

## SWAN HILL PLANNING SCHEME

### AMENDMENT C67

#### EXPLANATORY REPORT

#### Who is the planning authority?

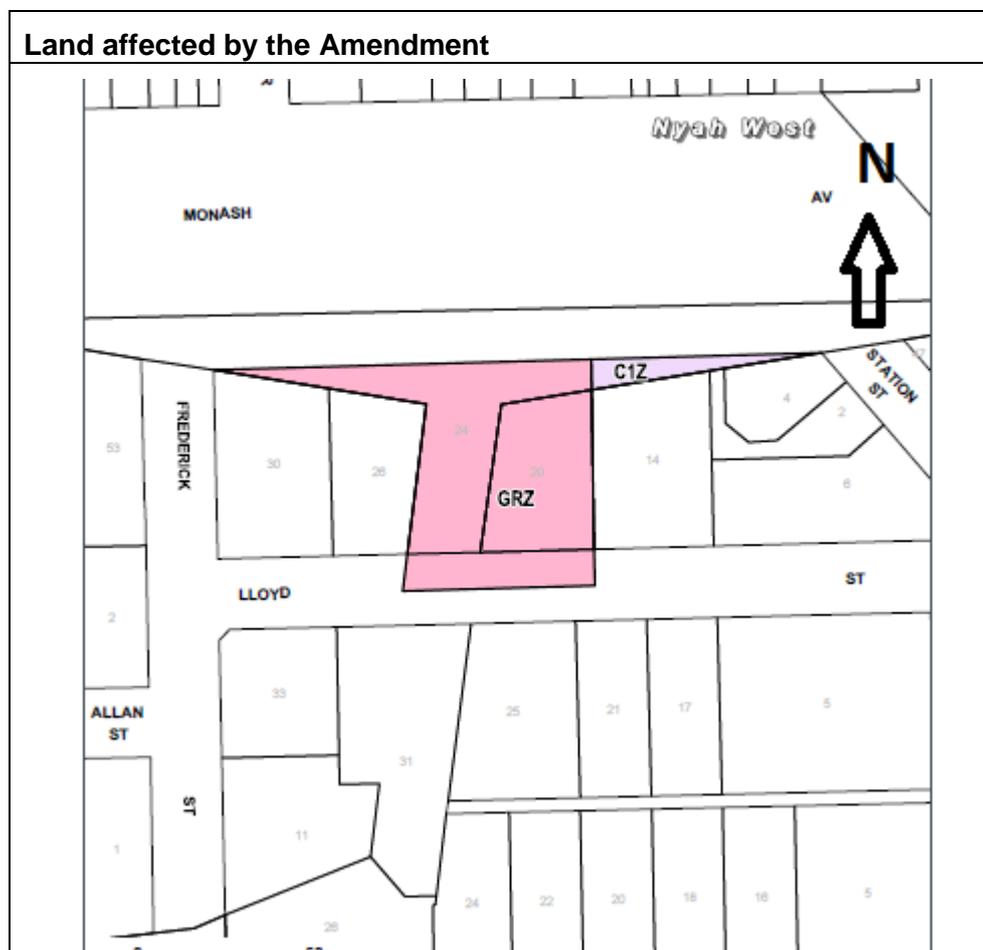
This Amendment has been prepared by the Swan Hill Rural City Council which is the planning authority for this Amendment.

The Amendment has been made at the request of the Victorian Department of Treasury and Finance and the Swan Hill Rural City Council.

#### Land affected by the Amendment

The Amendment applies to two parcels of land within the Township of Nyah West. Details of the land to be rezoned are provided below.

Property address	Allotment details	Area/ha (approximate)
20 Lloyd Street, Nyah West	CA 11B	0.13ha
24 Lloyd Street, Nyah West (part of)	Lot 2, LP147036	0.24ha



## **What the Amendment does**

The Amendment proposes to:

1. rezone the former Nyah West Police Station at No. 20 Lloyd Street site currently zoned Public Use Zone (PUZ7) to a General Residential Zone (GRZ) to enable the disposal of the land.
2. rezone Council owned land (with the residential units) at No. 24 Lloyd Street which is currently part PUZ7 and part Public Park and Recreation Zone (PPRZ) to GRZ and Commercial 1 Zone (C1Z). This is to correct the zone anomaly to reflect its current residential use and to set straight the northern boundaries of Nos. 30-34 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station Street, Nyah West.

