

Planning and Environment Act 1987

Panel Report

**Greater Geelong Planning Scheme Amendment C375
Barwon Heads Structure Plan**

31 October 2018

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Greater Geelong Planning Scheme Amendment C375

Barwon Heads Structure Plan

31 October 2018



Con Tsotsoros, Chair



Elissa Bell, Member

Contents

	Page
1 Introduction.....	1
1.1 The Amendment.....	1
1.2 Submissions to the Amendment	2
1.3 Procedural matter	3
1.4 Background.....	3
1.5 Issues dealt with in this Report	4
2 Planning context	6
2.1 Planning Policy Framework	6
2.2 Relevant strategies and plans	7
2.3 Planning scheme provisions	9
2.4 Relevant Planning Scheme Amendments	10
2.5 Ministerial Directions and Practice Notes.....	11
3 Strategic issues	12
3.1 Barwon Heads Structure Plan	12
3.2 Residential and Landscape Character Assessment	14
3.3 Strategic justification.....	15
4 Settlement boundary	16
4.1 Planning policy and the Structure Plan	16
4.2 Environmental matters.....	19
4.3 Town character and western entrance	23
4.4 Residential land supply and housing capacity.....	25
4.5 Other considerations.....	29
4.6 Conclusion	30
5 Residential area designation and provisions	31
5.1 Residential area designation boundary.....	31
5.2 Increased Housing Diversity Area planning provisions	33
5.3 Incremental Change Residential Area planning provisions.....	37
6 Other issues	41
6.1 Vegetation	41
6.2 Town character.....	42
6.3 Warrenbeen Court	43
6.4 Flooding and drainage.....	48
6.5 Traffic and parking.....	49
6.6 Planning permit exemptions and third-party notice.....	52
7 Amendment drafting.....	54

- Appendix A** **Submitters to the Amendment**
Appendix B **Document list**
Appendix C **Panel recommended planning provisions**

List of Tables

	Page
Table 1 Chronology of events	3
Table 2 Zone and overlay purposes	9
Table 3 Summary of residential zones revised by Amendment VC110.....	10
Table 4 Existing and proposed residential planning provisions.....	34
Table 5 Existing and proposed residential planning provisions.....	39

List of Figures

	Page
Figure 1 Subject land	2
Figure 2 Submissions to the Amendment by location	3
Figure 3 Barwon Heads Structure Plan	13
Figure 4 Warrenbeen Court ecological features	44

List of Abbreviations

the Act	<i>Planning and Environment Act 1987</i>
Character Assessment Report	<i>Barwon Heads Residential and Landscape Character Assessment, March 2017</i>
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
ESO	Environmental Significance Overlay
G21 Plan	<i>Geelong G21 Regional Growth Plan, April 2013</i>
GRZ	General Residential Zone
Housing Diversity Strategy	<i>Greater Geelong Housing Diversity Strategy 2007 (Amended September 2008)</i>
ICRA	Incremental Change Residential Area
IHDA	Increased Housing Diversity Area
NRZ	Neighbourhood Residential Zone
Planning Scheme	Greater Geelong Planning Scheme
SLO	Significant Landscape Overlay
Structure Plan	<i>Barwon Heads Structure Plan, City of Greater Geelong, August 2017</i>

Note: A number following a zone or overlay refers to a schedule number

Overview

Amendment summary

The Amendment	Greater Geelong Planning Scheme Amendment C375
Common name	Barwon Heads Structure Plan
Brief description	The Amendment proposes to implement the <i>Barwon Heads Structure Plan 2017</i> by revising local planning policy and applying new residential zone and overlay provisions.
Subject land	Barwon Heads land shown in Figure 1
Planning Authority	City of Greater Geelong
Authorisation	21 November 2017
Exhibition	1 February to 13 March 2018
Submissions	942 (152 opposing), as shown in Appendix A

Panel process

The Panel	Con Tsotsoros (Chair), Elissa Bell
Directions Hearing	Geelong, 23 July 2018
Panel Hearing	Geelong, 21, 22, 24, 27, 28, 29 and 30 August 2018
Site inspections	Unaccompanied, 20 and 27 August 2018

Appearances

- Greater Geelong City Council represented by Terry Montebello of Maddocks, Peter Schembri, Acting Coordinator, and Stuart Thiele, Acting Senior Strategic Planner, and calling the following evidence:
 - Planning from John Glossop of Glossop Town Planning
- Department of Environment, Land, Water and Planning (Environment) represented by Geoff Brooks
- Barwon Heads Association Inc. represented by Shelly Fanning of Coastal Planning with Sandra Gatehouse and Judith Brooks
- Save Barwon Heads Alliance Inc. represented by Rupert Watters of Counsel and calling the following evidence:
 - Ecology from Dr Andrew McMahon of Ecology Australia
- Colin Bridges
- Geoffry and Susan Tamblyn represented by Geoffry Tamblyn
- Geelong Field Naturalists Club represented by Rod Lowther
- Janice and Paul Brewster represented by Paul Brewster
- Jukka Tuisku
- Karyn Howie
- Lee Crawford
- Macafee Investments Pty Ltd and Gull Company Pty Ltd (Barwon Heads Lifestyle P/L) represented by John Cicero and Edward Mahony of Best Hooper, relying on infrastructure services and drainage evidence of Peter Berry from Peter Berry Associates and calling the following evidence:
 - Economics from Chris McNeill of Essential Economics
 - Climate and flooding from Mark Jempson of Venant Solutions
 - Ecology from Brett Lane of Brett Lane and Associates
 - Town Planning from Sarah Horsfield of Urbis
- Mid West Group (Barwon Heads) represented by Peter O’Farrell of Counsel, instructed by Norton Rose Fulbright Lawyers and calling the following evidence:
 - Planning from Robert Milner of 10 Consulting Group
- Morgan and Griffin Pty Ltd represented by Jason Black of Insight Planning Consultants
- Philip Bade
- Richard Hastings
- Warwick Manderson represented by Stephen Bitmead of Fastnet Consulting

Citation Greater Geelong PSA C375 [2018] PPV

Date of this Report 31 October 2018

Executive summary

(i) Summary

Barwon Heads is located on the Bellarine Peninsula, approximately 28 kilometres from Geelong's Central City and 96 kilometres from Melbourne's Central City. The *Bellarine Peninsula Localised Planning Statement* describes Barwon Heads as a seaside resort and home to a growing population of permanent residents.

Since the *Barwon Heads Structure Plan 2010*, new residential zones were introduced throughout Greater Geelong in 2014, generally in accordance with the approach outlined in the *Greater Geelong Housing Diversity Strategy 2007*. The *Barwon Heads Structure Plan 2017* is the outcome of a review of the previous version. It is partly supported by assessments and recommendations in the *Residential and Landscape Character Assessment Report* prepared in March 2017.

Greater Geelong Planning Scheme Amendment C375 (the Amendment) seeks to implement the *Barwon Heads Structure Plan 2017* by revising local planning policy and applying new residential zone and overlay provisions. The Amendment was exhibited from 1 February to 13 March 2018 and received 942 submissions.

Key issues raised in submissions included the settlement boundary alignment and how changing it may impact planning policy, the Ramsar wetlands abutting the properties west of the settlement boundary, town character, and residential land supply and housing capacity. Other issues included how the residential areas were designated and their associated planning provisions, vegetation, town character, the appropriate planning provisions for Warrenbeen Court, flooding and drainage, traffic and parking, permit exemptions, third-party notice and drafting matters.

The Panel has considered all written submissions, observations from site visits, evidence and other material presented to it at the Hearing. The Panel has reviewed a very large volume of material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

Strategic issues

The Amendment seeks to address a tension between policies seeking urban consolidation with increased densities on the one hand, and those seeking to protect town character and address environmental matters on the other.

To address this, the Amendment departs from Council's Housing Diversity Strategy which seeks a relatively higher residential density within 400 metres of an activity centre than areas beyond. The Amendment does this by applying a combination of the General and Neighbourhood Residential Zones and Development and Design Overlay schedules which collectively limit previously possible housing density and built form permitted in the area. This more restrictive approach also departs from the *Bellarine Peninsula Localised Planning Statement* which encourages urban consolidation to enable existing urban township boundaries to be maintained and to provide increased densities to use existing, and justify additional, services.

However, these more restrictive planning provisions are needed to address town character, stormwater and drainage related policies.

Subject to further details on these issues discussed further in this report, the Panel considers that the Amendment has appropriately addressed these policy matters to achieve a net community benefit.

Notably, no submission persuaded the Panel that the Amendment's overall policy support or strategic basis should be questioned.

The Panel considers that the Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded, strategically justified and should proceed subject to addressing the more specific issues raised in submissions.

Settlement boundary

A settlement boundary change to include land between the existing alignment and the Ramsar wetlands could be considered in the future where it meets State and regional planning policy and the *Bellarine Peninsula Localised Planning Statement*. As the planning authority, Council can revise local planning policy which supports future changes to the settlement boundary.

There may be an opportunity to change the settlement boundary to include land between the existing alignment and the Ramsar wetlands without adversely impacting the Ramsar wetlands. The extent to which the boundary can be extended would need to be further investigated through a separate strategic planning process.

Extending the settlement boundary to the Ramsar wetlands is unlikely to adversely impact Barwon Head's preferred town character if new development is designed with consistent urban design and built form sought through the Structure Plan. Barwon Heads could benefit from an improved western town entrance, however, this is not a reason in itself to expand the settlement boundary.

City of Greater Geelong has sufficient residential land supply to meet population growth over the next 15 years. The settlement boundary does not need to be extended to address any municipal residential land supply issue, however, it should not be restricted if extending the boundary can continue to achieve the aspirations sought through the Structure Plan.

Residential area designation and provisions

Redesignating land south of Bridge Road from Increased Housing Diversity Area to Incremental Change Residential Area departs from the direction in the *Bellarine Peninsula Localised Planning Statement* to encourage increased density within the settlement boundary. However, it does so to protect town character values which are also sought through the Statement. Before rezoning land south of Bridge Road from Residential Growth Zone Schedule 3 to Neighbourhood Residential Zone Schedule 6, Council should more accurately quantify the impact on Barwon Head's future housing supply.

Changing the Increased Housing Diversity Area boundary to remove properties west of Golf Links Road is appropriate and would be consistent with the streetscape along the major access route between the Increased Housing Diversity Area and land south of Bridge Road.

Associated planning provision changes including rezoning should proceed to these properties after all affected property owners have been notified and provided with an opportunity to respond.

It is appropriate for Design and Development Overlay Schedule 42 to include a soft landscaping requirement of 20 per cent, however, it should exclude a site coverage requirement because it duplicates ResCode provisions.

The Incremental Change Residential Area planning provisions proposed through Neighbourhood Residential Zone Schedule 6 and Design and Development Overlay Schedule 41 are appropriate and justified.

Warrenbeen Court

The proposed Neighbourhood Residential Zone Schedule 7, including the minimum lot size, is appropriate for Warrenbeen Court. Environmental Significance Overlay Schedule 6 is appropriate for protecting the Coastal Moonah Woodland community, however, its buildings and works provisions would benefit from being redrafted to clarify their intent.

Other issues

The Amendment appropriately responds to existing vegetation, flooding and drainage issues. It also appropriately responds to preferred town character sought through the Structure Plan and *Residential and Landscape Character Assessment Report*.

Existing traffic and car parking issues can be satisfactorily considered through a future study; however, they do not have to be resolved through the Amendment. The Amendment has satisfactorily considered traffic and car parking matters associated with the modest extent of development opportunities enabled through the Amendment.

Design and Development Overlay Schedules 41 and 42 appropriately exempt third party notice for a single dwelling which meets the Table 1 requirements. A permit should be required for any single dwelling proposal which does not meet the Table 1 requirements. Permits proposing other, and possibly more intense, development such as multi-dwelling proposals, should be subject to third party notice.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Greater Geelong Planning Scheme Amendment C375 be adopted as exhibited subject to the following:

- 1. Amend Clause 21.14 to:**
 - a) delete the fifth Barwon Heads objective related to adaptable housing designs for older people**
 - b) refer to 'retail' instead of 'commercial' development in the seventh Barwon Heads objective.**
- 2. Rezone all land west of Golf Links Road currently in the Residential Growth Zone Schedule 3 to the Neighbourhood Residential Zone Schedule 6 after notifying affected property owners and considering any responses.**

- 3. Amend Neighbourhood Residential Zone Schedule 6, as shown in Appendix C1, to require relevant plans to be submitted with a permit application proposing to subdivide lots smaller than 500 square metres.**
- 4. Amend Design and Development Overlay Schedule 41, as shown in Appendix C3, to make drafting changes which clarify its provisions and improves its operation.**
- 5. Amend Design and Development Overlay Schedule 42, as shown in Appendix C4, to:**
 - a) add a new design objective: *"To support a variety of housing types with a preference for smaller 1 and 2 bedroom housing types."***
 - b) revise the landscaping plan requirement for buildings and works to remove the need for a plan to be prepared by a qualified landscape architect**
 - c) add in Table 1 a new a soft landscaping requirement of at least 20 per cent**
 - d) make drafting changes which clarify its provisions and improves its operation.**
- 6. Amend Environmental Significance Overlay Schedule 6, as shown in Appendix C2, to improve the clarity of the provisions regarding works undertaken under a tree canopy or within 2 metres of the vegetation drip line.**

1 Introduction

1.1 The Amendment

The Amendment proposes to implement key land use directions of the *Barwon Heads Structure Plan* (August 2017) by changing the Greater Geelong Planning Scheme to:

Planning policy

- 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
- amend Clause 22.36 *Heritage Overlay 1649: Flinders Heritage Area* to ensure consistency with the proposed new Design and Development Overlays
- amend the Clause 22.63 *Barwon Heads Increased Diversity Area* map to reflect the removal of residential land south of Bridge Road from the Increased Housing Diversity Area (IHDA).

Zones

- rezone land in the Residential Growth Zone Schedule 3 (except land south of Bridge Road) to General Residential Zone Schedule 1 (GRZ1)
- rezone land in the General Residential Zone Schedule 2 (GRZ2), except the Warrenbeen Court properties, to a new Neighbourhood Residential Zone Schedule 6 (NRZ6)
- rezone all the properties in Warrenbeen Court from the General Residential Zone Schedule 2 to a new Neighbourhood Residential Zone Schedule 7 (NRZ7)
- rezone land in the Residential Growth Zone Schedule 3 south of Bridge Road to the new NRZ6.

Overlays

- insert a new Design and Development Overlay Schedule 41 (DDO41) that will apply to most of the land being rezoned to NRZ6
- insert a new Design and Development Overlay Schedule 42 (DDO42) that will apply to all the land being rezoned to GRZ1
- replace Environmental Significance Overlay Schedule 6 (ESO6) which applies to all properties in Warrenbeen Court, nine Saratoga Avenue properties, part of Tait's Road and fragments of Farming Zone land north of Tait's Road, with a new ESO6
- amend Significant Landscape Overlay Schedule 9 (*Barwon River Environs*) to ensure consistency with the proposed new Design and Development Overlay schedules
- amend Design and Development Overlay Schedule 25 (*Barwon Heads Town Centre*) to provide building form consistency in the Barwon Heads IHDA.

(i) The subject land

The Amendment applies to land shown in Figure 1.

Figure 1 Subject land

Source: mapshare.maps.vic.gov.au/vicplan and Planning Panels Victoria

(ii) Amendment changes since exhibition

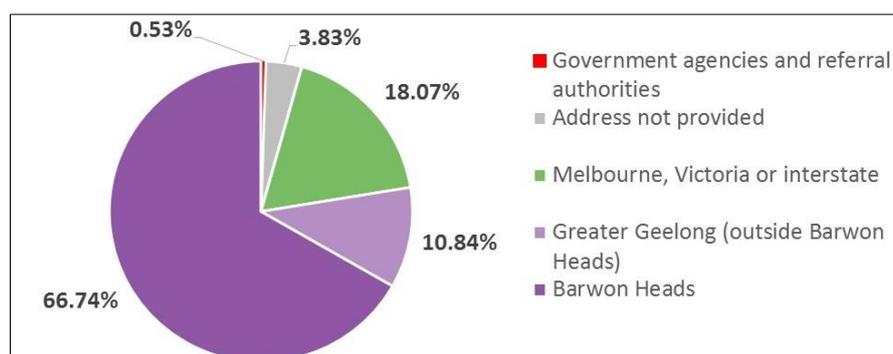
At its 26 June 2018 meeting, Council resolved to, among other changes:

- rezone land west of Golf Links Road from GRZ1 to NRZ6
- introduce new application requirements for NRZ6
- remove a permit exemption from ESO6
- add a new design objective, add new site coverage and soft landscaping requirements, and add and delete decision guidelines to DDO42.

1.2 Submissions to the Amendment

In response to the exhibited Amendment, 942 submissions were received from 890 submitters. Of the 942 submissions:

- 599 (64 per cent) were lodged through a standardised online application
- 628 (66.74 per cent) were from Barwon Heads, 102 (10.84 per cent) from Greater Geelong and 170 (18.07 per cent) from Melbourne, Victoria or interstate, as shown in Figure 2.
- 52 (6 per cent) were from individuals who had already lodged a submission.

Figure 2 Submissions to the Amendment by location

1.3 Procedural matter

Following the Directions Hearing, Save Barwon Heads Alliance advised it no longer sought to call hydrogeology evidence from Dr Peter Dahlhaus of Federation University. During the Hearing, Barwon Heads Lifestyle Group relied on evidence of Mr Peter Berry but did not call him. The Panel has weighted the evidence of Mr Berry accordingly.

1.4 Background

Council's Part A submission provided a chronology of events and most of these are replicated below.

