

## **BAW BAW PLANNING SCHEME**

### **AMENDMENT C143bawb**

#### **EXPLANATORY REPORT**

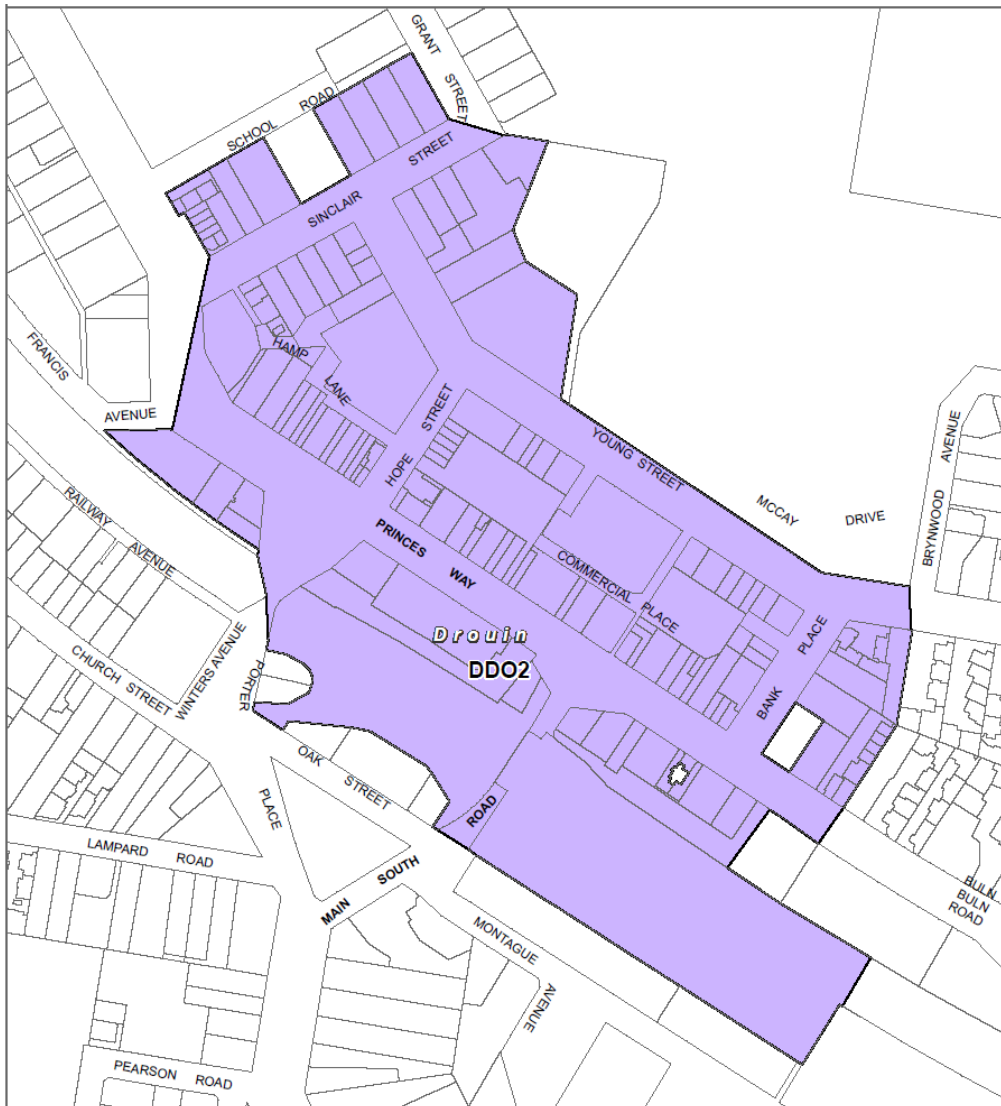
##### **Who is the planning authority?**

This amendment has been prepared by the Baw Baw Shire Council, who is the planning authority for this amendment.

The amendment has been made at the request of Baw Baw Shire Council.

##### **Land affected by the amendment**

The amendment applies to the town centre of Drouin as outlined in Map 1.



Map 1: land affected by the amendment, Drouin town centre [source: Baw Baw C143bawb 002ddoMap29 Exhibition]

## What the amendment does

The amendment implements the findings of the *Drouin Township Plan 2020-2036* (the Plan) through urban design directions and maximum building heights.

The amendment proposes to:

- Amend Schedule 2 to the Design and Development Overlay to include key design objectives of the *Drouin Township Plan 2020-2036*.
- Amend Schedule 2 to the Design and Development Overlay to correct formatting for consistency with DELWP's *Form and Content Guidelines*.
- Amend Schedule 2 to the Design and Development Overlay to remove outdated and ambiguous content, bringing the schedule in line with current planning practices.
- Amend Map 29DDO to include only the area identified in Map 1, removing land zoned General Residential 1.
- Include the *Drouin Township Plan 2020-2036* as a Background Document within the schedule to Clause 72.08 of the Baw Baw Planning Scheme.

