

MINUTES

ORDINARY MEETING OF COUNCIL

TUESDAY 26 JUNE 2018

7.00PM

COUNCIL CONFERENCE AND RECEPTION CENTRE
CITY HALL
LITTLE MALOP STREET, GEELONG

COUNCIL:

Cr B Harwood (Kardinia Ward)

Mayor

Cr S Asher (Bellarine Ward)

Cr J Mason (Bellarine Ward)

Cr T Sullivan (Bellarine Ward)

Cr E Kontelj (Brownbill Ward)

Cr S Mansfield (Brownbill Ward)

Cr P Murrhy (Brownbill Ward)

Cr R Nelson (Kardinia Ward)

Cr P Murnane (Kardinia Ward)

Cr A Aitken (Windermere Ward)

Cr K Grzybek (Windermere Ward)

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**MINUTES OF THE ORDINARY MEETING
OF THE GREATER GEELONG CITY COUNCIL
HELD AT THE COUNCIL CONFERENCE AND RECEPTION CENTRE
CITY HALL, LITTLE MALOP STREET, GEELONG
TUESDAY, 26 JUNE 2018
COMMENCING AT 7.00 PM**

PRESENT: Cr P Murrirhy (Acting Mayor), Crs A Aitken, K Grzybek, E Kontelj, S Mansfield, J Mason, P Murnane, R Nelson

Also present: B Luxford (Acting Chief Executive Officer), J Van Slageren (Acting Director Manager Planning and Development), G Wilson-Browne (Director City Services), L Quinn (Director Community Life), P Anderson (Director Finance & Strategy), A Keen (Executive Manager People and Organisation Development), R Leonard (Executive Manager Governance & Legal Services)

OPENING: The Acting Mayor declared the meeting open at 7.00pm

ACKNOWLEDGEMENTS:

Council acknowledged Wadawurrung Traditional Owners of this land and all Aboriginal and Torres Strait Islander People who are part of the Greater Geelong community today.

APOLOGIES: Cr B Harwood (Mayor) (Council Business), Cr T Sullivan (Leave of Absence), Cr Asher

CONFIRMATION OF MINUTES:

Cr Mason moved, Cr Mansfield seconded -

That the Minutes of the Ordinary Meeting held on 22 May 2018 be confirmed.

Carried.

DECLARATIONS OF CONFLICTS OF INTEREST: Nil.

QUESTION TIME:

Hamish Austin submitted a question prior to the Council Meeting which will be responded to in writing.

PETITIONS: Nil.

6. AMENDMENT C375 - BARWON HEADS STRUCTURE PLAN - CONSIDERATION OF SUBMISSIONS

Source:	Planning and Development - Strategic Implementation
Acting Director:	Joanne Van Slageren
Index Reference:	Application: Amendment C375
Portfolio	Sustainable Development

Purpose

To consider submissions to Planning Scheme Amendment C375 and recommend all the submissions be referred to an Independent Planning Panel.

Background

In 2016/17 Council officers extensively engaged with the Barwon Heads community and stakeholders to prepare an update of the 2010 Barwon Heads Structure Plan. This culminated in Council resolving to adopt the Barwon Heads Structure Plan (BHSP) at its meeting of 22 August 2017. It was also resolved to exhibit a planning scheme amendment to implement the necessary elements of the Structure Plan into the Greater Geelong Planning Scheme.

Key Issues

- Exhibition of Amendment C375 commenced on 1 February and closed on 16 March 2018. Notice of the amendment appeared in local newspapers, the Geelong Australia website and letters were sent to over 3,900 landowners and occupiers.
- 940 submissions were received. The overwhelming majority of submissions support the BHSPs retention of the current urban settlement boundary location.
- Objecting submissions question the existence of the Increased Housing Diversity Area (IHDA) policy in a town such as Barwon Heads. Traffic, character and Warrenbeen Court are some of the other issues raised by residents (152 in total).
- In accordance with the *Planning and Environment Act* Council must now either: change the Amendment in the manner requested by the submitters; refer the submissions to an Independent Panel; or abandon the Amendment.
- Council officers have considered the submissions and recommend some drafting changes to the planning controls. Shifting the settlement boundary is not supported nor is removing the IHDA, except from properties west of Golf Links Road. The new zones and overlays are proposed to remain as exhibited.
- It is recommended that all submissions be referred to an Independent Panel appointed by the Minister for Planning.

Cr Mason moved, Cr Kontelj seconded -

That Council having considered all submissions to Amendment C375 to the Greater Geelong Planning Scheme resolves to:

- 1) Request the Minister for Planning to appoint an Independent Panel under Part 8 of the Planning and Environment Act, 1987;**
- 2) Refer all submissions to the Panel; and**
- 3) Submit to the Panel its response to the submissions generally as outlined in this report; and**
- 4) That officers commit to and support at the Panel an updated traffic and parking study being undertaken that includes measurements conducted during both peak summer season and the non-winter period. Such study should be conducted to reflect the changing traffic conditions in Barwon Heads as a result of regional growth in surrounding areas, as well as the car dependency of residents and visitors through limited alternative transport options.**

Carried.

Attachment 1

Discussion

Preparation of the Barwon Heads Structure Plan 2017

Review of the 2010 Barwon Heads Structure Plan by Council's Planning Strategy Unit commenced in April 2016. The update considered a range of factors around the changing needs of the town and recent changes to state and local policy. This included changing demographics, development pressures across the township, housing diversity, residential character, climate change, flooding, the natural environment, transport and infrastructure.

Preparation of the Structure Plan was accompanied by comprehensive community engagement. The *Help Shape the Place* sessions in October and November 2017 had 120 people attend workshops and drop in sessions, as well as 130 submissions being received. Engagement on the Draft Structure Plan in May and June 2017 resulted in 1,050 submissions.

The Structure Plan was informed by specialist residential character and native vegetation assessments that recognised the town's unique coastal design character and pockets of significant vegetation.

Carried at the 22 August 2017 Ordinary Meeting was that Council:

- 1) *adopts the Draft Barwon Heads Structure Plan 2017, including the Structure Plan map as shown in Attachment 2;*
- 2) *resolves to prepare and exhibit a planning scheme amendment to include the necessary elements of the Structure Plan within the Greater Geelong Planning Scheme, subject to authorisation;*
- 3) *requests the Minister for Planning to exercise powers under Section 20(4) of the Planning and Environment Act 1987 by applying an interim Environmental Significance Overlay schedule while the formal Planning Scheme Amendment is prepared and considered.*

The full Council Report can be found at:

<https://www.geelongaustralia.com.au/meetings/documents/item/8d4eeef6124ede8.aspx>

Part 3 of the resolution was completed on 14 December 2017 when Planning Scheme Amendment C374 applied an Environmental Significance Overlay Schedule 6 (ESO6) to properties in the Warrenbeen Court area. The ESO6 was applied on an interim basis while permanent controls are pursued as part of Amendment C375.

A copy of the adopted Barwon Heads Structure Plan, August 2017, can be found at:

[https://www.geelongaustralia.com.au/common/public/documents/amendments/8d56887c2c4a98e-BarwonHeadsStructurePlanAugust2017\(D17-188165\).PDF](https://www.geelongaustralia.com.au/common/public/documents/amendments/8d56887c2c4a98e-BarwonHeadsStructurePlanAugust2017(D17-188165).PDF)

Amendment C375 to the Greater Geelong Planning Scheme

Amendment C375 was exhibited between 1 February 2018 and 13 March 2018. Submissions were accepted up to Friday 16 March 2018, as well as two late submissions received on 27 April.

The Amendment proposes the following changes to the Planning Scheme:

- Amend Clause 21.14 *Bellarine Peninsula* to add the key strategies of the Barwon Heads Structure Plan 2017 including an updated Barwon Heads Structure Plan Map.
- Rezone all the land in the Residential Growth Zone Schedule 3 (except land south of Bridge Road) to the General Residential Zone Schedule 1.

- Rezone all the land in the General Residential Zone Schedule 2 (except Warrenbeen Court properties) and the land in the Residential Growth Zone Schedule 3 south of Bridge Road, to the Neighbourhood Residential Zone Schedule 6.
- Rezone all the properties in Warrenbeen Court from the General Residential Zone Schedule 2 to the Neighbourhood Residential Zone Schedule 7.
- Insert a new Schedule 6 *Barwon Heads Incremental Change Area* to Clause 32.09 Neighbourhood Residential Zone.
- Insert a new Schedule 7 *Warrenbeen Court Residential Area, Barwon Heads* to Clause 32.09 Neighbourhood Residential Zone.
- Insert a new Schedule 41 to Clause 43.02 Design and Development Overlay that will apply to the majority of the land being rezoned to the Neighbourhood Residential Zone Schedule 6.
- Insert a new Schedule 42 to Clause 43.02 Design and Development Overlay that will apply to all the land being rezoned to the General Residential Zone Schedule 1.
- Replace Schedule 6 to Clause 42.01 Environmental Significance Overlay that applies to all the properties in Warrenbeen Court, nine Saratoga Avenue properties, part of Taits Road and fragments of farming zoned land north of Taits Road, with a new Schedule 6 on a permanent basis. The Environmental Significance Overlay was applied in the interim by Amendment C374.
- Amend Schedule 9 to Clause 42.03 Significant Landscape Overlay (*Barwon River Environs*) to ensure consistency with the proposed new Design and Development Overlays.
- Amend Schedule 25 to Clause 43.02 Design and Development Overlay (*Barwon Heads Town Centre*) to provide building form consistency within the Barwon Heads Increased Housing Diversity Area.
- Amend Clause 22.36 *Heritage Overlay 1649: Flinders Heritage Area* to ensure consistency with the proposed new Design and Development Overlays.
- Replace the *Barwon Heads Increased Housing Diversity Area* map in Clause 22.63 with a new map to reflect the removal of residential land south of Bridge Road from the increased housing diversity area.

Letters were sent to 3,925 property owners and occupiers in the Barwon Heads area. Notices were placed in the Geelong Independent, The Bellarine Times, Talking Heads Magazine and the Government Gazette. The documentation was available on the Geelong Australia website and at the Barwon Heads and Ocean Grove libraries. Those who were involved in the Structure Plan consultation process and requested to be informed about the Amendment, were also notified.

To better explain the proposed residential zone and overlay changes, an information brochure was included with the exhibition documents (see **Attachment 2**).

Exhibition of Amendment C375 resulted in a total of 940 submissions. Of these, 772 were pro forma submissions, individually lodged via an on-line google App supporting retention of the current settlement boundary location. The App also provided an opportunity for further comment in addition to the pro forma submission.

The breakdown of all submissions shows there were:

- 168 standard submissions (letter, email, Council online portal); 136 objecting on a range of issues and 32 supporting;

- 599 google App submissions supporting the BHSP position to retain the current settlement boundary location;
- 173 google App 'further' submissions; 157 supporting the BHSP position to retain the current settlement boundary location with personal comments and 16 objecting (i.e. support the settlement boundary issue but object on other grounds);
- Overall, 940 submissions lodged; 788 supporting and 152 objecting.

It was common for standard submissions to support many of the BHSP directions (e.g. retain the existing settlement boundary or introduce the NRZ) but object to other aspects of the plan. Such submissions are treated as objections. Many submissions refer to an area (e.g. 'Area 1' or 'Area 4') which are derived from the *Proposed Residential Zone & Overlay Changes in Barwon Heads* brochure.

Council officers decided to engage Glossop Town Planning (GTP) to review the exhibited Amendment documentation and submissions and provide an opinion of the planning merits of Amendment C375. GTP's preliminary opinion is that the Amendment is strategically justified, however notes aspects for clarification. GTP have been retained by Council to appear as an expert witness at the pre-set Panel Hearing.

A summary of all submissions will be made available on Council's Amendments webpage prior to the Council meeting. The webpage can be viewed via this link: <https://geelongaustralia.com.au/amendments/item/8d56887c2c4a98e.aspx>

Key issues/themes in the submissions have been identified as follows:

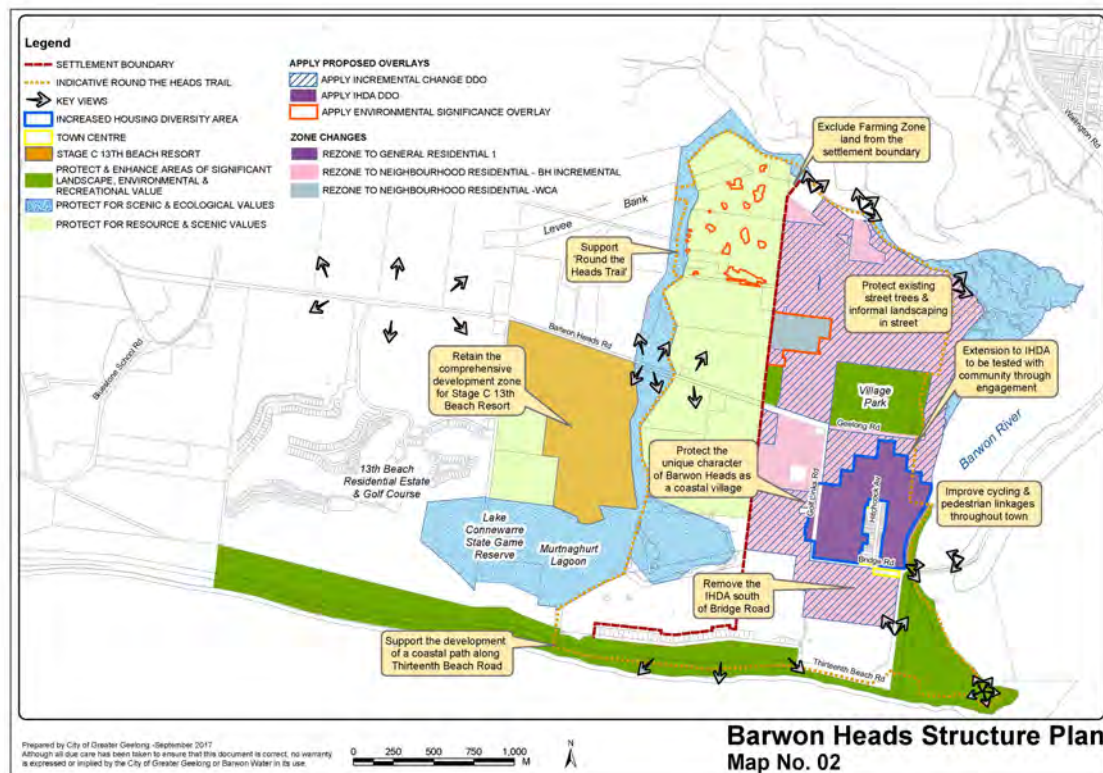
1. Settlement Boundary
2. Increased Housing Diversity Area
3. Warrenbeen Court
4. Residential land south of Bridge Road
5. The Neighbourhood Residential Zone
6. Movement and parking
7. Vegetation protection
8. Drafting (of the proposed planning controls)
9. Village character

Discussion of the above issues and Council officer's response is set out in the following section of this report.

