

Table of proposed Planning Scheme changes – C103

Amendment C103 proposes to correct miscellaneous items in the Surf Coast Planning Scheme. As the Amendment may have a wider community interest, it is proposed to give full notice of the Amendment. The proposed changes to the Planning Scheme include:

- Corrections to the Heritage Overlay as a result of redevelopment or subdivision that has confined the heritage place within a new allotment.
- Inconsistencies in planning scheme overlay mapping affecting property ownership and boundaries.
- Redundancies in the application of planning scheme overlays on some properties.
- Corrections to the planning scheme ordinance as a result of a revised heritage assessment requiring changes to the Planning Scheme provisions.
- Correction to inconsistency between zoning provisions and policy.
- Corrections to zoning of land as a result of transfer land to adjoining properties.

The following table provides a summary of the land affected and proposed changes.

Planning Scheme Overlay Map Changes

Correction Item 1


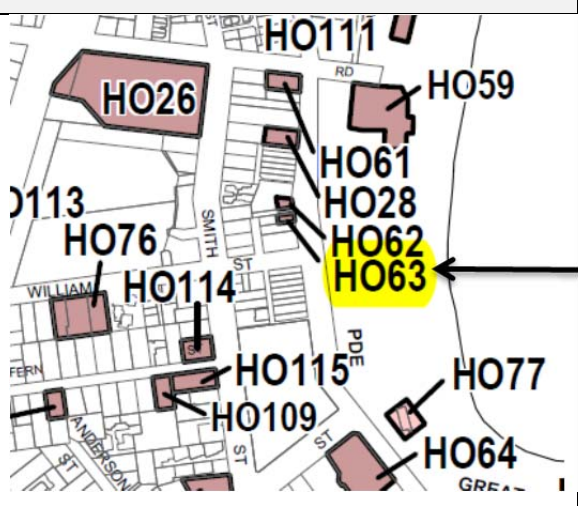
Land Affected: 116 Mountjoy Parade, Lorne (former Old Ozone Milk bar)

Type of proposed Amendment: Planning Scheme Overlay Map

Owner: Private

Proposed Amendment: Amend Planning Scheme Map 43HO to delete Heritage Overlay (HO63).

Reasons for Amendment: Heritage building (former Old Ozone Milk bar) has been demolished due to a site redevelopment. (Permit number: 03/0191)

Aerial Photograph	
	<p>Subject Land</p>
Existing Heritage Overlay – HO63	Proposed Planning Scheme Amendment
	<p>Delete HO63 from Heritage Overlay.</p>

Correction Item 2

Land Affected: 4 Anderson Street (Lots 2A, 2B and 2C Pearl Street) Torquay (Sea View Villa).

Type of Proposed Amendment: Planning Scheme Overlay Map Amendment.

Owner: Private.

Proposed Amendment: Amend Planning Scheme Map 20HO to delete Heritage Overlay (HO90) from the subject land and apply HO90 to Lot 2A, Pearl Street, Torquay.

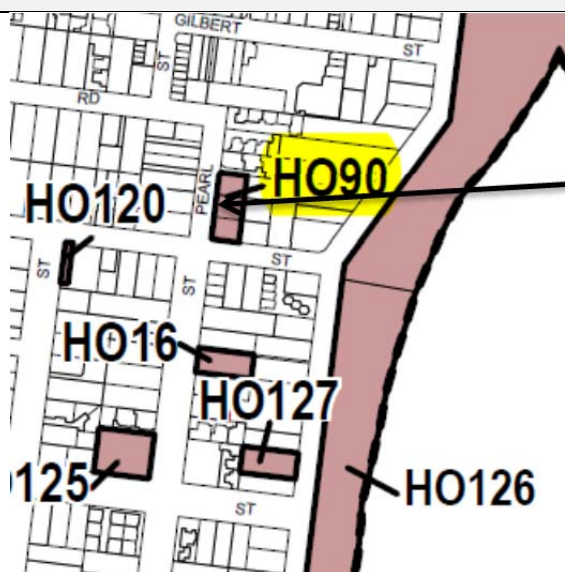
Reasons for Amendment: Following a 3 lot subdivision (PS 649498S) of the subject land, the heritage building (Sea View Villa) is now confined within the southern allotment (Lot 2A, Pearl Street, Torquay).

Aerial Photograph



Subject Land

Existing Heritage Overlay – HO90



Proposed Planning Scheme Amendment-

Delete HO90 from the subject land and apply HO90 to Lot 2A Pearl Street.

Correction Item 3

Land Affected: 17-19 Anderson St Torquay (former butcher's shop and outbuildings)

Type of Proposed Amendment: Planning Scheme Overlay Map Amendment

Owner: Private

Proposed Amendment: Amend Planning Scheme Map 20HO to delete Heritage Overlay (HO120) from the subject land and apply HO120 to Lot 2 PS711120B and heritage outbuildings.

Reasons for Amendment: The subject land has been subdivided into 3 lots (PS 711120B) resulting in the heritage building (former butcher's shop) being confined within the north-western allotment (Lot 2). HO120 needs to be amended to reflect the correct allotment on which the former butcher's shop is located.

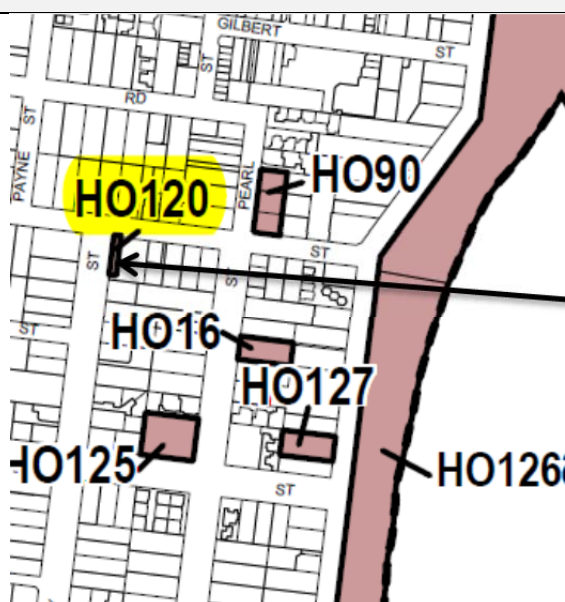
Aerial Photograph



Heritage site -
former butcher's
shop (Lot 2
PS711120B)

Heritage
Outbuildings

Existing Heritage Overlay – HO120



Proposed Planning Scheme Amendment

Delete existing HO120
from subject land. Apply
HO120 to Lot 2
PS711120B and heritage
outbuildings

Correction Item 4

Land Affected: 27 Anderson Street, Torquay (Church) & 8 Beale Street Torquay.

