly where views are available to the ocean and river from private dwellings.
- To protect vistas of the ocean and river available from public viewing points in the town.

Two minor changes were made to these objectives by Amendment C300 (see below).

The extent of SLO 7 was slightly adjusted by Amendment C78 in February 2008, which removed the SLO 7 from properties on the south side of The Avenue. The extent of SLO 7 has remained unchanged since.

In January 2010, Amendment C129(Part 1) introduced a further work task in Clause 21.14 to review the application of SLO 7.

Among a suite of changes, Amendment C300 (Reformed Residential Zones) made changes to SLO 7 controls in November 2014. Key changes included deletion of reference to the Neighbourhood Character Study, exclusion of tea tree (where indigenous to the area) from the permit exemption for vegetation removal, and stipulating application requirements.

3.2 Ocean Grove Structure Plan 2007

Council's Ocean Grove Structure Plan 2007 planned for a population of 21,000 in the town by 2020. Its key directions included directing medium density housing development around the town centre activity centre and protecting and enhancing natural environmental assets.

The Ocean Grove Structure Plan 2007 identified issues and concerns raised regarding the effectiveness of SLO 7 in maintaining the town's unique coastal character since its introduction in 2003. These issues and concerns included permit triggers under the SLO and impacts of housing development not requiring a planning permit, the need to control subdivision and the need to clarify permit exemptions for vegetation removal.

3.3 Housing Diversity Strategy

Council's Housing Diversity Strategy 2007 (amended in 2008) was prepared to guide the future development of medium density housing in the City's established residential areas.

The Housing Diversity Strategy identified Increased Housing Diversity Areas (IHDAs), including one around the Ocean Grove town centre activity centre. The main purpose of IHDAs is to support urban consolidation, providing greater housing diversity and reducing the need for greenfield development. Encouraging higher densities around activity centres makes better use of existing infrastructure and provides better access to services for residents.

Changes to zoning to reflect the identification of the Ocean Grove town centre IHDA relative to surrounding areas were made by Amendment C129 (Pt 1), gazetted in January 2010. A portion of the Ocean Grove town centre IHDA coincides with SLO 7 and the implications of this overlap were considered in the Ocean Grove Significant Tree Project.

Clause 22.63 of the Scheme is a Local Planning Policy relating to IHDAs.

3.4 Introduction of new Residential Zones – Amendment C300

In 2013, the State Government released a suite of new residential zones to be applied across Victoria. Amendment C300 implemented these zones in the City of Greater Geelong. The Amendment, gazetted in November 2014, replaced the Residential 1, 2 and 3 Zones with the Residential Growth Zone (RGZ), General Residential Zone (GRZ) and Neighbourhood Residential Zone (NRZ). The Amendment also made consequential changes to the Planning Scheme including the Local Planning Policy Framework, Planning Overlays and Incorporated Documents.

The Amendment applied RGZ 3 to the Ocean Grove town centre IHDA, although an area generally south of Orton Street was removed from the IHDA. This area, along with the balance of old Ocean Grove (south of Thacker Street and west of Tuckfield Street) was zoned GRZ 2. A 10.5 m maximum building height applied to the RGZ 3 whereas a maximum building height of 9 m applied to the GRZ 3.

Amendment C300 also made several changes to the SLO 7 controls, as outlined in Section 3.1 of this submission above.

3.5 Ocean Grove Structure Plan 2015

The Ocean Grove Structure Plan 2015 (adopted December 2015 and amended September 2016) stemmed from a review of the 2007 Ocean Grove Structure Plan. The 2015 Structure Plan is a strategic framework for the future growth and development of the town until 2030.

Further issues with the operation of SLO 7 were raised during the preparation of the Structure Plan, including the conflict with the purpose of the IHDA (RGZ 3 land), permit trigger clarity, effectiveness in protecting vegetation and usefulness of decision guidelines. The Structure Plan recommended that these matters be further investigated as part of the review of SLO 7.

The Ocean Grove Structure Plan 2015 was implemented by Amendment C346. Amendment C346 made changes to Clause 21.14 (Bellarine Peninsula), including adding “Ensuring that development allows for protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation” as part of a Strategy to encourage development which respects the coastal landscape setting of Ocean Grove. The Amendment also added a Further Work task to Clause 21.14 to “Undertake a review of the older parts of the town as identified on the Structure Plan map to investigate the introduction of new planning overlay controls to protect important landscape and built form attributes”.

3.6 Ocean Grove Significant Tree Project

Inception, aims and process

The Ocean Grove Significant Tree Project (OGSTP) was carried out concurrent with the review of the 2007 Ocean Grove Structure Plan and development of the 2015 Ocean Grove Structure Plan. The 2007 Structure Plan identified a number of issues and concerns with SLO 7 and made recommendations on how to address them. The Ocean Grove community also identified a desire to protect and enhance significant vegetation in the older parts of the township.

The OGSTP aims to identify and protect, through planning controls, the unique coastal/bush landscape character within the well established areas of the township of Ocean Grove.

To help inform the project ecological consultants, Okologie, were appointed in June 2015 to undertake vegetation surveys on public and private land to identify the extent of significant trees on public and private land and to make recommendations around vegetation protection.

Two areas were identified for investigation: a part of old Ocean Grove referred to in the project as the Significant Tree Area and the current extent of the SLO7. Vegetation surveys were conducted between July and September 2015.

Vegetation surveys by Okologie as part of the OGSTP recorded 1050 significant trees on private land and 517 significant street trees within the Significant Tree Area, and 1330 significant trees on private land and 233 significant street trees in the SLO 7 area. The significant trees comprised a mix of indigenous trees and other Australian native trees. Of note in the Significant Tree Area was the Bellarine Yellow-gum, endemic to the Bellarine and Surf Coast and listed as threatened in Victoria; the population of these trees in the study area is significant and its management is important for the survival of the species.

Along with vegetation surveys a detailed Background Report was prepared to help inform the draft planning controls. Background material from that report has since been included in the OGSTP Final Report 2016.

The Background Report identified three precincts each with proposed customized planning controls, with the SLO 7 area divided into two precincts:

- the Significant Tree Area – characterised by spacious blocks with scattered mature trees;
- Hillside Area – the escarpment overlooking the ocean characterised by dwellings taking advantage of views with moderate levels of vegetation; and
- Coastal Fringe Area – close to the dunes generally south of Orton/Dare Streets characterised by dwellings taking advantage of views with lower growing coastal vegetation.

Changes to zones, changes to SLO 7 controls and new overlays (SLO 15 for the Significant Tree Area and SLO 16 for the Coastal Fringe Area) were recommended.

Public consultation

Informal public consultation on the Background Report and draft controls took place between 8 April and 13 May 2016. An overall project brochure and precinct flyers were prepared detailing the proposed controls. The relevant flyer was sent out to all affected property owners (around 2200 properties). Council held two information sessions, on a weeknight and a long weekend. The consultation was also advertised in local newspapers.

A total of 26 submissions were received: 5 supportive, 1 requesting clarification and 20 raising objections or recommending changes.

Key concerns with the draft controls were:

- discouraging urban consolidation by restricting development;
- limiting choice and type of development;
- risk and expense associated with trees in urban areas;
- inadequate implementation of existing controls;
- detrimental impacts on property values;
- unfairness for those who have not yet developed compared to those that have;
- people should be able to do what they want with their own property;
- questioning accuracy of vegetation data;
- inadequate public consultation; and
- Council should focus on vegetation on public rather than private land.

Ocean Grove Significant Tree Project Final Report

Issues raised in submissions were considered and responded to in the OGSTP Final Report.

In response to submissions a number of changes were made to the draft controls. A key change was including the Coastal Fringe Area and Hillside Area in a single Hillside Precinct (generally the SLO7 extent), with a maximum site coverage of 50% (40% had been proposed for the Coastal Fringe Area) and a maximum building height of 9 m (8 m had been proposed for the Coastal Fringe Area).

Some other changes included:

- a 2 metre side setback included as permit trigger in Overlay only, not in Zone schedule;
- defining significant trees in Overlays based on tree type and height;
- adding view sharing to decision guidelines for SLO 7; and
- retaining SLO 7 over an area east of the town centre where it had been recommended that it be removed and replaced with DDO 14.

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. Council also sought an interim SLO 15 while the Amendment was prepared and considered.

3.7 Reformed Residential Zones – Amendment VC110

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. The Amendment’s changes affected garden areas, building heights, neighbourhood character objectives and the number of buildings per lot. These changes and analysis of their implications for Amendment C349 are outlined in Section 7.2 of this submission.

3.8 Bushfire controls

Clause 52.48

Clause 52.48 of the scheme provides permit exemptions for removal, destruction or lopping of vegetation in some circumstances, to create defensible space around buildings, or along fences, that were existing or approved before 10 September 2009. This is a Victoria Planning Provision (VPP) introduced by Amendment VC83 in November 2011 in response to the recommendations of the 2009 Victorian Bushfires Royal Commission.

The implications of Clause 52.48 are considered in Section 7.4 of this submission.

Bushfire Management Overlay

On 3 October 2017, Amendment GC13 introduced new Bushfire Management Overlay (BMO) Maps throughout Victoria. New BMOs affect two portions of the Amendment Area – in the north of SLO 15 (Significant Tree Area) for around one and a half street blocks south of Thacker Street, and in the southwest of the SLO 7 area (extent of BMOs within Amendment Area shown at **Attachment 24**).

This change was anticipated when a Council Delegate considered submissions on Amendment C349 on 1 August 2017. The implications of these new BMOs are considered in Section 7.4 of this submission.

3.9 Amendment C272 (interim control)

On 2 March 2017, Amendment C272 introduced SLO 15 into the Scheme on an interim basis until 28 February 2018. A few minor changes were made to the SLO 15 controls, such that SLO 15 exhibited in Amendment C349 differs marginally from the interim SLO 15 currently in the Scheme. The proposed SLO 15 also covers a slightly larger area than the interim SLO 15 as it is replacing SLO 7 in one small area. As SLO 7 currently applies to that area, the interim SLO 15 was not applied by Amendment C272.

4 Chronology of events

Following is a chronology of events relating to this Amendment:

- April 2003** SLO 7 introduced into Scheme by Amendment C74
- February 2007** Ocean Grove Structure Plan 2007 adopted – identified the need to review SLO 7
- January 2010** Amendment C129 (Pt 1) gazetted – introduced zoning difference between Ocean Grove town centre IHDA and surrounding residential area; introduced Further Work task to review application of SLO 7
- September 2014** Bellarine Peninsula Localised Planning Statement endorsed by Council
- November 2014** Amendment C300, introducing new Residential zones, gazetted – zoned IHDA RGZ 3 and surrounding residential area GRZ 2; made changes to SLO 7 controls
- November 2014** Review of Ocean Grove Structure Plan 2007 commenced – SLO 7 and landscape character issues identified early in review
- May 2015** Draft Ocean Grove Structure Plan Review first round informal public consultation commenced; project brief prepared for the Ocean Grove Significant Tree Project (OGSTP)
- June 2015** Okologie, ecological consultants, appointed to conduct vegetation surveys and make recommendations for OGSTP
- Oct/Nov 2015** Okologie reports and vegetation survey results received – three precincts identified, tree protection recommended by planning controls

- December 2015** Ocean Grove Structure Plan 2015 adopted – recommended review of SLO 7 and review of older parts of Ocean Grove to investigate new planning overlay controls to protect important landscape and built form attributes
- April/May 2016** OGSTP informal public consultation conducted – 26 submissions received, including 20 objecting or recommending changes
- 27 Sept 2016** Council adopted OGSTP Final Report 2016 and requested authorisation to prepare an Amendment to implement its recommendations; requested interim control for SLO 15
- December 2016** Gazettal of Amendment C346, implementing the Ocean Grove Structure Plan 2015 – included changes to Clause 21.14 relevant to Amendment C349
- 12 Jan 2017** Authorisation request lodged
- 18 Jan 2017** Authorisation received
- 2 Mar 2017** Amendment C272 gazetted, applying SLO 15 on an interim basis until 28 February 2018
- 9 Mar 2017** First newspaper exhibition notice for Amendment C349; mail out to landowners (2249 letters) commenced
- 16 Mar 2017** Amendment C349 exhibition notice in Government Gazette – exhibition officially commenced
- 27 Mar 2017** Amendment VC100 (Reformed Residential Zones) gazetted – made changes to Residential Zones including maximum building heights, garden areas and number of dwellings per lot
- 18 Apr 2017** Exhibition ended

- 1 Aug 2017** Submissions considered in Delegate Report – Delegate resolved to refer submissions to an independent Planning Panel; resolved to seek comment from affected landowners regarding rezoning the exhibited GRZ 3 area to a new NRZ 5
- 10 Aug 2017** Mail out to affected landowners regarding proposed post-exhibition change (over 850 letters)
- 31 Aug 2017** Comment period for affected landowners ended
- 6 Sep 2017** Post-exhibition submissions considered in Delegate Report – Delegate resolved to refer submissions to an independent Planning Panel
- 14 Sep 2017** Directions Hearing
- 3 Oct 2017** Amendment GC13 introduced new BMOs into the Scheme, including two affecting a portion of the Amendment C349 area

5 Strategic context and assessment

Ministerial Direction No. 11 requires a planning authority to evaluate and discuss in the Explanatory Report how an amendment addresses a range of strategic considerations. Further guidance is given by Planning Practice Note 46 *Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments* (June 2015). The Explanatory Report accompanying the exhibited Amendment outlines the assessment of the proposal against those guidelines.

Ministerial Direction No. 17 requires a planning authority, in preparing an amendment in land identified in an adopted Localised Planning Statement, to have regard to that Localised Planning Statement and to include in the Explanatory Report discussion of how the Amendment implements the Localised Planning Statement. The subject land is within the area affected by the Bellarine Peninsula Localised Planning Statement. The Explanatory Report addressed how the Amendment implements the Localised Planning Statement in its assessment of how the Amendment supports and implements the State Planning Policy Framework.

Sections 5.1 and 5.2 of this submission to the Panel are based on the assessment in the Explanatory Report with respect to the State and Local Planning Policy Frameworks as they relate to the Amendment.

5.1 Consideration of Amendment against State Planning Policy Framework

The Amendment is consistent with relevant objectives and strategies of the State Planning Policy Framework as follows:

Clause 11.05-2 (Distinctive areas of state significance) specifies an objective to protect and enhance the valued attributes of the distinctive areas of (among others) the Bellarine Peninsula.

The Amendment aims to retain or increase native tree cover in Ocean Grove which is relevant to the following strategies of Clause 11.05-2:

- Recognise the significant geographic and physical features of these areas.
- Protect the identified key values and activities of these areas.

- Support use and development where it enhances the valued characteristics of these areas.

The policy guidelines in Clause 11.05-2 that planning must consider, as relevant, the Bellarine Peninsula Localised Planning Statement (2015). The Amendment is consistent with Policy objective 3 of that Statement: To preserve and maintain the ecology of the Bellarine Peninsula's environmentally significant coastal, wetland and vegetated areas. The Amendment also helps implement two of the strategies under that Policy objective:

- Protect and restore significant and remnant native vegetation, particularly tea tree, moonah and coastal heath.
- Ensure that new development allows for the protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation.

At the time the Amendment was prepared and exhibited, Localised Planning Statements were addressed by then Clause 11.14-1 of the Scheme and this was reflected in the exhibited Explanatory Report.

Clause 12.01-1 (Protection of biodiversity) specifies an objective to assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites. The Amendment is consistent with this objective as vegetation to be protected under proposed SLO 15 includes the threatened Bellarine Yellow-gum *Eucalyptus leucoxylon subsp. bellarinensis*, which are endemic to the Bellarine Peninsula and Surf Coast.

Clause 15.01-5 (Cultural identity and neighbourhood character) specifies an objective to recognize and protect cultural identity, neighbourhood character and a sense of place. Relevant strategies include: "ensure development responds to its context and reinforces special characteristics of local environment and place by emphasizing the underlying natural landscape character ..."

The incremental loss of significant Australian native and indigenous canopy trees in Ocean Grove has the potential to change the underlying natural landscape character of the area over time. The amendment addresses this issue by introducing a new SLO 15 over the identified Significant Tree area; revising SLO 7 to increase its effectiveness; and introducing or revising zone controls to improve retention of existing and planting of new native trees.

5.2 Consideration of Amendment against Local Planning Policy Framework

The Amendment is consistent with relevant objectives and strategies of the Local Planning Policy Framework as follows:

Clause 21.05-3 (Biodiversity) specifies an objective to protect, maintain and enhance the biodiversity of the municipality. Relevant strategies include:

- Ensure that land use and development enhances areas of native vegetation and other habitats; and
- Ensure that land use and development minimises the fragmentation of areas of native vegetation and other habitats.

The Amendment helps implement these strategies.

Among the objectives of Clause 21.06-4 (Neighbourhood character) is to protect areas with a significant garden character. The Clause includes a strategy to “Retain existing vegetation wherever possible, particularly vegetation that contributes to the municipality’s tree canopy.” The Amendment is consistent with this objective and strategy.

This Amendment is consistent with an objective of Clause 21.14-2 (The Bellarine Peninsula – Objectives) to “preserve the individual character, identity and role of each Bellarine township”. A strategy in this Clause, introduced by Amendment C346, which implemented the Ocean Grove Structure Plan 2015, is to “Encourage development which respects the coastal landscape setting of Ocean Grove by ... Ensuring that development allows for protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation.” This Amendment helps implement that strategy.

