

*Planning and Environment Act 1987*

**SOUTH GIPPSLAND PLANNING SCHEME**

**AMENDMENT C115**

**EXPLANATORY REPORT**

**Who is the planning authority?**

This Amendment has been prepared by the South Gippsland Shire Council which is the planning authority for this amendment.

The Amendment has been made at the request of South Gippsland Shire Council.

**Land affected by the Amendment**

The Amendment affects the Mirboo North and in particular its town centre, specifically:

- Commercial 1 Zone, Public Use Zone and General Residential Zone properties in the town centre are to be affected the new Design and Development Overlay (DDO13). Refer to Map 1 below.
- Industrial 3 Zoned land affected by the Design and Development Overlay Schedule 2 (DDO2). Refer to Map 1 below.
- Changes to Clause 21.15-3 affect the entire town of Mirboo North.

**Map 1 – Land affected by DDO2 & DDO13**



**What the amendment does**

The Amendment proposes to implement town centre recommendations of the Mirboo North Structure Plan Refresh (2017) by:

- Updating the objectives and strategies in Clause 21.15-3 (Mirboo North);
- Updating Clause 21.15-3 (Mirboo North) to make reference to the Mirboo North Structure Plan Refresh (2017) as a reference document and removing reference to the Mirboo North Structure Plan 2004;
- Updating Clause 21.16 Reference Documents to include the Mirboo North Structure Plan Refresh (2017) as a reference document in the scheme and removing reference to the Mirboo North Structure Plan 2004;

- Inserting a new Schedule 13 to Clause 43.02 Design and Development Overlay to apply to the Mirboo North town centre; and
- Amending the Design and Development Overlay Schedule 2 (DDO2) to improve its usability and implement the town centre recommendations.

### **Strategic assessment of the Amendment**

#### **Why is the Amendment required?**

The Amendment is required to implement the Mirboo North Structure Plan Refresh (2020), and specifically to deliver the town centre recommendations. The plan identifies the need to improve design controls to protect the town's character as change occurs. The plan also identifies the need to encourage development that focus pedestrian activity within the town and protect the design of the town centre to support local tourism.

#### **How does the Amendment implement the objectives of planning in Victoria?**

The proposed Amendment implements the objectives of planning in Victoria as set out in Part 1 - Section 4(1) of the Planning and Environment Act 1987, in the following way:

- The amended DDO2 and application of the DDO13 seeks to provide for the growth of Mirboo North's town centre consistent with providing for the fair, orderly, economic and sustainable use and development of land; and
- The amended DDO2 and application of the DDO13 provides for the future interests in the town while balancing the present interests of all Victorians.

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

##### *Environmental*

The Amendment seeks to improve the built environment and is expected to have minimal impacts on the natural environment. DDO13, in particular, seeks to improve built form as well as respect heritage buildings in town centre. The proposed changes to local policy seek to protect and enhance the town's landscape.

##### *Social*

The Amendment seeks to provide social benefits by maintaining the valued characteristics of the township as change occurs through the use of design guidelines. The guidelines seek to create a pedestrian friendly environment and high quality urban design within the town centre.

##### *Economic*

The Amendment seeks to promote economic growth in the township of Mirboo North by the application of design controls to the commercial town centre. The controls seek to provide protection for the township character, tourist amenity and retail functionality.

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

##### Bushfire risk in Mirboo North

The entire town of Mirboo North is located within a Bushfire Prone Area, and a large portion of the town is located within a Bushfire Management Overlay.

Mirboo North and the surrounding landscape carry a variety of vegetation types including tall wet forest with heavy fuel loads. It is likely that an ignition in the farming land to the north of the State Forest or within the forest itself would develop rapidly and grow to a significant size. The forest extends approximately 12 km in width (East-West) and is approximately 24km long

(North-South). There is ample space for a large fire to develop and there is clearly potential for a large and intense bushfire to occur.

Under these scenarios bushfire could impact on properties and life across the entire township area.

#### Clause 13.02 Bushfire

Clause 13.02 Bushfire seeks, as its main objective:

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

This is to be implemented by the following strategies:

*'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.'*

#### Landscape assessment

The properties affected by the Amendment are considered to be within Broader Landscape 'Type 3' (BMO Technical Guide – DELWP 2017).

