

GREATER SHEPPARTON PLANNING SCHEME

DRAFT AMENDMENT C117GSHE

EXPLANATORY REPORT

Overview

This draft amendment implements the Shepparton South East Precinct Structure Plan and the Shepparton South East Development Contributions Plan to guide growth in this area over the next 20 to 30 years. The Precinct Structure Plan will unlock 2,500 homes and support a new community of around 6,000 residents and fund the delivery of essential infrastructure such as new arterial road intersections, five new local parks and land for state health facility and a new primary school.

It does this by incorporating the Shepparton South East Precinct Structure Plan and the Shepparton South East Development Contributions Plan into the Greater Shepparton Planning Scheme. A new schedule to the Urban Growth Zone will also be applied to facilitate development of the precinct. Additional changes to the zoning, overlay, particular provisions, general provisions and operational provisions of the Greater Shepparton Planning Scheme are also required to facilitate development of the precinct.

Where you may inspect this amendment

The draft amendment is available for public inspection between 12 February 2024 – 15 March 2024 online at:

Engage Vic

<https://engage.vic.gov.au/sheppartonsoutheast>

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

Victorian Planning Authority

Victorian Planning Authority
Level 25, 35 Collins Street Melbourne, VIC 3000
www.vpa.vic.gov.au

Greater Shepparton City Council

Greater Shepparton City Council
90 Welsford Street, Shepparton, VIC 3632
www.greatershepparton.com.au

Should you not have access to the internet and the above offices are closed or not accessible during office hours, please contact the Victorian Planning Authority on 9651 9600 to make alternative arrangements to obtain a copy of this draft amendment.

Submissions

Any person who may be affected by the draft amendment may make a submission to the planning authority. Submissions about the draft amendment must be received by 5pm, 15 March 2024. A submission must refer to Shepparton South East Precinct Structure Plan and Development Contributions Plan draft amendment and be sent to:

Online: <https://engage.vic.gov.au/sheppartonsoutheast>

Email: sheppartonsoutheast@vpa.vic.gov.au

Post: Victorian Planning Authority c/- Shepparton South East Precinct Structure Plan Level 25, 35 Collins Street Melbourne, VIC 3000

Panel hearing dates

If required, this project will be subject to the Victorian Planning Authority Projects Standing Advisory Committee, appointed pursuant to Part 7, section 151 of the Planning and Environment Act 1987 (the Act) to advise the Minister for Planning and the Victorian Planning Authority (Victorian Planning Authority) on referred projects and plans and associated draft planning scheme amendments.

While the Victorian Planning Authority will seek to resolve any issues raised, unresolved issues or particular matters may be referred to the Victorian Planning Authority Standing Advisory Committee, which will contact submitters and then determine the best way to consider unresolved matters - either by round table discussions, written submissions or a public hearing. The Victorian Planning Authority Standing Advisory Committee will provide advice on the amendment to the Victorian Planning Authority and Minister for Planning.

The Victorian Planning Authority will then make recommendations to the Minister for Planning, who will consider the appropriate approval pathway for the amendment.

If required, dates for the SSE Standing Advisory Committee are reserved for:

- directions hearing: week commencing 3 June 2024
- panel hearing: week commencing 8 July 2024

Details of the amendment

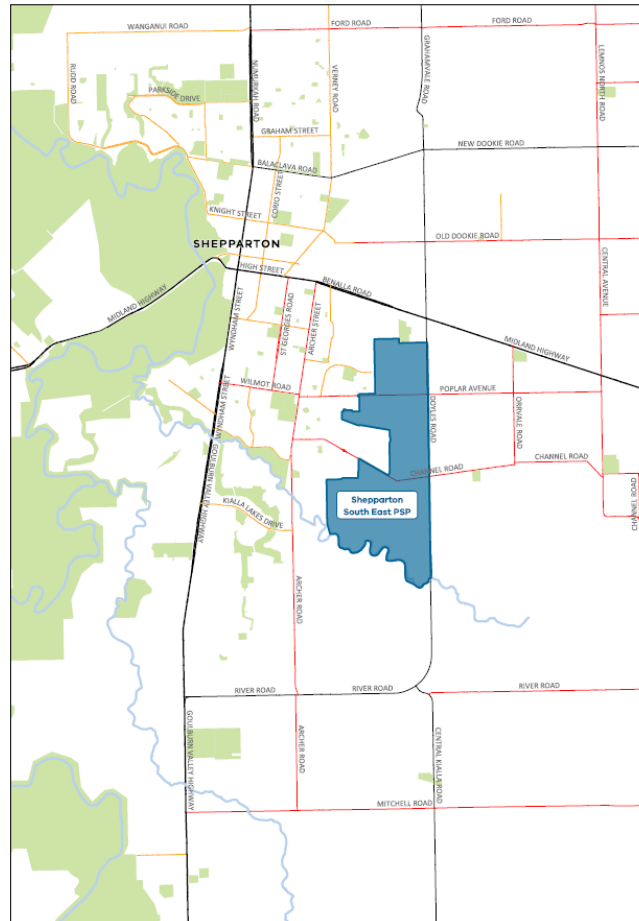
Who is the planning authority?

This draft amendment (the amendment) has been prepared by the Victorian Planning Authority, which is the planning authority for this draft amendment.

Land affected by the amendment

The draft amendment applies to land identified in the *Shepparton South East Precinct Structure Plan* February 2024 (Precinct Structure Plan), referred to as 'the precinct'. The precinct is approximately 385 hectares in size situated to the south-east of Shepparton. It is generally bound by the Midland Highway (Benalla Road) to the north, the Shepparton Alternative Route (Doyles Road) to the east, the Broken River to the south and the existing limit of residential development to the west, as illustrated on Map 1 below.

