

Bernie Wilder and Associates



Town Planning, Project Management and Local Government Consultant
9 Robins Ave Portland Victoria 3305
Phone (03) 5523 7000

<https://qpsbourke.wixsite.com/berniewilder>

We respectfully acknowledge the traditional custodians, the Guditjmara peoples. We pay our respects to all Aboriginal community Elders past and present who have been an integral part of this region's history.

Dwelling

59 Vause Road Nelson

Gleneig Planning Scheme

PLANNING REPORT
Fire Management Plan
Environmental Assessment

3 May 2026

Introduction and Context

This report has been prepared to accompany an application for a Planning Permit under the Glenelg Planning Scheme for a Dwelling at **59 Vause Road Nelson**

The report considers the various provisions of the Glenelg Planning Scheme.

Site Details

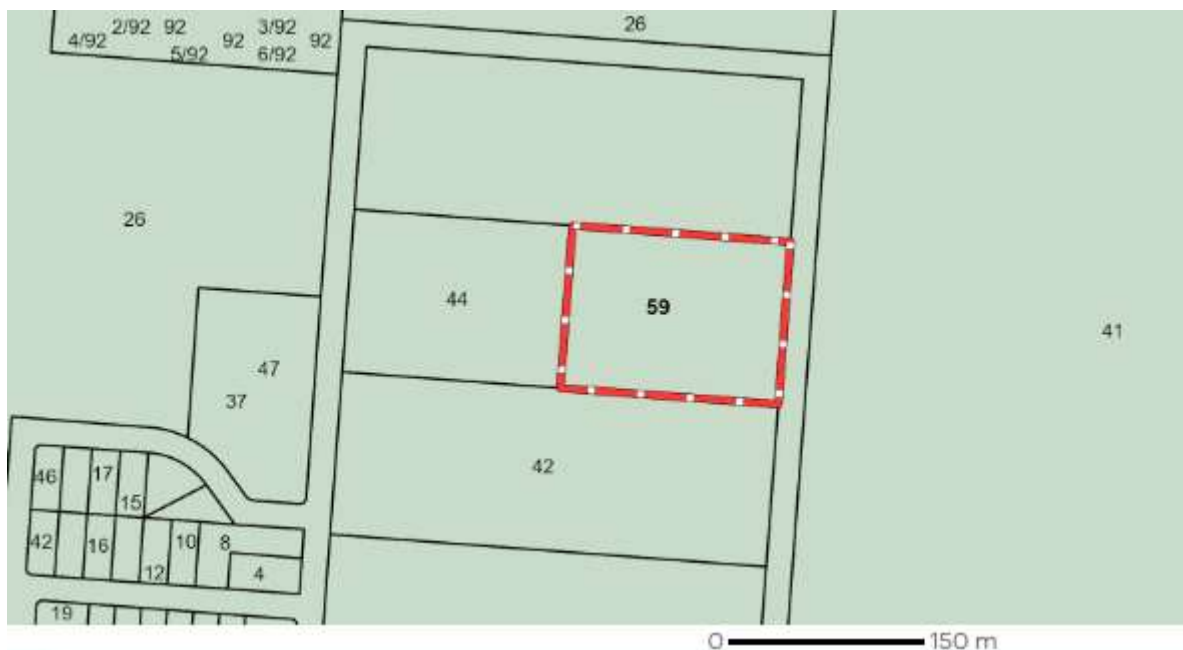
The land has an area of 2.12 ha. The land is zoned Farming Zone (FZ1) under the Glenelg Planning Scheme and there is a Bushfire Management Overlay (BMO) and an Environmental Significance (ESO3) Overlay and a Significant Landscape Overlay (SLO1) over the land.

The land has little agricultural value because of the soil type and small size. Surrounding land is used for Rural Residential and Farm purposes.

No tree clearing is involved in this application other than rearrangement of existing plantings and further plantings. A Landscape plan for the land involves lawns and further endemic plantings with endemic vegetation chosen from the relevant EVC.

All Relevant services are in place and the site.

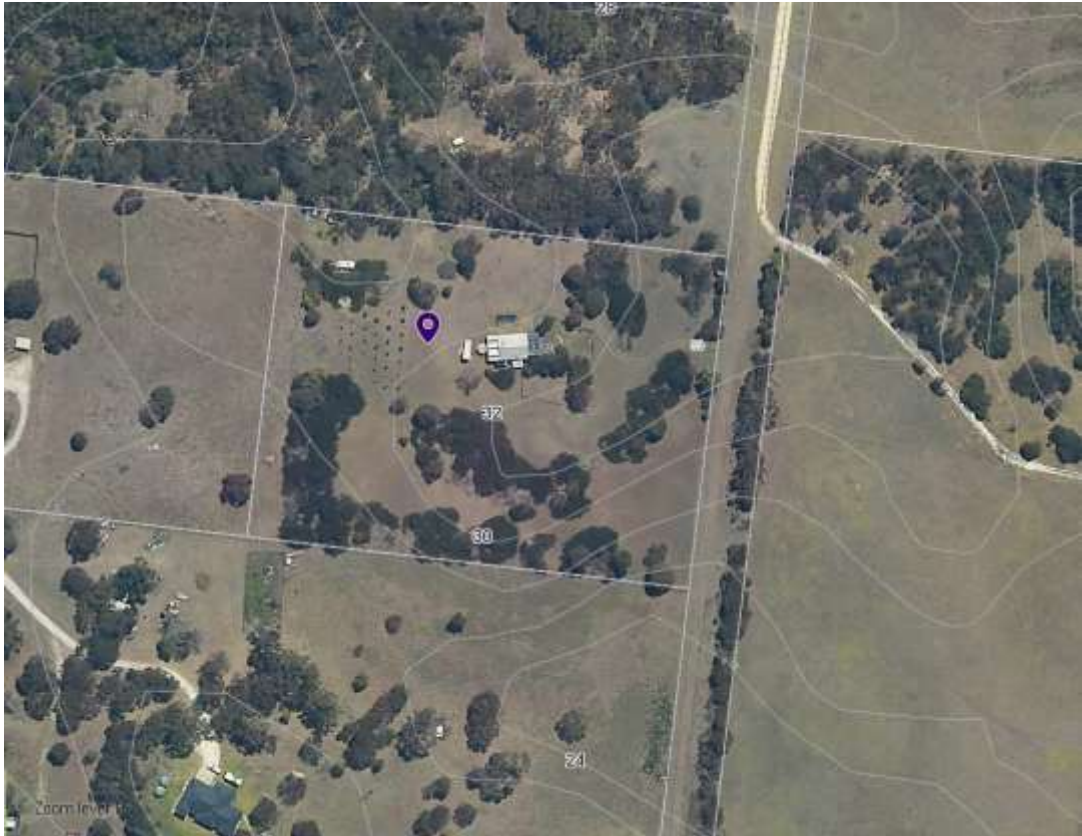
The following map shows the location of the site relative to adjoining allotments:



Locality plan

Source: Vic Map

Air Photograph



Details of the Proposal is set out below:

- All work to meet BCA and relevant Australian Standards.
- Wates to be treated to EPA standards.
- Access driveway 150mm compacted limestone.
- CFA Standards for access.
- CFA coupling to tank.
- Planting using endemic species from relevant vegetation class.
- Weed control measures to be implemented.

Landscaping and re vegetation:

- Species to be of local indigenous prominence and chosen from Ecological Vegetation Class 23 Herb-Rich Foothill Forest from Victorian Volcanic Plain Bioregion, as appropriate.

A selection of the following is proposed:

- Eucalyptus ovata Swamp Gum.
- Eucalyptus oblique Messmate Stringybark these are large trees.
- Eucalyptus viminalis ssp viminalis Manna Gum is a suitable medium tree.

Smaller Trees & Shrubs are:-

- Acacia melanoxylon Blackwood; Acacia verticillate - Prickly Moses;
- Ozothamnus ferrugineus - Tree Everlasting,
- Banksia marginata - Silver Banksia.

Details are set out below:

Land Use

The land is currently vacant and contains a shed.

Buildings

Dwelling is proposed per the submitted plans.

Works

A driveway, carpark and infrastructure connections are proposed.

Site Topography

The site is flat and drains to existing drainage networks. The site is cleared with some remnant and planted vegetation. No tree clearing is proposed other than a planted garden in part.

Access

An all-weather access way improvements are proposed to connect with the Road. The access is to all weather standard and meets CFA access requirements.

Drainage

No concentrated discharges are proposed to adjoining properties or the streets.

Tree Clearing and Landscaping

No tree clearing is proposed. Endemic plants will be used for landscaping and re vegetation.

Aboriginal Archaeology

The proposal is exempt from a Cultural Management Plan requirement.

