

Lifestyle



Town Planning & Services

Development Plan Report

Lot 5 PS620001R – 13 Gratton Street,
Port Fairy, Vic. 3284.

Report prepared by Glenn Reddick
Date 12/07/26

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DISCLAIMER

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DOCUMENT CONTROL

This document has been prepared to aid the submission of a planning permit application for a two lot subdivision at 13 Gratton Street, Port Fairy, Vic. 3284.

1. PROPOSAL

This development plan report is submitted in response to the development plan overlay covering the site Development Plan Overlay Schedule 4 (DPO4).

This development plan report is the precursor to an application to subdivide the site into 2 lots which has been submitted separately.

The report sets out the high level approach to the DPO which is assessed later in this report.

In order for Council to assess the proposal holistically, planning approval is also being sought to subdivide the property at 13 Gratton Street Port Fairy into two lots by excising the existing dwelling and creating a second lot with a developable area which is free from inundation.

Prior to lodging the applications, preapplication advice was sought from the CMA who have supported the application subject to conditions. Excerpts of the CMA advice is included in this report.

The overall site has an area of approximately 1.3ha and is occupied by a 4-bedroom detached brick veneer dwelling under a concrete tiled roof covering with garage, established gardens and with vehicular access in a battle axe arrangement directly from Gratton Street. The dwelling is sited at the front of the block leaving a large rear garden and paddock area to the north accessed via Perry Close.

Proposed Lot 1 (new allotment) will have an overall area of 1.13ha with frontage to and access from Perry Close.

Proposed Lot 2 (existing dwelling) is situated immediately to the south and has an overall area of 1,730 square metres including access. There is no common property required or proposed.

As proposed lot 1 is created by subdividing a large presently vacant area of undeveloped residential zoned land, there will still be adequate space around the dwelling (lot 2) including a good sized garden to the front and rear most of which is secluded by existing fencing.

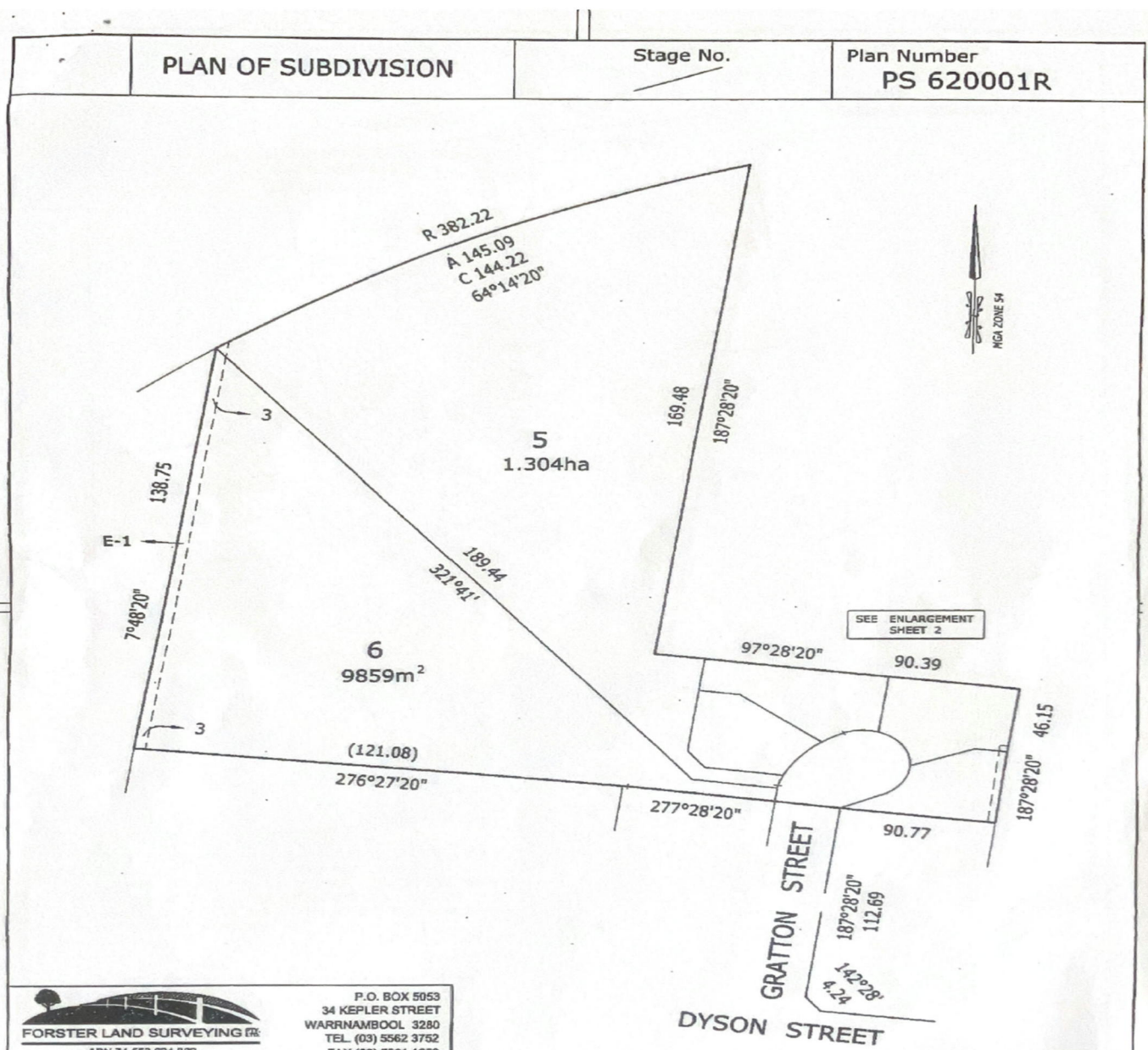
Importantly, there is a minimum area of approximately 220 sqm on proposed lot 1 which is free of inundation. This area is shown in blue on the proposed plan of subdivision as “developable area free of inundation”. This area will accommodate a dwelling which can have a ground floor area outside of the flood extent. The dwelling can be designed to be double storied if required and have a cantilevered rear deck and garage that are within the flood area without compromising flood safety.

Reticulated water, electricity and sewerage services are connected to the dwelling with these services are available for the proposed second lot.

