



Planning Evidence Statement

Amendment C109 to the South Gippsland Planning Scheme

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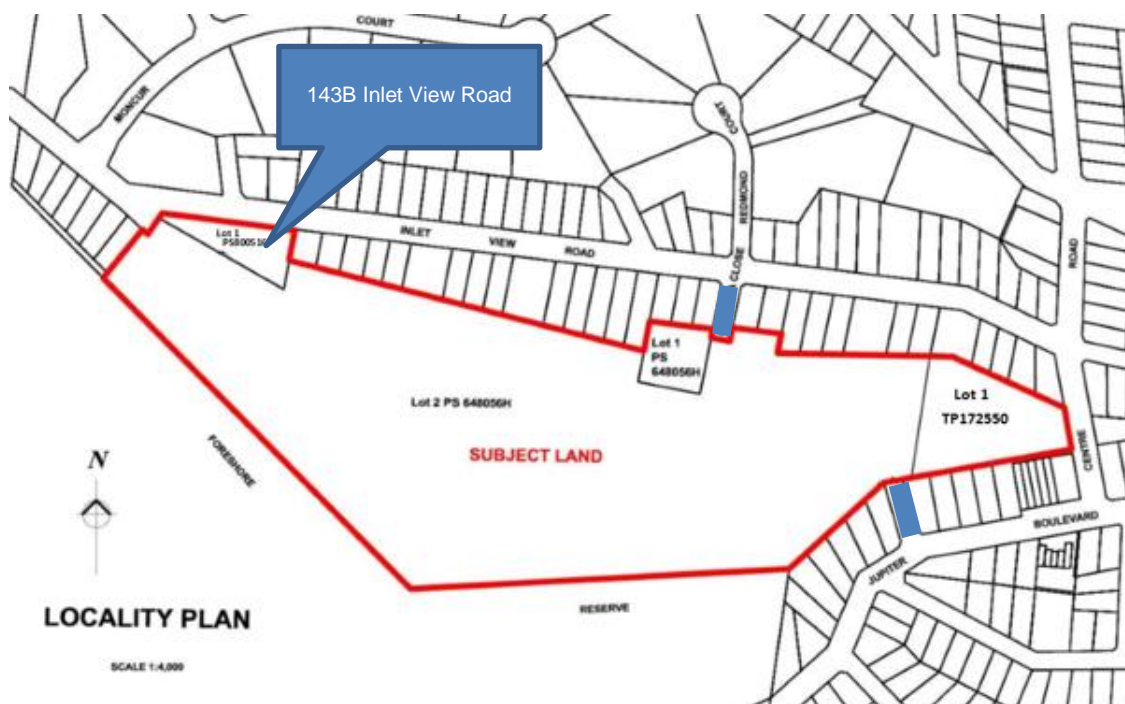


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1. INTRODUCTION

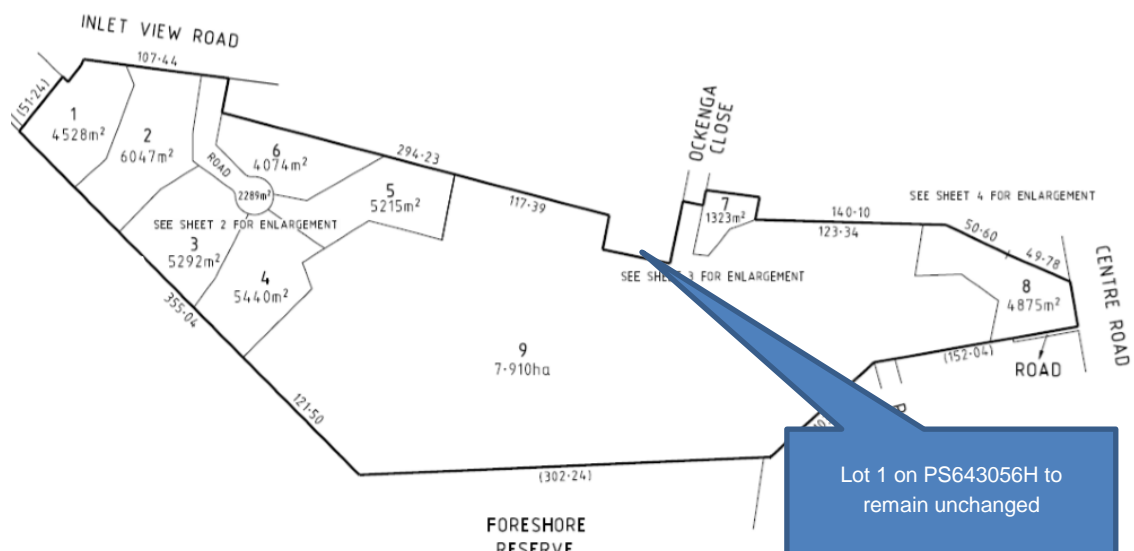
1. I received instructions from Jardine Johnstone Environment and Planning to prepare a Statement of planning evidence in relation to Amendment C109 (the Amendment) to the South Gippsland Planning Scheme (the Planning Scheme).
2. The Amendment applies to the Venus Bay Caravan Park and some adjoining land (a total of four lots) (shown in red below), as well as two adjoining road reservations (shown in blue below).



Excerpt from Explanatory Report Amendment C109



3. The site (including the road reserves), with the exception of 143B Inlet View Road is currently located within the Farming Zone. 143B Inlet View Road is subject to the Township Zone. The Amendment seeks to introduce new planning controls to protect the land's ongoing use as a Camping and Caravan Park while also allowing for some residential development on land surplus to the caravan park's current and future needs.
4. Concurrent with the Amendment, a Planning Permit is also sought to re-subdivide the land into nine lots and a road, and to remove native vegetation. The proposed Plan of Subdivision is provided below.



Excerpt from Explanatory Report Amendment C109

5. I was not involved in the preparation of the Amendment or Planning Permit Application. I was engaged following the referral of submissions to the Planning Panel.



My Evidence

6. I have been instructed to review the Amendment and concurrent Planning Permit Application, and upon being supportive of the proposal, prepare an expert witness report and appear at the Planning Panel hearing to give my evidence.
7. My evidence will also provide a strategic assessment of the Amendment, having regard to Planning Practice Note 46: Strategic Assessment Guidelines.
8. In preparing this statement, I have:
 - Reviewed the exhibited Amendment documentation.
 - Inspected the site and surrounds.
 - Considered the relevant aspects of the Planning Scheme, including the State and Local Planning Policy Frameworks and other relevant documents.
 - Read the Ordinary Council Meeting Minutes from 24 August 2016 where Council resolved to request authorization from the Minister for Planning to prepare the Amendment, and upon receipt of authorization, to exhibit the Amendment.
 - Read the Ordinary Council Meeting Minutes from 27 September 2017 where Council resolved to request the Minister for Planning to appoint an independent Planning Panel to consider submissions to the Amendment.
 - Reviewed the submissions received in response to public exhibition.
 - Considered relevant Practice Notes (including PNP3: Applying the Special Use Zone, PPN07: Vegetation Protection in Urban Areas, PPN10: Writing Schedules PNP11: Applying for a Planning Permit Under the Flood Provisions, PPN36: Implementing a Coastal Settlement Boundary PPN46: Strategic Assessment Guidelines, PNP53: Managing Coastal Hazards and the Coastal Impacts of Climate Change and PPN64: Local Planning for Bushfire Protection).



- Considered relevant Ministerial Directions (including the Ministerial Direction No. 13 - The Form and Content of Planning Schemes and Ministerial Direction No. 11 – Strategic Assessment of Amendments).
9. My evidence is based on the exhibited documentation, with the exception of the draft Planning Permit, whereby my evidence is based on the version appended to Council's Ordinary Council Meeting Agenda dated 27 September 2017. The amended version of the Planning Permit includes a new condition to require the registration of a Section 173 Agreement on new lots notifying owners that coastal climate change and associated inundation may impact vehicle access to the site.
 10. My opinion on the Amendment is set down in Section 2 of my Statement and my conclusion in Section 3 summarises my opinion.



2. OPINION

Overview

11. Having regard to the strategic planning context for the proposal, I have framed my assessment and evidence around the following questions:

- Is the Amendment strategically justified?
- Do the controls make efficient and correct use of the Victorian Planning Provisions?
- Does the planning permit application produce an acceptable outcome when considered against the relevant planning controls?

12. These matters are addressed within this section of my Statement.

Is the Amendment strategically justified?

13. I have reviewed the strategic justification for the Amendment in accordance with the framework provided by Planning Practice Note 46: Strategic Assessment Guidelines. The salient points of my consideration of these issues are as follows:

Why are the Amendment required?

14. The Amendment is required to protect the ongoing use of the site for a Camping and Caravan Park, while also allowing for the more effective use of surplus land.
15. The Venus Bay Caravan Park provides affordable accommodation within the township, which caters particularly for the peak tourist season. Caravan parks typically play an important role in a small town like this, providing an important social and economic resource. The Camping and Caravan Park also occupies a key parcel of land within Venus Bay, which may be attractive to developers. The Amendment seeks to provide



specific support for the ongoing use of the land as a Camping and Caravan Park by implementing a Special Use Zone, tailored to the specific land use.

16. The Amendment also alters the Overlays applying to the land to reflect the new zoning and ensure consistency with the broader application of Overlays within Venus Bay.

Objectives of Planning in Victoria

17. Section 4(1) of the *Planning and Environment Act 1987* sets out the objectives of planning in Victoria. Relevantly, the Amendment implements and advances the following objectives:

- *To provide for the fair, orderly, economic and sustainable use and development of land.*
- *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*
- *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
- *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*
- *To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.*
- *To facilitate development in accordance with the objectives [outlined above].*
- *To balance the present and future interests of all Victorians.*

18. By protecting the existing Camping and Caravan Park use of the land, the Amendment achieves fair, orderly, economic and sustainable use and development which benefits



the community, and present and future residents. It will also secure a pleasant living, working and recreational environment.

19. The continued application of the Environmental Significance Overlay to the site provides statutory protection to the site's vegetation, and along with the other provisions of the Planning Scheme, allow an appropriate development outcome for the site in the future.
20. The Amendment also facilitates appropriate development through the application of the Low Density Residential Zone to part of the land. The Purpose of the LDRZ includes to provide for low-density residential development.
21. The Amendment is consistent with the objectives of planning in Victoria.

Environmental, Social and Economic Effects

22. To the extent that I am able to comment on these matters, the Amendment provides for an appropriate social and economic outcome in that it will facilitate the provision of affordable accommodation, and low density housing, within the township of Venus Bay and support a long standing local business (the Camping and Caravan Park opened in 1978).
23. The Environmental Significance Overlay, along with existing clauses of the Planning Scheme will continue to require appropriate environmental outcome.
24. Overall, I consider that the Amendment will have overall positive environmental, social and economic effects.

Compliance with Ministerial Directions

25. The draft Schedules are broadly consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*, but contain some features that require change as I detail further below.



26. The Amendment was exhibited with an Explanatory Report that met the requirements of *Ministerial Direction No. 11 – Strategic Assessment of Amendments*.

The State Planning Policy Framework

27. At **Appendix C**, I have provided a summary of relevant State policy. The Amendment supports and implements State Planning Policy Framework in the following key ways:

- The proposal relates to land which is part of an existing coastal settlement, and it will consolidate and strengthen the existing township in a sustainable manner, consistent with Clause 11.01-1 (Settlement Networks), Clause 11.05-1 (Coastal Settlement) and Clause 17.01-1 (Business)
- The proposal protects the existing Camping and Caravan Park activity, which is an important part of the Venus Bay economy, consistent with Clause 11.10-1 (A Diversified Economy). The use contributes to the local tourism market, consistent with Clause 14.02-4 (Coastal Tourism) and Clause 17.03-1 (Facilitating Tourism).
- The site is situated close to the Venus Bay town centre, and residents and occupants will have good access to the existing services, consistent with Clause 11.10-3 (Sustainable Communities), Clause 16.01-1 (Integrated Housing) and Clause 16.01-2 (Location of Residential Development).
- The degree of development which the Amendment facilitates, strikes an appropriate balance between potential local environmental risks (most notably flood and bushfire risk), with the benefit of consolidating and enhancing the existing township, in accordance with Clause 13 (Environmental Risks). I return to this matter further below.
- The existing Camping and Caravan Park provides diverse and low cost accommodation within Venus Bay, consistent with Clause 16.01-5 (Housing Affordability)



- The provision of additional lots for Low Density Residential development will diversify the local housing market, consistent with Clause 16.01-4 (Housing Diversity).
- The proposal considers potential biodiversity implications and balances the supply of new housing with the local environmental sensitivity. The low-density development outcome proposed by the Amendment is appropriate to objectives of Clause 12 (Environmental and Landscape Values).
- The proposal appropriately manages cultural heritage in accordance with Clause 15.03-2 (Aboriginal Cultural Heritage). Only a small portion of the site is identified as an area of Cultural Heritage Sensitivity and this area is not affected by the subdivision proposal. Nonetheless, the application was accompanied by a Cultural Heritage Report which states that no Aboriginal cultural material was identified within the site during field investigations.
- The proposal results in appropriate urban design outcomes in accordance with Clause 15 and I consider this in more detail when I come to consider the planning permit application.

28. Overall, the proposal responds well to State policy considerations.

Local Planning Policy Framework

29. At **Appendix C** I have provided a summary of relevant Local policy. The local planning policies relating to settlement and housing broadly reflect the State policies, in that they seek to consolidate activity around existing settlements, and the provision of additional and more diverse housing in settlements. The proposed Amendment is consistent with these aspirations.

