

MINUTES

PLANNING COMMITTEE MEETING No. 242

Thursday 24 July 2025
6pm

City Hall

ALSO LIVE STREAMED ON THE CITY'S WEBSITE:

www.geelongaustralia.com.au/meetings

PANEL:

Cr A Katos (Chair)
Cr S Kontelj
Cr E Sinclair
Cr R Story
Cr T Sullivan
Cr E Wilkinson

PRESENT

Present: Cr A Katos (Chair)
Cr S Kontelj
Cr E Sinclair
Cr R Story
Cr T Sullivan
Cr E Wilkinson

Council Officers: Shane Pritchard, Team Leader Statutory Planning
John Rush, Coordinator Statutory Planning
Joanne Van Slageren, Manager City Development
Jacquilyn Douglas, Manager Council and Corporate Governance
Tessa English, Administration Officer City Development

Opening: The Chair declared the meeting open at 5:58pm on 24th July 2025

1. PROCEDURAL MATTERS

Acknowledgement Of Country

The Committee acknowledges the Wadawurrung People as the Traditional Owners of the Land, Waterways and Skies. We pay our respects to their Elders, past, present and emerging. We Acknowledge all Aboriginal and Torres Strait Islander people who are part of our Greater Geelong community today.

1.2. Introduce the Panel Members

1.3. Apologies

Cr A Aitken, Cr C Burson, Cr M Cadwell, Cr E Kontelj, C R Nelson

1.4. Declarations of Conflicts Of Interest

NIL

1.5. Confirmation of Minutes

Moved: Cr S Kontelj

Seconded: Cr E Wilkinson

That the Minutes of the Planning Committee Meeting held on 24 April and 29 May 2025 be confirmed.

CARRIED

2. MATTER(S) FOR CONSIDERATION

2.1. PP-1299-2022/C – 2A Talbot Street and 4-8 Paringa Lane, Barwon Heads

Application No:	PP-1299-2022/C
Applicant:	J R P & L G C Luckock
Subject Land:	2A Talbot Street and 4-8 Paringa Lane, Barwon Heads
Zone:	General Residential Zone 1
Overlays:	Significant Landscape Overlay Schedule 9 Significant Landscape Overlay Schedule 16 (only affects 4.0m of the site from the eastern boundary) Design & Development Overlay Schedule 42 Land Subject to Inundation Overlay Schedule 2 Floodway Overlay Schedule 1 (partial eastern boundary)
Existing Use:	The existing Dwellings have been demolished. Construction has commenced for one single dwelling including a swimming pool
Proposed Use:	Construction of a single dwelling including a swimming pool and spa with amendments to include the addition of a third storey; alterations to design details; addition of a turn table and modification to existing garage in north-west corner of the site; and changes to finished floor levels of ground and first floor.

Summary

- The subject site of 2A Talbot Street and 4 - 8 Paringa Lane is located on the north-east corner of Talbot Street and Paringa Lane, Barwon Heads.
- The total land area of the site comprises 1547m².
- The site formerly comprised four dwellings on four different lots. All four lots have been cleared of buildings except for the shed being retained in the north-west corner of the site. The lots have now been consolidated into one lot (PC 380612C).
- The land is relatively flat and comprises no significant vegetation.
- The adjoining land to the north, 4 Riversdale Lane comprises a double storey dwelling and the adjoining land to the west comprises Paringa Lane and a double storey dwelling at 2 Talbot Street. The adjoining land to the south comprises the Talbot Street road reserve and a double storey dwelling (51 Flinders Lane). The adjoining land to the east comprises the Barwon River.
- The properties in the neighbourhood generally contain a single dwelling, of a mix of double storey or single storey in design.
- The dwellings in the area that abut the Barwon River have a unique neighbourhood character, where the dwellings front the river and the outbuildings front the street. Properties within Talbot Street that don't front the river, have dwellings generally located at the front of the site with outbuildings to the rear of the site.
- The subject site is zoned General Residential Schedule 1.
- The land is located within several planning overlays including the Significant Landscape Overlay Schedule 9, Significant Landscape Overlay Schedule 16 (this overlay only affects 4.0m of the site from the eastern boundary), a Design & Development Overlay Schedule 42, a Land Subject to Inundation Overlay Schedule 2 and a Floodway Overlay Schedule 1 (this is partial to the eastern boundary).

The amended application to be determined proposes the following amendments to the previous approved permit and endorsed plans:

- Inclusion of a third storey (this is the most significant change)
- An Increase to the overall height of the dwelling from 7.5m to 11.0m.
- A New Condition 1 Amended Plans Condition and subsequent renumbering of the permit.
- To remove previous Condition 2 (which is Condition 3 of this amendment): Consolidation of Lots
- To correct a drafting error for the western setback (two dimensions were originally annotated being 2460mm and 2365mm – the correct dimension is included which is 2365mm).
- To correct a drafting error for southern setback rectified (2700mm originally shown whereas the correct dimension now shown is 2670mm).
- To modify the existing shed and convert this to a garage/gym and change the pitched roof to a green roof.
- Add a vehicle turn table in front of the garage/gym.
- Change the finished floor levels of the first floor from 6.070m AHD to 6.155m AHD.

