

Planning and Environment Act 1987

MURRINDINDI SHIRE PLANNING SCHEME

AMENDMENT C55

EXPLANATORY REPORT

Who is the planning authority?

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

Land affected by the amendment

The amendment applies to the Yea township and immediate environs.

What the amendment does

The amendment implements the *Yea Structure Plan 2014* by amending strategic directions for the Yea township and environs, rezoning various parcels of land and amending subdivision provisions and applying the Development Plan Overlay for defined areas of land zoned Rural Living.

The amendment proposes to:

Planning Scheme Maps:

- Rezone Lots 1-11, PS 419551, Ewing Wynd from Farming to Rural Living (Map 6).
- Rezone 2, 4, 6, 8, 12, 14, and 16 North Street from Industrial 1 to General Residential (Map 7).
- Rezone 5691 Whittlesea-Yea Road from Industrial 1 to General Residential (Map 7).
- Rezone 13 Rattray Street from Commercial 2 to Mixed Use (Map 7).
- Rezone 30-38 & 41 Oliver Street from Commercial 2 to General Residential (Map 7).
- Rezone 6469-6489 Melba Highway from Farming to Low Density Residential and apply the Development Plan Overlay 2 (Low Density Residential Zone) to the land (Maps 7 & 7DPO).
- Rezone 6 Smith Street from Farming to Low Density Residential (Map 7).
- Rezone Crown Allotments 4 & 5, Section 29, Township of Yea, being land east of Melbourne Road reserved as 'Conservation of an area of natural interest', from Public Use 7 (Other public use) to Public Conservation and Resource (Map 7).
- Apply the Development Plan Overlay 3 (Rural Living Zone) to land on the northern and southern sides of Racecourse Road proposed for a minimum subdivision size of 2 hectares under this amendment (Maps 6DPO & 7DPO).
- Apply the Development Plan Overlay 3 (Rural Living Zone) to land north of Goulburn Valley Highway and east of Carey and Killingworth Roads and land south / west of McLeishs Road proposed for a minimum subdivision size of 2 hectares under this amendment (Maps 6DPO & 7DPO).

Planning Scheme Ordinance:

- Amend Clause 21.04, Housing, to reference the use of the *Yea Structure Plan 2014* under Clause 21.04-2, Serviced strategies.
- Amend the Schedule to Clause 35.03, Rural Living Zone, to indicate areas of the existing Rural Living Zone to the northeast and west of the Yea township where the minimum and average subdivision sizes of 4 and 6 hectares will be reduced to a 2 hectare minimum subdivision size and provide that no planning permit is required for a dwelling on any lot in this defined area of 2 hectares or above in area.

Strategic assessment of the amendment**Why is the amendment required?**

The amendment implements the *Yea Structure Plan 2014* to outline a strategic framework for the future land use, development and servicing of the Yea township and environs over the next 15-20 years. The structure plan was adopted by Murrindindi Shire Council on 26 November 2014 and is now being implemented into the Murrindindi Planning Scheme through amending strategic directions, rezoning land and applying overlays to some areas.

Planning Scheme Maps:

The rezoning of some parcels of land and applications of overlays are being undertaken to implement the recommendations of the adopted *Yea Structure Plan 2014* to:

- Lots 1-11, PS 419551B, Ewing Wynd from Farming to Rural Living:
Rezone land to formalise the whole of this existing 'rural living' subdivision on the southern side of the Yea township, allowing consideration of additional rural living subdivision proposals down to 4 hectares minimum and 6 hectares average in area.
- 2, 4, 6, 8, 12, 14, and 16 North Street:
These parcels are being rezoned to General Residential to recognise their existing residential use and that the land is not required for potential industrial use in the future.
- 5691 Whittlesea-Yea Road:
These parcels are being rezoned to General Residential to recognise that the land is not required for potential industrial use in the future and to provide an opportunity for proposals to be considered and made for a range of future residential uses and developments.
- 13 Rattray Street:
This land is being rezoned from Commercial 2 to Mixed Use to provide an opportunity for mixed commercial and residential uses, subdivision and development in the former Yea Butter Factory building and land. Under the Commercial 2 Zone, a residential dwelling is prohibited and only a caretaker's dwelling may be proposed / allowed.
- 30-38 & 41 Oliver Street:
This land is being rezoned from Commercial 2 to General Residential to reflect the existing residential use and development of the sites and indicate that the land is not required for commercial use in the future. The land was formerly zoned Business 4 as it was part the former Yea Butter Factory precinct but was inappropriately zoned as the zone (and current Commercial 2 Zone) prohibit the existing residential use of the land.

- 6469-6489 Melba Highway:

This parcel is being rezoned from Farming to Low Density Residential to reflect its potential for low density residential development without reticulated sewerage which is not available to the land. The land lies within the Yea township, is suitable for low density subdivision and residential development and is no longer suitable for farming purposes. The Development Plan Overlay 2 (Low Density Residential Zone) is being applied at the suggestion of the Amendment C55 panel to guide future use and development of the land, specifically to manage the interface with residential development to the north and west and to address visual impacts on this prominent site.

- 6 Smith Street:

This parcel is being rezoned from Farming to Low Density Residential to reflect its potential for low density residential development without reticulated sewerage which is not available to the land. The land lies within the Yea township, is suitable for low density subdivision and residential development and is no longer suitable for farming purposes.

- Crown Allotments 4 & 5, Section 29, Township of Yea:

This land is being rezoned from Public Use 7 (Other public use) to Public Conservation and Resource at the request of the Department of Environment, Land, Water and Planning as the land is permanently reserved as 'Conservation of an area of natural interest' and should be rezoned to reflect this status and long term use.

- Land on the northern and southern sides of Racecourse Road:

The Development Plan Overlay 3 (Rural Living Zone) is being applied to this land to assist in guiding future land use, development, subdivision and servicing of land zoned Rural Living that is proposed to be reduced to a minimum subdivision size of 2 hectares (from 4 hectares minimum and 6 hectares average) under this amendment.

- Land north of Goulburn Valley Highway, east of Carey Road / south of Williamsons Road and south of McLeishs Road:

The Development Plan Overlay 3 (Rural Living Zone) is being applied to this land to assist in guiding future land use, development, subdivision and servicing of land zoned Rural Living that is proposed to be reduced to a minimum subdivision size of 2 hectares (from 4 hectares minimum and 6 hectares average) under this amendment.

Planning Scheme Ordinance:

- Clause 21.04, Housing:

- This clause is being amended to reference the use of the *Yea Structure Plan 2014* under Clause 21.04-2, Serviced strategies, as a strategic land use direction to guide future land use directions in the Yea township.

- Schedule to Clause 35.03, Rural Living Zone:

This schedule is being amended to reduce Rural Living Zone areas down to 2 hectare minimum subdivision size to facilitate subdivision on unconstrained and unsubdivided areas closer to the Yea town centre, better utilise physical and community infrastructure closer to the existing settlement area and provide market choice in the range of available lot sizes.

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

The amendment implements the objectives of planning in Victoria as outlined in Section 4 of the *Planning and Environment Act 1987* through:

- Providing for the fair, orderly, economic and sustainable use and development of land.
- Providing for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- Securing a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- Protecting public utilities and other assets and enabling the orderly provision and coordination of public utilities and other facilities for the benefit of the community.
- Balancing the present and future interests of all Victorians.
- Ensuring sound, strategic planning and co-ordinated action at State, regional and municipal levels.
- Enabling land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels.
- Ensuring that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.
- Facilitating development that achieves the objectives of planning in Victoria and planning objectives set up in planning schemes.

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

Environmental effects:

The amendment has fully considered environmental effects. The amendment will have no significant effect on the environment or the environment on the use or development envisaged in the amendment. The amendment will enhance the environment through the identification and reinforcement of environmental and recreational assets in the Yea township and area.

Existing environmental values of Crown Allotments 4 & 5, Section 29, Township of Yea will be enhanced through the rezoning of the land to Public Conservation and Resource, protecting its permanent reservation as 'Conservation of an area of natural interest'.

Social effects:

The amendment is expected to have positive social benefits for landowners and Murrindindi Shire generally. Positive social effects and benefits will accrue from the amendment through the identification of several community initiatives in the structure plan, application of appropriate zoning, enhanced options and choice for residential and rural living subdivision and development and general wellbeing of residents and visitors from improved planning for land use and development.

Economic effects:

The amendment is expected to have positive economic benefits for landowners and Murrindindi Shire generally. Positive economic effects and benefits will accrue from the amendment through the identification of additional economic initiatives and enhanced residential and rural living opportunities in the structure plan, resulting in increased economic activity in the Yea township and area.

Does the amendment address relevant bushfire risk?

The amendment addresses and meets relevant bushfire risk and does not amend any existing strategies, policies and planning control references for bushfire planning and protection in the Murrindindi Planning Scheme. The Bushfire Management Overlay does not apply to any land that the *Yea Structure Plan 2014* applies to and is also not affected by draft revised Bushfire Management Overlay mapping prepared by the CFA. While proposed rezoning under this amendment will slightly increase residential densities in a number of locations, bushfire planning considerations will be undertaken generally in considering any future proposals for subdivision or development.

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

The amendment complies with all relevant Minister's Directions under Section 12 of the Planning and Environment Act 1987. Specifically, the amendment has considered and complies with the following Ministerial Directions:

- Ministerial Direction 1, *Potentially Contaminated Land*: The amendment does not impact on and complies with this direction. Land in North Street and Whittlesea-Yea Road, proposed to be rezoned from Industrial 1 to General Residential, have never been developed or used for industrial purposes or any purpose having the potential to contaminate land. These land parcels are either developed for residential purposes (2, 4, 6, 8, 12, 14, and 16 North Street) or vacant (5691 Whittlesea-Yea Road) and are both potentially suitable for sensitive (residential) purposes.
- Ministerial Direction 11, *Strategic Assessment of Amendments*: The amendment has been strategically assessed and justified in accordance with this direction.
- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The amendment does not directly affect any other Minister's Direction.

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

The amendment (adopted structure plan) comply with and implement the State Planning Policy Framework of the Murrindindi Planning Scheme. In particular, the amendment (and adopted structure plan) meet and implement:

Clause 11, Settlement:

- Clause 11.02, Urban Growth:
 - Clause 11.02-1, Supply of urban land:

Objective:

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

The adopted structure plan has assessed and meets identified supply for these land uses, with the amendment providing some additional rezoning of land to meet land supply requirements recommended in the adopted structure plan.

Clause 12, Environmental and landscape values:

- Clause 12.01, Biodiversity:

Clause 12.01-1, Protection of biodiversity:

Objective:

To assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.

Clause 12.01-2, Native vegetation management:

Objective:

To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

- Clause 12.04, Significant environments and landscapes:

Clause 12.04-2, Landscapes:

Objective:

To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.

The adopted structure plan has assessed and protects environmental and landscape values, including the identification of open spaces and the recommended rezoning of Crown Land to Public Conservation and Resource, now being exhibited through this amendment.

Clause 13, Environmental risks:

- Clauses 13.01-3 & 5: Objectives and strategies for climate change, floodplains, soil degradation, erosion and landslip, salinity and bushfire. The adopted structure plan has assessed and recognises environmental risks.

Clause 15, Built environment and heritage:

- Clauses 15.01-3: Objectives and strategies for urban environment, sustainable development and heritage. The adopted structure plan has assessed and protects built environment and heritage.

Clause 16, Housing:

- 16.01, Residential Development:

Clause 16.01-1, Integrated housing:

Objective:

To promote a housing market that meets community needs.

Clause 16.01-2, Location of residential development:

Objective:

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.

Clause 16.01-4, Housing diversity:

Objective:

To provide for a range of housing types to meet increasingly diverse needs.

- 16.02, Housing form:

Clause 16.02-1, Rural residential development:

Objective:

To identify land suitable for rural living and rural residential development.

The adopted structure plan has assessed housing supply, identifying required additional residential and rural living housing supply. Additional long and short term housing options were identified in the adopted structure plan, with immediate rezoning options now being exhibited through this amendment.

Clause 17, Economic Development:

- Clauses 17.01-2: Objectives and strategies for business and industry. The adopted structure plan has assessed and further enhances economic development options for the Yea township area.

Clause 18, Transport:

- Clauses 18.01-2: Objectives and strategies for integrated transport and movement networks. The adopted structure plan has assessed and does not impact on the transport network for the Yea township area.

Clause 19, Infrastructure:

- Clauses 19.01-3: Objectives and strategies for community infrastructure and development infrastructure. The adopted structure plan has assessed, makes recommendations for and creates greater utilisation of physical and community infrastructure in the Yea township area.

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

The amendment (and adopted structure plan) comply with and implement the Local Planning Policy Framework of the Murrindindi Planning Scheme. In particular, the amendment (and adopted structure plan) meet and implement:

Clause 21.02, Vision:

- The general land use vision for Murrindindi Shire, in particular the vision to:

Facilitation of residential growth opportunities in established townships and settlements, particularly in locations with a full range of physical and community services.