Key Issues

The following have been identified as key issues:

- The Planning Scheme Requirements
- Fire Protection

Title



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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 09515 FOLIO 587

Security no : 124134223800T
Produced 30/04/2026 09:40 AM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 143001.
PARENT TITLE Volume 09418 Folio 034
Created by instrument LP143001 23/06/1983

REGISTERED PROPRIETOR

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP143001 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 59 VAUSE ROAD NELSON VIC 3292

ADMINISTRATIVE NOTICES

DOCUMENT END



Imaged Document Cover Sheet

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Document Type	Plan
Document Identification	LP143001
Number of Pages (excluding this cover sheet)	1
Document Assembled	30/04/2026 09:40

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143001

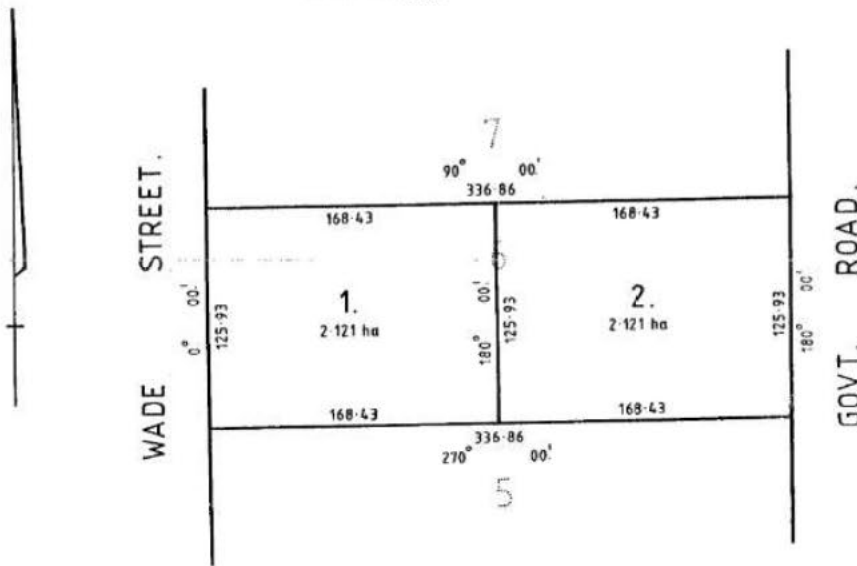
LP143001
EDITION 1
APPROVED 23/3/83

<p>Q</p> <p>PLAN OF SUBDIVISION CROWN ALLOTMENT 6 SECTION 7 TOWNSHIP OF NELSON PARISH OF GLENELG. COUNTY OF NORMANBY.</p> <p>0 25 50 100 150 200 250 SCALE OF METRES.</p> <p>K.9418 F.034</p>	<p>APPROPRIATIONS</p>
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APPROVED
23 MAR 1983

DEPTH LIMITATION: 15.24m

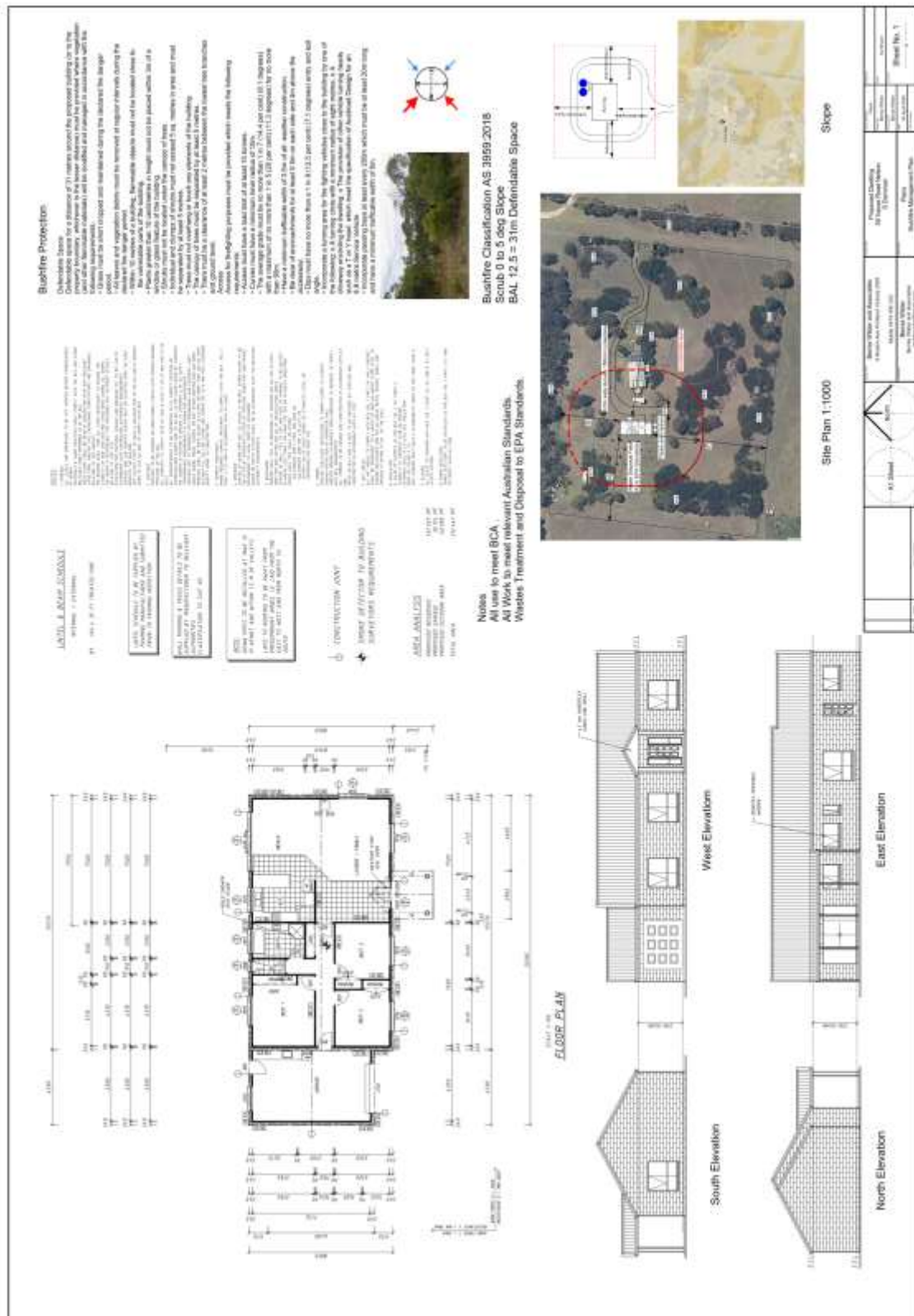


CONSENT OF COUNCIL	SURVEYORS CERTIFICATION
	<p>_____ of _____ certify that this plan has been made by me and accords with title and is mathematically correct.</p> <p>Date: 19.11.82</p>

Covenant
No Covenants apply.

Proposed Buildings and Fire Management Plan

The following Plan shows the proposal:



Planning Policy Framework

The PPF generally supports the concept of making land more sustainable. The proposed use meets the zone requirements.

Municipal Planning Strategy

The MPS generally supports the proposal and there are no specific requirements other than the Zone and Overlay provisions. The clause relating to FZ1 has been addressed.

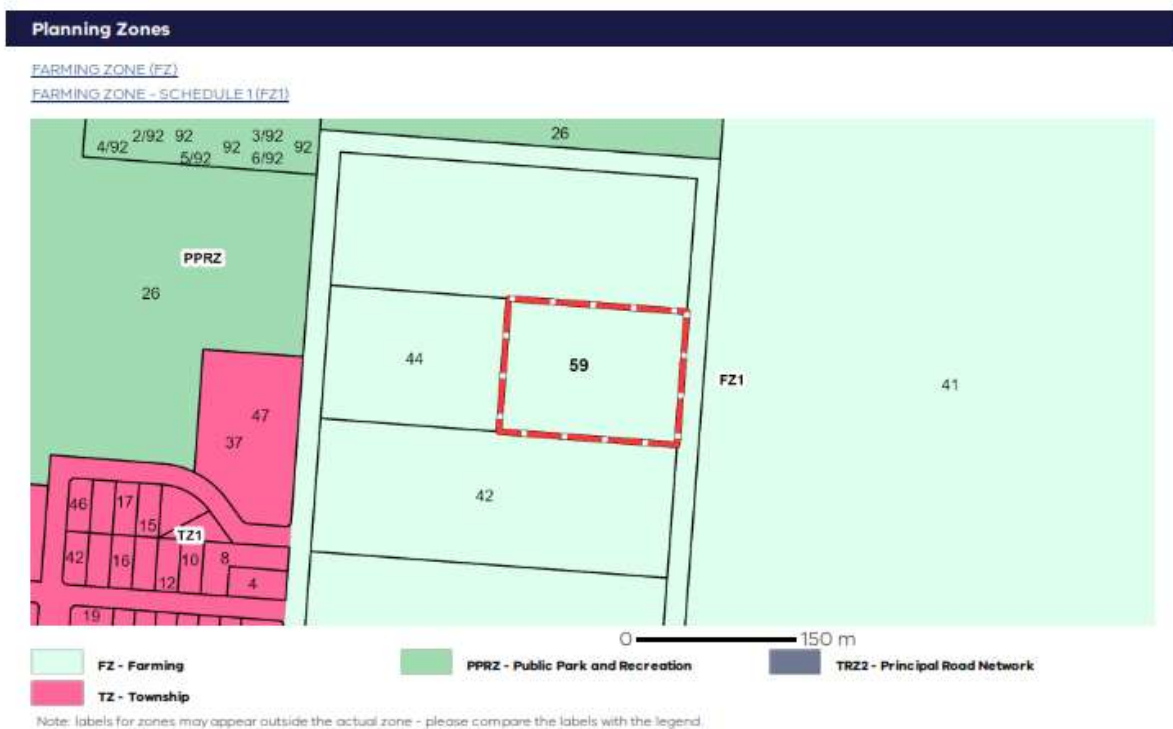
The proposal is consistent with relevant Local Planning Policy and objectives as the dwelling will allow better site management, a Bushfire Management Plan is required as the existing buildings are within the BMO portion and meet the BAL 12.5 requirements.

