

MURRINDINDI PLANNING SCHEME

AMENDMENT C77muri

PLANNING PERMIT APPLICATION [INSERT PERMIT REFERENCE NUMBER]

EXPLANATORY REPORT

Overview

This amendment is a combined amendment and planning permit application under section 96A of the Planning and Environment Act 1987. The amendment proposes to rezone land at 10 Eighth Street, Eildon from Public Park and Recreation Zone to General Residential Zone, amend the schedule to Clause 52.02, to allow for the removal of restrictive covenants on title at 10 Eighth Street, Eildon, 11 Seventh Street, Eildon and 18 Twenty First Street, Eildon and include 11 Seventh Street, Eildon to allow for the designation as a Reserve status to be removed. The planning permit application includes the land at 10 Eighth Street and 11 Seventh Street, Eildon to allow for a six (6) lot subdivision.

- **Where you may inspect this amendment**

The amendment can be inspected free of charge at the Murrindindi Shire Council website at <https://www.murrindindi.vic.gov.au/Your-Property/Planning-and-Building/Planning-and-Development/Planning-Scheme-Amendments#section-2>

And/or

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

28 Perkins Street, Alexandra Victoria 3714

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.

• Submissions

Any person may make a submission to the planning authority about the amendment and/or planning permit. Submissions about the amendment and/or planning permit must be received by **[insert submissions due date]**.

A submission must be sent to: planning@murrindindi.vic.gov.au

or

Murrindindi Shire Council, Planning department, PO Box 138, Alexandra VIC 3714

• 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: **[insert directions hearing date]**

Panel hearing: **[insert panel hearing date]**

Details of the amendment

Who is the planning authority?

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

The amendment has been made at the request of Murrindindi Shire Council.

Land affected by the amendment

The amendment applies to land at 10 Eighth Street, Eildon (Lot 25 on PS041436), 11 Seventh Street, Eildon (Reserve No.1 on PS506009M) and 18 Twenty First Street, Eildon (Lot 1 and Lot 2 on LP129633).

Address and legal description	Ownership	Parcel size	Zone	Restriction	Proposal
10 Eighth Street, Eildon. Lot 25, section C Plan of Subdivision 41436 Volume 10696 Folio 510	Murrindindi Shire Council	2,784 sqm	Public Park and Recreation Zone	Covenant (A610387) lodged by the State Rivers and Water Supply Commission on 17 September	Rezone to General Residential Zone Remove restrictive covenant

11 Seventh Street, Eildon. Reserve No 1 Plan of Subdivision 506009 Volume 10696 Folio 509	Murrindindi Shire Council	1,315 sqm	General Residential Zone	1958. This Covenant details that the land will 'not be used for any other purpose than an infant welfare centre, municipal library and children's playground'. Reserve on Plan of Subdivision	Remove Reserve status
18 Twenty First Street, Eildon. Lot 1 Plan of Subdivision 129633 Volume 9403 Folio 290	Murrindindi Shire Council	838 sqm	General Residential Zone	Covenant H463383. Dated 28 March 1979, the Covenant was lodged on the title by the Housing Commission of Victoria. It sets out that the land will not be used 'for any purpose other than as a public reserve for recreation purposes and playground'.	Remove restrictive covenant
18 Twenty First Street, Eildon. Lot 2 Plan of Subdivision 129633 Volume 9403 Folio 291	Murrindindi Shire Council	1,016 sqm	General Residential Zone	Covenant H463383. Dated 28 March 1979, the Covenant was lodged on the title by the Housing Commission of Victoria. It sets out that the	Remove restrictive covenant

land will not be used 'for any purpose other than as a public reserve for recreation purposes and playground'.

A mapping reference table is at Attachment 1 to this Explanatory Report.

The amendment is a combined planning permit application and planning scheme amendment under section 96A of the *Planning and Environment Act 1987* (the Act).

The planning permit application applies to 10 Eighth Street, Eildon (Lot 25 on PS041436) and 11 Seventh Street, Eildon (Reserve No.1 on PS506009M)



Figure 1 - 10 Eighth Street and 11 Seventh Street, Eildon



Figure 2 – Lot 1 and Lot 2 - 18 Twenty First Street, Eildon

What the amendment does

The amendment rezones 10 Eighth Street, Eildon (Lot 25 on PS041436) from Public Park and Recreation Zone to General Residential Zone (Schedule 1) (GRZ1).

The amendment will introduce changes to the Schedule of Clause 52.02 to allow for the removal of the reserve status 11 Seventh Street, Eildon formally known as Reserve No.1 on PS506009M.

