

# **GREATER SHEPPARTON PLANNING SCHEME**

## **AMENDMENT C212**

### **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 Greater Shepparton City Council.

#### **Land affected by the Amendment**

The Amendment applies to land in the townships within the City of Greater Shepparton.

Specifically, the table below describes land directly affected by the Amendment.

<b>ADDRESS</b>	<b>CURRENT DESIGNATION IN FRAMEWORK PLAN</b>	<b>PROPOSED DESIGNATION IN FRAMEWORK PLAN</b>
<b>Congupna</b>		
<b>Part of 226 Old Grahamvale Road, Congupna (existing Public Acquisition Overlay)</b>	Potential Low Density	Public Acquisition Overlay – no residential growth proposed
<b>Dookie</b>		
<b>N/A</b>	No changes proposed	No changes proposed
<b>Katandra West</b>		
<b>236 Hickey Road, Katandra West</b>	Outside settlement boundary – no residential growth proposed	Include within settlement boundary as Potential Low Density
<b>Merrigum</b>		
<b>N/A</b>	No changes proposed	No changes proposed
<b>Murchison</b>		
<b>N/A</b>	No changes proposed	No changes proposed
<b>Tallygaroopna</b>		
<b>N/A</b>	No changes proposed	No changes proposed
<b>Tatura</b>		
<b>95 Dhurringile Road, Tatura</b>	Outside settlement boundary – no residential growth proposed	Outside settlement boundary with arrow denoting Future Long Term Growth
<b>117 Dhurringile Road, Tatura</b>	Outside settlement boundary – no residential growth proposed	Outside settlement boundary with arrow denoting Future Long Term Growth

<b>155 Dhurringile Road, Tatura</b>	Outside settlement boundary – no residential growth proposed	Outside settlement boundary with arrow denoting Future Long Term Growth
<b>195 Dhurringile Road, Tatura</b>	Potential Low Density	Urban Growth Area
<b>28 Ferguson Road, Tatura</b>	Potential Low Density	Urban Growth Area
<b>85 Ferguson Road, Tatura</b>	Potential Rural Living	Part Potential Low Density and part Potential Rural Living
<b>110 Ferguson Road, Tatura</b>	Potential Low Density	Part Urban Growth Area and part Potential Rural Living
<b>895 Pyke Road, Tatura</b>	Part Potential Rural Living and part Potential Low Density	Potential Low Density
<b>Toolamba &amp; Old Toolamba</b>		
<b>85 Bridge Road, Toolamba</b>	Outside settlement boundary – no residential growth proposed	Outside settlement boundary with arrow denoting 'Future Long Term Growth'
<b>91 Bridge Road, Toolamba</b>	Outside settlement boundary – no residential growth proposed	Outside settlement boundary with arrow denoting 'Future Long Term Growth'
<b>Part of 335 Rutherford Road, Toolamba</b>	Investigation Area 6 and arrow denoting 'Future Long Term Growth'	Part Investigation Area without arrow denoting 'Future Long Term Growth', revision of settlement boundary to north of the Public Acquisition Overlay (PAO) – part PAO and part no residential growth proposed
<b>Undera</b>		
<b>1915 Echuca Road, Undera</b>	Potential Rural Living	No residential growth proposed

## What the amendment does

The Amendment seeks to implement the recommendations of the *Greater Shepparton Townships Framework Plan Review, 2018* by revising the Framework Plans in the Municipal Strategic Statement of the Greater Shepparton Planning Scheme (Planning Scheme).

Specifically, the Amendment proposes the following changes to the Planning Scheme:

- Amend Clause 21.04 *Settlement* to implement the updated Framework Plans for the townships and revise relevant policy; and
- Amend Clause 21.09 *Reference Documents* to include the *Greater Shepparton Townships Framework Plan Review, 2018*.

## Strategic assessment of the Amendment

### Why is the Amendment required?

The *Greater Shepparton Housing Strategy, 2011* (GSHS) was prepared to guide the long term identification and provision of residential land within the municipality. The GSHS was implemented into the Planning Scheme in 2012 via Amendment C93.

Since the gazettal of Amendment C93, several parcels of land displayed in the Framework Plans have been rezoned. The Framework Plans must be updated to reflect these rezonings as requested by the Department of Environment, Land, Water and Planning.

The *Greater Shepparton Townships Framework Plan Review, 2018* (the Review) was prepared to complement and build upon the work undertaken through the GSHS.

