

Amendment C212

Part A Submission



Prepared by the Greater Shepparton City Council



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1.0 Introduction

This Part A submission is made on behalf of Greater Shepparton City Council (Council), which is the Planning Authority for Amendment C212 to the Greater Shepparton Planning Scheme (Planning Scheme).

The Amendment seeks to implement the recommendations of the *Greater Shepparton Townships Framework Plan Review 2018* (the Review) by revising the Framework Plans in the Municipal Strategic Statement of the Planning Scheme.

The Review focuses only on nine (9) of the ten (10) townships that the *Greater Shepparton Housing Strategy 2011* (GSHS) provides Framework Plans for excluding Shepparton East, and the urban areas of Shepparton, Mooroopna and Kialla. The future strategic direction for these areas will be realised through the *Shepparton and Mooroopna 2050: Regional City Growth Plan* currently being prepared by the Victorian Planning Authority in collaboration with Council. The Review was prepared to complement and build-upon the work undertaken through the GSHS.

A total of 14 submissions were received in response to the Amendment. Four (4) submissions were received by Council during the formal exhibition period. 11 late submissions were received by Council.

Council has sought to engage with all stakeholders relevant to the Amendment and, where possible, sought to resolve all submissions.

As directed by the Panel, this Part A submission includes the following:

- Background to Amendment C212;
- Chronology of events;
- Identification of issues raised in submissions and Council officers' response; and
- Proposed changes to the Amendment in response to submissions received.

2.0 Background to the Amendment

2.1 Land Subject to the Amendment

The Amendment applies to all land in nine (9) townships within the City of Greater Shepparton that the GSHS provides Framework Plans for. The proposed revisions to the Framework Plans are displayed in Figures 1, 2, 3, 4, 5, 6, 7, 8 and 9.

Table 1 below describes the land directly affected by the Amendment, the current designation in the relevant Framework Plan of the Planning Scheme and the changes Council is proposing as part of the Amendment.

Table 1: Land Affected by the Amendment.

ADDRESS	CURRENT DESIGNATION IN FRAMEWORK PLAN	PROPOSED DESIGNATION IN FRAMEWORK PLAN
Congupna		
Part of 226 Old Grahamvale Road, Congupna (existing Public Acquisition Overlay (PAO))	Potential Low Density	Public Acquisition Overlay (PAO) – no residential growth proposed
Dookie		
N/A	No changes proposed	No changes proposed
Katandra West		
236 Hickey Road, Katandra West	Outside settlement boundary – no residential growth proposed	Include within settlement boundary as Potential Low Density
Merrigum, Murchison and Tallygaroopna		
N/A	No changes proposed	No changes proposed
Tatura		
95 Dhurringile Road, Tatura	Outside settlement boundary – no residential growth proposed	Outside settlement boundary with arrow denoting Future Long Term Growth
117 Dhurringile Road, Tatura	Outside settlement boundary – no residential growth proposed	Outside settlement boundary with arrow denoting Future Long Term Growth
155 Dhurringile Road, Tatura	Outside settlement boundary – no residential growth proposed	Outside settlement boundary with arrow denoting Future Long Term Growth
195 Dhurringile Road, Tatura	Potential Low Density	Urban Growth Area
28 Ferguson Road, Tatura	Potential Low Density	Urban Growth Area
85 Ferguson Road, Tatura	Potential Rural Living	Part Potential Low Density and part Potential Rural Living
110 Ferguson Road, Tatura	Potential Low Density	Part Urban Growth Area and part Potential Rural Living
895 Pyke Road, Tatura	Part Potential Rural Living and part Potential Low Density	Potential Low Density
Toolamba & Old Toolamba		
85 Bridge Road, Toolamba	Outside settlement boundary – no residential growth proposed	Outside settlement boundary with arrow denoting 'Future Long Term Growth'
91 Bridge Road, Toolamba	Outside settlement boundary – no residential growth proposed	Outside settlement boundary with arrow denoting 'Future Long Term Growth'
Part of 335 Rutherford Road, Toolamba	Investigation Area 6 and arrow denoting 'Future Long Term Growth'	Part Investigation Area without arrow denoting 'Future Long Term Growth', revision of settlement boundary to north of the PAO – part PAO and part no residential growth proposed
Undera		
1915 Echuca Road, Undera	Potential Rural Living	No residential growth proposed