The changes introduced to the Schedule to Clause 52.02 will remove the restrictive covenant on title to allow the whole of the land known at 10 Eighth Street, Eildon and 11 Seventh Street, Eildon, to be used for residential purposes. The schedule will introduce the land at 18 Twenty First Street, Eildon (Lot 1 and Lot 2 on LP129633) to allow the removal of the restrictive covenant for the whole of the land.

The amendment will allow for residential development on these sites, with community open space to remain adjacent to 18 Twenty First Street, Eildon and community open space will be allocated at 39 High Street and Main Street, Eildon by providing improved and upgraded infrastructure replacing the existing open space at 10 Eighth Street, Eildon.

Specifically, the amendment makes the following changes:

Zoning Maps

- Amends Planning Scheme Map No. 15 Zones, to rezone land at 10 Eighth

The amendment is required to undertake site specific changes to zones and restrictions that will align with the use of the land for residential purposes and enable orderly development to occur at underutilised sites for the provision of housing. This includes the development of land for residential uses at 10 Eighth Street, 11 Seventh Street and 18 Twenty First Street, Eildon.

10 Eighth Street and 11 Seventh Street, Eildon are underutilised parcels of land in council ownership which is mostly vacant with minimal infrastructure. 10 Eighth Street, Eildon requires re zoning to General Residential and contains a restrictive covenant on title which is now 66 years old and stipulates that the land is to be used as an infant welfare centre, municipal library and children's playground. The purpose of the covenant is dated and is no longer required. An area of Public Open space within 150 metres of the subject sites has received funding to be enhanced to include a regional splash park. 11 Seventh Street, Eildon is zoned General Residential however is designated as a Reserve on title, the amendment makes changes to the schedule of Clause 52.02 to remove the Reserve status and enable the land to be included in the draft planning permit with 10 Eighth Street for the subdivision of land.

Should Council sell the land at 10 Eighth Street and 11 Seventh Street, Eildon, the funds will be utilised to enhance the development of the existing public open space within proximity to the subject sites in accordance with Councils Public Open Space policy.

18 Twenty First Street, Eildon comprises of two parcels which are already individual lots and zoned General Residential. The amendment will make changes to the schedule to Clause 52.02 to enable the removal of the restrictive covenant on both lots to enable the provision of housing. The restrictive covenant stipulates that the land is to be for a public reserve for recreation purposes and playground. The covenant is now 45 years old and applies to Lot 1 and Lot 2 which form part of the amendment and Lot 3 at 18 Twenty First Street, which is not subject to this amendment and will remain as public open space adjacent Lot 2.

The amendment will facilitate the development of a variety of housing as identified within through councils Housing and Settlement Strategy, 2022.

Housing and settlement strategy

Murrindindi Shire prepared a Housing and Settlement Strategy in 2022 that identified the need for more housing throughout the municipality. Existing residential zoned land was identified and acknowledged that the identified parcels had not been developed. Existing policy directs residential growth to serviced towns which includes Eildon. The H&SS identified that existing housing stock within the municipality would be taken up by 2026. The amendment makes use of council owned land which can provide for housing within a serviced township and contribute to the supply of housing, in particular for key workers within a township which is a high tourist destination and struggles to provide housing for workers.

As identified within the H&SS, an innovative approach can be taken to assist in the

delivery of housing supply. The amendment will enable Council to consider proposals and contribute to the overall supply of housing with consideration of providing a diversity to the current housing stock, providing greater housing choice to current and future residents.

Household sizes are modelled at 2.2 persons per household reflective of existing household sizes. This rate reduces to 2.1 persons per household over the medium term reflective of a forecast reduction in household size. (ABS, 2022) These factors indicate a higher demand for housing than historical and a demand for different types of housing than currently available. It is important that Murrindindi Shires residential housing stock adapts over time to meet future needs.

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

The amendment implements the objectives of planning in Victoria as outlined in section 4(1) and 12 (1)(a) of the *Planning and Environment Act 1987* (PE Act) as follows:

Provide for the fair, orderly, economic and sustainable use, and development of land

The amendment will result in the fair, orderly, economic and sustainable use and development of land by allowing the development of land for residential use within existing Eildon residential areas.

Secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

The amendment supports residential development in a well serviced town in a location that ensures a high level of community safety in accordance with Clause 16.01-2L of the Murrindindi Planning Scheme. Eildon is a high visitation location in Victoria and there is a need for housing to be developed to provide a pleasant, efficient and safe living environment, in particular to support new residents and key workers.

Facilitate development in accordance with the objectives;

The amendment achieves this objective by proposing a land rezoning and removal of restrictive covenants for the benefit of Eildon township, consistent with state, regional and local planning policy.

Balancing the present and future interests of all Victorians.

The amendment will enable existing land located within the township of Eildon to be developed in an orderly manner consistent with the objectives set out in paragraphs (a) to (e).

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

Environmental Effects

The amendment has considered any environmental effects, in particular bushfire. 11 Seventh Street, Eildon contains a partial Bushfire Management Overlay (BMO1). The schedule to the overlay contains specific measures in relation to development. A Bushfire Landscape Assessment has been undertaken and considered in detail. The Planning Permit component of the amendment contains standard conditions for development as provided by the Planning Scheme and in consultation by way of referral to the Country Fire Authority. The CFA provided no objection to the issue of the permit with conditions.

The land is free of vegetation and the site is not known to have had uses which would be considered to have caused potential contamination risks.

The draft planning permit for subdivision will allow the land to be subdivided into lot sizes which will provide for any garden area requirements to be achieved contributing to the urban form of the area.

The land makes efficient use of infill development with existing access to reticulated services and will not impact on the environment.

Social Effects

This amendment aims to facilitate the orderly development of Eildon to cater for the need of housing for new residents and key workers in the area to assist with securing staff for existing businesses and professionals for the provision of health services.

The amendment has considered the reduction in area of public open space and the proximity to other existing spaces. Eildon township is unique in the offering of open space available for residents and visitors. Figure 4 below highlights areas outlined in red where there is existing public open space in Council ownership or land which is licenced to Council.

The land surrounding the Eildon pondage, which is a body of water used as a regulating pond for the generation of Hydro Electricity, comprising of land surrounding the pondage which is owned in sections by Council or under licence agreement to Council from Goulburn Murray Water. In addition, there are other areas under licence to other authorities which are used for recreational pursuits such as walking, picnicking and fishing. This has been recognised through the recent development of the Eildon Pondage Masterplan, 2023, developed in consultation with the community and visitors to the region.



Figure 4 – Public Open Space

The amendment will facilitate development and assist council in enhancing existing spaces within the town to provide a better experience for residents and visitors.

Economic

Eildon's economy is largely reliant on agriculture, construction and tourism. Having sustained itself during state emergency events over the past two decades, such as drought, fire, floods and the COVID19 pandemic, Eildon township is once again emerging as a destination of choice for visitation.

A portion of the existing housing stock is taken with non-resident ratepayers and used for holiday stays. There is a genuine need for the provision of housing to attract key workers to existing businesses that are experiencing growth within the manufacturing sector (Houseboat building) and commercial/retail sector for the servicing of visitors to the area. Additionally, the provision of a diversity in housing stock is needed and recognised to house health professionals in Eildon township. The Murrindindi Housing and Settlement Strategy, 2022 is a supporting strategic document.

Does the amendment address relevant bushfire risk?

All land affected by the amendment is within the established urban area of Eildon with managed land to each interface.

10 Eighth Street has frontage to both Eighth Street and Seventh Street. The site is in an established residential area with the entrance to Eildon Bowls Club adjacent the site in Seventh Street. The land contains some planted trees within the site and on the adjoining nature street at Eighth Street. The site has been used as a reserve and contains two pieces of play equipment. The land has reticulated services available for connection.

Seventh Street is an established residential street. The land at 11 Seventh Street contains 3 planted non native trees and is a clear site. The site can be connected to reticulated services.

Both parcels of land at 10 Eighth Street and 11 Seventh Street are within a designated Bushfire prone area. A small portion of 11 Seventh Street, Eildon is subject to the Bushfire Management Overlay Schedule 1 – BAL 12.5 areas (BMO1).

The Planning Permit for a six-lot subdivision at 10 Eighth Street, Eildon and 11 Seventh Street Eildon has been assessed in greater detail due to part of the land being subject to a Bushfire Management Overlay (BMO). A Bushfire Management Statement has been prepared and has addressed the requirements of the BMO.

