

Planning and Environment Act 1987

Panel Report

**Baw Baw Planning Scheme Amendment C131bawb
Trafalgar, Neerim South and Longwarry Design and
Development Overlays**

22 June 2020

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment. [section 27(1) of the *Planning and Environment Act 1987* (the Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Baw Baw Planning Scheme Amendment C131bawb

Trafalgar, Neerim South and Longwarry Design and Development Overlays

22 June 2020

A handwritten signature in black ink, appearing to read 'Tim Hellsten', written over a light blue horizontal line.

Tim Hellsten, Chair

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Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
AGT	AGT Developments Pty Ltd
Council	Baw Baw Shire Council
DDO	Design and Development Overlay
DoT	Department of Transport
Longwarry UDF	Longwarry Urban Design Framework 2019
Neerim South UDF	Neerim South Urban Design Framework 2018
PPN13	<i>Planning Practice Note 13: Incorporated and background documents, January 2018</i>
PPN17	<i>Planning Practice Note 17: Urban Design Frameworks, July 2015</i>
PPN60	<i>Planning Practice Note 60: Height and Setback Controls for Activity Centres, September 2018</i>
PUZ	Public Use Zone
TCCI	Trafalgar Chamber of Commerce & Industry
the Amendment	Baw Baw Planning Scheme Amendment C131bawb
Trafalgar UDF	Trafalgar Urban Design Framework 2018

Overview

Amendment summary

The Amendment	Baw Baw Baw Baw Planning Scheme Amendment C131bawb
Common name	Trafalgar, Neerim South and Langwarry Design and Development Overlays
Brief description	Apply the Design and Development Overlay to the town centres of Trafalgar (DDO3), Neerim South (DDO10) and Longwarry (DDO11)
Subject land	Various sites within Trafalgar, Neerim South and Longwarry as identified in the Urban Design Frameworks for those towns
Planning Authority	Baw Baw Shire Council
Authorisation	17 July 2019
Exhibition	12 March – 7 April 2020
Submissions	<ol style="list-style-type: none"> 1. Kerry and Jason Rogan 2. Eva Bateson 3. AGT Developments P/L 4. Gerard Avon 5. Larent Nominees Pty Ltd 6. Trafalgar Chamber of Commerce & Industry 7. Department of Transport 8. Mark Mozese

Panel process

The Panel	Tim Hellsten
Directions Hearing	26 May 2020 by video conference
Panel Hearing	16 June 2020 by video conference
Site inspections	Unaccompanied, 14 May 2020
Appearances	<p>Baw Baw Shire Council represented by Ms Ana Borovic</p> <p>AGT Developments Pty Ltd represented by Mr Tony McGuire</p> <p>Trafalgar Chamber of Commerce & Industry represented by Mr Scott Draper</p>
Citation	Baw Baw PSA C131bawb [2020] PPV
Date of this Report	22 June 2020

Executive summary

Over 2018 and 2019 Baw Baw Shire Council prepared and adopted Urban Design Frameworks for the towns of Trafalgar, Neerin South and Longwarry to protect and enhance the role and function of these towns in response to the Shire's population growth, while recognising significant features, character and scale.

Baw Baw Planning Scheme Amendment C131bawb (the Amendment) seeks to implement the key design guidance from the respective Urban Design Frameworks through the application of the Design and Development Overlay to the town centres of Trafalgar, Neerin South and Longwarry.

Eight submissions were received to the exhibition of the Amendment with six submissions raising concerns about particular directions of the various Urban Design Frameworks or Design and Development Overlays. The key issues raised in submissions included:

- for Trafalgar:
 - elements of the Design and Development Overlay relating to view lines to former Methodist and Wesleyan Church, guidelines for verandahs and canopies, vehicle and pedestrian linkages, parking access and signage provisions
 - impacts on the Criterion Hotel site
 - general issues with the Trafalgar UDF
- for Longwarry – potential changes to zoning and land use directions for 2 Princes Avenue, Longwarry
- for Neerin South - directions around footpath connections through private property
- changes to the three Design and Development Overlays relating to requirements for fencing and landscaping adjacent to arterial roads or rail lines.

Panel process

The COVID-19 pandemic created challenges with respect to the conduct of this Panel Hearing. Due to a variety of restrictions relating to social distancing, the usual face-to-face Hearing format was replaced by video conferencing. The health and safety of all parties and the wider community was paramount in the decision of the Panel to vary the usual Hearing process.

The Panel was cognisant of the need to ensure that all parties were provided with appropriate procedural fairness. A variety of steps were put in place to ensure all parties were given a reasonable opportunity to be heard. The Hearing was livestreamed. The Panel thanks Council for its assistance in helping to facilitate the video conference and appreciates the co-operation of all parties in these unusual circumstances.

Strategic justification

The Panel considers that the preparation of the Urban Design Frameworks and the use of the Design and Development Overlay as proposed is consistent with the objectives of planning for settlement growth and protection of township character identified in state, regional and local planning policy. The Urban Design Frameworks have been consistently prepared using a robust methodology and appropriate level of community engagement and form an appropriate strategic basis for the application of the proposed Design and

Development Overlays. The Panel acknowledges the work of Council on embarking on the development of the Urban Design Frameworks and implementing the key built form guidelines through the Amendment. The Panel considers that this is important strategic work that will support the ongoing viability and protection of the character of Trafalgar, Neerim South and Longwarry and form a solid basis for further implementation actions. The Panel considers that there would be some benefit in Council reviewing Clause 21.04 in light of the three Urban Design Frameworks to ensure consistency between its policy objectives and their directions.

The Panel considers that the three Urban Design Frameworks are appropriate to be included in the Baw Planning Scheme as background documents as they provide an important context to the application of the Design and Development Overlays and a broader perspective of the built form and character vision for the three towns. The application of preferred heights and setbacks is considered appropriate.

Trafalgar

The Panel considers that the design requirements in DDO3 are appropriate with minor alterations.

Neerim South

The Panel considers that the design requirements in DDO10 are appropriate with minor alterations.

Longwarry

The Panel considers that the design requirements in DDO11 are appropriate with minor alterations.

Department of Transport issues

Council supported the additional design guidelines for buildings, fences and landscaping adjacent to arterial roads and railway lines. While the Panel does not consider them necessary to be introduced just for these townships it supports their inclusion albeit using more appropriate terminology.

Form and content of the Design and Development Overlays

The Panel has made a number of recommendations in response to post-exhibition changes proposed by Council in response to submissions and following their further opportunity to review the provisions of the proposed Design and Development Overlays. The Panel has generally supported those changes and identified minor consequential changes to the Design and Development Overlays.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Baw Baw Baw Baw Planning Scheme Amendment C131bawb be adopted as exhibited subject to the following:

- 1. Amend Schedule 3 to Clause 43.02 Design and Development Overlay – Trafalgar (DDO3) consistent with the Panel’s preferred version of DDO3 in Appendix B1 of this report to:**
 - a) Amend ‘Section 1.0 Design objectives’ by amending the first design objective to replace the words ‘strategies’ with ‘design guidelines’.**

- b) Amend 'Section 2.0 Buildings and works' to insert a new Landscaping requirement as follows:
 - Landscaping and fencing treatments on sites adjoining an arterial road should not obstruct vehicle sight lines.
 - c) Amend 'Section 4.0 Signs' by amending the requirements for signs.
 - d) Amend 'Section 6.0 Decision guidelines' by amending the first decision guideline to insert 'design guidelines of the' after the words 'Whether the proposal is generally in accordance with the'.
 - e) Amend 'Map 1 Precinct and Building Height Plan' to:
 - remove the 'Key Pedestrian Connections' linework and legend.
 - remove the precinct colours and Precinct land use descriptors.
 - f) Amend 'Map 2 Building Setbacks and Access Plan' to include the 'Key Pedestrian Connections' legend and all associated linework, other than for Precinct 3b, from Map 1.
2. Amend Schedule 10 to Clause 43.02 Design and Development Overlay – Neerim South (DDO10) consistent with the Panel's preferred version of DDO10 in Appendix B2 of this report to:
- a) Amend 'Section 1.0 Design objectives' by amending the first design objective to replace the words 'strategies' with 'design guidelines'.
 - b) Amend 'Section 2.0 Buildings and works' to insert a new Landscaping requirement:
 - Landscaping and fencing treatments on sites adjoining an arterial road should not obstruct vehicle sight lines.
 - c) Amend 'Section 4.0 Signs' by amending the requirements for signs.
 - d) Amend 'Section 6.0 Decision guidelines' by amending the first decision guideline to insert 'design guidelines of the' after the words 'Whether the proposal is generally in accordance with the'.
 - e) Amend 'Map 1 Precinct and Building Height Plan' to:
 - remove the 'Key Pedestrian Connections' linework and legend.
 - remove the precinct colours.
 - f) Amend 'Map 2 Building Setbacks and Access Plan' to:
 - delete the accessway and associated landscape setback linework from 7 Wagner Road, 65-81, 85-87, 89 and 91-109 Main Neerim Road.
 - include the 'Key Pedestrian Connections' linework and legend from Map 1.
3. Amend Schedule 11 to Clause 43.02 Design and Development Overlay – Longwarry (DDO11) consistent with the Panel's preferred version of DDO11 in Appendix B3 of this report to:
- a) Amend 'Section 1.0 Design objectives' by amending the first design objective to replace the words 'strategies' with 'design guidelines'.
 - b) Amend 'Section 2.0 Buildings and works' to:
 - Amend the 'Building height and setbacks' requirements to read:
 - Building height should not exceed the preferred building height of three storeys (11 metres).
 - Buildings should be setback the distance specified in Map 2.
 - Insert a new Building design requirement as follows:

- Buildings and fences adjoining a railway line are designed to provide interface treatments that manage noise, glare and stormwater impacts.
- Insert a new Landscaping requirement as follows:
 - Landscaping and fencing treatments on sites adjoining an arterial road should not obstruct vehicle sight lines.
- c) Amend 'Section 4.0 Signs' by amending the requirements for signs.
- d) Amend 'Section 6.0 Decision guidelines' by amending the first decision guideline to insert 'design guidelines of the' after the words 'Whether the proposal is generally in accordance with the'.
- e) Delete 'Map 1 Precinct and Building Height Plan'.
- f) Amend 'Map 2 Building Setbacks and Access Plan' by:
 - Renaming it 'Map 1 Building Setbacks and Access Plan' and include the 'Key Pedestrian Connections' linework and legend from the exhibited Map 1 Precinct and Building Height Plan.

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Amendment is to apply Design and Development Overlays to the town centres of Trafalgar, Longwarry and Neerim South to implement urban design directions of the Trafalgar Urban Design Framework 2018 (Trafalgar UDF), Longwarry Urban Design Framework 2019 (Longwarry UDF) and Neerim South Urban Design Framework 2018 (Neerim South UDF).

Specifically, the Amendment proposes to:

- apply Schedule 3 to Clause 43.02 Design and Development Overlay to Trafalgar (DDO3) to implement the Trafalgar UDF
- apply Schedule 10 to Clause 43.02 Design and Development Overlay to Neerim South (DDO10) to implement the Neerim South UDF
- apply Schedule 11 to Clause 43.02 Design and Development Overlay (DDO11) to implement the Longwarry UDF
- amend the Schedule to Clause 72.08 Background Documents to reference the three Urban Design Frameworks.

(ii) Purpose of the Amendment

Council identified that the Amendment aims to provide greater certainty about the future built form outcomes for the three town centres and the requirements for the consideration of future planning permit applications.

(iii) The subject land

The Amendment applies to approximately 180 properties in the town centres of Trafalgar, Neerim South and Longwarry covering, as described below:

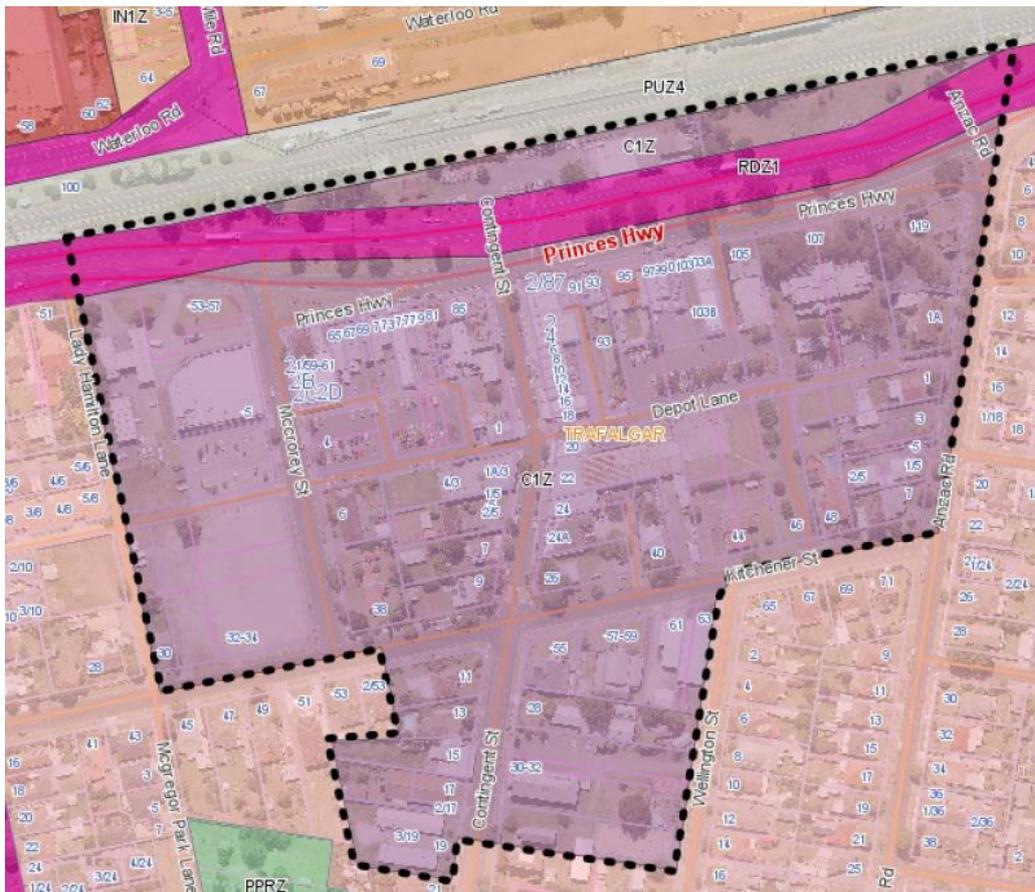
Trafalgar

Land zoned Commercial 1 and generally bound by the Gippsland Railway Line, Lady Hamilton Lane, Kitchener Street, Wellington Street and Anzac Road Trafalgar (refer Figure 1). The Princes Highway passes through the northern portion of the town centre.

The Trafalgar UDF describes the town as follows:

Trafalgar is located approximately 125km south-east of Melbourne's CBD on the Princes Freeway. The freeway is the main route through Trafalgar, extending from Melbourne to Sale. The town is nestled within the foreground of the Strzelecki Ranges to the south with expansive views towards these hills from the town centre and freeway.

