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1. EXECUTIVE SUMMARY

SITE

| | |
|-----------------------|--|
| Address | Tankerton Road, French island |
| Property Description | Crown Allotment 9 Section M French island |
| Title Restrictions | Nil |
| Land Area | Approximately 194,395 m ² or 19.43 Ha. |
| Responsible Authority | Minister for Planning c/o Department of Environment, Land, Water and Planning (DELWP) c/ Minister for Planning |
| Current Land Use | Grazing Animal Production |
| Land Owner | Ciro Casarotto |

PLANNING SCHEME

| | |
|-----------------|--|
| Planning Scheme | French Island and Sandstone Island Planning Scheme |
| Zone | Farming Zone (FZ) |
| Overlays | BMO (part) & SLO2 |
| Abuttal(s) | PUZ2, RCZ & ESO1 |

APPLICATION

| | |
|----------------------|--|
| Client | Ciro Casarotto |
| Proposal | Use and development of a dwelling, an outbuilding, a dam and associated vegetation removal and works in accordance with the submitted plans. |
| Urban Arc Reference | UA20-018 |
| Application Type | New Application |
| Notification | Pursuant to Section 52 of the Act |
| Referral Authorities | No Determining referral authorities |

2. INTRODUCTION

UrbanArc Planning Pty Ltd have been engaged by Ciro Casarotto to prepare this report in accordance with the relevant provisions of the French Island and Sandstone Island Planning Scheme, including all relevant and applicable provisions within the State and Local Planning Policies and Particular Provisions that apply to the proposed land use and development.

The report provides:

- A description of the site and its surrounds;
- A description of the proposal;
- An outline of the applicable statutory planning framework; and
- An assessment of the proposal taking into account all relevant town planning considerations.

The project team includes:

UrbanArc Planning Pty Ltd
- Town Planners

Ternel Design and Drafting
- Project Architecture

This application is seeking approval for the use and development of a dwelling, a dam and associated vegetation removal and works on the land that is delineated on the plans and supporting documentation attached to the application. The subject site is within an area that is regulated by the Farming Zone (FZ), the Significant Landscape Overlay Schedule 2 (SLO2) and in part the Bushfire Management Overlay (BMO). Whereby, a planning permit is required for each aspect of the proposal on the following basis;

Land Use:

- FZ:
 - To use the land for a dwelling

Native Vegetation Removal and Works:

- Farming Zone (FZ):
 - To construct a building or to construct or carry out any works associated with a Section 2 Use (dwelling)
 - Change the rate of flow across a property boundary (dam)
- Significant Landscape Overlay Schedule 2:
 - To construct or carry out any works.
 - To remove, destroy or lop native vegetation

- Clause 52.17 – Native Vegetation:
 - To remove, destroy or lop native vegetation

French Island is a highly significant asset to Victoria. It has significant environmental and landscape values that must be protected whilst also recognising that the land represents a significant natural and environmental resource to facilitate and encourage farming. Where, it is the intent of the application to introduce a sensitively designed and sited dwelling that will facilitate the improved and ongoing agricultural use of the land with no adverse impacts upon the landscape or character values present and to remove a recognised weed, that has the unfortunate technical classification of an environmental weed on the island, the application is clearly consistent with the broad outcomes encouraged by the French Island and Sandstone Island Planning Scheme. For this and the reasons expressed in this submission, it is concluded that the proposal is consistent with the overriding purpose and outcomes sought by the Planning Scheme. In this circumstance, it is entirely appropriate for a Planning Permit to be issued.

3. PROPOSAL

The application seeks approval for:

“The use and development of a dwelling, an outbuilding, a dam and associated vegetation removal and works *in accordance with the submitted plans*”

The use and development comprises the following key parameters:

- Retention / continuation of the animal husbandry (beef livestock) activities on the land.
- The dwelling has been designed to include:
 - Three bedrooms and one en-suite
 - An open plan living, kitchen and meals area
 - Laundry
 - Home office
 - Covered outdoor alfresco living area
 - Tandem spaced carport
- The dwelling has been designed with a single storey built form and a skillion roof.
- A light weight horizontal cladding with timber and rock features to reflect the low scale rural character of the area with colours and materials to be of muted and non-reflective colours.
- An outbuilding that is designed to assist and improve the ongoing farming operation of the land. The outbuilding similarly adopts a single storey built form with a hipped roof with gable ends. The colours and materials are nominated as being muted and non-reflective colour to assist in blending the building into the surrounding environment.
- The outbuilding will primarily be used as a workshop, storage and machinery parking area to assist in the promotion of the continued sustainable farming use of the land.

- Generous and compliant front, side and rear property boundary setbacks.
- The buildings and works have been confined to the south east portion of the land to avoid reducing the agricultural potential of the land now and in the future.
- Buildings have been separated to maintain a sense of space in and around buildings whilst also being within proximity to one another to avoid impacting upon the agricultural potential of the land and importantly to maintain the sense of space in and around buildings.
- The buildings are to be placed on a level filling pad to ameliorate the potential for localised flooding on the property and to avoid the requirement to dispose of top soil required to fill the land.
- An onsite septic tank system, water tanks for potable water supply and solar panels for services to the land.

