



AGENDA APPENDIX
Council Meeting
Wednesday 26 June 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. 24 PLANNING SCHEME AMENDMENT C84 SP AUSNET REZONING TO SPECIAL USE ZONE 5 WITH ASSOCIATED INCORPORATED DOCUMENT

Appendix 1 - Explanatory Report for Planning Scheme Amendment C-84

SOUTH GIPPSLAND PLANNING SCHEME

AMENDMENT C84

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 SPI Electricity Proprietary Ltd.

Land affected by the amendment

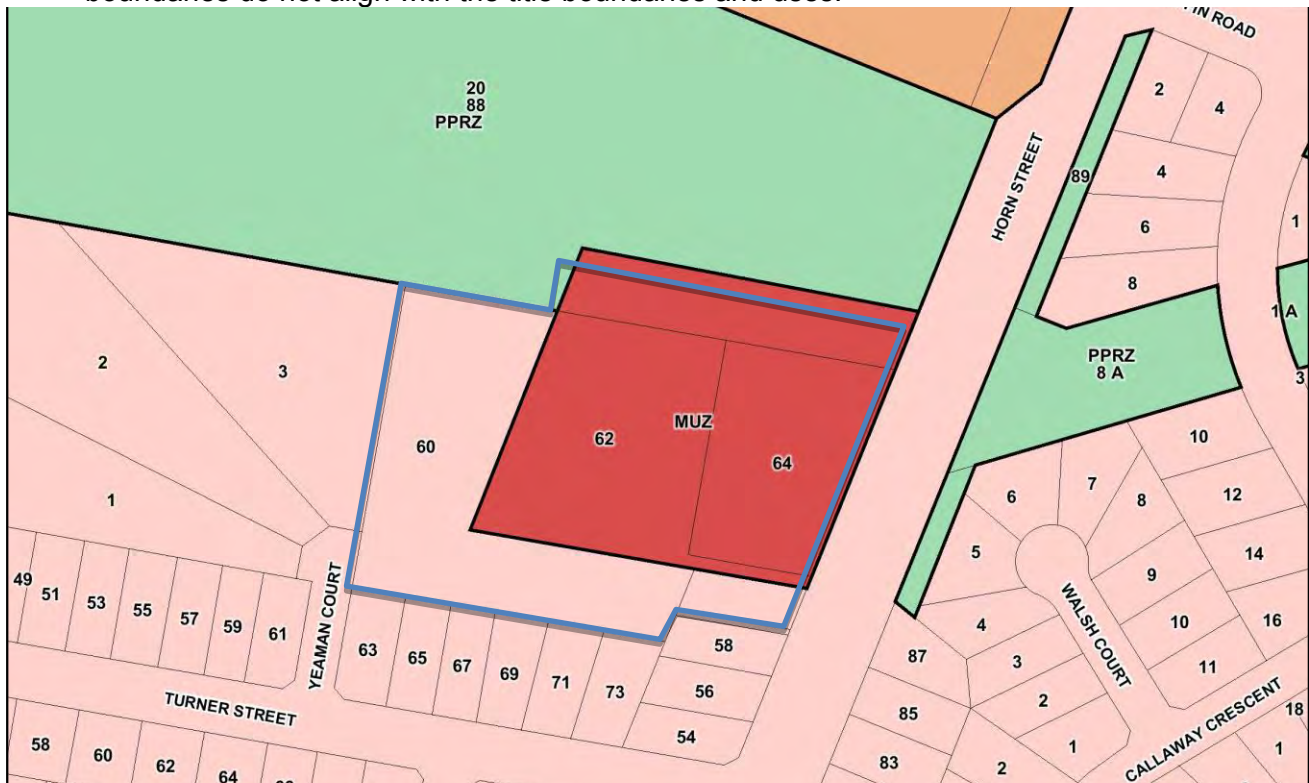
The amendment applies to the land at 60, 62 and 64 Horn Street Leongatha, as illustrated on the following map. The land is officially known as Lot 6 CS1165 and Lot 1 TP742417N (forming 60 Horn Street), Lot 1 TP247958M, Lot 1 TP539545M and TP164495N. No covenants are affected by the proposed rezoning.

The land is bound by Public Park and Recreation zoned land to the north (occupied by a BMX track and Equestrian Club), Horn Street to the east and residential properties to the south and west.

A depot and substation, owned and operated by SPI Electricity Proprietary Ltd, occupy 62-64 Horn Street. 60 Horn Street is largely paddocked is part used for storage and parking.

The depot and substation are in the Mixed Use Zone and 60 Horn Street is in the Residential 1 Zone.

The amendment will also rectify an anomaly to the north, where the zone and overlay boundaries do not align with the title boundaries and uses.



What the amendment does

The amendment:

- Rezones land from the Mixed Use Zone and Residential 1 Zone to the Special Use Zone Schedule 5 (SUZ5).
- Inserts Schedule 5 to the Special Use Zone at Clause 37.01.
- Introduces a new Incorporated Document to the Schedule at Clause 81.01 titled 'SPI Electricity PTY LTD Leongatha Depot 2013', to allow for the ongoing safe and efficient operation of the site
- Corrects zoning and overlay anomalies by rezoning land from the Public Park and Recreation Zone (PPRZ) to the SUZ5, rezoning land from the Mixed Use Zone to the PPRZ, and deleting the Environmental Audit Overlay from land to be rezoned to the PPRZ.

No changes are proposed to the State Planning Policy Framework or Local Planning Policy Framework.

Strategic assessment of the amendment

• Why is the amendment required?

The amendment is required to provide sufficient zoned land for the on-going safe and efficient operation of the SPI Electricity depot and substation in Leongatha.