30. From a review of these policies, I conclude that the environmental features of South Gippsland, and their ability to attract tourism, are important factors for the municipality.



The existing natural environment is sought to be protected from inappropriate use and development. To achieve this, the Planning Scheme contains various strategies including Framework Plans.

31. The Venus Bay Framework Plan (Clause 21.15-9) identifies that the existing Caravan Park is outside the Township Boundary, although it identifies its western portion as a *Potential Long Term Urban Expansion Investigation Area*. The clause states that any expansion into long-term development areas should not occur until *Development Prerequisites* have been met. Prerequisites include the take up of existing vacant lots and the availability of reticulated water and sewerage.
32. In this case, some of the Development Prerequisites have not been met; in particular, there are still a number of vacant lots in Venus Bay (the *South Gippsland Housing and Settlement Strategy 2013* states that in 2013, Venus Bay contained 2,247 total lots with 692 lots being vacant). Nonetheless, the proposed area of LDRZ is less than half the size of the area indicated in Clause 21.15-9 and facilitates the development of only six lots. The Agenda of the Ordinary Council Meeting No. 416 – 27 September 2017 indicates that the town only has seven vacant lots within the existing LDRZ, which is modest.
33. Clause 21.05-1 (Growth of Towns) seeks to ensure the growth of towns occurs in accordance with their role and function. Venus Bay is described as a small coastal village, which provides only convenience facilities. The proposed Amendment will not alter the role of the town, or result in any substantive change to its function and place within the local settlement hierarchy.
34. Clause 21.05-1 broadly encourages the consolidation of development, particularly nearby the activity centres of townships. The proposal is consistent with this aspiration.
35. Objectives for growth and consolidation however, are tempered by policy which requires the protection of environmental features from the impacts of increased



development and human intervention. The Amendment will result in a modest amount of new development at the site, which can be achieved without detrimentally impacting upon the sensitive environmental features of this area. I consider this further when I address the planning permit application.

36. Equally, planning seeks to protect use and development from the environment itself including from climate change (Clause 21.07-1). The road entry to Venus Bay is subject to flooding and as a consequence of this constraint, the West Gippsland Catchment Management Authority ('the CMA') has objected to the Amendment and to the issue of a Planning Permit. I consider the CMA's view further below. In short, this constraint can be managed in a manner where the potential risk to people and property is acceptable.
37. Bushfire is also a local environmental risk. The site is located within a Bushfire Management Overlay and the Amendment has no impact upon this Overlay. The BMO will ensure future development adequately manages the potential impacts of bushfire.
38. I conclude that the Amendment appropriately responds to local planning policy.

Use of the Victoria Planning Provisions

39. I discuss the appropriateness of the proposed zones and overlays as an implementation tool later in my evidence.

Views of Relevant Agencies

40. I understand that the views of relevant agencies were sought as part of the exhibition of the combined Amendment / Planning Permit Application, including the Country Fire Authority (CFA) and the Department of Environment, Land, Water and Planning. Both authorities requested conditions be imposed upon any permit granted.



41. I have reviewed an objection from the CMA. The CMA says that the road entry to Venus Bay is susceptible to flooding, which (currently and will continue to) isolates the town in a 1 in 100-year flood event. The CMA consequently contends that while the site itself is not currently subject to inundation (nor will be it be in the future), that the level of accessibility to the town during a flood event is unacceptable. The core concern of the CMA appears to be that occupants and emergency services may have to drive through floodwaters or if people fall sick they will be unable to exit the area by road to seek help.
42. The Council has responded to the objection of the CMA by imposing a condition upon the draft Planning Permit for subdivision which requires that a Section 173 Agreement be registered upon title, which alerts future owners of the risks and consequences of flooding. In my view, this is unnecessary, as risks of this sort are typically communicated using different media. That said, I do not object to the condition remaining on the permit.
43. The Planning Scheme addresses Environmental Risks primarily at Clause 13. Clause 13.01 (Climate Change Impacts), seeks to plan for and manage the potential coastal impacts of climate change. Strategies include to plan for possible sea level rises, consider the risks associated with climate change and avoid development in identified coastal hazard areas susceptible to inundation (among other things). Clause 13.02-1 (Floodplain Management), seeks to assist the protection of life, property and community infrastructure, the flood carrying capacity of waterways, flood storage functions and floodplain areas of environmental significance and importance. Strategies include avoiding intensifying the impacts of flooding through inappropriately located uses and development, and locating emergency and community facilities outside the 1 in 100 year floodplain.
44. The issues raised by the CMA are really centred around the issue of risk management. From a town planning perspective, I agree that risks to human health, life or property are matters that require serious consideration.



45. Having said this, there are some questions and principles that are relevant. I do not think it is sufficient to merely assert a risk: it must be demonstrable. Decision makers need to understand what the risk is. Can the risk be managed? The planning system deals with risks at many levels. For instance, a new development will result in increased traffic levels to and from a site and this may increase the risk of collision. Few planning proposals are risk free. Some risks are able to be managed to an acceptable level through the planning process. An example of this would be the application of a 1:40 density limit for dwellings in open, potable water supply catchments, increasing the floor levels of dwellings on flood prone land or requirements over the siting and design of dwellings in bushfire prone areas.
46. It seems common ground that the use and development of the site itself will not result in an increased risk to property or community infrastructure. To the extent that it creates a risk to life, if this risk exists, it exists now. The use and development will not impact or intensify the existing or future extent of flooding, nor would it result in other properties being affected by flooding.
47. At the local level, Clause 21.07-1 (Climate Change) seeks to apply the *precautionary principle* when considering the intensification of development in coastal areas. I am not sure what the planning authority had in mind when it drafted this part of the planning scheme, although I understand the precautionary principle is an international environmental management rule. The Victorian Supreme Court in *Rozen*¹ described the precautionary principle as follows:

The Intergovernmental Agreement on the Environment expresses the precautionary principle in the following terms.

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:

¹ *Rozen v Macdeon Ranges SC* [2010] VSC 583, paragraph 36.



(i) Careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment; and

(ii) an assessment of the risk-weighted consequences of various options.

48. The proposal may contribute to a small increase in the town's population during at sometimes of the year. In the context of the whole of Venus Bay, it is a small increase².
49. I also understand from the Council report that many lots in the town are vacant. These lots could remain vacant or they could be developed and if so, this would provide over 600 new homes. In this context, the creation of these new lots seems to present a very small potential population increase.
50. The CMA's position has broader public policy ramifications for settlements affected by coastal inundation. For instance, there are parts of metropolitan Melbourne that are affected by coastal inundation. Should residential development in Altona (for instance) be curtailed because one or more roads would be subject to inundation? Taken to its logical conclusion (and if applied elsewhere), the CMA's view will curtail the future development of towns like Venus Bay. It could, for instance discourage local tourism or the establishment or enhancement of existing businesses. These outcomes would undermine the achievement of the other State and local planning policies I have described above.
51. Overall, while I have considered carefully the view of the CMA, the Amendment is acceptable.

Bushfire Risk

52. The land is currently affected by the Bushfire Management Overlay.

² The Victorian Supreme Court has considered the application of the precautionary principle to a town planning matter in Rozen. I gave evidence for a water authority in the VCAT decision that led to the Supreme Court appeal and in the subsequent VCAT case that followed that decision. The Rozen case raises matters of law that are beyond my area of expertise to comment on.



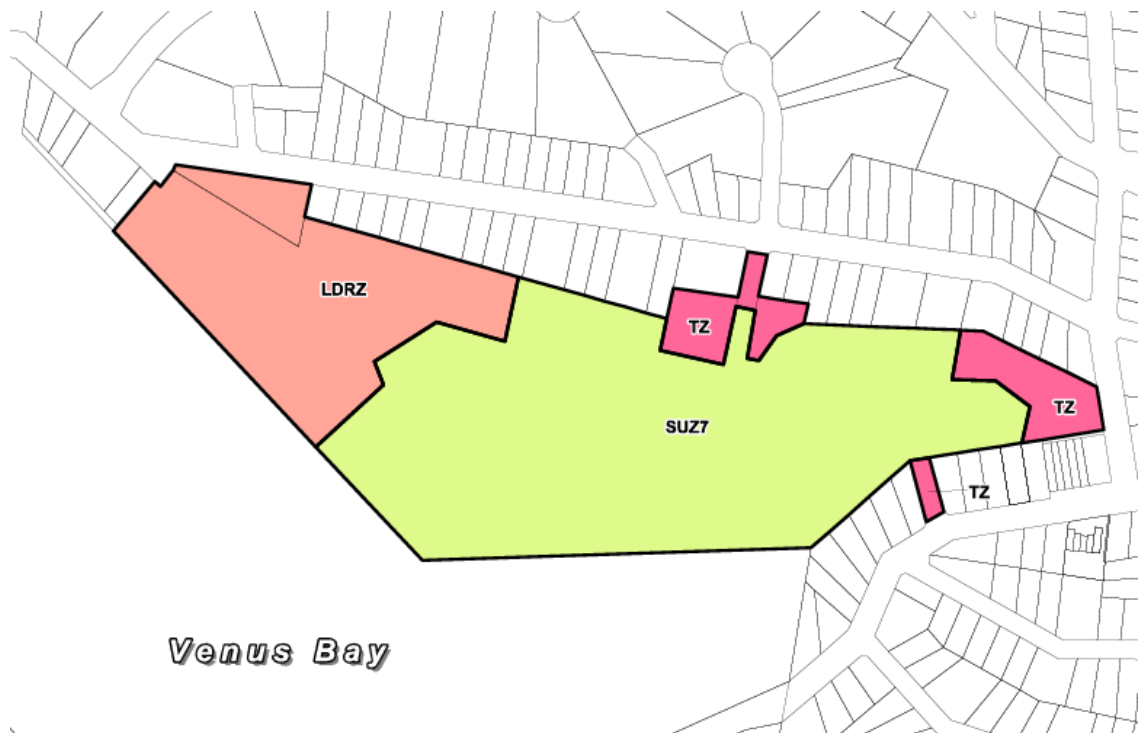
53. I understand that the Planning Permit Application and Amendment was referred to the Country Fire Authority which supports the proposal subject to the imposition of planning permit conditions.
54. I conclude that bushfire risk has been appropriately managed.

Resourcing and Administrative Costs

55. I have not been presented with any evidence relating to the resource and administrative costs of the Amendment by the Council. Nonetheless, I would not expect that the changes would result in any significant administrative burden.

Do the controls make efficient and correct use of the Victoria Planning Provisions?

56. The Amendment seeks to rezone the site from the Farming Zone, to a mix of the Low Density Residential Zone, Township Zone and Special Use Zone. The application of the Farming Zone to the site is inappropriate given its size, use and context. The land is not currently being used for agriculture nor does it appear to be suitable for that purpose given its existing tree cover. The Amendment does not displace a rural activity.
57. The principle underpinning the rezoning is sound. I go onto address specific issues with the zone and overlay schedules later.



Proposed Zone Plan (Excerpt from Exhibited Material)

Special Use Zone

58. One of the primary purposes of the Amendment is to protect the existing Camping and Caravan Park use. These sorts of accommodation uses provide benefits to small towns. Camping and Caravan Parks have an important role to play in providing affordable tourism (and other) accommodation. In coastal or other holiday settings, they provide affordable, short and longer-term housing, in an appropriate location and an important planning benefit.
59. While there are zones where a Camping and Caravan Park is permitted, none specifically encourages this use to the desired degree, or to the exclusion of other uses.
60. Planning Practice Note 3 (Applying the Special Use Zone) provides guidance about the appropriate use of the Special Use Zone (SUZ), and states that the zone can be considered when either:



- *an appropriate combination of the other available zones, overlays and local policies cannot give effect to the desired objectives or requirements.*
- *the site adjoins more than one zone and the strategic intent of the site, if it was to be redeveloped, is not known and it is therefore not possible to determine which zone is appropriate.*

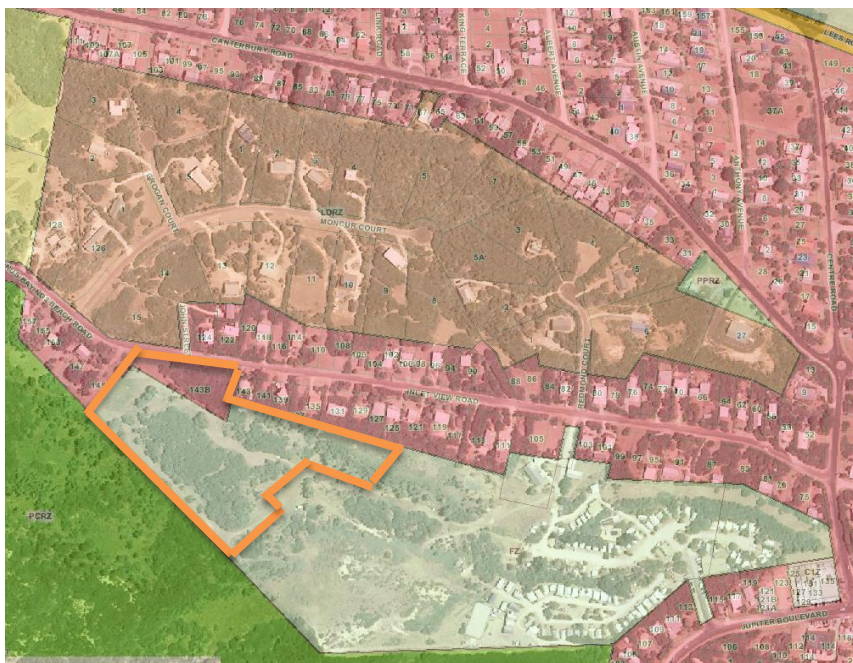
61. The proposal achieves the first dot point, and is appropriate in this case.
62. The Amendment documentation includes a draft SUZ – 7 (Venus Bay Caravan Park), which I have reviewed for content and clarity. I make the following suggestions:
- The Schedule should refer to the correct planning terminology of a *Camping and Caravan Park*, rather than a specific operator, and to allow for evolving circumstances in the future.
 - The third Purpose statement should be updated as follows:

To ensure that the development of the Camping and Caravan Park and its facilities takes place in an orderly and proper manner and does not cause an unreasonable loss of amenity to the surrounding area.
 - Use of land for Office (which is listed as a Section 2 Use) should contain the condition: *Must be in conjunction with the Camping and Caravan Park.*
 - The Advertising Sign Category of restriction would more appropriately be Category 3 – High Amenity Areas (and not 2 – Office and Industrial) to match the Low Density Residential Zone and the Township Zone.
63. I have also marked up a version of SUZ7 with some other more minor changes, and this is included at **Appendix E**.
64. I note that SUZ7 includes an exemption from the usual requirements of notice, submission and appeal for buildings and works, unless within 10m of the boundary of

the SUZ. This provision does not however, take into account any potential impacts of height and / or obscuring of views. Since the Council retains the ability to make a determination as to whether a proposal will cause material detriment to another party on a case by case basis, I suggest that this exemption be considered further by the panel.

