Planning Submission

March 2019 – Final Version

4 Silverleaves Avenue, Silverleaves

Proposal: Development of a double storey dwelling and associated works
Executive Summary

Planning approval is sought for the development of a double storey dwelling and associated works at **4 Silverleaves Avenue, Silverleaves** (the ‘Subject Site’).

Located in the Township Zone (TZ) the land is affected by the following Planning Overlays:

- Clause 42.02 – Vegetation Protection Overlay - Schedule 2 (VPO2): Phillip Island
- Clause 43.02 - Design and Development Overlay - Schedule 1 (DDO1): Residential Areas near the Coast
- Clause 44.04 – Land Subject to Inundation Overlay (LSIO)

It is submitted that the proposed dwelling has been designed and sited to respond to the surrounding development pattern and make a positive contribution to the coastal area of Silverleaves whilst minimising amenity impacts to neighbouring properties.

The dwelling has been designed to avoid and minimise vegetation removal (where practical) whilst protecting trees identified as having high retention and amenity value.

The proposal is considered a sound response to the relevant Victorian Planning Provisions and Local Planning Policy Framework, providing a single dwelling which references the characteristics of established housing whilst responding to the emerging character for more contemporary infill development.

The development represents an appropriate response to the relevant objectives of the applicable planning overlays in terms of protecting and enhancing the visual amenity and landscape of the coastal area whilst responding to the potential coastal impacts of climate change (including risk of flooding to the property).

Compliance with all the relevant standards and objectives of Clause 54 are met and where minor variations to the Standards are proposed, a response to justify the variation has been included in this submission.

We submit that the development as proposed is entirely reasonable and worthy of approval.
PREPARED BY:

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1. The Proposal

1.1 Overview

Nepean Planning Consultants have been engaged to assist our client with obtaining a Planning Permit for the development of a double storey dwelling and associated works at 4 Silverleaves Avenue, Silverleaves (the ‘Subject Site’). The existing dwelling and detached single garage are to be demolished.

The new dwelling has been designed to a high architectural standard in an attractive double storey form with a ‘contemporary’ style that will make a positive contribution to the coastal area of Silverleaves. The dwelling has been sited and designed to sit within the same general building envelope as the existing dwelling which is located centrally towards the front of the site. The design detail comprises brick veneer construction with ‘Weathertex’ weatherboard cladding and Colorbond roofing (20 degree pitch with hipped profile).

The layout provides for generous open-plan kitchen, living and dining areas, laundry with master bedroom (including ensuite) at ground floor. A covered outdoor alfresco area is accessed via the main living area. Located at first floor are three additional bedrooms (four total), theatre room and study. The double garage accommodates two covered car spaces and additional parking available within the driveway.

Vehicular access to the proposed dwelling will be via a new driveway entering through the existing break in the trees located on the road reserve (similar to the current arrangement). Earthworks have been minimised through the siting of the new dwelling within the same area as the existing dwelling (which is generally flat). Similarly, the development does not seek the removal of any trees within proximity of the proposed building envelope.
2. Planning Controls

Included within the Bass Coast Planning Scheme, the site is affected by:

2.1 Zone

Clause 32.05 – Township Zone (TZ)

2.2 Overlays

Clause 42.02 – Vegetation Protection Overlay - Schedule 2 (VPO2): Phillip Island

Clause 43.02 - Design and Development Overlay - Schedule 1 (DDO1): Residential Areas near the Coast

Clause 44.04 – Land Subject to Inundation Overlay (LSIO)

2.3 Other

Particular Provisions: Clause 54 – Construction of one dwelling on a lot

3. Permit Triggers

Planning consideration is required for the proposal pursuant to:

Clause 43.02 – Design and Development Overlay – Schedule 1 (DDO1):
   - A permit is required for buildings and works that have a height greater than 7 metres above ground level.

Clause 44.04 – Land Subject to Inundation Overlay (LSIO)
   - A permit is required to construct a building or to construct or carry out works.
4. **Expectations**

4.1 **Referrals**

It is expected that the application will be referred to Melbourne Water (as the relevant floodplain authority) for comment under the LISO. Should Council deem any internal referrals are necessary it is expected that the application will be referred within the preliminary assessment phase of this application (28 days).

4.2 **Public Notice**

As the proposal is not exempt from the notice and review requirements of Section 52(1) (a), (b), and (d) of the Planning and Environment Act 1987 it is expected that the application will be advertised by way of letters and sign. We request that the application progress to public notice without delay.

4.3 **Decision Timeframe**

Pursuant to Section 79 of The Act and Regulation 31 (1) of the Planning and Environment Regulations 2005 the prescribed timeframe for a decision is 60 days. It is expected that the decision will be issued within this prescribed timeframe.

5. **The Site & Surrounds**

5.1 **Title Encumbrances**

The subject site, **4 Silverleaves Avenue, Silverleaves** is more formally known as Lot 22 on Plan of Subdivision 027717 contained within Volume 03403 Folio 585. The land is not affected by any restrictions any easements.

**The Site**

The ‘Subject Site’ is positioned within the small coastal township of Silverleaves, located on Phillip Island. The site has frontage of 18.11 metres to Silverleaves Avenue and a depth of 40.23 metres providing a total size of 723m². The land is currently occupied by a modest single storey fibro-cement dwelling with low pitch skillion roof profile and detached single garage (on the eastern side). The property is accessed via an informal driveway running along the east boundary leading to the detached garage. Vegetation is generally in small clusters adjacent to the east boundary and at the rear of the site surrounding an existing shed comprised of medium to large native canopy trees. There is a line of native trees scattered along the road reserve at the front of the site. The land has a gradual rise towards the rear boundary though is predominantly flat.
The photographs to follow assist to further illustrate the site and immediate surrounds:

**Figure 2: Existing dwelling and driveway access as viewed from Silverleaves Avenue**

![Existing dwelling and driveway access as viewed from Silverleaves Avenue](image)

**Figure 3: Rear elevation of existing dwelling**

![Rear elevation of existing dwelling](image)
Figure 4: SUBJECT SITE AND SURROUNDS – NEARMAP
6. Site Context

6.1 Neighbourhood Character

The following Melways Map identifies the sites’ location:

Figure 5 – Melways Map – Source: www.melway.com.au/online-maps

Clause 21.08 (Moderate Growth Settlements) under the Bass Coast Planning Scheme describes the Silverleaves area as follows:

‘Silverleaves exists as a small residential development to the east of Cowes. Separated from Cowes East by the Cowes Golf Club and Coghlan’s Road, Rhyll Inlet terminates the development to the east. The low scale character of Silverleaves is maintained by the inability to provide reticulated sewer to the land. The character of Silverleaves is generally defined by modest coastal beach dwellings nestled amongst mature Coast Banksia. The majority of this vegetation is classified as vulnerable Ecological Class Vegetation (EVC 2 Coast Banksia Woodland). The topography is generally flat with coastal dunes along the coastline forming a distinctive edge to the area. The existing urban area of Silverleaves is located below 2.5 meters AHD and vulnerable to anticipated impacts of Climate Change.’

As described above, Silverleaves is a small coastal township located on the northern side of Phillip Island and accessed via Coghlan’s Road to the south. The residential estate is bordered by golf course to the south and west and the foreshore of Port Phillip Bay to the north. The surrounding area is characterised by a mixture of modest single storey ‘beach-shacks’ interspersed with more contemporary infill development which generally seek to preserve the ‘beachside’ feel through their respective designs.
Existing dwellings are set amongst native coastal scrub and large trees such as Coast Banksia which form part of the coastal character of Silverleaves. It is clear that the environment, landform and natural features form the dominant feature of the area and contribute to the amenity of Silverleaves whereby built form is subservient to the coastal landscape.

The land is positioned within an area characterised by predominantly ‘single dwellings on a lot’ including both single and double storey form. Lot sizes are typically 700 - 1000m² in area. Whilst there is no distinct pattern of design, style or siting of dwellings within the immediate area. There is a contemporary coastal theme to the newer dwellings (although no predominant architectural style) and older housing stock is often more modest in scale and height comprising fibro-cement and weatherboard “beach shacks”. Most dwellings are setback from their respective boundaries, which allows for consistent spacing between buildings and the retention of established vegetation along the road alignments such as Silverleaves Avenue.

6.2 Surrounding Properties

The surrounding properties all contain single dwellings / beach houses constructed with varying materials and architectural styles comprising one and two storey forms. The exception to the prevailing single dwelling character along Silverleaves Avenue is the property to the west (known as 2 Silverleaves Avenue and 51 Sanders Road) which is located on a corner and has been developed and subdivided with two double storey detached dwellings. Each dwelling faces the respective street frontage (Silverleaves Avenue and Sanders Road) and is constructed of render and vertical cladding with skillion roof profile and low scale landscaping.