Relevant Local Policy

There are no specific issues to be addressed relating to the LPPF in the application. Suffice to say that the proposal will contribute to the economic wellbeing of the Shire and provide an opportunity for a diversity of land use within the zone.

Planning Scheme Requirements

Zoning Details



Under the Planning Scheme the Farming Zone has the following purpose:

35.07 FARMING ZONE

05/09/2013
VC103

Shown on the planning scheme map as **FZ** with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

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.

An assessment of the relevant issues is set out as follows:

Issue	Comment
To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	The proposal is consistent with the relevant policies and zone requirements as set out elsewhere in this report.
To provide for the use of land for agriculture.	The land has no Agricultural potential. The use will enhance sustainability and maintenance of the land.
To encourage the retention of productive agricultural land.	The land is not used for farming.
To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.	The proposal has no impact on Agriculture.
To encourage the retention of employment and population to support rural communities	The land is not used for farming. The site use will be likely to contribute to the existing community.
To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.	The use is proposed to be located in a landscaped setting and the existing character maintained and tended. Infrastructure is in place.

The proposal is consistent with the zone purpose in that it provides rural development in a zone designated for that purpose. The proposal also involves sustainability and protection of the environmental values of the area.

An Assessment of the Farming capability is as follows:

Factor	Response
To ensure that the use and development of dwellings in rural areas is secondary to existing agricultural, forestry, or industrial activities.	Farming is not feasible because of the size of the lot and vegetation cover. A site presence to better manage the activity.
Discourage more than one dwelling on a lot.	There is only 1 dwelling proposed.
Discourage the construction of a new dwelling unless the lot has: <ul style="list-style-type: none"> • Legal frontage to a road. • The potential to be consolidated with another lot. 	Meets criteria however consolidation not feasible due to economic viability considerations at this time.
Ensure that a new dwelling is clustered with other dwellings.	Meets criteria.
Avoid siting dwellings and associated structures on ridgelines or hilltops.	Meets criteria.
Support dwellings in the Rural Dwelling Policy Areas shown on the maps to this policy when lots in the same ownership are consolidated.	Not shown on relevant maps.
Ensure that a dwelling is set back: <p>100 metres to agriculture (other than grazing animal production), or land with potential for agriculture (other than grazing animal production) not in the same ownership; and 500 metres from extractive industry.</p>	Meets criteria.

Rural Land Strategy (RMCG, 2019)	Meets spirit of Policy.
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The Proposal is consistent with the Objectives requirements.

Clause 14.01-2S of the planning Scheme provides as follows:

14.01-2S

21/09/2018
VC150

Sustainable agricultural land use

Objective

To encourage sustainable agricultural land use.

Strategies

Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.

Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.

Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.

Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.

Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.

Support agricultural investment through the protection and enhancement of appropriate infrastructure.

Facilitate ongoing productivity and investment in high value agriculture.

Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.

Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.

Assessment

Factor	Response
To encourage sustainable agricultural land use.	The project has been devised for long term sustainability and improvement of the vegetation on the site which can be seen as Horticulture.
Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.	The project has been devised to achieve this. A critical element is an on-site presence.

Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.	The project has been devised to achieve this. A critical element is an on-site presence. Further improvements are proposed over time.
Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.	The project has been devised to achieve this. A critical element is an on-site presence. Further improvements are proposed over time.
Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.	The project has been devised to achieve this. A critical element is an on-site presence. Further improvements are proposed over time.
Assist genuine farming enterprises to embrace opportunities and adjust easily to market changes.	The project has been devised to achieve this. A critical element is an on-site presence. Further improvements are proposed over time.
Support agricultural investment through the protection and enhancement of appropriate infrastructure.	The project has been devised to achieve this. A critical element is an on-site presence. Further improvements are proposed over time.
Facilitate ongoing productivity and investment in high value agriculture.	The project has been devised to achieve this. A critical element is an on-site presence. Further improvements are proposed over time.
Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.	Not feasible in this location because of amenity issues.
Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact	Not feasible in this location because of amenity issues.

the environment, the operation of surrounding land uses and the amenity of the surrounding area.	
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The project has been devised to meet the relevant criteria,

Clause 35.06-5 provides:

35.06-5
08/06/2019
VC159

Buildings and works

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.06-1. This does not apply to:
 - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension does not exceed the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
 - An out-building associated with an existing dwelling provided the floor area of the out-building does not exceed the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
 - An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension does not exceed the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres. The building must not be used to keep, board, breed or train animals.
 - A rainwater tank.
- Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
 - 100 metres from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1.
 - 40 metres from a Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2.
 - 20 metres from any other road.
 - 5 metres from any other boundary.
 - 100 metres from a dwelling not in the same ownership.
 - 100 metres from a waterway, wetlands or designated flood plain.

The relevant criteria are met.

Clause 35.06-6 of the Planning Scheme provides as follows:

35.07-605/09/2013
VC103**Decision guidelines**

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

An assessment of the relevant issues is set out as follows:

Issue	Comment
The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	The proposal is consistent with relevant policies as set out earlier in this report.
Any Regional Catchment Strategy and associated plan applying to the land.	There are no regional catchment strategies relevant to this land. Waste waters are intended to be treated and disposed in accordance with relevant policies. Rainwater tanks are to be provided for a potable water supply.
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	The proposed lot is of sufficient size to accommodate the development and associated waste treatment systems. The land is used for an industry and the new use is needed for proper management.

How the use or development relates to sustainable land management.	The proposed lot is not used for farming and the dwelling is required for proper management.
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	The land is not used for farming and the new use is needed for proper management and tending the land.
How the use and development makes use of existing infrastructure and services.	The proposed lot is of sufficient size to accommodate the development and associated waste treatment systems. The land is to be used in the same way as abutting land. All required infrastructure is in place.

Agricultural issues and the impacts from non-agricultural uses

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

An assessment of the relevant issues is set out as follows:

Issue	Comment
Whether the use or development will support and enhance agricultural production.	The site is not of sufficient size to enable agricultural pursuits consistent with the zone purpose.
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	There is no likely adverse effect on soil quality. There is also no removal of land from production.
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	The proposed development is unlikely to limit production on adjoining land or expansion.
The capacity of the site to sustain the agricultural use.	The proposed development is the maximum potential for the site. The land is zoned for rural

	purposes and is unlikely adversely impact on adjoining land uses.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	The land has no farming suitability. All necessary infrastructure is in place.
Any integrated land management plan prepared for the site.	There is no integrated plan.

Dwelling issues

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

An assessment of the relevant issues is set out as follows:

Issue	Comment
Whether the dwelling will result in the loss or fragmentation of productive agricultural land.	The proposal is unlikely to have any adverse impact on productive purposes.
Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.	The proposal is unlikely to be adversely affected as the land to be used for buildings is remote from boundaries.
Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	The sites comprise land not used for farming and a dwelling, surrounded by dwellings no adverse impacts are likely.
The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.	No adverse impact is likely.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

An assessment of the relevant issues is set out as follows:

Issue	Comment
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	The proposal is unlikely to have any adverse impact as it involves using an existing lot for a purpose allowed in the zone. All relevant services are available and the site is cleared and gently sloping. Landscaping weed and pest control is proposed. An onsite presence will enhance management and tending the land.
The impact of the use or development on the flora and fauna on the site and its surrounds.	The proposal is unlikely to have any adverse impact as it involves modest development similar to that on adjoining land.
The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.	The sites comprise farm land and vegetation enhancement is proposed.
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	A waste system meeting EPA requirements is proposed.

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.

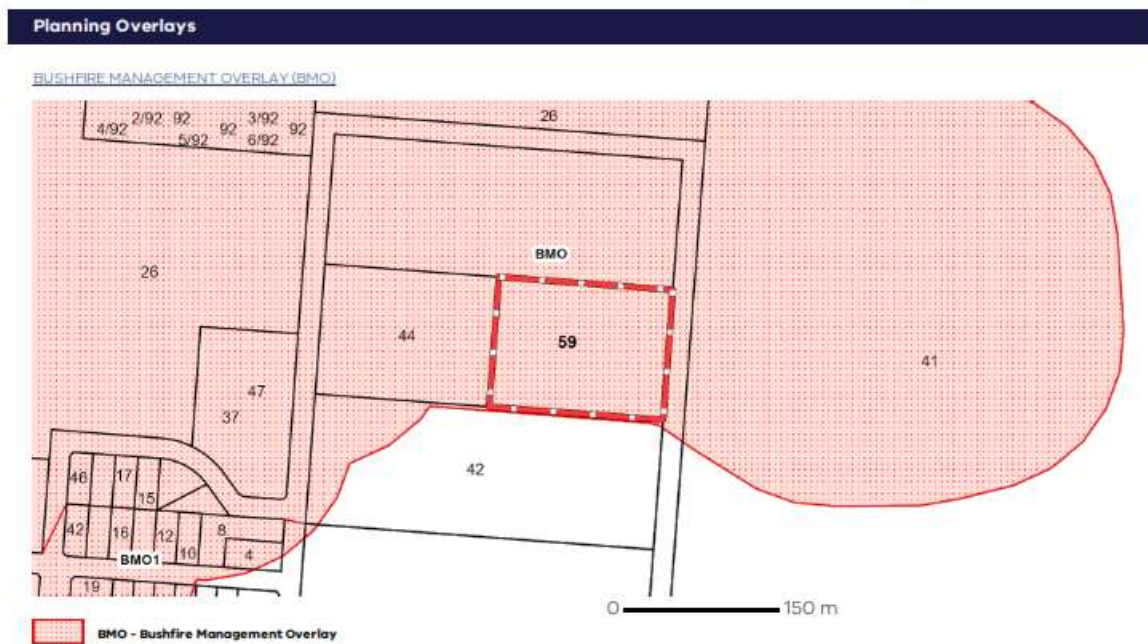
An assessment of the relevant issues is set out as follows:

Issue	Comment
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.	The proposal is unlikely to have any adverse impact as it involves using an existing lot for a purpose allowed in the zone. All relevant services are available and the site is cleared and gently sloping. Landscaping weed and pest control is proposed. An onsite presence will enhance management and tending the land. The building is not visually intrusive. No loss of productive land is involved.
The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.	The proposal is unlikely to have any adverse impact as it involves modest development similar to that on adjoining land.
The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.	Further enhancement is proposed. There is no likely adverse impact.
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	All relevant infrastructure is in place.
Whether the use and development will require traffic management measures.	Access improvement is proposed.