Type of Proposed Amendment: Planning Scheme Overlay Map Amendment.

Owner: Private

Proposed Amendment: Amend Planning Scheme Map 20HO to delete Heritage Overlay (HO121) from subject land to apply HO121 to 27 Anderson Street, Torquay.

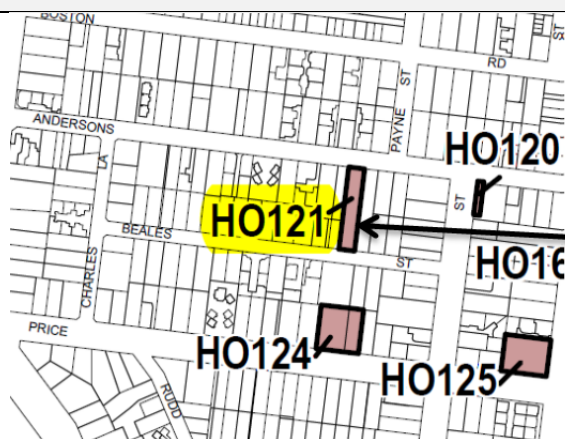
Reasons for Amendment: The existing HO121 has been created based on older cadastre and needs to be amended following a 4 lot subdivision (PS 645030T) comprising 25-27 Anderson Street and 6-8 Beales Street, which confined the heritage building (Church) to 27 Anderson Street.

Aerial Photograph



Heritage building
(Church) confined to
27 Anderson Street,
Torquay.

Existing Heritage Overlay – HO121



Proposed Planning Scheme Amendment

Delete HO121
from subject
land. Apply
HO121 to 27
Anderson Street,
Torquay (Refer
D15/38805).

Correction Item 5

Land Affected: 41 Hesse Street, Winchelsea (Heritage Place name - 'Toyerville').

Type of Proposed Amendment: Planning Scheme Overlay Map Amendment.

Owner: Private.

Proposed Amendment: Amend Planning Scheme Map 8HO to delete Heritage Overlay (HO140) from the subject land and apply HO140 to Lot 1 PS 729111C of the subject land.

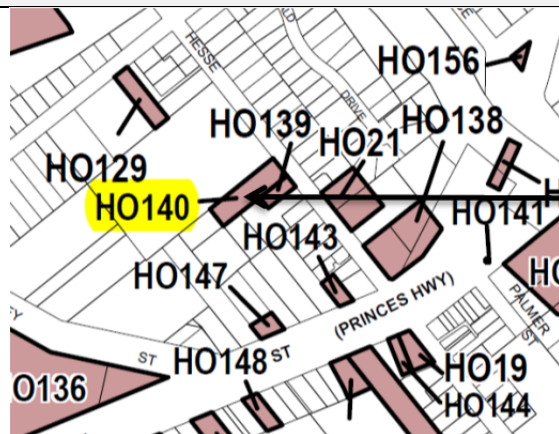
Reasons for Amendment: As a result of 2 lots subdivision (PS 729111C - planning permit number 14/0007,), the boundary of Heritage Overlay (HO140) would need to be corrected to confine Heritage Overlay to Lot 1 of the subject land.

Aerial Photograph



Lot 1, 41 Hesse Street,
Winchelsea

Existing Heritage Overlay – HO140



Proposed Planning Scheme Amendment

Delete HO140 from the subject land and apply HO140 to Lot 1 only (Refer D15/38808).

Correction Item 6

Land Affected: 33 Main Street, Winchelsea (former Colonial bank).

Type of Proposed Amendment: Planning Scheme Overlay Map Amendment

Owner: Private

Proposed Amendment: Amend Planning Scheme Map 8HO to delete Heritage Overlay (HO19) from the subject land apply HO19 Lot 2 of subject land.

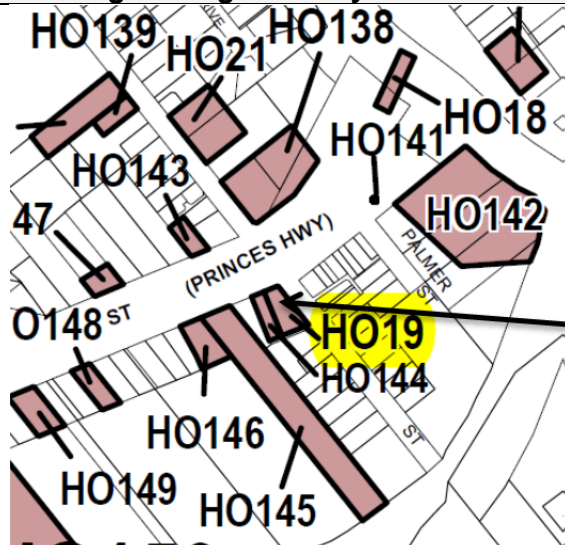
Reasons for Amendment: The boundary of HO19 needs to be corrected following a 6 lot subdivision (PS734342C) of the subject land resulting in the heritage building (former Colonial bank) being confined within Lot 2.

Aerial Photograph



Former
Colonial
Bank. (Lot
2), 33 Main
Street,
Winchelsea

Existing Heritage Overlay – HO19



Proposed Heritage Overlay -

Delete HO19 from subject land and
apply HO19 to Lot 2 only.

Correction Item 7


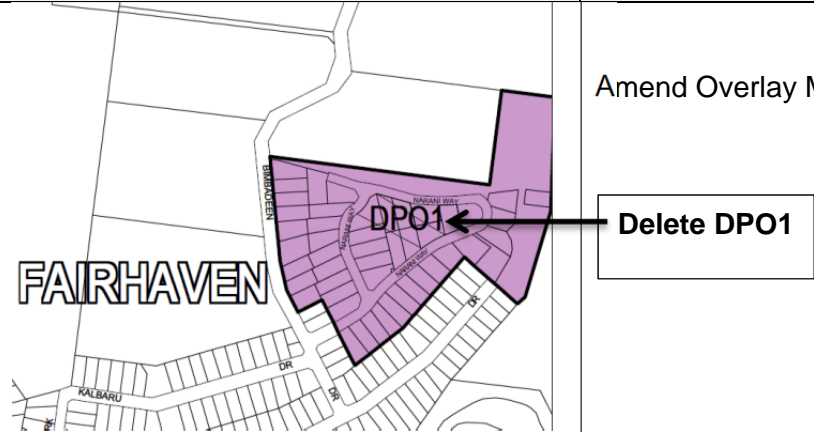
Land Affected: Bimbadeen Drive and Narani Way, Fairhaven.

