

*Planning and Environment Act 1987*

**Panel Report**

# Greater Geelong Planning Scheme Amendment C349 Ocean Grove Significant Tree Project

**13 December 2017**

*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the Act

Greater Geelong Planning Scheme Amendment C349

Ocean Grove Significant Tree Project

13 December 2017



Michael Ballock, Chair



Robin Crocker, Member

# Contents

	Page
<b>1 Introduction.....</b>	<b>1</b>
1.1 The Amendment.....	1
1.2 Panel process.....	6
1.3 Procedural issues.....	7
1.4 Background to the proposal.....	7
1.5 Summary of issues raised in submissions.....	8
1.6 Issues dealt with in this report.....	8
<b>2 Planning context.....</b>	<b>10</b>
2.1 Policy framework.....	10
2.2 Planning scheme provisions.....	10
2.3 Ministerial Directions.....	13
2.4 Discussion.....	14
2.5 Conclusion.....	14
2.6 Recommendations.....	14
<b>3 The Ocean Grove Significant Tree Study.....</b>	<b>15</b>
3.1 The issue.....	15
3.2 Evidence and submissions.....	15
3.3 Discussion.....	20
3.4 Conclusions.....	20
<b>4 The proposed Neighbourhood Residential Zone Schedules 4 and 5.....</b>	<b>21</b>
4.1 The issue.....	21
4.2 Evidence and submissions.....	21
4.3 Discussion.....	27
4.4 Conclusions.....	29
4.5 Recommendations.....	29
<b>5 Significant Landscape Overlay Schedules 7 and 15.....</b>	<b>30</b>
5.1 The issue.....	30
5.2 Evidence and submissions.....	30
5.3 Discussion.....	33
5.4 Conclusions.....	34
5.5 Recommendations.....	34
<b>6 Other issues.....</b>	<b>35</b>
6.1 The issue.....	35
6.2 Evidence and submissions.....	35
6.3 Discussion.....	36
6.4 Conclusions.....	36
6.5 Recommendations.....	36

<b>Appendix A</b>	<b>Submitters to the Amendment</b>
<b>Appendix B</b>	<b>Document list</b>
<b>Appendix C</b>	<b>Panel recommended version of Schedule 4 to the Neighbourhood Residential Zone</b>
<b>Appendix D</b>	<b>Panel recommended version of Schedule 5 to the Neighbourhood Residential Zone</b>
<b>Appendix E</b>	<b>Panel recommended version of Schedule 7 to the Significant Landscape Overlay</b>
<b>Appendix F</b>	<b>Panel recommended version of Schedule 15 to the Significant Landscape Overlay</b>
<b>Appendix G</b>	<b>Panel recommended version of Clause 21.14</b>
<b>Appendix H</b>	<b>Panel recommended version of the Ocean Grove Increased Housing Diversity Area map in Clause 22.63</b>

## List of Tables

	<b>Page</b>
Table 1 Parties to the Panel Hearing.....	7

## List of Figures

	<b>Page</b>
Figure 1: Land in Ocean Grove to which the Amendment applies .....	2
Figure 2: Exhibited zoning map .....	2
Figure 3: Post exhibition Neighbourhood Residential Zone Schedule 5 .....	3
Figure 4: Significant Landscape Overlay Schedule 15 .....	3
Figure 5: Exhibited Significant Landscape Overlay Schedule 7 deletions .....	4
Figure 6: Design and Development Overlay Schedule 14- included .....	4
Figure 7: Design and Development Overlay Schedule 14 - deleted.....	5
Figure 8: The area covered by Amendment C349.....	6
Figure 9: Significant trees in the Coastal Fringe area.....	16
Figure 10: Significant trees and other vegetation on private land in Coastal Fringe area (Wynndean Caravan Park).....	16
Figure 11: Part of Hillside area viewed from coastal reserve .....	17
Figure 12: Significant Bellarine Yellow-Gum street trees in north-east area .....	18
Figure 13: Significant trees on private land in north-east area .....	18

## List of Abbreviations

Amendment	Amendment C349 to the Greater Geelong Planning Scheme
DDO14	Design and Development Overlay Schedule 14
DELWP	Department of Environment, Land, Water and Planning
EPA	Environment Protection Authority
EVC	Ecological Vegetation Class
Final Report	Ocean Grove Significant Tree Project - New Planning Controls for Vegetation Protection – Final Report 2016
GRZ	General Residential Zone
GRZ2	General Residential Zone Schedule 2
GRZ3	General Residential Zone Schedule 3
IHDA	Increased Housing Diversity Area
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
NRZ	Neighbourhood Residential Zone
NRZ4	Neighbourhood Residential Zone Schedule 4
NRZ5	Neighbourhood Residential Zone Schedule 5
OGSTP	Ocean Grove Significant Tree Project
SLO7	Significant Landscape Overlay Schedule 7
SLO7 Assessment	Assessment of Tree Cover for Significant Landscape Overlay Schedule 7, Ocean Grove
SLO15	Significant Landscape Overlay Schedule 15
SPPF	State Planning Policy Framework
Structure Plan	Ocean Grove Structure Plan December 2015 (amended Sept 2016)
VPP	Victoria Planning Provisions

## Overview

Amendment Summary	
<b>The Amendment</b>	Greater Geelong Planning Scheme Amendment C349
<b>Common name</b>	Ocean Grove Significant Tree Project
<b>Brief description</b>	The Amendment implements the recommendations of the Ocean Grove Significant Tree Project Final Report 2016.
<b>Subject site</b>	Ocean Grove
<b>The Proponent</b>	City of Greater Geelong
<b>Planning Authority</b>	City of Greater Geelong
<b>Authorisation</b>	By letter dated 18 January 2017
<b>Exhibition</b>	16 March to 18 April 2017
<b>Submissions</b>	Number of Submissions: 74 Opposed: 31 See Appendix A

Panel Process	
<b>The Panel</b>	Michael Ballock (Chair), Robin Crocker.
<b>Directions Hearing</b>	Thursday 14 September 2017 Greater Geelong Council Offices 100 Brougham Street Geelong
<b>Panel Hearings</b>	Monday 30 and Tuesday 31 October 2017 City Hall 30 Gheringhap Street, Geelong
<b>Site Inspections</b>	Unaccompanied, Thursday 26 October 2017
<b>Appearances</b>	See Table 1
<b>Date of this Report</b>	13 December 2017

## Executive Summary

### (i) Summary

Greater Geelong Planning Scheme Amendment C349 (the Amendment) proposes to implement the Ocean Grove Significant Tree Project Final Report 2016 and applies to land in the older part of Ocean Grove known as the Significant Tree Area and the Hillside/Coastal Fringe Area. The Amendment makes extensive use of the schedules to the Significant Landscape Overlay and Neighbourhood Residential Zone to guide the building height, site cover percentage and building setbacks for new development in these two areas.

More specifically, the Amendment seeks to:

- introduce the General Residential Zone Schedule 3
- introduce the Neighbourhood Residential Zone Schedule 4
- introduce the Neighbourhood Residential Zone Schedule 5
- rezone land from General Residential Zone Schedule 2 to Neighbourhood Residential Zone Schedule 4 and 5
- introduce the Significant Landscape Overlay Schedule 15
- amend the Significant Landscape Overlay 7 and the area affected
- amend the Design and Development Overlay Schedule 14 and the area affected
- amend Clause 21.14
- amend Clause 22.63.

The key issues raised in submissions deal with the restrictions introduced by the proposed controls, the impact on the potential development of sites affected by the controls and the proposed post exhibition replacement of the General Residential Zone Schedule 3 with Neighbourhood Residential Zone Schedule 5.

Post exhibition, a number of changes were made to the exhibited Amendment. Some of these changes were in response to submissions. The most significant of these was the proposal to rezone areas of General Residential Zone Schedule 3 to Neighbourhood Residential Zone Schedule 5. Council submitted that Amendment VC110, which was gazetted during the exhibition period of Amendment C349, altered the appropriateness of the exhibited General Residential Zone Schedule 3 and it proposed to replace the exhibited General Residential Zone Schedule 3 with the Neighbourhood Residential Zone Schedule 5. As a consequence, Council undertook a further notification of the affected properties and a further 54 submissions were received.

The Panel has considered all submissions to the Amendment including those made to the proposed post exhibition changes as well as all submissions made during the Hearing.

The Panel concludes:

- the work on which the Ocean Grove Significant Tree Project is based provides a sound quantitative basis for the determination of zones and overlays proposed by the Amendment
- in the context of the Ocean Grove Significant Tree Project, the new schedules to the zones and overlays are appropriate

- the application of the zones and overlays is appropriate subject to the changes outlined in the report.

**(ii) Recommendations**

**Based on the reasons set out in this Report, the Panel recommends that Greater Geelong Planning Scheme Amendment C349 be adopted as exhibited subject to the following:**

- 1. Review the provisions and schedules of the Amendment during finalisation of the Amendment to ensure they are consistent with the Ministerial Direction on the Form and Content of Planning Schemes (May 2017).**
- 2. Replace the exhibited Neighbourhood Residential Zone Schedule 4 with the revised Neighbourhood Residential Zone Schedule 4 submitted as part of Document 3 (Appendix C).**
- 3. Insert a new Schedule 5 "Ocean Grove Hillside and Coastal Fringe Area" to Clause 32.09 Neighbourhood Residential Zone submitted as part of Document 3 (Appendix D)**
- 4. Rezone areas 4, 5 and 10 from General Residential Zone Schedule 2 to Neighbourhood Residential Zone Schedule 5.**
- 5. Rezone Area 6 from Residential Growth Zone Schedule 3 to General Residential Zone Schedule 3**
- 6. Replace the exhibited Significant Landscape Overlay Schedule 7 with the Panel recommended Significant Landscape Overlay Schedule 7 submitted as part of Document 3 (Appendix E).**
- 7. Replace the exhibited Significant Landscape Overlay Schedule 15 with the Panel recommended Significant Landscape Overlay Schedule 15 Submitted as part of Document 3 (Appendix F).**
- 8. Provide a definition of soft landscaping in the Significant Landscape Overlay Schedules 7 and 15.**
- 9. Replace the exhibited Clause 22.14 with the Panel recommended Clause 22.14 submitted as part of Document 3 (Appendix G).**
- 10. Replace the Ocean Grove Increased Housing Diversity Area map in Clause 22.63 with the Panel recommended Ocean Grove Increased Housing Diversity Area map submitted as part of Document 3 (Appendix H).**

# 1 Introduction

## 1.1 The Amendment

### (i) Amendment description

Amendment C349 to the Greater Geelong planning scheme (the Amendment), as exhibited, proposes to:

- amend Clause 21.14 Bellarine Peninsula
- insert a new Schedule 3 "Ocean Grove Hillside Area" to Clause 32.08 General Residential Zone (GRZ3)
- insert a new Schedule 4 "Ocean Grove Significant Tree Area" to Clause 32.09 Neighbourhood Residential Zone (NRZ4)
- rezone areas 1, 2 and 3 from General Residential Zone Schedule 2 (GRZ2) to Neighbourhood Residential Zone Schedule 4
- rezone areas 4 and 5 from GRZ2 to GRZ 3
- rezone area 6 from Residential Growth Zone Schedule 3 (RGZ3) to GRZ3
- rezone area 10 from GRZ2 to RGZ3
- insert a new Schedule 15 "Ocean Grove Significant Tree Residential Area" to Clause 42.03 Significant Landscape Overlay (SLO15)
- delete DDO14 from Area 1
- apply the SLO15 to areas 1,2 and 3
- amend Schedule 7 "Ocean Grove Hillside Area" to Clause 42.03 Significant Landscape Overlay (SLO7)
- delete SLO7 from areas 3, 7, 9 and 10
- apply Design and Development Plan Overlay Schedule 14 (DDO14) to areas 7 and 10
- amend Planning Scheme Maps 81, 82, 81DDO, 82DDO, 81SLO and 82SLO.

Post exhibition the Council proposed to:

- insert a new Schedule 5 "Ocean Grove Hillside and Coastal Fringe Area" to Clause 32.09 Neighbourhood Residential Zone (NRZ5)
- rezone areas 4 and 5 from GRZ2 to NRZ5
- rezone area 6 from RGZ3 to NRZ5
- rezone area 10 from GRZ2 to NRZ5
- amend the exhibited SLO7 and SLO15
- amend the exhibited Clause 21.14
- amend Clause 22.63.



Figure 1: Land in Ocean Grove to which the Amendment applies

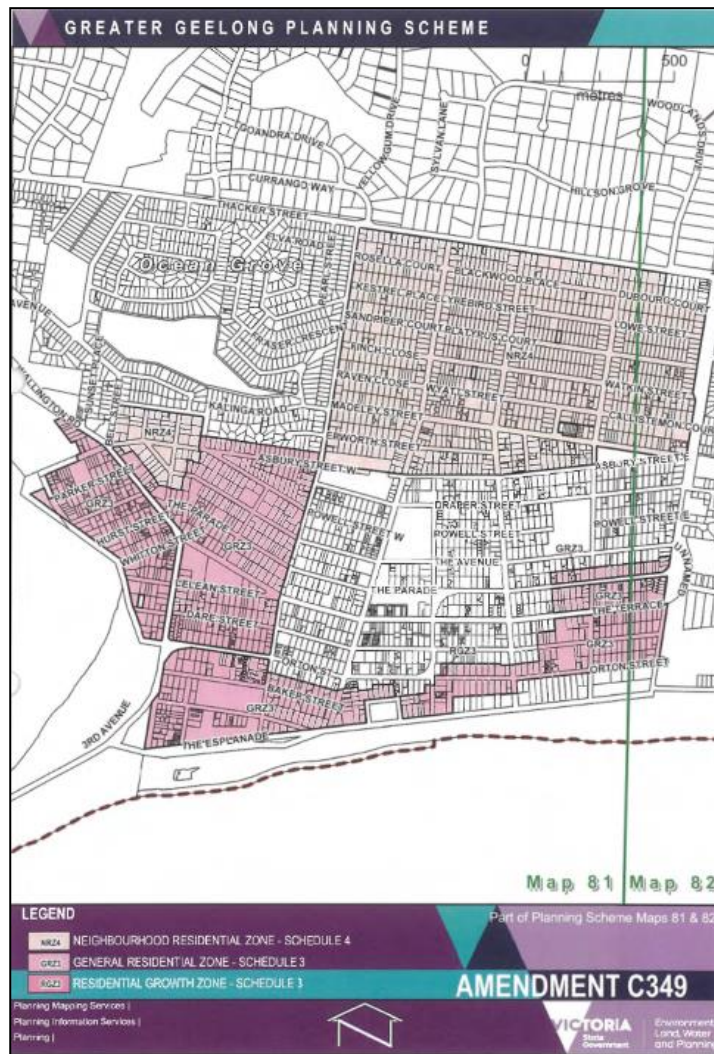


Figure 2: Exhibited zoning map





Figure 5: Exhibited Significant Landscape Overlay Schedule 7 deletions



Figure 6: Design and Development Overlay Schedule 14- included



Figure 7: Design and Development Overlay Schedule 14 - deleted

## (ii) Purpose of the Amendment

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

## (iii) The subject site

The Amendment applies to land shown in Figure 1. The land affected by the Amendment is in the older part of Ocean Grove and can be broken into two areas:

- the Significant Tree Area
- the Hillside Area and Coastal Fringe Area which is defined by the current extent of SLO7. In response to submissions Council combined these into a single area that it referred to as the Hillside Area.