The Yea Framework plan exhibited under Amendment C55 is already included in existing Clause 21.02 to outline the preferred land use planning and settlement pattern for the Yea township.

Clause 21.03, Economic development:

Implementation for Clause 21.03-1, Business and industry, and Clause 21.03-3, Tourism, already list the *Yea Structure Plan 2014* as a reference document to the planning scheme.

Clause 21.04, Housing:

Clause 21.04-1, General housing in the municipality:

Objective 1, General housing:

- *Attract and promote an increase in population, housing, residential diversity and lifestyle options.*

Strategies include:

- *Facilitate housing and population growth and development in a manner that balances and protects the natural environment.*
- *Ensure the future layout and form of residential and rural living subdivision and development is properly planned, recognising and protecting areas of environmental values and avoiding areas of natural environmental hazards / constraints.*

Objective 2: Housing in townships:

- *Facilitate further housing development in and around townships with established communities and services.*

Strategies include:

- *Support each township as the focus of residential, commercial, community and service hub for its surrounding area.*
- *Facilitate further residential development in established townships and settlements, maximising the sustainability and use of existing physical and community infrastructure and ensuring a high level of community safety.*
- *Provide a range of residential development options in established townships and settlements, including opportunities for higher density development and retirement living.*

Implementation:

Lists the *Yea Structure Plan 2014* as a reference document to the planning scheme.

Clause 21.04-2, Serviced townships:

Objective 1: Housing in serviced townships:

- *Facilitate residential growth and diversity in serviced townships with a range of community and physical services.*

Strategies:

- *Facilitate residential expansion in established, serviced townships that have potential for further growth, in particular Yea and Alexandra.*
- *Encourage diversity of housing in serviced townships, including options for higher density residential development and retirement / assisted accommodation.*

Implementation:

Lists the *Yea Structure Plan 2014* as a reference document to the planning scheme.

This amendment proposes to amend the context to Clause 21.04-2, Serviced townships, to note the use of the *Yea Structure Plan 2014* to guide future land use directions in the Yea township.

Clause 21.05, Environment:

Implementation for Clause 21.05-3, Landscape and built environment, already lists the *Yea Structure Plan 2014* as a reference document to the planning scheme.

Clause 21.06, Transport and infrastructure:

Implementation for Clause 21.06-1, Transport, Clause 21.06-2, Infrastructure, Clause 21.06-3, Open space, and Clause 21.06-4, Community development, already list the *Yea Structure Plan 2014* as a reference document to the planning scheme.

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

The amendment makes proper use of the Victorian Planning Provisions, in this case the rezoning of land, application of the Development Plan Overlay to guide the future use, development and servicing of land, amendment of the Rural Living Zone schedule to amend zone subdivision and dwelling provisions, amendment to strategies for the Yea township and referencing of the *Yea Structure Plan 2014* in the planning scheme.

These are the most appropriate tools to achieve the implementation of the structure plan through strategic, zoning and overlay changes, with no alternative means available to achieve these outcomes.

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

All relevant agencies were consulted in the preparation of the *Yea Structure Plan 2014*. Some authorities made suggestions, with Murrindindi Shire Council agreeing with and adopting all issues raised in agency submissions. Relevant agencies would be consulted in any future implementation items identified in the structure plan or in the preparation of development plans required in the areas of the Rural Living Zone to which the Development Plan Overlay is proposed to be applied.

All relevant agencies will be directly notified of this amendment and will have an opportunity to make a formal submission to it.

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

Is the amendment likely to have a significant impact on the transport system, as defined by section 3 of the Transport Integration Act 2010?

The amendment will not have a significant impact on the transport system. The amendment does not propose new areas for rezoning that would affect the transport system. Although the proposed rezoning of 6469-6489 Melba Highway from Farming to Low Density Residential adjoins the Melba Highway, any future subdivision of the land would ensure access from a local road, not the highway. A total restriction on access from the Melba

Highway may be fully implemented through the Development Plan Overlay 2 being applied to the land under Amendment C55.

Immediate and longer term options for residential and industrial development along the Whittlesea – Yea corridor may be developed with service roads and layout that does not significantly affect the main road system. VicRoads was consulted and consented to the exhibited *Yea Structure Plan 2014* and will be directly notified of this amendment.

Are there any applicable statements of policy principles prepared under section 22 of the Transport Integration Act 2010?

There are no statements of policy principles applicable under section 22 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 will not impact on resource and administrative costs. The proposed rezoning of land will not significantly increase resource and administrative costs. Although the application of the Development Plan Overlay will create some resource need, a development plan will also create efficiencies for future land use, subdivision, development and servicing. The amendment will allow land use and development proposals to be properly considered on their merits through applications for planning permit in accordance with the appropriate land use zoning and controls for the land.

The adopted structure plan will provide guidance and efficiencies for future Murrindindi Shire Council priorities and works.

Where you may inspect this Amendment

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

Murrindindi Shire Council
Perkins Street
Alexandra 3714

Murrindindi Shire Council
Civic Centre
Semi Circle
Yea 3717

Murrindindi Shire Council
19 Whittlesea-Kinglake Road
Kinglake 3763

Murrindindi Shire Council
Website: msc@murrindindi.vic.gov.au

The amendment can also be inspected free of charge at the Department of Transport, Planning, and Local Infrastructure website at www.dtpli.vic.gov.au/publicinspection .

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AMENDMENT C55

INSTRUCTION SHEET

The planning authority for this amendment is the Murrindindi Shire Council.

The Murrindindi Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 5 attached map sheets.

Zoning Maps:

1. Amend Planning Scheme Map Nos 6 & 7 in the manner shown on the 2 attached maps marked "Murrindindi Planning Scheme, Amendment C55".

Overlay Maps:

2. Amend Planning Scheme Map Nos. 6DPO & 7DPO in the manner shown on the 3 attached maps marked "Murrindindi Planning Scheme, Amendment C55".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In Local Planning Policy Framework – replace Clause 21.04 with a new Clause 21.04 in the form of the attached document.
4. In Zones – Clause 35.03, replace the Schedule with a new Schedule in the form of the attached document.

End of document

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21.04 HOUSING18/02/2016
C54**21.04-1 General housing in the municipality**18/02/2016
C54**Context:**

Murrindindi Shire will facilitate the sustainable growth of its population and rate base. The established townships and settlements in the municipality offer a significant opportunity to accommodate expanded growth and living opportunities in locations with existing communities, infrastructure and leisure facilities, where natural environment is protected and a high level of community safety is facilitated.

Proximity to the outer metropolitan area creates growth and lifestyle opportunities for Murrindindi Shire. Increasing numbers of residents are taking advantage of an opportunity for a flexible approach to work-life balance, commuting between the municipality and metropolitan Melbourne. These numbers are expected to increase in the future, particularly with ongoing improvements to telecommunications. Established townships and settlements offer functioning, connected and welcoming communities that have significant lifestyle appeal and advantages for full and part-time residents alike.

Land around various townships is zoned Low Density Residential or Rural Living in response to a demand for this style of living identified in the *Rural Residential Study, 2004*. These zoned areas provide a range of residential choice and diversity in proximity to established townships and settlements. The sustainable design, use and development of land zoned Rural Living is provided through the use of the *Rural Living Development Guidelines, Murrindindi Shire, 2004*.

Issues:

- Desire to expand population growth and number of rateable properties in established townships and settlements.
- The need to maximise infrastructure investment in existing established townships and settlements.
- Minimising impacts on productive agricultural land though directing housing growth into established townships and settlements.
- Environmental risks and constraints such as bushfire hazard, potable water supply catchments and flooding.
- Planning for and recovery from natural disasters, including the need to rebuild housing and creating housing diversity in towns and communities affected by the 2009 bushfires.

Objective 1: General housing:

- Attract and promote an increase in population, housing, residential diversity and lifestyle options.

Strategies:

- Promote and facilitate further residential development and investment in the municipality.
- Facilitate housing and population growth and development in a manner that balances and protects the natural environment.
- Ensure the future layout and form of residential and rural living subdivision and development is properly planned, recognising and protecting areas of environmental values and avoiding areas of natural environmental hazards / constraints.
- Concentrate development in locations free from environmental constraints, where environmental values are protected and the level of community safety is improved.

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- Support residential growth that is sustainable and innovative and supports community values.

Objective 2: Housing in townships:

- Facilitate further housing development in and around townships with established communities and services.

Strategies:

- Support each township as the focus of residential, commercial, community and service hub for its surrounding area.
- Facilitate further residential development in established townships and settlements, maximising the sustainability and use of existing physical and community infrastructure and ensuring a high level of community safety.
- Provide a range of residential development options in established townships and settlements, including opportunities for higher density development and retirement living.
- Protect environmental values and avoid natural environmental hazards / constraints in the further residential development of established townships and settlements.
- Provide land and housing choice and diversity around established townships through the provision of areas zoned Low Density Residential and Rural Living in proximity to established townships and settlements.
- Provide net environmental benefit and sustainable outcomes through the subdivision and development of land zoned Rural Living.
- Facilitate the rebuilding of housing and residential diversity in towns and communities affected by natural disasters, including the 2009 bushfires.

Implementation:

- Implement recommended housing directions and actions in any adopted urban design framework / structure plan.
- Design and provide roads and other associated municipal infrastructure in accordance with the *Infrastructure Design Manual*.
- Guide the future design, subdivision, servicing, use and development of larger residential, low residential and rural living zoned lots through the use of development plans prepared under the Development Plan Overlay.
- Application of the *Rural Living Development Guidelines, Murrindindi Shire, 2004* to provide for rural living subdivision, use and development.

Reference documents:

- *Eildon Urban Design Framework*, Urban Enterprise Pty Ltd, 2003.
- *Infrastructure Design Manual*, Infrastructure Design Manual Group (as amended).
- *Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework*, February 2014.
- *Marysville and Triangle Urban Design Framework Report*, Roberts Day, 2009.
- *Murrindindi Shire Heritage Study*, Context Pty Ltd, 2011.
- *Rural Living Development Guidelines, Murrindindi Shire*, Regional Planning Services and Ellen Hogan and Associates, 2004, as amended.
- *Rural Residential Study, Murrindindi Shire*, Habitat Planning and Murrindindi Shire, 2004.
- *Yea Urban Design Framework*, Urban Enterprise Pty Ltd, 2003.

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- *Yea Structure Plan*, PLANIT Urban Design and Planning, 2014.

21.04-2

18/02/2016
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Serviced townships**Context:**

Established townships with existing infrastructure and communities offer ideal opportunities for a range of residential growth. The townships of Alexandra, Yea, Eildon and Marysville are fully serviced with a range of community and physical services, including reticulated water, drainage and sewerage. These towns play a significant role as service centres to surrounding areas, contributing to the economic and social vitality of the municipality. All of these towns have potential for further residential expansion.

The larger townships of Yea and Alexandra have significant opportunities to attract residential lifestyle development in locations with land availability, existing community and physical services, access to metropolitan Melbourne and access to surrounding natural attractions.

- The strategic land use directions for Yea and Eildon townships ~~have been were~~ established ~~underby~~ the *Yea Urban Design Framework*, 2003, *Yea Structure Plan, 2014* and ~~the~~ *Eildon Urban Design Framework*, 2003. These frameworks ~~and plan~~ outline long term land use, development and design opportunities and directions for both towns.

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The service centre and tourism role played by Marysville is being re-established as the town rebuilds following the 2009 bushfires. The strategic land use directions in Marysville have been established by the *Marysville and Triangle Urban Design Framework Report*, 2009. These directions will re-establish Marysville's significant role as a service and tourism centre and ensure the redevelopment of Marysville as a strong, attractive, sustainable and resilient town.

Issues:

- Desire to expand population and housing growth in serviced towns.
- The need to maximise infrastructure investment in existing serviced towns.
- Significant ability for Yea and Alexandra to accommodate further residential growth.
- The need to rebuild housing in Marysville following the 2009 bushfires.
- The need to re-populate Marysville with both permanent and part-time residents.

Objective 1: Housing in serviced townships:

- Facilitate residential growth and diversity in serviced townships with a range of community and physical services.

Strategies:

- Facilitate residential expansion in established, serviced townships that have potential for further growth, in particular Yea and Alexandra.
- Encourage diversity of housing in serviced townships, including options for higher density residential development and retirement / assisted accommodation.

Further strategic work:

- Complete and implement structure plans for the Yea, Eildon and Alexandra townships.

Reference documents:

- *Eildon Urban Design Framework*, Urban Enterprise Pty Ltd, 2003.
- *Marysville and Triangle Urban Design Framework Report*, Roberts Day, 2009.
- *Yea Urban Design Framework*, Urban Enterprise Pty Ltd, 2003.

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- *Yea Structure Plan*, PLANIT Urban Design and Planning, 2014.

21.04-3
C54

Other townships and settlements

Context:

The Kinglake Ranges area comprises the Kinglake, Kinglake West - Pheasant Creek, Kinglake Central and Castella settlements. The area is unserviced, with no reticulated water or sewerage. Most of this area was affected by the 2009 bushfires and has undergone an active rebuilding program.