- Alter the design by rounding out the south-east corner of the roof line.
- There are some landscape design modifications which introduce steps and a sunken seat to the eastern garden, planter design updated in front of the existing shed.
- To modify the position of the swimming pool including a reduced size pool, the spa position modified and the whole pool shifted south for additional garden area.
- To shift the Boat ramp south to introduce a garden strip.
- The southern boundary fence abutting Talbot Street changed from a 1000mm high metal rod fence to an 850mm high solid rendered fence.
- Western boundary fence abutting Paringa Lane changed from a 1000mm high metal rod fence to a 1400mm high metal (powdercoated bronze) fence.
- Northern boundary fence changed from a 1.8m high timber paling fence to a blockwork solid fence of maximum 1.8m height.
- A privacy screen along western elevation replaced with obscure glazing.
- A side entry from Paringa Lane modified and width of gate shown as 3000mm.
- An area of 9.820m² for roof top plant equipment is also proposed.
- The application was internally referred to the City's Engineering Department who advised they had no objection to the application subject to conditions being included in any planning permit.
- The application was also externally referred to the Corangamite Catchment Management Authority ("CCMA") who advised no objection to the application.
- The application went to Public Notice and 241 Objections and 5 Letters of Support have been lodged with Council.
- A consultation meeting was not held for practical reasons given 241 objections have been lodged to the application. The applicant provided a written response to the issues raised in the objections. This included additional sightline analysis drawings to assist in the view share analysis for this application.
- A summary of the matters raised within the objections received relate to concerns associated with overdevelopment, detrimental impact to the character & amenity of the area, poor precedent, excessive height & visual impact, non-compliance with scheme overlay controls, inappropriate materials, unreasonable impact on views and overshadowing to public spaces.
- The application has been assessed against the relevant Municipal Planning Strategy (MPS), Victorian Planning Policy Framework (VPPF), Zone, Overlay, Particular and General Provisions of the Greater Geelong Planning Scheme and the objections lodged against the application.
- It is acknowledged the main component of this application is an amendment to provide for a partial third storey to an existing approved two storey dwelling. On balance, this component is considered an acceptable outcome in response to the relevant policy considerations, namely the design guidelines provided in Significant Overlay Schedule 9.
- In terms of context the proposed amended development is located well away from the Barwon River frontage, it is modest in its context when compared to the host building and is not regarded as being of a scale that is visually intrusive. Based on this assessment it is respectfully requested that the application be approved in accordance with the recommended permit conditions.

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 an Amendment to the Planning Permit for Construction of a single dwelling including a swimming pool and spa in accordance with the plans and documentation submitted with the application subject to the following conditions:

Amended Plans

1. Within three months of the issue of this amended permit revised 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 24/02/2025 but modified to show:
 - a) An adequate clearance zone for the proposed vehicle turn table to the manufacturer's requirements. Supporting evidence of the manufacturers specifications and requirements must be provided for the vehicle turntable model selected. If an adequate clearance zone cannot be achieved, the turntable deleted from the plans.
 - b) The driveway to be in either concrete or asphalt and demonstrated to be able to drain to the satisfaction of the Responsible Authority.

Endorsed Plans

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

Consolidation of Lots

3. Deleted.

Completion of Landscape Works

4. Within three months of the occupation of the dwelling, the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.

Verification of buildings set out and roof levels

5. A written statement from a licensed surveyor must be submitted for approval to the Responsible Authority confirming:
 - a) That the roof levels do not exceed the roof levels specified on the endorsed plans

The statement must be submitted to the Responsible Authority at completion of the set out of the building and at the completion of the frame of the building.

Plant and Equipment Insulation

6. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.
7. All air-conditioning units are to be placed in an appropriate location or alternatively acoustically treated to reduce noise to a level satisfactory to the Responsible Authority.

Drainage & Vehicular Access

8. Prior to the occupation of the dwelling, the developer must:
- a) Construct the site stormwater system including separate connection into the underground drain in Talbot Street, 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.
- all to the satisfaction of the Responsible Authority.

Stormwater Quality / Management

9. The site stormwater system must be designed and installed such that:
- a) 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.
- to the satisfaction of the Responsible Authority.

Pump System

10. Unless otherwise approved by the Responsible Authority and prior to the Commencement of the Development / Issuing of Statement of Compliance, the land owner must enter an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. All costs associated with setting up the agreement must be borne by the land owner. The agreement is to be registered on title and run with the land, and is to provide to the satisfaction of the Responsible Authority:
- a) All storm water runoff is to be collected on site and discharged to the legal point of discharge using a pump system or as otherwise nominated by the responsible authority. The pump system is to be designed and constructed in accordance with Australian Standard 3500 Part 3.2 Section 9.
 - b) In the event of any operational difficulties with the pump system, it is the Responsibility of the land owner to rectify these difficulties.
 - c) Any pump system is to be replaced by gravity discharge if and when available, and if directed by the Responsible Authority, at the land owner's full cost.
 - d) Provision is made (if appropriate) in any subdivision for Body Corporate drainage works, and access to those drainage works to be on common property or within an easement in favour of the Body Corporate.

CCMA Conditions

11. The finished floor level of the dwelling be constructed no lower than 2.37 metres to Australian Height Datum (AHD) i.e., 300 millimetres above the 1% AEP flood level.

Development Expiry

12. This permit as it relates to the demolition and 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.

Permit Notes:

- No assessment against the requirements of Clause 54 of the Greater Geelong Planning Scheme has been undertaken. An assessment against the relevant Building Regulations including Part 5 - Siting will need to be undertaken by the relevant Building Surveyor.
- 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.
- All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.
- A Vehicle Crossing Permit must be obtained prior to commencement of works.
- Where the legal point of discharge is kerb and channel, discharge velocity at the kerb must be no greater than 1.5 m/s with a maximum discharge flow rate of 10 l/s and the outlet directed at an angle of 45° to the direction of flow in the kerb and channel.
- As the site is subject to flooding, the applicant is advised that any new habitable floors must be set above the applicable site flood level as determined by the Building Surveyor.
- The Applicant is also advised to seek comment from the building surveyor on the requirement, if any, for overland flow paths to be provided on the site to convey major flows through the site in accordance with Clause 5.4.2 of AS/NZS 3500.3.
- A pre-commencement meeting with Council's engineering department is required to be undertaken prior to works starting. To organise this meeting please contact 5272 4426.