Specifically, the Amendment would result in the following changes to the Swan Hill Planning Scheme

- Rezone No. 20 Lloyd Street Nyah West from PUZ7 to GRZ.
- Rezone part of No. 24 Lloyd Street Nyah West from PUZ7 to GRZ.
- Rezone part of No. 24 Lloyd Street Nyah West from Public Park and Recreation Zone (PPRZ) to GRZ (land adjoining Nos. 30-34, 26 and 24 Lloyd Street).
- Rezone part of No. 24 Lloyd Street Nyah West from PPRZ to Commercial 1 Zone (C1Z) (land adjoining Nos. 2 and 4 Station Street).
- Amend Planning Scheme Map 27 Zone.

## **Strategic assessment of the Amendment**

### **Why is the Amendment required?**

The Amendment is required to facilitate the disposal of the former Police Station, which the Department of Justice and Regulation has declared as surplus to their operating requirements. The land is currently in PUZ7 and to facilitate the sale of the land and the aspirations outlined in the Swan Hill Planning Scheme and Loddon Mallee North Regional Growth Plan the site should be zoned to an appropriate zone, being the GRZ.

The Amendment will also rezone part of the Council owned land containing residential units at No. 24 Lloyd Street, Nyah West to correct the anomaly and to reflect its current residential use.

The Amendment also proposes to rezone part of the PPRZ land at the northern boundary of Nos. 30-34 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station Street, Nyah West to set straight the northern boundary of abutting lots to facilitate the orderly development and planning outcomes. In order to do so the Amendment rezones a section of the PPRZ land to GRZ and C1Z. Once the Amendment is adopted Council will negotiate with the above landowners to realign the boundaries (including consolidation) of these parcels of land.

### **How does the Amendment implement the objectives of planning in Victoria?**

The Amendment helps to implement the objectives of planning in Victoria as outlined in the *Planning and Environment Act 1987* by rezoning well located, serviceable land for residential purposes and ensuring that land being transferred from public to private ownership is in the appropriate zone. It also proposes to set straight the northern boundaries of Nos. 30-34 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station Street, Nyah West to facilitate the orderly development and planning outcomes for the adjacent properties.

The Amendment will facilitate the strategic aspirations outlined in the Swan Hill Planning Scheme, including the Loddon Mallee Regional Growth Plan, by providing residential zoned land capable of accommodating residential land uses.

The Amendment addresses the following objectives of planning in Victoria:

- a) To allow for the fair, orderly, economic and sustainable use and development of land.
- b) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- c) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historic interest, or otherwise of special cultural value.

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

The Amendment is not expected to have any adverse environmental, social or economic affects. The proposed Amendment will facilitate an outcome that addresses triple bottom line effects as follows:

#### Environmental

The subject land is within an existing urban area and will better utilise the land for residential and commercial development, reducing the need for additional land to accommodate predicted population growth, thereby reducing the environmental impact of the Swan Hill municipality as a whole. It will also set straight the northern boundaries of Nos. 30-34 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station Street, Nyah West to facilitate the orderly development and planning outcomes for the adjacent properties.

The site at No 20 Lloyd Street Nyah West is not contaminated nor has it been occupied by previous industrial uses. The site at No 24 Lloyd Street Nyah West has been used for residential purpose.

The PPRZ land adjacent to Nos. 30-34 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station Street Nyah West has been used as a park /recreation reserve. The land has not been used for industry, mining, storage of chemicals.

#### Social

The rezoning will facilitate residential and commercial development and make better use of land where existing social amenities are in place.

Rezoning part of the PPRZ land will not detract from the current and continued use of the open space / park area. The main open space / park facilities will be retained within the PPRZ.

#### Economic

The rezoning will facilitate the use and development of the land for residential and commercial purposes supporting economic functions in the surrounding area.