1. Settlement Boundary

The main issue raised in submissions concerns the Barwon Heads settlement boundary, which, in effect, is the extent of the western urban edge of the town. Amendment C375 updates Clause 21.14 and includes a new map that defines the settlement boundary location. The boundary location is proposed to remain the same as currently defined in the Greater Geelong Planning Scheme.

The settlement boundary is shown as a thick red-dashed line on the BHSP map:



Council received 928 submissions in support of this position. This included 772 online google App pro-forma individually lodged submissions. The App was created by the Save Barwon Heads Alliance (SBHA). Supporting submissions were received from local residents and organisations/agencies such as the Barwon Heads Association (#13), Corangamite Catchment Management Authority (#31), Geelong Environment Council (#65), Geelong Field Naturalist Club (#66), SBHA (#128) and the Department of Environment, Land, Water and Planning (DELWP #167).

Reasons given in support are varied but essentially highlight the following:

- Barwon Heads is not a designated growth township.
- Avoids unacceptable pressure on finite infrastructure and township amenity, which would destroy its coastal character and charm.
- Recognition of the sensitive coastal values inherent in the physical and ecological surrounds of the township and the threat that urban development represents to these values.
- Alignment with international, national, state and local policy that supports limits to growth in sensitive coastal areas where knowledge is uncertain.
- Retains non-urban breaks between settlements.

Twelve submissions were received in opposition, including submissions from consultants on behalf of landowners outside the settlement boundary seeking the boundary be shifted west to include additional land.

Submission #50 was prepared by Dominion Property Group on behalf of Barwon Heads Lifestyle Pty Ltd, owners of 1900 Barwon Heads Road. This 49.6 hectare site is located on the south side of Barwon Heads Road as shown on the map in Attachment 3 (under submission #50). The submission refers to site location and characteristics; being primarily zoned Farming Zone, with a southern segment zoned Rural Conservation Zone 10 which is also applied with the Environmental Significance Overlay Schedule 2 (High

Value Wetlands and Associated Habitat Protection). The Land Subject to Inundation Overlay applies to a western portion of the site.

Submission #50 refers to the site's planning history notably the Amendment C159 Panel Report recommendation (p.45):

"Council should consider the potential for limited residential development of 1900 – 1920 Barwon Heads Road as a means of achieving a net improvement to the environmental values of the Murtnaghurt Lagoon and channel. This assessment should also address the issues raised in this report".

According to the submission this recommendation 'provides a significant strategic position to facilitate a revision of the settlement boundary'. Other commentary on the BHSP argues that the site's inclusion in the settlement boundary:

- Is modest, logical and would have no discernible difference to the residential land supply of the municipality or Barwon Heads.
- Includes a commitment to incorporating a retirement and aged care complex as part of the development (\$110m investment and approximately 140 permanent jobs).
- Can contribute to the establishment of the Round the Heads Trail;
- Allows efficient connection to reticulated water and sewer as well as incorporating best practice urban stormwater techniques which would pose no threat to nearby wetlands and coastal environs;
- Eases housing price pressures in Barwon Heads and provides market choice;
- Would consider landscape and biodiversity issues in any rezoning request; and
- Is not used for agriculture (and a change of use would have negligible impact on the sector).

Submission #50 requests changes to Clause 21.14 to include the developable part of the site within the settlement boundary and designating the Neighbourhood Residential Zone Schedule 6 and DDO41. The submission further requests the developable part be applied with the DDO41 and "otherwise facilitate the use and development of the developable part of the land at 1900 Barwon Heads Road for residential purposes".

Submission #137 was prepared by St Quentin Consulting on behalf of a consortium of landowners at 135 Taits Road, 137 Taits Road and 1941-1949 Barwon Heads Road. This 39 hectare Farming Zone site is located on the north side of Barwon Heads Road as shown on the map in Attachment 3 (under submission #137).

The submission identifies the shortcomings of the BHSP under the categories of:

- Growth: the BHSP implies that Council has no obligation to plan for future growth and is therefore inconsistent with Clause 11.05-1 which seeks to provide for a broad range of housing types and redevelopment opportunities. The Amendment restricts development within the town by replacing the GRZ with the more restrictive NRZ; and replacing the RGZ with the more restrictive GRZ. A western expansion of the settlement boundary could assist in addressing the limited housing supply and may also provide land supply for other basic services needed by the community.
- Wetlands: the BHSP relies on assumptions regarding the 'substantial threat' to these wetlands posed by development west of the settlement boundary without any supporting evidence. The BHSP has not undertaken a detailed feasibility assessment of individual sites. The BHSP should remove all arguments for not extending the boundary due to potential impacts on sensitive environments because this is simply unsubstantiated.

- Development alternatives: the BHSP assumes that it is not possible to design an innovative development that is hidden from view, protects the environment and does not erode village atmosphere. An expansion to the western boundary could involve well-planned development with large separation distances to environmental values, plenty of parkland and vegetation, integrated water management, highly sustainable development outcomes and great linkages to the existing town.

Submission #137 concludes by saying a western expansion of the settlement boundary could achieve a net community benefit.

The other objections were #38, 39, 40, 51, 58, 59, 118, 126, 147 & 161. Grounds include: that Barwon Heads has a significant shortage of land for new housing; land is available on the western boundary; land is required for aged care, affordable housing, tourist accommodation, walking trails, etc; and supposed threats to wetlands can be easily managed.

Submission #39 warns that if the rural land west of the settlement boundary falls into the hands of multi-national companies subdivisions will be approved, lot yields maximised and there will be no generous offers of free land for the community. Submission #161 asks why is the Special Building Overlay in the centre of Barwon Heads being supported for medium density while the area outside the boundary is ignored (and does not have potential flood problems)?

One submission (#94), supports retention of the current boundary but considers very low density development north of Taits Road combined with compulsory revegetation would improve the Moonah Woodland area.

Officer Response

Submissions seeking a westward shift of the settlement boundary are not supported.

The supporting submissions are noted and reinforce the reasons outlined in the BHSP. Clearly, there is overwhelming and passionate support to retain the current settlement boundary location from the local community.

The DELWP submission #167 notes that the Amendment is consistent with matters it raised in earlier feedback on the structure plan. This feedback was sought during the BHSP preparation phase and incorporated the views of Parks Victoria, manager of the Lake Connewarre State Game Reserve. The comments address issues relating to policy, servicing, ecology and Ramsar obligations, and potential conflicting uses. The DELWP letter is shown in **Attachment 3**.

The objecting Submission #50 from Dominion Property fails to outline any planning policies to support shifting the settlement boundary, instead relying on a panel report recommendation. The C375 Explanatory Report provides a strategic assessment of the Amendment including how retaining the existing settlement boundary is consistent with the State and Local Planning Policy Framework.

Providing a commitment to deliver aged care and retirement living is noted however substantial amounts of recently rezoned residential land is available in nearby Ocean Grove and Armstrong Creek. 1900 Barwon Heads Road is located in the Farming Zone and sits outside the township settlement boundary. Clause 21.06 requires retirement accommodation to be located within urban areas, preferably within close proximity to activity centres and public transport services.

No substantive detail is provided about this commitment, nor its relationship with more conventional residential subdivision which is also presumably proposed. Regardless, the uses are urban in nature and Barwon Heads is not a designated growth location with limited local service provision.

In the Section 4 Request, Submission #50 uses the term 'developable part of the land'. However the submission has not included any technical assessments to determine and support the limits of development. It is assumed that the submission is really seeking all of the land to be included in the settlement boundary and detailed assessments undertaken at a later time. This is assumed because a Development Plan Overlay requirement is proposed to address landscape, biodiversity, cultural heritage and stormwater constraints (on page 5).

In some locations this approach may be acceptable but certainly not in this sensitive environmental location. The BHSP sets out the reasons for not supporting urban development outside the settlement boundary, including that Clause 12 of the State Planning Policy Framework requires Council to adopt the 'precautionary principle'. Submission #50 has not included any peer and Council engineer reviewed evidence to demonstrate net environmental benefits to the area.

Submission #137 from St Quentin agrees that the wetlands around Barwon Heads are of significance but says the BHSP relies on a series of assumptions regarding the threat posed by development. The submission says Council has not undertaken a detailed feasibility assessment of individual sites to support its position. This argument is rejected. The BHSP makes it clear that due to a lack of 'in-principle' support for development, Council has not undertaken any such assessments but has received high level expert advice. This position is appropriate given the policy context and purpose of the structure plan.

Other arguments raised by Submission #137 are also rejected. The Amendment is consistent with Clause 11.05-1 as it supports managed growth and redevelopment and continues to designate an area for increased housing diversity. Council welcomes innovative, sustainable development and the owners are free to pursue opportunities in the Farming Zone.

Submissions #50 and #137 highlight the contribution their land could make to the establishment of the planned 'round the heads trail'. Private land could indeed improve the ability to realise the trail by avoiding construction within some of the Murtnaghurt tidal palaeochannel. However this alone is not a sufficient reason to support the rezoning of over 88 hectares of sensitive coastal land.

All the objecting submissions refer, in one way or another, to the critical shortage of residential land supply in Barwon Heads. They also refer to the community benefits that would accrue from providing more residential land. The BHSP notes there is a limited supply of housing (Section 7.0), though when measured against Clause 11.02-1 *Supply of urban land*, substantial land is available in nearby Ocean Grove and Armstrong Creek. Also, in the context of Barwon Heads, it is unlikely that providing additional land will have a marked impact on affordability. No submission has produced any evidence that shifting the settlement boundary will increase housing affordability. The BHSP does not identify future areas for new community or educational uses.

The objecting Submission #161 appears to have an interest in 1900 Barwon Heads Road. The submission raises the issue of BHSP support for medium density housing in areas prone to flooding. This issue is addressed below under '2. Increased Housing Diversity Area'. Statements that the area outside the boundary has been ignored for development and (unlike within the town) does not have potential flood problems is incorrect. 1900 Barwon Heads Road is partly applied with a Land Subject to Inundation Overlay under the Planning Scheme and partly designated Flood Prone under the Building Regulations.

The BHSP (p. 128) notes that Council's Engineering Services does not support the expansion of the settlement boundary for residential development and further states:

“The location of the town boundary has always left a buffer of rural zoned land between the levee and more intensive development. Any alteration of the township boundary to the west would need to be informed by a detailed risk assessment, including structural assessment of the levee and imposition of appropriate buffers in accordance with the Victorian Floodplain Management Strategy 2016.” (p. 99)

It is further noted that both the CCMA and DELWP support retaining the existing settlement boundary location.

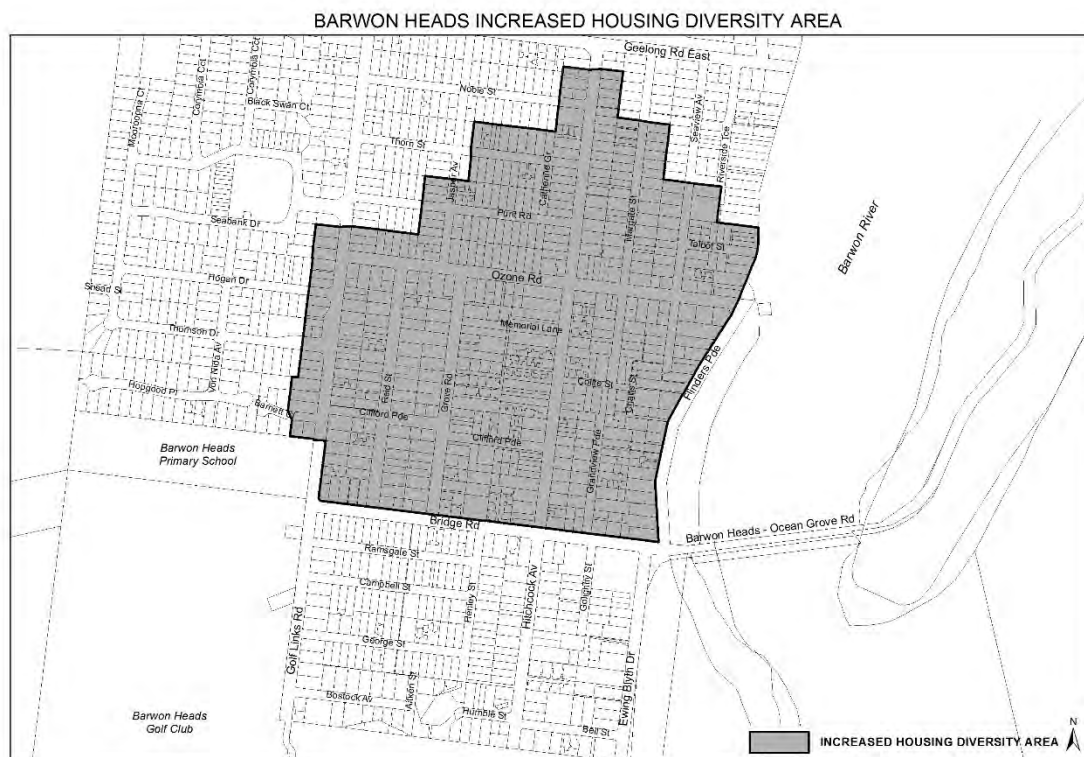
Concerns that the land will fall into the hands of multi-national companies (Submission #39) is not relevant to Amendment C375. In responding to Submission #94, the rezoning of land for low density or rural living is generally not supported by Council. Clause 21.06-2 *Urban Growth* limits rural living development to existing zoned land in existing nodes such as nearby Wallington.

