

MITCHELL PLANNING SCHEME

AMENDMENT C120

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 WMC Kilmore Pty Ltd.

Land affected by the Amendment

The Amendment applies to part of 2 Tootle Street, Kilmore (land described as part Lots 1, 2, 3 and 4 on Title Plan 883638G and Lots 1, 2 and 3 on Title Plan 159551K). It is proposed to rezone an approximately 11.5 hectare area of the site shown at Figure 1 from Farming Zone to General Residential Zone.

A mapping reference table is attached at Attachment 1 to this report.



Figure 1: Part of 2 Tootle St, Kilmore

What the amendment does

The Amendment rezones a portion of land at 2 Tootle Street, Kilmore from the Farming Zone to the General Residential Zone.

Specifically, the Amendment proposes to:

- Amend Planning Scheme Map No 16 to rezone a portion of land at 2 Tootle Street, Kilmore to the General Residential Zone.

Strategic assessment of the Amendment

Why is the Amendment required?

The Amendment is required to rezone the balance of the subject site to the General Residential Zone to allow residential development which is representative of the surrounding area. The land is on the fringe of Kilmore's existing residential area with a prominent abuttal to the Northern Highway.

The proposed rezoning:

- Implements the preferred vision for the site as identified in the *Kilmore Structure Plan 2016* (which is being implemented through Mitchell Planning Scheme Amendment C123);
- Facilitates urban development of underutilised, but easily accessed redundant farmland that adjoins residential areas and is in close proximity to existing services and facilities;
- Allows the land to be used in a manner that is consistent with surrounding land uses; and
- Supports the expansion of the existing General Residential Zone applied to the site and increases the provision for additional housing options for Kilmore.

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

The objectives of planning in Victoria, contained in Section 4(1) of the *Planning and Environment Act 1987*, include:

- (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 the points above; and
- (g) To balance the present and future interests of all Victorians.

The Amendment will implement and will enable residential use of the land which is consistent with the strategic vision and policy objectives at both the State and local level and represents an efficient and orderly planning outcome.

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

Environmental Effects

The proposed amendment applies to predominately cleared farmland that borders the existing urban area of Kilmore. Currently the site is utilised for grazing purposes and a single dwelling. Residential development of the site will provide the opportunity to improve the environmental health of this section of Kilmore Creek as developer contributions and works will provide opportunities for environmental treatments to areas of the subject site encumbered by the creek. Once subdivision of the site is completed the encumbered area of the site will be transferred to the relevant authority.

Social and Economic Effects

The Amendment is expected to have a range of positive social and economic effects that include the following:

- The use of part of the land for residential purposes contributes to the diversity and choice of housing within the municipality and provide for increased passive surveillance of the surrounding street network.
- The rezoning will facilitate development that will provide improvements to a section of the Kilmore Creek which would encourage passive recreation opportunities for the community.

- The use of the land for residential purposes will increase the catchment capable of patronaging surrounding commercial uses.

Does the Amendment address relevant bushfire risk?

The subject site is not effected by the Bushfire Management Overlay. The subject site adjoins existing residential areas and is predominately cleared land. The Country Fire Authority (CFA) was consulted during preparation of the *Kilmore Structure Plan 2016* which nominated the subject site as appropriate for residential development.

The proposed amendment meets the objectives and strategies of State Planning Policy Clause 13.05-1, Bushfire planning strategies and principles and Local Planning Policy Framework Clause 21.04-5, Bushfire. The views of the CFA will be sought during exhibition of the proposed amendment.

The subject site is located within a designated bushfire prone area. If the proposed Amendment is approved dwellings will be subject to further bushfire safety requirements under the *Building Act 1993*.

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

The Amendment is consistent with Ministerial Direction No. 11 – Strategic Assessment of Amendments and the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

The Amendment is consistent with Ministerial Direction No. 9 - Metropolitan Strategy. Plan Melbourne 2017-2050 gives strong policy support to facilitating housing growth in Kilmore as a peri-urban town that has capacity for more housing and employment generating development.

The Amendment is also consistent with Ministerial Direction No. 1 – Potentially Contaminated Land which seeks to ensure potentially contaminated land is suitable for a sensitive use which is proposed and could be adversely affected by contamination. A preliminary site investigation for the land which identifies that the site has been used for rural residential and agricultural purposes since circa 2006 and a site inspection did not identify potential sources of significant contamination that would be considered likely to pose a risk to future land users.

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

The Amendment supports the State Planning Policy Framework (SPPF) and implements these objectives in the following manner:

Clause 9 – Plan Melbourne

This Clause requires the consideration and application of strategies identified within Plan Melbourne 2017-2050: Metropolitan Planning Strategy (Department of Environment, Land, water and Planning, 2017). Direction 4.5 – 'Plan for Melbourne's green wedges and peri-urban areas' within Plan Melbourne seeks to plan and manage sustainable urban growth that is concentrated in and around major towns within Melbourne's peri-urban area. The proposed rezoning will contribute towards achieving this desired planning outcome.

Clause 11 – Settlement

The objective of this clause is for planning to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

The Amendment specifically supports sub Clause 11.02-1 Supply of urban land which seeks to ensure a sufficient supply of land is available for residential purposes. The amendment proposes rezoning approximately 11.5 hectares of land for residential purposes with approximately 1 hectare of the site encumbered by Kilmore creek. The Kilmore Structure Plan nominates a preferred lot size of between 600-900 square meters for the area equating to a lot yield of approximately 95-140

dwelling. Based on the recent rate of residential dwellings constructed in Kilmore this equates to approximately 1-1.5 years lot supply for the township.