The proposal meets all relevant criteria.

Overlay Controls

The following Overlay Controls apply:



The area to contain the buildings is inside the BMO area. BAL 12.5 will apply as the area is generally bushfire prone but of low risk because of the managed pasture surrounding.

The Planning Scheme provides as follows:

44.06
31/07/2018
VC148

BUSHFIRE MANAGEMENT OVERLAY

Shown on the planning scheme map as **BMO** with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.

To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

The proposal meets the stated purpose as the risk is low because of the managed gardens and pasture surrounding the land and the small amount of adjacent vegetation and its management.

The Planning Scheme provides as follows:

44.06-1
19/09/2017
VC132

Bushfire management objectives and application of schedules

A schedule to this overlay must contain a statement of the bushfire management objectives to be achieved for the area affected by the schedule and when the requirements within it apply.

There are no Schedule requirements stated.

Clause 53.02 of the Glenelg Planning Scheme provides as follows:

53.02
31/07/2018
VC148

BUSHFIRE PLANNING

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.

To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.

To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.

The development is to include all relevant measures to mitigate fire risk. A permit is required as the development is specified as such by Clause 44.06-2.

Clause 53.02-1 of the Planning Scheme provides as follows:

53.02-1
31/07/2018
VC148

Application

This clause applies to an application under Clause 44.06 - Bushfire Management Overlay, unless the application meets all of the requirements specified in a schedule to Clause 44.06.

Clause 53.02-3 applies to an application to construct a single dwelling or construct or carry out works associated with a single dwelling if all of the following requirements are met:

- The land is zoned Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone or Rural Living Zone.
- There is only one dwelling on the lot.
- The application meets all of the approved measures contained in Clause 53.02-3.

Clause 53.02-4 applies to all other applications.

The schedule relates to BMO and the land is designated BMO on the Planning Scheme Map accordingly the Schedule would not apply to this land.

Clause 44.06-2 of the Planning Scheme provides as follows:

44.06-2
18/08/2017
VC148

Permit requirement

Subdivision

A permit is required to subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.

Buildings and works

A permit is required to construct a building or construct or carry out works associated with the following uses:

- Accommodation (including a Dependent person's unit)
- Child care centre
- Education centre
- Hospital
- Industry
- Leisure and Recreation
- Office
- Place of assembly
- Retail premises
- Service station
- Timber production
- Warehouse

This does not apply to any of the following:

- If a schedule to this overlay specifically states that a permit is not required.
- A building or works consistent with an agreement under Section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-3.
- An alteration or extension to an existing building used for a dwelling or a dependent person's unit that is less than 50 percent of the gross floor area of the existing building.

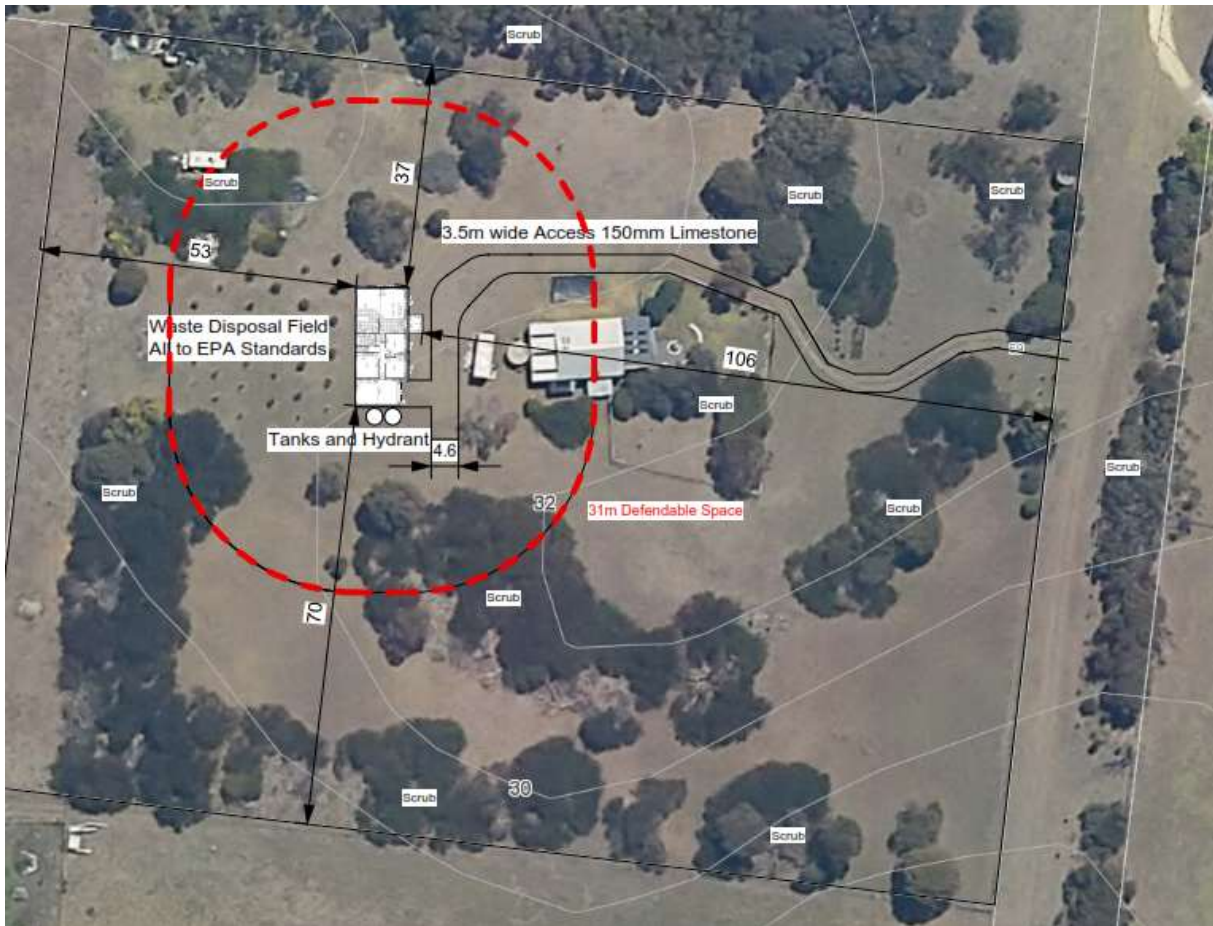
- An alteration or extension to an existing building (excluding a dwelling and a dependent person's unit) that is less than 10 percent of the gross floor area of the existing building.
- A building or works with a floor area of less than 100 square metres not used for accommodation and ancillary to a dwelling.
- A building or works associated with Timber production provided the buildings or works are not within 150 metres of Accommodation or land zoned for residential or rural residential purposes.

A permit is required and there are no schedule matters relevant.

Clause 44.06-3 and 4 of the Planning Scheme provides as follows:

44.06-3 <small>31/07/2018 VC148</small>	<p>Application requirements</p> <p>Unless a schedule to this overlay specifies different requirements, an application must be accompanied by:</p> <ul style="list-style-type: none"> • A bushfire hazard site assessment including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard must be prepared in accordance with Sections 2.2.3 to 2.2.5 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2. Photographs or other techniques may be used to assist in describing the bushfire hazard. • A bushfire hazard landscape assessment including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site. Photographs or other techniques may be used to assist in describing the bushfire hazard. This requirement does not apply to a dwelling that includes all of the approved measures specified in Clause 53.02-3. • A bushfire management statement describing how the proposed development responds to the requirements in this clause and Clause 44.06. If the application proposes an alternative measure, the bushfire management statement must explain how the alternative measure meets the relevant objective. <p>If in the opinion of the responsible authority any part of these requirements is not relevant to the assessment of an application, the responsible authority may waive, vary or reduce the requirement.</p>
44.06-4 <small>31/07/2018 VC148</small>	<p>Requirements of Clause 53.02</p> <p>An application must meet the requirements of Clause 53.02 unless the application meets all of the requirements specified in a schedule to this overlay.</p> <p>A schedule to this overlay may specify substitute approved measures, additional alternative measures and additional or substitute decision guidelines for the purposes of Clause 53.02.</p>

