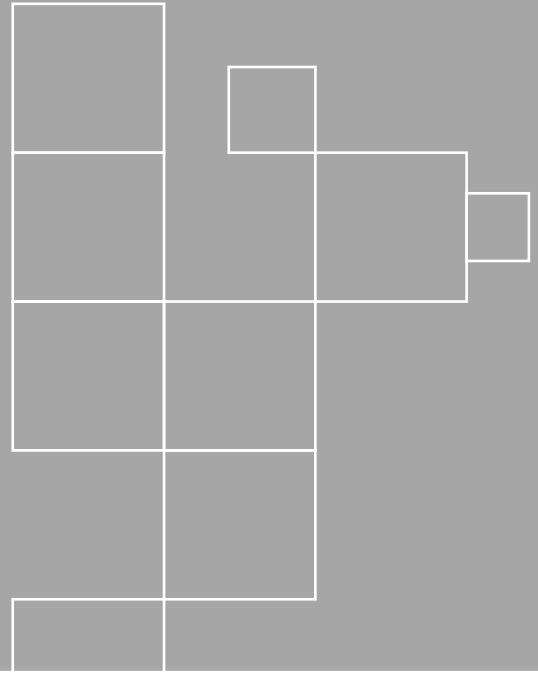


Town Planning Report

Four (4) Lot Residential Subdivision including creation of easements

53 Halladale Street, Peterborough



Quality and Care

Project No.	Revision	Author	Date	Issue
24-102	01	Daniel Pech	12/12/2024	FINAL issued to Council

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1. Introduction

1.1. Summary

DP Planning has been engaged to prepare a planning permit application for 53 Halladale Street, Peterborough (the 'Site').

Approval is sought for a four (4) lot subdivision within the General Residential Zone, including the creation of easements and native vegetation removal. This report provides details of the subject site and surrounding area; a detailed description of the proposal; and an assessment and justification of the proposal against the applicable provisions of the Moyne Planning Scheme.

Having considered the proposal with respect to the Moyne Planning Scheme, it is submitted that the proposal is appropriate and warrants a planning permit for the following reasons:

- The proposal is supported by the Municipal Planning Strategy and the Planning Policy Framework;
- The proposal is an appropriate response to the relevant planning controls affecting the site, providing a sensitively designed subdivision that is in keeping with the role and scale of the area and the surrounding physical neighbourhood context.
- The proposal will positively contribute to the development and built form of the local area.
- The subdivision appropriately meets the objectives of Clause 56 of the Moyne Planning Scheme, providing a design and layout that promotes health, safety and surveillance and provides adequate amenity for residents and adjoining properties.
- The proposal has considered the impacts of the development on cultural heritage, ecology, landscape and biodiversity values (including native vegetation removal), and results in an acceptable environmental and planning outcome.
- The proposal has considered the bushfire risk and does not result in any increased threat of bushfire risk to life, property or the community.
- The proposal will add to the supply of residential land within the municipality and, subsequently, will make a positive contribution to housing supply, affordability and diversity.

The following documents should be read in tandem with this report and are provided as part of the application:

- Planning Property Report;
- Photo Montage;
- Town Planning Drawing (by DP Planning);
- Clause 56 Assessment;
- Preliminary Plan of Subdivision (prepared by Smith Land Surveyors);
- Stormwater Management Strategy (prepared by SITEC);
- Biodiversity Assessment (prepared by Beacon Ecological);
- Traffic Assessment; and
- Cultural Heritage Management Plan.



For the reasons detailed within this report (and associated Appendices), we respectfully request Council support the proposal and grant a planning permit.

1.2. Limits and exclusions

This report has considered the following documents:

- Moyne Planning Scheme (as of 10/12/2024)
- Certificate of Title (dated 10/12/2024)



2. Site, environs and context

2.1. Site

Site address	53 Halladale Street, Peterborough
Title details	Crown Allotment 7 Township of Peterborough Parish of Narrawaturk (Vol. 09660 Folio 724)
Site description	<p>The Site comprises one parcel of approximately 5,200 square metres and consists of an irregular rectangular shape.</p> <p>This site has a frontage to the Halladale Street road reserve (east) and Old Peterborough Road road reserve (west).</p>
Landowners	For the purposes of Section 48 of the Planning and Environment Act 1987 Peterborough Investments Pty Ltd and Maree Therese Markus are the registered landowners.
Easements, restrictions or covenants	<p>The site is not encumbered by any easements or restrictive covenants pursuant to Section 173 of the Planning and Environment Act 1987 and the Subdivision Act 1988.</p> <p>Refer to Appendix A - Certificate of Title for further details.</p>

2.2. Environs

The Site is approximately 5,200 square metres and is situated between the Old Peterborough Road and Halladale Street road reserves. The site has an irregular rectangular shape, with its boundaries formed by the curtilages of residential lots to the north and south and road reserves to the east and west. The site is relatively flat with a slight fall to the eastern boundary.

The Site is located in the General Residential Zone and consists of one dwelling and associated outbuildings. The existing dwelling is setback approximately 30 metres from the eastern (front) boundary.

The Site is accessed via the constructed crossover comprising a 5-metre crushed gravel driveway at the access/egress to Halladale Street (dimensions approximated) and via the constructed crossover to Old Peterborough Road.

The Site comprises small stands of planted native and exotic vegetation, as evidenced by site observation and mapped native vegetation from DELWP's Nature Kit database, which illustrates the location of pre-2005 native vegetation. Land adjoining the Site's western boundary (Old Peterborough Road) comprises regrown areas of Damp Heathland/Damp Heathy Woodland Mosaic.

The site is serviced with reticulated water, sewer, telecommunications and power infrastructure (see **Appendix C** for a copy of site photos).

The site is also serviced with kerb-side waste collection within the Peterborough rubbish collection area.

Refer to **Figure 1** – Aerial Plan



Figure 1: Aerial Plan

2.3. Context

The Site is situated within the Peterborough Township and within an established residential area where residential development is to be encouraged.

Land immediately to the north and south of the Site is located in the General Residential Zone (**GRZ**) and comprises a mix of single-detached dwellings on lots generally between 900-1,800 square metres and vacant land with lot sizes between 1,500 square metres and 5,400 square metres.

The built form of the area contains very little uniformity in terms of materials, setbacks and other typical residential characteristics. Buildings are setback between 4 metres and 30 metres to the Halladale Street

with garden areas within the frontage. These characteristics are reflective of the period of development within the 'Old Peterborough' Township, and comprise an informal and charming part of the town's seaside character.