Clause 11.12 – Hume

The objective of Clause 11.12-3 is 'To focus growth and development to maximise the strengths of existing settlements', with the relevant strategy being 'Support growth and development in other existing urban settlements and foster the sustainability of small rural settlements'. The proposed amendment supports the relevant strategy and objective of Clause 11.12 as the proposed rezone is located adjacent existing residential areas and supporting infrastructure.

Clause 16 – Housing

Of relevance is sub Clause 16.01-2 Location of residential development which seeks to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. The subject site is well located with regards to existing transport networks and educational facilities. Future facilities are planned within close proximity to the site through active open space, an activity node and a future primary school.

Clause 17 – Regional Victoria

Sub Clause 11.07-2 Peri-urban areas seeks to manage growth in peri-urban areas to protect and enhances their identified valued attributes. The relevant strategies include:

- *Provide for development in established settlements that have capacity for growth having regard to complex ecosystems, landscapes, agricultural and recreational activities in the area.*
- *Ensure development is linked to the timely and viable provision of physical and social infrastructure and employment.*

Kilmore is identified within the *Hume Regional Growth Plan 2014* as having potential for growth. The subject site abuts the existing urban area of Kilmore and represents a logical expansion to the urban area and infrastructure network. The proposal would provide an important recreation link that would have benefit for the surrounding area.

Plan Melbourne 2017-2050 and Hume Regional Growth Plan 2014

The proposed amendment is in accordance with *Plan Melbourne 2017-2050* which nominates Kilmore as a peri urban township with growth capacity at Policy 7.1.2. As stated within *Plan Melbourne 2017-2050*, 'Peri-urban towns can provide an affordable and attractive alternative to metropolitan living'. The proposed amendment is in accordance with the *Hume Regional Growth Plan (2014)* which notes that Kilmore is nominated as a peri-urban township by Plan Melbourne.

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

The Amendment supports the Local Planning Policy Framework (LPPF) and the proposed policy changes through Planning Scheme Amendment C123 and implements these objectives in the following manner:

Clause 21.02 Settlement

Of relevance is sub Clause 21.02-1 Urban growth which seeks 'to plan for the orderly development of existing settlements and manage urban growth'. The proposed rezoning is consistent with these objectives and is a logical expansion of the Kilmore existing urban area.

Clause 21.11 Implementation

Of relevance is sub Clause 21-11-3 Kilmore which details the key planning challenges, vision and strategies for Kilmore currently within the planning scheme. It seeks to:

- *Encourage the consolidation of urban development.*

- *Consider the rezoning of Future Investigation Areas indicated on the town structure plan from rural to residential or low density residential when existing residential zoned land will provide for less than 15 years projected demand.*
- *Encourage the use of public open space, by incorporating linkages within all new developments.*
- *Enhance the attractiveness of the Kilmore creek area running parallel to the main street as a passive recreational area.*

The subject site is included in a Future Investigation Area and identified as suitable for future residential rezoning.

Kilmore Structure Plan 2016 and Planning Scheme Amendment C123

The Kilmore Structure Plan (KSP) was adopted by Council in August 2016 and is sought to be implemented into the Mitchell Planning Scheme via Planning Scheme Amendment C123. The purpose of the KSP is to provide a framework and future vision for the Kilmore township and wider study area, and to assist Council, the community, government agencies and private investors in understanding the requirements for achieving the shared vision for the area. Its role is to guide the long-term growth of Kilmore by ensuring the ongoing capacity of the township to ultimately accommodate a future population of 20,000 people.

For the purposes of the KSP:

- The north-eastern portion of the site is identified as a general residential 'Strategic Infill Development Site';
- The south-western portion of the site is identified within Kilmore's south-east growth precinct (Precinct 3) (Refer to Figure 3) and within a 'Proposed General Residential Area'.

Planning Scheme Amendment C123 seeks to apply a Development Plan Overlay to the subject site and surrounding area which forms the South-East Growth Precinct of Kilmore and would require the preparation of a development plan prior to development commencing.

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

The Amendment makes proper use of the Victoria Planning Provisions by rezoning the land from the Farming Zone to the General Residential Zone to facilitate development consistent with the surrounding land use and zoning. The General Residential Zone is the most appropriate zone given the relevant planning context and the guidance provided by the Kilmore Structure Plan.

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

The Amendment will be referred to all relevant agencies as part of the exhibition process and comments will be included as necessary. The proposed rezoning is consistent with the Kilmore Structure Plan which was prepared with extensive background reports and consultation with key agencies.

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

The transport system objectives and decision making principles have been considered in preparing this planning scheme amendment. The proposed amendment rezones land for residential use and development in accordance with the Kilmore Structure Plan. The subject site borders a connector road.

The Kilmore Structure Plan nominates connector roads and key local roads to service future vehicle movements within the site and a shared path network along Kilmore Creek which runs through the subject site to provide improved walkability and rideability for the area. It is considered that the proposed amendment will not have a major impact on the transport network.

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 have minimal impact on the resource and administrative costs of the responsible authority.

Where you may inspect this Amendment

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

- Wallan Planning and Building Office, 4a & 4b (Level 1), 61 High Street, Wallan
- Kilmore Library and Customer Service Centre, 12 Sydney Street, Kilmore
- Broadford Customer 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 www.delwp.vic.gov.au/public-inspection.

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 **Monday 26 February 2018**.

A submission must be sent to:

Mitchell Shire Council
 Submissions to Planning Scheme Amendment C123
 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: To commence in the week of 13 August 2018.
- panel hearing: To commence in the week of 3 September 2018.

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Kilmore	2 Tootle Street	Mitchell C120 001znMap 16 Exhibition