

Wangaratta Planning Scheme

Amendment C86wang

Combined Planning Scheme Amendment and Planning Permit Application Ref: PInApp24/005

Explanatory Report

Overview

This combined planning scheme amendment and planning permit application seeks to facilitate the residential development of land located at Lot 2 PS744661D Wangaratta-Whitfield Road, Wangaratta.

It does this by:

- Rezoning Lot 2 PS744661D from Low Density Residential Zone to the General Residential Zone: and
- Rezoning land within Targoora Park (330 Wangaratta-Whitfield Road, Wangaratta) from the Public Park and Recreation Zone to the Public Use Zone (Service and Utility) to facilitate the construction of an integrated waste water treatment plant.
- A concurrent planning permit application seeks approval for a multi lot staged residential subdivision of the land into 233 residential lots (including 3 super lots), remove native vegetation, the alteration of an access to a road in a Transport Zone 2 (Wangaratta-Whitfield Road) and the removal and variation of an easement (E1).



Where you may inspect this amendment

The Amendment can be inspected free of charge at

- Rural City of Wangaratta website at www.wangaratta.vic.gov.au
- During office hours at the following places:
 - Wangaratta Government Centre, Corner of Ford and Ovens Streets, Wangaratta
- Department of Transport and Planning website at 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 **14 May, 2024**.

A submission must be sent to either:

Email: strategicplanning@wangaratta.vic.gov.au:

Mail: Attn: Strategic Planning – C86

Rural City of Wangaratta PO Box 238, Wangaratta VIC 3676

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: Week commencing **2 September, 2024**
- Panel hearing: Week commencing **7 October, 2024**

Details of the amendment

Who is the planning authority?

This amendment has been prepared by the Rural City of Wangaratta, which is the planning authority for this amendment.

The amendment has been made at the request of Bislake Pty Ltd.

Land affected by the amendment

The amendment applies to the land at Lot 2 PS744661D Wangaratta-Whitfield Road, Wangaratta as shown in red on the plan below and land within Targoora Park at 330 Wangaratta-Whitfield Road, Wangaratta (Lot 1 TP 84150) as shown in blue on the plan below.



The amendment is a combined planning permit application and planning scheme amendment under section 96A of the Act.

The planning permit application applies to the land at Lot 2 PS744661D Wangaratta-Whitfield Road, Wangaratta as shown in red on the plan above.

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

What the amendment does

The amendment facilitates the coordinated development of an amenable, sustainable and connected residential neighbourhood on the Site to provide housing in response to forecast population growth and associated housing demand.

The amendment:

- rezones the land at Lot 2 PS744661D Wangaratta-Whitfield Road, Wangaratta from Low Density Residential Zone – Schedule 1 (LDRZ1) to the General Residential Zone – Schedule 1 (GRZ1).
- rezones part of the land within Targoora Park at 330 Wangaratta-Whitfield Road, Wangaratta) from the Public Park and Recreation Zone (PPRZ) General Residential Zone – Schedule 1 (GRZ1) to the Public Use Zone 1 (Service and Utility).

The planning permit application seeks approval for:

- the staged subdivision of the land for 233 residential lots (including three super lots);
- the removal of native vegetation;
- the creation/alteration of an access to a road in a Transport 2 Zone; and
- and the removal and variation of an easement (E1)

The 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 development of housing to meet the forecast requirements of the Housing and Population Strategy (2013) on land which has been identified for residential development under the Hume Regional Growth Plan (2014).

Due to the sewerage constraints, Wangaratta faces a scenario whereby the nominated North-West and South-West Growth Area can provide the 15 years supply of residentially zoned land in the long term but cannot deliver housing in the short-medium term. As a result, a severe shortage of titled lots to manage existing and forecast population growth has resulted in a severe housing shortage in both the homeowner and rental market segments.

By facilitating the development of a wastewater treatment plant the amendment will provide sewerage capacity to facilitate the development of 350 new dwellings within southern Wangaratta including 233 new residential lots within the proposed subdivision and 100 additional dwellings within the broader Wangaratta South Area.

The amendment will also remove the risk of land, which enjoys excellent access to existing jobs, schools, services and public transport infrastructure from being underdeveloped at low densities for low-density housing in a manner that is contrary to the Planning Policy Framework and would permanently compromise the delivery of conventional/higher density housing on the land.

The combined planning scheme amendment and planning permit and associated wastewater treatment plant will provide a net community benefit by facilitating the delivery of:

- a critical supply of additional housing within Wangaratta including (approximately):
 - 233 residential lots proposed to be subdivided on the Wangaratta-Whitfield land, including three super lots that are reserved for medium density residential development.
 - 100 dwellings within the Wangaratta South Area
- a network of landscaped public open space and active transport pathways through southern Wangaratta; and
- a sustainable source of Class A recycled water to irrigate sporting fields within Targoora Park and Cathedral College.

