



Apollo Bay & Marengo Neighbourhood Character Review

BACKGROUND REPORT

November 2003

288 Brunswick Street Fitzroy | Victoria 3065 | mike@planisphere.com.au | T 9411 4075 | lisa@planisphere.com.au | T 9411 4010

plān i'sphēre [urban strategy planners]

Acknowledgments

Council Officers

The development of the Apollo Bay and Marengo Neighbourhood Character Review was guided by a group of Council officers who met to workshop issues throughout the project. The assistance of the following officers and of the Colac Otway Shire is gratefully acknowledged:

Ron Mildren	General Manager Environment and Planning
Darren Frost	Planning Coordinator
Rob Davis	Major Projects Contractor
Chubb Fadgyas	Planning Consultant
Eddy van Til	Planning Officer
Katy Bright	Planning Officer
Phil Rosevear	Planning Officer
Helen Evans	Planning Officer

Study Team

Lisa Riddle	Co Project Director
Mike Scott	Co Project Director
Claire Scott	Project Coordinator, Workshop Facilitation
Michael Natoli	Project Surveyor, Mapping and Graphics
Bryn Davies	Project Assistant

Planisphere (Urban Strategy Planners)
288 Brunswick Street : Fitzroy : Victoria 3065
p: (03) 9411 4074

Foreword

The brief for this Neighbourhood Character Review was to objectively critique the previous character study prepared for Apollo Bay and Marengo in May 2002, and rework and strengthen the recommendations so that they could be implemented through the Colac Otway Planning Scheme. This involved re-surveying the residentially zoned areas of the townships, describing the characteristics through words and photographs, and producing guidelines, policies and controls to manage the unique character of the coastal towns.

This review sets out the means by which to protect and enhance the valued characteristics of the townships. The success of this review will require collective understanding and concerted action by the Council, local community and developers alike. We present this review as the vehicle for initiating protection, management and enhancement of neighbourhood character within Apollo Bay and Marengo.

Lisa Riddle and Mike Scott
Planisphere
November 2003

Contents

Acknowledgments	iii
Foreword	v
Contents	vi
List of Appendices	vii
1. Brief and Method	1
1.1 Brief	2
1.2 Methodology	3
Study Process Diagram	5
2. Policy Context	7
2.1 State Policies	8
2.2 Council Policies	10
2.3 Other Relevant Documents	13
2.4 Previous Character Study	17
3. What is Neighbourhood Character?	19
3.1 Neighbourhood Character Defined	20
3.2 Neighbourhood Character Principles	22
3.3 Neighbourhood Character Types	24
4. Neighbourhood Character in Apollo Bay and Marengo	29
4.1 Community Values	30
4.2 Detailed Survey	32
4.3 The Character of Apollo Bay & Marengo	33
5. Character Directions for Apollo Bay and Marengo	37
5.1 Preferred Character	38
5.2 Character Guidelines	39
5.3 Key Character Issues	41
6. Implementation	45
6.1 Implementation Context	46
6.2 Considerations	47
6.3 Statutory Options	48
6.4 Directions from DSE & Planning Panels	52
6.5 Recommendations	53
6.6 Use of Overlay Controls	54
6.7 Non-Statutory Options	55
6.8 Neighbourhood Character Amendment	56

List of Appendices

- A. Response to the Brief and DSE Letter
- B. Precinct Issues Papers
- C. Council Officers' Comments Summary
- D. Letter to DSE and DSE Response
- E. Amendment Documentation



1. Brief and Method

1.1 Brief

The Council's key objective was to ensure that the valued character of Apollo Bay and Marengo is retained and enhanced, and that planning tools within the Colac Otway Planning Scheme are used to assist this aim. The Council completed a Neighbourhood Character Study for the townships mid last year, and forwarded the study to the Department of Sustainability and Environment (DSE) for comment. The Council received feedback from the Department officers that outlined a number of concerns with the study's recommendations. The Council wished to resolve these concerns through a review of the work, followed by a planning scheme amendment to implement the review's findings.

Planisphere's response to the brief is included in [Appendix A](#) along with the letter of advice from DSE regarding the previous character study.

Previous Study

The Apollo Bay and Marengo Neighbourhood Character Study was completed by the Colac Otway Shire in May 2002. The study involved community consultation assisted by Dr Ray Green, Head of Landscape Architecture, University of Melbourne. Apart from the depth of the consultation processes, the methodology and outputs closely resembled other neighbourhood character studies undertaken by this firm. There were however important subtle differences, particularly in the development of guidelines and implementation methods.

The previous study process involved undertaking a street by street survey of the township, noting characteristics of the built form and the land use, and taking photographs. This information was collated and eight precincts were identified in the town. For each of these precincts, a description, list of key characteristics, issues and threats, and draft preferred neighbourhood character statement was prepared. A set of draft precinct guidelines were then drafted, containing objectives, design responses and 'avoid' statements. The study report made no definitive recommendations for statutory controls to implement the recommended guidelines, but did append all the relevant tools available in the planning scheme.

DSE Advice

The Council forwarded the previous study to the DSE, seeking advice regarding the implementation of its findings and its suitability for progression to a planning scheme amendment. The DSE provided useful advice in response, and highlighted some issues that are fundamental to achieving approval from the Minister. The three main points contained in their letter were:

1. Overall, standards included in the guidelines are in a prescriptive rather than a performance based format, and that often the link between the prescriptive standard and the objective of the guidelines is not clear.
2. Implementation of the guidelines as drafted would require the introduction of an overlay control that requires a permit for all buildings and works. This is likely to have significant resourcing implications on Council's Statutory Planning Department. There appears no evidence to justify that the character of Apollo Bay is so sensitive to new development that a planning permit is warranted at all times.
3. The study appears not to have been undertaken in the context of an overall housing strategy for Apollo Bay and therefore application of prescriptive standards may have longer term impacts on broader housing objectives for the township.

A summary of the detailed issues raised in relation to the guidelines themselves included:

- Sufficient justification is not provided for certain requirements (eg height limits, roof pitch)
- Density and lot size limits are unlikely to be supported without significant further justification
- Some guidelines appear to repeat other requirements of the planning scheme
- Linkages and relationship to provisions of the State section of the planning scheme and the MSS (including the housing strategy) needs to be articulated
- Some guidelines are possibly impractical and require clarification
- Implementation techniques require consideration.

It is evident from the advice that the DSE would not recommend to the Minister that a planning scheme amendment, prepared solely on the basis of the previous study, be approved. In some cases the recommendations of the study required refinement and clearer direction, and in other cases further supporting information was required to satisfy the Department that adequate research and justification could be provided for the recommendations.

1.2 Methodology

As a result of DSE's concerns with the previous study, a revision of the majority of findings from the previous work was required. It was envisaged that following the review, appropriate implementation techniques could then be developed.

Matters Requiring Review

The detailed matters that were included in the review were:

- Refinement of community comments and preparation of summaries for inclusion on neighbourhood character precinct brochures
- Review of survey material, including on-site check survey to confirm precinct boundaries
- Review of descriptions, preferred future character statements and design guidelines, with rewriting where necessary
- Presentation of this information in Microsoft Word format (black and white with Council logo, no photographs or sketches) 'brochures'
- Preparation of implementation recommendations, with a particular focus on planning scheme controls and policies

The following methodology was adopted to undertake the review of the previous study, and to provide a sound basis for Council to plan for protection and management of neighbourhood character in the future.

Preliminaries

The initial step was to confirm the brief, detailed time lines and approach, and commence the background research, including:

- Review of the project brief
- Preparation of detailed project timetable, including provisional dates for all meetings
- Consultant background briefing session, including review of best practice
- Meet with DSE officers to outline proposed process and clarify issues and concerns with previous work
- Literature review, including review of current planning controls and policies

Review of Previous Study and Community Perceptions Work

Following the preliminaries, a detailed review was undertaken of the previous Apollo Bay and Marengo Character Study. A summary of the review is contained in [Chapter 2](#) of this report. Ray Green's community perceptions work was also reviewed in detail, providing an understanding of the community's values and aspirations for the townships. This is discussed in detail in [Chapter 4](#).

Check Survey and Mapping

The survey data collected as part of the previous study was reviewed and checked through field work and photographs. New mapping work was undertaken and neighbourhood character precinct boundaries were confirmed or revised as appropriate. More information about the survey can be found in [section 4.2](#) of this report.

Revision of Precinct Descriptions and Preparation of Issues Papers

The description and key existing characteristics of each neighbourhood character precinct were reviewed and refined as necessary and presented in the form of 'precinct issues papers'. The issues papers also contained 'preferred future character statements' and identified threats to neighbourhood character in each area. The issues papers were presented to Council officers for review, and workshopped, before they were finalised. The precinct issues papers are contained in [Appendix B](#). The method for preparation of the issues papers is described in more detail in [section 5.1](#) of this report.

Preparation of Design Guidelines

The guidelines were framed in direct response to any mismatch identified between the threats to a precinct's character and the preferred future character of that area. The guidelines were communicated through precinct brochures and workshopped with Council officers before finalisation. The advantage of the 'precinct brochure' approach is that the information for one area is all together in one hand-out, in a clear and easy to read format. The precinct brochures include photographs, a map, preferred future character statement and guidelines (more information in [section 5.2](#)).

Preparation of Implementation Recommendations

Options for statutory implementation mechanisms to protect neighbourhood character including local policy and overlay controls were prepared and presented to Council officers and Councillors at a briefing meeting on 9 October 2003. An important aspect of this task was to apply a *discriminating* approach to statutory implementation. Following discussion at the October meeting, and an additional meeting with Council officers of Colac Otway and Surf Coast Shires and Colac Otway Councillors, final implementation measures were prepared. These were as recommended by Planisphere, with an additional 'development density policy' as requested by Councillors. This issue is discussed further in [Chapter 6](#).

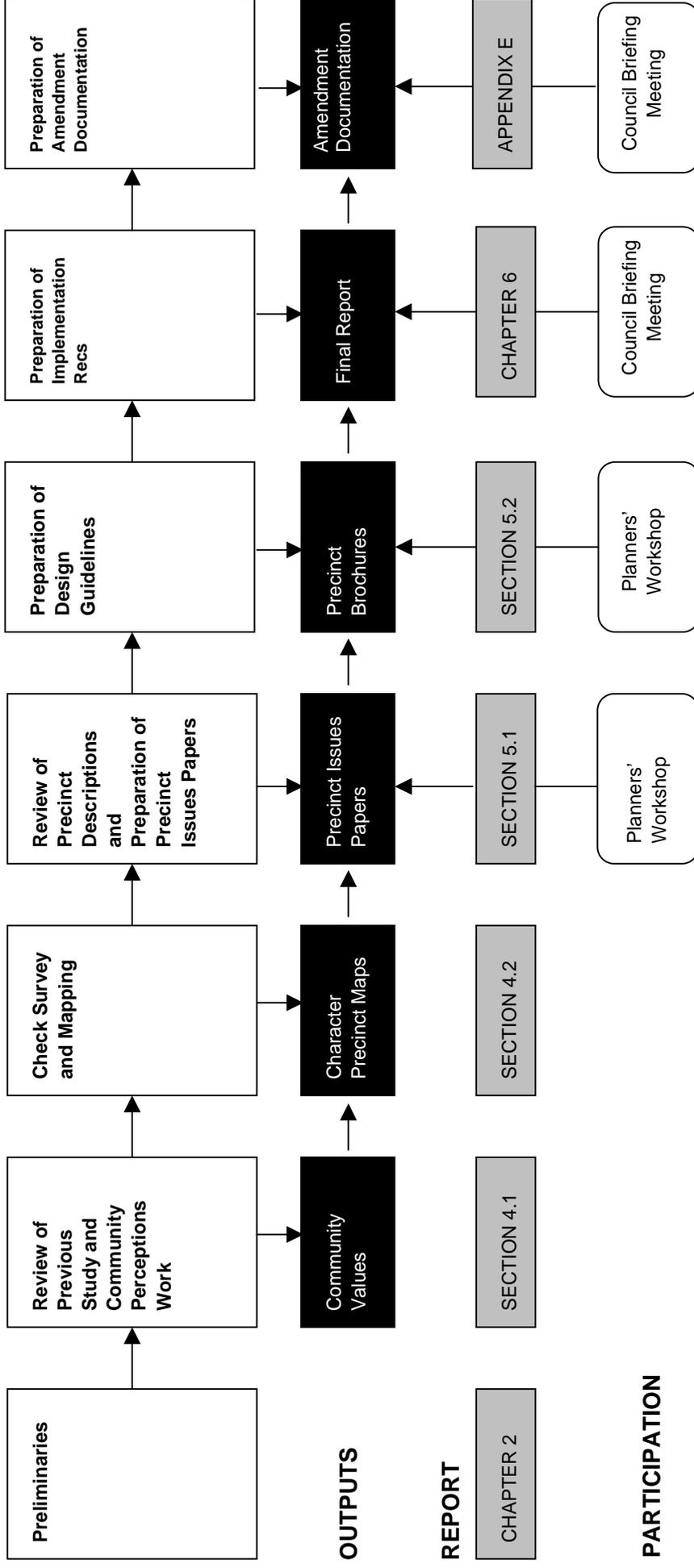
Preparation of Amendment Documentation

Amendment documentation was then prepared and presented to a Council briefing meeting on 12 November 2003. The amendment documentation was accepted, with one addition requested by Councillors being a 'plot ratio' clause. Again, [Chapter 6](#) contains full details.

The study methodology is summarised in the diagram on the following page.

Study Process Diagram

TASKS





2. Policy Context

2.1 State Policies

State Planning Policy Framework

The State Planning Policy Framework (SPPF) comprises of a statement of general principles for land use and development planning, and specific policies dealing with sectoral issues. Planning and responsible authorities must take into account and give effect to both the general principles and the specific policies applicable to issues before them to ensure integrated decision-making.

In Clause 13 Settlement, the SPPF states the following issue as being of relevance to neighbourhood character:

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to recognise the need for, and as far as practicable contribute towards:

- Health and safety.
- Diversity of choice.
- Adaptation in response to changing technology.
- Economic viability.
- A high standard of urban design and amenity.
- Energy efficiency.
- Prevention of pollution to land, water and air.
- Protection of environmentally sensitive areas and natural resources.
- Accessibility.
- Land use and transport integration.

Under the Settlement section, Clause 14.01 Planning for Urban Settlement, one of the objectives is:

To facilitate the orderly development of urban areas.

