

# **ATTACHMENT TO AGENDA ITEM**

**Ordinary Meeting**

**18 August 2015**

**Agenda Item 9.3      Amendment C182 to the Greater Shepparton Planning  
Scheme - Consideration of Submissions**

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SUBMISSION RECORDER  
AMENDMENT C182 (Dobson's Estate)

Sub No.	Organisation	Content of Submission	Assessment of Submission	Recommendation
1	Goulburn Broken Catchment Management Authority	No objection	N/A	No action required.
2	APA Group	No objection	N/A	No action required.
3	Environment Protection Authority (Victoria - North East)	No objection	N/A	No action required.
4	Goulburn Valley Water	No objection	N/A	No action required.
5	Department of Environment, Land, Water & Planning	No objection	N/A	No action required.
6	Landowner	Objection	<ul style="list-style-type: none"> <li>* No objection to proposed development</li> <li>* Objection to access to the land via Orchard court either as an extension of the court or a through-road.</li> <li>* Opening the court would reduce the safety, peace and quietness.</li> <li>* Believe that access could/should be provided from Old Dookie Road only.</li> <li>* Would like to know when sewerage will become part of future plans for the area.</li> </ul>	<ul style="list-style-type: none"> <li>* Traffic and access solutions will be finalised at the planning permit/subdivision stage. However, at this stage, Council's Development Engineering Team would prefer a second access point onto Old Dookie Road to reduce the risks associated with emergency access. This second access point is subject to developer agreement.</li> <li>* The land proposed to be developed is not within the sewer district. Land Capability Assessments have been provided demonstrate that effluent can be accommodated on-site. The future sewerage plans for the area should not affect the consideration of the proposed development.</li> <li>* Refer to Panel.</li> </ul>
7	Landowner	Objection	<ul style="list-style-type: none"> <li>* Objection to access to the land through an extension of Orchard Ct, which would effect the safety of the road for their family.</li> <li>* Concerned with the potential impact on the environment the development would have if reticulated sewerage is not required.</li> <li>* Landowner currently experiences drainage issues after significant rainfall events. Landowner would like to know if the proposed development will address any of these issues.</li> </ul>	<ul style="list-style-type: none"> <li>* Traffic and access solutions will be finalised at the planning permit/subdivision stage. However, at this stage, Council's Development Engineering Team would prefer a second access point onto Old Dookie Road to reduce the risks associated with emergency access. This second access point is subject to developer agreement.</li> <li>* The land proposed to be developed is not within the sewer district. Land Capability Assessments have been provided that demonstrate that effluent can be accommodated on-site. The future sewerage plans for the area should not affect the consideration of the proposed development.</li> <li>* The drainage solution will be finalised at the planning permit/subdivision stage. However, the proposed development will be required to manage all stormwater on-site with no off-site impacts. Current drainage requirements will ensure that any development of the site will not exacerbate existing drainage issues. The future development of this site cannot be expected to help resolve existing drainage issues in Dobson's Estate.</li> <li>* Refer to Panel.</li> </ul>
8	Goulburn-Murray Water	No objection	N/A	No action required.
9	Landowner	Objection	<ul style="list-style-type: none"> <li>* Objection to access to the land via Orchard court either as an extension of the court or a through-road. This would impact the quiet amenity of the Court.</li> <li>* Landowner highlights existing issues with breaches of restrictive covenants and believes that the rezoning proposal is a breach of the original Shire of Shepparton plans for the amenity of the estate.</li> </ul>	<ul style="list-style-type: none"> <li>* Traffic and access solutions will be finalised at the planning permit/subdivision stage. However, at this stage, Council's Development Engineering Team would prefer a second access point onto Old Dookie Road to reduce the risks associated with emergency access. This second access point is subject to developer agreement.</li> <li>* The breaching of any covenants is a legal/enforcement issue and should not prevent the future development of the land. The proposed rezoning does not breach any existing covenants.</li> <li>* Refer to Panel.</li> </ul>
10	Public Transport Victoria	No objection	N/A	No action required.
11	Landowner	Objection	<ul style="list-style-type: none"> <li>* No objection to proposed rezoning</li> <li>* Objection to access to the land via Orchard court either as an extension of the court or a through-road.</li> </ul>	<ul style="list-style-type: none"> <li>* Traffic and access solutions will be finalised at the planning permit/subdivision stage. However, at this stage, Council's Development Engineering Team would prefer a second access point onto Old Dookie Road to reduce the risks associated with emergency access. This second access point is subject to developer agreement.</li> <li>* Refer to Panel.</li> </ul>
12	Landowner	Objection	<ul style="list-style-type: none"> <li>* No objection to proposed rezoning</li> <li>* Objection to access to the land via Orchard court either as an extension of the court or a through-road.</li> <li>* Landowner currently experiences drainage issues and raises concerns regarding additional development exacerbating these issues.</li> </ul>	<ul style="list-style-type: none"> <li>* Traffic and access solutions will be finalised at the planning permit/subdivision stage. However, at this stage, Council's Development Engineering Team would prefer a second access point onto Old Dookie Road to reduce the risks associated with emergency access. This second access point is subject to developer agreement.</li> <li>* The drainage solution will be finalised at the planning permit/subdivision stage. However, the proposed development will be required to manage all stormwater on-site with no off-site impacts. Current drainage requirements will ensure that any development of the site will not exacerbate existing drainage issues. The future development of this site cannot be expected to help resolve existing drainage issues in Dobson's Estate.</li> <li>* Refer to Panel.</li> </ul>