There are a number of other smaller townships and settlements in the municipality, all offering alternative lifestyle choices for residents. These smaller townships and settlements include Buxton, Flowerdale, Glenburn, Molesworth, Narbethong, Strath Creek, Taggerty, Taylor Bay, Thornton, Toolangi and Yarck. Other smaller settlements exist in rural areas, some being former townships.

Issues:

- Managing land use and growth pressures while limiting risk to life and property from bushfire.
- Facilitation of rebuilding following the 2009 bushfires.
- Absence of sewerage and lack of reticulated water.
- A need to outline future development patterns for roads, lots, services and recreation land and corridors in some areas with larger parcels of Low Density Residential or Rural Living zoned land.
- Areas with old and inappropriate subdivisions have limited capacity for future development due to a range of environmental and servicing constraints and difficulties.

Objective 1: Housing in other townships and settlements:

- Support the function and residential growth of smaller townships and settlements.

Strategies:

- Define clear settlement boundaries that take into consideration impacts on other land uses and local character while limiting the risk to life and property from bushfire.
- Support the function and residential redevelopment of the Kinglake Ranges area, while having regard to environmental values and constraints of the area.
- Facilitate new and expanded residential and rural living development in smaller townships and settlements where appropriate.
- Ensure the future layout and form of residential and rural living subdivision and development is properly planned, recognising and protecting areas of environmental values and avoiding areas of natural environmental hazards / constraints.
- Facilitate the restructuring of old and inappropriate subdivisions in affected areas identified by the Restructure Overlay.
- Provide a minimum buffer of 300 metres between the existing broiler farm on the eastern side of Pheasant Creek Road and rural living subdivision and development on the western side of Pheasant Creek Road to avoid amenity impacts between both uses.

Further strategic work:

- Complete and implement a Streetscape Master Plan for the Kinglake Ranges, Flowerdale and Toolangi areas, in conjunction with the Victorian State Government.
- Complete and implement structure plans for all small townships.
- Investigate lifestyle settlement opportunities in rural hamlets and former settlement locations having regard to natural environmental hazards / constraints.

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Implementation:

- Application of the Restructure Overlay and restructure plans to facilitate the restructure areas of old and inappropriate subdivisions in identified locations.
- Implementation of the relevant actions set out within the *Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework*, February 2014.

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Proposed
C55VC49

SCHEDULE TO THE RURAL LIVING ZONE

Shown on the planning scheme map as **RLZ**

	Land	Area/Dimensions/Distance
Minimum subdivision area (hectares).	Crown Allotment 19F, Parish of Alexandra, Mt Pleasant Road, Alexandra	1 hectare with a maximum of 5 lots, generally in accordance with tentative plan of subdivision ref 154888MADWP, Aujard Surveying Pty Ltd, dated 28 April 2005
	Land bounded by Whittlesea – Yea Road, Whittlesea – Kinglake Road, Nichols Road and Pheasant Creek Road	2 hectares
	Land in the Yea township area indicated in the map attached to this schedule	2 hectares
	All other land	4 hectares minimum subdivision size with an average subdivision size of 6 hectares
Minimum area for which no permit is required to use land for a dwelling (hectares).	Land bounded by Whittlesea – Yea Road, Whittlesea – Kinglake Road, Nicols Road and Pheasant Creek Road	2 hectares
	Land in the Yea township area indicated in the map attached to this schedule	2 hectares
	Parish of Flowerdale	8 hectares
	All other land	100 hectares
Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres).	All land	100 square metres
Maximum floor area for which no permit is required to construct an out-	None specified	

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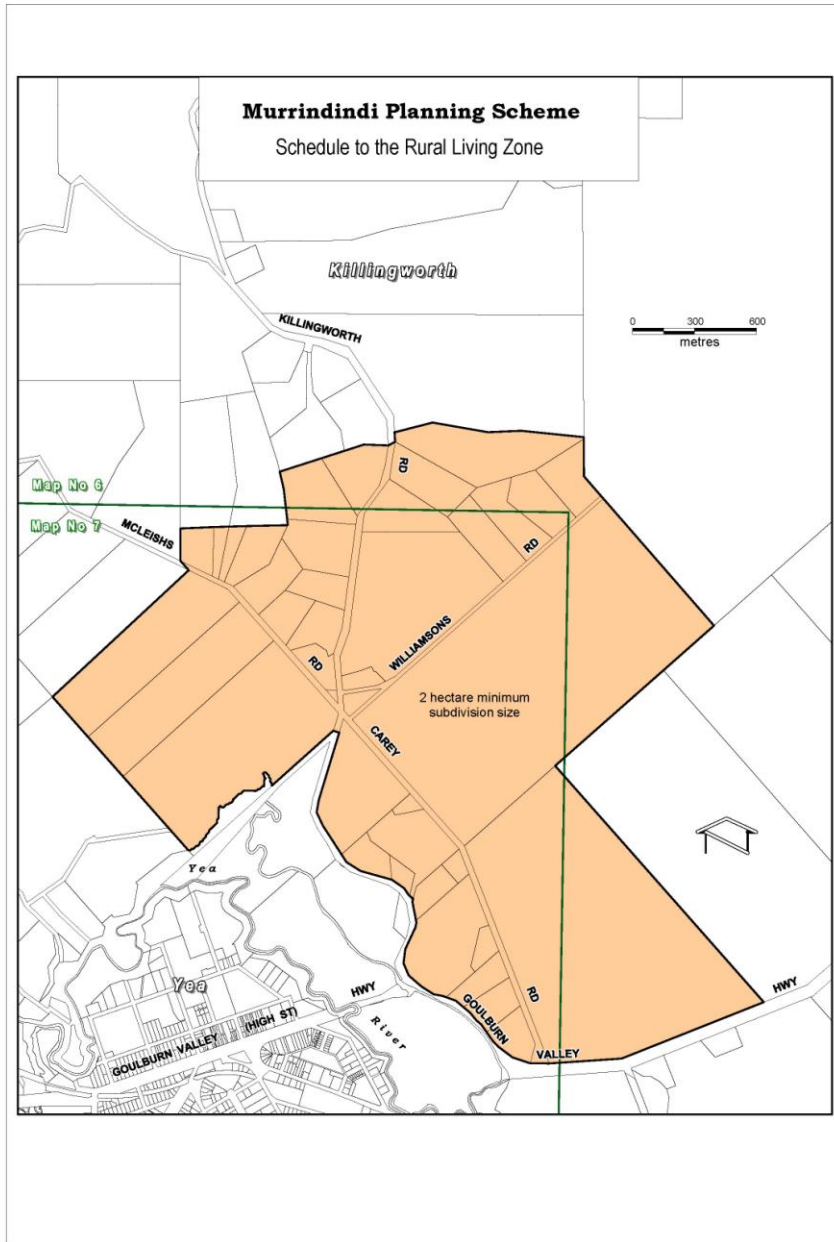
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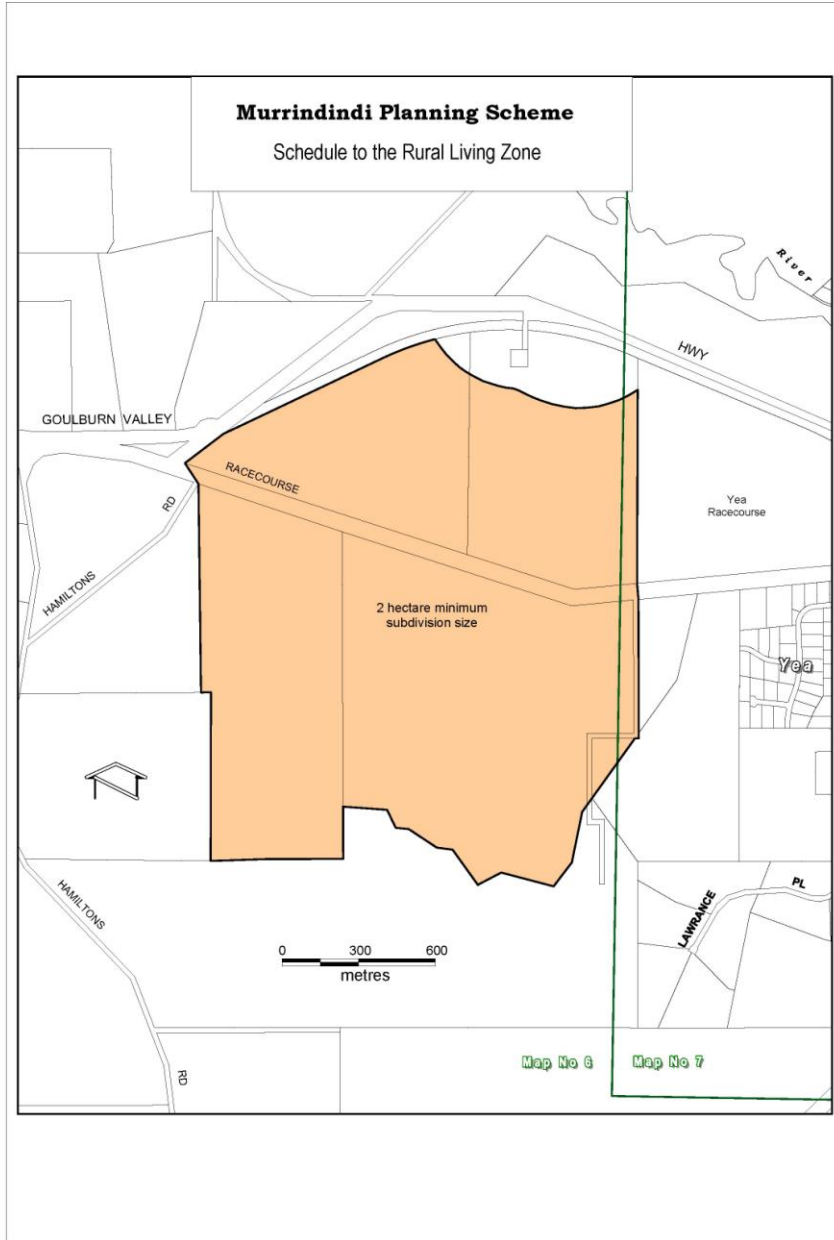
	Land	Area/Dimensions/Distance
building associated with an existing dwelling (square metres)		
Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres)	None specified	
Minimum setback from a road (metres).	All land	20 metres
Minimum setback from a boundary (metres).	All land	5 metres
Minimum setback from a dwelling not in the same ownership (metres).	All land	100 metres

Permit requirement for earthworks	Land
Earthworks which change the rate of flow or the discharge point of water across a property boundary.	All land
Earthworks which increase the discharge of saline groundwater.	All land

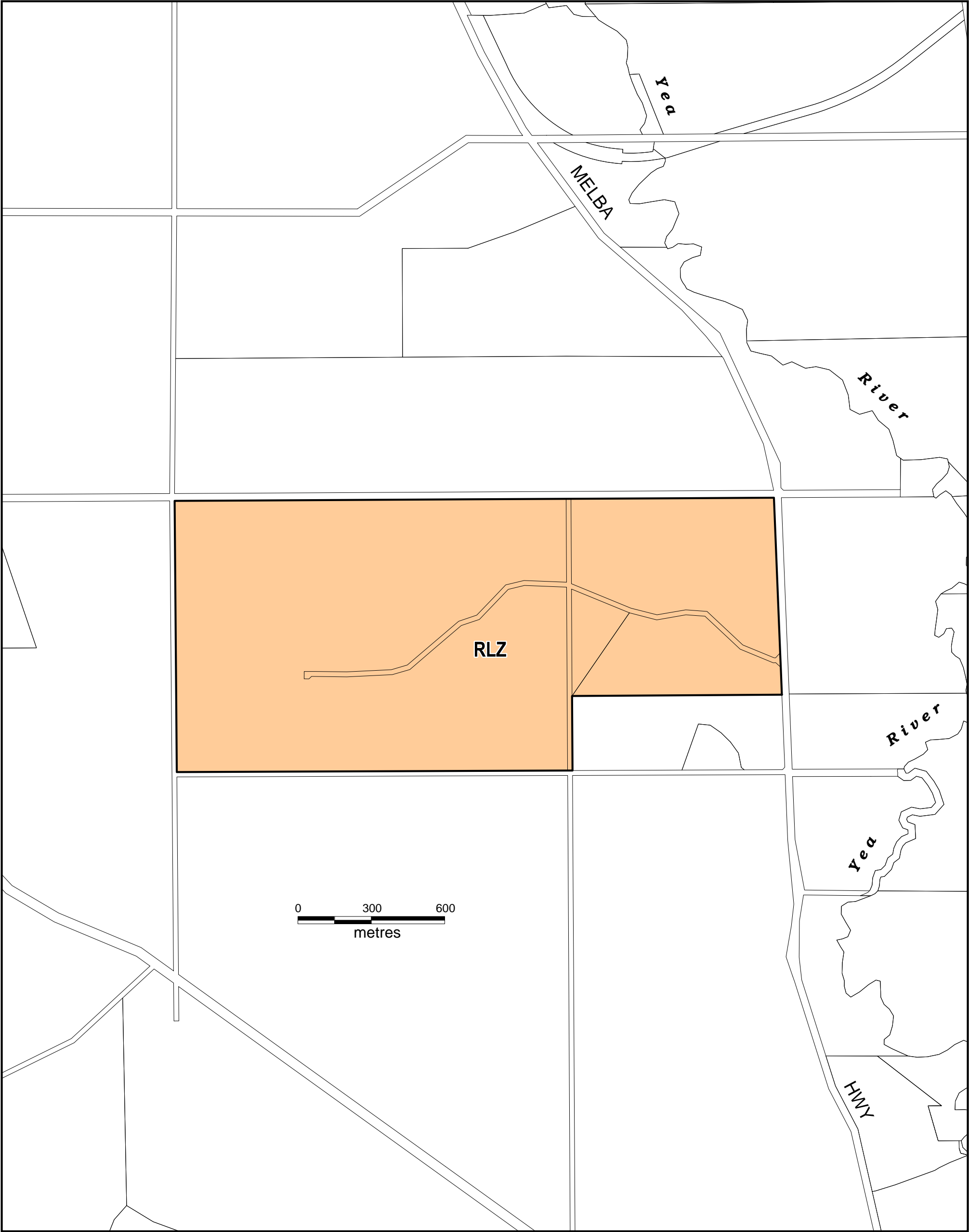
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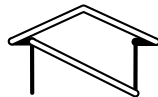
Part of Planning Scheme Map 6

