

# MINUTES

---

## COUNCIL MEETING

**Tuesday 26 April 2022**  
**6.00 pm**

**City Hall**  
**57 Little Malop Street, Geelong 3220**

**LIVE STREAMED ON THE CITY'S WEBSITE:**

[www.geelongaustralia.com.au/meetings](http://www.geelongaustralia.com.au/meetings)

**COUNCIL:**

Cr S Asher (Bellarine Ward) - Mayor  
Cr T Sullivan (Bellarine Ward) - Deputy Mayor  
Cr J Mason (Bellarine Ward)  
Cr E Kontelj (Brownbill Ward)  
Cr S Mansfield (Brownbill Ward)  
Cr P Murrihy (Brownbill Ward)  
Cr B Harwood (Kardinia Ward)  
Cr B Moloney (Kardinia Ward)  
Cr R Nelson (Kardinia Ward)  
Cr A Aitken (Windermere Ward)  
Cr K Grzybek (Windermere Ward)

## **INDEX**

<b>1. PROCEDURAL MATTERS.....</b>	<b>4</b>
1.1. Acknowledgement of Country .....	4
1.2. Apologies .....	4
1.3. Leaves of Absence.....	4
1.4. Declarations of Conflicts of Interest .....	4
1.5. Confirmation of Minutes .....	4
1.6. Public Question and Submission Time .....	5
1.7. Petitions .....	5
<b>2. REPORTS .....</b>	<b>6</b>
2.1. Endorse for Exhibition Proposed 2022-23 to 2025-26 Budget.....	6
2.2. Asset Plan 2022-32.....	178
2.3. 2021-22 Loan Borrowing Provision of \$34 Million.....	219
2.4. COVID-19 Support Package - Hospitality Support.....	223
2.5. Central Geelong Marketing Review .....	231
2.6. Portarlington Recreation Reserve Master Plan - Final Plan.....	317
2.7. Amendment C391ggee Ash Road East Leopold Rezoning - Consideration of Panel Report and Adoption of Amendment.....	437
2.8. Amendment C427ggee Goandra Estate Ocean Grove Fencing Design Guidelines and Proposed Planning Scheme Amendment .....	504
2.9. Tender T2200050 - Arboricultural Services - Reactive Tree Maintenance and Health.....	553
2.10. Tender T2200054 - Tree Supply .....	559
2.11. Forrest Green Stage 1 – Revocation of Flood Prone Area Designation of New Lots .....	565
2.12. Armstrong Mt Duneed Stage 33 - Revocation of Flood-Prone Area .....	571
2.13. The Point Stage 8 - Revocation of Flood Prone Area .....	576
2.14. Ashbury Estate Stage 16A - Revocation of Flood Prone Area.....	581
2.15. Updates to Instruments of Delegation.....	586
<b>3. NOTICE OF MOTION .....</b>	<b>741</b>
3.1. Northern Aquatic Community Hub (NACH) Community Liaison Reference Group - Cr Aitken .....	741
<b>4. RECORD OF INFORMAL MEETINGS OF COUNCILLORS.....</b>	<b>743</b>

<b>5. PLANNING DELEGATIONS</b> .....	<b>748</b>
5.1. Planning Delegations .....	748
<b>6. CONFIDENTIAL</b> .....	<b>751</b>
6.1. Audit and Risk Committee Summary Report (Confidential) .....	751
6.2. CEO Employment and Remuneration Committee Independent Member Appointment (Confidential).....	751
<b>6. CLOSE OF MEETING</b> .....	<b>752</b>

## 2.8. Amendment C427ggee Goandra Estate Ocean Grove Fencing Design Guidelines and Proposed Planning Scheme Amendment

**Source:** City Planning & Economy  
**Director:** Gareth Smith

### Purpose

1. To consider the outcomes of the Goandra Estate Fencing Review and to seek support for a planning scheme amendment (C427ggee) to implement clear planning requirements and fencing design guidelines in the estate.

### Background

2. The Goandra Estate is a low-density residential development situated within a bushland setting north of Thacker Street, Ocean Grove. Housing is mainly single storey detached dwellings set back from the front boundary.
3. Restrictions on fencing have led to a distinctive character of the estate creating a sense of openness and space between buildings and the public realm allowing the natural landscape (including Bellarine Yellow Gums) to be the dominant characteristic.
4. There have been inconsistencies for fencing across the current planning and land controls for the estate which mean that Council is unable to approve applications to construct a fence. This has been a concern for those landowners seeking to erect fencing at their property.

### Key Matters

5. Inconsistencies across the current restrictions on fencing (including the Special Use Zone, land titles, and a Section 173 Agreement) has led to uncertainty regarding the type, form, and appropriate location of fencing within the estate. This has also caused landowner concerns about privacy, security, and amenity for their properties.
6. Fences have been constructed within the estate in recent years that do not have planning permission. There are some enforcements and planning permit applications on hold pending resolution of the planning framework for fences.
7. A review has been undertaken to outline the fencing issues and identify a way forward for resolving these issues. A planning scheme amendment is proposed to provide clear direction on fencing for the estate. **Attachment 1** is the consultant Background Report, Fencing Design Guidelines and the draft new Design and Development Overlay (DDO) schedule.
8. The DDO removes the need for a planning permit for certain types of fences where requirements are met and that have less impact on the character of the estate. For instance, a timber paling side fence between properties that is no more than 2m in height is allowed as of right as is a post and wire or rail fence no higher than 1.5m. The same approach has been taken to pool fences.
9. In general, the proposed DDO and guidelines seek to discourage suburban style solid fencing in favour of open style post and wire/rail fencing, except in specific circumstances (e.g. privacy, security). The primary focus is on managing front fences and fences that are proximate to the bushland reserves.

**RESOLUTION - Item 2.7**

**Cr Mason moved, Cr Sullivan seconded -**

**That Council:**

- 1. Endorse the preparation and exhibition of Planning Scheme Amendment C427ggee to the Greater Geelong Planning Scheme to:
  - 1. Amend the Special Use Zone Schedule 8 to remove reference to the need for a planning permit for a fence other than a post and wire fence;**
  - 2. Introduce a new Design and Development Overlay schedule that sets out clearer planning permit requirements on fences within the Goandra Estate based on new Fencing Design Guidelines;**
  - 3. Amend the schedule to Clause 52.02 in the Greater Geelong Planning Scheme to override the restrictions related to the construction of a fence outside a building envelope on relevant land titles;**
  - 4. Include the Goandra Estate Fencing Design Guidelines as a background document; and**
  - 5. Request the Minister for Planning to authorise the preparation and exhibition of Amendment C427ggee.****

**Carried**

**Financial Sustainability**

10. The cost of conducting a planning scheme amendment and community engagement is covered by existing budgets.

**Community Engagement**

11. The City will undertake an extended planning scheme amendment exhibition for six weeks to engage on the proposed new planning provisions and the Fencing Design Guidelines. This will include direct notification to affected landowners and an information session.

**Social Equity and Sustainability**

12. The inability for the City to consider and issue permits for fencing in the Goandra Estate has created uncertainty for landowners. Correcting this situation and providing guidance for future fencing will give landowners clear direction on fencing for their properties.
13. The review and proposed planning provisions have taken an approach that places primary focus on managing front fences and fences adjoining the Yellow Gum Reserve. The guidelines allow for more fencing in other locations that will provide privacy and security without compromising the character of the estate.

**Relevant Law/Policy/Legal Implications**

14. The review has analysed the current planning and land controls in the estate and determined that the fencing issues arise from inconsistencies across and within the three levels of restrictions on fences:
  - 14.1. An unclear SUZ8 permit trigger for fences other than a post and wire fence;
  - 14.2. Title restrictions on all fences located outside the building envelope; and
  - 14.3. Preference for post and rail type fences on neighbouring boundaries within the Section 173 Agreement and the ability for Council to consider other types of fences.
15. Resolution is required to fix the technical issue and the implementation of a new planning provision to guide fence construction within the estate including:
  - 15.1 Amending the SUZ8 to remove reference to the need for a planning permit for a fence other than a post and wire fence;
  - 15.2 Introducing a new Design and Development Overlay schedule into the Greater Geelong Planning Scheme that sets out clearer planning permit requirements on fences within the Goandra Estate;
  - 15.3 Amending the schedule to Clause 52.02 in the Greater Geelong Planning Scheme to override the restrictions related to the construction of a fence outside a building envelope on relevant land titles; and
  - 15.4 Retain, amend, or end the current Section 173 Agreement. The new control would unlikely be inconsistent with the existing Section 173 Agreement.

***Alignment to Community Plan and Vision***

16. This report aligns with Our Community Plan 2021-2025 strategic priority:  
Sustainable growth and environment.
17. This report aligns with the Community led 30-year Vision, “Greater Geelong: A Clever and Creative Future” community aspiration:  
Sustainable development that supports population growth and protects the natural environment.

***Conflict of Interest***

18. No officer involved in the preparation of this report declared a general or material conflict of interest.

***Risk Assessment***

19. The Goandra Estate Fencing Review has outlined the current problems with property fencing and the mechanisms needed to break the impasse with Council not being able to consider planning permit applications. Implementing the recommendations of the review will resolve the matter and provide clear guidance on fencing within the Goandra Estate for both Council and the community. There is some urgency to fix the issue for landowners.

***Environmental Sustainability***

20. The proposed Fencing Design Guidelines and accompanying Design and Development Overlay Schedule have been prepared taking in account the need to protect the habitat of the Bellarine Yellow Gums and the bushland character of the low-density residential area. Provision is also included for 200mm clearance from ground level for fences adjoining the Yellow Gum Reserve to ensure for the passage of small native wildlife.

**Attachments**

1. Attachment 1 Goandra Estate Fence Fencing Review [2.7.1 - 45 pages]



# GOANDRA ESTATE FENCING REVIEW

## BACKGROUND REPORT

Prepared by **Hansen Partnership**  
for the **City of Greater Geelong**

FEBRUARY 2022

urban planning | urban design | landscape architecture

## Contents

Introduction	3
Goandra Estate	4
Current Fencing	5
Current Planning Controls	7
Issues	12
Options	14
Recommendations	17
Conclusion	20
Appendix 1: Goandra Estate Fence Design Guidelines (2022)	
Appendix 2: Draft Design and Development Overlay Schedule	



Version	A	B
Issue Date	19 Jan 2022	9 Feb 2022

## Introduction

Hansen Partnership has been engaged by the City of Greater Geelong to undertake a review of the current restrictions on fencing within the Goandra Estate, Ocean Grove. The process has informed the preparation of Fence Design Guidelines and a new Design and Development Overlay (DDO) schedule to apply to the estate.

Many fences have been constructed within the estate in recent years that do not have planning permission. Inconsistencies across the current restrictions on fencing within the estate, which extend to the Special Use Zone (SUZ 8), land titles, and a Section 173 Agreement, means Council are not able to approve applications to construct a fence. This has led to uncertainty regarding the type, form, and appropriate location of fencing within the estate.

This report outlines the current inconsistencies with the fencing restrictions and identifies a way forward for resolving these issues.

As set out within this report, it is recommended that Council should:

- Amend the SUZ8 to remove reference to the need for a planning permit for a fence other than a post and wire fence.
- Introduce a new Design and Development Overlay schedule into the Greater Geelong Planning Scheme that sets out clearer planning permit requirements on fences within the Goandra estate (Appendix 2). This control should be based on the new Goandra Estate Fence Design Guidelines (2022) provided in Appendix 1.
- Amend the schedule to Clause 52.02 in the Greater Geelong Planning Scheme to override the restrictions related to the construction of a fence outside a building envelope on relevant land titles.
- Should Council seek to amend or end the Section 173 Agreement, then this should be undertaken pursuant to Section 178A of the *Planning and Environment Act 1987*.

This report is set out as follows:

- Goandra Estate: provides a brief background and overview of the estate.
- Current Fencing: describes the current types of fences that have been constructed to date within the estate.
- Current Planning Controls: provides a summary of the current planning controls that apply within the estate.
- Issues: describes the issues with the current approach to restrictions on fences.
- Options: outlines options for resolving the issues identified in the previous section.
- Recommendations: outlines the recommended approach to resolving the issues with fencing in the estate.

