

Torquay-Jan Juc Neighbourhood Character Study Review

Part A: Review Report



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Executive Summary

The *Torquay-Jan Juc Neighbourhood Character Study & Vegetation Assessment, 2006* (the NCS) identifies the neighbourhood character elements that are particularly valued by the community and the aspects of character that the community would like to see retained or enhanced.

Three elements are highlighted in the study as being of key importance to maintaining and enhancing Torquay-Jan Juc's coastal character:

- Retaining the low-rise character of Torquay-Jan Juc's residential areas (maximum two-storey building height);
- Retaining a sense of space around buildings, allowing adequate space for landscaping (in particular canopy trees and shrubs) which filters the visual presence of buildings within the streetscape and from adjoining properties; and
- Encouraging architectural innovation and a high standard of design quality, with built form that is reflective of older style beach houses or of more contemporary coastal design.

A review of the NCS was undertaken to provide an update and to develop options to implement the study. The Review confirmed the existing characteristics of Torquay-Jan Juc's residential areas, and identified 15 definable neighbourhood character precincts. In order to provide a simple management tool, those precincts were then simplified into six broad character or housing areas, each of which relates to an anticipated intensity of development and ability to accommodate change:

- **Urban consolidation areas** – These areas are within walking distance of major and neighbourhood activity centres, including part of Old Torquay which has been identified as suitable to undergo a relatively high level of change considering the relatively large lot sizes, old housing stock and proximity to commercial facilities. The existing character will continue to evolve over time to contain a higher proportion of residential infill redevelopment in the form of well-designed medium and higher density housing up to two storeys (three storeys where appropriate), comprising a variety of housing types and sizes, including townhouses, units and apartments. Front building setbacks should be well proportioned to allow for substantial landscaping to soften the built form and complement the streetscape character.
- **General residential (mixed density) areas** have the capacity to accommodate a moderate level of housing growth and diversity. They include the established neighbourhoods of Old Torquay north of Beach Road, Church Estate and Wombah Park/Golden Beach Estate and the newer residential subdivisions at Surf View Estate and Deep Creek/Briody Drive Estate. The future character of these areas will evolve over time to contain a greater mix of housing types, including well-designed and site responsive medium density (infill) development (including second dwellings, dual occupancies and townhouse developments) at a lower intensity than in urban consolidation areas, as well as exhaustion of remaining vacant lots, dwelling renovations or extension and replacement of existing older dwellings by new houses. The balance between the built form and the garden setting will continue to be the valued key characteristic of these areas.
- **General residential (standard density) areas** have limited capacity to accommodate future residential development due to a prevalence of single dwellings, predominantly as a result of covenants or other legal agreements that limit additional dwellings. They include the more recently developed residential estates such as Great Ocean Views Estate, South Beach Estate and The Quay. The areas are expected to undergo only a limited level of change, mainly in the form of exhaustion of remaining vacant lots for single dwellings and limited multi-dwelling developments where they are not prohibited by a restrictive covenant.
- **Bush residential areas** have a limited to moderate capacity to accommodate housing growth and diversity as a result of significant vegetation, high landscape values or environmental hazards such

as bushfire. These areas will provide for sensitively designed single dwellings and some dispersed medium density development (second dwellings, dual occupancies, townhouses) that respect the valued attributes of the existing and preferred neighbourhood character, with an emphasis on retaining and enhancing vegetation. It includes the majority of Jan Juc.

- **Residential growth areas** include new broadhectare residential subdivisions where the preferred character is yet to establish, such as the growth areas in Torquay North. It will be important to provide a mix of lot sizes to encourage housing diversity and to establish a landscaped and built form character that reflects Torquay's preferred coastal character.
- **Low density residential areas** are located on the edge of the township and are characterised by single dwellings at low densities. They perform as a transition zone between the urban and rural interface and often contain significant patches of vegetation.

Council has completed several strategic studies, including a Housing Strategy, Structure Plan and the Sustainable Futures Plan 2040 that clearly demonstrate how the housing need projections will be met in Torquay-Jan Juc, and which define areas that can accommodate a greater degree of change.

In formulating recommendations for implementation of the NCS, Council has considered the current level of planning controls applicable to the residential areas of Torquay-Jan Juc and how effective they have been in achieving the preferred character for each precinct. As a part of this consideration an understanding of the best practice approach to implementation of neighbourhood character studies was gained and consideration given to how implementation of neighbourhood character policy or controls will affect Council's ability to achieve housing projections.

Recommendations have been developed through exploring the various options with Council planning staff and Department of Planning and Community Development officers. Implementation will require an amendment to the Planning Scheme.

In summary, the following statutory implementation tools are considered viable options to implement neighbourhood character controls for Torquay-Jan Juc:

- *Changes to the MSS at Clause 21.08 (Torquay-Jan Juc Strategy) to strengthen reference to the overall aims and objectives of the NCS.* This is an important aspect of any approach to statutory implementation as it would include the recommendations of the Study as part of the strategic direction for the municipality.
- *Inclusion of the key elements of the NCS in a new Local Policy.* The Policy should include preferred character statements for each precinct. Inclusion of a new Local Policy for neighbourhood character is also an opportunity to integrate Council's objectives for housing provision.
- *Application of overlay controls to areas of significant neighbourhood character and/or where a certain level of change is expected or encouraged.* These may be required where the siting and design of new development is of concern, and additional control is considered necessary to guide future development, in particular multi-dwelling developments.

In addition to the statutory implementation, there are various non-statutory implementation options that will be an integral part of the successful operation of the study outcomes and will complement the statutory implementation measures.

1. Introduction

1.1 Background

Council is seeking to prepare an amendment to the Surf Coast Planning Scheme to introduce planning controls that implement the findings and recommendations of the *Torquay-Jan Juc Neighbourhood Character Study & Vegetation Assessment* (the NCS) which was adopted by Council in 2006.

The NCS was prepared following extensive community consultation, data collection and analysis, including a community perceptions analysis, vegetation assessment and survey of the physical features of the town. The Study was originally proposed to be implemented as part of Planning Scheme Amendment C37, however authorisation of part of the amendment was withheld by the then Minister for Planning.

In withholding authorisation to modify the Design and Development Overlay Schedule 1 (DDO1) as part of Amendment C37 the former Minister for Planning raised a number of concerns in relation to the proposed provisions, not least of which were its perceived complexity, questionable ability to achieve good planning outcomes, impact on delivering timely growth and impact on Council resources.

Discussions have been held between officers of the Department of Planning and Community Development (DPCD) and Surf Coast Shire to explore options to deliver the preferred neighbourhood character outcomes for Torquay and Jan Juc. Due to the passing of time since the adoption of the NCS, it now needs review to ensure it is up to date to reflect recent development, community aspirations and State government and local policy.

1.2 Purpose of the review

The main purpose of the Neighbourhood Character Study Review is to review and update the 2006 NCS to enable implementation of the Study findings. The Review aims to:

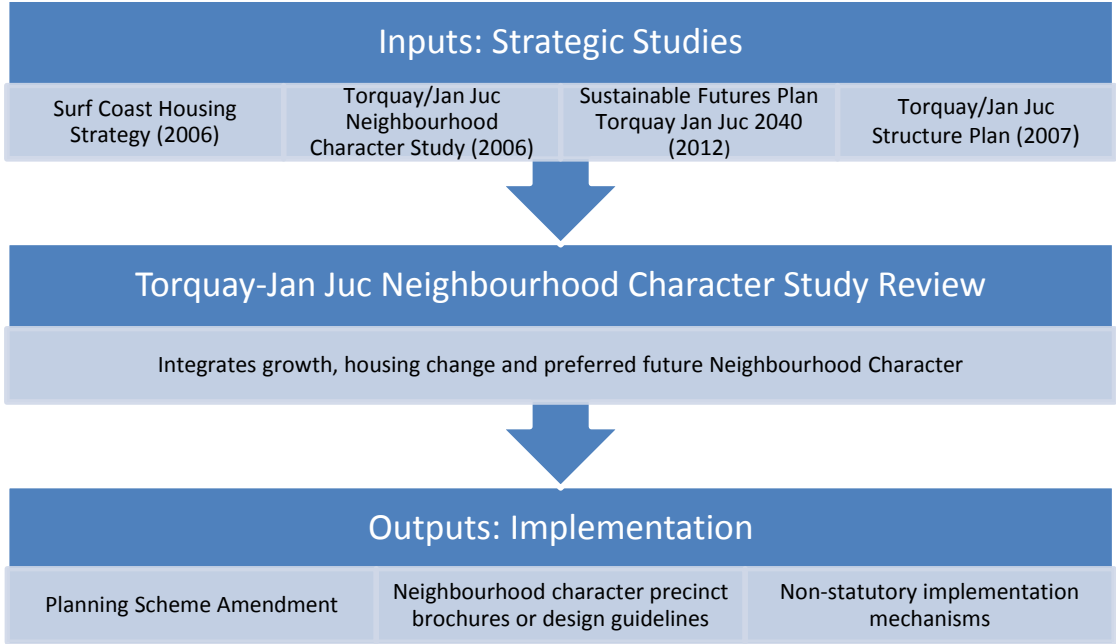
- Determine the level of development and extent of change to neighbourhood character that has occurred since 2006;
- Consider neighbourhood character in relation to residential growth and housing diversity objectives as expressed in state and local strategies and policies;
- Establish a strategic framework to enable change within the residential neighbourhoods to be managed in a manner that respects the preferred character of these areas;
- Develop implementation recommendations that utilise appropriate tools given in the Victorian Planning Provisions to achieve the desired neighbourhood character outcomes;
- Prepare an Amendment to the Surf Coast Planning Scheme that implements the recommendations of the NCS and the Review and that is supported by strategic justification of any proposed changes;
- Identify supporting communication and education tools that will assist developers and landowners to achieve outcomes that are consistent with preferred character, as well as encouraging good building, landscape, vegetation and Environmentally Sustainable Design outcomes in each neighbourhood character precinct.

The Review will integrate the strategic work done by Council through the *Surf Coast Housing Strategy*, *Torquay/Jan Juc Structure Plan* and *Sustainable Futures Plan Torquay Jan Juc 2040* to manage housing growth and change in the township. It aims to achieve the dual outcomes of accommodating residential growth and housing change and retaining and enhancing the valued coastal character of the township.

In addition, the Review will provide a sound basis to inform the implementation of the draft new Residential zones currently being prepared by the State Government.

The main ‘inputs’ and ‘outputs’ of the Review are schematically illustrated in Figure 1.

Figure 1: Review process



1.3 Study area

This Study covers the areas of Torquay and Jan Juc that are zoned for residential purposes, including the Residential 1 and 2 Zones (R1Z and R2Z), Low Density Residential Zone (LDRZ) and Comprehensive Development Zone (CDZ).

1.4 Methodology

The NCS Review involved the following tasks:

- A desktop review of the 2006 NCS and other relevant local policies/strategies.
- Discussion with Council’s Statutory Planning Team to understand how the NCS is currently used and any neighbourhood character issues that are raised as part of the planning application process.
- A compliance and visual assessment of developments approved since 2003 to establish whether the developments have been respectful of the existing neighbourhood character and/or contribute to the preferred neighbourhood character.
- A street-by-street survey of residential areas to check the existing information for each precinct and note any changes to character that have occurred since 2006. This survey was not as extensive as the physical survey conducted for the original study as it was to review existing information, however areas that were identified as ‘areas of change’ and areas that were not included in the 2006 NCS were surveyed at a more detailed level.
- A review of VCAT decisions and Planning Panel reports that considered neighbourhood character issues.
- An investigation of available VPP tools, best practice examples and options for the statutory implementation of the NCS.
- Development of recommendations for the Planning Scheme Amendment and any other non-statutory mechanisms, such as education and promotion and public realm works such as road layout, footpath treatments and street planting schemes.

Precinct descriptions have been updated with current site survey information. Primarily this relates to greenfield and infill development that has occurred since the 2006 Study. Precinct boundaries have been updated as required. Generally, boundaries followed the existing precinct delineation, however, several new precincts in the northern parts of Torquay were created or boundaries adjusted to reflect changes that had occurred since the 2006 Study.

No community consultation was undertaken as part of the Review. Extensive consultation was undertaken during preparation of the 2006 NCS and more recently as part of the Sustainable Futures Plan Torquay Jan Juc 2040. Public consultation on the Planning Scheme Amendment will take place once it is prepared and authorised by the Minister.

1.5 Structure of the report

This report is structured as follows:

- Chapter 2 outlines the strategic context of neighbourhood character and housing growth at a state, regional and local level.
- Chapter 3 looks at the concept of neighbourhood character and reviews any changes to neighbourhood character in Torquay-Jan Juc.
- Chapter 4 explores options to implement the NCS and provides the justification for the recommended option.

2. Strategic Context

2.1 Local Context

Torquay-Jan Juc is a popular coastal town located at the start of the Great Ocean Road, 20 kilometres south of Geelong and 95 kilometres south-west of Melbourne. It is the major population, commercial and administrative centre of the Surf Coast Shire and is the surfing capital of Australia, being the birth place of iconic surf brands. Torquay-Jan Juc has a major role to play on a regional level, with both the *Victorian Coastal Strategy* (2008) and the *Great Ocean Road Region Strategy* (2004) designating it as a regional growth node that is capable of accommodating a significant level of growth. This growth is not without qualification. The Great Ocean Road Region Strategy clearly promotes “balanced and managed growth”.

The population of Torquay-Jan Juc and surrounding hinterland has grown strongly since the mid 1990s and is expected to grow from 16,527 in 2011 to a population of 24,567 in 2021 and 30,780 in 2031 (Id Consulting). Torquay and Jan Juc have historically developed as coastal holiday destinations, with low numbers of permanent residents – 45% of houses were unoccupied in 1981 (ABS Census). This role is changing and the towns are becoming more attractive as a permanent place of residence – the proportion of unoccupied homes dropped to 30% in 2011 (ABS Census) – due to infrastructure improvements between Torquay, Geelong and Melbourne and because of lifestyle changes (e.g. Seachange phenomenon and influx of retirees).

Torquay-Jan Juc will also continue to be a major holiday destination, with the peak overnight population almost three times the permanent population¹. The number of domestic and international visitors to the Great Ocean Road is expected to increase strongly in the next 20 years². This will place strong demands on land availability, infrastructure and required commercial, community and recreation services.

Even though Torquay-Jan Juc is up for a significant level of growth, to be accommodated through new growth areas in Torquay North and Torquay West and through urban consolidation within established areas, it cannot be ignored that Torquay-Jan Juc has a unique character that is highly valued by its residents and visitors. It is this character that attracts people in the first place and provides an alternative lifestyle destination away from the more suburban built form and densities of metropolitan Melbourne and Geelong.

Torquay-Jan Juc’s character and sense of place are clearly articulated in various documents, including the *2020 Vision* (1996), *Community Plan - Your Visions* (2004), *Torquay-Jan Juc Neighbourhood Character Study* (2006), *Torquay and Jan Juc Structure Plan* (2007) and more recently the *Sustainable Futures Plan Torquay-Jan Juc 2040* (2012).

Future housing development in Torquay-Jan Juc is influenced by:

- The need to accommodate at least 7,000 new households by 2040; and
- An increased demand for medium density housing and alternative housing types and sizes, due to demographic change (e.g. shrinking household sizes, ageing of the population) and declining housing affordability.

The majority of new housing development in Torquay-Jan Juc will continue to be in the form of detached dwellings on conventionally sized blocks in greenfield areas, however the demand for smaller dwelling types is expected to increase. This trend will be driven by significant growth in smaller

¹ Geelong Economic Indicators Bulletin 2010/11

² Great Ocean Road Destination Management Plan, 2012

households (primarily singles, childless couples and sole parents); emerging preferences for lower maintenance dwellings that are close to urban services; as well as housing affordability issues.

Urban consolidation and changing housing needs are having a significant impact on the character of Torquay-Jan Juc's urban areas, particularly those established urban areas which are characterised by detached housing in a vegetated setting such as Old Torquay. Various levels of infill development is occurring in established residential areas across the township in the form of 'battle-axe' or 'back yard' subdivisions, corner lot subdivisions and unit or townhouse developments. Some more significant developments within Torquay-Jan Juc have also emerged, such as the RACV Golf Club, Wyndham Resort, Bunnings Warehouse, Torquay Central and the Gleaner development on the Surf Coast Highway, which adopt a scale and building height that departs from Torquay-Jan Juc's traditional small scale, low rise, informal coastal character.

It is important that new development contributes positively to the quality of the urban environment so that it may be enjoyed and respected by the existing and future community. Urban consolidation and housing growth across Torquay-Jan Juc is to be managed by:

- Accommodating higher density housing within activity centres;
- Maximising opportunities for medium density housing in residential areas within 'Urban Consolidation Areas', which include Old Torquay and an area of 400m walking distance around neighbourhood activity centres;
- Encouraging incremental change and appropriate medium density housing in 'General Residential Areas'; and
- Encouraging a range of lots sizes and a density of 15 dwellings per hectare in new growth areas.

It will be crucial to manage the impact of urban change on existing neighbourhoods and township character to ensure that new development responds to the preferred coastal character.

The need to ensure new development respects Torquay-Jan Juc's coastal character is recognised in and supported by the strategic planning context, which is discussed next.

2.2 Planning Context

2.2.1 Surf Coast Planning Scheme

State Planning Policy Framework (SPPF)

Relevant elements of the SPPF include:

Clause 11 – Settlement

Clause 12 – Environmental and Landscape Values

Clause 15 – Built Environment and Heritage

Clause 16 – Housing

Clause 11 'Settlement' outlines policies for (among other matters) urban growth, regional development and coastal settlements. Clause 11.02-1 'Supply of urban land' directs Councils to "Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur". Planning for urban growth should consider:

- *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
- *Neighbourhood character and landscape considerations.*
- *The limits of land capability and natural hazards and environmental quality.*
- *Service limitations and the costs of providing infrastructure.*

The objective of Clause 11.05-5 'Coastal settlement' is to plan for sustainable coastal development in the following manner:

- *Support a network of diverse coastal settlements which provides for a broad range of housing types, economic opportunities and services.*
- *Encourage urban renewal and redevelopment opportunities within 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 protected.*
- *Direct residential and other urban development and infrastructure within defined settlement boundaries of existing settlements that are capable of accommodating growth.*
- *Avoid linear urban sprawl along the coastal edge and ribbon development within rural landscapes and protect areas between settlements for non-urban use.*
- *Avoid development on ridgelines, primary coastal dune systems and low lying coastal areas.*

Clause 12 'Environmental and Landscape Values' recognises that planning should help to protect and conserve areas with identified environmental and landscape values.

Clause 12.02 'Coastal areas' sets out a range of objectives and strategies for the protection and appropriate development of coastal areas, the management of coastal Crown land, suitably located and designed coastal tourism opportunities, and sustainable development of the Great Ocean Road region. The Clause refers to the hierarchy of principles for coastal planning and management as set out in the *Victorian Coastal Strategy* (2008). Strategies relevant to development include:

- *Ensure development is sensitively sited and designed and respects the character of coastal settlements. (Clause 12.02-2)*
- *Ensure (tourism) developments are of an appropriate scale, use and intensity relative to its location and minimises impacts on the surrounding natural visual, environmental and coastal character. (Clause 12.02-4)*
- *Ensure development responds to the identified landscape character of the area.*
- *Manage the impact of development on the environmental and cultural values of the area.*
- *Manage the growth of towns by:*
 - *Respecting the character of coastal towns and promoting best practice design for new development.*
 - *Directing urban growth to strategically identified areas. (Clause 12.02-6)*

Clause 12.04 'Significant environments and landscapes' seeks to protect environmentally sensitive areas and landscapes and significant open spaces that contribute to character, identity and sustainable environments. In support of this objective, the policy has strategies to ensure sensitive landscapes are protected and new development does not detract from their natural quality, natural landscapes are recognised for their aesthetic value and as a fully functioning system and natural features are protected and enhanced.

Clause 15 'Built Environment and Heritage' seeks to ensure that land use and development appropriately responds to its landscape, valued built form and cultural context, and protects places and sites with significant heritage, architectural, aesthetic, scientific and cultural value; and achieves high quality urban design and architecture that:

- *Contributes positively to local urban character and sense of place.*
- *Reflects the particular characteristics, aspirations and cultural identity of the community.*
- *Enhances liveability, diversity, amenity and safety of the public realm.*
- *Promotes attractiveness of towns and cities within broader strategic contexts.*
- *Minimises detrimental impact on neighbouring properties.*

In particular Clause 15.01 'Urban environment' includes the following objectives and strategies:

- *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. (Clause 15.01-1 objective)*
- *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties. (Clause 15.01-2 objective)*
- *To ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable diverse and sustainable neighbourhoods. (Clause 15.01-3 objective)*
- *To recognise and protect cultural identity, neighbourhood character and sense of place. (Clause 15.01-5 objective)*
- *Ensure development responds and contributes to existing sense of place and cultural identity.*
- *Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.*
- *Ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising:*
 - *The underlying natural landscape character.*
 - *The heritage values and built form that reflect community identity.*
 - *The values, needs and aspirations of the community. (Clause 15.01-5 strategies)*

Clause 16 ‘Housing’ seeks to provide a diversity of well serviced housing with an increasing proportion being located within the established urban area particularly in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.

