

MITHCELL PLANNING SCHEME

AMENDMENT C163mith

EXPLANATORY REPORT

Who is the planning authority?

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

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

Land affected by the amendment

The amendment applies to approximately 201 hectares of land identified in the *Kilmore Structure Plan 2016* as the South-East Growth Precinct. The precinct is bordered by the Northern Highway to the west, Wandong Road to the south and Quinns Road to the east. Tootle Street and Anderson Street, border the north (Figure 1).



Figure 1: Kilmore South-East Growth Precinct

What the amendment does

The amendment proposes to amend Development Plan Overlay Schedule 5 (DPO5), as it applies to the Kilmore South East Growth Precinct only. The proposed changes to the DPO5 provide for the Council to include planning permit conditions for development contributions issued for land within the Kilmore South-East Growth Precinct in accordance with the *Kilmore Structure Plan 2016* and *Kilmore Infrastructure Framework 2017*.

Specifically, the amendment proposes to:

- Replaces Schedule 5 to Clause 43.04 Development Plan Overlay with a new Schedule 5.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required in order to achieve the strategic directions of the *Kilmore Structure Plan 2016*, the *Kilmore Infrastructure Framework 2017* and Clause 21.11-3 (Local Areas/Kilmore) of the Mitchell Planning Scheme. These plans and policies provide a framework to guide the growth and development of the Kilmore South-East Growth Precinct.

Amendment C123 implemented the *Kilmore Structure Plan 2016* and *Kilmore Infrastructure Framework 2017* in 2019. Amendment C123 applied the Development Plan Overlay Schedule 10 (DPO10) to Kilmore's infill and strategic sites and DPO5 to Kilmore's growth areas. Amendment C123 introduced a mechanism for collection of infrastructure contributions for land affected by DPO10, at Subclause 3, but due to an oversight did not replicate this sub-clause in DPO5 for Kilmore's growth areas.

The Panel Report for Amendment C123 recommended that this subclause be added to DPO5 and was supportive of the Structure Plan and Infrastructure Framework, noting that the Infrastructure Framework will forewarn landowners and developers of the need to contribute to infrastructure items.

In 2021 Amendment C151mth rezoned the land within Kilmore's South East Growth Precinct from the Farming Zone and Rural Living Zone to General Residential Zone. The Panel Report for Amendment C151mth notes at Page 6 that development contributions for this Kilmore South East Growth Precinct would be the subject of a negotiated outcome and implemented under a Section 173 Agreement unless a regional Infrastructure Contribution Plan is available.

However, there is no mechanism in the Mitchell Planning Scheme to collect shared infrastructure contributions in the Kilmore South East Growth Precinct via DPO5, which is fundamental to the orderly development of the area. All contributions collected by Council will be used for shared infrastructure including roads and footpaths, open space and drainage.

The proposed amendment will establish a formal mechanism to levy development and community infrastructure contributions where an agreement to do so has not otherwise been reached. For Kilmore's West and North Growth Precincts, where DPO5 also applies, an appropriate mechanism for collecting shared infrastructure contributions will be put in place when land within these precincts is rezoned for residential purposes.

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

The proposed amendment implements the following objectives contained in Section 4(1) and 12(1)(a) 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;
- (f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- (g) to balance the present and future interests of all Victorians.

The proposed amendment implements the above objectives by providing for funding for the orderly and sustainable use and development of land as envisaged in the *Kilmore Structure Plan 2016* and *Kilmore Infrastructure Framework 2017*.

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

The land was rezoned to General Residential Zone via Amendment C151mith in 2021. Environmental and social effects of residential development within the Kilmore South-East Growth Precinct were considered in detail during this process. The proposed amendment is administrative in nature and is concerned only with the financial means of delivering shared infrastructure and upgrades required to facilitate development of the Precinct.

Does the amendment address relevant bushfire risk?

Bushfire risk was assessed and mitigated via the approval of Amendment C151mith which rezoned the growth corridor/precinct for residential purposes.

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

The proposed amendment is consistent with the requirements of Ministerial Direction 11 on the Form and Content of Planning Schemes as per Section 7(5) of the *Planning and Environment Act 1987*.

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

The proposed amendment supports and implements relevant State Policy:

The strategy at Clause 19.03-2S states:

- *Provide an integrated approach to the planning and engineering design of new subdivision and development.*

The proposed amendment provides a mechanism to collect development contributions for the Kilmore South-East Growth Precinct via a Section 173 Agreement.

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

The proposed amendment is supported by and implements Clause 21.11-3 (Local Areas/Kilmore) which seeks to:

- Ensure that any proposed use or development within Kilmore is generally consistent with the *Kilmore Structure Plan 2016* and the *Kilmore Infrastructure Framework 2017*, which guides preferred growth and development outcomes and priorities delivery of infrastructure for the town.

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

The proposed amendment makes appropriate use of the tools available in the Victorian Planning Provisions to achieve the strategic objectives of the planning scheme. It has been confirmed that amending the DPO5 is the most appropriate way to provide for infrastructure items in the Precinct.

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

Extensive consultation with agencies and authorities was undertaken during preparation and approval of the *Kilmore Structure Plan 2016*. The Kilmore South-East Growth Precinct was recently rezoned to General Residential Zone via Amendment C151mith in 2021 where the views of relevant agencies were addressed. The views of relevant agencies will be sought during exhibition of this amendment.

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

The *Kilmore Structure Plan 2016* and *Kilmore Infrastructure Framework 2017* contain high-level guidance for future transport network upgrades and new infrastructure required to safely service an increase in residents in the Precinct.

Resource and administrative costs

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

The proposed amendment will have minimal impact on the resources and administrative costs of the responsible authority. Mitchell Shire Council is the agency responsible for funds collected. This administrative task is one undertaken by responsible authorities regularly and is unlikely to require new or additional resources.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Mitchell Shire Council website at www.mitchellshire.vic.gov.au

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

- Wallan Planning and Building Office, 4A and 4B, 61 High Street, Wallan
- Kilmore Customer and Library Service Centre, 12 Sydney Street, Kilmore
- Broadford Customer and Library Service Centre, 113 High Street, Broadford

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

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 21 October 2022.

A submission must be sent to:

Mitchell Shire Council
Submissions to Planning Scheme Amendment C151
113 High Street
BROADFORD VIC 3658

Or via email: mitchell@mitchellshire.vic.gov.au

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: Week of 20 March 2023
- panel hearing: Week of 17 April 2023