

## **SOUTH GIPPSLAND PLANNING SCHEME**

### **AMENDMENT C110**

#### **EXPLANATORY REPORT**

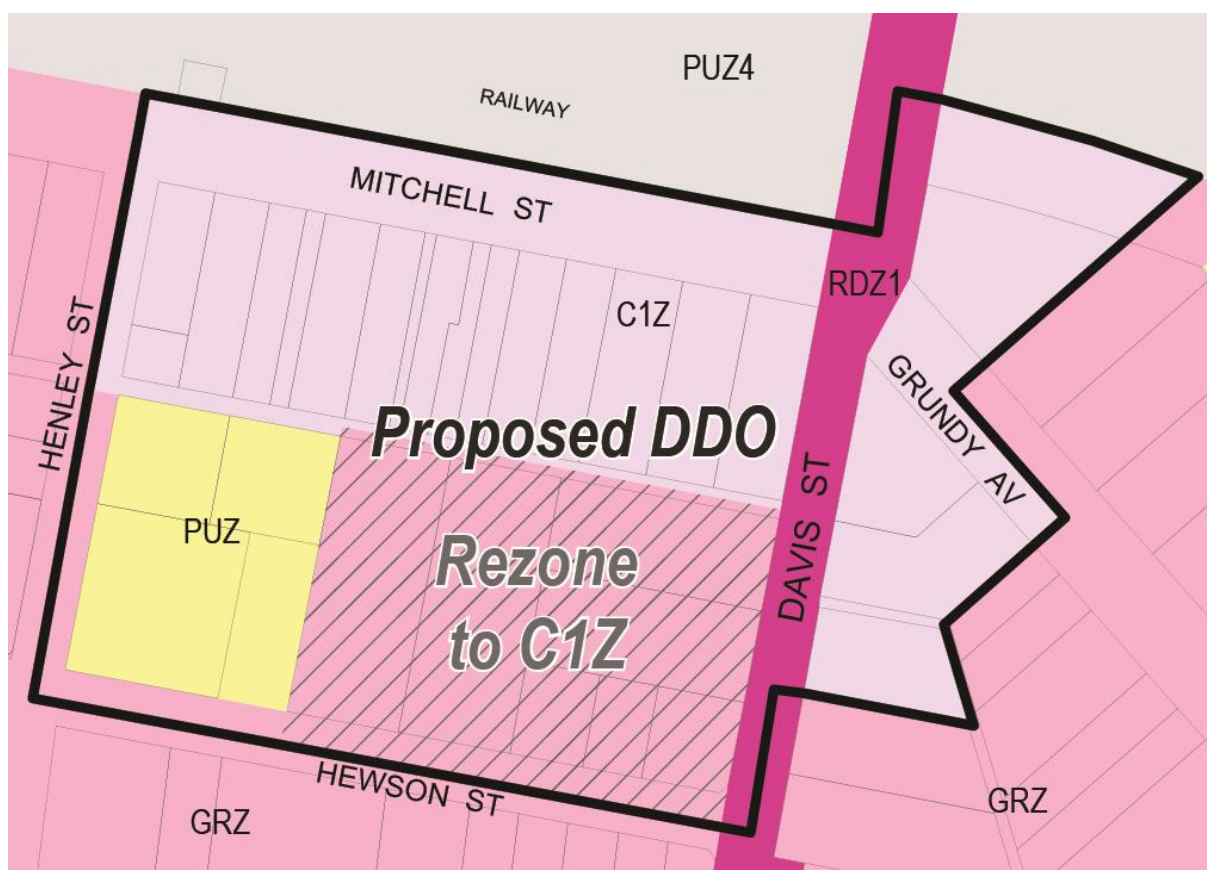
##### **Who is the planning authority?**

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

The Amendment has been made at the request of South Gippsland Shire Council.

##### **Land affected by the Amendment**

The land affected by the Amendment is in the town centre of Nyora, bound by Henley, Mitchell, Davis and Hewson Streets and including the Commercial 1 Zone land east of Davis Street (see map below).



##### **What the Amendment does**

The Amendment proposes to implement the Nyora Development Strategy (2016) town centre recommendations by:

- rezoning 2-12 Hewson Street and 29-31 Davis Street, Nyora from General Residential Zone Schedule 1 to Commercial 1 Zone;
- introducing and applying Design and Development Overlay Schedule 12 (DDO12) to Commercial 1 Zone and Public Use Zone land in the town centre;
- updating Clause 21.15-5 Nyora to introduce new strategies for the town centre;

- updating Clause 21.16 Reference Documents to include the Nyora Development Strategy (2016) as a reference document in the scheme; and
- updating Clause 61.03 Schedule to list the new map being introduced into the scheme.

## **Strategic assessment of the Amendment**

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

The Amendment is required to implement the Nyora Development Strategy (2016) (the Strategy), and specifically to deliver the town centre recommendations. The Strategy was prepared by South Gippsland Shire Council and builds on the recommendations of the Nyora Structure Plan (2013). Adopted by Council on 24 August 2016, the Strategy identifies the need for additional commercial land to serve a growing population and design controls to protect the town's character as growth occurs. The Strategy identifies that the existing Commercial 1 Zone land is insufficient to provide for a future supermarket that caters for the community's needs.