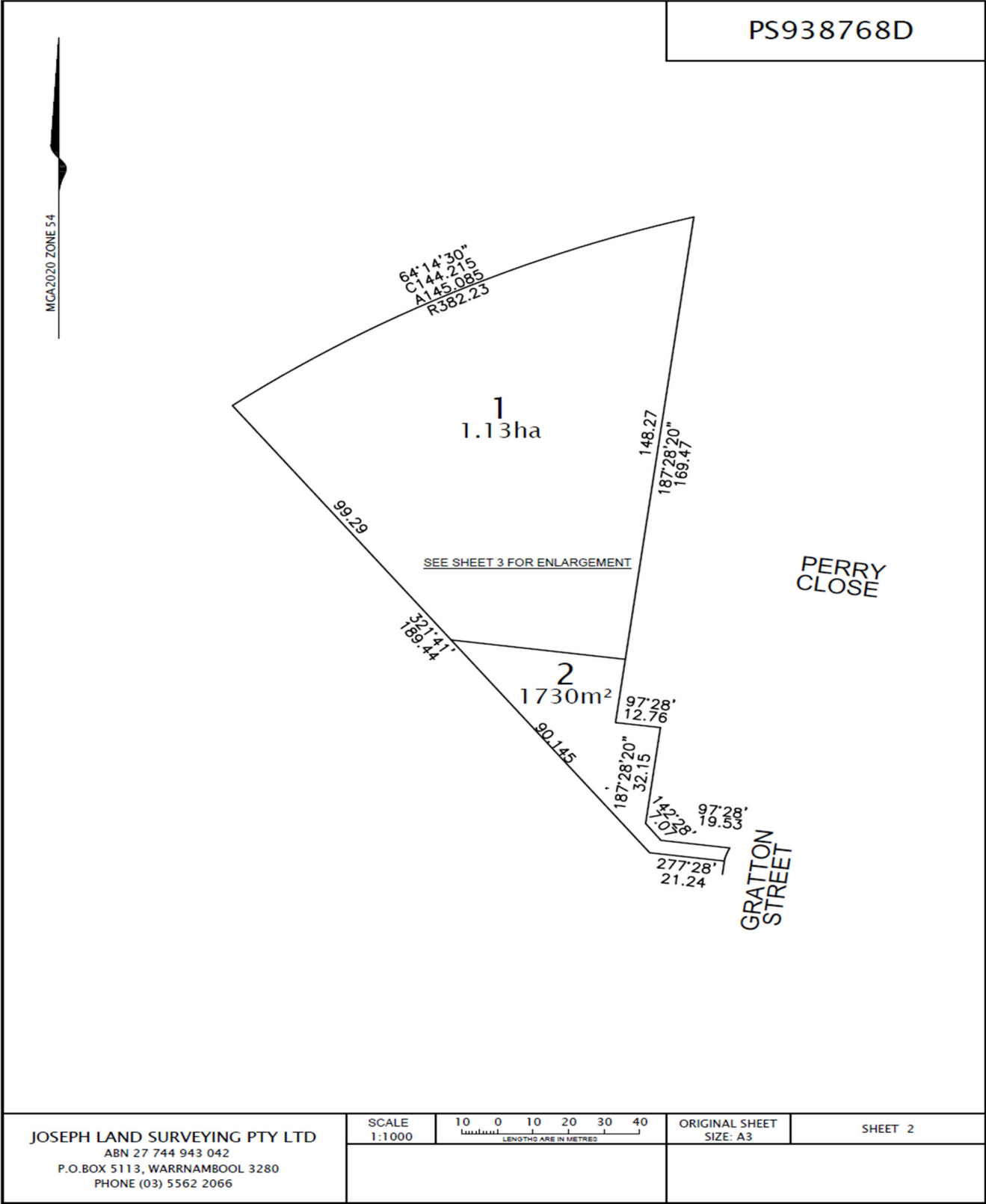
There is no significant vegetation clearance or canopy trees that are required to be removed to facilitate the subdivision. A new boundary fence will be constructed

A Clause 56 assessment has been prepared and submitted with the application which confirms the proposed subdivision meets all required objectives and standards of Clause 56.

Existing title plan



Proposed Plan of Subdivision.



Google plan

PS938768D

MCA2020 ZONE 54



JOSEPH LAND SURVEYING PTY LTD
ABN 27 744 943 042
P.O.BOX 5113, WARRNAMBOOL 3280
PHONE (03) 5562 2066

SCALE
1:1000

10 0 10 20 30 40
LENGTHS ARE IN METRES

ORIGINAL SHEET
SIZE: A3

SHEET 2



2. SITE ANALYSIS EXISTING CONDITIONS

The site has an overall area of 1.3 ha and contains a 4-bedroom single storey detached dwelling with driveway, attached garage and gardens to the front with a private enclosed garden and courtyard to the rear.

The subject site is on the north side of Gratton Street access via a private gravelled access in a battle axe formation. The is generally flat, is enclosed by fencing and with mature shrubs and lawn at the side and rear. The existing dwelling has a large undeveloped area accessed via Perry Close which lends itself to subdivision and potential further development.

There is mains water and electricity connected to the dwelling with waste water by means of mains sewer connection all of which are available for connection to proposed Lot 1.

The neighbourhood character is mostly single storied residential development with varied setbacks.

Existing dwelling on proposed lot 2 looking from Gratton Street driveway



Private access to the existing dwelling leading from Gratton Street



Access to proposed lot 1 from Perry Close



Looking back towards Perry Close access to proposed lot 1



Looking north over proposed lot 1



Developable area of proposed lot 1





5. ENCUMBRANCES ON TITLE

Covenant PS620001R

Covenant AJ896399N

ASSESSMENT

Neither covenant are breached by the proposal.

Covenant 1 PS620001R registers the plan of subdivision.

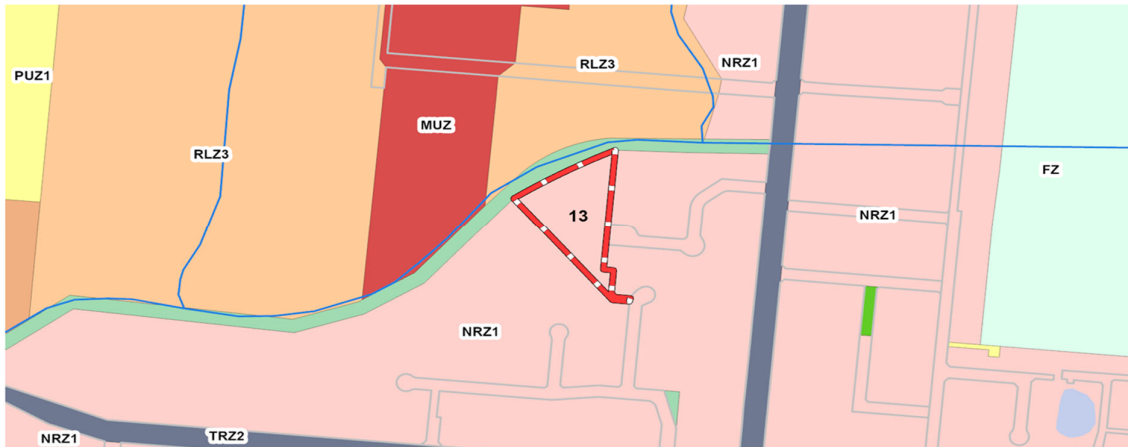
Covenant 2 AJ 896399N restricts transportable dwellings which is not relevant to the proposal.

