

# **STRATHBOGIE PLANNING SCHEME**

## **AMENDMENT C85STRB**

### **EXPLANATORY REPORT**

#### **Overview**

The land is described as Lot B, PS81593J, although better identified as the land directly south of Murray Street in Nagambie.

This amendment seeks to provide an additional 15.87 hectares of residential land close to the centre of Nagambie, allowing for the further extension of Murray Street to the south.

It does this by rezoning the land from Farming Zone (FZ) to General Residential Zone (GRZ) and introducing the Development Plan Overlay (DPO) which will control the future subdivision layout of the land.

#### **Where to view the amendment**

The amendment can be inspected free of charge at:

- The Strathbogies Shire Council website at [www.strathbogies.vic.gov.au](http://www.strathbogies.vic.gov.au).
- During office hours at the following places:
  - 109A Binney Street, Euroa
  - 293 High Street, Nagambie
- Department of Transport and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection)

#### **Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 10 October 2023.

A submission must be sent to:

Strategic Planning, Strathbogies Shire:

By post: PO Box 177, EUROA VIC 3666

In person: 109A Binney Street, Euroa or 293 High St, Nagambie.

By email: [info@strathbogies.vic.gov.au](mailto:info@strathbogies.vic.gov.au)

#### **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: To commence in the week on 29 January 2024
- Panel hearing: To commence in the week of 11 March 2024

## **Details of the amendment**

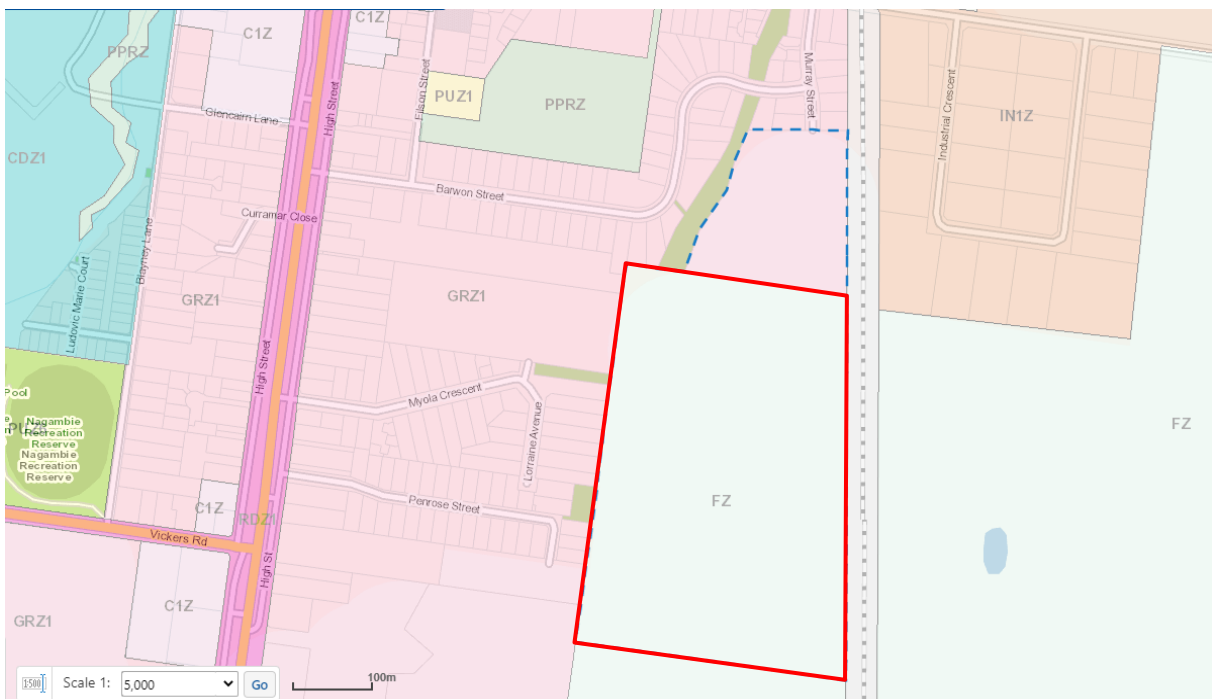
### **Who is the planning authority?**

This amendment has been prepared by the Strathbogie Shire Council, which is the planning authority for this amendment.

