

ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

17 April 2018

Agenda Item 10.1 Adoption of Amendment C202 to the Greater Shepparton Planning Scheme

Attachment 1 Amendment Documentation 157

Attachment 2 Submissions Recorder..... 170

Planning and Environment Act 1987

GREATER SHEPPARTON PLANNING SCHEME

AMENDMENT C202

EXPLANATORY REPORT

Who is the planning authority?

This Amendment has been prepared by the 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, which acts for Kavant Management Pty Ltd.

Land affected by the Amendment

The Amendment applies to two adjacent land parcels, each of which contains a single dwelling and shedding used for rural living purposes. The two land parcels are known as:

- 4 Maley Court, Kialla (Lot 2 on LP129072); and
- 6 Maley Court, Kialla (Lot 1 on LP129072).

The land is located approximately 6km south of the Shepparton CBD, 1.2km east of the Goulburn Valley Highway and immediately south of Kialla Lakes Estate. The land is zoned Rural Living Zone and has a total area of approximately nine hectares (see *Figure 1 – Zone Map*).

The land is flat with minimal native vegetation, having been long since cleared and levelled for irrigated farming. There is a small line of planted native trees along the western boundary of the land (see *Figure 2 – Aerial Map*). There is an irrigation channel just beyond the northern boundary of the land, which will be piped as part of the residential development to the north.

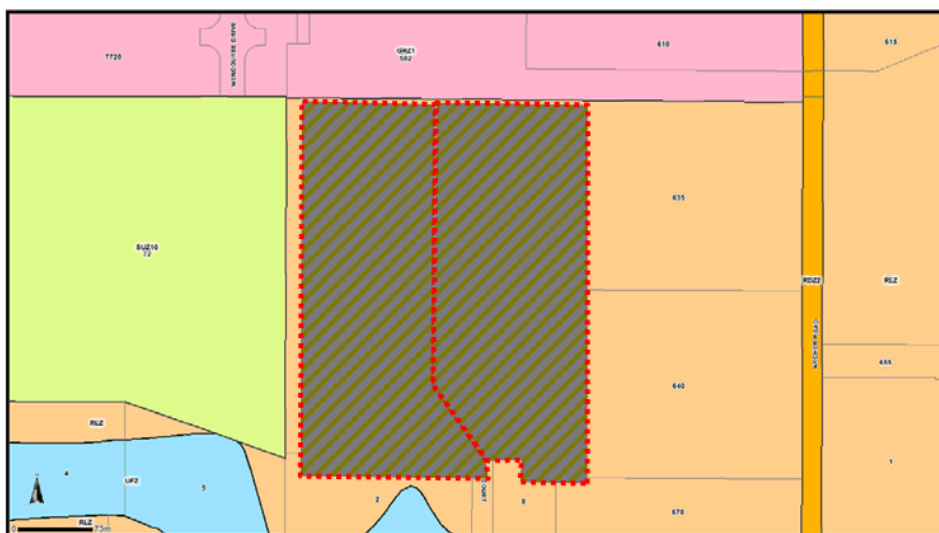


Figure 1 – Zone Map



Figure 2 – Aerial Map

The land is affected by Schedule 1 to the Development Plan Overlay (DPO1) and the Land Subject to Inundation Overlay.

The land is bordered by the following land uses:

- North: Land within the General Residential Zone that being developed as an extension of Kialla Lakes Estate.
- East: Three small hobby farms that are within the Rural Living Zone. Two of which contain a dwelling, sheds and plantations; the third is vacant and currently used for cropping.
- South: Two small hobby farms that are within the Rural Living Zone. The southern portion of these properties is traversed by Waterbird Creek, which is within the Urban Floodway Zone.
- West: A soon to be constructed school that is within the Special Use Zone with a site-specific schedule that facilitates the coordinated development of the land.

What the amendment does

The Amendment rezones the land to the General Residential Zone, removes the existing Development Plan Overlay – Schedule 1, applies a new Development Plan Overlay – Schedule 11 (Kialla Lakes Extension) and amends the Schedule to Clause 52.02 (Easements, Restrictions and Reserves) to remove a restrictive covenant registered on the title.

Specifically, the Amendment makes the following changes to the Greater Shepparton Planning Scheme:

- Rezones land at 4 and 6 Maley Court, Kialla, from the Rural Living Zone to the General Residential Zone;
- Removes Development Plan Overlay – Schedule 1 from land at 4 and 6 Maley Court, Kialla;

- Applies Development Plan Overlay – Schedule 11 (Kialla Lakes Extension) to land at 4 and 6 Maley Court, Kialla;
- Amends the Schedule to Clause 52.02 (Easements, Restrictions and Reserves); and
- Amends Planning Scheme Maps 11ZN and 11DPO.

