



Amendment C197 Greater Shepparton Planning Scheme

Planning Authority Submission to the
Independent Planning Panel

18 August 2017

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1. INTRODUCTION

This submission is made on behalf of Greater Shepparton City Council (**Council**), which the Planning Authority for Amendment C197 (**Amendment**).

The Amendment proposes to correct spelling, grammar, formatting, zone and overlay errors, and clarify the intent of planning controls in the Greater Shepparton Planning Scheme (**Planning Scheme**). The Amendment also proposes to update the Municipal Strategic Statement (**MSS**) to include the following adopted strategies as reference documents and introduce some of the recommendations into the Planning Scheme:

- *Calder Woodburn Memorial Avenue Conservation Management Plan 2001;*
- *Greater Shepparton Cycling Strategy 2013-2017;*
- *Greater Shepparton Environmental Sustainability Strategy 2014-2030;*
- *Greater Shepparton Freight and Land Use Study 2013;*
- *Greater Shepparton Resource Recovery Precinct Feasibility and Site Selection Study 2016;*
- *Greater Shepparton Universal Access and Inclusion Plan 2013-2017; and*
- *Strategic Review of Tatura Industrial Land Addendum Report (Interim) – Tatura Abattoirs Site, June 2016.*

The Amendment applies to all land in the municipality. Changes apply to various zones and overlays, being:

- Land within Schedule 6 to the Special Use Zone (**SUZ6**);
- Land within Schedule 9 to the Special Use Zone (**SUZ9**);
- Land within Schedule 1 to the Activity Centre Zone (**ACZ1**);
- Land within the Heritage Overlay:
 - HO141 – Shepparton Residential Precinct South, Shepparton, specifically land within the road reserve adjacent to 52 Orr Street, Shepparton; and
 - HO160 – Central Business Area Precinct, Shepparton.
- Land within Schedule 1 to the Design and Development Overlay (**DDO1**);
- Land within Schedule 23 to the Development Plan Overlay (**DPO23**);
- Land within the Schedule to the Floodway Overlay (**FO**);
- Land within the Schedule to the Land Subject to Inundation Overlay (**LSIO**);
- Land in the road reserve along Kyabram-Rochester Road, Kyabram between the intersections of Lilford Road and Webb Road; and
- Land within the Industrial 3 Zone (**IN3Z**) at 31-73 Hawdon Street, Shepparton.

2. PARTICULARS OF THE AMENDMENT

The proponent of the Amendment is Greater Shepparton City Council.

Specifically, the Amendment proposes to:

- Amend Clause 21.04 (Settlement) to correct spelling errors and to include recommendations from the *Greater Shepparton Universal Access and Inclusion Plan 2013-2017*;

- Amend Clause 21.05 (Environment) to correct spelling errors and to include recommendations from the *Greater Shepparton Environmental Sustainability Strategy 2014-2030*;
- Amend Clause 21.06 (Economic Development) to correct spelling, grammar and formatting errors, and to include recommendations from the *Greater Shepparton Resource Recovery Precinct Feasibility and Site Selection Study 2016* and the *Strategic Review of Tatura Industrial Land Addendum Report (Interim) – Tatura Abattoirs Site, June 2016*;
- Amend Clause 21.07 (Infrastructure) to include reference to the *Greater Shepparton Cycling Strategy 2013-2017* and to include the recommendations of the *Greater Shepparton Freight and Land Use Study 2013*;
- Amend Clause 21.09 (Reference Documents) to include the *Calder Woodburn Memorial Avenue Conservation Management Plan 2001*, *Greater Shepparton Cycling Strategy 2013-2017*, *Greater Shepparton Environmental Sustainability Strategy 2014-2030*, *Greater Shepparton Freight and Land Use Study 2013*, *Greater Shepparton Resource Recovery Precinct Feasibility and Site Selection Study 2016*, *Greater Shepparton Universal Access and Inclusion Plan 2013-2017* and *Strategic Review of Tatura Industrial Land Addendum Report (Interim) – Tatura Abattoirs Site, June 2016*;
- Amend Schedule 6 to Clause 37.01 (Special Use Zone) to identify the area the zone applies to and to correct a spelling error;
- Amend Schedule 9 to Clause 37.01 (Special Use Zone) to correctly reference the *Greater Shepparton Planning Scheme Tatura Milk Industries Master Plan 2011*;
- Amend Schedule 1 to Clause 37.08 (Activity Centre Zone) to correct spelling and grammar errors;
- Amend the Schedule to Clause 43.01 (Heritage Overlay) to apply the *Greater Shepparton Heritage Incorporated Plan 2013* to the Central Business Area Precinct (HO160);
- Amend Schedule 1 to Clause 43.02 (Design and Development Overlay) to correct grammar errors;
- Amend Schedule 23 to Clause 43.04 (Development Plan Overlay) to correct grammar and formatting errors;
- Amend the Schedule to Clause 44.03 (Floodway Overlay) to correctly identify permit exemptions for the Activity Centre Zone and commercial zones, and to correct spelling errors;
- Amend the Schedule to Clause 44.04 (Land Subject to Inundation Overlay) to correctly identify permit exemptions for the Activity Centre Zone and commercial zones;
- Amend the Schedule to Clause 81.01 (Table of Documents Incorporated in this Scheme) to correctly name the *Greater Shepparton Planning Scheme Tatura Milk Industries Master Plan 2011*;
- Remove the Heritage Overlay (HO141) from land within the road reserve adjacent to 52 Orr Street, Shepparton;
- Rezone part of 31-73 Hawdon Street, Shepparton (Shepparton High School) from the Industrial 3 Zone (**IN3Z**) to the Public Use Zone (**PUZ2**);

- Rezone a portion of land in the road and road reserve along Kyabram-Rochester Road, Kyabram between the intersections of Lilford Road and Webb Road from the Farming Zone – Schedule 1 (**FZ1**) to the Road Zone – Category 1 (**RDZ1**); and
- Amend Planning Scheme Map Nos 4, 18 and 18HO.

3. STRATEGIC JUSTIFICATION

3.1 Why is the Amendment required?

Council has reviewed errors and anomalies in the Planning Scheme. The Amendment proposes to correct spelling, grammar and formatting errors, clarify the intent of planning controls, and correct mapping anomalies.

Several mapping errors have been identified which will be corrected through the proposed Amendment. A portion of 31-73 Hawdon Street, Shepparton (Shepparton High School) is within the IN3Z, while the remainder of this property is within the PUZ2. The entire property is in public ownership and should be within the PUZ2.

A portion of land in the road and road reserve along Kyabram-Rochester Road, Kyabram between the intersections of Lilford Road and Webb Road is within the FZ1. The road is managed by VicRoads and the Amendment proposes to rezone this land to RDZ1.

The Amendment proposes to include permit exemptions in the Schedule to Clause 44.03 (Floodway Overlay) and in the Schedule to Clause 44.04 (Land Subject to Inundation Overlay) of the Planning Scheme. These schedules refer to the business zone(s), which has been replaced by the commercial zone(s). The Amendment proposes to extend the permit exemption for the construction of a fence to include the Activity Centre Zone (**ACZ**). The Amendment does not propose to introduce any new controls within this Schedule.

The Heritage Overlay (HO141) incorrectly applies to land in the road reserve adjacent to 52 Orr Street, Shepparton. The proposed Amendment corrects this error.

The *Greater Shepparton Heritage Incorporated Plan 2013 (GSHIP)* seeks to apply external paint controls to a limited number of places within the Central Business Area Precinct (HO160). The application of the GSHIP to the Central Business Area Precinct was excluded in error from the approved Schedule to Clause 43.01 (Heritage Overlay) resulting in external paint controls applying to all properties within this Precinct. The proposed Amendment is required to remove the external paint controls applying to places within HO160 through the application of the GSHIP and limiting the number of places that these controls apply to.

The proposed Amendment is required to correct spelling, grammar and formatting errors in the Planning Scheme.

