

ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

16 June 2015

Agenda Item 8.3 Adoption of Amendment C178 to the Greater Shepparton Planning Scheme

Attachment 1 1. Exhibited Documentation 400

ATTACHMENT 1 - EXHIBITED DOCUMENTATION

Planning and Environment Act 1987

GREATER SHEPPARTON PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C178

The Greater Shepparton City Council has prepared Amendment C178 to the Greater Shepparton Planning Scheme.

The land affected by the amendment is land within the Rural Living Zone to the east of the Goulburn Valley Highway along the south side of Mitchell Road and along both sides of Archer Road in Kialla.

The amendment proposes to amend the Schedule to the Rural Living Zone to reduce the minimum lot size for subdivision and the minimum lot size for which no planning permit is required to use the land for a dwelling to 2 hectares for the amendment area.

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 Greater Shepparton City Council website www.greatershepparton.com.au.
- at the Department of Environment, Land, Water and Planning website www.dtpli.vic.gov.au/publicinspection.

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 **Monday, 20 April 2015**. A submission must be sent to Greater Shepparton City Council, Locked Bag 1000, Shepparton 3632.

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

- directions hearing: week commencing 1 June 2015
- panel hearing: week commencing 29 June 2015

Colin Kalms
MANAGER PLANNING

Planning and Environment Act 1987

GREATER SHEPPARTON PLANNING SCHEME

PROPOSED AMENDMENT C178

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 Chris Smith & Associates Pty Ltd on behalf of landowners S & JT Cauchi.

Land affected by the Amendment

The amendment applies to 33 parcels of land, being:

ADDRESS OF LAND	PARCEL/LOT NO.
130 Mitchell Road, Kialla	Lots 1-4 on LP120009
160 Mitchell Road, Kialla	Lot 1 on PS504355
Part of 170 Mitchell Road, Kialla	Part of Lot 3 on PS504355
210, 220, 224, 232, 234 and 244 Mitchell Road, Kialla	Lots 1-6 on LP96148
280 Mitchell Road, Kialla	Lot 1 and RES1 on LP341837
290 Mitchell Road, Kialla	Lot 1 on LP145326
860, 870, 880, 890, 900, 910, 920, 930, 940, 950, 960 and 966 Archer Road, Kialla	Lots 7-18 on LP96148
865 Archer Road, Kialla	Lot 1 on LP200514
875, 885, 895 and 915 Archer Road, Kialla	Lots 2-5 on LP341837
925 Archer Road, Kialla	Lots 1 & 2 on PS706003

The amendment site includes all land within the Rural Living Zone to the east of the Goulburn Valley Highway along the south side of Mitchell Road and along both sides of Archer Road in Kialla (see *Figure 1 – Existing Zone Map*).

The amendment site is approximately 90 hectares in total with an average lot size of approximately 2.7 hectares. These lots are the result of an historical subdivision, which has created a distinct rural living character in this area. Most of the lots have been developed for rural living purposes with minimal agricultural use.

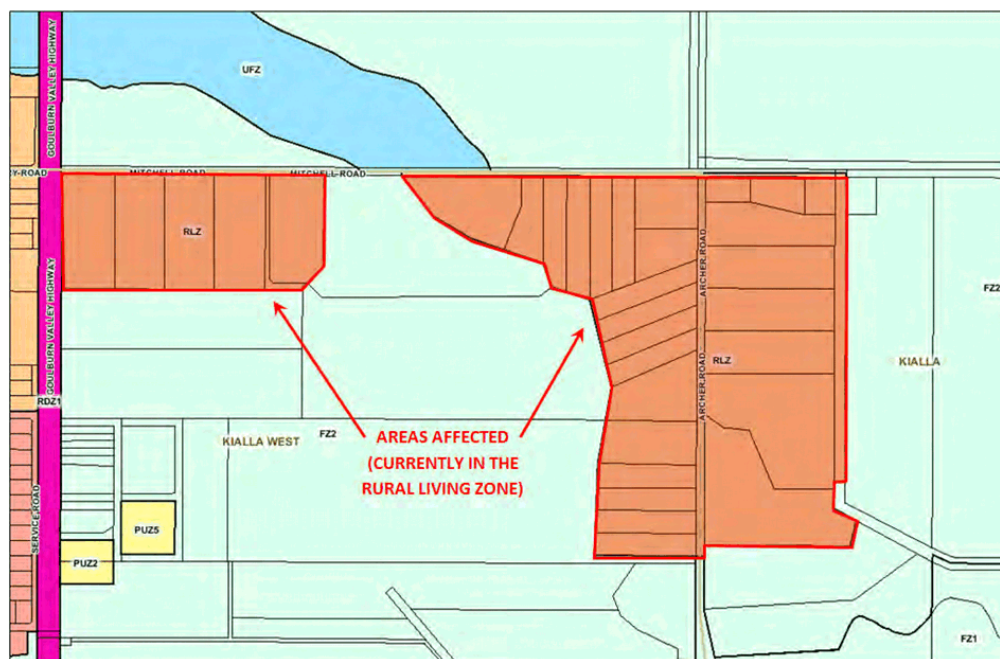
The majority of the lots within the amendment site are less than 4 hectares in area. They have lot sizes ranging from approximately 1.6 to 3.9 hectares. These lots have very limited potential for subdivision and have been developed for rural living purposes.

