



GREATER GEELONG PLANNING SCHEME AMENDMENT C159

Presentation to the Independent Panel appointed by the Minister for
Planning.

PANEL: MR MICHAEL KIRSCH (CHAIR) & MR IAN GIBSON

HEARING DATES: 25 NOVEMBER – 3 DECEMBER 2009

PRESENTED BY: PETER SCHEMBRI, STRATEGIC PLANNER

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1.0 INTRODUCTION

This section of Council's presentation responds to submissions to Amendment C159, other than issues concerning the proposed settlement boundary and the Thirteenth Beach Resort land.

2.0 BARWON HEADS MOTORS

The town's motor mechanic currently operates a motor repairs business at 7 Bridge Road, which is located in the Business 1 Zone (**Attachment 1**).

According to the owner, the business has operated for close to 30 years, services approximately 50 vehicles per week and employs two additional mechanics. It is the only motor repairs in Barwon Heads. The last term of lease at the site expires on January 1 2011 and a Notice to Quit has been served, with no further terms available.

The business owner has lodged a submission (no. 166) stating that, given his need to relocate by 2011, the Structure Plan makes no provision or does not identify land for light industrial or a similar zone to enable the business to relocate within Barwon Heads. In this respect, the submitter believes the Structure Plan fails to meet the needs of the local community. The submitter goes on to nominate land at 1920 Geelong Road (i.e. the Macafee land) as a potential site for his business, based on landowner interest, community support and location attributes.

Discussions about various sites have occurred with the owner of the business but no suitable site has been found to-date within the town. The owner is reluctant to relocate to the Ocean Grove Industrial Estate on Grubb Road (approximately 6km away) because of the distance he will be removed from his Barwon Heads customers.

'Motor repairs' is defined in the definitions section of the Planning Scheme as: "Land used to repair or service motor vehicles, and includes the fitting of accessories", and is nested under the Industry Group. As such, the only zones within Barwon Heads where this use is possible, subject to the grant of a planning permit, is the Business 1 Zone and the Mixed Use Zone. The owner notes in his submission that the existing Business/Mixed Use Zone in Hitchcock Avenue contains small lots which are neither economically or geographically

viable. This leaves the APCO service station/car wash, located at 41 Geelong Road and zoned Mixed Use, as the only realistic option in town.

The Structure Plan recommends that the properties presently zoned Residential 1 on Hitchcock Avenue, between Bridge and Ozone Roads, be supported for rezoning to Mixed Use. Under section 3.3.5 *Economic Development and Employment* (page 17), the Structure Plan states:

“While the application of the Mixed Use Zone supported to be applied in Hitchcock Avenue, does allow for industry or warehousing provided a planning permit is approved, these types of uses would not be supported in Hitchcock Avenue given the detrimental impact such uses would have on the street’s vitality and amenity”.

The policies of the Greater Geelong Planning Scheme do not encourage the provision of land for industrial or service business use within Barwon Heads. In accordance with directions included within State and Local Planning Policies, the community will continue to rely on the supply of industrial zoned land within Geelong, Drysdale and Ocean Grove, for industrial and service business facilities. Clause 17.03 *Industry* of the S.P.P.F requires planning authorities to zone land for industrial development in urban growth areas where good access to employees and freight transport is available and where appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.

In response to this state policy, Clause 21.08 *Urban Growth* of Council’s M.S.S directs future urban growth on the Bellarine Peninsula to Ocean Grove and Drysdale/Clifton Springs, while Clause 21.22 *Industry* notes that suitable land zonings, access to services and utilities, and sites of all sizes, from small allotments to large Greenfield tracts, are available in Geelong. The current Barwon Heads local policy (Clause 21.35) discourages industrial land uses in the town and notes that Ocean Grove and South Geelong provide sufficient zoned land to meet local demand. This long-standing policy position is reinforced in the proposed new Structure Plan where directions for economic development include making no provision for land to be rezoned for service business or industrial uses within the town.

With regards to the submission identifying a suitable location for the owner's business at 1920 Geelong Road, which is zoned Farming and located immediately to the west of the designated settlement boundary, the Structure Plan clearly rejects urban development of this area. The same principle would apply to the land on the north side of Geelong Road. For reasons addressed above and those discussed in detail earlier in Council's submission regarding the non-suitability of rezoning the Macafee land, this suggestion is not supported.

