

Delegate's Report**Application No:** 2017/1**Application Type:** Development Only**Received:** 11 January 2017**The Applicant:**

Name: Lindsay Holland Pty Ltd Architects
Address: 79 Charles Street
Abbotsford VIC 3067

The Proposal:

Proposal: Develop land with four dwellings and native vegetation removal

The Land:

Land Address: 55-57 Bradley Avenue Venus Bay VIC 3956
Land Description: L1530 LP54882 Parish of Tarwin, L1531 LP54882 Parish of Tarwin

Assessment:

By: David Simon

Planning Scheme and/or Planning and Environment Act DefinitionLand Use

Dwelling

Development

Construct a building or construct or carry out works and removal of vegetation

Zone and Overlays:

TZ - Township Zone

ES07 - Environmental Significance Overlay - Schedule 7 Coastal Settlements

DD05 - Design and Development Overlay - Schedule 5 Venus Bay

BMO - Bushfire Management Overlay

Why is a Permit Required?ZoneUse

N/A – Section 1 use.

Development

Clause 32.05-7 – A permit is required to construct two or more dwellings on a lot. A development must meet the requirements of clause 55.

Overlay

Clause 42.01-2 (ES07) – A permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required. The ES07 does not contain a relevant exemption because the extent of fill exceeds 1m along the proposed western façade (existing contour shows level below 8m and FFL is proposed to be 9.1m). This is despite the applicant claiming that cut/fill will not exceed 1m.

A permit is required to remove, destroy or lop any vegetation, including dead vegetation. This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- If the table to Clause 42.01-3 specifically states that a permit is not required. This does not apply if a schedule to this overlay specifically states that a permit is not required.

The ES07 does not contain a relevant exemption for native vegetation removal and the table at Clause 42.01-3 also does not contain a relevant exemption. However, it should be noted that both 52.48-1 and 52.48-5 contain a relevant exemption for vegetation removal that overrides the trigger at Clause 42.01-2.

Clause 43.02-2 (DD05) – A permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required. The proposal triggers a permit because:

- The overall height of all buildings from NGL exceeds 6.5m (approx. 8m at the highest point for unit on 57 Bradley Avenue)
- A front boundary fence, or side boundary fence forward of the building frontage, that is constructed of materials other than timber post and wire. There are large

Clause 44.06-1 (BMO) – A permit is required to construct a building or carry out works associated with accommodation. There is no relevant exemption in the clause.

Particular provisions

N/A

Particular provisions that are relevant but do not trigger a permit

Clause 52.06

Clause 52.47

Clause 52.48-1 and 52.48-5

Clause 55

Size of the Land (Square meters or hectares):

According to Council's property system the two titles have the following areas:

Lot 1530 = is approximately 997.3m²

Lot 1531 = is approximately 957.23 m²

The combined size of the lots is approx. = 1954.53m²

Is there a registered restrictive covenant or a Section 173 Agreement on the title? If so, does the proposal comply with the restriction or Section 173 Agreement?

No.

Does the land abut a Road Zone Category 1 or a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road?

No.

Is there a designated waterway on the land?

No.

Is the land within a Special Water Supply Catchment Area listed in Schedule 5 of the Catchment and Land Protection Act 1994?

No.

Does the application require car parking / bicycle facilities?

Yes, Car parking is required. Bicycle parking is not required. 52.06 requires one car space to each two bedroom dwelling = 1 space per dwelling. The proposal complies.

Is an Aboriginal Cultural Heritage Management Plan required?

No, a CHMP is not required because the development is not within an area of cultural heritage sensitivity.

Was Further Information Requested under Section 54?

Further information was required regarding the following:

- You are required to submit a report addressing Clause 55.
- The layout proposed does not provide good surveillance of internal driveways and carparks, particularly for the rear dwellings, and doesn't comply with B12 in clause 55.
- You are required to provide a written statement demonstrating the proposal's consistency with relevant housing policy in the SPPF, LPPF and MSS.
- Remove all grid lines from all plans as they are not necessary and make the plans and notations difficult to read.
- Submit a Land Capability Assessment from a suitably qualified consultant to show how waste water can be detained and treated within each lot.
- Submit a vegetation removal plan that clearly shows the extent of all vegetation to be removed, including size and species.
- Provide an improved roof design that does not provide a catchment for embers in the result of a bushfire. The current roof design doesn't comply with this requirement, specifically having regard to AM 2.3 in clause 52.47-2.1.
- Amend the layout to show that firefighting vehicles can get to within 4m of each water tank that is for firefighting purposes, assuming cars are parked in the car spaces for each dwelling (10,000L static water supply for each of the dwellings is required). The current layout doesn't meet this requirement.
- Submit an amended site plan showing:

- which water tanks are for firefighting purposes (10,000L static water supply each).
- Contours and areas of cut and fill, including for the driveways.
- A site survey showing contours and the location of any service/infrastructure in the road reserve abutting the northern boundary (power poles, telecommunications, drainage, etc).
- Submit amended elevations accurately and clearly showing the extent of all cut and fill for the development of the dwellings and each of the driveways, and means to stabilise cut and fill.
- There is no assurance that the coastal reserve to the south will be maintained and managed and cannot be used for defendable space. Further, given the wider landscape hazard to the south Council is unlikely to support anything less than BAL 40 – BAL FZ. Note that Council does not consider that the proposal respects the existing or preferred neighbourhood character of this part of Venus Bay, or the objectives of clause 21.15-9 Venus Bay.

Inspections:

Date Inspected	Observations
3/2/17	<p>The site has a dual width frontage to Canterbury Road and Bradley Avenue of approximately 33.5m. There is currently no vehicular access to the property.</p> <p>The land slopes from approx. 12.25m AHD along the eastern boundary down to approx. 8m AHD along the western boundary.</p> <p>The site does not contain any improvements. It is almost entirely covered by native vegetation. Council's aerial photos show that each lot had a cleared area of approx. 200-250m² in the northern portions of the site in 2003. This has regenerated since.</p> <p>The site appears to have access to reticulated power and telecommunications but does not have access to reticulated water or sewer.</p>

Was notice of the application given under Section 52(1), 52(1AA), 52(3) or 57B?

The application was notified to adjoining/adjacent owners and occupiers. The application was also notified by placing a sign on the land.

Were there any objections received?

There were 11 objections received. The issues raised are summarised below and responded to.

Summary of issue/concern	Planning response
Contrary to objectives of the Local Planning Policy Framework (LPPF), particularly 21.04-9 (sic) Venus Bay. Clause 21.15-9 is the clause relating to Venus Bay.	It is considered that this is a valid concern that is shared by Council (even though reference to the wrong clause has been made). The report goes into more detail as to why Council consider the application to be contrary to the LPPF.
Adverse effect on neighbourhood character – not in keeping with coastal style and is considered to be a concept imported from more urbanised environments in its bulk and form.	<p>It is considered that the proposal would have minimal if any effect on the existing neighbourhood character. The applicant rightfully points out in their submission that the locality is characterised by a mix of styles, ages, building materials, colours, height, setbacks, bulk and there is no consistent neighbourhood character in this locality. Whilst the DDO5 and LPPF attempt to provide a consistent envisaged character, they lack specific guidance on exactly what type of character they want to promote. The DDO5 contains the reference to “coastal village character” but it is not further defined. Coastal village character is subjective, and whilst most people in South Gippsland may associate it with low density, low rise cottages/shacks dispersed throughout a vegetated landscape, it could also mean bright or pastel coloured, large or small dwellings in an environment that is largely devoid of natural vegetation.</p> <p>“Coastal styles” vary between coastal towns all along the Victorian coast, even from town to town within this Shire and within each town. As an example, Inverloch coastal style is quite different to Venus Bay, which is different to Walkerville. There are examples of large contemporary and “urban” style dwellings located only 60m to the north west of the current site that are much bulkier and noticeable in the landscape.</p>
Overdevelopment of the land and precedent.	The proposal is not considered to be an overdevelopment of the land due to its bulk, scale or size. Each dwelling is very modest and occupies a footprint of 7.2 x 7.2m. Even all four combined with decks included equate to less than 250m ² of floor area over a combined site of almost 2000m ² . By that measure, the proposal would be less of an “overdevelopment” than most objector’s properties and would equate to constructing one very modest sized dwelling on each lot. The fact that they propose two dwellings in two small buildings is somewhat irrelevant to the proposition of overdevelopment.