This Amendment implements two Further Work items for Ocean Grove in Clause 21.14-3 (Implementation):

- Review the application of Significant Landscape Overlay Schedule 7; and
- Undertake a review of the older parts of the town as identified on the Structure Plan map to investigate the introduction of new planning overlay controls to protect important landscape and built form attributes.

The Ocean Grove Significant Tree Project was carried out to implement these items.

The Ocean Grove Structure Plan map at Clause 21.14-7 identifies the Significant Tree Area as “Investigate opportunities to preserve landscape/neighbourhood character”. The Amendment implements the project carried out to implement this action.

6 Exhibition and Council resolutions

6.1 Council resolution to prepare and exhibit an Amendment

At its meeting of 27 September 2016, Council resolved as follows:

That Council:

- 1) adopts the Ocean Grove Significant Tree Project, Final Report 2016;*
- 2) requests the Minister for Planning to authorise the preparation and exhibition of an amendment as detailed in this report; and*
- 3) requests the Minister for Planning exercise powers under Section 20(4) of the Planning and Environment Act 1987 by applying an interim Significant Landscape Overlay Schedule 15 to the identified precinct while the formal Planning Scheme Amendment is prepared and considered.*

6.2 Authorisation

Council lodged a request for the Minister's authorisation to prepare the Amendment on Tuesday 12 January 2017. Authorisation was received from the Department of Environment, Land, Water and Planning on Monday 18 January 2017. A copy of the letter of authorisation is at **Appendix 16** of this submission.

The letter of authorisation required a minor modification to be carried out to the submitted SLO 15: under the Landscaping heading in Point 4.0 (Applicant Requirements) reference was to be made to incorporating 2 existing and/or new canopy trees per site. This modification to SLO 15 was carried out prior to exhibiting the Amendment.

6.3 Exhibited Amendment

The exhibited amendment documentation comprised the following:

- Amendment Instruction Sheet;
- Explanatory Report;

- Planning Scheme Amendment Maps showing the extent of the proposed rezonings to GRZ 3 and NRZ 4; the proposed new SLO 15; proposed deletions from SLO 7 and proposed additions to and deletions from DDO 14; and
- The proposed new Schedule 3 to the General Residential Zone and the proposed new Schedule 4 to the Neighbourhood Residential Zone;
- the proposed new Schedule 15 to the Significant Landscape Overlay;
- the proposed changes to Schedule 7 to the Significant Landscape Overlay; and
- the proposed changes to Clause 21.14.

Due to the complexity of the Amendment proposals, a map dividing the subject area into ten separate areas differently affected by the Amendment was made available with the exhibited Amendment documents, along with a list of the proposals for each of these areas. While the content of DDO 14 was not proposed to be changed by the Amendment, the Schedule was made available with the exhibited Amendment documents for information.

A range of supporting documents, including the *Ocean Grove Significant Tree Project Final Report 2016* and the Okologie tree surveys for the Significant Tree Area and for the SLO 7 area, were also made available for inspection on Council's website and at Council's offices.

The exhibited Planning Scheme Amendment Maps are shown at **Appendices 6 to 10**. The exhibited proposed Clause 21.14 and Zone and Overlay Schedules are at **Appendices 11 to 15**.

6.4 Exhibition

The Amendment was exhibited from Thursday 16 March 2017 to Tuesday 18 April 2017.

Notice of the Amendment was mailed to all owners of land affected by the Amendment (2249 letters), with letters specific to each of the ten areas **shown at Appendix 4**.

Public notices appeared in the Bellarine Times on Thursday 9 March 2017, the Geelong Independent on Friday 10 March 2017 and the Geelong Advertiser on Saturday 11 March 2017. The Amendment was placed on the City's website from Thursday 9 March 2017. The formal notice of the preparation of the Amendment appeared in the Victorian Government Gazette on Thursday 16 March 2017. The amendment documents were available to be viewed at the City's customer service centre in Geelong (100 Brougham Street) and the Ocean Grove Customer Service Centre.

6.5 Submissions received during exhibition

20 submissions were received during exhibition. 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, with one (from Department of Environment, Land, Water and Planning) suggesting changes.

Key issues raised in submissions are outlined in Section 7.1 of this submission below.

A copy of these submissions has been provided to the Panel.

6.6 Council consideration of submissions

On Tuesday 1 August 2017, a Council delegate considered the submissions on Amendment C349 and resolved to:

- 1) *Seek comment from affected landowners regarding rezoning the area exhibited as General Residential Zone Schedule 3 to a new Neighbourhood Residential Zone Schedule 5, as outlined in this report;*
- 2) *Consider any further or revised submissions resulting from the consultation in*
 - 1) *in a separate report;*

- 3) *Request the Minister for Planning to appoint a Panel under Part 8 of the Planning an Environment Act 1987;*
- 4) *Refer all submissions on Amendment C349 to the Panel;*
- 5) *Submit to the Panel its response to the submissions generally as outlined in this report and any subsequent report; and*
- 6) *Revise the Amendment Clause and Schedules generally as outlined in this report prior to the Panel Hearing.*

The background to point 1) of this resolution is set out in Section 7.2 of this submission.

A copy of the Council delegate report and resolution has previously been provided to the Panel.

6.7 Post-exhibition consultation

The change from exhibited GRZ 3 to a proposed NRZ 5 is a substantial post-exhibition change. In accordance, with the Council delegate resolution of 1 August 2017, affected landowners were given the opportunity to comment on this proposed change. All affected landowners (over 850) were contacted by mail, with letters sent on Thursday 10 August 2017, and given up until Thursday 31 August 2017 to comment.

Information on this proposed post-exhibition change was placed on the Amendment's webpage on Council's website on Thursday 10 August 2017.

6.8 Submissions received during post-exhibition consultation

54 submissions were 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 supported the proposed change while 22 submissions opposed it.

Five of the 54 submissions were received from submitters who also made submissions on the Amendment during exhibition in March/April or a company on whose behalf a submission was made in March/April.

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.

Issues raised in these post-exhibition submissions are outlined in Section 7.3 of this submission below.

A copy of these submissions has been provided to the Panel.

6.9 Council consideration of post-exhibition submissions

On Wednesday 6 September 2017, a Council delegate considered the post-exhibition submissions on Amendment C349 and resolved 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.*

7 Issues raised and response to submissions

This section provides a brief summary of issues raised in submissions and Council's response to these. More detailed consideration of the issues raised in submissions and Council's response will be provided in the Part B Panel Submission.

7.1 Issues raised in submissions during exhibition

Key issues raised in submissions during exhibition of the Amendment in March and April 2017 were:

- Objections to proposed GRZ 3 area and controls
- Objections to proposed NRZ 4 area and controls
- Inadequate application of current SLO 7
- Bushfire management controls
- Objection from Wynndean Holiday Resort

The main points raised relating to each of these issues are outlined below.

Objections to proposed GRZ 3 area and controls

The Amendment proposes to rezone most of the Hillside Precinct from GRZ 2 to GRZ 3 (Areas 4 and 5 on the map at **Appendix 4**) and a small portion of the precinct from RGZ 3 to GRZ 3 (Area 6 on the map at **Appendix 4**). Three submissions from landowners in the proposed GRZ 3 area objected or requested changes to the proposed controls.

A landowner in Wallington Road requested that the portion of the proposed GRZ 3 area that was identified as Hillside Area rather than Coastal Fringe Area in the Background Document (generally north of Orton Street) remain zoned GRZ 2. The submission argued that the proposed 50% maximum site coverage is unwarranted, too restrictive and will encourage more two-storey development. The submission contended that the identification of two separate precincts in Okologie's vegetation surveys and its recommendation of different controls for those precincts should be reflected in the Amendment.

A landowner in Orton Street objected to the proposed rezoning and indicated their property (currently zoned GRZ 2) should be rezoned to RGZ, noting it is a short walk from the Ocean Grove town centre. The submission argued that the proposed 50% maximum site coverage is too restrictive. An objection from owners of the Wynndean Holiday Resort is dealt with separately below.

Objections to proposed NRZ 4 area and controls

The Amendment proposes to rezone the Significant Tree Area from GRZ 2 to NRZ 4 and to apply a new SLO 15 (Areas 1, 2 and 3 on the map at **Appendix 4**). Four submissions from landowners in the proposed NRZ 4 area objected or requested changes to the proposed controls.

Three submissions stated that the proposed reduction of maximum site coverage from 60% to 40% was too restrictive; one indicated that 50% would be more practical. The other submission indicated that on a small (440 m²) vacant lot, 60% site coverage may be required.

One submission argued that the change would result in more development requiring permits and hence time delays, and that the maximum site coverage restriction would result in more two-storey development. One submission also contended that the SLO 15 permit trigger where buildings are not set back at least 2 m from one side boundary was too restrictive and would result in more development requiring permits and hence time delays.

Application of current SLO 7

Three submissions contended that the existing SLO 7 controls have been inadequately applied and that overdevelopment has been approved by Council despite these controls. It was argued that as a result, damage to the landscape has already been done and it is too late to protect landscape values. It was also argued that the changes proposed by the Amendment would be ineffective, based on development that has already been approved under SLO 7.

Bushfire management controls

The relationship of the Amendment to bushfire management controls was raised in four submissions. Submissions indicated that the Amendment's vegetation protection measures conflict with bushfire management controls, with two submissions indicating bushfire management controls should be varied. The objection from owners of the Wynndean Holiday Resort asked how the Amendment's proposals could be reconciled with bushfire management controls.

Wynndean Holiday Resort objection

An objection was received from owners of the Wynndean Holiday Resort, located on over 40 lots across three street blocks in the southwest of the proposed GRZ 3 area, between Orton Street and The Esplanade. Key points of objection were:

- contention that controls are not justified as the vegetation in the area is planted, or has established along with development, rather than being remnant vegetation;
- controls are too restrictive;
- questions on the accuracy, scope and extent of the study;
- Coastal Tea tree is a pest weed and ought not to be protected; and
- inconsistency with bushfire hazard management.

Other issues

A range of other issues were raised in submissions. These other issues raised include:

- site permeability controls;
- risks to buildings from trees;
- tree protection on public land;
- impact on property values;

- impact on owners who have protected vegetation or are yet to develop;
- suggested reference to the Coastal Moonah Woodland vegetation community;
- suggested reference to the Ocean Grove Tree Planting Guidelines;
- clarification of the two canopy trees per site requirement;
- height limits; and
- side setback permit trigger under SLO 7.

A full outline of other issues raised and detailed response to each will be provided in the Part B Panel submission.

7.2 Amendment VC100 (Reformed Residential Zones)

On 27 March 2017, during exhibition of Amendment C349, the State Government approved Amendment VC110 which introduced changes to residential zone provisions affecting garden areas, building heights, neighbourhood character objectives and the number of buildings per lot. The implications of these changes for Amendment C349 were considered in the Council Delegate report on submissions of 1 August 2017 and are outlined below.

Garden area requirements

Amendment VC110 introduced a new garden area requirement for the GRZ and NRZ. A garden area does not include driveways, car parking areas or any buildings or roofed areas. The requirement, applied to lots of 400 m² or above, varies according to lot size:

400 – 500 m²: 25%

501 – 650 m²: 30%

Above 650 m²: 35%

The garden area requirement is separate from the site coverage, permeability and area available for landscaping requirements in proposed GRZ 3 and NRZ 4, although to an extent it achieves similar outcomes. All of these requirements apply, noting that the garden area requirement is mandatory whereas the other requirements may be varied. In most instances in proposed GRZ 3 and all instances in proposed NRZ 4, the area required to be available for landscaping, for two or more dwellings on a lot, would exceed the garden area requirement.

Council sees the garden area requirements as complementary to what Amendment C349 is trying to achieve and no changes to this Amendment are required.

Building heights

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. Existing Schedules with a lower maximum building height remain unchanged by Amendment VC110, but 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, which were not anticipated when Amendment C349 was prepared and put on exhibition, affected the Amendment's proposals, 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**) have a 9 m mandatory height under GRZ 2; the exhibited GRZ 3 also proposed a 9 m mandatory height limit. As a result of Amendment VC110, this will be increased to an 11 m mandatory height limit, with a maximum of three storeys. 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, yet Amendment VC110 has seen this change to an increase from 10.5 m to 11 m and maximum of three storeys. These changes represented a substantial departure from the exhibited Amendment C349.

Council, in the Delegate report of 1 August 2017, took the view that, 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 on a hillside and coastal fringe, the proposed GRZ 3 area now be rezoned to a new NRZ 5 (**Appendix 7**). It was recommended that this NRZ 5 have the same requirements as the exhibited GRZ 3, other than the lower 9 m maximum building height limit and 2 storey maximum and the other differences between the NRZ and GRZ in the Zones' respective parent clauses.

Landowners affected by this proposed post-exhibition change were consulted and issues raised in their submissions are outlined in Section 7.3 of this submission below. The rationale for this change and the issues raised in post-exhibition submissions will be addressed in more detail in Council's Part B submission.

Neighbourhood character objectives

Amendment VC110 introduced a requirement for relevant neighbourhood character objectives (including heritage, environmental or landscape character objectives) to be specified in any Schedule to the GRZ and NRZ. Accordingly, appropriate recommended neighbourhood character objectives for proposed NRZ 4 and now proposed NRZ 5 (previously GRZ 3) are included in the recommended post-exhibition changes to the Amendment.

Number of dwellings per lot – Neighbourhood Residential Zone

Amendment VC110 removed the previous limit of two dwellings on a lot in the NRZ. The ability to consider three or more dwellings on a lot does make NRZ a less restrictive zone than before Amendment VC 110. However, while this limit was noted in the OGSTP Final Report, its removal should have minimal impact on the Amendment. The maximum site coverage, landscaping and garden area requirements will apply regardless of whether two or more dwellings are proposed and will work to prevent overdevelopment and adverse impact on the landscape character.

7.3 Issues raised in post-exhibition 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 (incorrect) 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 limited to two storeys whereas exhibited GRZ 3 allowed three; and
- the additional maximum building height compensates for reduced maximum site coverage.

A small number of post-exhibition submissions also made comment on or raised issues with Amendment C349 as a whole.

7.4 Response to issues raised during exhibition

This section provides an outline of Council's response to the key issues raised in submissions during exhibition in March and April 2017. These responses were provided in the Delegate report on submissions of 1 August 2017, including the summary of submissions appended to that reports.

A more detailed response to issues raised will be provided in Council's Part B submission.

Objections to proposed GRZ 3 area and controls

The proposed maximum site coverage reduction from 60% to 50% is justified and appropriate to better protect existing trees and provide adequate space for new trees in new developments across the Hillside Precinct. More two-storey dwellings may be one response to the reduction in maximum site coverage, but it is not considered that this would be a negative outcome.

More restrictive controls first proposed for the Coastal Fringe Area were replaced with the same controls proposed for the land to the north in response to the submissions on the Background Report, placing both areas in a single Hillside Precinct. It does not follow that controls for that part of the proposed Hillside Precinct north of Orton Street should also be relaxed to maintain the distinction between the two previously identified precincts. However, differences in vegetation types across the Hillside precinct can be acknowledged in Point 1.0 of SLO 7 by way of a post-exhibition change.

There is no strategic support for including the land referred to in a submission in Orton Street in the RGZ.

Objections to proposed NRZ 4 and SLO 15 controls

The proposed NRZ 4 and SLO 15 controls, including the proposed reduction in maximum site coverage from 60% to 40%, are justified and appropriate given the vegetated character and landscape values of the Significant Tree Area. While 40% maximum site coverage could be onerous on existing small vacant lots, variations to maximum site coverage will be able to be considered on their merits on the few lots to which this would apply.

More two-storey dwellings may be one response to the reduction in maximum site coverage, but it is not considered that this would be a negative outcome.

It is not considered that the proposed controls would significantly increase the number of planning permit applications. However, minor post-exhibition changes are recommended to avoid unnecessarily triggering permits for extensions to existing dwellings.

Application of current SLO 7

A range of factors have contributed to developments in the SLO 7 area that may have diminished the landscape character. However, the number of significant trees identified in the vegetation survey confirmed there is still a vegetated landscape character across most of the area warranting protection. It is anticipated that the revised and strengthened SLO 7 controls proposed will lead to improved development outcomes from a landscape perspective.

Bushfire management controls

Clause 52.48 of the scheme provides permit exemptions for removal, destruction or lopping of vegetation in some circumstances, to create defensible space around buildings, or along fences, that were existing or approved before 10 September 2009. The Clause, a Victoria Planning Provision (VPP) introduced in response to the recommendations of the 2009 Victorian Bushfires Royal Commission, applies across the municipality regardless of the identified bushfire hazard level. Some, though not all, of the trees that require a permit for removal, destruction or lopping under SLO 7 and proposed SLO 15 are exempted by Clause 52.48. The Amendment does not and cannot vary or alter Clause 52.48.

Council has written to the Minister for Planning requesting that this exemption be more strategically applied as it is leading to vegetation removal where there is no bushfire threat. Should Clause 52.48 be modified in the future, this protection may extend to more or all of the significant trees under those overlays.

Changes to Bushfire Management Overlay maps across Victoria were anticipated in August and gazetted on 3 October 2017. New BMOs affect two portions of the Amendment Area – in the north of SLO 15 (Significant Tree Area) and in the southwest of the SLO 7 area (areas shown at **Attachment 24**).

