TOWN PLANNING SUBMISSION

4 & 5 VICTORIA COURT COWES

Kris Klabis
RE-SUBDIVISION OF TWO TITLES
**Title:** 4 & 5 Victoria Court Cowes

**Author:** M Duffy

**Checked:** D Linkins

**Synopsis:** Boundary realignment of two titles

**Reference:** 1801256

**Client:** Kris Klabis

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**ATTACHMENTS**

Attachment A: Certificate of Title
Attachment B: Site and Surrounds Photos
Attachment C: Proposed Plan of Subdivision & Site Context Plan
1 INTRODUCTION

Kris Klabis has requested Beveridge Williams to make application for planning approval to re-subdivide the subject land into two lots. This report provides an assessment of the proposal having regard to the provisions of the Bass Coast Planning Scheme.

2 SITE & SURROUNDS

2.1 SUBJECT SITE

The land is located at 4 and 5 Victoria Court Cowes and is more particularly described as Lot 3 on Plan of Subdivision PS448864P and Lot 1 on Plan of Subdivision PS808689B. A copy of the Certificates of Title is contained in Attachment A.

The location plan contained in Figure 1 below shows the site within the context of the adjoining properties and the broader area.

The allotment at 5 Victoria Court is irregular in shape with a frontage to Victoria Court measuring 12 metres, and measures approximately 1.006 hectares in area. The allotment at 4 Victoria Court is regular in shape with a frontage to Victoria Court of 16 metres, a southern boundary of 16 metres, east and west boundaries measuring 40 metres, and measuring approximately 640m² in area.

Each site contains a dwelling, and ancillary buildings. There is a mixture of native & non-native vegetation across 5 Victoria Court, which is to be retained.

Electricity and telecommunications services are available to the site.
2.2 SURROUNDING AREA

The subject site is located in the township of Cowes approximately 415 metres south of the commercial centre and approximately 400 metres south-west of Cowes Primary School. There is a foreshore reserve approximately 1.2 kilometres north of the subject site, and the Cowes Recreation Reserve is approximately 1.1 kilometres north-east of the site.

The site is surrounded by developed residential properties, with many surrounding lots developed for medium density housing. The subject land abuts Banfields Aged Care Facility to the east, residential dwellings to the north, south and west, with Grossard Court Aged Care Facility further to the west.

Victoria Court is a sealed road with grass shoulders.

The aerial view contained in Figure 2 below shows the site within the context of the adjoining properties and the broader area.

![Figure 2: Aerial View](Source: GeoVic. Not to scale)

Photos of the site and surrounds are provided at Attachment B.
3  THE PROPOSAL

It is proposed to realign the boundary between the existing lots. The eastern boundary of 4 Victoria Court is to be moved 6.3 metres east.

- Lot 1 will contain the existing dwelling at 4 Victoria Court, and will measure approximately 892m² in area. The front boundary will measure 22.30 metres and access will continue from the existing access at the south-west corner of the site. The east and west boundaries will measure 40 metres, and the southern boundary will measure 22.30 metres.

- Lot 2 will contain the existing dwelling at 5 Victoria Court, and will measure approximately 9,811m² in area. The front boundary will measure 12 metres and access will continue from the existing access at the western boundary as it abuts Victoria Court.

A proposed plan of subdivision and site context plan, form Attachment C.
4  PLANNING CONTROLS

4.1  PLANNING POLICY FRAMEWORK

The Planning Policy Framework (PPF) provisions are outlined at Clause 11 to Clause 19 of the Bass Coast Planning Scheme. The following Planning Policies are relevant to the proposed subdivision application.

CLAUSE 11 SETTLEMENT

The introductory statement of the clause notes:

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Planning is to recognize the need for, and as far as practicable contribute towards:

- Health and safety.
- Diversity of choice.
- Adaptation in response to changing technology.
- Economic viability.
- A high standard of urban design and amenity.
- Energy efficiency.
- Prevention of pollution to land, water and air.
- Protection of environmentally sensitive areas and natural resources.
- Accessibility.
- Land use and transport integration.

Planning is to prevent environmental problems created by siting incompatible land uses close together.

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport, utility, social, community and commercial infrastructure and services.

Clause 11.01 refers to ‘Victoria’ and Clause 11.01-1S more particularly to ‘Settlement’. The objective of Clause 11.01-1s is:

To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements

Strategies to achieve this objective are:

Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.

Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.

Ensure regions and their settlements are planned in accordance with their relevant regional growth plan. Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.

Create and reinforce settlement boundaries. Provide for growth in population and development of facilities and services across a regional or sub-regional network.

Plan for development and investment opportunities along existing and planned transport infrastructure.

Promote transport, communications and economic linkages between settlements through the identification of servicing priorities in regional land use plans.

Strengthen transport links on national networks for the movement of commodities.

Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:

- Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.
- Developing settlements that will support resilient communities and their ability to adapt and change.
- Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.
- Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.
- Encouraging an integrated planning response between settlements in regions and in adjoining regions and states in accordance with the relevant regional growth plan.
- Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.
- Improving transport network connections in and between regional cities, towns and Melbourne.

Encourage a form and density of settlements that supports sustainable transport to reduce greenhouse gas emissions.

Limit urban sprawl and direct growth into existing settlements.

Promote and capitalise on opportunities for urban renewal and infill redevelopment.

Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.

Ensure retail, office-based employment, community facilities and services are concentrated in central locations.

Ensure land that may be required for future urban expansion is not compromised

Clause 11.02 refers to ‘Managing Growth’ and Clause 11.02-1S more particularly to the ‘Supply of urban land’. The objective of Clause 11.02-1S is:

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
Strategies to achieve this objective are:

Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.

Ensure that sufficient land is available to meet forecast demand.

Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur.

Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

Planning for urban growth should consider:

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.

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

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

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

Clause 11.03 refers to ‘Planning for Places’ and Clause 11.03-1S refers more particularly to ‘Activity Centres’. The objective of Clause 11.03-1S is:

To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

Strategies to achieve this objective are:

Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that:

- Comprises a range of centres that differ in size and function.
- Is a focus for business, shopping, working, leisure and community facilities.
- Provides different types of housing, including forms of higher density housing.
- Is connected by transport.
- Maximises choices in services, employment and social interaction.

Support the role and function of each centre in the context of its classification, the policies for housing intensification, and development of the public transport network.

Undertake strategic planning for the use and development of land in and around activity centres.

Give clear direction on preferred locations for investment.

Encourage a diversity of housing types at higher densities in and around activity centres.

Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.

Improve access by walking, cycling and public transport to services and facilities.
Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.

Encourage economic activity and business synergies.

Improve the social, economic and environmental performance and amenity of activity centres.

Clause 11.03-4S refers to ‘Coastal Settlement’. The objective of Clause 11.03-4S is:

To plan for sustainable coastal development.

Strategies to achieve this objective are:

- Plan and manage coastal population growth and increased visitation so that impacts do not cause unsustainable use of coastal resources.
- Support a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services.
- Encourage urban renewal and redevelopment opportunities in existing settlements to reduce the demand for urban sprawl.
- Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values are protected. Where no settlement boundary is identified, the extent of a settlement is defined by the extent of existing urban zoned land and any land identified on a plan in the planning scheme for future urban settlement.
- Direct new residential and other urban development and infrastructure to locations within defined settlement boundaries of existing settlements that are capable of accommodating growth.
- Support the sustainable management of growth around coastal, estuary and marine assets to protect environmental values, and to achieve regional economic and community benefits.
- Avoid linear urban sprawl along the coastal edge and ribbon development in rural landscapes.
- Protect areas between settlements for non-urban use.
- Avoid development on ridgelines, primary coastal dune systems and low lying coastal areas.
- Encourage the restructure of old and inappropriate subdivisions to reduce development impacts on the environment.
- Ensure a sustainable water supply, stormwater and sewerage treatment for all development.
- Minimise the quantity and enhance the quality of stormwater discharge from new development into the ocean, bays and estuaries.

CLAUSE 15 BUILT ENVIRONMENT AND HERITAGE

The introductory statement of the clause notes:

Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.
Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.

Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.

Planning should promote excellence in the built environment and create places that:

- Are enjoyable, engaging and comfortable to be in.
- Accommodate people of all abilities, ages and cultures.
- Contribute positively to local character and sense of place.
- Reflect the particular characteristics and cultural identity of the community.
- Enhance the function, amenity and safety of the public realm

Clause 15.01 refers to ‘Built Environment’ and Clause 15.01-1S more particularly to ‘urban design’. The objective of Clause 15.01-1S is:

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

Strategies to achieve this objective are:

- Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.
- Ensure the interface between the private and public realm protects and enhances personal safety.
- Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.
- Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.
- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.
- Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.
- Promote good urban design along and abutting transport corridors

Clause 15.01-3S refers to ‘subdivision design’. The objective of Clause 15.01-3S is:

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

Strategies to achieve this objective are:

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:
- Creating compact neighbourhoods that have walkable distances between activities.
- Developing activity centres in appropriate locations with a mix of uses and services and access to public transport.
- Creating neighbourhood centres that include services to meet day to day needs.
- Creating urban places with a strong sense of place that are functional, safe and attractive.
- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.
- Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.
- Protecting and enhancing native habitat.
- Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.
- Reduce car dependency by allowing for:
  - Convenient and safe public transport.
  - Safe and attractive spaces and networks for walking and cycling.
  - Subdivision layouts that allow easy movement within and between neighbourhoods.
  - A convenient and safe road network.
- Being accessible to people with disabilities.
- Creating an urban structure and providing utilities and services that enable energy efficiency, resource conservation,

Clause 15.01-4S refers to ‘Healthy neighbourhoods’. The objective of Clause 15.01-4S is:

To achieve neighbourhoods that foster healthy and active living and community wellbeing.

