

Planning Report

Lots 2 and 3 PS 748234C and
Lot 5 PS 342928E Princes
Highway, Port Fairy 3284

12 lot subdivision and common
property and alteration of
access to a Transport Zone 2.



Date 06/06/24 (updated)

1. DISCLAIMER

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2. DOCUMENT CONTROL

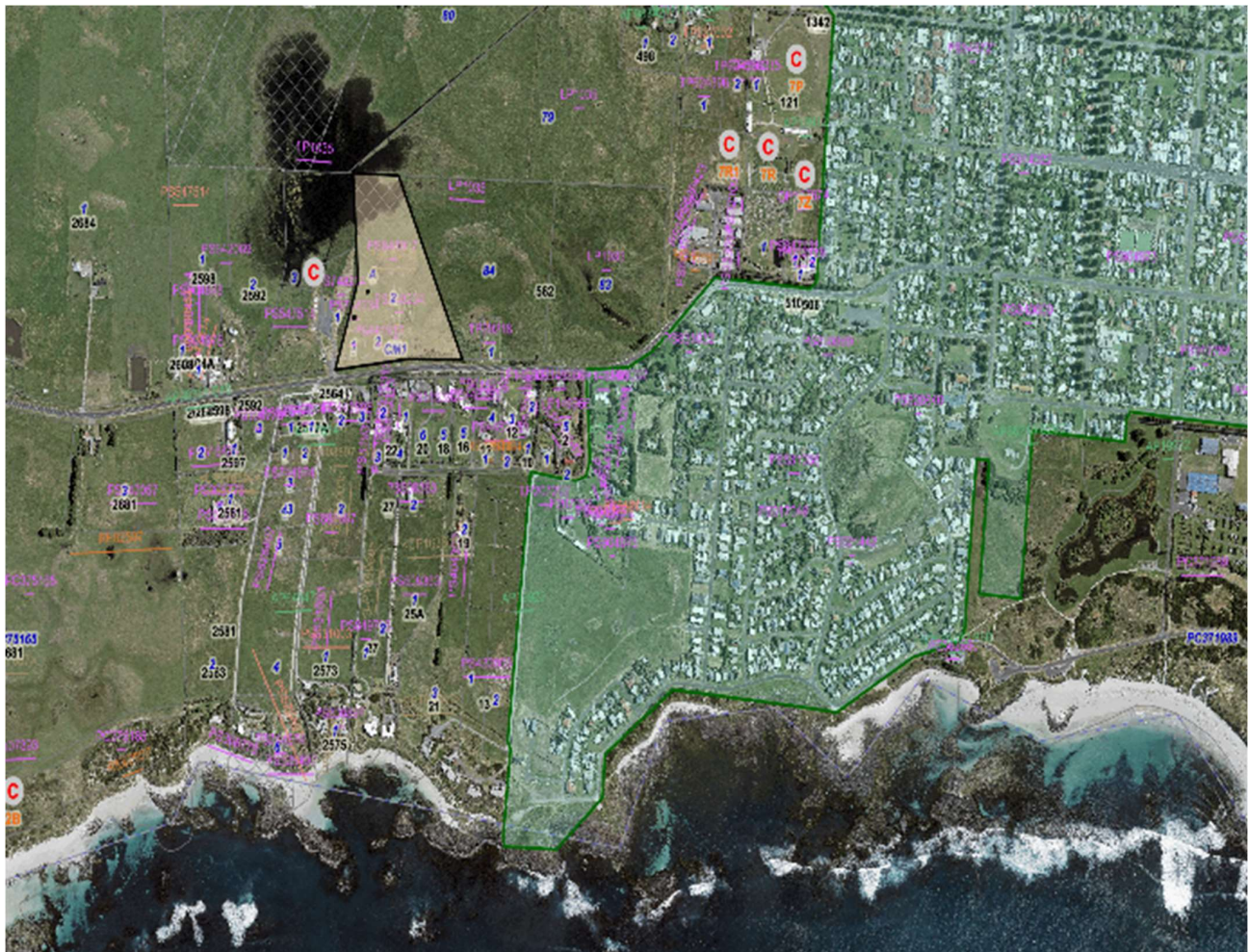
This document has been prepared to aid the submission of a planning permit application for a 12 lot subdivision and common property at Princes Highway, Port Fairy, Vic. 3284.



3. INTRODUCTION/PRELIMINARY MATTERS

Permit PL21/257 was issued on April 6th, 2022, for a 3 lot re-subdivision and common property, and alteration of access to a Transport Zone 2. The plan of subdivision has not been certified, as condition 9 of the permit requires reticulated sewerage to be connected to each of the lots created by the subdivision. The sewer connection has proven problematic and uneconomic due to the long distance from the site to the nearest sewer connection point, the rocky terrain and undulating topography. Wannan Water have therefore not consented to certification of the plan.

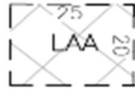
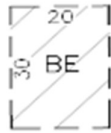
Consequently, a new application and layout has been prepared to subdivide the land into 12 lots including the 2 lots previously approved, and to subdivide the land without reticulated sewerage using septic tanks. The area of each proposed lot exceeds the minimum lot size under the relevant zones - LDRZ 4,000 sqm, RLZ 10,000 sqm in accordance with minimum lot sizes without reticulated sewerage. A Land Capability Assessment has been prepared to inform the subdivision layout together with a Cultural Heritage Management Plan both of which are submitted with the application.



4. PROPOSAL

Planning approval is sought to subdivide the property into twelve (12) lots and common property - refer to proposed subdivision plan excerpt below.

ENVELOPE OBJECTIVE PLAN



NOTE:

1. LOCATION OF BUILDING ENVELOPES (BE) AND LAND APPLICATION AREAS (LAA) ARE SHOWN IN INDICATIVE LOCATIONS FOR PLANNING PURPOSES ONLY.
2. WARNINGS AS TO DIMENSIONS. THIS PLAN IS NOT BASED ON SURVEY.
3. LOT AREAS AND DIMENSIONS SUBJECT TO APPROVAL BY LOCAL AUTHORITIES.

MICA-2020 ZONE 54



	SCALE 1:1500	 <small>LENGTHS ARE IN METRES</small>	ORIGINAL SHEET SIZE: A3	SHEET 1

The overall site has an area of 8.12ha with the majority of the site (the front portion) zoned Low Density Residential, with the rear section of the site zoned Rural Living Zone.

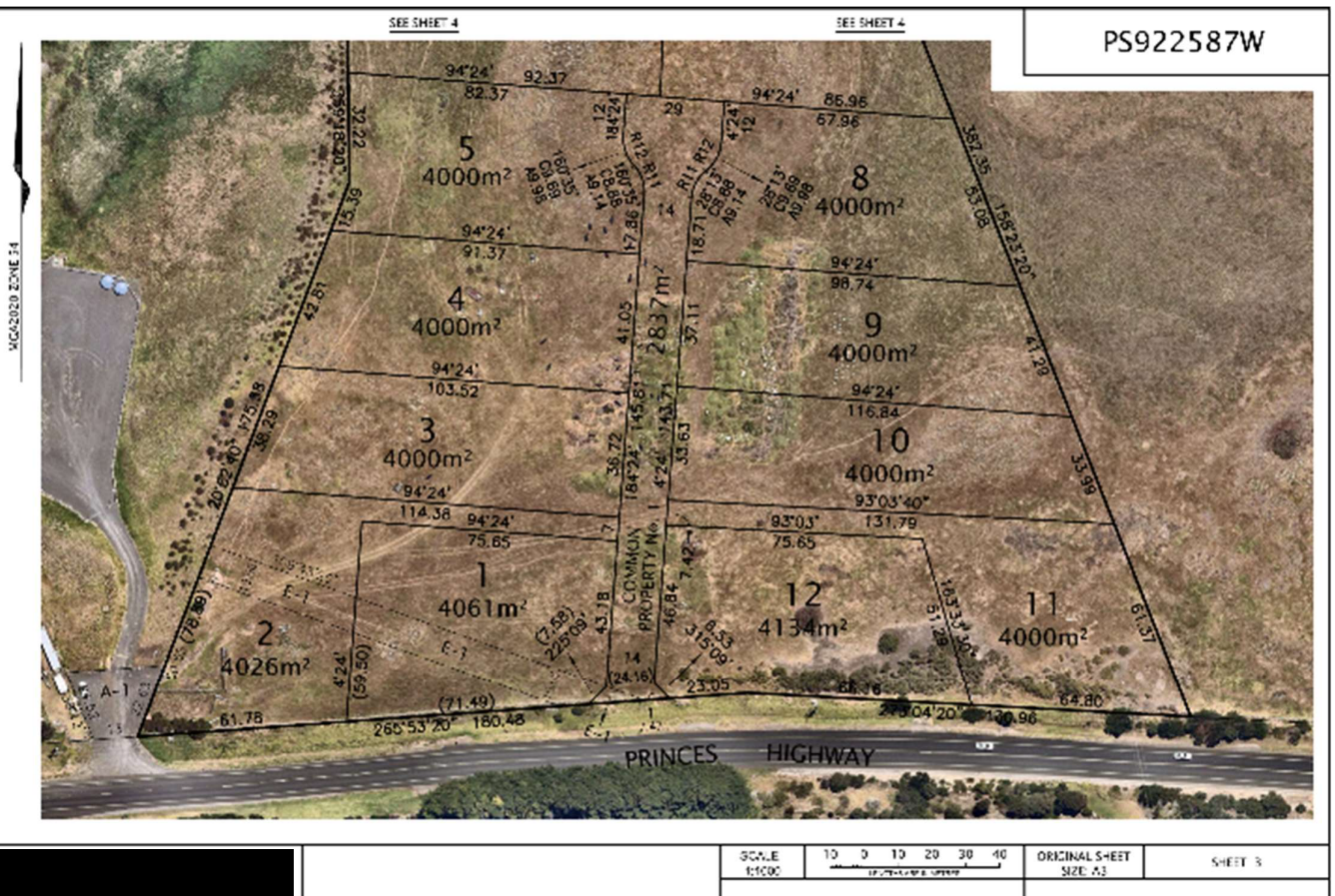
The site has frontage direct to the Princes Highway, however due to terrain and visibility sight lines, the access point will require construction to meet VicRoads requirements.

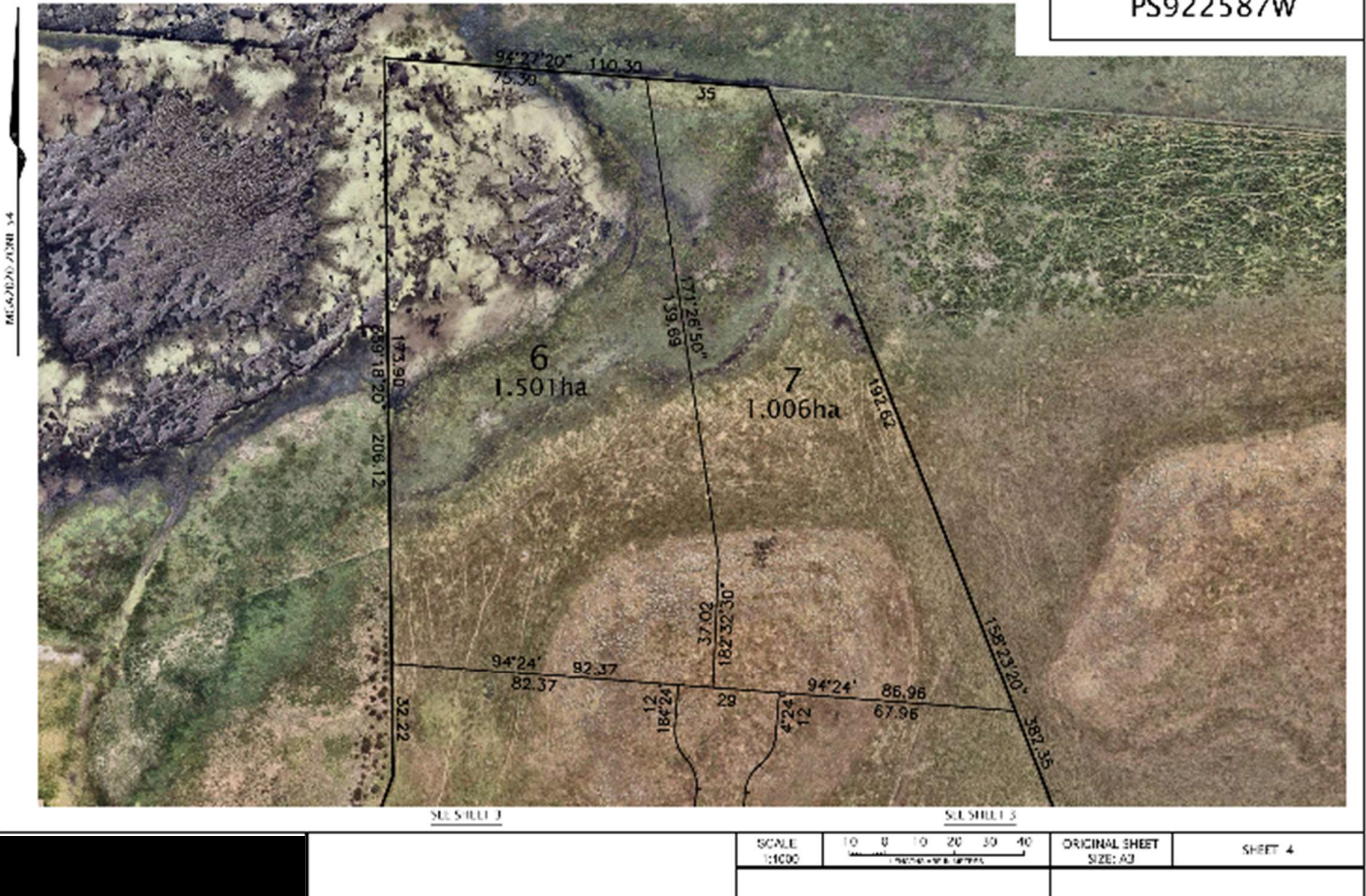
A 6m wide internal access road is proposed in a 14m wide common property reserve with a 10m radius court bowl all of which are proposed to be constructed of compacted gravel.

