

Berwick Township Significant Landscape Strategy

Version 1.1



Document Authorisation

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Responsible Department – Strategic Development

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Preamble

In accordance with a resolution of Council on 21 June 2005 to include definitions of Council, Councillors and Council officers in all Council policy documents, the following definitions are provided:

Council – means Casey City Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989

Councillors – means the individuals holding the office of a member of Casey City Council

Council officers – means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.

Previous Revisions

15 April 2008 Council adoption

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1. Introduction

1.1 About this Report

Council and residents have long recognised that the character of the Berwick Township and its environs is centred on the extensive stands of mature trees that exist in its private and public realms. The built form is generally subsumed by these trees, the open land which supports them, and which provides views to them.

Research undertaken for the Casey “C21 Strategy” revealed that residents value the well established gardens and trees in the area and that they want to retain them.

1.2 Aim / Objective of Report

The *Berwick Township Landscape Strategy 2007* has arisen from concerns that the area’s mature trees are rapidly being cleared to facilitate housing development in the study area, thereby eroding the area’s significance and its positive contribution to the municipality.

Inappropriate development has resulted in:

- Removal of vegetation from blocks, including “moonscaping”.
- Built form dominating the landscape.
- High front fences blocking views to the landscape.
- Loss of garden space and sense of openness on blocks.

This *Strategy* is intended to assist in the preservation of the character of the Berwick Township by recommending that targeted statutory protection is introduced. Such protection would require that a planning permit be granted before:

- Any substantial tree can be removed, destroyed or lopped. (This would not apply to the pruning of a tree for regeneration or the removal of dead trees or dead limbs or the partial removal of limbs and branches directly overhanging dwellings, garages and outbuildings.)

- A building may be constructed or works may be constructed or carried out.

- A front fence may be constructed.

There would be exemptions to these requirements (see Appendix 1).

Statutory control will provide Council with the power to ensure that development is sensitively designed to preserve the character of the Berwick Township.

2. Study Area

The Berwick Township is generally bordered by Brisbane Street, Berwick Secondary College, west of Cardinia Street, north of Princess Highway and east of Lyall Road. This area is also known as the Hoddle grid because it was planned by Robert Hoddle, the Surveyor General of Victoria in the mid nineteenth century. Hoddle undertook the township's survey in the grid format which he had earlier applied to the land which became the Melbourne CBD.

Hoddle's grid provided for large quarter and half acre lots providing a generous setting for the modest detached housing originally constructed there. This form of development also provided opportunities for the planting or retention of at least 1,500 native and exotic canopy trees on private land, parks and the wide nature strips of the precinct.

The study area also includes a number of streets and properties which are situated outside of the Hoddle grid because they share a common character with the grid.