LAPSED

Alternate Recommendation

Moved: Cr E Wilkinson

Seconded: Cr E Sinclair

That the Responsible Authority having considered all matters which the *Planning and Environment Act 1987*, requires it to consider decides to refuse to grant an amendment to planning permit for 'Construction of a single dwelling including a swimming pool and spa' at 2A Talbot Street and 4-8 Paringa Lane, BARWON HEADS on the following grounds:

1. The proposal does not respond appropriately to the relevant decision guidelines of Clause 42.03 – Significant Landscape Overlay Schedule 9 as:
 - a) The proposed buildings/works exceeding 7.5 metres will dominate the riverfront and the streetscape.
 - b) In relation to the bulk, location and appearance of the proposed buildings and works not in keeping with the character and appearance of adjacent buildings, the streetscape or the coastal area.
2. The proposal does not respond appropriately to Clause 11.03-6L-01 Bellarine Peninsula specifically the strategies applicable to Barwon Heads that seeks to protect the unique character of Barwon Heads as a coastal village located within a sensitive environment and significant landscape setting.
3. The proposal does not respond appropriately to the objective and relevant strategies of Clause 15.01-1S Urban Design.
4. The proposal does not produce acceptable outcomes in terms of the decision guidelines of Clause 65.01 (Approval of an Application or Plan) of the Scheme as it:
 - a) does not produce acceptable outcomes in terms of the Municipal Planning Strategy and the Planning Policy Framework.
 - b) the effect on the environment, human health and amenity of the area.
 - c) does not contribute to the orderly planning of the area.
 - d) will have an adverse effect on the amenity of the area.

CARRIED

DELEGATE REPORT

PERMIT TRIGGER NOT EXEMPT FROM NOTICE AND REVIEW:

Planning Scheme Clause	Matter for which the permit has been granted
42.03-2 (SLO)	Construct a building or construct or carry out works

This Clause outlines the relevant Planning permit trigger for which the amendments require public notice and the works requirement is not exempt from review.

The Responsible authority must consider this trigger when determining the appropriateness of the amendments in accordance with the Planning Scheme.

PERMIT TRIGGERS EXEMPT FROM NOTICE AND REVIEW:

Planning Scheme Clause	Matter for which the permit has been granted	Exemption from notice and review clause
43.02-2 (DDO)	Construct a building or construct or carry out works	43.02-2 and Part 2 of Schedule 42
44.03-2 (FO)	Construct a building or construct or carry out works	44.03-5
44.04-2 (LSIO)	Construct a building or construct or carry out works	44.04-6

This Clause outlines the Planning permit triggers for which the amendments require a planning permit however under these provisions the application does not require public notice and is exempt for review in accordance with the Planning Scheme.

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 AND SECTION 173 AGREEMENT:

The subject site is burdened by a Restrictive Covenant and two Section 173 Agreements.

Covenant PS720969H burdens a portion of land (previously 4-6 Paringa Lane) that cannot be controlled by a gravity feed sewer.

Section 173 Agreement AL782866B is associated with the acknowledgement of development of the lot may potentially suffer detriment as a result of climate change including sea level rises, storm tides, coastal erosion and sand drift.

Section 173 Agreement AY529605E is associated with the requirements of a stormwater pump system.

The proposal does not breach the covenant or Section 173 Agreements registered on title.

OFFICER DIRECT OR INDIRECT INTEREST:

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

SITE/LOCALITY:

The subject site is located on the north-east corner of Talbot Street and Paringa Lane, Barwon Heads.

The land is formally described as Land in Plan of Consolidation 380612C (previously known as Lots 1 & 2 on PS740212, Lot 2 on PS720969 and Lot 7 on plan of subdivision 004763). The plan of consolidation was registered on 17/07/2024 and consolidated 2A Talbot Street and 4, 6 & 8 Paringa Lane into one lot.

The total area of the site comprises 1547m².

The land formerly comprised four dwellings which have now been demolished except for the shed being retained in the north-west corner of the site (see figure 4). The land is flat and comprises no vegetation.

The adjoining land to the north (4 Riversdale Lane) comprises a double storey dwelling. The adjoining land to the west comprises Paringa Lane and a double storey dwelling (2 Talbot Street). The adjoining land to the south comprises the Talbot Street road reserve and a double storey dwelling (51 Flinders Lane).

The adjoining land to the east comprises the Barwon River.

The properties in the neighbourhood generally contain a single dwelling, double storey or single storey in design.

The dwellings that abut the Barwon River have a unique neighbourhood character, where the dwellings front the river and the outbuildings front the street. Properties within Talbot Street that don't front the river, have dwellings generally located at the front of the site with outbuildings to the rear of the site.



Figure 1 – Subject site at 2A & 4-8 Paringa Lane showing dwellings which previously occupied the site



Figure 2 – 51 Flinders Parade on the south side of Talbot Street



Figure 3 – Aerial image of dwellings which previously occupied the subject site



Figure 4 – Aerial image of subject site after dwellings were demolished.



Figure 5 – Subject site showing construction works being carried out.

PROPOSAL:

The application proposes the following amendments to the previously approved permit and endorsed plans:

- Inclusion of a third storey (this is the most significant change).
- An Increase to the overall height of the dwelling from 7.5m to 11.0m.
- A New Condition 1 Amended Plans Condition and subsequent renumbering of the permit.
- To remove previous Condition 2 (which is Condition 3 of this amendment): Consolidation of Lots.
- To correct a drafting error for the western setback (two dimensions were originally annotated being 2460mm and 2365mm – the correct dimension is included which is 2365mm).
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- Add a vehicle turn table in front of the garage/gym.
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- There are some landscape design modifications which introduce steps and a sunken seat to the eastern garden, planter design updated in front of the existing shed.
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- To shift the Boat ramp south to introduce a garden strip.
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- Northern boundary fence changed from a 1.8m high timber paling fence to a blockwork solid fence of maximum 1.8m height.
- A privacy screen along western elevation replaced with obscure glazing.
- A side entry from Paringa Lane modified and width of gate shown as 3000mm.
- An area of 9.820m² for roof top plant equipment is also proposed.

PERMIT/SITE HISTORY:

The following permits/site history is applicable to this application:

- PP-1067-2013 – Boundary realignment – 2A Talbot Street.
- PP-98-2014 – Buildings & works associated with the construction two double storey dwellings, two lot subdivision and two boat ramps – 4 & 6 Paringa Lane.
- PP-751-2020 – Buildings and works to an existing dwelling – 4 Paringa Lane.
- PP-1299-2022 – Construction of a single dwelling.
- PP-1299-2022/A – Construction of a single dwelling including a Swimming Pool and Spa.
- PP-633-2024 – Construction of a Sea Wall, Ramp Access & Alterations to Site Levels.