Two parcels of land at 925 Archer Road, Kialla are approximately 8 hectares in size. The southern-most lot is highly flood affected and has no potential for subdivision. The northern lot is not affected by the Floodway Overlay and is of a sufficient size to accommodate further subdivision.

Land at 130 and 160 Mitchell Road, Kialla consists of five lots – each lot is marginally greater than 4 hectares in size. These lots are not affected by the Floodway Overlay and have some minor subdivision potential.

The amendment site is currently within the Rural Living Zone. The Schedule to the Rural Living Zone currently prohibits subdivision below 8 hectares in this area. Lots on the west side of Archer Road, Kialla and the southern lot of 925 Archer Road, Kialla are largely affected by the Floodway Overlay. The balance of the land is within the Land Subject to Inundation Overlay. Land in the vicinity of the Seven Creeks is designated as an area of Aboriginal cultural heritage sensitivity.

Figure 1 – Existing Zone Map



What the amendment does

The amendment seeks to amend the Schedule to the Rural Living Zone to reduce the minimum lot size for subdivision and the minimum lot size for which no planning permit is required to use the land for a dwelling to 2 hectares for the amendment area.

Specifically, the amendment seeks to amend the Schedule to the Rural Living Zone at Clause 35.03 in the following manner:

- Insert a new condition to allow land within the amendment site to have a minimum lot size of 2 hectares.
- Insert a new condition to allow land within the amendment site to be used for a dwelling if the lot is at least 2 hectares in size.

Strategic assessment of the Amendment

Why is the Amendment required?

The amendment is required to allow subdivision within the amendment site to create lots with a minimum area of 2 hectares. This will better reflect the existing subdivision pattern in the amendment area.

Amendment VC103, which came into effect on 5 September 2013, amended the provisions of the Rural Living Zone in Victoria. Amendment VC103 allowed Councils to consider reducing the minimum lot size for subdivision to 2 hectares (previously 8 hectares). However, it had only a minor effect in Greater Shepparton as the requirement for a minimum lot size of 8 hectares for “all other land” in the zone remains within the Schedule to the Rural Living Zone.

Greater Shepparton City Council is now considering amending the minimum lot size for subdivision of rural living land on a precinct-by-precinct basis. Council is not considering stand-alone amendments for individual properties in the Rural Living Zone as this approach is inefficient and can result in undesirable planning outcomes. A holistic approach is preferred by Council to implement the recommendations of the *Greater Shepparton Housing Strategy 2011* in a way that considers net community benefit.

The proposed amendment will provide opportunity for further subdivision of land for larger lots within the amendment area. In particular, the lots at 925 Archer Road, 130 Mitchell Road and 160 Mitchell Road, Kialla may be subdivided into lots that are consistent with the established character of this rural living precinct. Subdivision within this area will be subject to further planning approval.

The proposed planning scheme amendment will implement the Kialla and Shepparton South Framework Plan at Clause 21.04 (Settlement) of the Greater Shepparton Planning Scheme. The land at 925 Archer Road, Kialla is designated for 'potential rural living' and is located within the Settlement Boundary in this Framework Plan.

The character of the area is already rural living in nature, with an average lot size of approximately 2.7 hectares. The proposed planning scheme amendment will allow 925 Archer Road, Kialla to be subdivided in a way that complements the rural living character of the area.

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

The amendment implements objectives a, c, f and g of Section 4(1) of the *Planning and Environment Act 1987*.

The proposed planning scheme amendment implements these 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. It also seeks to ensure a pleasant living environment that compliments the existing neighbourhood character of the area is created.

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

Environmental

The amendment site was settled and cleared for agricultural purposes many decades ago. It was then further developed for rural living purposes between c. 1960s and 1980s. Typically these lots now contain a house, sheds, yards, driveway, etc. set in large gardens. Accordingly, much of the land has been highly modified from its original, agricultural use.