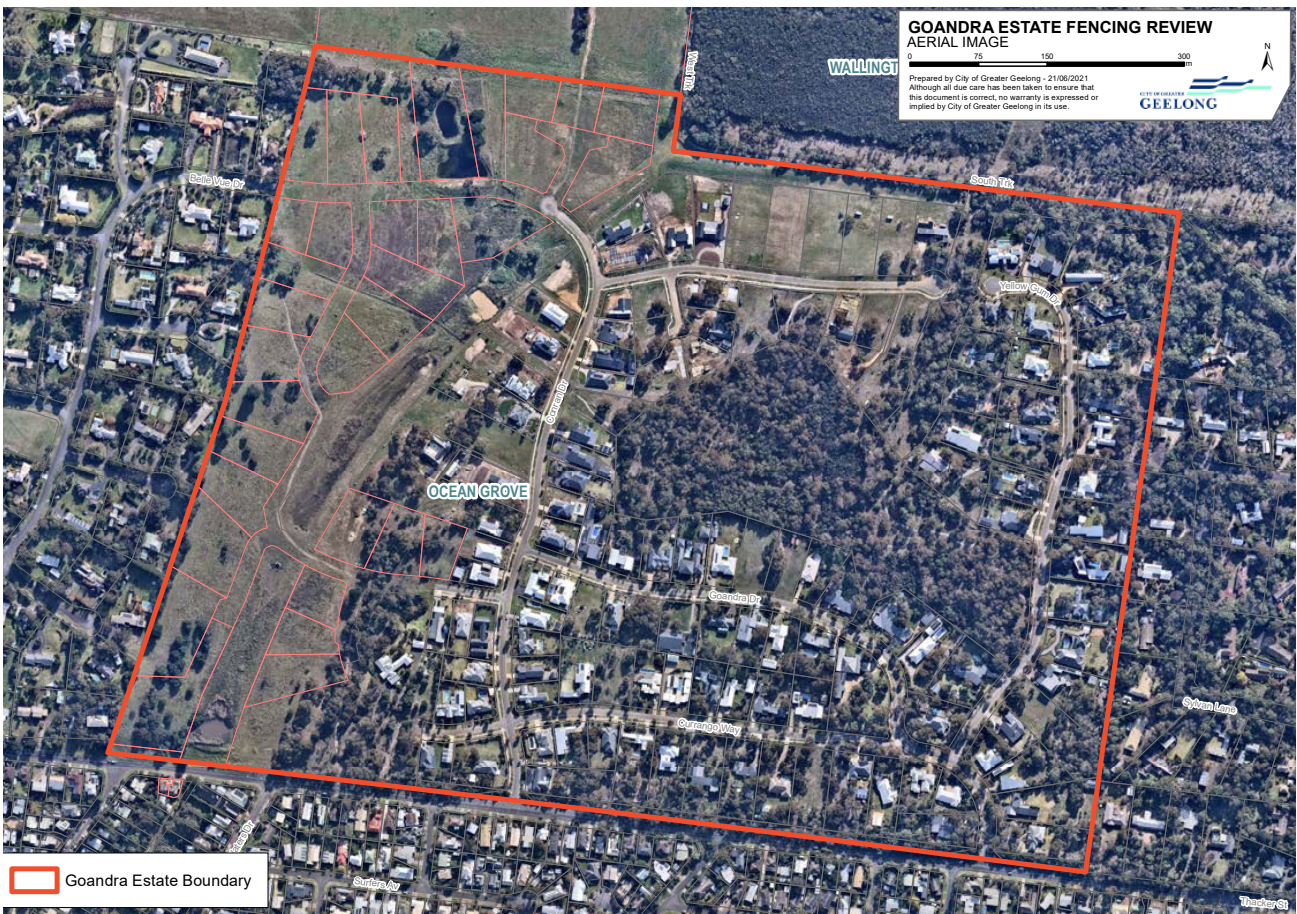
# Goandra Estate

The Goandra Estate is a 76.2ha low density residential estate located in the north-west of Ocean Grove. It is situated directly north of Thacker Street and approximately 1km west of the intersection with Tuckfield Street. The estate has been progressively developed since the mid-2000s. The estate is now nearly fully developed with a final stage yet to be subdivided in the west of the estate.

The estate is situated between two similar low density residential estates to the east and west. The Ocean Grove Nature Reserve and farming land is located to the north and general residential land is located across Thacker Street to the south.

The estate is strongly characterised by its proximity to the Ocean Grove Nature Reserve, owing to the significant existing native vegetation across the estate, in particular, Bellarine Yellow Gums.

A Bellarine Yellow Gum reserve and lineal park linking the reserve to the Ocean Grove Nature Reserve has been incorporated into the estate to protect the most significant portion of the Bellarine Yellow Gums.



Goandra Estate Aerial

## Current Fencing

The following provides an overview of the types of fences currently constructed within the Goandra Estate:

- Overwhelmingly, front fences are either not present or are of a post and wire / rail typology. There are minimal examples of solid fencing on front boundaries.
- Some properties include a solid front fence well set back from the front boundary. Such fences are generally a timber paling typology likely used to provide privacy for main areas of private open space.
- Some corner properties use solid fencing (timber paling or brush) on one side, generally to provide screening to areas of private open space. This is generally set back from the street boundary.
- Side and rear fences generally consist of post and wire / rail typologies. Where this is not the case, timber paling fences are generally used, typically on the smaller more 'suburban' lots. Some post and wire fences utilise mesh wire for sections of the boundary.
- Some properties provide timber paling or brush fences along sections of post and wire side fences adjacent to main areas of private open space to increase privacy.
- A large number of properties include a small timber paling fence and gate between the building and side boundary to provide security and privacy.
- Only one example of masonry fencing was observed. This was set back from the front boundary in line with the dwelling on the property.
- Where pools were observed, these were located within the building envelope along with the required fencing.



*Post and rail front fence*



*Example of no front fence*



*No front fence along Yellow Gum Drive*

GOANDRA ESTATE FENCING REVIEW | BACKGROUND REPORT



*Brush fence set back from side boundary of corner lot*



*Timber paling fence providing security to rear garden*



*Timber paling fence set back from front boundary*



*Fencing surrounding Yellow Gum Reserve*



*Example corner site with post and wire front fence and timber paling*



*Post and wire side fence with partial timber paling*

## Current Planning Controls

The following section provides a summary of the current planning controls that apply to the estate as well as an overview of the existing Section 173 agreement.

### Zone

The estate is located within the **Special Use Zone - Schedule 8 (SUZ8)**, 'Goandra Land, Thacker Street, Ocean Grove'. The SUZ8 was introduced to the Geelong Planning Scheme via Planning Scheme Amendment C1 in 2001.

The purpose of the SUZ8 is:

- *To provide for the low-density residential development of the land bounded by Thacker Street, the Woodlands and Bellvue Estates and the Ocean Grove Nature Reserve.*
- *To protect and conserve areas of natural and environmental significance in the subdivision.*
- *To provide protection and on going management of Bellarine Yellow Gums and other significant vegetation.*

The subdivision of the estate is to be in accordance with the 'Goandra Development Concept Plan'.

Relevantly, the SUZ8 includes the following wording:

*"A permit is not required to construct a post and wire fence".*

This has been interpreted to mean that a planning permit is required for all fences, other than a post and wire fence.

The SUZ8 also includes a general exemption for all buildings and works if the following conditions are met:

- *The proposed buildings and works are located within a dimensioned building envelope shown on the approved subdivision plan and the building envelope contains no Bellarine Yellow Gums;*
- *The proposed driveway to the dwelling does not require the removal of an established native tree; and*
- *The land has a slope of less than 20 per cent.*

### Overlays

The estate is affected by the **Vegetation Protection Overlay - Schedule 2 (VPO2)** 'Thacker Street, Ocean Grove - Vegetation Protection Area'. The VPO2 seeks to protect the significant remnant vegetation within the estate, in particular the Yellow Gum – Coast Manna Gum Grassy Woodland, which is of national significance, and the population of *Eucalyptus leucoxylon ssp bellarinensis*. As well as being significant, the vegetation also plays an important role providing a link to the Ocean Grove Nature Reserve and vegetation within surrounding residential areas.

The objectives of the VPO2 are outlined as follows:

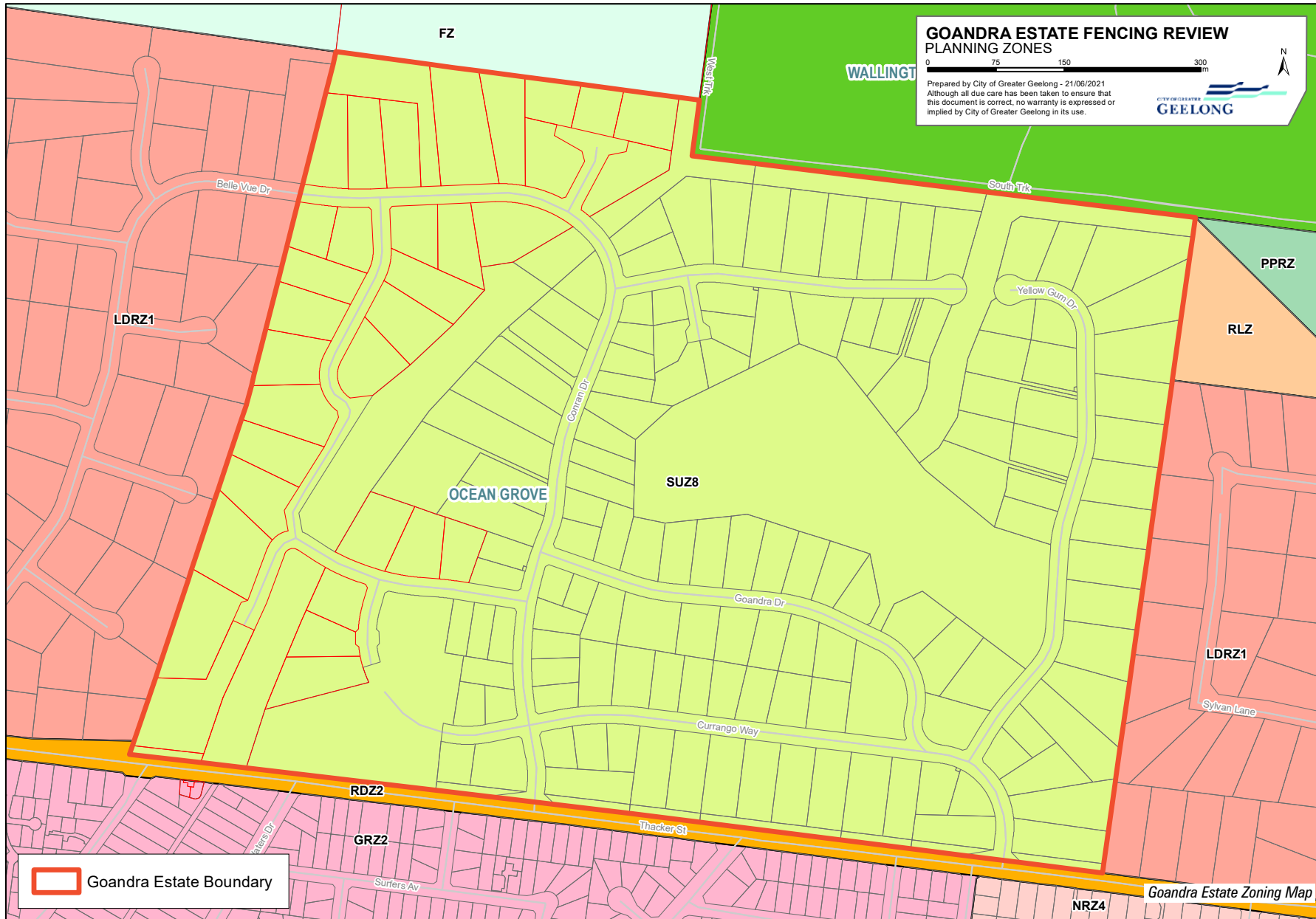
- *To protect and ensure the long-term future of the significant remnant vegetation.*
- *To ensure development and use do not impact on the significant remnant vegetation.*
- *To ensure siting of design of development and works maintains the physical and biological integrity of remnant vegetation community.*
- *To encourage regeneration of the significant remnant vegetation.*
- *To promote the use of locally indigenous plants for regeneration and revegetation.*

The **Bushfire Management Overlay (BMO)** also applies to the majority of the estate.