The proposed Amendment is required to insert the recommendations of a number of adopted strategies into the Planning Scheme. These strategies include:

Calder Woodburn Memorial Avenue Conservation Management Plan 2001

The Calder Woodburn Memorial Avenue is of historic, aesthetic and social significance to the State of Victoria for its commemorative association with servicemen who died during the Second World War and is included in the Victorian Heritage Register. The *Calder Woodburn Memorial Avenue Conservation Management Plan 2001* identifies conservation policies, management objectives

and strategies for the Memorial Avenue.

Greater Shepparton Cycling Strategy 2013-2017

The *Greater Shepparton Cycling Strategy 2013-2017* provides a review of the cycling facilities that were implemented since the adoption of the *Greater Shepparton Bicycle Strategy Review 2006*, sets the direction for cycling in Greater Shepparton from 2013 to 2017 and incorporates the vision until 2023.

The *Greater Shepparton Cycling Strategy 2013-2017* provides a cycling network framework that illustrates the existing facilities and future needs for cyclists in Greater Shepparton. This document includes a detailed action and implementation plan, including a capital works and funding strategy to deliver this cycling network.

Greater Shepparton Environmental Sustainability Strategy 2014-2030

The *Greater Shepparton Environmental Sustainability Strategy 2014-2030* aims to drive positive environmental sustainability outcomes from Council's decision-making capabilities, identifies opportunities to improve the environmental sustainability impacts from Council's activities and address previously identified challenges and barriers.

This document recommends that further strategic work is undertaken to determine the appropriate overlays to protect significant or vulnerable landscapes and waterways, and to identify trees of high value, where retention is significant to the biodiversity of the municipality.

The proposed Amendment provides a strategic work program to further protect environmental assets.

Greater Shepparton Freight and Land Use Study 2013

The purpose of the *Greater Shepparton Freight and Land Use Study 2013* is to identify and assess relevant industry, freight and land use trends in Greater Shepparton to inform infrastructure network planning, decision-making and prioritisation.

The amount of freight that moves to and through the region continues to grow with evidence suggesting that this growth is exceeding economic and population growth. Efficient and effective transport movement, particularly of freight within, to and from the Greater Shepparton region, is critical to ongoing growth and competitiveness of the city and of the surrounding region.

The objective of this document is to ensure the Greater Shepparton is well placed to accommodate increased freight demand whilst minimising impacts on the community and to safeguard strategically important freight transport corridors and links to facilitate delivery of future infrastructure projects.

Greater Shepparton Resource Recovery Precinct Feasibility and Site Selection Study 2016

The *Greater Shepparton Resource Recovery Precinct Feasibility and Site Selection Study 2016* explored the likely demand for certain waste and resource recovery operations, detailed the appropriate land sizes required to accommodate these uses and investigated candidate sites for the establishment of a resource recovery facility in Greater Shepparton.

The document recommends that, in the short term, Council utilise a multiple location approach, including:

- the Daldy Road precinct for niche, low emitting, low labour intensive uses (through agreement with Goulburn Valley Water);

- Cosgrove 3 Landfill for limited concrete crushing/recycling operations; and
- existing industrial or farming zoned land for other recycling and reprocessing centres assessed on a site-by-site basis.

In the long term, the document recommends that a regional approach is required to identify a site that is most suitable for resource recovery across a large regional area including neighbouring municipalities.

Greater Shepparton Universal Access and Inclusion Plan 2013-2017

The *Disability Discrimination Act 1992* introduced the requirement for Victorian public sector bodies to prepare a Disability Action Plan (**DAP**). The *Greater Shepparton Universal Access and Inclusion Plan 2013-2017* is Council's DAP and identifies, develops, and implements actions that aim to eliminate barriers to access and inclusion.

Strategic Review of Tatura Industrial Land Addendum Report (Interim) – Tatura Abattoirs Site, June 2016

The *Greater Shepparton Planning Scheme Strategic Review of Tatura Industrial Land June 2011* supported the continued growth and development of three significant industries in Tatura; Tatura Abattoirs, Tatura Milk Industries and Unilever. With regard to the Tatura Abattoirs site, the *Greater Shepparton Planning Scheme Strategic Review of Tatura Industrial Land June 2011* concluded there is no need to modify the existing zoning or overlay controls that presently apply to the land. This document was prepared in the 2011 and required review.

The *Strategic Review of Tatura Industrial Land Addendum Report (Interim) – Tatura Abattoirs Site, June 2016* recommends the future application of the Special Use Zone to ensure that Council is able to respond to the future growth and development needs of the Tatura Abattoirs site.

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

The proposed Amendment seeks to implement the objectives of planning in Victoria and at Section 4(1) of the *Planning and Environment Act 1987 (the Act)* by ensuring the most up to date and correct information is available for the administration of the Planning Scheme. This will assist in providing for the fair, orderly, economic and sustainable use and development of land in the municipality and balance the present and future interests of all Victorians.

The amendment is consistent with the following objectives of planning in Victoria 4(1)(a), (b), (c), (d), (e), (f), and (g):

- to provide for the fair, orderly, economic and sustainable use, and development of land;
- to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest or otherwise of special cultural value;
- to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;

- to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e); and
- to balance the present and future interests of all Victorians.

The correction of errors and anomalies and the implementation of adopted strategies within the Planning Scheme are actions which will assist in implementing the objectives of the Act.

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

3.3.1 *Environmental*

The proposed Amendment seeks to implement the recommendations of the *Greater Shepparton Environmental Sustainability Strategy 2014-2030*, strengthening Council's ability to provide positive environmental sustainability outcomes and to undertake future strategic work.

The proposed Amendment seeks to implement the recommendations of the *Greater Shepparton Resource Recovery Precinct Feasibility and Site Selection Study 2016*, providing guidance relating to the establishment resource recovery operations in both the short and long term horizon.

The proposed Amendment will ensure a net community benefit by strengthening the ability for the Planning Authority to protect significant native vegetation, landscapes and waterways. Additionally, the proposed Amendment offers a net community benefit by providing clarity in relation to resource recovery operations, which will assist in the establishment of these operations within the municipality and assist in the reduction of waste.

3.3.2 *Social*

The proposed Amendment has positive social effects as it removes the need for landowners to apply for planning permits for land that is incorrectly included in an overlay or zone. The proposed Amendment will facilitate development of land that is included in the LSIO and FO by correctly providing building and works permit exemptions.

The proposed Amendment will ensure a net community benefit by enhancing the effectiveness and efficiency of the Planning Scheme and minimising the amenity impacts of freight movements to and through the municipality.

3.3.3 *Economic*

The proposed Amendment has positive economic effects as it removes the need for landowners to apply for planning permits for land that is incorrectly included in an overlay or zone. The proposed Amendment will facilitate development of land that is included in the LSIO and FO by providing building and works permit exemptions.

The proposed Amendment will ensure a net community by enhancing the effectiveness and efficiency of the Planning Scheme, and by allowing planning permit applications to be more easily assessed.

3.4 Does the Amendment address relevant bushfire risk?

The proposed changes and the introduction of adopted strategies into the Planning Scheme will not result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire.

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

The proposed Amendment was consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act at the time of exhibition. Amendment VC133 has since been implemented, which established a new Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act. Prior to the Amendment being submitted to the Minister for Planning for approval, the Amendment documentation will be amended to comply with the new Ministerial Direction.

The proposed Amendment is consistent and complies with *Ministerial Direction No 11 Strategic Assessments of Amendments* under Section 12(2)(a) of the Act.

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

The proposed Amendment is consistent with and supportive of the State Planning Policy Framework (SPPF), in particular, the following:

- Clause 10.04 (Integrated Decision Making) states:

Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social well-being affected by land use and development.

This Amendment proposes to update the existing provisions of the MSS to ensure the Planning Scheme better meets the objectives of planning in Victoria. This will allow the planning process to appropriately address aspects of economic, environmental and social well-being.

