

BASS COAST PLANNING SCHEME

AMENDMENT C136basc

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Bass Coast Shire Council, who is the planning authority for this amendment.

The amendment has been prepared at the request of Beveridge Williams & Co Pty Ltd on behalf of Wallis Watson Cape Paterson Pty Ltd.

Land affected by the Amendment

The amendment applies to:

- 2 Seaward Drive, Cape Paterson (Lot 1 on Plan of Subdivision 219915T);
- 20 Seaward Drive, Cape Paterson (Lot 1 on Plan of Subdivision 417548A);
- 40 Seaward Drive, Cape Paterson (Lot 2 on Plan of Subdivision 417548A);
- 140 Seaward Drive, Cape Paterson (Lot 3 on Plan of Subdivision 410049H); and
- Seaward Drive, Cape Paterson (Lot 2 on Plan of Subdivision 410049H).

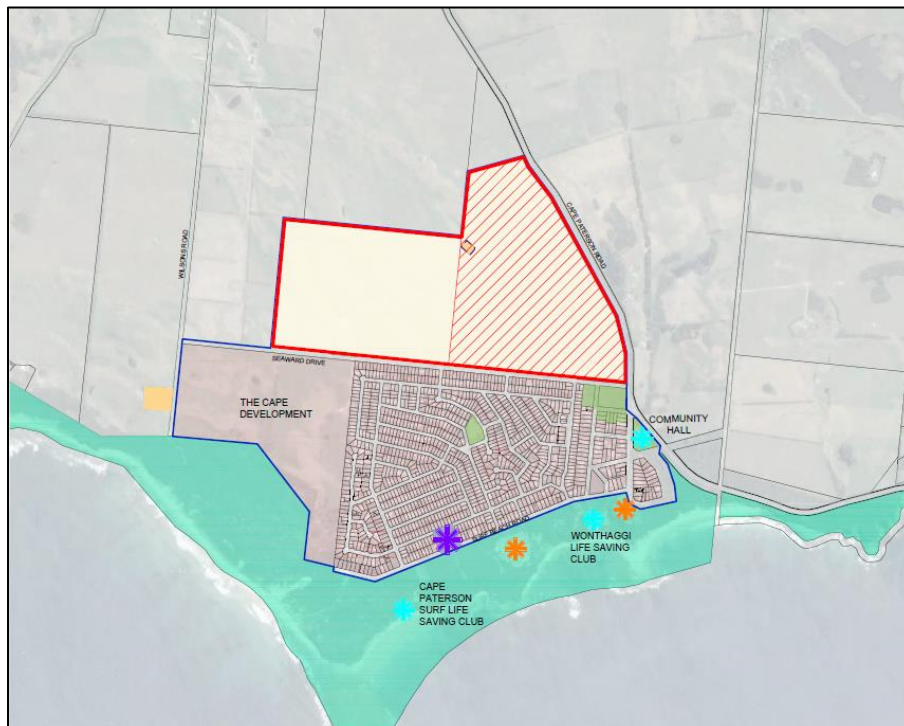


Figure 1: Area subject to Amendment C136

What the amendment does

Specifically, the amendment proposes to make the following changes to the Bass Coast Planning Scheme:

Planning Scheme Ordinance:

This amendment rezones approximately 53 hectares of land from the Farming Zone to the General Residential Zone. The rezoning applies to three parcels of land known as:

- 2 Seaward Drive, Cape Paterson (Lot 1 on Plan of Subdivision 219915T);
- 20 Seaward Drive, Cape Paterson (Lot 1 on Plan of Subdivision 417548A); and
- 40 Seaward Drive, Cape Paterson (Lot 2 on Plan of Subdivision 417548A).



Figure 2: Area subject to the proposed rezoning

The amendment applies the Development Plan Overlay Schedule 26 (DPO26) to the entire Cape Paterson north area, comprising all land included within the settlement boundary. The application of the DPO26 applies to:

- 2 Seaward Drive, Cape Paterson (Lot 1 on Plan of Subdivision 219915T);
- 20 Seaward Drive, Cape Paterson (Lot 1 on Plan of Subdivision 417548A);
- 40 Seaward Drive, Cape Paterson (Lot 2 on Plan of Subdivision 417548A);
- 140 Seaward Drive, Cape Paterson (Lot 3 on Plan of Subdivision 410049H); and
- Seaward Drive, Cape Paterson (Lot 2 on Plan of Subdivision 410049H).