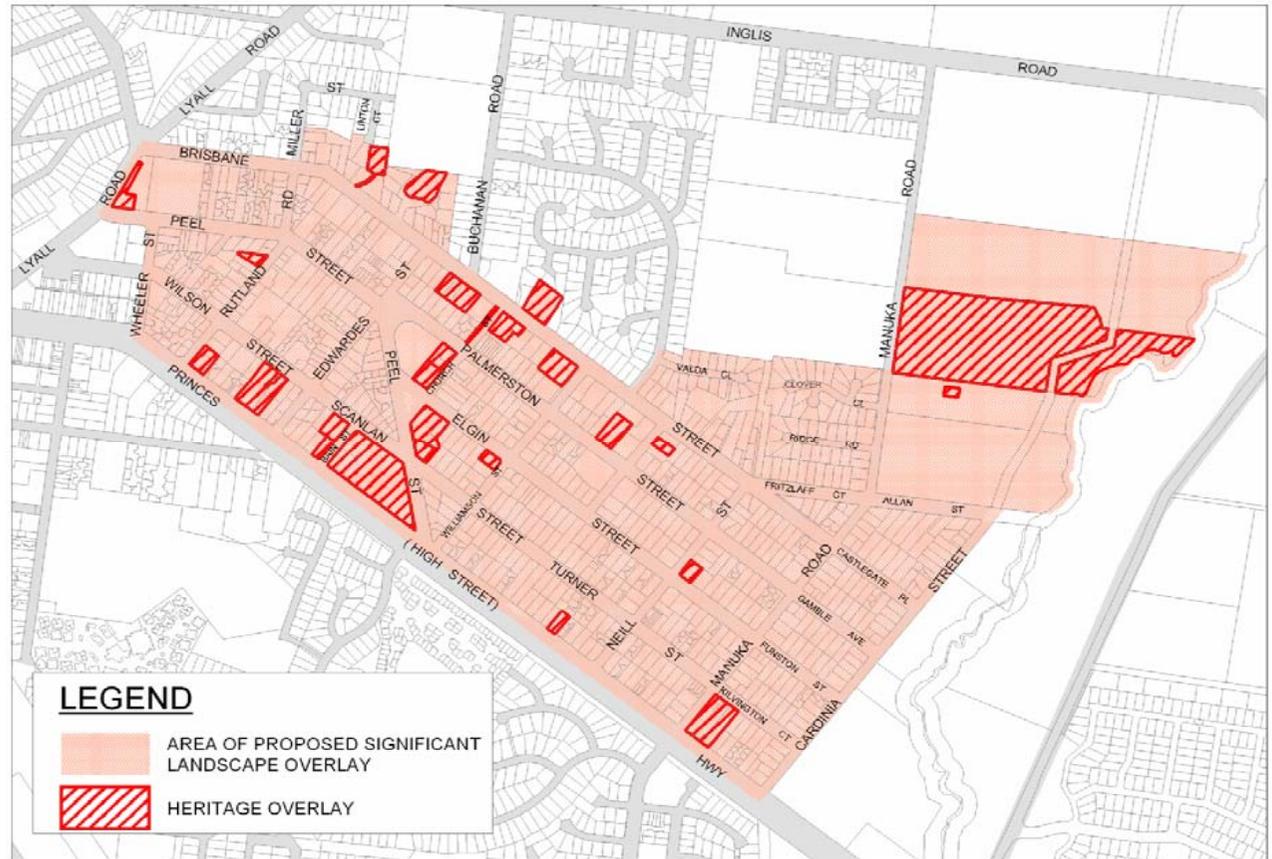


Diagram 1 – Study Area

These properties include:

- 42-52 Manuka Road, “Clover Cottage” 54-60 Manuka Road & 62-70 Manuka Road.
- 65-67 Brisbane Street.
- Brisbane Street West (contains properties facing Brisbane Street, Miller Street and the southern end of Linton Court. It also includes the properties located in Burr Hill Court).
- Brisbane Street East (contains properties facing Brisbane Street, Howell Drive, Valda Close, Fritzlaff Court, Ridge Road, Clovis Court).

A map detailing the study area is provided below (Diagram 1). The map also identifies land which is included in the Casey Planning Scheme’s Heritage Overlay.

3. Methodology

The statement of preferred future residential character for the Berwick Township was drawn from:

- Analysis of its existing character as detailed in expert studies undertaken for the study area.
- Detailed site investigation.
- Desk top reviews.
- Site analysis by a qualified arborist.
- Site inspections by Council’s Landscape Architect.
- Continued testing and refinement of the achievability of the desired outcomes against relevant policy and other objectives.

Previous studies relevant to this Strategy include:

- City of Casey Neighbourhood Character Policy (Draft)
- Neighbourhood Character Report - Berwick ‘additional areas’

4. Existing Planning Controls, Policies and Studies

4.1 Casey Planning Scheme Particular Provisions Clause 54 & Clause 55 (ResCode)

A number of the existing particular provisions of the Casey Planning Scheme, relevant to residential development, relate to neighbourhood character in the study area.

Specifically, Clause 54 (construction of one dwelling on a lot) and Clause 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, amongst others.

4.2 Zone

The Residential 1 Zone applies across the majority of the study area. Its purpose is to provide for residential development at a range of densities with a variety of dwellings to serve local community needs. It encourages development that respects neighbourhood character, whilst also allowing for educational, recreational, religious and community, and other non-

residential uses to serve local community needs.

Only three properties (42-52 Manuka Road, 54-60 Manuka Road & 62-70 Manuka Road) are located outside the Residential 1 Zone. These properties are subject to two Zones, the Farming Zone 1 and the Green Wedge Zone 4.

The purpose of the Farming Zone is to provide for the use of land for agriculture, encourage the retention of productive agricultural land, ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture, encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision and to protect and enhance natural resources and the biodiversity of the area.

Schedule 1 to the Farming Zone provides a number of specific requirements for land within the zone. These include a minimum subdivision area of 12 hectares, a number of building setback requirements, and specific triggers which generate a need for planning permit applications for earthworks.

The Green Wedge Zone affects only the part of the properties which are outside the Urban Growth Boundary. The purpose of the Green Wedge Zone is to protect and enhance land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.

It also seeks to encourage use and development that is consistent with sustainable land management practices, to encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses. It also seeks to protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes and to protect and enhance the biodiversity of the area.