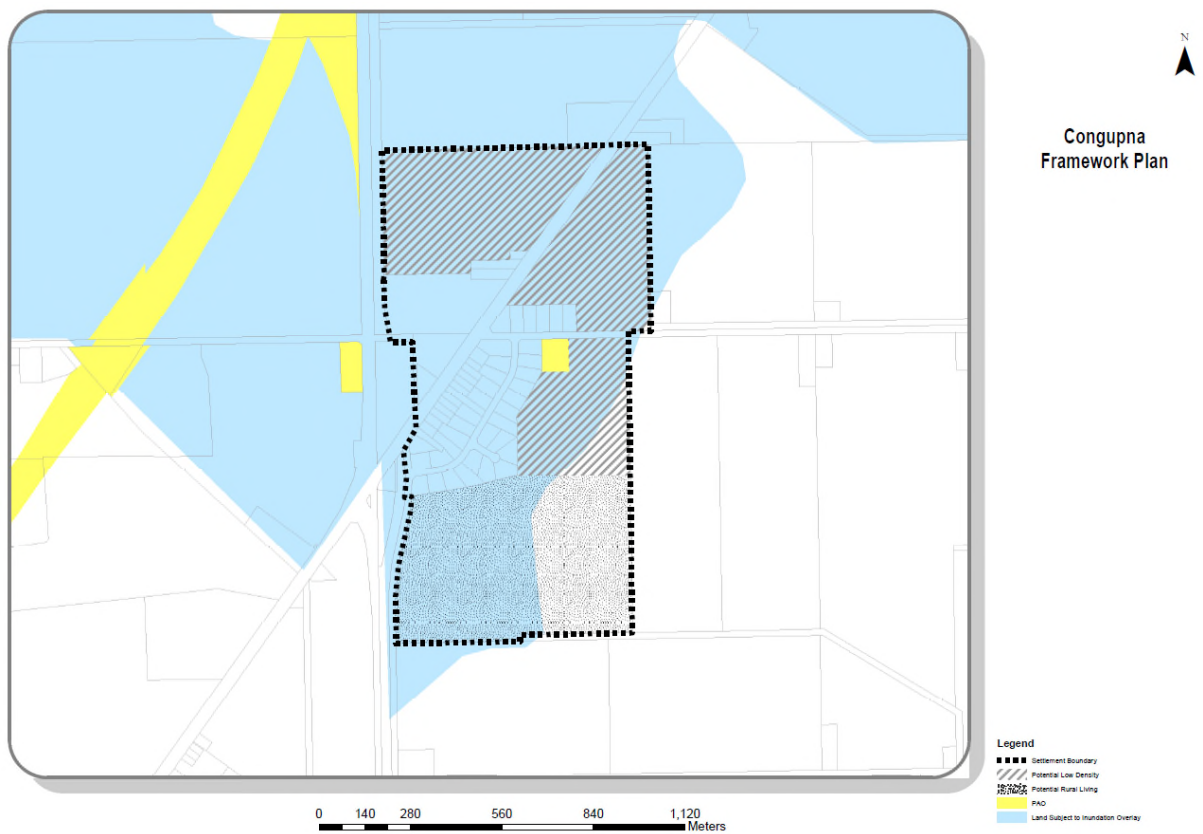


Figure 1: Congupna Framework Plan

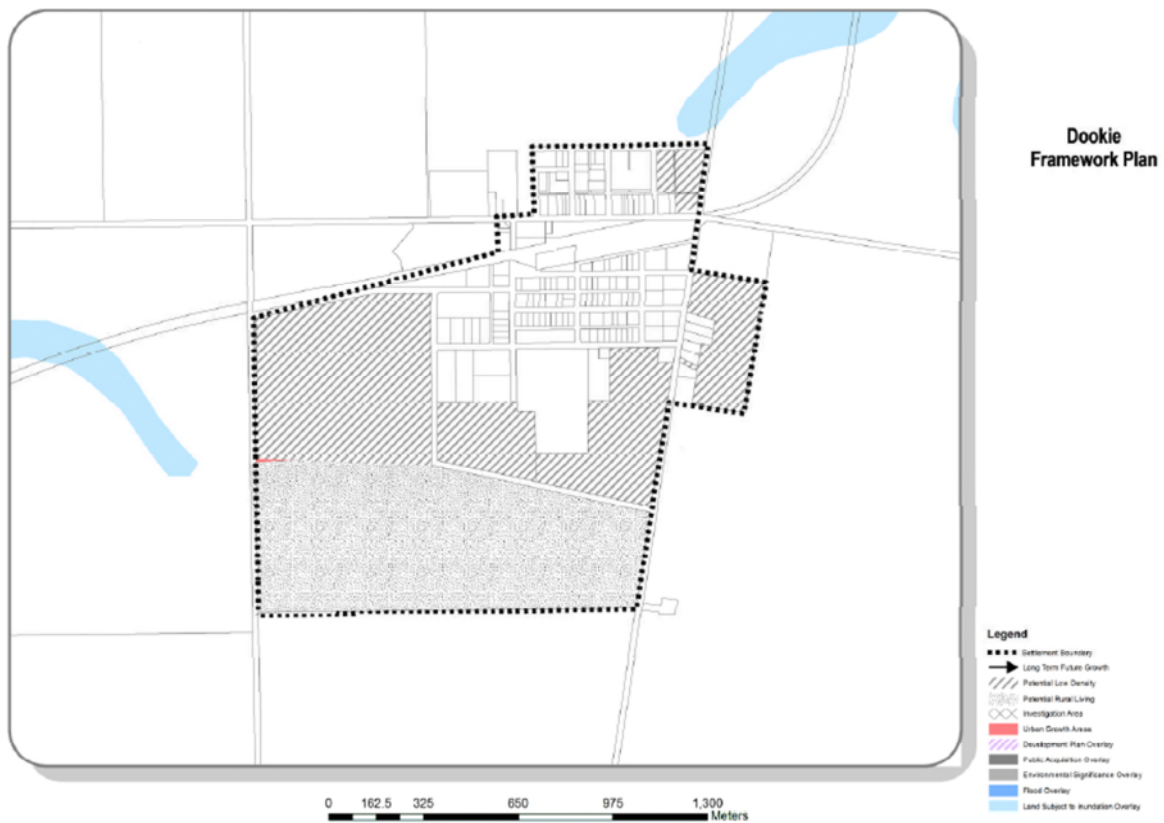


Figure 2: Dookie Framework Plan

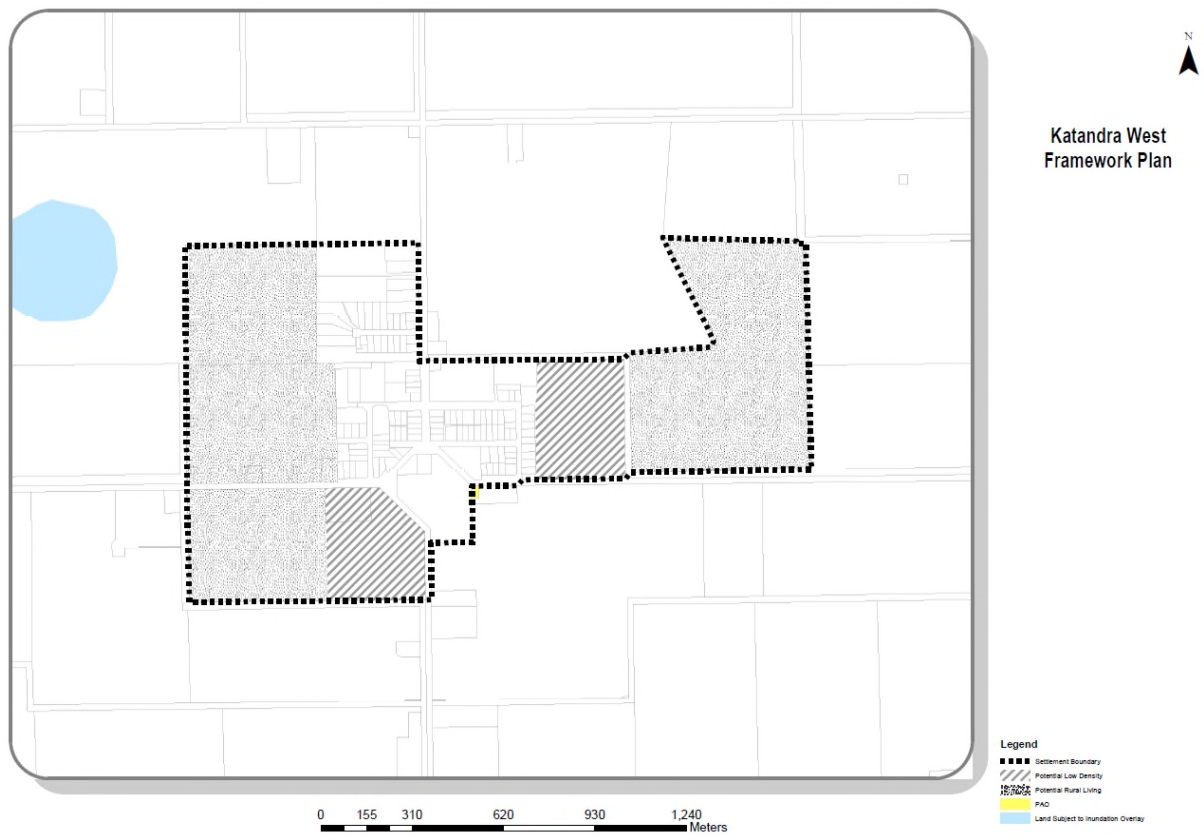


Figure 3: Katandra West Framework Plan

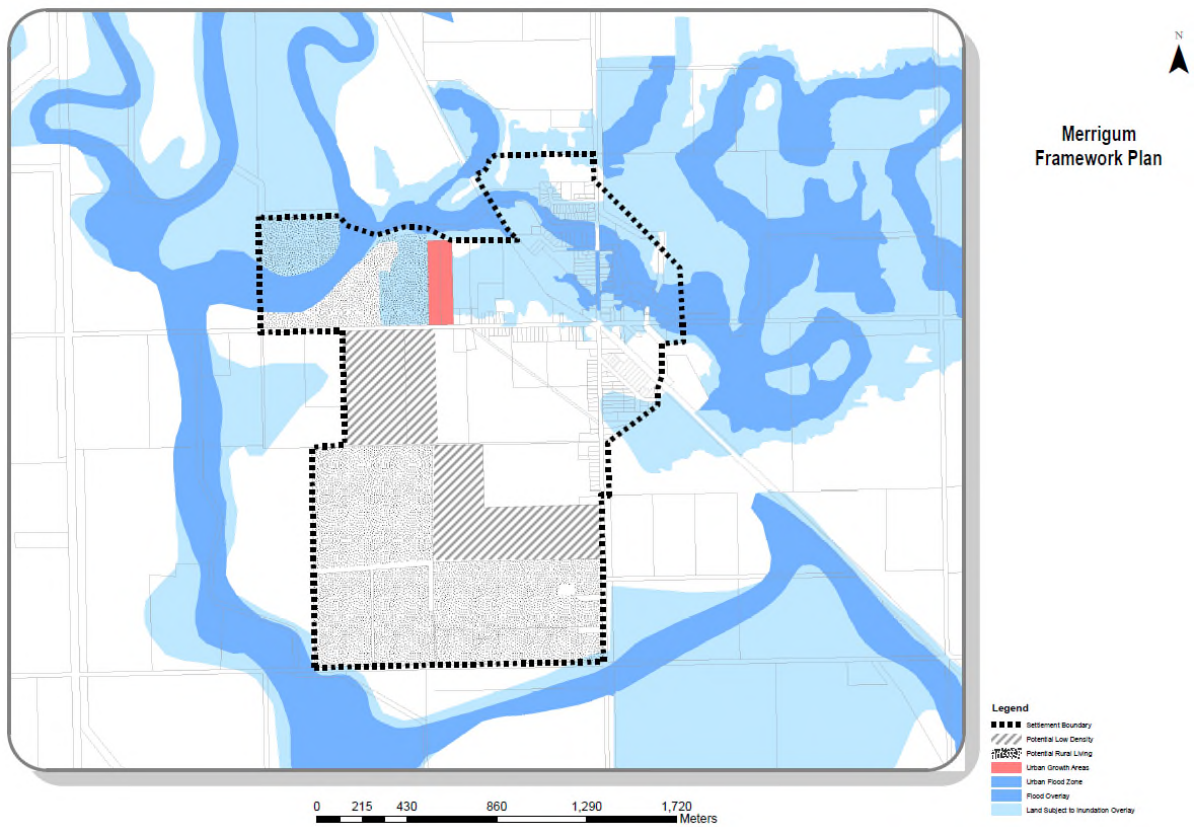


Figure 4: Merrigum Framework Plan

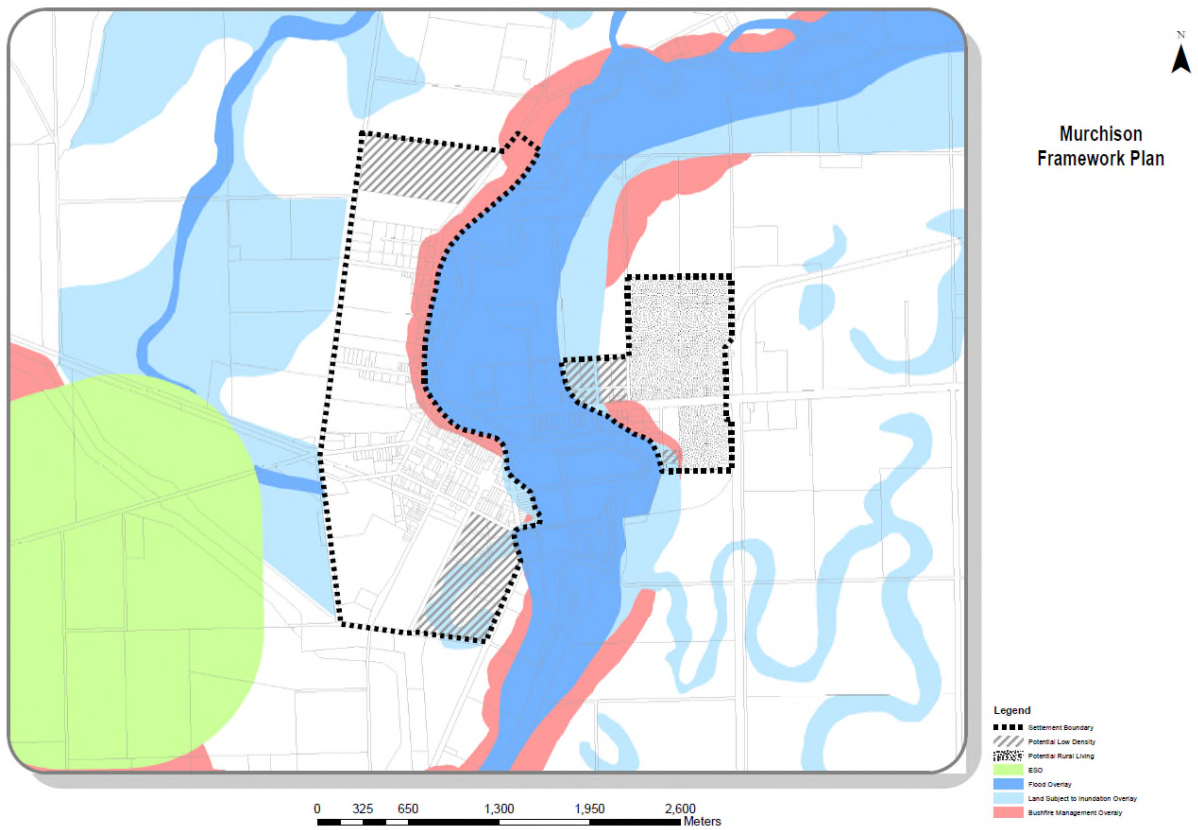


Figure 5: Murchison Framework Plan

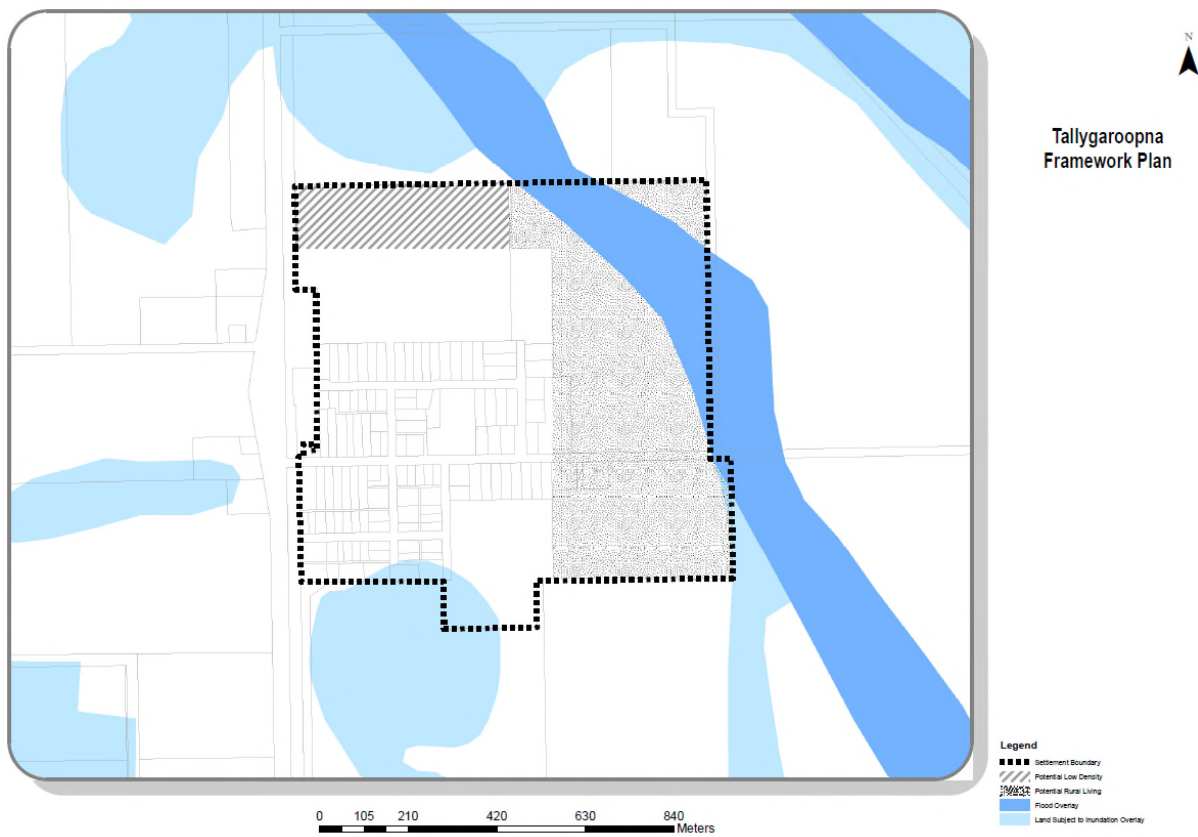


