

ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

22 November 2016

Agenda Item 11.5	Consideration of Submissions for Amendment C188 and Acquisition of Land in PAO21 - Shepparton North Growth Corridor	
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Planning and Environment Act 1987

**GREATER SHEPPARTON PLANNING SCHEME
AMENDMENT C188
EXPLANATORY REPORT**

Who is the planning authority?

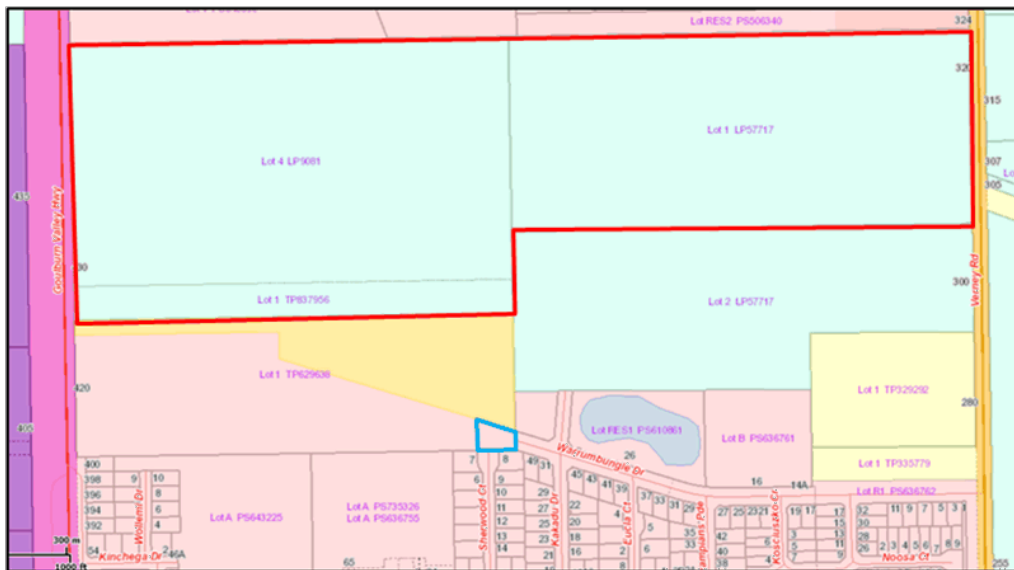
This Amendment has been prepared by Greater Shepparton City Council, which is the planning authority for this Amendment.

The Amendment has been made at the request of Spiire Australia Pty Ltd on behalf of T. & R. O’Keefe, landowners of 320 Verney Road, Shepparton North, and I. Sulejman, Felsage Pty Ltd and M., L., X. & I. Sulejman, landowners of 430 Goulburn Valley Highway, Shepparton North.

Land affected by the Amendment

The Amendment applies to land known as 320 Verney Road, Shepparton North (Lot 1 on LP57717), 430 Goulburn Valley Highway, Shepparton North (Lot 4 on LP9081 and Lot 1 TP837956) and 420A Goulburn Valley Highway, Shepparton North (Lot 1 on TP 629638), as shown on Figure One.

Figure One: The land proposed to be rezoned from the Farming Zone 1 to the General Residential Zone is outlined in red and the land proposed to be included in Schedule 21 of the Public Acquisition Overlay is outlined in blue.



What the Amendment does

The Amendment proposes to rezone approximately 30 hectares of land in the Shepparton North Growth Corridor from the Farming Zone 1 to the General Residential Zone and amend a Public Acquisition Overlay to facilitate access to the land from the existing collector road network.

Specifically the Amendment proposes to:

- Rezone 320 Verney Road, Shepparton North and 430 Goulburn Valley Highway, Shepparton North from Schedule 1 to the Farming Zone to the General Residential Zone;
- Amend the Public Acquisition Overlay (PAO21) on part of 420A Goulburn Valley Highway, Shepparton North (Lot 1 on TP 629638);
- Amend Planning Scheme Map No. 14;
- Amend Planning Scheme Map No. 14PAO; and
- Amend the Schedule to Clause 45.01 Public Acquisition Overlay.

Strategic assessment of the Amendment

Why is the Amendment required?

Outline Development Plans (ODP) for the Shepparton North and South Growth Corridors were included in the Greater Shepparton Planning Scheme (Planning Scheme) as part of Amendment C11 in 2003. These plans established a coordinated approach to the development of these growth corridors and the requirement for development to contribute to the cost of the infrastructure included in the accompanying Development Contributions Plans (DCP).