Reticulated water and electricity are available and will be connected for all proposed lots with individual septic tank waste water systems to be installed to meet Council and EPA standards. A land capability assessment has been prepared with building envelopes and effluent envelopes to inform the proposed subdivision layout and as indicated on the proposed plan of subdivision.

The subdivision has been assessed against the relevant objectives and standards of Clause 56 which has been provided with the application.

A Cultural Heritage Management Plan has been prepared and submitted with the application documents confirming the Aboriginal Heritage Significance present on the site is low.





5. SITE ANALYSIS/EXISTING CONDITIONS

The site has an overall area of 8.12ha and is undeveloped situated on the north side of Princes Highway (A1) with frontage to Princes Highway on the western outskirts of Port Fairy. A partly dilapidated dry stone wall runs along the frontage to the site. There is a 10m water supply easement affecting the front of the site as shown on the title plan.

The site is undulating and slopes away from the Highway to the north to a low point and wetland. There is a stock yard and ramp, bore for irrigation and stock drinking trough currently present on the site. The Wannan Water facility abutting to the west which has collected bore water which is pumped to the water tower opposite the site.

There is a small 24 sqm allotment shown on the title plan which is believed to have been created previously for water extraction which is no longer required. This allotment will be consolidated as part of the application.

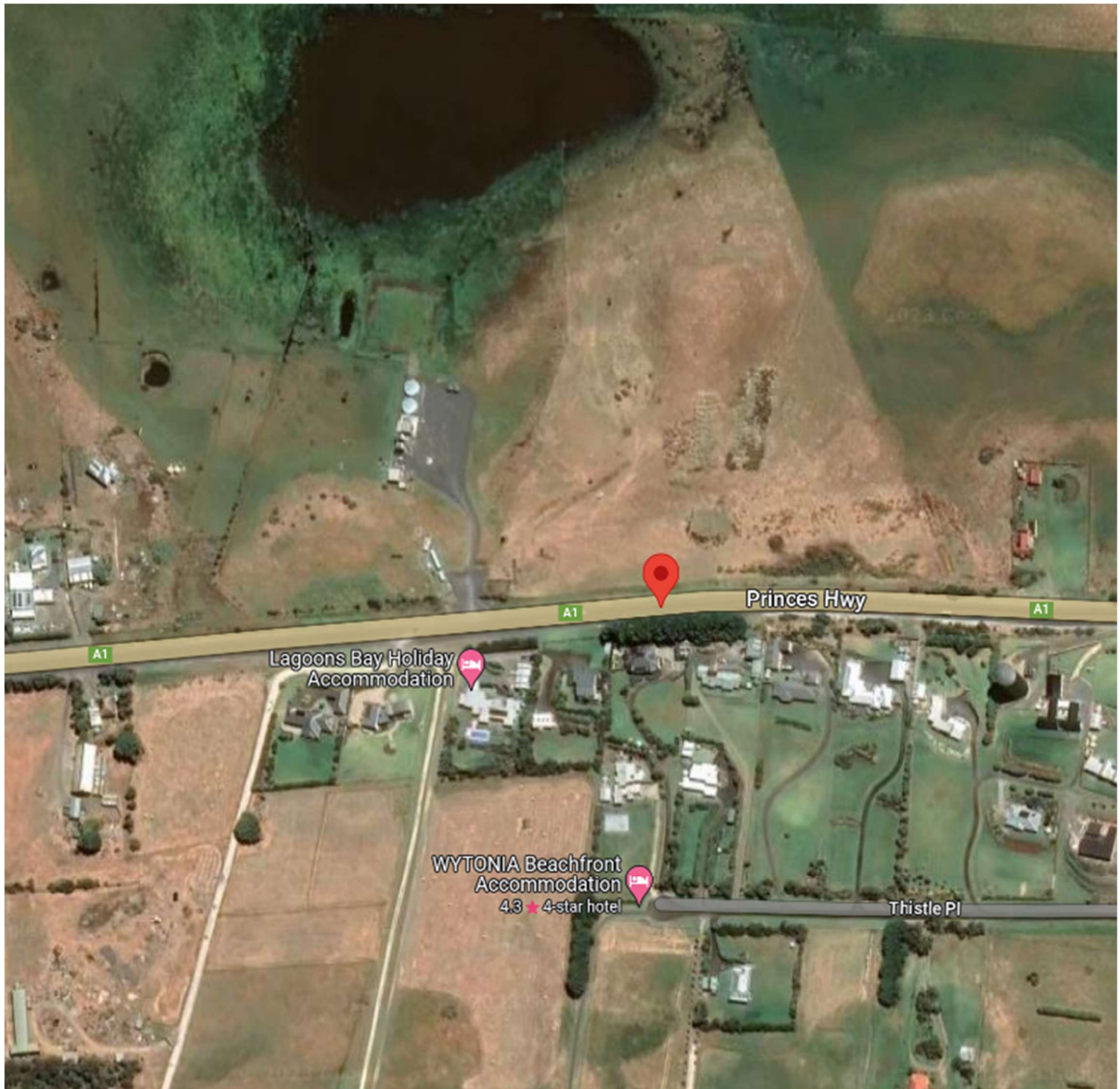
There are no significant trees on the site with the site most recently used for grazing, with scattered residential and grazing land in the vicinity.

The site is at the commencement of the 80km speed limit into Port Fairy when coming from the west.

There is a bluestone dwelling to the east of the subject site and a strip of dwellings on large allotments opposite running along Princes Highway to the south.

Refer to photos provided below.

Aerial view



Front of site taken from Princes Highway





View of site frontage from Princes Highway looking east entering Port Fairy.



View of site frontage from Princes Highway looking west leaving Port Fairy



6. ENCUMBRANCES ON TITLE

None.

7. PLANNING CONTROLS

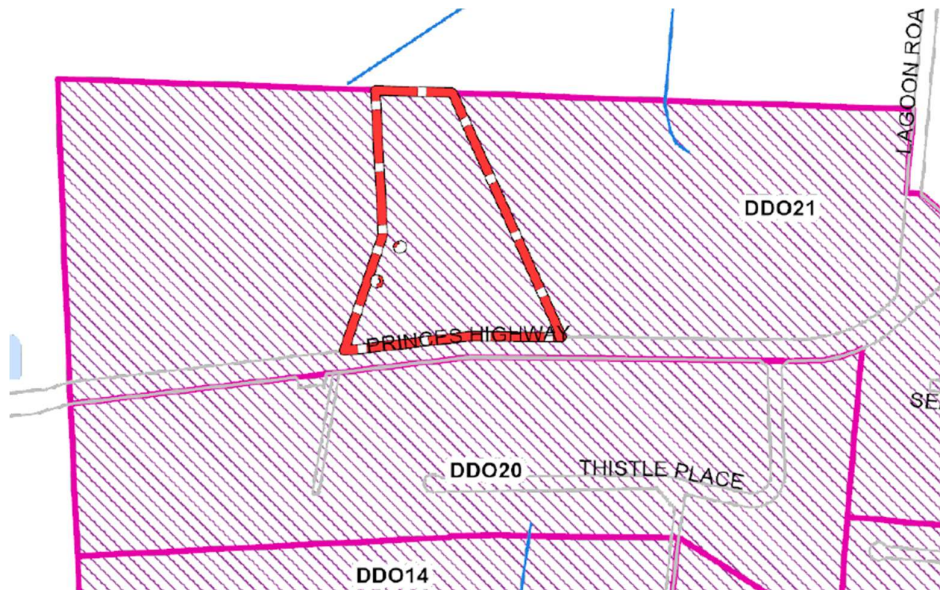
Zone

The site is in two zones, Low Density Residential Zone (LDRZ) and Rural Living Zone Schedule 1 (RLZ1)



Overlays

The entire site is covered by Design Development Overlay Schedule 21 (DDO21)



Other

The site is partly within an area of Cultural Heritage Significance. A Cultural Heritage Management Plan (CHMP) which has been provided with the application a summary of which is included later in this report.

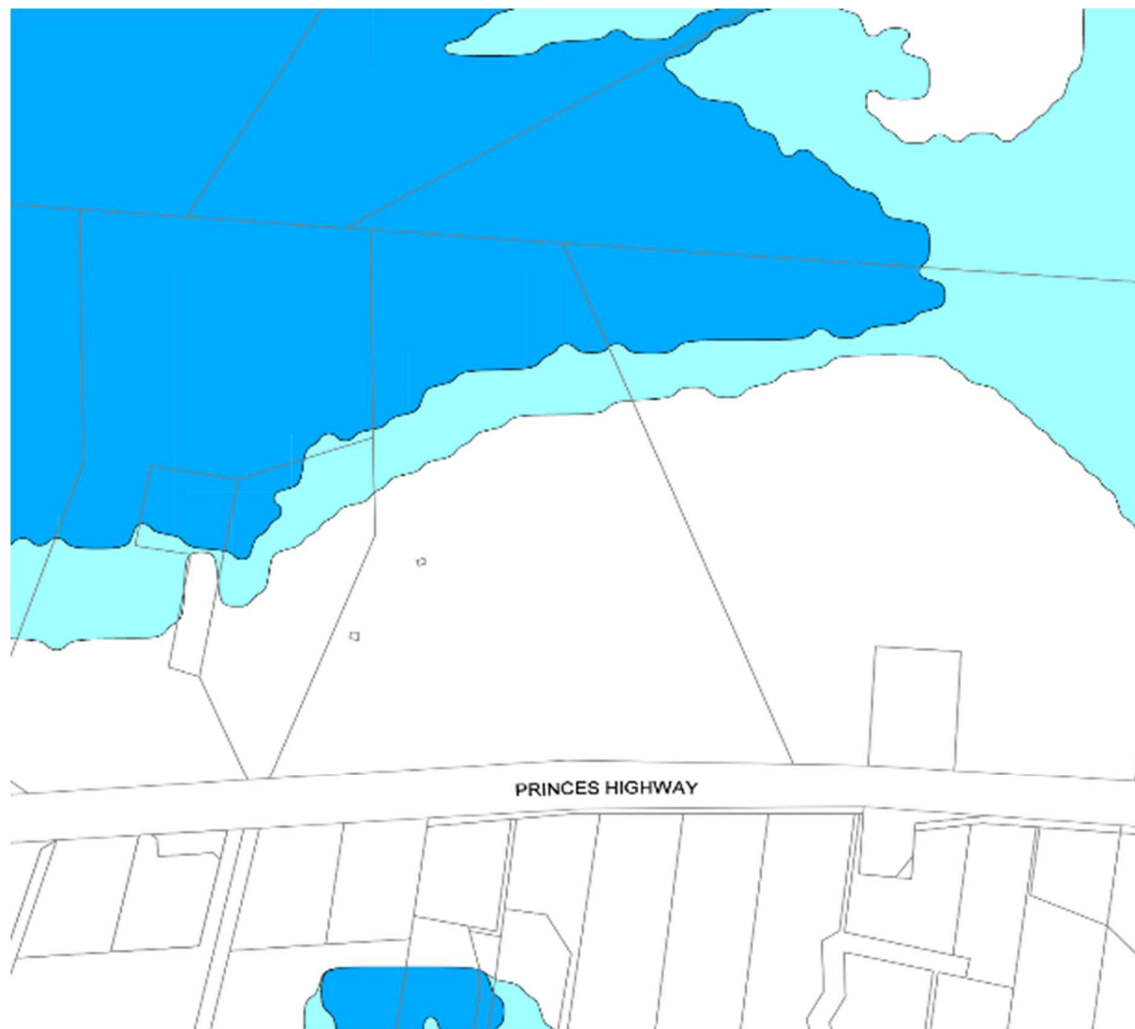


The site is within a designated bushfire prone area.



Planning Scheme Amendment C69 – flood mapping

A planning scheme amendment has been prepared and is awaiting Ministerial approval and is anticipated to be approved early in 2024. It is noted that the above amendment had at the time of writing not been approved, however in anticipation of the approval of the amendment the proposed subdivision has taken account of proposed changes to flood mapping with the proposed layout of lots and developable areas positioned outside the area of inundation and unaffected by the proposed Floodway Overlay with only shallow water flooding (LSIO) on part of the back land with dwelling sites well outside the area of inundation.



Permit requirements

Clause 32.03-3 Subdivision Low Density Residential Zone

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. Any area specified must be at least:

- 0.4 hectare for each lot where reticulated sewerage is not connected. If no area is specified each lot must be at least 0.4 hectare.
- 0.2 hectare for each lot with connected reticulated sewerage. If no area is specified each lot must be at least 0.2 hectare.

Clause 35.03-3 Subdivision Rural Living Zone

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 2 hectares. The schedule to the zone requires a minimum lot size of 1ha.

Clause 43.02-3 Subdivision Design Development Overlay Schedule 21 (DDO21)

A permit is required to subdivide land.

6. PLANNING ASSESSMENT

ZONE ASSESSMENT

Clause 32.03

LOW DENSITY RESIDENTIAL ZONE

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

Clause 32.03-6

Decision guidelines

General

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*

Subdivision

- *The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.*
- *The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.*
- *In the absence of reticulated sewerage:*
 - *The capability and suitability of the lot to treat and retain all wastewater as determined by a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed, or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.*
 - *The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.*
- *The relevant standards of Clauses 56.07-1 to 56.07-4.*

ASSESSMENT

The proposed subdivision is consistent with the purpose of the zone having been assessed against the Municipal Planning Strategy and Planning Policy Framework and found to meet the relevant requirements (refer later in this report) and that the proposal creates 12 large lots that are able to be effectively serviced with reticulated water, electricity which are available for connection nearby and septic tank waste water systems.

A land capability assessment has been provided with the application which confirms that the proposed allotments are of a sufficient size with sufficient drainage capacity to safely service each allotment and the site as a collective to meet AS/NZS1547:2012 'On-Site Domestic Wastewater Management' and the EPA 'Code of Practice for Onsite Waste Water Management' (CoPOWWM).

