1. Committee Members Present
2. Officers Present
3. Apologies
4. Confirmation of Minutes
5. Declaration of Interest
6. Matters for Consideration
7. Late Reports
8. Next Meeting

Joanne van Slageren
Chair
18 July 2019

Committee Membership
J van Slageren (Chair)
T Webb
S Povily
V Shelton

Distribution:
Councillors
G Smith, Director – Planning and Development
G Russell - Communications and Marketing
M Nigido - Building Services
Town Planners
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Application No: PP-1245-2018
Applicant: Sincock Planning
Subject Land: 125-127 Tower Road, PORTARLINGTON
Zone: General Residential Zone Schedule 2 (GRZ2)
Overlays: Design & Development Overlay Schedule 14 (DDO14)
Proposed Use: Construction of Eleven (11) Dwellings with Three of these Dwellings more than 7.5 metres above natural ground level (Units 1-3) and Eleven (11) Lot Subdivision

125-127 TOWER ROAD, PORTARLINGTON
Summary

- The subject site is located to the north of Tower Road on an irregular shaped lot known as 125-127 Tower Road Portarlington.
- The site is vacant and is void of any vegetation.
- The lot has an overall area of approximately 4,138sqm and is encumbered by easements to the north and east for sewerage and drainage.
- The contours of the site present a gradual six metre slope from east to west with a gradual one metre slope at the east portion of the site. The sites frontage contains services i.e. Telstra Pit and electrical pit and an electricity power pole.
- A carriageway easement adjoining the western boundary services the rear larger lot known as Lot 2 at 123 Tower Road Portarlington.
- The site is located within a General Residential Zone 2 (GRZ2) and contains a Design and Development Overlay Schedule 14 (DDO14). The immediate area is also located within the GRZ2 to the east, west and north. The immediately adjoining parcels to the south No.129A, No.129B and No.129C Tower Road remain vacant.
- The site is located at the edge of the GRZ2 with the land to the south predominantly zoned as a Farming Zone (FZ) with a portion as a Public Use Zone 1 (PUZ1).
- The application proposes to construct eleven dwellings and subdivide the land into 11 lots with common property. Three of these properties (Units 1-3) are proposed above 7.5m from natural ground level. All dwellings are proposed to be double storey, contain three bedrooms and a rumpus room and double garage with ground floor open space as well as upper floor balconies and terraces.
- Two visitor spaces are proposed on site and a communal area for residents.
- The application was advertised. Notices were sent to owners and occupiers of adjoining land (including opposite) and an A3 sign was placed on the land.
- Twelve (12) objections were received. The concerns raised in the objections relate to view impact, neighbourhood character, overshadowing, overlooking and inconsistencies on plans.
- The application has been assessed against the GRZ2, DDO14, State and Local Policies outlined in this report, Clause 52.06 and 55 of the Particular Provisions in the Greater Geelong Planning Scheme and the Portarlington Structure Plan adopted September 2016 (amended July 2017).
- The application is generally in accordance with the above policies and a recommendation of approval is made.

Recommendation

That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to Issue a Notice of Decision to Grant a Planning Permit for the Construction of Eleven (11) Dwellings with Three of these Dwellings more than 7.5 metres above natural ground level (Units 1-3) and Eleven (11) Lot Subdivision at 125-127 Tower Road, PORTARLINGTON in accordance with the plans submitted with the application and subject to the following conditions:
Amended Plans Required

1. Prior to the commencement of the development, three (3) copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted on 25 March 2019 but modified to show:

   a) Elevations showing all facades for each dwelling.
   b) Show the location of the existing power pole 1 metre away from any proposed crossover.
   c) Relocation of existing water assets (fire hydrant plug, stop valves).
   d) Stormwater retention methods undertaken for each lot to meet with Best Practice and the STORM reports submitted with the application.
   e) All proposed mechanical plant equipment for each dwelling.
   f) Bin presentation plan showing location and sizes of bins within the road reserve.
   g) A revised landscape plan with the above changes.

Endorsed Plans

2. The development as shown on the endorsed plan(s) must not be altered without the written consent of the Responsible Authority.

Stormwater Quality and Management

3. The site stormwater system must be designed and installed such that:

   a) The site stormwater discharge is not increased by the proposed development. An appropriate on site detention system designed in accordance with the Infrastructure Design Manual may be required;
   b) Runoff is to be treated to achieve current best practice pollutant removal targets by connection to an appropriate Water Treatment Facility, with capacity to treat at least a 3 month ARI storm event, unless approved otherwise by the Responsible Authority. The Water Treatment Facility must be maintained to the satisfaction of the Responsible Authority.

All to the Satisfaction of the Responsible Authority

Prior to Occupation

4. Prior to the occupation of the dwellings, the developer must:

   a) Construct the site stormwater system including separate connection for each for unit into the underground drain in the adjoining easement to the west, or other nominated point/s as approved by the Responsible Authority. The stormwater connection must be in accordance with City of Greater Geelong Standard Drawings.
   b) Construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong.
   c) Remove any redundant vehicular crossings with kerb and channel and the footpath/nature strip area reinstated to match existing construction in the street;
   d) Clean and finish all external walls on or facing property boundaries;
   e) Construct and drain the common property within the development; Complete the landscaping works in accordance with the endorsed plans;
   f) Complete all buildings and works in accordance with the endorsed plans.

All to the satisfaction of the Responsible Authority.
SUBDIVISION

Endorsed Plan
5. The layout and site dimensions of the proposed subdivision as shown on the endorsed plan(s) shall not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plans.

Telecommunications
6. The owner of the land must enter into agreements with

   a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and
   
   b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network (NBN) will not be provided by optical fibre.

Prior to Certification
7. The Plan of Subdivision submitted for certification must include all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.

Prior to Statement of Compliance
8. Prior to the statement of compliance, the developer must:

   a) Construct the site stormwater system including separate connection for each for lot into the underground drain in the adjoining easement to the west, or other nominated point/s as approved by the Responsible Authority. The stormwater connection must be in accordance with City of Greater Geelong Standard Drawings.
   
   b) Construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong.
   
   c) Remove any redundant vehicular crossings with kerb and channel and the footpath/nature strip area reinstated to match existing construction in the street;
   
   d) Clean and finish all external walls on or facing property boundaries;
   
   e) Construct and drain the common property within the subdivision;
   
   f) Complete the landscaping works in accordance with the endorsed plans;

All to the satisfaction of the Responsible Authority.
9. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of the Statement of Compliance:

   a) The development approved by Planning Permit 1245-2018 must be substantially completed (eg. lockup stage as a minimum) in accordance with the endorsed plans forming part of that Planning Permit (or any amendment to that permit) to the satisfaction of the Responsible Authority. Evidence must be submitted which demonstrates that the development is substantially completed to the satisfaction of the Responsible Authority;

   or

   b) The owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 which provides for all development to be in accordance with the endorsed plans forming part of the Planning Permit 1245-2018 (or any amendment to that permit) or any subsequent Planning Permit.

The owner must pay the costs of preparation, review, execution and registration of the agreement and the agreement must be registered on the newly created title/s. The Section 173 Agreement may be ended by the Responsible Authority at the written request of the owner and at no cost to Council.

Public Open Space Contribution

10. The owner of the subject land must pay to the Council a sum equivalent to five (5) per cent of the site value of all of the land in the subdivision as a Public Open Space contribution pursuant to Clause 53.01 of the Greater Geelong Planning Scheme. The contribution will be payable prior to the issue of a Statement of Compliance.

11. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

   a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the item; and

   b) a suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Powercor Conditions

12. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act. The applicant shall:
13. Provide an electricity supply to all lots in the subdivision in accordance with Powercor’s requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.

14. Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.

15. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.

16. Any construction work must comply with Energy Safe Victoria’s “No Go Zone” rules Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision. Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

17. Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of “Powercor Australia Ltd” for “Power Line” pursuant to Section 88 of the Electricity Industry Act 2000.

18. Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.

19. Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.

20. Obtain Powercor Australia Ltd’s approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.

21. Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

CFA CONDITIONS

Subdivision plan not to be altered

22. The subdivision as shown on the endorsed plans must not be altered without the consent of CFA.
Hydrants

23. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:

24. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.

25. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.


Roads

26. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

27. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.

28. Curves must have a minimum inner radius of 10 metres.

29. Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.

30. Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

Barwon Water Conditions

General

31. The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.

32. The certified plan must create implied easements under Section 12(2) of the Subdivision Act, over all proposed and existing private potable water (including recycled water where applicable) and sewerage services within the subdivision.

33. The creation of an unlimited Owners Corporation to encumber all lots within the subdivision.
34. The owner shall create easements for Pipelines or Ancillary Purposes and or reserves in favour of Barwon Region Water Corporation on the plan of subdivision in accordance with Barwon Water's Land Development Manual, without cost to Barwon Water, over existing and proposed potable water (including recycled water where applicable) and sewerage infrastructure within the land. If further easements or reserves are required following design of the required infrastructure these must be added to the plan of subdivision prior to seeking Barwon Water's consent to the issue of a statement of compliance for the subdivision.

35. Barwon Water has strategic assets located within this development. Any private assets constructed within the easement will require approval from Barwon Water prior to construction.

Potable Water

36. The provision and installation of a potable water supply to the development.

37. An additional potable water connection(s) is to be provided to service the proposed development. A dimensioned plan showing location of all new connections relative to the allotment boundaries is to be submitted, where a meter is not being fitted. Note that tappings and service lines are not to be located under existing or proposed driveways.

38. A master meter and sub meters are required for rear lots only. An 'Application to fit meters' is required to be completed and submitted by the licensed plumber who will be undertaking the installation of private potable water works. This application must include a dimensioned plan indicating the location of all meters relative to existing and proposed allotment boundaries. These sub-meters will be installed by Barwon Water after the plumber has advised of completion of these preparatory private works and that the meters can be installed. This application form can be downloaded via www.barwonwater.vic.gov.au - Business Customers -> Property Connections.

39. Individual potable water supply meters are required for each lot or building as part of water connection works.

40. The payment of a standardised New Customer Contribution is required for any new connection or any upsize to an existing connection. The number of standardised charges applied will be determined on the basis of an equivalent lot calculation and is based on potable domestic water meter size or water service size (where a meter is not being fitted). An equivalent lot is a measure of the additional demand a connection will place on the infrastructure in terms of the water consumption and sewage discharge for an average connection utilising a 20mm tapping and/or meter. If there is more than one meter within a single meter assembly, the size of the largest meter (excluding the fire service meter) will determine the number of equivalent connections. If there is a combined fire and domestic meter assembly proposed (incorporating a low flow meter), whereby the meter size is largely dictated by the fire service requirements, the developer is required to submit to Barwon Water the proposed peak flow (probable simultaneous demand) associated with the domestic supply in accord with AS/NZS 3500. Barwon Water will then assess the equivalent number of connections.
Sewer

41. The provision and installation of a sewerage service to the development.

42. New or re-aligned internal private sewer drains are required. Upon completion of this work a sewer drainage plan is to be submitted to Barwon Water by a licensed plumber that complies with Victorian Building Authority requirements. Note that if any common drain or drain from another allotment crosses under a proposed dwelling, a "modification to consent" is to be obtained from the Victorian Building Authority and presented to Barwon Water with the required drainage plan. Where an Owners Corporation is not applicable, individual allotment house connection drains are to be provided for and extend into each allotment.

43. Any existing sewer house connection point that is to be utilised for additional connections or altered to serve the development is to be CCTV inspected by a licensed plumber and the 'CCTV Inspection Form' with the video footage submitted to Barwon Water. If the property connection point is not deemed satisfactory for use or is no longer required, it is to be decommissioned in accordance with Barwon Water's "Property connection decommissioning process". Details of this process are available on Barwon Water's website under the business -> property connections section. Also, any existing house connection drain that traverses through the proposed allotments shall be relocated so not to inhibit future development. If the existing sewer house connection point is deemed satisfactory for use by Barwon Water and where branching after the connection point is permitted to service an additional allotment then this work can also be undertaken by a licensed plumber. If the sewer connection point being replaced is greater than 4.0 metres deep, a new sewer manhole is to be constructed with the new property connection point connected to this structure.

Note: The developer is to apply to Barwon Water for details relating to servicing requirements and costing for the provision of a potable water supply and where applicable, recycled water and/ or sewerage services to the subdivision.

It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L014680.

DOWNER CONDITIONS

44. The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the Subdivision Act 1988.
EXPIRY

Development
45. This permit as it relates to the development of buildings will expire if one of the following circumstances applies:

a) The development of the building(s) hereby approved has not commenced within two (2) years of the date of this permit.
b) The development of the building(s) hereby approved is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires; or

a) Within six (6) months after the permit expires where the use or development has not yet started; or
b) Within twelve (12) months after the permit expires, where the development allowed by the permit has lawfully commenced before the permit expiry.

Subdivision
46. This permit as it relates to subdivision will expire if one of the following circumstances applies:

a) The plan of subdivision has not been certified within two (2) years of the date of this permit.
b) A statement of compliance is not issued within five (5) years of the date of certification.

The Responsible Authority may extend the period referred to under part ‘a)’ if a request is made in writing before the permit expires or within six (6) months afterwards.

Notes
1. Construction of the site stormwater connection/s is to be inspected by Council Representative prior to any backfilling. An appropriate fee equivalent to 3.25% of total cost of civil works, excluding GST (a minimum fee of $100 applies if the 3.25% amount is less than $100), is to be paid to Council for inspection. Relevant evidential documentation of the cost is to be provided.
2. All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.
3. A Vehicle Crossing Permit must be obtained prior to commencement of works.
4. Any applicable Council permit(s) must be taken out prior to the commencement of works within the road reserve.
5. The applicant or their nominated representatives are not authorised to remove or arrange the removal of the Council tree without written consent of the Responsible Authority.
Report

The Site & Locality

The subject site is located to the north of Tower Road on an irregular shaped lot known as 125-127 Tower Road Portarlington.

![Image 1: Zone and overlay map](Image1.png)

![Image 2: Aerial Image of subject site.](Image 2.png)

The site is vacant and is void of any vegetation. Vegetation removal was undertaken prior to the application being lodged. An ecological report was undertaken that identified the species that were removed:

*The plants that have been removed are all likely planted and not locally indigenous, Tree and shrub species moving from east to west include Tuart Eucalyptus gomphocephala, Olive Olea europaea and Giant Honeymyrtle Melaleuca armillaris and another Olive to the west. Understorey species appear to be planted Spinyhead Mat-rush Lomandra longifolia over Couch Cynodon dactylon and Carpet Weed Galenia pubescens.*

Any clearing of vegetation occurred prior to the application being lodged. Existing conditions show that the site is currently accessed by two informal crossovers along the southern boundary.

The lot has an overall area of approximately 4,138sqm and is encumbered by easements to the north and east for sewerage and drainage. The contours of the site present a gradual six metre slope from east to west with a gradual one metre slope at the east portion of the site. The sites frontage contains services i.e. Telstra Pit and electrical pit and an electricity power pole.

![Image 3: Contour map](Image 3.png)
A carriageway easement adjoining the western boundary services the rear larger lot known as Lot 2 at 123 Tower Road Portarlington.

The site is located within a General Residential Zone 2 (GRZ2) and contains a Design and Development Overlay Schedule 14 (DDO14). The immediate area is also located within the GRZ2 to the east, west and north. The immediately adjoining parcels to the south No.129A, No.129B and No.129C Tower Road remain vacant.

The site is located at the edge of the GRZ2 with the land to the south predominantly zoned as a Farming Zone (FZ) with a portion as a Public Use Zone 1 (PUZ1).

![Image 4: Surrounding zoning and overlay map]

The PUZ1 land contains the Barwon Water pump station that also houses telecommunications equipment.

![Image 5: Barwon Water pump station on Tower Road opposite from the subject site]

To get an idea on the context of the subject site and its following surrounds, the following photos describe the context of the site.
Image 6: looking north east from Tower Road onto the subject site

Image 7: looking further east from Tower Road towards part of the unmade road

Image 8: looking south east from Tower Road onto farmland within the Farming Zone
Image 9: looking north from Tower Road onto the subject site

Image 10: taken from the subject site looking north east

Image 11: taken from the subject site looking north with the larger adjoining lot (lot 2) below
Image 12: taken from the subject site looking west

Image 13: taken from the accessway (carriageway easement) servicing 123 Tower Road

Image 14: looking west onto the subject site from Tower Road
Proposal

The application proposes to construct eleven dwellings and subdivide the land into 11 lots with common property.

Units 1-3

These units will front Tower Road and be serviced by their own vehicle crossovers. Each dwelling will be double storey and include two bedrooms on the ground floor, rumpus room, study, double garage and laundry and bathroom facilities. The upper floors will contain an open plan kitchen/living and dining area, master bedroom with ensuite and bathroom and balcony areas.

These dwellings will reach a height greater than 7.5m at some sections with the tallest dwelling reach an approximate height of 7.87m from natural ground level.
Units 4-7

Units 4-7 will be constructed at the rear of units 1 and 3 with their frontage onto the proposed internal road. The units will also contain three bedrooms, be double storey and have double car garaging. Units 4 to 7 will be less than 7.5m in height from natural ground level.

Units 8 to 11

Units 8 to 11 will be constructed at the sites middle and far east and also contain three bedrooms, double car garaging and balconies.

All dwellings are proposed to be reverse living to optimise the opportunity for views to the north. The dwellings are proposed to be constructed from a combination of brick, cladding, timber and colourbond roofing.
Development Hearings Panel
Meeting No. 590
Date: 18 July 2019

Image 20: Unit 11 west and north elevation

The heights of units 4 to 11 will vary depending on the slope. The overall height from natural ground level for these units will not exceed 7.5 metres.

Two visitor spaces are proposed on site as well as an outdoor communal area within the common property. Vehicle access to the site is gained via a central proposed accessway.

Subdivision

Each dwelling will be located on its own lot and have the following approximate lot size:

Lot 1 - 310sqm
Lot 2 - 298sqm
Lot 3 - 302sqm
Lot 4 - 271sqm
Lot 5, 6 and 7 - 259sqm
Lots 8 and 9 - 238sqm
Lot 10 - 249sqm
Lot 11 - 376sqm

Image 21: Proposed subdivision plan
The common property will service Units 4 to 11 and have an overall area of approximately 1073sqm.

