



**GREATER GEELONG PLANNING SCHEME  
AMENDMENT C349**

**OCEAN GROVE SIGNIFICANT TREE PROJECT**

**Part B Submission to the Independent Panel**

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**Date:** 30 & 31 October 2017

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# 1 Introduction

This submission has been prepared by the City of Greater Geelong, which 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 B submission is being tabled at the Panel Hearing and follows on from Council's Part A submission, circulated to parties to the Panel on Monday 23 October 2017.

## 1.1 Summary of the Amendment

Amendment C349 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 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.

A location plan is at **Appendix 1**. A map dividing the subject area into ten separate areas differently affected by the Amendment is at **Appendix 2**, with a list of the proposed changes in each of those areas, including Council's proposed post-exhibition change, at **Appendix 3**. Maps showing current zoning and overlays, exhibited Scheme Amendment Maps and exhibited Clause 21.14 and Zone and Overlay Schedules were provided as Appendices to Council's Part A Submission.

#### Proposed post-exhibition changes

Having considered changes to Residential Zones introduced by the State Government in March 2017 by Amendment VC110, Council resolved to replace the exhibited proposed new GRZ 3 with a new Schedule 5 to the Neighbourhood Residential Zone (NRZ 5). Consultation with the landowners affected by this proposal took place in August 2017.

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 3 of this Submission below. The proposed new or revised Schedules and Clause 21.14 are at **Appendices 7 to 12**.

#### **1.2 Part A Panel submission**

Council's Part A submission, circulated to parties to the Panel on Monday 23 October 2017, included the following:

- an introduction;
- description of the subject area and its context;
- background to the Amendment;
- a chronology of events;
- strategic context and assessment;

- outline of the exhibition process and Council resolutions on the Amendment;
- a brief summary of issues raised in submissions on the Amendment and Council's response to these; and
- Council's recommended changes to the exhibited Amendment documentation.

### **1.3 Part B Panel Submission**

Section 2 of this Part B submission sets out in detail Council's response to the issues raised in submissions, both during exhibition and post-exhibition consultation. Section 3 of this Part B submission sets out Council's final position on the Amendment.

## 2 Response to submissions

The following response to submissions is based on the Council Delegate reports of 1 August 2017 and 6 September, including Council's responses in the summary of submissions appended to those reports. It explains the Council's response to issues raised in submissions on Amendment C349.

### **Key issues**

#### **2.1 Hillside Area – objections to proposed GRZ 3**

The Amendment proposes to rezone most of the Hillside Area from GRZ 2 to GRZ 3 (Areas 4 and 5 on the map at **Appendix 2**) and a small portion of the Hillside Area from Residential Growth Zone Schedule 3 (RGZ 3) to GRZ 3 (Area 6 on the map at **Appendix 2**). 856 letters were sent to landowners in this area. Three submissions from landowners in the proposed GRZ 3 area objected or requested changes to the proposed controls. Three submissions from landowners in this area supported the Amendment's proposals, while two submissions offered comment.

It should be noted that Council has subsequently proposed to rezone this area to a new NRZ 5 rather than GRZ 3. That issue is separately addressed in Section 2.2 of this submission below.

#### *Submission 3*

Ross Closter (Submission 3), director of a company owning a site 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. His submission indicated that this area should maintain a maximum site coverage of 60%. The submission also indicated that the proposed revised SLO 7 controls were acceptable subject to some changes; these are addressed in Section 2.7 of this Panel submission below.

The submission contended that the Amendment prioritises character protection ahead of accommodating growth, rather than balancing the two. The submission argued that, while the submitter's lot was not in the Increased Housing Diversity Area (IHDA), it has important role in accommodating Ocean Grove's growth as it is within a walkable catchment of the town centre, Barwon River, beach and bowling club. The submission indicated that Ocean Grove (including established areas outside the IHDA) has an important role in accommodating the region's residential growth. The submission stated that the character of the proposed GRZ 3 area is defined as much by a high level of existing development as by the level of vegetation.

The submission argued against the proposed reduction in maximum site coverage. The submission indicated that maximum site coverage for area changed from 70% to 60% around 2 years ago, so concerns on overdevelopment in SLO 7 area raised at time of 2007 Ocean Grove Structure Plan related to development under 70% maximum site coverage. The submission argued that as the 60% requirement has only applied for a short period, it is premature to conclude it is not working and to reduce it to 50%.

The submission further argued that 60% maximum site coverage provides ample opportunity for large trees to screen built form, with Standard B28 (private open space) in the Schedule assuring minimum private open space requirements and SLO 7 assuring side setback controls. The submission indicated that perimeter planting and screening vegetation (as encouraged by proposed SLO 7) is more important in achieving a balance between landscape and built form than reducing maximum site coverage.

The submission noted the recent introduction of GRZ 2 required subdivisions creating lot(s) below 500 m<sup>2</sup> to be accompanied by a development application for dwellings; the submission stated that previously subdivisions created lots over 300 m<sup>2</sup> without the scrutiny, assessment and third party appeal rights of such applications. It was argued that applications since this change have likely resulted in more appropriate development than before, and that as this requirement has applied for only a short period, it is premature to conclude it is not working effectively.

In addition, the submission argued that reducing the maximum site coverage will encourage more two-storey development.

The submission noted that Okologie's vegetation survey did not map any significant trees on the submitter's land.

The submission contended that mapping in Okologie's SLO 7 area report made it clear (potential precincts map – see **Appendix 4**) that the consultants thought areas south of Orton Street should be treated differently to the rest of SLO 7 area, as they had a significantly higher proportion of significant trees. The submission queried why the Amendment bundled both areas (north and south of Orton Street) in one precinct to be rezoned GRZ 3 when the consultants did not recommend this, the areas differ significantly in quantity and quality of vegetation, and there is less development south of Orton Street.

While accepting the Amendment's proposals are appropriate for the areas marked blue on the Okologie SLO 7 area report potential precincts map (generally south of Orton Street), the submission argued that it was unwarranted to extend the same controls to area around the submitter's Wallington Road land – an area with a high level of existing development and few significant trees.

### *Submission 13*

Malcolm Grant (Submission 13) objected to the proposed rezoning and indicated their Orton Street property (currently zoned GRZ 2) should be rezoned to RGZ, noting that it is a short walk from the Ocean Grove town centre. The submission argued that the proposed maximum 50% site coverage is too restrictive for the few properties that have not been developed; it suggested that 60% maximum site coverage be retained. The submission also argued that 40% site permeability is too restrictive.

The submission further noted that a Conservation zone already applies on the lower, southern side of Orton Street from Hodgson Street to Tuckfield Street, addressing vegetation protection.

### *Submission 20*

An objection from owners of the Wynndean Holiday Resort is dealt with separately in Section 2.6 of this submission below.

### *Submission 6 – comment*

Greg Cowan (Submission 6) provided comment on the Amendment. His submission indicated that while he will not be impacted with respect to subdivision, if it is intended to stop residents from subdividing (by not allowing tree clearing) this will reduce property values and thus rates income. He argued that it would be better to allow clearing of lots and to work with owners to replace trees and allow for continuing development.

### Council response

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 Area. In the SLO 7 area, most of which comprises the Hillside Area, the vegetation survey identified 1330 significant trees on private property, along with 233 significant street trees.

### *Submission 3*

The lot's location outside of the IHDA indicates that it is not in an area identified for increased residential densities and a diversity of housing types. The area including the submitter's land has been included within SLO 7 since 2003. The Amendment proposes changes to better protect and enhance an area of identified significant landscape value, while acknowledging and allowing for ongoing development.

There has been no recent change to maximum site coverage in this area. The 60% maximum site coverage applying to this area under its current zoning was not changed by Amendment C300, gazetted in November 2014. It is the default maximum site coverage specified in Clauses 54.03 and 55.03. As such, the 60% maximum site coverage applied to this area prior to the introduction of SLO 7 in April 2003 and has remained unchanged since.

70% hard or impervious surfaces (as opposed to site coverage) is a permit trigger under SLO 7, and has also applied since SLO 7 was introduced in 2003.

Based on its work in preparing the OGSTP, Council has taken the view that existing controls do not adequately provide for retention of existing or planting of new trees. The Amendment proposes 50% maximum site coverage to better protect existing trees and provide adequate space for new trees than the existing controls. Standard B28 in Clause 55.05 does not provide adequate space for a large canopy tree. The proposed SLO 7 side setback permit trigger does not by itself ensure adequate space for a canopy tree(s). Perimeter planting of a lot does not achieve retention of existing significant trees. The proposed reduced maximum site coverage better provides for trees retention and new planting than merely relying on a point under the landscape character to be achieved in SLO 7.

Much of the development in SLO 7 area since the introduction of GRZ 2 by Amendment C300 in November 2014 would be in the form of two or more dwellings on a lot rather than one dwelling on a vacant lot of between 300 m<sup>2</sup> and 500 m<sup>2</sup> created by subdivision. Notwithstanding that more dwellings now require planning permits, it is considered that reducing maximum site coverage from 60% to 50% is required to better protect existing trees and provide adequate space for new trees.

It is acknowledged that new two-storey dwellings may be one response to the constraints of reduced maximum site coverage, but this is not considered a negative outcome. SLO 7 contains permit triggers for dwellings over 7.5 m high and for two or more dwellings on a lot, and controls that ensure the visual impact of two-storey dwellings is considered.

While no significant trees were identified on the submitter's land, the identification of potential precincts by Okologie and the subsequent recommendations of the OGSTP Final Report considered presence of significant trees over a wider area, not a lot-by-lot basis.

The OGSTP Background Report identified a Coastal Fringe precinct, based on the potential precinct boundary in the Okologie report. This boundary largely coincided with the southern boundary of the RGZ applied to the Ocean Grove town centre IHDA.

The OGSTP Background Report recommended more stringent controls for the Coastal Fringe precinct (generally south of Orton Street): a 40% maximum site coverage was recommended, as opposed to 50% for the area to the north; a separate SLO 16 was also recommended. However, in response to submissions on the Background Report, these more restrictive proposed controls over the Coastal Fringe Precinct were replaced with the same controls proposed for the land to the north, placing both areas in a single Hillside Precinct.

It does not follow that the controls for that part of the proposed Hillside Precinct north of Orton Street should be relaxed accordingly. However, it is appropriate to acknowledge differences in vegetation types across the precinct in Point 1.0 (statement of nature and key elements of landscape) of SLO 7.

#### *Submission 13*

There is no proposed 40% permeability requirement for the area including the submitters' land. Under proposed GRZ 3, a 20% permeability requirement applies. SLO 7 separately specifies a permit trigger where more than 70% of a site is covered by buildings and impervious surfaces (i.e. any less than 30% permeability). It was previously proposed to rezone the submitters' land and surrounding area to NRZ with a 40% permeability requirement. After consideration of submissions on the OGSTP, the exhibited Amendment proposed a new GRZ 3. It is now recommended the area be rezoned to a new NRZ 5, with a 20% permeability requirement.

