



# **Birregurra Structure Plan Review**

**Review of Neighbourhood  
Character Provisions**

19 July 2024



# Acknowledgement

Colac Otway Shire Council respectfully acknowledge the Gulidjan and Gadubanud peoples of the Eastern Maar Nation as the Traditional Custodians of the Birregurra region.

We pay our respects to their Ancestors and Elders past, present and emerging. We recognise and respect their unique cultural heritage, beliefs and uphold their continuing relationship to the land, skies and waterways.

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# Birregurra Structure Plan Review Project

Colac Otway Shire Council (Council) has commissioned a review of the *Birregurra Structure Plan 2013* (2013 Structure Plan).

The primary objectives of the Review project are to:

- Deliver an updated analysis of land supply for future in-fill housing within the current town boundaries.
- Identify where future growth should occur if further land is required to meet anticipated demand, ensuring housing affordability.
- Review and provide recommendations on the effectiveness of planning controls over subdivision and development.
- Provide an up-to-date structure plan for Birregurra that reflects contemporary community needs.

## Background Reports

As a first step for the Review project, the following background reports have been prepared:

1. Issues & Opportunities Report
2. Issues & Opportunities Summary Report
3. Review of Neighbourhood Planning Provisions (**this Report**)

Together, these reports present:

- An update on implementation of the 2013 Structure Plan.
- A current residential land supply and demand analysis.
- A summary of issues and opportunities to consider in developing the updated Birregurra Structure Plan.
- A review of neighbourhood character provisions and their effectiveness in achieving the preferred neighbourhood character for different precincts in Birregurra.

These reports are intended to be a starting point for community discussions. Council is committed to working with the community and other stakeholders in developing a revised Birregurra Structure Plan.

# Review of Neighbourhood Character Provisions

This report forms part of the background documents for the Birregurra Structure Plan Review project. It should be read in conjunction with the Background Report – Issues and Opportunities (19 July 2024).

This review examines whether the neighbourhood character planning provisions for Birregurra have been effective in achieving the preferred character as set out in the 2013 Structure Plan and more specifically the *Birregurra Neighbourhood Character Study 2012* (2012 Character Study).

At the time the 2012 Character Study was undertaken, Birregurra had recently been connected to reticulated sewer. This had the effect of enabling Council to consider smaller sized residential lots for the town as households would no longer need to store and treat wastewater on site. To ensure that a greater density of housing development would not impact on the rural village character of the town, Council engaged consultants to prepare the 2012 Character Study. It recommended the introduction of planning provisions to support development that would achieve a stated preferred character for different areas across the town, to provide a balance between the old and new.

## 1. Neighbourhood Character in Birregurra

Key features of Birregurra's small, country town character are described in the Birregurra Structure Plan 2013 (2013 Structure Plan) as consisting of:

- A wide, tree lined Main Street.
- Heritage buildings on the south side of Main Street and elsewhere throughout the town.
- A diversity of building types and building materials used throughout the town.
- A combination of elements which make up the fabric of the township including low fences, rollover kerbs, swale drains and ground surfaces, signs, memorials, etc.
- The extent, range and age of exotic plant species (in particular) which significantly contribute to and enhance the character of the township.

The 2012 Character Study analysed residential character across Birregurra at a more detailed level having regard to:

- Bulk and form of surrounding development.
- Architectural style of surrounding development.
- Geographic landscape and vegetation cover.
- Street characteristics.
- A visual assessment of township entry points.
- Predominant lot sizes.

The 2012 Character Study emphasised that respecting character did not mean new development needed to mimic or copy existing development, but rather complement existing development.



From the assessment, five preferred character areas were established with input from the local community. These are shown in Figure 1.

**Area A:** a strip along Main Street. Buildings designed to respect the heritage qualities in this area. Supports a single dwelling streetscape aspect to Main Street, with multi dwelling developments only permitted where the new dwelling is concealed to the rear of the existing dwelling. Encourages the retention of trees and new planting of canopy trees and understorey.

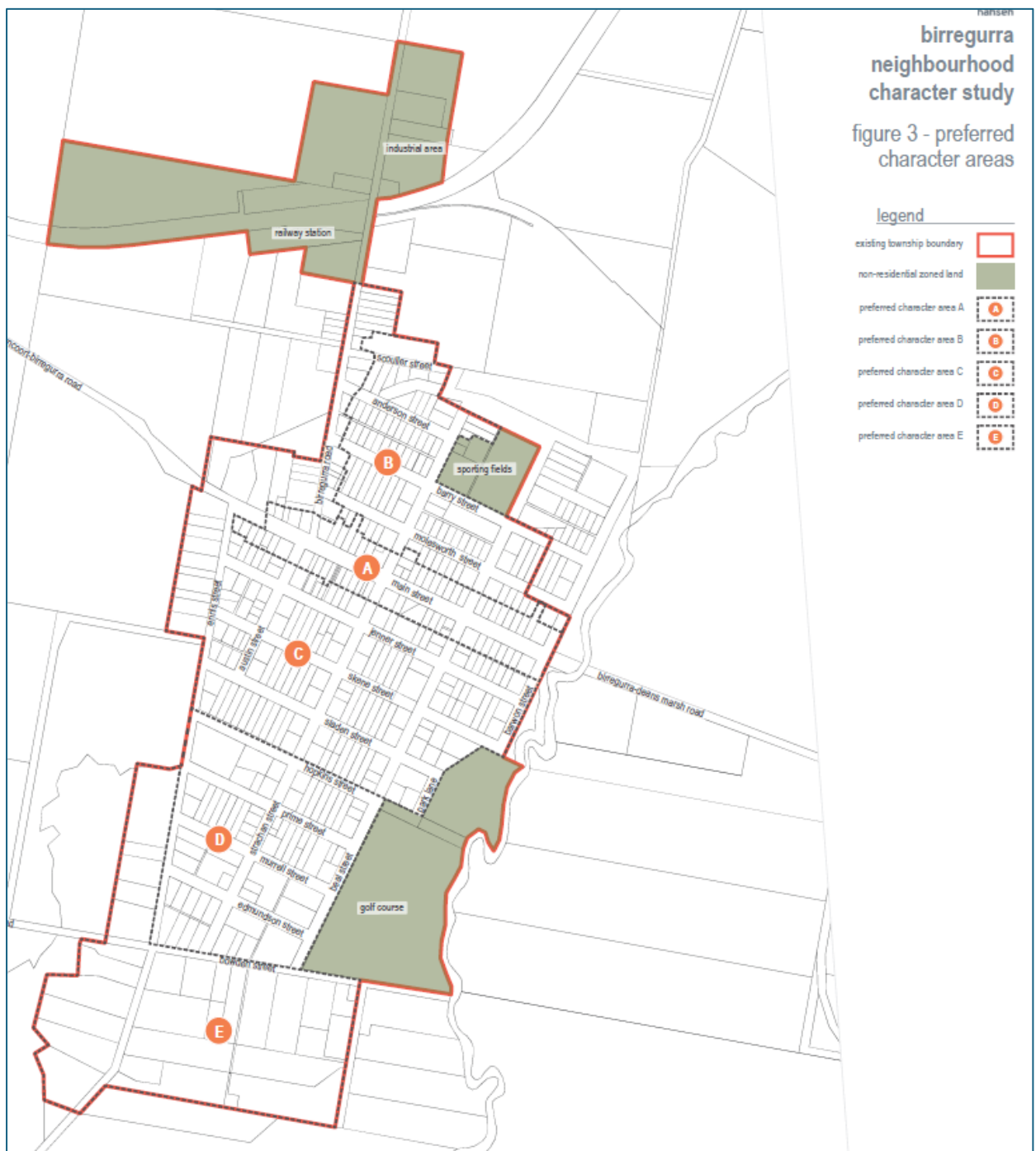
**Area B:** to the north of Main Street. A mixed character area with a range of housing styles and moderately smaller lot sizes compared to other precincts. An area where sensitively designed medium density development is encouraged within walking distance of Main Street. Allows smaller residential lots than other precincts. Encourages the retention of trees and new planting of canopy trees and understorey.

**Area C:** to the south of Main Street and along the northern and western entrance approaches to town. Allows greater setbacks from property boundaries and requires a lower building site coverage to maintain a more traditional township character and increasing opportunities for landscaping. Multi dwelling development is encouraged within walking distance of Main Street, but minimum lots sizes are larger than for Area B. Entrances to town are visually important and larger front setbacks and landscaping are required to minimise visual bulk from dwellings.

**Area D:** south end of Birregurra. An area of transition between the semi-rural residential area of town and the more traditional township area south of Main Street. Larger lots are encouraged, retention of vegetation where possible, increased landscaping and development to respect the undulating topography in this area.

**Area E:** land within the Low Density Residential Zone. Maintain the rural residential nature of this area.

Figure 1 Birregurra Preferred Character Areas



Source: Birregurra Neighbourhood Character Study, Hansen, 2012

## 2 Local Neighbourhood Character Planning Provisions

The 2012 Character Study was adopted by Council, alongside the 2013 Structure Plan, and planning provisions were introduced into the Planning Scheme via Amendment C76 in September 2014. The Explanatory Report for Amendment C76 explained why the amendment was required:

*The Birregurra Neighbourhood Character Study 2012 seeks to establish a planning framework to appropriately manage the impact of new development on the existing neighbourhood character following the introduction of reticulated sewage to the town, and to assist in determining the design, form and quality of housing to be developed. The introduction of the Design and Development Overlay (DDO) over various precincts will protect and encourage the preferred character and introduce a greater level of control in relation to fundamental neighbourhood character considerations, such as building setbacks, site coverage and building height. The Vegetation Protection Overlay (VPO) will be introduced to areas specifically recognised as having vegetation which contributes to a strong landscape presence and the character of Birregurra.*

Amendment C76 included the following provisions relating to neighbourhood character:

- New local policy which referenced the recommendations of the 2012 Study.
- Naming the 2012 Character Study as a reference document in the Planning Scheme.
- New schedules to the Design and Development Overlay (DDO) expressing the preferred character for different precincts across Birregurra and design guidelines.
- A new schedule to the Vegetation Protection Overlay (VPO) applying to land south of Main Street and along the northern and western entrances to town.