Strategic assessment of the Amendment

Why is the Amendment required?

The land is within the Rural Living Zone, with a Schedule that limits subdivision to a minimum lot size of eight hectares. The Amendment is required to facilitate development consistent with the southern expansion of Kialla Lakes. Rezoning the land facilitates future development of approximately 70-80 residential lots, subject to further planning assessment and approval.

The Amendment is required to replace DPO1 with DPO11 (Kialla Lakes Extension) to guide future urban development and provide certainty for landholders and developers in the precinct. This Schedule already guides development on the land to the north and north-west of the land included in this Amendment and provides for continuation of the development standards of Kialla Lakes Estate.

The Amendment is also required to amend the Schedule to Clause 52.02 (Easements, Restrictions and Reserves) to remove Covenant No. F900896.

Covenant No. F900896 (registered on the titles of 4 & 6 Maley Court, Kialla), among other things, states:

- *That any main buildings being a dwelling house or dwelling houses erected on the said land shall contain a floor area of not less than 1000 square feet within the outer walls thereof such area being calculated by excluding the area of carport garage terraces, pergola or verandahs;*
- *That such main buildings shall be constructed of new material and shall not be an already wholly or partly completed house moved on to the said land;*
- *That the said land shall not be used for carrying on any noxious or offensive trade or for mining operations or excavations for the recovery of sand, gravel, ore or other minerals or the treatment of same;*
- *That no garage, barn, shed or other outbuilding erected on the said land and no motor trailer, caravan, tent or other moveable accommodation or room on the said land shall be used for living or residential accommodation; and*
- *That no more than four adult dogs shall be kept on the said land.*

The covenant is outdated and should not apply to new residential developments in this corridor. The removal of this covenant assists with facilitating future residential development on the land.

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

The Amendment implements objectives a, c, e, f and g of planning in Victoria at Section 4(1) of the *Planning and Environment Act 1987* (the Act) as it facilitates the orderly, fair and economic development of residential land in the municipality. The Amendment enables development at urban density and provides for orderly, efficient and coordinated provision of public utilities for the benefit of the community in the present and in the future.

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

Environmental

The land has been used for irrigated agriculture in the past and is currently used for rural residential purposes. The land has been long-since cleared of significant vegetation and cultivated for agriculture. Accordingly, the land is of minimal conservation value.

The land contains a stand of trees along the western boundary and three scattered trees within the developable area. These trees are not indigenous or remnant vegetation and are not required to be retained. The rezoning does not result in the removal of any vegetation. Native vegetation will be further considered prior to subdivision, during the preparation of the Development Plan for the land.

DPO11 states that, before any use, development or subdivision commences, the Kialla Lakes Extension Development Plan must be prepared and accompanied by an environmental assessment of the land, including a flora and fauna survey that identifies existing vegetation required to be protected and enhanced in the subdivision design. Before approving the Development Plan, the Responsible Authority must consider the environmental value and features of the site as identified in the flora and fauna survey.

The proponents engaged Ground Science to carry out a Preliminary Site Investigation. The report concluded that *“based on a detailed review of the site history and a field inspection of current conditions, the potential for contamination at the site is considered low. The site is considered suitable for its proposed future use with no further investigation necessary based on current conditions.”* As such, the land is considered suitable for residential development.

The land is not mapped as an area of Aboriginal Cultural Heritage Sensitivity. As such, a Cultural Heritage Management Plan is not required.

The Amendment does not cause any adverse environmental impacts.

Social

The Amendment results in a net community benefit by providing further residential living opportunities in Kialla Lakes. By developing land within the settlement boundary, residential development can focus expansion around core growth nodes to accommodate urban development in a critical area.

The school site is to be accessed through the extension of Wendouree Drive, a collector road, which will ultimately provide access to the land included in this Amendment. The proposal also enables future residential development to the east of the site, completing the south-east expansion of Kialla Lakes through to Archer and River Roads, by providing for the further extension of Wendouree Drive to the east.

The provision of additional land for residential development assists in addressing housing affordability issues within the municipality.

The Amendment does not cause any adverse social impacts.

Economic

The Amendment facilitates residential development at a higher density than the land is currently used for. The rezoning stimulates development, attracts greater population to the municipality, and generates economic and employment growth.