Figure 6: Tallygaroopna Framework Plan

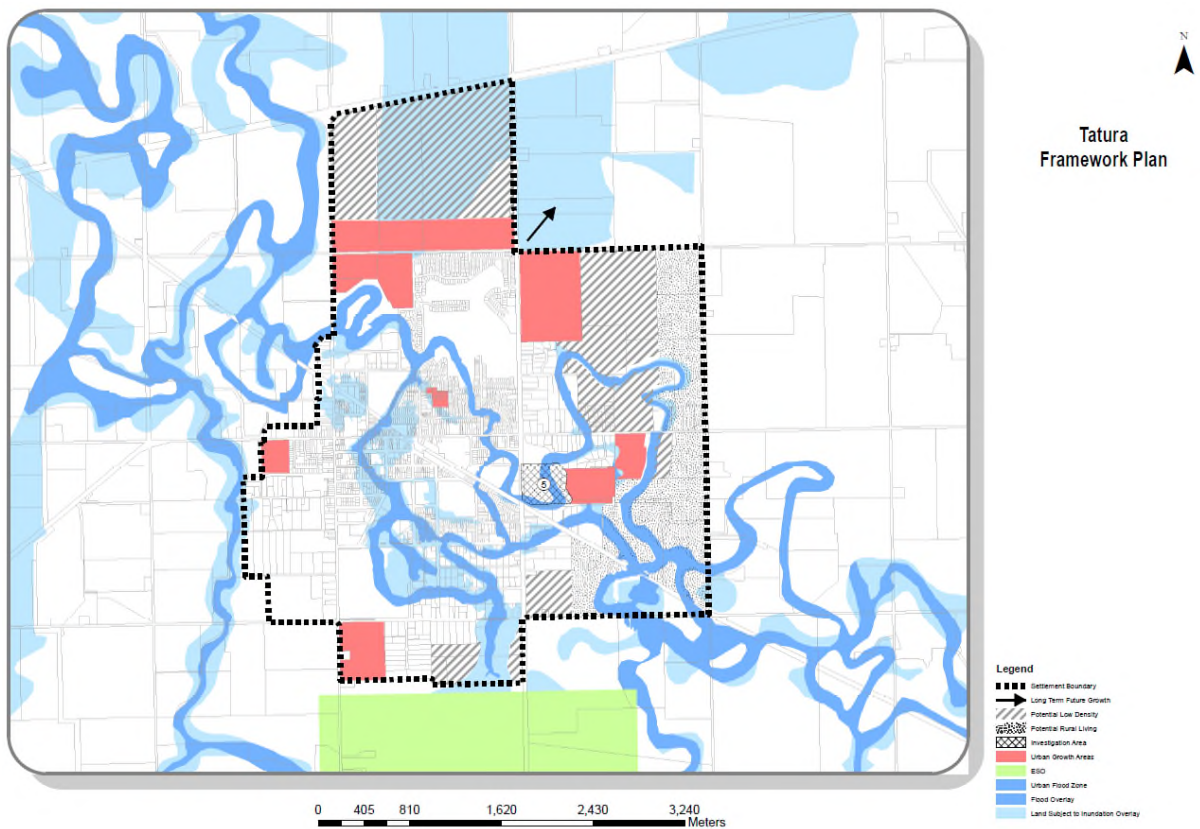


Figure 7: Tatura Framework Plan

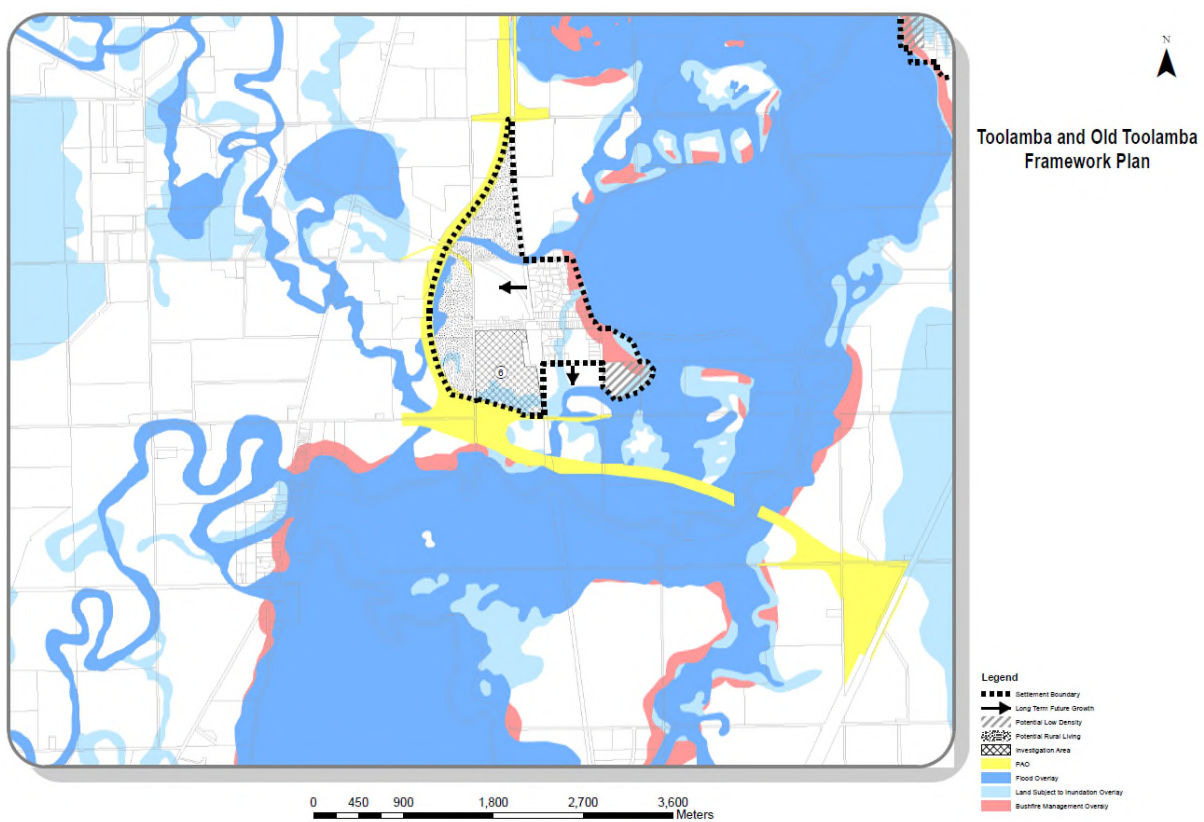


Figure 8: Toolamba Township Framework Plan

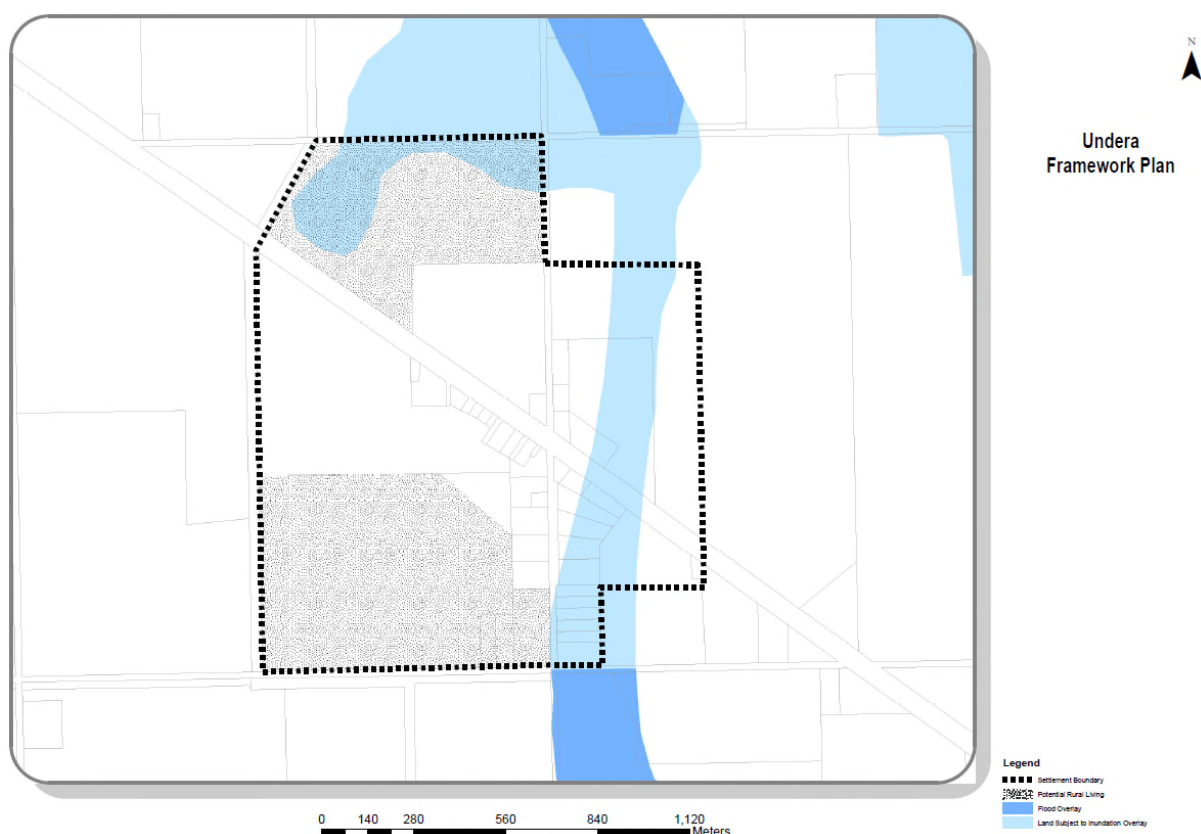


Figure 9: Undera Framework Plan

2.2 Chronology of Events

The following information provides a timeline of the relevant strategic planning work undertaken for Amendment C212.