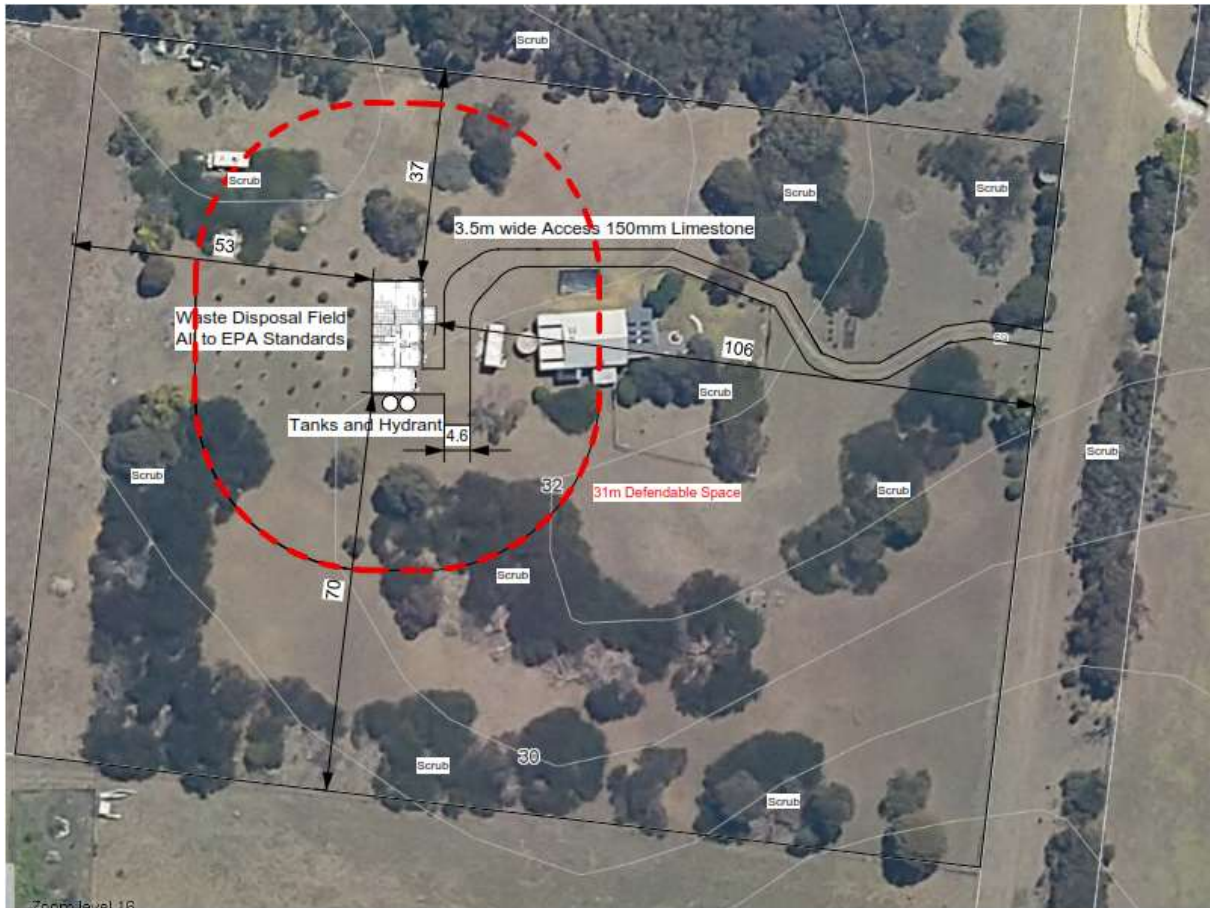
An assessment has been prepared as follows:



Slope



Bushfire Classification AS 3959:2018
Scrub 0 to 5 deg Slope
BAL 12.5 = 31m Defendable Space



Clause 44.06-5 of the Planning Scheme provides as follows:

Buildings and works

A permit to construct a building or construct or carry out works must include the following condition:

"The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed."

A permit allowing a dwelling to be constructed to the next lower bushfire attack level in accordance with AM1.2 in Clause 53.02-3 must include the following condition:

"Before the development starts, the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 to provide for the following:

- *A dwelling constructed in accordance with planning permit [*insert planning permit reference] must not be occupied until a private bushfire shelter (a Class10c building within the meaning of the Building Regulations 2006) is:*
 - *Constructed on the same land as the dwelling.*
 - *Available for use by the occupants of the dwelling at all times.*
 - *Maintained in accordance with the requirements of the building permit issued for that private bushfire shelter.*

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement."

A permit to construct a building or construct or carry out works must include any condition specified in a schedule to this overlay.

All relevant measures are to be met.

Clause 44.06-6 of the Planning Scheme provides as follows:

44.06-6
19/09/2017
VC132

Referral of applications

An application must be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03, unless a schedule to this overlay specifies otherwise.

The application must be referred to the CFA.

Clause 44.06-7 of the Planning Scheme provides as follows:

44.06-7
31/07/2018
VC148

Notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act, unless a schedule to this overlay specifies otherwise.

A schedule to this overlay may specify that notice be given to any person or body in accordance with section 52(1)(c) of the Act.

The application is exempt.

Clause 44.06-8 of the Planning Scheme provides as follows:

44.06-8
31/07/2018
VC148

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 53.02 and Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any other matters specified in a schedule to this overlay.

The proposal is consistent with the SPPF and MSS and there are no schedule matters.

Bushfire Hazard Assessment

Site Assessment

The BAL rating is low as the land and surrounds are managed pasture. A number of exemptions apply as per the Australian Standard.

Bushfire Management Statement

The subject land is within an existing settlement containing lots in the range from 2 to 40 ha.

The site has an area of 2.12ha and is classified as scrub which is managed.. Most of the site and surrounding land is cleared grazing land and presents low risk.

The land is gently sloping. The wider area contains cleared farmland.

The area contains existing housing with varying degrees of fire protection. A likely bushfire would emanate from the North and in that regard the subject land is offered some protection by being cleared and grazed. The land is offered some protection from other aspects which contain cleared farmland and managed pasture.

The following sections of this report set out the details of how the proposal responds to the various matters contained within the planning scheme.

Clause 53.02-3 of the Planning Scheme provides as follows:

53.02-331/07/2018
VC148**Dwellings in existing settlements – Bushfire protection objective**

To specify bushfire design and construction measures for a single dwelling or alteration and extension to an existing dwelling that reduces the risk to life and property to an acceptable level.

Approved measures

Measure	Requirement
AM 1.1	<p>A building is sited to ensure the site best achieves the following:</p> <ul style="list-style-type: none"> ▪ The maximum separation distance between the building and the bushfire hazard. ▪ The building is in close proximity to a public road. ▪ Access can be provided to the building for emergency service vehicles.
AM 1.2	<p>A building provides the defendable space in accordance with Table 1 Columns A, B, C, D or E and Table 6 to Clause 53.02-5. Adjoining land may be included as defendable space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defendable space.</p> <p>A building is constructed to the bushfire attack level:</p> <ul style="list-style-type: none"> ▪ That corresponds to the defendable space provided in accordance with Table 1 to Clause 53.02-5, or ▪ The next lower bushfire attack level that corresponds to the defendable space provided in accordance with Table 1 to Clause 53.02-5 where all of the following apply: <ul style="list-style-type: none"> – A private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2006) is constructed on the same land as the dwelling. – A minimum bushfire attack level of BAL12.5 is provided in all circumstances.
AM 1.3	<p>A building is provided with:</p> <ul style="list-style-type: none"> ▪ A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5. The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies. ▪ Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.

Assessment

Measure	Comments
AM1.1	The buildings are located in existing clearings and this siting provides for maximum separation from any bushland. The building on site is readily accessible to the public road and the access way is to be improved to meet CFA requirements.
AM1.2	The site is classified as Bal 19 and the defendable space within 19metres or to the property boundary of the dwelling walls is proposed.
AM1.3	Static water supply is proposed meeting CFA requirements. Vehicular access in accordance with CFA requirements is also proposed.

Clause 53.02-3.1 of the Planning Scheme provides as follows:

53.02-3.1 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The bushfire hazard site assessment and the bushfire management statement submitted with the application.
- Whether all of the the approved measures have been incorporated into the application.

It is submitted that the proposal meets all relevant policy requirements and the bushfire hazard site assessment indicates that the proposal is feasible.

Clause 53.02-4 of the Planning Scheme provides as follows:

53.02-4 Bushfire protection objectives

31/07/2018
VC148

53.02-4.1 Landscape, siting and design objectives

Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.

Development is sited to minimise the risk from bushfire.

Development is sited to provide safe access for vehicles, including emergency vehicles.

Building design minimises vulnerability to bushfire attack.

All relevant objectives are to be met.

Clause 52.47-2.1 of the Planning Scheme provides as follows:

52.47-2.1 Landscape, siting and design objectives

19/09/2017
VC132

Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.

Development is sited to minimise the risk from bushfire.

Development is sited to provide safe access for vehicles, including emergency vehicles.

Building design minimises vulnerability to bushfire attack.

Approved measures

Measure	Requirement
AM 2.1	The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.
AM 2.2	A building is sited to ensure the site best achieves the following: <ul style="list-style-type: none"> ▪ The maximum separation distance between the building and the bushfire hazard. ▪ The building is in close proximity to a public road. ▪ Access can be provided to the building for emergency service vehicles.
AM 2.3	A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.