**PERMIT TRIGGER:**

A planning permit is triggered for this application pursuant to the following clauses of the Greater Geelong Planning Scheme:

- Pursuant to Clause 32.08-3 of the General Residential Zone Schedule 2 a permit is required to subdivide land.
- Pursuant to Clause 32.05-6 of the General Residential Zone Schedule 2 a permit is required to construct two or more dwellings on a lot.
- Pursuant to Clause 43.02 of the Design and Development Overlay Schedule 14 a permit is required to construct a dwelling which is more than 7.5 metres above natural ground level.

**DEFINITIONS**

Pursuant to Clause 73.03 of the Planning Scheme a dwelling is defined as:

A building used as a self-contained residence which must include:
- a) a kitchen sink;
- b) food preparation facilities
- c) a bath or shower; and
- d) a closet pan and wash basin.

It includes outbuildings and works normal to a dwelling.

Pursuant to Clause 73.04 of the Planning Scheme a dwelling is nested in the Accommodation group.

Subdivision is not defined or nested in the Planning Scheme.

A lot is defined as a part (consisting of one or more pieces) of any land (except a road, a reserve, or common property) shown on a plan, which can be disposed of separately and includes a unit or accessory unit on a registered plan of strata subdivision and a lot or accessory lot on a registered plan.

Subdivision is defined at Clause 73.01 in the Subdivision Act 1988 as the division of land into two or more parts which can be disposed of separately.

**RESTRICTIVE COVENANT OR SECTION 173 AGREEMENT:**

The subject site is not burdened by a Restrictive Covenant or Section 173 Agreement.

**CULTURAL HERITAGE MANAGEMENT PLAN (CHMP)**

Areas of cultural heritage sensitivity are defined within Part 2 - Division 3 of the Aboriginal Heritage Regulations 2007. Part 2 - Division 3 does not identify the site or part of the site as within an area of cultural heritage sensitivity.

In accordance with the above assessment, a Cultural Heritage Management Plan is not required.
COASTAL INUNDATION AND EROSION:

Clause 13.01-1 of the SPPF requires the Responsible Authority to consider the potential coastal impacts of climate change.

Strategies include:

- In planning for possible sea level rise, an increase of 0.2 metres over current 1 in 100 year flood levels by 2040 may be used for new development in close proximity to existing development (urban infill).
- Plan for possible sea level rise of 0.8 metres by 2100, and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.
- Consider the risks associated with climate change in planning and management decision making processes.

The subject site is located within close proximity of existing urban development.

Council’s data indicates that the site is unlikely to be affected by the potential coastal impacts of climate change at 2040.

LANDFILL GAS RISK ASSESSMENT

Before deciding on a Planning Permit application, a Responsible Authority is required to consider, amongst other things:

- Any significant effects the responsible authority considers the environment may have on the use or development [S 60(1) of the PEA].
- Clause 13.03-1 of The State Planning Policy Framework which aims to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

The EPA has adopted the “Best Practice Environmental Management, Siting, Design Operation and Rehabilitation of Landfills” (September 2010) or “Landfill BPEM.”.

The Landfill BPEM identifies that:

- Risks associated with landfill gases may occur for at least 30 years post-closure.
- Appropriate buffer distances must be maintained between the landfill and sensitive land uses. The BPEM recommends a 500 metre buffer for landfills that contained putrescible waste and 200 metres for landfills that contained non-putrescible waste.
- Where the recommended buffers are unavailable, it must be demonstrated that risks are suitably mitigated.
- All buildings and structures and associated infrastructure should be considered.

The BPEM specifies that development undertaken within a buffer distance of up to 500 metres may be at risk. As the subject site is not located within 500 metres of an identified former landfill site, a risk assessment is not required.

DEVELOPMENTS IN BUSHFIRE PRONE AREAS

Clause 13.05 (Bushfire) seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
The policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land which is:

- Within a designated bushfire prone area;
- Subject to a Bushfire Management Overlay; or
- Proposed to be used or developed in a way that may create a bushfire hazard.

The site is partially located within a designated bushfire prone area. The application was referred to the CFA who had no issues with the proposal.

**OFFICER DIRECT OR INDIRECT INTEREST**

No Council officers have any direct or indirect interest in the matter to which this report relates, in accordance with Section 80 (C) of the Local Government Act.

**REFERRALS:**

The following referrals were undertaken:

**Section 55:**

**Determining Authority**

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<th>Authority</th>
<th>Powercor, Barwon Water &amp; Downer</th>
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<tbody>
<tr>
<td><strong>Response:</strong></td>
<td>The application is supported and standard conditions were suggested.</td>
</tr>
</tbody>
</table>

**Officer Comment:**

It is recommended that the application is supported subject to the conditions being placed on any permit to issue.

<table>
<thead>
<tr>
<th>Authority</th>
<th>CFA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Response:</strong></td>
<td>CFA, acting as a Referral Authority pursuant to Section 55 of the Planning and Environment Act does not object to the grant of a permit to Sincock Planning for the subdivision at 125-127 Tower Road Portarlington subject to the following conditions being attached to any permit which may be issued and a copy of the permit being forwarded to CFA.</td>
</tr>
</tbody>
</table>

**Officer Comment:**

It is recommended that the application is supported subject to the conditions being placed on any permit to issue.
This proposed multi-unit development consists of 11 dwellings and an 11 lot subdivision with common property.

The location of the vehicle crossing proposed for Lot 3 has an existing power pole in the middle of it. This pole carries low and high voltage wires, and will be cost prohibitive to relocate.

The location of the proposed vehicle crossing for the common property driveway has water assets (fire hydrant plug, stop valves) located in it. While these can be relocated, it is preferable that the vehicle crossing is relocated further to the west and then these assets can remain in their present location.

Due to the crest in Tower Rd to the east of the site, the vertical sightlines are limited. Given that all vehicles using the common property have the ability to enter into Tower Rd in a forward direction, this is acceptable.

Engineering will not support a double vehicle crossing to be shared with Lot 1, and the fact vehicles would have to reverse into Tower Rd with the poor vertical sightlines to the east, direct vehicle access to Tower Rd for Lot 1 is not supported.

The vehicle crossings for Lot 2 and 3 shall be located as far to the west of the site’s frontage as possible, and the extra distance from the crest to the east means that vehicles reversing from the two lots are afforded an acceptable stopping sight distance.

The lot boundary between Lot 2 and 3 will have to be relocated, and the dwellings re-designed so that the garages are located adjacent to this boundary and have a minimum 6.0 m setback from the road reserve boundary.

The dwelling for Lot 1 will have to be re-designed, and its garage must be accessed from the common property. The vehicle crossing for the common property shall be 6.0 m wide and shall have a 2.0 m offset from the eastern property boundary. The Tower Rd frontage width of the common property must be 9.0 m minimum. The Waste Collection issue is problematic. With the re-design of the vehicle crossings, there is about 13 m between the common property vehicle crossing and Lot 2’s vehicle crossing. Assuming at least 10 of the lots would have to present their bins in this section, the worst case scenario of 20 bins within 13 m is not possible. Collection is compounded if there are one or two vehicles parked on the road.

It is recommended that the dwellings belonging to the Owner’s Corporation (which could be Lot 1, and 4-11) are subject to an on-site private collection service, or enter into an agreement with Council for it to enter the site and collect on-site. The common property driveway will need to meet minimum width (4.0 m min) and construction standards for this to occur.

It is recommended that the Waste Management unit considers these two options as part of their conditions.
Recommended Traffic Permit Conditions (Without Prejudice)

Note: please provide conditions whether or not supporting

To the satisfaction of the Responsible Authority, amended plans must be provided to meet the following:

- The dwelling for Lot 1 must be re-designed and the garage for that dwelling must be accessed from the common property driveway. The proposed vehicle crossing must be deleted from the plans.
- The lot boundary between Lot 2 and 3 must be located 9.0 m from the western property boundary.
- The driveway for Lot 2 must be 4.0 m wide at its intersection with the road reserve boundary with a 1.0 m offset from the Lot 2 and 3 boundary. The vehicle crossing must be 4.0 m wide and centred on the driveway. All dimensions to be shown on the Ground Floor plan.
- The driveway for Lot 3 must be 4.0 m wide at its intersection with the road reserve boundary with a 4.0 m offset from the western property boundary, and a minimum of 1.0 m from the nearest point of the power pole. The vehicle crossing must be 4.0 m wide and centred on the driveway. All dimensions to be shown on the Ground Floor plan.
- The Tower Rd frontage of the common property must be 9.0 m wide, measured from the eastern property boundary.
- The common property driveway must be 6.0 m wide at its intersection with the road reserve boundary, with a 2.0 m offset from the eastern property boundary, and must remain 6.0 m wide to no less than 6.0 m inside of the property before it can taper to a narrower width. The vehicle crossing must be 6.0 m wide and centred on the common property driveway. All dimensions to be shown on the Ground Floor plan.
- The garages for Lot 2 and 3 must have minimum 6.0 m setbacks and must be located in line with the respective vehicle crossings.
- Dedicated pedestrian paths must be provided between the road reserve boundary and the Entry of the dwellings on Lot 2 and 3.
- The location of the letterboxes for Lot 2 and 3 (and Lot 1 if it as pedestrian access directly to Tower Rd) must be shown on the Ground Floor plan.
- The location of the letterboxes for all other lots must be located adjacent to the common property driveway in the space between the eastern property boundary, and must contain a readable house number visible from the westbound lane of Tower Rd.
- A 1.5 m wide footpath must be constructed adjacent to the road reserve boundary between the common property vehicle crossing and the western property boundary.
- The storage locations of all waste receptacles must be shown on the Ground Floor plan for each lot.

Note: If the lots belonging to the Owner’s Corporation end up with an on-site Council collection service from the common property driveway, the following conditions are required:

- The common property driveway must be constructed with a minimum 4.0 m width, in concrete with a minimum thickness to accommodate a fully laden council waste truck, and this vehicle must be able to perform a three point turn at the T intersection at the northern end of the north-south alignment of the common property driveway.
- A minimum 16 x 1 m bin pad must be provided in the common property to store 16 waste receptacles from at least 8 No. lots.
- Swept path diagrams must be provided by a suitably qualified traffic engineering consultant using recognised computer software (e.g. Autoturn) to show the access and egress path of a council waste truck (i.e. a Dennis Eagle 6 x 4 vehicle), including its ability to perform an on-site 3 point turn.
Similar conditions should apply if a private collection service is stipulated.

Comments by Grant Edmonds (Senior Traffic Development Engineer) – 4 July 2019

Officer Comment:

A condition on the permit if one was to issue will require the electricity pole to be shown one metre from any proposed crossover or that a notation is included for it to be relocated. The proponent will have an opportunity to demonstrate compliance and/or relocate the pole. Should the proponent opt to relocate the pole, this is undertaken outside of the planning application process.

The existing water assets (fire hydrant plug, stop valves) will be required to be relocated as a condition on any permit to issue.

The comments from the Traffic department are considered to result in a redesign. Whilst it may not be unusual for planning permits to require changes to the plans as a condition on the permit, the changes suggested by the Traffic Engineer are quite significant which, if made, the application may need to be readvertised. As these comments are made very late in the application process, it is not appropriate to request such significant design changes. What is important to note is that the crossovers in their present location (shown on the plans dated 25 March 2019) will allow future residents to exit the site safely. As mentioned in the above traffic response, the units with access via the proposed common property will exit in a forward direction which is acceptable. The proposed fencing will also be low enough at 900mm to allow for sightlines.

That only leaves vehicles for Units 1-3 which will have to reverse out onto Tower Road. The plans show that each boundary between lots will contain fence heights of approximately 900mm at the sites frontage, allowing for sight lines when reversing. It is considered that the concerns raised over vehicles having to reverse onto Tower Rd are addressed through low fence heights. Furthermore, the below images demonstrate that as vehicles are travelling west on Tower Road, before they reach the crest, the subject site and any reversing vehicles will be visible.

Image 22: Looking west from Tower Road towards the subject site.
It is considered from the above images that vehicles travelling west on Tower Road can see vehicles exiting the site. It must also be noted that this portion of the lot (fronting Tower Road) would always have been developed with dwellings fronting the street. In an arrangement that is no different to existing single lots on Tower Road.

With regards to the waste collection it is considered as a result of not adopting the changes Traffic have suggested (i.e. relocation of proposed crossovers), there will be no requirement for the common property access to be widened to accommodate Council waste collections trucks. Waste collection will be as originally proposed by the applicant which will be Council collection from Tower Road. Waste Services were supportive of the application subject to conditions.

For the above reasons, it is considered that the conditions suggested by Traffic are not required.

<table>
<thead>
<tr>
<th>Authority:</th>
<th>Engineering Services</th>
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<th>Environment</th>
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<tbody>
<tr>
<td>Response:</td>
<td>No response was received.</td>
</tr>
<tr>
<td>Officer Comment:</td>
<td>It is recommended that the application is supported.</td>
</tr>
</tbody>
</table>
**Department:** Waste Services

| Response: | The internal common property road layout is not suitable for use by the Council kerbside collection vehicles, therefore the bins will either be collected from the property frontage on Tower Road or by a private contractor who can service the internal lots |

**Officer Comment:**
The applicant has confirmed the collection of waste will be from Tower Road undertaken by Council.

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**AMENDMENT OF THE PROPOSAL PRIOR TO PUBLIC NOTIFICATION:**
The applicant did not make a request to amend the application pursuant to Section 50 of the Planning and Environment Act 1987.

**PUBLIC NOTIFICATION:**
The application is not 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 and pursuant to Section 52 of the Planning and Environment Act 1987 the following forms of advertising were undertaken:

- Notices were sent to owners and occupiers of adjoining land (including opposite)
- A3 sign(s) was placed on the land

As a result of advertising, 12 objections were lodged with Council.

A consultation meeting was not held between the permit applicant and Council officer.

**AMENDMENT OF THE APPLICATION FOLLOWING PUBLIC NOTIFICATION**
The applicant made a request to amend the application following public notification pursuant to Section 57A of the Planning and Environment Act 1987 on 25 March 2019. Council has accepted the amendment. The amendment made the following changes to the application:

- Details of fencing and retaining walls
- Dwelling 10 reduced in overall height by 300mm
- Switchboard shown on plans
- Notation for 131 Tower road outbuilding now rectified

These are the plans currently under assessment.

The amended application was renotified to all objectors and as a result, no withdrawals of objection were received.

**Objections**
The objections are summarised below:

**Objection – Proposed development will block views to the west, the You Yangs and to the north from 131 Tower Road**

**Response**
The only dwellings exceeding 7.5m are Units 1-3 which trigger a view assessment under DDO14. Under this overlay, if a dwelling is greater than 7.5m from natural ground level, a reasonable sharing of views must be considered.
Image 24: Proposed site plan.

The above plan depicts No.131 Tower Road identified with a red star with Units 1-3 clearly identified to the west.

It is considered the No.131 Tower Road will still obtain views to the west and You Yangs as Units 1-3 sit behind No.131 Tower Road. Views from No.131 are gained from their north facing windows and balcony. Whilst impact to views from the other proposed units are not required to be assessed against DDO14, the applicant has designed the dwellings with spacing in between providing for view corridors.

This is clear with the upper floor of unit 10 having a setback from the proposed western boundary a distance of approximately 5.12m allowing No.131 Tower Road to retain views to the north west.
Image 25: No.131 Tower Road identified as a red star with proposed Unit 10 to the north.

**Objection – impact to views**

**Response**

As mentioned above, the DDO14 is not triggered if a dwelling is constructed 7.5m in height or less from natural ground level. The only dwellings proposed to be greater than 7.5m are Units 1-3 which directly front Tower Road. In any case, a view impact analysis should only be submitted when there is likely to be an impact on views to significant landscape features as required under DDO14. It is considered that Units 1 to 3 will have no impact on views as there are no dwellings on the south side of Tower Road or sited on adjoining lots that have views over these dwellings. The location of these units (fronting Tower Road) and the site’s context, is what allows views to the north from the proposed dwellings without impacting existing views.

**Objection – neighbourhood character**

**Response**

There is State and Local Policy support within the Greater Geelong Planning Scheme to encourage diverse forms of housing within established residential areas. More particularly, the GRZ2 which is identified as an incremental change area, states ‘...to encourage development that respects neighbourhood character of the area’. The Planning Scheme supports making efficient use of land and urban consolidation and whilst an application for eleven (11) dwellings may appear excessive, it is considered acceptable due to the site’s depth and overall area. The design can ensure dwellings are suitably sited with separation and ensure the spaciousness can be retained whilst also contributing to the increased density to offer housing choice and affordability.

It is not uncommon for this area to include townhouses/units. Diverse forms of housing are supported by planning policies to ensure there is affordable housing available within established residential areas.
Portarlington has no designated preferred built form outcomes identified within the planning scheme, and the area contains a mix of housing styles and landscape character. The immediate built form context is one of varied forms, styles, scale and setting due to the age of much of the housing stock. Neighbourhood character is made up from a combination of character elements found within the immediate area. These include, but not limited to; siting and spacing around dwellings, building materials, window and door proportions, roof forms and landscaping.

The applicant has described the proposed built form:

The response to built form and character has sought to reflect contemporary coastal architecture with low roof pitches and lightweight cladding at the upper level, this being reflected in newer development in within the township and becoming more prevalent. The dwellings facing Tower Road have physically recessed garaging under the upper level of the dwelling and the garage doors are a dark Colorbond tilt panel design, with both of these design elements providing for cleaner lines and a more contemporary response to garaging given this coastal township location. Cypress timber posts also add to the coastal finish, with the entry of dwellings 2 and 3 being defined by cypress posts and canopies, whilst dwelling 1 has a cypress door and first floor verandah posts. These small elements soften the finish of the dwellings.

It is considered the application proposes the type of housing that the zone, State and Local policies encourage. The design and siting will be assessed under Clause 55 and Clause 55.07 later in this report.

**Objection – fencing inconsistencies**

**Response**

The latest set of plans that are currently under assessment have been revised to show consistency. The proposed fence heights between 131 and 133 Tower Road are proposed at 1.8m height.

**Objection – lack of natural light to 133 Tower Road & overshadowing**

**Response**

The existing dwelling at 133 Tower Road contains north facing windows and alfresco area. It is considered natural light will still be obtained by this dwelling. Unit 10 is proposed to be built partially in front of No.133 and not proposing any walls on boundaries. Thus, allowing spacing between the existing and proposed dwelling and for natural daylight to be obtained.
The shadow diagrams submitted with the application demonstrate compliance with Standard B21 Overshadowing under Clause 55.04-5 of the Greater Geelong Planning Scheme which will be addressed later in this report.

Under this standard, where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

The proposed development is considered to meet this standard and No.133 Tower Road achieves at least five hours of sunlight between 9am and 3pm on 22 September.

Image 26: No.133 Tower Road depicted with 12pm shadow (green line) on 22 September.

Image 27: No.133 Tower Road depicted at 9am shadow (red line) on 22 September.
Image 28: No.133 Tower Road depicted at 3pm shadow (purple line) on 22 September.

Image 29: No.131 and 133 Tower Road as viewed from the subject site looking south east.
Objection – overlooking

Response

Overlooking diagrams were submitted with the application to demonstrate compliance with Standard B22 Overlooking under Clause 55.04-6. Under this standard, which will be assessed later in this report, views into existing secluded private open space should be limited. Any new dwelling with a habitable room, balcony, terrace or deck, within 9 metres of existing secluded private open space, should be designed to limit views into this space. Design options could be that the upper floor incorporates highlight windows, external screening measures etc. Any secluded private open space outside of 9 metres, is not required to be considered.

In assessing this standard, No.121 Tower Road, 33 Alison Street, 131 and 133 Tower Road should be considered. Overlooking diagrams were submitted demonstrating compliance. The application meets with this standard which will be addressed later in this report.

Objection – Increased traffic on Tower Road which is partially unsealed and will create dust

Response

Tower Road is considered wide enough to accommodate additional traffic as the area continues to grow. Further east of the subject site, a portion of Tower Road remains unsealed. This is a separate matter that can be dealt by the Traffic Unit who can be contacted outside this application process to seal the remainder of Tower Road to the far east.

The Portarlington Structure Plan adopted September 2016 (amended July 2017) also recognises that the road will need to be sealed. Under Section 3 of the report ‘3.0 Directions for Future Growth’ it recognises the need for a Development Plan to be undertaken for future residential rezoning. This will encompass that a Road Network and Traffic Management Plan which will see the full construction of Tower Road.

Objection – impact to real estate prices

Response

This is not a relevant planning consideration and cannot be assessed against the planning scheme.

Objection – error notation on retaining walls, Construction and design of retaining wall

Response

The latest plans under which this application is assessed have been revised to notate the location and height of retaining walls.

The engineering design and construction method for the retaining walls are not required to be submitted with a planning application. The construction and engineering drawings will be the responsibility of the building surveyor outside this planning application process.
Objection – two storey design

That an application proposes two storey design is not a valid reason why an application cannot be supported. State policy encourages housing diversity by providing for a range of housing types to meet increasingly diverse needs. The GRZ2 encourages heights of up to 9 metres which allows the construction of up to two and three storeys. There are many examples of two storey dwellings within the area to enable access to views.

It is not unreasonable for any new development to obtain views through second storey form. Through the use of a combination of materials, and upper floor setbacks, it is considered the application proposes an acceptable response to the site and its context and particularly the GRZ2.

ASSESSMENT

ZONE

32.08 General Residential Zone Schedule 2

The purpose of the General Residential Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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.

Response

The dwellings proposed comply with the purpose of the zone as it encourages residential development at increased densities within an established residential area. By providing eleven dwellings with separation, and ground and upper floor open space on a site that is approximately 4,137sqm, it is considered that the proposed development encourages diverse housing types while respecting the existing neighbourhood character. This is consistent with the objectives and strategies outlined in the zone.

Schedule 2 to the GRZ identifies this area as an incremental change area. As stated earlier in this report, the subject site is approximately 4,137sqm and given its large size, it is only reasonable to assume that any new residential development on this site was always going to accommodate a number of dwellings. Schedule 2 to the zone requires a larger area of ground floor secluded open space which each proposed unit is able to provide. The schedule also allows heights of up to 9 metres, which the dwellings do not exceed.

The application also proposes 42.8 per cent garden area which exceeds the 35 per cent requirement under the zone.

Overall, it is considered that the proposed development is an appropriate response to the zone and should be supported.
OVERLAY

43.02 Design and Development Overlay
The purpose of the Design and Development Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

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

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

Response

As stated earlier in this report, the units requiring an assessment against the DDO14 are Units 1-3. These dwellings are greater than 7.5m from natural ground level and are located to the southern most portion of the site fronting Tower Road. Views in Portarlington with regards to the context of this site is to the north, east and west offering panoramic views.

Image 30: Looking east from the subject site.

Units 1-3 are proposed to be built in front of the Barwon Water pump station with no immediate dwellings to the south that will be impacted.

Units 1, 2 & 3 all exceed 7.5m in height, with the following maximum heights:

- Unit 1 at 7.871m
- Unit 2 at 7.632m
- Unit 3 at 7.698m

The Tashounides principles have been long held as being the guiding principles behind decision making about views, and these were refined in Healy v Surf Coast Shire [2005] VCAT 990 such that they are restated as follows:
20. The principles are:

(a) there is no legal right to a view;
(b) views form part of the existing amenity of a property and loss is a relevant consideration to take into account;
(c) the availability of views must be considered in the light of what constitutes a reasonable sharing of those views;
(d) in addressing the concept of "reasonableness", it is relevant to consider:
   (i) the importance of the view to be lost within the overall panorama available; and
   (ii) whether those objecting have taken all appropriate steps to optimise development of their own properties.
(e) added emphasis will be placed on principles (b) and (c) above if the issue of views is specifically addressed in the planning scheme.

In Wright v Greater Geelong CC [2013] VCAT 2092, the Tribunal added a refinement to the above principles stating "that in addressing the question of reasonableness under para c) above it is also relevant to consider the legitimate expectations of those whose view is being affected."

The proposal is considered to accord with the design objectives of the Design & Development Overlay Schedule 14. The proposed height and design of the dwellings are compatible with the existing and emerging scale within the area. The design objectives of the overlay principally seek to ensure that there is a reasonable sharing of views between properties to significant landscape features.

PLANNING POLICY FRAMEWORK

15.01-3S - Subdivision Design

Objective

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Strategies

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.
- Creating an urban structure and providing utilities and services that enable energy efficiency, resource conservation, integrated water management and minimisation of waste and air pollution.

15.01-5S – Neighbourhood character

Objective

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.
Strategies

Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.

Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.

16 – Housing

Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.

Planning for housing should include providing land for affordable housing.

16.01-3S – Housing Diversity

Objective

To provide for a range of housing types to meet diverse needs

Strategies

Ensure housing stock matches changing demand by widening housing choice.

Facilitate diverse housing that offers choice and meets changing household needs through:

- A mix of housing types.
- Adaptable internal dwelling design.

Encourage the development of well-designed medium-density housing which:

- Respects the neighbourhood character.
- Improves housing choice.
- Makes better use of existing infrastructure.
- Improves energy efficiency of housing.

Support opportunities for a range of income groups to choose housing in well-serviced locations.

Ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.
16.01-4S - Housing Affordability

Objective

To deliver more affordable housing closer to jobs, transport and services.

Strategies

Improve housing affordability by:

- Ensuring land supply continues to be sufficient to meet demand.
- Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
- Promoting good housing and urban design to minimise negative environmental impacts and keep down costs for residents and the wider community.
- Encouraging a significant proportion of new development, to be affordable for households on low to moderate incomes.

11.03-4S Coastal settlement

Objective

To plan for sustainable coastal development.

Strategies

Plan and manage coastal population growth and increased visitation so that impacts do not cause unsustainable use of coastal resources.

Support a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services.

Encourage urban renewal and redevelopment opportunities in existing settlements to reduce the demand for urban sprawl.

Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values are protected. Where no settlement boundary is identified, the extent of a settlement is defined by the extent of existing urban zoned land and any land identified on a plan in the planning scheme for future urban settlement.

Direct new residential and other urban development and infrastructure to locations within defined settlement boundaries of existing settlements that are capable of accommodating growth.

Ensure a sustainable water supply, stormwater and sewerage treatment for all development.

Minimise the quantity and enhance the quality of stormwater discharge from new development into the ocean, bays and estuaries.
LOCAL PLANNING POLICY FRAMEWORK

Municipal Strategic Statement

21.06-3 - Urban consolidation

The objective of Clause 21.06-3 of the Municipal Strategic Statement is to:

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

Strategies

- Manage urban consolidation and housing change across the municipality, by:
  o Accommodating medium and high density housing in Key Development Areas (as defined by the maps included in this clause).
  o Providing for incremental change in the General Residential Zone (Schedule 2) areas.

21.06-4 - Neighbourhood character

The objective of Clause 21.06-4 of the Municipal Strategic Statement is to:

- manage the impact of urban change on existing neighbourhoods.
- ensure that new development responds to the existing neighbourhood character.
- protect areas with a significant garden character.
- protect areas with views to significant landscape features.

Strategies

- Ensure that development is responsive to the established character of the area.
- Support appropriate medium density housing that respects the existing neighbourhood character in the General Residential Zone areas.
- Ensure that dwellings and extensions to dwellings over 7.5 metres have regard to the design objectives and decision guidelines of Schedule 14 to the Design and Development Overlay.

21.14-2 - The Bellarine Peninsula

The objective of Clause 21.14-2 of the Municipal Strategic Statement is to:

- protect and enhance the rural and coastal environment on the Bellarine Peninsula and maintain non-urban breaks between settlements.
- facilitate the development of Ocean Grove, Drysdale/Clifton Springs and Leopold as hubs of development and service provision on the Bellarine Peninsula. In all other townships on the Bellarine Peninsula provide retail, commercial and community uses and facilities that serve the daily needs of the community and encourages street based activity.
- preserve the individual character, identity and role of each Bellarine township.
Strategies

- Ensure that development responds to the identity and character of the individual township in which it is located.
- Protect rural and coastal environments from inappropriate urban encroachment.
- Ensure land use and development proceeds generally in accordance with the relevant Structure Plan maps included in this Clause.
- Ensure that development outside of settlement boundaries (as shown in the Structure Plan maps included in this clause) does not compromise the rural, environmental and landscape values of the non-urban breaks or longer term growth opportunities.

Portarlington:

- Encourage development which respects the coastal landscape setting of Portarlington by:
  - Providing reasonable sharing of views of the coast and foreshore, where a view has been identified in an overlay.
  - Promoting contemporary design that reflects the existing scale, setbacks, spacing, forms and materials of the buildings in the locality.
  - Ensuring that development allows for the protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation.

Local Planning Policies

There are no local policies relevant to this application.

Response

The Portarlington Structure Plan -adopted September 2016 (amended July 2017) identifies the subject site within the settlement boundary for residential growth and states:

The only area identified for future residential growth is the area bounded by Geelong – Portarlington, Batman, Allens and Tower Roads, which includes the land known as the “Olive Grove”. The area is located within the settlement boundary and has been identified for future growth for a number of years.

The directions for future growth for this area outlined in the Structure Plan (amended July 2017) acknowledges that whilst the community has previously expressed concerns that development on this land will be detrimental to the landscape values of the Bellarine Hills, it is considered that the landscape impacts do not preclude development of the entire site.
The site is appropriate for residential development and growth of this nature. As mentioned earlier in the report, the zone allows for this type of development to be considered.

With response to Clause 21.14 Bellarine Peninsula, Portarlington encourages development which respects the coastal landscape setting of Portarlington by providing a reasonable sharing of views of the coast and foreshore, where a view has been identified in an overlay. These last words in the policy were included at the beginning of 2019 (amendment C376), to assess views where they have been identified in an overlay. In this instance, DDO14 only applies to dwellings greater than 7.5m, and therefore view sharing for dwellings less than 7.5m cannot be considered. Whilst this is not a consideration, the dwellings have been designed with ground floor open space and upper floor separation allowing for view sight lines.

Overall it is considered the application is a positive design response to the subject site and surrounds. The dwellings provide for upper floor articulation, spacing between dwellings that enable sight lines. The dwellings are constructed with contemporary materials within a coastal setting that offers diverse housing forms. It is considered that the application meets with the PPF, MSS and LPPF of the Greater Geelong Planning Scheme.
Clause 52.06 – Car Parking

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Response

Clause 52.06 requires the provision of 22 resident car spaces to be located on the land. A total of 22 car spaces are provided.

Under this clause, one space for each one or two bedroom dwelling is required and two spaces (one undercover) for each three or more bedroom dwellings are required.

All dwellings proposed three or more bedrooms, thus requiring two spaces per dwelling. The application meets this requirement with 22 car spaces provided.

Visitor car parking is also required, one space per five dwellings. The application proposes two visitor spaces which also meets with the requirement.

The application also meets with Clause 52.06-9 Design Standard 1 – Accessways.

The accessway is at least three metres wide with the entry providing a passing area of at least 6.1m wide and 7m long.

The application meets with the requirements of Clause 52.06.

Clause 53.01 – Public Open Space Contribution

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under Section 18 of the Subdivision Act 1988.
Response
Pursuant to the schedule to Clause 53.01, the following contribution is required to be made:

<table>
<thead>
<tr>
<th>Creation of one additional lot</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creation of two to nine additional lots</td>
<td>1 percent per additional lot up to a maximum of 5 percent</td>
</tr>
<tr>
<td>Creation of 10 or more lots on land zoned for residential purposes prior to August 31st 2007</td>
<td>5 percent</td>
</tr>
<tr>
<td>Creation of 10 or more lots on land zoned for residential purposes after August 31st 2007</td>
<td>10 percent</td>
</tr>
<tr>
<td>Waurn Ponds Creek Environs</td>
<td>10 percent</td>
</tr>
</tbody>
</table>

Pursuant to the above table a 5 percent contribution is required to be made. A condition of permit requires a cash contribution to be made.
Clause 55 - ResCode Assessment – Two or More Dwellings on a Lot, dwellings on common property and residential buildings

The development a residential building and is required to be assessed against Clause 55 as set out below:

<table>
<thead>
<tr>
<th>55.02-1</th>
<th>Neighbourhood character objectives</th>
<th>Standard B1</th>
<th>✓ Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighbourhood character objectives</td>
<td>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that the design responds to the features of the site and the surrounding area.</td>
<td>The design response must be appropriate to the neighbourhood and the site. The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</td>
<td>There is no neighbourhood character policy that can direct the preferred character for this area. Therefore, the existing neighbourhood character is taken into consideration. The immediate area contains predominantly double storey dwellings some being split level given the topography of the land. Dwellings are generally constructed from a combination of materials with some dwellings constructed from brick/render and some weatherboard. Dwellings contain spacing with landscaped areas and little to no front fencing. The proposed development has taken into consideration the existing character of the area. The development incorporates spacing around the sides and provides areas for landscaping, incorporates articulation by introducing upper floor setbacks and the use of a combination of construction materials that assist with visual bulk. The application meets with the standard.</td>
</tr>
</tbody>
</table>
### 55.02-2 Residential policy objectives

To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.

**Standard B2**

An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

- **Complies**

As set out above, the application complies with the planning policy framework. The required written statement has been provided.

### 55.02-3 Dwelling diversity objective

To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

**Standard B3**

Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:

- Dwellings with a different number of bedrooms.
- At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.

- **Complies**

Whilst all dwellings propose three or more bedrooms and contain reverse living to optimize views, it is considered that the application offers a different form of housing in Portarlington. The proposed lots are smaller with the ability to obtain views. In this instance, the objective is met. The subject site is quite large and encourages smaller lot sizes offering a different type of housing in Portarlington.
### 55.02-4
**Infrastructure objectives**
To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

<table>
<thead>
<tr>
<th>Standard B4</th>
<th>✓ Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available. Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</td>
<td>The site is serviced by the required infrastructure and the application has been referred to Council’s drainage Engineers who have not raised any concern about the ability of the site to be drained. Conditions will cover off on this issue.</td>
</tr>
</tbody>
</table>

### 55.02-5
**Integration with the street objectives**
To integrate the layout of development with the street.

<table>
<thead>
<tr>
<th>Standard B5</th>
<th>✓ Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility. Development should be oriented to front existing and proposed streets. High fencing in front of dwellings should be avoided if practicable. Development next to existing public open space should be laid out to complement the open space.</td>
<td>The development is designed to address Tower Road, with pedestrian and vehicle links to the street provided. There is no high front fencing proposed for this development.</td>
</tr>
</tbody>
</table>
| 55.03-1 | **Street setback objective**  
To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. | **Standard B6**  
Walls of buildings should be set back from streets the distance specified in Table B1. Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard. | ✓ **Complies**  
The required setback is to be the same as the existing dwelling to the west as both adjoining parcels to the east are vacant. The adjoining dwelling to the west No. 121 Tower Road has a front setback of approximately 5.55 metres. The proposed dwellings fronting Tower Road have a front setback of 5.8 and 5.9m which exceeds the minimum requirement and meets with standard. |
| 55.03-2 | **Building height objectives**  
To ensure that the height of buildings respects the existing or preferred neighbourhood character. | **Standard B7**  
The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land. If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres. Changes of building height between existing buildings and new buildings should be graduated. | ✓ **Complies**  
The maximum height allowed under Schedule 2 of the GRZ2 is 9 metres. The application does not propose to exceed this requirement with the highest dwelling proposed at 7.87m. |
### 55.03-3
**Site coverage objective**
To encourage development that respects the landscape character of the neighbourhood.
To encourage the retention of significant trees on the site.

**Standard B8**
The site area covered by buildings should not exceed 60 per cent.

- **Complies**
The maximum site coverage for the proposed development does not exceed 60 per cent and proposes a site coverage of 32.7 per cent which meets with the standard.

### 55.03-4
**Permeability and stormwater objectives**
To reduce the impact of increased stormwater run-off on the drainage system.
To facilitate on-site stormwater infiltration.

**Standard B9**
At least 20 per cent of the site should not be covered by impervious surfaces.

- **Complies**
The site retains at least 43 per cent permeability, assisting in on-site stormwater filtration.
Rain water tanks and other various methods will be shown on the plans to meet with Best Practice ensuring storm water retention as a condition on any permit to issue. A STORM rating report was submitted for each proposed dwelling achieving a minimum of 100 per cent for each dwelling.
### 55.03-5
**Energy efficiency objectives**

To achieve and protect energy efficient dwellings and residential buildings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

<table>
<thead>
<tr>
<th><strong>Standard B10</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings should be:</td>
<td></td>
</tr>
<tr>
<td>▪ Oriented to make appropriate use of solar energy.</td>
<td></td>
</tr>
<tr>
<td>▪ Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</td>
<td></td>
</tr>
<tr>
<td>Living areas and private open space should be located on the north side of the development, if practicable.</td>
<td></td>
</tr>
<tr>
<td>Developments should be designed so that solar access to north-facing windows is maximised.</td>
<td></td>
</tr>
</tbody>
</table>

**Complies**

The units are designed to take advantage of solar energy and appropriately located to receive northern light.

Where practicable, all dwellings will achieve northern orientation.

Acknowledging the site’s orientation being north and south, units 4-7 fronting the internal common property will have their SPOS on the south side of the dwellings however are provided with alternate first floor north facing balconies. These balconies are wide enough to accommodate outdoor dining.

### 55.03-6
**Open space objective**

To integrate the layout of development with any public and communal open space provided in or adjacent to the development.

<table>
<thead>
<tr>
<th><strong>Standard B11</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>If any public or communal open space is provided on site, it should:</td>
<td></td>
</tr>
<tr>
<td>▪ Be substantially fronted by dwellings, where appropriate.</td>
<td></td>
</tr>
<tr>
<td>▪ Provide outlook for as many dwellings as practicable.</td>
<td></td>
</tr>
<tr>
<td>▪ Be designed to protect any natural features on the site.</td>
<td></td>
</tr>
<tr>
<td>▪ Be accessible and useable.</td>
<td></td>
</tr>
</tbody>
</table>

**Complies**

An area of communal open space is provided - fronted by units 10 and 11 and visible from the upper floors of units 4 to 11. This common area is provided to enjoy views and meets the standard.
### Safety objective

To ensure the layout of development provides for the safety and security of residents and property.

### Standard B12

Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

### Complies

The development is designed to provide for the safety and security of residents and property. The entrances to the dwellings are clearly visible from the street and internal accessway.
## 55.03-8

### Landscaping objectives

To encourage development that respects the landscape character of the neighbourhood.
To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.
To provide appropriate landscaping.
To encourage the retention of mature vegetation on the site.

<table>
<thead>
<tr>
<th>Standard B13</th>
<th>✓ Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>The landscape layout and design should:</td>
<td></td>
</tr>
<tr>
<td>- Protect any predominant landscape features of the neighbourhood.</td>
<td></td>
</tr>
<tr>
<td>- Take into account the soil type and drainage patterns of the site.</td>
<td></td>
</tr>
<tr>
<td>- Allow for intended vegetation growth and structural protection of buildings.</td>
<td></td>
</tr>
<tr>
<td>- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.</td>
<td></td>
</tr>
<tr>
<td>- Provide a safe, attractive and functional environment for residents.</td>
<td></td>
</tr>
<tr>
<td>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.</td>
<td></td>
</tr>
<tr>
<td>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</td>
<td></td>
</tr>
<tr>
<td>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.</td>
<td></td>
</tr>
<tr>
<td>There are adequate areas available that have been set aside for planting which will complement the landscape character of the area. A landscape plan has been submitted and shows areas set aside of landscaping.</td>
<td></td>
</tr>
<tr>
<td>55.03-9</td>
<td><strong>Access objective</strong></td>
</tr>
<tr>
<td>---------</td>
<td>---------------------</td>
</tr>
</tbody>
</table>
|         | To ensure the number and design of vehicle crossovers respects the neighbourhood character. | The width of accessways or car spaces should not exceed:  
  - 33 per cent of the street frontage, or  
  - if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.  
No more than one single-width crossover should be provided for each dwelling fronting a street.  
The location of crossovers should maximise the retention of on-street car parking spaces.  
The number of access points to a road in a Road Zone should be minimised.  
Developments must provide for access for service, emergency and delivery vehicles. | * Does not comply  
Variation required  
Due to the site's narrow frontage the application does not meet the standard. The width of the accessways is 47 per cent of the site's frontage, which exceeds the 40 per cent requirement.  
Even so, on street parking is still made available in front of the subject site with 5.2m nature strip in front of Unit 2 and 8.3m nature strip in front of Unit 3.  
The accessways are proposed to be landscaped reducing extent of hard surface area. In this instance, the variation is considered appropriate. |
**Parking location objective**
To provide convenient parking for resident and visitor vehicles.
To protect residents from vehicular noise within developments.

<table>
<thead>
<tr>
<th><strong>Standard B15</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Car parking facilities should:</td>
</tr>
<tr>
<td>- Be reasonably close and convenient to dwellings and residential buildings.</td>
</tr>
<tr>
<td>- Be secure.</td>
</tr>
<tr>
<td>- Be well ventilated if enclosed.</td>
</tr>
</tbody>
</table>

Large parking areas should be broken up with trees, buildings or different surface treatments.

Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

**Complies with condition**
Convenient parking is provided for visitors and residents.
**55.04-1**

**Side and rear setbacks objective**

To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

**Standard B17**

A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

**✓ Complies**

All upper floor setbacks meet with the standard some units having the allowable eave encroachment.
### Walls on boundaries objective

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

### Standard B18

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:

- For a length of more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than:
  - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
  - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

#### Complies

The garage wall of Unit 10 extends 6m along the southern boundary and is below the maximum 3.6m height, reaching a height of 3.1m. The application meets with the standard.
<table>
<thead>
<tr>
<th><strong>55.04-3</strong></th>
<th><strong>Standard B19</strong></th>
<th><strong>Complies</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Daylight to windows objective</strong></td>
<td>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot. Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</td>
<td>The required light courts have been achieved and all windows have access to the required level of daylight.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>55.04-4</strong></th>
<th><strong>Standard B20</strong></th>
<th><strong>N/A</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>North facing windows objective</strong></td>
<td>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</td>
<td>There are no north facing windows within three metres of a boundary of an abutting lot which require consideration.</td>
</tr>
<tr>
<td><strong>55.04-5</strong></td>
<td><strong>Overshadowing open space objective</strong></td>
<td><strong>Complies</strong></td>
</tr>
<tr>
<td>-------------</td>
<td>----------------------------------------</td>
<td>-------------</td>
</tr>
</tbody>
</table>
| **To ensure buildings do not significantly overshadow existing secluded private open space.** | **Standard B21**
Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.
If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced. | **The level of overshadowing associated with the development is within the requirements of the standard.**
As mentioned earlier in this report the application meets with the standard. Shadow diagrams provided allow at least 5 hours of sunlight between 9am and 3pm on 22 September for adjoining dwellings 131 and 133 Tower Road. |
<table>
<thead>
<tr>
<th><strong>Overlooking objective</strong></th>
<th><strong>Standard B22</strong></th>
<th><strong>Complies</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>To limit views into existing secluded private open space and habitable room windows.</td>
<td>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level. A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</td>
<td>The development is designed to meet the requirements of the standard and therefore views into existing secluded private open space areas and habitable room windows have been limited. Overlooking diagrams demonstrate compliance. The existing carriageway to the west protects much of the open space for the abutting dwellings to the west. The below diagram shows No.121 Tower Road and No.33 Alison Street in the context of the proposed development. The cross hatches show the views that will be blocked. The boundary fence to the west demonstrates that the views to the adjoining properties will be limited by the existing fence.</td>
</tr>
<tr>
<td>Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have sill heights of at least 1.7 metres above floor level.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Screens used to obscure a view should be:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permanent, fixed and durable.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Designed and coloured to blend in with the development.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.
| 55.04-7 | **Internal views objective**  
To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. | **Standard B23**  
Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development. | **✓ Complies**  
Internal views have been considered in the design solution and there is no internal overlooking. Boundary fencing of 1.8m ensures no internal overlooking as well as aluminium screens placed on balconies preventing overlooking within the development. |
<table>
<thead>
<tr>
<th>55.04-8</th>
<th>Noise impacts objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>To contain noise sources in developments that may affect existing dwellings.</td>
<td></td>
</tr>
<tr>
<td>To protect residents from external noise.</td>
<td></td>
</tr>
<tr>
<td><strong>Standard B24</strong></td>
<td></td>
</tr>
<tr>
<td>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.</td>
<td></td>
</tr>
<tr>
<td>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.</td>
<td></td>
</tr>
<tr>
<td>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</td>
<td></td>
</tr>
<tr>
<td>✓ Complies with condition</td>
<td></td>
</tr>
<tr>
<td>A condition on the permit will require these services to be shown in a location that will not be located near bedrooms of adjoining dwelling’s or be located within useable secluded private open space areas.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>55.05-1</th>
<th>Accessibility objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>To encourage the consideration of the needs of people with limited mobility in the design of developments.</td>
<td></td>
</tr>
<tr>
<td><strong>Standard B25</strong></td>
<td></td>
</tr>
<tr>
<td>The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</td>
<td></td>
</tr>
<tr>
<td>✓ Complies</td>
<td></td>
</tr>
<tr>
<td>The entries to the ground floor are accessible to those with limited mobility.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>55.05-2</th>
<th>Dwelling entry objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>To provide each dwelling or residential building with its own sense of identity.</td>
<td></td>
</tr>
<tr>
<td><strong>Standard B26</strong></td>
<td></td>
</tr>
<tr>
<td>Entries to dwellings and residential buildings should:</td>
<td></td>
</tr>
<tr>
<td>- Be visible and easily identifiable from streets and other public areas.</td>
<td></td>
</tr>
<tr>
<td>- Provide shelter, a sense of personal address and a transitional space around the entry.</td>
<td></td>
</tr>
<tr>
<td>✓ Complies</td>
<td></td>
</tr>
<tr>
<td>The entrances are clearly visible and identifiable from Tower Road and within the common property providing for a sense of identity.</td>
<td></td>
</tr>
<tr>
<td>55.05-3</td>
<td>Daylight to new windows objective</td>
</tr>
<tr>
<td>----------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td></td>
<td>To allow adequate daylight into new habitable room windows.</td>
</tr>
<tr>
<td></td>
<td>▪ An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</td>
</tr>
<tr>
<td></td>
<td>▪ A carport provided it has two or more open sides and is open for at least one third of its perimeter.</td>
</tr>
</tbody>
</table>
### Private open space objective

To provide adequate private open space for the reasonable recreation and service needs of residents.

<table>
<thead>
<tr>
<th>B28</th>
<th>✓ Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>A dwelling or residential building should have private open space of an area and dimensions specified in the schedule to the zone. If no area or dimensions are specified in the schedule to the zone, a dwelling or residential building should have private open space consisting of:</td>
<td></td>
</tr>
<tr>
<td>- An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or</td>
<td></td>
</tr>
<tr>
<td>- A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or</td>
<td></td>
</tr>
<tr>
<td>- A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</td>
<td></td>
</tr>
<tr>
<td>Schedule 2 to the GRZ requires an area of 60sqm with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access.</td>
<td></td>
</tr>
<tr>
<td>The proposed development has been provided with ground floor open spaces as well as balconies/terraces. Units 8 and 9 have their ground floor open space within the front. With the upper floor terrace and reverse living design, it is envisaged the upper floor terrace will be used more frequently than the ground floor open space that is accessed from the rumpus room. In any case, the design response offers adequate spaces for reasonable recreation and meets with the standard.</td>
<td></td>
</tr>
</tbody>
</table>
### Clause 55.05-5
**Solar Access to Open Space**
To allow solar access into the secluded private open space of new dwellings and residential buildings.

<table>
<thead>
<tr>
<th>Standard B29</th>
</tr>
</thead>
<tbody>
<tr>
<td>The private open space should be located on the north side of the dwelling or residential building, if appropriate. The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2+0.9h) metres, where ‘h’ is the height of the wall.</td>
</tr>
</tbody>
</table>

× Does not comply  
**Variation required**  
Unit 4-6 have their SPOS orientated south. The southern walls on these units have a maximum height of approximately 5.55m. The required setback from these walls should have a depth of 6.99m. The application proposes setbacks of approximately 6.03m. Given the units have two additional areas of private open space that provide good northern orientation and are useable in this instance the variation is considered appropriate. It is considered that the objective is met.

### Clause 55.05-6
**Storage**
To provide adequate storage facilities for each dwelling.

<table>
<thead>
<tr>
<th>Standard B30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</td>
</tr>
</tbody>
</table>

✓ Complies  
External storage access has been provided for each dwelling within the garage.
<table>
<thead>
<tr>
<th>Clause 55.06-1 Design Detail</th>
<th>Standard B31</th>
<th>✓ Complies</th>
</tr>
</thead>
</table>
| To encourage design detail that respects the existing or preferred neighbourhood character. | The design of buildings, including:  
- Façade articulation and detailing,  
- Window and door proportions,  
- Roof form, and  
- Verandahs, eaves and parapets,  
should respect the existing or preferred neighbourhood character.  
Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character. | The proposed development is considered to respect the existing neighbourhood through the appropriate use and design of façade articulation & detailing, window and door proportions, roof form and verandahs, eaves and parapets. |

<table>
<thead>
<tr>
<th>Clause 55.06-2 Front Fences</th>
<th>Standard B32</th>
<th>- N/A</th>
</tr>
</thead>
</table>
| To encourage front fence design that respects the existing or preferred neighbourhood character. | The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.  
A front fence within 3 metres of a street should not exceed:  
- Streets in a Road Zone, Category 1: 2 metres.  
- Other streets: 1.5 metres. | No front fence is proposed. |
<table>
<thead>
<tr>
<th>Clause 55.06-3</th>
<th>B33</th>
<th>✓ Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Common Property</strong></td>
<td>Development should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.</td>
<td>The common property areas provided as part of this development are practical and could easily be maintained.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Clause 55.06-4</th>
<th>B34</th>
<th>✓ Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Site Services</strong></td>
<td>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post.</td>
<td>The layout and design provides for sufficient space and facilities for services to be installed and maintained. Bin and recycling enclosures, and other site facilities have been provided adequately and will blend in with the development. The site facilities including, bin and recycling enclosures have been provided and located for convenient access.</td>
</tr>
</tbody>
</table>
Clause 56 – Subdivision

This is an application to subdivide the land such that the dwellings will exist on separate titles. In this case there is no need to assess the application against the provisions of Clause 56 as issues in relation to amenity, both on and off site, have been considered via the Clause 55 assessment, as has neighbourhood character. A condition of permit ties the subdivision and development via a Section 173 Agreement so that an orderly planning outcome is achieved.

DECISION GUIDELINES OF CLAUSE 65:

Clause 65 of the Greater Geelong Planning Scheme outlines the decision guidelines to be considered by the Responsible Authority when making decisions on applications. These decision guidelines include:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Conclusion

The proposal has been assessed against the relevant decision guidelines listed above and is considered to accord with the decision guidelines, providing for an orderly planning outcome.

The Planning and Environment Act 1987 and the Greater Geelong Planning Scheme are the relevant documents under which Council must consider this application.
Application No: PP-1292-2018
Applicant: R W Petersen
Subject Land: 129A Tower Road, PORTARLINGTON
Owner: R W Petersen and E Petersen
Zone: General Residential Zone Schedule 2 (GRZ2)
Overlays: Design & Development Overlay Schedule 14 (DDO14)
Proposed Use: Construction of a Dwelling more than 7.5 metres above natural ground level

Subject Site

★ Indicates nearby Objectors. Due to the map size, not all objectors have been identified.

129A TOWER ROAD, PORTARLINGTON
Summary

- The subject site is located to the north of Tower Road on a regular shaped lot known as 129a Tower Road, Portarlington.
- The site is vacant and is void of any vegetation.
- The lot has an overall area of approximately 471sqm and is not encumbered by any easements. The land remains generally flat with no slope. A vehicle crossover services the lot along the eastern boundary.
- The site is located within a General Residential Zone 2 (GRZ2) and contains a Design and Development Overlay Schedule 14 (DDO14).
- Notices were sent to owners and occupiers of adjoining land (including opposite) and an A3 sign(s) was placed on the land.
- The application received ten (10) objections largely relating to the proposed three storey form, neighbourhood character, loss of views and the overall height.
- A consultation meeting was held which resulted on one withdrawal of objection. There are now nine (9) objections to the application.
- The application was assessed against the DDO14, Clause 21.14 and relevant State and Local polices outlined in this report.
- The application is considered to be generally in accordance with the above policies and a recommendation of approval is made.

Recommendation

That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to Issue a Notice of Decision to Grant a Planning Permit for the Construction of a Dwelling more than 7.5 metres above natural ground level at 129A Tower Road, PORTARLINGTON in accordance with the plans submitted with the application and subject to the following conditions:

Amended Plans Required
1. Prior to the commencement of the development, three (3) copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted on 6 November 2018 but modified to show:
   a) The overall height of the proposed dwelling not exceeding nine (9) metres from natural ground level.
   b) Clear annotations of the natural ground levels on all elevation plans.
   c) Upper floor setbacks from the side and rear boundaries shown on the proposed site plan.

Endorsed Plans
2. The development as shown on the endorsed plan(s) must not be altered without the written consent of the Responsible Authority.
Development Expiry

3. This permit as it relates to the development of buildings will expire if one of the following circumstances applies:

   a) The development of the building(s) hereby approved has not commenced within two (2) years of the date of this permit.

   b) The development of the building(s) hereby approved is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires; or

   a) Within six (6) months after the permit expires where the use or development has not yet started; or

   b) Within twelve (12) months after the permit expires, where the development allowed by the permit has lawfully commenced before the permit expiry.

Report

The Site & Locality

The subject site is located to the north of Tower Road on a regular shaped lot known as 129a Tower Road, Portarlington.

The site is vacant and is void of any vegetation.

The lot has an overall area of approximately 471sqm and is not encumbered by any easements. The land remains generally flat with no slope. A vehicle crossover services the lot along the eastern boundary.
The site is located within a General Residential Zone 2 (GRZ2) and contains a Design and Development Overlay Schedule 14 (DDO14). The immediately adjoining parcels to the north and west, No.125-127 Tower Road and No.129B Tower Road to the east remain vacant. Land to the south is predominantly zoned as a Farming Zone (FZ) with a portion as a Public Use Zone 1 (PUZ1).
Site History

A previous planning permit was issued for the site:

- PP-1247-2015 Construction of Two dwellings above 7.5m and Subdivision of the Land into Two lots, permit issued 23 November 2015.

The lots have now been subdivided with Lot 1 being the subject site. The development component of the planning permit has since expired.

