

BAW BAW PLANNING SCHEME
AMENDMENT C145bawb
PLANNING PERMIT APPLICATION PLA0262/21
EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of Millar Merrigan on behalf of the landowner.

Land affected by the Amendment

The amendment applies to 28 and Part 63 Yarragon-Leongatha Road, Yarragon 3823.

The amendment is a combined planning permit application and planning scheme amendment under section 96A of the Act.

The amendment applies to:

- Lot 3 on PS429755C;
- Lot 1 on PS308336A;
- Lot 2 on PS308336A; and
- CA 12PT on TP365740G.

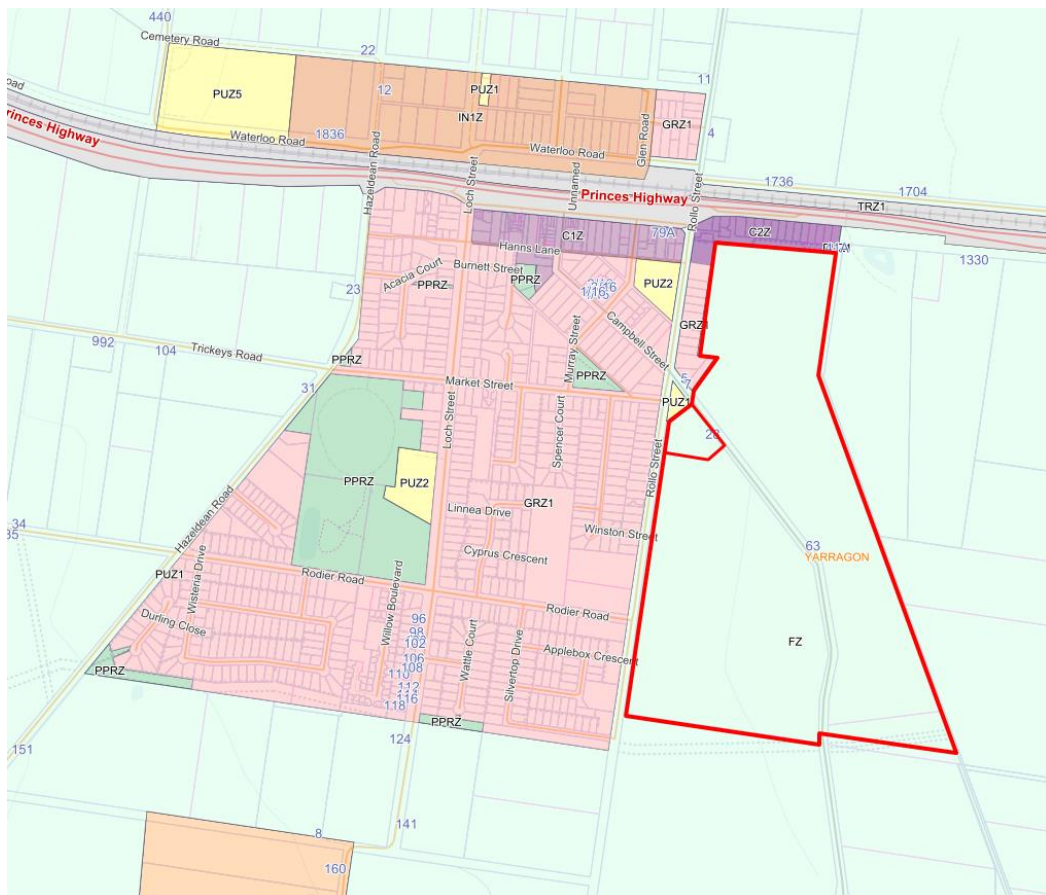


Figure 1. The two subject sites are outlined in red.

What the amendment does

The amendment proposes to rezone the land affected by the amendment from Farming Zone to Neighbourhood Residential Zone, Schedule 1 and update the Heritage Overlay mapping to include the dwelling located on Part 63 Yarragon-Leongatha Road, Yarragon. The amendment will:

- Amend Map 38 to apply the Neighbourhood Residential Zone, Schedule 1 to 28 and Part 63 Yarragon Leongatha Road, Yarragon;
- Insert Clause 32.09 Neighbourhood Residential Zone into the Baw Baw Planning Scheme;
- Insert Schedule 1 to Clause 32.09 Neighbourhood Residential Zone into the Baw Baw Planning Scheme;
- Amend Map 38HO to include the area surrounding an existing dwelling located on Part 63 Yarragon Leongatha Road, Yarragon;
- Amend the Schedule to Clause 43.01 Heritage Overlay to include Deloraine Homestead as PS map reference 356;
- Amend the Schedule to Clause 72.04 Documents Incorporated Into This Planning Scheme to include Deloraine Homestead Statement Of Significance.

