

7. TABLED MOTIONS

7.3 Amendment C93 – Consideration of Panel Report and Adoption of Amendment (Lifting of Motion From the Table)

The agenda for the Ordinary Council Meeting held on 17 May 2011 contained the following recommendation under report 6.10 'Amendment C93 – Consideration of Panel Report and Adoption of Amendment':

RECOMMENDATION

That having considered all submissions under section 22 of the *Planning and Environment Act 1987* and the report of the independent panel for Amendment C93 under section 27 of the *Planning and Environment Act 1987*, the Council:

1. readopt the *Greater Shepparton Housing Strategy 2009*, to be retitled *Greater Shepparton Housing Strategy 2011*, to include Recommendations 22 and 23 of the Amendment C93 Panel Report
2. adopt the Amendment C93 Panel Report and accept all the Panel recommendations
3. adopt amendment C93 in accordance with section 29 of the *Planning and Environment Act 1987*, with changes outlined in the Panel Report
4. submit Amendment C93, to the Minister for Planning in accordance with section 31 of the *Planning and Environment Act 1987*.

At the meeting a decision was taken to lay the recommendation as presented on the table.

Moved by Cr Crawford

That the Council resolves to take the question from the table.

CARRIED

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FROM THE SUSTAINABLE DEVELOPMENT DEPARTMENT

7.4 Amendment C93 – Consideration of Panel Report and Adoption of Amendment

Disclosures of conflicts of interest in relation to advice provided in this report

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

Summary

Amendment C93 proposes to implement the *Greater Shepparton Housing Strategy 2009* (GSHS) by identifying locations for appropriate future residential development throughout the municipality. The amendment outlines strategic directions for future residential growth and does not propose to rezone any land at this stage.

A total of 54 submissions were received to Amendment C93. All the submissions were referred to an independent panel. The panel supported the intent of the *Greater Shepparton Housing Strategy 2009* and Amendment C93, recommending that the amendment be adopted, subject to changes.

The recommended changes reinforce Council's strategic intent to provide long term residential and rural residential directions throughout the municipality.

It is recommended that Amendment C93 be adopted, with the changes as recommended by the panel.

RECOMMENDATION

That having considered all submissions under section 22 of the *Planning and Environment Act 1987* and the report of the independent panel for Amendment C93 under section 27 of the *Planning and Environment Act 1987*, the Council:

1. readopt the *Greater Shepparton Housing Strategy 2009*, to be retitled *Greater Shepparton Housing Strategy 2011*, to include recommendations 22 and 23 of the Amendment C93 Panel Report
2. adopt the Amendment C93 Panel Report and accept all the Panel recommendations
3. adopt Amendment C93 in accordance with section 29 of the *Planning and Environment Act 1987*, with changes outlined in the Panel Report
4. submit Amendment C93, to the Minister for Planning in accordance with section 31 of the *Planning and Environment Act 1987*.

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7.4 Amendment C93 – Consideration of Panel Report and Adoption of Amendment (continued)

Moved by Cr Ryan
Seconded by Cr Houlihan

That, having considered all submissions under section 22 of the *Planning and Environment Act 1987* and the report of the independent panel for Amendment C93 under section 27 of the *Planning and Environment Act 1987*, the Council:

1. readopt the Greater Shepparton Housing Strategy 2009, to be retitled Greater Shepparton Housing Strategy 2011, to include Recommendations 22 and 23 of the Amendment C93 Panel Report and to include all of 335 Rutherford Road, Toolamba specifically being the area of land between the Goulburn River and the Shepparton Bypass alignment in the Toolamba Growth Management and Housing Change Plans.
2. adopt the Amendment C93 Panel Report and accept the Panel recommendations except the recommendation relating to 335 Rutherford Road, Toolamba
3. adopt amendment C93 in accordance with section 29 of the *Planning and Environment Act 1987*, with changes outlined in the Panel Report and amend the Toolamba Framework Plan to include 335 Rutherford Road, Toolamba specifically being the area of land between the Goulburn River and the Shepparton Bypass alignment.
4. submit Amendment C93, to the Minister for Planning in accordance with section 31 of the *Planning and Environment Act 1987*.
5. for the purpose of the *Planning and Environment Regulations 2005*, section 10(e)(ii), provide the following reasons to the Minister for not adopting the recommendation of the Panel in relation to 335 Rutherford Road Toolamba to:
 - facilitate the provision of sewerage to the township of Toolamba by ensuring the financial viability of the proposed residential development of the subject land
 - prevent the creation of a small block of unusable farm zone land to the south of residential zoned land
 - provide zoning consistency for the whole of the subject property.