Native Vegetation Removal

Native vegetation removal is confined to bracelet honey myrtle. The vegetation removal is required to facilitate the construction of a dwelling, the continued agricultural use and agricultural building proposed. The vegetation is in poor condition and is dying or dead.

4. SUBJECT SITE & LOCALITY

Site Description

The subject site is legally described as Crown Allotment 9 Section M Parish of French Island and is more generally recognised as Tankerton Rd, French Island. Its location is properly understood by reference of it being located adjacent to the Island's primary school or to reference of being on the northern side of Tankerton Road at the intersection of Tankerton Road and The Centre Way. It is approximately 19.44 Ha in area.

The subject site is presently used for a low scale Grazing Animal Production (cattle) with the primary source of feed to the cattle derived from grazing. To support the agricultural land use, the land is improved by rural fencing and dams.

Scattered vegetation is present across the land with a clump of vegetation in the sites south east corner comprising Bracelet Honey Myrtle forming a clump of small trees/shrubs. The vegetation is in poor condition, as evidenced in Figure 3, below.

The land has an undulating terrain with a general slope down to the north and a cross fall away from Tankerton Road

The property is bordered by internal and external rural type wire fencing and a cattle ramp.

The location and context of the subject site is illustrated in Figures 1 - 6 below:



Figure 1: Aerial view of subject site (source: www.nearmap.com.au):



Figure 2: Subject Site



Figure 3: Vegetation proposed to be removed

Surrounding Environment

General Description:

The subject site is approximately 2km from the general store with the general store being one of the limited services available in the area. Consequently, the subject site is near or at the focal point of the island. The land is typified by an open low density rural area with dwellings typical within the rural landscape. This is compounded by the fact the site directly adjoins the primary school that has a series of single storey buildings and would represent the biggest cluster of development on the island. Buildings are clearly visible within the landscape but well separated and certainly not prominent.

North:

The north east corner of the property is adjacent to the primary school.

East:

The eastern property contains a large rural land holding that contains a dwelling and is used for animal grazing.

South:

The southern interface to the subject site is bound by Tankerton Rd being a crushed rock road. Properties on the southern side of Tankerton Rd are generally large land holdings and contain a dwelling and outbuildings. The land is used in part to for animal raising.

West:

The west boundary is bound by The Centre Way being a crushed rock rd. Properties on the west side of The Centre Way are used for rural residential purposes with small scale farming operations, predominantly animal raising.

5. PLANNING PERMIT REQUIREMENTS

The following is a brief summary of the planning controls relevant to the subject site identifying how these planning controls relate to the proposal:

Clause 35.07 – Farming Zone (FZ)

Land Use:

Pursuant to the requirements of the FZ, a planning permit is required to use the land as a 'dwelling being a Section 2 use within the table to the zone.

In addition, a planning permit is not required to allow the continued use of the land for low scale 'grazing animal production'.

Buildings and Works:

Pursuant to the requirements of Clause 35.07-4, a planning permit is required to construct or a building or to carry out works associated with a use in Section 2 of Clause 35.07-1 – in this instance a dwelling Use.

Notably, the zone prescribes a number of setback requirements to be complied with to avoid the need to obtain a permit where works are not associated with a Section 2 Use. These include:

- A building which is within any of the following setbacks:
 - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1 specified in a schedule to this zone or, if no setback is specified, 50 metres.
 - The setback from any other road or boundary specified in a schedule to this zone.
 - The setback from a dwelling not in the same ownership specified in a schedule to this zone.

- 100 metres from a waterway, wetlands or designated flood plain.
- Permanent or fixed feeding infrastructure for seasonal or supplementary feeding for grazing animal production constructed within 100 metres of:
 - A waterway, wetland or designated flood plain.
 - A dwelling not in the same ownership.
 - A residential or urban growth zone.

Notably, although these setbacks requirements do not apply as a consequence of a planning permit being required for works associated with a Section 2 Use, it is worth noting that the proposed development irrespectively complies with all such requirements.

A planning permit is not required for the agricultural building on the land given it is associated with a Section 1 use and satisfies all of the general requirements.

Arguably, a planning permit is required for the dam due to its (albeit limited) potential to change the rate of flow across a property boundary.



Figure 3: Zone Map

Clause 44.06 – Bushfire Management Overlay– BMO

Pursuant to the requirements of the BMO, a planning permit is required to construct a building or to construct or carry out works associated with Accommodation, whereby, a dwelling is nested within the broader Accommodation definition within Clause 73.03 of the Planning Scheme.

In this instance, it is only the south west portion of the subject site that is regulated by the BMO with no buildings and works proposed within this area. As such, no planning permit is required by the BMO for the buildings and works proposed. It is therefore irrelevant to the consideration of the application.

Clause 42.03 – Significant Landscape Overlay, Schedule 2 (SLO2)

Pursuant to the requirements of SLO2, a planning permit is required to construct a building or to construct or carry out any works. This does not apply:

- To alter or extend an existing dwelling or construct a building and works ancillary to a dwelling if all of the following apply:
 - The height of the buildings or works is less than 7.5 metres.
 - Any proposed excavation or filling is less than 1 metre in depth.
 - The external surfaces, including roofs and walls (but excluding solar panels) of all buildings are finished and maintained in non-reflective materials in colours that blend in with the environment.
- A permit is not required to construct a building or construct or carry out work associated with Agriculture if all of the following apply:
 - The height of the buildings or works is less than 7.5 metres.
 - Any proposed excavation or filling is less than 1 metre in depth.
 - The external surfaces, including roofs and walls (but excluding solar panels) of all buildings are finished and maintained in non-reflective materials in colours that blend in with the environment.