The Amendment mostly followed the recommendations of the 2012 Character Study, however separate schedules to the DDO were prepared for land within the Commercial 1 Zone and for industrial land to the north of town.

An independent planning panel considered the Amendment prior to its approval by the Minister for Planning, and concluded that:

*The Panel's review of the Neighbourhood Character Study, the Structure Plan and the associated background reports confirms that a rigorous approach was adopted to the analysis undertaken. The Amendment is also underpinned by an extensive community engagement process that contributes to the credibility of the Amendment provisions.*

*The Structure Plan aims to accommodate growth through infill development of the substantial supply of zoned land within the town, while the proposed neighbourhood character provisions aim to ensure that the character of Birregurra is protected. The Panel considers these strategic directions are sound.<sup>1</sup>*

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<sup>1</sup> C76 Panel Report, Birregurra Structure Plan, April 2014



In July 2020, local policy in the Planning Scheme transitioned to a new format intended to streamline planning schemes and reduce duplication with State policy (refer Planning Scheme Amendment C108). This had the effect of reducing the amount of local policy content in the Planning Scheme but was considered policy neutral, i.e. no content was removed that was not already part of the Planning Scheme. Current local policy now sits at Clause 11.03-6L. The objective for future growth and development in Birregurra is:

*To manage modest growth and development in Birregurra in a coordinated and sustainable manner that retains its rural character.*

The strategies relevant to neighbourhood character include:

- Protect the town's significant and contributory heritage places.
- Preserve and enhance the Barwon River corridor and connected waterways.
- Protect the landscape character and view lines of town entrances as defining elements of the north, east and west gateways.
- Encourage infill development on vacant lots and support further subdivision of larger lots within the existing settlement boundary.
- Support commercial uses and the redevelopment of existing premises on both sides of Main Street between Roadknight Street and Austin Street to the west and the unnamed watercourse / Strachan Street to the east.
- Encourage adaption and re-use of heritage buildings on Main Street.
- Retain low building heights throughout the town and the single-storey built form of Main Street.
- Support development in the Industrial 1 Zone that reflects the rural character and visual amenity.
- Support road upgrades that retain and enhance the character and informal nature of road reserves.
- Design built form in residential areas to maintain the dominance of the surrounding landscape.

## Overlays and Schedules

New schedules to the Design and Development Overlay (DDO) and the Vegetation Protection Overlay (VPO) were introduced to provide more specific guidance for development in the different preferred character areas. This report focuses on whether the application of these overlays to land in Birregurra has assisted in achieving a preferred neighbourhood character outcome.

Other planning scheme overlays apply throughout the precincts with a range of different purposes, such as to address flood risk, erosion, landscape or heritage matters. These are identified for context but their effectiveness in achieving stated objectives does not form part of this review.

### *Design and Development Overlay*

The DDO was applied as the primary tool to achieve preferred neighbourhood character outcomes throughout Birregurra. Objectives are specific to the individual schedules.

Land in Birregurra is affected by six different schedules to the DDO, including:

**DDO11** – Preferred Character Area A (Main Street)

**DDO12** – Preferred Character Area B (North East)

**DDO13** – Preferred Character Area C (Roadknight Street Entry and South of Main Street)

**DDO14** - Preferred Character Area D (South)

**DDO15** – Birregurra Commercial Area

**DDO16** – Birregurra Industrial Area

Each of these schedules is considered further in Chapter 3.

The DDO requires a planning permit to construct a building or construct or carry out works. This does not apply (summarised):

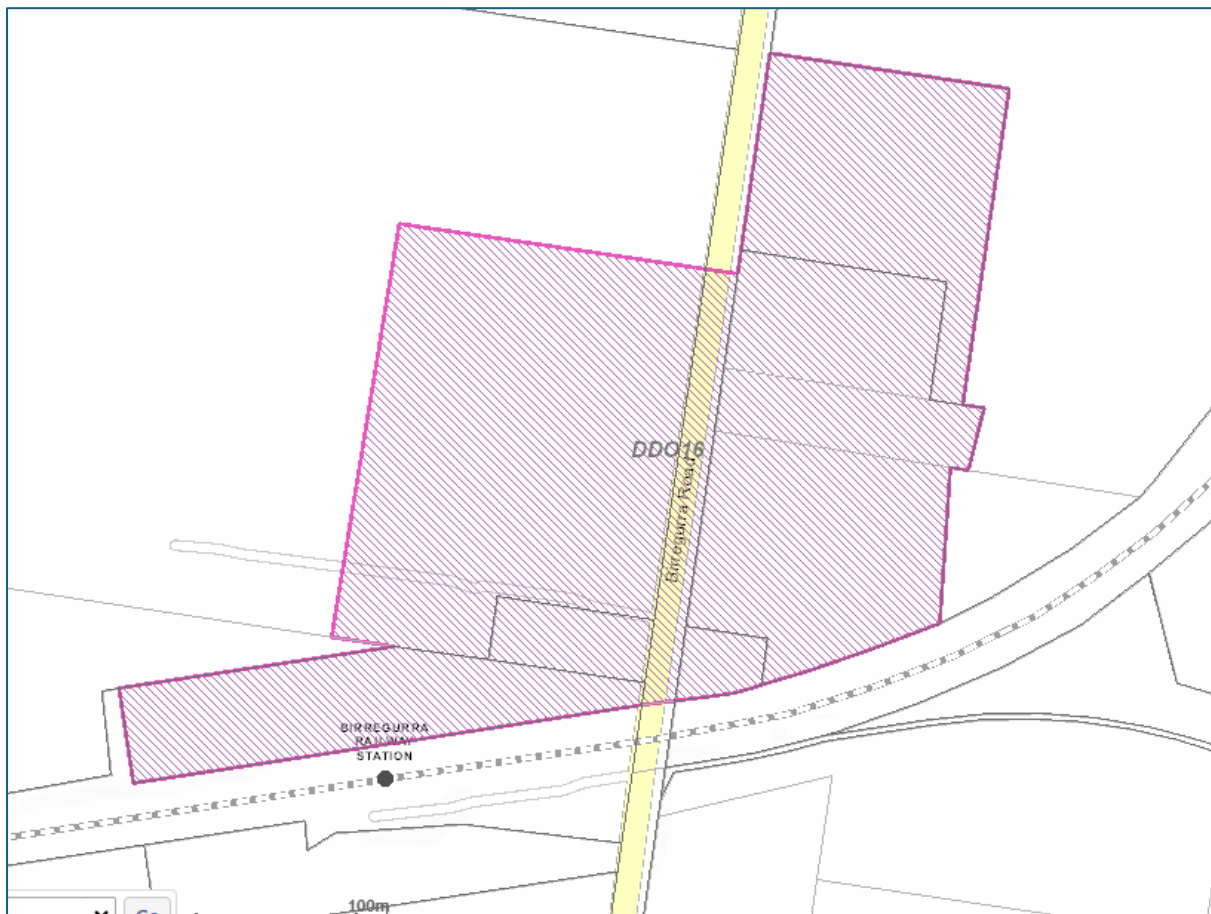
- If a schedule specifically states that a permit is not required.
- To the construction of an outdoor swimming pool associated with a dwelling unless required in a schedule to this overlay.
- To the construction of a building for a small second dwelling if all the following requirements are met:
  - The building height must not exceed 5 metres.
  - The building must be finished using muted tones and colours.
  - A planning permit is required to subdivide land.

Figure 2 shows land affected by the various DDO schedules 11-15 which includes the commercial and residential areas of Birregurra.



Figure 3 shows industrial zoned land affected by the DDO16.

*Figure 3 Design and Development Overlay 16 - Industrial Area, Birregurra*



Source: VicPlan 2024

### *Vegetation Protection Overlay*

The VPO was also applied as a neighbourhood character tool. The purpose of the VPO is to recognise and protect areas of significant vegetation, minimise vegetation loss, maintain and enhance habitat for indigenous fauna and encourage regeneration of native vegetation. Each schedule to the VPO must contain a statement of the nature and significance of the vegetation to be protected and the objectives to be achieved.

A permit is required to remove, destroy or lop any vegetation specified in a schedule to the VPO.

Schedule 3 to the VPO was applied to all land in the preferred character areas C (Roadknight Street Entry and South of Main Street) and D (South) as shown in Figure 4.

The statement of nature and significance of vegetation to be protected for the VPO3 is:

*Both native and exotic trees are significant to Birregurra as they contribute to a strong landscape presence that is integral to the rural character of the area.*

Scattered native trees contribute to significant canopy cover and provide a visual impact upon entry to Birregurra and within the township.

Figure 4 Birregurra - Vegetation Protection Overlay Area



Source: Colac Otway Planning Scheme, June 2024

### 3 Planning Provisions Review

This section considers each of the neighbourhood character precincts in more detail. The following elements are considered having regard to the neighbourhood character planning provisions applicable to each precinct.

