

ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

21 June 2016

Agenda Item 9.2	Adoption of Amendment C98 - Part 2 (Verney North Low Density Rezoning) to the Greater Shepparton Planning Scheme	
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GREATER SHEPPARTON
GREATER FUTURE



MINUTES

FOR THE
GREATER SHEPPARTON CITY COUNCIL

ORDINARY COUNCIL MEETING

HELD ON
TUESDAY 17 FEBRUARY, 2015
AT 5.30PM

IN THE COUNCIL BOARD ROOM

COUNCILLORS:

Cr Dennis Patterson (Mayor)
Cr Fern Summer (Deputy Mayor)
Cr Dinny Adem
Cr Jenny Houlihan
Cr Les Oroszvary
Cr Michael Polan
Cr Kevin Ryan

VISION

GREATER SHEPPARTON
AS THE FOOD BOWL OF AUSTRALIA,
A SUSTAINABLE, INNOVATIVE
AND DIVERSE COMMUNITY
GREATER FUTURE





9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning)

Disclosures of conflicts of interest in relation to advice provided in this report
Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Senior Strategic Planner

Proof reader(s): Team Leader Strategic Planning and Manager Planning

Approved by: Director Sustainable Development

Other: Principal Strategic Planner

Executive Summary

Proposed Amendment C98 to the Greater Shepparton Planning Scheme seeks to rezone land from the Farming 1 Zone to the Low Density Residential Zone and apply the Development Plan Overlay to the land.

Council officers exhibited the amendment from 19 June 2014 to 4 August 2014. Ten submissions were received by Council. Of these, five requested clarification or changes to the amendment.

The main concerns raised in submissions included:

- Development within the Environment Significance Overlay for the Shepparton Waste Water Treatment Complex;
- Provision of public open space;
- Highway buffers;
- Access and traffic management, including the future of Grace Road;
- Drainage and flooding; and
- Shared paths and other infrastructure improvements.

Mediation sessions have been held to discuss concerns raised in submissions. The amendment documentation has been revised to address concerns as appropriate.

There are now no outstanding submissions regarding the northern portion of the amendment site. There are two outstanding submissions regarding the southern portion of the amendment site.

These outstanding submissions raise concerns flooding and drainage in North Shepparton and the future of Grace Road.

Council officers' position at an Independent Planning Panel regarding these two outstanding submissions are as follows:

- Existing drainage issues cannot be used as grounds to prevent the rezoning from proceeding to panel;
- Officers consider that the proposed development can appropriately manage drainage with no negative off-site impacts to neighbouring land owners;
- Officers believe that the Schedule to the Development Plan Overlay provides certainty that drainage will be appropriately managed to prevent negative off-site impacts;



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)

- Officers support an outcome where the retardation basin within the proposed development can be expanded to accommodate drainage associated with dwellings along Verney North Road. The viability of this outcome is subject to detailed design and a potential cost-sharing arrangement and legal agreement (pursuant to Section 173 of the *Planning and Environment Act 1987*). This would occur at the subdivision stage of development.
- VicRoads has provided advice to Council officers stating that a new access into the development between Grace Road and Verney North Road will not provide a safe traffic outcome if Grace Road remains open;
- Council officers support an outcome where Grace Road remains open only if traffic movements can be accommodated safely; and
- Recent discussions with VicRoads and the proponent indicate that it may be possible to alter the alignment of Grace Road slightly to improve traffic movements and allow Grace Road to serve both the new development and the schools. Council officers support this outcome subject to VicRoads' approval. This outcome will be subject to agreement between the proponent and the Catholic Education Office with regard to infrastructure costs.

To avoid delay, it is now proposed to split the proposed amendment into two parts. Part 1 includes the southern portion of the site, to the south of Grace Road. Part 2 is the northern portion of the site, north of Grace Road (see *Figure 4*).

Officers recommend that amendment C98 Part 1 is adopted by Council and submitted to the Minister for Planning for approval.

It is recommended that amendment C98 Part 2 is heard by an Independent Planning Panel for consideration of submissions.

**Moved by Cr Summer
Seconded by Cr Oroszvary**

That the Council:

1. splits Amendment C98 to the Greater Shepparton Planning Scheme into two parts:
 - 1.1 Part 1 being the land south of Grace Road, excluding Grace Road and excluding the school within Schedule 8 to the Special Use Zone; and
 - 1.2 Part 2 being the land north of Grace Road, including Grace Road and excluding the school within Schedule 8 to the Special Use Zone.
2. adopts Amendment C98 Part 1 to the Greater Shepparton Planning Scheme in accordance with Section 29 of the *Planning and Environment Act 1987* (the Act) and submits Amendment C98 Part 1 to the Minister for Planning for approval in accordance with Section 31 of the Act; and
3. endorses Council officers' position at an Independent Planning Panel Hearing for Amendment C98 Part 2 to the Greater Shepparton Planning Scheme as outlined in this report and confirms that representations are to be made to the Independent Planning Panel appointed in relation to this proposal generally in accordance with this report.

CARRIED.



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)

Background

Council received a request for an amendment to the Greater Shepparton Planning Scheme to rezone land from the Farming 1 Zone to the Low Density Residential Zone and apply a Development Plan Overlay to the land.

Proposed Amendment C98 applies to approximately 125ha of land in north Shepparton, generally bounded by the Barmah-Shepparton Road to the south west, Goulburn Valley Highway to the south east and the Public Acquisition Overlay for the proposed Goulburn Valley Highway – Shepparton Bypass to the north and north west (see *Figure 1 – Locality Plan* and *Figure 2 – Development Area*).