Schedule 4 to the Green Wedge Zone provides a number of specific requirements for land within the zone. These include a minimum subdivision area of 8 hectares and specific triggers generating a need for planning permit applications for earthworks. The land which is situated within the Green

Wedge Zone would appear to not be developable for the following reasons:

- It is within the Land Subject to Inundation Overlay.
- It is in close proximity to a Melbourne Water easement.
- Its relatively small area.
- The presence of native vegetation.

A zoning map, which includes the study area (Diagram 2), is provided overleaf:

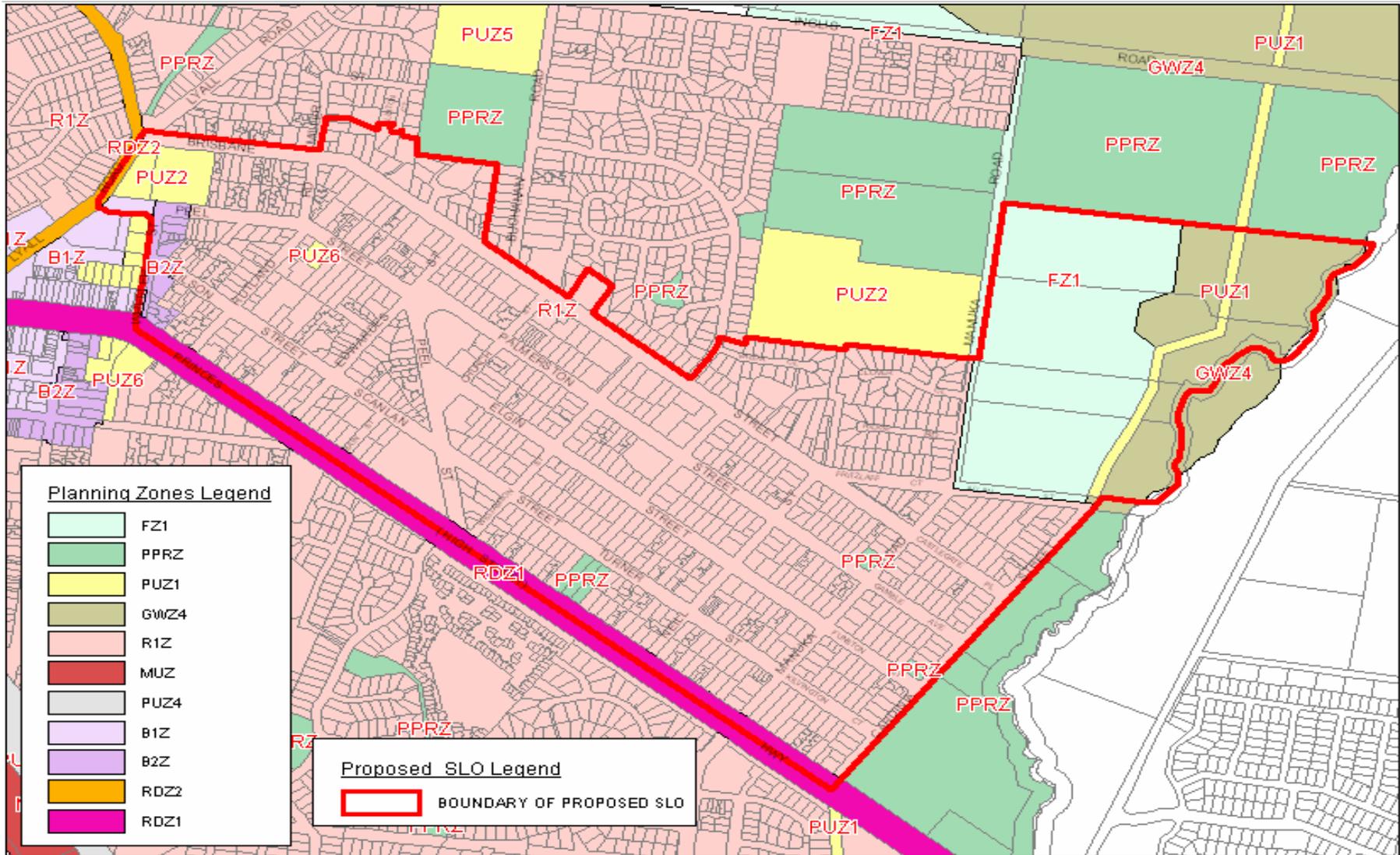


Diagram 2 – Zoning Map

4.3 Overlays

Heritage Overlay (HO)

There are a number of properties in the study area which are included in the Heritage Overlay. The Heritage Overlay provides for the conservation and enhancement of heritage places of natural or cultural significance, and those elements which contribute to the significance of heritage places.