The precinct does not currently have reticulated sewer and it is unlikely to be provided for in any future subdivision. All existing houses and any future houses rely on on-site effluent disposal (septic tank). Given the limited opportunity for further development within the amendment site and the minimum lot size of 2 hectares, lots should be able to safely and sustainably contain and treat waste water on-site. A land capability assessment will be required as part of any future application for a septic system and building permit.

Any additional environmental impacts will be considered at the planning permit stage of any future application for subdivision or development of land.

There are no adverse environmental impacts associated with the amendment

Social

Parts of the amendment site are considered to be in areas of Aboriginal cultural heritage sensitivity. The preparation of a Cultural Heritage Management Plan (CHMP) is mandatory prior to the issue of a planning permit for a high impact activity.

A small portion of the land at 925 Archer Road is within an area of Aboriginal cultural heritage sensitivity. This planning scheme amendment will allow a permit application for a four-lot subdivision (which is a high impact activity under the *Aboriginal Heritage Act 2006*). Based on this, the landholder has had a Due Diligence Heritage Assessment carried out by

Benchmark Heritage Pty Ltd. The assessment included a ground survey that was also attended by two representatives of the Yorta Yorta Nation Aboriginal Corporation (YYNAC).

The assessment concluded that *“the property meets the criteria for significant ground disturbance”* and *“the YYNAC agreed with this assessment and considered that no further archaeological assessment is required.”* There will be no adverse impacts to aboriginal cultural heritage associated with the amendment or the future development of the land.

A small portion of land at 130 and 160 Mitchell Road, Kialla is also within an area of Aboriginal cultural heritage sensitivity. The five lots at 130 and 160 Mitchell Road, Kialla have some potential for subdivision into two lots of 2 hectares each. Although a two lot subdivision is not a high impact activity – therefore a CHMP is not mandatory - individual landholders may undertake a voluntary CHMP, if desired, when a planning permit is sought for subdivision of the land.

Any additional social impacts will be considered at the planning permit stage of any future application for subdivision or development of land.

There are no adverse social impacts associated with the amendment.

Economic

The amendment facilitates subdivision within the Rural Living Zone, which will increase housing opportunity and choice in the municipality. Thus, it makes efficient use of land and utilities services. This should generate positive economic outcomes for the region.

Any additional economic impacts will be considered at the planning permit stage of any future application for subdivision or development of land.

There are no adverse economic impacts associated with the 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 site is not included within the Bushfire Management Overlay. However, it is within a rural setting that is designated as a Bushfire Prone Area under the Building Code of Australia. To this end, a Bushfire Attach Level (BAL) will need to be determined and incorporated into the design of any new dwelling.

The only land with further development potential within the amendment comprises open, irrigated paddocks. Any future lot would be easily capable of accommodating a dwelling with a defendable space that will achieve an acceptable BAL.

In addition, the Country Fire Authority will be provided with 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?

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

The amendment (including the amendment documentation and the proposed planning controls) 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 Clauses 11.02-1 *Supply of urban land* and 11.05-1 *Regional settlement networks* by ensuring a sufficient supply of land, so as to promote sustainable growth and development in regional Victoria.

The amendment supports the principles included at Clause 16 *Housing* by providing for housing that contributes to diversity. It implements the Strategies for rural residential development at Clause 16.02-1 by facilitating further development in an existing settlement where physical services exist and where there is little potential for conflicts with or encroachment into intensive agricultural land uses.

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

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 Kialla and Shepparton South Growth Management Plan within the GSHS identifies the amendment site as being within the settlement boundary for Kialla and Shepparton South, and the land at 925 Archer Road as “*Potential Rural Living, 0-5 years.*”

The objective of Clause 21.04-3 *Rural residential* includes “*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 *Framework Plan* as being within the settlement boundary and the larger lot (925 Archer Road, Kialla) is within an area designated for ‘potential rural living’.

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

The amendment does not include any rezoning of land. It amends the Schedule to the Rural Living Zone to bring it into line with recent State wide reforms to the rural zones, which were introduced by Amendment VC103 and came into effect in September 2013.

Amendment VC103 gave effect to the government’s commitments to reform the rural zones to respect the rights of farmers while providing greater flexibility. It amended the Rural Living Zone to permit subdivision with a minimum lot area of 2ha; however, it has had no immediate effect in Greater Shepparton as the Schedule to the Rural Living Zone continues to specify a minimum lot area of 8 hectares for “all other land”. This proposed planning scheme amendment aims to rectify this situation by allowing land within the amendment site to be subdivided in line with the reformed zone.