The amendment has been made at the request of Chris Smith and Associates on behalf of the owner of the land.

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

The amendment applies to a 15.87 ha parcel of land described as Murray Street, Nagambie (Lot B, PS81593J) which is outlined below in Figure 1.



**Figure 1: Amendment site (red)**

A mapping reference table is attached at [Attachment 1](#) to this Explanatory Report.

### **What the amendment does**

The amendment seeks to rezone the land from Farming Zone to General Residential Zone and proposes to implement a new Schedule 6 to the Development Plan Overlay to guide the future development of the site.

Specifically, the amendment makes the following changes:

#### **Zoning Maps**

- Amends Planning Scheme Map No.22 to rezone land at Murray Street, Nagambie (Lot B, PS81593J) from Farming Zone to General Residential Zone.

#### **Overlay Maps**

- Amends Planning Scheme Map No.22 to apply the Development Plan Overlay 6

**Planning scheme ordinance**

- Inserts new Schedule 6 to Clause 43.04 (Development Plan Overlay) to guide the future development of land on the subject site.

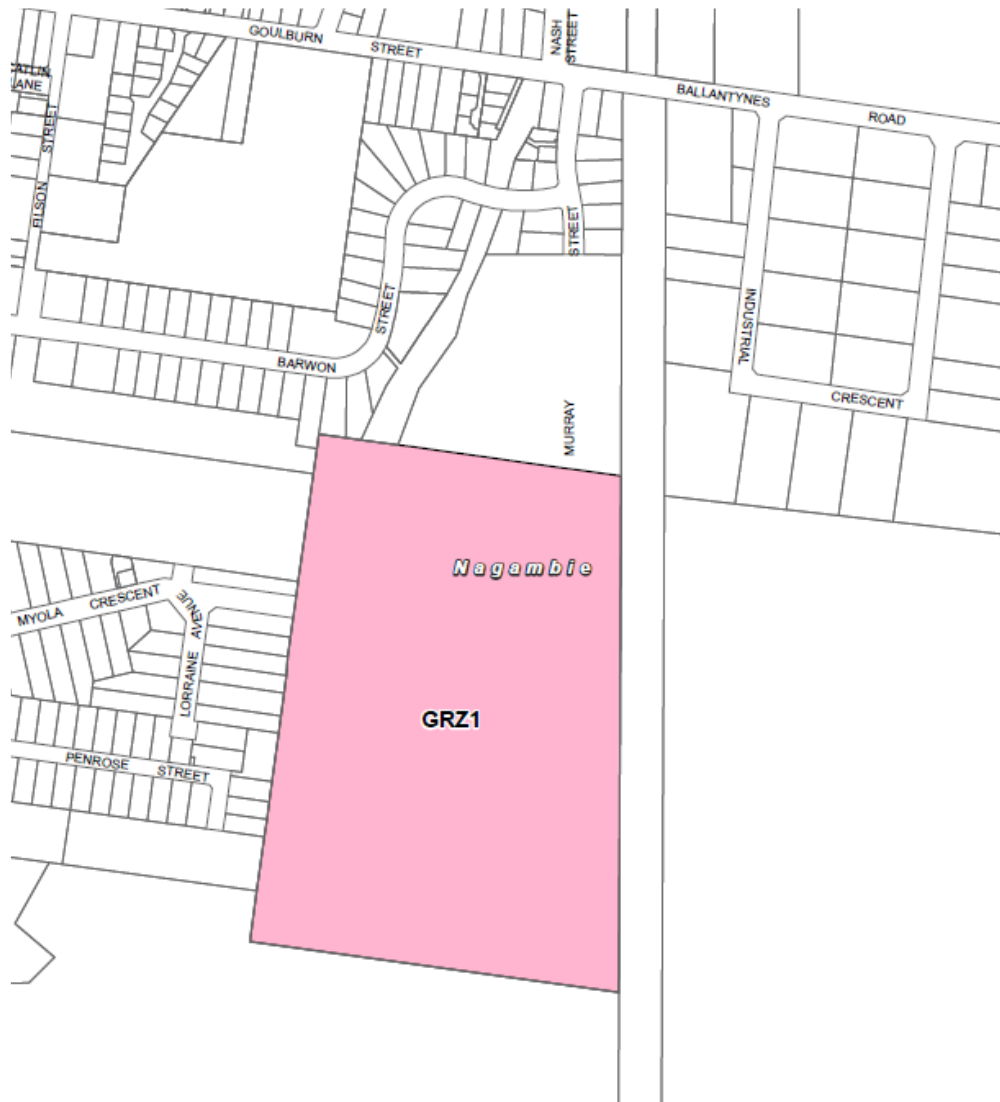


Figure 2: Excerpt of zoning map

