

# **ATTACHMENT TO AGENDA ITEM**

Ordinary Meeting

15 September 2015

**Agenda Item 9.6      Adoption of Amendment C186 (Changes to the  
Neighbourhood Residential Zone, Schedule 1) to the  
Greater Shepparton Planning Scheme**

**Attachment 1      Submissions Recorder..... 333**

**Attachment 2      Amendment Documentation ..... 334**

## AMENDMENT C186 (Neighbourhood Residential Zone)

Submission closing date: Monday 17 August 2015

Trim No:

Sub No.	First Name	Last Name	Organisation	Street Address	Suburb	State	P. Code	Content of Submission	Assessment of submission	Recommendation	Trim Link	Date Submission received	Date Acknowledgement letter sent
1	Paul	Kerrins	GV Water	PO Box 185	SHEPPARTON	VIC	3632	No Objection	No objection	No action required	2015/44190	23/07/2015	28/07/2015
2	Neil	Repacholi	Goulburn-Murray Water	PO Box 165	TATURA	VIC	3616	No Objection	No objection	No action required	2015/44488	29/07/2015	31/07/2015
3	Guy	Tierney	Goulburn Broken Catchment Authority	PO Box 1752	SHEPPARTON	VIC	3632	No Objection	No objection	No action required	2015/44723	30/07/2015	31/07/2015
4	Carmel	O'Dwyer	Department of Environment, land, Water & Planning	PO Box 879	SEYMOUR	VIC	3660	No Objection	No objection	No action required	2015/46856	11/08/2015	14/08/2015
5	Clare	Kiely	EPA Victoria	PO Box 1007	WANGARATTA	VIC	3677	No Objection	No objection	No action required	2015/47431	13/08/2015	14/08/2015

G R E A T E R   S H E P P A R T O N  
G R E A T E R   F U T U R E



24 June 2015

Hon Richard Wynne MP  
Minister for Planning  
c/- Department of Environment, Land, Water and Planning  
Hume Regional Office  
PO Box 2182  
**WANGARATTA VIC 3677**

Dear Minister

**GREATER SHEPPARTON PLANNING SCHEME  
AMENDMENT NO C186  
NOTICE OF PREPARATION OF AN AMENDMENT**

Council has prepared Amendment C186 to the Greater Shepparton Planning Scheme.

The proposed amendment applies to all land in the municipality of the Greater Shepparton City Council currently within the Neighbourhood Residential Zone – Schedule 1 (NRZ1).

The Amendment proposes to insert a local provision for the maximum building height for a dwelling or residential building in Schedule 1 to Clause 32.09.

Under Section 17 of the *Planning and Environment Act 1987* I attach an electronic copy of the above Amendment and Explanatory Report. Under Section 18 of the Act you are required to make these documents available for inspection by any person free of charge, during office hours until the Amendment is approved or lapses.

A notice of the preparation of the Amendment will appear in the Government Gazette on 16 July 2015.

Notice will be sent to authorities affected on 16 July 2015.

Notice will also appear in the Shepparton News and the Tatura Guardian newspapers on 14 July 2015.

If you have any queries regarding this matter please contact Sam Kemp from the Greater Shepparton City Council by e-mail [sam.kemp@shepparton.vic.gov.au](mailto:sam.kemp@shepparton.vic.gov.au) or telephone (03) 5832 9730.

Yours sincerely

**Colin Kalms  
Manager – Planning**

TRIM: M15/41818

**Greater Shepparton City Council**  
Locked Bag 1000, Shepparton VIC 3632  
Central Office: 90 Welsford Street, Shepparton  
PH: (03) 5832 9730 Fax: (03) 5831 1987 Email: [council@shepparton.vic.gov.au](mailto:council@shepparton.vic.gov.au)  
ABN 59 835 329 843



*Planning and Environment Act 1987*

**GREATER SHEPPARTON PLANNING SCHEME**

**AMENDMENT C186**

**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 Zones – Schedule 1 to Clause 32.09, insert a new local provision in the form of the attached document.

End of document

## GREATER SHEPPARTON PLANNING SCHEME

09/10/2014  
C173  
Proposed C186

**SCHEDULE 1 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE**

Shown on the planning scheme map as **NRZ1**.