- **August 2009:** GSHS adopted by Council.
- **May 2011:** GSHS updated in May 2011.
- **21 June 2012:** GSHS implemented into the Planning Scheme through Amendment C93.
- **February 2018:** A *Draft Greater Shepparton Township Framework Plan Review 2018* (the Draft Review) was prepared by Council officers. This included revision of the nine (9) township Framework Plans in the Planning Scheme. Council wrote to all relevant agencies and critical stakeholders seeking comment on the Draft Review as part of the preliminary consultation phase.
- **20 March 2018:** Council resolved to endorse the Draft Review and release it for public consultation.
- **March & April 2018:** Council officers attended community plan meetings at various townships (including Congupna, Dookie, Katandra West, Murchison, Tallygaroopna, Tatura and Toolamba). Public consultation on the Draft Review was extended by a further four (4) weeks until May to ensure sufficient time was available for all stakeholders to make a submission.
- **May 2018:** Public consultation on the Draft Review concluded. A total of 14 submissions were made to the Draft Review.
- **18 September 2018:** The Review was adopted by Council.

- **October 2018:** Draft Amendment documentation prepared for Amendment C212.
- **7 March 2019:** The Amendment was placed on exhibition.
- **8 April 2019:** Formal exhibition concluded.
- **April & May 2019:** Council considered submissions made to the Amendment.
- **17 June 2019:** A Directions Hearing was held.
- **23 July 2019:** Planning Panel Hearing is scheduled to commence.

2.3 Amendment C212 to the Planning Scheme

As specified in the Explanatory Report, the Amendment seeks to implement the recommendations of the Review by revising the Framework Plans in the Municipal Strategic Statement of the Planning Scheme.

Specifically, the Amendment proposes the following changes to the Planning Scheme:

- Amend Clause 21.04 *Settlement* to implement the updated Framework Plans for the townships and revise relevant policy; and
- Amend Clause 21.09 *Reference Documents* to include the *Greater Shepparton Townships Framework Plan Review, 2018*.

Following the implementation of Amendment C93, several parcels of land included in the Framework Plans were rezoned. The Framework Plans must be updated to reflect these rezonings.

The Amendment is required to implement the key recommendations of the Review. By implementing the Review, the Amendment will:

- assist in maintaining a supply of land to accommodate projected population growth over at least a 15 year period;
- give general guidance about land suitable for residential growth beyond 2031;
- provide guidance for a diversity of dwelling types and sizes in townships; and
- update existing Framework Plans in Clause 21.04 *Settlement* of the Planning Scheme to revise anomalous mapping errors to present accurate and clear intentions for future growth.

The Review supports the growth of Greater Shepparton's townships in a consolidated and sustainable manner, and protects sensitive land uses in accordance with the objectives of planning in Victoria. In addition, the Amendment implements the Victoria Planning Provisions and the *Hume Regional Growth Plan 2014*.

2.4 Public Exhibition and Engagement

Preliminary consultation on the Draft Review was undertaken throughout February 2018. As part of this process, Council wrote to all relevant agencies and key stakeholders seeking comment on the Draft Review. 14 submissions were received during this period from land owners and referral authorities.

Media releases were prepared, which gave information on the Review, and notices were placed in the Shepparton News and on Council's external website during the formal consultation period between March and May 2018. Council officers also attended community plan meetings in seven (7) townships during the formal consultation period to discuss the

Draft Review and encourage submissions from interested parties. Several of these meetings were well attended and attracted significant interest in the Draft Review.

The Amendment was exhibited in accordance with the *Planning and Environment Act 1987* (the Act) from 7 March 2019 to 8 April 2019 and the following notice was provided:

- Letters sent to land owners and occupiers on 5 March 2019;
- Letters sent to relevant referral authorities on 5 March 2019;
- Letters sent to prescribed ministers on 5 March 2019;
- Notice in the Shepparton News on 5 March 2019;
- Notice in the Victoria Government Gazette on 7 March 2019;
- Notice on Greater Shepparton City Council website;
- Notices on Council's various social media platforms;
- Notice on Department of Environment, Land, Water and Planning website; and
- A copy of the exhibition documentation was placed in the foyer of the Council offices at 90 Welsford Street, Shepparton.

2.5 Submissions Received in Response to the Amendment

A total of 14 submissions were received in response to notification of the Amendment. Four (4) submissions were received by Council during the formal exhibition period. 11 late submissions were received by Council.

Submissions received that did not object

Six of the submissions (Submissions 1, 2, 5, 6, 13 and 14) were received from referral authorities, which did not object to or request changes to the proposed Amendment. These referral authorities are:

- Powercor;
- Goulburn Broken Catchment Management Authority;
- Environment Protection Authority;
- Goulburn-Murray Water;
- Department of Environment, Land, Water and Planning; and
- APA VTS Australia (APA Group).

Submissions received that supported

Two submissions were received from or on behalf of land owners in support of the Amendment (Submissions 3a and 10). These are:

- Spiire Australia Pty Ltd (3a); and
- Submitter 10.

Submissions received that objected and/or requested changes

Seven submissions (Submissions 3b, 4, 7, 8, 9, 11 and 12) were received that objected to the Amendment either wholly or in part. These are:

- Spiire Australia Pty Ltd (3b & 8);

- Chris Smith & Associates Pty Ltd (4 & 7);
- Regional Roads Victoria;
- Department of Transport; and
- Country Fire Authority (CFA).

Consideration of submissions to the Amendment as well as Council's response is outlined in Section 4 of this submission. Objections raised in regards to the Amendment predominantly related to parcels of land in Tatura and Toolamba Townships (refer to *Appendix 1 – Map of Submitters for Tatura Township* and *Appendix 2 – Map of Submitters for Toolamba Township* for a map of submitters and their location).

After considering submissions to Amendment C212, it was determined that an Independent Planning Panel would be required to resolve submissions and make recommendations to Council.

Council has provided a copy of all submissions received, copies of letters of response to submitters, and a copy of the proposed post-exhibition changes to the Panel prior to the Directions Hearing and Panel Hearing.

2.6 Formal Response to Submissions

A number of submissions made to the Amendment remain outstanding, specifically submissions 3b, 4, 7, 8, 9, and 12. As such, an Independent Planning Panel is required to consider submissions and make recommendations to the Planning Authority.

Letters of response were sent to submitters who objected to the Amendment (either wholly or in part) in May and June 2019. Proposed post-exhibition changes to the Amendment documentation were circulated to all submitters on Thursday, 6 June 2019. In addition, proposed post-exhibition changes were also made available on Council's external website for members of the public to view to ensure clarity. No additional submissions have been received that respond to the proposed post-exhibition changes.

Additional post-exhibition changes (to Clause 21.04 *Settlement* and the Review) are being prepared by Council officers to respond to the concerns of submitter 12. Council officers will recommend the Review be re-adopted at a future ordinary council meeting to implement these additional changes.

The Department of Transport have provided written advice to Council supporting the proposed post-exhibition changes to the Amendment documentation.

3.0 Strategic Context and Assessment

3.1 Hume Regional Growth Plan 2014

The *Hume Regional Growth Plan* (Department of Transport, Planning and Local Infrastructure, 2014) identifies Shepparton as a Regional City and a major growth location for Victoria. In addition, Tatura is identified as a key sub-regional settlement. The Amendment is in accordance with the residential growth objectives of the *Hume Regional Growth Plan 2014* by supporting growth and development in existing urban settlements and fostering the sustainability of small rural settlements.

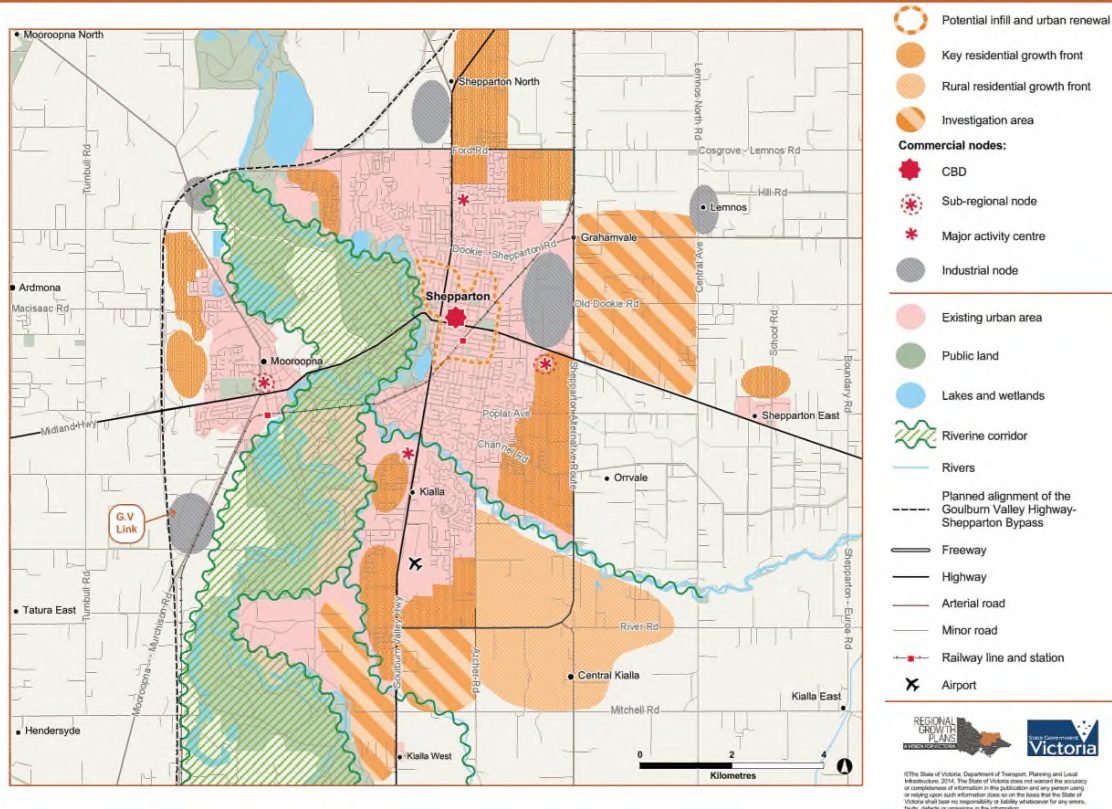


Figure 10: Shepparton Urban Growth Framework

3.2 Greater Shepparton Housing Strategy

The GSHS, prepared by David Lock Associates Pty Ltd, identifies land to meet the future residential growth of the municipality until 2031. The GSHS establishes a development framework in the Shepparton, Mooroopna and Kialla urban areas, as well as the townships within the municipality. Certain townships have experienced higher levels of growth than originally anticipated in the GSHS resulting in a shortage of residential land, thus requiring the need for their review.