Type of Proposed Amendment: Planning Scheme Overlay Map.

Owner: Private

Proposed Amendment: Amend Overlay Map 39DPO to delete DPO1.

Reasons for Amendment: DPO1 is currently redundant since there is sufficient control under the current suite of overlays (NCO1, WMO, ESO5, and DDO10) and S173 agreement. The S173 agreement includes specification of habitation building envelopes, land management and a single dwelling restriction for all lots.

Aerial Photograph	
	
Existing Development Plan Overlay – DPO1	Proposed Planning Scheme Amendment
	<p>Amend Overlay Map to delete DPO1.</p>

Correction Item 8

Land Affected: 1 Beacon Boulevard, Torquay (Bunnings Warehouse site).

Type of Proposed Amendment: Planning Scheme Overlay Map.

Owner: Private

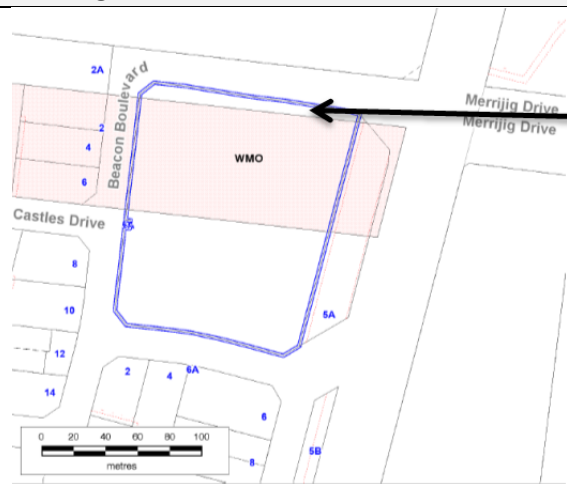
Proposed Amendment: Amend Planning Scheme Map 20WMO to apply the Wildfire Management Overlay (WMO) to the northern strip of the subject land.

Reasons for Amendment: The industrial estate at Torquay North (West Coast Industrial Park) contains a 70m wide strip of WMO applied along its northern boundary. However, this strip of WMO is inadvertently set back from the northern title boundary of the subject land (Bunnings). The amendment seeks to correct this anomaly by including the northern balance of the subject land as part of the WMO.

Aerial Photograph



Existing Wildfire Management Overlay – WMO



Proposed Wildfire Management Overlay - WMO

Apply WMO to the northern strip of land within title boundary of the subject land.

Correction Item 9

Land Affected: Pimelea Way, Torquay (Former Council depot site)

Type: Planning Scheme Overlay Map.

Owner: Private

Proposed Amendment: Amend Planning Scheme Overlay Map 20DDO to delete Design and Development Overlay (DDO14) over subject land.

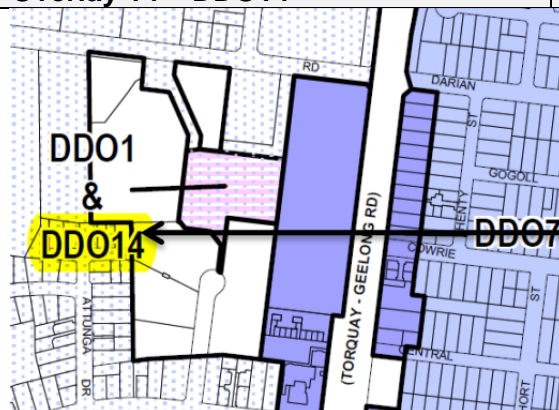
Reasons for Amendment: DDO14 is currently redundant since it includes requirements for subdivision which have now been provided. Pedestrian pathway link to Koorunga Place and building setback requirements have been applied to the lots created by building envelopes via a Section 173 agreement. It is considered that DDO14 has no on-going meaningful purpose but will trigger a permit for development of each lot, with nothing to consider for those applications.

Aerial Photograph



Boundary
of subject
land

Existing Design & Development Overlay 14 – DDO14



Proposed Planning Scheme Overlay Amendment

Delete DDO14
on subject land

Correction Item 10

Land Affected: 15-17 Boundary Road, Aireys Inlet

Type: Planning Scheme Overlay Map.

Owner: Private.

Proposed Amendment: Amend Planning Scheme Map 40NCO to apply Neighbourhood Character Overlay (NCO1) to the entire subject land.

Reasons for Amendment: The NCO1 is inadvertently not applied to the entire subject land. The subject land is zoned GR1Z and is affected by Environmental Significant Overlays (ESO4 and ESO5).

Aerial Photograph



Boundary
of subject
land

Existing Neighbourhood Character Overlay Schedule 1 (NCO1)



Proposed Planning Scheme Amendment

Include part of subject land
as NCO1

Correction Item 11

Land Affected: 10 Lorne Terrace, Lorne

Type: Planning Scheme Overlay Map

Owner: Private

Proposed Amendment: Amend Planning Scheme Map 43RO to apply Restructure Overlay (RO2) to the subject land.

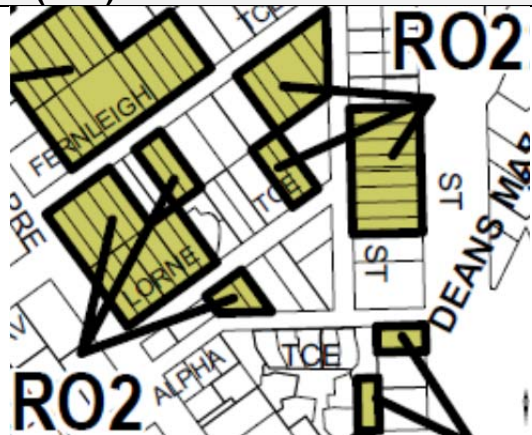
Reasons for Amendment: 10 Lorne Terrace is listed in the schedule to the Restructure Overlay (RO2) and in the schedule of Incorporated Documents – Lorne Restructure Plan (revised 2007), but is inadvertently excluded on the Lorne Restructure Overlay planning scheme map. Need to apply RO2 to this property.