- Density
- Height, building bulk and setbacks
- Surrounding context (e.g. heritage, active street frontage, township entrance)
- Landscape character

The methodology for this assessment included:

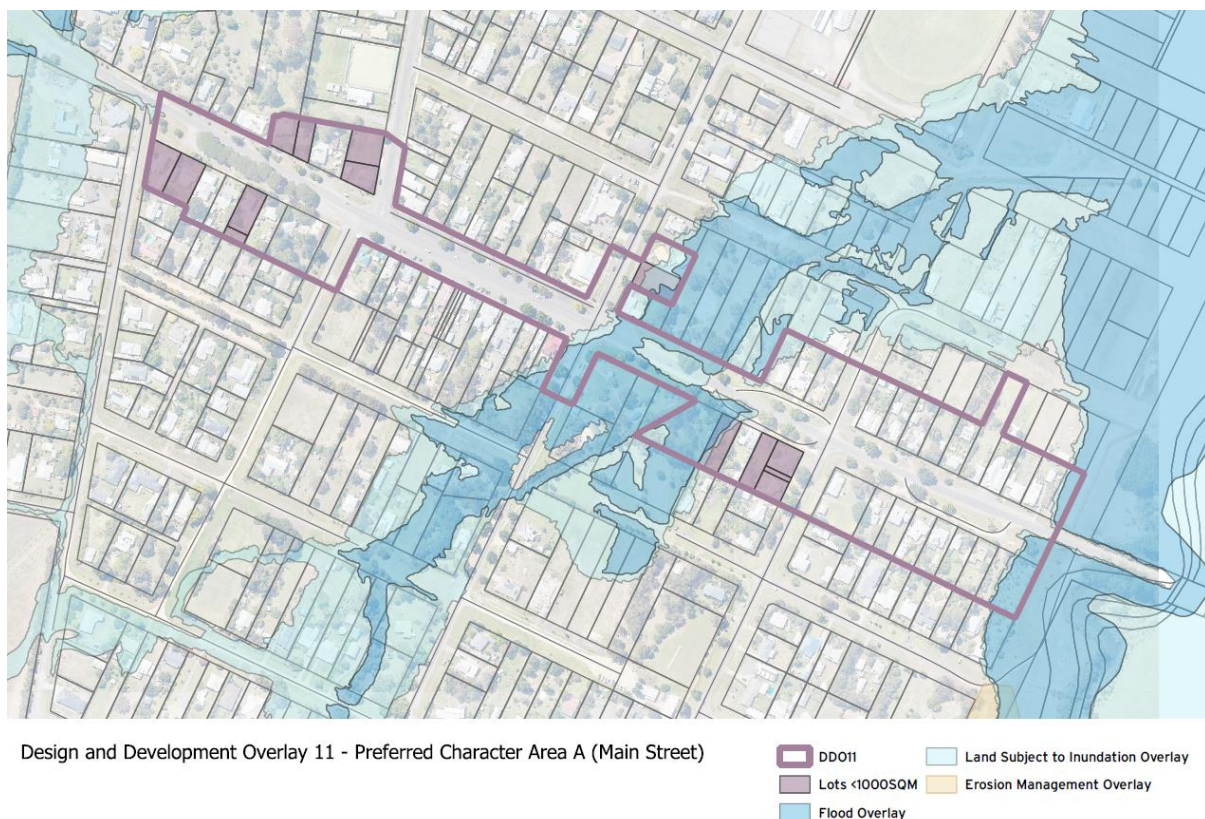
- A review of Council's planning permit register over the 10 years since the neighbourhood character provisions were introduced.
- A workshop with Council's statutory planners to discuss the neighbourhood character provisions and identify planning permit applications of relevance.
- A review of several planning permit application officer reports over the 10 years since the neighbourhood character provisions were introduced.
- Mapping analysis having regard to lot sizes, aerial photography and comparisons with maps in the 2013 Background Report.
- Site inspections from the public realm.

## Area A - Main Street

The DDO11 applies to residential land along Main Street. It includes land in the Township Zone extending either side of the Main Street retail and community use area. All land in the precinct is affected by the Heritage Overlay and small areas are included within an Aboriginal Cultural Sensitivity area. Area A is part of the Main Street Heritage Precinct. It contains several individually significant properties and includes the heritage listed median strip of trees referred to as Stone Pine Avenue.

Area A is closely aligned with “preferred character area a” from the 2012 Character Study but excludes land in the Commercial 1 Zone, Public Use Zone and Public Park and Recreation Zone.

Figure 5 DDO11 Preferred Character Area A (Main Street)



Source: Colac Otway Shire Council, June 2024

The DDO11 design objectives for this precinct are:

- To encourage development that is respectful of the scale, form, siting and setbacks of nearby buildings and that responds to the historic character of the streetscape.
- To restrict multi-dwelling development to circumstances where the existing dwelling fronting Main Street is retained and any new dwellings are concealed to the rear (except vacant lots).
- To encourage low-rise single-storey buildings.

- To encourage the retention of trees where possible and the planting of new canopy trees and understorey vegetation to the front, side and rear of dwellings.

The DDO11 does not require a planning permit for a dwelling, fence or outbuilding where it meets certain requirements specified in the schedule.

It does require a planning permit for subdivision and for a second dwelling that does not meet the second small dwelling conditions.

The following table summarises the development guidelines for this precinct.

*Table 1 DDO11 Development Standards*

<b>DDO11 – Area A, Main Street</b>			
<b>Density</b>	<b>Height, building bulk and setbacks</b>	<b>Surrounding context</b>	<b>Landscape character</b>
Minimum lot size – 1,000sqm Medium density development permitted (500sqm) – new dwellings to be concealed at the rear of dwellings fronting Main Street	Low rise, single storey (5.5 metre maximum) Smaller building footprints (30% maximum site coverage) Large rear setbacks for single dwellings	Responds to heritage context and the interface with adjoining development	Retain trees and encourage canopy planting

Source: Colac Otway Planning Scheme, May 2024

The following observations are made in relation to development that has occurred since the neighbourhood character provisions were introduced.

#### *Density*

There has been little change in lot pattern and size across Area A since 2014. Only one subdivision application proposed a lot smaller than the 1,000sqm and this was a corner site with an existing dwelling, thus having a negligible impact on density across the precinct.

Several lots north of Main Street at the eastern end of town have been subdivided in two, generally following the boundary between the portion of land with the DDO11 area and that in the DDO12 area. Newly created lots have frontage to Molesworth Street and do not impact on the streetscape character of Main Street.



Land at 10 Main Street is currently wholly within the DDO11 and has recently been subdivided. Adjoining lots are partially within the DDO11 and partially within the DDO12. It would be appropriate for the newly created lot to be removed from the DDO11 area and included within the DDO12 area, consistent with adjoining lots fronting Molesworth Street. It is assumed that the DDO11 was originally applied to the entire site to protect the heritage context of the existing building on site. As part of the subdivision process the application was referred to Council's Heritage Advisor, who provided the following assessment:

*I am supportive of the proposed two lot subdivision at 10 Main Street, Birregurra. The subdivision will retain a sufficient setting around the front significant building, is sympathetic to the historical street patterning along Main Street and will not separate any significant features on the two blocks. Future development on the proposed Lot 2 is unlikely to impact on the individually significant site or the Birregurra Town Heritage Overlay Precinct, as it is well set back from Main Street and a large rear yard is retained with the significant building. The proposed subdivision will therefore not impact on the significance of the Birregurra Town Precinct or the former Riverside in site and building.<sup>2</sup>*

#### *Height, building bulk and setbacks*

A review of Council's planning permit register found only one planning permit application for a new dwelling (replacement dwelling) in this precinct since the neighbourhood character provisions were introduced. While it sought to vary the DDO11 design standards, this was considered appropriate due to the individual characteristics of the site.

There have been a few planning applications for alterations to an existing dwelling but none of these have raised neighbourhood character concerns. In the main, the Heritage Overlay has triggered the need for a permit rather than the DDO11.

#### *Surrounding context*

The heritage character of Main Street within the DDO11 precinct remains. One contributory heritage dwelling has been demolished which was found to be structurally unstable. The replacement dwelling, of weatherboard construction, was considered to be sympathetic to the heritage character of the precinct. Similarly alterations to dwellings have been considered appropriate in the heritage context of the streetscape, noting the Heritage Overlay has generally triggered the need for a planning permit rather than the DDO11.

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<sup>2</sup> Planning Application PP197/2022-1, Officer Report, Colac Otway Shire Council

### *Landscape character*

It is difficult to assess the effectiveness of the DDO11 provisions on landscape character. The DDO11 includes an objective to encourage the retention of trees where possible but the DDO is not a tool which can require a planning permit for vegetation removal. It also encourages the planting of new canopy trees and understorey vegetation to the front, side and rear of dwellings which reads more as a strategy than an objective. Landscaping is not mentioned in the design standards which are often used as a type of checklist as to whether an application meets the stated objectives. The landscape character objective is very broad and might be difficult to achieve without more specific guidance. One person's view about what planting requirements might be appropriate to request might be very different to another.

A review of the one application identified for a new dwelling in this precinct since the DDO11 was introduced, found that there was no mention of landscaping requirements.

A comparison of aerial photography within the 2013 Background Report with photography from today did not reveal any noticeable reduction in vegetation cover within this precinct.

### *Findings*

The above analysis suggests that the DDO11 provisions for Area A have been effective in achieving the preferred neighbourhood character objectives for this area and new development has generally been consistent with local policy. It retains a low rise, heritage character.

It would be useful to further explore landscape character for this precinct with the community. It could add value to the DDO11 to provide more targeted guidance about what type of landscaping might achieve the preferred character outcome for this area and in what circumstances it would be appropriate to require landscaping as a condition of permit.

Consideration should be given for the inclusion of the newly created lot at the rear of 10 Main Street in the DDO12 as part of a future planning scheme amendment.