It is not the case that there are few remaining properties in the Hillside Area that have not been developed. Across the Hillside area where 50% maximum site coverage is proposed, a high proportion of properties have redevelopment potential. The proposed reduction in maximum site aims to better protect existing trees and provide adequate space for new trees. The control is justified and appropriate. Across the SLO 7 area, the Okologie vegetation survey identified 1330 indigenous or planted native trees on private land, on numerous properties in the area. The Amendment seeks to balance residential development with preservation and enhancement of the vegetated landscape. Development potential would still exist throughout the precinct, though the scale and intensity of potential development may be modified.

There is no strategic support for including the submitter's land in Orton Street in the RGZ. The land lies outside the Increased Housing Diversity Area identified in Council's Housing Diversity Strategy and the Ocean Grove Structure Plan map in the Scheme.

The Rural Conservation Zone applying to properties on the southern side of Orton Street relates specifically to lots from an inappropriate subdivision of a sensitive foreshore primary dune. It in no way negates the justification for the Amendment's proposals which seek to protect and enhance vegetated landscape throughout the wider Hillside Area.

*Submission 6 – comment*

Development, including subdivision, will still occur throughout the Hillside Area. However, the OGSTP Final Report has concluded that the number of significant trees on private land warrants vegetation removal controls. The Amendment's proposed controls anticipate retention of existing significant trees wherever possible as part of new development.

## **2.2 Hillside Area – proposed NRZ 5**

### **2.2.1 Post-exhibition consultation and submissions received**

When submissions on Amendment C349 were considered in a Council Delegate report on 1 August 2017, it was resolved to seek comments from affected landowners regarding rezoning the area exhibited as GRZ 3 [the Hillside Area] to a new NRZ 5. Accordingly, all affected landowners (over 850) were contacted by mail and given until 31 August 2017 to comment.

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.

For the purposes of this Panel submission, the 54 post-exhibition submissions are numbered 21 to 74 respectively; the submissions have previously been provided to the Panel with this numbering. These correspond to Submission numbers 1 to 54 in the summary of submissions appended to the 6 September Delegate report.

### **2.2.2 Supporting 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.

Council's response to these supporting submissions is in Section 2.2.4 of this Panel submission below.

### **2.2.3 Issues raised in opposing submissions**

This section outlines each of the issues raised in submissions opposing the proposed change. Council's response to each of these issues is under the corresponding headings in Section 2.2.4 of this Panel submission below.

Some of the issues raised in the submission of Wynndean Holiday Resorts (Submission 74) are addressed in Section 2.6 of this Panel submission below.

#### Inconsistency with State Government policy/direction

Seven submissions alluded to or referred specifically to the proposed change being inconsistent with State Government policy or direction.

Sarah Artis (Submission 22) indicated a desire for consistent policies throughout Victoria, with 11 m maximum building height, not 9 m. Dale Aston (Submission 23) similarly wished for the State imposed 11 m maximum building height to be retained.

Ross Closer (Submission 28) contended that the Amendment is seeking to nullify the Minister's changes to residential zones by the "back door" by applying the most conservative zone and that this seeks to undermine the outcomes sought by the Minister. He argued that considering the maximum building height in isolation is not an appropriate means for determining a residential zone.

John Grant Nominees (Submission 28) noted that the State Government changed residential zones to cover more people living near all the infrastructure and shopping facilities. Raelee Hunter (Submission 42) objected to the proposed change to circumvent State Government planning reforms.

Stephen Park (Submission 51) stated that he resents Council overriding State Government changes to residential zones, including height limits. James Woodburn (Submission 70) argued that the change flies in the face of State Government policy.

#### More restrictive zone purposes of NRZ as opposed to GRZ

Ross Closer (Submission 28) pointed out that the purposes of the two zones (GRZ and NRZ) in Clauses 32.08 and 32.09 are substantially different. He contended that substituting one for the other to address a height limit is unwarranted and may have many unintended consequences. He indicated that GRZ is about encouraging development whereas NRZ is more about managing development – and that this is a substantial change in regards to the intent of the zone.

Elizabeth and David Curtain (Submission 30) indicated that the NRZ zone purposes are heavy handed.

#### SLO 7 provisions sufficient to address landscape impacts

Ross Closer (Submission 28) argued that existing SLO 7 provisions are sufficient to address landscape impacts. He pointed out that SLO 7 requires a planning permit for development above 7.5 m. He argued that such an application would need to have regard to the SLO 7 provisions, including statement of nature and key elements and landscape objectives to be achieved. These controls would provide guidance regarding ensuring buildings sit in a landscaped setting, don't dominate the streetscape, have adequate setbacks and provide for view sharing. He contended that there is adequate protection to be confident that a building higher than 9 m would be unlikely to be approved by the Tribunal.

Wynndean Holiday Resorts (Submission 74) argued that the SLO 7 permit trigger for buildings over 7.5 m is sufficient to manage heights. The submission also noted that view sharing on near coastal lots must also be maintained and encouraged where appropriate.

### NRZ limited to two storeys as opposed to three under exhibited GRZ 3

Ross Closer (Submission 28) pointed out that under exhibited GRZ 3, a three level building up to 9 m was possible. He noted that the SLO 7 provisions would require a third level to be well set back and not visible from the street with appropriate design controls. Under proposed NRZ 5 there is no discretion for approval of a third storey. He cited this as a further change beyond only the maximum height limit.

### Additional building height compensating for reduced site coverage

Faye Tandy (Submission 59) indicated support for retention of significant vegetation and the Amendment's open space and landscaping requirements, but noted that this entails reducing available building footprint. She contended that the additional maximum building height allows for dwellings (including extensions) to achieve the desired amount of floor space.

Paul Whelan (Submission 68) indicated that the 11 m maximum building height provides some compensation for the restrictions imposed by Amendment C349.

James Woodburn (Submission 70), conversely, pointed out that the increased height limit may result in smaller building footprints and more vegetation opportunities, consistent with Council's objectives.

Wynndean Holiday Resorts (Submission 74) argued that with reduced site coverage and increased permeability requirements under Amendment C349, the 11 m maximum building height must be offered as an offset. Their submission noted this is preferable to removing existing vegetation if site coverage were greater.

### No impact on tree protection

In objecting to the proposed change, Sarah Artis (Submission 22) indicated that development in Area 4 will not impact on tree protection.

### Sloping sites

Dominic Bagnato (Submission 24) opposed the proposed change to maximum building height because the steep slope on his site makes it difficult to meet the 9 m height limit without compromising design. He contended that sloping sites should be given a greater height limit; he indicated that 11 m height limit gives more scope for design. He suggested that on sloping sites a threshold building height higher than 9 m, below which a dwelling does not require a permit.

### Too restrictive on development

Don and Jeanette Brown (Submission 27) contended that the Amendment is too restrictive; it reduces development potential and does not allow maximum use of the site.

Elizabeth and David Curtain (Submission 30) indicated that the proposed 9 m maximum building height under NRZ 5 is heavy handed and unreasonable.

Raelee Hunter (Submission 42) expressed concern that the 9 m height limit under the NRZ would prevent an underground basement or garage in a future development as it would constitute a storey, even though this would not affect views. Her submission also indicated the proposed change is an unfair imposition on owners adjacent to existing building developments.

Stephen Park (Submission 51) indicated that his property is already adversely affected by townhouses developed on surrounding properties and that all native trees have been removed in surrounding developments.

Wynndean Holiday Resorts (Submission 74) stated that the exhibited GRZ 3 caters for the current diversity of housing and caravans and allows for suitable future development, but that the proposed more restrictive NRZ will impact on the current operations of the business and does not accurately reflect the current environment and landscape.

### Encouragement of growth in Baker Street area

Faye Tandy (Submission 59) contended that Council's project to seal roads in the Baker Street area, despite strenuous opposition, shows Council is encouraging growth and development in the area. She argued that, as such, the 11 m maximum building height must be retained.

### Visual impact

Faye Tandy (Submission 59) argued that the area in which her property is located is low lying and hence additional building height would not affect neighbour views. She also argued that additional building height would improve, rather than detract from, the area.

James Woodburn (Submission 70) questioned the evidence that an increase in maximum building height will adversely affect neighbourhood character objectives. He argued that more rigorous research and convincing rationale are required to support the proposed change.

### Precedent for buildings above 11 m

Dean Trickey (Submission 63), Tiffany Trickey (Submission 64) and Roger Wynn (Submission 73) all indicated that an 11.67 m high residence has been permitted on a Baker Street property. They stated that permitting this residence then restricting future development on adjacent land would be grossly unfair – a precedent has been set and other landowners must be given the same opportunity to construct to 11 m.

### Coastal views

Sam Van Deuren (Submission 66) stated that the 11 m maximum building height gives more people a chance to extend and enjoy coastal views. He argued that the 11 m height limit is good, as long as there is no loss of vegetation or the right to view sharing.

#### **2.2.4 Council response**

This section of the Panel submission first briefly addresses issues raised in supporting submissions. It then provides a justification for the use of a new NRZ 5 rather than the exhibited GRZ 3. After this, Council's response is provided to each of the issues raised in objecting submissions, under corresponding headings from section 2.2.3 of this submission above.

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

##### 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. After considering post-exhibition submissions, Council still supports the proposed NRZ 5 with a 9 m maximum building height.

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 rather is only 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.

##### Justification for NRZ 5

In response to the changes to residential zones made by the State Government in its Reformed Residential Zones (Amendment VC110) in March 2017, Council proposed to rezone the Hillside Area (Areas 4, 5 and 6 on the map at **Appendix 2**) to a new NRZ 5 rather than the exhibited GRZ 3. Council's consideration of the implications of the changes introduced by Amendment VC110 is set out in Section 7.2 of Council's Part A Panel Submission.

Following is a brief overview of the history of residential zones in the City of Greater Geelong in general and Ocean Grove in particular. It then outlines why the NRZ, as opposed to the GRZ, is strategically justified for the Hillside Area post the introduction of the Reformed Residential Zones.

### *Housing Diversity Strategy 2007*

The first strategic application of Residential Zones was based on Council's Housing Diversity Strategy, which managed the density of housing change that was expected in different parts of the municipality by defining a hierarchical approach with reference to the general density and type of development that can be expected in different areas.

The Strategy identified the following areas:

- i) Key Development Areas: these are large existing and future development areas that have the potential to accommodate significant amounts of new medium and higher housing, including mixed use development, generally zoned Residential 2 and Mixed Use;
- ii) Increased Housing Diversity Areas: these areas have been identified due to their proximity to activity centres. The strategy aims to provide for a mix of high, medium and conventional density housing in these areas, with the density of development being highest within the commercial core of the area and lower at the edge of the area; generally zoned Residential 1 and 2; and
- iii) Incremental Change Areas: these are residential areas in which new development is in keeping with the municipality's traditional suburban character and zoned Residential 3.

