

PLANNING SCHEME AMENDMENT C115 - SUBMISSIONS

1. Kristen Vallay
2. Philip Walton on Behalf of B Koolstra
3. Jak Borensztajn
4. Victorian Department of Transport
5. West Gippsland Catchment Management Authority
6. Environment Protection Authority Victoria
7. Telstra
8. Country Fire Authority

From: [REDACTED]
To: [REDACTED]
Subject: Thursday, 6 June 2019 12:32 PM
Amendment C115 Engagement
Amendment C115

Re: Amendment C115

To whom this may concern

My name is [REDACTED].

I am the owner of [REDACTED] and have resided there with my four special needs children for over 20 years.

My land has been designated to be rezoned from Mixed Use Zone to Commercial Zone.

I object strongly to the rezoning of my property. I purchased my house and kept the adjoining land because it suited my family needs.

I have four children on the Autism Spectrum, one child in particular will never be able to live fully independently.

It has been my intention for many years to build a self contained unit on [REDACTED] to enable my son to have supervised living and a small piece of independence.

The rezoning of the land means that my son will lose this opportunity and his basic right to independence.

Surely by remaining as a Mixed Use Zone, if I ever choose to sell my property, it could then potentially be used for the supermarket expansion.

I can be contacted on [REDACTED] should you wish to discuss my objection.

Kind regards

[REDACTED]

10 June 2019

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Strategic Planning Department
South Gippsland Shire Council
c115@southgippsland.vic.gov.au

Dear Sir / Madam

Re: Amendment C115 to the South Gippsland Planning Scheme

I refer to Amendment C115 to the South Gippsland Planning Scheme which proposes to rezone the land at [REDACTED] from a Mixed Use Zone to a Commercial 1 Zone. I act for the owner of the land, [REDACTED] who wishes to object to the rezoning of the land to a Commercial 1 Zone and seeks for the land to be retained within a Mixed Use Zone.

Future commercial development should be consolidated along the main street (Ridgway). There are vacant sites and potential redevelopment sites along the main street to accommodate future commercial development. This is consistent with the Mirboo North Framework in the South Gippsland Planning Scheme which seeks to retain a compact commercial centre.

The retention of the land within a Mixed Use Zone will enable approval of the client's current application for a four lot subdivision and subsequent sale of each lot. The "neighbourhood character" along [REDACTED] is residential. The current development plan of four lots would likely see the sale of the two lots fronting [REDACTED] to residential purchasers - consistent with the "neighbourhood character".

It is unfair to existing owners to prevent further development of the land on the basis of a possible future prospect of commercial development including a larger supermarket or car parking. The land is not suitable for large scale commercial development or carparking given the steep slope of the land. The cost to redevelop 6 Peter Street - demolition of the home and removal of the significant large native trees would make a redevelopment commercially unviable in the foreseeable future. The current owner of [REDACTED] bought the land with the express purpose to subdivide for residential purposes and sell each lot in a timely fashion. A pre-planning meeting with the Shire Planners who made it clear that the current zoning allowed the subdivision and the development of each lot with residential dwellings.

My client would welcome the opportunity to further elaborate on its submission at any panel hearing convened to consider submissions in relation to Amendment C115, and if you have any questions about this submission, please feel free to contact me.

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Sunday, 9 June 2019 6:15 AM
To: Amendment C115 Engagement
Subject: Planning Scheme Amendment C115 and effect on [REDACTED]

Attention: Mr. Paul Stampton
9th June, 2019

I am a director of the Company, [REDACTED], who own the above premises tenanted by the [REDACTED], Mirboo North.

On our behalf and no doubt on behalf of the tenant, we wish to formally object to Council's proposal to rezone land at the rear of our property to enable the threat of an additional supermarket in the town.

We have owned the property since July 1994, shortly after it was built, and despite four operators of the Supermarket in that time, we have never received a request from any of them to extend the size of the building because it was 'small' as referred to in your correspondence.

Rather, it has adequately serviced the needs of the town and it's residents, has complied with Councils requests in terms of style and blending in with the desired theme for the streetscape, and to the best of our knowledge, the respective tenants both initiated and contributed to the betterment of the town.

In return for this 25 years of community service, why are they the only business to be undermined (twice) in the proposal you have sent us. No other type of business in the town has been singled out in the documentation we have received.

Whether by chance or design, your letter arrived just as we were leaving for overseas.

We do not return until late on the 11th of June which you have made the last day for submissions. Consequently, we have not had access to our documentation on which to base a submission, nor have we had the opportunity to engage any professional help to make any submissions on our behalf.

As we are the prime target, the ones to suffer most along with our tenants as a result of the proposal, we respectfully request additional time to prepare a case.

On our return to Australia, we will seek additional guidance by way of information from the Shire in order that our objections fall within the proper guidelines. For example, you speak of the new Supermarket 'when viable' but do not indicate whether that decision is in the hands of the Council or at the whim of the owner or owners of the two blocks of land you have designated for the development, 39-41 Burchell Lane and 4-6 Peters St. Or the surrounding blocks.