Figure 3: Land subject to the Development Plan Overlay Schedule 26

- Removes the Environmental Significance Overlay Schedule 1 (ESO1) from the land known as:
 - 2 Seaward Drive, Cape Paterson (Lot 1 on Plan of Subdivision 219915T).
 - 20 Seaward Drive, Cape Paterson (Lot 1 on Plan of Subdivision 417548A).
 - 40 Seaward Drive, Cape Paterson (Lot 2 on Plan of Subdivision 417548A).
- Removes the Significant Landscape Overlay Schedule 4 (SLO4) from the land known as:
 - 2 Seaward Drive, Cape Paterson (Lot 1 on Plan of Subdivision 219915T).
 - 20 Seaward Drive, Cape Paterson (Lot 1 on Plan of Subdivision 417548A).
 - 40 Seaward Drive, Cape Paterson (Lot 2 on Plan of Subdivision 417548A).
- Inserts a new Schedule 26 to Clause 43.03 Development Plan Overlay to cover the entire Cape Paterson north area.
- Amends the Schedule to Clause 53.01 Public Open Space Contribution and Subdivision to increase the public open space contribution above the standard requirement.
- Updates the Schedule to Clause 72.03 to reflect mapping changes.

Strategic assessment of the Amendment

Why is the Amendment required?

The amendment introduces planning provisions to implement the State and Local Planning Policy Framework with regard to the growth of Bass Coast Shire by facilitating new urban development, associated infrastructure provision, conservation and open space outcomes.

The *Gippsland Regional Growth Plan 2014* (GRGP) identifies Cape Paterson as part of a sub-regional network and the plan supports medium scale growth in Cape Paterson. Cape Paterson will provide for an additional element of choice within the Bass Coast residential land market.

The amendment is required to facilitate the development of this land for residential purposes within the settlement boundary for Cape Paterson and is identified on the Strategic Framework Plan in accordance with Clause 21.09-7 for short and long term residential growth.

How does the Amendment implement the objectives of planning in Victoria?

The amendment implements a number of the objectives of planning in Victoria under Section 4 of the *Planning and Environment Act 1987* (the Act). In particular, it supports the objectives to:

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

Amendment C136basc implements these objectives by providing guidance for the assessment of relevant future planning permit applications.

How does the Amendment address any environmental, social and economic effects?

Environmental Effects

The amendment will eventually result in the rezoning of land that is considered to be highly modified and degraded due to its past and current use for agricultural activities. The amendment adequately provides for potential areas of environmental value to be protected, maintained and further enhanced.

The future indicative development plan proposes to minimise impacts on the biodiversity of the area by retaining a majority of what is considered to be quality remnant patches of 'Damp Sands Herb-rich Woodlands', and 'Swamp Scrub'. This vegetation provides foraging and breeding habitat for the local fauna and will be incorporated into a conservation reserve.

The amendment contains requirements that ensure that technical assessments are completed to inform the future development of the site including, areas of environmental value, stormwater management and bushfire protection measures.

Social Effects

The amendment will contribute to the following:

- Improved housing choice and affordability throughout the Shire.
- Supporting Wonthaggi as the regional service centre in accordance with the Gippsland Regional Growth Plan.
- Providing community and physical infrastructure upgrades through development contributions that will benefit existing and future residents.

- Supporting the existing commercial and community infrastructure of Cape Paterson and nearby Wonthaggi and Inverloch through increased population mass.

Economic Effects

The amendment will support the growth of Cape Paterson and reinforces the sub regional network of the Wonthaggi Regional Centre, Inverloch and Cape Paterson.

The amendment will also contribute to construction investment and associated construction-related employment. The strengthening of local employment opportunities is a key policy goal for Bass Coast Shire Council.

The amendment will also contribute to the local economy of the retail and commercial businesses in the Cape Paterson town centre, and potentially the attraction of additional facilities and services that would benefit the entire Cape Paterson community.

Does the Amendment address relevant bushfire risk?

The land is not affected by a Bushfire Management Overlay, however it is located within a Bushfire Prone Area (BPA). A Bushfire Hazard Assessment report has been prepared in support of the amendment.

