



éche|on  
planning

**Planning Report**  
34 Ritchie Road, Cobram  
PREPARED FOR MOIRA SHIRE COUNCIL



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# 1 Introduction

This Planning Report has been prepared by Echelon Planning for Moira Shire council to investigate options for the future use of the site at 34 Ritchie Road, Cobram (herein referred to as the 'subject site').

Cobram is located within the Moira Shire municipal area and is one of two major towns within the municipality, with the other centre being Yarrawonga, which is located 30km to the east. The population of Cobram at the 2016 Census was 6,014<sup>1</sup>. The overall municipality population is currently estimated at 29,000 and is expected to grow to 31,660 by 2031<sup>2</sup>.

The subject site is located within the western edge of the settlement boundary of Cobram, approximately 2km from the town centre. The site is currently zoned Farming Zone and has been previously identified in the Cobram Strategy Plan as a possible location for a business park.

This Report provides a review of the subject site and its physical and policy context, to determine the most appropriate future land use and zone for the site.

This report is accompanied by the following documents that have been prepared to inform this investigation:

- Economic Assessment (prepared by Blair Warman Economics)
- Context Plan (prepared by Patch Design) – see Attachment 1
- Traffic Engineering & Drainage Advice (prepared by Transport and Traffic Solutions)

In preparing this report, discussions were held with the landowner's planning representative and existing infrastructure provision and the corresponding locations were sought from Goulburn Valley Water, CitiPower/Powercor, Telstra and NBN Co.

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<sup>1</sup> ABS 2016 Census

<sup>2</sup> Victoria in Future 2019 – LGA VIF2019 Profiles.

## 2 Site Surrounds



### 2.1 Site Interfaces

The subject site is located approximately 2 kilometers west of the town centre of Cobram. The site has three key interfaces which are described in the table below.



Figure 1. Aerial Photo



<p>North-east (700m boundary length to Cobram Koonoomoo Road)</p>	<p>The site is bound by the Cobram-Koonoomoo Road to the north east. Cobram Koonoomoo Road is an arterial road (Road Zone Category 1). To the north-east of the subject site is the Oasis Village, which is developed and used as a Caravan Park and Mobile Home Park (zoned Mixed Use Zone). A large area of Industrial 1 zoned land is located further north east of the site that includes the Cobram meatworks site.</p>  <p>Looking south east along Cobram – Koonoomoo Road with the subject site to the right of the photo.</p>
<p>South-east (820m boundary length to the rear of C2Z lots)</p>	<p>Land directly abutting the south-eastern boundary of the site is zoned Commercial 2 Zone and has been developed for a range of uses including:</p> <ul style="list-style-type: none"> <li>• Cobram Italian Social Club (Place of assembly)</li> <li>• Advanced Dairy Systems, Totalspan Cobram and GM Plastic Molding and Packaging (Rural Industry and Service Industry)</li> <li>• Cobram Auto Body, Cobram Windscreens (Motor repairs)</li> <li>• Murray Valley Marine (Motor vehicle, boat, or caravan sales)</li> </ul> <p>Lots located along this edge front onto Murray Valley Highway and generally range in size between (900 sqm and 18,600 sqm).</p>  <p>Looking east from Richie Road with subject site in the foreground and the back of the C2Z lots that front the Murray Valley Highway in the background.</p>
<p>West (1070m boundary length to Ritchie Road)</p>	<p>The site is bound by Ritchie Road to the west, which is a local rural road. Further west of the site is land zoned Special Use Zone – Schedule 1 which is being developed as a residential village development (Green Palms Village, Cobram).</p>



The location of the site in relation to the wider town is illustrated on the Context Plan at Attachment 1.

## 2.2 The Site

The site is approximately 31 hectares and is identified as Lot 1 and 2 of LP112844. The property is triangular in shape and is a vacant lot with some trees scattered across the northern portion of the site and clustered along the road frontages. The site is relatively flat, with low points within the north-western and most eastern points of the site.

The site currently has a single informal access point from Cobram – Koonoomoo Road and two formalised access points along Ritchie Road. The site is served by the Cobram Town service public bus route, however this only runs once per day on Tuesdays and Fridays. There is a shared path for pedestrians and cyclists on the north side of Cobram-Koonoomoo Road which connects to the town centre and a path through the site connecting to Green Palms Drive. Refer to the Traffic Engineering and Drainage advice for further details of the transport network.

The site has access to the following services:

### **Electricity**

High voltage overhead lines are located within the eastern edge of the road reserve along Ritchie Road, with substations located in proximity to the existing subdivision at 85 Ritchie Road. High voltage overhead lines also run along Cobram – Koonoomoo Road on the north eastern side of the road.

### **Water**

Water mains run along the western edge of Ritchie Road, and partially along Murray Valley Highway and Cobram-Koonoomoo Road (within the vicinity of the site).

### **Sewer**

Sewer mains run along the north eastern edge of Cobram-Koonoomoo Road, terminating approximately 120m past the eastern corner of the subject site.

### **Telecommunications**

Telstra cables (trenching) run along the north eastern side of Cobram – Koonoomoo Road and along the western side of Ritchie Road, terminating at the southern boundary of 85 Ritchie Road.

### **Storm water**

Council supplied data indicates that stormwater drains and pits exist adjacent to the north east corner of the subject site (near the intersection of Cobram – Koonoomoo Road and Racecourse Road).

**Natural Gas**

Existing gas infrastructure (gas pipelines) run along the north eastern side of Cobram – Koonoomoo Road and along the western side of Richie Road.

**2.3 Zoning**

**Clause 35.07 Farming Zone – Schedule 1**

The site is located within the Farming Zone – Schedule 1. The purpose of this zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision

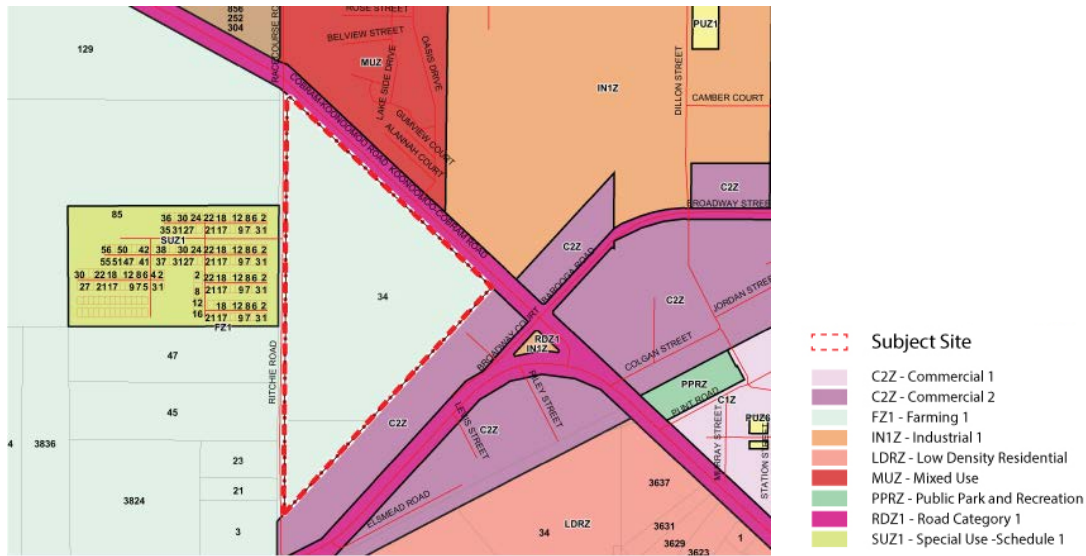


Figure 1. Zone Plan

Section 1 uses, permit as of right, under the existing Farming Zone Schedule 1 include, but are not limited to:

- Agriculture
- Bed and breakfast (maximum 10 persons)
- Cattle feedlot (less than 1,000 head)
- Dwelling (one per lot)
- Rural Store (in conjunction with Agriculture)

Section 2 uses, permit required, under the existing Farming Zone Schedule 1 that might be anticipated on a site with similar characteristics to the subject site include, but are not limited to:





- Camping and caravan park
- Emergency services facility
- Group accommodation
- Industry
- Manufacturing sales
- Place of assembly (other than Amusement parlour, Night club, Carnival and Circus)
- Primary school
- Secondary school

Schedule 1 to the Farming Zone specifies additional spatial requirements to ensure subdivision and/or buildings and works are consistent with the overall zone purpose while responding to local conditions. Notable requirements include a minimum subdivision size of 60ha and the requirement to include a minimum setback of 100m for most uses from a dwelling not in the same ownership.