LEGEND

RLZ1	Rural Living Zone
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AMENDMENT C55

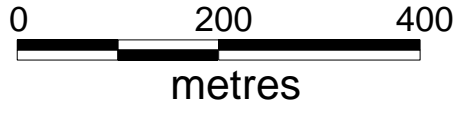
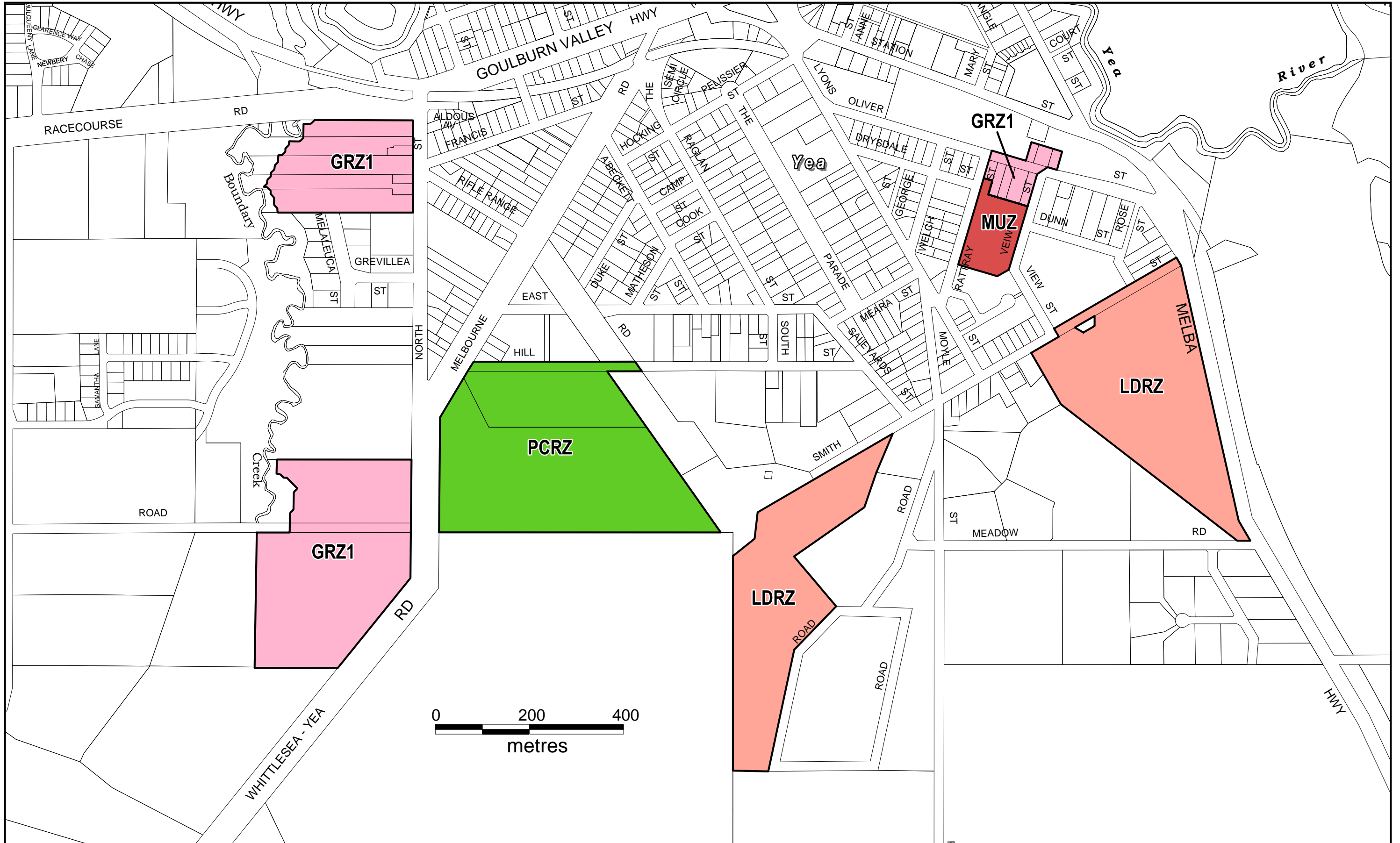
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MURRINDINDI PLANNING SCHEME - LOCAL PROVISION

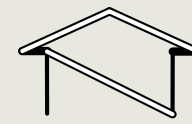


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	GRZ1 General Residential Zone - Schedule 1		LDRZ Low Density Residential Zone
	PCRZ Public Park & Resource Zone		MUZ Mixed Use Zone

Part of Planning Scheme Map 7

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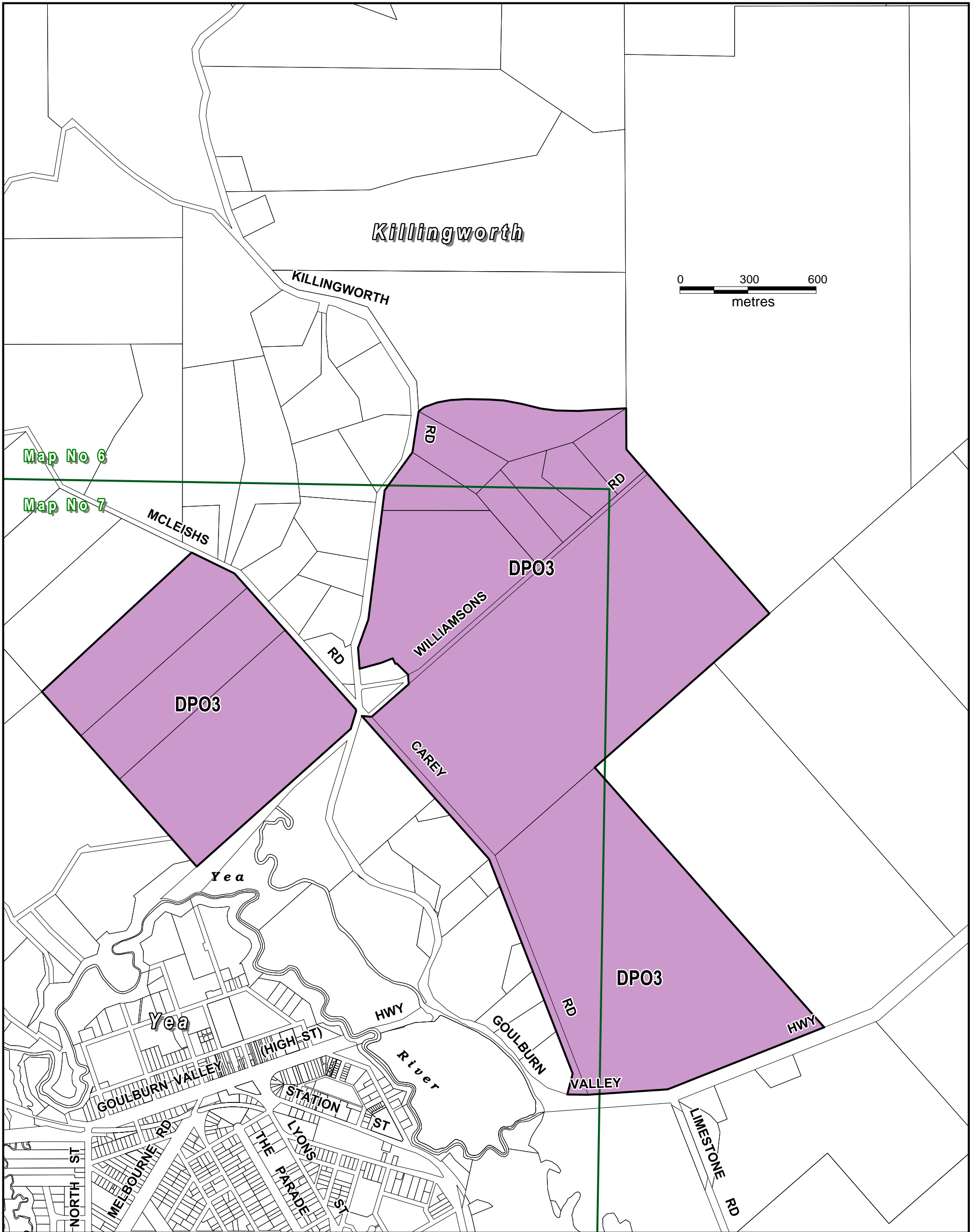


AMENDMENT C55

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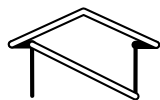
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 DPO3 Development Plan Overlay - Schedule 3

Part of Planning Scheme Maps 6DPO & 7DPO

AMENDMENT C55

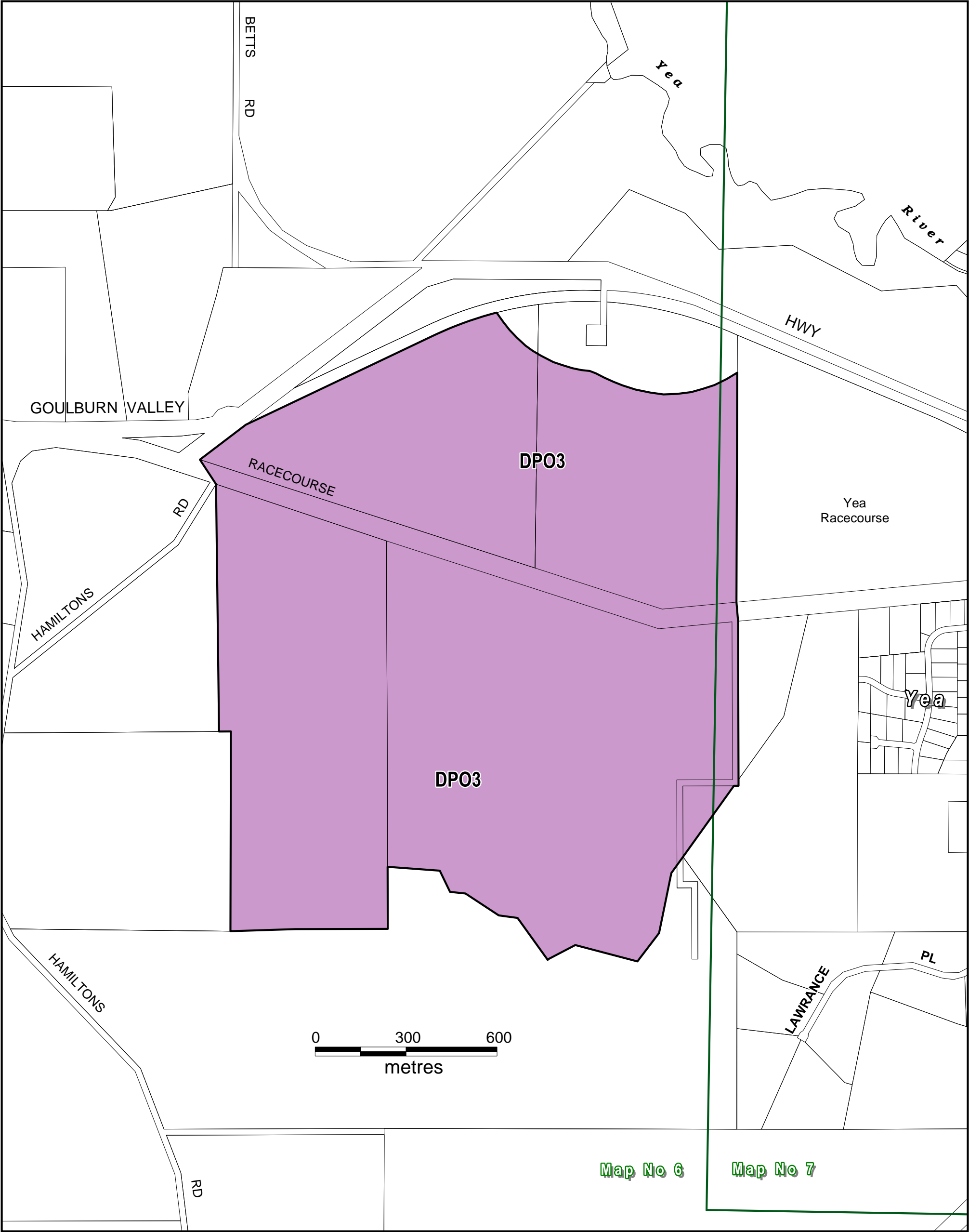
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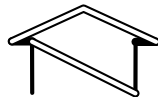
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	DPO3 Development Plan Overlay - Schedule 3
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Part of Planning Scheme Maps 6DPO & 7DPO