This approach was adopted with the approval of Amendment C129 in 2009.

### *New Residential Zones 2013 and Amendment C300*

In July 2013 the State Government introduced new residential zones into the VPPs. Council prepared Amendment C300 to implement the zones. The new zones - Residential Growth Zone (RGZ), General Residential Zone (GRZ) and Neighbourhood Residential Zone (NRZ) - replaced the existing Residential 1, 2 and 3 Zones.

Amendment C300 applied the residential zones generally as outlined below based on the principles set out as part of the Housing Diversity Strategy:

- Residential Growth Zone (11.8% of residential zoned land) - within walking distance of shopping centres and train stations.
- Neighbourhood Residential Zone (1.2% of residential zoned land) - to Drumcondra, North Shore and parts of Newtown based on regionally significant heritage and sensitive land uses.
- General Residential Zone (87% of residential zoned land) - to all other residential areas.

Each of these residential zones has two or three different schedules. In particular, the GRZ has Schedule 1 which is very similar to the former Residential 1 Zone (conventional residential) and Schedule 2 which is similar to the former Residential 3 zone (incremental change areas with a garden character).

Council applied the NRZ very sparingly as it was felt the zone was too restrictive, at the time, for areas which were identified for 'incremental' change. The majority of areas with identified specific neighbourhood, heritage, environmental or landscape character values with existing overlays were zoned a more restrictive GRZ 2.

The Panel Report on Amendment C300 was received on 3 June 2014.

The overall approach to the implementation of the new zones was supported by the Panel:

*“ The Amendment is broadly consistent with the strategic planning context, including the existing Planning Scheme and the Housing Diversity Strategy that was implemented through Amendment C129. More specifically, the application of the new residential zones is a reasonable response to Practice Note 78 (Applying the Residential Zones) and Advisory Note 50 (Reformed residential zones).*

The Panel also:

*“...commends Council for its comprehensive and considered approach to implementing the new residential zones. It has sought to balance various competing interests while planning for Geelong’s long term residential growth in a complex environment. This has not been an easy task, and although the Amendment attracted a large number of submissions, the Panel is satisfied that the key elements of the Amendment are sound and that the recommended changes will improve its performance.”*

#### *Reformed Residential Zones 2017*

As part of the background into this review State Government report included the statement:

*The way the zones have been applied in some suburbs has impacted the ability for Melbourne and Victoria’s regional areas to meet our expected housing requirements in a sustainable way.*

As noted above, the City of Greater Geelong applied the NRZ to only 1.2% of residential areas in comparison to some of the metropolitan councils which applied it to almost 90% of their residential land. The strategic application of the new residential zones has meant the City of Greater Geelong is in a strong position to provide for a range of housing types and increasing housing diversity across the municipality including identifying areas for medium and higher density development.

In March 2017 the State introduced the new Reformed Residential Zones (Amendment VC110). Key changes included:

- requiring neighbourhood character objectives to be specified;
- introducing mandatory maximum building heights and number of storeys for the GRZ and NRZ;
- introducing a new mandatory requirement for a minimum garden area in new developments in the GRZ and NRZ; and
- removing the limit on the number of dwellings that can be built on land in the NRZ.

Information accompanying the Reformed Residential Zones provided the following explanations for each of the zones:

- i) Neighbourhood Residential Zone: is applied to land that has been identified as having specific neighbourhood, heritage, environmental or landscape character values that distinguish the land from other parts of the municipality or surrounding area.

Maximum height: 9 m / 2 storeys (excluding basement, slightly higher on sloping land)

No limit on dwelling numbers

Minimum garden area applies

- ii) General Residential Zone: is applied to land in areas where growth and housing diversity is anticipated. It is expected that the type of housing provided will evolve over time to provide more diverse forms of housing, but not at the expense of existing open garden character.

Maximum height: 11 m / 3 storeys

Minimum garden area applies

- iii) The Residential Growth Zone is applied to land identified as suitable for increased residential development, such as urban renewal sites, and locations offering good access to services and transport. These areas include activity centres and town centres.

Height 13.5m

#### *History of residential zone application in Ocean Grove*

The following table tracks the zone changes in Ocean Grove based strategic work discussed above:

<b>Area in Ocean Grove</b>	<b>Housing Diversity Strategy 2009</b>	<b>New Residential Zones 2013</b>	<b>Reformed Residential Zones (VPP proposed)</b>	<b>Ocean Grove significant tree Project 2017</b>
	Zone (with maximum building height)			
Old Ocean Grove	R3Z 9m	GRZ2 9m	GRZ 11m	NRZ 9m  (portion of old Ocean Grove)
Newer Residential areas	R1Z 9m	GRZ1 9m	GRZ 11m	-
Around Activity Centres	R1Z 9m	RGZ3 10.5	RGZ 13.5	-

### *Amendment C349*

A key reason for proposing NRZ 5 rather than the exhibited GRZ 3 over the Hillside Area was the changes to maximum building heights in the Reformed Residential Zones (Amendment VC110).

Amendment C349 was already well advanced when the Reformed Residential Zones were introduced on 27 March 2017. The exhibited GRZ 3 specified a mandatory maximum building height of 9 m (10 m in certain circumstances on

sloping sites). This is the same maximum building height requirement as applies in the existing GRZ 2 that applies to Areas 4 and 5 on the map at **Appendix 2**.

Amendment VC110 changed the default maximum building height for the GRZ to a mandatory maximum of 11 m and a maximum of three storeys. Any new Schedules to these Zones can only vary the maximum building height by increasing it. While existing Schedules with a lower maximum building height remain unchanged, it is understood that the State Government expects any such Schedules to be amended by Councils over the next few years to remove any such lower maximum heights.

As a consequence, the area exhibited as being rezoned from GRZ 2 to GRZ 3 (Areas 4 and 5 on the map at **Appendix 2**) will, if the Amendment proceeds with that GRZ 3 zoning, have a maximum building height of 11 m rather than 9 m. If the Amendment does not proceed, or if the current GRZ 2 zoning is retained, the maximum building height will remain at 9 m, but will in due course need to be changed to 11 m.

For the area exhibited as being rezoned from RGZ 3 to GRZ 3 (Area 6 on the map at **Appendix 2**), Amendment C349 as exhibited proposed to reduce its mandatory maximum building height from 10.5 m to 9 m. However, as a result of Amendment VC110, this would change to an increase in maximum building height from 10.5 m to 11 m.

The changes to residential zones made by Amendment VC110 represented a substantial departure from the proposals exhibited in Amendment C349 and also introduce the potential for adverse impact on the landscape values of the area, much of which is located on a hillside and is highly visible in long distance views from various vantage points. Accordingly, Council proposed the rezone the Hillside Area to a new NRZ 5 instead of the exhibited GRZ 3, 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.

The implications of the Reformed Residential Zones (Amendment VC110) on maximum building height and number of storeys in the Hillside Area, and

Council's proposed change to Amendment C349 in response, are set out in the following table:

	<b>Before VC110 (27 Mar 2017)</b>	<b>Current (since VC110)</b>	<b>Exhibited C349</b>	<b>Exhibited C349 (after VC110)</b>	<b>C349 post-exhibition change</b>
<b>Areas 4, 5</b>					
Zoning	GRZ 2	GRZ 2	GRZ 3	GRZ 3	NRZ 5
Max height	9 m <sup>1</sup>	9 m <sup>1 2</sup>	9 m <sup>1</sup>	11 m <sup>4 5</sup>	9 m <sup>1</sup>
Max storeys	N/A	3	N/A	3	3 <sup>6</sup>
<b>Area 6</b>					
Zoning	RGZ 3	RGZ 3	GRZ 3	GRZ 3	NRZ 5
Max height	10.5 m	10.5 m <sup>3</sup>	9 m <sup>1</sup>	11 m <sup>4 5</sup>	9 m <sup>1</sup>
Max storeys	N/A	N/A	N/A	3	3 <sup>6</sup>

Notes:

- 1) 10 m on certain sloping sites
- 2) Will be increased to 11 m as existing Schedules are brought into line with the new zones
- 3) Will be increased to 13.5 m (discretionary) as existing Schedules are brought into line with the new zones
- 4) Would be required to be changed to 11 m before gazettal of Amendment C349
- 5) 12 m on certain sloping sites
- 6) Council sought landowner comment on NRZ 5 with a 2 storey limit, but has since resolved to increase this to a 3 storey limit

However, in addition to building heights, the proposed change from the exhibited GRZ 3 to a new NRZ 5 for the Hillside Area is also justified with respect to zone purposes and revised controls.

The Reformed Residential Zones (Amendment VC110) made some changes to the purposes of the NRZ, as well as to NRZ controls, that have resulted in NRZ

being a less restrictive zone than it was before Amendment VC110 was gazetted. The purpose “*to limit opportunities for increased residential development*” was deleted from the NRZ purposes at Clause 32.09. The limit of two dwellings on a lot was also deleted.

In addition to building height controls, another change made by Amendment VC110 has resulted in the GRZ also being somewhat more encouraging of housing growth. A purpose of the GRZ in Clause 32.09 was changed from “*to provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport*” to “*to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport*” (emphases added).

Information accompanying the Reformed Residential Zones indicated that the reformed NRZ is applied to ‘*land that has been identified as having specific neighbourhood, heritage, environmental or landscape character values that distinguish the land from other parts of the municipality or surrounding area*’.

In Ocean Grove these areas were originally zoned Residential Zone 3 (R3Z) and more recently GRZ 2. The application of the R3Z and GRZ 2 shows this area has long been identified as an area with a ‘garden character’ which is appropriate for ‘incremental change’.

The presence of the existing SLO7 and the changes proposed to implement the OGSTP, including a new specific Ocean Grove Hillside GRZ 3 demonstrate that this area has been identified as having specific environmental and landscape values that distinguish it not only from other areas within the municipality but from other areas within the Ocean Grove township.

Information accompanying the Reformed Residential Zones indicated that the reformed GRZ is applied to “*land in areas where growth and housing diversity is anticipated. It is expected that the type of housing provided will evolve over time to provide more diverse forms of housing, but not at the expense of existing open garden character.*”

In Ocean Grove these areas would have been previously zoned Residential 1 or 2 Zone or most recently RGZ 3 or GRZ 1.

The application of the NRZ as opposed to the GRZ reflects the identified neighbourhood and landscape characteristics that make the Hillside Area unique. The proposed NRZ also reflects that this area is not strategically identified for housing change beyond 'incremental' change. There is a stronger focus on retaining the existing character than on providing more diverse forms of housing. In Ocean Grove greater housing diversity is anticipated in the RGZ 3 around the town centre and activity centre and the GRZ 1 areas where there are no additional landscaping and open space requirements.