Aerial Photograph

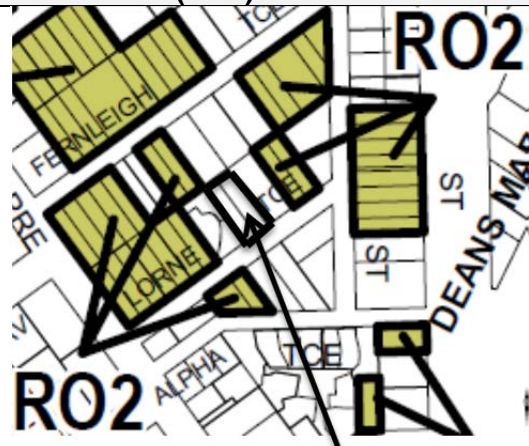


Subject
Land

Existing Restructure Overlay Schedule 2 (RO2)



Proposed Restructure Overlay Schedule 2 (RO2)



Include as RO2

Planning Scheme Zoning Map Changes

Correction Item 12

Land Affected: Pt Impossible / Breamlea area including Thompsons Creek tributary and. 365 The Esplanade, Torquay.

Type of Proposed Amendment: Planning Scheme Ordinance Amendment:
Planning Scheme Zoning Map

Owner: Public (Crown Land)

Proposed Amendment: Rezone land at the Point Impossible / Breamlea area including 365 The Esplanade, Torquay and part of the Thompson Creek, Torquay from part Rural Conservation Zone (RCZ) and part Comprehensive Development Zone (CDZ2) to Public Conservation Resource Zone (PCRZ).

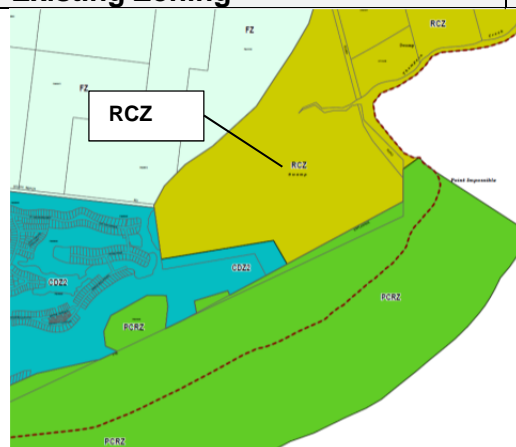
Reasons for Amendment: The subject land is mostly swamp land vested into the Crown. The proposed rezoning from RCZ to PCRZ will reflect the public ownership of the land. In addition, a parcel of land at the southern section of the subject land is incorrectly zoned CDZ2 and will need to be rezoned to PCRZ to reflect the public ownership of the land.

Aerial Photograph

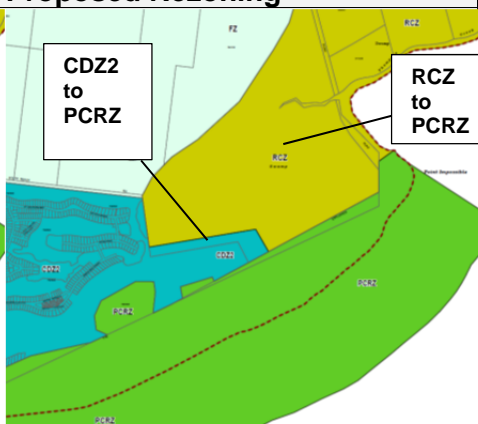


Subject Land

Existing Zoning



Proposed Rezoning



Correction Item 13

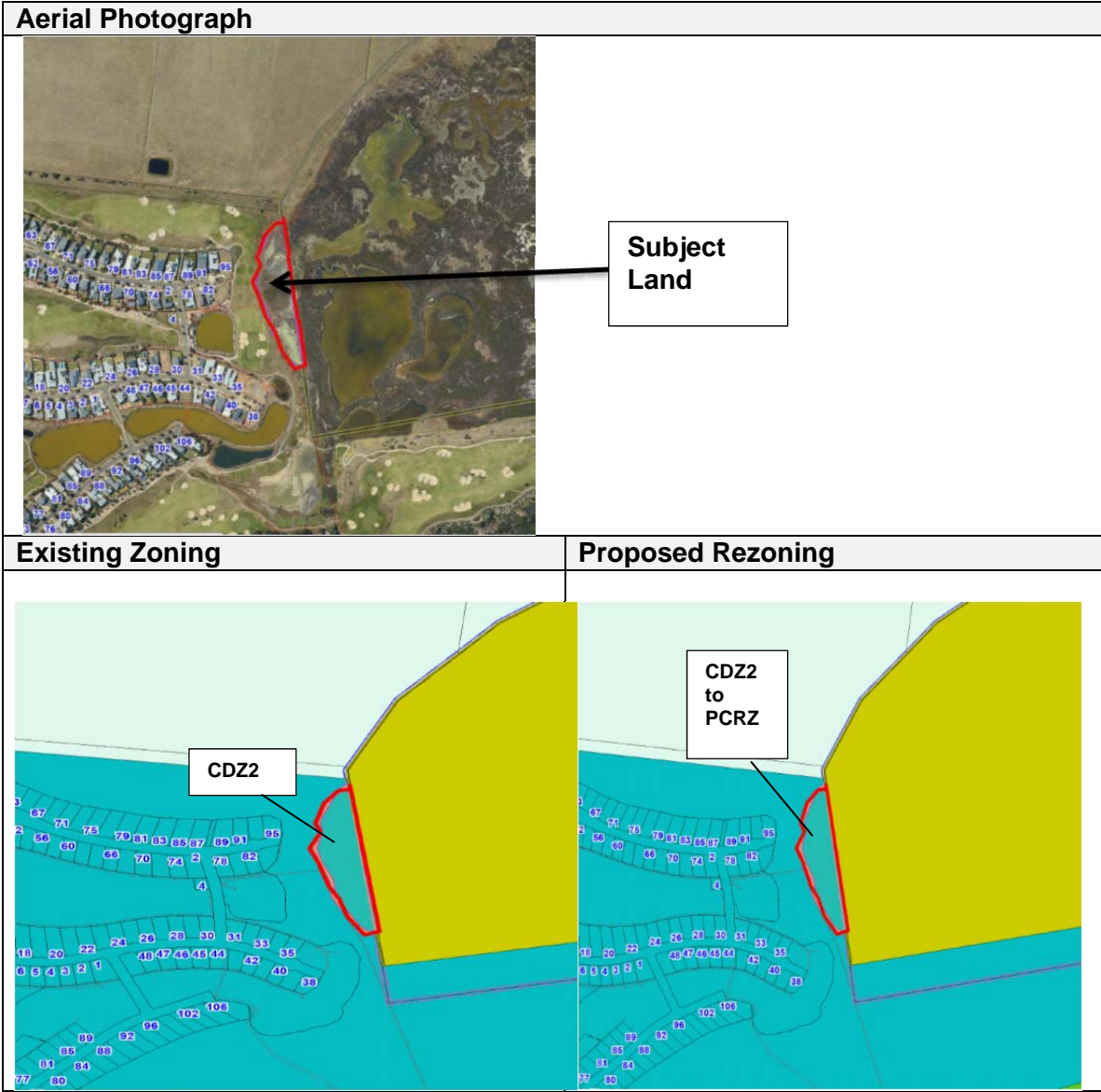
Land Affected: Land abutting St Georges Way Torquay.