Clause 16.01-4 ‘Housing diversity’ encourages the provision of a range of housing types to meet increasingly diverse needs. It encourages 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*

The aim of Clause 16.01-5 ‘Housing affordability’ is to deliver more affordable housing closer to jobs, transport and services. This is to be achieved through:

- *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, including development at activity centres and strategic redevelopment sites to be affordable for households on low to moderate incomes.*

Local Planning Policy Framework (LPPF)

The LPPF, including the Municipal Strategic Statement (MSS) and Local Policies, establishes a local context for implementation of the NCS. Relevant key provisions of the MSS include:

- Clause 21.01 – Profile and Vision*
- Clause 21.02 – Settlement, Built Environment and Heritage*
- Clause 21.03 – Environmental Management*
- Clause 21.04 – Tourism*
- Clause 21.08 – Torquay-Jan Juc Strategy*

These clauses outline that the Surf Coast Shire contains rich and diverse environmental, cultural and scenic landscapes including rugged coastlines, native forests, rolling to flat rural plains and many rivers, lakes and wetlands. The southern part of the Shire contains nodes of coastal townships dotted along the Great Ocean Road comprising Torquay-Jan Juc, Anglesea, Aireys Inlet, Fairhaven, Moggs Creek and Lorne. Each of these towns has its own distinct character and identity and a potential for development.

A recurring theme of the Surf Coast Shire's MSS is balancing development against the environmental qualities of the Shire which provide the foundation of its attractiveness as a place to live, to work and to visit. To achieve this, Council has adopted detailed policies for the coastal townships and their hinterland which direct new development into existing town areas and limit development in areas of high scenic, environmental and agricultural value.

Clause 21.01 'Profile and Vision' lists the following key issues and influences facing the Shire and in particular the coastal towns:

- Increasing popularity of the coast and coastal towns as permanent, holiday and tourist destinations.
- Reconciling coastal growth with the fragile natural environment, traditional coastal town character and relaxed surfing culture.
- Rapid rate of growth of coastal towns and delivery of necessary infrastructure.

The key strategic directions for sustainable land use and development as identified in the Municipal Land Use Framework Plan at Clause 21.01-4 include:

- *To manage population and tourist growth and development in an ecologically sustainable manner.*
- *To concentrate urban growth predominantly in the towns of Torquay-Jan Juc and Winchelsea.*
- *To support and strengthen the individual character and role of the coastal and rural towns within the Shire.*
- *To protect the fragile coastal and forest environments and scenic landscapes that separates the coastal townships from urban sprawl and inappropriate development.*

Clause 21.02 'Settlement, Built Environment and Heritage' recognises that Torquay, together with Winchelsea, has capacity to accommodate substantial growth but that development pressure and insensitive suburban style development are threatening the character valued by residents and visitors. The strategy at Clause 21.02-2 (Settlement patterns) designates Torquay-Jan Juc and Winchelsea as the major growth centres for the Shire and seeks to ensure the provision of at least 15 years supply of residential land within each of these townships.

The objective of Clause 21.02-3 'Neighbourhood character' is *"to protect the individual coastal township character values of low urban density, recessive built form, vegetated coastal landscapes and ecological values of the natural environment from inappropriate urban development"* through the following strategies:

- *Ensure residential development densities are compatible to the protection of the indigenous vegetation and the historic neighbourhood character of the Surf Coast settlements.*
- *Encourage a coastal style of urban form within all coastal towns and coastal localities in all developments.*
- *Recognise the key role vegetation plays in defining township character and in softening urban development.*

The Torquay-Jan Juc Strategy at Clause 21.08 describes Torquay-Jan Juc as follows:

"Torquay-Jan Juc is the main urban growth centre of the Surf Coast Shire. It is a popular destination for surfers, tourists, holiday makers and retirees, and the sea-change movement has resulted in the town becoming increasingly popular for permanent settlement."

The Strategy again recognises the need to balance growth and development against a community desire to maintain the coastal character of Torquay-Jan Juc. The key objective in terms of settlement and housing is to “*accommodate and manage the projected population growth and demographic change of Torquay-Jan Juc in an environmentally sustainable manner that respects and celebrates the distinct surfing identity and coastal character of the town*”. This is to be achieved by:

- Containing and consolidating urban development within the defined settlement boundary.
- Facilitating new residential growth in Torquay North up to South Beach Road, and to the west in the Spring Creek Urban Growth Corridor.
- Retaining limited provision of low density residential development, contained within the settlement boundary.
- Encouraging the resubdivision of key low density residential sites (e.g. Briody Drive Estate, Torquay Heights etc) at densities appropriate to their location and physical characteristics.
- Encouraging innovative medium density housing solutions around the Torquay Town Centre and local activity nodes, ensuring such developments value add to the neighbourhood character and are respectful of the urban form and heritage values of adjacent sites.
- Ensuring that residential development is guided by the coastal character of Torquay-Jan Juc and assists in the protection or re-establishment of indigenous vegetation and vegetation that filters the appearance of development from public spaces.

2.2.2 Strategic Studies

Torquay-Jan Juc’s character and sense of place are clearly articulated in various strategic documents, including *2020 Vision* (1996), *Your Visions* (2004), *Torquay-Jan Juc Neighbourhood Character Study & Vegetation Assessment* (2006), *Torquay and Jan Juc Structure Plan* (2007) and *Sustainable Futures Plan Torquay-Jan Juc 2040* (2012).

Torquay-Jan Juc Neighbourhood Character Study

Council committed substantial resources to analyse key characteristics, resident perceptions and case studies to inform planning framework responses. The body of work undertaken has culminated in the 2006 NCS, which identifies the significant elements which make up Torquay-Jan Juc’s preferred neighbourhood character as determined by the township’s residents and provides a valuable basis for planning to protect Torquay-Jan Juc’s coastal character.

The NCS was developed in response to strong community concern about the effect of development on Torquay-Jan Juc’s valued coastal character and unique landscape and environmental qualities. The community felt that redevelopment and infill development in the older, established areas of town and development in new subdivisions was not responding to the coastal character. Particular concern was expressed about the impact of vegetation removal, replacement of old holiday homes with larger, bulkier houses and medium density developments, the lack of a tree canopy cover in new areas and the suburban appearance of new development.

The NCS was prepared between 2003 and 2006 following similar studies in Anglesea and Aireys Inlet to Eastern View and involved extensive community consultation, data collection and analysis, including a community perceptions analysis, vegetation assessment and survey of the physical features of the town.

The Study was partially implemented into the Surf Coast Planning Scheme through Amendment C37. This amendment saw the Significant Landscape Overlay Schedule 6 (SLO6) applied to the residential areas of Central Torquay and Jan Juc and replacement of the SLO2 applying to land along the coastal boulevards (Ocean Boulevard, The Esplanade) by a Design and Development Overlay Schedule 13 (DDO13).

The SLO6 contains permit requirements for the removal, destruction and lopping of Bellarine Yellow Gums, Moonah, exotic trees greater than 5 metres in height and native vegetation greater than 3

metres in height and aims to protect and enhance Torquay-Jan Juc's tree canopy and vegetated streetscapes that contribute highly to the coastal character.

The DDO13 aims to minimise the visual impact of development along the coastal boulevards and encourages building design that complements the coastal landscape setting of the foreshore environs. It contains requirements for setbacks, building height, site coverage, parking and access, and fencing.

Amendment C37 originally also proposed to implement a revised Design and Development Overlay Schedule 1 (DDO1) with permit triggers for front setback, building height, site coverage, side and rear setbacks, and garage setback, however this part of the amendment was not authorised by the then Minister for Planning.

Torquay-Jan Juc Structure Plan

The *Torquay and Jan Juc Structure Plan* (2007) provides a framework to accommodate in a sustainable way the projected population growth for Torquay-Jan Juc and associated demand for residential, commercial and industrial development and community, recreation, open space and infrastructure services, whilst seeking to maintain and enhance the town's surfing identity and coastal character.

Regarding the future growth of Torquay-Jan Juc, the Structure Plan outlines (page 87-88) that Torquay will accommodate residential growth over the next twenty years within the existing settlement boundaries through:

- Encouraging urban consolidation within the established central Torquay area, particularly close to the town centre.
- Planning residential growth in two corridors, to the north to South Beach Road, and to the west to Duffields Road.

The Structure Plan provides strong direction on the importance of balancing growth with the aim of maintaining Torquay-Jan Juc's coastal character. The following objectives and strategic responses have been formulated to support this:

Objectives

To accommodate the population growth of the Surf Coast Shire within Torquay / Jan Juc as one of two main urban growth centres in the Shire.

To maintain and enhance the distinct and unique surfing identity and coastal character of Torquay / Jan Juc.

To achieve a diversity of housing types responsive of the needs of the community in styles that reflect the coastal image and character of the town and its natural environment, and which promote energy and resource efficiency as a legacy of coastal living.

Strategic Responses

- *The average gross residential density in the new estates of Torquay has been around 10 lots per hectare. Future residential estates will be encouraged to achieve a higher density, together with a range of lot sizes to encourage the provision of a diversity of dwellings. Melbourne 2030 suggests an aim of around 15 dwellings per hectare within structure plan areas. For Torquay this will be guided by township character policies.*

Densities should vary throughout an estate, but for reasons of access and efficiency higher densities will generally be concentrated around activity centres, community infrastructure hubs and active public open space. The higher density nodes will assist in achieving the overall higher density outcome.

The boundaries of these higher residential density areas are notional and are intended as a guide, but might typically be within 400 metres of activity centres or community hubs.

- *Redevelopment of the old part of Torquay, particularly around the Town Centre, will be encouraged to achieve an overall increase in development density and increased opportunity to live in close proximity to community and retail facilities. Nevertheless, development must value add to the character of the 'old Torquay' neighbourhood, and be respectful of the urban form and heritage values of adjacent sites.*
- *The coastal township character of Torquay / Jan Juc is an important design element for new and infill residential development. Residential design and densities shall have regard to the protection and establishment of vegetation to soften and screen development, maintaining low profile building heights and simple built forms / coastal designs that utilise lightweight materials, recessed garages and minimalist front fencing. Particular regard will be had to prominent locations within the township (major boulevards and thoroughfares) including areas highly exposed to the foreshore to ensure development respects the landscape values of these areas.*
- *Innovative medium density housing solutions will be encouraged around activity centres and open space. Coastal and landscape themes should feature strongly in these nodes. These developments can add diversity and interest to residential areas and should feature a range of dwelling types. Incentives are to be considered for delivery of smaller dwellings that meet the needs of smaller households.*

Sustainable Futures Plan Torquay-Jan Juc 2040

The overall aim of the *Sustainable Futures Plan (SFP) Torquay-Jan Juc 2040* is to sustainably manage growth by providing a clear direction for where growth is to occur and guidelines relating to its scale and timing over the next 30 years. The SFP was prepared in response to growing community unease with the rate of growth being experienced and planned for Torquay, and followed Council's decision to abandon the *Spring Creek Urban Growth Corridor Framework Plan* in 2010.

The SFP seeks to balance the environmental, social and economic aspirations of Torquay-Jan Juc's stakeholders through five core values and principles:

Value 1: Places for People – The importance of a close knit community

Value 2: The Natural Environment – Protecting and enhancing the natural environment

Value 3: The Built Environment – Fostering the unique coastal look and feel

Value 4: Services and Infrastructure – Planning for services and infrastructure with development

Value 5: A Local Economy – Providing employment opportunities locally

The plan estimates Torquay-Jan Juc's total population level over the next 30 years at 25,000-28,000 people, which incorporates around 15,000-16,000 new residents and approximately 6,500 new residential lots. The majority of growth will be focused in new growth areas in Torquay North (approx. 2,400 new lots and 5,700 new residents), Torquay West east of Duffields Road (approx. 610 new lots and 1,400 new residents) and northwest of Messmate Road up to the ridgeline (approx. 2,000 new lots and 4,500 new residents), whilst urban infill in Central Torquay and Jan Juc will account for approximately 800 new residents in Central Torquay and 670 in established Jan Juc by 2030. The SFP aims to achieve a minimum density of 15 lots per hectare in new growth areas, consistent with state government policy.

The SFP states that the people of Torquay-Jan Juc expressed a strong desire for a less urban approach to development. This includes steering clear of suburban-type developments and avoiding blocks of uniform colours or styles. The preference is instead for contemporary homes designed to reflect the coastal village feel and built on sustainability principles. Variations in density, block size and housing stock (e.g. apartments, units, houses) would provide greater capacity to cater for different life stages

(e.g. first home buyer, growing family, empty nester, retiree, senior) and provide greater housing affordability. The SFP aims to deliver these values by ensuring planning and development policy focuses on encouraging a range of housing options at suitable densities to cater for the population's diverse needs and reflect the coastal look and feel, and by specifying a range of guidelines for each new growth area.

Surf Coast Housing Strategy

The Housing Strategy, contained in Volume 1 of the *Surf Coast Housing Policy Project* (Planisphere, 2006) provides a framework for Council to accommodate the Shire's housing needs over the next 25 years and to promote continued economic growth of the municipality while mitigating the negative environmental impacts of such growth. The strategy covers the following five themes: sustainability, affordability, diversity, infrastructure and transport, and character.

One of the conclusions of the strategy is the lack of housing diversity. There is an over-representation of larger (4+ bedrooms) single detached dwellings in Torquay-Jan Juc. The recommendations of the strategy are to be adopted by promoting medium density development in strategic locations to increase housing choice, in particular smaller (1-2 bedrooms) dwellings to meet changing demographics (ageing population, decrease in household size).

The Strategy also comments on the importance of protecting the character of the Shire's townships, particularly Torquay-Jan Juc where the level of growth and development is resulting in significant change. It acknowledges the community's desire to avoid development that detracts from the general low-rise scale of the municipality, results in continued urban sprawl of growth nodes, or results in the suburbanisation of the townships. Threats to character include the development of large houses on small blocks with little area remaining for landscaping, increasing densities which reduce sprawl but at the cost of privacy, and ensuring that Torquay retains its own distinct character rather than becoming like a suburb of Geelong.

One of the objectives of the Strategy is to ensure that future residential development respects the identified and valued neighbourhood, township and landscape character of the different towns and settlements of the Shire. This is to be achieved by implementing the outcomes of Neighbourhood Character Studies in the Surf Coast Planning Scheme and by preparing new design guidelines where consolidation and medium density housing is encouraged, to ensure development respects neighbourhood and township character.

Proposed New Residential Zones

In July 2012 the Minister for Planning released three proposed new residential zones for public comment with the aim of replacing the existing Residential 1, 2 and 3 Zones. They include:

- The *Residential Growth Zone* provides for housing growth by encouraging medium density housing at increased densities in appropriate locations.
- The *General Residential Zone* allows for a variety of housing types that respect the neighbourhood character of the area.
- The *Neighbourhood Residential Zone* enables specific characteristics of the neighbourhood to be protected through greater control over new housing development.

The zones provide an opportunity for Council to identify residential areas with neighbourhood character value (as identified by a Neighbourhood Character Study), in which substantial residential growth would impact the integrity of the character. Council can therefore direct housing growth and diversity to areas identified within a Housing Strategy that have limited neighbourhood character constraints. Each zone is proposed to have a Schedule that can be used to tailor specific development requirements, in particular objectives for neighbourhood character and height, setbacks and minimum lot size.

G21 Regional Growth Plan

The Regional Growth Plan for the G21 Region prepared in 2012 manages growth and land use pressures to 2050. It pulls together the strategic land use and growth planning already done across the region and builds on this to identify where future residential and employment growth will occur and the critical infrastructure required to support it.

The Plan reinforces Torquay-Jan Juc's role as a district town within the region that provides services to smaller coastal and hinterland towns. It supports planned growth consistent with existing structure plans/growth plans and provides for a settlement break between the township and Armstrong Creek to maintain its unique identity.

2.2.3 Existing provisions for neighbourhood character

Residential Zone

The bulk of Torquay-Jan Juc's residential areas are included within the Residential 1 Zone (R1Z). The purpose of the R1Z relating to neighbourhood character is:

- *To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*
- *To encourage residential development that respects the neighbourhood character.*

A permit is required under the R1Z for the construction and extension of a single dwelling on a lot less than 300m² (Clause 32.01-3) and for the construction and extension of two or more dwellings (Clause 32.01-4). Clause 54 applies to single dwellings and Clause 55 applies to multi-dwelling developments (up to three storeys). Both Clauses require a site analysis and design response statement to accompany a planning application, and consideration of any relevant neighbourhood character policy. A number of ResCode standards relate specifically to neighbourhood character issues:

A1/B1	Neighbourhood character
A3/B6	Street setback
A4/B7	Building height
A5/B8	Site coverage
A8/B13	Significant trees / Landscaping
A10/B17	Side and rear setbacks
A11/B18	Walls on boundaries
A19/B31	Design detail
A20/B32	Front fences
B14	Access

A small precinct of medium density housing located in the town centre between Bristol and Boston Road is included in the Residential 2 Zone (R2Z). The purpose of this zone is to encourage medium density housing.

Overlays

A Design and Development Overlay Schedule 1 (DDO1) is applied to most R1Z land in Torquay-Jan Juc. The purpose of the overlay is to protect and enhance the coastal township character of Torquay-Jan Juc and to ensure that development is of a low rise scale and design that is compatible with the streetscape character of the area. A permit is required for buildings and works where the height of a building exceeds 7.5m above natural ground level, a lot is less than 450m², the change in natural ground level is more than 2.5m or where a relocatable dwelling is moved onto a lot.

A *Design and Development Overlay Schedule 7 (DDO7)* applies to R1Z and SUZ5 zoned land along the Surf Coast Highway in Torquay. Relevant neighbourhood character objectives are to ensure new residential development responds sensitively and contributes to the coastal architecture reflective of Torquay’s historical character. The overlay contains requirements pertaining to building height, siting, design and landscaping.

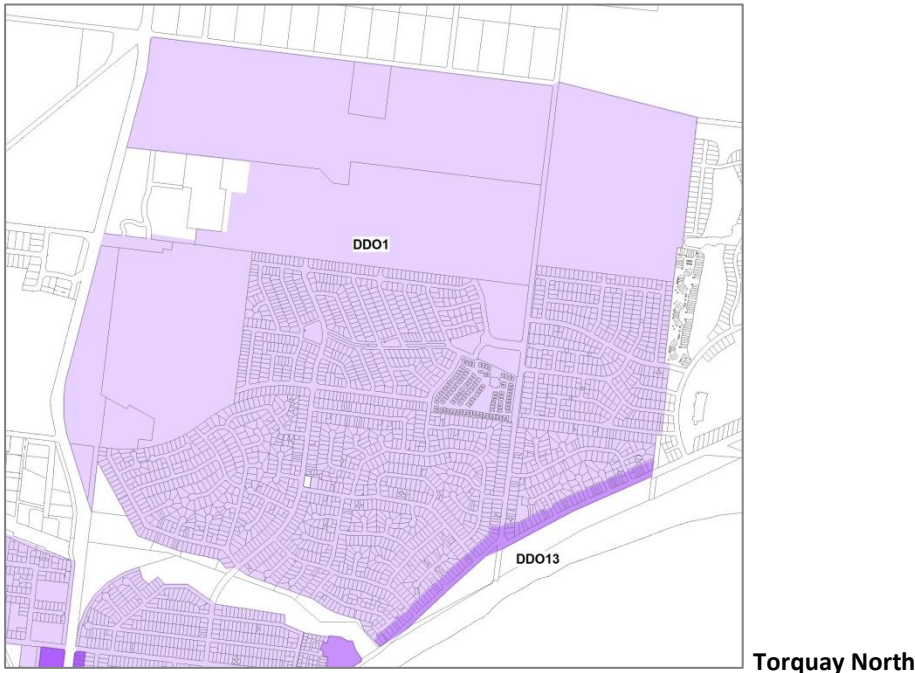
A *Design and Development Overlay Schedule 8 (DDO8)* applies to the R2Z in the Torquay town centre. This overlay is aimed at facilitating an integrated medium density residential development that is reflective of the Boston Road streetscape, reflecting its built and natural character. It contains requirements for street setbacks, building height, site coverage and fencing.

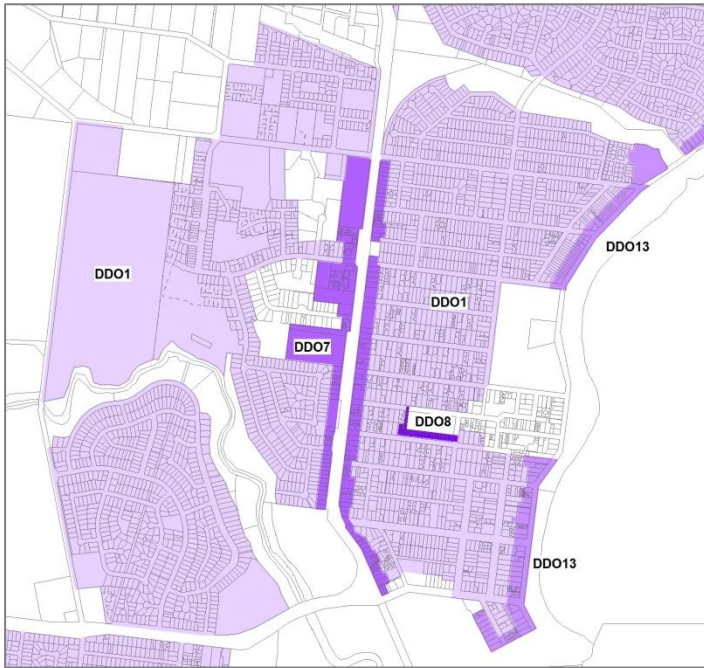
A *Design and Development Overlay Schedule 13 (DDO13)* applies to R1Z land along the coastal boulevards of Torquay-Jan Juc (The Esplanade, Ocean Boulevard). The objectives of this overlay are:

- *To encourage building design that complements the coastal landscape setting and the scenic and landscape values of the foreshore environs.*
- *To ensure that development provides for spacing around buildings and visual permeability when viewed from foreshore areas and the street.*
- *To minimise the visual impact of development when viewed from public areas, having regard to building size, height, bulk, siting, site coverage, car parking and external materials and colours.*
- *To encourage retention and establishment of native and indigenous vegetation that enhances the screening of development, with emphasis on the establishment of vegetation that improves the interface with the foreshore areas.*
- *To provide for the reasonable sharing of views of the foreshore, ocean and significant landscape features from properties affected by this Schedule.*
- *To reinforce and/or establish a low fenced or unfenced open character along the coastal boulevards and reserves.*

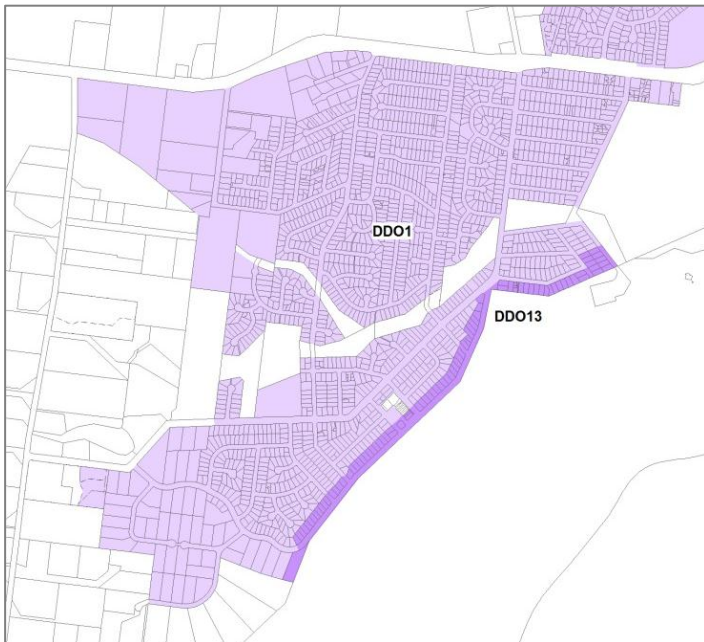
The overlay contains requirements pertaining to setbacks, building height, site coverage, landscaping, and parking and access.