6. PLANNING CONTROLS

Zone

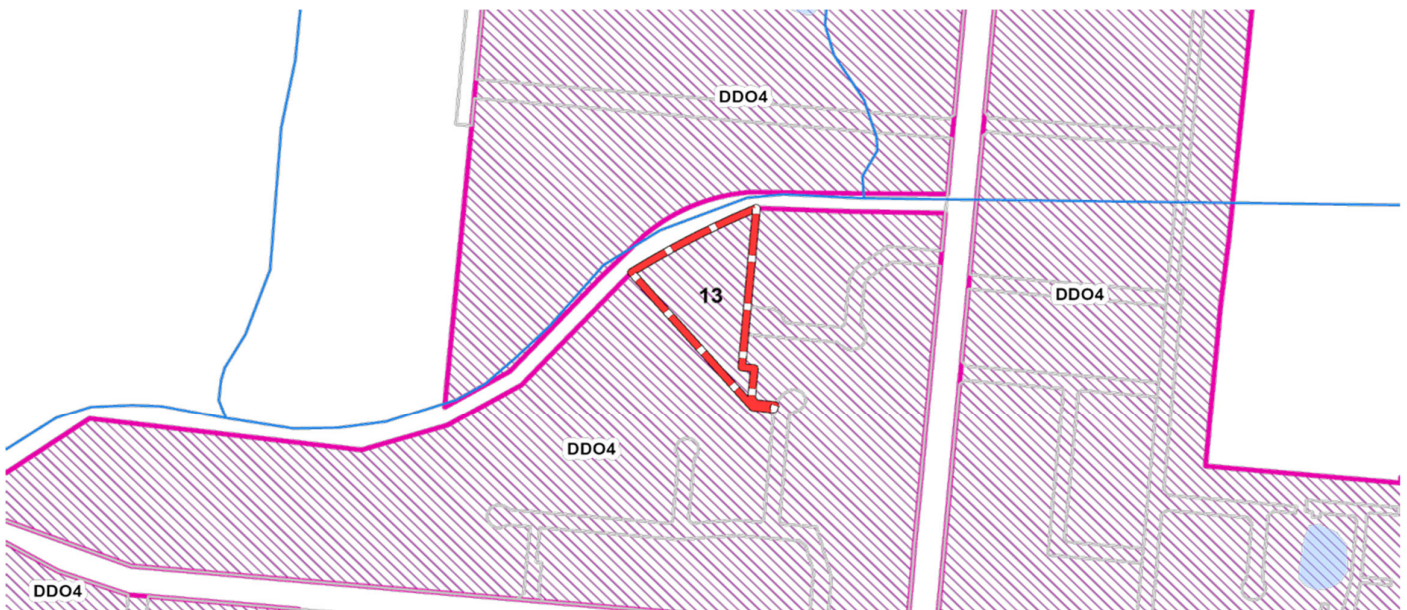
Clause 32.09

NEIGHBOURHOOD RESIDENTIAL ZONE SCHEDULE1 (NRZ1)