Assessment

Measure	Comments
AM2.1	The proposal incorporates proposals to mitigate fire hazard and the surrounding landscape also contains some mitigating factors such as cleared farmland and existing dwellings within clearings that are accessible to firefighting vehicles.
AM2.2	The buildings are sited within a clearing and setback to provide appropriate separation from adjacent bushland. The buildings are located reasonably close to a public road and access to fire vehicles is to be provided in accordance with relevant CFA standards.
AM2.3	The buildings are of fire safe construction and will meet the relevant BCA requirements together with the standards set out in the relevant Australian standard applicable to the BAL rating.

Clause 53.02-4 of the Planning Scheme provides as follows:

53.02-4.2 Defendable space and construction objective

Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings.

Approved measures

Measure	Requirement
AM 3.1	<p>A building used for a dwelling (including an extension or alteration to a dwelling), a dependent person's unit, industry, office or retail premises is provided with defendable space in accordance with:</p> <ul style="list-style-type: none"> Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land; or If there are significant siting constraints, Table 2 Column D and Table 6 to Clause 53.02-5. <p>The building is constructed to the bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5.</p>
AM 3.2	<p>A building used for accommodation (other than a dwelling or dependent person's unit), a child care centre, an education centre, a hospital, leisure and recreation or a place of assembly is:</p> <ul style="list-style-type: none"> Provided with defendable space in accordance with Table 3 and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land. Constructed to a bushfire attack level of BAL12.5.

Alternative measures

Measure	Requirement
AIM 3.3	Adjoining land may be included as defensible space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defensible space.
AIM 3.4	Defensible space and the bushfire attack level is determined using Method 2 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) subject to any guidance published by the relevant fire authority.
AIM 3.5	<p>A building used for a dwelling (including an extension or alteration to a dwelling) may provide defensible space to the property boundary where it can be demonstrated that:</p> <ul style="list-style-type: none"> • The lot has access to urban, township or other areas where: <ul style="list-style-type: none"> – Protection can be provided from the impact of extreme bushfire behaviour. – Fuel is managed in a minimum fuel condition. – There is sufficient distance or shielding to protect people from direct flame contact or harmful levels of radiant heat. • Less defensible space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment. • The dwelling is constructed to a bushfire attack level of BAL FZ. <p>This alternative measure only applies where the requirements of AM 3.1 cannot be met.</p>
AIM 3.6	<p>A building used for accommodation (other than a dwelling or dependent person's unit), child care centre, education centre, hospital, leisure and recreation or place of assembly may provide defensible space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 where it can be demonstrated that:</p> <ul style="list-style-type: none"> • An integrated approach to risk management has been adopted that considers: <ul style="list-style-type: none"> – The characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency. – The intended frequency and nature of occupation. – The effectiveness of proposed emergency management arrangements, including a mechanism to secure implementation. • Less defensible space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.

Assessment

Measure	Comments
AM3.1	The defensible space in accordance with the relevant standard can be achieved.
AM3.2	Not applicable

Clause 53.02-4.3 of the Planning Scheme provides as follows:

53.02-4.3 Water supply and access objectives

A static water supply is provided to assist in protecting property.

Vehicle access is designed and constructed to enhance safety in the event of a bushfire.

Approved measures

Measure	Requirement
AM 4.1	<p>A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with:</p> <ul style="list-style-type: none"> • A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5. • Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5. <p>The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.</p>
AM 4.2	<p>A building used for accommodation (other than a dwelling or dependent person's unit), child care centre, education centre, hospital, leisure and recreation or place of assembly is provided with:</p> <ul style="list-style-type: none"> • A static water supply for fire fighting and property protection purposes of 10,000 litres per 1,500 square metres of floor space up to 40,000 litres. • Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5. • An integrated approach to risk management that ensures the water supply and access arrangements will be effective based on the characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency. <p>The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.</p>

Assessment

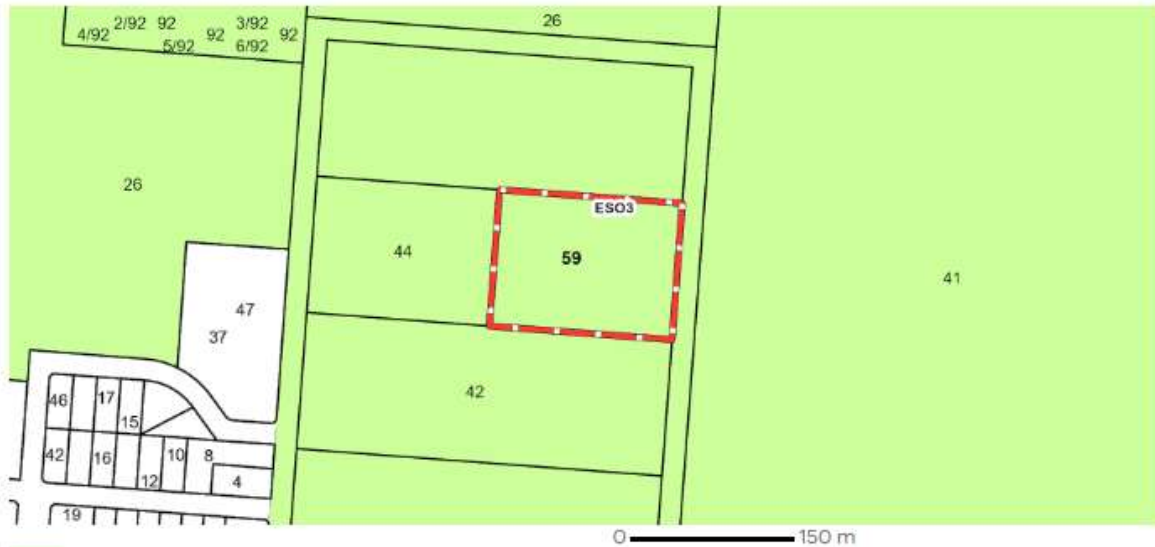
Measure	Comments
AM4.1	A water storage facility is provided in accordance with the standards and access to the water supply will meet all relevant standards.
AM4.2	A water storage facility is provided in accordance with the standards and access to the water supply will meet all relevant standards.

Environmental Significance Overlay

The land is in an Environmental significance (ESO3) area.

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 3 (ESO3)



ESO - Environmental Significance Overlay

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

42.01
31/07/2018
VC14E

ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO** with a number.

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

The site contains some vegetation which is to be conserved. A plan has been prepared to maximise the conservation value and maintenance.

The Planning Scheme provides:

42.01-1
31/07/2018
VC14E

Environmental significance and objectives

A schedule to this overlay must contain:

- A statement of environmental significance.
- The environmental objectives to be achieved.

The project has been devised to meet the objectives.

The Planning Scheme provides:

42.01-2
14/12/2023
VC293

Permit requirement

A permit is required to:

- Construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Construct a fence if specified in a schedule to this overlay.
- Construct bicycle pathways and trails.
- Subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Remove, destroy or lop any vegetation, including dead vegetation. This does not apply:
 - If a schedule to this overlay specifically states that a permit is not required.
 - If the table to Clause 42.01-3 specifically states that a permit is not required.
 - To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

A Permit is required.

The Planning Scheme provides:

42.01-4
21/07/2018
VC148

Application requirements

An application must be accompanied by any information specified in a schedule to this overlay.

There are no schedule items prescribed.

The Planning Scheme provides:

42.01-5
21/07/2018
VC148

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and Planning Policy Framework.
- The statement of environmental significance and the environmental objective contained in a schedule to this overlay.
- The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.
- Any other matters specified in a schedule to this overlay.

The proposal meets the guidelines.

ESO3

The Planning Scheme provides:

28/05/2021
C999e1g

SCHEDULE 3 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO3.

SOUTH-EASTERN RED-TAILED BLACK COCKATOO HABITAT AREAS

Schedule 3 applies.

The Planning Scheme provides:

1.0
28/05/2021
C199p1g

Statement of environmental significance

The Red-tailed Black Cockatoo (*Calyptorhynchus banksii graptogyne*) of south-eastern Australia has been classified as an endangered species. The current population is estimated at approximately 1500 birds. The species faces a range of threats that must be addressed if its extinction is to be prevented.

The South-eastern Red-tailed Black Cockatoo is a highly nomadic species and its population ranges throughout much of the Glenelg Shire's rural district. The only other areas where the species is found include parts of the West Wimmera Shire in Victoria, as well as part of the Tatiara District Council, Naracoorte-Lucindale Council, Wattle Range Council and District Council of Grant in South Australia. The absence of South-eastern Red-tailed Black Cockatoos from a locality within its range does not mean that the locality does not provide habitat for the species.

The South-eastern Red-tailed Black Cockatoo's feeding habitat is mainly located on public land, while much of its Eucalyptus nesting habitat is located on private land. Scattered, mature paddock trees represent particularly important habitat for South-eastern Red-tailed Black Cockatoo, both as feeding and nesting habitat. Live and dead hollow-bearing eucalypts provide suitable nesting sites for the species, while Brown Stringybark Eucalyptus baxteri and Desert Stringybark Eucalyptus arenacea provide feeding habitat for the species. The feeding and nesting habitat of the South-eastern Red-tailed Black Cockatoo must be protected in order to secure the long-term survival of the species.

This policy supports the objectives of the National Recovery Plan for the South-Eastern Red-Tailed Black Cockatoo, including increasing the population size by protecting nesting habitat and mitigating against food shortages. This policy plays a significant role in ensuring that there are adequate nesting and feeding resources available to support the species into the future.

The conservation of the site will enhance the significance.