Map 1



What the amendment does

The draft amendment proposes changes to the Greater Shepparton Planning Scheme to facilitate the development of land within the precinct, which is predominantly zoned Farming Zone Schedule 1, in accordance with the vision for urban growth outlined in the Precinct Structure Plan (Precinct Structure Plan).

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

- Inserts Schedule 2 to Clause 37.07 Urban Growth Zone. The schedule will set out the land use and development controls for the precinct with regard to the Shepparton South East Precinct Structure Plan, February 2024.
- Rezones land from the Farming Zone, the Public Conservation and Resource Zone, the Public Use Zone Schedule 1 and the Urban Floodway Zone to the Urban Growth Zone Schedule 2.
- Amends the Schedule to Clause 43.01 to include the following heritage places on a permanent basis as follows:
 - Heritage Overlay 442 at 630 Doyles Road, Shepparton;
 - Heritage Overlay 443 at 26 Feiglin Road, Shepparton;
 - Heritage Overlay 444 at 27 Feiglin Road, Shepparton;
 - Heritage Overlay 445 at 32 Feiglin Road, Shepparton;
 - Heritage Overlay 446 at 130 Poplar Avenue, Shepparton;
 - Heritage Overlay 447 at 190 Poplar Avenue, Shepparton.
- Amends the Schedule to Clause 44.04 Land Subject to Inundation Overlay to provide a planning permit exemption to construct a building or construct or carry out works for a single dwelling on an allotment within the Urban Growth Zone where a precinct structure plan applies to the land.

- Amends and applies the Schedule to Clause 45.01 Public Acquisition Overlay to reserve land for retardation basins and stormwater conveyance within the precinct and nominates Greater Shepparton City Council as the acquiring authority to the land addresses as follows:
 - Part of 189 Poplar Avenue, Shepparton (Public Acquisition Overlay 32);
 - Part of 32 Feiglin Road, Shepparton and reserve at the end of Walnut Court, Shepparton (Lot RES1 PS514902) (Public Acquisition Overlay 33);
 - Part of 420 Doyles Road, Shepparton (Public Acquisition Overlay 34);
 - Part of 490 Doyles Road, Shepparton (Public Acquisition Overlay 36);
 - Part of 578 Doyles Road, Shepparton, 150 Channel Road, Shepparton, 35 McPhees Road, Shepparton and 80 McPhees Road, Shepparton (Public Acquisition Overlay 37);
 - Part of 50 McPhees Road, Shepparton, 80 McPhees Road, Shepparton, 104 McPhees Road, Shepparton, 120 McPhees Road, Shepparton and 126 McPhees Road, Shepparton (Public Acquisition Overlay 38);
 - Part of 105 McPhees Road, Shepparton, 125 McPhees Road, Shepparton, 582 Doyles Road, Shepparton, 600 Doyles Road, Shepparton, 630 Doyles Road, Shepparton and 650 Doyles Road, Shepparton (Public Acquisition Overlay 39).
 - Part of 180 Channel Road, Shepparton and 105 McPhees Road, Shepparton (Public Acquisition Overlay 41).
- Amends the Schedule to Clause 45.01 Public Acquisition Overlay (Public Acquisition Overlay 35) to reserve land for road widening within the precinct and nominates Greater Shepparton City Council as the acquiring authority for land at 75 Feiglin Road, Shepparton.
- Amends the Schedule to Clause 45.01 Public Acquisition Overlay (Public Acquisition Overlay 40) to reserve land for a local sports reserve within the precinct and nominates Greater Shepparton City Council as the acquiring authority for land at 71 Feiglin Road, Shepparton.
- Inserts Schedule 5 to Clause 45.06 Development Contributions Plan Overlay and applies the overlay to all land zoned Urban Growth Zone Schedule 2.
- Applies the Floodway Overlay to land within the draft amendment area associated with Public Acquisition Overlay 37 and Public Acquisition Overlay 38 as well as land within the Broken River environs.
- Deletes Schedule 1 to Clause 43.04 Development Plan Overlay from land within the precinct.
- Amends the extent of the Land Subject to Inundation Overlay to reflect the latest flood modelling data for the precinct which incorporates the latest climate change scenarios for the precinct. This flood modelling data will result in both the addition and the removal of the Land Subject to Inundation Overlay in various locations across the precinct.
- Applies Clause 45.03 Environmental Audit Overlay to the properties within the precinct that are nominated as having high or medium risk of contamination, with the exception of those medium risk properties located adjacent to the Broken River and identified as 'existing developed land'. As no further development is anticipated or identified for these sites through the Precinct Structure Plan and the Urban Growth Zone Schedule 2 applies the Farming Zone to these areas, application of the Environmental Audit Overlay to these sites is not necessary as no further sensitive uses are expected to be established in these areas.
- Amends the Schedule to Clause 72.03 Schedule to What does this Planning Scheme Consist of? to update the list of maps for this draft amendment.
- Amends the Schedule to Clause 72.04 Schedule to the Documents Incorporated in this Planning Scheme to incorporate two new documents:

*Shepparton South East Precinct Structure Plan, February 2024; and
Shepparton South East Development Contributions Plan, February 2024.*

Strategic assessment of the amendment

Why is the amendment required?

The proposed draft amendment is required to implement the recommendations of the Planning Scheme relating to future residential development. The *Shepparton South Framework Plan* at Clause 2.04 – Strategic Framework Plans of the Planning Scheme identifies the precinct as being within the settlement boundary and an Urban Growth Area. Shepparton is experiencing increased population growth and a change of demographic trends, resulting in demand for greater housing provision and dwelling diversity within the municipality.