These two areas were then separate investigation areas addressed by vegetation surveys undertaken as part of the Ocean Grove Significant Tree Project (OGSTP.)

The Significant Tree Area is mostly bounded by Thacker Street, Tuckfield Street, Asbury Street East and Field Street North and located largely in the older part of Ocean Grove northeast of the town centre. A smaller parcel further west is located between Blackwell Street and Asbury Street West. The Significant Tree Area is made up of Areas 1, 2 and 3 in Figure 1.

The Hillside Area is bounded on the west by the Barwon River and Wallington Road, the south by the coastal foreshore reserve and the east by Tuckfield Street. The Hillside Area is made up primarily of Areas 4 to 6 and 8 in Figure 1.



Figure 8: The area covered by Amendment C349

## 1.2 Panel process

Greater Geelong Planning Scheme Amendment C349 (the Amendment) was prepared by the Greater Geelong Council (Council) as Planning Authority.

The Amendment was prepared by the Council and was authorised by the Department of Environment, Land, Water and Planning (DELWP) on 18 January 2017. This letter authorised the amendment subject to adding the following wording in Clause 4.0 of the SLO15 under the heading *Landscaping*:

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

The Amendment was placed on public exhibition from 16 March to 18 April 2017. A total of 20 submissions were received with 9 opposing the Amendment. On 27 March 2017 Amendment VC110, which made changes to the maximum building heights, garden areas and number of dwellings per lot, was gazetted. Council submitted that Amendment VC110 altered the appropriateness of the proposed GRZ3 and it proposed to replace the exhibited GRZ3 with the NRZ5. Council undertook a further notification of the affected properties from 10 to 31

August 2017 and a further 54 submissions were received of which 22 opposed the proposed change to a NRZ5.

Post exhibition, and in response to submissions, Council proposed further modifications to the following exhibited provisions of:

- Clause 21.14
- NRZ4
- SLO7
- SLO15.

Council also proposed modification of Clause 22.63 by replacing the Ocean Grove Increased Housing Diversity Area map.

The Panel Hearing was held in the offices of the City of Greater Geelong on 30 and 31 October 2017. Those in attendance at the Panel Hearing are listed in Table 1.

Table 1 Parties to the Panel Hearing

Submitter	Represented by
City of Greater Geelong	Mr Stuart Thiele, Strategic Planner and Ms Jani Chalmers, Senior Strategic Planner, who called the following expert witness: <ul style="list-style-type: none"> <li>• Mr John Glossop of Glossop Town Planning providing town planning evidence</li> </ul>
Yebba Investments Pty Ltd	Ms Jane Sharp of Counsel and Mr Ross Closter
Mr Brian Head	
Wynndean Holiday Resorts	Mr David and Ms Sarah Wynn
Mr Don and Ms Jeanette Brown	
Mr Malcolm and Ms Faye Grant	

### 1.3 Procedural issues

Ms Sharp submitted that the proposed post exhibition modification to replace the GRZ3 with a NRZ5 amounted to a transformation of the Amendment. The Panel does not support this view for the reasons outlined in Section 4.

### 1.4 Background to the proposal

The OGSTP was carried out at the same time as the review of the 2007 Ocean Grove Structure Plan and development of the 2015 Ocean Grove Structure Plan. The 2007 Structure Plan identified a number of issues and concerns with SLO7 and made recommendations on how to address them. Council submitted that the Ocean Grove community also identified a desire to protect and enhance significant vegetation in the older parts of the township.

Council stated that the OGSTP aimed to identify and protect, through planning controls, the unique coastal/bush landscape character within the well-established areas of the township of Ocean Grove. Council advised the Panel that to help inform the project, ecological consultants, Okologie, were appointed in June 2015 to undertake vegetation surveys to identify the extent of significant trees on public and private land and to make recommendations regarding vegetation protection.

Two areas were identified for investigation: a part of old Ocean Grove referred to in the project as the Significant Tree Area, and the Hillside Area or area covered by the SLO7. Vegetation surveys were conducted in these areas between July and September 2015.

Vegetation surveys by Okologie, as part of the OGSTP, recorded 1050 significant trees on private land and 517 significant street trees within the Significant Tree Area; and 1330 significant trees on private land and 233 significant street trees in the Hillside Area. The significant trees comprised a mix of indigenous trees and other Australian native trees. Of note in the Significant Tree Area was the Bellarine Yellow-Gum, endemic to the Bellarine and Surf Coast and listed as threatened in Victoria. Okologie identified the population of these trees in the study area as significant and Council submitted that management is important for the survival of the species. This is dealt with in more detail in Section 3.

Council advised that along with vegetation surveys a background report was prepared to help inform the draft planning controls. The background report identified three precincts each with proposed customised planning controls which were:

- the Significant Tree Area
- Hillside Area
- Coastal Fringe Area.

Changes to zones, changes to SLO7 controls and new overlays (SLO15) for the Significant Tree Area and SLO16 for the Coastal Fringe Area were recommended by the background report and some of the material was incorporated into the Final Report.

## **1.5 Summary of issues raised in submissions**

The key issues raised in the submissions of the various parties are briefly summarised as follows:

### **(i) Planning Authority**

The key issues for the Council were:

- the identified need to reduce impacts of development on landscape character and tree populations in older parts of Ocean Grove
- changes to the residential zones introduced by Amendment VC110
- whether the GRZ3 or the NRZ5 is the appropriate control
- whether the proposed changes amount to a transformation of the Amendment
- the appropriateness of the exhibited amendment and the post exhibition changes.

### **(ii) Individual submitters or groups of submitters**

The key issues by submitters were:

- the proposed post exhibition replacement of the GRZ3 with NRZ5
- the restrictiveness of the proposed controls
- the impact on the potential development of sites affected by the controls.

## **1.6 Issues dealt with in this report**

The Panel considered all written submissions made in response to the exhibition of the Amendment as well as the post exhibition submissions together with further submissions, evidence and other material presented to it during the Hearing, and observations from site visits.

The Panel has reviewed a large volume of material. The Panel has had to be selective in referring to the more relevant or determinative material in the report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

This report deals with the issues under the following headings:

- Planning context
- The Ocean Grove Significant Tree Study
- The proposed Neighbourhood Residential Zones Schedules 4 and 5
- Significant Landscape Overlay Schedules 7 and 15
- Other issues.

## 2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed Council's response and the policy context of the Amendment, and has made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

### 2.1 Policy framework

#### (i) State Planning Policy Framework

**Clause 11.14-1** (Localised planning statements), which aims 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.

**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 is endemic to the area.

**Clause 15.01-5** Cultural identity and neighbourhood 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.

#### (ii) Local Planning Policy Framework

Council submitted that the Amendment supports the following local planning objectives:

**Clause 21.05-3** Biodiversity includes relevant strategies such as: *"Ensure that landuse and development minimises the fragmentation of areas of native vegetation and other habitats."*

**Clause 21.06-4** Neighbourhood character 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** 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.

#### (iii) Other planning strategies or policies used in formulating the Amendment

### 2.2 Planning scheme provisions

#### (i) Zones

The Amendment proposes to rezone land to the GRZ3, NRZ 4, NRZ5 and RGZ3. All zones and overlays have a common purpose which is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

The purpose of the GRZ is:

- *To provide housing at increased densities in buildings up to and including four storey buildings.*
- *To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.*
- *To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.*
- *To ensure residential development achieves design objectives specified in a schedule to this zone.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The purpose of the NRZ is:

- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The purpose of the RGZ is:

- *To provide housing at increased densities in buildings up to and including four storey buildings.*
- *To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.*
- *To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.*
- *To ensure residential development achieves design objectives specified in a schedule to this zone.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

## **(ii) Overlays**

The purpose of the Significant Landscape Overlay is:

- *to identify significant landscapes*
- *to conserve and enhance the character of significant landscapes.*

The Amendment proposes to change the Nature and Key elements of landscape for the SLO7 to:

*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 the threatened Bellarine Yellow-Gum *Eucalyptus leucoxylon* subsp. *bellarinensis* which is endemic to the Bellarine Peninsula and Surf Coast. The retention of these trees is important for the ongoing survival of the species.*

*The incremental loss of trees and the provision of inadequate space for the re-establishment of 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 any Australian native tree 3 or more metres in height.*

The Amendment proposes to change the Nature and Key elements of landscape for the SLO15 to:

*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.*

*Trees include the threatened Bellarine Yellow-Gum *Eucalyptus leucoxylon* subsp. *bellarinensis* which are endemic to the Bellarine Peninsula and Surf*

*Coast. The residential streetscape and private gardens within the 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 canopy trees has the potential to change the character of the area over time. The retention of existing and establishment of new canopy trees will help integrate and reduce the impact of new development on the landscape character.*

*For the purposes of this Schedule, a significant tree is any Australian native tree 3 or more metres in height.*

The purpose of the Design and Development Overlay is:

- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

The Design objective of the Design and Development Overlay Schedule 14 is:

*To ensure that the siting, height and visual bulk of dwellings achieves a reasonable sharing of views between properties to significant landscape features such as the coast (ocean and foreshore), Corio Bay, Barwon River, Central Geelong, Barrabool Hills and the You Yangs.*

## **2.3 Ministerial Directions**

### **(i) Ministerial Directions**

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

#### **Ministerial Direction No 11 - Strategic Assessment of Amendments**

The Amendment is consistent with Ministerial Direction 11 (Strategic Assessment of Amendments) and Planning Practice Note 46 (Strategic Assessment Guidelines).

#### **The Form and Content of Planning Schemes (s7(5))**

The Panel notes that a new version of the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the *Planning and Environment Act 1987* was released on 24 May 2017. Neither the Council nor the Panel have undertaken a full review of the Amendment in accordance with the revised Direction. This should be undertaken by Council in conjunction with DELWP following consideration of the recommendations of the Panel.

#### **Ministerial Direction No 17 - Localised Planning Statements**

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

## **2.4 Discussion**

The Panel considers that the Ocean Grove Significant Tree Project is a significant piece of work and provides a sound basis for the Amendment. The two surveys of trees undertaken in 2015 and the Final Report provide sound strategic and quantitative basis for the determination of zones and overlays proposed by the Amendment and provides for ongoing protection and enhancement of trees in the older parts of Ocean Grove.

## **2.5 Conclusion**

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework, and is consistent with the relevant Ministerial Directions. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in this report as discussed in the following chapters.

## **2.6 Recommendations**

The Panel makes the following recommendation:

- 1. Review the provisions and schedules of the Amendment during finalisation of the Amendment to ensure they are consistent with the Ministerial Direction on the Form and Content of Planning Schemes (May 2017).**

## 3 The Ocean Grove Significant Tree Study

### 3.1 The issue

The issue is whether the Ocean Grove Significant Tree Study provides an appropriate foundation for the development of the planning controls proposed by the Amendment.

### 3.2 Evidence and submissions

Council identified community support for the protection and enhancement of the coastal and bush character of Ocean Grove, particularly in older parts of Ocean Grove. Conversely, some residents made submissions expressing concern at perceived constraints on development.

The consultation undertaken by Council included:

- a community engagement program undertaken in association with the 2007 Ocean Grove Structure Plan and its review in 2015, and related Council planning projects
- informal consultation on draft planning controls in April/May 2016 including mail outs, information sessions, online information and newspaper articles inviting input (26 submissions were received)
- further consultation was undertaken in August 2017 following statewide changes to residential zoning in planning schemes, with letters sent to affected landowners and information provided on Council's website (54 submissions were received).

Council submitted that aerial photography shows that tree cover has declined substantially across parts of Ocean Grove since the 1950s. Some recent residential developments have continued this trend with adverse impacts on ecological values and landscape character. Council noted that some recent development has seen a loss of vegetation and an increase in multi-dwelling and multi-storey housing.

To document existing ecological, arboricultural and landscape values, two tree surveys were undertaken for Council by Okologie Consulting in 2015. These aimed to assess trees in two identified areas. The surveys were:

- Assessment of Tree Cover for Significant Landscape Overlay – Schedule 7, Ocean Grove.* This covered the Hillside and Coastal Fringe Areas.
- Ocean Grove Significant Residential Tree Project.* This covered the northeast area of old Ocean Grove or Significant Tree Area.

#### (i) Hillside and Coastal Fringe Survey

In this survey, significant trees were defined as all indigenous trees greater than 3 metres tall and native trees greater than 5 metres. Trees on private land were assessed from road reserves and aerial photos, limiting identification to indigenous or planted natives. The survey did not assess patches of remnant vegetation or tree health.



Figure 9: Significant trees in the Coastal Fringe area

The study area was considered to include three Ecological Vegetation Classes (EVCs): Coastal Dune Scrub (EVC 160), Coastal Alkaline Scrub (EVC 858) and Grassy Woodland (EVC 175). A botanical survey of the coastal reserve immediately south and southwest of the study area provides additional information on indigenous vegetation in the area (Barwon Coast Vegetation Management Plan, Barwon Coast Committee of Management, 2013). Council stated at the Hearing that no detailed vegetation survey has been undertaken for the Ocean Grove area.



Figure 10: Significant trees and other vegetation on private land in Coastal Fringe area (Wynndean Caravan Park)

The tree survey identified a total of 233 significant street trees comprising 114 indigenous trees and 119 planted native trees. The most common indigenous trees were Coast Tea-tree (75 per cent) and Bellarine Yellow-Gum (13 per cent). The majority of street trees were of low conservation significance, with 14 per cent of high conservation significance.

On private land, 1330 significant trees were identified comprising 772 indigenous trees and 558 planted native trees.