Strategies to achieve this objective are:

Design neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity by providing:

- Connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life.
- Streets with direct, safe and convenient access to destinations.
- Conveniently located public spaces for active recreation and leisure.
- Accessibly located public transport stops.
- Amenities and protection to support physical activity in all weather conditions.

Clause 15.01-5S refers to ‘Neighbourhood character’. The objective of Clause 15.01-5S is:

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.
Strategies to achieve this objective are:

Ensure development responds to cultural identity and contributes to existing or preferred
eighbourhood character.

Ensure development responds to its context and reinforces a sense of place and the valued features
and characteristics of the local environment and place by emphasising the:

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.
- Heritage values and built form that reflect community identity.

Clause 15.02 refers to ‘Sustainable Development’ and Clause 15.02-1S more particularly to ‘Energy and
resource efficiency’. The objective of Clause 15.02-1S is:

To encourage land use and development that is energy and resource efficient, supports a cooler
environment and minimises greenhouse gas emissions.

Strategies to achieve this objective are:

Improve the energy, water and waste performance of buildings and subdivisions through
environmentally sustainable development.

Promote consolidation of urban development and integration of land use and transport.

Improve efficiency in energy use through greater use of renewable energy technologies and other
energy efficiency upgrades.

Support low energy forms of transport such as walking and cycling.

Reduce the urban heat island effect by greening urban areas, buildings, transport corridors and open
spaces with vegetation.

Encourage retention of existing vegetation and planting of new vegetation as part of development
and subdivision proposals.

CLAUSE 16 HOUSING

The introductory statement of the clause notes:

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

Planning should ensure the long term sustainability of new housing, including access to services,
walkability to activity centres, public transport, schools and open space.

Planning for housing should include the provision of land for affordable housing.

Clause 16.01 refers to ‘Residential Development’ and Clause 16.01-1S more particularly to ‘Integrated
Housing’. The objective of Clause 16.01-1S is:

To promote a housing market that meets community needs.

Strategies to achieve this objective are:

- Increase the supply of housing in existing urban areas by facilitating increased housing yield in
appropriate locations, including under-utilised urban land.
- Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.

- Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.

- Facilitate the delivery of high quality social housing.

Clause 16.01-2S refers to ‘Location of Residential Development’. The objective of Clause 16.01-2S is:

To locate new housing in designated locations that offer good access to jobs, services and transport.

Strategies to achieve this objective are:

- Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.

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

- Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.

- Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.

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

Clause 16.01-3S refers to ‘Housing Diversity’. The objective of Clause 16.01-3S is:

To provide for a range of housing types to meet increasingly diverse needs.

Strategies to achieve this objective are:

- Ensure housing stock matches changing demand by widening housing choice.

- Facilitate diverse housing that offers choice and meets changing household needs through:
  - A mix of housing types.
  - Adaptable internal dwelling design.
  - Universal design.

- Encourage the development of well-designed medium-density housing that:
  - Respects the neighbourhood character.
  - Improves housing choice.
  - Makes better use of existing infrastructure.
  - Improves energy efficiency of housing.

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

- Ensure planning for growth areas provides for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.
Clause 16.01-4S refers to ‘Housing Affordability’. The objective of Clause 16.01-4S is:

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

Strategies to achieve this objective are:

Improve housing affordability by:

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

Increase the supply of well-located affordable housing by:

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

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

CLAUSE 17 ECONOMIC DEVELOPMENT

Planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.

Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.
4.2 LOCAL PLANNING POLICY FRAMEWORK

4.2.1 The Municipal Strategic Statement (MSS)

The Municipal Strategic Statement (MSS) is the expression of the planning vision, objectives and strategies at the municipal level of consideration.

The Municipal Strategic Statement (MSS), under “Settlement Pattern” (Clause 21.01-2) states the following:

*The major population centres are Wonthaggi, Cowes, San Remo and Inverloch. Aside from Wonthaggi, the larger centres are coastal communities with larger population fluctuations during holiday and summer periods.*

*There are a number of other towns and villages in the Shire. These range from small rural communities and small coastal hamlets, to developing activity centres such as Grantville.*

Over recent years, Council has been developing structure plans and design frameworks for a number of towns and will continue to develop these plans for the main residential areas across the Shire. The purpose of these plans is to define settlement boundaries for urban areas, provide strategic direction for managing population growth and to ensure sustainable land use practices.

The following relevant themes are identified in Clause 21.01-5 of the Municipal Profile, which sets out the specific visions for the MSS:

**Settlement**
- Residential development and related urban land uses contained to existing activity nodes and designated growth areas.
- Communities with their own identity.
- A quality urban environment and well-functioning towns that benefit both residents and visitors.
- Agriculture and rural landscapes maintain non-urban breaks between towns.
- Rural living opportunities in areas identified for this use.