It is proposed to rezone the land from the Farming 1 Zone to the Low Density Residential Zone and apply the Development Plan Overlay to the land with a site specific Schedule. This will facilitate low density residential development of the land into serviced lots (connected to reticulated water and sewerage) of a minimum subdivision size of 2000m². This allows an approximate lot yield of 300 lots across the subject site.

Strategic Assessment

The proposed amendment has sound strategic justification (see *Attachment 1 – Exhibited Explanatory Report*).

The proposed amendment achieves objectives a, c and g of Section 4(1) the *Planning and Environment Act 1987* by facilitating orderly, coordinated development in a designated growth area.

The subject land is highlighted at Clause 21.04 *Settlement* of the Greater Shepparton Planning Scheme for “Potential Low Density” development and is within the settlement boundary for Shepparton North. A supply and demand analysis has been undertaken and demonstrates reasonable demand.

The proposed amendment is consistent with the *Greater Shepparton Housing Strategy 2011* and implements the objectives within this Strategy for the Shepparton North area.



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)

Figure 1 – Locality Plan

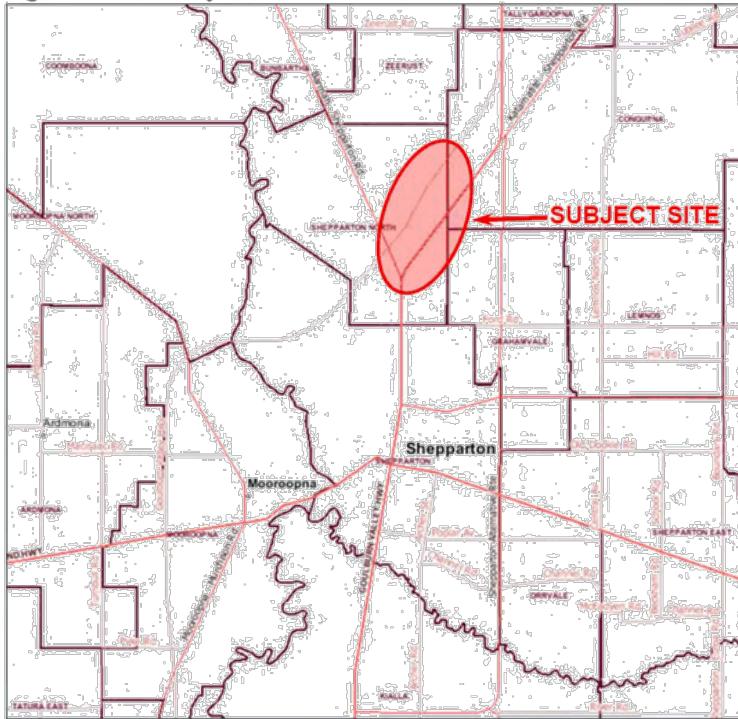
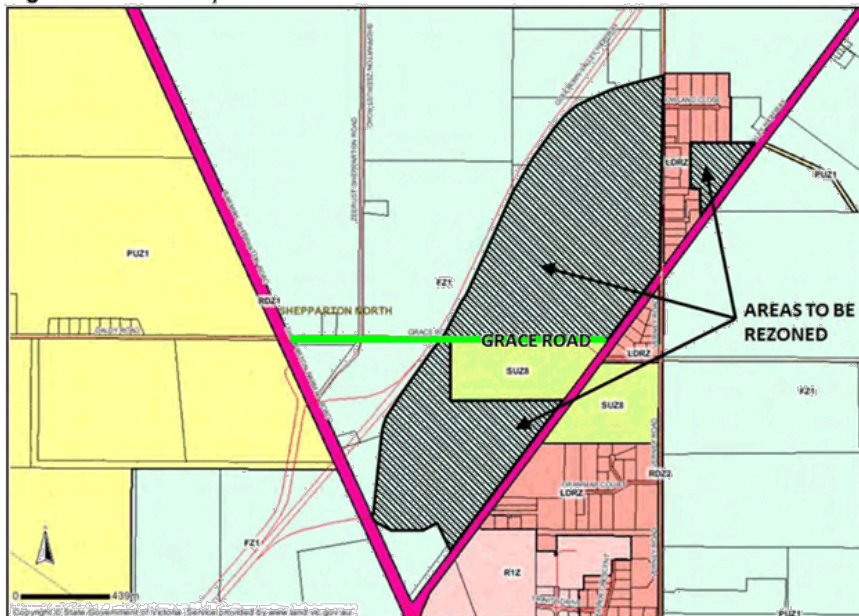


Figure 2 – Development Area





9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)

Exhibition and Submissions

Amendment C98 to the Greater Shepparton Planning Scheme was exhibited from 19 June 2014 to 4 August 2014 in accordance with the *Planning and Environment Act 1987*.

Exhibition included the following:

- Letters to owners and occupiers of land within the development area and surrounds;
- Letters to relevant referral authorities;
- Letters to prescribed Ministers;
- Notice in the Shepparton News;
- Notice in the Victorian Government Gazette; and
- Notice on the Greater Shepparton City Council website.

Council received ten submissions to Amendment C98. Of these, five requested clarification or changes to the proposed amendment (see *Attachment 2 – Submissions Recorder*).