Figure 11: Part of Hillside area viewed from coastal reserve

Of critical importance, two threatened species were recorded in the survey – the Bellarine Yellow-Gum *Eucalyptus leucoxylon* subsp. *bellarinensis*, listed as Endangered in Victoria and Threatened under the *Flora and Fauna Guarantee Act 1988*, and Coast Wirilda *Acacia uncifolia* listed as Rare in Victoria. The Bellarine Yellow-Gum was once widespread on the Bellarine Peninsula but now occurs mainly as isolated trees. The study noted that clearing for residential development and inadequate regeneration are key threats to the species. Retention and protection of individual trees, allocation of adequate space for the replacement of canopy trees, and an ongoing planting program were recommended.

#### **(ii) North-east survey (Significant Tree Area)**

In this survey, ‘significant trees’ were also identified as indigenous trees greater than 3 metres tall and native trees greater than 5 metres. More detailed assessment criteria for street trees were applied included health, structure and useful life expectancy. Trees on private land were assessed as indigenous or planted native, and rated as of high, moderate or low significance. The assessment did not include patches of remnant vegetation.

The study area was considered to have been predominately Grassy Woodland (EVC 175) at the time of European settlement. Existing remnant trees provide habitat for a range of common bird species and mammal species, as well as contributing to landscape character.



Figure 12: Significant Bellarine Yellow-Gum street trees in north-east area

A total of 517 significant street trees was recorded, comprising 362 indigenous trees and 155 planted native trees. Bellarine Yellow-Gum was the most common indigenous street tree with 269 trees recorded (74 per cent). The tree health assessment found that 69 per cent of indigenous trees were of good health and 74 per cent were of high significance. Five trees supported hollows for fauna habitat. Of planted native street trees, 78 per cent were of good health but 69 per cent were of low significance.

A total of 1050 significant trees were recorded on private land consisting of 480 indigenous trees and 570 planted native trees. Of the indigenous trees, 92 per cent were of high significance.



Figure 13: Significant trees on private land in north-east area

The study found that recent residential development has resulted in loss of canopy tree cover throughout the township, with some streets devoid of indigenous trees. Damage to tree root zones, associated with development, and incremental removal were contributing factors. Other threats to Bellarine Yellow-Gum included canopy dieback and hybridisation with *Eucalyptus leucoxylon* (not the subspecies) planted as specimen trees.

The protection and management of Bellarine Yellow-Gum in residential areas of Ocean Grove was seen as “... *crucial to the long-term conservation of the species.*” Maintaining the substantial canopy tree cover was seen as a priority “... *to maintain the unique coastal and vegetated character of the township.*”

Council advised that the recommended actions included the use of planning provisions to protect and manage significant vegetation to “... *maintain and strengthen the ecological values and the vegetated characteristic of the township.*” A tree replacement strategy was also recommended.

The two surveys provided an important input into the Final Report which discussed existing vegetation and planning factors including site coverage, dwelling size, planning approvals and controls.

Mr and Ms Wynn from Wynndean Holiday Resorts Pty Ltd submitted that photographs dating back to 1895 indicate that there was little indigenous vegetation near the coast and that the tree surveys should have acknowledged this. Council responded that the surveys were based on the value of existing native or indigenous vegetation, whether remnant or planted. The submitters also stated that street trees have almost disappeared in the coastal area, replaced by pest weed species, and that prolific weed growth threatens both street trees and trees on private land. Council advised that it has a municipality-wide street tree strategy, but few resources to implement this in Ocean Grove at present. The submitters also suggested that the age of trees should have been assessed and expressed concern about the status of Coast Tea-tree in the survey. Tree age was not a key attribute in the surveys, and botanists generally agree that Coast Tea-tree is endemic to parts of the Victorian coast, and can be regarded as an environmental weed outside these areas. The Wynndean submission also raised concerns about problems in enforcing tree protection regulations.

Ms Sharp for Yebba Investments Pty Ltd submitted that the character of the Township is not “... *currently undergoing dramatic or detrimental change from a vegetated character to one that is noticeably lacking in vegetation*”.

Mr Head submitted that the Areas 2 and 3 in the Amendment (north-east of Wallington Rd) have a special bush garden character that is being adversely affected by recent ‘*moonscaping*’ of some lots. He fully supported the Amendment stating that new buildings in the area require generous setbacks for retention and replanting of native vegetation.

Mr and Mrs Brown did not support any increase in areas set aside for gardens arguing that other residents have been able to develop their land with few constraints and that some people want less garden maintenance than in the past.

A small number of other submissions offered comments related to the tree survey reports. DELWP suggested listing the Coastal Moonah Woodland vegetation community in appropriate SLOs.

Ms Holmes queried whether Council had carried out an audit on the trees to be protected. Council provided a detailed explanation of the method used by Okologie.

Several submissions commented on the adverse impact of recent development on vegetation and streetscapes, and on inadequate enforcement of SLO overlays by Council. Some suggested that Council has failed to adequately regulate housing development.

Most of the post-exhibition written submissions in August 2017 related to the issue of building height but several, such as Ms Thomas, supported protection of trees, she added:

*We have beautiful Yellow Gums on our property that are estimated to be over 100 years old, but sadly there are few remaining stands of gums left in our neighbourhood. I support everything that can be done to protect existing trees and encourage planting of new trees, and limiting over-development of land.*

### **3.3 Discussion**

Community consultation undertaken for the OGSTP identified community support for the protection of significant trees, particularly in old Ocean Grove. Some submitters were passionate about the value of trees, seeing them as a vital part of Ocean Grove's special character. At the same time, many other submissions raised issues about possible constraints on development.

The mapping of significant trees on road reserves and private land undertaken in the surveys provides a reasonably comprehensive basis for the determination of zones and overlays to regulate future development to ensure protection. Very few submitters challenged the method and general findings of the surveys although the Panel noted some limitations including concentration on individual trees, limited assessment of relevant tree attributes and limited focus on future vegetation management.

The OGSTP is in effect made up of three reports. The first two are the tree surveys undertaken by Okologie and the third the Final Report which analyses the survey results and recommends planning controls.

The Panel accepts that the methodology used was logical, appropriate and sound. The Panel notes that a consistent survey methodology was used in both areas and trees on private property were assessed from the road reserve. The Final Report uses the survey data to assess the impact of site coverage and other controls on tree retention. In so doing the OGSTP provides a sound basis to review existing control and recommend changes.

### **3.4 Conclusions**

The Panel concludes:

- the two surveys of trees undertaken in 2015 provide a sound quantitative basis for the determination of zones and overlays to provide for ongoing protection and enhancement of trees, particularly indigenous canopy trees including the endangered Bellarine Yellow-Gum
- the Final Report provides an appropriate foundation for the development of the planning controls proposed by the Amendment
- Council should consider appropriate resource allocation to support implementation of the proposed amendment ensuring adequate street tree planting, and tree maintenance and replacement on public land.

## 4 The proposed Neighbourhood Residential Zone Schedules 4 and 5

### 4.1 The issue

The exhibited Amendment proposed that the following areas (Figure 1) be rezoned:

- areas 1, 2 and 3 from GR22 to NRZ4
- areas 4 and 5 from GR22 to GRZ3
- area 6 from RGZ3 to GRZ3
- area 10 from GR22 to GRZ3.

Post exhibition, Council proposed that the NRZ5 be substituted for the GRZ3, which would mean Areas 4, 5, 6 and 10 would be rezoned to the NRZ5 and not the GRZ3 as exhibited.

The issue is whether the application of the Neighbourhood Residential Zone Schedule 4 and Schedule 5 are appropriate, and whether the proposed rezonings to NRZ4 and NRZ5 are appropriate.

### 4.2 Evidence and submissions

Council informed the Panel that the changes to the residential zones affected two broad areas of Ocean Grove. The first was what it identified as the Hillside Area, which was the area generally south of the town that was covered by the SLO7. The second was the Significant Tree Area, which was to the north and northeast of the town. Both of these areas are currently covered by the GRZ2. Council submitted that the GRZ2 applied to “*incremental change areas with a garden character*” while the RGZ applied to land identified in the Increased Housing Diversity Area (IHDA) by the 2007 Housing Diversity Strategy.

Council submitted that the recommendation for the NRZ4 for the Significant Tree Area came from the Final Report. With respect to the Significant Tree Area the report stated:

*The preferred option is to rezone the area to NRZ new schedule 4, as it better reflects the unique and significant vegetated character of the area. It also recognises that this area is not an area identified for significant or moderate development.*

Council stated that, based on the work undertaken by the OGSTP, it had taken the view that the existing controls did not provide sufficient protection for the retention of existing trees or direction for the planting of new trees. The Amendment proposes changes to the maximum site coverage to better protect existing trees and provide adequate space for new trees.

With respect to the application of the GRZ3 Council submitted:

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

*More restrictive controls first proposed for the Coastal Fringe Area were replaced with the same controls proposed for the land to the north in response to the submissions on the Background Report, placing both areas in a single Hillside Precinct.*

Council advised the Panel that the State Government's Amendment VC110 (Reformed Residential Zones) introduced changes to residential zone provisions across Victoria on 27 March 2017. These changes were introduced during the exhibition of Amendment C349 and affected garden areas, building heights, neighbourhood character objectives and the number of buildings per lot. Council argued that the changes to the residential zones made the GRZ3 unsuitable for the purpose it was being introduced into Ocean Grove.

Council considered that an 11-metre maximum building height allowed development that was inconsistent with protection of the identified landscape values of the area. Council acknowledged that view sharing was addressed in application requirements for development over 7.5 metres under the SLO7, which is not a maximum building height but a permit trigger. However, maintaining the 9 metre height limit recommended by the OGSTP required the application of the NRZ because there was no scope for Council to set a lower maximum building height than 11 metres under the revised GRZ.

Council submitted that seeking to apply the most appropriate zone to an area of identified landscape significance does not undermine the outcomes sought by the Amendment VC110:

*The land proposed to be zoned NRZ5 is a very small fraction of land in the GRZ throughout the City and differs from the vast majority of the other GRZ land in being subject of an SLO. Only two other SLOs (out of the 14 other SLOs in the scheme) affect land in the GRZ (including interim SLO 15) and in each of these cases, it is also proposed to rezone that land from the GRZ to the NRZ.*

Council argued that the proposed change was consistent with the original intent of a strategically justified amendment that was already under exhibition at the time the State Government's changes to residential zones were made and the NRZ is a less restrictive zone than before Amendment VC110. Council added that the NRZ is strategically justified as the appropriate zone for the Hillside and Coastal Fringe Area, post the introduction of Reformed Residential Zones by Amendment VC110.

The Panel was advised that when submissions on Amendment C349 were considered on 1 August 2017, Council resolved to seek comments from affected landowners in the Hillside Area, regarding rezoning the area exhibited as GRZ3 to a NRZ5. Accordingly, all affected landowners (over 850) were contacted by mail and given until 31 August 2017 to comment. A total of 54 submissions were received regarding this proposed post-exhibition change of which 32 submissions supported the proposed change while 22 submissions were opposed.

#### **(i) Neighbourhood Residential Zone Schedule 4**

Mr Glossop, in his evidence, took the Panel through a detailed table comparing the existing GRZ3 and the proposed NRZ4. In summary the main differences in the NRZ4 compared to the existing GRZ3 were:

- a limit of two dwellings
- a lower permissible site coverage
- a higher permeability
- a higher requirement for landscaping area.

Mr Glossop advised that the selection of the proposed zones was guided by the Final Report. He advised the Panel that the Final Report identified both the NRZ and GRZ as suitable for the Significant Tree Area, and ultimately recommended the NRZ on the basis that:

*The preferred option is to rezone the area to NRZ new schedule 4, as it better reflects the unique significant vegetated character of the area. It also recognises that this area is not an area identified for significant or moderate development.*

Mr Glossop stated that with respect to the Hillside Area, the Final Report stated:

*The GRZ is appropriate for the hillside location given the high level of development that has already occurred and given the vegetation is not as significant as that identified in the Significant Tree Area. The new schedule to the zone aims to preserve the unique character of the area through appropriate variations including:*

- *Site coverage — decrease the standard*
- *Site permeability — increase the standard*
- *Landscaping — increase the requirements.*

Consequently, he considered that the *exhibited zones controls “were selected and drafted effectively to implement the findings of the Significant Tree Project”* and acknowledged that Amendment VC110 necessitated the reconsideration of the controls proposed for the Hillside Area.

#### **(ii) Neighbourhood Residential Zone Schedule 5**

Mr Glossop stated that Amendment VC110, which was gazetted part-way through the Amendment process, altered the parent controls for the GRZ and NRZ. He advised that the change altered how planning schemes dealt with height in each zone and that the outcome for the GRZ was that the schedules could no longer apply a mandatory building height below 11 metres. As a result, Council proposed the NRZ in place of the GRZ to retain a mandatory building height limit of 9 metres as recommended by the Final Report. Mr Glossop informed the Panel that the post exhibition NRZ5 replicated the Clause 55 variations and height limit set out in the exhibited GRZ3. He noted that there was a difference in the purpose of the two zones to the extent that each zone seeks to facilitate or restrict growth.

Mr Glossop concluded, that given the application of the SLO7 to the area:

*I consider that the application of the Neighbourhood Residential Zone to Areas 4 and 5 within the Hillside Area (as adopted by Council following exhibition) is generally appropriate.*

*I have formed this view for the following reason:*

- *land generally in the Hillside Area is of a one to two storey scale*
- *the dwelling cap within the Neighbourhood Residential Zone has been removed*
- *the report nominated that a 9 metre height limit was appropriate. I am satisfied that there is a sufficient need to limit the height and scale of built form on this land to protect the identified landscape character*
- *the presence of the existing SLO identifies that the land has qualities which require a restrained built form response.*

Council submitted that one aspect of the OGSTP review of the SLO7 included consideration of those areas which were in the Ocean Grove town centre IHDA and within the SLO7 and zoned RGZ3. Council advised that it considered that the objectives of the zone and overlay were in

conflict and consequently any overlap should be removed. As a consequence, the Amendment proposed to replace the SLO7 with a DDO14 over the RGZ3. However, Council identified a small area west of Field Street, Area 6, where the Amendment proposed to retain the SLO7 and proposed to rezone this land from RGZ3 to GRZ3 and post exhibition to NRZ5:

*In resolving to change the zoning of Area 6 from RGZ3 to GRZ3, Council was in effect removing that area from the IHDA. RGZ is the only residential zone applied to other IHOAs 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 RGZ3*

Consequently, Council included Area 6 in the post exhibition change from GRZ3 to NRZ5.