The BMO and SLOs would operate concurrently over this area and any proposal would need to respond appropriately to both overlays. A BMO coincides with vegetation protection, either under a SLO or a Vegetation Protection Overlay, in many urban areas under other Schemes, as well as in some non-urban areas within the City of Greater Geelong.

Council previously expressed to the State Government its objection to these two new BMOs when they were proposed. It is understood that there may be some future process of review of these BMOs. Nonetheless, if they remain in the longer term, they can operate concurrently with the SLOs.

Wynndean Holiday Resort objection

The Amendment's proposals are based on the landscape and environmental value of existing Australian native vegetation, whether it is remnant or planted. The proposed controls are justified and appropriate, given the prevalence of significant trees in the area. The controls are less restrictive than the original proposals for this area, which were changed in response to submissions on the Background Report.

None of matters raised by the submission indicated any inaccuracies in the study. The scope of the OGSTP was appropriate for its purposes. The geographical extent of the study in this area was determined by the extent of SLO 7.

Council has taken the view that Coastal Tea-tree is indigenous in the coastal dune area. While planting of Coastal Tea-tree is generally not encouraged, existing Coastal Tea-tree contributes to the vegetated coastal character of the area and the requirement for a permit to remove, destroy or lop a plant over 3 m high is appropriate.

Other issues

A brief response to many of the other issues were raised in submissions is provided in the table below.

ISSUE	RESPONSE
Site permeability controls too harsh	40% site permeability requirement previously proposed for Coastal Fringe Area no longer proposed.
Risks to buildings from trees	Permit exemptions for vegetation removal apply near dwellings or where there is a danger to property. Controls will provide greater space for existing and/or new trees in new development.
Tree protection on public rather than private land	Both public and private trees contribute to the landscape so both should be managed. Council is committed to tree planting on public land and focuses on local indigenous plantings where appropriate.
Adverse impact on property values	Impact on property values not known, but not a relevant planning consideration
Impact on owners who have protected vegetation or are yet to develop	Amendment seeks to balance residential development with preservation and enhancement of the vegetated landscape.
DELWP suggested reference to the Coastal Moonah Woodland vegetation community	Appropriate to add this reference to SLO 7, but not SLO 15.
DELWP suggested reference to the Ocean Grove Tree Planting Guidelines	These provide guidance but do not need to be considered in assessing a planning permit application.

Clarification of the two canopy trees per site requirement	Modify provision to make clear requirement is two canopy trees per parent lot
Side setback permit trigger under SLO 7	This permit trigger aims to retain view lines. 2 m minimum side setback to one boundary will in many cases result in wider view lines in gaps between buildings than suggested cumulative 2 m side setback.

7.5 Response to issues raised during post-exhibition consultation

This section provides an outline of Council’s response to the key issues raised during the post-exhibition consultation in August 2017 on the proposed change to rezone the area exhibited as GRZ 3 to a new NRZ 5 (area shown at **Appendix 17**). These responses were provided in the Delegate report of 6 September 2017, including the summary of submissions appended to that report.

A more detailed response to all issues raised will be provided in Council’s Part B submission.

Issues raised in supporting submissions

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. 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 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 State Government policy direction

Seeking to apply the most appropriate zone to an area of identified landscape significance does not undermine the outcomes sought by the State Government in its Reformed Residential Zones (Amendment VC110). The land proposed to be zoned NRZ 5 is a very small fraction of land in the GRZ throughout the City and differs from the vast majority of the other GRZ land in being subject of an SLO. Only two other SLOs (out of the 14 other SLOs in the scheme) affect land in the GRZ (including interim SLO 15) and in each of these cases, it is also proposed to rezone that land from the GRZ to the NRZ.

The proposed change is consistent with the original intent of a strategically justified Amendment that was already under exhibition at the time the State Government's changes to residential zones were made.

The NRZ is a less restrictive zone than before Amendment VC110. Council believes the NRZ is strategically justified as the appropriate zone for the Hillside and Coastal Fringe Area, post the introduction of Reformed Residential Zones by Amendment VC110.

More restrictive zone purposes of NRZ as opposed to GRZ

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 including the 7.5 m building height permit trigger should be sufficient to address landscape impacts

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. SLO 7 provisions will not be the sole consideration in the determination of permit applications by Council or VCAT.

NRZ limited to two storeys whereas exhibited GRZ 3 allowed three

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. It is recommended that the proposed NRZ 5 Schedule be changed accordingly.

Higher maximum building height compensates for reduced maximum site coverage

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.

8 Proposed changes to exhibited Amendment documentation

Having considered all issues raised in submissions, both during exhibition in March and April 2017 and during post-exhibition consultation in August 2017, Council still supports the Amendment. However, a series of post-exhibition changes to the Amendment are recommended.

Council proposes the following changes to the exhibited Amendment:

- the area previously proposed to be rezoned to GRZ 3 (Areas 4, 5 and 6 on the map at **Appendix 4**, separately shown at **Appendix 17**) instead be rezoned to a new NRZ 5;
- exhibited changes to Clause 21.14 be further modified as shown in track changes format in **Appendix 18**;
- proposed NRZ 4 Schedule be modified as shown in track changes format in **Appendix 19**;
- a new NRZ 5 Schedule replace the exhibited GRZ 3 Schedule – the NRZ 5 Schedule used in post-exhibition consultation (**Appendix 20**), with two further changes arising from post-exhibition submissions (final version at **Appendix 21**);
- exhibited changes to the SLO 7 Schedule be further modified as shown in track changes format in **Appendix 22**;
- proposed SLO 15 Schedule be modified as shown in track changes format in **Appendix 23**.

The changes result from and respond to:

- the 9 April 2017 Ministerial Direction on the Form and Content of Planning Schemes;

- changes made to interim SLO 15 in the Minister’s approval of Amendment C272 (with all but one of these changes reflected – it is recommended to retain an application requirement for a Design Response plan to include any other notable features or characteristics of the site);
- issues raised in submissions, both during exhibition and post-exhibition consultation;
- assessment of the implications of Amendment VC110 (Reformed Residential Zones), as outlined in this report; and
- internal review of the exhibited provisions, identifying minor changes to wording for clarity and consistency.

9 Conclusion

The recommendations of the OGSTP Final Report 2016 are the result of rigorous analysis, detailed vegetation surveys, public consultation and review of existing SLO 7 provisions. The recommendations of the OGSTP Final Report are valid and have strong strategic justification.

The controls proposed for both the Significant Tree Area and the Hillside and Coastal Fringe Area are appropriate, given the number of identified significant trees on both public and private land throughout each area. Controls such as reduced maximum site coverage will better protect existing significant trees and allow for new tree planting as new residential development proceeds. The proposed revised SLO 7 controls will lead to improved development outcomes from a landscape perspective.

Having considered all matters raised in submissions, both during exhibition of Amendment C349 in March and April 2017 and during post-exhibition consultation in August 2017, Council still supports the Amendment. However, some post-exhibition changes are recommended to address some issues raised in submissions, as well as Amendment VC 110 (Reformed Residential Zones), gazetted in March 2017.

NRZ 5 is the most appropriate zoning for the Hillside and Coastal Fringe Area, since the introduction of Reformed Residential Zones by Amendment VC110. This zoning, with a 9 m maximum building height, better protects the identified landscape significance of the SLO 7 area. It is consistent with the original intent of this Amendment, which was already under exhibition at the time the State Government's changes to residential zones were made.

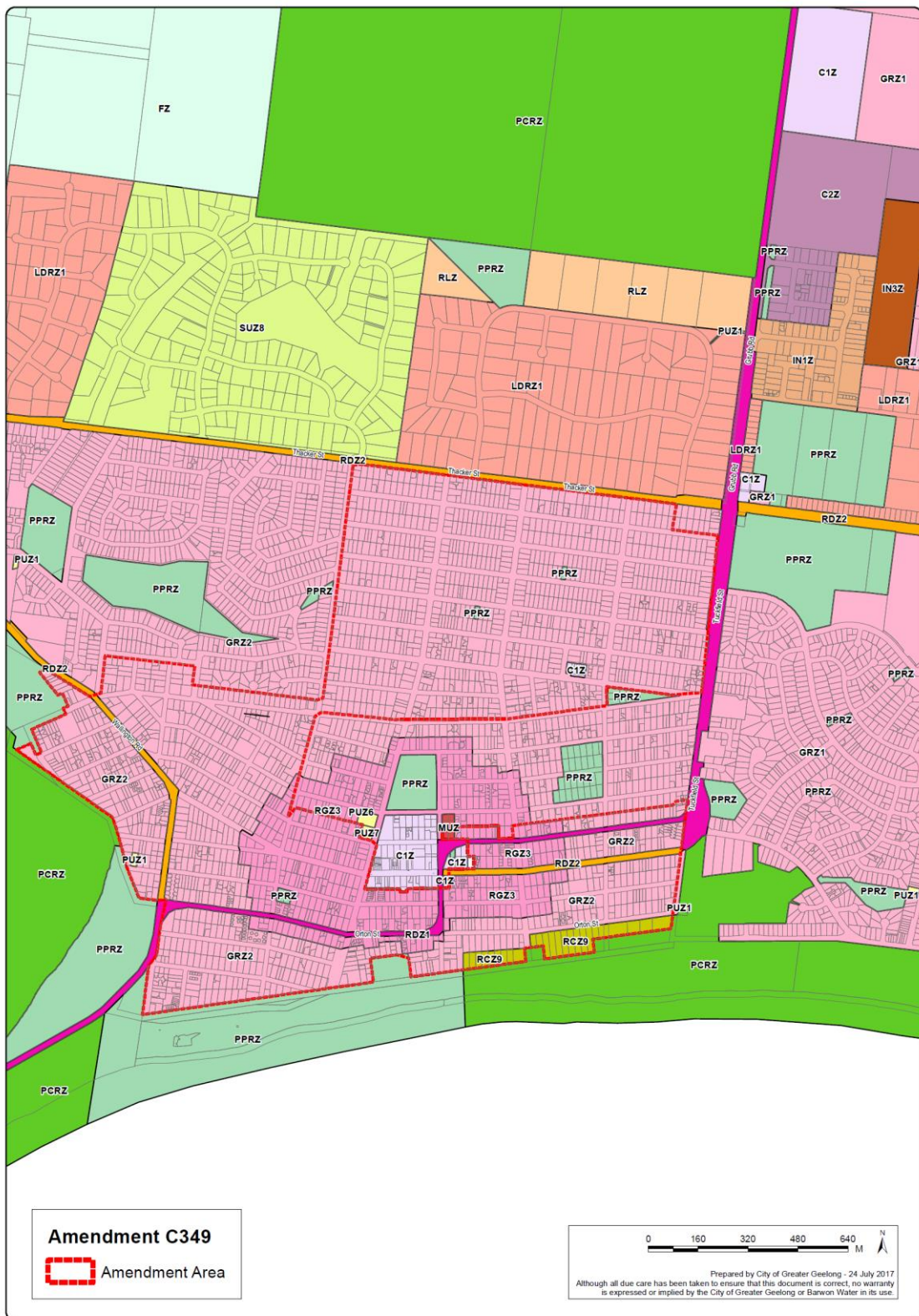
The Amendment implements identified Further Work tasks identified in the Scheme and arising from previous public consultation exercises. It will lead to better protection and enhancement of the valued vegetated landscape character of portions of old Ocean Grove as new development takes place.

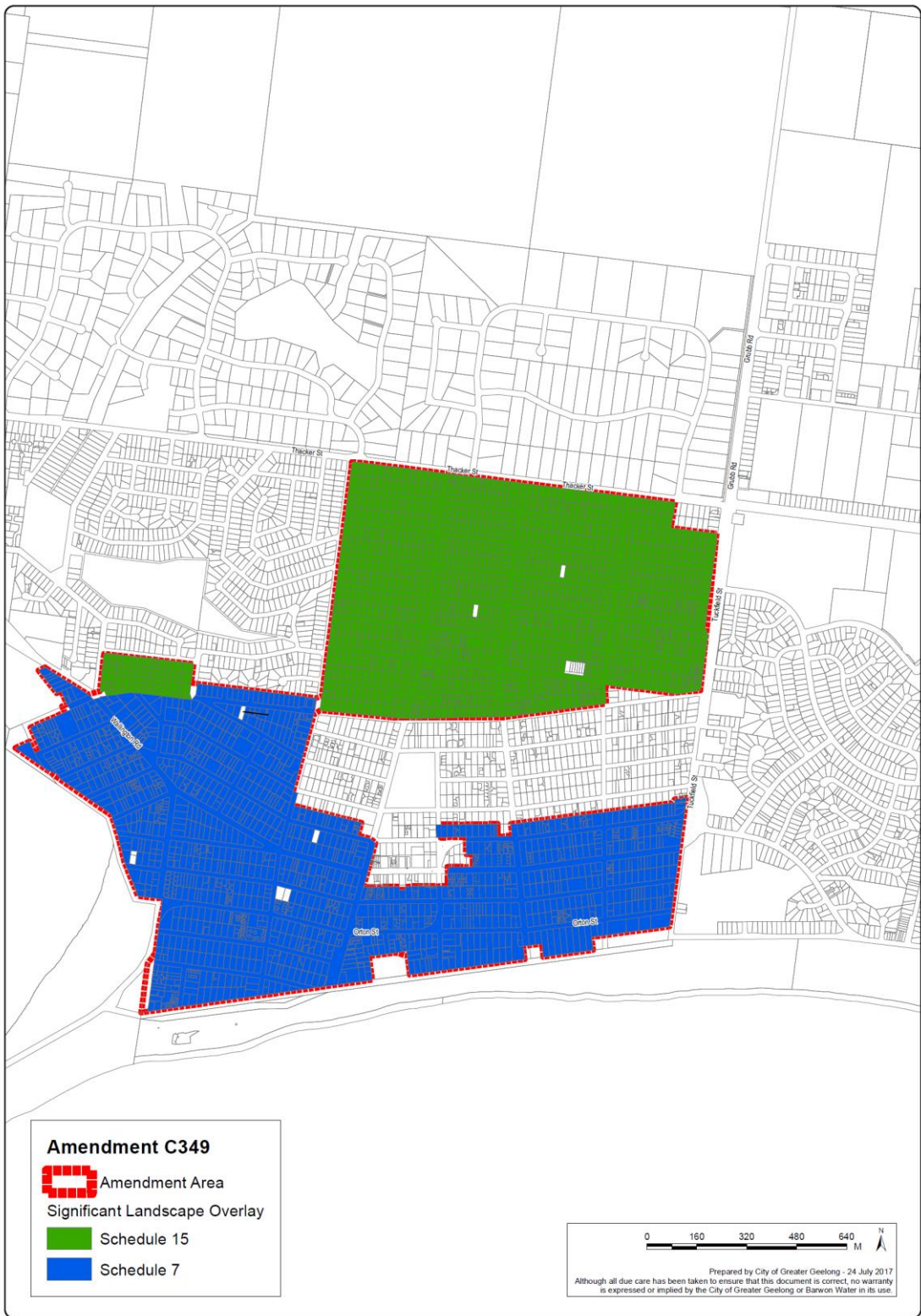
We commend the Amendment to the Panel and respectfully seek the Panel's support for the Amendment, subject to the recommended modifications outlined in section 8 of this submission above.