Proposal

The application proposes to construct a single dwelling greater than 7.5m from natural ground level.

The new dwelling is proposed to be three storey in form and contain the following:

Ground Floor
- Two bedrooms
- Media room
- Living area
- Laundry and bathroom facilities
- Double garage and lift

First Floor
- One bedroom with walk in robe and ensuite
- Open plan kitchen/meals and family area
- Bathroom
- Alfresco/balcony area

Second Floor
- Open plan living area/studio room
- Bathroom
- Balcony
Vehicle access to the site will be gained via the existing crossover located along the eastern boundary.

The dwelling is proposed to be constructed from brick and render and reach an overall height of 9m above natural ground level.

**PERMIT TRIGGER:**

A planning permit is triggered for this application pursuant to the following clauses of the Greater Geelong Planning Scheme:

- Pursuant to Clause 43.02 of the Design and Development Overlay Schedule 14 a permit is required to construct a dwelling which is more than 7.5 metres above natural ground level.

**DEFINITIONS**

Pursuant to Clause 73.03 of the Planning Scheme a dwelling is defined as:

A building used as a self-contained residence which must include:

a) a kitchen sink;
b) food preparation facilities
c) a bath or shower; and
d) a closet pan and wash basin.

It includes outbuildings and works normal to a dwelling.

Pursuant to Clause 73.04 of the Planning Scheme a dwelling is nested in the Accommodation group.

**RESTRICTIVE COVENANT OR SECTION 173 AGREEMENT:**

The subject site contains a Section 173 Agreement on Title AM638603K which ties the development to the subdivision of the previous planning permit PP-1247-2015 allowed under that planning permit or any subsequent planning permit.

A new application is now being applied for which does not breach this agreement as the wording of the agreement allows ‘any subsequent permit’.

**CULTURAL HERITAGE MANAGEMENT PLAN (CHMP)**

Areas of cultural heritage sensitivity are defined within Part 2 - Division 3 of the Aboriginal Heritage Regulations 2007. Part 2 - Division 3 does not identify the site or part of the site as within an area of cultural heritage sensitivity.

In accordance with the above assessment, a Cultural Heritage Management Plan is not required.

**COASTAL INUNDATION AND EROSION:**

Clause 13.01-1 of the SPPF requires the Responsible Authority to consider the potential coastal impacts of climate change.
Strategies include:

- In planning for possible sea level rise, an increase of 0.2 metres over current 1 in 100 year flood levels by 2040 may be used for new development in close proximity to existing development (urban infill).
- Plan for possible sea level rise of 0.8 metres by 2100, and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.
- Consider the risks associated with climate change in planning and management decision making processes.

The subject site is located within close proximity of existing urban development.

Council’s data indicates that the site is unlikely to be affected by the potential coastal impacts of climate change at 2040.

**LANDFILL GAS RISK ASSESSMENT**

Before deciding on a Planning Permit application, a Responsible Authority is required to consider, amongst other things:

- Any significant effects the responsible authority considers the environment may have on the use or development [S 60(1) of the PEA].
- Clause 13.03-1 of The State Planning Policy Framework which aims to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

The EPA has adopted the “Best Practice Environmental Management, Siting, Design Operation and Rehabilitation of Landfills” (September 2010) or “Landfill BPEM.”.

The Landfill BPEM identifies that:

- Risks associated with landfill gases may occur for at least 30 years post-closure.
- Appropriate buffer distances must be maintained between the landfill and sensitive land uses. The BPEM recommends a 500 metre buffer for landfills that contained putrescible waste and 200 metres for landfills that contained non-putrescible waste.
- Where the recommended buffers are unavailable, it must be demonstrated that risks are suitably mitigated.
- All buildings and structures and associated infrastructure should be considered.

The BPEM specifies that development undertaken within a buffer distance of up to 500 metres may be at risk. As the subject site is not located within 500 metres of an identified former landfill site, a risk assessment is not required.

**DEVELOPMENTS IN BUSHFIRE PRONE AREAS**

Clause 13.05 (Bushfire) seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

The policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land which is:

- Within a designated bushfire prone area;
- Subject to a Bushfire Management Overlay; or
- Proposed to be used or developed in a way that may create a bushfire hazard.
The site is located within a designated bushfire prone area. As the site is located within a designated bushfire prone area the assessment of this application has considered:

- The risk of bushfire to people, property and community infrastructure.
- Whether the implementation of appropriate bushfire protection measures to address the identified bushfire risk is necessary.
- Whether the proposal can implement bushfire protection measures without unacceptable biodiversity impacts.

The application is not expected to create a risk bushfire to people, property and community infrastructure.

It is considered that no bushfire protection measures to address the identified bushfire risk are necessary.

**OFFICER DIRECT OR INDIRECT INTEREST**

No Council officers have any direct or indirect interest in the matter to which this report relates, in accordance with Section 80 (C) of the Local Government Act.

**REFERRALS:**

No referrals were required to be undertaken.

**AMENDMENT OF THE PROPOSAL PRIOR TO PUBLIC NOTIFICATION:**

The applicant did not make a request to amend the application pursuant to Section 50 of the Planning and Environment Act 1987.

**PUBLIC NOTIFICATION:**

The application is not 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 and pursuant to Section 52 of the Planning and Environment Act 1987 the following forms of advertising were undertaken:

- Notices were sent to owners and occupiers of adjoining land (including opposite)
- A3 sign(s) was placed on the land

As a result of advertising, 10 objections were lodged with Council.

A consultation meeting was held between objectors, the permit applicant and the Council officer. As a result, one objection was withdrawn leaving 9 objections against the application.

**AMENDMENT OF THE APPLICATION FOLLOWING PUBLIC NOTIFICATION**

The applicant has not made a request to amend the application following public notification pursuant to Section 57A of the Planning and Environment Act 1987.
Objections

The objections are summarised below:

Objection – the proposed dwelling is too high and exceeds the 7.5m limit

Response

The maximum overall height allowed under the zone is 9m.

It must be noted that the 7.5m nominated height within the DOO14 is not a height limit. It means that once a dwelling is proposed above 7.5m from natural ground level, a planning permit is required under the DDO14. If a single dwelling is 7.5m or less and proposed on this land, no planning permit is required provided the existing S173 Agreement that is registered on the land is ended.

The only planning permit trigger for this application is the DDO14 which requires an assessment on whether the proposal achieves a reasonable sharing of views within the context that it sits in.

Objection – neighbourhood character

Response

This application is only being assessed under the DDO14 which requires an assessment on the reasonable sharing of views if a dwelling exceeds 7.5 metres. An assessment against neighbourhood character in this instance is not required.

Objection – three storey form

Response

The zone allows an overall height of 9 metres for dwellings. This does not restrict the amount of storeys that can be proposed. Two and three storey dwellings can be considered.

Objection – view impacts and west facing view impact of the sunset from No.131 Tower Road.

Response

The site’s context is unique in that it does not sit in front of any existing dwellings that have an existing view. Land to the south is farmland with no dwellings immediately behind the subject site.

The closest dwelling 20m east is No.131 Tower Road. This existing dwelling contains a north facing verandah and obtains views to the north, south, east and west. The proposed dwelling will be located 6.5 metres from the northern boundary which will sit further back from No.131 Tower Road. Whilst views to the west can still be obtained from No.131 Tower Road, it is considered the existing views to the north, east and north west will still be achieved providing for a reasonable sharing of views.

Objection – Schedule to the GRZ2 Standards A17 and B28 are not met (secluded private open space requirements.

Response

Whilst the application is located within the GRZ2, the above standards are not required to be assessed. The standards A17 and B28 which relate to secluded private open space requirements only apply to the construction of a single dwelling on a lot less than 300sqm (Standard A17) or the construction of two or more dwellings on a lot (Standard B28).
Objection – The building exceeds the maximum height of 9 metres as required under the GRZ2

Response
The elevation plans shows the overall height of the proposed dwelling at 9.010m high. A condition on any permit to issue will require the maximum overall height of the proposed dwelling no more than 9m high.

Objection – 129A Tower Road is in a dangerous location on the crest of Tower Road and can be dangerous for traffic.

Response
The previous planning permit allowed the lot to be subdivided into two smaller lots (129a and 129b Tower Road). The existing vehicle crossing that services the site would have been assessed under the original planning permit PP-1292-2018 as well as Engineering Services who issued the crossover permit.

Council engineers have also viewed this application when it was lodged and were satisfied that no engineering comments are required, and no conditions were suggested. Engineering services are supportive of the application suggesting that there will be no issues.

Objection – land value

Response
This is not a relevant planning consideration and cannot be assessed against the planning scheme.

ASSESSMENT:

ZONE:

32.08 General Residential Zone Schedule 2

The purpose of the General Residential Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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.

Response
A planning permit is not required under the zone and therefore an assessment against the decision guidelines has not been undertaken.
OVERLAY:

43.02 Design and Development Overlay
The purpose of the Design and Development Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

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

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

Response

A permit is not required for buildings and works other than to construct a dwelling which is more than 7.5 metres above natural ground level (excluding any television antenna, chimney or flue) or extend a dwelling where the extension is more than 7.5 metres above natural ground level (excluding any television antenna, chimney or flue).

Elevation plans indicate the dwelling exceeds 7.5m reaching an overall height of 9m from natural ground level.

The proposed dwelling in its three storey form is constructed in such a way to capture the available views to the Portarlington coast line further to the north and west. Given the location of the subject site in context with existing dwellings and vacant allotments in relation to desirable views, it is considered that the view impact will be low or not at all.

The Tashounides principles have been long held as being the guiding principles behind decision making about views, and these were refined in Healy v Surf Coast Shire [2005] VCAT 990 such that they are restated as follows:

20. The principles are:

(a) there is no legal right to a view;
(b) views form part of the existing amenity of a property and loss is a relevant consideration to take into account;
(c) the availability of views must be considered in the light of what constitutes a reasonable sharing of those views;
(d) in addressing the concept of “reasonableness”, it is relevant to consider:
   (i) the importance of the view to be lost within the overall panorama available; and
   (ii) whether those objecting have taken all appropriate steps to optimise development of their own properties.
(e) added emphasis will be placed on principles (b) and (c) above if the issue of views is specifically addressed in the planning scheme.

In Wright v Greater Geelong CC [2013] VCAT 2092, the Tribunal added a refinement to the above principles stating "that in addressing the question of reasonableness under para c) above it is also relevant to consider the legitimate expectations of those whose view is being affected."
The proposal is considered to accord with the design objectives of the Design & Development Overlay Schedule 14 and accord with the above principles. The proposed height and design of the dwelling and its convenient location ensures that there is a reasonable sharing of views of nearby properties.

16 – Housing

Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.

Planning for housing should include providing land for affordable housing.

16.01–3S – Housing Diversity

Objective
To provide for a range of housing types to meet diverse needs

Strategies
Ensure housing stock matches changing demand by widening housing choice.

Facilitate diverse housing that offers choice and meets changing household needs through:

- A mix of housing types.
- Adaptable internal dwelling design.

Encourage the development of well-designed medium-density housing which:

- Respects the neighbourhood character.
- Improves housing choice.
- Makes better use of existing infrastructure.
- Improves energy efficiency of housing.

Support opportunities for a range of income groups to choose housing in well-serviced locations.

Ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.

16.01–4S - Housing Affordability

Objective
To deliver more affordable housing closer to jobs, transport and services.
Strategies

Improve housing affordability by:

- Ensuring land supply continues to be sufficient to meet demand.
- Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
- Promoting good housing and urban design to minimise negative environmental impacts and keep down costs for residents and the wider community.
- Encouraging a significant proportion of new development, to be affordable for households on low to moderate incomes.

11.03-4S Coastal settlement

Objective

To plan for sustainable coastal development.

Strategies

Plan and manage coastal population growth and increased visitation so that impacts do not cause unsustainable use of coastal resources.

Support a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services.

Encourage urban renewal and redevelopment opportunities in existing settlements to reduce the demand for urban sprawl.

Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values are protected. Where no settlement boundary is identified, the extent of a settlement is defined by the extent of existing urban zoned land and any land identified on a plan in the planning scheme for future urban settlement.

Direct new residential and other urban development and infrastructure to locations within defined settlement boundaries of existing settlements that are capable of accommodating growth.

Ensure a sustainable water supply, stormwater and sewerage treatment for all development.

Minimise the quantity and enhance the quality of stormwater discharge from new development into the ocean, bays and estuaries.
LOCAL PLANNING POLICY FRAMEWORK

Municipal Strategic Statement

21.06-3 - Urban consolidation

The objective of Clause 21.06-3 of the Municipal Strategic Statement is to:

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

Strategies

- Manage urban consolidation and housing change across the municipality, by:
  - Accommodating medium and high density housing in Key Development Areas (as defined by the maps included in this clause).
  - Providing for incremental change in the General Residential Zone (Schedule 2) areas.

21.06-4 - Neighbourhood character

The objective of Clause 21.06-4 of the Municipal Strategic Statement is to:

- manage the impact of urban change on existing neighbourhoods.
- ensure that new development responds to the existing neighbourhood character.
- protect areas with a significant garden character.
- protect areas with views to significant landscape features.

Strategies

- Ensure that development is responsive to the established character of the area.
- Support appropriate medium density housing that respects the existing neighbourhood character in the General Residential Zone areas.
- Ensure that dwellings and extensions to dwellings over 7.5 metres have regard to the design objectives and decision guidelines of Schedule 14 to the Design and Development Overlay.

21.14-2 - The Bellarine Peninsula

The objective of Clause 21.14-2 of the Municipal Strategic Statement is to:

- protect and enhance the rural and coastal environment on the Bellarine Peninsula and maintain non-urban breaks between settlements.
- facilitate the development of Ocean Grove, Drysdale/Clifton Springs and Leopold as hubs of development and service provision on the Bellarine Peninsula. In all other townships on the Bellarine Peninsula provide retail, commercial and community uses and facilities that serve the daily needs of the community and encourages street based activity.
- preserve the individual character, identity and role of each Bellarine township.
Strategies

- Ensure that development responds to the identity and character of the individual township in which it is located.
- Protect rural and coastal environments from inappropriate urban encroachment.
- Ensure land use and development proceeds generally in accordance with the relevant Structure Plan maps included in this Clause.
- Ensure that development outside of settlement boundaries (as shown in the Structure Plan maps included in this clause) does not compromise the rural, environmental and landscape values of the non-urban breaks or longer term growth opportunities.

Portarlington:

- Encourage development which respects the coastal landscape setting of Portarlington by:
  - Providing reasonable sharing of views of the coast and foreshore, where a view has been identified in an overlay.
  - Promoting contemporary design that reflects the existing scale, setbacks, spacing, forms and materials of the buildings in the locality.
  - Ensuring that development allows for the protection of significant vegetation and/or planting around buildings and has minimal impact on roadside vegetation.

Local Planning Policies

There are no local policies relevant to this application.

Response

The proposal adequately responds to the relevant policies of the planning policy framework which encourages increases in densities in established areas to make better use of established infrastructure. It is noted that the site will be developed for what it was intended for, a single dwelling on a lot. Policy also seeks to provide housing for a range of forms to meet the needs of diverse households, and the development assists in achieving this objective.

With response to Clause 21.14 Bellarine Peninsula, Portarlington encourages development which respects the coastal landscape setting of Portarlington by providing a reasonable sharing of views of the coast and foreshore. Overall it is considered the application provides an appropriate design for the lot in the context of the subject site and it's surrounds. It is considered that the application meets with the SPF, MSS and LPPF of the Greater Geelong Planning Scheme.

Legislative Issues

The Planning and Environment Act 1987 and the Greater Geelong Planning Scheme are the relevant documents under which Council must consider this application.

DECISION GUIDELINES OF CLAUSE 65:

Clause 65 of the Greater Geelong Planning Scheme outlines the decision guidelines to be considered by the Responsible Authority when making decisions on applications. These decision guidelines include:
• The matters set out in Section 60 of the Act.
• The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
• The purpose of the zone, overlay or other provision.
• Any matter required to be considered in the zone, overlay or other provision.
• The orderly planning of the area.
• The effect on the amenity of the area.
• The proximity of the land to any public land.
• Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
• Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
• The extent and character of native vegetation and the likelihood of its destruction.
• Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
• The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Conclusion

The proposal has been assessed against the relevant decision guidelines listed above and is considered to accord with the decision guidelines, providing for an orderly planning outcome.

The Planning and Environment Act 1987 and the Greater Geelong Planning Scheme are the relevant documents under which Council must consider this application.
Application No: PP-658-2018
Applicant: Laffey Planning
Subject Land: 8 Knox Drive, BARWON HEADS
Owner: G J Kierce
Zone: General Residential Zone, Schedule 2 (GRZ2)
Overlays: Special Building Overlay
Existing Use: Single dwelling
Proposal: Construction of Addition (Carport) to Existing Dwelling and Second Dwelling, and Subdivision of the land into Two (2) Lots
Amendment: C375 (Adopted)
Summary

- This site is a corner lot with an area of 675 square metres in an established residential on the north side of Barwon Heads township. It has been developed with a single-storey dwelling and garage facing Baytown Close.
- The land is zoned General Residential (GRZ2) and affected by a Special Building Overlay. The proposed Amendment C375 to the Greater Geelong Planning Scheme, adopted by Council on 26 February 2019, would rezone the land to Neighbourhood Residential (NRZ6) and apply a Design and Development Overlay (DDO41).
- The applicant seeks approval for the construction of a carport on the east side of the existing dwelling and a two-storey dwelling and double garage at the rear of the dwelling.
- The application was advertised and 2 objections have been received.
- Key issues relate to the inappropriate location of secluded private open space within the front setback area, the excessive scale and inadequate setback of the proposed dwelling and the potential threat to a large street tree. This results in a detrimental impact on the amenity of existing dwelling, the streetscape and neighbourhood character.
- The proposal is inconsistent with State and local planning policies, the objectives of the zone and proposed Amendment C375, and the particular provisions in relation to more than one dwelling on a lot and car parking.

Recommendation

That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to refuse to Grant a Planning Permit for the Buildings and Works for the Construction of Addition (Carport) to Existing Dwelling and Second Dwelling and Subdivision of the land into Two (2) Lots at 8 Knox Drive, BARWON HEADS for the following reasons:

1. The scale and prominence of the proposed dwelling will have a dominating and detrimental impact on the streetscape and neighbourhood character, contrary to Clauses 15, 15.01-1S, 15.01-2A, 32.08 and 55.02-1 and proposed Amendment C375 to the Greater Geelong Planning Scheme.