## 2.4 Overlays

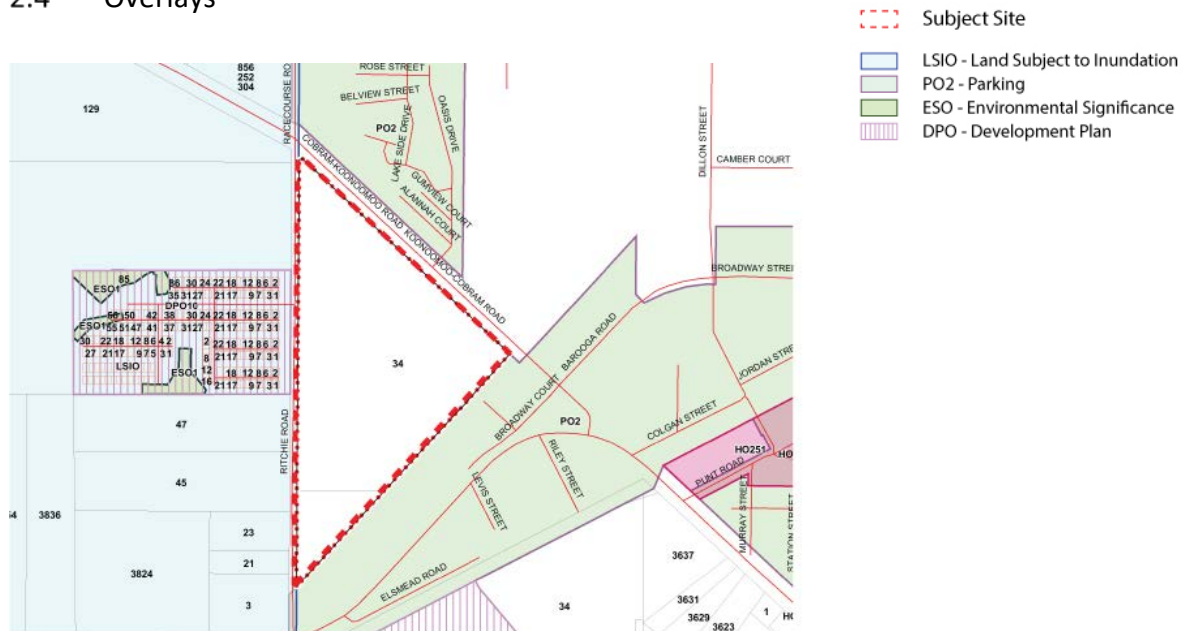


Figure 2. Overlay Plan

No overlay affect the site.

## 2.5 Other provisions

The requirements of Clause 52.19 – Road access are relevant to the future development of the site. As Cobram – Koonoomoo Road is classified as a Category 1 Road Zone, a permit is required to alter or create access to the roadway.

Dependant on any future use or buildings and works, additional provisions of the Moira Planning Scheme might apply. For example, under Clause 53.01 Public Open Space Contribution and Subdivision, all subdivision is to contribute 5% of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both.

## 2.6 Cultural Heritage



The subject site is not located within an identified area of Aboriginal Cultural Heritage Sensitivity as indicated on the Aboriginal Cultural Heritage Register and Information System (ACHRIS)<sup>3</sup>.

## 2.7 Flora and Fauna

We have not been provided with a site-specific flora and fauna report in relation to the site. However, the State Government's flora and fauna data-set ('NaturePrint') provides some default guidance on potential flora and fauna values on the site<sup>4</sup>.

The Strategic Biodiversity Values data contained in NaturePrint indicates that the subject site includes areas of higher level biodiversity along the western boundary of the subject site.

Further detailed investigations would be required to determine the status (native or planted) and quality of any vegetation on the site. Any removal of native vegetation requires approval pursuant to Clause 52.17 – Native Vegetation of the Moira Planning Scheme.

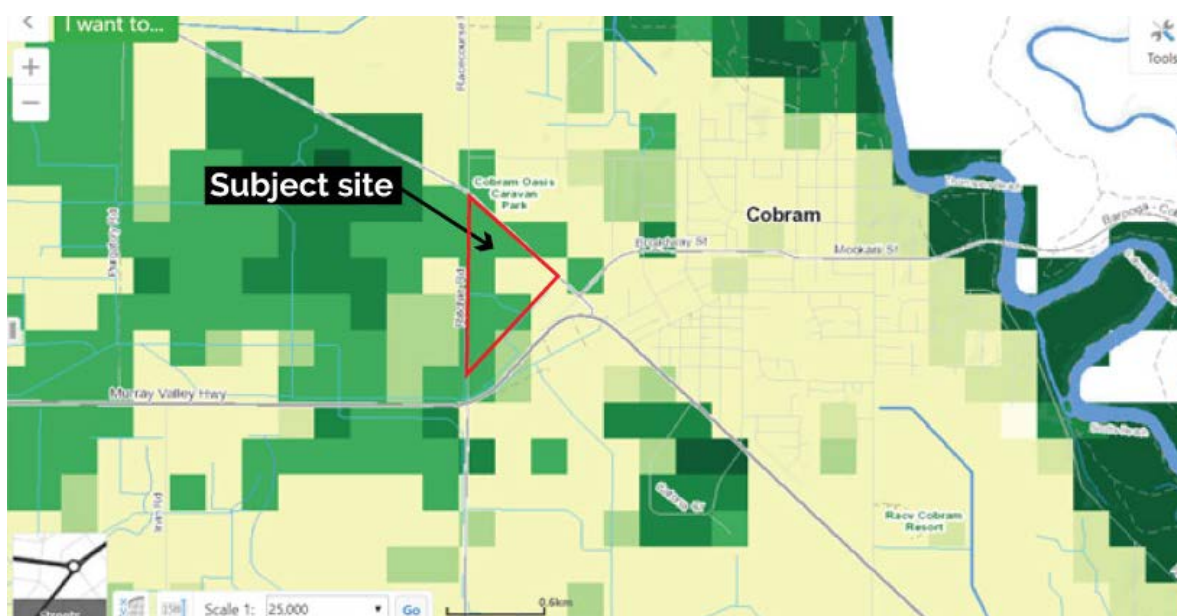


Figure 3. Strategic Biodiversity Values of subject site, NaturePrint 2019

<sup>3</sup> <https://achris.vic.gov.au/#/onlinemap> Accessed 2 September 2019

<sup>4</sup> Nature Print, Overview and Approach

### 3 Planning Policy Context

The following section outlines the key policy considerations of the Planning Policy Framework and Local Planning Policy Framework as well as the planning controls which apply to the site.

#### 3.1 Planning Policy Framework

The Planning Policy Framework seeks to guide development in a manner which benefits local communities and the wider region.

The following clauses are relevant to future rezoning considerations of the site.

- Clause 11 – Settlement
- Clause 12 – Environmental and Landscape Values
- Clause 15 – Built Environment and Heritage
- Clause 16 – Housing
- Clause 17 – Economic Development
- Clause 18 – Transport
- Clause 19 - Infrastructure

The key policy directions which emerge from these include:

- *Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities (Clause 11.01-1S)*
- *Guide the structure, functions and character of each settlement taking into account municipal and regional contexts and frameworks (Clause 11.01-S)*
- *Create and reinforce settlement boundaries (Clause 11.01-S)*
- *Limit urban sprawl and direct growth into existing settlements (Clause 11.01-1S)*
- *Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable (11.01-1S). Relevant strategies to achieve this include:*
  - *Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.*
- *Ensure land that may be required for future urban expansion is not compromised (Clause 11.01-S)*
- *Support growth and development in the existing urban settlements and foster the sustainability of small rural settlements (Clause 11.01-R)*
- *Hume Regional Growth Plan – Support growth in these urban locations and lifestyle opportunities (Clause 11.01-R)*
- *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses (11.02-1S)*



- *Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development (11.02-1S)*
- *Restrict rural residential development that would compromise future development at higher densities (Clause 11.02-1S)*
- *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 (Clause 11.02-1S)*
- *Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development (Clause 11.03-6S)*
- *Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located (Clause 15.01-6S)*
- *Identify land suitable for rural living and rural residential development (16.01-5S). Relevant strategies to achieve this include:*
  - *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.*
  - *Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.*
  - *Demonstrate need and identify locations for rural residential development through a housing and settlement strategy.*
- *Protect and strengthen existing and planned employment areas and plan for new employment areas (Clause 17.01-1S)*
- *Encourage appropriate new and developing forms of industry, agriculture, tourism and alternative energy production (Clause 17.01-1R)*
- *Plan for an adequate supply of commercial land in appropriate locations. (17.02-1S)*
- *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure. (17.02-1S)*
- *Avoid approving non-industrial land uses that will prejudice the availability of land in identified industrial areas for future industrial use (Clause 17.03-1S)*
- *Consider all modes of travel, including walking, cycling, public transport, taxis and private vehicles (passenger and freight) in providing for access to new developments (Clause 18.01-2S)*
- *Ensure police, fire, ambulance and other emergency services are provided for in or near activity centres (Clause 19.02-5S)*
- *Provide an adequate supply of industrial land in appropriate locations including sufficient stocks of large sites for strategic investment (17.03-1S)*

### 3.2 Local Planning Policy Framework

Local Planning Policy provides localised direction in relation to land use and development objectives within the municipality.