The heritage listed properties are identified overleaf:

Heritage Property	Tree Controls Apply? Yes/No
93 High Street	Yes
105-109 High Street	Yes
123 High Street	Yes
125, 127, 129-137 High Street	No
163 High Street	Yes
191-195 High Street	Yes
1-11 Peel Street	Yes
59 Peel Street	Yes
61 Peel Street	Yes
15 Rutland Road	No
17 Scanlon Street	Yes
1 Elgin Street	Yes
4 Elgin Street	Yes
2-8 Palmerston St	No
9 Church Street	No
Church Street, Berwick (The heritage place comprises: <i>The seven oak trees comprising the Avenue, together with the land covered by each tree's canopy and the land beyond the edge of each canopy for a distance of five metres.</i>)	Yes
2-6 Palmerston Street	No
8 Palmerston Street	No
41-43 Palmerston Street	Yes
8 Scotsgate Way	Yes
11-15 Brisbane Street	Yes
31 Brisbane Street	Yes
64-70 Brisbane Street	Yes
65-67 Brisbane Street	No
76-78 Brisbane Street	Yes
80 Brisbane Street	Yes
88-92 Brisbane Street	Yes
3 Burr Hill Court	Yes
54-60 Manuka Road (Clover Cottage)	Yes
62-70 Manuka Road	Yes

Land Subject to Inundation Overlay

Properties located to the east of Manuka Road are included in the Land Subject to Inundation Overlay (LSIO). The purpose of the LSIO is:

- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and

35 of the State Environment Protection Policy (Waters of Victoria).

4.4 Policy Context

The Berwick Township Significant Landscape Strategy responds to the following State and local planning policies:

State Planning Policy Framework:

- 'Melbourne 2030' objectives, specifically policy for good urban design; cultural identity, neighbourhood character and sense of place; and, neighbourhood design.
- Provisions relating to settlement, environment, housing, infrastructure and design and built form.

Local Planning Policy Framework:

- Clause 21.05 of the LPPF identifies visions for the built up area of the municipality along with objectives for image, residential development and good design.

Rescode

- Clauses 54 to 56 of the Victoria Planning Provisions which specify requirements for subdivision and the development of single and multiple dwellings in normal density residential areas.

City of Casey Strategies and Policies

- Casey 'C21 Strategy' themes, specifically those entitled 'Planning communities', 'Improving Casey's Environment', and 'a Casey identity'.
- The 'Casey Housing Strategy' which identifies Casey's population and dwelling targets. The Berwick Township Significant Landscape Strategy supports key aspects of the Housing Strategy such as garden suburb outcomes and requirements for more detailed character responses.
- The 'Casey Image Strategy' which identifies the need for the development of this policy as a key component of implementing its 'garden suburb' objective and equally importantly, nominates a range of projects and works required in the public domain to enhance neighbourhood character.

5. Community Values Aspirations and Concerns

5.1 Casey “C21 Strategy”

Research undertaken in the preparation of the Casey ‘C21 Strategy’ revealed that the main words used to describe the local character of older Berwick by Berwick residents were:

- well established/mature
- beautiful mature trees and gardens
- clean and green.
- Residents stated that they want to retain the older part of Berwick “but it diminishes as you move away from the town. In the newer estates they have not planted properly” hence they do not reflect the older parts of Berwick or have the same atmosphere.
- They liked Berwick’s open spaces and its pleasant landscape, country feel.

5.2 Casey Draft Neighbourhood Character Policy

Community research undertaken for the draft Casey Neighbourhood Character Policy was undertaken in 2004. This research revealed that the local community generally describes the character of Berwick and its environs as well-established with beautiful mature trees and gardens; and, ‘clean and green’. The attributes of the area identified by the community include:

- The town’s natural beauty, open spaces, pleasant landscape and mature trees and the surrounding green belt and hills.
- The picturesque charm of Berwick Village and Wilson Botanic Park.
- The country feel – fresh air, trees and open spaces.
- Well planned estates with underground power lines, parks, walkways and more established trees.
- The range of lot sizes, from farms to cottage blocks.

- The sense of spaciousness around houses.
- The diverse and well maintained housing stock.
- Well designed roads in the older areas.
- The community’s commitment to their environment, maintaining their homes to a high standard and pride in the upkeep of their properties.
- The atmosphere, friendliness and sense of community of Berwick Village

“Local pressures” on Berwick include:

- The favourable ‘policy position’ of Berwick for increased density of development given its commercial centre and accessibility to public transport.
- Absence of planning policy and statutory controls to protect what the community values.
- The pressure for redevelopment due to its market popularity.
- The attractiveness of the large lots for redevelopment purposes.
- The ageing population and consequent desire to redevelop.

