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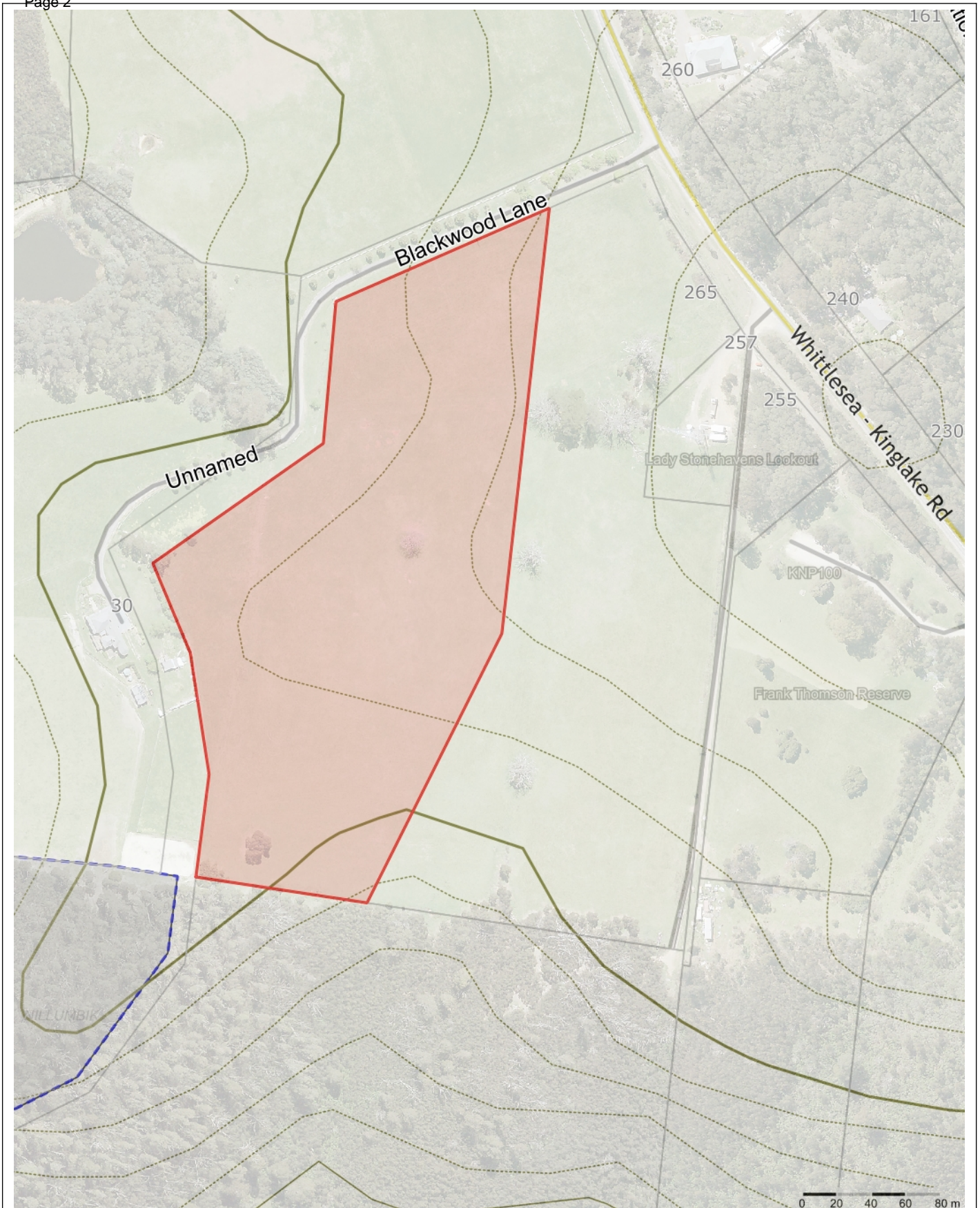
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Attachment 1 - Locality Plan

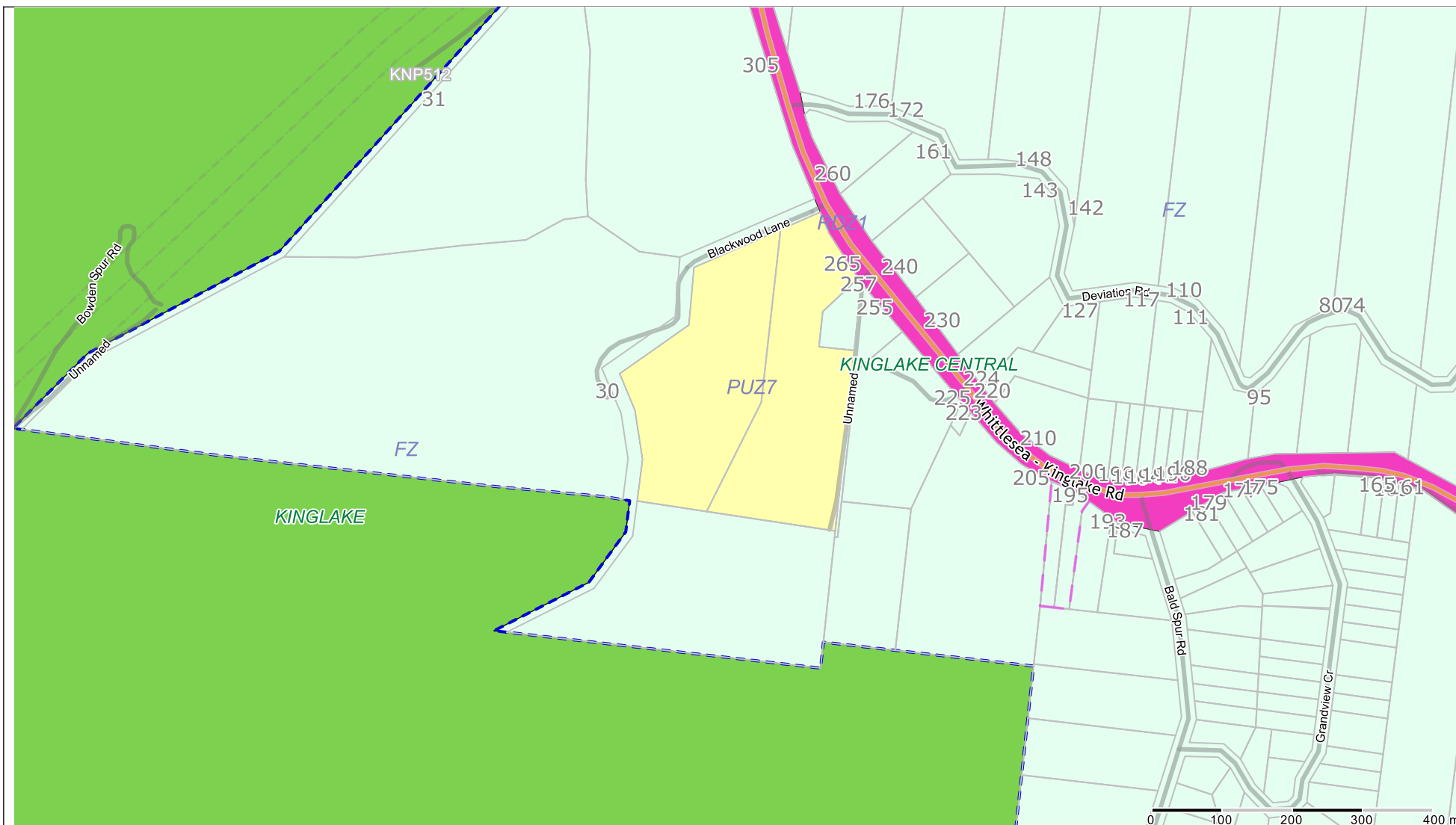
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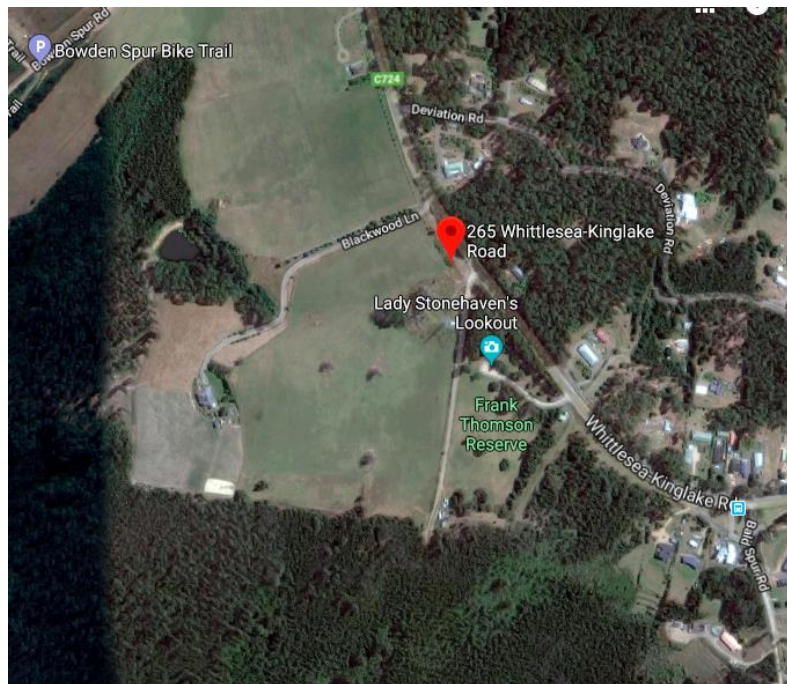
Attachment 3 - Zoning map