Given the application seeks approval for a new dwelling a planning permit is required by SLO2. With respect to the outbuilding associated with the existing agricultural use a planning permit is not required as a consequence of satisfying all of the general requirements including no more than 1m of fill proposed.

In addition to the buildings and works, SLO2 prescribes that a planning permit is required to remove, destroy or lop native vegetation

Clause 52.17 - Native Vegetation:

Detailed at Clause 52.17-1, a permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.

Relevantly, the table to Clause 52.17-7 specifically states that a planning permit is not required for new buildings and works for a dwelling and for an agricultural use on land zoned Farming Zone. Whereby there are a number of restrictions that would see at least 300 square metres of the vegetation proposed for removed, if not all of the vegetation being less than 1 hectare of clearance

Whilst the bulk of the vegetation is likely to be exempt from requiring a planning permit this report assumes a permit is required in its entirety for completeness and to adopt a conservative approach.

6. PLANNING CONSIDERATION

State Planning Policy Framework

Clause 11.01-1S – Settlement

Clause 11.01-1S of the Planning Scheme seeks *“To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements”*.

It is a broad policy that seeks to promote sustainable growth by ensuring that growth is directed around existing settlement patterns in line with the state based Framework. Thereby, limiting urban sprawl. As highlighted, the subject site is central to the main facilities on the island and is adjacent to a primary school. It represents the highest concentration of buildings on the Island and is in an area where the land is surrounded by rural land holdings that contain dwellings. The application does not therefore seek to introduce a dwelling that would result in urban sprawl. Rather, the dwelling is an infill development within an existing rural residential area. This being the case, where the dwelling and agricultural building will have no adverse streetscape, character or landscape outcomes and seeks to make a more efficient agricultural use of the land the proposal is entirely consistent with the broad outcomes sought by the Planning Scheme and does not offend the outcomes sought by Clause 11.01-1S

Clause 11.01-1R – Settlement – Gippsland

Clause 11.01R sets out the strategies for the Gippsland area. It does not specifically deal with French Island and is therefore of limited relevance in informing a decision on the application. Whilst this may be the case, the framework plan included within the policy recognises French Island as having a ‘High value Terrestrial Habitat. If for nothing else, this recognition affirms that French Island is a sensitive environment whereby any land use and development needs to be carefully considered.

Clause 11.01-1L – Settlement

Clause 11.01-1 L seeks to;

“To limit opportunities for new residential development.”

Whilst seeking to introduce a dwelling, the dwelling is on an infill site. It is not a new use introduced into the area and does not expand or extend the existing rural residential areas. It is also directly adjacent to the primary school that an increased tolerance for a dwelling and development compared to the more sensitive areas on French Island. These features combined with the fact that the dwelling and agricultural outbuilding will facilitate the ongoing rural use (animal grazing production) and are of a modest and low scale which are explicitly encouraged

by the Planning Scheme demonstrates the proposed development does not seek approval for anything that is contrary to the anticipated outcomes by Clauses 11.01-R and 11.01-1L.

With this in mind, we highlight the following pertinent aspects to the proposed use and development:

- The use of the land is to be fully serviced and contained on site. This includes;
 - A proposed septic tank system for the dwelling
 - A solar panel system and natural gas to service the dwelling and agricultural building.
 - Waste disposal facilities will be provided on site and collected as is typical with that for a dwelling on the island in a highly accessible area.
- The buildings have been designed with a low single storey profile and scale and have been separated from one another with generous boundary setbacks to assist in blending the buildings into the surrounding environment. This has been adopted to prevent the appearance of a cluster of buildings on the site and maintain the sense of space and rhythm of siting on the site and that found within the broader context to the site.
- The introduction of a dwelling on main roads within the Island will not appreciably increase traffic movements around the island

The introduction of a dwelling to complement and facilitate the ongoing rural use of the land that is fully contained within the site will avoid the potential for offsite amenity, character or environmental impacts being experienced. Accordingly, the infill development of a dwelling is concluded that the detailed, thoughtful and respectful proposal is entirely appropriate and consistent with the outcomes sought by Clause 11.01-1

Clause 11.03-4S – Coastal Settlement

Clause 11.03-4S seeks *‘To plan for sustainable coastal development’*. To achieve this outcome, the policy sets out a number of strategies that are confirmed to include;

7. *‘Plan and manage coastal population growth and increased visitation so that impacts do not cause unsustainable use of coastal resources.*
8. *Support a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services.*
9. *Avoid development on ridgelines, primary coastal dune systems and low lying coastal areas.*
10. *Ensure a sustainable water supply, stormwater and sewerage treatment for all development’.*

In brief, the proposed use and development;

- ✓ Features a self-sufficient dwelling and modest single storey outbuilding that is contained on the site to avoid any adverse environmental or landscape impacts. It is therefore assured that there will be no adverse offsite impacts experienced.
- ✓ Promotes French Island and makes a positive contribution to it becoming a diverse coastal settlement with a range of economic opportunities and services.
- ✓ Is not located on a prominent ridge-line or low lying coastal area. Rather, it will blend sympathetically into the surrounding natural environment without any adverse amenity, environmental or landscape impacts.
- ✓ Is entirely consistent with the surrounding development pattern and built form expressions and is at a noticeably reduced density and scale to that of the school that has successfully responded to its context

As can be seen from the discussion and strategies detailed above, the proposal is comparable with the vast majority of development on the Island and does not introduce a new use or building element that is not already present nearby. On this basis and the considering the development is fully contained and serviced on site demonstrates it will not have any significant or adverse impacts upon the scenic landscape or natural environment. It is therefore submitted that the proposal is entirely consistent with the objectives and strategies detailed within Clause 11.03-4S of the Planning Scheme.