**Housing**
- Diverse housing options and types for all ages meeting changing household characteristics.
- Increased housing densities in proximity to commercial centres, community facilities and services.
- Affordable housing options provided in the municipality.

The following extracts of the Local Planning Policy Framework are relevant to this proposal.

**Clause 21.02 Settlement**

Clause 21.02-1 refers to ‘Growth of Towns’ and sets out a Settlement Hierarchy that details the strategic directions and development opportunities in the Shire.

Council has prepared Design Frameworks and Structure Plans for all towns that inform the Local Areas sections in Clauses 21.07, 21.08 & 21.09. These provide more specific guidance about future land use in the Shire’s towns.

Cowes is identified as a District Town with moderate spatial growth capacity. Some growth is encouraged beyond urban zoned land and infill development within the township boundary.
Clause 21.02-2 Housing

Overview

Provision needs to be made for a diverse range of housing types and tenures to cater for the municipality’s varied community. As the population ages a more diverse range of housing is required. Provision also needs to be made for housing that can be adapted to cater for people with disabilities and older persons when the need arises. Housing in the area is becoming increasingly difficult to afford for many residents in the municipality.

Urban consolidation is encouraged in areas that have the physical infrastructure, community facilities and commercial facilities to support an increase in population.

Key Issues

- Providing housing to meet the demands of a changing demographic profile.
- Catering for an increasingly aged population.
- Providing affordable housing in the municipality.

Objectives & Strategies:

To increase housing densities and the consolidation of urban areas in appropriate locations and restrict increased housing densities and the consolidation of urban areas in inappropriate locations.

Encourage increased housing densities within Wonthaggi, Cowes/Ventnor, San Remo, Inverloch and Grantville:

- In proximity to commercial centres, community facilities and services.
- In areas nominated in Structure Plans and Design Frameworks.
- Within 200 metres of a main commercial activity centre.

To provide a diversity of housing types to meet the needs of all residents and visitors to the municipality.

Ensure housing is designed to be accessible for people with limited mobility.

To provide more affordable housing options in the municipality.

Encourage the provision of affordable housing by ensuring that housing:

- Is affordable for different income groups.
- Is of different types and forms.
- Is responsive to the needs of households at different life stages.
- Includes a range of options that will sustain diverse communities.

To provide a diversity of lot sizes to meet the needs of all residents and visitors to the municipality.

Encourage the following densities:

- 1 dwelling per 300m² on land located within 400 metres of a main commercial activity centre or community facility.
- 1 dwelling per 450m² on land located within 800 metres of a main commercial activity centre or community facility.
- 1 dwelling per 600m² on land located more than 800 metres away from a main commercial activity centre or community facility.

**Clause 21.03 Economic Development**

**Clause 21.03-1 Economic Development Overview**

Wonthaggi is the region’s main centre for administrative, retail, commercial, industrial and community facilities, serving communities as far away as Grantville and Phillip Island. It provides for a range of health practitioners, retail and office services, schools, community facilities (library, court house) and municipal offices.

Other business centres include Cowes, San Remo, Grantville and Inverloch. These centres provide retailing and community facilities for the local and wider population. The role and function of these commercial areas are changing in line with increased population and visitation rates. Smaller centres provide the day to day needs of the local community as well as acting as a social gathering point.

There are smaller industrial estates located in Cowes, Inverloch, Newhaven, and Grantville. These generally provide a local service industry function.

Dairy and beef cattle farming are a significant contributor to both the local and regional economies, and a major source of local employment. Meat production and horticulture are also locally important, and production of these commodities takes place across the Shire.

Tourism is a major contributor to the local, regional and State economies. The coastlines of Western Port and Bass Strait, as well as Phillip Island, are major tourist destinations. People visit the Shire because of the unique natural attributes, complemented with built attractions, such as the Phillip Island Motor Racing Track. Tourism is broadening its focus and seeks to capitalise on a wider tourism product based around the agricultural, environmental and landscape values of the rural hinterland.

The construction industry is another significant contributor to the local economy. This reflects the growth in the municipality. Many other local businesses are aligned with the construction industry and provide local employment opportunities. It is anticipated that there will be a number of major developments in the municipality in the next ten years; this will consolidate the importance of the construction industry in the municipality.

**Clause 21.08 MODERATE GROWTH SETTLEMENTS**

**Clause 21.08-5 Cowes & Silverleaves**

**OVERVIEW**

The Cowes & Silverleaves Strategic Framework Plan establishes a clear direction for the future physical form of Cowes & Silverleaves and the foreshore precinct. This plan defines a town boundary for residential development, appropriate locations for open space and precincts for consolidated commercial development.

