



Amendment C188 Greater Shepparton Planning Scheme

Planning Authority Submission to the
Independent Planning Panel

3 February 2017

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1. INTRODUCTION

This submission is made on behalf of Greater Shepparton City Council (**Council**), which the Planning Authority for proposed Amendment C188 (**Amendment**).

The Amendment applies to land known as 320 Verney Road, Shepparton North (Lot 1 on LP57717), 430 Goulburn Valley Highway, Shepparton North (Lot 4 on LP9081 and Lot 1 TP837956) and 420A Goulburn Valley Highway, Shepparton North (Lot 1 on TP 629638).

The Amendment has been made at the request of Spiire Australia Pty Ltd on behalf of T. & R. O'Keefe, landowners of 320 Verney Road, Shepparton North, and I. Sulejman, Felsage Pty Ltd and M., L., X. & I. Sulejman, landowners of 430 Goulburn Valley Highway, Shepparton North.

The interests of the landowners of 430 Goulburn Valley Highway, Shepparton North are now represented by Chris Smith and Associates Pty Ltd.

2. PARTICULARS OF THE AMENDMENT

The Amendment proposes to rezone approximately 37 hectares of land in the Shepparton North Growth Corridor from the Farming Zone 1 (**FZ1**) to the General Residential Zone (**GRZ**) and to amend Public Acquisition Overlay (**PAO21**) to facilitate access to the land from an existing collector road network.

Specifically, the Amendment seeks to make the following changes to the Greater Shepparton Planning Scheme (**Planning Scheme**):

- Rezone 320 Verney Road, Shepparton North and 430 Goulburn Valley Highway, Shepparton North from the FZ1 to the GRZ;
- Amend PAO21 on part of 420A Goulburn Valley Highway, Shepparton North (Lot 1 on TP 629638);
- Amend Planning Scheme Map No. 14;
- Amend Planning Scheme Map No. 14PAO; and
- Amend the Schedule to Clause 45.01 Public Acquisition Overlay.

3. SUBJECT LAND AND SURROUNDS

The Subject Land is located at Shepparton North, which is approximately six kilometres north of the Shepparton Central Business District (see *Figure One – Locality Map*).

The Subject Land can be broken into two distinct areas of land, each affected differently by the Amendment (see *Figure Two – Land Affected by Amendment*). These two areas of land are identified as:

- Land proposed to be rezoned; and
- Land affected by the proposed extension to PAO21.

The land proposed to be rezoned:

- Comprises of 320 Verney Road, Shepparton North (Lot 1 on LP57717) and 430 Goulburn Valley Highway, Shepparton North (Lot 4 on LP9081 and Lot 1 TP837956);

- is located within the FZ1 and is affected by the Development Contributions Plan Overlay - Schedule 1 (**DCPO1**) and the Development Plan Overlay – Schedule 4 (**DPO4**) (see *Figure Three – Zone and Overlay Map*);
- comprises of approximately 37 hectares and contains no significant native vegetation;
- is currently being used for agricultural purposes;
- abuts a Goulburn-Murray Water (**G-MW**) channel to the north (see *Figure Four – Aerial of Subject Land*); and
- abuts the Goulburn Valley Highway (Road Zone – Category 1) to the west, land in the GRZ to the north and south, land in the Low Density Residential Zone (**LDRZ**) and Verney Road (Road Zone – Category 2) to the east (see *Figure Three – Zone and Overlay Map*).

The land affected by the proposed extension to PAO21:

- affects part of 420A Goulburn Valley Highway, Shepparton North (Lot 1 on TP 629638);
- is located within the GRZ and is affected by DCPO1, DPO4 and the Environmental Audit Overlay (**EAO**) (see *Figure Three – Zone and Overlay Map*);
- abuts the Goulburn Valley Highway (Road Zone – Category 1) to the west, land in the FZ1 to the north and northeast, and land in the GRZ to the east and south (see *Figure Three – Zone and Overlay Map*); and
- The Amendment proposes to extend PAO21 by approximately 1,600m² to the south to facilitate access to the land from an existing collector road network.

Figure One – Locality Map

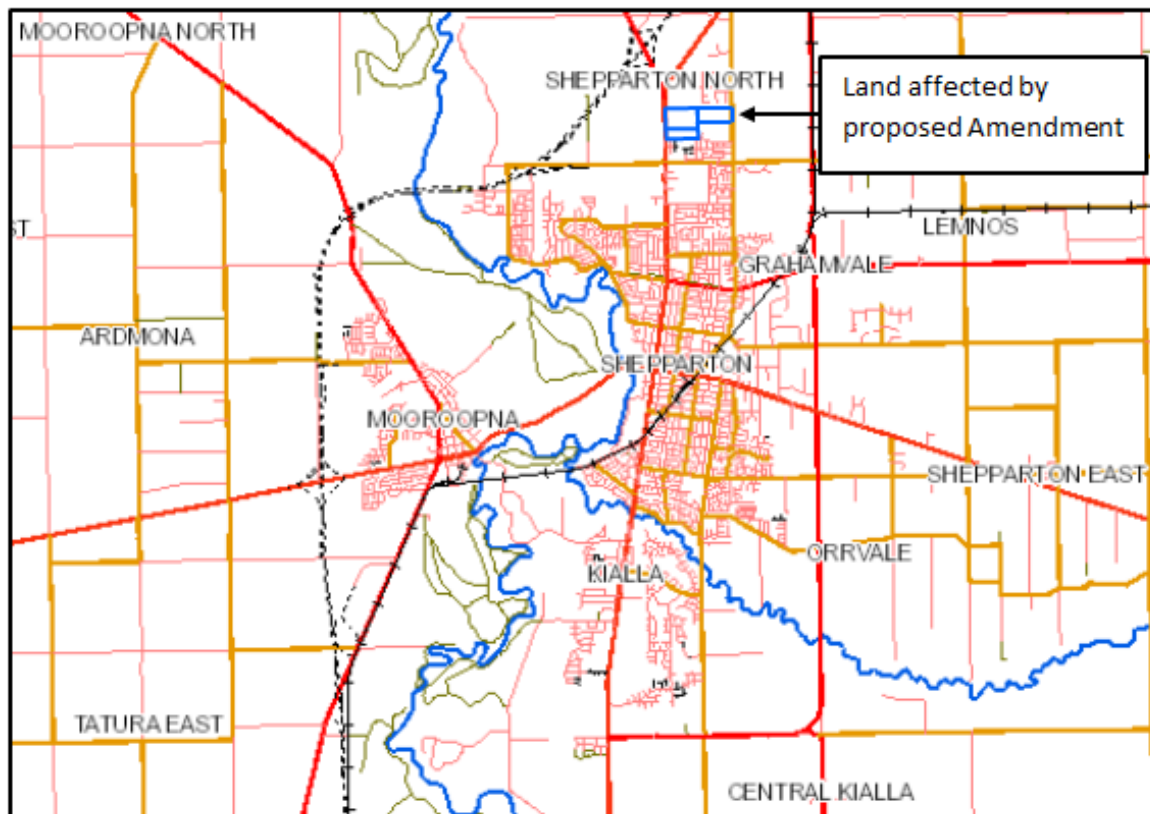


Figure Two – Land Affected by Amendment: The land proposed to be rezoned is outlined in red and the additional land proposed to be included in PAO21 is outlined in blue.