Table 1 Chronology of events

Date	Event
June 1988	<i>Directions: The Geelong Region Development Strategy</i> (Geelong Regional Commission) finalised
13 November 1996	Inaugural Barwon Heads Structure Plan adopted by Council
11 December 1996	<i>City of Greater Geelong Urban Growth Strategy</i> adopted by Council
November 2003	<i>Barwon Heads Urban Design Framework</i> adopted by Council
24 July 2007	Council resolved to amend the draft Structure Plan to include 1920 Geelong Road within the settlement boundary
20 August to 15 October 2007	Council released the draft Structure Plan for consultation and received 873 submissions – 771 opposed 1920 Geelong Road being included
11 December 2007	Council adopted the 2007 Structure Plan excluding 1920 Geelong Road
5 February to 23 March 2009	Amendment C159 exhibited
January 2010	Amendment C159 Panel Report submitted
January 2010	Greater Geelong <i>Housing Diversity Strategy</i> implemented into the Planning Scheme [Amendment C129]
26 August 2010	2007 Structure Plan was implemented into the Planning Scheme [Amendment C159]

Date	Event
April 2013	<i>G21 Regional Growth Plan</i> released
July 2014	<i>Victorian Coastal Strategy</i> released
13 November 2014	New residential zones and a new Clause 22.63 (Increased Housing Diversity Areas) introduced into the Planning Scheme [Amendment C300]
September 2015	<i>Bellarine Peninsula Localised Planning Statement</i> finalised
April 2016	2010 Barwon Heads Structure Plan review commenced
27 March 2017	Residential zones amended to apply revised and new mandatory maximum building heights and introduce a mandatory garden area [Amendment C110]
23 May 2017	Draft <i>Barwon Heads Structure Plan</i> released by Council inviting submissions
22 August 2017	Council adopted Structure Plan
25 September 2017	Council requested authorisation to prepare and exhibit Amendment C375
14 December 2017	Interim Environmental Significance Overlay provisions applied at Barwon Heads [Amendment C374]
1 February to 13 March 2018	Amendment C375 exhibited
May 2018	<i>City of Greater Geelong Draft Settlement Strategy</i> released inviting submissions
26 June 2018	Council considered submissions to Amendment C375 and resolved to request the appointment of an independent panel to consider submissions
30 July 2018	Victorian Planning Provisions reforms implemented [Amendment VC148]

1.5 Issues dealt with in this Report

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

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

This Report deals with the issues under the following headings:

- Planning context
- Strategic issues
- Settlement boundary
- Residential area designation and provisions

- Residential area designation boundary
- Increased Housing Diversity Area planning provisions
- Incremental Change Residential Area planning provisions
- Other issues
 - Vegetation
 - Town character
 - Warrenbeen Court
 - Flooding and drainage
 - Traffic and parking
 - Vegetation
 - Planning permit exemptions and third-party notice
- Amendment drafting.

2 Planning context

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

The Panel has reviewed Council's response and the policy context of the Amendment and has made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies in Chapter 3.

2.1 Planning Policy Framework

Clauses

11 SETTLEMENT

11.01 VICTORIA

▶ 11.01-1S Settlement

To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

▶ 11.01-1R Settlement – Geelong G21

Strategies:

- Support the role of Central Geelong as a major regional city and revitalise and strengthen its role as Victoria's second city
- Support the growth of Bannockburn, Colac, Drysdale/Clifton Springs, Lara, Leopold, Ocean Grove and Torquay/Jan Juc as district towns by building on existing and planned infrastructure and focussing growth along key road and rail networks

...

- Reinforce the role of district towns in providing services to surrounding areas

...

- Provide for settlement breaks between towns to maintain their unique identities
 - Require a settlement boundary for all towns
- Protect critical agricultural land by directing growth to towns.

11.02 MANAGING GROWTH

▶ 11.02-1S Supply of urban land

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

▶ 11.02-2S Structure planning

To facilitate the orderly development of urban areas.

11.03 PLANNING FOR PLACES

▶ 11.03-4S Coastal settlement

To plan for sustainable coastal development.

▶ 11.03-5S Distinctive areas of state significance

To protect and enhance the valued attributes of identified distinctive areas and landscapes.

13 ENVIRONMENTAL RISKS AND AMENITY

13.01 CLIMATE CHANGE IMPACTS

▶ 13.01-2S Coastal inundation and erosion

To plan for and manage the potential coastal impacts of climate change.

21 MUNICIPAL STRATEGIC STATEMENT**21.05 NATURAL ENVIRONMENT****21.06 SETTLEMENT****▶ 21.06-2 Urban growth**

To limit urban sprawl by directing urban growth to designated urban growth areas.
To improve housing affordability through the maintenance of appropriate urban land supplies, the promotion of competition in the housing market and the development of a diverse range of well located housing stock.

▶ 21.06-3 Urban consolidation

To provide for the consolidation of existing urban areas in a managed way.
To encourage an appropriate range of development densities.
To improve accessibility to urban services.

21.14 BELLARINE PENINSULA**▶ 21.14-2 Strategies**

Barwon Heads:

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

▶ 21.14-9 Barwon Heads Structure Plan map**2.2 Relevant strategies and plans****(i) G21 Regional Growth Plan**

Geelong G21 Regional Growth Plan, April 2013 (G21 Plan) is one of eight regional growth plans that provide broad direction for land use and development across regional Victoria. It applies to the Borough of Queenscliffe, City of Greater Geelong, Colac Otway Shire, Golden Plains Shire (southern portion only) and Surf Coast Shire.

The G21 Plan provides regional-level strategic direction on coastal settlements and states:

The larger towns of Ocean Grove and Drysdale/Clifton Springs provide significant housing opportunities and a range of services to smaller coastal towns. Towns on the Bellarine offer coastal recreation, food and wine experiences and holiday accommodation. They experience significant population peaks and pressure on infrastructure and communities over peak holiday periods.

Its Framework for Growth (Appendix A) states that the larger district towns located strategically across the region (which exclude Barwon Heads) will, among other outcomes, take residential pressure off rural and coastal areas. Methods to achieve this include limiting growth in other rural and coastal settlements and designating settlement boundaries for all towns. The Framework also states that a focus on consolidation will maintain the coastal and rural character of smaller towns and villages.

The G21 Plan provides specific directions (Appendix B) for the larger towns of Drysdale/Clifton Springs, Leopold and Ocean Grove in the Bellarine Peninsula. Regarding the role of other settlements, it states:

Limit growth in adjoining coastal settlements of Barwon Heads, Indented Head, St Leonards, Portarlington, Queenscliff and Point Lonsdale to existing settlement boundaries as per Structure Plans and Coastal Spaces Strategy.

(ii) Greater Geelong Housing Diversity Strategy 2007 (Amended September 2008)

The Housing Diversity Strategy is a municipal-wide strategy which aims to:

- *Provide for the development of a range of housing types and densities in the City of Greater Geelong, to meet the City's existing and future housing needs.*
- *Provide certainty to the existing and future community with regards to where different housing types and densities will be generally supported or discouraged by Council.*
- *Provide for the development of a sustainable overall urban structure in the City of Greater Geelong.*

The Housing Diversity Strategy defines residential land within a walkable 400-metre catchment of the activity centre as an IHDA. Table 5 of the Strategy specifically identifies Barwon Heads as a town centre where increased housing diversity is sought. It defines all other residential land as an Incremental Change Area.

(iii) Bellarine Peninsula Localised Planning Statement 2015

The *Bellarine Peninsula Localised Planning Statement* identifies the Bellarine Peninsula's key valued attributes and puts in place objectives and strategies to ensure that they are preserved and enhanced for ongoing use by present and future generations. It describes the role of Barwon Heads as a seaside resort and home to a growing population of permanent residents and includes a framework plan.

The framework plan identifies Barwon Heads as an urban area where the non-urban breaks between other settlements should be maintained with farmed landscapes. Regarding non-urban breaks, it states:

There is a long history of planning policy maintaining non-urban breaks between settlements on the Bellarine Peninsula. Non-urban breaks foster a sense of identity for each township and protect the intrinsic qualities of the environs surrounding existing settlements. Urban consolidation is encouraged to enable the existing boundaries of urban townships to be maintained and

provide for increased densities that will justify provisions of additional services and utilise surplus capacity in existing services.

Key policy objectives relevant to the Amendment include:

1. *To protect and enhance the rural and coastal environment on the Bellarine Peninsula and maintain non-urban breaks with open farmed landscapes between settlements ...*
3. *To preserve and maintain the ecology of the Bellarine Peninsula's environmentally significant coastal, wetland and vegetated areas.*
4. *To protect, preserve and enhance built heritage, cultural and urban character values and preserve the individual identity and role of townships.*
5. *To facilitate the planned residential growth of Drysdale/Clifton Springs, Leopold and Ocean Grove, consistent with adopted Structure Plans and as service hubs for the Bellarine Peninsula. In all other townships, provide retail, commercial and community uses and facilities that serve the daily needs of the community and encourage street based activity and local employment.*

2.3 Planning scheme provisions

The Amendment proposes to rezone land to NRZ6 and GRZ1 and apply DDO41, DDO42, ESO6 and SLO9. The purposes of the NRZ, GRZ, DDO, ESO and SLO are shown in Table 2.

Table 2 Zone and overlay purposes

Common zone and overlay purpose	
To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	
Zones	
Neighbourhood Residential	General Residential
Other purposes	
<ul style="list-style-type: none"> - To recognise areas of predominantly single and double storey residential development. - To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics. - To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations. 	<ul style="list-style-type: none"> - To encourage development that respects the neighbourhood character of the area. - To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport. - To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.
Overlays	
Design and Development	Environmental Significance
	Significant Landscape

Other purposes		
- To identify areas which are affected by specific requirements relating to the design and built form of new development.	- To identify areas where the development of land may be affected by environmental constraints. - To ensure that development is compatible with identified environmental values	- To identify significant landscapes. - To conserve and enhance the character of significant landscapes.

2.4 Relevant Planning Scheme Amendments

(i) Amendment VC110

Amendment VC110 (Reformed residential zones) changed the residential zone provisions in the Victorian Planning Provisions and all planning schemes in March 2017. Key changes included revised and mandatory maximum building heights, a new mandatory 'minimum garden area' requirement, and removing the 'number of dwellings on a lot' requirement. A summary of those changes is provided in Table 3 below.

Table 3 Summary of residential zones revised by Amendment VC110

	Neighbourhood Residential Zone	General Residential Zone	Residential Growth Zone
Minimum side setback	ResCode Standards A10 and B17 (d)	ResCode Standards A10 and B17 (d)	2 metres on at least one side (d)
Maximum height	13.5 metres (m)	11 metres (3 storeys) (m)	-
Maximum building height/number of storeys	9 metres / 2 storeys (m)	11 metres / 3 storeys (m)	13.5 metres (d)
Can heights be varied in a schedule to the zone?	Yes. Can set a height limit greater than 9 metres / 2 storeys (m)	Yes. Can set a height limit greater than 11 metres / 3 storeys (m)	Yes. Can set a height limit of at least 13.5 metres (m)
Minimum garden area?	Yes (m)	Yes (m)	Yes (m)

Notes: (d): discretionary (m): mandatory. Source: adapted from *Reformed Residential Zones* (DELWP) March 2017

(ii) Greater Geelong Planning Scheme Amendment C300

Amendment C300 implemented the *Housing Diversity Strategy 2007* by introducing the new residential zones in November 2014. In line with the Strategy's approach, Amendment C300 applied the Residential Growth Zone Schedule 3 to land within 400 metres of the Hitchcock

Avenue commercial area and the General Residential Zone Schedule 2 to other residential areas in the township.

2.5 Ministerial Directions and Practice Notes

Council submitted that the Amendment meets the relevant requirements of:

- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act. For simplicity, the Panel refers to this as Ministerial Direction 7(5) in this report.

Parties at the Hearing referred to the following Planning Practice Notes:

- Planning Practice Note 36 (PPN36) Implementing a coastal settlement boundary, November 2016
- Planning Practice Note 46 (PPN46) Strategic Assessment Guidelines, August 2018.

3 Strategic issues

3.1 Barwon Heads Structure Plan

The *Barwon Heads Structure Plan 2017* is the outcome of the review of the 2010 Barwon Heads Structure Plan and includes the following vision¹:

In the year 2016 Barwon Heads will be a unique, sustainable, residential and environmental hub; a landlocked community surrounded by pristine river, coast and wetlands. An intimate community which supports all age groups and provides a place of belonging for residents and visitors alike; where human impact is managed to support the fragile natural surroundings by:

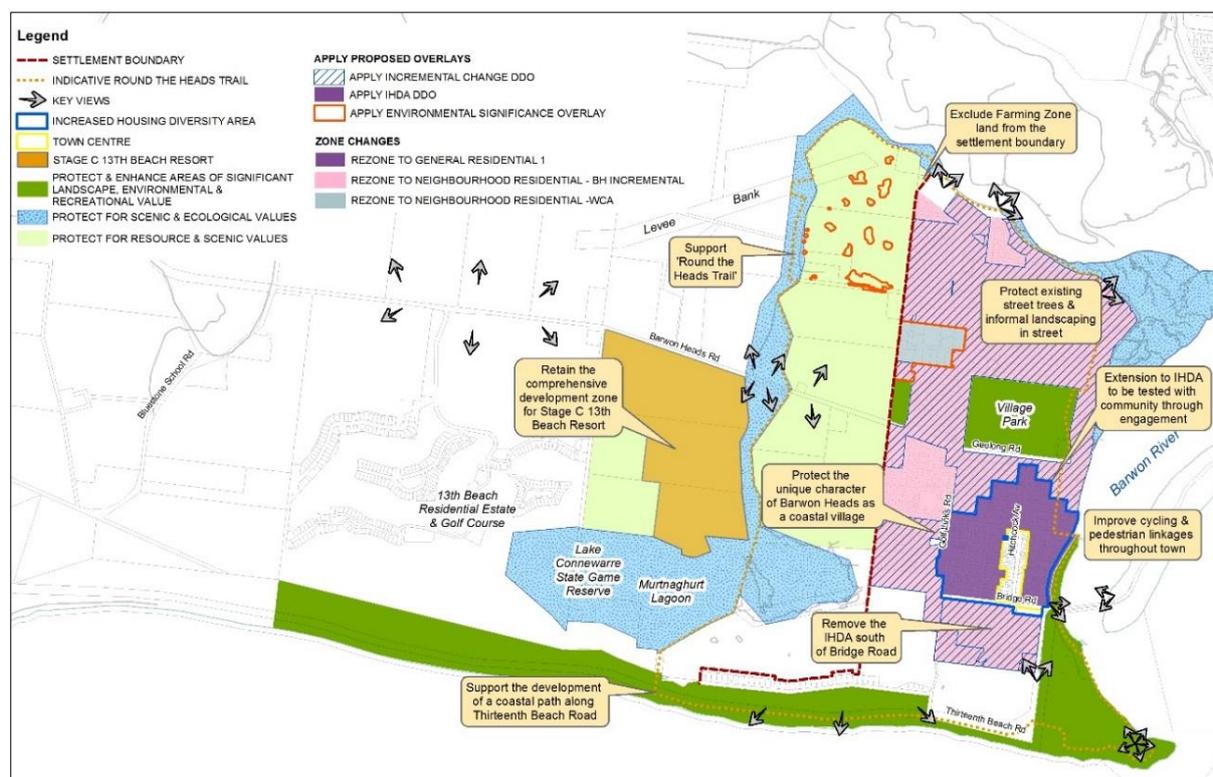
- *Clearly defined limitations on urban development*
- *Protecting and nurturing natural surroundings by managing human footprint*
- *Supporting walking, cycling, fishing, sailing, surfing, swimming and generally enjoying what our coastal village has to offer in an environmentally sensitive way.*

The Structure Plan notes this vision will continue to be relevant post 2016 and was included in the *Barwon Heads Urban Design Framework 2003*.

The Structure Plan study area (reproduced in Figure 1) extends beyond the existing urban area of Barwon Heads, and considers the role and future use of land to the west of the existing urban zones and rural interface. Map No 2 of the Plan provides a spatial overview of the Barwon Heads Structure Plan (see Figure 3).

¹ derived from the Bellarine Peninsula Strategic Plan 2006-2016

Figure 3 Barwon Heads Structure Plan



Source: Barwon Heads Structure Plan Map No 2

The Structure Plan comprises three parts: Part A (Structure Plan), Part B (Implementation program) and Part C (Background report).

Part A (Structure Plan) includes principles and directions in response to the key issues identified in the background report, under the following key themes: urban growth, infrastructure, settlement and housing, natural environment, town centre and economy, and rural areas.

The Structure Plan notes the role of the Barwon Heads township *“has changed over the last three decades from a quiet retiree and holiday township to being primarily a commuter residential area for Geelong and a popular holiday destination.”*

It notes:

The sensitive, coastal, environmental and rural setting of the township, and associated State and Local Planning Policies, preclude extensive township growth, while local services and facilities are generally limited to those which provide for daily needs and requirements, which a limited range of tourist and visitor related amenities.

Part A (Structure Plan) includes principles and directions in response to the key issues identified in the background report, under the following key themes: urban growth, infrastructure, settlement and housing, natural environment, town centre and economy, and rural areas. In relation to urban growth, it states that the nominated settlement boundary for Barwon Heads has not changed significantly since being set under the 1996 Structure Plan, and that there is currently limited housing supply in Barwon Heads.

Part B (Implementation) contains an implementation program for the Structure Plan. This includes using policies and discretion, applying recommended zones and overlays, and undertaking further strategic work, which may involve Council working with key agencies.

Part C (Background report) provides the background and contextual information for the Structure Plan. It notes that actions have been implemented into the Greater Geelong Planning Scheme following adoption of the 2010 Structure Plan. It outlines location, Aboriginal cultural heritage, post-contact history, role of the township, policy context including key studies and key influences; demographics and social profile; township facilities and services; physical infrastructure and transport; township growth and residential lot supply.

3.2 Residential and Landscape Character Assessment

The *Residential and Landscape Character Assessment* (Character Assessment Report) was prepared by Hansen Partnership in March 2017 to determine whether new planning provisions or guidelines were needed for new residential development in Barwon Heads to protect or enhance the existing town character.

Its study area included most residential zoned land in Barwon Heads (excluding Stephens Parade). It did not consider land outside the existing settlement boundary.

The Report assessed the existing town character and concluded that there is no single uniform character. Based on further work including community consultation, the Report sets out a preferred future character which reflects community aspirations and the broader vision for the township.

