

## **GREATER SHEPPARTON PLANNING SCHEME**

### **AMENDMENT C243GSHE**

#### **EXPLANATORY REPORT**

#### **Overview**

The amendment seeks to rezone part of Council-owned land at 294 McLennan Street, Mooroopna from the Farming Zone to the Neighbourhood Residential Zone to facilitate residential development within part of the Mooroopna West Growth Corridor.

#### **Where you may inspect this amendment**

The amendment can be inspected free of charge at the Greater Shepparton City Council website at [www.greatershepparton.com.au](http://www.greatershepparton.com.au).

And/or

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

- Greater Shepparton City Council offices, 90 Welsford Street, Shepparton.

The amendment can also be inspected free of charge at the Department of Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

#### **Submissions**

Any person may make a submission to the planning authority about the amendment. Submissions about the amendment must be received by 13 June 2024.

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: 22 July 2024
- panel hearing: 19 August 2024

## **Details of the amendment**

### **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, the land owner of Lot 1 PS649091 at 294 McLennan Street, Mooroopna.

### **Land affected by the amendment**

The amendment applies to part of Council-owned land at 294 McLennan Street, Mooroopna. The site is located within the Mooroopna West Growth Corridor.

The Growth Corridor is bound by the established urban area of Mooroopna to the east, Cornish Road to the north, the proposed Goulburn Valley Highway Shepparton Bypass reservation to the west (along Excelsior Avenue) and the Midland Highway to the south.

The Amendment applies to 4.1 hectares of land located at 294 McLennan Street, Mooroopna being Lot 1 on PS649091 and included within "Precinct A" of the Growth Corridor, see Figures 1 and 2.

The land at 294 McLennan Street, Mooroopna is zoned Farming 1 Zone, Urban Floodway Zone and Commercial 2 Zone. A Development Contributions Plan Overlay (DCPO3) and a Development Plan Overlay (DPO14) apply to the land.

The land has been highly modified in the past having been previously cleared, levelled and cropped for agricultural purposes.

Figure 1 – Mooroopna West Growth Corridor Structure Plan and 294 McLennan Street, Mooroopna is outlined in red.