The subject land is located within the Shepparton North Growth Corridor; however, it was not rezoned as part of Amendment C11. Given the level of development in the Shepparton North Growth Corridor, it is now considered appropriate to rezone the remaining portion of land for residential subdivision.

The land proposed to be rezoned has more recently been identified as an "urban growth area" within the *Greater Shepparton 2030 Strategy Plan 2006* (GS2030) and the *Greater Shepparton Housing Strategy 2011* (GSHS). The "Shepparton North Growth Management Plan" of the GSHS states that the land can be considered for development within the "5-10 years" time horizon.

The land proposed to be rezoned is currently in the Farming Zone, which prohibits it from being subdivided for standard residential purposes. An amendment to rezone the land to the General Residential Zone is required to implement the approved ODP for the Shepparton North Growth Corridor, and the recommendations of the GS2030 and GSHS.

Land to the north and south of the subject site is in the General Residential Zone and it is now logical that this land also be rezoned to the General Residential Zone. It is estimated that approximately 200 lots can be accommodated on this land.

Schedule 21 to the Public Acquisition Overlay (PAO21) must be amended to include part of 420A Goulburn Valley Highway, Shepparton to facilitate the realisation of a north/south collector road from the existing Warrumbungle Drive to the proposed residential land.

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

The proposed Amendment seeks to rezone the subject land to the General Residential Zone in line with the recommendations of the GS2030, the GSHS and the ODP for the Shepparton North Growth Corridor, consistent with the objectives of planning in Victoria as set out in Section 4(1)(a) and (c) of the *Planning and Environment Act 1987* (the Act).

Objective 4(1)(b) of the Act *the protection of natural and man-made resources, and the maintenance of ecological processes and genetic diversity* was considered as part of Amendment C11. The proposed Amendment further considers these resources, including the proximity of the Goulburn-Murray Water (G-MW) Channel No. 12 and the power supply station, and has provided appropriate buffers and setbacks.

The Amendment is consistent with Objectives 4(e), (f) & (g) in that it safeguards existing public utilities and assets that benefit the community, and provides for the future interests of all Victorians who benefit from this infrastructure, including the future expansion

requirements of the power station on land to the south east of the subject land within the Shepparton North Growth Corridor.

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

Environmental

Rezoning the subject land to the General Residential Zone will facilitate its residential development and achieve an appropriate outcome for land that has been subject to significant environmental change.

The displacement of irrigation farming land by urban expansion has been strategically addressed within the GSHS. The subject land is located within the settlement boundary for Shepparton, which was established with an overall strategy of containment for the regional city. The containment strategy is necessary to protect the significant agricultural base of the economy from the negative impact of scattered unplanned residential development. The subject land is a strategically important supply of residential land, as it can be fully serviced and is in proximity to a variety of services.

The subject site is bound on the north and south by residential land and on the west by commercial land and is therefore marginal from an agricultural viability perspective.

The land affected by this Amendment does not appear to have any significant natural environmental attributes.

Soil assessments have been undertaken for the subject land. There is strategic justification to use the land for residential purposes.

Social

The proposed Amendment will result in a net community benefit by providing a pleasant and safe living environment that satisfies demand for residential opportunities in the Shepparton North area.

The proposed Amendment will have positive social outcomes, facilitating the continued development of the Shepparton North Growth Corridor, which is a critical residential expansion area. The realisation of residential development envisaged by the GS2030, the GSHS and the ODP for the Shepparton North Growth Corridor will provide additional housing choice and address housing affordability issues within the municipality.

The land is in proximity to a number of community facilities including the Shepparton North Neighbourhood Centre, the North Shepparton Community & Learning Centre, the Goulburn Valley Base and Shepparton Private Hospitals, and a number of schools.

The Amendment and subsequent residential development of the land will assist in the provision of infrastructure required for the Growth Corridor including further drainage works and the provision of public open space networks. The infrastructure required has been specified and planned for through a Development Contributions Plan, which has already been implemented.

There are no significant adverse social implications envisaged with this proposed Amendment.

Economic

The proposed Amendment is expected to have a positive economic effect as it provides land which can be readily serviced and developed for residential development.

The subject land is used for limited agricultural purposes and is surrounded by residential development. The land is a strategically important supply of residential land and its development for residential purposes will create employment opportunities during the planning and construction phases. New housing to be provided on the site will also facilitate economic growth within the municipality by providing housing opportunities to cater for the growing population.