Clause 11.03-5S – Distinctive Areas and Landscapes

At Clause 11.03-5S: Distinctive Areas and Landscapes, the policy identifies 3 Planning Statements/Strategies for distinctive areas and landscapes. French Island is not recognised or detailed as one of the three. This is not to say that the policy does not apply, but rather that there is no specific strategic document that can be used to inform an assessment of the application. Consequently, it is the policy strategies that are required to be considered. With this in mind, the following response is provided to the relevant strategies;

- ✓ The design and layout of the proposal provides a sense of space in and around buildings / structures. The fact that the accommodation structures are single storey with generous setbacks and separated, ensures that there is no long term impact upon the significant geographic and physical features of the area. In the short term, the buildings are separated from one another and take advantage of screening and the topography of the land to ensure that the proposal will seamlessly blend into the surrounding natural environment. This ensures that in the immediate and long term, the proposal will have no detrimental impact upon any significant geographical or physical attributes to the site or the broader area.
- ✓ The natural environment, landscape and character of French Island are key attributes with the subject contributing to the values present but being an especially significant or

substantial contributor to the values present. Rather, the site plays largely provides a contribution to the character and landscape values present. For the reasons discussed in greater detail throughout this submission, the proposed use and development is entirely respectful and responsive to the attributes of the site and more broadly to the Island. In fact, the use will contribute to a sustainable local economy.

- ✓ The buildings facilitate the improved rural land use (animal grazing production and have been designed and sited and of a low scale in order to mitigate the potential for land fragmentation at an immediate and broad scale on the Island.

On this basis, the proposed land use and development has been designed and sited to protect the special values and attributes of French Island. And, will contribute to the local economy by facilitating the improved and viable rural use of the land thereby assuring that the land is used in a responsible manner for its intended purpose, as identified by the Zone.

Clause 12.01-1S – Protection of Biodiversity and Clause 12.01-2S Native Vegetation Management

As with the other State Planning Policies included within the Planning Scheme, Clause 12.01-S2 is a broad policy that has a number of sub-policies containing more refined decision guidelines and objectives. Given Clause 12 is a broad state based policy, a number of the outcomes sought are specifically addressed in the sub clauses. Broadly speaking, the subject site does not represent a significant environmental asset to the island when compared to other more treed and sensitive areas on environs. This being said, the application does seek to remove native vegetation. Where the vegetation removal is required to facilitate the development of a dwelling and agricultural building and is intended to support and provide for a more sustainable and intensive rural land use of the land, the vegetation removal is supported by the Planning Scheme. Further and importantly, the native vegetation is an isolated patch and is limited to bracelet honey myrtle that is in poor condition and is for the most dead. Whereby, the Honey Myrtle is not indigenous to the Island and is recognised as an environmental weed. Therefore, removing the vegetation that is largely dead and a weed is submitted to improve the environmental value of the land and protect the wider environment, thereby being consistent with the outcomes sought by Clause 12.

Clause 12.01-L – Protection of Biodiversity

Building on the outcomes sought at Clauses 12.01-1S and 12.01-2S, this policy is specific to French Island and seeks to ensure areas of environmental significance are protected, provides for the protection of native fauna and encourage replanting with indigenous plants to French Island.

In response to this, there are a few vegetation stands on the subject site that are presently protected from the existing agricultural use and will continue to be protected, the protection afforded by existing fencing to prevent stock movements. The removal of the native vegetation, being an environmental weed and for the most part dead, will serve to remove a threat to the environmental values of the site and the Island as a whole. It will therefore have inherent environmental benefits thereby satisfying the outcomes sought by Clause 12.01-L. Notably, due to the vegetation not being indigenous to the locality, dead for the most part and a weed its removal does not attract an offset requirement.

Clause 12.03-1L – River Corridors, waterways, lakes and wetlands

This policy recognises that planning should provide for the protection of the Island's environmental qualities.

Recognising that the site is sensitive to inappropriate development, from both an environmental and landscape point of view, highlights the need to avoid inappropriate land use and development. In addition to recognising the sensitivities of the site the overlay is useful in that it contains general requirements that seek to detail (as a starting point), what is appropriate. In this regard, the building/s satisfy the general requirements which when combined with an association with a rural use (animal husbandry), compliance with the general height compliance being achieved and coupled with the screening present clearly demonstrates the proposal will not have a detrimental impact upon the landscape or environmental values present. Accordingly, the proposal achieves the outcomes sought by Clause 12.03-1L of the Planning Scheme.