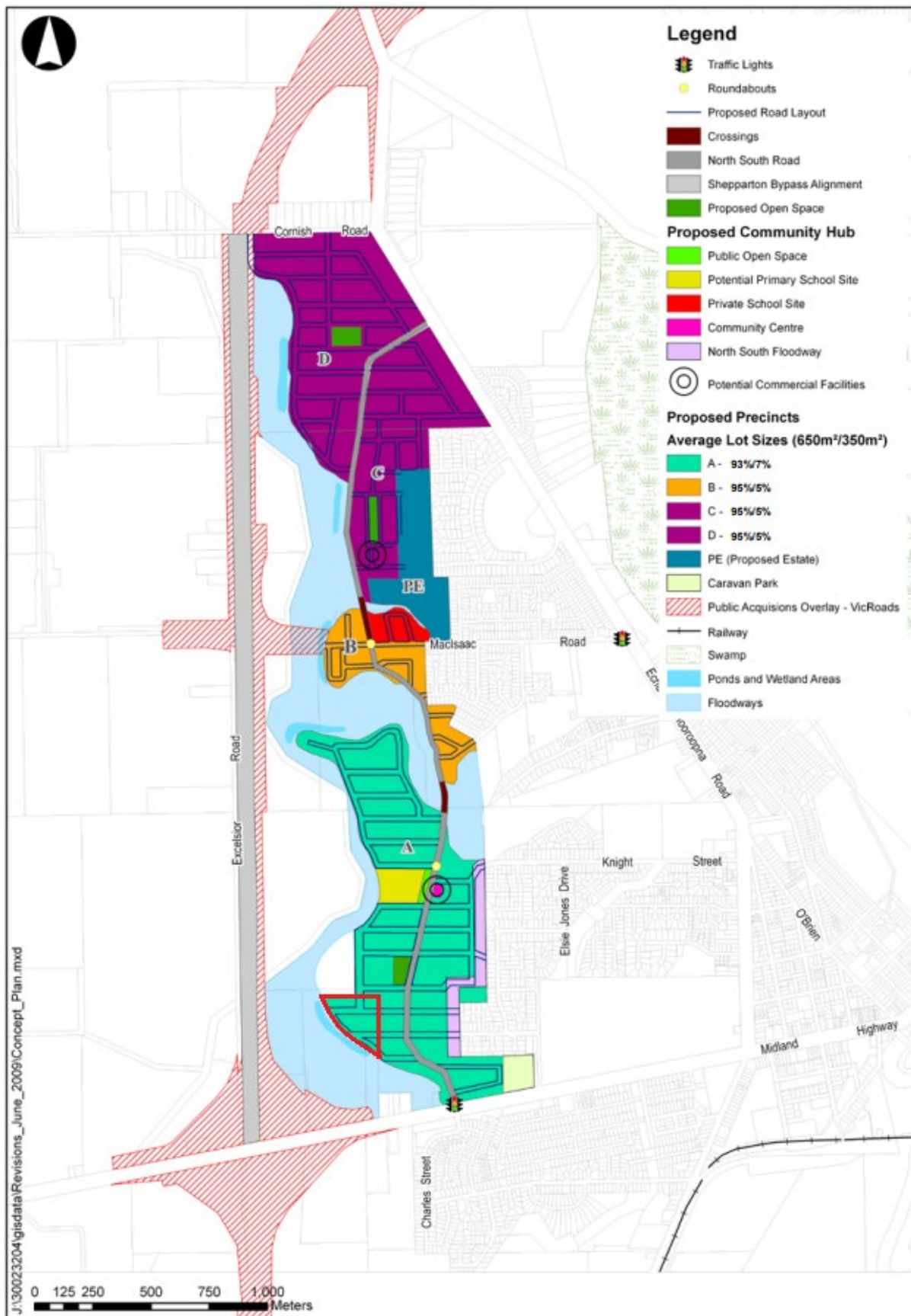


Figure 2 – Aerial Photograph. 294 McLennan Street is outlined in red and the land subject to the proposed planning scheme amendment is outlined in black.



A mapping reference table is attached at [Attachment 1](#) to this Explanatory Report.

### What the amendment does

The amendment seeks to rezone part of the land at 294 McLennan Street, Mooroopna (Lot 1) from the Farming Zone to the Neighbourhood Residential Zone to facilitate residential development.

### Strategic assessment of the amendment

#### Why is the amendment required?

The Amendment is required to facilitate the continued development of the growth area comprising 260 hectares of land expected to support a population of 3,937 people based on a total lot yield of 1,600 lots. This is identified as a residential growth area in the *Mooroopna West Growth Corridor Structure Plan 2009*, (Structure Plan) the *Greater Shepparton Housing Strategy 2011* (the Strategy), and Clauses 02.03 and 02.04 of the planning scheme.

The council acquired 294 McLennan Street, Mooroopna to facilitate the construction of the ultimate stormwater drainage solution envisaged for the Mooroopna West Growth Corridor. Since then, the existing floodway traversing the land has been formalised and a retardation basin constructed to serve the residential development to the east. As a result, the council seeks to sell the surplus land at the north-east section of the site.

Greater Shepparton is experiencing increased population growth and changing demographic trends, resulting in a high demand for housing and a variety of housing types. The Mooroopna township is facing a shortfall in vacant zoned residential land and as a result, the amendment will allow Mooroopna to continue to grow. It is expected that the site will provide approximately 40 residential lots.

The Strategy and Clause 02.04 of the planning scheme identifies the land as being within an urban growth area that has capacity to accommodate a moderate level of residential development.

The current extent of zoned land within “Precinct A” from the Midland Highway to the southern lot boundary has been recently developed for residential purposes. The Amendment is required to facilitate growth by rezoning land within the settlement boundary of Mooroopna and a designated growth corridor for residential purposes in accordance with the Structure Plan.

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

The Amendment implements the following objectives of planning in Victoria, in accordance with Section 4(1) of the *Planning and Environment Act 1987* (the Act)

- (a) - 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;
- (b) - to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- (f) - to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- (g) - to balance the present and future interests of all Victorians

The Amendment will assist in providing for the orderly and sustainable development of land that has been strategically identified for urban development. Council has acquired land and constructed infrastructure for the growth corridor in accordance with the Development Contributions Plan. The development of the growth corridor minimises impacts on ecological processes, and will enable urban services to be provided in an efficient, coordinated manner for the benefit of the community.