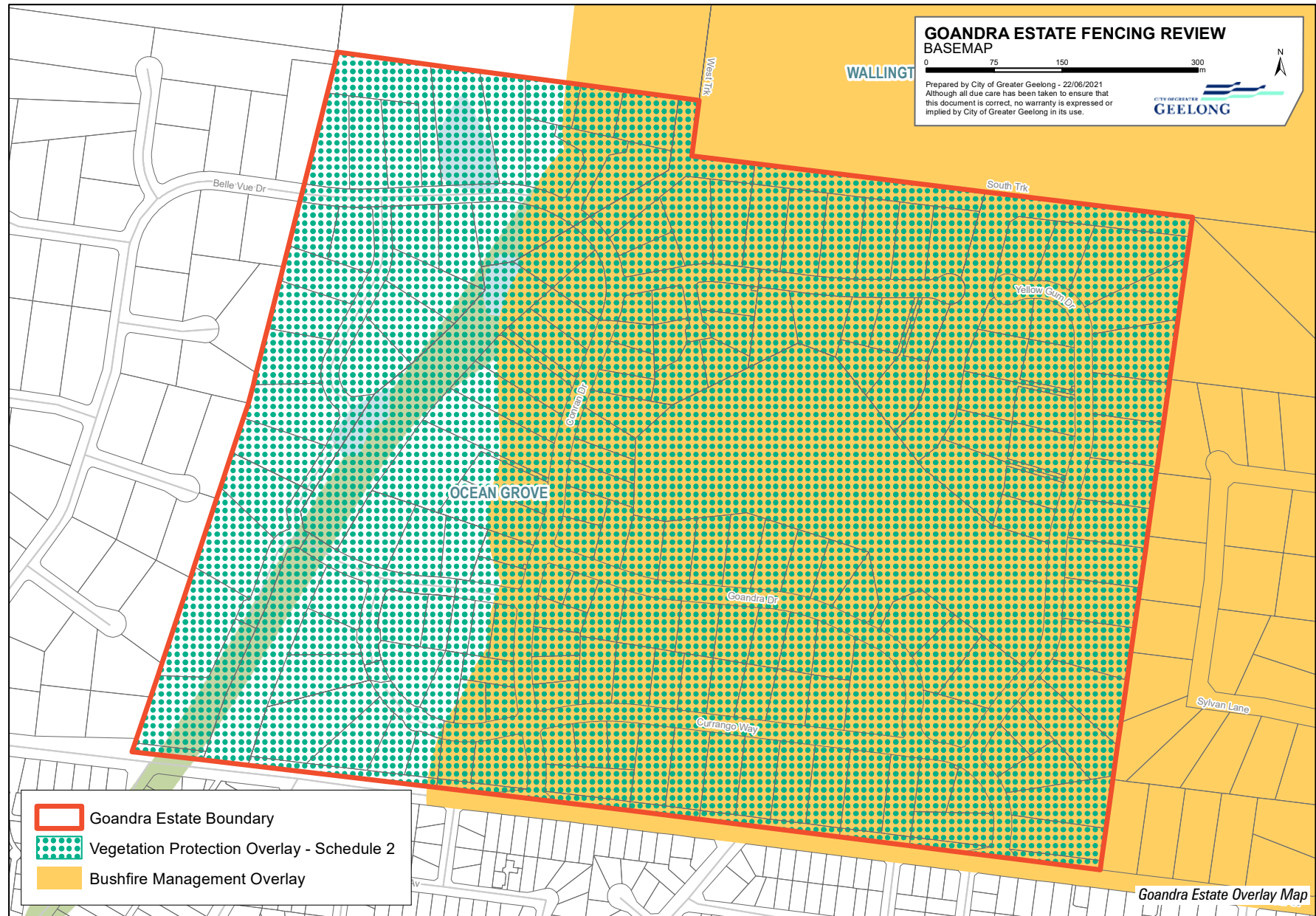
The purpose of the BMO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

GOANDRA ESTATE FENCING REVIEW | BACKGROUND REPORT



GOANDRA ESTATE FENCING REVIEW | BACKGROUND REPORT



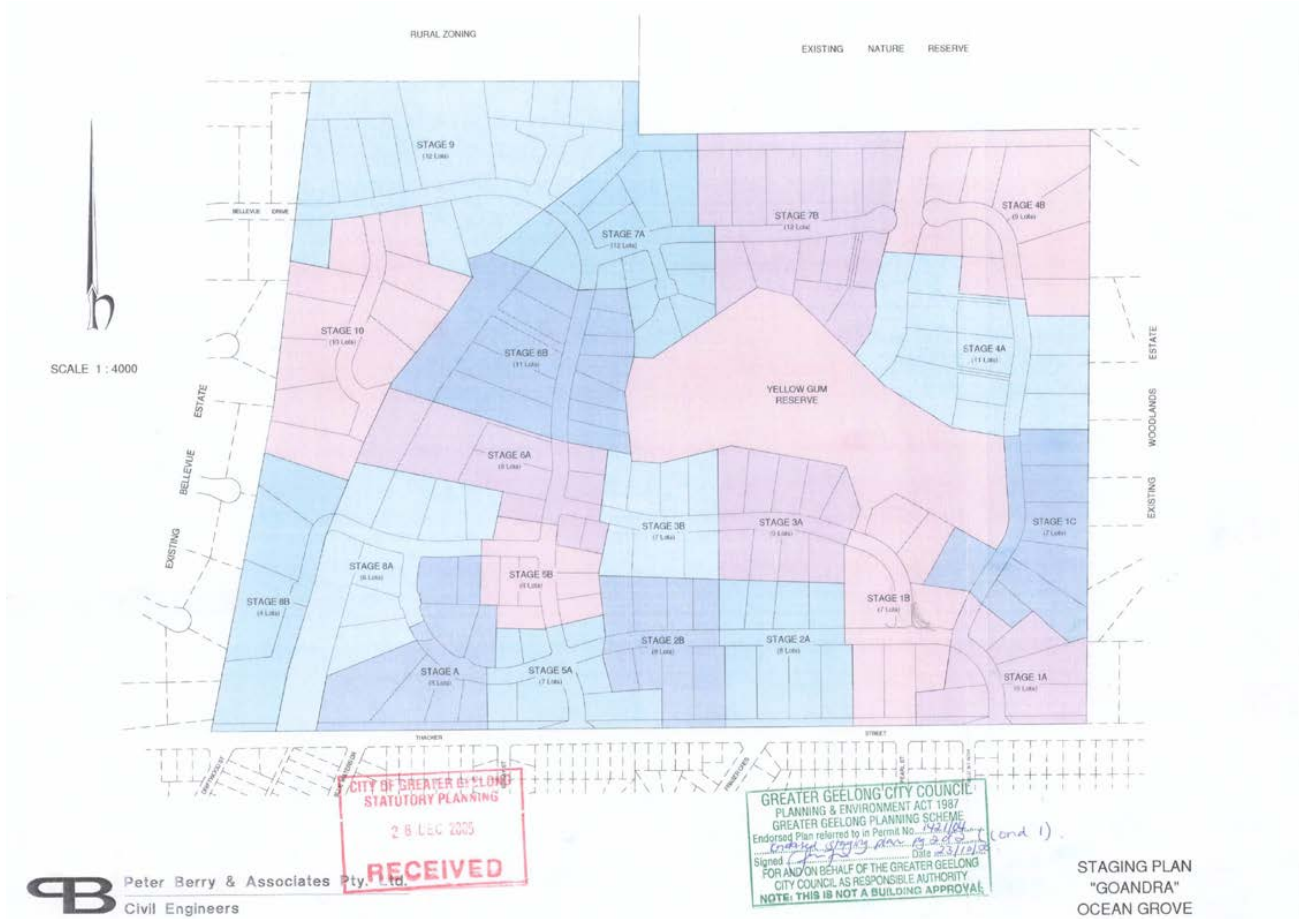
GOANDRA ESTATE FENCING REVIEW | BACKGROUND REPORT

### Permit & Subdivision

A permit for the subdivision of the estate was first issued on 22 July 2005. The endorsed staging plan breaks the estate into a number of stages, which have been progressively developed over the years. Stages 8A to 10 are the only stages not yet certified.

The endorsed Development and Tree Numbering Plan identifies the building envelopes for each lot as well as trees, including Bellarine Yellow Gums, across the estate.

Each Plan of Subdivision on the various Titles for each stage includes a building envelope on each of the lots.



Endorsed Staging Plan for the Goandra Estate

## Section 173 Agreement

A Section 173 Agreement (AB993864Q) accompanied Amendment C1 and applies to land within the estate. The agreement identifies measures to ensure the protection, management, and regeneration of remnant vegetation are implemented, most importantly, for the Bellarine Yellow Gums. The Section 173 Agreement requires the establishment of an open space reserve of at least 7.54ha to incorporate the best stand of Bellarine Yellow Gums within the estate as well as a 'lineal park', linking the reserve to the Ocean Grove Nature Reserve to the north, and a 20m buffer zone to the nature reserve.

Two annexed documents outline the measures to be implemented across the estate:

- Yellow Gum Reserve - Vegetation Management and Restoration Prescriptions (Nov 1999) prepared by Tony Reilly.
- Management Prescriptions for Vegetation on Future Privately Owned Lots (Feb 2000) prepared by Tony Reilly.

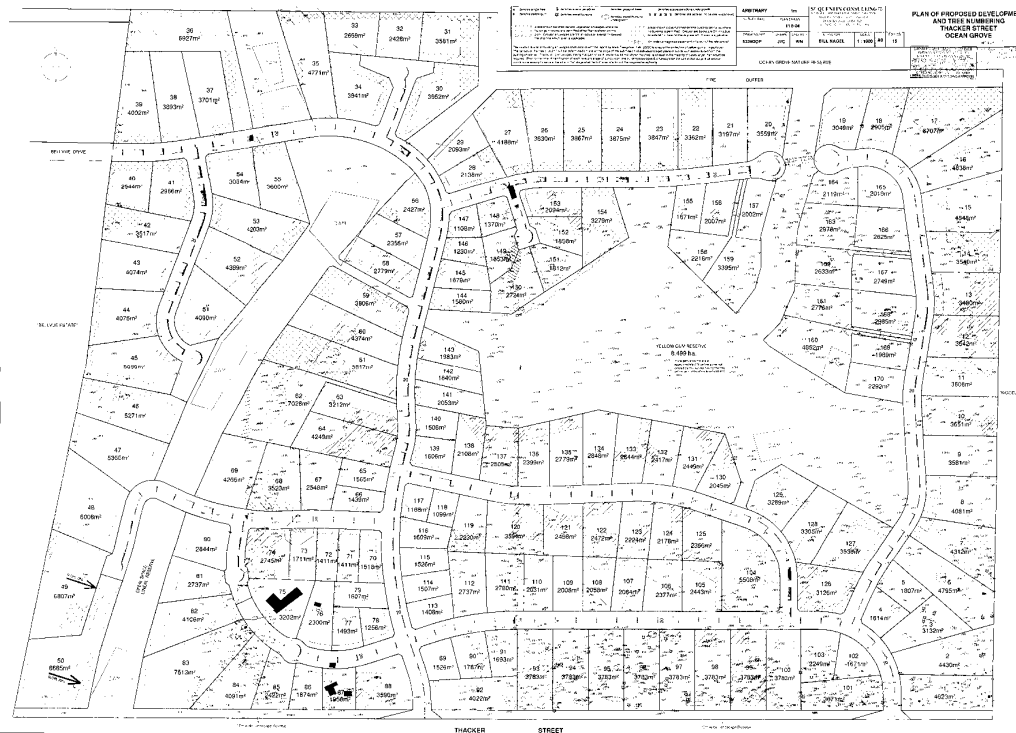
The first document relates to the reserve itself. Relevantly, post and rail with small section ring lock wire fencing

around the perimeter of the reserve is recommended. The second document relates to measures for privately owned lots within the estate. The document outlines the following prescription in relation to fences:

*Fencing between neighbouring properties is not a requirement. If neighbouring residents decide to install a fence than the post and rail variety is recommended. Wire can be either ring lock or strained wire, barbed wire is not permitted. This type of fencing will have minimal visual impact, will not unduly impact upon wildlife and will be consistent with the fencing of the Reserve perimeter.*

*Other types of fencing are permitted, pending Council approval. The conditions for this are that the proposed fences can be shown to pose no environmental impact (eg environmental weed introduction, soil compaction, movement of wildlife) or create unacceptable visual impact.*

The agreement also includes reference to the implementation of building envelopes on the land parcels. The agreement also notes that no buildings are to be erected within 20m of the buffer zone to the Ocean Grove Nature Reserve.