However, in his evidence Mr Glossop took a different approach to Area 6 and the post exhibition proposal to rezone the land from RGZ3 to NRZ5. He stated:

*While I accept that the Significant Tree Project Final Report has identified that there is a need to apply controls to this land for its landscape value, I consider that applying the NRZ would conflict with the identified strategic role of this land and with the directions elsewhere in the planning scheme that encourage increased housing diversity and housing growth in this location.*

*In balancing the competing policy objectives, it would seem to me that it would be more appropriate to apply the GRZ (as exhibited) to this land, with an 11 metre height limit.*

*An additional decision guideline could be incorporated in the SLO to consider the effect of the height of development on the achievement of landscape character.*

*In my view, this would also allow for a transition in the scale of development from the identified Housing Diversity Area and the Hillside Areas that are identified as requiring protection by the Significant Tree Project Final Report.*

Council submitted that as a result of VC110, changes to the format of the exhibited Schedule 4 to the NRZ were required. The changes, submitted as part of Document 3 and shown in Appendix C included the introduction of neighbourhood character objectives, removal of redundant provisions and clarification of the text.

A number of submitters to the exhibited Amendment, including MS Corlette, Mr Ferrari and Ms Holmes opposed the rezoning of the GRZ2 to NRZ4. They argued that the proposed controls were unduly restrictive, particularly the site coverage and building height.

Other submitters, including Mr and Ms Crane and Ms Cahill expressed their support for the rezoning as a means of protecting the character of Ocean Grove.

Mr Grant and Mr and Ms Wynn opposed the exhibited proposed rezoning from GRZ2 to GRZ3 on the basis that the reduced permissible site cover would inhibit development and not achieve the outcome that the Council sought.

Mr Fyfe, Ms Connelly and Ms Waugh made submissions supporting the proposed rezoning to protect the existing trees and promote additional planting.

A number of post exhibition submissions, including those from Ms Anderson-Bernazzoli, Ms Artis and Mr Aston, opposed the proposed change from a GRZ3 to the NRZ5. Most of the submissions opposed the change from an 11 metre maximum height to a 9 metre maximum height as being too restrictive. Other concerns included the impact on development potential and the difficulty in complying with the height on sloping land.

Ms Conte, Ms De Cruz and Mr Drew, amongst others, supported the NRZ5 on the basis that a lower height of 9 metres would protect trees and views and maintain the character of Ocean Grove.

Ms Sharp, on behalf of Yebba Investments Pty Ltd, informed the Panel that her client owned a large site in an area with a number of existing medium density developments. She argued that it:

*... is not evident that the character of the Township is currently undergoing dramatic or detrimental change from a vegetated character to one that is noticeably lacking in vegetation. Whilst new development is prevalent in some areas and includes strong built form, it is generally located close to the Town Centre (where built form is naturally and strategically to be expected), and a balance between built form and vegetation is, as a general rule, achieved.*

With respect to the proposed rezoning, she submitted that:

- the land north of Orton Street should be retained within the GRZ
- the site coverage should remain at 60 per cent
- the requirement for two canopy trees should only apply to the parent block
- should the NRZ be appropriate it should allow for a three storey development.

Ms Sharp submitted that a landowner's expectation for the development of land would be different in a GRZ as opposed to a NRZ. The GRZ seeks to encourage development and housing diversity, while the NRZ focuses on managing development and respecting neighbourhood character, in effect tempering development.

The policy support through the Ocean Grove Structure Plan 2015 and the Final Report envisage the Hillside Area 4 as appropriate for incremental growth and not limited growth. The changes introduced by Amendment VC110 are insufficient strategic justification for Area 4 to become a limited growth area. She argued that height is only one consideration in the zone provisions and a permit trigger for buildings over 7.5 metres already exists with the SLO7.

Ms Sharp added that the reduction in the maximum site coverage in the GRZ to 50 per cent was unnecessary because of the other controls in the zone as well as those of the SLO7. She added that the Final Report did not include any analysis justifying a reduction in the maximum site coverage.

Mr Head informed the Panel that his interest was in the bush garden area known as Areas 2 and 3 and the prevention of "*inappropriate overdevelopment*". He submitted that the provisions of the Amendment, including the 9 metre height, were welcome but believed that the 7.5 metre height limit established by the SLO7 had achieved good results.

Mr and Ms Wynn made a submission on behalf of the Wynndean Holiday Resort (Wynndean) opposing the change from GRZ3 to NRZ5. Wynndean, which was established in 1944, is a family owned company that comprises 43 allotments on separate Titles adjacent to the main surf beach at Ocean Grove and provides for 236 seasonal sites. Mr and Ms Wynn's submission was that the GRZ3 provides for the "*current diversity of housing/caravans mix and allows for*

*future suitable development*” while the NRZ would be more restrictive. Mr and Ms Wynn submitted that the NRZ was more limited in the forms of accommodation permitted on the land.

Mr and Ms Wynn submitted that the Ocean Grove Structure plan supported the development of the caravan park to broaden the accommodation types available in the town. They added that increasing compliance with regulations and planning make it very difficult for a small business to operate. In their view the application of the NRZ5 would add to the cost of operating their business.

Mr and Ms Brown submitted that they have owned their property for over 30 years and intend to redevelop the property and retire, and that application of the Amendment would severely limit their ability to undertake this development. They added that the 50 per cent site coverage, the 35 per cent garden area and the 60 square metres of open space was not in keeping with any of their neighbouring properties, all of which have been developed. They submitted that the 11 metre height was required because *the “inclusion of solar power and lifts are now a major consideration in many new multi-story homes.”*

### **(iii) Transformation of the Amendment**

Ms Sharp submitted that the proposed change to the exhibited GRZ3 to NRZ5 represented a transformation of the Amendment. She added that *“it changes the Amendment in a fundamental way so that it is a different amendment to that which was exhibited.”* She acknowledged that the affected parties were notified by Council of this change but submitted that it was relevant that:

- *the number of parties notified was considerably less than those originally notified of the Amendment (850 letters compared with 2249 letters and publication in newspapers and the Government Gazette)*
- *the period for submissions was only 3 weeks*
- *it is unclear whether DELWP was made aware of the changes to the Amendment, noting that at the time of authorisation, the Amendment included Area 4 in the GRZ3.*

Ms Sharp referred to the Macedon Ranges C110 and Whittlesea C175 Panel Reports: the former made reference to the Greater Geelong Planning Scheme Amendment C129 which stated:

*The general principle applied in panel hearings is that modifications to amendments are acceptable so long as they do not result in a transformation of the proposal.*

*... What constitutes a transformation must be judged according to its own circumstances, but it would need to be something quite different to that originally proposed.*

*We think that the introduction of new zonings where the new zones would pave way for new development or lead to a new or more intensive use of the land would be a transformation of this Amendment.*

These two panel reports also referred to a number of panels that have considered what constitutes a transformation of an amendment.

### 4.3 Discussion

The purpose of the Amendment is to implement the OGSTP. There are a number of documents that make up the OGSTP, however, the Final Report analyses and details the proposed planning scheme controls proposed by the Amendment. The Final Report states:

*This project aims to address issues raised in the Ocean Grove Structure Plan and by the community more generally around protecting the unique landscape character of the town.*

The strategic justification for undertaking the OGSTP is *the Ocean Grove Structure Plan December 2015* (Structure Plan). The Panel notes that the Structure Plan identifies the Significant Tree Area with the notation:

*Investigate opportunities to preserve landscape/neighbourhood character.*

Under the heading Settlement and Housing – Directions, the Structure Plan nominates a number of actions which include:

- *Encourage incremental infill medium density housing throughout the remainder of General Residential zoned areas, subject to neighbourhood character considerations.*
- *Encourage development which respects the coastal landscape setting of Ocean Grove by providing for contemporary design that addresses the existing scale, setback, site coverage, building spacing, forms and materials of the locality and which provides for reasonable sharing of views to the coast and foreshore.*
- *Undertake a review of the older parts of the town to investigate the introduction of new planning overlay controls to protect important landscape and built form attributes.*
- *Amend the existing Significant Landscape Overlay – Schedule 7 provisions to ensure they better reflect the identified objectives of the overlay control and provide clearer guidance to the community, Council and applicants.*
- *Ensure subdivision within the areas currently covered by Significant Landscape Overlay – Schedule 7 has regard to the ability of lots to be developed in a manner which enables building site coverage and opportunities for vegetation retention or establishment in a manner consistent with the prevailing building site coverage and landscape character of the area.*
- *Encourage development that provides for additional planting, protection of significant vegetation around buildings, and minimal impacts on roadside vegetation.*

The Structure Plan identifies the need in both the Hillside and Significant Tree Areas to review the planning controls to protect significant vegetation and encourage additional planting to maintain the coastal landscape setting and character of Ocean Grove.

The OGSTP and, in particular, the Final Report reviewed the planning controls and while much of the review focused on the SLO7, which is discussed above, the Final Report provides the following background on the application of the GR22 as part of the introduction of the new residential zones:

*The General Residential Zone Schedule 2 (GRZ2) was applied to former Residential 3 Zone areas, principally in the old Ocean Grove area. The GRZ2 is used to reflect established suburban garden character and in the case of Ocean Grove, to reflect the established coastal landscape character of the old town. The GRZ2 also contains a restriction on building height of 9 metres and the requirement for larger private open space areas.*

The Final Report provides the following assessment of the suitability of the NRZ and GRZ:

*The use of the NRZ as opposed to the GRZ in the Significant Tree Area acknowledges the landscape characteristics of the area and clearly indicates this is not an area identified for increased residential development.*

*Overall it is considered accommodating growth through the use of the RGZ and GRZ and preserving what makes the town unique through the use of NRZ and existing and proposed overlays provides a reasonable balance.*

The Final Report found that in the Significant Tree Area, 87 per cent and in the Hillside Area 89 per cent of all identified trees were found on lots with a site coverage less than 35 per cent. The percentage of total lots with a site coverage less than 35 per cent in the Significant Tree Area and the Hillside Area was 64 per cent and 55 per cent respectively. In discussing site coverage, the Final Report concluded:

*Managing site coverage is seen as a practical tool for vegetation management. Site coverage encourages development to fit in with the established character of an area by discouraging; at least some tree removal, due to the fact that trees will not be the only factor limiting development potential. Any planning control regime will need to look appropriate site coverage and landscaping levels to encourage vegetation retention and space for planting in identified areas.*

On the basis of the directions provided in the Structure Plan and the analysis undertaken in the Final Report, the Panel concludes that the application of the NRZ4 as amended post exhibition, and the GRZ3, as exhibited, is strategically justified and appropriate.

The Panel acknowledges that the GRZ2 had a maximum height limit of 9 metres which is the height Council originally sought through the GRZ3 and post exhibition through the NRZ5. Council has sought a consistent approach to height control in the Hillside Area.

The Panel accepts the view expressed by Council that the schedules proposed by the exhibited GRZ3 and post exhibition NRZ5 are the same. The Panel also accepts the view expressed by Ms Sharp and acknowledged in the Final Report, that broadly speaking the purpose of the GRZ is to accommodate growth while the purpose of the NRZ is to preserve existing character. Nevertheless, the Panel concludes that the application of the NRZ5 submitted as part of Document 3 (Appendix D) is consistent with the directions provided in the Structure Plan and the recommendations of the Final Report.

The Panel does not share the view expressed by Ms Sharp that the changes amount to a transformation of the Amendment. In the Panel's view a transformation would:

- fundamentally alter the amendment
- be a matter of which affected parties would reasonably expect to be notified
- require further strategic justification.

The proposed change from a GRZ3 to NRZ5, where the schedules are basically the same, does not fundamentally alter the Amendment. Post exhibition, Council notified all affected

landowners and provided an opportunity for submissions. The Panel notes that the Hearing was rescheduled to allow this notification and consideration of submissions by the planning authority. The Final Report provides the strategic justification for the controls proposed by both the GRZ3 and NRZ5.

The Panel agrees with the analysis of Mr Glossop that the proposed NRZ5 would be in conflict with the provisions that encourage increased housing diversity and housing growth in Area 6. For this reason, it would be more appropriate to apply the GRZ3 to this area.

#### **4.4 Conclusions**

The Panel concludes:

- Areas 1, 2, and 3 should be rezoned to a Neighbourhood Residential Zone Schedule 4
- the exhibited Neighbourhood Residential Zone Schedule 4 should be replaced with the Panel recommended version submitted as part of Document 3 (Appendix C)
- Areas 4, 5 and 10 should be rezoned to a Neighbourhood Residential Zone Schedule 5
- the proposed Neighbourhood Residential Zone Schedule 5 submitted as part of Document 3 (Appendix D) is appropriate
- Area 6 should be rezoned to a General Residential Zone Schedule 3.

#### **4.5 Recommendations**

The Panel makes the following recommendations:

- 2. Replace the exhibited Neighbourhood Residential Zone Schedule 4 with the revised Neighbourhood Residential Zone Schedule 4 submitted as part of Document 3 (Appendix C).**
- 3. Insert a new Schedule 5 "Ocean Grove Hillside and Coastal Fringe Area" to Clause 32.09 Neighbourhood Residential Zone submitted as part of Document 3 (Appendix D).**
- 4. Rezone areas 4, 5 and 10 from General Residential Zone Schedule 2 to Neighbourhood Residential Zone Schedule 5.**
- 5. Rezone Area 6 from Residential Growth Zone Schedule 3 to General Residential Zone Schedule 3.**

## 5 Significant Landscape Overlay Schedules 7 and 15

### 5.1 The issue

The issue is whether the application of SLO7 and SLO15, and proposed modifications to the schedules, are appropriate.

### 5.2 Evidence and submissions

#### (i) Applicability of SLOs at Ocean Grove

Significant Landscape Overlays are widely used in Victoria to protect trees, stands of trees and significant vegetation. Mr Glossop, in his evidence, referred to the Practice Note 07 *Vegetation Protection in Urban Areas* in arguing that a SLO is the most appropriate 'primary' control to protect landscape character.

The Practice Note provides a useful overview relevant to Ocean Grove:

*Vegetation can make an important contribution to the urban environment. It may be of botanical or scientific significance or have environmental, historical, aesthetic or cultural value. Vegetation may also be important to the community in defining and contributing to the character of a city, suburb or township.*

*Often vegetation is removed or incrementally depleted if sites are redeveloped or through general maintenance of a property. These incremental changes can have an impact on the appearance of an area and result in the loss of significant vegetation.*

PPN07 discusses the various overlays used to protect vegetation including: the Vegetation Protection Overlay, Environmental Significance Overlay, Significant Landscape Overlay and the Heritage Overlay. The use of the SLO is summarised as follows:

*Its function is to identify and conserve the character of a significant landscape. The SLO is appropriate when vegetation is primarily of aesthetic or visual importance in the broader landscape and should be used where vegetation is identified as an important contributor to the character of an area.*

*The SLO also includes permit requirements for building and works, which can be applied where appropriate to assist in vegetation protection.*

*In the SLO, the schedule to the overlay must specify a permit requirement for the removal, destruction or lopping of vegetation.*

No submitters argued that alternative overlays should be applied instead of SLOs.