Low Density Residential Zone

65. It is proposed to apply the existing Low Density Residential Zone (LDRZ) to the western portion of the site, in the area which corresponds to the six lot subdivision. The Purpose of the LDRZ includes to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all waste water. There are no variations contained within the schedule to the LDRZ.
66. There is an existing LDRZ area in Venus Bay (to the north of the site). These lots are mostly around 4,000 sqm in size and this area appears to be relatively well developed, which would not suggest a local surplus for larger lots.



Excerpt from Planning Maps Online ([approximate area of proposed LDRZ](#))



67. The level of development within the existing LDRZ shows how low density housing, in a bushfire prone area, can still be developed while retaining vegetation. A similar styled development is sought within the proposed LDRZ (which has an average lot size of 5,100sqm). The environmental sensitivities in Venus Bay support the application of the LDRZ.
68. It is proposed to include 143B Inlet View Road into the LDRZ (from the Township Zone) as this lot provides road access to Lots 2-6. I understand that the principal land has already been purchased and acquired land from Council and it is proposed to consolidate it as part of the six lot subdivision. It is logical that its zoning match Lots 1-6.

Township Zone

69. It is proposed to apply the existing Township Zone – Schedule 1 (South Gippsland Townships) (TZ1) to several small areas of the site as follows:
- To one existing and one new lot adjoining Ockenga Close;
 - To Ockenga Close itself;
 - To a modified lot abutting the adjoining commercial zone; and
 - To the road reservation connecting the site to Jupiter Boulevard.
70. TZ1 currently covers the majority of Venus Bay, and does not include any specific policy within the schedule. The proposed area of TZ1 in each case abuts existing areas of TZ1. The application of the TZ1 to these areas is appropriate to match the adjoining conditions. The TZ is more appropriate than the existing Farming Zone, and to apply LDRZ to these lots would create isolated parcels.



Environmental Significance Overlay

71. There are two Environmental Significance Overlays (ESO) which apply to land in Venus Bay. ESO7 applies to the developed township area, and ESO3 to the surrounding area.



Existing ESO ([Planning Maps Online](#))

72. Of the two schedules, ESO3 provides the more comprehensive requirements.
73. The Amendment proposes to alter the overlays so they recognise the areas of the site which are proposed to be rezoned for residential purposes (i.e. the LDRZ and the TZ). Specifically, ESO3 will remain across the bulk of the land, which is to be rezoned to the Special Use Zone, and ESO7 is proposed to replace ESO3 in the areas proposed for the LDRZ and TZ. In addition, the Amendment seeks to clarify the title of ESO3 to confirm it applies to Non Residential Zones.



74. On the basis that I support the rezonings, the change in Overlays is logical.

Design and Development Overlay

75. It is proposed to apply Design and Development Overlay – Schedule 5 (Venus Bay) to the land to be rezoned to LDRZ and TZ. DDO5 includes a range of design objectives relevant to residential development in Venus Bay. The policy includes guidance for assessing the scale, form and detailing of new development. Its application to the site is appropriate and will ensure a design outcome consistent with the remainder of the township.

Does the Planning Permit Application produce an acceptable planning outcome for the site?

76. As I have already described, the Amendment has been submitted concurrent with a Planning Permit Application, which proposes to subdivide the site into nine lots and remove native vegetation (pursuant to ESO3 and Clause 52.27 Native Vegetation).
77. The Proposed Plan of Subdivision shows six lots within the proposed LDRZ (Lots 1-6), two lots within the TZ (Lot 7 and 8) and one large lot within the SUZ (Lot 9). Lot 1 on PS648056H, which is located immediately west of Ockenga Close will remain on its existing title and is not part of the Planning Permit Application.
78. The Plan of Subdivision shows Building Envelopes for Lots 1-8, and separate survey plans have been prepared by Beveridge Williams showing contour information, along with the Building Envelopes and indicative driveways.



- When constructing habitable buildings, the owner of the lot must:*

p.23



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80. The Plan of Subdivision includes notes which establish that there cannot be any dwelling constructed or placed outside the building envelope *without the written consent of the Responsible Authority* (except for eaves, fascia, gutters, decks and steps).
81. The language within the permit condition and the Plan of Subdivision should match and it should be clearly specified on both what (if anything) can be permitted outside the building envelope, and in what circumstances.
82. It is appropriate to allow the Responsible Authority to approve development outside the Building Envelope without having to amend the Section 173 Agreement.
83. I recommend that Condition 6(d) and the Plan of Subdivision be updated to state the following:

On each lot created, there can be no buildings constructed outside the Building Envelope as shown on the plans endorsed under Planning Permit 2016/180 except for eaves, gutters, decks, steps, driveways, single and double car garages, sheds up to 10sqm in size, pathways, retaining walls and fencing, unless with the written consent of the Responsible Authority.

84. It is also necessary to provide dimensions on the Proposed Plan of Subdivision to identify the boundary setbacks of the Building Envelopes. This should be required by a new sub-clause to Condition 1 of the Permit.
85. Lot 7 is the smallest of the proposed lots at 1323sqm. This size is acceptable within the TZ and comparable to the size of adjacent lots abutting Inlet View Road. Lot 8 is 4,875sqm in size. This is more than adequate in the proposed location, and I note this lot replaces an existing lot in a similar location, of similar dimensions. On the basis that I support the application of the TZ to these lots I support the proposed subdivision of Lots 7 and 8.



86. Lots 1-6 are located at the western end of the site, and range in size from 4,074sqm to 6,047sqm. They are accessible from a new court-bowl arrangement which connects to Inlet View Road. The size of each lot meets the minimum subdivision size set down in the LDRZ.
87. The subdivision of these lots appears logical, and the large-lot size will facilitate a low-density residential development that has little impact upon the local landscape and neighbourhood context.
88. It appears that it is intended that each lot only accommodate a single dwelling although the LDRZ does allow for two dwellings and / or a dependant person's unit (although the land cannot be subdivided into lots less than 0.4 hectares where there are no reticulated services). It is possible, that two dwellings and / or a dependant person's unit could be accommodated within the two-dimensional building envelope. In any case, this is a matter for Council and future planning permit applications. Future building height will be managed through the implementation of DDO5, where a permit is triggered for (among other things) development over 7.5m (within the TZ, a permit is triggered for a building of more than 6.5m).
89. To some extent, the discussion above in support of the application of the LDRZ also justifies the proposed subdivision. I have considered the Decision Guidelines outlined at Clause 32.03-6 as well as the Decision Guidelines set down at Clause 65.01 (Approval of an Application or Plan) and 65.02 (Approval of an Application to Subdivide Land) of the Planning Scheme and make the following additional comments;
- The Explanatory Report accompanying the Amendment states that Land Capability Assessments have been submitted for all the proposed lots. I have not been provide with these Assessments although I note that the Explanatory Report states:

The following conclusions can be made from the Land Capability Assessments provided:

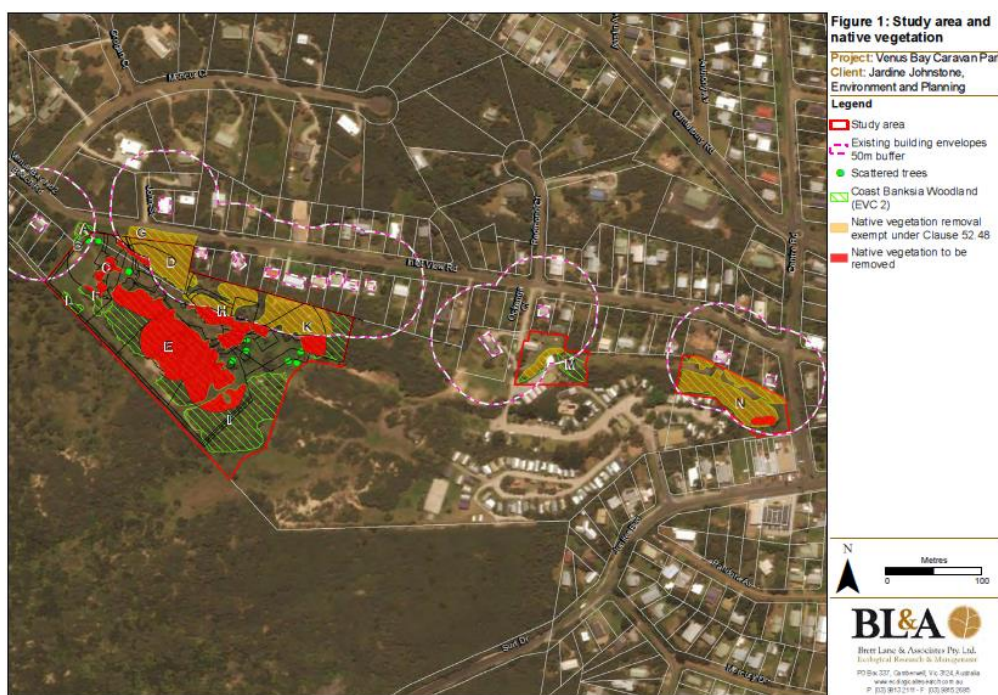


- *Adequate land area is available for sustainable long term land application of wastewater from residential dwellings, given the proposed rezoning.*
 - *Enactment of the requirements of the report in the subdivision planning permit and the waste-water permit conditions will address likely human and environmental health risks associated with effluent disposal over the subject land*
- The proposed subdivision will not cause unreasonable amenity implications for existing residents. While some of the new lots have an immediate residential abuttal, the size of the lots is sufficient to reasonably moderate the potential impacts of a new residential use and development. I note that the Plan of Subdivision includes the following note:

The Building Envelopes on the plan do not regulate siting matters covered by Standards A4-A15 (both inclusive) of Clause 54 of the South Gippsland Shire Council Planning Scheme.
- Each lot is a workable shape and broadly is rectangular and able to accommodate a functional Building Envelope. The topography of the site does not excessively impact upon the ability to develop the land in the manner proposed.
- While I am not a traffic engineer, it would appear that each lot has a satisfactory road frontage which will facilitate convenient access. Inlet View Road is a local road and six additional dwellings is unlikely to impact upon its safety or functionality.
- Pursuant to ESO3 and Clause 52.17 vegetation controls apply to the site. The application was accompanied by a Flora and Fauna Assessment prepared by Brett Land & Associates Pty Ltd, which considers the implication of the subdivision upon existing vegetation. The report shows vegetation to be removed (refer plan over

page). Part of this comprises space around existing dwellings, where tree removal is permitted for fire safety.

I am not qualified to comment on this, but I understand that this is proposed to be offset in the manner described by Conditions 18-21 of the draft permit. These conditions were imposed by the Department of Environment, Land, Water and Planning.



Excerpt from BL&A Flora and Fauna Report

- Condition 7 of the draft Planning Permit requires the owner to enter a Section 173 Agreement which incorporates a Bushfire Management Plan and Vegetation Management Plan. Conditions 12 and 14 respectively require these Plans to first be endorsed. I have been provided with a copy of plan, I am advised that the plan has been prepared to match the layout as approved by CFA and shown on the exhibited Bushfire Management Plans and Vegetation Management Plan by Jardine Johnstone. This is attached at **Appendix F** of my statement.



- Condition 8 of the draft Planning Permit requires the owner to enter into an agreement with the telecommunications service provider to ensure the provision of services to each lot.
- Condition 22 requires the owner to enter into an agreement with the electricity provision to ensure provision of electrical supply.

Having completed my assessment, I support the issue of the Planning Permit on the conditions proposed, with the variations I have described above.



3. CONCLUSION

90. My conclusions are summarised below:

- The Amendment is strategically justified.
- The application of the existing Farming Zone to the land is inappropriate and the proposed regime of new zones is site responsive and appropriate to the policy context of the site.
- The modifications to the overlays are logical and consistent with the application of overlays more broadly in Venus Bay.
- The proposed schedule to the SUZ is generally appropriate although it would be improved by the modifications I have suggested.
- The Planning Permit Application proposing subdivision and removal of native vegetation presents an acceptable planning outcome and should be supported subject to the modifications I have suggested.