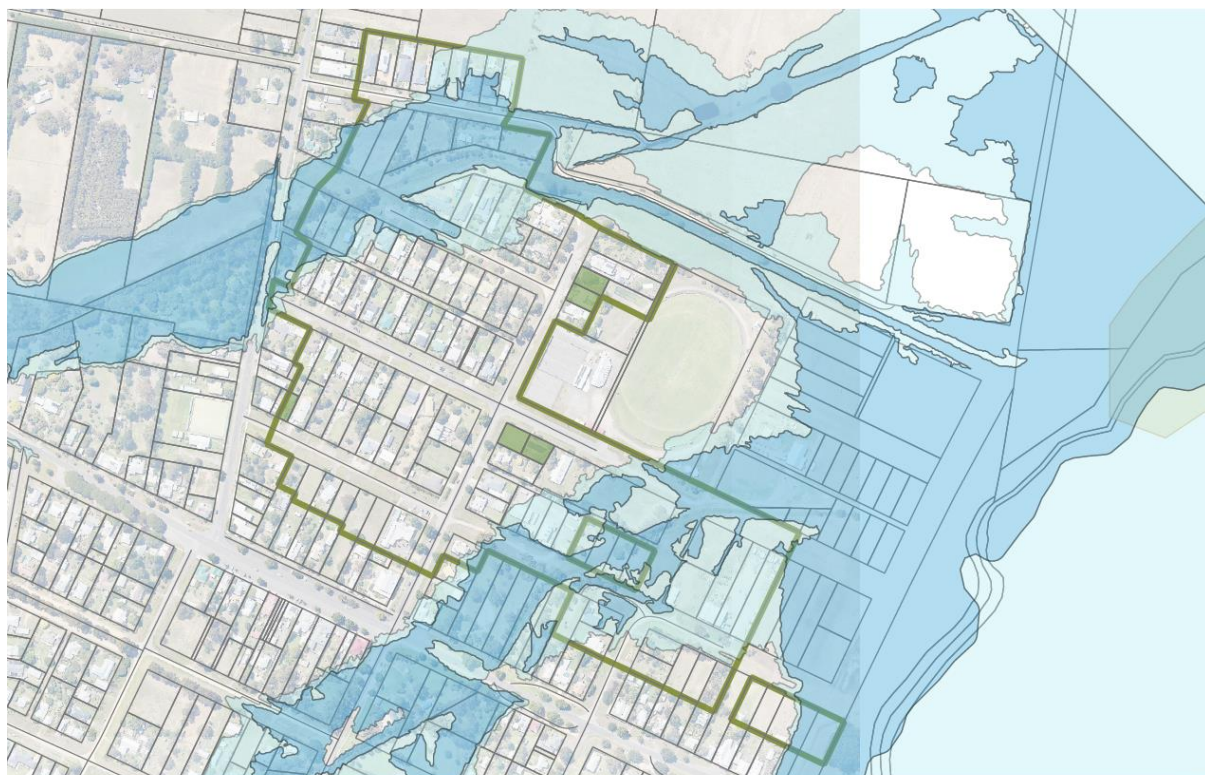


## Area B – North East

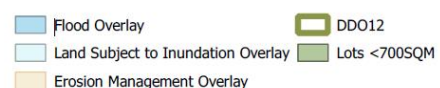
The DDO12 applies to Area B comprising of land north of Main Street, east and west of Strachan Street. All of the land is within the Township Zone. Some parts of the land are affected by flooding overlays and are also included within an Aboriginal Cultural Sensitivity area. The Significant Landscape Overlay, Schedule 6 applies to a small number of properties in proximity to the Barwon River.

The 2012 Character Study envisaged the evolution of this area characterised by a mix of dwelling styles and some smaller lots compared with other precincts. The minimum lot size for this precinct is smaller than for any other precinct in Birregurra, suggesting an expectation for more change in this area.

Figure 6 DDO12 Preferred Character Area B (North East)



Design and Development Overlay 12 - Preferred Character Area B (North East)



Source: Colac Otway Shire, June 2024

The design objectives for this precinct as set out in the DDO12 include:

- To encourage sensitively designed and sited responsive medium density residential development within walking distance of Main Street (i.e. 400 metres).
- To reduce building bulk and the visual impact on the streetscape and promote flexibility in material use, including lightweight materials such as timber cladding.

- To discourage straight driveways and reduce driveway length to increase permeable areas available for landscaping.
- To encourage the retention of trees where possible and the planting of new canopy trees and understorey vegetation to the front, side and rear of dwellings.

The DDO12 does not require a planning permit for a dwelling, fence or outbuilding where it meets certain requirements specified in the schedule.

It does require a planning permit for subdivision and for a second dwelling that does not meet the second small dwelling conditions.

The following table summarises the development guidelines for this precinct.

*Table 2 DDO12 Development Standards*

<b>DDO12 – Area B, North East</b>			
<b>Density</b>	<b>Height, building bulk &amp; setbacks</b>	<b>Surrounding context</b>	<b>Landscape character</b>
Minimum lot size – 700sqm  Medium density development encouraged (500sqm)	Low rise, single storey (5.5 metre maximum)  Flexibility in material use  Allows slightly more building site coverage  Moderately large rear setbacks	Sensitively designed and responsive	Discourage straight & long driveways (reduce hard surfaces)  Retain trees and encourage canopy planting

Source: Colac Otway Planning Scheme, May 2024

The following observations are made in relation to development that has occurred since the neighbourhood character provisions were introduced.

### *Density*

The DDO12 includes one objective directly related to density, which is to encourage “sensitively designed and sited responsive medium density residential development”. The minimum lot size is 700sqm but can be varied. For multi dwelling development applications the minimum lot size is 500sqm. The 2012 Character Study anticipated that the precinct would be characterised by smaller lots over time.

There has been some subdivision in Area B over the past 10 years, most often creating lots between two street frontages with lot areas around 1,000sqm. In particular, a number of new lots have been created along Molesworth Street between Beal Street and the Barwon River, and a number between Molesworth and Barry Street, west of Strachan Street.

The 2012 Character Study recommended a minimum lot size of 700sqm for single dwellings in this precinct. It suggested that this would allow subdivision of land south of Scouller Street but would not permit subdivision of many existing parcels of land into more than two lots without a concurrent multi dwelling proposal. It was considered that 700sqm was the minimum lot size that would generally be consistent with the preferred neighbourhood character.

However, it also assumed that smaller lots could be consistent with neighbourhood character depending on the style of development constructed on the land and therefore that smaller lots could only be considered if a concurrent multi dwelling application was sought. The intent behind permitting smaller lots was to encourage sensitively designed medium density development that would provide for a range of smaller sized dwellings (one or two bedrooms) and thus increase the diversity of housing stock in town.

The development opportunity presented by the medium density provision has attracted little take up to date. Only one application for subdivision and multi dwelling development was identified for this area. The application sought approval for two additional dwellings and a three lot subdivision with lots ranging from 561sqm to 791sqm. A permit was issued in 2019 but the subdivision did not proceed, and the property has since been sold.

The largest subdivision in recent times was in Barry Street where a permit was granted for 6 lots. An application was originally sought for 8 lots but amended following concerns raised by the Corangamite Catchment Management Authority. The applicant then sought 7 lots, which was again amended this time due to concerns by Council that it would not meet neighbourhood character objectives. A permit was granted for 6 lots with areas ranging from 700sqm (two lots) to 1,470sqm. The site was constrained to an extent with a creek in the south-eastern part of the site. The application did not include a development proposal for multi dwellings and therefore a lot size below 700sqm could not be considered.

Figure 6 shows that there are very few lots less than the standard minimum lot size of 700sqm.

New flood modelling undertaken and implemented as part of Planning Scheme Amendment C116 identified an increased risk of flooding in the Scouller Street area and the Floodway Overlay was applied to much of the land south of Scouller Street (September 2022). This effectively prohibits the subdivision of land to create additional residential lots in this area. And so, the original intent to allow subdivision immediately south of Scouller Street is no longer relevant as it would be prohibited. It is noted that land north of Scouller Street was subdivided around the time of the 2012 Character Study and has since been fully developed with new dwellings (nine lots within the DDO12 precinct).

### *Height, building bulk and setbacks*

The DDO12 aims to reduce the visual impact of development on the streetscape.

There have only been a few planning permit applications for dwellings or extensions in the precinct. This indicates that new dwellings have generally been meeting the design standards specified in the DDO12, thus exempting them from the requirement for a planning permit.

Two developments were identified where variations were sought to the design guidelines in the DDO12. Both applications were for corner sites, sought variations to setbacks but complied with all other design standards. They were advertised and neither received any objections. Permits were granted in both cases and the proposed lesser setbacks were not considered detrimental to neighbourhood character.

Discussions with Council's Statutory Planners identified a concern with the 10 metre rear setback guideline in the DDO12 and more broadly with rear setbacks in the other DDO schedules, ranging from 10-15 metres. There was a concern that the purpose of this guideline is not clear in terms of its broader role in achieving a preferred character outcome. Assessment of individual variations has generally focused on the impact on the amenity of adjoining properties and visibility of development from the street. This is further considered for Area C.

### *Surrounding context*

The preferred character for Area B is described in the 2012 Character Study as one which will evolve into a mixed character with a range of housing styles and smaller lot sizes compared to other areas. Smaller lot sizes are not yet a feature of this area as discussed above. Newer housing features a mix of styles, suburban brick and timber, however both often have verandahs which tend to lend dwellings a more country feel. The DDO12 has had little influence over choice of materials as most new dwellings have not required a planning permit.

The DDO12 encourages sensitively designed and sited responsive medium density development within walking distance of Main Street. The design standards for multi dwelling applications are less onerous than for single dwellings. As noted above, this style of development has not eventuated to date and thus it is not feasible to assess whether the less onerous standards have resulted in development consistent with the preferred character for the precinct.

### *Landscape character*

It is difficult to assess the effectiveness of the DDO12 provisions on landscape character. The DDO12 includes an objective to encourage the retention of trees where possible but the DDO is not a tool which can require a planning permit for vegetation removal. It also encourages the planting of new canopy trees and understorey vegetation to the front, side and rear of dwellings which reads more as a strategy than an objective. These types of objectives are very broad and can be difficult to achieve without more specific guidance. One person's view about what planting requirements might be appropriate to request might be very different to another.

The DDO12 also seeks to discourage the creation of straight and long driveways as part of new development to increase potential for landscaping. A review of subdivisions approved has not identified the creation of battle axe style lots in this precinct where long, straight driveways sometimes feature.

## *Findings*

The above analysis suggests that the DDO12 provisions for Area B have been somewhat effective in achieving the preferred neighbourhood character for this area. There has been a moderate amount of subdivision, providing new lots for housing development. New lots created have generally been above 700sqm. The objective to encourage medium density development has not been successful.

New development has been low rise, presenting a mix of styles yet generally unobtrusive and in keeping with surrounding development. It is difficult to tell if the DDO12 has influenced this outcome as most new development has not required a planning permit. However, it could be the case that the design standards (including height, setbacks, site coverage and fencing) have encouraged landowners to keep within the stated parameters to avoid the need for a planning permit thereby indirectly achieving the preferred character.

As for the DDO11, it would be useful to further explore the landscape character sought to be achieved for this precinct.