Type: Planning Scheme Zoning Map.

Owner: Public (Crown Land).

Proposed Amendment: Rezone 9747 sq m land St Georges Way, The Sands, Torquay from Comprehensive Development Zone (CDZ2) to Public Conservation Resource Zone (PCRZ).

Reasons for Amendment: The subject land was transferred to the Crown as part of Plan of Subdivision PS443140M and is incorrectly zoned CDZ2. The proposed rezoning from CDZ2 to PCRZ will reflect the public ownership of the land for environmental purposes.



Land Affected: 35 Boyd Avenue, Moggs Creek

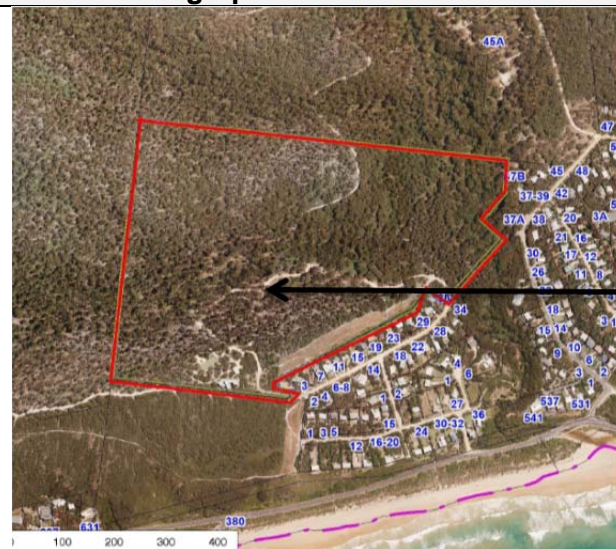
Type: Planning Scheme Zoning Map

Owner: Private

Proposed Amendment: Rezone part of land at 35 Boyd Avenue, Moggs Creek from part Public Conservation Resource Zone (PCRZ) and part General Residential Zone (GRZ1) to Rural Conservation Zone (RCZ).

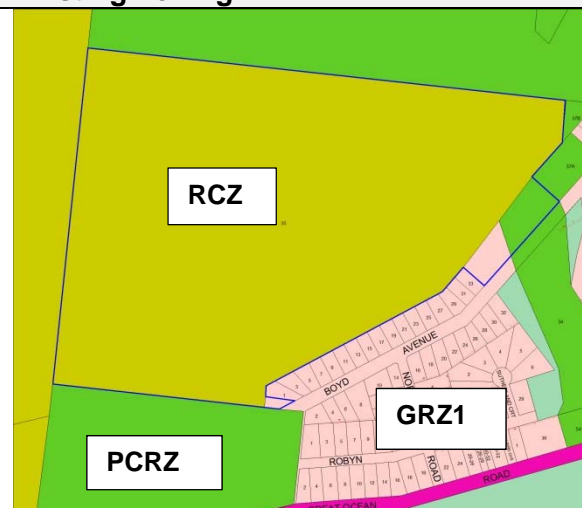
Reasons for Amendment: The majority of the subject land is zoned RCZ, however small portions at the eastern section, all part of the one title, are zoned GRZ1 and PCRZ. Because of the conservation nature and private ownership of the subject land, it is considered that the entire land should be zoned RCZ.

Aerial Photograph

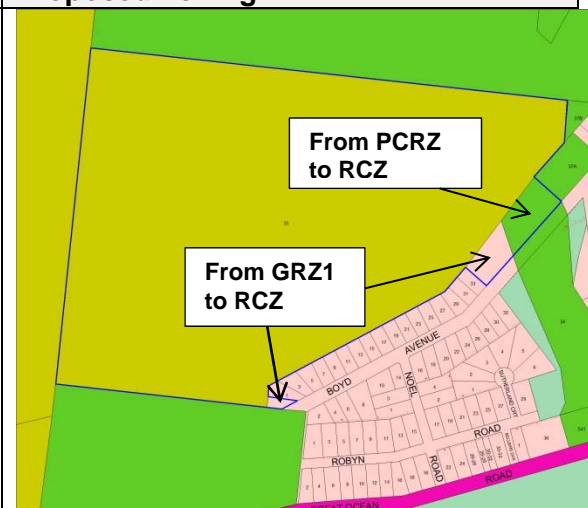


Subject
Land

Existing Zoning



Proposed Zoning



Land Affected: 85 Torquay Boulevard, Jan Juc

Type: Planning Scheme Zoning Map

Owner: Private

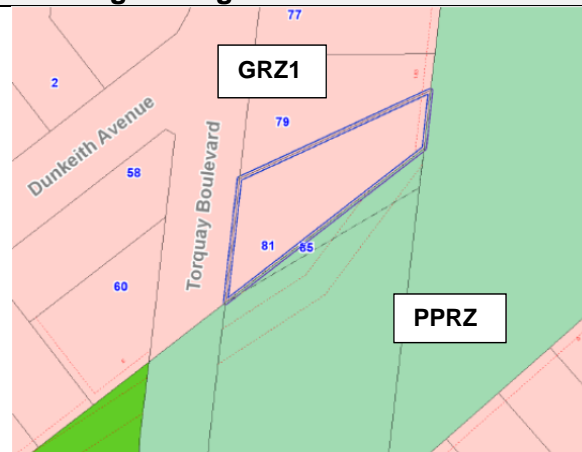
Proposed Amendment: Amend Planning Scheme Maps 19 & 20 to rezone strip of land at 85 Torquay Boulevard, Jan Juc from Public Park and Recreation Zone (PPRZ) to General Residential Zone (GRZ1).