2. Increased Housing Diversity Area

Amendment C375 proposes to rezone the Increased Housing Diversity Area (IHDA) from the current Residential Growth Zone Schedule 3 (with a maximum building height of 10.5m) to the General Residential Zone Schedule 1 (with a maximum building height of 11m and no more than 3 storeys at any point). The Amendment will also apply a Design and Development Overlay Schedule 42 (DDO42) *Barwon Heads Increased Housing Diversity Area* to the IHDA.

It is noted that the IHDA south of Bridge Road is proposed to be removed – refer to the section below under the heading ‘Residential land south of Bridge Road’.

The exhibited IHDA is mapped as follows:



Council received 78 submissions that object to the existence of the IHDA policy. Objections seek to either remove the IHDA completely or reduce its extent. Submissions generally call for this area be rezoned to the NRZ.

Submission #10 was a petition with 24 signatures from residents seeking removal of the IHDA from the western side of Golf Links Road. Hence the submission requests this area

be rezoned to the Neighbourhood Residential Zone. Reasons for the change include: negative impact on the neighbourhood; conflict with the nearby school traffic, parking and pedestrian activity; 11m is too high in the context of mainly single storey dwellings in this part of Barwon Heads; and the Neighbourhood Residential Zone still encourages development of a significant height.

Submission #57 typifies submissions saying: *"I do not support an IHDA classification for Barwon Heads. The principles behind the IHDA are not compatible with a non-growth zone small coastal village. It is out of scale with the size of the town"*. Submission #123 says the IHDA is not applicable as Barwon Heads is a coastal village and does not have transport hubs such as railway stations.

Submission #82 challenges the IHDA saying: "The Housing Diversity Strategy, in Map area 4, was applied by Council in 2008 and was not based on a detailed review of the existing character of individual settlements like Barwon Heads. The outcome is that a large part of Barwon Heads was identified as an 'Increased Housing Diversity Area'. Apparently only for the reason it was within the 400m of a shopping area."

Common to many of the objections is that the 11 metre building height limit (and 3 storeys) is too high and should be reduced to 9m. It is fair to say there is confusion as to why the height limit is being increased to 11m yet the zone is changing from Residential Growth to General Residential.

Some submissions highlight the conflict with the existing Flinders Heritage Area (see submission #81 and #136 for instance) and encouraging development in an area prone to flooding. There is also concern that the proposed DDO42 will do little to protect the unique coastal character of Barwon Heads.

The Barwon Heads Association Submission #13 seeks a reduction of the IHDA to 100m from the current commercial zone and limit to Ozone Road. Submission #77 advocates two IHDA areas: Hitchcock-Ozone-Grove-Bridge Roads and Hitchcock-Colite-Margate-Geelong Roads. Submission #84 suggests an area bound by Ozone Road, Grove Road, Bridge Road and Grandview Parade.

Seven submissions support the IHDA and associated zone and overlay controls.

Officer Response

Submissions calling for the complete removal of the Barwon Heads IHDA are not supported. The IHDA policy is embedded in the Municipal Strategic Statement at Clauses 21.06, 21.14 and 22.63. The policy is not 'new' and has formed part of Council's housing strategy for 10 years. It also recognises the strategic policy in the G21 Regional Growth Plan for Barwon Heads to receive a 'moderate' degree of new residential development while respecting existing character.

There is continued need to encourage and support increased housing diversity close to the town centre. The existing Residential Growth Zone Schedule 3 *Coastal Increased Housing Diversity Areas* applies to all the Bellarine towns and sets a 10.5m building height limit. However, as a consequence of the State Government reformed residential zones (VC110) policy, RGZ schedules must be at least 13.5 metres. Heights of 13.5m and above (effectively 4 storeys) are not consistent with the preferred character of Barwon Heads.

The BHSP has recommended that the IHDA be rezoned to the General Residential Zone and applied with a new DDO42. The purpose of the proposed GRZ remains consistent with the intent of the IHDA. The GRZ sets a maximum building height requirement of 11m and 3 storeys (which schedules cannot lower) and is similar to the existing 10.5m. Therefore, while the height limit has increased by half-a-metre, the addition of the DDO42 provides design requirements to ensure that dwellings are designed, sited and

landscaped in a manner to reduce the dominance that a two or three storey building would have on the streetscape.

Overall, the purpose of the GRZ is to encourage housing diversity and growth that respects neighbourhood character, while the purpose of the NRZ is primarily to preserve identified character. Given the IHDA is to remain, rezoning this area to the NRZ is not appropriate and not supported.

Concerns about the blanket 400m walkable catchment methodology applied under the 2008 Housing Diversity Strategy are not without merit. This methodology was applied uniformly to all the coastal towns, including the larger nearby Ocean Grove (noting that Ocean Grove has two separate IHDAs) which is a designated growth location.

However the 2008 Housing Diversity Strategy recognised that further work would be required stating on page 53:

“Subject to...specific studies undertaken by Council, consider [of] the use of Significant Landscape, Design and Development or similar Overlays to protect areas of specific urban design...notably specific areas of...Barwon Heads (RCS Precinct 2, 4, 5 and 6).”

This work occurred in the preparation of the 2017 BHSP where Council engaged Hansen Partnership and the *Barwon Heads Residential & Landscape Character Assessment March 2017* was completed. The purpose of the Character Assessment was to determine if there is a need for new planning controls for residential development in Barwon Heads, in order to protect or enhance the existing character of the town in the face of new development.

The Assessment formed the view that (p. 38): *“Increased diversity of housing stock is still encouraged but at a lower intensity commensurate with the scale of the township, associated availability of services and facilities, as well as the preferred character.”*

The Character Assessment, which included field work and community engagement, has informed the BHSP settlement and housing discussion and directions. The City will undertake similar assessments for the other Bellarine townships to guide housing change as time and budget allows.

Other main issues raised in submissions are addressed as follows:

- Reducing the extent of the IHDA (other than west of Golf Links Road) is not supported. As discussed above the strategic policy basis for the designated area is sound. Further review by the *Barwon Heads Residential & Landscape Character Assessment* recommended removing only two discrete parts.
- Removal of the IHDA from the western side of Golf Links Road is supported. This area is recommended for removal in the *Barwon Heads Residential & Landscape Character Assessment* (p. 41). This will require changes to planning scheme maps 81 and 88 to remove the GRZ1 and replace with NRZ6; and remove DDO42 and replace with DDO41.
- It is acknowledged that there is some conflict between the Flinders Heritage Area (HO1649) and the IHDA. This conflict exists now. The HO supporting policy Clause 22.36 promotes detached, single and double storey dwellings (amongst other design characteristics) which differs from the proposed GRZ maximum height of 11m and the IHDA policy. Local Policy Clause 22.63 *Increased Housing Diversity Areas* requires developments to respond positively to heritage matters. Permit applications in the HO will continue to be assessed on their planning merits.

It is noted that just because the GRZ allows dwelling heights up to 11m does not automatically mean landowners/developers will seek higher dwellings. The Hansen assessment found no 3 storey buildings when it undertook its analysis in 2016. Since the assessment, two 3 storey buildings have been constructed, neither in a HO.

- It is acknowledged that parts of the IHDA are applied with a Special Building Overlay (SBO) and therefore prone to flooding. The BHSP responds to this constraint by proposing the GRZ and DDO42 to ensure redevelopment provides reduced building site coverage, and increased areas for soft landscaping, front setbacks and side setbacks. Applying these design requirements will reduce stormwater flow restrictions and increase infiltration.

The introduction of the NRZ, DDO41 and removal of the IHDA from land south of Bridge Road and west of Golf Links Road are further measures to lessen the extent of stormwater flooding impacts in Barwon Heads.

The interrelated hazard of climate change/sea level rise was raised in seven submissions. Climate change is discussed in the BHSP on pages 101-102 and includes a map showing the flood risk (1% Annual Exceedance Probability) and the climate change risk to 2070 and 2100 (for events that occur under a 1% AEP storm surge event on top of sea level rise scenarios). The mapping shows potential inundation to fragments of the IHDA under 0.8m sea level rise (by 2100).

The recently completed *Bellarine Peninsula – Corio Bay Local Coastal Hazard Assessment Greater Geelong and Queenscliffe Planning Schemes Implementation* (Our Coast, Final Report, Dec 2017) recommends that mapped inundation affecting urban areas be applied with a Land Subject to Inundation Overlay supported by local policy. Given that hazard assessments apply to Breamlea, Ocean Grove, Point Lonsdale, Queenscliff, St Leonards, Indented Head, Portarlington and Corio Bay, as well as Barwon Heads, Council officers are currently resolving a preferred approach to implement this information uniformly into the Planning Scheme.

3. Warrenbeen Court

The Amendment proposes to zone land in Warrenbeen Court to NRZ 7, with a minimum lot size of 4000 m² that may be created in subdivision of an existing lot, and to permanently apply Schedule 6 to the Environmental Significance Overlay (ESO 6). ESO 6 currently applies on an interim basis until 30 June 2019.

11 submissions supported the Amendment's proposals for Warrenbeen Court; eight objected and one requested changes. The eight objecting submissions were made by Warrenbeen Court landowners – owners of eight of 14 affected properties. Another submission from a Warrenbeen Court landowner did not object to the Amendment but requested changes to the wording of ESO 6. One supporting submission was from the Barwon Heads Association; the other 10 from individuals.

Issues raised by the objecting submissions included:

- *Subdivision restriction*

Seven of the eight objecting submissions specifically opposed the proposed subdivision restriction (4000 m² minimum lot size for any subdivision) and/or indicated the submitters had intended to subdivide their properties after the expiry of a restrictive covenant at the end of 2020. Three submissions indicated that subdivision of Warrenbeen Court lots could still maintain the existing street character and style. Two submissions contended that subdivision of lots into two (allowing one new dwelling) could retain significant Moonah or would not have significant environmental impact.

- *Retrospective and detriment to owners*

Five submissions indicated that the Amendment is a retrospective action that discriminates against owners. One argued that Warrenbeen Court has long been zoned and developed for residential use, which should be the primary policy consideration. Another stated that the effected properties are private residences, not State Parks. Two submissions queried why properties were given two street numbers if Council's original intention was not to allow subdivision. Another contended that the original Council subdivision approval being time limited indicates further subdivision after 2020 was originally intended.

- *Environmental Significance Overlay Schedule 6*

Submissions objecting to ESO 6 argued it is: an unnecessary burden and restriction; too onerous; inappropriate in a residential area; restrictive and unreasonable in not allowing works such as carport, driveways, gardens or chook pens; best applied to land yet to be developed; and offensive to submitters who have developed sympathetically and cared for the Moonah environment.

Submissions argued that a Vegetation Protection Overlay (VPO) should be used instead of an ESO; one submission argued the purposes of a VPO are more closely aligned with the findings and recommendations of the tree assessment. One submission stated ESO 6 results in significant fire danger, arguing it would create dense, fire-fuelling vegetation in the form of trees and widespread undergrowth.

- *Vegetation*

Several submissions raised issues specific to the vegetation the Amendment seeks to protect. Two submissions argued there are Moonah trees in several other locations in Barwon Heads; one argued that Warrenbeen Court has been unfairly singled out. One submission argued that the Warrenbeen Court Moonah is not the healthiest condition; another stated that much of the subdivision area is degraded and is no longer Moonah woodland. Another submitter indicated that they have planted many Moonah and Bellarine Yellow-gums in the area and managed trees on their property, but this appears to stand for nothing. A submission argued it is not feasible or viable to expect landowners in an established residential area to begin land management.

- *Other matters*

Two submissions indicated a lack of consultation on the proposals. Frustration was expressed that alternatives suggested in submissions to the Structure Plan were not reflected in the adopted Structure Plan. One submission stated Council has not mentioned that restrictive covenants that expire at the end of 2020. Two submissions argued that Council should maintain the ability for infill development because extension of the town's Settlement Boundary is not proposed. One submission contended Council is trying to placate residents elsewhere in Barwon Heads to the detriment of Warrenbeen Court landowners.

Officer Response

Clause 21.14-3 of the Scheme includes a further work action to undertake a landscape assessment study for Warrenbeen Court with the intention to apply an overlay to protect the existing character and vegetation. This action has been in the Scheme since 2010 and was proposed in the 2007 Barwon Heads Structure Plan.

An ESO has been applied to protect environmental values in vegetated existing residential areas elsewhere in the City of Greater Geelong (e.g. Breamlea) and other Victorian local governments. While Warrenbeen Court vegetation was assessed, an approximately 1000 ha study area to the west of the Barwon Heads township was also assessed by Ecology & Heritage. ESO 6 is also being applied to portions of several Taits Road properties as well as some Saratoga Court properties.

Council acknowledges that landowners have managed the Coastal Moonah woodland, with the Ecology & Heritage assessment identifying vegetation on many lots as being in good or moderate condition. However, the Amendment's proposals are warranted to ensure ongoing protection of the Coastal Moonah Woodland community.

With respect to bushfire hazard, Clauses 41.01-3 and 52.48 provide exemptions from the requirement for a permit to remove, destroy or lop vegetation in certain circumstances for bushfire protection. It is understood that the operation of Clause 52.48 is under review by the State Government.