At Clause 14.01-2 General Implementation the SPPF states that:

In planning for urban growth, planning authorities should encourage consolidation of existing urban areas while respecting neighbourhood character.

Under the Housing section, the objectives in relation to medium density housing as outlined in Clause 16.02-1 are:

To encourage the development of well-designed medium-density housing which:

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

Clause 19.03 of the SPPF includes the following objectives in relation to Design and Built Form:

To achieve high quality urban design and architecture that:

- Reflects the particular characteristics, aspirations and cultural identity of the community.
- Enhances livability, diversity, amenity and safety of the public realm.
- Promotes attractiveness of towns and cities within the broader strategic contexts.

Clause 19.03-2 General Implementation states that:

Development should 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.

ResCode

Before the introduction of the Victorian State Government's new residential provisions, collectively known as ResCode, character studies either aimed at

introducing local variations to the Good Design Guide, or they made use of other planning mechanisms available in the VPPs (Victoria Planning Provisions). Local variations proved to be difficult to achieve, and their potential seemed to have limited effectiveness compared to other mechanisms, which include:

- Local Policy (including additions to the Municipal Strategic Statement)
- Overlay Controls (eg Design & Development Overlay, Vegetation Protection Overlay)

The introduction of ResCode has meant that neighbourhood character is now the mandatory starting point in the assessment of planning applications. ResCode offers a selection of tools that provide progressive levels of protection for neighbourhood character. These tools can enable protection of existing character or encouragement of a preferred neighbourhood character determined by Council. The introduction of these tools into Councils' Planning Schemes requires a proper amendment process. The ResCode tools for the protection of neighbourhood character are as follows.

Standards and Zone Provisions

The standards and zone provisions in ResCode provide a greater emphasis on neighbourhood character than the Good Design Guide where neighbourhood character was only one of many elements with equal weight. Where ResCode states that neighbourhood character should be respected (or similar expressions), this provides a clear opening for the responsible authority to refer to the guidelines and policies of a properly prepared character study. References of this type are strong and frequent, and there is also a clear neighbourhood character objective in relevant residential zones.

Local Planning Policies

In addition, the decision guidelines in the relevant clauses of the VPPs state that the responsible authority *must* consider '...the Local Planning Policy Framework including the Municipal Strategic Statement and local planning policies'. This means that, if character policies are properly incorporated into the Planning Scheme, as is proposed with this study, those policies carry considerable weight not only with Councils but also at the Victorian Civil and Administrative Tribunal (VCAT).

Schedules to the Zones

Councils are now able to add a schedule to a residential zone varying the following standards:

- Street setback
- Building height
- Site coverage
- Side and rear setbacks
- Private open space
- Front fence height

However a limitation on the usefulness of this mechanism, from the neighbourhood character perspective, is that it can only apply in the relevant residential zone throughout an entire municipality.

Permits for Single Dwellings

Councils can vary the minimum lot size that triggers the need for a planning permit for construction of a single dwelling. Size, siting, and in some cases design, of single dwellings can be a neighbourhood character issue. However, once again this provision can only apply in the relevant residential zone throughout an entire municipality.

Neighbourhood Character Overlay

The Neighbourhood Character Overlay (NCO) has been heralded as the most specific and effective tool for applying neighbourhood character policy. The permit requirements are comprehensive and can include demolition, tree removal and front

fences as well as all buildings and works. This is the mechanism preferred by the Department of Sustainability and Environment for implementing a character study *where an overlay control is justified*. It is clear that NCOs will only be allowed over confined and specific areas. They will not be able to apply across an entire municipality.

While this mechanism provides a useful additional neighbourhood character control tool, it has limitations because its permit requirements are so extensive. The overlay requires a permit for all buildings and works, and only dwelling outbuildings and swimming pools may be exempt from this requirement. It is not possible to exempt certain types of development, for example, all buildings under a certain height or buildings with low site coverage. This may be considered an advantage in certain circumstances, but clearly precludes the use of the overlay over extensive areas of the Shire due to the administrative burden and the onerous permit requirements imposed on landowners. It requires discriminating application and is designed for this purpose.

This matter of the most appropriate planning tools for the implementation of the recommendations of this character review is discussed in more detail in [Chapter 6](#) of this report.

2.2 Council Policies

There are various sections of the Local Planning Policy Framework within the Colac Otway Planning Scheme, including local policies, which may impact upon the project. A description of each relevant section and its implications follows.

Existing Municipal Strategic Statement

The Municipal Strategic Statement (MSS) is part of the planning scheme and establishes the strategic planning framework for the Shire. It is a concise statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving the objectives. The statement provides the strategic basis for the application of the zones, overlays and particular provisions in the planning scheme and decision making by the Council.

Council has recently exhibited a new Municipal Strategic Statement, following a review of the existing MSS in August 2002. The following discussion relates to the current MSS. A more detailed review of the draft proposed MSS immediately follows.

The current MSS provides an environmental, social and economic profile of the Colac Otway Shire and describes the state and regional context of the Shire, including the setting of Apollo Bay and Marengo. It details objectives and strategies for, among others:

- The coast and environs: to protect visual, environmental and cultural features of the coast and environs in an environmentally sensitive way whilst providing greater residential choice.
- Settlement patterns and rural living: to enhance Apollo Bay as a key settlement of the Shire without detracting from environmental qualities.
- Apollo Bay township: to develop Apollo Bay as an attractive residential community which provides high quality environment as a significant tourist centre.

The MSS sets the agenda for ensuring that new development makes a positive contribution to the character of Apollo Bay and Marengo and outlines a range of implementation mechanisms for the outlined objectives and strategies.

Implications for this Review

A review of the existing MSS has been provided mainly for completeness and comparison with the exhibited MSS. Though the existing MSS contains a clause (21.04-10) dedicated to the township of Apollo Bay, there is no reference to Marengo and the objectives and strategies are primarily land use and tourism based. If this

MSS were to remain in the planning scheme, it would require strengthening in terms of protecting and managing the township character of Apollo Bay and Marengo.

Exhibited Municipal Strategic Statement

The recently exhibited MSS is more comprehensive than the existing MSS and contains an entire 'Settlement' clause (21.04-03) dedicated to Apollo Bay and Marengo. This section contains strategies, including:

- Require any development of the harbour and/or surrounds to be of a size, scale, character and form which complements Apollo Bay's existing built form.
- Limit further subdivision and development on the foothills surrounding Apollo Bay.

The 'Housing' section of the MSS (clause 21.04-7) identifies Colac and Apollo Bay/Marengo as the two major residential centres in the Shire. It contains the following objectives relating to township character:

- To improve the quality of the Shire's urban areas and townships by protecting and improving their character.
- To provide a diversity of residential accommodation across the Shire consistent with the housing needs of the residential community and visitors and the valued neighbourhood characteristics of identified areas.
- To provide for reasonable view sharing in coastal areas, sloping areas and where appropriate in environmentally significant areas.

Strategies that are outlined to achieve these objectives include:

- Protect local areas that have a distinguishing, identified and valued character.
- Encourage and support medium density housing in Apollo Bay/Marengo in accordance with the recommendations of the Neighbourhood Character Study.
- Maintain the low visual profile village character for Apollo Bay/Marengo by encouraging development to 8 metres or less in height.

Other actions identified introducing a building height 'trigger' in the planning scheme, following completion of the character study. The Apollo Bay/Marengo Neighbourhood Character Study, 2003, is also referenced in this clause (presumably in advance).

The 'Economic Development' section of the MSS (clause 21.04-08) includes the following strategy, which is relevant to the townships of Apollo Bay and Marengo, and particularly those residential areas adjacent to the Great Ocean Road:

- Protect the visual qualities of the Great Ocean Road and its adjoining coastal and rural landscapes...

Implications for this Review

It is considered that the exhibited MSS contains adequate objectives, strategies and actions relating to the protection and management of the character of Apollo Bay and Marengo. Therefore, no further amendments to the MSS are envisaged as a result of this review. The issue of view sharing in coastal areas is considered and actioned as part of the review, and the provision of a height limit 'trigger' of 7.5 metres is also proposed via the Design and Development Overlay (DDO) as part of the study. The reference to a maximum height of 8 metres in the exhibited MSS, without strategic justification or an appropriate planning scheme mechanism, may not be supported by DSE; and it is unclear where the strategy to "support medium density housing" is contained in either the former character study or the current review. This statement also appears to conflict with the requests of the Councillors to include minimum lot sizes, dwelling densities and a plot ratio clause in the character study review amendment documentation.

Local Policies

The Colac Otway Planning Scheme contains a range of Local Policies related to the management of use and development within the Shire. Three of these have some relevance to the Neighbourhood Character Review:

- 22.01 Main Roads and Scenic Routes Policy
- 22.03 Tourism Development – Apollo Bay Harbour Precinct Policy
- 22.05 Coastal and Otway Ranges Townships Policy

Main Roads and Scenic Routes Policy

The Main Roads and Scenic Routes Policy applies to two roads in Apollo Bay and Marengo, the Great Ocean Road and the Forrest-Apollo Bay Road. The Policy reflects the Councils desire to protect the amenity, heritage and landscape values of scenic routes to and enhance the Shire's tourism attractiveness. Among other things, the policy aims to ensure a high level of visual amenity is achieved by blending development into the environs. The policy states that the following factors should be taken into account in assessing applications for use or development along these roads:

- Buildings and works (including special setback provisions for the Great Ocean Road)
- Building materials
- Landscaping

Implications for this Review

The neighbourhood character review is consistent with the desire to maintain the character, landscape and heritage values of the two routes, and acknowledges the importance of the Great Ocean Road. The review recognises the contribution that the location of buildings and works, building materials and landscaping make to the character of Apollo Bay and Marengo, and therefore their contribution to the scenic routes. In addition, the review further refines character elements to include:

- Landscape setting
- Views
- Building form and materials
- Building spacing
- Frontage treatments

Tourism Development – Apollo Bay Harbour Precinct Policy

The Tourism Development – Apollo Bay Harbour Precinct Policy also has some relevance as it applies to part of the Residential 1 Zone of Apollo Bay. This policy aims to ensure that major tourism developments take into account the visual qualities of adjacent (including residential) areas and that their design and quality of landscaping add to the visual attributes of the area. The policy includes the same 2 storey or 8 metres height and 50% site coverage 'limits' as per the Coastal and Otway Ranges Townships Policy.

Implications for this Review

The design guidelines that have been prepared as part of this review do not conflict with the intention of this local policy, and provide additional detail and decision making tools. Again, the height and site coverage 'limits' in the policy are ineffective unless a planning permit is required.

Coastal and Otway Ranges Townships Policy

The Coastal and Otway Ranges Townships Policy applies to all land located within Apollo Bay, Marengo, townships included in the Residential 1, Township, Low Density Residential, Business 1, Business 2, Business 4 and Industrial 1 Zones. The policy aims to build on the MSS, which identifies the importance of protecting the character of the Otway Coast townships. It details a number of matters to be taken into account when considering applications to use and develop land within Apollo Bay/Marengo, including:

- Design of buildings
- Building height
- Site coverage
- Roof form
- External building appearance

- Landscaping

In relation to building height, the policy states that new development of more than 2 storeys or 8 metres in height will be discouraged, along with building site coverage of more than 50%.

Implications for this Review

The neighbourhood character review is consistent with the aims of this policy to maintain the character of coastal townships. However, the existing policy relies on some outdated neighbourhood character work and policy statements which may no longer be relevant for application in the study area. Further, the height and site coverage 'limits' in the policy are ineffective unless a planning permit is required. The neighbourhood character review will provide alternative policy statements and design guidelines for matters to be taken into account when assessing applications for use or development in the residential areas of Apollo Bay and Marengo. Also, the DDO height 'trigger' and new design guidelines will be more effective and defensible planning tools for use in the decision making process. It is recommended that this policy be reviewed in light of the most recent character study work.

2.3 Other Relevant Documents

Local Studies, Policies and Strategies

The following Council policies and strategies provided useful background information for the current study and were also reviewed. Where relevant, the implications for this review are noted and discussed. Otherwise, it is considered that the findings of the review are consistent with the content of the document, with no direct implications.

Apollo Bay – The South East Precinct, 1997

This study is a reference document in the recently exhibited MSS, and provides a framework for the development of Apollo Bay's south east precinct as a tourism feature of Apollo Bay. It provides a concept plan for commercial development in the precinct and aims to ensure the harbour is visually linked to the existing commercial and residential parts of Apollo Bay.

'Pride of Place' Colac Otway Heritage Study Stage One, 1998

Reviews the European history and heritage of Colac Otway Shire including exploration, contact, settling, transport and the development of towns, among others. The study lists sites of potential heritage significance including 23 in Apollo Bay/Marengo and recommends further work be undertaken.

Colac Otway Strategic Development Master Plan, 2001

The Apollo Bay Structure Plan forms part of the Colac Otway Strategic Development Master Plan, and provides a planning framework for the development of Apollo Bay and Marengo. The Structure Plan:

- Briefly outlines the existing residential context of Apollo Bay/Marengo and identifies some basic character features.
- Describes existing zoning and planning scheme arrangements.
- Presents a vision for how Apollo Bay and Marengo should grow and develop into the future:

... a coastal settlement having a seaside-village character, and providing a mix of permanent and tourist accommodation which is well designed and located in a manner which respects the

environmental attributes and character of the towns location between the ocean and the foothills of the Otway Ranges.

- Describes a residential action plan with the objective of providing a direction and structure for the future residential growth of Apollo Bay, and strategic actions including providing for neighbourhood character protection.
- Outlines Urban Character Principles for Apollo Bay based largely on its setting, streetscapes, recreation opportunities and tourism and cultural heritage values.
- Defines Apollo Bay 'Gateway Precincts' to address the presentation of the southern and northern approaches to Apollo Bay.

The 'Residential Action Plan' contains strategies and actions including restricting development to a maximum height of 2 storeys or 8 metres, and developing local variations to the former Good Design Guide and VicCode 1. Another action includes providing additional low density residential or rural residential opportunities in the township. The Strategic Development Master Plan is a reference document in the recently exhibited MSS.

Implications for this Review

This document, and the Apollo Bay Structure Plan component in particular, does not conflict directly with the findings of the Character Study Review. However some parts of the document are now outdated, and will need reconsidering in light of the recently released Great Ocean Road Region Draft Strategy, and the Landscape Assessment Study part of that Strategy. The height limit contained in the document is reflected in the Local Planning Policy Framework of the Colac Otway Planning Scheme, and the recently exhibited MSS. However, it is considered that the 'DDO height trigger' recommended as part of this review is a more appropriate mechanism.