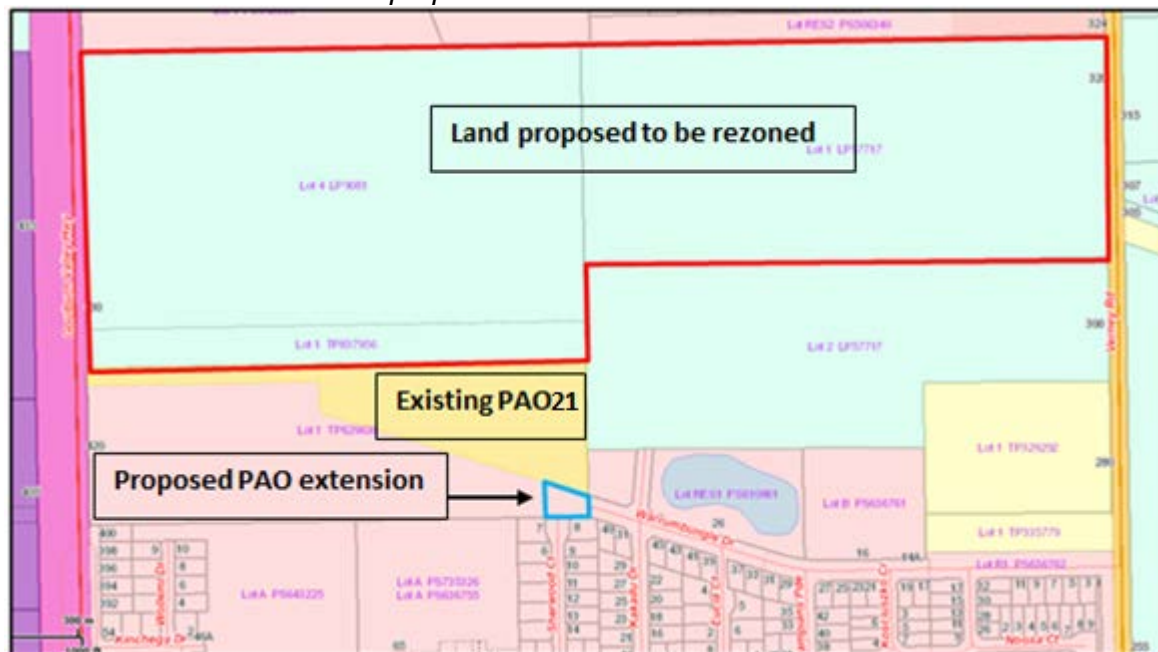


Figure Three – Zone and Overlay Map

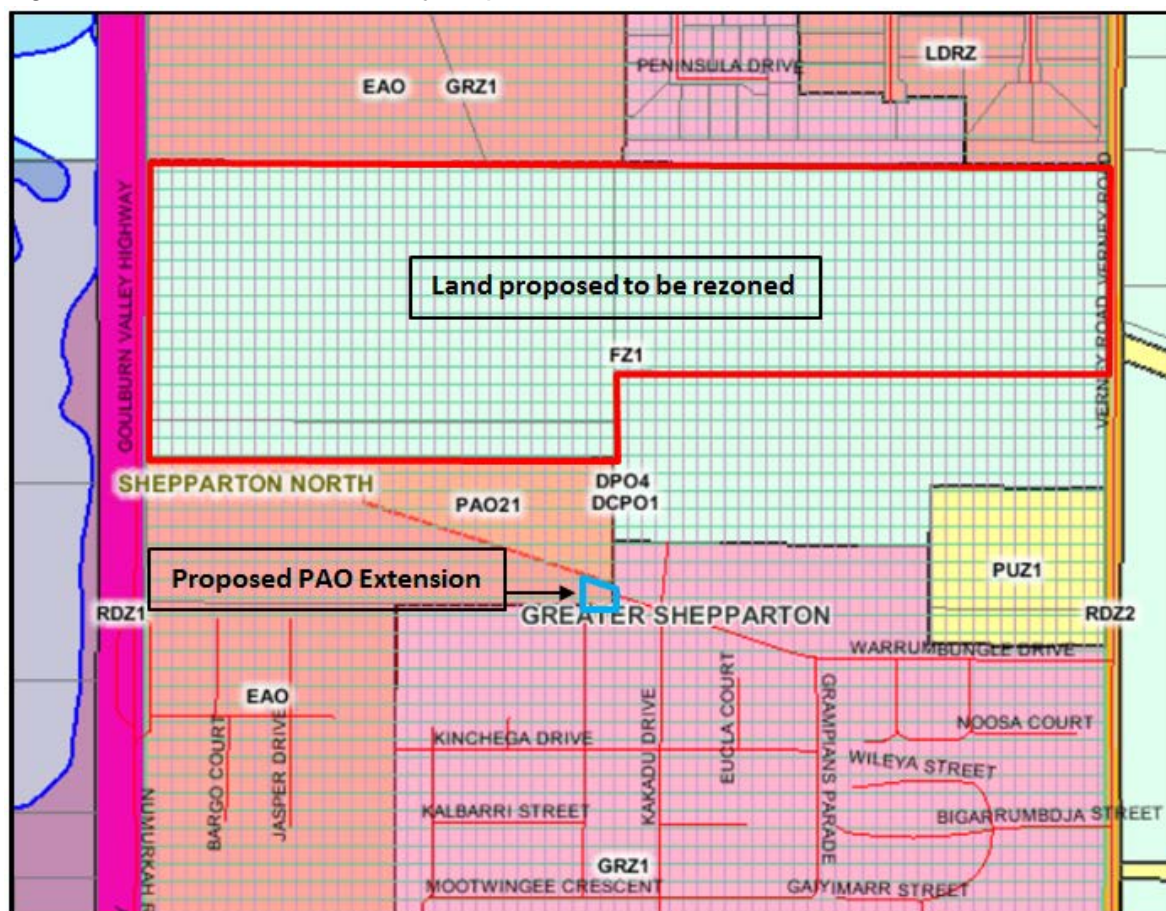


Figure Four – Aerial



4. STRATEGIC JUSTIFICATION

4.1 Why is the Amendment required?

Outline Development Plans (**ODP**) for the Shepparton North Growth Corridors were included in the Planning Scheme as part of Amendment C11 in 2003. These plans established a coordinated approach to the development of these growth corridors and the requirement for development to contribute to the cost of the infrastructure included in the accompanying Development Contributions Plans (**DCP**).

The subject land is located within the Shepparton North Growth Corridor; however, it was not rezoned as part of Amendment C11. Given the level of development in the Shepparton North Growth Corridor, it is now considered appropriate to rezone the remaining portion of land for residential development.

The land proposed to be rezoned has, more recently, been identified as an “urban growth area” within the *Greater Shepparton 2030 Strategy Plan 2006 (GS2030)* and the *Greater Shepparton Housing Strategy 2011 (GSHS)*. The GSHS was implemented through Amendment C93 to the Greater Shepparton Planning Scheme. The “Shepparton North Framework Plan”, at Clause 21.04 (Settlement) of the Planning Scheme, identifies that the land can be considered for development within the “5-10 years” time horizon.

The land proposed to be rezoned is currently in the FZ1, which prohibits it from being subdivided for standard residential purposes. An amendment to rezone the land to the GRZ is required to implement the approved ODP for the Shepparton North Growth Corridor, and the recommendations of the GS2030 and GSHS.

Land to the north and south of the subject site is in the GRZ and it is now logical that this land also be rezoned to the GRZ. It is estimated that approximately 200 lots can be accommodated on this land.

PAO21 must be extended to include part of 420A Goulburn Valley Highway, Shepparton to facilitate the realisation of a collector road from the existing Warrumbungle Drive to the proposed residential land.