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Maureen Jackson Planning



Proposed planning scheme amendment to the Murrindindi Planning Scheme.

Kinglake Ranges Cemetery Trust

Crown Allotment 2023, Parish of Kinglake - 265 Whittlesea-Kinglake Rd, Kinglake

Prepared by:

Maureen Jackson Planning Pty Ltd

November 2018



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APPENDICES

Letters of support for the proposed cemetery.



Project Overview

Subject Site	<p>The subject land consists of Crown Allotment 2023, Parish of Kinglake, 265 Whittlesea-Kinglake Rd, Kinglake.</p> <p>The land is bound by the Whittlesea-Kinglake Rd to the north-east corner, Blackwood Lane at the north-west corner, and adjoining land to the east, south and west is designated as Farming Zone. To the south-west, a large parcel of land denoted as Public Conservation Resource Zone is in close proximity.</p>
Proposed Amendment	<p>The Murrindindi Planning Scheme Amendment seeks to:</p> <ul style="list-style-type: none"> ▪ Rezone subject site from PUZ7 - Other to PUZ5 – Cemetery and Crematorium ▪ Remove overlay, ESO1 – High Quality Agricultural Land. ▪ Retain overlay, BMO – Bushfire Management Overlay.
Proposed Changes	Amend Map No 26ZN zones and 26ESO
Existing Zoning	Public Use 7 - Other
Existing Overlays	Environmental Significance Overlay 1 - High Quality Agricultural Land Bushfire Management Overlay
Planning Policy Framework	<p>The relevant state planning policy framework policies are:</p> <p><u>Clause 11 – Settlement</u> 11.02-1S Supply of urban land 11.02-3S Structure planning 11.02-3S Sequencing of development</p> <p><u>Clause 12 Environmental and Landscape Values</u> 12.01-2S Native vegetation management</p> <p><u>Clause 13.02 Bushfire</u> Clause 13.02-1S Bushfire planning</p> <p><u>Clause 19 Infrastructure</u></p>



Project Overview

Local Planning Policy Framework and Municipal Strategic Statement	<p>The relevant local planning policy framework objectives are:</p> <p><u>Clause 21.01 Municipal Strategic Statement</u></p> <p>21.01-3 Key Issues and Influences</p> <p><u>Clause 21.02 The Planning Vision</u></p> <p>21.02-1 Vision</p> <p><u>Clause 21.03 Economic Development</u></p> <p>Clause 21.03-1 Business and Industry</p> <p>Clause 21.03-2 Agriculture</p> <p><u>Clause 21.04 Housing</u></p> <p>Clause 21.04-1 General housing in the municipality</p> <p>Clause 21.04-3 Other townships and settlements</p> <p><u>Clause 21.05 Environment</u></p> <p>Clause 21.05-1 Environmental Values</p> <p><u>Clause 21.06 Transport and Infrastructure</u></p> <p>Clause 21.06-4 Community Development</p> <p><u>Clause 52.17 Native Vegetation</u></p> <p><u>Clause 52.25 Crematorium</u></p> <p><u>Clause 52.29 Land Adjacent to a Road Zone, Category 1.</u></p>
Required Amendment Documentation	<p>Explanatory report (to be provided)</p> <p>Application Form (to be provided)</p>
Consultation key stakeholders	<p>City of Murrindindi</p> <p>Department of Environment, Land, Water and Planning [DELWP]</p> <p>Country Fire Association</p>



1 Executive Summary

The purpose of this report is to outline the planning framework and justification for an amendment to the Murrindindi Planning Scheme. The amendment seeks to:

- Rezone the land known as Crown Allotment 2023, Parish of Kinglake located at 265 Whittlesea-Kinglake Rd, Kinglake from PUZ7- Other to PUZ5 - Cemetery/Crematorium.
- Remove the overlay, ESO1 – High Quality Agricultural Land.
- Retain the overlay, BMO -Bushfire Management Overlay

The justification for the amendment is broadly as follows:

- The parcel of Crown land is appropriate for the proposed use and development as a cemetery being predominantly cleared of trees, close to townships, and able to service Kinglake and surrounding neighbourhoods within the municipality.
- The land is not proposed to be used as a crematorium.
- The land has been reserved in accordance with the *Crown Land (Reserves) Act 1978* for cemetery purposes and declared a public cemetery by the Governor in Council under the *Cemeteries and Crematoria Act 2003*, to be managed by the Kinglake Ranges Cemetery Trust by Order in Council 10th March 2016.
- Crown Allotment 2022, Parish of Kinglake is retained as Public Use 7- Other and can be used for community purposes as required.
- A 4.0hectare parcel of Crown land located at 825 Whittlesea-Kinglake Road had been set aside for the purpose of a cemetery in 1889, however is considered unsuitable for development of a cemetery. This land is zoned Farming, is heavily vegetated and requires several approvals for removal of vegetation and other earth works.
- The amendment will meet the needs of the community in the most cost effective and least intrusive environmental manner.
- Evidence of community support is included in the form of individual petitions from the surrounding area and is attached to this report and includes approximately 166-168 signatures of support.
- The proposal is supported by the State and Local Planning Frameworks of the Murrindindi Planning Scheme and is consistent with the recommendations for planning in the area.



2 Background Information

On 4th November 2010, Amendment C33 to the Murrindindi Planning Scheme was gazetted to rezone land at known as Lot 2 PS 445388M, 265 Whittlesea –Kinglake Road from Farming to Public Use 7- Other. The land was purchased by the State Government in 2010 for the purpose of providing a site to enable the replacement of the Kinglake National Park Office and Depot, and the development of the Kinglake Ranges Cultural and Community Facility.

No development of the land has occurred since the approval of the amendment.

The Kinglake Ranges Foundation has been appointed by the State Government as the public land manager for the eastern portion of this land known as Crown Allotment 2022, Parish of Kinglake to establish a Bushfire Memorial and Multi Purpose Facility.

There is no longer a requirement for the Kinglake National Park Office and Depot and the State Government has allocated the land identified as Crown Allotment 2023, Parish of Kinglake, to the Kinglake Ranges Cemetery for establishment of a cemetery as noted in the Order in Council 10th March 2016.

No planning application was lodged with Council relating to an alternative option for use of this land parcel.

The rezoning of the subject site is considered appropriate for a number of reasons including:

- the lack of vegetation on site which would facilitate the buildings and works associated with a cemetery and crematorium;
- proximity to the townships that would make use of the land; and,
- high degree of difficulty of developing the land previously designated for cemetery purposes at 825 Whittlesea-Kinglake Road. This site is still zoned Farming and would require a planning permit to establish a cemetery and also the removal of vegetation. The land is heavily vegetated and would require extensive clearing and the purchase of vegetation offsets for loss of vegetation on site. The development of the cemetery would be potentially prohibitive in terms of cost to develop.
- The remaining lot would be available for use and development for the purposes of the Kinglake Ranges Cultural and Community Facility or other purpose.

A previous amendment to rezone the subject site for a cemetery was abandoned by Council in the main due to a perceived lack of community support.