Council considers that a drive of some 10 minutes to get one's car serviced is not unreasonable. In fact, it would be expected that many residents use Ocean Grove for their regular shopping and general servicing needs, which is only a short distance from Barwon Heads. While the Ocean Grove Industrial Estate is the obvious location for the business other sites are worthy of exploration, including the APCO service station at 41 Geelong Road, and the BP service station or Shell service station, both located on Wallington Road, Ocean Grove.

3.0 6 BRIDGE ROAD

The landowner of 6 Bridge Road, Barwon Heads notes that the property is adjacent to the existing Business 1 Zone and across the road from the supermarket and old service station site (**Attachment 2**). With this in mind, the submitter (no. 6) requests that the property be considered for rezoning to the Mixed Use Zone or Business 1 Zone. The land has not been recommended for rezoning as part of this amendment.

The 613 sq m property is in the Residential 1 Zone and covered by the Design and Development Overlay – Schedule 14. The site is developed with a single storey dwelling accessed from Bridge Road. Land to the east of the site up to the bridge is similarly developed with dwellings, though noting that there is a small convenience shop located on the corner of Bridge Road and Flinders Parade.

The Structure Plan provides for the commercial expansion of the town centre to the north along Hitchcock Avenue and not to the north side of Bridge Road between Hitchcock Avenue and the Barwon Heads Bridge. The Structure Plan states that Hitchcock Avenue should remain the sole focus for commercial development within Barwon Heads, to foster vitality and avoid fragmentation of uses and activities. This direction stems from a key recommendation of the adopted Barwon Heads Urban Design Framework 2003 (UDF) which advocated

the rezoning to Mixed Use of the existing Residential 1 zoned properties fronting Hitchcock Avenue between Ozone Road and Bridge Road.

The UDF (Vol. 2, p. 65) notes that the eastern end of Bridge Road, from Hitchcock Avenue “is an important activity node as well as being a significant entry point into the town”. Both the UDF and Structure Plan highlight the important role of the existing Business 1 zoned land on the south side of Bridge Road for its strategic location to link the foreshore and town centre, as well as serving an important retailing function. The Structure Plan, on page 119, states: “The sites on the southern side of Bridge Road, between Hitchcock Avenue and Golightly Street, present a significant opportunity for a landmark development within Barwon Heads at this important entrance to the town centre... Such redevelopment could also provide opportunity for an expanded supermarket with shared parking with other uses on the land”.

The draft Barwon Heads Traffic and Parking Study identifies Bridge Road as a Declared Main Road (and zoned Road Zone Category 1), which forms part of the primary link through the town. Regarding traffic issues, the study notes that the volume of traffic through Barwon Heads increases during peak holiday periods, to the extent where major roads are carrying significant volumes of traffic, and that one of the purposes of the arterial road network is to accommodate a variety of vehicle types, including trucks. The need for improved pedestrian crossing facilities of the major roads, and in particular Bridge Road, was also identified. The Study recommends that consideration be given to installing a median with kerb outstands in Bridge Road between Hitchcock Avenue and Ewing Blyth Drive, together with restricting access to the adjacent properties and side streets to left-in/ left-out turn only.

In considering the submitters request for the rezoning of one lot, Council is mindful of an undesirable precedent, where other residents fronting the north-side of Bridge Road may similarly wish to have their land rezoned for commercial development. Given the considerable traffic issues identified on this section of Bridge Road, together with substantial strategic support for the expansion of the commercial precinct north along Hitchcock Avenue, as well as the potential redevelopment of the supermarket and adjoining existing Business 1 zoned land, it is considered the rezoning of 6 Bridge Road to Mixed Use or Business 1 Zone is at odds with the orderly planning of the area.

4.0 OTHER SUBMISSIONS WHERE SUBMITTERS ARE NOT APPEARING AT PANEL

This section of Council's submission addresses issues raised during the exhibition period, where submitters have elected not to appear at this Panel.

