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**9.4 PLANNING SCHEME AMENDMENT C138 - REZONING OF LAND AT PART 49 EMILY STREET SEYMOUR AND PART 17 HIGH STREET, SEYMOUR.**

**Author:** James Kirby - Senior Strategic Planner

**File No:** PL09/176

**Attachments:** Nil

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**SUMMARY**

Planning Scheme Amendment C138 seeks to rezone part of the land at 49 Emily Street and 17 High Street, Seymour, from General Residential 1 Zone (GRZ1) to Commercial 2 Zone (C2Z). The subject site is on one land parcel being Lot 1 on PS 808421W.

The subject site is currently being used as a car dealership which has been operating for approximately 38 years. The rezoning will ensure the whole site is within the C2Z, unlike the current situation where a small portion of the site is included in the GRZ1 and 'car sales' is a prohibited use within the GRZ1 under the *Mitchell Planning Scheme*.

The rezoning request was lodged by Ellen Hogan & Associates in September 2018 on behalf of Neil Beer. Amendment C138 was placed on public exhibition between 22 March 2019 and 29 April 2019. No submissions were received.

**RECOMMENDATION**

**THAT** Council:

1. Pursuant to Section 29 of *Planning and Environment Act 1987*, adopt Planning Scheme Amendment C138 to *Mitchell Planning Scheme*.
2. Pursuant to Section 31 of *Planning and Environment Act 1987*, submit the adopted Planning Scheme Amendment C138 to the Minister for Planning, requesting approval.

**BACKGROUND**

The subject site is part 49 Emily Street, Seymour and part 17 High Street, Seymour. The site's frontage to Emily Street is currently within the C2Z. The southern strip of the premises at the rear of the property is within the GRZ1 which does not reflect its current use.

Minor development on the site has previously been approved under existing use provisions on part of the land subject to the proposed rezoning. However, a small portion of the site (on the property known as 17 High Street, Seymour) which has been acquired does not have existing use rights for 'car sales'.

Under the C2Z, any proposed extension of any use or development associated with 'car sales' may be considered on its merits through a planning permit application.

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Figure 1: Current zoning map of the subject site