During the assessment one anomaly was picked up relating to land at 15-19 Strachan Street, which is part of the Birregurra Recreation Reserve. A small portion of this property has been included in the DDO12 which has not been applied to any other land in the Public Park and Recreation Zone. It would be appropriate to remove the DDO12 from this portion of land as part of a future planning scheme amendment.



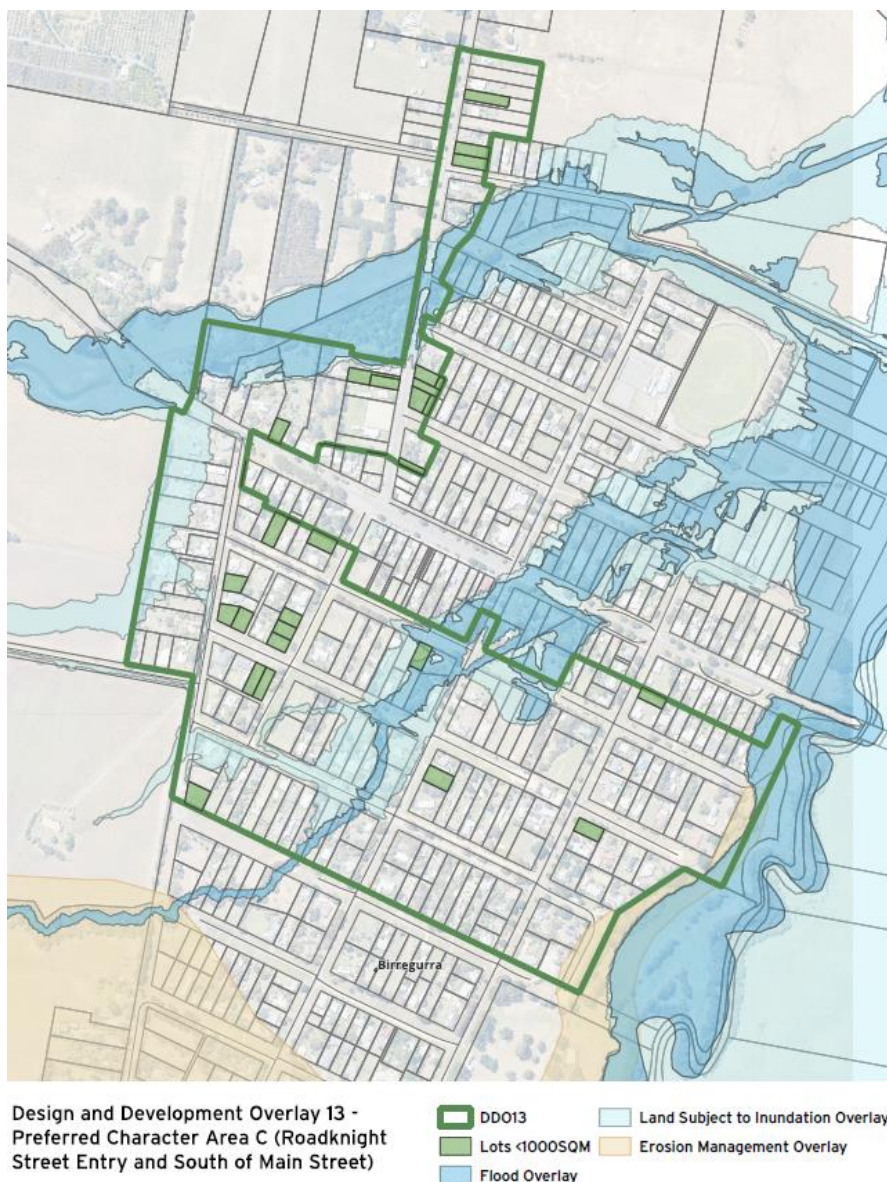


## Area C – Roadknight Street Entry & South of Main Street

Area C is the largest precinct and is predominantly located to the south of Main Street. The western and northern entrances to town are also included within this precinct. The DDO13 applies to land in Area C and all of the land is within the Township Zone. The VPO3 also applies to all of Area C. Some parts of the land are affected by flooding overlays and some of the land is included within an Aboriginal Cultural Sensitivity area. The Heritage Overlay applies to several properties. The Significant Landscape Overlay, Schedule 6 applies to a small number of properties in proximity to the Barwon River.

The preferred character for this area is described in the 2012 Character Study as a more traditional township character with greater setbacks from property boundaries and lower site coverage offering greater opportunities for landscaping.

Figure 7 DDO13 Preferred Character Precinct C (Roadknight St Entry & South of Main St)



Source: Colac Otway Shire Council, June 2024

The design objectives for this precinct as set out in the DDO13 include:

- To encourage sensitively designed and sited responsive medium density residential development within walking distance of Main Street (i.e. 400 metres).
- To ensure new development surrounding the church buildings responds to its context and the historic character of the streetscape, including the building stock.
- To reduce building bulk and the visual impact on the streetscape and promote flexibility in material use, including lightweight materials such as timber cladding.
- To encourage dwellings to be set back a sufficient distance from all boundaries to provide the opportunity for native canopy trees and understorey vegetation.

The DDO13 does not require a planning permit for a dwelling, fence or outbuilding where it meets certain requirements specified in the schedule.

It does require a planning permit for subdivision and for a second dwelling that does not meet the second small dwelling conditions.

The VPO3 requires a planning permit for vegetation removal. The vegetation protection objectives to be achieved are:

- To protect tree vegetation for its aesthetic value and its contribution to the character of Birregurra.
- To encourage the retention of trees where possible and the planting of new canopy trees and understorey vegetation.

The following table summarises the development guidelines for this precinct.

*Table 3 DDO13 Development Standards*

<b>DDO13 – Area C, Roadknight St Entry and South of Main St</b>			
<b>Density</b>	<b>Height, building bulk &amp; setbacks</b>	<b>Surrounding context</b>	<b>Landscape character</b>
Minimum lot size – 1,000sqm Medium density development encouraged (600sqm)	Low rise, single storey (5.5 metre maximum) Flexibility in material use Smaller building footprints (30% maximum site coverage) Large rear setbacks for single dwellings	New development around churches to respond to this context & heritage context of the streetscape	Larger setbacks for native canopy tree planting Retain existing vegetation where possible.

Source: Colac Otway Planning Scheme, May 2024

The following observations are made in relation to development that has occurred since the neighbourhood character provisions were introduced.

### *Density*

The DDO13 includes one objective directly related to density, which is to encourage “sensitively designed and sited responsive medium density residential development”. The minimum lot size is 1,000sqm but can be varied. For multi dwelling development applications the minimum lot size is 600sqm.

The 2012 Character Study included an objective for Area C, which was to facilitate some opportunity for infill development while acknowledging that “this will be an area of limited change”.

There is no policy indication in any objective in the Planning Scheme that Area C is to be an area of limited change, although it is noted that the minimum lot sizes specified are greater than for Area B. The 2012 Character Study is a reference document in the Planning Scheme, but this does not lend it the same weight as objectives in the Scheme itself. It may be appropriate in future to include an additional objective in the DDO13 which outlines the overarching preferred character sought for Area C.

Ten new residential lots have been identified in Area C as compared with lots shown in the 2013 Background Report. Just over half of these are lots greater than 1,000sqm. There are a further four which have been approved but not yet finalised.

The 2012 Character Study anticipated subdivision of the many 2,000sqm rectangular lots with street frontage to both the north and south. The streets mostly follow a grid pattern in Area C so this form of subdivision was considered to provide an opportunity for more housing with minimal impact on the traditional township character sought for this precinct. Only one subdivision of this type has occurred in Area C, which is in contrast to Area B where this style of subdivision was the most common form.

The development opportunity presented by the medium density provision has attracted little take up to date. Two subdivisions with lots less than 1,000sqm have been identified in Area C, one of which occurred prior to the introduction of the DDO13. The second one is in Roadknight Street and has one lot just under 1,000sqm. At the time of planning assessment, it was thought that both lots would be approximately 1,000sqm and therefore consistent with the single dwelling minimum lot size. It was accompanied by a multi dwelling application and it is noted that it created a long straight driveway. The avoidance of these are not an objective of Area C (in contrast to Area B). There is potential for similar subdivisions to be created all along this strip of Roadknight Street. With the second dwelling largely concealed from Roadknight Street by the front dwelling, it has had minimal impact on the streetscape character of the Roadknight Street entry to Birregurra.

The largest subdivision in Area C is a recent approval for a five lot subdivision. All of the approved lots have an area greater than 1,000sqm. It has not yet been constructed.

### *Height, building bulk and setbacks*

The DDO13 seeks to reduce the visual impact of development on the streetscape and to encourage setbacks for dwellings that provide an opportunity for planting of native canopy trees and understorey vegetation.

There have been considerably more planning permit applications (compared to other precincts) for new, and extensions to, dwellings in Area C due to variations to design standards being sought, primarily to side and rear boundary setbacks. Interestingly many of these were for corner lots, where it was often difficult to meet the design standards for setbacks due to lot shape and dimensions. This was also the case for lots which did not meet the minimum lot size of 1,000sqm.