- Clause 11 (Settlement) states:

Planning is to recognise the need for, and as far as practicable contribute towards:

- *Health and safety.*
- *Diversity of choice.*
- *Adaptation in response to changing technology.*
- *Economic viability.*
- *A high standard of urban design and amenity.*
- *Energy efficiency.*
- *Prevention of pollution to land, water and air.*
- *Protection of environmentally sensitive areas and natural resources.*
- *Accessibility.*
- *Land use and transport integration.*

The Amendment proposes to introduce a number of adopted strategies into the Planning Scheme relating to the objectives of this clause, which will provide clarity to the Planning Authority in deciding planning applications.

- The objective of Clause 15.03-1 (Heritage Conservation) is:

To ensure the conservation of places of heritage significance.

A strategy of this clause is to: *provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.*

The Amendment proposes to correct errors and anomalies in the Planning Scheme to better meet the objectives of planning in Victoria. In particular, this Amendment will ensure that the correct planning controls apply to places of cultural heritage significance.

- The objective of Clause 17.02-2 (Design of industrial development) is:
To facilitate the sustainable development and operation of industry and research and development activity.

The proposed Amendment seeks to implement the recommendations of the *Greater Shepparton Resource Recovery Precinct Feasibility and Site Selection Study 2016*, which provides guidance for establishment of resource recovery operations within the municipality.

- The objective of Clause 19.03-5 (Waste and resource recovery) is:
To avoid, minimise and generate less waste to reduce damage to the environment caused by waste, pollution, land degradation and unsustainable waste practices.

The proposed Amendment seeks to implement the recommendations of the *Greater Shepparton Resource Recovery Precinct Feasibility and Site Selection Study*, which will assist in the establishment of resource recovery operations within the municipality.

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

A requirement of the *Local Government Act 1989* is for Council to prepare a Council Plan. The *Greater Shepparton City Council: Council Plan 2017-2021 (Council Plan)* is the key document that drives the strategic direction of Council. The Council Plan was informed by and prompted the preparation of a number of adopted strategies. The Amendment proposes to update specific clauses of the MSS to ensure that these adopted strategies and the strategic direction of the Council Plan are reflected in the Planning Scheme.

The proposed Amendment is consistent with the Local Planning Policy Framework and better implements the objectives of the MSS by providing objectives and requirements for land use and development throughout the municipality.

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

The Amendment makes proper use of the Victoria Planning Provisions (VPP). The Amendment proposes to correct spelling, grammar and formatting errors, clarify the intent of planning controls, and correct mapping anomalies within the zone and overlay mapping in the Planning Scheme.

The proposed Amendment applies the appropriate planning provisions to land throughout the municipality allowing the planning controls contained within the VPPs to be correctly applied.

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

The Amendment proposes to rezone a portion of a road and the adjacent road reserve; this land is controlled by VicRoads. VicRoads has provided support for the proposal.

The Amendment proposes to update the schedules to the LSIO and FO. The Goulburn Broken Catchment Management Authority has provided support for the proposal.

Referral Authorities were further consulted during exhibition of the Amendment and no objections were received.

3.10 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, safety, and health and wellbeing.

The proposed Amendment does not have any detrimental implications on the objectives, strategies and decision making principals set out in the *Transport Integration Act 2010*. The proposed Amendment will improve the transport network by implementing the recommendations of the *Greater Shepparton Freight and Land Use Study 2013*, which was developed based on the principles of the *Transport Integration Act 2010*.

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

4. AMENDMENT PROCESS

4.1 Authorisation

In accordance with Section 8A of the *Planning and Environment Act 1987 (the Act)*, Council received authorisation to proceed with the Amendment, subject to conditions, on 28 March 2017.

Council's request for authorisation to exhibit the proposed Amendment included the following proposal for the extent of notice to be given:

The planning authority considers the number of owners and occupiers affected makes it impractical to notify them all individually about the amendment. Council will provide notice of the amendment in the local newspaper, in hard copy at Council offices, on Council's website and publish notice in the Government Gazette.

See Appendix A – *Authorisation Application Form and Authorisation Approval with Conditions*.

4.2 Exhibition

The Amendment was exhibited in accordance with the Act for four weeks; 27 April 2017 to 29 May 2017. This included the following:

- Letters sent to relevant referral authorities on 24 April 2017;
- Letters sent to prescribed Ministers on 24 April 2017;
- Notice in the Shepparton News on 25 April 2017;
- Notice in the Victoria Government Gazette on 27 April 2017;
- Notice on Greater Shepparton City Council website;
- Notice on 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.

4.3 Submissions received during Exhibition

Council received six submissions to the proposed Amendment (see Appendix B – *Submissions Received During Exhibition*).

Four of these submissions were received from referral authorities that did not object or request changes to the proposed Amendment.

One submission was received from a referral authority that did not object to the proposed Amendment, subject to concerns being addressed.

One submission was received that objected and requested changes to the proposed Amendment.

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

4.4.1 Submission No. 2

Submission received from Goulburn Broken Catchment Management Authority.

No objection or changes to the Amendment.

No action required by Council.

4.4.2 Submission No. 3

Submission received from the Goulburn Valley Water.

No objection or changes to the Amendment.

No action required by Council.

4.4.3 Submission No. 4

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

No objection or changes to the Amendment.

No action required by Council.

4.4.4 Submission No. 5

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

The initial submission received provided appeared to request changes to the Amendment. However, following clarification, Submission No. 5 was revised to support the proposed Amendment as exhibited.

No objection or changes to the Amendment.

No action required by Council.

4.5 Submission that did not object to the Amendment subject to concerns being addressed

4.5.1 Submission No. 1

Submission received from Goulburn-Murray Water.

No objection, subject to concerns being addressed.

Submitter No. 1 cites concerns regarding the wording in Clause 21.05-3 (Best Practice Land Management) of the Planning Scheme.

Council officers met with Submitter No. 1 on 24 July 2017. It was discussed that the concerns relate to the exemptions provided by the *Goulburn-Murray Water Native Vegetation Code of Practice, February 2011* included in the Schedule to Clause 52.17 (Native Vegetation) of the Planning Scheme.

It was clarified that these concerns are outside of the authorisation provided by the Department of Environment, Land, Water and Planning for Amendment C197 and the concerns raised are not affected by the proposed Amendment.

The concerns raised in Submission No. 1 have now been satisfied and the submission has been withdrawn (refer to Appendix B – *Submissions Received During Exhibition*).

No action required by Council.

4.6 Submissions that objected and requested changes to the proposed Amendment

4.6.1 Submission No. 6

Council received one submission that objected and requested changes to the proposed Amendment.

The submission raised concerns that there are other anomalies within the Planning Scheme that the proposed Amendment should also correct.

Council officers met with Submitter No. 6 to discuss the content of the submission (see Appendix C – *Meeting notes with Submitter No. 6*).

1st Meeting: 9:00am on 30 May 2017 at Council offices.

Attendees: Submitter No. 6, Senior Strategic Planner, Team Leader Strategic Planning.

2nd Meeting: 3:50pm on 20 July 2017 at Council offices.

Attendees: Submitter No. 6, Student Planner, Team Leader Strategic Planning.

The submission was unable to be resolved.

Council's position regarding submissions is detailed in Part 5 of this Submission. Submission referred to an Independent Planning Panel for consideration.

5. COUNCIL'S POSITION REGARDING SUBMISSION NO.6

This section details Council officers' position regarding the concerns raised in Submission No. 6.

Council provided a letter of response to Submission No. 6, which is attached in Appendix D – *Letter of Response to Submission No. 6*.

It is Council officers' position that the additional anomalies raised in Submission No. 6 should not be included in the proposed Amendment. These suggested anomalies have not been assessed and are, therefore, outside of the authorisation for this Amendment.

It was requested that Submitter No. 6 outline, in writing, the anomalies that were verbally identified at the meeting held with Council officers, so that Council may consider them as part of a future anomalies amendment.

To date, Submitter No. 6 has not provided Council with a comprehensive account of the additional anomalies that are believed to exist in the Planning Scheme.