The Planning Scheme provides:

2.0
28/05/2021
C199p1g

Environmental objective to be achieved

To protect and conserve the critical habitat of the endangered South-eastern Red-tailed Black Cockatoo through the retention of live and dead hollow bearing trees within the bird's range and the retention of Brown Stringybark and Desert Stringybark trees within the bird's known feeding area.

The objectives are satisfied.

The Planning Scheme provides:

3.0
28/01/2022
C199p1g

Permit requirement

A permit is not required to:

- Construct a building or construct or carry out works.
- Subdivide land where a proposed boundary is not within 4 metres of any vegetation, including dead vegetation.
- Remove, destroy or lop vegetation in accordance with a Property Vegetation Plan approved by the responsible authority and endorsed by the Department of Environment, Land, Water and Planning.
- Remove, destroy or lop the minimum extent of native vegetation necessary for the operation and maintenance of existing fences. The clearing along both sides of the fence when combined must not exceed 4 metres in width, except where land has already been cleared 4 metres or more along one side of the fence, then up to 1 metre can be cleared along the other side of the fence.

- Remove, destroy or lop the minimum extent of vegetation necessary to obtain reasonable amounts of wood for personal use by the owner or occupier of the land. Personal use means uses such as heating and cooking, building and fence construction on land and hobbies such as arts and craft. This exemption does not apply to:
 - Contiguous land in one ownership that has an area of less than 10 hectares.
 - The removal, destruction or lopping of native vegetation by means other than cutting or chopping.
 - A standing native tree (including a dead tree) with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.
 - Brown Stringybark *Eucalyptus baxteri* or Desert Stringybark *Eucalyptus arenacea* with a trunk diameter of greater than 30 centimetres at 1.3 metres above ground level.
 - A hollow bearing eucalypt tree.
- Remove, destroy or lop any dead vegetation, unless the vegetation is a hollow bearing Eucalyptus tree with a trunk diameter greater than 40 centimetres at 1.3 metres above ground level.
- Remove, destroy or lop any live vegetation, unless the vegetation is:
 - A hollow bearing eucalypt tree.
 - Brown Stringybark *Eucalyptus baxteri* or Desert Stringybark *Eucalyptus arenacea* with a trunk diameter of greater than 30 centimetres at 1.3 metre above ground level.

A permit is required.

The Planning Scheme provides:

5.0

20/01/2023
C106qetg

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The significance of the vegetation identified for removal as potential nesting and/or feeding sites for the South-eastern Red-tailed Black Cockatoo.
- The significance of vegetation in relation to the levels of hollow bearing eucalyptus trees or Stringybark in the vicinity.
- Strongly discourage the removal of scattered paddock Brown or Desert Stringybark trees.
- Whether the clearing of Stringybark trees and hollow bearing eucalyptus trees can be avoided.
- Whether proposed vegetation offsets are commensurate with the significance of vegetation to be removed as habitat for the South-eastern Red-tailed Black Cockatoo.
- Preference will be given to offsets designed to achieve no net loss of habitat and which deliver the following to the satisfaction of the responsible authority:
 - Generate a gain in South-eastern Red-tailed Black Cockatoo habitat values equivalent to, or in excess of, the loss of habitat values caused by removal or destruction of vegetation.
 - Protection of trees with an equivalent or greater level of risk of loss as that of the trees being removed.
 - Providing for the future provision of habitat.
- Offsets may be taken as consistent with the preceding guidelines where an offset delivers, in the case of Stringybark trees:

- Protection of the same species and comparable size of trees as those proposed for removal at a ratio not less than 4 trees for every 1 tree removed.
- Recruitment of 10 new trees of the same species as that removed for every 1 tree removed.
- Protection includes appropriate on-title agreement prior to removal.
- In the case of hollow-bearing Eucalyptus trees:
 - Protection of the same species and comparable size of vegetation as that proposed for removal at a ratio of not less than 10 trees for every 1 tree removed.
 - Provision of suitable artificial hollows with dimensions appropriate for the species at a ratio of 1 hollow for each 1 suitable hollow to be removed, until at least one suitable natural hollow is produced.
 - Protection is secured by appropriate on-title agreement prior to removal.
- Any relevant guidance or objectives for the species outlined under the *Environment Protection and Biodiversity Conservation Act 1999* or the *Flora and Fauna Guarantee Act 1988*, including any subordinate documents.

The project responds in a positive way to the objectives.



The Planning Scheme provides:

42.03 SIGNIFICANT LANDSCAPE OVERLAY
 81/07/2018
 VCI48

Shown on the planning scheme map as SLO with a number.

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

Assessment

The proposed development is shielded from view by vegetation and is low in form. The objectives and various criteria are met.

The Planning Scheme provides:

42.03-1	Landscape character and objectives
31/07/2018 VC148	<p>A schedule to this overlay must contain:</p> <ul style="list-style-type: none"> ■ A statement of the nature and key elements of the landscape. ■ The landscape character objectives to be achieved.

Assessment

The proposed development is shielded from view by vegetation and is low in form. The objectives and various criteria are met. The proposal meets Schedule exemptions.

The Planning Scheme provides:

42.03-2	Permit requirement
14/12/2023 VC253	<p>A permit is required to:</p> <ul style="list-style-type: none"> ■ Construct a building or construct or carry out works. This does not apply: <ul style="list-style-type: none"> - If a schedule to this overlay specifically states that a permit is not required. - To the conduct of agricultural activities including ploughing and fencing (but not the construction of dams) unless a specific requirement for that activity is specified in a schedule to this overlay. ■ Construct a fence if specified in the schedule to this overlay. ■ Remove, destroy or lop any vegetation specified in a schedule to this overlay. This does not apply: <ul style="list-style-type: none"> - If the table to Clause 42.03-3 specifically states that a permit is not required. - To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 5218.

Assessment

The proposal meets Schedule exemptions.

The Planning Scheme provides:

42.03-5	Decision guidelines
31/07/2018 VC148	<p>Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:</p> <ul style="list-style-type: none"> ■ The Municipal Planning Strategy and the Planning Policy Framework. ■ The statement of the nature and key elements of the landscape and the landscape character objective contained in a schedule to this overlay. ■ The conservation and enhancement of the landscape values of the area. ■ The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property. ■ The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation. ■ The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area. ■ The impact of buildings and works on significant views. ■ Any other matters specified in a schedule to this overlay.

Assessment

The proposal meets Schedule exemptions.

The Planning Scheme provides:

<p>SCHEDULE 1 28/05/2021 C09gelg</p>	<p>SCHEDULE 1 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY</p> <p>Shown on the planning scheme map as SLO1.</p> <p>GLENELG RIVER ESTUARY AND SURROUNDS</p>
<p>1.0 20/01/2023 C10@gelg</p>	<p>Statement of nature and key elements of landscape</p> <p>The Glenelg River Estuary and surrounds is a regionally significant landscape as the confluence of the Glenelg River estuary, the Southern Ocean, and the coastal edge.</p> <p>The Glenelg River Estuary has a wild and windswept character that is dominated by the intersection of its strong landscape elements, including the sea, beaches, sand dunes, and remnant vegetation. It is open and uncluttered, with the settlement of Nelson nestled discreetly within the landscape, its buildings largely concealed by vegetation. The strong coastal edge is dominated by sandy beaches, providing a contrast with the dunes and lakes behind. This type of landscape is increasingly rare on the Victorian coast.</p> <p>The landscape's visual significance is enhanced by environmental and visitor attractions. The Glenelg River Estuary is the longest in Victoria extending 75 kilometres from its mouth near Nelson and flowing through the Lower Glenelg National Park and the Discovery Bay Coastal Park. It is a Ramsar wetland of international significance with a gazetted boundary under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>. Nelson is the starting point for one of the most well known long distance walks in Victoria, the Great South West Walk. In addition, the Glenelg River Heritage Area is listed under the <i>Heritage Rivers Act 1992</i> for high natural, cultural and landscape values.</p>

Assessment

The proposed development is shielded from view by vegetation and is low in form. The objectives and various criteria are met. The proposal meets Schedule exemptions.

The Planning Scheme provides:

<p>2.0 23/01/2023 C10@gelg</p>	<p>Landscape character objectives to be achieved</p> <p>To protect locally significant views and vistas, to the ocean, the Glenelg River Estuary and other natural landforms from Nelson-Portland Road, the Great South West Walk and other publicly accessible locations.</p> <p>To protect the indigenous coastal vegetation and ensure that it is the dominant feature of the landscape when viewed from the foreshore.</p> <p>To retain the undeveloped and vegetated character of coastal dunes, waterways and estuaries near the coastal edge of this landscape.</p> <p>To minimise any increase in development visible above the dunes and coastal vegetation outside settlements, when viewed from the beach, foreshore or offshore by discouraging:</p> <ul style="list-style-type: none"> ■ buildings set high on dunes. ■ development that will be visible on the skyline. ■ buildings set on visible ridge lines and visually prominent hill faces. <p>To encourage vegetated landscape edges to the settlement of Nelson, which soften the interface of built and rural areas, and avoids expansion of built areas beyond current boundaries.</p>
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Assessment

The proposed development is shielded from view by vegetation and is low in form. The objectives and various criteria are met. The proposal meets Schedule exemptions.