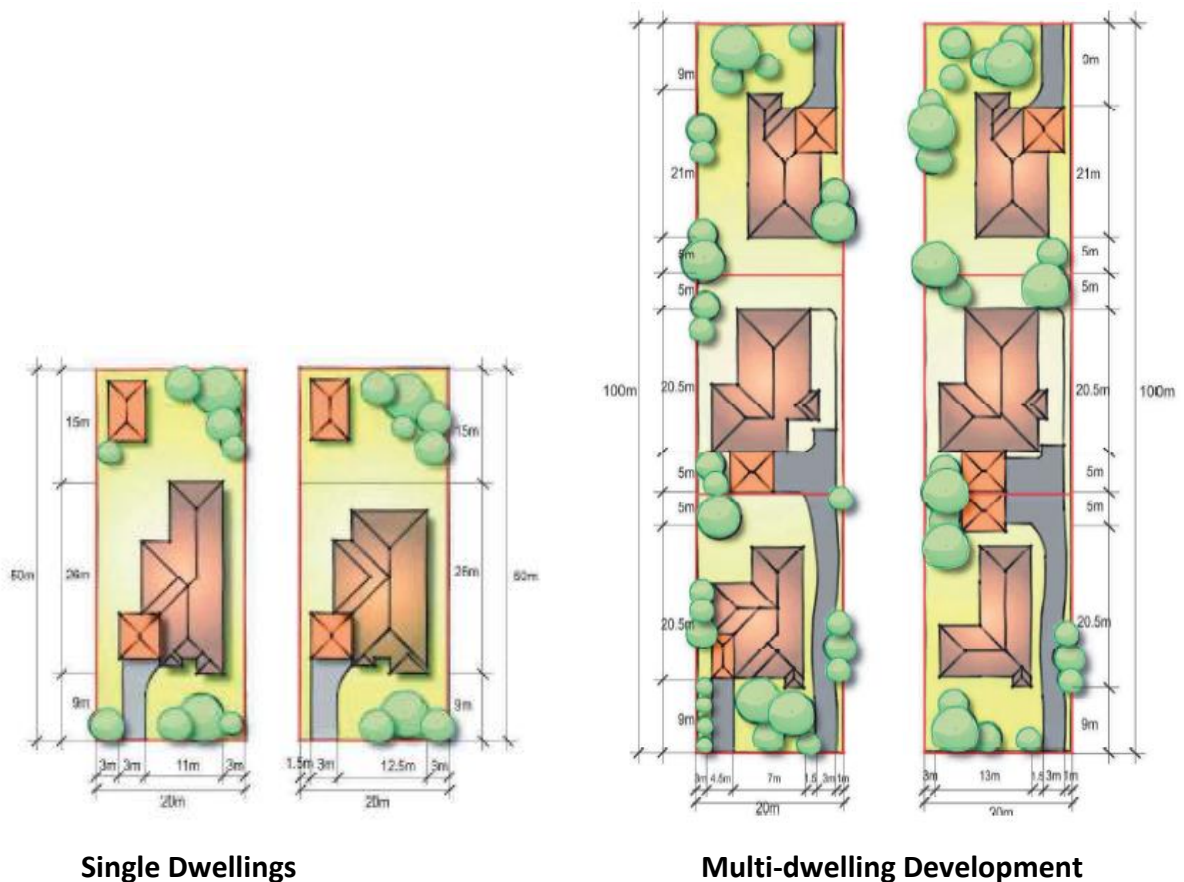
Height and building bulk did not come up as issues in the planning application review, but once again the rear setback in particular presented challenges. In each of the applications reviewed a variation was approved for varying reasons including:

- No adverse impact on adjoining properties.
- Outbuildings and/or adjoining dwellings already within the setback area.
- No impact on streetscape character.
- The reduced setback would still allow for significant space for vegetation to be planted.

The 2012 Character Study does not provide an explanation as to how the rear setback distance of 15 metres was derived. It doesn't provide a discussion around rear setbacks for Area C at all but refers to greater setbacks generally to allow for increased landscaping opportunities.

The design standard for rear setbacks for multi dwelling developments is 5 metres. The design objectives for the DDO13 include the encouragement of sensitively designed medium density residential developments within walking distance of Main Street (400 metres). Most of Area C is within 400 metres of Main Street and therefore it can be assumed that this style of development is encouraged in most parts of the precinct. It is not evident why a single dwelling development should be more constrained in the rear setback provision than a medium density development from a neighbourhood character perspective. It would appear that the preferred character outcome is not the rear setback per se but the ability to achieve substantial landscaping on site that contributes to the character visible from the public realm. The 2013 Structure Plan included possible site layout diagrams showing the different rear setback for single dwellings and for multi dwelling developments (refer to Figure 8). It is considered that these diagrams demonstrate that there is an opportunity to reduce the rear setback provision for single dwellings and still achieve the preferred character outcome. This should be further considered in the revised Birregurra Structure Plan.

Figure 8 Area C - Possible Site Layout Diagrams



Single Dwellings

Multi-dwelling Development

Source: Birregurra Neighbourhood Character Study, Hansen, 2012

### Surrounding context

The church buildings and associated historic streetscapes are considered a significant part of the neighbourhood character of Area C. The DDO13 objective relating to the church precinct is essentially the only objective that gives a real sense of the different preferred neighbourhood character outcome for Area C relative to Area B.

There has been development activity in the church precinct since the introduction of DDO13, including subdivision and adaption of heritage buildings to a new use (dwelling). For these sites, several planning overlays are in place in addition to the DDO13 and VPO3: the Heritage Overlay (HO), Significant Landscape Overlay and to a lesser extent the Erosion Management Overlay.

Development and change of use in this area is considered to have responded well to the historic character and context of the area. Allowing adaptive re-use of buildings no longer serving a church function is a positive way to retain the built form heritage and ensure on-going care for historic buildings.

There has been one planning application refused in the church precinct and this was for the removal of three exotic pine trees (permit triggered by the VPO3). Following a comprehensive assessment the application was refused on the basis that the trees made a significant contribution to the character of that part of Birregurra (i.e. within the church heritage precinct). The VPO3 trigger in this instance was important as even though tree controls may have applied pursuant to the HO, the decision guidelines in the HO focus on the affect of the tree removal on the significance of the heritage place rather than on neighbourhood character more generally.

#### *Landscape character*

The VPO3 applies to all land in Area C, in addition to the DDO13. This allows for greater protection to be given to existing mature trees as a planning permit is generally required for removal (trees taller than 5 metres in height). The VPO3 captures both native and exotic vegetation.

There have been a few applications to remove vegetation in Area C, mostly associated with subdivision. Permits for all have been granted, with the exception of the application discussed above.

Thought was given to whether the application of the VPO3 to the whole of Area C was perhaps too broad and creating permit triggers for vegetation which did not contribute to the character of the precinct. It would not appear that this is the case. There have been fewer than 10 applications received for vegetation removal in Area C over the past approximately 10 years. The applications have generally been associated with other subdivision or development which also required planning approval. Landscape cover, particularly canopy trees, appears to be one of the primary neighbourhood character outcomes sought for Area C. It is considered that the application of the VPO3 to the entire area is appropriate and has been successful in retaining this preferred character outcome.

## *Findings*

The objectives for the DDO13 are very similar to the DDO12. Two of the four objectives are the same (relating to medium density development and the visual impact of buildings) and a third is very similar (providing opportunities for landscaping). The distinguishing objective for the DDO13 refers to the heritage context of the church precinct. For other parts of Area C, the objectives do not guide a preferred character outcome that is different from Area B, albeit the performance standards establish some small differences.

There is no indication in any objective in the Planning Scheme that Area C is intended to be an area for more limited change. It may be appropriate in future to include an additional objective in the DDO13 which outlines the overarching preferred character sought for Area C to more clearly distinguish the preferred character for this area from Area B. It is also noted that there is no objective relating to the importance of the town entrances and neighbourhood character.

There may be an opportunity to reduce the minimum rear setback of 15 metres and still achieve the landscape character outcome sought for Area C. It would appear that current controls may be triggering the need for planning permits that add little value to providing increased opportunities for landscaping which is visible from the public realm and therefore adding to the preferred character outcome.



**Northern Entrance – Roadknight Street**

## Area D – South

The DDO14 applies to land in Area D. The land is within the Township Zone. The VPO3 also applies to all of Area D. Some parts of the land are affected by flooding overlays and some of the land is included within an Aboriginal Cultural Sensitivity area. A small number of properties are affected by flood risk overlays. The Erosion Management Overlay applies to several properties where land contains greater slopes.

Area D is described in the 2012 Character Study as providing a transition from the semi-rural area south of Birregurra to the more traditional township area south of Main Street. It is intended to be a lower density residential area compared to the other residential precincts, Areas A, B and C.

The design objectives for this precinct as set out in the DDO14 include:

- To encourage subdivisions that provide for larger allotments in a low density character, with dwellings fronting the street.
- To require dwellings to address site slope, with stepped building forms that reduce building bulk.
- To encourage the use of robust but lightweight materials, such as timber, that will endure over time, whilst discouraging more urban materials.
- To encourage dwellings to be set back sufficient distance from all boundaries to encourage the retention of existing trees and provide for the opportunity for new native canopy trees and understorey vegetation
- To discourage front fencing, particularly high solid front fences which ‘harden’ the streetscape and lead to a reduction in residential and visual amenity.

The DDO14 does not require a planning permit for a dwelling, fence or outbuilding where it meets certain requirements specified in the schedule.