The road reserves of Silverleaves Avenue comprise rows of Coast Banksia trees with dwellings generally well setback from the road frontage. Many driveways are informal, constructed of gravel or crushed rock. The natural topography varies though has a gentle slope from south down towards the north (Silverleaves foreshore). Silverleaves Avenue has no formal drainage or kerb and channel therefore it is expected that natural run-off would occur into each respective property. There is a beach access track located diagonally opposite the subject site.
7. Planning Policy Framework Response

7.1 Planning Policy Framework (Victoria)

The following relevant Planning Policy Provisions are applicable to this proposal:

- Clause 11.01-1S Settlement
- Clause 11.02-1S Supply of Urban Land
- Clause 12.01-2S Native Vegetation Management
- Clause 12.02-1S Protection of Coastal Areas
- Clause 15.01-1S Urban design
- Clause 15.01-2S Building design
- Clause 15.01-5S Neighbourhood character
- Clause 15.01-2 Urban Design Principles
- Clause 16.01-3S Housing Diversity
- Clause 16.01-2S Location of residential development

The recurring objectives of these policies seek to:

‘To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses; To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation; To recognise the value of coastal areas to the community, conserve and enhance coastal areas; To achieve building design outcomes that contribute positively to the local context and enhance the public realm; To recognise, support and protect neighbourhood character, cultural identity, and sense of place; To promote a housing market that meets community need and To locate new housing in designated locations that offer good access to jobs, services and transport’.

The proposal is considered to respond appropriately to the relevant objectives of the Planning Policy Framework for Victoria. The site within an established residential area within the small coastal township of Silverleaves. The subject site has reasonable access to the Cowes Town Centre (within 2km to the west) which provides various retail and commercial outlets, food and drink premises, health services, educational facilities, public open spaces and recreational areas. Broad state policies encourage urban growth to be directed to established urban areas where services and infrastructure can support higher densities whilst balancing neighborhood character and landscape considerations. In this instance, it is submitted that the proposal will make a positive contribution to the coastal character of Silverleaves.
whilst retaining vegetation as a valued characteristic of the area.

New housing is directed towards and encouraged in designated locations which offer good access, to jobs, services and transport. The subject site is located within walking distance of the services and facilities provided by the Cowes Town Centre which is considered adequate to service the daily needs of residents noting the density of the area is not proposed to be increased by the proposed development.

In terms of building design, the development is of high architectural quality in a contemporary form which references the style of other dwellings recently constructed along Silverleaves Avenue and surrounding residential streets. The area is characterised by predominantly single dwellings on lots of between 700m² - 1000m², with varying styles from older, more modest ‘beach-shacks’ to larger contemporary dwellings of different designs many of which are double storey and similar in scale to the proposed dwelling. In this regard, it is submitted that the development reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the pattern of buildings and the underlying natural landscape character which favours coastal vegetation as the dominant feature.

Accordingly, the proposal is considered to satisfy all relevant objectives and key strategic directions under the Planning Policy Framework (PPF).

7.2 Local Planning Policy Framework

The following relevant Local Planning Policy Provisions are applicable to this proposal:

- Clause 21.04 Environment
- Clause 21.05 Landscape and Built Form
- Clause 21.08 Moderate Growth Settlements
- Clause 22.01 Stormwater Management Policy

The proposal is consistent with the LPPF objectives based on the following rationale:

Clause 21.04 Environment

This policy identifies that the Bass Coast municipality is susceptible to slower moving hazards, including flooding and coastal inundation caused by sea level rise. The prevention and management of these hazards is a key challenge (but also an opportunity) for improvement for Council. The decline and
fragmentation of indigenous vegetation and loss of biodiversity is a major environmental issue in the Shire, and a contributing factor towards other land and water degradation issues. As Bass Coast Shire has a number of low lying regions (both on the coast and further inland), the future impacts of climate change on the municipality are significant planning issues include potential sea level rise (amongst other risks) and development will be strongly discouraged in areas that may be affected.

Response:

The development has been sited and designed to ensure the protection and enhancement of remnant indigenous vegetation, including roadside vegetation along Silverleaves Avenue. The proposed envelope is not excessive and maintains the development pattern and spacing of buildings to allow for planning of locally indigenous and native vegetation species, while managing exotic and environmental weed species which are prevalent (particularly along the foreshore area opposite the subject site). Established vegetation on site will be retained and there are ample opportunities to carry out additional landscaping to contribute to the landscape character of the area (at Council’s discretion).

It is submitted that the dwelling has been designed with proper regard to the risk of flooding and coastal inundation due to its close proximity to the foreshore and low-lying topography. It is understood that Council will need to assess whether the development has been designed to mitigate flood risk to the property and does not increase the risk of an environmental hazard. It is acknowledged that development in areas such as this which may be affected by climate change (e.g. flooding and coastal inundation as identified by the ‘Land Subject to Inundation Overlay’) is discouraged by this policy, however it is considered that development of a replacement dwelling is a reasonable proposition provided it can be demonstrated that the design appropriately manages coastal hazard vulnerability.

