

ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

18 August 2015

Agenda Item 9.5	Adoption of Amendment C179 to the Greater Shepparton Planning Scheme	
Attachment 1	Greater Shepparton C179 Explanatory Report Exhibition	781

Planning and Environment Act 1987

GREATER SHEPPARTON PLANNING SCHEME
AMENDMENT C179
EXPLANATORY REPORT

Who is the planning authority?

This proposed amendment has been prepared by Greater Shepparton City Council, which is the planning authority for this amendment.

The proposed amendment has been made at the request of Greater Shepparton City Council.

Land affected by the amendment

The proposed amendment applies to all land within Greater Shepparton. The major changes apply to various parcels, including:

- Land within the Design and Development Overlay (DDO) Schedules 7 and 8, including part of 238 McLennan and part of 240 McLennan Street, Mooroopna;
- Land within the Public Acquisition Overlay (PAO) Schedules, specifically:
 - 240 and 294 McLennan Street, Mooroopna;
 - 5-19 Westview Drive, Mooroopna;
 - Part of 50-58 Old Dookie Road (Lot 1 PS622242);
 - Part of 55 Old Dookie Road, Shepparton (Lot 1 on PS 622240); and
 - Part of Chivalry Drive, Mooroopna (North of Macisaac Road);
- Land within the Development Plan Overlay (DPO);
- Land within the Land Subject to Inundation Overlay (LSIO);
- Land within the Industrial 1 Zone (IN1Z) at 15 and 15A Telford Drive, Shepparton;
- Land within the Commercial 1 Zone (C1Z) at 52-56 Graham Street, Shepparton;
- Land within the Public Use Zone 1 (PUZ1) at 65 Grahamvale Road, Grahamvale;
- Land within the Public Use Zone 4 (PUZ4), including:
 - Part of 151, 151A, 155, 157, 159, 159A and 161 Hogan Street, Tatura;
 - Part of 5545 Midland Highway, Byrneside (Lot 1 on TP585646);
 - Part of 65 and 205 Arcadia Road, Arcadia;
 - Part of 200 Kennedys Road, Arcadia;
- Land within the Public Use Zone 6 (PUZ6), including:
 - 41-43 Marungi Street, Shepparton (known as Goulburn Valley Regional Library);
 - 50-70 Welsford Street, Shepparton (known as Eastbank Centre and Shepparton Art Muesum); and
 - 90 Welsford Street, Shepparton (known as Greater Shepparton City Council offices).
- Land within the Public Parks and Recreation Zone (PPRZ), including part of 20 Mercury Drive, Shepparton;

- Land within the General Residential Zone Schedule 1 (GRZ) at Lot 1 TP335779;
- Land within the Special Use Zone Schedules 4 and 6 (SUZ4 and SUZ6), including part of 250 Toolamba Road, Mooroopna (known as the GV Link site);
- Land within the Urban Flood Zone (UFZ), including:
 - Part of 8-9 Bass Court, Shepparton;
 - Part of 95, 97 and 99 Batman Avenue, Shepparton;
 - Part of 66, 68, 72, 74, 76 and 78 The Boulevard, Shepparton;
 - Part of 118, 120, 122 and 126 McPhees Road, Shepparton;
 - Part 6, 8, 10, 12 and 14 Forest Drive, Kialla;
 - Part of 39, 41, and 43 Teasdale Crescent, Kialla;
 - Part of 1, 2 and 3 Bluebird Court, Kialla;
 - Part of 65 Adams Road, Kialla;
 - Part of 130, 140 and 148 River Road, Kialla;
 - Part of 42, 46, 48, 50, 52 and 54 Furphy Avenue, Kialla;
 - Part of 7670, 7690 and 7710 Goulburn Valley Highway, Kialla;
 - Part of 60, 190 and 200 Raftery Road, Kialla; and
 - Part of 91 and 103 Riverview Drive, Kialla;

What the amendment does

The amendment proposes to correct spelling errors and incorrectly identified centres and roads within the planning scheme, to remove redundant overlays, to rezone land into a variety of land use zones and to fix mapping anomalies within the zone and overlay mapping in the planning scheme.