Figure 1 Proposed extent of DDO3 in Trafalgar



Source: Planning Scheme Amendment C131bawb Explanatory Report

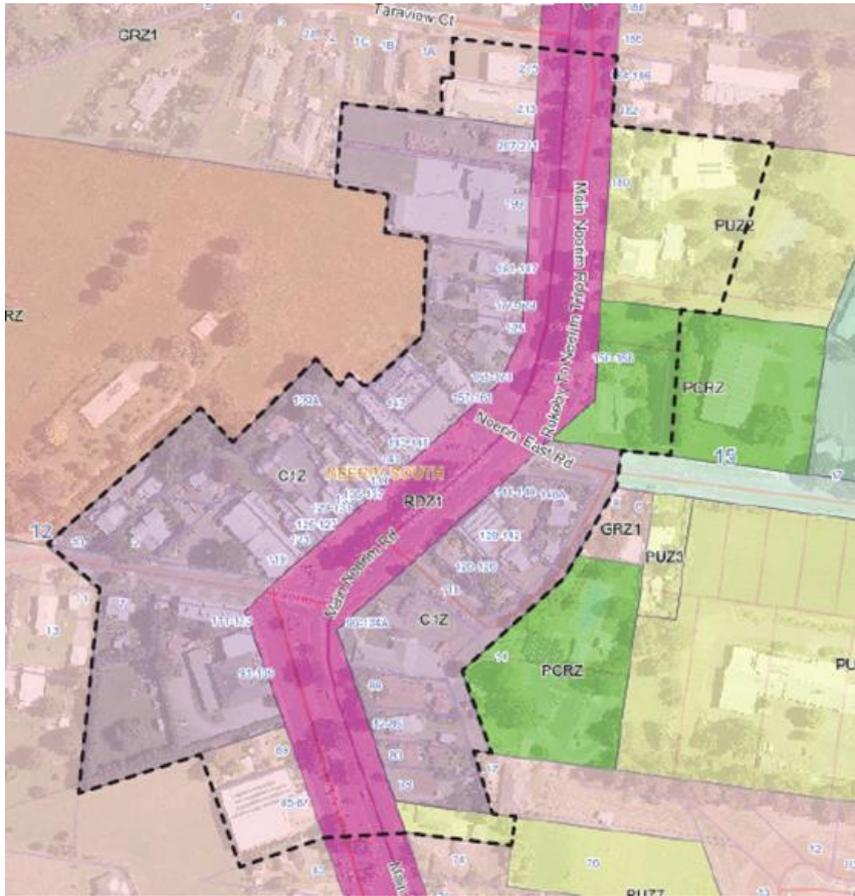
Neerim South

Land zoned Commercial 1 fronting Main Neerim Road and Wagner Road, two residential properties and a portion of two Public Use Zone (PUZ) sites and a Public Conservation and Resource Zone site fronting Main Neerim Road (refer Figure 2).

The Neerim South UDF describes the town as follows:

Neerim South is located approximately 110km south-east of Melbourne’s CBD and 20km to the north of Princes Freeway. It is located on the Main Neerim Road, which is the direct north / south tourist route to Mount Baw Baw, one of the regions key attractions. The township is positioned atop a ridgeline to the east of the Tarago Reservoir and Bunyip State Forest, encompassing views to the reservoir, surrounding bushland and agricultural land, which is key to its overall identity.

Figure 2 Proposed extent of DDO10 in Neerim South



Source: Planning Scheme Amendment C131bawb Explanatory Report

Longwarry

Land zoned Commercial 1 to the north and south of the Gippsland Railway Line, Railway land zoned Public Use Zone 4 and one residential site (4 Princes Avenue) within the General Residential 1 Zone and generally fronting the Koo Wee Rup - Longwarry Road, Nar Nar Goon – Longwarry Road, Cook Road, Bennet Street, Mackey Street and Drouin Road (refer Figure 3).

The Longwarry UDF describes the town as follows:

Longwarry is located approximately 90km to the south-east of Melbourne’s CBD and 3km to the south of Princes Highway. The township is located within a flat agricultural area east of the Bunyip River which forms part of the broader Koo Wee Rup swampland, with long range views of the north of the Yarra Ranges.

Figure 3 Proposed extent of DDO11 in Longwarry

Source: Planning Scheme Amendment C131bawb Explanatory Report

1.2 Background

(i) Chronology of events

Council's Part A submission provided an overview of the development of the Trafalgar, Neerim South and Longwarry Urban Design Frameworks and preparation of the Amendment which is summarised in Table 1.

Table 1 Chronology of events

Date	Event
January 2016	Hansen Partnership engaged to prepare UDFs
May 2016 - February 2017	Preparation and community engagement
12 December 2018	Trafalgar and Neerim South UDFs adopted by Council
29 January - 15 February 2019	Further consultation of draft Longwarry UDF
10 April 2019	Longwarry UDF adopted by Council
17 July 2019	Amendment authorised
12 March – 7 April 2020	Amendment C131bawb exhibited

(ii) Authorisation

The Amendment was authorised with the following condition:

Prior to exhibition, the proposed amendment must be re-submitted to the Gippsland Regional Office for their assessment. The amendment will commence exhibition when all proposed changes through the amendment have been drafted to the satisfaction of the Department of Environment, Land, Water and Planning.

Council advised that this condition was satisfied following extensive redrafting and reformatting of the proposed DDO schedules in consultation with the Department of

Environment, Land, Water and Planning prior to exhibition. These changes also ensured that the DDO schedules were consistent in format with reforms to the Planning Policy Framework introduced through Amendment VC148 to implement the Smart Planning Program which aims to simplifying the policy framework and remove inconsistent and contradictory planning controls across all Planning Schemes. Council submitted that the changes also responded to the Planning in the Economic Growth Zone project's objectives to improve the planning system and ensure that development and investment can progress in a streamlined manner with greater certainty across the Latrobe Valley.

Council advised that the process of redrafting simplified the proposed DDO controls, removed repetition but retained the primary elements derived from the Urban Design Frameworks.

Council indicated that it is currently at the authorisation stage for Amendment C139bawb that will transition the Baw Planning Scheme to a format consistent with Amendment VC148 and the Planning in the Economic Growth Zone project. Council submitted that while Amendment C131bawb proposes to include the Trafalgar, Neerim South and Longwarry UDFs in Clause 72.08 for the Trafalgar, the Clause did not include all existing reference documents identified in Clauses 21 and 22. It identified that all existing reference documents will be transitioned to Clause 72.08 as part of Amendment C139bawb.

1.3 Summary of issues raised in submissions

Eight submissions were received to the Amendment following exhibition with two supporting submissions and six submissions raising concerns about particular directions of the various Urban Design Frameworks or Design and Development Overlays. The key issues raised in submissions included:

- for Trafalgar:
 - elements of the Design and Development Overlay relating to view lines to former Methodist and Wesleyan Church, guidelines for verandahs and canopies, vehicle and pedestrian linkages, parking access and signage provisions
 - impacts on the Criterion Hotel site
 - general issues with the Trafalgar UDF
- for Longwarry – potential changes to zoning and land use directions for 2 Princes Avenue, Longwarry
- for Neerim South - directions around footpath connections through private property
- changes to the three Design and Development Overlays by the Department of Transport (DoT) relating to requirements for fencing and landscaping adjacent to arterial roads or rail lines.

1.4 Procedural issues

(i) Post-exhibition changes

Council's Part A submission identified several proposed post-exhibition changes to the three DDOs including design requirements and mapping changes. These proposed changes are discussed in more detail in Chapters 3 to 7 inclusive.

(ii) Hearing process

The COVID-19 pandemic created challenges with respect to the conduct of this Panel Hearing. Due to a variety of restrictions relating to social distancing, the usual face-to-face Hearing format was replaced by video conferencing. The health and safety of all parties and the wider community was paramount in the decision of the Panel to vary the usual Hearing process.

The Panel was cognisant of the need to ensure that all parties were provided with appropriate procedural fairness. A variety of steps were put in place to ensure all parties were given a reasonable opportunity to be heard. The Directions Hearing and Hearing was live streamed.

1.5 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed all material provided to it, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context and strategic justification
- Trafalgar
- Neerim South
- Longwarry
- Department of Transport submission
- Form and content of the Design and Development Overlays.

2 Planning context and strategic justification

2.1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

The Amendment gives effect to and is consistent with the following objectives of planning in Victoria identified in section 4(1) of the *Planning and Environment Act 1987*:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land.
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

Council identified that the Amendment will have positive economic and social benefits by providing more certainty about built form outcomes and by setting parameters for building heights and setbacks in the centres, improves the amenity, attractiveness and the economic prosperity of the centres. It considered that the Amendment will have positive environmental effects by improving interfaces to open space, increasing their usability, passive surveillance and adjacent activation and through the application of Water Sensitive Urban Design minimise negative impacts on the receiving waterways and Bays.

Clause 11 (Settlement)

The Amendment supports Clause 11 by:

- creating vibrant and prosperous town centres that are clearly defined and provide commercial service activities that respond to changing population and market conditions (Clause 11.01-1R - Gippsland)
- by providing for the development of sustainable and liveable urban areas in an integrated manner (Clause 11.02-2S Structure Planning).

Clause 15 (Built Environment and Heritage)

The Amendment supports Clause 15 by:

- achieving building design outcomes that contribute positively to the local context and enhance the public realm (Clause 15.01-2S Building Design).

Clause 17 (Economic Development)

The Amendment supports Clause 17 by:

- ensuring commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure (Clause 17.02-1S Business).

Clause 18 (Transport)

The Amendment supports Clause 18 by:

- creating a safe and sustainable transport system by integrating land use and transport (Clause 18.01-1S Land use and transport planning)
- Providing direct and connected pedestrian and bicycle infrastructure to and between key destinations including activity centres, public transport interchanges,

employment areas, urban renewal precincts and major attractions (Clause 18.02-1S Sustainable personal transport).

Clause 21 (the Municipal Strategic Statement)

The Amendment supports the Municipal Strategic Statement by:

- Clause 21.03 (Settlement) through:
 - building close-knit communities which appreciate the unique country town character of the settlements in the Shire
 - encouraging housing outcomes that provide a diversity of dwelling types that is responsive to emerging demographic trends and lifestyle needs
 - retaining the high visual quality of rural landscapes, including preservation of view corridors and vantage points within the urban area
- Clause 21.04 (Main Towns) through:
 - The application of tools to achieve built form outcomes consistent with the land use, town centre structure and urban character objectives for Trafalgar, Neerim South and Longwarry
- Clause 21.07 (Economic Activity) through:
 - attracting high quality tourist development that is compatible with the environmental values of the area
 - developing and promoting tourism based on natural and built resources with building design taking into account the attributes of the natural environment and local character
- Clause 21.08 (Transport and Infrastructure) through:
 - the development of multi-modal transport networks that works effectively, with positive outcomes for amenity, safety and environmental values
 - the provision of safe and direct access for pedestrians and cyclists in the design of residential subdivisions in order to reduce the need for use of motor vehicles and to assist in improving community health and wellbeing.

2.2 Other relevant planning strategies and policies

(i) Gippsland Regional Growth Plan

The Gippsland Regional Growth Plan provides broad direction for land use and development across the Gippsland region, as well as more detailed planning frameworks for the key regional centres of Bairnsdale, Leongatha, Sale, Warragul/Drouin and Wonthaggi. The Growth Plan as implemented through Clause 11.01-1R includes strategies to:

Support the continuing role of towns and small settlements in providing services to their districts, recognising their relationships and dependencies with larger towns.

Create vibrant and prosperous town centres that are clearly defined and provide commercial and service activities that respond to changing population and market conditions.

Council submitted that the Amendment supports the Gippsland Regional Growth Plan because it provided guidance on the development of the town centres of Trafalgar, Neerim South and Longwarry.

(ii) Local strategies

Clause 21.04 identifies the *Trafalgar 2030 Land Use Strategy Plan Review April 2009*, *Longwarry Outline Development Plan (1994)* and *Neerim South Outline Development Plan (2004)* as reference documents. These documents inform the existing Structure Plan Maps included in the Clause and are not affected by the Amendment although the Amendment is broadly consistent with the township strategies.

2.3 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

(i) Zones

The land within each of the town centres is predominantly within the Commercial 1 Zone the purposes of which include:

To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

To provide for residential uses at densities complementary to the role and scale of the commercial centre.

No land is proposed to be rezoned by this Amendment.

(ii) Overlays

The Amendment proposes to apply the Design and Development Overlay to the town centres of Trafalgar, Neerim South and Longwarry. The purpose of the overlay is to:

To identify areas which are affected by specific requirements relating to the design and built form of new development.

Design and Development Overlays provide for a schedule to the overlay to identify:

- design objectives
- identify permit requirements relating to building setbacks and heights, plot ratio, landscaping or other design or built form requirements
- exemptions from notice and review
- requirements for signs
- application requirements
- decision guidelines.

2.4 Ministerial Directions and Practice Notes

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

Planning Practice Notes

(i) Planning Practice Note 13: Incorporated and background documents (PPN13)

PPN13 provides guidance on the use of incorporated and background documents. Background documents can be used as a basis for preparing local planning policies or requirements in the planning scheme, or can be mentioned in the planning scheme as a source of useful background information to a policy or control. Background documents have only a limited role in decision making as they are not part of the planning scheme and do not have the status of incorporated documents or carry the same weight. The key for determining if a document should be identified as a background document is whether it can provide useful background information or general advice to applicants, or will assist in understanding the planning scheme.

Council submitted that the three Urban Design Frameworks were appropriate to be included in the Planning Scheme as background documents.

(ii) Planning Practice Note 17: Urban Design Frameworks (PPN17)

PPN17 identifies the importance of the design quality of the urban environment to the viability of towns in response to economic, technological, demographic and social changes.

PPM17 provides guidance on the preparation and use of Urban Design Frameworks. It identifies that Frameworks are strategic planning tools that set out an integrated design vision for the desired future development of urban places. They translate the broad aims of Municipal Strategic Statements and planning scheme into practical urban design action at the local level and provide direction for interventions that shape open space, buildings and landscape.

Council submitted that the three Urban Design Frameworks were prepared in a manner consistent with PPN17.

(iii) Planning Practice Note 60: Height and Setback Controls for Activity Centres (PPN60)

PPN60 provides guidance on the use of height and setback controls within activity centres to ensure that controls are not aimed at restricting the built form, but at facilitating good design outcomes. Height and setback controls must be soundly and based on the outcomes of strategic research and background analysis and consistent with state and regional policy and allow for an appropriate level of change over time. PPN60 identifies discretionary controls, combined with clear design objectives and decision guidelines as the preferred form of height and setback controls.

Council submitted that the Amendment sought to apply discretionary height and setback controls and that these are based on an appropriate level of analysis undertaken through the development of the Urban Design Frameworks.

2.5 Preparation of the Urban Design Frameworks and Design and Development Overlays

Council's Part A submission summarised the methodology applied for the three Urban Design Frameworks which included:

- data collection
- policy assessment
- identification of built form scale and character
- SWOT analysis
- development of a vision and objectives for each township
- preparation of recommendations including design guidelines and implementation.

Council submitted that the Urban Design Frameworks were prepared following extensive consultation with community and external agencies, including VicTrack, VicRoads and Country Fire Authority. Community engagement comprised four phases of consultation resulting in 152 submissions:

- Phase 1: May 2016 with a focus on ideas which included a mail out ‘community bulletin’, drop-in sessions, preliminary workshops and walking tours
- Phase 2: July to August 2016 exhibition of draft Urban Design Frameworks
- Phase 3: February 2017 further consultation on draft Urban Design Frameworks UDFs including survey monkey poll
- Phase 4: 29 January to 15 February 2019 involving further consultation on the draft Longwarry UDF including a ‘Have Your Say’ forum.

Each adopted Urban Design Framework includes two parts:

- Part 1 Background analysis including context, demographic and physical conditions
- Part 2 Recommendations including overall framework and directions, design guidelines and directions for the public realm.

Council identified that not all of the strategies and guidelines of the Urban Design Frameworks were considered suitable for translation into a planning control, with the focus of the Amendment on managing the “*more transferable*” built form recommendations on private land. Council considered that the Design and Development Overlay was the appropriate planning tool to manage the key built form and design objectives of the Urban Design Frameworks.

2.6 Discussion and conclusion

No submissions questioned the strategic justification of the Amendment rather they focused on elements of either the Design and Development Overlays or specific directions of particular Urban Design Frameworks.

