

PLANNING SCHEME AMENDMENT C115 – DISCUSSION OF SUBMISSIONS

1. Owner of 4-6 Peters Street
2. Owner of 39-41 Giles Street
3. Owner of 72-74 Ridgway
4. Victorian Department of Transport
5. West Gippsland Catchment Management Authority
6. Environmental Protection Authority Victoria
7. Telstra
8. Country Fire Authority

1. Submission – Owner of 4-6 Peters Street

The owner of 4-6 Peters Street objects to the proposed rezoning of the property from Mixed Use Zone (MUZ) to Commercial 1 Zone (C1Z) as she plans to build a self-contained unit on the property. Further information would be required to determine whether this would be considered a second dwelling or a Dependent Person's Unit on the property.

Under the current zoning, a Dependent Person's Unit does not require a planning permit for the use while a second dwelling would require a planning permit. If the property was rezoned a Dependent Person's Unit would require a planning permit for the use.

Clause 73.03 of the South Gippsland Planning Scheme defines a Dependent Person's Unit as *"A movable building on the same lot as an existing dwelling and used to provide accommodation for a person dependent on a resident of the existing dwelling."*

If the owner wanted to construct a *non-movable* building on the property it would be classified as a second dwelling. Under the current zoning it would require a planning permit for the use. Under the proposed zoning it would also require a planning permit for the use.

As the development of a second dwelling or dependent person's unit on the property is subject to a planning permit, there is no guarantee it would be approved under the proposed zoning.

Discussion of the Mirboo North Structure Plan Refresh

The Mirboo North Structure Plan Refresh recommends rezoning 4-6 Peters Street and 39-41 Giles Street, Mirboo North to C1Z. This is intended provide for the town's future commercial expansion by protecting the properties from residential development.

Justification for this recommendation is provided in the Mirboo North Structure Plan Economic Inputs Report. The report states that if current trends continue, Mirboo North will require an additional 750 square meters of retail floorspace over the next 20 years. This will include 200 square metres of food, groceries and liquor, and 430

square metres of non-food retail. Most of this additional space would likely be located in the type of small stores which are already in the centre. However, the additional food and grocery space could be provided as an extension to the existing supermarket.

To preserve growth options in the medium and long term, the report recommends that at least 4-6 Peters Street and 39-41 Burchell Lane be rezoned Commercial 1 or 2. This will prevent further residential development on these lots that would stymie expansion, particularly if a larger supermarket becomes viable in Mirboo North.

Discussion of the South Gippsland Planning Scheme

In addition, Clause 21.15-3 of the South Gippsland Planning Scheme – Mirboo North – states “Encourage new commercial and economic development opportunities that support the needs of the local community.” Rezoning two large properties in the town centre to allow for future commercial expansion aligns with this strategy.

2. Submission – Owner of 39-41 Giles Street

The owner of 39-41 Giles Street objects to the proposed rezoning of the property as he plans to subdivide the property and sell the lots for residential use. He has submitted a planning permit application to subdivide the property into four lots.

Justification for the rezoning of this property is discussed under the submission from the owner of 4-6 Peters Street. For these reasons, the rezoning of the land is considered justified. Further, objections concerning commercial advantage or financial implications are not planning considerations.

3. Submission – Owner of 72-74 Ridgway

The owner of 72-74 Ridgway, currently tenanted by an IGA supermarket, objects to the proposed rezoning of 39-41 Giles Street and 4-6 Peters Street. He objects on the grounds that it would create the opportunity for another supermarket to open in Mirboo North and compete with the business on his property.

Under the current zoning a supermarket requires a planning permit for the use. Under the proposed zoning a supermarket does not require a planning permit for the use.

In 2016 the objector was asked for input into the Mirboo North Structure Plan Refresh, but did not respond.

Justification for the rezoning of this property is discussed under the submission from the owner of 4-6 Peters St. For these reasons, the rezoning of the land is considered justified. Further, objections concerning commercial advantage or financial implications are not planning considerations.

4. Submission – Victorian Department of Transport

A submission was received suggesting a minor change to 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.

This suggestion is considered appropriate and the Schedule should be changed in accordance.

5. Submission – West Gippsland Catchment Management Authority

The West Gippsland Catchment Management Authority (CMA) provided a submission stating that they do not object to the proposed planning scheme amendment. They noted that none of the land affected by the proposed rezoning and overlays is likely to be subject to inundation from riverine flooding.

6. Submission – Environmental Protection Authority Victoria

The Environmental Protection Authority (EPA) Victoria provided a submission stating that they have no concerns with the proposed amendment.

7. Submission – Telstra

Telstra provided a submission advising that for any development an Application for Reticulation is required to be lodged by the developer or entity legally authorised to act on their behalf via the Telstra Smart Community website:

<https://www.telstra.com.au/smart-community>. No changes to the proposed planning scheme amendment documentation are needed in response to this submission.

8. Submission – Country Fire Authority

The Country Fire Authority (CFA) provided the following advice in their submission:

- It is likely that development at the rezoned properties can be adequately set back from a bushfire hazard though no bushfire hazard site assessment has been provided.
- The proposed changes to Clause 21.15 Local Areas should be amended to provide greater emphasis on bushfire risk and reconsider the directions that seek to reinforce the role of vegetation in the town.
- Schedule 2 to Design and Development Overlay (DDO2) should be modified to require landscaping plans to not simply 'reference' the CFA document *Landscaping for Bushfire* but to give effect to it.

CFA's advice was sought throughout the Mirboo North Structure Plan Refresh project and limited input was provided, which was concerning given the high bushfire risk in Mirboo North. Bushfire hazard site assessments are not required as part of the amendment process and were not mentioned by the CFA as the structure plan was prepared. Vegetation plays an important role for the town's character and reference to bushfire could also be included, though it is noted that bushfire policy and provisions apply to the town already. Panel's advice regarding this aspect of the

amendment would be welcome. The application requirements could be updated as follows to address CFA's concerns as follows:

"Application requirements

...

A landscape plan that shows:

- *The location, species and height of all existing vegetation to be retained and/or removed; and*
- *A detailed planting schedule that gives effect to CFA Landscaping for Bushfire (2001) and uses species selected from Indigenous Plants of South Gippsland Shire (2004), with emphasis on plants from the relevant Ecological Vegetation Class for the planting area."*