Clause 12.05-1S – Environmentally Sensitive Areas

As the title to the policy suggests, this broad state policy seeks to protect environmentally sensitive areas. This outcome brings with it consideration of the physical impact of any buildings and works, and in this case, the potential impact of the land use proposal.

In this regard and as highlighted previously, the buildings and works have been designed and sited to take advantage of the screening present and nestle into the landscape. Whilst native vegetation removal is proposed for removal, the proposed removal of a dead vegetation will enhance the environmental value of the site through improved land management and removal of a weed from the site. Accordingly, the proposed development achieves the desired outcomes sought by this policy.

Clause 12.05-2S – Landscapes

This policy seeks *“to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments”*.

It is supported by more detailed application requirements within the Significant Landscape Overlay where a detailed landscape assessment is included. To conclude, the proposed land use and development will not have any adverse impacts upon the character of the area or the scenic landscape values present thereby satisfying the outcomes sought by this policy – refer to SLO 2 assessment below.

Clause 12.05-2L – Landscapes Areas

The following response is provided to each of the landscape objectives contained within Clause 12.05-2L:

- The buildings area are located on the flatter portions of the site and will not be appreciable from any of the broader significant landscape elements on the island, Mount Wellington

for example. Accordingly, the development is not located on a prominent ridge line or elevated land.

- Driven by the Planning Scheme, the pressures exist on the subject site to balance the need to maximise separation from the adjoining land whilst at the same time maximising the agriculture use or potential of the land. A review of the plans will confirm that the development complies with all of the setback requirements included in the planning scheme and does not seek to fragment rural land from agricultural uses both within the site and at a broader scale. This coupled with the single storey and modest built form, the design expression adopted, screening present and the fact that the development balances the need between increased setbacks whilst protecting the existing and ongoing agricultural use of the land, clearly illustrates that the proposal is contemplated and an appropriate balance between the conflicting policies within the Planning Scheme has been achieved without any adverse landscape or character outcomes being experienced. The proposed land use and development is therefore submitted to achieve the balance between the conflicting policies within the Planning Scheme and will produce acceptable landscape character outcomes.
- The proposal does not seek or facilitate future land subdivision outcomes on the land.
- Vegetation removal has been confined to the general area where works are proposed and includes a dead native weed. The vegetation is not a significant element on the landscape or character values present and its removal will have inherent environmental outcome benefits on the site. This combined with the low scale works proposed with generous setbacks and spacing on an infill rural lot ensures the pastoral fields character on French Island is maintained and protected on the site.
- The land use and development is proposed in conjunction with retaining the existing animal husbandry (cattle/livestock) use on the land, thereby ensuring the site continues to make its contribution to maintaining agriculture as the dominant land use in the Pastoral Fields Character area of French Island.
- The development has been isolated in one portion of the site but sufficiently separated to create space in and around buildings and to avoid additional interruptions to the natural landscape. The separation between the buildings when combine with a single storey built form and low scale footprint ensures that a sense of space across the site is retained. In doing so, the application retains the Pastoral Fields character present.
- All buildings and materials, aside from solar panels, are of a muted and non-reflective nature.
- There are no buildings and works within 200m of a National Park or Public Conservation and Resource Zone.

Subject to the discussion contained above, the scale and nature of the development along with the valued attributes of the site ensure that there will be no loss of view and no adverse impact upon the Pastoral Field Character values present. This coupled with the maintenance and

improved viability of the farming use on the land demonstrates the proposal is entirely consistent with the outcomes sought by Clause 12.05-2L of the Planning Scheme.

Clause 13.07-1S Land Use Compatibility

This policy seeks *“to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts”*.

This policy is more relevant to large scale industrial and commercial developments. This being said, in essence, the adjoining lots contain a school or rural residential lots with animal grazing. The dwelling proposed amongst the existing animal grazing use on the land coupled with generous and compliant setbacks does not have the potential to impact by or conflict with the existing land uses present on the surrounding areas to the subject site, thereby complying with this policy.

Clause 14.01-1S and Clause 14.01-1L Protection of Agricultural Land

As the title of the policy suggests, Clause 14.01-1 S/L seeks to provide for the long term protection of farming land, in particular this is encouraged on French Island by Clause 14.01-1L.

It is clear that there are a number of animal grazing properties immediately surrounding the subject site which has to date been contemplated to some extent by the limited animal grazing operation of the land. Where the proposed buildings and works seek to better establish the agricultural use of the land and secure its viability and long term operation the proposed development does not reduce or discourage the continued farming activities in the area. In fact, the dwelling seeks to better facilitate this on the land and is clearly encouraged by Clause 11 of the Planning Scheme. This is evident on the adjoining lots in the area that have dwellings and undertake farming operations.

Clause 15.01-6S Design for Rural Areas

This policy seeks *“to ensure development respects valued areas of rural character”* and adopts the following strategies:

- *“Ensure that the siting, scale and appearance of development protects and enhances rural character.*
- *Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.*
- *Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands”.*

This policy is a relevant consideration with its outcomes supported by the application of the Significant Landscape Overlay that applies to the site. Given the Significant Landscape Overlay is a local planning control that has been applied to recognise and protect particular attributes of the Island, it is particularly useful in arriving at a conclusion on the outcomes of a proposal. Having recognised this, it is useful to note that the layout and design satisfy all of the general

requirements of the Significant Landscape Overlay. This clearly indicates the proposal is both contemplated and tolerated by the Planning Scheme and on the subject site.