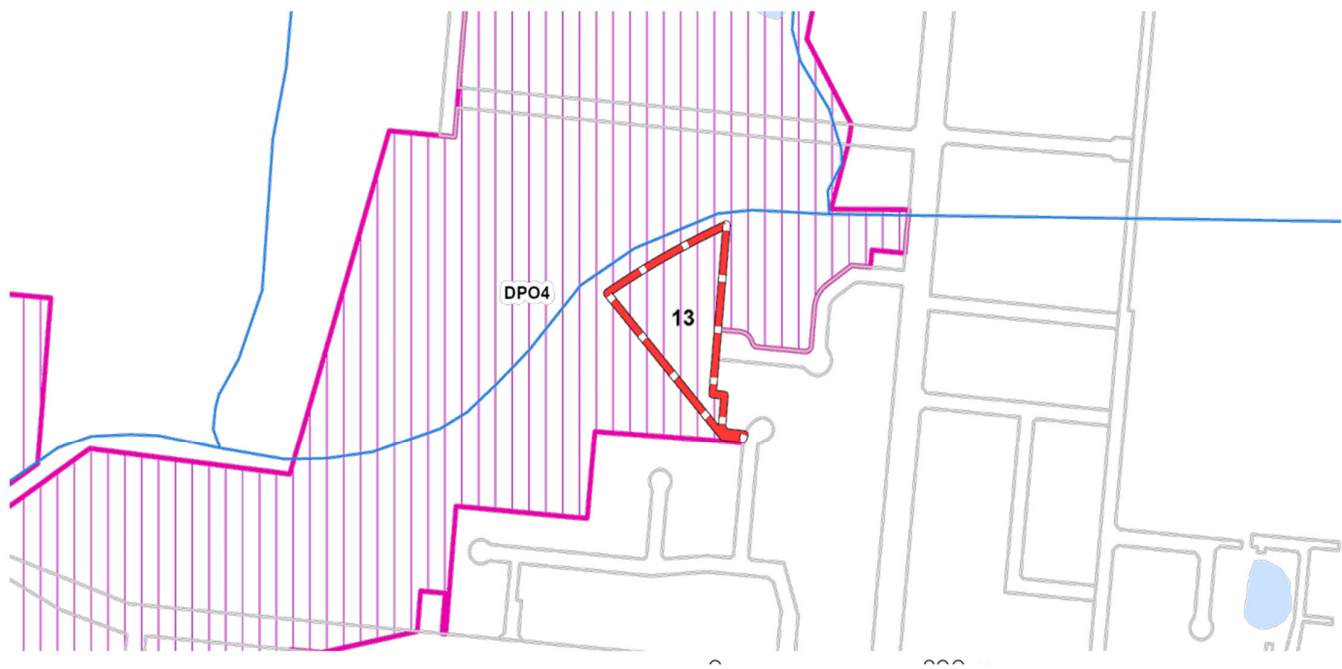


Overlays

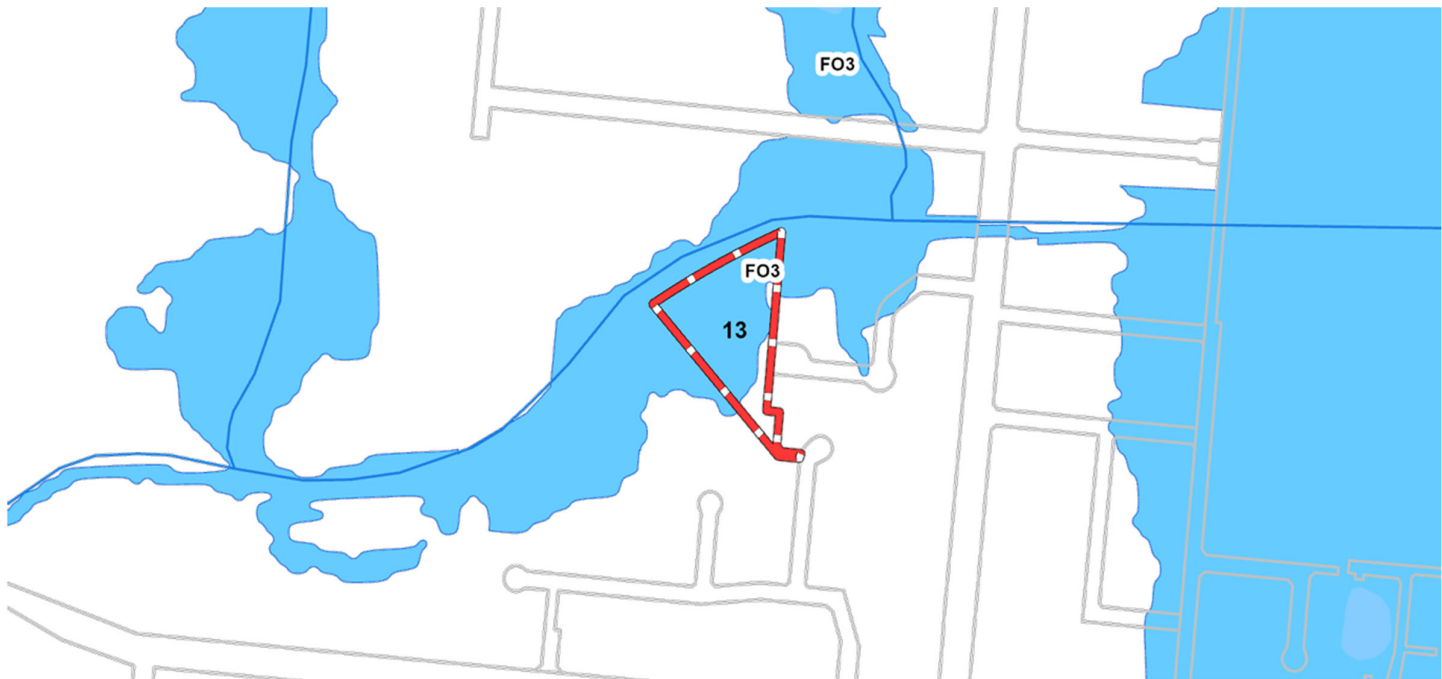
Design Development Overlay Schedule 4 (DDO4).



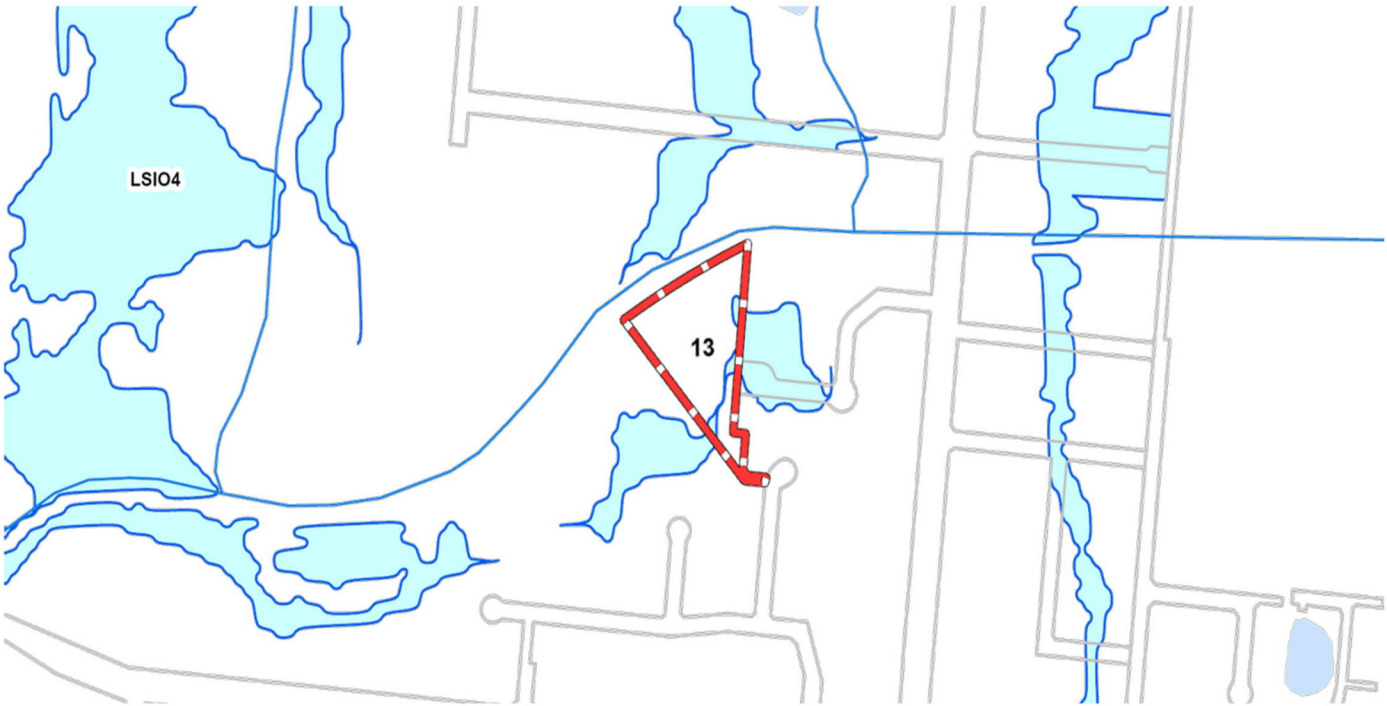
Development Plan Overlay Schedule 4 (DPO4)