The subject land is identified in the *Plan Melbourne 2017*, *Hume Regional Growth Plan 2014* and the *Greater Shepparton Housing Strategy 2011* as a key residential growth front. This is reflected in the objectives and strategies of Clause 11.01-1S – Settlement, Clause 11.01-1R – Hume (including the *Hume Regional Growth Plan 2014*) and Clause 11.02-2S – Structure planning in the Planning Scheme, which provide further direction for planning in regional Victoria.

This draft amendment is required to facilitate expected growth by rezoning land within Shepparton's settlement boundary that is currently zoned for farming purposes to land that can be developed for residential purposes as envisaged by the Precinct Structure Plan.

The Precinct Structure Plan, Development Contributions Plan and associated planning controls proposed as part of this draft amendment allow for greater certainty in planning decisions, greater certainty about the location of services, and a plan for contributions towards shared development and community infrastructure required to service the precinct.

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

The Precinct Structure Plan will guide development for the precinct and residential growth for approximately 2,500 lots to accommodate a population of approximately 6,000. The precinct is expected to create a minimum average density of 10 dwellings per net developable hectare. The precinct will include a local convenience centre, local community facilities, local sports reserve, a network of local parks and a future government school, if required.

The draft amendment will facilitate the development of land and will provide for the efficient and sustainable servicing of the land.

The draft amendment implements a number of the objectives of planning in Victoria under Section 4 of the *Planning and Environment Act 1987* (Act). In particular:

- *To provide for the fair, orderly, economic and sustainable use and development of land*

The draft amendment will ensure the fair and equitable provision of community and development infrastructure by enabling the Precinct Structure Plan and Development Contributions Plan to be implemented and incorporated into the Planning Scheme.

The new precinct will accommodate a residential population with access to the facilities, amenities, business opportunities and cultural life of Shepparton. It will also be provided with good access to existing services and transport modes. The precinct itself will provide a bus capable road network, public open space, community facilities, education facilities and a local convenience centre.

While Precinct Structure Plans set out the high-level intentions for a precinct, and provide detailed information setting out the required transport, drainage and community infrastructure required to serve a precinct, there is often a time-lag or disconnect between the delivery of land for residential, commercial or industrial development and the delivery of necessary infrastructure needed to service the development of the precinct. The Victorian Planning Authority is seeking to address this issue by including the Requirements and Guidelines, an Infrastructure and Development Staging Plan, as well as a lot cap within the Urban Growth Zone Schedule 2 that clearly set out the intended staging of development as infrastructure is delivered. The lot cap will ensure no more than 800 residential lots can be delivered until such time as the interim construction of the Doyles Road – Channel Road and Doyles Road – Poplar Avenue intersections are complete.

- *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*

Conservation investigation studies by Ecology and Heritage Partners Pty Ltd (Environmental Values, 2009) found no specific natural resources or native vegetation considered worthy of significance due to the area's history of farming. Currently the precinct discharges into rural drains managed by

Goulburn-Murray Water. In Greater Shepparton this drainage network is located on crown land, within freehold title or easements, and is largely zoned Farming Zone Schedule 1 or Public Use Zone Schedule 1. The stormwater drainage strategy for the Precinct Structure Plan caters for all stormwater drainage within the precinct to outfall to Goulburn-Murray Water drain 2 or directly to the Broken River through an additional outfall. There are six catchments with each catchment using a gravity piped system to outfall to a retardation basin sized to cater for water storage requirements. This strategy ensures that drainage discharge rates are kept to pre-development levels and provides protection to the environmental health of the waterways.

Irrigation channels also traverse the precinct supplying irrigation water to land used for horticultural and other agricultural activities. These irrigation channels are managed by Goulburn-Murray Water who has advised that it has been several years since any modernisation of these irrigation channels took place. Accordingly, Goulburn-Murray Water are in the process of gradually decommissioning the irrigation channels as development occurs within the precinct. The draft amendment will rezone the irrigation channels to the Urban Growth Zone Schedule 2 to facilitate their eventual transition to developable land.

Land south of Channel Road experiences flooding given its proximity to the Broken River and is generally less than 0.3 metres in depth in a 1% Annual Exceedance Probability flood event. Historically, there have been flooding events with the largest being in 1993, as well as in 1974, 2010 and 2022. The Goulburn Broken Catchment Management Authority has agreed to the development of this land subject to the preparation of a model of flood behaviour. A model of flood behaviour was prepared to guide the development of all land across the precinct. The flood modelling uses a higher flooding benchmark than the flood levels experienced during the 2022 floods and factors in climate change impacts into the modelling. The modelling which was prepared based on input from Goulburn-Murray Water and the Goulburn Broken Catchment Management Authority, made a series of recommendations to ensure that there are no detrimental impacts on precinct or surrounding properties. The development of the land south of Channel Road requires a significant quantum of stormwater drainage and flood infrastructure to respond to the drainage requirements and impacts of flooding. Two retardation basins are proposed to accommodate stormwater drainage volumes, an east-west floodway to allow for the storage and conveyance of water across the land and the acquisition of land adjacent to the Broken River to safeguard this area for future floodplain storage. This infrastructure will allow for the storage and conveyance of stormwater to ensure that there is no detrimental impact on surrounding properties from the residential development of the land. In addition to this infrastructure, all future residential areas will be raised above the 1% Annual Exceedance Probability flood level.