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

#### *Environmental*

The site is characterised as a disturbed natural environment with minimal biodiversity values. A flora and fauna assessment was undertaken as part of preparation for the growth corridor.

A Preliminary Site Assessment was undertaken that confirmed the historical use for crop production, grazing and irrigation, and found evidence of soil contamination. As a result, the assessment concluded that a Preliminary Risk Screen Assessments is recommended to determine the need for an environmental audit.

A Preliminary Risk Screen Assessment was taken and the Audit concluded that no Environmental Audit is required.

The Environmental Protection Authority has reviewed the Preliminary Site Investigation and advised that the recommendation made through the Assessment is aligned with policy which would require further assessments on the site. The Development Plan Overlay (DPO14) requires that further soil assessments are undertaken before any development plan is approved by the responsible authority (council).

#### *Social*

The Amendment will result in a net community benefit by providing additional residential living opportunities in Mooroopna – an established residential community with good access to public open spaces, walking/cycling infrastructure, community and commercial facilities, transport and employment nodes. The proposed amendment promotes additional growth of the town, contributing to the health, wellbeing and safety of residents and sustainable residential growth within the settlement boundary. The additional residential opportunities will also contribute to meeting demand for residential land in support of projected population growth within the municipality.

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

#### *Economic*

The amendment is expected to have a positive economic effect on the community as it allows for the land to be developed at higher residential density than is currently allowed.

The provision of additional residential land will support population growth in Mooroopna which will have flow-on economic benefits to the wider community through increased economic and employment growth.

The amendment will generate economic activity directly through employment at the subdivision works and eventual dwelling construction phases of the project. There are no likely adverse economic impacts associated with the amendment.

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

The key overarching strategy at Clause 13.02-1S – *Bushfire* is to: *strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*

Strategic planning for settlement must assist with strengthening community resilience to bushfire and new development should only proceed if risk to existing and future residences is not increased as a result of future land use and development by directing growth to low risk locations.

The land is not affected by the Bushfire Management Overlay, but is within a designated bushfire prone area. Clause 13.02-1S states that bushfire risk should be considered for planning applications for subdivisions of 10 or more lots.

A Bushfire Risk Assessment was undertaken which reviewed the land, its surrounds and the landscape setting in terms of bushfire risk, and how the amendment meets the requirements of Clause 13.02-1S.

The assessment found that the wider landscape is low risk with managed farmland being the only vegetation present to the north, south, and west of the site, with urban development within the Mooroopna township to the east. Bushfires can only approach the site from the north-west or south-west as a grassfire which is likely to be contained before it reaches the land due to the managed farmland present and the local road network providing a fire break.

In response to the results of the landscape and site assessment, the Bushfire Risk Assessment includes recommendations for any future residential subdivision of the land including the presence of a boundary road between residential areas and the reserve, setbacks, and site management measures.

The amendment and the Bushfire Risk Assessment was referred to the Country Fire Authority, which accepted that the land is an appropriate area for residential development provided that appropriate bushfire mitigation measures are implemented.

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

The amendment (including the amendment documentation and the 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 *Planning and Environment Act 1987* the following Minister's Direction is applicable to the consideration of this Amendment:

Ministerial Direction No. 1 – *Potentially Contaminated Land*

This Direction seeks to ensure that potentially contaminated land is suitable for a use which is allowed by the planning scheme amendment. The amendment provides for residential land use, which is a sensitive land use. Accordingly, a preliminary environmental assessment was carried out which noted the potential for soil contamination on the site.

The Development Plan Overlay (DPO14) requires that soil assessments are undertaken before any development plan is approved by the responsible authority. This includes a preliminary soil assessment demonstrating the extent of any contaminated soils that may exist on the land, and if detected, a more detailed assessment outlining the location of the contaminated soil, the type of contaminants detected, and the strategies required to be undertaken to decontaminate the affected areas in accordance with the Minister's Direction No. 1 Potentially Contaminated Land.