**Strategic assessment of the amendment**

**Why is the amendment required?**

The amendment is required to rezone an investigation site within Nagambie which was identified in the *Nagambie Growth Management Strategy, 2008* (background document) as a future growth area.

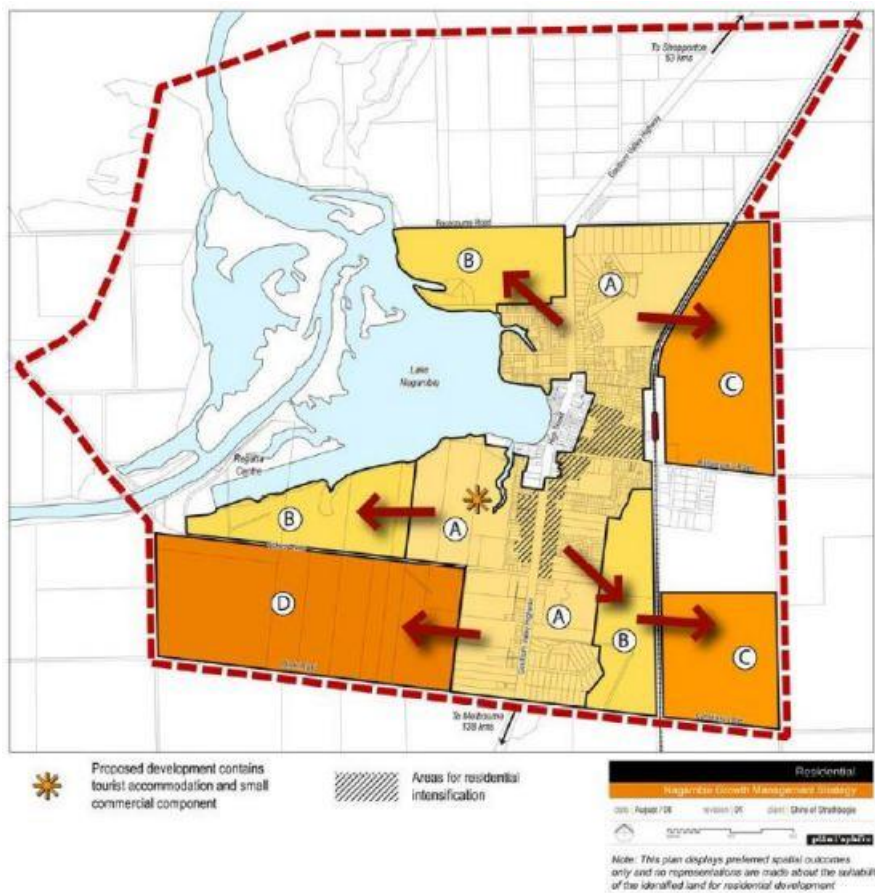
Nagambie has experienced increased population growth and changing demographic trends, resulting in demand for a greater amount of housing provision and a variety of housing types. The draft 2020 *Nagambie Growth Management Strategy (NGMS 2020)* identifies an annual growth rate of 2.9% or an additional 1,143 new dwellings with an approximate land supply requirement of 102.87 hectares to meet the forecasted population of 4,000 residents in 2036.

The existing residential zoned land to the south of the Nagambie is largely constrained through different ownership and no established or integrated access. The subject site provides an opportunity

for residential development to be integrated into the township by road connections via Murray Street and linkages to the south and southwest of the site.

The amendment will allow the township of Nagambie to grow and further support the existing community facilities, commercial facilities and recreation areas. The rezoning represents the opportunity for the sequential and logical expansion of the residential neighbourhood identified in the *Nagambie Growth Management Strategy 2008*.