CARRIED

Cr Dobson sought an extension of time for Cr Ryan to speak for the motion.

GRANTED

The motion was put and carried.

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7.4 Amendment C93 – Consideration of Panel Report and Adoption of Amendment (continued)

Discussion

Amendment C93:

Amendment C93 proposes to implement the *Greater Shepparton Housing Strategy 2009* (GSHS) by identifying locations for appropriate future residential development throughout the municipality. The amendment outlines strategic directions for future residential growth by:

- amending clause 21.04 to include new strategic directions and amend settlement framework plans recommended in the adopted *Greater Shepparton Housing Strategy 2009*.
- amending clause 21.09 to include the *Greater Shepparton Housing Strategy 2009* as a reference document to the Greater Shepparton Planning Scheme.

Amendment C93 seeks to achieve a balance between competing strategic objectives – the need to accommodate a substantial projected population growth while at the same time protecting Greater Shepparton's economic base of agricultural production and managing flood risk.

Council has invested significant resources in planning to meet the future housing needs for the municipality, including extensive background research and peer reviews. It has also committed, with DPCD funding, to resource a more sophisticated monitoring and review process to inform the rezoning process. The Housing Strategy was comprehensive in scope, based on credible forecasts and undertaken by competent professionals.

Panel report:

The submissions were referred to an independent panel (C McRobert, chair, and P McEwan). The panel report (received 31 March 2011) has supported the intent of the *Greater Shepparton Housing Strategy 2009* and Amendment C93, recommending that the amendment be adopted subject to outlined changes.

The Council's responses to submissions have addressed a number of key issues. The Panel endorses the revisions to provide at least 15 years land supply, to remove mandatory lot size prescriptions and to extend Investigation Areas 1, 2 and 3.

The Panel noted that very extensive areas are nominated in Amendment C93 for future development and investigation. This carries a real risk that increased expectations will impact on the management of farming land and lead to pressures for premature rezonings, with associated risks of a dispersed urban form and inefficient/costly provision of infrastructure. While the Panel considered that the progressive development on multiple development fronts generally as foreshadowed in the Housing Strategy is appropriate, it also noted that there should be some flexibility in the sequencing of development.

The Panel emphasised that the proposed monitoring process will be critical to inform decisions on when land should be rezoned.

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Many landowners sought additional development potential and few of these submissions have been supported by the Panel. The Housing Strategy adopted a systematic approach taking into account residential policy and various constraints such as flooding and land use compatibility. The challenges being experienced in the agricultural sector were highlighted in a number of submissions but the Panel did not support ad hoc decisions for alternative uses that could contribute to the pressures being experienced.

Ample development opportunities are identified which provide for residential development requirements well beyond the usual planning timeframe. Strong justification would be needed to add further land.

The Panel was sympathetic to submissions that questioned the desirability of directing urban development to areas subject to flooding to the south of Shepparton. The development of these areas requires rigorous design processes to ensure risks are managed, costly engineering solutions and ongoing maintenance of the measures adopted. However, these areas are well located relative to urban services; they appeal to some home buyers and they provide choice within the Shepparton housing market.

The Panel recognised that the Council has explicitly sought to provide options for low density and rural residential housing. They endorsed the identification of land for this type of housing in areas associated with settlements as a means of supporting established community infrastructure in the settlements, optimising future resident access to services and diverting pressure for dispersed housing in rural areas. However, they also had reservations about the sustainability of providing such a high proportion of future housing in this form and that the extent of land identified will raise expectations. These areas have been identified as having potential for lower density housing but ongoing monitoring and review against planning policy, together with detailed evaluation against the criteria in the Guidelines supporting Ministerial Direction 6, will be required.