3.3 Framework Plans

The GSHS supports the growth of Greater Shepparton in a consolidated and sustainable fashion. The Framework Plans specify the settlement boundary for each area, the direction for future growth, the types of potential zoning for each area and, where applicable, indicate Investigation Areas.

3.4 Settlement Boundaries

The settlement boundaries provide guidance to the potential type, location and amount of residential land required. The plans project the outward limit of growth to the year 2031 as well as in some instances providing the broad direction of longer-term growth of Greater Shepparton beyond 2031 as indicated by arrows on the Framework Plans.

Residential growth outside the nominated settlement boundaries will generally not be supported. As a result, the Framework Plans do not indicate any future growth outside the

nominated settlement boundary. The exception to this is the land contained within Investigation Areas, which, upon further investigation, may support additional land for residential development.

3.5 Investigation Areas

Investigation Areas represent land that has potential to be rezoned to a higher density residential use due to the proximity to services and/or growth areas. The areas, however, presently have significant issues or constraints such as environmental, flooding, infrastructure and/or land use conflicts. Prior to any rezoning / subdivision of land within the Investigation Area, relevant issues affecting the land will need to be resolved.

3.6 Planning Policy Framework

The Planning Policy Framework (PPF) ensures that the objectives of Section 4 of the the Act are implemented through appropriate land use and development that addresses environmental, social and economic factors to achieve sustainable development. Table 2 outlines the State Planning Policy relevant to the Amendment.

Table 2: Relevant State Policy

Policy	Implementation of Objectives
<u>Clause 11.02-1S</u> <u>Supply of urban land</u>	The Amendment sets out the orderly structure and delivery of land for a residential purpose for the townships in the municipality. The Amendment will also reflect current growth patterns and appropriately guide sensitive land uses to establish in areas suitable to accommodate it.
<u>Clause 11.02-2S</u> <u>Structure planning</u>	The Amendment will provide clear direction on the appropriate location for future residential land use in the townships and identify land capable of accommodating higher residential densities in the Framework Plans.
<u>Clause 12.01</u> <u>Biodiversity</u>	No land identified for future residential or rural residential development has been assessed as having high biodiversity or ecological value. As part of a future planning scheme amendment to rezone land for a sensitive use, all land will be subject to the preparation and consideration of specialist reports, including flora and fauna assessments. The Amendment will not be of detriment to any environmentally significant areas.
<u>Clause 13.02</u> <u>Bushfire</u>	<p>The Amendment supports the objectives and strategies of Clause 13.02 <i>Bushfire</i>. All future planning scheme amendments seeking to rezone land for a sensitive use will be subject to the preparation of bushfire risk assessments, where relevant, undertaken to the satisfaction of the CFA.</p> <p>The Bushfire Management Overlay (BMO) has been included on the revised Framework Plans to ensure this development constraint is noted.</p>

<u>Clause 13.03 Floodplain Management</u>	<p>The Amendment supports strategies to Clause 13.03 <i>Floodplain Management</i> by ensuring that urban sprawl and urban densification are minimised on flood-affected land. Preparation of the Review recognises the municipality's flat nature in the identification of land for future residential or rural residential development.</p> <p>A stormwater management plan and drainage strategy will be required to be prepared to the satisfaction of the relevant floodplain manager before any future rezoning of land can occur.</p>
<u>Clause 16.01-2S Location of Residential Development</u>	The Framework Plans specify the settlement boundary for the townships and a direction for future growth. The Review recommends updates to the Framework Plans to reflect current growth trends and to identify possible future residential growth on land adjacent to existing urban development.
<u>Clause 18.01-1S Integrated Transport</u>	Land directly affected by the Amendment is not proposed to be rezoned as part of Amendment C212. Upon receipt of a rezoning request for any land identified in the Framework Plans, all relevant authorities would be consulted with to better understand their requirements. Amongst other things, a traffic impact assessment would need to be undertaken to support a rezoning request to ensure that any future development is served by an appropriate transport network and that there are no negative impacts on the existing network.
<u>Clause 18.01-2S Transport system</u>	The Amendment identifies land that may accommodate some residential or rural residential development, subject to the completion of appropriate background reports. These reports will ensure that any future development is served by an appropriate transport network and that there are no negative impacts on the existing network. This would need to be undertaken before any land is rezoned.

3.7 Local Planning Policy Framework

The Amendment supports the Local Planning Policy Framework (LPPF) contained in the Municipal Strategic Statement (MSS). Table 3 outlines the Local Planning Policy relevant to the Amendment.

Table 3: Relevant Local Planning Policy

Policy	Implementation of Objectives
<u>Clause 21.04 Settlement</u> - This policy provides strategic direction for residential growth in the municipality. This policy includes Framework Plans to guide development in areas across Greater Shepparton, including the townships. The Framework Plans direct urban growth and densification to specific	In order to respond to the current levels of growth experienced in the townships, the Framework Plans have been reviewed. The Amendment aims to meet the residential growth objectives outlined in Clause 21.04 <i>Settlement</i> by implementing current and robust Framework Plans for future sensitive land uses that will create a variety of future housing types. The

growth corridors capable of accommodating a sensitive land use.	<p>Amendment guides and supports infill housing to be further developed in established residential areas whilst being responsive to the established character of the townships.</p> <p>The Amendment further supports the objectives of Clause 21.04 <i>Settlement</i> by facilitating high-quality living environments which balance the needs of residents for housing and employment opportunities with agricultural and ecological assets. The Amendment facilitates a variety of rural and residential development that will be the subject of future planning scheme amendments which will improve housing choice within the municipality.</p>
Clause 21.05 <i>Environment</i> – The policy aims to protect flora and fauna in the municipality as well as the protection and management of natural landscape features.	The Amendment protects areas of high ecological significance whilst facilitating residential growth. Expansion of the townships will be guided in accordance with the Framework Plans encouraging all future residential land uses within the settlement boundary away from areas of ecological significance.

3.8 Ministerial Directions

The Amendment complies with the following relevant Ministerial Directions. These are:

3.8.1 Ministerial Direction 1 Potentially Contaminated Land

The purpose of this Direction is to ensure that potentially contaminated land is determined to be suitable for a use that could be adversely affected by any contamination.

Most of the land associated with the Amendment has been historically used for various agricultural uses. As part of a future planning scheme amendment to rezone land for a sensitive land use, an environmental site assessment will need to be undertaken by a suitably qualified consultant. This will include investigation, specific site assessment and recommendations for remediation, if necessary. Prior to the resolving to prepare and exhibit any future planning scheme amendment seeking to rezone land, the planning authority will need to be satisfied that the environmental conditions of the land are or will be suitable for a sensitive use.

3.8.2 Ministerial Direction 11 Strategic Assessment of Amendments

The purpose of this Direction is to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes that it seeks to produce. This evaluation is outlined in the Explanatory Report for the Amendment.

3.8.3 Ministerial Direction 19 Part A: Ministerial Direction on the Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health

The purpose of this Direction is to require planning authorities to seek the views of the Environment Protection Authority (EPA) in reviewing a planning scheme or preparing a planning scheme amendment that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste.

The views of the EPA were sought in February 2018 and additionally during the exhibition of the Amendment. As part of any future planning scheme amendment seeking to rezone land identified on the Framework Plans, the EPA will be notified and its feedback sought. Any environmental site assessment prepared by a suitably qualified consultant that seeks to rezone land to a sensitive land use will be subject to the satisfaction of the EPA.

3.8.4 Ministerial Direction: The Form and Content of Planning Schemes

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

4.0 Submissions to the Amendment

A total of 14 submissions were received in response to exhibition of the Amendment, as follows:

- six of the submissions (Submissions 1, 2, 5, 6, 13 and 14) were received from referral authorities, which did not object to or request changes to the proposed Amendment;
- two submissions (Submissions 3a and 10) were received in support of the Amendment; and
- seven submissions (Submissions 3b, 4, 7, 8, 9, 11 and 12) were received that objected to the Amendment either wholly or in part.

4.1 Submissions raised to the Amendment and Council Officers' Response

Concerns raised in submissions and Council officers' response is outlined in this section. Council officers met or held teleconferences with a number of the submitters; the details of these meetings or calls are also detailed in this section.

4.1.1 Submission 1: CitiPower Pty Ltd and Powercor Australia Limited

Submitter 1 raises no objections to the Amendment, nor does it make comments.

4.1.2 Submission 2: Goulburn Broken Catchment Management Authority

Submitter 2 raises no objections to the Amendment, nor does it make comments.

4.1.3 Submission 3a and 3b: Spiire Australia Pty Ltd on behalf of Kepari Pty Ltd

Submitter 3 has interest in land at 110 Ferguson Road, Tatura (refer to *Appendix 1: Map of Submitters for the Tatura Township*). Submission 3a was received by Council on 4 April 2019.

Table 4: Comments made in Submission 3a

Comments made in submission	Council officers' response
Congratulates Council on its initiative to develop framework plans to guide the sustainable growth of towns into the future. Commends Council for preparing Amendment C212 to provide certainty through inclusion of these framework plans into the Planning Scheme.	Noted.
Our client's land is identified as "Urban Growth Area" with a portion identified as "Potential Low Density". This plan and Amendment C212 is supported by our client. Submitter 3 would be pleased to discuss this with Council and kept informed of the progress of the Amendment.	Noted.

A subsequent submission to the Amendment was received by Council on Tuesday, 28 May 2019.

