

GREATER SHEPPARTON PLANNING SCHEME

AMENDMENT C233GSHE PLANNING PERMIT APPLICATION 2021-208

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 combined Amendment and Planning Permit Application has been made at the request of Chris Smith & Associates Pty Ltd, on behalf of the landowners.

Land affected by the amendment

The Amendment applies to 480 Raftery Road, Kialla.

The land is located to the south of Raftery Road between the Seven Creeks and Goulburn River corridors, refer Figure One. The land comprises 12.68 hectares of land within the Rural Living Zone and Urban Floodway Zone. Part of the land is affected by the Bushfire Management Overlay, the Land Subject to Inundation Overlay and the Specific Controls Overlay (Schedule 3).

The land immediately abuts State forest to the south, which is entirely within the Urban Floodway Zone, and the Public Conservation and Resource Zone.

Figure One: Locality Map.



The Amendment is a combined planning permit application and planning scheme amendment under section 96A of the *Planning and Environment Act 1987*. The planning permit application applies to the same land as the Amendment.

What the amendment does

The Amendment seeks to amend the Schedule to Clause 35.03 Rural Living Zone to facilitate the subdivision of the land into six lots.

Figure Two: Proposed subdivision of the land.



Specifically, the Amendment seeks to amend the Schedule to Clause 35.05 Rural Living Zone to include a minimum subdivision area of two hectares for 480 Raftery Road, Kialla.

The planning permit application is for:

- a six lot subdivision of land in the Rural Living Zone;
- subdivision in the Floodway Overlay;
- subdivision in the Land Subject to Inundation Overlay; and
- subdivision in the Bushfire Management Overlay.

The draft planning permit is attached as a separate document to this Explanatory Report.

Strategic assessment of the amendment

Why is the amendment required?

The Amendment is required to facilitate the expansion of rural residential development in Kialla in accordance with the findings and recommendations of the *Greater Shepparton Housing Strategy 2011*. The land is located within the settlement boundary of Investigation

Area 2, which has been identified in the Kialla and Shepparton South Framework Plan in Clause 02.04 of the planning scheme for possible future residential development.

Clause 02.03-1 of the planning scheme supports Council accommodating rural living developments in greenfield locations.

The rezoning has strategic support in the Housing Strategy, which states:

rural and low density residential land will contribute to future housing diversity in Greater Shepparton and the Council is committed to providing for this form of housing in location that rural living is appropriate, that is locations that will not further impact on productive agricultural land.

The land is physically separate from the Kialla West Growth Corridor due to Raftery Road itself and the Goulburn-Murray Water irrigation channel that runs parallel to Raftery Road. This allows the land to be developed independently without compromising the strategic residential growth corridor development potential of the remainder of Investigation Area 2.

As a consequence, the investigation for the land at 480 Raftery Road was considered separately from the Growth Corridor. Bushfire, cultural heritage, ecological, soil contamination, land capability and flood studies determined that the land is suitable for a six lot subdivision to facilitate a rural residential development.

The proposed Amendment is required to implement the findings of this investigation.

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

The Amendment seeks to implement objectives a, c, f and g of planning in Victoria, in accordance with Section 4(1) of the *Planning and Environment Act 1987*. The proposed Amendment implements the objectives of planning by facilitating orderly, coordinated development in an area designated for rural living development and balances the interests of the community through the provision of rural living residential land to meet the needs of a growing municipality.

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

Environmental

The Amendment will result in positive environmental effects as it will seek to protect native vegetation. A flora and fauna assessment was undertaken to understand the ecological considerations. The south-west section of the site contains significant remnant Riverine Grassy Woodland associated with the Goulburn River biodiversity corridor, which supports many species of flora and fauna, and providing habitat of native vegetation. The Riverine Grassy Woodland is within the Urban Floodway Zone and will not be developed for residential purposes. The site is otherwise largely devoid of native vegetation and has been subject to a history of intensive cropping.

As the site does not have reticulated services, a land capability assessment was undertaken to ensure that wastewater can be suitably managed. The assessment recommended the secondary treatment of wastewater and effluent disposal via sub-surface irrigation as the most suitable option for wastewater management on site, posing a low cumulative risk to human health and the environment.

The site is located within an area of Aboriginal Cultural Heritage Sensitivity along the Goulburn River corridor. A Cultural Heritage Management Plan has been prepared for the site which has been approved by the relevant Registered Aboriginal Party.

Social

The Amendment will result in positive social effects by providing for a wider variety of housing diversity in the Kialla and Shepparton area. In particular, it will provide rural residential housing lots that are well located to facilities and amenities. The provision of serviced lots for future housing provides a positive outcome in contributing to Kialla's population growth.

Economic

The Amendment will result in positive economic impacts by providing for new rural residential lots within Greater Shepparton. The *City of Greater Shepparton Residential Land Supply & Demand Assessment 2022* found that there has been a considerable increase in rural residential activity since 2019.

The development of the land for residential purposes creates employment opportunities during the planning and construction phases, as well as attracting new resident opportunities that will make a positive contribution to the local economy.

Does the amendment address relevant bushfire risk?

The key overarching strategy at Clause 13.02-1S – *Bushfire* is to '*strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life*'. Strategic planning for settlement must assist with strengthening community resilience to bushfire and new development should only proceed if risk to life and property can be reduced.

The site is located within the Bushfire Management Overlay. A Bushfire Management Assessment and a Bushfire Management Plan was undertaken on the land, in accordance with the requirements of the Overlay to meet the requirements of Clause 13.02-1S.