To reflect this flood modelling and climate change scenarios, the draft amendment will revise the extent of the Land Subject to Inundation Overlay as it applies across the precinct. In doing so, this will result in both the addition and the removal of the Land Subject to Inundation Overlay in various locations across the precinct. These amendments to the Land Subject to Inundation Overlay ensure that new buildings and works are appropriately designed to minimise flood damage and respond to climate change. Furthermore, the draft amendment ensures that flood risk mitigation and good design has will be considered in the early stages of a planning assessment.

- *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*

The draft amendment facilitates the development of the precinct in accordance with the Precinct Structure Plan, which provides a primarily residential future urban structure, complemented by a network of local parks, road reserves and green links to contribute to the creation of a pleasant living and recreational environment for the community and visitors. The future government school will cater for future community needs.

The Precinct Structure Plan provides adequate road connectivity, a bus capable road network and a comprehensive walking and cycling network.

- *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

Subsequent to the gazettal of the Precinct Structure Plan, development occurring within 200 metres of the Broken River will require the preparation of a Cultural Heritage Management Plan in accordance with the requirements of the *Aboriginal Heritage Act 2006* and the *Aboriginal Heritage Regulations 2018*.

An area within the precinct (along Doyles Road) is included on the Victorian Heritage Inventory (H7925-0025). Proponents are required to comply with the Heritage Act 2017 in relation to obtaining any necessary consents for works or activities which may impact the historical archaeological features, deposits, and / or artefacts at the site. This site along Doyles Road is not included in a Heritage Overlay or listed on the Victorian Heritage Register.

- *To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.*

The draft amendment ensures that servicing of the new urban development will be of sufficient capacity to ensure all households are connected to reticulated water, sewer and electricity.

The Precinct Structure Plan encourages transport choice and a reduction in private car use by providing a well-connected network that provides for the creation of pedestrian and bicycle paths across the precinct including bus capable roads connected to adjoining existing urban neighbourhoods.

The application of the Public Acquisition Overlay to land required for stormwater drainage infrastructure will ensure that the land is reserved for a future public purpose. It will ensure that Council can compulsorily purchase land to realise necessary shared infrastructure when it is required. This will ensure certainty about the necessary infrastructure items required to be provided for the development of the precinct, and the location of this infrastructure. Council has requested the application of the Public Acquisition Overlay s and are proposed to be the acquiring authority.

- *To balance the present and future interests of all Victorians*

The draft amendment proposes to implement the Precinct Structure Plan to provide residential development and variety in housing opportunities to accommodate the population growth of the municipality, including accompanying social and recreational infrastructure.

Infrastructure required to service the precinct will be partially funded by development contributions for items identified in the Development Contributions Plan. This approach will ensure that those benefitting from the infrastructure upgrades will contribute to the cost as opposed to the financial burden being borne by public expenditure.

It also provides land needed to accommodate the expected future population growth.

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

Environmental effects

The precinct does not include any areas identified as being of environmental value or vegetation of significance due to the area's history of intensive horticultural and agricultural practices.

Drainage will be managed by a network of retardation basins to ensure drainage discharge flow rates at pre-development levels are maintained or enlarged to satisfy stormwater requirements. Distribution of open space throughout the precinct ensures a 400m walkable catchment for residential properties.

Given the predominant existing farming uses within the precinct, a land capability assessment was prepared by SMEC ('Desktop Land Capability Assessment Shepparton South East Precinct Structure Plan' dated 6 May 2022) to determine whether there was any land that may be potentially contaminated. The report identified several lots as low-medium, medium and high risk of contamination. The draft amendment proposes to apply the Environmental Audit Overlay to those lots within the Precinct Structure Plan area which were identified as low – medium, medium and high risk for contamination in the assessment.

The following measures ensure that flooding will be managed across the precinct.

- Applying the Urban Flood Zone and the Flood Overlay to parts of the draft amendment area to ensure no new development in areas subject to high flood hazard risk.
- Requiring mitigation measures including all future residential areas must meet Goulburn Broken Catchment Management Authority cut and fill requirements which state, all future lots must be filled to 300mm above the 1% Annual Exceedance Probability event (including climate change), in addition finished floor levels (excluding garages) must be 300mm above the 1% Annual Exceedance Probability (including climate change).

- Retarding basins and overland flow paths are design to accommodate 1% Annual Exceedance Probability event and outflow requirements into Broken River to ensure that it doesn't exacerbate any potential flooding impacts.
- 23.28ha of land (9.3% of nd/ha), as defined by the Goulburn Broken Catchment Management Authority, to be set aside to manage riverine flooding associated with the Broken River. This has been identified as a floodplain in the precinct and will provide an additional 5,000m³ of flood storage for the precinct. Again, this area is defined by flood modelling which includes consideration of the impacts of climate change.
- All local roads in the precinct must be designed to be no lower than 300mm below the 1%Annual Exceedance Probability (including climate change) in line with the Infrastructure Design Manual and Victorian Planning Provisions to maintain access and egress. An applicant will be required to demonstrate, as part of any future subdivision, how the final layout and road design is compliant with these requirements.

To ensure that flooding is appropriately managed in the short term while the above-mentioned mitigation measures are being introduced, the draft amendment also revises the extent of the Land Subject to Inundation Overlay across the precinct to reflect the latest flood modelling and climate change scenarios. The revisions to the Land Subject to Inundation Overlay will ensure new buildings and works are appropriately designed to minimise flood damage and respond to climate change. Consistent with planning practice note 12, the revisions to the Land Subject to Inundation Overlay will ensure that use and development of the precinct is made compatible with the level of flood risk through the planning permit process.