91. In my view, the Amendment should be supported, subject to the considerations I have outlined above.

92. I have made all inquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

John Glossop (B.A Hons.) MPIA
Director
Glossop Town Planning Pty Ltd
November 2017



4. REQUIREMENTS UNDER PPV'S GUIDE TO EXPERT EVIDENCE

93. This statement is prepared by John Glossop, Glossop Town Planning Pty Ltd, 1/182 Capel Street, North Melbourne. I am a Director of the firm. The firm has been in business since 1997.
94. I have a Bachelor of Arts (Urban Studies) Hons. I have been engaged in the following positions and roles in my career as a planner including:
- Former planner with the Shire of Newham and Woodend (prior to its amalgamation with the Macedon Ranges Shire).
 - Strategic and Social Planning Manager, Shire of Melton until 1997.
 - Sessional member, Planning Panels Victoria between 1997-2012.
 - Member of the ResCode Advisory Committee 2000.
95. I have sat as a Chairman or member on a number of planning scheme amendments, dealing with a broad range of issues from high-rise housing in Williamstown, the redevelopment of Pentridge Prison and the application of flooding overlays in the Mornington Peninsula Shire.
96. I was a sessional lecturer and tutor in strategic, statutory planning and urban studies at Victoria University of Technology (1996-99) and lecturer in statutory planning Latrobe University Bendigo (2000- 02). I am currently a sessional lecturer in Statutory Planning and Environment at the Royal Melbourne Institute of Technology University.
97. I have considerable experience in statutory and strategic planning and new format planning schemes.
98. My expertise to make this statement is based on a combination of my experience working in metropolitan Melbourne and regional Victoria, an understanding of the site and my experience as a planner in both the private and public sectors. I have been instructed by Jardine Johnstone to provide an opinion on the planning merits of Amendment C109 to the South Gippsland Planning Scheme. I have been assisted in the preparation of this report by Edwina Laidlaw, Town Planner.



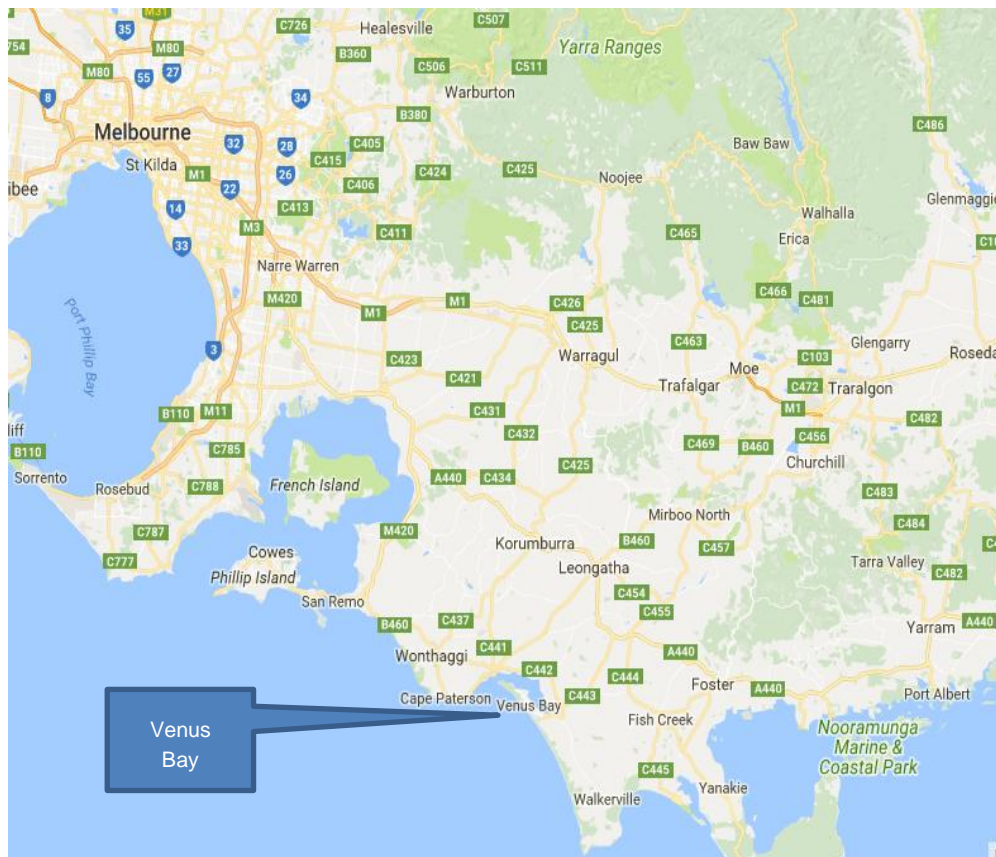
99. I have relied on the documents referred to in the introduction section of my Statement.
There were no tests undertaken in the preparation of this Statement.



APPENDIX A: THE SITE

The Site

100. Venus Bay is a coastal township, situated around 125km southeast of Melbourne's CBD, within the South Gippsland Shire area.



Location Plan

101. Venus Bay is located between Bass Street and Andersons Inlet, and comprises a linear settlement connected by Lees Road. Venus Bay is accessed from the Inverloch-Venus Bay Road to the northeast.
102. The site is situated within the eastern portion of the town, where it has an interface to the coastal reserve.



Aerial Photograph (Source: Nearthmap)



103. The site has a total area of approximately 12 hectares³, and comprises of four titles and two road reservations. In relation to these properties:

- Lot 2 on PS648056H comprises the bulk of the site (10.72ha).
- Lot 1 on PS648056H and Lot 1 on TP172550M (refer annotations below) are subject to an Agreement under Section 173 of the Planning and Environment Act 1987.
- Reserve 1 on PS 054175 (143B Inlet View Road) is currently owned by Council but the public sale and acquisition of this parcel by the owner of the substantive lot is underway.

104. The local topography undulates as Venus Bay sits within sand dunes. The topography generally rises towards the coast meaning sea views are not evident from Inlet View Road.



Cadastral / Contour Plan ([Planning Maps Online](#))

³ As noted within the Explanatory Report



105. The eastern portion of the site is used and developed with the Venus Bay Caravan Park. The remainder of the property is mostly vacant.

106. There is vegetation on and adjoining the site. A Flora and Fauna Assessment prepared by BL&A Pty Ltd accompanies the proposal and identifies that the site accommodates remnant patches of native vegetation and nine scattered trees.

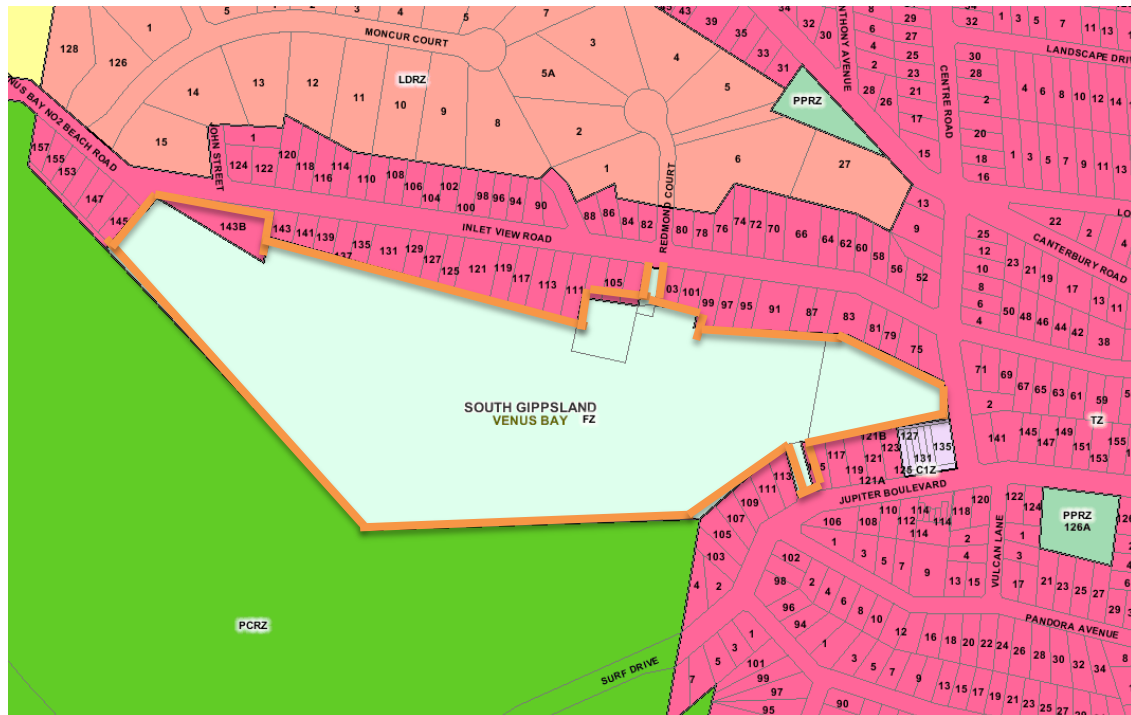
107. The key features of the site's interfaces are summarised below:

- To the **north** of the site there are dwellings facing Inlet View Road which are located within the Township Zone. Behind these dwellings there is an area of Low Density Residential Zone.
- Immediately **south** of the site is the coastal reserve, which is heavily vegetated.
- **East** of the site there is the town centre, which comprises of a small number of commercial tenancies contained within the Commercial 1 Zone. To the east of the site there are also dwellings facing Jupiter Boulevard which are contained within the Township Zone.
- To the **west** of the site there are some dwellings abutting the south side of Inlet View Road. Further northwest is the Council Refuse Area.



APPENDIX B: EXISTING ZONES AND OVERLAYS

108. The majority of the site is currently located within the **Farming Zone (FZ)**. 143B Inlet View Road is located within the **Township Zone**.



Zone Map ([Planning Maps Online](#))

109. The Purpose of the Farming Zone includes to use land for agriculture, to encourage the retention of productive agricultural land and rural employment and population and to ensure that non-agricultural uses do not adversely impact land for agriculture.
110. The Purpose of the Township Zone includes to provide residential development and a range of commercial, industrial and other uses in small towns, and to encourage development that respects the neighbourhood character.



111. The whole site is located within the **Bushfire Management Overlay (BMO)**. The Purpose of the BMO is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

112. Within the BMO a permit is required for subdivision, and for buildings and works associated with (among other things) use of land for accommodation.

113. The site is also subject to the **Environmental Significance Overlay (ESO)**. Specifically 143B Inlet View Road is subject to ESO – Schedule 7 (Coastal Settlements), while the remainder of the land is subject to ESO – Schedule 3 (Coastal Settlements).

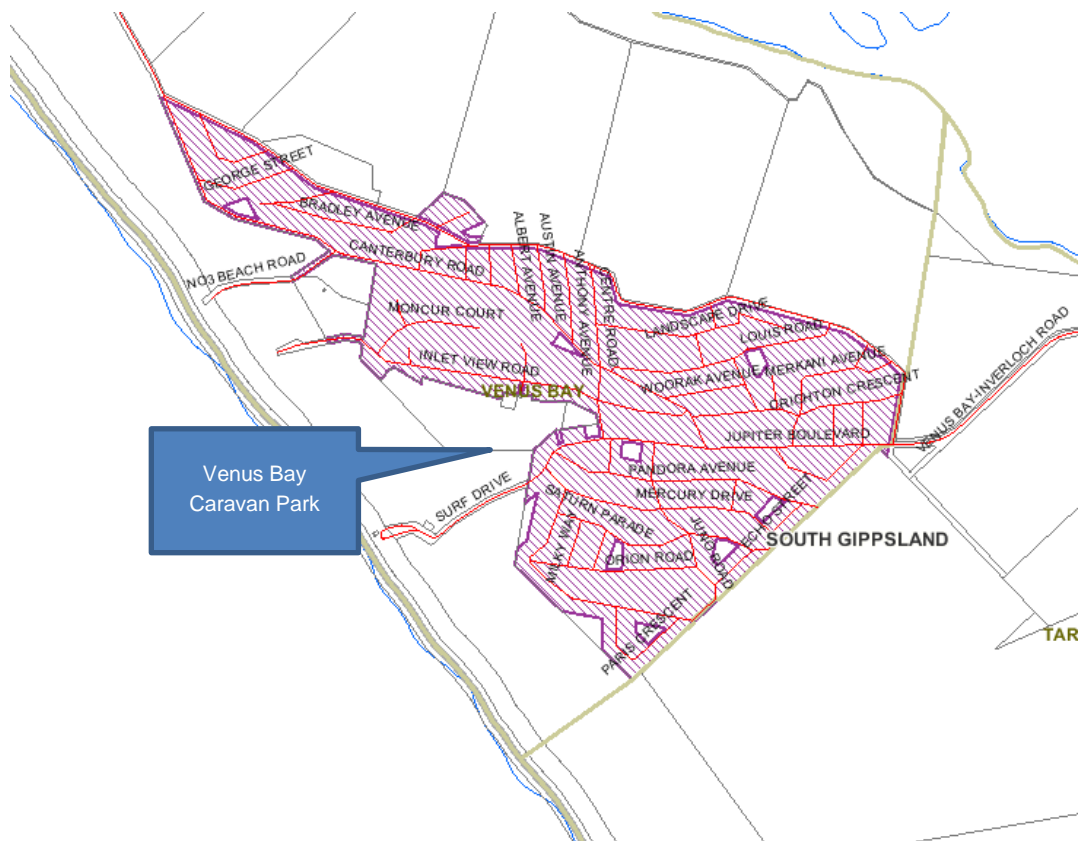
114. ESO3 and ESO7 have the same *Environmental Objectives* which are reproduced below:

- *To protect and enhance the natural beauty of the coastal townships.*
- *To protect and enhance the environmental quality of the townships.*
- *To minimise the risk of erosion, and destruction of the environment through poorly managed development.*

- To ensure that development adjacent to coastal areas is compatible with the environment and does not result in adverse impacts on coastal processes.