4.1 Hitchcock Avenue Mixed Use Zone

Nine (9) submissions were received about the proposed Mixed Use Zone, expressing general support for the amendment. Two submissions (no's 141 & 224) raised the issue of whether the community hall site on the south west corner of Hitchcock Avenue and Ozone Road should be included in the proposed zone.

The exhibited Amendment proposes to: "Rezone Residential 1 zoned land along both sides of Hitchcock Avenue, between Ozone Road and Clifford Parade, to Mixed Use Zone" (**Attachment 3**). The purpose of the rezoning is to achieve a mix of commercial, entertainment, leisure, residential and community uses within the town centre. The land is at the periphery of the existing Business 1 Zone and is developed with a variety of different uses including single dwellings on large sites, home occupations, commercial businesses and places of worship.

This direction was clearly established during the course of the preparation and recommendations of the Barwon Heads Urban Design Framework 2003 (UDF). The UDF (Vol. 2, p. 70) considered that the application of the Mixed Use Zone, as compared to application of a Business 1 Zone, would allow for the retention of a blend of uses, including conventional dwellings, given that the Mixed Use Zone does not stipulate a maximum ground level frontage for dwellings. The UDF concluded that the Mixed Use Zone would protect this mix, whereas the Business 1 Zone would encourage only 'shop top' dwellings. Rezoning to Mixed Use will also provide future opportunities for any required or expanded community or visitor related infrastructure.

In proposing this zone change, the UDF recommended that the Schedule to the Mixed Use Zone include a maximum leasable floor area, to ensure the retention of the intimately scaled building forms and to prevent 'big box' retail outlets. The Structure Plan considers that these objectives can be more appropriately achieved through their inclusion in the local policy content within the Planning Scheme for Barwon Heads, and, given their design outcome, through the application of a Design and Development Overlay to the town centre (see section 4.2 below).

In summary, the merits of the rezoning as outlined in the UDF are to: (1) support the Urban Design Framework objectives and strategies for the Barwon Heads town centre, by providing for a range of uses that complement the mixed use function of the street within its recognized limits; and (2) to provide flexibility in terms of uses and also to allow a variety of building forms.

The application of the Mixed Use Zone is consistent with the adopted City of Greater Geelong Retail Strategy 2006 (the 'Strategy'). This Strategy is to be incorporated into Council's newly formatted MSS (Amendment C129), which is before the Minister for Planning for final approval (**Attachment 4**). At its core, the Strategy seeks to support the established retail hierarchy within the municipality to provide for a viable and accessible retail sector having regard to population growth, socio-economic and demographic characteristics, retailing trends and growth in new residential areas.

Many of the key objectives of the Strategy support the proposed expansion of the commercial precinct, including to promote economic development and job creation; to foster small business development; to encourage the development of interesting, viable and vibrant retail activity centres; and to introduce activities such as housing and mixed use development at appropriate locations which support the role of the activity centre.

Page 32 of the Strategy identifies Barwon Heads as a 'Town Centre', and the role and future directions of Town Centres are discussed on pages 37-38. The directions are particularly relevant to Barwon Heads and summarized as follows:

- Town Centres will be a focus for convenience shopping as well as providing a range of non-retail commercial and community facilities;
- The role of Town Centres as a focus for holidaymaker and other visitor spending should be recognized and suitable facilities and amenities be made available for this market;
- Town Centres will offer a high quality urban environment which reflects positively on the image of the surrounding township and its community; and
- It will be important to ensure that retail and other facilities in Town Centres evolve and grow to meet the needs of expanding populations.

It is considered that the proposed rezoning of properties along Hitchcock Avenue accords with the future directions for Town Centres as outlined in the Strategy. Furthermore, application of the Mixed Use Zone will require planning permit

approval for shops and offices, which will need to be assessed against the criteria included in the Strategy.

With regards to submissions concerned about rezoning the Council-owned community hall, it would be expected that the Mixed Use Zone will provide for a wider variety of uses to complement the vision for the town centre. Hitchcock Avenue is unique in its mix of uses, which contribute to the 'unpolished' character of the town and application of the Mixed Use Zone will assist in maintaining this blend of uses.