APPENDICES

Appendix 1	Location plan
Appendix 2	Current zoning
Appendix 3	Existing SLO 7 and interim SLO 15
Appendix 4	Map of exhibited proposed changes
Appendix 5	List of exhibited proposed changes
Appendix 6	Exhibited proposed zoning changes
Appendix 7	Exhibited proposed SLO 15
Appendix 8	Exhibited SLO 7 deletions
Appendix 9	Exhibited DDO 14 additions
Appendix 10	Exhibited DDO 14 deletions
Appendix 11	Exhibited Clause 21.14 (track changes)
Appendix 12	Exhibited new Schedule 3 to GRZ
Appendix 13	Exhibited new Schedule 4 to NRZ
Appendix 14	Exhibited Schedule 7 to SLO (track changes)
Appendix 15	Exhibited new Schedule 15 to SLO
Appendix 16	DELWP authorisation letter
Appendix 17	Proposed NRZ 5 map (post-exhibition)
Appendix 18	Clause 21.14 (track changes including post-exhibition)
Appendix 19	Schedule 4 to NRZ (post-exhibition track changes)
Appendix 20	Schedule 5 to NRZ (post-exhibition) – consultation
Appendix 21	Schedule 5 to NRZ (post-exhibition) – final position
Appendix 22	Schedule 7 to SLO (post-exhibition track changes)
Appendix 23	Schedule 15 to SLO (post-exhibition track changes)
Appendix 24	Bushfire Management Overlays (gazetted 3 Oct 2017)

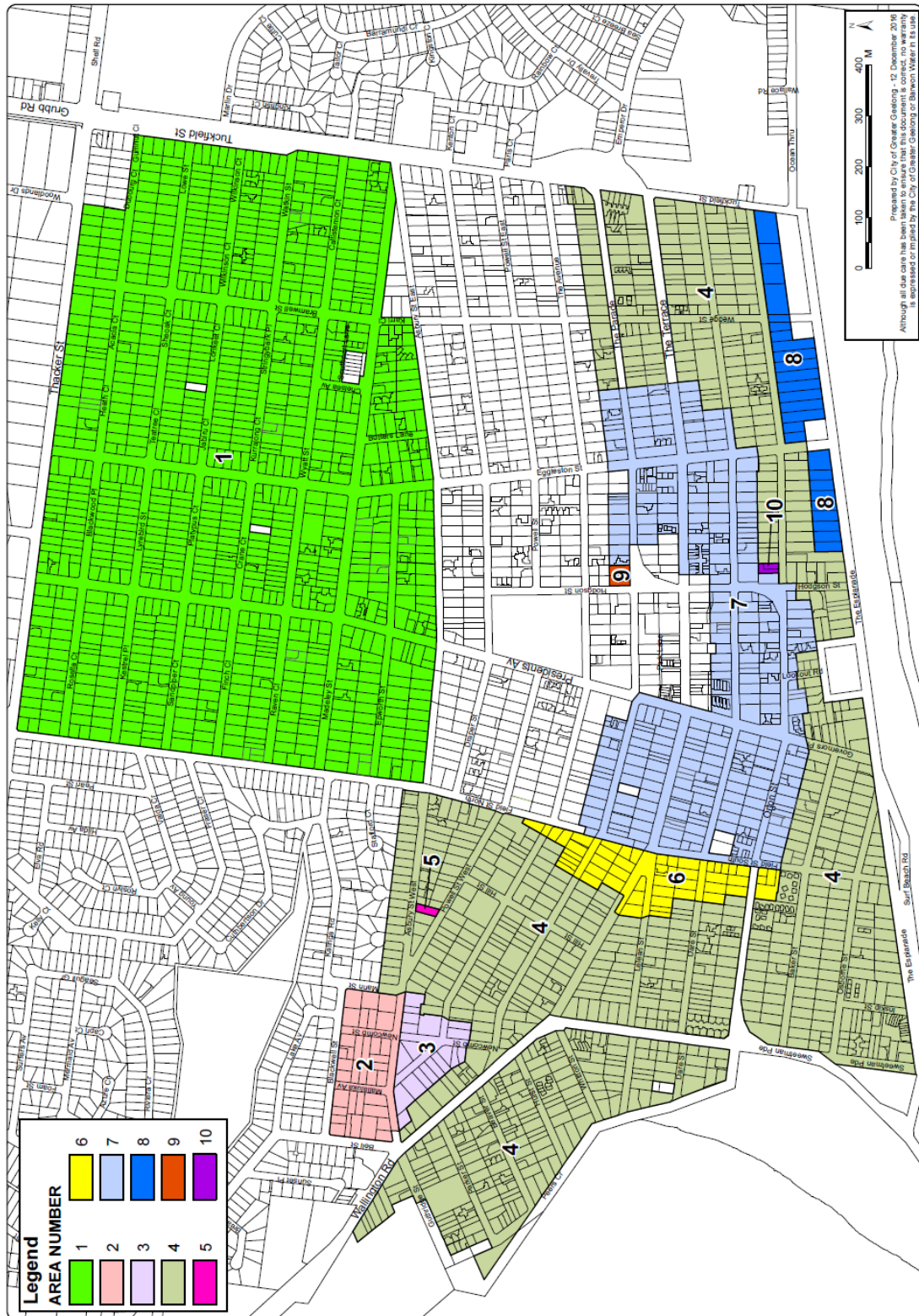






Appendix 4

Map of exhibited proposed changes



Appendix 5

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

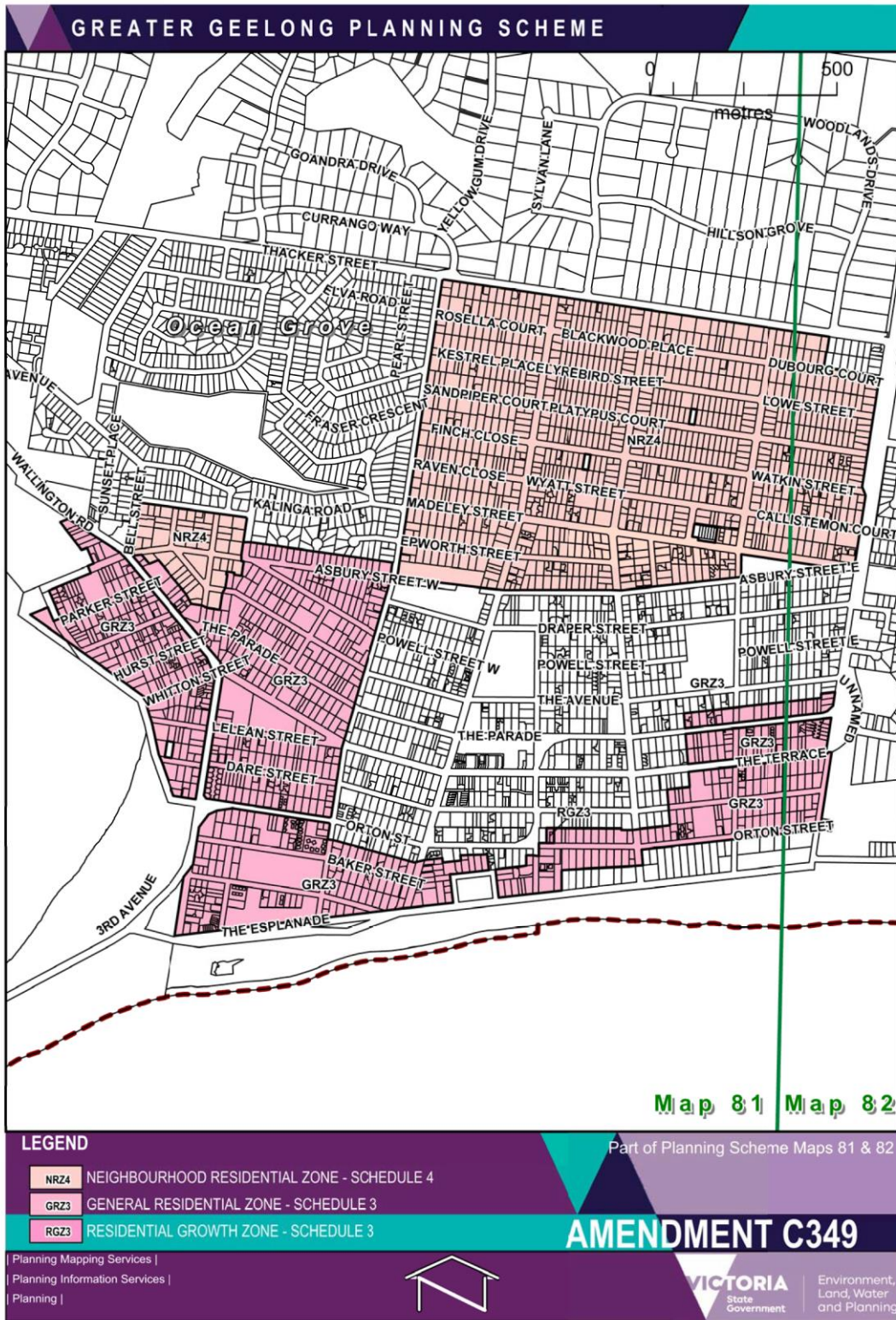
- Revise the wording of Significant Landscape Overlay Schedule 7.

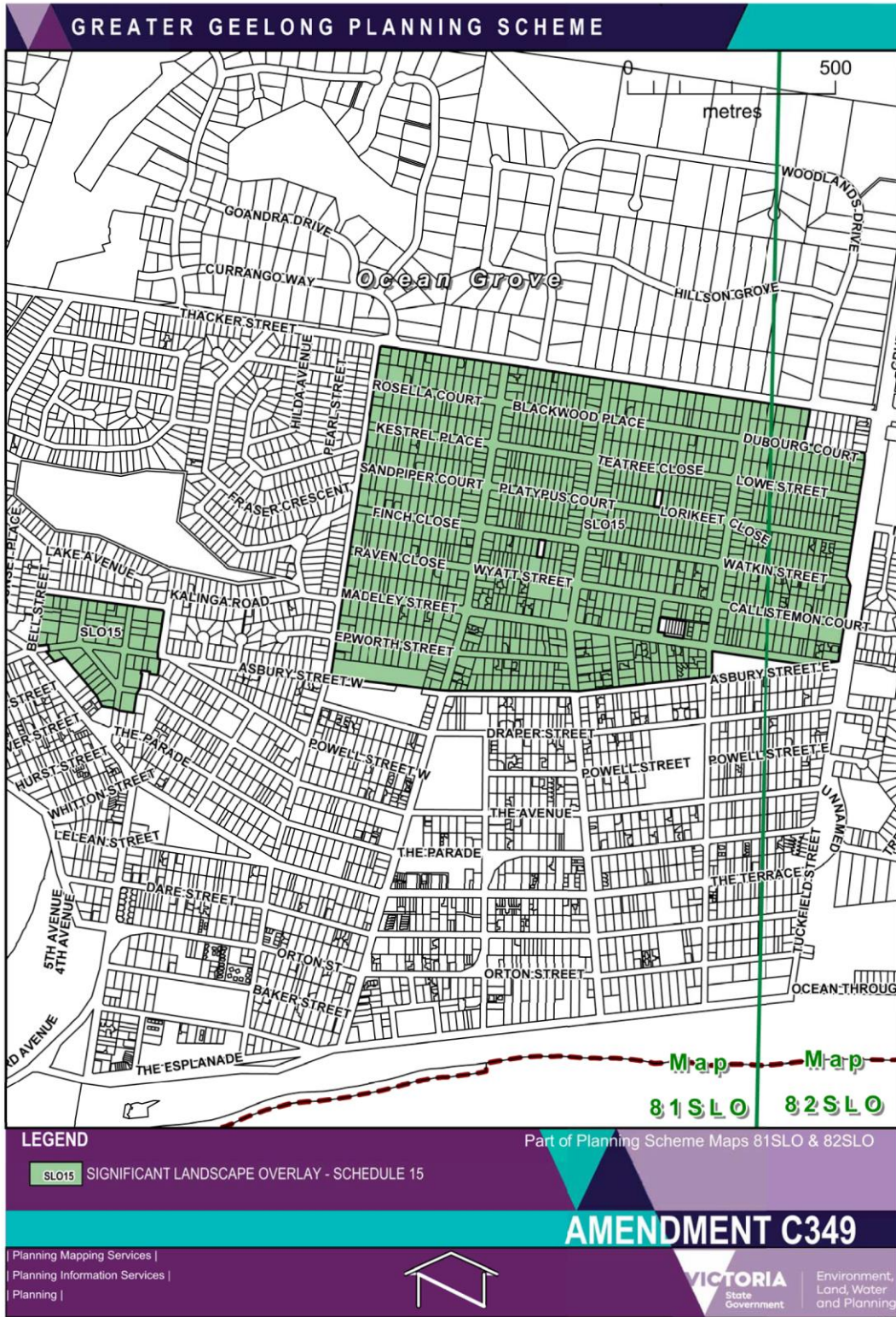
Area 9

- Delete Significant Landscape Overlay Schedule 7.

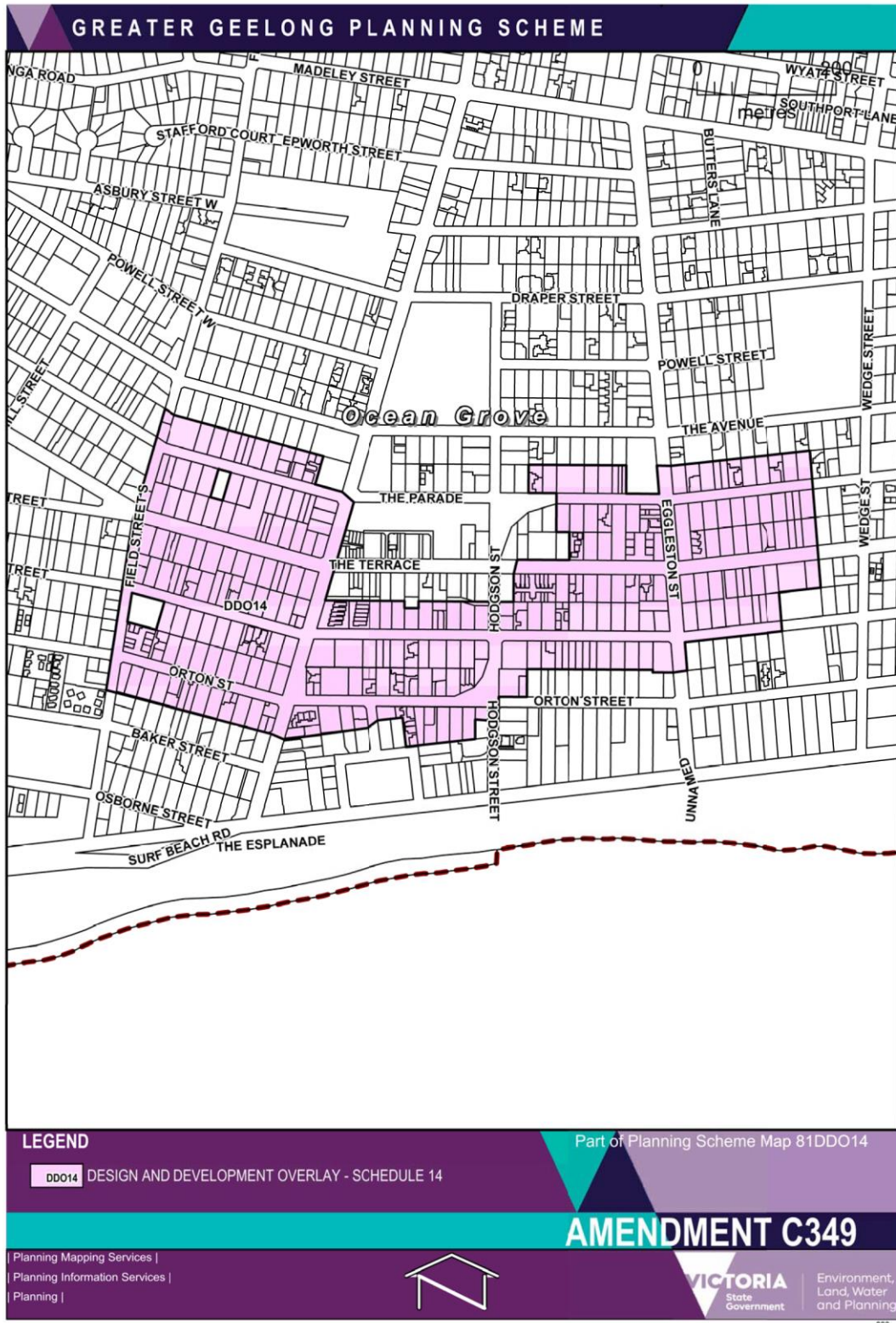
Area 10

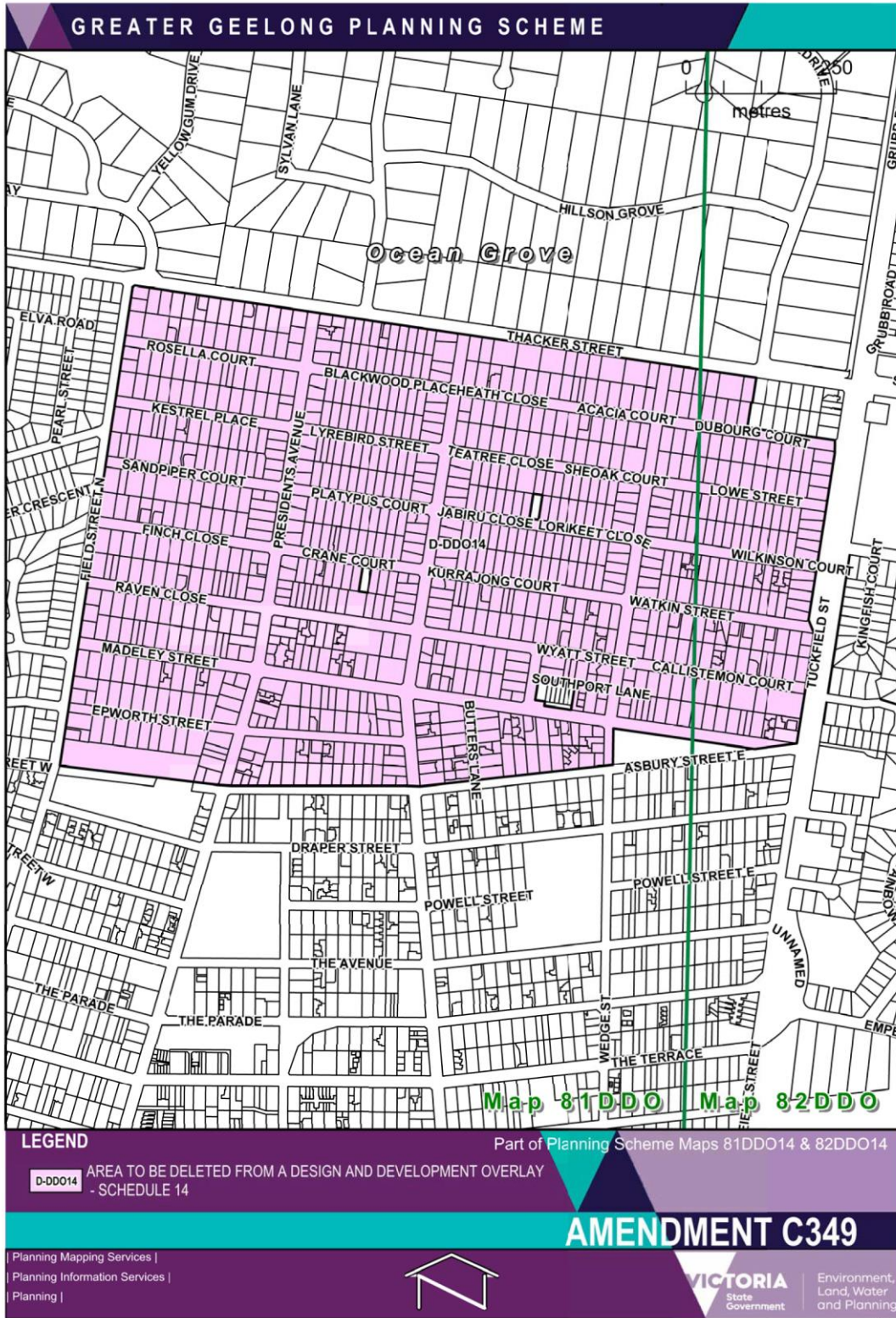
- Rezone from General Residential Zone Schedule 2 to Residential Growth Zone Schedule 3.
- Replace Significant Landscape Overlay Schedule 7 with Design and Development Overlay Schedule 14.











