

ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

20 October 2015

Agenda Item 10.1	Adoption of Amendment C182 (Dobson's Estate rezoning) to the Greater Shepparton Planning Scheme	
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G R E A T E R S H E P P A R T O N
G R E A T E R F U T U R E



UNCONFIRMED MINUTES

FOR THE
GREATER SHEPPARTON CITY COUNCIL

ORDINARY COUNCIL MEETING

HELD ON
TUESDAY 18 AUGUST, 2015
AT 5.30PM

IN THE COUNCIL BOARD ROOM

COUNCILLORS:

Cr Dennis Patterson (Mayor)
Cr Fern Summer (Deputy Mayor)
Cr Dinny Adem
Cr Chris Hazelman
Cr Jenny Houlihan
Cr Les Oroszvary
Cr Kevin Ryan

VISION

GREATER SHEPPARTON, GREATER FUTURE
A THRIVING ECONOMY IN THE FOODBOWL OF VICTORIA WITH
EXCELLENT LIFESTYLES, INNOVATIVE AGRICULTURE, A DIVERSE
COMMUNITY AND ABUNDANT OPPORTUNITIES



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.3 Amendment C182 to the Greater Shepparton Planning Scheme - Consideration of Submissions

Disclosures of conflicts of interest in relation to advice provided in this report
Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Senior Strategic Planner

Proof reader(s): Team Leader Strategic Planning and Manager Planning

Approved by: Director Sustainable Development

Other: Principal Strategic Planner

Executive Summary

Amendment C182 to the Greater Shepparton Planning Scheme proposes to rezone land at 10 Orchard Court and 275 Old Dookie Road, Grahamvale from the Farming Zone to the Low Density Residential Zone.

The amendment was exhibited from 7 May 2015 to 9 June 2015 in accordance with the *Planning and Environment Act 1987*.

Twelve submissions have been received by Council (see *Attachment 1 – Submissions Recorder*). Of these, five objected to or requested changes to the proposed amendment. Seven submissions were received from referral authorities, none of which raised any objections to the proposed amendment.

The main concerns raised in submissions include:

- Traffic and access;
- Drainage;
- Sewerage; and
- Covenants.

Council officers have met with all submitters to discuss the concerns raised in the submissions. At this stage, five submissions are unable to be resolved. These submissions are discussed in detail in the body of this report. An Independent Planning Panel is required to consider these submissions.

An Independent Planning Panel has been appointed by the Minister for Planning. The Panel Hearing will be held on 20 August 2015.

It is recommended that Council notes Council officers' position at the upcoming Independent Planning Panel Hearing as outlined in this report.



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.3 Amendment C182 to the Greater Shepparton Planning Scheme - Consideration of Submissions (continued)

Moved by Cr Sumner
Seconded by Cr Houlihan

That, with regard to submissions received for Amendment C182 the Greater Shepparton Planning Scheme, Council:

1. note Council Officers' response outlined in this report for presentation to an Independent Planning Panel; and
2. note that Council officers may exercise discretion to best achieve the general position adopted by Council.

CARRIED.

Background

Council has received a request to rezone land at Dobson's Estate from the Farming Zone to the Low Density Residential Zone. A planning scheme amendment is required to rezone this land.

The amendment applies to two adjoining parcels of land known as 10 Orchard Court, (being Lot 10 on LP128818) and 275 Old Dookie Road, Grahamvale (being Lot 2 on LP115406).

The land is approximately eight hectares in total and is at the south eastern corner of Dobson's Estate. The land is currently in the Farming Zone (Schedule 1) and is not affected by any overlays (see *Figure 1 – Zone Map* and *Figure 2 – Locality Plan*). The remainder of Dobson's Estate is within the Low Density Residential Zone and has largely been developed for low density residential purposes.

The amendment proposes to rezone land at 10 Orchard Court and 275 Old Dookie Road, Grahamvale from the Farming Zone (Schedule 1) to the Low Density Residential Zone (see *Attachment 2 – Exhibited Documentation*).

The subject land is within the settlement boundary for Shepparton and has been identified for 'potential low density' in the *Greater Shepparton Housing Strategy 2011* (GSHS) and at Clause 21.04 of the Greater Shepparton Planning Scheme. An amendment to rezone the land to Low Density Residential Zone is necessary to implement the recommendations of the GSHS.

The provisions of the Low Density Residential Zone will allow subdivision of the land to a minimum lot size of 4,000m² for unserviced lots. This will complement the existing low density residential character of this area.



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.3 Amendment C182 to the Greater Shepparton Planning Scheme - Consideration of Submissions (continued)

Figure 1 – Zone Map

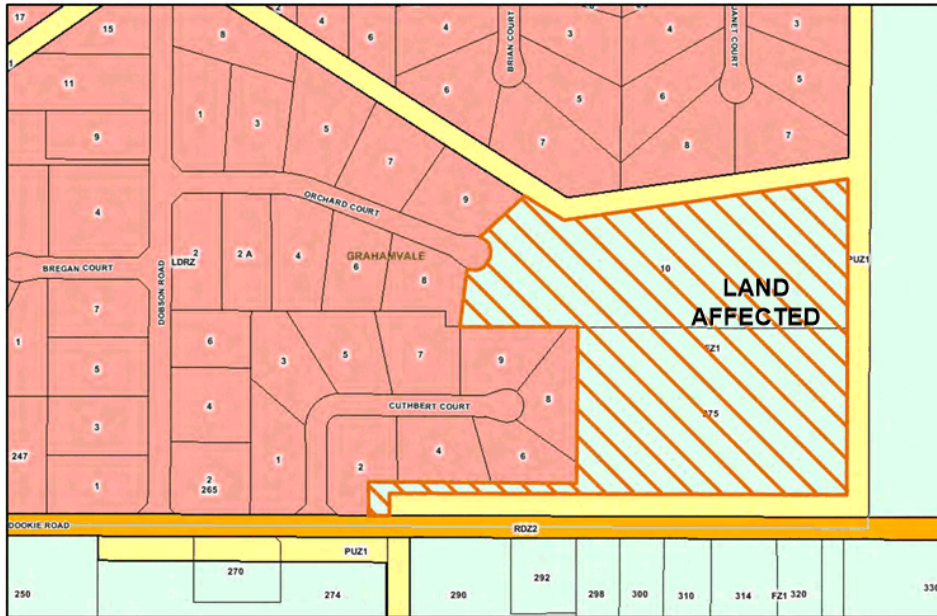
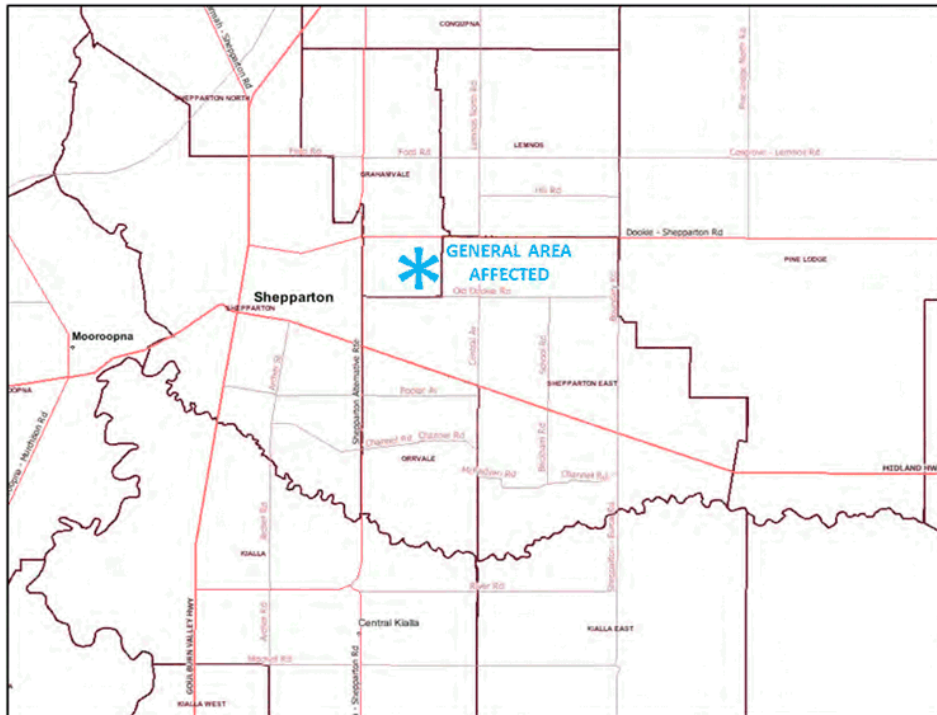


Figure 2 – Locality Plan





9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.3 Amendment C182 to the Greater Shepparton Planning Scheme - Consideration of Submissions (continued)

Exhibition

The amendment was exhibited in accordance with the *Planning and Environment Act 1987* for four weeks. This included the following:

- Letters sent to owners and occupiers of land directly affected on 4 May 2015;
- Letters sent to relevant referral authorities on 4 May 2015;
- Letters sent to prescribed Ministers on 4 May 2015;
- Notice in the Victorian Government Gazette on 7 May 2015;
- Notice in the Shepparton News on 5 May 2015;
- Notice on Greater Shepparton City Council website;
- Notice on Department of Environment, Land, Water and Planning website; and
- Copy of exhibition documentation in the foyer of the Council offices at 90 Welsford Street, Shepparton.