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

- Amend 21.06-5 – Commercial/Activity Centres to reflect the correct name for activity centres and road names;
- Amend Clause 37.01 – Schedule 4 to the Special Use Zone (SUZ4) to correct a spelling error;
- Amend Clause 43.02 – Schedule 7 to the Design and Development Overlay (DDO7) to correct a spelling error;
- Amend Clause 43.04 – Schedule 17 to the Development Plan Overlay to relax provisions in the planning scheme;
- Amend Clause 44.04 – Schedule to the Land Subject to Inundation Overlay to avoid repetition and improve clarity;
- Amend Clause 45.01 – Schedule to the Public Acquisition Overlay (PAO 2, 4, 10, 11, 13-16) to reflect the correct name for the 'Acquiring Authority' and to remove PAO8 from this schedule;
- Amend the Schedule to Clause 52.05-5 to introduce land and conditions into the Schedule.
- Rezone 15 and 15A Telford Drive, Shepparton from IN1Z to PUZ6;
- Rezone 52-56 Graham Street, Shepparton from C1Z to PUZ3;
- Rezone Lot 1 TP335779 from GRZ to PUZ1;

- Rezone part of 65 Grahamvale Road, Grahamvale from the PUZ1 to the FZ1;
- Rezone part of 151, 151A, 155, 157, 159, 159A and 161 Hogan Street, Tatura from PUZ4 to C1Z;
- Rezone part of 5545 Midland Highway, Byrneside (Lot 1 on TP585646) from PUZ4 to FZ1;
- Rezone part of 65 and 205 Arcadia Road, Arcadia and 200 Kennedys Road, Arcadia from PUZ4 to FZ1;
- Rezone part of 20 Mercury Drive, Shepparton from PPRZ to C2Z;
- Rezone part of 118, 120, 122 and 126 McPhees Road, Shepparton from UFZ to FZ1 and apply the FO;
- Rezone part of 39, 41, and 43 Teasdale Crescent, Kialla from UFZ to LDRZ and apply the FO;
- Rezone part of 95, 97 and 99 Batman Avenue, Shepparton, part of 8-9 Bass Court, Shepparton, and part of 64, 66, 68, 72, 74, 76 and 78 The Boulevard, Shepparton from UFZ to GRZ and apply the FO;
- Rezone part of 60 Raftery Road, Kialla, part of 1, 2 and 3 Bluebird Court, Kialla and part of 36, 38, 40, 42, 46, 48, 50, 52, 54 and 56 Furphy Avenue, Kialla from UFZ to NRZ1 and apply the FO;
- Rezone part of 8, 10, 12 and 14 Forest Drive, Kialla from UFZ to GRZ and apply the LSIO;
- Rezone part of 190 and 200 Raftery Road, Kialla from UFZ to RLZ and apply the LSIO;
- Rezone part of 7670, 7690 and 7710 Goulburn Valley Highway, Kialla, part of 91 and 103 Riverview Drive, Kialla, and part of 65 Adams Road, Kialla from UFZ to RLZ and apply the FO;
- Rezone part of 130, 140 and 148 River Road, Kialla from UFZ to FZ2 and apply the FO;
- Remove the DDO Schedule 8 from land where the overlay is no longer relevant;
- Remove the PAO from lands which are no longer being pursued for public works or where that land has been acquired;
- Apply the FO to part of 250 Toolamba Road, Mooroopna (GV Link site); and
- Amend Planning Scheme Map Nos 6, 7, 11, 11LSIO-FO, 11PAO, 13, 13LSIO-FO, 14, 17, 17LSIO-FO, 18, 18PAO, 19, 20DDO, 20PAO, 25, 25LSIO-FO, 26, 26LSIO-FO, 27, 27LSIO-FO and 34.

Strategic assessment of the amendment

Why is the amendment required?

Greater Shepparton City Council has been progressively reviewing existing errors and anomalies in the Greater Shepparton Planning Scheme. This amendment corrects a number of these errors and anomalies through the removal of redundant overlays, improvement of clarity within overlays, correction of mapping errors, rezoning of incorrectly zoned land parcels, introduction and relaxation of provisions, and correction of a number of spelling and identification errors.