Endorsed Proposed Development and Tree Numbering Plan

## Issues

The fencing issue within the Goandra Estate arises from inconsistencies across and within the three levels of restrictions on fences:

- An unclear SUZ8 permit trigger for fences other than a post and wire fence.
- Title restriction on all fences located outside the building envelope.
- Preference for post and rail type fences on neighbouring boundaries within the Section 173 Agreement and the ability for Council to consider other types of fences.

### Unclear SUZ8 Permit Trigger

Clause 62.02-2 of the Geelong Planning Scheme sets out buildings and works that do not require a planning permit unless specifically required by a provision within the planning scheme. Buildings and works associated with 'a fence' are listed under this clause.

The parent provision to the SUZ includes the following requirement in relation to buildings and works:

*A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.*

No reference is made to fences in the parent provision and therefore it is assumed that no permit is triggered for fences, as per Clause 62.02-2. The parent provision allows the schedule to the zone to outline permit exemptions for buildings and works, not introduce new permit triggers.

As outlined in the previous section, the SUZ8 exempts buildings and works associated with a post and wire fence from requiring a permit. However, the SUZ8 is at odds with the general exemption for buildings and works associated with all types of fences outlined at Clause 62.02-2. The SUZ8 assumes that a permit is required for buildings and works associated with fences.

Therefore, the permit exemption for post and wire fences within the SUZ8 results in a double negative and does not achieve the intended outcome of triggering a permit for the construction of a fence other than a post and wire fence.

For this reason, the current control is not considered to be appropriate. To clarify that a permit is triggered for a fence, this should be specifically stated.

In addition, if it is assumed that a permit is required for a fence other than a post and wire fence, then this would apply to all fences. Even fences exempt from a building

permit such as side and rear fences up to 2m in height. A planning permit is also formally required for pool fences, which are a requirement under the building regulations. This is potentially a significant imposition on both residents and planning resources at Council.

### Building Envelope Restriction on Title

The relevant Titles within the estate include various restrictions on buildings and works located outside the building envelope on each lot.

For all stages other than Stage 1A and 1B, the restriction includes the following words:

*The registered proprietor/s... shall not construct any building or undertake works in the areas shown hatched.*

The hatched area is defined as any area on a lot outside the building envelope. The Stage 1B restriction is similar but does not include works.

This restriction would include the construction of any fence, which is included in the definition of 'buildings' in the *Planning and Environment Act 1987*. This is interpreted to mean a fence can therefore only be constructed within the building envelope and any fence outside of this, including a boundary fence, is prohibited.

The restriction on lots within Stage 1A is more specific about the type of buildings that are to be located within the building envelope:

*The registered proprietor/s... shall not construct any dwelling or garage/carport associated with a dwelling on the land other than within the building envelopes.*

This would allow for the construction of a fence outside the building envelope in this stage.

As a result of the general restriction on buildings outside the building envelope in all stages other than 1A, even if a permit for a fence could be applied for, Council could not approve the permit, as it would breach this restriction. It is also noted that as Council are not a beneficiary to the restriction, they cannot enforce fences that are constructed in breach of this restriction.

Unlike the SUZ8 requirement, the restriction does not restrict fences constructed within the building envelope such as a pool fence, as a pool also needs to be located within the building envelope.

## Fence Guidance in Section 173 Agreement

The Section 173 Agreement is at odds with the title restriction. While the agreement also includes building envelope restrictions, the reference to fencing requirements on page 12 of 'Management Prescriptions for Vegetation on Future Privately Owned Lots', implies that fences are permitted to be constructed between properties. The Section 173 agreement also allows for fences other than a post and rail fence to be constructed with the approval of Council. However, the restrictions of the title and inconsistencies of the approach to fences in the SUZ8, means this is not possible.

The Section 173 Agreement outlines conditions guiding approval of a fence other than a post and rail fence by Council. These conditions seek to ensure that the fence:

- Will not pose environmental impact in terms of environmental weed introduction, soil compaction, and movement of wildlife, or
- Create unacceptable visual impact.

Based on this, the construction of a fence would breach the Section 173 Agreement if the fence is not a post and rail variety nor another type of fence permitted by Council with respect to the above conditions.

## Summary

In summary, the issue is identified as follows:

- The Section 173 Agreement has a preference for post and wire fencing within the Goandra Estate if fencing is constructed at all.
- This is followed through into the SUZ8, which attempts to trigger a planning permit for all fencing other than a post and wire fence.
- However, due to the general planning permit exemption to construct a fence at Clause 62.02-2 of the planning scheme, Schedule 8 to the SUZ does not operate to trigger a permit for these types of fences.
- At best, it is an unclear permit trigger that could be successfully challenged at VCAT.
- The SUZ parent provision would need to clearly specify that a planning permit is triggered to construct a fence if specified in the schedule.
- Regardless of whether a permit is triggered for a fence other than a post and wire fence, the restrictions on most land titles within the estate prohibit the construction of any fence outside the building envelope.
- Even if Council receives an application to construct a fence, they cannot approve an application that contravenes this restriction.

## Options

There are two separate aspects that need to be resolved in relation fencing issues within the Goandra Estate:

- **Technical anomaly:** there is a need to fix the current technical issues related to the wording of the SUZ8 and title restrictions and the inconsistencies with the Section 173 Agreement. An amendment to the Geelong Planning Scheme can help to resolve these issues.
- **Future planning control on fencing:** there is a need to determine whether a new streamlined and clear planning control is needed for fencing in the estate and what it should cover/regulate. This has been determined based on an analysis of available planning controls and by determining the strategic justification of such a control.

### Technical Anomaly

A number of planning scheme options have been identified to help resolve the technical anomaly across the three levels of restrictions on fencing in the Goandra Estate.

### Amending SUZ8

To overcome the inconsistency within the SUZ8 and the exemptions on the construction of a fence at Clause 62.02-2 of the planning scheme, the reference to the permit exemption for post and wire fences should be removed from Schedule 8. It is recommended that any reference to fences within the SUZ8 should be removed, rather than amended, as it will remove uncertainty regarding whether the SUZ parent provision can allow for a new permit trigger for fences in an accompanying schedule.

As guided by the 'Ministerial Direction – The Form and Content of Planning Schemes', the parent provision of the SUZ only allows a schedule to the zone to list permit exemptions for buildings and works, not additional permit triggers. As a fence is exempt under Clause 62.02-2, a permit trigger for the construction of a fence cannot be introduced in the schedule as the parent provision does not allow for this nor does the parent provision specify fences.

The schedule can outline specific "buildings and works requirements" (eg. building heights, setbacks etc.). However, as there is no permit trigger for the construction of a fence in the parent provision, buildings and works requirements for fences cannot be included.

A review of other planning controls that outline planning requirements for fencing indicates that the parent provision specifically triggers a planning permit for a fence. For example, the Design and Development Overlay (DDO) triggers a permit for all fences unless varied in a schedule.

Another control in addition to the SUZ8, such as an overlay, would therefore be required to include specific fencing requirements for the estate within the planning scheme.

### Removing the Restrictions on Title

Clause 52.02 of the planning scheme provides a mechanism to remove, create, or vary an easement or restriction on title. A permit under Clause 52.02 is typically required before this can be carried out. In applying this to the Goandra Estate, each landowner would need to apply for a planning permit to remove the restriction on the their land title restricting the construction of a fence outside the building envelope.

However, Clause 52.02 notes that a permit is not required "if the action is required or authorised by the schedule to this clause". Clause 1.0 of the schedule to the Clause 52.02 can therefore identify when a restriction can be varied or removed without requiring a planning permit. An amendment to the schedule at Clause 52.02 could therefore be utilised to override the restriction on all land titles within the estate that do not allow the construction of a fence outside the building envelope.

An example is the schedule to Clause 52.02 in the Banyule Planning Scheme outlined below.

1.0  
18/12/2020  
C133/2009

Under Section 23 of the Subdivision Act 1988

Land	Easement or restriction	Requirement
152 Weidlich Road, Eltham North described as Lot 125 on Plan of Subdivision No.132132 on Certificate of Title Volume 9375 Folio 406	Restrictive covenant contained in Transfer No. H978305	Vary the restrictive covenant so that after the words: "...services relating to such roads and paths..." insert the words "... or unless that tree is the Eucalyptus polyanthemus which is the subject of Planning Permit Application P72702."

#### Clause 52.02 of the Banyule Planning Scheme

Similarly, the schedule to Clause 52.02 in the Greater Geelong Planning Scheme could be used to insert the words "other than a fence", or similar wording, after "construct any building or undertake works" to vary the restriction on relevant titles within the estate.

It is highlighted that any wording should also have legal input to avoid any unintended outcomes. As noted in 'Using Victoria's Planning System' "it is important that the amendment to authorise this be in a legally effective form" (p. 40).

## Section 173 Agreement

Council has three options with respect to the Section 173 Agreement:

- Retain it in its current form.
- Amend it to revise clauses related to fencing.
- End the agreement.

The current Section 173 Agreement allows for the construction of a fence other than a post and wire fence provided permission has been obtained from Council. A permit issued under the new control could function as this consent. Retention of the current Section 173 Agreement with a new planning control is therefore an option.

There are two options to amend or end the Section 173 Agreement:

- By agreement between Council and all landowners bound by the amendment.
- Via Section 178A of the *Planning and Environment Act 1987*.

The first option would be to enter into a new separate agreement with each landowner within the estate. This would be a challenging, expensive, and time and resource intensive process for Council and landowners to undertake.

Section 178A(5) of the Planning and Environmental Act 1987 allows a responsible authority to amend or end a Section 173 Agreement. This process works in a similar way to the planning permit and involves a proposal, notice to all persons bound by the agreement, the opportunity for submissions, consideration of submissions and decision on the proposal, review rights and finally the power to amend or end the Section 173 Agreement without the need for the positive agreement of any landowners.

## Future Planning Control on Fencing

The second aspect that needs to be resolved is what planning control should be used within the estate to control fencing and the reason for and extent of this control.

### Strategic Basis for a New Control

A new control would require strategic justification as to why a permit is necessary for a fence or certain type of fence.

The basis for restrictions on fencing within the estate has historically been for environmental reasons related to the protection of the Bellarine Yellow Gums on private land. This is confirmed in the Section 173 Agreement, independent Panel Report, and purpose of the SUZ8.

While the intent of the original fence control was environmentally based, since the development of the estate, the restrictions on fencing have also resulted in a distinctive character that contributes to the low-density bushland character of the estate. Fencing, which predominantly consists of post and wire, permeable or low fences, has become a secondary visual element. Any new control should therefore seek to protect this valued characteristic.

### Potential Planning Controls

A number of potential overlays have been explored to determine the most appropriate planning tool to implement a new planning control on fencing.