The exhibition period closed on 9 June 2015.

Submissions

Twelve submissions were received by Council (see *Attachment 1 – Submissions Recorder*).

Seven of these submissions were received from referral authorities who did not object to or request changes to the proposed amendment. These referral authorities are:

- Goulburn Broken Catchment Management Authority
- APA Group;
- Environment Protection Authority (Victoria);
- Goulburn Valley Water;
- Department of Environment, Land, Water and Planning;
- Goulburn-Murray Water; and
- Public Transport Victoria.

These submissions are not considered to be objections and are not required to be referred to an Independent Planning Panel.

Five submissions either objected to or requested changes to the proposed combined amendment/permit (see *Figure 3 – Locations of Submitters*).

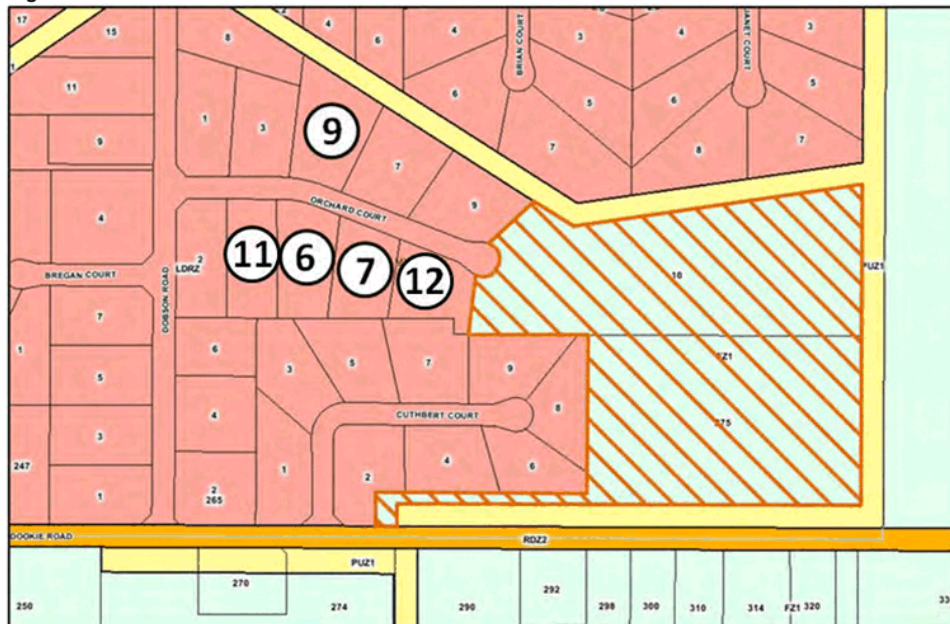
The main concerns raised in submissions include:

- Traffic and access;
- Drainage;
- Sewerage; and
- Covenants.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.3 Amendment C182 to the Greater Shepparton Planning Scheme - Consideration of Submissions (continued)

Figure 3 – Locations of Submitters



Traffic and access

Submission Nos. 6, 7, 9, 11 and 12 raise concerns regarding the potential impacts of increased traffic and the way in which the development will be accessed in the future.

The submissions object to any access to the land from the existing Orchard Court, being an extension of the cul-de-sac or changing it to a through-road with an additional access at Old Dookie Road.

Council officers' position:

Lot layouts and access details are not required at this stage of the development process. Traffic and access solutions will be finalised at the subsequent planning permit/subdivision stage if the rezoning proceeds. At this stage, Council's Development Engineering Team have indicated that a second access point is preferred at Old Dookie Road to reduce risks associated with emergency access.

Drainage

Submission Nos. 7 and 12 raise drainage concerns and Submission 7 queries whether Council will require the future development to assist in the resolution of existing drainage issues in Dobson's Estate.

Council officers' position:

The drainage solution will be finalised during the subsequent planning permit/subdivision stage if the rezoning proceeds. However, the proposed development will be required to manage all stormwater on-site with no off-site impacts. The drainage solution for the proposed development must meet the standards included in the Infrastructure Design Manual.



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.3 Amendment C182 to the Greater Shepparton Planning Scheme - Consideration of Submissions (continued)

Current drainage requirements will ensure that any development of the site will not exacerbate existing drainage issues. The future development of this site cannot be expected to resolve existing drainage issues in Dobson's Estate.

Sewerage

Submission Nos. 6 and 7 raise issues regarding the lack of reticulated sewerage in the Dobson's Estate area and query when reticulated sewerage will be extended to the area.

Council officers' position:

The land is not currently within the sewer district for the municipality. A land capability assessment has been provided, which confirms that effluent can be treated on-site. Future sewerage plans should not prevent the potential development of the land.

Covenants

Submission No. 9 states that the Shire of Shepparton imposed covenants on all residences, which, among other things, ban light industry. The submission states that these restrictions have been and are being breached. The submitters believe that the proposed rezoning is a further breach of the original Shire of Shepparton plans for the amenity of Dobson's Estate.

Council officers' position:

The breaching of any covenants is a legal/enforcement issue and should not prevent the future development of the land. Council officers have reviewed the covenants on the Certificates of Title and believe that the proposed rezoning does not breach any existing covenants.

The submissions cannot be resolved and have been referred to an Independent Planning Panel for consideration.

An Independent Planning Panel has been appointed by the Minister for Planning. The Panel Hearing will be held on 20 August 2015.

Council Plan/Key Strategic Activity

The proposed amendment is supported by the *Council Plan 2013-2017* as follows:

Goal 4: Quality Infrastructure (Built)

Objective 3: Encourage sustainable municipal growth and development.

Risk Management

The primary risk associated with the proposed combined amendment/permit is not meeting the timelines required by *Ministerial Direction No. 15 "The Planning Scheme Amendment Process"*. This Ministerial Direction requires each stage of the planning scheme amendment process to be undertaken within set timeframes.

In accordance with Ministerial Direction No. 15, Council must request the appointment of an Independent Planning Panel under Part 8 of the *Planning and Environment Act 1987* within 40 business days of the closing date for submissions, unless a Panel is not required. To meet this timeframe, an Independent Planning Panel has been requested by Council officers under delegation. It is recommended that Council endorses Council officers' position prior to the upcoming Independent Planning Panel Hearing.



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.3 Amendment C182 to the Greater Shepparton Planning Scheme - Consideration of Submissions (continued)

Policy Considerations

The proposed amendment does not conflict with any existing Council policies. The proposed amendment supports Council's policies for providing additional zones residential land in accordance with the *Greater Shepparton Housing Strategy 2011*.

Financial Implications

The costs associated with the proposed combined amendment/permit must be met by the proponent, being Onleys Consulting Pty Ltd on behalf of landowners A & D Shaholli. This includes the cost of an Independent Planning Panel.

Legal/Statutory Implications

All procedures associated with this planning scheme amendment comply with the legislative requirements of the *Planning and Environment Act 1987* (the Act). The amendment has been assessed in accordance with the Act and the Greater Shepparton Planning Scheme. The assessment is considered to accord with the *Victorian Charter of Human Rights and Responsibilities Act 2006* (the Charter). No human rights have been negatively impacted upon throughout the process.

The Charter recognises that reasonable restrictions may be placed on the use and development of land, and that there may on occasion be reasonable and acceptable offsite impacts on others. Provided these issues are properly considered, it would be a rare and exceptional case where the exercise of a planning decision in accordance with the regulatory framework is not Charter compatible.

Environmental/Sustainability Impacts

Rezoning the subject land from the Farming Zone to the Low Density Residential Zone will allow it to be developed with unserviced lots of a minimum subdivision size of 4,000m². This will achieve an appropriate outcome for land that now adjoins low density residential development on two sides.

The displacement of irrigation farming land by urban expansion has been strategically addressed within the GSHS. A settlement boundary has been established with an overall strategy of containment for the regional city. The subject land is within the settlement boundary. The containment strategy is necessary to protect the significant agricultural base of the economy from the negative impact of scattered unplanned rural residential development.