There has been little infill residential lot construction on the east side of Old Peterborough Road and in close proximity to the Site. Land elsewhere in Peterborough has been steadily subdivided in recent years, as the demand for housing supply has reached a point where both greenfield and infill residential development are desirable. This is in part due to local demand for housing out-stripping supply in larger urban areas, local policies encouraging subdivision within established township boundaries and policies discouraging small-lot subdivisions and rural lifestyle development in surrounding Farming Zone areas. This situation is expected to continue into the future.

The character of the Site and surrounds is reflective of it's position within the **GRZ**, period of development and position on the township boundary.

The Site's key interfaces are as follows:

West	Beyond the Old Peterborough road reserve to the west is vacant GRZ land in the planning stages of a large residential development (57 lots).
East	Beyond the Halladale Street road reserve to the east is vacant FZ land adjoining the Curdies River Inlet containing Estuarine Wetlands and Coastal Headland Scrub.
South	To the south are developed and vacant residential lots in the GRZ comprising a single-story building. These lots are approximately 1,500 square metres with a rectangular geometry and obtain access from Old Peterborough Road and Halladale Street.
North	To the north are developed residential lots comprising single-storey buildings in the GRZ . These lots are between 900-1800 square metres and obtain access from Halladale Street and Champion Street.

Refer to **Figure 1** – Aerial Plan, **Figure 2** – Context Plan and the Appendices for further details.

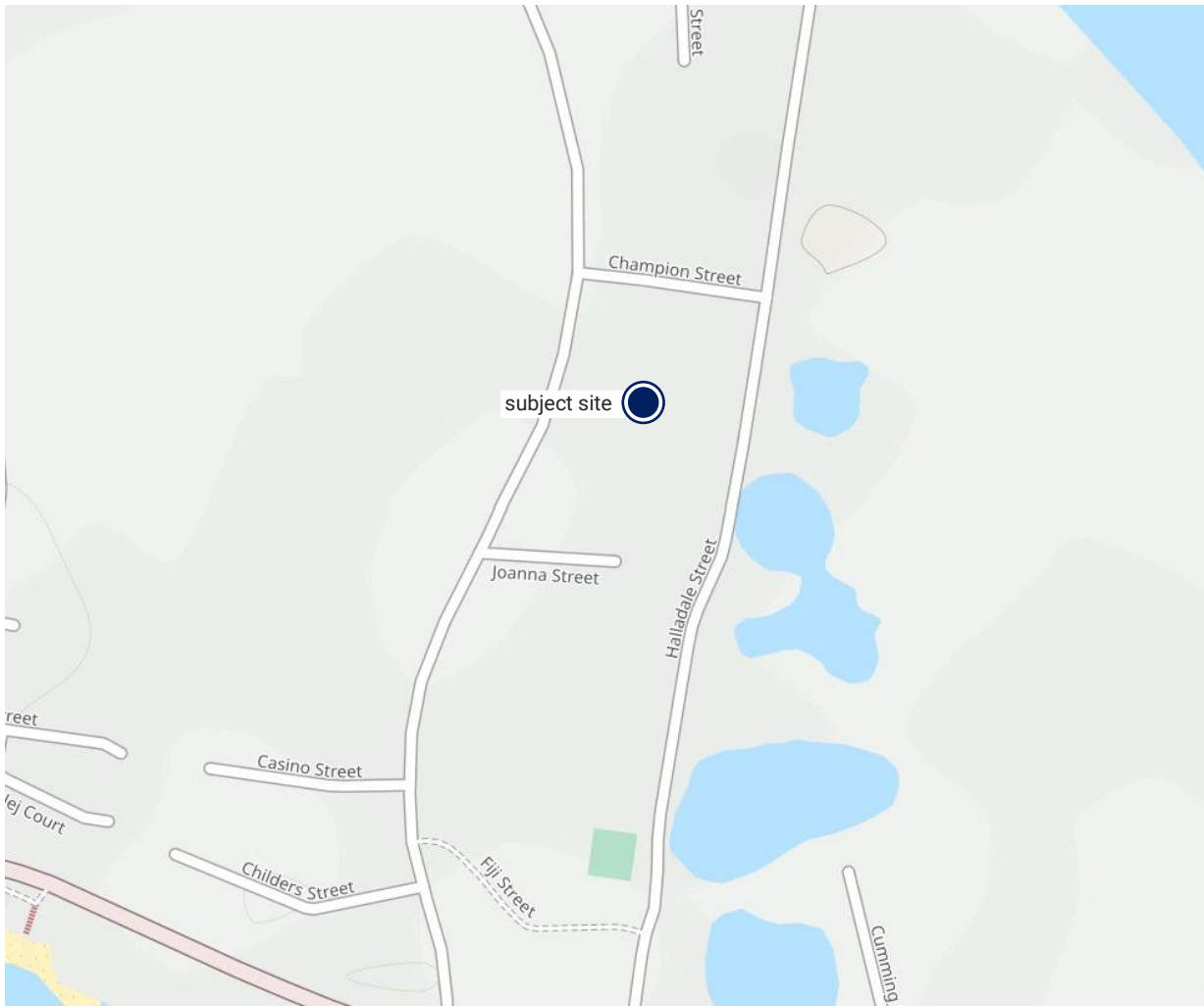


Figure 2: Context Plan (source: OpenStreetMap© accessed 10 December 2024)

3. Proposal synopsis

3.1. Planning permit description

A planning permit is sought for a four (4) lot residential subdivision, including the creation of easements and native vegetation removal.

The following Clauses of the Moyne Planning Scheme trigger a planning permit for the proposal:

- Clause 32.08-3 (General Residential Zone) – Subdivision
- Clause 42.01-2 (Environmental Significance Overlay- Schedule 2) – Permit requirement
- Clause 42.03-2 (Significant Landscape Overlay – Schedule 3) – Permit requirement
- Clause 43.02-3 (Design and Development Overlay – Schedule 24) – Permit requirement
- Clause 52.17-1 (Native Vegetation) – Permit requirement
- **Clause 52.02: Creation of an easement (carriageway) - Permit requirement**

This section of this report describes in detail what the proposal is for, and is followed by an assessment of relevant policies and provisions of the Moyne Planning Scheme

3.2. Proposal description

3.2.1. Subdivision and easements

This application seeks a planning permit for a four (4) lot residential subdivision comprising:

- Lot 1: 1,073 square metres with a frontage of 23.47 metres to the Old Peterborough Road road reserve.
- Lot 3: 1,346 square metres, with a frontage of 29.41 metres to the Old Peterborough Road road reserve.
- Lot 2: 1,106 square metres with a frontage of 22.07 metres to the Halladale Street road reserve.
- Lot 4: 1,642 square metres with a frontage of 28.22 metres to the Halladale Street road reserve.