The Panel considers that the preparation of the Urban Design Frameworks and the use of the Design and Development Overlay as proposed is consistent with the objectives of planning for settlement growth and protection of township character identified in state, regional and local planning policy. The Panel considers that each of the three Urban Design Frameworks has been consistently prepared using a robust methodology and appropriate community engagement and form an appropriate strategic basis for the application of the proposed DDOs.

The Panel considers that the three Urban Design Frameworks are appropriate to be included in the Baw Baw Planning Scheme as Background documents as they provide an important context to the application of the DDOs and a broader perspective of the built form and character vision for the three towns. This is discussed in more detail in Chapter 3.

The application of preferred heights through the DDO for each of the townships is considered appropriate and consistent with PPN60 and preferred to the application of maximum heights. This allows proposals to be considered on merit and in their context.

For the reasons set out in the following chapters, the Panel concludes that the Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Trafalgar

3.1 The issues

The issues are:

- whether the DDO3 requirements for church view lines, verandahs and canopies, pedestrian linkages, carpark access and signage are appropriate
- whether the Trafalgar UDF should be a reference document and amended to reflect any changes to DDO3.

3.2 What is proposed?

DDO3 includes the following design objectives for the Trafalgar town centre:

- To implement the strategies of the Trafalgar Urban Design Framework (2018).
- To encourage high quality urban design and architecture that is responsive to the built form character of the town centre and surrounding residential areas.
- To maintain and improve the provision and integration of quality public spaces, including streets, laneways, public car parks and other public spaces.
- To promote active frontages to the street edge, including at the ground levels of buildings and provide passive surveillance opportunities to public spaces.

DDO3 provides design and built form requirements for:

- building heights as identified in Map 1 (refer Figure 4) and setbacks as identified in Map 2 (Figure 5)
- building design, including appropriately proportioned to respect surrounding built form, protect view lines to the Strzelecki Ranges and former Wesleyan Methodist Church (from Princes Highway and Anzac Parade), use appropriate materials and finishes, provide cantilevered verandahs without posts
- active frontages
- pedestrian and vehicle access including pedestrian linkages and accessways as shown in Map 1 and 2
- carparking including rear parking accessed off Depot Lane for sites fronting the Princes Highway and Contingent Street
- landscaping consistent with Map 2.

DDO3 also includes requirements for signage, application requirements and decision guidelines.

Figure 4 DDO3 Trafalgar - Map 1 Precinct and Building Height Plan



LEGEND

-  Town Centre Boundary
-  Key Pedestrian Connection

Precincts and Preferred Building Heights

-  **1 - Commercial Core**
Precinct 1 - Preferred height up to 9 metres (1-2 storeys)
-  **2 - Mixed Use**
Precinct 2a - Preferred height up to 9 metres (1-2 storeys)
Precinct 2b - Preferred height 9-11 metres (2-3 storeys)
-  **3 - Community/Education**
Precincts 3a and 3b - Preferred height up to 9 metres (1-2 storeys)
-  **4 - Medium Density Residential**
Precinct 4a - Height up to 11 metres (1-3 storeys)
Precinct 4b - Height up to 9 metres (1-2 storeys)

*Note: Building height is the vertical distance from natural ground level to the roof or parapet at any point.

Figure 5 DDO3 Trafalgar - Map 2 Building Setbacks and Access Plan



LEGEND

-  Town Centre Boundary
-  Proposed Accessway
-  Built to Property Boundary
-  Shallow Setback 1-2 metres
(Small setback to allow space for path widening to 3 metres wide along building edge)
-  Landscaped Setback 3-10 metres
(Setback to be sympathetic to adjoining setback. Landscaping to be provided in front setback)
-  Chamfered Building Corner



The Amendment proposes to include the Trafalgar UDF in the Baw Baw Planning Scheme as a Background Document in the Schedule to Clause 72.08. It identifies the following vision for Trafalgar:

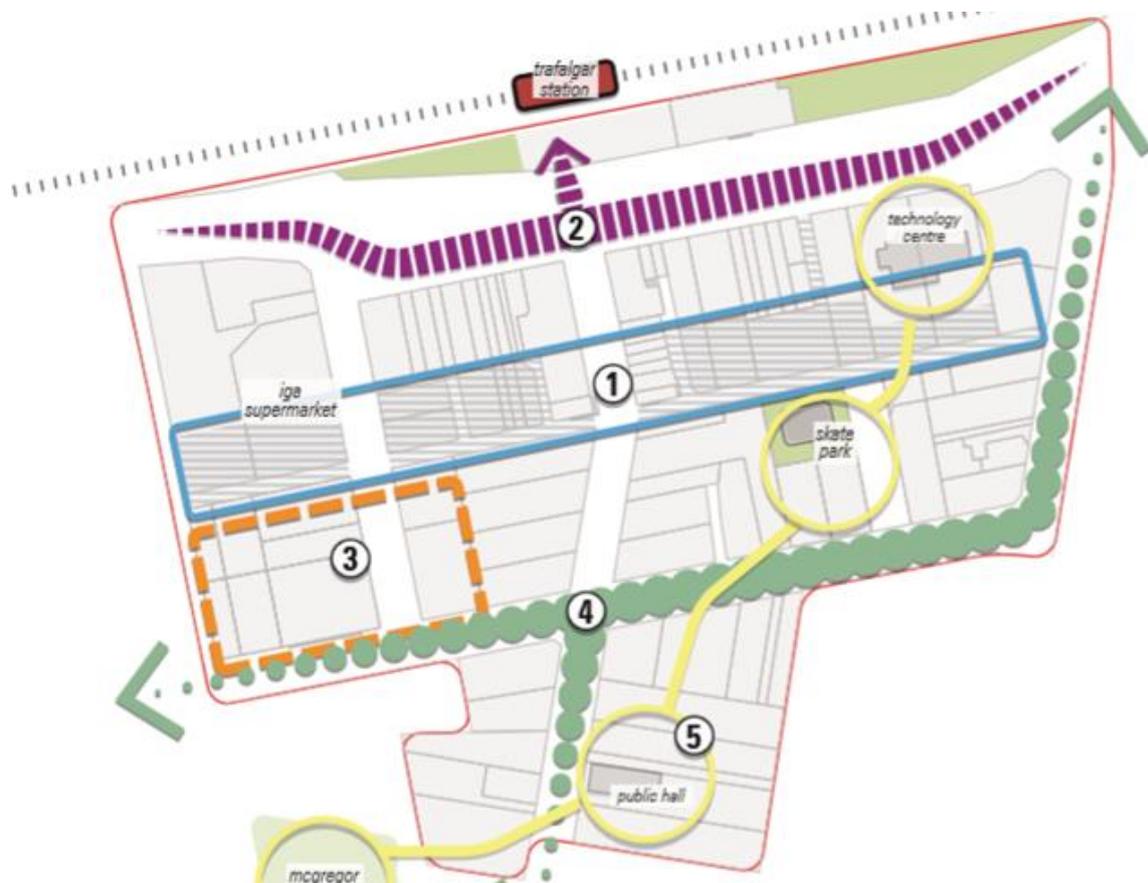
- A thriving and sustainable town, where rural characteristics and the relationship with its environmental surrounds are retained and valued.

- A township which supports a diverse mix of commercial, retail and community activity whilst respecting the cultural and heritage characteristics which uphold the township's identity.
- A vibrant, inviting and safe township with a well-designed public realm focused on pedestrian and cycle connections linking to community and commercial facilities.
- A township with diverse and affordable housing types for all age groups, family types and lifestyles.

The key directions of the Trafalgar UDF (refer Figure 6) are to:

1. activate and enhance the Council owned car park spine through the town centre
2. improve pedestrian and vehicle access to Trafalgar Station from Contingent Street and highway frontage
3. implement design guidelines outlining preferred development potential for the future mixed-use precinct
4. establish 'green streets' along key access routes to the town centre and incorporate public art
5. establish a community corridor implementing strong pedestrian and cycle links to each node.

Figure 6 Key directions of Trafalgar UDF



Source: Trafalgar Urban Design Framework 2018

3.3 Relevant policies

Clause 21.04-5 includes the following context statement about Trafalgar:

Trafalgar is a town providing a wide range of commercial, industrial, educational, recreational and residential services to residents and the surrounding community. It began as a railway town serving the surrounding farming area. Set at the base of the Strzelecki Ranges, its urban character is attributed to its farmland setting with views to adjacent hills and distant ranges, flat topography, garden suburb residential settings in the older parts of town, a range of buildings of heritage significance particularly along the main streets.

...

Commercial

Support mixed use style development or in-fill townhouse style medium-density housing in the town centre.

3.4 Submissions

The submissions from Larent Nominees Pty Ltd (submission 5) and Mr Gerard Avon (submission 4) related to the Criterion Hotel site at 85 Princes Highway (refer Figure 7). The submissions raised concerns about the Trafalgar UDF proposing the closure of access to the carpark to the rear of the Hotel and its bottleshop access points from Contingent Street/Depot Lane. It considered that this would detrimentally impact the function, safety of drivers and pedestrians, delivery and rubbish removal access and the commercial viability of the bottle shop and other businesses fronting Contingent Street, which rely on the access through the adjacent carpark area. The submission sought retention of existing carpark access arrangements.

Figure 7 Trafalgar Town Centre aerial image



Source: Council

Council submitted that the Urban Design Frameworks were aimed at “*creating a flexible framework for the creation of practical actions, ideas and solutions that consider constraints and provide guidance for capital budgets and future planning scheme controls*” and that a

“degree of flexibility is built into Framework Plans in order to ensure that a specific place can adapt to different circumstances over time. They are also intended to clearly articulate a ‘vision’ for what a place could be and often act as a catalyst for positive change of the built environment”. Council said that the introduction of DDO3 Amendment guide future built form rather than prescribing changes in land use.

Council submitted that DDO3 did not propose the closure of the carpark or its access points from Contingent Street, rather this was a direction of the Trafalgar UDF intended to create a stronger built form along Contingent Street. It indicated that the broader directions for the Depot Lane carpark (including IGA carpark) were to be the subject of a future Masterplan process to achieve greater activation and functionality of that area. In the interim, Council indicated that development proposals including those proposing changes to access to the carpark would include a traffic engineering assessment to resolve any potential traffic conflict issues.

Council identified that the pedestrian connection shown on DDO3 Map 1 reflected the existing pedestrian network including the existing covered walkway to the west of the Criterion Hotel. Council did not propose any changes to the Amendment in response to submissions 4 and 5.

Submission 6 was made by the Trafalgar Chamber of Commerce & Industry (TCCI). The submission was made in two parts, the first concerning issues with the Trafalgar UDF, the second relating to particular requirements of DDO3. Mr Draper represented the TCCI and spoke to its submission which raised the issues as summarised below:

- Trafalgar UDF
 - loss of access to carpark via Criterion Hotel bottleshop drive through and impact on hotel, deliveries access to Hotel and 3 Contingent Street businesses and pedestrian safety
 - costs and responsibilities for rearrangement of IGA carpark (refer Figure 7) and reducing access points
 - the potential impact of additional buildings on the fringe of the central carpark on existing delivery access for tenants and the ‘clogging up’ of the carpark with delivery vehicle movements
 - need for additional all-day carparks and a desire to bring forward Council’s car parking study
 - need for a future framework for the business community on the northern side of the train line
 - concern about the potential removal of the public toilets in Contingent Street which are replaced in the Trafalgar UDF map with paved areas and seating
 - the impact of new building elements near the current technology centre (near the Wesleyan Methodist Church – refer Figure 7) on pedestrian walkways and the existing carpark
- DDO3:
 - 2.0 Building and Works requirements:
 - maintaining view lines to the former Wesleyan Church is not supported given the building is at the entrance to the town, in poor condition and unpleasant to look at and has been vacant for 10 years

- requirement for verandahs and canopies to extend to kerb line and not use posts is not appropriate as it would, cover an area not the legal responsibility of the business; create insurance or liability issues in the event of damage; be costly given additional spans or engineering involved; and be potentially dangerous
- access to parking areas off Depot Lane via a single access to the rear carpark is not appropriate and will create issues for truck deliveries and pedestrian conflict
- 4.0 Signage:
 - requiring signs to be below building eaves does not allow for the adequate sighting by potential passing customers (motorists) and is overly restrictive. Existing signs above eaves should be allowed to remain and not be required to be removed
- Map 1:
 - identification of pedestrian connections across private land inappropriate including across precincts 2b and 3 (refer Figure 7) when it can be achieved by using existing street footpaths and avoid impacts of residential access lanes such as Lady Harrington Lane.

Council submitted that it had not considered the submissions to UDF content rather its focus was on what was proposed in the DDOs. In this respect it addressed each of the issues raised by TCCI regarding DDO3.

In relation to the view line protection requirement for the Wesleyan Methodist Church, Council acknowledged that the building had not been well maintained but submitted that this *“cannot preclude the planning objective to recognise places of heritage significance and plan in a way that accentuates heritage objects as important landmarks of urban areas”*.

In relation to the requirements for verandahs and canopies (without posts) to extend out to the kerb line Council submitted that while it was likely to support the replacement of existing post verandahs with a similar form, commercially designed cantilevered verandahs were pre-engineered to appropriate standards and are cheaper than post supported structures when designed as part of a new building or façade. Council advised that not using posts avoided potential conflicts with carparking movements.

In relation to the proposed pedestrian linkages identified in DDO3 Map 1 Council acknowledged that in Precinct 3 this involved crossing multiple land parcels and proposed a further change to delete all pedestrian connections shown on Map 1 that are located on private land.

Council submitted that the ‘accessway’ shown in DDO3 Map 2 through precinct 2b was a vehicular rather than pedestrian accessway. It considered that with the majority of the area between Lady Harrington Lane, Kitchener Street, McCrorey Street and the IGA carpark being vacant and within single ownership *“new development should facilitate the creation of the accessway connecting to Kitchener Street”* where supported by a traffic assessment. While there is current no development proposal before it, Council sought to retain this element in Map 2 to guide a future planning permit application assessment.

Council submitted that DDO3 requires that development of sites fronting Princes Highway and Contingent Street ‘should’¹ provide for rear parking accessed from Depot Lane and does not prohibit or discourage a second access from other main streets. It did not consider that this requirement needed to be changed or removed, identifying that a standard traffic engineering assessment during the planning permit process would resolve any traffic conflict issues and that the directions for the Depot Lane carpark area were indicative only.

In relation to signage requirements Council acknowledged that DDO3 did not and could not require the removal of existing permitted above building eave level signs. Council identified that while the signage requirements proposed in all three DDOs were based on the Urban Design Frameworks, they used inconsistent and undefined terms and would benefit from greater clarity.

In relation to the role and benefit of the three Urban Design Frameworks as background documents Council identified a strong preference for retaining them as background documents and were reluctant to propose changes to them given they had been through an extensive community consultation process and had been adopted by Council. Council submitted there was also value in identifying the documents in the Baw Baw Planning Scheme so that they did not become lost when considering development applications.

Council identified additional post-exhibition changes to Map 1 including the deletion of all ‘Pedestrian connections’, the precinct descriptions (for example ‘Commercial Core’ or ‘Mixed Use’ and the precinct colours. Council considered the map colours and precinct titles implied a land use direction which was inappropriate for Design and Development Overlay.

3.5 Discussion

Wesleyan Methodist church views

The Trafalgar UDF identifies the important role played by heritage buildings in enhancing the enhance town’s character, identifying them as important assets. It seeks to:

Retain the existing sense of space around the former Wesleyan Methodist church at the corner of Princes Freeway and Anzac Street. Where possible existing canopy vegetation on the site should be retained.

The Panel notes that while the church and grounds are in a state of disrepair (damaged windows and picket fence) it sits in a prominent site at the eastern gateway to the town centre. From a heritage perspective it retains its intactness and integrity and is an appropriate site for adaptive reuse to compliment the town centre. The preservation of views to the structure from the highway is an appropriate design response to support its gateway role and contribution to the character of the town. The Panel considers that the protection of views requirement is appropriate for inclusion in DDO3. In reality, being on a large corner site, adjacent to established set back buildings to the west and the preferred low building heights there is limited prospect of the view line being built out, or the provision reducing development opportunities on adjacent lots.