Summary of issue/concern	Planning response
	<p>There is considered to be no precedent set even if the proposed development is supported because each application must be assessed on its merits.</p>
<p>Exceeds height restrictions and two storey design.</p>	<p>There is no specific height restriction in the DDO5. It is a permit trigger for any building that has a height of more than 6.5m above NGL. It then requires Council to consider if it is appropriate or acceptable in the circumstances to grant a permit. The DDO5 does not specifically suggest that two storey developments won't be supported, particularly given that in most instances a two storey development can easily be accommodated within a 6.5m height. It should also be noted that two storey designs are quite common in Venus Bay and there are numerous examples in the immediate vicinity of the proposal.</p>
<p>No need for this style of development.</p>	<p>This is not a relevant planning consideration. By comparison, there may not be a strong market need for single dwellings on single lots, but that does not preclude people from applying for planning permission for all sorts of different single dwellings on single lots. Similarly, even if there is no need for two dwellings on a lot, it does not preclude Council considering and granting such permission.</p>
<p>Environmental impact or impact on ecology. Removal of vegetation.</p>	<p>Whilst Council can consider certain aspects of environmental impact, this application benefits from two exemptions for vegetation removal under Clause 52.48-1 and 52.48-5. The applicant could clear the majority of the site pursuant to Clause 52.48-1 without a permit (all vegetation including trees within 10m of an adjoining dwelling and all vegetation except trees up to 50m from adjoining dwellings). The planning permit currently under consideration would allow the removal of any other vegetation in order to comply with defensible space requirements pursuant to Clause 52.48-5.</p> <p>Two other important factors should be noted. The extent of vegetation removal proposed is not out of character or beyond what is usually allowed in order to erect single dwellings on single lots in Venus Bay under the same clauses. The relevant permit trigger in this instance is only the ES07 which is concerned primarily with the potential impact on erosion. The relevant trigger is not Clause 52.17 – Native Vegetation so Council cannot take into consideration ecological effects or require any offsets.</p>

Summary of issue/concern	Planning response
Impact on cultural heritage.	The land is not in an area identified as being of cultural heritage sensitivity and is exempt from a Cultural Heritage Management Plan. If any items of cultural heritage are uncovered during construction then the owner has a responsibility to stop works and follow certain procedures.
Reduce personal enjoyment by adjoining property owners.	It is unclear how the objector's personal enjoyment will be reduced by the presence of more dwellings in a residential zone. That is the purpose of the Township Zone, to provide for residential development. Two dwellings are unlikely to have any more impact than one from an amenity perspective.
Concern regarding the septic system, impacts on water quality and the proposal did not contain a Land Capability Assessment	The applicant did submit a LCA. Council's Waste Water Department assessed the LCA and has provided conditional consent.
Privacy impact on adjoining dwellings.	It is not specifically clear how this proposal would have more of a privacy impact on adjoining neighbours than one dwelling on each lot. However, it is assumed that some objector's have raised this due to the balconies on the dwellings and the potential for overlooking of their adjoining dwelling or private open space areas. These concerns are dealt with under the Clause 55 assessment and could be addressed further by conditions on a permit if necessary.
Increased traffic risk by entry/exit onto Canterbury Road.	<p>The proposal does not show vehicular access onto or from Canterbury Road. The objector may be confused. The applicant has shown some stairs from the dwellings onto Canterbury Road but that would be inaccessible by car and all vehicular access is proposed from Bradley Avenue.</p> <p>Access to either road is not considered to be a traffic risk in this particular instance.</p>
Website did not contain attachments.	The website did contain the attachments. It appears that some people tried to view and make submissions through a third party

Summary of issue/concern	Planning response
	website. That website may not have provided all the relevant information and attachments. Council does not have control over that, nor is it Council's responsibility to update anything other than its own systems.

Was the application referred under Section 55 or 57C?

Authority	Which Clause? Determining or Recommending?	Date received and response
Country Fire Authority	66.03 and 44.06-4 (BMO) - Recommending	21 July 2017 - conditional consent

Were there any non-statutory or internal referrals?

Authority	Which Clause / Overlay / Why?	Date received and response
SGSC Engineering	To determine if provision of access / parking / stormwater facilities is acceptable and complies with the Planning Scheme / IDM / Australian Standards.	30 May 2017 – conditional consent
SGSC Waste Water	To determine if waste water can be treated and retained on-site in accordance with the SEPP (Waters of Victoria) under the Environment Protection Act 1970.	22 June 2017 – conditional consent
WGCMA	WGCMA are the relevant flood plain management authority and even though the lots are not affected by the LSI0, the access to and from Venus Bay is affected by it.	20 October 2017 – objects for the following reasons: 1. The proposal is not consistent with the objective of the State Planning Policy Framework (SPPF) Clause 13.01-1 – Coastal Inundation and Erosion - to plan for and manage the potential coastal impacts of climate change.

		<p>2. The proposal is not consistent with the objective of the State Planning Policy Framework (SPPF), Clause 13.02-1 - Floodplain Management - to assist the protection of life, property and community infrastructure from flood hazard.</p> <p>3. The proposal is not consistent with the objectives of the Municipal Strategic Statement (MSS), Clause 21.04-2 – Vision - to ensure that development on floodplains is compatible with the level of flood risk.</p> <p>4. The proposal is not consistent with the <i>'Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise'</i> (DSE, 2012).</p> <p>5. The proposal is not consistent with the Principles and Objectives from the West Gippsland Catchment Management Authority's Flood Guidelines, <i>'Guidelines for development in flood prone areas'</i> (2013).</p> <p>Page 2 of 6</p> <p>6. The proposal is not consistent with the decision guidelines in the Victorian Planning Provision Practice Note PNP11 <i>'Applying for a Planning Permit Under the Flood Provisions – A guide for councils, referral authorities and applicants'</i>, in that:</p> <ul style="list-style-type: none"> a. It is not consistent with the SPPF (Clause 13.01-1 and/or 13.02-1). b. It is not consistent with the MSS (Clause 21.04-2). c. It relies on low-level access to and from the site. d. It is likely to increase the burden on emergency services and the risk to emergency personnel. <p>The applicant wrote to WGCMA on 23 October 2017 clarifying some matters but also proposing an alternate access route for all of</p>
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		Venus Bay. WGCMA responded on 26 October 2017 clarifying their position and giving general support for an alternate access subject to a flood study. However, the alternate access suggested by the applicant is not over land owned or controlled by the applicant or Council and it is unlikely to be established without significant consultation with other government authorities and private land owners and without significant financial investment (i.e. it is likely to be economically unviable even if it can be agreed to by all relevant parties).
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Planning Scheme Requirements and policies:

SPPF

The following SPPF clauses are considered relevant to the assessment of this application:

11 SETTLEMENT

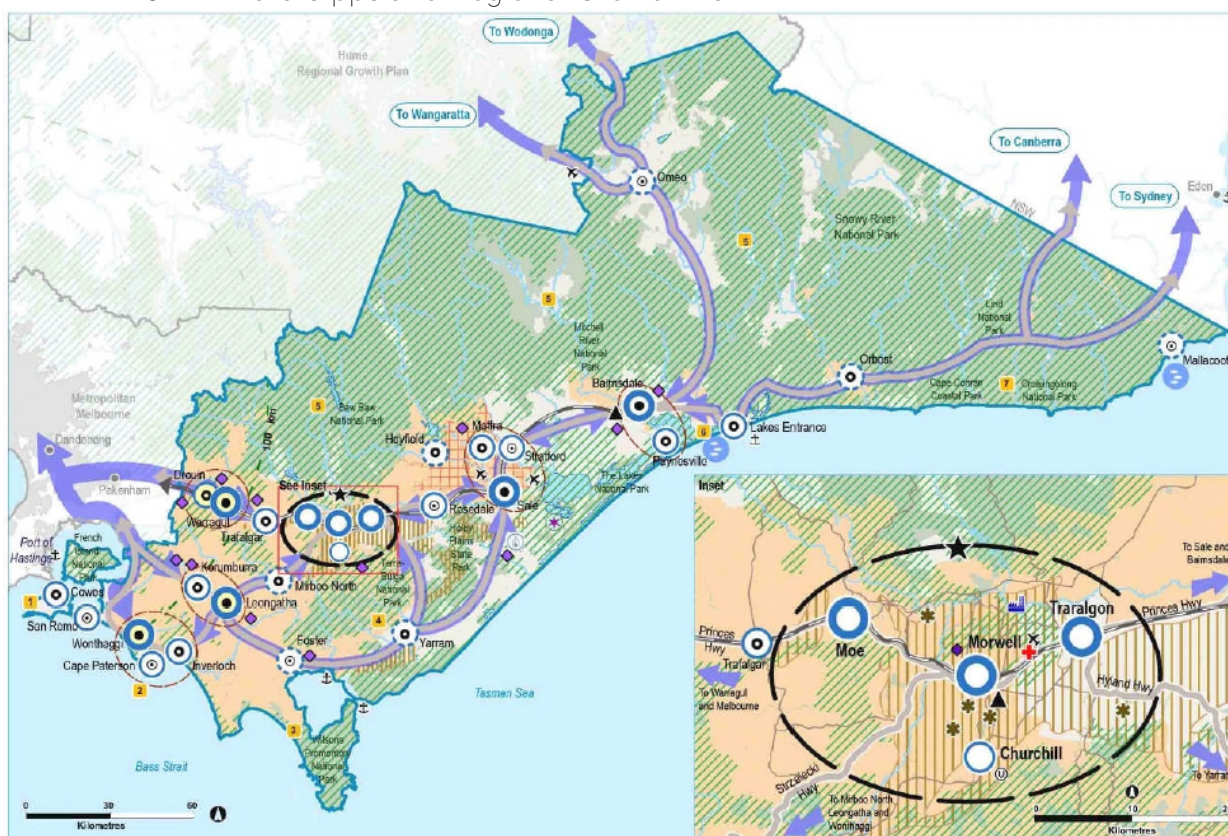
Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.