The depot is the operational base for work crews and other staff, centralising the on-going maintenance and operation of electricity distribution in south eastern Victoria. The depot provides approximately 40 jobs to the local employment market.

The size and topography of the current site restricts its function and either extension or relocation is required to continue its operation and safe work environment. SPI Electricity has entered into a sale agreement for the adjacent property to the west, which will allow extension of the site. This extension will be staged over five years with works to be completed as demand and funding arise.

A more appropriate zone for this use is the Special Use Zone with a schedule reflecting the primary purpose of the land. Rezoning the land to the Special Use Zone will:

- remove the administrative burden associated with planning permits for each stage of the works, supporting the on-going function of the site as the Incorporated Document will provide clear guidance on permitted development and
- provide a clear direction for the improved use of the site.

Schedule 5 to the Special Use Zone identifies the depot as an 'of right' use, with no planning permit required for Buildings and Works carried out in accordance with the Incorporated Document titled "*SPI Electricity Pty Ltd Leongatha Depot 2013*". The Incorporated Document will provide parameters for any upgrade of the depot. Use, buildings and/or works outside its scope will require a planning permit.

The substation is excluded from the Incorporated Document and will be subject to provisions of the Planning Scheme, despite its inclusion in the rezoning.

In the northern area of the site, zone and overlay boundaries do not align with the title boundaries and land uses. The amendment proposes to rectify this mapping anomaly.

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

The amendment implements the following objectives of planning in Victoria:

"to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community."

“to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria”

Amendment C84 implements this objective by rezoning the Leongatha Depot to a more appropriate zone, allowing for its extension and on-going role in maintaining electricity supply to south east Victoria.

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

The site does not present any significant environmental constraints that would prevent it being developed for the proposed purpose. The site does not host any native vegetation or waterways and is considered to have limited environmental value. The amendment will not have any negative environmental effect.

A Phase 1 Environmental Site Assessment has been undertaken to consider the risk of contamination. Assessments for 60 Horn Street and 62-64 Horn Street were undertaken separately. The assessment for 60 Horn Street concluded that “the site is considered a low risk of having soil and groundwater contamination” and recommended no further investigation. The assessment for 62 and 64 Horn Street concluded that “the site is considered suitable for on-going use as a depot/electrical substation. The condition of the site does not pose risk to works on the site or construction workers”. The assessment goes on to recommend that “any stained odorous or unusual soil conditions should be reported and investigated immediately” and that “an Environmental Management Plan (EMP) should be in place as part of the redevelopment of the site”.

The site is not subject to flood inundation.

The Environmental Audit Overlay will continue to apply to some areas of the site. It is considered that an extension of the overlay (to 60 Horn Street) is not required as the proposed activity does not pose a risk of contamination.

The amendment will have a positive social and economic effect as it will support the supply of power to the local area and the Gippsland Region. The depot also provides approximately 40 jobs to the local economy. Without the rezoning to facilitate the expansion of the site, it is likely the depot will need to relocate outside of the Leongatha township.

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

The land is within the established Leongatha township and not the Bushfire Management Overlay area. All development will comply with the relevant building standards to minimise bushfire risk.

- **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.

- **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 Clauses:

Clause 11: Settlement

This Clause identifies the need for planning to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

The upgrading of the depot will assist in addressing the future infrastructure needs of the community.

Clause 15 – Built Environment and Heritage:

Clause 15.01-1 Urban Design

Objective: To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

Clause 15.01-5 Cultural identity and Neighbourhood Character

Objective: To recognise and protect cultural identity, neighbourhood character and sense of place.

The landscaping and layout of the site have considered the character of the area and the outlook of the residential neighbourhood to minimise the impact on the amenity of the local area.

Clause 17 Economic Development

Planning is to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity.

Planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.

The rezoning of the site will allow the site to expand and be upgraded while remaining in Leongatha township. The depot provides approximately 40 jobs to the local economy.

Clause 19 – Infrastructure:

Planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely.

The amendment will facilitate the safe and efficient operation of the Leongatha Depot, supporting the provision of electricity supply for south east Victoria.

• 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 (LPPF) – specifically Clauses 21.04-2 Economy and 21.04-4 Leongatha.

The amendment seeks to support the on-going operation of the Leongatha Depot, which supports the economic development of South Gippsland Shire through the provision of approximately 40 jobs.

Clause 12.04-4 includes objectives to retain Leongatha as the major regional service centre in the Shire and to provide adequate supply of commercial and industrial land. While the development is industrial in nature, its operational requirements are more appropriately suited to the Special Use Zone and associated Incorporated Document to guide the operation of that use.

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

The amendment makes proper use of the Victorian Planning Provisions by rezoning the land from the Residential 1 Zone and Mixed Use Zone to the Special Use Zone.

The application of the Special Use Zone is in accordance with the intended use of the Victoria Planning Provisions. The Special Use Zone provides for the use and development of land for specific purposes as identified in the schedule to the zone. The amendment introduces a new Schedule to the South Gippsland Planning Scheme to provide for the on-going safe and efficient operation of the Leongatha Depot, in accordance with the Incorporated Document.

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

The amendment does not introduce any new formal or informal requirements for any referral authorities or any relevant agencies.

There are no existing requirements for any referral authorities or any relevant agencies.

- **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?**

The rezoning of the land will only trigger the need for a planning permit when the proposed development is inconsistent with the plan included in the Incorporated Document. The Incorporated Document will provide development certainty while avoiding additional Council resource requirements.

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: 20 June 2013
- panel hearing: 23 July 2013

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

Leongatha Public Library, 2 Smith St, Leongatha

Council's web page www.southgippsland.vic.gov.au – See 'Planning Scheme Amendments' page

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.