AMENDMENT C55

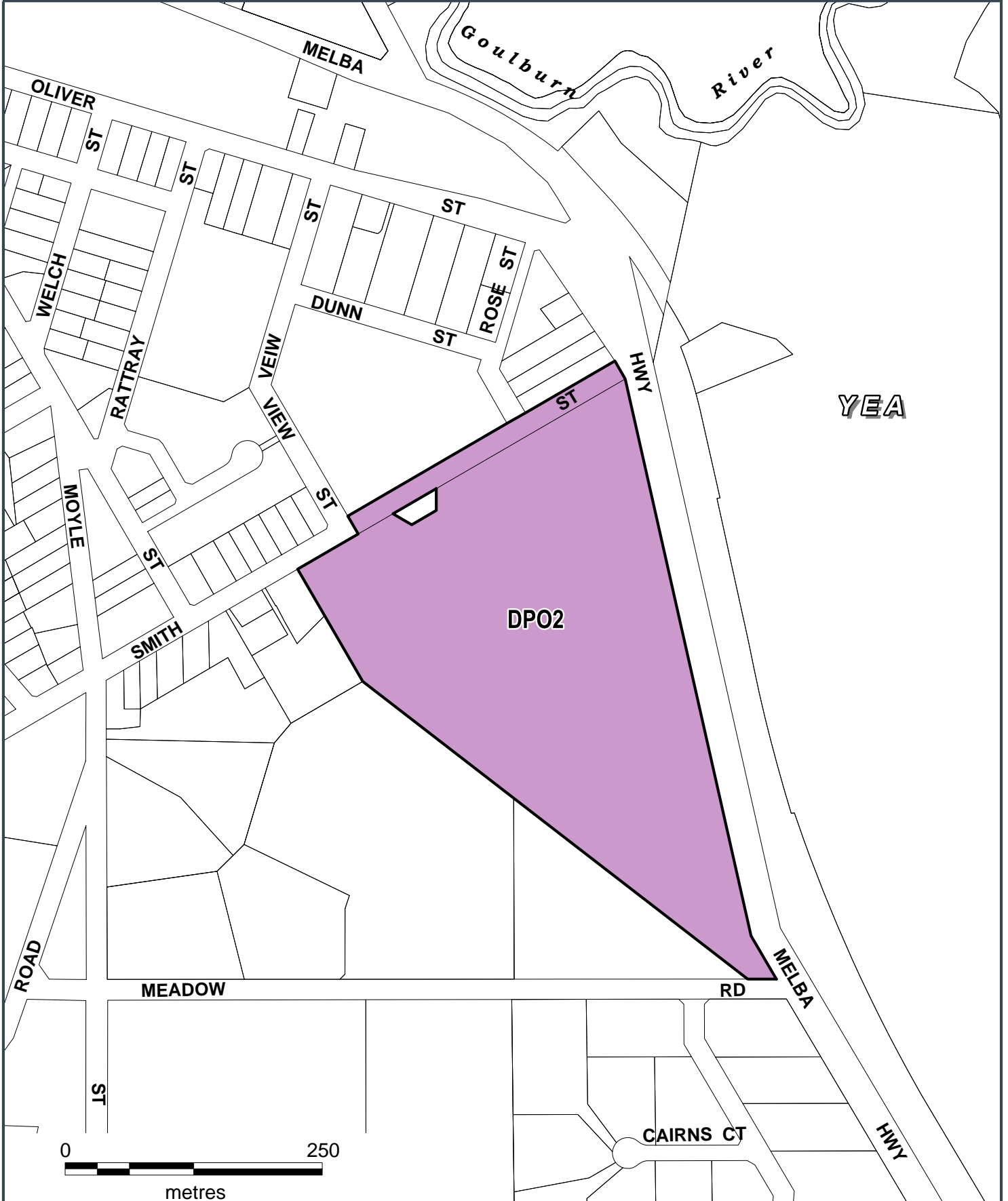
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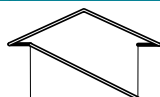


LEGEND

 DPO2 Development Plan Overlay - Schedule 2

Part of Planning Scheme Map 7DPO

AMENDMENT C55



Planning and Environment Act 1987

Panel Report

Murrindindi Planning Scheme Amendment C55

Yea Structure Plan

15 March 2016

Planning and Environment Act 1987

Panel Report pursuant to Section 25 of the Act
Murrindindi Planning Scheme Amendment C55
Yea Structure Plan

15 March 2016

A handwritten signature in black ink, appearing to read 'Michael Kirsch', with a long, sweeping horizontal stroke extending to the right.

Michael Kirsch, Chair

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List of Abbreviations

DELWP	Department of Environment, Land, Water and Planning
DPO	Development Plan Overlay
GBCMA	Goulburn Broken Catchment Management Authority
GRZ	General Residential Zone
IN1Z	Industrial 1 Zone
LDRZ	Low Density Residential Zone
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
RLZ	Rural Living Zone
SPPF	State Planning Policy Framework
TIAR	Transport Impact Assessment Report
UFZ	Urban Floodway Zone
VPP	Victoria Planning Provisions

Executive Summary

(i) Summary

Amendment C55 seeks to implement the Yea Structure Plan, 2014 and includes:

- Revisions to elements of the Municipal Strategic Statement
- Changes to the Rural Living Zone schedule
- The rezoning of various parcels of land
- The application of the Development Plan Overlay to land zoned Rural Living Zone.

The Amendment was relatively uncontentious and attracted a limited number of submissions.

The Panel is generally satisfied that the Amendment is strategically justified and supports most of Council's responses to submissions.

(ii) Recommendation

For the reasons set out in this Report, the Panel recommends:

Murrindindi Planning Scheme Amendment C55 be adopted as exhibited, subject to the following:

- **Review the Amendment to include any consequential changes arising from the approval of Amendments C46 and C54.**
- **Apply the Development Plan Overlay Schedule 2 to 6469-6489 Melba Highway, Yea.**
- **Change the exhibited western boundary of the General Residential Zone on 5691 Whittlesea-Yea Road, Yea to exclude the area currently subject to the Urban Floodway Zone.**
- **Delete the rezoning of Crown land (CA2 Sec 30 and CA2 Sec 29, Township of Yea) from Public Use Zone Schedule 7 to General Residential Zone.**

1 Introduction

1.1 Panel process

Murrindindi Planning Scheme Amendment C55 (the Amendment) was prepared by the Murrindindi Shire Council as Planning Authority.

As exhibited, the Amendment proposes to implement the Yea Structure Plan, 2014 by:

- Revising elements of the Municipal Strategic Statement
- Modifying the Rural Living Zone schedule
- Rezoning various parcels of land to General Residential Zone, Mixed Use Zone, Low Density Residential Zone and Rural Living Zone
- Applying the Development Plan Overlay to land zoned Rural Living Zone

The Amendment was placed on public exhibition between 7 May and 8 June 2015, and attracted 16 submissions.

At its meeting of 28 October 2015, Council resolved to refer the submissions to a Panel. As a result, a Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 16 November 2015 and comprised Michael Kirsch (Chair).

A Directions Hearing was held in relation to the Amendment on 22 January 2016.

The Panel then met in the Council's Alexandra offices on 15 February 2016 to hear submissions about the Amendment. Those in attendance at the Panel Hearing are listed in Table 1.

Table 1 Parties to the Panel Hearing

Submitter	Represented by
Murrindindi Shire Council	Grant Scale
Department of Environment, Land, Water and Planning	Wendy Sherlock
Bill Anderson	David Barnes (Hansen Partnership) who called evidence from Simon Scott (Ecolink Consulting)
Andrea Tomkinson	
Mike and Dianne Bartels	
Michael Coonan	

The Panel undertook unaccompanied inspections of the various sites and areas affected by the Amendment and referred to in submissions.

1.2 The exhibited Amendment

The Amendment proposes to:

- Rezone Lots 1-10, PS 419551, Ewing Wynd from Farming to Rural Living Zone
- Rezone 2, 4, 6, 8, 12, 14, and 16 North Street from Industrial 1 to General Residential Zone (refer to Figure 1)
- Rezone 5691 Whittlesea-Yea Road from Industrial 1 to General Residential Zone (refer to Figure 1)
- Rezone 13 Rattray Street from Commercial 2 to Mixed Use Zone (refer to Figure 1)
- Rezone 30-38 and 41 Oliver Street from Commercial 2 to General Residential Zone (refer to Figure 1)
- Rezone 6469-6489 Melba Highway from Farming to Low Density Residential Zone (refer to Figure 1)
- Rezone 6 Smith Street from Farming to Low Density Residential Zone (refer to Figure 1)
- Rezone Crown Allotments 4 and 5, Section 29, Township of Yea, being land east of Melbourne Road reserved as 'Conservation of an area of natural interest', from Public Use 7 (Other public use) to Public Conservation and Resource Zone (refer to Figure 1)
- Rezone Crown land south of East Street and north of Hill Street and along the Rifle Range road reserve south of Melbourne Road and north of Hill Street from Public Use 7 (Other public use) to General Residential Zone (refer to Figure 1)
- Apply the Development Plan Overlay 3 (Rural Living Zone) to land on the northern and southern sides of Racecourse Road proposed for a minimum subdivision size of 2 hectares under this amendment
- Apply the Development Plan Overlay 3 (Rural Living Zone) to land north of Goulburn Valley Highway and east of Carey and Killingworth Roads and land south-west of McLeishs Road proposed for a minimum subdivision size of 2 hectares under this amendment
- Amend Clause 21.07 (Serviced Townships Strategies) by referencing the use of the adopted Yea Structure Plan, 2014 to guide future land use and development in the Yea township area, noting the use of a 2 hectare minimum subdivision size for locations in the Rural Living Zone closer to the town centre and using the adopted structure plan for the main township area as a framework plan to guide future land use and development in the township (refer to Figure 2)
- Amend Clause 21.12 (Reference Documents) to include the Yea Structure Plan, PLANIT Urban Design and Planning, 2014 as a reference document to the Murrindindi Planning Scheme
- Amend the Schedule to Clause 35.03, Rural Living Zone, to indicate areas of the existing Rural Living Zone to the northeast and west of the Yea township where the minimum and average subdivision sizes of 4 and 6 hectares will be reduced to a 2 hectare minimum subdivision size and provide that no planning permit is required for a dwelling on any lot in this defined area of 2 hectares or above in area.