Table 5: Issues raised in Submission 3b

Comments made in submission	Council officers' response
Submitter 3 initially made a submission to the Amendment during the exhibition period, indicating in-principle support for the proposed Tatura Framework Plan, which identified our client's land as "Urban Growth Area" with a portion identified as "Potential Low Density".	Noted.
During, and subsequent to the exhibition period, our client has had the opportunity to conduct a more detailed feasibility analysis of the site based on the densities proposed in the Tatura Framework Plan. This exercise lead to the conclusion that based on the proposed low density designation over part of the property, economically viable development of the whole property would not be possible.	Submitter 3 has not provided any strategic justification to warrant further amendment to the Tatura Framework Plan to change the designation for the subject land from "Potential Low Density" to "Urban Growth Area". Council officers do not support amending the Tatura Framework Plan further without strategic justification.

There is a shortage of standard residential land in Tatura. The inability to develop the property will threaten the provision of standard residential land supply in Tatura.	Council officers agree. Revising the Framework Plans as exhibited will ensure that the outward limit of growth of the townships is provided for.
Submitter 3 would be pleased to discuss with Council how greater density might be accommodated across the whole site. This position will be presented at the Panel Hearing for the Amendment.	Noted.

A meeting was held between Submitter 3 and Council officers on Thursday, 13 June 2019 to discuss Amendment C212 and the potential to identify all land at 110 Ferguson Road, Tatura as "Urban Growth Area". At this meeting, Council officers noted that strategic justification has not yet been provided in support of the proposed change.

4.1.4 Submission 4: Chris Smith and Associates Pty Ltd on behalf of Herdstown Pty Ltd

Submitter 4 is chiefly concerned of the proposed revisions to the settlement boundary for the Toolamba Framework Plan.

Table 6: Issues and response to Submitter 4

Comments made in submission	Council officers' response
Requests the Toolamba Township Settlement Boundary be further adjusted to retain land at 215 Rutherford Road, Toolamba that is currently within the settlement boundary (Investigation Area 6) that is not affected by the PAO for the Goulburn Valley Highway – Shepparton Bypass.	<p>Part of the land 215 Rutherford Road, Toolamba has been proposed to be removed from the Settlement Boundary to align with the PAO for the Goulburn Valley Highway Shepparton Bypass.</p> <p>Following the receipt of authorisation for Amendment C212, and the receipt of authorisation for Amendment C168, a Growth Plan is being prepared for the Toolamba Townships. The Growth Plan aims to identify strategic development opportunities, appropriate residential densities, and accessibility improvements between Toolamba and Old Toolamba, and to prepare a residential expansion framework that does not detract from the existing character of the townships.</p> <p>It is now Council officers' position not to alter the Toolamba Township Framework Plan until the <i>Toolamba Townships Growth Plan</i></p>

	<p>2019 is prepared and implemented into the Planning Scheme. Any alteration to the Toolamba Township settlement boundary is premature at this stage.</p> <p>Council seeks the Panel's views on excluding the Toolamba Township from Amendment C212. Once the <i>Toolamba Townships Growth Plan 2019</i> is finalised, a separate planning scheme amendment will be prepared to implement a revised plan for the Toolamba Townships.</p>
Submits that the inclusion of approximately 9.5 hectares of land at 215 Rutherford Road, Toolamba is the logical continuation of Investigation Area 6.	As above.
Vehicles will be able to embark/disembark onto the proposed Goulburn Valley Highway – Shepparton Bypass. Access to the land via local roads is set to be retained.	As above.

4.1.5 Submission 5: Environment Protection Authority (EPA)

Submitter 5 did not object to the Amendment but provided general comments. All matters raised in the submission are considered noted.

Table 7: Issues and response to Submitter 5

Comments made in submission	Council officers' response
EPA supports the establishment of a township strategy to provide municipal level policies determining urban growth areas and settlement boundaries supporting township development into the future.	Noted.
<p>Submitter 5 provides general comments for Council to consider:</p> <ul style="list-style-type: none"> the risk of potential conflict between existing industry and future land uses without careful consideration of appropriate planning controls; ensuring that future land uses are compatible through protecting appropriate separation distances (buffers); and any significant effects the local environmental conditions, including any contamination of land, might 	<p>Noted.</p> <p>The Amendment does not seek to rezone / apply overlays to any land but merely guides the long-term identification and provision of land within the municipality. Specific details associated with developing land would be identified and addresses as part of a future planning scheme amendment seeking to rezone the land.</p>

have on future use or development.	
The maintenance of appropriate buffers between land uses with incompatible amenity expectations prevents future conflict that may risk the ability of compliant industries to operate or expand. EPA would appreciate working with Council to establish appropriate buffers for specific sites as required.	<p>Noted.</p> <p>As part of any future planning scheme amendment seeking to rezone land, the EPA will be notified and its feedback sought.</p>

4.1.6 Submission 6: Department of Environment, Land, Water and Planning (DELWP)

Submitter 6 raises no objection to the Amendment, but offers specific comments on vegetation for each of the Township Framework Plans.

4.1.7 Submission 7: Chris Smith & Associates Pty Ltd on behalf of Greenfields Developers

A meeting was held between Council officers and Chris Smith & Associates Pty Ltd representing the land owners at 85, 117 and 155 Dhurringile Road, Tatura on Tuesday, 9 April 2019. Submitter 7 objects to the Amendment, and requests the aforementioned land parcels be included within the settlement boundary in the Tatura Framework Plan and be identified as "Urban Growth Area".

Table 8: Issues and response to Submitter 7

Comments made in submission	Council officers' response
Requests that three parcels of land at 95 Dhurringile Road, Tatura, 117 Dhurringile Road, Tatura and 155 Dhurringile Road, Tatura (the subject land) be included within the Tatura Framework Plan Settlement Boundary and submit that they be designated as 'Urban Growth Area'.	<p>The subject land is identified as being located within the Farming Zone outside of the settlement boundary. Council officers would not support this rezoning without significant strategic justification.</p> <p>Council officers do not support amending the Tatura Framework Plan to include the subject land within the settlement boundary. However, the exhibited Tatura Framework Plan includes an arrow directing "Long Term Future Growth" towards the subject land. This arrow was recommended to be included in the Tatura Framework Plan as a result of the submission received by the land owners in the preparation of the Review.</p> <p>Importantly, the APA Group manage a High Pressure Gas Transmission Pipeline through the land. APA Group seeks to limit sensitive</p>

	<p>uses from establishing within the associated buffer area. Information regarding how the High Pressure Gas Transmission Pipeline would be managed as part of any residential development would be required prior to the settlement boundary being amended.</p> <p>It is Council officers' position that revising the Tatura Framework Plan to include the subject land within the settlement boundary and designating the subject land as an "Urban Growth Area" requires further assessment and strategic justification, including details on how the High Pressure Gas Transmission Pipeline will be managed.</p>
The land is currently not used for an agricultural purpose and is not considered to be agriculturally productive.	Council officers note these comments.
Land owners west of Dhurringile Road have repeatedly expressed disinterest in further development.	Council officers note these comments.
Land identified in this submission can support the northern expansion of the Tatura Township.	It is Council officers' position that revising the Tatura Framework Plan to include the subject land within the settlement boundary and designating the subject land as an "Urban Growth Area" requires further assessment and strategic justification, including details on how the High Pressure Gas Transmission Pipeline will be managed.

4.1.8 Submission 8: Spiire Australia Pty Ltd on behalf of Rod Luscombe

The concerns of submitter 8 chiefly relate to 155 Rutherford Road, Toolamba. Submitter 8 objected to the Amendment, requesting the aforementioned land be designated as 'Potential Low Density'.

Table 9: Issues and response to Submitter 8

Comments made in submission	Council officers' response
Submits that the designation of land at 155 Rutherford Road, Toolamba be amended from 'Long Term Future Growth' to 'Potential Low Density' in the Toolamba Township Framework Plan.	<p>It is Council officers' position not to alter the Toolamba Township Framework Plan until the <i>Toolamba Townships Growth Plan 2019</i> is prepared and implemented into the Planning Scheme via a planning scheme amendment. Any alteration to the Toolamba Township settlement boundary is considered premature at this stage.</p> <p>Council officers seek direction from the Panel regarding whether it is appropriate to remove the Toolamba Framework Plan as a post-exhibition change.</p>
Submitter 8 is developing a request to Council to amend the Planning Scheme to	Rezoning requests can be considered and progressed as appropriate following the

facilitate the residential development of land at 155 Rutherford Road, Toolamba.	preparation and inclusion of the <i>Toolamba Townships Growth Plan 2019</i> in the Planning Scheme.
Submitter 8 wishes to engage with consultants currently preparing the <i>Toolamba Townships Growth Plan 2019</i> .	Submitter 8 has been notified of the upcoming consultation sessions for the <i>Toolamba Townships Growth Plan 2019</i> and invited to attend.

4.1.9 Submission 9: Regional Roads Victoria

Submitter 9 objected to the Amendment. Submitter 9 cited several concerns with the Amendment documentation and requests further revision of the Review.

Table 10: Issues and response to Submitter 9

Comments made in submission	Council officers' response
Gives a broad overview of the <i>Transport Integration Act 2010</i> , the <i>Hume Regional Growth Plan 2014</i> and the content of the previous submission made to the <i>Greater Shepparton Housing Strategy 2011</i> (Amendment C93 to the Planning Scheme).	These comments are noted.
Suggests that the Review provide greater detail/clarity about future planning processes associated with land designated for future residential growth.	<p>The Amendment does not seek to rezone / apply overlays to any land but merely guides the long-term identification and provision of land within the municipality. Specific details associated with developing this land would be identified and addressed as part of a future planning scheme amendment seeking to rezone the land.</p> <p>Council officers do not support amending the Review to include additional information on future planning scheme amendment processes suggested by Submitter 9. However, Council officers agree to post-exhibition changes to the Amendment to better specify that Amendment C212 does not seek to rezone / apply overlays to any land and that any such proposal will be the subject of a future planning scheme amendment/s.</p>
Notes that Council is currently preparing the <i>Toolamba Townships Growth Plan 2019</i> and suggests that Council reference contingent planning studies or investigations.	All relevant background studies and information will be considered prior to the preparation of a final <i>Toolamba Townships Growth Plan 2019</i> . Additionally, Submitter 9 has been invited to consultation sessions regarding the preparation of the <i>Toolamba Township Growth Plan 2019</i> .
Suggests that the review provide greater detail on the PAO for the Goulburn Valley Highway – Shepparton Bypass.	Amendment C33 applied the PAO for the Goulburn Valley Highway – Shepparton Bypass in November 2006. The Amendment

Further requests that a general statement be made regarding the Shepparton Bypass, the Shepparton Alternative Route and the nexus between it and Ford and Wanganui Roads.	<p>was prepared by the Minister for Planning on behalf of VicRoads. The PAO is shown on all relevant Framework Plans. No additional detail is available that could be included on the Framework Plans at this stage.</p> <p>The nexus between the Shepparton Alternative Route, and Ford and Wanganui Roads would be considered and included, as appropriate, on the Framework Plans for the Shepparton and Mooroopna urban areas. Amendment C212 does not seek to amend these framework plans. Council and the Victorian Planning Authority are preparing the <i>Shepparton and Mooroopna 2050: Regional City Growth Plan</i>. The Framework Plans for Shepparton and Mooroopna will be amended as part of the implementation of this Plan.</p> <p>Council officers submit that the <i>Toolamba Townships Growth Plan 2019</i> will include all available information regarding the PAO for the Goulburn Valley Highway – Shepparton Bypass.</p> <p>Submitter 9 was invited to attend the referral agency consultation meetings tasked with preparing the <i>Toolamba Townships Framework Plan 2019</i>.</p>
Requests changes to the Explanatory Report to include discussion of Clause 18.01 <i>Integrated transport</i>	Council officers support this suggested change and will propose post-exhibition changes to address this concern.