Regional Studies, Policies and Strategies

The following regional studies, policies and strategies also provide useful contextual information for the character study review. Again, where the implications for this review are not discussed, it is accepted that the document is consistent with the findings and outputs of the review and will not conflict with its conclusions.

Historic Places: Special Investigation South-western Victoria Final Recommendations, 1997

Provides recommendations to the Council for the protection, management and future use of 700 historic places and assigns them a state, regional or local level of significance. It covers historic places on public land in south-western Victoria, and recommends that a survey be undertaken to identify, document and assess the cultural landscapes of the region.

Coastal and Marine Planning Program, South West Victoria Coastal Planning Scheme Review, July 2001

Provides a review of planning schemes in place within the south western Victorian coastal region. It reviews existing statutory planning processes for the coastal zone in relation to the treatment of marine and coastal issues at a local and regional strategic level, the controls used, and the ability of councils to effectively utilise available planning tools. Amendments are proposed to improve consistency across the region.

Great Ocean Road Region (Draft Strategy), October 2003

The draft strategy is a 20 year land use and transport plan for managing growth and change across the Great Ocean Road Region, which extends from Torquay to Warrnambool, and inland to the Princes Highway. The strategy is built around four key directions, being environment, settlement, access and prosperity. In relation to

the key theme of settlement, policies relevant to the character of Apollo Bay and Marengo include:

- Direct urban growth to townships where it can be accommodated (policy 2.1).
- Protect the character of coastal towns and promote best practice design for new development (policy 2.2).
- Protect the open areas between towns (policy 2.4).

Apollo Bay is identified in the draft strategy, along with Warrnambool and Torquay, as a coastal settlement with the capacity for growth beyond its boundaries. The initiatives arising from this conclusion include:

- Develop Apollo Bay as a preferred coastal township for residential and visitor accommodation growth and community services (2.1.2)
- Work with council to facilitate the development of the structure plan for Apollo Bay to take into account the density, township boundary form, provision and timing of infrastructure servicing (2.1.3).

Implications for this Review

While a significant amount of further strategic work is required before the vision for the growth of Apollo Bay is realised, the findings and outputs of the character study review (as recommended by Planisphere) will not compromise this objective. While a DDO is proposed for the majority of the township, this is to ensure that development over 7.5 metres is well designed and articulated, rather than introducing a high 'limit' as such. In addition, the DDO trigger is not proposed for the character precinct located adjacent to the town centre, where development is expected to be of a higher density and form than other 'outer' residential areas.

Great Ocean Road Region Landscape Assessment Study, 2003

Planisphere has recently completed a Landscape Assessment Study of the Great Ocean Road Region. The study was undertaken for the DSE concurrently with the draft strategy as described above, and informed its recommendations regarding landscape character and the protection of landscape values. The Landscape Assessment Study devised a methodology for assessing the character of landscapes and the way in which various types of development can be managed in different landscape types.

The study places the townships of Apollo Bay and Marengo within landscape character precinct 2.4 'Apollo Bay Coastal Valleys and Hills' within the 'Otway Foothills, Valleys and Uplands' landscape type. Precinct 2.4 Apollo Bay Coastal Valleys and Hills is described as:

... characterised by a backdrop of tall, steep rugged hills, at the foot of which is gently rolling land, sloping down to the coast. The wide sandy beach at Apollo Bay curves around to Wild Dog Creek, with grassy dunes and low bluffs behind. The hills that encase the precinct are predominantly cleared with some remnant shrubby foothill and riparian forest vegetation. Numerous rivers and creeks incise the hills and run to the bay, which is vegetated with remnant coastal heathland scrub. This largely open, cleared precinct is surrounded by dense, wet eucalypt forest, providing a stark character contrast.

The distinctive qualities and landscape significance of the precinct are also discussed in the study:

... distinctive as a location where a number of different landscape elements intersect in a dramatic manner: low sea coast, bayside townships, topographic edge of the Otway Ranges sweeping down to the narrow coastal strip, edge of the forest, and the incised, vegetated creek valleys. The edges and inter-relationships between these elements create a landscape setting of national significance.

The study recommends that the dramatic intersection of landscape 'edges' within the precinct should be retained and protected, and could be further emphasised by increasing indigenous planting for subtle emphasis. It is also recommended that development and inappropriate development on hill faces should be checked, and that township edges have the potential to be further defined.

The following landscape objectives were determined for the precinct:

- To increase the use of indigenous vegetation to highlight natural features within the precinct.
- To retain the contrasts between landscape elements within the precinct.
- To ensure that development that occurs on hill faces or in other prominent locations is not highly visible.
- To minimise the visual impact of signage and other infrastructure, particularly in coastal areas, hill faces and ridges.
- To protect the clear, sweeping views to the ocean available from the precinct.
- To retain the dominance of an indigenous natural landscape in coastal areas, between townships, particularly from the Great Ocean Road.

In relation to the townships of Apollo Bay and Marengo themselves, the following ‘thumb nail’ descriptions of their relationship with the surrounding landscape are provided:

Apollo Bay is the largest settlement within the Precinct and occurs in an open setting at the base of the cleared hills, with a frontage to the beach. The older part of the township is set on a modified grid, with new subdivision on the fringes being developed in cul-de-sac forms. A mix of building types and styles exist, with older dwellings tending to be modest and small scale, and newer development being more colourful and largely two storey. The majority of built form could be described as light-weight, being constructed of timber, fibro or corrugated iron. Vegetation is sparse and low level, with some large cypresses featuring along the Great Ocean Road foreshore. The form of the landscape, particularly the bold, cleared hills, provides a dramatic backdrop to the town.

Marengo is a residential settlement located on Mounts Bay and is separated from the township of Apollo Bay by the Barham River. The flood plain of the river is a landscape feature of the township. Marengo is more recently developed than other settlements in the Precinct, with much of the built form being constructed of heavier materials such as brick veneer. The layout of the town is centred on the Great Ocean Road, with some excavation and exposed development occurring on the hill faces.

One of the products of the study is a ‘Municipal Toolkit’ for the Shire of Colac Otway, which outlines the landscape character issues particular to the Shire and provides recommendations as to how the study can be implemented through the Colac Otway Planning Scheme. One of the key recommendations of the study is that the Significant Landscape Overlay be utilised for all private land in Precinct 2.4, excluding the ‘urban zoned’ areas of the townships.

Implications for this Review

The Great Ocean Road Region work provided an invaluable landscape analysis within which to develop the neighbourhood character objectives for the residential parts of Apollo Bay and Marengo. The findings and recommendations of the Landscape Assessment Study are totally compatible with the more detailed township character outputs, produced as part of this review.

Statewide Studies, Policies and Strategies

The following state level studies provided further background information for the review.

Landscape Setting Types for the Victorian Coast, 1998

This document identifies significant features and characteristics of various sections of the coast and defines 34 ‘landscape setting types’. The definition of the landscape setting types was based on a number of criteria, including the nature and extent of the natural systems (geomorphology etc), cultural influences and impacts, and ‘landscape character’ (climatic, experiential, visual and spiritual).

Siting and Design Guidelines for Structures on the Victorian Coast, 1998

To be read in conjunction with Landscape Setting Types for the Victorian Coast, this document contains functional, cultural and aesthetic, and ecological guidelines for designing and siting structures in a coastal setting. The cultural and aesthetic guidelines deal with the impact of structures on landscape character.

Victorian Coastal Strategy, 2002

Sets out principles, objectives and actions for the planning and management of the Victorian coast. The document is based on a commitment to ecologically sustainable development and also includes some broad information on demographic trends and the economic value of the coast.

Sense of Place: urban design principles for the metropolitan strategy, 2002

Suggests how sense of place can be better reflected in planning policies in the Metropolitan Strategy. Includes a description of landscape character types in Victoria, why that landscape is valued and outlines principles for development within the varying landscape character types. The report highlights that the underlying landscape character of an area is fundamental to its sense of place.

2.4 Previous Character Study

Issues

Our review of the previous Apollo Bay and Marengo Neighbourhood Character Study identified that, while the basic methodology is sound and thorough, the primary flaw in this study is its focus upon housing type and land use, rather than the building form. The neighbourhood character provisions of ResCode are designed to require consideration of the way buildings are located on the lot, designed, and sited within the landscape and vegetation. They are not designed to provide an avenue for density requirements or minimum lot sizes. The advice from the DSE is now clear that these provisions, and any others that are aimed at subverting the requirements of ResCode, without use of the various specific tools available, will fail to gain approval from the Minister.

Specifically, our review of the previous study highlighted the following concerns:

- Refinement of community comments is required to isolate concerns regarding the built form, as opposed to land use or housing type issues. There needs to be a demonstrable nexus between community concern about building form and the proposed guidelines.
- The relationship between the proposed guidelines and the State section and the Council's MSS needs to be explained and clarified.
- The design outcomes and objectives need to be clearly articulated and set within a context. The Landscape Assessment Study undertaken for the Great Ocean Road Region assists in providing this broader context, and provides a detailed understanding of the relationship of the town to the surrounding landscape.
- The linkages between a strategic vision for the built form of Apollo Bay and the performance objectives of the guidelines needs to be established in order to demonstrate the performance based approach of the guidelines.
- The precinct guidelines should not make reference to density or lot size provisions, unless an appropriate overlay can be justified. As stated by the DSE in its letter, it is unlikely that such an overlay would be justifiable for the whole

township. There are other mechanisms that can often address the underlying issues surrounding density issues and these should be explored.

- The manner in which the guidelines, and in particular the 'design responses' are going to be used in the assessment of planning applications needs to be explained and understood by all parties in order to de-emphasise the potentially prescriptive appearance of the guidelines.
- The report does not detail the planning scheme provisions proposed to implement the recommendations. Consideration of the implementation tools available in the VPPs should underpin the development and thus the recommendations of the study.

These flaws were not insurmountable, however, and much of the initial research and survey work provided a sound basis upon which to refine the recommendations.

Implications for this Review

Panels and the DSE require a clearly articulated study that provides linkages between the broad strategy and built form vision for the townships, the control mechanisms chosen and the detailed guidelines. A logical and transparent document is required that inherently has regard for these wider issues, as well as details such as appropriate language and control context.



3. What is Neighbourhood Character?

3.1 Neighbourhood Character Defined

In December 2001 the former Department of Infrastructure published a General Practice Note titled 'Understanding Neighbourhood Character'. Although the Note contains useful information, it fails to provide a single, all-encompassing definition of neighbourhood character. The nearest it comes to a succinct definition is: 'neighbourhood character is essentially the combination of the public and private realms'. The large number of matters it suggests as relevant tend to obscure, rather than illuminate, the essence of neighbourhood character. Yet there have been useful previous statements on this subject, either auspiced by the former Department of Infrastructure, or produced by independent Panels.

A more succinct and encompassing definition was included in the Draft Practice Note on Neighbourhood Character published in June 2000 as part of the first draft of ResCode:

Neighbourhood character is the interplay of natural, built, social, cultural and economic conditions that make one place different from another.

This definition is helpful, but it has a number of shortcomings:

- It fails to focus precisely onto the meaning of neighbourhood character that is reflected in tools provided in the Victoria Planning Provisions (VPPs).
- It omits the adjective 'qualitative' in using the term 'interplay'.
- It makes no reference to the 'combination of the public and private realms' in the current Practice Note

It is true that people attribute widely differing meanings to the term 'neighbourhood character'. For many, character is about the people who live in the area; for others it is broad attributes of the area, such as closeness to shops or transport, how much open space or traffic there is. Because this character study review has been commissioned to provide planning scheme policies and controls, it needs to be focussed on the physical planning outcomes that are capable of being influenced by planning scheme tools. Fundamentally we are aiming to answer the question: how do buildings and landscape interact? Built form, vegetation and topographical characteristics are the physical manifestation of neighbourhood character addressed in the VPPs. The Good Design Guide used these terms in defining neighbourhood character.

The term 'interplay' in the former Practice Note comes from the 1998 Advisory Committee report on the City of Monash neighbourhood character 'local variations' amendment, which coined the phrase 'qualitative interplay'. Qualitative interplay refers to the way that the main distinctive components of an area's character combine to produce a particular sense of place. This concept carries important implications:

- Neighbourhood character needs to be described in a written character statement; it is insufficient to simply produce a catalogue or list of characteristics.
- Character statements must be skilfully written to describe the synthesis of qualities that make one area distinct from another.
- Character statements should make clear which characteristics are most important, and the manner in which they relate to each other.

The term 'qualitative interplay' transcends 'private and public domains', as the Monash report emphasises. The character of buildings and their grounds cannot be divorced from the character of the street scene in which they sit. For example, in the inner suburbs of Melbourne buildings often present as solid 'walls' to the street, producing a hard, urban character. In some landscape-dominated areas on the urban fringe, natural bush vegetation flows across private property and public domain alike, only stopping at the edge of the roadway. Clearing all the trees on a private allotment would completely change the character of this type of area. So would the

construction of kerb, channel and footpath, or planting of street trees of an incompatible species or in a formal pattern.

Therefore, in summary, neighbourhood character is a synthesis of public and private domain characteristics, as listed in the provisions of ResCode. It is the qualitative interplay between those characteristics that make a place, town or neighbourhood distinctive. Some characteristics are more important than others in creating this distinctive character.

Surveying all characteristics, then listing the 'key' characteristics, is a useful analytical tool. However a written statement that explains the interplay of the character components is necessary to properly describe, assess and evaluate the character of a particular area.

The following definition of neighbourhood character, used by a former Department of Infrastructure working party into neighbourhood character that met in late 1999, seems to us to accommodate all of these requirements. It forms the basis of the work undertaken in this Neighbourhood Character Study Review:

Neighbourhood character is the qualitative interplay of built form, vegetation and topographic characteristics, in both the private and public domains, that make one place different from another.

Focussing on ResCode

In many areas, building type, era and spacing, the proportions and combined appearance of the 'walls' and 'floor' of the street space, and the amount and type of vegetation, are the critical determinants of the area's character. How the buildings 'sit' in their landscape is critical. Vegetation includes street trees, front garden vegetation, and canopy trees in rear yards and public reserves forming a back drop. Critical elements of the 'walls' and 'floor' of the street space are: the height, permeability and profile of the 'walls'; the depth of front setbacks, type of garden (eg lawn and roses, shrubs and trees, or an apparent continuation of the streetspace planting), presence and permeability of front fence; and the formality (or otherwise) of the street space.