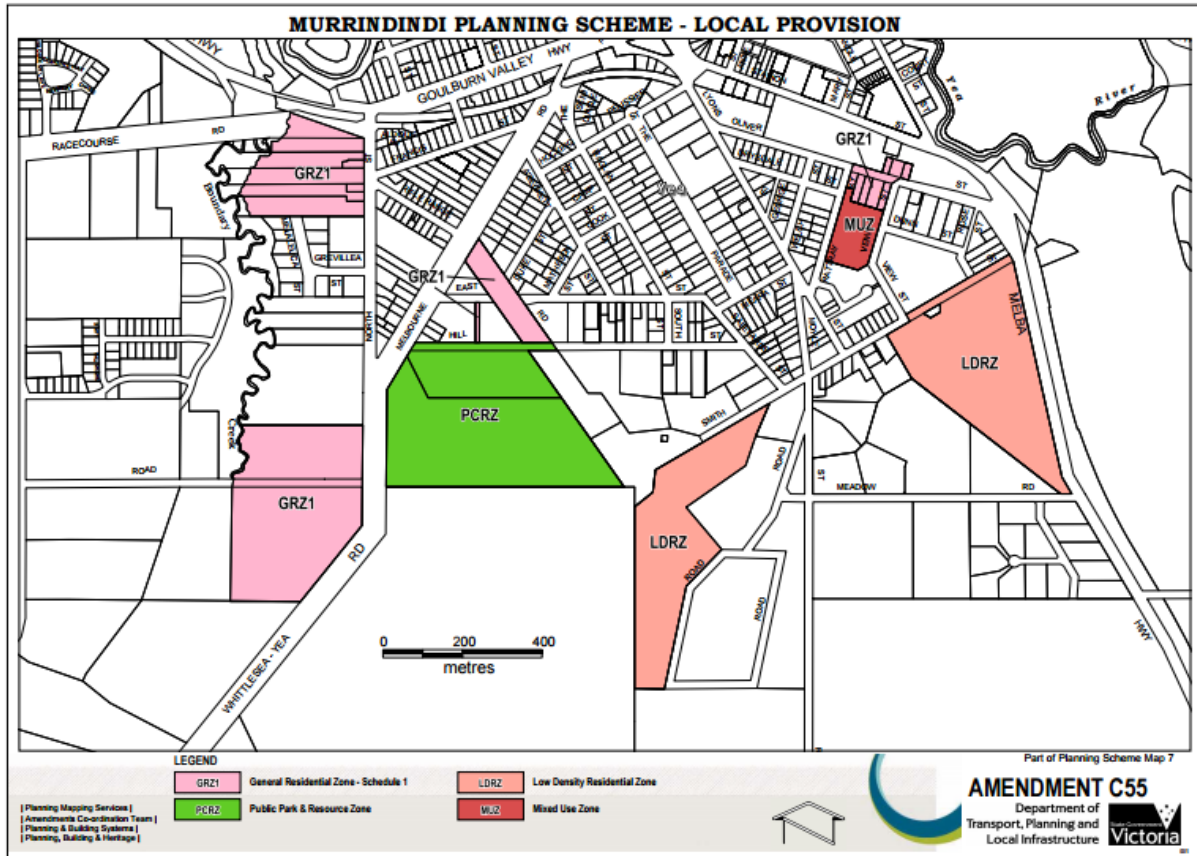


Figure 1 Exhibited rezonings in the Yea urban area

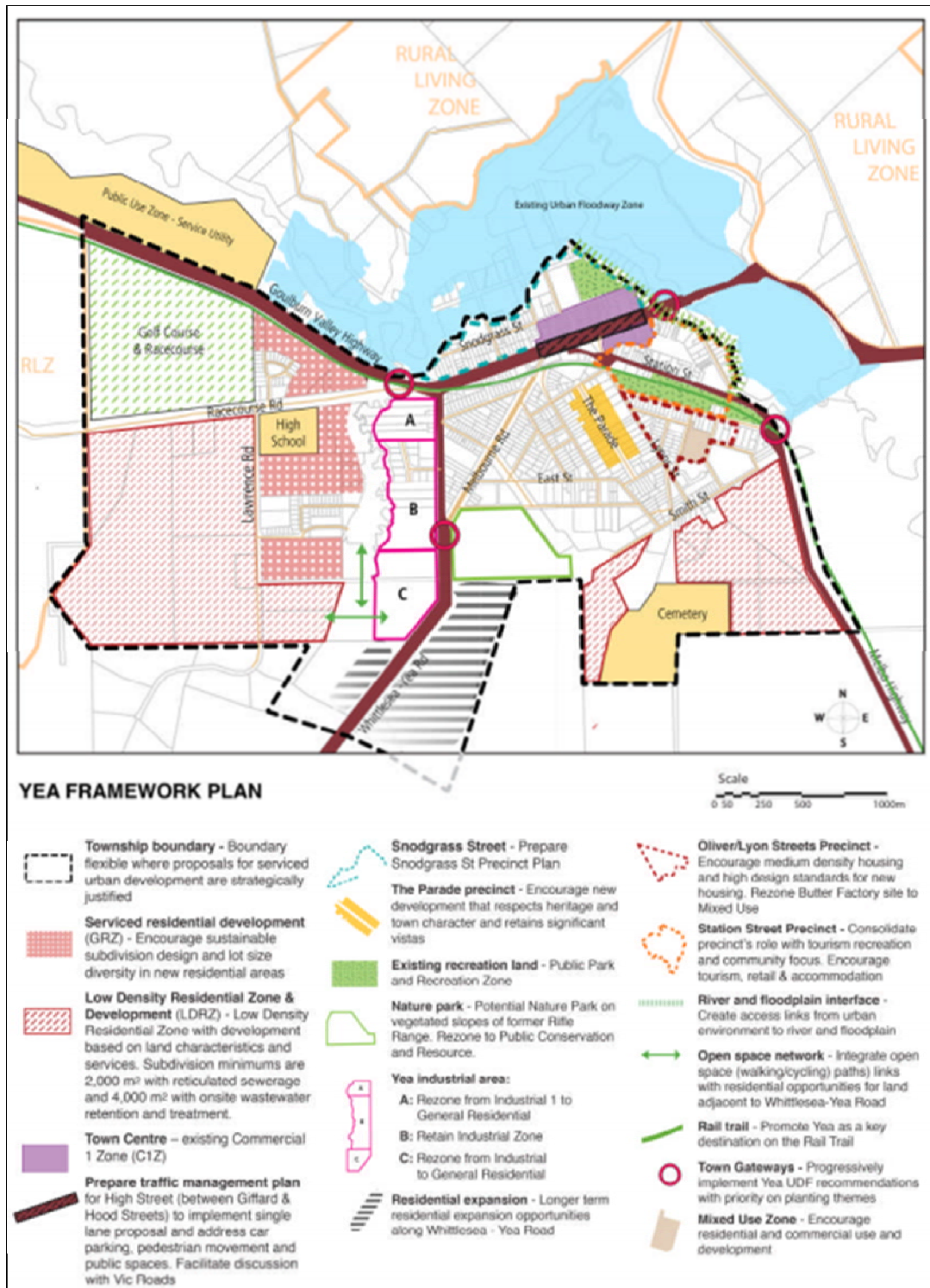


Figure 2 Exhibited Yea Framework Plan (Clause 21.07)

1.3 Issues dealt with in this report

The Panel considered all written submissions, as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Panel has been

assisted by the information provided to it as well as its observations from inspections of specific sites and areas.

This report deals with the issues under the following headings:

- Strategic Planning Context
- The Killingworth Rural Living Area
- Ewing Wynd, Melba Highway
- Agricultural buffers
- 6469-6489 Melba Highway, Yea
- 5691 Whittlesea-Yea Road, Yea
- 10 Morgan Drive, Yea
- Other issues and submissions.

2 Planning Context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed the policy context of the Amendment and made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

2.1 Policy framework

(i) State Planning Policy Framework

Council submitted that the Amendment is supported by the following clauses in the SPPF:

- Clause 11.02, Urban Growth
- Clause 11.02-1, Supply of urban land
- Clause 12.01-1, Protection of biodiversity
- Clause 12.01-2, Native vegetation management
- Clause 12.04-2, Landscapes
- Clause 13, Environmental risks
- Clause 15, Built environment and heritage
- Clause 16.01, Residential Development
- Clause 16.02, Housing form
- Clause 17.01, Commercial
- Clause 18.01, Land use and transport planning
- Clause 19.02, Community infrastructure.

(ii) Local Planning Policy Framework

Council submitted that the Amendment supports the following local planning objectives:

- Clause 21.02 (Vision), including:
 - *Consolidating and focusing development within and in proximity to townships to improve and utilise existing infrastructure and community facilities.*
- Clause 21.07 (Serviced townships strategies), including objectives and strategies for the Yea township and the Yea Urban Design Framework, August 2003 (an existing reference document to the planning scheme) that guide future land use and development in the Yea township and environs.
- Clause 22.03 (Townships) including:
 - Objectives and policies for the Yea township under Clause 22.03-4, Yea township.
 - Existing policy directions for High Street retail precinct, Station Street and rail reserve precinct established through the Yea Urban Design Framework, August 2003 (an existing reference document to the planning scheme).

The Panel notes that these references have been superceded by the new Local Planning Policy Framework introduced by Amendment C54. Notably, this Amendment introduced the Yea Framework Plan (Clause 21.02) that is also included in Amendment C55.

2.2 The Yea Structure Plan, 2014

The Yea Structure Plan describes Yea as follows:

Yea is an attractive town located approximately 100 kilometres northeast of Melbourne metropolitan area and 65 kilometres east of Seymour. Yea's potential for growth is linked to its proximity to Melbourne and Seymour and its location on the Goulburn Valley Highway at the junction of the Melba Highway and Whittlesea – Yea Road. The Hume Regional Growth Plan identifies Seymour as transit gateway centre that is likely to receive a significant employment boost in the future. The Yea Structure Plan provides a development framework to accommodate future growth based on these locational advantages and the lifestyle opportunities Yea offers for new residents wanting to live within commuting distance of Melbourne and Seymour.

The Yea township is surrounded by farming land, which is primarily used for cattle grazing. The Yea River runs through the Yea township, creating some flooding in the vicinity of the river. The Yea River flows into the Goulburn River which lies to the north of the Yea township.

Yea is one of the three serviced towns in the Murrindindi Shire. The town has a full complement of community and physical infrastructure. In addition to servicing an established agricultural sector, Yea has an important tourism role in servicing an expanding tourism industry in the area and in servicing the passing tourism trade to areas such as Mt Buller.

The total population at the 2011 Census was 1,087, up from 1,009 at the 2006 Census, representing an annual population growth rate of 1.5%

The Structure Plan assesses and provides 'strategic responses' to various issues including:

- Planning for Growth
- Township Boundary
- Town Environs
- Residential Expansion and Infill
- Low Density Residential
- Rural Living
- Industry and Business Development
- Transport and Infrastructure
- Tourism Development
- Town Centre and Station Street Precinct
- Heritage and Town Character.

It includes sets of objectives, strategies and actions, including further strategic work and recommended changes to the Murrindindi Planning Scheme. These form the basis of Amendment C55.

The Structure Plan was exhibited between August and September 2014 and attracted 16 submissions.

2.3 Ministerial Direction 1: Potentially Contaminated Land

The Amendment proposes to rezone land from Industrial 1 Zone to General Residential Zone. At the Directions Hearing, the Panel directed that Council address these elements of the Amendment in the context of the Direction.

Mr Scale advised that the land did not have a history of industrial use and that the Environment Audit Overlay did not need to be applied. On this basis he submitted that the Direction had been complied with.

2.4 Planning Scheme Amendments

(i) Amendment C14

Amendment C14 was approved in July 2006 and implemented the Rural Residential Study Murrindindi Shire, 2004. The current Rural Living Zone in the Yea area was introduced by this Amendment which was the subject of a Panel Hearing.

(ii) Amendment C46

Amendment C46 was approved in March 2016 and implemented a review of the Development Plan Overlay Schedules in the Murrindindi Planning Scheme. Elements of the Amendment are relevant to Amendment C55.

Amendment C46 was approved after the completion of the C55 Panel Hearing and it would be appropriate that Council review whether there are any consequential implications for Amendment C55 arising from the final form of Amendment C46.

(iii) Amendment C54

Amendment C54 was approved in February 2016 and introduced a new Local Planning Policy Framework. It would also be appropriate that Council review whether there are any consequential implications for Amendment C55 arising from the final form of Amendment C54.

Recommendation

Review the Amendment to include any consequential changes arising from the approval of Amendments C46 and C54.

2.5 Discussion

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework.

The Panel concludes that the Amendment is strategically justified subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Issues

3.1 The Killingworth Rural Living Area

3.1.1 The issue

The issue is whether the existing subdivision minimum in the Rural Living Zone that is applied to the Killingworth area should be reduced from 4ha (with an average of 6ha) to 2ha.

This change is included in the exhibited Amendment and was recommended in the Yea Structure Plan. The area subject to the proposed reduced subdivision minimum is shown in Figure 3.