**NEIGHBOURHOOD RESIDENTIAL AREAS****1.0 Minimum subdivision area**

09/10/2014  
C173

None specified

**2.0 Permit requirement for the construction or extension of one dwelling on a lot**

09/10/2014  
C173

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street on a lot	None specified

**3.0 Requirements of Clause 54 and Clause 55**

09/10/2014  
C173

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

**4.0 Number of dwellings on a lot**

09/10/2014  
C173

None specified

**5.0 Maximum building height requirement for a dwelling or residential building**

09/10/2014  
C173  
Proposed C186

None specified

[A building used as a dwelling or a residential building must not exceed a height of 9 metres, plus any applicable flood level determined by a relevant referral authority pursuant to this scheme, -unless the slope of the natural ground level at any cross section wider than](#)

GREATER SHEPPARTON PLANNING SCHEME

8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 10 metres, plus any applicable flood level determined by a relevant referral authority pursuant to this scheme.

**6.0**            **Application requirements**  
09/10/2014  
C173

None specified

**7.0**            **Decision guidelines**  
09/10/2014  
C173

None specified

*Planning and Environment Act 1987*

## **GREATER SHEPPARTON PLANNING SCHEME**

### **AMENDMENT C186**

#### **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 Greater Shepparton City Council.

##### **Land affected by the Amendment**

The proposed amendment applies to all land in the municipality of the Greater Shepparton City Council currently within the Neighbourhood Residential Zone – Schedule 1 (NRZ1).

##### **What the amendment does**

The proposed amendment inserts a local provision for the maximum building height requirement for a dwelling or residential building in Schedule 1 to Clause 32.09.

Specifically, the amendment seeks to make the following changes:

- Amends Schedule 1 to the Neighbourhood Residential Zone at Clause 32.09 to include a local provision which will limit the height of a dwelling or residential building to either:
  - A standard height of 9 metres; or
  - A building height of 10 metres where the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more; or
  - In-line with existing controls through the Flood Overlay and the Land Subject to Inundation Overlay.

##### **Strategic assessment of the Amendment**

###### **Why is the Amendment required?**

The proposed amendment is required to provide a more appropriate height provision regarding future development in the Neighbourhood Residential Zone – Schedule 1 (NRZ1) in Greater Shepparton.

The NRZ1 was introduced into the Greater Shepparton Planning Scheme in October 2014 through Amendment C173, following the introduction of the new suite of residential zones across Victoria in July 2013 through Amendment V8.

A purpose of the NRZ is *“to recognise areas of predominantly single and double storey residential development”* and *“limit opportunities for increased residential development”*.

The NRZ includes a default dwelling height limit of 8 metres if no height limit is specified in a Schedule to the Zone, as in the case of Greater Shepparton. Additionally, the NRZ limits the maximum building height to 9 metres where the slope of natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more.

A significant proportion of residential land in Greater Shepparton is affected by land management overlays, such as the Flood Overlay (FO) and the Land Subject to Inundation Overlay (LSIO). These overlays generally require dwellings to be constructed with floor levels at least 300mm (and often higher) above the 100 year ARI flood level to address flooding risks.

The current NRZ1 does not provide sufficient height to reasonably accommodate these increases within building design. As a result, the design of many new dwellings and dwelling additions has been significantly compromised, reducing the quality of housing and unreasonably restricting the economic use of residential land in these areas.

The proposed amendment is in line with the purpose of the NRZ by amending the schedule to increase maximum building height which will accommodate double storey residential development.

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

The proposed amendment implements the objectives in section 4 of the *Planning and Environment Act 1987* (the Act). In particular, the amendment supports the following objectives:

- To provide for the fair, orderly, economic and sustainable use and development of land.
- To balance the present and future interests of all Victorians.
- To facilitate development that achieves the above objectives.

In particular, the amendment is required to implement the objective of fair, orderly, economic and sustainable use and development of land in the NRZ1 in Greater Shepparton, which is currently unreasonably restricted in many circumstances.

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

The amendment is not expected to have any negative environmental, social or economic impacts.

The amendment applies to land that is currently within the NRZ1 and makes minor changes to the schedule to ensure that the purpose of the NRZ can be realised. In other words, the amendment proposes to remove a current restriction that is impacting on the ability of residential land to be used and developed as intended by the existing planning scheme controls.

There are not considered to be any environmental effects of this amendment. The amendment will allow dwellings to be constructed consistent with the purpose of the NRZ and any environmental issues will continue to be controlled through existing planning scheme provisions (such as flooding).

The amendment is not considered to have any negative social effects. The amendment will allow all land in the NRZ1 to be used for its intended purpose and ensure that the Greater Shepparton community has appropriate access to appropriately designed housing within existing residential areas.

The economic effects of this amendment are considered to be positive. The amendment will remove a barrier to the reasonable and economic use of land already within a residential zone, thereby reducing the costs to Council and land owners associated with delays and unreasonable design constraints under the current planning scheme provisions. The removal of this restriction will enable new housing to be delivered in areas that have access to existing infrastructure and services, resulting in economic benefits to the broader community.