Other character components can include traffic, noise, type of activity and demographic characteristics. Members of the public often cite these as important characteristics of their neighbourhood. People often raise amenity issues such as access to open space in character consultation sessions. All of these can be argued to be an essential part of an area's character.

The important question in each case is: *how relevant is this to the task in hand?* In preparing policy and controls for implementation through the planning scheme, then the focus of the study needs to be on elements that are mentioned in ResCode provisions and can therefore be influenced by the appropriate planning controls. Many of these elements can be addressed through other mechanisms such as social development strategies or public awareness campaigns that are outside the scope of planning schemes.

Neighbourhood Character is Not

The differentiation between different types of character area is not simply a question of architectural style or era of development. Neighbourhood character is founded on the layout and form of the areas, and the way that the built form interacts with and relates to the landscape. These factors should be the basis for the application of neighbourhood character policies. Neighbourhood character is not about the imposition of design styles. Rather it should be about recognising the distinctive characteristics of different urban forms, and their relationship to topography and vegetation. Getting this right is the best way of maintaining and enhancing the sense of place of the central region's residential areas.

Nor is neighbourhood character about the amenity of adjoining properties or dwelling densities as such, although it has implications for both of these issues. In practical

terms it does not, however, dictate planning controls for either. For example, some of the recommended guidelines contained in the precinct brochures with regard to spaciousness between dwellings in a precinct or streetscape, may require that new buildings should be setback from both side boundaries. This may reduce the amount or number of buildings that can be accommodated on a site, and may also reduce potential amenity impacts from overlooking and overshadowing of adjoining properties. Front setback controls may also have a similar effect in some instances. These are secondary outcomes of the neighbourhood character guidelines, and while not the primary intent, may reduce community concerns about other aspects of new development.

Nor is character about density controls. ResCode makes no provision for density controls, and it is not considered that any policy that proposed density maximums or medium density housing saturation levels would be supported by the Department of Sustainability and Environment. ResCode has more extensive provisions relating to amenity issues and it is likely that once these provisions become more widely implemented many amenity concerns will be reduced.

3.2 Neighbourhood Character Principles

The following principles of neighbourhood character were prepared by a former Department of Infrastructure working party into neighbourhood character that met in late 1999. They were included in the Draft Practice Note on Neighbourhood Character published in June 2000 as part of the first draft of ResCode. These form the basis of the process and content of the work undertaken for the Apollo Bay and Marengo Neighbourhood Character Review. The principles are:

Community Values

The values of the local community are part of determining the appropriate response to neighbourhood character. Planning controls that aim to protect, change or improve character must draw on professional and community views.

The community should be involved in identifying the neighbourhood character measures appropriate to their area. Professionals assist in developing and translating these ideas into techniques to manage design.

Physical Focus

Character, in its broadest sense, can include environmental, social and economic factors, but the planning system is concerned with managing the physical evidence of character and related social impacts.

The planning system is primarily focussed on achieving a wide range of objectives through the physical environment. Character is not concerned only with the private domain, as much of neighbourhood character is manifested in the public street space. However, some character issues are related to social outcomes or impacts. eg The height of front fences is a town planning issue with character implications that may be physical (does a high fence contribute positively to the 'look' of the area?) and social (how do high fences affect social interaction?).

Special Qualities of an Area

All areas have a character that can be described, evaluated and, in many cases, improved. In some areas protection of particular qualities may be warranted; but there is no distinction between areas of special character and 'the rest'.

The aim in placing greater priority on character is to improve the quality of the environment throughout Victoria's residential areas, not just in retaining or improving a few select 'special' areas that already have high amenity values. For this reason, a neighbourhood character is equally relevant everywhere. Planning controls should aim to protect identified distinctive and valued elements.

Interaction Between Elements of Character

Character is about the interrelationships between various elements of an area, and so cannot be described or evaluated by considering individual elements in isolation.

Design responses need to consider the whole picture of a neighbourhood, rather than focussing upon one or two elements of the building form or siting.

Neighbourhood Character and Other Planning Policies

State and Council policies provide the rationale for decisions about whether to protect, change or improve the neighbourhood character of an area. Area-specific controls should be developed in the light of these strategic directions.

A Council's Residential Development or Housing Strategy (as expressed in its Municipal Strategic Statement) may provide guidance about priorities in any particular area.

Preferred Character

Neighbourhood character descriptions and evaluations should focus on the preferred character of an area.

Descriptions of existing characteristics are an important part of the process of identifying the 'starting point', but the desired character needs to be evaluated and considered in the context of other policy priorities. It may be that some areas should be encouraged to develop a new character, just as there may be some areas where critical elements need to be protected or reflected in all new development.

Neighbourhood Character Typologies

There are a limited number of consistent neighbourhood character area types that can be defined, and frequently appropriate policy responses can be formulated without the need for expensive studies.

The 'Responding to Neighbourhood Character' ResCode Practice Note has adopted this approach in presenting possible policy responses to three typical residential character types. This is not to say that detailed analysis can be completely avoided, but much can be gained from shared understandings. Many Councils have undertaken very detailed character studies and this information may supplement the examples provided.

Site Analysis

A site analysis, specifically from the neighbourhood character perspective, is necessary whether or not a detailed character study has been undertaken.

A site analysis is a mandatory requirement of ResCode.

Character and Heritage

Character and heritage share many attributes, but there are important differences between the two concepts. Community values are a key justification for the protection of neighbourhood character. Policies to transform character may be appropriate in some areas.

Character studies evaluate the interplay of built form, vegetation and topographical qualities, with reference to styles and ages where relevant, whereas heritage studies evaluate cultural heritage significance, with some reference to built form, vegetation and topographical qualities. (See below for further discussion.)

Character and Amenity

The difference between neighbourhood character and amenity must be recognised.

Character and amenity are terms often used interchangeably, but in ResCode factors like visual and acoustic privacy and overshadowing should continue to be treated as issues separate to neighbourhood character.

3.3 Neighbourhood Character Types

Neighbourhood character is a fundamental of sense of place in residential communities. While many Councils have undertaken neighbourhood character studies, little or no attempt has been made to generalise the findings of these studies into a typology of neighbourhood character types. Broadly speaking, the following neighbourhood character types have been identified across Victoria:

BUILT FORM/LANDSCAPE RELATIONSHIP	CHARACTER TYPE
<i>Built form dominated residential areas</i>	'Inner Urban'
<i>Spacious residential areas in a garden setting (formal street pattern, generally modified grid)</i>	'Garden Suburban'
<i>Spacious residential areas in a garden setting (informal, generally curving street pattern with courts/cul-de-sacs)</i>	'Garden Court'
<i>Landscape dominated residential areas</i>	'Bush Suburban'

These four broad categories illustrate the four main types of residential areas that exist in Victoria, from an urban design perspective. The differentiation between these types is NOT based on architectural style or era of development. It IS founded on the layout and form of the areas, and the way that the built form interacts with and relates to the landscape. These factors should be the basis for the application of neighbourhood character policies. Neighbourhood character is NOT about the imposition of design styles. Rather it should be about recognising the distinctive characteristics of different urban forms, and their relationship to topography and vegetation. Getting this right is the best way of maintaining and enhancing the sense of place of the state's residential areas.

An initial version of these character types, prepared by Planisphere, was included in the Draft Practice Note on Neighbourhood Character published in June 2000 as part of the first draft of ResCode. Although this Practice Note has since been superseded, it provided some useful principles about the nature of neighbourhood character. The upgraded version of the character types shown here is included in *Sense of Place: urban design principles for the metropolitan strategy*, a technical report on urban design prepared by Planisphere and published in October 2002 as part of the Metropolitan Strategy. The remainder of this chapter is from that report.

Within each of these four main character types, there can be wide variations. These are important in differentiating the character of one neighbourhood from another, and in creating or strengthening sense of place. These variations are identified through the detailed survey, and are highlighted in the 'description' of each character area that appears in the precinct issues papers, and on the final brochures.

Areas with New and Changing Character

Some areas are subject to redevelopment, or have aspects of their character that are a cause of strong concern by local people, warranting change to the physical fabric. In both these instances, the appropriate planning strategy may well be to try to improve the character of the area by changing it. Achieving a measured and consistent change in the development character of an area requires a sound approach to planning. Definition of the new character will often require urban design skills, and the process of managing change may require a sophisticated program of community involvement.

Areas yet to be developed (generally ‘greenfield’ areas) should be allowed to create a new character, within broad parameters such as relating to the built character of adjoining areas and expressing the underlying landscape character.

‘Inner Urban’ Neighbourhood Character Type

Built form dominated residential areas

Examples: Melbourne’s inner suburbs (eg. Carlton, Fitzroy, Port Melbourne, Williamstown); the centres of Bendigo and Ballarat, Maldon and Clunes.

This intensive form of subdivision, much of it into small, narrow blocks, resulted in a built form dominated character. This type of character is widespread in Melbourne’s inner suburbs, but unusual outside Melbourne, except in the centre of some older regional centres and country towns such as Bendigo and surrounding settlements. Some of these areas were subject to a planned approach, with formal street layouts and a more effective control of land release subdivision. Others grew more haphazardly, with streets of varying width, including many very narrow streets, often without connectivity, and no provision for parks and squares.

Our view of the inner suburbs of Melbourne and regional centres as living environments has been transformed in the last forty years. Originally the focus of slum clearance policies, they have since become desirable residential locations, valued for the urban lifestyle and heritage qualities. Urban designers see them as exemplars of a more sustainable urban form.

DESCRIPTION	MAIN CHARACTERISTICS	PRINCIPLES
<ul style="list-style-type: none"> Dense, low rise residential and mixed use areas serviced by strip centres Largely intact Victorian colonial suburbs of high heritage value (probably world significance) associated with the rise of Marvellous Melbourne A walking, horse-drawn carriage and tram-based city Distinction between areas laid out by the Survey Department (eg Carlton), and areas without effective control of subdivision (eg Fitzroy, inner Bendigo) In outer areas, land sometimes remained undeveloped for decades, leading to mixed eras of development (eg Northcote, various pockets throughout Bendigo) 	<ul style="list-style-type: none"> Highly urban character: 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 always 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 Served by a relatively dense network of strip activity centres and public transport services Many areas of mixed use 	<ul style="list-style-type: none"> Continue to conserve the heritage areas Maintain and enhance the hard urban character, with its solid, fine-grain streetscape ‘walls’, dense, connected street and laneway networks, minimal setbacks, and pedestrian-friendly environment Accommodate more intense development where these characteristics can be maintained, provided any shortfalls in the quality and quantity of public realm space are made good

‘Garden Suburban’ Neighbourhood Character Type

Spacious residential areas in a garden setting (formal street pattern, generally modified grid)

Examples: the Melbourne middle suburbs (eg. Camberwell, Essendon, Sunshine); most residential areas in Regional Centres and Country Towns/Townships/Coastal Towns

The middle suburbs of Melbourne are possibly what most people have in mind when they talk about Melbourne’s comfortable ‘livability’, and compare its suburbs favourably as living environments with the affordable equivalents in Sydney. The middle suburbs became the crucible of the protests relating to urban consolidation, the Good Design Guide and neighbourhood character in the 1990s. Outside Melbourne, most urban residential areas have the spacious ‘garden suburban’ character, because densities and site coverage tend to be lower than equivalent metropolitan areas.

Most garden suburban residential areas are laid out within a north-south, east-west grid of one chain (20m) main roads (more likely to be 30m in regional Victoria). Mostly the street pattern is grid-based or grid-adapted. The roads are tree-lined avenues, often with concrete kerbs and footpaths, and grassed nature strips. Some housing has low walls fronting formal, trimmed gardens that are open to the street, and houses are located within the lot, rather than extending to its boundaries. The atmosphere of a garden suburb is one of space and trees, though the separation of private and public land is clearly defined.

DESCRIPTION	MAIN CHARACTERISTICS	PRINCIPLES
<ul style="list-style-type: none"> • Train and tram-based • Late-Victorian to 1960s/70s • Grid-based street pattern • Spacious streets and gardens • Detached houses, double or triple fronted • Footpaths and nature strips and tree avenues (often exotic) • Car storage usually off-street and behind the building line • Tram and/or railway station-based retail strips 	<ul style="list-style-type: none"> • Spacious feel : space around and between buildings, open rather than enclosed street space, large setbacks • Green and leafy appearance in many areas • Low scale, dominant roof forms, strong horizontal emphasis • Gaps between buildings • Front property boundary usually defined by low, solid fence or moderate height ‘transparent’ fence (eg wire mesh) 	<ul style="list-style-type: none"> • Use a formal approach to street space design (eg regular avenues of trees, regular geometry of kerbing and traffic management devices) • Retain the spacious, green and leafy character, including views of backdrop vegetation between and over buildings, generous front garden setbacks open to view from the street, and grassed nature strip with minimal interruption • Maintain the horizontal emphasis of massing and form resulting from the dominance of the roof form

‘Garden Court’ Neighbourhood Character Type

Spacious residential areas in a garden setting (informal, generally curving street pattern with courts/cul-de-sacs)

Examples: Melbourne outer suburbs such as Chirnside Park, Wantirna, Carrum Downs; areas of Regional Centres and Country Towns/Townships/Coastal Towns developed since approximately the late 1970s.

From the 1960s to present time, garden court residential areas have emerged. They grew faster in the north-east, east and south-east than in the north, north-west and

west Melbourne. These suburbs have grown on the fringes of Melbourne and other centres, where initially infrastructure and services were inadequate.

The term Garden Court refers to the combination of a Garden Suburban type of development superimposed on a pattern of curvilinear streets with cul-de-sacs or courts. This layout was designed to accommodate full car-based access as safely as possible, by eliminating ‘rat runs’ and providing low speed, low volume traffic environments within the courts. A negative consequence of this type of layout has been the poor connectivity of the street system for bus routes and walking. These areas tend to be associated with car-based, stand alone retail centres. In seeking to create more sustainable urban environments, government policy will need to address how these deficiencies over the long term.

The curvilinear street pattern results in the creation of informal street spaces which are often complimented by informal (often native) garden plantings. There is often only one footpath, sometimes none at all.

More recent trends in Garden Court areas have seen reduced setback and road width standards, coupled with substantially increasing site coverage. Many estates of the 1990s include large numbers of two storey houses with much reduced setbacks. These changes have reduced the ‘garden’ aspect of the character, 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.