PAOs and DDOs have been applied to land in Greater Shepparton as necessary, however these overlays still remain over some land in the Municipality where the overlay is now redundant. The amendment proposes to remove these land parcels from within the PAO and DDO as required.

The amendment proposes to revise the wording of the permit exemptions included in the schedule to the LSIO (Clause 44.04) of the Greater Shepparton Planning Scheme. The proposed revisions will remove unnecessary repetition and improve the clarity of these permit exemptions. The amendment does not propose to introduce any new controls within this Schedule.

Several mapping errors have been identified which will be corrected through the proposed amendment. The boundary line for the UFZ has been incorrectly mapped over a number of land parcels and should be replaced with the FO to ensure the application of zones and overlays related to flooding are accurate and up to date. Additionally, Amendment C34 to the Greater Shepparton Planning Scheme applied the SUZ6 to the entire GV Link site and, in the process, removed the UFZ, which covered a portion of the site. The FO should be applied to the land where the UFZ previously existed. Without this overlay, planning controls that ensure that development does not negatively impact upon the free passage and temporary storage of floodwater would not apply to the land.

Some land in the municipality has an inappropriate land use zone applied over the land. Some land parcels are in private ownership and the PUZ is now deemed inappropriate, while some land parcels are now in public ownership and the PUZ should be applied. Where the PUZ is removed more suitable land use zone is applied through the proposed amendment.

The amendment proposes to insert land and conditions into the Schedule to Clause 52.05-5. The purpose for this addition is to relax the provisions that control advertising signs for specific lands zoned PUZ6, which would otherwise be prohibited from installing certain types of advertising signs. The amendment also proposes to revise the wording of the requirements for development plan included in Schedule 17 to the DPO (Clause 43.04). The proposed revisions will allow the Relevant Authority to use discretion when determining which plans, surveys and provisions need to accompany the development plan.

Several spelling errors have been acknowledged, as well as situations where an activity centre, a road and an authority are now incorrectly identified in the planning scheme due to name changes. The amendment proposes to correct these errors to improve the clarity of the planning scheme.

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

The proposed amendment seeks to implement the objectives of planning in Victoria at Section 4(1) of the *Planning and Environment Act 1987* by correcting existing errors and anomalies in the Greater Shepparton Planning Scheme. This will assist in providing for the fair, orderly, economic and sustainable use and development of land in the Municipality. As a result of these anomalies, mechanisms of the planning process have created situations that are unjust, clearly in error and/or conflict with the intent of the provisions in the scheme.

The rezoning of land to better reflect existing uses and the removal of redundant overlays and revision of mapping errors facilitates appropriate and orderly development and assists with the provision of efficient and safe environments for all Victorians.

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

The proposed amendment will not have any significant detrimental environmental effects. The proposed amendment is correctional in nature and will not result in any direct changes to land use or built form outcomes. The amendment has positive social and economic effects as it reduces the need for landowners to apply for planning permits on land that is incorrectly included in an overlay or zone, and will facilitate development of land that is included in an overlay or zone with existing restrictive mandatory controls. The proposed amendment will ensure a net community benefit by enhancing the effectiveness and efficiency of the Greater Shepparton Planning Scheme in achieving environmental, social and economic objectives.

Does the amendment address relevant bushfire risk?

The amendment proposes to correct existing errors and anomalies in the Greater Shepparton Planning Scheme. The changes included in this amendment will not have any significant effect on bushfire risk.

The Country Fire Authority will be notified with a full copy of the amendment documentation during the limited exhibition of this amendment and will be provided with an opportunity to comment on the proposed changes to the planning scheme.

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

The proposed amendment is not affected by any of the Minister’s Directions under Section 12 of the *Planning and Environment Act 1987*.

The 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*.

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

The amendment is consistent with and supportive of the State Planning Policy Framework (SPPF), in particular, Clause 10.04 – *Integrated Decision Making*:

“Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social well-being affected by land use and development.”

This amendment proposes to correct existing errors and anomalies in the Greater Shepparton Planning Scheme to better meet the objectives of planning in Victoria. This will allow the mechanisms of the planning process to appropriately address aspects of economic, environmental and social well-being affected by land use and development across the Municipality.