The following clauses are relevant to the site:

- *Clause 21.03 Settlement*
- *Clause 21.04 Environment and Heritage*
- *Clause 21.06 Economic Development*
- *Clause 21.07 Local Areas*

The key policy directions which emerge from the above clauses of the local planning policy relevant to the subject site are outlined below:

- *Ensuring development is consistent with adopted and incorporated strategy plans and town framework plans. (Clause 21.03-2)*
- *Avoid inappropriate encroachment of residential and rural residential development adjacent to rural areas not identified for urban expansion, and industrial areas (Clause 21.03-2)*
- *Clause 21.03-7 provides the following guidance regarding the application of zones and overlays in Moira:*
  - *Apply the General Residential Zone to established urban residential areas*
  - *Apply the Low Density Residential Zone to existing rural residential areas*
  - *Apply the Mixed Use zone to areas within Yarrawonga which have been identified as having mixed use potential*
  - *Apply the Commercial 1 Zone to the retail centres of the four major towns*
  - *Apply the Commercial 2 Zone to areas where highway business activity is encouraged*
  - *Applying the Industrial 3 Zone to existing light industrial development*
  - *Apply the Development Plan Overlay to areas identified for future urban use, where particular issues of design and development need to be resolved*
- *Support the processing and value adding agricultural industries (Clause 21.06-3)*

The key planning issues and challenges relating to economic development include:

- *Facilitating the expansion of the Shire's value adding processing industries*
- *Facilitating retail and industrial growth in the urban areas... (21.06-1)*

Of particular relevance to this site is the policy at Clause 21.07 of the Moira Planning Scheme which provides the following policy guidance specific to Cobram:

- *The existing structure of Cobram, with its clear division between land use activities, should not be compromised.*
- *Short term residential development will be directed to land already zoned.*
- *Medium and long term residential development should be directed to the south east and south once the existing land supply has reduced to around 10 years.*
- *Ensure that open space is provided in strategic locations and avoid the provision of land for 'pocket parks'.*



- Industrial development will be focused to the north west. A mix of large and small lots will be retained for long term manufacturing and service industrial expansion.
- Low density residential land will be directed to the south west of the town. This area should be serviced with reticulated infrastructure.
- Encourage the establishment of a Cobram Business Park in the area defined by the Murray Valley Highway, Cobram-Koonoomoo Road and Ritchie Road [underline our emphasis].
- Discourage the expansion of existing caravan park to the west of town.

The above points are summarised in figure 2 below.

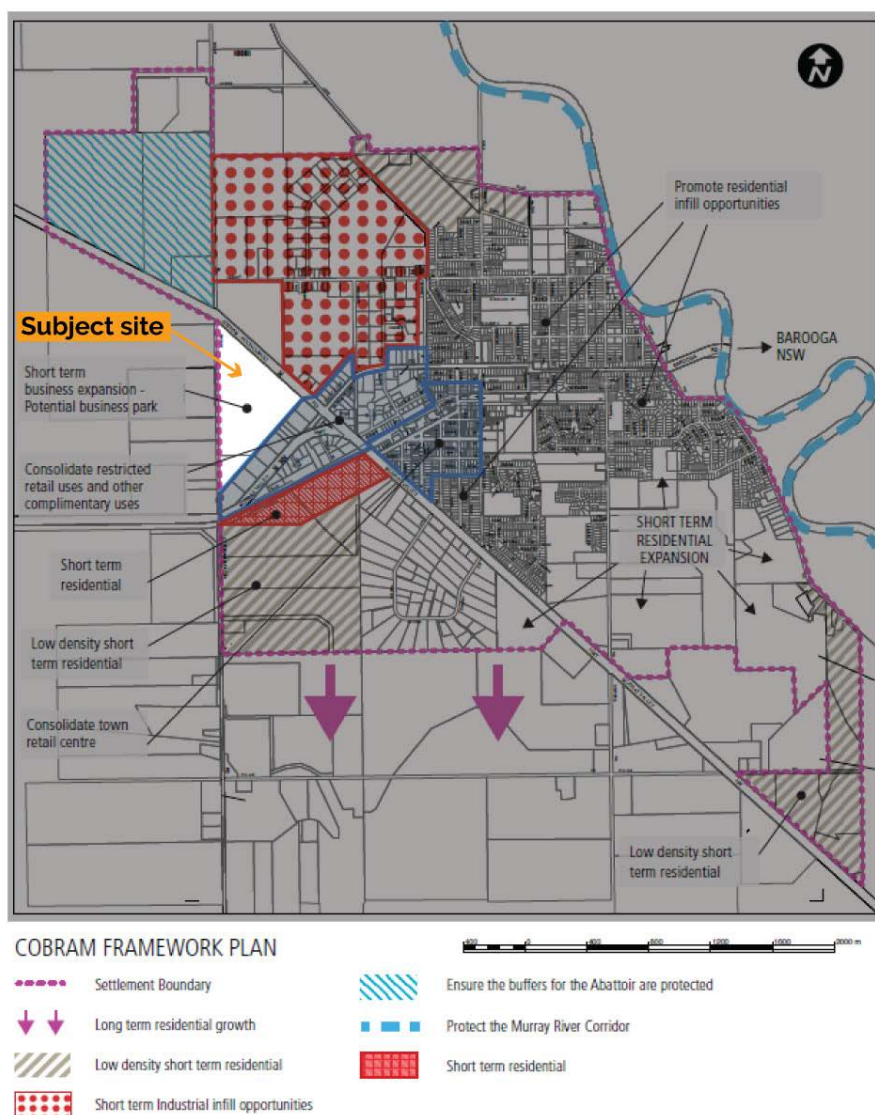


Figure 4. Cobram Framework Plan, Clause 21.07-1 Cobram, Moira Planning Scheme

### 3.3 Strategic Documents

#### Hume Regional Growth Plan

The Hume Regional Growth Plan (HRGP) is referenced in state policy at Clause 11.01-1R and it notes the following relation to the role of Cobram:

*“A number of other urban localities in the sub-region will continue to accommodate some growth including Tatura, Numurkah, Nagambie, Nathalia, Euroa, Yarrawonga and Cobram. Some of these locations offer natural attractions and lifestyle opportunities such as rural settings and access to significant water bodies. These towns will continue to support surrounding rural communities by providing services and access to services in larger urban localities. Some of these localities offer unique growth opportunities related to natural characteristics, but growth needs to be managed to protect environmental assets and values and limit exposure to natural hazards, especially bushfire and flood.*

*Cobram and Yarrawonga are located on the Murray River (Victoria-New South Wales border) and form part of the cross-border twin towns of Cobram-Barooga and Yarrawonga-Mulwala. These urban locations will continue to provide services to communities on both sides of the border. Cobram is strategically located near the intersection of key transport routes linking Melbourne and Brisbane and Albury-Wodonga and Adelaide.”<sup>5</sup>*

#### Cobram 2025: Cobram Strategy Plan, November 2007

The Cobram Strategy Plan is a reference document in the Moira Planning Scheme and has been utilised to heavily inform the Cobram Framework Plan in Clause 21.07-1. The plan was prepared in 2007, and given effect into the Moira Planning Scheme via amendment C41 on 4 June 2009.

The Strategy Plan sets out the preferred future growth and development strategies/directions for Cobram and it was informed by analysis of future land supply demands needs for the township. The Strategy Plan seeks to reinforce the existing clear division of land uses that existing in Cobram.