21.14 THE BELLARINE PENINSULA08/12/2016
C346
Proposed C349**21.14-1 Key issues and Influences**28/01/2010
C129(Part 1)

The Bellarine Peninsula comprises a series of contained townships separated by rural and coastal areas.

The rural and coastal areas on the Bellarine Peninsula form an important non-urban break between settlements. They are highly valued for their scenic attributes, tourism function, environmental function and lifestyle appeal.

The Bellarine Peninsula is one of the fastest growing areas in the City of Greater Geelong. Population growth on the Bellarine Peninsula is being driven by the attractiveness of the peninsula as a relaxed lifestyle destination within close proximity to urban Geelong.

Appropriately managing urban growth on the Bellarine Peninsula will be critical to retaining the peninsula's identity and attributes.

21.14-2 Objectives08/12/2016
C346
Proposed
C349

- To protect and enhance the rural and coastal environment on the Bellarine Peninsula and maintain non-urban breaks between settlements.
- To facilitate the development of Ocean Grove, Drysdale/Clifton Springs and Leopold as hubs of development and service provision on the Bellarine Peninsula. In all other townships on the Bellarine Peninsula provide retail, commercial and community uses and facilities that serve the daily needs of the community and encourage street based activity.
- To provide for sustainable industrial, commercial, retail, agricultural and tourism development in designated locations, to service the wider Bellarine community.
- To preserve the individual character, identity and role of each Bellarine township.

Strategies

- Ensure that development responds to the identity and character of the individual township in which it is located.
- Protect rural and coastal environments from inappropriate urban encroachment.
- Ensure land use and development proceeds generally in accordance with the relevant Structure Plan maps included in this Clause.
- Ensure that development outside of settlement boundaries (as shown in the Structure Plan maps included in this clause) does not compromise the rural, environmental and landscape values of the non-urban breaks.
- Direct the bulk of residential growth and retail development to Ocean Grove, Drysdale/Clifton Springs and Leopold consistent with the relevant Structure Plan maps included in this clause.
- Direct bulky goods retailing and industrial development to existing and future areas as identified in Structure Plan maps included in this clause.

St Leonards:

- Support a mix of retail, commercial, community and entertainment uses within the town centre.
- Encourage development which respects the coastal landscape setting of St Leonards by:

- Support expansion of the existing retail premises on The Esplanade, Indented Head.

Ocean Grove:

- Contain urban development within the defined settlement boundary on the Structure Plan map.
- Encourage development which respects the coastal landscape setting of Ocean Grove, by:
 - Providing reasonable sharing of views of the coast and foreshore
 - Promoting contemporary design that reflects the existing scale, setbacks, spacing, forms and materials of the buildings in the locality.
 - [Ensuring that development allows for the protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation.](#)
- ~~Ensuring that development allows for protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation.~~
- Support the continued development of the north-east growth area as shown on the Structure Plan map.
- Encourage a range of accommodation and housing options, including aged care within and adjacent to the Town Centre and other existing and proposed activity centres.
- Ensure development avoids impacts on environmental assets including the Coast, Buckley Park Foreshore Reserve, Goandra Estate, Ocean Grove Nature Reserve, Begola Wetlands, Barwon River/Lake Conneware and the Lake Victoria Wetlands.
- Ensure the Town Centre remains the primary retail centre for Ocean Grove by providing for a range of retail, business and accommodation uses.
- Ensure that the supply of car parking in the Town Centre increases commensurate with parking demands from new development.
- Preserve The Terrace as the potential long-term arterial route through the Town Centre.
- Support the development of a new Neighbourhood Activity Centre, including community uses, in the north-east growth area adjacent to Grubb Road.
- Support the development of the restricted retail and industrial precincts within the north-east growth area.
- Support the development of a strategic footpath network for the town that provides permeable and safe routes to key destinations and services.
- Where appropriate, ensure new developments assist in the establishment of a safe bicycle-pedestrian path network around the town connecting the foreshore, river, nature reserve, Grubb, Banks and Bonnyvale Roads as shown on the Structure Plan map.
- Where appropriate, ensure new development contributes to the improvement of open spaces, key pedestrian links.
- Provide for a range of appropriately scaled and located tourism accommodation and activities, including opportunities for revitalisation of existing uses.
- Support further development of existing caravan parks and accommodation uses in residential areas, particularly those close to the beach and river, to provide a broader range of accommodation type and mix.
- Where appropriate, encourage a range of appropriately scaled tourism related activities on the rural periphery of the town which are complementary to the environmental and rural setting.

- Ensure that new urban development street works and road designs contribute to the implementation of the identified primary and secondary pedestrian/cycle routes and are designed to complement the informal coastal streetscape character.

08/12/2016
C346
Proposed
C349

Implementation

These strategies will be implemented by:

Applying Zones and overlays

Ocean Grove

Apply the Commercial 1 Zone to the surplus park at 94 The Parade.

Apply the Commercial 1 Zone to the surplus road reserve from upgrade of the Hodgson Street/The Parade intersection.

Apply the Design and Development Overlay to the Town Centre to implement the findings of the Ocean Grove Town Centre Urban Design Framework.

Apply the Design and Development Overlay to the Commercial 1 and Commercial 2 Zone precincts in the north-east growth adjacent to Grubb Road.

Apply schedule 20 to the Design and Development Overlay to the Industrial 3 Zone in the north-east growth area.

Apply the Public Acquisition Overlay to The Terrace rear laneway.

Leopold

Apply the General Residential Zone Schedule 1 and the Development Plan Overlay to land designated for future residential growth shown on the Leopold Structure Plan map included in this clause.

Apply a combination of commercial zones, a Design and Development Overlay and a Development Plan Overlay to facilitate the expansion of the Leopold Sub Regional Retail Activity Centre.

Drysdale

Apply the General Residential Zone Schedule 1 with a Development Plan Overlay based on the principles identified in the Structure Plan to Princess Street, Central Road and Oakden Road.

Support the application of the General Residential Zone Schedule 1 to identified residential infill areas with appropriate Development Plan Overlay and Developer Contribution Plan controls.

Support a joint rezoning and development application at the Curlewis Golf Club to facilitate short term tourist accommodation.

Point Lonsdale

Apply the General Residential Zone Schedule 1 with a Development Plan Overlay to the portion of the Lonsdale Golf Course shown for residential growth on the Point Lonsdale Structure Plan map at Clause 21.14-12 subject to an amendment and EES process.

Apply appropriate design and environmental overlays to areas of consistent urban and landscape character.

Rezone the Commercial Zone land on the corner of Fellows Road and Bellarine Highway to facilitate tourism development.

St Leonards

Apply the General Residential Zone Schedule 1 to Growth Areas 1 and 2.

Apply the Development Plan Overlay to Growth Area 2.

Apply the Development Contributions Plan Overlay (or an equivalent agreement with landowners) in conjunction with the rezoning of Growth Areas 1 and 2.

Further work

Review township structure plans as scheduled (in structure plans) to meet emerging needs of communities.

Review the planning framework for land identified in the Coastal Spaces Landscape Assessment Study as regionally significant in the south west of the Bellarine Peninsula to ensure the protection of landscape values is adequately addressed.

Point Lonsdale

Work with the Borough of Queenscliff to address climate change issues in Point Lonsdale and implement any relevant outcomes.

Prepare detailed streetscape design plans for designated primary and secondary routes as identified in the Point Lonsdale Structure Plan.

Investigate opportunities to establish a railway station-transport interchange precinct to link with the Queenscliff tourist railway service.

Portarlington

Support Parks Victoria Safe Harbour Project, including ensuring appropriate integration with the adjacent foreshore reserve and Town Centre.

Ocean Grove

~~Review the application of Schedule 7 to the Significant Landscape Overlay.~~

~~Undertake a review of the older parts of the town as identified on the Structure Plan map to investigate the introduction of new planning overlay controls to protect important landscape and built form attributes.~~

Work with VicRoads to prepare a network operating plan (SmartRoads) for the town.

Review the Structure Plan including an assessment of long term growth options (both infill and settlement expansion) for Ocean Grove by no later than 2021. The assessment should include consideration of:

- land to the north, north-west and east of Ocean Grove.
- the role of Ocean Grove as a district town.
- other planned growth on the Bellarine Peninsula.
- development trends, lot supply and housing capacity within the settlement boundary.
- the desirability of providing a diversity of living options.
- physical and environmental constraints, including the importance of protecting the biodiversity values of the Nature Reserve and maintaining a rural break between settlements.
- the protection of landscape values and implications for the character of approaches to Ocean Grove township along the Bellarine Highway, Grubb Road and Wallington Road.
- the implications for significant agricultural uses and their employment generating potential.
- whether any adjustments to the settlement boundary are required.

Leopold

XX/XX/XXXX
Proposed C349

SCHEDULE 3 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as **GRZ3**

OCEAN GROVE HILLSIDE AREA

1.0 Permit requirement for the construction or extension of one dwelling on a lot

XX/XX/XXXX
Proposed C349

Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?

None specified

2.0 Requirements of Clause 54 and Clause 55

XX/XX/XXXX
Proposed C349

	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.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	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.
	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.

3.0 Maximum building height requirement for a dwelling or residential building

XX/XX/XXXX
Proposed C349

A building used as a dwelling or residential building must not exceed a height of 9 metres unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case it must not exceed a height of 10 metres.

4.0 Application requirements

XX/XX/XXXX
Proposed C349

The following application requirements apply to an application for a permit under clause 32.08, in addition to those specified in clause 32.08 and elsewhere in the Scheme:

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.

5.0 Decision guidelines

XX/XX/XXXX
Proposed C349

The following decision guidelines apply to an application for a permit under clause 32.08, in addition to those specified in clause 32.08 and elsewhere in the Scheme:

- 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 13

Exhibited new Schedule 4 to NRZ

GREATER GEELONG PLANNING SCHEME

XX/XX/XXXX
Proposed C349

SCHEDULE 4 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ4**

OCEAN GROVE SIGNIFICANT TREE AREA

1.0 Minimum subdivision area

XX/XX/XXXX
Proposed C349

None specified.

2.0 Permit requirement for the construction or extension of one dwelling on a lot

XX/XX/XXXX
Proposed C349

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 on a lot	None specified

3.0 Requirements of Clause 54 and Clause 55

XX/XX/XXXX
Proposed C349

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	40%
Permeability	A6 and B9	None specified
Landscaping	B13	At least 40% of the site is available for landscaping. Two canopy trees (indigenous and/or Australian native) per site.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
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 a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room.
Front fence height	A20 and B32	None specified

4.0 Number of dwellings on a lot

XX/XX/XXXX
Proposed C349

None specified.

5.0 Maximum building height requirement for a dwelling or residential building

XX/XX/XXXX
Proposed C349

A building used as a dwelling or a residential building must not exceed a height of 9 metres.

6.0 Application requirements

XX/XX/XXXX
Proposed C349

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:

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 construction of the dwellings.

7.0 Decision guidelines

XX/XX/XXXX
Proposed C349

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:

- Whether the landscaping requirement can be met by including existing trees that are considered worthy of retention.
- Whether new lots and developments are of a spacious nature and allow for a design that is respectful of neighbourhood character.
- 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.

13/11/2014
C300
Proposed C349

SCHEDULE 7 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO7**

OCEAN GROVE ~~COASTAL~~HILLSIDE AREA

1.0

Statement of nature and key elements of landscape

13/11/2014
C300
Proposed C349

~~Ocean Grove is an important and growing coastal township located on a hillside extending to a popular ocean surf beach. The landscape character of the township and its vulnerability due to substantial development occurring in recent years has been identified by Council and the community as an important planning consideration. An important characteristic of the township is the balance between roof tops and vegetation when viewed from a distance. While roof tops are visible, the buildings are separated by tea-tree and other coastal species. It is the vision of the township to retain and strengthen this balance.~~

~~In addition, the topography of Ocean Grove has encouraged development that seeks to maximise views. Part of the landscape character of Ocean Grove that is valued by the local community is the ability to view the ocean and/or the Barwon River from numerous points in public areas and from private dwellings. Respect for the sharing of views, rather than necessarily the retention of all existing views, is therefore an important characteristic of this coastal town.~~

~~Other landscape elements of particular importance in Ocean Grove include the allocation of sufficient space for the planting and retention of vegetation, and building height that does not dominate the streetscape and long distance views.~~

Ocean Grove is a growing coastal township located on a hillside extending to a popular ocean surf beach. Areas of public and private land within established Ocean Grove support a mix of remnant coastal and grassy woodland vegetation, indigenous and planted Australian natives which contribute to the unique coastal and vegetated character of the township.

The area also supports the threatened Bellarine Yellow-gum *Eucalyptus leucoxylon subsp. bellarinensis* which is endemic to the area. The retention of these trees is important for the ongoing survival of the species. The incremental loss of vegetation and the impact of not providing adequate space for the re-establishment of vegetation around buildings are having a major impact on the landscape character of the area.

The preferred character for this area includes achieving a balance between landscape and built form where buildings sit within a landscaped setting. Vegetation, in particular, trees, are required to soften the impact of buildings in the environment. There are examples of development where this balance has not been achieved and buildings dominate the site and streetscape. While these developments form part of the character of the area, they do not represent the preferred character.

The retention of and ability to plant screening vegetation along boundaries and fronting the street and building height and bulk that do not dominate the streetscape, neighbouring properties and long distance views are all important landscape elements.

The hillside topography has encouraged development that seeks to maximise views. Part of the landscape character of Ocean Grove that is valued by the local community is the ability to view the ocean and/or the Barwon River from numerous points in public areas and from private dwellings. Respect for the sharing of views, rather than necessarily the retention of all existing views, is therefore an important characteristic of this coastal town.

Significant trees are defined as indigenous and Australian native trees 3 or more metres in height.

2.0 Landscape character objective to be achieved

13/11/2014
C300
Proposed C349

- To conserve, enhance and reinstate the preferred character of buildings sitting within vegetated settings including in areas that have been substantially cleared of vegetation.
- To preserve the balance between roof tops and vegetation in long distance views of the town.
- To encourage vegetated streetscapes where the vegetation acts to filter and soften the appearance of buildings and hard surface areas.
- To ~~promote~~ encourage the development of buildings that fit within the landscape and do not dominate the streetscape and long distance views.
- To provide a balance between ~~minimise the impact of~~ buildings and projecting above ~~the~~ vegetation canopy.
- To ensure that buildings are sited and designed to avoid and/or minimise removal of Australian native/indigenous vegetation.
- To encourage development that sits within a vegetated setting by providing ~~provide~~ space at the front, side and rear of buildings for the retention and planting of screening ~~vegetation, particularly high-canopied coastal vegetation and other native coastal species common to the area.~~
- To maximise opportunities for view sharing, particularly where views are available to the ocean and river from private dwellings.
- ~~To protect vistas of the ocean and river available from public viewing points in the town.~~

3.0 Permit requirement

13/11/2014
C300
Proposed C349

Buildings and Works

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

- The height of any part of the building, excluding any television antenna, chimney or flue, is less than 7.5 metres above natural ground level.
- No more than 70% of the site is covered by buildings and impervious/hard surfaces including driveways, paving, decks, crushed rock, swimming pools or tennis courts.
- ~~The location of an outbuilding or garage normal to a dwelling is behind the front building line of the dwelling.~~
- At least 30 per cent of the site is available (free from hard surfaces) for soft landscaping (e.g. vegetation), not covered by buildings or impervious surfaces including driveways, paving, swimming pools or tennis courts.
- Buildings are set back a minimum of 2 metres from one side boundary.
- There is only one dwelling on the lot.

Vegetation Removal

A permit is required to remove, destroy or lop vegetation. ~~This does not apply to: except where one of the following requirements are met:~~

- Indigenous vegetation less than 3 metres in height.
- Australian native vegetation less than 3 metres in height.
- Exotic vegetation.