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

The proposed amendment does not conflict with the Local Planning Policy Framework and better implements the objectives of the Municipal Strategic Statement through correcting existing errors and anomalies in the Greater Shepparton Planning Scheme.

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

The proposed amendment removes redundant overlays from overlay schedules, rezones land into a variety of land use zones and corrects mapping anomalies. Changes include:

Removal of PAO and DDO

The PAO applying to some land within the Municipality has become redundant due to the acquisition of land being finalised or are no longer being pursued for public works. These lands should therefore be removed from the overlay.

The DDO applying to some land in the Municipality for the Mooropna Town Entry West Precinct is no longer needed and should be removed. The purpose of the DDO is to ensure that design and development for developable land within the overlay is to a high standard. The land was subject to the DDO. However, it was acquired to construct an intersection and was developed to the standards of the overlay.

The amendment proposes to remove the PAO and DDO from various land parcels to ensure the provisions in the planning scheme are valid and correct.

Change the Schedule to Clause 52.05-5

- 41-43 Marungi Street, Shepparton (known as Goulburn Valley Regional Library);

- 50-70 Welsford Street, Shepparton (known as Eastbank Centre and Shepparton Art Muesum); and
- 90 Welsford Street, Shepparton (known as Greater Shepparton City Council offices).

The lands listed above are subject to 'Category 4 – Sensitive Areas' under Clause 52.05 'Advertising Signage'. This is the default signage category for advertising signs in the Public Use Zone, and means that 'maximum limitation' applies in terms of controlling advertising signage. The controls are inappropriate and too restrictive for the commercial and municipal uses that operate from the above addresses. As such, the amendment proposes to change the PUZ6 Schedule to allow for a less restrictive signage category (Category 1 – Commercial Areas). This signage category is more suitable and reflective of the current uses at these addresses.

Rezone Land from the PUZ

- Part of 151, 151A, 155, 157, 159, 159A and 161 Hogan Street, Tatura;
- Part of 65 and 205 Arcadia Road, Arcadia; and
- Part of 200 Kennedys Road, Arcadia.

Several land parcels adjacent to the Tatura-Echuca Railway line in Tatura and Arcadia, listed above, have a portion of their land incorrectly zoned as PUZ4. A portion of these land parcels are within the PUZ4, while the remainder of the lots are zoned either C1Z or F1Z. These land parcels are all privately owned and managed, the PUZ4 is, therefore, inappropriate for these lands. The amendment proposes to rezone the land to the C1Z or F1Z as appropriate. The C1Z or F1Z are the most appropriate zones as they already apply to the balance of these lots and reflect the existing and preferred use of the land.

- 5545 Midland Highway, Byrneside (Lot 1 on TP585646).

A parcel of land that was previously owned or managed by public authorities is now in private ownership and is incorrectly included within the PUZ. 5545 Midland Highway, Byrneside (Lot 1 on TP585646) is currently being used to operate a nursery with the permission from the public land manager and should no longer be included within PUZ4. The amendment proposes to rezone the lot from PUZ4 to FZ1. The FZ1 is the most appropriate zone as it applies to surrounding lands and reflects the existing and preferred use of the land.

- 65 Grahamvale Road, Grahamvale.

A portion of land at 65 Grahamvale Road, Grahamvale was reserved for water supply purposes by Goulburn-Murray Water (G-MW). These channel and drainage reserves are no longer required and G-MW wishes to sell these lands to the adjoining landowner. Before this sale can take place the land must be rezoned. The amendment proposes to rezone the land from PUZ1 to FZ1. The FZ1 is the most appropriate zone as it applies to surrounding lands and reflects the existing and preferred use of the land of the adjoining land.

Rezone Land to the PUZ

- 15 and 15A Telford Drive, Shepparton;
- 52-56 Graham Street, Shepparton; and
- Lot 1 TP335779.

Lands at 15 and 15A Telford Drive, Shepparton are currently included within the IN1Z; however Goulburn-Murray Water (a public authority) has recently purchased these lands. Lands at 52-56 Graham Street, Shepparton are currently included within the C1Z, however Goulburn Valley Hospital (a public authority) owns these lands. Land at Lot 1 TP335779 is currently within the GRZ; however SPI Powernet (a public authority) owns the land. The amendment proposes to rezone these lands to PUZ. The purpose of the PUZ is *to recognise public land use for public utility and community services and facilities*. These lands meet this purpose; the PUZ is therefore a more appropriate zone to apply to these lands.