**Planning and Environment Act 1987**  
**GREATER SHEPPARTON PLANNING SCHEME**  
**Notice of Preparation of Amendment**  
**Amendment C182**

Greater Shepparton City Council has prepared Amendment C182 to the Greater Shepparton Planning Scheme.

The land affected by the amendment is to two adjoining parcels of land known as 10 Orchard Court (Lot 10 on LP128818) and 275 Old Dookie Road (Lot 2 on LP115406), Grahamvale.

The amendment proposes to rezone land at 10 Orchard Court and 275 Old Dookie Road, Grahamvale from the Farming Zone (Schedule 1) to the Low Density Residential Zone.

You may inspect the amendment, any documents that support the amendment and the Explanatory Report about the amendment, free of charge, at the following locations:

- during office hours, at the office of the planning authority, Greater Shepparton City Council, 90 Welsford Street, Shepparton;
- at the Department of Environment, Land, Water and Planning website [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection); and
- at the Greater Shepparton City Council website [www.greatershepparton.com.au](http://www.greatershepparton.com.au).

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions. In accordance with the *Planning and Environment Act 1987*, Council must make available for inspection a copy of any submissions made.

The closing date for submissions is **Tuesday, 9 June 2015**. A submission must be sent to Greater Shepparton City Council, Locked Bag 1000, SHEPPARTON VIC 3632.

The following panel hearing dates have been set for this amendment:

- directions hearing: week commencing 13 July 2015
- panel hearing: week commencing 17 August 2015

**Colin Kalms**  
**MANAGER PLANNING**

Planning and Environment Act 1987

**GREATER SHEPPARTON PLANNING SCHEME**  
**PROPOSED AMENDMENT C182**  
**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 Onleys Consulting Pty Ltd on behalf of land owners A & D Shaholli.

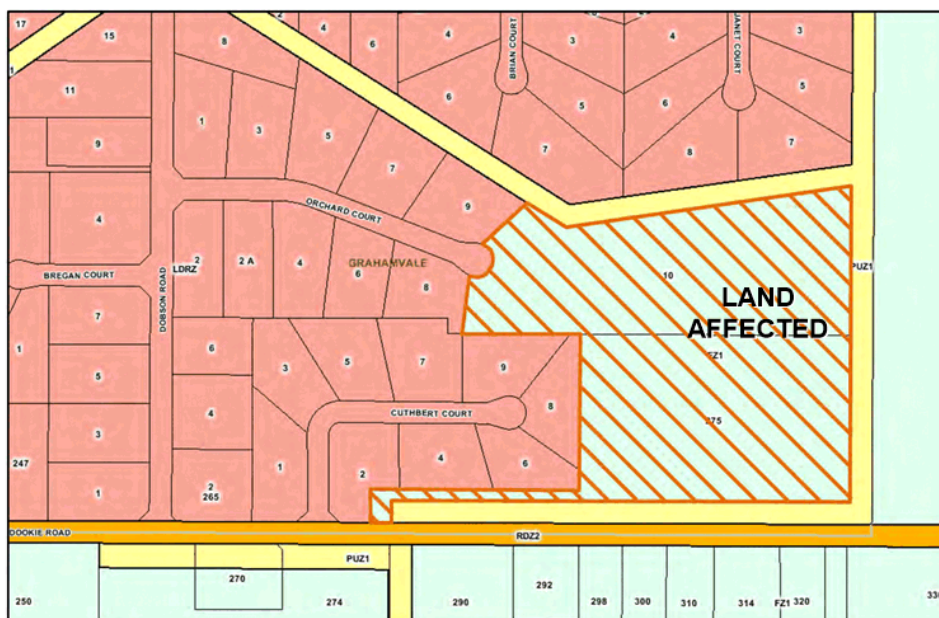
**Land affected by the amendment**

The amendment applies to two adjoining parcels of land known as:

- 10 Orchard Court, Grahamvale, being Lot 10 on LP128818; and
- 275 Old Dookie Road, Grahamvale, being Lot 2 on LP115406.