- 11.02 Urban growth
 - 11.02-1 Supply of urban land
 - Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.
 - Ensure that sufficient land is available to meet forecast demand.
 - Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.
 - Planning for urban growth should consider:
 - Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
 - Neighbourhood character and landscape considerations.
 - The limits of land capability and natural hazards and environmental quality.
 - Service limitations and the costs of providing infrastructure.
- 11.07 Regional Victoria
 - 11.07-1 Regional planning
 - Support a network of integrated and prosperous regional settlements by:

- Strengthening networks of settlements by maintaining and improving transport links, digital connectivity, spatial patterns of service delivery, and promoting commercial relationships and community activities.
 - Directing growth to locations where utility, transport, commercial and social infrastructure and services are available or can be provided in the most efficient and sustainable manner.
 - Ensuring there is a sufficient supply of appropriately located residential, commercial, and industrial land across a region to meet the needs identified at regional level.
- Respond to the impacts of climate change and natural hazards and promote community safety by:
 - Siting and designing new dwellings, subdivisions and other development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards, such as bushfire and flood.
 - Developing adaptation response strategies for existing settlements in hazardous and high risk areas to accommodate change over time.
- Support the growth and development of distinctive and diverse regional settlements by:
 - Encouraging high-quality urban and architectural design which respects the heritage, character and identity of each settlement.
 - Ensuring development respects and enhances the scenic amenity, landscape features and view corridors of each settlement.
 - Limiting urban sprawl and directing growth into existing settlements, promoting and capitalising on opportunities for urban renewal and infill redevelopment.
- Promote liveable regional settlements and healthy communities by:
 - Responding to changing community needs and facilitating timely provision of, and access to, social infrastructure and services.
 - Encouraging the development of compact urban areas which are based around existing or planned activity centres to maximise accessibility to facilities and services.
 - Improving the availability of a diverse range of affordable accommodation, including social housing, in regional cities and locations with good access to transport, commercial facilities and community services.
 - Supporting innovative ways to maintain equitable service delivery to settlements that have limited or no capacity for further growth, or that experience population decline.
- 11.10 Gippsland
 - 11.10-2 Planning for growth
 - Limit the impact of urban growth on the use and security of water resources and minimise risks to the environment.
 - Protect significant inland and coastal landscapes, and cultural heritage assets, and reduce the impact of urban growth on high value coastal and

waterway assets such as the Gippsland Lakes, Corner Inlet, Anderson Inlet, Mallacoota Inlet and their source rivers.

- 11.10-3 Sustainable communities
 - Support urban growth in Latrobe City as Gippsland's regional city, at Bairnsdale, Leongatha, Sale, Warragul/Drouin and Wonthaggi as regional centres, and sub-region networks of towns.
 - Support new urban growth fronts in regional centres where natural risks can be avoided or managed.
 - Support the continuing role of towns and small settlements in providing services to their districts, recognising their relationships and dependencies with larger towns.
 - Plan for increased demand on services and infrastructure in towns with high holiday home ownership.
- 11.10-5 Gippsland Regional Growth Plan



SETTLEMENTS



*Latrobe City is the grouping of Taralgon, Morwell, Moe and Churchill

(1) Plan Melbourne (Chapter 6 – State of Cities) identifies Warragul/Drouin, Wonthaggi and Leongatha as peri-urban towns with potential to attract housing and population growth out of Melbourne

CONNECTIVITY AND TRANSPORT

12 ENVIRONMENTAL AND LANDSCAPE VALUES

- 12.02 Coastal areas
 - 12.02-1 Protection of coastal areas
 - Apply 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.
 - 12.02-2 Appropriate development of coastal areas
 - Ensure development is sensitively sited and designed and respects the character of coastal settlements.
 - Encourage revegetation of cleared land abutting coastal reserves.
- 12.04 Significant environments and landscapes
 - 12.04-1 Environmentally sensitive areas
 - Protect environmentally sensitive areas with significant recreational value such as the Dandenong and Macedon Ranges, the Upper Yarra Valley, Western Port and Port Phillip Bays and their foreshores, the Mornington Peninsula, the Yarra and Maribyrnong Rivers and the Merri Creek, the Grampians, the Gippsland Lakes and its foreshore, the coastal areas and their foreshores and the Alpine areas as well as nominated urban conservation areas, historic buildings and precincts from development which would diminish their environmental conservation or recreation values.
 - 12.04-2 Landscapes
 - Ensure sensitive landscape areas such as the bays and coastlines are protected and that new development does not detract from their natural quality.

13 ENVIRONMENTAL RISKS

Planning should adopt a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. Planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.

- 13.01 Climate change impacts
 - 13.01-1 Coastal inundation and erosion
 - To plan for and manage the potential coastal impacts of climate change.
 - Plan for possible sea level rise of 0.8 metres by 2100, and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.

- Consider the risks associated with climate change in planning and management decision making processes.
- Ensure that land subject to coastal hazards are identified and appropriately managed to ensure that future development is not at risk.
- Ensure that development or protective works seeking to respond to coastal hazard risks avoids detrimental impacts on coastal processes.
- Avoid development in identified coastal hazard areas susceptible to inundation (both river and coastal), erosion, landslip/landslide, acid sulfate soils, bushfire and geotechnical risk.
- Planning must consider as relevant:
 - *The Victorian Coastal Strategy* (Victorian Coastal Council, 2014).
- 13.02 Floodplains
 - 13.02-1 Floodplain management
 - To assist the protection of life, property and community infrastructure from flood hazard.
 - Identify land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority, in planning scheme maps. Land affected by flooding is land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority.
 - Avoid intensifying the impacts of flooding through inappropriately located uses and developments.
- 13.03 Soil Degradation
 - 13.03-2 Erosion and landslip
 - Identify areas subject to erosion or instability in planning schemes and when considering the use and development of land.
 - Prevent inappropriate development in unstable areas or areas prone to erosion.
 - Promote vegetation retention, planting and rehabilitation in areas prone to erosion and land instability.
- 13.05 Bushfire
 - 13.05-1 Bushfire planning strategies and principles
 - In areas identified in the planning scheme as being affected by the bushfire hazard, require a site-based assessment to be undertaken to identify appropriate bushfire protection measures for development that has the potential to put people, property or community infrastructure at risk from bushfire.
 - Only permit new development where:
 - The risk to human life, property and community infrastructure from bushfire can be reduced to an acceptable level.
 - Bushfire protection measures, including the siting, design and construction of buildings, vegetation management, water supply and access and egress can be readily implemented and managed within the property.

- The risk to existing residents, property and community infrastructure from bushfire is not increased.

15 BUILT ENVIRONMENT AND HERITAGE

Planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Creating quality built environments supports the social, cultural, economic and environmental wellbeing of our communities, cities and towns.

Land use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and development and quality of urban design.

Planning should achieve high quality urban design and architecture that:

- Contributes positively to local urban character and sense of place.
- Reflects the particular characteristics, aspirations and cultural identity of the community.
- Enhances liveability, diversity, amenity and safety of the public realm.
- Promotes attractiveness of towns and cities within broader strategic contexts.
- Minimises detrimental impact on neighbouring properties.
- 15.01 Urban environment
 - 15.01-1 Urban design
 - Promote good urban design to make the environment more liveable and attractive.
 - Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.
 - Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.
 - Require development to include a site analysis and descriptive statement explaining how the proposed development responds to the site and its context.
 - Ensure sensitive landscape areas such as the bays and coastlines are protected and that new development does not detract from their natural quality.
 - Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.
 - 15.01-5 Cultural identity and neighbourhood character
 - Ensure development responds and contributes to existing sense of place and cultural identity.
 - Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.
 - Ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising:
 - The underlying natural landscape character.

- The heritage values and built form that reflect community identity.
- The values, needs and aspirations of the community

16 HOUSING

Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.