The purpose of SLOs and the nature and key elements of landscape for SLOs at Ocean Grove are set out in section 2.2.

#### (ii) Modifications to the SLO7

SLO7 applies to the Hillside and Coastal Fringe Area in the older part of Ocean Grove generally near the coast and south of the town centre (Figure 5). Council advised that SLO7 was first introduced in Amendment C74 in 2003 and the area slightly adjusted in Amendment C78 in 2008.

Council added that Amendment C129 (Part 1) amended Clause 21.14 to add a task to review the application of the SLO7 and Amendment C300 (Reformed Residential Zones) further changed the SLO7 controls in 2014. In addition, the 2007 Ocean Grove Structure Plan identified *“issues and concerns raised regarding the effectiveness of SLO 7 in maintaining the town’s unique coastal character since its introduction in 2003.”* Council submitted that similar issues were raised during the preparation of the 2015 Ocean Grove Structure Plan including the conflict in purpose with the IHDA land in Area 6.

Council outlined problems with the existing SLO7 which included:

- objectives and landscape character are not clearly defined
- multi-dwellings are not automatically triggered
- tree-removal triggers are not identifying low coastal vegetation
- landscape plans are not considered until after development approval.

Council described proposed revisions to the SLO7 schedule to clarify and strengthen the landscape character objective to be achieved, and the permit. The revisions are largely based on recommendations in the Final Report.

In summary, the revised objective includes:

- to conserve, enhance and reinstate the preferred character of buildings sitting within vegetated settings
- to ensure that buildings are sited and designed to avoid/minimise the removal of native/indigenous trees
- to encourage vegetated streetscapes
- to maximise opportunities for view sharing.

Permit requirements include:

- no more than 70 per cent of the site is covered by buildings and impervious hard surfaces
- at least 30 per cent of the site is available for soft landscaping (e.g. vegetation)
- buildings are set back a minimum of 2 metres from one site boundary.

Other requirements include (where appropriate):

- a permit for removal of a significant tree
- a design response plan including details of trees and views
- a landscaping plan.

Few of the 20 submissions received by Council during the exhibition period referred to SLO7. Two submissions supported the use of SLO7 to protect vegetation.

Mr Closter submitted that the side setback provisions should be cumulative so that a one metre side setback could be provided on both side boundaries to produce a cumulative total of the two metres required by the revised SLO7. John and Janice Wynn submitted that the SLO7 controls had been ineffective in retaining vegetation.

Post exhibition submissions from Mr Grant, Mr Reynolds, and Mr and Ms Wynn expressed concern that ‘the horse has bolted’ regarding vegetation protection and that the SLO7 had failed to prevent overdevelopment.

Ms Sharp submitted that the SLO7 provision requiring a building to be set back from one boundary by 2 metres be varied to refer to a cumulative 2 metre setback. This would allow for variation depending on existing vegetation, proposed vegetation, orientation and other factors. Council did not support this proposal.

DELWP suggested that reference be made to the Coastal Moonah Woodland vegetation community in the SLOs. Council submitted that this is appropriate for the SLO7, but not the SLO15.

**(iii) Interim SLO15 and proposed changes**

The SLO15 applies to the Significant Tree Area in the north-east part of old Ocean Grove and two small areas to the west (Figure 1) which are labelled as areas 1, 2 and 3.

Council advised the Panel that, on 2 March 2017, Amendment C272 to the Greater Geelong Planning Scheme was gazetted, applying SLO15 on an interim basis until 28 February 2018, replacing the previous DDO14. The exhibited SLO15 is essentially the same as the interim SLO15, with minor drafting corrections.

Council submitted that the SLO15 schedule was closely linked to the outcomes of the Significant Tree Study. In summary, the objectives of SLO15 include:

- long-term protection of significant canopy trees
- minimal impact of buildings and works on landscape character
- no removal of significant trees prior to consideration of development
- appropriate replacement planting where tree removal is approved.

These objectives need to be consolidated into a single objective to conform to the Ministerial Direction on the Form and Content of Planning Schemes (May 2017).

The schedule specifies that at least 40 per cent of any site is to be available for 'soft landscaping'. Site coverage by buildings and impervious surfaces is not specified but is nominated in the zones proposed as part of the Amendment.

Mr Glossop, in evidence, summarised the proposed application of the post-exhibition version of the Amendment to three areas:

- Area 1 (North-east area): Replace DDO14 with the exhibited SLO15 (on permanent basis). The Bushfire Management Overlay would remain where present
- Area 2 (north of Asbury St West): Apply the exhibited SLO15 (on permanent basis)
- Area 3 (south of Asbury St West): Replace SLO7 with the exhibited new SLO15.

Council argued that:

*The proposed NRZ4 and SLO 15 controls, including the proposed reduction in maximum site coverage from 60 per cent to 40 per cent, are justified and appropriate given the vegetated character and landscape values of the Significant Tree Area. While 40 per cent maximum site coverage could be onerous on existing small vacant lots, variations to maximum site coverage will be able to be considered on their merits on the few lots to which this would apply.*

Mr Head stated that SLO7 was applied to Area 3 in 2003, but Area 2 was not covered, apparently because of an oversight. He expressed concern at the loss of vegetation associated with recent development in Areas 2 and 3 and fully supported increased protection provided in the Amendment, including a minimum landscaping area of 40 per cent.

Several submissions supported landscape protection and some expressed concern about possible loss of views. Four landowners made submissions requesting changes or objecting to the proposed controls. The main issue raised was the maximum allowed site coverage.

Other concerns related to the number of canopy trees required, the impact of new two-storey dwellings, and the permit trigger for buildings not set back at least 2 metres from one side boundary. Council argued that the proposed controls are appropriate to protect identified significant trees, particularly the Bellarine Yellow-Gum, to provide space for planting new trees in new developments, and to avoid continuous built form.

In his evidence, Mr Glossop made the following comments on the SLO:

*In this regard, I consider it would be valuable and prudent to define what is meant by soft landscaping (or what is not). I note that the related permit trigger remains in the proposed SLO7 (i.e. "no more than 70% of the site is covered ..."). It is unclear to me why this requirement has been deleted from SLO15.*

*Since the Council received authorisation to prepare and exhibit the amendment, there have been changes to the Ministerial Direction on the Form and Content of Planning Schemes. As a result, there will need to be some fine-tuning of the SLO schedules in order to meet the requirements of the revised Direction. Particularly:*

- *The landscape character objectives will need to be rationalised, as the revised Direction allows a maximum of one objective.*
- *The application requirements will need to be relocated to elsewhere in the planning scheme, as the revised Direction does not allow for these requirements to be specified in the SLO. Relocating these requirements elsewhere in the planning scheme seems particularly critical to me, given that the Council has not sought to include the Significant Tree Project Final Report as a reference document in its planning scheme as part of this amendment.*

*In general, I consider that these changes can be addressed simply and without changing the overall intent of the controls.*

*Mr Glossop also noted ... that there appears to be an omission in SLO15 in that the permit requirements do not reflect the building site coverage of 40% nominated in the report. I note that the control contains a permit requirement unless: At least 40% of the site is available (free from hard surfaces) for soft landscaping (i.e. vegetation).*

### **5.3 Discussion**

As discussed in Section 3, there is broad community support for the protection of trees in the older parts of Ocean Grove. The Significant Tree Study undertaken for Council provides a sound basis for the development and modification of overlays to help ensure this protection.

The Significant Landscape Overlay is recognised as the most appropriate overlay to provide protection in the older parts of the township and was not challenged as a planning tool. The two SLO schedules, 7 and 15, were broadly accepted by submitters, with some issues raised regarding the effectiveness of overlays in the past, possible loss of views, site coverage requirements, the number of canopy trees required and boundary setbacks. Most concerns related to perceived constraints on future development.

The Panel accepts the submissions by Council setting out the basis for the schedules and the associated objective of finding a balance between landscape and tree protection, and private development.

The small number of submissions objecting to the proposed schedules suggests that Council has reached a reasonable position. Concerns raised by landowners often related to future development of land with requests for increased building footprints and/or heights. Under SLO7 and SLO15, development would still be permitted but with specific constraints to limit impacts on trees and landscape character.

The Panel finds that the controls proposed in the schedules are appropriate and, if implemented, will play an important role in providing ongoing protection of significant trees in the area covered by the overlay.

The Panel considered the matters raised by Mr Glossop and supports the following actions:

- include in SLO15 a permit requirement that “... *no more than 60 per cent of the site is covered* ...” This would be consistent with the inclusion of ‘site coverage’ requirements of SLO7
- define ‘soft landscaping’ in the SLOs. Given the importance of trees in the SLO7 and SLO15 areas, this may refer to areas of vegetation, including trees and shrubs where practicable
- rewrite existing multiple objectives for each SLO as a single objective, and relocate application requirements elsewhere in the planning scheme, to comply with the Ministerial Direction on the Form and Content of Planning Schemes (May 2017).

The Panel also observes that long-term protection and enhancement of Ocean Grove’s well-treed areas will require ongoing and effective application of these overlays and associated planning controls.

## 5.4 Conclusions

The Panel concludes:

- the use of the proposed SLOs to protect vegetation and landscape character at Ocean Grove is appropriate.
- the proposed changes to the SLO7 as shown in Appendix E are appropriate
- the proposed changes to the SLO15 as shown in Appendix F are appropriate, with the addition of the permit requirement that “... no more than 60 per cent of the site is covered,”
- a definition of soft landscaping should be added to the SLOs.

## 5.5 Recommendations

The Panel makes the following recommendations:

- 6. Replace the exhibited Significant Landscape Overlay Schedule 7 with the Panel recommended Significant Landscape Overlay Schedule 7 submitted as part of Document 3 (Appendix E).**
- 7. Replace the exhibited Significant Landscape Overlay Schedule 15 with the Panel recommended Significant Landscape Overlay Schedule 15 Submitted as part of Document 3 (Appendix F).**
- 8. Provide a definition of soft landscaping in the Significant Landscape Overlay Schedules 7 and 15.**

## 6 Other issues

### 6.1 The issue

The issue is whether the proposed changes to Clause 21.14 and 22.63 are appropriate.

### 6.2 Evidence and submissions

Council submitted that as a result of the OGSTP further minor changes were required to Clause 21.14 and 22.26. These changes were the result of:

- the Ministerial Direction on the Form and Content of Planning Schemes
- issues raised in submissions
- minor changes to wording for clarity and consistency.

#### (i) Clause 21.14

Council submitted that Amendments C129 (Part 1) and C346 introduced new work tasks to Clause 21.14. The Amendment removes the tasks completed as a result of the OGSTP and adds a new strategy. The Ocean Grove Structure Plan map at Clause 21.14-7 identifies an action in the Significant Tree Area which is to “*Investigate opportunities to preserve landscape/neighbourhood character*”. Council submitted that the Amendment implements the project carried out to implement this action.

The amended Clause 21.14 was submitted as part of Document 3 (Appendix G).

#### (ii) Clause 22.63

With respect to the change to Clause 22.63, Council submitted:

*One aspect to the OGSTP's review of the application of SLO7 was considering those areas which were in the Ocean Grove town centre IHDA (and hence zoned RGZ3), but also within SLO7. The conflicting objectives of RGZ3 zoning and SLO7 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 SLO7 and replace it with DDO14. 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 SLO7 and to rezone from RGZ 3 to GRZ3. This is now proposed to be rezoned to a new NRZ5 rather than GRZ3.*

*In resolving to change the zoning of Area 6 from RGZ3 to GRZ3, 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 RGZ3.*

The revised Ocean Grove IHDA map is contained in Appendix H and was submitted as part of Document 3.

### **(iii) Design and Development Overlay Schedule 14**

The Panel notes that the Design and Development Overlay Schedule 14 (DDO14) is to be removed from Area 1 and applied to Areas 7 and 10. Council advised the Panel that no changes were proposed to the Schedule of the DDO14. In effect the Amendment would remove the DDO14 from most of the Significant Tree Area.

The Final Report stated:

*DDO14 affects areas of the Ocean Grove township with access to views. It triggers a permit for dwellings over 7.5 metres ensuring that the siting, height and visual bulk of dwellings achieves a reasonable sharing of views between properties to significant landscape features.*

No submissions were made on the changes to the areas affected by the DDO14.

## **6.3 Discussion**

The Panel accepts that the changes proposed for Clause 21.14 and 22.63 are necessary for clarity and consistency.

The Panel has considered and accepted the rezoning of Area 6 to a GRZ3 and acknowledges that the IHDA map should be altered accordingly.

The Panel is satisfied that the application of the DDO14 to Areas 7 and 10 is appropriate in conjunction with the removal of the SLO7 from these Areas. In addition, the replacement of the DDO14 with the SLO15 is appropriate in Area 3.

## **6.4 Conclusions**

The Panel concludes:

- the changes to Clause 21.14 are appropriate (Appendix G)
- the change to Clause 22.63 is appropriate (Appendix H)
- the replacement of DDO14 by DDO15 in Area 3 is appropriate
- the changes to the areas affected by the DDO14 are appropriate.

