

GREATER GEELONG PLANNING SCHEME

AMENDMENT C349

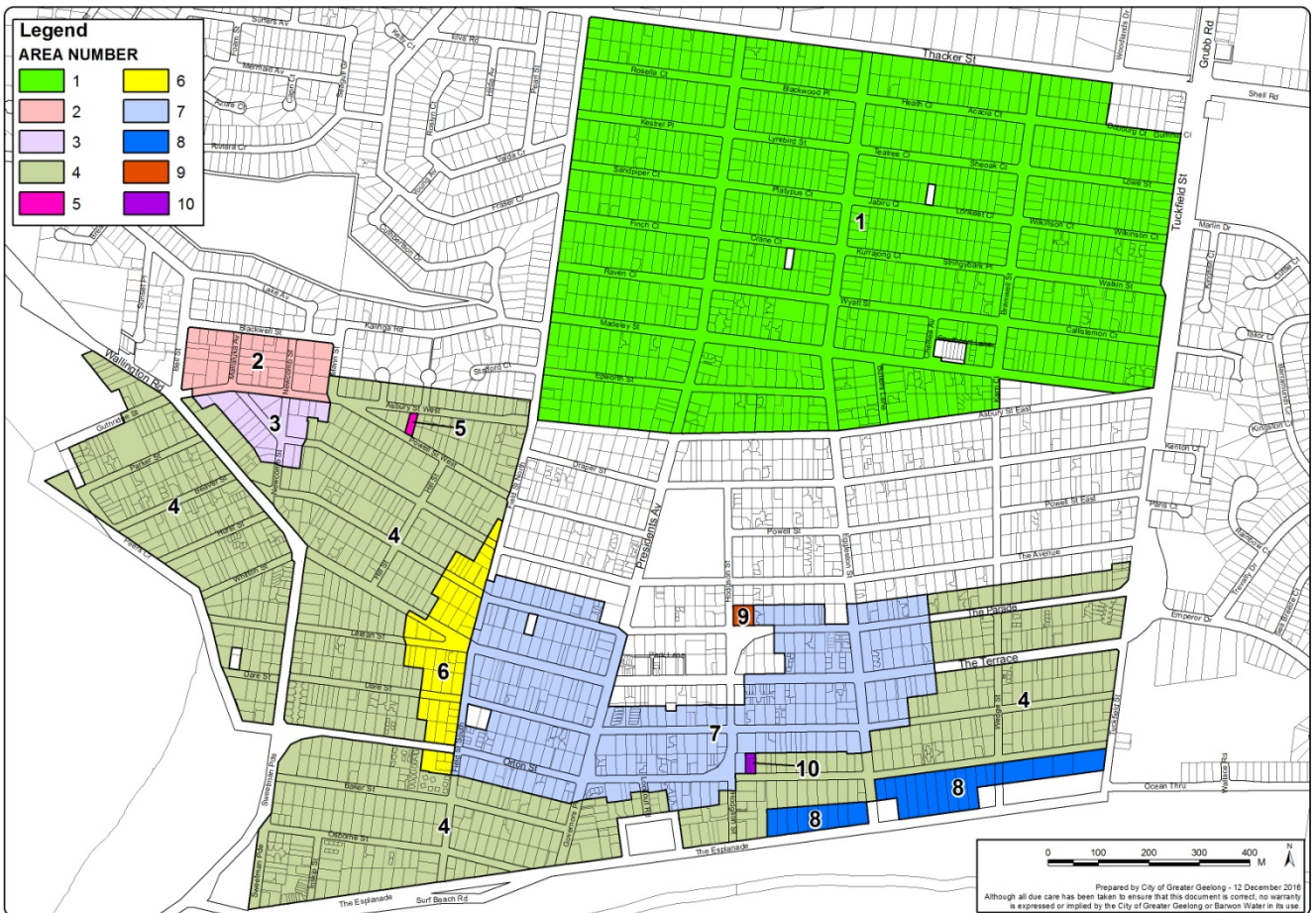
EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Greater Geelong City Council, which is the planning authority for this amendment.

Land affected by the Amendment

The Amendment applies to land in Ocean Grove shown on the map below.



What the amendment does

The amendment implements the Ocean Grove Significant Tree Project 2016 by: introducing and applying new schedules to the General Residential Zone (GRZ3), Neighbourhood Residential Zone (NRZ4) and Significant Landscape Overlay (SLO15); amending the schedule and deleting properties from the Significant Landscape Overlay (SLO7); and changing the map extent of the Design and Development Overlay (DDO14).