<b>Definition of Landscape Type 3</b>	<b>Application to affected properties</b>
<i>The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site.</i>	<ul style="list-style-type: none"> <li>The township centre is bounded on three sides by tall forest vegetation type of mixed eucalypts.</li> <li>There are a number of vegetated areas to the North West across to the North East of the township within 20 kilometres that could easily be a source of ember attack under favourable conditions.</li> <li>A significant fire in 2009 came very close to the settlement. The area has the potential for extreme fire behaviour.</li> </ul>
<i>Bushfire can approach from more than one aspect.</i>	<ul style="list-style-type: none"> <li>The township centre and general residential areas are in many cases bounded on three sides by tall forest vegetation type of mixed eucalypts.</li> </ul>
<i>The site is located in an area that is not managed in a minimum fuel condition.</i>	<ul style="list-style-type: none"> <li>The properties affected by DDO2 and DDO13 are located within a built up area with minimal vegetation.</li> <li>There is a vegetated area directly to the north-west of the affected properties, visible on Map 3. This presents a bushfire risk.</li> </ul>
<i>Access to an appropriate place that provides shelter from bushfire is not certain.</i>	<ul style="list-style-type: none"> <li>Main access to the town centre is via Strzelecki Highway. Having one main access road to the town increases the risk to life from bushfire. To the south, Boolarra South and Mardan roads are quite windy and not as easy to traverse as Strzelecki Highway.</li> </ul>

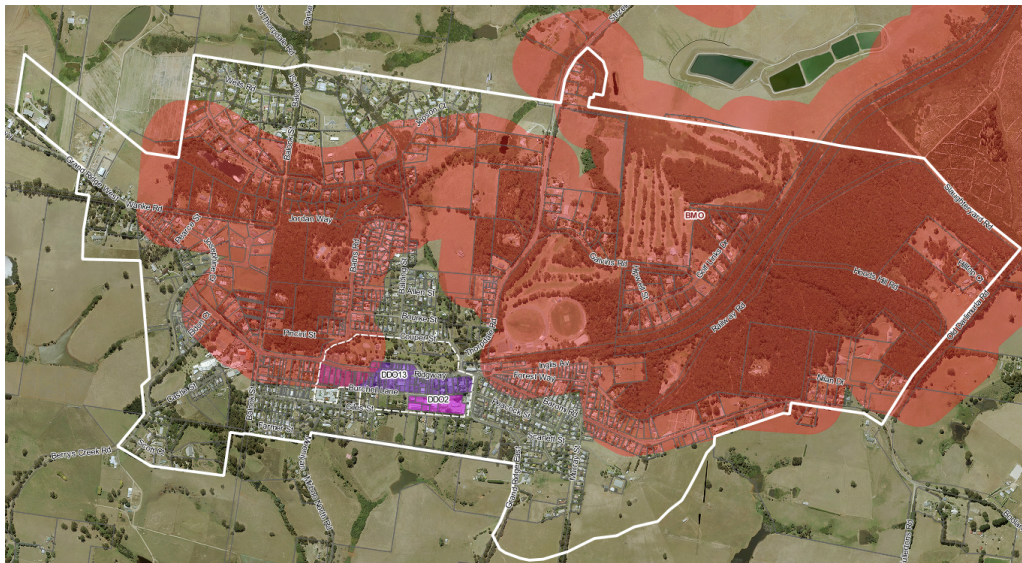
A brief landscape assessment of the site and surrounds is outlined below:

- The proposed DDO13 and existing DDO2 are within a Bushfire Prone Area.
- A Bushfire Management Overlay (BMO) covers part of the proposed DDO13 area.
- The existing DDO2 is not located within a BMO.
- The properties affected by the Amendment contain minimal vegetation.
- The properties affected by the Amendment are surrounded by commercial development, residential development and parkland.
- The topography of Mirboo North town centre is relatively flat. The land surrounding the town is hilly with waterway gullies.
- The properties affected by the Amendment are located in close proximity to roads and buildings.
- Access to and from the area is provided via Ridgway, which runs directly in front of the proposed DDO13 area.

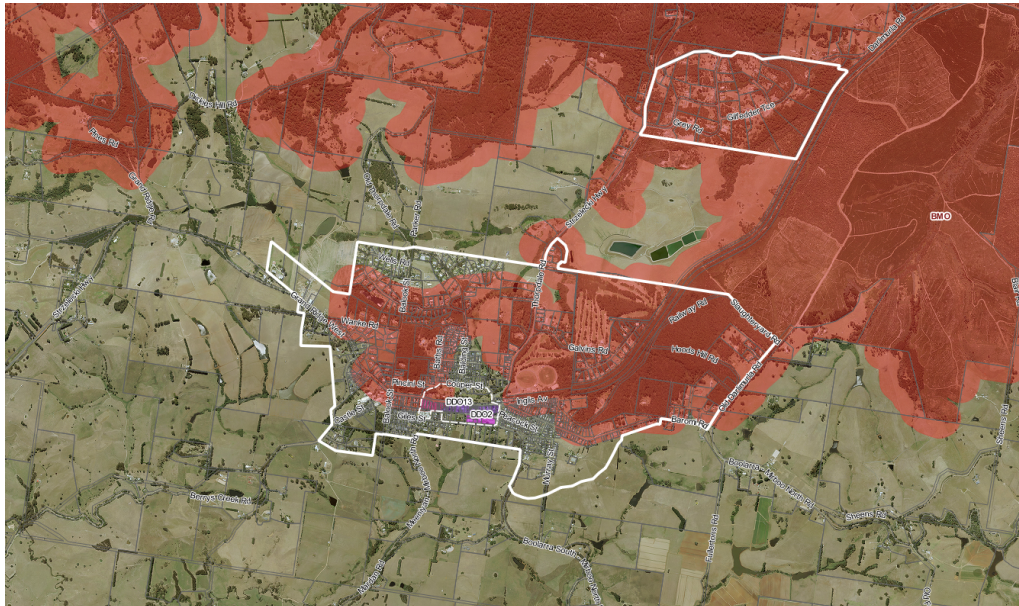
**Map 2: Bushfire Management Overlay (BMO) (shown in red) near the Mirboo North town centre**