Reasons for Amendment: The subject land has been transferred to adjoining residential land at 81 Torquay Boulevard, Jan Juc to resolve an encroachment issue. This Amendment rezones the subject land to reflect its use for residential purposes.

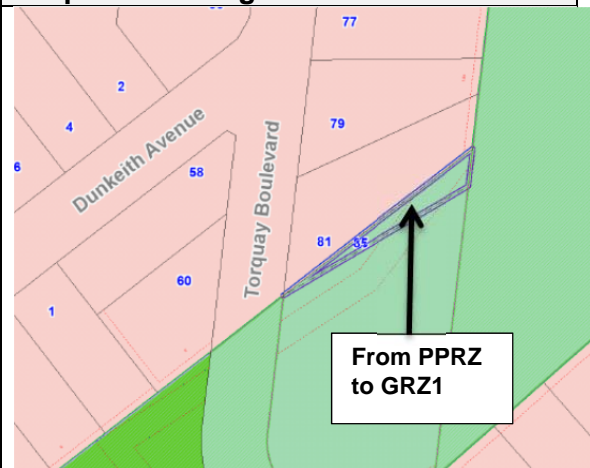
Aerial Photograph



Existing Zoning



Proposed Zoning



Planning Scheme Ordinance Changes

Correction Item 16

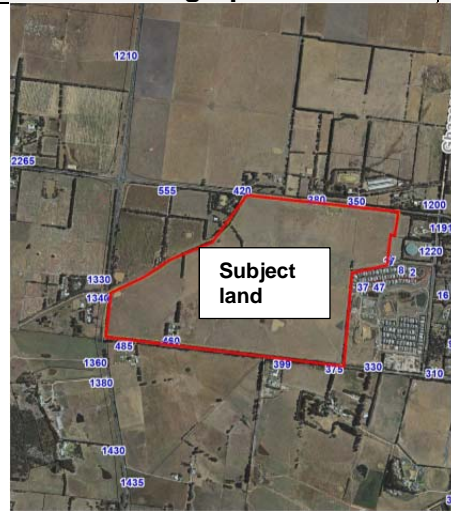
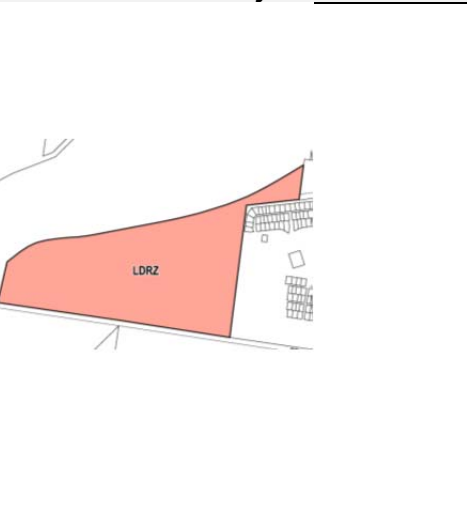
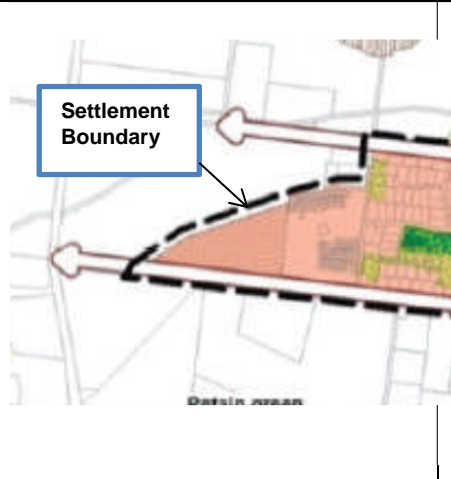
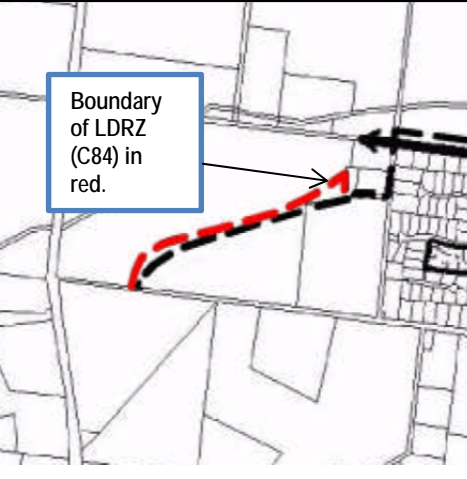
Land Affected: 460 Grossmans Road, Bellbrae.

Type: Planning Scheme Zoning Ordinance

Owner: Private

Proposed Amendment: Amend 'Map 1 to Clause 21.08: Torquay/Jan Juc Framework Map' and consequently 'Map 2 to Clause 21.08: Residential Development Framework', 'Map 3 to Clause 21.08: Activity Centre' and 'Map 1 to Clause 22.09 – Torquay-Jan Juc Residential Development Framework'.

Reason for Amendment: The proposed Amendment corrects a minor anomaly affecting the Torquay – Jan Juc settlement boundary at the vicinity of 460 Grossmans Road, Bellbrae. The Amendment aligns the settlement boundary at the vicinity of the subject land with the Low Density Residential Zone (LDRZ) boundary (consistent with the ridge line) in Amendment C84.

Aerial Photograph	C84 – LDRZ at subject land
	
Existing Framework Plan (Clause 21.08)	Proposed Framework Plan (Clause 21.08)
	

Correction Item 17

Land Affected: Low Density Residential Zone (LDRZ) areas in Torquay/Jan Juc.

Type: Planning Scheme Ordinance.

Owners: Private.

Proposed Amendment: Amend Table 1 to Clause 22.09 – Torquay–Jan Juc Residential Development and Neighbourhood Character Policy to replace the preferred housing density of 2,500 sq m for sewered Low Density Residential Zone (LDRZ) lots with 2,000 sq m except where a schedule to the LDRZ specifies a local variation to the minimum lot size.