## **6.5 Recommendations**

The Panel makes the following recommendations:

- 9. Replace the exhibited Clause 22.14 with the Panel recommended Clause 22.14 submitted as part of Document 3 (Appendix G).**
- 10. Replace the Ocean Grove Increased Housing Diversity Area map in Clause 22.63 with the Panel recommended Ocean Grove Increased Housing Diversity Area map submitted as part of Document 3 (Appendix H).**

## Appendix A Submitters to the Amendment

No.	Submitter
1	Graham Boal
2	Monique Cahill
3	Ross Closter
4	Pamela Connelly
5	Margaret Corlette
6	Greg Cowan
7	Beverley and Brian Crane
8	Dept of Environment, Land, Water and Planning
9	EPA Victoria
10	LC Falciglia
11	Travis Ferrari
12	Roger Fyfe
13	Malcolm Grant
14	Brian Head
15	Beverley Holmes
16	Laurel Hynes
17	Shane Pitt
18	Robert Reynolds
19	Caryll Waugh
20	John and Janice Wynn
21	Elizabeth Anderson - Bernazzoli
22	Sarah Artis
23	Dale Aston
24	Dominic Bagnato
25	Tino Ballan
26	Body Corporate RP 4002
27	Don and Jeanette Brown
28	Ross Closter
29	Susan Conte
30	Elizabeth and David Curtain

31	Maree De Cruz
32	Geraldine and Philip Dewhurst
33	Michael Drew
34	Jennifer Foster
35	Roger Fyfe
36	John Grant Nominees
37	Sheree Gray
38	George Hajduk and Annmaree Darbyshire
39	Colin and Marion Hardwick
40	Mark Hardwick
41	Jeni Holmes
42	Raelee Hunter
43	Robert Jost
44	Warren Jowers
45	Glen Kempe
46	Michael Kottek
47	Barbara Lee
48	Michelle, Michael and Nicole Loader
49	Pauline Messenger
50	Helen Pang
51	Stephen Park
52	Ian R and Lynette D Pattison
53	Gary Pearce and Susan Rawling
54	Roy Preece
55	William Robertson
56	Graeme Robin
57	Salih
58	Robyn Smith
59	Faye Tandy
60	Elizabeth and Neil Teese
61	Jane Thomas
62	Leon Trethowan
63	Dean Trickey

64	Tiffany Trickey
65	Harold Vallance
66	Sam Van Deuren
67	Dawn Wade
68	Paul Whelan
69	Merridy Witkowski
70	James Woodburn
71	Geoff and Ruby Wookey (Lot 1)
72	Geoff and Ruby Wookey (Lot 2)
73	Roger Wynn
74	Wynndean Holiday Resorts Pty Ltd

## Appendix B Document list

No.	Date	Description	Tabled by
1	23/10/17	City of Greater Geelong Part A submission	Mr S. Thiele
2	30/10/17	Map of submitter locations	Mr S. Thiele
3	30/10/17	City of Greater Geelong Part B submission	Mr S. Thiele
4	30/10/17	Background to the Ocean Grove Significant Tree Project presentation	Ms J. Chalmers
5	30/10/17	Map of Ocean Grove precincts and list of proposed changes	Mr S. Thiele
6	30/10/17	Planning Evidence Statement – Mr John Glossop	Mr J. Glossop
7	30/10/17	Submission on behalf of Yebba Investments Pty Ltd	Ms J. Sharp
8	30/10/17	Planning property report – 34 Wallington Road, Ocean Grove	Ms J. Sharp
9	30/10/17	Extract from Significant Tree Report – 34 Wallington Road, Ocean Grove	Ms J. Sharp
10	30/10/17	Photographs in and around Ocean Grove	Ms J. Sharp
11	30/10/17	Clause 21.06 – Greater Geelong Planning Scheme	Ms J. Sharp
12	30/10/17	Macedon Ranges Planning Scheme Amendment C110 Panel Report	Ms J. Sharp
13	30/10/17	Whittlesea Planning Scheme Amendment C175 Panel Report	Ms J. Sharp
14	30/10/17	Reformed Residential Zones – March 2017	Ms J. Sharp
15	31/10/17	Submission by Brian Head	Mr B. Head
16	31/10/17	Submission by Wynndean Holiday Reports Pty Ltd	Mr D. Wynn
17	31/10/17	Old photographs of Ocean Grove	Mr D. Wynn
18	31/10/17	Submission by Don and Jeanette Brown	Mr D. Brown
19	31/10/17	Email from John and Faye Grant	Mr S. Thiele
20	31/10/17	Ocean Grove zoning map	Mr S. Thiele

## Appendix C Panel recommended version of Schedule 4 to the Neighbourhood Residential Zone

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.

#### 2.0 Minimum subdivision area

XX/XX/XXXX  
Proposed C349

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  
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 associated with a dwelling on a lot	None specified

#### 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 (parent lot).
Side and rear setbacks	A10 and B17	None specified

	Standard	Requirement
<b>Walls on boundaries</b>	A11 and B18	None specified
<b>Private open space</b>	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.
<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  
Proposed C349

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 D Panel recommended version of Schedule 5 to the Neighbourhood Residential Zone

### SCHEDULE 5 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

XX/XX/XXXX  
Proposed C349

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

### OCEAN GROVE HILLSIDE AND COASTAL FRINGE AREA

#### 1.0 Neighbourhood character objectives

XX/XX/XXXX  
Proposed C349

- 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  
Proposed C349

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  
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 associated with a dwelling on a lot	None specified

#### 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	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 and B28	An area of 60 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. It cannot include a balcony or roof top terrace.
<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  
Proposed C349

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  
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 site 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 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 E Panel recommended version of Schedule 7 to the Significant Landscape Overlay

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

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

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

#### OCEAN GROVE HILLSIDE AREA

##### 1.0 Statement of nature and key elements of landscape

13/11/2014  
Proposed C349

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 the threatened Bellarine Yellow-gum *Eucalyptus leucoxylon* subsp. *bellarinensis* which is endemic to the Bellarine Peninsula and Surf Coast. The retention of these trees is important for the ongoing survival of the species.

The incremental loss of trees and the provision of inadequate space for the re-establishment of 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 any Australian native tree 3 or more metres in height.

##### 2.0 Landscape character objective to be achieved

13/11/2014  
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 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 buildings that fit within the landscape and do not dominate the streetscape and long distance views.
- To provide a balance between buildings and the tree canopy.
- To ensure that buildings are sited and designed to avoid and/or minimise removal of Australian native/indigenous trees.
- To encourage development that sits within a vegetated setting by providing space at the front, side and rear of buildings for the retention and planting of screening vegetation.
- To maximise opportunities for view sharing, particularly where views are available to the ocean and river from private dwellings.

### 3.0 Permit requirement

13/11/2014

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.
- At least 30 per cent of the site is available (free from hard surfaces) for soft landscaping (e.g. vegetation).
- Proposed buildings are set back a minimum of 2 metres from one side boundary.
- There is only one dwelling on the lot.

#### Tree Removal

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

- Australian native trees less than 3 metres in height.
- Exotic trees.
- A tree 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.
- Pruning a tree to improve its health or appearance, provided its normal growth habit is not retarded.
- A tree that presents an immediate risk of personal injury or damage to property, if only that part of the tree which presents the immediate risk is removed, destroyed or lopped.
- Pruning a tree to remove any branch that overhangs an existing dwelling or is within 2 metres of an existing dwelling.
- A tree that is dead.
- 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 Policy by or on behalf of the responsible authority.

## 4.0 Application Requirements

13/11/2014  
Proposed C349

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

A Design Response **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 **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 **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.

### 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 that:

- Includes a site plan (drawn to scale) showing the boundaries of the site, existing and proposed buildings and works, existing vegetation and the **tree(s)** to be removed.
- Details of **trees** within 3 metres of the subject site boundary on any adjoining property.
- Describes the **tree(s)** to be removed, including the genus, species, extent, number, height, health and quality of **the tree(s)** to be removed.
- Specifies the purpose of the proposed removal, destruction or lopping of **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.

## 6.0 Decision guidelines

13/11/2014

Proposed C349

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 **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 surfaces enables the retention of adequate vegetation and space for new canopy **trees**.
- Whether hard surfaces have been minimised.
- Whether setbacks can be varied to minimise the removal of native/indigenous **trees**.
- The size, species, age and health of existing **tree(s)** proposed to be removed, destroyed or lopped and the size, species and growth characteristics of any proposed replacement **tree(s)**.
- Whether there is a valid reason for removing the **tree(s)** and alternative options to removal have been fully explored such as changing the building footprint and/or lopping or trimming **tree(s)**.
- The effect of constructing a building or constructing or carrying out works on the root system, canopy and overall health and appearance of any trees.
- Whether a loss of character would result from a variation to part 3.0 of this clause.
- Whether any street trees will need to be removed or detrimentally affected.

# Appendix F Panel recommended version of Schedule 15 to the Significant Landscape Overlay

DD/MM/YYYY  
Proposed C349

## SCHEDULE 15 TO 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.

Trees include the threatened Bellarine Yellow-Gum *Eucalyptus leucoxylon subsp. bellarinensis* which are endemic to the Bellarine Peninsula and Surf Coast. The residential streetscape and private gardens within the 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 canopy trees has the potential to change the character of the area over time. The retention of existing and establishment of new canopy trees will help integrate and reduce the impact of new development on the landscape character.

For the purposes of this Schedule, a significant tree is any Australian native tree 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 trees.
- To ensure that buildings and works 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.
- To minimise the effect of future development on significant canopy 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 on existing 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 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 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:

- Not more than 60% of the site is covered by building 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 buildings are setback a minimum of 2 metres from one side boundary.
- Works are not 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 road reserve.

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

#### Tree removal

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

- Australian native trees less than 3 metres in height.
- Exotic trees.
- A tree listed within the incorporated document Environmental Weeds, City of Greater Geelong, September 2008.
- Pruning a tree to improve its health or appearance, provided its normal growth habit is not retarded.
- Pruning or lopping a tree to remove any branch that overhangs an existing dwelling or is within 2 metres of an existing dwelling.
- A tree that is dead.
- Maintaining a Minor Utility Installation to the minimum extent necessary by the relevant authority.
- Works carried out in accordance with the Geelong Street Tree Policy by or on behalf of the responsible authority.

### 4.0 Application requirements

DD/MM/YYYY  
Proposed C349

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

#### Buildings and works

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

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

- Location of 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 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 must be accompanied by a landscaping plan prepared by a suitably qualified person which incorporates 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.

### **Tree removal**

An application to remove, destroy or lop a significant tree must be accompanied by a report from a suitably qualified arborist that:

- Includes a site plan (drawn to scale) showing the boundaries of the site, existing and proposed buildings and works, existing trees and the tree(s) to be removed.
- Provides details of trees within 3 metres of the subject site boundary on any adjoining property or road reserve.
- Describes the tree(s) to be removed, including the genus, species, extent, number, height, health and quality of tree(s) to be removed.
- Specifies the purpose of the proposed removal, destruction or lopping of the tree(s).
- Justifies removal and demonstrates that the extent of removal, destruction or lopping has been reduced as much as is reasonable and practicable, including investigation of alternative development options which do not require removal of the tree(s).
- Nominates tree protection zones where proposed development could impact on the tree root systems, canopy and overall health and appearance of significant trees.
- Provides a vegetation management plan for the construction period.

## **5.0 Transitional arrangement**

DD/MM/YYYY  
Proposed C349

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

## **6.0 Decision guidelines**

DD/MM/YYYY  
Proposed C349

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.
- Whether the siting and footprint of buildings and availability of areas not covered by impervious surfaces enables the retention of significant trees and planting of new canopy trees.
- The need to retain a significant 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 tree(s) proposed to be removed, destroyed or lopped and the size, species and growth characteristics of any proposed replacement tree(s).
- Whether there is a valid reason for removing the tree(s) and alternative options to removal have been fully explored, such as changing the building footprint and/or lopping or trimming 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 any street trees will need to be removed or detrimentally affected.

## Appendix G Panel recommended version of Clause 21.14

### 21.14 THE BELLARINE PENINSULA

#### 08/12/2016 **Key issues and Influences**

Proposed C349

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 **Objectives**

08/12/2016

- 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** 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.
- Encourage the northerly expansion of the Sub Regional Retail Activity Centre, ensuring any development integrates with the existing centre and surrounding community facilities, and enhances its appearance and functionality.

- Support the local convenience role of the Ash Road and Dorothy Street neighbourhood shopping centres, whilst restricting any future expansion of these centres.
- Support the development of Council's Kensington Road Community Hub to provide a wide range of community, health, education and civic services/facilities.
- Encourage the creation of an additional local mixed use centre on the south east corner of Bellarine Highway and Melaluka Road. Any redevelopment of this site could accommodate restaurants, convenience shops, offices and residential development.
- Provide public open space within existing and proposed residential areas to cater for the passive and active recreation needs of the community.
- Provide an improved transport network which includes better traffic movements, pedestrian and cyclist linkages and public transport options.
- Ensure environmentally sensitive areas including Lake Connewarre and Reedy Lake are protected from localised development pressure.
- Investigate opportunities for public access to Port Phillip Bay.

**Barwon Heads:**

- Maintain a compact urban form and avoid outward sprawl.
- Protect the unique character of Barwon Heads as a coastal village located within a sensitive environment and significant landscape setting.
- Ensure the Hitchcock Avenue shopping centre remains the focus of retail activity in Barwon Heads.
- Restrict new commercial development to the existing business and mixed use zones in Hitchcock Avenue between Bridge Road and Ozone Road and the south side of Bridge Road.
- Ensure new housing development complements the character of Barwon Heads and provides for a variety of housing sizes and types.
- Support the continued development of 13th Beach Resort as a tourist destination.
- Continue upgrading the Barwon Heads Village Park and foreshore reserves in accordance with established master plans.
- Support development of appropriate tourist accommodation around the Barwon Heads town centre.

**Drysdale/Clifton Springs:**

- Contain urban development within the defined settlement boundary on the Structure Plan map.
- Support the development of the Jetty Road Urban Growth Area and other areas identified for residential development on the Structure Plan map.
- Ensure new development incorporates sustainability principles including environmentally sustainable design, energy efficiency, connectivity and water sensitive urban design.
- Reinforce the Drysdale town centre as the primary retail centre including the development of an additional supermarket on the south side of Murradoc Road
- Provide for the expansion of the Drysdale town centre to the east along Murradoc Road.
- Locate future development of a service business or industrial nature in the identified precinct along Murradoc Road extending to the proposed Drysdale Bypass.
- Locate and integrate future education, community and recreation facilities to enhance their accessibility and to maximise joint use wherever possible.
- 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

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**

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

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

- land to the north, north-west and east of Ocean Grove.
- the role of Ocean Grove as a district town.
- other planned growth on the Bellarine Peninsula.
- development trends, lot supply and housing capacity within the settlement boundary.
- the desirability of providing a diversity of living options.

- physical and environmental constraints, including the importance of protecting the biodiversity values of the Nature Reserve and maintaining a rural break between settlements.
- the protection of landscape values and implications for the character of approaches to Ocean Grove township along the Bellarine Highway, Grubb Road and Wallington Road.
- the implications for significant agricultural uses and their employment generating potential.
- whether any adjustments to the settlement boundary are required.

### **Leopold**

Implement the Leopold Activity Centre Urban Design Framework, 2011.

Undertake further assessment of sites nominated as “Urban Consolidation” in the plan attached to this Clause.

Undertake a Flood Study to introduce controls over areas identified appropriate for Floodway Overlay (FO) or Land Subject to Inundation Overlay (LSIO).

### **Barwon Heads**

Undertake a Landscape Assessment Study for the Ewing Blyth/Golf Links/Bridge Road and the Warrenbeen Court residential areas with the intention to apply an overlay to protect the existing character and vegetation.

Undertake a detailed study of Murtnaghurt Lagoon to establish whether the boundaries of the existing Environment Significant Overlay require review.

Consider the impacts of climate change on the future development of Barwon Heads in accordance with the Climate Change Adaptation Strategy to be developed by Council during 2010-2011.

### **Drysdale/Clifton Springs**

Investigate the relocation of the Council depot site at 22A Collins Street.