3 Consultation

The Kinglake Cemetery Trust have been proactive in talking with the local community about the potential for a cemetery on the subject land and have over 160 signatures. These responses are attached with a plan of the location of the residents who support the proposed cemetery. The signatories are either residents in the local community or have an association with the community or area ie RSL clubs and include the Kinglake Historical Society and local Anglican church. The attachments also provide a map showing the location of the supporters of the proposed cemetery location and a summation of the responses by the Trust members.

Consultation with representatives of the Department of Environment, Land, Water and Planning (DELWP) and



Murrindindi Shire Council has concluded that the proposed rezoning is appropriate for consideration as part of the planning amendment process. The Environmental Significance Overlay 1 – High Quality Agricultural Land is also considered appropriate for removal from the subject site.

In relation to the Bushfire Management Overlay, the Trust is aware that planning approval may in future be required in accordance with this overlay and are more than happy to enter into discussion and agree to conditions placed on any permit by the Country Fire Association to restrict access to the site on high risk days.

4 Subject Site

The subject land is an irregularly shaped parcel of land with an area of 5.07 hectares. It is bound by the Whittlesea-Kinglake Rd to the north-east corner and Blackwood Lane at the north-west corner. The adjoining land to the east, south and west is designated as Farming Zone. To the south-west, a large parcel of land denoted as Public Conservation Resource Zone is in close proximity.

The land is mostly cleared of vegetation, has the ability to gain access from Whittlesea-Kinglake Rd as a Main Road and from Blackwood Lane, and the slope of the land would not prohibit the use and development of the land for cemetery purposes. As indicated no crematorium is proposed on site.



5 Current Planning Controls

The following provides a review of the current planning controls impacting the land as identified in the Murrindindi Planning Scheme.

5.1 Zoning

The subject land is located within the Public Use Zone 7 – Other.

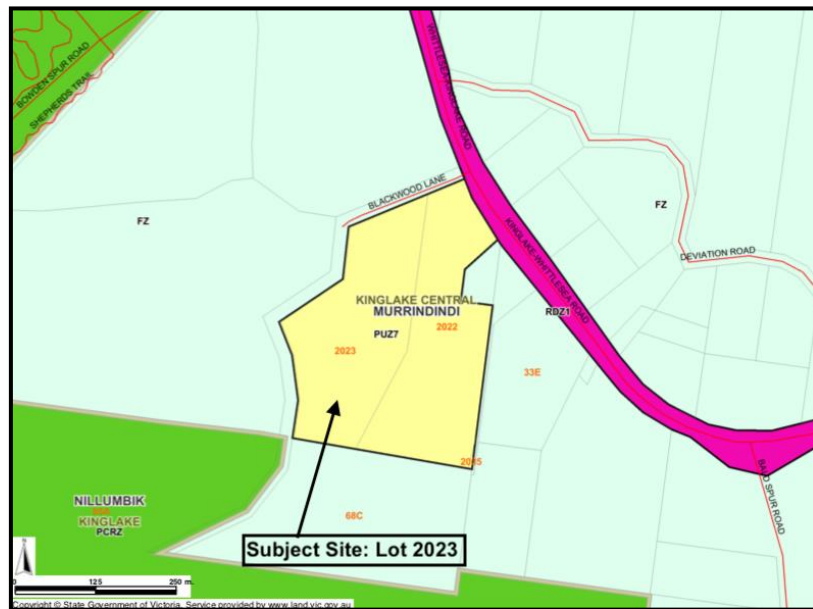


Figure 1. Zoning Map, Murrindindi Planning Scheme, DELWP, Oct. 2018

The purpose of the Public Use Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To recognise public land use for public utility and community services and facilities.
- To provide for associated uses that are consistent with the intent of the public land reservation or purpose.

This category, PUZ7, relates to all uses that do not directly fall within the more specific categories listed in Clause 36.01-6 i.e. Service and Utility, Education, Health and Community, Transport, Cemetery/Crematorium, or Local Government.

No planning permit is required for the use of the land, where the use is for the purpose described in the Table to Clause 36.01-6 and the use is carried out by or on behalf of the public land manager. Further, pursuant to Clause 36.01-5 a planning permit is not required to use land, or to construct or carry out works on land.

However, as the land is within PUZ7 – Other, a planning permit would be required for use as a cemetery and associated buildings and works, as the use is not for the purpose prescribed in the table, under Clause 36.01-6. It is also acknowledged that the Whittlesea-Kinglake Road is identified as Road Zone Category 1. Accordingly, a planning permit would be required to alter or create access to this road.



Under Clause 36.01-7, regarding signage, the site falls under Category 4 – Sensitive areas, with maximum limitation controls to provide for unobtrusive signs in areas requiring strong amenity control. (Clause 52.05-14). However, there is no permit requirement for signage identifying the functions or property of a government department, public authority or municipal council. (Clause 52.05-10).

5.2 Overlays

Environmental Significance Overlay, Schedule 1, ESO1

The land known as 265 Whittlesea-Kinglake Rd, Kinglake is encumbered by an Environmental Significance Overlay, Schedule 1, ESO1 – High Quality Agricultural Land (Clause 42.01).

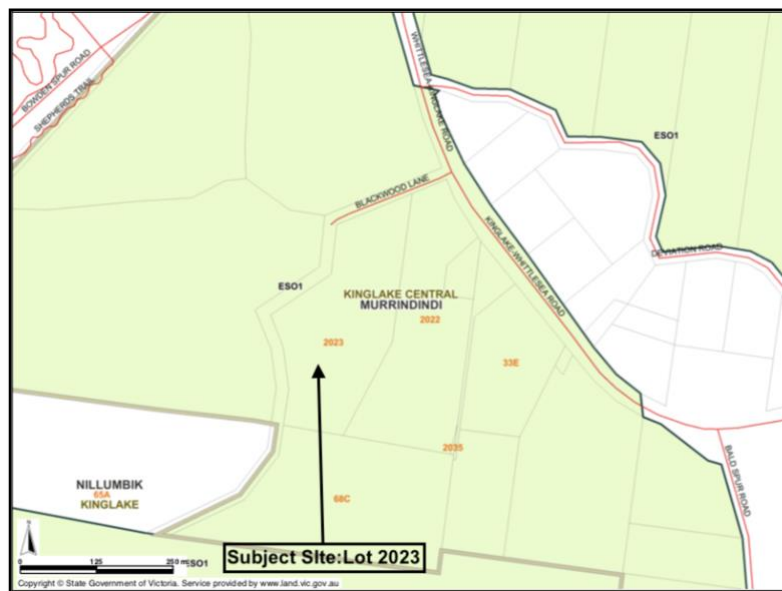


Figure 2. Environmental Significance Overlay Map, Murrindindi Planning Scheme, DELWP, Oct. 2018

The purpose of this overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

A permit is required to:

- Construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Construct a fence if specified in a schedule to this overlay.
- Remove, destroy or lop any vegetation, including dead vegetation.



The environmental objectives of the Schedule to this Overlay are to recognise, protect and prevent loss of high quality agricultural land in the Shire.

It is noted that in accordance with this Schedule (Paragraph 3.0), no planning permit is required for

- Any buildings, works or removal, destruction or lopping of any vegetation by any government department, public authority or Murrindindi Shire Council for the purposes of any public or local government utility, service, works or facility

Bushfire Management Overlay, BMO (Clause 44.06)

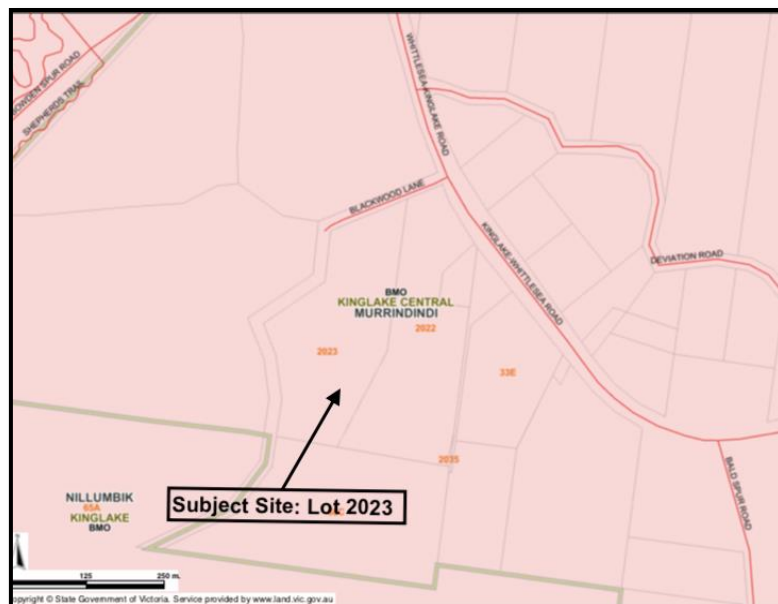


Figure 3. Bushfire Management Overlay Map, Murrindindi Planning Scheme, DELWP, Oct. 2018