DESCRIPTION	MAIN CHARACTERISTICS	PRINCIPLES
<ul style="list-style-type: none"> • Car-based • 1960s/70s onwards • Curvilinear plus court-based street pattern • Spacious streets and gardens • Detached houses, double or triple fronted • Two storey houses and higher site coverage common from 1990s • Nature strips, often without footpaths • Informal street tree planting, often native • Car storage usually off-street and behind the building line (in front of the building line in some more recent estates) • Car-based, stand alone retail centres 	<ul style="list-style-type: none"> • Pre-1990s: spacious feel – space around and between buildings, open rather than enclosed street space, large setbacks • From the 1990s: a more enclosed feel due to smaller setbacks, higher site coverage and two storey development • Green and leafy appearance in many areas • Low scale and horizontal emphasis of dominant roofs (pre-1990s) • Gaps between buildings (less from 1990s) • Less emphasis on separate definition of public and private domain: front gardens often not fenced 	<ul style="list-style-type: none"> • Use an informal approach to street space design (eg informal groupings of trees, irregular geometry of kerbing and traffic management devices) • Retain the spacious, green and leafy character, including views of backdrop vegetation between and over buildings, generous front garden setbacks open to view from the street, and grassed nature strip with minimal interruption • In pre-1990s areas, maintain the horizontal emphasis of massing and form resulting from the dominance of the roof form

‘Bush Suburban’ Neighbourhood Character Type

Landscape dominated residential areas

Examples: Eltham, Dandenong Ranges foothills, Warrandyte, Barwon Heads; parts of Daylesford, Marysville and Greater Bendigo.

These suburbs are dominated by vegetation, often to the extent that houses are hidden from the street by trees and understorey. Typical types of environment in which this form of character has emerged include the foothills of the ranges and some seaside suburbs and towns, in which houses are sited among ti tree or moonah vegetation.

The most important characteristic of ‘bush suburban’ areas is the way buildings and structures are absorbed into the landscape. In areas with the strongest manifestation of this character, narrow dirt roads wind around the contours and through the trees, and there is little evidence of suburban development other than an occasional driveway leading off through the trees. Houses are sited among the trees, garden planting is simply a continuation of the surrounding landscape character, and there is little definition of property boundaries apart from agricultural wire fences.

DESCRIPTION	MAIN CHARACTERISTICS	PRINCIPLES
<ul style="list-style-type: none"> Narrow, often unmade roads curve through the bush and around the contours Bush vegetation character dominant in private grounds, roadway edges and public spaces Footpaths often only ‘tracks through the trees’ Buildings at least partly hidden from view 	<ul style="list-style-type: none"> Landscape dominated environment Design of individual buildings often less important than siting and concealing them Building heights need to relate to tree canopy height Minimal definition of property boundaries 	<ul style="list-style-type: none"> Withstand pressure to subdivide and increase site coverage Site development away from front boundaries and within the flow of the topography Retain vegetation character of surrounding landscape in private grounds and gardens, and along roadway edges Avoid construction of streets to normal suburban standard Avoid excessive change to the landform

The township character of Apollo Bay and Marengo is discussed in detail in the next chapter.



4. Neighbourhood Character in Apollo Bay & Marengo

4.1 Community Values

Resident perceptions work undertaken by Dr Ray Green and Council for the previous Apollo Bay and Marengo Neighbourhood Character Study is the most relevant and up to date source of community values for the Apollo Bay and Marengo townships. The work involved written surveys of over 500 property owners (including permanent and non-permanent residents), a projective mapping exercise with 140 survey respondents, three community workshops, and detailed qualitative and quantitative analysis. The outcomes of the survey work are discussed in the report *A Study of Resident Perceptions of Town Character: Apollo Bay and Marengo, May 2002* (the 'Ray Green study'), and the previous character study document. The findings are summarised here with discussion of their implications for the current review.

Importance of Neighbourhood Character

Apollo Bay and Marengo are highly valued for their landscape and township setting. The features which contribute to this setting play an important role in the sense of place of the townships, and attract permanent and temporary residents and holiday makers alike. Located on the Great Ocean Road, the character of both townships can also be seen to be of importance to a wider community of national and international tourists.

The findings of the community values work supports the assumption that members of the community of Apollo Bay and Marengo place a high value on neighbourhood and landscape character within the two townships. An estimated 600-700 people provided input in one form or another to the Ray Green and Council studies between November 2001 and April 2002, including 102 who attended community workshops. By weight of numbers alone, this suggests that members of the communities of Apollo Bay and Marengo place a high value on the issue of neighbourhood character.

Input received, however, suggests that this appreciation extends to a specific desire to *protect* existing character of Apollo Bay and Marengo. Of the 509 surveys analysed as part of the Council study, 396 respondents (77.8%) said that preservation of character was "very important", with a further 71 (14%) stating that it was "important". The Ray Green study discussed several features that members of the community had identified as essential to maintain in order to protect the character of the townships, including views to natural features, open space, village atmosphere and contained development.

Implications for this Review

These findings would suggest that the community of Apollo Bay and Marengo have a heightened appreciation of the importance of neighbourhood character and its contribution to sense of place, and a heightened sensitivity to change. This is discussed in more detail in the sections that follow.

Summary of Community Values

The Ray Green study analysed the features of the township which related to respondents perceptions of 'character'. This was an extensive qualitative process which reviewed the frequency that different words were used to describe the character of Apollo Bay and Marengo in response to an open ended survey question (eg. "How would you describe the character of Apollo Bay and Marengo?"). This exercise also involved an assessment of photographs to identify which ones were least and most representative of the townships' character. The outcomes suggested

that the broader landscape setting (coast, beaches, harbour, hillsides) were the strongest positive factors contributing to the character of Apollo Bay and Marengo, with a photograph containing all three elements – coastal, town and rural landscapes – rated “most consistent” with the neighbourhood character. Depictions of the town setting as a whole were also strongly identified as positive aspects in questionnaires with responses including “small size” or “village like atmosphere”. Aspects of the social life of the township also received high ranking, including the outdoor market and the town being friendly, family oriented and a place for holiday makers.

On the negative side, suggestions were made that Apollo Bay and Marengo are over developed tourist towns without proper planning and are quickly becoming “out of reach” for older residents due to house prices and styles.

In community workshops run in Apollo Bay for the previous character study, participants were asked to identify positive and negative attributes of the existing character of Apollo Bay and Marengo. Some selected responses are given below.

Positive Attributes	Negative Attributes
Entry into town	Poor open space in new areas
Setback of residences on Great Ocean Road	No kerb/channels in some areas
Low building heights	Weeds
Lack of unit development	Traffic speeds
Wide roads with trees / landscaping on nature strips	House prices / people leaving / new developments geared to “out of towners”
Views / backdrop of ocean / harbour / hills	Varied styles of plants and fences
Foreshore and natural environment	Too suburban in parts
Recreation and open space areas	Power poles / towers / other infrastructure

Descriptive classification of these features found that those perceived by the community as being ‘natural’, ‘distinctive’ ‘beautiful’ and ‘old’ were most likely to be rated as positive, or consistent with character in the two townships. In terms of built form, elements identified as being positive or consistent with character tended to be older and smaller buildings, newer buildings in weatherboard which reflected the traditional low scale homes, and houses with established landscaping.

When asked to describe *desired* attributes of the town character the following responses were obtained:

Desired Attributes
Improvement of Apollo Bay town entry
Improved landscaping
More / better quality open space areas
Underground powerlines
No high rise / high density
No intrusion of residential development up the hills
No high fences / walls
Replacement / maintenance of amenity trees

Qualitative responses suggested maintenance of landscape setting and views rated very highly among permanent and non-permanent residents alike.

Implications for the Study

The resident perceptions of neighbourhood character in Apollo Bay and Marengo

range from landscape setting, to social fabric, to economic and design related issues. A commonly expressed view is that *people* are the most important aspect of an area's character. This is a valid perspective, and one that cannot be argued against in an impassioned public forum. Planning scheme tools are explicitly formulated to avoid personalising land use issues, and no planner wants to become involved in debate about who should be allowed to live in an area. But it can readily be conceded that the built form character we see today is the result of actions by people, and that future evolution of character will be determined in the same way. Neighbourhood character cannot be viewed as a dry, academic branch of urban design theory, divorced from the values of local people. The 'look' of a place is only one aspect of its character, but it is one that the planning system allows us to influence for the good of the wider community. In doing so, we should be constantly aware of values and aspirations of local citizens.

4.2 Detailed Survey

The original survey work undertaken for the previous character study was reviewed through field work as part of the current study. This involved two days of field survey and photography, and analysis and revision of the previous description and classification work.

The outcomes in terms of description and classification of neighbourhood character are described in this chapter.

Background

The initial Apollo Bay and Marengo Neighbourhood Character Study was completed in May 2002. The 2002 study identified character precincts and key characteristics of each precinct, including topographical, land use, built form and street space information. In order to check and add to the information gathered during the initial 2002 study, it was vital that a further survey of the study area be conducted. The street by street survey focussed on residential built form and street space information, being the critical data required to prepare preferred neighbourhood character statements and design guidelines for an updated Neighbourhood Character Study of this type.

Survey and Review of Precincts

The study team's planner / urban designer conducted the street-by-street survey of all residentially zoned areas of Apollo Bay and Marengo. The survey provided a basis for establishing:

- Whether the neighbourhood character precinct boundaries delineated as part of the 2002 study required alteration
- The detailed key characteristics of each area within the townships
- The characteristics that remained consistent across a wider area, and an understanding of where these characteristics changed
- An initial insight into the types of development occurring in each area, and the threats to the neighbourhood character
- An extensive photo library of the study area for use in the precinct brochures

The amount and type of data collected was tailored to achieve the most effective result for the Council. Data collected was aimed at updating and/or reaffirming the key characteristics of the residential neighbourhoods of Apollo Bay and Marengo as opposed to a catalogue of unrelated or peripheral information. We adjusted the survey methodology successfully used in previous studies to:

- Reflect the particular issues of the Apollo Bay and Marengo area
- Anticipate particular data collection needs relating to ResCode

The detailed survey, covering every residential street in the municipality, recorded the following information on maps of Apollo Bay and Marengo:

Built Form	Landscape	Public Domain
Architectural era and style	Private garden styles	Street tree spacing
Dwelling materials	Topography and views	Street tree species
Roofing materials		Footpath treatment
Front setbacks		Road treatment
Side setbacks		
Front fence treatment		
Number of storeys		

4.3 The Character of Apollo Bay & Marengo

Residential areas in Apollo Bay and Marengo have qualities that distinguish them from other residential neighbourhoods across the state and metropolitan Melbourne. These qualities relate to the landscape setting of the townships, on the coast and in regional Victoria. Having undertaken the detailed survey and reviewed Ray Green's resident perceptions work, and having considered their own experience in undertaking previous character studies, the team were able to reach conclusions about the character in Apollo Bay and Marengo.

Distinctive Qualities of Apollo Bay & Marengo

Apollo Bay was settled in the 1850s as a sea-based saw milling town. As outlined in the *Colac Otway Heritage Study* (Mary Sheehan & Associates, October 1998), by 1902 the town was described as:

"... consisting of two good hotels, post office, police camp, store and a few residences, (and) in the background the homes of a number of selectors peer cosily out from the dead timber..."

The above description of the dwellings in the township peering "cosily out" implies that the buildings were low scale and 'tucked into' the landscape. This description is still relevant today, but at a broader scale, with the settlements being nestled beneath the foothills of the Otway Ranges and visually dominated by the surrounding landscape. In fact, the most defining characteristic of the townships of Apollo Bay and Marengo is their landscape setting.

While the overall impression of the settlements is of low scale built form, nestled between the hills and the coast, each of the residential areas of Apollo Bay and Marengo has a different character. For example, the coastal strip of houses that adjoin the Great Ocean Road and mark the northern entry to Apollo Bay are distinctly 'beachy' in character. They are set back on spacious grassy lots, with elevated views towards the water. There is a 'country town' feel to this area, not just because of the mixed coastal dwelling styles, but also due to the grassy roadway edges, lack of footpaths and largely open frontages.

This beachside, coastal town character is also evident in the other well established areas of the townships. These areas around the traditionally laid out gridded streets such as Montrose Avenue, McLennen Street, Moore Street and Nelson Street in Apollo Bay are characterised by 'light' low scale dwellings set in spacious, but simple garden settings. The casual coastal feel is strengthened by the often wide streets, sometimes with 'unfinished' grassy edges.

The well established areas have some examples of infill and more contemporary dwellings, but vary considerably in character from the newly establishing curvilinear areas of the settlements. In Apollo Bay, these areas around Georgina, Campbell and

Alistair Courts for example contain a mix of contemporary houses which are mostly two storey, and large in relation to the size of the lots. The finishes of the streets in these areas are more 'suburban' with kerbing, edged nature strips and footpaths.

In Marengo, the curvilinear areas are more established, but vary from to 'semi-rural' to 'informal coastal' in character. The area around Ocean Park Drive for instance has a semi-rural atmosphere due to the spacious lots, and frontage and road treatments. The dwellings are large and often two storey, but this is offset by the scale of the allotments and the wide, open setting. In comparison, the informal coastal area of Marengo around Bayview Street is more intimately scaled, with informal dwelling styles and placement.

At present, the residentially zoned areas of the settlements are contained to the gently rolling to flat land at the base of the hills. Any 'spillage' of residential development beyond the current 'urban' zoned limits would threaten the most significant aspect of the character of Apollo Bay and Marengo – the surrounding landscape.

Character Precincts

Character precincts are delineated in order to define areas that could share a common preferred character. The use of precincts also enables the study findings and guidelines to be presented and communicated in a way that is accessible to local people and useful to planning applicants and Council officers. In some cases, this leads to larger areas of common characteristics being subdivided.

It is important to note that *preferred* character is the main criterion for character area delineation. Character studies that attempt to delineate every variation in *current* characteristics tend to produce very large numbers of precincts. While this approach might have some benefits in achieving a finer grain of information, it also results in some disadvantages.

Precinct Size

A constant problem with character studies is the sheer volume of information that is generated from the detailed survey. A major challenge is to be able to 'see the wood for the trees'. There are dangers in providing too much information, and benefits in being able to focus attention on the handful of key characteristics whose 'qualitative interplay' is fundamental to maintaining or strengthening the preferred character of an area. For example, a widespread misunderstanding about character studies is that they seek to control the aesthetics of detailed design. This misapprehension may be exacerbated if the existing architectural style is always a decisive criterion in delineating area. There are many types of character precincts in which building design is not a major issue (eg in heavily treed environments). A precinct may contain a variety of different building types and styles.