### **Does the Amendment address relevant bushfire risk?**

The subject land is not located within a Bushfire Management Overlay / Wildfire Management Overlay and is not within a Designated Bushfire Prone Area.

Bushfire risk has been considered in this Amendment and is not considered to have any relevant consequences as a result of the Amendment. Further any bushfire risk would be addressed at the building permit stage with construction standards enforced through the Building Code of Australia.

### **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.

Pursuant to Section 12 of the *Planning and Environment Act 1987*, the Amendment complies with the following applicable Ministerial Directions:

Ministerial Direction 11 – Strategic Assessment of Amendments identifies strategic assessment guidelines regarding amendments to planning schemes which have formed the basis for the Explanatory Report. Refer to the individual headings of this section for further detail regarding the proposed amendment's compliance with the provisions of Ministerial Direction 11.

Practice Note 46 – Strategic Assessment Guidelines for Preparing and Evaluating Planning Scheme Amendments provide a consistent framework for preparing and evaluating a proposed planning scheme amendment in accordance with Ministerial Direction 11. This Amendment has been prepared in accordance with the Strategic Assessment Guidelines.

Practice Note 78 – Applying the Residential Zones provides information and guidance on the purpose, features and application of the residential zones. The proposed application of the GRZ and a small part of C1Z to the subject site is consistent with principle and criteria described in Practice Note 78.

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

The Amendment directly supports an implementation of the State Planning Policy Framework through the following:

- The Amendment will provide residential zoned land that is within an existing urban area with supporting servicing and infrastructure in place.
- The Amendment will set straight the northern boundaries of Nos. 30-34 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station Street, Nyah West to provide for the orderly development and planning outcomes of the adjacent residential and commercial properties.
- The Amendment will assist in making efficient use of residential land.
- The Amendment will allow for residential development in close proximity to an activity centre supporting its economic function.

Specifically, the proposed Amendment responds to the provisions of the State Planning Policy Framework as follows:

#### Clause 10.02 Goal

The Amendment will support the broad policy objectives detailed in Clause 10.02 by fostering appropriate and orderly land use.

#### Clause 11 Settlement

Rezoning would allow for better utilisation of land within an existing urban area with existing servicing and infrastructure in place. It would reflect the current use of the land and will improve the settlement pattern (by setting straight the northern boundaries of 30-34 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station Street, Nyah West) within the town centre to support the role and function of the town centre.

#### Clause 11.04-6 A State of cities

The Amendment will assist in the provision of suitably zoned and serviced land for housing to respond to the needs of existing and future communities.

#### Clause 11.05 Regional Development

The Amendment will support the sustainable development of regional centres and is generally in accordance with the directives of the regional growth plan.

#### Clause 11.11 Loddon Mallee North Regional Growth

The rezoning is in accordance with the Loddon Mallee North Regional Growth Plan and will provide land to accommodate future population growth and in turn contribute to the growth of the local economy.

#### Clause 16 Housing

Rezoning would facilitate the use and development of the land for housing within an existing residential area close to the existing town centre making better use of existing infrastructure, open space, community facilities and retail.

The area that contains the open space/park facilities will be retained as PPRZ. The area of PPRZ land to be rezoned is not primarily utilised as open space/park.

#### Clause 17 Economic Development

Rezoning would facilitate the use and development of the land for commercial purposes by providing for an improved settlement pattern [by setting straight the northern boundary of abutting lots (30-34 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station Street, Nyah West)] and lot size that would make better use of existing infrastructure and commercial (including tourism) opportunities within the town centre.

#### Clause 18 Transport

Rezoning to allow use of the land for residential and commercial purposes would support the efficient use of transport infrastructure in an established urban location.

#### Clause 19 Infrastructure

Rezoning to allow use of the land for residential and commercial purposes would support the efficient use of social and physical infrastructure in an existing urban area.

The area that contains the open space/park facilities will be retained as PPRZ. The area of PPRZ land to be rezoned is not primarily utilised as open space/park.