**Local area implementation**

**Cowes**

Cowes is the largest settlement on Phillip Island. It has two distinct roles as the main holiday town, and as a community and retail service centre. Over half of the existing building stock is unoccupied for the majority of the year, however Cowes does have the highest permanent resident population on the Island.
Thompson Avenue is the location for the majority of commercial, retail, community, tourism, and health services. Much of the larger scale holiday accommodation including apartments, hotels and motels are located in proximity to the northern section of Thompson Avenue and along the Cowes Foreshore.

Away from Thompson Avenue, more typical residential land use patterns begin to emerge. However, these are interspersed by caravan parks and other forms of tourist accommodation. The residential areas east and west of Thompson Avenue have distinct characteristics which are defined by the period of development, vegetation, and proximity to the foreshore.

The character of Cowes is also defined by a number of different vegetation types. The vegetation located around the foreshore and Thompson Avenue has historical and cultural importance. The Golden Cypress Avenue that leads along Thompson Avenue is an iconic feature important to the town’s identity. The established urban areas and streets within Cowes and Cowes Central are primarily planted with mature native trees and significant coastal vegetation closer to the foreshore areas. Points relevant to this proposal include:

** Settlement **
- Limit land available for urban development to land contained within the defined settlement boundaries.
- Reinforce the role of Cowes generally, and Thompson Avenue specifically, as the major commercial centre for Phillip Island and provide for projected growth for business uses in this area.
- Provide residents and visitors with convenient access to day to day goods and services outside of the major commercial centre.
- Acknowledge and plan for the impacts of Climate Change, in particular impacts associated with predicted sea level rises and storm surge events, and discourage development in locations identified as being likely to be impacted by such events.

** Land Uses **
- Provide greater residential densities proximate to Cowes Activity Centre and those locations within the defined township where greater densities can be accommodated without impacting upon the established and valued character of existing communities.
- Encourage the concentration of major retail, commercial, administrative, entertainment, and cultural developments into an extended Central Cowes Activity Centre, which provides a variety of land uses which are highly accessible to the community.
- Provide for the expansion of the Cowes Commercial Area south to Settlement Road.
- Maintain existing supplies of zoned industrial land, noting the capacity and suitability of other areas within the Shire to accommodate future demand.
- Support the ongoing establishment of homemaker land uses (i.e. restricted retail) within the existing Blue Gum Industrial Estate, provided these do not detrimentally impact upon the ongoing use and operation of existing industrial land uses within the estate.
- Ensure that the location of social and community facilities has appropriate consideration to demographic trends, the existing and future demand requirements of the community and the need to integrate services/facilities into communities.
- Provide for the establishment of a series of small-scale local stores beyond the Central Cowes Activity Centre, to provide residents and visitors with convenient access to day to day goods and services.
- Preserve and enhance existing open space and recreation facilities, and create new areas of open space and recreation facilities connected through a series of accessible wildlife corridors.
Provide opportunities for the establishment of tourism-based use and development in highly accessible locations adjacent to the coast.

Encourage the following land uses along Thompson Avenue:

- Between the Esplanade and Chapel Street – specialist retail, cafes and restaurants.
- Between Chapel Street and Church Street – community services, cafes, office use and convenience retail.
- Between Church Street and Settlement Road - high quality accommodation with commercial activity at street level and first floor.
- Between Church Street and Settlement Road – provide high quality accommodation on upper levels of multi-storey development.
- Between Settlement Road and Ventnor Road – high quality Tourism/Accommodation Services Precinct.

Support the development of Chapel Street, east of Thompson Avenue as a high quality accommodation precinct.

Identify the Esplanade between Warley Avenue and Osbourne Avenue as having opportunities for increased residential density, provided that development responds to all other urban design objectives.

Concentrate mixed use and tourism friendly developments within the northern section of Thompson Avenue and along The Esplanade from Warley Avenue to Steele Street.

Environment

- Identify and plan for environmental hazards.

Landscape and built form

- As identified on the structure plan map, encourage various forms and densities of urban development to locate within, as appropriate:
  - Preferred locations to increase the number and diversity of dwellings (substantial change);
  - Areas where some increase in the number and diversity of dwellings may be acceptable, but where development must respect the character of the area (incremental change); and
  - Areas where minimal change to established built form and character is anticipated (minimal change).

- Develop a high quality urban environment with a built form that is responsive to the Cowes coastal setting.

- Protect areas of distinct and highly valued urban character from development that detracts from that character.

- Integrate housing, work, shopping, recreation, and community services in Central Cowes, to provide a mix and level of activity that attracts people, creates a safe environment, stimulates interaction, and provides a lively community focus.

- Ensure that new development in Thompson Avenue does not impact on the health the heritage listed Golden Cypress trees.

- Ensure that parking does not dominate street frontages.

- Encourage shop top dwellings on level three or higher within the commercial areas to activate the street at night time.
- Design new buildings to reflect the intimate, small-scale character and landscape surrounds of Cowes.
- Ensure that development is responsive to identified flood and coastal inundation risks identified in the Land Subject to Inundation Overlay.