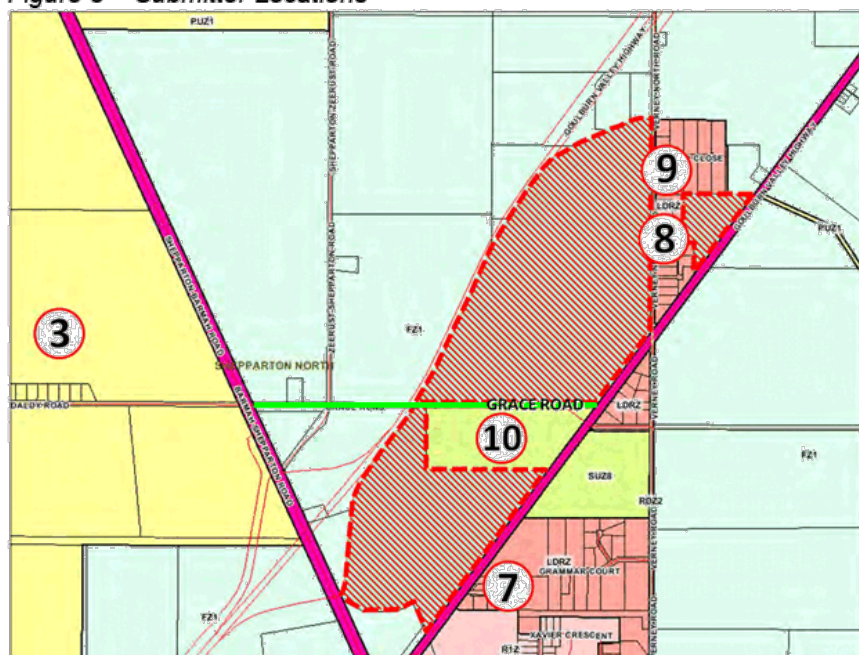
Submission Nos. 1, 2, 4, 5 and 6 raised no objection to the proposed amendment.

Two submissions were received that related to the southern portion of the amendment area. These were Submission Nos. 3 and 7.

Three submissions were received that related to the northern portion of the amendment area. These were Submission Nos. 8, 9 and 10.

The locations of each of these submitters are shown on *Figure 3 – Submitter Locations*.

Figure 3 – Submitter Locations





9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)

Submission Nos. 1, 2, 4, 5 and 6 (Referral Authorities)

Five submissions were received from referral authorities. These authorities raised no objections and requested no changes to the exhibited amendment. These authorities include:

- Goulburn Broken Catchment Management Authority
- VicRoad
- Country Fire Authority (Hume Region)
- Department of Environment and Primary Industries; and
- The Environment Protection Authority Victoria.

Submissions regarding the southern portion of the amendment area.

Submission No. 3 was from Goulburn Valley Water (GV Water). This submission did not object to the amendment, but raised concerns regarding new dwellings being located within the Environmental Significance Overlay for the Shepparton Waste Water Treatment Complex (ESO2).

To address this concern, a notation has been added to the Concept Plan stating that no building envelopes are to be located on land affected by ESO2.

The revised Concept Plan has been circulated to GV Water. GV Water has stated that their concerns have now been addressed and they require no further changes to the proposed amendment documentation.

Submission No. 7 was received from land owners to the east of the amendment area. This submission raised concerns regarding the future development of the site, including:

- Public open space
- Highway buffers
- Traffic and access
- Shared paths

Council officers met with the submitters to address the concerns raised in the submission. A notation has been added to the Concept Plan showing a shared path along the Goulburn Valley Highway frontage. The Schedule to the Development Plan Overlay has also been amended.

This revised amendment documentation (see *Attachment 3 – Post-Exhibition Changes to the Development Plan Overlay Schedule and Concept Plan*) has been circulated and the submitters are now satisfied with the proposed planning scheme amendment.

No further changes are required to the amendment documentation to address this submission. This submission is not required to be considered by an Independent Planning Panel.

Submissions regarding the northern portion of the amendment area.

Submission No. 8 was received from land owners to the east of the land affected by the amendment.



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)

This submission raised concerns regarding flooding and drainage. In particular, the submission stated that the current drainage system is inadequate and the future development of the land will exacerbate this issue. The submission also stated that the location of the access point onto Verney North Road, as shown on the Concept Plan, will increase the likelihood of flooding on adjoining land.

Officers acknowledge that there are issues with flooding and drainage in the North Shepparton area. Council undertook a site visit and was briefed on 11 March 2014 regarding the drainage solution for this proposed development (see *Attachment 4 – Drainage Solution*). Council were satisfied that drainage could be appropriately managed.

Council officers met with the submitters to address the concerns raised in the submission. However, the issues raised could not be resolved as they largely related to pre-existing drainage conditions. Council officers' response to this submission is detailed further in the „Independent Planning Panel“ section of this report.

Officers recommend that this submission is considered by an Independent Planning Panel.

Submission No. 9 was received from a land owner to the east of the land affected by the amendment.

This submission supports the proposed planning scheme amendment and the future development of the land. The submission sought clarification regarding the future subdivision layout, improvements/extensions to infrastructure, location of road entrances, roadways, pedestrian ways, lighting, etc. and the location of land for public. The submission did not raise an objection, nor did it request changes to the proposal.

Council officers met with the submitter to provide clarification. The future development of the land will be guided by the Schedule to the Development Plan Overlay and the Concept Plan. Details such as those listed above are to be made available once the development plan is prepared and exhibited as part of a separate process. The submitter will be consulted as part of the informal notification associated with the development plan process.

No changes are required to the amendment documentation to address this submission. This submission does not need to be considered by an Independent Planning Panel.

Submission No. 10 was received from the Catholic Education Office, Diocese of Sandhurst, on behalf of Notre Dame College and St Luke's Primary School, which are located centrally to, but excluded from, the land affected by the amendment. This submission objects to any shared pathway to be constructed on land owned by the schools, and to any potential closure of Grace Road.

Council officers met with the submitters to address the concerns raised in the submission. There is no requirement for a shared path to be constructed as part of this planning scheme amendment. The potential closure of Grace Road was based on the proposed development gaining a new access off the Goulburn Valley Highway. The proponent has now entered into discussions with the Catholic Education Office to re-route Grace Road for access into the development, rather than closing Grace Road.