Clause 21.05 Landscape and Built Form

Bass Coast has environmental and landscape values of regional and national significance, including Ramsar listed wetlands, marine parks and remnant native vegetation. The coastal landscapes are highly valued by the community for their visual, environmental and cultural qualities. Many residents are attracted to this region by the rolling hills leading down to the coast. Building dwellings on ridgelines, to gain views over rural hills, to the water in the distance, has previously been a popular development trend. The landscapes and views of the municipality need protection from inappropriate development. Where the built form character of an area is established and valued (and the area has not been identified for substantial change, as is the case here), new development should respect this character and add to the overall quality of the urban environment.
Response:

The development has been designed to appear subordinate to the natural, visual and environmental landscape character of the coastal area of Silverleaves. Native vegetation (including Coast Banksia) forms a dominant feature of the area whereby buildings are subservient to the surrounding natural environment. The siting and design of the proposed dwelling maintains the pattern and spacing of development in Silverleaves Avenue and is sympathetic to the desired future character of the area whereby older housing stock is gradually being replaced with more substantial contemporary dwellings. The new dwelling is sited in the same location as the existing dwelling (albeit with a larger footprint) which avoids the loss of vegetation and minimises the visual impacts from Silverleaves Avenue. Established vegetation along the east boundary and towards the rear of the site, as well as along the road reserve will be retained as a dominant natural feature which will ensure an appropriate balance with the proposed built form. The distance between the subject site and the foreshore, combined with the natural topography and established vegetation protects scenic views both to and from this area.

It is submitted that the development achieves a high standard of architecture and is designed to complement and integrate with the existing conditions and natural features of the site. The dwelling will have an attractive and active presentation to Silverleaves Avenue and responds to the emerging character of the area. The external elevations incorporate a suitable degree of articulation comprising varied materials and colour treatments to add visual interest particular to the front façade as it presents to Silverleaves Avenue. Overall, it is submitted that the built form and materials used for the development reflect the coastal setting and coastal architecture.

Clause 21.08 Moderate Growth Settlements (Silverleaves)

Local Planning Policy Clause 21.08 describes the Silverleaves area as a small residential development to the east of the Cowes town centre and commercial precinct. It identifies that the low scale character of Silverleaves is maintained by the inability to provide reticulated sewer to the land, therefore requiring each individual development to treat and retain waste water on-site. The character of Silverleaves is generally defined by modest coastal beach dwellings nestled amongst mature Coast Banksia (the majority of this vegetation being classified as a vulnerable Ecological Class Vegetation (EVC2 – Coast Banksia Woodland). The topography is generally flat with coastal dunes along the coastline forming a distinctive edge to the area. The existing urban area of Silverleaves is located below 2.5 meters AHD and vulnerable to anticipated impacts of Climate Change (such as coastal inundation).
Response:

The development of the land for a single dwelling to replace the existing dwelling maintains the settlement pattern in Silverleaves of single dwellings on individual lots. The proposed double storey form with a modest and recessive upper floor respects the established scale of Silverleaves defined by the coastal setting and significant coastal vegetation.

It is clear from a review of the Bass Coast Planning Scheme, that preparing for and managing the impacts of Climate Change is consistent theme, in particular impacts associated with predicted sea level rises and storm surge events and flooding. New development in the area east of Coghlans Road (which includes the subject site) is generally discouraged, unless the development comprises a replacement dwelling (as is the case here) can it be demonstrated to Council’s satisfaction that the likely impacts of the abovementioned environmental risks can be adequately mitigated through the careful siting and design of the dwelling. It is understood through discussions with Council that a Coastal Vulnerability Study may be required however this will be subject to a preliminary assessment of the proposed development once a planning application is lodged. The development is responsive to identified flood and coastal inundation risks identified in the Land Subject to Inundation Overlay.

Policy seeks to ensure Silverleaves recognised and highly valued environmental attributes are protected, including the landscape and aesthetic values of the Foreshore. In this instance the dwelling is setback a sufficient distance from the foreshore such that it would limited (if any) visibility from this area. The area is identified as ‘EVC 2 Coastal Banksia Woodland’ of high value and as evident by the established vegetation along Silverleaves Avenue and within individual properties. It is considered that the development would not detrimentally impact upon existing vegetation on site or the road reserve due to the siting within the same general location as the existing dwelling. Adequate areas are retained around the proposed dwelling to carry out additional planting (at Council’s discretion).

Clause 22.01 Stormwater Management Policy

Council’s Municipal Strategic Statement identifies stormwater drainage as a concern in urban areas where there is inadequate street drainage infrastructure. Consequently, this inadequacy impacts on stormwater quality, which, in turn, affects coastal and inland waterways and flora and fauna habitats.