#### Design and Development Overlay (DDO)

A Design and Development Overlay (DDO) is utilised in circumstances where there are specific requirements related to the design and built form of new development. A schedule to the DDO must outline the statement of design objectives to be achieved in the area affected by the overlay.

A DDO can introduce a permit requirement for a fence. The parent provision includes the following wording:

*"A permit is required to:*

- *Construct a fence if specified in a schedule to this overlay".*

The schedule must specify that a permit is required to construct a fence, where desired. Exemptions can also be specified for certain buildings and works related to fences.

The schedule can then specify specific buildings and works requirements related to fences requiring a permit.

The application of a DDO requires strong strategic justification.

## GOANDRA ESTATE FENCING REVIEW | BACKGROUND REPORT

A number of DDOs have been reviewed that include fence controls in other planning schemes. These controls are generally tied to achieving certain character outcomes and often include other building and works requirements in addition to fence requirements. DDO4 in the Glen Eira Planning Scheme, however, solely outlines fence requirements. These requirements are tied to character outcomes for front fences. DDO19 in the Surf Coast Shire Planning Scheme also generally relates solely to fence requirements.

Reviewed DDOs typically distinguish between front fences and other fences (such as side and rear) by either demarcating fences forward of the front wall of a building or behind the front wall, or determining a distance from the nearest road boundary. Permits are often exempt for fences that are not forward of the front wall. Some DDOs include requirements for fences adjoining public reserves. The DDOs generally outline requirements related to the height, transparency, and materials of the fence.

#### **Neighbourhood Character Overlay (NCO)**

The Neighbourhood Character Overlay (NCO) is used in areas with an identified neighbourhood character to ensure new development respects such character.

The overlay triggers a permit for buildings and works, including a swimming pool and outbuilding, demolish a building, and remove a tree, where specified within a schedule to the overlay. It cannot, however, introduce a permit trigger for the construction of a fence.

Fencing requirements can be incorporated through ResCode variations. In accordance with Clause 43.05-3, the NCO can modify any ResCode requirement at Clause 54 and 55, including front fence heights. This varied requirement overrides the standard ResCode requirement for front fences, and any varied requirement outlined within a residential zone.

As the SUZ8 does not trigger the need for a ResCode assessment, the NCO would not be capable of controlling fences within the estate under the current zoning. It is also highlighted that the Low Density Residential Zone (LDRZ) does not trigger the need for a ResCode assessment, so the NCO would not be able to control fencing under this similar zone.

#### **Significant Landscape Overlay (SLO)**

The Significant Landscape Overlay (SLO) is used in areas with identified significant landscapes and seek to conserve and protect the character of these areas.

Like a DDO, a permit can be required to construct a fence where specified in a schedule to the overlay. In addition to built form requirements, it can also include controls on tree and vegetation removal.

To apply a SLO, strong strategic justification is required that identifies the significant features of the landscape and identifies measures to protect these features. It is considered that this justification currently does not exist for the Goandra Estate.

#### **Environmental Significance Overlay (ESO)**

The Environmental Significance Overlay (ESO) is used in areas where the development of land may be affected by environmental constraints and to ensure development is compatible with identified environmental values.

Like a DDO and SLO, a permit can be required to construct a fence where specified in a schedule to the overlay. In addition to built form requirements, it can also include controls on tree and vegetation removal and other matters.

The most relevant example ESO is ESO6 in the Greater Geelong Planning Scheme, which relates to the Warrenbeen Court Residential Area (Barwon Heads). The basis of the control is the protection and enhancement of the Coastal Moonah Woodland vegetation community and to minimise the impact of residential development on this community. The control triggers a permit for all fences. No guidance is provided for the type of fencing permitted.

#### **Vegetation Protection Overlay (VPO)**

As noted earlier in this report, the VPO2 applies to the estate. The parent provision does not include provision for triggering a permit for buildings and works or the construction of a fence.

To minimise the number of overlays applying to the estate, the potential to transfer the vegetation protections of the current VPO to a new ESO that would also include fence controls, could be considered.

## Recommendations

The following sets out the recommended planning scheme changes to resolve both the technical issue and a new planning control on fences in the Goandra Estate.

### Resolving the Technical Issues

The following changes are recommended to resolve the inconsistencies across the various fence controls:

- Amend the SUZ8 to remove reference to the need for a planning permit for a fence other than a post and wire fence.
- Introduce a new Design and Development Overlay schedule into the Greater Geelong Planning Scheme that sets out clearer planning permit requirements on fences within the Goandra Estate. The details of which are outlined next.
- Amend the schedule to Clause 52.02 in the Greater Geelong Planning Scheme to override the restrictions related to the construction of a fence outside a building envelope on relevant land titles. The following wording should be inserted with reference to the relevant titles:
 

Vary the restriction so that after the words:

*"shall not construct any building or undertake works in the areas shown hatched"*

insert the words:

*"other than a fence"*.
- The wording within the schedule of Clause 52.02 and any amended Section 173 Agreement (below) should be informed by legal advice to ensure they are appropriately worded to avoid any inconsistencies.
- Retain, amend, or end the current Section 173 Agreement. The new control would unlikely be inconsistent with the existing Section 173 Agreement. Amending or ending the agreement would however remove any potential uncertainties the agreement has with the new control. If Council considers that the agreement is also now complete, then it would be a good time to end the agreement with the introduction of the new planning control. Should Council seek to amend or end the agreement then this should be undertaken pursuant to Section 178A of the *Planning and Environment Act 1987*.

### New Planning Control and Design Guidelines

It is recommended that an additional overlay is required to control fencing in the estate. At a minimum, the control should address, and be based on, the following:

- It should be very specific and clear about when a permit is required for a fence:
  - Whether it is required for a side and rear fence or solely front fences forward of a dwelling on a lot or a certain distance from the front boundary.
  - Whether fence typologies other than post and rail / wire are acceptable if a defined transparency percentage is achieved.
  - Whether a maximum height is required.
- Outline requirements for fences that do trigger a permit such as preferred types of material (natural rather than solid masonry fences, for instance), transparency, and height.
- Define decision guidelines for determining when a fence is appropriate, such as:
  - For protecting privacy and/or security
  - The impacts and proximity to a significant tree.
  - Whether the fence adjoins the Bellarine Yellow Gum Reserve.

It is recommended that the new planning scheme control to regulate fencing within the Goandra estate should be a Design and Development Overlay (DDO).

The following changes are therefore recommended to the Greater Geelong Planning Scheme:

- Introduce a new Design and Development Overlay, Schedule 46 (DDO46).
- Insert reference to the 'Goandra Estate Fence Design Guidelines (2022)' at Clause 72.08 (Background Documents).

## GOANDRA ESTATE FENCING REVIEW | BACKGROUND REPORT

## Design Guidelines

The 'Goandra Estate Fence Design Guidelines (2022)' (Appendix 1) have been prepared to inform DDO46 and to assist decision makers and applicants through the planning permit application process.

The Guidelines outline two key aspects:

- An existing fence character analysis and the designation of a preferred fence character.
- A range of fence requirements based on the preferred fence character related to the typology, height, transparency, materials, and colour of fencing.

The guidelines provide the strategic basis for the new planning control by identifying the existing character and determining a preferred fence character outcome.

The guidelines seek to enhance the low-density open bushland character of the Goandra Estate by limiting highly visible fences. In recognition of the differing implications that a fence has on this character based on the location of a fence within a property, the guidelines are based on fence 'zones'. For instance, a side fence set back from the primary frontage has less implications than a front fence as it is less visible within the streetscape and may be required for different reasons such as privacy or security.

The fence zones are identified as follows:

- **Zone A (Front Fences):** includes all fencing forward of the front wall of a dwelling, including fences along common property boundaries. The front wall of a dwelling rather than a garage that sits forward of a dwelling is to be used as the measure.
- **Zone B (Side & Rear):** includes all fencing behind the front wall of a dwelling including side and rear fences. Side fences also include 'wing' fences that run perpendicular from the dwelling on a site to the boundary.
- **Zone C (Reserve Interface):** exclusively applies to properties that interface with the Yellow Gum Bushland Reserve and includes all fencing behind the rear wall of a dwelling.

### Zone A

As identified by the guidelines, the fence typologies expected within these locations are either no fences at all or, where proposed, low highly transparent varieties, primarily post and wire or rail. A 50 per cent transparency requirement has been set to retain the sense of openness within the streetscape and a height limit of 1.5m for post and rail and 1.2m for all other types. Materials and colours are to be light weight and natural in keeping with the bushland character.

### Zone B

The guidelines acknowledge the need to balance the privacy and security concerns of residents with the protection of the open bushland character. In Zone B appropriate solid timber paling or other natural material fencing is allowed up to a height of 2m. This is to provide for privacy adjacent to areas of private open space or habitable room windows. Such fences have less implications for the character of the area as they are less visible.

Consideration has been given to corner blocks with secondary frontages along side streets. Within these locations the same controls as Zone A are preferred. If primary areas of private open space are located within this location, higher (1.8m) and less transparent fencing is permitted.

### Zone C

Zone C is the most restrictive zone in terms of requiring post and wire or rail fencing where proposed. This is in recognition of its proximity to the bushland reserve and the need to ensure open and transparent fencing to this interface. Fence typologies other than a post and wire or rail are only to be considered in very limited circumstances for privacy or security reasons where other options are not available.

Consideration has also been given to the need for a 200mm clearance at the base of a fence to allow for the passage of small native wildlife.

## **Design and Development Overlay, Schedule 46 (DDO46)**

DDO46 (Appendix 2) has been informed by the design guidelines and sets out design objectives, permit requirements, design requirements, application requirements, and decision guidelines.

### **Design Objectives**

The design objectives have been informed by those located within the Guidelines and seek to protect the open bushland character of the estate through visually recessive fencing, predominantly consisting of post and wire or rail typologies.

### **Permit Requirements**

The DDO has sought to limit permit requirements for certain types of fences where various requirements are met and that have less implications for the character of the estate. For instance, a timber paling side fence between properties that is no more than 2m in height is allowed as of right. Similarly, a post and wire or rail fence no higher than 1.5m is allowed without and permit. The same approach has been taken to pool fences, which are generally located within the building envelope anyway.

Taking this approach means that residents are less restricted in terms of the types of fencing that they can construct without a permit and to limit the resourcing requirements of Council in relation to the consideration of low risk fences.

Permit requirements have been focused on the more sensitive locations within Zone A and C where there are greater implications for the character and amenity of the estate. All fences within Zone A other than post and wire or rail trigger a planning permit. This is to ensure that the proposed fence is in keeping with the design guidelines and to ensure a consistent approach to the most visible fence elements within the estate. The greatest emphasis has been placed on ensuring a post and wire or rail typology along the boundary that interfaces with the bushland reserve in Zone C.

### **Requirements**

Requirements in the DDO schedule for fences that do trigger a permit relate to the height, transparency, and materials. These requirements generally relate to Zone A and C fences.

One mandatory requirement has been included. This relates to the requirement for a post and wire or rail typology fence along a boundary to the bushland reserve within Zone C. This is in acknowledgment of this interface having the greatest sensitivity to fencing other than a post and wire or rail typology.

### **Application Requirements**

Application requirements have been included that require plans detailing the proposed fence and a written response to the DDO and Guidelines.

### **Decision Guidelines**

The decision guidelines seek to guide discretion where a planning permit is triggered for a fence. Relevant considerations include, but are not limited to:

- Privacy and security considerations and the location of primary areas of private open space.
- The proximity of the fence to the bushland reserve.
- Implications for vegetation on site.
- The possibility of a landscape response rather than a fence.

## Conclusion

A new planning control on fencing within the Goandra Estate will resolve the issues with the disparate and unclear restrictions that currently exist. The control will help to protect the existing character and provide clear direction and guidance on the appropriate type of fencing expected within the estate.

An approach that places its primary focus on managing front fences and fences that are proximate to the bushland reserve, whilst allowing for fencing in other locations that provide privacy and security without undermining the valued characteristics of the estate, is considered to be the best way to implement a new control.