The Bushfire Management Plan was developed with input from the Country Fire Authority to include strengthened bushfire mitigation measures to respond to the specific constraints of the site. This includes an increase in defensible space to achieve residential building standard for bushfire protection to BAL-12.5 requirements and imposing a construction standard requirement of BAL-29.

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

The Amendment was prepared in accordance with the *Ministerial Direction No. 11 - Strategic Assessment of Amendments* to ensure a comprehensive strategic evaluation of the planning scheme Amendment and the outcomes it will produce.

Ministerial Direction No. 1 – Potentially Contaminated Land

An Environmental Site Assessment was carried out that investigated the potential for past or present activities to have impacted on the environmental condition of the site and to ensure that the protection of human health associated with the proposed use of the land. The site has historically been used for cropping and related uses and no existing areas or sources for potential contamination were observed on the land.

The site history does not include any land uses or activities that may present a high potential for land contamination. The land is not considered to be potentially contaminated land under this Ministerial Direction.

The site assessment concluded that it is unlikely that gross contamination exists at the site.

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

The Amendment supports the Planning Policy Framework (PPF) by facilitating the orderly development of urban and rural areas. The following addresses the relevant State policies.

Clause 11.01-1S Settlement

The objective of this clause is to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. A policy of this clause is to consider the *Hume Regional Growth Plan 2014*

The Amendment is consistent with this objective as it provides rural residential lots that are not readily available within Greater Shepparton, increasing housing choice in areas close to existing settlements. It also supports residential growth in close proximity to Shepparton, which is identified as a major growth location.

Clause 12.01-1S Protection of Biodiversity

The objective of this clause is to assist the protection and conservation of Victoria's biodiversity.

The Amendment and Planning Permit supports this objective by protecting significant remnant patches of Riverine Grassy Woodland, which provide habitat for rare fauna species.

Clause 13.02-1S Bushfire Planning

The objective of this clause is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life

A Bushfire Management Assessment and a Bushfire Management Plan was undertaken to ensure that bushfire risk mitigation measures are implemented, reducing the risk to residents and property from the impacts of bushfire.

13.04-1S Contaminated and Potentially Contaminated Land

The objective of this clause is to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely. An environmental site assessment was undertaken and concluded that the risk of land contamination on the site is low and that the site is suitable for rural residential development.

Clause 16.01-3S – Rural Residential Development

The objective of this clause is to identify land suitable for rural residential development.

The City of Greater Shepparton Residential Land Supply & Demand Assessment 2022 has indicated that there is a low supply of rural residential lots in the municipality. The Amendment provides for the development of land that has been identified within Shepparton's settlement boundary in Investigation Area 2 and will facilitate additional housing opportunities at a density that is not readily available in close proximity to the Shepparton urban area.

How does the amendment support or implement the Municipal Planning Strategy?

The Amendment supports the implementation of the Municipal Planning Strategy (MPS). Specifically, the proposed Amendment conforms to the following policies.

02.03-1 Settlement seeks to:

- provide for the expansion of the Shepparton, Mooroopna and Kialla urban areas and the outlying townships without negatively impacting on productive agricultural land.
- meet a residential development growth target of 9,100 dwellings across the municipality apportioned as follows:
- 5 per cent as rural living (2 – 8 hectare lots).

02.03-2 Environmental and Landscape Values seeks to:

- protect and enhance biodiversity values through native vegetation.

The Amendment and Planning Permit support these policies by allowing for a rural residential subdivision in close proximity to the Shepparton urban area; providing additional housing choice on a site that has not been identified as prime agricultural land. The proposal seeks to protect Riverine Grassy Woodland through the use of appropriate building envelopes.

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

The Amendment provides for a rural residential land use outcome on the site. The site is already situated in the Rural Living Zone, which is the appropriate zone to allow for large size residential lots in a rural environment, and to allow for rural land uses to occur on site.

Amending the Schedule to the Rural Living Zone to reduce the minimum lot size for subdivision on the land to 2 hectares is the appropriate planning mechanism to provide for a six-lot subdivision of the land.

This Amendment makes proper use of the Victoria Planning Provisions.

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

The planning permit addresses the views of the Goulburn Broken Catchment Management Authority, Goulburn Murray Water and Powercor, who have applied appropriate planning permit conditions. This relates to servicing, wastewater treatment, and building positioning requirements. The Amendment has addressed the views of the Country Fire Authority by implementing a Bushfire Management Plan.

The public exhibition phase of this Amendment will ensure that all referral authorities, groups or individuals affected by the Amendment are appropriately notified and submissions considered.

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

The *Transport Integration Act 2010* creates 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 residential outcomes intended by this development, the impact of any future development regarding traffic on the surrounding road network is negligible. The development will not have any 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.

Resource and administrative costs

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

As the rezoning will facilitate a fully serviced subdivision there will be no resource or administrative costs carried by the responsible authority.

Where you may inspect this amendment

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

- during office hours at the Greater Shepparton City Council offices, 90 Welsford Street, Shepparton;
- at the Greater Shepparton City Council website at www.greatershepparton.com.au; and
- at the Department of Environment, Land, Water and Planning website at <http://www.planning.vic.gov.au/public-inspection>

Submissions

Any person who may be affected by the amendment and planning permit 2021-208 make a submission to the planning authority. Submissions about the amendment and planning permit must be received by **18 July 2022**.

A submission must be sent to:

Greater Shepparton City Council
90 Welsford St / 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: 22 August 2022
- panel hearing: 19 September 2022