Having regard to the above, Council is of the view that NRZ is the appropriate zone to apply to the Hillside Area. Had the changes made by the Reformed Residential Zones, which were not anticipated by Council, been made before the finalisation of the OGSTP and commencement of Amendment C349, the NRZ is the zone that would have been chosen for the area.

#### Inconsistency with State Government policy/direction

For the reasons set out above, Council believes the proposed new NRZ 5 is the appropriate zone for the Hillside Area. It is not considered that seeking to apply the most appropriate zone to an area of identified landscape significance constitutes undermining the outcomes sought by the State Government through its Reformed Residential Zones.

The land proposed to be zoned NRZ 5 rather than GRZ 3 is a very small fraction of land within the GRZ throughout the City. It also differs from the vast majority of other General Residential zoned land in the City in being subject of an SLO. Only two other SLOs (out of the 14 other SLOs in the scheme) affect land in the GRZ: SLO 9 (Barwon River Environs) and a small portion of interim SLO 15. In each of these cases, it is also proposed to rezone that land from the GRZ to the NRZ.

The proposed change from GRZ 3 to NRZ 5 is consistent with the original intent of a strategically justified planning scheme amendment that was already under exhibition at the time the State Government's changes to residential zones were made.

### More restrictive zone purposes of NRZ as opposed to GRZ

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

Moreover, the zone purposes for the GRZ and NRZ were changed by Amendment VC110 such that the NRZ is less restrictive than it was previously and the GRZ is somewhat more encouraging of housing growth than it previously was. As outlined under the heading Justification for NRZ 5, above, Council is satisfied that the proposed NRZ 5 is the appropriate zone for the Hillside Area.

### SLO 7 provisions sufficient to address landscape impacts

While it is anticipated that SLO 7, as reworded by this Amendment, will achieve better outcomes from a landscape protection perspective than SLO 7 as currently worded, SLO 7 provisions will not be the sole consideration in the determination of permit applications by Council or VCAT. Council considers that an increase in maximum building height from 9 m to 11 m may allow development that is inconsistent with protection of the identified landscape values of the area.

### NRZ limited to two storeys as opposed to three under exhibited GRZ 3

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. Accordingly, Council supports modifying Point 5.0 of the proposed NRZ 5 Schedule to specify a 9 m maximum building height and a maximum of three storeys.

### Additional building height compensating for reduced 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.

With respect to the suggestion that the increased maximum building height may result in smaller building footprints and more vegetation opportunities, the reduced maximum site coverage already proposed by the Amendment will achieve smaller building footprints and improved tree retention and planting.

Modifying proposed NRZ 5 to allow up to three storeys may provide for additional floor space without an increase in the maximum building height from 9 m to 11 m.

### No impact on tree protection

The Amendment has sought to improve the retention of significant trees in the area by reducing maximum site coverage to 50% and modifications to the wording of SLO 7. This is not altered by the proposed change from the exhibited GRZ 3 to the now proposed NRZ 5.

### Sloping sites

Clause 32.09-9 (NRZ) provides that a building may exceed the maximum building height by up to 1 m if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 m, is greater than 2.5 degrees. This allowance of up to 1 m in excess of the stated maximum building height for the zone is now a standard provision, also applying in both the GRZ and the RGZ.

### Too restrictive on development

It is noted that the proposed change to NRZ 5 may provide more constraint to development, but this is considered warranted in order to better protect the significant landscape values of the area. Council proposes a 9 m maximum building height, consistent with the exhibited GRZ 3, as it considers that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area.

With respect to basements, Clause 32.09-9 specifies that a basement is not a storey for the purposes of calculating the number of storeys contained in a building. In any case, it is now recommended, for consistency with the exhibited GRZ 3, that proposed NRZ 5 specify a maximum building height of 9 m and a maximum of three storeys.

With respect to the suggestion that landowners would be disadvantaged with respect to maximum building height relative to those who have already developed, there is at present no discrepancy between the maximum building height under the existing GRZ 2 and that under proposed NRZ 5. A 9 m maximum building height applies under the current GRZ 2, though it is understood that this will in due course need to be amended so that the 11 m maximum building height will apply.

A range of factors have contributed to developments in the SLO 7 area that may have diminished the landscape character. Development that has taken place under the existing SLO 7 controls is discussed further in Section 2.4 of this Part B Panel submission below.

With respect to Wynndean Holiday Resorts' submission that the proposed NRZ 5 would impact on the current operations of the business, it is not clear that NRZ 5 would impose more constraint on the continuation of current operations than the exhibited proposed GRZ 3.

### Encouragement of growth in Baker Street area

Development is able to proceed in the area without exceeding 9 m in height. Planning for road sealing in the Baker Street area took place well before any plans to change maximum building height in the GRZ to 11 m were known.

### Visual impact

Much of the Hillside Area covered by SLO 7 and the proposed NRZ 5 is visually prominent. While some portions of the area may be more visually prominent than others, the proposed NRZ 5 zoning is warranted across the entire area for the reasons set out under the heading Justification for NRZ 5, above.

Council's view that an 11 m maximum building height may allow development that is inconsistent with protection of the identified landscape values of the area is based on professional opinion noting the topography and landscape characteristics of the area.

### Precedent for buildings above 11 m

With respect to the cited development in Baker Street, the landowner has indicated, and provided information showing, that the residence will not exceed 7.5 m in height. Had the proposed dwelling exceeded 7.5 m, a planning permit would have been required under SLO 7. No planning permit application was made.

More generally, there is at present no discrepancy between the maximum building height under the existing GRZ 2 and that under proposed NRZ 5. A 9 m maximum building height applies under the current GRZ 2, but it is understood that Councils will be required to bring existing Schedules into conformity with the reformed residential zones. This means that GRZ 2 will in due course need to be amended so that the 11 m maximum building height will apply.

## Coastal views

Notwithstanding that buildings higher than 9 m may maximise coastal views for residents of those buildings, 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.

### **2.3 Significant Tree Area – objections to proposed NRZ 4 and SLO 15**

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 2**). 1015 letters were sent to landowners in this area. Four submissions from landowners in the proposed NRZ 4 area objected or requested changes to the proposed controls, while four submissions from landowners in the area supported the proposals.

All four submissions opposing or requesting changes to the Amendment raised the issue of maximum site coverage. Margaret Corlette (Submission 5), Travis Ferrari (Submission 11) and Beverley Holmes (Submission 15) all indicated that the proposed reduction of maximum site coverage from 60% to 40% was too restrictive. Graham Boal (Submission 1) indicated that on a small (440 m<sup>2</sup>) vacant lot, over 60% site coverage may be required. Margaret Corlette (Submission 5) indicated that ideally maximum site coverage would remain at 60%, but that 50% would be more practical than 40%; Travis Ferrari (Submission 11) indicated that 50% maximum site coverage would be more practical and better reflect recent development. Beverley Holmes (Submission 15) stated that the reduced maximum site coverage prioritises open space over dwellings.

Travis Ferrari (Submission 11) argued that the reduced maximum site coverage 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. The same submission also contended that the SLO 15 permit trigger for buildings 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.

With respect to landscaping requirements, Graham Boal (Submission 1) indicated it would be possible to get one canopy tree onto a small (440 m<sup>2</sup>) lot, but that two canopy trees would be difficult. Margaret Corlette (Submission 5) indicated a desire for the SLO to give permission to remove one of four identified significant trees on her lot. Travis Ferrari (Submission 11) contended that only 100 m<sup>2</sup> is required to accommodate two canopy trees and that this represents around 13 to 16% of the site for average lot sizes of 600 to 750 m<sup>2</sup> in that part of old Ocean Grove.

Beverley Holmes (Submission 15) argued that the explanation for the Amendment's proposals in this area was inadequate. She asked whether Council has conducted an audit of trees to be protected, expressing the view that a drive around is inadequate justification for an important Amendment.

Travis Ferrari (Submission 11) also argued that the Amendment will negatively impact on the retention of older coastal themed dwellings and promote new two-storey dwellings lacking character.

#### Council response

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. In this area, the vegetation survey identified 1050 significant trees on private property, along with 517 significant street trees. The proposed 40% maximum site coverage is considered justified to better protect existing significant trees, including the threatened Bellarine Yellow-gum, and to provide adequate space for planting new trees in new developments across the area.

It should be noted also that the maximum site coverage is a requirement of Standards A5 and B8 under Clause 54 and 55. While these standards should normally be met, the responsible authority is able to consider variations on their merits and decide whether an alternative design solution meets the site coverage objective.

While the 40% maximum site coverage requirement could be onerous on existing small vacant lots, variations to that maximum site coverage will be able to be considered on their merits. Of over 1000 lots in the proposed NRZ 4 area, currently only 11 are vacant lots below 500 m<sup>2</sup>. Of these, only five, including the submitter's, do not have a Planning Permit for a dwelling. Given the ability to consider a proposal that does not meet this requirements on its merits, a change to the requirements to address these few smaller existing vacant lots is not warranted.

The proposed 40% maximum site coverage will not necessitate many more permit applications, given that two or more dwellings on a lot already require a permit under the current GRZ 2. A new requirement for a permit would only apply where a proposal for one dwelling on a lot exceeded the site coverage requirement. While variations to the maximum site coverage are able to be considered on their merits, it is anticipated that most development proposals would be designed to comply with the requirement.

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

The permit trigger where buildings are not set back at least 2 m from one side boundary permit trigger aims to retain view lines and to avoid continuous built form along a streetscape. It is an appropriate permit trigger within this identified Significant Tree Area. However, to avoid triggering permits for extensions to existing dwellings, it is recommended that the point be reworded to refer to proposed buildings.

With respect to landscaping requirements on smaller lots, the requirement under proposed NRZ 4 for two canopy trees only applies to a permit for two or more dwellings on a lot. If a permit is required under proposed SLO 15, Council would be able waive or reduce the application requirement for a landscaping plan incorporating at least two canopy trees.

Point 3 of SLO 15 and Clause 52.48 specify exemptions addressing a range of scenarios in which a Permit is not required to remove a tree. It would be inappropriate to further exempt a specific tree on one property within the SLO.

With respect to the percentage of a site that may be required for canopy trees, it should be noted that while retention of existing and planting of new canopy trees is a key reason for the proposed maximum site coverage, not all of the area of a site not covered by buildings will be used for retaining or planting trees. The cited space required for planting is different to the tree protection zone. Council's Ocean Grove Tree Planting Guidelines indicate that, for a Bellarine Yellow-gum, a tree protection zone of 12 m x 12 m (6 m radius) would be required. Built form should ideally not intrude into this area.

The vegetation survey was undertaken by specialist consultants (ecologist and arborist) on foot and by car, but private property was not accessed during the survey. For each tree on private property, trees were identified as either indigenous or planted natives and tree significance was rated on criteria of origin, conservation status, health, structure, hazard and useful life expectancy. More details were recorded for street trees. Trees not visible from the road reserve were interpreted from a review of aerial photography and typical floristic characteristics. The survey methodology was adequate to meet the objectives of the study.