The rezoning will facilitate the use and development of the subject site for low density residential purposes. This is consistent with the aims of maintaining and improving the quality of the local environment by encouraging a consolidation of land use with adjoining and adjacent low density residential development. The subject land is abutted on two sides by land already developed for low density residential purposes. As such, there will be no significant loss to the municipality's natural environmental.

There are no significant adverse environmental impacts associated with this amendment.



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.3 Amendment C182 to the Greater Shepparton Planning Scheme - Consideration of Submissions (continued)

Social Implications

The proximity of residential land use makes productive farming on the subject land very difficult. The subject land is better suited to low density residential use. Therefore the use and development of this site as an integrated residential estate will assist in reducing pressure on economically viable agricultural land to the east of Shepparton, and will assist in protecting the valuable economic contribution that agriculture and the farming sector make to the local, regional and state economy.

There are no significant adverse social implications associated with this amendment.

Economic Impacts

An increase in residential development in this area, in close proximity to the Shepparton Urban Area, will increase the number of people utilising existing services and facilities in the Dobson's Estate area. This will make these facilities more financially viable and encourage new investment in the town. The subject land is also within close proximity to social services, infrastructure and entertainment provided in the Shepparton Urban Area, thus providing another sustainable diversified housing option.

There are no significant adverse economic implications associated with this amendment.

Consultation

The amendment was exhibited in accordance with the *Planning and Environment Act 1987* for four weeks. This included the following:

- Letters sent to owners and occupiers of land directly affected on 4 May 2015;
- Letters sent to relevant referral authorities on 4 May 2015;
- Letters sent to prescribed Ministers on 4 May 2015;
- Notice in the Victorian Government Gazette on 7 May 2015;
- Notice in the Shepparton News on 5 May 2015;
- Notice on Greater Shepparton City Council website;
- Notice on Department of Environment, Land, Water and Planning website; and
- Copy of exhibition documentation in the foyer of the Council offices at 90 Welsford Street, Shepparton.

The exhibition period closed on 9 June 2015.

Submissions are discussed in detail in the "Background" section of this report.

Council officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy 2006

Direction 1: Settlement and Housing

Commitment to growth within a consolidated and sustainable development program.



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.3 Amendment C182 to the Greater Shepparton Planning Scheme - Consideration of Submissions (continued)

Options for Consideration

1. Note Council officers' position at an Independent Planning Panel Hearing for Amendment C183 (combined planning scheme amendment and planning permit) to the Greater Shepparton Planning Scheme (preferred); or
2. Do not note Council officers' position at an Independent Planning Panel Hearing for Amendment C183 (combined planning scheme amendment and planning permit) to the Greater Shepparton Planning Scheme and form an alternative position; or
3. Abandon Amendment C183 (combined planning scheme amendment and planning permit) to the Greater Shepparton Planning Scheme.

Conclusion

Amendment C182 to the Greater Shepparton Planning Scheme proposes to rezone land at 10 Orchard Court and 275 Old Dookie Road, Grahamvale from the Farming Zone (Schedule 1) to the Low Density Residential Zone.

The amendment was exhibited from 7 May 2015 to 9 June 2015 in accordance with the *Planning and Environment Act 1987*.

Twelve submissions have been received by Council. Of these, five objected to or requested changes to the proposed amendment.

Council officers have met with all submitters to discuss the concerns raised in the submissions.

At this stage, five submissions are unable to be resolved. The matter has been referred to an Independent Planning Panel for consideration.

An Independent Planning Panel has been appointed by the Minister for Planning. The Panel Hearing will be held on 20 August 2015.

It is recommended that Council notes Council officers' position at the upcoming Independent Planning Panel Hearing as outlined in this report.

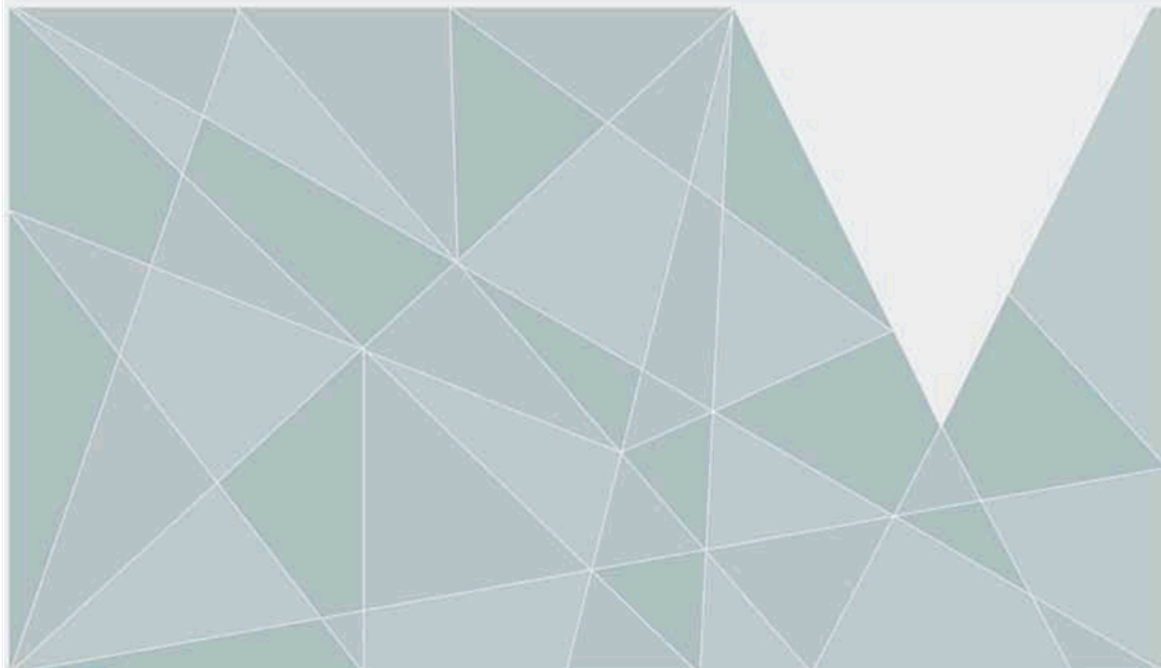
Attachments

1. Submissions Recorder Page 444
2. Exhibited Documentation Page 445

Planning and Environment Act 1987

Panel Report

Greater Shepparton Planning Scheme Amendment C182
Grahamvale Low Density Residential



31 August 2015

Planning and Environment Act 1987

Panel Report pursuant to Section 25 of the Act

Greater Shepparton Planning Scheme Amendment C182

Grahamvale Low Density Residential

31 August 2015

A handwritten signature in black ink, appearing to read 'Con Tsotsoros', written in a cursive style.

Con Tsotsoros, Chair

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Overview

Amendment Summary	
The Amendment	Greater Shepparton Planning Scheme Amendment C182
Common Name	Grahamvale Low Density Residential
Subject land	10 Orchard Court and 275 Old Dookie Road, Grahamvale
Planning Authority	Greater Bendigo City Council
Proponent	A and D Shaholli
Authorisation	20 March 2015
Exhibition	7 May to 9 June 2015
Submissions	<ol style="list-style-type: none"> 1. Goulburn Broken Catchment Authority 2. APA Group 3. Environment Protection Authority 4. Goulburn Valley Water 5. Department of Environment, Land, Water and Planning 6. Leigh and Neil James 7. Tracy Taylor 8. Goulburn-Murray Water 9. N and R Mitchelmore 10. Public Transport Victoria 11. Greg Lambert and Family (Late) 12. Geoffrey and Vera Fleming (Late)
Panel Process	
The Panel	Con Tsotsoros (Chair)
Directions Hearing	No Directions Hearing was held
Panel Hearing	Shepparton, 20 August 2015
Site Inspections	Unaccompanied, 6 and 20 August 2015
Appearances	<ul style="list-style-type: none"> - Greater Shepparton City Council represented by Ms Grace Docker - Onley Consulting Pty Ltd (Proponent) on behalf of A and D Shaholli and represented by Mr Ron Mildren of Living Streets Design Pty Ltd - Ms Vera Fleming - Mr Neil James - N and R Mitchelmore - Ms Tracy Taylor
Date of this Report	31 August 2015

Executive Summary

Greater Shepparton Planning Scheme Amendment C182 seeks to rezone approximately eight hectares of land from the Farming Zone to the Low Density Residential Zone. The subject land comprises of 10 Orchard Court and 275 Old Dookie Road in Grahamvale, approximately five kilometres north-east of the Shepparton city centre. When viewed on a planning scheme map, the subject land appears like a missing piece of the surrounding estate.