The Report recommends, among other things, to:

- rezone land in the Residential Growth Zone to the General Residential Zone
- apply two different DDO schedules throughout the township to reflect the IHDA and Incremental Change Residential Area (ICRA)
- not apply the DDO schedules to new residential subdivisions in the west or northwest
- rezone land in Warrenbeen Court to the Neighbourhood or Low Density Residential Zone, apply vegetation provisions and prohibit further subdivision
- map, and make available for reference, the grading of buildings in the Flinders Heritage Precinct, if available.

The Report sets out default measures and directions, such as 60 per cent site coverage, to inform future built form provisions which can help achieve the preferred town character. It recommends that future DDO provisions include standards for site coverage, permeability, front setbacks, landscaping, garages and fencing to serve as permit triggers.

Council submitted that the Structure Plan was partly informed by the Character Assessment Report. The Panel agrees with Council and notes that the Amendment, generally, aligns with parts of the Structure Plan which were informed by the Character Assessment Report.

3.3 Strategic justification

The Amendment seeks to implement the outcomes of a Structure Plan review. The Amendment's explanatory report, Council's submissions and expert witness statements referred to planning policies outlined in Chapter 2.1.

Council submitted that the Amendment is consistent with and supported by relevant objectives and strategies in these planning policies. The Panel agrees with Council's response. This is largely because the Structure Plan, which logically evolves from the 2010 version, generally aligns with the Planning Policy Framework.

The Amendment also seeks to address a tension between policies seeking urban consolidation with increased densities, and those seeking to address environmental issues.

The Amendment departs from Council's Housing Diversity Strategy which seeks a relatively higher residential density within 400 metres of an activity centre than areas beyond.

The reduced residential density sought in the Amendment departs from the direction in the *Bellarine Peninsula Localised Planning Statement* to encourage urban consolidation to enable existing urban township boundaries to be maintained and to increase densities to justify additional services and utilities surplus capacity in existing services. However, it does so to protect town character values and address environmental matters which are also sought through the Localised Planning Statement. The proposed reduced residential density is also likely to affect the ability to maintain the existing settlement boundary.

Subject to the discussion on these issues in this report, the Panel considers that the Amendment has appropriately addressed these policy matters and strikes an appropriate balance between the competing policy objectives, to achieve a net community benefit.

Notably, none of the 942 submissions included information which persuaded the Panel that the Amendment's overall policy support or strategic basis should be questioned.

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

4 Settlement boundary

The Amendment updates Clause 21.14 with a new map showing the existing settlement boundary unchanged, except for two small parcels of farming zoned land being removed in the north.

Most submissions supported the settlement boundary while some sought to change it. Among them, were requests to include the following properties within the settlement boundary:

- 1900 Barwon Heads Road (Barwon Heads Lifestyle Group)
- 135 Tait's Road, 137 Tait's Road and 1941-1949 Barwon Heads Road (Mid West Group).

There was also a request to include all land between the settlement boundary and the Ramsar wetlands, or to identify that land on the Structure Plan with a note to “*prepare structure plan for a mix of conservation, recreational, tourism and housing purposes*”. To demonstrate there was at least one feasible development opportunity for its land, Barwon Heads Lifestyle Group submitted a concept plan of a mixed-use development, which had been assessed by various experts on its behalf.

Key issues relied upon to support or object to the proposed settlement boundary related to:

- alignment with planning policy and the Structure Plan
- environmental matters
- town character including the western town entrance
- residential land supply.

4.1 Planning policy and the Structure Plan

(i) Background

A purpose of the Structure Plan is to “*articulate the preferred future directions including the location of a settlement boundary.*” The settlement boundary has changed little since the 1996 *Barwon Heads Structure Plan* and Barwon Head’s desirability adds pressure to extend the boundary to the west. The Structure Plan categorises current land supply and refers to three proposals which have been put forward to expand the western edge of the town. It states:

The westward expansion to the settlement boundary is not supported for Barwon Heads. There is a lack of policy support ‘in principle’ to extend the settlement boundary. To support this position Council has received significant community opposition to development through two community engagement processes. Due to the lack of ‘in-principle’ support for development, Council has not undertaken a detailed feasibility assessment of individual sites, but has received high level advice from internal and external experts.

The Structure Plan refers to relevant state and local planning policy, Victorian Coastal Strategy, G21 Plan and Planning Practice Note 36 (Implementing a Coastal Settlement Boundary) which support coast urban containment and a settlement boundary.

(ii) The issue

The issue is whether extending the Barwon Heads settlement boundary is justified and appropriate.

(iii) Evidence and submission

Council did not support submissions which sought to move the settlement boundary. It referred to relevant State, regional and local planning policy to support its position. Council submitted that reinforcing the existing settlement boundary achieved relevant environmental planning policy objectives because it protected the sensitive environmental assets and landscapes surrounding the town. Council submitted:

To be perfectly blunt about the issue of the settlement boundary, unless and until the Council as planning authority forms a view in principle that a boundary shift should be considered, then there is no prospect of it changing.

Specifically, Council submitted that the Structure Plan planned for sustainable coastal development by supporting a network of diverse coastal settlements, encouraging redevelopment opportunities in existing settlements, identifying a clear settlement boundary and avoiding linear urban sprawl (Clause 11.03-4S). Council added that maintaining the existing settlement boundary achieved a non-urban break between settlements and preserved Barwon Head's individual character (Clause 21.14).

At the Hearing, Mr Black represented Morgan and Griffin which owns residential estates in Ocean Grove. He submitted that Morgan and Griffin supported the existing settlement alignment because any change would impact Clause 21.14 policy objectives which include a settlement boundary in Ocean Grove by 2021.

Council called planning evidence from Mr Glossop of Glossop Town Planning. Like several submitters, Council and Mr Glossop each noted that State policy at Clause 11.02-1S seeks to plan to accommodate projected population growth on at least a 15-year period and directs:

Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

Mr O'Farrell of Counsel, who represented Mid West Group (Barwon Heads) at the Hearing, disagreed that residential land supply is to be assessed at a municipal level and referred to Planning Practice Note 36 which states:

A coastal settlement boundary is established through a strategic planning process which involves an analysis of land opportunities and constraints with a minimum 10 year planning horizon.²

Mid West Group (Barwon Heads) called planning evidence from Mr Milner of 10 Consulting Group. Mr Milner and Mr Glossop each acknowledged that the G21 Plan, the *Bellarine Peninsula Localise Planning Statement* and local policy in the Planning Scheme do not identify Barwon Heads as a future growth centre or expansion area. They stated that policy directs growth in this region to locations such as Ocean Grove and Armstrong Creek. Mr

² Emphasis added by Mr O'Farrell

Glossop highlighted that Map 7 (Settlement and employment growth directions) in G21 Plan supports planning growth in Ocean Grove but excludes Barwon Heads.

Mr Glossop noted that Ocean Grove and Armstrong Creek do not have the same topographic or environmental constraints as Barwon Heads. He referred to Clause 12.01-1S which sought to appropriately manage the impacts of any change in land use or development that may affect internationally significant sites such as the Ramsar wetlands abutting the properties west of the settlement boundary. Mr Glossop noted that the Structure Plan identifies these properties as *“Protect for resource and scenic values”*.

While both expert witnesses referred to similar policies and strategies:

- Mr Glossop supported the existing settlement boundary, stating that he could not find compelling justification in the Structure Plan to change its alignment
- Mr Milner sought an appropriate balance between competing planning policy.

Mr Milner explained that competing planning policy considerations include:

- *The coast and coastal development*
- *Regional and local settlement planning and development*
- *The protection of the environment, cultural history and biodiversity values*
- *Protection from the environmental risk including climate change considerations and flood management*
- *Economic development and particularly tourism*
- *Protection of natural resources and particularly productive agricultural land.*

While Mr Milner did not recommend a specific variation to the settlement boundary, he stated *“that the opportunity needs to be comprehensively and properly evaluated before the current boundary is ‘irrevocably’ embedded”*.

Ms Horsfield stated that Council had not properly considered other important policy considerations that are relevant to managing the town’s growth, particularly housing, ageing in place and aged-care provision.

Ms Horsfield considered Clauses 16 and 21.06-1 regarding housing affordability, housing diversity, and housing for older people to be particularly relevant because Barwon Heads is experiencing significant ageing of its population. She stated that the proposed residential zone provisions would reduce housing capacity and would not provide suitable land for an aged-care facility.

(iv) Discussion

State and regional planning policies support coastal towns which are contained through a settlement boundary. No policy refers to the existing Barwon Heads settlement boundary as a permanent boundary. The Panel finds a settlement boundary change could be considered where it meets outcomes sought through planning policy. Further strategic investigation would resolve the extent to which the settlement boundary can be changed, to align with policies related to town character, broader township hierarchy, environment, waterways, bushfire, housing diversity and affordability.

The Panel acknowledges that there will be a point where the town will not be able to expand any further because it will not be able to achieve relevant planning policy. However, there is insufficient evidence to suggest that Barwon Heads has reached this point. The Panel agrees with Mr Milner that the settlement boundary should not be permanently embedded until further comprehensive strategic work is completed.

The Panel does not agree with submissions that moving the settlement boundary would conflict with Clause 21.14 policy objectives for Ocean Grove. When compared to Barwon Heads, Ocean Grove is significantly larger in area and population, and has a different role and character. Any change to Barwon Heads' western settlement boundary would not affect the urban break with Ocean Grove on its eastern boundary.

The Panel does not accept the circular argument that there is insufficient local planning policy to support settlement boundary changes. The Panel notes that the Amendment proposes to change local planning policy to support other changes necessary to implement the Structure Plan. Should the Structure Plan have supported a settlement boundary change, Council could have proposed to change relevant policy, like changes by the Amendment to Clauses 21.14, 22.36 and 22.63.

(v) Findings

The Panel finds:

- Changing the settlement boundary to include land between the existing alignment and the Ramsar wetlands to the west could be considered, provided it meets State and regional planning policy, including the town hierarchy, and the *Bellarine Peninsula Localised Planning Statement*. Further strategic work would be required to determine whether this is possible.
- As the planning authority, Council can revise local planning policy which supports future changes to the settlement boundary.

4.2 Environmental matters

(i) Background

The Port Phillip Bay Ramsar site comprises eight component areas. The Lake Connewarre and Reedy Lake area includes both these lakes, the Barwon River estuary and Murtnaghurt Lagoon which is connected to the river through an overflow channel. Following floods in 1995 a levee was built across the channel restricting flows between these waterbodies. Murtnaghurt Lagoon is a saline wetland that supports significant Coastal Saltmarsh community.

Barwon Heads Lifestyle Group and Mid-West Group own land west of the current settlement boundary and east of the Ramsar wetlands. They each requested that the settlement boundary be changed to include their land within the town. Barwon Heads Lifestyle Group provided a concept plan for residential development of their land to the Panel in support of its submissions.

(ii) The issue

The issue is whether changing the settlement boundary to include land between the existing alignment and the Ramsar wetlands may impact the Ramsar wetlands.

(iii) Evidence and submissions

The Structure Plan states that the Environmental Planning and Engineering units of Council do not support extending the settlement boundary and that the greatest concern *“is the impact to the internationally recognised Ramsar wetlands at Murtnaghurt Lagoon and overflow channel”*. Key impacts identified include those related to stormwater drainage from developments and *“indirect impacts of domestic animals and the like”*. Council submitted that approvals may be required through the *Environment Protection and Biodiversity Conservation Act 1999* and *Environment Effects Act 1978* and these have not been contemplated.

At the Hearing, Mr Brooks represented the Department of Environment, Land, Water and Planning (DELWP). He said that DELWP supported the Amendment and that:

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

DELWP’s key concern was the potential of development to create hydrological changes to the Ramsar site at either Murtnaghurt Lagoon (with respect to land south of Barwon Heads Road) or the Barwon River (with respect to land north of Barwon Heads Road). Based on recent experience with new stormwater outlet structures into the Barwon River, DELWP submitted the scope for further outfalls in the River is limited and circumstances in which DELWP would be able to recommend any new outfalls was difficult to envisage.

Regarding development closer to the Ramsar Wetlands, Mr Brooks noted:

- the *Wildlife Act 1975* requires consent from the Secretary of DELWP for new or changed water inputs proposed into the Ramsar site, being a wildlife reserve
- the *Water Act 1989* sets parameters for consideration of how reasonable any proposed changes to waterways might be
- there may be conflict between urban development and permitted duck hunting in the State Game Reserve, including Murtnaghurt Lagoon.

Most submissions supported the current settlement boundary because of potential environmental impacts. Geelong Field Naturalists Club supported the *“unambiguous and well-reasoned decision to retain the settlement boundary in its current location”*.

Mr Tuisku submitted it is not possible to achieve a net environmental benefit with development due to the complexity of relationships that have evolved within the environment and its vulnerability to boundary effects and the introduction of foreign influences, in this case water through seepage and runoff. Similarly, Geelong Field Naturalists Club submitted:

Loss of habitat is generally permanent and can often become the new norm from which future discussions are pivoted. Issue by issue, development by development, the habitat and ecosystem losses and impacts are cumulative

and rarely does the overall strategic impact get considered (for example the cumulative impact on the ecological functioning of the entire Connewarre wetland complex) as this is deemed to fall outside of the scope of any specific development that may be up for consideration.

Mr Bade challenged submissions calling the channel 'dead' and referred to a State Government Flood Information brochure which stated, "no levee is flood proof".

Mr McMahon, on behalf of the Save Barwon Heads Alliance, gave evidence supplementing his 2009 Flora and Fauna assessment with a review of key changes to biodiversity policy, legislation and other strategic documents relevant to the Structure Plan, and to the Murtnaghurt Lagoon and channel. Key policy changes included:

- the listing of the Coastal Saltmarsh as a vulnerable ecological community under the *Environment Protection and Biodiversity Conservation Act 1999*
- a greater understanding of saltmarsh and mangroves across Victoria through the 'Victorian Saltmarsh Study (2011)'
- a greater understanding of potential impacts of climate change through the 'Climate Change Vulnerability Assessment and Adaptive Capacity of Coastal Wetlands' report
- clear identification of environmental stressors in the *Port Philip Bay (Western Shoreline) and Bellarine Peninsula Ramsar Site Management Plan (2018)*
- additional overarching policy in the *Victorian Coastal Strategy 2014* and Marine and Coastal Act (June 2018).

Together these documents provided understanding that:

- key threats to the wetlands include freshwater inflows to the saline ecosystem, invasive species and climate change
- the nature of potential impacts from climate change is very uncertain due to complex hydrology and sea level-groundwater interactions which are not well understood
- the future survival of saltmarsh in relation to climate change impacts may rely on its capacity for inland migration.

Mr McMahon concluded:

In summary, the evidence suggests that the bar has been raised. With respect to development proposals in general, it is not necessarily the case that limited development can have a net environment benefit, and while this may be theoretically possible, any proposal would need to be assessed on its merits.

Barwon Heads Lifestyle Group submitted "there are no inherent environmental reasons as to why urban development on part of the subject land could not occur" and that development would "have the potential to result in a net environmental improvement."

Barwon Heads Lifestyle Group called ecological evidence from Mr Lane of Brett Lane and Associates. Mr Lane stated that, based on the concept plan provided by Barwon Heads Lifestyle Group, it is possible to have development which "will not result in significant impacts on important flora and fauna attributes on and adjacent to the site". Mr Lane added

that the key concern for the Coastal Saltmarsh community was freshwater intrusion affecting the saltwater balance of the Ramsar wetland supporting it.

Barwon Heads Lifestyle Group called climate and flooding evidence from Mr Jempson of Venant Solutions. Mr Jempson stated that stormwater runoff from hard surfaces introduced from urban development could be controlled through the development of a waterbody running parallel to the Ramsar wetland which could contain additional freshwater runoff from entering the saline environment of the Ramsar wetland.

DELWP submitted that the concept plan was *“incomplete and premature in respect of the consideration of hydrological and ecological changes to the adjoining Ramsar site that are likely to follow urban development of the sites.”* Other than a preliminary query, DELWP has had no detailed engagement with proponents to the west regarding potential development or how stormwater may be disposed of. DELWP submitted water table depth and groundwater movement had not been considered by the concept plan.

Mid-West Group submitted that the potential need for environmental approvals was *“not a legitimate reason not to test the location of a settlement boundary”* and considered such an approach *“denies the real prospect that environmental improvement of the channel could be achieved in association with the movement of the settlement boundary”*. It added:

The obvious geographic boundary is the paleo channel. Such geographic features are typically used in forming town planning boundaries. In this respect, the Council’s Urban Growth Strategy 1996 reinforces this ‘Planning 101’ premise:

Where possible natural boundaries should form the edge of urban areas to assist in reinforcing the edge of urban centres ...

DELWP responded that, as discussion had not yet commenced regarding a reasonable buffer between settlement and the Ramsar wetland, the starting point would be that the current boundary is abutting the natural geomorphic boundary. DELWP added that any discussion about a suitable buffer would need to be informed by detailed hydrological investigations which include consideration of groundwater interactions.

(iv) Discussion

The Murtnaghurt Lagoon and overflow channel are clearly significant aspects of the Bellarine Peninsula Ramsar site which must be considered for any proposal to expand the settlement boundary or any specific development proposal on the adjacent land.

The Panel accepts that there are high-level policy issues and future approvals which would need to be resolved before determining the settlement boundary alignment. Such work would determine whether a net environmental benefit is the appropriate test, or whether there ought to be a higher standard. The outcome of this work would test whether the existing settlement boundary should be changed. Without this work, there is insufficient evidence to determine whether the settlement boundary should be changed on environmental grounds. There is also insufficient evidence to determine that any westward expansion of the settlement boundary is feasible or desirable on environmental grounds.

The hydraulic connectivity of the Ramsar site and adjoining lands is not well understood and would need further investigation to better understand how potential development on adjacent land might affect the water balance. Evidence of Mr Lane and Mr Jempson indicated that potential impacts to the Ramsar wetland and onsite flora and fauna values could be avoided, managed or mitigated to avoid significant effects.

The Panel considers that there may be an opportunity to develop some land west of the existing settlement boundary with a suitable buffer distance from the Ramsar wetlands to assist in its management. The extent of development and buffer distance would have to be informed through further information including hydrological investigations and any potential inland migration of the saltmarshes due to climate change. Changing the settlement boundary ahead of that further information would, however, be premature.