Car parks and access

The Trafalgar UDF says the following about the Council carpark in its current form:

¹ Panel’s emphasis

The Council owned car park which extends east-west through the centre of the study area is an integral feature and aids in the functionality of the commercial core. This area although providing adequate visitor and customer parking, is unappealing and unsafe due to the lack of formal pedestrian paths and crossings and minimal landscape opportunities. The interfaces to this car park are also considered poor, with inactive back-of-house presentations across the north and south. Of particular interest is the interface of the Business Centre with the car park, where pedestrian safety and amenity is considered highly important. There is considerable opportunity for a consolidated design response to upgrade the public realm and prioritise pedestrian movement and function throughout the commercial core.

The Trafalgar UDF proposes a range of directions to ensure that the carpark is more welcoming and functional for pedestrians with formalised crossings and linkages. Recommended measures include:

Strongly encourage the development of new built form along the edges of the car park spine where they contribute to an improved pedestrian environment.

Create a strong new east-west pedestrian connection through the town centre along the southern edge of the car park spine, including wide footpaths capable of accommodating mobility scooters, prams and cyclists.

Restrict vehicle access from Contingent Street to car park and integrate new public plazas and paved outstands.

Reconfigure car park to optimise car park numbers and implement new planting areas and canopy trees between parking bays.

These investigations and subsequent masterplanning should be undertaken as a priority given the critical role of this publicly owned land in revitalizing the town centre and establishing a strong foundation for its future growth.

The issues of concern from submitters relate to the potential loss of access to the central carpark from Contingent Street and limiting access to it from McCrorey Street as depicted in the Trafalgar UDF. The Panel notes that while the Trafalgar UDF sets out longer term objectives for the carpark there are only two design requirements in DDO3 with the potential to impact carpark access and carpark arrangements:

- Development of sites fronting the Princes Highway and Contingent Street should provide for rear parking accessed from Depot Lane.
- In Precincts 2a and 3a, new development should establish new active interfaces with the car park and public space to the rear of the technology centre.

While the longer term aspirations for the central Council carparks may change access and carpark layout and design following a master planning process (presumably involving further community consultation), the DDO3 provisions do not look to remove existing access points, rather they require new development fronting Princes Highway and Contingent to access parking from Depot Lane and to front the carparking areas. These directions and the basis for them are clearly articulated in the Trafalgar UDF. In assessing any proposal Council would need to take into account other considerations including the impact on existing properties, pedestrian networks, loading areas or private parking areas, supported where necessary with appropriate technical assessments.

The Panel considers that the access and carparking interface design requirements are appropriate provisions exist for nearby business impacts to be considered through the planning permit process.

Verandahs and canopies

The Panel considers that the design requirements for verandahs and canopies have been faithfully applied from the Trafalgar UDF which provides the built form character basis for this treatment approach. The Panel acknowledges that this form of structure can be expensive particularly when supporting posts are not provided. However, the requirements are not mandatory and discretion exists for Council to consider other response that achieve similar objectives provisions. Council demonstrated this in its submission identifying that the replacement of existing verandahs with post supported verandah could be supported. At the strategic level the costs of such responses are not a relevant consideration however, economic considerations can be taken into account at the planning permit stage amongst other considerations.

Accessways and pedestrian connections

The Panel considers it appropriate for an Urban Design Framework to identify strategic connections that will enhance the functionality of a centre and for a Design and Development Overlay to include design requirements outcomes which encourage appropriate design responses. The Panel notes that such connections can be identified on both public and private land. Where shown on private land they are depicted in a generalised way to guide the objective outcome without being expressed as a mandatory requirement. The DDO3 decision guidelines appropriately seek to ensure proposals are 'generally in accordance with' the Trafalgar UDF and to consider the design requirements 'as appropriate'. This provides a level of flexibility to respond to the extent of proposed development and other particular circumstances such as delivery access points, safety, traffic movement and amenity.

The Panel supports the identification of a 'Proposed Accessway' across Precinct 2b. The Panel considers the justification of this linkage has a clear reference point in the Trafalgar UDF and provides for the improved performance and connectivity with the central public carpark including the IGA carpark and integrate the precinct with the rest of the town centre. A significant portion of Precinct 2 (west of McCrorey Street) is within a large, vacant holding. While there is no current development proposal for the site, its redevelopment provides an opportunity to provide this linkage, in some fashion, through a whole of site response.

The Panel supports Council's post-exhibition change to delete the 'Key Pedestrian Connections' designation over Precinct 3 as shown in Map 1. This connection crosses multiple lots and has no clear destination or route basis. The Panel however, supports the designation of the other 'Key Pedestrian Connections' as they are referred to in the design requirements and appropriately inform building design responses including façade articulation and street interface treatments. The Panel considers that the Key Pedestrian Connections linework and legend should be removed from Map 1 (the focus of which is height and identifying precincts) and transferred to Map 2 which contains other directions relating to access and landscaping.

Signage

The Panel agrees that the signage provisions of DDO3 are unclear and would benefit from further modifications to reflect the intent of the Trafalgar UDF. Legibility aside the nature of signage requirements proposed are considered reasonable and generally attributable to the

Trafalgar UDF guidelines. The Panel discusses signage in greater detail in Chapter 7. The Panel agrees with Council's position that there is no provision in DDO3 (or the Planning Scheme) to direct existing permitted signs to be removed.

Background documents

While Council did not focus on responding to submissions which raised concerns about the content of the Urban Design Frameworks, the Panel considers that these concerns should have been considered and responded to. This is because the Urban Design Frameworks provide the strategic basis for the proposed DDOs and because Council proposes to include them as background documents into the Baw Baw Planning Scheme. As discussed in Chapter 7 the Urban Design Frameworks include a range of directions beyond those identified in the DDOs. With no policy linkage for the Urban Design Frameworks this creates potential for their misapplication in decision making albeit that they are only Background documents and do not have significant weight in decision making. Chapter 7 includes recommendations on how the role of the background documents might be limited to the application of the DDOs only. In this context the Panel supports the identification of the Trafalgar UDF as a background document as it provides appropriate centre wide context for the design requirements included in DDO3 and how they complement the vision for the town centre.

As identified in Chapter 2, the Panel considers that the Urban Design Frameworks have been prepared in a manner and contain content which make them suitable as background documents. The nature of post-exhibition DDO3 changes proposed by Council are relatively minor and do not require reciprocal changes in the Trafalgar UDF.

Mapping

The Panel supports the simplification of Map 1 to remove the precinct descriptions and colours so that they don't infer land use directions or other outcomes not identified in the design requirements or local policy.

3.6 Conclusions and recommendations

The Panel concludes:

- Map 1 in DDO3 should be amended to remove the 'Key Pedestrian Connections' linework through Precinct 3b and other 'Key Pedestrian Connections' transferred to Map 2.
- The Trafalgar UDF is appropriate to be included as a background document in the Baw Baw Planning Scheme.

The Panel recommends:

Amend Schedule 3 to Clause 43.02 Design and Development Overlay – Trafalgar (DDO3) consistent with the Panel's preferred version of DDO3 in Appendix B1 of this report to:

- **Amend 'Map 1 Precinct and Building Height Plan' to:**
 - **remove the 'Key Pedestrian Connections' linework and legend**
 - **remove the precinct colours and Precinct land use descriptors.**
- **Amend 'Map 2 Building Setbacks and Access Plan' to:**

- **include the 'Key Pedestrian Connections' legend and all associated linework, other than for Precinct 3b, from Map 1.**

4 Neerim South

4.1 The issues

The issues are:

- whether DDO10 should identify a proposed accessway and landscape buffer from Wagner Street to Main Neerim Road
- whether the Neerim South UDF should be a reference document and amended to reflect any changes to DDO10.

4.2 What is proposed?

DDO10 proposes the following design objectives for the Neerim South town centre:

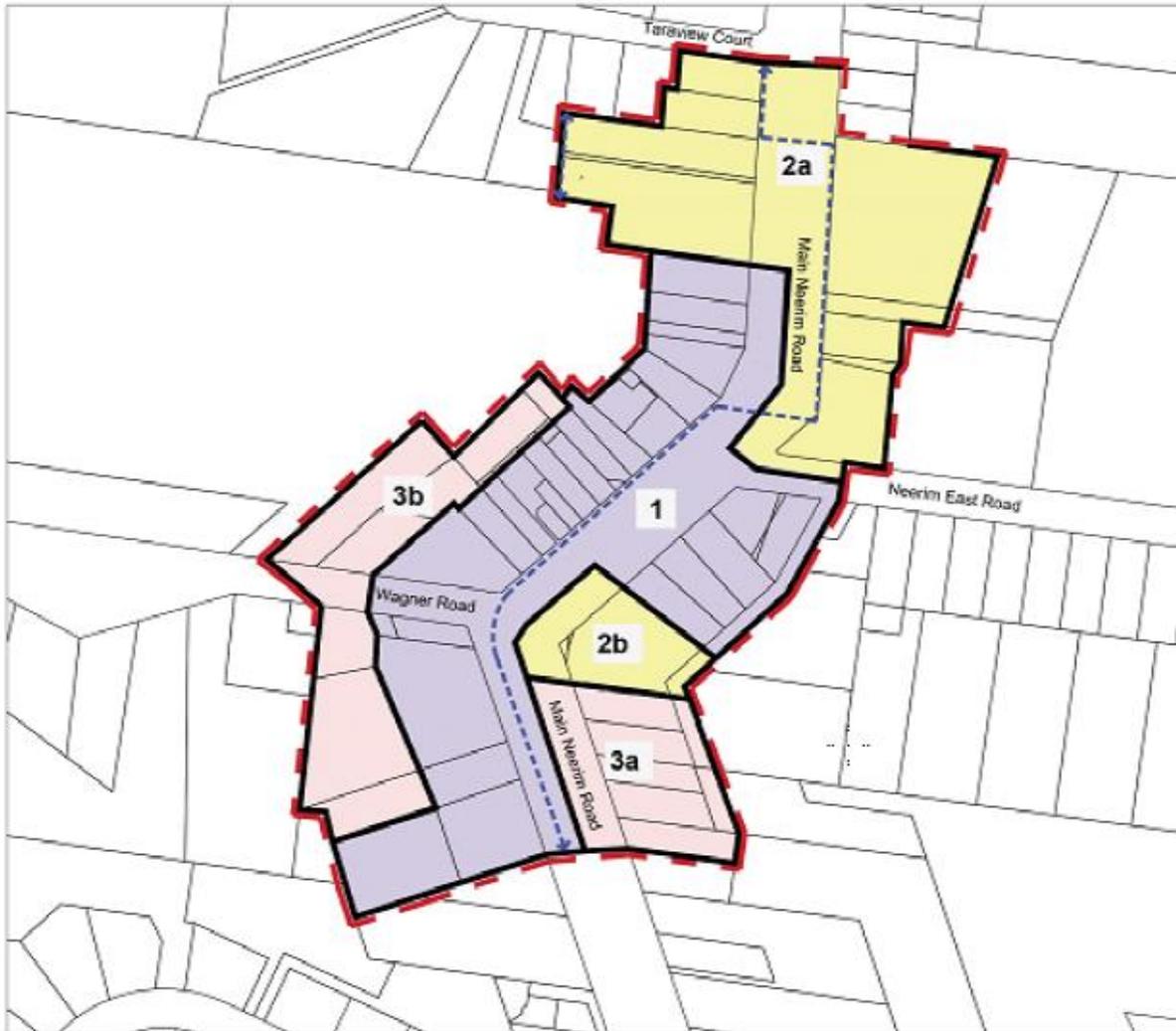
- To implement the strategies of the Neerim South Urban Design Framework (2018).
- To encourage high quality urban design and architecture that responds to the built form character of the town centre, respects the character and amenity of surrounding residential areas and achieves high amenity for users of the street.
- To encourage high quality, fine (urban) grained building design that provides an attractive and articulated form when viewed from surrounding streets, laneways, car parks, and residential and rural areas.
- To maintain and improve the provision and integration of quality public spaces, including streets, laneways, public car parks and other public spaces.
- To maintain the key views and visual outlook to the agricultural and environmental surrounds.

DDO10 provides design and built form requirements for:

- building heights as identified in Map 1 (refer Figure 8) and setbacks as identified in Map 2 (refer Figure 9)
- building design, including appropriately proportioned to respect surrounding built form, façade articulation, pitched roof forms, use of appropriate materials and finishes, screen services, provide cantilevered verandahs without posts and retain traditional built form along Main Neerim Road
- active frontages
- pedestrian and vehicle access including pedestrian linkages and accessways as shown in Map 1 and 2
- landscaping consistent with Map 2.

DDO10 also includes requirements for signage, application requirements and decision guidelines.

Figure 8 DDO10 Neerim - Map 1 Precinct and Building Height Plan



LEGEND

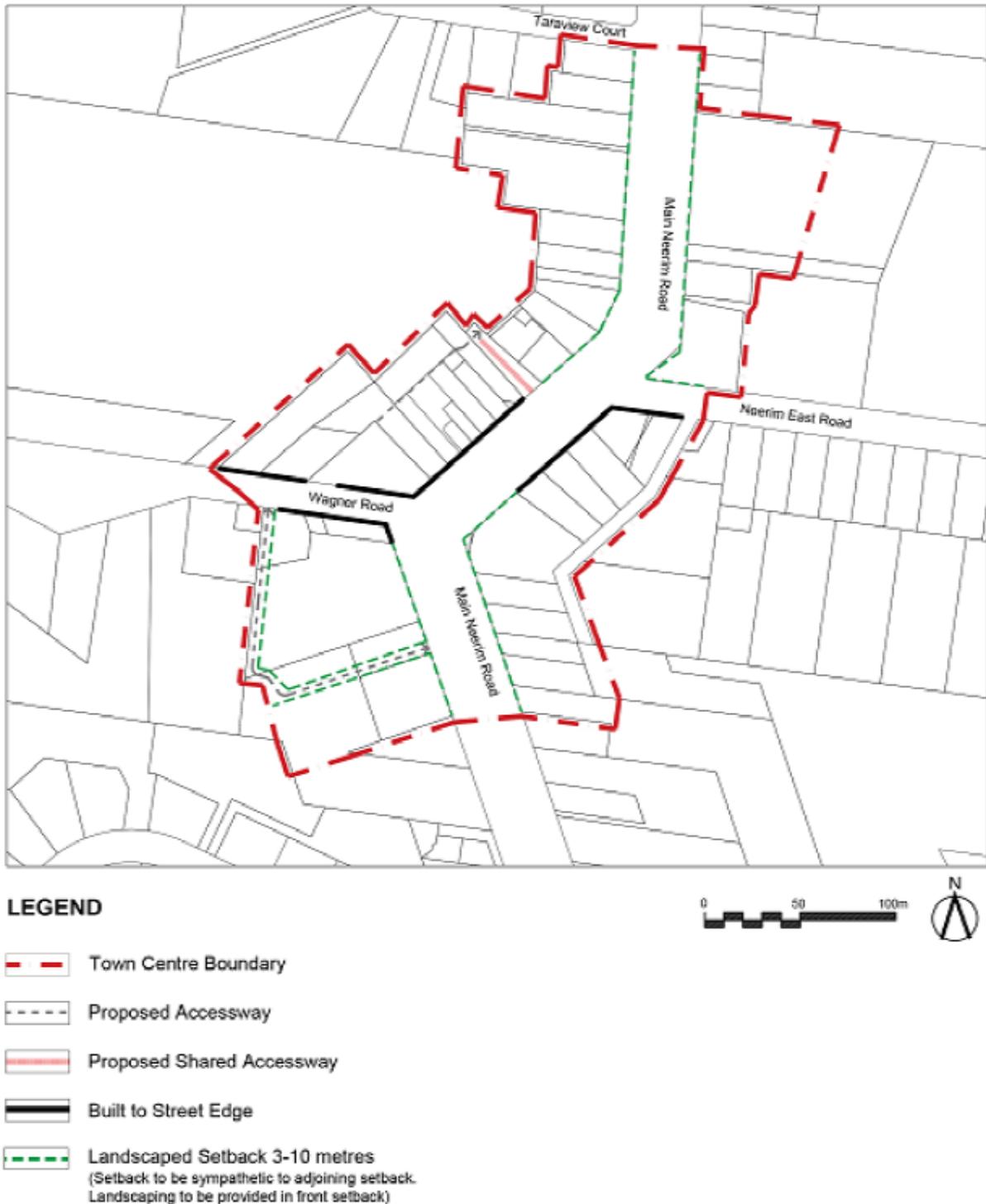
-  Town Centre Boundary
-  Key Pedestrian Connection

Precincts and Preferred Building Heights

-  **Precinct 1**
Height up to 9 metres (1-2 storeys)
-  **Precinct 2**
Precincts 2a and 2b - Height up to 9 metres (1-2 storeys)
-  **Precinct 3**
Precincts 3a and 3b - Height up to 9 metres (1-2 storeys)

*Note: Building height is the vertical distance from natural ground level to the roof or parapet at any point.

Figure 9 DDO10 Neerim South - Map 2 Building Setbacks and Access Plan



The Amendment proposes to include the Neerim South UDF in the Baw Baw Planning Scheme as a Background Document in the Schedule to Clause 72.08. It identifies the following vision for Neerim South:

- A vibrant town centre and the location for local business, retail and community activities providing a diverse range of goods, services and facilities for both residents and visitors.

- A township with a strong and distinctive sense of community pride that reflects the creative, historic and environmental features of the town; ▪ An attractive and vibrant tourism destination.
- A community where residents have access to a quality pedestrian and cycle network linking to key services and facilities.

The key directions of the Neerim South UDF are to:

- upgrade and enhance the tourism node at the town centre
- improve the ease and safety of movement of both vehicles and pedestrians
- expand the commercial core to west
- enhance and establish new community uses and event spaces to the north
- establish a series of small rest stops/plazas through the town centre.

4.3 Relevant policies

Clause 21.04-8 includes the following context statement about Neerim South:

Neerim South is a town providing for industrial, commercial, education, health, recreational, community and residential uses on the main road north from Warragul. It is attractively located atop a ridgeline to the east of the Tarago Reservoir and Bunyip State Forest, and views to the Reservoir, surrounding bush and countryside is a key to its identity. Heritage buildings and established plantings add to its urban character.

...

Commercial

Rezone Low Density Residential Zone land to the west of the town centre at the intersection of Main Neerim Road and Neerim East Road to Mixed Use Zone (or similar zone). This would allow for retail development at the street frontage and the potential for development of mixed density housing at the rear.

These recommendations will be finalised through the urban design framework for the town centre.

4.4 Submissions

Kerry and Jason Rogan (submission 1) while generally supporting the Neerim South Urban Design Framework raised concern over the identification of a proposed accessway through part of their property at 7 Wagner Road (refer Figure 10). Their concerns related to the impact on such a footpath/roadway on their dwelling and loss of use of their deck resulting in associated privacy and amenity impacts, property value and the loss of fruit trees, fencing and a wood shed. The submission sought removal of the accessway direction and notation and confirmation that Council would not seek to compulsorily acquire the proposed accessway land.

Figure 10 7 Wagner Road, Neerim South

Source: Council

Council's submission agreed with the concerns of submitter 1 and proposed further changes to amend Map 2 within DDO10 to remove the identified accessway and the landscape setback linework from 7 Wagner Street and adjoining properties to the south (65-81, 85-87, 89 and 91-109 Main Neerim Road). Appendix 1 of Council's Part B submission contained correspondence to submitter 1 confirming this approach.

Council further post-exhibition changes to amend Map 1 to remove all pedestrian connections and the precinct colours in Map 1 to avoid conferring land use directions.

4.5 Discussion

The Neerim South UDF supports the development of housing to the rear of Neerim South Hotel and other sites along Main Neerim Road by seeking *...to establish new access ways along the western boundary of the town centre, providing access to new mixed use and residential development*". It identifies this direction in mapping for both sections of the town centre that extend to Wagner Road to support further development of underutilised lots, however Map 2 of DDO10 only shows this direction for land on the south side of Wagner Road.

The Panel supports the use of Urban Design Frameworks and by extension DDOs to achieve key strategic connections and linkages. In this instance not all accessway and pedestrian linkages identified in the Neerim South UDF have been depicted in Maps 1 and 2 creating inconsistency in the UDFs translation into DDO10. It is also possible for rear access to the larger properties in Neerim South Road could be achieved without a connection through 7 Wagner Road. The Panel supports Council's post-exhibition changes to remove the identified accessway shown in Map 2 of DDO10. The Panel considers there is value in retaining references to the remaining landscape buffers notations (along Main Neerim Road) because they are referred to in the design requirements. The Panel considers that the 'Key Pedestrian Connections' shown in Map 1 should be retained as they have a relationship with building design responses along Neerim Main Road and the treatments of canopies etc. In

this instance they are all identified within road reserves. They are however more appropriately depicted on Map 2 with other access and landscaping directions.

While Map 1 does not differentiate different preferred heights across the precincts, the design requirements do refer to different precinct outcomes so the map still has some function. The Panel supports Council's post-exhibition changes to remove the precinct colours included in Map 1 to avoid the inference of land use directions given the colours used in DDO3 in particular.

The Panel has identified recommended changes to DDO10 in its preferred version in Appendix B2.

As discussed in Chapter 3 the Panel considers that there is value in identifying the Neerim South UDF as a background document. The retention of the identification of broader strategic ambitions including linkage options within the Neerim South UDF to improve land utilisation as a result of larger site redevelopment opportunities is supported. These objectives could be more strongly articulated and guided through township policy directions.

4.6 Conclusions and recommendations

The Panel concludes:

- Map 2 in DDO10 should be amended to remove the accessway and associated landscape setback delineated on 7 Wagner Road, 65-81, 85-87, 89 and 91-109 Main Neerim Road.
- The Neerim South UDF is appropriate to be included as a background document in the Baw Baw Planning Scheme.

The Panel recommends:

Amend Schedule 10 to Clause 43.02 Design and Development Overlay – Neerim South (DDO10) consistent with the Panel's preferred version of DDO10 in Appendix B2 of this report to:

- **Amend 'Map 1 Precinct and Building Height Plan' to:**
 - **remove the 'Key Pedestrian Connections' linework and legend**
 - **remove the precinct colours.**
- **Amend 'Map 2 Building Setbacks and Access Plan' to:**
 - **delete the accessway and associated landscape setback linework from 7 Wagner Road, 65-81, 85-87, 89 and 91-109 Main Neerim Road.**
 - **include the 'Key Pedestrian Connections' linework and legend from Map 1.**

5 Longwarry

5.1 The issues

The issues are:

- whether DDO11 should be amended to exclude 2 Princes Avenue from the Community/Education Precinct
- whether the Longwarry UDF should be a reference document and amended to reflect any changes to DDO11.

5.2 What is proposed?

DDO11 proposes the following design objectives for the Longwarry town centre:

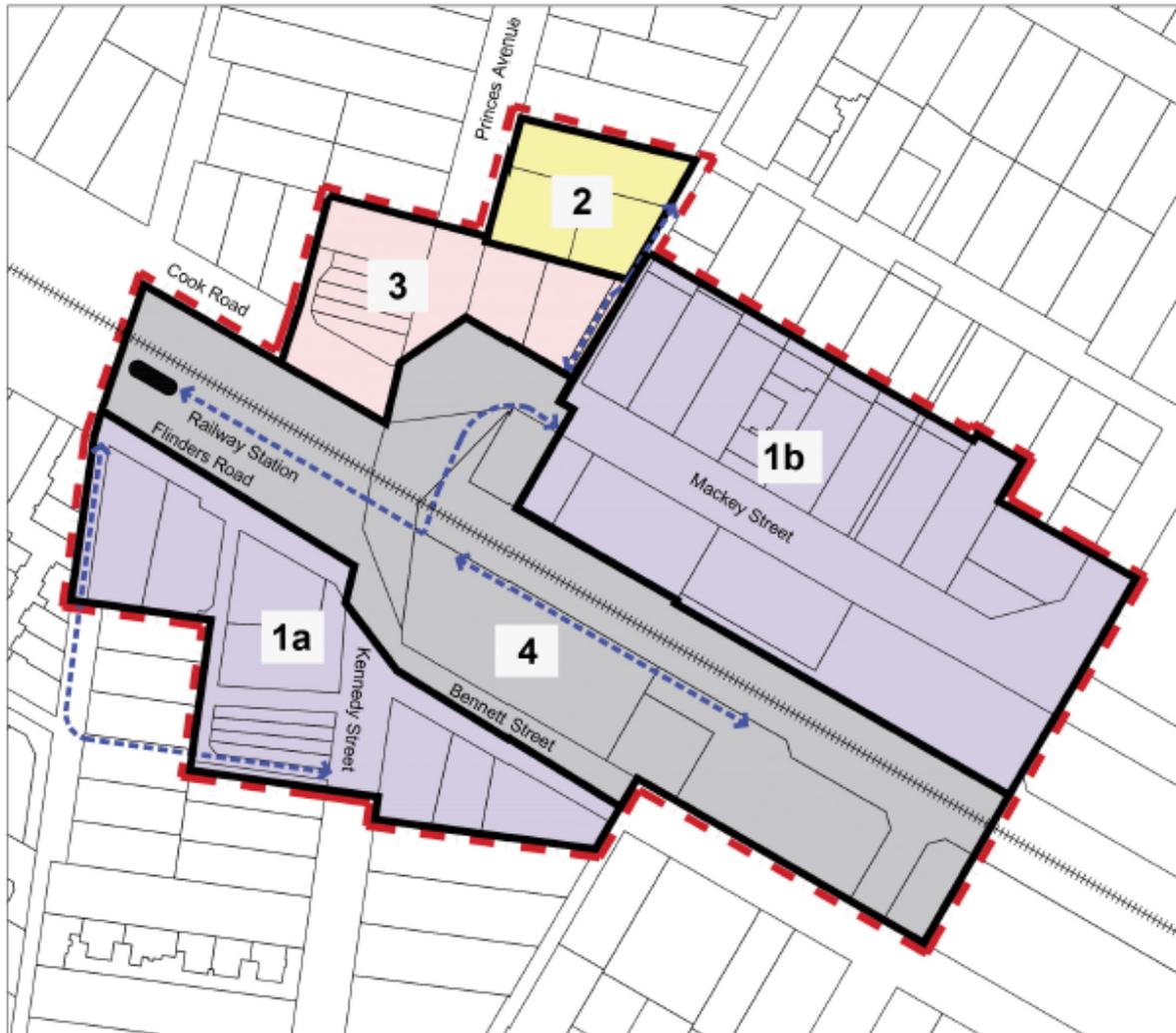
- To implement the strategies of the Longwarry Urban Design Framework (2019).
- To encourage high quality urban design and architecture that is responsive to the built form character of the town centre and surrounding residential areas.
- To encourage the inclusion of water sensitive urban design features within new developments.
- To promote active frontages to the street edge, provide passive surveillance opportunities to public spaces, and accommodate commercial activity at the ground levels of buildings.

DDO11 provides design and built form requirements for:

- building heights as identified in Map 1 (refer Figure 11) and setbacks as identified in Map 2 (refer Figure 12)
- building design, including appropriately proportioned to respect surrounding built form, façade articulation, pitched roof forms, use of appropriate materials and finishes, screen services, provide cantilevered verandahs without posts and include third levels in the roof form
- active frontages
- pedestrian and vehicle access including pedestrian linkages and accessways as shown in Map 1 and 2
- carparking including rear parking accessed off Depot Lane for sites fronting the Princes Highway and Contingent Street
- landscaping consistent with Map 2.

DDO11 also includes requirements for signage, application requirements and decision guidelines.

Figure 11 DDO11 Longwarry - Map 1 Precinct and Building Height Plan



LEGEND

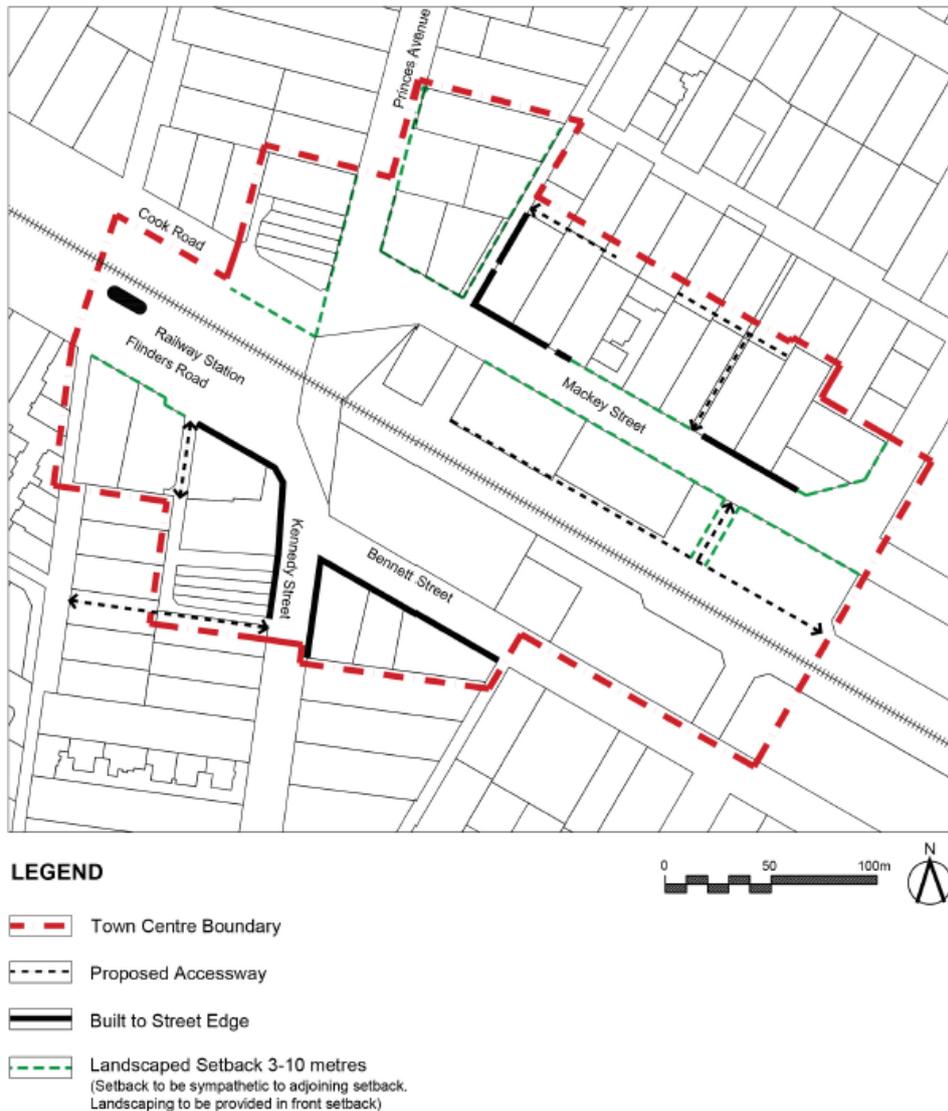
-  Town Centre Boundary
-  Key Pedestrian Connection

Precincts and Preferred Building Heights

-  **1 - Commercial Core and Mixed Use**
Precincts 1a and 1b - Height up to 11 metres (1-3 storeys)
-  **2 - Community/Education**
Precinct 3 - Height up to 11 metres (1-3 storeys)
-  **3 - Medium Density Residential**
Height up to 11 metres (1-3 storeys)
-  **4 - Train Station/Park**
Public use area - no design requirements apply

*Note: Building height is the vertical distance from natural ground level to the roof or parapet at any point.