**Development Response:**
The Cowes & Silverleaves Strategic Framework Plan at Clause 21.08-5, establishes a clear direction for the future physical form of Cowes in both a spatial sense as well as built form in that it defines a town boundary for residential development and nominates design guidelines for development.

The subject site is situated in the township of Cowes, approximately 415 metres to the commercial area. Strong population growth is projected generally for Phillip Island, and more efficient use of residential land located in Cowes within a specific area defined by the Structure Plan, is a key strategy to accommodate anticipated growth.

The lots are fully serviced via reticulated services including water, electricity and sewerage. Both lots will continue to be accessed from Victoria Court, via the existing access points.

The new lots create a larger dwelling allotment measuring 892m² for the property at 4 Victoria Court, and a large dwelling allotment measuring 9,811m² that will contain the existing period dwelling, at 5 Victoria Court.

### 4.2.2 Phillip Island and San Remo Design Framework


The Framework establishes a vision, strategies and guidelines that will help shape the structure, function and appearance of Phillip Island and San Remo towards 2020. The Framework recognises that the population of Phillip Island and San Remo is expected to increase and promotes urban consolidation to accommodate the additional population. The Framework also recognises that the aged population of Phillip Island is increasing, as many people retire to Phillip Island.

With reference to Cowes, The Framework encourages consolidation within the existing township boundaries balanced with the protection of neighbourhood character.

**Section 2: Executive Summary**

**Cowes**

Reinforce the role of Cowes as the major commercial and residential centre on Phillip Island.

Develop and promote Cowes as a unique town with a strong sense of cultural heritage and a parkland environment by the sea.

Develop a high-quality urban environment with built form that is responsive to Cowes’ coastal setting.

Encourage development that will benefit the people of Cowes and provide a vibrant and attractive place in which people can live, work and holiday.

**Section 3 – The Existing Framework**

Cowes is a significant place for many reasons and plays important local, state, national and international roles.
Cowes’ most immediate local role is as a home, a meeting place, and a setting for day to day life for the local community. It is also the commercial centre of Phillip Island. It has a well frequented retail strip in Thompson Avenue and provides the whole Phillip Island community with municipal, retail service, recreational and health facilities.

The town has an established urban character. Mature street trees, established holiday homes, permanent residences, guesthouses, caravan parks and wide streets give the town a relaxed, seaside atmosphere.

**Land Use**

As well as being the major commercial centre, Cowes is the largest area of residential development on Phillip island. Its boundaries extend roughly from Ventnor/Cowes-Rhyll Road to the south, the coast to the north, Red Rocks Road to the west and the settlement of Silverleaves to the East. Approximately 66% of properties are occupied on a part time basis only. This figure is shrinking as owners retire to their holiday homes. There is a limited number of vacant lots in Cowes that are suitable for development, resulting in a significant pressure on the township to expand beyond current limits. An estimated 14% of lots appropriately zoned for residential development are vacant within Cowes.

**Built Form**

*Changing Residential*

Beyond Central Cowes, existing residential buildings are mainly single storey houses with occasional two storey buildings.

Many properties are relatively large, and some have been redeveloped with multi-unit dwellings. Cowes has a relatively high number of units, with 14% of its properties being units. This is compared with 6% for the broader Island and San Remo. It is expected that subdivision and consolidation of land will continue, and Cowes is an appropriate location for a greater degree of density. It will be important that developments are responsive and respectful of the surrounding neighbourhood.

**Section 6 – Township Strategies**

*Cowes*

Consolidate future development within the defined township boundary.

**4.2.3 Cowes, Silverleaves, Ventnor and Wimbledon Heights Structure Plan**

The Structure Plan proposes the consolidation of future development within defined settlement boundaries. The subject site is situated within a defined area of Cowes where infill development is proposed to accommodate identified future population growth.
4.3  ZONING & OVERLAYS

4.3.1  Zone

The subject site is located in the General Residential Zone – Schedule 1 of the Bass Coast Planning Scheme.

The purpose of the General Residential Zone is:

- 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.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

In accordance with Clause 32.08-3 of the General Residential Zone, a permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table

<table>
<thead>
<tr>
<th>Class of Subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 lots</td>
<td>Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.</td>
</tr>
</tbody>
</table>
4.3.2 Overlays

The land is affected by a Heritage Overlay – Schedule 59.

The purpose of this overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

A permit is required to subdivide land.

The Heritage Place identified in Schedule 59 of this overlay is “Rhylston Park, 190 Thompson Avenue Cowes”.

- No alterations will be made to the period dwelling, known as ‘Rhylston Park’, as part of this subdivision, other than to move the south-west boundary 6.30 metres to the east.
The land is also affected by a Vegetation Protection Overlay – Schedule 2.