(v) Findings

The Panel finds:

- There may be an opportunity to change the settlement boundary to include land between the existing alignment and the Ramsar wetlands without adversely impacting the Ramsar wetlands.
- The extent to which the boundary can be extended should be further investigated through a separate strategic planning process.

4.3 Town character and western entrance

(i) The issue

This issue is whether expanding the settlement boundary to include land between the existing alignment and the Ramsar wetlands would adversely impact the preferred town character.

(ii) Evidence and submissions

Council referred to Structure Plan Map 2 which indicates key views either side of Barwon Heads Road from Thirteenth Beach Residential Estate and Golf Course, across the overflow channel and up until the settlement boundary. It shows the overflow channel to be protected for “*scenic and ecological values*”, while the land between the channel and settlement boundary is identified to be protected for “*resource and scenic values*”. Council emphasised the importance of non-urban breaks as stated in relevant policy including the *Bellarine Peninsula Localised Planning Statement*:

There is a long planning history of planning policy maintaining non-urban breaks between settlements on the Bellarine Peninsula. Non-urban breaks foster a sense of identity for each township and protect the intrinsic qualities of the environs surrounding existing settlements.

Council referred to the Character Assessment Report regarding the town’s characteristics and submitted:

The coastal setting of Barwon Heads; its clearly defined urban edges, its location in a rural and wetland setting, its size and scale; and its relatively

limited range of services and facilities, would be significantly altered were the boundary expanded as proposed in submissions.

Council added that the existing settlement boundary enables the Ramsar wetlands to be read in a rural context.

Many submissions considered extending the western settlement boundary would erode Barwon Head's coastal character.

Mr Milner gave evidence that the opportunity to change the settlement boundary needs to be comprehensively and appropriately evaluated before it is permanently fixed. He stated that Barwon Heads' strategy and structure planning unsatisfactorily resolve this issue. Mr Milner acknowledged that:

With one notable exception Barwon Heads is a coastal village contained and moulded by the natural attributes of its coastal and estuarine landscape. It derives a strong part of its charm and character from this engagement with this setting.

Mr Milner explained that the exception is that the settlement boundary's western alignment ends, without any apparent reason or reference to topography, road or other physical feature. He described it as a straight two-kilometre 'hard-edged' suburban residential interface of principally side and rear boundary fences.

(iii) Discussion

The Character Assessment Report states that Barwon Heads' character comprises a complicated suite of attributes. There is no identifiable single town character, and the Character Assessment Report seeks to recommended measures to achieve a preferred future town character.

The Panel agrees with Council and many submitters, but only to a point, that extending a settlement boundary, depending on its scale and nature, can adversely impact on a town's character. The 'turning-point' is where extending the settlement boundary can no longer achieve the preferred town character outcomes sought through the Structure Plan.

The settlement boundary is approximately 550 metres east of the Ramsar wetland. Depending on the outcomes of the further investigations referred to above, a considerable proportion of the western land could be required as an environmental buffer, thereby reducing the width and extent of net developable land. Assuming that at least some of the western land would be required as a buffer, the Panel considers extending the settlement boundary to this extent is likely to have a negligible spatial impact on the preferred town character.

The Panel notes that the existing urban/rural interface generally comprises rear and side property boundaries and a few street endings where further development may have been envisaged. However, it does not read like a suburban interface with timber paling fences. Many properties low and non-intrusive fencing or vegetation to delineate the boundary. Extending the settlement boundary introduces an opportunity to improve the existing western town entrance where side or rear boundaries currently interface between the urban

and rural area. However, the Panel does not consider this to be a reason to expand the settlement boundary.

Town character extends beyond the town's geographic scale. It includes building design, style and scale, setbacks around buildings, and type and extent of vegetation. The Structure Plan and proposed planning provisions provide a framework for achieving a single preferred town character.

The Panel considers that there may be an opportunity to include land west of the existing settlement boundary if designed with consistent urban design and built form sought through the Structure Plan. Due to their more sensitive interface, the three western properties are likely to require additional planning direction through tailored buffers, layout and built form design.

(iv) Findings

The Panel finds:

- Extending the settlement boundary to the Ramsar wetlands is unlikely to adversely impact Barwon Head's preferred town character if the urban layout and built form are designed consistently with the Structure Plan.
- Extending the settlement boundary could potentially improve the western town entrance to Barwon Heads, however, this is not a reason in itself to expand the settlement boundary.

4.4 Residential land supply and housing capacity

(i) Background

Greater Geelong Planning Scheme Clause 11.02 includes the following strategies:

- *Ensure that sufficient land is available to meet forecast demand.*
- *Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.*

(ii) The issue

The issue is whether the settlement boundary needs to be extended to enable additional residential land supply.

(iii) Evidence and submissions

Council submitted that it could achieve sufficient urban land supply to accommodate population growth over 15 years at a municipal level. Mr Milner agreed. Council explained that the Amendment supports modest housing development within the settlement boundary, mainly within 400 metres of the commercial precinct. Greenfield development is identified in other parts of the municipality such as Ocean Grove and Armstrong Creek.

Mr O'Farrell submitted that there are two compelling strategic reasons to reconsider the settlement boundary. The first is that Barwon Heads has insufficient land to meet demand over the next ten years. The second is housing affordability.

Mr McNeill, called as an expert witness on economics by Barwon Heads Lifestyle, stated that the settlement boundary should properly consider the full needs of the community. He explained that the proportion and actual population in Barwon Heads aged 55 years and older is expected to significantly increase between 2016 and 2036. This is likely to result in:

- more nuanced basic retail services if:
 - housing prices continue to rise relative to other locations
 - the proportion of dwellings used for holiday purposes increases
- reduced student numbers and educational infrastructure
- increased demand for retirement and aged care facilities in the town.

In evidence, Mr McNeill identified that Barwon Heads currently has 119 vacant lots, and included dwelling numbers, building approvals and housing prices. He stated that Barwon Heads experienced the most significant median house price increase between from 2003 and 2010 when compared with other local towns and Greater Geelong. The price increase from \$310,000 to \$925,250 equated to an 8.1 per cent increase over 14 years. These figures were broadly consistent with those presented by Mr Black.

Council submitted that Mr McNeill's evidence did not provide a sufficient basis to change the settlement boundary. It referred to State planning policy which directs that residential land supply be considered on a municipal basis. Council added:

There are towns around Victoria that have been designated as no growth towns. Barwon Heads is one of them. That ought to be the end of the policy debate.

Council broad level assessment

In response to a question from the Panel, Council submitted that it had not assessed the impact the more restrictive residential rezone and overlay provisions would have on dwelling capacity in Barwon Heads. The Panel directed Council to undertake a broad level assessment, provided parties with the opportunity to comment and provided Council with a right of reply.

Council provided its housing capacity analysis on 14 September 2018. It assumed two dwellings on a minimum 500 square-metre lot, three on 750, four on 1,000 and eight on 1600. The analysis excluded lots developed since 2000, excluded planning scheme zones not changed by the Amendment and assumed development on single lots without further consolidation.

Based on these assumptions, it found that the existing IHDA capacity of 812 dwellings would decrease to 515, presenting a net loss of 297 dwellings.

Barwon Heads Association, Mid West Group (Barwon Heads) and Barwon Heads Lifestyle Group responded and were critical of Council's analysis for different reasons, as outlined below.

Barwon Heads Association:

Had these scenarios been included in the documentation and conversation over the past 2 years we would be in a much better position to make intelligent comments and analysis now. What is the basis for these calculations? It appears that CoGG³ is pulling numbers out of the air. It is not consistent with what we have requested which is the removal of the IHDA and its replacement with the Neighbourhood Residential Zone. These numbers confirm our concerns that we have already expressed in our submission to C375.

Mid West Group (Barwon Heads):

... the Analysis overestimates the potential dwelling capacity in the Increased Housing Diversity Area as it fails to take into account other constraints on development including heritage controls and the pattern of development in coastal townships, which differs from those in metropolitan areas.

Barwon Heads Lifestyle Group:

... the capacity analysis that has been provided by the planning authority is flawed and if anything, highlights the need for the planning authority to consider options for even modest growth beyond the existing urban settlement boundary.

Barwon Heads Lifestyle Group provided reasons to support its response, including:

- Council's assessment exclusively focussed on changes in the IHDA
- it is unclear how Council's calculations of housing yield accounted for new GRZ constraints
- inconsistency between Council's assumptions and its spreadsheet
- Council ignored the lost capacity in the larger balance of the township.

Barwon Heads Lifestyle Group disagreed with using a capacity analysis to determine the potential supply in a spatial area because:

- capacity modelling is a highly theoretical exercise and can be very sensitive to the applied assumptions
- reality will almost always be different to what has been modelled.

Council responded that it did not prepare a more comprehensive analysis because:

Such an analysis would be well beyond what we understood to have been requested by the Panel and would require considerable time and resources.

Our written and verbal Panel submissions addressed matters of housing supply and demand and impacts of the Amendment's proposed changes on built form and character. We consider that nothing raised in the parties' responses to the housing capacity analysis requires further comment from us.

³ City of Greater Geelong

(iv) Discussion

The Panel acknowledges advice in Planning Practice Note 36 regarding a minimum 10-year planning horizon, however, it places considerably more weight on State planning policy for a 15-year residential land supply at a municipal level. Greater Geelong has sufficient land supply to meet its population needs over the next 15 years. Barwon Heads has a different housing market than most of Geelong's future residential land supply, however, this is not directly recognised through planning policy.

Irrespective, an Amendment seeking to restrict development to the extent proposed should be supported with a capacity analysis to better understand the potential impacts. Like population, retail and economic forecasts, a capacity analysis is necessarily indicative and based on assumptions.

Generally, a capacity analysis would have different scenarios based on further market factors. While more comprehensive analysis was not available, Council's broad level analysis indicates that the rezoning south of Bridge Road to NRZ will result in a notable reduction in Barwon Head's overall housing capacity. The more restrictive GRZ and DDO41 outside of the IHDA may also affect housing capacity and market interest.

The Panel sought a broad level analysis to have some further insight into the impact of the proposed planning provisions and has not relied on it to form a conclusion or recommendation. It indicates that Barwon Heads may expect to lose over one third of the dwelling opportunities in the IHDA. Of these 515 remaining dwelling opportunities, only a proportion of them would be available and developed over the next 15 years.

The Panel acknowledges that Barwon Heads is not a town where future housing growth is being directed within Greater Geelong. It therefore considers that the settlement boundary does not need to be extended to address any municipal residential land supply issue. However, this should not be used as an opportunity to prematurely restrict further dwelling opportunities. If extending the settlement boundary can continue to achieve the aspirations sought through the Structure Plan while helping to offset some of the opportunities for dwellings lost through rezoning former IHDA land to NRZ, then it should be further investigated.

(v) Conclusions

The Panel concludes:

- Residential land supply is more appropriately measured at a municipal level; not town-by-town.
- At a municipal level, Greater Geelong has sufficient residential land supply to meet population growth over the next 15 years.
- The settlement boundary does not need to be extended to address any municipal residential land supply issue. However, it should not be restricted if extending the boundary can continue to achieve the aspirations sought through the Structure Plan.

4.5 Other considerations

(i) Submissions

In its Part B Submission, Council submitted:

It is clearly not within the reach of the panel to direct that the settlement boundary be moved or that land be rezoned as such a change to the amendment would be of very significant consequence and represent a clear transformation of the amendment.

Mr O'Farrell submitted that the *Planning and Environment Act 1987* (the Act) enables the Panel to make any recommendation that it thinks fit in relation to the settlement boundary subject to it affording procedural fairness. He explained that the concept of 'transformation' appears to have originated from the *Addicoat v Fox (No 2)* [1979] VR 347 case before the Act was changed to enable the Victorian Civil and Administrative Tribunal to amend a permit application document. Mr O'Farrell referred to more recent cases where the Tribunal accepted the notion of alternations to a planning permit application which did not transform it into something different.

Mr O'Farrell submitted that, should the Panel be reluctant to recommend changing the settlement boundary, it should recommend changing Clause 21.14 (exhibited plan and associated provisions) to note as follows in relation to land between the existing settlement boundary and the channel:

Prepare structure plan for a mix of conservation, recreational, tourism and housing purposes.

He noted that this would require further strategic work and investigation; not result in a permit being granted; avoid complaints about procedural fairness or about the recommendation being outside the Amendment's scope; and would secure environmental benefits associated with corridor and buffer protection.

(ii) Discussion

The Panel agrees with Mr O'Farrell's submission regarding 'transformation'. Submitters supporting the existing boundary alignment were provided with an opportunity to support their case through further submission at the Hearing. Moving the settlement boundary would illustrate a strategic aspiration for future planning, however, it would not enable additional development because land would remain in the Farming Zone until further investigation.

The Panel considers that changing the settlement boundary directly responds to issues raised in submissions and would not transform the general intent of what is sought to be implemented through the Amendment. However, for the reasons set out in the previous sections of this Chapter, the Panel does not consider that changing the settlement boundary at this point is strategically justified.

The Panel does not support adding a strategy in Clause 21.14 to prepare a structure plan for the relevant land, either through the Amendment or before further strategic work to determine whether a structure plan should proceed.

(iii) Findings

The Panel finds:

- Changing the settlement boundary would not necessarily amount to a transformation of the Amendment.
- However, the Panel does not consider that changing the settlement boundary at this point is strategically justified for the reasons set out in the previous sections of this Chapter.
- There is no justification for including a strategy in Clause 21.14 to prepare a structure plan for the relevant land at this stage.

4.6 Conclusion

The Panel concludes that the settlement boundary should not be changed through the Amendment because further strategic work would be required to determine its alignment.

5 Residential area designation and provisions

5.1 Residential area designation boundary

(i) Background

The Housing Diversity Strategy defines residential land within a walkable 400-metre catchment of an activity centre in Greater Geelong as an Increased Housing Diversity Area (IHDA). This was implemented by designating land within 400 metres of the Hitchcock Avenue commercial centre as IHDA and rezoning that land to RGZ3 through Greater Geelong Amendment C300.

The Character Assessment Report states that Council may choose to test the following changes as part of a broader consultation process:

1. *Delete the area to the south of Bridge Road from the IHDA. This area has a particularly strong informal coastal character through the unformed nature of roadside and vegetation which would be significantly compromised by more intensive development.*
2. *Delete the area on the west side of Golf Links Road. Golf Links Road is a main entry into the Barwon Heads. Development along the road will impact on the overall impression of the character of Barwon Heads when entering the town along this route. Ensuring that the 'open' and less intense style of coastal development is visible along this key entry route is noted as important to the overarching 'identity' of the township. The road also forms a key 'barrier' for pedestrian movement into the Town Centre.*

The Amendment proposes to change the ICRA boundary to redesignate land south of Bridge Road from IHDA to ICRA and to rezone it from GRZ3 to NRZ6 and apply DDO41.

The exhibited Clause 22.63 (Barwon Heads Increased Housing Diversity Area Map) designates RGZ3 land west of Golf Links Road as IHDA. Since exhibiting the Amendment, Council resolved to redesignate this land to ICRA by removing it from the Clause 22.63 map and rezoning it to NRZ6 instead of GRZ1.

(ii) The issue

The issue is whether the proposed IHDA/ICRA boundary is appropriate and justified.

(iii) Evidence and submissions

Council submitted the Housing Diversity Strategy anticipates refinements based on character grounds, and that the proposed changes were supported by the Character Assessment Report. Several submitters were concerned that the 400-metre walkable catchment was arbitrary and too large. Barwon Heads Association submitted that the IHDA should be reduced to land within 100 metres of the Hitchcock Avenue commercial area. Other submitters, including Mr Hastings, sought to confine the IHDA to certain residential blocks.

Land south of Bridge Road

Mr Glossop did not support redesignating land south of Bridge Road to ICRA until the Structure Plan quantified the impact of this change on infill land supply. He recognised that the Character Assessment Report suggests redesignating land south of Bridge Road on character grounds. However, he questioned whether this was an appropriate response for Barwon Heads' future planning. Mr Glossop explained that rezoning land from the most facilitative to the most restrictive residential zone would reduce development potential. He noted that the Structure Plan did not adopt the report's recommendation to extend the IHDA north of Geelong Road which would have offset the loss.

Land west of Golf Links Road

A submission on behalf of 28 individuals requested that land west of Golf Links Road be rezoned to NRZ6 instead of GRZ1 because GRZ1 enables significant redevelopment which conflicts with existing housing and the coastal character of Barwon Heads. Other reasons for opposing GRZ1 at this location included:

- potential negative impacts on neighbouring properties
- proximity to school and potential conflict for any increased traffic
- associated DDO42 provisions are unsuitable
- negative impact on Golf Links Road as a major entrance to Barwon Heads
- NRZ6 is *"more than adequate to encourage development and protect existing amenity"*.

Council proposed to remove the IHDA from land on the west side of Golf Links Road in response to submissions. Mr Glossop supported the Character Assessment Report's recommendation to redesignate land west of Golf Links Road on character grounds.

(iv) Discussion

The Housing Diversity Strategy anticipates that refinements based on character grounds may be necessary. The Character Assessment Report acknowledges the special attributes of these areas. Reducing the IHDA would depart from the 400-metre walkable principle for increased density and diversity. The Panel accepts this principle was intended as a starting point and would be refined by detailed character assessments. However, the IHDA remains an important policy in the Planning Scheme, applicable to all towns. Further reducing its extent beyond the concessions already made would limit the potential to meet the aims of housing diversity in Barwon Heads.

Land south of Bridge Road

The Panel considers that redesignating land south of Bridge Road from IHDA to ICRA departs from the *Bellarine Peninsula Localised Planning Statement* which encourages urban consolidation to enable existing urban township boundaries to be maintained and to increase densities to justify additional services and utilities surplus capacity in existing services.

However, land south of Bridge Road has special characteristics which warrant its redesignation to ICRA. According to the Amendment's approach, redesignating land to ICRA means that it would be rezoned to NRZ6. The Panel accepts Mr Glossop's evidence that

Council quantify the impact of this change on infill land supply. Council's broad level analysis suggests that there will be considerable impact from redesignating and rezoning this land. Before rezoning land south of Bridge Road from RGZ3 to NRZ6, Council should conduct more detailed analysis to better understand how this will impact town-wide housing capacity and diversity so that it can better manage future changes.