It is considered that there is no change in bushfire risk to the land as a result of the amendment, as the amendment will be a continuation of the existing urban area of Cape Paterson which is mostly surrounded by cleared farmland. The bushfire risk will be further mitigated through the construction of road infrastructure and residential development building controls as per the *Building Regulations 2018* which are proven bushfire defensible space measures.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is subject to Ministerial Direction No. 11 '*Strategic Assessment of Amendments*' under section 12 of the Act. This report addresses the requirements of Ministerial Direction No. 11. The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the Act.

No other Ministerial Directions apply.

How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment will support the relevant objectives of the Planning Policy Framework (PPF). Particularly, the amendment will support the following State planning objectives:

Clause 11 Settlement, the amendment addresses Clause 11.01-1S (Settlement) as it seeks to "ensure regions and their settlements are planned in accordance with any relevant regional growth plan". The Gippsland Regional Growth Plan is a reference document to this Clause and the amendment area has been identified in this plan for medium scale growth, and in the Cape Paterson Strategic Framework Plan as the favoured location for the future short and long-term growth of the Cape Paterson township.

The amendment addresses the relevant strategies under *Clause 11.01-1R (Gippsland)* by supporting urban growth in Gippsland's regional centres, in sub-regional networks of towns and supporting the continuing role of towns and small settlements in providing services to their districts, recognising their relationships and dependencies with larger towns.

Through this amendment, the development of the Cape Paterson North growth area supports the continued focus on Wonthaggi as the primary growth area in the Shire and the sub-regional role of Cape Paterson in providing for supporting growth.

The amendment will ensure that a sufficient supply of land is available for residential, recreational, and other community uses consistent with *Clause 11.02-1S*. The policy provides that planning authorities should plan for population growth over at least a 15-year period.

The 2019 Victoria In Future data estimates a residential population of 48,140 persons and dwelling number of 37,037 within the municipality by 2036. This is an increase of 14,676 residents between 2016 and 2036 and an increase in dwellings of 11,224 between 2016 and 2036.

The Cape Paterson Residential Land Assessment (Ethos Urban, 2019) has been prepared in support of the amendment. The report establishes that as of December 2019 there was a total supply of 245 vacant residential lots (existing and approved) in Cape Paterson.

The rezoning is anticipated to contribute approximately 480 residential lots as part of the amendment. This is an expected additional one-year's residential land supply within Bass Coast Shire.

The amendment is consistent with *Clause 11.03-4S* which directs 'new residential and other urban development and infrastructure to locations within defined settlement boundaries of existing settlements that are capable of accommodating growth'.

The site is located within the well-established Cape Paterson settlement boundary. The amendment will facilitate the growth of Cape Paterson consistent with the approved Framework Plan which contributes to the network of diverse coastal settlements consistent with *Clause 11.03-4S*.

Clause 11.03-5S Distinctive Areas and Landscapes is relevant to the amendment. In October 2019, the entire Bass Coast Shire was declared a Distinctive Area and Landscape (DAL) under the Act. The declaration triggered the requirement to prepare a Statement of Planning Policy which is intended to better protect the Bass Coast area's unique landscapes, environment, and lifestyle. A planning response to the Distinctive Area and Landscape - Phase One Bass Coast Community Engagement Report has been prepared and included with the formal planning documentation in support of this planning scheme amendment. The response provides the following conclusions:

- The subject land is not considered environmentally significant but does contain areas to be protected and enhanced.
- The amendment is generally consistent with the Cape Paterson Strategic Framework Plan.
- Land forms of potential heritage and / or environmental significance can be protected through development controls.
- The amendment will provide a benefit to the Cape Paterson community through the delivery of infrastructure improvements.

Clause 12 Environmental and Landscape Values, will ensure that a Development Plan for the subject land identifies areas of high environmental value to be protected, maintained and enhanced to minimise further decline of the site's indigenous vegetation and biodiversity.

Technical assessments undertaken to inform the amendment confirm that the quantity and quality of native vegetation as well as the occurrence of fauna species on the site and habitat can be appropriately managed through appropriate subdivision and development design.

Clause 13 Environmental Risks and Amenity, technical assessments were prepared in support of the amendment and confirm how any potential environmental risks and amenity will be minimised and avoided.

Specifically, the preliminary Drainage Strategy and Bushfire Hazard Assessments demonstrate that potential environmental risks and amenity be managed onsite through appropriate subdivision design.

Clause 14.01 Agriculture, includes an objective to protect productive farmland, which is of strategic significance to the local or regional context. The land is currently being used for grazing beef cattle. The area is not nominated as farmland of particular significance within the Planning Scheme or the *Bass Coast Rural Land Use Strategy*, and is identified as Class 4 land generally unsuitable for cropping. Therefore the amendment will have a nominal impact on the agricultural value of Bass Coast Shire.

Clause 15 Built Environment and Heritage: The amendment adequately considers the future built environment and heritage through the application of the DPO26, which ensures that the future development outcome will deliver a liveable and sustainable community. The DPO26 ensures the provision of adequate planning controls that will address and appropriately respond to its surrounding landscape and character, valued built form and cultural context.

Clause 16 Housing: The amendment will appropriately provide for housing diversity and access to services and supporting infrastructure through the provision of a range of lot sizes to cater for diverse dwelling types. Furthermore, the amendment will facilitate a range of housing choice in Bass Coast Shire and thus, supports opportunities for affordable housing.

Clause 17 Economic Development: The amendment will contribute to local employment with the future development of 480 dwellings attracting an estimated \$144m in construction related investment and supporting a total of approximately 320 direct Full-time Equivalent (FTE) jobs (Ethos Urban Residential Analysis, 2019).

The amendment may also contribute to the supply of visitor accommodation in Bass Coast through holiday rentals with flow on effects through spending within the local retail sector, benefiting the Bass Coast Shire economy.

Clause 18 Transport: The amendment provides for a safe and sustainable movement network that provides a convenient pedestrian and bicycle network in addition to adequately responding to the functionality and safety of the existing road network. The subject land is suitably located on the corner of Cape Paterson Road and Seaward Drive which provides for appropriate access via Cape Paterson Road and a new connector road. This would include the construction of a new intersection along Cape Paterson Road and a secondary access point can also be provided via Seaward Drive. It is anticipated that upgrades to the local road network will be required to improve the quality of the existing road network.

Clause 19 Infrastructure: The provision of social and physical infrastructure in an efficient, equitable, accessible and timely manner is a key consideration of the amendment.

The amendment will contribute to the following:

- Improved existing drainage infrastructure
- Provision of substantial open space reserves above the standard requirements
- Improved road and path networks within the existing township
- Improved facilities within the Bay Beach reserve, through development contributions. Improvements are expected to be guided by the Key Directions identified in the Cape Paterson Bay Beach Activity Area Masterplan – December 2014.

How does the Amendment support or implement the Local Planning Policy Framework (LPPF), and specifically the Municipal Strategic Statement?

The amendment is generally consistent with the relevant LPPF objectives.

The amendment is consistent with Clause 21.01-5 Council's vision for the Municipality of Bass Coast. The Vision states that, '*Residential development and related urban land uses [are] contained to existing activity nodes and designated growth areas.*' It also seeks that '*New developments are designed and sited to complement the specific context in which they sit and take account of existing land form, vegetation and urban character.*'

The proposed amendment will facilitate the development of a high quality urban environment, including the protection of areas of environmental value. The amendment provides a range of housing options and provides recreational opportunities for existing and future residents.

Clause 21.02 Settlement, under *Clause 21.02 -1 Growth of Towns* notes the hierarchy of townships and villages within Bass Coast Shire. Cape Paterson is identified within this Clause as a 'Village', a settlement with moderate population levels and seasonal fluctuations. The rezoning will facilitate the expansion of Cape Paterson within a nominated growth area and within an existing settlement boundary and will provide approximately one-years land supply for the Bass Coast Shire.

The amendment will apply an appropriate zone, and through the proposed DPO26 provide for the enhancement of community infrastructure, and ensure that future development integrates with the existing township.

Clause 21.04 Environment: The amendment requires that a Development Plan identify areas of high environmental value to be protected, maintained and enhanced to minimise the further decline of the site's indigenous vegetation and biodiversity, consistent with Clause 21.04-3 Biodiversity Conservation and Habitat Protection.

Clause 21.04-4 Catchment Management seeks to improve water quality and availability through water sensitive urban design, and revegetation, and improve water quality by better management of urban stormwater inflows. It encourages the use of "constructed wetlands" or other similar systems, as a means of storing floodwater, improving water quality and adding to natural habitats.