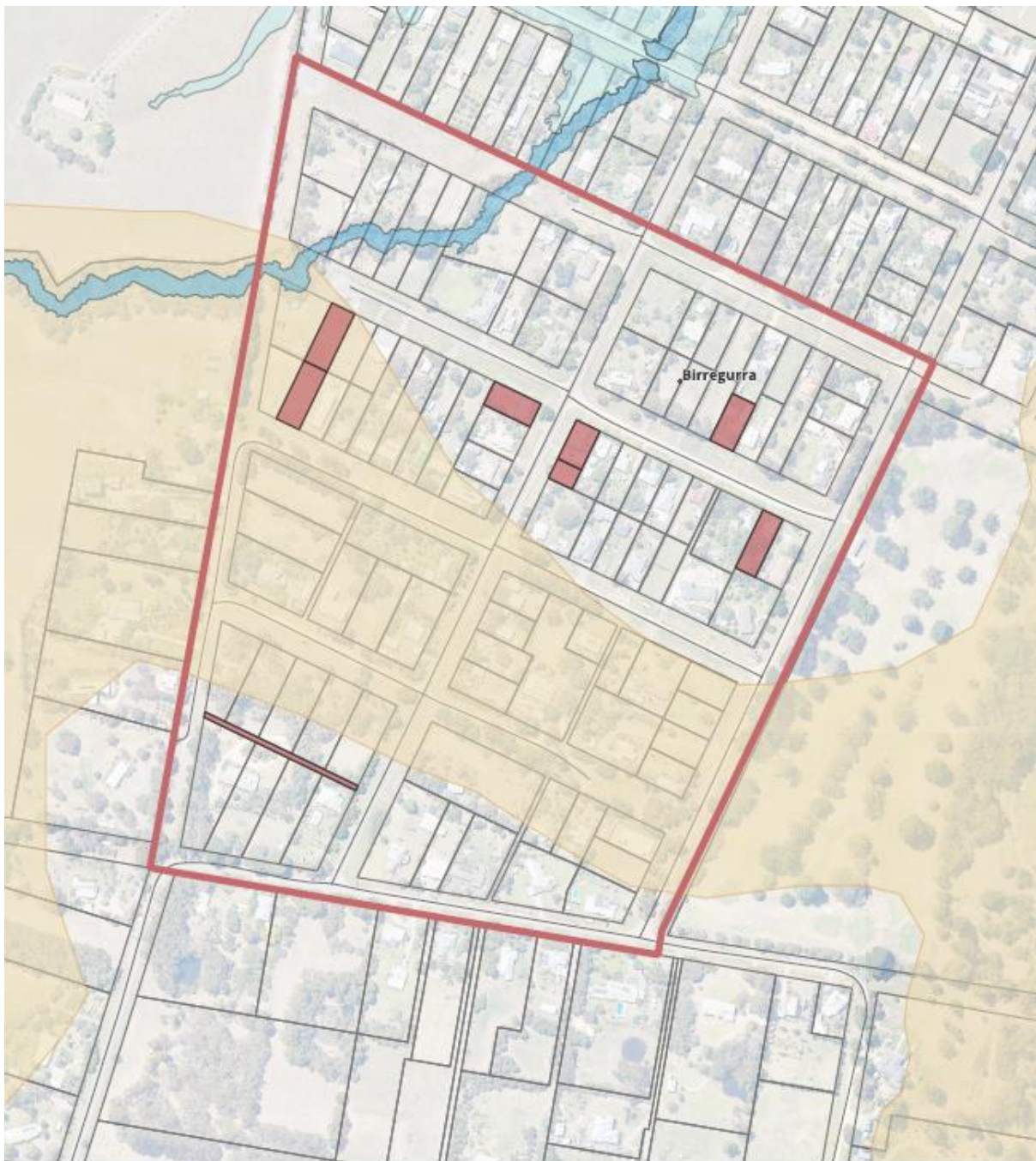
It does require a planning permit for subdivision and for a second dwelling that does not meet the second small dwelling conditions.

The VPO3 requires a planning permit for vegetation removal. The vegetation protection objectives to be achieved are:

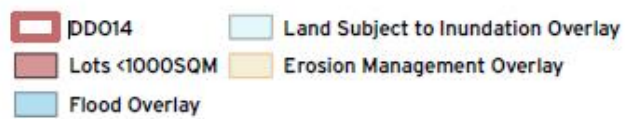
- To protect tree vegetation for its aesthetic value and its contribution to the character of Birregurra.
- To encourage the retention of trees where possible and the planting of new canopy trees and understorey vegetation.



Figure 9 DDO14 Preferred Character Precinct D (South)



Design and Development Overlay 14 - Preferred Character Area D (South)



Source: Colac Otway Shire Council, June 2024

The following table summarises the development guidelines for this precinct.

*Table 4 DDO14 Development Standards*

<b>DDO14 – Area D, South</b>			
<b>Density</b>	<b>Height, building bulk &amp; setbacks</b>	<b>Surrounding context</b>	<b>Landscape character</b>
Minimum lot size – 1,000sqm	<p>Low rise, single storey (5.5 metre maximum)</p> <p>Stepped building form on sloping sites to reduce bulk</p> <p>Encourage robust lightweight materials &amp; discourage more urban materials</p> <p>Smaller building footprints (30% maximum site coverage)</p> <p>Large rear setbacks for single dwellings</p>	Low density character	<p>Retain trees and encourage canopy planting</p> <p>Discourage front fencing</p>

Source: Colac Otway Planning Scheme, May 2024

The following observations are made in relation to development that has occurred since the neighbourhood character provisions were introduced.

### *Density*

The preferred character for Area D is larger lots and a lower density of development. Distinct from other township areas, there is no provision which allows for smaller lots as part of multi dwelling development applications.

There has been a considerable amount of subdivision in Area D since the introduction of the DDO14. Several lots have been created between Hopkins and Prime Streets and between Prime and Murrell Streets, all with a similar layout. These are two lot subdivisions on rectangular lots extending between the two streets, thereby creating an additional lot with separate street frontage, consistent with the lot pattern in other parts of Birregurra. Lots are generally around 1,000sqm.

Other subdivision has occurred on larger lots between Murrell and Edmundson Streets. Some of these applications initially received objections which submitted that they would change the character of this area. However, the subdivisions were all consistent with the preferred character established for Area D (i.e. minimum lot sizes of 1,000sqm allowing for dwellings facing the street) and were approved.

#### *Height, building bulk and setbacks*

The DDO14 seeks to have larger setbacks for dwellings from all boundaries to encourage retention of vegetation and provide opportunity for new planting. Area D is in an area with much more slope than other parts of Birregurra so there is also an objective to require dwellings to address site slope with stepped building forms that reduce building bulk. The Erosion Management Overlay applies to sites where the slope is more significant.

There have been several planning permit applications in Area D seeking to vary the design standards of the DDO14. These mainly sought to vary setbacks and occasionally the preferred maximum height for this precinct. Variations were often sought to accommodate site specific constraints such as slope or lot orientation. The design guidelines are considered well matched to the objectives for this precinct and while variations are more frequently being sought and granted, this has allowed potential impacts on neighbourhood character to be considered on a site specific basis. Reduced setbacks should not be considered at a neighbourhood scale, i.e. by way of variation to the DDO14 in Area D.

#### *Surrounding context*

Area D continues to have a more open, rural character than areas closer to Main Street. The land becomes steeper when travelling along Strachan Street to the south and commands good views back over Birregurra when approaching Bowden Street.

This character has been maintained alongside the substantial subdivision and development that has occurred in Area D. The neighbourhood character provisions focussing on larger lots, greater setbacks to allow for vegetation retention and landscaping have been effective in facilitating development to achieve this outcome.



### *Landscape character*

Similar to Area C, the VPO3 applies to all land in Area D. This allows for greater protection to be given to existing mature trees as a planning permit is generally required for removal (trees taller than 5 metres in height).

It is expected that given the larger number of planning permit applications for subdivision and development in Area D that there would be a corresponding reduction in tree canopy across the precinct. Particularly given the relatively low level of development and thus higher vegetation cover across the precinct in 2014. There have been planning applications for the removal of approximately 35 canopy trees across Area D since the new planning provisions came into effect<sup>3</sup>. In most cases, approval to remove the trees was granted to allow for development consistent with the use of the land for residential purposes. In a number of cases, the planning assessment process led to a reduction in the number of trees being sought for removal.

The permit trigger for vegetation excludes declared noxious weeds under section 58 or section 58A of the *Catchment and Land Protection Act 1994*. It does not however exclude plants which are considered environmental weeds in the Colac Otway Shire. It would be prudent to include such an exemption in the VPO3 and encourage landowners to remove environmental weeds from their properties.

Front fencing is discouraged in Area D. Only one application seeking a permit for a front fence was identified. It was approved on the basis of being post and wire and not high or solid. It was considered that it would not 'harden' the streetscape or lead to a reduction in residential or visual amenity.

### *Findings*

The neighbourhood character provisions for Area D as expressed in the DDO14 and VPO3 are considered to be working well in terms of facilitating development to accord with preferred character outcomes.

In Area D, greater setbacks are considered appropriate where lots are larger and medium density development is not encouraged.

Landscape cover, particularly canopy trees, is a primary neighbourhood character outcome sought for Area D. The application of the VPO3 to the entire area is appropriate and has been successful in retaining this preferred character outcome. It is recommended that the schedule be amended as part of a future planning scheme amendment to exclude environmental weeds in the Colac Otway Shire from the requirement for a planning permit for removal.

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<sup>3</sup> Based on a count in Council's planning permit register between September 2014 and 2024.

## Commercial Area

The DDO15 applies to land in the Commercial 1 Zone (C1Z) in Birregurra. The Heritage Overlay also applies to the land. The VPO3 applies to some parts of the land fronting Jenner Street and a small number of properties are affected by flooding overlays.

The Commercial Area was included within Preferred Character Area A in the 2012 Character Study.

Figure 10 DDO15 Birregurra Commercial Area



Design and Development Overlay 15 - Birregurra  
Commercial Area

DDO15 Land Subject to Inundation Overlay  
Flood Overlay Erosion Management Overlay

Source: Colac Otway Shire Council, June 2024

The design objectives for this precinct as set out in the DDO15 include:

- To encourage new development that responds to the historic character of building stock, in particular through the use of appropriate materials.
- To ensure new buildings and/or extensions and alterations between Austin Street and Strachan Street employ a contextual design approach that integrates with surrounding buildings.
- To ensure any new commercial development to the rear of properties on Main Street has regard to sensitive residential interfaces.
- To encourage low-rise single storey buildings.
- To encourage active street frontages to develop within the commercial core (between Roadknight Street/Austin Street to the west and Strachan Street to the east) over time.
- To restrict multi-dwelling development to circumstances where the purpose of the Commercial 1 Zone is not hindered, the existing dwelling fronting Main Street is retained and a new dwelling is concealed to the rear (except vacant lots).

- To encourage the retention of trees where possible and the planting of new canopy trees and understorey vegetation.
- To minimise the visual impact of signage, particularly free standing or above verandah signs.
- To ensure that new subdivision respects the character of the area.

The DDO15 requires a planning permit for most buildings and works, excluding a fence where it meets certain requirements specified in the schedule.

A planning permit is required for subdivision.

The following table summarises the development guidelines for this precinct.