Land west of Golf Links Road

The Panel acknowledges the Character Assessment Report conclusion that removing land west of Golf Links Road will ensure the *"open' and less intense style of development"* will remain along this key entry route. The Panel notes not all affected landowners were signatory to the submission seeking a rezoning of this land to NRZ6. The Panel supports RGZ3 properties west of Golf Links Road being redesignated to ICRA subject to any associated rezoning not progressing until all affected property owners have been notified and provided with an opportunity to respond.

(v) Conclusions

The Panel concludes:

- Redesignating land south of Bridge Road from IHDA to ICRA departs from the Bellarine Peninsula Localised Planning Statement which encourages urban consolidation. However, this area has special characteristics which warrant the built form outcomes sought through an ICRA.
- Before rezoning land south of Bridge Road from RGZ3 to NRZ6, Council should more accurately quantify the impact on Barwon Head's future housing supply.
- Changing the IHDA boundary to remove properties west of Golf Links Road is appropriate and would be consistent with the alignment between the IHDA and land south of Bridge Road for this key town entry route.
- However, any associated rezoning to properties west of Golf Links Road should not progress until all affected property owners have been notified and provided with an opportunity to respond.

(vi) Recommendation

The Panel recommends:

Rezone all land west of Golf Links Road currently in the Residential Growth Zone Schedule 3 to the Neighbourhood Residential Zone Schedule 6 after notifying affected property owners and considering any responses.

5.2 Increased Housing Diversity Area planning provisions

(i) Background

Barwon Heads' IHDA is currently zoned RGZ3. The Amendment proposes to rezone the IHDA to GRZ1 and apply the DDO42. Through the Structure Plan, Council considered the revised residential zones introduced by Amendment VC110 and proposed the residential planning provisions shown in Table 4. The Character Assessment Report recommended a maximum 9 metre height limit, 60 per cent site coverage and 20 per cent permeability.

Table 4 Existing and proposed residential planning provisions

	Existing RGZ3	GRZ1	DDO42
Minimum Front setback	ResCode Standards A3 and B6. If in a Heritage Overlay the average distance of adjoining setbacks or 9 metres whichever is lesser. In all other areas, the average distance of adjoining setbacks or 5.5 metres, whichever is lesser. (m)	ResCode Standards A5 and B6 (d)	6 metres or 4 metres if located on an identified road as a Road Zone (RDZ1) (d)
Minimum side setback	ResCode Standards A10 and B17 (d)	ResCode Standards A10 and B17 (d)	2 metres on at least one side (d)
Soft landscaping	-	-	-
Maximum height	10.5 metres (m)	11 metres (3 storeys) (m)	-
Permeability	ResCode Standards A6 and B9 (d)	-	-
Site coverage	ResCode Standards A5 and B8. Maximum site coverage 70 per cent (m)	ResCode Standards A5 and B8 (d)	-

Notes: (d): discretionary (m): mandatory

(ii) The issue

The issue is whether the proposed IHDA planning provisions are appropriate and justified.

(iii) Evidence and submissions

Several submissions supported the exhibited planning provisions to implement the IHDA. Council subsequently made some changes in response to submissions. This includes a new design objective and replacing a decision guideline in DDO42 to clarify intentions for housing types and preferences.

Council submitted that the maximum height of 10.5 metres in the existing RGZ3 is no longer consistent with Ministerial Direction 7(5) which directs that a Residential Growth Zone schedule must not specify a height lower than the 13.5 metres specified in the parent clause.

The Amendment proposes to apply GRZ1 which specifies a mandatory maximum building height of 11 metres. Ministerial Direction 7(5) directs that a lower maximum height cannot be specified in a schedule. Council submitted that DELWP did not support applying a DDO schedule to specify a maximum building height lower than the heights permitted in the GRZ. Council noted that the Neighbourhood Residential Zone enabled a lower maximum building height.

Mr Glossop assessed the Amendment against the recommendations of the Character Assessment Report and concluded that it was broadly consistent. He considered the main difference to be the height limit, with the Character Assessment Report recommending a

mandatory 9-metres maximum height. Mr Glossop noted the Character Assessment Report had preceded Amendment VC110 and since then such a height could no longer be achieved through the General Residential Zone. Mr Glossop supported GRZ1 and stated that the existing and emerging scale of development was within the one to two storey range. He noted the IHDA at Clause 22.63 specified the policy seeks to “*encourage two and three storey development*”.

Mr Glossop considered that GRZ1 achieves greater alignment with local policy at Clause 21.14, allowing for developments to reconcile the need for diversity of housing while respecting neighbourhood character. Alternatively, the RGZ does not refer to neighbourhood character and encourages housing at increased densities.

Numerous submissions sought to delete the IHDA policy and rezone IHDA land to NRZ, submitting the IHDA was inconsistent with the “*small coastal village*”, and inappropriate for a town without a transport hub. Ms Howie submitted the area north of Bridge Road had the same informal coastal character as that south of Bridge Road, and that as the intent of the IHDA for smaller and more diverse housing was not being met by the IHDA, it should be removed. Mr Bridges supported Ms Howie’s submission to rezone the land to NRZ6.

Many submitters objected to the 11-metre building height, submitting this was too high and at odds with the village character. Mr Bade provided an example of a three-storey building which came just under 9-metres, illustrating that it was possible to achieve three storeys while respecting the neighbourhood character.

Some submitters requested specific changes to DDO42 to include requirements for site coverage and soft landscaping. The Character Assessment Report stated that, although minimum garden areas have been introduced with the new residential zones, these can include paved areas and therefore soft landscaping requirements are still relevant. The Character Assessment Report suggests that 25 per cent of a site be available for soft landscaping for the IHDA, and that a permit be required for any proposal which does not meet this threshold.

In response to submissions, Council proposed amending DDO42 Table 1 to include requirements for site coverage (up to and including 60 per cent) and soft landscaping (at least 20 per cent of the site).

Mr Glossop considered the DDO42 requirements to be broadly consistent with recommendations of the Character Assessment Report. He considered the DDO to be the appropriate tool for applying the built form requirements. Mr Glossop stated that while many of the DDO requirements could be managed through the zone schedule, the DDO requires a permit for a single dwelling which does not meet the built form requirements in Table 1. He considered this a key benefit.

Mr Glossop gave evidence that the DDO42 requirements were clear, measurable, generally consistent with Ministerial Direction 7(5) and consistent with the Structure Plan.

Barwon Heads Association submitted:

Until phrases like ‘coastal character’ in planning documents, and the Design and Development Overlay become more prescriptive, the Structure Plan is a weak document, which lacks direction. Especially for the planners who will

rely on it for decision-making. The DDOs are just a ragbag of requirements, with no specific mention of quality design, materials, form or colours. The failure to define minimum lot sizes is of considerable concern.

Several submissions were concerned the IHDA did not align with the existing Heritage Overlay for the Flinders Heritage Area. Council referred to the Character Assessment Report which states that the Heritage Overlay applies to all dwellings in the heritage precinct irrespective of individual heritage qualities. As the precinct includes a mix of built form there is still potential for infill development and that can be achieved appropriately by applying both DDO42 and the Heritage Overlay. The Character Assessment Report states that it might be useful to map 'contributory' and 'significant' properties to allow development opportunities to focus on non-contributory properties.

Council agreed with submissions that a landscape plan could satisfactorily be prepared by individuals other than a qualified landscape architect and so submitted this aspect of the buildings and works requirement should be removed.

(iv) Discussion

The Panel acknowledges that Barwon Heads' IHDA forms part of the municipal wide Housing Diversity Strategy to provide for a range of housing types and densities which meet existing and future needs. A principle role of the Housing Diversity Strategy is to reconcile:

- the environmental, social and economic needs to manage urban sprawl
- the need to accommodate contemporary changes in housing needs
- the need to manage the impact of consolidation on existing neighbourhood character.

Like Council and Mr Glossop, the Panel agrees that GRZ1 appropriately allows the desired density while respecting neighbourhood character. There was no evidence submitted to support the NRZ for the IHDA. The Structure Plan and Character Assessment Report do not recommend the NRZ for the IHDA. Considering the IHDA is aimed at encouraging two and three storey developments, the height in the GRZ is appropriate and coupled with the DDO42 requirements, will be suitable for achieving the desired built form outcomes. While Ministerial Direction 7(5) states that the GRZ schedule must not specify a maximum building height lower than 11 metres, the Panel notes that this height is only half a metre above the existing mandatory 10.5 metre building height in GRZ3.

The Panel considers that the GRZ1 and DDO42 provisions potentially weaken the intent sought through the Housing Diversity Strategy for an IHDA. However, even in its weakened response, relative to the proposed NRZ areas, the GRZ1 and DDO42 can still achieve the directions of the Housing Diversity Strategy for an IHDA, though to a smaller degree.

Regarding site coverage, ResCode⁴ applies a 60 per cent maximum site coverage area if no maximum site coverage is specified in the GRZ schedule. The ResCode objectives need to be met. The objective for site coverage is to ensure it "*respects the existing or preferred neighbourhood character and responds to the features of the site.*" Associated standards can however be varied through a permit. The Panel considers that this approach is appropriate

⁴ Clauses 54 and 55 of the Victoria Planning Provisions

for Barwon Heads' IHDA, and supports the exhibited version of DDO42 Table 1 which did not duplicate an existing provision.

The Panel supports the need for the soft landscaping requirement and considers 20 per cent to be appropriate because it broadly aligns with the 25 per cent suggested in the Character Assessment Report.

The Panel acknowledges the conclusions of the Character Assessment Report that the Flinders Heritage Precinct can absorb some infill development and that heritage matters can appropriately be considered through balancing DDO42 and the Heritage Overlay.

The Panel supports the new DDO42 design objective and decision guideline because they clarify intentions for housing types and preferences and will therefore improve its operation.

(v) Conclusion

The Panel concludes:

- It is appropriate for DDO42 Table 1 to include a soft landscaping requirement of 20 per cent.
- DDO42 Table 1 should not include a site coverage requirement because it duplicates an existing ResCode provision.
- The landscape plan required through DDO42 could be satisfactorily prepared by a suitably qualified professional other than a qualified landscape architect, therefore this requirement should be removed.
- The new DDO42 design objective and decision guideline should be included in DDO42 because they clarify intentions for housing types and preferences and will therefore improve its operation.

(vi) Recommendations

The Panel recommends:

Amend Design and Development Overlay Schedule 42, as shown in Appendix C4, to:

- a) add a new design objective: *"To support a variety of housing types with a preference for smaller 1 and 2 bedroom housing types."***
- b) revise the landscaping plan requirement for buildings and works to remove the need for a plan to be prepared by a qualified landscape architect**
- c) add in Table 1 a new a soft landscaping requirement of at least 20 per cent of the site area.**

5.3 Incremental Change Residential Area planning provisions

(i) Background

The Amendment proposes to rezone most of the ICRA in Barwon Heads from the existing GRZ2 to NRZ6 and apply DDO41 to most of the same area. Some of the key provisions from these zones and overlay are summarised in

Table 5.

Table 5: Existing and proposed residential planning provisions

	Existing GRZ2	NRZ6	DDO41
Minimum Front setback	ResCode Standards A3 and B6 (d)	ResCode Standards A5 and B8 (d)	6 metres or 4 metres on at least one side of land beside the RDZ1 (d)
Minimum side setback	ResCode Standards A10 and B17 (d)	ResCode Standards A10 and B17 (d)	2 metres on at least one side (d)
Soft landscaping	-	-	At least 30% of site (d)
Maximum height	9 metres (m)	9 metres (2 storeys) (m)	
Permeability	ResCode Standards A6 and B9 (d)	-	-
Site coverage	ResCode Standards A5 and B8 (d)	ResCode Standards A5 and B8 (d)	Maximum 40% (d)

Notes: (d): discretionary (m): mandatory

(ii) The issue

The issue is whether the ICRA planning provisions proposed through NRZ6 and DDO41 are appropriate and justified.

(iii) Evidence and submissions

Council submitted that the proposed NRZ6 purpose and its mandatory maximum 9 metre (2 storey) height limit will support modest incremental housing growth. It considered this to be consistent with the preferred low-scale coastal character for Barwon Heads.

A substantial proportion of submissions supported the proposed mandatory maximum building height, while some submissions opposed it. One opposing submitter requested that the height be reduced to 7.5 metres while another sought to increase it to 11 metres. Council did not support any submission seeking to vary the maximum 9 metre height because it was a default Victorian Planning Provision that cannot be changed by any Council.

Another submitter requested that the residential zones be applied in a more nuanced manner by allowing newer development areas to remain as GRZ2 and applying DDO41 in areas of high visibility. The submitter added that:

- the existing default site coverage of 60 per cent should remain so that future planning permits are consistent with existing conditions
- the 40 per cent maximum site coverage and 30 per cent soft landscaping requirements were not supported.

There were submissions, including from Barwon Heads Association, which sought a minimum 400 square-metre lot size. Council responded that there was no expert landscape character evidence to support the requested change.

Council presented post-exhibition DDO41 and NRZ6 changes which sought to improve their clarity and operation and in response to submissions. One change seeks to require relevant

plans to be submitted with a permit application proposing to subdivide lots smaller than 500 square metres through NRZ6.

(iv) Discussion

The Panel considers that the proposed planning provisions reflect preferred built form sought through the Structure Plan and Character Assessment Report. It agrees with Council that there is no strategic basis to restrict building height below 9 metres, and a mandatory maximum 9 metre (2 storey) height limit will support modest incremental housing growth. This is the maximum upper limit and not every property will be able to achieve this height. It is also unlikely that all properties will be available in the foreseeable future to be redeveloped.

The Panel supports the site coverage and landscaping requirements because they are consistent with the Structure Plan and supported by the Character Assessment Report. It agrees with Council that a minimum 400 square-metre lot size should not be supported. The Panel notes that the degree of planning restrictions proposed through NRZ6 and DDO41 will require a reasonably sized property to enable a dwelling and it considers any further restrictions to be unjustified and inappropriate. The Panel supports Council's post-exhibition NRZ6 change to require relevant plans to be submitted with a permit application proposing to subdivide lots smaller than 500 square metres because this will enable it to assess potential issues associated with smaller lots. This is because it is potentially more challenging to achieve the objectives and requirements in NRZ6 and DDO41 on smaller lots.

The Panel considers the other post-exhibition DDO41 and NRZ6 changes to be drafting matters and are discussed further in Chapter 7.

(v) Conclusions

The Panel concludes that the ICRA planning provisions proposed through the NRZ6 and DDO41 are appropriate and justified, subject to including a requirement to submit plans with an application to subdivide land to create a lot of less than 500 square metres.

(vi) Recommendation

The Panel recommends:

Amend Neighbourhood Residential Zone Schedule 6, as shown in Appendix C1, to require relevant plans to be submitted with a permit application proposing to subdivide lots smaller than 500 square metres.

6 Other issues

6.1 Vegetation

(i) Background

The Structure Plan acknowledges that street trees are a key contributory factor to Barwon Heads' character and specifically identifies strong patterns of street tree plantings being one of the consistent character features. The Structure Plan identifies the desire for *"sufficient front setbacks to provide meaningful landscape with a strong preference for native and indigenous plantings in an informal setting"*.

In addition to setbacks, the DDO41 and DDO42 include requirements to retain existing, or plant new, canopy trees, soft landscaping requirements and site coverage requirements. Applicable buildings and works requirements include appropriate landscaping, vegetated garden settings, planting specifications and front setbacks for retention and establishment of vegetation.

Following exhibition, Council proposed to amend the canopy tree requirement in Table 1 of DDO41 and DDO42 to add the words "parent lot" to clarify "per site".

(ii) The issue

The issue is whether the Amendment appropriately responds to existing vegetation.

(iii) Evidence and submissions

Many submissions considered existing vegetation to be an important character attribute and that planning provisions directed at protecting existing vegetation, like those being applied in Warrenbeen Court, should be applied in other residential areas. Mr Bridges submitted that the requirement for replacing canopy trees was inadequate and Mr Hastings requested that all healthy trees be retained where possible.

Council did not support additional vegetation provisions and explained that such provisions need to be supported by robust evidence and assessments which had not been undertaken for land outside Warrenbeen Court. Council added that existing vegetation provisions which apply to areas in the town have been appropriately assessed, including the Barwon Heads Semi-Bush Significant Landscape Area (SLO8), Barwon River Environs (SLO9) and Part of Barwon Terrace, Sheepwash Road and River Parade (VPO1).

(iv) Discussion

The Structure Plan states that vegetation is important to town character. The Panel considers the Amendment strikes a reasonable balance between retaining existing, and introducing new, vegetation and enabling development. Requiring two canopy trees in DDO41 and one in DDO42 on most residential land in Barwon Heads is an appropriate response to managing vegetation and ensuring the desired character with respect to vegetation is achieved. Collectively, the NRZ6 and DDO41 provisions in the ICRA will enable more opportunity to retain and enhance existing vegetation. The Panel accepts the post exhibition change by Council improves the clarity of this provision and supports this change.

(v) Conclusions

The Panel concludes the Amendment appropriately responds to existing vegetation.

6.2 Town character

(i) Background

This chapter discusses general town character issues raised in submissions and notes town character themes are also raised elsewhere in this report. The Character Assessment Report provides considerable discussion on town character and states:

What is clear is that the residential and landscape character of Barwon Heads is very mixed. Whilst there are a number of Precincts which have discernibly similar character traits, these generally relate to the time when they were subdivided and the era of the dwellings that were originally constructed in them. These two factors have a particularly strong bearing on the character of the areas. There is very little consistency in building design, which suggests that controls over building design are less relevant.

The Structure Plan acknowledges that town character is mixed and states:

Fundamental to the concept of residential character is the distinction between the existing character of an area and the future character of an area ...