- The local demand for lower maintenance housing for the elderly.
- The loss of established trees and vegetation.

Community concerns include:

- The threat of insensitive redevelopment eroding Berwick's attributes.
- The potential loss of the area's sense of history if too many of the larger lots are subdivided.
- The type and density of unit development changing the living environment and bringing 'city type development' to the country.
- The loss of the 'green belt' and trees from the established areas.

Incapacity of the local road infrastructure and intersections to cope with population growth.

- The challenge for better management of redevelopment brought about by Berwick's 'locational advantages.'
- Inconsistency of town planning decisions.

6. Issues and Threats

The large allotments which comprised the original subdivision of the study provided space for the preservation, planting and nurturing by the community of large landmark trees. It is estimated that there were more than 1,500 large trees within the township area; approximately 1000 large trees now remain.

Over the past decade, increased subdivision of land, infill housing, house extensions and development speculation within the Berwick Township has resulted in the loss of many of the precinct's canopy trees, thereby placing its core character element at risk. The key issues and threats facing the study area are summarised below:

- Built form dominating the landscape.
- High front fences blocking views to the landscape.
- Subdivision and overdevelopment of blocks.
- Removal of vegetation from blocks, including "moonscaping".

- Loss of garden space and sense of openness on blocks due to over, or poorly sited, development.

It is of critical importance that these threats are addressed before Berwick's unique character is lost. Accordingly, this Strategy is intended to provide a rationale for the inclusion of overlay controls in the Casey Planning Scheme to address them.

7. Identifying Neighbourhood Character

7.1 Berwick Township's Landscape Character

Berwick is the classical 'garden suburb'. This landscape theme is manifested by the consistent planting of large spreading trees, wide streets and nature strips, deep front setbacks and separation between dwellings. The Hoddle grid has a distinct prevailing character ranging from a township to bush-country feel environment – depending on the density of vegetation, lot size and the development of infrastructure.

Photographs 1 and 2, below, convey a sense of the openness of the study area, the wide streets and the dominant theme of canopy trees as part of the streetscape and within allotments.

Photograph 1



Photograph 2



The Berwick Township and its environs is an area which possesses a special character. This character is defined by a predominance of tall and mature native and exotic trees on both private properties and the roadway. These trees are visually dominant in long distance views, streetscape views and views to private gardens.

The character of Berwick Township and its environs was established by Robert Hoddle who designed the subdivision's original large quarter and half acre lots. This provided a generous setting for the single detached housing which was subsequently constructed there. Development within the township generally respects the generous front, side and rear setbacks which prevail throughout the area.

Although there is considerable diversity in the built form, the area retains a sense of openness or spaciousness, featuring more informal development and older housing stock interspersed with pockets of modern style architecture.

The distinctive feature of street tree planting in Berwick is the avenues situated in various locations throughout the area. The boundary between private and public property is blurred in many areas due to the lack of front fences and wide road verges combining with deep front setbacks and mature trees in front gardens and along the road reserves.

Research undertaken for the draft Casey Neighbourhood Character Policy and the Casey "C21 Strategy", along with recent site visits with Council's Arborist and Landscape Architect, identified the character of the Berwick area in the following ways:

Vegetation

- Dense trees/vegetation on street, in front and backyards to the extent that landscape dominates the built form".
- Garden settings, canopy trees and other vegetation in the backyard contribute strongly to the landscape character of the wider neighbourhood. A generous, densely vegetated "backyardscape"

is a core component of the township character.

- Informal predominately native planting are common throughout the area.

Public realm

- Isolated heritage houses throughout the neighbourhood provide a uniquely established grid pattern. This established a formal structure which contrasts with the informally designed dwellings and associated gardens that provide a diversity of elements to the built form, and are stitched together by tall and regular street tree canopies.
- The Hoddle Grid has a distinct prevailing character, largely characterised by wide street reserves, minimal crossovers, large spreading street trees, both traditional leafy exotics and large specimens of spotted gum trees; informal gardens; wide grass nature strips; relatively few front fences and in some areas, an absence of kerbs.
- Mature native and exotic avenue street trees, steep roads and hilly topography and various 'bush character'.

- Sealed roads with concrete and gravel driveways and wide grassed nature strips.
- Soft edges created by large street trees that mix and merge other trees within front and side setbacks.