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9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)

These discussions are ongoing and are subject to agreement of the Catholic Education Officer and the proponent.

The submission should be considered by an Independent Planning Panel. Council officers' position at the Panel Hearing is outlined in the „Independent Planning Panel“ section of this report.

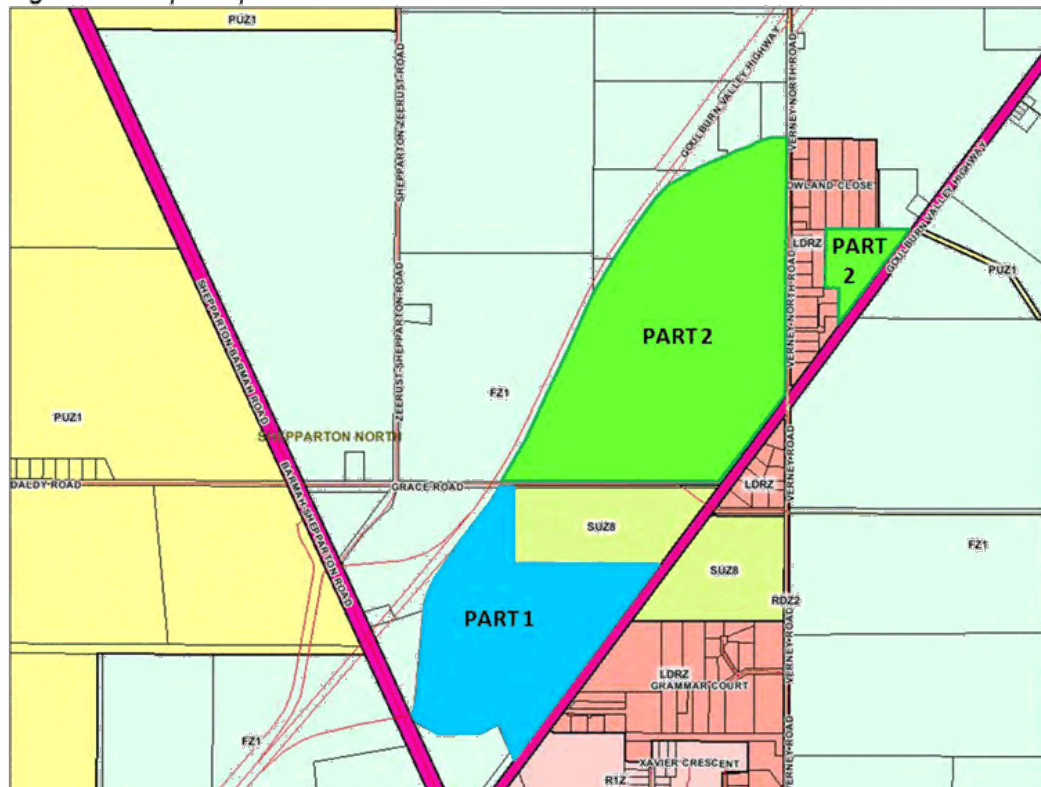
Splitting the Amendment

All concerns raised in submissions regarding the southern portion of the corridor are resolved. Council officers advise that these submissions do not need to be referred to an Independent Planning Panel for consideration.

Some of the concerns raised in submissions regarding the northern portion of the corridor remain unresolved. Officers are recommending that these submissions are considered by an Independent Planning Panel.

In order to avoid any unnecessary delay to the northern portion of the corridor, the proposed planning scheme amendment is to be split into two parts (see *Figure 4 – Map of Split Amendment Areas*).

Figure 4 – Map of Split Amendment Areas





9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)

Independent Planning Panel

It is recommended that amendment C98 Part 2 is referred to an Independent Planning Panel. The Independent Planning Panel will consider the outstanding submissions relevant to the proposed planning scheme amendment, being Submission No. 8 and Submission No. 10.

Council officers' position, for which Council endorsement is required, is as follows.

Submission No. 8

- Council officers acknowledge that there are existing issues with drainage and flooding in the North Shepparton area. Council recently undertook several upgrades to existing drainage infrastructure at Verney North Road, Grace Road and the Goulburn Valley Highway to improve the drainage situation in this area;
- Council officers are continuing to explore options to improve drainage across the municipality, including in the North Shepparton area;
- The proposed rezoning cannot be refused on the basis of existing drainage issues. These are matters that Council officers are currently working towards resolving;
- The proponent of the development is required to ensure that the land affected by the rezoning can be adequately drained. Council officers are confident that the proposed development can appropriately manage drainage with no negative off-site impacts to neighbouring land owners;
- Council officers believe that the Schedule to the Development Plan Overlay provides certainty that drainage will be appropriately managed to prevent negative off-site impacts;
- More detailed information regarding the drainage solution will be required at the development plan stage. The final drainage solution will meet the requirements of the Infrastructure Design Manual and best practice; and
- Council officers support an outcome where the retardation basin within the proposed development can be expanded to accommodate drainage associated with dwellings along Verney North Road. The viability of this outcome is subject to detailed design and a potential cost-sharing arrangement and legal agreement (pursuant to Section 173 of the *Planning and Environment Act 1987*). This would occur at the subdivision stage of development.

Submission No. 10

- Council officers are working with VicRoads to reach an outcome whereby the traffic movements are acceptable;
- VicRoads has provided advice to Council officers stating that a new access into the development between Grace Road and Verney North Road will not provide a safe traffic outcome if Grace Road remains open;
- Council officers support an outcome where Grace Road remains open only if traffic movements can be accommodated safely; and
- Recent discussions with VicRoads and the proponent indicate that it may be possible to alter the alignment of Grace Road slightly to improve traffic movements and allow Grace Road to serve both the new development and the schools. Council officers would support this outcome subject to VicRoads' approval. This outcome will be subject to agreement between the proponent and the Catholic Education Office with regard to infrastructure costs.