The works to enable the subdivision include typical service connections to stormwater, water, sewer, telecommunications and power infrastructure, crossovers/vehicle access. Property boundary fencing will be designed and managed as part of future planning permit applications (as relevant and required).

An easement is proposed on Lot 3 in benefit/favour of Lot 1 to enable orderly vehicle access to the Old Peterborough Road road reserve by conventional and emergency service vehicles.

The subdivision has been designed with a geometry that is suitable for the proposed stormwater strategy. Stormwater works to implement the stormwater strategy are proposed and described in **Appendix F**. An easement is likely to be required to convey stormwater and stormwater assets for the subdivision to the Halladale Street road reserve.

Waste collection will occur (as normal) at the frontage of lots to Halladale Street and at the consolidated access point of the Old Peterborough Road road reserve. See **Appendix I** for traffic engineering advice on these topics.

3.2.2. Native vegetation

A small amount of native vegetation (20 square meters) is to be removed to provide vehicle clearance for vehicle access to the Old Peterborough Road road reserve for Lot 1 and Lot 3. As such, a permit is required under Clause 52.17 Native Vegetation.

The report at **Appendix H** (Biodiversity Assessment) provides fulsome details of the area impacted and ventilates an assessment of necessary matters as part of an intermediate assessment pathway, per the Guidelines for the removal, destruction or lopping of native vegetation (the Guidelines) (DELWP 2017).

Care has been taken in the design of the accessway to avoid native vegetation as best as possible including altering the alignment of the accessway to avoid impacts greater than 10% to the Tree Protection Zones of nearby Drooping Sheoak trees. Meaning, no native trees are to be impacted by the proposed accessway works.

4. Planning context

Clause 65 of the Victorian Planning Provisions identifies the relevant decision guidelines that a Responsible Authority (Council) must consider in assessing a planning permit application. The following are relevant to the proposed development:

- The matters set out in Section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provisions.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.
- The effect of the amenity of the area.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

These matters, where relevant, form the framework of the following sections of this report.

4.1. Municipal Planning Strategy (MPS)

The Municipal Planning Strategy (MPS) describes local planning policies with a specific focus on areas and issues within the Moyne municipality. The policies relevant to the proposal are described below.

- Clause 02.01 **Context:** The population of Moyne (approximately 17,374 in 2021) is growing modestly, with strong demand for growth along coastal areas.
- Clause 02.01 **Vision:** The adopted 'Vision' for Moyne is: *The people of Moyne embrace the region's extraordinary cultural and ecological country. Our fertile volcanic plains and pristine coast are the pride of Victoria's southwest. From coast to country, our connected and vibrant communities are active stewards, working meaningfully towards the protection and advancement of environment, history, social and economic vitality for present and future generations.*

The priority aspirations for each of the above themes (of relevance to the application) include a commitment to:

- Live in well-planned and connected neighbourhoods that protect our way of life and cultural heritage.
- Have access to housing that suits our budget, the size of our family and lifestyle needs.
- Clause 02.03-1 **Settlement:** The Shire accommodates 11 township settlements. Future urban settlement needs to be carefully managed to prevent land use conflicts and ensure the efficient

delivery of service infrastructure. The consolidation of existing townships is important to accommodating urban population growth in an orderly manner.

Peterborough

Peterborough is a small coastal village on the Great Ocean Road. It is located within a significant coastal landscape, with the backdrop of the Curdies River estuary and rural hinterland. Other natural and cultural values include indigenous heritage, wildlife viewing, and wetlands and ecosystems. Flooding is an issue adjacent to the Curdies River.

Peterborough has low growth capacity primarily through infill development and renewal within existing urban or appropriately zoned land within defined settlement boundaries.

Relevant strategic directions include:

- Direct growth to settlements in accordance with their role and functions specified in the Moyne Shire settlement hierarchy at Table 1.
- Encourage growth within clearly established boundaries of settlements to protect their character and adjoining farmland, and ensure that the environmental and landscape values are not compromised.
- Maintain Peterborough as a small coastal town on the Great Ocean Road.

Table 1. Moyne Shire Settlement Hierarchy

Settlement Status	Expansion and infill capacity	Name of settlement
Town	- Low to moderate growth capacity.	Macarthur
Settlements with population levels that vary in line with general services. Diversity of demography and housing. Stronger employment relationships with larger settlements nearby. Sewer connections vary.	- Identified potential for some growth beyond urban zoned land and through infill development within defined settlement boundaries.	<u>Peterborough</u> (author underline)

- Clause 02.03-2 **Environmental and landscape values:** 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.

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.



Relevant strategic directions include:

- Protect areas of remnant native vegetation, particularly along roadsides and on freehold land, recognising the ecological and economic value.
 - Protect and enhances significant environmental values, remnant vegetation and riparian corridors within settlements.
- Clause 02.03-3 **Environmental risks and amenity**: The municipality faces complex fire risk in agricultural, forested, urban bushland, rural residential and coastal areas.

Relevant strategic directions include:

- Ensure land use and development responds to fire risk.
- Clause 02.03-6 **Housing**: 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.

Relevant strategic directions include:

- Encourage population growth within all areas of the Shire.
 - Support residential development densities that protect the heritage value and neighbourhood character of settlements.
- Clause 02.03-9 **Infrastructure**: The design, management and delivery of infrastructure are key issues for Council.

Council has adopted the Infrastructure Design Manual (IDM) (prepared by the Local Government Infrastructure Design Association) which includes guidelines for the design and construction of infrastructure, including roads, drainage, stormwater, car parking, landscaping, access, earthworks, public lighting and intersection treatments. The IDM complements the objectives and standards of Clause 56 for residential subdivision applications.

Relevant strategic directions include:

- Provide clear and consistent guidelines for the planning, design and construction of infrastructure.
- Clause 02.04 **Moyne Strategic Framework Plan**: Peterborough is identified as a 'town' within the Moyne Strategic Framework Plan (see **Figure 3**).