## Strategic assessment of the amendment

### Why is the amendment required?

The intent of the amendment to both Schedule 2 to the Design and Development Overlay (DDO2) and map 29DDO of the Baw Baw Planning Scheme is to deliver a cohesive urban design outcome for the town centre of Drouin, based on current economic modelling and population forecasting. This amendment is driven by strategic document *The Drouin Township Plan 2020-2036*, adopted by Baw Baw Council 26 August 2020.

The primary outcome is desired to be a more efficient usage of undeveloped land and developed commercial space, to promote an increase in locally based business. This is intended to be achieved by increasing allowable building heights within the town centre, encouraging a range of mixed uses with varying urban design outcomes, and supporting ground floor renovations. Ground floor renovations are noted in the Plan to be key in activating the streetscape and is considered essential in expanding the local economy and contributing to a vibrant community space.

Other desired outcomes are an increase in residential property developed with lone or older residents in mind, taking advantage of the amenities of the town centre and ease of access to public transport. Population forecasting within the Plan has identified a market gap for this type of housing product in and around Drouin. All outcomes are preferred to have comprehensive urban design guidelines to complement the existing township and its regional nature. These guidelines provide structure and set expectations for developers and planning assessors alike. This amendment provides a greater level of consistency to current standards of urban development.

An amendment of the current DDO2 and map 29DDO is considered the most appropriate means of delivering the preferred outcomes for the township of Drouin. By improving and clarifying development guidelines through the design and development overlay, consistent and high-quality outcomes can be achieved. The objectives, buildings and works requirements, application requirements and decision guidelines of the existing DDO2 do not reflect current values identified and outlined in *The Drouin Township Plan 2020-2036*. Any other control (planning scheme or otherwise) would conflict with the current DDO2 requirements and create undesirable confusion for developers and assessing planners alike.

This amendment is the modification of existing controls and not the creation of a new provision. Nor does it repeat provisions already in the scheme. It is considered the design and development outcomes generated by application of this revised overlay will assist in the creation of a vibrant and economically robust township, which is to the benefit of the community.

### How does the amendment implement the objectives of planning in Victoria?

*Provide for the fair, orderly, economic and sustainable use, and development of land*

Design and development guidelines will facilitate an equitable planning assessment process and provide some certainty to those wishing to develop within the bounds of the overlay. This amendment is a modification of existing guidelines and removes the ambiguity of expectations from the existing guidelines. It is considered that by providing some certainty as to expectations and preferred outcomes, developers of many different calibre are attracted to the investment opportunity within the town centre of Drouin. Much of the centre is developed already, providing access to essential services and infrastructure and this aspect supports orderly planning.

*To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*

The application of the DDO2 within the town centre does not impact any natural and man-made resources.

An area within the town centre also under DDO2 which is set aside for the protection of the Giant Gippsland Earthworm (GGE) and its habitat is mapped within the Baw Baw Planning Scheme as Schedule 4 to the Environmental Significance Overlay (ESO4). Within the town centre this is limited to a portion of street network along Young Street and northern Hope Street. ESO4 outlines the statement of significance and details permit triggers, and in effect the land affected by both ESO4 and DDO2 is restricted to the afore mentioned streets. This is considered an effective protection mechanism for the GGE and the proposed ordinance and mapping amendment will not compromise it.

*To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria*

The overarching objective of the *The Drouin Township Plan 2020-2036* and subsequent planning scheme amendment of DDO2 and map 29DDO is to create and support a vibrant and economically robust township that encourages growth in both retail and accommodation sectors whilst keeping the regional character and charm of the country town. This is anticipated to be effectively delivered through the comprehensive design and development guidelines that have a range of preferred outcomes and expectations.

*To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

There are multiple buildings with heritage significance within the Drouin town centre which are protected from inappropriate development through the implementation of the Heritage Overlay. This amendment removes those affected properties shown on map 29DDO from the requirements of Schedule 2 to the DDO. The revised DDO2 provides guidance on development responding to any surrounding buildings character and use and this is considered appropriate for the preservation of those significant buildings listed under the Heritage Overlay.

*To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.*

It is anticipated that the amendment to both the ordinance and the map of DDO2 will have no bearing on the provision or protection of public utilities and other assets within the town centre.

*To balance the present and future interests of all Victorians.*

The town centre of Drouin is an important social and economic hub for the township and beyond. It is important as a rural community to retain a viable central business district that supports local business and residents with innovative strategies to increase foot traffic. This is accomplished by encouraging an environment that is vibrant and walkable through the development of a high-quality public realm that will facilitate social interaction and community cohesion. That is the objective of the amendment to the

DDO2, where high standards are outlined for new and revitalised buildings within the town centre that creates an aesthetic appeal and encourages people to spend time within it, which in turn encourages financial investment by business owners and an increase in residents that are not currently marketed to by way of local housing stock. This amendment will be relevant in the long term and that is in the interest of Victorians.