Built form

- A mixture of single and two- storey brick veneer and weatherboard dwellings range in period and style, with the majority from the 1970's, and with fewer new 'Federation replica' style houses, typically to the north.
- The basic typology is that of a single detached home on a single allotment with a mix of single and two-storey structures with generous front setbacks, especially in the older parts of Berwick.
- High frequency of low and no front fencing for the allotments.
- A 9 metre (minimum) front setback that provides space for large trees and is consistent with the preferred future character of the area.
- The engaging visual and sensory experience from the street that is derived from the classic garden suburban setting; the garden suburban model of a single detached dwelling on a single allotment set in a formal garden.
- The streetscape is characterised by houses that address the street with a consistent frontage that provides continuity in the streetscape rhythm, and a pedestrian friendly environment set amongst established canopy trees and other vegetation.
- Dwelling spacing to allow views through and between dwellings to link trees and vegetation from one house to the other; and to allow views from the public streetscape to appreciate the skyline of large native and exotic trees.
- The consistent planting of large spreading trees, wide streets and nature strips and deep front setbacks and separation between neighbouring dwellings.

Photograph 3 and Diagram 3, both below, each detail a typical dwelling in the study area. They provide information illustrating a sense of openness, the opportunity to view into side and rear gardens, the deep front setback, the presence of significant canopy trees, dwelling spacing and no front fence.

Photograph 3

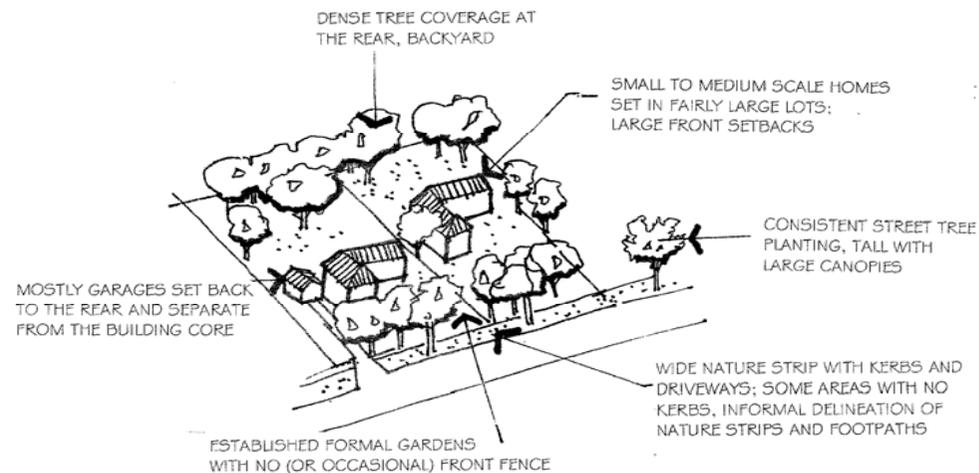


Diagram 3 - A typical Berwick landscape

7.2 Preferred Future Character

The preferred future character for Berwick Township and its environs is:

- A township set within the northern country landscapes.
- The township defined by its original grid framework.
- A built form dominated by vegetation.
- A township of trees and gardens.

The future preferred character of the Berwick Township and its environs is identified as being related to the setting of residential development within the dominant landscape. It is intended that in typical streetscapes substantial native and exotic trees dominate the skyline and are common in gardens and roadside reservations.

It is also important to the character that the delineation between the public domain and private land remains indistinct and that solid front fences are not constructed.

In summary, the preservation and enhancement of this area is dependant upon the retention of the existing tall and mature trees on both public and private property and encouragement of the planting of new trees in appropriate locations.

7.3 Statement of Significance

The Berwick Township and its environs is a Special Character Area. The other Special Character Areas in the municipality are located at Tooradin and the coastal villages of Blind Bight and Warneet.

The significance of the Berwick Township and its environs is attributable to a predominance of tall and mature Australian and exotic trees on both private properties and on the nature strips. These trees are visually dominant in long distance views, streetscape views and views to private gardens.

The most distinctive feature of street tree planting is the strong avenue plantings in various locations throughout the area. The boundary between private and public property is blurred in many areas due to the lack of front fences and wide road verges combining with deep front setbacks and mature trees in front gardens and along the road reserves.

The preservation and enhancement of this area is dependant upon:

- Retention of the existing tall and mature trees on both public and private property
- Discouragement of the erection of front fences on private allotments to ensure

that view-lines to vegetation on private land are not impeded.

The future preferred character of the Berwick Township and its environs is identified as being related to the setting of residential development within the dominant landscape. It is intended that in typical streetscapes substantial native and exotic trees dominate the skyline and are common in gardens and on nature strips and small Council owned parks.