**Figure 4: VPO2 Overlay Map** (Source: www.land.vic.gov.au Not to scale)

The purpose of this overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To protect areas of significant vegetation.
- To ensure that development minimises loss of vegetation.
- To preserve existing trees and other vegetation.
- To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.
- To maintain and enhance habitat and habitat corridors for indigenous fauna.
- To encourage the regeneration of native vegetation

A permit is required to remove, destroy or lop any vegetation specified in a schedule to this overlay.

In accordance with the Schedule 2 of this overlay:

- A permit is required to remove, destroy or lop any tree or shrub with a girth greater than 30 centimetres (when measured 30 centimetres above ground level) or a height of at least two metres.
- This does not apply to introduced species of ornamental shrubs or fruit trees or to species identified as being weeds; or to pruning.
- A permit is not required for:
  - The pruning of vegetation for maintenance.
  - The removal, destruction or lopping of dead vegetation.

**Development Response:**

There is no vegetation proposed to be removed as part of this application.
5  PLANNING CONSIDERATIONS

5.1  PLANNING POLICY FRAMEWORKS

The integrated Planning Policy Frameworks encourage the consolidation of urban development within existing urban areas. The provision of a diversity of housing styles is also encouraged to improve housing choice, make better use of existing infrastructure and improve energy efficiency.

The integrated planning policies and the MSS identify the need to provide a variety of housing types and in particular, emphasise the need to provide for smaller household sizes that cater to a growing segment of the housing market seeking smaller dwellings and less maintenance responsibilities.

The commitment to urban consolidation is reinforced throughout the Municipal Strategic Statement as a means by which to protect the municipality’s environmental and rural resources. Consolidation is strongly supported in Cowes within the defined settlement boundaries.

Key demographic trends affecting the municipality reflect an ageing population, smaller household sizes, significant population growth and the subsequent demand for diversity in housing. The projected population increase for the Shire is well in excess of the rest of regional Victoria and the proportion of the population over 60 years of age is expected to rise from 31.7% to 47% in the next ten years. This will create considerable pressure for more diverse types of housing within the municipality.

Cowes is an established urban area where the full range of reticulated services exist, including water, sewerage, electricity and telecommunications. The township provides a range of physical and social services including open space reserves, recreational facilities, foreshore reserve, primary school, commercial precinct, and an industrial area.

The proposed subdivision provides for a better use of the subject land, located within Cowes.

The Municipal Strategic Statement encourages the creation of innovative, energy efficient subdivision layouts that enhance the environmental features of the area. It is considered that the proposed re-subdivision is strongly supported by the objectives and strategies of the integrated Planning Policy Frameworks.

5.2  CLAUSE 56 OF THE BASS COAST PLANNING SCHEME

5.2.1  SITE & CONTEXT DESCRIPTION

In accordance with the provisions of Clause 56.01-1 of the Bass Coast Planning Scheme, a site and context description may use a site plan, photographs or other techniques and must accurately describe the site and surrounds.

5.2.2  STRATEGIC POLICY IMPLEMENTATION

The proposed subdivision is consistent with strategic policy and in particular the Cowes, Silverleaves, Ventnor and Wimbledon Heights Structure Plan 2010. Strategic Policy is considered in more detail in Sections 4.2.2 and 4.2.3 of this report.

5.2.3  DESIGN RESPONSE

In accordance with Clause 56.01-2 of the Bass Coast Planning Scheme, an application to subdivide land must be accompanied by a design response that explains how the proposed design:

- Derives from and responds to the site and context description.
- Responds to any site and context features for the area identified in a local planning policy or a Neighbourhood Character Overlay.
- Responds to any relevant objective, policy, strategy or plan set out for the area in this scheme.
- Meets the relevant objectives of Clause 56.

Clause 56.01-2 requires a dimensioned plan to scale showing the layout of the subdivision in context with the surrounding area. It is considered that the photos at Attachment B, and the Proposed Plan of Subdivision and Site Context Plan contained in Attachment C, adequately display this.

Further to these plans, there are no identified noise or odour sources unusual to a residential area, and there is no knowledge of soil contamination and the land is not subject to inundation.

The following analysis against the objectives of Clause 56 is provided. The analysis identifies the objective to be achieved and where relevant, the particular standards that are to be met.

<table>
<thead>
<tr>
<th>OBJECTIVE</th>
<th>DESIGN RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>56.03-5 Neighbourhood Character Objective</strong></td>
<td></td>
</tr>
<tr>
<td>To design subdivisions that respond to neighbourhood character</td>
<td>The residential character and identity standards specify design criteria to guide the planning of a new residential area. They are applied at the neighbourhood level and therefore are not considered relevant to this proposal. In addition, the Bass Coast Planning Scheme does not contain any relevant neighbourhood character objectives, policies or statements.</td>
</tr>
<tr>
<td><strong>Standard C6</strong></td>
<td>The proposed subdivision seeks to slightly enlarge an existing parcel of land by moving the common boundary between two parcels approximately 6.3 metres. The proposal for the boundary realignment will allow 4 Victoria Court to be increased in size from 640m² to 892m², and retains the character of the heritage lot at 5 Victoria Court.</td>
</tr>
<tr>
<td>Subdivision should:</td>
<td>Overall it is considered that the re-subdivision will not have a detrimental impact on the existing residential character and identity.</td>
</tr>
<tr>
<td>- Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.</td>
<td></td>
</tr>
<tr>
<td>- Respond to and integrate with the surrounding urban environment.</td>
<td></td>
</tr>
<tr>
<td>- Protect significant vegetation and site features.</td>
<td></td>
</tr>
</tbody>
</table>