6. CONCLUSION

The Amendment proposes to correct spelling, grammar, formatting, zone and overlay errors, and clarify the intent of planning controls in the Greater Shepparton Planning Scheme. The Amendment also proposes to update the Municipal Strategic Statement to include a number of adopted strategies as reference documents and introduce some of the recommendations they contain.

The proposed Amendment affects all land in the municipality.

Council received six submissions to the proposed Amendment. Four submissions were received from referral authorities that did not object or request changes to the proposed Amendment. One submission was received from a referral authority that did not object to the proposed Amendment, subject to concerns being addressed. One submission was received that objected and requested changes to the proposed Amendment.

The objection raised concerns that there are other anomalies that exist in the Planning Scheme, which the proposed Amendment should also correct.

Council officers met with Submitter No. 6 in an effort to resolve the concerns raised; however, this objection remains outstanding.

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

All steps in the planning scheme amendment process to date have been undertaken in accordance with the *Planning and Environment Act 1987*.

APPENDIX A – Authorisation Application Form and Authorisation Approval with Conditions

**AUTHORISATION TO PREPARE AN AMENDMENT TO
THE PLANNING SCHEME** under Section 8a of the
Planning and Environment Act 1987

APPLICATION FORM

Please complete all questions and send a copy of this application form, along with a draft Explanatory Report and any other supporting documents to: planning.amendments@delwp.vic.gov.au

Planning scheme:	Greater Shepparton
Amendment No.:	C197
Contact details	
Name:	Sam Kemp
Position:	Graduate Strategic Planner
Phone:	5832 9820
Email:	Sam.kemp@shepparton.vic.gov.au
Proponent:	Greater Shepparton City Council

Details of proposed amendment

1. What land is affected by the proposed amendment? Please include a map if necessary.

All land in the municipality.

Changes apply to various zones and overlays, including:

- Land within Schedule 6 to the Special Use Zone (SUZ6);
- Land within Schedule 9 to the Special Use Zone (SUZ9);
- Land within Schedule 1 to the Activity Centre Zone (ACZ1);
- Land within the Heritage Overlay:
 - HO141 – Shepparton Residential Precinct South, Shepparton, specifically land within the road reserve adjacent to 52 Orr Street, Shepparton;
 - HO146 – Log Structure, 5855 Midland Highway, Tatura – Moyola Park; and
 - HO160 – Central Business Area Precinct, Shepparton.
- Land within Schedule 23 to the Development Design Overlay (DDO23);
- Land within Schedule 1 to the Design and Development Overlay (DDO1);
- Land within the Schedule to the Floodway Overlay;
- Land within the Schedule to the Land Subject to Inundation Overlay;
- Land in the road reserve along Kyabram-Rochester Road, Kyabram between the intersections of Lilford Road and Webb Road; and
- Land within the Industrial 3 Zone (IN3Z) at 31-73 Hawdon Street, Shepparton.

2. Provide a brief description of the proposal.

The Amendment proposes to correct spelling, grammar and formatting errors, clarify the intent of

planning controls, fix mapping anomalies within the zone and overlay mapping in the Greater Shepparton Planning Scheme and update the Municipal Strategic Statement to include the following adopted strategies as reference documents and implement the recommendations they contain:

- *Calder Woodburn Memorial Avenue Conservation Management Plan 2001;*
- *Greater Shepparton Cycling Strategy 2013-2017;*
- *Greater Shepparton Environmental Sustainability Strategy 2014-2030;*
- *Greater Shepparton Freight and Land Use Study 2013;*
- *Greater Shepparton Resource Recovery Precinct Feasibility and Site Selection Study 2016;*
- *Greater Shepparton Universal Access and Inclusion Plan 2013-2017;* and
- *Strategic Review of Tatura Industrial Land Addendum Report (Interim) – Tatura Abattoirs Site, June 2016.*

3. Provide a detailed list of the proposed changes to the planning scheme.

- Amend Clause 21.04 (Settlement) to correct spelling errors and to include recommendations from the *Greater Shepparton Universal Access and Inclusion Plan 2013-2017*;
- Amend Clause 21.05 (Environment) to correct spelling errors and to include recommendations from the *Greater Shepparton Environmental Sustainability Strategy 2014-2030*;
- Amend Clause 21.06 (Economic Development) to correct spelling, grammar and formatting errors, and to include recommendations from the *Greater Shepparton Resource Recovery Precinct Feasibility and Site Selection Study 2016* and the *Strategic Review of Tatura Industrial Land Addendum Report (Interim) – Tatura Abattoirs Site, June 2016*;
- Amend Clause 21.07 (Infrastructure) to include reference to the *Greater Shepparton Cycling Strategy 2013-2017* and to include the recommendations of the *Greater Shepparton Freight and Land Use Study 2013*;
- Amend Clause 21.09 (Reference Documents) to include the *Calder Woodburn Memorial Avenue Conservation Management Plan 2001*, *Greater Shepparton Cycling Strategy 2013-2017*, *Greater Shepparton Environmental Sustainability Strategy 2014-2030*, *Greater Shepparton Freight and Land Use Study 2013*, *Greater Shepparton Resource Recovery Precinct Feasibility and Site Selection Study 2016*, *Greater Shepparton Universal Access and Inclusion Plan 2013-2017* and *Strategic Review of Tatura Industrial Land Addendum Report (Interim) – Tatura Abattoirs Site, June 2016*;
- Amend Schedule 6 to Clause 37.01 (Special Use Zone) to identify the area the zone applies to and to correct a spelling error;
- Amend Schedule 9 to Clause 37.01 (Special Use Zone) to correctly reference the Incorporated Document;
- Amend Schedule 1 to Clause 37.08 (Activity Centre Zone) to correct spelling and grammar errors;
- Amend the Schedule to Clause 43.01 (Heritage Overlay) to apply the *Greater Shepparton Heritage Incorporated Plan 2013* to the Central Business Area Precinct (HO160);
- Amend Schedule 1 to Clause 43.02 (Design and Development Overlay) to correct grammar errors;
- Amend Schedule 23 to Clause 43.04 (Development Plan Overlay) to correct grammar and formatting errors;
- Amend the Schedule to Clause 44.03 (Floodway Overlay) to correctly identify permit exemptions for the Activity Centre Zone and commercial zones, and to correct spelling errors;
- Amend the Schedule to Clause 44.04 (Land Subject to Inundation Overlay) to correctly identify permit exemptions for the Activity Centre Zone and commercial zones;
- Amend the Schedule to Clause 81.01 (Table of Documents Incorporated in this Scheme) to correctly name an Incorporated Document; and
- Remove the Heritage Overlay (HO141) from land within the road reserve adjacent to 52 Orr Street, Shepparton;
- Amend the Heritage Overlay (HO146) on 5855 Midland Highway, Tatura – Moyola Park;

- Rezone part of 31-73 Hawdon Street, Shepparton (Shepparton High School) from the IN3Z to Schedule 4 to the Public Use Zone (PUZ4);
- Rezone a portion of land in the road and road reserve along Kyabram-Rochester Road, Kyabram between the intersections of Lilford Road and Webb Road from the FZ1 to the Road Zone – Category 1 (RDZ1); and
- Amend Planning Scheme Map Nos 4, 6HO, 18, 18HO.

4. Who has requested the proposed amendment?

- ☒ Council
- ☐ Other Proponent (please specify):

5. What notice is proposed to be given?

- ☒ Full notice

The planning authority considers the number of owners and occupiers affected makes it impractical to notify them all individually about the amendment. Council will provide notice of the amendment in the local newspaper, in hard copy at Council offices, on Council's website and publish notice in the Government Gazette.

- ☐ 20(2) - please describe the exemption requested and the extent of notice proposed:

6. Does the proposed amendment require ratification by parliament (green wedge land)?

- ☐ YES ☒ NO

If 'YES' why?

7. Does the proposed amendment affect Crown land?

- ☒ YES ☐ NO

If 'Yes', please give notice of the amendment to Native Title Services Victoria (www.nts.com.au).

