

MITCHELL PLANNING SCHEME
AMENDMENT C154mith
EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of Ethos Urban on behalf of the Kilmore Racing Club Inc.

Land affected by the amendment

The amendment applies to the land known as 15-35 East Street, Kilmore (formally referred to as Lot 1 on TP002368D and Lot 1 on TP002403E) and the south adjoining parcel (formally referred to as Reserve 1 on LP114048).



Figure 1: Subject Site

What the amendment does

The amendment proposes to rezone 2.2 hectares of land at 15-35 East Street, Kilmore and the south adjoining land (Reserve 1 on LP114048) from the Public Use Zone – Schedule 6 to General Residential Zone – Schedule 1 and apply the Development Plan Overlay – Schedule 10 (DPO10).

Specifically, the amendment proposes to:

- Amend Planning Scheme Map No 16; and
- Amend Planning Scheme Map No 16DPO.

Strategic assessment of the amendment

Why is the amendment required?

The amendment proposes to rezone land that is within zoned Public Use Zone 9 (Local Government) and is privately owned.

The land is located in a residential area opposite the Kilmore Racing Club with frontage to East Street. The land is vacant and has previously been used for overflow carparking by the racing club. The surrounding land is zoned General Residential Zone 1.

The land is not used by or on behalf of Mitchell Shire Council. All three lots have been owned by the Kilmore Racing Club since 1985. The current zone is therefore inappropriate. The rezoning will enable the racing club to dispose of the site and ensure that any future land use is complementary to the existing residential use of adjoining land.

The rezoning of this site is identified within the *Kilmore Structure Plan 2016* (Action A47), however, the proposed zone differs from the outcome envisaged by the Structure Plan. The Special Use Zone Schedule 3 – Kilmore Race track was amended via Amendment C109 in 2017 which allows the racing club to expand activities on the main site, including the provision for carparking.

The application of Development Overlay (DPO10), which specifies Development Plan application requirements specific to Kilmore's strategic residential infill sites, will facilitate the orderly future development of the site compatible with the surrounding area's residential character.

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;
- (g) To balance the present and future interest of all Victorians.

The amendment will enable residential use of the land which represents an efficient and orderly planning outcome.

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

The amendment will not result in any adverse environmental, social or economic effects as it is considered to be minor/administrative in nature. The Development Overlay requires, amongst others, a Flora and Fauna Assessment to be prepared that will address the presence and retention of native vegetation, if desirable, prior to approval and development commencing.

Development of the land will have positive economic benefits for the Kilmore and surrounding communities. If rezoned the lot yield is estimated to be 30-40 lots. Based on recent residential subdivision development trends in Kilmore this equates to less than four months residential land supply.

Does the amendment address relevant bushfire risk?

The subject site is not nominated as a site of significant bushfire risk as it is not affected by the Bushfire Management Overlay or located in a Bushfire Prone Area while also being within the settlement boundaries as identified by the *Kilmore Structure Plan 2016*. The views of the Country Fire Authority will be obtained during formal exhibition of this amendment.

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

Ministerial Direction – The Form and Content of the Planning Scheme

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act by rezoning private owned land out of a public land zone.

Ministerial Direction No. 1 – Potentially Contaminated Land

The amendment is consistent with the Ministerial Direction relating to land contamination risk. The *Preliminary Site Investigation for 15-35 East Street, Kilmore, Victoria* prepared by Environmental Health Services which found that the overall risk to human health and ecological health associated with potential land contamination at the site is considered low to negligible and that a Certificate or Statement of Environmental Audit is not required to support the rezoning.

Ministerial Direction No. 11 – Strategic Assessment of Amendments

The amendment meets the requirements of Ministerial Direction No 11 Strategic Assessment of Amendments.

Ministerial Direction No. 19 – Preparation and Content of Amendments

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 Environment Protection Authority. The EPA does not object to proceeding with the proposed amendment.

Ministerial Direction No. 91 – Using the Residential Zones

The proposed application of the General Residential Zone 1 is consistent with Direction.

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

The amendment proposes to rezone land that is currently inappropriately zoned and under-utilised. The rezoning of the site will allow orderly future development of the site in a manner that reflects the preferred character set out in the *Kilmore Structure Plan 2016* and the growth expectations for Kilmore nominated in the *Hume Regional Growth Plan 2014* and *Plan Melbourne 2017-2050*.

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

The application of the General Residential Zone is consistent with the direction provided by the LPPF for the established areas of Kilmore. It will provide land for housing within the existing township boundary and in an area with good access to existing services and facilities.

The application of the DPO10 is consistent with the identification and treatment of strategic infill development sites in the *Kilmore Structure Plan 2016* and Clause 21.07 of the planning scheme.

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

By rezoning privately owned land from a Public Use Zone the amendment makes proper use of the Victorian Planning Provisions.

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. The EPA does not object to proceeding with the proposed amendment. The views of relevant agencies will 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?

Development of the subject site will have a minor impact on the transport network at a local level. This will be addressed in further detail at the time a Development Plan, which includes the requirement for a Traffic Impact Assessment Report, is prepared and considered for approval by the Responsible Authority. Therefore, it is considered the proposed amendment is appropriate in the context 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 is not expected to have a significant 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 Services, 4A and 4B, 61 High Street, Wallan
- Kilmore Customer Service Centre and Library, 12 Sydney Street, Kilmore

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

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 close of business by **Monday 19 July 2021**.

A submission must be sent to:

Mitchell Shire Council
Submission to Planning Scheme Amendment C154mith
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 18 October 2021
- panel hearing: Week of 15 November 2021