The Greater Shepparton municipal population is predicted to grow from 59,202 in 2006 to 71,509 by 2026, generating a need for a further 9,100 dwellings by 2031. The Municipal Strategic Statement of the Greater Shepparton Planning Scheme identifies the Shepparton Housing Strategy 2011 as Council's approach to managing its housing delivery and growth. The Strategy seeks over 1,100 hectares of low density residential land across the municipality. The Municipal Strategic Statement was amended in 2012 to introduce the Strategy and its associated framework plans.

The Shepparton East Framework Plan in the Municipal Strategic Statement and the Greater Shepparton Housing Strategy 2011 each identify the subject land for low density residential development in the next 0-5 years. These strategies provide strong strategic justification for applying the Low Density Residential Z one on the subject site.

The Proponent, A and D Shaholli, has sought to simply rezone the land before preparing more detailed plans and reports through a subsequent planning permit application. The Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework.

A total of 12 submissions were received, with five objecting because of issues related to traffic and access, drainage, sewerage and a restrictive covenant. The Panel found that the covenant was not relevant to the Amendment.

After careful consideration of all submissions, the Panel concludes that the future subdivision anticipated by the Amendment is not of the scale or nature that requires these issues to be addressed at this stage. They are, however, relevant considerations as part of any future permit application, where members of the community will have an opportunity to express their views. Submissions to the Amendment have provided Council and the Proponent with good insight about the type of issues that local residents are likely to raise in the future.

Based on the reasons set out in this Report, the Panel recommends:

Greater Shepparton Planning Scheme Amendment C182 be adopted as exhibited.

1 Introduction

1.1 The subject land and surrounds

Greater Shepparton Planning Scheme Amendment C182 (the Amendment) applies to 10 Orchard Court and 275 Old Dookie Road in Grahamvale, as shown in Figure 1. The subject land abuts open irrigation channels to the south, east and north. These channels limit access to the land and form part of a broader network that services the surrounding farming area.

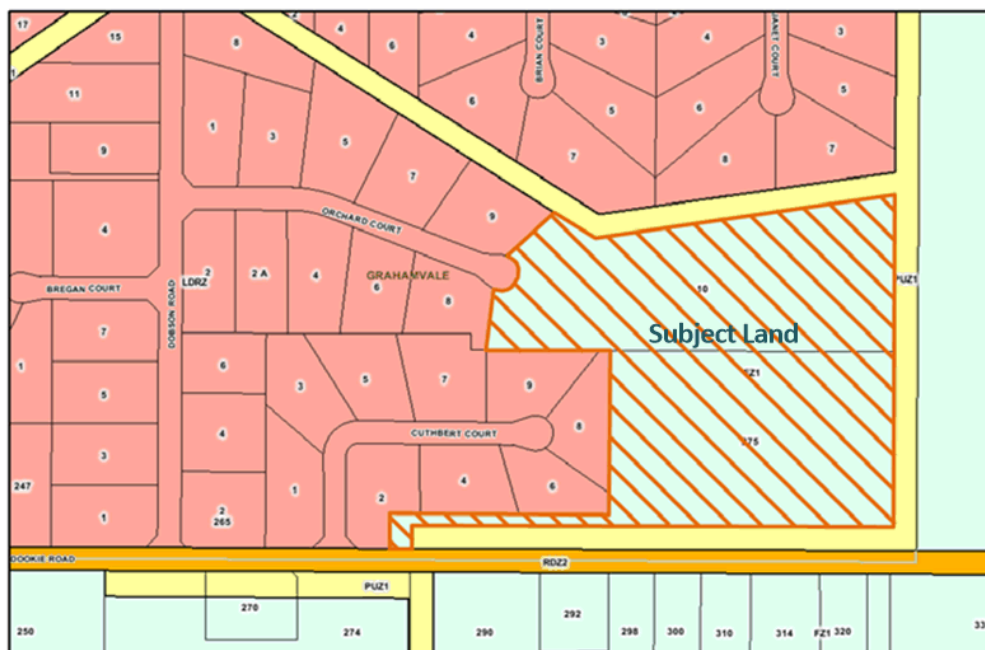


Figure 1 Subject land

1.2 Issues dealt with in this report

A total of 12 submissions were received, with five objecting because of issues related to traffic and access, drainage, sewerage and a restrictive covenant.

The Panel considered all written submissions, as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Panel has been assisted by the information provided to it as well as its observations from inspections of specific sites.

This report deals with the issues under the following headings:

- Planning Context
- The Issues
 - Traffic and access
 - Drainage
 - Sewerage
 - Covenant.

2 Planning Context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report. The Panel has reviewed the policy context of the Amendment and made a brief appraisal of the relevant zone and overlay provisions and other relevant planning strategies.

2.1 Policy framework

Table 1 Policy Framework

State Planning Policy Framework	
Clauses	
11	Settlement
	11.02 Urban growth
	11.02-1 Supply of urban land
	To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
	11.10 Hume regional growth
	11.10-3 Planning for growth
	To focus growth and development to maximise the strengths of existing settlements.
16	Housing
	16.01 Residential development
	To promote a housing market that meets community needs. To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. ... To provide for a range of housing types to meet increasingly diverse needs. To deliver more affordable housing closer to jobs, transport and services.
18	Transport
	Planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.
19	Infrastructure
	19.03 Development infrastructure
	To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment. To reduce the impact of stormwater on bays and catchments. To facilitate the orderly development, extension and maintenance of telecommunication infrastructure. To avoid, minimise and generate less waste to reduce damage to the environment caused by waste, pollution, land degradation and unsustainable waste practices
Local Planning Policy Framework	
Clauses	
21	Municipal Strategic Statement
	21.04 Settlement
	Population forecasts predict that the population of the City of Greater Shepparton will grow from 59,202 persons in 2006 to 71,509 by 2026. It is expected that to accommodate this additional population, there will need to be a corresponding growth in the number of dwellings (a separate estimate suggests a further 9,100 dwellings will be required by 2031). The Greater Shepparton Housing Strategy 2011 (GSHS) outlines Council's approach to housing delivery and growth in the municipality...

Objectives

To release land efficiently in terms of location, supply of services and infrastructure and in accordance with land capability.

...

To balance the need to achieve urban consolidation with the need to respect and retain the valued characteristics of existing neighbourhoods.

21.04-3 Rural residential

To provide land for rural residential purposes, without impacting on the long-term growth potential of urban centres or productive agricultural land, subject to a supply and demand analysis.

(i) Other planning strategies or policies used in formulating the Amendment**Greater Shepparton Housing Strategy 2011**

The Greater Shepparton Housing Strategy 2011 provides further strategic direction on housing and residential development following the adoption of the Greater Shepparton 2030 Strategy Plan. It sets objectives, strategies and actions and establishes a development framework to guide future residential development in the municipality.

The Strategy seeks to have 1,140 hectares of Low Density Residential Zone or Township Zone land available to meet demand to 2031. Although the strategy identifies the need for 246 hectares, it recommends over four times this amount for reasons including choice of location and type and housing affordability.

The Strategy divides Greater Shepparton into 14 areas and provides for each area:

- Housing Change Area Plan that categories land into three types of housing change areas; Minimal, Incremental and Substantial
- Growth Management Plan showing the expect development timeframe.

The subject land is located in the Shepparton East growth area and identified for potential low density housing in 0-5 years.

Greater Shepparton Planning Scheme - Clause 21.04

Clauses 21.04 and 21.09 of the Municipal Strategic Statement were amended through Amendment C93 in June 2012 to implement the recommendations of the Greater Shepparton Housing Strategy 2011. The Amendment introduced new framework plans, including the Shepparton East Framework Plan. An extract of the Plan, as shown in Figure 2, identifies the subject land for potential low density residential development.

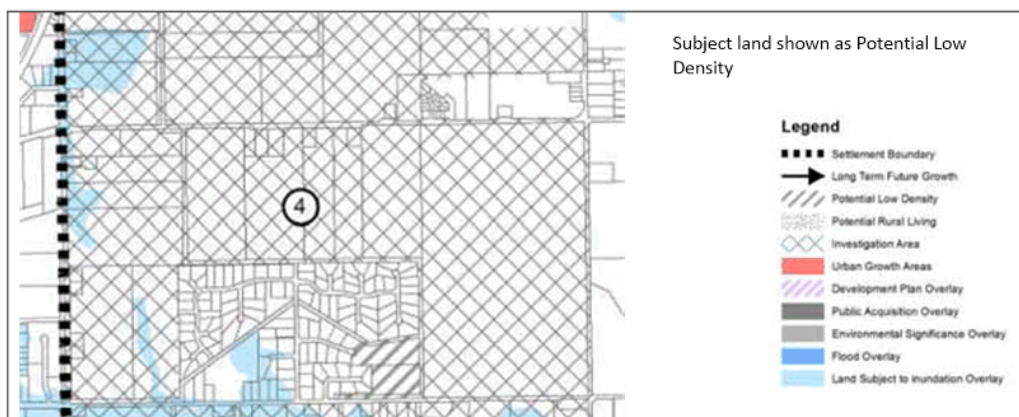


Figure 2 Extract from Shepparton East Framework Plan

2.2 Planning scheme provisions

The subject land is in the Farming Zone Schedule 1 which limits the minimum subdivision lot size to 40 hectares. The subject land has no overlays.