Planning for housing should include providing land for affordable housing.

- 16.01 Residential development
 - 16.01-1 Integrated housing
 - Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.
 - Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities, supported accommodation for people with disability, rooming houses, student accommodation and social housing.
 - Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.
 - 16.01-2 Location of residential development
 - Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.
 - Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
 - Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.
 - Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.
 - Identify opportunities for increased residential densities to help consolidate urban areas.
 - 16.01-4 Housing diversity
 - Encourage the development of well-designed medium-density housing which:
 - Respects the neighbourhood character.
 - Improves housing choice.
 - Support opportunities for a wide range of income groups to choose housing in well serviced locations.
 - Ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.
 - 16.01-5 Housing affordability
 - To deliver more affordable housing closer to jobs, transport and services.

19 INFRASTRUCTURE

- 19.03-3 Stormwater

- Support integrated planning of stormwater quality through a mix of on-site measures and developer contributions.
- Mitigate stormwater pollution from construction sites.
- Incorporate water-sensitive urban design techniques into developments to:
- Protect and enhance natural water systems.
- Integrate stormwater treatment into the landscape.
- Protect quality of water.
- Reduce run-off and peak flows.
- Minimise drainage and infrastructure costs.

LPPE

The following LPPE clauses are considered relevant to the assessment of this application:

21.02 MUNICIPAL PROFILE

- 21.02-3 People and settlement
 - The Shire's population of 27,937 (ABS Estimated Resident Population 2014 update) is spread across 26 settlements and 41 localities. The largest town within the Shire is Leongatha with a population of 5,332 (2011 ABS Census). Other significant towns are Korumburra 4,373, Mirboo North 2,296 and Foster 1,667 (2011 ABS Census).
 - Key demographic characteristics for South Gippsland are as follows:
 - Population density in the Shire is greatest within the urban centres and in the area between Korumburra and Leongatha.
 - There is considerable seasonal variation in the number of persons within the municipality due to the holiday homes (especially in the coastal towns) and the large influx of tourists during the summer months
 - The proportion of the population in older age groups is increasing, consistent with an Australia-wide trend.
 - Household sizes are decreasing, in keeping with the trend for Victoria
- 21.02-8 Transport
 - This clause does not mention Venus Bay as it has no public transport.
- 21.02-9 Infrastructure
 - The towns of Korumburra, Leongatha, Foster, Mirboo North, Toora, Welshpool and Port Welshpool are serviced by reticulated sewerage and water. Other towns and coastal areas are only serviced by reticulated water or are not serviced.
- 21.02-10 Community services
 - The Shire contains a range of community facilities and services to meet the needs of the community. Hospitals are located within the larger towns of Korumburra, Leongatha and Foster, while family, maternal and child health services are also provided in some of the smaller towns. Aged care facilities, such as nursing homes, are located at Korumburra, Leongatha, Foster, Mirboo North, Loch and Toora. A range of other facilities and organisations are provided throughout the Shire, including childcare centres, schools, community houses, libraries, public parks and reserves, community halls, sporting clubs and youth groups.

21.03 KEY ISSUES

- 21.03-1 Settlement
 - The need to recognise that the network of smaller rural towns throughout the Shire provide a valid alternative to the large settlements, particularly where reticulated services are provided
 - The need to demarcate settlement boundaries and provide improved design guidance and control over development in coastal settlements, in order to protect settlement and coastal character as the pressure for development in these areas continues to increase
- 21.03-3 Environmental risks
 - The anticipated impact of climate change on the local environment, and the need to monitor and continue to plan for these impacts in the context of broader climate change policy and new knowledge
 - Pressures for development and subdivision along the coast and other environmentally sensitive areas (including potable water supply catchments), and the associated impacts of vegetation clearing, introduction of pest plants and animals, erosion and a decline in water quality
 - The incidence of landslip and erosion (particularly within the steep areas of the Strzelecki Ranges), flooding and drainage problems affecting certain areas of the Shire, and the potential risk of fire hazard to population and property in certain areas
- 21.03-5 Built environment and heritage
 - The need to protect the character and significance of sensitive coastal landscapes, particularly landscapes of State or regional significance where there is a high level of pressure for development
- 21.03-6 Housing
 - The need to provide diversity in housing types to accommodate decreasing household sizes and the ageing population
 - The increasing pressure for housing development along the coast
- 21.03-8 Transport
 - The lack of public transport opportunities, which restricts movement by residents through and from the Shire and limits the number of visitors to the area who do not have access to a vehicle
- 21.03-9 Infrastructure
 - The need to provide reticulated water and sewerage services and drainage improvements to many of the smaller towns and coastal villages to encourage population growth in the towns
 - To improve and maintain existing infrastructure in order to support the future needs of the community, promote economic growth and protect the environment
 - To accommodate large population fluctuations in some of the holiday towns and villages, which place different demands on infrastructure and services
- 21.03-10 Community Services

- The need to provide residents with access to services and facilities, including aged care, health, recreation and education, in an efficient and equitable manner
- Catering for the needs of an ageing population

21.04 VISION

- 21.04-1 South Gippsland Shire Council – Council Plan 2010 – 2014
- 21.04-2 Vision

21.05 SETTLEMENT

- 21.05-1 Growth of towns

Currently, the majority of housing for permanent residents is being constructed in the larger towns of Leongatha and Korumburra. However, there is also significant housing development within coastal towns such as Venus Bay and the rural hinterland. Townships in the west of the Shire, particularly Loch, Nyora and Poowong are expected to experience residential growth pressures due to their proximity to Melbourne and imminent connection to a reticulated sewerage network. Growth pressures will need to be carefully managed to ensure that where growth occurs, it is sustainable and sympathetic to the existing character of the Shire's towns.

Venus Bay – 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.

- 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 1.5 Discourage medium and high density housing in areas without reticulated water or sewerage
- Strategy 1.7 Ensure residential development in small towns is sustainable and sympathetic to the existing character of these areas

21.06 ENVIRONMENTAL AND LANDSCAPE VALUES

- 21.06-2 Coastal and hinterland landscapes
 - Objective 1 To ensure that coastal development at the edge of settlements responds appropriately to the landscape setting and character

- Strategy 1.1 Utilise existing landscape features, where they exist, (for example, topography, vegetation coverage, vistas) to define edges to settlements, protecting the surrounding landscape character
- Strategy 1.2 Scale 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
- Strategy 1.3 Support a hierarchy of built form within coastal settlements, with lower buildings adjacent to the foreshore and higher buildings away from the foreshore
- Objective 5 To ensure that development is subordinate to the natural, visual and environmental landscape character and significance
- Strategy 5.1 Discourage development on prominent ridgelines, particularly those close to the coast
- Strategy 5.2 Where development cannot be avoided in steep locations or prominent hill faces:
 - site development in the lower one third of the visible slope, wherever possible
 - set buildings and structures among existing vegetation, and/or establish gardens of locally appropriate species
 - design buildings to follow the contours or step down the site to minimise earthworks
 - articulate buildings into separate elements, and avoid visually dominant elevations
- Strategy 5.3 Protect and enhance indigenous vegetation
- Strategy 5.4 Encourage the planting of appropriate indigenous vegetation for rehabilitation works and landscaping around development
- Strategy 5.5 Retain existing shelterbelts and non-indigenous feature planting where they are features of the area and the species are non-invasive

21.07 ENVIRONMENTAL RISKS

- 21.07-1 Climate change
 - Objective 1 To manage the impacts resulting from climate change
 - Strategy 1.2 Apply the precautionary principle when considering the intensification of development in coastal areas.

21.09 BUILT ENVIRONMENT AND HERITAGE

- 21.09-2 Urban environment

From the larger towns to the smaller settlements, South Gippsland has a range of compact urban environments in scenic rural settings. Residential development is primarily detached medium density, low profile housing. Higher density residential development is starting to infill near the centres of the larger towns. Commercial development is also low profile and is mainly located near town intersections although some is scattered among residential development. Industrial development often clusters in the vicinity of an existing or former milk processing factory. Many locations within the urban environments offer a rural outlook. The towns of Korumburra,

Leongatha, Foster, Meeniyan, Mirboo North, Toora, Welshpool and Port Welshpool are serviced by reticulated sewerage and water. Waratah Bay has reticulated sewerage but no reticulated water. Other towns and coastal areas are serviced by reticulated water only or are not serviced. Wastewater treatment facilities for some towns are approaching maximum capacity. Effluent disposal is a major problem in the smaller coastal towns, particularly in the peak holiday periods and associated influx of population.