8. Has the proposed amendment been discussed with the department?

- ☒ YES ☐ NO

If 'Yes', when and with whom did the discussion take place?

In a meeting with Richard Whiting on 20/02/2017.

9. Does the Amendment affect the interests or operation of any other government department or agency?

- ☒ YES ☐ NO

If 'Yes', which department/agency?

VicRoads and the Goulburn Broken Catchment Management Authority.

Has the agency been consulted about the proposed amendment?

- ☒ YES ☐ NO

What was the outcome?

☒ Support ☐ Do not support ☐ Other

Please attach any relevant documents.

- Email correspondence with VicRoads dated 31/10/2016; and
- Email correspondence with GBCMA dated 28/02/2017.

10. To assist with the assessment of this authorisation, have you attached the following:

Required:

☒ Draft Explanatory Report

Additional:

☐ Council report/ minutes

☒ Draft amendment documentation (e.g. draft zone or overlay schedule, draft policy, maps). Please list:

- Greater Shepparton Amendment C197 21_04_gshe Authorisation;
- Greater Shepparton Amendment C197 21_05_gshe Authorisation;
- Greater Shepparton Amendment C197 21_06_gshe Authorisation;
- Greater Shepparton Amendment C197 21_07_gshe Authorisation;
- Greater Shepparton Amendment C197 21_09_gshe Authorisation;
- Greater Shepparton Amendment C197 37_01s06_gshe Authorisation;
- Greater Shepparton Amendment C197 37_01s09_gshe Authorisation;
- Greater Shepparton Amendment C197 37_08s01_gshe Authorisation;
- Greater Shepparton Amendment C197 43_01s_gshe Authorisation;
- Greater Shepparton Amendment C197 43_02s01_gshe Authorisation;
- Greater Shepparton Amendment C197 43_04s23_gshe Authorisation;
- Greater Shepparton Amendment C197 44_03s_gshe Authorisation;
- Greater Shepparton Amendment C197 44_04s_gshe Authorisation;
- Greater Shepparton Amendment C197 81_01s_gshe Authorisation;
- Greater Shepparton C197 001znMap18 Exhibition;
- Greater Shepparton C197 002d-hoMap18 Exhibition; and
- Greater Shepparton C197 003znMap04 Exhibition.

☐ Draft permit (in case of application for combined permit and amendment)

☒ Other documentation (please list):

- Greater Shepparton Amendment C197 Instruction Sheet Authorisation;
- Greater Shepparton Amendment C197 Email with VicRoads; and
- Greater Shepparton Amendment C197 Email with GBCMA.

Please note: you will receive the Minister's decision by email. Please confirm the email address the response to the authorisation application should be sent to:

Sam.kemp@shepparton.vic.gov.au
Grace.docker@shepparton.vic.gov.au

Once your application has been received by the Minister you will receive a confirmation email.



Department of Environment Land, Water and Planning

1st Floor, 62 Ovens Street
Wangaratta, Victoria, 3677
PO Box 1084
Wangaratta, Victoria 3676
Telephone: (03) 5723 8600
www.delwp.vic.gov.au

File: FOL/17/16601

28 MAR 2017

Mr Peter Harriott
Chief Executive Officer
Greater Shepparton City Council
Email address: sam.kemp@shepparton.vic.gov.au

Dear Mr Harriott

PROPOSED GREATER SHEPPARTON PLANNING SCHEME AMENDMENT C197

I refer to your council's application for authorisation to prepare an amendment to the Greater Shepparton Planning Scheme. The amendment proposes to correct spelling, grammar, formatting, zone and overlay errors, and clarify the intent of planning controls, update the Municipal Strategic Statement (MSS) to include the following adopted strategies as reference documents and introduce the recommendations in the planning scheme.

Under delegation from the Minister for Planning, in accordance with section 8A of the *Planning and Environment Act 1987* (the Act) I authorise your council as planning authority to prepare the amendment subject to the following conditions:

- That the amendment documentation is revised in accordance with discussions with the department and a meeting with council officers on 24 March 2017, to the satisfaction of the department prior to exhibition of the amendment.
- Deletion of the proposed additions to Clause 21.05 Environment.
- That notice of the amendment be given to Native Title Services Victoria as the proposed amendment affects crown land.

The amendment must be submitted to the Minister for approval.

The authorisation to prepare the amendment is not an indication of whether or not the amendment will ultimately be supported.

Please note that [Ministerial Direction No. 15](#) sets times for completing steps in the planning scheme amendment process. This includes council:

- giving notice of the amendment within 40 business days of receiving authorisation; and
before notice of the amendment is given, setting Directions Hearing and Panel Hearing dates with the agreement of Planning Panels Victoria. These dates should be included in the Explanatory Report [Practice Note 77: Pre-setting panel hearing dates](#) provides information about this step).

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 509, East Melbourne, Victoria 3002.



The Direction also sets out times for subsequent steps of the process following exhibition of the amendment.

The Minister may grant an exemption from requirements of this Direction. Each exemption request will be considered on its merits. Circumstances in which an exemption may be appropriate are outlined in [Advisory Note 48: Ministerial Direction No.15 – the planning scheme amendment process](#).

In accordance with sections 17(3) and (4) of the Act the amendment must be submitted to the Minister **at least 10 business days** before council first gives notice of the amendment.

Please submit the amendment electronically to planning.amendments@delwp.vic.gov.au

If you have any questions in relation to this matter, please contact Richard Whiting, Senior Regional Planner, Hume Regional Planning Services with the Department of Environment, Land, Water and Planning (03) 5895 4116.

Yours sincerely



Bruce Standish

Manager – Hume Regional Planning Services

APPENDIX B – Submissions Received During Exhibition

Submission Number 1



G-MW Ref: PSA-17-00008
File Ref: 2017/58/1
DM Ref: 4385060

Greater Shepparton City Council
Planning Department
council@shepparton.vic.gov.au

5 May 2017

Dear Sir and/or Madam,

Planning Scheme Amendment C197

Thank you for your letter and information received 24 Apr 2017 giving Goulburn-Murray Water the opportunity to consider this Planning Scheme Amendment.

GMW's areas of interest are surface water and groundwater quality, use and disposal. GMW requires that development proposals do not impact detrimentally on GMW's infrastructure and the flow and quality of surface water and groundwater. Applicants must ensure that any required water supplies are available from an approved source.

This planning scheme amendment C197 seeks to correct and clarify controls within the Shepparton planning scheme and introduce recommendations into the planning scheme.

C197 seeks to amend Clause 21.05 which needs further consideration when you compare current knowledge to the content of Clause 21.05-3

The recommendations also include the "Greater Shepparton Environmental Sustainability Strategy 2014-2030 into Clause 81.01.

GMW has experienced significant difficulties in carrying out regular maintenance on our minor Utilities (includes Supply Channels and GMW Drains) and is seeking recognition of exemptions provided to GMW by Clause 52.17-7 and recognition of the "GMW Native Vegetation Code of Practice February 2011" as listed in the Schedule to Clause 52-17 of the planning scheme.

Clause 21.05 does not provide any guidance on exemptions and Code of Practices approved by the Secretary of DELWP.

Clause 21.05-5 further lists strategic work for the retention of native vegetation by the use of Zones and Overlays.

However this introduces uncertainty in regards to Clause 52-17 exemptions and recognition of any approved Native Vegetation Code of Practice.

GMW recognises that the Department is currently reviewing the currently approved GMW Native Vegetation Code of Practice however it appears that some time will elapse before the review is finalised.

The Connections program is proceeding and as Council will be aware has been subject to review for completion of the project within the allocated budget.

The success of the Connections program will impact significantly on the economy within this region and we need to ensure that the process is completed utilising balanced assessments which will maximise the use of the available funds.

Additionally the cost of water for agriculture will be impacted by the cost of maintenance programs on our existing and proposed channel supply and drainage systems. This should be a consideration when introducing planning controls via local policies.

Other proposals within Amendment C197 such as the Greater Shepparton Resource Recovery Precinct Feasibility and Site Selection Study 2016, Strategic Review of Tatura Industrial Land and other changes to land affected by the Amendment are supported.