- ~~The v~~Vegetation ~~is~~ listed within the incorporated document *Environmental Weeds*, City of Greater Geelong, September 2008 except Coastal Tea-tree, which contributes to the coastal character of this area. ~~where tea tree is indigenous to the area.~~
- Pruning a tree to improve its health or appearance, provided its normal growth habit is not retarded.
- Vegetation that presents an immediate risk of personal injury or damage to property, if only that part of vegetation which presents the immediate risk is removed, destroyed or lopped.
- Pruning vegetation to remove any branch that overhangs an existing dwelling or is within 2 metres of an existing dwelling.
- ~~The v~~Vegetation ~~that~~ is dead to the satisfaction of the responsible authority.
- Maintaining public utility services for the transmission of water, sewage, gas, electricity, electronic communications or the like to the minimum extent necessary by the relevant authority.
- Works carried out in accordance with the Geelong Street Tree Strategy by the responsible authority.
- ~~The vegetation is less than 4 metres in height and is not shown on an approved landscape plan or site plan specifying its retention or the vegetation has a single trunk circumference of less than 0.5 metres measured 1 metre above the ground and is not shown on an approved landscape plan or site plan specifying its retention.~~

~~A landscaping plan should be submitted with an application for buildings and works, or to remove, destroy or lop vegetation, and should incorporate the use of local indigenous species.~~

4.0 Application Requirements

13/11/2014
C300
Proposed C349

An application must be accompanied by the following information. These requirements may be waived or reduced if the information is not relevant to the assessment of an application:

~~A schedule of construction materials, external finishes and colours (incorporating samples).~~

A Design Response which shows the development in relation to:

- The levels of the site and the difference in levels between the site, finished floor levels and surrounding properties;
- Location of the proposed building(s) on the site and on surrounding properties;
- The use of surrounding buildings;
- Location of significant trees existing on the site and any significant trees removed;
- Details of significant vegetation within 3 metres of the subject site boundary on any adjoining property;
- Location and canopy size of street trees adjacent to the site;
- Views to and from the site;
- Any other notable features or characteristics of the site.

Buildings and Works

A schedule of construction materials, external finishes and colours (incorporating samples).

View Sharing

A view impact analysis should be submitted when the proposed development is over 7.5 metres in height and is likely to impact on views to significant landscape features. The

view impact analysis should demonstrate how the design objectives to achieve a reasonable sharing of views have been met, having regard to topography, siting, height and visual bulk.

Landscaping

An application for buildings and works, or to remove, destroy or lop vegetation must be accompanied by a landscaping plan prepared by a suitably qualified person and should incorporate at least 2 canopy trees per site and the use of local indigenous or Australian native species.

Buildings and works occurring within the drip line of a significant tree on the subject land or adjoining site require a report from a suitably qualified arborist that shows how the tree will be managed during construction.

Vegetation Removal

An application to remove, destroy or lop a significant tree must be accompanied by the following information:

A report from a suitably qualified arborist (level 5 or equivalent) that:

- Includes a site plan (drawn to scale) showing the boundaries of the site, existing and proposed buildings and works, existing vegetation and the vegetation to be removed.
- Details of vegetation within 3 metres of the subject site boundary on any adjoining property.
- Describes the vegetation to be removed, including the genus, species, extent, number, height, health and quality of vegetation to be removed.
- Specifies the purpose of the proposed removal, destruction or lopping of vegetation.
- Justifies removal and demonstrates that the extent of removal, destruction or lopping has been reduced as much as is reasonable and practicable.
- Nominates tree protection zones where proposed development could impact on the tree root systems, canopy and overall health and appearance of trees.
- Provides a vegetation management plan for the construction period.

5.0 Transitional arrangement

xx/xx/xxxx
Proposed C349

The requirements of this overlay do not apply to any planning permit application received by the responsible authority before the approval date of the amendment that introduced this revised schedule to Clause 42.03 into the Greater Geelong Planning Scheme.

56.0 Decision guidelines

13/11/2014
C300
Proposed C349

Before deciding on an application the responsible authority must consider:

- The siting and design of buildings to achieve a reasonable sharing of views between properties with significant landscape features having particular regard to the following:
 - The impact of the proposed buildings and works on the view from another property as a result of the design, siting, height, size, bulk (including the roof), and colour of the building.
 - Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms, that follow the natural slope of the land and reduce the need for site excavation or filling.

- The opportunity for a reasonable sharing of views having regard to the extent of the available view(s) and the significance of the view(s) from the properties affected.
- Whether a vegetated setting is reinforced or reinstated as part of the development.
- Whether the removal, lopping and/or destruction of vegetation that contributes to the screening of development from property boundaries and the street has been avoided.
- Whether the siting and footprint of buildings and availability of areas not covered by impervious~~hard~~ surfaces enables the retention of adequate vegetation and space for new canopy vegetation. ~~and provides sufficient area for the planting of vegetation, particularly high canopied vegetation that contributes to the overall character of Ocean Grove.~~
- Whether hard surfaces like driveways have been minimised.
- Whether setbacks can be varied to minimise the removal of native/indigenous vegetation.
- The size, species, age and health of existing vegetation proposed to be removed, destroyed or lopped and the size, species and growth characteristics of any proposed replacement vegetation.
- Whether there is a valid ~~The reasons~~ for removing the vegetation~~tree~~ and the practicalities of ~~alternative options to removal have been fully explored such as changing the building footprint and/or lopping or trimming vegetation that do not require removal of any trees.~~
- The effect of constructing a building or constructing or carrying out works on the root system, canopy and overall health and appearance of any trees.
- Whether a loss of character would result from a variation to part 3.0 of this clause.
- Whether any street trees will need to be removed or detrimentally affected.
- ~~The impact of a specified flood level on the overall height of a building.~~

DD/MM/YYYY
Proposed C349**SCHEDULE 15 TO THE SIGNIFICANT LANDSCAPE OVERLAY**Shown on the planning scheme map as **SLO15****OCEAN GROVE SIGNIFICANT TREE RESIDENTIAL AREA****1.0 Statement of nature and key elements of landscape**DD/MM/YYYY
Proposed C349

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

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

Vegetation includes the threatened Bellarine Yellow-gum *Eucalyptus leucoxylon subsp. bellarinensis* which are endemic to the area. The residential streetscape and private gardens within the precinct support a large component of the remnant Bellarine Yellow-gum population. The retention of these trees is important for the ongoing survival of the species.

The incremental loss of significant Australian native and indigenous canopy trees has the potential to change the character of the area over time. The retention of and ability to establish new canopy trees will help integrate and reduce the impact of new development on neighbourhood character.

Managing development, tree protection and management together with new and replacement tree planting on public and private property will help safeguard the unique landscape character of the area.

Significant trees are defined as an indigenous tree 3 or more metres in height and an Australian native tree 5 or more metres in height.

2.0 Landscape character objective to be achievedDD/MM/YYYY
Proposed C349

- To protect and ensure the long term future of significant canopy vegetation which is the dominant visual and environmental feature of the precinct.
- To ensure that buildings and works retain an unobtrusive profile and do not dominate the landscape.
- To ensure that a reasonable proportion of a lot is free of buildings and hard surfaces to provide for the retention and planting of significant canopy trees and generous open space areas.
- To minimise the effect of future development on significant canopy vegetation.
- To ensure that new development has proper regard for the established landscape character in terms of building height, scale, site coverage, site permeability, siting and landscaping.
- To minimise the impact of vehicle access, road works, fences, service trenches etc on existing vegetation.
- To ensure adequate tree protection zones are provided around existing trees as part of any development.
- To encourage strategic replanting on public and private land to provide for the long term maintenance of landscape and environmental values within the precinct.

- To prevent the premature removal of vegetation from a site prior to consideration of design options for a proposed development.
- To ensure that appropriate replacement planting is provided and located appropriately on site where tree removal occurs.
- To promote the use of locally indigenous plants for landscaping.

3.0 Permit requirement

DD/MM/YYYY
Proposed C349

Buildings and works

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

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

Vegetation removal

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

- Indigenous vegetation less than 3 metres in height.
- Australian native vegetation less than 5 metres in height.
- Exotic vegetation.
- Vegetation listed within the incorporated document Environmental Weeds, City of Greater Geelong, September 2008, except Coastal Tea-tree which contributes to the coastal landscape character in this location.
- Prune a tree to improve its health or appearance, provided its normal growth habit is not retarded.
- Vegetation that presents an immediate risk of personal injury or damage to property, if only that part of vegetation which presents the immediate risk is removed, destroyed or lopped.
- Prune vegetation to remove any branch that overhangs an existing dwelling or is within 2 metres of an existing dwelling.
- Vegetation that is dead to the satisfaction of the responsible authority.
- Maintaining public utility services for the transmission of water, sewage, gas, electricity, electronic communications or the like to the minimum extent necessary by the relevant authority.
- Works carried out in accordance with the Geelong Street Tree Strategy by the responsible authority.

4.0 Application requirements

DD/MM/YYYY
Proposed C349

An application must be accompanied by the following information. These requirements may be waived or reduced if the information is not relevant to the assessment of an application:

A Design Response which shows the development in relation to:

- Location of the proposed building(s) on the site and on surrounding properties.
- The use of surrounding buildings.
- Location of significant trees existing on the site and any significant trees removed.
- Details of significant vegetation within 3 metres of the subject site boundary on any adjoining property.
- Location and canopy size of street trees adjacent to the site.
- Views to and from the site.
- Any other notable features or characteristics of the site.

Landscaping

An application for buildings and works, or to remove, destroy or lop vegetation must be accompanied by a landscaping plan prepared by a suitably qualified person and should incorporate at least 2 existing and/or new canopy trees per site and the use of local indigenous or native species.

Buildings and works occurring within the drip line of a significant tree on the subject land or adjoining site require a report from a suitably qualified arborist that shows how the tree will be managed during construction.

Vegetation Removal

An application to remove, destroy or lop a significant tree must be accompanied by the following information:

A report from a suitably qualified arborist (level 5 or equivalent) that:

- Includes a site plan (drawn to scale) showing the boundaries of the site, existing and proposed buildings and works, existing vegetation and the vegetation to be removed.
- Provides details of vegetation within 3 metres of the subject site boundary on any adjoining property.
- Describes the vegetation to be removed, including the genus, species, extent, number, height, health and quality of vegetation to be removed.
- Specifies the purpose of the proposed removal, destruction or lopping of vegetation.
- Justifies removal and demonstrates that the extent of removal, destruction or lopping has been reduced as much as is reasonable and practicable.
- Nominates tree protection zones where proposed development could impact on the tree root systems, canopy and overall health and appearance of trees.
- Provides a vegetation management plan for the construction period.

5.0 Transitional arrangement

DD/MM/YYYY
Proposed C349

The requirements of this overlay do not apply to any planning permit application received by the responsible authority before the approval date of the amendment that introduced this schedule to Clause 42.03 into the Greater Geelong Planning Scheme.

6.0 Decision guidelines

DD/MM/YYYY
Proposed C349

Before deciding on an application the responsible authority must consider:

- Whether buildings sit within a vegetated landscape.
- Whether the siting and footprint of buildings and availability of areas not covered by impervious surfaces enables the retention of significant vegetation and space for new canopy vegetation.
- The need to retain significant vegetation due to its species, age, health, growth characteristics and/or contribution to neighbourhood character.
- The size, species, age and health of existing vegetation proposed to be removed, destroyed or lopped and the size, species and growth characteristics of any proposed replacement vegetation.
- Whether there is a valid reason for removing the vegetation and alternative options to removal have been fully explored, such as changing the building footprint and/or lopping or trimming vegetation.
- Whether new trees are consistent with the character of existing vegetation, whether new trees have sufficient space to reach maturity and the proportion of new trees that would be semi-advanced or advanced in size at the time of planting.
- The effect of constructing a building or constructing or carrying out works on the root system, canopy and overall health and appearance of any trees.
- Whether a loss of character would result from a variation to part 3.0 of this clause.
- Whether any street trees will need to be removed or detrimentally affected.



Department of Environment
Land, Water and Planning

Level 4, 30-38 Little Malop Street
Geelong, Victoria 3220
PO Box 103
Geelong, Victoria 3220
www.delwp.vic.gov.au

File: FOL/17/2294

Mr Kelvin Spiller
Chief Executive Officer
Greater Geelong City Council
Email address: psmith@geelongcity.vic.gov.au

Dear Mr Spiller

PROPOSED GREATER GEELONG PLANNING SCHEME AMENDMENT C349

I refer to your council's application for authorisation to prepare an amendment to the Greater Geelong Planning Scheme. The amendment proposes to implement the Ocean Grove Significant Vegetation Project and the subsequently council adopted *Ocean Grove Significant Tree Project, Final Report 2016* by introducing and applying new zone and overlay schedules and amending existing overlays.

Under delegation from the Minister for Planning, in accordance with section 8A of the *Planning and Environment Act 1987* (the Act), I authorise your council as planning authority to prepare the amendment, subject to modifying the wording in the first paragraph under the 'Landscaping' heading in the Schedule 15 to the Significant Overlay Schedule (SLO15) to clarify the intent of the landscaping plan requirement as follows:

An application for buildings and works, or to remove, destroy or lop vegetation, must be accompanied by a landscaping plan prepared by a suitably qualified person and should incorporate at least 2 existing and/or new canopy trees per site and the use of local indigenous or native species.

The amendment must be submitted to the Minister for approval.

The authorisation to prepare the amendment is not an indication of whether or not the amendment will ultimately be supported.

Please note that [Ministerial Direction No. 15](#) sets times for completing steps in the planning scheme amendment process. This includes council:

- giving notice of the amendment within 40 business days of receiving authorisation; and
- before notice of the amendment is given, setting Directions Hearing and Panel Hearing dates with the agreement of Planning Panels Victoria. These dates should be included in the Explanatory Report ([Practice Note 77: Pre-setting panel hearing dates](#) provides information about this step).

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002.



The Direction also sets out times for subsequent steps of the process following exhibition of the amendment.

The Minister may grant an exemption from requirements of this Direction. Each exemption request will be considered on its merits. Circumstances in which an exemption may be appropriate are outlined in [Advisory Note 48: Ministerial Direction No.15 – the planning scheme amendment process.](#)

In accordance with sections 17(3) and (4) of the Act, the amendment must be submitted to the Minister at least 10 business days before council first gives notice of the amendment.

Please submit the amendment electronically to planning.amendments@delwp.vic.gov.au

Council's request for ministerial intervention to expedite the related proposed Amendment C272 (interim SLO15 in two precincts of Ocean Grove) is under consideration and you will soon be advised of the Minister's decision on this matter.

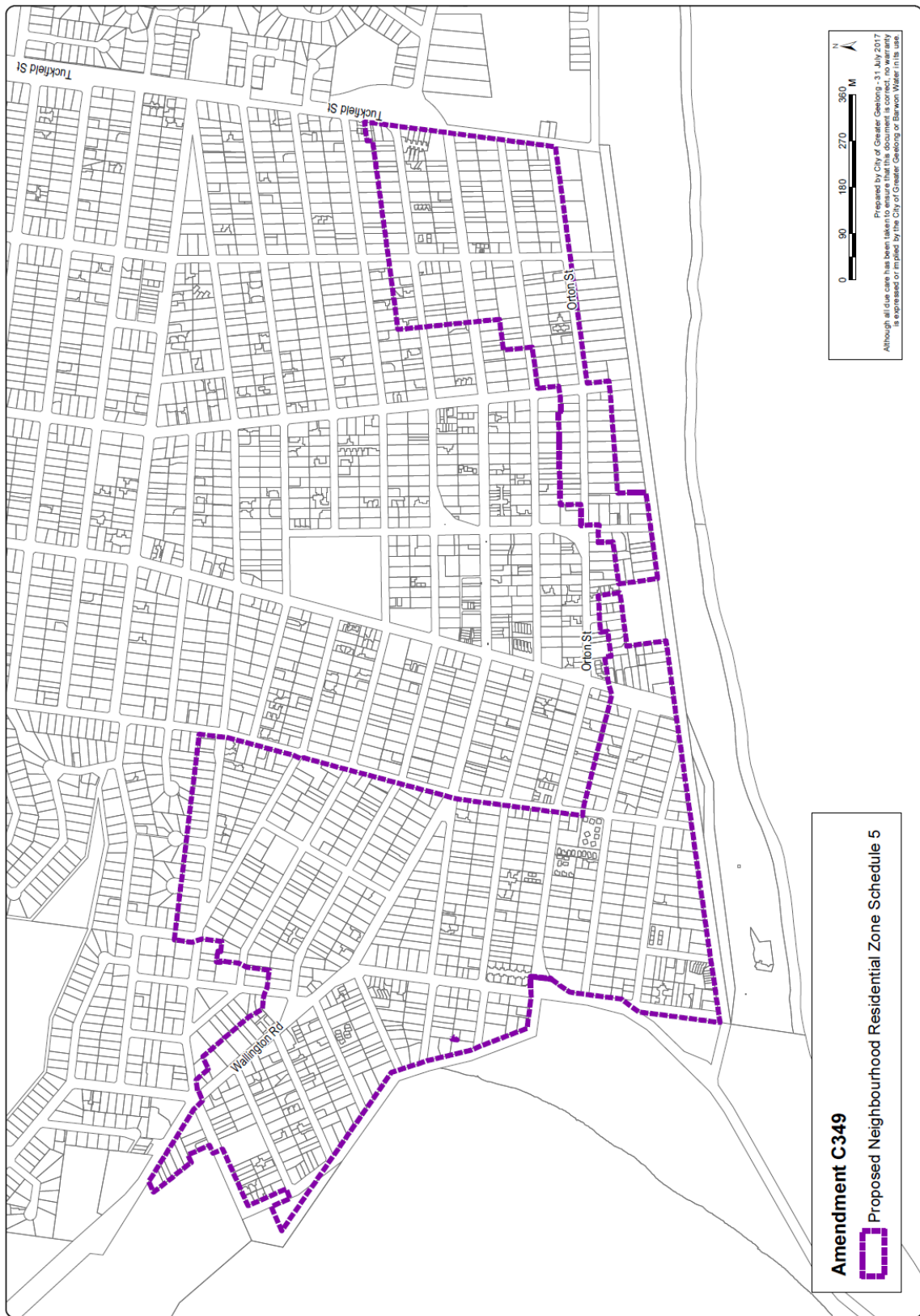
If you have any further queries, please contact Gemma Browning, Regional Planner at the department's regional office in Geelong, on 03 5226 4605.