The actual size of a character precinct is determined by two factors, one based on the theory and the one on the practice. The first criteria is the similarity of the streetscape characteristics. Where the same set of factors are noted as significant to the preferred character these areas should logically be grouped together as the same set of guidelines will apply. The emphasis here is on ensuring that the same objectives and set of changes needed to achieve these objectives, apply to both areas. The second criteria is useability. If two similar areas are geographically remote it will be difficult for planners and applicants to find and relate the information to the particular area. For this reason similar areas with similar guidelines may be in different precincts.

Precincts and Preferred Character

Furthermore, preferred character should be a concept that provides a broad direction rather than prescriptive detail. Achieving an uninterrupted flow of landscape and

vegetation across private and public domain might be the main aim of a preferred character statement. From this aim, numbers of policies and guidelines are derived. These are cognisant of the existing situation with boundary treatments, site coverage etc, but fine grain local variations in these characteristics today should not preclude the setting of an aim to create, in the future, a consistent character across a broader area. Town planning is, after all, about creating desired futures. Town planning policy should be arrived at after considering existing conditions. It should not necessarily be determined by them.

Precincts and Site Analysis

ResCode provides for a process of site analysis that encompasses an assessment of neighbourhood character. The preparation of a character study does not remove the need for a site assessment. Local conditions and the specific circumstances need to be assessed and considered alongside the preferred character for the area. They may also change over time. It is not necessary for a character study to provide a detailed brief for every site. The character study should provide the broad future direction, complemented by the site analysis, which assesses detailed local conditions.

Precinct Delineation

Character precinct delineation is arrived at by considering all of the factors outlined so far in this chapter. Some emphasis is placed on the detailed survey findings, but because the basis of delineation is preferred character, all the other factors may also be relevant. More information about the process by which preferred character statements were arrived at is contained in [section 5.1](#).



5. Character Directions for Apollo Bay & Marengo

5.1 Preferred Character

Information from the detailed survey maps was 'overlaid' on the previous character precinct boundaries, and with the assistance of an extensive library of photographs, revised character precinct boundaries were decided upon. Only minor changes were made to the former precinct boundaries, including:

- Inclusion of the southernmost part of former precinct 1 (adjacent to the Great Ocean Road, Thomson Street, and Pascoe Street) into the new precinct 3. This is due to the 'centre of town' qualities of the existing and potential built form of this area, compared to the 'spacious, residential gateway' qualities of precinct 1.
- Inclusion of the north-easternmost part of former precinct 2 (properties on the northern side of Mariners Lookout Road) into the new precinct 1. This is due to the 'established low key residential' nature of this strip, as opposed to the more 'contemporary and curvilinear' qualities of precinct 2.
- Inclusion of the eastern section of former precinct 2 (western side of Costin Street) into the new precinct 4, due to the 'established residential' nature of this area, as opposed to the 'newly developing' residential estate further west.

Having produced a revised delineation of character precincts, the study team assembled a set of 'issues papers', one for each precinct. A complete draft of these was presented to the Steering Committee, and time allowed for comments.

With the increasing emphasis of neighbourhood character theory on preferred character, it is necessary to develop a logical way to arrive at a preferred character statement. Without an explicit emphasis on preferred character, character studies tend to dwell on existing characteristics. Most of the survey work of a character study, and most of the discussions in the initial stages of the project, focus exclusively on present characteristics. Also, community members tend to be sceptical and guarded when the issue of a preferred future character is placed on the agenda. Many respond that they want 'no change', or that they have no desire to impose their view of a preferred character on others. A sound, simple process is needed to 'unlock' this subject, one that enables the participants to see the sense and logic of it. It is also important for a future Planning Panel to be able to examine an explicit process by which preferred character statements have been crafted.

Precinct Issues Papers

The precinct issues papers are reproduced in [Appendix 2](#), and contain the following information:

Description

The description examines the area as a whole and outlines distinct features that are common to the precinct. The description in words is strengthened by the use of precinct photos across the top of the issues papers.

Key Existing Characteristics

The existing neighbourhood characteristics for each locality are summarised in this section. The characteristics such as architectural styles, building materials, garden types, fencing styles and road treatments were identified through the detailed survey.

Relevant Council Planning Policies and Controls

Because character cannot be seen in isolation from other aspects of planning policy, information regarding the existing Council planning policy context, primarily from the planning scheme, has been included.

Development Activity / Pressures

Planners from the Colac Otway Shire were consulted to determine where Council was receiving the greatest pressure for development. Any development pressures specific to each character precinct are outlined in this section. Those pressures identified, if any, determine how the development guidelines should be targeted, and ultimately the choice of planning controls.

Community Values

The community values are summarised from the extensive consultation work undertaken by Ray Green as part of the previous character study. These issues raised by the community reflect values and other matters that should be addressed throughout the course of the project, and in the design guidelines.

Preferred Character Directions

Based on the previous information considered, the preferred character directions set out the character elements that should be maintained, and those that should be strengthened.

Preferred Character Statement

Each character area issues paper concluded with a draft preferred character statement that outlines the desirable character features for that area, and how they should be achieved. The preferred character statement is an important part of the precinct issues paper because it provides the starting point for development of the design guidelines (see next section). The introductory part of the statement establishes a broad direction, and the bullet points beneath set out the main menu of elements for which guidelines need to be prepared.

Issues / Threats

This section identifies issues that are a threat to achieving the preferred character of the character area.

Views of the Council Officers

The Council officers reviewed the precinct issues papers and provided feedback before work on the design guidelines commenced. A summary of the comments, and responses to the comments, is provided in [Appendix C](#).

5.2 Character Guidelines

Having amended the precinct issues papers in the light of comments received, the study team prepared design guidelines for each character precinct. The guidelines, when added to selected information from the precinct issues papers, were presented as draft precinct brochures.

Precinct Brochures

General Brochure

There is a 'general brochure' that operates as an instruction sheet for the individual precinct brochures. The general brochure includes information about the Neighbourhood Character Study, and an explanation on how to use the precinct brochures. It contains a map of all the character precincts to assist people in identifying the relevant precinct for them.

The general brochure also includes the following vision statement for Apollo Bay and Marengo:

Nestled between the steep, rolling foothills of the Otway Ranges and the coast, the townships of Apollo Bay and Marengo have strong links to the landscape. The streets have a casual, beach side quality with spacious garden settings of indigenous and native coastal species that flow into wide grassy nature strips. The dwellings are designed and detailed to reflect the coastal town setting, and are responsive to the site and broader landscape. In the Apollo Bay town centre, a vibrant mix of uses and building forms exists, and throughout the townships, there are expansive views to the coast, ocean and foothills from key public spaces and private properties.

The vision was prepared by the study team and presented to the Council officers during the project. It is intended to reflect the community's aspirations for the townships, having evolved from a review of Ray Green's community perception work undertaken as part of the 2002 Character Study, and the vision for the towns prepared as part of that study.

Precinct Brochures

Eight character precincts were identified in Apollo Bay and Marengo and a brochure has been prepared for each. The precinct brochures have a consistent layout and content. Written content includes an existing character description of the precinct, a list of the key characteristics, a preferred future character statement and design guidelines. The preferred character statement details the critical elements that will achieve the statement and identifies threats to the preferred character. Visual content includes photos taken from within the character precinct that are exemplary of the neighbourhood character for that area.

On the reverse side of the precinct brochures are the design guidelines for that precinct. The design guidelines address the following character elements where relevant to that precinct:

- Landscape Setting
- Views
- Vegetation
- Building Form
- Siting
- Building Spacing
- Design Detail and Finishes
- Frontage Treatment
- Car Parking and Vehicular Access

The performance based design guidelines address these character elements as relevant to the circumstances and preferred character of the precinct.

Each character element is accompanied by:

Objective: which briefly states the desired action relating to each character element.

Design Response: which outlines the specific ways in which the objective can be achieved.

Avoid: which states what design methods to avoid when trying to achieve the objective.

Views of the Council Officers

The precinct brochures were provided to the Council officers and Councillors for viewing and comment, and were generally well received. A concern of the local Councillors, however, was the lack of proposed minimum lot sizes and density controls as contained in the 2002 Character Study Report. This issue is discussed in more detail in [Chapter 6](#).

5.3 Key Character Issues

Having completed the precinct brochures, including the design guidelines, the next task for the team to consider was implementation. A number of key character issues needed to be addressed in considering the best implementation tools.

Landscape Setting

The wider landscape setting of the townships is distinctive within the Great Ocean Road region and, arguably, significant on a national scale. The landscape is characterised by a backdrop of rugged hills, at the foot of which is gently sloping land, down to the coast. The hills that surround the settlements are predominantly cleared with some remnant shrubby foothill and riparian forest vegetation, and numerous rivers and creeks incise the hills and run to the bay, which is vegetated with remnant coastal scrub. Beyond the largely cleared and open landscape that surrounds the townships is the dense, wet eucalypt forest of the Otway Ranges, providing a stark character contrast.

Though outside the residentially zoned areas of the townships, and therefore outside the realms of this study, it is this setting of national significance that makes Apollo Bay and Marengo such attractive places to love and visit. And it is the landscape setting to which the future character of the township should respond.

Coastal Character

Coastal townships such as Apollo Bay and Marengo are often described as non-urban/non-suburban, casual and unfinished. Much of this 'unpolished' character is found in the older parts of the townships, and is a result of the combination of 'beachside' building types and styles, and informal street treatments.

Many of the streets in Apollo Bay and Marengo have a sense of casualness as a result of their 'non-engineered' qualities. Some roads are unsealed, or even if they are sealed, they have informal grassy verges with no formal kerb and channelling. Bushy coastal planting often spills from front gardens into the road reserves, and there is a general lack of hard surfacing. The 'beachside' dwelling styles strengthen this coastal character. Some of the elements of built form that contribute to this quality are the simple timber or fibro houses, with low pitched roofs, set in sparse coastal gardens. The dwellings are often elevated to take advantage of the sea views, and have decks or verandahs with simple detailing.

The existence of 'heavy' urban or suburban building forms in coastal towns is emerging as a key issue where previously the casual, 'beachside' character was derived from light, simple buildings with articulated forms and a mix of materials. The design guidelines have addressed this concern, encouraging contemporary, well articulated and site responsive dwellings in a mix of materials and finishes.

Views

Views to the surrounding landscape, including the Otway foothills and the ocean, provide a visual context or point of reference for visitors and residents to the townships, and contribute to their experience of the place. As such, views and vistas within the townships and to the surrounding landscape are an important aspect of the neighbourhood character. Designing for views has also helped to shape the built form of the townships, in that it has affected, and will continue to affect, the spacing, height and upper articulation of dwellings.

There are examples of Local Policy in Victorian planning schemes that make reference to encouraging a reasonable sharing of views or maintaining or respecting existing view corridors.

One such example is the Maribyrnong River Corridor Policy in the Moonee Valley Planning Scheme (Clause 22.11) where it states that it is policy to:

- Encourage new development to respect existing view corridors to the river and parklands from existing nearby properties.
- Maintain views through existing and new development from adjacent roads and footpaths to the river and parkland.

The Coastal Development Policy at Clause 22.01 of the Surf Coast Planning Scheme is another example where the Objectives include:

- To recognise that views form an important part of the amenity of a property and to provide for a reasonable sharing of views of significant landscape features, including views of the ocean, coastal shoreline...

And where it is policy that the height, scale and bulk of buildings will be controlled in order to:

- Protect residential amenity by encouraging a reasonable sharing of views between new and established properties, particularly where the view is of a significant landscape feature, including views of the ocean...

It was determined through the review process that in many areas of Apollo Bay and Marengo, views to the water are an important aspect of the character, and should be considered by architects and designers when formulating new development proposals. However, it should be remembered that providing for the *reasonable sharing of views* is just that. It is not about absolute protection of existing view lines, and it is just one consideration in the assessment of a planning permit application.

Having discussed the defensibility of provisions that make reference to the reasonable sharing of views with other planning professionals, we are aware of many successful VCAT cases in Lorne and Fairhaven, and a precedent case in the Shire of Flinders. These VCAT decisions include a consideration of views only when it is expressed in the planning scheme, and place an emphasis on a *sharing* of views and what is *reasonable*.

Space Between Buildings

As discussed, an important aspect of the character of Apollo Bay and Marengo is the relationship between the townships and the surrounding landscape. If it were not possible to see the surrounding landscape from within the towns, then they may begin to take on the appearance of more urban or suburban places, and lose their visual context. It has been established that views out to the Otway foothills and beyond are therefore an important aspect of township character, and one factor in retaining these views is the space between buildings.

Glimpses of the surrounding landscape are often obtained through the spaces between buildings, and in coastal towns these spaces are often wider than in city suburbs. Space between buildings also provides the ability to sustain vegetation and permeable areas. The issue of space between buildings has been considered and included in the design guidelines in the form of objectives referring to the “spaciousness” of the dwelling settings, and design response statements requiring buildings to be set back from one or more side boundaries.

Building Form

The form of buildings in the townships is another character element that sets Apollo Bay and Marengo apart from other urban or suburban places in Victoria, and should continue to be responsive to the coastal location and significant landscape setting. In

that sense, the dwellings in Apollo Bay and Marengo, and the overall form of the townships should not dominate or overwhelm the surrounding landscape. The buildings should be responsive to the topography, with the townships having the impression of being ‘tucked in’ to the landscape at the base of the Otway foothills.

In that regard, the design of buildings over 7.5 metres in height, or a significant change in the natural ground level as a result of development, should be closely scrutinised. The proposed Design and Development Overlay is the appropriate tool for this purpose and will trigger the assessment of new development against the design guidelines, which require recession and articulation of the upper levels of dwellings, and minimal excavation.

New Area Design

There are two areas of residentially zoned land that are yet to be developed on the western and north-western fringes of Apollo Bay. These areas have been included in Precinct 2 as they are directly abutting and the preferred future character for the precinct is compatible with the existing landscape features and vegetation, and the new areas are well suited to the positive aspects of surrounding residential development. Therefore the preferred neighbourhood character statement and design guidelines for Precinct 2 should be applied when assessing a planning permit application in these new areas.