In summary, it is recommended that the following steps are undertaken by Council to resolve the fencing issue within the Goandra Estate:

- Amend the SUZ8 to remove reference to the need for a planning permit for a fence other than a post and wire fence.
- Introduce DDO46 to set out clearer planning permit requirements for fences (Appendix 2) based on the new Goandra Estate Fence Design Guidelines (2022) (Appendix 1).
- Amend the schedule to Clause 52.02 to override the restrictions related to the construction of a fence outside a building envelope on relevant land titles.
- Should Council seek to amend or end the Section 173 Agreement, then this should be undertaken pursuant to Section 178A of the *Planning and Environment Act 1987*.

A photograph of a residential property. In the foreground, there is a gravel driveway on the left and a concrete curb on the right. A large, mature tree with dense green foliage dominates the middle ground. Behind the tree, a single-story house with a light-colored roof and a skylight is visible. A utility box on a metal stand is positioned near the house. The sky is overcast and grey.

**Appendix 1: Goandra Estate Fence Design Guidelines (2022)**



# GOANDRA ESTATE

## FENCE DESIGN GUIDELINES

Prepared by **Hansen Partnership**  
for the **City of Greater Geelong**

FEBRUARY 2022

urban planning | urban design | landscape architecture

## Contents

Introduction	3
Fence Character Analysis	4
Fence Design Guidelines	10



**hansen**

Version	A	B	C
Issue Date	29 Oct 2021	17 Jan 2022	9 Feb 2022

## Introduction

The following guidelines are to be used to assess fencing within the Goandra Estate. They are designed to ensure a consistent and clear approach is taken to fencing to protect and enhance the unique characteristics of the estate.

Fence controls have been in place within the estate since it first started to develop in the early 2000s. These controls were introduced to protect the environmental qualities of the area. The estate is strongly characterised by its open bushland setting, with significant vegetation creating a strong presence. The use and type of fencing, particularly where visible from the public realm, can have an influence on this character so it is important that it contributes positively to the valued attributes.

These guidelines seek to reinforce and provide clarity around acceptable types of fences that are reflective of the valued characteristics of the estate. They are aimed at decision makers to assist in the process of assessing proposed new fencing.



*Property along Goandra Drive*

# Fence Character Analysis

The following provides an overview of the existing fence character of the Goandra Estate, identifies the valued characteristics that require protection, and determines a preferred fence character for the estate.

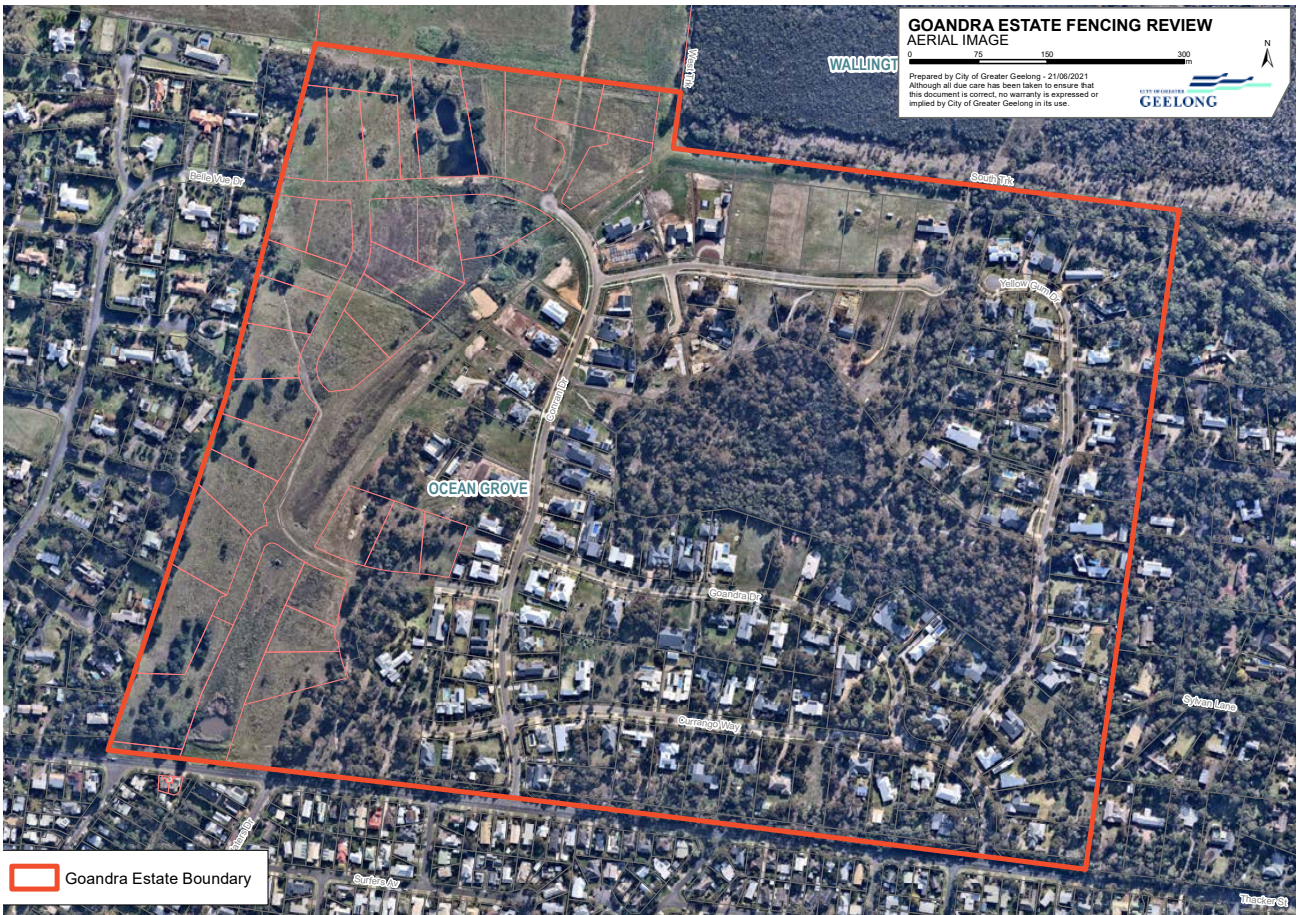


Figure 1. Goandra Estate Aerial



Currango Way



Property along Goandra Drive



Conran Drive

## Existing Fence Character Description

The Goandra Estate comprises of a low-density residential development situated within a bushland to open woodland setting. Housing consists of predominantly single storey detached dwellings, on lots ranging from 1,500sqm to 7,000sqm. Dwellings are typically set back 10m to 15m from the front boundary.

The remnant native vegetation, which significantly includes the endangered Bellarine Yellow Gum as well as other significant vegetation such as Manna Gums and Sheoaks, is a defining feature of the estate. This vegetation contributes significantly to the bushland character of the estate, in particular, the south-eastern half, which contains the majority of the vegetation. The vegetation is most significantly present within the centrally located Yellow Gum Reserve, which provides a backdrop to adjoining residential properties. Dense patches to scattered trees are also present on private land. The vegetation therefore creates a strong presence within the estate that underpins its valued character.

The restrictions on fencing within the Special Use Zone (SUZ8) have led to a distinctive character that contributes to the low-density bushland character of the estate. The permit trigger for fencing other than a post and wire typology has meant that fences are of a secondary visual element within the estate and streetscape. The lack of high, solid, and opaque fencing and the use of highly transparent fencing, such as post and rail or wire, provides direct views into front gardens and through properties. This creates a sense of openness and space between buildings and the public realm that allows the natural landscaping of the estate to remain the dominant characteristic.



*Goandra Drive looking north*



*Fencing adjoining Yellow Gum Bushland Reserve*



*Properties along Goandra Drive*

## GOANDRA ESTATE | FENCE DESIGN GUIDELINES

## Front Fences

Front boundary treatments within the estate overwhelmingly consist of no fencing or post and wire or rail typologies. This includes fences forward of the front wall of the building, typically along common boundaries, where low or transparent fences have been constructed usually of natural materials such as timber or brush. Hedging or landscaping is often used in place of fencing which provides for a more natural interface with the public realm that is in keeping with the landscape character.

While some of the later sections of the estate have produced a more suburban outcome, such as the southern end of Conran Drive where lots are generally smaller and vegetation is less of a dominant feature, the lack of front fencing, or use highly transparent fencing, is still a defining feature of these locations, even where timber paling fences have been utilised along the side boundary.

The approach to front fences in the estate, more readily and significantly contributes to the character of the estate than the side and rear fences. The lack of fencing provides a visual permeance from the public realm that allows for a consistency along the streetscape where the native landscaping and trees forms a strong visual presence that is uninterrupted along the majority of the streets. This creates a less suburban and more low-density bushland character.



*Properties on the southern side of Goandra Drive*

## Side and Rear Fences

The approach to side and rear fences is more mixed compared with front fences in the estate. Along side boundaries, existing fencing either continues the post and wire typology from the front or utilises a more solid variety, such as a timber paling fence, that seeks to protect privacy and increase security from adjoining properties.

Many properties include solid fences that run perpendicular from the side boundary to the dwelling just behind or close to the front wall of the dwelling ('wing' fences). These fences read more as side fences rather than front fences and provide a level of privacy, security, and screening from the public realm towards areas of private open space and limits access down the sides of properties.

Larger lots typically retain the post and wire fence, but in many instances, include sections of timber paling fences in locations requiring increased privacy. The smaller lots within the estate that adjoin other properties at the side or rear, provide a more suburban fence typology, typically timber paling or in some instances, Colorbond.

Where a mixed approach to side or rear fencing has been undertaken, the character of the estate has generally not been compromised, particularly where natural materials are utilised for solid elements and the fence is well set back, hidden from the public realm, or located outside the front setback. A balanced approach that allows for increased privacy and security along boundary fences as well as ensuring fencing remains a secondary element can therefore be achieved without compromising character.

A total of 36 properties within the estate interface with the central Yellow Gum Reserve or the linear reserve that connects the central reserve to the Ocean Grove Nature Reserve to the north. All properties interfacing with the reserve provide a post and wire treatment to the shared boundary. This open typology is important for protecting the open bushland character of the reserves, ensuring their environmental protection, and facilitating the movement of native wildlife.



hansen

### GOANDRA ESTATE FENCE GUIDELINES

#### Existing Boundary Fence Typologies

Legend

- Post and wire/rail fence █
- Mixed post and wire/rail and solid fence █
- Solid fence █
- No fence █



Project Ref:  
Scale:  
Date:  
Revision:

2021.0189  
NTS  
12.01.22  
A

GOANDRA ESTATE | FENCE DESIGN GUIDELINES

**Valued Elements Contributing to Character**

- No or low front fences allowing for views to landscaping and through properties to remnant vegetation.
- Highly transparent front fences such as post and wire or rail typologies.
- Fences utilising natural materials such as timber or brush.
- Fencing used for privacy screening that is well set back and utilises natural materials.
- Post and wire fencing interfacing with public bushland reserves.
- Landscape elements instead of formal fencing.

**Issues / Threats**

- High solid fences particularly viewed from the public realm
- Masonry or fences utilising unnatural materials.
- Solid fences adjoining bushland reserves.
- Fence colours that are bright and inconsistent with the natural bushland character.



*Valued: highly transparent and low post and wire front fence*



*Threat: high, solid front fences*



*Valued: solid perimeter fence that provides privacy between properties*



*Threat: masonry fence*

## Preferred Fence Character Statement

*The Goandra Estate will either provide no front fences or highly transparent ones that form a secondary element within the streetscape in a way that contributes to and enhances the open bushland character. Low post and wire or rail fences will be the preferred typology where fences are proposed. Side and rear fences will be of a more mixed typology and height that balances character and privacy/security outcomes. Where a more solid variety of fencing is proposed, it will be constructed of natural materials and utilised for discrete privacy and security related purposes that does not undermine the more common open style fencing. Interfaces to the bushland reserve will be protected and enhanced by encouraging the retention of post and wire or rail fences along these interfaces and restricting solid fences that undermine the valued bushland characteristics.*



## Fence Design Guidelines

The Goandra Estate Fence Guidelines provide detailed design guidelines for the construction and consideration of a fence that is informed by the existing and preferred fence character for the Goandra Estate.