Effluent fields have been shown on the proposed plan of subdivision in accordance with the land capability assessment.

The recommended system is:

Installation of a 3000L aerated wastewater treatment tank with wick trenching for primary and secondary treatment for each allotment.

The soakage beds should be placed in a 24.5 x 17.6m Land Application Area allowing for future needs of the proposed allotments.

The LCA assumes systems will accommodate up to 6 person households without redesign.

In addition to the ability of the site to be serviced, the proposal provides diversity of potential housing choice with the benefit of existing infrastructure such as existing transport links, and road frontage. There is a bus service to and from Port Fairy to surrounding centres and a bus stop within close proximity to the subject site.

A 6m wide internal access road is proposed in a 14m wide common property reserve with a 10m radius court bowl all of which are proposed to be constructed of compacted gravel. The existing access crossover on Princes Highway will be widened and constructed to VicRoads standards.

The proposal meets the design objectives and decision guidelines in the following ways:

- The proposed allotments are generous ranging from 4,026 sqm - 14,980 sqm in accordance with the minimum lot sizes specified in the respective schedules to the relevant zones.
- The proposal has been assessed against the relevant Clauses of Clause 56, 56.07-1 to 56.07-4 and found to be compliant.
- The building area available for each lot allows sufficient setback for a future dwelling to meet any planning or building regulation requirements for development.
- The proposed allotments allow sufficient area for landscaping and habitat.
- Building envelopes proposed will ensure future development is open and well-spaced to reflect the semi-rural character of the area.

Clause 35.03

RURAL LIVING ZONE

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for residential use in a rural environment.

To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.

To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Clause 35.03-5

Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any Regional Catchment Strategy and associated plan applying to the land.*
- *The capability of the land to accommodate the proposed use or development.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.*

Agricultural issues

- *The capacity of the site to sustain the agricultural use.*
- *Any integrated land management plan prepared for the site.*
- *The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses.*

Environmental issues

- *The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.*
- *The impact of the use or development on the flora, fauna and landscape features of the locality.*
- *The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

Design and siting issues

- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features 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 location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*
- *Whether the use or development will require traffic management measures.*
- *The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.*

ASSESSMENT

There are 2 lots proposed within the Rural Living Zone having an area of 1.49ha and 1.008ha. Both proposed allotments are affected by inundation however have a developable area and effluent fields outside the area of inundation as identified above in the C69 flood mapping. The land capability assessment confirms each lot requires an area of 431 sqm as an effluent field which is shown on the LCA away from inundation and any natural watercourses.

The lots are likely to be developed for rural residential purposes which will not adversely impact surrounding uses given the proposed lot sizes of 1ha providing sufficient separation distances from surrounding agricultural and residential uses.

The access into the subdivision will be constructed to satisfy VicRoads standards with a common property internal road and court bowl to be constructed to serve each lot.

There are no particular landmarks on the site with the proposed allotments sufficiency spaced to retain the rural living character of the landscape and to provide rural residential habitat and to enable the land to be effectively maintained and managed.

Clause 43.02

DESIGN AND DEVELOPMENT OVERLAY

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas which are affected by specific requirements relating to the design and built form of new development.

Clause 43.02-6

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*

- *The design objectives of the relevant schedule to this overlay.*
- *The provisions of any relevant policies and urban design guidelines.*
- *Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.*
- *Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking*
- *Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *Any other matters specified in a schedule to this overlay.*

SCHEDULE 21 TO THE DESIGN AND DEVELOPMENT OVERLAY

PERIPHERAL AREAS – PORT FAIRY DESIGN GUIDELINES CHARACTER AREA 14

Design objectives

To ensure development respects the historic scale and pattern of residential and commercial areas of Port Fairy.

To respect the historic scale and pattern of residential and commercial development of Port Fairy.

To ensure new development around the character areas provides an appropriate setting for those areas.

To encourage development which does not have a detrimental effect on the high scenic and environmental values of the area.

To protect existing native coastal vegetation and to encourage additional appropriate planting.

Subdivision

Requirements

The frontage width of lots abutting the street should be consistent with the typical widths of existing lot frontages in the street.

Subdivision should avoid the creation of new crossovers.

Application requirements

An application for subdivision should be accompanied by a plan/s that demonstrates how subdivision and associated building envelopes satisfactorily respond to the requirements for subdivision.

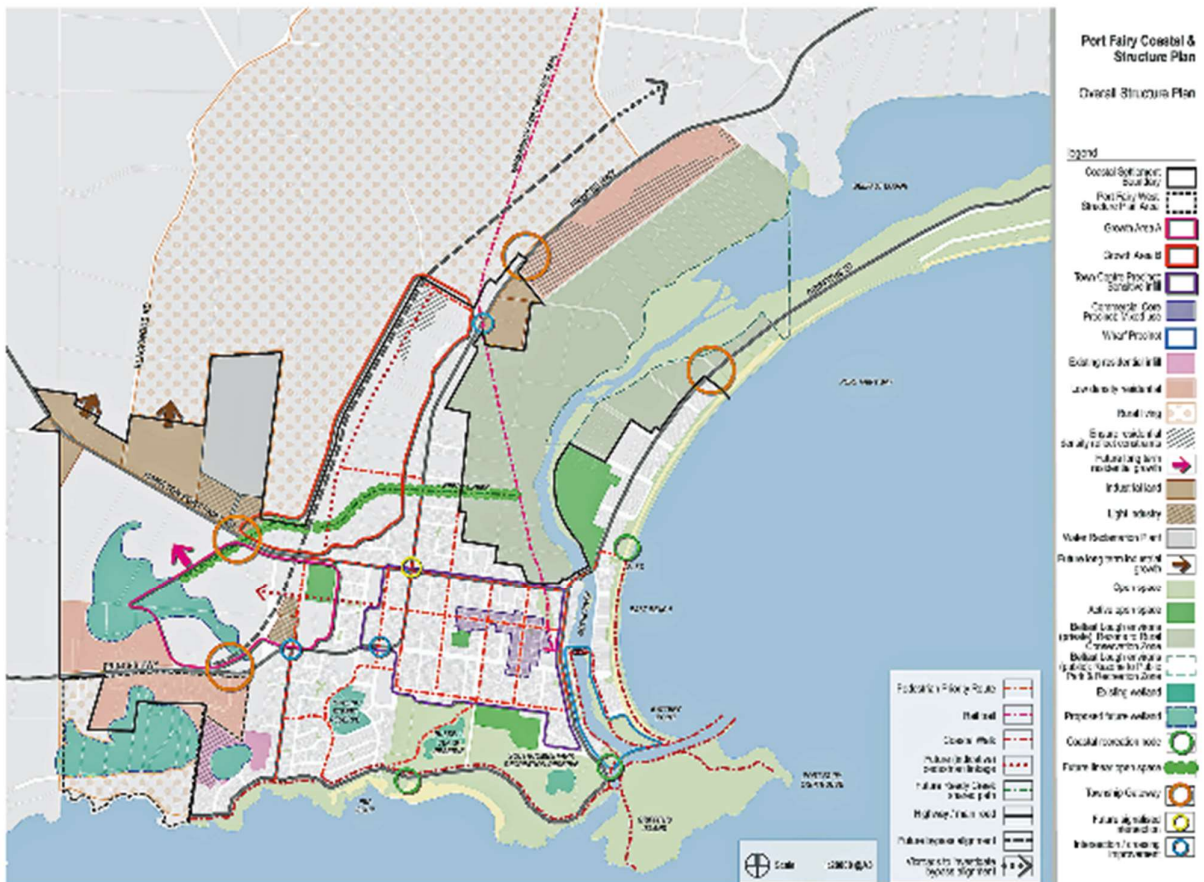
Decision guidelines

In addition to the matters listed at Clause 43.02-5, Council will give consideration to the Port Fairy Design Guidelines (2001) and the local policies relating to Port Fairy (Clause 22.01-3 and 22.01-4) before deciding on an application.

ASSESSMENT

Given the proposed subdivision marks a gateway to Port Fairy when coming from the west, it is considered important that this land forms a gateway into Port Fairy with well-spaced allotments which form a graduated transition from the farmland and natural landscapes to the urban fringe of the town and higher densities moving towards the town centre.

This concept is consistent with the vision of strategic documents relevant to the subject land such as the Port Fairy Coastal and Structure Plan map shown below.



The DDO requires consideration of the Port Fairy Urban Design Guidelines – Character area 14. The guidelines are principally concerned with built form such as setbacks, roof pitches, building heights, landscaping etc and are silent on subdivision, although as subdivision is the precursor to the pattern of development and future built form, it is relevant to the assessment.


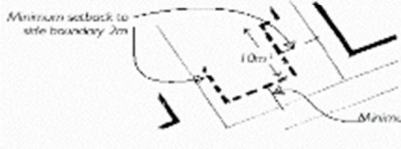
The use of building envelopes is the intended mechanism to ensure that the design objectives and performance standards of DDO21 and the Port Fairy Urban Design Guidelines are met. The envelopes have been repositioned on the individual proposed allotments with dimensions and setbacks shown to enable a clear visualisation how each lot will be developed.

The prevailing character is mainly rural with a ribbon of dwellings opposite on the southern side of the highway adjacent with the land on the northern side and predominantly undeveloped farmland. There is no existing urban character on the northern side and therefore the subject subdivision is in effect establishing a character.

The Port Fairy Urban Design Urban guidelines as they apply to the subject site are set out below:

Character Area 14 (Page 1 of 3)

This form is intended to help applicants achieve a high standard of design and explain how their proposal responds to the area's character. It provides a checklist of design requirements that need to be satisfactorily addressed in order for Council to assess a development application. Please use additional pages if necessary and include any supporting drawings or photographs. These guidelines supplement those of the applicable state residential design code and they should be read in conjunction with the information accompanying this form which explains the ground rules for good design in this area. Please note these guidelines do not replace any of Council's other requirements. Please refer to the glossary for the definitions of some of the terms italicised these guidelines.

Performance Standard	Acceptable Solutions to meet Performance Standards	Design Notes for Acceptable Solutions	Does your proposal Conform with the acceptable Solutions Y/N?	How does your proposal respond to the Performance Standard? If it does not conform, how else does it achieve the Performance Standard?
<p>heights Ensure buildings in this area do not overwhelm those of the character areas or compete with the commercial and civic heart of Port Fairy or dominance.</p>	 <p>Height of façade 5.5m above natural ground level or less. Absolute height of building 7m or less. Excavation of the dunes is discouraged.</p>	<p>Appropriate heights help to ensure that the characteristic scale of building established by the towns heritage areas is respected and its contribution to character of the township is not overwhelmed by new development. Façade height should be 5.5m above the designated floor height rather than natural ground level, if the dwelling is affected by L&O</p>	<p><input type="checkbox"/> Y/N</p>	
<p>Setbacks Ensure new development does not compromise the characteristic scale and pattern of development in the area.</p>	 <p>Minimum setback to side boundary 2m Minimum setback to rear boundary 10m Minimum setback to front boundary 4.5m</p>	<p>Appropriate setbacks contribute to Port Fairy's buildings set in landscape character. Dwellings facing over the rear boundary of a lot should have a setback of 4.5m.</p>	<p><input type="checkbox"/> Y/N</p>	

Character Area 14 (Page 2 of 3)

This form is intended to help applicants achieve a high standard of design and explain how their proposal responds to the streets character. It provides a checklist of design requirements that need to be satisfactorily addressed in order for Council to assess a development application. Please use additional pages if necessary and include any supporting drawings or photographs. These guidelines supplement those of the applicable state residential design code and they should be read in conjunction with the information accompanying this form which explains the ground rules for good design in this area. Please note these guidelines do not replace any of Council's other requirements. Please refer to the glossary for the definition of some of the terms defined in these guidelines.

Performance Standard	Acceptable Solutions to meet Performance Standards	Design Notes for Acceptable Solutions	Does your proposal conform with the acceptable Solutions Y/N?	How does your proposal respond to the Performance Standard? If it does not conform, how else does it achieve the Performance Standard?
Landscaping and Fencing Ensure development reflects the "buildings in gardens" character of Port Fairy.	<p>Vegetation dominant on boundary</p>	Landscaping to provide a colourful foreground that miturates in a height greater than the fence and provides the dominant element of the property boundary. In front of building facade fences should be no more than 1.2m high. Fences behind the front facade fences no more than 2m high.	<input type="checkbox"/> Y/N	
Frontage Ensure buildings are aligned to the street and provide it with an attractive and active edge.	<p>— Windows to cover between 20 and 30% of frontage</p>	Windows visible from the street to cover between 20 and 30% of the street facade. Service boxes and storage areas not visible from the street.	<input type="checkbox"/> Y/N	

The building envelopes proposed are setback at least 4.5m minimum requirement of DDO21 and 2m side setback guideline of DDO21.

The envelopes provide a degree of certainty as how the individual lots will be developed, with the added requirement of planning permits being triggered for future dwellings by the DDO which will provide another layer of assessment and dwelling positioning.

The subdivision layout allows for future development to accord with objectives of the guidelines to ensure that future buildings will be well spaced, appropriately setback and with sufficient space for landscaping.

Crossovers will be to the common property road and will be well spaced.

Clause 56 assessment

INTEGRATED WATER MANAGEMENT

56.07-1

Drinking water supply objectives

To reduce the use of drinking water.

To provide an adequate, cost-effective supply of drinking water.

Standard C22

The supply of drinking water must be:

- *Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.*
- *Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.*

ASSESSMENT

The site has access to a reticulated mains water supply which will be connected to each allotment in accordance with Wannon Water requirements.

56.07-2

Reused and recycled water objective

To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.

ASSESSMENT

Rain water tanks will be a planning and building permit requirement of the construction stage of development of each lot.

Standard C23

Reused and recycled water supply systems must be:

- *Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Health.*
- *Provided to the boundary of all lots in the subdivision where required by the relevant water authority.*

56.07-3

Waste water management objective

To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.