The Amendment is required to implement the key recommendations of the Review. By implementing the Review, the Amendment will:

- assist in maintaining a supply of land to accommodate projected population growth over at least a 15 year period;
- give general guidance about land suitable for residential growth beyond 2031;
- provide guidance for a diversity of dwelling types and sizes in townships; and
- update existing Framework Plans in Clause 21.04 *Settlement* to revise anomalous mapping errors to present accurate and clear intentions for future growth.

The Review supports the growth of Greater Shepparton's townships in a consolidated and sustainable manner, and protects sensitive land uses in accordance with the objectives of Planning in Victoria. In addition, the Amendment implements the Victoria Planning Provisions and the *Hume Regional Growth Plan 2014*.

### **How does the Amendment implement the objectives of planning in Victoria?**

The Amendment implements the following objectives for planning in Victoria as outlined in Section 4 of the *Planning and Environment Act 1987*:

- 4(1)(a) – *to provide for the fair, orderly, economic and sustainable use and development of land;*
- 4(1)(b) – *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- 4(1)(f) – *to facilitate development in accordance with the objectives set out in paragraphs (a), (b) and (f); and*
- 4(1)(g) – *to balance the present and future interests of all Victorians.*

The Amendment implements the objectives of planning in Victoria by facilitating the sustainable use and development of land in Greater Shepparton's townships in accordance with adopted Framework Plans.

The Framework Plans seek to balance environmental, social and economic impacts, including supply and demand, provision of services, flooding and bushfire hazards, and provide a clear and orderly framework to guide residential development over a 20 year time horizon.

### **How does the Amendment address any environmental, social and economic effects?**

#### *Environmental effects*

The Amendment has no negative impacts on the environment. The Review seeks to encourage development in specific areas of low ecological value subject to significant investigation and preparation of background studies.

The *Planning and Environment Act 1987* “seeks to *provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity*”. The Amendment meets this objective by ensuring the settlement boundary recognises and protects sensitive areas of high ecological significance from inappropriate urban development.

#### *Social effects*

The Amendment will result in a net community benefit. Rigorous assessment of population trends are continuously being undertaken by Council. Currently there is a demand for residential land in several townships in Greater Shepparton. In addition to this, several townships are currently experiencing moderate levels of population growth. The Amendment will seek to facilitate this growth in an appropriate manner.

Land directly affected by the Amendment is in close proximity to existing community facilities and social infrastructure.

As part of the preparation of the Review, consultation was undertaken with internal Council Departments, relevant referral authorities and agencies, and affected land owners. The draft Review was released for public comment from 26 March to 27 April 2018 and a final Review was adopted by Council at the Ordinary Council Meeting held on 18 September 2018. It is considered that an appropriate level of consultation has occurred and the requirements requested by all key stakeholders have been met.

There are no significant adverse social implications that will arise as a result of the Amendment.

#### *Economic effects*

There are no adverse economic effects associated with the Amendment. The Amendment balances the interests of the community and ensures that appropriate land can be made available for residential growth. This will achieve positive benefits for housing affordability, create a mix of housing types and generate local construction employment opportunities.

#### **Does the Amendment address relevant bushfire risk?**

The Objective of Clause 13.02 *Bushfire* is to prioritise the protection of human life over all other policy considerations. In response to this, the Amendment will strengthen the resilience of future settlements and communities by directing population growth in the townships to low bushfire risk areas.

Land directly affected by the Amendment is located away from areas of vegetation that potentially pose a significant bushfire hazard to future residents. As part of any future development proposal, bushfire risk will be assessed and mitigated, where necessary.

The inclusion of the Bushfire Management Overlay (BMO) within the Framework Plans provides greater clarity about land that is at risk of bushfire.

*The Strategy of Clause 13.02 Bushfire - Settlement Planning – Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use development.*

The Amendment does not exacerbate bushfire risk to existing and future residents as no land is being rezoned to accommodate a sensitive land use as part of this Amendment.

The Amendment is consistent with the Local Planning Policy Framework objectives and strategies that apply to the risk of bushfire.

The CFA was consulted as part of the Draft Review and provided advice to Council.

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

The Amendment is consistent with the following Ministerial Directions under sections 7 and 12 of the Act.

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The following Ministerial Directions are applicable to the consideration of the Amendment:

- Ministerial Direction No. 1 *Potentially Contaminated Land*

The purpose of this Direction is to ensure that potentially contaminated land is suitable for a use which is proposed to be allowed under an amendment to a planning scheme and which could be significantly adversely affected by any contamination.