**Map 3: BMO in Mirboo North urban area**





**Map 4: BMO in Mirboo North town and surrounds**Site Assessment*DDO2 and proposed DDO13 areas*

- The proposed DDO13 and changes to DDO2 will not increase bushfire risk on the affected properties. The Overlays seek to implement design controls and will not greatly impact the amount of vegetation on the affected properties.
- The changes to DDO2 seek to reduce bushfire risk from landscape planting by requiring applications to include a detailed planting schedule that makes reference to *CFA Landscaping for Bushfire (2011)*.

Comments from fire authority

CFA provided input that shaped the Draft Structure Plan for consultation. CFA was invited to provide comment on the draft and was informed of the final Mirboo North Structure Plan Refresh (2017). They did not provide any comment on the draft version for consultation or respond when we provided them with a copy of the final structure plan.

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

The Amendment has been prepared having regard to Ministers Direction No. 11 – *Strategic Assessment of Amendments* and is consistent with the Ministerial Direction on *The Form and Content of Planning Schemes* under Section 7(5) of the Act.

The Amendment also has regard to Ministerial Direction No. 15 – *The Planning Scheme Amendment Process* which sets timeframes for completing steps in the planning scheme amendment process.

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

The Amendment supports and implements the State Planning Policy Framework at:

- 11.01-HR (Settlement – Gippsland) - Create vibrant and prosperous town centres that are clearly defined and provide commercial and service activities that respond to changing population and market conditions.
- Clause 11.03-6S (Regional and Local Places) - Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.
- Clause 13.07-1S (Land Use Compatibility) - To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.
- Clause 15.01 – 1S (Urban Design) - To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- Clause 15.02-2S (Building Design) - To achieve building design outcomes that contribute positively to the local context and enhance the public realm.
- Clause 17 (Economic Development) - Planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.
- Clause 17 (Economic Development) - Planning is to contribute to the economic wellbeing of the state and foster economic growth by resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.
- Clause 17.02-1S (Business) – Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.

**How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The Amendment supports and implements the Local Planning Policy Framework at:

- Clause 21.11-3 (Processing and Manufacturing) – To encourage well designed, sustainable industrial development that enhances the visual amenity of the neighbourhood
- Clause 21.11-3 (Office & Commercial Uses) - To encourage business that generate employment opportunities and provide goods and services to meet the needs of the community; to strengthen the commercial capacity of existing town centres.
- Clause 21.15-3 (Mirboo North) – To support the compact town centre and enhance the distinctive village atmosphere and picturesque location.

**Does the Amendment make proper use of the Victoria Planning Provisions?**

The Amendment makes proper use of the Victoria Planning Provisions by:

- Applying a Design and Development Overlay (which provides for specific requirements relating to design and built form of new development) to maintain the town centre's valued character while providing for change and high quality urban design.
- Updating local policy to provide guidance for decision making regarding land use and development in Mirboo North.

**How does the Amendment address the views of any relevant agency?**

Extensive consultation with community and external agencies were sought during the development of the *Mirboo North Structure Plan Refresh (2017)* including Gippsland Water, South Gippsland Water, Country Fire Authority, West Gippsland Catchment Management Authority and the Department of Environment, Land, Water and Planning.

The views of any relevant agencies will also be sought and considered as part of the formal exhibition of this amendment.

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

The Amendment is expected to have some impact on the transport system in the future. It supports the objectives of the Transport Integration Act 2010, specifically that:

- Transport and land use should be effectively integrated - maximising access to residences, employment, markets, services and recreation; reducing the need for private motor vehicle transport and facilitating better access to local communities.
- Land use decisions have regard for the current and future development and operation of the transport system.
- Maximise the efficient use of resources including infrastructure, land, services and energy.

The Amendment supports these objectives by promoting the provision of goods and services at the centre of town (rather than out-of-centre), providing for orderly township growth and encouraging pedestrian and other transport modes.

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

The Amendment will have a minimal impact on the resources and administrative costs of the Responsible Authority. The controls are expected to have a negligible impact on the number of planning permits that are triggered. In general, the proposed controls trigger planning permits where they are already required. It is submitted that the amendment will assist with future planning permit applications within the proposed DDO areas by providing clear guidance in relation to built form and design outcomes.

**Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at:

South Gippsland Shire Council  
9 Smith Street, Leongatha, VIC 3953

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).