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

The proposed Amendment supports and implements the Local Planning Policy Framework (including the Municipal Strategic Statement) as follows:

#### Clause 21.03 Vision and Strategic Framework

The Amendment supports key objectives of Clause 21.03 and the Swan Hill Sub-regional Framework Plan including the role of Nyah and Nyah west as retirement and commuter towns through the provision of residential zoned land.

#### Clause 21.04-1 Settlement network and hierarchy

The Amendment supports the broad objectives of Clause 21.04-1 to facilitate population growth in smaller towns through the provision of residential zoned land within the urban centre and town boundaries.

The rezoning of a small area of land to GRZ and C1Z will set straight the northern boundary of abutting lots (30-34 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station Street, Nyah West), improving the settlement pattern and the orderly development and planning outcomes of the area. It will not significantly alter the commercial /retail nature of the Nyah West Township, retaining the settlement network and hierarchy of township patterns within the municipality.

#### Clause 21.04-2 Orderly growth of towns and settlements

In accordance with Clause 21.04-2 the Amendment will apply the 'General Residential Zone to residential areas in ... Nyah West to encourage infill and new residential development'.

The rezoning of a small area of land to GRZ and C1Z will set straight the northern boundaries of 30-34 Lloyd Street, 26 Lloyd Street, 2 Station Street and 4 Station Street, Nyah West, it will not affect the settlement network or hierarchy of township patterns within the municipality. The rezoning will improve the settlement pattern and the orderly development and planning outcomes, without not significantly altering the commercial /retail nature of the Nyah West Township.

#### Clause 21.07-1 High standard of urban design

In accordance with Clause 21.07-1 the Amendment allows for local heritage value and built character of towns to be considered as part of any subsequent design and development of the land.

#### Clause 21.07-3 Heritage

The Amendment makes no change to the existing heritage overlays applied to the adjoining land, which will allow the historical attributes of the town to be retained and protected.

#### Clause 21.10-5 Nyah West

The Amendment supports the broad objectives established in Clause 21.10-5 regarding settlement and housing, built environment and heritage, and economic development.

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

The proposed Amendment makes proper use of the Victoria Planning Provisions by allowing for the land to be zoned in a manner that is consistent with surrounding uses and developments and the aspirations of the Swan Hill Planning Scheme and the Loddon Mallee North Regional Growth Plan.

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

The Amendment accords with the Department of Treasury and Finance instructions and is also consistent with the Department of Justice and Regulation having declared the site as surplus to its requirements.

Swan Hill Rural City Council as Planning and Responsible Authority was consulted on the proposed amendment and confirmed their support for the rezoning of the site at No. 20 Lloyd Street, Nyah West.

Swan Hill Rural City Councilowns No. 24 Lloyd Street, Nyah West. Consultation will be through the public exhibition period for the Amendment.

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

The Amendment will not create a significant impact on the existing transport system as defined by Section 3 of the *Transport Integration Act 2010*.

The Amendment would allow for use that supports the integration of transport and land use and facilitates access to social and economic opportunities.

It is further noted that any potential car parking and traffic impacts from future development (as facilitated by the Amendment) will be capable of being addressed at any future planning permit stage.

## **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The new planning provisions will have minimal resource and administrative impact on the responsible authority Swan Hill Rural City Council. Further upon approval of the Amendment Council officer time will be required to facilitate the boundary realignment as envisaged to be the final outcome. .

## **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: Week beginning on 14 March 2016
- panel hearing: Week beginning on 28 March 2016.

*Planning and Environment Act 1987*

**SWAN HILL PLANNING SCHEME**

**AMENDMENT C67**

**INSTRUCTION SHEET**

The planning authority for this amendment is the Swan Hill Rural City Council.