The following information has been prepared by Terramatrix Pty Ltd who are specialists in the preparation of bushfire assessments:

- A Bushfire hazard site assessment, including a plan that describes the bushfire hazard within 150 m of the site at 10 Eighth Street and 11 Seventh Street in accordance with the site assessment methodology of AS 3959-2018 Construction of buildings in bushfire-prone areas and Clause 44.06
- A Bushfire hazard landscape assessment, including a plan that describes the bushfire hazard of the general locality more than 150 m from both 10 Eighth Street and 11 Seventh Street, Eildon; and
- A BMO compliance section, detailing how the subdivision at 10 Eighth Street and 11 Seventh Street responds to the bushfire risk and the requirements and objectives of Clauses 44.06 and 53.02.

The amendment has considered Clause 13.02 of the Planning Scheme by working with Terramatrix to develop the required specialist assessments in considering the Landscape risk for the development at 10 Eighth Street and 11 Seventh Street, Eildon.

As contained within the Bushfire Statement prepared for the combined Amendment and Planning Permit, it has been shown that the subdivision at 10 Eighth Street and 11 Seventh Street, Eildon can comply with the requirements of Approved Measure (AM)5.2, including for acceptable landscape risk, Bushfire Attack Level (BAL) construction standard, water and access.

18 Twenty First Street Eildon is zoned General Residential and is not affected by the BMO, the amendment proposes to remove a restrictive covenant which relates to retaining the land for public reservation when transferred from the Housing Commission to The President Councillors and Ratepayers of the Shire of Alexandra, (dated 27 March 1970). Homes Victoria are now the relevant authority for the purpose of the covenant. Consultation with Homes Victoria has been undertaken and are included in formal notice of the amendment. Upon the covenant being removed there will be a “as of right” use for a single dwelling on Lot 1 and Lot 2 of 18 Twenty First Street. It is considered that the removal of the covenant will not impact the level of bushfire risk.

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

The amendment complies with the requirements of the Ministerial Direction – The Form and Content of Planning Schemes (Section 7(5) of the PE Act).

Direction No. 1: Potentially Contaminated Land

The amendment complies with Ministerial Direction No. 1. It includes rezoning of land to GRZ1. All land has been used as a reserve and has been routinely mown and there are no known historical uses which would be considered to have generated potential contamination of land.

Direction No. 11, Strategic Assessment of Amendments:

The amendment complies with Ministerial Direction No. 11 under section 12 of the PE Act. The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. The explanatory report provides a comprehensive strategic evaluation of the amendment and the outcomes it produces.

Direction No. 15, The Planning Scheme Amendment Process:

All process requirements to be met under Direction 15 have been considered during the preparation of the amendment and it is considered that the amendment is in accordance with the process.

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

The amendment is consistent with the Planning Policy Framework (PPF) and adopted State policies as it supports and implements the following:

Clause 11.01-1S - Settlement

The amendment is consistent with the objective of this clause “*To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*” by facilitating housing development within the defined township boundary of Eildon to support the sustainability of small rural settlements.

Clause 11.01-1R – Settlement – Hume

The amendment aligns with the relevant strategies of the Hume Regional Growth Plan by supporting growth and development in an existing urban settlement.

Clause 11.01-1L – Settlement – Murrindindi

The amendment aligns with the relevant strategies of the Murrindindi Planning Scheme as follows:

- *Provide for urban development and economic growth in the townships of Alexandra, Yea, Eildon and Marysville based on township boundaries, structure plans and framework plans.*
- *Locate new dwellings and residential subdivisions within township and settlement boundaries.*
- *Provide for urban infill and consolidation opportunities in townships that utilise existing infrastructure.*

How does the amendment support or implement the Municipal Planning Strategy?

The amendment is consistent with the following clauses of the Municipal Planning Strategy and will assist in achieving objectives of the clauses as follows:

Clause 02.02, Vision. *Through out combined efforts, our community is vibrant and resilient. We:*

- *Grow through managed land development, business entrepreneurship and enhanced learning opportunities.*

Clause 02.03-1, Settlement, acknowledges *that Alexandra, Yea, Eildon and Marysville are fully serviced with a range of community and physical services, including reticulated water, drainage and sewerage. These towns play a significant role as service centres to surrounding areas, contributing to the economic and social vitality of the municipality.*

The following relevant Council strategic directions for settlement are:

- *Concentrate development into defensible parts of existing township boundaries and settlements to mitigate bushfire and flooding risks, protect agricultural land, and limit natural and environment risks.*

The amendment and draft planning permit apply to parcels of land which are located within an existing urban boundary and therefore do not detract from agricultural land. Consideration of risk for bushfire has been addressed and development can meet bushfire standards.

- *Manage the growth of the townships of Eildon and Marysville and their service centre and tourism roles.*

The amendment and draft planning permit will provide opportunity for new housing to support and sustain resident population for workers within the township of Eildon.