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)

Council Plan/Key Strategic Activity

The proposed amendment is supported by the *Council Plan 2013-2017* as follows:

Goal 4: Quality Infrastructure (Built)

Objective 3: Encourage sustainable municipal growth and development.

Risk Management

The primary risk associated with the planning scheme amendment is not meeting the timelines required by Ministerial Direction No. 15 „The Planning Scheme Amendment Process“. This Ministerial Direction requires each stage of the planning scheme amendment process to be undertaken within set timeframes.

In accordance with Ministerial Direction No. 15, Council must make a decision on the amendment within 60 business days of the closing date of submissions. Following this, an adopted amendment must be submitted to the Minister for Planning within 10 business days of the date the amendment is adopted by Council.

Council officers have requested and received an exemption from the requirements of Ministerial Direction No. 15 for this planning scheme amendment. This exemption has been granted on the basis that Council makes a decision on the amendment in the near future.

Policy Considerations

The proposed amendment does not conflict with any existing Council policies.

Financial Implications

All costs associated with the planning scheme amendment process to date have been met by the proponent. Council will not incur any additional costs as a result of this planning scheme amendment. The proponent will be required to meet all costs associated with an Independent Planning Panel.

Legal/Statutory Implications

All procedures associated with this planning scheme amendment comply with the legislative requirements of the *Planning and Environment Act 1987* (the Act). The amendment has been assessed in accordance with the Act and the Greater Shepparton Planning Scheme. The assessment is considered to accord with the *Victorian Charter of Human Rights and Responsibilities Act 2006* (the Charter). No human rights have been negatively impacted upon throughout the process.

The Charter recognises that reasonable restrictions may be placed on the use and development of land, and that there may on occasion be reasonable and acceptable offsite impacts on others. Provided these issues are properly considered, it would be a rare and exceptional case where the exercise of a planning decision in accordance with the regulatory framework is not Charter compatible.

Environmental/Sustainability Impacts

Rezoning the subject land to the Low Density Residential Zone will allow it to be developed with serviced lots of a minimum subdivision size of 2000m². This will achieve an appropriate outcome for land that has been subject to significant environmental change in the past.



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9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)

The large allotment size and vegetation buffers will result in the landscape quality being improved. The landscape quality will continue to improve as the land is revegetated with public parks, tree reserves and private gardens.

An acoustic assessment completed for the land identified the need to provide an acoustic barrier along the western boundary of 625 Goulburn Valley Highway (address acoustic issues associated with the Shepparton Distillery). Appropriate buffers along the Goulburn Valley Highway frontage and the future Shepparton Bypass alignment have also been provided to minimise any acoustic impact.

There is an Environmental Significance Overlay that applies to part of the land. This Overlay encourages the protection of the Shepparton Waste Water Treatment Complex. Goulburn Valley Water lodged a submission to the proposed amendment to ensure that their interests would not be negatively impacted as a result of this amendment. The proposed amendment ensures the protection of the Shepparton Waste Water Treatment Complex by not allowing building envelopes to be located within the land affected by the Environmental Significance Overlay.

There are no negative environmental/sustainability outcomes associated with adopting Amendment C98 Part 1 and submitting it to the Minister for Planning for approval.

Submission No. 8 raised concerns regarding flooding and drainage in the area. These concerns largely related to existing issues and highlighted concerns that the proposed development may exacerbate these issues. This submission relates to Part 2 (being the northern portion) of the amendment area only. By referring this submission to an Independent Planning Panel for consideration, these concerns can be appropriately addressed. There are no negative environmental/sustainability outcomes associated with referring Amendment C98 Part 2 to an Independent Planning Panel for consideration of submissions.

Social Implications

The proposed amendment will achieve a positive social outcome. It will facilitate new and unique housing opportunities at a density for which there is currently a limited supply in Greater Shepparton.

The land is in proximity to a number of educational facilities including St Luke's Primary School and the Notre Dame College Emmaus Campus located adjacent to the development plan area and Goulburn Valley Grammar School to the east.

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

There are no negative social implications associated with adopting Amendment C98 Part 1 and submitting it to the Minister for Planning for approval.

No submissions were received for Part 2 of the amendment area that raised social concerns. There are no negative social outcomes associated with referring Amendment C98 Part 2 to an Independent Planning Panel for consideration of submissions.



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)

Economic Impacts

It is no longer feasible that the land remain within the Farming 1 Zone, due to the existing land uses and subdivision pattern of the subject area. The land is already highly fragmented with many lots approximately 20 hectares in area, occasionally used for limited agricultural purposes such as cattle grazing. Therefore, the proposed amendment will not result in adverse impacts upon the local economy due to loss of any agricultural land.

New housing to be provided on the site will facilitate economic growth within the municipality by providing housing opportunities to cater for the growing population.

There are no negative economic impacts associated with adopting Amendment C98 Part 1 and submitting it to the Minister for Planning for approval.

No submissions were received for Part 2 of the amendment area that raised economic concerns. There are no negative economic outcomes associated with referring Amendment C98 Part 2 to an Independent Planning Panel for consideration of submissions.