The land is identified on the *Kialla and Shepparton South Framework Plan* at Clause 21.04 (Settlement) as “Potential Low Density”. However, given the quickly expanding residential development immediately to the north (Kialla Lakes Extension), and the ability to extend water and sewerage to the land, facilitating conventional rather than low density residential development achieves a more logical, sustainable and efficient use of land in the future.

There are no adverse economic impacts associated with this Amendment.

Does the Amendment address relevant bushfire risk?

The land is not within a Bushfire Management Overlay; however, it is in a rural setting that is designated as a Bushfire Prone Area (BPA) under the Building Code of Australia. The landscape setting, being an area of open (cleared) irrigated farmland, does not pose an unacceptable risk to life (as a priority), property, community infrastructure or the natural environment from bushfire.

Development of the land for residential purposes and establishment of the school on adjacent land may further reduce potential risk to grass fire. Notwithstanding this, development can easily incorporate appropriate measures to protect against grass fire. The

Amendment is consistent with the objectives and strategies within the Local Planning Policy Framework that relate to bushfire risk.

The Country Fire Authority was notified during the formal exhibition process associated with this planning scheme amendment and provided no comments or objections to Council.

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 Act.

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

Under section 12(2) of the Act the following Ministerial Directions are applicable to the consideration of this Amendment:

- Ministerial Direction No 1- Potentially Contaminated Land
Ground Science Pty Ltd submitted a preliminary site investigation report for the Amendment site, which determined that no stockyards or dipping sites were observed and no high-intensity crop production were likely to have occurred on the land. The report concluded that potential for contamination of the land is considered low and the land is suitable for a sensitive use, which is facilitated by the proposed rezoning.
- Ministerial Direction No 11- Strategic Assessment of Amendments
The purpose of this Direction is to ensure a comprehensive strategic evaluation of a planning scheme Amendment and the outcomes it produces. It requires an explanatory report to address how the proposed Amendment addresses certain strategic considerations. The preparation of this Explanatory Report complies with this Direction.

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

The Amendment is consistent with the State Planning Policy Framework (SPPF) and facilitates the orderly development of urban and rural areas in accordance with the SPPF.

The Amendment supports or implements the following relevant SPPF Clauses:

- 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 Amendment implements the HRGP as the land has been identified as a *key residential growth front* in the Shepparton Urban Growth Framework of the HRGP.
- The objective of Clause 11.12-3 (Planning for Growth) is *to focus growth and development to maximise the strengths of existing settlements*. A strategy of this Clause is *to facilitate growth and development specifically in the regional cities of Shepparton*.
The Amendment rezones land that is in close proximity to a variety of services and facilities located in Kialla and Shepparton.
- 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 Amendment and future development plan allow for staged subdivision in a location with access to existing physical and community infrastructure, and provide 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 Amendment provides 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 Amendment implements the Local Planning Policy Framework (LPPF). The Municipal Strategic Statement (MSS) outlines the need for an increase in residential land to stimulate the future growth of the Shepparton urban growth area, while maintaining high quality urban design. The following clauses of the MSS are relevant:

- Clause 21.04-1 (Urban Consolidation and Growth) provides population forecast prediction that *the City of Greater Shepparton will grow from 59,202 persons in 2006 to 71,509 by 2026. It is expected that to accommodate this additional population, there will need to be a corresponding growth in the number of dwellings (a separate estimate suggests a further 9,100 dwellings will be required by 2031).*
- Two objectives of Clause 21.07-1 (Transport) are:
 - *To ensure the safety and efficient functioning of the roads for a variety of users; and*
 - *To ensure new developments incorporate appropriate bicycle infrastructure.*
- A strategy of Clause 21.07- (Urban Stormwater Management) is to:
 - *Provide stormwater management infrastructure at the time of development.*

The Amendment facilitates the ongoing residential development of Kialla and assists in meeting the housing demand for the growing population of the municipality.

The provision of infrastructure on the land will be addressed through the application of DPO11. DPO11 provides requirements for the future Development Plan to show:

- *A schedule showing the nature, timing and approximate costs of works to be carried out by the developer and apportionment of contributions to relevant infrastructure, being roadworks, service infrastructure, parks and landscaping;*
- *The pedestrian and bicycle network, including links to any networks on abutting land and access to public transport services; and*
- *Stormwater management methods, including the location of any on-site drainage retention facilities.*

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 encourage development that respects the neighbourhood character of the area.*
- *to encourage 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 General Residential Zone is considered the most appropriate zone for this land. The rezoning takes into consideration the context of the site, which provides for a residential density consistent with the surrounding residential development and respects the character of the area. The Amendment facilitates an extension of the community services and transport links of Kialla Lakes Estate to the land.