Figure 2: Design and Development Overlays affecting residential land in Torquay-Jan Juc





Central Torquay



Jan Juc

A *Significant Landscape Overlay Schedule 6 (SLO6)* applies to residential land in Old Torquay and Central Jan Juc. The landscape character objective to be achieved is to reinforce a landscape character that comprises:

- A moderate tree canopy supported by understorey shrubs, with emphasis on indigenous vegetation.
- An open vegetated streetscape where the vegetation acts to filter and soften the appearance of buildings and hard surface areas.

A permit is required to remove, destroy or lop any Bellarine Yellow Gum (*Eucalyptus leucoxylon subsp. bellarinensis*) or Moonah (*Melaleuca lanceolata subsp. lanceolata*), any exotic tree greater than 5 metres in height or native vegetation greater than 3 metres in height.

A *Significant Landscape Overlay Schedule 1 (SLO1)* applies to the southern part of Jan Juc, whilst a *Heritage Overlay* applies to selected properties in Old Torquay.

Figure 3: Significant Landscape Overlay

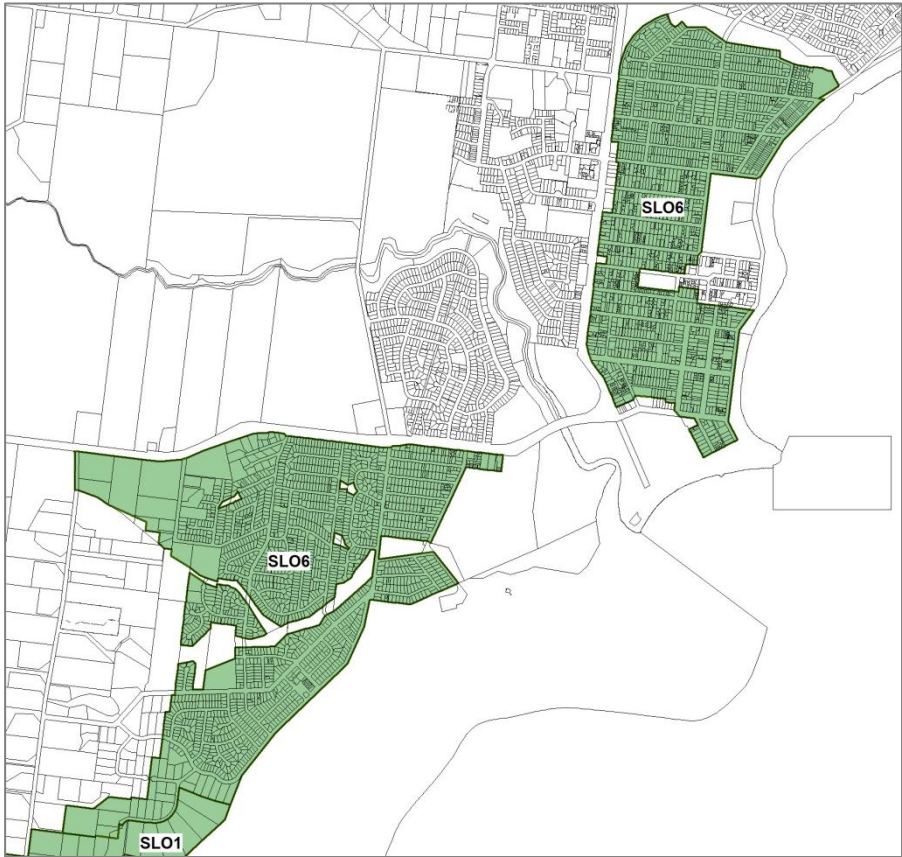
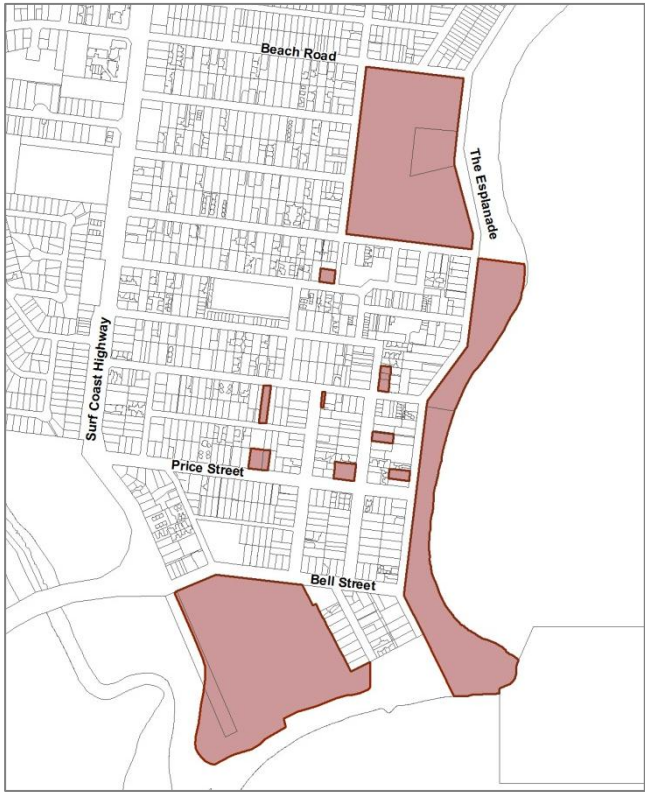


Figure 4: Heritage Overlay



3. Review of Neighbourhood Character

The original Neighbourhood Character Study was prepared between 2003 and 2006. Since then residential development and growth has continued to be experienced in all precincts in Torquay-Jan Juc. In order to review the 2006 NCS, it is important to understand where residential growth has occurred since 2006 and how it has impacted on the existing neighbourhood character.

3.1 Neighbourhood Character

3.1.1 What is Neighbourhood Character

The General Practice Note *Understanding Neighbourhood Character* (DOI, 2001) explains the meaning of neighbourhood character and its components. Neighbourhood character can be described as follows:

“Neighbourhood character is essentially the combination of the public and private realms. Every property, public place or piece of infrastructure makes a contribution, whether great or small. It is the cumulative impact of all these contributions that establishes neighbourhood character.”

Protecting neighbourhood character is not about preventing change in a neighbourhood or street, stifling innovation in design or slavishly replicating what is already there. It is about fundamentals like the relationship of buildings to landscape (vegetation, topography), building form and massing, siting, tree planting and the way the public/private interface is designed. Good urban design embraces the idea that cities and neighbourhoods evolve, and that the ‘layering’ of different eras of development is something positive³. Respect for the character of a neighbourhood means that development should try to ‘fit in’ by respecting the scale and form and/or the architectural style of surrounding development.

3.1.2 Neighbourhood character typologies

Many neighbourhood character studies and neighbourhood character policies group identified precincts within a municipality or town into neighbourhood character types or typologies. The differentiation between these types is not based on architectural style or era of development, but is founded on the layout and form of the areas, and the way that the built form interacts with and relates to the landscape, including topography and vegetation. The following neighbourhood character types have been generally accepted and applied in Victoria⁴:

Character type	Built form / landscape relationship	Main characteristics
Inner Urban	Built form dominates	Highly urban character: intensive form of subdivision, buildings dominate the street scene Low rise scale, narrow fronted rhythm Small front setbacks, small or zero side setbacks, create unbroken ‘walls’ to the street Front property boundary expressed by a fence Possibility of siting new, more intense development so that it is ‘hidden’ from view Fine-grain, connected street and laneway pattern, highly conducive to walking and cycling
Garden Suburban	Spacious residential areas in a garden setting (geometric street)	Late-Victorian to 1960s/70s

³ Sense of Place: urban design principles for the metropolitan strategy, Technical Report 12, 2002

⁴ *Ibid*

	pattern, generally modified grid)	<p>Grid-based or modified grid street pattern</p> <p>Green and leafy character</p> <p>Spacious streets and gardens – relatively wide and open rather than enclosed street space, large setbacks</p> <p>Detached houses</p> <p>Footpaths, grassed nature strips, tree-lined avenues (often exotic)</p> <p>Car storage usually off-street and behind the building line</p> <p>Low scale, strong horizontal emphasis</p> <p>Space around and between buildings</p> <p>Garden style vegetation, often mature and exotic</p> <p>Front property boundary usually defined by low, solid fence or moderate height ‘transparent’ fence (e.g. wire mesh)</p>
Garden Court	Spacious residential areas in a garden setting (generally curving street pattern with courts/cul-de-sacs)	<p>Car-based</p> <p>1960s/70s onwards</p> <p>Curvilinear and cul-de-sac street pattern</p> <p>Green and leafy appearance in many areas with spacious streets and gardens</p> <p>Detached houses</p> <p>Often informal garden settings, with a mix of native and exotic plantings</p> <p>Nature strips, often without footpaths</p> <p>Informal street tree planting, often native</p> <p>Car storage usually off-street and behind the building line (in front of the building line in some more recent estates)</p> <p>Pre-1990s: spacious feel – space around and between buildings, open rather than enclosed street space, large setbacks</p> <p>From the 1990s: a more enclosed feel due to smaller setbacks, higher site coverage and two storey development, increasing the sense that the street is lined by a solid ‘wall’ of buildings; although street and garden trees will eventually mature and ‘soften’ these streetscapes, they will continue to have a more built-form dominated character</p> <p>Low scale and horizontal emphasis (pre-1990s)</p> <p>Gaps between buildings (less from 1990s)</p> <p>Front gardens often not fenced</p>
Urban Beach	Spacious residential areas to more built form dominated character	<p>Houses front beaches and coastal reserves</p> <p>Coastal/holiday house style (traditional and contemporary)</p> <p>Various development eras from early 20th century to present day</p> <p>Pre-1990s: spacious feel – space around and between buildings, open rather than enclosed street space, large setbacks</p> <p>From the 1990s: a more enclosed feel due to smaller setbacks, higher site coverage and two or three storey development designed to maximise ocean views, increasing the sense that the street is lined by a solid ‘wall’ of buildings; although street and garden trees will eventually mature and ‘soften’ these streetscapes, they will continue to have a more built-form dominated character</p> <p>Mostly a low level of vegetation cover with a mix of native, non-native and exotic species</p> <p>Open style front fence treatments (no fencing or low and open fencing)</p>
Bush Suburban	Landscape dominated environment	<p>Narrow, often unmade roads curve through the bush and around the contours</p> <p>Bush vegetation character dominant in private grounds, roadway edges and public spaces</p> <p>Footpaths often only ‘tracks through the trees’</p>

Buildings hidden or partly hidden from view and absorbed into the landscape
Design of individual buildings often less important than siting and concealing them
Minimal definition of property boundaries apart from agricultural wire fences

Of relevance to Torquay-Jan Juc are the Garden Suburban, Garden Court, Urban Beach and Bush Suburban character types, with no areas subscribing to the Inner Urban character type. Old Torquay could be described as Garden Suburban with its grid-based street pattern, relatively large lot sizes and 1950s-60s housing stock with generous setbacks and vegetated gardens. Areas such as Wombah Park and Great Ocean Views are typical Garden Court areas. The street layout is curvilinear with many cul-de-sacs, housing built since the 1970s and 1990s, often with larger footprints and reduced setbacks. The low density residential areas around Bells Boulevard and Coombes Road are examples of Bush Suburban areas, with buildings well hidden by remnant vegetation, while housing along the coastal boulevards subscribes to the Urban Beach typology.

3.2 The character of Torquay-Jan Juc

Various neighbourhood character precincts can be distinguished in Torquay-Jan Juc based on discerning characteristics such as subdivision pattern (including street layout and lot size), vegetation type and cover, building style and era, topography and the way buildings relate to landscape.

A summary of Torquay-Jan Juc's character is provided next. More detailed precinct descriptions are included in Part B of the Torquay-Jan Juc Neighbourhood Character Study Review.

In summary, the existing character of Torquay-Jan Juc can be described as follows:

- While landscape quality is an important aspect of all precincts, there are significant variations in the cover and type of vegetation and landscape quality across the townships. The existence or otherwise of established vegetation is one of the primary character elements that differentiates the more established areas of Torquay and Jan Juc from the more recently developed residential estates. The low density, large lots on the outskirts of the townships at Jan Juc West and Torquay North-West contain a high cover of native bush vegetation. Central Torquay and Jan Juc contain a cover of both native and exotic vegetation with many mature trees within the streetscape and private gardens. The newer residential estates contain little in the way of established or indigenous vegetation cover. Dwellings in these precincts are much more visible in the streetscape as a result and the establishment of large canopy trees has been further restricted due to large building footprints and small setbacks off property boundaries.
- There is considerable variation in the age, architectural style and building scale of housing across the townships, reflective of the different development eras, including:
 - A small number of Californian Bungalows and other Interwar dwellings in Old Torquay.
 - Post-war brick and weatherboard 'L' shape dwellings with side driveways, garages and large garden areas, often with lawn and exotic species.
 - Infill development of 1960s-1970s blocks of flats and single storey brick veneer units.
 - Typical 1960s-1970s fibro cement sheet and weatherboard clad beach shacks with galvanised iron skillion or gentle pitched roofs, found in Old Torquay and Central Jan Juc.
 - Dwellings constructed from the 1980s onwards including reproduction, suburban (brick veneer with tiled roofs) and contemporary styles of a wide range of forms and materials, concentrated in the more recently developed neighbourhoods of the northern and western parts of Torquay and Jan Juc (e.g. Wombah Park, Southbeach Estate, The Quay, Great Ocean Views Estate, Strathmore Drive).

- Contemporary multi-unit infill development throughout established neighbourhoods, particularly in Old Torquay and Wombah Park.
 - A limited number of distinctive contemporary architect designed dwellings, particularly at Torquay Sands.
 - Contemporary buildings that do not appear to be architecturally designed (often volume builder products) displaying a wide range of materials, colour selections and roof forms, particularly at The Quay and the newer parts of Wombah Park and Great Ocean Views Estate.
- The external colour of buildings varies considerably throughout the area, with no definable colour theme across any of the precincts, except for Torquay Sands.
 - Buildings across the townships are mostly a mix of single and two storey dwellings with a limited number of three storey dwellings, mainly located along the foreshore boulevards (The Esplanade, Ocean Boulevard). The height of dwellings has generally been restricted to a maximum of 7.5 metres by existing and past planning controls, which has maintained the low building height throughout the town.
 - Dwellings have a variety of front, side and rear setbacks. Building setbacks in Old Torquay and Central Jan Juc are generally larger than in the newly subdivided areas, with front setbacks ranging from 5m to 10m (and exceeding 10m in some instances in Old Torquay). Dwellings in the newer areas of Torquay North and Torquay West and along Ocean Boulevard in Jan Juc have a variety of setbacks, but houses are generally located closer to the road frontage and side boundaries.
 - Fencing styles, heights and materials vary considerably within the different precincts across the townships. Front boundary treatments range from either no or low fencing to high front fences, which can be either solid or permeable and constructed of timber palings or rails, timber slats, pickets, brush, sheet metal, wrought iron, brick or masonry. Some estates commonly have no front fences (e.g. The Quay, Great Ocean Views Estate, Deep Creek Estate).
 - The garden suburban areas of Old Torquay and Central Jan Juc have a sense of openness and spaciousness due to the generally larger lot sizes with a greater amount of vegetation and space around dwellings, which is often combined with low scale building forms, larger setbacks and lack of front fencing or use of low or open fences. It is the character of these precincts that is exemplary for the preferred character for Torquay-Jan Juc overall.

Despite the definable differences in the existing character of some precincts, the NCS found that the preferred character was generally consistent across the whole of Torquay and Jan Juc. These character elements include discreet, low scale buildings reflective of the towns' origins as a popular seaside destination with mature vegetation scattered between and around buildings. The presence of native vegetation to soften and screen buildings is considered to be very important to the neighbourhood character. Developments perceived by the community as being highly compatible with the local character were those that had retained mature trees and planted vegetation within setback areas so that they were predominantly screened from the street and neighbouring properties. Developments that rated least compatible with local character had little space or vegetation around them. Most of these have high site coverage, minimal setbacks off property boundaries and hence limited room for the establishment of significant landscaping. The study went on to conclude that it is important to ensure that the elements that contribute to the preferred character are encouraged in all new development, including that within designated growth areas (refer to Table 1 for a list of compatible and incompatible neighbourhood character attributes).

In summary, the preferred neighbourhood character of Torquay-Jan Juc can be described as:

Neighbourhoods of modest dwellings reflective of older style beach houses and other classic Australian style houses, or of more contemporary design that are balanced in terms of their articulation, form and colour. Set in well landscaped streetscapes, with large front setbacks and spaces between buildings, incorporating mature, indigenous vegetation which filters the visual

presence of dwellings. Streetscapes are predominantly free of front fencing or have low open style fencing with recessive garages accessed by drives of natural looking surfaces.

Table 1: Elements perceived to be compatible and incompatible with Torquay-Jan Juc’s preferred character

Compatible elements	Incompatible elements
Vegetation / landscaping	
<ul style="list-style-type: none"> Retained indigenous vegetation Indigenous vegetation used in landscaping Sufficient landscaping Mature trees and vegetation Buildings screened by vegetation and set below the tree canopy 	<ul style="list-style-type: none"> Inadequate landscaping Lack of mature trees No indigenous vegetation Suburban looking and exotic vegetation Over-manicured gardens and lawns Roofs visible above the tree canopy
Building form, bulk, massing, height	
<ul style="list-style-type: none"> Maximum two storey height Small scale Good articulation Unobtrusive and understated in design 	<ul style="list-style-type: none"> Three-storey and higher Too vertical in orientation Built form that does not reflect the existing scale of development Visually dominant buildings – bulky, imposing, too big, fortress-like, unfriendly looking Unarticulated built form Large, flat, imposing and unarticulated walls Window proportions that are out of scale
Building siting	
<ul style="list-style-type: none"> Generous front, side and rear setbacks Small building footprints Sufficient space around buildings, unencumbered by hard surfaces Low density development 	<ul style="list-style-type: none"> Minimal setbacks Dwellings set too far forward Dwellings built to side boundaries ‘Side by side’ development Excessive site coverage that does not allow for planting of vegetation Dominant hard surface appearance in the streetscape High density development
Building style	
<ul style="list-style-type: none"> Conveying a sense of nostalgia and historic value reflective of old Torquay and Jan Juc Unique and innovative architectural design. Interesting mix of houses of different forms and colour – moderate complexity – within a given neighbourhood area Roof forms that reflect old beach houses, some having shallow pitched roofs, or other peaked roof types and those with gables Balconies that articulate building form 	<ul style="list-style-type: none"> “Queensland style” houses Buildings that do not “fit” with street and adjoining lots Not reflective of the area or have no connection with local area Decorative, period reproduction detailing Repetition and uniformity of architectural forms “Suburban” and “urban looking” houses Roofs that strongly contrast with their surroundings such as brightly coloured tile roofs Flat roofs, particularly those without eaves Lack of verandas
Building materials, finishes, colours	
<ul style="list-style-type: none"> Built with natural materials such as stone, weatherboard and other types of timber that look natural, lightweight and are reflective of the area Colours that are subtle, neutral, muted, receding and unobtrusive, thus reducing the visual prominence of buildings from the street and/or that are reflective of the colours of the area 	<ul style="list-style-type: none"> Brick veneer with “suburban” appearance. Heavy looking buildings Colours that are contrasting, not matching, overwhelming, too strong, too pastel, black or too dark, aggressive, harsh looking
Vehicle access and parking	
<ul style="list-style-type: none"> Recessive driveways and parking structures Driveways constructed of natural looking materials Narrow/single width driveways Unobtrusive garages 	<ul style="list-style-type: none"> Car parking structures dominating the streetscape, in particular double garages forward of the dwelling façade Wide concrete driveways and vehicle crossings Double driveways

Fencing

- No front fences
- Low, open style fencing
- High, solid front fencing

3.3 Housing growth and change

Neighbourhood character needs to be considered in the context of other residential policy objectives, such as urban consolidation, growth, housing diversity and affordability.