The land is approximately 8ha in total and is at the south eastern corner of Dobson's Estate. The land is currently in the Farming Zone (Schedule 1) and is not affected by any overlays (see Figure 1 – Zone Map). The remainder of Dobson's Estate is within the Low Density Residential Zone and has largely been developed for low density residential purposes.

Figure 1 – Zone Map



**What the amendment does**

The amendment proposes to rezone land at 10 Orchard Court and 275 Old Dookie Road, Grahamvale from the Farming Zone (Schedule 1) to the Low Density Residential Zone.

Specifically, the amendment proposes the following changes to the Greater Shepparton Planning Scheme:

- Rezone land at 10 Orchard Court and 275 Old Dookie Road, Grahamvale to the Low Density Residential Zone; and
- Amend Planning Scheme Map No. 11.

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

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

A planning scheme amendment is required to implement the *Greater Shepparton Housing Strategy 2011* (GSHS). The subject land is within the settlement boundary for Shepparton and has been identified for 'potential low density' in the GSHS. The current Farming Zone provisions that apply to the land prohibit it from being used for low density residential purposes. An amendment to rezone the land to Low Density Residential Zone is, therefore, necessary to implement the recommendations of the GSHS.

The provisions of the Low Density Residential Zone will allow subdivision of the land to a minimum lot size of 4,000m<sup>2</sup> for unserviced lots. This will complement the existing low density residential character of this area.

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

The amendment will implement objectives a, c and g of planning in Victoria under Section 4 of the *Planning and Environment Act 1987* as it will facilitate the orderly, fair and economic development of low density residential land in an area designated for this type of 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. It also seeks to ensure a pleasant living environment that complements the existing neighbourhood character of the area is provided.

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

##### Environmental Impacts

Rezoning the subject land from the Farming Zone to the Low Density Residential Zone will allow it to be developed with unserviced lots of a minimum subdivision size of 4,000m<sup>2</sup>. This will achieve an appropriate outcome for land that now adjoins low density residential development on two sides.

The displacement of irrigation farming land by urban expansion has been strategically addressed within the GSHS. A settlement boundary has been established with an overall strategy of containment for the regional city. The subject land is within the settlement boundary. The containment strategy is necessary to protect the significant agricultural base of the economy from the negative impact of scattered unplanned rural residential development.

The rezoning will facilitate the use and development of the subject site for low density residential purposes. This is consistent with the aims of maintaining and improving the quality of the local environment by encouraging a consolidation of land use with adjoining and adjacent low density residential development. The subject land is abutted on two sides by land already developed for low density residential purposes. There will be no loss of the municipality's natural environmental and habitats as may be the case if ad hoc non-contiguous rezoning was supported elsewhere in the Farming Zone.

There are no significant adverse environmental impacts associated with this amendment.

#### Social Impacts

The proximity of residential land use makes productive farming on the subject land very difficult. The subject land is better suited to low density residential use. Therefore use and development of this site as an integrated residential estate will assist in reducing pressure on economically viable agricultural land to the east of Shepparton, and will assist in protecting the valuable economic contribution that agriculture and the farming sector make to the local, regional and state economy.

There are no significant adverse social implications associated with this amendment.

#### Economic Impacts

An increase in residential development in this area, in close proximity to the Shepparton Urban Area will increase the number of people utilising existing services and facilities in the Dobson's Estate area, thus making these facilities more financially viable and encouraging new investment in the town. The subject land is also within close proximity to social services, infrastructure and entertainment provided in the Shepparton urban centre, thus providing the city with another sustainable diversified housing option.

There are no significant adverse economic implications associated with this amendment.

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

The amendment has been assessed to determine whether it will cause any increase to the risk to life (as a priority), property, community infrastructure or the natural environment from bushfire.

The amendment is consistent with the Local Planning Policy Framework objectives and strategies that apply to bushfire risk. The amendment site is not included within the Bushfire Management Overlay. The amendment site is not within an area identified under the *Building Regulations 2006* as being bushfire prone for the purposes of the building control system.

The Country Fire Authority will be provided with an 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?**

This proposed amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987* and is consistent with Ministerial Direction No 11 – *Strategic Assessment of Amendments*.