(i) Low Density Residential Zone

The Amendment proposes to rezone the subject land to the Low Density Residential Zone. The purposes of this zone are:

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 low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

The Zone applies the following minimum subdivision lot sizes:

- 0.4 hectare for each lot where reticulated sewerage is not connected
- 0.2 hectare for each lot with connected reticulated sewerage.

Although a larger minimum subdivision lot size may be specified in the Zone schedule, the Amendment does not propose this.

2.3 Discussion

The Shepparton East Framework Plan in the Municipal Strategic Statement and the Greater Shepparton Housing Strategy 2011 identify the subject land as a contributor of low density residential land in the next 0-5 years. These strategies clearly and specifically provide strong strategic justification for applying the Low Density Residential Zone on the subject site. While one submitter opposed the rezoning, no submitter questioned the appropriateness of applying the Low Density Residential Zone. This rezoning is the sole purpose of the Amendment.

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework.

3 Issues

3.1 The issues

Five submitters were concerned about:

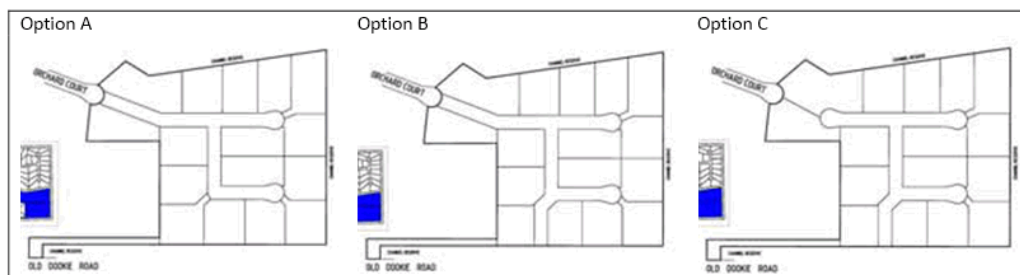
- The possibility of Orchard Court being extended or transformed into a through road
- Existing and potential future drainage issues
- The absence of reticulated sewerage in the estate
- Breaches to existing property title covenants.

(i) Traffic and access

Council submitted that traffic and access solutions will be finalised at the subdivision permit stage if the subject land is rezoned. It considered that these details are not required at this stage of the planning progress. In its submission, Council included a letter dated 29 August 2014 that provided the Proponent with preliminary advice on the Amendment. The advice included:

The proposed layout has only one entry point for the 16 lots. A second access point, potentially onto Old Dookie Rd, would reduce the risks associated with access in the case of an emergency. Turn movements from Old Dookie Rd would be required.

Council requested that the Proponent prepare three concept plans showing different access outcomes. These concept plans are shown at Figure 3.



Source: Council Submission (Document 1) - Plans prepared by Onleys

Figure 3 Road layout concept plans

Mr Mildren, for the Proponent, submitted that access to the subject land exists at the end of Orchard Court. He considered that all options should be considered part of a planning permit application and it was premature to determine a preferred layout and access points at the Amendment stage. He added:

Furthermore any engineering detail design work necessary in respect to road access alternatives has not been undertaken and at this time such speculative alternatives to Orchard Court do not form part of the amendment and therefore are potentially matters for decision by Council in response to the application for planning permit.

Mr and Ms James, Ms Taylor, Mr and Ms Mitchelmore, Ms Fleming and the Greg Lambert family opposed Orchard Court being extended, transformed into a through road, or used to access the subject land. Reasons include that it would impact their peaceful environment and create safety issues. Specifically, Ms Fleming submitted:

Any continuation of Orchard court or through road will be taking away from us our “right of living at the bowl of the court” a decision we made to purchase and live here knowing that we would be living in a court environment and at the end of the court.

At the Hearing, Ms James said that a court should comprise a limited number of dwellings and it should not be a long street. As a road layout option, Ms James suggested accessing the subject land from Old Dookie Road because this would require less road works and disruption than extending Orchard Court. She added that this layout would allow more land for housing development.

(ii) Drainage

Council submitted that Clause 21.07-3 (Urban Stormwater Management) of the Greater Shepparton Planning Scheme includes the objective:

To ensure that new development complies with the Infrastructure Design Manual.

Goulburn Broken Catchment Management Authority did not object to the Amendment and submitted:

The Authority's data indicate these parcels of land are not liable to riverine type flooding. Results from the Shepparton East Urban Flood Study indicate that they are unlikely to flood as a result of intense local rainfall events.

Mr Mildren submitted that stormwater generated by the subject land can be addressed to meet current standards. He added that a detailed stormwater management design will be required as part of a subsequent planning permit application.

Ms Fleming and Ms Taylor submitted that the surrounding estate has experienced drainage issues. Ms Fleming considered that additional development will add to these issues whereas Ms Taylor queried whether Council will investigate resolving the existing issues through the new development. Ms Fleming provided two photographs (Document 5) showing the extent of flooding on a site located at the western end of Orchard Court.

Council responded by submitting that the future development cannot be expected to resolve existing draining issues in the surrounding estate. In its closing comments, Council said that flooding images shown in Ms Fleming's photographs were from greater than 1:100 year flood events. Councils generally plan for 1:100 flood events.

(iii) Sewerage

Council submitted that the subject land is not in the sewer district of the municipality. It added that a land capability assessment report found the subject land was suitable for on-site wastewater treatment and disposal. Goulburn-Murray Water was engaged in a pre-application process where it assessed the report and associated plans. Based on this process, Goulburn-Murray Water provided its pre-application approval and did not object to the Amendment. Council added that future sewerage plans should not prevent the land from being developed. The Proponent's submission mirrored this position.

In response to a question from the Panel, Mr Mildren said that providing reticulated sewerage to the subject land would reduce the minimum subdivision lot size from 4,000

square metres to 2,000 square metres under the Low Density Residential Zone. He added that it is likely that the Proponent would have sought a higher order residential zone if the land was connected to reticulated sewerage.

Mr and Ms James and Ms Taylor queried when reticulated sewerage would be available to the surrounding estate. Neither stated that development should not proceed without reticulated sewerage.

(iv) Covenant

At the Hearing, Council clarified that a restrictive covenant applies only to the 10 Orchard Road property title. Council included a copy of the covenant in its submission. In relation to this covenant, Mr and Ms Mitchelmore submitted:

Sadly, some of these restrictions have been breached by later or new residents and the new City of Greater Shepparton has chosen to ignore the original covenant provisions. We believe that this rezoning proposal is a further breach of the original Shire of Shepparton plans for the amenity of the Dobson, Mehmet, Orchard and Cuthbert estates.

In response, Council submitted that any covenant breach is a legal and enforcement issue and should not prevent the future development of the land. The Proponent shared the same view and added that a covenant breach is not relevant to the Amendment.

3.2 Discussion

The Panel acknowledges that the Amendment simply seeks to rezone land and does not propose any development. There is therefore no proposal that will impact on traffic, access, drainage and sewerage. Generally, these issues can be considered during a planning scheme amendment, permit application, or both, depending on a number of factors.

The question is whether these issues should be addressed as part of this Amendment or during any subsequent planning permit application.

To inform its thinking, the Panel considered:

- Whether the issues are of a scale and nature that require provisions in the planning scheme to guide or prescribe a future permit application
- Whether all future circumstances and scenarios are currently known
- Whether the impacts of applying planning scheme provisions can be clearly understood at this stage.

Based on the three concept plans (Options A, B and C) shown in Figure 3, the subject land in its current form cannot accommodate more than 16 lots over 8 hectares. Unlike larger scale subdivisions with attributes such as collector roads, schools, sporting fields and public transport routes, the Panel considers that a 16 lot subdivision is relatively simple. Issues related to traffic, access, drainage and sewerage for a 16 lot subdivision can therefore be addressed at the planning permit stage.

The Panel agrees with Council and the Proponent that this is a relatively simple amendment to determine whether the land is suitable to be rezoned so that it can be considered for low density residential development in the future. With the exception of N and R Mitchelmore, submitters did not oppose rezoning the land to the Low Density Residential Zone.