4.2 Hitchcock Avenue Design and Development Overlay

The Amendment seeks to apply a Design and Development Overlay – Schedule 19 *Barwon Heads Town Centre* (DDO19) to the Business 1 Zone and the existing and proposed Mixed Use Zone forming part of the town centre (**Attachment 5**).

Six submissions were received to the proposed DDO19 including one objecting submission. The objecting submitter (**Attachment 6** / Submission no. 105) owns land at 66-68 Hitchcock Avenue and while supportive of the proposed rezoning to Mixed Use Zone, considers the DDO19 to be unreasonably restrictive which will discourage innovative design to the area between Colite Street and Bridge Road. The submitter also considers the overlay to be unnecessary given that both the Structure Plan and UDF are to be incorporated into the Scheme as reference documents. Other submissions (no's. 19 & 21) suggest that the DDO19 could be further strengthened by prohibiting 3-storey buildings.

The purpose of the DDO19 is to establish urban design principles for the town centre to enhance its appearance and vitality. The DDO19 is based on the design objectives and responses included within Chapter 4 Vol. 1 of the UDF (**Attachment 7**). This was a significant body of work which provided a comprehensive analysis and description of the town centre and recognized that it is the "casual beachyness and unpolished character" of the streetscape that provides the atmosphere, including the varied front setbacks and mixed built form and materials.

In responding to the objecting submission, it is considered appropriate that the Structure Plan, and further through the implementation of a DDO, realize the planning scheme controls proposed as part of the UDF. Table 1 to the DDO19 outlines design objectives and responses to five streetscape elements. These

objectives and responses are considered to provide clear direction for development, with sufficient flexibility to allow for innovative design.

While it is true that the proposed new local policy for Barwon Heads includes the Structure Plan and UDF as reference documents, the addition of the DDO19 to a specified area of land will provide Council with far greater weight when assessing development applications. Furthermore, even though the DDO19 relates to the development of land and not its use, the design objectives and responses complement the mix of uses which are to be encouraged. This will assist in maintaining a scale of commercial uses commensurate with the role and function of the town centre.

With regard to submissions concerned about building height, Table 1 to the DDO19, under the streetscape element 'Building Form', includes the design response: "*Respect the predominant building height in the street and of adjacent properties*". It is not envisaged that 3-storey buildings would be encouraged or desirable within the town centre, nor would they appear to meet the Design objectives, though higher elements of design excellence should not be discounted. As such, the Design Response is to be strengthened by adding the words "*by generally restricting buildings to a maximum height of 2-storeys*" to the above clause.

There were also two submissions (no's 19 & 141) who queried the 'Exemption from notice and review' provision in Section 3.0 of the DDO19. This exemption only applies to subdivision applications and not to buildings and works (and land use) applications. The vast majority of planning issues likely to have potential off-site effects will not be subject to changed notification procedures resulting from the introduction of the proposed DDO19.

4.3 Traffic and Parking Issues

The exhibition of the Amendment resulted in a number of submissions which raised concerns regarding traffic and parking issues in the town (**Attachment 8** shows a map of relevant streets in the town). 15 submissions made specific reference to traffic and/or parking issues, summarized as follows:

- Increased congestion in the town centre has made it difficult to find a car park near the shops;

- Council should not continue to waive parking requirements for commercial developments in Hitchcock Avenue, particularly with the prospect of commercial development extending to Ozone Road;
- Opposition to the designation of Bridge Road/Golf Links Road as a Road Zone Category 1; and
- Now is the time to undertake long-term planning to establish an alternative through route (potential new bridge) to cater for inevitable long-term traffic increases.

The Structure Plan under Part C Section 6 provides a discussion on transport infrastructure, including roads and car parking, while a number of directions are identified on pages 13 and 14. The proposed Structure Plan Map to be inserted into the Scheme shows areas identified for “*Car parking and traffic improvements*”, while the implementation plan recommends that Council undertake a further traffic and parking analysis of the town centre and key traffic routes.

In late October 2008 GTA Consultants were commissioned by Council to update the Barwon Heads Traffic & Parking Study (i.e. update of the 2003 Study). Typically, the study examined local operation, amenity and safety issues relating to car parking, traffic, public transport, cycling and walking. It is noted that matters relating to the Barwon Heads Bridge were outside the scope of the study. The study was advertised in local newspapers and called for submissions, receiving a total of 21.