Given the longstanding vacancies in Ridgway, rezoning and redevelopment seem somewhat premature at this stage. We have been making enquiries about various improvements to our premises over the past few months, but we will have to review these plans in light of your 'bolt from the blue'.

In closing, we would point out that [REDACTED] is the top brand of supermarket in regional Victoria and that Mirboo North is one of their top stores because the tenants work on low margins in order to give best value to their customers and keep them from going to bigger supermarkets in Leongatha as used to be the case with earlier operators some years ago.

This helps keep the townfolks money in the town, and has proved to be a winning formula.

We await your reply to our request for more time.

Yours faithfully,
[REDACTED]
[REDACTED]

Sent from my iPad



120 Kay Street
Traralgon, VIC 3844 Australia
Telephone: +61 3 5172 2319
www.transport.vic.gov.au
DX 219286

Ref: DOC/19/245798

Strategic Planning Department
South Gippsland Shire Council
Private Bag 4
LEONGATHA VIC 3953

To the Strategic Planning Department,

RE: PLANNING SCHEME AMENDMENT C115 – MIRBOO NORTH

I am writing regarding South Gippsland Shire Council's Planning Scheme Amendment C115 which seeks to implement the town centre recommendations of the Mirboo North Structure Plan Refresh (2017).

We have no objections to the proposed amendment and would like to offer our support to the initiatives associated with improving pedestrian and cycling linkages and creating a high-quality pedestrian environment in the town centre. These are measures which will add to the liveability and amenity of Mirboo North.

We do suggest a minor amendment within Schedule 13 to Clause 43.02 Design and Development Overlay, to amend dot point 4 under Item 2.0 Buildings and works to refer to the 'relevant road authority' rather than 'public land manager' when referencing works over a road.

Thanks for the opportunity to comment on Planning Scheme Amendment C115 – Mirboo North. We look forward to working with South Gippsland Shire Council into the future.

Yours sincerely

5 / 6 / 2019



West Gippsland
Catchment Management Authority

WGCMA Ref: WG-F-2016-0156
Document No: 03
Council Ref: Amendment C115
Date: 4 June 2019

Strategic Planning Department
South Gippsland Shire Council

Dear Sir/Madam,

Regarding: Planning Scheme Amendment - Amendment C115

Thank you for your correspondence received at the West Gippsland Catchment Management Authority ('the Authority') on 9 May 2019 in relation to Amendment C115, which proposes to implement the town centre recommendations of the Mirboo North Structure Plan Refresh 2017.

The Authority has reviewed the Amendment documentation and notes that none of the subject land is likely to be subject to inundation from riverine flooding. Additionally, there are no designated waterways on the land subject to this amendment (as shown in Figure 1).

There are unlikely to be any impacts on floodplain or waterway health as a result of the amendment.

In light of the above, the Authority **does not object** to the proposed Planning Scheme Amendment C115.

Should you have any queries, please do not hesitate to contact [REDACTED]. To assist the Authority in handling any enquiries please quote **WG-F-2016-0156** in your correspondence with us.

Yours sincerely,

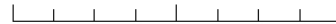
The information contained in this correspondence is subject to the disclaimers and definitions attached.

Figure 1 – Designated waterways



— Designated waterways

0 75 150 300 Meters



Definitions and Disclaimers

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or the local government authority
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).

Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

4. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
5. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100 year ARI flood will occur on average once every 100 years.
6. Nominal Flood Protection Level – is the minimum height required to protect a building or its contents, which includes a freeboard above the 1% AEP flood level.
7. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
8. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it would appear.
9. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.
10. Please note that land levels provided by the Authority are an estimate only and should not be relied on by the applicant. Prior to any detailed planning or building approvals, a licensed surveyor should be engaged to confirm the above levels.



[REDACTED] Planner
SOUTH GIPPSLAND SHIRE COUNCIL
9 Smith ST
LEONGATHA VIC 3953

8-12 Seymour Street
Traralgon Victoria 3844
PO Box 1332
Traralgon Victoria 3844
T: 1300 EPA VIC
DX 219292
www.epa.vic.gov.au

27/05/2019

Reference: 5009579

Dear [REDACTED]

RE: PLANNING SCHEME AMENDMENT: C115

Thank you for your correspondence in relation to the above planning scheme amendment, referred to EPA on 09/05/2019.

EPA has no concerns with the proposed amendment to this planning scheme with the information that has been provided.

If you need additional information or assistance, please contact our Assessing Officer, [REDACTED] on 1300 EPA VIC (1300 372 842).

Yours sincerely



[REDACTED]

From: [REDACTED]

[REDACTED]

Thank you for your email.

Please be advised that for **any** development an AFR (Application for Reticulation) is required to be lodged by the developer or an entity legally authorised to act on their behalf via the Telstra Smart Community website, link provided below;

Smart Community Website: <https://www.telstra.com.au/smart-community>

If you have any questions, please don't hesitate to ask.