Reasons for Amendment: This Amendment is proposed to ensure consistency between the policy provisions of the Low Density Residential Areas in Table 1 to Clause 22.09 with the LDRZ zone provisions.

Table 1 to Clause 22.09 references a minimum lot size of 2,500 sq m for sewered LDRZ lots, whilst the zone provisions allow a minimum lot size of 2,000 sq m (except where the Planning Scheme specifies a local variation to the minimum lot size).

Location of Low Density Residential Areas in Torquay



Existing Neighbourhood Character Policy (Clause 22.09)

LDRZ Areas – Preferred characteristics:
Housing intensity/density/scale.

- Dispersed single housing at low densities (minimum 2,500sqm for sewered lots; 0.4ha for unsewered lots).
- Up to 2 storeys (7.5m).
- Strong landscape character

Proposed Neighbourhood Character Policy (Clause 22.09)

LDRZ Areas – Preferred characteristics:
Housing intensity/density/scale.

- Dispersed single housing at low densities (minimum 2,000sqm for sewered lots; 0.4ha for unsewered lots, except where a local variation to the minimum lot size is specified in the Schedule to the LDRZ).
- Up to 2 storeys (7.5m).
- Strong landscape character

Correction Item 18

Land Affected: 1135 Barrabool Road, Barrabool (Uniting Church & Manse site)

Type of Proposed Amendment: Planning Scheme Ordinance Amendment

Owner: Private

Proposed Amendment: Amend Clause 43.01 in the schedule to the Heritage Overlay, "Heritage Place" HO3, to include the Church, former Manse and mature exotic garden setting. Apply external paint control to both Church and former Manse. Apply internal alteration controls to the Church, Apply specific tree controls on the property.

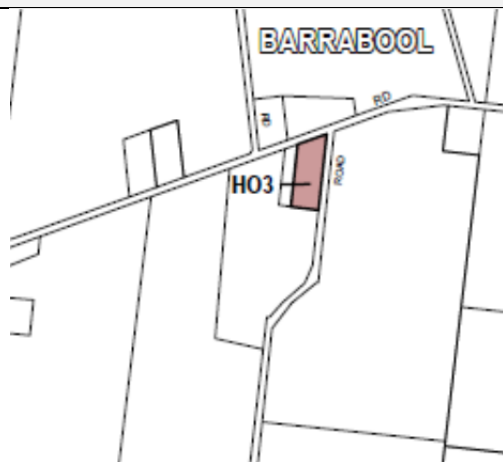
Reasons for Amendment: This proposed Amendment implements the recommendations from the 'Barrabool Uniting (formerly Presbyterian) Church & Manse: Heritage Assessment' report prepared in 2014. The Amendment updates the existing Schedule to the Heritage Overlay (HO3) to reflect the additional heritage significance of the Church & Manse and mature exotic garden setting.

Aerial Photograph



**Subject
Land**

Existing Heritage Overlay – HO19



Proposed Planning Scheme Amendment -

Amend Planning Scheme Clause 43.01 Schedule to the Heritage Overlay- HO3, to include the Church, former Manse and the mature exotic garden setting.

Apply external paint controls to both the Church and former Manse.

Apply Internal alteration controls only to the Church.

Apply tree controls specifically to the Cupresses macrocarpa (Monterey Cypress) hedges, and Pinus Radiata (Radiata Pine), Lagunaria Patersonia (Norfolk Island Hibiscus) Araucaria

	heterophylla (Norfolk Island Pine), Fraxinus oxycarpa (probably Golden Ash), and Cupressus species trees.
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Correction Item 18

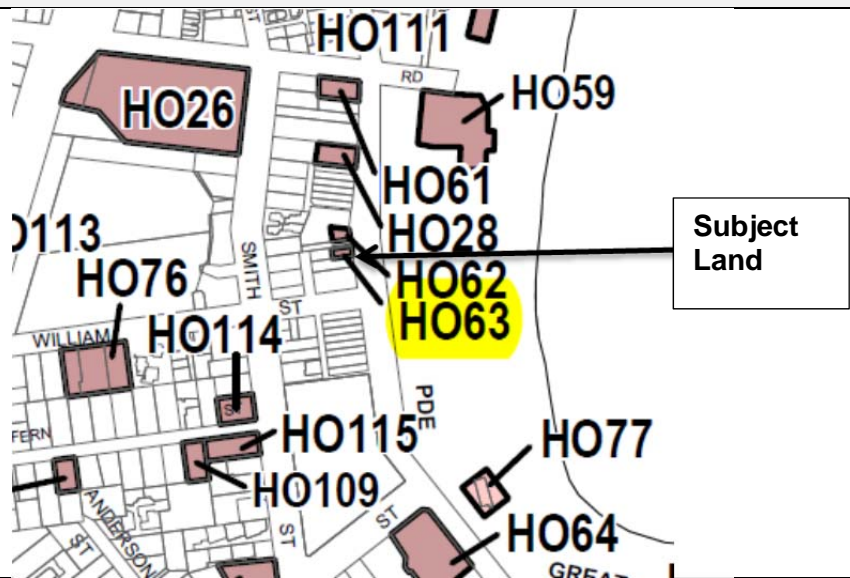
Land Affected: 116 Mountjoy Parade, Lorne (former Old Ozone Milk bar)

Type of proposed Amendment: Ordinance Amendment

Owner: Private

Proposed Amendment: Amend Clause 43.01 Schedule to the Heritage Overlay to delete Heritage Overlay HO63.