The displacement of irrigation farming land by urban expansion has been strategically addressed within the GSHS and the proposed Amendment will not result in adverse impacts upon the local economy due to loss of agricultural land.

There are no likely adverse economic impacts associated with this proposed Amendment.

Does the Amendment address relevant bushfire risk?

The proposed 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 (SPPF) of the Planning Scheme (Clause 13.05-1 *Bushfire planning strategies and principles*). This is mainly because the site is not exposed to extreme bushfire hazard and the site is located within the urban growth boundary.

The proposed Amendment is consistent with the Local Planning Policy Framework (LPPF) of the Planning Scheme and objectives and strategies that apply to bushfire risk. No local policy for bushfire risk management is required to support the proposed Amendment as bushfire mitigation measures can be readily implemented and the risk can be reduced to an acceptable level.

The Country Fire Authority (CFA) has been consulted and has not objected to the proposed Amendment. 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?

The Amendment is affected by the Ministerial Directions under sections 7 and 12 of the *Planning and Environment Act 1987* (the Act).

The Ministerial Direction No. 1 – Potentially Contaminated Land has been considered. The subject land is within the Development Plan Overlay – Schedule 4. This Schedule requires a preliminary soil contamination assessment to be prepared for each parcel of land prior to a planning permit being issued.

The Amendment complies with Ministerial Direction No 11 – Strategic Assessments of Amendments as detailed in this explanatory report.

The Amendment is also 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 is consistent with the SPPF and facilitates the orderly development of urban and rural areas in accordance with the goals and principles of the SPPF.

The proposed Amendment supports or implements the following relevant SPPF Clauses:

- The objective of Clause 11.05-1 (Regional Settlement Networks) is *to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan*. Shepparton has been identified as a regional city. The Amendment aims to implement the GSHS, which guides residential development in this regional city.
- Clause 11.10 (Hume Regional Growth) relates to the *Hume Regional Growth Plan 2014* (HRGP). 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 HRGP. The proposal aims to implement the HRGP as the subject land has been identified as a *key residential growth front* on the Shepparton Urban Growth Framework Plan within the HRGP.
- The objective of Clause 15.01-3 - Neighbourhood and Subdivision Design - is *to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods*. The proposed Amendment and future development plan will allow for staged subdivision in a location with access to existing

physical and community infrastructure, and will provide for a range of lot sizes, a convenient and safe road network, appropriate pedestrian and cycle links, and sufficient useable public open space.

- Clause 16 (Housing) states:
 - *Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.*
 - *New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.*
 - *Planning for housing should include providing land for affordable housing.*

The proposed Amendment will provide additional residential land within an establishing residential growth corridor. The land is in close proximity to a variety of services and facilities, and can be readily serviced.

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 the City of Greater Shepparton, whilst protecting high quality, productive agriculture land.

The Shepparton North Growth Management Plan within the GSHS highlights the subject land for "Urban Growth Areas". The objective of Clause 21.04-1 *Urban Consolidation and Growth* is "to contain urban growth to identified growth areas in order to protect higher quality and intact agricultural areas and achieve a more compact built up area".

The subject land is within the Shepparton North Growth Corridor, which was approved as part of Amendment C11 to the Planning Scheme. The rezoning of the land will facilitate the ongoing residential development of the Growth Corridor.

Amendment C11 was reviewed by an Independent Planning Panel. The Panel was satisfied that an oversupply of residential land would not be a consequence of the Amendment, provided that a logical development sequence was followed. The Panel provided recommendations for staging the rezoning, which has been followed.

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

The Amendment makes proper use of the Victoria Planning Provisions.

The purposes of the General Residential Zone include:

- *to provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
- *to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The subject land has been identified in the ODP for the Shepparton North Growth Corridor and the GSHS for future urban residential development. The General Residential Zone is considered the most appropriate for this land and is consistent with surrounding residential zoning.

The purpose of the Public Acquisition Overlay is *to designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose.* The subject land is required to serve a public purpose, that is, road infrastructure. The Public Acquisition Overlay is the most appropriate planning tool for land to be acquired by a public authority.

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

All relevant authorities were consulted through the preparation of the ODP and DCP for the Shepparton North and South Growth Corridor as part of Amendment C11 to the Planning Scheme, which was approved in November 2003.