Kind regards



[REDACTED]

Networks
Networks, Telstra Operations

E dev4national@team.telstra.com
W www.telstra.com.au/smart-community

This email may contain confidential information.
If I've sent it to you by accident, please delete it immediately



Fire Safety Referrals

Fire & Emergency Management

Email: firesafetyreferrals@cfa.vic.gov.au

Telephone: 03 9262 8578

Our Ref: 9000-482693-90516

Telephone: 9262 8578

Council Ref: AMENDMENT C115

18 June 2019

██████████
South Gippsland Shire Council
PRIVATE Bag 4
LEONGATHA VIC 3953

Dear ██████████

SUBMISSION TO PLANNING SCHEME AMENDMENT

Amendment: Amendment C115 to the South Gippsland Planning Scheme

Location: Mirboo North

Thank you for providing CFA with information relating to Amendment C115 to the South Gippsland Planning Scheme. CFA provides the following advice to support the Council in its consideration of the planning scheme amendment.

Rezoning 4-6 Peters Street, Mirboo North and 39-41 Giles Street, Mirboo North from Mixed Use Zone to Commercial 1 Zone

CFA notes the proposed rezoning of these properties. We have not been provided with a bushfire hazard site assessment for these properties. However, we consider it likely that development can be set back from a bushfire hazard for a distance no less than Column A in cl53.02 (equating to exposure of no more than 12.5kw at the site scale).

c21.15-3 and associated changes to give effect to the Mirboo North Structure Plan Refresh 2017

Vegetation-related matters

The proposal adjustments to the local planning policy seek to reinforce the role of vegetation within the settlement:

- *The town's landscape and vegetation will continue to visually dominate over the built form. Waterways and natural drainage lines will be vegetated corridors.*
- *Ensure that the landscape and indigenous vegetation are visually dominant rather than built form.*

**Fire Safety Referrals****Fire & Emergency Management**Email: firesafetyreferrals@cfa.vic.gov.au

Telephone: 03 9262 8578

We note that the amendment also seeks to reference in the planning scheme the CFA publication *Landscaping for Bushfire*.

CFA advises that the effect of land within the Bushfire Management Overlay is that vegetation management in accordance with *c53.02, Table 6 Vegetation management requirement* will be required at the time planning permits are sought. Further, the *c13.02-1S Use and development control* may necessitate vegetation management for bushfire purposes in other parts of the settlement, as considered appropriate by the Council at the time planning permits are sought.

CFA would welcome the Council carefully considering whether the vegetation-related directions in the proposed adjustments to the local planning policy can be realised and, as a matter of principle, whether policy directions encouraging the dominance of vegetation in a high risk settlement represents a reasonable planning scheme policy. CFA would encourage the municipal fire prevention officer to provide advice on whether such an outcome is supportive of broader Council-objectives to manage bushfire risk to the settlement.

Future work

CFA notes that future work contained in the adjusted local planning policy may involve investigating planning scheme overlays to protect and enhance the built and landscape character of residential land. Any such investigation will need to be fully aware of bushfire-related matters and not seek to introduce new controls that contradict or cut-across what would reasonably be needed under bushfire considerations.

Bushfire emphasis in the local planning policy

CFA recognises that the structure plan (2017) was a 'refresh' of an earlier version. CFA also notes that bushfire policies are contained in State-sections of the planning scheme. However, the lack of settlement and local bushfire context and policies in the adjusted local planning policy is of concern. Mirboo North is a higher risk settlement and the way the settlement grows and changes will be substantially affected by bushfire matters, as it has been in the past. The lack of bushfire emphasis in the local planning policy should be addressed.

Matters that could be better addressed include:

- *Where other content, new and existing, requires moderation with bushfire considerations.*
- *Ensuring the bushfire context of the settlement is recognised (noting that this neighbourhood-scale context is not found in State policies), including as part of the future character statement.*
- *Ensuring that any proposals for landscaping and encouraging vegetation into the settlement considers factors such as continuous fuel paths from the edges of the settlement into urban areas, the role of the town centre as informal places where*



Fire Safety Referrals

Fire & Emergency Management

Email: firesafetyreferrals@cfa.vic.gov.au

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enhanced protection from bushfire may be sought, and setting clear policies that at the local level other initiatives will be considered in the context of human life being prioritised as required by c72 of the planning scheme.

In relation to the lack of a bushfire emphasis in the adjusted local planning policy, the CFA seeks a change to the amendment. The change sought is for the amendment to be adjusted to ensure bushfire is featured in c21.15-3 and that relevant neighbourhood scale bushfire considerations are recognised.

Inserting a new Schedule 13 to Clause 43.02 Design and Development Overlay to apply to the Mirboo North town centre

CFA has no comments on this element of the amendment, recognised that changes to c21.15-3 as discussed above would apply to the entire settlement and can therefore work alongside the proposed DDO.

Amending the Design and Development Overlay Schedule 2 (DDO2) to improve its usability and implement the town centre recommendations.

We note that the revised schedule seeks to have a 2m wide landscaping buffer on all road frontages where buildings do not abut the road. Land fronting Giles Street has some interaction with grasslands to the south. CFA considers that the schedule would be enhanced by requiring landscaping plans to not simply 'reference' the CFA document *Landscaping for Bushfire* but to give effect to it.

If you wish to discuss this matter in more detail, please do not hesitate to contact [REDACTED]

[REDACTED]

[REDACTED]