To further ensure an outcome that is consistent with that sought by this policy, the proposal:

- Spaces the buildings out from one another within a relatively modest envelope and locates the buildings where there is no significant slope or high value vegetation.
- Has the benefit of some perimeter plantings that will assist in filtering views of the buildings and is not visible from the broader landscape setting (i.e. one of the island significant features).
- Avoids development on elevated parts of the site where structures (temporary or otherwise) will be clearly visible from the public realm.
- Adopts natural and light weight cladding with muted and non-reflective colours and materials to maintain a rural character consistent with the rural setting of the site.

On this basis, it is submitted that the proposal has been designed and sited to ensure that the proposal is respectful of and compliments the rural character of the area, thereby achieving the outcomes sought by this policy.

Clause 15.02-1S - Energy and resource efficiency

The application is a fully self-sufficient land use proposal that is energy and resource efficient, thereby avoiding placing undue demand on resources on the island. This is achieved, by;

- Providing solar panels as the primary energy source.
- Utilising water tanks to supply potable water to the occupants of the site.
- Provides a new dam that will serve as a permanent water store to service the rural farming use.
- The dwelling has been designed to achieve a 6 star energy rating and having good access to habitable rooms to the northern sun.

These elements demonstrate that the proposed land use and development achieves the outcomes sought by Clause 15.02-1S.

Clause 15.03-2S and 15.02-L – Aboriginal Cultural Heritage

Clause 15.03-2S gives effect to the Aboriginal Heritage Act 2006, whereby the AH Act requires a Cultural Heritage Management Plan to be prepared and approved for a high intensity activity within an area that is recognised as having potential for cultural heritage significance.

In response to this policy, the development of a dwelling and agricultural building are not high impact activities and as such are exempt. This coupled with the fact that the land is not likely to possess any cultural heritage significance represents an appropriate response to this policy.

Clause 16.01-5S – Rural Residential Development

Clause 16.01-5S is a broad based State Planning Policy. It requires the responsible authority to undertake further work and sets out a number of strategies to achieve its broad state outcome. Accordingly, the success of any application cannot rise or fall on this planning policy alone.

Whilst this may be the case, the principals included in this policy can be used to inform any assessment of an application. With this in mind, the subject site is located in an existing rural residential area. It is readily accessible from one of the more heavily used roads and is adjacent to a primary school being one of the main focal points to the Island. The infill development of a single storey building/s setting within an agricultural use that is consistent with the adjoining and nearby uses, it will not result in urban sprawl, fragmentation of agricultural land and is able to be accommodated on the land is clearly consistent the broad state objectives and strategies included within Clause 16.01-5S.

Clause 18.02-3L - Road system

Detailed within this submission, the site adjoins the more heavily trafficked and better constructed roads on the Island. The development of a dwelling will not therefore impact upon the functioning or safety of the road network and the road network is capable of accommodating the development.

7. Zone Assessment

Clause 35.07 Farming Zone (FZ)

Pursuant to the requirements of Clause 35.07, the Farming Zone, a 'dwelling is nested within Section 2 within the table of uses. Whereby, a planning permit is required for the use of the land and at Clause 35.07-4 (buildings and works) a planning permit is required to construct or carry out works associated with a Section 2 Use and to construct the dam due to the limited potential to change the rate of flow across a property boundary. A planning permit is not required for the agricultural outbuilding.

Where a permit is required for the use and or development of the land, the FZ requires consideration be given to the Zone's objectives and its decision guidelines. This being said, the objectives to the FZ are restated, as follows:

- *"To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone"*

Having provided a robust assessment against the State Planning Policy Framework it is concluded that the proposed use and development achieves an appropriate balance between the conflicting policies contained within the Planning Scheme. Thereby, resulting, in a sustainable use and development that has appropriate regard to the sensitive neighbourhood character, environmental and landscape values, as well as the constraints posed as a consequence of the site being on an Island. This demonstrates that the first objective to the zone has clearly been met.

In relation to the balance of the objectives, it is clear, that the zone by virtue of contemplating the proposed use and development, supports the introduction of such a use. This is provided that the overarching principals of protecting productive agricultural land from being permanently lost is achieved. In response to this overarching policy directive, the proposed land use and development confines buildings and works to a modest envelope on the land and does not fragment or create any areas that are not usable for the existing or future agricultural uses. The dwelling and outbuilding with its generous setbacks and separation from adjoining properties prevents it from conflicting with any adjoining property. Further and more importantly, the proposed dwelling is intended to improve the efficiencies of the existing agricultural use of the land that would not otherwise occur. Given the dwelling provides for and seeks to provide for the efficient and long term viability of the property as an agricultural or farming property it is clearly demonstrated as having a high level of support by and consistent with the purpose of the Zone.