There are no adverse social, environmental or economic effects resulting from this proposed amendment.

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

The amendment meets the objectives and gives effect to the strategies to address the risk to life as a priority, property, community infrastructure and the natural environment from bushfire in the State Planning Policy Framework (Clause 13.05-1) as land in the NRZ1 is not exposed to extreme bushfire hazard and is located within the urban growth boundary.

The amendment is consistent with the Local Planning Policy Framework objectives and strategies that apply to bushfire risk. No local policy for bushfire risk management is



required to support the amendment as bushfire mitigation measures can be readily implemented and the risk can be reduced to an acceptable level.

The CFA will be provided with further 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 proposed amendment complies with the requirements of the relevant Ministerial Directions as follows:

- Ministerial Direction No. 11 – Strategic Assessment of Amendments:  
The requirements of the Ministerial Direction have been followed in the course of preparing this amendment, and are embodied within this report.
- Ministerial Direction on the Form and Content of Planning Scheme:  
The proposed amendment is consistent with the Ministerial Direction (including Annexure 2 of the Direction) by including a local schedule to a planning zone (NRZ) which forms part of the Victorian Planning Provisions. The proposed amendment is consistent with the Ministerial Direction on 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 proposed amendment is consistent with, and gives effect to, the State Planning Policy Framework (SPPF), in particular Clause 11 (Settlement), Clause 15 (Built Environment and Heritage) and Clause 16 (Housing).

In particular, the amendment removes a current restriction on the reasonable use of residential land to support and implement the objectives of Clause 11 to *“support the growth and development of distinctive and diverse regional settlements by encouraging high-quality urban and architectural design which respects the heritage, character and identity of each settlement”* and *“limit[s] urban sprawl and direct[s] growth into existing settlements, promoting and capitalising on opportunities for urban renewal and redevelopment.”*

The proposed amendment also supports and implements the objectives of Clause 16, primarily to *“increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations.”*

The proposed amendment does not create new land for residential use. Importantly, the amendment will enable existing residential land to meet the objectives of the SPPF by removing an existing barrier to development.

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

The amendment proposes to remove the existing barrier to appropriate and well-designed dwellings in the NRZ1 and thereby supports the Municipal Strategic Statement and Local Planning Policy Framework.

In particular, the proposed amendment supports Clause 21.04 (Settlement) by amending the maximum building height for land in the NRZ1 to *“support increased residential densities, such as 15 dwellings per hectare, in established areas”* and *“ensure the design of new development contributes to local character and enhances the public realm while minimising impacts on neighbourhood properties”*.

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

The amendment makes proper use of the Victoria Planning Provisions by including a local schedule to the NRZ as provided for in the relevant Planning Practice Note.

Practice Note 78 – Applying the Residential Zones “allows a maximum building height requirement in metres for buildings used as a dwelling or a residential building to be specified” in a schedule to the NRZ.

The building heights proposed in this amendment will ensure that the purpose of the NRZ as outlined in the Victorian Planning Provisions will continue to be met, while allowing sufficient flexibility to ensure that the design and construction of two storey dwellings in this zone is not unreasonably compromised by an 8m height limit, especially in areas subject to inundation.

Introducing a local height provision in Schedule 1 to the NRZ is considered the most appropriate and effective way to address this issue and to allow land within the NRZ1 to be used and developed in a manner consistent with the purpose of the zone and in accordance with the provisions of the Greater Shepparton Planning Scheme.

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

The Amendment has been prepared having regard to the views of representatives of the Department of Environment, Land, Water and Planning.

Notice of this amendment will be given to all relevant referral authorities.

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

The amendment complies with the *Transport Integration Act 2010* and is not considered to have a significant impact on the transport system. Land affected by the amendment is already within an appropriate residential zone, and the changes will not result in any new impacts on the transport system beyond the original intent of the existing NRZ provisions.

#### **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 result in any significant impact on the resources and administrative costs of the responsible authority. The amendment is likely to reduce the resource and administrative costs associated with planning and building applications by removing an existing barrier to the reasonable use and appropriate design of dwellings in affected areas.

#### **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  
Victoria 3632

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)
- 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 proposed amendment may make a submission to the planning authority. Submissions about the proposed amendment must be received by **Monday 17 August 2015**.

A submission must be sent to:

Greater Shepparton City Council  
Locked Back 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 proposed combined amendment/permit:

- directions hearing: week commencing 21 September 2015
- panel hearing: week commencing 19 October 2015