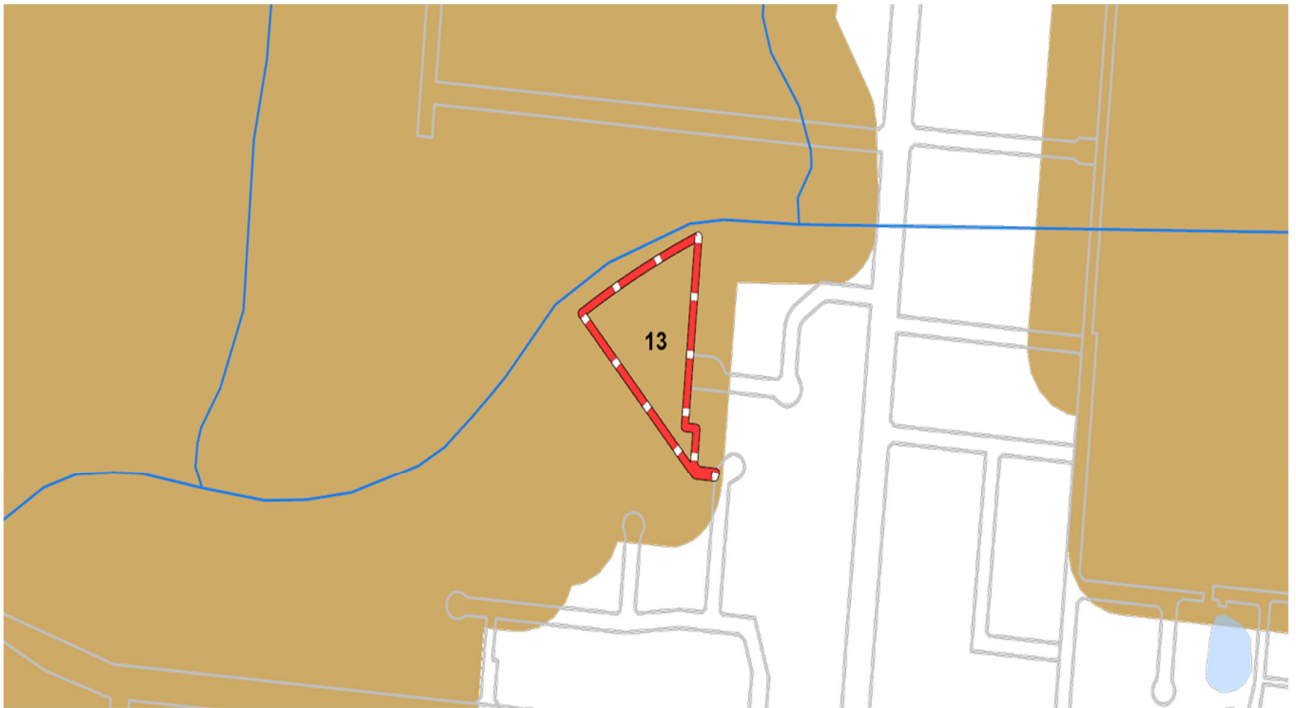
Flood Overlay Schedule 3 (FO3)



Land subject to Inundation Overlay Schedule 4 (LSIO4)



Designated Bushfire Prone



Permit requirements

- A permit is required under the NRZ1 to subdivide land at **Clause 32.09-3**.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except clause 56.03-5.
16 – 59 lots	All except clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except clauses 56.02-1, 56.03-1 to 56.03-4, 56.03-5 (unless the land is in the Neighbourhood Character Overlay), 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5 (only if the land is in the Neighbourhood Character Overlay), 56.04-2, 56.04-5, 56.06-8 and 56.07-4.

- A permit is required under the **DDO4** to subdivide land at **Clause 42.02-3**.
- **Clause 43.04-2** requires a development plan to be approved prior to subdivision.

43.04-2

31/07/2018

VC148

Requirement before a permit is granted

A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.

This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

A permit granted must:

- Be generally in accordance with the development plan.
 - Include any conditions or requirements specified in a schedule to this overlay.
- A permit is required in the **FO3** to subdivide land and construct a fence at **Clause 44.03-3**.
 - A permit is required in the **LSIO4** to subdivide land at **Clause 44.04-3**.

A Cultural Heritage Management Plan is not required as a 2 lot subdivision is not a high impact activity in the NRZ.

7. PLANNING ASSESSMENT

Clause 43.04

DEVELOPMENT PLAN OVERLAY

Purpose

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

To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

43.04-3

31/07/2018

VC148

Exemption from notice and review

If a development plan has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning scheme 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.

SCHEDULE 4 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

PORT FAIRY GROWTH AREAS

03/10/2024

C69moyn

Objectives

To guide the development of land located within Growth Areas A and B as identified within the Port Fairy Coastal and Structure Plan, 2018.

To encourage a diverse range of new and affordable housing opportunities within Port Fairy.

To deliver new subdivisions which are responsive to the character and visual amenity of Port Fairy through high quality urban design and which support a new community with strong, walkable linkages to the existing township.

To deliver a new linear reserve for residents and visitors to Port Fairy along the Reedy Creek corridor.

To deliver new development that is responsive to the environmental constraints of the area such as flooding, including that associated with sea level rise, and to protect and enhance Companion Lagoon and its habitat values.

Requirements for development plan

A development plan must include the following requirements:

- *Be generally in accordance with the relevant Precinct Plan that forms part of this schedule.*
- *A diverse range of new residential lots, ensuring that site coverage and permeability is in keeping with the broader settlement objectives.*
- *Incorporation of Environmentally Sustainable Design (ESD) principles into the design of subdivisions including lot orientation to maximise solar efficiency.*
- *The protection, restoration and appropriate integration of Companions Lagoon with new development, including appropriate interfaces.*
- *Integration of Water Sensitive Urban Design (WSUD) principles in all public spaces.*
- *The achievement of an appropriate interface between residential areas and the future Port Fairy Bypass.*
- *The delivery of physical infrastructure such as roads and services.*
- *The proposed form and extent of urban development and any associated bulk earthworks, and an assessment of how the extent of development:*
 - *Is consistent with the management of identified flood risks.*
 - *Can be delivered in a manner that manages the key environmental attributes of the land including the hydrological regime in Companion Lagoon and Latham's Snipe.*

The development plan must be accompanied by the following:

- *A Movement Plan prepared by a qualified traffic engineer, to the satisfaction of the responsible authority and in collaboration with the Department of Transport and Planning, that includes:*
 - *A logical and efficient vehicular network that avoids cul-de-sacs, provides appropriate intersection treatments to connect to Lagoon Road, the Hamilton-Port Fairy Road or the Princes Highway, and includes a road frontage to Companion Lagoon.*
 - *Pedestrian paths including identification of safe crossing points and connections to the town's commercial core.*
 - *Details of how the subdivision will support the future delivery of a pedestrian connection to Bank Street.*
 - *A network that will be compatible with the proposed Bypass.*
- *A Landscape and Open Space Plan prepared by a suitably qualified professional that includes:*
 - *Recognition of the environmental values and role of Companion Lagoon in the natural ecosystem and man-made drainage network including how the lagoon functions as an ephemeral wetland and is subject to seasonal inundation and flooding.*
 - *Appropriate design responses to support the habitat values of Companion Lagoon, which include feeding and roosting areas for species known to visit the area such as the Latham's Snipe.*
 - *Details of how the subdivision will enhance the naturalisation of the Reedy Creek waterway and its integration with Companion Lagoon.*
 - *Details of how the subdivision will enhance the delivery of a linear trail (pedestrian and cycle) along the Reedy Creek Corridor connecting Belfast Lough to Companion Lagoon.*
 - *For land in Growth Area B, an appropriate design response to address the 'choke point' for the flow of floodwater at the intersection of Reedy Creek and the Hamilton-Port Fairy Road, as necessary.*
 - *Consideration of the impacts of climate change on water quality and the selection of appropriate plant species.*
 - *Identification of any key design parameters that should be used to guide development on adjoining lots to deliver high quality interfaces to Companion Lagoon, including passive surveillance.*
 - *Appropriate provision of a new local neighbourhood park, which could be integrated with the Reedy Creek Linear Open Space.*
 - *Identification of a clear and direct network of pedestrian and cycle paths, including cycling routes and wayfinding to key destinations and walking paths or boardwalks as required to support Companion Lagoon as an integrated part of the growth area.*
 - *Proposed WSUD treatments.*
 - *Proposed street tree species, consistent with Council's Street Tree Management Plan.*

- *Proposed landscape treatment at a new 'gateway' to Port Fairy, to complement the proposed extension of avenue tree planting along the Hamilton-Port Fairy Road.*

Note: Work on the Reedy Creek linear corridor may be undertaken by Council in advance of the delivery of the growth area and if so, then the Development Plan must reflect that work.

- *A Servicing Plan prepared with input from Wannon Water, confirming the appropriate location of the required sewer pump stations and proposed staging for development. This should include:*
 - *Location of major drainage lines, water features, proposed retarding basins and floodways, and the means by which they will be managed in accordance with the principles of water sensitive urban design and will ensure the protection of retained wetland and habitat values in Companion Lagoon.*
 - *Location of major infrastructure easements or installations.*
 - *Stages, if any, by which the land is to be subdivided and developed.*
 - *Provision and timing of physical and social infrastructure including open space and recreational facilities (where required); clearly demonstrating the ability to provide any reticulated service or infrastructure item required by the proposed development.*
- *An Interface Plan, including:*
 - *Design responses for development adjoining the Bypass or Reedy Creek corridors.*
 - *Design responses for fire protection from adjacent grassland areas.*
- *An Environmental Plan that:*
 - *Assesses the likely impacts of the development on Companion Lagoon.*
 - *Assesses the adequacy of the other plans to ensure the habitat values of Companion Lagoon are not compromised.*

In addition, unless agreed in writing by the responsible authority, the Development Plan must include the following information to the satisfaction of the responsible authority:

- *A flora and fauna assessment.*
- *An ecological assessment of the impacts of stormwater runoff on the Companion's Lagoon wetland, undertaken by or with the participation of a suitably qualified and experienced aquatic ecologist.*
- *An Aboriginal Cultural Heritage Management Plan.*

GROWTH AREA B PRECINCT PLAN



ASSESSMENT

The purpose and objectives of the DPO4 are to guide development within the growth area. Under the circumstances the subject land is not “development land” as such as under the present floodplain constraints with the exception of the small “island” area of land shown white below.

Further to this, as the proposal is a 2 Lot subdivision, this does not preclude further development in the event that future flood modelling or drainage works alters future flood controls.

It is within these circumstances much of the assessment criteria under the overlay are not relevant.

There is no buildings and works proposed as part of the subdivision. Service connections and construction of a crossover can be achieved.

The key area is how proposed Lot 1 can be developed to meet the requirements of the design development overlay. A building envelope has not been provided at this stage for proposed lot 1 as the main consideration is flooding. The proposed plan of subdivision demonstrates a developable area free of inundation has been shown which can easily accommodate a dwelling outside of the area of inundation. Garages, decking etc could be cantilevered over the floor area to increase the developable area.

Additionally the draft plan of subdivision does not include a building envelope as part of the building could be designed outside of the flood free area. A future planning permit is required to develop proposed lot 1 which would be assessed at the time.

The proposal has been assessed against the PPF and is considered to meet the relevant clauses. As discussed, the proposed subdivision is not at odds with the prevailing character and when developed the proposed allotment will be able to accommodate development that meets the prevailing character. A separate crossover is proposed to be installed for the access to proposed Lot 1 from Perry Close.



23 December 2025

CMA Reference:	GHCMA-F-2025-00821
Property Address:	13 Gratton Street Port Fairy Vic 3284
Cadastral:	Lot 5 PS620001, Parish of Belfast
Zone(s):	Neighbourhood Residential Zone - Schedule 1
Overlay(s):	Design And Development Overlay - Schedule 4, Development Plan Overlay - Schedule 4, Land Subject to Inundation Overlay - Schedule 4, Floodway Overlay - Schedule 3

Thank you for your application which we received on 9 December 2025. The CMA understands that you seek advice regarding subdivision of the property.

Please note that information in this report must be read in conjunction with the information provided in the Definitions and Disclaimers section on the final page.

The following table summarises flood information relevant to the application. Unless stated otherwise, the 1% AEP flood level, depth and hazard information accounts for the effects of climate change according to the best available information - consistent with local and state planning policy.

Flood Information Summary

Item	Best Available Information
1% AEP flood level	5.06 m AHD
Nominal Flood Protection Level	5.66 m AHD
Minimum depth of flooding on site - 1% AEP	0.00m
Maximum depth of flooding on site - 1% AEP	1.58m
Property Hazard category - 1% AEP	Low to High

This location is within the floodplain of Reedy Creek. Regarding the risk, it must be noted that the worst yet recorded flood at this location occurred in March 1946, when flood levels reached approximately 5.06 metres AHD. This flood was considered to have been in the order of a 0.1% AEP flood event. Revised hydrology estimates from investigations completed in neighbouring catchments indicate that this flood is now considered to have been in order of a 0.7% AEP event and will likely be a more frequent event estimated at a 1.7% AEP event by the year 2100.