With respect to the argument that the Amendment will negatively impact on the retention of older coastal themed dwellings and promote new two-storey dwellings lacking character, it is not clear why new two-storey dwellings would be inferior to new single-storey dwellings with respect to character. It is also not clear how Amendment will negatively impact retaining older dwellings. The reduced maximum site coverage is more likely to impact whether a second dwelling is one- or two-storeys than whether an existing dwelling is retained. Even if there was such an impact, this would be acceptable given the maximum site coverage reduction seeks to better protect the vegetated character and landscape values of the area.

#### **2.4 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.

Malcolm Grant (Submission 13) argued that Council has been negligent in not adequately enforcing SLO 7 – and this was not due to a lack of clarity in the controls but to a lack of Council’s efforts. His submission indicated that properties are still being cleared and filled with buildings and that is now too late to rectify effects of development already approved under SLO 7 – “the horse has bolted”.

Robert Reynolds (Submission 18), likewise argued that “the horse has bolted” in this area of Ocean Grove. His submission indicated recent approved developments in the area (several sites were cited) have over 70% site coverage. He noted that the Amendment has some great ideas but questioned its effectiveness given previous and recent development approvals.

John and Janice Wynn (Submission 20) expressed frustration with Council’s lack of consistency and enforcement of current Scheme controls. Their submission stated that developments within the SLO 7 area over the previous 12 years have changed the area’s character, with few redevelopments commencing without clearing the entire lot of all vegetation. They note that SLO 7 gave Council considerable control over the Coastal Fringe and Hillside areas and question why such developments have occurred under SLO 7.

#### Council response

Council acknowledges that developments have taken place in the SLO 7 area that have diminished the landscape character of the area. These concerns were raised in the preparation of and consultation on both the 2007 and 2015 Ocean Grove Structure Plan. Reviewing the application of SLO 7 is an identified Further Work item in Clause 21.14 of the Scheme.

A range of factors have contributed to developments in the SLO 7 area that may have diminished the landscape character. These include:

- a lack of clarity in SLO 7 controls;
- developments not requiring a permit (large single dwellings) incrementally changing the character of the area;
- removal of trees prior to planning permit applications;

- staged approvals; and
- development in the RGZ where the IHDA has been given more strategic weight than SLO 7.

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.

This Amendment proposes revised and strengthened SLO 7 controls and it is anticipated that these will lead to improved development outcomes from a landscape perspective. The proposed reduction in maximum site coverage over most of the current SLO 7 area will also assist in protecting and enhancing the vegetated character of the area.

## **2.5 Bushfire management controls**

The relationship of the Amendment to bushfire management controls was raised in four submissions.

Roger Fyfe (Submission 12) requested the Minister to “vary the bushfire overlay”. He indicated that failure to vary the bushfire overlay to enable protection of vegetation under SLO 7 is disgraceful.

Laurel Hynes (Submission 16) indicated that there is “conflict with the Bushfire Management Overlay”. She indicated that understorey clearing of Orton Street properties after the Ash Wednesday bushfires led to loss of the fairy wren population and to a weed problem.

Shane Pitt (Submission 17) indicated opposition to the “contradiction of bushfire overlay and vegetation protection under SLO 7”. He indicated that he supported requesting Minister to “vary the bushfire overlay”.

John and Janice Wynn (Submission 20), owners of the Wynndean Holiday Resort, queried how the Amendment can be reconciled with Council policy on clearing of fire hazards on private land? Their submission asked about:

- fire hazards on nature strips protruding onto the streets;

- the Wildfire Overlay over part of this area;
- the 10/30 rule;
- the narrowing of streets by uncontrolled growth of the mix of pest weeds and Tea-tree, so much that large fire vehicles cannot traverse some streets in the summer because of vehicles parked by beach users. The submission indicated that Council officers have been reluctant to fulfil their obligation of 4 m x 4m clearance of streets in this area because of the perceived sacred Tea-Tree.

The submission indicated that vegetation the submitters' family and other residents have created over 75 years has now become a community asset that the submitter has financial responsibility to maintain, with legal liability for compliance with a bushfire overlay, safety of their 1000 guests and clear access for emergency vehicles.

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 5**).

#### Council response

It is not clear whether references to varying the “bushfire overlay” referred to Clause 52.48 or to a Bushfire Management Overlay (BMO). There was no BMO applying to the properties of any of the four submitters at the time their submissions were made. A BMO, introduced on 3 October 2017, now affects a small portion of the Wynndean Holiday Resort. No BMO applies to the properties of the other three submitters and none is anticipated.

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. The Minister advised that DELWP is investigating a proposed update to the clause based on a more risk based approach and that the matter will be considered in due course. Should Clause 52.48 be modified in the future, the requirement for a permit for removal, destruction or lopping under SLO 7 and proposed SLO 15 may extend to more or all of the significant trees under those overlays.

With respect to the BMO, changes to BMO 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 5**).

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, under a SLO or Environmental Significance Overlay (ESO) or a Vegetation Protection Overlay (VPO), in many urban areas under other Schemes, as well as in some non-urban areas within the City of Greater Geelong. A few examples of other urban areas where a BMO coincides with an SLO, ESO or VPO that requires a permit for vegetation removal include Aireys Inlet, Anglesea, Jan Juc and Lorne (Surf Coast Shire), Skenes Creek (Colac Otway Shire), Rosebud, Rye and Sorrento (Mornington Peninsula Shire), and Ferntree Gully and The Basin (Knox City).

Council previously expressed to the State Government its objection to these two new BMOs in Ocean Grove 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.

A range of exemptions from the requirement for a permit to clear vegetation are provided in Clause 42.03-3 of the scheme for fire protection. These would not be altered by this Amendment.

The “10/30 rule” cited is the exemption from requiring a permit under Clause 52.48-1 of the Scheme. The application of this Clause will not be altered by this Amendment.

## **2.6 Wynndean Holiday Resort objections**

A wide range of issues and concerns were raised in the submission during exhibition by John and John and Janice Wynn (Submission 20), owners of the Wynndean Holiday Resort, and in the post-exhibition submission from Wynndean Holiday Resorts (Submission 74). The Wynndean Holiday Resort is located on over 40 lots across three street blocks in the southwest of the exhibited GRZ 3 (and now proposed NRZ 5) area, between Orton Street and The Esplanade. While a few of the matters raised, such as maximum building height, application of existing SLO 7 controls and bushfire management, have been outlined and addressed already in this submission, this section outlines and responds to the other issues raised in those submissions.

### Vegetation history - whether vegetation is remnant or planted

John and Janice Wynn (Submission 20) related in detail the history of vegetation on the site of the Wynndean Holiday Resort and the surrounding areas of Ocean Grove, including many historic photographs in support of their argument. They contended that the proposed controls in the Amendment are not justified as the vegetation in the area is planted, or has established along with development, rather than being indigenous or remnant vegetation.

### *Council response*

The Amendment's proposals are based on the landscape and environmental value of existing Australian native vegetation, whether it is remnant or planted. The Amendment is not endeavouring to recreate the landscape as it existed prior to initial subdivision and development of the area.

### Council inconsistency – work in Lookout Reserve

John and Janice Wynn (Submission 20) expressed frustration at what they view as Council's lack of consistency and enforcement of the current Scheme. They cited as an example that it was ironic that during exhibition of the Amendment, Council destroyed 15-20 year old vegetation in Lookout Reserve, Ocean Grove without public consultation.

### *Council response*

Lookout Reserve underwent an upgrade involving weed and dead plant removal, top dressing, mulching garden beds and pruning of shrubs. The main purpose for vegetation removal was to combat excessive weed growth. It is planned to replant the reserve with rare native flora.

### Street trees

John and Janice Wynn (Submission 20) argued that street trees have almost disappeared in Ocean Grove's coastal area, replaced with pest weeds such as buckthorn by graders, authorities and large vehicles.

### *Council response*

Council has identified the benefits of street trees in its Urban Forest Strategy and implements a street tree planting program. The OGSTP will help inform street tree planting into the future.

### Owners who have planted and nurtured vegetation disadvantaged

John and Janice Wynn (Submission 20) asked why the few remaining landowners who have planted and nurtured vegetation will now have their properties almost sterilised for development to compensate those who have removed vegetation, contrary to rules.

#### *Council response*

It is not the case that there are few remaining landowners in the Hillside Area with significant trees on their property. Across the SLO 7 area, the Okologie vegetation survey identified 1330 indigenous or planted native trees on private land, on numerous properties in the area. The Amendment seeks to balance residential development with preservation and enhancement of the vegetated landscape. Development potential would still exist throughout the precinct, though the scale and intensity of potential development may be modified.

### Accuracy of OGSTP vegetation survey

John and Janice Wynn (Submission 20) questioned the accuracy of the vegetation survey for the SLO 7 area carried out by Okologie as part of the OGSTP. Specifically, their submission made the following points:

- The oldest trees in this area have not been identified.
- The study only identifies native vegetation on the streets and does not mention the prolific growth of pest weeds that threaten both street trees and trees on private lots.
- There is no indication of the age of trees identified – most are less than 20 years old though some are up to 60 years old.
- The Esplanade and adjacent beach car park were not included yet there is not one mature tea-tree in the car park.
- Native species that have been planted are not indigenous to this area

### *Council response*

None of the above points show or suggest inaccuracies in the vegetation survey carried out by Okologie.

It was beyond the scope or resources of the OGSTP, including the study carried out by Okologie Consulting, to identify weeds or to estimate ages of individual trees.

The Okologie vegetation survey mapping identifies planted native vegetation on private land as well as planted native street trees.

The Esplanade and the adjacent beach car park were not included as the study was to assess the operation of SLO 7 and the Esplanade and beach car park lie outside of SLO 7.

Both the OGSTP (Background Report and Final Report) and the Okologie study specifically note that there are planted native species that are not indigenous to the area and these are identified in the mapping of the vegetation survey findings.

### Extent of OGSTP and vegetation survey

John and Janice Wynn (Submission 20) raised queries about the extent of the OGSTP and the Okologie SLO 7 Area vegetation survey. They asked why Images 2g and 2h (Street Tree Assessment) in the Okologie report ignore The Esplanade, Sweetman Parade and foreshore land, yet show the Crown Land Caravan Park along the Barwon River. They argued that Crown and Council land should have significant vegetation identified as it is a greater community asset than on freehold land. They point out that almost half the Coastal Fringe is Council or Crown land.

### *Council response*

The Esplanade, Sweetman Parade, foreshore land and the Riverview Family Caravan Park all lie outside of SLO 7 and hence both the OGSTP Study and this Amendment. The Images from the Okologie report referred to are part of a series of aerial overlay maps showing the results of a street tree assessment, which was only conducted within the Study Area. Some adjacent areas were shown on these aerial overlay maps, but no survey work was carried out, and hence no trees identified, in those areas.