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

Floodplain management advice has been sought from the Goulburn Broken Catchment Management Authority (GBCMA) in relation to a potential four-lot subdivision of land at 925 Archer Road, which would become possible if/when this amendment is approved. The floodplain manager has advised that the GBCMA does not object to the proposal.

Formal consideration from other relevant authorities will be sought as part of the amendment process.

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 precinct.

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; 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 **Monday, 20 April 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 1 June 2015
- panel hearing: week commencing 29 June 2015

GREATER SHEPPARTON PLANNING SCHEME

05/06/2014
C140
Proposed
C178

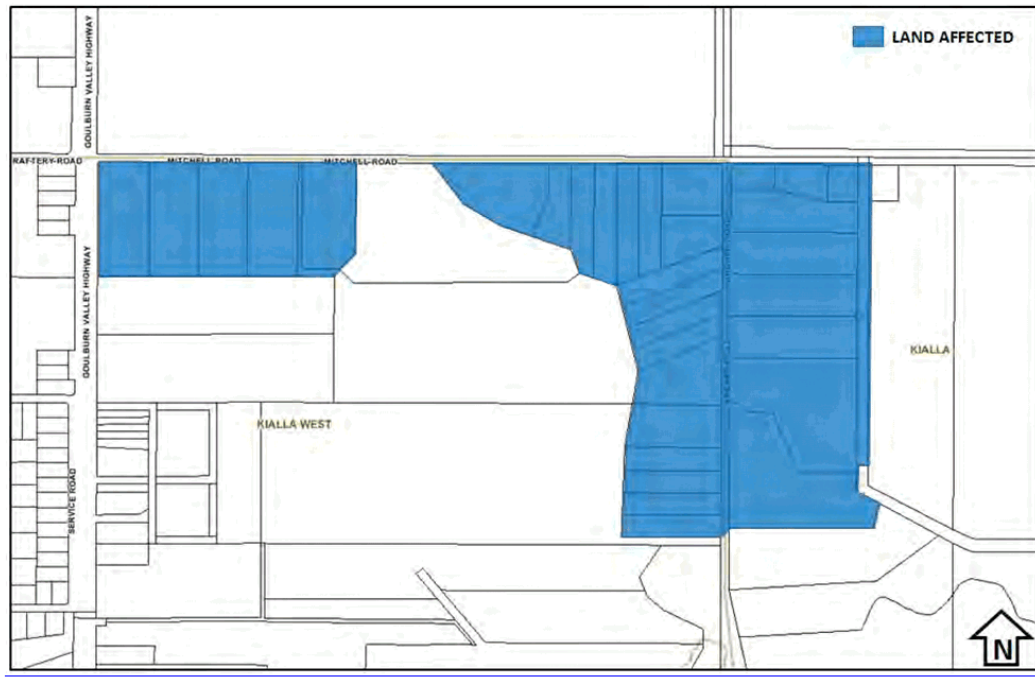
SCHEDULE TO THE RURAL LIVING ZONE

Shown on the planning scheme map as **RLZ**

	Land	Area/Dimensions/Distance
Minimum subdivision area (hectares).	CA 224 Parish of Murchison North, River Road, Old Toolamba	Must be in accordance with the proposed plan of subdivision prepared by Land Management Surveys (Shepparton) Pty Ltd, reference 3419 version 3.
	4 and 5 Waterbird Court, Kialla	2.5 hectares
	Land affected as indicated on Map 1 of this Schedule	2 hectares
	All other land	8 hectares
Minimum area for which no permit is required to use land for a dwelling (hectares).	Land affected as indicated on Map 1 of this Schedule	2 hectares
	All other land	4 hectares
Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres).	None specified	
Maximum floor area for which no permit is required to construct an out-building associated with an existing dwelling (square metres)	None specified	
Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres)	None specified	
Minimum setback from a road (metres).	None specified	
Minimum setback from a boundary (metres).	None specified	
Minimum setback from a dwelling not in the same ownership (metres).	None specified	
Permit requirement for earthworks		
Earthworks which change the rate of flow or the discharge point of water across a property boundary.	All land	
Earthworks which increase the discharge of saline groundwater.	All land this zone	

GREATER SHEPPARTON PLANNING SCHEME

Map 1 – Mitchell & Archer Roads, Kialla



Planning and Environment Act 1987

GREATER SHEPPARTON PLANNING SCHEME

AMENDMENT C178

INSTRUCTION SHEET

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

The Greater Shepparton Planning Scheme is amended as follows:

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

1. In Overlays – Clause 35.03, replace the Schedule with a new Schedule in the form of the attached document.

End of document