*Ministerial Direction 1 – Potentially Contaminated Land* requires Council to consider the potential for the site to be contaminated, given historical uses, and to satisfy itself that the land is suitable for the proposed use.

A Limited Environmental Site Assessment has been undertaken. The assessment concluded that *"there were no locations sampled at which soil contaminant concentrations exceeded the guideline values adopted for the protection of human health in a residential setting"*. This assessment provides confidence that the proposed use of the site is suitable, given the historical use of the site for horticulture.

The amendment complies with the Minister's Directions that are applicable to the amendment.

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

The State Planning Policy Framework (SPPF) objective for urban settlement (Clause 11) aims to ensure that a sufficient supply of land is available for residential, commercial, industrial, recreational, institutional and other public uses. The clause also aims to facilitate the orderly development of urban areas.

The objective for Planning for Growth (Clause 11.10-3) is *“to focus growth and development to maximise the strengths of existing settlements”*. A policy of this clause is to consider the *Hume Regional Growth Plan 2014* (HRGP). The amendment aims to implement the HRGP as it supports residential growth in a *‘major growth location’*.

The SPPF (Clause 16.01, 18 & 19.03) encourages new housing which is of a high standard of design, enhances liveability and residential amenity whilst being cost effective. It states that cost effective development is that which is integrated with existing and future infrastructure, such as schools, health services and water supply.

The amendment is consistent with these objectives for the following reasons:

- It facilitates the development of the last remaining portion of an established low density residential estate and utilises the infrastructure already provided for this estate, such as gas, electricity and water. The estate does not have sewer access but individual homes can be connected to a septic system. A Land Capability Assessment has been undertaken in consultation with Goulburn-Murray Water regarding suitability for on-site waste water treatment and disposal, and in principle approval has been given.
- It will minimize the impact of new development on the environment by avoiding development which is remote from existing infrastructure and which may be of adverse impact on other genuine nearby farming land in other locations
- It will allow for a diverse housing choice for the population, through the development of larger than average residential lots (minimum 4,000m<sup>2</sup> unserviced lots under the Low Density Residential Zone) thus enhancing lifestyle choices for residents.

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

The Municipal Strategic Statement (MSS) sets out the requirements for an increase in residential land to accommodate the projected future growth of Shepparton, whilst protecting high quality, productive agriculture land. The MSS also recognises that the demand for rural residential land exceeds supply.

Clause 21.04 *Settlement* of the Greater Shepparton Planning Scheme sets out the projected growth and strategies for housing, as per the findings of the *Greater Shepparton Housing Strategy 2011* (GSHS). The Shepparton East Growth Management Plan within the GSHS highlights the amendment site for *‘Potential Low Density, 0-5 years’*.

The objective of Clause 21.04-3 *Rural residential* is *“to provide land for rural residential purposes, without impacting on the long-term growth potential of urban centres or productive agricultural land”*. The amendment implements the strategies within Clause 21.04-3 as it is in a location that is identified on the Shepparton East Framework Plan as being within an area designated for *‘potential low density’*.

The proposed amendment implements Clause 21.04 of the Greater Shepparton Planning Scheme and the GSHS, which is a reference document, by rezoning the land to the Low Density Residential Zone.

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

This proposal seeks to include the land within the Low Density Residential Zone.

The relevant purpose of the Low Density Residential Zone at Clause 32.03 of the planning scheme is to “provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater”.

The GSHS identifies the subject site for low density residential purposes. The Low Density Residential Zone is therefore the appropriate zone to allow for the low density residential development of the land.

The amendment makes proper use of the Victorian Planning Provisions.

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

The views of Goulburn-Murray Water have been considered regarding treatment of waste water and a land capability assessment has been undertaken. Goulburn-Murray Water has indicated that it is satisfied with the proposal.

The views of VicRoads have also been sought regarding Old Dookie Road. VicRoads has indicated that, because Old Dookie Road is in the Road Zone – Category 2, it is considered to be a Council road. VicRoads did not raise any objections to the proposed rezoning.

All relevant referral authorities will be notified with a copy of the proposed amendment during exhibition and will be offered an opportunity to comment.

**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.

Given the rural living outcomes intended by this amendment, any future development will result in a negligible detrimental impact regarding traffic on the surrounding road network. 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.

The amendment will not have a significant impact on the transport system, considering the very limited development opportunity it creates and the established road network within, and to and from the area.



### **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. Amendment costs will be met by the proponent of this amendment. This includes any costs associated with an Independent Planning Panel, if required.