- **Design Objectives:** outlines the overarching fence design outcomes to be achieved in the estate.
- **Preferred Typology:** specifies the preferred fence style.
- **Design Response:** identifies how the objectives are to be achieved through quantitative and qualitative measures across a range of fence character elements.
- **Avoid / Discourage:** specifies outcomes that are to be avoided across the fence character elements.
- **Decision Guidelines:** provides a scope of consideration to guide decision making about fences that do not comply with the objectives and design responses.

Corresponding diagrams and precedent images are provided for each Fence Zone to help guide the consideration of decision makers.

### Design Objectives

To enhance the low-density open bushland character of the Goandra Estate by limiting highly visible fence typologies.

To encourage no, low, or visually permeable front fencing that provides for a sense of openness between properties and the public realm.

To encourage fencing materials that are natural, consistent with the bushland character, and utilise finishes and colours that complement the natural landscape.

To ensure the protection and visual dominance of native vegetation from the public realm and provide for an appropriate interface with the bushland reserve.

To allow for fencing where it is used for privacy reasons provided it is in keeping with the character of the estate and contributes to the open natural setting.

To ensure a level of consistency and uniformity to the fence pattern along the streetscape.

## Fencing Zones

The fence guidelines apply to all fencing within the Goandra Estate, including front, rear and side boundary fences, as well as fences that do not follow these boundaries across a property. Importantly, the guidelines do not apply to pool fences and other fencing required by the Building Regulations.

For the purposes of the guidelines, fences have been separated into three 'Fence Zones' across an individual property. Each 'Fence Zone' has different requirements and limitations owing to their different levels of visibility and relation to the valued characteristics of the estate.

The 'Fence Zones' are identified as follows:

- **Zone A (Front Fences):** includes all fencing forward of the front wall of a dwelling, including fences along common property boundaries. The front wall of a dwelling rather than a garage that sits forward of a dwelling should be used as the measure.
- **Zone B (Side & Rear):** includes all fencing behind the front wall of a dwelling including side and rear fences. Side fences also include 'wing' fences that run perpendicular from the dwelling on a site to the boundary.
- **Zone C (Reserve Interface):** exclusively applies to properties that interface with the Yellow Gum Bushland Reserve and includes all fencing behind the rear wall of a dwelling.

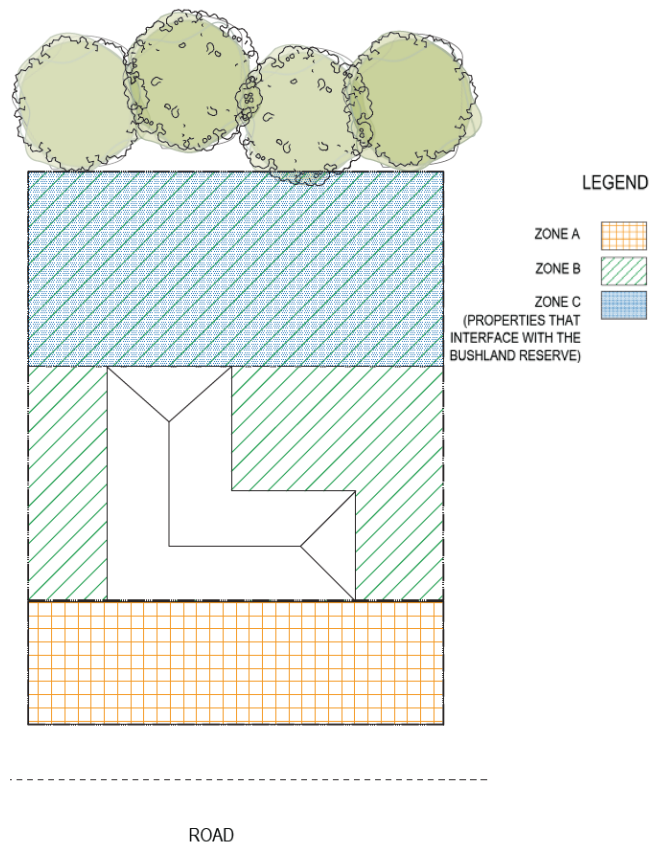


Figure 1. Fence Zone Diagram

## Requirements

### Zone A (Front Fences)

<b>Preferred Typology</b>		
Where proposed, ensure front fences are of a post and wire or rail typology or of a similar transparency and height suitable to the character of the estate.		
<b>Element</b>	<b>Design Response</b>	<b>Avoid / Discourage</b>
Height	<ul style="list-style-type: none"> <li>▪ No portion of a post and rail or wire front fence should be higher than 1.5 metres in height measured from ground level, excluding retaining walls and similar structures.</li> <li>▪ All other types of fences should be no higher than 1.2 metres in height.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Fencing over 1.5 metres in height.</li> </ul>
Transparency	<ul style="list-style-type: none"> <li>▪ The fence should be at least 50 per cent transparent.</li> <li>▪ Consideration can be given to less transparent front fences along common boundaries within the front setback where it is serving a privacy protection purpose.</li> </ul>	<ul style="list-style-type: none"> <li>▪ High solid fences.</li> </ul>
Colours & Materials	<ul style="list-style-type: none"> <li>▪ If a post and wire or rail fence is not proposed, the fence should be constructed from predominantly lightweight natural materials such as timber or lightweight wire mesh materials.</li> <li>▪ Ensure fences are finished with muted colours and tones that relate to the bushland character.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Unnatural materials such as Colorbond, thick steel, concrete, brick, and masonry.</li> <li>▪ Bright colours that visually stand out or dominate the streetscape.</li> </ul>

**Precedent Images**



**Diagrams**

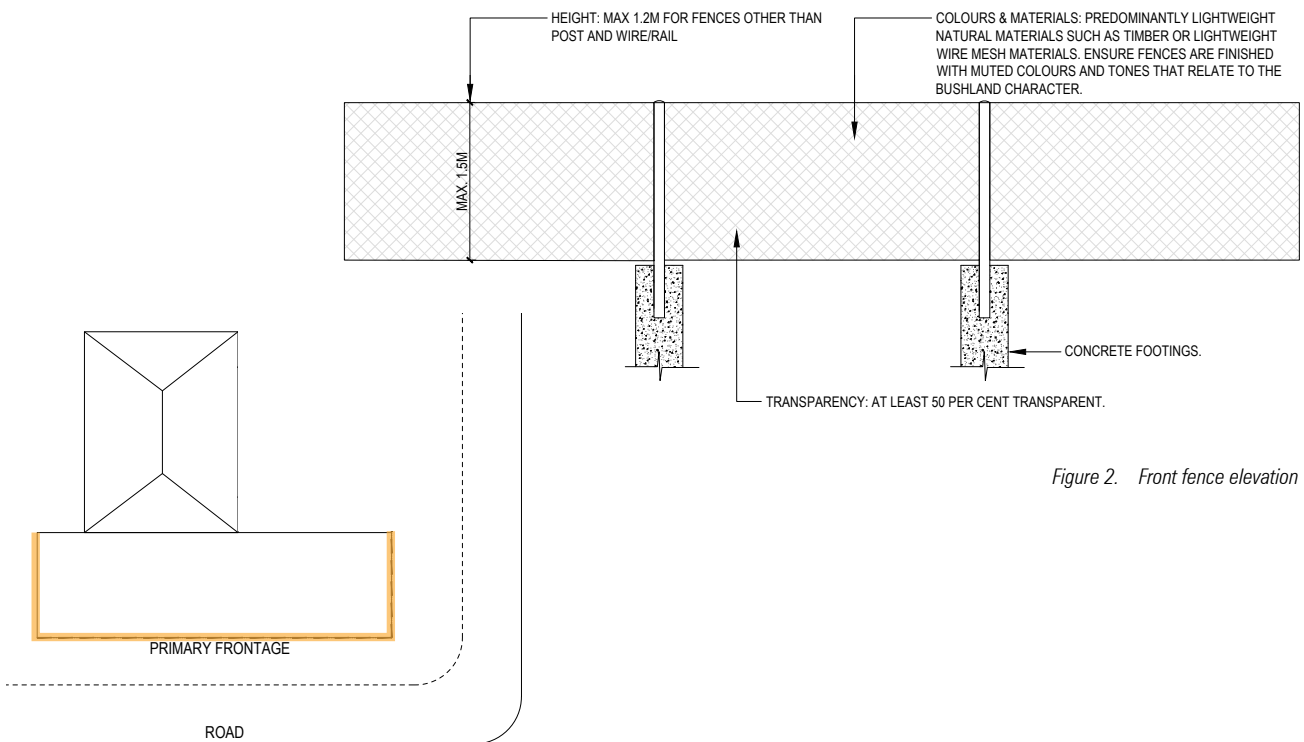


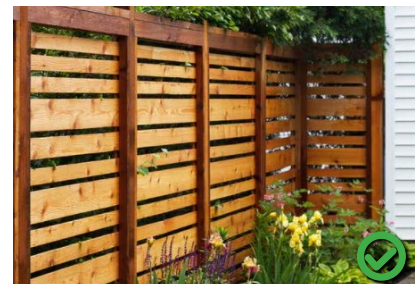
Figure 2. Front fence elevation

Figure 3. Zone A potential fence locations

**Zone B (Rear & Side Fences)**

<b>Preferred Typology</b>		
<p>Side and rear fencing should be of a post and wire or rail typology. Consideration can be given to other fence typologies that provide increased privacy screening and security including 'wing' fences that run perpendicular between the dwelling and side boundary.</p>		
<b>Element</b>	<b>Design Response</b>	<b>Avoid / Discourage</b>
Height	<ul style="list-style-type: none"> <li>No portion of a fence should be higher than 2 metres in height from natural ground level.</li> <li>On corner sites, no portion of a fence should be higher than 1.5 metres in height when facing a side street or 1.8 metres where areas of private open space are observable from this secondary frontage.</li> </ul>	<ul style="list-style-type: none"> <li>Fencing over 2 metres in height.</li> <li>Fencing over 1.8 metres in height for side fences facing side streets.</li> </ul>
Transparency	<ul style="list-style-type: none"> <li>Fencing may be 100 per cent opaque.</li> <li>On corner sites, fences should be at least 50 per cent transparent when facing a side street. Fences may be may be 100 per cent opaque where required for privacy reasons.</li> </ul>	<ul style="list-style-type: none"> <li>High solid fences.</li> </ul>
Colours & Materials	<ul style="list-style-type: none"> <li>Fencing should be constructed from predominantly natural light weight materials such as timber or brush.</li> <li>Colours should be muted where visible from the street or public reserve.</li> </ul>	<ul style="list-style-type: none"> <li>Unnatural materials such as Colorbond, thick steel, concrete, brick, and masonry.</li> <li>Bright colours that visually stand out from the street or reserve.</li> </ul>