115. ESO3 and ESO7 have different *Statements of Environmental Significance and Permit Requirements*. ESO3, which also affects the coastal reserve is the more stringent of the two controls.

116. 143B Inlet View Road is also subject to the **Design and Development Overlay – Schedule 5 (Venus Bay)** (DDO5). DDO5 covers the area of Venus Bay subject to both the Township Zone and the Lower Density Residential Zone and provides a range of Design Objectives, relating to the town's Built Form and Landscape Character.



DDO5 Map

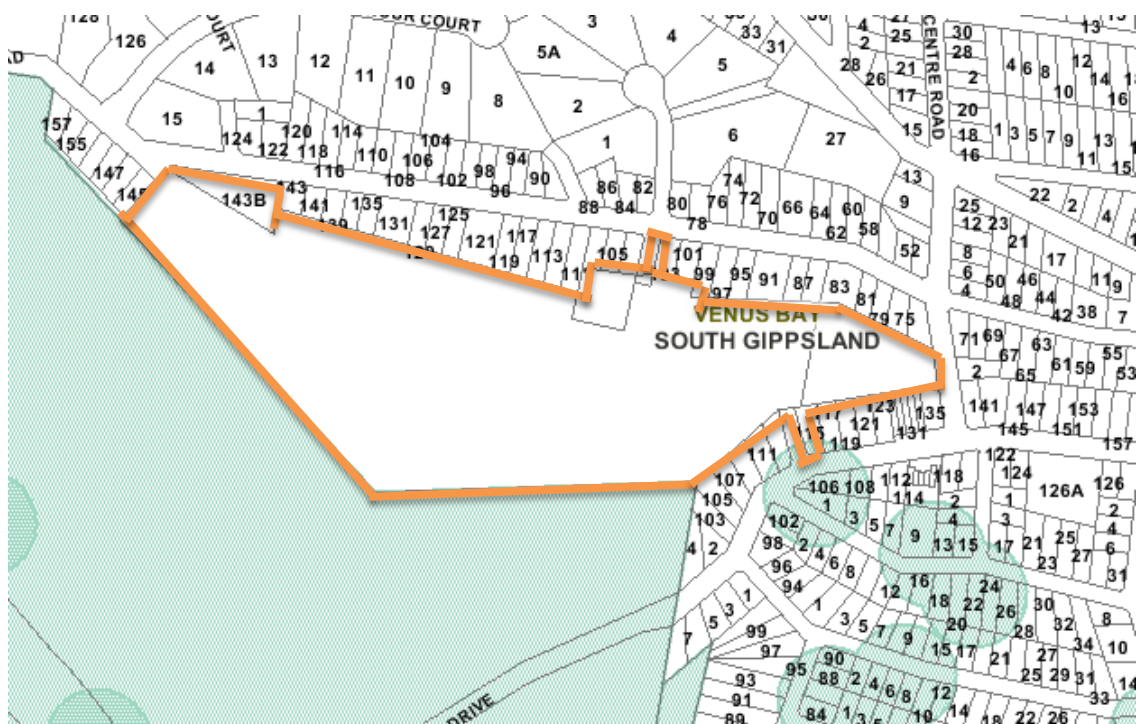
117. Part 4.0 of DDO5 relates to Subdivision and states:

An application for subdivision is considered to meet the design objectives where:

The proposed subdivision maintains the existing character of the area.

The existing informality of the current road and drainage system is maintained, while achieving improved management of stormwater and runoff and providing for anticipated increases in traffic demand.

118. The unnamed road reservation, which connects the site to Jupiter Boulevard, is partly located within an area of Cultural Heritage Sensitivity.



Cultural Heritage Sensitivity Map (Source: Planning Maps Online)



APPENDIX C: POLICY CONTEXT

119. In preparing this Statement, I have considered the policy context as set out in the Planning Scheme.

State Planning Policy Framework

120. Within the State Planning Policy Framework (the “SPPF”), the following policies are considered particularly relevant to this matter:

- Clause 9.01 (Plan Melbourne), requires planning authorities to consider and apply Plan Melbourne 2017-2050 in decision-making. Given the site is outside the metropolitan area, Plan Melbourne has limited reference except for *Outcome 7: Regional Victoria is productive, sustainable and supports jobs and economic growth*. This Outcome seeks to invest in regional Victoria and to support housing and economic growth and ensure the right infrastructure and services are available within regional areas.
- Clause 10.04 (Integrated Decision Making), seeks to ensure that planning authorities endeavour to balance conflicting objectives in favour of net community benefit and sustainable development for current and future generations.
- Clause 11.01-1 (Settlement Networks), promotes sustainable growth and development in Victoria, which delivers choice and opportunity for Victorians through the creation of a network of settlements.
- Clause 11.05-1 (Coastal Settlement), seeks to plan for sustainable coastal development. Relevant strategies include, to support a network of diverse coastal settlements which provide for a broad range of housing types, economic opportunities and services, and to encourage urban renewal and redevelopment opportunities within existing settlements.



- Clause 11.07-1 (Regional Planning), seeks to develop regions and settlement which have a strong identity, are prosperous and are environmentally sustainable. Strategies include to encourage design and development which respects the heritage, character and identity of each settlement and to ensure development respects and enhances the scenic amenity, landscape features and view corridors of each settlement. This clause also addresses Climate Change, Natural Hazards and Community Safety and seeks to promote community safety and minimise risk to life, property, the natural environment and community infrastructure.
- Clause 11.10 (Gippsland), includes the following clause and objective:
 - Clause 11.10-1 (A diversified economy), seeks to strengthen economic resilience by growing a more diverse economy and building on the region's traditional strengths through new investment, innovation and value-adding.
 - Clause 11.10-2 (Planning for Growth), seeks to promote a healthy environment by valuing Gippsland's environmental and heritage assets, and by minimising the region's exposure to natural hazards and risks.
 - Clause 11.10-3 (Sustainable Communities) seeks to develop sustainable communities through a settlement framework comprising major urban centres offering residents convenient access to jobs, services, infrastructure, and community facilities.
 - Clause 11.10-4 (Infrastructure) seeks to deliver timely and accessible infrastructure that meets regional needs for transport, utilities and community facilities.
- Clause 11.10-5 provides the Gippsland Regional Growth Plan which is reproduced below.



Gippsland Regional Growth Plan (Planning Scheme)

- Clause 12 (Environmental and Landscape Values) includes the following key clauses:
 - Clause 12.01-1 (Protection of Biodiversity), seeks to assist the protection and conservation of Victoria's biodiversity, including



important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.

- Clause 12.01-2 (Native Vegetation Management), seeks to ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.
- Clause 12.02-1 (Protection of Coastal Areas) seeks to recognize and enhance the value of coastal areas and ensure sustainable use of natural coastal resources. Strategies include applying the hierarchy of principles for coastal planning and management as set out in the Victorian Coastal Strategy 2014, which are:
 - *Principle 1: Ensure the protection of significant environmental and cultural values.*
 - *Principle 2: Undertake integrated planning and provide clear direction for the future.*
 - *Principle 3: Ensure the sustainable use of natural coastal resources.*
 - *Principle 4: Ensure development on the coast is located within existing modified and resilient environments where the demand for development is evident and any impacts can be managed sustainably.*
- Clause 12.02-2 (Appropriate Development of Coastal Areas), seeks to ensure development conserves, protects and seeks to enhance coastal biodiversity and ecological values. Strategies include to ensure development is sensitively sited and designed and respects the character of coastal settlements and to encourage revegetation of cleared land abutting coastal reserves.



- Clause 12.02-4 (Coastal Tourism), seeks to encourage suitably located and designed coastal and marine tourism opportunities. Strategies include to ensure a diverse range of accommodation options and to ensure developments are of an appropriate scale, use and intensity relative to their location.
- Clause 12.04-1 (Environmentally Sensitive Areas), seeks to protect and conserve environmentally sensitive areas, including coastal areas and their foreshores from development which would diminish their environmental conservation or recreation values.
- Clause 12.04-2 (Landscapes), seeks to protect landscapes and significant open spaces that contribute to character, identity and sustainable environments. Strategies are:
 - *Ensure sensitive landscape areas such as the bays and coastlines are protected and that new development does not detract from their natural quality.*
 - *Improve the landscape qualities, open space linkages and environmental performance in green wedges and conservation areas and non-urban areas.*
 - *Recognise the natural landscape for its aesthetic value and as a fully functioning system.*
 - *Ensure natural key features are protected and enhanced.*
- Clause 13 (Environmental Risks) includes the following key clauses:
 - Clause 13.01 (Climate Change Impacts), which seeks to plan for and manage the potential coastal impacts of climate change. Strategies include to plan for possible sea level rises, consider the risks



associated with climate change and avoid development in identified coastal hazard areas susceptible to inundation (among other things).

- Clause 13.02-1 (Floodplain Management), seeks to assist the protection of life, property and community infrastructure, the flood carrying capacity of waterways, flood storage functions and floodplain areas of environmental significance and importance. Strategies include avoiding intensifying the impacts of flooding through inappropriately located uses and development, and locating emergency and community facilities outside the 1 in 100 year floodplain.
- Clause 13.05-1 (Bushfire Planning Strategies and Principles) seeks to assist to strength community resilience to bushfire.
- Clause 14.02-1 (Catchment Planning and Management) seeks to assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater and the marine environment, while Clause 14.02-2 (Water Quality) seeks to protect water quality, and Clause 14.02-3 (Water Conservation) seeks to ensure water resources are sustainable managed.
- Clause 15.01-1 (Urban Design), seeks to create good quality, safe and functional urban environments that provide a sense of place and cultural identity.
- Clause 15.01-2 (Urban Design Principles) seeks to encourages architectural and urban design outcomes that enhance the public realm, contribute positively to local urban character and minimise detrimental impact on neighbouring properties.
- Clause 15.01-5 (Cultural Identity and Neighbourhood Character), seeks to recognise and protect cultural identity, neighbourhood character and sense of place.



- Clause 15.01-6 (Healthy Neighbourhoods) seeks to achieve neighbourhoods that foster healthy and active living and community wellbeing.
- Clause 15.02-1 (Energy and Resource Efficiency) encourages land use and development that is consistent with the efficient use of energy and minimisation of greenhouse gas emissions.
- Clause 15.03-2 (Aboriginal Cultural Heritage), seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- Clause 16.01-1 (Integrated Housing), promotes a housing market that meets community needs. To achieve this, it encourages an increase in the supply of housing in urban area in appropriate locations, including under-utilised urban land.
- Clause 16.01-2 (Location of Residential Development), seeks to locate new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs, services and transport.
- Clause 16.01-4 (Housing Diversity) seeks to provide for a range of housing types to meet increasingly diverse needs.
- Clause 16.01-5 (Housing Affordability) seeks to deliver more affordable housing closer to jobs, transport and services.
- Clause 17.01-1 (Business), seeks to encourage development which meets community needs for retail, entertainment, offices and other commercial services. It seeks to achieve a net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.
- Clause 17.03-1 (Facilitating Tourism) seeks to encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist



destination. Strategies include to encourage the development of a range of well-designed and sited tourist facilities.

- Clause 18 (Transport) seeks (among other things) to create a safe and sustainable transport system by integrating land-use and transport, to promote the use of sustainable personal transport, and to ensure the provision of adequate car parking.
- Clause 19 (Infrastructure) includes Clause 19.03-2 (Water Supply, Sewerage and Drainage) which seeks to plan for the provision of services which efficiently and effectively meet State and community needs and protect the environment.

Local Planning Policy Framework

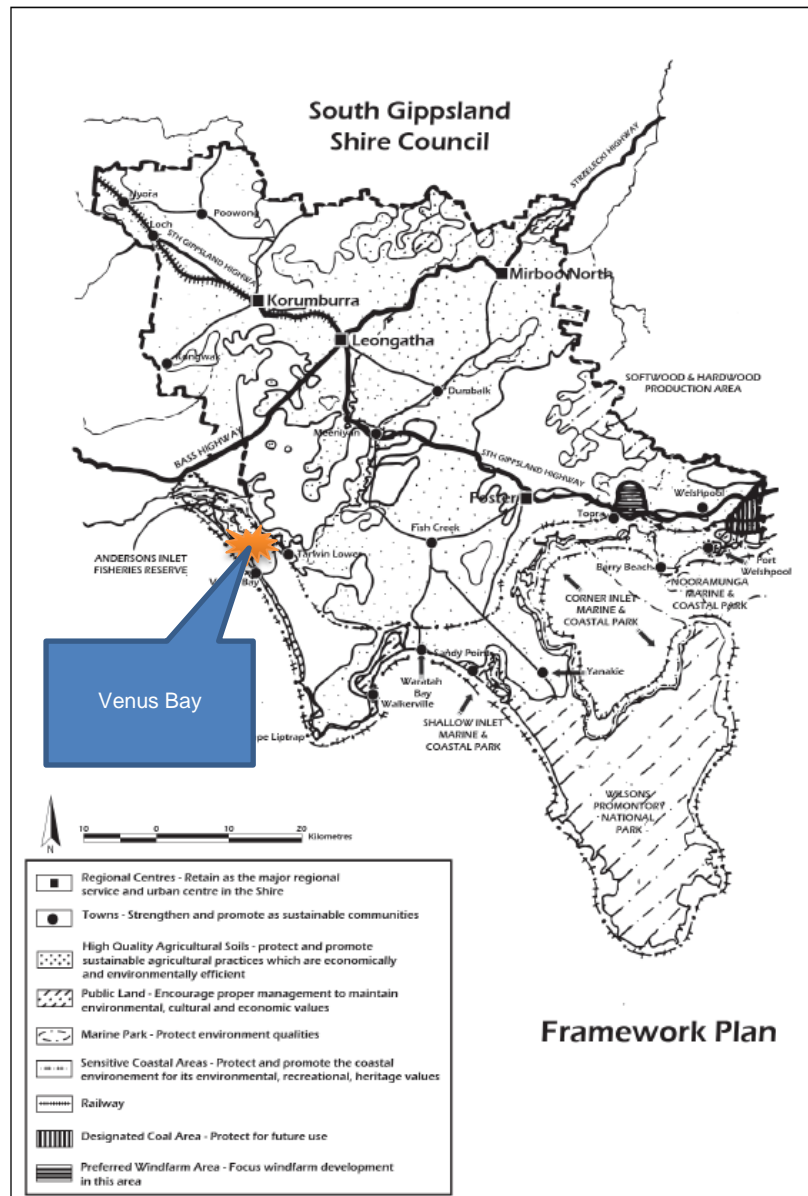
121. The following clauses within the Local Planning Policy Framework (the “LPPF”) are particularly relevant to this matter:

- Clause 21.02 (Municipal Profile) identifies that the Shire's natural beauty attracts residents and tourists from around the world. Clause 21.02-4 (Environment) identifies that there are environmental challenges facing the municipality, including loss of native flora and fauna, land and water degradation, ensuring sustainable land use and development occurs and managing the impacts of climate change. Clause 21.02-7 (Economic Development) identifies that tourism plays an important role in the Shire's economy, particularly within major towns and coastal settlements.
- Clause 21.03 (Key Issues) identifies the need to demarcate settlement boundaries and provide improved design guidance and control over coastal development, to protect the coastal character as pressure for development increases. In terms of Environmental Risk (Clause 21.03-3), climate change is identified, along with pressure for development in environmentally sensitive areas. Appropriate management of natural resources (Clause 21.03-4) is also sought as well as



appropriate development responses to the local built environment and heritage (Clause 21.03-5). A greater diversity in housing types (Clause 21.03-6) is identified as a key issue, along with the need to provide reticulated services in smaller towns and coastal villages to encourage population growth (Clause 21.03-9).