2. The proposed design details accentuate the appearance of building bulk presenting to the street, contrary to Clause 55.06-1 of the Greater Geelong Planning Scheme.

3. The proposed secluded private open space located within the front setback area of existing dwelling offers a poor sense of address and substandard amenity for existing dwelling, contrary to Clause 32.08-7 and proposed Amendment C375 to the Greater Geelong Planning Scheme.

4. The extent of development and necessary usable private open space at the expense of landscaping will have a detrimental impact on the neighbourhood character, contrary to Clause 55.03-3 and proposed Amendment C375 to the Greater Geelong Planning Scheme.

5. Access for vehicles to enter and exit the site via the proposed 3.5-metre wide crossover is inadequate for the protection of existing street tree, contrary to Clause 55.03-9 of the Greater Geelong Planning Scheme.
6. The proposed fence to a height of 1.8 metres in front of existing dwelling does not allow sufficient passive surveillance and detracts from the streetscape, contrary to Clauses 55.03-7 and 55.06-2 and proposed Amendment C375 to the Greater Geelong Planning Scheme.

Report

THE SITE AND LOCALITY

The subject site is located on the north-east corner of Baytown Close and Knox Drive, approximately 1.2 kilometre north of the Barwon Heads Shopping Centre.

![Image 1: Subject site and immediate area](image)

It has a rectangular shape with a street frontage width of 20.57 metres (including splay corner), a depth of 35.2 metres and an area of 675 square metres. The land is generally flat with minimal fall towards the west. A 2-metre wide drainage easement is located adjacent to the northern boundary.

The site has been developed with a single-storey brick dwelling set back 4.8 metres from Knox Drive and 4.3 metres from Baytown Close. The orientation of the dwelling is towards Baytown Close. A brick garage on the north side of the dwelling is set back approximately 8 metres from Baytown Close. Vehicle access is via a partially constructed crossover from Baytown Close. There are several small trees within the front setback area and along the eastern side boundary. A low front fence abuts Knox Drive and part of Baytown Close, and a high paling fencing abuts the remainder of the side street.
Image 2: View from Knox Street

Image 3: View from Baytown Close
The adjoining property to the east (No 6 Knox Drive) has been developed with a single-storey brick dwelling set back 7.5 metres from the street and 5.6 metres from the common boundary. Vehicle access and a shed are located adjacent to the common boundary. There is no front fencing.

The adjoining property to the north (No 11 Baytown Close) has been developed with a single-storey brick dwelling set back 9.6 metres from the street and 8.2 metres from the common boundary. Vehicle access and secluded private open space are located adjacent to the common boundary. A high paling fence abuts the street.

Properties on the opposite side of Knox Drive and Baytown Close have been developed with one and two-storey dwellings. Front fencing is either high or non-existent.

Street features directly adjacent to the site include footpaths, service pits and 4 street trees. The largest tree, a 20-metre high Eucalypt is located in close proximity to the partially constructed crossover.

**Restrictive Covenant**

There are no restrictive covenants or Section 173 legal agreements affecting the land.

**HISTORY**

There is no history of planning applications or permits issued for this site.

**Amendment C375**

The subject site is affected by the proposed Amendment C375 to the Greater Geelong Planning Scheme.

The amendment proposes changes to the Local Planning Policy Framework by including reference to the Barwon Heads Structure Plan 2017 and by making changes to the zoning of the land and overlay controls within the Structure Plan Area.

The amendment was exhibited in February/March 2018 and a Panel was appointed to hear submissions in August 2018.
The amendment was adopted by Council on 26 February 2019 and sent to the Minister for Planning for approval on 21 March 2019.

As such, the changes are considered to be “seriously entertained” planning scheme amendments that need to be considered as part of this application.

PROPOSAL

The applicant proposes to construct an addition to existing dwelling and second dwelling and subdivide the land into two (2) lots.

Details of the proposal can be summarised as follows:

- The construction of an attached carport on the east side of the existing dwelling, set back approximately 7.5 metres from the street (completed during assessment).
- The construction of a two-storey dwelling to the rear of existing dwelling, set back 3.5 metres from the street and 2.0 metres from the northern boundary.
- New walls to a maximum height of 5.8 metres set back a minimum 1.7 metres from side and rear boundaries with an overall height of 7.1 metres above ground level.
- Buildings occupying 46% of the site, and permeable surface occupying 49% of the site.
- A contemporary design constructed in brick and weatherboards with low-pitched sheet roof.
- The provision of 61 square metres of secluded private open space associated with the existing dwelling, and 42 square metres associated with the proposed dwelling.
- The provision of 2 car spaces associated with each of the dwellings.
- Vehicle access via new crossovers from Knox Drive and Baytown Close.
- Indicative landscaping providing for the retention of existing trees within the front setback areas and adjacent to the eastern side boundary.
- A new 1.8-metre high fence abutting part of Baytown Close.
- Subdivision of the land into 2 lots – Lot 1 containing the existing dwelling with an area of 419 square metres, and Lot 2 containing the proposed dwelling with an area of 256 square metres.

GREATER GEELOM PLANNING SCHEME

Clause 73.03 Definitions:

Pursuant to Clause 73.03, a dwelling is defined as a building used as a self-contained residence which must include:

a) a kitchen sink;

b) food preparation facilities;

c) a bath or shower; and

d) a closet pan and wash basin.

It includes out-buildings and works normal to a dwelling.

Clause 73.04 Nesting:

Pursuant to Clause 73.04-1, a dwelling is nested in the Accommodation Group.

Subdivision is not defined or nested in the Planning Scheme.
A lot is defined as a part (consisting of one or more pieces) of any land (except a road, a reserve, or common property) shown on a plan, which can be disposed of separately and includes a unit or accessory unit on a registered plan of strata subdivision and a lot or accessory lot on a registered plan.

Subdivision is defined in the Subdivision Act 1988 as the division of land into two or more parts which can be disposed of separately.

**Permit required Clauses and Conditions**

Pursuant to Clause 32.083, a permit is required to subdivide land. Subdivision of the land into 2 lots must meet the objectives and should meet the standards of Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

Pursuant to Clause 32.08-5, a permit is required to construct more than one dwelling on a lot. A development must meet the requirements of Clause 55 and the garden area requirements under Clause 32.08-4.

Pursuant to Clause 44.05-2, a permit is required to construct a building or carry out works. The application must be referred to the relevant floodplain management authority under Section 55 of the Act.

Pursuant to Clause 52.06, car parking requirements apply to a dwelling.

Pursuant to Clause 66.01-1, mandatory conditions apply to subdivision of land into 2 lots.

**Cultural Heritage Management Plan (CHMP)**

The construction of two dwellings on a lot is exempt from requiring a CHMP pursuant the Aboriginal Heritage Regulations 2007.

**ZONE**

The site and surrounding properties are located within a General Residential Zone (Schedule 2 – Incremental Change Areas).

The purpose of the General Residential Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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.

**Minimum Garden Area requirement**

Pursuant to Clause 32.08-4, an application to construct or extend a dwelling on a lot requires a minimum 35% of the lot set aside as garden area on a lot exceeding 650 square metres.
Garden area is defined as any area on a lot with a minimum dimension of 1 metre that does not include:

a) a dwelling or residential building, except for:
   • an eave, fascia or gutter that does not exceed a total width of 600mm;
   • a pergola;
   • unroofed terraces, patios, decks, steps or landings less than 800mm in height;
   • a basement that does not project above ground level;
   • any outbuilding that does not exceed a gross floor area of 10 square metres;
   • and
   • domestic services normal to a dwelling or residential building;

b) a driveway; or

c) an area set aside for car parking.

In accordance with the above requirement, the proposed garden area occupies 47.35% of the site.

ResCode Variations permitted in a General Residential Zone - Schedule 2

The schedule of the General Residential Zone varies the Standards in ResCode, as stated in Clause 55. The variations are listed below.

<table>
<thead>
<tr>
<th>Requirements of Clause 55</th>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landscaping</td>
<td>B13</td>
<td>One canopy tree per dwelling</td>
</tr>
<tr>
<td>Private open space</td>
<td>B28</td>
<td>An area of 60 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. It cannot include a balcony or roof top terrace.</td>
</tr>
</tbody>
</table>

The provision of 60 square metres of secluded private open space associated with the existing dwelling and 41 square metres associated with the proposed dwelling meets the minimum area and dimensions prescribed above. However, the location of the secluded private open space within the front setback area of existing dwelling offers a poor standard of amenity and results in a detrimental impact on the streetscape and neighbourhood character. In particular, the indirect access from the indoor living space via the front entry and front verandah to enclosed outdoor living space, which is 3 steps below the verandah, is less than convenient and limited in terms of its usability. From a streetscape perspective, the construction of a high front fence undermines the sense of address for existing dwelling, and the visual connection between the private and public domain. Constrained by the existing layout, the design response supports the premise that not all sites are suitable for subdivision especially if it involves retention of the existing dwelling. Also, the existing landscaping, should it survive, makes a negligible contribution towards tree canopies on the site.
Maximum building height requirement

A building used as a dwelling or residential building must not exceed a height of 9 metres unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case it must not exceed a height of 10 metres.

The proposed height of 7.1 metres complies with the maximum height of 9 metres.

Amendment C375

The amendment proposes to rezone the land from General Residential (Schedule 2 - Incremental Change Areas) to Neighbourhood Residential Zone, and insert a new Schedule 6 - Barwon Heads Incremental Change Area to Clause 32.09 - Neighbourhood Residential Zone.

The purpose of the Neighbourhood Residential Zone is:

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

The most notable change to the objectives for this area is greater emphasis on neighbourhood, environmental and landscape character rather than housing growth and diversity.

ResCode Variations permitted in Neighbourhood Residential Zone - Schedule 6

Schedule 6 of the Neighbourhood Residential Zone proposes to vary the Standards in ResCode, as stated in Clause 55. The proposed variations are listed below.

<table>
<thead>
<tr>
<th>Requirements of Clause 55</th>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private open space</td>
<td>B28</td>
<td>An area of 60 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. It cannot include a balcony or roof top terrace.</td>
</tr>
</tbody>
</table>

It is noted that the proposed variation to the Schedule reflects existing requirements under the General Residential Zone – Schedule 2.

There is no height limit under the proposed Schedule 6. However, pursuant to Clause 32.09-10 of the Neighbourhood Residential Zone, the building height must not exceed 9 metres, and the building must contain no more than 2 storeys at any point.
In effect, there is no change to the height limit or private open space requirements.

**OVERLAYS**

The site and surrounding properties are affected by a Special Building Overlay.

The purpose of the overlay is:

- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

Council in its role as the relevant floodplain management authority has no objection to the proposal subject to the conditions outlined below.

**Amendment C375**

The amendment proposes to insert a new Schedule 41 to Clause 43.02 Design and Development Overlay.

The purpose of the overlay is:

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

The design objective for Barwon Heads Incremental Change Residential Area is to:

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

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

- 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.
- 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.
- 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.
Having regard to the above requirements, the existing and proposed development occupying 46% of the site exceeds the maximum site coverage of 40%, and the proposed setback of 3.48 metres from the street is less than the minimum setback requirement of 6 metres. From a streetscape perspective, the main concern is the dominating impact of a two-storey dwelling including upper storey occupying 90% of the ground storey at a reduced setback relative to the adjacent single-storey dwellings. Also, the proposed garage and storage dominates the ground storey façade presenting to the street. The design response should provide for a graduation in height and less obtrusive building that better protects the unique low scale coastal design character of Barwon Heads.

In terms of soft landscaping, the proposed layout offers no guarantee that at least 30% of the site will remain free of hard surfaces. Certainly, the two trees within the secluded private open space of existing dwelling are unlikely to survive when competing with the need for usable private open space. It is also unlikely that the trees within the side setback adjacent to the eastern boundary will survive. Apart from existing landscaping to the south and south-east of existing dwelling, there is minimal scope for replacement planting. This fails to achieve a spacious and vegetated garden setting that integrates with the vegetation of the public realm.

Although the proposed development reduces the length of high fencing along Baytown Close, the placement of the new fencing to a height of 1.8 metres in front of the existing dwelling is contrary to the objectives and requirements outlined above.

### Table 1. Barwon Heads Incremental Change Residential Area Design Requirements

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

Having regard to the above requirements, the existing and proposed development occupying 46% of the site exceeds the maximum site coverage of 40%, and the proposed setback of 3.48 metres from the street is less than the minimum setback requirement of 6 metres. From a streetscape perspective, the main concern is the dominating impact of a two-storey dwelling including upper storey occupying 90% of the ground storey at a reduced setback relative to the adjacent single-storey dwellings. Also, the proposed garage and storage dominates the ground storey façade presenting to the street. The design response should provide for a graduation in height and less obtrusive building that better protects the unique low scale coastal design character of Barwon Heads.

In terms of soft landscaping, the proposed layout offers no guarantee that at least 30% of the site will remain free of hard surfaces. Certainly, the two trees within the secluded private open space of existing dwelling are unlikely to survive when competing with the need for usable private open space. It is also unlikely that the trees within the side setback adjacent to the eastern boundary will survive. Apart from existing landscaping to the south and south-east of existing dwelling, there is minimal scope for replacement planting. This fails to achieve a spacious and vegetated garden setting that integrates with the vegetation of the public realm.

Although the proposed development reduces the length of high fencing along Baytown Close, the placement of the new fencing to a height of 1.8 metres in front of the existing dwelling is contrary to the objectives and requirements outlined above.
COASTAL INUNDATION AND EROSION:

Clause 13.01-1 of the SPPF requires the Responsible Authority to consider the potential coastal impacts of climate change.

Strategies include:
- In planning for possible sea level rise, an increase of 0.2 metres over current 1 in 100 year flood levels by 2040 may be used for new development in close proximity to existing development (urban infill).
- Plan for possible sea level rise of 0.8 metres by 2100, and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.
- Consider the risks associated with climate change in planning and management decision making processes.

The subject site is located within an urban development approximately 450 metres from the coast, and the plans under assessment show a finished floor level of 3.3 AHD.

Council’s data indicates that the site is unlikely to be affected by the potential coastal impacts of climate change at 2040.

LANDFILL GAS RISK ASSESSMENT

Before deciding on a Planning Permit application, a Responsible Authority is required to consider, amongst other things:
- Any significant effects the responsible authority considers the environment may have on the use or development [S 60(1) of the PEA].
- Clause 13.03-1 of The State Planning Policy Framework which aims to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

The EPA has adopted the “Best Practice Environmental Management, Siting, Design Operation and Rehabilitation of Landfills” (September 2010) or “Landfill BPEM.”

The Landfill BPEM identifies that:
- Risks associated with landfill gases may occur for at least 30 years post-closure.
- Appropriate buffer distances must be maintained between the landfill and sensitive land uses. The BPEM recommends a 500 metre buffer for landfills that contained putrescible waste and 200 metres for landfills that contained non-putrescible waste.
- Where the recommended buffers are unavailable, it must be demonstrated that risks are suitably mitigated.
- All buildings and structures and associated infrastructure should be considered.

The BPEM specifies that development undertaken within a buffer distance of up to 500 metres may be at risk. As the subject site is not located within 500 metres of an identified former landfill site, a risk assessment is not required.

DEVELOPMENTS IN BUSHFIRE PRONE AREAS

Clause 13.05 (Bushfire) seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
The policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land which is:
- Within a designated bushfire prone area;
- Subject to a Bushfire Management Overlay; or
- Proposed to be used or developed in a way that may create a bushfire hazard.

The proposal is listed at Clause 13.05 as one of the uses or developments which should be considered:
- Subdivisions of more than 10 lots.
- Accommodation.
- Child care centre.
- Education centre.
- Emergency services facility.
- Hospital.
- Indoor recreation facility.
- Major sports and recreation facility.
- Place of assembly.
- Any application for development that will result in people congregating in large numbers.

The site is not located within a designated bushfire prone area.

**PARTICULAR PROVISIONS**

**Car Parking**

Pursuant to Clause 52.06-5, two car spaces are required for each dwelling that includes 3 or more dwellings.

The provision of two car spaces associated with each of the dwellings satisfies this requirement.

**Public Open Space Contribution**

Pursuant to Clause 53.01-1, a subdivision is exempt from a public open space requirement specified in the scheme if it subdivides land into two lots and Council considers it unlikely that each lot will be further subdivided.

As Council has no reason to believe that the land will be further subdivided, a public open space contribution is not required.

**Two or more dwellings on a lot**

Pursuant to Clause 55, a development must meet all of the objectives of this clause and should meet all of the standards. A detailed assessment is included later in this report.

**Residential subdivision**

Pursuant to Clause 56, a subdivision should normally meet the standards that contain requirements to meet objectives. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.
As this is a combined application for development and subdivision and the proposed development is not supported, the proposed subdivision cannot be supported.

**PLANNING POLICY FRAMEWORK (PPF)**

**11.01-1S – Settlement**

Relevant strategies to promote the sustainable growth and development of Victoria and deliver choice opportunity for all Victorians through a network of settlements are:

- Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.
- Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.
- Ensure regions and their settlements are planned in accordance with any relevant regional growth plan.
- Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.
- Provide for growth in population and development of facilities and services across a region or sub-region network.
- Plan for development and investment opportunities along existing and planned transport infrastructure.
- Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:
  - Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.
  - Developing settlements that will support resilient communities and their ability to adapt and change.
  - Balancing strategic objectives to achieve improved land-use and development outcomes at a regional, catchment and local level.
- Encourage a form and density of settlements that supports sustainable transport to reduce greenhouse gas emissions.
- Limit urban sprawl and direct growth into existing settlements.
- Promote and capitalise on opportunities for urban renewal and infill redevelopment.

**15 - Built Environment and Heritage**

Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.
Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.

Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.

Planning should promote excellence in the built environment and create places that:
- Are enjoyable, engaging and comfortable to be in.
- Accommodate people of all abilities, ages and cultures.
- Contribute positively to local character and sense of place.
- Reflect the particular characteristics and cultural identity of the community.
- Enhance the function, amenity and safety of the public realm.