The subject site and all neighbouring land in the Murrindindi Shire is subject to the Bushfire Management Overlay, which seeks:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.
- To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

A permit is required to construct a building or construct or carry out works associated with the following uses:

- Accommodation (including a Dependent person's unit)
- Office



- **Place of assembly**

Under Clause 44.06-3, an application must be accompanied by a bushfire hazard site assessment, a bushfire hazard landscape assessment and a bushfire management statement. However, *if in the opinion of the responsible authority any part of these requirements is not relevant to the assessment of an application, the responsible authority may waive, vary or reduce the requirement.*

Requirements of bushfire planning (under Clause 44.06-4 and Clause 53.02-4), applying to a *building used for accommodation (other than a dwelling or dependent person's unit), child care centre, education centre, hospital, leisure and recreation or place of assembly* stipulate conditions for landscape, siting and design, defensible space and construction and water supply and access.

Under this overlay (Clause 44.06-5 Mandatory condition), a permit to construct a building or construct or carry out works must include the following condition:

"The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed."

As indicated previously, the Trust is aware that planning approval may be required in accordance with this overlay and are more than happy to enter into discussion and agree to conditions placed on any permit by the Country Fire Association(CFA) to restrict access to the site on high risk days.No discussion has occurred to date with the CFA.

5.3 Other

Aboriginal Cultural Heritage Sensitivity

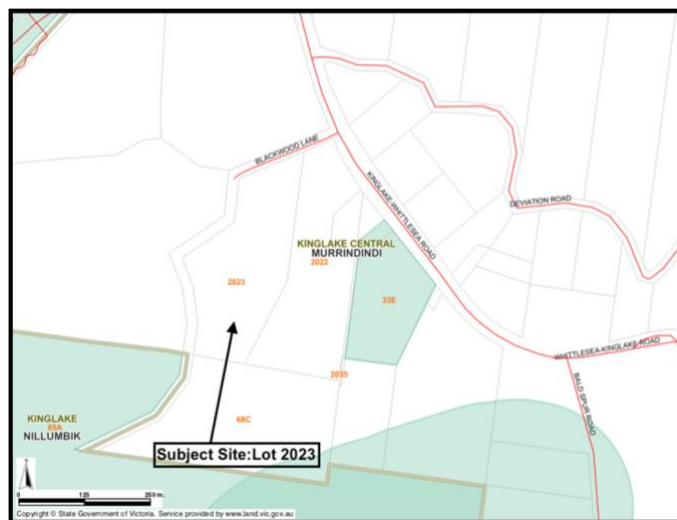


Figure 4. Areas of Aboriginal Cultural Sensitivity Map, Murrindindi Planning Scheme, DELWP, Oct. 2018



The land is not within an area of Aboriginal Cultural Heritage Sensitivity. Accordingly, a Cultural Heritage Management Plan will not be required for any works or development on the land.



6 Proposed Amendment

6.1 Changes to the Planning Controls

The amendment proposes the following changes to the Murrindindi Planning Scheme:

- Rezone the land known known as Crown Allotment 2023, Parish of Kinglake located at 265 Whittlesea-Kinglake Rd, Kinglake from PUZ7 - Other to PUZ5 - Cemetery/Crematorium;
- Remove the Environmental Significance Overlay, ES01 – High Quality Agricultural Land.
- Retain the Bushfire Management Overlay

The amendment is required to facilitate the establishment of a cemetery to service the municipality.

In addition, the land has been reserved in accordance with the *Crown Land (Reserves) Act 1978* for use as a cemetery and declared a public cemetery by the Governor in Council under the *Cemeteries and Crematoria Act 2003*, to be managed by the Kinglake Ranges Cemetery by Order in Council dated 10th March 2016.

The existing particular provisions will continue to apply to the subject land: Clause 52.17 Native Vegetation, Clause 52.25 Crematorium and Clause 52.29 Land Adjacent to a Road Zone, Category 1.

6.2 Policy context

The proposed amendment is supported by the Municipal Planning Strategy and the Victorian Planning Policy Framework, including the Municipal Strategic Statement as outlined below.

[Planning Policy Framework](#)

[Clause 11 – Settlement](#)

It is policy for *planning to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.*

...Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

[Clause 11.02-1S Supply of urban land](#)

Planning for urban growth should consider:

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.

[Clause 11.02-2S Structure planning](#)

Objective To facilitate the orderly development of urban areas.

Strategies. ...Facilitate the logical and efficient provision of infrastructure and use of existing infrastructure and services.

[Clause 11.02-3S Sequencing of development](#)

Objective To manage the sequence of development in areas of growth so that services are available from early in the life of new communities.



Strategies. ...

- Ensure that new land is released in areas of growth in a timely fashion to facilitate coordinated and cost-efficient provision of local and regional infrastructure.
- Improve the coordination and timing of infrastructure and service delivery in areas of growth.
- Support opportunities to co-locate facilities.

Response *The proposed amendment addresses the need for accessible and necessary community infrastructure that is logical and efficient, while minimising the costs of this provision through the use of land that is appropriate for such use.*

Clause 12 Environmental and Landscape Values

Clause 12.01-2S Native vegetation management

Objective

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Strategies ...

- Avoid the removal, destruction or lopping of native vegetation.

Response *The proposed amendment redresses the need for clearing and destruction of existing bioculture by locating the public cemetery on cleared land which is more appropriate than the heavily vegetated land set aside in 1889.*

Clause 13.02 Bushfire

Clause 13.02-1S Bushfire planning

This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:

- Within a designated bushfire prone area;
- Subject to a Bushfire Management Overlay; or
- Proposed to be used or developed in a way that may create a bushfire hazard.

Objective

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Strategies

Protection of human life Directing population growth and development to low risk locations.

Bushfire hazard identification and assessment Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.

Settlement planning Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.

Areas of biodiversity conservation value Ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity.



Use and development control in a Bushfire Prone Area In a bushfire prone area designated in accordance with regulations made under the *Building Act 1993*, bushfire risk should be considered when assessing planning applications for the following uses and development:

- Place of assembly.
- Any application for development that will result in people congregating in large numbers.

When assessing a planning permit application for the above uses and development:

- Consider the risk of bushfire to people, property and community infrastructure.
- Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.
- Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.

Response *The proposed amendment addresses the need for minimising bushfire risk and implementing appropriate bushfire protection without adversely affecting local biodiversity by locating the public cemetery on cleared land which is more appropriate than the heavily vegetated land set aside in 1889. The Trust understands that a planning permit may be required based on the overlay and will work with the CFA to ensure that conditions are implemented for any future planning approval ie the site is not used on high risk days.*

Clause 19 Infrastructure

Planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely.

Planning is to recognise social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support (mental health, aged care, disability, youth and family services) facilities.

Planning should facilitate efficient use of existing infrastructure and human services. Providers of infrastructure, whether public or private bodies, are to be guided by planning policies and should assist strategic land use planning.

Response *The proposed amendment will allow for the provision of accessible community and social infrastructure for current and future community needs, co-located with settlement in Kinglake.*

Local Planning Policy Framework including the Municipal Strategic Statement

Clause 21.01 Municipal Strategic Statement

Clause 21.01-3 Key Issues and Influences

Key issues and influences affecting the use and development of land in Murrindindi Shire are:

Sustainable development and growth potential

Environment and landscape: *The pristine environment, rich biodiversity, significant public land areas and high quality landscape, form an essential part of the municipality's character, liveability and economy. Protection of the natural environment is critical for the continued economic and social well-being of the municipality.*

Townships and built environment: *A range of dispersed and diverse townships offer high liveability and high quality built environments.*



Response *The proposed amendment will facilitate the development and use of land for the public cemetery which will service community needs for the dispersed townships of the Shire, while minimising environmental disruptions by locating on cleared land.*

Clause 21.02 The Planning Vision

Clause 21.02-1 Vision

Our vision for the future: Murrindindi Shire will facilitate sustainable population and economic growth. ... will attract people to the municipality, creating further opportunities for lifestyle choice, business investment and prosperity. ... Residential growth will be provided in established townships and settlements with existing communities and infrastructure, where the natural environment is protected and a high level of community safety is achieved.