- Clause 21.04 (Vision) includes the following Framework Plan.



South Gippsland Shire Council Framework Plan (Planning Scheme)

- This clause states that the Vision for South Gippsland relating to Settlement is:

Availability of high quality and diverse lifestyle opportunities.



The environment, landscape, built form and heritage of the Shire is retained, managed and promoted in a way that adds to, rather than diminishes, its significance.

Land management practices are environmentally sustainable.

The coastal environment is protected for its environmental, recreational, cultural, economic, heritage and landscape values.

Development on floodplains is compatible with the level of flood risk.

Development in bushfire prone areas is compatible with the bushfire risk.

Council controlled and other public areas are well managed, including their interface with private land.

The urban environment of the Shire's towns is of a high quality.

- In terms of Economic Development, the Vision is that population growth and employment are facilitated, and that the thriving tourism industry builds on the Shire's assets.
- Clause 21.05-1 (Growth of Towns) describes the role and function Venus Bay as follows:

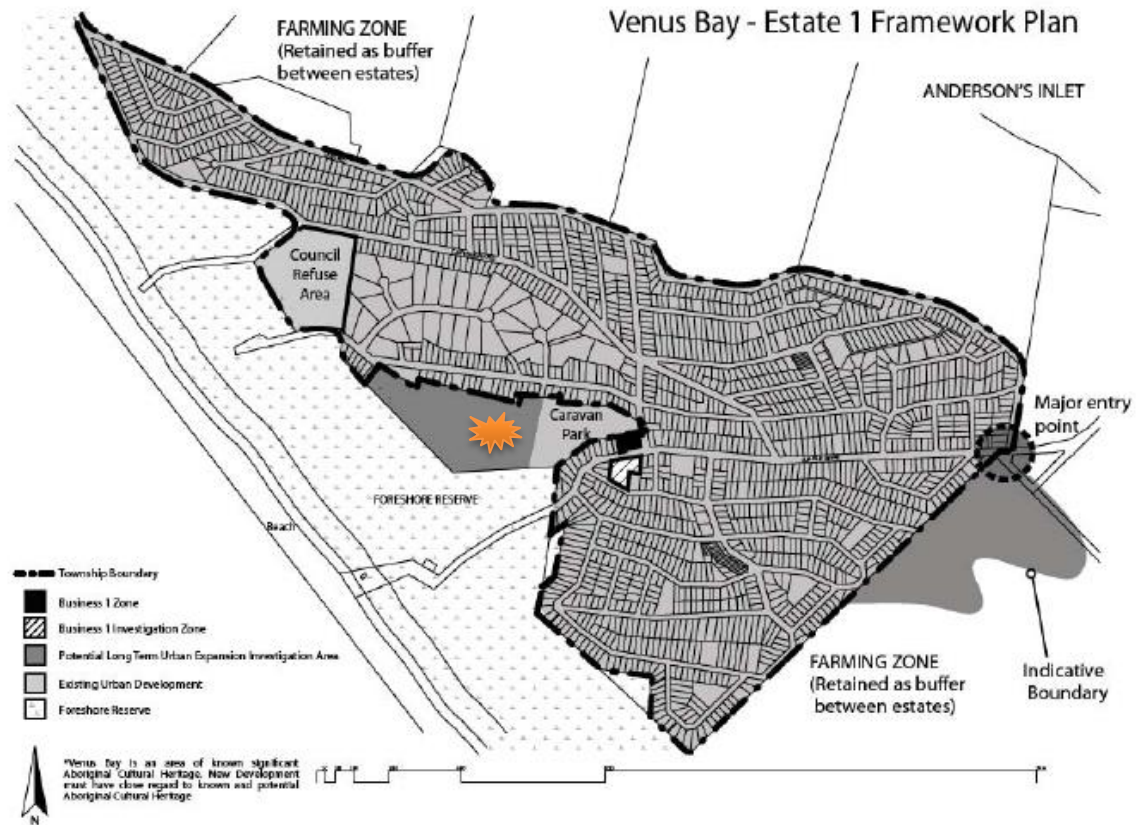
Small coastal village that supports a small permanent population and is an attractive holiday destination. Venus Bay provides convenience facilities and is reliant on Tarwin Lower and Leongatha for major retail, industrial and commercial facilities.



- Objectives and Strategies set out in this clause are:
 - *Objective 1 To ensure the growth of towns occurs in accordance with their role and function.*
 - *Strategy 1.1 Promote the residential use and development of land in accordance with the township framework and structure plans at Clause 21.15.*
 - *Strategy 1.2 Support the development of vacant, serviced residential land, in accordance with the areas indicated on township framework and structure plans.*
 - *Strategy 1.3 Encourage consolidated residential development adjacent to central activity districts of towns to achieve a more efficient use of urban infrastructure.*
 - *Strategy 1.4 Discourage the development of dwellings on small lots in old Crown township areas except where such land is zoned Township, Rural Living or is adjacent to existing urban development.*
 - *Strategy 1.5 Discourage medium and high density housing in areas without reticulated water or sewerage.*
 - *Strategy 1.6 Retain undeveloped breaks between towns by focusing further development within existing township boundaries and avoiding ribbon development, particularly along the coastal strip and key touring routes.*
 - *Strategy 1.7 Ensure residential development in small towns is sustainable and sympathetic to the existing character of these areas.*



- Clause 21.06-1 (Biodiversity) seeks to achieve a measurable net gain in the extent and quality of the Shire's biodiversity. In respect to Coastal and Hinterland Landscapes (Clause 21.06-2), it is sought to ensure that coastal development at the edge of settlements responds appropriately to the landscape setting and character. Strategies include to ensure the scale of the height and form of new development at the coastal edge of settlements to be sensitive to surrounding development, the surrounding landform and the visual setting of the settlement, particularly when viewed from the foreshore. A further objective of this clause is to ensure that development is subordinate to the natural, visual and environmental landscape character and significance.
- Clause 21.07-1 (Climate Change) seeks to manage the impacts resulting from climate change. Strategies include to apply the precautionary principle when considering the intensification of development in coastal areas.
- Clause 21.09-2 (Urban Environment) seeks to continuously improve all aspects of the urban environment. Strategies include to retain and enhance areas of remnant vegetation within urban areas and to improve the quality of design in coastal settlements, including Venus Bay, through the implementation of an Urban Design Framework.
- Clause 21.10-1 (Housing Choice and Diversity) seeks to provide diversity in housing type across the Shire to meet the changing needs of the population. Strategies include to encourage diversity in type and size, and promote new housing that provides for the retention and development of sustainable communities throughout the Shire.
- Clause 21.15-9 (Venus Bay) includes Framework Plans for the east (Estate 1) and west (Estate 2) extent of Venus Bay. The site is within Estate 1 and the relevant Framework Plan is reproduced below.



Venus Bay – Estate 1 Framework Plan (Planning Scheme)

- Clause 21.15-9 seeks to ensure that any proposed use and development of land in Venus Bay is generally in accordance with the Framework Plan. Policy set out in this clause is provided below:

Settlement

- Discourage development in areas susceptible to erosion.
- Maintain the current housing density.
- Limit projected residential growth to the long term development areas identified on the Venus Bay Framework Plan.



- *Ensure that any expansion into the long term development areas identified on the Venus Bay Framework Plan does not occur until the following Development Prerequisites have been met:*
 - *a significant proportion of vacant lots within the Township Zone and Low Density Residential Zone have been developed*
 - *reticulated water and sewerage is available*
 - *further investigation is undertaken to confirm the extent of potential problems associated with acid sulfate soils and flooding*
 - *further investigation is undertaken to confirm the location of sites of recognised cultural and heritage significance*
 - *further investigation is undertaken to confirm the location of sites of recognised environmental significance*

Environment

- *Ensure that each site is capable of on-site waste disposal that does not prejudice groundwater quality*
- *Maintain areas of indigenous and native vegetation where possible in new development*
- *Protect the environmental values of Anderson Inlet and Cape Liptrap Coastal Park Landscape and built form*
- *Maintain the low key holiday character of the village and preserve the different styles of each estate*



- *Maintain the rural buffer between the first, second and third estates of Venus Bay as well as between Venus Bay and Tarwin Lower*
- *Encourage the use of best practice water sensitive urban design measures for new developments*
- *Promote ecologically sustainable and attractive forms of development that complement the natural environmental characteristics of Venus Bay*

Other Relevant Documents

- Venus Bay Urban Design Framework: Settlement Background Paper (2006).
- South Gippsland Housing and Settlement Strategy 2013.
- Victorian Coastal Strategy (Victorian Coastal Council, 2008).

Other Planning Scheme Amendments

- The State Government is in the process of updating the Bushfire Management Overlay (BMO) and extending the existing application of the BMO. The site is currently located within the BMO and the Amendment may alter the requirements of the relevant schedule.
- Planning Scheme Amendment C90 will introduce the key recommendations of the Housing and Settlement Strategy September 2013 into the Planning Scheme. The Strategy is already a reference document in the Planning Scheme. Amendment C90 will also introduce Settlement Framework Plans and Restructure Plans to different areas of the municipality. The Amendment updates an existing Restructure Plan in Venus Bay, although it does not otherwise, specifically affect the site or land nearby the site.



APPENDIX D: THE PROPOSAL

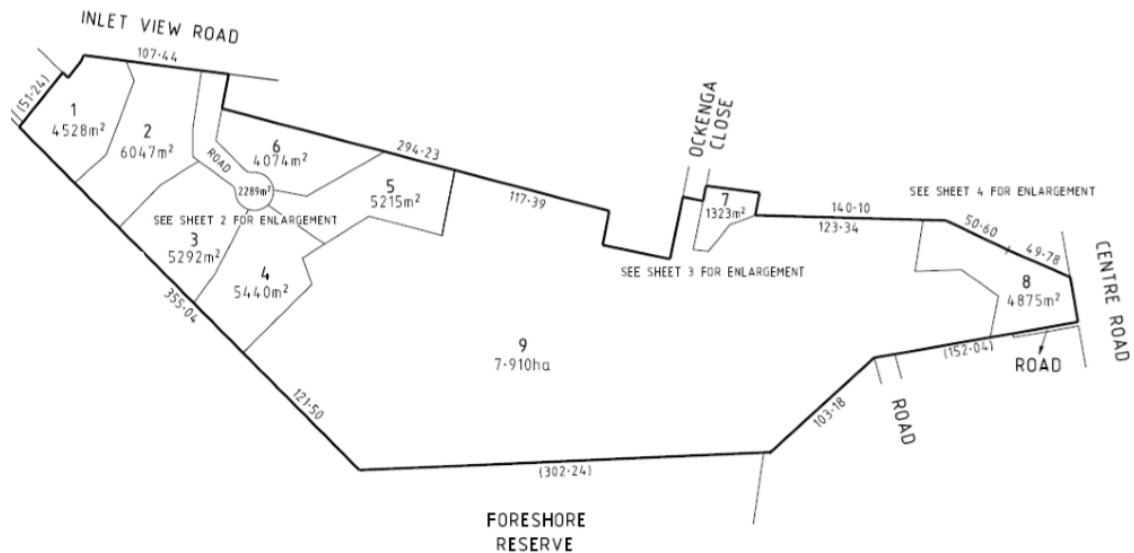
122. The Explanatory Report accompanying the Amendment describes its purpose as follows:

The Amendment:

- *Rezones portion of lot 2 PS648056H from the Farming Zone to the Special Use Zone.*
- *Inserts a new Schedule to the Special Use Zone in Clause 37.01 in the form of Schedule 7.*
- *Rezones a portion of lot 2 PS648056H from the Farming Zone to the Low Density Residential Zone.*
- *Rezones lot 1 PS648056H from the Farming Zone to the Low Density Residential Zone.*
- *Rezones a portion of Lot 1 TP 172550M from the Farming Zone to the Township Zone.*
- *Rezones a portion of Lot 1 TP 172550M from the Farming Zone to the Special Use Zone.*
- *Rezones lot 1 PS 54175 from the Township Zone to the Low Density Residential Zone.*
- *Rezones Ockenga Close and the road leading to the caravan park off Jupiter Boulevard from the Farming Zone to the Township Zone.*
- *Amends Planning Scheme Map 24ESO3 by deleting the Environmental Significance Overlay from a portion of the subject land.*

- Amends Planning Scheme Map 24DDO by including a portion of the subject land in the Design and Development Overlay – Schedule 5.
- Amends Planning Scheme Map 24ESO7 by including a portion of the subject land in the Environmental Significance Overlay – Schedule 7.