Key elements of character identified as defining Barwon Heads which reflect the community aspirations and broader 'vision' for the township in terms of coastal character include:

- *A modest site coverage and retention of side setbacks*
- *Separation between buildings*
- *A mix of dwelling types, single and double storey dwellings with modest medium density development that presents to the street as single dwellings rather than apartment forms*
- *Dwellings that do not dominate the streetscape and which do not have a balanced landscape outcome, due to dominant built form viewed from the street*
- *Larger front setbacks for double storey forms to avoid dominance*
- *Garages set behind building frontages and not dominate the public interference*
- *Simple material palettes, with a strong focus on timber / weatherboard*
- *Low or no fencing. If fencing is provided it should be visually permeable and reflect recent fencing (e.g., permeable vertical timber fences)*
- *Sufficient side setbacks to provide meaningful landscape with a strong preference for native and indigenous plantings in an informal setting*
- *Accessways to remain unsealed and streets to retain an 'informal' character (noting that there may be other policy imperatives that influence this (for example, providing formal sealed footpaths along key routes)); and*

- *Limit formalisation of streetscapes through increased curb, channel and footpaths, and driveway crossings as well as the loss of informal tree plantings.*

(ii) The issue

The issue is whether the Amendment appropriately responds to the preferred town character.

(iii) Evidence and submissions

Many submissions were concerned that various aspects of the Amendment, including the planning provisions proposed for the IHDA, would adversely impact existing town character.

Council submitted *“assumptions that infill development intrinsically implies detriment to village character are somewhat misguided”*. Council submitted the Amendment had been prepared following both extensive community engagement and the Character Assessment Report which together provided an understanding of character and how to manage development to protect it.

Mr Glossop gave evidence:

The Amendment achieves social benefits in that it provides for additional housing in a manner consistent with the unique township character of Barwon Heads.

(iv) Discussion

The Character Assessment Report finds that except for a few distinct areas to be nominated NRZ, the overall town character is mixed. Through extensive community engagement, the Character Assessment Report identifies attributes of preferred town character that can be managed through planning provisions. Such attributes have been recognised in the Structure Plan and faithfully translated into the DDO25, DDO41 and DDO42 planning provisions.

(v) Conclusion

The Amendment appropriately responds to the preferred town character sought through the Structure Plan and Character Assessment Report.

6.3 Warrenbeen Court

(i) Background

Warrenbeen Court is recognised as a unique and significant area which supports a large area of Coastal Moonah Woodland community. This community is listed as threatened under the *Flora and Fauna Guarantee Act 1988* and endangered within the Otway Plain bioregion.

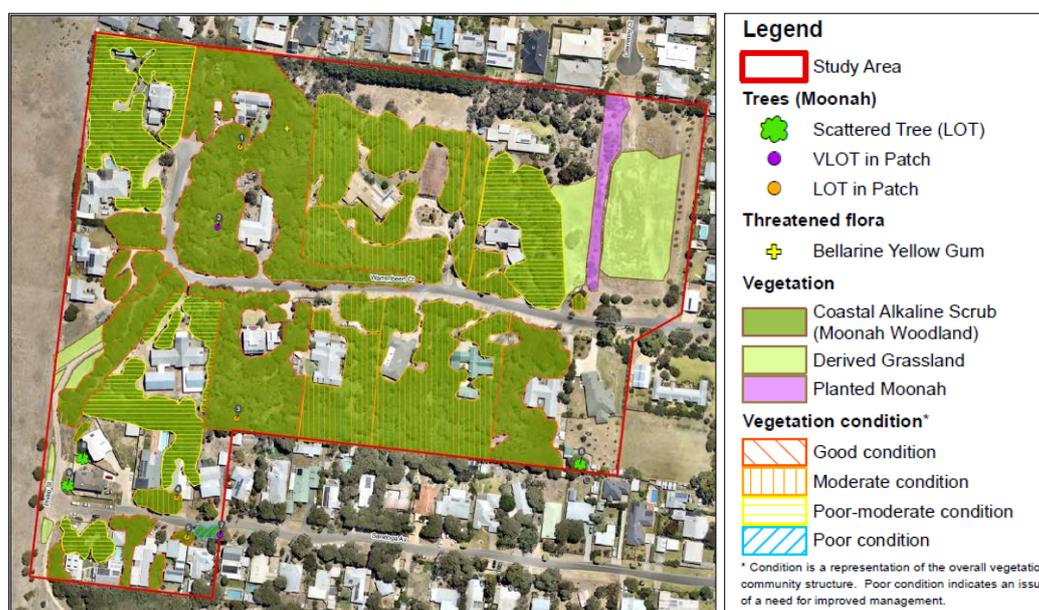
Two significant tree studies, one in Warrenbeen Court and one on adjacent farmland, were undertaken by Ecology and Heritage Partners to identify the type and significance of trees on private property and recommend potential planning controls to protect it.

The Amendment proposes to:

- rezone Warrenbeen Court properties from GRZ2 to a new NRZ7
- replace ESO6 which applies to all properties in Warrenbeen Court, nine properties in Saratoga Avenue, part of Tait's Road and fragments of Farming zoned land north of Tait's Road, with a new ESO6.

NRZ7 requires a minimum 4,000 square metre lot size and ESO6 applies additional permit requirements to protect and enhance the Coastal Moonah Woodland community. Figure 4 replicates a figure from the Significant residential tree assessment prepared by Ecology & Heritage Partners.

Figure 4 Warrenbeen Court ecological features



Source: Figure 2, *Significant residential tree assessment: Warrenbeen Court, Barwon Heads Victoria* Ecology & Heritage Partners, October 2016

(ii) The issue

The issue is whether the proposed planning provisions for Warrenbeen Court are appropriate and strategically justified.

(iii) Evidence and submissions

Council submitted that the proposed mandatory minimum lot size was required to protect the woodland community and associated neighbourhood character. The Character Assessment Report described the area as being “a larger lot, lower density residential area... with substantial vegetation”. Council submitted:

The location of vegetation is such that further subdivision of the area and subsequent development of new dwellings would require substantial vegetation removal.

Council referred to Planning Practice Note 59 which provides guidance on circumstances which warrant mandatory provisions, such as in areas of “strong and consistent character

themes or sensitive environmental locations". It submitted both these circumstances exist here.

Following exhibition, Council proposed to delete the following dot-point from the ESO6:

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

...

- *Pruned to improve its health, provided the normal growth habit of the plant is not retarded.*

Council proposed to change the buildings and works exemption to:

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 area nor 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, Barwon Heads, Victoria*

Mr Glossop supported the ESO6 for protecting vegetation and controlling buildings, works and subdivision. He supported the NRZ7, however, could not find the necessary strategic support to justify the mandatory minimum 4,000 square-metre lot size. Specifically, he found no assessment which demonstrated that performance-based measures could not achieve the same objectives.

Several submissions, including from Barwon Heads Association, supported the proposed planning provisions. Eight of the fourteen affected property owners objected, and one landowner requested changes.

Objecting submissions, including Mr and Mrs Tamblyn, who largely opposed the minimum lot size and restriction on further subdivision. Several submissions considered the ESO6 provisions to be inconsistent with bushfire provisions while others thought the Vegetation Protection Overlay was more suitable than the ESO. Mr and Mrs Tamblyn submitted that an ESO is more suitable for new developments than established areas and added:

...it is not feasible or viable to expect residents and land owners in an established area to begin land management in line with a statement of environmental significance, for land which has long been zoned and developed for residential purposes. A 'Vegetation Protection Overlay' would be more appropriate, since it is only vegetation that Council seeks to protect.

Mr Manderson submitted that the properties were subject to the following restrictions created on registration of the Plan of Subdivision:

1. *The owners of Lots 1 to 14 (all inclusive) shall not allow the erection of more than one dwelling on any single lot or further subdivision of any lot.*
2. *The owners of Lots 1 to 14 (all inclusive) shall not develop the land other than in accordance with an opposed Neighbourhood Design Plan pursuant to Planning Permit No. 1057/97.*

He advised, that restriction 1 will expire on 31 December 2020, while the second restriction will remain. Mr Manderson added that:

The second restriction requirement was created to satisfy conditions of Planning Permit 1057/97. The permit authorised the subdivision of the land into 14 allotments. Conditions 16 and 17 stated:

- 16. A neighbourhood design plan including building envelopes to protect and minimise clearance of vegetation on the lots shall be prepared to the satisfaction of the Responsible Authority and endorsed as part of the permit. Developments on these lots shall be in accordance with the neighbourhood design plan.*
- 17. The plan of subdivision shall include a restriction to limit any building or development on lots to accord with the approved neighbourhood design plan and building envelopes.*

At the Hearing, Mr Bitmead of Fastnet Consulting represented Mr Manderson. He submitted that Mr Manderson supported NRZ7 and ESO6 but was concerned the ESO6 provisions were not strong enough. He added that fences should require a planning permit and the current buildings and works exemption should be deleted as the proposed 2-metre dripline permit measure lacks clarity regarding, would be difficult to enforce and seems arbitrary because it does not appear to be supported by any background documents. Mr Bitmead relied on evidence of Mr Glossop who advised in response to questioning that he did not know the basis for the 2 metres.

Council responded that the context of the land with two restrictive covenants, and the “ongoing restrictions on the Plan of Subdivision provide context for judging the fairness of the Amendment’s controls on subdivision and development”. Council submitted that the ESO was the most suitable overlay. In response to the Tamblyn’s submissions with respect to bushfire provisions, Council submitted:

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 the operation of Clause 52.48 is under review by the State Government.

(iv) Discussion

The Panel supports the NRZ7 provisions for the Warrenbeen Court properties. Regarding the minimum lot size, the Panel acknowledges that there has been no assessment that performance-based objectives could not achieve the same outcome. However, it is highly unlikely that smaller lots would be possible given the extent of vegetation coverage in the area as shown in Figure 4. Taking into account the criteria in Planning Practice Note 59 for applying mandatory provisions, the Panel considers that, in this instance, a mandatory minimum subdivision lot size is justified; appropriate to the majority of proposals; will provide for the preferred outcome; and would result in an unacceptable outcome if the majority of proposals were not in accordance with the minimum lot size.

The Panel considers the ESO purposes make the overlay appropriate for Warrenbeen Court:

To identify areas where the development of land may be affected by environmental constraints.

To ensure that development is compatible with identified environmental values.

A VPO only requires permits to remove, destroy or lop vegetation. The Panel considers this would be particularly troublesome to enforce in the context of the grasslands. An ESO however requires permits for development which will be more effective in protecting the ecological community.

ESO6 Clause 3.0 proposes to require a planning permit for a fence where works are required within 2 metres of the Coastal Moonah Woodland community. There was no evidence to support an additional fence permit requirement.

The Panel does not support a separate permit requirement for a fence. Section 3 of the Act specifies that:

***works** includes any change to the natural or existing condition or topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil.*

The Panel acknowledges that Council proposed to change the buildings and works exemption in Clause 3.0 after exhibition to clarify that a permit would also be required for works carried out under the tree canopy. The Panel agrees with Mr Manderson that the provision, as drafted, is unclear. One interpretation is that no works can be undertaken:

- under a tree canopy
- within 2 metres of the trees drip line (being the outer edge of the canopy)
- within 2 metres of vegetation including the grasslands.

Alternatively, it could be interpreted that no works can be undertaken under a tree canopy, nor within 2 metres of the trees drip line (being the outer edge of the canopy) nor within 2 metres *of the drip line of* vegetation including the grasslands. In this case, it is unclear how to determine the drip line of the grassland.

With respect to the 2-metre buffer distance, the Panel notes that Mr Glossop was providing planning evidence, not ecological evidence. No evidence was presented which indicated that a 2-metre buffer would not be effective in protecting the Coastal Moonah Woodland community. On that basis, the Panel considers a 2-metre buffer is reasonable. For clarity, however, the Panel considers the wording of this clause should be revised and the existing spelling mistake corrected.

The Panel notes that Clauses 13.02 and 52.12 respond to bushfire issues. Clause 52.12 exempts the need for a permit to remove vegetation to create defendable space around buildings used for accommodation. Warrenbeen Court is in a designated bushfire prone area under the Victorian Building Regulations but is not covered by a Bushfire Management Overlay. The Panel agrees with Council that permit exemptions will apply where vegetation is to be removed for bushfire prevention. The Panel notes the Amendment does not seek to rezone additional land for urban use and therefore does not exacerbate the risk beyond what has already been considered.

(v) Conclusions

The Panel concludes:

- The proposed Neighbourhood Residential Zone Schedule 7, including the minimum lot size, is appropriate for Warrenbeen Court.
- Environmental Significance Overlay Schedule 6 is appropriate for protecting the Coastal Moonah Woodland community, however, its buildings and works provisions would benefit from being redrafted to clarify their intent.

(vi) Recommendation

The Panel recommends:

Amend Environmental Significance Overlay Schedule 6, as shown in Appendix C2, to improve the clarity of the provisions regarding works undertaken under a tree canopy or within 2 metres of the vegetation drip line.

6.4 Flooding and drainage

(i) Background

The Structure Plan (Section 6.3) considers storm water and flooding. The explanatory report for the Amendment states:

Barwon Heads is susceptible to flooding and a Special Building Overlay applies to areas in the town designated flood prone. The majority of 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 Structure Plan responds to stormwater hazard by proposing zone changes and new controls to reduce maximum building site coverage, create more permeable land and require water sensitive design measures for development approvals.

(ii) The issue

The issue is whether the Amendment appropriately responds to flooding and drainage issues.

(iii) Submissions

Council submitted that Barwon Heads is susceptible to flooding and the Special Building Overlay applies to flood prone areas. It added that the Amendment responds to flooding by proposing requirements for site coverage, soft landscaping, permeable land and water sensitive design measures in DDO41 and DDO42.

In response to questions from the Panel, Council explained that the township is located in a depression and surrounded by sensitive environmental features which make it *“inherently difficult to drain”* and heavily reliant on pumps. Council outlined progressive works being undertaken to upgrade the pipe and pump network.

Corangamite Catchment Management Authority supported the Amendment and identified the planning provisions intended to reduce the impact of flooding with future infill development. DELWP submitted that it was unlikely further stormwater outfalls to the river could be supported.

Barwon Heads Association submitted:

More intensive development will increase pressure on stormwater and sewerage assets servicing the township. Such development is likely to increase the stormwater volumes and contaminant loads in high rainfall events and with a reduction in permeable areas will result in increased risk to the Barwon River estuary which increases the public health risk particularly during summer period.

Barwon Heads Association and other submitters requested that DDO41 and DDO42 be amended to require a planning permit for underground car parks. They considered that underground car parks should be assessed due to the low-lying nature of the land, the high groundwater table and potential for impacts on neighbouring properties.

Council responded that the Special Building Overlay requires a permit for buildings and works such as underground car parks which need to be assessed for potential flooding issues.

(iv) Discussion

The Panel agrees with Council's submission that the Structure Plan acknowledges the town experiences frequent stormwater flooding. It relies on the *Barwon Heads Drainage Flood Management Plan 2005* which is to be updated soon. This process will inform whether any further planning provisions should be applied.

Properties with flooding and drainage issues are subject to a Special Building Overlay which requires a planning permit and enables Council to assess each proposal on its merits. This would include whether a basement car park, storage or room would be suitable on that site. The Victoria Planning Provisions have a comprehensive suite of tools to manage flooding issues, including the Special Building, Flooding, and Land Subject to Inundation Overlays. There was no evidence presented to the Panel to suggest that existing provisions are deficient or that the Amendment has not considered flooding and drainage appropriately.

(v) Conclusions

The Panel concludes that the Amendment appropriately responds to potential flooding and drainage issues.

6.5 Traffic and parking

(i) Background

The Structure Plan acknowledges existing traffic and parking issues and includes:

Principle:

- *To deliver an improved and sustainable transport network*

Directions:

- *Encourage the improvement of the transport, parking and pedestrian and cycling network where prioritised in a Council strategy or plan*
- *Ensure the continual monitoring and assessment of the traffic and parking network and recommend improvement works where necessary*
- *Ensure that any improvements to the pedestrian and cycling network takes into consideration the streetscape values of the area*
- *Investigate the construction of a roundabout at the intersection of Hitchcock Avenue and Geelong Road*
- *Advocate for any future traffic works undertaken by VicRoads along Bridge Road or Golf Links Road to adequately consider and improve the pedestrian environment*
- *Improve parking opportunities ...*
- *Advocate for increased bus services between Barwon Heads and Geelong*
- *Support the summer community bus ...*
- *Encourage the development of a coastal path along 13th Beach Road.*

At its 26 June 2018 meeting, Council resolved:

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.

(ii) The issue

The issue is whether the Amendment satisfactorily responds to current traffic and parking issues.

(iii) Submissions

Many submissions stated that there are existing traffic congestion and car parking issues during certain times of the year. Submitters were concerned that increased density enabled through the Amendment would exacerbate these issues.

Barwon Heads Association submitted that Council created the parking issues by requiring less car parking spaces in planning permits and by enabling significant growth. It added that the Structure Plan did not identify any major traffic and parking improvements and only committed to continued monitoring. Barwon Heads Association provided a detailed analysis of how traffic and parking issues could be recognised in the Structure Plan.

Barwon Heads Association submitted that the town was “gridlocked” during summer, preventing locals from conducting activities such as supermarket shopping in Ocean Grove.

Council submitted that it has permitted reduced car parking for some developments in accordance with car parking provisions in the Planning Scheme, internal traffic unit advice and a parking demand assessment.

Council noted that the Structure Plan emphasises land use and development and that the previous 2010 traffic assessment had not recommended a Parking Overlay.

In response to the Panel's direction, Council submitted:

Council officers will commit to submit a funding bid for Council consideration to fund a traffic and parking study to be undertaken for the Barwon Heads Township. The study would include undertaking traffic measurements during both peak summer and non-peak winter periods to identify traffic improvements for all road users.

At its earliest, the submission would be for the next financial year budget bid process.

Council advised that the Structure Plan would be changed to reflect this.

The Department of Economic Development, Jobs, Transport and Resources, on behalf of Transport for Victoria and VicRoads indicated that VicRoads was monitoring the traffic and parking situation in Barwon Heads. The Department requested that the Structure Plan 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. Council responded that it would modify the Structure Plan to refer to shared path connections to the broader network.

(iv) Discussion

The Panel acknowledges that many submitters consider existing traffic and car parking conditions to be significant issues. The Structure Plan describes existing traffic and car parking issues consistent with the issues raised in submissions.