Prepare a Master Plan for the development of a community hub on the Council owned land at Palmerston Street site in the town centre.

Undertake a Drysdale Town Centre Community Facilities Planning Project to investigate and provide direction for future development and community use of 38 – 40 High Street and 2 – 8 Wyndham Street (senior citizens building) adjacent to the Town Square.

Prepare a Master Plan for the development of the Drysdale Regional Community and Cultural Hub.

Review the extent of the Heritage Overlay in the Drysdale Commercial Heritage Area.

### **References**

*Bellarine Peninsula Strategic Plan*, City of Greater Geelong, 2006.

*Ocean Grove Structure Plan*, City of Greater Geelong, 2015 (amended September 2016).

*Ocean Grove Urban Design Framework*, City of Greater Geelong, 2014.

*Portarlinton Structure Plan*, City of Greater Geelong, 2007.

*Indented Head Structure Plan*, City of Greater Geelong, 2007.

*St Leonards Structure Plan*, City of Greater Geelong, 2015.

*Leopold Structure Plan*, City of Greater Geelong, 2011 (amended January 2013).

*Leopold Urban Design Framework*, City of Greater Geelong, 2011.

*Barwon Heads Structure Plan*, City of Greater Geelong, 2010.

*Drysdale Clifton Springs Structure Plan*, City of Greater Geelong, 2010.

*Jetty Road Urban Growth Plan*, City of Greater Geelong, 2007 (amended September 2008).

*City of Greater Geelong Municipal Reference Document, Coastal Spaces Landscape Assessment Study*, Planisphere, 2006.

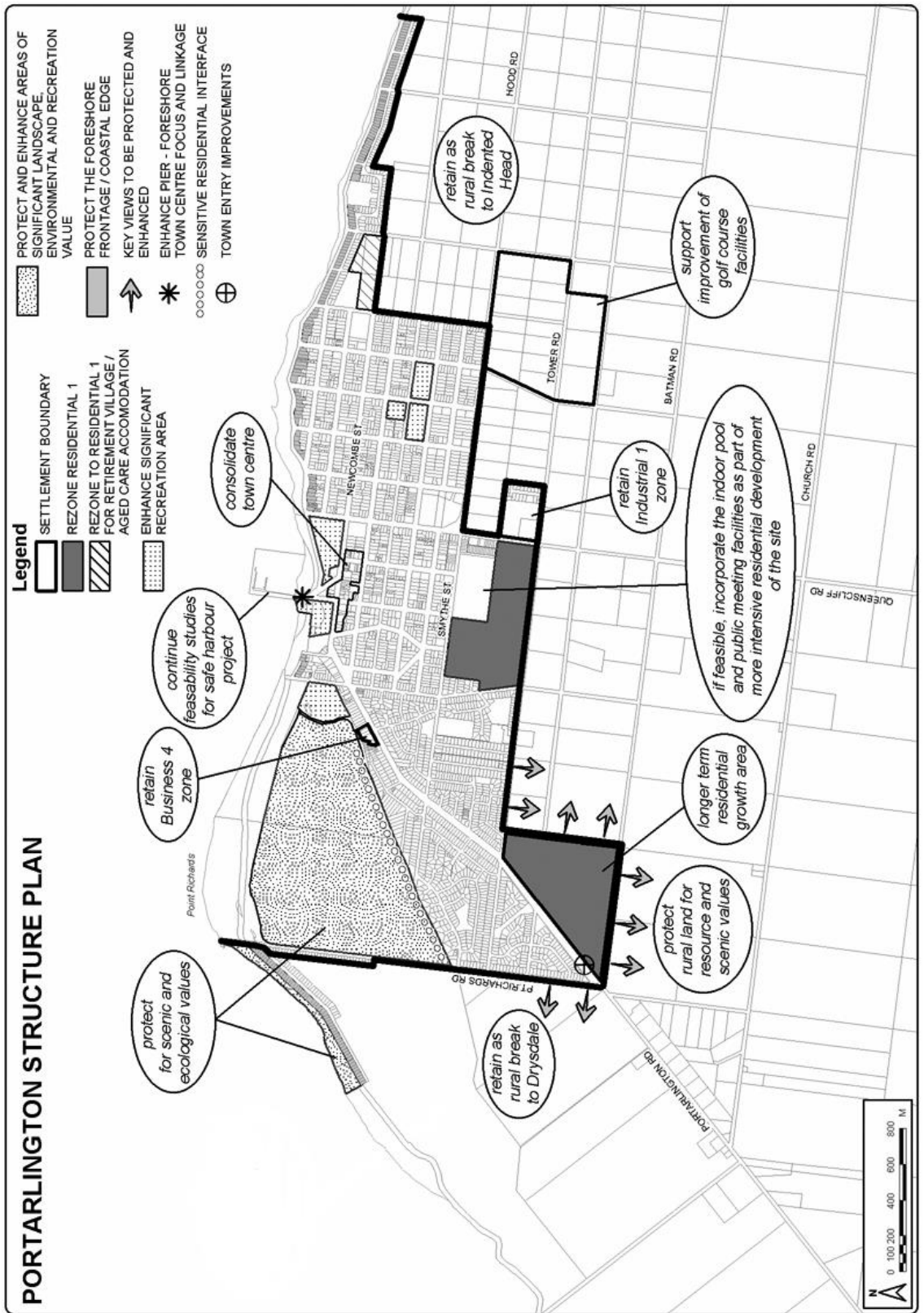
*Point Lonsdale Structure Plan*, Planisphere, 2009 (amended November 2011).

*Drysdale Urban Design Framework*, City of Greater Geelong 2012.



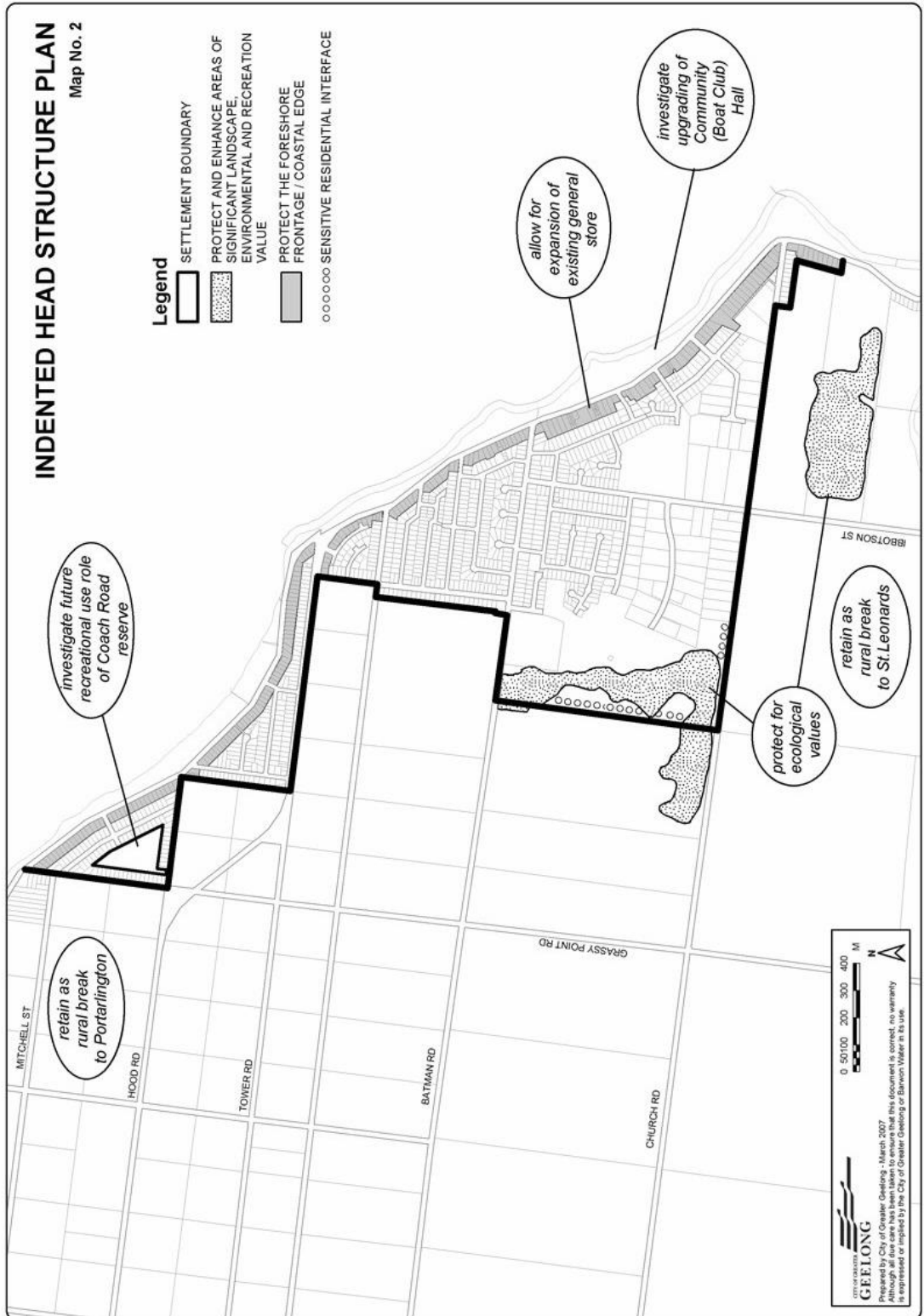
21.14-5 Portarlington Structure Plan map

29/11/2012  
C273



21.14-6  
28/01/2010

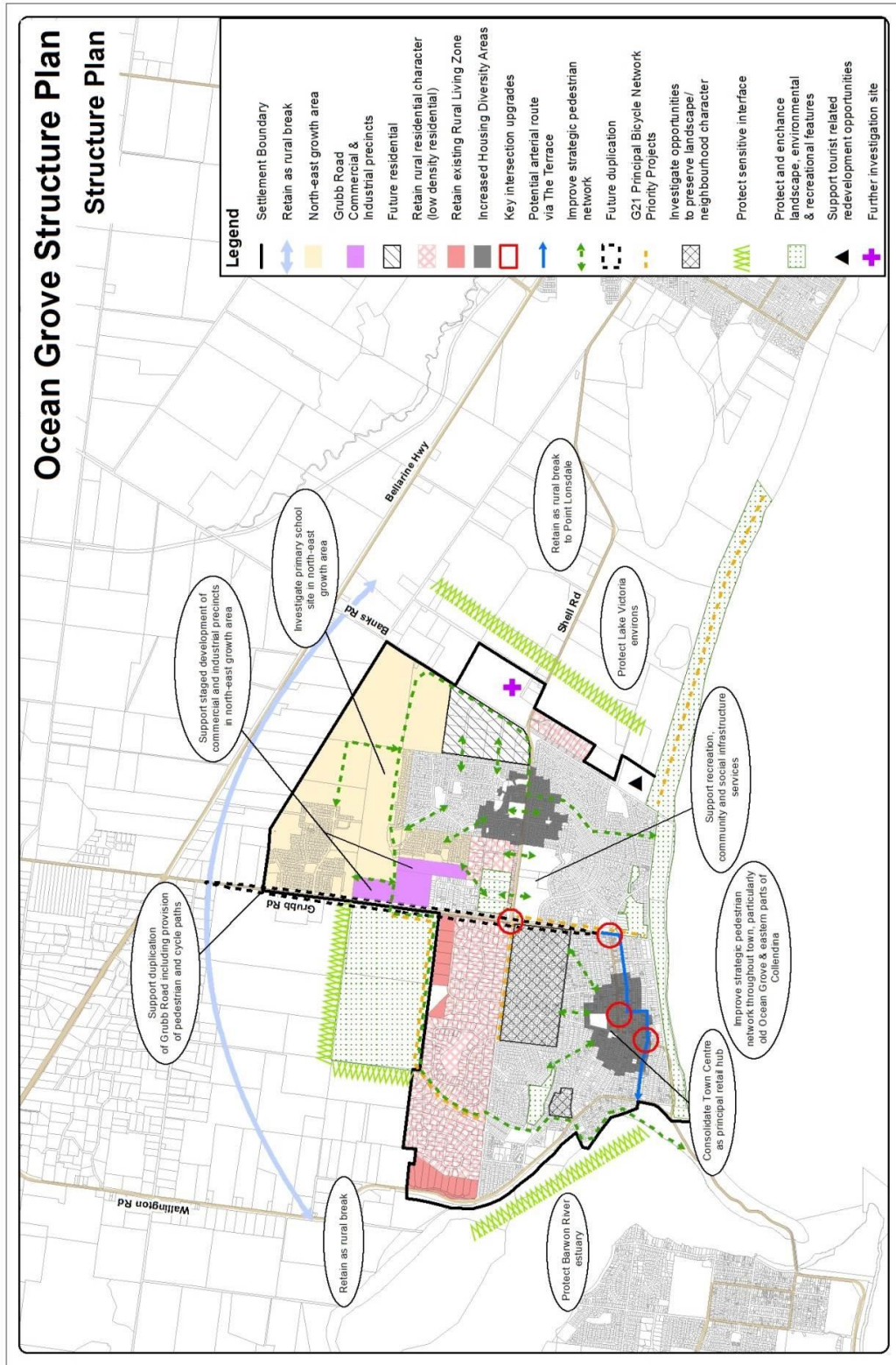
Indented Head Structure Plan map



21.14-7 Ocean Grove Structure Plan map

08/12/2016

21.14



Map No.4

Prepared by City of Greater Geelong - August 2016  
Although all due care has been taken to ensure that this document is correct, No warranty is expressed or implied by the City of Greater Geelong or Barwon Water in its use.