REFERRALS:

The following referrals were undertaken:

SECTION 55:

DETERMINING AUTHORITY

Authority:	Corangamite Catchment Management Authority
Response:	In consideration of the information submitted with the application Corangamite CMA does not object to the granting of a permit.
Officer Comment: The referral response advised no objection from the CCMA is acknowledged. Condition 11 outlines the requirements of the CCMA as part of their approval.	

INTERNAL

Department:	Engineering Services
Response:	The application was supported and an amended condition was suggested.
Officer Comment: Generally, the suggested condition is to be included in any amended permit. See recommended Conditions 8 to 10.	

PUBLIC NOTIFICATION:

Under Schedule 9 of the Significant Landscape Overlay ("SLO9") the proposed dwelling now exceeds 7.5 metres and is proposed to be built to a maximum height of 11 metres. Therefore, the requirements of the SLO9 are triggered and are not exempt from the notice requirements of the City of Greater Geelong Planning Scheme.

On the basis of the above 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).
- 3 x A2 sign(s) were placed on the land.

241 Objections and 5 Letters of Support have been lodged with Council.

Based on the permit trigger it is noted that objections which specifically relate to aspects of the amendment application above 7.5 metres can be considered as part of the merits assessment for this report and decision.

CONSULTATION:

A consultation meeting was not held for practical reasons given 241 objections have been lodged to the application.

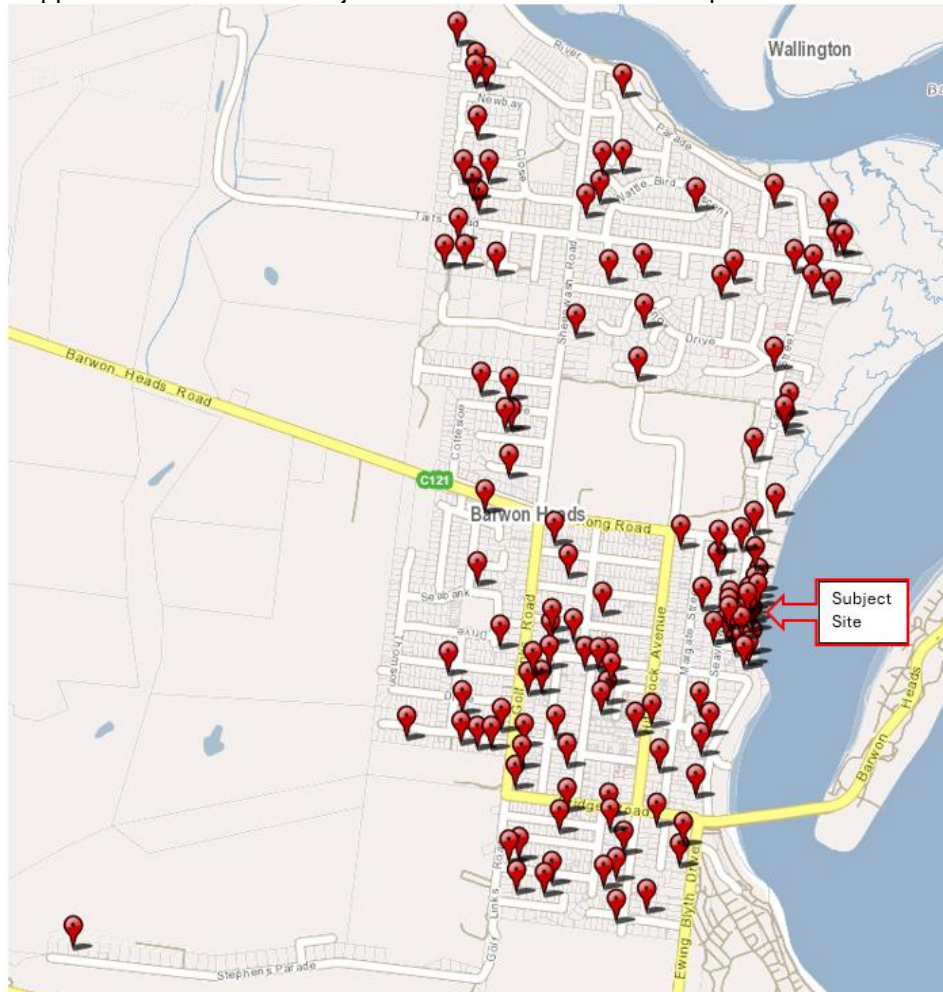
Notwithstanding this, the applicant provided a written response objections to the issues raised in their objections. The written response included an additional sightline section to assist in the view share analysis for this application, which is in addition to what was requested in the request for further information.

AMENDMENT OF THE APPLICATION FOLLOWING PUBLIC NOTIFICATION:

The application was not formally amended following public notification.

OBJECTIONS:

The location of objectors properties are shown below – due to the location of some objectors outside of the mapped area not all have objections been shown on the map.



It is acknowledged that the concerns raised in relation to the approved two storey dwelling have not been addressed below. The concerns of objectors which directly relate to the amendment to the permit with regard to the proposed third level are summarised and commented on below:

1. Objection – Non-compliance with the Significant Landscape Overlay 9

Response

Under Schedule 9 of the Significant Landscape Overlay the proposed dwelling exceeds 7.5 metres and is proposed to be built to a maximum height of 11 metres.

The main purpose of the SLO is to identify significant landscapes and to conserve and enhance the characteristics of those landscapes. Schedule 9 has a key focus on the *Barwon River environs* with objectives designed to ensure buildings and works are not visually dominating when viewed from the waterway with a focus on compatibility with the existing scale and bulk.

There are also objectives designed to provide for retention of vegetation and providing areas for new landscaping.