The CMA's estimate of the 1% AEP flood level for this property is 5.06 metres AHD. This level comes from the Port Fairy Regional Flood Study (2008). During 1% AEP floods a significant portion of the property would be subject to inundation by Reedy Creek as indicated by the blue shading in Figure 1.

The proposed development could be supported subject, but not limited, to the following conditions:

1. New lots are not created entirely within the LSIO and / or FO.



2. Adequately sized building lots are provided where flooding does not exceed a depth of 300mm.
3. Access to lots is provided where flooding does not exceed a depth of 300mm.

The above listed conditions should not be considered as final. Variation and/or addition to the above list may occur depending on the details of any application referred to the CMA and also on the best available flood risk information available to the CMA at the time any application is received.

A significant portion of the property is covered by either the Floodway Overlay (FO) or the Land Subject to Inundation Overlay (LSIO), see Figure 2. Conditions for subdivision in the [Port Fairy Local Floodplain Development Plan](https://www.ghcma.vic.gov.au/wp-content/uploads/2025/07/Port-Fairy-Local-Floodplain-Development-Plan-Moyne-Shire-Council-November-2023.pdf) (<https://www.ghcma.vic.gov.au/wp-content/uploads/2025/07/Port-Fairy-Local-Floodplain-Development-Plan-Moyne-Shire-Council-November-2023.pdf>) require newly created lots to not be entirely within either of these overlays.

The above information relates only to the estimated extent of 1% AEP floods in Reedy Creek. The CMA holds no information as to potential for flooding of this property because of other factors such as storm water ponding. No assessment of risks beyond riverine flooding was undertaken in the provision of the information in this letter.

Contact us at planning@ghcma.vic.gov.au or on 03 5571 2526 should you have any queries. Please quote **GHCMA-F-2025-00821** to assist the CMA in handling your enquiry.

Yours sincerely,

Excerpt from Port Fairy Local floodplain development plan

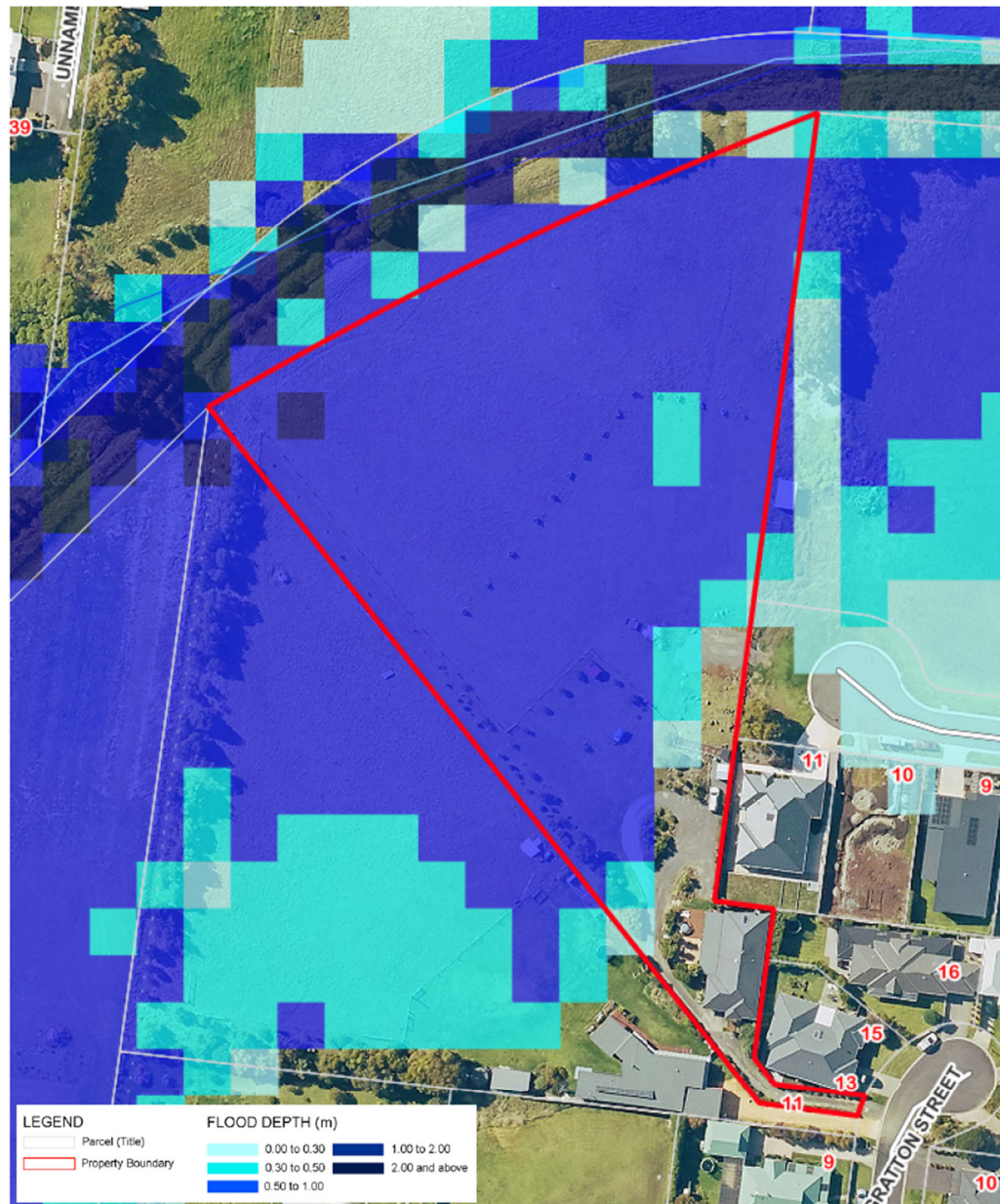
6.2 Subdivision

Applications to subdivide land that is either partly or wholly within the FO or LSIO must not create new lots entirely within these overlays, unless each new lot contains an existing dwelling or building (excluding outbuildings and sheds) or, if no dwellings

or buildings (excluding outbuildings and sheds) exist on the land, the following flood risk minimisation criteria are met:

- Adequately sized building envelopes are formally defined on the plan of subdivision (where relevant) for each lot where flooding during the planned for flood event does not exceed:
 - a depth of 300mm and/or VxD of $0.3m^2/sec$ for a residential use
 - a depth of 500mm and/or VxD of $0.4m^2/sec$ for a non-residential use
- Flooding of the vehicle accessway to each lot and building envelope during a planned for flood event does not exceed:
 - a depth of 300mm and/or VxD of $0.3m^2/sec$ for a residential use
 - a depth of 500mm and/or VxD of $0.4m^2/sec$ for a non-residential use.