The planning application seeks approval for:

- A staged, multi-lot subdivision and removal of native vegetation.

Proposed curtilage for Heritage Overlay:



Figure 2. proposed Heritage Overlay curtilage of Deloraine homestead and outbuildings

Strategic assessment of the Amendment

Why is the Amendment required?

The rezoning is proposed to provide for additional residential use and development of land within the existing township boundary of Yarragon.

The amendment as proposed is supported by the current Yarragon Structure Plan 2010 which identifies the site as future General Residential Zone.

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

The amendment will provide for the fair, orderly economic and sustainable use and development of the land.

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

Environmental Impacts

The site has a long history of farming uses and as such supports limited environmental values. Development of the land for residential purpose incorporates significant drainage solutions to the township and beyond. Major drainage infrastructure including retarding basins will provide a source of fresh water for local fauna.

Social and Economic Impacts

The amendment will have a net community benefit through the implementation of planning controls to facilitate future development of land to support the residential area of Yarragon. The further development of this area will provide much needed residential living in an area which is within Yarragon's township boundary. The amendment imposes protection measures to heritage property, without which a significant local example of historic rural living would be lost.

Does the Amendment address relevant bushfire risk?

The site is not covered by a Bushfire Management Overlay and as such no bushfire planning requirements are applicable. It is however contained within a designated Bushfire Prone area (BPA) and future lot owners may need to seek a Bushfire Attack Level (BAL) report as part of the building permit process.

A minimum construction level of BAL 12.5 is imposed by *AS3959-2009 Construction of Buildings in Bushfire Prone Areas* and the BAL is increased as the bushfire hazard increases. Vegetation and slope within 100m of a dwelling is considered in determining BAL.

A review of the subdivision layout in response to *AS3959-2009* has been undertaken by the proponent and all allotments were shown to be capable of achieving a BAL 12.5. The only bushfire hazard interface is to the east and south of the site where grassland vegetation presents at a slope of flat/upslope. A significant length of this interface forms part of the proposed open space network and permitter roads have been provided where appropriate, which pushes new allotments further away from the grassland.

Bushfire threat can also be created within a subdivision, namely due to staging and landscape treatment. The developer will maintain a fire break around each stage of the subdivision as it is constructed, and appropriate permit conditions can be applied to this effect. With respect to landscaping, the proposed roads and reserves will be treated in a low-threat fashion and once off the maintenance period will be managed by the Responsible Authority.

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

The amendment is consistent with the Ministerial Direction – The Form and Content of Planning Schemes.

The amendment is consistent with the Ministerial Direction 11 – Strategic Assessment of Amendments under Section 12(2) of the Act.

The amendment is consistent with the Ministerial Direction 15 – the Planning Scheme Amendment Process under Section 12(2) of the Act.

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

The amendment is consistent with the Planning Policy Framework and supports its objectives.

The amendment supports the objectives of Clause 11 Settlement particularly Clause 11.02-1S (Supply of urban land) to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses, Clause 11.02-2S (Structure planning) to facilitate the orderly development of urban areas, and Clause 11.03-2S (Growth areas) to locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.

The amendment is consistent with Clause 12 Environmental and Landscape Values including the objectives of ensuring no net loss to biodiversity through the rezoning of generally modified land (site cleared of most native remnant vegetation) that supports little environmental significance. Clause 12.03-1S (River corridors, waterways, lakes and wetlands) is also relevant which aims to protect and enhance river corridors, waterways, lakes and wetlands.

The amendment is consistent with Clause 13 Environmental Risks and Amenity particularly Clause 13.02-1S (Bushfire planning) by directing growth and development to a low risk location where the risk to life and property can be managed to an acceptable level. The interface between farming land and residential land will require consideration and management at the development stage, however there is no perceived issues with this in regard to bushfire risk.

The amendment is consistent with Clause 14 Natural Resource Management particularly Clause 14.02-1S (Catchment planning and management) and Clause 14.02-2S (Water quality) which assists in the protection of water bodies, with an identified river/stream running north south through the site. The proposal has been designed to ensure the waterway is appropriately managed with a large reserve designed to protect and provide appropriate clearances from the waterway.