Figure 3: Context Plan (source: OpenStreetMap© accessed 21 November 2024)

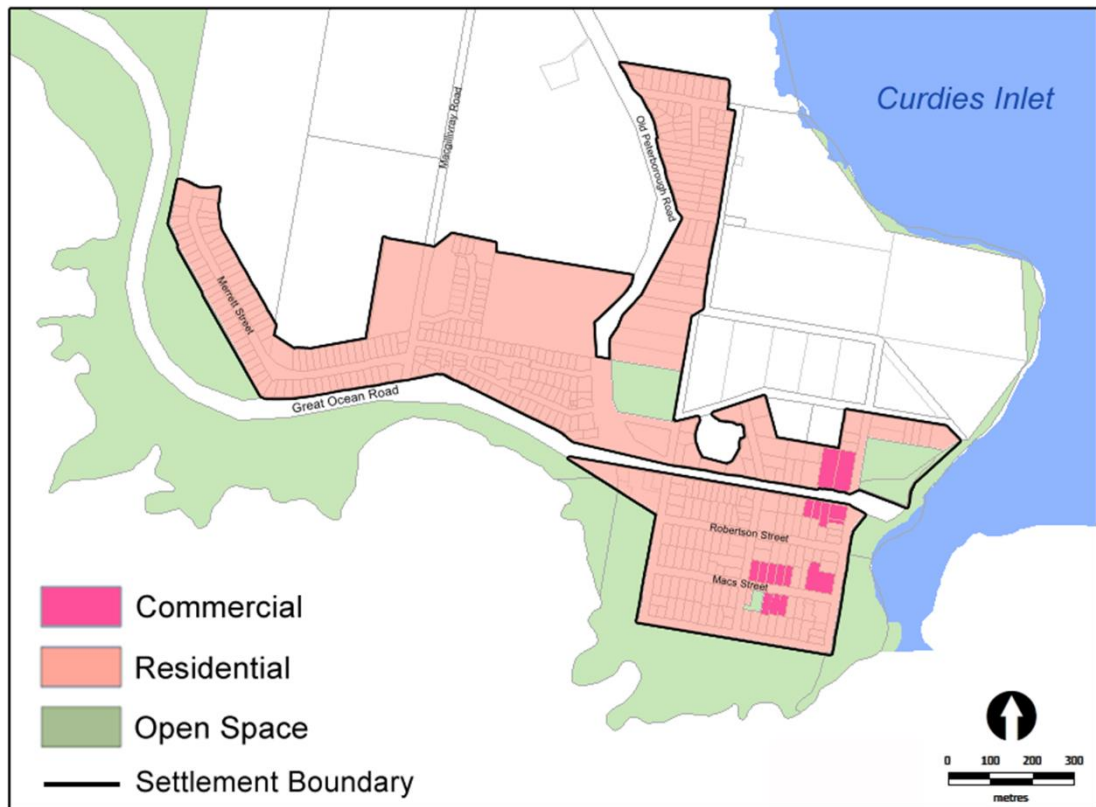
An assessment of the proposal against the policies of the MPS is contained within **Section 5.2.1** of this report.

4.2. Planning Policy Framework (PPF)

To ensure the overarching objectives of planning in Victoria are met, policies contained within the Planning Policy Framework (PPF) must be considered. The PPF clauses of most relevance to the Site and the proposal are set out below.

Clause 11 Settlement

- Clause 11.01-1S **Settlement**: To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.
- Clause 11.01-1R **Settlement – Great South Coast**: To attract more people to the region.
- Clause 11.01-1L-01 **Settlement – Moyne**:
- Clause 11.01-1L-01 **Settlement – Peterborough**: This policy applies to all land identified in the Peterborough Framework Plan in this clause (overleaf).



- Clause 11.03-5R **The Great Ocean Road region:** To manage the sustainable development of the Great Ocean Road region
- Clause 11.03-6S **Regional and local places:** To facilitate integrated place-based planning.

Clause 12 Environmental and Landscape Values

- Clause 12.01-1S **Protection of biodiversity:** To protect and enhance Victoria’s biodiversity.
- Clause 12.01-2S **Native vegetation management:** To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.
- Clause 12.02-1L-02 **Coastal landscapes:** This policy applies to the development of land affected by the Significant Landscape Overlay Schedules 3, 4, 5 and 6:
 - To maintain locally significant views and vistas that contribute to the character of the coastal and coastal hinterland region.
- Clause 12.03-1S **River and riparian corridors, waterways, lakes, wetlands and billabongs:** To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.
- Clause 12.05-1S **Landscapes:** To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

Clause 13 Environmental Risks and Amenity

- Clause 13.02-1S **Bushfire planning:** 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:

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

Clause 15 Built Environment and Heritage

- Clause 15.01-3S **Subdivision design**: To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.
- Clause 15.01-4S **Healthy neighbourhoods**: To achieve neighbourhoods that foster healthy and active living and community wellbeing.
- Clause 15.01-5S **Neighbourhood character**: To recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- Clause 15.03-2S **Aboriginal cultural heritage**: To ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Clause 16 Housing

- Clause 16.01-1S **Housing supply**: To facilitate well-located, integrated and diverse housing that meets community needs.
- Clause 16.01-2S **Housing affordability**: To deliver more affordable housing closer to jobs, transport and services.

Clause 19 Infrastructure

- Clause 19.03-2S **Infrastructure design and provision**: To provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.
- Clause 19.03-2L **Infrastructure – planning, design and construction**
- Clause 19.03-3S **Integrated water management**: To sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.

An assessment of the proposal against the policies of the PPF is contained within **Section 5.2.1** of this report.

4.3. Zoning

The Site is located within the General Residential Zone – Schedule 1 (**GRZ1**) (Clause 32.08). The relevant purposes of the **GRZ** are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

A permit is required for subdivision pursuant to Clause 32.08-3 **Subdivision**.

The **permit requirement** contained at Clause 32.08-3 outlines that an application must meet all of the relevant objectives of Clause 56 and should meet all of the relevant standards of Clause 56.



The relevant class of subdivision for this application is for '3-15 lots'. For this class of subdivision, Clauses 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.06-2, 56.06-4, 56.06-7 and 56.06-8 to 56.09-4 must be met.

There are no specified neighbourhood character objectives within Schedule 1 (Moyne General Residential Areas) to the General Residential Zone.

An assessment of the proposal against the decision guidelines of the zone is provided in **Section 5.2.2** and an assessment of the requirements of Clause 56 are contained in **Appendix E**.