In particular, the Amendment seeks to:

- Amend Clause 21.14 Bellarine Peninsula;

- Insert a new Schedule 3 “Ocean Grove Hillside Area” to Clause 32.08 General Residential Zone;
- Insert a new Schedule 4 “Ocean Grove Significant Tree Area” to Clause 32.09 Neighbourhood Residential Zone;
- Rezone areas 1, 2 and 3 from General Residential Zone Schedule 2 to Neighbourhood Residential Zone Schedule 4;
- Rezone areas 4 and 5 from General Residential Zone Schedule 2 to General Residential Zone Schedule 3;
- Rezone area 6 from Residential Growth Zone Schedule 3 to General Residential Zone Schedule 3;
- Rezone area 10 from General Residential Zone Schedule 2 to Residential Growth Zone Schedule 3;
- Insert a new Schedule 15 “Ocean Grove Significant Tree Residential Area” to Clause 42.03 Significant Landscape Overlay;
- Apply Significant Landscape Overlay Schedule 15 to areas 1, 2 and 3;
- Amend Schedule 7 “Ocean Grove Hillside Area” to Clause 42.03 Significant Landscape Overlay;
- Delete Significant Landscape Overlay Schedule 7 from areas 3, 7, 9 and 10;
- Apply Design and Development Plan Overlay Schedule 14 to areas 7 and 10; and
- Delete Design and Development Plan Overlay Schedule 14 from Area 1.
- Amend Planning Scheme Maps 81, 82, 81DDO, 82DDO, 81SLO and 82SLO.

Strategic assessment of the Amendment

Why is the Amendment required?

The amendment is required to implement the Ocean Grove Significant Tree Project 2016 which aims to identify and protect, through planning controls, the unique coastal/bush landscape character within the well established areas of the township of Ocean Grove.

How does the Amendment implement the objectives of planning in Victoria?

Section 4 of the Act sets out the objectives of planning in Victoria. Those that are directly related to this Amendment are:

(a) to provide for the fair, orderly, economic and sustainable use and development of land;

(b) to provide for the protection of natural and man made resources and the maintenance of ecological processes and genetic diversity; and

(g) to balance the present and future interests of all Victorians.”

How does the Amendment address any environmental, social and economic effects?

The amendment will have a positive effect on the environment by providing a means to control the incremental loss of native vegetation in the established part of Ocean Grove. This vegetation includes the threatened Bellarine Yellow-gum *Eucalyptus leucoxylon subsp. bellarinensis* which is endemic to the area. The residential streetscape and private gardens within the precinct support a large component of the remnant Bellarine Yellow-gum population. The retention of these trees is important for the ongoing survival of the species.

The amendment will have positive social effects through the retention of the mature native trees which provide a sense of place for the residents of the area and give it a distinctive neighbourhood character.

The application of the Neighbourhood Residential Zone and the Significant Landscape Overlay may have an economic impact on individual land owners by constraining development.

Does the Amendment address relevant bushfire risk?

The Bushfire Management Overlay (BMO) does not currently apply to the subject land, however, a number of properties on Thacker Street and the street immediately south, as well as properties in the southwest and southeast of the Amendment area, are covered by the Bushfire Prone Area designation. The State Government intends to introduce a BMO over the properties on Thacker Street and the street immediately south and the southwest corner of the Amendment area during 2017.

Clause 52.48 "Bushfire Protection: Exemptions" allows the removal, destruction or lopping of vegetation to reduce fuel loads within 10 metres of existing buildings used for accommodation and adjacent to fences on property boundaries without requiring a planning permit. These permit exemptions for vegetation removal only apply to buildings and fences existing or approved before 10 September 2009.

These exemptions override other planning scheme requirements for the protection of vegetation including permit conditions and the requirements of the proposed SLO15. These exemptions do not apply to 'urban' (metropolitan) councils except where an area is covered by the Wildfire Management Overlay (WMO). This means, in Ocean Grove, some vegetation identified for protection through the proposed SLO may be able to be removed under the bushfire exemption. Council wrote to the Minister for Planning in May 2016 requesting the exemption be more strategically applied. In a letter dated June 2016 the Minister indicated the Department were currently looking into a more risk based approach and that the matter will be considered in due course.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act and Ministerial Direction No. 11 – Strategic Assessment of Amendments.

The amendment is consistent with Ministerial Direction No. 17 Localised Planning Statements, as set out in the section on the State Planning Policy Framework below.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment will achieve the objectives of the State Planning Policy Framework (SPPF) as follows:

Clause 11.14-1 (Localised planning statements) – the amendment is consistent with the objective of this clause which is to protect and enhance the valued attributes of the distinctive areas of the Bellarine Peninsula, Macedon Ranges, Mornington Peninsula and the Yarra Valley and Dandenong Ranges. The amendment aims to retain native tree cover in Ocean Grove which is relevant to the following strategies of Clause 11.14-1:

- Recognise the significant geographic and physical features of these areas.
- Protect the identified key values and activities of these areas.
- Avoid use and development that could undermine the long-term natural or non-urban use of land in these areas.