Reasons for Amendment: The heritage building (former Old Ozone Milk bar) has been demolished due to a site redevelopment. (Permit number: 03/0191)

Land				
				
Existing Clause 43.01 Schedule to the Heritage Overlay – HO63			Proposed Planning Scheme Amendment	
(Note: Part of schedule is shown)				
PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?
HO59	Lorne Swimming Pool and Kiosk 81 Mountjoy Parade, Lorne	yes	no	no
HO28	St Cuthbert's Uniting Church. 92 Mountjoy Parade, Lorne.	no	no	no
HO62	Butchers Shop (former). 112-112a Mountjoy Parade, Lorne.	yes	no	no
HO63	Ozone Milk Bar, 116 Mountjoy Parade, Lorne	no	no	no

Delete HO3 from Schedule

Correction Item 20

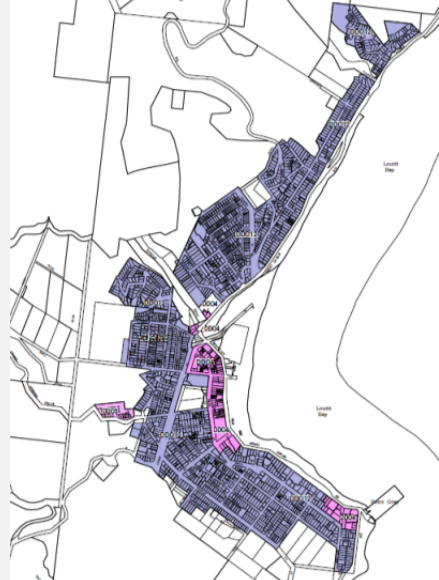

Land Affected: Lorne Residential Areas - Schedule 12 of the Design and Development Overlay (DDO12).

Type: Planning Scheme Ordinance.

Owners: Private.

Proposed Amendment: Amend Clause 43.02 Schedule 12 to the Design and Development Overlay (DDO12) – Lorne Residential Areas to vary with a permit the minimum lot requirement where the land is developed with two or more dwellings constructed and approved before 16 October 2008.

Reasons for Amendment: This Amendment proposes to allow the subdivision of existing multi dwelling development constructed and approved before the gazettal of DDO12 in October 2008. It is considered that this variation to the minimum lot size recognises the expectation of those landowners that separate titles could be issued. The amendment will not change the existing character of the area.

Location of Lorne Residential Areas (DDO12)	
	<p>Legend</p> <p> Design And Development Overlay - Schedule 12</p>
Existing Subdivision requirements (DDO12)	Proposed Subdivision requirement (DDO12)
<p>The minimum lot area requirement can only be varied with a permit where:</p> <ul style="list-style-type: none">▪ The land is within a Restructure Overlay and the number of lots to be created conforms with the maximum number of dwellings allowed in the Table to the Lorne Restructure Plan (incorporated document); or▪ All of the following apply:<ul style="list-style-type: none">• The land is within the area shown shaded on Map 1 to this schedule; and• The creation of lots less than 550m²	<p>Include the following:</p> <p>The minimum lot area requirement can only be varied with a permit where:</p> <ul style="list-style-type: none">▪ The land is developed by two or more dwellings which were lawfully constructed and approved before 16 October 2008.

increases dwelling diversity by providing smaller dwelling types (in floor area and number of bedrooms)	
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Correction Item 21


Land Affected: Pimelea Way, Torquay (Former Council depot site)

Type: Planning Scheme Ordinance Amendment.

Owner: Private.

Proposed Amendment: Amend Planning Scheme to delete Clause 43.02 Schedule 14 (DDO14).

Reasons for Amendment: The subdivision of this land has been completed with titles issued. The provisions in DDO14 are currently redundant since requirements for subdivision have now been provided. Pedestrian pathway link to Koorunga Place and building setback requirements have been applied to the lots created by building envelopes via a Section 173 agreement. It is considered that DDO14 has no on-going meaningful purpose but will trigger a permit for development of each lot, with nothing to consider for those applications.

Aerial Photograph	
	Boundary of subject land
Existing Clause 43.02 Schedule 14 (DDO14).	Proposed Planning Scheme Overlay Amendment
Part Sample Only. <small>12/07/2012 C76</small> SCHEDULE 14 TO THE DESIGN AND DEVELOPMENT OVERLAY Shown on the planning scheme map as DDO14 . Part 25 Grossmans Road, Torquay 1.0 Design objectives <small>12/07/2012 C76</small> To ensure any future development maintains pedestrian access from Koorunga Place to Grossmans Road. To consider a future connection to the Surf Coast Highway across the adjacent land in the future development of the land. To ensure any future development maintains the amenity of the adjacent retirement village residences. 2.0 Buildings and works <small>12/07/2012 C76</small> Permit requirement A permit is not required for alterations and extensions to an existing dwelling. Any alterations and extensions must comply with the building setback requirements of this Schedule. Requirements Any development of the the land must maintain a public pedestrian access linking Koorunga Place to Grossmans Road via a concrete footpath at a width to the satisfaction of	Delete Clause 43.02 Schedule 14 to the Design and Development Overlay (DDO14).

Correction Item 22


Land Affected: Bimbadeen Drive and Narani Way, Fairhaven.

Type of Proposed Amendment: Planning Scheme Ordinance Amendment.

Owner: Private

Proposed Amendment: Amend Planning Scheme Ordinance to delete Clause 43.04 Schedule 1 to the Development Plan Overlay (DPO1).

Reasons for Amendment: DPO1 is currently redundant as there is sufficient control under the current suite of overlays (NCO1, WMO, ESO5, and DDO10) and S173 agreement. The S173 agreement includes specification of habitation building envelopes, land management and a single dwelling restriction for all lots.

Aerial Photograph	
	Boundary of subject land
Existing Clause 43.04, Schedule 1 to the Development Plan Overlay (DPO1).	Proposed Planning Scheme Amendment
<p>Part Sample Only</p> <p><small>SURF COAST PLANNING SCHEME</small></p> <p><small>100102006</small> <small>VC27</small></p> <p>SCHEDULE 1 TO THE DEVELOPMENT PLAN OVERLAY</p> <p>Shown on the planning scheme map as DPO1</p> <p>LAND AT WYBELLENA DRIVE AND BIMBADEEN DRIVE, FAIRHAVEN</p> <p>The objective of this schedule is to ensure that residential development of the land is undertaken in a manner, layout and intensity consistent with vegetation and landscape values of the land, particularly:</p> <ul style="list-style-type: none">• Substantial retention of existing mature trees,• Rehabilitation and conservation of understorey vegetation indigenous to the site,• Retention of a tree canopy and• Minimisation of adverse visual impact upon the locality, particularly upon views along and across the Paikalak Creek valley. <p><small>1.0</small> <small>100102006</small> <small>VC27</small></p> <p>Requirements for development plan</p> <p>The development plan must show:</p> <ul style="list-style-type: none">• Allocation of land in the Public Conservation and Recreation Zone for public open space of about 2.387 hectares and a retarding basin of about 660 square metres.	<p>Delete Clause 43.04, Schedule 1 to the Development Plan Overlay (DPO1).</p>