

MITCHELL PLANNING SCHEME
AMENDMENT C151
EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of Wandong Kilmore Pty Ltd.

Land affected by the Amendment

The amendment applies to approximately 171 hectares of land identified in the *Kilmore Structure Plan 2016* as within 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. Anderson Street, the 2 Tootle Street residential development site and existing residential development border the north.



Figure 1: Subject land within the Kilmore South-East Growth Precinct

What the amendment does

The amendment proposes to rezone land identified in the *Kilmore Structure Plan 2016* and at Clause 21.11-3 of the *Mitchell Planning Scheme* as within Kilmore's South-East Growth Precinct from Farming Zone, Rural Living Zone and Public Use Zone to General Residential Zone 1 and extends the extent of the Vegetation Protection Overlay Schedule 1 to areas with native vegetation areas and removes the Vegetation Protection Overlay Schedule 1 from cleared land.

Specifically, the amendment proposes to:

- Rezone land from Farming Zone (FZ), Rural Living Zone (RLZ) and Public Use Zone (PUZ) to the General Residential Zone 1 (GRZ1) within the precinct.
- Amend the extent of the Vegetation Protection Overlay (VPO) Schedule 1 within the precinct to extend to cover all roadside vegetation on the Quinns Road and Anderson Road site frontages, the Tootle Street road reserve and remove from cleared land.
- Amend Planning Scheme Map Nos. 15 and 16.
- Amend Planning Scheme Map Nos. 15VPO and 16VPO.

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* and at Clause 21.11-3 of the *Mitchell Planning Scheme* which sets a framework to guide the growth and development of Kilmore.

The proposed rezoning:

- Is consistent with the directions contained in the *Kilmore Structure Plan 2016*, including Action 84 which states the land in the South East Growth Precinct is to be rezoned to General Residential Zone 1, and is in accordance with Clause 21.11-3 (Local Areas/Kilmore).
- Forms a logical expansion of Kilmore's residential growth.
- Will facilitate orderly development of 17 land parcels via Development Plan Overlay (DPO) Schedule 5 which applies to the subject land.
- Will facilitate the first stage in the transfer of land for community infrastructure, including a primary school site and active open space.

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 to provide for the orderly and sustainable use and development of land for residential purposes on land that has been identified as suitable for residential development as per the *Kilmore Structure Plan 2016* which is consistent with State and Local Policy.

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

Environmental

The subject land is located in a rural area on the edge of Kilmore's existing urban area and forms a logical extension to the township. The subject land is predominately cleared farmland with vegetation located along Mclvors Road, Quinns Road and Wandong Road and along property boundaries. The proposed amendment addresses environmental considerations by extending the VPO along the Quinns Road and Anderson Road site frontages to protect existing roadside vegetation. The VPO is extended along the unmade Tootle Street road reserve which is vegetated and forms part of a drainage line. It is proposed to reduce the extent of the VPO where land is clear of vegetation.

The land contains minor waterways to the east of the subject land which run in a north-south alignment and contains scattered trees and shrubs. As a result of development, these areas will be enhanced and protected to improve the environmental health and quality of these existing areas and will ultimately form part of the public realm for passive recreation, as per the directions set out in the *Kilmore Structure Plan 2016*.

Social and Economic

Kilmore is experiencing strong population growth which is creating demand for new residential land. The *Kilmore Structure Plan 2016* responds to the need to accommodate residential growth by identifying several growth precincts. The proposed rezone will provide land for residential use and deliver essential infrastructure to sustain and service the future urban area. The projected lot yield for the proposed rezone area is approximately 1,500 lots. This estimate is based on preliminary drainage investigations and considers land set aside within the precinct for a primary school and active open space.

The *Kilmore Structure Plan 2016* nominates land within the subject area for active open space, integration of passive open space along waterways, a shared path network and a primary school which will benefit current and future residents.

Part of Kilmore's South-East growth precinct is the former Wandong to Heathcote rail line. The former rail line is within the PUZ and bisects the South East growth precinct. The former rail land is surplus to VicTrack requirements. The *Kilmore Structure Plan 2016* and Clause 21.11-3 nominate the former rail line as a shared path, passive open space and residential use, which are not allowable uses under the PUZ. Rezoning to GRZ1 will allow for the land to be sold to Council or developers for residential and community use.

Does the Amendment address relevant bushfire risk?

The subject land is not affected by the Bushfire Management Overlay. The Country Fire Authority (CFA) was consulted during preparation of the *Kilmore Structure Plan 2016* which nominated the subject land as appropriate for residential development.

The proposed amendment meets the objectives and strategies of Clause 13.02-1. The views of the CFA will be sought during exhibition of the proposed amendment.

The subject land is 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 1983*.

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 the Ministerial Direction 11 on the Form and Content of Planning Schemes as per Section 7(5) of the *Planning and Environment Act 1987*.

The proposed amendment is consistent with Ministerial Direction No.1 – Potentially Contaminated Land. The subject land has been used for rural residential and agricultural purposes and not for industrial uses. A contamination assessment has been prepared to support the proposed amendment which confirms the land is suitable for sensitive uses.