Consultation

Amendment C98 was exhibited in accordance with the *Planning and Environment Act 1987*. This included the following:

- Notice in the Shepparton News on 17 June 2014;
- Notice in the Victorian Government Gazette on 19 June 2014;
- Letters to affected land owners and occupiers on 16 June 2014;
- Letters to relevant referral authorities on 16 June 2014;
- Letters to prescribed ministers on 16 June 2014;
- Documentation on display at the Council offices at 90 Welsford Street, Shepparton;
- Documentation available on the Department of Transport, Planning and Local Infrastructure website; and
- Documentation available on the Greater Shepparton City Council website.

The exhibition period was open for six weeks and submissions closed on 4 August 2014.

Ten submissions were received by Council. These are discussed in the „Background“ section of this report.

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy 2006

Direction 1: Settlement and Housing

Commitment to growth within a consolidated and sustainable development program.

b) Other strategic links

Nil



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9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)

Options for Consideration

1. Council splits the amendment into two parts, adopts Part 1 in accordance with Section 29 of the *Planning and Environment Act 1987* (the Act) and submits it to the Minister for Planning for approval in accordance with Section 31 of the Act and endorses Council officers' position at an Independent Planning Panel for Part 2 (preferred);
2. Council splits the amendment into two parts, adopts Part 1 in accordance with Section 29 of the Act and submits it to the Minister for Planning for approval in accordance with Section 31 of the Act and abandons Part 2 in accordance with Section 28 of the Act.
3. Council does not split the amendment and refers the entire amendment to an Independent Planning Panel;
4. Council does not split the amendment and abandons the amendment under Section 28 of the Act; or
5. Any combination of the above.

Conclusion

Amendment C98 to the Greater Shepparton Planning Scheme proposes to rezone the land from the Farming 1 Zone to the Low Density Residential Zone and apply the Development Plan Overlay to the land.

The amendment was exhibited and ten submissions were received by Council. Of these, five requested clarification or changes to the amendment.

It is now proposed to split the planning scheme amendment into two parts.

Amendment C98 Part 1 is to be adopted and submitted to the Minister for Planning for approval.

Amendment C98 Part 2 is to be heard by an Independent Planning Panel for consideration of submissions. Council is to endorse Council officers' position at the Panel Hearing.

Attachments

- | | |
|--|----------|
| 1. Exhibited Explanatory Report | Page 407 |
| 2. Submissions Recorder | Page 422 |
| 3. Post-Exhibition Changes to the Development Plan Overlay Schedule and Concept Plan | Page 423 |
| 4. Drainage Solution | Page 430 |

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Planning and Environment Act 1987

GREATER SHEPPARTON PLANNING SCHEME

PROPOSED AMENDMENT C98

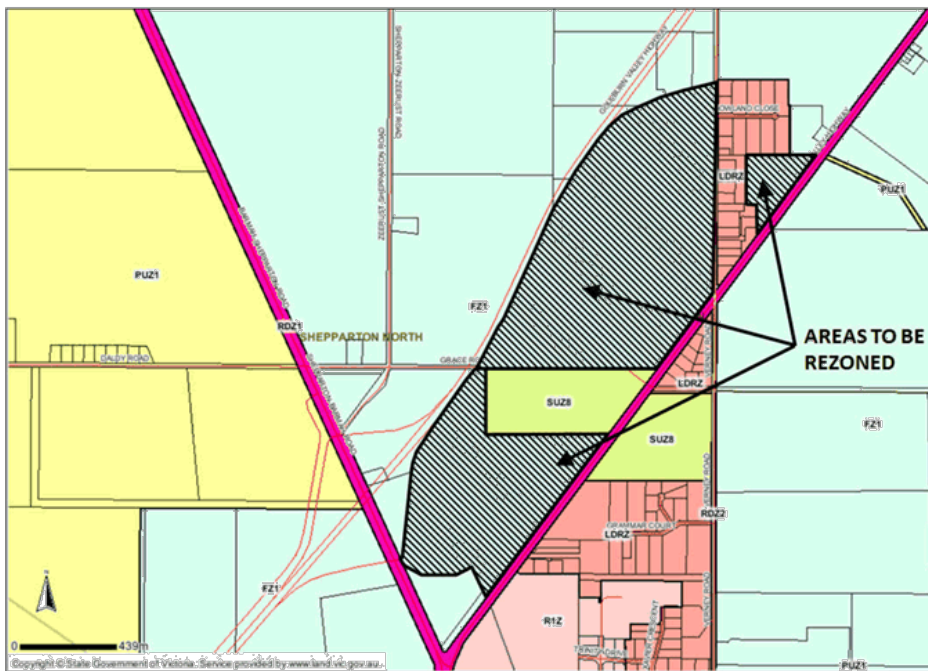
EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Greater Shepparton City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Chris Smith & Associates Pty Ltd and Spiire Pty Ltd on behalf of K Haynes and J & L Vasey.

Land affected by the amendment



The proposed amendment applies to approximately 125ha of land in north Shepparton, generally bounded by the Barmah-Shepparton Road to the west, Goulburn Valley Highway to the south east and the Public Acquisition Overlay for the proposed Goulburn Valley Highway – Shepparton Bypass to the north-west.

The land is currently within the Farming Zone (FZ) and is partially affected by the Environmental Significance Overlay Schedule 1 (ESO1), Environmental Significance Overlay Schedule 2 (ESO2) and the Land Subject to Inundation Overlay (LSIO). The land is adjacent

Attachment 1

Exhibited Explanatory Report

to the Public Acquisition Overlay Schedule 7 (PAO7) for the Goulburn Valley Highway – Shepparton Bypass.

The land is already highly fragmented with lot sizes currently ranging from approximately 5ha to 50ha, occasionally used for limited agricultural purposes such as cattle grazing.