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

The purpose of this Direction is to ensure a comprehensive strategic assessment of a proposed planning scheme amendment and the outcome it produces. It requires an explanatory report to demonstrate how the amendment address certain strategic considerations. The preparation of this explanatory report meets the requirements of 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 when preparing planning scheme 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.

In response to a preliminary site assessment the Environmental Protection Authority recommended council undertake a preliminary risk screen assessment. Council engaged an Environmental Protection Authority accredited auditor to undertake a preliminary risk screen assessment for the site. Based on the outcomes of the preliminary risk screen assessment council is satisfied that there is no evidence that the land is contaminated.

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

The Amendment supports the Planning Policy Framework by facilitating the orderly development of urban and rural areas. The following addresses the relevant State policies.

The Amendment supports the Planning Policy Framework, giving effect to the principles and policies contained in within the Planning Policy Framework. The following objectives and strategies are relevant to this Amendment.

Clause 11 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.*
- *Planning is to recognise the need for, and as far as practicable contribute towards:*
  - *Health, wellbeing and safety.*
  - *Diversity of choice.*
  - *Economic viability.*
  - *A high standard of urban design and amenity.*
  - *Energy efficiency.*
  - *Protection of environmentally sensitive areas and natural resources.*
  - *Accessibility.*
  - *Land use and transport integration.*
- *Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services*

General objectives and strategies relevant to the Amendment site include:

**Clause 11.01-1S Settlement** - *To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

**Clause 11.01-1S Settlement – Hume** - *Facilitate growth and development specifically in the regional cities of Shepparton, Wangaratta, Wodonga and Benalla.*

*Support improved access to a range of employment and education opportunities, particularly in key urban locations such as Benalla, Seymour, Shepparton, Wangaratta and Wodonga.*

**Clause 11.02-1S Supply of urban land** - *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

**Clause 11.03-2S Growth Areas** - *To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.*

The *Greater Shepparton Residential Land Supply and Demand Assessment 2021* estimated that the Shepparton/Mooroopna urban area had sufficient zoned land to satisfy 5 years of demand and recommended increasing zoned broad hectare land for residential development in Mooroopna in the short term. Recent government economic stimulus, such as *HomeBuilder* and the *First Home Buyers Grant*, has caused elevated levels of demand in the Greater Shepparton housing market, with all residential lots in Mooroopna sold.

The amendment site is located in a growth area that is rapidly undergoing residential development. To meet the demand for residential land it is necessary to make available developable land within the existing settlement boundary. The amendment site is readily developable and will serve as the next stage of the growth corridor. The Shepparton urban area and surrounds is identified as a key regional centre in the Hume Regional Growth Plan where residential growth should be concentrated due to accessibility of services and infrastructure.

The Amendment will provide for new residential living opportunities located proximate to key community infrastructure, including the nearby Mooroopna town centre and Shepparton central activity district. The development will be comprehensively integrated with the existing settlement patterns of the adjoining residential development. Servicing infrastructure exists nearby and will be extended to service the site in a timely and efficient manner.

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

Strategies for settlement planning include:

*Directing population growth and development to low risk locations, being those locations assessed as having radiant heat flux of less than 12.5 kilowatts/square metre.*

The amendment site is within the Bushfire Prone Area. A Bushfire Risk Assessment was prepared, which considered the site to be low-risk. A managed landscape and existing urban development in Mooroopna provides a separation buffer that significantly reduces the likelihood of wildfire spreading to the land.

**Clause 13.03-1S Floodplain Management** – *To assist the protection of:*

- *Life, property and community infrastructure from flood hazard.*
- *The natural flood carrying capacity of rivers, streams and floodways.*
- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environmental significance or of importance to river health. Avoid intensifying the impact of flooding through inappropriately located use and development.*

Extensive flood behaviour modelling has been undertaken for the amendment site which showed that the site is able to be developed without intensifying the impact of flooding on existing developed areas. The LSIO which is currently over the amendment site will remain to ensure the residential development within the amendment area is managed in a manner to protect from flood hazard.

**Clause 16.01-1S Integrated housing** - *To promote a housing market that meets community needs*

Shepparton is currently experiencing high level of demand and shortage of housing. The amendment area will provide additional land for development to provide housing.