It is also important to the character that the delineation between the public domain and private land remains indistinct and that solid front fences are not constructed.

In summary, the preservation and enhancement of this area is dependant upon the retention of the existing tall and mature trees on both public and private property and encouragement of the planting of new trees in appropriate locations, discouragement of high front fences and the maintenance of building setbacks from front, side and rear boundaries.

8. Implementation

The effective implementation of the recommendations of the Policy will entail a range of measures that will influence development, works and landscaping on private land and in the public domain. The range of measures proposed, include:

- Public sector works projects to improve the image of public places (e.g. parks, nature strips), through tree retention and planting.
- Community development and advocacy, by means of brochures, forums and through existing committees, to promote the 'garden suburb' vision across the Berwick Township.
- A Planning Scheme Amendment to introduce the Significant Landscape Overlay to the Casey Planning Scheme which would require a planning permit to be obtained before buildings and/or works may be undertaken; to remove, destroy or lop vegetation (e.g. trees); and to construct a fence.

8.1 What should the planning controls achieve

The starting point for discussion of implementation options is to understand exactly what the Casey Planning Scheme controls need to achieve. The Preferred Character statement developed for the Study Area, indicates that the Planning Scheme should achieve the following:

Landscape control

- Landscaping plans should be submitted with all applications to demonstrate retention of significant trees or planting of new canopy trees if proposed.

Built form

- Vegetation should remain the dominant character element. Built form may need to be carefully sited to maintain this characteristic.
- Buildings should not protrude above the dominant tree canopy, or a maximum of 7.5 metres. Low scale buildings with low pitched roofs should be encouraged.

Rescode can provide guidance in these matters.

- Careful design and use of materials and colouring of buildings should be considered to reduce the visual impact of buildings, particularly new, larger dwellings. Rescode can provide guidance in these matters.

Space around dwellings

- In order to maintain the sense of space around dwellings, minimum setbacks from front, side and rear boundaries should be set to reflect the average side setbacks of the neighbourhood and to ensure significant tree retention.

9. Overview of 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 landscape character objectives identified through a Study such as this.

Having regard, therefore, to the 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 findings as a Council guideline only, with no formal statutory weight. (Not

recommended other than temporarily during exhibition of an amendment.)

- Alter the MSS in the planning scheme to include elements from the Study. (Recommended)
- Incorporate the findings into the planning scheme (ie Incorporated Document). (Not recommended)
- Refer to the findings in the planning scheme (Reference Document). (Recommended)
- Develop guidelines to form a local policy in the planning scheme (Clause 22 in the Local Planning Policy Framework). (Is required.)
- Change or add to existing planning controls eg: zone or overlay schedules (Recommended).

9.1 Choice of Overlay

Vegetation Protection Overlay

The Vegetation Protection Overlay (VPO) 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 require a permit for vegetation removal, but not for buildings and works. A Vegetation Protection Overlay is therefore not recommended by this report, as this study has considered only the aesthetic/landscape contribution of the vegetation, not its environmental significance. and that it is important to control the siting and location of buildings and works in relation to the vegetation.

Significant Landscape Overlay

In common with the Vegetation Protection Overlay, the 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. However, 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. The VPP Practice Note – Using the Neighbourhood Character Provisions in Planning Schemes states that:

‘Sometimes vegetation may be the only feature of neighbourhood character defining the urban area. If the principal objective is to identify and protect vegetation for its contribution to the character of an area, overlays such as the VPO and SLO can be used instead of the NCO to protect these valued aspects of neighbourhood character.’

The Significant Landscape Overlay is recommended to be used as the planning control to protect the character of the study area.

Neighbourhood Character Overlay

The Neighbourhood Character Overlay (NCO) is part of the suite of tools to implement neighbourhood character considerations, provided by the 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 for a particular area. 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. This may be countered by a reduction in VCAT appeals due to the clarity of the controls.

- The tree controls are limited to trees over 5m in height. An additional overlay is required to control other vegetation.
- It does not provide the ability to require a permit for front fences (although the standard for front fence height can be varied). An additional Overlay is required 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. The Practice Note on *Using the Neighbourhood Character Provisions in Planning Schemes* encourages the use of the NCO where neighbourhood character is the primary concern. It does however state that the DDO and other Overlays may also be used to implement neighbourhood character objectives.

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 and fences. All of these factors have been identified as being important to the preferred character of the Berwick Township and its environs.

The recommended application of the DDO requires a permit to construct or carry out works, (except for any works specifically exempted in the schedule) and to construct a fence (if specified in

the schedule). The schedule can include requirements relating to building heights, setbacks, plot ratio, landscaping and any other requirements relating to the design of built form of new development.