There are restrictions created on the Plan of Subdivision for Lots 1 to 14 Warrenbeen Court, stipulating:

- *The owners ... shall not allow the erection of more than one dwelling on any single lot or further subdivision of any lot.*
- *The owners ... shall not develop the land other than in accordance with an approved Neighbourhood Design Plan pursuant to Planning Permit No. 1057/97.*

The second dot point means that no building can be located outside the building envelopes shown on that Neighbourhood Design Plan.

A separate private covenant on all but one lot, among various other matters relating to land use, stipulates an owner shall not build more than one dwelling on a lot or cause or permit the lot to be subdivided. This covenant expires on 31 December 2020.

While the second covenant expires at the end of 2020, the restrictions on the Plan of Subdivision will remain. The implications of these restrictions is that, regardless of Scheme controls, subdivision would not be possible without removing or varying these restrictions. The process for such removal or variation is set out in the *Transfer of Land Act 1958* and the *Planning and Environment Act 1987*. Removing or varying the restrictions in order to allow subdivision would be highly unlikely without the consent of all landowners who are beneficiaries to the covenant, given Section 60(2) of the *Planning and Environment Act 1987* and the impacts of substantial vegetation removal that subdivision and development of new lots would entail.

The restrictive covenants are separate from the Scheme and are not the reason or justification for the Amendment. However, the ongoing restrictions on the Plan of Subdivision provide context for judging the fairness of the Amendment's controls on subdivision and development.

Range street numbering merely reflects the lengths of a property's street frontage and is completely independent of whether there is current or anticipated subdivision potential.

Submissions on the Barwon Head Structure Plan regarding Warrenbeen Court were considered and are referred to in the adopted 2017 Structure Plan.

A few of the requested changes to ESO 6 (Submission #99) supporting the Amendment are supported as they provide clarity around Permit requirements. However, most of the requested changes are not supported as they are superfluous, inconsistent with the ESO parent clause 42.01-2 or contrary to the Ministerial Direction on the Form and Content of Planning Schemes.

4. Residential land south of Bridge Road

21 submissions specifically addressed Area 5, south of Bridge Road. The Amendment proposes to rezone 'Area 5' from Residential Growth Zone Schedule 3 (RGZ 3) to Neighbourhood Residential Zone Schedule 6 (NRZ 6), and to apply a new Design and Development Overlay Schedule 41 (DDO 41). Of the 21 submissions, eight supported and 13 opposed the Amendment's proposals for the area. Of the eight supporting submissions, three were from affected owners. Of the 13 objecting submissions, 12 were from or on behalf of affected owners.

Objecting submissions raised a wide range of issues. Comments on the Amendment's proposals in general included:

- The Amendment affects Area 5 much more than other parts of Barwon Heads.
- The Amendment significantly restricts opportunity to meet increased housing demand.
- Higher density must be allowed if town's settlement boundary is not expanded.
- The proposals contradict the Housing Diversity Strategy and the 2017 Barwon Heads Structure Plan, which identify an ageing population and the need for greater housing diversity and indicate urban consolidation and infill is the most appropriate way to accommodate projected population growth.
- Area 5 has no unifying neighbourhood character or unique landscape character.
- It is arguably too late to preserve the character of the area, as many existing dwellings in the area are not consistent with the Amendment's requirements/guidelines.
- Height limit and site coverage are impractical for building a house.
- Adverse impacts on land values.

Comments specifically on the proposed rezoning from RGZ to NRZ included:

- Stifles development opportunities and inadequately supports projected population growth.
- Good design outcomes can be achieved by retaining the RGZ and relying on tools such as Clause 55 and a DDO.
- Despite the height limit change from 10.5 m to 9.0 m, allowing three storey buildings will dramatically change appearance of area.
- Some land south of Bridge Road should be included in GRZ, near the supermarket (approximately 400m area between Hitchcock Avenue and Ewing Blyth Drive).

A wide range of comments were made regarding proposed DDO 41. Most objecting submissions commented on the proposed 40% site coverage, arguing that it:

- is overly restrictive and disadvantages affected owners. One submitter indicated it would prevent them extending their home. Another indicated it would cause them to build higher than they would prefer. It was argued that the site coverage reduction is unfair on owners yet to build or redevelop;
- is too restrictive on smaller lots (a 300 m² lot and a 540 m² lot were cited in separate submissions); one submission argued the Amendment should acknowledge that a permit for site coverage above 40% is supported on smaller lots created at an earlier time;
- is unrealistic given most properties in the area already exceed this;

- being reduced from 70% to 40% is a substantial rather than incremental change. A submission contended this was insufficiently highlighted during exhibition and many landowners were unaware of this change;
- will result in more two or three storey dwellings, with overshadowing and adverse impact on character and streetscape, particularly on smaller lots;
- makes little sense given trend towards larger dwellings; and
- should be changed: one submission suggested 50 to 55%, two indicated 60%, and another indicated it should be removed or replaced with a more incremental change that also considers different limits for different lot sizes.

Submissions made comment on other specific aspects of DDO 41 include:

- A design objective in Point 1 is “to protect the unique low scale coastal design character of Barwon Heads”, but this character was lost many years ago.
- Several submissions objected to this point in 2.0 (Buildings and works): “Buildings are designed with lightweight, natural and timber materials and unobtrusive building colours”. Comments included the requirement is too restrictive; few existing structures use these materials; these materials require frequent upkeep in a seaside environment; and colour control could result in a bland built environment.
- The requirement in 2.0 (Buildings and works) for a landscaping plan to be prepared for the site by a qualified landscape architect was questioned, contending that requiring a landscape architect is excessive and a cost burden.
- Setbacks (Table 1) should be based on lot orientation.
- The required min 2 m setback to at least one boundary (Table 1) will severely limit development; many properties currently do not comply with this setback.
- Not clear that requiring garages to be set behind building frontages (Table 1) results in a more appealing outcome.
- A 1 m high fence (Table 1) provides insufficient security.
- Reducing the dominant scale of the upper level can be achieved in a number of ways, not necessarily recessing or articulating (5.0, Decision guidelines).

Officer Response

The proposed rezoning of Area 5 from RGZ 3 to NRZ 6 and the application of DDO 41 reflect recommendations of the *Residential and Landscape Character Assessment 2017* (Character Assessment) undertaken by Hansen Consultants to inform future infill development in Barwon Heads. This assessment informed the 2017 Structure Plan.

The RGZ zoning of Area 5 has resulted from the City’s Housing Diversity Strategy. The Character Assessment noted that the Housing Diversity Strategy was undertaken at a municipal level and consequently was not based on a detailed review of the existing character of individual settlements. The Character Assessment also noted that the RGZ, which encourages higher density residential development, without regard to the existing character of the area, may be inappropriate for this area.

The Character Assessment identified the area south of Bridge Road as having a particularly strong character through the unformed nature of roadside and vegetation, which would be significantly compromised by more intensive development. It noted that the area is influenced by both the public and private realms, with the topography and road treatments particularly influential and vegetation across both the public and the private realms also notable. The Character Assessment recommended that the area be deleted from the Increased Housing Diversity Area (IHDA).

The particular character of the area south of Bridge Road has also been previously recognised. Clause 21.14 of the Scheme includes a further work item to undertake a landscape assessment study of the Ewing Blyth/Golf Links/Bridge Road area with the intention to apply an overlay to protect the existing character and vegetation. The area was also identified as having a distinct character by the 2001 Geelong Neighbourhood Character Study.

Consistent with other non-IHDA residential areas in Barwon Heads, the Amendment proposes the NRZ for Area 5. Given the findings and recommendations of the Character Assessment, reflected in the 2017 Structure Plan, this zoning is considered well justified. The IHDA, with its greater opportunities for infill development, will remain to the north of Bridge Road and east of Golf Links Road.

Only a small proportion of properties in Area 5 currently exceed 40% site coverage. There are very few vacant lots smaller than 500 m² in Area 5. For the few smaller lots in the area, a permit application proposing greater than 40% site coverage could be considered, although a very strong case would be required given 40% maximum site coverage is both a permit trigger and a design requirement on Table 1. In addition to protecting the character of the area, the proposed 40% maximum site coverage will also help to lessen stormwater drainage problems in Barwon Heads by retaining more permeable area as development proceeds.

The proposed reduction in maximum site coverage in Area 5 from 70% to 40% was clearly stated in information mailed to all landowners.

It is acknowledged that the NRZ and DDO 41 may result in more multi-storey dwellings; this is not considered an undesirable outcome. The Character Assessment has already identified the area south of Bridge Road as having a higher presence of two storey buildings than most of the town. The reduced site coverage will provide greater opportunities to retain existing and plant new trees, so that multi storey dwellings will sit in a more vegetated landscape. Under the NRZ, a 9 m maximum height will apply.

The various comments in submissions on specific aspects of proposed DDO 41 have been considered and some changes to DDO 41 are recommended in response to these. Recommended changes to Point 2.0 include removing the requirement for a landscape plan to be prepared by a qualified landscape architect and removing reference to unobtrusive building colours. However, the majority of the content of proposed DDO 41 is considered appropriate and well justified, being based on recommendations of the Character Assessment.

5. Neighbourhood Residential Zone

The majority of the township is proposed to be rezoned from General Residential Zone Schedule 2 (GRZ2) to Neighbourhood Residential Zone Schedule 6 (NRZ6) accompanied by a Design and Development Overlay Schedule 41 (DDO41) *Barwon Heads Incremental Change Residential Area*.

The Barwon Heads Association Submission #13 and other submitters support the NRZ6 however believe a minimum lot size of no less than 400 square metres should be applied. There is widespread support for the 9m building height limit and reduced building site coverage of 40%. Submission #84 suggests the DDO41 should be applied to 'Area 2'.

Submission #6 is strongly opposed to the 9m height limit and seeks 11 metres. Submission #94 also favours 11m in 'Area 1'. On the other hand, Submission #87 says the height limit should be reduced to 7.5m.

Submission #111 by Novo Planning on behalf of a Barwon Heads landowner says the rezoning from GRZ1 to NRZ6 blanket application should be modified to apply to targeted areas in the township (Precincts 8 and 10 in the *Barwon Heads Residential & Landscape Character Assessment March 2017* should be excluded from NRZ6 and DDO41). The submission states:

- Newer development areas should remain in the General Residential Zone Schedule 2 to allow for varied development outcomes.
- The DDO41 should be applied to areas that have high visual amenity such as main roads and more established areas, not nearly all of Barwon Heads residential areas. The 40% maximum site coverage and 30% soft landscaping requirements are not supported.
- The default site coverage of 60% should remain, particularly given the inconsistency in the *Barwon Heads Residential & Landscape Character Assessment*.
- The combination of the garden area, landscaping and site coverage requirements are onerous and limit infill development and good design outcomes.

Officer Response

The request to introduce a minimum lot size of no less than 400 square metres is not supported. Such a control would place serious restrictions on lots of less than 800 square metres and cause material detriment to landowners. Changing the exhibited NRZ6 to include a minimum subdivision area would be a transformation of the Amendment and, in accordance with the rules of natural justice, require reengagement and notification.

The *Barwon Heads Residential & Landscape Character Assessment* has recommended zone and overlay controls to better protect and enhance the town's character as infill redevelopment occurs. The assessment identified the special vegetation character of Warrenbeen Court properties that warrant a minimum subdivision control. However the assessment recommended the broader township be applied with design and development overlays – which are performance based tools. No submission has provided expert landscape character evidence to support the introduction of a 400 sqm minimum lot size.

Applying the DDO41 to 'Area 2' is not supported as these are new residential subdivisions with notable character differences. The built form is unlikely to change and applying the DDO41 would have little to no benefit.

Submissions that oppose the height limit of 9 metres – and seek either higher or lower limits, are not supported. The NRZ is a Victorian Planning Provision that cannot be altered by Council. The NRZ at Clause 32.09-9 sets the building height at 9m and no more than 2 storeys at any point.

Submission #111 fails to identify the address of properties owned – which may give a clearer indication of why Precincts 8 and 10 are specifically requested to be excluded from the proposed NRZ and DDO41. The arguments raised in the submission are rejected.

The BHSP directs that the General Residential Zone only be applied to the IHDA. The IHDA is where infill development and diversity is encouraged. Precincts 8 and 10 in the Character Assessment are areas where most of the housing stock dates back to the 1980s or earlier. Application of the NRZ6 and DDO 41 to these areas is well justified and consistent with nearly all of Barwon Heads' residential areas outside of the IHDA.

DDO 41 proposes maximum 40% site coverage, as a permit trigger and development requirement. This reflects the existing character of the town, with the great majority of

properties having less than 40% site coverage. The Character Assessment notes that this lower site coverage will also reinforce the unique context of Barwon Heads and its associated 'coastal' character. In addition to protecting the character of the area, the proposed 40% site coverage will also help to lessen stormwater drainage problems in Barwon Heads by retaining more permeable area as development proceeds. The 40% site coverage is appropriate for all of the proposed DDO 41 area.

The garden area requirement is separate from, though complementary to, the site coverage and landscaping requirements in DDO 41, although it achieves similar outcomes. All of these requirements would apply, noting that the garden area requirement is mandatory whereas the other requirements may be varied.

6. Movement and parking

51 submissions specifically raised traffic and/or parking issues. Car parking was a clear matter of concern to submitters, with 47 submissions specifically referring to parking issues. Submissions outlined existing traffic and/or parking problems in Barwon Heads. Many indicated that these problems are worst in summer, peak holiday periods and weekends, but are extending throughout the year. Concern was expressed that problems would worsen with population growth in surrounding areas, increasing visitor numbers and new development in Barwon Heads.

Previous parking and traffic studies were criticised for being out of date and taking place outside the summer peak holiday season. Many submissions called for a new traffic and parking study and for traffic and parking improvements to be identified, rather than just ongoing monitoring.