- Objective 1 To continuously improve all aspects of the urban environment
- Strategy 1.1 Retain and enhance areas of remnant vegetation within urban areas
- Strategy 1.4 Improve the quality of design in the coastal settlements of Venus Bay, Waratah Bay, Sandy Point and Tarwin Lower, through the implementation of the Urban Design Frameworks prepared for these areas

21.10 HOUSING

- 21.10-1 Housing choice and diversity
 - Objective 1 To provide diversity in housing types across the Shire to meet the changing needs of the population
 - Strategy 1.1 Encourage diversity in dwelling type and size to provide greater choice and affordability
 - Strategy 1.2 Promote new housing that provides for the retention and development of sustainable communities throughout the Shire
 - Strategy 1.3 Encourage the development of retirement villages, hostel accommodation and medium density housing for older persons, in appropriate locations
 - Strategy 1.4 Encourage medium density housing in close proximity to the commercial centres of Leongatha, Korumburra, Foster and Mirboo North
- 21.10-2 Housing design
 - Objective 2 To ensure dwellings are innovative and creative in design and positively contribute to the character of the surrounding area
 - Strategy 2.1 Encourage dwellings to incorporate high standards of access, amenity, on-site car parking and landscaping
 - Strategy 2.2 Encourage dwellings to use exterior building materials, finishes and colours that are non-reflective and blend with the colours and textures of the surrounding natural environment
 - Strategy 2.3 Encourage retention and planting of indigenous vegetation to adequately screen dwellings and ancillary outbuildings from adjoining properties, roads and nearby public space

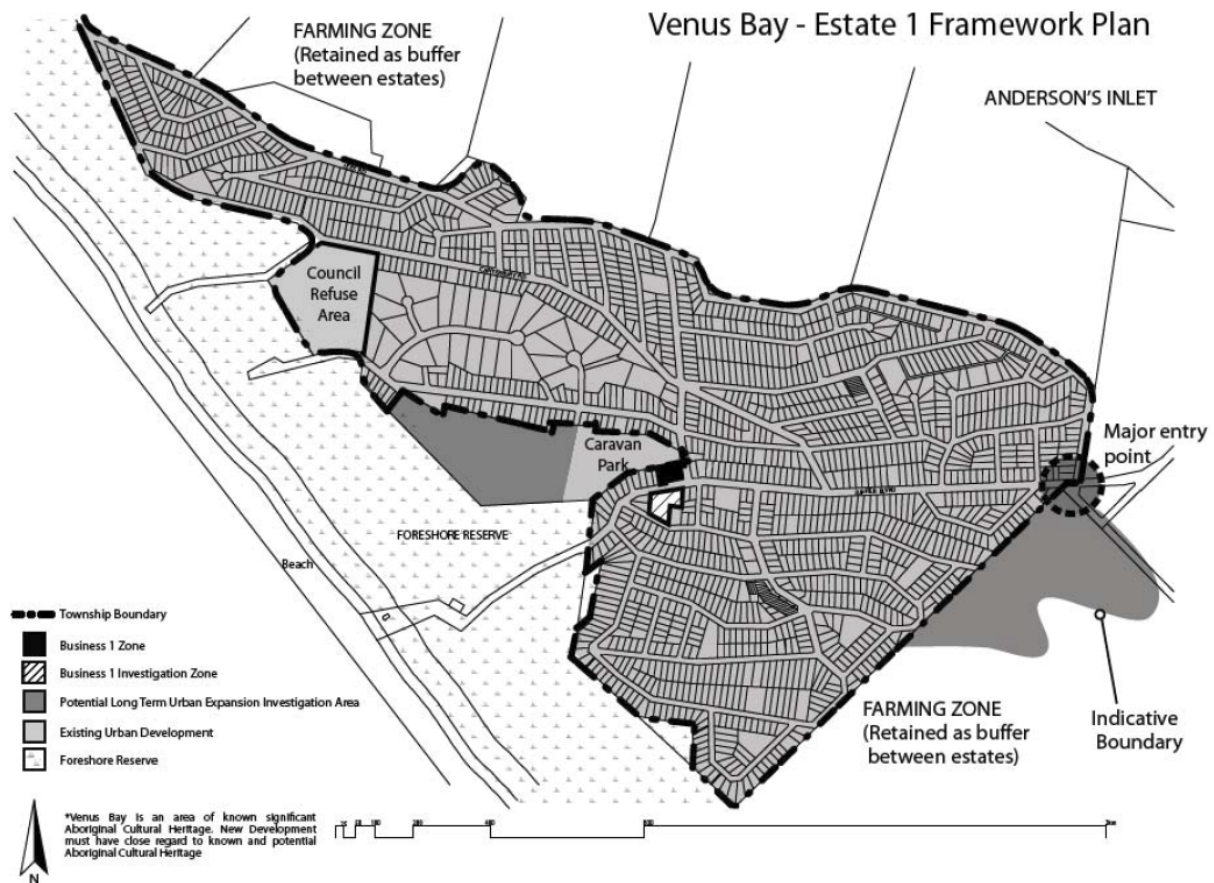
21.13 INFRASTRUCTURE

- 21.13-1 Waste management and stormwater drainage
- Wastewater management is a major issue for the unsewered small towns and coastal areas of the Shire. Reticulated water and sewerage services and storm water drainage

improvements are required to minimise impacts on the environment and accommodate future population growth.

21.15 LOCAL AREAS

- 21.15-9 Venus Bay
- Future population growth in Venus Bay, when required, will be promoted within the existing zoned land and in the growth areas defined on the *Venus Bay Framework Plan*. It will provide low end convenience facilities and rely on Tarwin Lower and Leongatha for access to major retail, industrial and commercial facilities. Simple urban forms, low rise development and the natural bushland setting will continue to characterise the appearance of the village.
 - 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
 - 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
 - Maintain the low key holiday character of the village and preserve the different styles of each estate
 - Encourage the use of best practice water sensitive urban design measures for new developments
 - Investigate a flood study for Venus Bay to inform a local policy or overlay control within the planning scheme. The study should include a reference to climate change impacts



- 21.15-15 Landscape Character Areas

The Coastal Spaces Landscape Assessment Study (2006) assessed the coastal landscapes of the Shire and identified six perceptibly different Character Areas. These are shown on the Landscape Character Areas map and described in this Clause. Further detail, including Landscape Management Guidelines, is found in the Coastal Spaces Landscape Assessment Study: South Gippsland Municipal Reference Document (2006).

 - Character Area 4.1 – Venus Bay dunes
 - Extending from Point Smythe at the mouth of Anderson Inlet almost to Cape Liptrap, this area contains large coastal dune landforms extending for up to one kilometre inland. A large portion of the area is reserved as part of Cape Liptrap Coastal Park and, with the exception of the sprawling settlement of Venus Bay in the north, is undeveloped. South of Venus Bay, the area is largely inaccessible except by four-wheel drive. The high dunes are a background landscape feature to the inland agricultural plains for much of the length of the area.
 - Ensure buildings are integrated with their surroundings by using darker colours and landscaping around dwellings to minimise contrast and distant visibility, particularly on the eastern edge of the Character Area