ASSESSMENT

A Land Capability Assessment has been undertaken which confirms that each allotment can be serviced with a secondary waste water system that meets EPA and Australian Standards. There is sufficient drainage capacity on site to allow for an effluent field of sufficient size to meet the required standards.

Standard C24

Waste water systems must be:

- *Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.*
- *Consistent with a domestic waste water management plan adopted by the relevant council.*

Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.

ASSESSMENT

As above.

56.07-4

Stormwater management objectives

To minimise damage to properties and inconvenience to residents from stormwater.

To ensure that the street operates adequately during major storm events and provides for public safety.

To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.

To encourage stormwater management that maximises the retention and reuse of stormwater.

To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

Standard C25

The stormwater management system must be:

- *Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.*

- *Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.*
- *Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).*
- *Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.*
- *Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.*

The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.

For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:

- *Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.*
- *Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.*

For storm events greater than 20% AEP and up to and including 1% AEP standard:

- *Provision must be made for the safe and effective passage of stormwater flows.*
- *All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.*
- *Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $d_a V_{ave} < 0.35 \text{ m}^2/\text{s}$ (where, d_a = average depth in metres and V_{ave} = average velocity in metres per second).*

The design of the local drainage network should:

- *Ensure stormwater is retarded to a standard required by the responsible drainage authority.*
- *Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.*
- *Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.*
- *Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.*

Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.

ASSESSMENT

A stormwater management plan can be provided to confirm that the site can be effectively drained to Councils satisfaction.

CULTURAL HERITAGE ASSESSMENT

A Cultural Heritage Management Plan was submitted with the application which concluded:

No evidence of ancestral remains were located during testing and no areas considered likely to contain ancestral remains were identified during the complex assessment. One artefact was located on the dune surface in the south-east section during the standard assessment, a coastal flint proximal flake (Plate 14). Excavations carried out on the dune landform within the activity area indicated that some previous ground disturbance had taken place. It was considered unlikely that ancestral remains were present in the dune section. The dune landform located within the activity area had also been disturbed as a result of pushing up of the soil during construction of the Princes Highway and its reserve.

The desktop assessment predicted a low to moderate potential for cultural material and predicted that the activity area may have been exposed to some limited ground disturbance as a result of previous land use activities in the activity area. This was confirmed during complex assessment.

MUNICIPAL PLANNING STRATEGY

Clause 02.03-1

Settlement

Settlement hierarchy

The settlement pattern of the Shire comprises of several urban centres and many small settlements, located on the coast and within productive agricultural areas. Maintenance of a clear distinction between urban and rural areas is essential to efficient township development and continued agricultural production.

The district towns and predominant service centres are Port Fairy, Koroit and Mortlake. There are also the small service towns of Peterborough and Macarthur, and smaller villages and hamlets including Caramut, Cudgee, Ellerslie, Framlingham, Garvoc, Grassmere, Hawkesdale, Hexham, Illowa West, Killarney, Kirkstall, Mailors Flat, Nullawarre, Orford, Panmure, Purnim, Southern Cross, Towilla Way, Winslow, Woolsthorpe, Woorndoo and Yambuk. These smaller settlements provide an important community focus, and, in some instances, a local convenience shopping role.

Each settlement within the Shire has a different capacity and role in providing for growth and services to their respective local community. Those settlements with larger populations

and a greater variety of services have a greater opportunity to accommodate growth. However, settlements that lack appropriate servicing infrastructure such as reticulated sewerage or have environmental constraints may have a low or constrained growth potential until such time as servicing limitations, such as effluent treatment and disposal, can be overcome or provided.

Port Fairy

Port Fairy is the major business and administrative centre of the Shire and a historic coastal town that is a popular destination for tourists. Integral parts of the town's character are the historic buildings around the town's centre, the fishing port, Moyne River estuary, Griffith Island and its coastal setting.

It is a District Town with moderate growth capacity through infill development and some growth beyond existing urban zoned land, but within defined settlement boundaries.

Port Fairy is experiencing an increase in population driven by its attractive setting. Demand has been strong for new development, redevelopment of older properties and more intense forms of urban housing.

The population of Port Fairy increases substantially over the summer holiday period. Its tourism and recreation values include swimming and surfing beaches, recreational boating and fishing, and a range of accommodation types. Due to the ongoing popularity of the Great Ocean Road region, development and tourism pressures are expected to increase.

Port Fairy has regional heritage significance because of its role in the European settlement of the area. Natural and cultural values include sites of indigenous and non-indigenous significance, scenic landscapes, wildlife viewing, and wetlands and ecosystems.

Port Fairy West is characterised by residential and tourist accommodation with rural uses in the western section.

Given Port Fairy's proximity to the Southern Ocean, there is an increased risk of coastal inundation and erosion due to anticipated sea level rise.

ASSESSMENT

The subject land is zoned for low density residential development and rural living development with the proposed subdivision and lot sizes reflective of these requirements. Lot sizes are generous between 4,000 sqm and 1.5ha to allow for visual permeability, a graduated transition of future built form on the approach to Port Fairy and the effective treatment of wastewater.

Clause 02.03-2

Environmental and landscape values

Biodiversity

The majority of land in the Shire is used for agriculture, while other land is used for urban settlement, industrial activity and extractive industry. The protection and management of remnant bushland reserves is important to provide a diversity of flora and wildlife refuge areas and habitat. Remnant vegetation on freehold land is an ecological resource that contributes to the balance and function of important ecosystems.

The Shire contains significant areas of public land, including parks and reserves, roadsides and land along the coastline. Roadside vegetation is important in maintaining and restoring connectivity to the fragmented parcels of public land.

Coastal areas

The coastal areas of the municipality are an important biodiversity, recreation and economic asset. There is a need to protect and manage the coast in an environmentally sustainable manner. This includes ensuring that development on the coast recognises the sensitive nature of these assets.

Water bodies and wetlands

The rivers and streams that flow through the Shire divide it into a series of watersheds. They comprise the Mt Emu Creek, Hopkins River, Merri River, Moyne River, Shaw River, and Eumeralla River. Most of the land adjacent to watercourses is in private ownership due to the Shire's early settlement.

Significant environments and landscapes

The natural landscape of the municipality is an important asset that requires protection from inappropriate use and development. The visual and environmental implications of development on the municipality's natural features can destroy the attractiveness and environmental qualities of the area.

Volcanic eruptions formed a series of craters in the region, including the volcanic crater in the Tower Hill State Game Reserve, the volcanic crater and lava landscapes in the Budj Bim National Park, Mount Shadwell and the Peak volcanic crater. The Tower Hill volcanic crater and environs are major natural features of geological, ecological and landscape significance.

The World Heritage listed Budj Bim Cultural Landscape contains one of the world's most extensive and oldest aquaculture systems, developed by the Gunditjmarra people. The Budj Bim lava flows provide the basis for this complex aquaculture system, based on deliberate redirection, modification and management of waterways and wetlands.

Other significant natural features include the hilltops and ridgelines, areas of native forest, and various water bodies, wetlands and grasslands.

Development pressures affecting the landscape include wind farms, natural gas pipelines and processing plants, and telecommunication and electricity towers.

Rural residential and small lot development beyond settlements and close to scenic locations such as Tower Hill is causing impacts on landscape quality.

Strategic directions

- *Protect significant landscapes and natural environments, including the World Heritage listed Budj Bim Cultural Landscape.*
- *Protect areas of remnant native vegetation, particularly along roadsides and on freehold land, recognising the ecological and economic value.*
- *Facilitate effective open space and habitat corridors along river and coastal areas.*
- *Protect and enhance land that supports ecological communities hosting native flora and fauna.*
- *Promote greater revegetation and the management of pest plants and animals to address areas of degraded land.*
- *Manage land use and development to minimise impacts on coastal and river environments.*
- *Protect and enhance the environmental qualities and character of the Budj Bim National Park and Tower Hill State Game Reserve.*
- *Protect volcanic features, prominent hilltops and ridgelines from inappropriate development.*
- *Protect and enhance significant environmental values, remnant vegetation and riparian corridors within settlements.*

ASSESSMENT

The proposed subdivision is laid out in a large lot format (minimum 4,000 sqm and 10,000 sqm allotments) to provide an open and visually permeable entrance to the town on its western outskirts. The large lot sizes will provide habitat opportunities with developable areas placed in building envelopes well setback from low lying wetland areas with building envelopes used to demonstrate how the land will be further developed and to ensure wastewater systems are appropriately designed and setback from waterways. This approach is considered to meet the objective of the Clause.

Clause 02.03-3

Environmental risks and amenity

Climate change impacts

The coast is under threat from the effects of climate change, including sea level rise and increased storm surges.

Rising sea levels may threaten land use and development due to eroding shorelines, increased cliff instability and landward penetration of saline water within estuaries. Development and infrastructure close to coastal and estuarine areas, including sea walls and other protective structures, may threaten the capacity of the environment to adapt to rising sea levels and increased tidal penetration.

Bushfire

The municipality faces complex fire risk in agricultural, forested, urban bushland, rural residential and coastal areas.

Floodplains

The catchments within the municipality include areas of land prone to natural flooding. The inherent function of the floodplains to convey and store floodwater should be preserved to minimise the deterioration of environmental values and manage flood risks to assets and communities.

Soil degradation

Estuarine and wetland areas often have potential acid sulphate soils that can generate significant environmental and development asset impacts if disturbed or uncovered by development.

Certain areas of Moyne are susceptible to erosion, mass movement or landslip, necessitating development to be responsive to this constraint.

Amenity

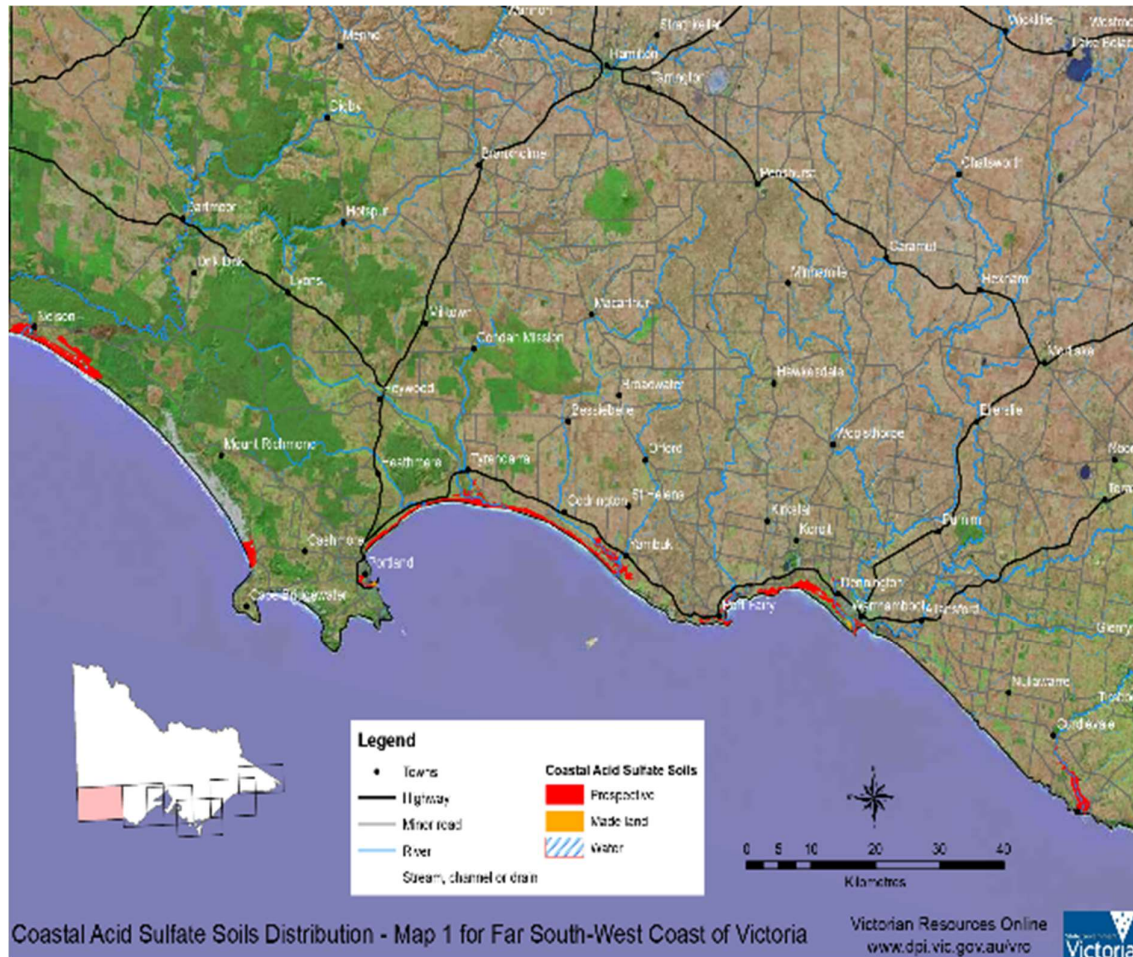
The historical development of the urban centres has resulted in the scattered distribution of industrial and residential areas. There is a need to ensure adequate buffers are present between dwellings and industrial activity. Some existing businesses are located in proximity to sensitive uses and their continued operation or future expansion needs to be balanced with potential amenity conflicts.

Strategic directions

- *Avoid development in coastal locations that may be affected by climate change impacts.*
- *Ensure land use and development responds to fire risk.*
- *Protect the function of existing flood ways.*
- *Minimise the potential for damage and risks to public safety and property from flooding.*
- *Protect areas prone to erosion and landslip by minimising land disturbance and vegetation loss.*
- *Ensure development does not contribute to the exposure of acid sulphate soils.*
- *Protect the amenity of residential areas adjacent to uses with potential adverse off-site impacts.*

ASSESSMENT

The site is unaffected by sea level rise given its distance from the shoreline and topography. There is no acid sulphate recorded on this land as evidenced by DPI mapping shown below which shows potential acid sulphate soils on the land south of Princes Highway not north of the highway where the subject site is situated.