The housing stock of Torquay-Jan Juc is currently dominated by single detached houses (87%), followed by semi-detached dwellings and townhouses (6.3%) and flats/units/apartments (6.2%)⁵. According to the housing projections outlined in the Sustainable Futures Plan Torquay Jan Juc 2040, approximately 6,500 new dwellings will be needed over the next 30 years to accommodate anticipated population growth. Greater housing diversity, in particular an increase of the provision of smaller dwellings at medium and higher densities in accessible and central locations, will be required to meet the housing demand of a larger proportion of smaller and lone person households and an ageing population. The transition of the housing stock together with growth and urban consolidation strategies will have bearing on the future character of residential areas, with some areas to undergo more change than others. Other factors that will affect the appearance and form of future housing include contemporary requirements and housing preferences, building and environmental standards (energy efficiency, climate change), and general economic conditions.

The rapid pace of change in Torquay-Jan Juc over recent years has created tensions in the community regarding issues such as erosion of the coastal village atmosphere, amenity impacts on adjoining properties, the design quality of new development, traffic congestion, housing affordability and loss of natural values. This highlights the need to ensure new development is well designed, site responsive and respectful of the preferred neighbourhood character.

The level of growth and change experienced in Torquay-Jan Juc over the past 10 years becomes apparent when aerial photos for 2002 and 2011 are compared.

Old Torquay is continuing to undergo a transition from the original quarter of an acre lot subdivision and single detached housing pattern. Lots are being redeveloped by new, larger dwellings and infilled with more intensive development of medium density housing. Despite these changes the area has generally retained a low scale domestic character, front garden settings to the street and a background of landscaping and scattered tree canopy.

Greenfield development has occurred in Torquay North (The Quay, balance of South Beach Estate and Wombah Park), Torquay West (Deep Creek Estate, Surf View Estate, balance of Great Ocean Views Estate) and Jan Juc West (Sea View Rise). Incremental, dispersed change has occurred in other established areas such as Wombah Park and Jan Juc (single dwellings, second dwellings, townhouses, dual occupancies).

The analysis of neighbourhood character coupled with the identification of housing change areas informs policy directions to preserve existing character where this character is to be retained and to create a preferred future character in locations where change is to be supported.

The following typology is a widely adopted approach amongst municipalities to delineate the capacity of residential areas to support increased densities and manage housing change⁶:

⁵ Occupied private dwellings. ABS, Census of Population and Housing 2011 for Torquay Statistical Area Level 2

⁶ See City of Greater Geelong Housing Diversity Strategy and Greater Shepparton Housing Strategy 2011 for example

- **Limited Change Areas** have limited capacity to accommodate future residential development and growth due to significant heritage, neighbourhood character, landscape or environmental values. Specific characteristics of the neighbourhood are to be protected through greater control over new housing development. New development within these areas must be consistent with the scale, type and character of the surrounding area.
- **Incremental Change Areas** have the capacity to accommodate a moderate level of residential development and are able to provide for an incremental increase in densities and well-designed dwellings, including suitable medium density dwellings, allowing for a variety of housing types, tenures and sizes provided they respect the existing or preferred character of the neighbourhood.
- **Substantial Change Areas** have significant capacity to accommodate substantial residential development and are designated to provide for housing growth by a variety of housing types, sizes and configurations that includes medium to higher density housing. These areas are generally relatively free of major development constraints and are in locations that are close to public transport, activity centres, community facilities and services, employment opportunities and public open space as well as gateway areas along key transport corridors.

Substantial Change Areas provide the greatest opportunity to accommodate demand for new housing across the spectrum of dwelling types and price points. The character of these areas will significantly change over time, however development needs to respond and contribute to the preferred character.

Areas yet to be developed (greenfield sites and new growth areas) should be allowed to create a new character within broad parameters such as relating to the built character of the locality and expressing the underlying landscape character.

Land supply and housing capacity

An analysis of land supply and housing capacity of each precinct has been undertaken. The findings are reported in *Technical Report No. 1 – Permit Activity, Housing Capacity and Land Supply* which forms part of the NCS Review. The analysis shows that across Torquay-Jan Juc there is capacity for approximately 7,300 new dwellings through a combination of greenfield and infill development.

3.4 Dwelling assessments

A compliance and visual assessment was undertaken of new dwellings that have been approved since 2003 to establish whether the developments have been respectful of the existing neighbourhood character and/or contribute to the preferred neighbourhood character. Conclusions can be drawn from the assessment as to how successful current planning controls have been in achieving preferred neighbourhood character outcomes.

Characteristics that were surveyed include:

- Architectural style
- Materials and colours
- Building height and bulk
- Setbacks
- Vehicle access/parking
- Vegetation cover and landscaping
- Fencing

The case study testing found that the existing Clause 54 and 55 provisions were not always sufficient to achieve design outcomes that are consistent with the existing or preferred neighbourhood character.

The findings and conclusions based on this analysis and survey include:

- New development throughout Torquay-Jan Juc predominantly consists of single and double storey dwellings and generally features a mix of materials, including face brick, blockwork, stone, render, timber, cement sheet, panel cladding and other contemporary materials. Roof forms are a combination of skillion, low pitched and flat metal roofs, but also more traditional forms such as hipped or gabled, with or without eaves.
- New development often has a contemporary coastal or modern style, either architecturally designed or volume builder products. There are also the more suburban style housing products with typical brick veneer and gabled/hipped roofs often without eaves. Period replicas are limited.
- Unit infill developments, including dual occupancies and double storey townhouses, have increased and demonstrate a change in subdivision patterns and densities.
- New developments in Torquay-Jan Juc have for the most part been relatively respectful of existing neighbourhood character. Generally new dwellings consider the existing setbacks, styles and vegetation cover within a precinct/street. However, overall front street setbacks have decreased slightly. In newer estates front setbacks are generally between 4 and 6 metres.
- New dwellings are predominantly provided with double garages, often in a prominent location and accessed via wide concrete driveways.
- In established areas, canopy trees have often been retained within front yards. New developments have a tendency to formalise landscaping, with use of exotic species, rocks, gravel, mulch, granitic sand, etc. In new estates there is an increasing tendency to formalise nature strips with gravel surfaces by individual landowners.

Full details of the assessments can be found in *Technical Report No. 2 – Dwelling Assessments*.

4. Implementation of Neighbourhood Character Controls

Implementation of neighbourhood character studies can be undertaken using statutory and non-statutory methods. Statutory implementation, meaning introduction of planning controls in the planning scheme to protect neighbourhood character, is often the focus for implementation. However, other implementation measures that will assist in protecting and enhancing neighbourhood character are equally important. This includes works in the public realm (e.g. street trees, road and pathway design); community engagement and education; staff skilling; and statutory support.

In considering how to implement the Neighbourhood Character Study the following matters were considered:

- The characteristics of each precinct and the level of threat to the valued characteristics in the context of future housing objectives and development pressure;
- The values the community has placed upon the existing characteristics of their neighbourhood, how they would like it to be improved in the future and the likelihood of community acceptance of new controls;
- The strategic planning context and the effectiveness of current planning controls in protecting and enhancing neighbourhood character and addressing threats;
- The range of techniques available to strengthen the application of neighbourhood character considerations including statutory and non-statutory mechanisms;
- The best practice approach to implementation of neighbourhood character studies;
- The implications for other strategic planning objectives (e.g. growth, diversity, affordability) and constraints on development imposed by the proposed controls; and
- The likelihood of the Minister for Planning approving a planning scheme amendment for additional neighbourhood character controls.

In considering the likelihood of approval of an amendment it will be important to determine which parts of Torquay-Jan Juc require additional planning controls and those which can be successfully managed with existing controls and a range of other non-statutory implementation techniques.

The likelihood of community acceptance of new controls relates to the extent of community concern about the loss of particular aspects of character. The acceptability of controls can be assessed during the preparation of the study, however the ultimate test is the exhibition of any planning scheme amendment.

4.1 Providing justification for a neighbourhood character amendment

The VPP Practice Note *Using the Neighbourhood Character Provisions in Planning Schemes* (DSE, 2004) states that in addition to the matters raised in the *Strategic assessment guidelines for planning scheme amendments*, a neighbourhood character amendment should also address the following matters:

- Is an amendment required? Can the residential development provisions in Clauses 54, 55 and 56 deliver the sorts of neighbourhood character outcomes identified in the neighbourhood character study without the need to amend the planning scheme?
- Is the amendment underpinned by a thorough and rigorous analysis and assessment of neighbourhood character?
- Will the amendment further the residential development objectives in the SPPF and LPPF?
- Are the provisions the most appropriate and effective mechanism in achieving the desired neighbourhood character outcomes in comparison to other alternatives?
- What is the effect of the amendment on the provision of housing, diversity, affordability?

An evidence based approach is necessary to demonstrate the basis for the proposed provisions and some level of analysis of the impact of the proposed amendment is necessary to demonstrate that other housing objectives have not been prejudiced. Therefore, any amendment to introduce neighbourhood character provisions must be assessed in the context of how it will impact on meeting the housing needs of the municipality identified in the MSS.

The following five housing tests must be addressed to respond to this matter:

1. What is council's projected population for the next 30 years?
2. How many new households will be required?
3. Given the existing number of dwellings, how many additional dwellings are required to meet population and household projections over an initial 15-year period?
4. How will these additional dwellings be provided within the municipality?
5. What impact will the implementation of the neighbourhood character amendment have on achieving the number of dwellings that need to be provided to meet other housing objectives over the initial 15-year period?

The *Review of Planning Panel Reports in Respect to Neighbourhood Character* (October 2003) undertaken by Panels Victoria for character amendments identified the following tests:

- *Has the Planning Authority undertaken a strategic planning exercise, which establishes urban character issues in the municipality?*
- *Were the impacts of neighbourhood character controls considered in a broader framework, that includes housing affordability, urban growth and redevelopment?*
- *Did the Planning Authority seek the views of a variety of stakeholders when it was developing a statement of desired future character?*
- *What are the resource implications of any statutory changes (that is, will any planning changes lead to unreasonable delays in the processing of planning applications or will it place an unreasonable administrative burden on the organisation)?*

Other relevant considerations in selecting tools to implement neighbourhood character controls are⁷:

- Is there justification for the proposed controls?
- Is the choice of control (e.g. an Overlay) appropriate?
- Is the extent of the control appropriate?
- Are the requirements within the control appropriate?
- Should the controls be mandatory or discretionary?

Practice Note No 59 – The Role of Mandatory Provisions in Planning Schemes sets a number of tests that have to be considered before applying a mandatory control. These tests are:

- Is the mandatory provision strategically supported and appropriate to the majority of proposals?
- Does the control achieve the preferred outcome?
- Do the controls reduce administrative costs?
- Will proposals not in accordance with the provision be clearly unacceptable?

All the above tests have been considered in the NCS Review and will be further considered in drafting a planning scheme amendment.

4.2 Review of VPP tools

A number of statutory tools are available which will provide varying degrees of success in achieving the preferred neighbourhood character in terms of the provision of sufficient space around dwellings to retain or re-establish vegetation to soften development. The more direct is the prescription of minimum building setbacks from front and side boundaries, the requirement for minimum landscape

⁷ Derived from Panel Report for Amendment C97, Yarra Ranges Planning Scheme, November 2011

areas, the enactment of vegetation removal controls and the requirement for landscape plans to ensure setback areas are adequately landscaped. Other tools include prescribed minimum lot sizes and maximum building footprints and associated hard surfaces such as driveways, paths and patios.

The VPP Practice Note *Using the Neighbourhood Character Provisions in the Planning Scheme* provides a guide summarising the functions of each potential control:

Table 2: Function of neighbourhood character planning controls

Function	Planning Control					
	Local Planning Policy	Residential zone schedule	NCO	SLO	VPO	DDO
Vary Clause 54/55 standards	X	✓ Limited standards	✓	X	X	X
Describe preferred neighbourhood character	✓	X	✓	✓	✓	✓ As a design objective
Require a permit for vegetation removal	X	X	✓ trees >5m in height	✓	✓	X
Require a permit for demolition	X	X	✓	X	X	X
Require a planning permit for one dwelling on a lot	X	✓ For lots between 300-500m ²	✓	✓	X	✓
Introduce local neighbourhood character objectives	✓	X	✓	✓	✓	✓ As a design objective
Introduce additional decision guidelines	✓	X	✓	✓	✓	✓

A further assessment has been made of available VPP tools to implement neighbourhood character controls in the Surf Coast Planning Scheme (see **Appendix A**). It is considered that the use of DDO schedules and/or a local policy are the most practical options for Torquay-Jan Juc. The options for implementation will be further explored in Section 4.7 following a review of best practice examples (4.3), VCAT decisions and panel reports (4.4), existing planning scheme controls (4.5) and the likelihood of approval of an amendment (4.6).

4.3 Review of best practice examples

A large number of Municipalities in Victoria have completed neighbourhood or urban character studies in the past 10 years and have implemented these in their planning schemes using a variety of tools (often in conjunction with housing strategies). Most have used local policies that describe the preferred future character of identified neighbourhood character precincts and set out design guidelines and responses. Several councils use detailed precinct guideline brochures as assessment tools in conjunction with local policy (see Bayside, Darebin, Banyule and Maribyrnong for example). Some Councils use zone schedules to vary Clause 54/55 standards and to differentiate between significant change, incremental change and limited change areas (see Kingston, Bayside, Knox and Geelong for example). Overlays have been used sparingly to target specific areas rather than as blanket controls.

An overview of reviewed examples to implement neighbourhood character objectives is provided in **Appendix B**.

As mentioned above, several Councils have gone down the path of implementing neighbourhood character studies through the use of a local planning policy in conjunction with neighbourhood character precinct brochures or guidelines, which are used in the assessment of development applications. The brochures generally contain the following content⁸:

- *Precinct Description*: The Precinct Description encapsulates all of the existing neighbourhood character features of the precinct. The interplay between existing characteristics and any unique aspects of the precinct's neighbourhood character are described. The precinct description is important because it paves the way for identifying elements that may need to be either maintained or changed within the precinct.
- *Key Existing Characteristics*: Key Existing Characteristics that were recorded throughout the field survey are summarised in this section. The dot points provide a catalogue of information related to elements such as architectural style, building materials and garden types.
- *Issues / Threats*: Issues and threats applying to each precinct are identified within this section. These were identified through community consultation and by the Study Team. The issues may be current (i.e. examples may already exist in the precinct) or there may be potential for them to threaten the preferred neighbourhood character of the precinct in the future.
- *Preferred Character Statement*: The Character Statement outlines the desirable character features for that precinct, and how they should be achieved.
- *Design Guidelines*: The Design Guidelines illustrate key elements that contribute to the preferred neighbourhood character, including elements such as vegetation, siting, height, building form, front boundary treatment, materials and design detailing. Each character element is accompanied by a Design Objective, Design Response and Avoid statement. The Design Objective states the desired action relating to each character element, the Design Response outlines specific ways in which the objective can be achieved and the Avoid statement summarises design treatments to avoid when trying to achieve the objective.

4.4 Review of VCAT decisions and Planning Panel reports

A review has been undertaken of VCAT decisions involving developments that were disputed on neighbourhood character grounds and Planning Panel reports that considered neighbourhood character amendments.

4.4.1 VCAT decisions

Neighbourhood character principles have been established by many decisions of the Tribunal. These can be summarised as follows:

- Neighbourhood character is a mandatory starting point under ResCode provisions (*Omiros One v. Stonnington CC & Ors* [2002] VCAT 1521).
- Neighbourhood character is not just about streetscapes but about a whole other range of factors including elements such as the siting of buildings, the spaces between them, the landscaped character of the area and the way in which buildings are juxtaposed with open spaces (*JPB Nominees Pty Ltd v Hobsons Bay CC & Ors* [2002] VCAT 1322).
- An assessment of a proposal in terms of whether it will respect the neighbourhood character of an area requires consideration of all of the elements of built form including setbacks, articulation, façade treatment, massing and bulk of the building (*Demetrios v Boroondara CC* [2000] VCAT 2525).
- It is quite proper in proposing new development to not attempt to mimic the other houses in the street (*Bradbury Dicker Whitnall v Greater Geelong CC* (2001) 8 VPR 270).
- Existing newer development in an area will inherently form part of the neighbourhood character. It is not inappropriate for new contemporary development to be permitted in a street, particularly where the subject area cannot be said to be "pristine" in terms of a consistency of character of buildings within it (*Integral Design Group v Boroondara CC* (2001) 10 VPR 290).

⁸ Derived from neighbourhood character studies prepared by Planisphere

- It is acceptable to allow a street to continue to evolve (*Naftal v Glen Eira CC* [2001] VCAT 1351).
- In *Maddison Homes Pty Ltd v Bayside CC & Ors* [2002] VCAT 168 and *Errico v Moreland CC* [2001] VCAT 1683 the Tribunal was critical of the mass and visual bulk of two storey elements within rear yards, one having as the Tribunal said a notably "jarring characteristic" in relation to the rear yard. Although it is inevitable that fulfilment of urban consolidation objectives would necessarily lead to intrusions into backyards (*Wincrop Pty Ltd v. Boroondara CC and Land 19 AATR 264*), it does not mean that developments in backyards have become "open slather" (*Forum Developments Pty Ltd v. Banyule CC & Ors* [2003] VCAT 914).

Interpretation of existing or preferred neighbourhood character and the elements that are important contributors to that character is highly subjective and often subject to the personal view of the assessor. The VCAT decisions highlight differences in interpretation by various Tribunal members and the weight given to neighbourhood character considerations. For example, in *Pastor v Surf Coast SC and Ors* [2002] VCAT 557 Member Quirk, in dismissing three of Council's four grounds for refusal, described the area around the review site at 78 Zeally Bay Road as "diverse":

"All one can say about the character of this area it is a very diverse one and therefore I don't believe it is appropriate to dismiss this design as not being in keeping with the neighbourhood character.

I agree that the existing streetscape contains many allotments that have their buildings recessed from the street and with well landscaped gardens. However, there are also buildings that are not well recessed and do not have landscaped gardens and this is why I formed the opinion that this is a very diverse neighbourhood."

Member Komesaroff in *B Bouzas v Surf Coast SC* [2005] VCAT 1248 however identified a more consistent character, describing the area around Puebla Street, Spring Street and Zeally Bay Road as follows:

"My major impression of driving down the parallel streets of Puebla Street, Spring Street and Zeally Bay Road is of low rise, single storey, modest, coastal resort dwellings. Houses in Puebla Street are often ordinary dwellings surrounded by patchy vegetation.

There were no urban sounds, rather sounds of birds, seagulls and warblers.

Puebla Street is more single storey than other of its parallel streets. It enjoys a singularly consistent character of modest single storey dwellings with both abutting neighbours demonstrating open backyards with clear views over each other."

The issue of subjectivity and perceptions is further emphasised by Member Quirk in *Barker v Surf Coast SC* [2007] VCAT 487:

"I think the character issues are very dependent on the perceptions of those conducting the study, particularly in relation to a designation for future character. For instance one of the apparent detractors to the character of the area is the "visually prominent garages". While visually prominent garages are not a feature of past eras they are very much a feature of this era with its car dominated method of transport. 99% of new developments have attached either single or double garages or carports, many forward of the dwellings. They are convenient and allow unfettered use of what are now very small rear open spaces."

The review of VCAT decisions also highlights the importance of site context in forming a view of the appropriateness of a development. Even within an identified character precinct, different outcomes can be justified based upon a site's location and relationship with surrounding development and features. Despite the existence of a neighbourhood character study and precinct descriptions, it remains necessary for an assessment of the neighbourhood character to be made for each individual site.

Illustrative of this is Member Komesaroff's assessment of various medium density developments in Old Torquay (*B Bouzas v Surf Coast SC* [2005] VCAT 1248):

"The new dark grey overbearing double storey units in Beach Road are not something I would wish to see repeated in the context of the subject land. I cannot see how they bear any relationship to Surf Coast's coastal design policy for 'facades which reflect light, shade and texture rather than uninterrupted, smooth single coloured surfaces or expanses of smooth walls and straight lines.'

The double storey units found along Fischer Street have a different context, being opposite the expanse of Taylor Park.

The three new double storey units at No. 42 Spring St hard abutting the commercial interface along Torquay Road also enjoy different abutments than the subject land that may have justified their built form and bulk.

I also note that Member Quirk decided in favour of two double storey dwellings on a hatchet shaped block of land at 35A Puebla Street, which is distinguishable because:

- It concerns two dwellings rather than four on one lot;*
- It is surrounded by medium density development;*
- Upper floor areas were required to be pulled back off side and rear boundaries."*

There have been many instances where concerns in terms of a development's compliance with neighbourhood character were dismissed by the Tribunal having regard to existing development and the notion that change and introduction of new elements into a neighbourhood should not be precluded, especially not in an area where a certain level of change and development is to be expected. The decisions underline the approach taken by the Tribunal in many cases over the past years that compliance with urban consolidation objectives and Clause 55 standards are given more weight in approving developments that Council did not support on neighbourhood character grounds. Local neighbourhood character considerations tend to come off second best.

For example, in *Barker v Surf Coast SC* [2007] VCAT 487 Member Quirk commented on perceived inconsistent elements as follows:

"Just because there are no immediate examples of lengthwise subdivision within Orungal Court and nearby streets does not mean that it is not appropriate. Like so many other planning issue it depends on how it is done. Neighbourhood character is not about prohibiting new forms of development or subdivision but rather whether such are respectful of the existing developments in the area."

"It is true that this [double garages] is a new element to be experienced in the neighbourhood but as I previously said it does not mean that it is going to be disrespectful of the neighbourhood character. It is just different, it is a change. A change that is to be expected in planning particularly in coastal resort areas of high demand. There are other similar development examples in the area."

And in *Architectural Plans & Permits v Darebin CC* [2008] VCAT 2426 Member Naylor made the following comments on the introduction of new elements into the neighbourhood:

"I accept that it [first floor balconies] is not an element currently found in Lochnorries Grove, but the fact that an element or characteristic does not exist does not mean a modern design cannot include new elements that will form part of the future or preferred character. The preferred character statement seeks new buildings that are designed to interpret elements of the various eras in a contemporary manner, but it does not expect there to be a replication of all elements with no new elements introduced. Rather, the preferred character expects design innovation which may well include new elements being introduced into the streetscape and neighbourhood

character. I am satisfied the inclusion of the first floor balconies will contribute to the preferred neighbourhood character.