### Potentially misleading overlay on images in OGSTP Final Report

John and Janice Wynn (Submission 20) indicated that images from the Background Report cover mangrove vegetation along the Barwon River with an overlay that did not exist until the late 1980s and that this gives a false impression of what existed. A photograph included in their submission showed mangroves existing in 1948.

### *Council response*

The photos referred to are in Appendix 1 to the OGSTP Final Report. The only “overlay” shown is the current road network, a GIS layer used to create the images for the benefit of readers. It is not clear how this gives a false impression as the extent of vegetation and development is clear on the series of photos from 1951, 1966, 1977, 1984 and 1990. Moreover, as outlined under the heading “Vegetation history - whether vegetation is remnant or planted” above, the Amendment’s proposals are based on the landscape and environmental value of existing Australian native vegetation, regardless of whether it is remnant or planted. The Amendment is not endeavouring to recognise or recreate the landscape as it existed prior to initial subdivision and development of the area.

### Soil types and water table

John and Janice Wynn (Submission 20) indicated that the OGSTP report does not identify different soil types in the Coastal Fringe precinct. They noted that beach sand in the eastern and western sector extends well below the water table while the central sector is predominantly clay. They contended that a greater threat to vegetation in the western sector is from Council plans to seal the roads, make footpaths and install a formal drainage scheme that will take surface water away, potentially lower the water table and result in loss of mature vegetation.

#### *Council response*

Ecological Vegetation Classes (EVCs) were considered in the Okologie study. EVCs, a standard methodology for categorising vegetation in Victoria, reflect soil types in that, generally, different EVCs are located on different soil types.

The design for road sealing in the Baker Street area minimises stormwater drainage impacts and it is not anticipated that the water table will be lowered.

### Status of Coast Tea-tree

John and Janice Wynn (Submission 20) queried how the Amendment addresses Coast Tea-tree, contending that it is illogical to declare Tea-tree a pest weed except for the area within 200 m of the beach. They argued that Tea-tree is such an invasive plant that other coastal authorities spend considerable resources to destroy any plants that appear. They stated that Tea-tree grows through paving and bitumen, and has been destroyed elsewhere in Ocean Grove in the last decade, in Ingamells Park and Kingston Park, as they were pest weeds.

#### *Council response*

SLO 7 currently requires a permit to remove, destroy or lop Coastal Tea-tree that is indigenous to the area. Under this Amendment, a permit will be required to remove, destroy or lop Coastal Tea-tree that is at least 3 m high. The qualification that the Coastal Tea-tree is indigenous to the area has been removed.

Council has taken the view that Coastal Tea-tree is indigenous in the coastal dune area. Council's Indigenous Plants of the Geelong Region Information

Sheets identify Coast Tea-Tree as an indigenous plant in Zone 19 (Coastal Zones of the Geelong Region), but not in adjacent zones. Ocean Grove Park (also known as Ingamells Park) and Kingston Park are not located within Zone 19 and hence Coast Tea-tree is not an indigenous plant in those areas.

The Information Sheet for Zone 19 notes that the species, because of its invasive nature, can become an environmental weed and that care should be taken over the selection of this species. 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.

#### Scheme controls disadvantage submitters relative to competitors

John and Janice Wynn (Submission 20) asserted that the proposed controls render their land sterile for development. They argued that a competitor caravan park nearby has no such restrictions, pays no rental, taxes, rates or Fire Services Levy, and is on Crown Land.

#### *Council response*

With respect to a competitor caravan park, it is assumed the submission refers to the nearby Riverview Family Caravan Park, which is on public land outside SLO 7 and within the Public Park and Recreation Zone. Zoning, overlay and land tenure differences between the submitters' land and the Riverview Family Caravan Park are pre-existing and only marginally altered (in the case of zoning and overlay controls) by this Amendment.

#### Ocean Grove Structure Plan recognition of holiday resort

Wynndean Holiday Resorts (Submission 74) indicated that the current and previous Ocean Grove Structure Plans identify the Wynndean Holiday Resort as under-utilised and encourage consideration for redevelopment and medium density accommodation, and that this was also recognised in the 2016 OGSTP Final Report.

Their submission indicated that as Wynndean Holiday Resort is by far the largest undeveloped contiguous parcel of land in the zone, it needs to be recognised as

an operating caravan park and as land for potential redevelopment if and when the caravan park is unviable.

*Council response*

The current Ocean Grove Structure Plan 2015 (amended September 2016) indicates (in Section 3.3.5 Economic Development and Employment) that tourism opportunities supported within the Structure Plan include:

*Supporting development of existing caravan parks and motels including broadening of accommodation type mix particularly on sites close to the Town Centre and the beach.*

The Structure Plan includes as an Economic Development and Employment principle:

*To encourage the provision of additional accommodation and tourist related services and infrastructure, which are responsive to the coastal setting and environment.*

The Structure Plan's Economic Development and Employment directions include:

- *Support development of existing caravan parks and motels including broadening of accommodation type and mix particularly on sites close to the Town Centre or the beach.*
- *Support new tourist accommodation opportunities adjacent to the beach and Town Centre.*

The Amendment's proposals, including the change from the exhibited GRZ 3 to a new NRZ 5, do not preclude the tourist accommodation development referred to in the Ocean Grove Structure Plan 2015.

Recent tree removal by Council

Wynndean Holiday Resorts (Submission 74) indicated that Council recently cut down a mature Tea-tree in a nature strip, identified as significant by Okologie, weeks after ceasing a major road scheme because a planning permit was required under SLO 7.

*Council response*

The tea-tree cited was removed from the Osborne Street road reserve as its condition presented an immediate risk of injury or damage to property. Under Clause 42.03-2 and 42.03-3, no permit is required under an SLO to remove, destroy or lop vegetation to the minimum extent necessary if the vegetation presents an immediate risk of personal injury or damage to property.

No identified heritage significance

Wynndean Holiday Resorts (Submission 74) argued that there is no identified heritage significance within the area and hence no protection requirement as described in the neighbourhood character in NRZ.

*Council response*

One of the four zone purposes for the NRZ in Clause 32.09 is to “manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics”. Heritage is only one of four aspects to be respected and the use of the word “or” makes it clear that it is not necessary for all four of these to be present.

Hillside Area name

Wynndean Holiday Resorts (Submission 74) argued that to refer to Areas 4, 5 and 6 [on the map at **Appendix 2**] below the ridgeline as “Hillside” misrepresents the zone’s proximity to the beach, topography and coastal character.

*Council response*

The original OGSTP public consultation broke the SLO 7 area into two precincts: Hillside and Coastal Fringe. When, in response to submissions received, the two precincts were amalgamated into one, with the name Hillside Precinct adopted. The exhibited proposed GRZ 3 in Amendment C349 had the name “Ocean Grove Hillside Area”.

However, there is merit in the name of the proposed NRZ 5 area being changed from Ocean Grove Hillside Area to Ocean Grove Hillside and Coastal Fringe Area to reflect the different topography and landscape character across the area. Accordingly, Council recommends this as a post-exhibition change.

### Conclusion

Council believes that the proposed controls for the area including the Wynndean Holiday Resort are justified and appropriate, given the prevalence of significant trees in the area. The controls are less restrictive than what was originally proposed for this area, as those proposals were changed in response to submissions on the Background Report (see Section 3.6 of Council’s Part A Panel Submission).

## **2.7 Other issues**

### Risk to buildings from trees

Beverley Holmes (Submission 15) pointed out that large trees near dwellings cause damage (roots, blocked gutters, falling limbs) and increase insurance costs.

#### *Council response*

Council recognises that in some instances trees can present risks of damage to property. Proposed SLO 15 and the proposed revised SLO 7 contain exemptions from requiring a permit to remove, destroy or lop trees where vegetation presents an immediate risk of personal injury or damage to property, pruning to remove any branch overhanging or within 2 m of a dwelling, or vegetation that is dead.

Species selection and adequate space for canopy and root protection zones are important in avoiding damage to property by trees and landscape plans required for development proposals need to address this. The Ocean Grove Tree Planting

Guidelines prepared as part of the OGSTP provide advice on species selection and allocating space. Proposed maximum site coverage and landscaping requirements for the new Zone Schedules ensure adequate space for existing and/or new trees in new development.

Tree protection should be on public rather than private land

Beverley Holmes (Submission 15) argued that if Council wishes to protect certain tree species, it should plant them in parks and open spaces, rather than expect private landowners to take on this role.

*Council response*

Council is committed to tree planting on public land and has a focus on planting local indigenous plants where appropriate. In the Amendment area, both public and private trees contribute to the overall landscape and therefore both should be managed. Protection of significant vegetation on private land is an established element of Victoria's planning system.

Impact on property values

Greg Cowan (Submission 6) raised the issue that if the Amendment is intended to stop residents from subdividing this will reduce property values and thus rates income.

*Council response*

The impact, if any, of the Amendment on property values is not known. However, it has been consistently held by Planning Panels and Tribunals that impact on property values is not a relevant planning consideration.

DELWP suggested changes to SLO schedules

The Department of Environment, Land, Water and Planning (DELWP) (Submission 8) suggested two changes to each SLO schedule.

DELWP advised that in addition to the Bellarine Yellow-Gum, Ocean Grove potentially supports remnants of the Coastal Moonah Woodland vegetation community, which is listed under the *Flora and Fauna Guarantee Act 1988*.

DELWP suggested that Council consider listing this community in Point 1.0 of SLO 7 and SLO 15.

DELWP noted that Council's *Ocean Grove Tree Planting Guidelines* is a useful tool to support achieving SLO objectives where replacement planting is considered. DELWP suggested that Council consider adding this document as a reference document to the Decision Guidelines of both SLO 7 and SLO 15.

*Council response*

It is appropriate to add reference to the Coastal Moonah Woodland vegetation community in SLO 7 as a post-exhibition change, but not in SLO 15 as the Coastal Moonah Woodland vegetation community is not indigenous to the SLO 15 area.

The *Ocean Grove Tree Planting Guidelines* have been prepared to provide guidance in the preparation of landscape plans to meet the landscape requirements set out SLO 7 and SLO 15. They will assist meeting the requirements of a planning permit, but will not need to be considered in assessing a planning permit application. It would therefore be inappropriate to include the document in the Decision Guidelines.

Two canopy trees per site

Ross Closter (Submission 3) requested rewording the requirement for two native canopy trees in SLO 7 and GRZ 3 to clarify that it relates to the existing lot prior to development, as per Council's verbal advice.

*Council response*

This reflects Council's advice to the submitter as to the intention of the requirement. Recommend a post-exhibition change to the SLO 7 and a change to the now proposed NRZ 5 schedule by adding "(parent lot)" after "site" to remove any ambiguity.

SLO 7 side setback permit trigger

Ross Closter (Submission 3) submitted that the proposed SLO 7 reference to a minimum 2 m setback from one side boundary should be changed to a cumulative

2 m in side setbacks. He argued that this would provide more flexibility with the same net outcome. He pointed out that the proposed control will result in a zero setback on one boundary which may not otherwise have been the case. He contended that a 1 m setback on each side would look better in that it would appear less bulky.