Specific traffic issues raised included:

- congestion on the bridge between Barwon Heads and Ocean Grove;
- safety risks from arterial road traffic, including trucks, to pedestrians and cyclists, particularly Barwon Heads Primary School students;
- impact of Bridge Road pedestrian crossings on traffic flow;
- traffic congestion and management on Hitchcock Avenue and Ozone Road;
- emergency vehicle access;
- speed limits (two submissions suggested a 40 km/h limit, one for the whole town, one for all of Hitchcock Avenue).

Several submissions addressed pedestrian and cyclist networks and safety. Reduced safety for pedestrians and cyclists due to increased traffic volumes and congestion was cited. Submissions called for an expanded network of pedestrian and cycle paths. Two submissions recommended enhancing or preserving laneway links. Two submissions specifically indicated that improved roads, footpaths and cycle paths should not be funded through Special Rates and Charges, but through current rates/consolidated revenue.

A submission from the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) indicated that Transport for Victoria and VicRoads are aware of community concerns regarding traffic congestion and that VicRoads is monitoring the issue, but has not developed any proposals at this stage. The DEDJTR submission indicated that the Structure Plan should identify shared path connections to the broader path network including the Thirteenth Beach coastal path extension to the path between Blackgate Road and Breamlea Road.

Many submissions referred to limited availability of car parking in Barwon Heads, particularly in and around the town centre. Concern was expressed at the impact of on-street parking in streets surrounding the town centre. 25 submissions raised the need

for each development to provide adequate car parking. Most of these specifically expressed concern with the waiving of parking requirements for individual developments, with the impact of waived parking requirements on parking availability in and around the town centre cited in several submissions. Concern was also raised with the standard parking requirements for dwellings. Nine submissions expressed concerns with underground parking, including impact of the water table, flooding of car parks and neighbouring properties and impact on building foundations.

Among a wide range of specific solutions recommended in submissions to address parking issues were:

- developing off-street car parking on Council or private property in or near the town centre;
- improved enforcement of existing parking restrictions;
- increasing timed parking bays on Flinders Parade;
- analysing cumulative parking impacts of new development in Hitchcock Avenue;
- requiring parking assessments to be carried out over summer and weekends; and
- phasing out residential use in the town centre so that land is only used for commercial use or parking.

Officer Response

Community concerns with traffic volumes and flows and car parking supply in Barwon Heads are acknowledged and addressed in the 2017 Structure Plan.

An arterial road passes through Barwon Heads (Barwon Heads Road, Golf Links Road, Bridge Road and the Barwon Heads Bridge) and is managed by VicRoads. Council has to work within the limitations this arterial road alignment presents with respect to traffic movements in Barwon Heads. The Structure Plan recognises slower traffic flows and parking availability problems in peak holiday periods.

Council has previously commissioned traffic and parking studies for Barwon Heads, undertaken in 2003 and 2010. Council has implemented a wide range of traffic and parking improvements since the 2010 Barwon Heads Traffic and Parking study and continues to undertake monitoring of traffic and parking. Council's Engineering Services does not support requests for a new traffic and parking study for Barwon Heads.

Council's Engineering Services advises that further speed reductions on certain roads in the town would inevitably transfer problems to other roads, and that a blanket speed limit reduction across Barwon Heads would likely have a detrimental impact on the overall traffic flows in the town.

With respect to pedestrian and cycling infrastructure, the Structure Plan notes proposed improvements and states that Council will continue to undertake improvements to the road and pedestrian network and facilities when funding is available and in line with Council strategies and priorities.

DEDJTR's submission that the Structure Plan should identify shared path connections to the broader path network including the Thirteenth Beach coastal path extension to the path between Blackgate Road and Breamlea Road is supported. The Structure Plan Map proposed to be included in Clause 21.14 already contains the notation "Support the development of a coastal path along Thirteenth Beach Road" and no change to the Amendment is required. However, the text of the Structure Plan can be revised to refer to that path connecting to the off-road path between Blackgate Road and Breamlea Road.

With respect to parking, the Structure Plan (Part C, point 6.4.4) identifies options that may be considered by Council in future, subject to funding and community support. A Special Rates and Charges Scheme is included as an option for funding car parking or footpaths, however the Structure Plan notes that community consultation would be required due to the financial implications this would have on affected ratepayers.

The Scheme provisions setting car parking requirements for various uses and addressing reductions to car parking requirements are Victoria Planning Provisions, applying throughout Greater Geelong and elsewhere in the State. Council has permitted reduced parking provision for a small number of mixed use (commercial and residential) developments in the town centre in recent years. These have been considered in accordance with Scheme provisions, a parking demand assessment and the advice of Council's Traffic Unit.

Basement car parking is able to be approved subject to Engineering assessment and support and appropriate conditions. Where a Special Building Overlay applies, flooding risk must be considered when assessing proposed developments. The BHSP is a land use plan rather than a detailed traffic and parking plan. The issue has been adequately addressed in the Structure Plan and potential improvements can continue to be considered by Council on an ongoing basis.

7. Vegetation protection

24 submissions highlight the important contribution that vegetation provides within the Barwon Heads township. There is a concern that the Amendment fails to adequately protect the town's vegetation, notably when redevelopment occurs. Submissions request controls be applied to private land similar to that proposed for Warrenbeen Court and in Ocean Grove.

The BHA request that Council urgently undertake further assessment of significant trees on private land (as well as public land) to support planning or other legal controls on the removal of vegetation to preserve landscape character.

Officer Response

Introducing vegetation protection controls in residential areas is problematic, especially where blanket controls are applied. As was the case with Warrenbeen Court and the Ocean Grove Significant Tree Project, previous studies and structure plans had identified the need for technical assessments to determine the merits of new vegetation controls in specific areas.

Planning Practice Note 07 *Vegetation Protection in Urban Areas* provides guidance on how to assess the significance of vegetation and how to protect significant vegetation. The Note states if the planning scheme is to be used to protect vegetation, a vegetation survey or study must be undertaken.

It would be a flawed approach for a Council to propose onerous vegetation controls on private land without supporting evidence. Statements such as that from Submission #122: "Significant vegetation and trees should be protected with tighter controls and a permit needed to remove any of the above", while well meaning, would need to be supported by such evidence. The 2017 BHSP does not include any studies of private land vegetation nor recommend additional controls to the ESO6.

However this does not mean that the BHSP is silent or dismissive of the important value that vegetation – both indigenous to the area and non-indigenous – makes to Barwon Heads.

Amendment C375 proposes Design and Development Overlays to virtually the entire township. These overlays will, where a permit is triggered, require those seeking to redevelop to place greater emphasis on clever siting and design that gives proper consideration to protecting existing vegetation and incorporating new vegetation.

This is considered to be a practical and immediate approach to address the incremental loss of vegetation on private land.

The Amendment also includes the following proposed “Further work” to Clause 21.14:

Undertake a study to identify significant vegetation and biodiversity values of public areas and roadsides within Barwon Heads.

No further work or studies have been identified for private land in Barwon Heads. If the Barwon Heads Association is aware of particular vegetation areas of significance it had ample opportunity to highlight such areas during the BHSP consultation phase.

8. Drafting

This section addresses submissions that request general and specific drafting changes to the exhibited Amendment documents that have not been mentioned in previous sections of the report.

Common to many submissions is that the DDO41 and DDO42 single dwelling exemption from notice and review provision should be removed. Submission #13 states:

“I do not support the total exemption of planning permit applications for single dwellings from advertising and third party appeal rights. It is critical that residents be made aware of the proposed planning permits for all dwellings, be they single or multi-dwelling developments, so they can use their third party appeal rights when appropriate. By removing this right of appeal the community cannot express its views on inappropriate constructions. We need to retain this right to appeal against inappropriate constructions. Council must not remove this right.”

Submission #41 supports exemption provisions.

Further in relation to the DDOs, Submission #24 (and others) state:

“If DDO’s are to be of any use and to have any impact there need to be rigorous mechanisms for ensuring that design character requirements are clearly identified and incorporated into the design process of the development. A mechanism then needs to exist which sees that they are strictly adhered to and permits are not issued unless all requirements have been met. Requirements need to be much tighter. If the CoGG is serious about retaining the ‘coastal character’ of Barwon Heads this needs to be addressed urgently.”

And from Submission #81:

“The Design and Development Overlay 42 that is also proposed for Area 4 is manifestly inadequate. Although the reduction in coverage from 70% to 60 % is welcomed, the Decision Guidelines do not guarantee that dwellings will not dominate the streetscape or have a dominant built form or sufficient front setbacks or significant landscaping. The problem with these type of design overlays is that some or all of the key points can be waived by well-meaning strategic planners. Or the” Buildings and works” requirements are open to a wide variety of interpretation by town planners and builders and developers.”

Requests for specific drafting changes are addressed in the ‘Officer Response’ section.

Officer Response

Having considered the submissions **Attachment 4** highlights (in yellow) changes which will replace the exhibited Amendment clauses as Council's position at the Panel Hearing. It is noted that some of the Attachment 4 drafting changes have been instigated by Council officers to improve clarity and purpose.

Removing the DDO41 & 42 notice and review exemption is not supported. The exemption only applies to single dwellings that do not meet measurable permit triggers in Table 1. Where a permit is required Council statutory planning staff are suitably equipped to assess the application. This is considered reasonable and appropriately limits applicant and Council time and cost. It is important for the community to understand that non-compliance with ResCode provisions (such as overlooking or overshadowing) are not assessed under the DDOs.

Submissions calling for the DDO requirements to be 'tighter' and 'strictly adhered to' need to appreciate the subjective nature of the requirements. Unlike the design requirements in Table 1 (of both DDO41 & 42), which are measurable, the buildings and works requirements pose a more sophisticated assessment of how individual design elements work together. The DDOs are drafted so that the permit triggers (i.e. Table 1) serve as the benchmark for all development, and variations will need to demonstrate how a specific design response to site context achieves the character objectives.

This approach is consistent with PPN59 *The role of mandatory provisions in planning schemes*. It notes the Victorian Planning Provision process is primarily based on the principle that there should be discretion for most developments, and that applications are to be tested against objectives and performance outcomes, rather than merely prescriptive mandatory requirements. Blanket mandatory controls are not appropriate for Barwon Heads.

Suggested specific drafting changes are responded as follows:

#	Submission	Response
13	Clause 21.14 under 'Barwon Heads' add: "and increased height and density is contained in the immediate Hitchcock Ave precinct".	Not necessary and not agreed.
13	DDO42 to include a height limit of 9m.	Contrary to the GRZ 11m height limit and not agreed.
13	DDO42 to specify site coverage of 60%.	Agreed.
13	DDO41: include more specific coastal design benchmarks which encourage stronger architectural design elements such as materials, form and colours.	Not agreed. The design requirements stem from the Character Assessment.
13	Clause 21.14 under 'Barwon Heads' remove reference to 'support lifetime home living for older people'.	Agreed. To be removed.
13	DDO25 should not be amended unless further impacts on coastal character and township amenity is considered.	Not agreed. The DDO25 is a consequential change to make the height consistent with the surrounding GRZ.
84	Unclear why the statement "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," is to be removed.	The Strategy has been completed. Refer to the report discussion section 2. IHDA
84	DDO42 to include the statement: "The development will deliver a variety of housing	Agreed.

	types, with a preference for smaller one and two bedroom housing types”.	
84	DDO42 reference to Decision guidelines should strengthen wording ‘consider’ to ‘encourage’.	Not agreed as would be contrary to MD Form & Content of Planning Schemes.
84	DDO42 terminology “The upper levels of a building are recessed and articulated to reduce the dominant scale of the upper level “ should include ‘ <i>to all sides</i> ’.	Agreed.
84	SLO9 decision guidelines be amended to strongly discourage heights above 7.5m.	Not agreed. The SLO9 was not reviewed other than consequential changes resulting from the Amendment.
84	DDOs to mandate use of architects for built form.	Not agreed.
84	An overlay applicable such as the Barwon River Environs should be implemented, nominally 7.5m, to reduce height of building above the vegetation especially leading to the coastal dunes adjacent to the Golf Course.	Not recommended in the Character Assessment and not agreed.

9. Village character

Common to all the above themes is the overarching concept of ‘coastal character’ or ‘village character’. Many objecting submissions make mention of this concept, often critical or dismissive of the BHSPs ability to protect the established character of the town.

As stated in Submission #32: *“The proposed changes will affect the residential amenity and liveability of Barwon Heads and the general style of this area and is contrary to the unique feeling the township of Barwon Heads has to offer.”*

Some of the submissions that advocate expanding the settlement boundary say inappropriate development in recent years has permanently damaged the character and appeal of Barwon Heads. Others also say the expansion would reduce intensive development and village atmosphere issues.

Twelve submissions support the BHSPs approach and recommended planning controls to safeguard character.

Officer Response

Assumptions that infill development intrinsically implies detriment to village character is somewhat misguided. It is not possible or appropriate to stop growth and Barwon Heads will continue to change and renew. This is particularly so as the Barwon Heads housing market becomes ever more sophisticated.

Preparation of the BHSP involved comprehensive community engagement and the expertise of landscape consultants; to not only arrive at an understanding of what is the character of Barwon Heads, but how to best manage development and change to protect that character.

The resulting *Barwon Heads Residential & Landscape Character Assessment* has informed the BHSP. The Assessment says that fundamental to the concept of character is the distinction between ‘existing’ character and ‘preferred’ character. After analysing a range of development trends and design elements, the Assessment concluded that the residential and landscape character of Barwon Heads is very mixed.

The Assessment also sought the community’s views on the town’s special and valued characteristics.

The Assessment then lays out the approach to manage change supported by the evidence acquired in preparing the report. By identifying the important key elements of Barwon Head's character, the Assessment was able to make informed recommendations including the most appropriate planning controls.

While the Character Assessment was concentrated on the land within the town, it is the coastal setting in which the town lies that most significantly defines Barwon Heads. This fact is evidenced in numerous policy and strategic documents, such as:

'Protect the unique character of Barwon heads as a coastal village located within a sensitive environment and significant landscape setting' [Clause 21.14 Greater Geelong Planning Scheme].