Following assessment of the submissions a Draft Barwon Heads Traffic and Parking Study, dated 31 March 2009 was formulated. On 9 June 2009 Council carried a motion to endorse the exhibition of the Draft Barwon Heads Traffic and Parking Study 2009 with an invitation for submissions (**Attachment 9** is a copy of the Council Report). The submission period has since closed and Council’s Traffic Unit is currently considering submissions as part of a final report to be submitted to Council for adoption.

The Draft Barwon Heads Traffic and Parking Study, dated 31 March 2009, addressed the concerns raised by submitters as part of this Amendment. Relevant key recommendations include:

- To address the high demand for car parking on-street along Hitchcock Avenue, Clifford Parade and adjacent streets, users of the area should be

made aware of available car parking in alternative areas through improved signage and some of the existing informal off-street car parks to be formalized to create additional parking spaces.

- Given the cost and amenity impacts it is not recommended that Council purchase land for an off-street car park in the vicinity of Hitchcock Avenue.
- Council to undertake more regular enforcement of parking restrictions.
- Modifying Clifford Parade to one-way from Hitchcock Avenue to Grove Road.
- Parking spaces to be line-marked on Thompson Drive near Golf Links Drive.
- Formalise the 90 degree angle parking on the east side of Flinders Avenue.
- Additional bicycle parking facilities in Hitchcock Avenue and provision of improved pedestrian crossing facilities in Bridge Road.

The Study provides an analysis of parking issues, which included surveys of the core commercial area of Barwon Heads on Friday 12 January 2009 between 10am and 5pm and on Saturday 13 January 2009 between 10am and 2pm. The survey found that parking demands in Hitchcock Avenue and Clifford Parade were relatively high, however demand in other areas were low to medium, with significant spare capacity in the hotel car park and the foreshore car park on the east side of Ewing Blyth Drive adjacent to the beach and bridge.

With regards to opposition to the designation of Bridge Road/Golf Links Road as a Road Zone Category 1 (Submission no's. 19, 117, 118, 141 & 343), it is noted that the Amendment is required to reflect Government Gazette No. S364 dated 27 December 2007 (**Attachment 10**), where Vic Roads declared as arterial road the realignment of Barwon Heads Road along Bridge Road and Golf Links Road and revoked the arterial road alignment along Hitchcock Avenue and Geelong Road. This change of roads status was initially recommended as part of the UDF, to facilitate the streetscape concept plan for Hitchcock Avenue. The outcome has clearly improved the function of the town centre, as noted in the Draft Traffic and Parking Study: *"...since the streetscape works were undertaken in Hitchcock Avenue between Bridge Road and Clifford Parade, and Golf Links Road became a Vic Roads declared road rather than Hitchcock Avenue, it appears that more traffic is using Golf Links Road to travel through Barwon Heads rather than Hitchcock Avenue, which is considered to be appropriate"* (page 15).

Investigation of long-term traffic routes through the town was not undertaken as part of preparation of the Barwon Heads Structure Plan or this Amendment. While the Draft Barwon Heads Traffic and Parking Study discusses road network and traffic issues, including sustainable transport options, it was beyond the scope of the study to address such issues.

In conclusion, as part of the Barwon Heads Structure Plan's on-going strategic work, a traffic and parking analysis of the town centre and key traffic routes has been undertaken, culminating in the release of a new Draft Barwon Heads Traffic and Parking Study. This study, which was on public exhibition and is currently being finalized by Council's Traffic Unit, addresses the parking and congestion issues referred to in the submissions to Amendment C159.

4.4 Significant Landscape Overlay – River Environs

The Amendment seeks to apply a Significant Landscape Overlay – Schedule 9 *Barwon River Environs Barwon Heads* (SLO9), to Residential 1 zoned properties fronting the Barwon River, extending north from Ozone Road (**Attachment 11**). The purpose of the SLO9 is to protect the vegetated landscape character of the river and to limit the impact of buildings and minimize their intrusion within the landscape.