Economic effects

The proposed draft amendment will generate economic activity and employment in the planning, design and construction phases for residential and commercial uses. The Precinct Structure Plan includes a convenience centre of approximately 3,000m², a community centre and a future government school. It is expected that the precinct can generate up to 275 employment opportunities to service the community. It will also increase the ongoing economic vitality of the town through supporting population growth close to the Shepparton Central Activities District of Shepparton.

Social effects

The draft amendment is expected to generate positive social benefits for the municipality through the provision of an increase in and variety of residential development and best practice provision of infrastructure and community facilities.

The structural elements of the Precinct Structure Plan are interlinked to facilitate an attractive built environment, a strong community and a sense of place for the precinct.

Planning for the growth of the community, including the provision of social and physical infrastructure such as parks and local convenience centres, and the close spatial relationship with the urban area of Shepparton will assist in the creation of a sense of place by fostering social interaction within the immediate and wider community.

Development staging seeks to align the subdivision and development of the Precinct Structure Plan with the required infrastructure delivery to ensure that new communities have timely and coordinated access to transport and community infrastructure.

Does the amendment address relevant bushfire risk?

A small area in the south of the precinct is designated as a Bushfire Prone Area. Land within approximately 150m of the treed vegetation along the Broken River, is also covered by the Bushfire Management Overlay. The area is in low bushfire risk landscape. In the direction from which a bushfire threat typically arises (north, northwest, west or southwest) the landscape is generally developed and comprises low-threat vegetation or non-vegetated land, as reflected by the Bushfire Prone Area coverage.

This draft amendment sets out fire management planning controls that will ensure that the fire risk is managed during the staging of development across the precinct. These controls will work in combination with new building regulations and standard bushfire risk management provisions in a manner suitable for an area transitioning from rural to urban land uses.

This approach to bushfire is consistent with Planning Policy Framework as it ensures development is appropriately located with adequate access and egress for future residents and emergency service vehicles. The staging of this Precinct Structure Plan is appropriate as it is adjacent to the Shepparton township to the west. Further, the Precinct Structure Plan ensures that the population being directed within this precinct is in a location that can achieve a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2009 *Construction of Buildings in Bushfire-prone Areas*.

A bushfire assessment was prepared by Terramatrix ('Bushfire Development Report Update for the Shepparton South East Precinct Structure Plan' dated March 2022) to identify existing hazardous vegetation and the actions required by the draft amendment to address the bushfire risk.

The proposed Shepparton South East Precinct Structure Plan implements the findings of the bushfire assessment.

Furthermore, a standard requirement within the Urban Growth Zone Schedule 2 specifies that an application for residential subdivision must be accompanied by a site management plan that assesses bushfire risk during and where appropriate after, construction of subdivision works and specifies vegetation-building setbacks (defendable space) where bushfire risk is managed, consistent with the separation distances specified in AS3959-2009.

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

The draft amendment complies with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The draft amendment also complies with the following relevant Ministerial Directions:

Direction No. 1 Potentially Contaminated Land

A land capability assessment was prepared by SMEC ('Desktop Land Capability Assessment Shepparton South East Precinct Structure Plan' dated 6 May 2022) to determine whether there is any land that may be potentially contaminated. The report found several lots to contain low-medium, medium and high risk for contamination. The draft amendment proposes to apply the Environmental Audit Overlay to those lots within the Precinct Structure Plan area, which were identified as low – medium, medium and high risk for contamination in the assessment.

Direction No. 11 - Strategic Assessment of amendments

This direction seeks to ensure a comprehensive strategic evaluation of a planning scheme amendment. This explanatory report addresses the requirements outlined in this direction.

Direction No. 12 - Urban Growth Areas

Parts 4, 5 and 6 of Ministerial Direction 12 require a planning authority when preparing an amendment to introduce or change provisions in a schedule to the Urban Growth Zone, to evaluate and include in the explanatory report a discussion about:

How the amendment implements any Growth Area Framework Plan applying to the land

The *Hume Regional Growth Plan 2014* identifies the majority of land within the Precinct Structure Plan area as a residential growth front. The *Greater Shepparton Housing Strategy 2011* also reflects the strategic objectives for this precinct consistent with the *Hume Regional Growth Plan 2014*. The draft amendment is consistent with these strategic growth plans as the Precinct Structure Plan sets aside the majority of land within the precinct for residential development.

How does the amendment accord with the Precinct Structure Planning Guidelines (October 2021)?

The Precinct Structure Planning Guidelines 2021 (the Guidelines) note that a more nuanced approach to the application of the Guidelines in regional contexts is required. Whilst the principles, features and targets of the Guidelines should be considered in a regional context, the Guidelines allow for the consideration of regional adaptation of key targets where appropriate. It should be noted that adaptation to the Guidelines has been discussed with Greater Shepparton City Council and agreed that a variation in certain situations is appropriate in the context of Shepparton South East. A response to each hallmark and justification for where regional adaptation is proposed is provided below.

Hallmark 1: Viable Densities

The draft amendment follows the Victorian Planning Authority's approach to the distribution of housing

density. The Precinct Structure Plan at Table 1 and Table 2 provides an anticipated lot yield (density) for the Precinct Structure Plan and guidance on how to achieve housing diversity by providing a broad range of housing types on varied lot sizes. These measures will facilitate development that achieves higher densities in the areas within the 'walkable catchment' and provides a variety of lots and housing types at varying sizes and price points.