Before these new areas are fully development and planning permit applications are lodged, however, there may be earlier considerations that Council should take into account regarding the overall layout and qualities of these areas. Without having undertaken a detailed analysis, other more broad level considerations in the development of these parcels include:

- Ensuring permeability of the area, and links to existing residential development via the existing road network.
- Continuing adjoining street patterns, but discouraging isolated or ‘stand alone’ cul-de-sacs that do not allow links and permeability.
- Retention of existing tall canopy trees throughout area if practical.
- Allowing for a gradual increase in the size of lots, towards the base of the foothills.
- Providing an effective buffer through the use of distance and vegetation to industrial land to the south. Larger lots may be better located in this area.
- Providing good pedestrian links through the residential areas, and to nearby parkland areas.
- Using responsible environmental techniques such as swale drains and sediment traps to manage run-off prior to discharging into any nearby waterways.
- Approaching the design and development of new works in an environmentally sustainable way, incorporating water sensitive urban design principles to minimise run-off.

Communication about Character

The focus of a character study is on preparing policies and guidelines for inclusion in the planning scheme. What is sometimes overlooked is the importance of first describing and communicating clearly the preferred character to which applicants should be trying to contribute. Successful communication of this information is an essential first step on the path to delivering better design in residential areas. For this reason, Planisphere places a strong emphasis on the content and design of the precinct brochures. They are intended to provide essential information to applicants and planning officers, and to look appealing to local residents and others. They are produced in a manner that enables them to be readily copied or otherwise made available at the planning enquiry counter, and other relevant locations.



6. Implementation

6.1 Implementation Context

Existing Zoning

The study area for this neighbourhood character review is the Residential 1 and Low Density Residential (LDRZ) zones of the two townships. The zoning objectives and related provisions currently provide for some consideration of neighbourhood character in applications for use or development of land in these zones. The Residential 1 Zone for example, has the following objectives (among others):

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

No specific provisions have been outlined in the Schedule to the Residential 1 Zone of the Planning Scheme to address required street setbacks, building heights, site coverage, side and rear setbacks, private open space or front fence height.

Particular Provisions

A number of the existing particular provisions of the Planning Scheme may relate to neighbourhood character in Apollo Bay and Marengo.

Specifically, clauses 54 (construction of one dwelling on a lot) and 55, (construction of two or more dwellings on a lot and residential buildings) are relevant. These clauses have the following specific objectives:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.
- To encourage residential development that provides reasonable standards of amenity for existing and new residents.
- To encourage residential development that is responsive to the site and the neighbourhood.

These clauses contain specific provisions for site and neighbourhood setting, neighbourhood character and amenity among others.

Existing Overlays

Airport Environs Overlay (AEO2)

The AEO2 is located south west of Apollo Bay and covers the entire township of Marengo. The purpose of the overlay is to identify areas subject to high levels of aircraft noise and ensure that uses and development do not conflict with the operation of the airport. The schedule to the overlay requires referral of application for developments such as accommodation, hospitals, hotels etc to the airport owner.

The AEO2 has no implications for the implementation of the neighbourhood character review.

Erosion Management Overlay (EMO1)

The EMO1 surrounds the township of Apollo Bay and covers all residential areas in Marengo. It is in place to protect areas prone to erosion and landslip, and requires a geotech report to be prepared regarding slope stability.

The design guidelines prepared as part of the review are consistent with the intentions of the EMO1. They emphasise minimisation of cut and fill and require buildings to be designed with the topography.

Environmental Significance Overlay (ESO2)

The ESO2 covers the Barham River and environs. The overlay is in place to minimise erosion and protect the quality of the waterway.

The ESO2 has no direct implications for the character study review.

Land Subject to Inundation Overlay (LSIO)

The LSIO is located south west of Apollo Bay and covers some low density residential areas of Marengo (neighbourhood character precinct 6), near the Barham River. The LSIO identifies land prone to flooding and a buildings and works permit is required for most development.

The LSIO has no direct implications for the implementation of the findings of the review.

Wildfire Management Overlay (WMO)

The WMO is in place to the north west of Apollo Bay and on the outskirts of Marengo (neighbourhood character precinct 8). The WMO is in place to identify areas where the intensity of fire is significant and likely to pose a threat to life and property.

The WMO has implications for the design guidelines that are applied to precinct 8. For instance, a requirement to plant or retain vegetation may conflict with the wildfire management practices set out in the schedule to the overlay. For this reason a footnote, or similar, has been included in the brochure for precinct 8 and the proposed local policy that the design guidelines are subject to wildfire regimes.

Vegetation Protection Overlay (VPO1)

The VPO1 is located to the west of Marengo. It is in place to protect significant and remnant Otway Ranges vegetation.

The VPO1 has no direct implications for the character study review.

6.2 Considerations

The options proposed for any particular precinct in Apollo Bay and Marengo must be chosen bearing in mind several critical considerations.

These considerations include:

Character

The types of characteristics identified in the precinct and their relative significance in Shire-wide and regional terms. What is it about each precinct that makes it distinctive, and to what extent is this distinctiveness important on a local, regional or state level? Assessment of this aspect is supported by the extensive survey material gathered during this Study, which identifies the consistency and form of the various characteristics and enables comparisons across the study area. The consultants' experience in these types of studies throughout the State enables a regional and State context to be assessed.

Threats

The extent to which the important characteristics within each precinct are threatened. Each Preferred Character Statement includes an assessment of the types of threats that are possible, overlaid with an understanding of the development pressures occurring. Information was sought from the Council officers to determine the types of

pressures occurring in Apollo Bay and Marengo. The areas subject to greatest change, where development is occurring most frequently, are sometimes, but not always, those where important elements are under greatest threat.

ResCode

The new residential provisions (ResCode), including the extent to which a Local Policy will influence the types of development that may pose a threat to the achievement of the preferred future character. As Local Policy can only be applied to development that needs a permit, the need to influence/control single dwelling development is the primary critical aspect of determining whether ResCode provides a sufficient level of control.

Community Acceptance

The likelihood of community acceptance of new controls over some forms of development and the extent of community concern about the loss of particular aspects of the character of the precinct.

Colac Otway Planning Scheme

Strategies, policies and controls already contained in the Colac Otway Planning Scheme.

Approval

The likelihood of success of approval of any planning scheme amendment to introduce statutory controls by an independent State government appointed Planning Panel and the Minister for Planning. There is little point in recommending measures to the Council that are unlikely to be approved. The most important aspect of this consideration is the need to determine which areas are those that require additional planning controls and which areas can be successfully managed with existing controls and the range of other non-statutory implementation techniques available. There are however other contextual issues that must be considered such as State policy and directives, and issues raised previously by Panels in making recommendations on other similar planning scheme amendments. A Planning Panel will also examine all of the above issues in their deliberation about a planning scheme amendment.

All these factors must be taken into consideration in developing the recommended approach to statutory implementation of the Apollo Bay and Marengo Neighbourhood Character Study.

6.3 Statutory Options

The statutory options range from a minimalist 'guideline' approach to a highly regulatory approach involving the implementation of large parts of the Study through the planning scheme. Statutory options provide one part of a total package of implementation techniques. It is perhaps the most important as it legally binds the Council, the Victorian Civil and Administrative Tribunal (VCAT) and the community to consider neighbourhood character objectives identified through a Study such as this.

The recommendations for statutory implementation must be framed having regard to the residential provisions inserted into every planning scheme in Victoria (collectively known as ResCode). The 'ResCode' package introduced new optional tools that Councils can, in theory, introduce into their own schemes, as well as new controls.

In 2000, amendments were made to the State Planning Policy Framework to introduce neighbourhood character as a key issue in the consideration of the appropriateness of new development, equal with urban consolidation objectives. Preferred neighbourhood character forms the basis of the new residential provisions, with Councils encouraged to develop Local Policy to guide the consideration of neighbourhood character in the discretionary implementation of the new controls. In addition, Councils have been given a wider range of tools to introduce provisions that

reflect the particular character of parts of their municipalities. The Apollo Bay and Marengo Neighbourhood Character Study will provide an invaluable resource and support for the introduction of controls of this nature.

Having regard, therefore, to the new statutory framework within which the recommendations of the Study must be implemented, there are several possibilities for the implementation of neighbourhood character objectives within the development control system.

Many of these options, outlined below, can be used together, however each requires individual consideration:

- Adopt the Study, including the precinct brochures, as a Council guideline only, with no formal statutory weight.
- Alter the MSS in the planning scheme to include elements from the Study.
- Incorporate the entire Study into the planning scheme (Incorporated Document).
- Refer to the document in the planning scheme (Reference Document).
- Extract parts of the Study and design guidelines to form a local policy in the planning scheme (Clause 22 in the Local Planning Policy Framework).
- Alter the schedule to the Residential 1 zone to vary certain standards of ResCode.
- Implement parts of the design guidelines relating to the form of buildings through a Neighbourhood Character or Design and Development Overlay for particular character areas.
- Implement parts of the design guidelines relating to vegetation and the balance between tree canopy and buildings through a Vegetation Protection or Significant Landscape Overlay for particular character areas.

The advantages and disadvantages of each of these options are summarised below:

Council Guideline

This option suggests that the Council resolve to adopt the findings of the Study and the precinct brochures for use in the assessment of planning applications, but not to proceed further with amending the planning scheme. The advantages of this option are:

- The Council could commence using the guidelines immediately.
- The Council would have the ability to change the guidelines as it wishes.
- No planning scheme amendment would be required.

The significant disadvantage is that the Study will not be of assistance at VCAT as the brochures will not be considered to be of relevance to the consideration of applications without some reference in the planning scheme. The Department of Sustainability and Environment actively discourages stand-alone Council policies. Other than as a temporary measure, while an amendment was being prepared and exhibited, this option would not be recommended.

Municipal Strategic Statement

The Municipal Strategic Statement (MSS) is the Council's primary statutory tool, and it must provide the strategic rationale and context for all statutory controls introduced into the Colac Otway Planning Scheme. Reference to this Study should be included in the MSS, and it should provide the overarching objectives relating to the protection and management of neighbourhood character in the townships.

There are only advantages in ensuring that the MSS contains the correct strategy to provide an umbrella to all other related provisions.

Incorporated Documents

In this option the whole or part of the Study, (or the precinct brochures that have been prepared) are incorporated into the planning scheme and become a statutory document. The whole incorporated document therefore has statutory weight, and this may be considered an advantage in some situations.

The disadvantage of this approach is that a planning scheme amendment process is required to change any part of the incorporated document. This is cumbersome and time consuming, therefore the contents of the incorporated document must be relatively 'timeless' and not contain information that might become irrelevant or out-of-date readily. Some parts of the brochures may be considered to fall within this category.

In addition it is unclear whether incorporation of the Study report or the precinct brochures would be supported by the Department of Sustainability and Environment, as the Practice Note on incorporated and reference documents discourages the incorporation of documents that contain criteria, performance measures or decision guidelines. In addition, should the key elements of the brochures be included in Local Policy (see below), this would be superfluous as well as cumbersome.

Reference Documents

This option involves referring to the Study report and the precinct brochures in the planning scheme, and thus they would be known as 'reference documents'. The advantage of this option is that it provides some statutory weight to the Study at VCAT. However, the Department of Sustainability and Environment has advised in the past that reference documents are to be considered as 'background' only, and should not contain policies or guidelines that assist in determining upon planning applications. It is not the method preferred by the Department, as policy should be included in the scheme. However, referencing of the Study and brochures is a sound and proper approach in conjunction with other statutory implementation mechanisms.

Local Policy

Inclusion of a policy in the scheme provides the highest level of strategic direction, next to the MSS itself, and therefore the Council's objectives and the measures against which all applications will be assessed are clear. It is noted that a Local Policy forms part of the planning scheme, and therefore an amendment is required to insert it into the scheme, and to alter it if necessary in future.

The inclusion of a Local Policy within the Local Planning Policy Framework (LPPF) enables the provision of policy guidance for the assessment of planning applications. The Local Policy can serve to provide a set of general considerations that apply to all proposals within the residential areas for which a planning permit is required, or more preferably the specific guidelines that apply to each precinct. The Policy should include the key elements of the neighbourhood character precinct brochures. The objectives, preferred character statements and guidelines can assist in designing and determining development applications.

Schedules to the Residential Zones

The new residential provisions include the ability for Councils to alter certain residential provisions for the whole Shire. These include: street setback, building

height, site coverage, front fence height, side and rear setbacks, and private open space. The changes apply to single dwellings under the Building Act, as well as medium density housing and single dwellings for which a planning permit is required.

As these changes can only be enacted across the whole Shire, the use of schedules is limited to those matters that can be applied to all residential situations across the municipality. In the case of an area of such diverse character as the Colac Otway Shire, these situations are probably non-existent. In addition, changes that affected the whole municipality can not be justified by a Study that only covers Apollo Bay and Marengo.

Overlays

Neighbourhood Character Overlay

The Neighbourhood Character Overlay (NCO) is part of the suite of tools to implement neighbourhood character considerations, provided by the new residential provisions (ResCode). Use of the NCO has some advantages and some disadvantages, therefore its use has to be carefully considered in each circumstance.

The advantages to the use of the Neighbourhood Character Overlay are that it provides the opportunity to:

- Alter the provisions of ResCode in relation to medium density and single dwellings both within and outside the planning system. Single dwellings that do not comply with the altered ResCode provision will require a 'report and consent' from the Council. Medium density housing developments will continue to require a permit from the Council and will be assessed using the amended standard. An approval can still be issued, in both cases, for a development that does not comply with the altered standard.
- Include tree removal controls.
- Include demolition controls.
- Control all development and works (with some exceptions).

The disadvantages of the NCO are:

- There is no ability to exempt certain types of development (eg single dwellings or buildings under a certain height), other than outbuildings and swimming pools. Therefore all buildings in the Overlay area will require a planning permit. This potentially places a great administrative burden upon the Council wherever the Overlay is applied.
- It appears to delineate areas that have 'neighbourhood character', implying that other areas do not have character. This is, in our opinion, a false perception; all areas have character.
- The tree controls are limited to trees over 5m in height.
- It does not provide the ability to control front fences.
- It can apply only to small, well defined areas where there is strong justification for additional controls of this nature.

The application of the NCO should be to areas that need the controls in order to protect or change the identified character, as determined by the preferred character statement and the identified threats to the preferred character. At the time of writing this briefing paper, Practice Notes on the method of applying the NCO have not been published by the Department of Sustainability and Environment. The only NCO that has been implemented to date is for Waverley Park in the City of Monash, although it is understood several are imminent, including areas in Hegdeley Dene (Malvern) and in central Bendigo.