The Strategy Plan also raises and discusses the development of a proposed residential village in the south west corner of Cobram – Koonoomoo Road and Richie Road. Three of the key reasons of consideration to the general location (which includes the subject site) are outlined below:

*Cobram is fortunate to be structured with a clear division of its economic role in discrete and separate industrial and manufacturing areas; its business role as a service centre embodied in the town centre; its residential role and areas as a housing provider and its recreation role around the river environs. These are clear areas with distinct boundaries...*

*...A fundamental tenant [sic] of residential and community planning is proximity and access to services, particularly on a daily basis, and the integration of communities into coherent and sustainable neighbourhoods. The proposal is unable to meet these policy objectives in a meaningful way. The project would represent a high concentration of a group of people (approximately 1,300 people based on 1.75 persons/dwelling) whose socio-economic profile suggests that with time, they will become more dependent in a location relatively isolated from services with a poor integration with the rest of the community, as the proposed site is surrounded by industrial or rural land...*

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<sup>5</sup> Hume Regional Growth Plan, page 47



...As part of the consultation for this strategy, Goulburn Valley Water has expressed a clear preference for residential development to be located to the south east of the Cobram town centre as this area can be readily serviced with reticulated water and sewerage<sup>6</sup>.

The Strategy Plan refers to 'The Triangle' (i.e. the subject site) in the Strategy Plan as part of the Commercial Land Strategy, as outlined below:

*However in recognising the limited opportunities within these areas [being areas closer to the town centre] it is further recommended that a 'business park' be established in the triangle defined by The Murray Valley Highway to the south east, Cobram Koonoomoo Road to the north east and Ritchie Road to the west [emphasis added]. These three roads are main arterial roads and afford high exposure, particularly the former two. Subject to traffic and transport assessment, it is expected that Ritchie Road will carry increased traffic volumes, especially to provide access to the existing and proposed industrial areas to the north and west of the town centre<sup>7</sup>.*

The above recommendation for a business park is reflected in the framework plan and *Local area implementations* in Clause 21.07-1. The strategy plan itself is listed as a reference document in the Moira Planning Scheme.

### Major Towns' Strategy Plan Review (Yarrowonga, Cobram, Numurkah and Nathalia) June 2018

The Major Towns' Strategy Plan Review prepared for Moira Shire Council is a periodical review of the 4 major town strategies. The purpose of the review is to *ensure the objectives of the strategies [of the Moira Planning Scheme] are realised through policy and future planning scheme amendments into the Moira Planning Scheme<sup>8</sup>.*

The Review makes numerous findings with respect Cobram as follows:

#### Residential land supply and housing stock

- *There is no need for additional areas for residential development to be identified beyond the existing framework plan.*
- *Growing need to consider new forms of dwellings i.e. units and medium density form, due to:*
  - *an ageing population;*
  - *peak population (transient workers); and,*
  - *smaller family units (2.1 person households).<sup>9</sup>*

#### Retail and Commercial floor space

- *There is an increased demand for additional retail floorspace to 2031 is expected to range from 7,512m<sup>2</sup> (2.2m<sup>2</sup> per person) to 11,567m<sup>2</sup> (2.4m<sup>2</sup> per person), depending on retail floorspace ratios (per capita).*
- *It has been identified that there is the need for additional consolidated Commercial 1 Zone, that will allow for the development of a large scale center to allow for a new DDS or large size supermarket 'type' development.*

<sup>6</sup> Cobram 2025 – Cobram Strategy Plan 2007, page 44-45

<sup>7</sup> *ibid*, page 57

<sup>8</sup> Major Towns' Strategy Plan Review 2018, page 4

<sup>9</sup> *ibid*, page 24

- *The Ritchies Road site [being the subject site] should be further investigated for future rezoning, potentially to Mixed Use Zone or Commercial 1 Zone, to facilitate future growth.*
- *Demand for commercial and office floor space is unlikely to grow above and beyond recent trends with future growth in key services sectors such as health, education and professional services likely to define future requirements for commercial floor space.<sup>10</sup>*

To summarise, the review support for further investigations to be undertaken on the suitability of the subject site to accommodate a 'business park' type use. It does not identify the need for alternative uses on the site such as residential or retail uses on the site.

The review found that there is no need for additional residential areas given the conservative growth rates experienced (and the amount of residential land available and corresponding lower development rates).

The Strategy Plan contained in the Review changes the label for the site from "Short term business expansion – Potential business park" to "Future Investigation".

#### **Retail Policy Framework for Cobram and Yarrawonga 2017**

The Retail Policy Framework Options Report and Background Report was prepared as a background study for the MTSP review. It provides guidance on the retail development options of Yarrawonga and Cobram.

This report noted that of the anticipated growth of 2,105 to 2031, it is anticipated that Yarrawonga will see an increase of over 1,980 while Cobram is anticipated to increase its catchment by 126 people.

Using national average retail floorspace ratios, the report applied a range of 2.2m<sup>2</sup> to 2.4m<sup>2</sup> of retail floor space per person which based on the projected population of Cobram at 2031, requires a total floor space increase of 7,150m<sup>2</sup><sup>11</sup>. However, of the 7,150m<sup>2</sup> over 6,500m<sup>2</sup> is attributable to a calculated existing floorspace shortfall. This shortfall is identified on the basis that currently Cobram has approximately 1.85m<sup>2</sup> of retail space per person, well below the national floorspace 2.2m<sup>2</sup> average applied in the options report.

The Framework supported the current spatial forms of Cobram, which were described as follows:

- *A compact centralised town centre functioning around Punt Road, William Street, Bank Street and Main Street.*
- *Bulky goods (hardware) and other retail developments within a centralised C2Z area with frontage to the Murray Valley Highway and Broadway Street.*
- *A small retail node clustered around Mookarii Street within the C1Z.*

*Cobram has over 8 Ha of C1Z zoned land that is either vacant or used for residential purposes, and over 11ha of vacant zoned C2Z land. This is theoretically adequate supply to accommodate the projected current and future retail development needs of Cobram<sup>12</sup>.*

The options report makes the following comment in relation to the subject site:

#### **AREA Z - PROPOSED COBRAM BUSINESS PARK**

<sup>10</sup> Major Towns' Strategy Plan Review 2018, page 25

<sup>11</sup> Rate of 2.2m<sup>2</sup> per person, including consideration of tourism and 10% leakage to other regional centres

<sup>12</sup> Retail Policy Framework for Cobram and Yarrawonga 2017 Options report, page 17

*Although the C2Z land supply is considered adequate to meet projected demand, there are limited sites capable of accommodating a larger floor plate development (such as Bunnings) with exposure to the highway. Should a development of this scale be required and not accommodated by utilising vacant land or redevelopment of properties in the C2Z, the proposed Cobram Business Park could be a viable alternative in the future to expand the C2Z area.<sup>13</sup>*

However, the Options Report provides the following commentary on the potential timing for release of the land through potential rezoning:

*The findings of this analysis does not support the development of additional C2Z in the short term due to adequate zoned land supply. However, should Council wish to expand C2Z floor space and provide a development opportunity in Cobram for large scale restricted retail to reduce potential loss of expenditure to other larger centres this location, or wish to ensure adequate long term C2Z land availability integrated with existing C2Z land, a section of this land could be reserved for C2Z use. It must be noted however that:*

- *the additional C2Z land supply should be of scale commensurate the development need or long term land supply requirements*
- *there is already two national chain hardware stores in Cobram and an economic impact assessment should accompany any development application for this type of use to ensure the development will complement the town centre offer*
- *the design and layout of the area should integrate with the existing zoned area and not create a stand-alone development node.<sup>14</sup>*

The views of stakeholders were sought during the preparation of the Background Analysis report with considerable support for maintaining a focus on a strong urban core:

*Decentralised development is not supported. There are two relatively large parcels suitable for retail development proximate to the retail core (old saleyards site and site behind Woolworths). These could be developed to support and extend the town centre.*

*Do not split Cobram town centre by allowing new development outside the centre, like Shepparton has done.<sup>15</sup>*

### **Murray Region Destination Management Plan 2018**

This plan provides a strategy for the Murray River tourism region that includes Cobram within the study boundary. Specifically, Cobram is located within the broader Mid Eastern Murray sub-region, that has experienced an increase in both the overnight and day trip visitors.

The DMP sets out some public realm improvement project within the town centre of Cobram and in proximity to the Murray Rive to improve the amenity and facilities of the township. Additional detail on this is provided in the report prepared by BWEC as background to this planning report.

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<sup>13</sup> Retail Policy Framework for Cobram and Yarrawonga 2017 Options Report, page 24

<sup>14</sup> Ibid, page 25

<sup>15</sup> Retail Policy Framework for Cobram and Yarrawonga 2017 Background analysis, page 84-85



### 3.4 Planning decisions and proposals

#### **Oasis Homes Australia Pty Ltd v Moira SC [2017] VCAT 1227**

This VCAT case considered a proposal for the use and development of the subject site for caravan and cabin accommodation, comprising 24 cabins and site for 24 caravans. The proposal considered by VCAT was a substantial reduction from the original application submitted to Council that comprised around 297 caravan/cabin sites.