The Precinct Structure Plan proposes to achieve a minimum average density of 10 to 12 dwellings per net developable hectare within the walkable catchment and a minimum average density of 10 dwellings per net developable hectare in all other areas. Whilst the densities proposed represent a variation to the Guidelines, these densities are considered appropriate within the context of Shepparton as the local market has not responded to policy objectives seeking 15 dwellings per net developable hectare. Further, a density of 10-12 dwellings per net developable hectare was considered appropriate in the Panel's report for Planning Scheme Amendment C118gshe which introduced the Shepparton North Precinct Structure Plan.

Hallmark 2: Safe, Accessible and Well Connected

The Precinct Structure Plan is well serviced through the provision of walking and cycling paths, especially alongside identified drainage corridors which provide active transport connections to key destinations across the Precinct Structure Plan area. The Precinct Structure Plan is also well connected to regional destinations via the provision of the Principal Public Transport Network on the Eastern North-South Boulevard Connector Road. Approximately 90 per cent of dwellings will be located within 400 metres walking distance of a future bus capable road, representing a minor variation to the Guideline target of 95 per cent.

Hallmark 3: Connect People to Jobs and Higher Order Services

The local convenience centre, community facilities, future government school and state government health facility to be provided within the precinct, in conjunction with home-based occupations will provide local employment opportunities and is expected to generate approximately 275 jobs across the precinct. An Activity Centre Review has been prepared by Ethos Urban (Shepparton South East Precinct Activity Centre Review April 2022) which recommends a local activity centre of 3,000 to 3,750 square metres floorspace be provided to service the commercial needs of the local population. No other commercial opportunities for the precinct were identified as part of the Ethos Urban report and therefore, the provision of jobs for the Precinct Structure Plan is considered appropriate given the provision of existing employment opportunities in proximity to the precinct.

Hallmark 4: Offer High-Quality Public Realm

The Precinct Structure Plan is well serviced by high quality open space. The Precinct Structure Plan plans for an active open space reserve as well a strong network of passive open space that form green connections throughout the Precinct. The Broken River environs will also provide recreational and amenity opportunities for the community. The majority of lots will be within 400 metres of open space, creating a pleasant living and recreational environment for the community and visitors.

Hallmark 5: Services and Destinations

Shepparton is well serviced by 21 primary schools (four of which are located in South Shepparton) and six secondary schools (with an additional school planned to open in 2024). The Precinct Structure Plan also plans for a government primary school and community centre which will enable future residents to have access to vital services.

Further discussion regarding community facilities is provided in the ASR Shepparton South Community Infrastructure Needs Assessment (May 2022).

Hallmark 6: Thriving Local Economies

The precinct is relatively small being approximately 385 hectares in area. A local convenience centre is proposed to the north of Channel Road and will cater for the basic daily needs of the local community.

The precinct will be well-connected via a road network throughout the precinct which will integrate with the existing road network and be readily accessible to existing activity centres to the west and north-west of the precinct, including the Shepparton Marketplace.

Hallmark 7: Infrastructure Coordination

The Shepparton South East Development Contributions Plan will ensure that basic and essential infrastructure will be provided to future residents in an appropriate and timely manner.

- *How the provisions give effect to the intended outcomes of the precinct structure plan?*
Most provisions in the incorporated documents and associated planning scheme ordinance are designed to be implemented at the subdivision development stage. These requirements and guidelines are either addressed in subdivision plans (e.g. spatial outcomes), implemented through permit conditions (e.g. development contributions), and/or implemented through referral authority agreements (e.g. essential services).

This approach provides for a single permission after approval of the Precinct Structure Plan, which is central to providing certainty, clarity and timeliness in the planning process.

As noted above, the Precinct Structure Plan includes Requirements and Guidelines, an Infrastructure and Development Staging Plan, as well as a lot cap within the schedule 2 to the Urban Growth Zone that clearly set out the intended roll out of development as infrastructure is delivered.

- *How a translation of the provisions can be achieved, once development anticipated by the precinct structure plan is substantially complete.*
Land use planning outcomes introduced into the Planning Scheme by this draft amendment will be delivered through subdivision permits prior to translation of the Precinct Structure Plan to standard provisions. Subdivision permits will implement most of the non-standard provisions.
An assessment of how development has proceeded and the use of relevant Victoria Planning Provisions, such as the applied zones in the Schedule to the Urban Growth Zone will provide guidance as to how the translation of the zone provisions can be applied.

Direction No. 19 – Ministerial Direction on the Preparation and Content of Amendments that may significantly impact the environment, amenity and human health

The Victorian Planning Authority as the planning authority for this draft amendment has sought the written views of the Environment Protection Authority to inform the basis of the draft amendment and the Precinct Structure Plan. The views of the Environment Protection Authority were provided on 6 July 2022. The Environment Protection Authority provided general support of the methodology and approach used to mitigate risks related to environment and human health, specifically in relation to land contamination, adverse amenity impacts and sodic soils.

The Environment Protection Authority has requested that where an environmental audit is triggered by the Environmental Audit Overlay and makes recommendations in relation to ongoing risks, uses, controls, management, and monitoring actions, provisions should be included in the Urban Growth Zone schedule to give effect to such recommendations. The Victorian Planning Authority respectfully does not support this inclusion for the following reasons:

- Planning Practice Note 30 Potentially Contaminated Land, July 2021 (PPN30) states that *“Where an environmental audit is to be completed in response to an Environmental Audit Overlay, it is necessary to carefully draft the planning provisions in the planning scheme amendment to address implementation of the environmental audit statement recommendations”*.
- PPN30 goes on to state at Table 4 that the Environment Protection Authority is responsible for *“Enforcement of obligations associated with the duty to manage and environmental audit recommendations that are listed in a mechanism under the Environment Protection Act 2017, including: - A site management order - A remedial notice. These typically relate to long term or ongoing monitoring or management”*.
- The provision drafted by the Environment Protection Authority requires the responsible authority to enforce all audit recommendations, rather than the Environment Protection Authority. Some audit recommendations require complex and ongoing management and should be enforced by Environment Protection Authority, potentially through a Site Management Order. This provision would unnecessarily duplicate the management framework and require a responsible authority to enforce matters beyond their expertise.
- The current wording makes a requirement for any audit, regardless of whether it was triggered via the Environmental Audit Overlay, or whether it involves sensitive uses or not. The provision also removes the ability for a responsible authority to determine to issue a permit with conditions for certain audit recommendations to be complied with. This would be for non-complex applications, which should be dealt with by Environment Protection Authority through a Site Management Order.

