

# **ATTACHMENT TO AGENDA ITEM**

Ordinary Meeting

16 September 2014

**Agenda Item 9.5      Adoption of Amendment C172 to the Greater Shepparton Planning Scheme - 7720 Goulburn Valley Highway, Kialla rezoning to Neighbourhood Residential Zone**

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Planning and Environment Act 1987

**GREATER SHEPPARTON PLANNING SCHEME**

**PROPOSED AMENDMENT C172**

**EXPLANATORY REPORT**

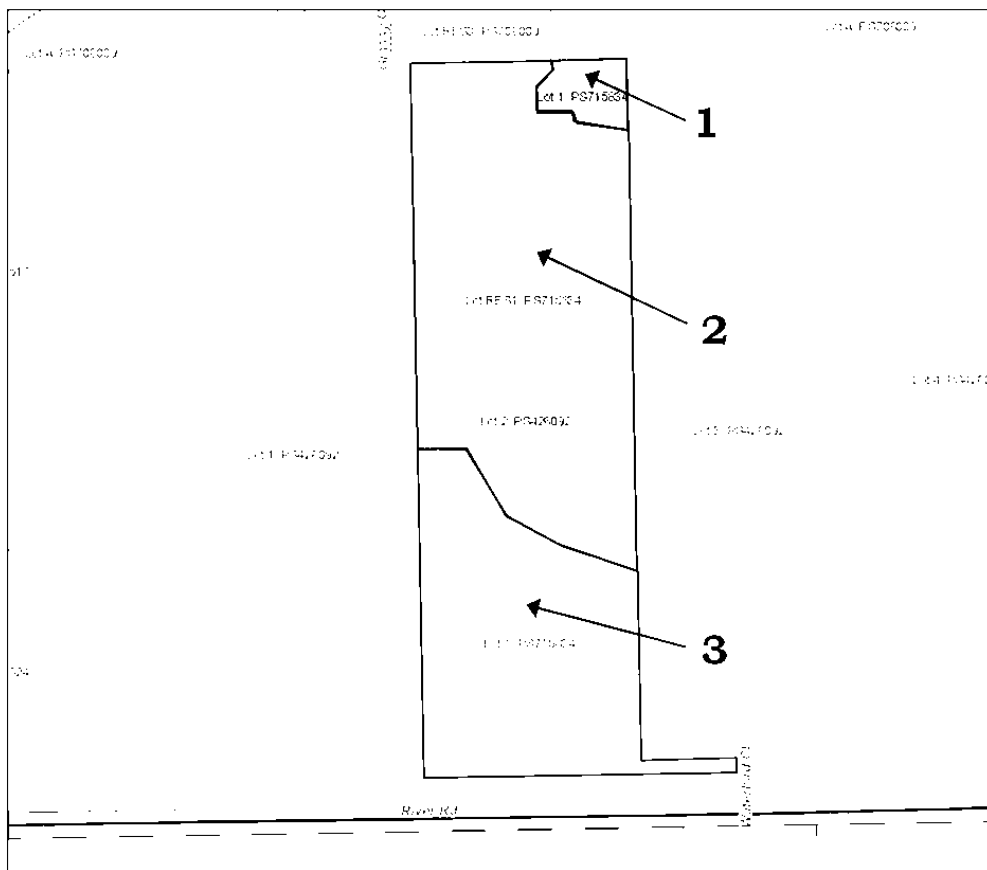
**Who is the planning authority?**

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 Chris Smith & Associates Pty Ltd on behalf of Kavant Management Pty Ltd.

**Land affected by the amendment**

The amendment applies to land at 7720 Goulburn Valley Highway, Kialla. This comprises three identifiable sections, as shown on *Figure 1*, below.



*Figure 1 - Subject Site*

1. Potential residential site – the north-eastern section of the subject site has an area of 2,992m<sup>2</sup> and is currently within the Rural Living Zone. This site was identified on the Kialla Lakes South Development Plan as 'subject to future rezoning', as shown in *Figure 2*, below.
2. Council reserve – the central section of the subject site has an area of 5.11ha and is mostly within the Urban Floodway Zone. This Council reserve was created for the purpose of accommodating drainage infrastructure and was included within the Kialla Lakes South Development Plan, as shown in *Figure 2*, below. This area will also function as part of the larger open space network for Kialla Lakes South Estate.
3. Rural living land – this section of the subject site is located to the south of the Council reserve and has an area of approximately 3.2ha. It will not be rezoned as part of this planning scheme amendment and will retain access from Waterbird Court to the south functioning independently of the northern sections of the subject site.