4.4. Overlays

4.4.1. Clause 42.01 Environmental Significance Overlay – Schedule 2

The Site is located within the Environmental Significance Overlay (Clause 42.01). The relevant purposes of the Environmental Significance Overlay are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

The Site, more narrowly, is within Schedule 2 to Clause 42.01 – Peterborough Coastal and Estuary Area (**ESO2**). The relevant environmental objectives to be achieved are:

- Valuable ecological systems are protected.

Pursuant to Clause 42.01-2 **Permit requirement**, a permit is required to remove vegetation or to construct a building or construct or carry out works unless the schedule to this overlay specifies otherwise.

It is noted that the proposal is not for a category of work listed in the **Table of exemptions** contained at Clause 42.01-3.

It follows, that a planning permit is required for the proposed removal of vegetation and consequential works associated with providing clearance to the existing and proposed accessway.

Relevant application requirements are listed under sub-clause 4.0 **Application requirements**. It is noted, that the proposal does not comprise a building. Meaning, the application requirements are not relevant in this instance.

Relevant decision guidelines are listed under sub-clause 5.0 **Decision guidelines** of **ESO2**.

On balance, it is considered that the application responds well to the purpose and decision guidelines of **ESO2** by avoiding vegetation removal, including altering the accessway location to avoid any impacts on native trees and ensuring the type of native vegetation selected for removal will not compromise the connectivity of roadside vegetation. The area that would be impacted by the accessway clearance to facilitate access to Lots 1 and 3 is relatively minor (20 square metres) and does not include any substantive habitat for native flora or fauna.

It follows, that the proposal considers and responds appropriately to the fundamental purpose and intent of the ESO2.

Please see **Appendix H** (Biodiversity Assessment) for further details on native vegetation removal.

4.4.2. Clause 42.03 Significant Landscape Overlay – Schedule 3

The Site is located within the Significant Landscape Overlay (Clause 42.03). The relevant purposes of the Significant Landscape Overlay are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

The Site, more narrowly, is within Schedule 3 to Clause 42.03 – Western Coastal Cliffs Landscape Area (SLO3). The relevant landscape character objectives to be achieved are:

- To protect indigenous vegetation within the coastal area.
- To protect landscape character and attributes that are consistent with the Aboriginal cultural heritage values of the area.

Pursuant to Clause 42.03-2 **Permit requirement**, a permit is required to remove vegetation or to construct a building or construct or carry out works unless the schedule to this overlay specifies otherwise.

It is noted that the proposal is not for a category of work listed in the **Table of exemptions** contained at Clause 42.03-3.

It follows, that a planning permit is required for the proposed removal of vegetation and consequential works associated with providing clearance to the existing and proposed accessway.

There are no relevant application requirements listed under sub-clause 4.0 **Application requirements**.

Relevant decision guidelines are listed under sub-clause 5.0 **Decision guidelines** of SLO3.

This report, accompanying plans and appendices include an evaluation of the site's existing conditions and design of the subdivision as it pertains to impacts on roads and public areas commensurate the scale and complexity of the proposal. It is noted that:

- the Site is entirely screened from the west by existing roadside vegetation; and
- existing views to the Site are generally open from the east and the Site does not comprise part of a foreground or background to views of the Curdies River Inlet from the Halladale Street road reserve or adjoining freehold land;
- views to the site from private freehold land to the north and south are highly filtered due to perimeter screening vegetation and garden areas.

As previously ventilated, the site and surrounds contains substantial areas of vegetation. The proposed geometry of each lot provides a suitable basis from which land owners, building designers and landscape

designers can plan future development and landscape treatments that will positively contribute to the landscape character of the area (assuming competent design).

Please see **Appendix H** (Biodiversity Assessment) for further details on native vegetation removal.

4.4.3. Clause 43.02 Design and Development Overlay – Schedule 24

The Site is located within the Design and Development Overlay (Clause 43.02). The relevant purposes of the Design and Development Overlay are:

- 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.

The Site, more narrowly, is within Schedule 24 to Clause 43.02 – Peterborough Residential Area (**DDO24**). The relevant design objectives to be achieved are:

- To maintain the existing small scale seaside village character of Peterborough.
- To encourage site coverage and provide for separation of buildings that provides space and vistas between buildings.
- To maintain the traditional grid pattern of subdivision whilst encouraging new development of a respectful scale.
- To discourage dense streetscapes with a suburban feel and features, including concrete kerbs, channels and garages.

Pursuant to Clause 42.03-3 **Permit requirement**, a permit is required for subdivision unless the schedule to this overlay specifies otherwise.

No exemptions are relevant to the application. It follows, that a planning permit is required for the proposed four (4) lot subdivision.

There are no relevant application requirements listed under sub-clause 5.0 **Application requirements**.

Relevant decision guidelines are listed under sub-clause 5.0 **Decision guidelines** of **DDO24**

An assessment of the proposal against the decision guidelines of the overlay is provided in **Section 5.2.3** and an assessment of the requirements of Clause 56 are contained in **Appendix E**.



4.5. Particular Provisions

The Particular Provisions relate to a range of specific prerequisites for particular uses and development and apply consistently across the state.

4.5.1. Clause 52.02 Easements, Restrictions and Reserves

The proposal requires consideration under Clause 52.102 **Easements, Restrictions and Reserves**. The purpose of this Clause is to enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

A permit is required before a person proceeds under Section 23 of the *Subdivision Act 1988* to create, vary or remove an easement.

An easement is required to provide legal access from the proposed Lot 1 over land situated on the proposed Lot 3. See **Appendix G** (Concept Plan of Subdivision) for details.

Easements are likely required for other development services to ensure the orderly servicing of lots, and standard servicing conditions are expected as part of any permit to be granted.

4.5.2. Clause 52.17 Native Vegetation

The proposal requires consideration under Clause 52.17 **Native Vegetation**.

The purpose of this Clause is to ensure there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation and to manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

- Avoid the removal, destruction or lopping of native vegetation.
- Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
- Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

Pursuant to Clause 52.17-1 **Permit requirement**, a permit is required to remove, destroy or lop native vegetation.

It is noted that the proposal is not for a category of work listed in the **Table of exemptions** contained at Clause 52.17-7.

It follows, that a planning permit is required for the proposal, which requires the removal of native vegetation associated with providing vehicle clearance for a vehicle access to the Old Peterborough Road road reserve for proposed Lot 1 and Lot 3.

Relevant application requirements are listed under Clause 52.17-2 **Application requirements**.

Relevant decision guidelines are listed under Clause 52.17-4 **Decision guidelines**.