Figure 1: Location of property with 1% AEP flood depths, 2008 Port Fairy Regional Flood Investigation.



ASSESSMENT CONT'D

The proposal provides a developable area which is entirely outside of areas of inundation in addition to land which is partly inundated.

A permit is required to develop a dwelling on proposed lot 1 whereby Council can see that a dwelling can be constructed to meet the current flood constraints.

The proposed fencing will comply with the CMA fencing guidelines excerpt below.

TYPE B

Post & Wire (single strand – wide spacing)

DROP FENCE

OPTION 1

- Post spacing no less than 3 metres apart
- Single wires spaced no more than one horizontal strand per 200 millimetres

A technical diagram of a post-and-rail fence. It shows three vertical posts connected by four horizontal rails. To the left of the first post, a vertical dimension line with tick marks at each rail level is labeled '200 min.'.

POST & WIRE FENCE

OPTION 2

- Post spacing no less than 2 metres apart
- Single wires spaced no more than one horizontal strand per 150 millimetres

A photograph of a drop fence installed in a grassy field. The fence consists of a single strand of wire stretched between wooden posts. In the background, there are trees and a building.

A photograph of a post-and-rail fence installed in a grassy field. The fence consists of vertical wooden posts connected by horizontal wooden rails. In the background, there are trees and a building.

PLANNING POLICY FRAMEWORK ASSESSMENT

Clause 11

SETTLEMENT

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

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

- *Health, wellbeing and safety.*
- *Diversity of choice.*
- *Adaptation in response to changing technology.*
- *Economic viability.*
- *A high standard of environmental sustainability, urban design, and amenity.*
- *Climate change adaptation and mitigation.*
- *Prevention of land, water, air, and noise pollution.*

- *Protecting, conserving, and improving biodiversity, waterways and other natural resources.*
- *Accessibility.*
- *Land use and transport integration.*
- *Waste minimisation and resource recovery.*

Planning is to prevent environmental, human health and amenity problems created by siting incompatible land uses close together.

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

ASSESSMENT

The proposed subdivision is consistent with the Clause as it provides for residential development in an appropriate zone with services and infrastructure provided supported by the existing transport network.

Clause 15.01

BUILT ENVIRONMENT

15.01-1S

Urban design

Objective

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

Strategies

Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.

Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.

Ensure the interface between the private and public realm protects and enhances personal safety.

Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.

Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.

Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.
Promote good urban design along and abutting transport corridors.

ASSESSMENT

As the development plan is the precursor to the proposed subdivision, the design response is a good example of urban consolidation using existing infrastructure to facilitate a slightly increased density in keeping with the prevailing character. The site is very constrained by flooding thereby the subdivision is an innovative use of land on a site which would otherwise be undevelopable.

Clause 13.02

BUSHFIRE

13.02-1S - Bushfire planning

Policy application

This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:

- *Within a designated bushfire prone area;*
- *Subject to a Bushfire Management Overlay; or*
- *Proposed to be used or developed in a way that may create a bushfire hazard.*

Objective

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Strategies

Protection of human life

Give priority to the protection of human life by:

- *Prioritising the protection of human life over all other policy considerations.*
- *Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.*
- *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.*

Bushfire hazard identification and assessment

Identify bushfire hazard and undertake appropriate risk assessment by:

- *Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.*
- *Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.*
- *Applying the Bushfire Management Overlay to areas where the extent of vegetation can create an extreme bushfire hazard.*
- *Considering and assessing the bushfire hazard on the basis of:*
 - *Landscape conditions - meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;*
 - *Local conditions - meaning conditions in the area within approximately 1 kilometre of a site;*
 - *Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and*
 - *The site for the development.*
- *Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.*
- *Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.*
- *Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.*

Settlement planning

Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:

- *Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).*
- *Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018) where human life can be better protected from the effects of bushfire.*
- *Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.*
- *Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall.*

- *Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction.*
- *Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.*
- *Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).*

ASSESSMENT

The proposed subdivision is situated within a designated bushfire prone area however is not covered a bushfire management overlay.

The subject site is a low intensity subdivision with good road access for means of escape and emergency vehicle access. Perry Close is a fully constructed Council maintained road with fire services available and excellent visibility into and out of the site. The subdivision is consistent with the objectives of the clause as the location of the site is within a designated residential zone intended for future higher density development that is appropriate to the area.

Clause 65.02

APPROVAL OF AN APPLICATION TO SUBDIVIDE LAND

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- *The suitability of the land for subdivision.*
- *The existing use and possible future development of the land and nearby land.*
- *The availability of subdivided land in the locality, and the need for the creation of further lots.*
- *The effect of development on the use or development of other land which has a common means of drainage. The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*
- *The density of the proposed development.*
- *The area and dimensions of each lot in the subdivision.*
- *The layout of roads having regard to their function and relationship to existing roads.*
- *The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*
- *The provision and location of reserves for public open space and other community facilities.*
- *The staging of the subdivision.*
- *The design and siting of buildings having regard to safety and the risk of spread of fire.*

- *The provision of off-street parking.*
- *The provision and location of common property.*
- *The functions of any body corporate.*
- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*
- *If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.*
- *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.*
- *The impact the development will have on the current and future development and operation of the transport system.*

This clause does not apply to a VicSmart application.

ASSESSMENT

The application is considered to meet the requirements of Clause 65 in the following ways:

- The land is of a suitable size and topography to be subdivided. The subdivision represents infill development that is consistent with the prevailing lot character.
- The future use will most likely be residential which is compatible with the area and will require a permit for further assessment.
- The proposal contributes to the land supply in an orderly planned fashion.
- Off street parking is catered for, for both lots.
- Services are available to each lot.
- No significant vegetation removal is required.
- The creation of an additional lot is not considered to have any impact on transport, or the current or future development of the area.

8. CONCLUSION

State planning policy encourages urban consolidation in appropriate zones to make good use of existing infrastructure as in this case. The proposed subdivision is an innovative way of creating infill development in a zone intended for this purpose including increased density. The site is heavily constrained by flooding however with careful design at the dwelling stage can be safely developed to mitigate the flood risk. The proposed subdivision makes more efficient use of land with a small area available for safe development free from flooding without detriment to neighbourhood character. The proposal retains adequate open space and secluded open space for the retained dwelling.

The proposal has been assessed against the Standards and Objectives of Clause 56, zone and overlay provisions and has been supported on a preapplication basis by the CMA.

The proposal is consistent with the PPF, LPPF and the requirements of Clause 65.