The Amendment is unlikely to generate issues that require new planning scheme provisions beyond those in the Low Density Residential Zone and other clauses in the Greater Shepparton Planning Scheme.

The Panel considers that it is not possible to anticipate all future circumstances and scenarios to justify introducing new provisions. For example, introducing a provision to prohibit a road connection to Orchard Court means that only a layout similar to Option C could be adopted. Option C appears to address submitter concern and would result in 16 lots with no direct vehicular access to the estate; similar to Redbyrne and Cuthbert Courts. This option is likely to require some form of vehicle crossing over an existing open water channel. Detailed engineering details would be required to determine what impact this cost would have on the feasibility of the future development. This option also relies on permission from the relevant authority.

Option A is the only other option that does not have a through road. A layout similar to Option A would result in two roads that end approximately 560 metres and 680 metres from Dobsons Road. Single access roads of this length may have implications that need to be further assessed before determining their suitability. Option B aligns with Council's preferred option for a through road (for emergency purposes) but it appears to be least favoured by resident submitters. It is not clear what type of emergency that Council is referring to because the explanatory report explains that the subject land does not have a Bushfire Management Overlay and is not an area identified under the *Building Regulations 2006* as being bushfire prone for the purposes of the building control system.

The discussion above highlights why further and more detailed consideration is required and why it is not possible to introduce specific provisions at this stage. These matters would be better addressed as part of a planning permit application where detailed assessments, layouts and responses are completed and available. There will be an opportunity for neighbouring residents to submit their issues to Council as part of a future planning permit application.

In relation to existing traffic, drainage and sewerage issues, the Panel considers it unfair to require the subject land owner to address issues not generated by the Amendment or any future proposal. The extent to which a future subdivision may, or may not, contribute to existing issues will be considered during the permit stage.

The Amendment process has provided both Council and the Proponent good insight into the types of issues that surrounding residents will be seeking to address through any future permit application, when further details will be available.

Property title covenant

A covenant is a written agreement between landowners that restricts the use or development of land. It is created under the *Transfer of Land Act 1958* and is registered on the property title. The *Planning and Environment Act 1987* does not allow a planning permit to be granted if it breaches a covenant. However, this does not apply to a planning scheme amendment.

The Panel agrees with Council and the Proponent that covenant breaches are enforcement issues and are not relevant to the Amendment. Having reviewed the covenant, the Panel

found no restrictions on future dwellings, other than a mandatory minimum size. Even if the Amendment did not align with the covenant, Council should be able to implement contemporary strategic planning aspirations for the subject land, independent of covenant.

3.3 Conclusion

The Panel concludes:

- Traffic, access, drainage and sewerage issues can be satisfactorily addressed at the planning permit stage
- Restrictive covenants and their enforcement are not relevant to the Amendment
- Issues raised by the submitters do not require a change to the Amendment.

Appendix A Document list

No.	Description	Presented by
1	Submission	Council
2	Greater Shepparton Housing Strategy	Council
3	Clause 21.04 of the Greater Shepparton Planning Scheme	Council
4	Submission - Onley Consulting on behalf of the Consultant	R Mildren
5	Photographs	L James
6	Letter - Authorisation for Amendment C182	Council
7	Submission	R Mitchelmore

SUBMISSION RECORDER
AMENDMENT C182 (Dobson's Estate)

Sub No.	Organisation	Content of Submission	Assessment of Submission	Recommendation
1	Goulburn Broken Catchment Management Authority	No objection	N/A	No action required.
2	APA Group	No objection	N/A	No action required.
3	Environment Protection Authority (Victoria - North East)	No objection	N/A	No action required.
4	Goulburn Valley Water	No objection	N/A	No action required.
5	Department of Environment, Land, Water & Planning	No objection	N/A	No action required.
6	Landowner	Objection	<ul style="list-style-type: none"> * No objection to proposed development * Objection to access to the land via Orchard court either as an extension of the court or a through-road. * Opening the court would reduce the safety, peace and quietness. * Believe that access could/should be provided from Old Dookie Road only. * Would like to know when sewerage will become part of future plans for the area. 	<ul style="list-style-type: none"> * Traffic and access solutions will be finalised at the planning permit/subdivision stage. However, at this stage, Council's Development Engineering Team would prefer a second access point onto Old Dookie Road to reduce the risks associated with emergency access. This second access point is subject to developer agreement. * The land proposed to be developed is not within the sewer district. Land Capability Assessments have been provided demonstrate that effluent can be accommodated on-site. The future sewerage plans for the area should not affect the consideration of the proposed development. * Refer to Panel.
7	Landowner	Objection	<ul style="list-style-type: none"> * Objection to access to the land through an extension of Orchard Ct, which would effect the safety of the road for their family. * Concerned with the potential impact on the environment the development would have if reticulated sewerage is not required. * Landowner currently experiences drainage issues after significant rainfall events. Landowner would like to know if the proposed development will address any of these issues. 	<ul style="list-style-type: none"> * Traffic and access solutions will be finalised at the planning permit/subdivision stage. However, at this stage, Council's Development Engineering Team would prefer a second access point onto Old Dookie Road to reduce the risks associated with emergency access. This second access point is subject to developer agreement. * The land proposed to be developed is not within the sewer district. Land Capability Assessments have been provided that demonstrate that effluent can be accommodated on-site. The future sewerage plans for the area should not affect the consideration of the proposed development. * The drainage solution will be finalised at the planning permit/subdivision stage. However, the proposed development will be required to manage all stormwater on-site with no off-site impacts. Current drainage requirements will ensure that any development of the site will not exacerbate existing drainage issues. The future development of this site cannot be expected to help resolve existing drainage issues in Dobson's Estate. * Refer to Panel.
8	Goulburn-Murray Water	No objection	N/A	No action required.
9	Landowner	Objection	<ul style="list-style-type: none"> * Objection to access to the land via Orchard court either as an extension of the court or a through-road. This would impact the quiet amenity of the Court. * Landowner highlights existing issues with breaches of restrictive covenants and believes that the rezoning proposal is a breach of the original Shire of Shepparton plans for the amenity of the estate. 	<ul style="list-style-type: none"> * Traffic and access solutions will be finalised at the planning permit/subdivision stage. However, at this stage, Council's Development Engineering Team would prefer a second access point onto Old Dookie Road to reduce the risks associated with emergency access. This second access point is subject to developer agreement. * The breaching of any covenants is a legal/enforcement issue and should not prevent the future development of the land. The proposed rezoning does not breach any existing covenants. * Refer to Panel.
10	Public Transport Victoria	No objection	N/A	No action required.
11	Landowner	Objection	<ul style="list-style-type: none"> * No objection to proposed rezoning * Objection to access to the land via Orchard court either as an extension of the court or a through-road. 	<ul style="list-style-type: none"> * Traffic and access solutions will be finalised at the planning permit/subdivision stage. However, at this stage, Council's Development Engineering Team would prefer a second access point onto Old Dookie Road to reduce the risks associated with emergency access. This second access point is subject to developer agreement. * Refer to Panel.
12	Landowner	Objection	<ul style="list-style-type: none"> * No objection to proposed rezoning * Objection to access to the land via Orchard court either as an extension of the court or a through-road. * Landowner currently experiences drainage issues and raises concerns regarding additional development exacerbating these issues. 	<ul style="list-style-type: none"> * Traffic and access solutions will be finalised at the planning permit/subdivision stage. However, at this stage, Council's Development Engineering Team would prefer a second access point onto Old Dookie Road to reduce the risks associated with emergency access. This second access point is subject to developer agreement. * The drainage solution will be finalised at the planning permit/subdivision stage. However, the proposed development will be required to manage all stormwater on-site with no off-site impacts. Current drainage requirements will ensure that any development of the site will not exacerbate existing drainage issues. The future development of this site cannot be expected to help resolve existing drainage issues in Dobson's Estate. * Refer to Panel.

Planning and Environment Act 1987
GREATER SHEPPARTON PLANNING SCHEME
Notice of Preparation of Amendment
Amendment C182

Greater Shepparton City Council has prepared Amendment C182 to the Greater Shepparton Planning Scheme.

The land affected by the amendment is to two adjoining parcels of land known as 10 Orchard Court (Lot 10 on LP128818) and 275 Old Dookie Road (Lot 2 on LP115406), Grahamvale.

The amendment proposes to rezone land at 10 Orchard Court and 275 Old Dookie Road, Grahamvale from the Farming Zone (Schedule 1) to the Low Density Residential Zone.

You may inspect the amendment, any documents that support the amendment and the Explanatory Report about the amendment, free of charge, at the following locations:

- during office hours, at the office of the planning authority, Greater Shepparton City Council, 90 Welsford Street, Shepparton;
- at the Department of Environment, Land, Water and Planning website www.dtpli.vic.gov.au/publicinspection; and
- at the Greater Shepparton City Council website www.greatershepparton.com.au.