An integrated drainage strategy will be prepared as part of a Development Plan and will provide an Integrated Water Management Statement detailing how stormwater will be managed. The Integrated Water Management Statement and Drainage Strategy are to demonstrate how better water quality outcomes can be achieved through the development of the subject land.

The proposed DPO26 requires that a Development Plan identify measures to reduce and manage bushfire risk, consistent with policy at Clause 21.04-5 Environmental Hazards.

Clause 21.05 Landscape and Built Form, specifically *Clause 21.05-1 Landscape* overview notes that '*The coastal landscapes and hinterlands are highly valued by the community for their visual, environmental and cultural qualities, as well as being productive agricultural land.*' A future Development Plan must respond to the site features and context, including topography of the land including key view lines.

Consistent with *Clause 21.05-4 Design and built form* and *Clause 21.05-5 New urban subdivision* the proposed DPO26 requires that new development:

- Is integrated with the existing township.
- Provides a range of lot sizes, with an average lot size across the entire development area generally consistent with the existing Cape Paterson township average of 580m².
- Provide the necessary physical infrastructure to benefit both existing and future residents.

Clause 21.06 Infrastructure: The amendment provides for road layouts including internal roads and connections to existing road networks that integrate with and facilitate access to the existing Cape Paterson township. Future planning permit applications for subdivision will need to be supported by a Traffic Impact Assessment under the proposed DPO26.

Clause 21.09-7 Cape Paterson identifies Cape Paterson as a small to medium sized settlement that was traditionally a holiday/recreational village, but which now has an increasing permanent population. The amendment to rezone the land is generally consistent with this Clause, as the subject land is included within the settlement boundary and the majority of the land is identified in the Clause as a location for short-term residential development.

The area proposed to be rezoned in the short term, as shown in Figure 4, is smaller than that identified in Clause 21.09-7 Cape Paterson Strategic Framework Plan as shown in Figure 5.