This proposal will be the first medium density housing development in Lochnorries Grove and it is a housing type that is different to the existing housing in the street. However, the local planning policies in the Planning Scheme encourage new development that responds to the preferred character of the area rather than the existing character. I find this proposal responds to and contributes to the preferred character for Precinct C3. I am satisfied the proposal complies with the objectives of clause 55 and, as such, I am of the opinion a permit should be granted subject to appropriate conditions.”

Senior Member Marsden’s commentary in *Hallmark Developments Pty Ltd v Surf Coast SC and Ors* [2003] VCAT 1425 highlights the weight given to urban consolidation objectives in decision-making:

“If the Council’s objective of rejuvenating old Torquay is to be achieved, then it is inevitable that sites will be redeveloped in much the same manner as the applicant seeks to do in the present case. Indeed, the process is already under way. A number of modern dwellings and units have been constructed in the neighbourhood, or are undergoing construction at the present time. Most of these are attractively designed and will enhance the neighbourhood. Many are two storeys in height but are nonetheless appropriately landscaped.

It needs to be understood that, where the Planning Scheme calls for the redevelopment of a particular neighbourhood, then it is unrealistic to expect that the character of that neighbourhood will be immune from change. Ultimately, Old Torquay and its residents will gain many positive benefits from the process of change.”

The review further highlights the limitations of the current DDO1 in terms of assessing neighbourhood character and the visual impact of development; and the reliance on ResCode for assessing such matters. The premise of the DDO1 is that a single dwelling up to a height of 7.5m could be constructed on a site without the need to obtain a planning permit. In the view of the Tribunal this sets an important context in terms of the form of development contemplated by the planning scheme.

The weight given to ResCode standards is accentuated in *Ferencz Baranyay Architects v Surf Coast SC & Ors* [2006] VCAT 1003, where Senior Member Marsden responded to Council’s submission that although the proposal substantially complied with the standards set down in ResCode, it failed to meet the stated objectives of that document:

“This submission is inconsistent with the findings of the Tribunal in Chak Lai Li v Whitehorse CC (2005) 20 VPR 131 where, at page 136, the following passage appears:

It is the first two propositions, in relation to objectives and standards respectively, that are relevant for present purposes. It is clear enough that meeting a standard is not the only means of meeting an objective. It is the objective that must be met. However, the planning scheme states that a standard contains “the requirements to meet the objective”. Those words do not really admit an interpretation saying that meeting the standard will not necessarily meet the objective. That is the proposition urged on me on behalf of the responsible authority, but the words to the planning scheme do not justify it. The provision does not say that meeting it is only a way in the requirements of the objective. It rather refers to “the requirements” to meet the objective. In other words, if you meet the requirements in the standard you have met “the requirements” of the objective.”

4.4.2 Planning Panel reports

As outlined at Section 4.3, a number of planning scheme amendments have been undertaken by other Councils to incorporate neighbourhood character objectives within the planning scheme. Planning Panels have been appointed in most cases to hear submissions regarding the amendments and make recommendations to the Council about the submissions and the suitability of the amendment. The planning panel reports provide a useful source of information in the research of best practice neighbourhood character management.

Panel reports for neighbourhood character planning scheme amendments in the Cities of Knox and Banyule have highlighted the importance of addressing the strategic context of neighbourhood character. In particular the reports have highlighted the need to establish the relationship between the proposed neighbourhood character objectives and the State planning objectives for housing, and ensuring that the Council's MSS contains strategic rationale for character policy. A planning panel for Frankston Amendment C24 reiterated the need to link housing and neighbourhood character outcomes in approving the proposed amendment.

Where overlay controls or changes to the residential zone schedule are proposed, the reports also highlighted the need to demonstrate that the provisions of ResCode combined with a local policy on character are not adequate to achieve the desired neighbourhood character outcomes.

Any amendment should ensure proper use of the VPP tools in line with practice advice from DPCD. The implementation of Neighbourhood Character Overlay controls will only be considered over small, discreet and highly justified areas with clear neighbourhood character objectives, and under demonstrated threat. Also, boundaries proposed to delineate precincts or overlay areas should be carefully considered and consistently applied, as should the terminology used to describe proposed precincts or overlay areas.

The Panel report for Surf Coast Amendment C71 Part 3 for rezoning of the Briody Drive West low density residential estate highlighted the role of local character in achieving a development outcome. The Panel concluded that the character of Torquay is such that other outcomes than stipulated by state government policy are warranted. It considered the 15 lots per hectare yield figure was likely to be unachievable for redevelopment of the estate given the number of site constraints (lot size and distribution, number of landowners, vegetation, existing development etc.) and noted this provision was taken from the State Planning Policy Framework where this type of yield is expected from greenfield growth corridors in Melbourne. The Panel recognised Torquay presents a significantly different landscape and considered the final lot yield should be an output of the master planning process, not an input.

4.5 Effectiveness of existing planning scheme controls

The degree to which the existing planning scheme policies and controls are able to protect the distinctive qualities of each precinct from the identified threats/pressure for change will determine implementation options.

Following is a summary of the key neighbourhood character elements identified in the NCS, and the current level of statutory control offered by the existing provisions of the Surf Coast Planning Scheme. These provisions apply to permit applications for dwellings under the R1Z (i.e. single dwellings on lots less than 300m² and multi-dwelling developments) and applications triggered by the DDO1.

Table 3: Current level of statutory control

Character element	Current Planning Scheme controls	Preferred neighbourhood character outcome
Building height	Clause 54/55: max. 9m (A4/B7) DDO1: permit for buildings over 7.5m	Retain existing low rise character of no more than 2 storeys.
Front setback	Clause 54/55: front street – average of adjoining dwellings or 9m, whichever is the lesser, or 4m where both adjoining lots are vacant; side street – 2m (A3/B6) DDO1: no requirements	Buildings sited to allow space for the planting of trees and shrubs that assist in softening development within the streetscape.
Side and rear setbacks	Clause 54/55: 1m + 0.3m for every metre of height over 3.6m + 1m for every metre of height over 6.9m (A10/B17) DDO1: no requirements	Building setbacks sufficient to create the appearance of space between buildings and to accommodate substantial vegetation.
Walls on boundaries	Clause 54/55: max. length 10m + 25% of remaining length of boundary; max. height 3.6m and average 3m (A11/B18) DDO1: no requirements	Discourage boundary to boundary development in order to maintain a sense of space between buildings.
Site coverage	Clause 54/55: max. 60% (A5/B8) DDO1: no requirements	Avoid large building footprints to maintain a sense of space around buildings to enable the planting of vegetation.
Hard surface	Clause 54/55: max. 80% (A6/B9) DDO1: no requirements	Limit areas of hard surface to enable the retention of adequate unencumbered space for the planting of vegetation that serves to screen buildings.
Parking structures	Clause 54/55: Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character (A19/B31) DDO1: no requirements	Garages and carports visually recessive and not dominating streetscapes. Preference for garages to be sited behind the dwelling façade.
Access	Clause 55: Accessways should be at least 3m wide, not exceed 33% of the street frontage and no more than one single-width crossover should be provided for each dwelling fronting a street (B14) DDO1: no requirements	Areas of hard surface required for access to be limited; preference for 'natural' looking materials and provision of landscaping buffers along driveways to soften the edges.
Fences	Clause 54/55: The design of front fences should complement the design of the dwelling and any front fences on adjoining properties; max. 1.5m height (A20/B32) DDO1: no requirements	No, low and permeable front fences to maintain a sense of openness and to maintain the dominant appearance of vegetation in the streetscape.
Building design and form	Clause 54/55: 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 (A19/B31). DDO1: encourages development that is of a low rise scale and design that is compatible with the streetscape character of the area.	A coastal style of architecture. Articulation of the form of buildings and elevations. Use of low pitched roof forms, with eaves.
External colours and materials	Clause 54/55: The design of buildings should respect the existing or preferred neighbourhood character (A19/B31) DDO1: no requirements	Lightweight and contemporary building materials. Colours that are subtle, neutral, natural and recessive to reduce the visual prominence of a building and to allow it to blend in with its surroundings.
Landscaping	Clause 54/55: The landscape layout and design should protect any predominant landscape features of the neighbourhood; development should provide for the retention or planting of trees where these are part of the character of the neighbourhood (A8/B13). DDO1: decision guidelines require consideration	Enhance the landscape character of a moderate tree canopy and encourage the retention or planting of vegetation that serves to soften development within the streetscape and when viewed from adjoining properties, with an emphasis on indigenous species.

The NCS concluded that the current controls are not achieving the community's vision for development in Torquay-Jan Juc and therefore need to be reviewed and strengthened. The table above shows the limitations of the current planning scheme controls to achieve the preferred neighbourhood character outcomes. Some of the shortcomings of the existing controls are:

- The current DDO1 has limited permit triggers, a consequence of which is that most single dwellings do not require a permit and can therefore not be assessed on neighbourhood character, design and landscaping outcomes.
- Multi-dwelling developments require a permit under the R1Z, but often not under the DDO1, therefore consideration of neighbourhood character, siting, design, landscaping, etc is limited to Clause 55 standards, which due to their metropolitan focus not always achieve the preferred outcomes for Torquay-Jan Juc.
- Clause 54 only applies to single dwellings on lots less than 300m². The vast majority of single dwellings in Torquay-Jan Juc can be constructed without the need for a planning permit.

There are several cases where the application of Clause 54/55 has not been effective in delivering development that respects the preferred neighbourhood character, despite neighbourhood character being the mandatory starting point for assessment of residential development applications (refer to Paragraph 4.4.1). The general approach taken by VCAT is that where a development meets a standard, the objective of the standard is met, as a standard is a means to achieve an objective. So for example where the objective for site coverage reads "*To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site*", if the 60% standard is met then per default the objective is met, even if a neighbourhood character study or neighbourhood and site description demonstrates that the prevailing site coverage in an area is less.

4.6 Likelihood of approval

The likelihood of support for a planning scheme amendment to introduce statutory controls by an independent State government appointed planning panel and approval by the Minister for Planning is an important consideration. There is little point in pursuing measures that are unlikely to be approved. The most important aspect of this consideration is the need to determine which parts of the study area require additional planning controls and those which can be successfully managed with existing controls and the range of other non-statutory implementation techniques available.

Other contextual issues that must be considered are State policy and directives (e.g. Practice Notes), issues raised by previous planning panels considering other neighbourhood character amendments, strategic justification for the amendment, the impact on Council resources, and constraints on development and housing objectives imposed by the proposed controls. A planning panel will examine all of these issues in their deliberation about a planning scheme amendment.

4.7 Options for implementation

4.7.1 Implementation options

Following the review of available VPP tools, best practice examples, VCAT decisions and panel reports, existing planning scheme controls and the likelihood of approval of an amendment, the following statutory implementation tools are considered viable options to implement neighbourhood character controls for Torquay-Jan Juc:

- *Changes to the MSS at Clause 21.08 (Torquay-Jan Juc Strategy) to strengthen reference to the overall aims and objectives of the NCS.* This is an important aspect of any approach to statutory

implementation as it would include the recommendations of the Study as part of the strategic direction for the municipality.

- *Inclusion of the key elements of the NCS in a new Local Policy.* The Policy could include preferred character statements for each precinct. Inclusion of a new Local Policy for neighbourhood character is also an opportunity to integrate Council's objectives for housing provision.
- *Application of overlay controls to areas of significant neighbourhood character or where a certain level of change is supported.* These may be required where the siting and design of new development is of concern and additional more detailed control over is considered necessary, in particular for multi-dwelling development.

4.7.2 Geographic application

It is important to determine which parts of Torquay-Jan Juc require additional planning controls and those which can be successfully managed with existing controls and a range of other non-statutory implementation techniques.

Neighbourhood character controls would be particularly useful in the following types of areas:

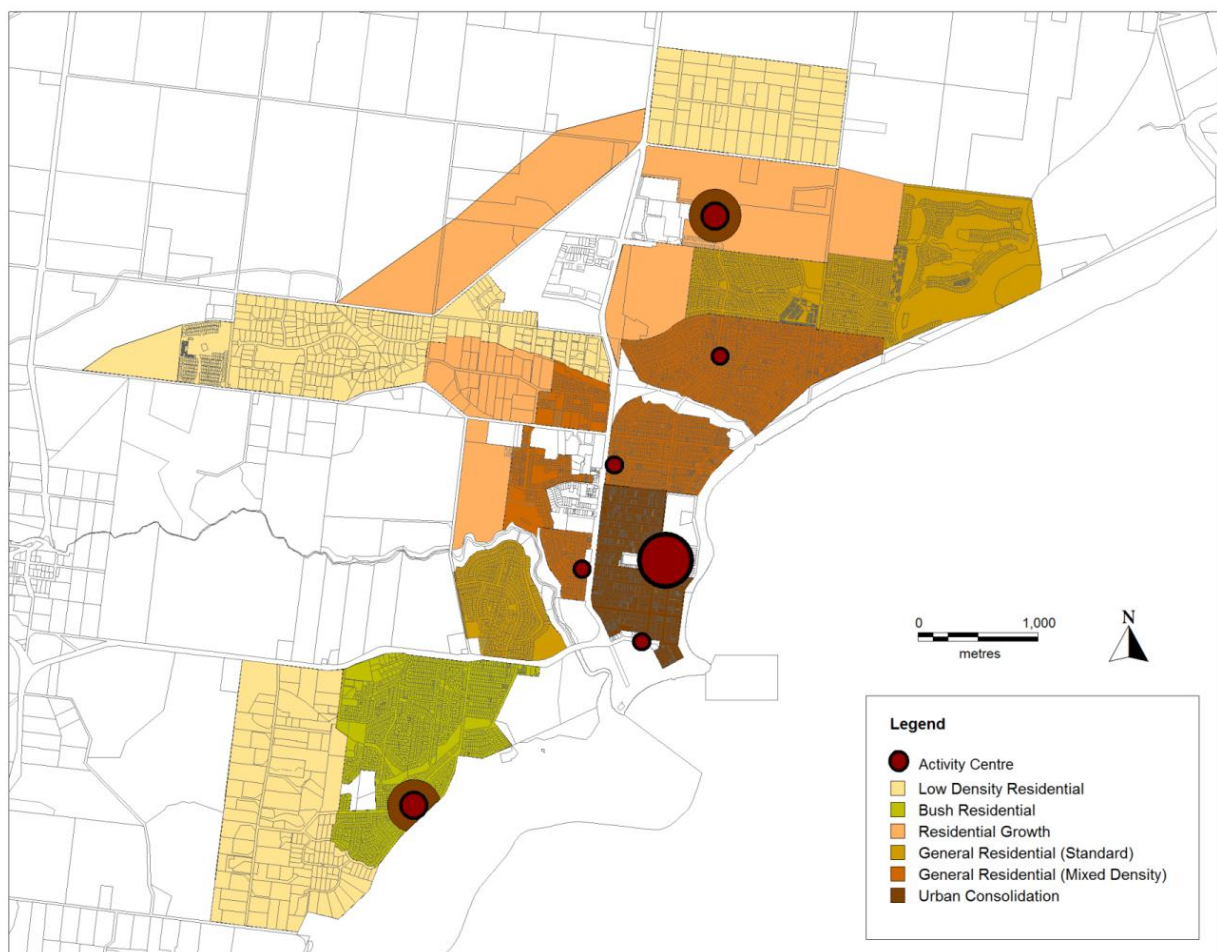
- High change areas such as Old Torquay to manage change and establish the preferred character.
- Greenfield subdivisions to set the preferred character.

The implementation model outlined at Section 4.9 identifies six broad 'character' or 'housing' areas, each of which relates to an anticipated intensity of development and ability to accommodate change. The implementation model seeks to achieve a number of objectives which in some respect compete with each other, notably the desire to provide opportunities for residential growth and protect and establish the preferred neighbourhood character for Torquay-Jan Juc. The six identified areas, shown on Figure 5 and further summarised at Appendix 3, are:

- **Urban consolidation areas** – These areas are within walking distance of major and neighbourhood activity centres, including part of Old Torquay which has been identified as suitable to undergo a relatively high level of change considering the relatively large lot sizes, old housing stock and proximity to commercial facilities. The existing character will continue to evolve over time to contain a higher proportion of residential infill redevelopment in the form of well-designed medium and higher density housing up to two storeys (three storeys where appropriate), comprising a variety of housing types and sizes, including townhouses, units and apartments. Front building setbacks should be well proportioned to allow for substantial landscaping to soften the built form and complement the streetscape character.
- **General residential (mixed density) areas** have the capacity to accommodate a moderate level of housing growth and diversity. They include the established neighbourhoods of Old Torquay north of Beach Road, Church Estate and Wombah Park/Golden Beach Estate and the newer residential subdivisions at Surf View Estate and Deep Creek/Briody Drive Estate. The future character of these areas will evolve over time to contain a greater mix of housing types, including well-designed and site responsive medium density (infill) development (including second dwellings, dual occupancies and townhouse developments) at a lower intensity than in urban consolidation areas, as well as exhaustion of remaining vacant lots, dwelling renovations or extension and replacement of existing older dwellings by new houses. The balance between the built form and the garden setting will continue to be the valued key characteristic of these areas.
- **General residential (standard density) areas** have limited capacity to accommodate future residential development due to a prevalence of single dwellings, predominantly as a result of covenants or other legal agreements that limit additional dwellings. They include the more recently developed residential estates such as Great Ocean Views Estate, South Beach Estate and The Quay. The areas are expected to undergo only a limited level of change, mainly in the form of exhaustion of remaining vacant lots for single dwellings and limited multi-dwelling developments where they are not prohibited by a restrictive covenant.

- **Bush residential areas** have a limited to moderate capacity to accommodate housing growth and diversity as a result of significant vegetation, high landscape values or environmental hazards such as bushfire. These areas will provide for sensitively designed single dwellings and some dispersed medium density development (second dwellings, dual occupancies, townhouses) that respect the valued attributes of the existing and preferred neighbourhood character, with an emphasis on retaining and enhancing vegetation. It includes the majority of Jan Juc.
- **Residential growth areas** include new broadhectare residential subdivisions where the preferred character is yet to establish, such as the growth areas in Torquay North. It will be important to provide a mix of lot sizes to encourage housing diversity and to establish a landscaped and built form character that reflects Torquay’s preferred coastal character.
- **Low density residential areas** are located on the edge of the township and are characterised by single dwellings at low densities. They perform as a transition zone between the urban and rural interface and often contain significant patches of vegetation.

Figure 5: Housing change areas



The NCS found that even though there are differences in *existing* character between the various precincts, the *preferred* character is consistent across the entire township. The Study therefore recommended blanket controls. However when considering the different roles of each precinct in terms of accommodating housing growth and change, a more varied approach is warranted with targeted controls.

4.7.3 Selection of elements to control

In summary, the two key issues identified by the Neighbourhood Character Study are:

1. The inability of many developments to retain and enhance the indigenous vegetation cover due to large building footprints, excessive hard surface areas and minimal setbacks; and
2. The visual dominance of buildings in the streetscape (building bulk).

In order to address these two key issues, controls need to be in place that achieve the following outcomes:

- Sufficient space around dwellings to retain or re-establish vegetation that screens/softens buildings, particularly within front setbacks; and
- Built form that is unobtrusive, consistent with preferred neighbourhood character and displays a coastal style of architecture.

To preserve and enhance the preferred character, emphasis should be placed on the integration of buildings within the landscape. In this regard the following foundation should be laid:

- an allotment that retains sufficient useful site area to establish vegetation – this can be controlled through front, side and rear boundary setbacks, building and hard surface site coverage and private open space parameters;
- no or low front fencing to maintain a visually open streetscape;
- a building height limit that scales with indigenous vegetation; and
- garage setbacks that promote good streetscapes.

To ascertain the appropriate set of controls, it is important to determine which character elements Council wants to exert a specific level of control over and above ResCode standards, having regard to the above foundation. The character elements and preferred standards are explored next to understand the contribution they make in influencing the preferred neighbourhood character.

Front setbacks

Achieving the preferred character relies heavily on maintaining front setbacks that are capable of being vegetated with trees and large shrubs. Substantially reduced front setbacks increase the built form enclosure of the street and reduce the amount of front garden space, and hence may undermine the vegetation character of the street.

In established areas the front setback standards of Clause 54 and 55 are considered appropriate to establish setbacks that are consistent with the prevailing streetscape character, given the standards are based on the average setback of buildings on adjoining properties. This means that in areas with generous front setbacks, such as Old Torquay and Jan Juc, new development will also need to apply generous setbacks. Variations will be considered on a case-by-case basis and will need to be justified in terms of how neighbourhood character objectives are met.



✓ Large vegetated front setback



✗ Minor front setback, limited landscaping

Applying the standard front setback provisions of ResCode (4 metre default setback where adjoining lots are vacant) has proven to be less successful in replicating the preferred character in the newer estates of Torquay-Jan Juc. In new residential subdivisions therefore the application of greater front setbacks will be a critical element in achieving the preferred character, with emphasis placed on encouraging planting within this area to soften the visual appearance of buildings within the streetscape.

Side and rear setbacks

Dwellings that stretch across the width of a site with no room along the side boundaries for landscaping were identified by the community as detracting from neighbourhood character. Buildings should be well set back from side boundaries to allow for sufficient space for the establishment or retention of vegetation that softens the visual appearance of buildings from adjoining properties and streets, and breaks up the built form allowing for visual permeability.

Open backyards are also considered an important element of neighbourhood character worthy of protection. The construction of two storey units adjacent to neighbouring open back yards was considered out of character and intrusive. As such rear setbacks are important to maintain this sense of spaciousness and privacy.