Key elements to achieving this vision will be:

...

- *Facilitation of residential growth opportunities in established townships and settlements, particularly in locations with a full range of physical and community services.*
- *Recognition and protection of the natural and built environment to protect high amenity rural and natural landscapes and the character of the area.*
- *Protection of significant biodiversity assets to sustain the ecological health of the natural environment.*
- *Consideration of environmental hazards and risks in planning for future land use and development.*
- *Consideration of long term climate change in strategic land use and economic development decision making.*

Response *The proposed amendment will facilitate the development and use of land for the public cemetery which will service community needs for the dispersed townships of the Shire, while minimising environmental disruptions by locating on cleared land.*

Clause 21.03 Economic Development

Clause 21.03-1 Business and Industry

Context:

Murrindindi Shire seeks an economy that will attract people to the region and municipality, opening further opportunities for business expansion and investment. This economic activity will increase employment prospects, social and cultural benefits and population growth.

Objective 2: Business and industry in townships:

- *Facilitate active and vibrant commercial areas in townships.*

Strategies:

- *Strengthen the role and identity of townships, including establishing new and/or reinstating businesses within the commercial centres of Kinglake, Kinglake West – Pheasant Creek.*
- *Support each township as the focus of a residential, commercial, community and service hub for its surrounding area.*

Response *The proposed amendment will support and consolidate the township of Kinglake by providing infrastructure to support the overall needs of the community.*

Clause 21.03-2 Agriculture



Context:

The agricultural sector in Murrindindi Shire is diverse and economically significant. Agricultural activities include beef and sheep grazing, horticulture, cropping, vegetable growing, aquaculture, forestry and niche products.

Objective 1: Agricultural production, growth and diversity:

- Support and grow agriculture as one of the Shire's principal economic activities.

Strategies:

- Retain and expand existing agricultural production activities, including beef and sheep grazing, horticulture, cropping, vegetable growing, aquaculture, timber production and niche products.
- Establish appropriate settlement boundaries that help to define the character of both agricultural areas and townships, improve safety and avoid dispersed development that detracts from the agricultural viability of the area.

Response The proposed amendment will facilitate the development and use of land for the public cemetery which will service community needs for the dispersed townships of the Shire, and help establish appropriate settlement boundaries that help to define the character of both agricultural areas and townships. The loss in available agricultural grazing land is not significant as the land is designated for public rather than agricultural uses.

Clause 21.04 Housing

Clause 21.04-1 General housing in the municipality

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.

Clause 21.04-3 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.

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.

Response The proposed amendment will facilitate the development and use of land for the public cemetery which will service community needs for the dispersed townships of the Shire, while supporting the function and residential redevelopment of the Kinglake Ranges area, having regard to environmental values and constraints of the area.

Clause 21.05 Environment

Clause 21.05-1 Environmental Values

Context:

The natural environment of Murrindindi Shire is diverse, including a range of plant communities, land types and variations in the physical environment including aspect, elevation, geology, soils, landforms, rainfall and climatic zones. This natural environment forms the basis for the core economic activities in the municipality, primarily agriculture and tourism. The long term sustainable use and protection of the natural environment is critical for the continued economic and social well-being of the municipality.

Issues:

- Protection and enhancement of environmental features and values.
- Significance and appeal of public land in the municipality.
- Protection of waterways and water quality.
- Potential for contamination of surface and groundwater from onsite wastewater disposal systems.
- Presence of environmentally sensitive areas with significant biodiversity and recreation values, with a need for the protection of these areas and values.
- Threats to and pressure on ecosystems and species resulting from the 2009 bushfires.
- The contribution of native and exotic vegetation to the character of rural towns and settlements.
- Ongoing clearing of remnant native vegetation on private land and the need to protect this vegetation.
- Decreasing indigenous vegetation cover due to a number of development pressures such as land clearing, invasion of weeds and loss of habitat.
- A need to retain existing remnant and riparian native vegetation, including scattered paddock trees, to prevent the incremental loss of habitat and protect landscape character.

Response The proposed amendment will minimise environmental disruptions by locating the cemetery on cleared land.

Clause 21.06 Transport and Infrastructure



Clause 21.06-4 Community Development:

... Community development planning must strive to enhance the liveability, wellbeing, amenity and quality of life within the municipality. Community infrastructure and services and a strong public health program are required for all age demographics. As the population of Murrumbidgee Shire is spread thinly over a large, diverse area, the development and delivery of community facilities and services has challenges for access and connectivity.

Response *The amendment positively responds to the development of the community by delivering a service that is well located, accessible and minimises potential impact on the natural environment.*

Clause 52.25 Crematorium

Purpose

To ensure that crematoria in cemeteries are developed and used in an appropriate manner.

Permit required

A permit is required to develop and use a crematorium on land that is used for cemetery purposes.

Response *The proposed amendment does not seek to include a crematorium.*

Clause 52.29 Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

Purpose

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads.

Clause 52.29-2 Permit requirement

A permit is required to: Create or alter access to:

- - A road in a Road Zone, Category 1.
- - Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.

Response *The amendment will not mitigate the requirements of the above clause.*

6.3 Process

The amendment will be prepared in accordance to and complies with Minister's Direction No 11 Strategic Planning Assessment of Amendments and the Practice Note Strategic Assessment Guidelines for Planning Schemes Amendments (revised August 2004). The amendment meets the requirements of the Minister's Direction and guidelines.

6.4 Strategic Justification

Strategic Assessment of the Amendment

In accordance with Ministerial Direction 11 – Strategic Assessment of an Amendment, the purpose of undertaking a strategic assessment of the amendment is to provide a consistent framework for the evaluation of a proposed planning scheme amendment and the outcomes it produces. The matters outlined in this Direction form part of the explanatory document.



Why is the amendment required?

The amendment is required to:

- Ensure the zoning of the land reflects the future use and development of the land for a public cemetery.

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

The amendment will be supportive of and assist in, the implementation of the objectives of planning in Victoria as set out in Section 4 of the Planning and Environment Act 1987, as follows:

- *Providing for the fair, orderly, economic and sustainable use and development of land.*
- *Securing a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria. Enhancing community opportunities for the land and area.*
- *Enabling the orderly provision and coordination of public utilities for the benefit of the community.*
- *Balancing the present and future interests of all Victorians.*

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

Environmental effects

The subject site is virtually cleared and as such the amendment is not considered to have an adverse impact on the environment. The rezoning is in accordance with Ministerial Direction No 1 as appropriate for use as cemetery.

Social effects

The amendment will facilitate the future use and development of the land for a public cemetery through the rezoning process and better meet the future needs of the community.

Economic effects

The amendment is expected to have positive economic effects by facilitating the effective use of land that is currently vacant and unused by the public land owner and will facilitate the appropriate zoning of the land to facilitate its use as a public cemetery.

Does the amendment address relevant bushfire risk?

The amendment is not expected to increase existing bushfire risk and if planning approval is required then all conditions will be met to ensure bushfire risk is minimised.

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

The amendment makes proper use of the Victoria Planning Provisions. The amendment proposes to change a zoning map and overlay map of the Shire of Murrindindi Planning Scheme to facilitate the use and development of the subject site for a public cemetery. There is no alternative way or tools to achieve these changes to the Planning Scheme other than through a formal planning scheme amendment.

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



The amendment has been prepared following discussions with representatives of the Department of Environment, Land, Water and Planning (DELWP). No objections to the amendment have been raised. Discussion will also occur at the planning permit stage with the CFA.

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

The amendment is not considered to trigger any of the requirements of this Act.

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 have any significant impact on the administrative costs to the Responsible Authority.



Impacts of the Amendment

The strategic justification for this amendment is to facilitate the use and development of Crown Allotment 2023, Parish of Kinglake, for a public cemetery and to ensure the use of the land is reflected in a more appropriate zone, being the PUZ-5.

The amendment is considered to have positive impacts as follows:

- Removes unnecessary planning permit triggers, which are of administrative and procedural benefit.
- Retains the Bushfire Management Overlay controls.
- Ensures the zoning reflects the reservation of the land for cemetery purposes though the land will not be used for a crematorium.
- Provides community and economic benefits by facilitating the development of land that is cleared and appropriate for the proposed use.
- Facilitates the development of land so that any environmental impacts such as the clearing of vegetation is minimised.



