

ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

17 February 2015

Agenda Item 9.4	Adoption of Amendment C171 to the Greater Shepparton Planning Scheme	
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GREATER SHEPPARTON PLANNING SCHEME

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Proposed
C171

SCHEDULE 20 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO20**.

RIVER ROAD RURAL LIVING PRECINCT**1.0****Requirement before a permit is granted**

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Before any new use, development or subdivision commences, a development plan must be prepared and approved by the Responsible Authority.

A permit may be granted before a development plan has been prepared for the purpose of:

- subdividing land into two allotments or re-subdividing existing allotments so as to not increase the number of lots;
- a single dwelling on a lot; or
- any buildings and works associated with the ongoing maintenance or operation of the subject site.

2.0**Conditions and requirements for permits**

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An application for planning permit must include, [as appropriate](#), a stormwater management plan detailing how stormwater will be collected and treated within the development. The plan must be prepared in accordance with the Infrastructure Design Manual and consider ongoing maintenance of the stormwater management measures.

Conditions, as appropriate, must be included on any planning permit issued to subdivide or develop land with regard to recommendations made by the assessments and specialist reports submitted in support of the Development Plan.

3.0**Requirements for development plan**

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A Development Plan may be prepared for all or any part of the growth corridor.

The Development Plan may be amended to the satisfaction of the Responsible Authority.

The Development Plan must demonstrate, as appropriate:

- General consistency with the *River Road Concept Plan*.
- The proposed subdivision layout of the proposed development of the land, including roads, lot size, areas of open space, drainage retention areas, [treatment to River Road that provides an active frontage](#) and any staging of the development.
- The location of any significant environmental, cultural, heritage and/or ecological (faunal and/or floral) features including fauna and remnant vegetation.
- Stormwater management methods, including the location of any on-site drainage retention facilities.
- Arrangements for the provision of all physical infrastructure to the land including temporary and permanent vehicle access arrangements.

The Development Plan must include, where required by the Responsible Authority:

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- An environmental assessment of the land, involving a flora and fauna survey, which, among other things, identifies the health and habitat value of all native vegetation.
- A preliminary survey of the area for aboriginal archaeological sites and preliminary cultural heritage assessment to determine whether a Cultural Heritage Management Plan, in terms of the *Aboriginal Heritage Act 2006*, is required.
- A preliminary soil assessment demonstrating the extent of any contaminated soils that may exist on the subject 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.
- A land capability assessment, unless the development will be connected to a reticulated sewerage network.
- A traffic impact assessment and management plan that identifies:
 - Appropriate access and circulation of vehicles on the existing and future road network. [Access arrangements are to avoid removal of existing roadside native vegetation and avoid conflict with existing accesses onto River Road.](#)
 - The works necessary to accommodate traffic generated by the development and to mitigate any adverse impacts of the development.
 - The trigger points for any additional traffic infrastructure such as upgrades to existing intersections.
 - [Access arrangements to have regard to on-road cyclists.](#)
- An infrastructure plan approved by the Responsible Authority, which identifies the anticipated staging and timing of the provision of infrastructure. The infrastructure plan should address, as appropriate:
 - The provision, staging and timing of stormwater drainage works.
 - The provision, staging and timing of roadworks, both internal and external in accordance with the approved traffic management plan.
 - The provision, staging and timing of landscaping works for local parks, stormwater drainage reserves and regional landscaping works.
 - The securing of the infrastructure and utility services as may be necessary by way of an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* ~~or by other means acceptable to the Responsible Authority.~~
 - Any other infrastructure related matter reasonably requested by the Responsible Authority associated with the subdivision of land.
 - Identification of any agency or person responsible for provision of particular items of infrastructure.