Council opposed the granting of a permit for the amended proposal on the grounds that it:

- *does not include sufficient information to be adequately assessed;*
- *is contrary to the settlement strategy at clause 21.04-4 of the Moira Planning Scheme; and*
- *is contrary to the Cobram Town Structure Plan at clause 21.04-5 of the Moira Planning Scheme, which shows the subject land as 'Short term Business expansion' and 'Investigate Potential for Business Park'<sup>16</sup>*

The VCAT Member agreed with Council that a permit should not be granted for the proposal, stating the following:

*"...the site is not identified in strategic planning policy as being appropriate for the proposed caravan park/cabins. Rather, the site has been identified in planning policy as the place for new commercial/light industrial businesses to locate, potentially in a business park development, so that Cobram can continue to attract these businesses to the town in the face of competition from other townships in the area..."<sup>17</sup>*

#### **Moira Planning Scheme Amendment C88**

Amendment C88 sought to rezone land at 2-6 Colgan Street Cobram from Commercial 2 Zone to Commercial 1 Zone for the purposes of facilitating the development of two supermarkets, a medical centre and retail premises totaling 8,615 sqm in floorspace.

Subsequently, the independent planning panel that considered this proposal concluded *that the Amendment should be abandoned, and the planning permit should not be granted*<sup>18</sup>.

The Panel found that the proposed rezoning would result in community disbenefit for several reasons. These included insufficient strategic justification within the Moira Planning Scheme to support rezoning 31,500sqm of land to Commercial 1 Zone, local policy that encouraging specialty retail to be consolidated within Cobram's existing retail core (not in the proposed location) and the scale of the rezoning, which represented Cobram's floorspace needs for approximately a decade.

The Panel Report was considered by Council at its 26 June 2019 meeting, where Council resolved to adopt the Amendment and it has now been submitted to the Minister for Planning for a final decision.

#### **Emergency services facility**

The State Government has committed funds to purchase land for the development of a new State Emergency Service facility in Cobram. A preferred location has been canvassed for this facility within the study area.

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<sup>16</sup> Oasis Homes Australia Pty Ltd v Moira SC [2017] VCAT 1227, paragraph 8

<sup>17</sup> Oasis Homes Australia Pty Ltd v Moira SC [2017] VCAT 1227, paragraph 9

<sup>18</sup> Moira Planning Scheme Amendment C88, Panel Report, 3 June 2019, page ii

## 4 Analysis

This section of the report considers potential future zoning options for the subject site, having regard to the existing strategic planning policy framework that applies to it. This analysis also considers a range of possible future uses of the site having regard to the site's location and strategic planning context. This includes investigating residential, industrial, commercial and public uses (e.g. open space, cultural facilities, emergency services facilities) for the subject site.

### 4.1 Land demand and supply

This analysis has been informed by the various recent strategic planning studies completed by the Shire over the past 5 years, together with the more recent economic analysis prepared by Blair Warman Economics.

#### 4.1.1 Residential

The Major Town Strategy Plan Review (2018) identifies that there is an adequate residential land supply, and it concludes that *Moira Shire Council does not need to undertake any additional residential rezoning at this time due to the moderate take up of areas previously rezoned as part of Amendment C41*<sup>19</sup>.

The Cobram Framework Plan identifies a long-term residential growth area to the south of the township. Both the Strategy Plan Review and the BWEC report, identify the need to consider different types of housing due to substantial changes in household structures in Cobram. Clause 21.07-1 of the Moira Planning Scheme already identifies that medium density housing is encouraged around the commercial fringe of the town centre, near public open space and local neighbourhood centres and access that is within walkable distance of existing and potential public transport routes<sup>20</sup>.

Considering the ageing population in the Cobram SA2 area (Statistical Area 2, being areas that present a community that interacts together socially and economically) detailed in the BWEC report, Clause 21.03-3 Housing Diversity outlines the strategy to *promote alternative forms of supported housing such, as retirement and nursing homes, in existing urban centres with a high degree of accessibility to community and social infrastructure*<sup>21</sup>.

#### 4.1.2 Industrial

The Strategy Plan review 2018 found that there are sufficient areas for industrial development at this time<sup>22</sup>.

The BWEC report found that, whilst there is a significant supply of undeveloped industrial land in Cobram, there is only an estimated 13.4ha of 'development ready' industrial land. Based on a 1.3ha average annual land consumption, this equates to approximately 10 years of industrial land supply<sup>23</sup>. The BWEC report also identifies that:

*Given the relatively large area of sites compared to the historical take-up rate for industrial land, the ability to also develop sites for compatible uses such as peripheral sales/bulky goods retailing, recreational and tourism related activities will support the commercial viability of redeveloping sites and attracting interest from potential developers. As a result, sites that are located closer to the Cobram town centre and offer exposure to major roads offer greater opportunities for industrial development.*

<sup>19</sup> Major Towns' Strategy Plan Review 2018, page 33

<sup>20</sup> Clause 21.07-1 Cobram, Local area implementation

<sup>21</sup> Clause 21.03-3 Housing Diversity, Strategy 1.2

<sup>22</sup> Major Towns' Strategy Plan Review 2018, page 33

<sup>23</sup> The area currently under consideration for Amendment C88 includes 2.9ha or approximately 2 years supply

*While there is a considerable supply of undeveloped industrial zoned land, much of this land may potentially not become available for redevelopment in the foreseeable future given the likelihood of existing uses being maintained. In addition, significant upfront development costs combined with a relatively low take-up by traditional industrial activities, is likely to make the development of these sites commercially unviable.*

*In order to meet both the potential physical requirement for industrial land, as well as provide a wider choice of locations for potential new businesses, Council may consider increasing the supply of industrial zoned land. Any additional industrial zoned land should be strategically located to also support a mix of compatible non-industrial land uses resulting in a faster take-up of land than has been historically achieved. The subject site would offer such an opportunity.*

The report also identifies that if existing restricted retail businesses currently located in Cobram's industrial areas had the opportunity to relocate to the subject site, this would free up serviced industrial land for new industrial businesses.

#### **4.1.3 Commercial/Retail**

The Retail Policy Framework (2017) found that there is 19.8ha of Commercial 1 Zone and 47.2ha of Commercial 2 Zone land in Cobram of which 10.33% of the C1Z land is vacant and 23.3% of the C2Z land is vacant<sup>24</sup>. The Framework found that there is adequate supply in both the C1Z and C2Z zoned land to support the anticipated demand for commercial/retail land in land area terms, but that there are limited large sites zoned C2Z or similar with main road frontages in Cobram.

The BWEC report makes the following conclusions in relation to Cobram:

- It is relatively underserved by trade supply, building and automotive supplies retailers when compared to other regional centres of similar size (and proximity to larger townships). The creation of a higher profile restricted retail precinct would provide a more attractive opportunity for these businesses to establish themselves in Cobram.
- Continued restructuring within the local dairy industry combined with a recent improvement in milk prices is expected to support improved profitability, production and on-farm investment. This will have a positive flow-on impact upon the food processing sector, demand for farm supplies and machinery, local business activity and employment in Cobram.
- Restricted retailers are scattered across Cobram and would benefit from being located together within an identifiable precinct with main road exposure.
- If less intensive uses such as car dealerships were able to relocate to a higher profile restricted retail precinct, this would free up land in the town centre for more intensive retail development.
- Cobram's tourism sector is expected to continue to benefit from further population growth in Melbourne and Victoria generally. However it will need to improve its competitiveness relative to other tourist destinations through offering an expanding range of attractions to encourage increased visitation and longer stays. This could include:
  - 'Beverage tourism' activities such as a craft brewery or distillery. This would also provide an opportunity for an associated cafe/restaurant that may also promote local agricultural produce.
  - Indoor play centre or water park that may appeal to younger families.
  - Indoor rock climbing/trampoline centre that may appeal to teenagers and adults.
  - A golf driving range that introduces tourists to the sport before visiting nearby golf courses.

<sup>24</sup> Retail Policy Framework for Cobram and Yarrawonga: Background analysis, page 51.



#### 4.1.4 Public uses

The western part of Cobram has limited access to open space as illustrated in the context plan shown in the Conext Plan at Attachment 1 of this report.

There is also a need to provide land for the new State Emergency Services facility, which will require highway access and separation from residential uses. A preferred location has been canvased for this facility within the study area.

The BWEC report identifies that Cobram could benefit from increased tourism through the provision of arts, heritage and cultural facilities such as a museum/heritage centre that provides an insight into Cobram's history and agricultural industries. This may also serve to promote the Murray Farm Gate Trail through offering local produce for sale and providing information on producers.