Most of the land associated with the Amendment has been historically used for various agricultural uses. As part of a future planning scheme amendment to rezone land for a sensitive land use, an environmental site assessment will need to be undertaken by a suitably qualified consultant. This will include investigation, specific site assessment and recommendations for remediation, if necessary. Prior to the approval of any future planning scheme amendment seeking to rezone land, the planning authority will satisfy itself that the environmental conditions of the land are or will be suitable for a sensitive use.

- Ministerial Direction No. 11 *Strategic Assessment of Amendments*

The purpose of this Direction is to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. An amendment to a planning scheme requires an explanatory report to address all relevant strategic planning considerations. The preparation of this explanatory report complies with this Direction.

- Ministerial Direction No. 19 *Part A: Ministerial Direction on the Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health*

The purpose of this Direction is to require planning authorities to seek the views of the Environment Protection Authority (EPA) in the preparation of planning scheme reviews and amendments that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste.

The views of the EPA were sought in February 2018. During public exhibition of this Amendment, feedback from the EPA will be sought a second time. As part of any future planning scheme amendment seeking rezoning of land, the EPA will be notified and their feedback sought. Any environmental site assessment prepared by a suitably qualified consultant seeking rezoning of land to a sensitive land use will be subject of the satisfaction of the EPA.

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

The Amendment is supported by the following State Planning Policies:

- The Strategies to Clause 11.02-1S *Supply of urban land* – *Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development and - ensure that sufficient land is available to meet forecast demand.*

The Amendment sets out the orderly structure and delivery of land for a residential purpose for the townships in the municipality. The Amendment will also reflect current growth patterns and appropriately guide sensitive land uses to establish in areas suitable to host it.

- The Strategies to Clause 11.02-2S *Structure planning* – *Ensure effective planning and management of the land use and development of an area through the preparation of relevant plans.*

The Amendment will provide clear direction on the appropriate location for future residential land use in the townships and identify land capable of hosting higher residential densities in the Framework Plans.

- Clause 12.01 *Biodiversity* – *Strategically Plan for the protection and conservation of Victoria's important areas of biodiversity.*

All land directly affected by the Amendment is considered to be of low ecological value having been historically used for intensive horticultural and agricultural practices. As part of a future planning scheme amendment, all land that is directly affected by the Amendment will be subject to an environmental site assessment prior to a rezoning for a sensitive land use. The Amendment will not be of detriment to any environmentally significant areas.

- The Strategy to Clause 13.02 Bushfire – Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.

The land directly affected by the Amendment is not impacted upon by the BMO. The CFA was contacted in February 2017. Further, the Amendment will be referred directly to the CFA inviting them to make further comments as part of the Amendments formal exhibition process. Any future planning scheme amendment proposing to rezone land to accommodate a sensitive use will be subject to the discretion of the CFA.

The Amendment supports the strategy of Clause 13.02 Bushfire by ensuring that all future planning scheme amendments seeking to rezone land to cater for a sensitive use are subject to bushfire risk assessments undertaken to the satisfaction of the CFA, if deemed necessary.

- The Strategy to Clause 13.03 Floodplain Management - Avoid intensifying the impact of flooding through inappropriately located use and development.

The Amendment supports this strategy by ensuring that urban sprawl and urban densification is minimised in flood-affected land. Preparation of the Review has taken the municipality's flat nature into account and designated flood-free land suitable for a sensitive land use.

A future planning scheme amendment to change the identified use of specific parcels of directly affected land by this Amendment will be required before any future works can commence. A stormwater management plan and drainage strategy will be required by the relevant floodplain manager before any future rezoning of land can occur.

- The Strategy to Clause 16.01-2S Location of Residential Development – Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.

The Framework Plans specify the settlement boundary for the townships and a direction for future growth. The Strategy updates the Framework Plans to reflect current growth trends and identifies future residential growth in specific land adjacent to existing urban development.

- The Strategy to Clause 18.01-1S Integrated Transport – to create a safe and sustainable transport system by integrating land use and transport.

Land directly affected by the Amendment is not proposed to be rezoned as part of Amendment C212. Upon receipt of any future rezoning request for the subject any land identified in the Amendment framework plans, all relevant authorities would be consulted with as part of the planning scheme amendment process to better understand their requirements. Amongst other things, a Traffic Impact Assessment Studies would need to be undertaken prior to support the rezoning request to any future rezoning request for land to host a sensitive land use to ensure that any future development is served by an appropriate transport network and that there are no negative impacts on the existing transport network. This would need to be undertaken before any land is rezoned.