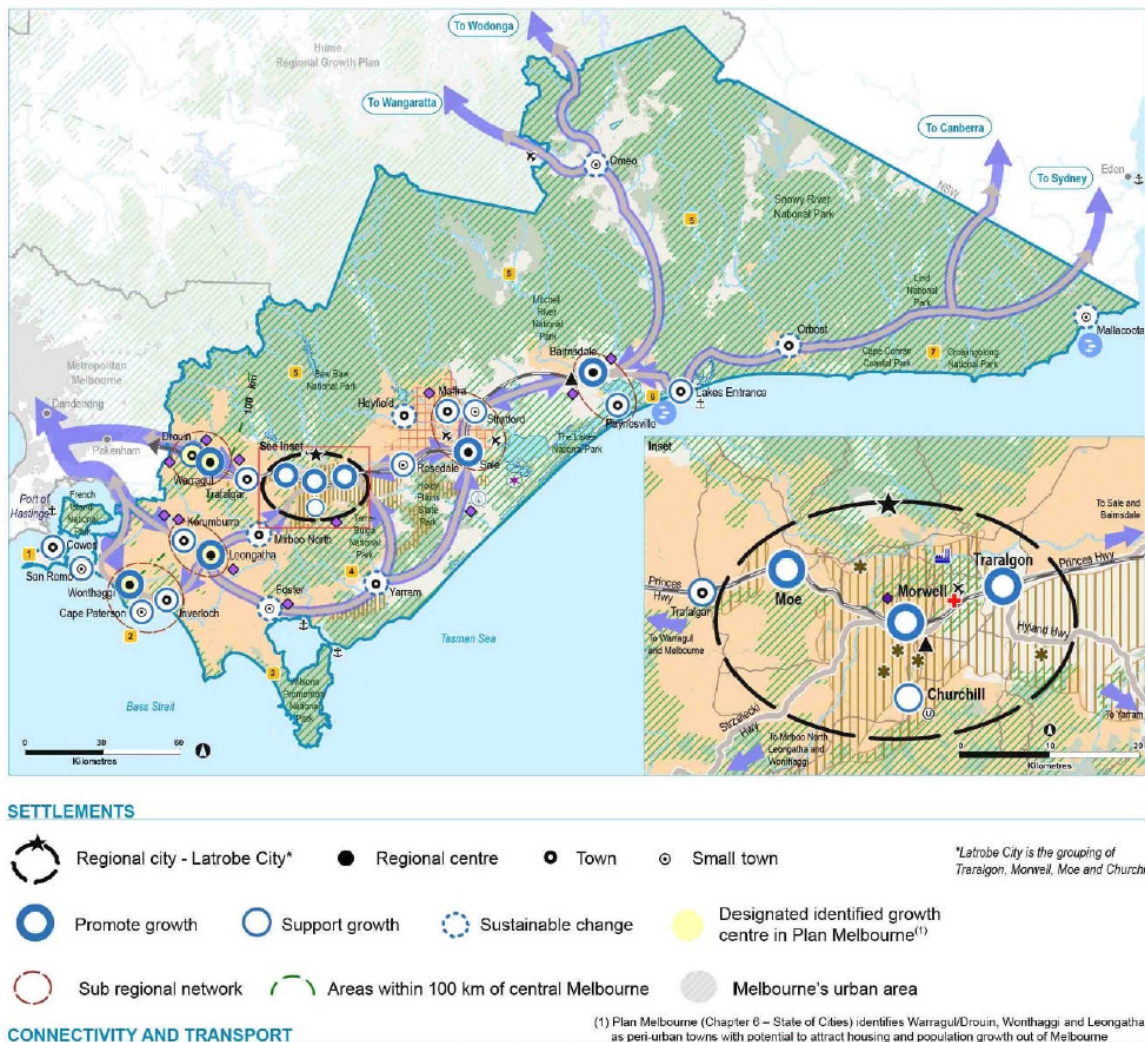
Clause 22 policies

There are no Clause 22 policies considered relevant to the assessment of this application.

General Assessment:State Planning Policy Framework

The proposal is considered to be generally consistent with a number of the relevant objectives and strategies of the SPPF clauses listed above, with some limited exception. Specifically, it is considered to be inconsistent with the following clauses:

- 11.07 Regional Victoria
 - 11.07-1 Regional planning
 - Support a network of integrated and prosperous regional settlements by:
 - Directing growth to locations where utility, transport, commercial and social infrastructure and services are available or can be provided in the most efficient and sustainable manner.
 - Respond to the impacts of climate change and natural hazards and promote community safety by:
 - Siting and designing new dwellings, subdivisions and other development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards, such as bushfire and flood.
 - Developing adaptation response strategies for existing settlements in hazardous and high risk areas to accommodate change over time.
- 11.10 Gippsland
 - 11.10-3 Sustainable communities
 - Support new urban growth fronts in regional centres where natural risks can be avoided or managed.
 - Support the continuing role of towns and small settlements in providing services to their districts, recognising their relationships and dependencies with larger towns.
 - Plan for increased demand on services and infrastructure in towns with high holiday home ownership.
 - 11.10-5 Gippsland Regional Growth Plan



Venus Bay is not identified for any form of growth or change in the Gippsland Regional Growth Plan because it lacks the utilities, services, transport, commercial and social infrastructure and emergency services that would be required to do so sustainably.

13 ENVIRONMENTAL RISKS

- 13.01 Climate change impacts
 - 13.01-1 Coastal inundation and erosion
 - To plan for and manage the potential coastal impacts of climate change.
 - Consider the risks associated with climate change in planning and management decision making processes.
 - Ensure that development or protective works seeking to respond to coastal hazard risks avoids detrimental impacts on coastal processes.
 - Avoid development in identified coastal hazard areas susceptible to inundation (both river and coastal), erosion, landslip/landslide, acid sulfate soils, bushfire and geotechnical risk.
- 13.02 Floodplains

- 13.02-1 Floodplain management
- To assist the protection of life, property and community infrastructure from flood hazard.
- Identify land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority, in planning scheme maps. Land affected by flooding is land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority.
- Avoid intensifying the impacts of flooding through inappropriately located uses and developments

Whilst the site itself is not affected by coastal inundation or flooding, it is considered that the proposal will not assist in planning for or managing the potential impacts of climate change. This is because it intensifies development in an area that has a lack of services and utilities as discussed above. It is specifically contrary to assisting in the protection of life and property from flood hazard because it would likely place more people at risk of such hazard during a flood event, particularly in the case of an emergency. It would potentially place more strain on emergency services and would intensify the impacts of flooding through inappropriately located development.

16 HOUSING

- 16.01 Residential development
 - 16.01-1 Integrated housing
 - Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.
 - 16.01-2 Location of residential development
 - Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
 - 16.01-4 Housing diversity
 - Support opportunities for a wide range of income groups to choose housing in well serviced locations.
 - 16.01-5 Housing affordability
 - To deliver more affordable housing closer to jobs, transport and services.

Whilst the application is considered to provide greater housing diversity, increase density in an existing urban area and to be acceptable having regard to neighbourhood character, it is considered that the proposal is not on a site that is integrated with infrastructure, services, transport or jobs.

Local Planning Policy Framework and Local policies

The proposal is also considered to be generally consistent with the relevant objectives and strategies of the relevant LPPF clauses listed above, with the exception of the following:

- **Clauses 21.02, 21.03, 21.05 and 21.13 highlight the lack of transport, utilities, services and community facilities in Venus Bay and suggest that medium and high density housing in areas without reticulated water and sewer should be discouraged. They also highlight the need to deal with large population fluctuations**

of holiday towns like Venus Bay, which place different demands on infrastructure and services. It highlights Venus Bay's reliance on larger towns or Tarwin Lower for facilities and services.

- **Clauses 21.04 and 21.07 highlight the risk of intensifying development in floodplains and the application of the precautionary principle when considering intensification of development in coastal areas.**
- **Clause 21.10 encourages medium density housing in close proximity to the commercial centres of Leongatha, Korumburra, Foster and Mirboo North but not Venus Bay.**
- **Clause 21.15-9 Venus Bay aims to maintain the current housing density, limit projected residential growth to the long term development areas identified on the Venus Bay Framework Plan 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; and reticulated water and sewerage is available**

Township Zone

TZ General	
General Decision Guidelines	Response
The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	See above.
The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.	As previously discussed, the proposed development is not considered to specifically protect or enhance the character of the town or surrounding area, however, it is not considered to
The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.	As previously discussed, the site has access to electricity and telecommunications but not to reticulated water, sewer, gas or drainage. This is one of the reasons why the proposal is not supported.
In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.	Council's Environmental Health Department have advised that the lots have the capability to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970. Although, this is not considered to be sustainable or acceptable for

	medium density housing as per the local policy provisions discussed previously.
The design, height, setback and appearance of the proposed buildings and works including provision for solar access.	The dwellings are of contemporary design and are considered to be different to a lot of other development in Bradley Avenue. However, there are existing examples of box-like developments built in Bradley Avenue that are not the more traditional gable or hipped roof lines. The height is in keeping with the height of other two storey developments in the vicinity. The setbacks in Bradley Avenue are varied, but this proposal provides generous setbacks. All four proposed dwellings would have reasonable provision for solar access.
Provision of car and bicycle parking and loading bay facilities and landscaping.	Each dwelling provides 2 car spaces to each 2 bedroom dwelling, which is more than what is required by Clause 52.06. No loading or bicycle facilities are required.
The effect that existing uses on adjoining or nearby land may have on the proposed use.	All adjoining or nearby uses are for forms of residential accommodation, except Council's Transfer Station that is approximately 250m to the south east of the site. However, it is separated by significant vegetation and topography.
The scale and intensity of the use and development.	The general scale and intensity of the development is considered acceptable because each dwelling is quite compact and it is considered to the equivalent of constructing one large dwelling on each lot.
The safety, efficiency and amenity effects of traffic to be generated by the proposal.	The traffic to be generated by the proposal is considered to be the equivalent of one large four bedroom dwelling on each lot rather than two, two bedroom dwellings on each lot. In general practice, it is assumed that each dwelling generates 10 vehicle movements per day. However, in this context it is expected to be

	significantly less during off-peak (non-holiday) periods and possibly more during peak (holiday) periods because the dwellings are likely to be used by non-resident ratepayers as holiday accommodation. Either way, the traffic to be generated by the proposal is considered acceptable as it will not affect the safety, efficiency or amenity of the roads in the vicinity.
Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings Decision Guidelines	Response
For two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.	See Attachment A – Clause 55 Assessment