During the exhibition of this Amendment, all relevant referral authorities will be notified in accordance with the *Planning and Environment Act 1987*.

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

The transport system objectives and decision making principles have been considered in preparing this planning scheme amendment.

The Minister has not prepared any statements or policy principles under Section 22 of the *Transport Integration Act 2010*; therefore, no such statements are applicable to this Amendment.

The proposed Amendment rezones land for the purpose of future residential development in accordance with an approved ODP. Although the proposed rezoning may have a significant impact on the transport system, the transport principles of the ODP ensure that transport will be appropriately planned and designed as part of any future subdivision. The amendment will not have a negative effect on the transport system.

The ODP details transport networks within the Shepparton North Growth Corridor. The ODP includes the following transport principles:

- Aesthetic and accessible liner recreational parks, especially for cyclists and pedestrians. A shared pathway is to be provided within the power easement in the northern growth corridor.
- Walkable neighbourhoods, which will be achieved by the provision of a modified grid layout that allows for permeability through the corridors for both vehicles and pedestrians.
- Safety - active street interfaces with building frontages to streets and open space to improve personal safety through increased surveillance and activity

The future subdivision of this land will be consistent with the ODP.

The ODP provides pedestrian and cycling opportunities for future residents, which supports the social and economic inclusion objectives of the *Transport Integration Act 2010*.

The proposed amendment supports the decision making principles of the *Transport Integration Act 2010* – it demonstrates integrated decision making as it has been prepared in accordance with state and local policy, and will include consultation with the community and relevant referral authorities.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

Any costs associated with the Planning Scheme Amendment process, including the costs of an Independent Planning Panel, if required, will be met by the proponent for this Amendment.

The new planning provisions will not have a detrimental effect on the resource and administrative costs of Council.

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 offices at 90 Welsford Street, Shepparton; and
- The Greater Shepparton City Council website: www.greatershepparton.com.au.

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

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, 19 September 2016**.

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 of 21 November 2016
- panel hearing: Week of 12 December 2016

AMENDMENT C188 (Shepparton North Growth Corridor)
Submission closing date: 19 September 2016
Trim No: M16/66215

Sub No.	First Name	Last Name	Organisation	Street Address	Suburb	P. Code	State	Content of Submission	Assessment of submission	Recommendation	Trim Link	Date Submission received	Date Acknowledgement letter sent
1	Paul	Kerrins	Goulburn Valley Water	PO Box 185	Shepparton	3632	VIC	No Objection			2016/45725	23 August 2016	30 August 2016
2	Guy	Tierney	Goulburn Broken Catchment Management Authority	PO Box 1752	Shepparton	3632	VIC	No Objection			2016/47715	5 September 2016	7 September 2016
3	Celia	Adams	Rural Housing Network Limited	43B Wyndham Street	Shepparton	3630	VIC	No Objection, however suggests that GSCC does more to encourage residential development that fosters housing diversity and affordability.			2016/48801	12 September 2016	12 September 2016
4	Neil	Repacholi	Goulburn-Murray Water	PO Box 165	Tatura	3616	VIC	No Objection, subject to conditions. Prior to the land being developed consideration and GMW approval for the proposed subdivision impacts on the GMW channel supply and drainage will be required. The responsibility for drainage of the land will need to be transferred to COGS under the usual drainage levy applied based on area.			2016/50194	19 September 2016	20 September 2016
5	Carmel	Odwyer	Department of Environment, Land, Water and Planning	PO Box 879	Seymour	3680	VIC	No Objection			2016/50493	19 September 2016	20 September 2016
6	Frank	Adornato	Business Owner	420A Numurkah Road	Shepparton	3631	VIC	Objection Believes that the future residential development will have a detrimental impact on the day-to-day running of the business that operates on 420A Numurkah Road, Shepparton. Request that Council provide a plan of the development envisioned for this land and work with them to ensure that their business interests can be maintained.			2016/50667	20 September 2016	21 September 2016
7	Leah	Smith	Department of Economic Development, Jobs, Transport and Resources	PO Box 135	Benalla	3672	VIC	Support for the Amendment provided that: -The land is developed consistently with DP04, including the construction of a bus capable roundabout at the intersection of Kakadu Drive and the east-west road that will run immediately to the south of Channel 12. -A transport impact assessment report is prepared for the subject land prior to a planning permit is granted.			2016/51711	26 September 2016	26 September 2016