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

The amendment implements the following objectives of planning in Victoria, contained in Section 4(1) of the Planning and Environment Act 1987:

(a) To provide for the fair, orderly, economic and sustainable use and development of land, by:

- Allowing for the residential development of land within the existing urban boundary of Wangaratta Regional City in response to forecast population growth.
- Facilitating the development of new housing land which has been identified as a location for residential development and housing growth in the Wangaratta Housing and Population Strategy (2013) and the Hume Regional Growth Plan (2014).
- Preventing the underdevelopment of land which is capable of providing for higher density housing.

(b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity:

- Facilitating the efficient and appropriate use of established urban land, thereby reducing pressure on land outside Wangaratta Regional City urban area.

(c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria by:

- Ensuring the scale, form and quantity of residential development responds appropriately to the surrounding context of Wangaratta and optimises access to existing jobs, services, schools and public transport infrastructure.
- Facilitating the development of a secure and provide a pleasant, amenable, and safe living environment.

(e) To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community, by:

- Applying the Public Use Zone to land that will be developed for a wastewater treatment plant and associated access ways and recycled water storage.
- Facilitating the development of the land in a coordinated manner in accordance with a services strategy.

(f) To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e), by:

- Facilitating the residential development of the land in a coordinated manner.

(g) To balance the present and future interest of all Victorians, by:

- Providing increased housing supply in an appropriate and strategically supported location and in a form and scale which will be consistent with the existing neighbourhood character of Wangaratta Regional City.

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

Environmental

The amendment positively addresses environmental effects by:

- Protecting the surrounding agricultural areas by maintaining clear township boundaries and not extending residential development into land currently zoned for agricultural purposes.
- Facilitating the development of housing on land with minimal native vegetation that can be largely maintained within the required public open space areas.
- Facilitating the delivery of wastewater treatment plant that will deliver Class A recycled water to irrigate surrounding open space.

Social

The amendment positively addresses social effects by:

- Contributing to housing diversity by providing for a framework that can facilitate a variety of residential dwellings.
- Facilitating the delivery of a wastewater treatment plant that will facilitate the development of plant of approximately 100 lots within Wangaratta's Southern Area.
- Providing additional housing supply including smaller lots to assist in the supply, diversity and affordability of housing in Wangaratta.
- Minimising the pressure on community services and infrastructure within surrounding townships by providing for additional residential development within an area that has access to existing services and infrastructure.
- Facilitating future housing in proximity to existing infrastructure, services and jobs.
- Increase the quantity of high quality, diverse and well-integrated open spaces within Wangaratta.
- Facilitating the delivery of high-quality new pedestrian and cycling networks through the Site that will encourage active lifestyles and facilitate improved access to existing communities.

Economic

The amendment positively addresses economic effects by:

- Increasing the supply of housing within Wangaratta to cater for forecast population growth and provide housing for workers.
- Providing housing in response to forecast population growth in Wangaratta to assist in the ongoing viability of existing services and schools.
- Increasing the retail catchment within proximity of the Wangaratta Central Activities Area and the Wangaratta South Neighbourhood Activity Centre.

Does the amendment address relevant bushfire risk?

The subject site and surrounding area are defined as being Bushfire Prone Area (BPA) under the building regulations, this designation identifies areas that are likely or subject to bushfire activity. The subject site and immediately surrounding area are not affected higher level planning tool being the Bushfire Management Overlay which recognises areas with very high to extreme bushfire hazards.

The amendment is informed by a Bushfire Planning Report which considered the risk from bushfire to both people, property and community infrastructure. In accordance with this report, the amendment appropriately addresses bushfire risk and specifically the objectives and strategies of Clause 13.02-1S (*bushfire planning*) by:

- Directing future housing and population growth into an area where bushfire risk is assessed as being low risk.
- Designing the future subdivision of the land to ensure on completion that all lots are sited outside of the BAL 12.5 rated setbacks from any adjoining hazards under the standards of AS3959-2009 *Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009)*. This has been achieved by setting back all lots on the northern and western boundaries behind a combination of both perimeter roads and public open space and ensuring that this space creates a the opportunity to manage fuel loads appropriately during the declared fire season. And;
- The subdivision design also incorporates provision for reticulated water reserved for firefighting purposes along with multiple vehicular access points for emergency vehicles,.

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

The Amendment has been assessed against the requirements of *Ministerial Direction 1 – Potentially Contaminated Land*. Given that the current and previous use of land the land has been limited to pasture for the grazing of livestock, the land has not been subject to contaminating activities that would lead the Site to be potentially contaminated under *Planning Practice Note 30 (Potentially Contaminated Land)*. As

such, the Amendment is considered to comply with the relevant requirements of Ministerial Direction 1.

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Planning and Environment Act 1987 and meets the requirements of *Ministerial Direction No 11 Strategic Assessment of Amendments*.

The Amendment will follow timelines for authorisation, exhibition, arranging a panel if required in accordance with *Ministerial Direction No 15 – The Planning Scheme Amendment Process*.

The Amendment was referred to the Environment Protection Authority by the Planning Authority prior to the authorisation of the Amendment in accordance with *Ministerial Direction No 19 – Environmental Protection Authority*.