Based on the information provided, G-MW has no objection to Planning Scheme Amendment C197 subject to the following conditions:

- Changes proposed by the amended Clause 21.05 are not supported pending further information and discussion.

If you require further information please e-mail planning.referrals@gmwater.com.au or contact 1800 013 357.

Yours sincerely

ORIGINAL SIGNED BY NEIL REPACHOLI

Neil Repacholi
SECTION LEADER STATUTORY PLANNING

From: [Michael MacDonagh](#)
To: ["Repacholi, Neil"](#)
Cc: [Andrew Dainton](#); [Collins, Hayley](#); [Dickinson, Tim](#)
Subject: RE: TATDOC-#4385060-v1-PSA-17-00008_-_SHEP_-_C197_-_PLANNING_SCHEME_AMENDMENT__RESPONSE
Date: Monday, 24 July 2017 4:10:56 PM
Attachments: [image001.png](#)
[image002.jpg](#)

Hi Neil,

Thank you for meeting with Council officers this afternoon to discuss the concerns raised in G-MW's submission to Amendment C197.

I understand that the concerns raised in G-MW's submission and in our meeting relate to the exemptions provided by the *Goulburn-Murray Water Native Vegetation Code of Practice, February 2011* included in the Schedule to Clause 52.17 Native Vegetation of the Planning Scheme. These concerns are outside of the authorisation provided by the Department of Environment, Land, Water and Planning for Amendment C197; Council officers look forward to resolving these concerns through further dialogue between relevant staff within G-MW and Council.

I note that the concerns raised in your submission have now been satisfied and that G-MW has withdrawn it.

If you have any further queries regarding the above or attached, do not hesitate contact me.

Regards,

Michael



Michael MacDonagh
Team Leader Strategic Planning

Greater Shepparton City Council

Phone: (03) 5832 9733

Email: michael.macdonagh@shepparton.vic.gov.au

Website: www.greatershepparton.com.au

[One Tree Per Child Banner](#)



-----Original Message-----

From: Repacholi, Neil [mailto:Neil.Repacholi@gmwater.com.au]

Sent: Monday, 24 July 2017 3:07 PM

To: Michael MacDonagh

Cc: Andrew Dainton; Dickinson, Tim; Collins, Hayley

Subject: RE: TATDOC-#4385060-v1-PSA-17-00008_-_SHEP_-_C197_-_PLANNING_SCHEME_AMENDMENT__RESPONSE

Hi Michael,

Thanks for meeting with us earlier this afternoon in relation to our response to Amendment C197. GMW previously advised that it supported the Amendment C197 with the exception of the alteration to Clause 21.05 and our meeting revealed that the copy of Clause 21.05 accessed by GMW was different to that advertised as part of the Amendment.

GMW was able to express its concerns with councils approach to the removal of native vegetation when maintaining "Utilities" however it is a separate consideration to this planning scheme amendment as on Public Display.

The opportunity to prepare an MOU has been discussed in order to clarify and prepare a common approach to Utility maintenance and GMW will document an approach for Councils consideration. We will seek a letter by our Managing Director to Councils CEO for agreement on an MOU.

Given our discussions and the MOU approach suggested, GMW withdraws its objection to Clause 21.05 as required by our response dated 5 May 2017.

Regards

Neil

GOULBURN-MURRAY WATER

Neil Repacholi

Section Leader Statutory Planning

Corporate Services

"Committed to driving performance for our customers"

40 Casey Street

PO Box 165

Tatura Victoria 3616 Australia

www.g-mwater.com.au

Phone (03) 5826 3471

Mobile 0447 513 756

Fax (03) 5826 3501

Email neil.repacholi@gmwater.com.au

-----Original Message-----

From: Michael MacDonagh [<mailto:Michael.MacDonagh@shepparton.vic.gov.au>]

Sent: Monday, 24 July 2017 12:01 PM

To: Repacholi, Neil

Subject: RE: TATDOC-#4385060-v1-PSA-17-00008_-_SHEP_-_C197_-_PLANNING_SCHEME_AMENDMENT__RESPONSE

Submission Number 2

GBCMA Ref: F-2017-0231
Document No: 5

Council Ref: C197

Date: 15 May 2017



**GOULBURN
BROKEN**

CATCHMENT
MANAGEMENT
AUTHORITY

www.gbcma.vic.gov.au

Ms Elke Cummins
Acting Team Leader Strategic Planning
Greater Shepparton City Council
Locked Bag 1000
Shepparton Vic 3632

Dear Ms Cummins

**Proposed Planning Scheme Amendment C197
Greater Shepparton Planning Scheme**

Thank you for giving notice under Section 19 of the *Planning and Environment Act, 1987*, received 28 April 2017, regarding the above matter.

In response I advise that the Goulburn Broken CMA raises no objections to the proposed planning scheme amendment.

If you have any queries, please contact me on **(03) 5822 7700**. To assist in handling any enquiries please quote **F-2017-0231** in your correspondence. Please note that all electronic correspondence should be directed to planning@gbcma.vic.gov.au.

Yours sincerely

Guy Tierney
**Statutory Planning and
Floodplain Manager**

Head Office:
Shepparton
168 Welsford Street,
PO Box 1752,
Shepparton, Vic. 3632
Telephone: (03) 5822 7700
Facsimile: (03) 5831 6254

Benalla
89 Sydney Road,
PO Box 124,
Benalla, Vic. 3672
Telephone: (03) 5761 1611

Yea
5/10 High Street,
Yea, Vic. 3717
Telephone: (03) 5797 4400

Information contained in this correspondence is subject to the definitions and disclaimers below.

Definitions and Disclaimers

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or local government authority.
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).
4. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100-year ARI flood will occur on average once every 100 years.
5. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
6. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
7. This letter has been prepared in response to local government authority notice under Section 19 of the *Planning and Environment Act 1987*, for proposed **Planning Scheme Amendment C197**, and is for the use only of the party to whom it is addressed and no responsibility is accepted to any third party for the whole or any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it will appear.
8. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.

Submission Number 3

Our Ref: FOL/95 DOC17/31489

23 May 2017

Strategic Planning
Greater Shepparton City Council
Locked Bag 1000
SHEPPARTON 3630

Attention: Sam Kemp

Dear Sir

**AMENDMENT C197
GREATER SHEPPARTON PLANNING SCHEME
NOTICE OF PREPARATION OF AN AMENDMENT – EXPLANATORY REPORT**

I refer to your letter dated the 24 April 2017, regarding amendments to the proposed planning scheme amendment C197 in accordance with Section 19(1)(c) of the Planning and Environment Act 1987.

The Planning Scheme Amendment proposes to:

Correct spelling, grammar, formatting, zone and overlay errors, and clarify the intent of planning controls in the Greater Shepparton Planning Scheme (Planning Scheme). The Amendment also proposes to update the Municipal Strategic Statement (MSS) to include the adopted strategies as reference documents and introduce the recommendations into the Planning Scheme

The amendment applies to land known as:

All land in the municipality

The Corporation appreciates the opportunity to comment on this amendment and advises as follows:-

The Corporation has investigated the Planning Scheme amendment forwarded under 19(1)(c) of the Planning and Environment Act, 1987, and does not object to the amendments.

If you require any further information regarding this matter please contact Lee Burke on (03) 5832 4669

Yours faithfully



Paul Kerrins
TECHNICAL CUSTOMER SERVICE CO-ORDINATOR

Submission Number 4

Ms. Elke CUMMINS
Acting Team Leader Strategic Planning
GREATER SHEPPARTON CITY COUNCIL
90 WELSFORD ST
SHEPPARTON VIC 3630

25/05/2017

Reference: 5007482

Dear Ms. CUMMINS

RE: PLANNING SCHEME AMENDMENT: C197

Thank you for your correspondence in relation to the above planning scheme amendment, referred to EPA on 24/04/2017.

EPA has no concerns with the proposed amendment to this planning scheme with the information that has been provided.