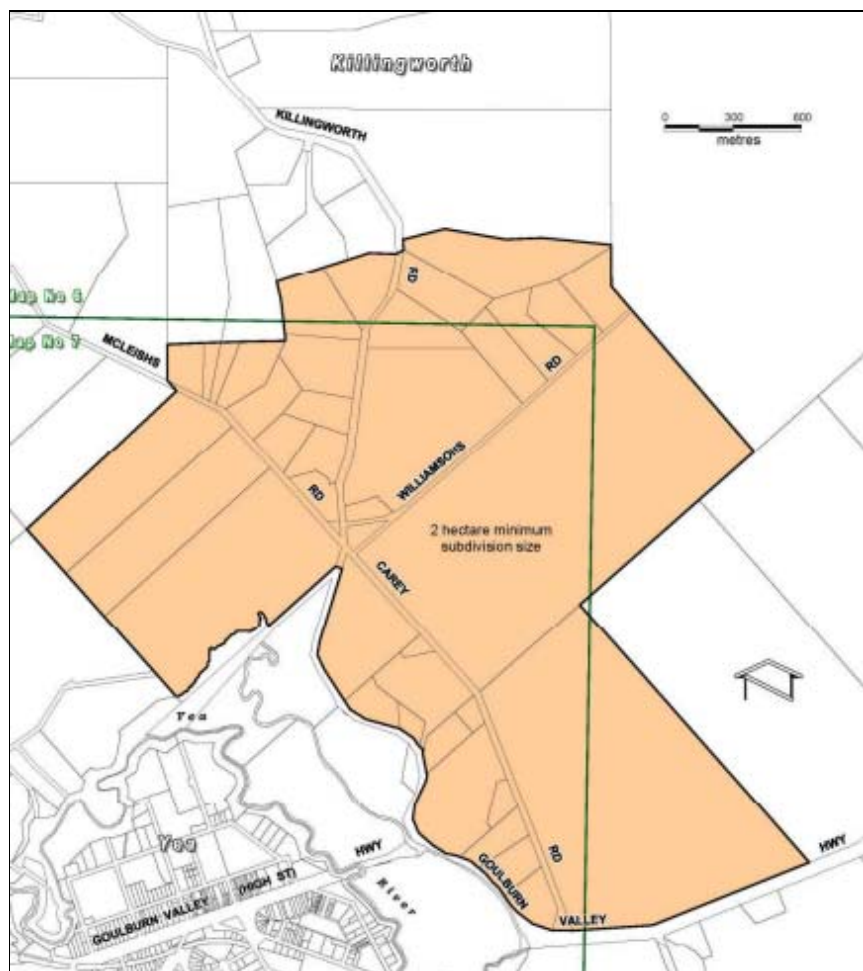


Figure 3 Killingworth Rural Living Zone proposed 2ha subdivision minimum area

3.1.2 Evidence and submissions

Mr Cassell raised concerns about the proposed reduction of the Rural Living Zone (RLZ) subdivision minimum from 4 hectares (with an average of 6ha) to 2 hectares in the Killingworth area. He calculated that this would lead to a significant increase in the number of possible dwellings (90 to 270) and submitted that:

- an increased dwelling yield would exacerbate existing problems with water capture and supply
- more owners would make pest plant and animal management more difficult
- 2 hectare lots are too small for agriculture and too large to maintain as residential lot.

Mr Cassell also submitted that the identification of the area for the 2 hectare subdivision minimum was based on titles, rather than a *'strategic approach using topography, land capability and natural barriers and features'*. Mr Cassell concluded that future growth should be accommodated by *'fully serviced blocks within the town boundary'*.

Mr and Mrs Bell supported the 2 hectare minimum lot size and Development Plan Overlay Schedule 3 proposed to be applied to their property on Killingworth Road.

Mr McCaffrey (on behalf of the S and N Super Fund Pty Ltd) supported the Amendment but preferred that the Killingworth area be subject to a 1 hectare minimum and a 2 hectare average lot size.

Mr Scale submitted that:

- The Killingworth area was already zoned for rural living purposes
- The rural living area was of 'Very Low' to 'Moderate' agricultural capability¹
- Rural living is a legitimate land use and Council should ensure that appropriate opportunities are available
- Although the development rate of rural living lots has been *'modest'*, it is difficult to draw conclusions from recent data given that very few lots have been available for development
- The existing 4 hectare minimum and 6 hectare average lot size requirements were not 'economical' to develop
- Land capability, servicing and fire risk can be addressed through the Development Plan and planning permit processes
- Water was likely to be supplied by on-site roof capture and that water agencies (Goulburn Murray Water and Goulburn Broken Catchment Management Authority) had not objected to the Amendment.

Mr Scale concluded that the proposed changes to the subdivision minimum were consistent with State and local policy, particularly Clause 16.01-4 (Housing diversity) and the policy:

To provide for a range of housing types to meet increasingly diverse needs.

Mr Scale also provided an assessment of the Amendment against Planning Practice Note 37 Rural Residential Development.

At the close of the Hearing, the Panel requested further information from Council about the recent creation and development of rural living lots. Ms Garvin (Coordinator Statutory Planning) subsequently provided this information, confirming that the rates of rural living lot creation and dwelling development have been very low in recent years.

¹ Murrindindi Shire Land Capability Analysis and Environmental; Values, August 2012

3.1.3 Discussion and conclusions

The Panel agrees with Mr Scale that there is broad strategic support for providing opportunities for rural living development in the Shire. This is evidenced by the existing application of the Rural Living Zone that was tested and implemented through Amendment C14, including the rezoning of the Killingworth area.

Importantly, Amendment C55 does not seek to rezone additional land in this area - it only seeks to modify the minimum lot size² for part of the area in response to concerns that development costs and market preferences associated with the current subdivision minimum are preventing landowners from undertaking subdivisions and bringing lots onto the market.

Although Mr Cassells is correct in submitting that this will increase the theoretical supply of potential lots, it is difficult to draw any firm conclusions about supply and demand issues given that that very few rural living lots have been created in recent years.

The Panel also agrees with Mr Scale that detailed design issues, including those raised by Mr Cassells, are capable of being addressed through the development plan and planning permit processes.

For these reasons the Panel supports this element of the Amendment, although Council should monitor whether the reduced subdivision minimum provides an incentive for landowners to create rural living lots and whether smaller lots meet market demand.

In relation to Mr McCaffrey's written submission, the Panel notes that he did not provide any specific justification for the reducing the minimum lot size to 1 hectare.

3.2 Ewing Wynd, Melba Highway

3.2.1 The issue

The issue is whether the 'Ewing Wynd' property should be zoned Rural Living Zone (Figure 3).

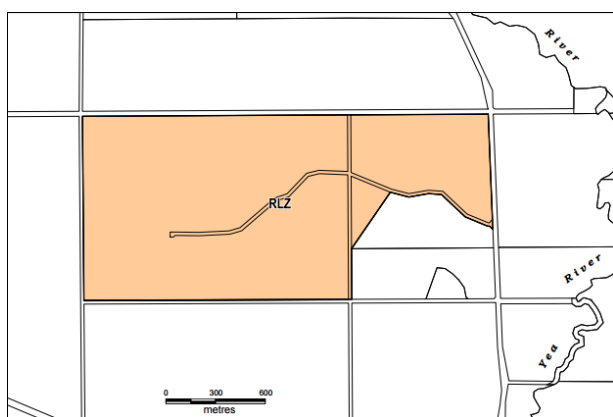


Figure 4 Exhibited Rural Living Zone

² The proposed 2ha subdivision minimum is also the 'default' minimum lot size under the Rural Living Zone

Ewing Wynd is a 'defacto' rural living subdivision approximately 5km south of Yea on the Melba Highway and is currently zoned Farming Zone. This 238 hectare property consists of 10 lots with an average lot size of approximately 20 hectare. It is serviced by a central sealed road connected to the Melba Highway and each lot has access to mains electricity supply.

The exhibited Amendment proposes to rezone the site Rural Living Zone, and to apply the existing 4 hectare minimum (6 hectare average) lot size in the Zone Schedule. The rezoning and preferred lot sizes were recommended in the Yea Structure Plan.

3.2.2 Submissions

There were no objections to the rezoning of this property, although DEWLP lodged a general submission that raised concerns about the extent to which the Structure Plan and the Amendment adequately address environmental and biodiversity issues.

Submissions in support of the rezoning were received from the land owner (Bill Anderson represented by David Barnes) and from adjoining landowners (Mike and Dianne Bartels) who also sought the application of the Rural Living Zone to their property (5 Ewing Wynd). This property was created as one of the 'rural living' lots (lot 11) in the initial Ewing Wynd subdivision and has been developed with a dwelling.

In response to the Department of Environment, Land, Water and Planning (DELWP) submission, Mr Anderson commissioned a 'Preliminary Flora and Fauna Assessment' of the site by Mr Scott (Ecolink) that was presented in an expert witness report at the Hearing. Mr Scott concluded that there were no biodiversity values or issues that would preclude the proposed rezoning of the site.

Mr Barnes outlined the planning history of the site and advanced a number of factors in support of the exhibited rezoning. He provided copies of Mr Anderson's submission to the Yea Structure Plan process (September 2014) and an earlier submission in support of rezoning the site (April 2014).

3.2.3 Discussion and conclusions

The Panel accepts the evidence of Mr Scott and notes that it was not contested during the Hearing or in submissions. The Panel is satisfied that there are no biodiversity values or related issues that preclude the exhibited rezoning of the site.

Given that there were no submissions that opposed the exhibited rezoning, the Panel has not formed any views about its strategic merit or whether there are other issues that might militate against its approval.

In relation to the Bartels' submission, the Panel believes that if the exhibited rezoning proceeds, it would make sense to also rezone this property (5 Ewing Wynd) given that it forms part of the original 'rural living' subdivision and has been developed for rural living purposes.

3.3 Agricultural buffers

3.3.1 The issue

The issue is whether the Amendment should include 'buffer areas' between agricultural land and residential development.

3.3.2 Submissions

L and R Ciborowski raised concerns about land use conflicts between residential and agricultural land and the lack of 'buffer areas' between these areas. The submission included a copy of Planning Guidelines: Separating Agricultural and Residential Land Uses, August 1997, Department of Natural Resources Queensland.

Mr Cassell submitted that a 'farming buffer zone' should be provided, particularly in light of the proposed 2 hectare subdivision minimum in the Rural Living Zone³. He also submitted that the Amendment should be deferred '*pending the right to farm issues currently being considered by the Minister*'.

Mr Scale submitted that the RLZ provided a buffer between the Yea urban area and the surrounding farming area, and that most of the areas where the subdivision minimum was being reduced did not adjoin the Farming Zone. He also submitted that potential interface issues could be managed through the preparation of Development Plans⁴.

3.3.3 Discussion and conclusions

While the Panel notes the concerns of these submitters, it agrees with Mr Scale that the proposed Amendment does not significantly change or increase the extent of the existing residential/farming interface in and around Yea that exists under the current Planning Scheme.

In addition, the Panel also notes that the Amendment will apply a new Development Plan Overlay Schedule 3 (DPO3)⁵ to RLZ areas where the subdivision minimum is proposed to be reduced. The requirement to prepare a Development Plan will provide a mechanism to address farming interface issues and is supported by the Panel.

The Panel does not agree with Mr Cassell's proposition that the Amendment should be deferred '*pending the right to farm issues currently being considered by the Minister*'. The Panel notes that the Animal Industries Advisory Committee report is not due until April 29 April 2016 and its possible relevance to Amendment C55 is not certain. In any event, the Panel agrees with Mr Scale's general observation that the Amendment will not create any significant new interface areas between farming and residential areas.

For these reasons, the Panel does not believe that the lack of explicit farming 'buffers' is a reason to abandon the Amendment or that this issue needs to be specifically addressed in a revised Amendment.

³ Amendment C55 proposes to modify the RLZ schedule to reduce the existing 4ha subdivision minimum (with an average of 6ha) to 2ha for areas to the north and west of Yea.

⁴ Development Plans are required under the proposed DPO3 that will apply to these areas.

⁵ Introduced by Amendment C46.

3.4 6469-6489 Melba Highway, Yea

3.4.1 The issue

The issue is whether the Development Plan Overlay Schedule 3 (DPO3)⁶ should be applied to this property (Figure 5).

The property is currently zoned Farming Zone and the exhibited Amendment proposes that it be zoned Low Density Residential Zone.

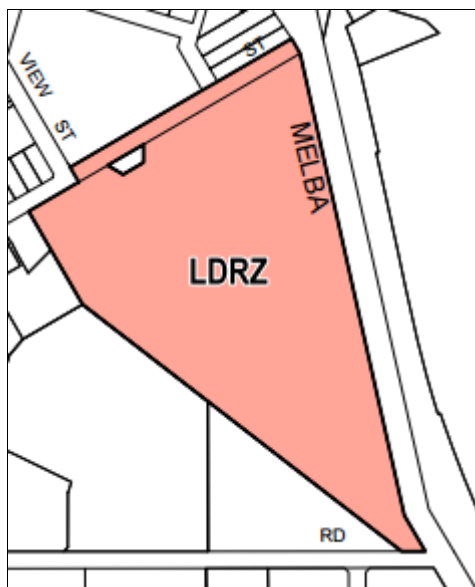


Figure 5 6469-6489 Melba Highway, Yea

3.4.2 Submissions

VicRoads sought the application of the Development Plan Overlay Schedule 3 (Low Density Residential Zone) to this property so that a Traffic Impact Assessment Report (TIAR) would be required before the property is developed⁷.

Mr Scale advised that Council did not support the application of the DPO3 to this site given that it is in single ownership and is relatively small, and because access issues can be addressed through the planning permit process. He advised that future access will be via a 'side street' and not the Melba Highway.

3.4.3 Discussion and conclusions

The Panel notes that the Melba Highway is zoned Road Zone 1 and triggers Clause 52.79 (Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road) that requires the referral of various applications (including new vehicular access points) to VicRoads. The Panel is satisfied that this provides the mechanism to address VicRoads' concerns.

⁶ The exhibited DPO3 referred to in the VicRoads' submission has now been renumbered as DPO2 under Amendment C46.