Response:

The layout of the development provides adequate areas for the treatment and retention of waste water on site. It is understood that unsewered allotments in residential areas (such as this) with an area less than 4,050m² may require a Land Capability Assessment however this is at Council’s discretion. We
maintain that this should not be necessary in this instance as it can be demonstrated that the land is capable of accommodating a waste water treatment system on site. Accordingly, no polluted water or sediment will be discharged directly or indirectly into any existing drain or watercourse.

8. Response to Planning Permit Triggers

8.1 Clause 32.05 – Township Zone

The purpose of the zone seeks to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage development that respects the neighbourhood character of the area.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The development of buildings and works associated with a single dwelling on a lot is entirely consistent with the purpose of the zone and Section 1 – permit not required use. The dwelling satisfies the requirements of Clause 32.05-3 as waste water will be treated and retained on site, potable water supply will be provided and reticulated electrical supply is available to the site.

Pursuant to Clause 32.05-6 the development must meet the requirements of Clause 54. A full assessment of Clause 54 is provided for at Appendix 1 demonstrating compliance with the relevant standards and objectives. The development maintains the development pattern along the coastal area of Silverleaves for single dwellings on individual lots. The design of housing varies along Silverleaves Avenue comprising more modest ‘beach shacks’ with contemporary infill development of similar scale and architectural style to the proposed development. Accordingly, it is considered that the development adequately respects the emerging neighbourhood character of the area.

Clause 42.02 Vegetation Protection Overlay – Schedule 2 (VPO2): Phillip Island

Statement of nature and significance of vegetation to be protected

It is estimated that less than 15 per cent of Phillip Island retains a natural cover of vegetation. Given the general lack of vegetation on Phillip Island, it is important to protect indigenous and large native trees in urban areas. It is also important to encourage and facilitate the planting of vegetation indigenous to
a particular locality to maintain and enhance the natural environment of the urban areas of Phillip Island and to enhance habitat. The urban areas of Phillip Island are generally characterised by native vegetation that contribute towards the character of these seaside communities and provide habitat for native fauna. Conservation and enhancement of the natural environment is very important to the character of these urban areas.

Schedule 2 to the VPO outlines the following Vegetation protections objections to be achieved:

- To protect and enhance existing indigenous and larger native species within the urban area of Phillip Island.

Response:

The new dwelling is essentially sited in the same location as the existing dwelling, albeit with a larger footprint. The balance of vegetation across the site will be retained and protected as part of the development. Vegetation along the east boundary and along the road reserve at the front of the site has the positive effect of providing partial screening for the existing dwelling in a similar way it would screen the proposed development.

It is submitted that established vegetation on site will provide an appropriate balance with the proposed built form and therefore no additional replanting should be required. However should Council deem necessary, landscaping around the dwelling with local indigenous species can be provided via conditional landscape plan. Adequate open areas are retained around the dwelling to carry out strategic replanting and landscaping (as required) to contribute to the long terms maintenance of the landscape and environmental values of the Silverleaves coastal area.

8.2 Clause 43.02 Design and Development Overlay - Schedule 1 (DDO1): Residential Areas Near The Coast

The Design Objectives to be achieved:

- To protect views from the coast to adjacent residential areas.
- To protect views to the coast from adjacent residential areas.
- To minimise the impact of development along the coastline.
- To protect and enhance the visual amenity and landscape of the coastal area.
- To respond to the potential coastal impacts of climate change.
Response:

Before deciding on an application, the responsible authority must consider: The siting and design of proposed development in response to Council’s adopted Design and Siting Guidelines for Coastal Areas and Rural Hinterland 1999, and Siting and Design Guidelines for Structures on the Victorian Coast, Victorian Coastal Council 1998. Appendix 1 of the Guidelines poses a number of questions associated with development and land use in a Coastal area. Below we answer the following, relevant questions that have been extracted from Appendix 1. The positive response to the questions identifies that the proposed dwelling is entirely appropriate in the coastal context:

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<thead>
<tr>
<th>Development Feasibility</th>
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<tr>
<td>Is the proposed use dependent upon a coastal siting?</td>
<td>The proposal relates to a dwelling on a residential property. Council supported the creation of the residential land therefore the coastal siting is relevant to the existing property.</td>
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<tr>
<td>Is a new structure necessary?</td>
<td>A dwelling on the residential property is the expected form of development on the land.</td>
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<td>Has the Council and local management authority been consulted?</td>
<td>An application has been lodged for the proposed dwelling.</td>
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<th>Site Selection</th>
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<tr>
<td>Can the proposed use be accommodated with minimal disturbance to the soils, drainage, vegetation and marine environment of the area?</td>
</tr>
<tr>
<td>Are the required services available to the site, or are renewable energy alternatives available?</td>
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<td>Can the traffic generated by the proposed use be accommodated by the adjacent roads?</td>
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### Site Analysis