Rezone Land from the PPRZ

- 20 Mercury Drive, Shepparton.

The land at 20 Mercury Drive, Shepparton, privately owned by Rumbalara Aboriginal Cooperative and used for leisure and recreation by the Rumbalara Football and Netball clubs, is currently within two zones. A majority of the land is zoned UFZ, while a small portion is zoned PPRZ. The land is privately owned and should not be within the PPRZ, instead the amendment proposes that the C2Z should apply to these lands. The C2Z applies to adjacent lots and permits the existing use of the land and is therefore deemed appropriate.

Rezone Land from the UFZ

- Part of 39, 41, and 43 Teasdale Crescent, Kialla;
- Part of 8-9 Bass Court, Shepparton;
- Part of 95, 97 and 99 Batman Avenue, Shepparton;
- Part of 1, 2 and 3 Bluebird Court, Kialla;
- Part of 64, 66, 68, 72, 74, 76 and 78 The Boulevard, Shepparton;
- Part of 118, 120, 122 and 126 McPhees Road, Shepparton;
- Part of 65 Adams Road, Kialla;
- Part of 130, 140 and 148 River Road, Kialla;
- Part of 42, 46, 48, 50, 52 and 54 Furphy Avenue, Kialla;
- Part of 7670, 7690 and 7710 Goulburn Valley Highway, Kialla;
- Part of 60 Raftery Road, Kialla; and
- Part of 91 and 103 Riverview Drive, Kialla.

The boundary line for the UFZ has been incorrectly mapped over a number of land parcels. The properties listed above, have a portion of their lands within the UFZ, with many dwellings and outbuildings in this zone. The Goulburn Broken Catchment Management Authority (GBCMA) is seeking mapping changes to ensure the application of zones and overlays related to flooding are accurate and up to date. The GBCMA has reviewed the mapping and wishes to exclude all dwellings and most outbuildings on these land parcels from the UFZ and apply an appropriate adjacent zone and the FO or LSIO in the place of the UFZ.

The relevant purpose of the UFZ, FO and LSIO is *“to ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard.”* The UFZ prohibits most development, however the FO and LSIO ensure that development which does not negatively impact upon the free passage and temporary storage of floodwater can be achieved.

Correction of Mapping Errors

- Part of 250 Toolamba Road, Mooroopna (known as the GV Link site)

Amendment C34 to the Greater Shepparton Planning Scheme applied the SUZ6 to 250 Toolamba Road, Mooroopna (the entire GV Link site). This process erroneously removed the UFZ, which applied to a portion of the site without replacing it with the FO. The amendment proposes to apply the FO to lands where the UFZ previously existed. The relevant purpose of the FO is to identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.

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

The amendment does not revise any existing referral provisions and will not impact on referral authorities. In accordance with authorisation received from Department of

Environment, Land, Water and Planning, the amendment will be exhibited to all relevant referral authorities for their consideration.

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

It is not considered that this amendment has any implications on the objectives, strategies and decision making principals set out in the *Transport Integration Act 2010*.

There are no applicable statements of policy principles prepared under Section 22 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 amendment will not place any unreasonable resource or administrative costs on the Greater Shepparton City Council. It is expected that the amendment will improve efficiency in the application of the Planning Scheme and relax unnecessary controls applying to some properties in the Municipality.

The amendment will have a positive effect on the resource and administrative costs of the responsible authority. By removing ambiguities within the planning scheme, a consistent and timely assessment of planning applications can be achieved.

Where you may inspect this Amendment

The amendment is available for public inspection, free of charge:

- during office hours at the Greater Shepparton City Council offices, 90 Welsford Street, Shepparton
- during opening hours at the Tatura Library, 12-16 Casey Street, Tatura;
- at the Greater Shepparton City Council website at www.greatershepparton.com.au; and
- at the Department of Environment, Land, Water and Planning website at www.dtpli.vic.gov.au/publicinspection.

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 **15 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: The week starting 20 July 2015
- panel hearing: The week starting 17 August 2015