Vegetation Protection Overlay and Significant Landscape Overlay

A Vegetation Protection Overlay (VPO) or Significant Landscape Overlay (SLO) can require a permit for removal of trees; and it can apply to all trees, trees over a certain trunk diameter or height or to any of native, indigenous or exotic vegetation. The only limitation is the ease of use and enforcement of the provisions. In order for a VPO or SLO to be justifiable, the vegetation or landscape must be demonstrated to be of significance to the character of the area.

The VPO is primarily aimed at situations where the vegetation itself is of significance. The VPO can only require a permit for vegetation removal, and not for buildings and works. It is preferable that VPO controls be confirmed by a parallel study that identifies the environmental significance of vegetation.

The SLO has the distinct advantage of providing the opportunity to control the type of vegetation, the types of buildings and works and fences that require a permit, as necessary. Again, the Council needs to be aware that the introduction of an SLO will increase the number of planning applications in some areas, and that some community members may consider these controls to be over-regulation of their rights as property owners. The SLO is a legitimate tool for the implementation of neighbourhood character objectives, but as with all Overlays, can generally only be applied to small, well defined areas.

Design and Development Overlay

A Design and Development Overlay (DDO) requires that a permit be obtained for all development within the area covered (some types of development can be exempted). It ensures the implementation of the detailed guidelines in the consideration of all development in that area. A DDO can control, by permit, elements such as height, setback, site coverage, fences and development within certain distance of tree trunks.

It is noted, however, that a DDO does not control the demolition of buildings. This control is only available through the Heritage Overlay and the Neighbourhood Character Overlay. Introduction of a DDO requires delineation of the exact area to be covered; it cannot be applied to the whole Shire or all residential areas. It must be applied discriminatingly.

The Department of Sustainability and Environment has advised that the use of DDOs for the sole purpose of neighbourhood character implementation is not encouraged. However, DDOs are considered appropriate for areas where mandatory height limits are warranted, or change is encouraged and no other mechanism would achieve the desired outcome. There are examples of DDOs in place to manage the height of buildings, particularly in coastal areas.

6.4 Directions from DSE & Planning Panels

DSE Advice

Planisphere has held discussions with relevant officers from the Department of Sustainability and Environment in order to obtain the most up-to-date advice regarding departmental opinion and requirements. A Practice Note 'Understanding Neighbourhood Character' was issued by the Department in 2001. This Practice Note provides general information regarding the matters to be considered in implementing the provisions of ResCode that require regard for the surrounding character in development applications. It provides a list of elements of the surrounding neighbourhood that may be of relevance to the preparation of a site analysis and design response. In so doing, it provides some indication of the types of characteristics of an area that may be identified in a character study. It is by no means definitive nor exhaustive in this regard.

A new VPP Practice Note 'Using the Neighbourhood Character Provisions in Planning Schemes' is yet to be published. We have viewed the latest available draft and are aware of its contents.

The DSE has advised that local policy cannot be used to substitute alternate ResCode provisions, and it should not repeat provisions of ResCode or other requirements of the planning scheme. The 'Writing Local Policy' Practice Note must be followed in preparing policy. It is the intention of the DSE that should alternate ResCode provisions be proposed, an appropriate Overlay or schedule to the residential zone should be utilised, provided sufficient justification can be provided.

Planning Panel Reports

A number of planning scheme amendments have been undertaken by other Councils to incorporate neighbourhood character objectives within the planning scheme. Planning Panels, established to hear submissions regarding the amendments and make recommendations to the Council about the submissions and the suitability of the amendment, have been held in most cases. Some of these Panel reports provide lessons for the implementation of neighbourhood character objectives.

Two recent Panel reports, for neighbourhood character planning scheme amendments in the Cities of Knox and Banyule, have highlighted the importance of the strategic context of neighbourhood character, and ensuring that the Council's MSS contains strategic rationale for character policy. In particular it is important to ensure that housing strategies, such as future housing needs and locations for additional housing if required, have been clearly identified and do not conflict with the neighbourhood character policy and/or controls. While these Panel decisions relate to metropolitan examples, it is anticipated that the DSE will be equally interested in ensuring that the future of coastal townships is managed to accommodate predicted growth. Preparation of a housing strategy would therefore ideally be undertaken in parallel with the neighbourhood character review. This matter is strongly advocated by the DSE in their letter to the Council discussed above.

Where provisions other than a local policy are proposed, such as overlay controls or changes to the residential zone schedule, the Banyule decision also highlighted the need to demonstrate that the provisions of ResCode combined with a local policy on character, were not adequate. It is of particular importance to demonstrate that single dwellings are of equal or greater concern in achieving neighbourhood character objectives, than medium density housing, as policy can influence decisions in any case where a planning permit is required.

Panel reports and subsequent DSE decisions regarding amendments affecting Ocean Grove and Hedgeley Dene in the City of Stonnington highlight that 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.

6.5 Recommendations

Planning Scheme

There are a number of actions that should be taken to improve the guidance provided to all parties involved in the development approvals process in Apollo Bay and Marengo. These actions will collectively assist applicants to design more sympathetic buildings; nearby residents, Council officers and Councillors to assess the suitability of development proposals; and where necessary, the Victorian Civil and Administrative Tribunal members to determine upon planning appeal cases in the township.

The aims of the statutory approach should be:

- To give the whole Study recognition within the planning scheme, as an important background document.
- To provide appropriate strategic direction within the MSS, to give an umbrella for policy and controls.
- To enable the design guidelines contained in the precinct brochures to be used as an assessment tool for all applications in residential zones.
- To ensure the preferred character statements are contained within the planning scheme (either as incorporated documents or policy).
- To ensure that, where necessary, additional statutory controls are provided to require permits for buildings, works or tree removal so that the findings of the Study, particularly in relation to preferred neighbourhood character, can be enacted.

Specifically, the following changes are recommended to form the basis of a planning scheme amendment to implement the findings of the Apollo Bay and Marengo Neighbourhood Character Study:

- Include an Apollo Bay and Marengo Neighbourhood Character Policy in Clause 22 of the Planning Scheme. There are a number of options for the final format of the Local Policy. The recommended format includes the preferred character statements and design guidelines (objectives and design responses) as contained in the precinct brochures for each precinct. This would result in a long policy, but one that ensures the most important parts of the precinct brochures are given statutory effect. Another option would be the drafting of a much shorter policy that included more general objectives and decision guidelines. In both cases the precinct brochures would be reference documents. The final form of the Policy will require further consultation with the Department of Sustainability and Environment.
- Reference the Study and all precinct brochures to enable use of the additional supporting information contained in the Study report and brochures in assessment of applications.
- Apply the Design and Development Overlay to the majority of the township (excluding precinct 3) to provide a 7.5 metre height limit trigger. A planning permit would therefore be required for development over 7.5 metres which would enable assessment of it against the relevant design guidelines.

All these actions will require an amendment to the Colac Otway Planning Scheme. This process is likely to take a minimum of six months.

It should also be noted that no additional changes are required to the exhibited MSS. The exhibited document contains reference to the "Apollo Bay Neighbourhood Character Study 2003" (in the final gazetted documents, the correct title of the review report should be included), and also includes the protection and management of neighbourhood character in Apollo Bay and Marengo as a key direction.

6.6 Use of Overlay Controls

As outlined above, the use of the Design and Development Overlay (DDO) is considered to be warranted in all character precincts, with the exception of precinct 3, which is located adjacent to the town centre of Apollo Bay.

The DDO will provide a permit trigger for buildings over 7.5 metres in height and development that results in a change in the natural ground level exceeding two metres. The DDO will allow closer scrutiny of development of this type and will call up the objectives and design responses for the appropriate precinct, prepared as part of this review. This will ensure that issues integral to the character of the townships such as building form, view sharing and the relationship of buildings to landscape are considered.

The DDO is in place in many coastal areas of Victoria for the purposes of providing a height trigger, and 7.5 metres is often the figure stipulated. Rationale for the 7.5 metre figure in the case of Apollo Bay and Marengo is that it allows 'average sized' two storey dwellings to be constructed without a planning permit, but captures large two storey buildings and development over two storeys.

The design objectives of the DDO should be to ensure that new development is responsive to the coastal town character and landscape setting of Apollo Bay and Marengo, and demonstrates a high standard of design that reflects the coastal location. New development should also achieve the preferred township character in relation to building, form, height and articulation.

The DDO is not proposed in neighbourhood character precinct 3 where development is expected to be of a higher density and form than 'outer' residential areas.

6.7 Non-Statutory Options

Non-statutory tools can also provide an important means of implementing Council's neighbourhood character objectives. These include design coordination in the public domain, community encouragement and education, staff skilling and design advice and statutory support. These tools are discussed further below.

Design Coordination

The impact of the public domain on the character of an area cannot be underestimated. Street tree planting, road, kerb and footpath treatments all have a significant impact on the character of the streetscape. While this Study was not asked to make specific recommendations about the public domain, decisions about changes or strategies will ideally have some reference to the neighbourhood context determined by this Study.

The best way of coordinating works in the public domain is to establish a coordination mechanism. This could take the form of an officer group with the following objectives:

- Coordinate all aspects of design in road reserves and other parts of the public domain.
- Build up a consistent character across defined local areas (preferably the precincts defined in the Neighbourhood Character Study).

The group would comprise representatives from various departments within Council (eg design and engineering, infrastructure, development approvals, strategic planning, street lighting, parks services etc) and would:

- Ensure that design decisions relating to a single street, park or other facility are consistent with the various strategies.
- Resolve conflicts, overlaps or gaps in the strategies.
- Establish guidelines for the conduct of public consultation about public domain design, with mechanisms designed to accommodate pressures for divergent treatments in every location within a strategic, consistent approach.

Community Encouragement and Education

Education and encouragement, partly by means of forming partnerships, is an essential aspect of implementation. The following strategies could be adopted:

- Education of real estate agents, developers and landowners generally.
- Education of design and building professionals.
- Encouragement schemes for 'good character' developments.

The kinds of techniques that could be used to give effect to these strategies could include:

- Information leaflets
- Workshops
- Award schemes

- Displays
- Media articles/events

The partnership aspect of this option could be fostered by bringing stakeholders with differing perspectives (eg residents and developers) together into the same forum. This may be best accomplished independently of a contentious planning application with statutory time limits. A copy of the relevant precinct brochure could be included in 'resident kits' to reinforce the values and significance of the area and educate new residents.

Staff Skilling and Design Advice

It takes time to come to grips with a topic like neighbourhood character. The Council's statutory planners need continued support and skilling to make the best use of this Study's recommendations. Correct approaches to site analysis, knowledge about acceptable design solutions, familiarity with architectural styles, and consistency of decisions are all important. Training sessions, workshops and review of current applications by urban design consultants are useful techniques. In addition, training may be required by other parts of the Council organisation where the recommendations impact upon public domain works designed and undertaken by engineering personnel or contractors in accordance with specifications prepared by Council staff.

Resourcing may be an issue in the implementation of the recommendations of this Study, as some recommendations such as increasing controls over buildings and vegetation and more detailed assessment of design, may result in increased workloads for planning staff. The Council must be aware of this potential and monitor the effect of introducing new controls to ensure that implementation of the Study is effective.

Above all, the Council must determine to 'send out the right message' to the development community through consistent decision making as well as communication techniques discussed earlier. That message must foster an expectation that the best quality design is expected, and that applicants will be subject to delays or refusal if they fail to meet this expectation.

Statutory Support

The main vehicles for statutory support are the preferred character statements, design guidelines and the local policy prepared as part of this project. Planning controls will also provide significant help, as will the community education and encouragement initiatives referred to above. However, there are allied or associated measures that can be taken. Possibilities include:

- Permit conditions.
- Better enforcement of planning conditions.
- Increased publicity about penalties.
- Active monitoring of works undertaken without permission (eg illegal carports).
- Local Laws.

6.8 Neighbourhood Character Amendment

Council Briefing Meeting

At its briefing meeting on 9 October 2003, Council considered the recommendations of the neighbourhood character review as contained in this chapter.

It was recommended that Council resolve to exhibit an amendment to the Colac Otway Planning Scheme, including the following:

- Reference to the Apollo Bay and Marengo Neighbourhood Character Study in the Municipal Strategic Statement, including key directions covering the protection and management of neighbourhood character. *(This has since been excluded from the recommendations as it is considered that the recently exhibited MSS contains sufficient reference to the protection and management of neighbourhood character in the townships.)*
- A Local Policy in Clause 22 of the Planning Scheme containing the preferred character statements and design guidelines (objectives and design responses) for each precinct in Apollo Bay and Marengo.
- Reference to the Study and precinct brochures as Reference Documents.
- The application of the Design and Development Overlay to the majority of the township (excluding precinct 3), requiring a planning permit for development over 7.5 metres above natural ground level.

It was also recommended that the senior management of Council pursue non-statutory measures to complement the implementation of the Study through the planning system, including:

- The establishment of a design coordination team to manage works in road reserves and other aspects of the public domain.
- A community encouragement and education program.
- A commitment to staff skilling and design advice in relation to neighbourhood character.
- Improvements to statutory support mechanisms.

Development Densities

Council agreed with the recommendations of the study team as outlined above, but requested that an additional local policy be prepared, incorporating minimum lot sizes and development densities, as per the original character study. This issue was the subject of a further meeting with Councillors and Council officers from both Colac Otway and Surf Coast Shires on 29 October 2003. The Councillors also requested that the study team draft a letter to DSE seeking their further advice on the issue. A copy of the letter and DSE's response is attached as [Appendix D](#).

Planisphere advised the Councillors that such a policy was difficult to justify and unlikely to be approved by DSE, particularly in light of their previous advice regarding the former character study. Planisphere also advised that the design guidelines relating to the siting of dwellings, side boundary setbacks and view sharing would be sufficient to achieve a sense of spaciousness in the townships, and well articulated and site responsive development.

Despite this advice, the Councillors decided to proceed with the 'residential density policy'. At a further Council briefing meeting on 12 November 2003, the final density figures were resolved, and an additional 'plot ratio clause' was inserted as requested by the Councillors.

The final amendment documentation is included in [Appendix E](#).

Next Steps

Council will consider the final amendment documentation at its meeting in mid December. It will be recommended to Council that they resolve to exhibit the amendment through the peak holiday period of January / February, after which any submissions will be considered. The amendment will then proceed to a Panel if required.

