



AGENDA APPENDIX
Council Meeting
Wednesday 22 May 2013

AGENDA ITEM FOR SEPARATE DISTRIBUTION TO COUNCILLORS AND EXECUTIVE LEADERSHIP TEAM DUE TO DOCUMENT SIZE.

THE ITEM IS ACCESSIBLE VIA THE COUNCIL WEBSITE OR BY CONTACTING COUNCIL ON 03 5662 9200.

E.6 C73 BENA REZONING

Appendix 1 – Draft explanatory report for C73

SOUTH GIPPSLAND PLANNING SCHEME

AMENDMENT C73

EXPLANATORY REPORT

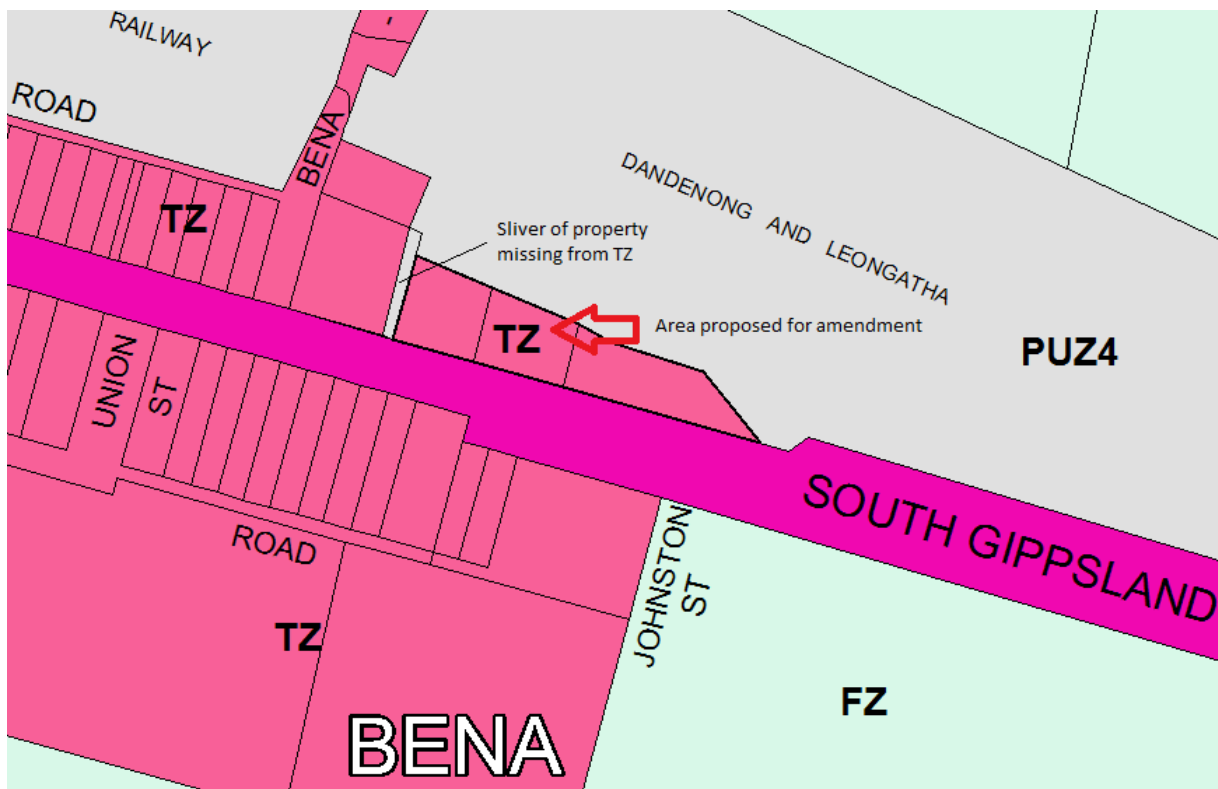
Who is the planning authority?

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

The amendment has been made at the request of VicTrack.

Land affected by the amendment

The amendment applies to part of Lot 2, LP83315, Main Road and the adjoining narrow strip of land in 44 Main Road zoned PUZ (formally known as Lot 1, TP372788) in Bena, as shown in the map below.



What the amendment does

The amendment:

- Rezones part of Lot 2, LP83315, owned by VicTrack, from Public Use Zone 4 (PUZ4) to Township Zone and removes the Environmental Significance Overlay (ESO5) Erosion..... (Schedule 5) from the land.
- Rectifies an anomaly in the adjoining land to the west, where the zone boundary does not align with the title boundaries and uses. It rezones the narrow portion of privately owned land on 44 Main Road from PUZ to Township Zone (TZ) consistent with the adjacent zoning is the same zone used for the balance of the property.