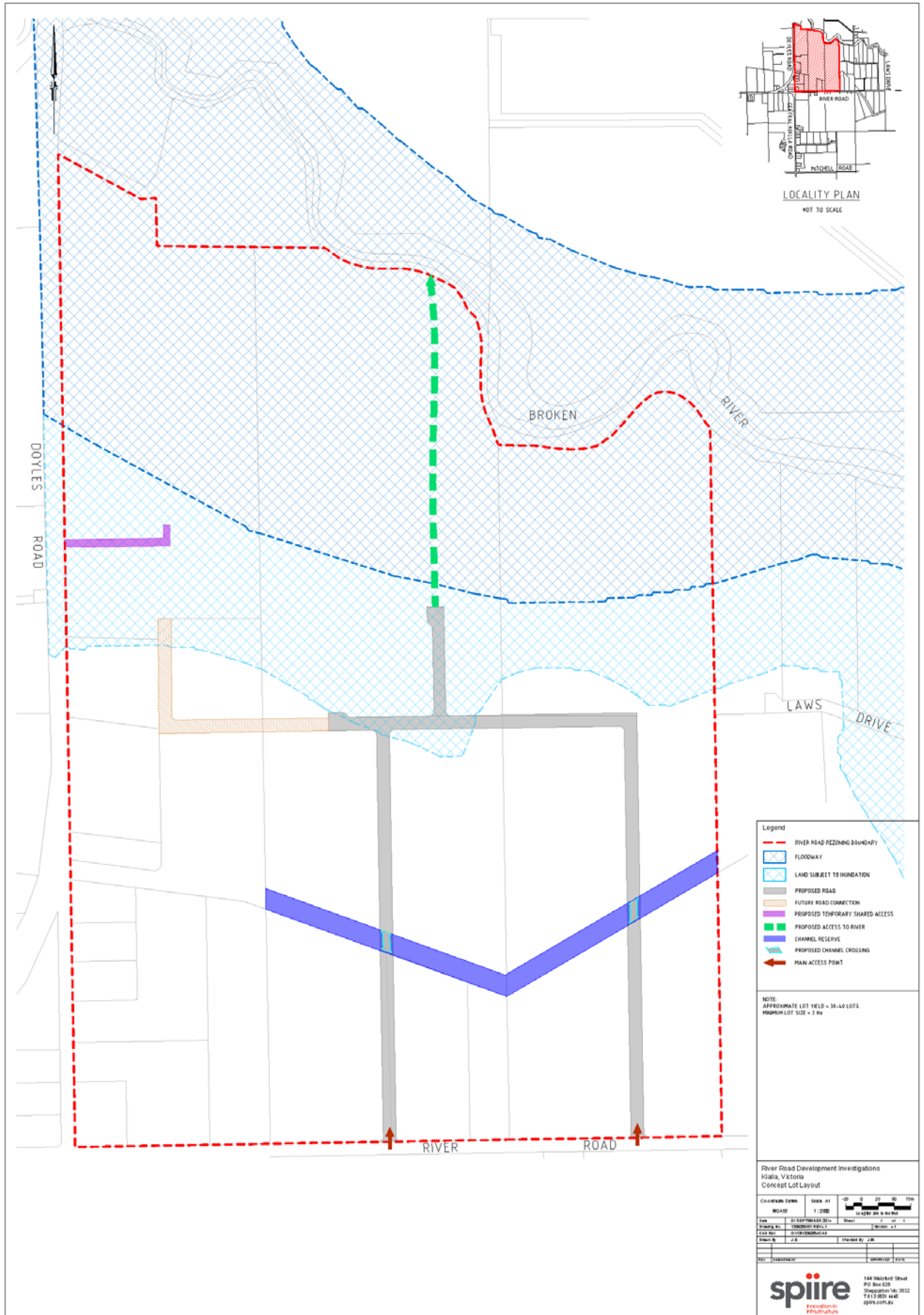
Before approving the Development Plan, the Responsible Authority must consider the following, and may include conditions where appropriate:

- The environmental, ecological, landscape, archaeological, cultural heritage and historical values and features of the site.
- The comments and any requirements of Goulburn Murray Water and in particular any matters relevant to its policy regarding acceptance of urban water to Goulburn Murray Water Drains.
- The comments and requirements of VicRoads, [including an agreement pursuant to the provisions of Section 173 of the *Planning and Environment Act 1987* to](#)

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[confirm access arrangements and ensure that no new permanent access will be gained from Doyles Road.](#)

- The need for any agreement to be made pursuant to the provisions of Section 173 of the *Planning and Environment Act 1987* with respect to matters arising from the proposed use and development.
- Any requirements and/or views of the Greater Shepparton City Council and referral authorities regarding urban design and landscaping, traffic works, stormwater disposal, engineering works, environmental protections and enhancement, sewerage, drainage or flood mitigation works required to properly service the proposed use and development of the land.



