

SWAN HILL PLANNING SCHEME

AMENDMENT C59

EXPLANATORY REPORT

Who is the planning authority?

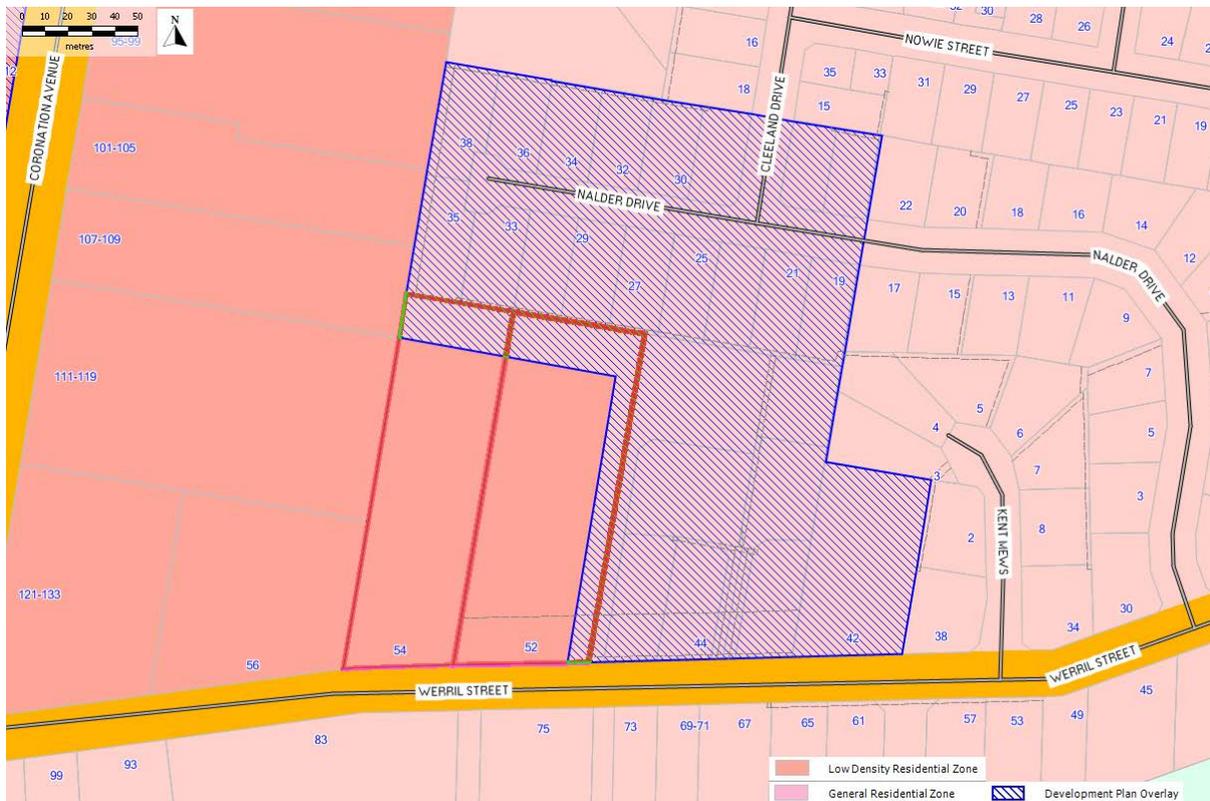
This proposed amendment has been prepared by the Swan Hill Rural City Council, which is the planning authority for this amendment.

The proposed amendment has been made at the request of the land owners James and Leonie Gleeson.

Land affected by the amendment

The proposed amendment applies to parts of 52 and 54 Werril Street, Swan Hill.

The following map depicts the location of the above lots highlighted with red boundaries:



What the amendment does

The proposed amendment

- Rezones part of 52 Werril Street, Swan Hill from General Residential Zone to Low Density Residential Zone;
- Deletes the Development Plan Overlay, Schedule 1 from part of the properties located at 52 and 54 Werril Street, Swan Hill;
- Amends Planning Scheme Map 40; and
- Amends Planning Scheme Map 40DPO.

Strategic assessment of the amendment

Why is the amendment required?