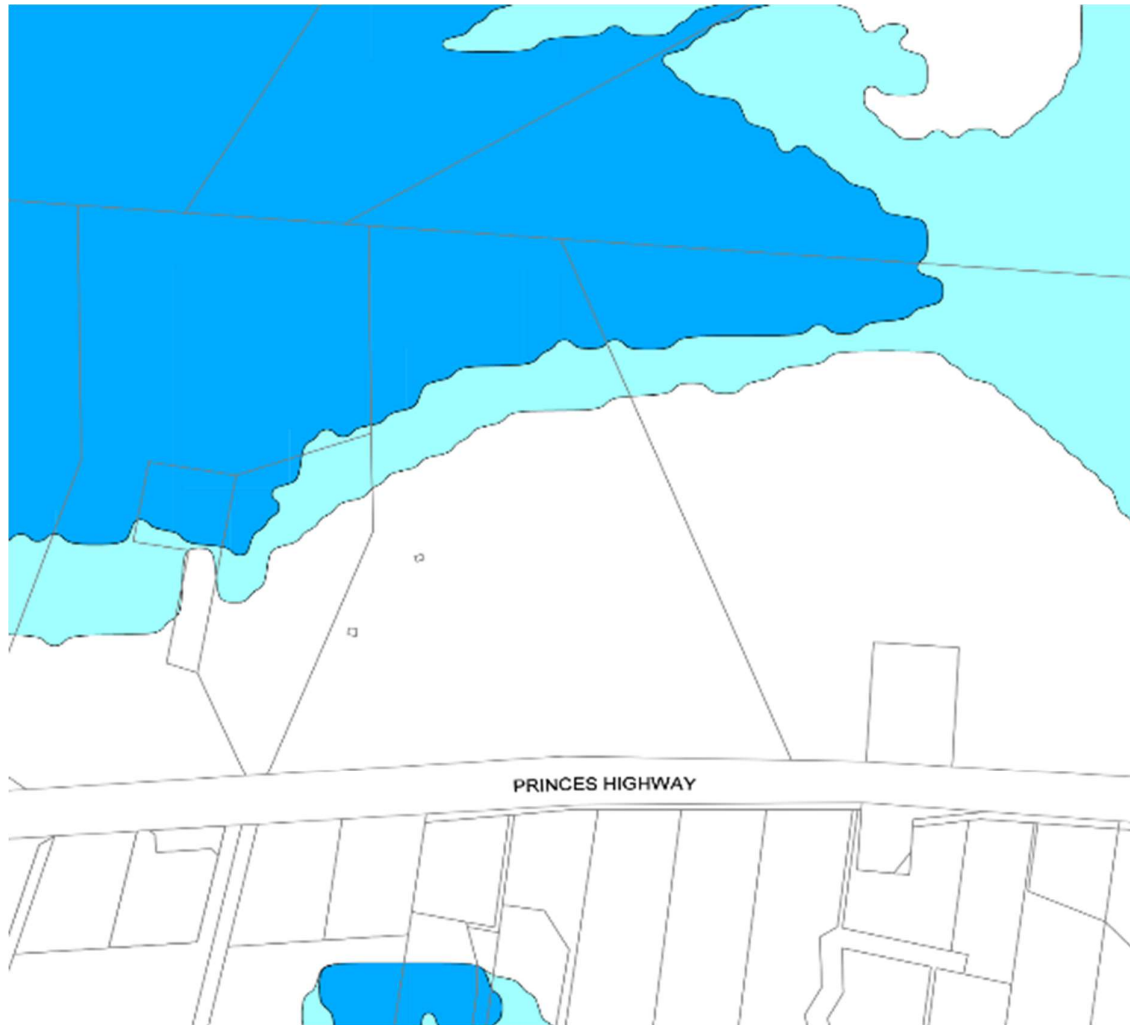


The site is within a designated bushfire risk area however is not covered by a Bushfire Management Overlay which is therefore considered a lesser bushfire risk.

The site will be accessed via an upgraded access point from Princes Highway to the satisfaction of VicRoads and will be suitable for emergency vehicles including fire fighting vehicles. Road surfaces will be all weather with a court bowl of sufficient turning capacity to satisfy CFA requirements. Each allotment will have a reticulated water supply for drinking and firefighting. Rainwater tanks will be a requirement of the development stage to supplement mains water supplies if required.

The area has not been identified as an area of important biodiversity. Development of the area is expected to provide bushfire risk mitigation measures afforded by home ownership such as weed control, grass mowing and property land maintenance.

The building envelopes shown on the plans of subdivision show that the development envelopes are outside areas of inundation as shown in the initial planning report and below for clarity.



The land has not been identified as susceptible to erosion, mass movement or landslip, necessitating development to be responsive to this constraint. The land is undulating but has no signs of mass movement or landslip nor is that the case nearby.

There are no uses with adverse amenity nearby. There is a Wannon Water facility abutting however this use is passive which involves extraction of raw water which is pumped to the water tower opposite which is not considered to cause adverse amenity impacts. There are no significant noise levels associated with the facility.

Clause 02.03-4

Natural resource management

Agriculture

Rural land in the municipality forms part of the highly productive Western District. A mild climate, high and well distributed rainfall, a diverse range of soil types and access to markets have combined to make the Shire a significant agricultural area. Intensive dairying and crop production are significant land uses in the coastal hinterland, while extensive cropping and grazing enterprises, including beef cattle and sheep for wool and meat, are major activities in the northern part of the Shire.

Agricultural areas along the coast, between settlements and on the edge of townships are under pressure from other forms of development, particularly housing on existing small lots interspersed with farming land. The construction of dwellings on many or all such lots would not be consistent with responsible management of rural land. Such areas include:

- Extensive areas where the size of lots is less than half the minimum lot size specified under the Farming Zone; and*
- Areas of open farming land which are comprised of comparatively small lots that are distant and isolated from townships with appropriate infrastructure and services.*

Demand for rural lifestyle properties on small lots has increased mainly in the south of the Shire, and the proliferation of dwellings for lifestyle or hobby farm purposes in rural areas can compromise the long-term viability of farming. Dwellings or small lot subdivisions can sometimes genuinely be required to support agricultural production, however the development of isolated dwellings and housing clusters of small lots that are not associated with agriculture can result in land use conflicts, the loss of productive agricultural land and inefficient demand for social and physical infrastructure services. Council seeks to direct the demand for rural lifestyle living to land zoned for such purposes. A 'Lifestyle Farming' area at Bushfield, Grassmere and Wangoom is intended to accommodate demand for lifestyle farming and small-scale farming enterprises which can make productive use of agricultural land.

The Belfast Rural area (also known as the Killarney Area) between Rosebrook and the Tower Hill Wildlife Reserve comprises high quality fertile volcanic soils that have traditionally been the focus for potato farming. The area is characterised by a large number of small land holdings that are predominantly managed as conglomerations.

Sustainable timber production and the development of timber industries to process product are supported where they are undertaken with minimal adverse impacts.

Water

Areas along the coast and to the west of the municipality have been identified as high potential groundwater recharge areas. Development with the potential to impact upon the water table must be designed to respond to this constraint.

Earth resources

The mining of basalt, limestone and sand occurs near Port Fairy. Mining of red scoria occurs near Mortlake.

Strategic directions

- *Encourage sustainable farming practices to protect water supply, manage salinity and pests, and maintain the long-term viability of agriculture in the Shire.*
- *Protect the natural and physical resources upon which agricultural industries rely.*
- *Prevent land use conflicts between agricultural uses and sensitive uses.*
- *Limit the use of productive agricultural land for non-productive agricultural purposes.*
- *Restrict the rural residential use of productive agricultural land.*
- *Avoid industrial activities in rural zones unless they are directly related to agricultural production.*
- *Encourage farming and primary production uses on the high quality fertile volcanic soils around Koroit and Killarney.*
- *Encourage the consolidation of titles and discourage the further subdivision of land in the Belfast Rural area.*
- *Ensure development in high potential groundwater recharge areas is compatible with site capability and retains native vegetation.*
- *Ensure the growth and management of forests for timber production is balanced with environmental, landscape and social values.*
- *Support the extraction of basalt, sand, limestone and scoria in appropriate locations.*

ASSESSMENT

The land is zoned for low density and rural living development. Land use conflicts are minimised by means of building envelopes with generous setbacks from agricultural uses as shown on the plan of subdivision.

The large allotments provides extensive undeveloped area for ground water recharge with only a small percentage of the 8ha site covered by permeable surfaces when fully developed.

Environmental water quality is proposed to be protected by means of secondary wastewater treatment systems. The land capability assessment confirms that the proposed allotments are of a sufficient size with sufficient drainage capacity to safely service each allotment and the site as a collective to meet AS/NZS1547:2012 'On-Site Domestic

Wastewater Management' and the EPA 'Code of Practice for Onsite Waste Water Management' (CoPOWWM).

Effluent fields have been shown on the proposed plan of subdivision in accordance with the land capability assessment.

The recommended system is:

Installation of a 3000L aerated wastewater treatment tank with wick trenching for primary and secondary treatment for each allotment.

The soakage beds should be placed in a 24.5 x 17.6m Land Application Area allowing for future needs of the proposed allotments.

The LCA assumes systems will accommodate up to 6 person households without redesign.

Clause 02.03-5

Built environment and heritage

Built environment

Development occurring in coastal areas and between settlements and on highly visible sites has potential to affect landscape character. Larger, more 'imposing' dwellings, that are designed to maximise coastal views, often protrude above existing vegetation and natural landforms.

There is increasing pressure for substantial tourism development in coastal and non-urban locations. Other tourism-related development pressures relate to signs, car parking and viewing platforms.

Heritage

The Shire contains an outstanding collection of heritage places that are recognised as a significant asset and give it a distinctive character.

The Shire has been occupied by three Aboriginal clans, leaving many significant cultural heritage places, including the Budj Bim World Heritage Area, Tower Hill and areas along the coast and river valleys. Distinctive volcanic cultural landscapes contribute to the richness of the Shire's heritage. There is a need to appropriately protect these heritage places and landscapes.

Port Fairy has benefitted from heritage protection for several decades, having been the subject of one of the earliest heritage studies undertaken in Victoria in 1976. In addition, heritage protection has been applied to heritage precincts and significant places in Mortlake. There are places of heritage significance in locations other than Port Fairy and Mortlake that need to be protected from inappropriate development.

The Avenue of Honour on the eastern approach to Mortlake is historically and aesthetically significant to Victoria as a memorial to World War 1 and 2 veterans and is listed on the Victorian Heritage Register.

Strategic directions

- *Contain township development within defined boundaries and manage development on the fringes of townships to enhance the landscape setting.*
- *Retain the openness of the rural landscape between townships by limiting development.*
- *Provide for the reasonable sharing of views of significant landscape features, including views of the ocean, coastal shoreline, estuaries, wetlands and notable cultural features.*
- *Protect and enhance the Shire's heritage places and precincts.*
- *Protect and enhance Aboriginal cultural heritage sites and significant cultural landscapes, including the World Heritage listed Budj Bim Cultural Landscape and Tower Hill.*
- *Ensure that commercial signs are located away from entrances and exits to townships.*
- *Protect and enhance landscaping, including street trees, on all major approach routes, access roads and local streets.*
- *Protect all mature Norfolk Island Pines in Port Fairy from removal and lopping, and where such species is to be removed, encourage relocation of the tree.*

ASSESSMENT

The site is already zoned for Low Density/Rural Living development. The proposed lots are well spaced and in excess of 4,000 sqm and 10,000 sqm to retain the “openness” of the area.

There is no European heritage identified on the site. A cultural heritage management plan has been prepared and submitted with the application which confirms:

No evidence of ancestral remains were located during testing and no areas considered likely to contain ancestral remains were identified during the complex assessment. One artefact was located on the dune surface in the south-east section during the standard assessment, a coastal flint proximal flake (Plate 14). Excavations carried out on the dune landform within the activity area indicated that some previous ground disturbance had taken place. It was considered unlikely that ancestral remains were present in the dune section. The dune landform located within the activity area had also been disturbed as a result of pushing up of the soil during construction of the Princes Highway and its reserve. The desktop assessment predicted a low to moderate potential for cultural material and predicted that the activity area may have been exposed to some limited ground disturbance as a result of previous land use activities in the activity area. This was confirmed during complex assessment.

Clause 02.03-6

Housing

The population of the Shire is growing, however, it is ageing and household size is declining.

A significant proportion of dwellings in the coastal towns are not permanently occupied, serving as holiday homes. This contributes to a lack of affordable worker accommodation, particularly during peak tourism periods.

Housing affordability and availability of long-term rental stock is declining in the Shire, and there is limited dwelling diversity, due to a low proportion of medium density and small dwellings in urban areas.

There is a need to provide well-located and accessible housing in the Shire to accommodate demand and attract new residents. However, housing growth is subject to infrastructure constraints, and can compromise environmental, heritage, landscape and neighbourhood character values.

The development of housing between settlements and in sensitive locations, such as areas of environmental or landscape significance, including the coastline, is an issue.

Ad hoc low density residential and rural living development has the potential to fragment productive agricultural land, cause land use conflicts and create demand for higher level services and infrastructure in rural areas. While a dwelling is generally needed to provide for proper farming, dwellings should be limited to those that genuinely and permanently support agricultural production.

Strategic directions

- *Encourage population growth within all areas of the Shire.*
- *Encourage a range of accommodation opportunities in settlements, including medium density housing, to suit the needs of the Shire's residents.*
- *Facilitate aged and special care accommodation within the Shire.*
- *Support residential development densities that protect the heritage value and neighbourhood character of settlements.*
- *Direct rural living development to areas already zoned for this purpose within and on the periphery of existing settlements to enable access to available community facilities and physical infrastructure.*
- *Discourage rural residential development in areas of agricultural, cultural heritage, environmental or landscape value.*

ASSESSMENT

The proposed subdivision provides an orderly and well considered increase in future residential land to contribute to the demand for Port Fairy's growth requirements. Proposed densities are consistent with the need to protect the semi-rural character of the western outskirts of the township.