Figure 12 DDO11 Longwarry - Map 2 Building Setbacks and Access Plan



The Amendment proposes to include the Longwarry UDF in the Baw Baw Planning Scheme as a Background Document in the Schedule to Clause 72.08. It identifies the following vision for Longwarry:

- Longwarry is a vibrant community that wishes to see a safe, clean and caring environment - with planned, sustainable industry and businesses.
- A township with well-designed, 'green' streetscapes, pedestrian connections and community spaces.
- A township which recognises and responds to its floodplain location and environmental characteristics.

The key directions of the Longwarry UDF are to:

- improve legibility and pedestrian access to train station
- recognise opportunities for Water Sensitive Urban Design (WSUD) initiatives in the public realm
- improve the pedestrian environment and links throughout study area
- encourage infill development at vacant land parcels in study areas
- define opportunities and roles for northern and southern commercial precincts.

5.3 Relevant policies

Clause 21.04-7 includes the following context statement for Longwarry:

Longwarry is a town located amid farm land east of the Bunyip River and fulfils a residential, commercial, retail and industrial role for its hinterland and the wider region. Its urban character is a mix of housing styles and ages located around the retail and industrial activities, centred on the railway and main roads. Street trees and wide road reserves with views to farmland, distant hills and ranges emphasise its country town atmosphere.

...

Commercial

Improve the relationship between the retail centres on either side of the railway line through the development of a town centre urban design framework

5.4 Submissions

AGT Developments Pty Ltd (submission 3) sought changes to Map 1 of DDO11 to remove the 'Community/Education uses' designation from 2 Princes Avenue, Longwarry (refer Figure 13) so as to retain its current Commercial 1 Zone opportunities. Mr McGuire for AGT Developments identified that the site was currently vacant and adjoins a kindergarten to the east which abuts Ford Place.

Figure 13 2 Princes Avenue, Longwarry



Source: Council

Council submitted that the Amendment does not propose any rezoning, but acknowledged that the Map 1 in DDO11 “contains unnecessary and confusing reference to the

recommendations of the UDF regarding the potential for future zoning” and that “the Map should be corrected to remove referencing to the zone...”.

Mr McGuire advised that Council’s proposed changes largely satisfied his concerns.

Council acknowledged that the Longwarry UDF makes no particular directions around the establishment of a Community/Education precinct other than noting the location of a ‘childcare centre’ on the land to the east of 2 Princes Avenue.

Council submitted that for DDO11 there was now little value in including Map 1 as the preferred building heights were the same for all areas. It identified amended wording for DDO11 height requirements that removed reference to that Map. Council also proposed to remove pedestrian connections from all DDOs.

The Panel questioned Council about the appropriateness of including the PUZ areas along the train line in DDO11. Council identified that while significant development in the PUZ was unlikely (other than an upgraded station which was likely to be exempt from a planning permit process) it provided a cohesive mapping outcome that reflected the Longwarry UDF and identified other important connections.

5.5 Discussion

The Longwarry UDF refers to the *Longwarry Community Plan (2012-2016)* which identified a need for “*a Community Centre to include adult education short courses, adult day care centre and youth activities*”. However, while the Longwarry UDF mapping² identifies 2 Princes Avenue and the adjoining ‘childcare centre’ as an ‘emerging community hub’ it makes no text commentary about its role or rezoning. The UDF does not designate or utilise the term ‘precinct’, rather these have been used by Council to translate the height provisions for the centre and presumably indicate uses that might have different built form outcomes, generally derived from the UDF. While the UDF identifies built form suggestions for land to the south of 2 Princes Avenue and other C1Z land it does not identify any for this site or the kindergarten or adjoining lot to the north.

The Panel supports Council’s post exhibition changes to remove the current Map 1 from DDO11 because it:

- inappropriately includes land use designations or directions that are not supported by the UDF (particularly those relating to the establishment of a Community/Education precinct)
- does not identify different height outcomes for different precincts, with only a uniform 1-3 storey height proposed for the entire town centre
- it provides no other built form or precinct directions linked to the DDO’s requirements.

The Panel considers that the designation of ‘Key Pedestrian Connections’ identified in Map 1 should be transferred to the Building Setbacks and Access Plan Map. The identification of pedestrian connections is of value in guiding appropriate built form responses.

The Panel has included its recommendations in a Panel preferred version of DDO11 included in Appendix B3. These include expressing preferred height consistent with current practice

² Page 29

and renumbering exhibited DDO11 Map 2 as Map 1 and correcting other consequential requirement Map number and precinct references.

While it is not essential to apply DDO11 to PUZ land, the Panel considers there is some benefit in doing so as to articulate how this land is more fully integrated with the town centre and to reflect the important connections between that land and the rest of the town centre.

The Panel considers that there is value in identifying the Longwarry UDF as a background document without change.

5.6 Conclusions and recommendations

The Panel concludes:

- Map 1 should be deleted from DDO11 and the pedestrian connections depicted transferred to the Building Setbacks and Access Plan Map.
- The Longwarry UDF is appropriate to be included as a background document in the Baw Baw Planning Scheme.

The Panel recommends:

Amend Schedule 11 to Clause 43.02 Design and Development Overlay – Longwarry (DDO11) consistent with the Panel’s preferred version of DDO11 in Appendix B3 of this report to:

- **Delete ‘Map 1 Precinct and Building Height Plan’.**
- **Rename ‘Map 2 Building Setbacks and Access Plan’ as ‘Map 1 Building Setbacks and Access Plan’ and include the ‘Key Pedestrian Connections’ linework and legend from the exhibited Map 1 Precinct and Building Height Plan.**
- **Amend ‘Section 2.0 Buildings and works’ to amend the ‘Building height and setbacks’ requirements to read:**
 - **Building height should not exceed the preferred building height of three storeys (11 metres).**
 - **Buildings should be setback the distance specified in Map 2.**

6 Department of Transport submission

6.1 The issues

The issues are:

- whether DDO3, DDO10 and DDO11 should include additional design requirements for landscaping and fences adjacent to arterial roads
- whether DDO3, DDO10 and DDO11 should include additional design requirements for buildings and fences adjacent to the railway line.

6.2 Submissions

DoT supported the Amendment and the objectives to improve safety and amenity through the separation of vehicles and pedestrians and reduction of arterial road conflict points. It also acknowledged the upgrades undertaken at the Trafalgar Railway Station as part of the State Government's Gippsland Rail Corridor Station Upgrade Program. The submission sought the inclusion of an additional requirement in all three proposed Design and Development Overlays to ensure landscaping or fencing adjacent to arterial roads *"be carefully selected to ensure there is no obstruction to of vehicle sightlines"*. For Longwarry it also sought that *"buildings and fences erected adjacent to the railway line meet appropriate acoustic, glare, stormwater and vegetation requirements"*.

Council supported these changes as worded by DoT and proposed that they be included as requirements under the landscape directions of each DDO. While it agreed that these requirements were not identified in the Urban Design Frameworks and could in part be responded to anyway through the usual assessment considerations there was effectively *"no harm"* in adding them so as *"to provide extra assurance"* to DoT.

The DoT submission also identified that further Gippsland line upgrades included improvements to Longwarry Station, suggesting that Council's future planning for Longwarry consider restricting commercial growth to the northern precinct which it considered would *"improve liveability by alleviating any future connectivity pressures associated with access across the railway line ..."*. Council did not address this component of DoT's submission as its submissions were focused on the content of the DDOs rather than the Urban Design Frameworks.

6.3 Discussion

While Council identified that agencies such as VicRoads were involved in the development of the Urban Design Frameworks, they were unable to advise if the issue of additional requirements for fences and landscaping on arterial roads was raised.

DoT appears to have taken the opportunistic approach to seek specific design requirements for the three townships that do not exist within other towns within the municipality. The Panel is therefore somewhat reluctant to add additional design requirements that weren't articulated or explored as part of the total design considerations identified in the Urban Design Frameworks however, it accepts that the consideration of obstructions to vehicle sightlines and the aesthetic treatments along rail lines are appropriate considerations generally. While other tools and decision guidelines within planning schemes allow the consideration of such impacts, it is not inappropriate to include them as part of a tool that

introduces design guidance for town centres as long as those requirements do not work against achieving the broader design objectives for those town centres. The Panel notes that there are no referral mechanisms for such buildings and works to DoT other than the construction of an access to a Category 1 Road Zone.

In relation to DoT's suggestions regarding buildings and fences erected adjacent to railway lines within DDO11, the Panel notes that the proposed wording would effectively limit this requirement to proposals on the south side of Mackey Street as the only land outside the PUZ that is adjacent to the railway line (all other land in the town centre being separated from the rail line by a road). Much of this land is within public ownership with minimal activity likely to trigger the requirement sought by DoT.

The Panel notes however, that Council supports including additional requirements in response to DoT's submission. The Panel supports their inclusion on this basis but considers that they should be expressed in a way that is positive and avoids vague language and terms that are unclear such as "*carefully selected*" and "*appropriate...requirements*". Suggested wording has been included in the Panel's preferred version of the Design and Development Overlays included in Appendix B.

While the Panel notes the suggestion from DoT that Council's future planning look to limit commercial growth north of the railway line because of connectivity issues, it considers that this suggestion fails to consider some of the existing centre issues identified in the UDF and the need to ensure both commercial precincts work effectively as a single viable centre through improved pedestrian connectivity. Regardless, the UDF does not propose further extension of the C1Z. Future growth of Longwarry may well necessitate more commercial floorspace and this would presumably be examined as part of a future wider centre or UDF review.

6.4 Conclusion and recommendations

The Panel concludes:

- That DDO3, DDO10 and DDO11 be amended to include a requirement for landscaping and fencing on arterial roads.
- That DDO11 be amended to include a requirement for building and fences on rail lines.

The Panel recommends:

Amend 'Section 2.0 Buildings and works' of Schedule 3 to Clause 43.02 Design and Development Overlay – Trafalgar (DDO3), Schedule 10 to Clause 43.02 Design and Development Overlay – Neerim South (DDO10) and Schedule 11 to Clause 43.02 Design and Development Overlay – Longwarry (DDO11) consistent with the Panel's preferred version of Design and Development Overlays in Appendix B1, B2 and B3 to insert a new Landscaping requirement as follows:

- **Landscaping and fencing treatments on sites adjoining an arterial road should not obstruct vehicle sight lines.**

Amend 'Section 2.0 Buildings and works' of Schedule 11 to Clause 43.02 Design and Development Overlay - Longwarry (DDO11) consistent with the Panel's preferred version of Design and Development Overlays in Appendix B3 to insert a new Building design requirement as follows:

- **Buildings and fences adjoining a railway line are designed to provide interface treatments that manage noise, glare and stormwater impacts.**

7 Form and content of the Design and Development Overlays

7.1 References to Urban Design Frameworks

(i) Discussion

Council expressed a clear desire for the Urban Design Frameworks to be identified as background documents. As discussed in Chapter 3 the Urban Design Frameworks include a range of directions that extend beyond those translated into each of the proposed DDOs. No changes to policy have been proposed to reflect the wider directions of the Urban Design Frameworks. The Panel while supporting the use of the Urban Design Frameworks as background documents considers this should be for the purpose of informing the application of the DDOs only.

The Amendment proposes to include references to the Urban Design Frameworks in each DDO within the:

- ‘1.0 Design objectives’ - *“To implement the strategies³ of the ... Urban Design Framework ...”*
- ‘6.0 Decision guidelines’ - *“Whether the proposal is generally in accordance with the ... Urban Design Framework ...”*

While this might be reasonable where the documents are referenced through local policy, this is not the case here and the Panel is concerned that these references have the potential to be interpreted as applying to the broader range of directions in the Urban Design Frameworks. The Panel acknowledges that the Urban Design Frameworks are only proposed to be given background status and the DDOs do not contain mandatory provisions the current wording creates the potential for unforeseen circumstances. It considers therefore, that there would be benefit in clarifying that the consideration is limited to the design guidelines contained within the Urban Design Frameworks. Future strategic work by Council to align township policy directions with those in the Urban Design Frameworks and the DDOs may form a basis for reviewing these words.

(ii) Recommendations

The Panel recommends:

Amend Schedule 3 to Clause 43.02 Design and Development Overlay – Trafalgar (DDO3), Schedule 10 to Clause 43.02 Design and Development Overlay – Neerim South (DDO10) and Schedule 11 to Clause 43.02 Design and Development Overlay – Longwarry (DDO11) consistent with the Panel’s preferred version of Design and Development Overlays in Appendix B1, B2 and B3 of this report to:

- **Amend ‘Section 1.0 Design objectives’ by amending the first design objective to replace the words ‘strategies’ with ‘design guidelines’.**

³ Panel’s emphasis

- Amend ‘Section 6.0 Decision guidelines’ by amending the first decision guideline to insert ‘design guidelines of the’ after the words ‘Whether the proposal is generally in accordance with the’.

7.2 Signage requirements

(i) Discussion

Council invited the Panel to provide recommendations in relation to the signage provisions of the DDOs.

DDO3 identify the following requirements for signs:

- Signs should be sited below building eaves.
- The proportion and scale of signage should be integrated into the design of the building and complement the prevailing signage character in the streetscape.
- Signs should not be illuminated. Where illuminated signs are considered appropriate, ensure light spill to nearby residential land is avoided.
- Street panel signs, sandwich board signs and projecting signs located above cantilevered awnings should only be used when there is no suitable alternative.

DDO10 and DDO11 contain similar requirements but include slightly different variations however, the broader objectives are largely the same:

- Business identification signage should be integrated into the design of the building and not be visually dominant.
- Signs should not protrude above the parapet and should be sited below the building eave.
- The proportion and scale of signage should complement the prevailing signage character in the streetscape.
- Street panel signs, sandwich board signs and projecting signs located above cantilevered awnings are discouraged.

In response to the submission of TCCI Council provided a comparison between what was included in the Trafalgar UDF and how it had been transcribed into DDO3. There was general consistency although some signage provisions in the UDF had not been included. Council submitted that it was not clear why the Trafalgar UDF contains the sentence that restricts signs to being below the eaves and⁴ that they should not protrude above the parapet. It considered one possibility that the authors intended the requirement to be read as an ‘either/or’ rather than an ‘and’ guideline. Council identified that within Trafalgar many business identification signs are located above eave level and that it was unfair for all signs to be restricted to this requirement and that such a requirement would result in minimal change to the streetscape.

Council proposed that the wording be simplified to “*Signs should not protrude above the parapet*”. It further proposed that the requirements relating to street panel signs, sandwich board signs and projecting signs should be removed for all three DDOs as the terminology is confused, including a mix of sign types (only one of which, ‘panel sign’, is defined in Clause 73.02) and positioning.

⁴ Panel’s emphasis

Signage, while an important element of business identification as identified by Mr Draper it can also have a significant impact on the character of a place. The Panel considers that it is appropriate for an Urban Design Framework and a Design and Development Overlay to seek to manage signage outcomes consistent with a place vision.

The Panel agrees that the requirements as currently expressed are a confusing blend of terms and directions. A sandwich board sign (or A frame sign) for example is not defined and typically managed through a Local Law approval as they are temporary in nature. The use of eaves as a measure is also unusual particularly if these are not particularly apparent or hidden behind parapets. Positioning terms such as 'above verandah' signs or nominating a maximum height above the footpath are more common methods of managing signage outcomes.