APPENDICES

Letters of support for the proposed cemetery.

Kinglake Ranges Cemetery Trust

Summary of data collected from the consultation with community groups and residents of the ranges area. Support for the cemetery at Blackwood Lane is shown on the zone maps.

- 1. There are 78 households indicated over the area with a red dot.*
- 2. This is a total of 127 residents in that area.*
- 3. There are also 3 residents in the Flowerdale area, 1 in Glenburn and 1 from Strathewan.*
- 4. There are also 34 residents who live on the fringe of the mapped areas supplied who belong to the following groups*

- Kinglake Senior Citizens*
- Whittlesea Senior Citizens*
- Kinglake Historical Society*
- Hurstbridge RSL*
- Yea – Kinglake RSL*

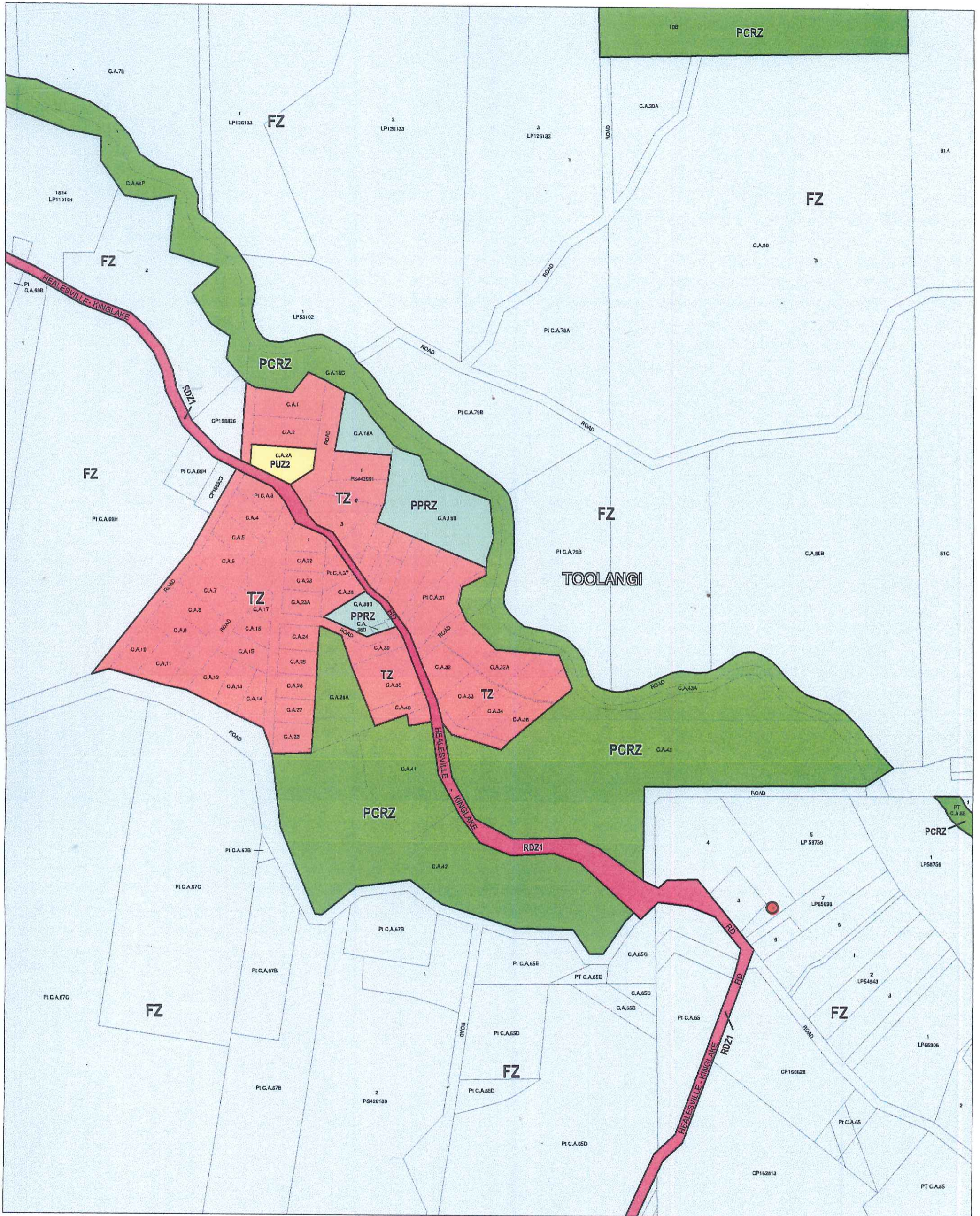
- 5. There are 2 traders in town who have supported the cemetery as well as 2 residents who have family in Kinglake.*

This makes a total of 168 who support the cemetery at Blackwood Lane. They agree with the lawn cemetery, memorials and gardens and have shown their support with their signatures and comments.

In contrast, there were a total of 19 submissions objecting to the cemetery. They account for

- 1. 12 households in the zoned areas.*
- 2. 4 residents outside the map area.*
- 3. Only one community group, the Kinglake Ranges Foundation, pre 2016, is mentioned as an objection to the cemetery.*

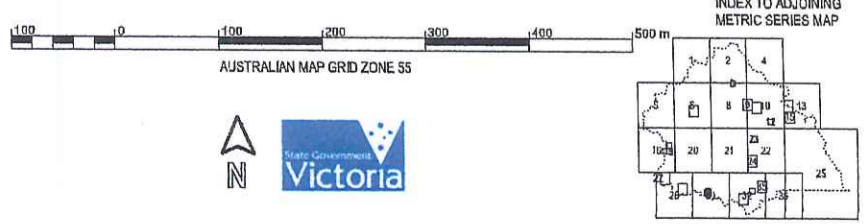
MURRINDINDI PLANNING SCHEME - LOCAL PROVISION



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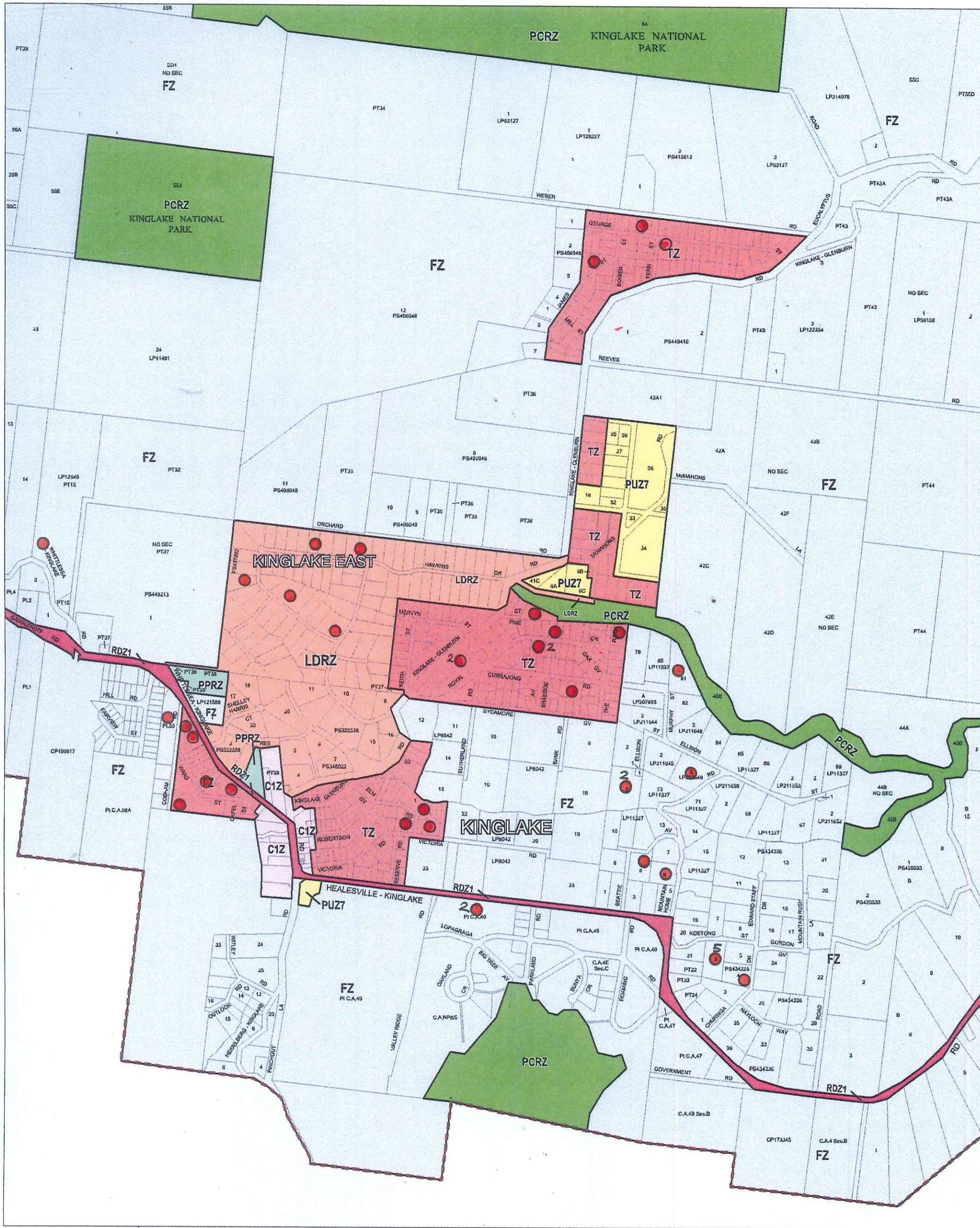
Public Land	
	Public Conservation and Resource Zone
	Public Park and Recreation Zone
	Public Use Zone - Education
	Road Zone - Category 1
Residential	
	Township Zone
Rural	
	Farming Zone