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

The proposed Amendment seeks to rezone the subject land to the GRZ in line with the recommendations of the GS2030, the GSHS and the ODP for the Shepparton North Growth Corridor. It is consistent with the objectives of planning in Victoria as set out in Section 4(1)(a) and (c) of the *Planning and Environment Act 1987 (the Act)*.

Objective 4(1)(b) of the Act requires the protection of natural and man-made resources, and the maintenance of ecological processes and genetic diversity; these were considered as part of Amendment C11. The Amendment further considers these resources, including the proximity of the G-MW Channel No. 12 and the power supply station, and has provided appropriate buffers and setbacks.

The Amendment is consistent with Objectives 4(e), (f) & (g) in that it safeguards existing public utilities and assets that benefit the community. It also provides for the future interests of all Victorians who benefit from this infrastructure, including the future expansion requirements of the power station on land to the south east of the subject land within the Shepparton North Growth Corridor.

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

4.3.1 Environmental

Rezoning the subject land to the GRZ will facilitate its residential development and achieve an appropriate outcome for land that has been subject to significant environmental change.

The displacement of irrigated farming land by urban expansion has been strategically addressed within the GSHS. The subject land is located within the settlement boundary for Shepparton, which was established with an overall strategy of containment for the regional city. The containment strategy is necessary to protect the significant agricultural base of the economy from the negative impact of scattered unplanned residential development.

The subject land is a strategically important supply of residential land, as it can be fully serviced and is in proximity to a variety of services. Soil assessments have been undertaken for the subject land. There is strategic justification to use the land for residential purposes.

The subject site is bound on the north and south by residential land, and on the west by commercial land. It is therefore marginal from an agricultural viability perspective.

The land affected by this Amendment does not appear to have any significant natural environmental attributes.

4.3.2 Social

The Amendment will result in a net community benefit by providing a pleasant and safe living environment that satisfies demand for residential opportunities in the Shepparton North area.

The Amendment will have positive social outcomes, facilitating the continued development of the Shepparton North Growth Corridor, which is a critical residential expansion area. The realisation of residential development envisaged by the GS2030, the GSHS and the ODP for the Shepparton North Growth Corridor will provide additional housing choice and address housing affordability issues within the municipality.

The land is in proximity to a number of community facilities including the Shepparton North Neighbourhood Centre, the North Shepparton Community & Learning Centre, the Goulburn Valley Base and Shepparton Private Hospitals, and a number of schools.

The Amendment and subsequent residential development of the land will assist in the provision of infrastructure required for the Shepparton North Growth Corridor including further drainage works and the provision of public open space networks. The infrastructure required has been specified and planned for through a DCP, which has been partially implemented.

There are no significant adverse social implications envisaged with this Amendment.

4.3.3 Economic

The Amendment is expected to have a positive economic effect as it provides land which can be readily serviced and developed for residential development.

The subject land is used for limited agricultural purposes and is surrounded by residential development. The land is a strategically important supply of residential

land and its development for residential purposes will create employment opportunities during the planning and construction phases. New housing to be provided on the site will also facilitate economic growth within the municipality by providing housing opportunities to cater for the growing population.

The displacement of irrigation farming land by urban expansion has been strategically addressed within the GSHS and the Amendment will not result in adverse impacts upon the local economy due to loss of agricultural land.

There are no likely adverse economic impacts associated with this Amendment.

4.4 Does the Amendment address relevant bushfire risk?

The Amendment meets the objectives and gives effect to the strategies that address the risk to life as a priority, property, community infrastructure and the natural environment from bushfire in the State Planning Policy Framework (**SPPF**) of the Planning Scheme (Clause 13.05-1 Bushfire planning strategies and principles). This is mainly because the site is not exposed to extreme bushfire hazard and the site is located within the urban growth boundary.

The Amendment is consistent with the Local Planning Policy Framework (**LPPF**) of the Planning Scheme, and objectives and strategies that apply to bushfire risk. No local policy for bushfire risk management is required to support the Amendment as bushfire mitigation measures can be readily implemented and the risk can be reduced to an acceptable level.

The Country Fire Authority (**CFA**) has been consulted and has not objected to the Amendment. Further bushfire assessment will be required at the building permit stage.

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

The Amendment is affected by the Ministerial Directions under sections 7 and 12 of the Act.

The Ministerial Direction No. 1 – Potentially Contaminated Land has been considered. The subject land is within the DPO4. This Schedule requires a preliminary soil contamination assessment to be prepared for each parcel of land prior to a planning permit being issued.

The Amendment complies with Ministerial Direction No 11 – Strategic Assessments of Amendments.

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

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

The Amendment is consistent with the SPPF and facilitates the orderly development of urban and rural areas in accordance with the goals and principles of the SPPF.

The Amendment supports or implements the following relevant SPPF Clauses:

- The objective of Clause 11.05-1 (Regional Settlement Networks) is to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework Plan. Shepparton has been identified as a regional city. The Amendment aims to

implement the GSHS, which guides residential development in this regional city.

- Clause 11.10 (Hume Regional Growth) relates to the *Hume Regional Growth Plan 2014 (HRGP)*. The objective for Clause 11.10-3 (Planning for Growth) is to focus growth and development to maximise the strengths of existing settlements. A policy of this clause is to consider the HRGP. The proposal aims to implement the HRGP as the subject land has been identified as a key residential growth front on the “Shepparton Urban Growth Framework Plan” within the HRGP.
- The objective of Clause 15.01-3 (Neighbourhood and Subdivision Design) is to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods. The Amendment and future development plan will allow for staged subdivision in a location with access to existing physical and community infrastructure, and will provide for a range of lot sizes, a convenient and safe road network, appropriate pedestrian and cycle links, and sufficient useable public open space.
- Clause 16 (Housing) states:
 - planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.
 - new housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.
 - planning for housing should include providing land for affordable housing.

The Amendment will provide additional residential land within an establishing residential growth corridor. The land is in close proximity to a variety of services and facilities, and can be readily serviced.

4.7 How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Municipal Strategic Statement (**MSS**) of the Planning Scheme sets out the requirements for an increase in residential land to accommodate the projected future growth of the City of Greater Shepparton, whilst protecting high quality, productive agriculture land.

The “Shepparton North Growth Management Plan” within the GSHS highlights the subject land for “Urban Growth Areas”. The objective of Clause 21.04-1 (Urban Consolidation and Growth) is “*to contain urban growth to identified growth areas in order to protect higher quality and intact agricultural areas and achieve a more compact built up area*”.

The subject land is within the Shepparton North Growth Corridor, which was approved as part of Amendment C11 to the Planning Scheme. The rezoning of the land will facilitate the ongoing residential development of the Shepparton North Growth Corridor.

Amendment C11 was reviewed by an Independent Planning Panel. The Panel was satisfied that an oversupply of residential land would not be a consequence of the Amendment, provided that a logical development sequence was followed. The Panel provided recommendations for staging the rezoning, which has been followed.

4.8 Does the Amendment make proper use of the Victoria Planning Provisions?

The Amendment makes proper use of the Victoria Planning Provisions.

The purposes of the GRZ include:

- to provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.
- to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The subject land has been identified in the ODP for the Shepparton North Growth Corridor and the GSHS for future urban residential development. The GRZ is considered the most appropriate for this land and is consistent with surrounding residential zoning.

The purpose of the PAO is “*to designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose*”. The subject land is required to serve a public purpose, that is, road infrastructure. The PAO is the most appropriate planning tool for land to be acquired by a public authority.

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

All relevant authorities were consulted through the preparation of the ODP and DCP for the Shepparton North Growth Corridor as part of Amendment C11 to the Planning Scheme, which was approved in November 2003.

All relevant referral authorities were notified with a copy of the Amendment during exhibition. No referral authorities objected to the Amendment. Two referral authorities did not object to the Amendment subject to conditions.

4.10 Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The transport system objectives and decision making principles have been considered in preparing this Amendment.

The Minister has not prepared any statements or policy principles under Section 22 of the *Transport Integration Act 2010*; therefore, no such statements are applicable to this Amendment.

The Amendment rezones land for the purpose of future residential development in accordance with an approved ODP. Although the proposed rezoning may have a significant impact on the transport system, the transport principles of the ODP ensure that transport will be appropriately planned and designed as part of any future subdivision. The Amendment will not have a negative effect on the transport system.

The ODP details transport networks within the Shepparton North Growth Corridor. The ODP includes the following transport principles:

- aesthetic and accessible liner recreational parks, especially for cyclists and pedestrians. A shared pathway is to be provided within the power easement in the northern growth corridor.
- walkable neighbourhoods, which will be achieved by the provision of a modified grid layout that allows for permeability through the corridors for both vehicles and pedestrians.

- safety - active street interfaces with building frontages to streets and open space to improve personal safety through increased surveillance and activity

The future subdivision of this land will be consistent with the ODP.

The ODP provides pedestrian and cycling opportunities for future residents, which supports the social and economic inclusion objectives of the *Transport Integration Act 2010*.

The Amendment supports the decision making principles of the *Transport Integration Act 2010* – it demonstrates integrated decision making as it has been prepared in accordance with state and local policy, and will include consultation with the community and relevant referral authorities.

5. AMENDMENT PROCESS

5.1 Authorisation

In accordance with Section 8A of the Act, Council received authorisation to proceed with the Amendment on 11 August 2016.

5.2 Exhibition

The Amendment was exhibited from 18 August 2016 to 19 September 2016 in accordance with the Act. Exhibition included the following notice:

- Direct notice to land owners and occupiers of land materially affected by the Amendment (see Appendix A – *Map of Owners and Occupiers Notified*);
- Direct notice to prescribed Ministers;
- Direct notice to referral authorities;
- Notice in the Shepparton News;
- Notice in the Victoria Government Gazette;
- Notice on the Greater Shepparton City Council website;
- Notice on the Department of Environment, Land, Water and Planning website, and
- Copy of exhibition documentation in the foyer of the Council offices at 90 Welsford Street, Shepparton.

Eight submissions were received by Council (see Appendix B – *Submissions Recorder*).

One submission objected to or requested changes to the Amendment.

Six submissions were received from referral authorities, none of which raised any objections to the Amendment. However, two of these submissions identified issues to be addressed at the subdivision stage. Council notes these issues, which will be addressed at the planning permit stage.

One submission was received, which did not request any changes to the Amendment, but sought further information.

5.3 Submissions that did not object or request changes to the Amendment

5.3.1 Submission No 1

Submission received from the Goulburn Valley Water.

No objection or changes to the Amendment.

No action required by Council.

5.3.2 *Submission No 2*

Submission received from the Goulburn Broken Catchment Management Authority.

No objection or changes to the Amendment.

No action required by Council.

5.3.3 *Submission No 3*

Submission received from the Rural Housing Network Limited.

No objection, sought further information on how issues of housing diversity and affordability are being addressed.

Council officers provided a response and sought confirmation that the concerns expressed in the submission were addressed by this response. Additional correspondence with the submitter has confirmed that they are satisfied with the contents of the response (see Appendix C – *Correspondence with Submitter No 3*).

No action required by Council.

5.3.4 *Submission No 4*

Submission received from the Goulburn-Murray Water.

No objection, subject to the following:

- prior to the land being developed, consideration and G-MW approval for the proposed subdivision impacts on the G-MW channel supply and drainage will be required; and
- the responsibility for drainage of the land will need to be transferred to the Greater Shepparton City Council under the usual drainage levy applied based on area.

Council agrees to these requests; no action required by Council.

5.3.5 *Submission No 5*

Submission received from the Department of Environment, Land, Water and Planning.

No objection or changes to the Amendment.

No action required by Council.

5.3.6 *Submissions No 7*

Submission received the Department of Economic Development, Transport, Jobs and Resources.

No objection, subject to the following criteria being met:

- The land is developed consistently with DPO4, including the construction of a bus capable roundabout at the intersection of Kakadu Drive and the east-west road that will run immediately south of G-MW Channel No. 12; and
- A transport impact assessment report is prepared for the subject land prior to a planning permit is granted.

Council agrees to requests; no action required by Council.

5.3.7 Submissions No 8

Submission received from Environment Protection Authority (Victoria – North East).

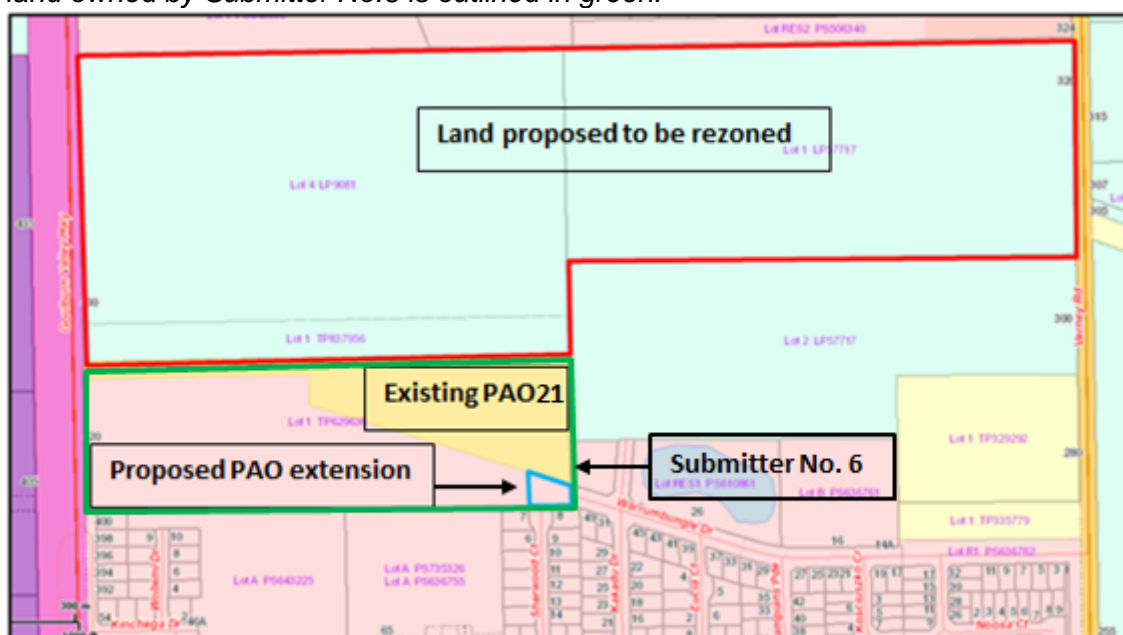
No objection or changes to the Amendment.

No action required by Council.

5.4 Submissions that objected or requested changes to the proposed Amendment

One submission, received from the owners of the land that PAO21 is proposed to be extended on, requested changes to the Amendment (see *Figure Five – Location of Submitter Requesting Changes to Amendment*).

Figure Five - Location of Submitter Requesting Changes to the Amendment. The land owned by Submitter No.6 is outlined in green.



6. KEY ISSUES RAISED IN SUBMISSIONS

Submission No. 6 has requested changes to the Amendment. The submission raises concerns relating to the potential detrimental impact that the extension of PAO21 would have on their business that operates from this land (see *Appendix B – Submissions Recorder*).

7. COUNCIL'S POSITION REGARDING SUBMISSIONS

This section details Council officers' position regarding the concerns raised in submissions and meetings with submitters.

Following an initial meeting with Submitter No. 6 on 7 October 2016, Council officers indicated, in a letter dated 4 October 2016, that the proposed extension of PAO21 on the land could be removed from the Amendment as a post-exhibition change (see Appendix D – *Correspondence with Submitter No. 6*).

However, following discussions with VicRoads on 7 October 2016 and a meeting on 11 November 2016, VicRoads indicated that they would object to the removal of the extension of PAO21 from the Amendment. The extension of PAO21 is required

to facilitate access to the land proposed to be rezoned by the Amendment from an existing collector road network along Warrumbungle Drive.

Given VicRoads' position, Council officers no longer support the removal of the extension of PAO21 from the Amendment. Council officers' revised position relating to the concerns raised in the submission is as follows:

- the extension of PAO21 on Submitter No. 6's land is required to facilitate access to the land proposed to be rezoned by the Amendment from an existing collector road network (Warrumbungle Drive);
- any future residential development within the Shepparton North Growth Corridor must be cognisant of existing business operations or facilities on Submitter No. 6's land and, if required, provide appropriate buffer distances; and
- there is no requirement for any existing business that operates in Shepparton North Growth Corridor to cease or relocate. The existing businesses can operate on the land.

7.1 Correspondence with Submitter No. 6

Council officers met with Submitter No. 6 to discuss the concerns raised in their submission. The following is a list of the key meetings and phone calls with Submitter No. 6:

Meeting: 4:00pm on 23 September 2016 at Council offices.

Attendees: Submitter 6, Michael MacDonagh, Team Leader Strategic Planning and Andrew Dainton, Principal Statutory Planner.

Outcome: Council officers indicated that the proposed extension of PAO21 on the subject land could be removed from the Amendment as a post-exhibition change.

Phone Call #1: 4:00pm on 7 October 2016.

Participants: Submitter No. 6 and Michael MacDonagh, Team Leader Strategic Planning.

Outcome: Submitter No. 6 was informed that Council officers no longer support the removal of the extension of PAO21 from the Amendment, given VicRoads' position. Additionally, Council officers notified Submitter No. 6 in November 2016 to discuss their submission further.

Phone Call #2: 3:10pm on 15 November 2016.

Participants: Submitter No. 6 and Michael MacDonagh, Team Leader Strategic Planning.

Outcome: Council officers reconfirmed the conversation from 7 October 2016 and notified Submitter No. 6 that an Independent Planning Panel would be requested and correspondence will be via the Panel.

Phone Call #3: 12:00pm on 9 December 2016.

Participants: Submitter No. 6 and Michael MacDonagh, Team Leader Strategic Planning.

Outcome: Council officers confirmed that Submitter No. 6 would lodge a request to be heard from and that the Independent Planning Panel would be held on Friday, 10 February 2017.

8. SECTION 173 AGREEMENT

Council officers required that a pre-rezoning Section 173 Agreement be prepared for both land holdings proposed to be rezoned to ensure that the additional infrastructure and contributions required to support the development of the land are provided. This Section 173 Agreement identifies required infrastructure that is not included in the DCP for the Shepparton North Growth Corridor.

The signing of the Section 173 Agreements is a pre-requisite for rezoning the land.

The Section 173 Agreement was drafted in 2015 and circulated to the landowners at 320 Verney Road and 430 Goulburn Valley Highway, Shepparton North. The Section 173 Agreement has been amended due to concerns raised by the landowners at 430 Goulburn Valley Highway. The amendment Section 173 Agreement provides some flexibility for these land owners regarding the access arrangements.

The landowners of 320 Verney Road, Shepparton North have signed the Section 173 Agreement, while the landowners of 430 Goulburn Valley Highway, Shepparton North have not.

Council proceeded to exhibition of the Amendment in good faith that the Section 173 Agreement would be signed during the planning scheme amendment process. However, it has become evident that the landowners of 430 Goulburn Valley Highway, Shepparton North have concerns regarding the Section 173 Agreement that are unable to be resolved. These land owners have indicated that they will not sign the Section 173 Agreement.

It is Council's position that those infrastructure items included in the Section 173 Agreement are funded by developers. Council submits that, in the absence of a mechanism to ensure the additional infrastructure and contributions are realised, the Amendment cannot proceed for this land.

Council accepts that signing and executing the Section 173 Agreement prior to exhibition of the Amendment would circumvent similar issues arising in the future.

9. CONCLUSION

All steps in the planning scheme amendment process to date have been undertaken in accordance with the Act.

The Amendment was exhibited from 18 August 2016 to 19 September 2016. Eight submissions were received by Council.

One submission objected to or requested changes to the Amendment.

Six submissions were received from referral authorities, none of which raised any objections to the Amendment. However, two of these submissions identified issues to be addressed at the subdivision stage. Council notes these issues, which will be addressed at the planning permit stage.

One submission was received that did not request any changes to the Amendment, but sought further information.

The submissions have been considered by Council and no changes are proposed to be made to the exhibited amendment documentation based on the concerns raised in the submissions.

Council officers required that pre-rezoning Section 173 Agreements be prepared for both land holdings proposed to be rezoned to ensure that the additional

infrastructure and contributions required to support the development of the land are provided. The signing of the Section 173 Agreements is a pre-requisite for rezoning the land.

The Section 173 Agreement remains unsigned by the landowners at 430 Goulburn Valley Highway; therefore, the Amendment cannot proceed for this land. Council seeks the Panel's views regarding the future of this land in lieu of the Section 173 Agreement being signed.

APPENDIX B – Submissions Recorder

Sub No.	Organisation	Content of Submission	Assessment of submission	Recommendation
1	Goulburn Valley Water	No Objection		
2	Goulburn Broken Catchment Management Authority	No Objection		
3	Rural Housing Network Limited	No Objection, however suggests that GSCC does more to encourage residential development that fosters housing diversity and affordability.		
4	Goulburn-Murray Water	No Objection, subject to the following conditions: Prior to the land being developed, consideration and GMW approval for the proposed subdivision impacts on the GMW channel supply and drainage will be required. The responsibility for drainage of the land will need to be transferred to Greater Shepparton		
5	Department of Environment, Land, Water and Planning	No Objection		
6	Business Owner	Objection Believes that the future residential development will have a detrimental impact on the day-to-day running of the business that operates on 420A Numurkah Road, Shepparton. Request that Council provide a plan of the development envisioned for this land and work with them to ensure that their business interests can be maintained.	* Any future residential development within the SNGC must be cognisant of existing business operations or facilities at 420A Goulburn Valley Hwy, Shepparton North, and, if required, provide appropriate buffer distances. * There is no requirement for the existing business operations at 420A Goulburn Valley Hwy, Shepparton North to cease or relocate. The existing business can operate on the land. * The extension of PAO21 on 420A Goulburn Valley Hwy, Shepparton North is intended to facilitate access to the land proposed to be rezoned by Amendment C188 to the existing collector road network (Warrumbungle Drive).	Refer to Panel
7	Department of Economic Development, Jobs, Transport and Resources	Support for the Amendment provided that: -The land is developed consistently with DPO4, including the construction of a bus capable roundabout at the intersection of Kakadu Drive and the east-west road that will run immediately to the south of Channel 12. -A transport impact assessment report is prepared for the subject land prior to a planning permit is granted.		
8	EPA Victoria	No Objections		

APPENDIX C – Correspondence with Submitter No. 3

Submission No. 3


rural housing
NETWORK

5 September 2016

M MacDonagh
Team Leader
Strategic Planning
Greater Shepparton City Council
Locked Bag 1000
SHEPPARTON 3632

12 SEP 2016

Referred To

Copies To

Dear Michael

Amendment C188 – Notice of Preparation of Amendment

Thank you for your recent notification of Council's intention to amend the Greater Shepparton Planning Scheme, with the intention of rezoning 30 hectares of land from Farming Zone 1 to General Residential Zone. The land in questions is detailed in the Explanatory Report, but can be referred to in this letter as being at Verney Rd and Goulburn Valley Highway, Shepparton North.

We applaud Council's rigorous review of the land in question and whether it is appropriate to rezone it. We note that environmental, social and economic factors have been taken into consideration and that these indicate that this site meets the objectives of planning in Victoria.

However, we would like to make comment on Council's response to how the proposed Amendment will support the State Planning Policy Framework and, in particular Clause 16 which refers to the requirement that planning should support housing diversity and should include providing land for affordable housing.

The Explanatory Report's response to Clause 16 is:

"The proposed Amendment will provide additional residential land within an establishing (sic) residential growth corridor. The land is in close proximity to a variety of services and facilities and can be readily serviced."

This response would appear to be inadequate as it does not address the issues of housing diversity and affordability as required by Clause 16.

As you would be aware, housing affordability is a critical issue for many people in our community; whether purchase or rental housing. Obviously, Rural Housing Network Limited (RHNL) has an interest in affordable rental housing, as it is our belief that people in need of affordable rental housing are the most disadvantaged in the housing market. We believe that Council is well placed to foster affordable housing in its planning processes and encourage a stronger commitment to this, through the provision of affordable land, including blocks that will encourage medium to high density developments.

building for sustainable communities

82 High St. WODONGA	40-42 Rowan St. WANGARATTA	43B Wyndham St. SHEPPARTON	12A Tallarook St. SEYMOUR
PO Box 761, 3689 T [02] 6055 9000 F [02] 6056 4527	PO Box 273, 3676 T [03] 5722 8000 F [03] 5722 4964	43B Wyndham St., 3630 T [03] 5833 1000 F [03] 5831 8918	PO Box 839, 3660 T [03] 5735 2000 F [03] 5799 2138

www.ruralhousing.com.au

Housing diversity is seen as being critical to meeting housing demand for all household types. Demographic data taken from Council's website and based on 2011 census data indicates that 75% of properties in Shepparton are three or more bedroom. At the same time, almost 60% of the households are comprised of one or two people (mostly single people or couples without children). In fact, single person households appear to be the fastest growing population cohort in regional Victoria.

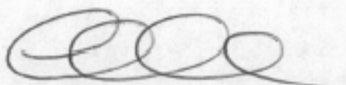
RHNL urges Greater Shepparton City Council to encourage residential development that promotes diversity in tenure with home purchase to rental (including social housing); diversity in housing form to ensure that housing demand and supply are well matched; and finally socio-economic diversity, again, by encouraging affordable rental housing.

In making the amendment to the current zoning of this parcel of land, Greater Shepparton City Council has the opportunity to foster the provision of residential development that suits the needs of all of its residents.

Whilst RHNL supports in principal the rezoning of the land, it is concerned that Council has overlooked its obligations under the State Planning Policy Framework to foster housing diversity and affordability. We therefore encourage Council to ensure that these considerations are placed firmly within its planning framework and that this and future development, takes into account the need to address housing diversity and affordability.

I would welcome to opportunity to discuss this matter in more detail with Council and can be contacted on 0439 317 795.

Yours sincerely

A handwritten signature in black ink, consisting of several loops and a trailing flourish, positioned above the printed name and title.

CELIA ADAMS
Chief Executive Officer

Correspondence with Submitter No. 3

28 September 2016

Celia Adams
Chief Executive Officer
Rural Housing Network Limited
43B Wyndham Street
SHEPPARTON VIC 3630

Dear Celia

GREATER SHEPPARTON PLANNING SCHEME AMENDMENT C188

I refer to your submission to Amendment C188 to the Greater Shepparton Planning Scheme, received by Council on 12 September 2016, and our telephone conversation on 13 September 2016.

Your submission expresses concerns relating to the provision of housing diversity and the availability of affordable housing in Greater Shepparton. Specifically, your submission queries how these considerations have been addressed in Amendment C188 to the Greater Shepparton Planning Scheme (Planning Scheme).

Council officers acknowledge that the provision of housing diversity and the availability of affordable housing are significant issues. Council officers also understand that household composition and needs are continually changing and planning policies must be responsive to these changing needs. In addressing these issues, Council is directed by a number of state and local planning policies.

Clause 16 – *Housing* of the State Planning Policy Framework states:

- *“Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.”*
- *“Planning for housing should include providing land for affordable housing.”*

As part of a review of the Local Planning Policy Framework, Council prepared the *Greater Shepparton Housing Strategy, 2011* (GSHS). The GSHS guides the future long term identification and provision of residential land across the municipality. The Vision Statement of the GSHS states that:

- *“the residential areas of Greater Shepparton will be pleasant and attractive places to live and play, socially inclusive, promote the health and well-being of its residents, and provide for a range of housing needs and preferences.”*

The findings and recommendations of the GSHS were given effect through Amendment C93 to the Greater Shepparton Planning Scheme. As a result of this amendment, the

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Local Planning Policy Framework at Clause 21.04 – *Settlement* was updated. An objective of Clause 21.04 – *Urban Consolidation and Growth* is:

- *“to encourage a variety of housing types, particularly in terms of tenure and price, to contribute to housing diversity and affordability.”*

To address these issues, Council officers seek to encourage residential subdivision designs that provide a variety of development fronts in a range of locations, residential densities (including conventional, low density and rural living residential lots), and lot sizes and types. A greater number of development fronts will encourage competition that should in turn drive-down lot prices. By providing a variety of lot sizes and densities, the changing needs of households can also be satisfied.

In relation to the Shepparton North Growth Corridor, the *North and South Shepparton Growth Corridors Outline Development Plan Report, 2003* recognises these issues and states any development plan for the growth corridors should *“provide for housing choice and diversity.”*

Amendment C188 proposes to rezone this land to the General Residential Zone (GRZ). The future subdivision of the land will require a planning permit; however the GRZ does not have a minimum or maximum lot size for subdivision. Therefore, issues relating to housing diversity and affordability will be addressed as part of the subdivision of the land at the planning permit stage.

Clause 56 *Residential Subdivision* of the Greater Shepparton Planning Scheme guides the residential subdivision of land. Clause 56.02 *Policy Implementation* has the objective:

- *“to ensure that the layout and design of a subdivision is consistent with and implements any objective, policy, strategy or plan for the area set out in this scheme.”*

The Planning Department will seek to encourage a variety of lot sizes and types as part of the subdivision stage.

In relation to the provision of affordable housing, local government is not a social or affordable housing body in Victoria. However, despite this, Council was successful in gaining funding from the Commonwealth government for the provision of an affordable housing scheme in the Mooroopna West Growth Corridor. \$5,432,396 was made available for a grant-based scheme that reduced the cost of 66 lots by \$40,000 each, and 20 registered housing association house and land packages by \$120,000 each. This has been a hugely successful affordable housing scheme and one that has had enormous benefits in allowing home owners and renters to access affordable housing. Council will continue to apply for such schemes should they become available in the future.

In relation to proposed Amendment C188, Council officers do not consider your letter to be an objection, but consider it to be a submission.

If your concerns have not been addressed and you require changes to the proposed Planning Scheme Amendment, please advise Council of this in writing. Otherwise, Council officers will not refer this submission to an Independent Planning Panel for consideration.

If you have any queries regarding this matter, do not hesitate to contact me on (03) 5832 9730 or via e-mail at michael.macdonagh@shepparton.vic.gov.au.

Yours sincerely

A handwritten signature in blue ink that reads "Michael MacDonagh". The signature is fluid and cursive, with the first name "Michael" and last name "MacDonagh" clearly distinguishable.

Michael MacDonagh
TEAM LEADER STRATEGIC PLANNING

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Sam Kemp

From: Celia Adams <CAdams@rhn.org.au>
Sent: Tuesday, 4 October 2016 6:45 PM
To: Michael MacDonagh
Subject: Re: Submission to Amendment C188

Hi Michael
More than happy with Council's response
Thanks
Celia

Sent from my iPhone

On 4 Oct 2016, at 4:40 PM, Michael MacDonagh <Michael.MacDonagh@shepparton.vic.gov.au> wrote:

Hi Celia,

Are you satisfied with Council's response?

Thanks,

Michael

From: Michael MacDonagh
Sent: Thursday, 29 September 2016 10:15 AM
To: 'Celia Adams'
Cc: Sam Kemp
Subject: RE: Submission to Amendment C188

Hi Celia,

Please find attached a copy of the letter of response to your submission to Amendment C188.

Council officers do not consider your submission to be an objection, please advise Council in writing if this is not correct. If your concerns have not been addressed and you require changes to the proposed Planning Scheme Amendment, please advise Council of this in writing. Otherwise, Council officers will not refer this submission to an Independent Planning Panel for consideration.

Do not hesitate to contact me should you have any additional queries.

Thanks,

Michael

APPENDIX D – Correspondence with Submitter No. 6

Submission No. 6

Shepparton City Council	
File No	
Word No	
20 SEP 2016	
Referred To	
Copies To	

Adornato Brothers.
Numurkah Road.
Shepparton 3630

To whom it may concern,

Planning Department,

City of Greater Shepparton.

Re: Amendment C 188. In relation to property numbered PAO 21

I would like to voice my objection to the above amendment as I feel it will have a negative impact on the day to day running of my business that is operating at 420A Numurkah Road.

Although very broad in its nature, my objection in the first instance is that this amendment will facilitate the development of residential land adjacent to both sides of my property and this will lead to restrictions being placed on the way the business is able to be run. So much so that there is a very high possibility that Council will want us to relocate in the very near future, something that we hoped would not be necessary for quite a few years yet.

Secondly C.O.G.S. has already commenced Compulsory Acquisition procedures against us in its need for a parcel of land that is on the same title as this Amendment application. It seems to me that if Council decides that they need a piece of land, they have the right to take it at their leisure. It would assist us greatly in the running of our business if we knew what land the Council requires for overall development in that area and coming to us with a long term plan that is not detrimental to the running of our business.

Whilst realising that Council does need to acquire land from time to time to provide services and infrastructure I feel that taking our property a piece at a time is not the correct way to go about it and I once again say that I object to Amendment C188


Frank Adornato

Correspondence to Submission No. 6 – Letter No. 1

4 October 2016

Mr Frank Adornato
420A Goulburn Valley Highway
SHEPPARTON NORTH VIC 3631

Dear Frank

AMENDMENT C188 TO THE GREATER SHEPPARTON PLANNING SCHEME

I refer to your submission to the above-mentioned amendment received by Council on 20 September 2016 and a meeting with Council officers on 23 September 2016. I would like to address the concerns raised in your submission.

The Amendment proposes to rezone approximately 30 hectares of land in the Shepparton North Growth Corridor (SNGC) from the Farming Zone 1 (FZ1) to the General Residential Zone 1 (GRZ1) and extend an existing Public Acquisition Overlay 21 (PAO21) to facilitate access to the land from the existing collector road network.

Your submission has expressed the following concerns that:

- the proposed Amendment will have a detrimental impact on the day-to-day operations of your business at 420A Goulburn Valley Highway, Shepparton North;
- Council will request that your business relocate in the near future; and
- the incremental increase in the extent of PAO21.

Amendment C11

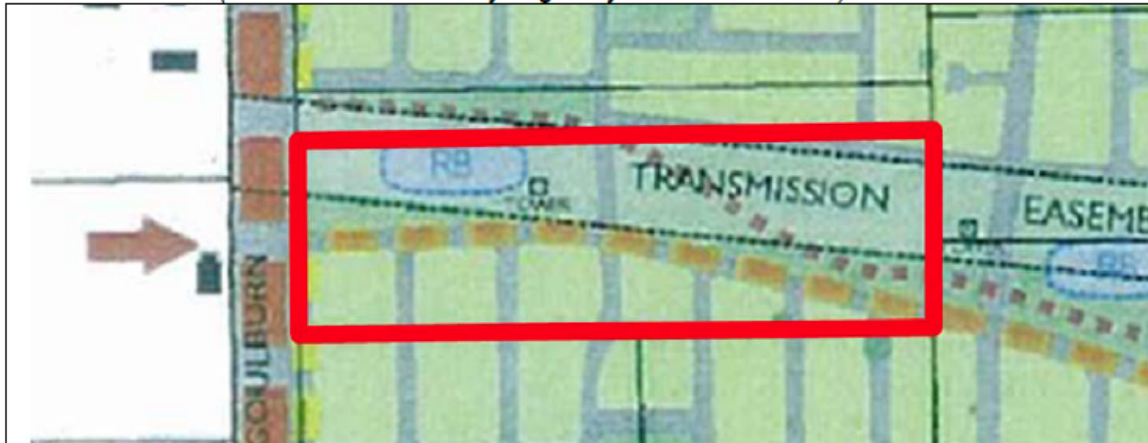
Development within the SNGC is guided by the *Shepparton North and South Growth Corridor Outline Development Plan 2003* (ODP) and the *Shepparton North and South Growth Corridor Development Contributions Plan 2002* (DCP). These plans established a coordinated approach to the development of the SNGC and the requirement for development to contribute to the cost of the infrastructure included in the DCP (see Attachment One – *Approved Development Plan for the Shepparton North Growth Corridor*). The ODP and the DCP were included in the Greater Shepparton Planning Scheme (Planning Scheme) as part of Amendment C11 on 27 November 2003.

Shepparton North Growth Corridor Outline Development Plan 2003

The adopted ODP provides an overarching framework for all future development within the SNGC. The southern half of the land has been identified for residential development and the northern half located within the easement for the transmission lines has been identified for stormwater drainage infrastructure and open space purposes (see Figure One – *Extract from the Approved Development Plan for the Shepparton North Growth Corridor*).

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ABN 59 835 329 843

Figure One – Extract from the Approved Development Plan for the Shepparton North Growth Corridor (420a Goulburn Valley Highway is outlined in red)



Council officers' responses to the concerns expressed in your submission are as follows:

1. any future residential development within the SNGC must be cognisant of existing business operations or facilities, and, if required, provide appropriate buffer distances. The northern portion of your land is identified to act as part of the east-west stormwater drainage infrastructure and open space purposes. This will provide a significant buffer between your current business and any future residential development to the north.
2. As discussed at the meeting held on 23 September 2016, there is no requirement for your existing business operations on the land to cease or relocate. The existing business can operate on the land.
3. The extension of PAO21 on your land is intended to facilitate access to the land proposed to be rezoned by Amendment C188 to the existing collector road network (Warrumbungle Drive).