In acknowledgement of site constraints and opportunities, such as lot dimensions and solar orientation, it is recommended that development meet the side and rear setback requirements of Clause 54 and 55 rather than requiring a fixed minimum setback. This will allow for a more flexible, site responsive design and variation of building form. Emphasis should be placed on neighbourhood character objectives when considering the setback standards.



X Boundary to boundary development



✓ Development sited off side boundaries

Garages and vehicle access

The siting and design of driveways and car parking areas can have a substantial impact on the streetscape character. Additional or widened crossovers result in increased hard paving and loss of nature strip planting. Hard paving areas for car parking within frontage setbacks that are in excess of a standard driveway width result in the loss of garden space and permeable surfaces. Garages that dominate the street presentation of a dwelling due to their location within the frontage setback or their excessive width, detract from the streetscape character. They also limit surveillance of the street. Garages located well behind the main building line, serviced by narrow recessive driveways are more compatible with the preferred character and ensure that parking is not a dominant feature in the streetscape.

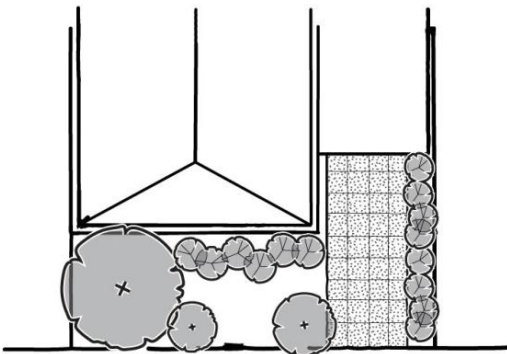


✗ Prominent garage

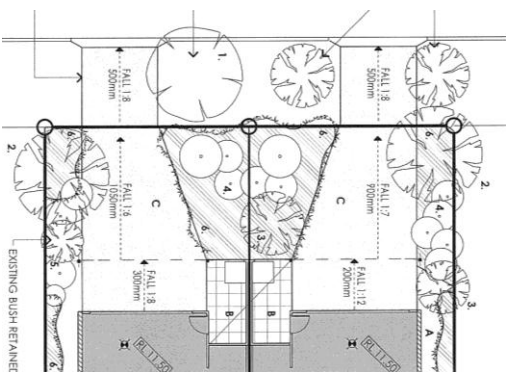


✓ Recessive garage

Parking spaces and garages should be set to the side of the house where vehicle access is from the front. On lots with a frontage of less than 10.5m a single garage with tandem car space to the front should be stipulated to ensure streetscapes are not dominated by garages. On lots wider than 10.5m double garages can be provided, but these should be proportionate to the width of the dwelling and well integrated into the design. Driveways servicing double garages can be wide enough to accommodate two cars but should narrow down to approximately 3 to 3.5m at the front property boundary to allow for a larger landscapable area at the front. The street network in new greenfield subdivisions should be designed to avoid streets that are dominated by garages through the inclusion of laneways to service the narrowest lots (<7.5m width).



*Garage set back behind dwelling façade
Single width driveway with landscape strip
adjacent side boundary*



*Side by side development with tapered driveways
to maximise available landscape area*

Side-by-side (townhouse) developments should be designed to avoid presenting merely as garages and entries only. This can be done by providing single garages or carports in lieu of double garages, setting the garages back behind the dwelling façade, avoiding the buildings to stretch from boundary to boundary, staggering the front alignment of the units, providing tandem parking with one car behind the other in the same garage as an alternate option for a double width garage, having two separate doors for conventional double garages or using balconies, pergolas, overhangs and other design elements to make the garages appear visually recessive.



✗ Façade presenting as garages and entries



✓ Visually recessive garages



✓ Single garages set back behind the dwelling facades

Site coverage

Large houses that seem to take up most of the site are perceived as incompatible with the preferred neighbourhood character. It is often the lack of landscaping, particularly canopy trees around them, which prevents them from integrating satisfactorily with the streetscape and adjoining properties. Restrictions on the footprint of dwellings is desirable to maintain sufficient space around and between buildings that is capable of being landscaped with trees and shrubs that serve to soften buildings from the street and adjoining properties.



✗ High building and hard surface site coverage limits opportunities for the planting or retention of vegetation

A maximum permissible site coverage of 50% (reduced from the ResCode Standard of 60%) should be considered. Site coverage of less than 50% is common throughout most of Torquay-Jan Juc's

established residential areas and this revision will therefore assist in procuring development that is responsive to neighbourhood character, particularly in terms of retaining a well vegetated, open feel. This variation also reflects that adopted in several suburban environments in Metropolitan Melbourne, notably by the Cities of Kingston, Bayside and Glen Eira.

Private open space

Many unit developments have limited areas of private open space. Large areas of land are set aside for vehicle movement and access, resulting in high hard surface site coverage and limited landscaping opportunities. Increasing the area of private open space is a means to maintain sufficient space around and between buildings that is capable of being landscaped with trees and shrubs. Precedent has seen the minimum dimension of 5 metres as a widely accepted norm to provide sufficient space for a canopy tree (see Panel report for C50 Manningham).

The ResCode private open space standard requires the provision of 40m² of private open space, including a single area of 25m² of secluded private open space at the side or rear of a dwelling with a minimum dimension of 3 metres.

Development should provide an area of private open space that is more in keeping with the established character of the township. In particular, it is considered that:

- Increased private open space provision will recognise the desire of the community to conserve the family oriented, backyard garden character of much of the township.
- The provision of only 40m² of private open space for larger, family size dwelling units has often created a sense of overdevelopment.
- Increased private open space provision enables the space to function better as an outdoor living area, whilst also providing opportunities for vegetation planting, particularly where it is necessary to soften the visual impact of buildings on adjoining properties.
- An objective should also be included to ensure that quality private open space with enough room to retain mature trees, or plant larger new trees, is provided for each lot, to the rear or the side of the dwellings. The provision of private open space on a balcony or rooftop area as an alternative should be discouraged unless an applicant can demonstrate each allotment will have the capacity to plant mature trees.
- Private open space located within a front setback area should be avoided, as this often leads to the need for high solid fencing to create privacy.

Building height

Height controls have been in place in Torquay-Jan Juc since the introduction of the new format Planning Scheme. The origins of the control stem from the desire to maintain the low-rise character of the township and to a lesser extent protect views. It has contributed to the current low-rise character and influenced community expectations in relation to building scale and neighbourhood character.

Buildings in Torquay-Jan Juc are generally one or two storeys high, with only a few examples of three storey buildings. The height of buildings becomes a concern when the building extends above the tree canopy and has the potential to dominate the landscape or streetscape. A balanced view of buildings and vegetation in the landscape is an important characteristic that is highly valued by the community.

Three-storey dwellings are generally considered by the community to be too high and out of character with a coastal town. The availability of ocean views across Torquay-Jan Juc has potential to create competition between landowners and it is therefore desirable that a consistent maximum building height be maintained that is compatible with the low scale of development and does not protrude above the tree canopy. Retention of the current preferred maximum building height of 7.5 metres is recommended. Variation to this height should only be considered where small sections of roof exceed 7.5 metres for design considerations, where the height does not increase the visual bulk of the building, or where an increased height has some demonstrated community benefit and does not result in adverse amenity impacts such as overshadowing or overlooking.



X Tall buildings considered incompatible with neighbourhood character

Fencing

Fence styles and heights exhibit a mixed character across the townships. Where there are high fences, these tend to be solid timber paling, brick, masonry, corrugated iron or open style (e.g. timber slats, pickets, stakes, iron). High, solid front fences generally detract from the preferred character as they inhibit views to buildings or vegetation in private gardens and reduce the sense of openness of a street. In some residential estates front fencing is prohibited through Section 173 agreements or covenants, resulting in open streetscapes consistent with the preferred character (see for example The Quay, Deep Creek and Great Ocean Views estates).

The aim of having control over fencing is to retain open landscaped streetscapes with no or low front fencing and to discourage high, solid front fences and instead encourage the use of vegetation within front setback areas for screening and the provision of privacy. Where high fencing is required this should be of an open style that is more appropriate and sympathetic of the streetscape and allows filtered views into gardens.



X High solid front fence

✓ Low permeable front fence

A permit is currently required for a front fence within 3 metres of a street if the fence exceeds a height of 1.5 metres and is associated with a dwelling on a lot less than 300m² (Clause 32.01-3) or with the construction of two or more dwellings on a lot (Clause 32.01-4).

Given the lack of a consistent fencing character in most streets, fencing controls should be targeted to distinct locations where there is an identifiable non-fenced character, for example some areas of Jan Juc. It is suggested that in these areas a permit be required for a front fence over 1.2 metres in height. This will allow a merits based decision taking into account the neighbourhood and streetscape character, local context and design, height, location and permeability of the fence.

In greenfield areas, fencing controls should be developed at the time of rezoning or subdivision and applied through Section 173 agreements or covenants.

Building form and design

A contemporary coastal style of architecture with articulation, a lightweight appearance and skillion or gentle pitched roofs reflective of the Australian beach house is perceived to be more compatible with local character than typical suburban style development and historic replicas.

Within multi-dwelling developments it is desirable that mix of buildings forms, styles, materials and colours are used to create visual interest and avoid design repetition.



✗ Suburban style not reflective of local context



✓ Contemporary coastal style

Landscaping requirements

Landscaping is a fundamental aspect of neighbourhood character. This relates to the landscaping of individual gardens, street tree planting and the cumulative effect of landscaping across an entire area. Key threats to neighbourhood character are the loss of canopy trees or other forms of large scale vegetation. In addition, new development that does not provide adequate garden space for the planting of new vegetation is a threat to neighbourhood character.



✗ No significant vegetation



✓ Retention of canopy trees around dwelling

Boundary setback dimensions should be adequate to create sufficient space around buildings to retain or plant large shrubs and canopy trees that will soften the visual presence of dwellings within the streetscape and from adjoining properties. An average canopy tree has a spread of 5-15 metres, whilst large shrubs generally range from 2 to 5 metres wide. Setbacks should be sufficient to achieve a balance between accommodating these trees and shrubs and providing for a reasonable level of development.

Where buildings protrude above the tree canopy or where there is a lack of vegetation, built form dominates viewsheds and the coastal landscape. An example is Great Ocean Views Estate, where a lack

of tree canopy has resulted in a dominant built form. This contrasts strongly with the Church Estate on the other side of Spring Creek, where the built form is nestled in the tree canopy.



Highly visible development due to a lack of tree canopy

4.7.4 Summary of findings

Based on the above assessment of neighbourhood character elements, the following table outlines for which neighbourhood character elements it would be desirable to have specific controls in place (marked by ✓) and for which elements ResCode standards should form the basis, but with a strong reference to neighbourhood character as the key assessment criteria.

Table 4: Control of neighbourhood character elements

Neighbourhood Character Element	Urban consolidation areas	General residential areas	Bush residential areas	Growth areas
Building height	✓	✓	✓	✓
Front setback	ResCode	ResCode	ResCode	✓
Side and rear setbacks	ResCode	ResCode	ResCode	ResCode
Walls on boundaries	ResCode	ResCode	ResCode	ResCode
Garages	✓	✓	✓	✓
Site coverage	ResCode	ResCode	ResCode	ResCode
Permeability	ResCode	ResCode	ResCode	ResCode
Private open space	✓	✓	✓	ResCode
Fencing	ResCode	ResCode	✓	✓
Building form / design	✓	✓	✓	✓
Colours / materials	✓	✓	✓	✓
Landscaping	✓	✓	✓	✓

A summary of the suggested controls compared to the existing standards is provided in Table 5.

Table 5: Existing and proposed standards

Elements	Existing standard	Proposed standard
Building height	7.5m (DDO1)	7.5m
Front setback	Average of adjoining properties, or where adjoining lots vacant 4m (A3 / B6)	No change
Side and rear setbacks	As per A10 / B17	No change
Walls on boundaries	As per A11 / B18	No change
Garages	A9 / B15, B16	Minimum 1m behind building façade
Site coverage	max. 60% (A5 / B8)	No change

Permeability	min. 20% (A6 / B9)	No change
Private open space	40sqm, with 25sqm secluded with minimum dimension of 3m (B28)	60sqm, with 40sqm secluded with minimum dimension of 5m
Fencing	1.5m (A20 / B32)	Permit required for fence > 1.2m high within street boundary setback
Detailed design	A19 / B31 DDO1	Specific design objectives
Landscaping	A8 / B13 Clause 22.02	Specific landscaping objectives

4.8 Constraints on development imposed by the proposed controls

An assessment has been made of single and multi-dwelling developments in Old Torquay and Torquay's newer residential areas (including South Beach Estate, The Quay, Wombah Park, Great Ocean Views and Deep Creek Estate) to gauge the impact of the proposed controls and to determine which elements of developments contribute to and which detract from the preferred character outcomes (refer to Technical Report No. 2).

Based on the case study research it is evident that the proposed standards will not be prohibitive for single and multi-dwelling developments across Torquay-Jan Juc. Most developments may not comply with all standards, however this is a matter of good design response. As evidenced by developments in The Quay and Deep Creek estate, dwellings can be designed to meet design standards where required.

Torquay is designated as a growth node under the *Victorian Coastal Strategy* (VCC, 2008) and the *Great Ocean Road Region Strategy* (DSE, 2004) and is to accommodate a significant level of new housing. This growth needs to consider diversity and affordability and has to be delivered in a timely manner. As outlined below, it is not considered that the proposed neighbourhood character provisions will detrimentally affect the provision of housing in Torquay-Jan Juc in terms of growth, diversity and affordability.

Growth

The Great Ocean Road Region Strategy identifies Torquay as an urban growth centre in acknowledgement of its capacity to accommodate growth. However this growth is not without qualification. The Strategy clearly promotes "balanced and managed growth" and in this regard stresses that growth must respect the character of the coastal town and promote best practice design for new development. This strategy is supported in Local Policy, specifically in the *Torquay Jan Juc Structure Plan* (2007) and *Sustainable Futures Plan Torquay Jan Juc 2040* (2012).

The Sustainable Futures Plan 2040 indicates clearly where Council will direct housing growth over the next 30 years in order to accommodate the anticipated population growth.

The average gross residential density in new estates in Torquay has been around 10 lots per hectare. The Torquay-Jan Juc Structure Plan and Sustainable Futures Plan encourage achieving a higher density in new estates, citing the State Planning Policy Framework aim of around 15 dwellings per hectare.

There is no reason to believe the proposed neighbourhood character controls will compromise the ability of the growth areas to accept substantial growth in a timely manner. The controls neither discourage the higher levels of density espoused in the Torquay-Jan Juc Structure Plan and Sustainable Futures Plan, nor will they delay planning/building approvals, particularly where the owner ensures compliance with the requirements.

The Practice Note *Using Neighbourhood Character Provisions* provides five housing ‘tests’ to assess the impact of an amendment to introduce neighbourhood character provisions. An assessment against these tests indicates that:

- There is ample capacity to accommodate the additional projected dwellings required within the existing settlement boundary through greenfield development;
- Established areas will also contribute to the provision of additional dwellings and housing diversity.

Diversity

The proposed controls will not be a great inhibitor to the development of small lots, with examples of development on lots as small as 340sqm meeting the scheduled requirements. Not that smaller lots necessarily result in a diversity of housing, if existing examples are typical, where even on small lots dwellings still comprise the run of the mill 3+ bedroom family homes. Ultimately, diversity will also be encouraged through the implementation of appropriate planning policies, which may include designation of medium density housing areas.

Where medium density housing is well designed, it can provide housing that meets resident needs in an efficient way, without compromising character and amenity objectives.

Affordability

Having consideration to the findings recorded above, there is no reason to believe that the proposed planning tools would detrimentally impact on the affordability of new dwellings. Land supply and a diversity of lot sizes are stronger determinants of housing affordability.

4.9 Recommended implementation model

The recommended implementation model distinguishes between urban consolidation areas, general residential areas, bush residential areas and residential growth areas and is based on the following two premises:

- Greater control in the established older areas of central Torquay and Jan Juc in recognition of the valued character of these areas and the threat to this character by the anticipated level of redevelopment. The controls are unlikely to trigger many additional permits as most developments consist of multi-dwellings for which a permit is already required under the R1Z.
- More relaxed controls in the newer areas to facilitate some of the preferred character elements identified in the NCS balanced against a desire to facilitate the timely delivery of development and minimise red tape.

The implementation model adopts a balanced approach to achieve the various housing objectives, with the following set of planning controls proposed to achieve the desired outcomes:

Table 6: Recommended implementation model

	Urban consolidation	General residential (mixed density) / Bush residential	General residential (standard density)	Residential growth
Precincts	Old Torquay South 400m around neighbourhood activity centres	Old Torquay North, Wombah Park, Church Estate, Jan Juc	Established newer residential areas (e.g. Southbeach Estate, Great Ocean Views, The Quay)	New growth areas where the preferred character is yet to develop (e.g. Torquay North)
Purpose	Drive urban consolidation with a coastal character. Encourage increased residential densities and a wider	Allow for moderate change in the form of dispersed infill development that respects and contributes to the	Exhaustion of remaining vacant blocks.	Establish the preferred coastal character in new growth areas.

	diversity in housing types and sizes.	preferred character.		
Housing type/densities	Medium density development – units, townhouses, apartments.	Predominance of single dwellings and the equivalent of dual occupancy developments (second dwellings, units, townhouses).	Retention of predominant single dwelling character. Limited number of multi-dwelling developments (where not prohibited by restrictive covenants).	Predominance of single dwellings with medium density and townhouse lots close to activity centres, community hubs and public open space.
Planning tools	R1Z + new DDO with permit triggers or requirements for building height, garage setback and private open space.	R1Z + new DDO with permit triggers or requirements for building height, garage setback, private open space and in Jan Juc also fencing.	R1Z + modified DDO1 with 7.5m height trigger.	R1Z + modified DDO1 with 7.5m height trigger; further supplemented by development plans and developer driven guidelines.

The controls should be drafted to achieve the following outcomes:

- A balance between established vegetation, including tall canopy trees, and built form.
- Buildings well set back from all boundaries to maintain a sense of space between buildings and to provide sufficient space for the retention of existing trees and the planting of new trees, in particular larger species within front gardens.
- The visual prominence of car parking structures and crossovers to be minimal, with single-width crossovers and garages or carports that are set back behind the line of the front façade.
- New development to complement the existing housing stock and incorporate well-articulated facades that include variations in materials and roof forms that reflect the older style beach houses or adopt a more contemporary coastal style (e.g. low pitched, skillion).
- Buildings to have a low profile height that is consistent with the town’s low-rise character.
- Front boundaries preferably unfenced or to have low, permeable fences that allow views to gardens and maintain the openness of the streetscape.

The use of DDO’s for the sole purpose of neighbourhood character implementation is generally not encouraged by DPCD, however DDO’s are considered appropriate to apply to distinct areas where a high degree of change is anticipated and/or specific design outcomes are desired, such as urban consolidation areas identified in the MSS.

Modification of the current DDO1 is proposed to retain the 7.5 metre height trigger and delete the other permit triggers. The DDO1 will require a permit for buildings over 7.5 metres in height to reduce visual bulk and to retain Torquay’s valued low-rise character. Permit triggers relating to minimum lot size, extent of cut/fill and relocatable dwellings are proposed to be removed as these are felt to add minimal value to achieving the preferred neighbourhood character.

Alternatively, or supplementary to the use of overlays, a local policy may be applied with objectives and guidelines for residential development. These may be supported by the incorporation or use of residential development or precinct design guidelines.

Council has recommended, as part of the approval of the development plans for the Torquay North growth area, that residential design guidelines be prepared to ensure any future development respects the preferred character. The intent of these guidelines is to ensure basic urban design principles are met and that the coastal character of Torquay-Jan Juc is translated to all future residential development. Council officers will provide significant input into the development of these guidelines, using the *Surf Coast Sustainable Design Book* (2010) and the NCS as the key reference documents.

4.10 Supplementary mechanisms

In addition to the proposed changes to the Planning Scheme outlined above, there are a number of other mechanisms that will be pursued to achieve the preferred neighbourhood character throughout Torquay-Jan Juc. These include:

Subdivision design

It will be important for new residential subdivisions to incorporate adequate vegetated public areas into the designs (including public open space reserves and street trees in road reserves) and provide vegetated links between new estates, the central areas of Torquay and Jan Juc, and public reserves.

The design and layout of the road network is also an important component of neighbourhood character and should be an important consideration when assessing broadhectare subdivision applications, as well as a key component of the Shire's management of public infrastructure. The surface treatment of local roads, the management of stormwater and resultant design of kerb and channels or integration of Water Sensitive Urban Design measures, the design and surface treatment of footpaths and the type and design of street planting all contribute to neighbourhood character within the public realm.

Landscaping of public realm

The public realm, in particular streets, is an important element of neighbourhood character that is currently underplayed. Opportunities for the landscaping of public spaces should be maximised and guidelines developed to achieve good landscaping outcomes in association with development.

Education/promotion

Education is an important tool in encouraging development that respects Torquay-Jan Juc's valued character. The importance of design excellence and sustainable building design is promoted across the Surf Coast Shire through the *Surf Coast Sustainable Design Book* (2010). This book is a promotional and educational document that serves to inspire building design that is site responsive, in keeping with the preferred neighbourhood character of a township and environmentally friendly.

The *Indigenous Planting Guide* (2003) has been developed to promote the use of indigenous plant species in landscaping proposals.

Professional development

Consideration of neighbourhood character is the starting point of assessments under Clause 55 of the Planning Scheme. As all multi-dwelling developments require a planning permit, they are subject to a neighbourhood character assessment. This highlights the importance of good design and skilful assessment of medium density applications under the existing Clause 55 objectives and standards in order to ensure development outcomes that respond positively to the neighbourhood character of the precinct. Ongoing professional development of planning officers will be important if neighbourhood character objectives are to be achieved.

5. Conclusions and Recommendations

This neighbourhood character study review report has analysed the existing, preferred and changing character in Torquay-Jan Juc with the aim of preparing a suite of controls that can be incorporated in a planning scheme amendment.