'A place that is defined by the natural landscape features that surround it – the Bellarine Peninsula's 'island' community' [Barwon Heads Urban Design Framework 2013].

The township characteristics identified in the *Barwon Heads Residential & Landscape Character Assessment March 2017* (p. 20).

Submissions that support the BHSPs efforts to protect the unique coastal or 'village' character of Barwon Heads are appreciated. Those that say the structure plan is a weak document and will do little to address character concerns are rejected – as are arguments that request expanding the township to the west.

The new zone and overlay controls, together with retaining the settlement boundary location, ensures Amendment C375 strategically responds to the challenges of accommodating a 'modest' level of growth while protecting the 'village' character of Barwon Heads.

Financial Implications

The planning scheme amendment process has no significant financial implications for Council.

Community Engagement

The Amendment was exhibited in accordance with the provisions of the *Planning and Environment Act 1987*.

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

- Directions Hearing: in the week commencing 23 July 2017.
- Panel Hearing: in the week commencing 20 August 2018.

Planning Panels Victoria will notify all submitters of the Panel dates and invite requests to be heard at the hearing.

On 8.5.2018 Council officers met with several objecting Warrenbeen Court landowners; where the landowners reiterated their strong objections to the Amendment's proposals.

Social Equity Considerations

The Amendment does not raise any social equity issues.

Policy/Legal/Statutory Implications

The 2017 BHSP has been prepared having regard to existing relevant State, regional and local planning policies as described in the BHSP policy context section (pp. 43-66) and the Explanatory Report accompanying the exhibited amendment.

Alignment to City Plan

The 2017 BHSP aligns with the Sustainable, Built and Natural Environment and Growing our Economy strategic directions in City Plan.

Conflict of Interest

No Council officer involved in the preparation of this report has any direct or indirect interest, in accordance with Section 80(c) of the Local Government Act.

Risk Assessment

Deferral or delay of proceeding to the pre-set panel hearing will require rescheduling of the hearing with Planning Panels Victoria. Given the relatively high level of building activity in Barwon Heads and the Amendment C375 proposed new zone and overlay controls, any delay will cause inconvenience and confusion for landowners, the local community and the development industry.

Submission #29 stated that if the Amendment's proposals for Warrenbeen Court proceed without compromise, the submitter will initiate legal proceedings against the City of Greater Geelong for substantial financial compensation for losses and backdated land rates adjustments back to the estate's inception.

Environmental Implications

Maintaining the existing Barwon Heads settlement boundary location recognises the sensitive ecological and landscape values located west of the urban area. This includes the internationally recognised Ramsar wetland area of the Murtnaghurt Lagoon. The BHSP supports public land managers and community groups in the on-going management of Murtnaghurt Lagoon, the Bluff, the coastal and river environs and the estuary.

Barwon Heads is susceptible to flooding and a Special Building Overlay applies to areas in the town designated flood prone. Future growth in Barwon Heads will be from infill development, which has the potential to exacerbate stormwater runoff. Increasing the capacity of the underground drain network is not feasible and the Amendment responds to stormwater hazard by proposing zone changes and new development controls to reduce maximum building site coverage and create more permeable land.

The low lying nature of Barwon Heads in a coastal area also makes the Township susceptible to climate change. The 2017 Barwon Heads Structure Plan refers to Council's Climate Change Adaption Strategy 2011 and the recent preparation of a 3rd Pass Local Coastal Hazard Assessment. The impacts of coastal inundation by the year 2100 will require careful coastal planning in the future.

Mapped Coastal Moonah Woodland communities in the Warrenbeen Court area and adjacent farming zoned land are recommended for protection by applying an Environmental Significance Overlay and minimum lot sizes. There are also BHSP directions to encourage revegetation and enhance existing street trees and informal landscaping in the street network.

Attachment 2 - Information Sheet

AMENDMENT C375

PROPOSED RESIDENTIAL ZONE & OVERLAY CHANGES IN BARWON HEADS



Area 1

The current zone is General Residential Zone (GRZ) Schedule 2.
The proposed zone is Neighbourhood Residential Zone (NRZ) Schedule 6.

This change maintains a 9 metre building height limit and private open space area requirements for new development.

Why are we proposing a change of zone? The State Govt has lifted the building heights in the GRZ to 11 metres throughout Victoria. Rezoning to the NRZ retains the 9 metre height limit.

Also proposed is a Design & Development Overlay Schedule 41 so that new development complies with coastal character design requirements (when the DDO41 triggers a planning permit).

Area 2

The current zone is General Residential Zone Schedule (GRZ) 2.
The proposed zone is Neighbourhood Residential Zone Schedule (NRZ) 6.

This change maintains a 9 metre building height limit and private open space area requirements for new development.

Why are we proposing a change of zone? The State Govt has lifted the building heights in the GRZ to 11 metres throughout Victoria. Rezoning to the NRZ retains the 9 metre height limit.

Area 3

The current zone is General Residential Zone (GRZ) Schedule 2.
Your proposed zone is Neighbourhood Residential Zone (NRZ) Schedule 7.

This change maintains a 9 metre building height limit and introduces a minimum subdivision lot size of 4,000 square metres.

Why are we proposing a change of zone? The State Govt has lifted the building heights in the GRZ to 11 metres throughout Victoria. Rezoning to the NRZ retains the 9 metre height limit. Furthermore, the NRZ allows minimum subdivision lot sizes to be specified which is applied here to protect vegetation.

Also proposed is an Environmental Significance Overlay Schedule 6 to require a planning permit for removal of native vegetation.

Area 4

The current zone is Residential Growth Zone (RGZ) Schedule 3.
The proposed zone is General Residential Zone (GRZ) Schedule 1.

This change increases the building height limit from 10.5 to 11 metres and reduces building site coverage from 70% to 60%.

Why are we proposing a change of zone? The State Govt has lifted the building heights in the RGZ to 13.5 metres throughout Victoria. The GRZ is the best-fit zone to reflect existing height limits and support Council's increased housing diversity area policy which continues to apply.

Also proposed is a Design & Development Overlay Schedule 42 so that new development complies with coastal character design requirements (when the DDO42 triggers a planning permit).

Area 5

The current zone is Residential Growth Zone (RGZ) Schedule 3.
The proposed zone is Neighbourhood Residential Zone (NRZ) Schedule 6.

This change reduces the building height limit from 10.5 to 9 metres and reduces building site coverage from 70% to 40%.

Why are we proposing a change of zone? The area south of Bridge Rd has unique landscape characteristics best managed in the NRZ. Furthermore, the NRZ reflects the removal of Council's increased housing diversity area policy from this area.

Also proposed is a Design & Development Overlay Schedule 41 so that new development complies with coastal character design requirements (when the DDO41 triggers a planning permit).

Area 6

The current zone is General Residential Zone (GRZ) Schedule 2.
Your proposed zone is Neighbourhood Residential Zone (NRZ) Schedule 6.

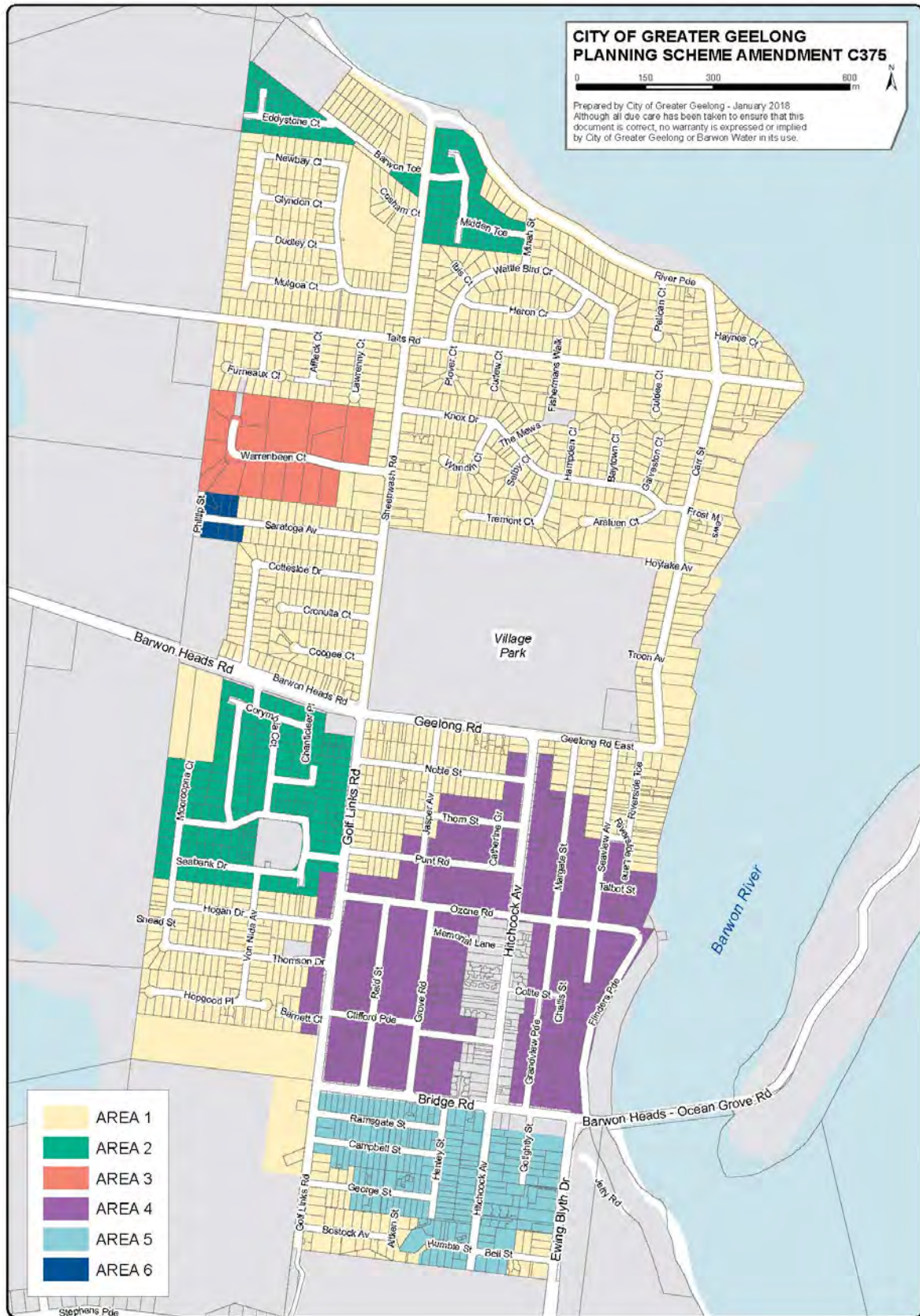
This change maintains a 9 metre building height limit and private open space area requirements for new development.

Why are we proposing a change of zone? The State Govt has lifted the building heights in the GRZ to 11 metres throughout Victoria. Rezoning to the NRZ retains the 9 metre height limit.

Also proposed is a Design & Development Overlay Schedule 41 so that new development complies with coastal character design requirements (when the DDO41 triggers a planning permit) and an Environmental Significance Overlay Schedule 6 to require a planning permit for removal of native vegetation.

Please turn over to view area map

Full details of Amendment C375 can be found on the Geelong Australia Website at:
www.geelongaustralia.com.au/amendments



Attachment 3 - DELWP Letter



Department of Environment,
Land, Water & Planning

Our ref: SP456712
Your ref: Barwon Heads Structure Plan Review 2010

20 July 2016

Mr André Schmid
Senior Strategic Planner
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Dear Mr Schmid

PROPOSAL: Barwon Heads Structure Plan Review 2010
ADDRESS: Barwon Heads and surrounds

I refer to your letter to Lisa Neville, the former Minister for Environment, Climate Change and Water dated 22 April 2016, in respect of the above-described Structure Plan Review. I apologise for the extended delay in this response.

The Department of Environment, Land, Water and Planning (DELWP) has reviewed the current Structure Plan and considered the particular questions you raised. These comments incorporate the views of Parks Victoria, which manages Lake Connewarre State Game Reserve including Murtnaghurt Lagoon.

Key projects, policies or strategies

The Victorian Coastal Strategy (VCS) and associated coastal policies identified in the current Barwon Heads Structure Plan remain relevant and appropriate.

The current VCS (2014) expands on the importance of coastal settlements and defines a number of key policies for decision making when defining township boundaries:

- Non-urban breaks be maintained between coastal settlements to preserve the character of the coastline and coastal settlements (2.2).
- Growth should be directed to areas suitable for accommodating sustainable growth (2.2).
- Risks associated with areas susceptible to flooding (both river and coastal inundation) are critical when redefining coastal town boundaries (2.2.2)
- The structure plan should reflect the directions set out in the Regional Growth Plan (2.2.3a) – the Geelong RGP identifies Armstrong Creek and Ocean Grove as the key growth areas.
- Growth should not threaten wetlands or estuaries (2.2.3d).
- Avoid development on primary coastal dune systems and low lying coastal areas (2.2.4)
- Existing non-urban breaks between all coastal settlements must be maintained to support community identity and inspire a sense of place (2.2.5)
- Avoid linear urban sprawl along the coastal edge and within rural landscapes, protect areas between settlements for non-urban use, retain visually significant landscapes and views protected (2.2.6 & 7).
- New greenfield development outside of existing town boundaries, plan for not less than 0.8 metre sea level rise by 2100 (2.1.3).
- Avoid development in low lying coastal areas susceptible to inundation, both river and coastal (2.1.6).