Planning and Environment Act 1987

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AMENDMENT C171

EXPLANATORY REPORT

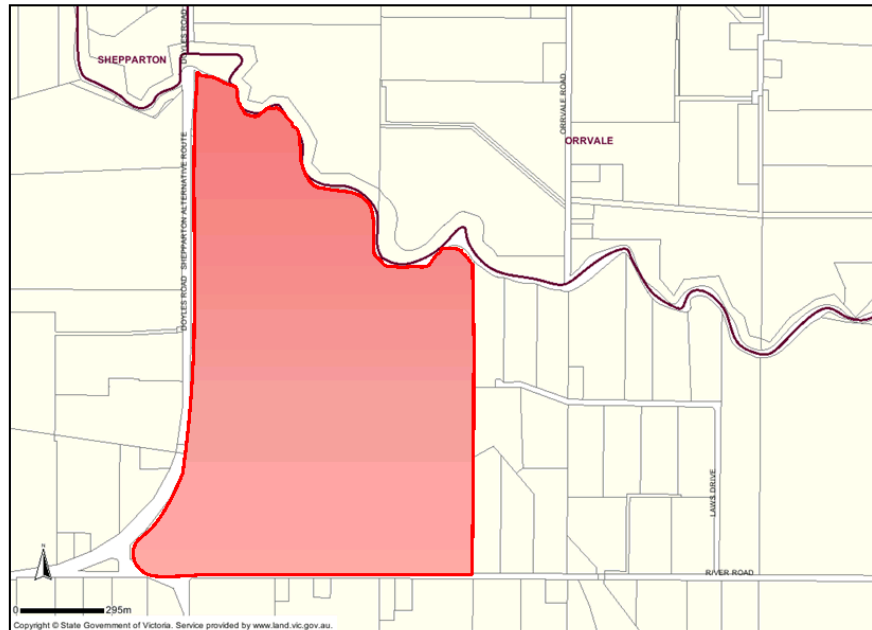
Who is the planning authority?

This 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 Spiire Pty Ltd on behalf of landowner Mr John Taylor.

Land affected by the amendment

The proposed amendment applies to land generally bounded by the Broken River to the north, Doyles Road to the west, River Road to the south, and the rural residential estate known as Laws Drive to the east, as shown on the plan below.



The proposed amendment is applicable to 36 parcels of land known as:

- CA39C Parish of Kialla
- Lots 4-6 on LP140752
- Lots 1-2 & 5-9 on LP129021
- Lots 2 & 3 on PS312489
- Lot 1 on LP86978
- Lots 1 & 2 on PS633291
- Lot 1 on PS314681
- Lots 1 & 2 on PS319410
- Lot 1 on LP134273
- Lot 1 on LP44386
- Lot 2 on PS306448

What the amendment does

The amendment proposes to rezone land in Kialla from the Farming Zone to the Rural Living Zone and amend the Schedule to the Rural Living Zone to reduce the minimum lot size for subdivision to 2ha and also to reduce the minimum lot size for which no permit is required to use the land for a dwelling to 2ha for this area. The amendment also proposes to include the land within the Development Plan Overlay with a new Schedule (DPO20) with an associated Concept Plan.

Specifically, the proposed amendment:

- Rezones the subject land at Kialla from the Farming Zone to the Rural Living Zone;
- Amends the Schedule to the Rural Living Zone at Clause 35.03;
- Amends Planning Scheme Map 11;
- Applies the Development Plan Overlay to the subject land;
- Inserts a new Schedule to the Development Plan Overlay at Clause 43.04 (Schedule 20); and
- Amends Planning Scheme Map 11DPO.

Strategic assessment of the amendment

Why is the amendment required?

Part of the subject area, and land immediately abutting the subject area, has already been developed for rural living purposes. An amendment to the Greater Shepparton Planning Scheme is required to rezone the subject land to a more appropriate zone to reflect its current land use and to facilitate infill rural residential development on the land not yet developed.

The *Kialla and Shepparton South Framework Plan* at [Clause 21.04 – Settlement](#) of the Greater Shepparton Planning Scheme identifies the land for 'potential rural living'.

The proposed rezoning has strategic support in the *Greater Shepparton Housing Strategy 2011* (GSHS). Growth Management Plans within this document have earmarked the land as a 'potential rural living' area. The GSHS states that it:

“recognises that rural and low density residential land will contribute to future housing diversity in Greater Shepparton and the Council is committed to providing for this form of housing in locations that rural living is appropriate, that is locations that will not further impact on productive agricultural land.”

The outcome of this proposal will be positive and of net community benefit. The GSHS has indicated:

“Low Density Residential and Rural Living development has been limited in Greater Shepparton in recent times. There is anecdotal evidence that the current minimum lot size of 8ha within the Rural Living Zone (RLZ) is inhibiting further development.”