On balance, it is considered that the application responds well to the purpose, application requirements and decision guidelines of Clause 52.17 **Native Vegetation** by avoiding native vegetation removal where possible, including altering the geometry of the proposed accessway to avoid impacting native trees..

The proposed removal or impact to native vegetation as defined in the Native Vegetation Guidelines amounts to 20 square meters of native vegetation removal.

There are no rare or threatened flora and fauna identified on the Site.

Third party offsets have been confirmed as available for the required general habitat units and minimum strategic value within the Corangamite Catchment Management Authority.

It follows, that the proposal considers and responds appropriately to the fundamental purpose and intent of Clause 52.17, and will not result in any net loss of biodiversity.

Please see **Appendix H** (Biodiversity Assessment) for a fulsome assessment of the relevant application requirements and decision guidelines of Clause 52.17 **Native Vegetation** as part of a holistic assessment of the proposal's response to the environmental values and constraints of the site.

4.5.3. Clause 53.01 Public Open Space Contribution and Subdivision

The enclosed planning permit application seeks approval for a 4-lot subdivision (see **Appendix G**).

Pursuant to Clause 53.01, a person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both).

The Schedule to Clause 53.01 (Public Open Space Contribution and Subdivision) does not specify a contribution amount for the area.

If no amount is specified, a contribution for public open space may still be required under section 18 of the *Subdivision Act 1988*.

The proposed subdivision is not exempt from the public open space requirement.

4.5.4. Clause 53.18 Stormwater Management in Urban Development

The proposal requires consideration under Clause 53.18 **Stormwater Management in Urban Development**.

The purpose of this clause is to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

This clause does not apply to an application to subdivide land in a residential zone for residential purposes.

The above notwithstanding, the proposal is accompanied by an assessment of stormwater matters and describes a proposed Stormwater Management Strategy which is commensurate with the complexity of the proposal.

The stormwater drainage strategy / infrastructure proposed is generally described as follows:

- A stormwater storage tank to service each lot of the subdivision will be 10,000ltr in size which will collect and store the 20% AEP event and release flows at predevelopment levels.
- The stormwater stored will be reused throughout the lot for flushing and irrigation purposes.
- The post development flows will be restricted to pre-development levels by an appropriately sized pipe connected to the stormwater tanks which will act as an orifice so the designated flows can be released.
- Once the stormwater is released from the tanks at predevelopment levels, it will flow through the proposed swale drain prior to the stormwater entering the Halladale Street road reserve.
- Overland flows will not inundate the development or existing establishments in the 1% AEP storm event and will be able to pass through the proposed drainage easement.

See **Appendix F** for details of the stormwater system.

4.5.5. Clause 56 Residential Subdivision

The enclosed planning permit application seeks approval for a 4-lot subdivision. See the assessments undertaken in **Appendix F**, **Appendix I** and the Proposed Plan of Subdivision (**Appendix G**) for details on the geometry and servicing of the subdivision.

In accordance with Clause 32.08-3, an application to subdivide land must appropriately meet relevant provisions of Clause 56.

The relevant class of subdivision for this application is for '3-15 lots'. For this class of subdivision, Clauses 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.06-2, 56.06-4, 56.06-7 and 56.06-8 to 56.09-4 must be met.

See **Appendix E** for an assessment against the relevant provisions of Clause 56.

4.6. General Provisions

The General Provisions relate to a range of specific prerequisites for particular uses and development and apply consistently across the state.

Clause 65 Decision Guidelines

Clause 65.01 sets out matters that must be considered by the responsible authority prior to deciding on a planning permit application. These matters have been considered as part of **Section 4** and **Section 5** of this report.

4.7. Other planning considerations

4.7.1. Aboriginal Cultural Heritage Sensitivity

The activity area is identified within an 'area of cultural heritage sensitivity' pursuant to the *Aboriginal Heritage Regulations 2018*. The proposal is defined as a 'high impact activity' under Regulation 49 of the *Aboriginal Heritage Regulations 2018*.

It follows, that an approved Cultural Heritage Management Plan is required prior to a decision on the planning permit application.

See the Planning Property Report at **Appendix B** for a copy of a plan verifying the activity area is mapped within a cultural heritage sensitivity area.

See **Appendix J** for a copy of a draft Cultural Heritage Management Plan lodged with the Eastern Maar Aboriginal Corporation.

4.7.2. Bushfire Prone Area

The site is identified within a Bushfire Prone Area as defined under the *Building Act 1993*. It follows that Clause 13.02-1S **Bushfire planning** should be considered.

See the Planning Property Report at **Appendix B** for a copy of a plan verifying the activity area is mapped within a Bushfire Prone Area.

5. Planning Policy Assessment

5.1. Key planning issues

Based on the provisions of the Moyne Planning Scheme and the decision guidelines of Clause 65, the following are submitted to be the key planning issues relevant to the proposed development of the Site beyond those already ventilated in **Section 4**.

- Is the proposal strategically justified and consistent with the Municipal Planning Strategy and the Planning Policy Framework?
- Does the proposal appropriately respond to the relevant application requirements and decision guidelines of Clause 35.08 General Residential Zone?
- Does the proposal respond appropriately to the design objectives and relevant decision guidelines of the Design and Development Overlay (Schedule 24)?
- Does the proposal appropriately respond to the objectives and standards of Clause 56 Residential Subdivision?

5.2. Policy assessment

5.2.1. Is the proposal strategically justified and consistent with the Municipal Planning Strategy and the Planning Policy Framework?

The proposal requires assessment under the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF) of the Moyne Planning Scheme.

The Site is located within the General Residential Zone (**GRZ1**), which is intended 'to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport'. There is significant alignment between this purpose of the **GRZ** and local and state policy at Clause 02.03-1 **Settlement**, Clause 02.03-6 **Housing**, Clause 11.01-1S **Settlement**, Clause 11.01-1R **Settlement – Great South Coast**, Clause 11.01-1L-01 **Settlement - Moyne**, Clause 11.01-1L-01 **Settlement – Peterborough**, Clause 11.02-1S **Supply of urban land**, Clause 16.01-1S **Housing supply and** Clause 16.01-2S **Housing affordability**. These policies contain objectives and strategies to encourage housing in appropriate locations. The proposed four (4) lot subdivision responds well to these strategies and objectives, being within the township boundary, closely located to major transport assets and walkable from the town centre, and within an established residential area. The proposal will also assist in diversifying the lot typologies present within the local Peterborough residential market within the constraints of the preferred neighbourhood character to be achieved (i.e. 1,000+ square metre lots) within 'Old Peterborough', and sought after by the prevailing local planning provisions. The proposal will assist in providing downward pressure on land values for prospective owners and residents, as a consequence of adding land supply to the Peterborough residential market and wider coastal residential market segment.