It is noted that no trees or significant vegetation is required to be removed to accommodate the proposed buildings and works. A comprehensive landscape plan was submitted with the application that provides for a number of canopy trees, shrubs and other appropriate landscaping.

Overall, the proposed buildings and works include that the third storey will be relatively modest in size compared to the overall size of the dwelling (the internal living space will be 46.4m² with an external terrace

of 50.5m²) and these works are considered to respond appropriately to the relevant requirements and decision guidelines of Significant Landscape Overlay Schedule 9 (SLO9).

A detailed assessment against the requirements of the SLO9 is provided later in this report.

2. Objection - Third storey is an overdevelopment

Response

It is acknowledged that the most significant change to the previously endorsed plans is the inclusion of the third storey. The third storey will increase the height of the proposed dwelling from 7.5m to 11.0m.

The proposed third level is at odds with objectors and some of their concerns have been in regard to the submission and the process of this amended application. No comment is provided on the applicants process moreover the assessment must have regard to the decision guidelines of the SLO9. Part of this consideration includes does the design and siting dominate the river front and does it have regard to the extent of available views?

Given the siting and size of the third storey and with respect to its footprint (in the context of the overall footprint - the third storey) it is considered that this aspect will not create an excessive visual intrusion in the landscape when compared with other nearby double storey dwellings. Therefore, the third story of the dwelling is not considered to dominate the riverfront or streetscape and is not an overdevelopment.

The following diagram demonstrates the generous setbacks provided from the property boundaries as a way of reducing the impact of the third level.



Diagram indicating the siting location, setbacks and size comparison in surrounding context.

As shown in the diagram above the third level addition is appropriately setback from all boundaries and designed to ensure it does not dominate the riverfront or the streetscape.

The overall massing of the addition is setback well into the site (west – 8.4m) with generous side setbacks (north 17.8m and south 8.1m) that contribute to a sense of openness along the Barwon River frontage while minimising impact on the prevailing character of nearby dwellings in the neighbourhood.

The design responds to the relatively flat topography of the site and is set amongst and beneath a vegetated canopy skyline helping the addition fit appropriately within landscape when viewed from the opposite side of the Barwon River.

Indications if a proposal is an overdevelopment tend to be when there are multiple examples of non-compliance against the requirements of the Planning Scheme which is not the case in this instance.

3. Objection – scale and bulk is inappropriate

Response

The third storey will be modest in size compared to the overall size of the dwelling. The internal living space will be 46.4m² with an external terrace of 50.5m².

On this basis the scale and bulk is not considered to be inappropriate as shown on the diagram below.

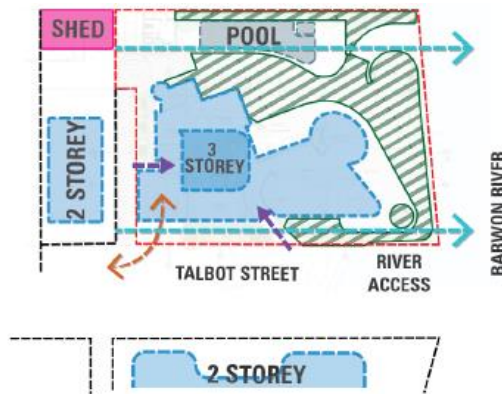


Diagram showing the siting, access and configuration of the proposed dwelling, surrounding dwellings and associated permeable surface area.

4. Objection - Detrimental impact to the amenity of the area

Response

Given compliance with the requirements of the Significant Landscape Overlay 9 it is not considered that the proposed amendment will result in a detrimental impact to the amenity of the area.

The ability to mitigate off-site impacts is managed through appropriate setbacks, siting of windows and open space areas and architectural form/composition.

The proposed third level is appropriately setback from adjoining properties, the streetscape and the Barwon River. This ensures that the design is visually recessive and avoids a detrimental impact to the amenity of the area.

5. Objection – Poor precedent

Response

It is acknowledged that the site and its surrounds are within an area that is valued by its residents. However, it is evident that the character of the area has evolved where larger more contemporary dwellings are replacing the older type housing stock.

Most dwellings in the neighbourhood are either single storey or double storey. However, there are some examples of three storey dwellings in the area.

The applicant provided an analysis of three storey buildings (see red dots) in the Barwon Heads area as shown below:



In the planning scheme the zone and overlay controls for the site do not prohibit a third level. Notwithstanding this, we note each application is required to be considered on its merits.

In the case of this amended application a detailed assessment has been carried out against the requirements of all zone and overlay requirements and been found to comply.

6. Objection – Excessive height and visual impact

Response

The maximum building height measures 11 metres from natural ground level to the roof or parapet at the highest point. At not more than 3 storeys and a maximum height of 11 metres, the proposal complies with the maximum building height requirements in the General Residential Zone.

An artistic render(below) assist to demonstrates the third level when viewed from Talbot Street frontage.



Artistic render of the Talbot Street frontage.

The change in building height between the proposed development and the adjoining double storey dwellings is considered to be satisfactorily graduated.

In addition to ensure that the maximum height of 11 metres is not exceeded Condition 5 of the permit requires the verification of the buildings set out and levels by providing a written statement from a licensed surveyor confirming that the roof levels do not exceed the roof levels specified on the endorsed plans.

The statement must be submitted at completion of the set out of the building and at the completion of the frame of the building.

7. Objection – Out of character with the area given visual intrusion of both the river and landscape

Response

The proposed third level has been assessed that it will not create an excessive visual intrusion in the landscape when compared with other nearby double storey dwellings. Therefore, in the officer's opinion the dwelling will not dominate the riverfront or streetscape.

A response to the visual impacts from the riverfront, streetscape and long distance views is provided with the Urban Design report prepared by Hansen Partnership Pty Ltd and submitted with the application.

The photomontages included in this report go some way to assist in the analysis of visual impact of the proposed amendment. The following photo montage is the view facing north west towards the site.



8. Objection - Design and Materials fails to respect the environment

Response

The DDO42 encourages the use of 'lightweight, natural and timber materials'.