- Including such a provision in Urban Growth Zone schedules does not allow for standardisation of the approach where standard zones are used and the Environmental Audit Overlay is applied. The Environmental Audit Overlay should be self-contained and must be adhered to as the responsible authority must consider the Environmental Audit Overlay, Planning Policy Framework and General Decision Guidelines at Clause 65.01.

S46m(1) - Direction on Development Contributions Plan

This direction directs planning authorities in relation to the preparation and content of a Development Contributions Plan. The draft amendment proposes to incorporate the Development Contributions Plan into the Planning Scheme as part of this draft amendment by the application of Development Contributions Plan O5 to the draft amendment area.

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

The draft amendment represents an integrated decision-making process that balances the following objectives of the relevant State planning policies:

Clauses 11.01 Victoria, 11.02 Managing Growth, and 11.03 Planning for Places – The amendment facilitates the orderly planning and delivery of land for residential development that has been identified for growth in a regional area by way of preparing a Precinct Structure Plan to direct how the precinct will accommodate growth and the relevant infrastructure required to support this growth.

The Precinct Structure Plan sets out an orderly structure for development of the precinct including the location and function of a local convenience centre taking into account the existing and planned network of activity centres in the region; introducing residential and commercial zoned land to supply and encourage urban growth; incorporating a network of local parks for the future community; and, providing developable land within good proximity to existing and future planned amenities, services and infrastructure.

This draft amendment implements the strategies of *Clause 11.01-1R Settlement - Hume* with a Precinct Structure Plan that facilitates the primarily residential growth of Shepparton in accordance with the *Hume Regional Growth Plan 2014*.

Clause 12.01 Biodiversity – The precinct does not include any areas or significance regarding biodiversity, hence there are no requirements for biodiversity protection.

Clause 13.02 Bushfire – Bushfire risk in the precinct is currently managed through the *Building Regulations 2006*; however, the draft amendment requires site-management during construction to minimise the potential spread of bushfire. This will be implemented via relevant provisions and requirements incorporated into Schedule 2 to the Urban Growth Zone.

Clause 13.03-1S Floodplain Management – The draft amendment area is subject to riverine flooding associated with the Broken River, impacting land predominantly south of Channel Road. It is also impacted by overland flows entering the site from the east of Doyles Road. The draft amendment has accounted for possible flood impacts through the provision of approximately 34 hectares of land adjacent to the Broken River to be reserved for flood mitigation purposes. Significant infrastructure is also provided to accommodate flooding and stormwater management including six drainage basins and a 30 metres wide overland flow path. In addition, all residential areas will be raised above the 1% Annual Exceedance Probability flood level, which includes climate change scenarios. As noted above, the draft amendment revises the extent of the Land Subject to Inundation Overlay across the precinct to ensure the mapped Land Subject to Inundation Overlay reflects the latest flood modelling and climate changes scenarios.

Clause 13.04 Soil degradation – The draft amendment ensures that potentially contaminated land will require investigation if proposed to be developed for a sensitive use.

Clause 14.02-3S Protection of Declared Irrigation Districts - There are existing Goulburn-Murray Water drains and irrigation channels throughout the precinct that service farmland. As a result of the development of the precinct these irrigation channels will be decommissioned as development encroaches upon them, with Goulburn-Murray Water aware of and managing the decommissioning process. The Precinct Structure Plan requires an integrated water management system that operates

to best practice standards ensuring that drainage and stormwater requirements are fully integrated into the precinct.

Clauses 15.01 Built environment - The draft amendment seeks to implement the Precinct Structure Plan that guides urban development so that it provides for a liveable and diverse community that integrates and is well-connected to existing and establishing communities. The Precinct Structure Plan provides a future urban structure that outlines a well-designed subdivision pattern and transport network that fosters more sustainable modes of transport, a safe public environment, a network of public open space, and a diverse housing stock to attract a diverse community.

Clause 16.01 Residential development – Housing in the precinct will be fully serviced. New residents will have access to services and employment opportunities within the community and in adjacent developed neighbourhoods. The Precinct Structure Plan sets out provisions to facilitate a range of housing types and densities.

Clause 17.02 Commercial – The draft amendment provides a local convenience centre, essential services and potential employment opportunities for residents within the precinct.

Clauses 18.01-1S Land use and transport planning, and 18.02 Movement networks – The precinct's road network will integrate with the existing arterial road network and provide for bus routes to traverse the precinct. The proposed road network provides a robust structure for traffic and transport movement within and through the precinct.

Clauses 19.02 Community infrastructure, and 19.03 Development infrastructure – The draft amendment proposes to incorporate a Development Contributions Plan into the Planning Scheme. The Development Contributions Plan outlines what development and community infrastructure is to be funded by landowners in the precinct.

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

The draft amendment supports the Municipal Planning Strategy and more specifically, the strategic vision and directions outlined in Clause 02.02 – Vision of the Planning Scheme.