- The Strategy to Clause 18.01-2S Transport system – Coordinate development of all transport modes to provide a comprehensive transport system.

The Amendment identifies land that may accommodate some residential or rural residential development be capable of hosting a sensitive land use being developed for a residential use, subject to the completion of appropriate background reports. The subject land is not located near existing transport facilities. Upon rezoning of the subject land, background These studies reports will need to be prepared to ensure that any future development is served by an appropriate transport network and that there are no negative impacts on the existing transport network. This would need to be undertaken before any land is rezoned the nexus between key transport routes and sensitive land uses are

~~interfaced with appropriate buffers to ensure nominal negative impacts on future residents.~~

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

The Amendment strengthens and supports the Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) as follows:

Clause 21.04 Settlement - This policy provides strategic direction for residential growth in the municipality. This policy includes Framework Plans to guide development in areas across Greater Shepparton, including the townships. The Framework Plans direct urban growth and densification to specific growth corridors capable of accommodating a sensitive land use.

In order to respond to the current levels of growth in the townships, the Framework Plans have been reviewed. The Amendment aims to meet the residential growth objectives outlined in Clause 21.04 *Settlement* by implementing current and robust Framework Plans for future sensitive land uses that will create a variety of future housing types. The Amendment guides and supports infill housing to be further developed in established residential areas whilst being responsive to the established character of the townships.

The Amendment further supports the objectives of Clause 21.04 *Settlement* by facilitating high quality living environments which balance the needs of residents for housing and employment opportunities with agricultural and ecological assets. The Amendment facilitates a variety of sensitive land use options that will be the subject of future planning scheme amendments which will improve housing choice within the municipality.

Clause 21.05 Environment – The policy aims to protect flora and fauna in the municipality as well as the protection and management of natural landscape features.

The Amendment protects areas of high ecological significance whilst facilitating residential growth. Expansion of the townships will be guided in accordance with the Framework Plans encouraging all future residential land uses within the settlement boundary away from areas of ecological significance.

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The Amendment is in accordance and makes proper use of the Victoria Planning Provisions.

The Amendment is in accordance with the residential growth objectives of the *Hume Regional Growth Plan 2014* and Clause 11.01-1R *Settlement – Hume* by supporting growth and development in existing urban settlements and fostering the sustainability of small rural settlements.

The most appropriate planning tool to give effect to the Victoria Planning Provisions is to include the updated framework plans for the townships into the Planning Scheme in Clause 21.04 *Settlement* and include the Review as a reference document in Clause 21.09 *Reference Documents* in the Local Planning Policy Framework.

### **How does the Amendment address the views of any relevant agency?**

Preliminary consultation on the draft Review was undertaken in February 2018. Various referral agencies provided comments regarding the locations of their assets, and highlighted referral requirements for building and planning permit applications. Their views, where possible, were incorporated into the final document.

The views of all relevant referral agencies will be further sought during formal exhibition period of the Amendment.

### **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 Amendment complies with the requirements of the *Transport Integration Act 2010*.

It is expected that the Amendment will have an impact on the local transport system in the townships in terms of an average increase in private vehicles using the existing road network. However it is anticipated that the existing transport network can comfortably accommodate an increase in private vehicles.

Land directly affected by the Amendment is considered to be within walking distance of existing community facilities. By identifying growth areas within a close proximity to existing public transport facilities and commercial centres in the townships, the Amendment will promote effective integration of public transport and land use.

Greater Shepparton acts as a vital logistical hub for North Victoria, with strong connections to Metropolitan Melbourne for employment, educational and recreational services.

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.

### **Resource and administrative costs**

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

The Amendment facilitates future planning scheme amendments that will seek to rezone land identified in the Review to accommodate residential uses. The fees for such planning scheme amendments and, if necessary, Independent Planning Panel fees will be borne by the proponent of such an amendment. Council is sufficiently resourced to accommodate these future planning scheme amendments within the strategic work program.

### **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 or online at the Greater Shepparton City Council website at [www.greatershepparton.com.au](http://www.greatershepparton.com.au); and
- The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

### **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 **Monday, 8 April 2019**.

A submission must be written and lodged:

- via email to: [council@shepparton.vic.gov.au](mailto:council@shepparton.vic.gov.au)
- or via mail 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 Monday, 17 June 2019**
- panel hearing: **Week commencing Monday, 22 July 2019**