#### *Council response*

The permit trigger where buildings are not set back at least 2 m from one side boundary permit trigger aims to retain view lines and to avoid continuous built form along a streetscape. The minimum 2 m side setback to one boundary will in many cases result in wider view lines in gaps between buildings as viewed from the street than the cumulative 2 m side setback suggested. A zero side setback on one boundary is generally a visually acceptable outcome. The permit trigger is appropriate within this identified area of landscape significance. However, to avoid triggering permits for extensions to existing dwellings, it is recommended that the point be reworded to refer to proposed buildings.

#### Area available for landscaping – Hillside Area

Ross Closter (Submission 3) requested that the requirement for 30% of the site to be available for landscaping in SLO 7 and proposed GRZ 3 be removed. His submission contended that the requirement is unnecessary because:

- minimum private open space of 60 m<sup>2</sup> is already an appropriate minimum control;
- newly created lots below 500 m<sup>2</sup> will require landscape plans to be assessed as to how they achieve balance between landscape and built form;
- perimeter planting can better screen built form;
- decks and pools provide contemporary and functional uses for private open spaces; and
- in coastal communities like Ocean Grove with a high percentage of holiday homes, a low maintenance back yard is important for many owners.

### *Council response*

Since its introduction in April 2003, SLO 7 has included a permit trigger where 30% of a site is covered by buildings or impervious surfaces (including driveways, paving, swimming pools or tennis courts). The Amendment does not alter this, but uses the term “free from hard surfaces”.

The exhibited GRZ 3 (and now proposed NRZ 5) requirement for at least 30% of the site to be available for landscaping is appropriate and justified and will better protect existing trees and provide for planting of new trees as new development proceeds. It is consistent with the abovementioned SLO 7 permit trigger.

With respect to the reasons given in support of the request:

- the 60 m<sup>2</sup> minimum private open space requirement is not sufficient by itself to achieve the landscaping outcomes sought by the Amendment;
- notwithstanding that more dwellings now require planning permits, the landscaping requirement is necessary to ensure appropriate minimum area is available for landscaping;
- perimeter planting does not achieve retention of existing significant trees. The proposed landscaping requirement better provides for protecting existing trees and the planting of new trees;
- decks and pools can be provided, but are hard surfaces and do not constitute landscaping and so are not included in the required proportion of the site available for landscaping; and
- the landscaping requirements proposed only apply to a portion of Ocean Grove. Similar or more stringent requirements have been applied in coastal towns in other Victorian municipalities, with examples (Surf Coast Shire, South Gippsland Shire) cited in the OGSTP Final Report.

### 3 Council's final position on Amendment

Council's final position on the Amendment is set out in Sections 3.1 and 3.2 below.

#### 3.1 Support for Amendment

After consideration of all points raised in submissions, both during exhibition in March and April 2017 and during post-exhibition consultation in August 2017, the Amendment is still supported.

The Amendment is strategically justified. The OGSTP recommendation it implements result from rigorous analysis, vegetation surveys and review. 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. However, a series of post-exhibition changes to the Amendment are recommended, to respond to issues raised in submissions and to recent State Government changes, particularly the Reformed Residential Zones. These changes are outlined in Section 3.2 below.

#### 3.2 Changes to Amendment documents

Council recommends that the following changes be made to the exhibited Amendment:

- the area previously proposed to be rezoned to GRZ 3 (Areas 4, 5 and 6 on the map at **Appendix 2**, separately shown at **Appendix 6**) 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 7**;
- proposed NRZ 4 Schedule be modified as shown in track changes format in **Appendix 8**;

- a new NRZ 5 Schedule replace the exhibited GRZ 3 Schedule – the NRZ 5 Schedule used in post-exhibition consultation, with two further changes arising from post-exhibition submissions (final version at **Appendix 9**);
- exhibited changes to the SLO 7 Schedule be further modified as shown in track changes format in **Appendix 10**;
- proposed SLO 15 Schedule be modified as shown in track changes format in **Appendix 11**; and
- amending Clause 22.63 by replacing the Ocean Grove Increased Housing Diversity Area map with the revised map at **Appendix 12**.

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.

The change to Clause 22.63 has been identified by Council officers subsequent to the consideration of the 6 September 2017 Delegate report. The background to this change is as follows.

One aspect of the OGSTP's review of the application of SLO 7 was considering those areas which were in the Ocean Grove town centre IHDA (and hence zoned RGZ 3), but also within SLO 7. The conflicting objectives of RGZ 3 zoning and SLO 7 were such that it was decided to remove any overlap. Over the majority of the area where the two currently coincide, the Amendment proposes to delete SLO 7 and replace it with DDO 14. However, in a small area west of Field Street South (Area 6 on the map at **Appendix 2**), the Amendment as exhibited proposed to retain SLO 7 and to rezone from RGZ 3 to GRZ 3. This is now proposed to be rezoned to a new NRZ 5 rather than GRZ 3.

In resolving to change the zoning of Area 6 from RGZ 3 to GRZ 3, Council was in effect removing that area from the IHDA. RGZ is the only residential zone applied to other IHDAs throughout the City. However, a revision to the IHDA Map in Clause 22.63 was inadvertently not included in the Amendment. A revision to the IHDA Map should be included as a post-exhibition change to the Amendment. It is a change that merely reflects the position already taken by Council in exhibiting the Amendment with a change in zoning RGZ 3.

## 4 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.

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.

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.

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.

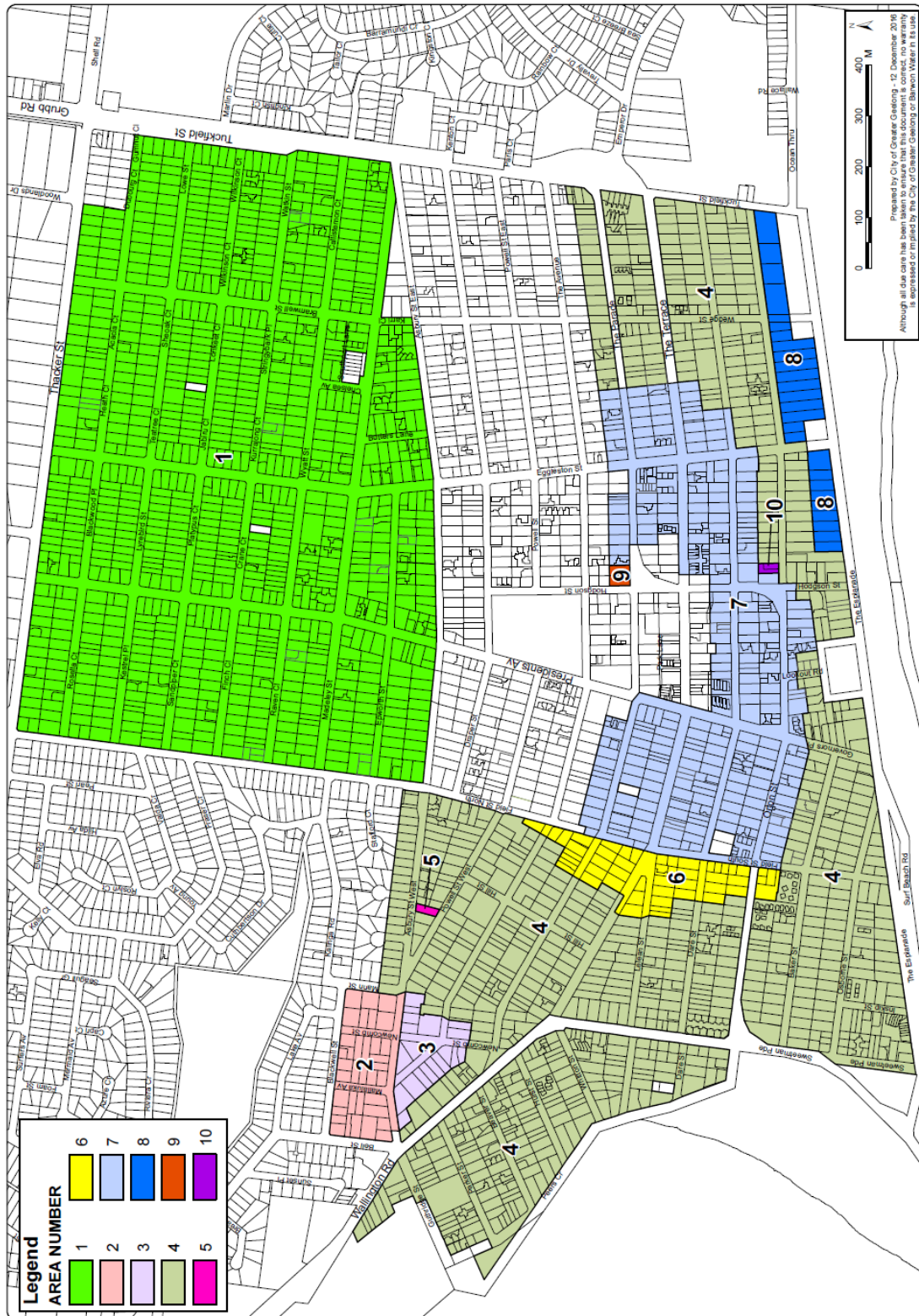
## APPENDICES

Appendix 1	Location Plan
Appendix 2	Map of exhibited proposed changes
Appendix 3	List of exhibited proposed changes (incl post-exhibition)
Appendix 4	Potential precincts – Okologie SLO 7 report
Appendix 5	Bushfire Management Overlays (gazetted 3 Oct 2017)
Appendix 6	Proposed NRZ 5 map (post-exhibition)
Appendix 7	Clause 21.14 (track changes including post-exhibition)
Appendix 8	Schedule 4 to NRZ (post-exhibition track changes)
Appendix 9	Schedule 5 to NRZ (post-exhibition) – final position
Appendix 10	Schedule 7 to SLO (post-exhibition track changes)
Appendix 11	Schedule 15 to SLO (post-exhibition track changes)
Appendix 12	Revised Ocean Grove IHDA Map – Clause 22.63



# Appendix 2

# Map of exhibited proposed changes



### **Appendix 3 List of exhibited proposed changes (incl post-exhibition)**

The amendment proposes different changes for various areas. The map shows ten different areas, identified by area numbers. The amendment's proposals for each of these areas is as follows:

#### Area 1

- Rezone the area from General Residential Zone Schedule 2 to a new Neighbourhood Residential Zone Schedule 4.
- Replace Design and Development Overlay Schedule 14 with a new Significant Landscape Overlay Schedule 15.

#### Area 2

- Rezone the area from General Residential Zone Schedule 2 to a new Neighbourhood Residential Zone Schedule 4.
- Apply a new Significant Landscape Overlay Schedule 15.