#### 4.1.4 Summary

Based on the various economic and land use studies completed over the past 5 years, the land demand and supply considerations for Cobram can be summarised as follows:

- Residential = It is projected that approximately 500 additional dwellings will be needed in Cobram between 2016 and 2036. The short, medium and long term demand can be met in the urban growth area identified to the south of the township in the existing Cobram Framework Plan.
- Industrial = Cobram has an average annual industrial land take-up rate of 1.3ha. Whilst there are large areas of undeveloped industrial land, there is only approximately 13.4ha of 'development ready' land, which equates to approximately 10 years of supply. Providing areas for existing non-industrial uses to move from the industrial precinct to another site could free up more serviced industrial land in the township.
- Commercial/Retail = There is adequate supply of C1Z and C2Z land to support the anticipated demand for commercial/retail land in raw land area terms. However, there are limited large sites zoned C2Z or similar with main road frontages in Cobram. The creation of a new high-profile restricted retail precinct might:
  - Provide a more attractive opportunity for trade supply, building and automotive supplies retailers (who are currently under-represented in Cobram)
  - Allow existing scattered restricted retail businesses to benefit from being located together in a high-profile location
  - Allow low intensity uses such as car dealerships to relocate from the town centre
  - Could include tourism and recreation uses to encourage increased visitation and longer stays
- Public Uses = The western part of Cobram has limited access to open space, a new State Emergency Services facility is required, and the provision of additional tourism facilities could be of benefit.

## 4.2 Strategic Planning Context

The Moira Planning Scheme contains a Framework Plan (at Clause 21.07-1) which sets out the preferred future long-term land use and direction of growth for the township. This plan seeks to maintain a clear division between different land use activities, which comprise the following elements:

- a clearly defined town centre;
- residential uses in the east,
- rural-residential uses to the south-east;
- industrial areas to the north-west;
- commercial uses positioned along the Murray Valley Highway, and;
- business park uses on the subject site.

The Framework Plan includes a township boundary which runs along the western edge of the subject site.

The local planning policies contained in Clause 21.07-1 seek to ensure that development is generally consistent with the Cobram Framework Plan 2007 and contained within the settlement boundary. They note that the existing structure of Cobram, with its clear division between land use activities, should not be compromised.

The Framework plan directs residential growth to the south and south east and industrial growth to the north of the existing township, within the designated township boundary.

At a more local scale, the subject site has a direct interface with commercial uses and is also in proximity to industrial and farming uses. In addition to these uses, the Oasis Village and Green Palms residential villages/caravan parks are also located to the north and west of the site respectively.

The Green Palms Village is located outside of the designated settlement boundary for the township under the Cobram Framework Plan.

These existing residential uses are relatively isolated from the primary residential areas of the township and they do not neatly fit within the employment and business park land use vision for this location.

The following local planning policies apply to the subject site and its surrounds:

- Encourage the establishment of a Cobram Business Park in the area defined by the Murray Valley Highway, Cobram-Koonoomoo Road and Ritchie Road.
- Discourage the expansion of existing caravan park to the west of town.

The Major Towns' Strategy Plan Review included a review of the 2007 Framework Plan. It did not recommend changes to the land use framework plan for Cobram. It noted that although other influences have had an impact on Cobram, there has not resulted in a requirement to change the land use form or the Strategy Plan<sup>25</sup>.

In undertaking the current review, we have again considered the strategic merit of a range of possible alternative land uses for the subject site, having regard to both the current land use framework for Cobram identified in the Moira Planning Scheme, the findings of the 2018 review, and the land supply analysis summarised in chapter 4.1 of this report.

The following conclusions are made in relation to the strategic merit of possible alternative land uses for the subject site:

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<sup>25</sup> Major Towns' Strategy Plan Review 2018, page 6

- Residential – The Cobram Framework Plan identifies substantial areas of land in the south and south-east of the township for both short and long term residential growth. There is no need to set further land aside to cater for residential, and in any event the subject site is not a suitable location for such use because it is not contiguous with other existing/planned residential neighborhoods. The Oasis Village and Green Palms residential villages/caravan parks are anomalous uses in their local context and are not considered to be an appropriate precedent or justification for further residential uses on the subject site.
- Industrial – The Cobram Framework Plan identifies substantial areas of land in the north-west of the township for industrial growth. However, the land supply review (as summarised in section 4.1 of this report) has found that there is a relatively limited supply of larger lots for commercial and industrial activities in that area.
- Commercial – The Cobram Framework Plan identifies the subject site are being suitable for a business park. Our review has found that the subject site continues to be appropriate for such uses, given its main road exposure, and its proximity to existing commercial uses and services.
- Recreation and tourism uses – Whilst the site is not specifically identified for potential recreation and tourism uses, the proximity of the site to the town centre and its main road exposure may well make it a suitable location for a range of possible recreation and tourism uses. These would ideally be catered for as part of a wider masterplan for the site that also made provision for business park and other employment generating commercial uses.
- Public uses – There are a range of public uses that might potentially be appropriate for the site. For example, the site could be suitable for the new emergency services facility as it has frontage to the highway and it is located near the Cobram town centre. Such a use would be compatible with the broader aspiration for the site to become a business park. Part of the site could potentially be set aside to meet future needs for local open space within the township.



### 4.3 Recommended land uses

Based on the analysis above, it is recommended that the following land uses be considered for the site:

- A business park with a focus on restricted-retail uses to provide opportunities for businesses currently under-represented in Cobram to establish. Zoning the land for this purpose would also create the opportunity for existing restricted-retail businesses and low-intensity uses such as car dealerships located elsewhere in the town to relocate. This would free up these more central locations for alternative retail and community uses. The business park could also provide land for the State Emergency Services facility, and provide for uses catering to visitors such as recreational and cultural facilities.
- An area of public open space to provide access for people living and working in the vicinity.

### 4.4 Zoning and Overlay options

In order to facilitate the development of a business park on the site, the Commercial, Industrial and the Mixed Use zones are contemplated as potential standard zoning options. The suitability of the subject site to be included within a 'special purpose' type of zone is also discussed.

#### 4.3.1 Standard zoning options

Table 1 assesses the Commercial 1, Commercial 2, Industrial 3 and Mixed Use Zones as potential options.

The following land uses are considered in regards to providing a restricted-retail business park with potential tourism-focused uses:

- Preferred uses (in **bold font** on Table 1):
  - Indoor recreation facility
  - Industry
  - Museum
  - Office
  - Outdoor recreation facility
  - Restricted retail premises
  - Service industry
  - Trade supplies
  - Warehouse
- Potential complementary uses (in regular font on Table 1):
  - Food and drink premises
  - Service station
  - Takeaway food premises
- Inappropriate uses (in **red font** on Table 1):
  - Dwelling
  - Supermarket – these should instead be directed to the town centre
  - Retail premises – these should instead be directed to the town centre
  - Shop – these should instead be directed to the town centre

Table 1 - Comparison of standard zone options<sup>26</sup>

	<b>Commercial 1 Zone (C1Z)</b>	<b>Commercial 2 Zone (C2Z)</b>	<b>Industrial 1 Zone (IN1Z)</b>	<b>Industrial 3 Zone (IN3Z)</b>	<b>Mixed Use Zone (MUZ)</b>
Zone purpose	<p>To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.</p> <p>To provide for residential uses at densities complementary to the role and scale of the commercial centre</p>	<p>To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.</p> <p>To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.</p>	<p>To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.</p>	<p>To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.</p> <p>To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.</p> <p>To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.</p> <p>To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.</p>	<p>To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.</p> <p>To provide for housing at higher densities.</p> <p>To encourage development that responds to the existing or preferred neighbourhood character of the area.</p> <p>To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.</p>
Section 1 uses	<ul style="list-style-type: none"> <li>• Dwelling (any frontage at ground floor must not exceed 2 metres)</li> <li>• Food and drink premises</li> <li>• Museum</li> <li>• Office</li> <li>• Restricted retail premises</li> <li>• Retail premises</li> <li>• Shop</li> <li>• Supermarket</li> <li>• Takeaway food premises</li> </ul>	<ul style="list-style-type: none"> <li>• Food and drink premises (up to 100sqm)</li> <li>• Industry (other than Materials recycling and Transfer station)</li> <li>• Museum</li> <li>• Office</li> <li>• Restricted retail premises</li> <li>• Service industry</li> <li>• Takeaway food and drink premises (up to 100sqm)</li> </ul>	<ul style="list-style-type: none"> <li>• Industry</li> <li>• Service industry</li> <li>• Service station</li> <li>• Takeaway food premises</li> <li>• Warehouse (other than mail centre or shipping container storage)</li> </ul>	<ul style="list-style-type: none"> <li>• Service industry</li> <li>• Service station</li> <li>• Takeaway food premises</li> <li>• Warehouse (other than fuel depot, mail centre or shipping container storage)</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling</li> <li>• Food and drink premises (up to 150sqm)</li> <li>• Industry (other than Materials recycling and Transfer station)</li> <li>• Museum</li> <li>• Office (other than Medical centre; up to 250sqm)</li> <li>• Shop (up to 150sqm)</li> <li>• Takeaway food premises (up to</li> </ul>

<sup>26</sup> The lists of uses are brief lists that excludes some potential conditions/limitations listed in the use tables. Please check the corresponding zone within the Moira Planning Scheme to determine any applicable conditions.