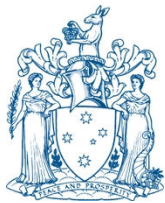
If you need additional information or assistance, please contact our Assessing Officer, Roger Simpson on 1300 EPA VIC (1300 372 842).

Yours sincerely



Ben Kneebone
Unit Manager
EPA North East
EPA Victoria

Submission Number 5



Department of Environment, Land, Water & Planning

Our Ref: SP460130
Date: 29/05/2017

Regional Planning – Hume Region
15 Hume & Hovell Road
PO Box 879 , Seymour
Victoria 3660
Telephone: (03) 5735 4300
Facsimile: (03) 5792 3230

Elke Cummings
Acting Team Leader Strategic Planning
Greater Shepparton City Council
Locked Bag 1000
SHEPPARTON VIC 3632

Dear Ms Cummings,

**RE: AMENDMENT C197
GREATER SHEPPARTON PLANNING SCHEME
NOTICE OF PREPARATION OF AMENDMENT**

I refer to your advice of the preparation of Amendment C197 to the Shepparton Planning Scheme, referred to the Minister for Environment and Climate Change, as the Minister responsible for administering the *Conservation, Forests and Lands Act 1987*, pursuant to section 19 (1)(c) of the *Planning and Environment Act 1987*.

This response is provided on behalf of the Minister for Energy, Environment and Climate Change by the Department of Environment, Land, Water and Planning (DELWP). Note that the amendment will also be subject to separate assessment by the DELWP Regional Planning Services team on behalf of the Minister for Planning as the Minister responsible for the *Planning and Environment Act 1987*.

The amendment is supported as exhibited.

Dave Smith, Senior Environment Assessment Officer from DELWP discussed the amendment with Sam Kemp from Greater Shepparton Council including the matters covered Clause 21.05 (Environment). The amendments to Clause 21.05 (Environment) to include recommendations from the Greater Shepparton Environmental Sustainability Strategy 2014 – 2030 are expected to assist protect significant vegetation, landscapes and waterways and are strongly supported.

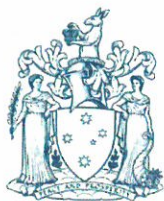
If you have any questions or further correspondence regarding this matter, please contact me by phone on 02 6043 7934 or email andrew.morphett@delwp.vic.gov.au.

Yours sincerely

Andrew Morphett
Acting Program Manager
Planning and Approvals- Hume Region

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Department of Environment, Land, Water & Planning

Our Ref: SP460130
Date: 24/07/2017

Regional Planning – Hume Region
15 Hume & Hovell Road
PO Box 879, Seymour
Victoria 3660
Telephone: (03) 5735 4300
Facsimile: (03) 5792 3230

Elke Cummings
Acting Team Leader Strategic Planning
Greater Shepparton City Council
Locked Bag 1000
SHEPPARTON VIC 3632

Dear Ms Cummings,

**RE: AMENDMENT C197
GREATER SHEPPARTON PLANNING SCHEME
NOTICE OF PREPARATION OF AMENDMENT**

I refer to your advice of the preparation of Amendment C197 to the Shepparton Planning Scheme, referred to the Minister for Environment and Climate Change, as the Minister responsible for administering the *Conservation, Forests and Lands Act 1987*, pursuant to section 19 (1)(c) of the *Planning and Environment Act 1987*.

This response is provided on behalf of the Minister for Energy, Environment and Climate Change by the Department of Environment, Land, Water and Planning (DELWP). Note that the amendment will also be subject to separate assessment by the DELWP Regional Planning Services team on behalf of the Minister for Planning as the Minister responsible for the *Planning and Environment Act 1987*.

The amendment is supported as exhibited.

If you have any questions or further correspondence regarding this matter, please contact me by phone on 5735 4365 or email kelly.edwards@delwp.vic.gov.au.

Yours sincerely

Kelly Edwards
Program Manager
Planning and Approvals- Hume Region

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Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002

Submission Number 6

D'E AGOSTINO ENGINEERING

ENGINEERING & STEEL SALES

315 Benalla Rd, Shepparton. - P.O. Box 493 Shepparton, 3632.

Ph: (03) 5831 7899 Fax: (03) 5831 7977 Mobile: 0428 579 010 A/H: (03) 5826 5379

A.B.N. 48 836 685 313

27 May 2017

To whom it concerns.
Greater Shepparton City Council.
Locked Bag 1000.
Shepparton Victoria. 3632.

Greater Shepparton City Council	
File No	
Record No	
30 MAY 2017	
Referred To	
Copies To	

Dear Sir/Madam,

RE: Objection to Amendment C197.

I object to the proposed amendment C 197 in its current form as it does not correct a number of omissions and anomalies rendering the objective of the amendment futile as this amendment does not meet the stipulations in the Local Government Act. This costly exercise is a waste of resources that will fail the objectives of the C 197 amendment as well as not complying with the local Government Act

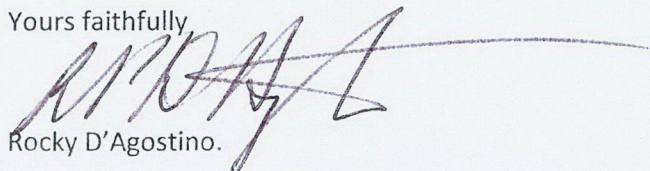
I can therefore state that the Council staff preparing this amendment has failed the duty of care to produce the appropriate and complete document that he or she is delegated to do.

I will be meeting with Michael MacDonagh on the 30 May 2017 after which I will provide further clarification to this objection.

I therefore will be available for the directions hearing on the 3 July 2017 as well as the full Panel Victoria Hearing on 24 July 2017.

If you have any questions please forward those to me via email <abc21895@scelco.net.au>.

Yours faithfully



Rocky D'Agostino.

APPENDIX C – Meeting Notes with Submitter No. 6

Meeting 1 with Submitter No.6

FILE NOTE

Planning & Development

TELEPHONE CONVERSATION	MEETING ✓	SITE VISIT	OTHER
------------------------	-----------	------------	-------

Project / Subject: Various planning scheme amendments and flooding

90 Welsford Street, Shepparton
Locked Bag 1000
SHEPPARTON 3632

Address: various

Telephone: 03 5832 9730
Facsimile: 03 5831 1987

Our Reference: C197, C192 + C193

Date: 30/5/17 Time: 9am Pages 1 of 4

Email: council@shepparton.vic.gov.au
Website: www.greatershepparton.com.au

Parties Involved / Contact: Rocky D'Agostino, Michael MD + Grace D

Notes: Rocky ^{enquired} ~~received notice~~ as part of Amendment C197 (Anomalies) and wished to discuss various Amendments and flooding issues, as outlined below:

- ① Areas of Aboriginal cultural heritage sensitivity mapping
 - Rocky queried why this overlay applies and why he was never notified.
 - > GD explained this is not an overlay in the Greater Shepparton Planning Scheme and not managed or controlled by Council.
 - > MMD explained that this mapping was applied under the Aboriginal Heritage Act 2006 by AAV
 - > Council to provide link to website/information

② 2002 Flood Study

- Rocky queried where he could access a

Prepared By: _____ Contact No: _____

Signature: _____ Trim Number: _____

FILE NOTE

Planning & Development

TELEPHONE CONVERSATION	MEETING ✓	SITE VISIT	OTHER
------------------------	-----------	------------	-------

Project / Subject:

90 Welsford Street, Shepparton
Locked Bag 1000
SHEPPARTON 3632

Address:

Telephone: 03 5832 9730
Facsimile: 03 5831 1987

Our Reference:

Date:

Time:

Pages 2 of 4

Email: council@shepparton.vic.gov.au
Website: www.greatershepparton.com.au

Parties Involved / Contact:

Notes:

summary of the consultation undertaken
an, ~~in~~ particular, the stakeholders/
organisations involved in the preparation
of the study. A steering committee or
project board/working group or similar
- Council to provide this information and/
or follow up with GBCMA

③ Shepp East Flood Study and Shepp Moorooka
Flood Intelligence Project (upcoming).