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<td>Is the topography type, (i.e. cliff, flat or undulating), known?</td>
<td>The subject site and immediately surrounding area is essentially flat (with only a gradual change in topography).</td>
</tr>
<tr>
<td>Have all stands of existing native vegetation, including their type and condition, been identified?</td>
<td>There is no vegetation on the subject site and no vegetation on adjoining properties that would be comprised by the proposed works.</td>
</tr>
<tr>
<td>Have all desirable and undesirable views, both into and from the site, been identified?</td>
<td>The subject site is located on a residential street (being Silverleaves Avenue) where filtered views are available of dwellings due to rows of trees located on the road reserve which provide screening and a key environmental feature. There are limited views available to and from the foreshore due to the natural topography and established vegetation. The dwelling has been designed to respond to the residential context, accordingly the view into the site will reflect the existing residential character. The view out of the site will relate to glimpses of the foreshore and a view toward the surrounding residential area.</td>
</tr>
<tr>
<td>Have all desirable and undesirable visual elements in the vicinity been identified?</td>
<td>The water-view is the most desirable visual element within the area. The dwelling has been designed to appreciate that outlook where possible.</td>
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### Site Planning

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<td>Is the development set back as far as possible from the shoreline?</td>
<td>The subject site is over 100m from the foreshore, accordingly the siting of the dwelling on the land is not relevant to the shoreline setback as it would make little difference.</td>
</tr>
<tr>
<td>Is the development sited on a suitable slope to minimise cut and fill and expensive footing design?</td>
<td>The siting and design of the dwelling minimize the need for extensive cut and fill to accommodate the building envelope.</td>
</tr>
<tr>
<td>Have all desirable and undesirable views, both into and from the site, been identified?</td>
<td>As discussed above.</td>
</tr>
<tr>
<td>Is the development sited to protect and enhance desirable views?</td>
<td>The development would not detract from any available views towards the foreshore.</td>
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<td>Question</td>
<td>Answer</td>
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<tr>
<td>Does the development minimise interruption to pedestrian movement along the foreshore?</td>
<td>The development is sited over 100m from the foreshore therefore will not interrupt pedestrian movement along this area. There is a pedestrian track directly opposite the subject site which provides easy access to the foreshore.</td>
</tr>
<tr>
<td>Is the development sited clear of all service easements and statutory setbacks?</td>
<td>There are no easements which appear on the title to the land. The proposed dwelling is generously setback from the front boundary a minimum of 7.34 metres (8.47 metres to the front wall) which reflects the prevailing setbacks along Silverleaves Avenue.</td>
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**Design of Structures**

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<tr>
<td>Have the proposed uses of the building and the functional requirements been clearly identified?</td>
<td>The proposed internal layout is considered functional and practical to provide a high standard of amenity for the future occupants.</td>
</tr>
<tr>
<td>Are areas which may require heating served by north facing windows?</td>
<td>The north / south orientation of the site makes it challenging to achieve a direct northern orientation to main habitable living areas. North facing windows have been maximized where possible.</td>
</tr>
<tr>
<td>Have the dominant colours in the surrounding landscape been used as a basis for design?</td>
<td>The dwelling incorporates design detailing with a selection of materials and natural tones commonly found in the coastal area of Silverleaves.</td>
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**Design of Structures**

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<td>Does the landscape design maintain and enhance the existing coastal character of the area?</td>
<td>The layout of the development retains adequate areas around the proposed building envelope to carry out new landscaping to Council’s satisfaction. Any landscape design will have proper regard for the ecological vegetation class of the area being ‘EVC2 Coast Banksia Woodland’.</td>
</tr>
<tr>
<td>Do the landscape works effectively visually integrate the development into the site?</td>
<td>New landscaping will supplement the established native vegetation on the site and integrate the proposed dwelling with the surrounding natural environment.</td>
</tr>
</tbody>
</table>
As discussed below, it is submitted that the development has been designed and sited with proper regard to the risks and coastal impacts associated with climate change (including tides, storm surges, localised flooding).

The high quality design of the dwelling contributes to the maintenance and improvement of the visual quality of the coastal landscape. With regard to the visual amenity and landscape values of the Silverleaves coastal area, it is noted that the dwelling is proposed in a relatively flat area of the site surrounding by established vegetation and therefore would not interrupt views towards the foreshore. The design of the dwelling ensures that visual intrusion on the coastal landscape is avoided through the selection of appropriate materials with natural tones and finishes that responds to the emerging character of the area.