Amending the existing Schedule to the Rural Living Zone is required as currently a minimum subdivision size of 8ha applies to the area. It is proposed to amend the Schedule to specify a minimum subdivision size of 2ha and the minimum lot size for which no permit is required to use the land for a dwelling to 2ha for the subject land.

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

The proposed amendment implements objectives a, b, c, f and g of planning in Victoria, outlined in Section 4 of the *Planning and Environment Act 1987*.

The application of the Development Plan Overlay will ensure that fair, orderly and integrated development is achieved.

The northern portion of the subject land, which abuts the Goulburn River, is affected by the Floodway Overlay. Dwellings cannot be constructed on land within the Floodway Overlay. This provides an appropriate separation distance between the Broken River and any potential development of the subject land. It is also proposed to provide access to the Broken River environs to create a pleasant living and recreational environment for residents.

The proposed planning scheme amendment implements the objectives of planning in Victoria by facilitating orderly, coordinated development in an area designated for rural residential development. The proposal seeks to balance the interests of the community through the provision of rural residential land to meet the needs of a growing municipality.

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

The land has been subject to significant environmental land use change in the past. Many of the larger lots in the precinct are no longer used for agricultural purposes and are too large to be managed as 'residential' land. Lots of a more manageable size will result from this proposed planning scheme amendment, creating a positive environmental outcome.

Land capability assessments have been undertaken and concluded that waste water can be treated and disposed of onsite. All lots are capable of housing and retaining an on-site effluent disposal system.

The proposal has been referred to Council's Development Engineering Team to assess potential flooding and drainage concerns. The proponent produced a preliminary indicative drainage plan to show how the area will address any flooding and drainage concerns. The Development Engineering Team has reviewed this plan and has given "in principle" support for the proposal. The Development Engineering Team states that the current plans are sufficient to provide confidence that any drainage issues can be resolved as detailed design progresses.

Social and Economic Effects

The proposal will have positive social and economic effects by making more efficient use of large underutilised parcels of land on the fringe of an existing urban area. The development of this land will deliver employment opportunities during construction and provide additional residential land to cater for future residents.

New housing on the site will facilitate economic growth within the municipality by providing housing to cater for the growing population. This will also improve housing choice and aid in relieving housing affordability issues within the area.

The proposed amendment will achieve a positive social outcome, as it will facilitate new and unique housing opportunities, at a density that is not readily available in Shepparton. The land is in proximity to a number of commercial, educational and transport facilities, and is adequately supported by an appropriate level of social infrastructure.

The proposed amendment will result in a net community benefit by providing a pleasant and safe living environment that satisfies demand for low density residential opportunities close to the existing urban centre.

The Country Fire Authority, Goulburn-Broken Catchment Management Authority and VicRoads have been included in initial consultation associated with this proposal and have raised no major concerns. Notice will be issued to all referral authorities for comment as part of the formal exhibition of this proposed planning scheme amendment.

Does the amendment address relevant bushfire risk?

Although the subject land is not within a Bushfire Management Overlay, a large portion of the land is within a bushfire prone area. Vegetation across the subject land is generally scattered with some heavily vegetated areas along the Broken River. Given the land adjacent to the Broken River will not be developed, the subject site is not at high risk of bushfire.

The Country Fire Authority (CFA) has been consulted for initial comments and has not objected to the proposed amendment. The CFA will be provided with further notification of this proposal during formal exhibition. Further bushfire assessment will be required at the building permit stage.

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

Ministerial Direction No. 1 – Potentially Contaminated Land has been considered. Preliminary soil contamination assessment has been prepared for three of the larger parcels within the subject area. The assessments concluded that the site is suitable for rural residential development. A requirement has been included in the Schedule to the Development Plan Overlay requiring a preliminary soil contamination assessment be prepared prior to a planning permit being issued.

The amendment has been prepared in accordance with *Ministerial Direction No. 11 – Strategic Assessment of Amendments*.

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

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

The amendment supports and gives effect to the State Planning Policy Framework (SPPF) by facilitating the orderly development of urban and rural areas in accordance with the goals and principles under the SPPF. The following addresses the relevant State policies.

- Clause 11.02-1 Supply of urban land

The proposed amendment has strategic support in the *Greater Shepparton Housing Strategy 2011*. Growth Management Plans within this document have earmarked the subject land as a potential rural living area within the next ten years.