Within Nagambie, land that was designated as “A” for short-term growth and has now been developed or planning permits issued for subdivision on most of these sites. The site is contained within areas designated as “B” identified for the next development front once the “A” sections had been completed (refer to figure 3 below). The inclusion of additional areas is required to meet Council’s obligation to provide a minimum of 15 years supply of residential land within the municipality and to meet the identified needs for Nagambie.



**Figure 3: Nagambie Growth Management Strategy – preferred order of development**

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

The amendment seeks to implement objectives a, c, e, f, and g of planning in Victoria in accordance with Section 4(1) of the Planning and Environment Act 1987.

The amendment proposes to facilitate the orderly sequencing of residential development in the township of Nagambie and to provide a variety of housing opportunities to accommodating the projected population growth of the municipality.

The amendment seeks to provide greater certainty about requirements for and impacts of future residential development on the community and local environment and ensure that benefits arise from development. The proposed amendment will support the timely and appropriate provision of services, facilities and infrastructure to accompany residential development, to secure a pleasant, efficient and safe living environment for the community.

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

### Environmental

The amendment seeks to introduce a new schedule 6 to the DPO which requires consideration of any future vegetation removal and requires, consistent with other parts of the planning scheme, that any removal be assessed against the 'avoid, minimise and offset' approach.

A preliminary site investigation has been completed to support the proposed amendment. These studies outline that there are no areas of contamination or concern.

### Social

The amendment enables the future housing needs of the community to be met which is essential to municipality's vision for long term growth, as identified in the *Nagambie Growth Management Strategy 2008*. The delivery of additional residential areas will generate positive social benefits for the Nagambie Township by providing increased housing opportunities and variety of future housing options.

The land is located in close proximity to existing social and educational facilities and will benefit from existing transport linkages. The amendment seeks to ensure that community benefit is provided through timely provision of services, facilities and community infrastructure while retaining the valued amenity of the area.

The amendment includes measures to increase the attractiveness, amenity and safety of the public realm, and to support the achievement of high quality urban design outcomes. The location of the proposed development will provide the opportunity for more active transport and reduce the reliance on vehicular transport.

### Economic

The land is currently used for limited agricultural purposes. The site is located within an area of Nagambie identified for urban development. The proposed rezoning is expected to have a positive economic effect as it provides land which will be developed for residential development. The development of land for residential purposes will create additional employment opportunities during the construction phases.

Nagambie is currently experiencing strong economic growth with the manufacturing sector and increased tourism and the provision of additional residential land is anticipated to provide opportunities for additional housing that is likely to also support key workers encouraging the continued growth of local industries and allowing workers to live locally.

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

The land is entirely within a designated bushfire prone area and is not within the Bushfire Management Overlay.

The key overarching strategy at Clause 13.02 Bushfire is to "*prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire*". The objective and strategies of Clause 13.02-1S Bushfire Planning have been considered in the preparation of the amendment and it is considered unlikely to result in a net increase in risk to existing and future residents, property and community infrastructure.

A bushfire report describes that the landscape conditions and bushfire hazard have been assessed and it is considered that the location is a low bushfire risk site. It also identifies that future development for residential purposes will further reduce any risk of grass fire for the existing township extents. The report concludes that "*The landscape setting does not pose an unacceptable risk to life property, community infrastructure or the natural environment from bushfire.*"

Preliminary discussions were held with the Country Fire Authority (CFA) in 2023. The views of the CFA regarding the provisions within the proposed schedule DPO6 have been considered as well as

bushfire mitigation methods have been incorporated into the proposed schedule.

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

Under section 12(2) of the *Planning and Environment Act 1987* the following Minister's Direction is applicable to the consideration of this amendment:

- Ministerial Direction – The Form and Content of Planning Schemes

The amendment has been prepared having regard to the Form and Content of Planning Schemes Ministerial Direction.

- Ministerial Direction No 1 – Potentially Contaminated Land

The purpose of Ministerial Direction No. 1 is to ensure that potentially contaminated land is suitable for a use which is to be allowed under an amendment to a planning scheme and which could be significantly affected by any contamination. As part of preparing the amendment a preliminary site investigation was completed that included a desktop and historical review, a site investigation and resulting report. In addition to the initial site investigation, Council engaged a suitably qualified environmental consultant to undertake a peer review of the Preliminary Site Investigation, which concluded that the potential for contamination on the land is low.