Strategic assessment of the amendment

- **Why is the amendment required?**

The amendment is required to reflect the existing residential use of the future TZ land and to allow for the future development of the land, which is proposed under a subdivision application adjoining this Amendment processed under Section 96 of the Act.

The zone boundary of 44 Main Road does not align with the title boundary and land use. The second part of the amendment proposes to rectify this mapping anomaly, and to recognize the private ownership of the land and its existing use as a dwelling.

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

The amendment implements the following objectives of planning in Victoria:

- a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- b) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

Amendment C73 implements these objectives by rezoning the subject land to reflect existing residential use and to facilitate future development that is compatible with the township character of Bena. Preparation of the Amendment has addressed various environmental issues relevant to potential soil contamination and land capability to treat effluent disposal on-site.

- **How does the amendment address the environmental effects and any relevant social and economic effects?**

Preparation of the Amendment has addressed environmental issues relevant to potential soil contamination and land capability to treat effluent disposal on-site. A land capability assessment and preliminary soil contamination assessment have been prepared by VicTrack to the satisfaction of Council.

- **Does the amendment address relevant bushfire risk?**

The site has been assessed for Bushfire Risk in conjunction with CFA and the fire risk to the site is able to be addressed by compliance with relevant Building standards.

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

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The amendment is consistent with the Ministerial Direction on the Strategic Assessment of Amendments - Direction 11.

The amendment is also consistent with the Ministerial Direction on Potentially contaminated land, in that appropriate assessment undertaken which states the land is considered to fall into the 'Low Potential' category for potential for contamination, and is not known to have been used for Industry, mining or the storage of chemicals, gas, wastes or liquid fuel, hence the Direction does not apply.

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

The amendment is consistent with the State Planning Policy Framework and in particular, the following objectives/strategies:

Objective in Clause 11.02-1:

- *“To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses”.*

The amendment implements the objective above by providing a land for a residential use in Bena Township with access to local facilities and in close proximity to Korumburra where higher level of services are available.

Strategy in Clause 13.03-1:

- *“Require applicants to provide adequate information on the potential for contamination to have adverse effects on the future land use, where the subject land is known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel.”*

The amendment implements the strategy above through a preliminary contamination assessment, which identified that the land is considered to fall into the ‘Low Potential’ category for potential for contamination, and land capability assessment on the subject land prior to exhibition of the amendment, and is satisfied that the land is not known to have been used for industry mining or the storage of chemicals, gas, wastes or liquid fuel.

Strategies in Clause 15.01-2:

- Safety:
 - *“New development should create urban environments that enhance personal safety and property security and where people feel safe to live, work and move in at any time.”*
- Consolidation of sites and empty sites
 - *“New development should contribute to the complexity and diversity of the built environment.”*
 - *“Site consolidation should not result in street frontages that are out of keeping with the complexity and rhythm of existing streetscapes.”*
 - *“The development process should be managed so that sites are not in an unattractive, neglected state for excessive periods and the impacts from vacant sites are minimised.”*

The amendment implements the strategies above by:

- Enhancing the sense of safety in Bena by enhancing passive surveillance through new development on the main street;
- Consolidating the subject land and providing an opportunity to revitalise the frontage of the main street of Bena through development compatible to the character of Bena.
- **How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment is consistent with the Local Planning Policy Framework. Particularly, it implements strategy in Clause 21.04:

- Element 1 – Housing choice: *“To promote new housing that provides for the retention and development of sustainable communities throughout the Shire.”*

The amendment provides an opportunity to strengthen the community of Bena by providing appropriately zoned land for residential use.

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

The amendment makes proper use of the Victorian Planning Provisions.

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

The proposed development under the subdivision application has been referred to relevant agencies including Telstra, EPA, SP Ausnet, VicRoads and VicTrack.

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

The amendment will have no impact on the transport system as defined by section 3 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?**

Subject to the approval of this combined application, it's expected that an additional development will be approved through the normal building process. The financial and administrative impact to the Responsible Authority is minimal.

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: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date]**

Where you may inspect this Amendment

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

- South Gippsland Shire Council, 9 Smith Street Leongatha, and Council's web page www.southgippsland.vic.gov.au

The amendment can also be inspected free of charge at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection.