

WODONGA PLANNING SCHEME

AMENDMENT C93

EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of The North East Catchment Authority.

Land affected by the amendment

The amendment applies to land within the Special Use Zone 1 on Lincoln Causeway, in the locality known as Gateway Island, Wodonga as described below. The addresses of affected land are as follows:

Shop 1/48-54 Lincoln Causeway, shop 2B /48-54 Lincoln Causeway, shop 2A/48-54 Lincoln Causeway (arts and craft shop 2B), shop 3/48-54 Lincoln Causeway, Three Monkeys Tavern 56 Lincoln Causeway, 64 Lincoln Causeway, shop 3/44-46 Lincoln Causeway, shop 4/48-54 Lincoln Causeway, shop 4, shop 7/48-54 Lincoln Causeway, shop 5/48-54 Lincoln Causeway, shop 2/44-46 Lincoln Causeway, shop 6/48-54 Lincoln Causeway, shop 1-2/40-42 Lincoln Causeway, shop 3/40-42 Lincoln Causeway, shop 4/40-42 Lincoln Causeway, shop 5/40-42 Lincoln Causeway, Public amenities 40-42 Lincoln Causeway, Public amenities 44-46 Lincoln Causeway, shop 8/48-54 Lincoln Causeway.

Formal land descriptions of affected land are as follows:

Lot 1 PS631558, Lot 2 PS631558, Lot 4 PS319153, Res1 PS319153, Lot 1 PS319152, Lot 1 LP48376, Lot 2 LP48376, CA B10A, CA B10B, CA2022, CA B46, Part Lot1 PS530635, Part CA B37A and Part Lot 2 PS530635.

What the amendment does

The amendment introduces controls to limit future accommodation development to nominated areas on Gateway Island.

The amendment:

- Amends the Municipal Strategic Statement at Clause 21.08 by deleting the Gateway Island Master Plan;
- Amends wording at Clauses 21.08-2, 21.08-3 and 21.08-4 and corrects the numbering of figures.
- Amends Clause 21.15 by removing reference to the *Gateway Island Master Plan Review* (Coomes Consulting Group 2002).
- Amends Schedule 1 to the Special Use Zone to require development to be constructed to withstand the impact of a high velocity flood event, prohibits the development of residential dwellings on the island and requires that floor levels are constructed at least 500mm above the 1% ARI flood level.
- Introduces a new Local Planning Policy, Clause 22.20 *Development – Gateway Island*.

Strategic assessment of the amendment

• Why is the amendment required?

Following the findings of the Gateway Island Flood Risk Report (Lustig 2001) Council has agreed to undertake the amendment with the support of the North East Catchment Management Authority (CMA) to restrict the development of accommodation on the Gateway Island to a prescribed limit of 200 rooms. The limit of tourist accommodation and the prohibiting of uses such as residential development is to ensure that evacuation procedures can be adequately planned for and executed in the event of a catastrophic flood event on the island.

• 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 of The *Planning and Environment Act 1987* through:

- providing for the fair, orderly, economic, and sustainable use, and development of land;
- providing for the protection of natural resources and the maintenance of ecological processes and genetic diversity;
- securing a pleasant, efficient, and safe living environment; and
- facilitating development in accordance with the objectives set out above.

The amendment ensures that the planning scheme remains relevant and accurate in detailing intended land use and development at Gateway Island.

The amendment ensures that development on Gateway Island is located and constructed to ensure safety of its occupants.

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

Environmental Effects:

The amendment seeks to further protect the environment by implementing development limitations through the decision guidelines at Schedule 1 to the Special Use Zone and Clause 21.08-2 of the Municipal Strategic Statement in the following manner:

- limiting the location and density of development of tourist accommodation to a prescribed number considered in the Gateway Island Risk Assessment Report 2001 so as to minimise impact on flood flows;
- recognising the position of Wodonga in the upper catchment of the Murray River and the importance of protecting the quality of water supplies and the catchment generally through best practice environmental management guidelines and practices;
- taking into account that the river course may change over time;
- ensuring the environment and natural resources will be managed in a sustainable manner, contributing to the implementation of the *North East Catchment Strategy*.

Social and Economic Effects:

The amendment will strengthen the social and economic fabric of Wodonga by assisting in planning for catastrophic events such as a major flood over land where flooding has the potential to significantly impact human life, property and infrastructure.

- **Does the amendment address relevant bushfire risk?**

The amendment will maintain and reinforce a limited land use by prohibiting further development of dwellings within the zone and by limiting the development of accommodation, therefore limiting the potential for loss of human life.

State Planning Policy (VC83) Clause 13.05

Bushfire hazard identification and risk assessment:

Through achieving the state policy objective of strengthening community resilience to bushfire it is noted that:

The prioritisation of human life will be considered in all development approval and application for any future subdivision and development in accordance with the local planning policy and Schedule 1 to the zone including the provision of an emergency evacuation plan.

The area is not affected by a Bushfire Management Overlay, however it is in a designated bushfire prone area. All lots must be serviced with reticulated water and services and road systems. The local road network provides ample allowance for access by emergency vehicles and any assessment for development would recognise that suitable design can further alleviate any risk.

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

The amendment complies with all relevant Minister's Directions under Section 12 of the *Planning and Environment Act 1987*:

The amendment complies with Minister's Direction No. 11 *Strategic Assessment of Amendments* and the *Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments – General Practice Note* (Department of Planning and Community and Development, April 2008) by ensuring that all requirements under this direction have been considered and met in the preparation of this amendment.

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

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

The following Clauses of the State Planning Policy Framework (SPPF) are considered relevant to the proposed Amendment:

Clause 11 Settlement seeks to:

- *Anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.*
- *Prevent environmental problems created by siting incompatible land uses close together.*

The proposal addresses this policy through the recognition of the need for the health and safety of its community and the prevention of pollution to land, water and soil. The amendment provides the appropriate planning provisions including amendments to Schedule 1 of the Special Use Zone (SUZ1) and introduction of a new local policy to prevent environmental problems created by siting incompatible land uses together.

Clause 11.02-1 Supply of Urban Land seeks to:

- *Ensure a sufficient supply of land is available for recreational, commercial and other community uses.*

The proposal seeks to provide the sufficient supply of land for recreational, commercial and community uses through the amendments proposed to Schedule 1 to the Special Use Zone and the introduction of Clause 22.20 *Development – Gateway Island* into the Wodonga Planning Scheme.

The use of the above planning provisions encourages the development of Gateway Island for tourism, leisure and recreational uses in appropriate locations.

Clause 11.05-4 Regional Planning Strategies and Principles seeks to:

- *Develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable.*

In particular:

Climate change, natural hazards and community safety

The proposal seeks to achieve this policy by limiting development to minimise risk to life, property and natural environment and community infrastructure from natural hazards, such as flooding.

Clause 13.02 Floodplain Management seeks to:

- *Assist in the protection of:*
 - *Life, property and community infrastructure from flood hazard.*
 - *The natural flood carrying capacity of rivers, streams and floodways.*
 - *Floodplain areas of environmental significance or of importance to river health.*

The amendment implements the objectives of floodplain management clause, as Schedule 1 to the Special Use Zone ensures future development of the subject site protects life, property and community infrastructure from flood hazard. Schedule 1 to the Special Use Zone requires that all future development has finished floor levels (FFL) 500mm above the 1:100 ARI flood levels.

Clause 14.02 Water seeks to:

- *Assist in the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.*

Clause 14.02-2 Water Quality seeks to:

- *Protect water quality.*

The proposal intends to implement the policies by ensuring effluent disposal methods are addressed during the planning permit stage to assist in the maintenance of water quality.

Clause 15.02-2 Urban Design Principles seeks to:

- *Create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

Schedule 1 to the Special Use Zone implements this policy by ensuring buildings and works at the planning permit stage respect any design guidelines and development controls for the area and meets the required setback standards of sub clause 6.0.

Clause 17.03-1 Facilitate Tourism seeks to:

- *Encourage tourism development to maximise the employment and long term economic social and cultural benefits of developing the State as a competitive domestic and international tourist destination.*

Schedule 1 to the Special Use Zone and Local Policy at Clause 22.20 *Development – Gateway Island*, include provisions to encourage the future development of Gateway Island to include tourism, leisure and recreational facilities in appropriate locations.

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

The following Clauses of the Local Planning Policy Framework (LPPF) are considered relevant to the proposed Amendment:

Municipal Strategic Statement

Clause 21.01 Planning for the Future seeks:

- *Protection and maintenance of environmental assets including Lake Hume, surrounding hillsides, the Murray River and Kiewa River flood plains and other waterways and their floodplains.*

The proposal seeks to protect the Murray River by ensuring appropriate decision guidelines are in place to assess development against during the preliminary design and planning permit processes.