**Precedent Images**





**Diagrams**

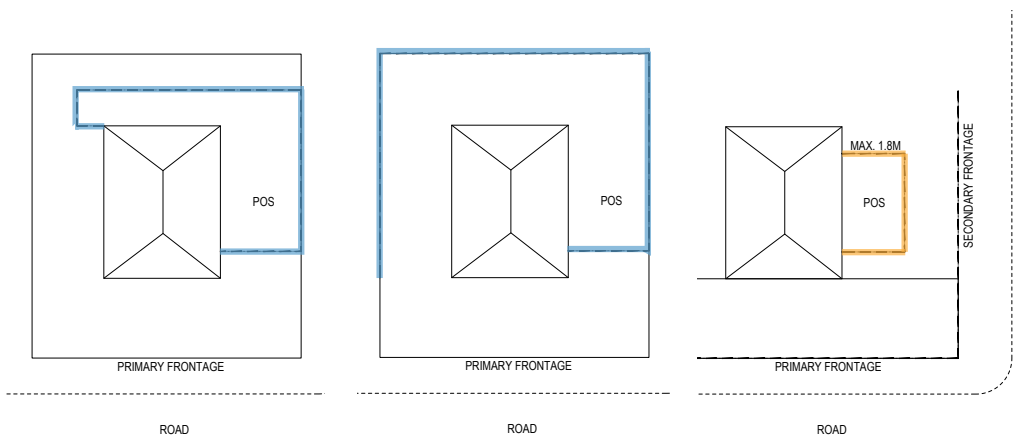


Figure 4. Potential Zone B fence locations

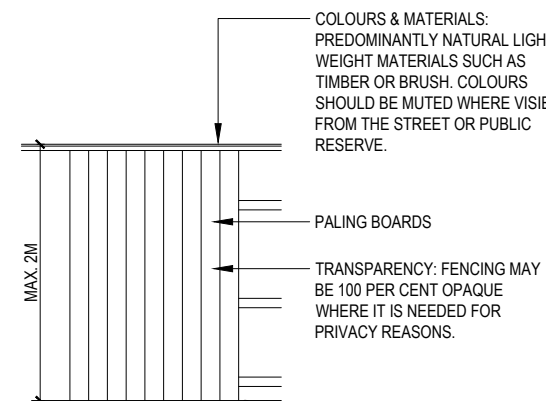


Figure 5. Zone B fence elevation

**Zone C (Reserve Interface)**

<b>Preferred Typology</b>		
<p>Fences adjoining the Yellow Gum Reserve and other public reserves should be of a post and wire or rail typology. Consideration can be given to other fence typologies that provide increased privacy screening in discrete locations.</p>		
Element	Design Response	Avoid / Discourage
Height	<ul style="list-style-type: none"> <li>▪ No portion of a fence should be higher than 1.5 metres in height from natural ground level.</li> <li>▪ The fence should provide a 200mm clearance from ground level to allow for the passage of small native wildlife.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Fencing over 1.5 metres in height.</li> </ul>
Transparency	<ul style="list-style-type: none"> <li>▪ The fence should be at least 50 per cent transparent (not including 200mm clearance).</li> <li>▪ Less transparent fences can only be considered for privacy reasons and where a landscape response cannot achieve the same outcome.</li> </ul>	<ul style="list-style-type: none"> <li>▪ High solid fences.</li> </ul>
Colours & Materials	<ul style="list-style-type: none"> <li>▪ Fencing should be constructed from predominantly natural light weight materials such as timber.</li> <li>▪ Ensure fences are finished with muted colours and tones that relate to the bushland character.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Unnatural materials such as Colorbond, thick steel, concrete, brick, and masonry.</li> <li>▪ Bright colours that visually stand out from the reserve.</li> </ul>

**Precedent Images**





**Diagrams**

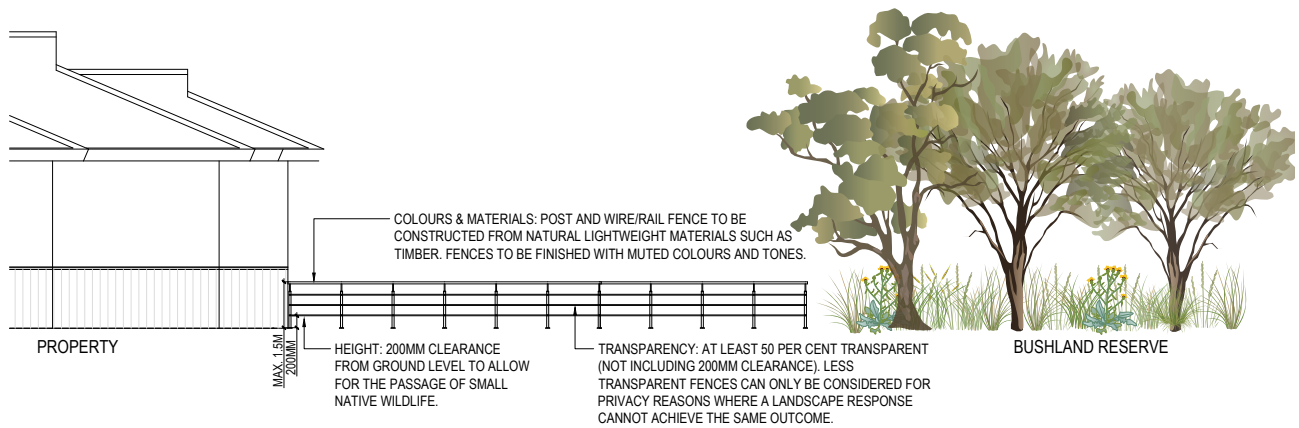


Figure 6. Zone C fence elevation

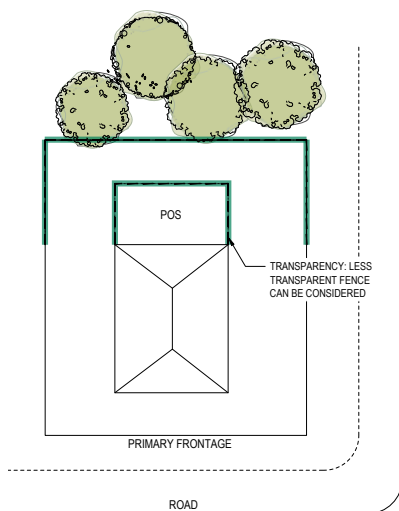


Figure 7. Potential Zone C fence locations

## Decision Guidelines

The following decision guidelines are to be used where a variation to the design response is proposed:

- Whether solid fencing has been used in moderation to directly protect the privacy of private open space or habitable room windows.
- Whether a landscape response rather than a solid fence can achieve the same outcome in terms of the protection of privacy.
- Whether the fence will result in the removal or destruction of vegetation.
- Whether the primary area of private open space is forward of the side wall of a dwelling on a corner site and viewable from a side street.
- Whether a front fence greater than 1.2 metres in height will still allow for views into front gardens.
- Whether a fence less transparent than the requirement for Zone C is well setback from the bushland reserve and only used to screen primary areas of private open space.
- Whether the fence materials will contribute to the bushland character of the estate and is of a light-weight material.
- Whether the fence will allow for the safe passage of native wildlife.
- Whether the fence allows for the strong presence of native vegetation within the estate.



A photograph of a residential property. In the foreground, there is a gravel driveway on the left and a concrete curb leading to a paved road on the right. A large, mature tree with dense green foliage dominates the middle ground. Behind the tree, a single-story house with a light-colored roof and a skylight is visible. A utility box on a metal stand is positioned near the house. The sky is overcast and grey.

**Appendix 2: Draft Design and Development Overlay Schedule**

## GREATER GEELONG PLANNING SCHEME

xx/xx/xxxx  
CXXXggee**SCHEDULE XX TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**Shown on the planning scheme map as **DDOXX**.**GOANDRA ESTATE, OCEAN GROVE FENCE GUIDELINES****1.0 Design objectives**xx/xx/xxxx  
CXXXggee

To protect and enhance the open bushland character of the Goandra Estate by limiting visually dominant or solid fence typologies.

To encourage no or low front fences that are visually permeable and constructed of natural materials and colours that complement the natural landscape.

To allow for fencing that protects privacy and provides security in appropriate locations that does not detract from the open bushland character.

To ensure the protection and visibility of native vegetation from the public realm and provide for an appropriate interface with the bushland reserve.

**2.0 Buildings and works**xx/xx/xxxx  
CXXXggee**Permit Requirement**

A permit is not required to construct a building or construct or carry out works.

A permit is required to construct a fence. This does not apply to:

- A timber post and wire or rail fence that is no more than 1.5m in height.
- A pool fence or other fence required under the Victorian *Building Regulations 2018*.
- A fence located within Zone B as shown on Figure 1 and that meets the following requirements:
  - Is constructed of timber paling or brush materials.
  - Is no more than 2m in height.
  - Is not located within the area forward of the side wall of a dwelling along a side street.

**Requirements**

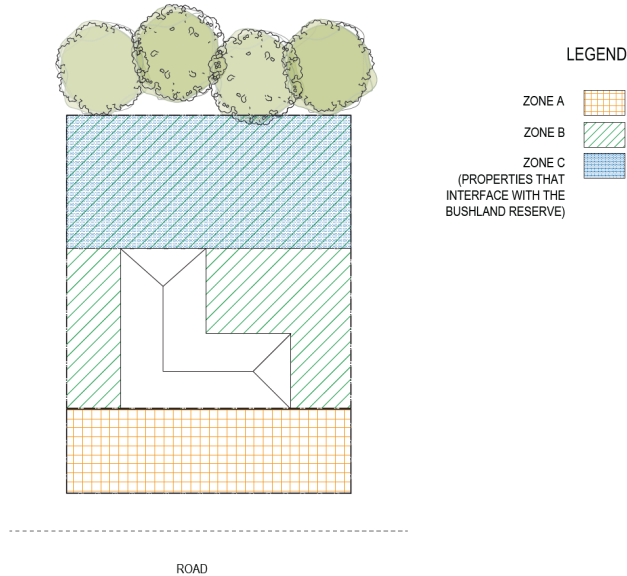
The following requirements apply to an application to construct a fence:

- A fence located forward of the front wall of a dwelling (Zone A in Figure 1) should:
  - Be no higher than 1.5m in height if a timber post and wire or rail typology and no higher than 1.2m if any other typology.
  - Be at least 50 per cent transparent.
  - Be constructed of lightweight natural materials such as timber and utilise muted colours.
- A fence located behind the front wall of a dwelling (Zone B in Figure 1) should:
  - Be constructed of lightweight natural materials.
- On corner sites, a fence located forward of the side wall of a dwelling facing a side street in Zone B, should:
  - Be no higher than 1.5m in height and at least 50 per cent transparent where primary areas of private open space are not located within this secondary frontage.
  - Be no greater than 1.8m and less than 50 per cent transparent where primary areas of private open space are located within this secondary frontage.
  - Be constructed of lightweight natural materials.
- For properties that interface with the Yellow Gum Bushland Reserve, a fence located behind the rear wall of a dwelling (Zone C in Figure 1):

GREATER GEELONG PLANNING SCHEME

- Must be of a post and wire or rail typology along the boundary that directly interfaces with the Yellow Gum Bushland Reserve. A permit cannot be granted to construct a fence that does not meet this requirement.
- Should be of a post and wire or rail typology along all other boundaries and locations within Zone C.
- Should allow for a 200mm clearance from the ground level to allow for the passage of small native wildlife.

**Figure 1: Fencing Zones**



**Notice and Review Requirements**

An application to construct a fence 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.

**3.0 Subdivision**

xx/xx/xxxx  
CXXXggee

None specified.

**4.0 Signs**

xx/xx/xxxx  
CXXXggee

None specified.

**5.0 Application requirements**

xx/xx/xxxx  
CXXXggee

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site plan indicating the location of the proposed fence.
- Elevation plans indicating the proposed height, transparency, materials, and colours of the proposed fence.
- A written response to the relevant objectives and requirements of this schedule and the *Goandra Estate Fence Design Guidelines (2022)*.

## GREATER GEELONG PLANNING SCHEME

**6.0 Decision guidelines**

xx/xx/xxxx  
CXXXggee

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposed fence is consistent with the *Goandra Estate Fence Design Guidelines (2022)*.
- Whether the fence materials will contribute to the bushland character of the estate and are of a lightweight natural material and muted colours.
- Whether the primary area of private open space is forward of the side wall of a dwelling on a corner site and viewable from a side street.
- Whether the primary area of private open space in Zone C is located behind the rear wall of a dwelling.
- Whether solid or less transparent fencing has been used in moderation to directly protect the privacy of primary areas of private open space or habitable room windows.
- Whether a fence less transparent than the requirement for Zone C is well setback from the bushland reserve and only used to screen primary areas of private open space.
- Whether a landscape response, such as perimeter planting, rather than a solid fence cannot achieve the same outcome in terms of protecting privacy.
- Whether a front fence greater than 1.2 metres in height will still allow for views into front gardens.
- Whether the fence will result in the removal or destruction of vegetation and will allow for the safe passage of wildlife.