21.14-8 Leopold Structure Plan map

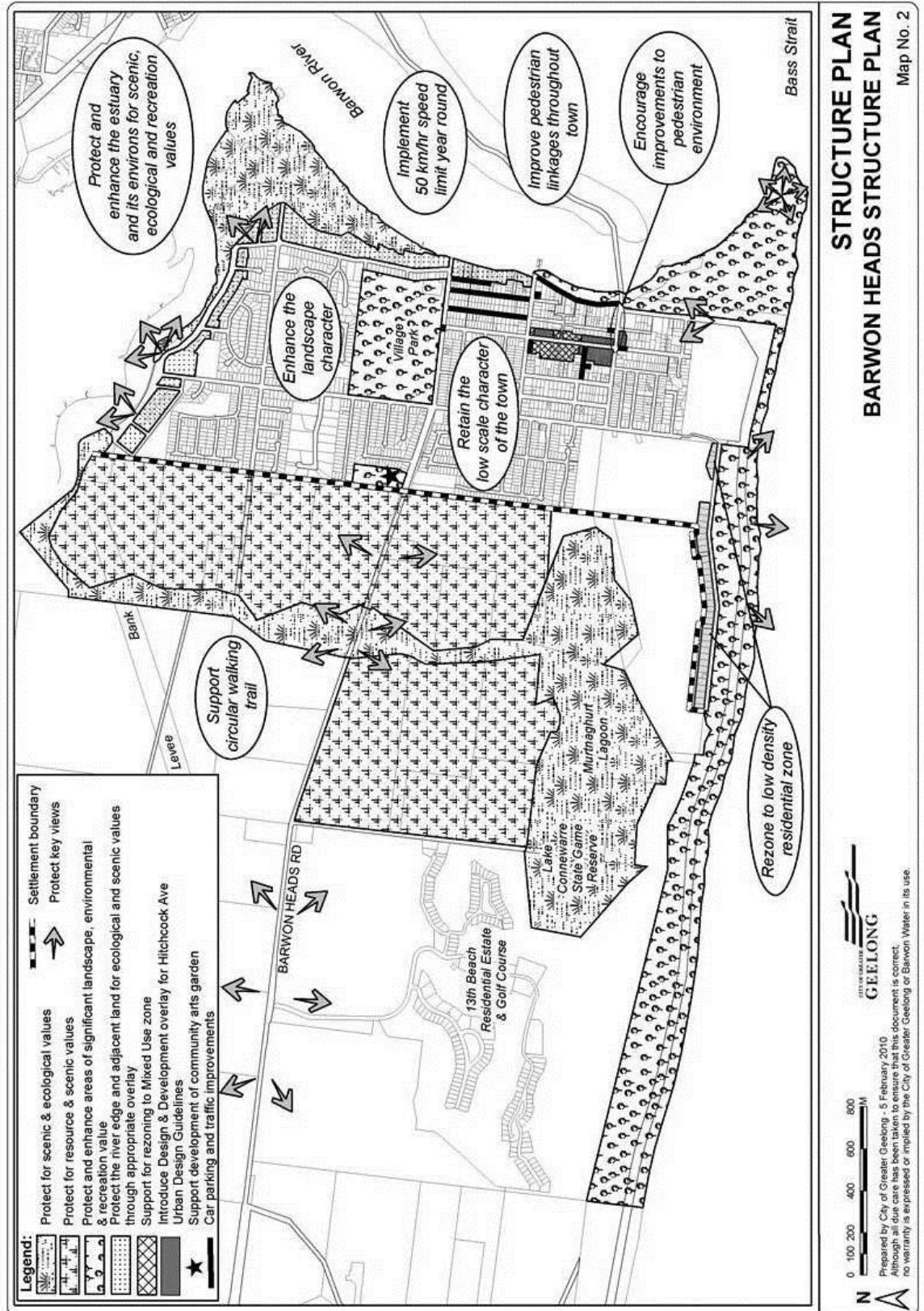
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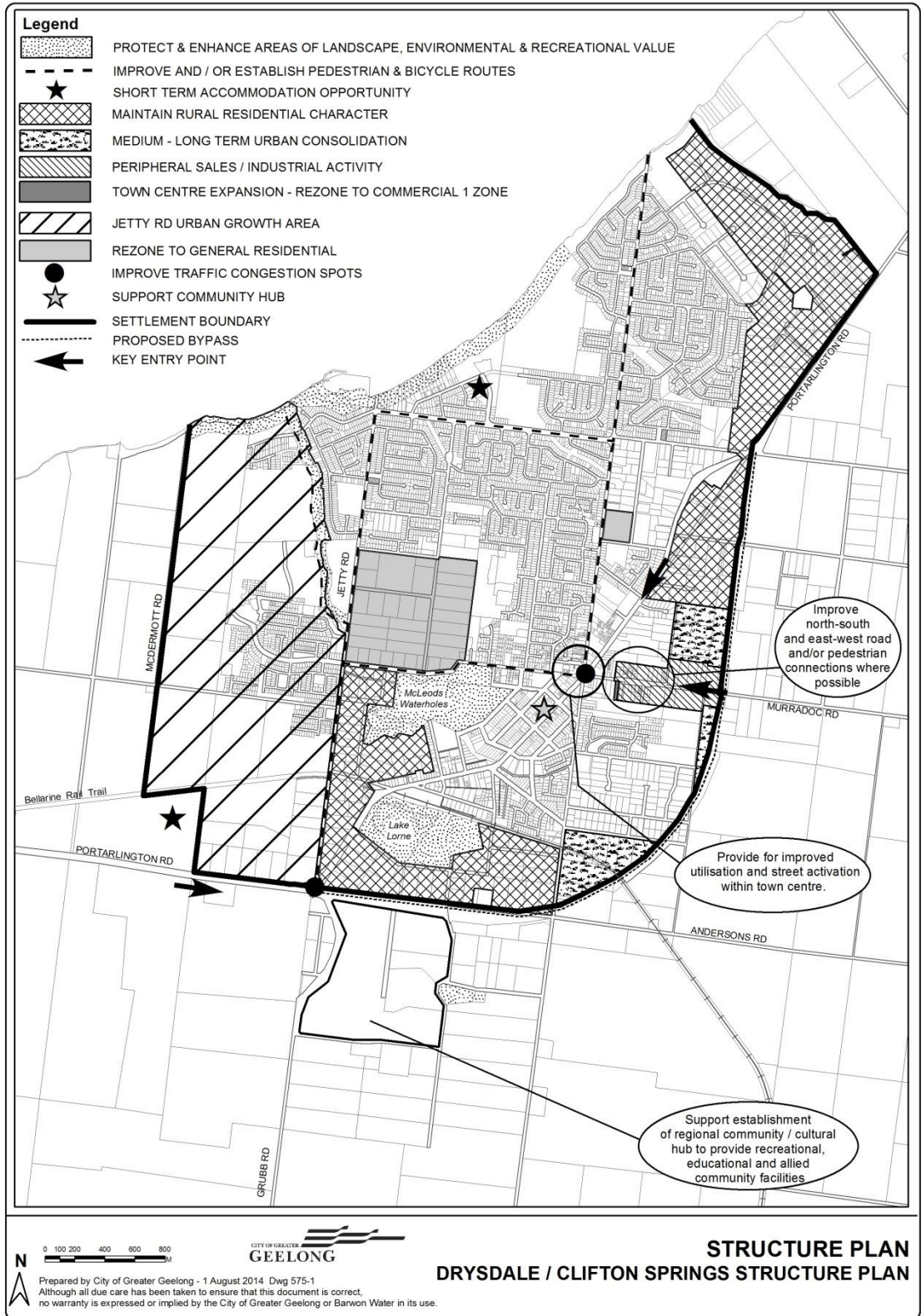
21.14-9 Barwon Heads Structure Plan map

26/08/2010  
C159



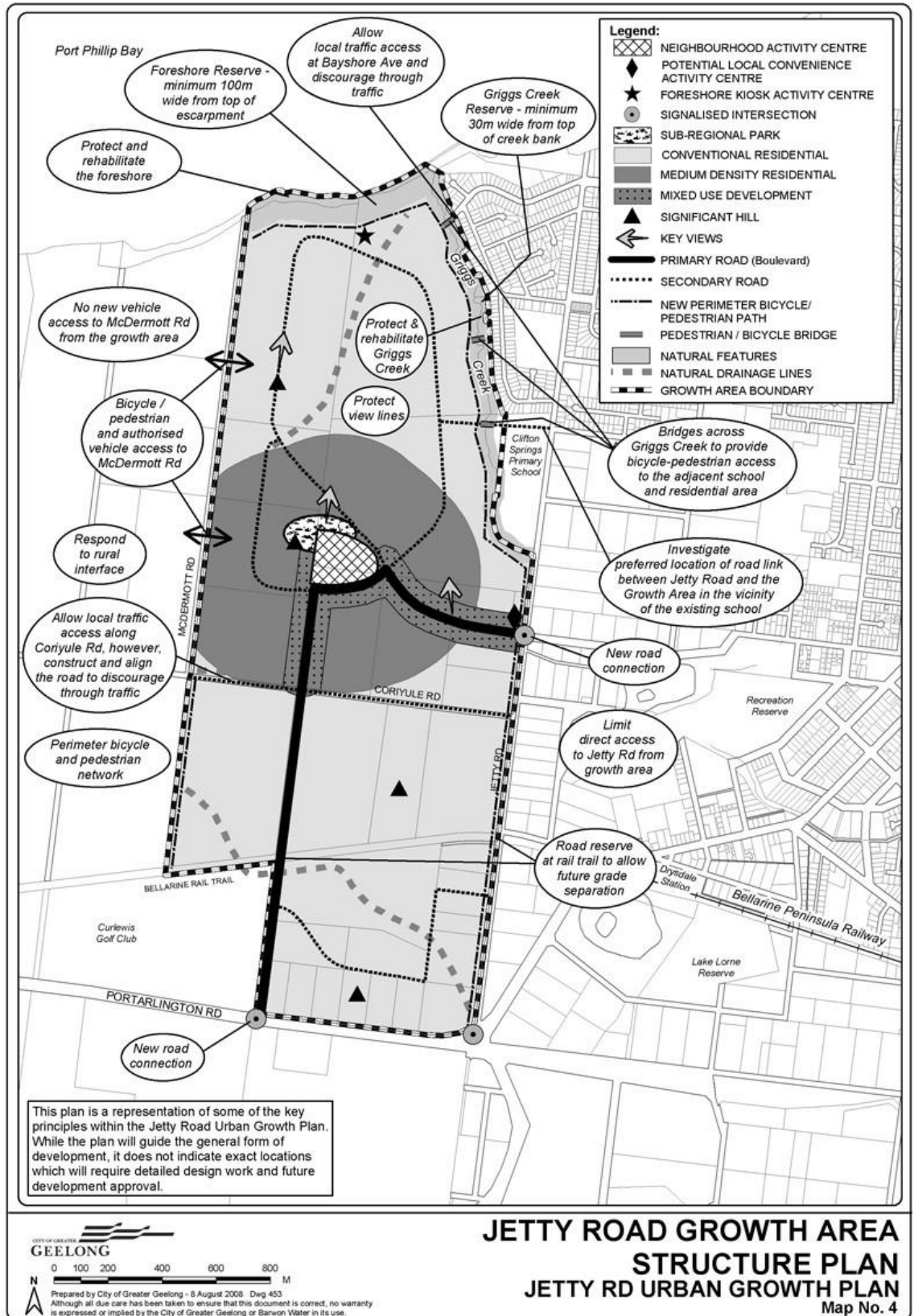
21.14-10 Drysdale Clifton Springs Structure Plan map

27/11/2014



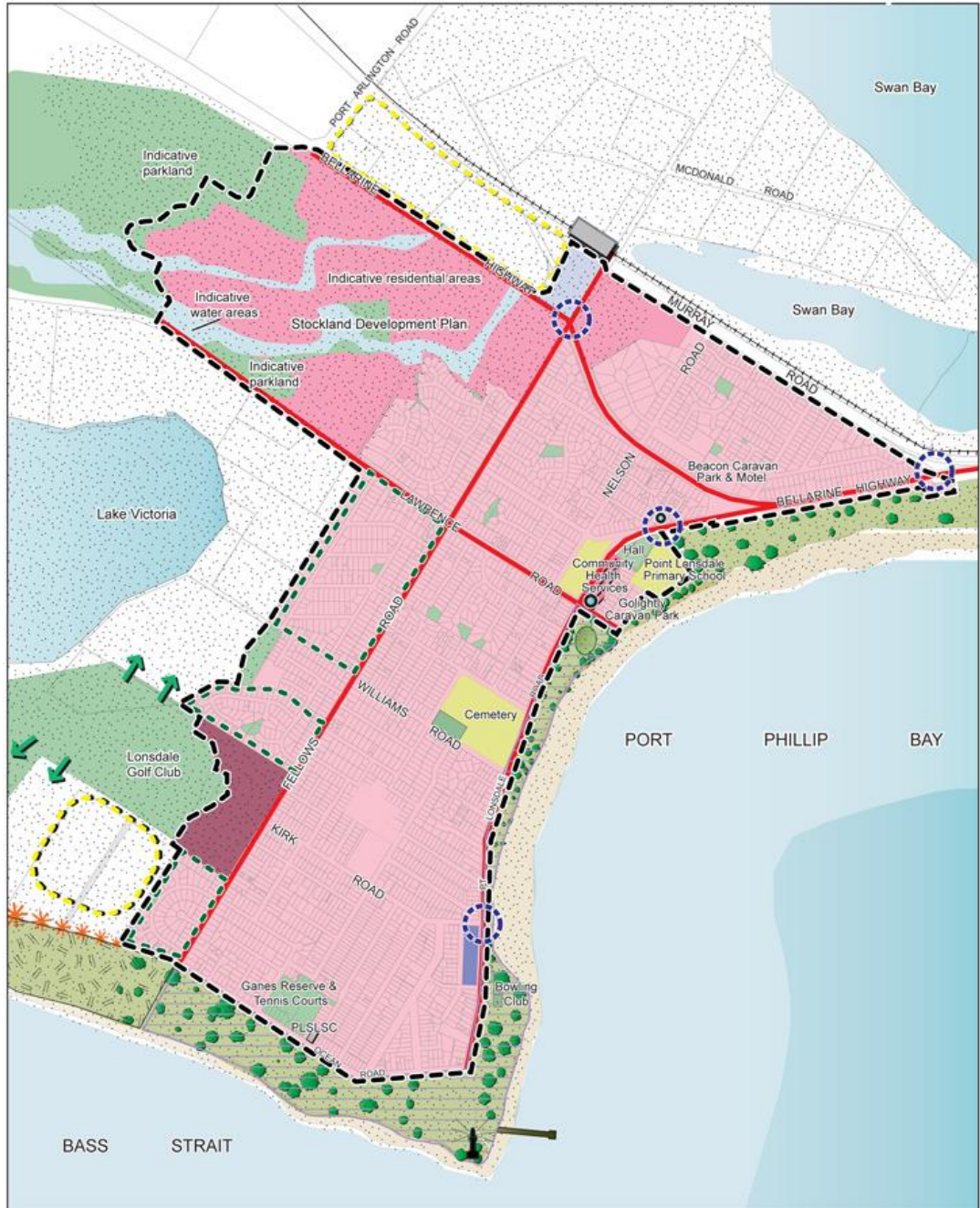
21.14-11 Jetty Road Urban Growth Plan map

28/01/2010



21.14-12 Point Lonsdale Structure Plan map

26/07/2012



## Appendix H Panel recommended version of the Ocean Grove Increased Housing Diversity Area map in Clause 22.63