15.01- 1S Urban Design

Strategies to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity are
- Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.
- Ensure the interface between the private and public realm protects and enhances personal safety.
- Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.
- Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.
- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.
- Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.
- Promote good urban design along and abutting transport corridors.
15.01-2S – Building design

Strategies to achieve building design outcomes that contribute positively to the local context and enhance the public realm include:

- Require a comprehensive site analysis as the starting point of the design process.
- Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.
- Ensure development responds and contributes to the strategic and cultural context of its location.
- Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
- Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
- Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.
- Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.
- Encourage development to retain existing vegetation.

15.01-3S - Subdivision Design

Objective

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Strategies

- Being accessible to people with disabilities.
- Creating an urban structure and providing utilities and services that enable energy efficiency, resource conservation, integrated water management and minimisation of waste and air pollution.

15.01-4S – Healthy neighbourhoods

Objective

To achieve neighbourhoods that foster healthy and active living and community wellbeing.
Strategies

Design neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity by providing:

- Connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life.
- Streets with direct, safe and convenient access to destinations.
- Conveniently located public spaces for active recreation and leisure
- Accessibly located public transport stops
- Amenities and protection to support physical activity in all weather conditions.

15.01-5S – Neighbourhood character

Strategies to recognise, support and protect neighbourhood character, cultural identity, and sense of place are:

- Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.
- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:
  - Pattern of local urban structure and subdivision.
  - Underlying natural landscape character and significant vegetation.
  - Heritage values and built form that reflect community identity.

16.01-2S – Location of residential development

Strategies to locate new housing in designated locations that offer good access to jobs, services and transport are:

- Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.
- Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
- Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.
- Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.
- Identify opportunities for increased residential densities to help consolidate urban areas.
16.01-3S – Housing Diversity

Strategies to provide for a range of housing types to meet diverse needs are:

- Ensure housing stock matches changing demand by widening housing choice.
- Facilitate diverse housing that offers choice and meets changing household needs through:
  - A mix of housing types.
  - Adaptable internal dwelling design.
  - Universal design.
- Encourage the development of well-designed medium-density housing which:
  - Respects the neighbourhood character.
  - Improves housing choice.
  - Makes better use of existing infrastructure.
  - Improves energy efficiency of housing.
- Support opportunities for a range of income groups to choose housing in well-serviced locations.

Response:

Consistent with urban consolidation strategies, the site is located within an established residential area and seaside environment with good access to services and facilities and easy access to jobs in nearby Geelong. The foreshore and LG Frost Reserve are within walking distance, and a local bus service along Carr Street and Sheepwash Road provides direct links to the shopping centre with connections to other coastal towns and City of Geelong.

However, new housing must respond appropriately to its surrounding built form and landscaping in a way that reflects the particular characteristics and cultural identity of the community while minimising any detrimental impacts on neighbouring properties and the public realm.

While the site may be suited to medium density housing, the retention of existing dwelling is a major constraint that results in a poorly resolved design and substandard amenity for the existing dwelling. In particular, secluded private open space within the front setback area is inconvenient and offers a poor sense of address for the existing dwelling. Also, the proposed upper storey occupying the entire ground storey, except for the store, at a reduced setback from the street relative to adjacent dwellings, will have a dominating impact on the streetscape. This together with limited scope for landscaping and threat to the survival of existing street tree fails to respect the neighbourhood character.
LOCAL PLANNING POLICY FRAMEWORK (LPPF)
Municipal Strategic Statement (MSS)

21.06-3 - Urban consolidation

Relevant strategies to provide for the consolidation of existing urban areas in a managed way encourage an appropriate range of development densities are:

- Manage urban consolidation and housing change across the municipality, by:
  - Accommodating medium and high density housing in Key Development Areas (as defined by the maps included in this clause).
  - Maximising opportunities for housing within Increased Housing Diversity Areas (as defined in Clause 22.63 Increased Housing Diversity Areas) by accommodating:
    - high density housing in the activity centres consistent with their primary commercial and retail role; and
    - medium density housing in residential areas with more intensive development being located closest to the core of activity centres.
  - Supporting appropriate medium density housing in the General Residential Zone (Schedule 1) areas.
  - Providing for incremental change in the General Residential Zone (Schedule 2) areas.
  - Limiting change in the Neighbourhood Residential Zone areas.

- Encourage medium density housing in the Mixed Use Zone.
- Require retirement accommodation to be located within urban areas, preferably within close proximity to existing or proposed activity centres and public transport facilities.

21.06-4 - Neighbourhood character

Relevant strategies to ensure new development responds to the existing neighbourhood character and protect the significant garden character are:

- Ensure that development is responsive to the established character of the area.
- Support appropriate medium density housing that respects the existing neighbourhood character in the General Residential Zone areas. .
- Retain existing vegetation wherever possible, particularly vegetation that contributes to the municipality’s tree canopy.

21.14-2 - The Bellarine Peninsula

Relevant strategies to preserve the individual character, identity and role of each Bellarine township are:

- Ensure that development responds to the identity and character of the individual township in which it is located.
- Protect rural and coastal environments from inappropriate urban encroachment.
- Ensure land use and development proceeds generally in accordance with the relevant Structure Plan maps included in this Clause.
- Ensure that development outside of settlement boundaries (as shown in the Structure Plan maps included in this clause) does not compromise the rural, environmental and landscape values of the non-urban breaks or longer term growth opportunities.
• Direct the bulk of residential growth and retail development to Ocean Grove, Drysdale/Clifton Springs and Leopold consistent with the relevant Structure Plan maps included in this clause.

In addition, strategies specific to Barwon Heads are:
• 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
• 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.

Amendment C375

The amendment modifies Clause 21.14 Bellarine Peninsula to reflect key strategies of the Barwon Heads Structure Plan 2017 including an updated Barwon Heads Structure Plan Map. The modified strategies are as follows:
• Maintain a compact urban form and avoid outward sprawl by ensuring that urban development does not occur outside of the defined settlement boundary.
• Protect the unique character of Barwon Heads as a coastal village located within a sensitive environment and significant landscape setting.
• Ensure that new development complies with specified coastal character siting and design requirements.
• Protect the very low density residential character of the Warrenbeen Court area to ensure that development has minimal impact on the indigenous vegetation and landscape character of the area.
• Ensure the Hitchcock Avenue shopping centre remains the focus of retail activity in Barwon Heads.
• Restrict new retail development within the existing town centre and discourage the use of the land for industry or warehouse uses.
• Support appropriate development of Stage 3 of the 13th Beach Resort as a focus for golf that excludes residential development and provides demonstrable net environmental benefit.
• 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 including improvement of accommodation diversity.
Response:

In accordance with managing urban consolidation and housing change across the municipality, local planning policies provide for incremental change in a General Residential Zone (Schedule 2) and limited change in a Neighbourhood Residential Zone. Therefore, appropriate medium density housing that respects the existing neighbourhood character is supported in the General Residential Zone, and on the Bellarine Peninsula, the bulk of residential growth and retail development is directed to Ocean Grove.

While the site is currently in a General Residential Zone, the proposed Amendment C375 rezones the land to a Neighbourhood Residential Zone where incremental change provides for limited residential growth and increased protection of the unique character of Barwon Heads as a coastal village within a sensitive environment and significant landscape setting.

Even with no change to the planning scheme, the proposal is inconsistent with incremental change that respects the low-scale built form and landscape character of the neighbourhood. Now, under a seriously entertained planning scheme amendment, strengthened policies that rely on limited change and protection of the landscape character further undermine support for the proposal.

REFERRALS

<table>
<thead>
<tr>
<th>Authority:</th>
<th>Parks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Response</td>
<td>The existing vehicle access within Baytown Close is grassed between the layback and footpath. Whilst the plans indicate that the existing crossover is to remain it will be the primary point of access to unit 2. Therefore, it is expected that it will be required to be formalised in some way. This process will see works being conducted within the Structural Root Zone (SRZ) of the street tree which is not acceptable. The SRZ has been nominated to be 3.7m. It is also noted that the existing crossover does not align with the proposed concrete driveway which has a 3150mm setback between the footpaths edge and the entrance to the garage, it is anticipated that this may create issues whilst reversing which will prompt further discussion relating to the crossover. The findings within the Arboricultural report are not disputed however it should be noted that the level of incursion being nominated within the Tree Protection Zone (7.9%) does not include any works that will fall outside the title boundary. Formalisation of the existing crossover would see works being conducted within the SRZ of the tree.</td>
</tr>
</tbody>
</table>

Officer Comment:
Trees on either side of the proposed crossover refer to an extra-large Western Australia Tuart to the north and medium size Coastal Banksia to the south. In response to the above comments, amended plans provide for the relocation of the proposed crossover further south, set back 3.7 metres from the Tuart with a slight increase in the front setback of the dwelling to 3.48 metres. Further comments from Council’s Park’s Department supports the proposal subject to the provision of a permeable infill of the crossover and a requirement that the consulting arborist is present during the excavation works and a photographic record and short summary report is submitted. However, these comments rely on vehicle access via a 3.5-metre crossover which does not line up with the proposed driveway and width of the garage door opening.
### Development Hearings Panel

**Meeting No. 590**  
**Date: 18 July 2019**

<table>
<thead>
<tr>
<th>Authority:</th>
<th>Traffic Engineering Services</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Response</strong></td>
<td>The proposal is supported subject to the following conditions:</td>
</tr>
<tr>
<td></td>
<td>• Amended plans must be provided for the second dwelling to show the garage having a minimum 5.0 m setback from the road reserve boundary and centred on the driveway, the driveway being 4.0 m wide at its intersection with the road reserve boundary with a 5.7 m offset from the northern property boundary. The vehicle crossing must be 4.0 m wide and centred on the driveway, and the infill must consist of crushed rock or stone. Conversations with the Responsible Authority have determined that a new concrete kerb layback must be installed on the driveway. The redundant kerb layback in Baytown Close must be removed and reinstated to B2 kerb type. All dimensions must be shown on the Ground Floor plan and to the satisfaction of the Responsible Authority. The amended plans must provide a pedestrian path between the road reserve and dwelling Entry and be separated from the driveway, the location of the letterbox and the storage location of three waste receptacles to the satisfaction of the Responsible Authority.</td>
</tr>
<tr>
<td></td>
<td>• Amended plans must be provided to show the driveway for the existing dwelling in Knox Drive to be 3.5 m wide with a minimum 0.6 m offset from the eastern property boundary. This must include alterations made to the existing front fence. The vehicle crossing must be 3.5 m wide and centred on the driveway and constructed in concrete. All dimensions must be shown on the Ground Floor plan and to the satisfaction of the Responsible Authority. The amended plans for the existing dwelling must show the location of the letterbox and the storage location of three waste receptacles to the satisfaction of the Responsible Authority.</td>
</tr>
</tbody>
</table>

**Officer Comment:**
As the above changes involve significant modifications to the proposed dwelling and access between existing street trees, the proposal in its current form cannot be supported.

<table>
<thead>
<tr>
<th>Authority:</th>
<th>Drainage Engineering Services</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Response</strong></td>
<td>• The proposed dwelling must be constructed with finished floor levels a minimum of 300 mm above the applicable flood level of RL 3.00 m AHD. Fill must be kept to a minimum on the property and must only be used for the sub-floor areas of the dwelling and garage. Property drainage design must comply with AS/NZS 3500.3</td>
</tr>
<tr>
<td></td>
<td>• External finished surface levels around the proposed building are to be set at levels that allow surface flows to overflow to legal point of discharge without entry to the proposed building when the property drainage system is blocked.</td>
</tr>
<tr>
<td></td>
<td>• The proposed garage must be constructed with finished floor levels a minimum of 150 mm above the applicable flood level of RL 3.00 m AHD. New fences must be permeable as per Melbourne Water Fact Sheet: Fence Types for Overland Flow Paths. Applicable flood depth is 0.1 m. Decks to have unenclosed sub-floor areas to allow passage of overland flows.</td>
</tr>
<tr>
<td></td>
<td>• Notes for the Planning Permit: The relevant building surveyor must consider overland flood paths in accordance with Clause 5.4.2 of AS/NZS 3500.3.</td>
</tr>
</tbody>
</table>
Officer Comment:
In the event that a permit is issued, the above conditions and notes would apply. It is noted that the recommended finished floor level of 3.3m AHD has been designed to. Changes to the plans would be required with details of new fencing to be as recommended.

AMENDMENT OF THE PROPOSAL PRIOR TO PUBLIC NOTIFICATION:

The application was amended prior to public notification.

The applicant made a request to amend the application pursuant to Section 50 of the Planning and Environment Act 1987 on 1 November 2018. Council accepted the amendment. The amendment made the following changes to the application:

- Minor alterations to the location of entry path to existing dwelling and slight increase to the secluded private open space area.
- Relocation of proposed crossover from Baytown Close further south at a distance of 3.7 metres from the edge of a large street tree.

PUBLIC NOTIFICATION:

The application is not 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 and pursuant to Section 52 of the Planning and Environment Act 1987 the following forms of advertising were undertaken:

- Notices were sent to owners and occupiers of adjoining land (including opposite)
- Two A3 sign(s) were displayed on the land

In response to advertising, three (3) objections were received from adjoining/nearby neighbours.

AMENDMENT OF THE APPLICATION FOLLOWING PUBLIC NOTIFICATION

The application was amended following public notification.

The applicant made a request to amend the application pursuant to Section 57A of the Planning and Environment Act 1987 on 16 January 2019. Council accepted the amendment. The amendment made the following changes to the application:

- The setback of proposed dwelling increased by 330 millimetres to 3.48 metres with a corresponding reduction in setback from the eastern boundary.
- Replacement of flat roof with a low (16°) pitched roof.

These are the plans that form the basis of this report.

OBJECTIONS

The grounds of objection can be summarised as follows:

- The proposed subdivision and development fails to respect the existing character of the area due to an overdevelopment of the site and insufficient landscaping.
- The proposed setback of 3.15 metres is inconsistent with other properties in Baytown Close.
- Secluded private open space on the north side of the proposed dwelling has limited access to sunlight due to fencing and established trees on adjoining properties.
- The location of secluded private open space associated with the existing dwelling is inappropriate and inadequate.
• The proposal would have a detrimental impact on privacy and outlooks from the adjoining properties.
• On-street parking congestion close to the intersection creates difficulties entering and exiting Baytown Close, and a danger to pedestrians, cyclists and motorists.
• The location of any outdoor air conditioning unit is a concern.

Response:
The above concerns are largely addressed against State and local planning policies, the objectives of the current and proposed zones and the ResCode assessment (Clause 55 – more than one dwelling on a lot).

In regard to on-street parking congestion, the construction of one additional dwelling is unlikely to change traffic characteristics at the intersection of Knox Drive and Baytown Close. Also, Council’s Traffic Engineer has no objection to the proposal on traffic grounds.

An air-conditioning unit is included within the definition of ‘domestic services normal to a dwelling,’ which is exempt from the need for a planning permit. Should noise become a nuisance in future, the matter can be referred to Council’s Environmental Health Department.

OFFICER DIRECT OR INDIRECT INTEREST

No Council officers have any direct or indirect interest in the matter to which this report relates, in accordance with Section 80 (C) of the Local Government Act.

LEGISLATIVE ISSUES

The Planning and Environment Act 1987 and the Greater Geelong Planning Scheme are the relevant documents under which Council must consider this application.

CONCLUSION

The proposed development is an inappropriate response to the opportunities and constraints of the site, resulting in an adverse impact on the amenity of existing dwelling, the streetscape and neighbourhood character.
 Clause 55 - ResCode Assessment – Two or More Dwellings on a Lot

The development is required to be assessed against Clause 55 as set out below:

<table>
<thead>
<tr>
<th>55.02-1 Neighbourhood character objectives</th>
<th>Standard B1</th>
<th>× Does not comply</th>
</tr>
</thead>
<tbody>
<tr>
<td>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</td>
<td>The design response must be appropriate to the neighbourhood and the site. The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</td>
<td>The immediate area is characterised by a predominance of single-storey dwellings and few double-storey dwellings set back behind landscaping and various fencing. Dwellings are constructed in brick and timber with pitched and flat roofs. The nearest two-storey dwelling on the opposite side of Baytown Close is a modest attic style dwelling set back more than 6 metres from the street to match the setback of dwellings on either side. Within this context, the proposed two-storey dwelling projecting forward of the single-storey dwellings on either side fails to respect the neighbourhood character.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>55.02-2 Residential policy objectives</th>
<th>Standard B2</th>
<th>✓ Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</td>
<td>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</td>
<td>The required written statement has been provided. However, the generalised response to policy is not supported.</td>
</tr>
</tbody>
</table>
### 55.02-3 Dwelling diversity objective

**To encourage a range of dwelling sizes and types in developments of ten or more dwellings.**

<table>
<thead>
<tr>
<th>Standard B3</th>
<th>- N/A</th>
<th>Less than ten dwellings are proposed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Dwellings with a different number of bedrooms.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 55.02-4 Infrastructure objectives

**To ensure development is provided with appropriate utility services and infrastructure.**

**To ensure development does not unreasonably overload the capacity of utility services and infrastructure.**

<table>
<thead>
<tr>
<th>Standard B4</th>
<th>✓ Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</td>
<td></td>
</tr>
<tr>
<td>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</td>
<td></td>
</tr>
<tr>
<td>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</td>
<td></td>
</tr>
<tr>
<td>The site is serviced by the required infrastructure, and Council's Engineers have not raised any concerns about the ability of the site to be drained. In the event that a permit is issued, standard conditions would apply.</td>
<td></td>
</tr>
</tbody>
</table>

### 55.02-5 Integration with the street objectives

**To integrate the layout of development with the street.**

<table>
<thead>
<tr>
<th>Standard B5</th>
<th>✗ Does not comply</th>
</tr>
</thead>
<tbody>
<tr>
<td>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</td>
<td></td>
</tr>
<tr>
<td>Development should be oriented to front existing and proposed streets.</td>
<td></td>
</tr>
<tr>
<td>High fencing in front of dwellings should be avoided if practicable.</td>
<td></td>
</tr>
<tr>
<td>Development next to existing public open space should be laid out to complement the open space.</td>
<td></td>
</tr>
</tbody>
</table>