⁷ The approved DPO2 requires (as do all of the Murrindindi DPO schedules) that, where relevant, Development Plans should include the preparation of a TIAR.

However, the Panel believes that there are other reasons to apply the DPO2 to this site, particularly as a means of managing its interface and connectivity with the vacant Low Density Residential Zoned land abutting to the south that is subject to the Development Plan Overlay Schedule 2 (as are other Low Density Residential Zone areas in Yea). The Development Plan Overlay will also be beneficial as a means of managing the interface with the existing residential development to the north and west, and as mechanism to address visual impacts of this prominent site.

For these reasons, the Panel recommends that the Development Plan Overlay Schedule 2 be applied to 6469-6489 Melba Highway, Yea. In forming this view the Panel does not believe that this is a transformation of the Amendment or that it requires some form of additional notification. Issues around the possible application of a Development Plan Overlay were raised in the VicRoads submission and considered by Council.

3.4.4 Recommendation

The Panel recommends:

Apply the Development Plan Overlay Schedule 2 to 6469-6489 Melba Highway, Yea.

3.5 5691 Whittlesea-Yea Road, Yea

3.5.1 The issues

The issues are:

- Whether the Development Plan Overlay Schedule 1 should be applied to this property (Figure 6)
- Whether the boundary of the exhibited General Residential Zone should be modified to take account of the Urban Flood Zone that currently affects part of the property.

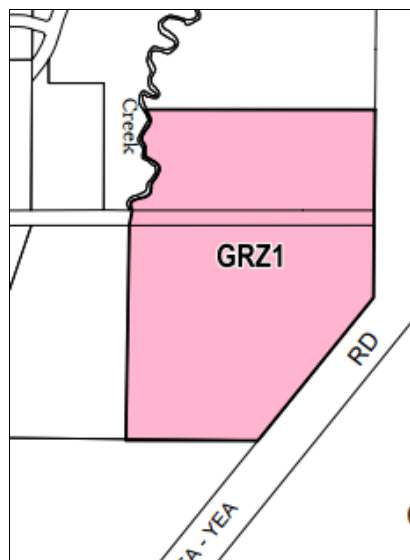


Figure 6 5691 Whittlesea-Yea Road, Yea

The Amendment proposes to rezone 5691 Whittlesea-Yea Road from Industrial 1 Zone to General Residential Zone. Amendment C46 deleted the Development Plan Overlay Schedule 4 from the property.

3.5.2 Submissions

(i) Development Plan Overlay Schedule 1

VicRoads sought the application of the Development Plan Overlay Schedule 3 (Low Density Residential Zone) to this property so that a Traffic Impact Assessment Report (TIAR) would be required before the property is developed⁸.

Council supported this submission, although it indicated that the Development Plan Overlay Schedule 1 was the appropriate schedule. Mr Scale advised that following further discussions, VicRoads supported that overlay.

Mr Scale submitted that although access issues could be addressed through future planning permit processes, the Overlay would also provide a mechanism to address other issues such as the interface with the remnant Industrial 1 Zoned land to the north and the existence of a current approved Development Plan (under the existing DPO4).

Michael Coonan opposed the application of the DPO1, submitting that it was an unnecessary encumbrance on the future development of the property and that access issues could be addressed through the planning permit process. He also noted that Council did not support the application of a DPO to the property at 6469-6489 Melba Highway proposed to be rezoned Low Density Residential Zone in the exhibited Amendment.

(ii) Extent of the General Residential Zone

At the conclusion of the Hearing, Council advised that the exhibited western boundary of the proposed GRZ on this property (where it abuts the creek) had been incorrectly mapped. The exhibited mapping used the creek boundary rather than the associated Urban Floodway Zone (UFZ) boundary for defining the western extent of the GRZ. Consequently, the Amendment would unintentionally rezone a small area of land from UFZ to GRZ.

The Panel directed that Council advise the landowners of the proposed correction and invite comments from them. Following the Hearing, Council provided the Panel with copies of various emails relating to this matter in which the owners agreed to the mapping change.

3.5.3 Discussion and conclusions

(i) Development Plan Overlay Schedule 1

The Panel is not satisfied that Council has adequately demonstrated why the DPO1 should be applied to this property, other than it will address an element of VicRoads' submission. The issues raised by Mr Scale are not sufficiently complex to warrant a DPO and can be dealt with through the subdivision process. The Panel also notes that other characteristics of the site, such as the relatively small area and single ownership, mitigate the need for a DPO.

⁸ As discussed earlier, Amendment C46 has been approved and includes various TIAR requirements.

More generally, it is not clear that Council has a clear basis on which it applies the DPO1 (or other DPO schedules) in Yea, particularly in light of its decision not to apply the DPO1 to the land to the immediate north that is also being rezoned from IN1Z to GRZ as part of this Amendment.

In relation to the VicRoads' submission, the Panel notes that the Whittlesea–Yea Road is zoned Road Zone 1 and triggers Clause 52.79 (Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road) that requires the referral of various applications (including new vehicular access points) to VicRoads. The Panel is satisfied that this provides the mechanism to address VicRoads' concerns.

Given that the exhibited Amendment did not seek to apply the DPO1 to this property, the Panel does not need to make a recommendation about this matter.

(ii) Extent of the General Residential Zone

The Panel supports this mapping correction and notes that the owners of the land have not objected.

3.5.4 Recommendation

The Panel recommends:

Change the exhibited western boundary of the General Residential Zone on 5691 Whittlesea-Yea Road, Yea to exclude the area currently subject to the Urban Floodway Zone.

3.6 10 Morgan Drive, Yea

3.6.1 The issue

The issue is whether the schedule to the Low Density Residential Zone should be modified.

The existing Low Density Residential Zone Schedule generally applies a 1 hectare minimum lot size, while providing for lots of 0.4 hectare or larger where they are in accordance with a Land Capability Assessment⁹. The default minimum lot size in the Low Density Residential Zone is 0.4 hectare for lots where reticulated sewerage is not connected and 0.2 hectare where lots are connected.

3.6.2 Submissions

Andrea Tomkinson (on behalf of DCK) submitted that the Low Density Residential Zone Schedule should be modified to provide for lots of 0.2 hectare where they are connected to reticulated sewerage. She referred to the property at 10 Morgan Drive which is zoned Low Density Residential Zone, subject to the Development Plan Overlay and within an area capable of connection to reticulated sewerage. She advised that the Low Density Residential Zone Schedule unnecessarily limited the subdivision potential of this area by establishing a minimum lot size of 0.4 hectare, whereas the default minimum lot size under the zone is 0.2 hectare. Ms Tomkinson also noted that the 0.2 hectare minimum lot size was introduced in

⁹ There are some area specific exceptions to this.

2013 as a State-wide change and submitted that the Schedule in the Murrindindi Planning Scheme should have been updated to reflect this change.

Ms Tomkinson submitted that the schedule should be modified as part of Amendment C55, to enable lots of 0.2 hectare where they are connected to reticulated sewerage.

Mr Scale advised that while the proposal had merit, there were 'natural justice' issues about introducing this change as part of the Amendment and without exhibition. He indicated that the landowner should initiate an Amendment to achieve the outcome that is sought.

3.6.3 Discussion and conclusions

The Panel supports Ms Tomkinson's submission but agrees with Council that this change should be introduced through a separate Amendment that addresses this issue on a Shire-wide basis and provides all relevant landowners and stakeholders with an opportunity to comment. The Panel gave serious consideration to directing that Council draft a revised schedule and undertake targeted consultation as a means of resolving this issue as part of Amendment C55, but concluded that it was not reasonable to delay to the Amendment being processed.

Instead, the Panel encourages Council to include the proposed changes in a future Amendment and to address this issue on a Shire-wide basis. This is not a complex task and is something that Council, as a Planning Authority, should undertake.

3.7 Other issues and submissions

3.7.1 Department of Environment, Land, Water and Planning (DELWP) submission

DELWP lodged a written submission that raised various issues regarding the adequacy with which the Yea Structure Plan and Amendment C55 treated biodiversity issues. In particular, there was a concern that Council's approach was to consider biodiversity issues as part of the planning permit process, rather than during strategic planning processes such as the development of the Yea Structure Plan.

Although DELWP did not object to the Amendment, it made a number of recommendations relating to further biodiversity work.

Ms Sherlock represented DELWP at the Hearing and advised that some matters raised in the Department's original written submission had been addressed with Council and that others would be addressed by future actions, including changes to the Yea Structure Plan.

Mr Scale outlined the environmental analyses that underpinned various elements of the Amendment, together with further strategic work that Council has committed to undertake.

The Panel notes these matters and it is not necessary to make any recommendations about them.

DELWP also requested that the exhibited rezoning of Crown land (CA2 Sec 30 and CA2 Sec 29, Township of Yea) from Public Use Zone Schedule 7 to General Residential Zone not proceed. The retention of the Public Use Zone reflects the Department's intention to retain the land in public ownership. Council supported this change, as does the Panel.

Recommendation

The Panel recommends:

Delete the rezoning of Crown land (CA2 Sec 30 and CA2 Sec 29, Township of Yea) from Public Use Zone Schedule 7 to General Residential Zone.

3.7.2 Development Plan Overlay Schedule 3 (Low Density Residential Zone)

VicRoads submitted that the Development Plan Overlay Schedule 3 (Low Density Residential Zone) should be modified to require the preparation of a Transport Impact Assessment Report (TIAR).

Mr Scale advised that this element of the VicRoads' submission was more relevant to Amendment C46 and that Council had adopted that Amendment with changes to the exhibited DPO schedules that addressed VicRoads' concerns.

Amendment C46 was approved in March 2016 (following the Amendment C55 Hearing) and implemented a review of the existing DPO schedules. The DPO3 referred to in the VicRoads' submission has now been renumbered as DPO2 and requires (as do all of the Murrindindi DPO schedules) that, where relevant, Development Plans should include the preparation of a TIAR.

The Panel is satisfied that Amendment C46 has addressed this issue.

3.7.3 Goulburn Broken Catchment Management Authority

The Goulburn Broken Catchment Management Authority (GBCMA) made a submission in relation to buildings and works in proximity to waterways, particularly in the Rural Living Zone. The CMA sought standards relating to the setback of buildings, works and absorption fields from designated waterways.

Council submitted that setback issues can be addressed in future development plan and planning permit processes. In relation to the Rural Living Zone, Mr Scale advised that the Amendment proposed to apply the Development Plan Overlay 3 (DPO3) to zoned areas around Yea that have been identified as suitable for a 2 hectare subdivision minimum. He submitted that the DPO3 included requirements to address on site wastewater disposal.

The Panel agrees with Council that there are existing provisions on the Planning Scheme that deal with the issues raised by GBCMA. In particular, the Panel notes that Clause 14.02-1 (Catchment planning and management) supports 30m vegetated buffers along either side of waterways. Clause 14.02-2 (Water quality) also seeks to ensure that land uses do not contaminate waterways. In addition, the Rural Living Zone requires a planning permit for all buildings and works within 100m of a waterway and includes decision guidelines relating to protecting the environmental values of waterways and minimising the negative impacts of on-site effluent disposal.

If the GBCMA has concerns about the adequacy of the relevant provisions, it should discuss with Council how they might be addressed, including any changes to the Planning Scheme.

Appendix A Submitters to the Amendment

No.	Submitter
1	Liliana and Richard Ciborowski
2	Anthony Munston
3	Nola Yorston
4	Mike and Dianne Bartels
5	Goulburn Valley Water
6	Goulburn Broken Catchment Management Authority
7	Alan and Dale Cassell
8	Michael Coonan
9	VicRoads
10	David Barnes (Hansen Partnership) on behalf of Bill Anderson
11	Bruce and Regina Bell
12	Department of Environment, Land, Water and Planning
13	John McCaffrey on behalf of S and N Super Fund Pty Ltd
14	Munshi Nawaz (Tomkinson Group)
15	Goulburn-Murray Water
16	Anthony Dwyer and Jill Dwyer

Appendix B Document list

No.	Date	Description	Presented by
1	22/1/2016	Reports by Don Lawson	G Scale
2	22/1/2016	Desktop Summary of State Government Biodiversity, Hansen Partnership, 22 January 2016	R Stevenson
3	22/1/2016	Correspondence between Murrindindi Shire Council and DELWP	G Scale
4	15/2/2016	Council submission	G Scale
5	15/2/2016	Council submission appendices	G Scale
6	15/2/2016	Submission on behalf of the Department of Water, Land Planning and Environment	W Sherlock
7	15/2/2016	Submission on behalf of B Anderson	D Barnes
8	15/2/2016	Submission to the Yea Structure Plan on behalf of B Anderson	D Barnes
9	15/2/2016	Submission in support of rezoning on behalf of B Anderson	D Barnes
10	15/2/2016	Submission on behalf of DCK	A Tomkinson
11	15/2/2016	Planning Scheme maps	A Tomkinson
12	15/2/2016	Further information requested by the Panel	G Scale
13	29/2/2016	Further information requested by the Panel	K Girvan