The Panel considers that when considering what signage requirements should be included Council should consider the broader centre vision and objectives to be achieved (or avoided). In this regard the use of requirements that encourage signs to be integrated into building design and not visually dominant are appropriate and clear, as are the discouragement of internally illuminated signs. For similar reasons the use of terms such as 'complementing the prevailing character' are not useful when trying to signal a change in design outcome (for example to discourage more dominant sign forms that might already be prevalent but impacting streetscape character). Light spill consideration for illuminated signs is an amenity issue and can be considered under the decision guidelines of Clause 52.05. Similarly, the consideration of signs not encouraged doesn't need to be allowed for within the requirements as discretion to consider alternative exist both within the DDO and Clause 52.05 decision guidelines.

In terms of projecting signs, the Panel considers that what is trying to be discouraged is the erection of signs that project above (or out from) a verandah, canopy, awning or parapet.

The Panel considers that the sign requirements for all three DDOs should be consistent. There is little in the respective Urban Design Frameworks to support different signage outcomes for each town centre.

The Panel has recommended changes to the signage requirements as identified in its preferred version of Design and Development Overlays in Appendix B.

(ii) Recommendation

The Panel recommends:

Amend 'Section 4.0 Signs' in Schedule 3 to Clause 43.02 Design and Development Overlay – Trafalgar (DDO3), Schedule 10 to Clause 43.02 Design and Development Overlay – Neerim South (DDO10) and Schedule 11 to Clause 43.02 Design and Development Overlay – Longwarry (DDO11) by amending the requirements for signs consistent with the Panel's preferred version of Design and Development Overlays in Appendix B1, B2 and B3 of this report.

Appendix A Document list

No.	Date	Description	Provided by
1	9/06/2020	Council Part A submission	Council
2	15/06/2020	Council Part B submission	"
3	16/06/2020	Word versions of Design and Development Overlays	"

Appendix B Panel preferred version of Design and Development Overlays

Tracked Added

~~Tracked Deleted~~

B1 Schedule 3 to Clause 43.02 Design and Development Overlay – Trafalgar

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SCHEDULE 3 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO3**.

TRAFALGAR TOWN CENTRE

1.0 Design objectives

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To implement the [strategies design guidelines](#) of the *Trafalgar Urban Design Framework (2018)*.

To encourage high quality urban design and architecture that is responsive to the built form character of the town centre and surrounding residential areas.

To maintain and improve the quality public spaces, including streets, laneways, public car parks and other public spaces.

To promote active frontages to the street edge, including at the ground levels of buildings and provide passive surveillance opportunities to public spaces.

2.0 Buildings and works

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Permit requirements

A permit is not required to construct a building or carry out works for:

- An out-building (other than a garage or carport) provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height does not exceed 3 metres above ground level.
- Extension of an existing dwelling, if the increase in floor area is less than 50 square metres, the front setback is not altered and the building height requirements as shown on Map 1 of this schedule are met.

A permit is required to construct a fence if one of the following applies:

- The fence is a front fence constructed of chain- wire mesh.
- The fence is a front fence and is more than 1.2 metres in height.
- The fence is a front fence and provides less than 50 per cent transparency.
- The fence is on a side street boundary and is more than 1.2 metres in height for more than 40 per cent of the side boundary length.

Design requirements

New development should address the design requirements and outcomes to be achieved for the town centre as well as any design requirement specified for individual precincts in this schedule.

Building height and setback

Buildings should meet the following height and setback requirements:

- Development should comply with the preferred building height specified for each precinct in Map 1.
- Buildings should be setback the distance specified in Map 2 for each precinct.
- Building height should not exceed the parapet height of any abutting heritage building with Princess Highway frontage.

Building design

~~In all precincts, b~~Buildings should:

- Be well proportioned with respect to surrounding built form.
- Protect the public realm views to the Strzelecki Ranges.

- Reflect the rural character of the area through use of natural building materials such as stone, brick, weatherboard and timber products, and the use of non-reflective surfaces and neutral, muted colours.
- Have long continuous facades divided into smaller vertical sections, using variation in wall articulation, window openings, materials and colours.
- Use non-reflective glass in commercial areas.
- Complement existing historic development in scale and height and retain the integrity of heritage buildings.
- Maintain view lines of the former Wesleyan Methodist Church from Princes Highway and Anzac Road.
- Incorporate any third level proposals into the roof form (i.e. loft-style with dormer windows).
- Be designed with commercial verandahs or canopies consistent with the streetscape and extended to the kerb line.
- Use cantilevered verandahs on street frontages and avoid the use of posts.
- Incorporate a roof form which complements the prevailing character within the surrounding residential context (i.e. pitched, hipped or gable), with a second storey incorporated into the roof form where possible.

Active frontages

- New developments should avoid blank, inactive walls on street frontages and encourage provision of passive surveillance.
- Operable glazed frontages are encouraged for food and drink premises to improve integration with the street.
- Buildings should be designed to provide a minimum 70% transparent front façade at ground level to the street and public car parking areas.
- In Precincts 2a and 3a, new development should establish new active interfaces with the car park and public space to the rear of the technology centre.
- Wide or consolidated frontages should incorporate breaks in building mass to reflect the existing residential form in the streetscape.

Pedestrian and vehicle access

- Development should facilitate the creation of pedestrian links as shown on Map 21.
- Pedestrian access points should be separate from vehicle access points.
- In Precinct 2b, new development should facilitate the creation of the accessway connecting to Kitchener Street, as shown on Map 2.

Car parking

- Development of sites fronting the Princes Highway and Contingent Street should provide for rear parking accessed from Depot Lane.

Landscaping

- Landscaping in setbacks should be consistent with Map 2.
- In Precinct 2a, an open landscaped area to the west of the former church should be retained. Planting near the northern western boundary of the church site should be low profile to maintain views of the historic building from the Princes Highway.
- Existing canopy trees should be retained and incorporated into the site design.
- [Landscaping and fencing treatments on sites adjoining an arterial road should not obstruct vehicle sight lines.](#)

3.0

Subdivision

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None specified.

4.0 Signs

~~4.0~~
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The following requirements apply in addition to sign requirements in Clause 52.05:

- ~~▪ Signs should be sited below building eaves.~~
- ~~The proportion and scale of s~~Signage should be integrated into the design of the building and not be visually dominant in proportion and scale ~~complement the prevailing signage character in the streetscape.~~
- Signs should not project above parapet level or out from the building façade above verandah or canopy level.
- Internally illuminated signs are not encouraged ~~Signs should not be illuminated. Where illuminated signs are considered appropriate, ensure light spill to nearby residential land is avoided.~~
- ~~Street panel signs, sandwich board signs and projecting signs located above cantilevered awnings should only be used when there is no suitable alternative.~~

5.0 Application requirements

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The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A report detailing how the proposed development addresses the design objectives and requirements specified in this Schedule and meets the preferred building height setbacks shown in Map 1 and map 2 of this Schedule.

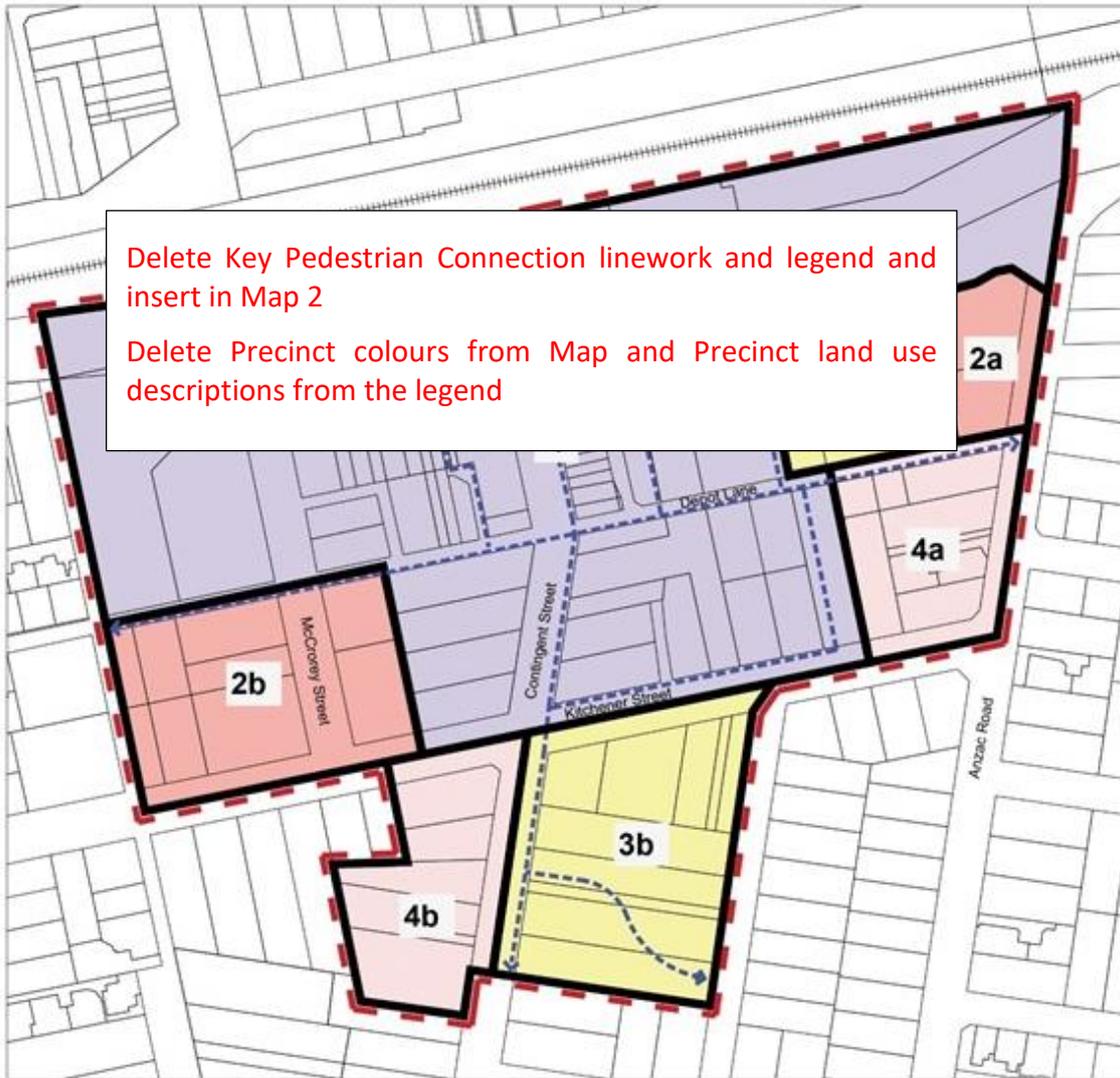
6.0 Decision guidelines

~~6.0~~
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The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal is generally in accordance with the decision guidelines of the Trafalgar Urban Design Framework (2018).
- Whether the Objectives and the Design requirements of this Schedule are satisfied.
- The architectural quality of the proposal, which includes the design, scale, height, materials, mass and visual bulk of the development in relation to the surrounding built form.
- Whether the proposal provides an active street interface to street frontages and contributes positively to the pedestrian environment and other areas of the public realm.

Map 1 – Precinct and Building Height Plan



LEGEND

-  Town Centre Boundary
-  Key Pedestrian Connection



Precincts and Preferred Building Heights

-  **1 - Commercial Core**
Precinct 1 - Preferred height up to 9 metres (1-2 storeys)
-  **2 - Mixed Use**
Precinct 2a - Preferred height up to 9 metres (1-2 storeys)
Precinct 2b - Preferred height 9-11 metres (2-3 storeys)
-  **3 - Community/Education**
Precincts 3a and 3b - Preferred height up to 9 metres (1-2 storeys)
-  **4 - Medium Density Residential**
Precinct 4a - Height up to 11 metres (1-3 storeys)
Precinct 4b - Height up to 9 metres (1-2 storeys)

*Note: Building height is the vertical distance from natural ground level to the roof or parapet at any point.

Map 2 –Building Setbacks and Access Plan



LEGEND

-  Town Centre Boundary
-  Proposed Accessway
-  Built to Street Edge
-  Shallow Setback 1-2 metres
(Small setback to allow space for path widening to 3 metres wide along building edge)
-  Landscaped Setback 3-10 metres
(Setback to be sympathetic to adjoining setback. Landscaping to be provided in front setback)
-  Chamfered Building Corner



B2 Schedule 10 to Clause 43.02 Design and Development Overlay – Neerim South

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SCHEDULE 10 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO10**.

NEERIM SOUTH TOWN CENTRE

1.0

Design objectives

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To implement the ~~strategies~~ [design guidelines](#) of the Neerim South *Urban Design Framework (2018)*.

To encourage high quality urban design and architecture that is responsive to the built form character of the town centre, respects the character and amenity of surrounding residential areas and achieves high amenity for users of the street.

To encourage high quality, fine (urban) grained building design that provides an attractive and articulated form when viewed from surrounding streets, laneways, car parks, and residential and rural areas.

To maintain and improve the provision and integration of quality public spaces, including streets, laneways, public car parks and other public spaces.

To maintain the key views and visual outlook to the agricultural and environmental surrounding.

2.0

Buildings and works

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A permit is not required to construct a building or carry out works for:

- An out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- An extension of an existing dwelling, if the increase in floor area is less than 50 square metres, the front setback is not altered and the building height requirements as shown on Map 1 are met.

A permit is required to construct a fence if one of the following applies:

- The fence is a front fence constructed of chain- wire mesh.
- The fence is a front fence and is more than 1.2 metres in height.
- The fence is a front fence and provides less than 50 per cent transparency.
- The fence is on a side street boundary and is more than 1.2 metres in height for more than 40 percent of the side boundary length.

Design requirements

New development or extension to an existing building should address the design requirements and outcomes to be achieved for the town centre as well as any design requirement specified for individual precincts in the following sections.

Building height and setback

Buildings should meet the following height and setback requirements:

- Development should comply with the preferred building height specified for each precinct in Map 1.
- Buildings should be setback to the distance specified in the design requirements for each precinct in Map 2.

Building design

~~In all precincts, b~~Buildings should:

- Be well proportioned with respect to surrounding built form.
- Divide long continuous facades into smaller vertical sections, using variation in wall articulation, window openings, materials and colours.

- Incorporate contemporary design with finishes that reflect the rural character of the area, including, but not limited to: brick, stone, weatherboard and timber products.
- Incorporate any third level proposals into the roof form (ie. loft-style with dormer windows).
- Have all plant and rooftop equipment, bin enclosures and other service related structures concealed from the surrounding street views.
- Be designed with commercial verandahs or canopies consistent with the streetscape and extended to the kerb line.
- Use cantilevered verandahs on street frontages and avoid the use of posts.
- Have roof form that complements the prevailing character within the surrounding residential context (i.e. pitched, hipped or gable).
- Along Main Neerim Road, retain of the existing traditional built forms.

Active frontages

- Development should avoid blank, inactive walls on street frontages and encourage provision of passive surveillance.
- Commercial buildings should be designed to provide a minimum 70 percent active frontage at ground level.
- Pedestrian entries into buildings should be clearly visible, well-lit and directly face the street or adjoining public space to promote safety.
- In Precinct 4b new development should establish active interfaces with new accessways.
- Operable glazed frontages are encouraged for food and drink premises to improve integration with the street.

Pedestrian and vehicle access

- Development should facilitate the creation of pedestrian links and accessways as shown on [Maps 1 and 2](#).
- The number of vehicle crossovers should be minimised and where possible provided from laneways or secondary street frontages.
- Development of sites fronting Main Neerim Road should provide for rear parking.

Landscaping

- Landscaping in setbacks should be consistent with Map 2.
- Existing canopy trees must be retained and incorporated into the site design of new buildings, including commercial buildings.
- Existing Eucalyptus strezeleckii (Strezelecki Gum) must be retained and incorporated into the site design of new buildings, including commercial buildings.
- [Landscaping and fencing treatments on sites adjoining an arterial road should not obstruct vehicle sight lines.](#)

3.0

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Subdivision

None specified.