Both dwellings have a street orientation and while the proposed dwelling allows good connection between the private and public domain, the layout of existing dwelling and associated secluded private open is poorly integrated with the street.
<table>
<thead>
<tr>
<th>55.03-1 Street setback objective</th>
<th>Standard B6</th>
<th>✗ Does not comply</th>
</tr>
</thead>
</table>
| To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. | Walls of buildings should be set back from streets the distance specified in Table B1. Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard. | The proposed setback of 3.48 metres does not comply with the minimum setback requirement of Table B1 being:  
*If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.*  
The existing dwelling is oriented to Baytown Close, and as such the new development should comply with the setback of the abutting dwelling on Baytown Close, or 9m, with 9m being the lesser setback.  
Regardless of compliance with the standard, it is considered that the proposed variation to 3.48m is not appropriate for this location where the constant setback at ground and first floor level proposed between the abutting single-storey dwellings setback 4.2 to 9.6 metres results in a built form that dominates the adjacent dwellings and the streetscape. This is inconsistent with the street setback objective. |
<table>
<thead>
<tr>
<th>55.03-2 Building height objectives</th>
<th>Standard B7</th>
<th>✓ Complies with standard but not responsive to objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</td>
<td>The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land. If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres. Changes of building height between existing buildings and new buildings should be graduated.</td>
<td>The proposed building height meets the standard; however it is noted that the elevations do not provide sufficient articulation or recession from the ground floor to reduce the dominance of the overall building height in the streetscape.</td>
</tr>
<tr>
<td>55.03-3 Site coverage objective</td>
<td>Standard B8</td>
<td>✗ Does not comply with objective</td>
</tr>
<tr>
<td>To encourage development that respects the landscape character of the neighbourhood. To encourage the retention of significant trees on the site.</td>
<td>The site area covered by buildings should not exceed 60 per cent.</td>
<td>The existing and proposed development occupying 46% of the site complies with the maximum 60% site coverage of the standard. However, it exceeds the maximum 40% site coverage under the proposed Design and Development Overlay forming part of Amendment C375. Consequently, the proposed site coverage fails to achieve site coverage objectives.</td>
</tr>
<tr>
<td>55.03-4 Permeability and stormwater management objectives</td>
<td>Standard B9</td>
<td>✓ Complies</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>-------------</td>
<td>------------</td>
</tr>
</tbody>
</table>
| To reduce the impact of increased stormwater run-off on the drainage system. | The site area covered by the pervious surfaces should be at least:  
- The minimum area specified in a schedule to the zone, or  
- If no minimum is specified in a schedule to the zone, 20 percent of the site. | The proposed permeable area occupying 47% of the site complies with the minimum standard requirement of 20%. |
| To facilitate on-site stormwater infiltration. | The stormwater management system should be designed to:  
- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces. |  |
| To encourage stormwater management that maximises the retention and reuse of stormwater. |  |  |
### 55.03-5 Energy efficiency objectives

To achieve and protect energy efficient dwellings and residential buildings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

<table>
<thead>
<tr>
<th>Standard B10</th>
<th>✓ Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Buildings should be:</strong></td>
<td>The internal layout of the proposed dwelling includes living areas with</td>
</tr>
<tr>
<td>• Oriented to make appropriate use of solar energy.</td>
<td>reasonable access to sunlight and cross-ventilation. However, the open</td>
</tr>
<tr>
<td>• Sited and designed to ensure that the energy efficiency of existing</td>
<td>plan living area would be better placed at ground level allowing greater</td>
</tr>
<tr>
<td>dwellings on adjoining lots is not unreasonably reduced.</td>
<td>access to northern sunlight. The living areas on the west side of</td>
</tr>
<tr>
<td>• Sited and designed to ensure that the performance of existing rooftop</td>
<td>existing dwelling have good access to afternoon sunlight. There are no</td>
</tr>
<tr>
<td>solar energy facilities on dwellings on adjoining lots in a General</td>
<td>bedroom windows exposed to the hot afternoon sun.</td>
</tr>
<tr>
<td>Residential Zone, Neighbourhood Residential Zone or Township Zone are not</td>
<td></td>
</tr>
<tr>
<td>unreasonably reduced. The existing rooftop solar energy facility must</td>
<td></td>
</tr>
<tr>
<td>exist at the date the application is lodged.</td>
<td></td>
</tr>
<tr>
<td>Living areas and private open space should be located on the north side of</td>
<td></td>
</tr>
<tr>
<td>the development, if practicable.</td>
<td></td>
</tr>
<tr>
<td>Developments should be designed so that solar access to north-facing</td>
<td></td>
</tr>
<tr>
<td>windows is maximised.</td>
<td></td>
</tr>
</tbody>
</table>

### 55.03-6 Open space objective

To integrate the layout of development with any public and communal open space provided in or adjacent to the development.

<table>
<thead>
<tr>
<th>Standard B11</th>
<th>- N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>If any public or communal open space is provided on site, it should:</strong></td>
<td>There is no communal open space requiring consideration.</td>
</tr>
<tr>
<td>• Be substantially fronted by dwellings, where appropriate.</td>
<td></td>
</tr>
<tr>
<td>• Provide outlook for as many dwellings as practicable.</td>
<td></td>
</tr>
<tr>
<td>• Be designed to protect any natural features on the site.</td>
<td></td>
</tr>
<tr>
<td>• Be accessible and useable.</td>
<td></td>
</tr>
</tbody>
</table>
### 55.03-7 Safety objective

**To ensure the layout of development provides for the safety and security of residents and property.**

<table>
<thead>
<tr>
<th>Standard B12</th>
<th>✗ Does not comply</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</td>
<td>The entrance to the proposed dwelling is clearly visible from the street. However, the proposed high fencing in front of the existing dwelling isolates and obscures the entrance from the street.</td>
</tr>
<tr>
<td>Planting which creates unsafe spaces along streets and accessways should be avoided.</td>
<td></td>
</tr>
<tr>
<td>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</td>
<td></td>
</tr>
<tr>
<td>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</td>
<td></td>
</tr>
</tbody>
</table>

### 55.03-8 Landscaping objectives

**To encourage development that respects the landscape character of the neighbourhood.**

**To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.**

**To provide appropriate landscaping.**

**To encourage the retention of mature vegetation on the site.**

<table>
<thead>
<tr>
<th>Standard B13</th>
<th>✗ Does not comply – condition required</th>
</tr>
</thead>
<tbody>
<tr>
<td>The landscape layout and design should:</td>
<td>The limited scope for landscaping outside of open areas required for the recreation and service needs of residents compromises the landscape character of the area.</td>
</tr>
<tr>
<td>- Protect any predominant landscape features of the neighbourhood.</td>
<td>In the event that a permit is issued, the submission of a detailed landscape plan would be required.</td>
</tr>
<tr>
<td>- Take into account the soil type and drainage patterns of the site.</td>
<td></td>
</tr>
<tr>
<td>- Allow for intended vegetation growth and structural protection of buildings.</td>
<td></td>
</tr>
<tr>
<td>- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.</td>
<td></td>
</tr>
<tr>
<td>- Provide a safe, attractive and functional environment for residents.</td>
<td></td>
</tr>
<tr>
<td>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.</td>
<td></td>
</tr>
<tr>
<td>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</td>
<td></td>
</tr>
<tr>
<td>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.</td>
<td></td>
</tr>
</tbody>
</table>
### 55.03-9 Access objective

To ensure the number and design of vehicle crossovers respects the neighbourhood character.

<table>
<thead>
<tr>
<th>Standard B14</th>
<th>✴ Does not comply</th>
</tr>
</thead>
<tbody>
<tr>
<td>The width of accessways or car spaces should not exceed:</td>
<td></td>
</tr>
<tr>
<td>▪ 33 per cent of the street frontage, or</td>
<td></td>
</tr>
<tr>
<td>▪ if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</td>
<td></td>
</tr>
<tr>
<td>No more than one single-width crossover should be provided for each dwelling fronting a street.</td>
<td></td>
</tr>
<tr>
<td>The location of crossovers should maximise the retention of on-street car parking spaces.</td>
<td></td>
</tr>
<tr>
<td>The number of access points to a road in a Road Zone should be minimised.</td>
<td></td>
</tr>
<tr>
<td>Developments must provide for access for service, emergency and delivery vehicles.</td>
<td></td>
</tr>
<tr>
<td>The proposed crossover occupying 10% of the Baytown Close frontage complies with the maximum 33%. However, the alignment and width of the proposed crossover is inadequate to gain access to the garage without encroaching on the nature strip. Furthermore, this affects the structural root zone (SRZ) of a large street, recognised for its contribution to the amenity of the local area.</td>
<td></td>
</tr>
</tbody>
</table>

### 55.03-10 Parking location objective

To provide convenient parking for resident and visitor vehicles.
To protect residents from vehicular noise within developments.

<table>
<thead>
<tr>
<th>Standard B15</th>
<th>✅ Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car parking facilities should:</td>
<td></td>
</tr>
<tr>
<td>▪ Be reasonably close and convenient to dwellings and residential buildings.</td>
<td></td>
</tr>
<tr>
<td>▪ Be secure.</td>
<td></td>
</tr>
<tr>
<td>▪ Be well ventilated if enclosed.</td>
<td></td>
</tr>
<tr>
<td>Large parking areas should be broken up with trees, buildings or different surface treatments.</td>
<td></td>
</tr>
<tr>
<td>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</td>
<td></td>
</tr>
<tr>
<td>The location of car spaces provides convenient access to the dwellings. There are no shared driveways creating the potential for noise disturbance from vehicular movements.</td>
<td></td>
</tr>
<tr>
<td><strong>55.04-1 Side and rear setbacks objective</strong></td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Standard B17</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</td>
</tr>
<tr>
<td>- At least the distance specified in a schedule to the zone, or</td>
</tr>
<tr>
<td>- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</td>
</tr>
</tbody>
</table>

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

<table>
<thead>
<tr>
<th><strong>✓ Complies</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>New walls less than 3.6 metres high set back 2.0 metres from side and rear boundaries comply with the minimum setback requirement of 1.0 metre. Similarly, new walls to a maximum height of 5.8 metres set back a minimum 1.7 metres from side and rear boundaries comply with the minimum setback requirement of 1.7 metres.</td>
</tr>
</tbody>
</table>
### 55.04-2 Walls on boundaries

**Objective**
To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

<table>
<thead>
<tr>
<th>Standard B18</th>
</tr>
</thead>
<tbody>
<tr>
<td>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</td>
</tr>
<tr>
<td>• For a length of more than the distance specified in a schedule to the zone; or</td>
</tr>
<tr>
<td>• If no distance is specified in a schedule to the zone, for a length of more than:</td>
</tr>
<tr>
<td>o 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</td>
</tr>
<tr>
<td>o Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.</td>
</tr>
<tr>
<td>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</td>
</tr>
<tr>
<td>A building on a boundary includes a building set back up to 200mm from a boundary.</td>
</tr>
<tr>
<td>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</td>
</tr>
</tbody>
</table>

<p>| <strong>Complies</strong> |
| There are no new walls proposed on property boundaries. |</p>
<table>
<thead>
<tr>
<th>Objective</th>
<th>Standard</th>
<th>Complies</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>55.04-3 Daylight to windows</td>
<td>Standard B19</td>
<td>✓ Complies</td>
<td>There will be no loss of daylight to existing windows.</td>
</tr>
<tr>
<td>To allow adequate daylight into existing habitable room windows.</td>
<td>Builds opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot. Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>55.04-4 North facing windows</td>
<td>Standard B20</td>
<td>- N/A</td>
<td>There are no north facing windows on abutting lots which require consideration.</td>
</tr>
<tr>
<td>To allow adequate solar access to existing north-facing habitable room windows.</td>
<td>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>55.04-5 Overshadowing open space</td>
<td>Standard B21</td>
<td>✓ Complies</td>
<td>Shadow diagrams submitted with the application indicate that there will be no significant overshadowing of secluded private open spaces on the adjoining properties.</td>
</tr>
<tr>
<td>To ensure buildings do not significantly overshadow existing secluded private open space.</td>
<td>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>55.04-6 Overlooking objective</td>
<td><strong>Standard B22</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------------</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>To limit views into existing secluded private open space and habitable room windows.</td>
<td>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level. A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.</td>
<td>- Have sill heights of at least 1.7 metres above floor level.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.</td>
<td>- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</td>
<td><strong>✓ Complies</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Screens used to obscure a view should be:</td>
<td>Raised sill heights and obscure glass to 1.7 metres above floor level for all upper-storey north, east and south-facing windows restrict the potential for overlooking.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Permanent, fixed and durable.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Designed and coloured to blend in with the development.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>55.04-7 Internal views objective</td>
<td>Standard B23</td>
<td>✓ Complies</td>
<td></td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-------------</td>
<td>------------</td>
<td></td>
</tr>
<tr>
<td>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</td>
<td>Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.</td>
<td>Internal views have been considered in the design solution and there is no internal overlooking.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>55.04-8 Noise impacts objective</th>
<th>Standard B24</th>
<th>- N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise.</td>
<td>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</td>
<td>There are no external noise sources which require consideration.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>55.05-1 Accessibility objective</th>
<th>Standard B25</th>
<th>✓ Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>To encourage the consideration of the needs of people with limited mobility in the design of developments.</td>
<td>The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</td>
<td>The entries to the ground floor of the dwellings are accessible to those with limited mobility.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>55.05-2 Dwelling entry objective</th>
<th>Standard B26</th>
<th>✗ Does not comply</th>
</tr>
</thead>
</table>
| To provide each dwelling or residential building with its own sense of identity. | Entries to dwellings and residential buildings should:  
  • Be visible and easily identifiable from streets and other public areas.  
  • Provide shelter, a sense of personal address and a transitional space around the entry. | The dwelling entry to the proposed dwelling is clearly visible and identifiable from the street. However, the location of secluded private open space adjacent to Baytown Close compromises the identity of existing dwelling. Both dwellings include transitional space at the entries. |
<table>
<thead>
<tr>
<th>55.05-3 Daylight to new windows objective</th>
<th><strong>Standard B27</strong></th>
<th><strong>Complies</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>To allow adequate daylight into new habitable room windows.</td>
<td>A window in a habitable room should be located to face:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• A verandah provided it is open for at least one third of its perimeter, or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• A carport provided it has two or more open sides and is open for at least one third of its perimeter.</td>
<td></td>
</tr>
<tr>
<td>55.05-4 Private open space objective</td>
<td><strong>Standard B28</strong></td>
<td><strong>Does not comply</strong></td>
</tr>
<tr>
<td>To provide adequate private open space for the reasonable recreation and service needs of residents.</td>
<td>A dwelling or residential building should have private open space of an area and dimensions specified in the schedule to the zone.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>If no area or dimensions are specified in the schedule to the zone, a dwelling or residential building should have private open space consisting of:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The provision of 60 square metres of secluded private open space associated with the existing dwelling and 41 square metres associated with the proposed dwelling meets the minimum area and dimensions prescribed above.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>However, the location of the secluded private open space within the front setback area of existing dwelling offers a poor standard of amenity and results in a detrimental impact on the streetscape and neighbourhood character. In particular, the indirect access from the indoor living space via the front entry and front verandah to enclosed outdoor living space, which is 3 steps below the verandah, is less than convenient and limited in terms of its usability. From a streetscape perspective, the construction of a high front fence undermines the sense of address for existing dwelling, and the visual connection between the private and public domain.</td>
<td></td>
</tr>
</tbody>
</table>
## 55.05-5 Solar Access to Open Space
To allow solar access into the secluded private open space of new dwellings and residential buildings.

<table>
<thead>
<tr>
<th>Standard B29</th>
<th>✓ Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>The private open space should be located on the north side of the dwelling or residential building, if appropriate. The southern boundary of secluded private open space should be set back from any wall on the north of the space at least ((2+0.9h)) metres, where ‘h’ is the height of the wall.</td>
<td>The proposed secluded private open spaces receive adequate solar access and comply with the setback requirement of the standard.</td>
</tr>
</tbody>
</table>

## 55.05-6 Storage objective
To provide adequate storage facilities for each dwelling.

<table>
<thead>
<tr>
<th>Standard B30</th>
<th>✗ Does not comply – condition required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</td>
<td>While there is ample storage for the proposed dwelling, no provision has been made for the existing dwelling.</td>
</tr>
<tr>
<td>Design Detail</td>
<td>Standard B31</td>
</tr>
<tr>
<td>---------------</td>
<td>-------------</td>
</tr>
</tbody>
</table>
| To encourage design detail that respects the existing or preferred neighbourhood character. | The design of buildings, including:  
- Façade articulation and detailing,  
- Window and door proportions,  
- Roof form, and  
- Verandahs, eaves and parapets,  
should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character. | The proposed design includes minimal horizontal and vertical articulation such that the change in wall materials on the north and south elevations occurs on the same plane. While some variation of materials is generally supported, different materials on the same plane fails to disguise the impact of building bulk. In particular, oblique views of the north and south elevations projecting forward of the adjacent dwellings exacerbates the impact of building bulk dominating the streetscape. The use of face brickwork at first floor is unusual, if not deceptive. |

The proposed garage also dominates the ground storey façade presenting to the street. These elements are not responsive to the proposed Design and Development Overlay forming part of Amendment C375 where the decision guidelines ask planning to consider whether:

- 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.
<table>
<thead>
<tr>
<th>Section</th>
<th>Standard B32</th>
<th>Notes</th>
</tr>
</thead>
</table>
| 55.06-2 Front Fences | The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties. A front fence within 3 metres of a street should not exceed:  
- Streets in a Road Zone, Category 1: 2 metres.  
- Other streets: 1.5 metres. | ✗ Does not comply  
The 1.8-metre high front fence proposed in front of the existing dwelling neither complements the dwelling nor preferred low fencing that provides a visual connection between the private and public domain. In addition, the proposed fencing is not responsive to the proposed Design and Development Overlay forming part of Amendment C375 where the design requirements of table 1 of the schedule requires a fence forward of the front wall of a dwelling must be less than 1m in height and more than 50% permeable. |
| 55.06-3 Common Property | Development should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management. | - N/A  
There is no common property proposed. |
<p>|  | To encourage front fence design that respects the existing or preferred neighbourhood character. |  |
|  | To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. |  |</p>
<table>
<thead>
<tr>
<th><strong>55.06-4 Site Services</strong></th>
<th><strong>Standard B34</strong></th>
<th>✓ <strong>Complies</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive.</td>
<td>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post.</td>
<td>The dwelling layout and design allows sufficient space for services to be installed and maintained. Other details can be required by conditions in the event that a permit is issued.</td>
</tr>
</tbody>
</table>