The proposed amendment is consistent with Direction No. 9 – Metropolitan Strategy. Plan Melbourne 2017-2050 contains policy to support planning for growth in peri-urban townships and identifies Kilmore as a town with capacity for growth.

The proposed amendment complies with Direction No. 19 – Preparation and Content of Amendments That May Significantly Impact the Environment, Amenity and Human Health which requires planning authorities to seek the views of the EPA where an amendment may result in significant impact on the environment, amenity and human health due to pollution and waste. The EPA do not object to proceeding with the proposed amendment.

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

The proposed amendment is in accordance with the following relevant objectives of the Planning Policy Framework:

Clause 9 – Plan Melbourne

This Clause requires the consideration and application of strategies identified within *Plan Melbourne 2017-2050*. Direction 4.5 – ‘Plan for Melbourne’s green wedges and peri-urban areas’ 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 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, open space, commercial and community facilities and infrastructure. The proposed amendment facilitates the orderly planning and delivery of land for residential development in a township that has been identified for growth by *Plan Melbourne 2017-2050*. Within the subject site land is nominated for active and passive open space, childcare/kinder facilities and a primary school via the *Kilmore Structure Plan 2016*, Clause 21.11-3 (Local Areas/Kilmore) and Development Plan Overlay Schedule 5 apply to the proposed rezone area which will ensure orderly future development.

The proposed amendment is in accordance with Clause 11.02-1S which seeks to ensure a minimum supply of residential land over a 15-year period. Research prepared by Spatial Economics on behalf of Mitchell Shire Council has identified that with the current population growth rate Kilmore has approximately 10-12 years of residential land as of July 2018 based on the rate of residential dwellings constructed in Kilmore. The proposed rezone will ensure Mitchell Shire including Kilmore has sufficient residential zoned land to service population growth.

Clause 16 – Housing

The proposed amendment is in accordance with 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 development sites that offer good access to services and transport. The subject land borders the Northern Highway and as outlined above future community facilities are planned for. The subject land is a logical development front for Kilmore.

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

21.02 Settlement

This proposed amendment is in accordance with the objective of planning for orderly development of existing settlements by implementing the directions of the *Kilmore Structure Plan 2016* which specifically nominates the subject land for future residential purposes.

21.11-3 Local Areas – Kilmore

The proposed amendment is supported by and in accordance with Clause 21.11-3 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 prioritises delivery of infrastructure for the town.
- Support well designed growth precincts that represent ‘complete neighbourhoods’ and are connected to the established areas of Kilmore including the Sydney Street town centre and existing facilities via establishment of an integrated open space and movement network.
- Protect the Kilmore and Kilmore East settlement boundary by avoiding residential development beyond the boundary.

The proposed amendment is consistent with the *Kilmore Structure Plan 2016* and the Kilmore Framework Plan at Clause 21.11-3 which nominates the subject land as a residential growth area. The subject land is covered by Development Plan Overlay (DPO) Schedule 5 which will ensure future development is a ‘complete neighbourhood’ through future preparation of a Development Plan.

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

The proposed Amendment makes appropriate use of the Victorian Planning provisions through rezoning of the land from Farming Zone, Public Use Zone and Rural Living Zone to General Residential Zone 1. The General Residential Zone 1 is the most appropriate zone given the relevant planning context and guidance provided by the *Kilmore Structure Plan 2016*.

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

The views of the EPA have been sought as required by Ministerial Direction 19 as discussed above in this report. The EPA do not object to proceeding with the proposed amendment.

Extensive consultation with external agencies was undertaken during preparation of the *Kilmore Structure Plan 2016*, including VicRoads, Goulburn Broken Catchment Management Authority, VicTrack, Country Fire Authority, Goulburn Valley Water and the Department of Environment, Land, Water and Planning. The views of relevant agencies will also be sought and considered as part of the formal exhibition of this amendment.

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

The future development of the subject land for residential purposes will impact on the existing and future transport network of Kilmore. This will be addressed in further detail at the time a Development Plan is lodged and approved by the Responsible Authority.

Kilmore Structure Plan 2016 and *Kilmore Infrastructure Framework 2017* contains high-level guidance for future transport network upgrades and new infrastructure required to safely service an increase in residents in the area. Future development will be further supported by further traffic investigations and liaison with transport agencies during preparation of a Development Plan for the subject land.

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 not have a significant impact on the resources and administration costs of the responsible authority. The amendment consolidates the future rezoning and development of 17

land parcels which significantly reduces resource and administrative cost burdens on the responsible authority by avoiding piecemeal amendments. The proposed amendment will allow for future preparation of a single comprehensive Development Plan to positively guide the future residential development of the land which will provide significant cost efficiencies to Council.

Where you may inspect this Amendment

The Amendment is available for public inspection at the Mitchell Shire Council website: www.mitchellshire.vic.gov.au/planning-and-building/strategic-planning/planning-scheme-amendments

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.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 26 June 2020.

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 14 September 2020
- panel hearing: Week of 12 October 2020