The Peterborough Coastal and Estuary Area provides a unique habitat and ecosystem, comprising coastal scrub and estuarine wetlands that link the hinterland catchment with the coastal marine environment. The proposal does not affect any vegetation which serves as a connection point to these areas and seeks to limit its impact on native vegetation by avoiding vegetation removal, where practicable. The proposed lot geometry provides ample areas for buildings to be separated from any significant environs (Clauses 02.03-2 **Environmental and landscape values, Biodiversity**, 12.01-1S **Protection of biodiversity**, 12.02-1L-01 **Coastal landscapes** and 12.05-1S **Landscapes**).

The Western Coastal Cliffs Landscape Area is characterised by distinctive coastal landforms close to the coast. The proposal is visually and physically separated from these more dramatic coastal landforms and is located closer to pastoral hinterland and estuarine environs. The proposal recognises the area's landscape value by creating lots which are consistent with the design objectives of **DDO24** and the *Residential Design Guidelines, Peterborough, Victoria (2006)*, and by avoiding removal of native vegetation, where practicable. As previously ventilated, the Site is entirely screened from the west by existing roadside vegetation and existing views to the Site are generally open from the east. The Site does not comprise part of a foreground or background to views of the Curdies River Inlet from the Halladale Street road reserve or adjoining freehold land and views to the site from private freehold land to the north and south are highly filtered due to perimeter screening vegetation and garden areas. It follows, that the proposed geometry of each lot provides a suitable basis from which landowners, building designers and landscape designers can plan future development and landscape treatments that will positively contribute to the landscape character of the area (assuming competent design) (Clauses 02.03-2 **Environmental and landscape values, Biodiversity**, 12.05-2S **Landscapes** and 12.05-2L **Landscapes**).

The proposed subdivision and associated works maintain the natural drainage patterns on the Site and adjoining boundaries. In doing so, the proposal protects water quality and biodiversity, as the proposal Site is well outside any wet or low-lying areas or areas close to groundwater or surface water sources (Clause 12.03-1S **River and riparian corridors, waterways, lakes, wetlands and billabongs**).

The proposal has been assessed against the native vegetation framework and comprises an acceptable planning outcome, where design decisions have demonstrated a genuine effort to avoid native vegetation removal (Clause 12.01-2S **Native vegetation management**). See **Appendix H** for technical details of the native vegetation assessment.

The site is identified within a Bushfire Prone Area as defined under the *Building Act 1993*. It follows that Clause 13.02-1S **Bushfire planning** should be considered. The proposal responds to this clause by employing a subdivision design which will enable each lot to provide for a logical building area with reasonable setbacks to achieve an acceptable bushfire attack level rating, without resulting in the reliance of defensible space on adjoining lots in separate ownership. The proposed lot geometry and easements (Lots 1 & 3) provides suitable conditions for access and egress by emergency vehicles, including fire fighting vehicles. Each allotment will have the ability to install rain water tanks for potable water supply and for fire fighting purposes. The subdivision will also result in smaller lots resulting in a modified and lower threat landscape (Clause 02.03-3 **Environmental risks and amenity** Clause 13.02-1S **Bushfire planning**).

The Zone also seeks to “to encourage development that respects the neighbourhood character of the area” There is significant alignment between this purpose of the **GRZ**, the design objectives of **DDO24** and local and state policy at Clause 02.03-9 **Infrastructure**, Clause 11.01-1L-01 **Settlement – Peterborough**, Clause 15.01-3S **Subdivision design**, Clause 15.0-1-4S **Healthy neighbourhoods**, Clause 15.01-5S **Neighbourhood character**, Clause 15.01-3S **Subdivision design**, Clause 19.03-2S **Infrastructure design and provision**, Clause 19.03-2L **Infrastructure – planning, design and construction** and Clause 19,03-3S **Integrated water management**. These policies contain objectives and strategies to encourage residential subdivision of a scale and design which is sustainable high-quality and compatible with the neighbourhood character of the area. The design of the proposed four (4) lot residential subdivision responds well to these strategies and objectives, with a sprinkling of lot size variation (between 1,000-1,300 square metres) and being a shape and typology which is sought after within the Peterborough residential market and without resulting in any detriment to the character of the neighbourhood. The proposed subdivision achieves this predominantly by:

- by providing vehicle crossings via normalised frontages for Lots 2 and 4 and via a consolidated vehicle crossing and accessway for Lots 1 & 3, which are shaped and dimensioned to safely accommodate vehicle access in a way that will not result in disruption to the physical presentation or function of the streetscape / street network and maximises existing infrastructure;
- continuing the grid-like pattern of subdivision sought after within the NCZ1 area of Peterborough and maintaining the existing frontage of proposed Lot 4 and shaping the subdivision to logically provide a curtilage for the existing dwelling;
- providing lot frontages which closely mimic the existing rhythm/pattern of allotments to the south of the Site (generally 25 metre frontages) and lot sizes which are consistent with the policy contained within **DDO24** and *Residential Design Guidelines, Peterborough, Victoria (2006)*.
- providing a lot shape and area for all lots which provide adequate spacing for future residential development (to be designed in keeping with the character of the neighbourhood), subsequent garden area, accessways, infrastructure connections and areas set aside for stormwater infrastructure.

The proposal has been assessed against the Aboriginal Heritage Regulations 2018 and comprises an acceptable planning and cultural heritage outcome (Clause 15.03-2S **Aboriginal cultural heritage**). See **Appendix J** for technical details of the cultural heritage assessment.

It follows, that the proposal is considered to be strategically justified and is consistent with relevant policies contained in the MPS and PPF.