Clause 12.01-1 Protection of biodiversity - Vegetation to be protected under the proposed SLO includes the threatened Bellarine Yellow-gum *Eucalyptus leucoxylon subsp. bellarinensis* which are endemic to the area.

Clause 15.01-5 Cultural identity and neighbourhood character – the objective is "to recognise and protect cultural identity, neighbourhood character and a sense of place." Relevant strategies include: "ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising... the underlying natural landscape character." The incremental loss of significant Australian native and indigenous canopy trees in Ocean Grove has the potential to change the character of the area over time and the amendment addresses this issue.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment will achieve the objectives of the Local Planning Policy Framework (LPPF) including:

Clause 21.05-3 Biodiversity includes relevant strategies such as: “*Ensure that land use and development enhances areas of native vegetation and other habitats*” and “*Ensure that land use and development minimises the fragmentation of areas of native vegetation and other habitats*”.

Clause 21.06-4 Neighbourhood character is relevant as it includes an objective to “*protect areas with a significant garden character*” and a strategy to “*Retain existing vegetation wherever possible, particularly vegetation that contributes to the municipality’s tree canopy.*”

Clause 21.14-2 The Bellarine Peninsula includes an objective relevant to this amendment which is “*To preserve the individual character, identity and role of each Bellarine township*”. This amendment implements the Further work section of Clause 21.14 for Ocean Grove which includes “*Review the application of Significant Landscape Overlay Schedule 7*”, this has been the catalyst for the Ocean Grove Significant Vegetation Project 2016.

Clause 21.14 reflects a new Ocean Grove Structure Plan introduced in December 2016 by Amendment C346 and includes strategies to “*Encourage development which respects the coastal landscape setting of Ocean Grove and*” “*Ensuring that development allows for protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation.*”

Clause 21.14 Further work requirements for Ocean Grove: “*Review the application of Schedule 7 to the Significant Landscape Overlay*” and “*Undertake a review of the older parts of the town as identified on the Structure Plan map to investigate the introduction of new planning overlay controls to protect important landscape and built form attributes.*”

Does the Amendment make proper use of the Victoria Planning Provisions?

The Significant Landscape Overlay is an appropriate planning tool to protect native vegetation in an urban context.

The amendment is consistent with the Practice Note - Vegetation Protection in Urban Areas which provides guidance on how to assess the significance of vegetation in urban areas and how to protect significant vegetation through the planning scheme. Six steps are identified for developing a strategy for vegetation protection:

1. Undertake a vegetation survey
2. Determine vegetation significance
3. Prepare a local policy (MSS and local policy)
4. Apply overlay provisions where appropriate
5. Enforce the planning scheme where necessary
6. Monitor outcomes

Council has undertaken steps 1-3 through the Ocean Grove Significant Tree Project 2016 and Amendment C346 Ocean Grove Structure Plan. This amendment will implement step 4.

How does the Amendment address the views of any relevant agency?

Relevant agencies such as DELWP and the CFA will be notified and consulted as part of Amendment C359 through the normal planning scheme amendment process.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The amendment does not impact on the *Transport Integration Act 2010*.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will create an additional trigger for planning permits and hence will increase the workload of Council's statutory planning unit. However, Council is well resourced to cope with the additional workload.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Greater Geelong City Council , Customer Service Centre, Ground Floor, 100 Brougham Street. GEELONG – 8.00am to 5.00pm weekdays

Greater Geelong City Council , Customer Service Centre, 66-70 The Avenue, OCEAN GROVE – 9.00am to 5.00pm weekdays
--

'Amendments' section of the City's website www.geelongaustralia.com.au/amendments/

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority.

Submissions about Amendment C349 should be received by **Tuesday 18 April 2017** and addressed to:

The Coordinator
Strategic Implementation
City of Greater Geelong

- either by mail to: PO Box 104, GEELONG VIC 3220
- or by email to: strategicplanning@geelongcity.vic.gov.au
- or lodged online at: www.geelongaustralia.com.au/amendments/

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: Week commencing Monday 3 July 2017
- panel hearing: Week commencing Monday 31 July 2017

Further information

For further information about Amendment C349, please contact the Strategic Implementation Unit at the City of Greater Geelong on (03) 5272 4820 or via email strategicplanning@geelongcity.vic.gov.au