Clause 21.03 Context for the Municipal Strategic Statement:

Clause 21.03-2 State encourages that:

- *Wodonga act as an attractor for those seeking an improved lifestyle option, including employment, opportunities recreational facilities, proximity to major natural and built tourism assets, housing choice, retail and community infrastructure.*

Clause 21.03 Regional encourages that:

- *Wodonga provides a sub-regional role for retailing and service.*
- *Wodonga continue to grow into a major tourism area providing employment opportunities within the region of the north east.*

The amendment implements this policy by enabling Gateway Island to be developed for tourism, leisure and recreation uses in appropriate locations.

Clause 21.05-2 Issue – Albury Wodonga

- *Gateway Island presents an opportunity to link the cities providing a cultural and recreational heart for Albury Wodonga.*

Schedule 1 to the Special Use Zone and the introduction of Clause 22.20 *Development – Gateway Island* will ensure recreational opportunities are available at Gateway Island.

Clause 21.06-3 Environment seeks:

- *The environment and its resources will be managed in a practical and sustainable manner.*

- *The position of Wodonga in the upper catchment of the Murray River will be recognised with the importance of protecting the quality of water supplies and the catchment generally through implementing best practice environmental management guidelines.*

The amendment addresses this policy by ensuring that comments from the Department of Environment and Primary Industries are taken into consideration where future development adjoins Crown Land. The introduction of Clause 22.20 *Development - Gateway Island* also seeks to continue to implement environmental protection measures and environmental management for Gateway Island.

Clause 21.06-6 Economic and Social Development seeks to:

- *Strengthen and diversify the economic base of Wodonga, encouraging growth of existing businesses and attraction of new investment opportunities that act on the identified strengths of the region.*
- *Support tourism that supports and complements the natural and built features of the region.*

The amendment implements the economic and development strategies of Clause 21.06-6 by encouraging tourism, leisure and recreational development in appropriate locations at Gateway Island.

Clause 21.08-2 Gateway Island seeks:

- The vision for the Gateway Island is that it is to become a tourist, cultural and recreational focal point for the wider region Albury Wodonga.

The proposed amendment provides the policy provisions to enable the development of Gateway Island to become a tourist, cultural and recreational focal point.

Clause 21.09 Environment and Natural Resources seeks to:

- Continue initiatives, including soil, stormwater management controls for development sites, protection of the hillsides, the addition of riparian reserves, flood overlay controls and policies which form part of this planning scheme, demonstrate the commitment the Wodonga Council has to catchment management and caring for the environment.
- Wodonga Council will continue to participate in regional forums that impact on water quality and support North East Catchment Management Authority (NECMA) in the implementation of the North East Regional Catchment Strategy.

Schedule 1 to the Special Use Zone seeks to ensure future development respects and limits the impact from potential flooding at Gateway Island, with the schedule containing minimum floor level and construction requirements.

Clause 21.11-03 Tourism seeks to:

- Assist in the development and improvement of the regional parklands' system as a regional tourism resource.

Schedule 1 to the Special Use Zone and Clause 22.20 *Development – Gateway Island* contain provisions to encourage the future development of Gateway Island for tourism, leisure and recreational uses in appropriate locations.

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

The revised Schedule 1 to the Special Use Zone and introduction of new local policy at Clause 22.20 make proper use of the Victorian Planning Provisions to facilitate the future development of Gateway Island. The use of Schedule 1 to the Special Use Zone is considered appropriate in this circumstance.

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

The North East Catchment Management Authority has requested that the amendment be undertaken to limit the number of tourist accommodation rooms within the Gateway Island Special Use Zone and prohibit development of permanent dwellings, in light of the *Gateway Island Risk Management Assessment* (2001).

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

The amendment will not have a significant impact on the transport system, accordingly the amendment does not require an assessment against the transport system objectives, as set out in Part 2, Division 2 of the *Transport Integration Act 2010* (TI Act) or the decision making principles, as set out in Part 2, Division 3 of the TI Act. No relevant policy principles apply to the amendment, as set out in Part 2, Division 4 of the TI Act.

Resource and administrative costs

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

There will be minimal impacts on resource and administrative costs as a result of this amendment

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 of the 1st October 2013
- panel hearing: Week of the 4th November 2013

Where you may inspect this Amendment

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

Wodonga City Council offices, Hovell Street, Wodonga or at Council's website www.wodonga.vic.gov.au

The amendment can also be inspected free of charge at the Department of Planning and Community Development web site. www.dpcd.vic.gov.au/planning/publicinspection.

Any person who may be affected by the amendment may make a submission to the planning authority, Wodonga City Council. **The closing date for submissions is 2nd August 2013**

Submissions about the amendment must be sent to:

Patience Harrington
Chief Executive Officer
Wodonga City Council
PO Box 923
WODONGA 3689