- Ministerial Direction No 11 – Strategic Assessment of amendments

The amendment meets the requirements of Ministerial Direction No 11 Strategic Assessment of amendments. This Explanatory Report addresses the requirements outlined in this direction.

- Ministerial Direction No 19 – Preparation and content of amendments that may significantly impact the environment, amenity and human health.

Amendments that may result in impacts on the environment, amenity and human health requires planning authorities to seek the views of the Environment Protection Authority. The views of the EPA have been sought throughout the preparation of this amendment and the amendment documentation has been updated to address its advice (including the peer review of a preliminary contamination assessment).

In addition to the Ministerial Directions the following Planning Practice Notes have been considered as relevant:

- Planning Practice Note 23 - Applying the Development Plan Overlay.
- Planning Practice Note 91 Using the residential zones.
- Planning Practice Note 92 Managing buffers for land use compatibility.

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

The following planning provisions are considered relevant to the amendment:

**Clause 11.01-1S** seeks to facilitate sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. Strategies to achieve this include guiding the structure, functioning and character of each settlement considering municipal and regional contexts and frameworks, create and reinforce settlement boundaries, and limit urban sprawl and direct growth into existing settlements. The amendment is founded on strategic work that forms a background document to the planning scheme. It seeks to introduce a new parcel of residential land that will have its development form guided by a new schedule to the Development Plan Overlay.

**Clause 11.01-1R** references the Hume Regional Growth Plan, which identifies Nagambie as a township to accommodate residential growth. The amendment will result in additional residential land that will provide opportunities for residential growth.

**Clause 11.02-1S Managing growth** requires Council to plan for a minimum of 15 years of land supply across the municipality. It further states that planning policy ought to provide clear direction about locations where growth should occur. Planning should facilitate development that is in a defined sequence and through a hierarchy of structure plans. The amendment seeks to ensure that land supply is sufficient to meet demand and will assist in increasing housing choice within Nagambie in accordance with the sequential planning outlined in the Nagambie Growth Management Plan (2008).

**Clause 13.01 Climate change impacts** seeks to ensure that development consider the impacts of a changing climate. Environmentally sustainable design objectives have been imbedded into the proposed schedule of the Development Plan Overlay which will ensure that resulting developments address solar orientation, reduce urban heat effects, efficient use of energy and water.

**Clause 13.02 Bushfire** requires that development be directed to locations where the risk to life and property can be managed to an acceptable level. The amendment has sought to ensure that bushfire is appropriately considered and have imbedded planning policies into the proposed schedule to the Development Plan Overlay to ensure that any future development address best practice bushfire design guidelines and design practices to protect against bushfire and to manage rural interfaces and landscaping. The Development Plan Overlay schedule will also require that any plan submitted must:

- Adequately address the objectives and strategies identified in Clause 13.02-1S.
- Identify development areas capable of meeting BAL – 12.5 rating under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia 2009) and design measures to restrict development outside these areas.
- Identify design measures to mitigate bushfire risk, including fencing, perimeter roads and suitable separation buffer distances, and the current state and future needs for management of vegetation and open space areas to a low threat state.

**Clause 13.03 Floodplains** contains objectives to assist the protection of life, property and community infrastructure from flood hazards. There are a number of strategies included within policies including, avoiding intensifying the impact of flooding through inappropriately located use and development. The proposed rezoning has avoided areas of flooding, currently within the Planning Scheme as well as other known areas. Requirements within the proposed schedule to Development Plan Overlay include the need for consideration of future subdivision layouts and road alignments to address the natural direction of overland flow paths for both stormwater and riverine flooding, and the requirements of *Nagambie Flood Study*.

**Clause 16 Housing** overarchingly states that planning should:

- Provide for housing diversity, and ensure the efficient provision of supporting infrastructure.
- Ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.

In this instance the site is in close proximity to the town centre of Nagambie and has been identified in the *Nagambie Growth Management Plan* as an area appropriate for sequential urban growth.