The Department of Planning and Community Development has advised that the use of DDO for the sole purpose of neighbourhood character implementation is not encouraged. The VPP Practice Note – *Using the Neighbourhood Character Provisions in Planning Schemes* states that a DDO has some similar features to the NCO, but is more appropriately applied to promote specific urban design outcomes for a particular site or area.

This study demonstrates that urban design outcomes are not the principal neighbourhood character element. The DDO is not specifically a tool for dealing with residential character.

9.2 Conclusion

It is concluded that the Significant Landscape Overlay is the appropriate mechanism to achieve the objectives of the *Berwick Township Landscape Strategy 2007* which is to assist in the preservation of the study area's mature trees by providing them with statutory protection.

The SLO has the advantage of providing Council with the opportunity to control the type of vegetation, the types of buildings and works and fences that require a permit and it recognises that mature trees and front fences (or lack thereof) are the features that tie the study area together.

Appendix 1: Draft Planning Scheme Provisions

The following provisions are proposed to be applied as a schedule to the Significant Character Overlay and would apply only to the discrete land area included in the *Berwick Township Landscape Strategy 2007*.

Objectives

- To ensure that development is sensitive to the natural characteristics of the land including existing vegetation, slope, terrain, services and keeping buildings below the predominant tree canopy height.
- To ensure that the health of existing trees is not jeopardised by new development.
- To retain the dominance of vegetation cover in keeping with the garden character of the area.
- To ensure that a reasonable proportion of a lot is free of buildings to provide for the planting of tall trees in a natural garden

setting, other landscaping and open space use.

- To encourage the development of sympathetic buildings within an envelope, to ensure the maintenance of a tree-dominated landscape.
- To ensure that buildings and works retain an inconspicuous profile and do not dominate the landscape.
- To ensure that development is compatible with the character of the area.
- To encourage the retention and regeneration of vegetation for the protection of wildlife habitat.
- To ensure that the distinctive avenues of street trees are protected and retained.
- The scale, shape, bulk, design (including height and siting) and external finishes of any buildings and works and the impacts of these on the landscape qualities of the area.
- The need to ensure new buildings and works, including driveways fit within the landscape and topography of the land.

- Whether front fences are commonly provided in the street and the style of fence.
- The need for additional landscaping and screen planting to maintain the existing and preferred landscape qualities identified in the Berwick Township Significant Landscape Strategy.

Permit Requirements

A permit would be required to:

- Remove, destroy or lop any substantial tree. This would not apply to the pruning of a tree for regeneration or ornamental shaping or the removal of dead trees or dead limbs or the partial removal of limbs and branches directly overhanging dwellings, garages and outbuildings.
- Construct a building or construct or carry out works.
- Construct a front fence.

For the purpose of the clause a **substantial tree** would be defined as vegetation that has a trunk circumference greater than 0.5m at one metre above ground level.

A permit would not be required to construct a building or carry out works provided:

- The building or works are more than 5 metres from the drip line of any substantial tree.
- The building or works are undertaken to the minimum extent necessary to maintain utility services for the transmission of water, sewage, gas, electricity, electronic communications or the like, provided that the removal, destruction or lopping is undertaken in consultation with the responsible authority.
- The building or works are necessary for the construction or maintenance by the City of Casey of works including any road, drain, essential service or public facility.

Decision Guidelines

Before deciding on an application, Council would be required to consider, as appropriate:

- Whether the proposed building is set back a sufficient distance from the property boundaries to provide for landscaping.
- Whether the proposed building or works retain a built form profile for the site as a whole that does not dominate the landscape.
- The proportion of the lot that is free of buildings and available for tree planting, landscaping and open space use.
- The impact of the proposed development on the conservation of trees either on the land, on adjoining lots or in the street.
- The impact of the proposed development on natural ground levels and drainage patterns which may have a detrimental impact on the health and viability of surrounding trees.
- The species of vegetation, its age, health and growth characteristics.

- The location of the vegetation on the land and its contribution to the lot's garden area, and to the neighbourhood and streetscape character.
- Whether the tree is isolated or part of a grouping.
- The intention and potential to achieve an average density of one tree reaching a height of over 15 metres to each 150 square metres of site area.
- The availability of sufficient unencumbered land to provide for replacement planting.
- The impact of the tree on the structural integrity of existing buildings including foundations.
- Other options for further planting on the site.
- Whether any proposed new vehicle crossover would impact on the health of any street tree or require the removal of any street tree.