#### Area 3

- Rezone the area from General Residential Zone Schedule 2 to a new Neighbourhood Residential Zone Schedule 4.
- Replace Significant Landscape Overlay Schedule 7 with a new Significant Landscape Overlay Schedule 15.

#### Area 4

- Rezone the area from General Residential Zone Schedule 2 to a new General Residential Zone Schedule 3.  
(Proposed post-exhibition change: Rezone the area from General Residential Zone Schedule 2 to a new Neighbourhood Residential Zone Schedule 5)
- Revise the wording of Significant Landscape Overlay Schedule 7.

#### Area 5

- Rezone the area from General Residential Zone Schedule 2 to a new General Residential Zone Schedule 3.  
(Proposed post-exhibition change: Rezone the area from General Residential Zone Schedule 2 to a new Neighbourhood Residential Zone Schedule 5)

#### Area 6

- Rezone the area from Residential Growth Zone Schedule 3 to a new General Residential Zone Schedule 3.  
(Proposed post-exhibition change: Rezone the area from Residential Growth Zone Schedule 3 to a new Neighbourhood Residential Zone Schedule 5)
- 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.

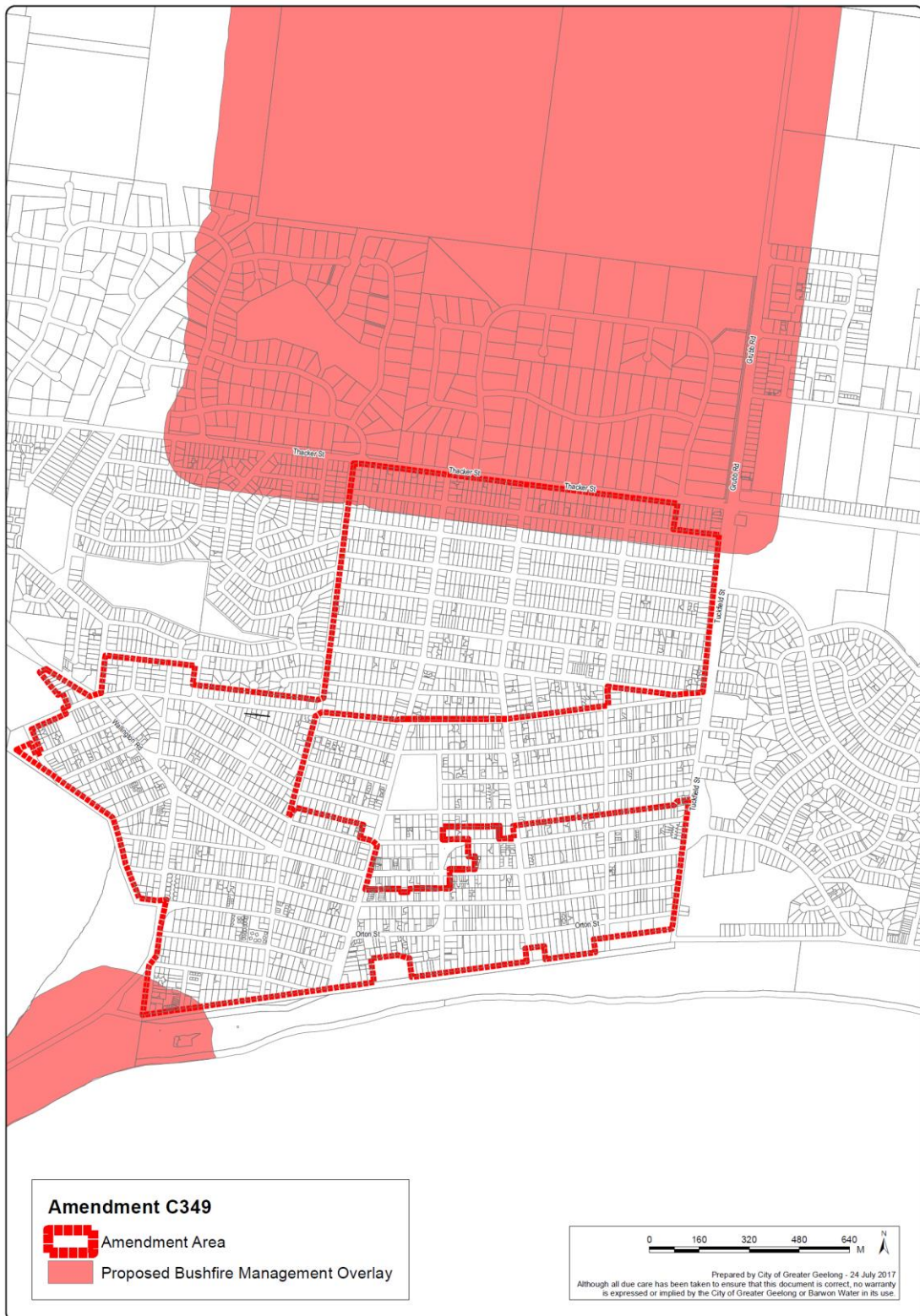
#### Area 10

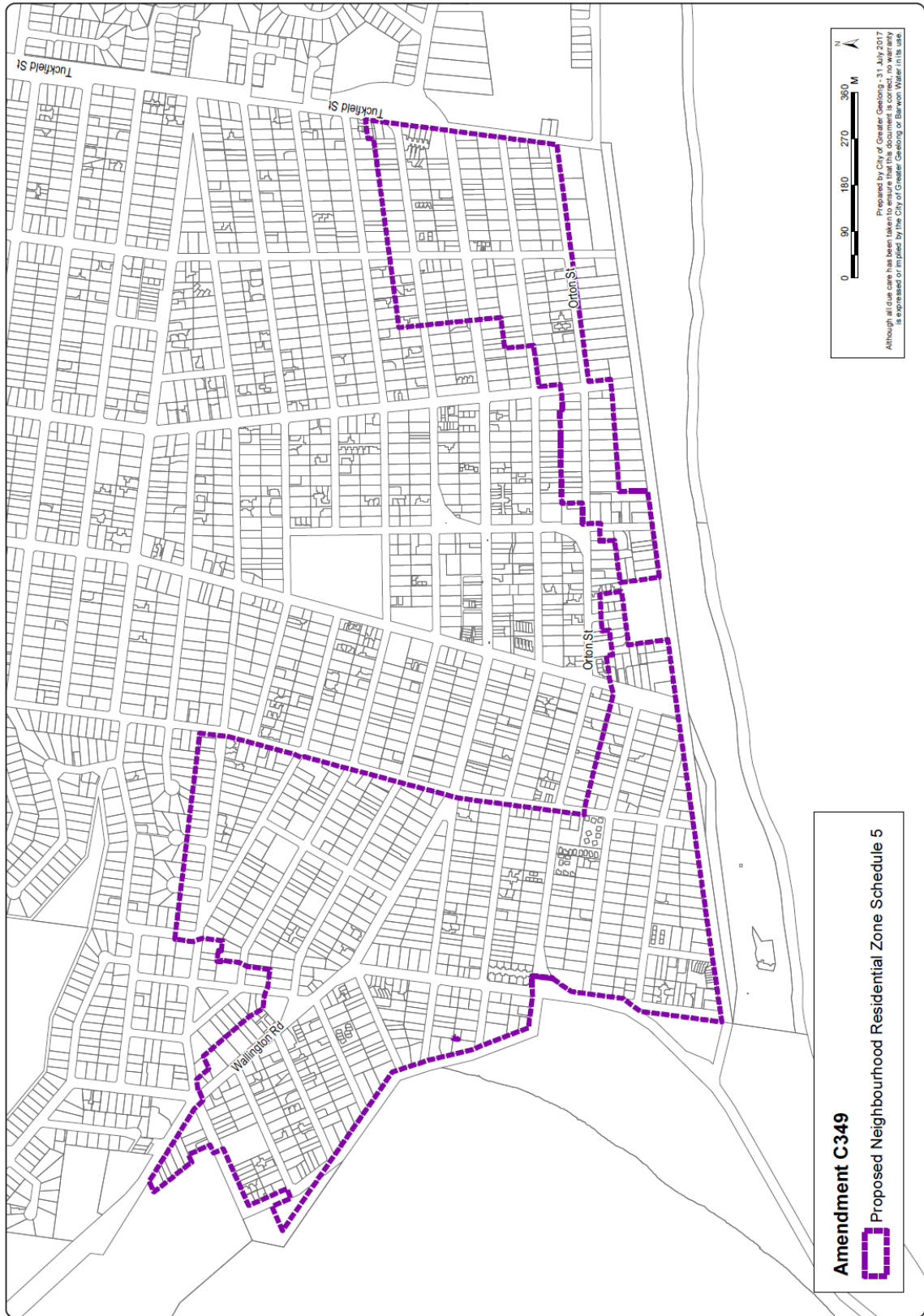
- Rezone the area from General Residential Zone Schedule 2 to Residential Growth Zone Schedule 3.
- Replace Significant Landscape Overlay Schedule 7 with Design and Development Overlay Schedule 14.

Please note that Significant Landscape Overlay Schedule 15 has now been applied on an interim basis to Areas 1 and 2.



## Appendix 5 Bushfire Management Overlays (gazetted 3 Oct 2017)





## Appendix 7 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.

**Portarlington:**

- Support a mix of retail, commercial, community and entertainment uses within the town centre.
- Encourage development which respects the coastal landscape setting of Portarlington 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 Portarlington within an existing public building.
- Support the provision of a new fire station at Portarlington.
- Support the integration of the Portarlington town centre and pier-foreshore area.
- Support the development of a focal building at 22-34 Newcombe Street, Portarlington, to contain retail uses, tourist accommodation and tourism related activities.
- Support development in the Portarlington 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 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.

## Appendix 8 Schedule 4 to NRZ (post-exhibition – track changes)

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 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 <a href="#">associated with a dwelling</a> 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 <a href="#">(parent lot)</a> .
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.

# Appendix 9 Schedule 5 to NRZ (post-exhibition) – final position

GREATER GEELONG PLANNING SCHEME

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
<b>Private open space</b>	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.
<b>Front fence height</b>	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.

# Appendix 10 Schedule 7 to SLO (post-exhibition – track changes)

GREATER GEELONG PLANNING SCHEME

13/11/2014  
C349  
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  
C349  
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~~ 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.

**5.6.0 Decision guidelines**

13/11/2014  
C349  
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)~~ vegetation tree(s) proposed to be removed, destroyed or lopped and the size, species and growth characteristics of any proposed replacement ~~vegetation tree(s)~~ vegetation tree(s).
- Whether there is a valid ~~tree~~ reason for removing the ~~vegetation tree(s)~~ vegetation tree(s) 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.~~

# Appendix 11 Schedule 15 to SLO (post-exhibition – track changes)

GREATER GEELONG PLANNING SCHEME

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~~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~~trees~~ ~~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~~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

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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**

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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**

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~~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.