The key conclusions and recommendations of the panel are:

Strategic basis:

- The *Greater Shepparton Housing Strategy 2009* forms a sound strategic basis on which to base future residential policy.

Residential land supply:

- Proposed Amendment C93 can deliver residential targets (9,100 additional dwellings) by 2031.
- While generally supporting multiple development fronts, there should be some flexibility in the sequencing of development.

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Residential densities and form:

- Urban consolidation should not be undermined, with support given to promote more intensive housing in the planning scheme and future land rezoning.
- Support for more generic terminology for future residential growth in framework plans, with promotion of site responsiveness for future residential areas.
- The delineation of change areas on framework plans has been recommended for removal, particularly ‘minimal change areas’ (Rec 6).
- Endorsement for Council’s requested change to provide at least 15 year’s residential land supply (Recs 3 & 4).
- Endorsement for Council’s requested change to remove reference to ‘mandatory lot mix’ but clarify typical lot sizes in different types of residential development areas (Recs 5, 7 & 9).
- Endorse identification of areas of low density and rural residential housing, question the sustainability of providing such a high proportion of future housing in this form.
- Additional rural residential strategy recommended noting that expansion of rural residential development or small town expansion should only be supported by demand and supply analysis, land capability assessment and analysis under Minister’s Direction No. 6 (Rec 8).

Investigation areas:

- Identified investigation areas are supported to recognise and further investigate areas with significant issues that need to be resolved before development strategies are determined for them.
- Support Council’s request to extend areas 1 (Kialla SUZ), 2 (Rafferty Road), 3 (Archer Road area) and clarify area 4 (Dobsons Road area), in addition to extending area 5 (opposite TMI, Tatura (Recs 10 – 13 & 17)).

Specific area recommendations:

- Removal of residential growth notations from TMI and VicTrack land at Tatura (Rec 16).
- Specific recommendations for land at Kialla, Tatura and Murchison (Recs 14, 18 and 19).
- Consider indicating features such as the by-pass route, flooding areas, sewage plant buffers, airport, etc on framework plans (Rec 20).

Additional requests for residential land:

- Requests for additional land generally not supported with ample opportunities already provided for residential development well beyond usual timeframes.
- Ad hoc decisions not supported in the agricultural area for alternative uses that could contribute to land use pressures.

Land capability and constraints:

- The panel noted that C93 is a balance between competing strategic objectives, that is the need to accommodate substantial projected population growth while protecting the economic agricultural base and managing flood risk.
- While the panel noted submissions that questioned development directions to areas subject to flooding in the south, it concluded that these areas are well located relative to urban services and provide housing choice within Shepparton.

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Monitoring and review:

- A strong monitoring and review program is required to support decisions on future rezoning.
- Ongoing monitoring is required for areas identified for lower density residential development.

Housing Strategy:

- Outline consequential changes in the GSHS resulting from the adoption of C93 (Rec 22).
- Note in GSHS that the future use and development of 300 Doyles Road will be determined through the South East Corridor Project (Rec 23).

Issues:

Panel report:

- The panel has supported the *Greater Shepparton Housing Strategy* and Amendment C93, with changes. Although the panel's recommended changes were primarily made by Council in its submission to the panel, the panel has also made other recommended changes to C93.
- Section 26 of the *Planning and Environment Act 1987* provides that although a planning authority may make the panel's report available at any time after it is received, the report must be made available after 28 days. The C93 panel report was therefore required to be made publicly available on 28 April 2011. All submitters will be individually informed of the panel report and the report was placed on Council's website on this date.
- All recommended changes in the panel report reinforce Council's strategic intent to provide a range of residential development options throughout the municipality and should be supported.
- When considering an adopted amendment for approval, the Minister for Planning will fully consider the panel report and how the planning authority has taken the recommendation of that report into account. Council's adoption of all panel recommendations will be seen positively by DPCD and the Minister.

Rezoning:

- Amendment C93 does not propose to rezone any parcels of land or apply any planning scheme overlays. Separate planning scheme amendments will be required to implement the potential rezonings identified in the Housing Strategy and C93 framework plans.
- In presenting the Council's submission to the panel, officers outlined a series of seven different future planning scheme amendments to implement the future rezoning of land identified in C93 framework plans. The preparation of future amendments to rezone land will commence around the approval of C93 and will be undertaken in conjunction with and using information supplied by landowners and their consultants.