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions. In accordance with the *Planning and Environment Act 1987*, Council must make available for inspection a copy of any submissions made.

The closing date for submissions is **Tuesday, 9 June 2015**. A submission must be sent to Greater Shepparton City Council, Locked Bag 1000, SHEPPARTON VIC 3632.

The following panel hearing dates have been set for this amendment:

- directions hearing: week commencing 13 July 2015
- panel hearing: week commencing 17 August 2015

Colin Kalms
MANAGER PLANNING

Planning and Environment Act 1987

**GREATER SHEPPARTON PLANNING SCHEME
PROPOSED AMENDMENT C182
EXPLANATORY REPORT**

Who is the planning authority?

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

The amendment has been made at the request of Onleys Consulting Pty Ltd on behalf of land owners A & D Shaholli.

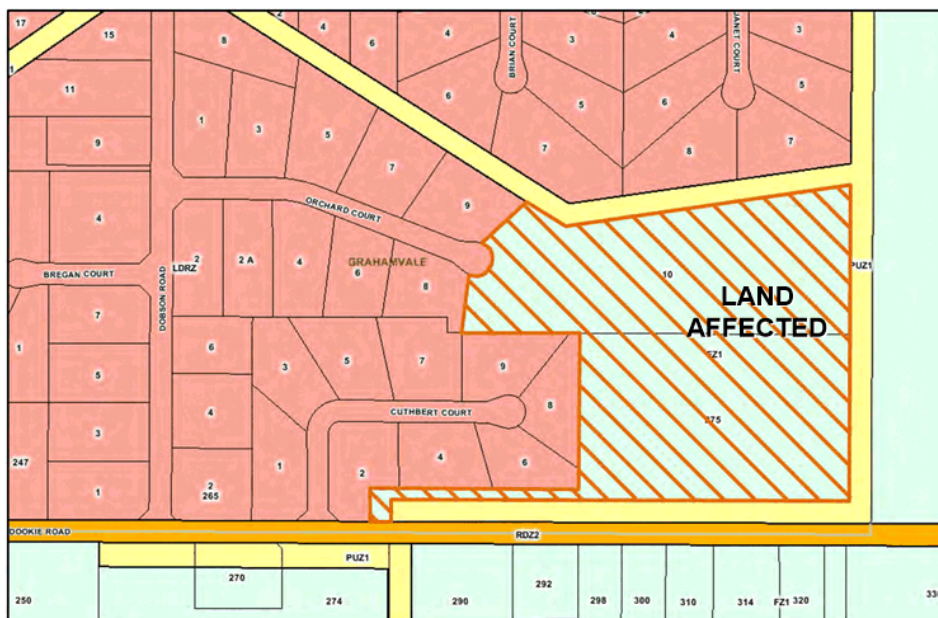
Land affected by the amendment

The amendment applies to two adjoining parcels of land known as:

- 10 Orchard Court, Grahamvale, being Lot 10 on LP128818; and
- 275 Old Dookie Road, Grahamvale, being Lot 2 on LP115406.

The land is approximately 8ha in total and is at the south eastern corner of Dobson’s Estate. The land is currently in the Farming Zone (Schedule 1) and is not affected by any overlays (see Figure 1 – Zone Map). The remainder of Dobson’s Estate is within the Low Density Residential Zone and has largely been developed for low density residential purposes.

Figure 1 – Zone Map



What the amendment does

The amendment proposes to rezone land at 10 Orchard Court and 275 Old Dookie Road, Grahamvale from the Farming Zone (Schedule 1) to the Low Density Residential Zone.

Specifically, the amendment proposes the following changes to the Greater Shepparton Planning Scheme:

- Rezone land at 10 Orchard Court and 275 Old Dookie Road, Grahamvale to the Low Density Residential Zone; and
- Amend Planning Scheme Map No. 11.

Strategic assessment of the amendment

Why is the amendment required?

A planning scheme amendment is required to implement the *Greater Shepparton Housing Strategy 2011* (GSHS). The subject land is within the settlement boundary for Shepparton and has been identified for 'potential low density' in the GSHS. The current Farming Zone provisions that apply to the land prohibit it from being used for low density residential purposes. An amendment to rezone the land to Low Density Residential Zone is, therefore, necessary to implement the recommendations of the GSHS.

The provisions of the Low Density Residential Zone will allow subdivision of the land to a minimum lot size of 4,000m² for unserviced lots. This will complement the existing low density residential character of this area.

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

The amendment will implement objectives a, c and g of planning in Victoria under Section 4 of the *Planning and Environment Act 1987* as it will facilitate the orderly, fair and economic development of low density residential land in an area designated for this type of development. The proposal seeks to balance the interests of the community through the provision of rural residential land to meet the needs of a growing municipality. It also seeks to ensure a pleasant living environment that complements the existing neighbourhood character of the area is provided.

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

Environmental Impacts

Rezoning the subject land from the Farming Zone to the Low Density Residential Zone will allow it to be developed with unserviced lots of a minimum subdivision size of 4,000m². This will achieve an appropriate outcome for land that now adjoins low density residential development on two sides.

The displacement of irrigation farming land by urban expansion has been strategically addressed within the GSHS. A settlement boundary has been established with an overall strategy of containment for the regional city. The subject land is within the settlement boundary. The containment strategy is necessary to protect the significant agricultural base of the economy from the negative impact of scattered unplanned rural residential development.

The rezoning will facilitate the use and development of the subject site for low density residential purposes. This is consistent with the aims of maintaining and improving the quality of the local environment by encouraging a consolidation of land use with adjoining and adjacent low density residential development. The subject land is abutted on two sides by land already developed for low density residential purposes. There will be no loss of the municipality's natural environmental and habitats as may be the case if ad hoc non-contiguous rezoning was supported elsewhere in the Farming Zone.

There are no significant adverse environmental impacts associated with this amendment.

Social Impacts

The proximity of residential land use makes productive farming on the subject land very difficult. The subject land is better suited to low density residential use. Therefore use and development of this site as an integrated residential estate will assist in reducing pressure on economically viable agricultural land to the east of Shepparton, and will assist in protecting the valuable economic contribution that agriculture and the farming sector make to the local, regional and state economy.

There are no significant adverse social implications associated with this amendment.

Economic Impacts

An increase in residential development in this area, in close proximity to the Shepparton Urban Area will increase the number of people utilising existing services and facilities in the Dobson's Estate area, thus making these facilities more financially viable and encouraging new investment in the town. The subject land is also within close proximity to social services, infrastructure and entertainment provided in the Shepparton urban centre, thus providing the city with another sustainable diversified housing option.

There are no significant adverse economic implications associated with this amendment.

Does the amendment address relevant bushfire risk?

The amendment has been assessed to determine whether it will cause any increase to the risk to life (as a priority), property, community infrastructure or the natural environment from bushfire.

The amendment is consistent with the Local Planning Policy Framework objectives and strategies that apply to bushfire risk. The amendment site is not included within the Bushfire Management Overlay. The amendment site is not within an area identified under the *Building Regulations 2006* as being bushfire prone for the purposes of the building control system.

The Country Fire Authority will be provided with an opportunity to comment on this proposal during the formal exhibition process associated with this planning scheme amendment.

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

This proposed 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* and is consistent with Ministerial Direction No 11 – *Strategic Assessment of Amendments*.

Ministerial Direction 1 – Potentially Contaminated Land requires Council to consider the potential for the site to be contaminated, given historical uses, and to satisfy itself that the land is suitable for the proposed use.

A Limited Environmental Site Assessment has been undertaken. The assessment concluded that *"there were no locations sampled at which soil contaminant concentrations exceeded the guideline values adopted for the protection of human health in a residential setting"*. This assessment provides confidence that the proposed use of the site is suitable, given the historical use of the site for horticulture.

The amendment complies with the Minister's Directions that are applicable to the amendment.

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

The State Planning Policy Framework (SPPF) objective for urban settlement (Clause 11) aims to ensure that a sufficient supply of land is available for residential, commercial, industrial, recreational, institutional and other public uses. The clause also aims to facilitate the orderly development of urban areas.

The objective for Planning for Growth (Clause 11.10-3) is *“to focus growth and development to maximise the strengths of existing settlements”*. A policy of this clause is to consider the *Hume Regional Growth Plan 2014* (HRGP). The amendment aims to implement the HRGP as it supports residential growth in a *‘major growth location’*.

The SPPF (Clause 16.01, 18 & 19.03) encourages new housing which is of a high standard of design, enhances liveability and residential amenity whilst being cost effective. It states that cost effective development is that which is integrated with existing and future infrastructure, such as schools, health services and water supply.