In response to comments received from the Environment Protection Authority the amendment documentation was revised to include an assessment against Ministerial Direction 1 – Potentially Contaminated Land and North East Water have provided written confirmation that it will be the owner and operator of the waste water treatment plant within the proposed Public Use Zone.

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

The Amendment is consistent with the objectives and strategies of the State Planning Policy Framework by enabling future residential development within the Urban Growth Boundary that can provide for increased housing supply in proximity to existing infrastructure, services and jobs while respecting the character of Wangaratta.

The Amendment is consistent with the following objectives of the Planning Policy Framework:

- *‘To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.’ (Clause 11.01-1S Settlement)*
- *‘To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.’ (Clause 11.02-1S – Supply of urban land)*
- *‘To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.’ (Clause 15.01-1S Urban design)*
- *‘To facilitate well-located, integrated and diverse housing that meets community needs.’ (Clause 16.01-1S Housing supply)*
- *‘To facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport’ (Clause 18.01-1S Land use and transport planning).*

- *To sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.’ (Clause 19.03-3S Integrated water management).*

At a Local level, the Amendment is consistent with the following Strategies of the Planning Policy Framework

- *‘Locate the majority of residential development in Wangaratta Regional City.’ (Clause 16.01-1L Housing supply).*
- *‘Support the renewal and upgrading of existing sewerage, water supply and stormwater management networks to address current problems and meet emerging needs in the regional city, townships and rural townships.’ (Clause 19.03-3L Integrated water management).*

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

The amendment supports the MPS by facilitating residential growth within Wangaratta which is acknowledged as a ‘Regional City’ at both Clause 2.03-1 ‘Settlement hierarchy’ and the Hume Regional Growth Plan. It also notes that there are opportunities for significant residential growth.

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

The Amendment makes proper use of the VPP’s through the application of the General Residential Zone to facilitate the supply of new housing in proximity to existing jobs, services, and public transport infrastructure which will respond appropriately to the character of the existing regional city.

The General Residential Zone is considered the most appropriate VPP to facilitate the development of land which meets the criteria of an incremental change area in accordance with Planning Practice Note 90 and 91.

The application of the General Residential Zone to a large greenfield site within an existing regional city is fully in accordance with the following purposes of the General Residential Zone, being:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

In accordance with PPN90 and PPN91, the General Residential Zone is the most appropriate VPP tool to manage the development of a strategic development site, by providing for the residential development of the land as conventional dwellings generally of one-two storeys in height.

The application of the General Residential Zone will ensure that the future residential development of the land will:

- Provide a minimum garden area of at least 25% of the lot area to provide a landscape setting for future dwellings.
- Be developed in accordance with the requirements of Clause 54 of the Wangaratta Planning Scheme.
- Not be developed above three storeys in height.

The application of the Public Use Zone to land that is to be developed by a State Government authority for a wastewater treatment plant and associated recycled water storage is fully consistent with the purpose of the Public Use Zone, being:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise public land use for public utility and community services and facilities.*
- *To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

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

The exhibition of the amendment will provide a formal opportunity for all relevant stakeholders to provide comments on the proposal. The views of relevant agencies will be sought during the public exhibition process.

The views of the Country Fire Authority and North East Water has informed the preparation of the Amendment.

The views of North East Water have informed the design of the wastewater treatment infrastructure which is reflected on in the extent of land to be rezoned to Public Use Zone.

In response to the consultation with the Country Fire Authority, the proposed subdivision of the land was revised to ensure that no lots exceeded a BAL-12.5 rating under *AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018)*.

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

The *Transport Integration Act 2010* establishes a framework for the provision of an integrated and sustainable transport system in Victoria. The Act provides for a system in which all transport activities and modes work together and recognises the interdependency of transport and land use.

The Amendment complies with the relevant requirements of the *Transport Integration Act 2010*, specifically Part 2, Division 2, 11 (Integration of transport and land use).

The Amendment will facilitate development that integrates with and promotes a sustainable transport system to better address transport accessibility, housing affordability and sustainable communities. This integration will ensure that the transport system can support the land-use outcomes as foreshadowed by this amendment and similarly that the proposed land use patterns support the use of an integrated transport system.

Resource and administrative costs

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

The consideration and implementation of the amendment and the future development are not anticipated to give rise to any unreasonable resource or administrative costs for Council.

Attachment 1 – Mapping reference table

Location	Land Affected	Mapping Reference	Address	Proposed Zone changes	Proposed Overlay changes	Proposed deletion changes
Wangaratta	Lot 2 PS744661	Map No. 18 (Zone Map)	Wangaratta-Whitfield Road, Wangaratta	From Low Density Residential Zone – Schedule 1 (LDRZ1) to General Residential Zone – Schedule 1 (GRZ1)	N/A	N/A
Wangaratta	Targoora Park Lot 1 TP84150	Map No. 18 (Zone Map)	330 Wangaratta-Whitfield Road, Wangaratta	From Public Park & Recreation Zone (PPRZ) to Public Use Zone (PUZ1)	N/A	N/A