In summary it is recommended to:

- Modify Clause 21.08 of the MSS to strengthen reference to Torquay-Jan Juc's preferred character.
- Introduce a new local policy 'Torquay-Jan Juc Residential Development and Neighbourhood Character Policy' to provide policy direction on housing change and neighbourhood character in a coordinated manner.
- Apply new Design and Development Overlays to the following identified neighbourhood character / housing precincts:
 - Old Torquay (south of Beach Road)
 - Old Torquay (north of Beach Road), Church Estate and Wombah Park
 - Jan Juc
- Modify the DDO1 to include a permit trigger and decision guidelines for buildings over 7.5m height and apply to newer residential subdivisions and zoned growth areas only.

It is considered that Council is pursuing an appropriate approach that attempts to balance the aspirations and expectations of the local community to retain the essential character of Torquay-Jan Juc with the ongoing development pressures within the township as it evolves as a desirable and attractive place to live and to accord with the objectives and directions identified for the township in local, regional and state policy.

There is no reason to believe the proposed neighbourhood character controls will compromise the ability of Torquay-Jan Juc to accept substantial growth in a timely manner. The controls neither discourage the higher levels of density espoused in the Torquay-Jan Juc Structure Plan and Sustainable Futures Plan 2040, nor will they delay planning/building approvals, particularly where the owner ensures compliance with the requirements. Likewise there is no reason to believe that the proposed planning tools would detrimentally impact on the affordability of new dwellings.

There is no conflict between the various policy objectives; the neighbourhood character objectives are achievable within the housing objectives. The proposed controls will enable Council to manage the important aims of delivering the community's aspirations of maintaining Torquay-Jan Juc's valued coastal character, while still achieving a range of housing types and densities that meet housing objectives and targets.

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Appendix 1 – Assessment of VPP Tools

Tool	Opportunities	Limitations	Comments
R3Z + Schedule	<ul style="list-style-type: none"> Can vary 5 ResCode standards* Variations are dealt with under Building Regs Less permits triggered More consistency and clarity <p>* Street setback, site coverage, side and rear setbacks, private open space, front fence height.</p>	<ul style="list-style-type: none"> Schedule applies to all land within the zone Only limited variations available (5 standards) Maximum 9m height Can't include local neighbourhood character objectives No decision guidelines to consider variations No consideration of design (e.g. Surf Coast Style) No landscaping requirements 	<p>Need to support with DDO if 7.5m height control maintained.</p> <p>Less burden on planning system is positive, however Schedule does not cover all elements of neighbourhood character study and does not allow for consideration of variations to varied standards through planning permit process where no planning permit is required.</p>
R1Z + Schedule	<ul style="list-style-type: none"> Can vary 6 ResCode standards* No 9m maximum height Variations are dealt with under Building Regs Less permits triggered More consistency and clarity <p>* Street setback, building height, site coverage, side and rear setbacks, private open space, front fence height.</p>	<ul style="list-style-type: none"> Schedule applies to all land within the zone and would affect other R1Z areas in the Shire. Only limited variations available (6 standards) Can't include local neighbourhood character objectives No decision guidelines to consider variations No consideration of design (e.g. Surf Coast Style) No landscaping requirements 	<p>Not useful as applies to all R1Z land in the Shire.</p>
DDO	<ul style="list-style-type: none"> Can control the form and siting of future development. Can tailor requirements specific to desired design outcomes. Can specify permit triggers for buildings and works, subdivision and fencing. Can use performance standards/ requirements that are separate to Cl. 54/55. Can include decision guidelines to consider variations. Can apply to defined areas. Can consider landscaping and design. 	<ul style="list-style-type: none"> Number of permits triggered Perceived "complexity" by DPCD Performance standards do not link with Clause 54/55 and Building Regulations. 	<p>Realistic option as can be tailored to local circumstances and allows merits based decision of variations through planning permit process.</p> <p>Resource implications and relationship with Building Regulations are an issue.</p> <p>Is useful to control specific matters, e.g. building height or fencing, or to apply to targeted areas.</p>
NCO	<ul style="list-style-type: none"> Enables control over most buildings and works. Can specify neighbourhood character objectives. 	<ul style="list-style-type: none"> Requires a permit for all buildings and works, which places an unreasonable burden on Council resources and delay to the development industry and landowners. 	<p>The ability to specify neighbourhood character objectives and vary ResCode standards is very useful, however the overlay is highly unsuitable given the</p>

	<ul style="list-style-type: none"> Can vary Clause 54/55 standards. Can include decision guidelines to consider variations. Can apply to defined areas. 	<ul style="list-style-type: none"> Tree controls are limited to trees over 5m in height. Can apply only to small, well-defined areas where there is strong justification for additional controls of this nature. 	inability to include permit exemptions.
SLO	<ul style="list-style-type: none"> Can specify landscape character objectives. Can require permit requirements for buildings and works, vegetation removal and fencing. Can include decision guidelines. Can apply to defined areas. 	<ul style="list-style-type: none"> Can't specify requirements or performance measures for buildings and works. Doesn't require a permit for subdivision. Focus is on landscape character, not neighbourhood character or built form. 	The SLO is more useful to control vegetation removal and to apply to areas with significant character defined by landscape values.
Local Policy	<ul style="list-style-type: none"> Can clearly outline desired objectives and outcomes Provides guidance on exercising discretion 	<ul style="list-style-type: none"> Can't use numeric values to vary ResCode standards Policy is discretionary rather than mandatory Use of policy relies on permits triggered (where no permit triggered policy does not come into effect) 	A Local Policy will have no control over the bulk of single dwelling developments, but may be a useful alternative where no overlay is applied and to supplement Clause 54/55.
MSS	<ul style="list-style-type: none"> Provides the overall strategic justification for the application of planning policy and controls Can provide background description of preferred neighbourhood character 	<ul style="list-style-type: none"> Can't use numeric values to vary ResCode standards Strategy is discretionary and expresses intent Use of MSS relies on permits triggered (where no permit triggered MSS is not considered) 	Useful to provide strategic intent and direction to consider importance of neighbourhood character and express preferred neighbourhood character outcomes for Torquay-Jan Juc. Useful in combination with zone schedule or overlay, or to supplement Clause 54/55.
UGZ	<ul style="list-style-type: none"> Guides the development of new growth areas 	<ul style="list-style-type: none"> Only applies to Greenfield areas 	Not suitable.
NCS as an incorporated document	<ul style="list-style-type: none"> Gives the study full statutory weight 	<ul style="list-style-type: none"> A Planning Scheme Amendment is required to change any part of the incorporated document Can only be used where a permit is triggered 	Undesirable option.
NCS as Reference document only	<ul style="list-style-type: none"> Provides guidance on exercising discretion Can be changed without the need for a planning scheme amendment 	<ul style="list-style-type: none"> Does not have much weight at VCAT Can only be used where a permit is triggered 	Undesirable option.
NCS as promotion document outside planning scheme	<ul style="list-style-type: none"> No planning scheme amendment required Can reach a wider audience than just those requiring a planning permit 	<ul style="list-style-type: none"> Relies on being 'picked up' by community and development industry Has no weight 	Undesirable option, however preparation of promotional/educational material (e.g. character precinct brochures or design guidelines) is an option in support of statutory implementation.

Appendix 2 – Examples of other Municipalities

Many municipalities in Victoria have completed neighbourhood or urban character studies in the past 10 years and have implemented these in their planning schemes using a variety of tools (often in conjunction with housing strategies). Most have used local policies that describe the preferred future character of specific areas or precincts and set out design guidelines and responses. Several councils use detailed precinct guideline brochures as assessment tools in conjunction with local policy (see Bayside, Darebin, Banyule). Some Councils use zone schedules to vary Clause 54/55 standards and to differentiate between areas (see Kingston, Bayside, Knox, Geelong). Overlays have been used sparingly to target specific areas rather than as blanket controls.

Following is an overview of several examples to implement neighbourhood character objectives.

Manningham

Amendment C50 implemented the *Residential Character Guidelines (2005)* and was a large amendment that sought to achieve a number of objectives which in some respect compete with each other, notably the desire to address opportunities for residential growth and non-growth through neighbourhood character tools.

Three “character” areas were identified and provided with a set of planning controls to achieve the desired outcomes:

1. Substantial change areas: Residential areas surrounding Activity Centres and along Main Roads – R1Z + DDO8.
2. Incremental change areas: Residential areas removed from Activity Centres and Main Roads – R3Z and Schedule with ResCode variations (private open space, front fence height) + Local Policy 22.15 (Dwellings in a Residential 3 Zone).
3. Minimal change areas: Residential areas with Predominant Landscape Features – DDO4 + 5.

The Panel that considered Amendment C50 was critical of the widespread use of the R3Z and deemed there was insufficient justification for the controls proposed in the Schedule. It was of the view that the existing planning provisions, made up of a combination of R1Z, Clause 54/55, MSS/LPP and Residential Character Guidelines, provided sufficient consideration of residential character whilst addressing the individual merits of sites and surrounding properties. The amendment was nevertheless approved with the R3Z and Schedule, but without variations to street setback and site coverage.

Kingston

Kingston uses a local policy (22.11 Residential Development Policy – introduced through Amendment C8) to identify those locations where increased housing diversity, incremental housing change, minimal housing change and residential renewal will be encouraged and provides policy guidance on how development design should respond to meet the desired objectives. This policy is based on the principles outlined in the *Kingston Residential Strategy (2000)*, *Kingston Neighbourhood Character Guidelines (2003)*, *Designing Contextual Housing Guidelines (2003)* and *Kingston Neighbourhood Character Study (2003)*. Kingston has applied the R3Z with ResCode variations (through Ministerial Amendment C54) over incremental change, minimal change and residential renewal areas which form 80% of the city’s residential areas. The Schedule contains varied standards for site coverage (50%), private open space and front fence height, which were formerly included in the Schedule to the R1Z introduced as part of Amendment C8.

Whitehorse

Whitehorse uses a local policy (22.03 Residential Development) that sets out areas of minimal change, natural change and substantial change. This policy is used to supplement the neighbourhood character

and residential policy requirements of Clauses 54, 55 and 56 and is based on the *Whitehorse Neighbourhood Character Study (Planisphere, 2002/03)* and *Housing Study (2003)*.

Bayside

Bayside has introduced (through Amendment C48) the 'Neighbourhood Character Policy' (Clause 22.07) to give effect to Stage 1 of the *Neighbourhood Character Review (2004)*. The policy outlines the preferred future character for its residential areas and provides detailed precinct guidelines for 27 precincts across the municipality. Stage 2 involved investigation of the need for additional planning policy or controls for areas that have been identified as having a significant neighbourhood character. This investigation resulted in an amendment (C80) that seeks to include seven residential areas in NCO's and one area in a SLO. Two of the seven NCO areas are also proposed to be covered by a new DDO to control fences. The amendment was supported by a Panel and was approved on 5 April 2012. Bayside applies a R1Z with varied ResCode standards for front setback, site coverage, side and rear setbacks and front fence height to its residential areas (introduced with Amendment C2).

Darebin

Darebin implemented its *Neighbourhood Character Study & Precinct Guidelines (2007)* through the use of a local policy (22.04 Neighbourhood Character) that requires planning applications to be assessed against the NCS and Precinct Guidelines (Amendment C88 approved in October 2008).

Knox

Knox uses a local policy (22.07 Neighbourhood Character) and the R3Z with Schedule to implement the findings of the *City of Knox Neighbourhood Character Study (1999)* that identifies the key existing characteristics and preferred future character of the City's residential areas. The policy provides Design Objectives and Design Responses to ensure that development is responsive to the key characteristics that make up the desired future character of each precinct. The R3Z applies to established residential areas, whilst the R1Z applies to residential areas around principal and major activity centres and along a public transport route. A large proportion of new housing is expected to locate in the business zones of activity centres and in the R1Z around them. The R3Z protects the neighbourhood character of established residential areas by imposing a mandatory maximum height limit of 3 storeys or 9 metres and the Schedule imposes requirements for private open space and front fence height. These elements were identified as contributing to the neighbourhood character of the residential suburbs of Knox and the varied requirements will ensure that future development accords with this character.

Knox initially sought to introduce varied standards for building site coverage, private open space and front fence height in the Schedule to the R1Z (Amendment C46), however the Panel concluded that it was not presented with any evidence to suggest that the existing planning provisions (a combination of the R1Z, Clause 54/55, Clauses 22.01 and 22.07, and VPOs) were systematically failing to achieve new residential development that respects the existing neighbourhood character and contributes to the preferred neighbourhood character as identified in the NCS and that a change in the nominated standards would overcome these failures. The amendment was approved with a Schedule to the R3Z containing varied ResCode standards on private open space and front fence height.

Glen Eira

Glen Eira has introduced two local policies (22.07 Housing Diversity Area Policy & 22.08 Minimal Change Area Policy) that identify areas where housing diversity will be encouraged (housing diversity areas) and areas where the existing low-rise garden suburb character should be protected (minimal change areas). The policies are based on the principles of the *Glen Eira Housing and Residential Development Strategy (2002)* and the *Glen Eira Urban Character Study (1996)*. Clause 22.08 identifies desirable character outcomes including preserving front setbacks, ensuring a high standard of landscaping and minimising building bulk and scale. The intention is to achieve development outcomes that contribute positively to neighbourhood character, having particular regard to the valued character elements of each suburb. Glen Eira applies a Schedule to the R1Z with ResCode variations to minimal change areas.

Banyule

Banyule applies the 'Residential Neighbourhood Character Policy' (Clause 22.02) to give effect to its *Neighbourhood Character Strategy* (1999, revised 2007) and accompanying precinct brochures, which identify the key existing characteristics and desired future character of the residential areas in the municipality and include guidelines for new residential development to ensure that it complements and respects that character. The Strategy identified five broad character areas in the City, and each character area is divided into precincts principally defined by the distinctive relationship of dwellings to landscape and era and style of development.

Banyule attempted to introduce varied standards for building height, site coverage and private open space in the Schedule to the R1Z through Amendment C34, however the changes were not supported by Panel. The amendment was split, with Part 1 making changes to the local policy approved in 2004, and Part 2 which contained the proposed changes to the R1Z Schedule refused by the Minister in 2008. The Panel could see no justification for the proposed changes and considered that the emphasis given to protecting neighbourhood character failed to provide an appropriate balance between conflicting objectives such as increasing housing density and diversity, providing affordable housing, and facilitating creative and innovative building design.

Maroondah

Maroondah's 'Residential Neighbourhood Character Policy' (Clause 22.03) identifies preferred neighbourhood character objectives for 21 neighbourhood areas and aims to ensure that new residential development contributes to the preferred character for each area based on the *Maroondah Neighbourhood Character Study (2004)*. Maroondah uses a Schedule to the R1Z with ResCode variations for side and rear setbacks, private open space and front fence height.

Moreland

Moreland uses local policy to give effect to the *Moreland Neighbourhood Character Guidelines (2006)* and *Design Guidelines for Developments of Four or More Storeys (2005)*. The 'Neighbourhood Character Policy' (Clause 22.10) provides design guidance to ensure development responds to the preferred future character of commercial and residential areas. The 'Development of Four or More Storeys Policy' (Clause 22.11) provides greater certainty for the local community and potential developers by defining the preferred locations for high density development and re-development, and provides design guidance to ensure this type of development meets local design objectives and guidelines. Both local policies were implemented through Amendment C43.

Maribyrnong

Maribyrnong undertook a review of its 2003 Neighbourhood Character Study in 2010. The resultant *Maribyrnong Neighbourhood Character Review (2010)* was implemented through Amendment C82 by introducing the 'Preferred Neighbourhood Character Statements' local policy (Clause 22.05). The policy identifies 13 neighbourhood character areas across the municipality. Amendment C82 was followed by Amendment C92 which proposes to introduce a NCO to five precincts that have been assessed as having significant neighbourhood character. The NCO schedules include modifications to Clause 54/55 (ResCode) standards relating to Location and design of car parking structures (A9/B15); Detailed design (A19/B31) and Front fence height (A20/B32).

Amendment C92 was supported by a Panel, which commented as follows:

"The Panel considers that Amendment C92 supports local planning policy and we endorse the integrated approach adopted which took account of the interaction between neighbourhood character provisions and strategic planning objectives relating to housing and activity centres. The Maribyrnong Municipal Strategic Statement (MSS) establishes the proposed Neighbourhood Character Overlay (NCO) precincts as 'limited change' areas and the NCO provisions reinforce the Preferred Character provisions of the Clause 22.05 policy."

Frankston

Frankston applies a local policy (22.17 Neighbourhood Character Policy) to give effect to its *Neighbourhood Character Study*. The policy outlines a “Character Description”, “Preferred Neighbourhood Character Statement” and “Objectives and Design Responses” for a large number of residential precincts. The policy was generally supported by a Panel (Amendment C24), which concluded that the new Local Policy would not limit residential development unreasonably in Frankston City. There may be circumstances where medium density housing will achieve lower densities as a result of the policy, however the amendment does not discourage medium density housing – rather, it aimed to ensure that future residential development requiring permits (including medium density housing) will be designed and constructed with greater emphasis on enhancing the character of local neighbourhoods. The majority of single dwellings will continue to be constructed without the need for planning permits, and areas where higher density development is to be encouraged are identified in the Housing Directions Map that forms part of the Housing Policy in the amendment. The Panel further considered that the Amendment would provide the springboard for more detailed studies which could result in environmental controls and variations to Clauses 54 and 55 of the Planning Scheme in specific areas. In addition to the local policy Frankston also applies DDO’s and SLO’s to selected areas with identified characteristics.

Greater Geelong

The City of Greater Geelong prepared Amendment C129 to introduce a fully revised LPPF and to implement several strategic studies. The recommendations of the *Housing Diversity Strategy (2007)* were implemented by rezoning R1Z land in identified Incremental Change Areas to R3Z with a schedule including variances to Standards A5/B8 (site coverage) and B28 (private open space). The DDO14 (dwellings over 7.5m) remained applicable to these areas, but was deleted from all land within identified Increased Housing Diversity Areas and from land within the Central Geelong Key Development Area. The amendment was heard by a Panel and the Panel did not support the application of the R3Z to broad areas to protect neighbourhood character. It was the Panel’s view that if protection of neighbourhood character is the main issue for these areas, then boundaries should more logically follow character area boundaries identified in the Neighbourhood Character study. The Panel commented:

“We can see no justification for the automatic assumption that areas not identified as IHD areas must automatically have a character than needs protection by way of a mandatory height limit, and must necessarily need to have more open space and less site coverage. We see the argument for more open space especially troubling for sites adjoining open space. If the issue is the amount of vegetation across the municipality then this again is a separate issue and could be tackled by other means. Elwood in inner Melbourne has high site coverage, little private open space yet manages to have a far stronger garden character than many areas of Geelong.”

Geelong Council did not support all recommendations and went ahead with applying the R3Z to most Incremental Change Areas. It deleted the site coverage standard from the Schedule to the R3Z, but kept the open space standard.

Yarra Ranges

Yarra Ranges has prepared a planning scheme amendment (C97) to implement the *Yarra Ranges Housing Strategy (2009)* and the *Shire of Yarra Ranges Neighbourhood Character Study (2002)*. The amendment affects all residentially zoned land in the municipality and establishes planning controls which direct new housing into 8 identified 'housing consolidation' areas, with better access to services and facilities; and limit residential developments in outer areas referred to as 'incremental' and 'least change' areas. The amendment also seeks to better protect existing neighbourhood character across Yarra Ranges by modifying planning controls relating to subdivision, vegetation protection, building height, front fences and site coverage. A new series of *Neighbourhood Character and Residential Design Guidelines* have been prepared for the residential suburbs to provide practical guidance on the proposed controls.

The controls are proposed to be implemented through the application of the R3Z with schedule to the least change and incremental change areas and the R1Z to the housing consolidation areas. In addition, a number of DDO's and SLO's are proposed to be applied to land within the R1Z and R3Z, with permit triggers and requirements relating to building site coverage, impervious surfaces coverage, building height, setbacks, car parking and vehicle access, landscaping and fencing. A panel report was prepared in November 2011. The Panel was highly critical of the amendment, in particular the adopted Housing Strategy and Neighbourhood Character Study and the proposed use of the R3Z and DDO's. It recommended that the amendment be modified, using the SLO for the 'metropolitan' and 'non-metropolitan' areas of the Shire focusing on the vegetated and treed character of the Shire rather than the built form (which the Panel perceived to be recessive to vegetation), and that the Housing Strategy and Neighbourhood Character Study be reviewed to provide better strategic justification of the proposed changes and better alignment between the two documents. It considered that the NCS establishes a broad basis for recognising the need to protect vegetation as a contributor to the landscape setting and that this recognition is adequately dealt with by the use of SLO's in the Amendment.

"...it [the Panel] strongly supports Council in its endeavours to maintain that characteristic of built form being deferential to vegetation and landscape. However, it seems to the Panel that the existing planning scheme already does this well enough and that if this is supplemented by the proposed Significant Landscape Overlays to strengthen vegetation controls, then this provides a defensible 'character' regime in the planning scheme."

"...Clause 53, 55 and 65 (among many other references in the state section of the Planning Scheme) provide Council with ample opportunity to assess neighbourhood character on a site-by-site and area-by-area basis. In addition, there are countless references in the local section of the scheme on the importance of urban design and character as a consideration...There is therefore a very exhaustive policy framework already in the scheme that provides great assistance to the decision maker in both a general and a prescriptive sense."

The Panel did not support the use of mandatory minimum lot sizes, but was supportive of the use of building site coverage as a permit trigger in the non-metropolitan areas. In the Panel's words:

"Although there is some concern over the tighter level of control compared to the ResCode default provisions of 60%, the fact remains that the site coverage and permeability provisions in Amendment C97 are all to be discretionary with an incentive for applicants to comply in order to avoid the need for a permit. In the alternative, an applicant can apply for a permit and submit justification for varying the provisions on the basis that the design and siting of the proposed development can satisfy the objectives of the overlay. The Panel is therefore comfortable with the discretionary site coverage and permeability provisions of 30%/50% in the 'non metropolitan' areas based on Council's analysis."