The proposed material palette consists of high-quality complimentary finishes including zincalume and bronze metal cladding, render and glazing.

The light colour (grey) of the third level, in combination with its recessive nature, assists in reducing the impact on the area.

Whilst it is acknowledged that the materials proposed are of a contemporary nature they are considered suitable for a coastal environment.

9. Objection - Unreasonable impact on views

Response

The submitted information has demonstrated that the proposed third level addition will not cause unreasonable additional loss of views.

The profile of the third level addition is limited, it is not excessive and combined with its recessive location and glazed appearance it results in a development which provides for a reasonable sharing of views.

A detailed assessment against the impact on views is included later this report.

10. Objection – Negative Impact on public spaces due to overshadowing

Response

There are no identified unreasonable negative impacts on public spaces due to overshadowing.

Compared with the existing approved development the amended (third storey) design creates only minimal additional shadow impact, encroaching slightly further onto Talbot Street at 12pm and 3pm.

11. Objection - Planting of mature trees in planter boxes on the third level adds to the height beyond 11 metres.

Response

The planter on the third level is not proposed to include mature trees but rather small shrubs/plants which will not grow beyond 11 metres.

The plant species to be provided on the third level includes Aussie Flat Bush, Cushion Bush, Giant Aloe, Prickly Speargrass, White Coreia, Bower Spinach and Pig Face.

12. Objection - Noise impacts from swimming pool, vehicle turntable, lift and air conditioning units

Response

It is considered that the proposal will not generate noise over and above that normally experienced in a residential area. The applicant is required to nominate the satisfactory location of any plant and equipment to prevent any unreasonable noise and visual impact.

Notwithstanding this, Condition 12 of the proposed permit requires all external plant and equipment to be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.

13. Objection – Noise from construction

Response

We understand noise from any construction can be a disturbance and that this has been identified in the construction of the dwelling in its current status. The primary area for management of the construction is under the Building Regulations as part of process for (any) proposed dwelling as such it is required to be managed by the Relevant Building Surveyor. Also, construction noise must be in accordance with the Environment Protection Authority (Residential Noise) Regulations 2021.

The City's Environmental Health Unit can undertake an assessment if/where required to ensure noise construction is within the regulatory framework.

PLANNING ASSESSMENT:

ZONE:

Clause 32.08 – General Residential Zone

Purpose

- *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.*

Garden Area

Pursuant to Clause 32.08-4, an application to construct or extend a dwelling on a lot must provide a minimum garden area as set out in the following table:

Lot size	Minimum percentage of a lot set aside as garden area
400 - 500 sqm	25%
Above 500 - 650 sqm	30%
Above 650 sqm	35%

Garden Area Response

The proposed third level is within the roof outline of the first floor and therefore has no impact on site coverage calculations. On this basis the proposal complies with the garden area requirements.

Notwithstanding this, the subject site is 1547sqm therefore 35% or 541.45 sqm of the site must be set aside as garden area. The plans show 769m² or 49.7% of garden area provided therefore meeting the mandatory requirement.

Maximum Building Height

The maximum building height measures 11 metres from natural ground level to the roof or parapet at the highest point. At not more than 3 storeys and a maximum height of 11 metres, the proposal complies with the maximum building height requirements in the Zone.

OVERLAY:

Clause 42.03 – Significant Landscape Overlay

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify significant landscapes.*
- *To conserve and enhance the character of significant landscapes.*

Schedule 9 – Barwon River Environs, Barwon Heads

Landscape character objectives to be achieved:

- *To protect the open landscaped character and recreational values of the river frontage.*
- *To encourage building forms that complement the riverfront setting and provide for the reasonable sharing of views to the river.*
- *To provide opportunities for vegetation retention and enhancement.*
- *To ensure that new development and extensions to existing buildings are compatible with the existing scale and bulk of buildings in the surrounding streetscape and river/coastal setting.*
- *To ensure the new development reflects the rhythm of existing building spacing and provides for visual permeability when viewed from the riverfront and from the street.*

The decision guidelines of Schedule 9 of the SLO are:

- *The need to ensure the design and siting of buildings exceeding 7.5 metres in height will not dominate the riverfront and the streetscape, and will not impact on long distance views. Dwellings which are proposed to exceed over 7.5 metres must respond to the flat topography and naturally occurring low vegetation types that contribute to broad and expansive view sheds.*
- *The need to ensure the design and siting of buildings exceeding 7.5 metres in height will allow for the reasonable sharing of views having regard to the extent of available views and the significance of the views from the properties affected.*
- *The impact of the riverfront, streetscape and vegetation character and whether sufficient use has been made of indigenous planting to break up the views of the built form.*

- *Whether proposed building setbacks from a property line that directly adjoins the waterway corridor allows for substantial landscaping between buildings and the waterway corridor to soften the urban character. Buildings and works should be set back to maintain the open landscape along the waterway.*

Schedule 16 – Rivers of the Barwon: Barwon River (Parwan) corridor environs

Landscape character objectives to be achieved:

- *To enhance the continuous riparian corridor landscape.*
- *To retain canopy trees as a dominant landscape feature and vegetation that contributes to landscape character, heritage values and neighbourhood character, ensuring it responds to the bushfire risk of a location.*
- *To ensure buildings and works are not visually dominant when viewed from the waterway corridor.*
- *To encourage buildings and works to be set back from the banks of the river to avoid overshadowing and visual intrusion within the landscape and maintain an open waterway corridor.*
- *To ensure the location and size of earthworks minimises alterations to natural topography and is consistent with the landscape character.*

Clause 43.02 – Design & Development Overlay

Purpose

- *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 42 – Barwon Heads Increased Housing Diversity Area

Design Objectives

- *To encourage new development within a spacious and vegetated garden setting that integrates with the vegetation of the public realm.*
- *To ensure garages, carports, driveways and vehicle crossovers do not visually dominate buildings or streetscapes, by setting them back from the façade and integrating them with the building.*
- *To encourage buildings to be constructed with lightweight, natural and timber materials.*
- *To retain existing indigenous vegetation and encourage new indigenous plantings that compliment the existing environment.*

Clause 44.03 – Floodway Overlay

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*
- *To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.*
- *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

Schedule – Riverine Flooding

Floodway objectives to be achieved

- *To identify areas at high risk from flooding.*
- *To ensure development is commensurate with flood risk.*

Clause 44.04 – Land Subject to Inundation Overlay

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To minimise the potential flood risk to life, health and safety associated with development.*
- *To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.*
- *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.*
- *To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.*

Schedule 2 – Coastal Inundation and Hazard

Objectives to be achieved.