Yours sincerely



KIM MCGOUGH
Manager - Barwon South West
Regional Planning Services

18/ 01/ 2017



Appendix 18 Clause 21.14 (track changes including post-exhibition)

GREATER GEELONG PLANNING SCHEME

21.14

08/12/2016
~~C346~~
Proposed C349

THE BELLARINE PENINSULA

NOTE: Proposed changes post-exhibition are shown with yellow highlighting

Key issues and Influences

28/01/2010
C129(Part 1)

The Bellarine Peninsula comprises a series of contained townships separated by rural and coastal areas.

The rural and coastal areas on the Bellarine Peninsula form an important non-urban break between settlements. They are highly valued for their scenic attributes, tourism function, environmental function and lifestyle appeal.

The Bellarine Peninsula is one of the fastest growing areas in the City of Greater Geelong. Population growth on the Bellarine Peninsula is being driven by the attractiveness of the peninsula as a relaxed lifestyle destination within close proximity to urban Geelong.

Appropriately managing urban growth on the Bellarine Peninsula will be critical to retaining the peninsula's identity and attributes.

21.14-2

08/12/2016
~~C346~~
Proposed
C349

Objectives

- To protect and enhance the rural and coastal environment on the Bellarine Peninsula and maintain non-urban breaks between settlements.
- To facilitate the development of Ocean Grove, Drysdale/Clifton Springs and Leopold as hubs of development and service provision on the Bellarine Peninsula. In all other townships on the Bellarine Peninsula provide retail, commercial and community uses and facilities that serve the daily needs of the community and encourage street based activity.
- To provide for sustainable industrial, commercial, retail, agricultural and tourism development in designated locations, to service the wider Bellarine community.
- To preserve the individual character, identity and role of each Bellarine township.

Strategies

- Ensure that development responds to the identity and character of the individual township in which it is located.
- Protect rural and coastal environments from inappropriate urban encroachment.
- Ensure land use and development proceeds generally in accordance with the relevant Structure Plan maps included in this Clause.
- Ensure that development outside of settlement boundaries (as shown in the Structure Plan maps included in this clause) does not compromise the rural, environmental and landscape values of the non-urban breaks.
- Direct the bulk of residential growth and retail development to Ocean Grove, Drysdale/Clifton Springs and Leopold consistent with the relevant Structure Plan maps included in this clause.
- Direct bulky goods retailing and industrial development to existing and future areas as identified in Structure Plan maps included in this clause.

St Leonards:

- Support a mix of retail, commercial, community and entertainment uses within the town centre.
- Encourage development which respects the coastal landscape setting of St Leonards by:
 - Providing reasonable sharing of views of the coast and foreshore.
 - Promoting contemporary design that reflects the existing scale, setbacks, spacing, forms and materials of the buildings in the locality.
 - Ensuring that development allows for the protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation.

- Support the on-going management, enhancement and sensitive development of the foreshore, Salt Lagoon Wildlife Reserve and Edwards Point State Faunal Reserve.
- Protect the scenic qualities of Murradoc Hill and Swan Bay.
- Support the development of a focal building, comprising retail and tourist related activities, at the south west corner of Murradoc and Bluff Roads.
- Support the development of Growth Areas 1 and 2 identified on the Structure Plan map.
- Facilitate development of a community facility including an Early Years Learning Centre, preferably at 1345 Murradoc Road.
- Integrate the town centre and pier-foreshore area.

Portarlinton:

- Support a mix of retail, commercial, community and entertainment uses within the town centre.
- Encourage development which respects the coastal landscape setting of Portarlinton by:
 - Providing reasonable sharing of views of the coast and foreshore.
 - Promoting contemporary design that reflects the existing scale, setbacks, spacing, forms and materials of the buildings in the locality.
 - Ensuring that development allows for the protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation.
- Support the establishment of a Community Centre in Portarlinton within an existing public building.
- Support the provision of a new fire station at Portarlinton.
- Support the integration of the Portarlinton town centre and pier-foreshore area.
- Support the development of a focal building at 22-34 Newcombe Street, Portarlinton, to contain retail uses, tourist accommodation and tourism related activities.
- Support development in the Portarlinton town centre incorporating accommodation uses above ground level retail floor space, where such development meets all parking and access requirements.

Indented Head:

- Encourage development which respects the coastal landscape setting of Indented Head, by:
 - Providing reasonable sharing of views of the coast and foreshore.
 - Promoting contemporary design that reflects the existing scale, setbacks, spacing, forms and materials of the buildings in the locality.
 - Ensuring that development allows for the protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation.
- Support the on-going management, enhancement and sensitive development of the foreshore, Point Richards Flora and Fauna Reserve and Salt Lagoon Wildlife Reserve.
- Support expansion of the existing retail premises on The Esplanade, Indented Head.

Ocean Grove:

- Contain urban development within the defined settlement boundary on the Structure Plan map.
- Encourage development which respects the coastal landscape setting of Ocean Grove, by:
 - Providing reasonable sharing of views of the coast and foreshore
 - Promoting contemporary design that reflects the existing scale, setbacks, spacing, forms and materials of the buildings in the locality.
 - Ensuring that development allows for the protection of significant trees ~~vegetation~~ and/or planting around buildings and has minimal impact on roadside vegetation.

- ~~Ensuring that development allows for protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation.~~
- Support the continued development of the north-east growth area as shown on the Structure Plan map.
 - Encourage a range of accommodation and housing options, including aged care within and adjacent to the Town Centre and other existing and proposed activity centres.
 - Ensure development avoids impacts on environmental assets including the Coast, Buckley Park Foreshore Reserve, Goandra Estate, Ocean Grove Nature Reserve, Begola Wetlands, Barwon River/Lake Conneware and the Lake Victoria Wetlands.
 - Ensure the Town Centre remains the primary retail centre for Ocean Grove by providing for a range of retail, business and accommodation uses.
 - Ensure that the supply of car parking in the Town Centre increases commensurate with parking demands from new development.
 - Preserve The Terrace as the potential long-term arterial route through the Town Centre.
 - Support the development of a new Neighbourhood Activity Centre, including community uses, in the north-east growth area adjacent to Grubb Road.
 - Support the development of the restricted retail and industrial precincts within the north-east growth area.
 - Support the development of a strategic footpath network for the town that provides permeable and safe routes to key destinations and services.
 - Where appropriate, ensure new developments assist in the establishment of a safe bicycle-pedestrian path network around the town connecting the foreshore, river, nature reserve, Grubb, Banks and Bonnyvale Roads as shown on the Structure Plan map.
 - Where appropriate, ensure new development contributes to the improvement of open spaces, key pedestrian links.
 - Provide for a range of appropriately scaled and located tourism accommodation and activities, including opportunities for revitalisation of existing uses.
 - Support further development of existing caravan parks and accommodation uses in residential areas, particularly those close to the beach and river, to provide a broader range of accommodation type and mix.
 - Where appropriate, encourage a range of appropriately scaled tourism related activities on the rural periphery of the town which are complementary to the environmental and rural setting.
 - Support the duplication of Grubb Road in a manner which preserves significant roadside vegetation, provides an attractive town entry, safe crossing points, pedestrian/cycle paths and undergrounding of powerlines.
 - Support the provision of community and social infrastructure commensurate with population growth, including the investigation of a site for a new primary school in the north-east growth area.

Leopold:

- Support Leopold as a Sub Regional Retail Activity Centre for the Bellarine Peninsula, whilst providing local community, recreational and employment facilities to Leopold's residents.
- Ensure the retention of Leopold as an urban island - supporting urban growth contained to the settlement boundary and preserving the surrounding rural hinterland.
- Support the development of the Ash Road Growth Area and other areas identified for residential development on the Structure Plan map.
- Support increased housing densities around the Sub Regional Retail Activity Centre and neighbourhood shopping strips at Ash Road and Dorothy Street.

- Develop the Council owned Palmerston Street site and the Drysdale Regional Community and Cultural Hub for community and recreation purposes.
- Ensure any development of short term tourist accommodation at the Curlewis Golf Course is located at the eastern end of the course in close proximity to the Jetty Road Urban Growth Area, functions as a minor component to the primary role of the site as a golf course and maintains the rural landscape character of the site.
- Provide additional bicycle and pedestrian opportunities throughout the townships including new footpaths and bicycle lanes.
- Provide for the creation of consolidated parking areas in the town centre.

Point Lonsdale

- Support low scaled and designed tourism opportunities on designated land identified on the Point Lonsdale Structure Plan map at Clause 21.14-12.
- Ensure new development strengthens the township’s coastal village character and landscape setting by requiring a high standard of architectural and urban design response including:
 - Low scale forms
 - Articulation (materials, openings or features such as decks, balconies, wide eaves or canopies).
 - Contemporary design quality.
 - Use of materials such as timber, corrugated iron, weatherboard or light coloured render.
 - Limiting site coverage and provide front and side setbacks that reflect existing neighbourhood patterns and provide opportunities for maintenance and planting of native coastal and indigenous vegetation.
- Ensure that new urban development street works and road designs contribute to the implementation of the identified primary and secondary pedestrian/cycle routes and are designed to complement the informal coastal streetscape character.

21.14-3 Implementation

08/12/2016
C346
Proposed
C349

These strategies will be implemented by:

Applying Zones and overlays

Ocean Grove

Apply the Commercial 1 Zone to the surplus park at 94 The Parade.

Apply the Commercial 1 Zone to the surplus road reserve from upgrade of the Hodgson Street/The Parade intersection.

Apply the Design and Development Overlay to the Town Centre to implement the findings of the Ocean Grove Town Centre Urban Design Framework.

Apply the Design and Development Overlay to the Commercial 1 and Commercial 2 Zone precincts in the north-east growth adjacent to Grubb Road.

Apply schedule 20 to the Design and Development Overlay to the Industrial 3 Zone in the north-east growth area.

Apply the Public Acquisition Overlay to The Terrace rear laneway.

Leopold

Apply the General Residential Zone Schedule 1 and the Development Plan Overlay to land designated for future residential growth shown on the Leopold Structure Plan map included in this clause.

Apply a combination of commercial zones, a Design and Development Overlay and a Development Plan Overlay to facilitate the expansion of the Leopold Sub Regional Retail Activity Centre.

Drysdale

Apply the General Residential Zone Schedule 1 with a Development Plan Overlay based on the principles identified in the Structure Plan to Princess Street, Central Road and Oakden Road.

Support the application of the General Residential Zone Schedule 1 to identified residential infill areas with appropriate Development Plan Overlay and Developer Contribution Plan controls.

Support a joint rezoning and development application at the Curlewis Golf Club to facilitate short term tourist accommodation.

Point Lonsdale

Apply the General Residential Zone Schedule 1 with a Development Plan Overlay to the portion of the Lonsdale Golf Course shown for residential growth on the Point Lonsdale Structure Plan map at Clause 21.14-12 subject to an amendment and EES process.

Apply appropriate design and environmental overlays to areas of consistent urban and landscape character.

Rezone the Commercial Zone land on the corner of Fellows Road and Bellarine Highway to facilitate tourism development.

St Leonards

Apply the General Residential Zone Schedule 1 to Growth Areas 1 and 2.

Apply the Development Plan Overlay to Growth Area 2.

Apply the Development Contributions Plan Overlay (or an equivalent agreement with landowners) in conjunction with the rezoning of Growth Areas 1 and 2.

Further work

Review township structure plans as scheduled (in structure plans) to meet emerging needs of communities.

Review the planning framework for land identified in the Coastal Spaces Landscape Assessment Study as regionally significant in the south west of the Bellarine Peninsula to ensure the protection of landscape values is adequately addressed.

Point Lonsdale

Work with the Borough of Queenscliffe to address climate change issues in Point Lonsdale and implement any relevant outcomes.

Prepare detailed streetscape design plans for designated primary and secondary routes as identified in the Point Lonsdale Structure Plan.

Investigate opportunities to establish a railway station-transport interchange precinct to link with the Queenscliff tourist railway service.

Portarlington

Support Parks Victoria Safe Harbour Project, including ensuring appropriate integration with the adjacent foreshore reserve and Town Centre.

Ocean Grove

~~Review the application of Schedule 7 to the Significant Landscape Overlay.~~

~~Undertake a review of the older parts of the town as identified on the Structure Plan map to investigate the introduction of new planning overlay controls to protect important landscape and built form attributes.~~

Work with VicRoads to prepare a network operating plan (SmartRoads) for the town.

Review the Structure Plan including an assessment of long term growth options (both infill and settlement expansion) for Ocean Grove by no later than 2021. The assessment should include consideration of:

- land to the north, north-west and east of Ocean Grove.
- the role of Ocean Grove as a district town.

XX/XX/XXXX
Proposed C349

SCHEDULE 4 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ4**

OCEAN GROVE SIGNIFICANT TREE AREA

1.0 Neighbourhood character objectives

XX/XX/XXXX
Proposed C349

- To maintain the unique spacious bush garden character of the area distinguished by the high number of significant Australian native trees.
- To encourage development that sits within a vegetated setting.
- To maintain 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 canopy trees.

4.2.0 **Minimum subdivision area**

XX/XX/XXXX
Proposed C349

None specified.

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

XX/XX/XXXX
Proposed C349

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 <u>associated with a dwelling</u> on a lot	None specified

3.4.0 **Requirements of Clause 54 and Clause 55**

XX/XX/XXXX
Proposed C349

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	40%
Permeability	A6 and B9	None specified
Landscaping	B13	At least 40% of the site is available for landscaping. Two canopy trees (indigenous and/or Australian native) per site (<u>parent lot</u>).
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified

	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 a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room.
Front fence height	A20 and B32	None specified

~~4.0~~ ~~Number of dwellings on a lot~~

~~XX/XX/XXXX
Proposed C349~~

~~None specified.~~

5.0 Maximum building height requirement for a dwelling or residential building

XX/XX/XXXX
Proposed C349

~~A building used as a dwelling or a residential building must not exceed a height of 9 metres~~ None specified.

6.0 Application requirements

XX/XX/XXXX
Proposed C349

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 construction of the dwellings.

7.0 Decision guidelines

XX/XX/XXXX
Proposed C349

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 new lots and developments are of a spacious nature and allow for a design that is respectful of neighbourhood character.
- 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.

XX/XX/XXXX
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

	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.

XX/XX/XXXX
ProposedC349

SCHEDULE 5 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

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

OCEAN GROVE HILLSIDE AND COASTAL FRINGE 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

	Standard	Requirement
Private open space	A17	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.
	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

A building used as a dwelling or a residential building must not exceed a height of 9 metres and 3 storeys.

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.

13/11/2014
C300
Proposed C349

SCHEDULE 7 TO **THE CLAUSE 42.03** SIGNIFICANT LANDSCAPE OVERLAY

NOTE: Proposed changes post-exhibition are shown with yellow highlighting

Shown on the planning scheme map as **SLO7**.

OCEAN GROVE **COASTAL HILLSIDE** AREA

1.0 Statement of nature and key elements of landscape

13/11/2014
C300
Proposed C349

~~Ocean Grove is an important and growing coastal township located on a hillside extending to a popular ocean surf beach. The landscape character of the township and its vulnerability due to substantial development occurring in recent years has been identified by Council and the community as an important planning consideration. An important characteristic of the township is the balance between roof tops and vegetation when viewed from a distance. While roof tops are visible, the buildings are separated by tea tree and other coastal species. It is the vision of the township to retain and strengthen this balance.~~

~~In addition, the topography of Ocean Grove has encouraged development that seeks to maximise views. Part of the landscape character of Ocean Grove that is valued by the local community is the ability to view the ocean and/or the Barwon River from numerous points in public areas and from private dwellings. Respect for the sharing of views, rather than necessarily the retention of all existing views, is therefore an important characteristic of this coastal town.~~

~~Other landscape elements of particular importance in Ocean Grove include the allocation of sufficient space for the planting and retention of vegetation, and building height that does not dominate the streetscape and long distance views.~~

Ocean Grove is a growing coastal township located on a hillside extending to a popular ocean surf beach. Areas of public and private land within established Ocean Grove support a mix of remnant coastal and grassy woodland vegetation, indigenous and planted Australian natives which contribute to the unique coastal and vegetated character of the township.

The area generally south of Orton Street on the dunes includes examples of remnant vegetation representing a mix of coastal dune and alkaline scrub vegetation classes, potentially supporting remnants of the Coastal Moonah Woodland vegetation community, with species such as Moonah (*Melaleuca lanceolata subsp. lanceolata*) and Coastal Tea-tree (*Leptospermum laevigatum*) along with planted Australian natives.