BMO (52.47)

52.47-2.1 LANDSCAPE, SITING AND DESIGN OBJECTIVES	
AM 2.1 The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.	It is considered that the bushfire risk to the development from the landscape beyond the site can be mitigated through appropriate conditions. Canterbury road also provides a fuel break from the main fire threat (coastal reserve) to the west and south.
AM 2.2 A building is sited to ensure the site best achieves the following: <ul style="list-style-type: none"> • The maximum separation distance between the building and the bushfire hazard. • The building is in close proximity to a public road. • Access can be provided to the building for emergency service vehicles. 	<p>The buildings could be further separated from the fire threat by pushing the whole development closer to Bradley Avenue and increasing the setback to Canterbury Road. However, that is considered unnecessary as the proposal satisfies the minimum BAL construction standard and defensible space requirements.</p> <p>The buildings are within close proximity to a road (approx. 40m for the dwellings at the rear).</p> <p>Access can be provided for emergency service vehicles as required.</p>

<p>AM 2.3 A building is designed to reduce the accumulation of debris and entry of embers.</p>	<p>Council originally expressed concern that the buildings were not design to reduce the accumulation of debris based on a CFA publication that discouraged the proposed roof type. However, CFA advised that the roof type is acceptable and that they would not be challenging it. Furthermore, the applicant suggests that the proposed roof design has benefits to reduce accumulation of debris if gutter guards are utilised and that compliance with AS3959 can be achieve for the required BAL.</p>
<p>52.47-2.2 DEFENDABLE SPACE AND CONSTRUCTION OBJECTIVE</p>	
<p>AM 3.1 A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with defendable space in accordance with:</p> <ul style="list-style-type: none"> • Table 2 Columns A, B or C and Table 6 to Clause 52.47-3 wholly within the title boundaries of the land; or • If there are significant siting constraints, Table 2 Column D and Table 6 to Clause 52.47-3. <p>The building is constructed to the bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 52.47-3.</p>	<p>The defendable space required for Shrubland on upslopes or flat land for BAL-29 is 9m (south). The other vegetation to the north, east and west is considered to be low threat according to Council. As such, those facades could have a BAL-12.5 but the CFA must have assessed it as modified vegetation instead and have required BAL-29 to all facades.</p> <p>Vegetation management would be required in accordance with Table 6.</p>
<p>Alternative measures</p>	
<p>AltM 3.3 Adjoining land may be included as defendable space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defendable space.</p>	<p>This could be utilised to drop the BAL, however CFA and the applicant have not utilised it.</p>
<p>AltM 3.4 Defendable space and the bushfire attack level is determined using Method 2 of <i>AS3959:2009 Construction of buildings in bushfire prone areas</i> (Standards Australia) subject to any guidance published by the relevant fire authority.</p>	<p>N/A</p>

<p>AltM 3.5 A building used for a dwelling (including an extension or alteration to a dwelling) may provide defensible space to the property boundary where it can be demonstrated that:</p> <ul style="list-style-type: none"> • The lot has access to urban, township or other areas where: <ul style="list-style-type: none"> ○ Protection can be provided from the impact of extreme bushfire behaviour. ○ Fuel is managed in a minimum fuel condition. ○ There is sufficient distance or shielding to protect people from direct flame contact or harmful levels of radiant heat. • Less defensible space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment. • The dwelling is constructed to a bushfire attack level of BAL FZ. <p>This alternative measure only applies where the requirements of AM 3.1 cannot be met.</p>	N/A
<p>AltM 3.6 A building used for accommodation (other than a dwelling or dependent person's unit), child care centre, education centre, hospital, leisure and recreation or place of assembly may provide defensible space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 52.47-3 where it can be demonstrated that:</p> <ul style="list-style-type: none"> • An integrated approach to risk management has been adopted that considers: <ul style="list-style-type: none"> ○ The characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency. ○ The intended frequency and nature of occupation. 	N/A

<ul style="list-style-type: none"> ○ The effectiveness of proposed emergency management arrangements, including a mechanism to secure implementation. • Less defensible space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment. 	
52.47-2.3 WATER SUPPLY AND ACCESS OBJECTIVES	
<p>AM 4.1 A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with:</p> <ul style="list-style-type: none"> • A static water supply for firefighting and property protection purposes specified in Table 4 to Clause 52.47-3. • Vehicle access that is designed and constructed as specified in Table 5 to Clause 52.47-3. <p>The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for firefighting water supplies.</p>	<p>A 10,000L water supply would be required to each dwelling with fire authority fittings. Vehicles access would be required to be:</p> <ul style="list-style-type: none"> • All-weather construction. • A load limit of at least 15 tonnes. • Provide a minimum trafficable width of 3.5 metres. • Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically. • Curves must have a minimum inner radius of 10 metres. • The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres. • Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.
<p>AM 4.2 A building used for accommodation (other than a dwelling or dependent person's unit), child care centre, education centre, hospital, leisure and recreation or place of assembly is provided with:</p> <ul style="list-style-type: none"> • A static water supply for firefighting and property protection purposes of 10,000 litres per 1,500 square metres of floor space up to 40,000 litres. • Vehicle access that is designed and constructed as specified in Table 5 to Clause 52.47-3. 	N/A

<ul style="list-style-type: none"> An integrated approach to risk management that ensures the water supply and access arrangements will be effective based on the characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency. <p>The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for firefighting water supplies.</p>	
52.47-2.5 Decision Guidelines	Response
The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	See above.
The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.	The BHLA, BHSA and BMS are considered acceptable even though a condition was required to get a more suitable BMP submitted.
The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.	N/A
Whether the proposed development meets the objectives of Clause 52.47-2 regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort.	<p>The proposal is considered satisfactory having regard to the objectives, which are:</p> <ul style="list-style-type: none"> Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape. Development is sited to minimise the risk from bushfire. Development is sited to provide safe access for vehicles, including emergency vehicles. Building design minimises vulnerability to bushfire attack.

Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.	The measures can be practically implemented as per any other application Council has assessed in the BMO.
Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.	N/A
If one or more of the objectives in Clause 52.47-2 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding.	N/A
Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.	As previously discussed, it is considered that the bushfire risk from the broader landscape can be mitigated through appropriate conditions. Canterbury road also provides a fuel break from the main fire threat (coastal reserve) to the west and south. Council does not consider the broader landscape risk so high as to warrant the development not proceeding.

ES07

ES07 – Coastal Settlements	
Decision Guidelines	Response
<p>The environmental objectives of this schedule.</p> <ul style="list-style-type: none"> • 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 	<p>The proposal does not specifically protect or enhance the natural beauty or environmental quality of the township. It would be unfair to expect any application for a dwelling/s to do so. Having said that, it is considered that the proposal does not have an adverse effect on those matters.</p> <p>The proposal has failed to document the exact means of minimising risk of erosion. However, that can be conditioned.</p>

environment and does not result in adverse impacts on coastal processes.	The proposed development is considered to be generally compatible with the environment and would not result in any adverse impacts on coastal processes.
Whether the proposal will assist in achieving the Vision, Objectives and Strategies for Venus Bay, Waratah Bay, Sandy Point and Tarwin Lower contained in Clause 21.04.	As previously discussed, 21.04 no longer contains these provisions. 21.15-9 contains some provisions. The proposal is not considered to assist in achieving all of the vision, objectives and strategies as discussed previously.
Whether the proposal will assist in the maintenance and improvement of the stability of the coastal dunes and coastlines.	The proposal is unlikely to assist in the maintenance and improvement of the stability of the coastal dunes or coastline but it would be unlikely to affect them if conditioned appropriately.
The impact of the proposal on the extent of natural vegetation retained on the site.	Vegetation will be required to be cleared whether it is for a single dwelling or multiple dwellings. As previously discussed, the introduction of the BMO and Clause 52.48, which gives primacy to the protection of life and property means that the proponent could clear the majority of the vegetation on the land without a planning permit.
The impact of the proposal on the conservation of any areas of environmental importance or significance.	Some vegetation would need to be removed as previously discussed.
Whether opportunities exist to avoid excavation by the use of alternative building designs, including split level and staggered building forms that follow the natural slope of the land.	Opportunities would exist to amend the current design to lessen the extent of cut/fill. However, the extent of cut/fill is considered to be reasonable (if properly retained by condition) as it only marginally exceeds 1m and is not considered to have any adverse environmental impact.
Whether the development of the land will be detrimental to the natural environment.	No, as discussed above.
Any relevant coastal study adopted by the Shire of South Gippsland.	Previously addressed through LPPF discussion.