You have indicated that you object to the extension of the existing PAO21. As a result, Council officers are proposing to remove the extension to PAO21 from the Amendment. This will be undertaken as a post-exhibition change to the Amendment.

Conclusion

I hope this letter resolves the matters outlined in your submission. If your concerns have been addressed and you require no further changes to the proposed Planning Scheme Amendment, please advise Council of this in writing. A template letter for withdrawing a submission is attached (see Attachment Two – *Withdrawal of Submission Template*).

If your concerns have not been addressed, please advise Council officers of this in writing.

If you have any queries or would like further information, please contact me via e-mail at michael.macdonagh@shepparton.vic.gov.au or via telephone on (03) 5832 9730.

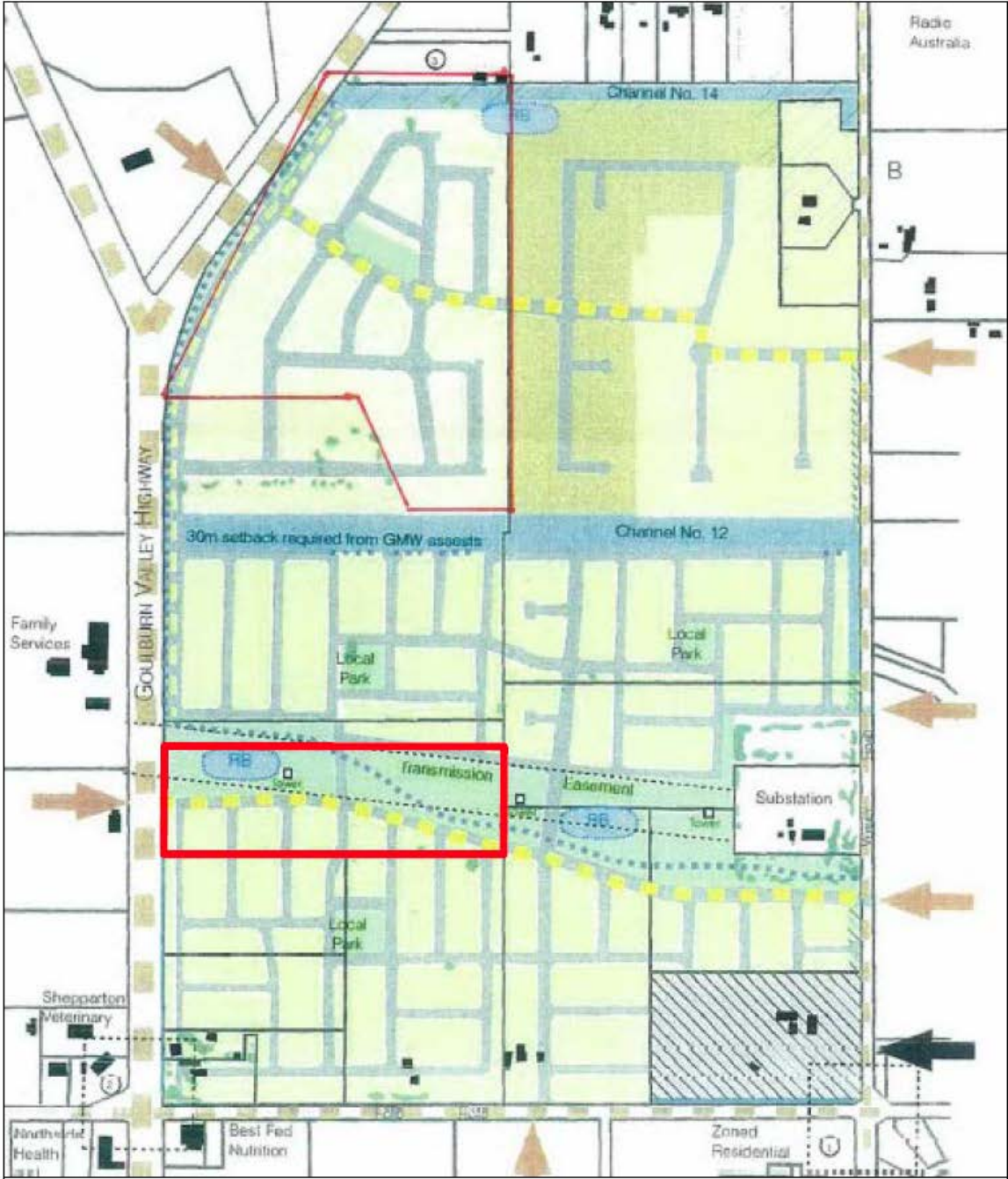
Yours sincerely

A handwritten signature in blue ink, reading "Michael MacDonagh". The signature is fluid and cursive, with the first name "Michael" and last name "MacDonagh" clearly distinguishable.

Michael MacDonagh
TEAM LEADER STRATEGIC PLANNING

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Attachment One – Approved Development Plan for the Shepparton North Growth Corridor
(420a Goulburn Valley Highway, Shepparton North is outlined in red)



Attachment Two – Withdrawal of Submission Template

Planning Department
Greater Shepparton City Council
Locked Bag 1000
SHEPPARTON VIC 3632

**AMENDMENT C188 TO THE GREATER SHEPPARTON PLANNING SCHEME –
SHEPPARTON NORTH GROWTH CORRIDOR**

Dear Sir / Madam

I refer to the submission dated 20 September 2016 regarding proposed Amendment C188 to the Greater Shepparton Planning Scheme.

Following the letter of response dated 4 October 2016, I am satisfied that the concerns raised in the submission have been appropriately addressed. I agree with the post-exhibition changes to the Amendment that will remove the proposed extension of PAO21 on 420A Goulburn Valley Highway, Shepparton North from the Amendment.

I do not require any further changes to proposed Amendment C188 to the Greater Shepparton Planning Scheme and formally withdraw my submission.

Yours sincerely

Frank Adornato

Correspondence to Submission No. 6 – Letter No. 2

GREATER SHEPPARTON
GREATER FUTURE



17 November 2016

Mr Frank Adornato
420A Goulburn Valley Highway
SHEPPARTON NORTH VIC 3631

Dear Frank

AMENDMENT C188 TO THE GREATER SHEPPARTON PLANNING SCHEME

I refer to your submission to Amendment C188 received by Council on 20 September 2016. I would like to clarify the advice given to you in a meeting with Council officers on 23 September 2016 and in a letter responding to your submission dated 4 October 2016.

The letter stated that Council officers could remove the extension to PAO21 as a post-exhibition change to the Amendment. However, as outlined to you in a telephone conversation on 7 October 2016 and again on 15 November 2016, this post-exhibition change is no longer possible.

VicRoads indicated, during initial discussions on 7 October 2016 and at a meeting held on 11 November 2016, that it would object to the removal of the extension of PAO21 as a post-exhibition change to the Amendment. The extension of PAO21 is required to facilitate access to the land at 430 Goulburn Valley Highway, Shepparton North from the existing collector road known as Warrumbungle Drive. Given VicRoads' position, Council officers will not remove the extension to PAO21 from Amendment C188.

An Independent Planning Panel has been requested to consider your submission. You will be notified by Planning Panels Victoria once an Independent Planning Panel has been appointed and hearing dates have been confirmed. A report will be tabled at the next Ordinary Council Meeting, to be held on 22 November 2016, recommending that Council note Council officers' position regarding the submissions received for Amendment C188 to be presented to an Independent Planning Panel.

If you have any queries or would like further information, please contact me via e-mail at michael.macdonagh@shepparton.vic.gov.au or via telephone on (03) 5832 9730.

Yours sincerely

Michael MacDonagh
TEAM LEADER STRATEGIC PLANNING

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