*Table 5 DDO15 Design Standards*

<b>DDO15 – Commercial Area</b>			
<b>Density</b>	<b>Height, building bulk &amp; setbacks</b>	<b>Surrounding context</b>	<b>Landscape character</b>
Restrict multi dwelling development to circumstances where the purposes of the C1Z are not hindered  New dwellings should be concealed behind existing dwellings	Low rise, single storey (5.5 metre maximum)  Materials that respond to the historic character  High building site coverage (80%)  Zero front and side setbacks	Responds to heritage context and the interface with adjoining development  Development should integrate with surrounding buildings  Active street frontages in the commercial core  Development to the rear of properties on Main Street should have regard to residential interface  Minimise visual impact of signs	Retain trees and encourage canopy planting  Low front fencing

Source: Colac Otway Planning Scheme, May 2024

The following observations are made in relation to development that has occurred since the neighbourhood character provisions were introduced.

### *Density*

The DDO15 does not specify a minimum lot size for subdivision in the Commercial Area. There have been two permits issued for subdivision since the 2013 Structure Plan. Both of these have been on the north side of Main Street and have consisted of creating a new lot at the rear fronting Molesworth Street, thereby having no impact on the heritage streetscape character of this area.

There have not been any planning applications for multi dwelling developments in the Commercial Area in the last 10 years. There has been a permit issued for six motel units on the south side of Main Street. The accommodation would present to Jenner Street and was assessed as having no significant impact on the Main Street heritage streetscape. There was also an application for short stay accommodation utilising an existing dwelling fronting Main Street, which was part of a larger application for a place of assembly (wedding venue). The accommodation use was granted a permit and assessed as having “*little impact on neighbours or the character of the area*”.<sup>4</sup> However, the place of assembly component was granted limited permission for a three-year period. From a neighbourhood character perspective, the development is complementary to the streetscape.

While “land use” is not the focus of this review, it is noted that commercial land is limited in Birregurra and use of C1Z land for new dwellings along the active street frontage should not be encouraged to ensure the purposes of the zone are not hindered.

### *Height, building bulk and setbacks & surrounding context*

The character of the Commercial Area in Main Street stems from the heritage fabric of existing buildings. New development or extensions to existing buildings have responded well to the historic character of building stock, through low rise building heights and the appropriate use of materials. Applications are generally referred to Council’s Heritage Advisor as the area is also within the Main Street Heritage Precinct. This process assists in ensuring designs are complementary to the heritage character. The DDO15 adds value in terms of establishing setback, height, site coverage and fencing controls consistent with the rural character of Birregurra more generally.

The DDO15 includes a decision guideline that:

- Commercial buildings fronting Main Street may provide a residential component fronting the street to the rear, with design guidelines corresponding from the adjoining precinct for that portion of the site.

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<sup>4</sup> Planning Committee Agenda, Officer Report, 6 December 2023

It does not specify whether this is north or south of Main Street so presumably it applies to both sides of the street. It is noted that north of Main Street, most of the lots have been subdivided in two so that a lot has been created with street frontage to Molesworth Street. The DDO12 applies to all of this land fronting Molesworth Street so it is not relevant to these properties any longer.

For properties on the south side of Main Street, which have street frontage to Main Street and Jenner Street, it is difficult to understand how this provision will affect the future character of this section of Jenner Street. If a commercial use is proposed for a site fronting Jenner Street it would need to adhere to the design guidelines in the DDO15, but if the proposed use was residential it should comply with design guidelines in the DDO13. The DDO15 does include an objective that new commercial development to the rear of properties on Main Street should have regard to sensitive residential interfaces but it is difficult to understand what this would mean in the context of the design standards. To date, only accommodation uses have been considered with street frontage to Jenner Street and thus the issue has not arisen. It is suggested however, that this issue of design standards for land fronting Jenner Street be further explored with the community in the development of the revised Structure Plan.

#### *Landscape character*

Similar to Areas A and B, it is difficult to assess the effectiveness of the DDO15 provisions on landscape character. The DDO15 includes an objective to encourage the retention of trees where possible but the DDO is not a tool which can require a planning permit for vegetation removal. It also encourages the planting of new canopy trees and understorey vegetation but it is difficult to understand how this would be achieved on commercial properties where the DDO15 also requires zero front and side setbacks and high site coverage.

The VPO3 applies to the rear of lots on the south side of Main Street with street frontage to Jenner Street. This allows for greater consideration to be given to tree retention and landscape character more consistent with residential land opposite. A review of the other design standards as mentioned above is needed to understand how these would operate together with the VPO3.

#### *Findings*

The character of the Commercial Area in Main Street stems from the heritage fabric of existing buildings. New development or extensions to existing buildings have responded well to the historic character of building stock, through low rise building heights and the appropriate use of materials. The DDO15 appears to be working well to facilitate this outcome for Main Street.

There is a need to review preferred character objectives and design standards in the DDO15 for commercial land fronting Jenner Street to ensure a preferred character outcome is achieved that responds to its sensitive residential interface. At present it would appear that different standards would apply depending on the proposed use which could lead to very



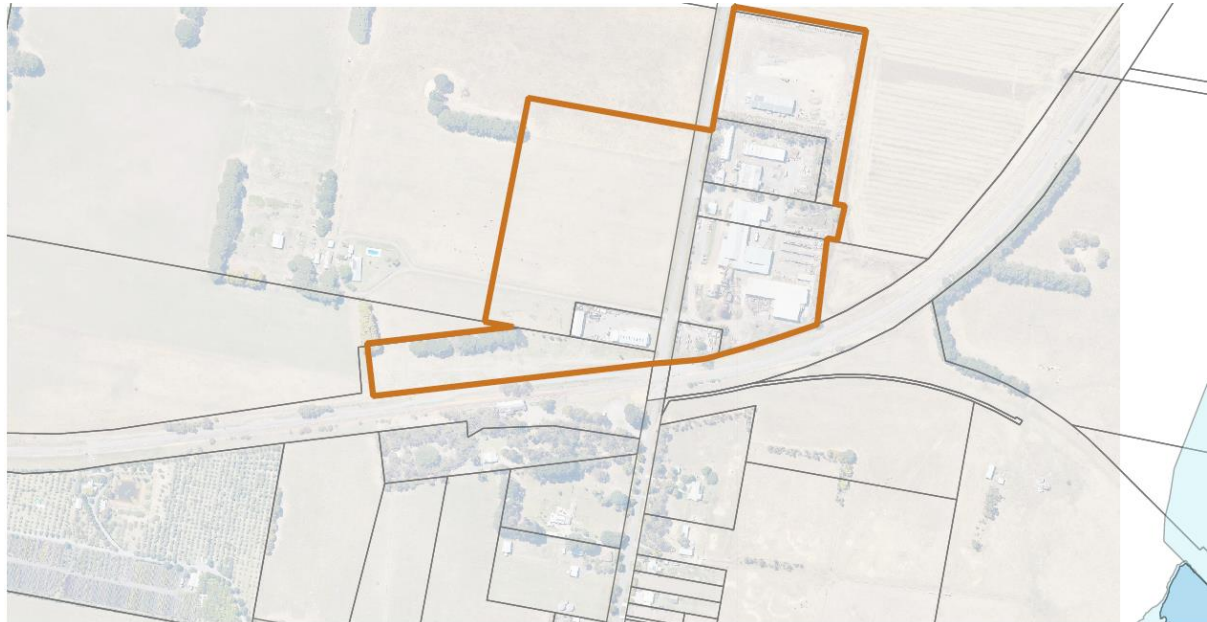
different built form outcomes on adjoining sites. This should be explored with the community in the development of the revised Structure Plan.

It is also noted that the DDO15 does not accord with the Ministerial Guideline on the Form and Content of Planning Schemes as it contains too many objectives. It is recommended that any update of the DDO15 include bringing it into compliance with this Guideline.

## Industrial Area

The DDO16 applies to land in the Industrial 1 Zone in Birregurra. No other planning overlays apply to the land.

Figure 11 DDO16 Birregurra Industrial Area



Design and Development Overlay 16 - Birregurra Industrial Area

DDO16 Land Subject to Inundation Overlay  
Flood Overlay Erosion Management Overlay

Source: Colac Otway Shire Council, June 2024

The design objective for this precinct as set out in the DDO16 is:

- To ensure that the industrial area at the northern end of Birregurra is sensitively developed to reflect the adjoining rural township character and to protect the landscape amenity of this main entry to Birregurra.

The DDO16 requires a planning permit for most buildings and works, excluding a fence where it meets certain requirements specified in the schedule.

A planning permit is required for subdivision.

The following table summarises the performance standards for this precinct.

*Table 6 DDO16 Performance Standards*

<b>DDO16 – Industrial Area</b>			
<b>Lot design</b>	<b>Height, building bulk &amp; setbacks</b>	<b>Surrounding context</b>	<b>Landscape character</b>
Subdivisions must be grid based to ensure connectivity with Birregurra Road and the grid based urban structure of the town	<p>Low rise building height</p> <p>Attractive public facades where visible from Roadknight St, Birregurra Rd or the railway line</p> <p>Generous building setbacks from front and side boundaries</p>	<p>Active building components to face the public realm</p> <p>Demonstrate an appropriate interface with the railway line and historic Birregurra Railway Station</p>	<p>Landscaping to provide visual screening and soften buildings and hard surface areas</p> <p>Substantial landscaping within front boundaries and side boundaries visible from Roadknight St, Birregurra Rd or the railway line</p>

Source: Colac Otway Planning Scheme, May 2024

The following observations are made in relation to development that has occurred since the neighbourhood character provisions were introduced.

*Lot design*

There have not been any subdivision applications in the industrial zone since the introduction of the neighbourhood character provisions in 2014.

*Height, building bulk and setbacks & surrounding context*

There have been six planning permit applications for land in the Industrial Area over the past 10 years, relating to three different properties. Some of the approved development is currently under construction.

The applications were assessed as generally consistent with the rural township character of Birregurra township to the south. Buildings were proposed to be relatively low rise (for industrial buildings) and utilising materials and façades which would be appropriate in the streetscape context, and at the northern entrance town.

*Landscape character*

New developments have included landscaping to screen and soften the visibility of buildings from public viewing points, including the Birregurra Train Station, consistent with the performance standards of the DDO16.

### *Findings*

The above analysis suggests that the DDO16 provisions for the Industrial Area have been effective in achieving the preferred neighbourhood character objectives for this area and new development has generally been consistent with local policy.



#### Disclaimer

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