ZONES



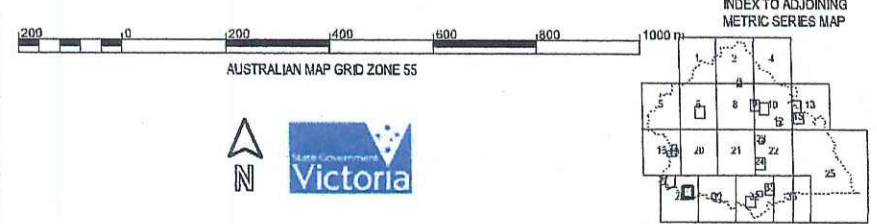
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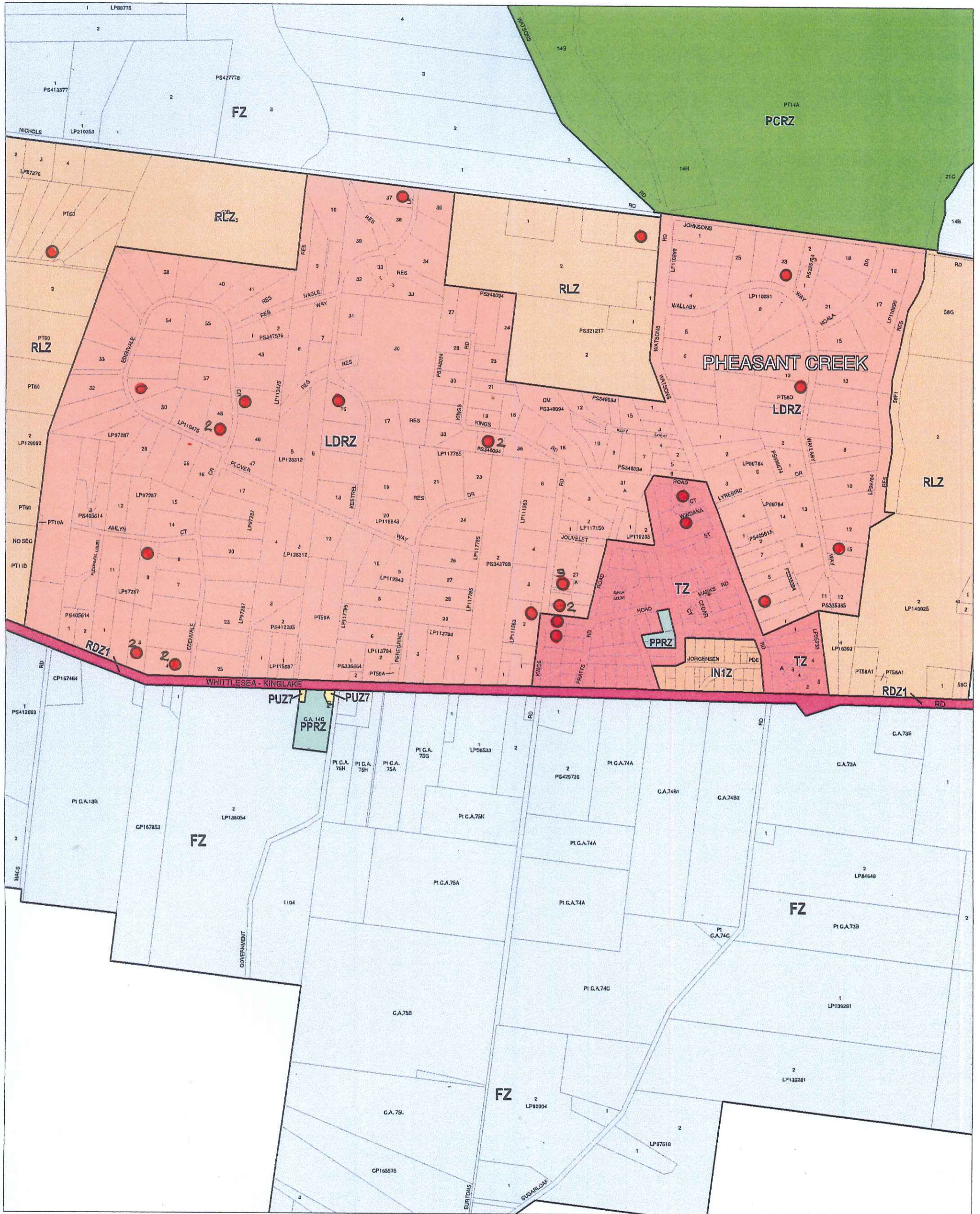


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Commercial	Rural
C1Z Commercial 1 Zone	FZ Farming Zone
Public Land	
PS32 Public Conservation and Resource Zone	
PPRZ Public Park and Recreation Zone	
PUZ7 Public Use Zone - Other Public Use	
Road Zone - Category 1	
RDZ1 Road Zone - Category 1	
Residential	
LDRZ Low Density Residential Zone	
TZ Township Zone	

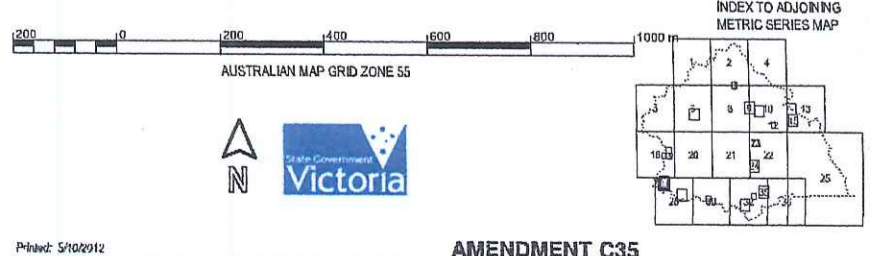


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Industrial	Rural
IN1Z Industrial 1 Zone	FZ Farming Zone
Public Land	RLZ Rural Living Zone
PCRZ Public Conservation and Resource Zone	
PPRZ Public Park and Recreation Zone	
PUZ7 Public Use Zone - Other Public Use	
RDZ1 Road Zone - Category 1	
LDRZ Low Density Residential Zone	
TZ Township Zones	