The potential residential site and Council reserve were intended to form part of the Kialla Lakes South development subject to a future planning scheme amendment. They were included in the specialist studies and supporting documentation for Amendment C71 to the Greater Shepparton Planning Scheme. Amendment C71 rezoned the land to the north, known as Kialla Lakes South Estate, and included these lands within Schedule 11 to the Development Plan Overlay.

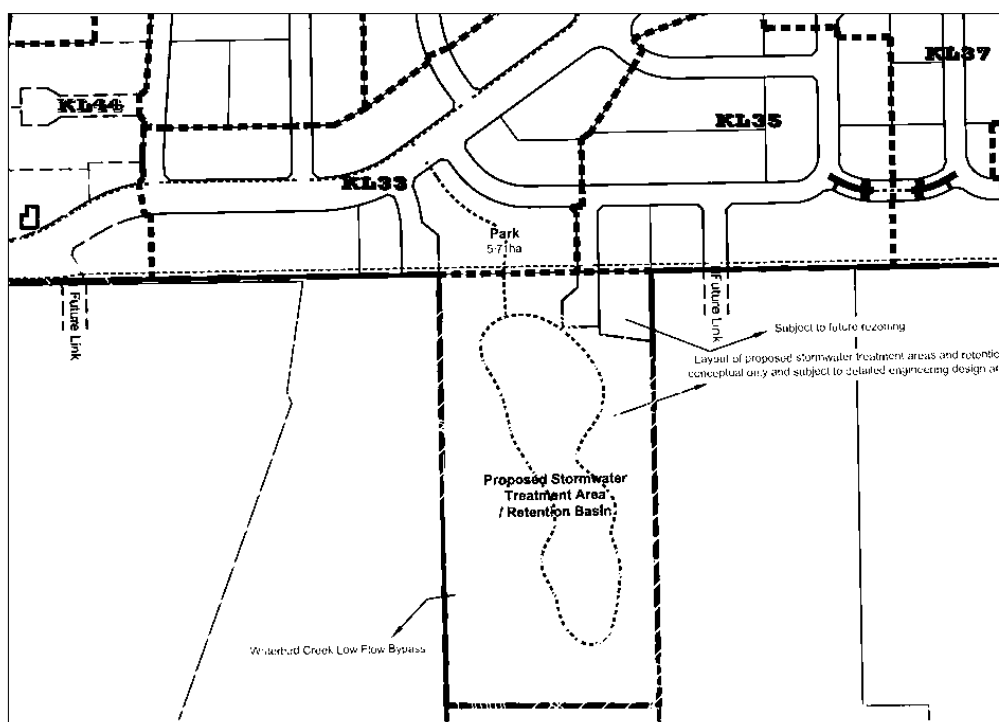


Figure 2 - Extract from the Kialla Lakes South Development Plan

The subject site is currently within the Rural Living Zone and partially within the Urban Floodway Zone. It is also affected by Schedule 1 to the Development Plan Overlay and the Land Subject to Inundation Overlay.

### **What the amendment does**

The amendment proposes to rezone the north-eastern portion of the subject site from the Rural Living Zone to the Neighbourhood Residential Zone. It also proposes to remove Schedule 1 to the Development Plan Overlay from the entire site and apply Schedule 11 to the Development Plan Overlay over the potential residential site and the Council reserve. The southern portion of the site, which is proposed to remain within the Rural Living Zone, will not be included within the Development Plan Overlay.

The amendment proposes the following:

- Rezone the north-eastern portion of the subject site from the Rural Living Zone to the Neighbourhood Residential Zone;
- Remove the Development Plan Overlay Schedule 1 from all of the land;
- Apply the Development Plan Overlay Schedule 11 to the part of the subject site;
- Amend Planning Scheme Map 11; and
- Amend Planning Scheme Map 11DPO.

### **Strategic assessment of the amendment**

#### **• Why is the amendment required?**

The amendment is required to permit residential development on the subject site. The amendment will allow a small portion of land to be rezoned for residential purposes and developed accordingly with a two lot subdivision (subject to a future planning permit application). The current zone provisions (Rural Living Zone) provide for residential use in a rural environment and do not provide for conventional residential sized allotments.

The application of Schedule 11 to the Development Plan Overlay (DPO11) will ensure that any development of the land occurs in accordance with the existing Kialla Lakes South Development Plan.