Both of the affected properties, 52 and 54 Werril Street, Swan Hill are subject to a dual zoning, being predominantly in the Low Density Residential Zone (LDRZ) with a small section of both properties in the General Residential Zone (GRZ), as illustrated in the above plan. This dual zoning is an anomaly that has been further accentuated by a subdivision that occurred between 52 Werril Street and 44 Werril Street.

Both properties are also partly affected by the Development Plan Overlay, Schedule 1 (DPO1), which applies to the parts of both lots that are in the GRZ. The subdivision approved by planning permit 2013/114 provided for a minor adjustment to the boundaries of two existing lots (52 and 44 Werril Street), each containing dwellings. The subdivision reflected the existing use and development of the land, but further accentuated the split zoning of 52 Werril Street. A condition of the permit for this subdivision was that the permit holder must prepare and submit the necessary documentation to Council in order to undertake a planning scheme amendment, to rezone the section of land that is currently GRZ to LDRZ.

A request was made to the owner of 54 Werril Street (which has the same zoning anomaly) to rezone the GRZ portion of land to LDRZ, but the owner was not interested. The owner of 54 Werril Street advised that they would like to keep the rear portion of their land in the GRZ as it provides an opportunity to further subdivide the land and sell this portion of the land to the owners of the land to the north, fronting Nalder Drive.

The proposal to delete part of the DPO1 from both 52 and 54 Werril Street is also to correct an anomaly. There is no need for the overlay within 52 Werril Street, as it should be applied to land in the GRZ rather than the LDRZ. Even though the rear of 54 Werril Street will remain in the GRZ, the DPO1 need not remain on this land, as land to the north in Nalder Drive has already been developed.

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

The amendment implements the objectives of planning in Victoria through providing orderly planning in relation to the land and ensuring its ongoing future use and development is consistent with the framework of the planning scheme. Specifically the amendment is consistent with the following objective:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;*

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

There will be no negative environmental, social or economic effects from this amendment as it seeks to correct a mapping anomaly.

Does the amendment address relevant bushfire risk?

The proposed amendment will not have any impact upon bushfire risk to the affected land.

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

The proposed amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes (September 2009). No changes are proposed to the form of the existing Swan Hill Planning Scheme. The proposed amendment only involves changes to Map 40 and Map 40DPO of the Swan Hill Planning Scheme.

No other Ministerial Directions are applicable to this amendment.

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

The proposed amendment directly supports and implements the State Planning Policy Framework through facilitating the orderly development of urban areas as outlined in Clause 11.02-3.

The amendment is broadly consistent with Clause 11.11 - Loddon Mallee North Regional Growth Plan.

The Regional Growth Plan ('the plan') supports incremental expansion of Swan Hill and the provision of infrastructure to facilitate population and economic growth, including improvements to transport infrastructure to service regional industries. It emphasises the need for integrated strategic planning to support for growth and enable healthy and supportive communities.

The plan recognises Swan Hill as a regional centre that services a wider catchment beyond its municipal boundaries and its stronger relationships with New South Wales, South Australia and adjoining Victorian regions. However, the plan does not provide any specific reference to the proposed amendment due to the minor nature of the amendment.

The amendment is an appropriate response to the existing built environment as per Clause 15 – Built environment and heritage.

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

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

- Maintaining the settlement hierarchy and orderly growth as per Clause 21.04 – Settlement and Housing.

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

The strategic objective of the proposed amendment is to rectify the split zoning. Given that the majority of land is included within the Low Density Residential Zone, it is considered that it is an appropriate response to apply that zoning to the entire land parcel. The deletion of Development Plan Overlay, Schedule 1 that applies to the land simply removes the overlay where it is not relevant.

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

All relevant agencies will be notified and consulted as part of the amendment exhibition process.

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

The amendment will not have an impact upon the transport system as defined by Section 3 of the Transport Integration Act 2010.

Resource and administrative costs

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

The impact of the proposed amendment on the resource and administrative costs of the responsible authority will be minimal. The rezoning will not trigger any additional permit requirements for the land.

Where you may inspect this Amendment

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

Swan Hill Rural City Council

45 Splatt Street

Swan Hill Vic 3585

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 21 October 2016.

A submission must be sent to:

Chief Executive Officer

PO Box 488

Swan Hill Vic 3585

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 commencing 1 November 2016
- Panel hearing: Week commencing 21 November 2016