PLANNING POLICY FRAMEWORK ASSESSMENT

Clause 11.02-1S

Supply of urban land

Objective

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Strategies

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.*

Monitor development trends and land supply and demand for housing and industry.

Maintain access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure and industry.

Restrict rural residential development that would compromise future development at higher densities.

ASSESSMENT

The subject land is appropriately zoned for this type of subdivision and has services available to support future development in a planned manner taking advantage of existing infrastructure and drainage capacity for compliant waste water systems.

Clause 12.02

MARINE AND COASTAL ENVIRONMENT

Clause 12.02-1S

Protection of the marine and coastal environment

Objective

To protect and enhance the marine and coastal environment.

Strategies

Manage privately-owned foreshore consistently with the adjoining public land.

Protect coastal and foreshore environments and improve public access and recreation facilities around Port Phillip Bay and Western Port by focusing development in areas already developed or in areas that can tolerate more intensive use.

Enhance the ecological values of the ecosystems in the marine and coastal environment.

Protect and enhance the overall extent and condition of native habitats and species diversity distributions across public and private land in the marine and coastal environment.

Encourage revegetation of cleared land abutting coastal reserves.

Minimise direct, cumulative and synergistic effects on ecosystems and habitats.

Maintain the natural drainage patterns, water quality and biodiversity in and adjacent to coastal estuaries, wetlands and waterways.

Maintain and enhance water and soil quality by minimising disturbance of sediments.

Avoid disturbance of coastal acid sulfate soils.

Protect and enhance natural features, landscapes, seascapes and public visual corridors.

Plan for marine development and infrastructure to be sensitive to marine national parks and environmental assets.

Protect the heritage values, the aesthetic quality of locations, cultural links with maritime activities, sea country and sense of place.

Policy guidelines

Consider as relevant:

- *Any applicable Regional and Strategic Partnership Product, environmental management plan or coastal and marine management plan approved under the Marine and Coastal Act 2018 or National Parks Act 1975*

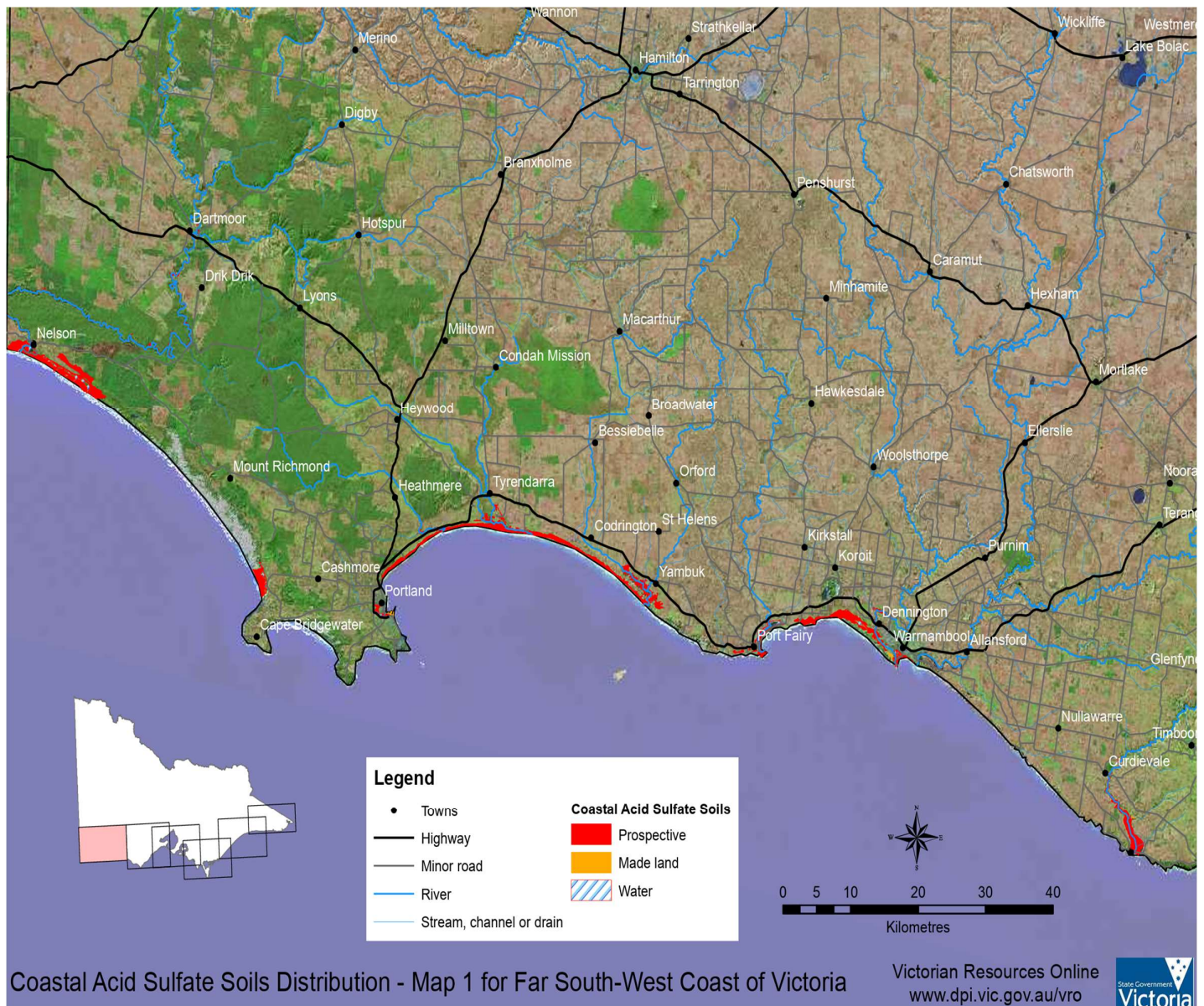
Policy documents

Consider as relevant:

- *Coastal Spaces Landscape Assessment Study* (Department of Sustainability and Environment, 2006)
- *Marine and Coastal Policy* (Department of Environment, Land, Water and Planning, 2020)
- *Marine and Coastal Strategy* (Department of Environment, Land, Water and Planning, 2022)
- *Siting and Design Guidelines for Structures on the Victorian Coast* (Department of Environment, Land, Water and Planning, 2020)
- *Victorian Best Practice Guidelines for Assessing and Managing Coastal Acid Sulfate Soils* (Department of Environment, Land, Water and Planning, 2010)
- *Victorian Coastal Acid Sulfate Soils Strategy* (Department of Sustainability and Environment, 2009)

ASSESSMENT

The site is well setback from the coastline. Natural wetlands are protected by secondary waste water treatment systems and building envelopes which exclude the wetland areas from development. The site when developed will maintain an open and rural vista at entry/exit point into and out of Port Fairy. There is no coastal land associated with the site or privately owned foreshore previously created. There are no known or mapped areas of acid sulphate soils as shown below excerpt from DPI Coastal Acid Sulphate soils which shows areas south of Princes Highway not the subject land.



Coastal Acid Sulfate Soils Distribution - Map 1 for Far South-West Coast of Victoria

Clause 12.02-1L-01

Protection of coastal areas - Moyne

Policy application

This policy applies to land adjacent to the coastline including the area affected by the Environmental Significance Overlay Schedule 1.

Strategies

Discourage the development or draining of limestone depressions.

Ensure development provides substantial landscaping using environmentally suitable plant species to screen and blend development with coastal environs.

Discourage new access roads leading to or running parallel with the coastline.

Ensure that development minimises and clearly defines pedestrian and vehicular access through the coastal landscape to avoid potential visual and erosion impacts.

Discourage the development of buildings and structures on sand dunes on free hold properties.

Discourage soil removal and excavation close to the boundary of the coastal reserve.

Policy guidelines

Consider as relevant:

- *Ensuring built form does not exceed 8 metres above natural ground level.*
- *Ensuring built form uses non-reflective exterior colours and materials.*

ASSESSMENT

The individual proposed lots provide sufficient area for landscaping. There are no other relevant matters to the proposal given its distant proximity to the shoreline and dune system some 2km to the south.

12.02-1L-02

Coastal landscapes

Policy application

This policy applies to the development of land affected by the Significant Landscape Overlay Schedules 3, 4, 5 and 6.

Objective

To maintain locally significant views and vistas that contribute to the character of the coastal and coastal hinterland region.

Strategies

Built form

Encourage development that is subordinate to the natural, visual and environmental landscape character and significance.

Vegetation

Encourage retention of indigenous trees and where their removal is unavoidable replace with indigenous trees that will grow to a similar size.

Use indigenous species or non-invasive native / exotic plantings that are already a feature of the area for landscaping around developments.

Retain existing shelterbelts and exotic feature planting where it is a feature of the area and replace shelterbelts or exotic feature plantings that are lost, old, degraded or incomplete with the same species or an alternative non-invasive species.

Protect and enhance indigenous vegetation on hillsides in the west and north of the Significant Landscape Overlay Schedule 4 - Lake Yambuk to Port Fairy Coast Landscape Area in corridors that link to or are adjacent to waterbodies such as Lake Yambuk and the Fitzroy River Outlet.

Ensure that indigenous coastal vegetation in the Significant Landscape Overlay Schedule 4 - Lake Yambuk to Port Fairy Coast Landscape Area is the dominant feature of the coastal landscape.

Coastal edges of settlements

Support a hierarchy of built form within coastal settlements, with lower buildings adjacent to the foreshore and higher buildings away from the foreshore.

Prevent overshadowing of the public foreshore of settlements.

Between settlements – coastal locations

Ensure building design responds to the natural setting in relation to siting, materials and colours.

Locate site servicing and access away from landscape features and areas of high visibility and avoid the loss of vegetation.

Minimise and clearly define pedestrian and vehicular access to buildings through the coastal landscape.

Establish substantial landscaping around buildings in open landscapes using indigenous coastal vegetation.

Minimise visual clutter of the coastal landscape.

Ensure development retains views to the coast, capes and hinterland.

Retain natural landforms and indigenous vegetation as an essential component of the character of the coastal landscape.

Avoid any development on the coastal side of the Great Ocean Road.

Design development so that it is not visible above the coastal vegetation when viewed from the Great Ocean Road.

Locate signs away from entrances and exits to settlements wherever possible.

Locate all signs on the landward side of the Great Ocean Road.

Between settlements – coastal hinterland locations

Avoid or carefully site buildings, structures and signs in open rural areas and along highways and key touring routes between settlements to minimise visibility from main road corridors and key public use areas.

Retain trees that form part of a continuous canopy beyond the property, and plant new trees where they will add to a continuous canopy.

Ensure development within the Significant Landscape Overlay Schedule 3, 4 and 5 Areas:

- *Mirrors traditional homestead clusters and reduces the impact of development on large areas of the landscape.*
- *Retains existing dry stone walls.*

Ensure development within the Significant Landscape Overlay Schedule 5 Area:

- *Retains an open plain surrounding the 'Woodbine' estate.*
- *Reduces visually cluttered signage at the Dennington entrance.*
- *Avoids visual clutter of signs along the Princes Highway and abutting land.*

Ensure that development within the Significant Landscape Overlay Schedule 6 Area, between the Princes Highway and the crater rim of Tower Hill and at the southern edge of Koroit, is sited and designed to minimise visibility at the skyline of Tower Hill and does not dominate views from within and into the Tower Hill reserve.

Ensure that development does not detract from the open pasture character and scenic backdrop provided by landscapes such as Tower Hill or the coast.

Site buildings and structures away from geological and landscape features such as volcanic cones, rocky outcrops, craters and lakes, wherever possible.

Ensure that low density and rural residential development use permeable surfacing for all unbuilt areas to minimise surface run-off and to support vegetation.

Infrastructure

Site infrastructure away from highly scenic locations, key views and near-coastal locations.

Encourage the installation of powerlines and other utility services to be underground.

Locate powerlines, access tracks and other infrastructure in areas of low visibility, preferably in previously cleared locations.

Use vegetation to screen infrastructure from key viewing corridors and public use areas.

Locate and screen large buildings and structures such as large sheds, transmission lines and cleared easements to minimise visibility from the Great Ocean Road and key viewing locations.

Policy guidelines

Consider as relevant:

- *Designing and locating development in steep locations or prominent hill faces to:*
 - *Be positioned in the lower one third of the visible slope.*
 - *Be set amongst existing vegetation.*
 - *Include gardens containing indigenous or non-invasive exotic / native planting.*
 - *Follow the contours of the land or step down the site to minimise earthworks.*
 - *Articulate buildings into separate elements, and avoid visually dominant elevations.*
- *Setting buildings or structures back from the foreshore, coast and natural coastal landforms. Where development within the coastal strip cannot be prevented (e.g. development for essential public purposes):*
 - *Site developments on the inland slope of dunes so that buildings do not protrude above the dune ridgeline.*
 - *Set buildings and structures among existing vegetation, maximising the retention of coastal vegetation.*
 - *Use indigenous vegetation to further integrate the development with the landscape.*
 - *Design buildings to follow the contours or step down the site and avoid visually dominant elevations.*
 - *Limit the extent of overlooking of the foreshore.*
 - *Locate driveways and paths away from the foreshore.*
- *Limiting change to the vegetated character of coastal areas by:*
 - *Siting developments away from vegetated areas and dunes.*
 - *Siting developments in areas of low visibility (e.g. low in inland slopes).*
 - *Avoiding any locations on ridgelines.*
 - *Using darker colours (e.g. green, brown, black) and low-reflectivity materials.*
- *Setting buildings back from roads and/or grouping buildings in the landscape in open rural areas among substantial landscaping of indigenous or non-invasive exotic / native feature planting (including existing shelterbelts).*
- *Using indigenous vegetation or native / exotic feature planting to delineate property boundaries, instead of fencing. If fencing is necessary, this should be of an open style and not visually obtrusive (e.g. post and wire style traditionally used in rural areas).*

ASSESSMENT

There are no significant trees present on site as the land has been cleared for grazing many years ago. The subdivision sets out the “in principle footprint” for future development which individual lots will require a planning permit which will enable further assessment of the suitability of siting and design aspects, and landscaping etc of future dwellings.