Address	Lot No	Plan No./Parish
5835 Barmah-Shepparton Road, Shepparton North	3	LP212861
625 Goulburn Valley Highway, Shepparton North	4	LP212861
50 Grace Road, Shepparton North	1, 2 & 3	LP221613
90 Shepparton-Zeerust Road, Shepparton North	3	LP140066
65 Verney North Road, Shepparton North	1 & 2	PS405637
775 Goulburn Valley Highway, Shepparton North	2	LP220804
85 Verney North Road, Shepparton North	2	LP123392
105 Verney North Road, Shepparton North	2	LP36320

What the amendment does

The amendment proposes to rezone land at Shepparton North from the Farming Zone (FZ) to the Low Density Residential Zone (LDRZ) and apply the Development Plan Overlay to the land with a site specific schedule (new DPO21).

Specifically, the amendment proposes the following changes to the Greater Shepparton Planning Scheme:

- Rezone land at 65, 85 and 105 Verney North Road, 625 and 775 Goulburn Valley Highway, 5835 Barmah-Shepparton Road, 50 Grace Road and 90 Shepparton-Zeerust Road, North Shepparton from the Farming Zone to the Low Density Residential Zone;
- Amend Planning Scheme Map No. 11;
- Introduce a new Schedule 21 to the Development Plan Overlay at Clause 43.04 and apply this overlay to the land; and
- Amend Planning Scheme Map No. 11DPO.

Strategic assessment of the amendment

Why is the amendment required?

The subject land is within the settlement boundary for Shepparton and has been identified for potential low density within the *Greater Shepparton Housing Strategy 2011* (GSHS). The current Farming Zone provisions applicable to the land prohibit it from being used for low density residential purposes. An amendment to rezone the land to Low Density Residential Zone is, therefore, necessary to implement the recommendations of the GSHS.

The subject area contains a number of allotments with a variety of landowners. It is therefore appropriate to also include the land within the Development Plan Overlay with a site specific schedule. This will guide the comprehensive development of the multiple properties across various land ownership boundaries.

Attachment 1Exhibited Explanatory Report

The provisions of the Low Density Residential Zone will allow subdivision of the land to a minimum lot size of 2000m². This will complement the low density residential character of this area on the urban fringe of Shepparton.

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

The proposed amendment implements objectives a, c, e and g of Section 4 of the *Planning and Environment Act 1987* as it will facilitate the orderly, fair and economic development of low density residential land in the municipality.

The application of the Development Plan Overlay to the land will ensure that a fair, orderly and integrated development is achieved. The buffers to the future Shepparton Bypass, the tree reserves along the Goulburn Valley Highway and the proposed acoustic barriers will create a pleasant living environment for the low density residential development.

The public utilities in proximity to the site include the Shepparton Waste Water Treatment Plant and the Broadcast Australia site. This proposal acknowledges the need to protect these utilities from encroachment by excluding and limiting development within the areas that may be affected by any off-site impacts.

The environmental effects of the proposed amendment are further discussed below.

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

Rezoning the subject land to the Low Density Residential Zone will allow it to be developed with serviced lots of a minimum subdivision size of 2000m². This will achieve an appropriate outcome for land that has been subject to significant environmental change in the past.

The large allotment size and vegetation buffers will result in the landscape quality being improved. The landscape quality will continue to improve as the land is revegetated with public parks, tree reserves and private gardens.

An acoustic assessment completed for the land identified the need to provide an acoustic barrier along the western boundary of 625 Goulburn Valley Highway (address acoustic issues associated with the Shepparton Distillery). Appropriate buffers along the Goulburn Valley Highway frontage and the future Shepparton Bypass alignment have also been provided to minimise any acoustic impact.

There are two Environmental Significance Overlays that apply to part of the land. These Overlays encourage the protection of public utilities being Radio Australia and the Shepparton Waste Water Treatment Complex. The proposed amendment also encourages the protection of the utilities by either not allowing development or limiting development on the land affected by these overlays.

The displacement of irrigation farming land by urban expansion has been strategically addressed within the GSHS. A settlement boundary has been established with an overall strategy of containment for the regional city. The subject area is within the settlement boundary. The containment strategy is necessary to protect the significant agricultural base

Attachment 1Exhibited Explanatory Report

of the economy from the negative impact of scattered unplanned rural residential development. The subject area is a strategically important supply of rural residential land, as it can be sewerred and therefore achieve a higher number of lifestyle properties with a minimal loss of land.

Social

The proposed amendment will achieve a positive social outcome. It will facilitate new and unique housing opportunities at a density of which there is currently a limited supply in Greater Shepparton. It will result in the development of two new neighbourhoods forming part of the established low density and rural residential community within the locality.

The land is in proximity to a number of educational facilities including St Luke's Primary School and the Emmaus Campus located centrally within the development plan area and Goulburn Valley Grammar School to the east.

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

There are no significant adverse social implications associated with this proposed amendment.

Economic

It is not considered feasible that the land remain within the Farming Zone, due to the existing land uses and subdivision pattern of the subject area. The land is already highly fragmented with lot sizes currently ranging from approximately 5ha to 50ha, occasionally used for limited agricultural purposes such as cattle grazing. Therefore, the proposed amendment will not result in adverse impacts upon the local economy due to loss of any agricultural land.

New housing to be provided on the site will facilitate economic growth within the municipality by providing housing opportunities to cater for the growing population.

There are no significant adverse economic impacts associated with this proposed amendment.

Does the amendment address relevant bushfire risk?

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

The Country Fire Authority (CFA) was consulted in the preparation of the proposed amendment. The CFA is satisfied that the proposal has appropriately applied the principles of avoiding growth in areas of extreme risk, managing growth in areas of high risk and supporting growth in areas of low risk.