The Panel did not support the application of a site coverage permit trigger in the metropolitan area:

"While the Panel appreciates that the exhibited site coverage controls in DDO8 does not disqualify medium density housing, the clear direction is to ensure that the 40% site cover is satisfied. In these very conventional and suburban metropolitan areas it is not apparent to the Panel why such a control should be in place. Unlike much of the foothills and rural townships, the Panel could not identify any special characteristics of the 'metropolitan' areas that would warrant such an approach. In the view of the Panel, much of Mooroolbark and Chirnside Park is indistinguishable from metropolitan Melbourne. That is certainly not to say that these areas are unattractive – it is that they are different to the foothills and townships to the east in a character and landscape sense. On that basis, the Panel does not support site coverage in the 'metropolitan areas' especially as this is just a permit trigger. The existing ResCode regime is satisfactory for these areas."

The Panel supported a ‘metropolitan’ SLO that introduces a permit trigger for significant trees which can be assessed as part of the design response and siting of development so that development can integrate with the maintenance of canopy trees and landscape appeal. The amendment has not been approved yet.

Greater Dandenong

Amendment C96 introduced a new ‘Residential Development and Neighbourhood Character Policy’ (Clause 22.09), applied the Residential 3 Zone to the majority of Limited Change Areas and modified the schedules to the Residential 1, Residential 2 and Residential 3 Zones to vary Clause 55 standards to implement the recommendations of the *City of Greater Dandenong Neighbourhood Character Study (Sept 2007)*.

Mornington

Mornington has not prepared a neighbourhood character study but uses DDO’s and SLO’s to guide development within the townships. These overlays were referred to by DPCD officers as quite complex and cumbersome.

Summary of findings

Council	R1Z Schedule	R3Z Schedule	Overlays	Local Policy	Comments
Manningham		✓	DDO	22.15	DDO8 applies to selected areas
Whitehorse			NCO/SLO	22.03	Overlays applied to selected areas
Banyule			DDO	22.07	DDO8 applies to one selected area
Darebin				22.04	
Bayside	✓		DDO/NCO/SLO	22.07	NCOs applied to areas with significant character
Glen Eira	✓			22.07+8	
Kingston		✓	NCO	22.11	NCO applies to one selected area
Maroondah	✓			22.03	
Moreland				22.10	
Maribyrnong				22.05	NCOs proposed for 5 significant areas
Knox		✓		22.07	
Frankston			DDO/SLO	22.17	Overlays apply to selected areas
Geelong		✓	DDO		DDO with 7.5m height control
Yarra Ranges		✓	DDO/SLO		
Dandenong	✓	✓		22.09	
Mornington			DDO/SLO		

Overview of Clause 54/55 variations in R1Z and R3Z Schedules

Clause 54/55 Standard	Municipality								
	Geelong	Kingston	Knox	Maroondah	Glen Eira	Manningham	Bayside	Yarra Ranges	Dandenong
Street setback	-	-	-	-	-	-	9m		-
Building height	-	-	-	-	-	-	-		-
Site coverage	-	50%	-	-	50%	-	50%		50%
Side and rear setbacks	-	-	-	Side: 1.2m Rear: 5m	Rear: 4m	-	Side: 2m Rear: 3m		2m where opposite a high amenity outdoor living area or main living room window
Private open space A17	-	-	POS: 80m ² or 20%, not less than 60m ² SPOS: 40m ² Dimension: 5m	POS: 80m ² SPOS: 60m ² Dimension: 5m	-	POS: 80m ² or 20%, not less than 55m ² SPOS: 40m ² Dimension: 5m	-		-
Private open space B28	POS: 60m ² SPOS: 40m ² Dimension: 5m	POS: 40m ² SPOS: 40m ² Dimension: 5m Additional 20m ² of POS with 3m dimension for each additional bedroom over 2 bedrooms up to a max. of 80m ² for the dwelling.	POS: 60m ² SPOS: 40m ² Dimension: 5m	POS: 80m ² SPOS: 60m ² Dimension: 5m	POS: 60m ² SPOS: 40m ² Dimension: 4m	POS: 55m ² SPOS: 40m ² Dimension: 5m	-		POS: 60m ² SPOS: 40m ² Dimension: 5m
Front fence height	-	RDZ1: 2m Other: 1.2m	RDZ1: 2m Other: 1.2m	RDZ1: 1.2m Other: 0.9m	-	RDZ1: 2m Other: 1.2m	RDZ1: 2m Other: 1.2m		RDZ1: 1.5m Other: 1.2m

Appendix 3 – Housing Area Types

Housing Area Type	Characteristics				
	Level of development or change	Development intensity/ density/scale	Type of housing	Building height	Application
Activity Centres (high density)	Significant capacity for housing growth and diversity as part of mixed-use developments within major and neighbourhood activity centres.	Higher density housing (25-40 dw/ha) in mixed use developments. An intensity and scale that is in keeping with the scale and character of the centre. Development is to make a positive contribution to the identity and character of the activity centre.	Shop-top and apartment living above retail and commercial developments.	Up to 3 or 4 storeys.	Torquay Town Centre Torquay North NAC Jan Juc NAC
Urban Consolidation (medium to high density)	Significant capacity for housing growth and diversity in appropriate locations near activity centres and other areas suitable for increased housing activity.	Well-designed medium and higher density housing at a higher intensity of development than in general residential areas (15-25 dw/ha). Development is to make a positive contribution to the preferred neighbourhood character and streetscape, including opportunities for tree protection and planting within front setbacks.	Mixture of units, townhouses, terrace housing and low-rise apartment style housing.	Up to 2 storeys (7.5m), with 3 storeys a possibility where appropriate having regard to the interface with adjoining land use (e.g. commercial, open space), site response, streetscape and amenity impacts, and level of achievement of housing diversity objectives.	Old Torquay South and areas within 400m walking distance of NAC's
General Residential (mixed density)	Moderate capacity for housing growth and diversity, consistent with existing or preferred neighbourhood character.	Dispersed medium density infill development at a higher proportion and intensity than in neighbourhood residential areas but less than in urban consolidation areas (overall 15 dw/ha). Development is to make a positive contribution to the preferred neighbourhood character and streetscape, including opportunities for tree protection and planting.	Mixture of single dwellings on small to conventional house lots and dispersed second dwellings, dual occupancies, villa units and townhouses.	Up to 2 storeys (7.5m).	Old Torquay North Wombah Park Church Estate Surf View / Beach Rd Deep Creek / Briody Dr
General Residential (standard density)	Limited opportunities for housing growth and diversity in areas where	Retain predominant single dwelling character, with some limited opportunity for dispersed	Predominantly single dwellings on conventional house lots with limited dual	Up to 2 storeys (7.5m).	Great Ocean Views, South Beach Estate, The Quay, The Sands

	single dwellings prevail and change is not identified.	medium density housing (10-15 dw/ha). Development is to make a positive contribution to the preferred neighbourhood character and streetscape, including opportunities for tree protection and planting.	occupancies, villa units and townhouses.		
Bush Residential (low to standard density)	Limited to modest opportunity for housing growth and diversity as a result of significant vegetation, landscape values or environmental constraints (e.g. bushfire).	Sensitively designed single dwellings and some dispersed medium density dwellings that respect the valued attributes of the existing and preferred neighbourhood character (10-12 dw/ha). Development is to make a positive contribution to the preferred neighbourhood character and streetscape, with an emphasis on retaining and enhancing vegetation.	Predominantly single dwellings on conventional house lots with limited second dwellings, dual occupancies, villa units and townhouses.	Up to 2 storeys (7.5m).	Jan Juc
Low Density Residential (low density)	Low density residential development on the fringe of urban areas where sewerage may not be available.	Dispersed single housing at low densities (minimum 2,500sqm for sewerer lots; 0.4ha for unsewered lots). Strong landscape character.	Single dwellings on large lots.	Up to 2 storeys (7.5m).	All LDRZ zoned areas
Residential Growth (mixed density)	New broadhectare or greenfield subdivisions and identified future growth areas where the preferred character is yet to establish.	A range of lot sizes ranging from conventional lots to medium and higher density lots surrounding activity centres and public open space reserves (overall average density of 15 dw/ha; 20 dw/ha within 400m of NAC or open space). A landscaped and built form character that reflects Torquay's preferred coastal character and integrates with surrounding areas.	Single dwellings on small to conventional house lots. Townhouses, terrace housing, low-rise apartments.	Up to 2 storeys (7.5m) with possible 3 storey development within or close to activity centres and active public open space.	Torquay North Messmate Road Briody Drive West

Appendix 4 – Audit of Implementation of the NCS Recommendations

NCS Recommendation	Status/comments	Recommended action
Vegetation		
Expand the vegetation removal controls to provide adequate protection to all existing mature vegetation throughout the study area (excluding environmental weeds).	Through Amendment C37 the SLO6 was applied to Old Torquay and Central Jan Juc and the VPO1 was extended around Bells Blvd and Coombes Rd/Briody Dr. This covers most areas with mature vegetation. Exemptions apply for the removal of environmental weeds.	Completed – No further action required.
Require replacement planting preferably with indigenous or native species of a similar type if the removal of vegetation is unavoidable.	This is a requirement of the SLO6 and Streetscape and Landscaping Policy (Clause 22.02).	Completed – No further action required.
The use of indigenous and native species should be emphasised in landscape plans. However, appropriate use of deciduous trees where solar access and control is required should also be encouraged.	Use of indigenous and native species is encouraged by the current provisions.	Completed – No further action required.
Sites in areas of low vegetation cover should be revegetated with native tree and indigenous understorey species as development occurs, even if vegetation is not being removed. Expanded permit requirements for building and works throughout the study area will be required in order to achieve this.	Landscape plans are required as part of development applications to ensure sites are appropriately landscaped. The need for expanded permit requirements for buildings and works is not supported as this would place an unreasonable burden on Council resources and landowners.	Ongoing Recommendation not supported – No further action to be taken.
Give priority to the education of landowners on environmental weeds and preferred indigenous planting, as well as increased resourcing for enforcement of permit conditions that require vegetation to be retained and/or planted.	Council's Environmental Weeds booklet and Indigenous Planting Guide are used as education material. Resources for enforcement have been increased, however enforcement of landscape plans and permit conditions is still an issue.	Encourage more enforcement.
Develop educational material for landowners which details siting, design and plant sourcing information for different species, as well as a broadened canopy tree list to include non-indigenous species which are suitable for residential locations. An expanded list of problem plants should be devised to assist in appropriate species selection for landscape plans.	This recommendation has not been carried out.	Outstanding
Include within the proposed expanded planting guide relevant information about wild fire risk and management.	A new landscaping design book has been prepared for properties within bushfire risk areas.	Completed – No further action required.
Investigate the issues surrounding the supply of indigenous plants.	There are several nurseries within the Shire that sell indigenous plants. There do not seem to be any real issues around the supply of indigenous plants.	No action required.
Investigate the inclusion of the LDRZ areas north of Torquay in	The VPO1 has been applied to parts of the LDRZ areas around	Outstanding – investigate need for

NCS Recommendation	Status/comments	Recommended action
any future vegetation removal controls.	Coombes Rd/Briody Dr. Whether vegetation removal controls should be applied to Torquay Heights needs to be investigated.	vegetation removal controls at Torquay Heights.
Development on small lots		
Remove the planning permit requirement for building and works on lots below 450sqm in the Residential 1 Zone. Development plans should still be required where lots are created of this size or less to demonstrate that they are able to achieve neighbourhood character objectives.	Removal of the 450sqm permit trigger is being considered as part of the new TJJ Amendment. Development plans for small lot subdivisions required?	Outstanding – Pursue as part of NCS implementation Amendment.
Public realm		
Investigate alternative footpath designs which are more sympathetic to a coastal environment and which provide equal access for all.	Being investigated as part of the Sustainable Subdivision Guidelines and consideration of development plans for new growth areas (e.g. Torquay North).	Pending
Develop street planting schemes for areas of low vegetation cover to complement strategies applied to private land in the Planning Scheme, particularly in newly subdivided areas in consultation with affected residents.	Street planting schemes are considered as part of development plans and subdivision applications for new residential estates. Landscaping of public areas project commenced to address existing areas.	Pending
Introduce planning permit requirements for all buildings and works for properties in the southern part of the Low Density Residential Zone west of Jan Juc which are visible from Bells Beach.	These properties are affected by the SLO1, which requires a permit for buildings and works.	Planning permit requirements are already in place – No further action required.
Develop performance criteria for building height exceeding 7.5m in the southern part of the Low Density Residential Zone west of Jan Juc to minimise visual prominence of buildings visible from the Bells Beach coastal reserve.	The SLO1 triggers an assessment of the Coastal Development Policy, which contains performance measures for building height.	The matter of building height is already satisfactorily addressed in the Planning Scheme – No further action required.
Introduce more stringent planning permit controls for dwellings on The Esplanade, Ocean Boulevard, and on the Great Ocean Road, particularly with regard to colours, materials, and landscaping requirements given their prominent location.	Amendment C37 applied the DDO13 to residential properties along The Esplanade and Ocean Blvd.	Completed – No further action required.
Heritage		
Consider implementing heritage controls over the remaining significant historical buildings in the townships.	To be considered as part of the next stage of the Heritage Study.	Outstanding
Building design and siting		
Develop performance criteria that encourage an adequate building setback from the front, side and rear boundary to allow for vegetation retention and the establishment of new vegetation, including canopy trees. Planning permits should be required when minimum standards are not met.	Variations to Clause 54/55 standards to be considered as part of the NCS implementation Amendment.	Outstanding – Pursue as part of NCS implementation Amendment.

NCS Recommendation	Status/comments	Recommended action
Develop performance criteria that discourage construction of buildings to both side boundaries of a site in favour of space between buildings for effective landscaping. Where minimum standards are unable to be met, then a planning permit should be required.	As above	Outstanding – Pursue as part of NCS implementation Amendment.
Investigate applying different front setback standards depending on the type of development and the precinct in which it occurs.	As above	Outstanding – Pursue as part of NCS implementation Amendment.
Develop performance criteria that control building site and hard surface coverage, so that space is retained around buildings to provide for the protection of remnant vegetation and room for the establishment of new vegetation, including canopy trees to assist in the scaling / screening of development. Planning permits should be required when minimum standards are not met. Hard surface areas should be defined in terms of areas which are incapable of being landscaped.	As above	Outstanding – Pursue as part of NCS implementation Amendment.
Develop performance criteria to establish minimum standards to be met in relation to building plot ratio. Planning permits should be required where these standards are not met. Plot ratio standards should not be varied unless community benefit is established.	Standards for plot ratio are not supported. Clause 54/55 does not contain standards for plot ratio.	Recommendation not supported – No further action to be taken.
Where planning approval is required, develop neighbourhood character objectives which must be met, in particular relating to the availability of space for landscaping and screening of buildings.	Neighbourhood character objectives to be developed in MSS/LPP and DDO's as part of NCS implementation Amendment.	Outstanding – Pursue as part of NCS implementation Amendment.
The current permit “trigger” for buildings that exceed 7.5m building height in the Residential 1 Zone should be retained. Buildings that exceed two storeys in height should be discouraged unless community benefit or architectural merit can be established.	Modified DDO1 with focus on 7.5m building height proposed as part of NCS implementation Amendment.	Outstanding – Pursue as part of NCS implementation Amendment.
The performance criteria for variations to this height should be related to the achievement of the character objectives identified in the study.	As above	Outstanding – Pursue as part of NCS implementation Amendment.
Develop performance criteria that ensure a garage and driveway are not the prominent visual element of a dwelling and are visually recessive in the streetscape. Planning permits should be required where these performance criteria are not met.	Standards relating to the siting and design of garages to be considered as part of the NCS implementation Amendment.	Outstanding – Pursue as part of NCS implementation Amendment.
Apply the principles of Surf Coast Style and Colours policy as an assessment tool for development applications and widely circulate the Surf Coast Style Guide as an educative tool.	The Surf Coast Style and Colours Policy has been deleted from the Scheme and the ‘Surf Coast Style Guide’ has been superseded by the ‘Surf Coast Sustainable Design Book’. Any reference in the	Completed – No further action required, except for strengthening reference to coastal character where deemed necessary.

NCS Recommendation	Status/comments	Recommended action
	Scheme to “Surf Coast Style” has been replaced by wording referencing the coastal character of an area.	
Encourage sustainable building design and construction methods.	This is encouraged through the Surf Coast Sustainable Design Book.	Completed – No further action required.
Investigate the development of a Sustainable Development policy for Torquay and Jan Juc which also takes into account issues of affordability and housing diversity.	This recommendation has not been carried out. The addition of another local policy in the Planning Scheme is not supported.	Recommendation not supported – No further action to be taken.
Produce design guidelines for Torquay and Jan Juc to assist people to achieve good design outcomes.	Good design outcomes are encouraged through the Surf Coast Sustainable Design Book. Design guidelines specific to Torquay-Jan Juc may be considered as part of the NCS implementation.	Completed – No further action required.
Remove the planning permit requirement for buildings and works for relocatable dwellings in the Residential 1 Zone.	Removal of the permit trigger for relocatable dwellings is being considered as part of the NCS implementation Amendment.	Outstanding – Pursue as part of NCS implementation Amendment.
Investigate the use of a design advisory committee.	This recommendation has not been carried out. It is not sure what the status of such a committee would be and when it would become involved in assessing developments on their design merits.	Outstanding – still required?
Multi-unit development		
Develop performance criteria that encourage a diversity of building styles, heights (single and two storey) and colours in multi-dwelling developments. Planning permits should continue to be required for all multi-unit developments.	New DDO’s are proposed as part of the NCS implementation Amendment which will contain performance measures for multi-dwelling developments. Planning permits are required for all multi-unit developments under the R1Z.	Outstanding – Pursue as part of NCS implementation Amendment.
Develop performance criteria for multi unit development to encourage single storey construction in the back half of lots where single storey structures or open back yards exist on either side of the development site.	New DDO’s are proposed as part of the NCS implementation Amendment which will contain performance measures for multi-dwelling developments.	Outstanding – Pursue as part of NCS implementation Amendment.
Broad hectare subdivision		
Develop a policy for the design of new residential subdivisions to ensure they incorporate adequate vegetated public land with vegetated strategic links to other areas of open space and community facilities, incorporate measures to enhance stands of remnant vegetation, protect vegetated public land and establish strategic vegetated / open space corridors linking significant pockets of vegetation.	The Sustainable Subdivision Guidelines are under preparation. These matters are also considered as part of development plans for new growth areas.	Pending
Include with the broad hectare subdivision policy the importance of traffic management and calming measures, road design and layout, footpath design and street planting, to achieving preferred character outcomes.	As above.	Pending

NCS Recommendation	Status/comments	Recommended action
Water Sensitive Urban Design Measures should also be incorporated in new subdivisions.	As above.	Pending
Encourage developers who wish to undertake greenfield subdivisions to introduce design controls based on preferred neighbourhood character elements.	The introduction of developer supported design controls would be an effective way to set the preferred neighbourhood character in greenfield subdivisions. It would avert the need for specific planning controls and permit requirements.	Pursue as part of the Development Plan approvals process.
Encourage areas within new housing estates in greenfield subdivisions where more intense development with increased height limits is permitted within walking distance of community facilities, and where valued aspects of neighbourhood character are maintained.	This is considered as part of development plans for new areas.	Pursue as part of the Development Plan approvals process.
Maintain a green wedge between Torquay/Jan Juc and Geelong as an important character element of the town.	The green break is shown on the framework plan at Clause 21.01 of the MSS.	Completed – No further action required.
Amenity & view sharing		
Investigate having Rescode's overlooking standards considered in planning permit applications.	For single dwellings not requiring a permit under the R1Z, this would only be possible if an overlay required consideration of Clause 54.	Recommendation not supported – No further action to be taken.
Introduce a policy to discourage roof top decks on two storey structures.	Without a specific policy to such effect, roof top decks are already being discouraged in most cases.	Not considered necessary – No further action to be taken.
Investigate having overshadowing standards based on the winter solstice considered in all planning permit applications.	Consideration of the winter solstice is considered unpractical and unreasonable, given the considerable length of shadows at this time of the year. Furthermore, it is unclear what this has to do with neighbourhood character and it is not a Clause 54/55 consideration.	Recommendation not supported – No further action to be taken.
Introduce a view sharing policy to afford neighbouring properties rights where the building height exceeds 7.5m.	View sharing is only considered reasonable for properties fronting the foreshore areas (considered in the DDO13). It is considered unrealistic to apply a view sharing policy to other areas in Torquay-Jan Juc given the gentle topography and density of development.	Recommendation not supported – No further action to be taken.
Fencing		
Develop performance criteria for the consideration of planning permit applications for high front fencing. Low and open style front boundary treatments with complimentary landscaping should be encouraged rather than high solid fencing. Consideration should be given to justifiable exemptions in the form of clear criteria, such as for properties abutting noisy main roads.	Introduction of fencing controls is being considered as part of the NCS implementation Amendment.	Outstanding – Pursue as part of NCS implementation Amendment.
Discourage the provision of private open space in the front of a	New DDO's are proposed as part of the NCS implementation	Outstanding – Pursue as part of NCS

NCS Recommendation	Status/comments	Recommended action
dwelling (in multi-dwelling developments) as this inevitably leads to the construction of high, solid front fencing.	Amendment which will contain performance measures for multi-dwelling developments.	implementation Amendment.
Storage on vacant lots		
Investigate how best to deal with the long term storage of items such as caravans and building materials on vacant lots in order to minimise their negative impact on neighbourhood character.	This is best dealt with through a local law rather than the Planning Scheme.	Outstanding – discuss with Local Laws.

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