The amendment is consistent with these objectives for the following reasons:

- It facilitates the development of the last remaining portion of an established low density residential estate and utilises the infrastructure already provided for this estate, such as gas, electricity and water. The estate does not have sewer access but individual homes can be connected to a septic system. A Land Capability Assessment has been undertaken in consultation with Goulburn-Murray Water regarding suitability for on-site waste water treatment and disposal, and in principle approval has been given.
- It will minimize the impact of new development on the environment by avoiding development which is remote from existing infrastructure and which may be of adverse impact on other genuine nearby farming land in other locations
- It will allow for a diverse housing choice for the population, through the development of larger than average residential lots (minimum 4,000m² unserviced lots under the Low Density Residential Zone) thus enhancing lifestyle choices for residents.

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

The Municipal Strategic Statement (MSS) sets out the requirements for an increase in residential land to accommodate the projected future growth of Shepparton, whilst protecting high quality, productive agriculture land. The MSS also recognises that the demand for rural residential land exceeds supply.

Clause 21.04 *Settlement* of the Greater Shepparton Planning Scheme sets out the projected growth and strategies for housing, as per the findings of the *Greater Shepparton Housing Strategy 2011* (GSHS). The Shepparton East Growth Management Plan within the GSHS highlights the amendment site for *‘Potential Low Density, 0-5 years’*.

The objective of Clause 21.04-3 *Rural residential* is *“to provide land for rural residential purposes, without impacting on the long-term growth potential of urban centres or productive agricultural land”*. The amendment implements the strategies within Clause 21.04-3 as it is in a location that is identified on the Shepparton East Framework Plan as being within an area designated for *‘potential low density’*.

The proposed amendment implements Clause 21.04 of the Greater Shepparton Planning Scheme and the GSHS, which is a reference document, by rezoning the land to the Low Density Residential Zone.

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

This proposal seeks to include the land within the Low Density Residential Zone.

The relevant purpose of the Low Density Residential Zone at Clause 32.03 of the planning scheme is to “provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater”.

The GSHS identifies the subject site for low density residential purposes. The Low Density Residential Zone is therefore the appropriate zone to allow for the low density residential development of the land.

The amendment makes proper use of the Victorian Planning Provisions.

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

The views of Goulburn-Murray Water have been considered regarding treatment of waste water and a land capability assessment has been undertaken. Goulburn-Murray Water has indicated that it is satisfied with the proposal.

The views of VicRoads have also been sought regarding Old Dookie Road. VicRoads has indicated that, because Old Dookie Road is in the Road Zone – Category 2, it is considered to be a Council road. VicRoads did not raise any objections to the proposed rezoning.

All relevant referral authorities will be notified with a copy of the proposed amendment during exhibition and will be offered an opportunity to comment.

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

The purpose of the *Transport Integration Act 2010* is to create a new framework for the provision of an integrated and sustainable transport system in Victoria. The vision statement recognises the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible State.

The objectives of the *Transport Integration Act 2010* relate to social and economic inclusion, economic prosperity, environmental sustainability, integration of transport and land use, efficiency, coordination and reliability, and safety and health and wellbeing.

Given the rural living outcomes intended by this amendment, any future development will result in a negligible detrimental impact regarding traffic on the surrounding road network. The amendment will not have any significant impact on the transport system, as defined by Section 3 of the *Transport Integration Act 2010*.

The Minister has not prepared any statements of policy principles under Section 22 of the *Transport Integration Act 2010*, therefore no such statements are applicable to this amendment.

The amendment will not have a significant impact on the transport system, considering the very limited development opportunity it creates and the established road network within, and to and from the area.

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 no costs incurred by the responsible authority. Amendment costs will be met by the proponent of this amendment. This includes any costs associated with an Independent Planning Panel, if required.

Where you may inspect this Amendment

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

Greater Shepparton City Council
90 Welsford Street
Shepparton

The amendment can also be inspected free of charge at:

- the Department of Environment, Land, Water and Planning website at www.dtpli.vic.gov.au/publicinspection; or
- the Greater Shepparton City Council website at www.greatershepparton.com.au.

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by **Tuesday, 9 June 2015**.

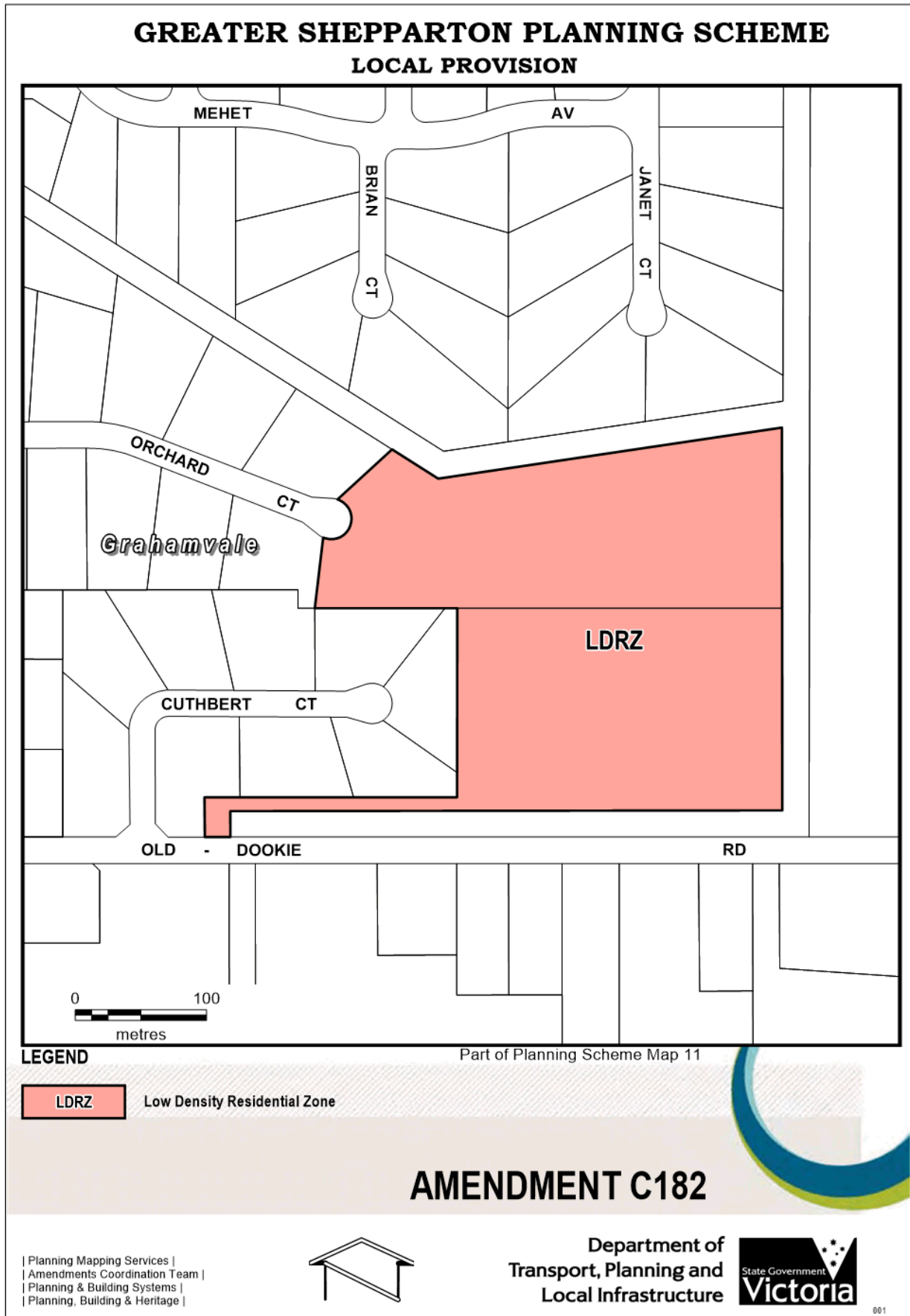
A submission must be sent to:

Greater Shepparton City Council
Locked Bag 1000
Shepparton VIC 3632

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: week commencing 13 July 2015
- panel hearing: week commencing 17 August 2015



*Planning and Environment Act 1987***GREATER SHEPPARTON PLANNING SCHEME****AMENDMENT C182****INSTRUCTION SHEET**

The planning authority for this amendment is Greater Shepparton City Council.

The Greater Shepparton Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 1 attached map sheet.

Zoning Maps

1. Amend Planning Scheme Map No 11 in the manner shown on the 1 attached map marked "Greater Shepparton Planning Scheme, Amendment C182".

End of document