The modest extent of development opportunities enabled through the Amendment is unlikely to exacerbate existing traffic and parking conditions to the degree raised in submissions. The Structure Plan specifies possible options for consideration, including resident permit parking, park and ride or a community bus, new off-street car parks, and special rates and charges scheme. Council's resolution for further traffic studies during peak season will help to quantify the issues and understand road network and parking capacities so that suitable recommendations can be made.

The Panel notes that future studies are beyond the Amendment process. Until this work is completed, each planning permit application will continue to be assessed on its merit.

(v) Conclusion

The Panel concludes:

- Existing traffic and parking issues can be satisfactorily considered through a future study; however, they do not have to be resolved through the Amendment.
- The Amendment has satisfactorily considered traffic and parking matters associated with the modest extent of development opportunities enabled through the Amendment.

6.6 Planning permit exemptions and third-party notice

(i) Background

DDO41 and DDO42 state:

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.

(ii) The issue

The issue is whether there should be notice of permits for a single dwelling to enable third-party participation.

(iii) Evidence and submissions

Council submitted that the permit exemptions in DDO41 and DDO42 only apply to single dwellings that do not meet measurable permit triggers in Table 1. Where a permit is required, Council will assess the application. Council noted that non-compliance with ResCode (such as overlooking and overshadowing) is not assessed through DDO41 and DDO42.

Council noted that the permit triggers in Table 1 provide a benchmark for all development. Variations will need to show how a specific design response to site context achieves the character objectives and that *“Blanket mandatory controls are not appropriate for Barwon Heads”*. Council noted that this approach is consistent with Planning Practice Note 59. Mr Crawford supported the exemption provisions.

Barwon Heads Association did not support the exemption of notice and third party appeal rights for single dwellings and submitted:

The Association strongly opposes the Amendment insofar as it minimises the potential for third party participation in planning decisions. Third party rights are an important part of the Victorian planning regime. The removal of third party rights in this instance is likely to generate negative planning outcomes, as the DDOs as currently drafted are not sufficiently clear and do not provide adequate guidance with respect to character.⁵

Barwon Heads Association requested that if the Panel support an 11-metre height limit in the DDO42, then the DDO42 should provide for notification requirements for any design response over 9 metres. It noted that *“By removing the right of appeal the community cannot express its views on inappropriate constructions”*.

Submitter 32 had a similar view to Barwon Heads Association and submitted:

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

⁵ Barwon Heads Association p24

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.

Council responded that it did not support removing the exemption from notice of review in DDO41 and DDO42.

(iv) Discussion

The Character Assessment Report recommends the DDO because, among other reasons, it enables a planning permit application to be exempt from advertising and third-party review. The Panel notes that in Victoria, a considerable proportion of single dwellings are exempt from a planning permit.

The DDO parent clause requires a permit for specified buildings and works unless exempt through a schedule. DDO41 and DDO42 exempt permits for a single dwelling which meet the Table 1 requirements. The Panel supports this exemption. A proposal which meets these requirements provides certainty that the building will align with the preferred town character. The Panel further notes that approval for a proposed planning permit in Barwon Heads is relatively restrictive.

The Panel also supports the need for a permit for any single dwelling proposal which does not meet these requirements.

This will enable Council to assess the potential impacts of these permits on neighbouring properties. The Panel does not consider it necessary to introduce third party notice because the impacts of this scale and nature will be appropriately considered by Council. The Panel considers that, as the requirements in Table 1 are measurable and performance based, a professional judgement can be made when assessing the planning permit application.

However, permits proposing other, and possibly more intense, development such as multi-dwelling proposals, should be subject to third party notice. The Panel notes that DDO41 and DDO42 enable notice and review rights for such permit applications.

(v) Conclusions

The Panel concludes:

- DDO41 and DDO42 appropriately exempt a permit, and therefore third-party notice, for a single dwelling which meets the Table 1 requirements.
- Requiring a permit for a single dwelling which does not meet the Table 1 requirements is appropriate.
- Permits proposing other, and possibly more intense, development such as multi-dwelling proposals, should be subject to third party notice, as proposed by the Amendment.

7 Amendment drafting

In addition to changes outlined in Chapter 1.1, Council proposed changes to planning provisions in Clause 21.14, NRZ6, DDO41, DDO42 and ESO6 after exhibiting the Amendment, and in response to submissions, which sought to clarify them and improve their operation. The Panel has reviewed these changes and accepts them unless specified otherwise in this report.

Due to the proposed permit exemption for single dwellings, Barwon Heads Association sought to include many of the existing decision guidelines into Table 1. Council advised this was not consistent with its method which was to ensure all Table 1 requirements were specific, measurable and quantifiable therefore making it clearer to enforce. The Panel notes that many of the decision guidelines are already echoed in Table 1 requirements, for example the consideration of indigenous vegetation planting is echoed in the Table 1 requirement for *“the use of local indigenous species”*. One exception is the decision guideline for using timber or natural materials, limiting brickwork and using a simple palette. Council should consider a measurable target for using natural building materials.

The Panel considers that Table 1 in the DDO42 should not include a site coverage requirement because this duplicates a ResCode Standard which would apply for single and multiple dwelling permit applications in the GRZ and NRZ.

(i) Recommendations

The Panel recommends:

Amend Clause 21.14 to:

- a) delete the fifth Barwon Heads objective related to adaptable housing designs for older people**
- b) refer to ‘retail’ instead of ‘commercial’ development in the seventh Barwon Heads objective.**

Amend Design and Development Overlay Schedule 41, as shown in Appendix C3, to:

- a) make drafting changes which clarify its provisions and improve its operation.**

Amend Design and Development Overlay Schedule 42, as shown in Appendix C4, to:

- a) make drafting changes which clarify its provisions and improve its operation.**

Appendix A Submitters to the Amendment

Sub	Name of Submitter	Sub	Name of Submitter	Sub	Name of Submitter
001	P Alexander	029	P Calafiore & M Stanton	057	K Firth
002	J Almond	030	F Calderone	058	J Fisher
003	W Amor	031	Corangamite Catchment Management Authority	059	M Fisher
004	R Anderson	032	S M Champion de Crespigny	060	Friends of Barwon Library Inc.
005	S Anthony	033	T Clayton	061	J Gatehouse
006	N Armytage	034	Coastal Planning Pty Ltd	062	S Gatehouse & A Lindsay
007	S Austin	035	K Cole	063	S Gausson
008	G Bade	036	S Cole	064	J Geddes
009	J Bade	037	W Cox	065	Geelong Environment Council Inc
010	P Bade (Petition organiser)	038	G Crawford	066	Geelong Field Naturalists Club
011	J Baensch	039	J Crawford	067	G Gemmell
012	M Banks	040	L Crawford	068	R Gibson
013	Barwon Heads Association Inc.	041	C Crowe	069	M Gordon
014	Barwon Water	042	L Crowe	070	K Goude
015	R Bell	043	H & S Crowley	071	R Griffiths
016	G Bingley	044	M Dallinger	072	G Guest
017	K Blain	045	J de Voil	073	L Guest
018	D Borenstein	046	Delany Investments Pty Ltd	074	D & R Gunn
019	C Bowly	047	Department of Economic Development, Jobs, Transport & Resources	075	P Guy
020	D & J Boyle	048	A Dickinson	076	J Hall
021	P Boyle	049	A Dillon	077	R Hastings
022	J Brewster	050	Dominion Property Group	078	P & R Hastings
023	C Bridges	051	P Donald	079	S Henderson
024	M Bridges	052	G Donovan	080	P Hocking
025	S Broberg	053	D Dower	081	K Howie & G Kelly
026	J Brookes	054	E Edwards	082	T Hudson
027	R & K Brun	055	EPA Victoria	083	D Hulonce
028	G Burgess	056	M Feehan	084	I McDuff

Sub	Name of Submitter	Sub	Name of Submitter	Sub	Name of Submitter
085	S Jackson	115	K Pearce	145	D Telford
086	L Jenkins-Wilson	116	30 Hitchcock Avenue, Barwon Heads property owners	146	Thirteenth Beach Estate
087	M Kay	117	M Pocock	147	T Travotzki
088	S Kay	118	J Poulson	148	M Tucker
089	P Kremer	119	J Prasser	149	S Tuddin
090	A Lewis	120	P Prasser	150	S Tunnell-Jones
091	B Linke	121	N Prichard	151	S and A Van Den Nouwland
092	C Littleton	122	J Radcliffe-Smith	152	S Van Den Nouwland
093	S Livermore	123	J and O Raff	153	K Waddell
094	P Lockie	124	J Romeril	154	A Waite
095	K Lomas	125	C Russell	155	G Waite
096	S Lomas	126	M Sandor	156	W Wall
097	D Macdonald	127	P Saunders	157	G Wallace Smith
098	K P Macdonald	128	Save Barwon Heads Alliance Inc	158	J Wallace Smith
099	W Manderson	129	P Schudmak	159	E Webb
100	G Mann	130	C Shady	160	D Weeks
101	D McCann	131	A Shelton	161	T Wheeler
102	H McCarthy	132	R Smith	162	E White
103	H McCarthy	133	B and R Smith	163	B Wilson
104	P McCoughtry	134	J Snell	164	J Wilson
105	A Merewether	135	W Spitty	165	V and G Wright
106	J Mitchell	136	M Sprague	166	N Yates
107	Morgan and Griffin	137	135 and 137 Taits Road and 1941-1949 Barwon Heads Road property owners	167	Department of Environment, Land, Water and Planning
108	N Nagle	138	R Stephens	168	E Miller
109	T Nagle	139	L Stinson	169	Russell Mitten
110	C Neale	140	L Stinson	170	William Tovey
111	Craig Hill	141	P Stock	171	Ruth Creati
112	J Paisley OAM	142	A Stockman	172	Cathryn Carpenter
113	M Palmer	143	M Street	173	Tom Kebbell
114	V Palmer	144	Geoffrey and Susan Tamblyn	174	Tanya Henry

Sub	Name of Submitter	Sub	Name of Submitter	Sub	Name of Submitter
175	Janet Evans	205	J McGinness-Whyte	235	R Paterson
176	Dr CR Heathcote	206	Rebecca Agg	236	C Grace
177	Dr CR Heathcote	207	Dean Matthews	237	B Loft
178	Paul Kelly	208	Jillian Webb	238	A Haynes
179	Pene Schmidt	209	Frank Webb	239	C Walsh
180	Andrew Jenner	210	Leigh Rees Stewart	240	Jukka Tuisku
181	Beverley Anderson	211	David Low	241	K Sunderland
182	Rebecca Spindler	212	Douglas Barrett	242	A Williams PJA
183	Wilma Bolitho	213	Karen Firth	243	R K Kuebler
184	Susan Southall	214	Tex Lawrence	244	P Hockett
185	Nicholas Bartram	215	Ros Bandt	245	P Perry
186	Joan Smith	216	Timothy S Dennis	246	P Perry
187	Kate Sommers	217	Stephen Wickham	247	C Cowcher
188	Paul Moroney	218	Peta Anne Hocking	248	S Williams
189	Le-Ana Maddy	219	Khianna Chapman	249	S Collings
190	Felicity N. Hocking	220	Helen Brereton	250	L Woods
191	Davina Gunn	221	Adam Green	251	G Lott
192	Davina Gunn	222	Elise Wilkinson	252	B Somerville
193	Geoff Bevan	223	Sara Backhouse	253	C Hutton
194	Jennifer Bennett	224	Hamish Anderson	254	C Reid
195	Peta Brady	225	Elizabeth Graham	255	K Reid
196	Sue Jones	226	Jen Graham	256	G Reid
197	Michael John Skinner	227	Carlos McCarthy	257	C Twomey
198	Jacqueline Anne Pallister	228	Liz Hackett	258	J E Butler
199	Sally Peel	229	Carol Richardson	259	G Ingram
200	Natalie Howell	230	Angela Webb	260	J Butler
201	Dianne M Gallagher	231	Tim Fewings	261	A E Butler
202	Margaret Borthwick	232	C G Briggs	262	T C Butler
203	Margaret Borthwick	233	B Seidel	263	Christopher Clarke
204	Kirk McNamara	234	S McNamara	264	Simone Clarke

Sub	Name of Submitter	Sub	Name of Submitter	Sub	Name of Submitter
265	Sharon Williams	295	Fiona Duncan	325	Peter Flinn
266	G Molesworth	296	Graeme Mathers	326	Amanda McFarlane
267	Dr S P Lee and Dr RLL	297	Fiona Mathers	327	Heather Robinson
268	Anthony Laffy	298	Gary and Jenny Lee	328	Paul D Kelly
269	Denis Finn	299	Heather Robinson	329	Susan Phillips
270	Denis Finn	300	Loretta Mary Baker	330	Anne Hamilton
271	Mark Kebbell	301	Gary Ronald Baker	331	Andrea Dennett
272	David and Kelli Finlayson	302	Anthony Hyde	332	Geelong Field Naturalists Club
273	Tamara Dalley	303	Anthony Hyde	333	C Stace
274	Jyoti Thapa	304	Lynette Martin	334	C Duthie
275	Sophie Holloway	305	James and Suzanne Strach	335	J Vaughan
276	Tim Bass	306	Brian Magill	336	I L Campbell
277	Louise Judith Baylis	307	Andrew and Wendy Edgar	337	S Turnbull
278	Jennifer Robinson	308	Richard Defoe	338	M Dawe
279	Susan McLellan	309	Miriam Kenter	339	T Gutteridge
280	Adrian Bruce Kelly	310	Rochelle Bux	340	Robyn Whitlock
281	Pamela Halnon	311	Peter Prasser	341	Ron Robinson
282	Stephen McGain	312	Samuel Stanford	342	Amenah McDonald
283	Nellie Briffa	313	James Cuming Campbell	343	Brooke Davies
284	Mark Boyle	314	Lynne Hillier	344	Suzanne Filby
285	Susanne Cauchi	315	Waite Geoffrey	345	Jessica Newman
286	John Cosgrove	316	Emma Keogh	346	Gary Carpenter
287	Tamara Creswick	317	Belinda Roper	347	Anthea Merewether
288	Marianne Fricker	318	Mary Codling	348	Nigel Trinca
289	Jo-Anne Haeusler	319	Dierdre B Clements	349	Bella Bower
290	Jo-Anne Haeusler	320	David Clements	350	Wayne Bower
291	A and M Colman	321	Mariah Fox	351	Vicki Bower
292	Caroline Faulkner	322	Nereda Parker	352	Caitlyn Brewer
293	Dee Orgill	323	Anita Borschmann	353	Caitlyn Brewer
294	Darren Findling	324	Samantha Durney	354	Ebony Henry

Sub	Name of Submitter	Sub	Name of Submitter	Sub	Name of Submitter
355	Ashley Henry	385	Saskia Hamberger	415	Jerry Kelly
356	Karin Kindred	386	Chantal Hoare	416	Paul Kelly
357	Veronique Smith	387	Pia de Bruyn	417	L Armstrong
358	Wendy Mattschoss	388	Amanda Adams	418	R Hern
359	Alison Kenter	389	Mary [no surname provided]	419	Peter Groves
360	Margaret Blair	390	Mary Baddeley	420	Damien Beasley
361	Joanna Bradley	391	Nola White	421	Ingrid Polwarth
362	Beverley Blashki	392	Ian and Maura Sweet	422	Jean Moller
363	Vicki Robins	393	Sandy Fry	423	Deborah Brodie
364	Kelly Dalton	394	Nichola White	424	Anna Georgina Brodie
365	Luke Dalton	395	Carol Bevan	425	Lachlan Keath
366	Beth Kimber	396	Georgie Smibert	426	Dawn Foster
367	Penelope Slegrist	397	Joanne Davis	427	Bernie McCartney
368	Jodi Lammers	398	Lachlan Dixon	428	Michael Cameron
369	Jade [no surname provided]	399	Michael Dixon	429	Pam Hellema
370	Peter Barren	400	Claire McKie	430	Jane Stewart
371	Jo Nunan	401	Simone Wallace	431	Monique Mason
372	Janine Comte	402	Moira Buckley	432	Monique Mason
373	Sally Ford	403	Norman Buckley	433	Sheryl Anson
374	Amanda Derham	404	Margaret Considine	434	Sarah Musgrave
375	John Claringbold	405	Jaki Cornell	435	Eileen Boere
376	Todd Wombwell	406	Deborah Williams	436	Janine Keith
377	Kerry Firth	407	Libby Henderson	437	Rod Watson
378	Jocelyn Hunter	408	Susan Findlay	438	Allan Reeve
379	John Wright	409	Michael [no surname provided]	439	Kim Stevenson
380	Peter Kellock	410	Amelia Gilmore	440	Marcus Lawrence
381	Brian John Spiller	411	Nick Lee	441	Natalie Staggard
382	Brian John Spiller	412	Kristen Kelly	442	Samantha Edis
383	Michelle Pike	413	Kristen Kelly	443	Tristan Edis
384	Madeleine Bent	414	Casey Kelly	444	Justin Flynn

Sub	Name of Submitter	Sub	Name of Submitter	Sub	Name of Submitter
445	Alexandra O'Driscoll	475	Claire de Trafford	505	Anne Wilkinson
446	Nicholas Rameka	476	Claire de Trafford	506	Aaron Zanatta
447	Richard Twaits	477	Kate Casley	507	Tarah Smith
448	Samantha Firestone	478	Emma Cole	508	Sonia Panek
449	Robyn Purchase	479	Julie Cole	509	Shane Blacket
450	Brett Purchase	480	Jeff Cole	510	Heath Bernard McCartney
451	Viva Partos	481	Joshua Cole	511	Victoria Ann Staehr
452	Jeremy Slattery	482	Linda Barlow	512	Tamsin Bryan
453	Emma Strachan	483	Colin Peel	513	Fiona Hann
454	Kate Warnock	484	Alexander Hunter	514	Natasha Howson
455	Ben Allardyce	485	Georgie Clegg	515	Emma Calver
456	Jane Allardyce	486	Paul Allen Bakker	516	Ian Alexander Tate
457	Matthew Robinson	487	Sara Backhouse	517	Lorna Downey
458	Ash Pike	488	Elizabeth Ellen	518	Paul Garfield
459	Hamish Harten	489	Roslyn Cross	519	Bridie Garfield
460	Robert Pratt	490	Emily Cross	520	Sue Dunlop
461	Malcolm Sprague	491	Jennifer Bennett	521	Alexandra Kelso
462	Olivia Sprague	492	Natalie Powell	522	Graeme Leslie Hanel
463	Lucie Sprague	493	Mrs Ange Hutchins	523	Richard Cornell
464	Coen van Uitjert	494	Anne Gourley	524	Kylie Rawson
465	Vanessa Vincent	495	Anne Gourley	525	Carmel Carroll
466	Elizabeth Neville	496	Olivia Pantelidis	526	Bryan Carroll
467	Dr Wendy Kelly	497	Harry Graham	527	Daryn Anthony
468	Lachlan Joyce	498	Jeremy Swift	528	Carol Richardson
469	Susan Cass	499	Carlos McCarthy	529	Karen Mayer
470	Lisa Wright	500	Emma Wride	530	Angela Webb
471	Kate Martin	501	Razi Sieira	531	Sally Jackson
472	Catherine Bull	502	John Montecastro	532	Amanda Lithgow
473	Glenn Brewer	503	Alan Bennett	533	Elizabeth Lithgow
474	Nick Nicou	504	Naomi Adams	534	Shane Brasier