123. Concurrently, a planning permit application is sought to subdivide the site as shown on the image below, and remove native vegetation.



Excerpt from Explanatory Report

124. The Amendment has been exhibited and submissions have received. Consequently the Amendment has been referred to a Planning Panel.



APPENDIX E: SCHEDULE 7 TO THE SPECIAL USE ZONE

--/20--
C--109**SCHEDULE [7] TO THE SPECIAL USE ZONE**Shown on the planning scheme map as **SUZ7****VENUS BAY CAMPING AND CARAVAN PARK****Purpose**

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To recognise and provide for the ongoing use of the site for the Venus Bay Camping and Caravan Park and related tourism facilities.

To ensure that the development of the Venus Bay Camping and Caravan Park and its facilities takes place in an orderly and proper manner and does not cause an unreasonable loss of amenity to the surrounding area.

To provide for sustainable tourism activities and a range of accommodation opportunities which complement the Venus Bay Camping and Caravan Park use.

1.0**Table of uses**--/20--
C--109**Section 1 - Permit not required**

Use	Condition
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Camping and caravan park	
Extensive Animal Husbandry	
Minor utility installation	
Caretaker's house	Must be the only Caretaker's house on the land.
Informal Outdoor Recreation	Must be in conjunction with the Caravan Park.
Search for stone	Must not be costeaning or bulk sampling.
Telecommunications Facility	Buildings and works must meet the requirements of Clause 52.19.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

Section 2 - Permit required

Use	Condition
Agriculture (other than Apiculture and extensive animal husbandry)	
Backpacker's Lodge	Must be used in conjunction with the <u>Camping and Caravan Park</u>
Carpark	Must be used in conjunction with the <u>Camping and Caravan Park</u>
Child care centre	Must be used in conjunction with the <u>Camping and Caravan Park</u>

Convenience shop**Hostel****Minor sports and recreation facility****Office**

[Must be used in conjunction with the Camping and Caravan Park](#)

Restaurant**Restricted recreation facility****Take away food premises****Utility installation (other than Minor utility installation)****Renewable energy facility****Any other uses not in Section 1 or 3****Section 3 - Prohibited****Use**

Accommodation (other than Caretaker's house, Camping and Caravan Park, Backpacker lodge and Hostel)

Adult bookshop

Brothel

Crematorium/Cemetery

Education Centre

Earth and energy resources industry

Fuel Depot

Industry

Leisure and recreation (other than Minor sports and recreation facility and Informal Outdoor Recreation)

Place of Assembly

Retail premises (other than Restaurant and Convenience shop)

Research centre

Service station

Veterinary centre

Warehouse

2.0**Use of land**

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C--109

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- The purpose of the use and the type of activities to be carried out.
- How the proposed use supports, or is ancillary to the use of the land for a [Camping and Caravan Park](#) ~~Caravan park and camping ground~~.
- The likely effects, if any, on adjoining land, including but not limited to;
 - noise levels;
 - traffic;

- the hours of delivery and dispatch of goods and materials (including garbage collections);
- ~~how the proposed use will respond to the bushfire risk;~~
- hours of operation; and,
- potential light spill.

▪ How the proposed use will respond to the bushfire risk;

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

General issues

- The need to protect the ongoing use of the ~~Caravan park and camping ground~~ Camping and Caravan Park and to support appropriate ancillary uses complementary to the Caravan park and camping ground.
- The capability of the land to accommodate the proposed use in relation to existing infrastructure and services.
- The effect of traffic to be generated on roads.
- Any impact upon the ~~amenity of the~~ existing use of the land and ~~any impacts on the amenity of the~~ surrounding area especially ~~the interface with~~ adjoining residential areas and ~~other~~ public use areas.

Environmental issues

- The capability of each lot and/or area of common property to treat and retain all waste water on-site in accordance with the State Environment Protection Policy (Waters of Victoria).
- The impact of the proposed use on the natural physical features and resources of the area, in particular on vegetation, soil and water quality.
- The impact of the proposed use on ~~the~~ flora, fauna and landscape ~~features of the locality.~~
- The impact of the proposed use on the adjoining foreshore areas.
- The need for the planting of additional locally indigenous vegetation to complement the existing vegetation on the site and adjoining foreshore areas.
- Whether the proposed use adequately responds to bushfire risk.

3.0

Subdivision

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C--109

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A report which explains how the proposed subdivision promotes the purpose of the zone and ~~how the proposed subdivision~~ is supported by the decision guidelines of the Planning Scheme and the zone. The report must address how the subdivision will facilitate the ongoing use of the land for a Camping and Caravan Park ~~Caravan park and camping ground. The report should also address how the subdivision will facilitate the ongoing use of the land for a Caravan park and camping ground and the consideration of bushfire risks associated with the land.~~
- A Bushfire Management Plan that shows any bushfire mitigation measures to be relied upon in the subdivision of the land.
- A plan drawn to scale which shows for each lot:

- ~~The location and dimensions of existing development~~ ~~or proposed building envelopes~~, car parking areas and driveway access.
- Proposed building envelopes.
- The natural topography and features of the site.
- The location and dimensions of wastewater treatment and disposal areas.
- Any areas of common property.
- A land capability assessment which demonstrates that each lot is capable of treating and retaining all waste water in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

General issues

- The need to protect the ongoing use of the ~~Caravan park and camping ground~~Camping and Caravan Park and to support appropriate ancillary uses complementary to the Caravan park and camping ground.
- The capability of the land to accommodate the proposed development in relation to existing infrastructure and services.
- The effect of traffic to be generated on roads.
- Any impact upon the ~~amenity of the~~ existing use of the land and ~~any impacts on the amenity of~~ the surrounding area especially ~~the interface with~~ adjoining residential areas and ~~other~~ public use areas.

Environmental issues

- The capability of each lot and/or area of common property to treat and retain all waste water on-site in accordance with the State Environment Protection Policy (Waters of Victoria).
- The impact of the proposed subdivision on the natural physical features and resources of the area, in particular on vegetation, soil and water quality.
- The impact of the proposed subdivision on ~~the~~ flora, fauna and landscape ~~features of the locality~~.
- The impact of the proposed subdivision on the adjoining foreshore areas.
- The need for the planting of additional locally indigenous vegetation to complement the existing vegetation on the site and adjoining foreshore areas.
- Whether the proposed subdivision adequately responds to the bushfire risk.

4.0

Buildings and works

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C--109

No permit is required to construct a building or construct or carry out works for the following:

- An alteration or extension to an existing building provided the floor area of the alteration or extension is not more than 10 square metres.
- A rainwater tank.

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A report which explains how the proposed development promotes the purpose of the zone and how the proposed development is supported by the decision guidelines of the Planning Scheme and the zone.
- A report which addresses how the buildings and works will respond to the bushfire risk.
- A Site Context Plan ~~plan~~ drawn to scale which shows:
 - The boundary and dimensions of the site.
 - The natural topography and features of the site.
 - Adjoining roads, tracks and pathways.
 - The location, height and purpose of surrounding buildings and works ~~on adjoining land.~~
- Detailed Architectural Plans drawn to scale which show:
 - Floor and roof plans.
 - Elevation drawings to scale showing the colour, materials of all buildings and works.
 - Proposed landscape areas.
 - ~~▪ Elevation drawings to scale showing the colour, materials of all buildings and works.~~
- ~~▪ A report which addresses how the buildings and works will respond to the bushfire risk.~~
- ~~▪ A report which explains how the proposed development promotes the purpose of the zone and how the proposed development is supported by the decision guidelines of the Planning Scheme and the zone.~~
- A land capability assessment which demonstrates that the treatment and retainment of all waste water is in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

An application for buildings and works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act except where new buildings and works are proposed to be located 10 metres or less from the boundary of the Special Use Zone.

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

General issues

- The need to protect the ongoing use of the Camping and Caravan Park ~~Caravan park and camping ground~~ and to support appropriate ancillary uses complementary to the Camping and Caravan Park ~~Caravan park and camping ground~~.
- The capability of the land to accommodate the proposed development in relation to existing infrastructure and services.
- The effect of traffic to be generated on roads.
- Any impact upon the amenity of the existing use of the land and any impacts on the amenity of the surrounding area especially the interface with adjoining residential areas and other public use areas.

Environmental issues

- The capability of each lot and/or area of common property to treat and retain all waste water on-site in accordance with the State Environment Protection Policy (Waters of Victoria).
- The impact of the proposed development on the natural physical features and resources of the area, in particular on vegetation, soil and water quality.

- The impact of the proposed development on ~~the~~ flora, fauna and landscape ~~features of the locality~~.
- The impact of the proposed development on the adjoining foreshore areas.
- The need for the planting of additional locally indigenous vegetation to complement the existing vegetation on the site and adjoining foreshore areas.
- Whether the proposed development adequately responds to the bushfire risk.

Design and siting issues

- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads and vistas ~~and the measures to be undertaken to minimise any adverse impacts~~.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The need for building materials to be non-reflective or of colours that complement the surrounding landscape.
- Whether the proposed development maintains the landscape significance of the area.
- The extent of landscaping proposed around buildings and throughout the site, including the use of indigenous species to minimise the visual impact of buildings.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the proposed development will require traffic management measures.
- Access points for ~~The movement~~ of vehicles, cyclists, ~~and pedestrians on the site~~, and service vehicles (including providing for supplies deliveries, waste removal, emergency services and public transport), and circulation around the site.
- The provision of car parking and bicycle parking.
- The need to ensure that any landscaping does not increase the risk from bushfire.

5.0

Advertising signs

Advertising sign requirements are at Clause 52.05. All land located within the ~~Venus Bay~~ Camping and Caravan Park Special Use Zone is in Category 2.3 -

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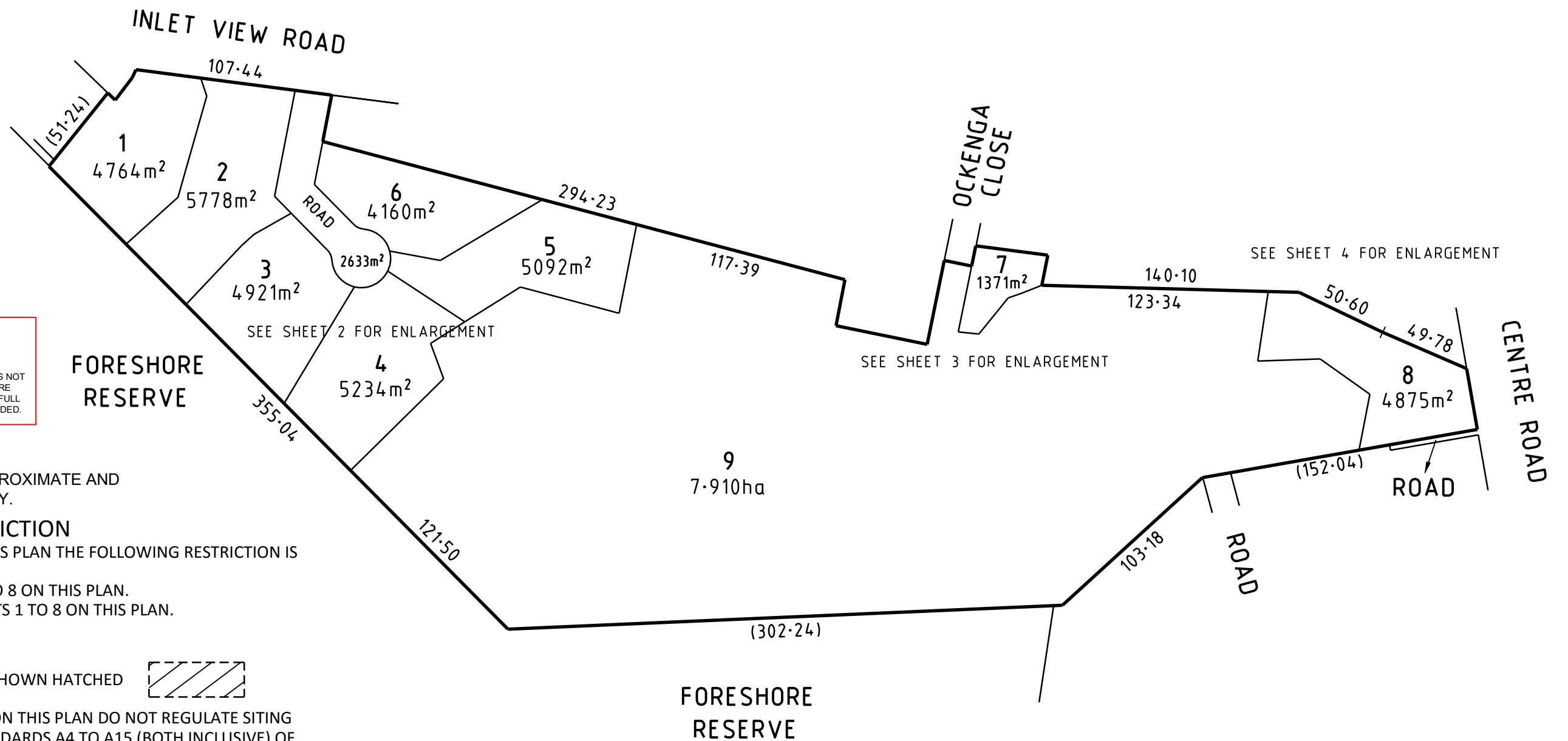
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C--109



APPENDIX F: PROPOSED PLAN OF SUBDIVISION



23/6/2017



WARNING

BEWARE OF TITLE POSITIONS

A DETAILED RE-ESTABLISHMENT SURVEY HAS NOT BEEN PROVIDED. IF TITLE BOUNDARIES ARE REQUIRED TO BE LOCATED ACCURATELY A FULL RE-ESTABLISHMENT SURVEY IS RECOMMENDED.