<p>The views of the Department of Sustainability and Environment in respect to:</p> <ul style="list-style-type: none"> • Applications which immediately abut Crown land. • Applications which in the opinion of the responsible authority may adversely affect coastal processes, dune systems (including tertiary systems), or have any possible effect on aquatic habitat and flora and fauna habitat. • Applications which in the opinion of the responsible authority may cause or otherwise cause erosion, land degradation or affect land stability on either the subject land or on adjoining land. • Applications which in the opinion of the responsible authority may adversely affect wildlife habitat and sites of biological or zoological significance. 	N/A
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DD05

DD05 – Venus Bay	
Decision Guidelines	Response
<p>The design objectives of this schedule. All Areas</p> <ul style="list-style-type: none"> • To protect and manage the coastal village character of Venus Bay. • To encourage single storey development, and recessive second storey development that is respectful of the typical built form and the coastal landscape setting. • To encourage building heights which do not protrude above the existing tree canopy. • To discourage boundary fencing forward of building frontages other than timber post and wire fence. • To minimise the dominance of car parking structures and outbuildings associated with residential 	<p>Whilst the proposal does not protect the “coastal village character” specifically, it is not considered to be offensive to it either. That is because the proposed development is well set back from both Bradley Avenue and Canterbury Road of at least 10m. The existing vegetation within the front setbacks is proposed to be maintained by the applicant and this would largely obscure direct or prominent views into the site.</p> <p>Whilst the proposed dwellings are all double storey, the height of them is proposed to be 6.9m from floor to highest point, however, one of them will be built approx. 1.1m above natural ground level (NGL) making it 8m high above NGL. The second storeys are not recessed from the</p>

<p>development, on views from the street and other sensitive viewing locations.</p> <p>Township Zone</p> <ul style="list-style-type: none"> • To encourage low scale development that is sited so to be screened by and nestled within indigenous vegetation. • To retain and enhance the vegetation dominated coastal scrub character. <p>Landscaping and Environment</p> <ul style="list-style-type: none"> • To preserve the pattern of well-vegetated and generous front setbacks that screen and soften the appearance of development from the street. • To encourage informal driveways and crossovers and the use of permeable materials (e.g. gravel, permeable paving) to minimise the visual impact on the street and property frontages. • To encourage the planting of indigenous vegetation in new landscaping. • To encourage the integration of best practice water sensitive urban design into the landscape treatments of new development. <p>Materials and design detail</p> <ul style="list-style-type: none"> • To ensure that buildings demonstrate a high standard of design and utilise materials, colours and finishes that are in keeping with the natural environment. 	<p>first storeys but the proposed masonry fences in the front setbacks will give the illusion of recessed second storeys when viewed from the street. The buildings will protrude slightly above the existing vegetation height when viewed from Bradley Avenue, however, they will only do so similarly or less than existing two storey developments in Bradley Avenue. The applicant proposes fencing forward of the building frontage that are made of materials other than timber post and wire (masonry). However, the proposed fences would be approx. 5.7m from Bradley Avenue and 6.4-6.6m from Canterbury Road and screened by vegetation. The car parking areas will not be visible from either street frontage because they are proposed between the dwellings. The proposal attempts to retain and enhance vegetation as much as possible and nestle the development within it. However, it must be acknowledged that some will require removal and that it would require removal whether the land were being developed for 1 dwelling or 2 dwellings with the same floor area/coverage. It should also be acknowledged that since Black Saturday (2009) primacy has been given to bushfire protection over all other parts of the planning scheme (Clause 52.48). The buildings are not considered to be conventional or what some would perceive as being part of the "coastal village character" of Venus Bay. However, within the vicinity of the proposed development, the existing character of dwellings is extremely varied in term of materials, colours, finishes, heights, floor area, % permeability, etc. The proposed dwellings would be different to existing developments but that is not to say that they are out of character with the existing.</p>
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Whether the proposal will assist in achieving the Vision, Objectives and Strategies for Venus Bay contained in Clause 21.04.	There is nothing specific in 21.04 relating to Venus Bay.
Whether the location, bulk or scale of the buildings or works will be in keeping with the predominant character and/or enhance the appearance of the area.	The location, bulk and scale of the buildings aren't necessarily considered to be in keeping with a predominant character because Council does not consider there to be one in the immediate locality as discussed above. The preferred character expressed in the LPPF and DDO is clearly for low scale, single storey or recessive second storey development that is nestled into the landscape and vegetation. The proposal is not considered to enhance the appearance of the area but also not considered to detract from it.
The visual prominence of buildings and other structures within the landscape, particularly above the vegetation line.	The buildings would be marginally prominent from Bradley Avenue because they would project above the height of the road and existing vegetation. However, this is not considered any more prominent or offensive than existing two storey development on the south and north side of Bradley Avenue. The dwellings will be significantly less visible from Canterbury Road due to less vegetation removal required along that frontage and the topography.
Whether the additional height of a development is required to achieve an exceptional or innovative design outcome that cannot otherwise be achieved, and is able to be substantially screened by the existing and proposed new vegetation and the landform.	The additional height is not considered to achieve any exceptional or innovative design that could not otherwise be achieved. Perhaps it will allow more sunlight in to the living areas of the proposed dwellings, than if the wall/ceiling heights were reduced in order to be less than 6.5m high. The proposal will be substantially screened by existing and proposed vegetation.

Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms that follow the natural slope of the land and reduce the need for site excavation and filling.	The applicant has not utilised alternative building designs in Council's opinion in order to avoid buildings being visually obtrusive.
Whether any encroachment of buildings within the minimum setbacks stipulated in this Clause can demonstrate that the development will result in a preferred environmental and design outcome while being consistent with the township and landscape character.	N/A
Whether car parking structures, outbuildings and driveways are sited such that the visual impact of these structures and works are minimized.	Yes, as discussed above.
Whether buildings and structures are sited to incorporate space for the planting of substantial vegetation, including canopy trees.	No. This is not possible for most sites in Venus Bay since the introduction of the BMO and relevant vegetation clearing exemptions.
The preservation of any existing natural vegetation, particularly indigenous vegetation.	The applicant proposes to retain a significant amount of the existing vegetation,
Whether the landscaping will be integrated with the design of the development to screen buildings and structures and complement the landscaping of any adjoining public realm.	Yes. The landscaping would be carried out and integrated with the design of the development to screen the buildings.
Whether the siting, colour and design of buildings and works will be in keeping with the character and/or enhance the appearance of the area.	The siting of the buildings is considered to be in keeping with the character of the area. However, the applicant has not nominated colours and finishes on the plans adequately to assess whether the colour would be. As previously discussed, the design of the dwellings is different to a majority of the housing stock in the vicinity. However, this existing stock in the vicinity of the proposal is extremely varied

	and there is no established or consistent character.
The effect of any proposed subdivision or development on the environmental and landscape values of the site and of the local area.	The proposed development is expected to have minimal or no effect on environmental or landscape values of the site.

Clause 65.01

Decision Guidelines	Response
The matters set out in Section 60 of the Act.	Council has considered the relevant planning scheme; the objectives of planning in Victoria; all objections and other submissions which it has received and which have not been withdrawn; any decision and comments of a referral authority which it has received; and any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development; and any significant social effects and economic effects which the responsible authority considers the use or development may have.
The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies	See above.
The purpose of the zone, overlay or other provision.	See each particular zone, overlay or provision.
Any matter required to be considered in the zone, overlay or other provision.	See each particular zone, overlay or provision.
The orderly planning of the area.	The proposed development is not considered to be orderly planning of the area because it would be inconsistent with both SPPF and LPPF clauses relevant to

	the assessment of this application as discussed above.
The effect on the amenity of the area.	The proposed development is not considered to have any adverse effect on the amenity of the area because it is a residential development in a residential zone, surrounded by vacant land or residential uses.
The proximity of the land to any public land.	Coastal Crown Land adjoins the development to the south.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	The only factor that could possibly contribute to reduced water quality is the septic system. This has been discussed previously.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	The proposal is not designed to maintain or improve water quality although this would likely be a condition of any permit.
The extent and character of native vegetation and the likelihood of its destruction.	The native vegetation on the land is characterised as Shrubland. The majority of it can be removed without a planning permit as previously discussed.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	The majority of it cannot be forcefully protected by Council as previously discussed. The applicant has shown landscaping on the proposed development plans which is considered acceptable.
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.	There have been previously discussed under each respective overlay and the SPPF and LPPF.

Conclusion and Recommendation:

Council has considered the matters under Section 60 of the Planning & Environment Act 1987. It considers that the proposed development is not appropriate having regard to the relevant matters and cannot be managed through appropriate conditions.

That a Council report be drafted recommending that a notice of refusal be issued for Develop land with four dwellings and native vegetation removal.

Signed.

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Planning Co-ordinator
Date: