

## **BASS COAST PLANNING SCHEME**

### **AMENDMENT C162BASC**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

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

The amendment has been made at the request of JLP Melbourne acting on behalf of Katelea Pastoral P/L.

##### **Land affected by the amendment**

The amendment applies to the land described as Lot 1 on Plan of Subdivision 149977H, located south east of the intersection of Statter Mission Road and Bass Road, Bass as shown in the map below.



##### **What the amendment does**

The amendment rezones the land from Farming Zone (FZ) to Low Density Residential Zone (LDRZ).

##### **Strategic assessment of the amendment**

##### **Why is the amendment required?**

*Bass Coast Coastal Planning Framework (2011)*

The amendment implements an outcome of the *Bass Coast Strategic Coastal Planning Framework (2011)* (the Framework). The Framework reviewed settlement growth across a number of mainland townships. It determined 'planned variable growth in selected settlements' was ideal as it maximises benefits to the community and minimises impacts on coastal environmental and landscape features. The current LDRZ supply is low with limited supply available for development within the municipality of Bass Coast. The Bass Strategic Framework Plan (Clause 11.01-1L-22) specifically identifies the

extension of the LDRZ to include the subject site in the short term (see Figure 1). The amendment implements this recommendation by rezoning the land to LDRZ.

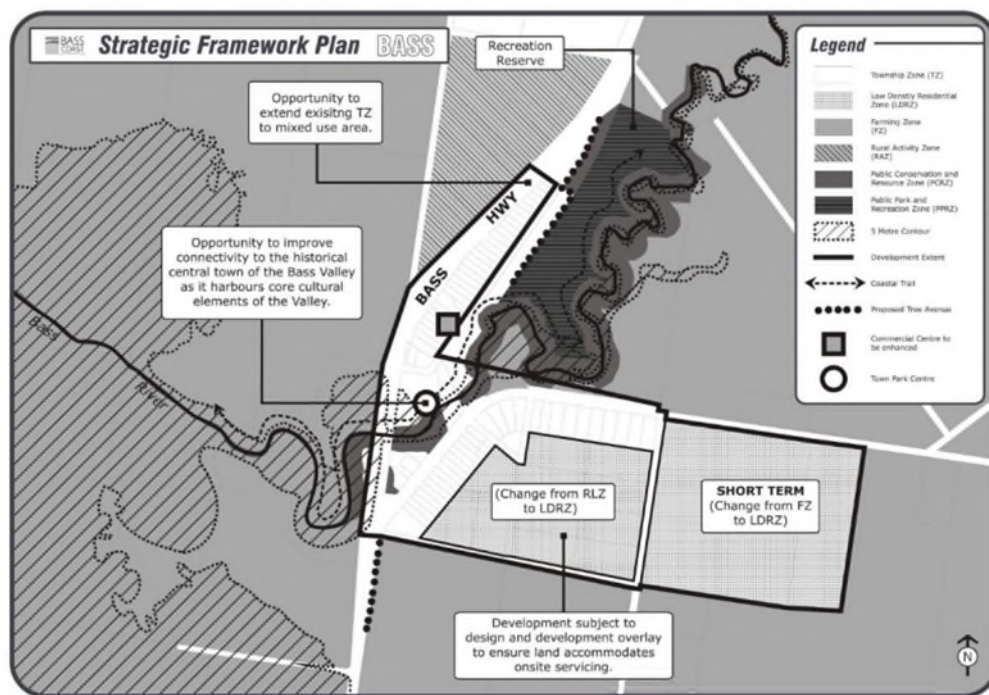


Figure 1 – Bass Strategic Framework Plan

#### Low Density Residential Zone

The amendment is required to rezone the land to LDRZ. In 2013, the Victorian Government made changes to the LDRZ allowing a new minimum lot size of 0.2 hectares (2,000 sqm) where land is connected to reticulated sewerage, in addition to the existing minimum lot size of 0.4 hectares (4,000 sqm) which would continue to apply to land where reticulated sewerage was unavailable. In this case, the site is not connected to reticulated water, sewerage or electricity, however all services, with the exception of reticulated wastewater are available to be connected to the site. It is noted that reticulated sewerage is available in Bass, however it currently does not have capacity for additional dwellings as a result of the amendment. The LDRZ provides appropriate controls for unsewered development and sewer development should capacity be available in the future..

The purpose of the LDRZ is 'to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater'. The LDRZ is appropriate for the following reasons:

- The land adjoins the township of Bass to the east and has been identified as future LDRZ land supply within the *Bass Coast Strategic Coastal Planning Framework 2011*.
- The land can accommodate onsite wastewater treatment as per the Land Capability Assessment background document.
- The LDRZ is an appropriate transition for built form and use between the urban and rural areas of the township which abuts TZ and LDRZ to the west and FZ in all other directions.
- The surrounding land (FZ) is utilised for low impact agricultural uses such as grazing and hay production, therefore land uses between the surrounding agricultural properties and the LDRZ land is complementary.
- The bushfire risk is low and future subdivision can achieve a BAL rating of 12.5, as outlined within the Bushfire Assessment.

#### How does the amendment implement the objectives of planning in Victoria?

This amendment implements the objectives from Section 4 of the *Planning and Environment Act 1987* (the Act) as it facilitates development that is fair and orderly, and which will provide for the orderly residential development of Bass in a manner consistent with the strategic planning objectives within the Bass Coast Planning Scheme.

## **How does the amendment address any environmental, social and economic effects?**

### *Environmental*

The amendment facilitates the future development of the land for residential land use and has adequately addressed potentially contaminated land, stormwater and vegetation.

To ensure the land is suitable for development and future residential uses are protected from potentially contaminated land, a Preliminary Site Investigation (PSI) was undertaken. It included a review of the site's history and sources of potential contamination on the site and surrounds. The PSI determined the site has been largely used for agriculture and farming for the past 140 years leading up to the present date. In managing the agricultural land use on-site activities that could have potential contamination to the soil or ground water included: current/historical use of herbicides, pesticides and insecticides, current/historical use of fertilisers, and minor waste disposal activities.

The PSI also investigated current and historical activities on land surrounding the site. Those activities that could have the potential to contaminate soil and groundwater surrounding the site were the same as those identified for the subject site, with the addition of building activities that may have imported fill for development purposes associated with works in surrounding areas to the west of the site. The PSI also concluded the groundwater at the site is likely to be encountered at levels approximately < 5 mbgl and is expected to generally flow in a westerly direction towards the Bass River or Westernport Bay.

The PSI concludes the land is considered to have a low risk of significant site wide contamination and no further investigation, including an environmental audit is required. Therefore, the environmental conditions of the land are suitable for the planning scheme amendment.

A stormwater management strategy has been prepared that demonstrates the development can enhance the environmental quality of the stormwater before it flows into the Bass River system.

Vegetation on the site consists of predominately exotic pastoral grasses and the site is not a habitat for any native flora and fauna. Some native vegetation is present and is likely to be retained given the land is likely to remain unsewered with lots greater than 0.4ha under the LDRZ. Should native vegetation be sought to be removed this can be assessed at the planning permit stage. The application of the LDRZ does not pre-determine a loss of native vegetation in this instance.

### *Social and Economic Effects*

The amendment facilitates the ability for future subdivision and development of the land for rural residential allotments. Construction of any future subdivision and local expenditure on building future dwellings will generate significant local economic activity. This is vital to the local economy as the construction industry is one of the largest employers in the region.

The amendment also supports future development outcomes which can increase the population and assist in supporting the existing commercial and community infrastructure.

## **Does the amendment address relevant bushfire risk?**

The site is within a designated Bushfire Prone Area (BPA) under the *Building Regulations 2018*. Clause 71.02-3 (Integrated Decision Making) of the Bass Coast Planning Scheme requires planning and responsible authorities to prioritise the protection of human life over all other policy considerations in bushfire affected areas. Bushfire Planning (Clause 13.02) outlines the objective to be achieved and this seeks to strengthen the resilience of settlements and communities to bushfire risk based planning that prioritises protection of human life.

In accordance with Clause 13.02-1S (Bushfire Planning) a bushfire risk assessment was prepared by BAL Assessments (dated 30 July 2022). The assessment concluded that Bushfire Attack Level of BAL-12.5 can be achieved for future development subject to appropriate mitigation measures, consistent with the settlement planning policy contained in Clause 13.02-1S (Bushfire Planning).

The future development of the land through the planning permit process will enable the implementation of mitigation measures through a combination of permit conditions, restrictions on the plan of subdivision and section 173 Agreements to achieve a radiant heat benchmark of no greater

than 12.5kWm2. The amendment has addressed the views of the CFA who have been consulted throughout the preparation of the amendment.

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

The amendment is subject to *Ministerial Direction No. 11 'Strategic Assessment of Amendments'*, *Ministerial Direction No. 15 'The Planning Scheme Amendment Process'*, and the *Ministerial Direction on the Form and Content of Planning Schemes*.

The amendment has been prepared in accordance with *Ministerial Direction 11* and gives effect to the state and local policies relating to the development of Bass.

The amendment adhered to the process and timeframes for planning scheme amendment process set out by *Ministerial Direction 15*.

The amendment complies with the Ministerial Direction on the *Form and Content of Planning Schemes* under section 7(5) of the Act.

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

*Clause 11 (Settlement)*

Clause 11.01-1S has the objective to facilitate sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. Strategies to achieve this include guiding the structure, functioning and character of each settlement considering municipal and regional contexts and frameworks, create and reinforce settlement boundaries, and limit urban sprawl and direct growth into existing settlements. Furthering the intention of the state strategies, are the settlement strategies for the township of Bass at Clause 11.01-1L-22.

The local strategies seek to support the extension of the town to the south of Bass Road and to the east of Hade Avenue as identified on the Bass Strategic Framework Plan (Figure 1).

The Amendment implements the Planning Policy Framework by rezoning land that is identified as within the settlement boundary for low density residential development (Clause 11.01-1L-22).

*Clause 13 (Environmental risks and amenity)*

The Amendment supports Clause 13.01 (Climate change impacts) by directing development on land that will not be impacted by a 0.8 metre sea level rise by 2100.

The Amendment implements bushfire planning policy (Clause 13.02) by assessing and addressing bushfire risk and directing settlement to low-risk locations.

*Clause 14 (Natural Resource Management)*

Clause 14.01-1S seeks to protect the state's agricultural base. The loss of agricultural land has been addressed by Amendment C93 which placed the subject land within the Bass settlement boundary. The amendment supports Clause 14.01 by locating development on land within the settlement boundary where development is anticipated and protecting agricultural land outside the settlement boundary.

*Clause 16 (Housing)*

Clause 16.01-1S, housing supply, seeks to facilitate well-located, integrated and diverse housing that meets the community's needs. In Bass Coast rural areas make up a small but important proportion of the municipal housing offering. In total, there are approximately 711 lots in the LDRZ and RLZ across the municipality that are occupied by a dwelling, equating to approximately 3% of the overall dwelling stock. Based on recent development activity, the supply of LDRZ and RLZ options available is insufficient to meet demand. New dwellings in rural areas can be expected to comprise between 5% and 10% of all new dwellings with lots in the order of 0.2ha and 2ha in high demand. The proposed

amendment supports the PPF by increasing the supply of LDRZ land to meet the diverse needs of the community.

Clause 16.01-3S, rural residential development, has the objective to identify land suitable for rural residential development. Clause 16.01-3L outlines specific strategies on how to achieve the state objective including, Ensure that rural living and low-density residential development does not compromise the potential future development of towns, avoid the establishment of rural living or lifestyle development and low-density residential development outside of areas identified for this use, and avoid rural living and low-density residential development in areas that are of high scenic quality or where it will impact on productive agricultural land.

The Amendment implements Clause 16.01-3S and 16.01-3L Clause 11.01-1S by providing for low density residential housing on land where it is indicated and where there is a shire-wide limited land supply.

#### *Clause 19 (Infrastructure)*

The amendment implements Clause 19 as it facilitates development that will provide improvements in drainage and road infrastructure for the area.

### **How does the amendment support or implement the Municipal Planning Strategy?**

Clause 02.03 (Settlement) includes a settlement hierarchy that identifies Bass as a hamlet where growth will occur within the established settlement boundary. Clause 11.01-1L-22 (Settlement, Bass) provides clarity about this growth and identifies the subject site as a short-term growth area. Clause 02.03-6 (Housing) when interpreted in conjunction with Clause 16.01-3L (rural residential development) and Clause 11.01-1L-22 (Settlement, Bass) establish the strategic direction for the provision of low-density residential development in the location of the amendment.

Clause 02.03-9 (Infrastructure) seeks to ensure the provision of effective and efficient infrastructure and facilities that accommodate the future growth of all settlements and in terms of stormwater management seeks to protect the amenity and environmental, cultural and economic values of waters in the Shire. The amendment is within the settlement boundary near the town centre and close to the services. The site can be connected to all utilities. A land capability assessment prepared in support of the amendment determines the land is able to treat wastewater on-site. The stormwater strategy prepared in support of the amendment demonstrates that low density residential development will enable formal drainage infrastructure to be constructed that can collect, retard and convey stormwater to a discharge point to the Bass River.

### **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions by applying Low Density Residential Zone which is appropriate considering the policy directions at Clause 11.01-1L-22 of the Bass Coast Planning Scheme. Additionally, the chosen control will allow for development outcomes that enable sewerage systems to be installed to retain all wastewater.

### **How does the amendment address the views of any relevant agency?**

The amendment was formally referred to all relevant agencies as part of the exhibition process. The following agencies were contacted during the preparation of the amendment: Country Fire Authority, Department of Transport, Environmental Protection Authority, Ausnet, Heritage Victoria, Aboriginal Affairs Victoria, Parks Victoria, Melbourne Water, Westernport Water, Tourism Victoria, Telstra and Department of Environment, Land, Water and Planning.

Responses were received from EPA, DELWP, Melbourne Water, and CFA, whose views have been addressed by the amendment.

### **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment is not expected to have a significant impact on the transport system, as defined by section 3 of the *Transport Integration Act 2010*.

### **Resource and administrative costs**

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

It is not anticipated the amendment will have a significant administrative impact on the responsible authority.

**Where you may inspect this amendment**

The amendment can be inspected free of charge at the Bass Coast Shire Council website at [www.basscoast.vic.gov.au/building-planning/planning-scheme/strategic-planning](http://www.basscoast.vic.gov.au/building-planning/planning-scheme/strategic-planning).

The amendment is available for public inspection, free of charge, during office hours at Bass Coast Shire Council, 76 McBride Avenue Wonthaggi VIC 3995.

The amendment can also be inspected free of charge at the Department of Transport and Planning website at [www.planning.vic.gov.au/planning-schemes/amendments](http://www.planning.vic.gov.au/planning-schemes/amendments) or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

**ATTACHMENT A - Mapping reference table**

Location	Land /Area Affected	Mapping Reference
Bass	Lot 1 on Plan of Subdivision 149977H	Bass Coast C162basc 49znMap49 Authorisation  Bass Coast C162basc 50znMap50 Authorisation