A supply and demand analysis was undertaken by Spiire Pty Ltd in October 2013. This analysis found that the proposed amendment is required to meet a shortfall in supply of rural residential land in the Kialla/Shepparton South area for the next ten plus years.

- Clause 11.05-1 Regional settlement networks

Shepparton is identified in the SPPF as a regional city/centre where sustainable development is supported. The proposed amendment will promote rural residential growth in Kialla/Shepparton South. The application of a Development Plan Overlay to the subject land will ensure that integrated and sustainable development is achieved.

- Clause 11.05-3 Rural productivity

The subject land includes a variety of lots within the Farming Zone of sizes ranging from approximately 0.5ha to 45ha. The land has already been subject to significant environmental land use change in the past. Many of the larger lots in the precinct are no longer used for agricultural purposes and are too large to be managed as 'residential' land. The land is no longer being optimised for agricultural production and is more suited to a rural living precinct. The proposed rezoning will not compromise the supply of productive residential land in the municipality.

- Clause 13.03-1 Use of contaminated and potentially contaminated land

A preliminary land contamination assessment of some lots in the area has found no historical evidence that would indicate past significant soil contamination. The assessment concluded that the site is suitable for the proposed rural residential development. A requirement has been included in the Schedule to the Development Plan Overlay requiring a preliminary soil contamination assessment be prepared prior to a planning permit being issued.

- Clause 16.02-1 Rural residential development

The *Greater Shepparton Housing Strategy 2011* forms the strategic basis and establishes a development framework to guide future residential and rural residential growth in Greater Shepparton. This strategy identifies the subject land for 'potential rural living' and for housing change to occur within 10 years on the *Kialla and Shepparton South Growth Management Plan*.

- Clause 19.03-3 Stormwater

A preliminary indicative drainage plan has been prepared to show how the area will address any flooding and drainage concerns. The plan demonstrates that any drainage issues can be resolved as detailed design progresses. Drainage will be designed in accordance with Water Sensitive Urban Design.

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

The amendment is consistent with the Local Planning Policy Framework.

- Clause 21.04 Settlement includes Framework Plans from the *Greater Shepparton Housing Strategy 2011*. The land is identified for potential rural living purposes in the Framework Plans. The clause states:

“A significant portion of residential growth in the short-medium term will be met by the four main growth corridors identified in the Greater Shepparton 2030 strategy- 1) The southern corridor south of the Broken River at Kialla”.

The clause goes on to state:

“The growth plans identify a number of longer term residential growth corridors in Shepparton North and Kialla to the Ease of Kialla Lakes once existing areas are nearing full development.”

- Clause 21.04-4 Urban design
A Schedule to the new Development Plan Overlay has been prepared to ensure that the future design of the subdivision will appropriately address strategies outlined in this clause. The Development Plan must demonstrate the proposed subdivision layout of the proposed development, including roads, lot size, areas of open space and drainage retention areas.
- Clause 21.05-1 Natural Environment and Biodiversity
The subject land is bounded by the Broken River environs to the north. The river corridor is highly vegetated and any development on this land is restricted due to the Floodway Overlay. The new Schedule to the Development Plan Overlay includes measures to limit environmental impacts. This includes an environmental assessment of the land, involving a flora and fauna survey identifying the health and habitat value of all native vegetation.
- Clause 21.05-2 Floodplain and Drainage Management
The new Schedule to the Development Plan Overlay includes requirements for drainage and flooding matters to be addressed. A preliminary drainage plan indicates no adverse impact on adjoining properties. The drainage will be designed in accordance with Water Sensitive Urban Design principles and Council’s Infrastructure Design Manual.
- Clause 21.05-4 Cultural Heritage
There are no identified places of cultural heritage significance within the subject area. Some of the land is included within an area of cultural heritage sensitivity associated with the Broken River environs. The lot layout takes this into consideration and any requirements of the *Aboriginal Heritage Act 2006* will be complied with through the planning permit process.
- Clause 21.07-2 Urban and Rural Services
A Land Capability Assessment has been undertaken for some of the land parcels within the amendment area. These indicate the potential future lots are capable of retaining and disposing of effluent on-site.

The land easily serviced by commercial, educational and transport facilities in Kialla and Shepparton.

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

There are a number of zones which seek to achieve a residential or rural residential land use outcome. These include the Rural Living Zone, Low Density Residential Zone, Residential 1 Zone, Residential Growth Zone, General Residential Zone, Neighbourhood Residential Zone, Township Zone and Mixed Use Zone.