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

The amendment implements the following objectives a, b, c, e, f and g of planning in Victoria, as follows:

- a) *to provide for the fair, orderly, economic and sustainable use, and development of land;* by making provision for the proposed Neighbourhood Residential Zone land to be developed in accordance with the Kialla Lakes South Development Plan approved under Schedule 11 to the Development Plan Overlay.
- b) *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;* by ensuring that the site, when developed, is safe from flooding and bushfire and enabling full implementation of the Kialla Lakes South Stormwater Management Plan which incorporates the realignment of Waterbird Creek and enables the creation of an appropriate drainage system for the Kialla Lakes South development.

- c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria; by facilitating development in accordance with an approved development plan.*
- e) *to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; as servicing infrastructure and the road network in Kialla Lakes South has been designed to accommodate the land being rezoned to residential.*
- f) *to facilitate development in accordance with the objectives set out in the paragraphs above; and*
- g) *to balance the present and future interests of all Victorians; by facilitating development within a recognised development corridor and ensuring that an appropriate level of supply of residential land in a serviceable location is provided.*

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

There will be no adverse environmental effects as a result of this proposed amendment. The subject site was highly modified for agricultural purposes many decades ago and has been cleared of all significant native vegetation.

As part of Amendment C71, a Flora and Fauna Assessment and an Aboriginal Cultural Heritage Assessment were carried out. Neither assessment found any significant features. The land was also subject to an assessment for the presence of contaminants associated with agricultural use and has been deemed suitable for residential use.

Stormwater management for the amendment site has been catered for as part of the Kialla Lakes South development and is included in the approved Kialla Lakes South Stormwater Management Plan. The northern portion of the amendment site will drain to the existing Council drainage basin within the abutting reserve and the land remaining within the Rural Living Zone will continue to drain into Waterbird Creek.

There will be no external impacts caused by this amendment or the future residential development it seeks to facilitate.

The proposed amendment will have positive social effects as it will enable unconstrained land, in an appropriate location, to be developed for residential purposes. This will provide additional housing choice within the municipality and Kialla in particular. The rezoning will also provide a residential 'link' to the drainage basin to the south and improve passive surveillance in this area.

It is expected that the proposed amendment will have positive economic effects for the municipality as it ensures that land which can be efficiently serviced, developed and delivered to the community at an affordable cost.

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

The amendment meets the objectives and gives effect to the strategies designed to address the risk to life as a priority, property, community infrastructure and the natural environment from bushfire in the State Planning Policy Framework (Clause 13.05-1) as the site is not exposed to extreme bushfire hazard and the site is located within the urban growth boundary.

The Country Fire Authority (CFA) was consulted in the preparation of the amendment and is satisfied that the amendment has appropriately applied the principles of avoiding growth in areas of extreme risk, managing growth in areas of high risk and supporting growth in areas of low risk.

The amendment is consistent with the Local Planning Policy Framework objectives and strategies that apply to bushfire risk. No local policy for bushfire risk management is required to support the amendment. It is submitted that the amendment site is within an area identified under the *Building Regulations 2006* as being bushfire prone for the purposes of the building control system. Accordingly, appropriate measures will be implemented as part of the issuing of the building permit for a dwelling.

The CFA will be provided with further 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?**

The amendment is affected by the Ministerial Directions under sections 7 and 12 of the *Planning and Environment Act 1987* (the Act).

The amendment (including the amendment documentation and the proposed planning controls) is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

Under section 12(2) of the Act, the following Minister's Directions are applicable to the consideration of this amendment:

Ministerial Direction No 1 – Potentially Contaminated Land

This direction states as a purpose: *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.* The amendment site has a long history of agricultural use. Therefore, this direction applies to this amendment.

Amendment C71 rezoned the land to the north, namely Kialla Lakes South Estate. As part of that amendment, Coffey Geosciences Pty Ltd completed a Limited Environmental Site Assessment, which included the amendment site. This report, dated 30 July 2004, concludes that the land is suitable for residential use. Given that the use of the land has remained unchanged since the date of the assessment and remains in the same ownership, it is unlikely that this has changed since the assessment was initially undertaken.

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. It requires an explanatory report to discuss how the amendment addresses certain strategic considerations. The

preparation of this explanatory report relating to this amendment complies with this direction.