NOTE:

ALL DIMENSIONS ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY.

CREATION OF RESTRICTION

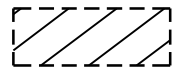
UPON REGISTRATION OF THIS PLAN THE FOLLOWING RESTRICTION IS CREATED.

LAND TO BENEFIT: LOTS 1 TO 8 ON THIS PLAN.

LAND TO BE BURDENED: LOTS 1 TO 8 ON THIS PLAN.

LEGEND

BUILDING ENVELOPES ARE SHOWN HATCHED IN THE DIAGRAM HEREON.



THE BUILDING ENVELOPES ON THIS PLAN DO NOT REGULATE SITING MATTERS COVERED BY STANDARDS A4 TO A15 (BOTH INCLUSIVE) OF CLAUSE 54 OF THE SOUTH GIPPSLAND SHIRE COUNCIL PLANNING SCHEME.

DESCRIPTION OF RESTRICTION

THE REGISTERED PROPRIETOR OR PROPRIETORS OF LOTS 1 TO 8 ON THIS PLAN SHALL NOT ALLOW ANY DWELLING TO BE CONSTRUCTED OR PLACED (EXCLUDING EAVES, FASCIA, GUTTERS, DECKS AND STEPS) TO EXTEND BEYOND THE BUILDING ENVELOPES SHOWN HEREON WITHOUT THE WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY.

PROPOSED PLAN OF SUBDIVISION

LOT 1 TP172550M & LOT 2 ON PS648056H

INLET VIEW ROAD, VENUS BAY

25 0 25 125m



SCALE 1:2500
REFERENCE 1300054
VERSION 5
SHEET 1 OF 4



Beveridge Williams

development & environment consultants

Leongatha ph : 03 5662 2630

www.beveridgewilliams.com.au



23/6/2017

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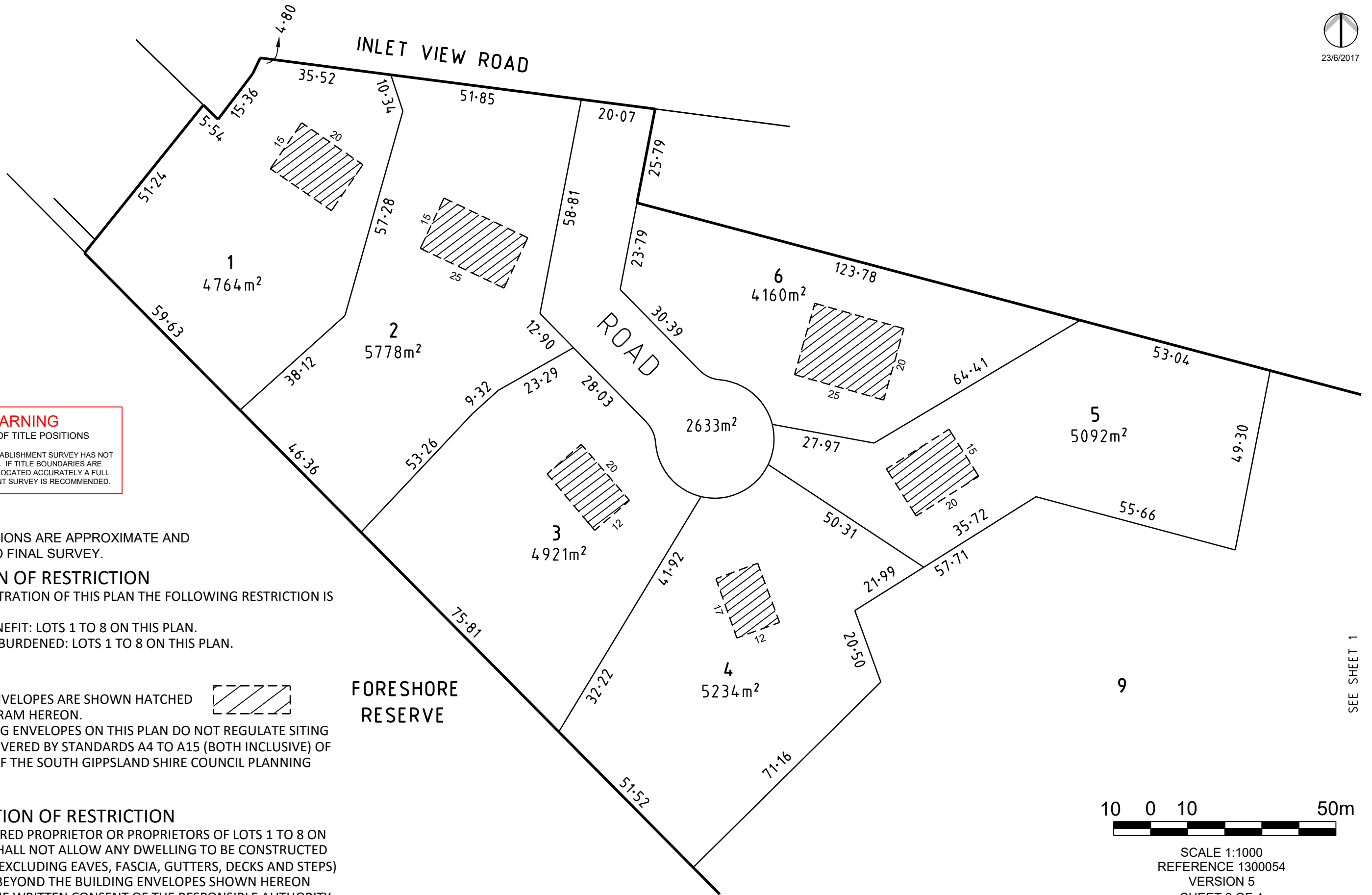
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LOT 1 TP172550M & LOT 2 ON PS648056H
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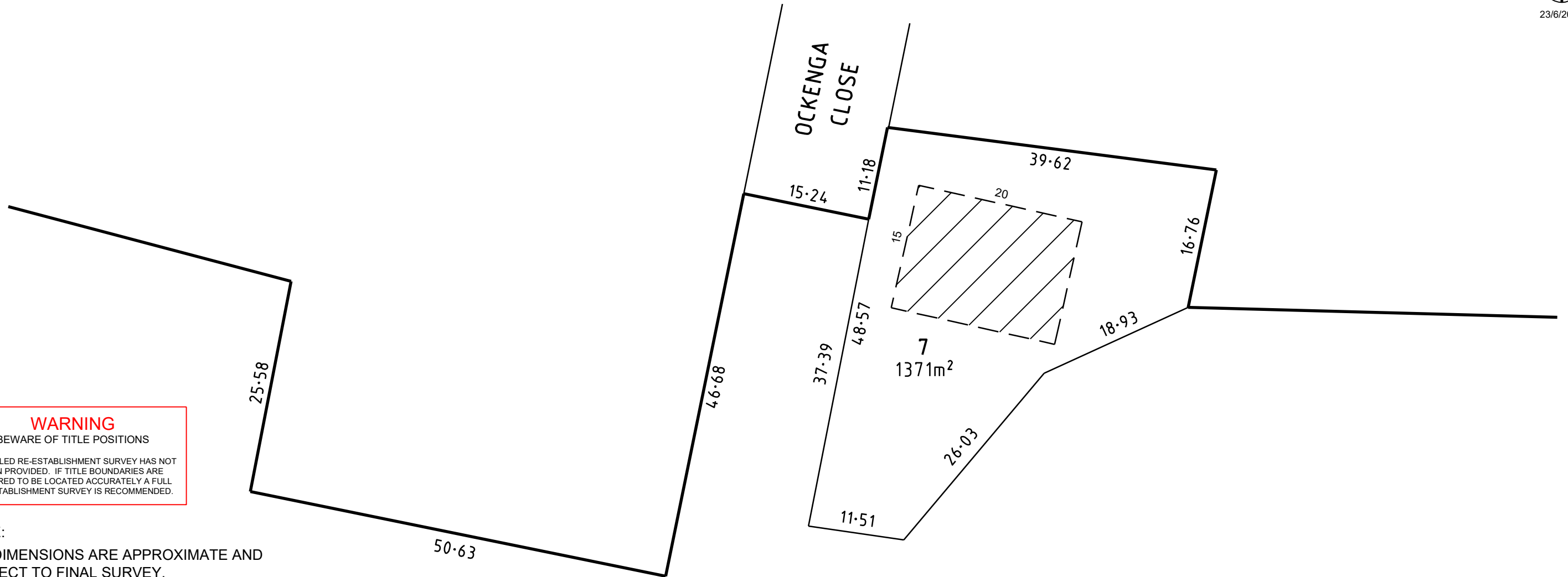
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SEE SHEET 1



23/6/2017



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SEE SHEET 1



SCALE 1:500
REFERENCE 1300054
VERSION 5
SHEET 3 OF 4



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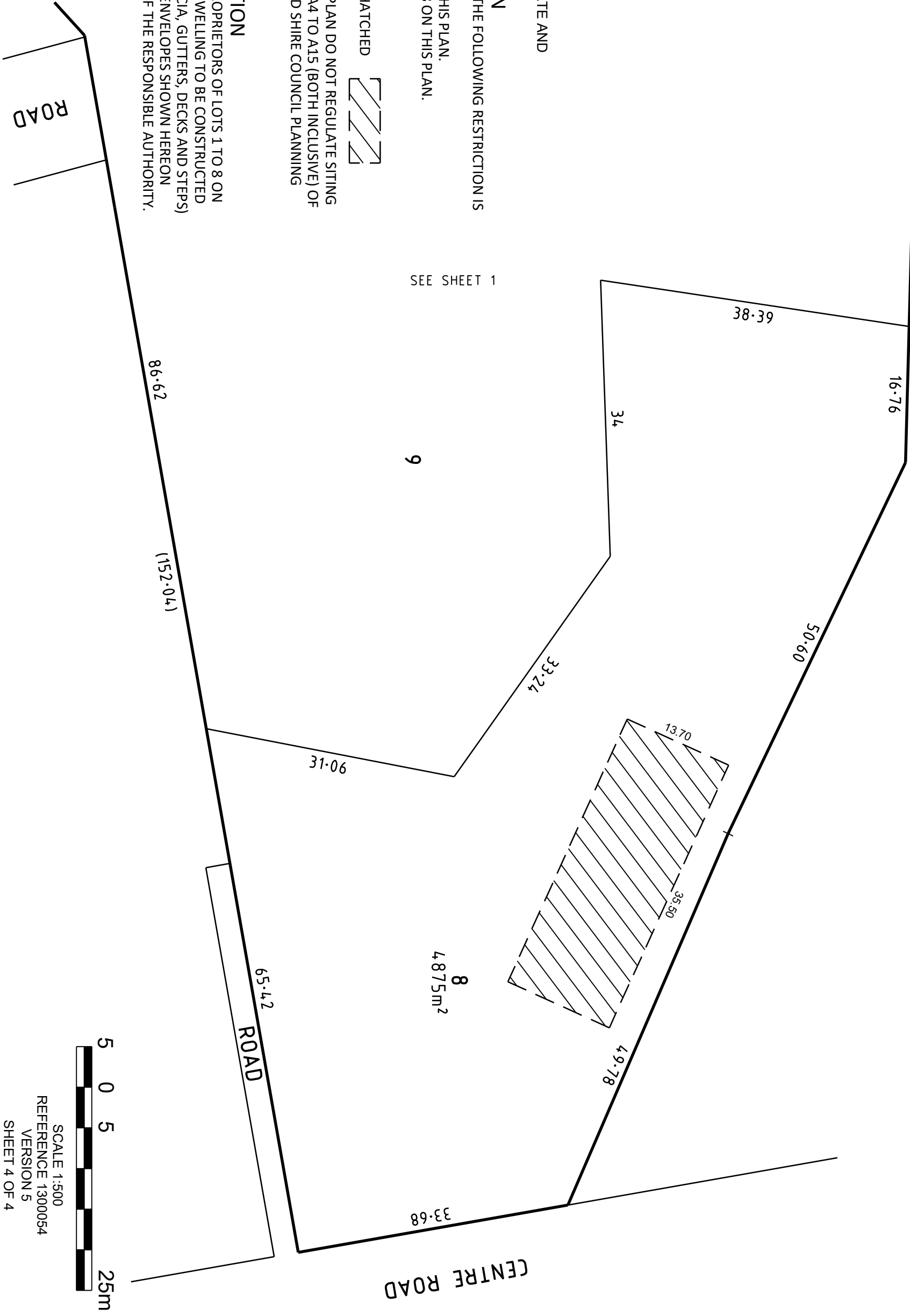
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SEE SHEET 1



SCALE 1:500
REFERENCE 1300054
VERSION 5
SHEET 4 OF 4



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