- *To protect land vulnerable to coastal inundation from inappropriate development.*
- *To plan for projected sea level rises to ensure that the community and assets are not exposed to an unacceptable level of risk associated with the coastal impacts of climate change.*
- *To identify land in coastal areas that may be inundated by the combined effects of the 1% Average Event Probability (AEP) flood event plus 0.8 metre sea level rise.*
- *To ensure that any new development is suitably designed to ensure that it is compatible with the identified flood hazard and local drainage characteristics.*

Response to zone and overlay(s)

A permit is not triggered under the zone as the site is greater than 300sqm and the proposed buildings and works are associated with the use of the land for a dwelling which is a section 1 use.

The application was referred to Corangamite Catchment Management Authority (CCMA) as a recommending referral authority under Clause 44.03-6 (Floodway Overlay) and Clause 44.04-7 (Land Subject to Inundation Overlay). CCMA do not object to the granting of an amended permit.

When assessing a dwelling under the Design and Development Overlay (Schedule 42) the scale, shape, bulk, design (including height and siting) and external finishes must be considered. The overlay seeks to encourage appropriate and respectful siting of a dwelling and outbuildings within Barwon Heads to minimise the impacts within the surrounding landscape in relation to views to and from the Barwon River and views from Talbot Street and Paringa Lane and surrounds. In this instance, planning consent pursuant to the DDO42 has already been obtained as part of the existing approval of the two storey dwelling. Notwithstanding this, the amendments forming part of this application are also considered to comply with the requirements of the Design and Development Overlay (Schedule 42).

Under Schedule 9 of the Significant Landscape Overlay the proposed dwelling exceeds 7.5 metres and is proposed to be built to a maximum height of 11 metres. Therefore, the requirements of the SLO9 are

triggered and are not exempt from the notice requirements of the City of Greater Geelong Planning Scheme and an assessment of these provisions is required for this application.

The main purpose of the SLO is to identify significant landscapes and conserve and enhance the characteristics of those landscapes. Schedule 9 has a key focus on the Barwon River environs with objectives designed to ensure buildings and works are not visually dominating when viewed from the waterway with a focus on compatibility with the existing scale and bulk. There are also objectives designed to provide for retention of vegetation and providing areas for new landscaping.

No trees or significant vegetation is required to be removed to accommodate the proposed buildings and works. A comprehensive landscape plan was submitted with the application that provides for a number of canopy trees, shrubs and other appropriate landscaping.

The proposed buildings and works are considered to satisfactorily respond appropriately to the relevant requirements and decision guidelines of Significant Landscape Overlay Schedule 9 (SLO9).

An assessment against the decision guidelines of the of the SLO9 are provided below:

Significant Landscape Overlay (Schedule 9)

<u>Guideline</u>	<u>Response</u>
<p><i>The need to ensure the design and siting of buildings exceeding 7.5 metres in height will not dominate the riverfront and the streetscape, and will not impact on long distance views. Dwellings which are proposed to exceed over 7.5 metres must respond to the flat topography and naturally occurring low vegetation types that contribute to broad and expansive view sheds.</i></p>	<p>Considered to Comply</p> <p>The proposed third level will not create an excessive visual intrusion in the landscape when compared with other nearby double storey dwellings. Therefore, the dwelling will not dominate the riverfront or streetscape.</p> <p>A response to the visual impacts from the riverfront, streetscape and long distance views is provided with the Urban Design report prepared by Hansen Partnership Pty Ltd and submitted with the application. The photomontages included in the report also assist in the analysis of visual impact of the proposed amendment.</p> <p>The abovementioned urban design report provides comments regarding the visual impact of the proposal (see page 7) and states: “The modest height and limited profile of the 3rd storey addition, combined with its recessive location within the site and highly glazed appearance results in a proposal that is compatible with its setting in line with the SLO9 objectives.”</p> <p>The urban design advice provided with the application has been reviewed and is considered to be satisfactory.</p> <p>The applicant has also provided several sight line diagrams from various vantage (ie Talbot Street, Seaview Avenue and adjoining property to the north) which enable an assessment of the visual impact of the proposed third level.</p> <p>The third level addition is appropriately setback from all boundaries and designed to ensure it does not dominate the riverfront or the streetscape.</p>

	<p>The overall massing of the addition is setback well into the site (west – 8.4m) with generous side setbacks (north 17.8m and south 8.1m) that contribute to a sense of openness along the Barwon River frontage while minimising impact on the prevailing character of nearby dwellings in the neighbourhood.</p> <p>The design responds to the flat topography of the site and is set amongst and beneath a vegetated canopy skyline helping the addition fit appropriately within landscape when viewed from the opposite side of the Barwon River.</p>
<p><i>The need to ensure the design and siting of buildings exceeding 7.5 metres in height will allow for the reasonable sharing of views having regard to the extent of available views and the significance of the views from the properties affected.</i></p>	<p>Considered to Comply</p> <p>As mentioned above a response to the visual impacts from various vantage points in the surrounding area is provided within the Urban Design report prepared by Hansen Partnership Pty Ltd. The response includes several photomontages and a view analysis for Ocean Grove (opposite side of Barwon River), Barwon River and Talbot Street.</p> <p>The submitted information demonstrates that the proposed third level addition will not cause unreasonable additional loss of views.</p> <p>The limited profile of the third level addition, combined with its recessive location and glazed appearance results in a development which allows for a reasonable sharing of views.</p> <p>The following is an analysis of the view impact to adjoining properties:</p> <ul style="list-style-type: none"> • North (4 Riversdale Lane) – on the 12 May 2025 the applicant provided additional sight line diagrams/3D perspectives to assist in the review of the potential impact to the property at 4 Riversdale Lane. This dwelling currently has unobstructed views to its east facing the Barwon River. It is noted that the dwelling which formerly occupied the land (8 Paringa Lane) was setback approximately 1m from the common property boundary whereas the proposed dwelling is to be setback 8.7m at ground level increasing to a minimum of 17 metres at the third level. This represents an improvement in views to the south-east of the Barwon River environs. Whilst it is acknowledged that the adjoining property to the north will be able to see the third level addition the submitted sight line information shows that the visual impact will not be significant. • South (51 Flinders Parade) – has unobstructed views to its east facing the Barwon River, while the Talbot Street road reserve has a width of approximately 15 metres, thus ensuring the north-east outlook will be maintained.