The development is for a replacement dwelling therefore will not increase the density of the area or demand on services or exceed the capacity of the coastal landscape and environment to sustain residential development. It is recognised that a lower intensity of residential activity and traffic movement contributes to the amenity of Silverleaves where vehicles generally travel at low speeds. It is considered that the density of the development i.e. one dwelling per lot, reflects the established pattern in Silverleaves. The dwelling will not exceed the environmental or infrastructure capacity of Silverleaves Avenue.

The emerging character of the area if the replacement of modest ‘beach-shacks’ with more substantial one and two storey dwellings which generally adopt a “contemporary coastal’ architectural style to respect the existing development pattern. The adjoining property to the west contains two double storey dwellings of similar height and scale to the proposed dwelling (particularly noting the first floor is well recessed from the ground floor and generously setback from the front boundary). It is submitted that the siting, height, scale, materials and form of the proposed dwelling have been designed to have least visual effect on the landscape and recreational values of the coastal environment.

The development recognises that natural features (such as coastal native vegetation) forms the dominant characteristic of the area. Existing trees on the subject site and road reserve of Silverleaves Avenue will be retained and protected during construction for its environmental value and screening benefit. The proposed dwelling is position in the same general location as the existing dwelling therefore minimising the need to extensive earthworks which is further aided by the gradual slope of the land.
Clause 4.04 Land Subject to Inundation Overlay (LSIO)

It has been established that the proposal requires planning approval pursuant to the LSIO.

Purpose:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Response:

The ‘Application Requirements’ outlined in the Schedule to the LISO state that for coastal development (such as proposed here) on land below 5m AHD, the responsible authority (Council) or relevant floodplain management authority (Melbourne Water) may require that a coastal hazard vulnerability assessment or similar statement be prepared to accompany a planning application for a ‘Dwelling’. Based on recent discussions with Council’s Planning Department we have been advised that it is acceptable to lodge a planning application without providing such a report, with the understanding that Council will determine whether it is necessary based on a preliminary assessment of the proposed development against the applicable planning controls.

It is expected that the application will be referred to Melbourne Water (as the relevant floodplain authority) for comment under the LISO. It is noted that the land is currently used for a dwelling and the proposed dwelling will be sited in the same location. There are no opportunities to locate the dwelling on an area which is flood-free land or land with a lesser flood hazard outside this overlay noting the LISO applies to the entire site. It is considered that the dwelling can be appropriately designed to...
adequately minimise the susceptibility of the development to flooding and flood damage and the effect of the development on redirecting or obstructing floodwater, stormwater or drainage water.

9. Conclusion

As demonstrated within this report, the proposed development results in an orderly planning outcome which is responsive to the objectives of the Bass Coast Shire Planning Scheme and is entirely worthy of support as:

☑ The application is responsive to the planning controls affecting that site;

☑ The application represents an appropriate response to the Planning Policy Framework and Local Planning Policies for Bass Coast.

☑ The development is consistent with the purpose of the Township Zone through a site responsive design which will make a positive contribution to the coastal area of Silverleaves.

☑ The development is consistent with the design objectives of the DDO1 by protecting and enhancing the visual amenity and landscape of the coastal area whilst protecting views to and from the surrounding residential areas.

☑ The development retains and protects existing vegetation as a valued environmental feature of the Silverleaves area as encouraged by the VPO2.

☑ The proposal has proper regard for the risk to the property from flooding and coastal inundation

☑ The proposed dwelling respects the neighbourhood character, incorporates adequate design detailing and will not result in an unreasonable impact upon the amenity of surrounding dwellings as demonstrated through compliance with Clause 54; and

☑ The application at hand presents an orderly planning outcome for Silverleaves Avenue and the wider coastal area of Silverleaves.
Pursuant to Clause 32.08-5 the development must meet the requirements of Clause 54. The table below assesses the proposal against Clause 54, demonstrating full compliance with all objectives.