Alternative residential zones were considered; however, they were determined to be inappropriate for the following reasons:

- The rezoning facilitates further residential development of the Kialla Lakes Estate as it expands to the south. The Residential Growth Zone (RGZ) promotes comparatively intensive residential development; however, the RGZ is designed to be implemented proximate to major, established activity centres and residential areas, as well as infill development to consolidate established residential areas.
- The Neighbourhood Residential Zone (NRZ) seeks to ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics. The land does not exhibit these characteristics and NRZ is not deemed appropriate for this development.
- The Low Density Residential Zone (LDRZ) provides for lots that are significantly larger than the surrounding area. This represents a size in excess of twice the average parcel in the Kialla Lakes area. The *Greater Shepparton Housing Strategy, 2011* identifies the need to limit the LDRZ and Rural Living Zone where it will affect future residential development.

The purpose of the Development Plan Overlay is *to identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land*. The use of the site-specific schedule to the Development Plan Overlay ensures that development is in accordance with the Kialla Lakes Expansion and remains consistent with state and local planning policy.

The purpose of Clause 52.02 (Easements, Restrictions and Reserves) is *to enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered*. Including the land in the Schedule to Clause 52.02 allows for the removal a covenant from the titles that is outdated and no longer relevant for the future development of the land in a manner that complies with the Planning Scheme.

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

Goulburn Valley Water has been consulted regarding the provision of reticulated water and sewer to the land. A strategy to provide gravity sewer has been developed and approved by Goulburn Valley Water. The sewer design for the current stages of Kialla Lakes has been adjusted to accommodate servicing the land.

Powercor has been consulted and has made provision for servicing the land with electricity in conjunction with augmentation works currently being carried out for Kialla Lakes Estate.

All relevant agencies and referral authorities have been notified as part of the formal exhibition of the Amendment. No authorities objected or requested changes to the Amendment.

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.

The rezoning facilitates the creation of 70-80 new residential lots that, once developed, is considered to have an impact on the surrounding road network. To address this, the Amendment applies Schedule 11 to the Development Plan Overlay, which requires that, prior to any use, development or subdivision commencing, the Kialla Lakes Extension Development Plan must be endorsed. The Development Plan must be accompanied by a

Transport Impact Assessment report, which includes the identification of appropriate access and circulation of vehicles on the existing and future road networks, and upgrade works necessary to accommodate traffic generated by the development and to mitigate the impact of the development.

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 proposed Amendment.