	Commercial 1 Zone (C1Z)	Commercial 2 Zone (C2Z)	Industrial 1 Zone (IN1Z)	Industrial 3 Zone (IN3Z)	Mixed Use Zone (MUZ)
	<ul style="list-style-type: none"> <li>Trade supplies</li> </ul>	<ul style="list-style-type: none"> <li>Trade supplies</li> <li>Warehouse (other than mail centre)</li> </ul>			150sqm)
Section 2 uses	<ul style="list-style-type: none"> <li>Indoor recreation facility</li> <li>Industry</li> <li>Outdoor recreation facility</li> <li>Service industry</li> <li>Service station</li> <li>Warehouse</li> </ul>	<ul style="list-style-type: none"> <li>Indoor recreation facility</li> <li>Outdoor recreation facility</li> <li>Retail premises (other than food and drink premises, restricted retail premises, supermarket, trade supplies)</li> <li>Service station</li> <li>Supermarket (up to 1,800sqm and associated shops up to 500sqm)</li> </ul>	<ul style="list-style-type: none"> <li>Food and drink premises</li> <li>Indoor recreation facility</li> <li>Outdoor recreation facility</li> <li>Museum</li> <li>Office</li> <li>Outdoor recreation facility</li> <li>Restricted retail premises</li> <li>Retail premises (other than shop and takeaway food premises)</li> <li>Trade supplies</li> </ul>	<ul style="list-style-type: none"> <li>Food and drink premises</li> <li>Indoor recreation facility</li> <li>Industry (other than Service industry)</li> <li>Museum</li> <li>Office</li> <li>Outdoor recreation facility</li> <li>Restricted retail premises</li> <li>Retail premises (other than shop and takeaway food premises)</li> <li>Supermarket (up to 1,800sqm and associated shops up to 500sqm)</li> <li>Trade supplies</li> </ul>	<ul style="list-style-type: none"> <li>Indoor recreation facility</li> <li>Industry (other than Materials recycling and Transfer station)</li> <li>Outdoor recreation facility</li> <li>Restricted retail premises</li> <li>Retail premises (other than food and drink premises and shop)</li> <li>Service industry</li> <li>Service station</li> <li>Supermarket</li> <li>Trade supplies</li> <li>Warehouse</li> </ul>
Section 3 uses		<ul style="list-style-type: none"> <li>Dwelling</li> </ul>	<ul style="list-style-type: none"> <li>Dwelling</li> <li>Shop</li> <li>Supermarket</li> </ul>	<ul style="list-style-type: none"> <li>Dwelling</li> </ul>	
Discussion	<p>The purpose of the C2Z is best aligned with realising the strategic vision for the subject site to fulfill a role as a business park focusing on the creation of a restricted retail/bulky goods retailing. With as-of-right office, restricted retail, trade supplies and warehousing the C2Z is best suited to ensuring as few planning barriers exist for the development of the subject site as a business park. It provides for all preferred uses (apart from indoor and outdoor recreation) as Section 1 uses. This approach would also represent a logical extension of the existing C2Z area that directly adjoins the south-east boundary of the site. Clause 21.03-7 of the Planning Scheme also seeks to apply the C2Z to areas where highway business activity is encouraged. Whilst does provide for small supermarkets and associated shops and retail premises as permit-required uses, planning scheme policies could be included to strongly discourage these to give Council the ability to refuse to grant permits in order to protect the town centre.</p> <p>The IN1Z could facilitate the development of a business park, although restricted retail premises would be a permit-required uses. The zone is more aligned to providing for industry uses, which could impact on Oasis Village and Green Palms. This zone does have the advantage of prohibiting supermarkets and shops.</p> <p>The IN3Z while allowing for some limited commercial industry, is more aligned to providing for service industry uses and dealing with amenity issues and buffers from more intensive industry uses (typically contained in Industrial 1 Zones). While the subject site is in proximity to Industrial 1 Zoned land, the only surrounding land use that could be considered to potentially require such a buffer is the Green Palms development (noting that the Oasis Village development already directly adjoins Industrial 1 sites). The IN3Z provides for some uses that are consistent with the strategic intent of the site, however given the zone purpose, the uses more associated with business park and restricted retail are shifted into discretionary uses (section 2).</p> <p>The C1Z and MUZ provide for a range of uses that could support some elements of an office park, however having a dwelling use as-of-right would remove any Council discretion to ensure residential growth is directed towards existing residential areas and land already zoned for this purpose. Dwellings are prohibited uses in the C2Z and IN3Z. The MUZ would require a planning permit to be obtained for almost all preferred uses, and whilst the C1Z provides for some preferred uses as Section 1 uses, there are still several that would require a planning permit. The MUZ also generally relates in almost wholly residential outcomes.</p>				



The following conclusions are drawn from Table 1:

- The Commercial 2 Zone provides the greatest number of Section 1 (as-of-right) uses associated with a business park, and it prohibits dwellings. It does provide for small supermarkets and associated shops and retail premises as permit-required uses, however policies could be included to strongly discourage these to give Council the ability to refuse to grant permits in order to protect the town centre.
- The Industrial 3 Zoning provides for some business park style uses, however given the Industrial purpose of the zone, the development of key preferred land uses such as restricted retail premises and offices are not as-of-right which removes certainty for planning approval.
- The Commercial 1 and Mixed Use Zones provide for some as-of-right uses that are compatible with business park precincts, however dwellings are Section 1 (as-of-right) uses which would remove the ability for Council to apply discretion and to direct residential development to areas that are planned for residential development and are in closer proximity to established services.

#### 4.3.2 'Special purpose' zoning options

The Special Use, Comprehensive Development and Activity Centre Zones each have specific purposes under the Victorian planning system. They are generally intended to be used in circumstances where applying standard zones (in combination with local policy and/or overlays) cannot achieve the intended planning outcome.

The Practitioners Guide to Victoria's Planning System provides the following guidance in relation to these zones:

*"Where the strategic intent of a site is unknown or the application of a combination of zones, overlays and local policies is not able to achieve the desired planning outcomes, a special purpose zone may be used. These zones include the Special Use Zone, the Comprehensive Development Zone, the Urban Growth Zone and the Activity Centre Zone.*

*Maintaining consistency of planning controls across Victoria is a VPP principle. Using a special purpose zone is therefore discouraged unless there is clearly no suitable alternative."*<sup>27</sup>

Planning Practice Note 3 ('Applying the Special Use Zone') also notes that a Special Use Zone can be considered in circumstances when either:

- An appropriate combination of the other available zones, overlays and local policies cannot give effect to the desired objectives or requirements, or;
- The site adjoins more than one zone and the strategic intent of the site, if it was to be redeveloped, is not known and it is therefore not possible to determine which zone is appropriate.

It also notes that application of the Special Use Zone is not appropriate when an alternative zone can achieve a similar outcome, with appropriate support from local policies and overlays.

Considering the above, the existing alternative zones can achieve the desired outcomes of the site to become a 'business park' style development that is complementary to the surrounding uses.

<sup>27</sup> Practitioners Guide to Victoria's Planning System Version 1.1. Page 33

### 4.3.3 Overlay options

At 31ha and within the Cobram Settlement Boundary, the subject site is a sizable portion of the township area.

Development considerations for the site will include:

- The arrangement of uses (including employment uses, open space and areas for drainage)
- Lots sizes
- Staging of development
- Access network
- Retention of vegetation
- Built form and landscaping that respond to the surrounding context and provide high amenity outcomes

To facilitate the orderly development of the site, the below overlays are considered to ensure this occurs.

#### Development Plan Overlay

The Development Plan Overlay has the purpose:

*To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*

Clause 21.03-7 of the Planning Scheme also seeks to “Apply the Development Plan Overlay to areas identified for future urban use, where particular issues of design and development need to be resolved”.

Given the considerations listed above, a schedule to the Development Plan Overlay can address these by requiring a development plan to be prepared to the satisfaction of the responsible Authority, before an application for use, buildings and works, and/or subdivision can be approved.