4.1.10 Submission 10: Ray Rokahr

Submitter 10 is the land owner of 110 Ferguson Road, Tatura. Submitter 10 supports the proposed changes and advises that they intend to develop their land should the proposed changes to the Planning Scheme be adopted by the Minister for Planning.

4.1.11 Submission 11: Transport for Victoria

Submitter 11 provides general comments on the townships identified in the Review and potential transport issues associated with each of the Framework Plans.

Table 11: Issues and response to Submitter 11

Comments made in submission	Council officers' response
Suggests further changes to Clause 21.04-1 of the Planning Scheme.	Council officers agree to this suggested change and will propose post-exhibition

	changes to address this concern.
Makes comments regarding the potential transport issues associated with each of the Framework Plans proposed to be amended as part of the Review.	Council officers agree with the comments made in the submission. No changes are required to the Review and these concerns will be addressed as part of any future rezoning requests.

Post-exhibition changes have been made to the amendment documentation to address the concerns outlined in this submission and no further action is required. The issues raised in this submission are considered resolved.

4.1.12 Submission 12: Country Fire Authority

Submitter 12 initially provided comments to the Draft Review in February 2018 and submitted that the Amendment does not adequately address bushfire policy considerations. Submission 12 was received by Council on 26 April 2016 and provided comments on the Amendment which specifically relate to bushfire.

Table 12: Issues and response to Submitter 12

Comments made in submission	Council officers' response
Recommends that the Planning Authority prepare a bushfire report or an expanded Explanatory Report on settlement growth/bushfire and more broadly in terms of policy contained at Clause 13.02 of the Planning Scheme.	<p>Council officers support the inclusion of further information on how the Amendment responds to Clause 13.02 <i>Bushfire</i> in the Planning Scheme and will draft post-exhibition documentation to address this concern.</p> <p>Amendment C212 seeks to expand on the work of the GSHS which was the subject of rigorous review that included an Independent Planning Panel. Amendment C212 does not seek to identify additional land affected by the BMO for a sensitive land use (e.g. residential development) beyond what was identified in Amendment C93.</p> <p>The Amendment does not seek to rezone / apply overlays to any land to cater for a residential use but merely guide the long term identification and provision of land within the municipality. Specific detail associated with the development constraints of land (including land located within a Bushfire Prone Area) will be identified at a future planning scheme amendment stage when a rezoning request is received by Council. All referral authorities would be notified of this future planning scheme amendment and invited to make a submission at that time.</p>

	In addition, Submitter 12 has been invited to attend referral agency consultation meetings as part of the <i>Toolamba Townships Framework Plan 2019</i> .
A detailed assessment of bushfire hazard or landscape scale bushfire behaviour has not been provided for comment.	Council officers do not support the provision of this work as part of Amendment C212. See comments outlined above.
The townships that form part of the framework plans are located within a Bushfire Prone Area with some smaller locations covered by the Bushfire Management Overlay.	Council officers note these comments. See comments outlined above.
Without appropriate bushfire assessment and implementation of bushfire protection measures forming appropriate mitigation, the proposed amendment could have the potential to increase the existing bushfire hazard.	See comments outlined above.
The Framework Plans show no detailed information, proposed bushfire protection measures or additional planning policy to demonstrate how Clause 13.02 has been met or how the risk from bushfire will be reduced.	See comments outlined above.
Consider water wise landscaping in and the greatest opportunities for bushfire safety outcomes occur with plant species selection and landscaping layout occurring at the earliest stages if subdivision and individual allotment design.	See comments outlined above.
Requests the inclusion of the following, or similar to the urban design section: <ul style="list-style-type: none"> • <i>Ensure that species selection, location and arrangement considers and minimises the bushfire risk across the full range of development scales.</i> • <i>Encourage site landscaping and design that reduces the impact of a bushfire on any house. Design neighbourhood and subdivision vegetation plans to minimise the passage of fire through development.</i> 	Council officers note these comments. Council officers believe that Amendment C212 is not the appropriate mechanism to facilitate this change to the LPP. Council is currently preparing Amendment C210 to implement the <i>Greater Shepparton Planning Scheme Review 2018</i> . Amendment C210 will be exhibited in early 2020. Council encourages Submitter 12 to reiterate these comments during the exhibition period for Amendment C210.
Notes the requirements of Clause 56.09-3 <i>Fire hydrants objective</i> of the Planning Scheme. Seeks confirmation that the hydrants in the area can deliver adequate water pressure for fighting fires.	See comments outlined above.
Recommends that water supply provision and operational needs for fire-fighting	Council officers note these comments. Council officers believe that Amendment

purposes should be included as part of Strategies – Urban Consolidation and Growth section of framework.	<p>C212 is not the appropriate mechanism to facilitate this change to the LPP.</p> <p>Council is currently preparing Amendment C210 to implement the <i>Greater Shepparton Planning Scheme Review</i>. Amendment C210 will be exhibited in early 2020. Council encourages Submitter 12 to reiterate these comments during the exhibition period for Amendment C210.</p>
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A meeting was held between Council officers and representatives of Submitter 12 on Wednesday, 12 June 2019 to discuss the Amendment and any outstanding issues they have. Additional correspondence was received by Council on Wednesday, 19 June 2019.

Table 13: Issues and response to additional correspondence

Comments made in submission	Council officers' response
Reiterate that an appropriate bushfire assessment had not been undertaken and policy content of Clause 21.04 <i>Settlement</i> does not give effect to Clause 13.02 <i>Bushfire</i>	<p>Council officers support the inclusion of further information on how the Amendment responds to Clause 13.02 <i>Bushfire</i> in the Planning Scheme and have drafted additional proposed post-exhibition changes to Clause 21.04 <i>Settlement</i> and the Review. These proposed changes have been forwarded to Submitter 12 for their review and response.</p> <p>Council is continuing to work with Submitter 12 to ensure that any outstanding concerns they may have regarding the Amendment are resolved.</p>
Strongly recommends that Council undertakes minor amendments to the content within Clause 21.04 <i>Settlement</i> and prepare a bushfire report or an expanded Explanatory Report that responds to the concerns raised in submission 12a and in February 2018.	Additional proposed post-exhibition changes to Clause 21.04 <i>Settlement</i> and the Review have been prepared by Council officers and forwarded to Submitter 12 for their review.
<p>Strongly encourages Council to reconsider its position so that the objective and strategies of Clause 13.02, including the following, can be achieved:</p> <ul style="list-style-type: none"> Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures; and Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan 	<p>Council officers note these comments.</p> <p>Council is continuing to work with Submitter 12 to ensure that any outstanding concerns they may have regarding the Amendment are resolved.</p>

approvals properly assess bushfire risk and include appropriate bushfire protection measures.	
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4.1.13 Submission 13: APA Group

Submitter 13 did not object to the Amendment. Comments were requested by Council from Submitter 13 regarding potential development of land to the north-east of the Tatura Framework Plan.

Table 14: Issues and response to Submitter 13

Comments made in submission	Council officers' response
Limit sensitive land uses from establishing within the 'Measurement Length' (ML). The ML area is the heat radiation zone associated with a full-bore pipeline rupture.	Council officers note these comments.
Ensure the safety requirements of AS2885 are met and must ensure the easement is managed to an appropriate standard. Any works within the easement must be approved by APA to ensure all works are undertaken in a safe manner.	Council officers note these comments.
Roads being constructed over an easement be avoided wherever possible.	Council officers note these comments.
Prior to any rezoning within the pipelines ML, a Safety Management Study be prepared to the satisfaction of the gas pipeline manager.	Council officers note these comments.
Offers comments regarding 95, 117 and 155 Dhurringile Road, Tatura. Noting that: <ul style="list-style-type: none"> - A Safety Management Study be prepared in accordance with <i>Australia Standard 2885 for Pipeline – Gas and Liquid Petroleum</i>, must be conducted prior to any rezoning; - No sensitive land uses should be located within the measurement length of the gas pipeline; - Require the pipeline easement be incorporated into linear open space but may consider the option of incorporation within residential lots greater than 2ha; and - No roads other than a road crossing approved by the gas pipeline manager are to be located on the pipeline easement. 	Council officers note these comments.

No changes to the Amendment documentation / the Review are required as a result of this submission.

4.1.14 Submission 14: Goulburn-Murray Water

Goulburn-Murray Water (G-MW) did not object to the Amendment but identified a number of factors to be considered at the subdivision stage. The submission provided comments on G-MW owned assets in the Townships. All matters are considered noted and resolved.

5.0 Toolamba Township Framework Plan

Toolamba was identified as an area of future growth in the GSHS. The projected construction of an interchange for the Goulburn Valley Highway Shepparton Bypass at Bridge Road, Toolamba adds to the importance of ensuring that growth in the Toolamba Townships is appropriate and sustainable, to protect the unique identities of the townships and the rural lifestyle they offer.

5.1 Amendment C168 to the Planning Scheme (Investigation Area 6)

Investigation Area 6 was identified in 2011 as an area of potential future residential growth in the GSHS. The area is located to the south-west of the existing Toolamba Township (215 Rutherford Road, Toolamba) and is the subject of Submission 4 to the Amendment.

Amendment C168 to the Planning Scheme was prepared in late 2018 and Council resolved to:

- *note the completion of the investigation for Investigation Area 6 in Toolamba; and*
- *prepare and exhibit a Planning Scheme Amendment (Amendment C168) to rezone land within Investigation Area 6 to the Urban Growth Zone.*

Reticulated sewerage is currently not available in the Toolamba Township and all existing development utilises septic tank type on-site effluent disposal. An agreement has been prepared (under Section 173 of the Act) stating Herdstown Pty Ltd's intention to provide reticulated sewer to the Toolamba PSP area (Investigation Area 6) via a rising main to the Tatura treatment plant. The implementation of reticulated sewer to the Toolamba PSP provides opportunities for existing land owners in Toolamba to connect to this piece of infrastructure.