Sub	Name of Submitter	Sub	Name of Submitter	Sub	Name of Submitter
535	Damian Wood	565	Christine Tuisku	595	Garry Shirley
536	Loretta Gabriel	566	Simone Calderwood	596	Hamish Felton
537	Wendy Naylor	567	Elfwyn Jane Vinecombe	597	Barbara Lynne Phillips
538	Michael Bowles	568	Craig McFarlane	598	Gillian Gubbins
539	Robert Stinson	569	Robert Gordon Pittaway	599	Melanie Kiwi
540	Tim Elstoft	570	Christine Fearnside	600	Glenys Hanrahan
541	Bronwyn McIntyre	571	Lesley Chellew	601	Glenys Hanrahan
542	Bronwyn McIntyre	572	Sabine Reiser	602	Hayley Tehan
543	Catherine Allison	573	Rebecca Rees	603	Anne-Marie Ludekens
544	Kay Sawers	574	Johanna Sunderland	604	Annie Hall
545	Ian Andrew Sawers	575	Alexandra Kuebler	605	Simon Collings
546	Margaret Griffith	576	Connor Delaney	606	Felicity Ann Hall
547	Jacqui Ranger	577	Louise Delaney	607	Hannah Collings-Hall
548	Graeme Sharman	578	Pamela Dickson	608	Sarah Shaw
549	Narelle Sharman	579	Heather Vincent	609	Andrew Beauchamp
550	Cameron O'Leary	580	Sam Cairns	610	Simon Briwn
551	Sean O'Leary	581	Mark Cairns	611	Mark Vickers-Willis
552	Georgie McIntosh	582	Alexandra Tuechler	612	Lisa Keenan
553	Sarah Wapling	583	Craig Beeby	613	Cassie Sherwell
554	Sally Kimber	584	Megan Potter	614	Lucy Jones
555	Darren Mullen	585	John Ollis	615	Virginia Hodgkinson
556	Austin Paterson	586	Mark Benson	616	Lindy Mills
557	Neale Charles Frisch	587	Cheryl Benson	617	Lizzie Reid
558	Jane Morrow	588	Barb Miles	618	Christopher M Reid
559	Colin Loft	589	Kenneth Allen Mackinnon	619	Neale Frisch
560	Glenn Mitchell	590	Rachael Hely	620	Georgie Fidge
561	Sally Ann Mitchell	591	Brad Hicks	621	Robyn Parry
562	Laura Middleton	592	Caterina Nicou	622	Stephen Parry
563	Peter Harrington	593	Christine R Adams	623	Cole Rush
564	Michelle Cox	594	William Borthwick	624	Joanne Rix

Sub	Name of Submitter	Sub	Name of Submitter	Sub	Name of Submitter
625	Elissa Ashton-Smith	655	Chris Nunn	685	Tara Gorman
626	Stephen Lee	656	Lisal OBrien	686	Alison Calderone
627	Karen Finn	657	Lisa Ann Bartels	687	Andrew Rutherford
628	John Edwin Fulton Crozier	658	Sally Ingram	688	Henry Creswick
629	Prudence Mary McKechnie	659	Roslyn Ingram	689	Theresa Commadeur
630	Lisa Happell	660	Penelope Stock	690	Megan Allender
631	Kim Elizabeth MacMillan	661	Angela Hawdon	691	Skye Polley
632	Kim MacMillan	662	Sandra Owen	692	Lisa Campbell
633	Caitlin Cathcart	663	Wayne Owen	693	Nikole Ramsay
634	Indi Kebbell	664	Philip Messenger	694	Anthony Colman
635	Rupert Kebbell	665	Georgina Joyce	695	Angus Borthwick
636	Lisa Angela Kebbell	666	Ellen Cobbett	696	Jane Borthwick
637	Melinda Cairns	667	Alice Warnock	697	Anthony Doyle
638	Mark Cairns	668	Ryan Bloomfield	698	Alisha Maclean
639	Andrew Gubbins	669	Rob Warnock	699	Deborah Myers
640	Mary Gubbins	670	Jenny Warnock	700	Christine Tammer
641	Hailey Holloway	671	Pip Warnock	701	Nick Orgill
642	Melinda Kininmonth	672	Sherrard Robert Warnock	702	Michael Meehan
643	Melinda Kininmonth	673	Jodie Mitchell	703	Iane Kelly
644	Andrew Ganim	674	Shirley Sheppard	704	Jenny McMahon
645	Rebecca Ganim	675	Robyn Joan Miles	705	Cherry Fitzpatrick
646	Sophie Sampson	676	Kiera Reichert	706	Tracy Findling
647	Catherine Allison	677	Kiera Reichert	707	Christina Cass
648	Sally Anne Sell	678	Teah Reichert	708	Georgia Stephens
649	David Sell	679	Peter Reichert	709	Christine Jillian Croyden
650	Karen Commadeur	680	Peter Reichert	710	Lorraine stocker
651	Emily Schultz	681	Wallace Beckwith	711	Emily Bush
652	Cole Rush	682	Wallace Beckwith	712	Emily Bush
653	William Timothy Baylis	683	Kerry Cosgrove	713	Somer Prpwd
654	Jess Hills	684	Narelle Arthur	714	Charlotte Crole

Sub	Name of Submitter	Sub	Name of Submitter	Sub	Name of Submitter
715	Lisa Clemenger	745	Elizabeth Prytz	775	Sarah Lawrence
716	Janine Keating	746	Lucy Cass	776	Susan Long
717	Joey Bastick	747	Matthew Cook	777	Joanne Conlan
718	Garry Martin	748	Tim Nunn	778	Paul Buchholz
719	Judi Judd	749	Bruce Nunn	779	Jacinta Shepherdson
720	Emily Lonsdale	750	David Patrick	780	Lisa John
721	Janet Reid	751	Steve Heather	781	Jai Shepherdson
722	Christine Cottee	752	Virginia Dahlenburg	782	Chris Shinnars
723	James Ford Strachan	753	Kylie Barsby	783	Sven Bartels
724	Kate Lane	754	Geraldine Keely	784	Alexis Joy
725	Sallie Carroll	755	Felicity Nottingham	785	Judith Brooks
726	Jason O'Meara	756	Gabriel Bux	786	Ann and Andrew Gardner
727	Faye Connors	757	David Saunders	787	Purdie Long
728	Darcy Keir	758	Julie Ryan	788	Stephen Harrap
729	Lisa Hall	759	Rosa Gentile	789	Shelley Harrap
730	Joanne Corry	760	Virginia Blair	790	Brian William Hawdon
731	Garry Attrill	761	Amelia Carroll	791	Patricia Gwendolyn Hawdon
732	Jessica Winterburn	762	Luke Bennett	792	Gracia Haby
733	Michael Winterburn	763	Alicia Hooper	793	Graeme Ross
734	Gwenyth Susan Lansdell	764	Andrea Gleeson	794	Georgie Harrison
735	Mark Harris	765	Diana Wilson	795	Carolin Neave
736	Veronica [no surname provided]	766	James Wilson	796	Alison Green
737	Lynn Defoe	767	Hamilton Saunders	797	Clifford Gregory Parker
738	Catherine Halliday	768	Merren Saunders	798	Meredith Harkness
739	Peter Barrett	769	Leanne Burke	799	Val Findling
740	Richard Alcorn	770	Donald Pupert Gross	800	Maddi Carlon
741	Margaret Alcorn	771	Sian Brownbridge	801	Steve Carroll
742	Siobhan Kavenagh	772	Shelley Wettenhall	802	Grace Carroll-Saunders
743	Phillip Rutjens	773	Julie Lithgow	803	Penny Saunders
744	David Cromwell	774	Julie Sampson	804	Lily Carroll-Saunders

Sub	Name of Submitter	Sub	Name of Submitter	Sub	Name of Submitter
805	Tim Gove	835	Waite Geoffrey	865	James Davidson
806	Kate Smith	836	Martin Kellock	866	Jennifer Duffield
807	Peter Oakley	837	Kris Aspinall	867	Howard Duncan
808	Peter Oakley	838	Kris Aspinall	868	Lachlan Dunn
809	Peter Oakley	839	Charles Hay Russell Henry	869	Jon Duthie
810	Nikki Hinge	840	Victoria Strachan	870	Anna Edsall
811	Julia Creak	841	Fran Tribe	871	Sarah Ewing
812	Martin Prins	842	Emily Jordan	872	M Felder
813	Murray Johns	843	Claire [no surname provided]	873	Michael Felder
814	Kathryn Webber	844	Skye Glover	874	Elaine Fisher
815	Anne Lane	845	Adam Gorton	875	Susan Forbes
816	Cameron Johnson	846	Steven Bradby	876	Angela Gleeson
817	Shan Aust	847	Carol Ainsworth	877	Kay Griffin
818	Fiona Hearn	848	Claire Anderson	878	Tony Gurry
819	Mark [no surname provided]	849	Brandy Ball-Mahony	879	Nick Hargreaves
820	Angus Blair	850	Tobi Bonifant	880	Ylva Hargreaves
821	Rosemary Blanden	851	Margaret Blair	881	Shamus Hoare
822	Anne Maslin	852	Bianca Brant	882	Maureen Haymes
823	Joanna Blair	853	Eric Butcher	883	Katy Hodge
824	Elizabeth Litchfield	854	Jeannie Carson	884	Sarah Jacoby
825	Ocean Grove Coastcare	855	David Clarke	885	Alana Jones
826	David Torr	856	Camilla Connoley	886	Gregory Kierce
827	Carrie Felton	857	Anitsa Connor	887	Shelley LaVita
828	Isobel Flinn	858	Lalita Constable	888	Margaret Lewis
829	Daniel Fuge	859	Kaitlyn Cooper	889	Erin Littlewood
830	Jodi May	860	Marnie Cooper	890	Anne Littlewood
831	Melanie Marsden	861	Simon Johnston	891	Sudhakar Man
832	Sally McKillop	862	Waite Geoffrey	892	Liz McGrath
833	Michael Gaffney	863	Melissa Dallinger	893	Benjamin Macquire
834	Simon Johnston	864	James Dawson	894	Georgia Maclaren

Sub	Name of Submitter	Sub	Name of Submitter	Sub	Name of Submitter
895	Gregory Makin	911	Daniel Shidders	927	Paul Kelly
896	Justine Metayer	912	Nick Shidders	928	Libby Armstrong
897	Paul Mulholland	913	Hugh Simon	929	Russell Hern
898	Jack Newnham	914	David Stevens	930	Peter Groves
899	Martin Newnham	915	Susan Stevens	931	Damien Beasley
900	Rob Nicholls	916	S H Sutherland	932	Ingrid Polwarth
901	Sally Noblet	917	Bruce Symons	933	Jean Moller
902	T Noblet	918	John Tunn	934	Deborah Brodie
903	Paul Ogilvie	919	Susan Tunnell - Jones	935	Anna Georgina Brodie
904	Kathy Patrick	920	Alistair Urquhart	936	Lachlan Keath
905	Paul Rienets	921	P Wade	937	Dawn Foster
906	Christine Roberts	922	James Walker	938	Bernie McCartney
907	Liz Ryan	923	Julie Ward	939	Michael Cameron
908	Wade Sechtig	924	Clare Wilson	940	Pam Hellema
909	Fenranda Sfameni	925	Marion Wright	941	J Hall
910	Alexandra Shidders	926	Val Wright	942	P Hutchins

Appendix B Document list

No.	Description	Presented by
14 August 2018		
1	Part A Submission	Council
21 August 2018		
2	Part B Submission	Council
3	Barwon Heads Structure Plan Implementation	Council
4	Barwon Heads Structure Plan – Issues Paper Summary Bulletin No 3, October 2016	Council
5	Draft Settlement Strategy, May 2018	Council
6	Expert Witness Statement – John Glossop (received 14 August)	Council
7	Submission	Ms Howie
22 August 2018		
8	Submission	Mr Hastings
9	Submission	Mr Brooks
10	Submission – Barwon Heads Association	Mr Watters
11	BHA Traffic submission	Mr Watters
12	Barwon Heads Traffic and Parking Study, GTA Consultants	Mr Watters
13	DDO Schedules marked up	Mr Watters
24 August 2018		
14	Expert Witness Statement – Andrew McMahon (received 14 August)	Mr Watters
15	Murnaghurt Lagoon, Barwon Heads, Flora and Fauna Assessment, Ecology Australia, 10 October 2008	Mr Watters
16	Submission – Save Barwon Heads Alliance Inc	Mr Watters
17	Planning Practice Note 36	Mr Watters
18	Greater Geelong PSA C159 [2010] PPV, pp23-45	Mr Watters
19	Map 1 from Victorian Coastal Strategy 2014	Mr Watters
20	G21 Regional Growth Plan, April 2013, pp24-28, 48 and 50	Mr Watters
21	Ramsar Site Management Plan Summary, 2018	Mr Watters
22	Indicative Assessment of Climate Change Vulnerability for Wetlands in Victoria, Department of Sustainability and Environment, January 2013, pp63-72	Mr Watters
23	Climate Change Vulnerability Assessment and adaptive capacity of coastal wetlands – Decision support framework	Mr Watters

No.	Description	Presented by
24	Submission – Morgan and Griffin	Mr Black
25	Submission – MidWest Group (Barwon Heads)	Mr O'Farrell
26	Emails – Seeking internal advice on expert witness statements	Council
27 August 2018		
27	Submission – Janice and Paul Brewster	Mr Brewster
28	Submission	Mr Bade
29	Barwon Heads and Ocean Grove Local Flood Guide, State Emergency Service, p3	Mr Bade
30	Submission – Geoffrey and Susan Tamblyn	Mr Tamblyn
31	Submission – Geelong Field Naturalists Club	Mr Lowther
32	Submission	Mr Bridges
33	Submission	Mr Tuisku
34	Submission – Warwick Manderson	Mr Bitmead
35	Map – Warrenbeen Court	Mr Bitmead
36	Preferred ESO6 tracked changes	Mr Bitmead
28 August 2018		
37	Expert Witness Statement – Chris McNeill (received 14 August)	Mr Cicero
38	Expert Witness Statement – Peter Berry (received 14 August)	Mr Cicero
39	Expert Witness Statement – Dr Mark Jemsen (received 14 August)	Mr Cicero
40	Submission – Barwon Heads Lifestyle Group	Mr Cicero
41	GTA Consultants advice for 1900 Barwon Heads Road concept plan	Mr Cicero
29 August 2018		
42	Expert Witness Statement – Brett Lane (received 14 August)	Mr Cicero
43	Significant Impact Guidelines 1.1 - Matters of National Environmental Significance, Australian Government Department of the Environment, 2013, p13	Mr Watters
44	Expert Witness Statement – Sarah Horsfield (received 14 August)	Mr Cicero
45	Map – Distances between 1900 Barwon Heads Road and town centre	Mr Cicero
46	Benefits of boundary expansion	Mr Cicero
46a	Population age structure, Essential Economics	Mr Mahony
30 August 2018		
47	Closing submission	Council
48	Responses to Panel questions	Council

No.	Description	Presented by
49	Barwon Heads Pty Ltd v Greater Geelong CC [2018] VCAT 1180	Council
50	Maps – Flooding, sea level rise and land subject to inundation	Council
51	Council’s proposed changes: Attachment 4 – Amendment C375 clause changes	Council
53	Map – Barwon Heads Catchments and Flooding (LIDAR)	Council
14 September 2018		
55	Barwon Heads housing capacity analysis	Council

Appendix C Panel recommended planning provisions

Panel Version of Documents

[Tracked Added](#)

~~Tracked Deleted~~

Appendix C1: Neighbourhood Residential Zone Schedule 6

SCHEDULE 6 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

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

BARWON HEADS INCREMENTAL CHANGE AREA

...

6.0 Application requirements

~~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.

...

Appendix C2: Environmental Significance Overlay

Schedule 6

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 TAITTS ROAD, BARWON HEADS

1.0 Statement of environmental significance

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 *Rytidosperma racemosum subsp. racemosum*, Spear-grass *Austrostipa 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

- 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

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.
- 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 area nor 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 or 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).

4.0 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.

Appendix C3: Design and Development Overlay

Schedule 41

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

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

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 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 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 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.~~

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 Incremental Change Residential Area Design Requirements

Design Requirement	Design Response	
Site coverage	A maximum <u>Up to and including a</u> 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 (<u>parent lot</u>), 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. <u>i.e. areas of natural ground surface set aside for</u> vegetation).	
Garages and access	The maximum width of a garage door(s) is to be <u>no more than</u> 5.6m, or a maximum of <u>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 1m in height and more than 50% permeable.	

3.0 Subdivision

None specified.

4.0 Advertising signs

None specified.

5.0 Decision guidelines

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 building(s) 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.
- 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.

Appendix C4: Design and Development Overlay

Schedule 42

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

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

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 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.~~

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	
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 (parent lot), with at least one canopy tree provided in the front yard and the use of local indigenous species.	
Soft landscaping	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).	
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 one metre in height and more than 50% permeable.	

3.0 Subdivision

None specified.

4.0 Advertising signs

None specified.

5.0 Decision guidelines

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.~~

- 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.~~