The proposed subdivision leaves sufficient certainty that the land can be developed to easily meet the Clause.

BUSHFIRE

13.02-1S

Bushfire planning

Policy application

This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:

- *Within a designated bushfire prone area;*
- *Subject to a Bushfire Management Overlay; or*
- *Proposed to be used or developed in a way that may create a bushfire hazard.*

Objective

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Strategies

Protection of human life

Give priority to the protection of human life by:

- *Prioritising the protection of human life over all other policy considerations.*
- *Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.*
- *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.*

Bushfire hazard identification and assessment

Identify bushfire hazard and undertake appropriate risk assessment by:

- *Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.*
- *Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.*
- *Applying the Bushfire Management Overlay to areas where the extent of vegetation can create an extreme bushfire hazard.*
- *Considering and assessing the bushfire hazard on the basis of:*
 - *Landscape conditions - meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;*
 - *Local conditions - meaning conditions in the area within approximately 1 kilometre of a site;*
 - *Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and*
 - *The site for the development.*
- *Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.*
- *Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.*
- *Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.*

Settlement planning

Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:

- *Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).*
- *Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018) where human life can be better protected from the effects of bushfire.*
- *Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.*
- *Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall.*
- *Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction.*

- *Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.*
- *Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).*

Areas of biodiversity conservation value

Ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity.

Use and development control in a Bushfire Prone Area

In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for the following uses and development:

- *Subdivisions of more than 10 lots.*
- *Accommodation.*
- *Child care centre.*
- *Education centre.*
- *Emergency services facility.*
- *Hospital.*
- *Indoor recreation facility.*
- *Major sports and recreation facility.*
- *Place of assembly.*
- *Any application for development that will result in people congregating in large numbers.*

When assessing a planning permit application for the above uses and development:

- *Consider the risk of bushfire to people, property and community infrastructure.*
- *Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.*
- *Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.*

ASSESSMENT

The site is within a designated bushfire risk area however is not covered by a Bushfire Management Overlay which is therefore considered a lesser bushfire risk.

The site will be accessed via an upgraded access point from Princes Highway to the satisfaction of VicRoads and will be suitable for emergency vehicles including fire fighting

vehicles. Road surfaces will be all weather with a court bowl of sufficient turning capacity to satisfy CFA requirements. Each allotment will have a reticulated water supply for drinking and firefighting. Rainwater tanks will be a requirement of the development stage to supplement mains water supplies if required.

The area has not been identified as an area of important area of biodiversity. Development of the area are expected to provide bushfire risk mitigation measures afforded by home ownership such as weed control, grass mowing and property land maintenance.

Clause 13.03-1S

Floodplain management

Objective

To assist the protection of:

- *Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.*
- *The natural flood carrying capacity of rivers, streams and floodways.*
- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environmental significance or of importance to river, wetland or coastal health.*

Strategies

Identify land affected by flooding, including land inundated by the 1 in 100 year flood event (1 per cent Annual Exceedance Probability) or as determined by the floodplain management authority in planning schemes.

Avoid intensifying the impact of flooding through inappropriately located use and development.

Plan for the cumulative impacts of use and development on flood behaviour.

Locate emergency and community facilities (including hospitals, ambulance stations, police stations, fire stations, residential aged care facilities, communication facilities, transport facilities, community shelters, child care centres and schools) outside the 1 in 100 year (1 per cent Annual Exceedance Probability) floodplain and, where possible, at levels above the height of the probable maximum flood.

Locate use and development that involve the storage or disposal of environmentally hazardous industrial and agricultural chemicals or wastes and other dangerous goods (including intensive animal industries and sewage treatment plants) outside floodplains unless site design and management is such that potential contact between such substances

and floodwaters is prevented, without affecting the flood carrying and flood storage functions of the floodplain.

Ensure land use on floodplains minimises the risk of waterway contamination occurring during floods and floodplains are able to function as temporary storage to moderate peak flows and minimise downstream impacts.

ASSESSMENT

The developable areas of each allotment are outside any areas of existing land prone to flooding or land proposed to be covered by planning controls for flooding in amendment C69.

Clause 14.02

WATER

14.02-1S

Catchment planning and management

Objective

To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.

Strategies

Ensure the continued availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.

Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments.

Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:

- Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,*
- Minimise erosion of stream banks and verges, and*
- Reduce polluted surface runoff from adjacent land uses.*

Undertake measures to minimise the quantity and retard the flow of stormwater from developed areas.

Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.

Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.

Ensure land use and development minimises nutrient contributions to water bodies and the potential for the development of algal blooms.

Require appropriate measures to restrict sediment discharges from construction sites.

Ensure planning is coordinated with the activities of catchment management authorities.

Ensure that water quality infrastructure is designed to minimise risk of harm to surface waters and groundwater.

Policy guidelines

Consider as relevant:

- *Any regional catchment strategy and related plans approved under the Catchment and Land Protection Act 1994.*
- *Any applicable implementation strategy approved by a catchment management authority or waterway management authority.*
- *Any special area or management plan under the Heritage Rivers Act 1992.*
- *Any action statement or management plan prepared under the Flora and Fauna Guarantee Act 1988.*

Policy documents

Consider as relevant:

- *Murray River Regional Environmental Plan No 2 (REP2) of New South Wales*
- *Marine and Coastal Policy (Department of Environment, Land, Water and Planning, 2020)*
- *Planning Permit Applications in Open, Potable Water Supply Catchment Areas (Department of Sustainability and Environment, 2012)*
- *Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999)*

ASSESSMENT

As discussed, waste water systems are designed and setback to meet relevant standards. Surface water and stormwater management systems will be designed to meet Council standards which is anticipated to be implemented via permit conditions including

environmental protection measures during the construction of the required infrastructure for the subdivision.

Requirements of the catchment management authority will be considered and met as part of the referral process.

Clause 14.02-2S

Water quality

Objective

To protect water quality.

Strategies

Protect reservoirs, water mains and local storage facilities from potential contamination.

Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.

Discourage incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.

Prevent the establishment of incompatible land uses in aquifer recharge or saline discharge areas and in potable water catchments.

Encourage the siting, design, operation and rehabilitation of landfills to reduce impact on groundwater and surface water.

Use the mapped information available from the Department of Energy, Environment and Climate Action to identify the beneficial uses of groundwater resources and have regard to potential impacts on these resources from proposed land use or development.

Policy documents

Consider as relevant:

- *Civil Construction, Building and Demolition Guide (Publication 1834, Environment Protection Authority, November 2020)*
- *Planning permit applications in open, potable water supply catchments (Department of Sustainability and Environment, 2012)*

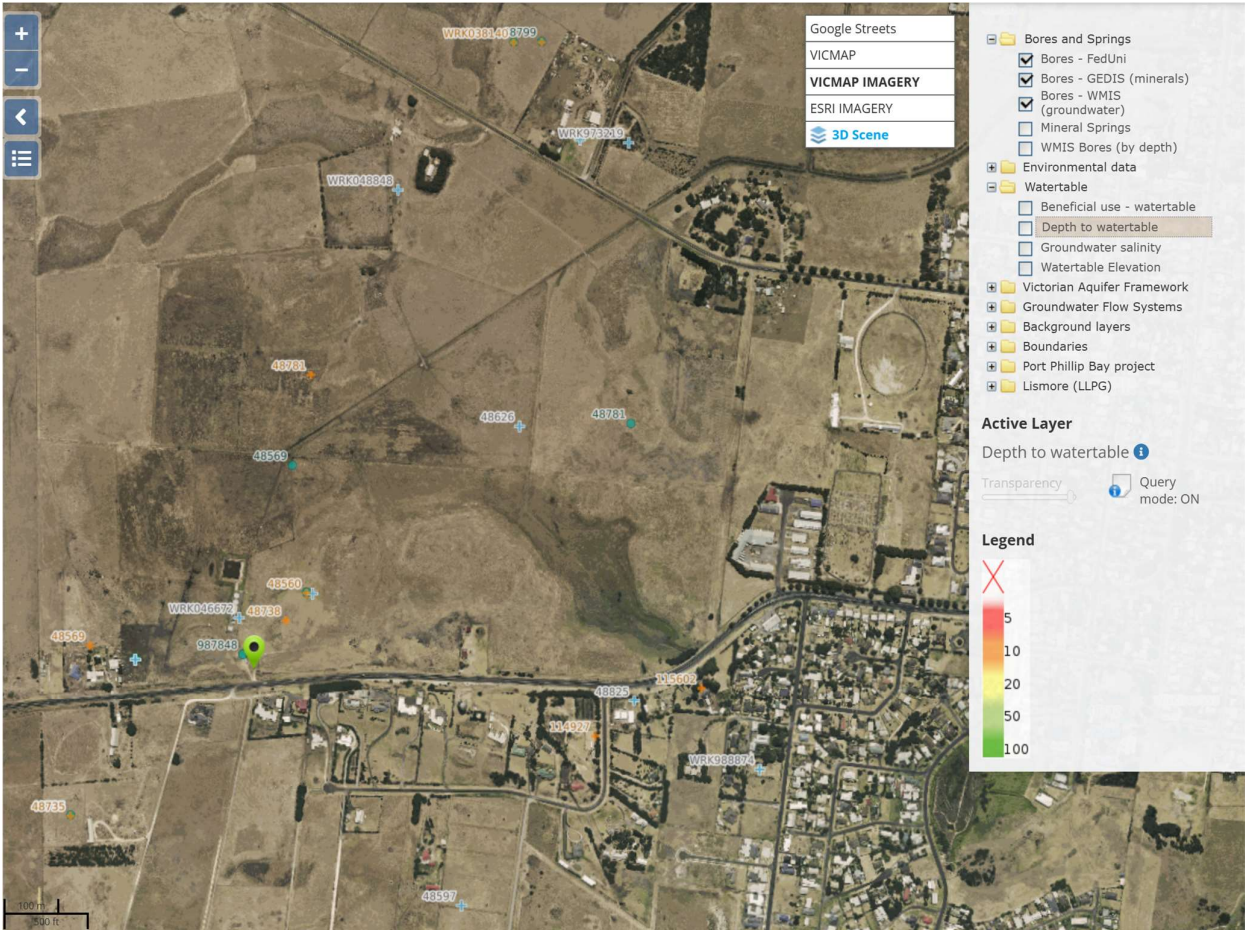
ASSESSMENT

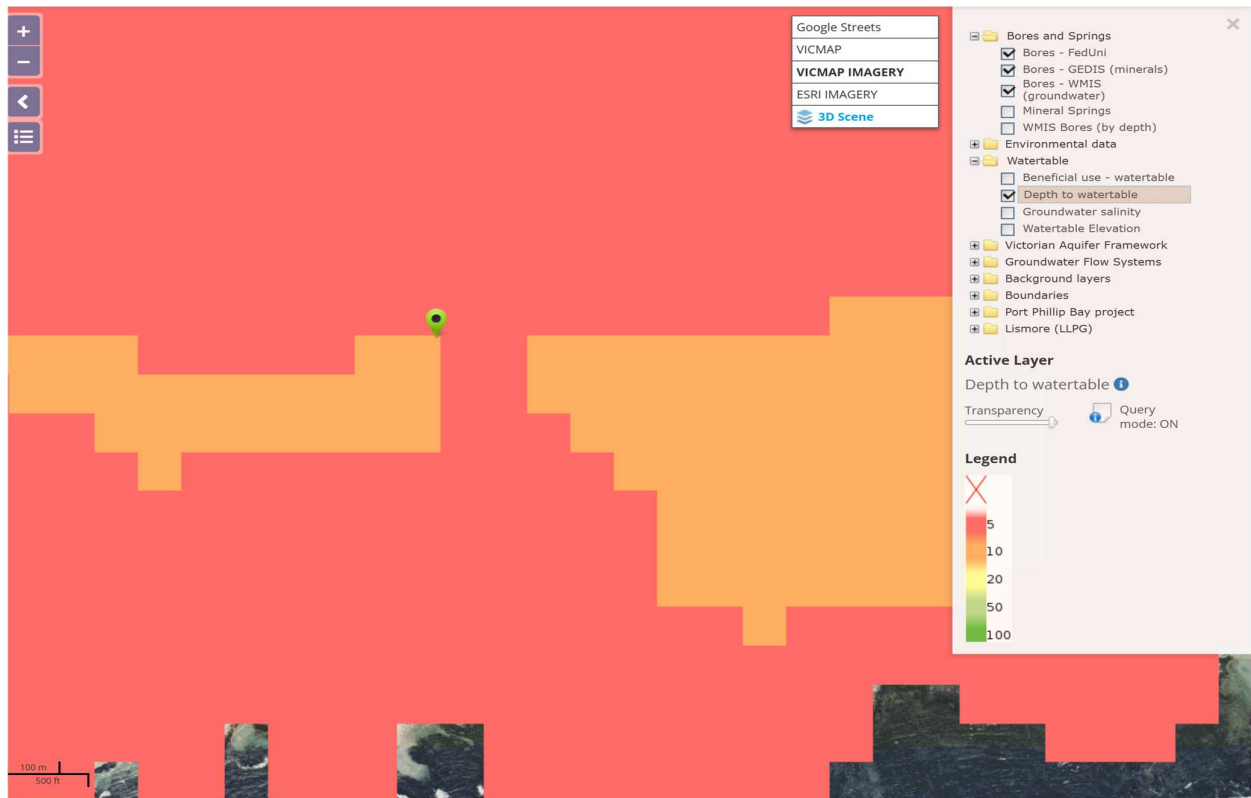
A detailed land capability assessment was provided with the application which contained detailed information derived by desktop analysis and sample bore holes to test soil composition and water content below the ground surface.

The area has already been mapped for groundwater above ground with inundation as modelled by the CMA to inform the flood mapping. The extent of inundation for the 1/100 year flood event is already in the planning scheme and has been taken into consideration with the subdivision design. Groundwater will vary depending on the time of year and rainfall levels and climactic events. The 1/100 year flood level already provides the “worst case scenario”, with aerial photos supplied showing the regular areas of inundation.