The Planning Scheme provides:

3.020/01/2023
C106gelg**Permit requirement**

A permit is required to:

- Construct a fence, except transparent fences (e.g. timber post, rail, wire fencing) and solid fencing below 1.5 metres in height.
- Remove any vegetation, except:
 - Vegetation required to be lopped or removed for works associated with the maintenance of a minor utility installation.
 - To remove any vegetation to enable the construction or maintenance of up to 6 metre wide vehicle access across a road reserve from a property boundary to a public road, subject to authorisation from the relevant public land manager, unless there is a practical opportunity to site the access to avoid the removal or destruction of vegetation.
 - To remove dead vegetation.
 - To lop or remove non-native vegetation, if it includes:
 - pruning, hedging or mowing.
 - vegetation less than 6 metres in height with a trunk diameter of less than 40 centimetres at 1.8 metres above ground level.

A permit is not required to:

- Construct a building or alter or extend an existing building used for agriculture where all of the following are met:
 - the gross floor area is 70 square metres or less
 - the building height is 6 metres or less above natural ground level
 - the building is set back a minimum:
 - 500 metres from the edge of the coastal cliffs or dunes as identified by land in the Public Park and Recreation Zone;
 - 500 metres from the Great South West Walk as identified on public maps; and
 - 100 metres from the Glenelg River and Estuary.
- Construct a dwelling where all of the following are met:
 - the dwelling height is 6 metres or less above natural ground level
 - the dwelling is set back a minimum:
 - 500 metres from the edge of the coastal cliffs or dunes as identified by land in the Public Park and Recreation Zone;
 - 500 metres from the Great South West Walk as identified on public maps; and
 - 100 metres from the Glenelg River and Estuary.
- Undertake works by a public authority relating to water management or environmental improvements.
- Undertake development by or on behalf of the public land manager that is generally in accordance with plans approved under the *Marine and Coastal Act 2018*, the *National Parks Act 1975* or the *Crown Land (Reserves) Act 1978*.

Assessment

The proposed development is shielded from view by vegetation and is low in form. The objectives and various criteria are met. The proposal meets Schedule exemptions.

The Planning Scheme provides:

4.020/01/2023
C106gelg**Application requirements**

The following application requirements apply to an application for a permit under Clause 42.03, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A detailed site evaluation which considers the existing landscape context including topography, vegetation (species, location and character), and views to the site from roads, settlements, publicly accessible waterways, recreation, and tourism locations.
- A landscape plan that demonstrates the use of species appropriate for the locality, including non-invasive native/exotic plants that are a feature of the character of the area, and how the affected area will be remediated after development.

Assessment

The proposed development is shielded from view by vegetation and is low in form. The objectives and various criteria are met. The proposal meets Schedule exemptions.

The Planning Scheme provides:

5.0

20/01/2025
C106gelg

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the development encroaches into or is visible within 500 metres of scenic coastal viewpoints, lookouts, and the Great South West Walk (outside the urban area of Nelson).
- Whether the development is designed and sited:
 - low on slopes;
 - amongst vegetation; and
 - has a form conforming to the topography of the land retaining natural and/or rural character.
- Whether development sited outside of the urban area of Nelson:
 - retains views and vegetation;
 - intrudes into undeveloped areas visible from the Portland-Nelson Road, Beach Road, and the Glenelg River.
- Whether development located within the urban area of Nelson is set back a sufficient distance:
 - from the Glenelg River so that it is not visible behind indigenous vegetation from the river edge;
 - to allow for the protection or rehabilitation of a substantial area of riparian vegetation.
- Whether buildings near the Glenelg River Estuary are low scale.
- Whether development within the coastal strip is:
 - sited on the inland slope of dunes and does not protrude above the dune ridgeline;
 - sufficiently set amongst existing vegetation and maximises the retention of indigenous coastal vegetation;
 - using appropriate indigenous vegetation to integrate the development into the landscape; designed to follow the natural contours or step down the site;
 - sited to avoid visually dominant elevations;
 - minimising overlooking of the foreshore; and
 - avoiding access into highly visible or undisturbed areas.
- Whether development has regard to *Coastal Spaces Landscape Assessment Study (Planisphere, 2006)*, in particular the relevant Character Area Paper.

Assessment

The proposed development is shielded from view by vegetation and is low in form. The objectives and various criteria are met. The proposal meets Schedule exemptions.

Clause 65.01 of the Planning Scheme provides as follows:

65.01
31/07/2018
VC148

APPROVAL OF AN APPLICATION OR PLAN

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

This clause does not apply to a VicSmart application.

An assessment of the relevant issues is set out as follows:

Issue	Comment
The matters set out in Section 60 of the Act.	The proposed has been devised to meet relevant criteria.
The Municipal Planning Strategy and the Planning Policy Framework.	The proposed has been devised to meet relevant criteria.
The purpose of the zone, overlay or other provision.	The proposed has been devised to meet relevant criteria.
Any matter required to be considered in the zone, overlay or other provision.	The proposed has been devised to meet relevant criteria.
The orderly planning of the area.	The proposed has been devised to meet relevant criteria.
The effect on the amenity of the area.	The proposal is unlikely to have any adverse impacts.
The proximity of the land to any public land.	The land remote from public land.

Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	The proposed has been devised to meet relevant criteria.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	The proposed has been devised to meet relevant criteria.
The extent and character of native vegetation and the likelihood of its destruction.	No vegetation is to be removed other than part of a planted garden. The proposal involves further plantings.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	No vegetation is to be removed other than a planted garden. The proposal involves further plantings.
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.	The proposed has been devised to meet relevant criteria.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	The proposed has been devised to meet relevant criteria.

The proposal is consistent with the assessment criteria.

Environmental Factors Assessment

The following is an assessment of relevant factors:

Factor	Comments
Zoning considerations	Allowable use in the zone and consistent with surrounding land uses. No likely adverse impact.
Overlay considerations	Buildings within BMO area, SLO1 and ESO3 area. Mitigation is proposed.
Site features and suitability	Land is relatively flat and all relevant services are available. Access meets relevant standards and uses a main road system. No likely adverse impact.
Current use	Vacant Land with shed.
Previous use	Vacant. No likely adverse impact.

Surrounding land use	Farming and Residential. No likely adverse impact.
Contamination	No known issues and there does not appear to be any past history of sheep dips, pesticide spraying or activities likely to have caused contamination based on enquiry. No likely adverse impact.
Hours of operation	No likely adverse impact.
Access	Access to existing public road. No likely adverse impact.
Traffic considerations	A detailed traffic assessment indicates that all criteria are met. The traffic generation is relatively low compared to existing traffic on the road. No likely adverse impact.
Parking	Parking to be available on site. No likely adverse impact.
Manoeuvring	There is adequate space available. No likely adverse impact.
Loading and unloading	There is adequate space available. No likely adverse impact.
Disabled access	There is adequate space available. No likely adverse impact.
Utilities	All relevant services are available. No likely adverse impact.
Social impacts	Will employ local people during construction. No adverse impacts likely.
Visual intrusion and prominence	Screening vegetation in place and proposed. No adverse impacts likely.
Privacy	Screening vegetation and fencing in place. No adverse impacts likely.
Streetscape	Screening vegetation in place. No adverse impacts likely.
Setbacks	Screening vegetation in place. No adverse impacts likely.
Neighbourhood character	Screening vegetation in place. No adverse impacts likely.
Acoustic considerations	Meets all relevant standards. No adverse impacts likely.
Views	Screening vegetation in place. No adverse impacts likely.
Overshadowing	Remote from housing. No adverse impacts likely.

Economic impacts	Substantial investment proposed and ongoing jobs. No adverse impacts likely.
Water pollution	Water drainage system meets Council requirements. Siltation and sediment control proposed. No adverse impacts likely.
Air pollution	No adverse impacts likely.
Flooding	Drainage control designed to meet Council requirements. No adverse impacts likely.
Erosion	Drainage control designed to meet Council requirements and design includes sealed roads and siltation control. No adverse impacts likely.
Sedimentation	Drainage control designed to meet Council requirements and design includes sealed roads and siltation control. No adverse impacts likely.
Excavation	Land regrading using appropriate best practice. No adverse impacts likely.
Heritage	CMP not required. No adverse impacts likely.
Aboriginal artefacts	CMP not required. No adverse impacts likely.
Vegetation	Proposal involves landscaping using endemic species. No adverse impacts likely.
Tree removal	No further clearing proposed other than part of a planted garden. No adverse impacts likely.
Landscaping	Landscaping in place. No adverse impacts likely.
Threatened species	No threatened species known to site. Revegetation using endemic plants will improve habitat value. No adverse impacts likely.
Koalas	No koala habitat known to site. Revegetation using endemic plants will improve habitat value. No adverse impacts likely.
Cultural	The region has a long tradition of supporting Forestry, Farming, Transport and Heavy Industry. No adverse impacts likely.

hazards	No dangerous chemicals or substances involved. No adverse impacts likely.
Fire	Low risk as open environment. CFA requirements to be met. No adverse impacts likely.
Waste management	Other waste to be conveyed to tip. No adverse impacts likely.
Energy	No motive power. No adverse impacts likely.
Sustainability	Significant investment involved and designed to be ongoing. No adverse impacts likely.
Amenity	Due care in design to mitigate any adverse impacts. No adverse impacts likely.
Other	Nil.

Conclusions

The proposal meets the objectives and detailed requirements of the Planning Scheme and has been devised to fit in with the character and layout of allotments in this area.

The proposed use has been designed to have due regard to relevant environmental considerations and involves retention and sustainable management of existing vegetation. The area is zoned for rural purposes and the proposal is consistent with that purpose.

Bernie Wilder

Bernie Wilder and Associates

3 May 2026