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 3002



The following additional references may also assist Council in review and update of the Structure Plan:

- *The Bellarine Peninsula-Corio Bay Local Coastal Hazard Assessment*. Specific data is available at a local scale on sea-level rise projections and riverine flood events, and the combined potential impacts sufficient to inform strategic planning without having to rely only on the 'precautionary principle'.
- *The Victorian Coastal Inundation Dataset* is useful in a broad context, however, the local coastal hazard assessment will provide more specific details on climate change impacts to specific areas identified in the Barwon Heads Structure Plan review.
- *The Victorian Coastal Hazard Guide* provides guidance on adaptation and planning for impacts of climate change on the coast into the future.
- *The Victorian Waterway Management Strategy* (VWMS) (DEPI 2013) provides useful guidance for considering and managing Victoria's waterways. Of particular relevance are: chapter 12 (Wetlands) which sets the strategy and policy around protecting wetlands from adverse impacts from development and land use (including 12.3 *Protecting the values of Ramsar sites*); and chapter 14 (Waterways in Urban Areas), which sets the direction for the protection of waterway and wetlands from the adverse impacts of urban development within close proximity to these areas.

Additional services planned or required for the township for current needs or future consolidation/growth

DELWP's key concern is the ability of existing infrastructure and systems to accommodate any future population growth in an environmentally sustainable manner. Of particular concern is stormwater runoff and the threat it poses to surrounding sensitive environments. Further comment is provided in the discussion about Ramsar considerations.

The review is a good opportunity for Council to reflect on how issues such as parking have evolved. DELWP noted parking as a community concern in 2007, with potential to be exacerbated by increased visitor numbers. Importantly, there was and is no scope for expansion of parking provision on coastal Crown land. The township has continued to attract tourists, and populations have expanded in the region at places such as Armstrong Creek. Council should consider how this situation has evolved, and whether / what measures are required to manage these pressures on the town.

Potential changes to the settlement boundary and associated constraints

There is a lack of policy support for expansion of the settlement boundary, and there are significant environmental sensitivities and constraints surrounding the township.

Expansion of Barwon Heads remains counter to the planning scheme's urban growth and coastal policies, which seek to direct urban growth to identified growth areas (i.e. Armstrong Creek, Ocean Grove and Leopold), and protect undeveloped areas between coastal towns from development pressure. DELWP is not aware of any changes since publication of the current Structure Plan that provide overriding policy or strategic support for growth of the town beyond existing boundaries.

There are also the geographical limitations imposed by the river and Crown land, and the significantly limited potential for increasing stormwater disposal that might be associated with expansion. A Ramsar wetland borders the town on the west, north and east, with only the river downstream of the bridge and the Bass Strait coast not so encumbered.

Council should also actively consider the appropriateness of further growth of the township against projections for sea level rise in the context of climate change. Whereas DELWP previously promoted application of the 'precautionary principle', the *Bellarine Peninsula-Corio Bay Local Coastal Hazard Assessment* now provides data at a local scale sufficient to inform strategic planning without having to rely only on the precautionary principle.

In relation to the three geographical areas of interest you identified, DELWP provides the following:

South of Barwon Heads Road (1920 Barwon Heads Road) & Stage C of Thirteenth Beach Resort

Urban development in the above-described areas may have implications for the long term management and biodiversity of Murtnaghurt Lagoon through changing the hydrological regime.

Murtnaghurt Lagoon is a naturally saline wetland that is dry for extended periods during the warmer months of the year. The lagoon is connected to the Barwon River by a semi natural floodway that directs flows from the Barwon River during high water events. It has a small local catchment that directs some overland flows from adjoining land to the lagoon. The lagoon has been substantially dry for several years due to low flows of water in the Barwon River.

As indicated on the proposed structure plan, the catchments for the above-described areas drain towards the lagoon. Stormwater from these areas would likely flow into the system unless a series of intercepting devices/ basins was installed and alternative disposal means designed and constructed.

On a separate matter, the coastal policy settings embedded in the VCS and planning scheme maintain the focus on non-urban breaks between coastal townships, such as the break between the town and Thirteenth Beach Resort. Urban expansion to the west of Barwon Heads should be considered against the same policy context as it was in 2007.

North of Barwon Heads Road (various land owners)

The area north of Barwon Heads Road is likely to drain into the Barwon River. Any increase in freshwater inputs such as stormwater runoff may have localised impacts on riparian vegetation. The section of the Barwon River adjacent to the land north of Barwon Heads Road has important areas of White Mangrove (*Avicennia marina*) and coastal saltmarsh vegetation that are reliant on a saline environment. The impact of localised freshwater inflows on mangroves is not understood, but experience from other coastal areas has shown that increases in the quantity of freshwater have a detrimental effect on saltmarsh vegetation through allowing the invasion of weed species and changes in the vegetation structure.

Ramsar considerations

Murtnaghurt Lagoon and the Barwon River (between Lake Connewarre and the Barwon Heads Bridge) are part of the Lake Connewarre Wildlife Reserve which is a designated State Game Reserve. Activities that impact wildlife reserves are regulated under the *Wildlife Act 1975*.

The Lake Connewarre Wildlife Reserve is also part of the Port Phillip (Western Shoreline) and Bellarine Peninsula Ramsar site. Impacts to the ecological character of a Ramsar site are regulated through the *Environment Protection and Biodiversity Conservation Act 1999*. DELWP is responsible for leading the management of Ramsar sites in Victoria.

A change in land use to allow urban development would need to consider implications for the ecological character of the Ramsar site due to stormwater runoff (volumes, timing and frequency) and other impacts such as sedimentation, pollution and nutrient loads from an urbanising environment. Ecological character is the combination of ecosystem components, processes and benefits and services that characterise a wetland at a given point in time. For Ramsar sites this is at the time of listing. A change in ecological character is a human-induced adverse alteration of any ecosystem component, process and/or ecosystem benefit/service. Impacts to ecological character could include a change in the hydrological regime due to increased freshwater inflow to the lagoon and river.

Experience from the Armstrong Creek development has identified that increasing freshwater inflows into a saline wetland system can lead to a degradation of the wetland by changing the vegetation community and also not allowing the system to dry out as would occur in the natural system.

Clause 12.02-1 *Protection of Biodiversity* of the planning scheme requires that any change in land use or development "Considers impacts of any change in land-use or development that may affect the biodiversity value of adjoining national parks and conservation reserves or nationally and internationally significant sites including wetlands and wetland wildlife habitat designated under the Convention on Wetlands of International Importance (the Ramsar Convention), and sites utilised by species designated under the Japan-Australia Migratory Birds Agreement (JAMBA) or the China-Australia Migratory Birds Agreement (CAMBA)." As the Barwon River and Murtnaghurt Lagoon are both part of a Ramsar site, impacts on the biodiversity value of these sites should be considered as part of the structure plan review.

Stormwater management would need to be delivered on site to meet the objectives of the planning scheme in relation to environmental impact from stormwater management, as well as State and Commonwealth legislation and policy relating to protection of internationally significant sites. Given the above mentioned concerns, the use of Murtnaghurt Lagoon as a receiving body for stormwater or uncontrolled outflows to the Barwon River would not be supported by DELWP.

Native vegetation

Barwon Heads contains areas of native vegetation (e.g. Warrenbeen Court, Stephens Parade, Ewing Blyth Drive), particularly remnant Moonah woodlands. The current native vegetation permitted clearing regulations (i.e. as per Clause 52.17 of the planning scheme) only identify a small portion of this vegetation as high significance in the Victorian context (the scale at which the regulations apply). As such, a planning permit may be required to remove this vegetation, but due to its low significance at a State level there is little within the native vegetation regulations to restrict its removal.

Council may wish to consider whether there are areas of vegetation in the town that are of local importance and require additional regulatory protection, such as through overlay controls. As an example, Schedule 9 to the Significant Landscape Overlay currently identifies Moonah and Coast Beard-heath as valuable, and provides a higher level of protection for these species in areas where the overlay applies.

Potential conflicting uses

Council should consider the existing uses of Murtnaghurt Lagoon, and the potential impact of increased urban development in areas adjoining this site. The State Game Reserve of which Murtnaghurt Lagoon is part is a permitted duck hunting area. There is potential for conflict between increasing urban development and hunting. This has already been identified as an issue for the Armstrong Creek development where it adjoins Hospital Swamps, and from a small number of complaints by current residents at the Thirteenth Beach Resort adjacent to Murtnaghurt Lagoon.

Victoria Police have requirements under the Firearms Act relating to not using a firearm in a populous place which may be triggered if urban development occurred up to the boundary of Murtnaghurt Lagoon. These requirements already prevent hunting on the Barwon River section of the State Game Reserve. The thoughts of the Game Management Authority may be valuable when reviewing the structure plan.

If you have any queries regarding this matter, please contact me on telephone (03) 5561 9956.

Yours sincerely



Claire Tesselaar
Senior Statutory Planning Officer
Barwon South West Region

Attachment 4 - Amendment C375 Clause Changes (relevant pages only)

GREATER GEELONG PLANNING SCHEME

- 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 by ensuring that urban development does not occur outside of the defined settlement boundary.
- Protect the unique character of Barwon Heads as a coastal village located within a sensitive environment and significant landscape setting.
- Ensure that new development complies with specified coastal character siting and design requirements.
- Protect the very low density residential character of the Warrenbeen Court area to ensure that development has minimal impact on the indigenous vegetation and landscape character of the area.
- Encourage the provision of adaptable housing designs to support lifetime home living for older people.
- Ensure the Hitchcock Avenue shopping centre remains the focus of retail activity in Barwon Heads.

GREATER GEELONG PLANNING SCHEME

- Restrict new ~~real commercial~~ development ~~within~~ the existing town centre business and mixed use zones in Hitecock Avenue between Bridge Road and Ozone Road and the south side of Bridge Road and ~~discourage the use of the land for industry or warehouse uses.~~
- ~~Ensure new housing development complements the character of Barwon Heads and provides for a variety of housing sizes and types.~~
- Support the ~~appropriate continued~~ development of Stage 3 of the 13th Beach Resort as a focus for golf that excludes residential development and provides demonstrable net environmental benefit - tourist destination.
- Continue upgrading the Barwon Heads Village Park and foreshore reserves in accordance with established master plans.
- Protect existing street trees and where possible informal landscaping in streets.
- Support development of appropriate tourist accommodation around the Barwon Heads town centre, including improvement of accommodation diversity.

Drysdale/Clifton Springs:

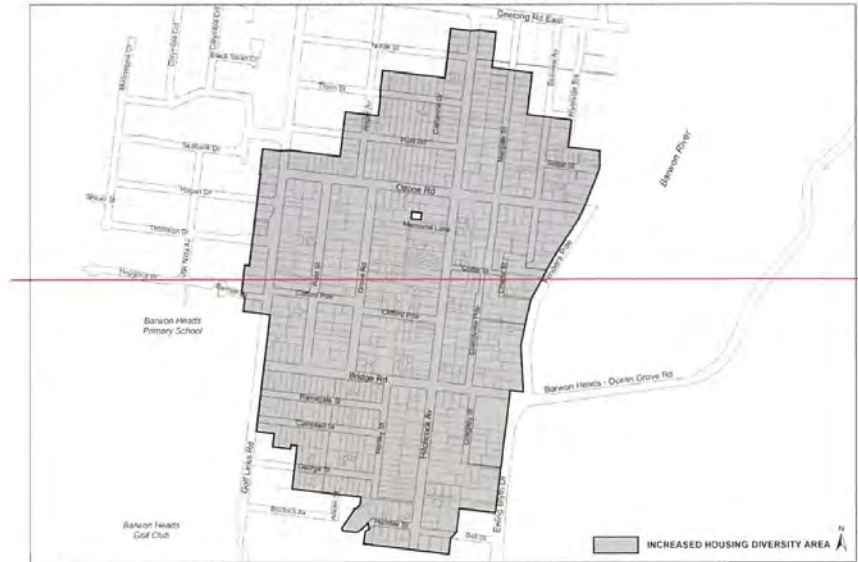
- Contain urban development within the defined settlement boundary on the Structure Plan map.
- Support the development of the Jetty Road Urban Growth Area and other areas identified for residential development on the Structure Plan map.
- Ensure new development incorporates sustainability principles 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.
- Ensure new development opposite or in close proximity to the Drysdale Bypass road accords with the VicRoads Drysdale Bypass Access Management Strategy (November 2017) and minimises back fencing as viewed from the 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;

GREATER GEELONG PLANNING SCHEME

BARWON HEADS INCREASED HOUSING DIVERSITY AREA



BARWON HEADS INCREASED HOUSING DIVERSITY AREA



GREATER GEELONG PLANNING SCHEME

DD/MM/YYYY
 Proposed C375 **SCHEDULE 6 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE**

Shown on the planning scheme map as **NRZ6**.

BARWON HEADS INCREMENTAL CHANGE AREA

1.0 Neighbourhood character objectives

DD/MM/YYYY
 Proposed C375 To protect the unique low scale coastal design character of Barwon Heads.

2.0 Minimum subdivision area

DD/MM/YYYY
 Proposed C375 None specified.

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

DD/MM/YYYY
 Proposed C375

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

DD/MM/YYYY
 Proposed C375

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	An area of 60 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. It cannot include a balcony or roof top terrace.
	B28	An area of 60 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. It cannot include a balcony or roof top terrace.

GREATER GEELONG PLANNING SCHEME

	Standard	Requirement
Front fence height	A20 and B32	None specified

5.0 Maximum building height requirement for a dwelling or residential building

DD/MM/YYYY
 Proposed C375
 None specified

6.0 Application requirements

DD/MM/YYYY
 Proposed C375
 None specified.

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:

- When any of the lots being created by a subdivision 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

DD/MM/YYYY
 Proposed C375
 None specified.

GREATER GEELONG PLANNING SCHEME

14/12/2017
C374
Proposed C375

SCHEDULE 6 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO6**.

WARRENBEEN COURT RESIDENTIAL AREA AND LAND NORTH OF TAIT'S ROAD, BARWON HEADS

1.0 Statement of environmental significance

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This area contains indigenous vegetation of the Ecological Vegetation Class - Coastal Alkaline Scrub (EVC 858) identified as Coastal Moonah Woodland (*Melaleuca lanceolata* subsp. *lanceolata*). Coastal Moonah Woodland is listed as threatened under the Flora and Fauna Guarantee Act 1988 and is the subject of Action Statement No.141 under that Act. The Coastal Moonah Woodland in this area ranges from poor condition to good condition and needs to be protected and enhanced to prevent further incremental decrease in the extent and condition of the community. The presence of poor condition, or relatively poor condition Coastal Moonah Woodland is the result of poor management of the understorey which presents as a Moonah or indigenous canopy over a modified understorey.