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

The proposed Amendment implements the objectives of planning in Victoria as set out in Part 1 - Section 4(1) of the *Planning and Environment Act 1987*, in the following way:

- The rezoning and application of the DDO12 seeks to provide for the growth of Nyora consistent with providing for the fair, orderly, economic and sustainable use and development of land; and
- The rezoning of land and application of the DDO12 provides for the future interests in the town while balancing the present interests of all Victorians.

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

#### *Environmental*

While the Amendment is expected to have minimal environmental impacts, it promotes the retention and provision of vegetation in the town centre.

#### *Social*

The Amendment seeks to provide social benefits by providing space for essential services (supermarket) in a growing township. It also aims to maintain the valued characteristics of the township as growth occurs, through the use of design guidelines in the DDO12.

#### *Economic*

The Amendment seeks to provide for economic growth in the township of Nyora as the population grows. It considers impacts on existing owners by providing for existing use rights and providing for minor changes to existing development in the area where the Commercial 1 Zone is proposed.

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

This Amendment does not impact bushfire risk in Nyora.

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

The Amendment has been prepared having regard to Ministers Direction No. 11 – *Strategic Assessment of Amendments* and is consistent with the Ministerial Direction on *The Form and Content of Planning Schemes* under Section 7(5) of the Act.

The Amendment also has regard to Ministerial Direction No. 15 *The Planning Scheme Amendment Process*, which sets timeframes for completing steps in the planning scheme amendment process.

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

The Amendment supports and implements the SPPF at:

- Clause 11 (Settlement) – Planning in anticipation of the needs of future communities through provision of zoned land for commercial facilities.
- Clause 11.02-1 (Supply of Urban Land) – Ensuring a sufficient supply is available for commercial, retail and community uses.
- Clause 11.05-4 (Regional Planning) – Encouraging high quality urban and architectural design which respects the heritage, character and identity of each settlement.
- Clause 15.01 (Urban Environment) – Achieving design outcomes that contribute positively to character, enhance public realm and improve community safety.

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

The Amendment supports and implements the LPPF at:

- Clause 21.05 (Settlement) – Nyora is expected to experience residential growth pressures once connected to the reticulated sewerage network (it is noted that Nyora has now been connected to the reticulated sewerage network).
- Clause 21.09-2 (Urban Environment) – Aims to continuously improve all aspects of the urban environment.
- Clause 21.09-3 (Signage & Infrastructure) – Aims to minimise the visual impact of signage and infrastructure on the landscape.
- Clause 21.11-3 (Office & Commercial Uses) – Aims to encourage business that generate employment opportunities, provide goods and services and strengthen the commercial capacity of existing town centres. Also encourages visual improvement of town centre business precincts to attract new commercial development.
- Clause 21.15-5 (Nyora) – Consolidate the town centre as the focus for all business, community and tourist services and facilities and strongly discourage retail development outside the town centre.

This Amendment implements further work specified at Clause 21.15-5 Nyora:

- Prepare a town centre strategy to provide greater direction for commercial development in the Mitchell Street area and to determine whether the commercially zoned land is adequate in location and extent to provide for future commercial growth in Nyora.
- Prepare a Master Plan for the Nyora Town Centre.

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

The Amendment makes proper use of the Victoria Planning Provisions by:

- Applying the Commercial 1 Zone (which aims to create vibrant mixed use commercial centres for retail and business) for the preferred location of a supermarket.
- Applying a Design and Development Overlay (which provides for specific requirements relating to design and built form of new development) to maintain the town centre's valued rural township character while providing for township growth.

- Updating the Local Planning Policy Framework to reflect changes to zoning and overlays and the supporting reference document, Nyora Development Strategy (2016).

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

The Nyora Development Strategy (2016) was exhibited and referred to agencies / authorities with an interest or involvement in urban development and expansion of Nyora. The views of relevant agencies / authorities will be sought as part of the exhibition of the Amendment.

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

The Amendment is expected to have some impact on the transport system in the future. It supports the objectives of the *Transport Integration Act 2010*, specifically that:

- Transport and land use should be effectively integrated – maximising access to residences, employment, markets, services and recreation; reducing the need for private motor vehicle transport and facilitating better access to local communities.
- Land use decisions have regard for the current and future development and operation of the transport system.
- Maximise the efficient use of resources including infrastructure, land, services and energy.

The Amendment supports these objectives by promoting the provision of goods and services at the centre of town (rather than out-of-centre), providing for orderly township growth and encouraging pedestrian and other transport modes.

### **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 have a minimal impact on the resources and administrative costs of the Responsible Authority. The controls are expected to have a negligible impact on the number of planning permits that are triggered.

### **Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at:

South Gippsland Shire Council  
9 Smith Street, Leongatha, VIC 3953

The Amendment is available for public inspection, free of charge at:

Nyora Post Office  
21 Mitchell Street, Nyora, VIC 3987

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](http://www.delwp.vic.gov.au/public-inspection) and at the South Gippsland Shire Council website at [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) – see 'Documents on public exhibition'.

### **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 **Wednesday 1 March 2017**.

A submission must be sent to: Chantal Lenthall, Senior Strategic Planner,  
South Gippsland Shire Council, Private Bag 4, Leongatha Vic 3953  
or by email to [council@southgippsland.vic.gov.au](mailto:council@southgippsland.vic.gov.au).

Submissions must make clear reference to Amendment C110.

### **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 Monday 22 May 2017
- panel hearing: week commencing Monday 12 June 2017