4.0

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Signs

The following requirements apply in addition to sign requirements for Category 1 signs in Clause 52.05:

- ~~Business identification s~~ Signage should be integrated into the design of the building and not be visually dominant [in proportion and scale](#).
- Signs should not ~~protrude~~ project above the parapet [level or out from the building façade above verandah or canopy level](#).

- ~~▪ The proportion and scale of signage should complement the prevailing signage character in the streetscape.~~
- Internally illuminated signs are not encouraged ~~should not be illuminated. Where illuminated signs are required, ensure light spill to nearby residential land is avoided.~~
- ~~▪ Street panel signs, sandwich board signs and projecting signs located above cantilevered awnings are discouraged.~~

5.0 Application requirements

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The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A report detailing how the proposed development addresses the Design requirements of this Schedule and the preferred building heights and setbacks as shown on Map 1 and Map 2 of this Schedule.
- Elevation drawings and three-dimensional diagrams or visualisation showing the proposed building in the context of the surrounding buildings and the streetscape.
- For commercial developments with landscaped setbacks, a landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

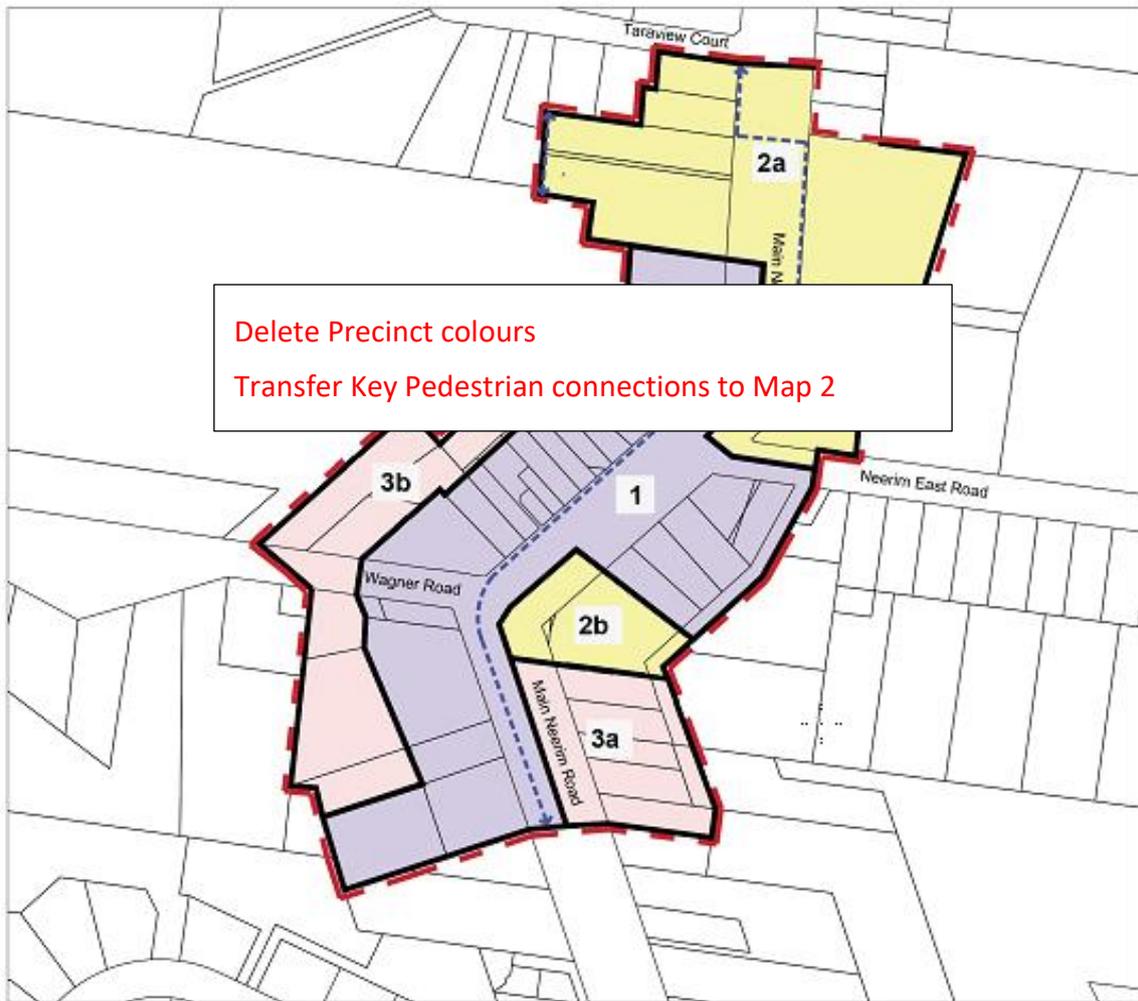
6.0 Decision guidelines

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The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal is generally in accordance with [the design guidelines of the Neerim South Urban Design Framework \(2018\)](#).
- Whether the Objectives and the Design requirements of this Schedule are satisfied.
- The architectural quality of the proposal, which includes the design, scale, height, materials, mass and visual bulk of the development in relation to the surrounding built form.
- Whether the proposal provides an active street interface to street frontages and contributes positively to the pedestrian environment and other areas of the public realm.
- Whether the proposal maintains the key views to the agricultural and environmental surrounding.
- Whether the materials and finishes of a proposed fence reflect the rural character of the municipality.
- The role of mature canopy trees and the native *Eucalyptus strezelickii* in contributing to the character of the area.

Map 1 – Precinct and Building Height Plan



LEGEND

-  Town Centre Boundary
-  Key Pedestrian Connection

Precincts and Preferred Building Heights

-  **Precinct 1**
Height up to 9 metres (1-2 storeys)
-  **Precinct 2**
Precincts 2a and 2b - Height up to 9 metres (1-2 storeys)
-  **Precinct 3**
Precincts 3a and 3b - Height up to 9 metres (1-2 storeys)

*Note: Building height is the vertical distance from natural ground level to the roof or parapet at any point.



Map 2 – Building Setbacks and Access Plan



LEGEND

-  Town Centre Boundary
-  Proposed Accessway
-  Proposed Shared Accessway
-  Built to Street Edge
-  Landscaped Setback 3-10 metres
(Setback to be sympathetic to adjoining setback.
Landscaping to be provided in front setback)



B3 Schedule 11 to Clause 43.02 Design and Development Overlay – Longwarry

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C--

SCHEDULE 11 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO11**.

LONGWARRY TOWN CENTRE

1.0 Design objectives

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C--

To implement the ~~strategies~~ [design guidelines](#) of the Longwarry *Urban Design Framework (2019)*.

To encourage high quality urban design and architecture that is responsive to the built form character of the town centre and surrounding residential areas.

To encourage the inclusion of water sensitive urban design features within these developments.

To promote active frontages to the street edge, provide passive surveillance opportunities to public spaces, and accommodate commercial activity at the ground levels of buildings.

2.0 Buildings and works

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A permit is not required to construct a building or carry out works for:

- An out-building (other than a garage or carport) provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- An extension of an existing dwelling, if the increase in floor area is less than 50 square metres, the front setback is not altered and the building height [design](#) requirements ~~as shown on Map 1~~ are met.

A permit is required to construct a front fence.

Design requirements

New development or extension to an existing building should address the design requirements and outcomes to be achieved for the town centre ~~as well as any design requirement specified for individual precincts~~ in the following sections.

Building height and setback

Buildings should meet the following height and setback requirements:

- Development should ~~comply with~~ [not exceed](#) the preferred building height ~~specified for each precinct in Map 1~~ of three storeys (11 metres).
- Buildings should be setback ~~to~~ the distance specified in ~~the design requirements for each precinct in~~ Map [12](#).

Building design

~~In all precincts,~~ [b](#)Buildings should:

- Be well proportioned with respect to surrounding built form.
- Divide long continuous facades should into smaller vertical sections, using variation in wall articulation, window openings, materials and colours.
- Reflect the rural character of the area through use of natural building materials such as stone, brick, weatherboard and timber products, and the use of non-reflective surfaces and neutral, muted colours.
- Have plant and rooftop equipment, bin enclosures and other service related structures concealed from the surrounding street views.
- Incorporate any third level proposals into the roof form (ie. loft-style with dormer windows).

- Be designed with cantilevered verandahs or canopies that are consistent with the streetscape, extended to the kerb line and avoid use of posts and barriers.
- [Buildings and fences adjoining a railway line are designed to provide interface treatments that manage noise, glare and stormwater impacts.](#)

Active frontages

- Development should avoid blank, inactive walls on street frontages and encourage provision of passive surveillance.
- Buildings should be designed to provide a minimum 70 percent transparent front facade at ground level.
- Pedestrian entries into buildings should be clearly visible, well-lit and directly face the street or adjoining public space to promote safety.
- Operable glazed frontages are encouraged for food and drink premises to improve integration with the street.

Pedestrian and vehicle access

- Development should facilitate the creation of pedestrian links and access ways as shown on Maps ~~1 and 2~~.
- The number of vehicle access points should be minimised and provided from laneways or secondary street frontages.
- Pedestrian access points should be separate from vehicle access points and pedestrian crossings clearly distinguished within the car parks.

Landscaping

- Landscaping in setbacks should be consistent with Map ~~1~~ 2.
- The front setback landscape treatment should incorporate drought tolerant and hardy plant species and at least 50 percent of its area should be permeable.
- Existing canopy trees should be retained and incorporated into the site design.
- [Landscaping and fencing treatments on sites adjoining an arterial road should not obstruct vehicle sight lines.](#)

3.0

Subdivision

~~1/20~~
C--

None specified.

4.0

Signs

~~1/20~~
C--

The following requirements apply in addition to requirements for Category 1 signs in Clause 52.05.

- ~~Business identification s~~ Signage should be integrated into the design of the building as to not be visually dominant [in proportion and scale](#).
- Signs should not ~~protrude project~~ above the parapet [level or out from the building façade above verandah or canopy level](#).
- ~~The proportion and scale of signage should complement the prevailing signage character in the streetscape.~~
- [Internally illuminated signs are not encouraged](#) ~~Signs should not be illuminated. Where illuminated signs are required, ensure light spill to nearby residential land is avoided.~~
- ~~Street panel signs, sandwich board signs and projecting signs located above cantilevered awnings are discouraged.~~

5.0

Application requirements

~~1/20~~
C--

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A report detailing how the proposed development addresses the design requirements and outcomes specified in this Schedule.
- Elevation drawings and three-dimensional diagrams or visualisation showing the proposed building in the context of the surrounding buildings and the streetscape.
- For commercial developments with landscaped setbacks, a landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

6.0

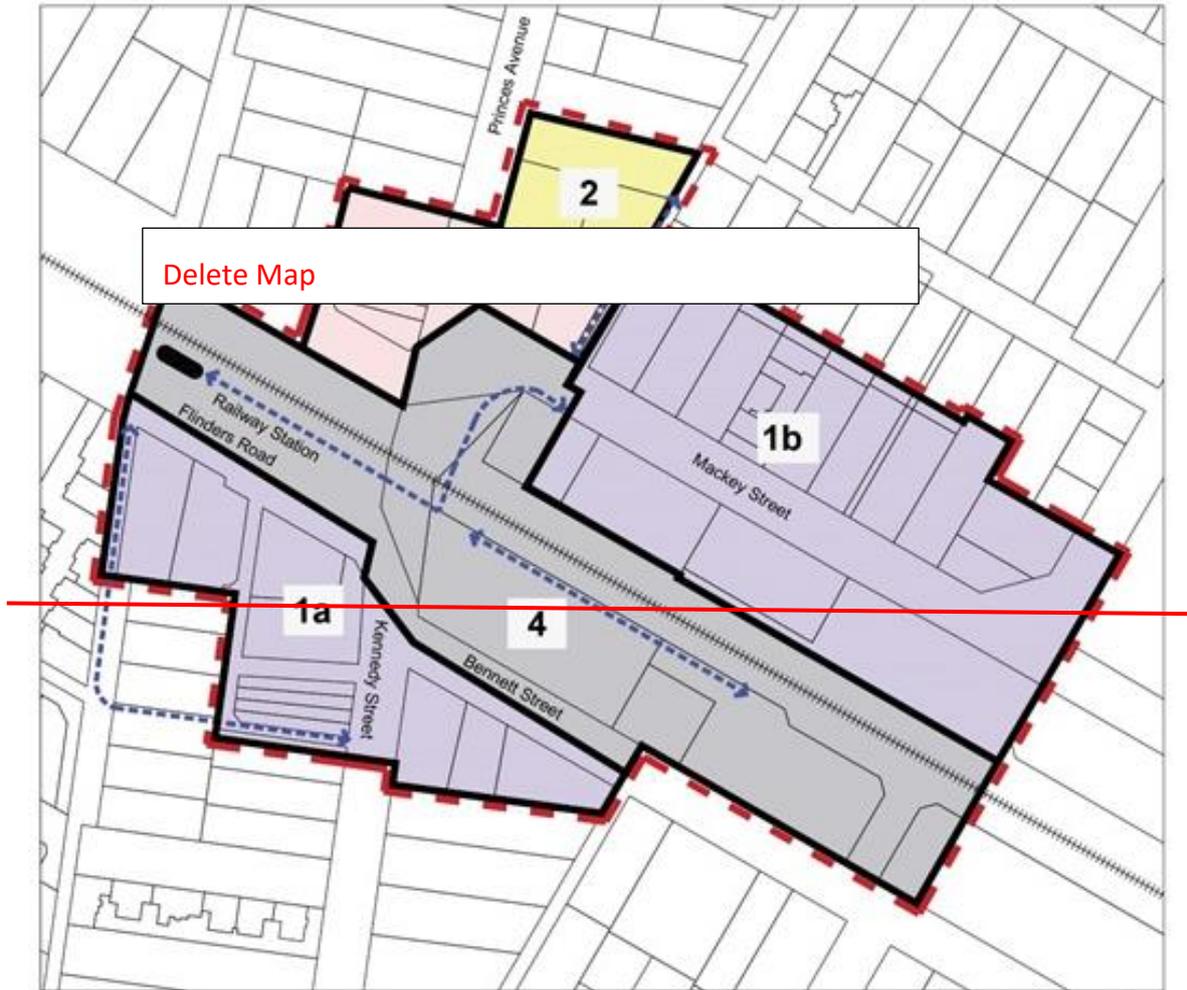
Decision guidelines

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The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal is generally in accordance with the [design guidelines of the Longwarry Urban Design Framework \(2019\)](#).
- Whether the Objectives and the Design requirements of this Schedule are satisfied.
- The architectural quality of the proposal, which includes the design, scale, height, materials, mass and visual bulk of the development in relation to the surrounding built form.
- Whether the proposal provides an active street interface to street frontages and enhances the pedestrian environment and other areas of the public realm.
- Whether the materials and finishes of a proposed fence reflect the rural character of the area.

Map 1 – Precinct and Building Height Plan



LEGEND

-  Town Centre Boundary
-  Key Pedestrian Connection

Precincts and Preferred Building Heights

-  **1 - Commercial Core and Mixed Use**
Precincts 1a and 1b - Height up to 11 metres (1-3 storeys)
-  **2 - Community/Education**
Precinct 3 - Height up to 11 metres (1-3 storeys)
-  **3 - Medium Density Residential**
Height up to 11 metres (1-3 storeys)
-  **4 - Train Station/Park**
Public use area - no design requirements apply

*Note: Building height is the vertical distance from natural ground level to the roof or parapet at any point.



Map 12 – Building Setbacks and Access Plan



LEGEND

-  Town Centre Boundary
-  Proposed Accessway
-  Built to Street Edge
-  Landscaped Setback 3-10 metres
(Setback to be sympathetic to adjoining setback.
Landscaping to be provided in front setback)



[Include pedestrian connections designations and legend from Map 1](#)