Threats to ecological values within this area include the removal of vegetation particularly understorey species, thick mulching preventing the recruitment of indigenous plants and the general residential use of the sites resulting in trampling by humans and/or dogs, weed invasion, mowing etc.

Species found in the Coastal Moonah Woodland in this area include Overstorey: Moonah, with occasional Drooping Sheoak *Allocasuarina verticillata*; Shrub layer: Seaberry Saltbush *Rhagodia candolleana* subsp. *candolleana*, with occasional Hedge Wattle *Acacia paradoxa*, Ruby Salt-bush *Enchylaena tomentosa* subsp. *Tomentosa*, Boobialla *Myoporum insulare* and Thyme Rice-flower *Pimelea serpyllifolia* subsp. *Serpyllifolia*; Scramblers/climbers: Small-leaved Clematis *microphylla* var. *microphylla* and Bower Spinach *Tetragonia tetragonioides*; Ground cover: Slender Wallaby-grass *Ryidosperma racemosum* subsp. *racemosum*, Spear-grass *Aurolastipa* spp. and Black-anther Flax lily *Dianella admixta*. Kidney-weed *Dichondra repens* was also occasionally present in the ground layer.

2.0 Environmental objective to be achieved

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- To protect and enhance the long term future of the Coastal Moonah Woodland vegetation community; and to minimise the impact of residential use and development on the Coastal Moonah Woodland vegetation community.

3.0 Permit requirement

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Vegetation

A permit is not required to remove, destroy or lop vegetation that is:

- Not indigenous to Victoria.
- Listed within the incorporated document Environmental Weeds, City of Greater Geelong, September 2008.
- Pruned to remove any branch that overhangs an existing dwelling or is within 2 metres of an existing dwelling.
- ~~Pruned to improve its health, provided the normal growth habit of the plant is not retarded.~~
- An immediate risk of personal injury or damage to property, if only that part of vegetation which presents the immediate risk is removed, destroyed or lopped.
- Dead, to the satisfaction of the responsible authority.

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- 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.

Buildings and Works

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

- Works are not being carried out within the tree canopy's area within 2 metres of the drip line (outer edge of tree canopy) of vegetation which forms part of Coastal Moonah Woodland community, including the derived grassland and planted Moonah at 42-46 and 48-50 Warrenbeen Court as identified in the Significant Residential Tree Assessment, Warrenbeen Court, Barwon Heads, Victoria (Ecology & Partners Pty Ltd, October 2016).

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Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The location of Coastal Moonah Woodland as identified in:
 - *Significant Residential Tree Assessment*: Warrenbeen Court, Barwon Heads, Victoria (Ecology & Partners Pty Ltd, October 2016) or
 - *Rural Significant Tree Assessment*: Barwon Heads, Victoria (Ecology & Partners Pty Ltd, February 2017).
- The location of existing and proposed building(s) on the site and on surrounding properties, and the total extent of proposed clearing, destruction or lopping and/or proposed buildings and works.
- *Flora and Fauna Guarantee Action Statement No. 141* for the 'Coastal Moonah Woodland' vegetation community.
- The need to avoid removal, lopping and/or destruction of Coastal Moonah Woodland community.
- Whether there is a valid reason for removing the vegetation and alternative options to removal have been fully explored such as changing the building footprint.
- The need to minimise human disturbance on the root system, canopy and overall health and appearance of the Coastal Moonah Woodland community from constructing a building or constructing or carrying out works. This may include mulching, trampling, introduction of pest plants and cut and/or fill, as well as measures to protect vegetation during construction.
- The need to limit buildings and hard surfaces such as dwellings, outbuildings, driveways and hard landscaping to parts of sites that does not contain the Coastal Moonah Woodland community.
- The need to improve the condition and diversity of understory vegetation in the Coastal Moonah Woodland community through natural regeneration and re-establishment of Coastal Moonah Woodland community.
- Whether a landscaping plan has been prepared by a suitably qualified person that incorporates species from the Coastal Moonah Woodland community, restricts the use of mulching within areas of remnant vegetation and specifies ongoing vegetation management practices post construction.

5.0 Expiry

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~~The requirements of this Schedule cease to have effect after 30 June 2019.~~

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**SCHEDULE 41 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT
OVERLAY**

Shown on the planning scheme map as **DDO41**.

BARWON HEADS INCREMENTAL CHANGE RESIDENTIAL AREA

1.0 Design objectives

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To protect the unique low scale coastal design character of Barwon Heads.

~~To ensure new development complies with specified coastal character siting and design requirements.~~

2.0 Buildings and works

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A permit is not required to construct or extend one dwelling on a lot or construct a fence that meets the ~~design objectives and~~ design requirements in Table I.

A permit is required to construct more than one dwelling on a lot.

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- ~~A landscaping plan must be prepared for the site by a qualified landscape architect that shows:~~
 - ~~Retention of existing trees within the front setback.~~
 - ~~If there are no existing trees, the planting of at least one new tree.~~
 - ~~The planting of additional vegetation, including a minimum of two local indigenous species.~~
- Buildings are located within a spacious and vegetated garden setting that integrates with the vegetation of the public realm.
- Buildings and driveways are designed and sited to avoid being visually obtrusive to the streetscape ~~and adjoining properties.~~
- Garages are designed or integrated into buildings to form a visually unobtrusive part of the building.
- Building setbacks are designed to ensure that adequate land is available for the retention and establishment of indigenous vegetation.
- Space between buildings is provided to avoid boundary to boundary development.
- Buildings are designed with lightweight, natural and timber materials ~~and unobtrusive building colours.~~
- ~~The openness of the streetscape is retained by avoiding the use of front fences or by providing low permeable front fences.~~
- ~~The requirements set out in Table I.~~
- ~~A landscaping plan must be prepared for the site by a qualified landscape architect that shows:~~
 - ~~Retention of existing trees within the front setback.~~
 - ~~If there are no existing trees, the planting of at least one new tree.~~
 - ~~The planting of additional vegetation, including a minimum of two local indigenous species.~~

An application for a single dwelling or buildings and works associated with a single dwelling is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

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Table 1. Barwon Heads Incremental Change Residential Area Design Requirements

Design Requirement	Design Response	
Site coverage	A maximum up to and including a site coverage of 40%.	
Building siting and setbacks	Front setbacks	A front setback of 6m. Or 4m if located on an identified road as a Road Zone (RDZ1)
	Side setbacks	A 2m side setback on at least one side boundary.
Canopy tree	At least two existing and/or new canopy trees to be provided per site (per lot), with at least one canopy tree provided in the front yard and the use of local indigenous species.	
Soft landscaping	At least 30% of the site is available (free from hard surfaces) for soft landscaping (e.g. i.e. areas of natural ground surface set aside for vegetation).	
Garages and access	The maximum width of a garage door(s) is to be no more than 5.6m or a maximum of more than 35% of the lot frontage if the lot is greater than 16m.	
	A garage is set at least 1m behind the main building line.	
Fencing	For properties fronting a main road included in the Road Zone (RDZ1) a fence forward of the front wall of a dwelling must be less than 1.5m in height and be more than 50% permeable.	
	For any other property a fence forward of the front wall of a dwelling must be less than 1m in height and more than 50% permeable.	

3.0 Subdivision
 DD/MM/YYYY
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 None specified.

4.0 Advertising signs
 DD/MM/YYYY
 Proposed
 None specified.

5.0 Decision guidelines
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 In considering an application for a permit under this clause, the responsible authority must consider, as appropriate, whether:

- Adequate responses have been provided to the coastal character siting and design requirements and Table 1 contained in this schedule. The design and siting of the buildings achieves the preferred character set out in this Schedule.
- Adequate space is available between buildings to avoid boundary to boundary development and allow the retention and planting of indigenous vegetation and landscaping.
- Proposed landscaping, vegetation planting and boundary treatments create a strong integration between the public and private realms and soften the appearance of the building.
- Indigenous vegetation plantings reflect existing species in the surrounding area.
- The upper level of a building is recessed and articulated to reduce the dominant scale of the upper level.
- New buildings recognise the scale and form of surrounding properties.

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- Timber or natural materials and a simple palette are used as the dominant material of the façade of the building to complement the local coastal environment.
- There is limited use of brickwork and where brick is used this is for a unique design that does not have a dominance of face brickwork.
- ~~The proposal achieves a high quality design outcome that does not represent typical suburban design styles.~~
- Driveways, garages or parking areas are designed to be visually unobtrusive by achieving the following:
 - Garages are set behind the main building.
 - Garages are inconspicuous and integrated into the dwelling design.
 - Shared driveways are encouraged.
 - Vegetation and landscaping is used to soften driveways and parking areas.
 - Vehicle crossovers are limited.

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**SCHEDULE 42 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT
OVERLAY**

Shown on the planning scheme map as **DDO42**.

BARWON HEADS INCREASED HOUSING DIVERSITY AREA

1.0 Design objectives

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To emphasise the importance of building siting and design within the Barwon Heads Increased Housing Diversity Area.

To ensure new development complies with specified coastal character siting and design requirements.

To support a variety of housing types with a preference for smaller 1 and 2 bedroom housing types.

2.0 Buildings and works

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A permit is not required to construct or extend one dwelling on a lot or construct a fence that meets the design requirements in Table 1.

A permit is required to construct more than one dwelling on a lot.

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

▪ A landscaping plan must be prepared for the site by a qualified landscape architect that shows:

• Retention of existing trees within the front setback.

• If there are no existing trees, the planting of at least one new tree.

• The planting of additional vegetation, including a minimum of two local indigenous species.

▪ Buildings are located within a vegetated garden setting that integrates with the vegetation of the public realm.

▪ Buildings and driveways are designed and sited to avoid being visually obtrusive to the streetscape and adjoining properties.

▪ Garages are designed or integrated into buildings to form a visually unobtrusive part of the building.

▪ Front building setbacks are designed to ensure that adequate land is available for the retention and establishment of indigenous vegetation.

▪ Space between buildings is provided to avoid boundary to boundary development.

▪ Buildings are designed with lightweight, natural and timber materials and unobtrusive building colours.

▪ 3rd storey elements are recessed and articulated to all sides.

▪ The openness of the streetscape is retained by avoiding the use of front fences or by providing low permeable front fences.

▪ The requirements set out in Table 1.

~~▪ A landscaping plan must be prepared for the site by a qualified landscape architect that shows:~~

~~• Retention of existing trees within the front setback.~~

~~• If there are no existing trees, the planting of at least one new tree.~~

~~• The planting of additional vegetation, including a minimum of two local indigenous species.~~

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An application for a single dwelling or buildings and works associated with a single dwelling is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Table 1. Barwon Heads Increased Housing Diversity Area Design Requirements

Design Requirement	Design Response	
<u>Site coverage</u>	<u>Up to and including a site coverage of 50%</u>	
Building siting and setbacks	Front setbacks	A front setback of 6m. Or 4m if located on an identified road as a Road Zone (RDZ1)
	Side setbacks	A 2m side setback on at least one side boundary.
Canopy tree	At least one existing and/or new canopy trees to be provided per site <u>parent lot</u> , with at least one canopy tree provided in the front yard and the use of local indigenous species.	
<u>Soft landscaping</u>	<u>At least 20% of the site is available (free from hard surfaces) for soft landscaping (i.e. areas of natural ground surface set aside for vegetation).</u>	
Garages and access	The <u>maximum</u> width of a garage door(s) is <u>to be no more than</u> 5.6m, <u>or a maximum of more than</u> 35% of the lot frontage if the lot is greater than 16m.	
	A garage is set <u>at least</u> 1m behind the main building line.	
Fencing	For properties fronting a main road included in the Road Zone (RDZ1) a fence forward of the front wall of a dwelling must be less than 1.5m in height and be more than 50% permeable.	
	For any other property a fence forward of the front wall of a dwelling must be less than one metre in height and more than 50% permeable.	

3.0 Subdivision
DD/MM/YYYY
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None specified.

4.0 Advertising signs
DD/MM/YYYY
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None specified.

5.0 Decision guidelines
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In considering an application for a permit under this clause, the responsible authority must consider, as appropriate, whether:

- The design and siting of the building(s) achieves the preferred character set out in this Schedule.
- The development will deliver genuine housing diversity (i.e. a variety of housing types).
- Adequate responses have been provided to the coastal character siting and design requirements and Table 1 contained in this schedule.

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- Adequate space is available within a front garden to allow for the retention and planting of indigenous vegetation and landscaping.
- Adequate space is available between buildings to avoid boundary to boundary development and allow the retention and planting of indigenous vegetation and landscaping.
- Proposed landscaping, vegetation planting and boundary treatments create a strong integration between the public and private realms and soften the appearance of the building.
- Indigenous vegetation plantings reflect existing species in the surrounding area.
- New buildings and garages dominate the streetscape ~~or adjoining properties.~~
- The upper levels of a building are recessed and articulated to reduce the dominant scale of the upper level.
- Timber or natural materials and a simple palette are used as the dominant material of the façade of the building to complement the local coastal environment.
- There is limited use of brickwork and where brick is used this is for a unique design that does not have a dominance of face brickwork.
- ~~For a single dwelling the proposal achieves a high quality design outcome that does not represent typical suburban design styles.~~
- Driveways, garages or parking areas are designed to be visually unobtrusive by achieving the following:
 - Garages are set behind the main building.
 - Garages are inconspicuous and integrated into the dwelling design.
 - Shared driveways are encouraged.
 - Vegetation and landscaping is used to soften driveways and parking areas.
 - Vehicle crossovers are limited.
- ~~The development will deliver a variety of housing types, with a preference for smaller one and two bedroom housing types.~~