Most of these zones are intended to be applied where higher densities of development are anticipated or exist and, as such, and not considered appropriate for this area. The subject area has been designated as a rural living precinct, whereby housing will be located at lower densities and the rural/open character of the area is maintained.

The Rural Living Zone limits the minimum lot size for subdivision and, therefore, will facilitate residential development at an intensity which is supported at both the state and local level.

The subject area contains multiple properties and is multiple land ownerships. The application of the Development Plan Overlay will allow for a fair and integrated rural residential development.

This amendment has made proper use of the Victorian Planning Provisions.

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

Consultation has been undertaken with the Goulburn Broken Catchment Management Authority (GBCMA) in relation to flooding. The GBCMA has indicated that it supports the rezoning of the land subject to floodplain management principles being applied to the future subdivision of the land. These principles have been incorporated into the DPO for the land.

Consultation has also been undertaken with VicRoads in regard to the proposed shared access to a small number of lots which will be accessed via Doyles Road. VicRoads has given in-principle support for these access arrangements on a temporary basis until such time as "internal" access is available via River Road. The details of this arrangement are included as a requirement of the new Schedule to the Development Plan Overlay.

Referral authorities will be notified with a copy of the proposed amendment during the formal exhibition process.

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

The purpose of the Transport Integration Act 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 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.

Given the rural living outcomes intended by this amendment, it is not expected future development will result in a detrimental impact regarding traffic on the surrounding road network. On this basis it is considered that the amendment will not have any significant

impact on the transport system, as defined by Section 3 of the Transport Integration Act 2010.

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 is not likely to have any detrimental impact on the resources and administrative costs of the Council. It will provide an improved basis for decision making which will be an administrative benefit to staff administering the Greater Shepparton Planning Scheme.

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

The amendment can also be inspected free of charge at:

- the Department of Transport, Planning, and Local Infrastructure website at www.dpcd.vic.gov.au/planning/publicinspection; and
- the Greater Shepparton City Council website at 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 25 August 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 commencing 22 September 2014
- panel hearing: week commencing 13 October 2014

AMENDMENT C171 (RIVER ROAD) – SUBMISSIONS RECORD

SUB NO.	SUBMITTER	SUMMARY OF SUBMISSION	ASSESSMENT OF SUBMISSION
1	VicRoads	<p>Objects to the following:</p> <ul style="list-style-type: none"> • The 'proposed shared access' on the Concept Plan should clearly state 'temporary'; • No future connection road is shown to connect the temporary access to the internal road network; and • The Schedule does not clearly state the requirements of access to Doyles Road being temporary or the requirement for a Section 173 Agreement. 	<p>Council officers agree.</p> <p>The access must clearly be shown as 'temporary'. A Section 173 Agreement is required to appropriately address the restriction.</p>
2	Goulburn Valley Water	No objection	N/A
3	Goulburn Broken Catchment Management Authority	No objection subject to conditions to be considered at subdivision stage.	The comments and requirements of the Goulburn Broken Catchment Management Authority will be considered at the Development Plan/subdivision stage.
4	Land owner (N Campbell)	<p>Generally supports the amendment but raises concerns regarding the following:</p> <ul style="list-style-type: none"> • Positioning of Roadways into Subdivision via River Road • Traffic Management • Landscape of frontage along River Road 	<p>A traffic impact assessment report (TIAR) must be prepared at the Development Plan stage. The priority of the TIAR is to ensure that any changes to traffic movements are safe for all road users.</p> <p>The location of access points along River Road will be subject to the TIAR and Council approval. The location of these access points (including their exact location) and intersection treatments will be informed by the TIAR.</p> <p>More detail regarding the design of the development will become available when the Development Plan is prepared. Adjoining land owners will receive information and notification during the consultation associated with the Development Plan process.</p>
5	Environment Protection Authority Victoria	No objection	N/A
6	Onleys Pty Ltd on behalf of land owner (B & A Stovell)	No objection – very supportive of the proposed development and request to be included in further consultation.	Adjoining land owners will receive informal notification during the consultation associated with the Development Plan process.
7	Spiire Pty Ltd on behalf of land owner (B Humm & E Metzke)	No objection – support the proposed amendment and request that Council consider rezoning the land immediately to the east of the rezoning area once C171 is finalised.	The land immediately east of the rezoning area is currently the settlement boundary for Kialla and Shepparton and designated for 'potential rural living'. This provides strategic justification for the rezoning to be considered.