In addition to the purpose and decision guidelines, at Clause 35.07-6, the zone prescribes a number of decision guidelines that are required to be considered. Accordingly, we respond to each of the relevant decision guidelines, as follows:

General Issues:

- ✓ The proposed land use and development and native vegetation removal, for the reasons expressed earlier in this submission, is entirely consistent with the relevant State and Local Planning Policies.
- ✓ The proposed use is sustainable and self-contained such that the land is capable of accommodating the proposed use, development and associated native vegetation removal and works.
- ✓ Sustainability is incorporated into the proposed development with a 6 star energy rating being achieved, vegetation removal confined to environmental weeds that are for the most part dead, the dwelling is able to be fully contained and serviced on the land provides for the sustainable and continuance of the existing livestock farming use. The proposal is therefore a sustainable land use and encourages the sustainable management of the land.
- ✓ There are no sensitive land uses proximate to the site that have the potential to experience a significant or unreasonable loss of amenity from the proposal. The use having been demonstrated as being able to be serviced and both contemplated and encouraged by the Zone and the suite of Planning Policies within the Scheme, demonstrate the site is suitable for the proposed use and development. This assertion is supported by the presence of dwellings on a large number of the nearby surrounding lots.

- ✓ Aside from having to provide the utilities to service the proposed use on site, such is the nature of French Island, the use will make use of the natural environment and existing infrastructure of the Island.

Agricultural Issues and the impacts from non-agricultural uses:

- ✓ The use and development facilitates the improved and more efficient rural activity on the land. In doing so, the proposed use supports the viability of the farming use.
- ✓ The confinement of buildings within a modest envelope and with no awkward or fragmented spaces created on the land it is assured that there is no permanent or significant reduction to the agricultural potential of the land.
- ✓ The subject site is bordered by similar uses and a primary school. The dwelling and continued agricultural use of the land will seamlessly blend in with and compliment the surrounding land uses. As such the proposed use and development does not conflict with a nearby rural use or impact upon the ability of a property to introduce or continue with an existing farming use.
- ✓ The site has a limited ability to sustain the agricultural use on the land. By virtue of the symbiotic relationship created, the proposed dwelling will assist in sustaining the continued agricultural use of the land.

Environmental Issues:

- ✓ The ability to fully contain the use on the land and designing the buildings to blend into and complement the natural environment, illustrates that the proposed use and development will not detrimentally impact upon the natural physical features and resources of the area. This includes the soil and water quality of the site and the broader area.
- ✓ Removal of indigenous vegetation has been avoided with vegetation removal confined to dead classified weeds whereby their removal will improve the usability of the site and protect the sensitive natural environment of French Island. Consequently, the use and development will not detrimentally impact upon the flora and fauna on the subject site or within its immediate context. This includes any rare or threatened Fauna found on the Island.
- ✓ The effluent areas will be installed and designed to meet best practice standard.

Design and Siting Issues:

- ✓ The dwelling and outbuilding/s have been confined to one area on the land with generous setbacks and spacing provided between the buildings to minimise interruptions upon the landscape. Further, the buildings have been positioned to ensure that the agricultural potential of the site is not reduced.
- ✓ The design adopts a low scale single storey built form with the colours and materials adopting a light weight and natural external finish in order to positively contribute to the rustic rural character values present.
- ✓ The nature of the development is such that there is no need to provide additional traffic management measures.

To summarise the key submissions detailed above, due to the isolated nature of French Island, the lack of a services available and the sensitive natural environment it is challenging to

introduce or maintain a sustainable farming use. The proposal that supports the ongoing rural use of the land that does not reduce the agricultural potential clearly demonstrates that not only is the use contemplated by the Zone, but it strikes a balance between conflicting policy objectives and is clearly encouraged by the Zone. On this basis, the proposed land use and development is submitted to be appropriate.

Overlay Assessment

CLAUSE 42.03: SIGNIFICANT LANDSCAPE OVERLAY, Schedule 2 – Pastoral Fields

SLO2 recognises *'the Pastoral Fields character area is defined by its rural and undeveloped landscape, located primarily in the central-south of French Island. The area is defined by isolated dwellings and unobtrusive farm buildings situated on gently undulating pastoral land. Stands of vegetation act to frame vistas through the open fields, with the broader character area bound by the French Island National Park and coastal areas.*

...

Agriculture is the most prominent land use in this character area, which is demonstrated by the rolling green pastoral fields and farming activities.

Key characteristics include:

- *Low scale and low level development.*
- *Flatter, or gently rolling topography.*
- *Large cleared open pasture.*
- *Isolated dwellings and farm buildings.*
- *Built form of heritage significance including chicory kilns.*
- *Patterns of viewing framed by roadside tree rows.*

The character of this landscape is sensitive to further subdivision and development".

The last statement in the statement of significance, clearly suggests that the subject site and its surrounding environs are sensitive to intrusive and inappropriate development, with the key outcomes being to protect the scenic landscape and character values of the Pastoral Fields. This is not to say that all development is inappropriate. Rather, that inappropriate development that detracts from the character and scenic landscape values present is discouraged. To arrive at a decision on this, it must first be understood what views are available and the impact of the development on these views.

With this in mind, I/we provide the following:

Landscape Impact Assessment:

Landscape Definition/Description:

In order to understand the impact of any proposed land use and development, the landscape and aesthetic attributes to a site and or area must be properly understood. The statement of significance to SLO2 is a useful guide in understanding the broader character attributes. However, in order to fully appreciate the potential impact of any land use and development the landscape must be assessed at a micro scale. In other words, in the immediate context of the site what external views of the site are appreciated?