**Clause 16.01-1S Housing Supply** outlines that its objective is to facilitate well-located, integrated and diverse housing that meets community needs. Relevant strategies include:

- Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
- Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.

The amendment seeks to facilitate additional residential land. It has been identified as an appropriate location for residential growth and is in close proximity to the Nagambie township.

**Clause 18.01-1S Land use and transport integration** is relevant to the amendment. One of its objectives is '*To facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport*'.

The proposed the schedule to the Development Plan Overlay outlines requirements in relation to the importance of integrating both walking and road infrastructure into the existing network with multiple access and egress opportunities. Requirements within the proposed Development Plan Overlay schedule include:

- Subdivision layout and road alignment must consider the natural direction of overland flow paths for both stormwater and riverine flooding
- Road links to the existing road network, creating more than one ingress and egress
- Links to existing cycle and pedestrian networks, including the waterside accessway and routes to key activity generators such as the High Street retail area, school, and other community facilities.

**Clause 19 Infrastructure** outlines a number of objectives, including that planning should:

- ensure that the growth and redevelopment of settlements is planned in a manner that allows for the logical and efficient provision and maintenance of infrastructure, including the setting aside of land for the construction of future transport routes.
- facilitate efficient use of existing infrastructure and human services. Providers of infrastructure, whether public or private bodies, are to be guided by planning policies and should assist strategic land use planning

The proposed amendment considers these aims as important and has required through the proposed schedule to the Development Plan Overlay that any future development deliver open space infrastructure, shared path networks, storm water management and traffic management.

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

**Clause 02.03-1 Settlement** identifies Nagambie as attracting 4,000 to 5,000 people during peak tourism season and that the increase in population must be considered in the future planning of the town. The amendment supports this aim by providing additional housing stock in proximity to the centre of Nagambie.

**Clause 02.03-6 Housing** Acknowledges urban expansion into agricultural land can create conflicts. To protect the amenity of residents and agricultural operations on adjoining land. The Development Plan Overlay requires any application to address how the layout and development is not going to impact the adjoining agricultural or future land uses.

**Clause 02.03-9 Infrastructure** identifies Nagambie as having poor drainage. The proposed schedule to the Development Plan Overlay identifies the need for the consideration and provision of drainage infrastructure for any future subdivision of the land.

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

It is considered that the proposed amendment makes proper use of the Victoria Planning Provisions by selecting the most appropriate tools available. The amendment seeks to apply the General Residential Zone which is the main zone to be applied in new or established residential areas where there are minimal constraints to residential development. It provides for moderate growth and diversity of housing. PPN 91 outlines that it the General Residential Zone is appropriate to be applied to areas where growth and housing diversity is anticipated.



Planning Practice Note 23 outlines that the Development Plan Overlay is a flexible tool to implement a plan to guide the future use and development of land. In order to manage the future development form a new Schedule to the Development Plan Overlay is proposed as part of the amendment. The schedule outlines the requirements that need to be met prior to a plan being approved. The proposed schedule was drafted in accordance with the Practice Note.

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

The views of the relevant agencies were sought in the preparation of the amendment. These agencies include,

- Environment Protection Authority: comments have informed this Explanatory Reports been considered by Council;
- Country Fire Authority: comments have been adapted into the draft Development Plan Overlay schedule;
- Goulburn Broken Catchment management Authority: comments have been adapted into the draft Development Plan Overlay schedule;

The views of relevant agencies will also be gathered during the exhibition period of the amendment in accordance with the requirements of the *Planning and Environment Act 1987*.

**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 amendment will result in some impact on the transport system, the proposed schedule DPO6 requires:

- The submission of a Traffic Impact Assessment Report to support any future development, including the impact of the proposed development on the transport network
- Logical linkage to existing roads and future networks
- More than one ingress and egress

**Resource and administrative costs**

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

The new planning provisions will not have any significant impact on the resource and administrative costs to Council.

**ATTACHMENT 1 - Mapping reference table**

Location	Land /Area Affected	Mapping Reference	Address	Proposed changes		
				Zone	Overlay	Deletion

Nagambie	Murray Street, Nagambie (Lot B, PS81593J)	Strathbogie C85strb 002dpoMap22 Exhibition Strathbogie C85strb 001znMap22 Exhibition		Rezone from FZ to GRZ	DDO6	