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

The State Planning Policy Framework states that *planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.*

The proposed amendment upholds the following clauses:

- 11.02 Urban Growth by ensuring that additional land is made available for residential purposes and in doing so enabling the orderly development of Kialla Lakes South and creating a consolidated urban area that makes efficient use of existing community and servicing infrastructure.
- 12 Environmental & Landscape Values by enabling development of land that does not contain any flora or fauna of significance. The site has been significantly disturbed over time due to agricultural pursuits and the future development of the site will have no impact on any nearby features such as Waterbird Creek. Waterbird Creek has been significantly altered and its realignment, as part of the implementation of the Kialla Lakes Stormwater Management Plan, has been approved by all relevant authorities. The southern portion of the amendment site will remain rural living and will be used for such purposes.
- 13.02 Floodplains by ensuring any future development is protected from flood hazard. The northern portion of the amendment site is affected by the LSIO, as is the majority of Kialla Lakes South residential estate. However, this amendment will not cause risk to life and property due to flooding, nor will it have any negative impact on the flood carrying capacity of the nearby floodway.
- 13.05 Bushfire by rezoning land that is located within the urban growth boundary and not exposed to extreme bushfire hazard.
- 15.01 Urban Environment by enabling the full implementation of the Kialla Lakes South Development Plan which will create an attractive, safe, functional urban environment.
- 16.01 Residential Development by enabling the future development of residential lots within an existing, and continuously growing, residential area.
- 19 Infrastructure by making most efficient use of servicing and community infrastructure associated with the Kialla Lakes South residential development, and within the municipality.

Based on the above, it has been demonstrated that a rezoning of the northern piece of the amendment site will ensure that residential redevelopment can occur in a well-planned residential neighbourhood.

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

The amendment supports the following clauses of the Greater Shepparton Planning Scheme:

- 21.04 Settlement, including:
  - 21.04-1 Urban Consolidation & Growth
  - 21.04-2 Housing Change Areas
  - 21.04-4 Urban Design
- 21.05-2 Floodplain & Drainage Management
- 21.07-2 Urban & Rural Services

The future development of the northern portion of the amendment site as part of the Kialla Lakes South growth area makes logical sense and will eliminate potential interface issues associated with an isolated portion of rural living land severed from the remainder of the allotment abutting residential development and a local park. Any future residential development will be connected to all available urban services.

This amendment seeks to remove approximately 2,922m<sup>2</sup> of land from the current Rural Living Zone and the future potential low density land base. Due to the site's proximity to the urban area of Kialla Lakes and the fact that it is severed from any other areas of land that could be developed for any meaningful low density development due to the flood constraints, it is deemed that the amendment will not have a significant impact on the current rural living or future low density development within the municipality.

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

For this amendment, the Neighbourhood Residential Zone is the preferred zone. Although other residential zones are available, the Neighbourhood Residential Zone is the zone proposed to be applied to the Kialla Lakes South Estate (as part of Amendment C173) and, as such, is the logical zone to apply to the subject site.

The Neighbourhood Residential Zone will permit residential development on the land of a character consistent to that which already exists in the Kialla Lakes South Estate. This is the preferred planning outcome for the subject site.

The amendment also proposes to remove the DPO1 from the subject site and include the northern portions of the site within the DPO11, which is specifically designed for the Kialla Lakes South residential area.

The potential residential site and the Council reserve have been assessed as part of Amendment C71, and included with the Kialla Lakes South Development Plan.

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

Relevant authorities were previously included within the planning process as part of the Kialla Lakes South Development Plan.

During the exhibition of this amendment, notice will be given to all relevant referral authorities in accordance with the *Planning and Environment Act 1987*.

• **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.

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 northern portion of the subject site will, when developed, form a small extension of the planned Kialla Lakes Estate residential area. The land is likely to be subdivided into two residential allotments and any transport matters generated by the development has been catered for as part of the Kialla Lakes South Development Plan through the implementation of DPO11 including referral to the Department of Transport as part of the planning permit assessment process.

To this end, it is the opinion of this planning authority that the relevant requirements of the *Transport Integration Act 2010* have been fulfilled by the Kialla Lakes South Development Plan and that this amendment will have no adverse impacts.

#### **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. All statutory fees and charges, including costs associated with an independent planning panel (if required), for this proposed amendment will be met by the proponent.

#### **Where you may inspect this Amendment**

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

Greater Shepparton City Council  
90 Welsford Street  
SHEPPARTON VIC

The amendment can also be inspected free of charge at:

- the Department of Transport, Planning and Local Government website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection); and
- the Greater Shepparton City Council website at [www.greatershepparton.com.au](http://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 Monday, 7 July 2014.