| **56.04-2 Lot area and building envelopes objective** | |
| To provide lot with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features. | There is little change to the existing lots, except to enlarge Lot 1. There are no changes proposed to the existing dwellings. |
| **Standard C8** | |

<p>| <strong>56.04-3 Solar orientation of lots objective</strong> | |
| To provide good solar orientation of lots and solar access for future dwellings. | Both lots contain an existing dwelling. |
| <strong>Standard C9</strong> | |</p>
<table>
<thead>
<tr>
<th>OBJECTIVE</th>
<th>DESIGN RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>56.04-5 Common area objectives</strong></td>
<td></td>
</tr>
<tr>
<td>To identify common areas and the purpose for which the area is commonly held.</td>
<td>There are no common property areas proposed as part of this subdivision.</td>
</tr>
<tr>
<td>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</td>
<td></td>
</tr>
<tr>
<td>To maintain direct public access throughout the neighbourhood street network.</td>
<td></td>
</tr>
<tr>
<td>Standard C11</td>
<td></td>
</tr>
<tr>
<td><strong>56.06-8 Lot access objective</strong></td>
<td></td>
</tr>
<tr>
<td>To provide for safe vehicles access between roads and lots.</td>
<td>Access to both lots is existing, and will remain unchanged.</td>
</tr>
<tr>
<td>Standard C21</td>
<td></td>
</tr>
<tr>
<td><strong>56.07-1 Drinking water supply objectives</strong></td>
<td></td>
</tr>
<tr>
<td>To reduce the use of drinking water.</td>
<td>Both dwellings are connected to a reticulated potable water supply, as required by the Responsible Authority.</td>
</tr>
<tr>
<td>To provide an adequate, cost-effective supply of drinking water.</td>
<td></td>
</tr>
<tr>
<td>Standard C22</td>
<td></td>
</tr>
<tr>
<td><strong>56.07-2 Reused and recycled water objective</strong></td>
<td></td>
</tr>
<tr>
<td>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</td>
<td>Recycled water is not available at this time.</td>
</tr>
<tr>
<td>Standard C23</td>
<td></td>
</tr>
<tr>
<td><strong>56.07-3 Waste water management objective</strong></td>
<td></td>
</tr>
<tr>
<td>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</td>
<td>Both lots are already connected to a reticulated sewerage system, as required by the Responsible Authority.</td>
</tr>
<tr>
<td>Standard C24</td>
<td></td>
</tr>
</tbody>
</table>
### OBJECTIVE

**56.07-4 Urban run-off management objectives**

To minimise damage to properties and inconvenience to residents from urban run-off.

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

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

**Standard C25**

Each lot contains an existing dwelling, that is not going to be altered. Drainage will have been addressed at an earlier stage.

### DESIGN RESPONSE

### 56.08-1 Site management objectives

To protect drainage infrastructure and receiving waters from sedimentation and contamination.

To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.

To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.

**Standard C26**

The scale of the subdivision will result in few works required to establish the lots.

To ensure minimum environmental impact, all works shall be undertaken in accordance with EPA Publication 275 Construction Techniques for Sediment Pollution Control (1991).

### 56.09-1 Shared trenching objectives

To maximise the opportunities for shared trenching.

To minimise constraints on landscaping within street reserves.

**Standard C27**

As this application does not propose to construct a dwelling, this objective is not considered relevant.

### 56.09-2 Electricity, telecommunications and gas objectives

To provide public utilities to each lot in a timely, efficient and cost-effective manner.

To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.

**Standard C28**

Both lots have existing services.
5.3 **LOCAL PLANNING POLICIES & NEIGHBOURHOOD CHARACTER OVERLAY**

There are no relevant local planning policies or Neighbourhood Character Overlays contained in the Bass Coast Planning Scheme.

6 **CONCLUSION**

The proposal is supported by the objectives and strategies of both the Planning Policy Framework of the Bass Coast Planning Scheme that seek to encourage urban consolidation in order to restrict expansion into surrounding rural land. The boundary realignment also meets the objectives and standards specified under Clause 56 of the Bass Coast Shire Planning Scheme.

In conclusion, it is considered that the proposed boundary realignment is appropriate for the subject site and compatible with the use and development of the surrounding land. We submit this application for consideration and subsequent approval.

BEVERIDGE WILLIAMS

______________________________
MARY DUFFY
Senior Town Planner