A total of 12 submissions were received about the proposed SLO9, eleven of which expressed general support. An issue raised by some of the submitters was whether the SLO9 sufficiently protects coastal plant species, particularly Moonah and Coast Beard-heath, which when regenerating (or even mature), may not be tall or have a trunk circumference that meets the permit requirement trigger. It is agreed that significant vegetation such as Moonah and Coast Beard-heath warrant additional protection and wording of the exhibited SLO9 Clause should be amended accordingly (**Attachment 12**).

A further amendment to the exhibited SLO9 suggested by Council's Statutory Planning Unit is to clarify the permit trigger for buildings and works which exceed 7.5 metres in height above natural ground level. The contention is that in its current form, the provision reads that even if a single storey extension was proposed to an existing dwelling above 7.5 metres – a permit would be required. The provision is to be amended so that it relates specifically to proposed buildings and extensions that exceed 7.5 metres (**Attachment 12**).

One objecting submission (no. 194) to the application of the SLO9 was received from the landowner of 8 Haynes Court, Barwon Heads (**Attachment 13**). While strongly supportive of the retention of the current settlement boundary, the objector considers Council has no right to dictate landscapes to private individuals. It is considered that of the some 150 property owners affected by the proposed overlay (all of whom were directly notified about this Amendment), the receipt of only one objecting submission indicates overwhelming community and landowner support for the proposal. The Significant Landscape Overlay is a planning tool forming part of the Victorian Planning Provisions and its application is not considered to be overly prescriptive or seriously impose on property owners' rights.

Council wishes to draw the Panel's attention to an oversight regarding the exhibited documents for Amendment C159. The inclusion of an additional map, showing the deletion of the Design and Development Overlay – Schedule 14 (DDO14) from those properties proposed to be covered by the SLO9, should have been provided (**Attachment 14**). The DDO14 covers all Residential 1 zoned land in the municipality and seeks to ensure that new dwellings and extensions to existing dwellings are compatible with the existing scale and character of adjoining dwellings and of the area. Likewise, the proposed SLO9 includes the landscape character objective: *“To ensure that new development and extensions to existing buildings are compatible with the existing scale and bulk of buildings in the surrounding streetscape and river/coastal setting”*. Both the DDO14 and proposed SLO9 include a permit trigger to construct a building over 7.5 metres in height and, given that both overlays contain similar objectives, the DDO14 is no longer required.

4.5 Stephens Parade

The Amendment seeks to rezone Residential 1 zoned properties along Stephens Parade to the Low Density Residential Zone (LDRZ) (**Attachment 15**). A total of 9 submissions were received in support of this proposal, citing reasons such as lack of service infrastructure and the need to protect the environmental features of the area. One submitter questioned whether removal of Ti-tree, which is a noxious weed, should be excluded from vegetation removal controls.

The Barwon Heads Structure Plan (page 24) states there is a strong strategic basis for the Stephens Parade properties to be rezoned to LDRZ. The application of the LDRZ in this location is appropriate given:

- The purpose of the LDRZ is to provide for “*low density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater*”. A location where the LDRZ currently applies in the municipality is Breamlea. The characteristics of this area are similar to those found in Stephens Parade – being a coastal location within a vegetated setting, in conjunction with the absence of reticulated sewerage.
- In addition to the purpose of the LDRZ, a local policy applies to all land in the municipality zoned Low Density Residential (Clause 22.04 *Development in the Low Density Residential Zone*). This policy states that: “*the zone has been provided at selected locations as a means of preserving identified environmental characteristics such as high-quality vegetation or to ensure effective disposal of either wastewater or storm water drainage.*” It is considered that this policy is applicable to the Stephens Parade properties.
- Clause 22.04 also specifically discourages intensive urban activities which provide accommodation for large numbers of people or which attract substantial visitors to a site; encourages second dwellings on lots to be attached or form part of the existing dwelling; and discourages second freestanding dwellings on a lot (except for a dependent persons unit).

With regards to the submission raising concerns about permit requirements for Ti-tree removal, this planning control forms part of Significant Landscape Overlay – Schedule 8 *Barwon Heads Semi-Bush Significant Landscape Area* (SLO8). The SLO8 is not proposed to be changed as part of Amendment C159 and therefore will remain in the Scheme as is.