The Swan Hill Planning Scheme is amended as follows:

**Planning Scheme Maps**

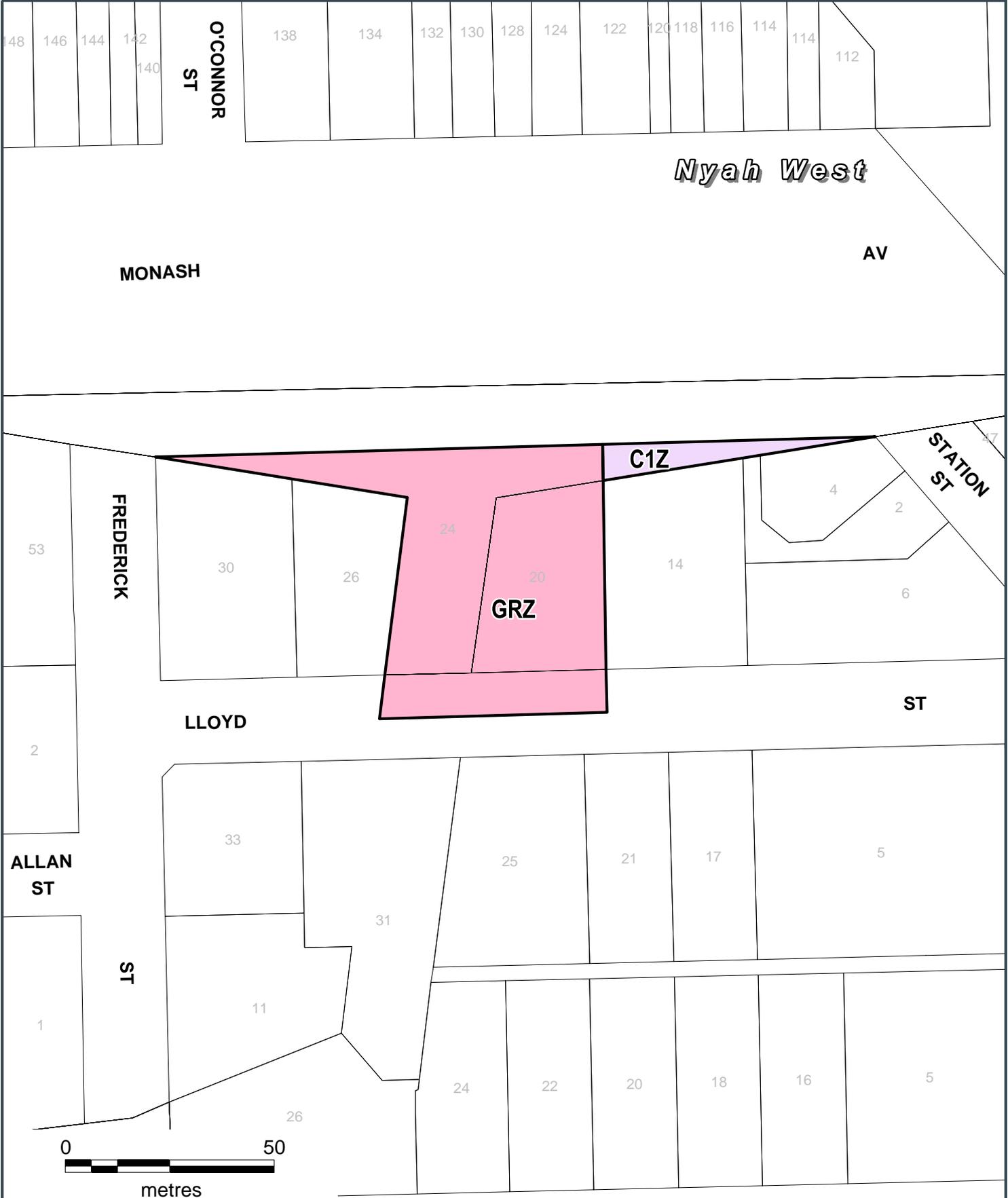
The Planning Scheme Maps are amended by a total of 1 attached map sheet.

***Zoning Maps***

1. Amend Planning Scheme Map No. 27 in the manner shown on the 1 attached map marked "Swan Hill Planning Scheme, Amendment C67".

End of document

# SWAN HILL PLANNING SCHEME



Part of Planning Scheme Map 27

## LEGEND

- GRZ General Residential Zone
- C1Z Commercial 1 Zone

# AMENDMENT C67