- *Reflect the limited function and residential growth opportunities of smaller townships and settlements.*

The utilisation of land within the township boundary will assist in the provision of housing within the township of Eildon. There is limited opportunity for growth due to the constraints of the surrounding landscape.

Clause 02.03-6, Housing

The established townships and settlements offer a significant opportunity to expand and provide living opportunities in locations with infrastructure and leisure facilities, where natural environment is protected and where a high level of community safety is facilitated.

Council's relevant strategic direction for housing is to:

- *Promote and facilitate further residential development and housing diversity in established townships to meet the needs of the community, including affordable housing, public housing and aged care accommodation.*

The amendment will provide additional land for housing development within an established town which will assist in meeting the needs of the community.

Clause 02.03-7, Economic Development

The key commercial areas are Alexandra, Yea, Kinglake, Eildon and Marysville, with strong business activity also in the small townships.

The relevant Council strategic direction for economic development is to;

- *Facilitate the development of Eildon and Marysville townships as all year round residential, commercial and tourism destinations.*

The amendment and draft planning permit allow for the creation of additional residential housing lots to provide for more housing choice to support the year round needs of the current and future residents to support businesses with housing opportunity for employees.

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

The amendment makes proper use of the Victorian Planning Provisions.

Council considered the options available to them to undertake the removal of a restrictive covenant by way of a Planning Permit application or via a Planning Scheme Amendment. The decision to proceed to include this by way of a Planning Scheme Amendment was viewed as an efficient process as it could incorporate the rezoning process concurrently.

Consultation with the relevant agency who are a party to the restrictive covenants on title, (Homes Victoria), has been undertaken for 18 Twenty First Street, Eildon.

10 Eighth Street, Eildon and 11 Seventh Street, Eildon will require consultation with the beneficiaries to the restrictive covenant on titles. The beneficiaries are the current owners of the land that remained in the parent title when Lots 24 and 25 were sold to Council by the State Rivers and Water Supply Commission (23 September 1958). Notice of the amendment will be provided through Exhibition. Previous engagement with the Eildon community has been undertaken through a formal "Deliberative Panel" process and a formal Deliberative Panel for Council to proceed to commence the Amendment to enable the land to be sold or developed.

Planning Practice Note No. 91 (Using the Residential Zones) (PPN91) recommends that the General Residential Zone is applied to areas where housing development of three storeys exists or is planned for in locations offering good access to services and transport. The proposed GRZ1 for 10 Eighth Street, Eildon is consistent with the surrounding zone and aligns with this objective and allows for appropriate residential development.

Using a combined amendment and permit process ensures that there are efficiencies in process by not requiring the need for a further round of consultation.

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

What were the views of the relevant agencies and how were they addressed?

Exhibition stage

Include which agencies were consulted prior to exhibition and, if appropriate their preliminary views.

Provide details if views of agencies will also be sought during exhibition.

Approval stage

How were the views of these agencies addressed after exhibition?

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

The amendment does not affect the transport system. The amendment is consistent with the objectives and decision-making principles in the *Transport Integration Act 2010*.

The amendment and draft permit will generate an additional 6 lots for housing

contained within the existing town boundary with appropriate infrastructure accessible by the community,

This amendment is unlikely to have a significant impact on the transport system as it is not significantly increasing the capacity for development. The road network has existing capacity. The amendment includes one parcel being rezoned to GRZ1, and with the draft planning permit for a 6-lot subdivision, will increase the population in that area over the next 10 years by approximately 20 people. This is not of a sufficient scale to have a significant impact on the transport system.

Walkability to local services is within a short distance and accessible.

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 negligible impact on the administrative costs of the responsible authority. The combined amendment addresses two of the sites for future development and the third site (18 Twenty First Street, Eildon) currently contains two lots which will have an “as of right” for a single dwelling once the restrictive covenant is removed. Furthermore, should an application be submitted for more than one dwelling on a lot, the current resources of council will be able to manage any future application.

The combined permit and amendment process will allow for a reduction in rounds of consultation.

Attachment 1 – Mapping reference table

Location	Land /Area Affected	Mapping Reference	Address	Proposed Zone changes	Proposed Overlay changes	Proposed deletion changes
Eildon	Land with frontage to 10 Eighth Street, Eildon and Seventh Street, Eildon	Map No. 15 Zones	10 Eighth Street, Eildon	Rezone from PPRZ to GRZ1	NA	NA