<table>
<thead>
<tr>
<th>Relevant Clause</th>
<th>Standard</th>
<th>Complies / Assessment Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 54.01 Site analysis</td>
<td>A1</td>
<td>Refer to Section 5 – The Site for a site analysis.</td>
</tr>
<tr>
<td>Clause 54.02 Neighbourhood character</td>
<td>A2</td>
<td><strong>Complies</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>The immediate development pattern consists of newer built form set amongst older housing stock. New construction within the area is generally of double storey height and scale with varied architectural style (though many dwellings seek to maintain a ‘Coastal feel’ in their design detail, materials and colour scheme). The proposed dwelling respects older housing stock and the emerging character of the area by presenting as a single storey form (with recessed first floor) and will make a positive contribution to the streetscape of Silverleaves Avenue.</td>
</tr>
<tr>
<td>Clause 54.03-1 Front setbacks</td>
<td>A3</td>
<td><strong>Variation Sought</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>The minimum front setback of the proposed dwelling is 7.34 metres (measured to the edge of the porch) with a setback of 8.47 metres to the closest wall. This reflects the existing setback of the dwelling to the west (2 Silverleaves Avenue) and maintains the rhythm of front setbacks along the southern side of Silverleaves Avenue whilst making efficient use of the site.</td>
</tr>
<tr>
<td>Clause 54.03-2 Building height</td>
<td>A4</td>
<td>Refer to Section 8 – Response to Planning Controls</td>
</tr>
</tbody>
</table>
| Clause 54.03-3 | Site coverage | A5 | **Complies**
The total site coverage of all buildings is well below 60% (proposed 29%)
| Clause 54.03-4 | Permeability | A6 | **Complies**
More than 20% of the site will be permeable (proposed 66%)
| Clause 54.03-5 | Energy efficiency | A7 | **Complies**
Habitable living rooms and outdoor areas are designed to make efficient use of solar access (north aspect) where practical.
| Clause 54.03-6 | Significant trees | A8 | Refer to Section 8.2 – Response to Vegetation Protection Overlay – Schedule 2
| Clause 54.04-1 | Side and rear setback | A10 | **Complies**
The proposed dwelling is well setback from all side boundaries and demonstrates full compliance with this standard and objective. The ground floor is setback 1.2 metres from the west boundary with a generous setback of 4.5 metres at first floor which ensures that the development would not cause unreasonable amenity impacts to the adjoining properties (secluded private open space).
| Clause 54.04-2 | Wall on boundaries | A11 | N/A
No walls on boundary are proposed
| Clause 54.04-3 | Daylight to windows | A12 | **Complies**
The siting of the works and setbacks to the existing dwellings to the west will ensure that the proposal will not impact upon the daylight received to existing windows.
<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>54.04-4</td>
<td>North facing windows</td>
<td>Complies</td>
</tr>
<tr>
<td>A13</td>
<td>There are no existing north facing windows within 3 metres of the southern boundary.</td>
<td></td>
</tr>
<tr>
<td>54.04-5</td>
<td>Overshadowing open space</td>
<td>Complies</td>
</tr>
<tr>
<td>A14</td>
<td>The development will not result in an unreasonable extent of shadow to neighbouring land, ensuring compliance with this standard and objective. The single storey form with a recessive first floor ensures that shadow impacts are minimised. The shadow diagrams prepared by EastWest Homes at 9am, 12pm and 3pm demonstrate that on the 22 September shadows cast by the proposed dwelling will fall primarily within the boundaries of the subject site or extend only marginally greater than the shadows cast by the existing boundary fence.</td>
<td></td>
</tr>
<tr>
<td>54.04-6</td>
<td>Overlooking objective</td>
<td>Variation Sought</td>
</tr>
<tr>
<td>A15</td>
<td>The plans prepared by East West Homes show that west facing first floor windows have raised sill height to a minimum of 1.7 metres above finished floor level to prevent unreasonable overlooking into the adjoining backyards to the west. The bedroom windows at first floor facing east towards the dwelling at 6 Silverleaves Avenue are only marginally within the 9 metres ‘overlooking arc’ with direct views likely to be obstructed by the existing boundary fence and established vegetation. Accordingly, it is submitted that the proposed first floor windows would not result in unreasonable overlooking into the adjoining property and do not require any form of screening as the design in its current form limits unreasonable overlooking.</td>
<td></td>
</tr>
<tr>
<td>54.05-1</td>
<td>Daylight to new windows</td>
<td>Complies</td>
</tr>
<tr>
<td>A16</td>
<td>All habitable room windows face outdoor living areas and or outdoor space open to sky.</td>
<td></td>
</tr>
<tr>
<td>Clause 54.05-2</td>
<td>Private open space</td>
<td>A17</td>
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</table>

<table>
<thead>
<tr>
<th>Clause 54.05-3</th>
<th>Solar access POS</th>
<th>A18</th>
<th><strong>Complies</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>The private open space is of sufficient size to make appropriate use of the orientation of the land.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Clause 54.06-1</th>
<th>Design detailed objective</th>
<th>A19</th>
<th><strong>Complies</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td>The proposed dwelling is consistent with and complementary to the development pattern and varied character found within Silverleaves Avenue, as previously described within this report.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Clause 54.06-2</th>
<th>Front fences objective</th>
<th>A20</th>
<th><strong>N/A</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>No front fencing is proposed as part of this planning application.</td>
</tr>
</tbody>
</table>

- End of Clause 54 Assessment –