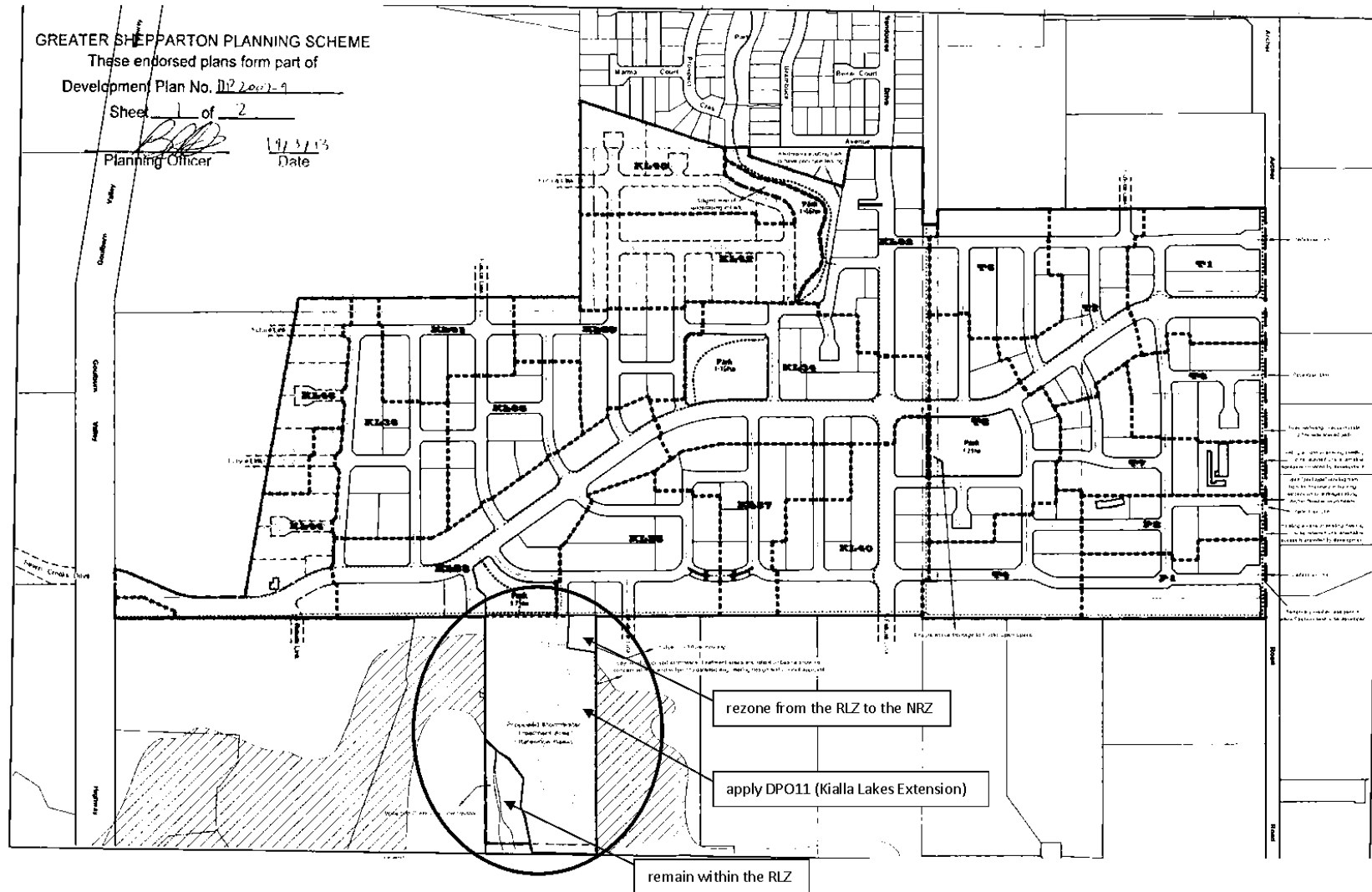
A submission must be sent to:

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 starting 4/8/14
- panel hearing: week starting 25/8/14



**AMENDMENT C172 - SUBMISSIONS RECORDER**

<b>Sub No.</b>	<b>Organisation</b>	<b>Content of Submission</b>	<b>Recommendation</b>
1	Goulburn Broken Catchment Management Authority	No objection	No action required
2	Environment Protection Authority Victoria	No objection	No action required
3	Goulburn Valley Region Water Corporation	No objection	No action required
4	VicRoads	No objection	No action required
5	Department of Environment & Primary Industries	No objection	No action required
6	Country Fire Authority	No objection	No action required