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Housing Strategy:

- To accommodate the two specific changes recommended by the panel to the GSHS (Recs 22 & 23), it is appropriate to readopt the strategy to provide a current strategic document. This readoption should be undertaken in conjunction with the adoption of Amendment C93.
- Council's submission to the panel also outlined a series of proposed changes to the strategy, mainly comprising changes to plans. Other than adding changes to meet panel recommendations 22 and 23, it is not considered necessary to readopt the GSHS to include all detailed officer suggestions made to the C93 panel. The panel has specifically noted:

The Panel does not recommend that the Housing Strategy now be further revised to be consistent with these changes. However, we do recommend that a Preface to the Housing Strategy be prepared by the council outlining the post-exhibition and post-Panel changes so that the Housing Strategy can be read in this light to inform the community and decision-makers. (Section 11.2.5 panel report).

Councillors have been provided with a full copy of the Panel Report.

Assessment under the Planning and Environment Act:

Under section 12(1)(a) and (b) of the *Planning and Environment Act 1987*, the Council, as the responsible authority, must implement the objectives of planning in Victoria and provide sound, strategic and coordinated planning of the use and development of land in its area.

All Amendment C93 procedures comply with legislative requirements for amendment preparation, exhibition, submission consideration, panel stage and adoption under the *Planning and Environment Act 1987*.

Under section 27 of the Act, the planning authority must consider the panel's report before deciding whether or not to adopt the amendment.

A planning authority adopts an amendment under section 29 of the Act, with or without changes.

Risk Management

There are no known risks associated with the amendment.

Policy Implications

There are no conflicts with existing Council policy. Amendment C93 amends and clarifies residential and rural residential strategic directions for the municipality.

Financial Implications

Council has financed the preparation and exhibition of both the GSHS and Amendment C93. Council has also incurred the full cost of the preparation and presentation of the Council submission to the C93 panel.

Amendment C93 provides a major growth strategy for the municipality for the next 20 – 30 years, resulting in positive financial directions for the municipality.

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Victorian Charter of Human Rights and Responsibilities Act 2006 Implications

This proposal does not limit any of the human rights provided for under the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Legal/Statutory Implications

All Amendment C93 procedures comply with legislative requirements for amendment preparation, exhibition, submission consideration, panel stage and adoption under the *Planning and Environment Act 1987*.

The amendment is:

- consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.
- complies with Minister's Direction No 6, *Rural Residential Development*.
- complies with Minister's Direction No 11, *Strategic Assessment of Amendments* and accompanying practice note, *Strategic Assessment Guidelines – revised August 2004*.

Consultation

Extensive community consultation and exhibition has been undertaken for both the *Greater Shepparton Housing Strategy 2009* and Amendment C93 through the following processes:

- Stage 1: Greater Shepparton Housing Strategy preparation (September/October 2007).
- Stage 2: Draft Greater Shepparton Housing Strategy Exhibition (October/November 2008).
- Stage 3: Initial Amendment C93 consultation period (November 2009 – August 2010).
- Stage 4: Formal (Statutory) consultation period for Amendment C93 (16 September 2010 – 15 November 2010).

Council formally notified all relevant departments, agencies and land use consultants of the Amendment C93 exhibition. While Council did not directly notify all affected landowners on the grounds that the number of submitters made it impractical to directly notify all of them, it did take other steps to inform the general public of the exhibition.

Officers believe that sufficient consultation has occurred and the matter is now ready for Council consideration.

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Strategic Links

a) Greater Shepparton 2030 Strategy:

The Greater Shepparton 2030 Strategic outcomes include the following:

- Different new residential development
- A bigger and more compact city
- Attractive towns and rural villages retained.

b) Council Plan:

One of the objectives of the *Council Plan 2009-2013* is “A commitment to growth within a consolidated and sustainable development framework”

c) Any other strategic links:

No other strategic links have been identified.

Attachments

Nil.