To define the micro landscape values present, refer to Figures 1 – 2 within Section 4 of this submission (above).

Figure 1 is a detailed aerial photo (www.nearmap.com.au) of the subject site. It clearly shows the existing features of the subject site that includes some isolated patches of vegetation, open pasture and a series of dams and improvements in the form of fencing.

Relevantly, Figures 1 and 2 clearly show a rural pastoral fields character at both a micro and broader scale. This being the case, it is clear that there is a higher concentration of dwellings within the immediate context to the site indicating an improved tolerance for development when compared to the remote sections of the Island.

Landscape Impact:

Consistent with the characterisation of the subject site contained within the SLO2, the subject site has a low scale open pasture character and any buildings and works will be visible on the site.

Whilst this may be the case, the landscape is interrupted with outbuildings, the school and dwellings. It is tolerable to a low scale level of change. With this in mind, the generous setbacks, clustering of buildings with adequate separation, a low scale development and maintenance of a single storey built form using lightweight materials finished in muted and non-reflective colours is clearly consistent with the surrounding development pattern. Whilst visible, the buildings and works will not introduce a significant element to or change the landscape with the buildings allowed to blend into the existing character. The site and surrounding area will therefore be retained and protected as a low scale rural pastoral field's character.

Consequently, the proposed development will not have any significant or adverse impacts upon the character, streetscape or landscape values present.

This being said, this outcome is further assured in the design through;

- Adopting the use of natural muted and non-reflective colours and materials that will compliment and blend into the surrounding natural environment
- Maintaining separation between the buildings to maintain a sense of space in and around buildings,
- Taking advantage of the sloping topography of the land and vegetation on the horizon to create a natural silhouette to the development rather than interrupting the natural sky line.
- Providing modest footprints and single storey built form.
- Satisfying all of the prescribed general requirements.

On this basis, it is submitted that the proposal does not have the potential to impact upon the identified character values and is therefore entirely consistent with the objectives of SLO2.

In respect of the vegetation removal proposed, the removal is confined to bracelet honey myrtle. The vegetation is a weed, is dead for the most part and is likened to shrub. Due to its classification as a weed and it being dead and a low rise shrub like plant it does not form a significant element in the landscape or poses any meaningful environmental value. Consequently, its removal is of no consequence and in fact will serve to protect the wider natural systems present on the Island. In addition, given the desire to retain the existing farming use and there being no need to introduce screen planting for the buildings and works it is our view that a landscape plan is not required and will only serve to reduce the agricultural potential of the site. This being said, we would be pleased to revisit this matter upon receipt of advice from the assessing officer.

Note: We refer you to the application documentation to satisfy the application requirements of SLO2.

Clause 52.17 – Native Vegetation Removal

A planning permit is required by Clause 52.17 to remove, destroy or lop native vegetation.

Bracelet Honey Myrtle being native to Victoria, as opposed to indigenous to the area, instigates the need to obtain a planning permit by Clause 52.17. Whilst this may be the case, due to not being indigenous and being deemed a weed on the island the principals of avoid, minimise and offset are not relevant. Rather the benefit derived from removing a weed to the environmental values present demonstrate that the proposed vegetation removal is clearly encouraged by Clause 52.17 and is entirely consistent with the objectives and decision guidelines detailed within the policy.

Notably;

- A net gain report is not required for vegetation that is a weed and is not indigenous to the locality.
- The vegetation is largely dead and serves limited environmental value as a consequence.

- Relevantly, the table to Clause 52.17-7 specifically states that a panning permit is not required for new buildings and works for a dwelling and for an agricultural use of land zoned Farming Zone. Whereby there a number of restrictions that would see at least 300 square metres of the vegetation proposed for removed, if not all of the vegetation being less than 1 hectare of clearance

8. Public Notification

Public notice of the application is governed and required by Section 52 of the Act if the responsible authority feels that the application has potential for material detriment to result. In respect of this matter, compliance with all of the prescribed setback requirements and a single storey low scale development being proposed we submit that there is no potential for a material detriment to result and notice of the application is not required..

9. Title Restrictions

Nil

10. CONCLUSION

It is submitted that the use and development has been demonstrated throughout the discussion contained within this report to be appropriate and is suitable to be granted a permit on the following basis:

- The proposal is consistent with the relevant provisions of the State and Local Planning Policy Framework.
- The proposed use and development is consistent with the purpose and decision guidelines of the Farming Zone and importantly does not reduce the potential of the site or the adjoining properties to introduce or continue to pursue agricultural pursuits. In fact, the development facilitates the continued and more efficient agricultural use of the land.
- The proposed development and native vegetation removal is consistent with the objectives and decision guidelines contained within SLO2 and Clause 52.17 of the Planning Scheme, in that there will be no adverse environmental, character, landscape or amenity outcomes created from the proposed land use and development
- The development contributes to the orderly planning of the area.
- The proposed development will not result in a significant or unreasonable loss of amenity to any person.
- The proposal will not impinge on the orderly planning of the area or affect the amenity of any sensitive uses in proximity to the subject site.

UrbanArc

UrbanArc Pty Ltd
Level 2/28 Diane Street
Mornington VIC 3931

0409 309 026
plan@urbanarc.com.au

UrbanArc.com.au