The following requirements are typical of a DPO schedule in the Moira Planning Scheme:

- *The means of servicing to lots including the provision of reticulated water and sewerage to all lots;*
- *Layout of internal roads, service roads and defined access points and the impact on the surrounding road system;*
- *The design and make up of lot density in a manner that reflects demand of the area;*
- *The need for open space and any other community infrastructure as considered necessary by the responsible authority; and*
- *The impact of the development on any sites of flora or fauna significance, archaeological significance or significant views that may affect the land.*

In addition to the typical development plan inclusions outlined above, it would be anticipated that a schedule relating to the subject site would include reference to the staging of the development.

Planning Practice Note 23 (Applying the Incorporated Plan and Development Plan Overlays) identifies that a strategic framework should be prepared before the overlay is applied to:

- *identify and address opportunities and constraints for the development of the land*
- *provide direction about development outcomes and the overall form of development*
- *provide certainty to landowners and third parties about the form of development*
- *assist in choosing the appropriate planning tools to achieve the desired development outcomes and form of development*

- *ensure the schedule to the overlay is drafted to achieve the desired development outcomes and facilitate the development.*

This can be achieved by including an Outline Development Plan in the schedule that sets out the high-level design considerations for the site. The detailed Development Plan prepared as part of the schedule would need to be in general accordance with the Outline Development Plan.

The Outline Development Plan could also identify land use precincts and seek to list inappropriate uses that would be discouraged (e.g. supermarkets). This would assist Council to refuse to grant permits for the Development Plan and any subsequent applications for inappropriate uses as these would not be generally in accordance with the Outline Development Plan or Development Plan.

#### Design and Development Overlay

The Design and Development Overlay (DDO) has the purpose to:

*To identify areas which are affected by specific requirements relating to the design and built form of new development.*

The Moira Planning Scheme currently only has one area subject to a DDO, being a small area of General Residential Zone land on River Road. As there are no specific design and built form requirements that apply on the subject site, there is no need to apply this overlay.

#### Parking Overlay

The Parking Overlay has the purpose to:

*To facilitate an appropriate provision of car parking spaces in an area.  
To identify areas and uses where local car parking rates apply.  
To identify areas where financial contributions are to be made for the provision of shared car parking.*

Areas to the south and north of the subject site (including all existing C2Z land) are affected by Schedule 2 to the Parking Overlay, which has the following car parking objectives to be achieved:

- *To identify car parking rates to be provided for the use of land in the Business Zones and the Mixed Use Zone in Cobram;*
- *To ensure that the supply of car parking is responsive to demand and local conditions;*
- *To provide a mechanism for cash-in-lieu payments for car parking.*

The Parking Overlay Schedule 2 includes modified parking rates for various uses in Cobram's Commercial and Mixed Use Zones.

The schedule should be extended to the subject site to provide a consistent approach between all C2Z land.



## 5 Recommendations

**Recommendation 1** - Apply the Commercial 2 Zone to the site to ensure there is future land within Cobram to facilitate the development of a business park and provide adequately size lots for bulky goods/restricted retail businesses. This could be undertaken in a staged manner so that land along the higher-profile Cobram-Koonoomoo Road is rezoned first, with additional land to the south along Richie Road rezoned at a later date when required.

**Recommendation 2** - Apply the Development Plan Overlay to the entire subject site via a site-specific schedule which includes an Outline Development Plan that includes land uses precincts (and lists inappropriate uses) and the following requirements:

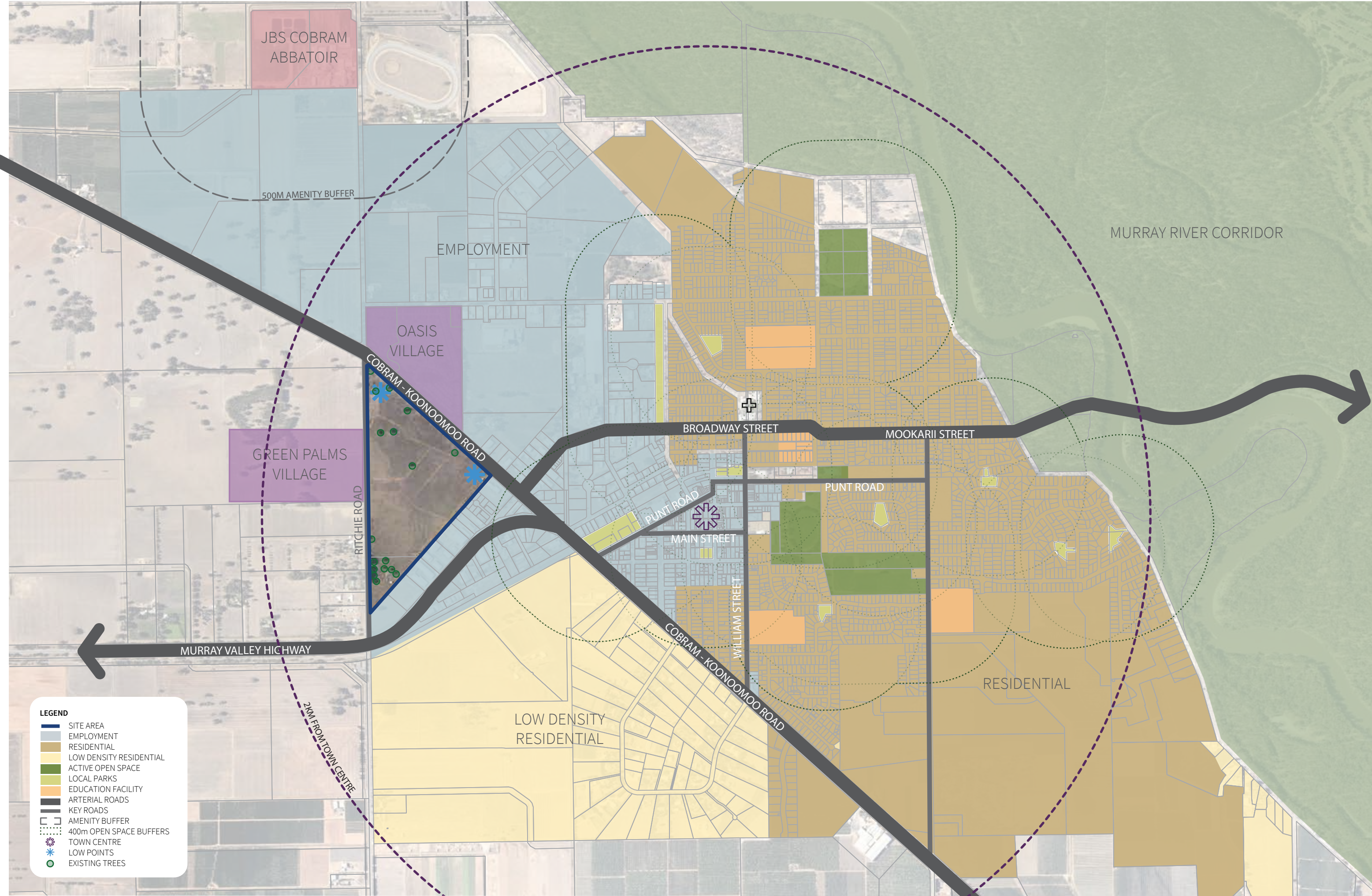
- *The means of servicing to lots including the provision of reticulated water and sewerage to all lots;*
- *Layout of internal roads, service roads and the impact on the surrounding road system;*
- *The means whereby safe access to Cobram – Koonoomoo Road is provided and rationalised intersection design can be provided to the satisfaction of VicRoads.*
- *The design and make up of lot density in a manner that reflects demand of the area;*
- *The staging of development;*
- *The need for open space and any other community infrastructure as considered necessary by the responsible authority; and*
- *The impact of the development on any sites of flora or fauna significance, archaeological significance or significant views that may affect the land.*
- *Design requirements and setbacks.*

**Recommendation 3** - Apply the Parking Overlay to the entire subject site as this applies to all existing C2Z land in Cobram.

**Attachment 1: Context Plan**







**LEGEND**

- SITE AREA
- EMPLOYMENT
- RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- ACTIVE OPEN SPACE
- LOCAL PARKS
- EDUCATION FACILITY
- ARTERIAL ROADS
- KEY ROADS
- AMENITY BUFFER
- 400m OPEN SPACE BUFFERS
- TOWN CENTRE
- LOW POINTS
- EXISTING TREES

PLEASE NOTE: THIS IS PLAN IS CONCEPTUAL ONLY & SHOULD NOT BE USED AS A TECHNICAL DRAWING OR FOR CONSTRUCTION PURPOSES.



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