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

#### Environmental impacts

Drouin town centre is an established central business district and it is considered that further densification and development will not generate a negative impact on the suburban ecology, nor create environmental issues with stormwater storage, distribution and overland flow.

#### Social and economic effects

The basis of this amendment rests on an anticipated increase to the social and economic dynamics of the rural town centre, noted in the background document *Drouin Township Plan 2020-2036*. As described in earlier sections of this report, there is an identified need to encourage the development of apartment style living to accommodate the increase of single, couple and elderly residents projected for the area. As well as diversifying the available housing stock within the town, it provides opportunities for living and working close to home, with access to close and reliable public transport to the city and beyond. Above shop apartments are expected to be a drawcard for urban developers and their financial investment and development is sought in the town, adding to the established fine-grain shopping experience that is so valued by locals.

The layout of the CBD is intended to be capitalised by activating laneways and back streets wherever possible, with a heavy focus on casual dining and small-scale shops. Activation at street level has been granted minimal interference in obtaining a planning permit, and if a permit is required at all it will most often be a VicSmart permit. It is anticipated that this will encourage significant regeneration of older buildings at street level throughout the precinct. Activated spaces create a sense of vibrancy and this attracts people which in turn generates money spent in the area which goes on to attract more commercial investment.

A high-quality realm is important to reach the goal of a socially and economically thriving CBD and this amendment seeks to achieve that in a realistic and achievable manner. The town status within the greater rural area is acknowledged and the development guidelines reflect that.

By creating clear objectives for the vision of the CBD and providing developers and assessing planners specific development guidelines that allow for discretion and flexibility, this amendment is a powerful tool for attracting small businesses, residents and developers to the area. Preferred outcomes are provided a maximum flow path, where planning permits are easiest to obtain.

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

Bushfire risk was considered under due diligence and the town centre of Drouin (the amendment area) is noted as not being within a bushfire prone area, nor subject to a Bushfire Management Overlay.

Comment from the bushfire authority Country Fire Authority is not sought in relation to this amendment.

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

The amendment complies with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

All Ministerial Directions as noted under section 12(2)(a) of the Act have been considered and where relevant, Directions addressed:

#### Direction No. 1 Potentially Contaminated Land

Drouin town centre (the amendment area) does not contain potentially contaminated land as defined under section 3 the Direction.

*Direction No. 9 - Metropolitan Strategy*

Baw Baw Shire Council and Drouin township within it, is not located in Metropolitan Melbourne.

*Direction No. 11 - Strategic Assessment of Amendments*

A comprehensive strategic evaluation has been undertaken and this explanatory report discusses in detail the strategic considerations of the amendment.

*Direction No. 12 - Urban Growth Areas*

Drouin town centre is not sought to be rezoned for Urban Growth Zone, nor does this amendment consider the incorporation of a precinct structure plan.

*Direction No. 15 – The Planning Scheme Amendment Process*

This planning scheme amendment intends to comply with the requirements and timeframes set out in the process.

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

The amendment supports a number of key policy directions within the Planning Policy Framework including:

Clause 11.01S: The outcome of this amendment will facilitate strong and sustainable growth in the regional centre of Warragul/Drouin by setting transparent expectations and urban design guidelines.

Clause 11.01R: There is a high expectation that this amendment will result in a significant increase in the vibrancy and prosperousness of Drouin by providing commercial and service activities that respond to changing population and market conditions.

Clause 11.03-3S: This amendment will enhance the established character of Drouin town centre and through the protection of that strong identity, future development will complement the rural setting beloved by residents.

Clause 15.01-1S: This amendment requires future applicants to respond to the existing character of the town centre and consider ways to increase vibrancy through shopfront engagement. Guidelines are clear in how this is to be achieved.

Clause 15.01-2S: Guidelines set out in the revised schedule to the DDO stipulate the requirement for safe access and egress for pedestrians, cyclists and vehicles throughout new development in the town centre.

Clause 16.01-1S: There is an identified shortage of housing stock for lone and independent elderly residents in Drouin and this amendment seeks to resolve that by strongly encouraging shop top and small-scale apartment development within the town centre.

Clause 16.01-2S: A more diverse housing supply is anticipated to be an outcome of this amendment, supporting families throughout life cycle changes in an area closer to jobs, transport, and services.

Clause 17.01-1S: The purpose of this amendment is to strengthen the local economy for the township of Drouin in an established employment area. This will be achieved by providing potential investors with a sense of surety that growth of the commercial district is desired, and proposals are all considered in a consistent manner.

Clause 17.02-1S: Small scale shopping and hospitality opportunities will be increased, encouraging investment into the local community.

