

Planning and Environment Act 1987

GREATER SHEPPARTON PLANNING SCHEME

AMENDMENT C228GSHE

EXPLANATORY REPORT

Who is the planning authority?

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

The Amendment has been made at the request of the Council.

Land affected by the Amendment

The Amendment applies to part of 7265 Midland Highway, Mooroopna.



Figure 1: 7265 Midland Highway, Mooroopna

What the Amendment does

The Amendment applies the Public Acquisition Overlay to part of 7265 Midland Highway, Mooroopna to realise regional walking and cycling links.

Specifically, the Amendment:

- applies PAO31 to part of 7265 Midland Highway, Mooroopna, and inserts Planning Scheme Map Nos. 16PAO and 21PAO; and

- amends the Schedule to Clause 45.01 Public Acquisition Overlay to introduce PAO31, designates Council as the acquiring authority and specifies acquisition is for infrastructure purposes.

Why is the Amendment required?

The Amendment is required to facilitate the acquisition of land to be used for public purposes. The provision and development of walking and cycling infrastructure within Greater Shepparton is supported by Council policy, which identifies walking and cycling as legitimate modes of transport and recreational pursuits.

The implementation of safe, connected and improved cycling linkages, using off-road path networks to service existing and planned future residential developments, is critical to this vision. There are a number of identified shared and recreational paths that traverse through privately-owned land. To realise the vision of these strategic documents, land must be acquired to construct these important missing links.

Part of the land at 7265 Midland Highway, Mooroopna is required for a recreational path connection between Shepparton and Mooroopna envisaged in the *Riverconnect Paths Master Plan 2015*. This master plan identifies five shared path routes within the Shepparton Regional Park, of which Routes 3 (The Flats) has been completed and Route 5 (Botanic Gardens) is under construction. The next step is to design and construct Route 2 between Gemmill Swamp and Kidstown, where private land needs to be acquired.

The land will be acquired using Section 112 of the *Local Government Act 2020*, which empowers a council to purchase or compulsorily acquire any interest in land for required purposes. In accordance with the *Land Acquisition and Compensation Act 1986*, the Council is required to apply a Public Acquisition Overlay to the land before it proceeds to formally compulsorily acquiring it.

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

The Amendment will implement the following objectives of planning in Victoria, under Section 4 of the *Planning and Environment Act 1987*:

- to provide for the fair, orderly, economic and sustainable use, and development of land;
- to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity; and
- 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.

The Amendment ensures the fair, orderly and sustainable development of the land by acquiring land for future use for the community. It will ensure that land is provided for shared path infrastructure to create a connected cycling network in accordance with the *Riverconnect Paths Master Plan 2015* and the *Greater Shepparton Cycling Strategy 2013-2017*.

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

Environmental

The Amendment will not result in adverse environmental impacts. The recreational shared path on part of 7265 Midland Highway, Mooroopna will be designed to follow cleared land; resulting in minimal vegetation or tree loss.

The construction of shared paths will assist in facilitating cycling as an active mode of transport, and increase the community's awareness and appreciation for the local environment, which is a positive outcome.

Social

The development of shared paths will result in positive social outcomes by encouraging the uptake of cycling for recreational purposes, leading to improved health outcomes.

Economic

The development of shared paths will result in positive economic outcomes by improving Greater Shepparton's reputation as a cycling destination for tourists, facilitating increased expenditure from visitors and tourists.

Does the Amendment address relevant bushfire risk?

The Objective of Clause 13.02-1S Bushfire planning is to '*strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*'

The Bushfire Management Overlay applies to 7265 Midland Highway, Mooroopna. The Bushfire Management Overlay seeks to ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire, and sets permit requirements for works on land.

The application of the Public Acquisition Overlay and the future use of this land as a shared path will not result in the construction of buildings and works that will increase the proximity of human life to bushfire prone land.

The Country Fire Authority is satisfied with the Council's plan for management of vegetation along the shared pathway to ensure that grass and bushfire risk will be mitigated appropriately. If part of the land at 7265 Midland Highway, Mooroopna is acquired and a shared path constructed in the future, the Country Fire Authority has suggested that the Council communicate the closure of the shared path on elevated fire days.

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

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

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

The Amendment is consistent and complies with *Ministerial Direction No 11 Strategic Assessments of Amendments* under Section 12(2)(a) of the Act.

The Amendment was referred to the Environment Protection Authority under *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

Environment Protection Authority raised no concerns about the Amendment noting that the Amendment represents a low risk of harm from pollution and waste.

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

The Amendment supports the Planning Policy Framework. In particular it supports:

1. Clause 15.01-4S *Healthy Neighbourhoods* which seeks to achieve neighbourhoods that foster healthy and active living and community wellbeing, particularly through providing connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as part of daily life.
2. Clause 18.02-1S *Sustainable Personal Transport* which seeks to promote the use of sustainable personal transport to encourage the use of walking and cycling by creating environments that are safe and attractive.
3. Clause 19.02-6S *Open Space* which seeks to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community. In particular it aims to ensure that open space networks are linked, including through the provision of walking and cycling trails.

The Amendment is consistent with these objectives as it facilitates the development of shared path infrastructure in Greater Shepparton. This will provide new open space and providing cycling infrastructure that is safe and attractive to use; improving community health and wellbeing, reduce reliance on motor vehicles, and improve Greater Shepparton's standing as a tourist destination for cyclists.

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

The Amendment supports the Local Planning Policy Framework and the Municipal Strategic Statement. In particular, it supports Clause 21.07-1 Transport, which aims to develop and maintain safe and efficient traffic and transport systems through the municipality as a priority, through the encouragement of bicycle paths in accordance with the *Greater Shepparton Cycling Strategy 2013-2017*.

The Amendment supports the implementation of the *Greater Shepparton Cycling Strategy 2013-2017* by providing land for the construction of shared paths in Mooroopna between Gemmill Swamp and Kidstown, and in Kialla connecting Coorong Court to Sanctuary Drive.

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

The Amendment makes proper use of the Victoria Planning Provisions. The application of the Public Acquisition Overlay is the appropriate planning tool to reserve and acquire land for public purposes.

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

The Country Fire Authority is satisfied with the Council's management plan for vegetation along the shared pathway at 7265 Midland Highway, Mooroopna to ensure that grass and bushfire risk will be mitigated appropriately. When the land is acquired and a shared path constructed, the Country Fire Authority has recommended that the Council communicate the closure of the shared path on elevated fire days.

The Environment Protection Agency was consulted with regard to the Amendment and confirmed that the authority has no concerns.

Other relevant agencies were consulted during the public exhibition of the amendment and no objections were received.

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

The Amendment is not expected to have any impact on the transport system and is consistent with Clause 11 *integrating transport and land use* of the *Transport Integration Act 2010*. The Amendment achieves this objective by maximising access to recreational opportunities, reducing the need for the private motor vehicle, and facilitating better access to, and greater mobility within, local communities.

Resource and administrative costs

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

The Amendment will result in minor administrative and resource costs for the Council in preparing the Amendment and administering the planning scheme amendment process.

When the Amendment is approved, the Council will make appropriate provision in its budget for purchase of the land.

Where you may inspect this Amendment

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

- during office hours at the Greater Shepparton City Council offices, 90 Welsford Street, Shepparton;
- at the Greater Shepparton City Council website at www.greatershepparton.com.au;
and
- at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.