- Rocky queried the status of these projects
and when the findings will be available
- MMD explained that these are with the
GBCMA, not Council, and will be implemented
through a future planning scheme amendment.
- AD indicated that it could be possible for
the Minister to implement it without notice
similar to changes to B10 mapping.

Prepared By: _____

Contact No: _____

Signature: _____

Trim Number: _____

FILE NOTE

Planning & Development

TELEPHONE CONVERSATION	MEETING ✓	SITE VISIT	OTHER
------------------------	-----------	------------	-------

Project / Subject:

90 Welsford Street, Shepparton
Locked Bag 1000
SHEPPARTON 3632

Address:

Telephone: 03 5832 9730
Facsimile: 03 5831 1987

Our Reference:

Date:

Time:

Pages 3 of 4

Email: council@shepparton.vic.gov.au
Website: www.greatershepparton.com.au

Parties Involved / Contact:

Notes: ④ Amendment C197

- Rocky highlighted that there are more errors/anomalies in the scheme beyond what C197 seeks to fix.

> CID agreed and explained that Council progressively reviews the scheme. Additional errors can be fixed through the next anomalies amendment.

- Rocky ~~Feb~~ stated that he would object if the errors he highlighted were not included in C197.

> CID stated that any additional changes would require assessment under Ministerial Direction 11 and may be outside the authorisation of C197.

> Rocky's submission would be considered and formally responded to / referred to Panel.

Prepared By: _____

Contact No: _____

Signature: _____

Trim Number: _____

FILE NOTE

Planning & Development



GREATER
SHEPPARTON

TELEPHONE CONVERSATION	MEETING ✓	SITE VISIT	OTHER
------------------------	-----------	------------	-------

Project / Subject:

90 Welsford Street, Shepparton
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Address:

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Our Reference:

Date:

Time:

Pages 4 of 4

Email: council@shepparton.vic.gov.au
Website: www.greatershepparton.com.au

Parties Involved / Contact:

Notes: ⑤ Amendment C192

- Rocky queried how the CACS was formulated and why his land at Midland Hwy / Doyles Rd was ~~excluded~~ ^{excluded} from the ACZ

> MMD explained the background of the CACS and C192 + C193.

> GD stated that if Rocky wants his land included in the ACZ, he should put this in a submission

⑥ 7140 GV Highway.

- Rocky explained that the house burnt down and was rebuilt with a new dwelling. He believes there is some conflict between the level of the dwelling and the highway.

> Council to follow up on this and respond regarding levels.

Prepared By: Grace Docker

Contact No:

Signature:

Trim Number:

Hi Rocky,

Further to Tuesday morning's meeting, I can provide the following information:

1. Areas of Aboriginal Cultural Heritage Sensitivity Mapping
 - Here's a link to the Aboriginal Victoria (AAV) website: <http://www.vic.gov.au/aboriginalvictoria.html>. Here is the contact page for Aboriginal Victoria: <http://www.vic.gov.au/aboriginalvictoria/contact-us.html>.
2. Shepparton Mooroopna Floodplain Management Study 2002. This Plan was implemented through Amendment C23 to the Greater Shepparton Planning Scheme in 2004.

Greg Mckenzie, Manager Environment, has provided the following information:

There were two bodies – one was a technical steering committee which was made up of relevant agencies (GMW GVV SES etc) and one was a community reference group (CRG) which was called for through extensive media coverage. We had around 50-60 people volunteered for that and we had very good attendance at the meetings of that group – generally between 20-30 at each one. I remember distinctly that this group was very vocal about not implementing any structural mitigation measures that would have adverse impacts on sections of the community. Hence the mitigation measures that formed part of the final report were centred around non-structural measures eg planning and education.

3. Amendment C197:
 - Council has received your submission to Amendment C197 and Council officers will be in contact shortly.
4. Dwelling at 7140 Goulburn Valley Highway, Shepparton
 - Council officers are satisfied that all regulations would have been complied with at the time of the construction of the Highway and the dwelling. If you have further concerns, please contact Goulburn Broken Catchment Management Authority in relation to the declared flood height and VicRoads in relation to the height of the Highway.

Thanks,

Michael



GREATER
SHEPPARTON

Michael MacDonagh
Team Leader Strategic Planning

Greater Shepparton City Council

Phone: (03) 5832 9733

Email: michael.macdonagh@shepparton.vic.gov.au

Website: www.greatershepparton.com.au

**Report Mobile
Black Spots**

GREATER
SHEPPARTON



Meeting 2 with Submitter No.6

FILE NOTE

Planning & Development



TELEPHONE CONVERSATION	<u>MEETING</u>	SITE VISIT	OTHER
------------------------	----------------	------------	-------

Project / Subject: Amendment C197.

90 Welsford Street, Shepparton
Locked Bag 1000
SHEPPARTON 3632

Address:

Telephone: 03 5832 9730
Facsimile: 03 5831 1987

Our Reference: C-197.

Email: council@shepparton.vic.gov.au
Website: www.greatershepparton.com.au

Date: 20 / 7 / 17 Time: 15:50 Pages

Parties Involved / Contact: MMD, Mitchell Slater (student

Notes: planner) and Rocky D'Agostino.

1/ Rocky called to the front reception requesting a meeting with MMD.

2/ MMD + Mitchell spoke to Rocky.

3/ Rocky stated that the copy of the amendment given to Rocky by Sam several months ago did not include the reference documents. Rocky advised that more time was required to respond to Council's letter.

4/ MMD confirmed that Council would need to resolve on the amendment within 40 business days.

Prepared By: Michael McDermott Contact No: 03 5832 9733

Signature: _____

Trim Number: _____

days ~~at~~ after the exhibition ended.
A parcel would need to be requested
on or before Monday, 24 July.

5/. MMS + Rocky agreed that a
parcel was required.

6/. Rocky to respond to council's
letter over the coming months.

This is an accurate reflection of the conversation just had.

Mitchell Storer M. Storer

APPENDIX D – Letter of Response to Submission No.6



9 June 2017

Rocky D'Agostino
PO Box 493
SHEPPARTON VIC 3632

Dear Mr D'Agostino

AMENDMENT C197 TO THE GREATER SHEPPARTON PLANNING SCHEME

I refer to your submission to the above-mentioned amendment received by Council on 30 May 2017 and a meeting held with Council officers on 30 May 2017.

The Amendment proposes to correct spelling, grammar, formatting, zone and overlay errors, and clarify the intent of planning controls in the Greater Shepparton Planning Scheme (Planning Scheme). The Amendment also proposes to update the Municipal Strategic Statement to include a number of adopted strategies as reference documents and introduce relevant recommendations from these strategies into the Planning Scheme.

Your submission raises concerns that there are additional anomalies that should also be corrected by the proposed Amendment.

As discussed at the meeting held with Council officers on 30 May 2017, the additional anomalies that you have raised have not been assessed and are, therefore, outside of the authorisation for this amendment.

Council officers progressively review existing errors and anomalies in the Planning Scheme. It would be beneficial if you could outline, in writing, the changes that you have identified verbally at the meeting held with Council officers. Council officers may consider these as part of a future anomalies amendment.

Given the above, Council officers are not proposing any changes to Amendment C197 as a result of your submission. Council officers consider that this response addresses the concerns outlined in your submission.

If your concerns have been satisfied, please advise Council of this in writing by 19 June 2017. Otherwise, your submission, together with any others received, will be referred to an Independent Planning Panel for consideration. Once an Independent Planning Panel has been requested, Planning Panels Victoria will be in contact with you directly to coordinate the Panel Hearing proceedings.

If you have any queries regarding this matter, contact Michael MacDonagh, Team Leader
Strategic Planning, on (03) 5832 9730 or via email at
michael.macdonagh@shepparton.vic.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kalms', with a long horizontal flourish extending to the right.

Colin Kalms
MANAGER BUILDING AND PLANNING

Trim: C17/11689