**Clause 16.01-2S Location of residential development** - *To locate new housing in designated locations that offer good access to jobs, services and transport.*

The amendment site is located close to an existing transport route, with direct access to employment areas and is an identified growth area within the Shepparton and Mooroopna 2050 regional city growth Plan.

**Clause 19.03-2S Infrastructure design and provision** - *To provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.*

Infrastructure has been upgraded to cater for the growth area which includes the Westwood Drive and Mid Land Highway intersection. As the upgrades have occurred in anticipation of the rezoning and development of the whole growth area.



### **How does the amendment support or implement the Municipal Planning Strategy?**

The amendment supports the implementation of the Municipal Planning Strategy. Specifically, the amendment supports the following policies.

Clause 02.03-1 Settlement seeks to:

- Provide for the expansion of the Shepparton, Mooroopna and Kialla urban areas and the outlying townships without negatively impacting on productive agricultural land.
- Contain urban growth to identified growth areas in order to achieve a more compact built up area.
- Meet a residential development growth target of 9,100 dwellings across the municipality apportioned as follows:
  - 60 per cent as conventional living (450 - 800 square metre lots).

The amendment supports these policies by rezoning land for urban development in an identified growth area. The Mooroopna Framework Plan at Clause 02.04 Strategic Framework Plans identifies the site as an urban growth area. The Amendment represents a logical continuation of residential development in the growth corridor and will allow the council to provide additional residential land to meet the residential development growth needs.

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

The amendment provides for the coordinated and sustainable development of the land to interface with the existing Neighbourhood Residential Zone, and takes into account the context of the site and its surrounds to provide for consistent development across the precinct.

The Victoria Planning Provisions facilitate the management of the land for standard residential development on lots that meet community demand and expectations; specifically, the Neighbourhood Residential Zone is the appropriate zone as it provides for standard urban residential development that is consistent with the established residential neighbourhood.

The use of the Neighbourhood Residential Zone in conjunction with the Development Plan Overlay 14 will ensure development in accordance with the growth corridor remains consistent with state and local planning policy.

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

The views of the Country Fire Authority, Environmental Protection Authority and the Department of Transport and Planning were sought for the preparation for this amendment.

Country Fire Authority: The area is appropriate for residential development provided that appropriate bushfire mitigation measures are implemented.

Environmental Protection Authority: the council has acted on the recommendation to engage an EPA accredited Auditor to undertake a Preliminary Risk Screen Assessment for the site. The Auditor concluded that no further Environmental Audit was needed for the site.

Goulburn Broken Catchment Management Authority: The Goulburn Broken Catchment Management Authority provided comments on the Mooroopna West Growth Corridor, this includes the site at part 294 McLennan Street, Mooroopna to be rezoned.

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

The *Transport Integration Act 2010* creates 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 amendment is consistent with the purpose, objectives or requirements of the *Transport Integration Act 2010*. The site will be accessed via the existing internal road network and the have access to the Midland Highway and Echuca Road, providing excellent inter and intra-regional accessibility. The planned road network as part of the growth corridor will provide access to Macisaac

Road to the north, and the future Stage 1 of the Shepparton Bypass.

The Development Plan Overlay for the Mooroopna West Growth Corridor includes requirements that will meet the objectives of the *Transport Integration Act 2010*, including the preparation of a traffic management plan that identifies appropriate access and circulation of vehicles, existing and future public transport routes, pedestrian and cycling networks, and undertakes an integrated transport plan to mitigate the impact of any development. The existing movement network will proposed the amendment area to social and economic opportunities and minimise harm to the environment and health through the decrease of transport-related emissions.

The amendment will not have a significant impact on the local transport system considering the established and planned road networks in the area, and will not have an adverse impact on the requirements of the *Transport Integration Act 2010*.

#### Resource and administrative costs

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

The new planning provisions will not have a significant impact on the resource and administrative costs of the council. A planning permit will not be required for new dwellings.

#### ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference	Address	Proposed changes
Mooroopna	Lot 1 on PS649091 294 McLennan Street, Mooroopna	Greater Shepparton C243gshe 001znMap20 Exhibition	(part) 294 McLennan Street, Mooroopna	Zone Rezone part of the land from Farming Zone to Neighbourhood Residential Zone Schedule 1.