Decision Guidelines	Response
<p>(continued)</p>	<ul style="list-style-type: none"> - To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport. <p>The proposal is consistent with the purpose of the zone. More narrowly, the proposal is shown to be appropriate through the:</p> <ul style="list-style-type: none"> - Location of the Site, which is close to existing infrastructure services and major transport connections. - Size and dimensions of allotments, which are consistent with the existing and sought after neighbourhood character. <p>Siting of allotments and approach to servicing which preserve the beneficial features of the site’s natural environment, which are important elements of the areas landscape and neighbourhood character.</p>
<p>The objectives set out in a schedule to the zone (General Residential Zone).</p> <p>Any other decision guidelines specified in a schedule to this zone.</p>	<p>Not applicable.</p> <p>There are no specified objectives or decision guidelines set out in a schedule to the zone.</p>
<p>Subdivision</p> <p>The pattern of subdivision and its effect on the spacing of buildings.</p> <p>For subdivision of land for residential development, the objectives and standards of Clause 56.</p>	<p>The proposed pattern of subdivision will allow for adequate spacing between buildings for new development which is in keeping with the character of the area. The proposed spacing between the proposed parcel boundaries and the established dwelling is appropriate.</p> <p>The proposal has been assessed against the relevant objectives and standards contained within Clause 56.</p> <p>These include all objectives and standards in Clauses 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.06-2, 56.06-4, 56.06-7 and 56.06-8 to 56.09-4</p> <p>See Section 5.1.3 and Appendix E for details.</p>

Decision Guidelines	Response
Any other decision guidelines specified in a schedule to this zone.	Not applicable.

Based on the above assessment and accompanying plans, the design of the proposed subdivision is considered to be an appropriate response to the areas neighbourhood character and provides a positive contribution to the provision of additional housing supply to the Peterborough Township and wider Moyne municipality.

5.2.3. Does the proposal appropriately respond to the design objectives and decision guidelines of Clause 43.02 Design and Development Overlay (Schedule 24)?

The Site is covered by Schedule 24 to the Design and Development Overlay (**DDO24**) and is contained within Neighbourhood Character Zone 1 (shown on Map 1 to **DDO24**).

Of note, sub-clause 3.0 of **DDO24** contains the following requirements for subdivision:

- In Neighbourhood Character Zone 1, shown on Map 1 to this Schedule, the average minimum lot size should be not less than 700 square metres, except within the area of 'Old Peterborough' (bounded by Great Ocean Road, Irvine Street, Schomberg Street and Halladale Road) where the average minimum lot size should be not less than 1,000 square metres (see overleaf).

It is noted, that the proposal comprises four lots with an average lot size of 1,290 square metres with the smallest lot size comprising 1,073 square metres.

See the table below and overleaf for an assessment of the proposal against the relevant decision guidelines of **DDO24**.

Decision Guidelines	Response
Whether any subdivision adopts the traditional grid pattern of the street layout.	Complies. An appropriate streetscape character will be achieved through the proposed lot design and geometry, which adopts the sought-after grid-like pattern featured throughout older areas of Peterborough.
Whether there are appropriate setbacks between buildings to provide spaces and views between and from buildings	Complies The size and geometry of the proposed lots allows suitable spacing at the front, side and rear of lots for future ground cover, shrubs and canopy trees to be

Decision Guidelines	Response
<p>Whether the siting and design of buildings, works and subdivision is consistent with the objectives and the strategies of the <i>Residential Design Guidelines, Peterborough, Victoria (2006)</i>.</p> <p>Relevant objectives include:</p> <ul style="list-style-type: none"> - To integrate new built form into the existing fabric of the town without compromising character. - To integrate new dwellings into existing streetscapes with appropriate dwelling frontages without - compromising existing open spaces and views. - To maintain the spaces and views between built form in residential streets. - To encourage built form that is of appropriate size and density to the existing residential area. <p>Relevant strategies include:</p> <ul style="list-style-type: none"> - Lot Size ('Old Peterborough') - Lot Subdivision 	<p>established and to provide appropriate setbacks between logical building areas.</p> <p>The geometry of proposed boundaries will also allow for landscaping to blend fencing structures within vegetation screens and the natural surrounds.</p> <p>Complies</p> <p>The proposal is shown to be consistent with the relevant objectives and strategies of the <i>Residential Design Guidelines, Peterborough, Victoria (2006)</i>. More narrowly, the proposed subdivision is shown to be consistent through:</p> <ul style="list-style-type: none"> - Continuing the established pattern of development within 'Old Peterborough', where original 2,000 square metre blocks have generally been subdivided into 1,000 square metres allotments. - Designing the geometry of lots to be perpendicular to adjoining streets/road reserves, so that all lots have significant street frontage.

The above assessment demonstrates that the proposed subdivision has been designed to ensure compliance with the relevant design objectives outlined in Schedule 24 to the Design and Development Overlay and the *Residential Design Guidelines, Peterborough, Victoria (2006)*, with no variation sought after. Meaning, the design objectives can be achieved by the proposed four-lot subdivision. It follows, the proposal responds appropriately to the purpose and decision guidelines of the Design and Development Overlay (head clause) and design objectives and decision guidelines of **DDO24**.

5.2.4. Does the proposal appropriately respond to the objectives and standards of Clause 56 Residential Subdivision?

The proposal is considered to meet the relevant objectives and standards of Clause 56 of the Moyne Planning Scheme.

Please see **Appendix E** for details of the assessment.

6. Conclusion

This town planning report details the proposal and has made an assessment against the relevant policy and planning controls of the Moyne Planning Scheme.

The proposal is considered appropriate for the following reasons:

- The proposal is supported by the Municipal Planning Strategy and the Planning Policy Framework;
- The proposal is an appropriate response to the relevant planning controls affecting the site, providing a sensitively designed subdivision that is in keeping with the role and scale of the area and the surrounding physical neighbourhood context.
- The proposal will positively contribute to the development and built form of the local area.
- The subdivision appropriately meets the objectives of Clause 56 of the Moyne Planning Scheme, providing a design and layout that promotes health, safety and surveillance and provides adequate amenity for residents and adjoining properties.
- The proposal has considered the impacts of the development on cultural heritage, ecology, landscape and biodiversity values (including native vegetation removal), and results in an acceptable environmental and planning outcome.
- The proposal has considered the bushfire risk and does not result in any increased threat of bushfire risk to life, property or the community.
- The proposal will add to the supply of residential land within the municipality and, subsequently, will make a positive contribution to housing supply, affordability and diversity.

It is the conclusion of this report, that the application is consistent with the purposes and intent of the planning controls and policy framework of the Moyne Planning Scheme.

We highly commend the application to council, and recommend and request that Council issue a planning permit for the proposal.

We look forward to working with Council during the assessment of the application.

December 2024



Appendices

Appendix A	Certificate of Title
Appendix B	Planning Property Report
Appendix C	Site Photos
Appendix D	Town Planning Drawing
Appendix E	Clause 56 Assessment
Appendix F	Stormwater Management Strategy
Appendix G	Concept Plan of Subdivision
Appendix H	Biodiversity Assessment
Appendix I	Traffic Assessment
Appendix J	Cultural Heritage Management Plan