The Visualising Victorias Groundwater website shows the depth of groundwater on the site is estimated at 5m as shown below. This has been taken into consideration by PM Designs who have prepared the Land Capability Assessment. This information can be verified using the link for information <https://www.vvg.org.au/>

Site images from website and estimated depth of groundwater (5m).





Additional soil tests are required at the building permit stage to inform foundation designs and specifications for future buildings to design buildings and wastewater treatment systems around ground conditions.

Clause 14.02-3S

Protection of declared irrigation districts

Objective

To plan and manage for sustainable change within irrigation districts declared under Part 6A of the Water Act 1989.

Strategies

Identify and plan for the future needs of communities to adapt and adjust to strategic land use change within an irrigation district.

Ensure the future viability of an irrigation district by preventing non-agricultural use of land in a declared irrigation district where the land is serviced, or was serviced as at 17 September 2019, by rural water corporation irrigation infrastructure, unless the rural water corporation infrastructure has been, or is planned to be, decommissioned.

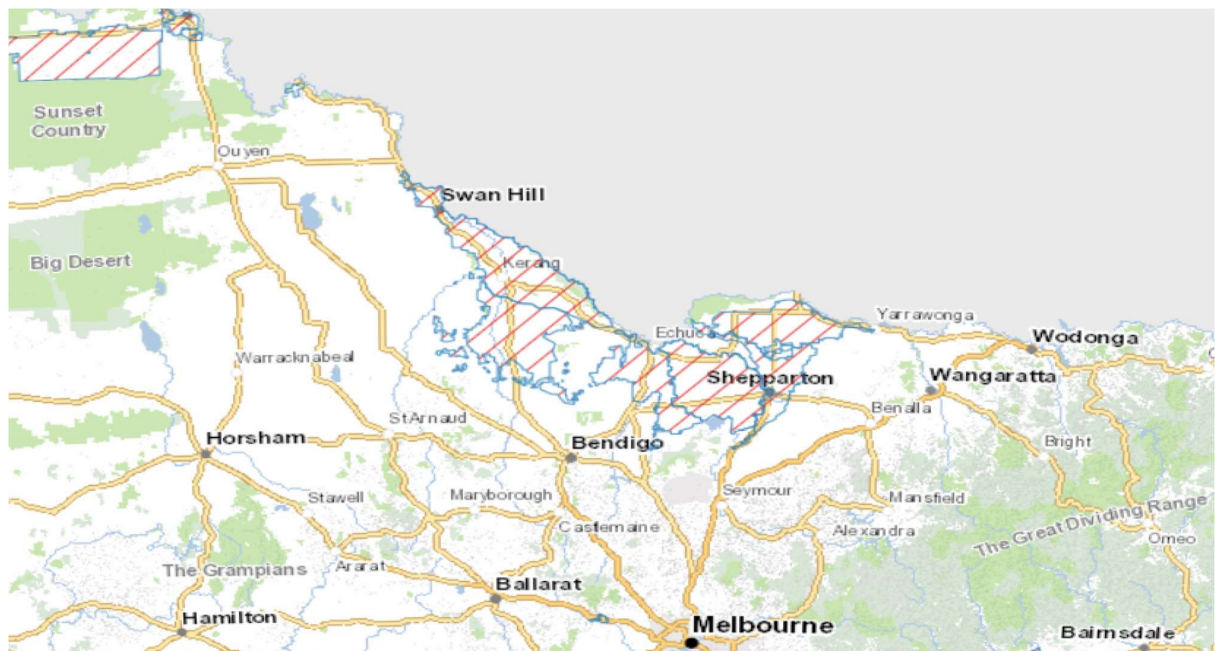
Ensure non-agricultural land use does not undermine the integrity of irrigation infrastructure and complements existing and future agricultural production.

Ensure land use change within an irrigation district does not negate the potential opportunities for a rural water corporation to make adjustments to the footprint of an irrigation district that are identified under an approved plan or strategy.

Ensure land use change does not limit the ability of future investment in irrigation infrastructure that achieves the intended benefits of minimising water loss, and improved irrigation service efficiency to the farm gate and overall agricultural production.

ASSESSMENT

The site is not within a declared irrigation district as identified below on the Victorian Government map.



Clause 15.01 BUILT ENVIRONMENT

Clause 15.01-1S Urban design

Objective

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Strategies

Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.

Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.

Ensure the interface between the private and public realm protects and enhances personal safety.

Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.

Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.

Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.

Promote good urban design along and abutting transport corridors.

ASSESSMENT

The proposed subdivision is laid out in an orderly manner responsive to the site constraints and terrain. There is no public open space proposed. The subdivision utilises existing transport links and has the capacity to accord with the vision of the Port Fairy Coastal Structure Plan shown below.



**Clause 15.01-2S
Building design**

Objective

To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Strategies

Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.

Ensure development responds and contributes to the strategic and cultural context of its location.

Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.

Improve the energy performance of buildings through siting and design measures that encourage:

- *Passive design responses that minimise the need for heating, cooling and lighting.*
- *On-site renewable energy generation and storage technology.*
- *Use of low embodied energy materials.*

Restrict the provision of reticulated natural gas in new dwelling development.

Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.

Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.

Encourage water efficiency and the use of rainwater, stormwater and recycled water.

Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.

Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.

Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.

Ensure development is designed to protect and enhance valued landmarks, views and vistas.

Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.

Encourage development to retain existing vegetation.

Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.

ASSESSMENT

The subdivision allows for building design on lots which will easily accommodate the objectives of the Clause at the development stage.

Clause 15.01-2L

Building design - significant landscapes

Strategies

Encourage a reasonable sharing of views between new and existing built form, particularly where the view is of a significant landscape feature, including views of the ocean and coastal shoreline, coastal cliffs and sand dunes, rivers and estuaries and notable cultural and scenic landscape features.

Ensure that buildings and structures are designed and sited to avoid overshadowing of foreshore areas, waterways, wetlands or areas of public access such as boardwalks, walkways and pathways.

ASSESSMENT

View sharing is catered for by the use of building envelopes to allow for visual permeability through lots.

15.01-3S

Subdivision design

Objective

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Strategies

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- *Creating compact neighbourhoods that have walkable distances between activities.*
- *Developing activity centres in appropriate locations with a mix of uses and services and access to public transport.*
- *Creating neighbourhood centres that include services to meet day to day needs.*
- *Creating urban places with a strong sense of place that are functional, safe and attractive.*
- *Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.*
- *Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.*
- *Protecting and enhancing habitat for native flora and fauna, and providing opportunities for people to experience nature in urban areas.*
- *Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.*

- *Reduce car dependency by allowing for:*
 - *Convenient and safe public transport.*
 - *Safe and attractive spaces and networks for walking and cycling.*
 - *Subdivision layouts that allow easy movement within and between neighbourhoods.*
 - *A convenient and safe road network.*
- *Minimising exposure of sensitive uses to air and noise pollution from the transport system.*
- *Being accessible to people with disabilities.*
- *Creating an urban structure that:*
 - *Responds to climate related hazards.*
 - *Incorporates integrated water management, including sustainable irrigation of open space.*
 - *Minimises peak demand on the electricity network.*
 - *Supports energy efficiency and solar energy generation through urban layout and lot orientation.*
 - *Supports waste minimisation and increased resource recovery.*
- *Providing utilities and services that support the uptake of renewable energy technologies, such as microgrids and energy storage systems, including batteries.*
- *Providing all-electric lots.*

ASSESSMENT

The proposal provides diversity of potential housing choice with the benefit of existing infrastructure such as existing transport links, and road frontage. There is a bus service to and from Port Fairy to surrounding centres and a bus stop within close proximity to the subject site.

A 6m wide internal access road is proposed in a 14m wide common property reserve with a 10m radius court bowl all of which are proposed to be constructed of compacted gravel. The existing access crossover on Princes Highway will be widened and constructed to VicRoads standards.

The proposal meets the design objectives in the following ways:

- The proposed allotments are generous ranging from 4,026 sqm - 14,980 sqm in accordance with the minimum lot sizes specified in the respective schedules to the relevant zones.
- The proposal has been assessed against the relevant Clauses of Clause and found to be compliant.
- The building area available for each lot allows sufficient setback for a future dwelling to meet any planning or building regulation requirements for development.
- The proposed allotments allow sufficient area for landscaping and habitat.
- Building envelopes proposed will ensure future development is open and well-spaced to reflect the semi-rural character of the area.
- Domestic wastewater management as demonstrated by the LCA are compliant with Australian and EPA requirements.

Clause 16.01
RESIDENTIAL DEVELOPMENT

16.01-1S
Housing supply

Objective

To facilitate well-located, integrated and diverse housing that meets community needs.

Strategies

Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.

Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.

Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.

Identify opportunities for increased residential densities to help consolidate urban areas.

Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.

Encourage the development of well-designed housing that:

- *Provides a high level of internal and external amenity.*
- *Incorporates universal design and adaptable internal dwelling design.*

Support opportunities for a range of income groups to choose housing in well-serviced locations.

Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

ASSESSMENT

The proposal provides a degree of housing choice although this is constrained by the minimum lot size under the zones of 4,000 sqm and 10,000 sqm. The site is ideally suited to a large lot composition given its transitional location between the farming zone land and the higher densities associated with the general residential land.

16.01-1R

Housing for older people - Great South Coast

Strategy

Support the provision of suitable housing for older people to cater for projected demographic change.

ASSESSMENT

The proposal provides future housing choice with minimum lot sizes dictated by the zone. Large allotments such as the proposed will appeal to older people who prefer a rural lifestyle.

Clause 16.01-2S

Housing affordability

Objective

To deliver more affordable housing closer to jobs, transport and services.

Strategies

Improve housing affordability by:

- *Ensuring land supply continues to be sufficient to meet demand.*
- *Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.*
- *Promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.*
- *Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.*

Increase the supply of well-located affordable housing by:

- *Facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts.*
- *Ensuring the redevelopment and renewal of public housing stock better meets community needs.*

Facilitate the delivery of social housing by identifying surplus government land suitable for housing.

ASSESSMENT

There is a demand for large semi-rural lots in Port Fairy. Comparatively this land will be sold at more affordable prices than central and lots near the beach which command premium prices.

Clause 16.01-3S

Rural residential development

Objective

To identify land suitable for rural residential development.

Strategies

Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.

Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.

Demonstrate need and identify locations for rural residential development through a housing and settlement strategy.

Ensure planning for rural residential development avoids or significantly reduces adverse economic, social and environmental impacts by:

- *Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources.*
- *Protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat.*
- *Minimising or avoiding property servicing costs carried by local and state governments.*
- *Maintaining an adequate buffer distance between rural residential development and animal production.*

Ensure land is not zoned for rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.

Discourage development of small lots in rural zones for residential use or other incompatible uses.

Encourage consolidation of existing isolated small lots in rural zones.

Ensure land is only zoned for rural residential development where it:

- *Is located close to existing towns and urban centres, but not in areas that will be required for fully serviced urban development.*
- *Can be supplied with electricity, water and good quality road access.*

ASSESSMENT

The proposed subdivision is zoned for low density residential and rural living development and is laid out in accordance with zone and overlay requirements.

Clause 16.01-3R

Rural residential development - Great South Coast

Strategies

Support rural residential development in locations that:

- *Are adjacent to towns with limited growth demand to sustain population levels and communities.*
- *Are not strategically identified for standard density urban growth.*

ASSESSMENT

As above.

Clause 65.02

APPROVAL OF AN APPLICATION TO SUBDIVIDE LAND

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- *The suitability of the land for subdivision.*
- *The existing use and possible future development of the land and nearby land.*
- *The availability of subdivided land in the locality, and the need for the creation of further lots.*
- *The effect of development on the use or development of other land which has a common means of drainage. The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*
- *The density of the proposed development.*
- *The area and dimensions of each lot in the subdivision.*
- *The layout of roads having regard to their function and relationship to existing roads.*

- *The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*
- *The provision and location of reserves for public open space and other community facilities.*
- *The staging of the subdivision.*
- *The design and siting of buildings having regard to safety and the risk of spread of fire.*
- *The provision of off-street parking.*
- *The provision and location of common property.*
- *The functions of any body corporate.*
- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*
- *If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.*
- *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.*
- *The impact the development will have on the current and future development and operation of the transport system.*

ASSESSMENT

The application is considered to meet the requirements of Clause 65 in the following ways:

- The land is of a suitable size, zone and topography to be subdivided. The subdivision represents rural infill development that is consistent with the prevailing large lot character.
- The future use will most likely be residential which will require a permit for further assessment as will other proposals for development to ensure future development is properly assessed.
- There is a shortage of readily available large lots in Port Fairy available. This proposal contributes to the land supply in an orderly planned fashion.
- The proposal is generally consistent with the pattern of subdivision, lot sizes and density of the area.
- Building envelopes and waste water treatment systems manage environmental impacts in accordance with the LCA.
- Services and infrastructure are available to each lot.
- Minimal significant vegetation removal is required.
- The creation of additional lots is not considered to have any impact on transport, or the current or future development of the area.

7. CONCLUSION

The proposed subdivision represents a low density style gateway when entering Port Fairy travelling from the west. It provides a gradual transition from the sparse rural development

associated with the farming zone to the more urban landscape of the township fringe. The subdivision will provide for well-spaced future development that is serviced by existing infrastructure including water, electricity and transport infrastructure. The land capability assessment confirms that the allotments created can be serviced with septic tanks to meet Australian standards, EPA and Council requirements. A Cultural Heritage Management Plan has been provided which confirms the site is able to be developed with a low risk of significant cultural material disturbance.

The proposal has been assessed against the requirements of the Low Density Residential Zone, Rural Living Zone, Design Development Overlay Schedule 21 (DDO21), Planning Policy Framework and Municipal Planning Strategy, relevant clauses of Clause 56 and found to be compliant.

It is considered that the proposal has merit and is hoped to be supported by Council, however should Council require further information please requires further information this will be promptly provided.