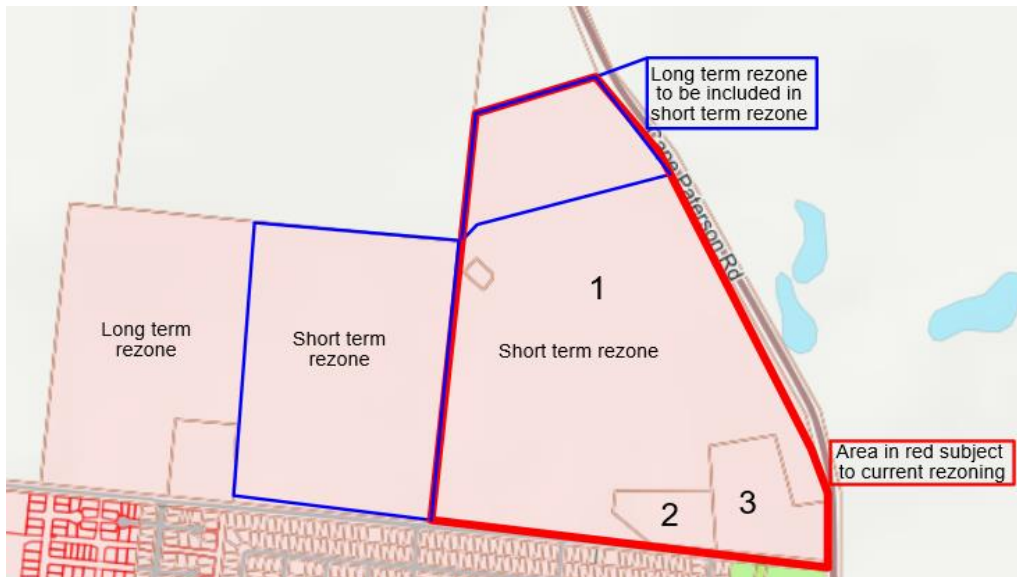


Figure 4 shows the three parcels of land to be rezoned under this amendment

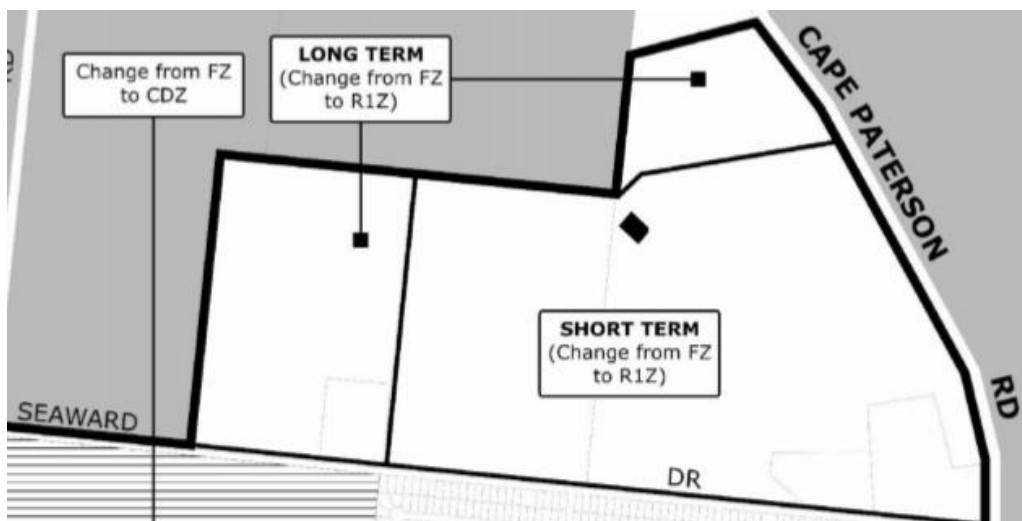


Figure 5 Low Growth Settlements Clause 21.09-7 Cape Paterson

The policy seeks to “Limit community and commercial facilities in the other precincts of town to ensure that the existing main centre remains viable and central to the commercial needs of the town.” The proposed rezoning will support the existing community and commercial facilities through an increase in population.

Clause 22.01 Stormwater Management Policy: The amendment is consistent with the requirements of Clause 22.01, and is informed by a stormwater management strategy that demonstrates that the drainage for the subject area can be adequately managed.

Clause 22.02 Hilltop, Ridgeline, and Prominent Coastal Landform Protection Policy: Whilst no specific hilltops, ridgelines and prominent coastal landforms have been nominated as significant on the subject land, the land is part of a broader significant coastline which includes dunes and low hills. The proposed DPO26 requires that a Development Plan provides a layout that responds to the existing topography of the land including the protection of key view lines.

Does the Amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions by applying zone and overlay controls to the land that are appropriate to the site and surrounding area, which is consistent with State and Local Planning policy.

The proposed zone and DPO26 are appropriate provisions as they provide for the use and development of the land consistent with the strategic intent set out in State and local planning policy and the Cape Paterson Strategic Framework Plan.

The General Residential Zone 1 is the most appropriate zone as it is consistent with the current zoning within the existing township and will facilitate conventional residential development and protects residential amenity.

How does the Amendment address the views of any relevant agency?

The views of the relevant agencies will be sought when the amendment is exhibited.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The amendment complies with the requirement of the *Transport Integration Act 2010* by allowing for intensified development in an area which is serviced by public transport. A bus service operates between Cape Paterson and Wonthaggi every two hours, and the local bus network also connects with the broader regional bus service to other areas of Gippsland and Melbourne.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

A development plan application comprising the entire site and a planning permit application for subdivision for the newly rezoned land can be expected for the area upon approval of this planning scheme amendment. The Development Plan will ensure that development is coordinated and staged appropriately. Application fees will be applicable to any application for planning permit.

Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at any Bass Coast Shire Council office:

- 76 McBride Avenue, Wonthaggi
- 91-97 McBride Avenue, Cowes
- 16 A'Beckett Road, Inverloch
- 1504-1510 Bass Highway, Grantville

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection and the Bass Coast Shire Council website www.basscoast.vic.gov.au

Drop in sessions will also be held as follows:

- Monday 27 January, 2020 at the Cape Paterson Community Hall from 9am to 12pm.
- Saturday 15 February, 2020 at the Cape Paterson Community Hall from 9am to 12pm.

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by **Thursday 27 February 2020**.

A submission must be sent to:

Strategic Planning Department
Bass Coast Shire Council
PO Box 118
Wonthaggi VIC 3995

OR

strategic.planningadmin@basscoast.vic.gov.au

Panel hearing dates

In accordance with clause 4 (2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: Week commencing 13 July 2020.
- Panel hearing: Week commencing 17 August 2020.