The area generally north of Orton Street on the hillside includes examples of remnant vegetation from the grassy woodland vegetation class which includes ~~also supports~~ the threatened Bellarine Yellow-gum *Eucalyptus leucoxylon subsp. bellarinensis* which is endemic to the ~~area~~ Bellarine Peninsula and Surf Coast. The retention of these trees is important for the ongoing survival of the species.

The incremental loss of ~~vegetation~~ trees and the ~~impact of not providing~~ provision of ~~inadequate~~ space for the re-establishment of ~~vegetation~~ trees around buildings are having a major impact on the landscape character of the area.

The preferred character for this area includes achieving a balance between landscape and built form where buildings sit within a landscaped setting. Vegetation, in particular, trees, are required to soften the impact of buildings in the environment. There are examples of development where this balance has not been achieved and buildings dominate the site and streetscape. While these developments form part of the character of the area, they do not represent the preferred character.

The retention of and ability to plant screening vegetation along boundaries and fronting the street and building height and bulk that do not dominate the streetscape, neighbouring properties and long distance views are all important landscape elements.

The hillside topography has encouraged development that seeks to maximise views. Part of the landscape character of Ocean Grove that is valued by the local community is the ability to view the ocean and/or the Barwon River from numerous points in public areas and from private dwellings. Respect for the sharing of views, rather than necessarily the retention of all existing views, is therefore an important characteristic of this coastal town.

For the purposes of this Schedule, a Significant tree is defined as any indigenous and Australian native tree 3 or more metres in height.

2.0 Landscape character objective to be achieved

13/11/2014
C300
Proposed C349

- To conserve, enhance and reinstate the preferred character of buildings sitting within vegetated settings including in areas that have been substantially cleared of vegetation trees.
- To preserve the balance between roof tops and vegetation in long distance views of the town.
- To encourage vegetated streetscapes where the vegetation acts to filter and soften the appearance of buildings and hard surface areas.
- To ~~promote~~ encourage the development of buildings that fit within the landscape and do not dominate the streetscape and long distance views.
- To provide a balance between ~~minimise the impact of buildings and projecting above the vegetation~~ the tree canopy.
- To ensure that buildings are sited and designed to avoid and/or minimise removal of Australian native/indigenous vegetation trees.
- To encourage development that sits within a vegetated setting by providing ~~provide~~ space at the front, side and rear of buildings for the retention and planting of screening vegetation, ~~particularly high canopied coastal vegetation and other native coastal species common to the area.~~
- To maximise opportunities for view sharing, particularly where views are available to the ocean and river from private dwellings.
- ~~To protect vistas of the ocean and river available from public viewing points in the town.~~

3.0 Permit requirement

13/11/2014
C300
Proposed C349

Buildings and Works

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

- The height of any part of the building, excluding any television antenna, chimney or flue, is less than 7.5 metres above natural ground level.
- No more than 70% of the site is covered by buildings and impervious/hard surfaces including driveways, paving, decks, crushed rock, swimming pools or tennis courts.
- ~~The location of an outbuilding or garage normal to a dwelling is behind the front building line of the dwelling.~~
- At least 30 per cent of the site is available (free from hard surfaces) for soft landscaping (e.g. vegetation), ~~not covered by buildings or impervious surfaces including driveways, paving, swimming pools or tennis courts.~~

- Proposed Buildings are set back a minimum of 2 metres from one side boundary.
- There is only one dwelling on the lot.

Vegetation Tree Removal

A permit is required to remove, destroy or lop vegetation a tree. This does not apply to:
~~except where one of the following requirements are met:~~

- Indigenous vegetation less than 3 metres in height.
- Australian native ~~vegetation~~ trees less than 3 metres in height.
- Exotic ~~vegetation~~ trees.
- ~~The ~~v~~Vegetation A tree is listed within the incorporated document Environmental Weeds, City of Greater Geelong, September 2008 except Coastal Tea-tree Leptospermum laevigatum, which contributes to the coastal character of this area, where tea tree is indigenous to the area.~~
- Pruning a tree to improve its health or appearance, provided its normal growth habit is not retarded.
- Vegetation A tree that presents an immediate risk of personal injury or damage to property, if only that part of ~~vegetation~~ the tree which presents the immediate risk is removed, destroyed or lopped.
- Pruning ~~vegetation~~ a tree to remove any branch that overhangs an existing dwelling or is within 2 metres of an existing dwelling.
- ~~The ~~v~~Vegetation A tree that is dead to the satisfaction of the responsible authority.~~
- Maintaining public utility services for the transmission of water, sewage, gas, electricity, electronic communications or the like to the minimum extent necessary by the relevant authority.
- Works carried out in accordance with the Geelong Street Tree ~~Strategy~~ Policy by or on behalf of the responsible authority.
- ~~The vegetation is less than 4 metres in height and is not shown on an approved landscape plan or site plan specifying its retention or the vegetation has a single trunk circumference of less than 0.5 metres measured 1 metre above the ground and is not shown on an approved landscape plan or site plan specifying its retention.~~

~~A landscaping plan should be submitted with an application for buildings and works, or to remove, destroy or lop vegetation, and should incorporate the use of local indigenous species.~~

4.0 Application Requirements

13/11/2014
~~C306~~
Proposed C349

An application must be accompanied by the following information. These requirements may be waived or reduced if the information is not relevant to the assessment of an application:

~~A schedule of construction materials, external finishes and colours (incorporating samples).~~

A Design Response plan which shows the development in relation to:

- The levels of the site and the difference in levels between the site, finished floor levels and surrounding properties;
- Location of the proposed building(s) on the site and on surrounding properties;
- The use of surrounding buildings;

- Location of significant trees existing on the site and any significant trees removed;
- Details of significant **vegetation** trees within 3 metres of the subject site boundary on any adjoining property;
- Location and canopy size of street trees adjacent to the site;
- Views to and from the site;
- Any other notable features or characteristics of the site.

Buildings and Works

A schedule of construction materials, external finishes and colours (incorporating samples).

View Sharing

A view impact analysis should be submitted when the proposed development is over 7.5 metres in height and is likely to impact on views to significant landscape features. The view impact analysis should demonstrate how the design objectives to achieve a reasonable sharing of views have been met, having regard to topography, siting, height and visual bulk.

Landscaping

An application for buildings and works, or to remove, destroy or lop **vegetation** a tree must be accompanied by a landscaping plan prepared by a suitably qualified person and should incorporate at least 2 canopy trees per site (**parent lot**) and the use of local indigenous or **other** Australian native species.

Buildings and works occurring within the drip line of a significant tree on the subject land or adjoining site require a report from a suitably qualified arborist that shows how the tree will be managed during construction.

Vegetation Tree Removal

An application to remove, destroy or lop a significant tree must be accompanied by the following information:

A report from a suitably qualified arborist (**level 5 or equivalent**) that:

- Includes a site plan (drawn to scale) showing the boundaries of the site, existing and proposed buildings and works, existing vegetation and the **vegetation** tree(s) to be removed.
- Details of **vegetation** trees within 3 metres of the subject site boundary on any adjoining property.
- Describes the **vegetation** tree(s) to be removed, including the genus, species, extent, number, height, health and quality of **vegetation** the tree(s) to be removed.
- Specifies the purpose of the proposed removal, destruction or lopping of **vegetation** the tree(s).
- Justifies removal and demonstrates that the extent of removal, destruction or lopping has been reduced as much as is reasonable and practicable.
- Nominates tree protection zones where proposed development could impact on the tree root systems, canopy and overall health and appearance of trees.
- Provides a vegetation management plan for the construction period.

5.0 Transitional arrangement

xx/xx/xxxx
Proposed C349

The requirements of this overlay do not apply to any planning permit application received by the responsible authority before the approval date of the amendment that introduced this revised schedule to Clause 42.03 into the Greater Geelong Planning Scheme.

5.0 Decision guidelines

13/11/2014
C300
Proposed C349

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

- The siting and design of buildings to achieve a reasonable sharing of views between properties with significant landscape features having particular regard to the following:
 - The impact of the proposed buildings and works on the view from another property as a result of the design, siting, height, size, bulk (including the roof), and colour of the building.
 - Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms, that follow the natural slope of the land and reduce the need for site excavation or filling.
 - The opportunity for a reasonable sharing of views having regard to the extent of the available view(s) and the significance of the view(s) from the properties affected.
- Whether a vegetated setting is reinforced or reinstated as part of the development.
- Whether the removal, lopping and/or destruction of ~~vegetation tree(s)~~ that contributes to the screening of development from property boundaries and the street has been avoided.
- ~~Whether the siting and footprint of buildings and availability of areas not covered by impervious hard surfaces enables the retention of adequate vegetation and space for new canopy ~~vegetation trees~~, and provides sufficient area for the planting of vegetation, particularly high-canopied vegetation that contributes to the overall character of Ocean Grove.~~
- Whether hard surfaces ~~like driveways~~ have been minimised.
- Whether setbacks can be varied to minimise the removal of native/indigenous ~~vegetation trees~~.
- The size, species, age and health of existing ~~vegetation tree(s)~~ proposed to be removed, destroyed or lopped and the size, species and growth characteristics of any proposed replacement ~~vegetation tree(s)~~.
- Whether there is a valid ~~tree~~ and the practicalities of alternative options to removal have been fully explored such as changing the building footprint and/or lopping or trimming ~~vegetation tree(s)~~ that do not require removal of any trees.
- The effect of constructing a building or constructing or carrying out works on the root system, canopy and overall health and appearance of any trees.
- Whether a loss of character would result from a variation to part 3.0 of this clause.
- Whether any street trees will need to be removed or detrimentally affected.

|

~~• The impact of a specified flood level on the overall height of a building.~~

DD/MM/YYYY
Proposed C349**SCHEDULE 15 TO ~~THE~~ CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY**Shown on the planning scheme map as **SLO15**.**OCEAN GROVE SIGNIFICANT TREE RESIDENTIAL AREA****1.0****Statement of nature and key elements of landscape**DD/MM/YYYY
Proposed C349

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

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

~~Vegetation~~ Trees includes the threatened Bellarine Yellow-gum *Eucalyptus leucoxylon* subsp. *bellarinensis* which are endemic to the area Bellarine Peninsula and Surf Coast. The residential streetscape and private gardens within the ~~precinct~~ area support a large component of the remnant Bellarine Yellow-gum population. The retention of these trees is important for the ongoing survival of the species.

The incremental loss of significant indigenous and other Australian native ~~and indigenous~~ canopy trees has the potential to change the character of the area over time. The retention of existing and establishment of ~~and ability to establish~~ new canopy trees will help integrate and reduce the impact of new development on the landscape ~~neighbourhood~~ character.

~~Managing development, tree protection and management together with new and replacement tree planting on public and private property will help safeguard the unique landscape character of the area.~~

For the purposes of this Schedule, a s ~~Significant trees are defined as is any an indigenous tree 3 or more metres in height and an~~ Australian native tree 5 ~~3~~ or more metres in height.

2.0**Landscape character objective to be achieved**DD/MM/YYYY
Proposed C349

- To protect and ensure the long term future of ~~significant canopy~~ vegetation ~~which is the dominant visual and environmental feature of the precinct.~~ trees
- To ensure that buildings and works ~~retain an unobtrusive profile and~~ do not dominate the landscape.
- To ensure that a reasonable proportion of a lot is free of buildings and hard surfaces to provide for the retention and planting of significant canopy trees ~~and generous open space areas.~~
- To minimise the effect of future development on significant canopy ~~vegetation~~ trees.
- To ensure that new development has proper regard for the established landscape character in terms of building height, scale, site coverage, site permeability, siting and landscaping.
- To minimise the impact of vehicle access, ~~road works, fences,~~ and infrastructure such as service trenches ~~etc~~ on existing ~~vegetation~~ significant trees.
- To ensure adequate tree protection zones are provided around existing significant trees as part of any development.

- To encourage strategic replanting on public and private land to provide for the long term maintenance of landscape and environmental values within the precinct.
- To prevent the premature removal of ~~vegetation~~tree(s) from a site prior to consideration of design options for a proposed development.
- To ensure that appropriate replacement planting is provided and located appropriately on site where significant tree removal occurs.
- To promote the use of locally indigenous ~~plants~~trees for landscaping.

3.0 Permit requirement

DD/MM/YYYY
Proposed C349

Buildings and works

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

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

A permit is not required for any extension to an existing building that does not alter the building footprint.

~~Vegetation~~Tree removal

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

- ~~Indigenous vegetation less than 3 metres in height.~~
- Australian native ~~vegetation~~trees less than ~~5~~3 metres in height.
- Exotic ~~vegetation~~trees.
- ~~Vegetation~~A tree listed within the incorporated document Environmental Weeds, City of Greater Geelong, September 2008, ~~except Coastal Tea tree which contributes to the coastal landscape character in this location.~~
- Pruneing a tree to improve its health or appearance, provided its normal growth habit is not retarded.
- ~~Vegetation that presents an immediate risk of personal injury or damage to property, if only that part of vegetation which presents the immediate risk is removed, destroyed or lopped.~~
- Pruneing or lopping ~~vegetation~~a tree to remove any branch that overhangs an existing dwelling or is within 2 metres of an existing dwelling.
- ~~Vegetation~~A tree that is dead ~~to the satisfaction of the responsible authority.~~
- Maintaining a Minor Utility Installation~~public utility services for the transmission of water, sewage, gas, electricity, electronic communications or the like~~ to the minimum extent necessary by the relevant authority.

- Works carried out in accordance with the Geelong Street Tree ~~Policy~~**Strategy** by or on behalf of the responsible authority.

4.0 Application requirements

DD/MM/YYYY
Proposed C349

An application must be accompanied by the following information. These requirements may be waived or reduced by the responsible authority if the information is not relevant to the assessment of an application:

Buildings and works

An application to construct a building or carry out works must be accompanied by the following information:

A Design Response plan which shows the development in relation to:

- Location of ~~the proposed~~existing building(s) on the site and on surrounding properties.
- The use of surrounding buildings.
- Location of significant trees existing on the site and any significant trees removed.
- Details of significant ~~vegetation~~trees within 3 metres of the subject site boundary on any adjoining property.
- Location and canopy size of street trees adjacent to the site.
- Views to and from the site.
- Any other notable features or characteristics of the site.

Landscaping plan

An application ~~for buildings and works, or to remove, destroy or lop vegetation~~ must be accompanied by a landscaping plan prepared by a suitably qualified person which and should incorporate at least 2 existing and/or new canopy trees per site (parent lot) and the use of local indigenous or other Australian native species.

Tree management

Buildings and works occurring within the drip line of a significant tree on the subject land or adjoining site require a report from a suitably qualified arborist that shows how the tree will be managed during construction.

~~Vegetation Removal~~

Tree removal

An application to remove, destroy or lop a significant tree must be accompanied by ~~the following information:~~

A report from a suitably qualified arborist (~~level 5 or equivalent~~) that:

- Includes a site plan (drawn to scale) showing the boundaries of the site, existing and proposed buildings and works, existing ~~vegetation~~trees and the ~~vegetation~~tree(s) to be removed.
- Provides details of ~~vegetation~~trees within 3 metres of the subject site boundary on any adjoining property or road reserve.
- Describes the ~~vegetation~~tree(s) to be removed, including the genus, species, extent, number, height, health and quality of ~~vegetation~~tree(s) to be removed.

- Specifies the purpose of the proposed removal, destruction or lopping of ~~vegetation~~the tree(s).
- Justifies removal and demonstrates that the extent of removal, destruction or lopping has been reduced as much as is reasonable and practicable, including investigation of alternative development options which do not require removal of the tree(s).
- Nominates tree protection zones where proposed development could impact on the tree root systems, canopy and overall health and appearance of significant trees.
- Provides a vegetation management plan for the construction period.

5.0 Transitional arrangement

DD/MM/YYYY
Proposed C349

The requirements of this overlay do not apply to any planning permit application received by the responsible authority before the approval date of the amendment that introduced this schedule to Clause 42.03 into the Greater Geelong Planning Scheme.

6.0 Decision guidelines

DD/MM/YYYY
Proposed C349

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

- Whether buildings sit within a treed garden setting~~vegetated landscape~~.
- Whether the siting and footprint of buildings and availability of areas not covered by impervious surfaces enables the retention of significant ~~vegetation~~trees and ~~space for planting of~~ new canopy ~~vegetation~~trees.
- The need to retain a significant ~~vegetation~~tree(s) due to its/their species, age, health, growth characteristics and/or contribution to neighbourhood character.
- The size, species, age and health of existing ~~vegetation~~tree(s) proposed to be removed, destroyed or lopped and the size, species and growth characteristics of any proposed replacement ~~vegetation~~tree(s).
- Whether there is a valid reason for removing the ~~vegetation~~tree(s) and alternative options to removal have been fully explored, such as changing the building footprint and/or lopping or trimming ~~vegetation~~tree(s).
- Whether new trees are consistent with the character of existing vegetation, whether new trees have sufficient space to reach maturity and the proportion of new trees that would be semi-advanced or advanced in size at the time of planting.
- The effect of constructing a building or constructing or carrying out works on the root system, canopy and overall health and appearance of any trees.
- ~~Whether a loss of character would result from a variation to part 3.0 of this clause.~~
- Whether any street trees will need to be removed or detrimentally affected.

Appendix 24 Bushfire Management Overlays (gazetted 3 Oct 2017)