	<ul style="list-style-type: none"> West (2 Talbot Street) – the outlook from the habitable room windows of this dwelling was previously disrupted by dwellings which have since been demolished. The proposed development provides for a visual break from the secluded private open space thereby improving on the previous conditions. <p>On balance the proposed development results in a reasonable sharing of views having regard to the extent of available views and the significance of the views from the properties affected.</p>
<p><i>The impact of the riverfront, streetscape and vegetation character and whether sufficient use has been made of indigenous planting to break up the views of the built form.</i></p>	<p>Considered to Comply</p> <p>A detailed landscape plan was submitted with the application. The landscape plan is considered to be satisfactory and will be endorsed as part of any amended permit.</p>
<p><i>Whether proposed building setbacks from a property line that directly adjoins the waterway corridor allows for substantial landscaping between buildings and the waterway corridor to soften the urban character. Buildings and works should be set back to maintain the open landscape along the waterway.</i></p>	<p>Considered to Comply</p> <p>The siting of the proposed dwelling remains unchanged, while the third level addition adopts a minimum 13.9m setback (measured from the eastern edge of the landscape planter) from the eastern property boundary.</p> <p>Landscaping is proposed throughout the interface with the Barwon River to ensure a softening of the urban character.</p>

CULTURAL HERITAGE MANAGEMENT PLAN (CHMP):

The construction of one dwelling on a lot is exempt from requiring a CHMP pursuant the Aboriginal Heritage Regulations 2018.

LANDFILL GAS RISK ASSESSMENT:

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:

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

MUNICIPAL PLANNING STRATEGY:

The following policies of the Municipal Planning Strategy are applicable to this application:

- Clause 02.03-1 – Settlement
- Clause 02.03-2 – Environmental and landscape values
- Clause 02.03-3 – Environmental risks and amenity

THE VICTORIAN PLANNING POLICY FRAMEWORK (VPPF):

The following Victorian Planning Policies are applicable to this application:

- Clause 11.01-1R – Settlement – Geelong G21
- Clause 12.03-1S – River and riparian corridors, waterways, lakes, wetlands and billabongs
- Clause 12.03-1R – Rivers of the Barwon
- Clause 12.05-2S – Landscapes
- Clause 13.03-1S – Floodplain management
- Clause 15.01-1S – Urban design

LPPF

The following Local Planning Policies are relevant to this application:

- Clause 11.03-6L-01 – Bellarine Peninsula

Response to Policy

The proposed dwelling design is considered to meet the relevant planning policy frameworks listed above. The dwelling, although three storeys in design, noting the third story is only a partial storey is nonetheless considered to not be a dominant aspect of the building when viewed from the Barwon River.

This is due to the recessive location of the third storey and its lack of visual presence when viewed from the street, Barwon River, the Barwon Heads Bridge and from the Ocean Grove side of the Barwon River. The construction of one dwelling is also unlikely to cause detrimental impacts on the health of the Barwon River especially as it is replacing four dwellings that previously existed on the land.

While there is an expectation that a single dwelling would be developed on the site the proposed built form is not considered to be inappropriate with the surrounding built form (noting the lot size) that exists along the Barwon River and in this part of Barwon Heads.

RELEVANT PARTICULAR PROVISIONS:

The following Particular Provisions are applicable to this application:

CLAUSE 53.03 – RESIDENTIAL RETICULATED GAS SERVICE CONNECTION

To prohibit residential reticulated gas connections to new dwellings, new apartment developments and new residential subdivisions.

Application

This clause applies to an application for a permit under any provision of this scheme that is for or includes:

- construction of a new dwelling (other than a caretaker's house) or a new apartment development.
- the subdivision of land where the subdivision provides for or is for one or more purposes that include residential development.

This clause does not apply to an application for a permit that is solely for:

- the alteration or extension of an existing dwelling or apartment development.
- the subdivision of land or a building to create lots each containing an existing dwelling or apartment.
- the subdivision of land or a building to create lots each of which are intended to contain a dwelling or an apartment authorised by a planning permit that has been issued for the land.
- An application for an amendment to a permit under section 72 of the Act where the permit was issued prior to the 1 January 2024.

Response

As the application was received prior to 1 January 2024:

- The proposal meets the exemption requirements listed above.

CLAUSE 54 - RESCODE ASSESSMENT

This application is not required to be assessed under Clause 54 as the subject site exceeds 300m² in area.

DECISION GUIDELINES OF CLAUSE 65:

CLAUSE 65.01 – APPROVAL OF AN APPLICATION OR PLAN

Clause 65.01 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 Municipal Planning Strategy and the Planning Policy Framework.
- 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 environment, human health and 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.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

Response

The application has considered the relevant decision guidelines of Clause 65 and is considered to satisfactorily accord with these guidelines as part Greater Geelong Planning Scheme.

Based on the assessment of the proposal it is respectfully requested that the application be approved in accordance with the recommended permit conditions.

CLOSE OF MEETING

As there was no further business the meeting closed at 7:19pm on Thursday 24th July 2025.

X

Cr Katos

Chair