The amendment has considered Clause 15 Built Environment and Heritage with particular reference to Clause 15.01-3S (Subdivision design) which requires the design of subdivisions to achieve, safe, accessible, diverse and sustainable neighbourhoods. Clause 15.01-4S (Healthy neighbourhoods) aims to achieve neighbourhoods that foster healthy and active living and community wellbeing. The subdivision has been designed with the above in mind and provides a safe, practical layout while achieving large useable areas of open space and links with neighbouring residential land.

The amendment is supported by Clause 16 Housing, particularly Clauses 16.01-1S (Integrated housing), Clause 16.01-2S (Location of residential development) and Clause 16.01-3S (Housing diversity) all of which aim to provide zoned and serviceable land ready for residential development to increase housing opportunities within Baw Baw Shire.

The amendment will be required to financially facilitate infrastructure inclusive of water and sewer main infrastructure as well as drainage and electrical infrastructure to service the area. The amendment is in accordance with Clause 19 Infrastructure particularly Clause 19.03-1S (Development and infrastructure contributions plans) which encourages the timely provision of planning infrastructure to meet the needs of the community.

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

The LPPF and MSS of the Baw Baw Planning Scheme provide local content to support the PPF and as such the amendment is considered to be supported by the LPPF and MSS. In particular:

Clause 21.03 Settlement indicates that the population increase to the year 2036 will be largely accommodated within the main towns of Warragul and Drouin with strategically planned incremental expansion of the remaining towns to also occur. Including the township of Yarragon, where significant strategic planning has occurred and reflected in the Yarragon Structure Plan which incorporates this parcel of land as future General Residential Zone.

The amendment supports Clause 21.04 Main Towns and the adopted Yarragon Structure Plan. Clause 21.04-6 identifies preferred areas of growth, which includes land to the east (subject site) of the existing township boundary. The timing for this future growth is key with the existing drainage issues to be investigated, designed and constructed at the developer's cost. Investigations have occurred, and findings and solutions have been provided within the Stormwater Assessment completed by Engeny Water Management.

The amendment supports Clause 21.06 Natural Environment and Resource Management with particular reference to Clause 21.06-3 by minimising vegetation removal and supporting the establishment of large, vegetated areas within Council's reserves. Clause 21.06-5 is also relevant, with the protection of the existing drainage line running north south. This area will be revegetated and improved through the landscape treatment proposed as part of this proposal.

Clause 21.08 Transport and Infrastructure has been considered through the proposal. Clause 21.08-4 requires appropriate services required for urban living. All services will be made available to the site and designed in accordance with the Responsible Authorities requirements.

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

The rezoning of the land from existing Farming Zone to Neighbourhood Residential Zone will result in a zone which reflects the application of existing Municipal Planning Strategy and the Planning Policy Framework and objectives of the Baw Baw Planning Scheme.

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

All authorities and agencies that would normally provide planning permit conditions were notified of the proposal in the preliminary phase. All responded and all but Country Fire Authority (CFA) provided preliminary support with no objection subject to conditions. Those conditions are on the draft permit.

CFA submitted comments relating to the absence of a perimeter road and the impact this would have on residential defensible space and emergency vehicle access were received. The proponent revised the subdivision layout to incorporate a perimeter road.

Only relevant agencies will be notified during formal exhibition of the amendment.

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

The amendment is not considered to have any impact on the transport system, as defined by Section 3 of the Transport Integration Act 2010.

There are no applicable statements of policy principles prepared under Section 22 of the Transport Integration Act 2010.

Resource and administrative costs

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

The amendment will not have any significant financial implications for the responsible authority.

The number of additional planning permits to be processed due to the controls introduced by the amendment is expected to be minimal.

Where you may inspect this Amendment

You may inspect the Amendment, the Explanatory Report about the Amendment, the application, and any documents that support the Amendment and the application, including the proposed permit, free of charge, at:

- the Baw Baw Shire Council website at www.bawbawshire.vic.gov.au/Plan-and-Build/Planning-Scheme-Amendments/Current-Amendments
- during office hours, at the office of the planning authority, Drouin Civic Centre, 33 Young Street Drouin (access via Brynwood Avenue) during office hours
- at the Department of Environment, Land, Water and Planning website www.delwp.vic.gov.au/public-inspection or by contacting 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person who may be affected by the amendment and/or planning permit may make a submission to the planning authority. Submissions about the amendment and/or planning permit must be received by 24 June 2022.

Electronic submissions are preferred and should be sent to strategic.planning@bawbawshire.vic.gov.au (Please mention 'Amendment C145bawb' in the subject line).

Or posted to:

Baw Baw Shire Council,
Amendment C145bawb
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	To commence in the week of Monday, 7 September 2022
Panel Hearing	To commence in the week of Monday, 5 October 20