Planning and Environment Act 1987

MITCHELL PLANNING SCHEME

AMENDMENT C166mith

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Minister for Planning who is the planning authority for this amendment.

The amendment has been made at the request of Goulburn Valley Water.

Land affected by the amendment

The Amendment applies to the land known as 130 Thomsons Lane and 125 Kennys Lane, Broadford. Specifically, the land is identified as Lots 2 & 3 on PS827740.

Land proposed to be rezoned is shown in Figure 1 below.



Figure 1: Subject Site (Source Mitchell Pozi)

What the amendment does

The amendment rezones the land from Farming Zone (FZ) to Public Use Zone – Service and Utility (PUZ1).

The amendment makes the following changes to the Mitchell Planning Scheme:

- Amend planning scheme map '09ZN Zones'.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to facilitate the delivery of water infrastructure on the land. Rezoning the land to PUZ1 will allow Goulburn Valley Water to provide infrastructure in a timely and efficient way.

Rezoning the land minimises the planning permit requirements for future works which can delay projects. The amendment will also recognise the existing ownership of the land by a public authority.

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

The amendment implements the following objectives of planning in Victoria:

a) Provide for the fair, orderly, economic, and sustainable use, and development of land.
e) Protect public utilities and other assets and enabling the orderly provision of and co-ordination of public utilities.

Rezoning the land to the PUZ1 will provide orderly use and development of the land owned and managed by an authority which will use and develop the land for public utility purposes. The amendment will reflect the existing Goulburn Valley Water ownership and provide certainty in its continued use and development of the land for wastewater treatment including irrigation using recycled water.

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

With regards to the environmental, social, and economic effects of this rezoning, the following has been considered:

- Social – It is considered the provision of infrastructure facilitated by the rezoning is critical to a safe and healthy community. It is important that infrastructure meets the needs of the growing regional population and accounts for future demand. The needs of the community are addressed by rezoning the land to facilitate the continued ownership of the land by Goulburn Valley Water and the future provision of water infrastructure. The views of nearby landowners were sought and considered.
- Environmental – The rezoning of the land is not considered to have any immediate impact on the environmental characteristics of the land. Any future infrastructure will maintain or improve upon the environmental conditions, by managing discharge volumes and appropriately treating any water. Further, should any new infrastructure require native vegetation removal, a planning permit will be required.
- Economic – Expanding Goulburn Valley Water's infrastructure assets has the potential to provide new jobs in a regional area and lead to economic benefit. The construction of new infrastructure will create construction jobs, and the operation and on-going maintenance of infrastructure may also create jobs at Goulburn Valley Water. Application of the PUZ1 will reduce delays and permit requirements in establishing such infrastructure, providing positive economic effects for the authority and the public.

Does the amendment address relevant bushfire risk?

The land is partly within a Bushfire Management Overlay (BMO) and Bushfire Prone Area (BPA); however, the rezoning will not increase the risk of bushfire on life or property. The rezoning will not encourage the provision of additional housing in a bushfire prone area or increase the demand on regional firefighting services. It is considered there is no bushfire risk relevant to this amendment.

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

<u>Ministerial Direction on the Form and Content of Planning Schemes</u>

The amendment is prepared in accordance with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987*.

<u>Ministerial Direction No. 11 Strategic Assessment of Amendments</u>

The amendment has been prepared in accordance with the Ministerial Direction No. 11 – Strategic Assessment of Amendments.

<u>Ministerial Direction No. 19 Amendments that May Significantly Impact the Environment, Amenity and Human Health</u>

The EPA commented that '[t]he Planning Authority should consider nearby [dwellings] in proximity to planned and future water infrastructure, including the need for the establishment and maintenance of

separation distances'. In subsequent communication, the EPA elaborated, stating that the Planning Authority should consider any dwelling and buffer distance, and this consideration should be documented in the explanatory report. The EPA flagged that any EPA permission (licence) may require separation distances from sensitive uses.

The issue is the potential for overspray from the spray irrigation of Class C recycled water affecting the amenity of the dwelling at 90 Thomsons Lane. The proponent provided a concept plan showing spray irrigation areas and revegetation areas on the land. The dwelling is approximately 400m north of the nearest spray irrigation area and is in the Farming Zone (FZ).

When the PUZ1 is applied, Goulburn Valley Water will not need a planning permit for use or development, and nor will clause 53.10 (Uses and activities with potential adverse impacts) trigger the need for a planning permit to protect FZ land. A Buffer Area Overlay (BAO) is not appropriate for several reasons. *Planning Practice Note 92 Managing buffers for land use compatibility* (PPN30) indicates that the BAO should be applied when there are significant off-site impacts on amenity. In this case, with a recommended buffer of 100m (EPA Publication 1911.2), the frequency of overspray reaching 400m to the dwelling is likely to be extremely low (if ever), and the intensity and nature of the impact would be very mild. So off-site amenity impact will not be significant.

PPN30 further indicates that a BAO should not replace existing laws, regulations, and standards. Spray irrigation using Class C recycled water will require an EPA operating licence. The EPA indicates a licence should require separation distances from sensitive uses. The EPA should use their published buffer requirements. Management of the overspray issue via a licence is the recommended outcome in this case.

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

Rezoning the land will support the efficient and timely provision of infrastructure which will service the needs of the community (Clause 19.03-3S). Also, the amendment will support the co-ordination of wastewater infrastructure within the existing catchment and protect down-stream waterways by ensuring that wastewater is appropriately treated and is released in a controlled way (Clause 19.03-3S, Clause 14.02-1S).

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

The amendment will support and implement the local planning policy framework by allowing Goulburn Valley Water to utilise the land to treat and reuse wastewater thereby improving the quality in waterways and catchments (Clause 21.05-2).

How does the amendment support or implement the Municipal Planning Strategy (MPS)?

The Mitchell Planning Scheme does not include an MPS at Clause 02.

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

The amendment makes proper use of the Victorian planning provisions by rezoning the land. The PUZ1 is the suitable zone in relation to the sites' context and existing and future purpose. The proposed zone is appropriate as it is owned by a public authority, Goulburn Valley Water. Application of the PUZ1 will reflect the purpose of the land and facilitate public works more efficiently than the existing Farming Zone.

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

The views of Mitchell Shire Council were considered in the drafting of this amendment and in selecting the zone control. Council supports the application of the PUZ1 and the Ministerial amendment process.

The views of the CFA were considered. The CFA had no in-principle objection to the amendment. The rezoning of the site will not increase the risk of bushfire on life or property, nor will it encourage the provision of additional housing in a bushfire prone area or increase the demand on regional firefighting services. Any future development will need to meet the radiant heat benchmarks of the BMO or the BPA requirements. It is considered that there is no bushfire risk relevant to this amendment.

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

The amendment will not have a significant impact on the transport system. The amendment is consistent with the requirements 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 new planning provision will have a favourable outcome for the Responsible Authority. By minimising the number of planning requirements to use and develop the site, it will alleviate the administrative burden of assessing permit applications for the development of infrastructure which are required under the current planning controls. Mitchell Shire Council has supported the amendment.

Where to view the amendment

The amendment can be inspected free of charge at the Mitchell Shire Council website at www.mitchellshire.vic.gov.au; and/or

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

- Mitchell Shire Council, 113 High Street, Broadford.

The amendment can also be inspected free of charge at the Department of Transport and Planning website at http://www.planning.vic.gov.au/public-inspection or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.