Authorisation for Amendment C168 was received by Council from DELWP on Monday, 24 December 2018 subject to the following condition:

- *that prior to exhibition of the amendment (Amendment C168) Council reach agreement with the department (DELWP) about the preparation of a Growth Plan for Toolamba, including amendment documentation, to be exhibited as part of this amendment or as separate amendment to be exhibited concurrently with this amendment (Amendment C168).*

5.2 Toolamba Townships Growth Plan

As a result of the authorisation condition for Amendment C168, Council engaged Ethos Urban Pty Ltd in February 2019 to prepare a Growth Plan for the Toolamba Townships (Toolamba and Old Toolamba) (refer to *Figure 11 Existing Conditions Map of Toolamba and Old Toolamba*).

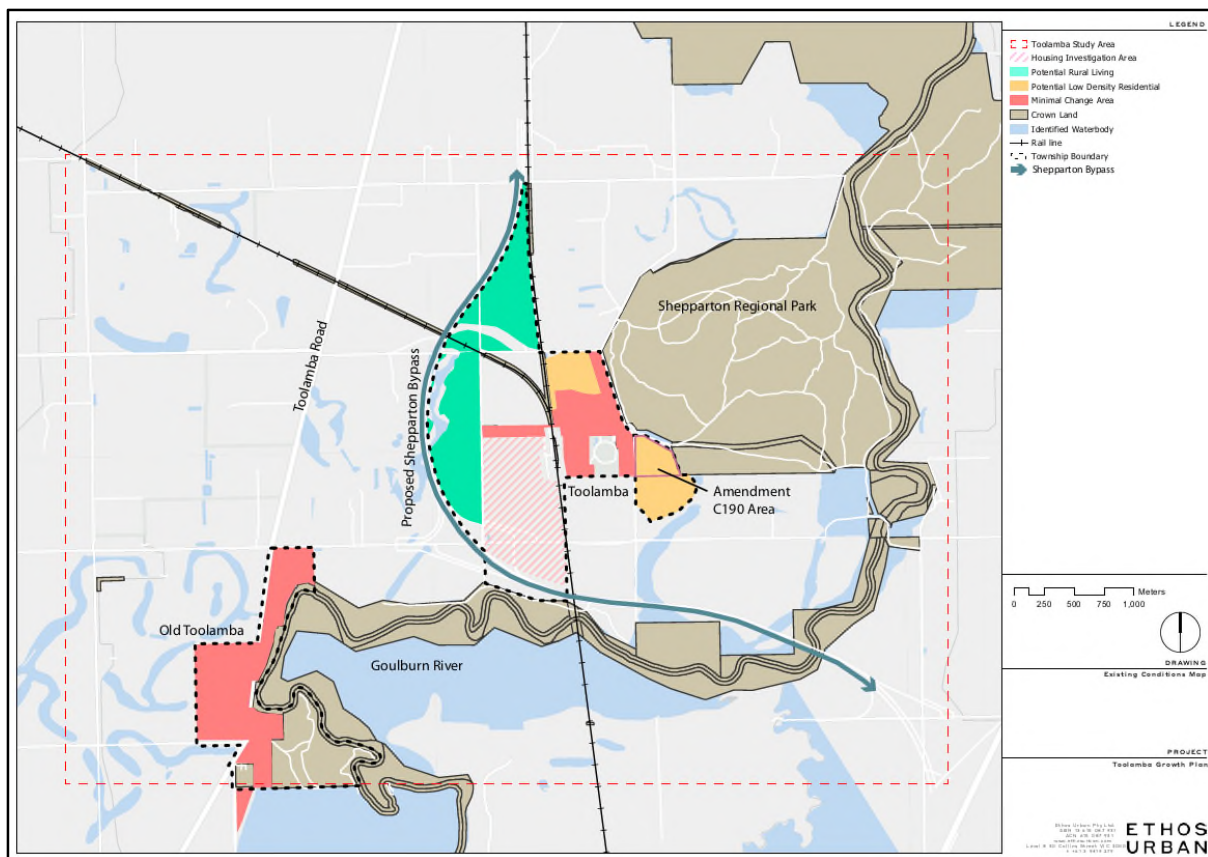


Figure 11: Existing Conditions Map of Toolamba and Old Toolamba.

Workshops were undertaken with community steering groups and interested members of the community earlier in 2019 as part of pre-draft consultation. The draft Growth Plan is expected to be received by Council shortly. The Growth Plan will, amongst other things:

- create a coherent residential expansion framework for Toolamba that does not negatively impact upon the existing character of the area;
- specify appropriate densities for residential development for land in the Toolamba settlement boundary within a 30 year timeframe (until 2050) (which is deemed low risk from bushfire and flooding) and high level comments on the provision of controlled vehicular access to it; and
- high level comments on the development opportunities and constraints afforded by the future Goulburn Valley Highway Shepparton Bypass and what other upgrades to the local road network would be required.

It is envisaged that a final Growth Plan will be received and adopted by Council in late 2019. A planning scheme amendment will see to implement the recommendations of the Growth Plan into Planning Scheme. It is expected to be exhibited in early 2020 and run concurrently with proposed Amendment C168.

5.3 Panel Direction on the Toolamba Framework Plan

Council officers seek direction from the Panel regarding whether it is appropriate to remove Toolamba Framework Plan as a post-exhibition change.

It is Council officers' position not to alter the Toolamba Township Framework Plan until a Growth Plan is prepared and implemented into the Planning Scheme via a planning scheme amendment. Any alteration to the Toolamba Township settlement boundary is premature at this stage. Council officers propose to amend the Toolamba Framework Plan as part of this future planning scheme amendment to ensure that any change to the Toolamba Framework Plan has appropriate strategic justification.

6.0 Conclusion

The Amendment seeks to implement the recommendations of the Review by revising the Framework Plans in the Municipal Strategic Statement of the Planning Scheme.

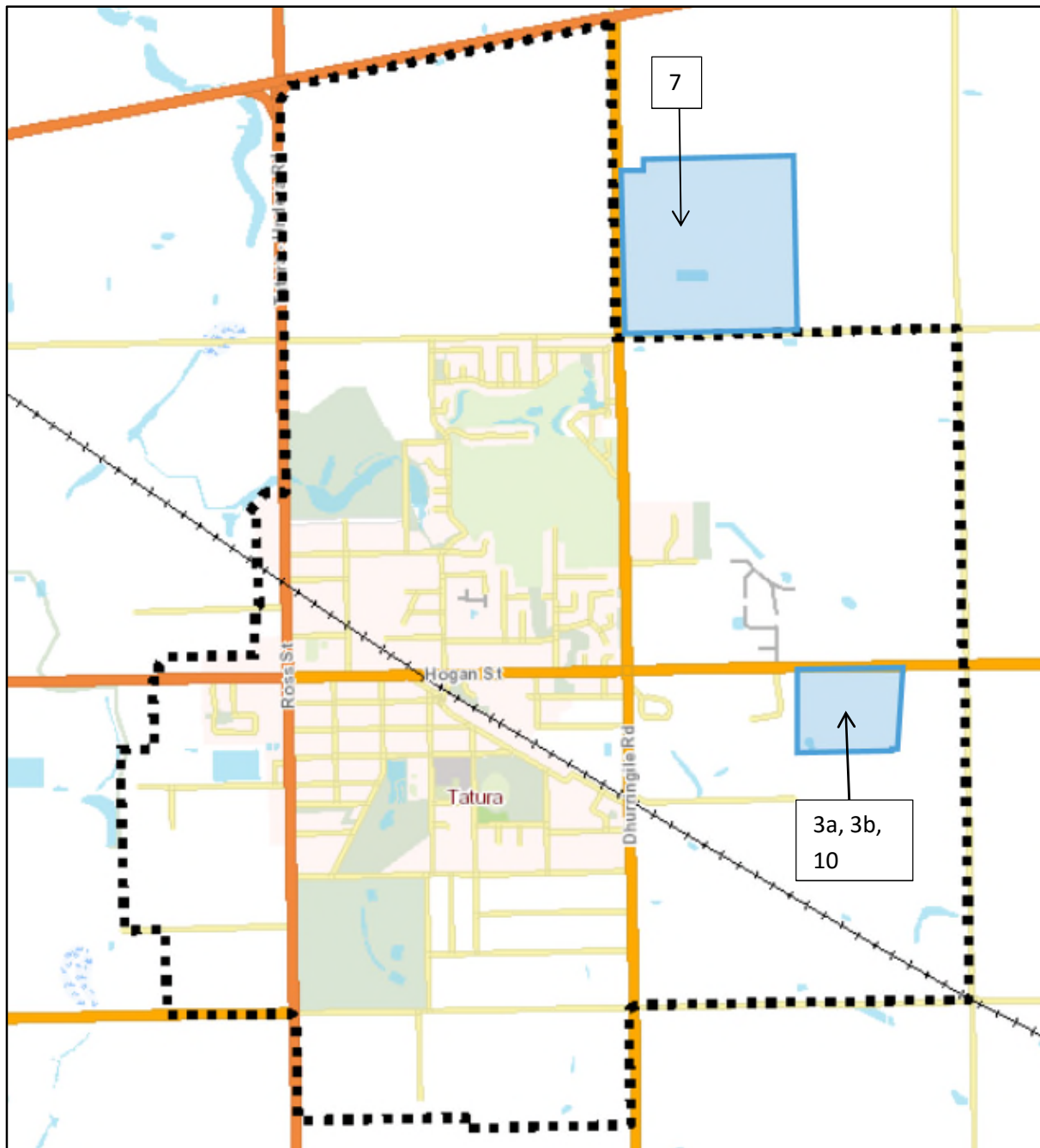
The Review focuses only on nine (9) of the ten (10) townships that the GSHS provides framework plans for excluding Shepparton East, and the urban areas of Shepparton, Mooroopna and Kialla. The future strategic direction for these areas will be realised through the *Shepparton and Mooroopna 2050: Regional City Growth Plan* currently being prepared the Victorian Planning Authority in collaboration with Council. The Review was prepared to complement and build upon the work undertaken through the GSHS.

A total of 14 submissions were received in response to the Amendment. A number of submissions made to the Amendment still remain outstanding and an Independent Planning Panel is required to resolve all submissions.



Appendices

Appendix 1: Map of Submitters for Tatura Township



Appendix 2: Map of Submitters for Toolamba Township