#### **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 Environment, Land, Water and Planning website at [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection); or
- 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 **Tuesday, 9 June 2015**.

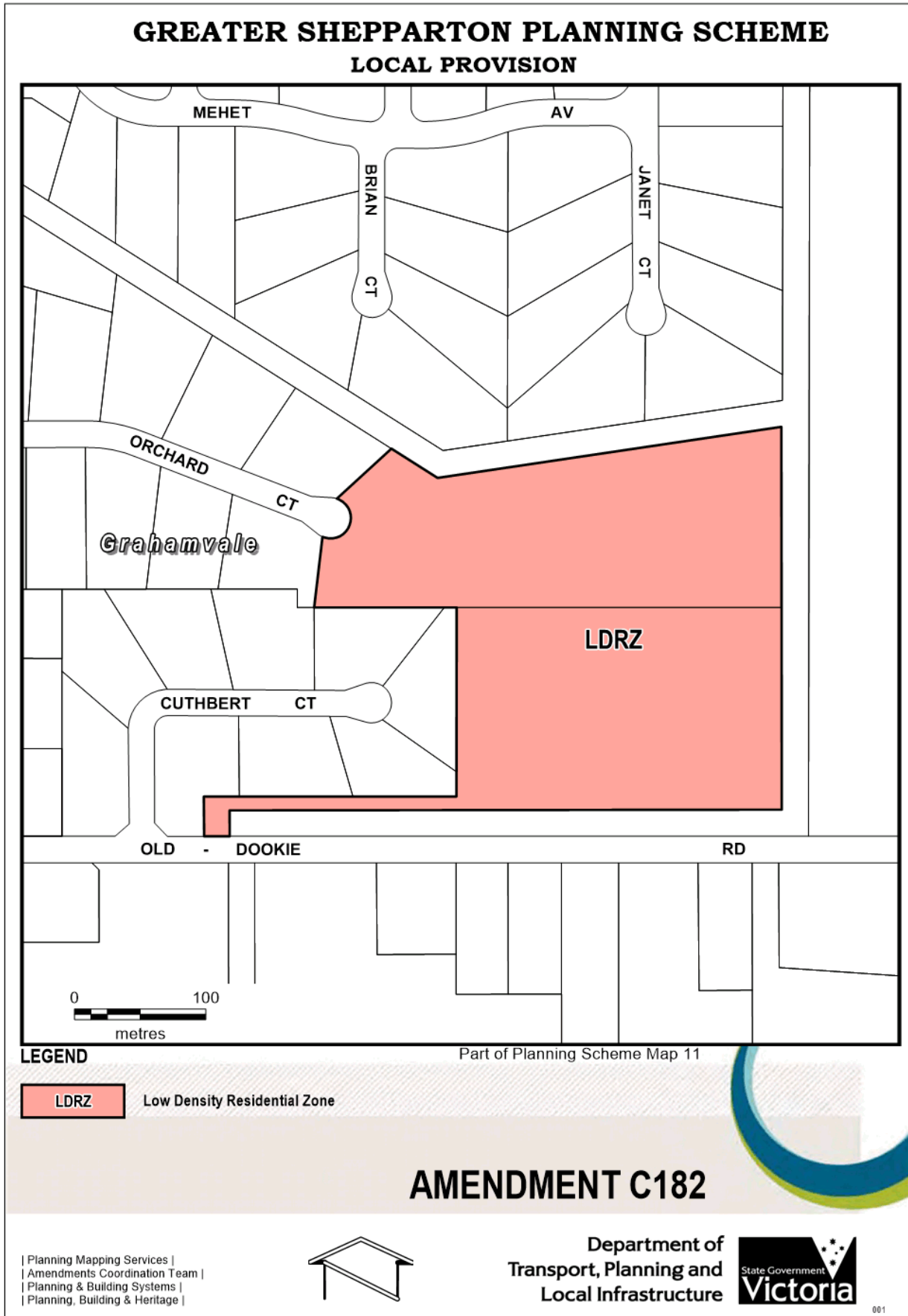
A submission must be sent to:

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 13 July 2015
- panel hearing: week commencing 17 August 2015



*Planning and Environment Act 1987*

**GREATER SHEPPARTON PLANNING SCHEME**

**AMENDMENT C182**

**INSTRUCTION SHEET**

The planning authority for this amendment is Greater Shepparton City Council.

The Greater Shepparton Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 1 attached map sheet.

**Zoning Maps**

1. Amend Planning Scheme Map No 11 in the manner shown on the 1 attached map marked "Greater Shepparton Planning Scheme, Amendment C182".

End of document