Resource and administrative costs

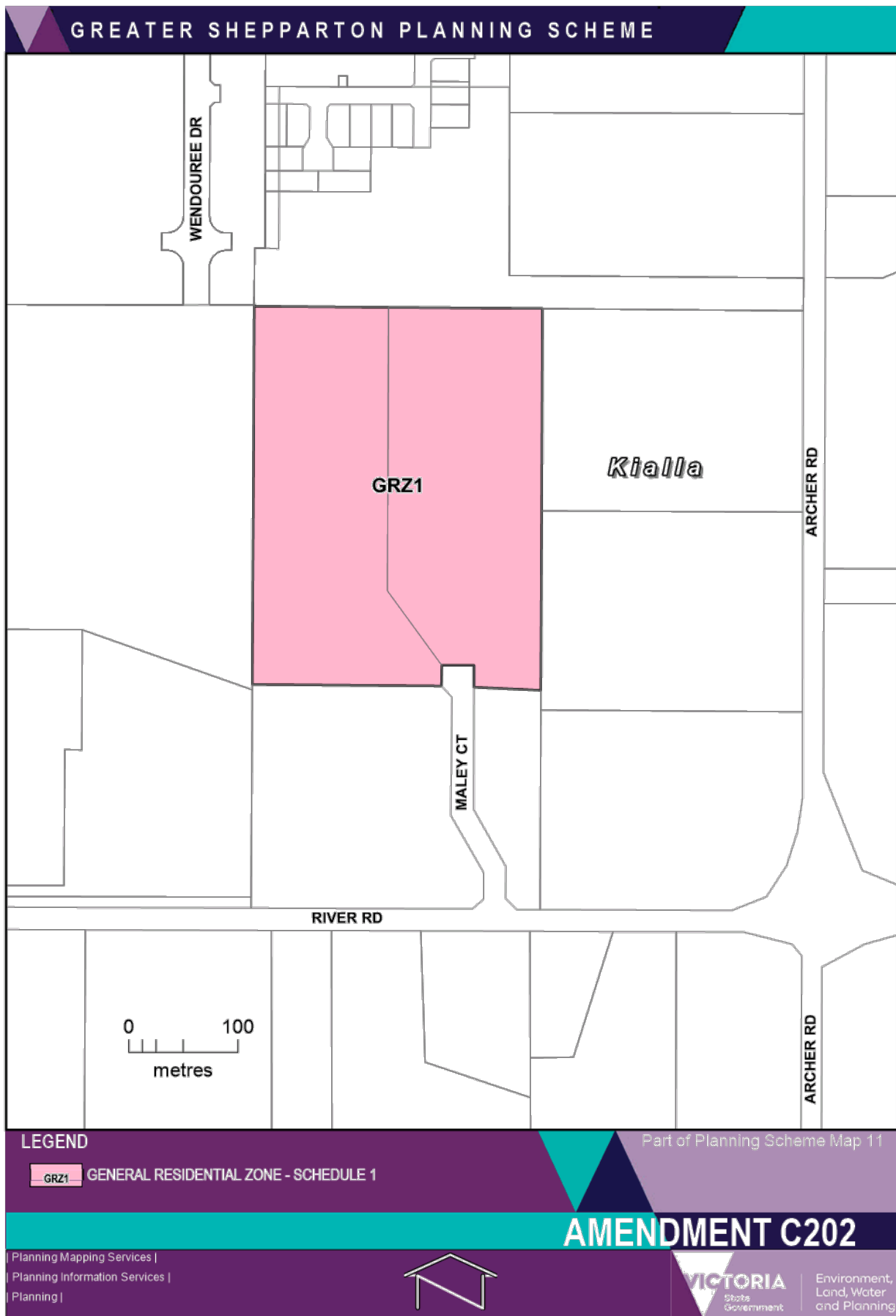
- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The Amendment will have a minor impact on the resource and administrative costs on the Responsible Authority as a Development Plan will need to be assessed and endorsed, and a future planning permit application for the subdivision of the land will be submitted. This is not considered to be unreasonable and the Responsible Authority is well equipped to assess the Development Plan and subsequent planning permit application.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

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







GREATER SHEPPARTON PLANNING SCHEME

19/01/2006
VC37
Proposed
C202

SCHEDULE TO CLAUSE 52.02 EASEMENTS, RESTRICTIONS AND RESERVES

1.0 Under Section 23 of the Subdivision Act 1988

19/01/2006
VC37
Proposed
C202

Land	Easement or restriction	Requirement
None specified Land known as 4 Maley Court, Kialla (described as Lot 2 on Plan of Subdivision LP129072V) and 6 Maley Court, Kialla (described as Lot 1 on Plan of Subdivision LP129072V)	Restrictive covenant contained in Instrument of Transfer No. F900896	Remove

2.0 Under Section 24A of the Subdivision Act 1988

19/01/2006
VC37

Land	Person	Action
None specified		

3.0 Under Section 36 of the Subdivision Act 1988

19/01/2006
VC37

Land	Easement or right of way	Requirement
None specified		

*Planning and Environment Act 1987***GREATER SHEPPARTON PLANNING SCHEME****AMENDMENT C202****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 Maps

The Planning Scheme Maps are amended by a total of 3 attached map sheets.

Zoning Maps

1. Amend Planning Scheme Map No 11 in the manner shown on the 1 attached map sheet marked "Greater Shepparton Planning Scheme, Amendment C202".

Overlay Maps

2. Amend Planning Scheme Map No 11DPO in the manner shown on the 2 attached map sheets marked "Greater Shepparton Planning Scheme, Amendment C202".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In Overlays – Clause 52.02, replace the Schedule with a new Schedule in the form of the attached document.

End of document

AMENDMENT C202

SUBMISSIONS RECORDER

Sub No.	Organisation	Content of Submission	Recommendation
1	Goulburn Broken Catchment Management Authority	No objection	No action required.
2	Goulburn Valley Water	No objection	No action required.
3	Environment Protection Authority	No objection	No action required.
4	Goulburn-Murray Water	No objection	No action required.
5	Department of Environment, Land, Water and Planning	No objection	No action required.
6	APT O&M Services Pty Ltd (APA Networks)	No objection	No action required.