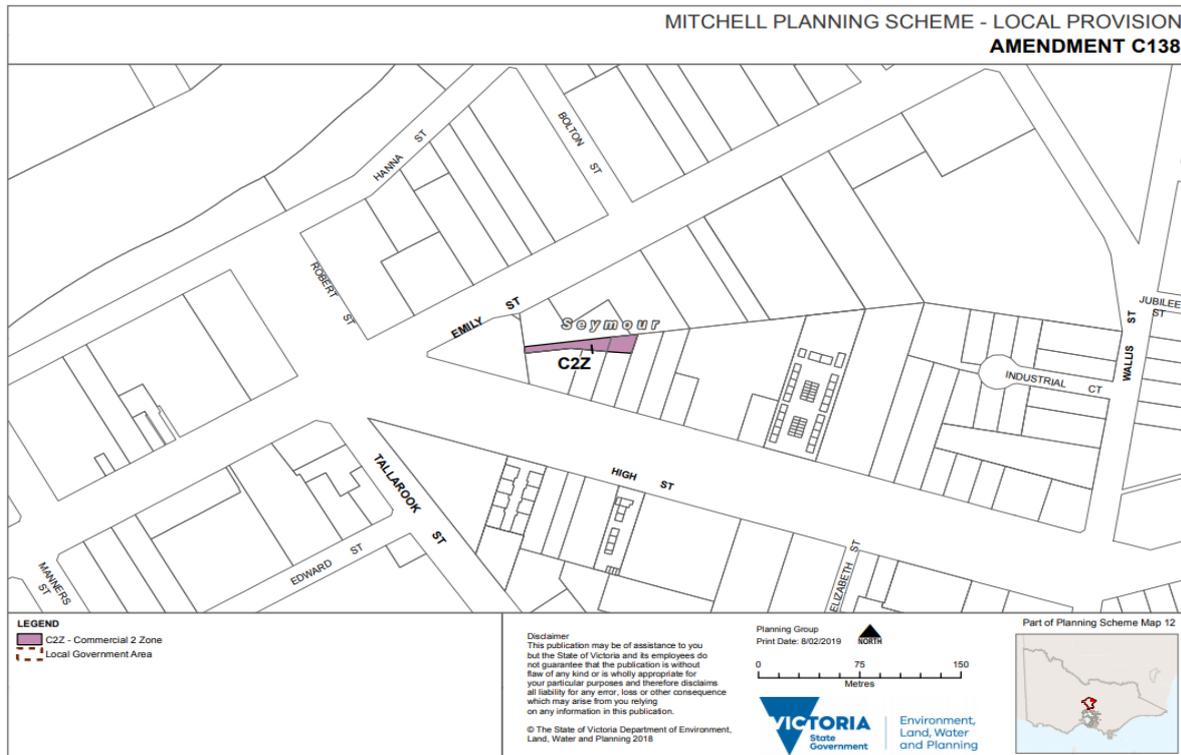


Figure 2: Proposed zoning map change for C138

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## ISSUES AND DISCUSSION

The site has been used as a vehicle sales and repair yard by the 'Neil Beer Seymour' car dealership.

The rezoning will ensure the whole site is within the C2Z and that a minor expansion of the use of land for 'car sales' can be considered subject to planning permission and not prohibited as is the case under the GRZ1.

The proposed rezoning is minor in nature and generally supports the strategic objectives of the *Seymour Structure Plan*, May 2018, particularly:

*"To provide opportunities for economic development and support the development of a resilient local economy covering a range of business"* (p.19).

## CONSULTATION

Council resolved to seek Ministerial Authorisation to prepare this Planning Scheme Amendment at the Ordinary Council Meeting on 17 December 2018. Ministerial Authorisation was received on 25 February 2019 for the preparation of proposed Planning Scheme Amendment C138.

Amendment C138 was placed on public exhibition between 22 March 2019 and 29 April 2019. Public exhibition was undertaken in accordance with the provisions of Section 19 of the *Planning and Environment Act 1987*.

Public exhibition included sending notices to the landowners/occupiers for surrounding properties. Public exhibition also included advertising within the local newspapers and via Council's website, as well as hard copies of the Amendment being made available for public inspection during opening hours at the Seymour Library.

The exhibition period has now concluded with no submissions received.

## FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

There are minimal financial implications for Council as this is a proponent led Planning Scheme Amendment. The applicant will bear the costs associated with processing this Planning Scheme Amendment including application fees and costs.

## POLICY AND LEGISLATIVE IMPLICATIONS

Proposed Planning Scheme Amendment C138 is consistent with the relevant objections of the Council Plan 2017 – 2021, including the following:

Strategic Objective	Responsible Planning <i>To demand best practice outcomes when planning for future growth</i>
Relevant Key Strategies:	<i>Plan for growth and change through best practice design of services, infrastructure, open space and recreation facilities</i>

## RISK IMPLICATIONS

Risk Ranking is determined using [ROHS201-G1- Corporate Risk Matrix](#). Risk is identified as Low, Medium, High or Very High.

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Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is minimal risk associated with this proposal.	4D M14	N/A	Yes, Strategic Planning managed the consultation period and reporting to DELWP

### **SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)**

#### Environmental effects:

The amendment will have no significant effect on the surrounding physical environment.

#### Social effects:

The amendment is expected to have positive social effects and benefits as it will provide for certainty of existing land use, business operation and future employment.

#### Economic effects:

The amendment will have positive economic effects and would enable a future minor expansion and consolidation of an established car dealership business.

### **CHARTER OF HUMAN RIGHTS IMPLICATIONS**

The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered in preparing this report and it's determined that the subject matter does not raise any human rights issues.

### **CHILDREN AND YOUNG PEOPLE IMPLICATIONS**

There are no implications for children and young people in terms of the rezoning of the land in this amendment request.

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

### **CONCLUSION**

The rezoning of the small portion of land on the southern boundary of the site from the GRZ1 to C2Z will ensure the land is in a single planning zone and reflects the current and intended use of the land.

This report recommends that the Planning Scheme Amendment be adopted by Council and subsequently lodged with the Minister for Planning for approval following the exhibition period which took place in accordance with the relevant provisions of the *Planning and Environment Act 1987* and generated no submissions.