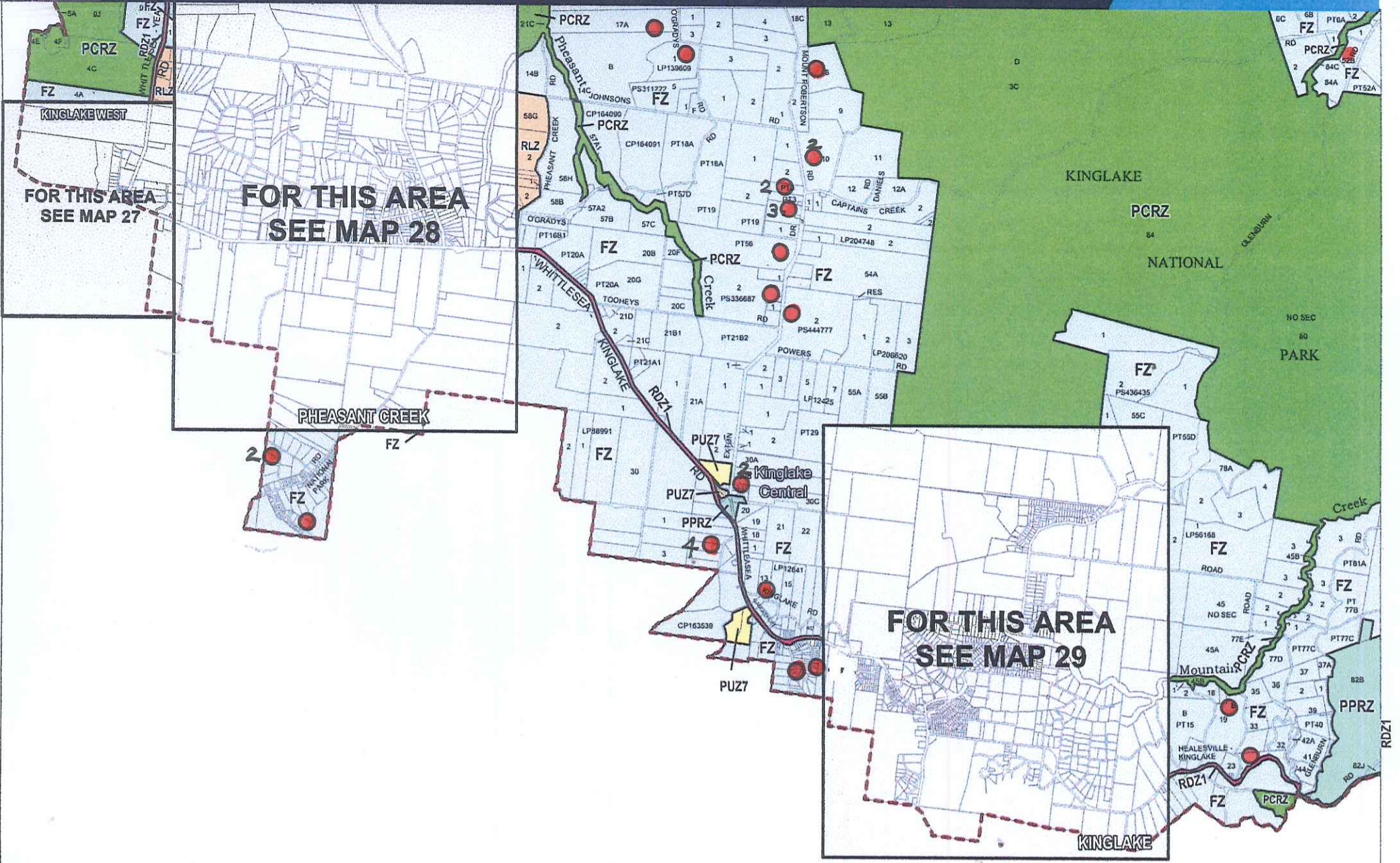


ZONES

AMENDMENT C35

MAP No 28

MURRINDINDI PLANNING SCHEME - LOCAL PROVISION



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ZONES

- Public Land
 - Public Conservation and Resource Zone (PCRZ)
 - Public Park and Recreation Zone (PPRZ)
 - Public Use Zone - Other Public Use (PUZ7)
- Road Zone - Category 1 (RDZ1)
- Rural
 - Farming Zone (FZ)
 - Rural Living Zone (RLZ)

Municipal Boundary (if shown)

AUSTRALIAN MAP GRID ZONE 53

PREPARED BY: Planning Mapping Services

VICTORIA State Government

Environment, Land, Water and Planning

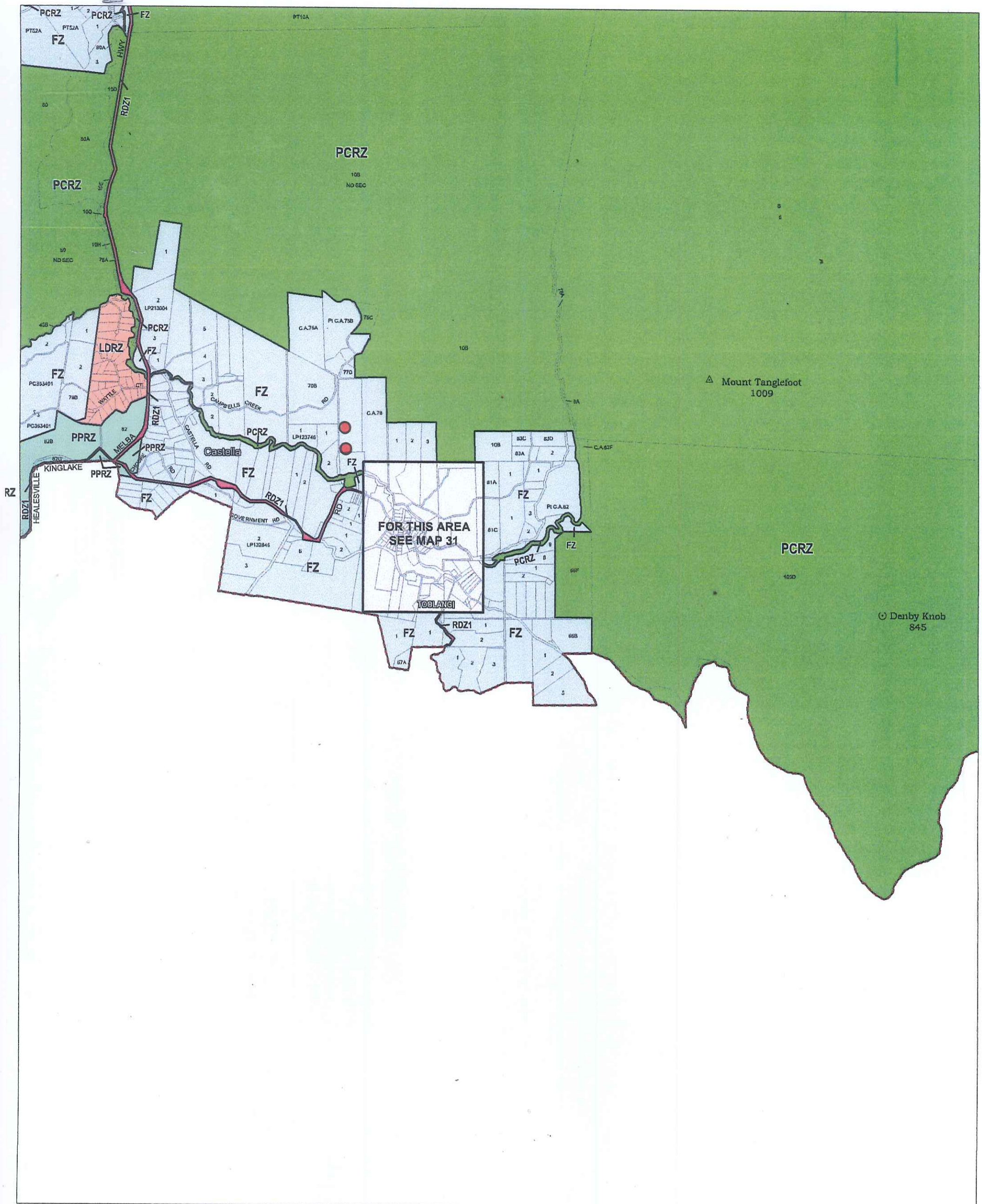
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AMENDMENT C64

INDEX TO ADJOINING SCHEME MAPS

MAP No 26

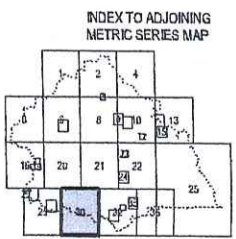
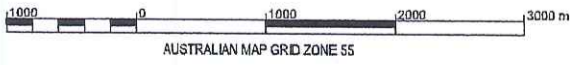
MURRINDINDI PLANNING SCHEME - LOCAL PROVISION



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	Public Land
	Public Conservation and Resource Zone
	Public Park and Recreation Zone
	Residential
	Low Density Residential Zone
	Rural
	Farming Zone
	Unknown Category
	Unknown Code Rdz1

ZONES



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AMENDMENT C29 PART 1

MAP No 30

Letters of support have been removed from this document and distributed to Councillors separately.