The draft amendment has been prepared in consideration of the following elements of the Planning Scheme:

Clause 11.01-1L Settlement – Urban Growth and Consolidation – This policy provides a strategic direction for the anticipated growth of the municipality, including guidance on urban consolidation and growth; housing; rural residential living; community life; and non-residential uses. This policy includes framework plans for different areas of the municipality that identify the settlement boundaries and directs urban growth. The precinct is identified in the Shepparton South Framework Plan as an area for urban growth, reflecting the direction of the *Greater Shepparton Housing Strategy 2011* and the *Hume Regional Growth Plan 2014*.

The Precinct Structure Plan seeks to implement a future urban structure providing for primarily residential development incorporating necessary community and commercial infrastructure, allowing for an appropriate transition of rural land to urban growth.

The draft amendment aims to meet the strategic incentives of this clause by providing a robust framework for the delivery of new residential land allowing for diverse housing opportunities, community facilities and maintaining the schools within the precinct.

Clause 17.02-1L Commercial Activity Centres – The Precinct Structure Plan accommodates a local convenience centre which will provide employment opportunities and economic development for the community. The size of the local convenience centre is such to service basic daily needs of the community, thereby not competing with the established hierarchy of commercial and activity centres within the Shepparton Central Activities Area.

Clause 19.03-2L-01 Infrastructure Design and Provision – A Development Contributions Plan has been prepared for the precinct to outline what development and community infrastructure is to be funded. The draft amendment proposes to incorporate the Development Contributions Plan into the Planning Scheme as part of this draft amendment by the application of a Development Contributions Plan O5 to the draft amendment area.

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

The draft amendment meets the form and content requirements of the Victoria Planning Provisions. Importantly, the Urban Growth Zone is the most appropriate tool to apply the relevant suite of Victoria Planning Provision conventional zones to guide future use and development of the precinct through the specification of conditions and requirements for permits. In addition, the Development Contributions Plan O5 is the appropriate mechanism to give effect to the Development Contributions Plan.

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

The draft amendment has been prepared in consultation with relevant agencies including:

- Goulburn-Murray Water
- Goulburn Valley Water
- Environment Protection Agency
- Goulburn Broken Catchment Management Authority
- Transport for Victoria
- Aboriginal Victoria
- Country Fire Authority
- Heritage Victoria
- Greater Shepparton City Council
- Department of Education
- Department of Energy, Environment and Climate Action
- Department of Jobs, Skills, Industry and Regions
- Department of Transport and Planning

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

The Victorian Planning Authority in itself and acting as a planning authority is an 'interface body' under the *Transport Integration Act 2010*. Under Section 25 of that Act:

- (1) *An interface body must have regard to the transport system objectives when exercising powers and performing functions under any interface legislation which are likely to have a significant impact on the transport system.*
- (2) *An interface body must have regard to the decision making principles in making decision under any interface legislation which are likely to have a significant impact on the transport system.*

The draft amendment is likely to have a significant impact on the transport system at a local level. Upgrades will be required to nearby parts of the regional road network to enable connectivity to a new local road network within the precinct and contribute to the development of the bus network in the area.

The proposed additions and changes to the existing transport system in and adjacent to the precinct will meet the transport system objectives by:

- Enabling efficient access to existing and planned employment and services in and around the local area and region through connections to the arterial road network and planned extensions to bus services.
- Including a residential lot cap of 800 lots to time construction of the interim construction of the Doyles Road – Channel Road and Doyles Road – Poplar Avenue intersections are complete.
- Transport development infrastructure provided for via the Development Contributions Plan will be provided as sufficient demand arises for the relevant infrastructure item and provides the opportunity for the efficient construction of items concurrent with subdivision and development.
- Involving relevant government bodies responsible in the provision of transport infrastructure and services in the decision making process of the draft amendment.

Resource and administrative costs

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

The draft amendment is expected to have minimal impact on the resources and administrative costs of the responsible authority. The incorporated Precinct Structure Plan will facilitate the orderly and proper planning of the area and appropriately allows for a reduction of notice provisions for future planning permit applications.

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference	Address	Proposed changes		
				Zone	Overlay	Deletion
Shepparton South East Precinct Structure Plan	Entire precinct	C117gshe Map No. 11ZN, 23ZN, 24ZN and 27ZN	Numerous	Rezone precinct to Urban Growth Zone Schedule 2	DPO Schedule 5	
Shepparton South East Precinct Structure Plan	Various individual sites within the precinct	C117gshe Map No. 11HO and 24HO	Numerous		HO Schedules 442 to 447	
Shepparton South East Precinct Structure Plan	Various sites within the precinct	C117gshe Map No. 11Public Acquisition Overlay , 23Public Acquisition Overlay , 24Public Acquisition Overlay and 27Public Acquisition Overlay	Numerous		Public Acquisition Overlay Schedules 32 to 41	
Shepparton South East Precinct Structure Plan	Land generally adjacent to Broken River	C117gshe Map No. 11 FO and 27FO	Numerous		FO	

Shepparton South East Precinct Structure Plan	Land to the south of Channel Road	C117gshe Map No. 11 Land Subject to Inundation Overlay and 27Land Subject to Inundation Overlay	Numerous		Land Subject to Inundation Overlay	Land Subject to Inundation Overlay
Shepparton South East Precinct Structure Plan	Various sites within the precinct	C117gshe Map No. 23DPO, 24DPO and 27DPO	Numerous			DPO
Shepparton South East Precinct Structure Plan	Various sites within the precinct	C117gshe Map No. 11EAO, 23EAO, 24EAO and 27EAO	Numerous		EAO	