Clause 17.02-1R: This amendment will support and encourage redevelopment initiatives in Drouin and improve the attractiveness and usability of the town centre.

Clause 18.01-1S: The town centre of Drouin will continue to have equitable access for business and consumer vehicle transport under this amendment insofar as delivery vehicles and customer parking. This amendment encourages a strong focus on pedestrian and cycling activities within the and around the town centre and development guidelines facilitate this.

Clause 18.02-1S: Walking and cycling are encouraged as sustainable transport through the activation of street level small scale businesses and aesthetic improvements across the centre generally.

Clause 18.02-4S: Car parking is considered adequately addressed through existing infrastructure and layout of the centre. The amendment protects car movements throughout the centre through the guidelines requiring any proposed development to have regard for car parking and other vehicle movements.

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

Clause 21.02: This amendment is at the heart of the Baw Baw Shire Council's *Baw Baw 2050 – Community Vision* and contributes to the achievement of economic prosperity, happy and healthy people and thriving villages.

Clause 21.03: To achieve the vision to “*develop integrated, sustainable and resilient communities*” this amendment places higher clarity on development expectations for a regional centre, minimising planning application timeframes which is anticipated to increase development and business investment. That coupled with an increase in local employment opportunities which encourages residents to live and work within the township, earning and spending money locally drives resilience and the sustainability of the town.

Clause 21.04: The amendment implements this provision by encouraging the consolidation of retail and other commercial uses within the existing CBD. Clearer urban design guidelines set expectations for a higher density, mixed use central business district and provide transparency on anticipated outcomes for a regional centre.

Clause 21.07: The amendment supports the provision relating to the creation of a strong, dynamic economy and employment base by way of providing a footprint to encourage investment within Drouin town centre.

Clause 21.09: There are several places of heritage significance within the CBD of Drouin and are directly affected by both the existing and proposed DDO2. Currently the DDO2 is mapped across parcels also mapped as HO, creating contradictions in outcomes. The amendment will correct this mapping anomaly and remove those parcels that are HO affected, providing clearer objectives for the protection of heritage buildings. New guidelines within the revised DDO2 requires the consideration of neighbouring buildings at development application and this supports local policy for the conservation of character for ‘significant places’.

### **How does the amendment support or implement the Municipal Planning Strategy?**

This question is not applicable to this amendment.

### **Does the amendment make proper use of the Victoria Planning Provisions?**

Current and alternative VPP's were assessed against the Plan for suitability and potential to best deliver the objectives of the Plan. Both zoning as C1Z and overlay DDO were found to be most appropriate for preferred Section 1 land uses and as tools to guide and manage built form, however it was identified that the current DDO2 is indirect with urban design guidelines and objectives. To this end the Design and Development Overlay is still considered the most effective planning scheme provision to manage

expectation of how the CBD will be developed, which has a flow on to how it is financially and emotionally invested in by the community, and the pedestrian vibrancy that is sought.

The amendment is a complete revision of the current DDO2 and is compliant and consistent with the Ministerial Direction - The Form and Content of Planning Schemes.

### **How does the amendment address the views of any relevant agency?**

The Urban Design Frameworks undertook extensive consultation with community and external agencies, including VicTrack and the Department of Transport.

Further views of relevant agencies will be considered during the exhibition stage of this Planning Scheme Amendment.

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

The Council, as an interface body under the provisions of the *Transport Integration Act 2010*, has an obligation to have regard to specific matters under that *Act*. In this case, it is considered that the amendment will have no significant impact on the transport system and will not be inconsistent with the transport system objectives and design making principles of the *Act*.

## **Resource and administrative costs**

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

The amendment is expected to have only a minor impact on resource and administrative cost once it becomes part of the Baw Baw Planning Scheme, as most of the properties affected by the amendment will require a permit for buildings and works under their planning zones. The new controls will provide greater guidance for Council in exercising its discretion under the Baw Baw Planning Scheme.

### **Where you may inspect this amendment**

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

Drouin Civic Centre  
33 Young Street, Drouin (access via Brynwood Avenue)  
Office hours: 8.30am to 5.00pm, Monday to Friday

Warragul Civic Centre  
Annex Building, 90 Smith Street, Warragul (access via Smith Street)  
Office hours: 8.30am to 5.00pm, Monday to Friday

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

## **Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 2 August 2021.

A submission must be sent to:

Electronic submissions are preferred and sent to [bawbaw@bawbawshire.vic.gov.au](mailto:bawbaw@bawbawshire.vic.gov.au) (Please mention 'Amendment C143bawb' in the subject line).

Or posted to:

Baw Baw Shire Council, Amendment C143bawb  
PO Box 304,  
Warragul, Victoria, 3820.

### **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: [insert directions hearing date]
- panel hearing: [insert panel hearing date] ]