Attachment 1Exhibited Explanatory Report

The proposed amendment is consistent with the Local Planning Policy Framework objectives and strategies that apply to bushfire risk. No local policy for bushfire risk management is required to support the proposed amendment as bushfire mitigation measures can be readily implemented and the risk can be reduced to an acceptable level.

The CFA will be provided with further opportunity to comment on this proposal during the formal exhibition process associated with this proposed planning scheme amendment.

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

Ministerial Direction No. 1 – Potentially Contaminated Land has been considered. The preliminary soil contamination assessment for the site was undertaken by Douglas Partners Pty Ltd. The report has detailed that additional testing will be required to be completed for each of the individual properties and this testing could form a condition of the permit. The assessment concluded that the site is suitable for the proposed low density residential development; which means the requirements of the Direction are complied with.

The proposed amendment has been prepared in accordance with Ministerial Direction No. 11 – Strategic Assessment of Amendments.

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

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

The proposed amendment is consistent with the State Planning Policy Framework (SPPF) and facilitates the orderly development of urban and rural areas in accordance with the goals and principles of SPPF.

The proposed amendment supports or implements the following relevant SPPF Clauses:

Clause 11.01-5 (Regional Settlement Networks)

The objective of this clause is *'to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan'*. Shepparton has been identified as a regional city. This proposal aims to implement the GSHS, which guides residential development in this regional city.

Clause 13.04-1 (Noise Abatement)

The objective of this clause is *'to assist the control of noise effects on sensitive land uses'*. Acoustic barriers and buffer areas will be utilised to minimise any noise impact from surrounding land uses.

Clause 15.01-3 (Neighbourhood and Subdivision Design)

The objective of this clause is *'to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods'*. The proposed

Attachment 1Exhibited Explanatory Report

amendment and future development plan will allow for staged subdivision in a location with access to existing physical and community infrastructure and will provide for a range of lot sizes, a convenient and safe road network, appropriate pedestrian and cycle links and sufficient useable public open space.

Clause 16.02-1 (Rural Residential Housing)

The objective of this clause is 'to identify land suitable for rural living and rural residential development'. The subject land has been identified for low density purposes within the GSHS.

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

The proposed amendment is consistent with the Local Planning Policy Framework.

Clause 21.04-3 (Rural Residential Development)

This clause states that 'the Council is keen to ensure that the demand for low density residential development and rural living opportunities can be met through the supply of land in appropriate locations'. This clause includes Framework Plans from the GSHS. The Shepparton North Framework Plan at Clause 21.04 identifies the land for potential low density development.

Clause 21.05-2 (Floodplain and Drainage Management)

The land is not within a designated floodway and is only partially affected by the Land Subject to Inundation Overlay. The Development Plan Overlay includes provisions to ensure that any stormwater is appropriately managed. The Development Plan must demonstrate "appropriate stormwater management methods, including the location of any on-site drainage retention facilities".

Clause 21.07-2 (Urban and Rural Services)

The relevant objective of this clause is 'to ensure that waste management facilities are protected from the encroachment of unsuitable development'. The proposed development will not adversely impact the Environmental Significance Overlays (ESO) currently applying to a part of the land. This is because it has been designed to limit the number of allotments within these areas. This includes land within the ESO for the Shepparton Waste Water Treatment Complex.

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

The amendment proposes to use the Low Density Residential Zone with a Development Plan Overlay. The GSHS identifies the subject site for low density residential purposes. The site can be adequately serviced with reticulated sewerage and can provide allotments with a minimum subdivision size of 2000m² in accordance with the provisions of the zone. The minimum subdivision size allows the proposed amendment to respond to the constraints of the land. The Low Density Residential Zone is therefore the appropriate zone to allow for the low density residential development of the land.

Attachment 1

Exhibited Explanatory Report

The subject area contains multiple properties and is multiple land ownerships. The application of the Development Plan Overlay on the land will allow for a fair and integrated low density residential development.

The proposed amendment has made proper use of the Victorian Planning Provisions.

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

The most relevant authority for this proposed amendment is VicRoads. Vehicle access locations and appropriate buffers to the Goulburn Valley Highway and future Shepparton Bypass route have been discussed with VicRoads and included on a Concept Plan referred to in the Schedule to the Development Plan Overlay.

Referral authorities will be provided with the opportunity to comment during the formal amendment exhibition process.

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

The purpose of the *Transport Integration Act 2010* is to create a new framework for the provision of an integrated and sustainable transport system in Victoria. The vision statement recognises the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible state.

The objectives of the *Transport Integration Act 2010* relate to social and economic inclusion, economic prosperity, environmental sustainability, integration of transport and land use, efficiency, coordination and reliability, and safety and health and wellbeing.

This amendment does not conflict with the purpose, objectives or requirements of the *Transport Integration Act 2010*.

A Traffic Impact Assessment Report (TIAR) was undertaken in 2009. The TIAR found:

- *The proposal would not adversely impact on the safety or operation of the surrounding road network, provided the recommended mitigating works are undertaken; and*
- *There would be no traffic management or operational grounds that would warrant refusal of this development.*

The Development Plan demonstrate a shared pathway network, including opportunities to link paths to any networks on abutting land, and any public transport services. The Development Plan must also include, where required by the responsible authority, a traffic impact assessment and management plan that identifies:

- Appropriate access and circulation of vehicles on the existing and future road network, which minimises culs de sac.
- The identification of existing and proposed public transport routes, bus stops and associated infrastructure with appropriately dimensioned roads.
- The identification of existing and proposed pedestrian and cycling networks including provision for safe and convenient access to public transport infrastructure.

Attachment 1**Exhibited Explanatory Report**

- The works necessary to accommodate traffic generated by the development and to mitigate any adverse impacts of the development.
- The trigger points for any additional traffic infrastructure.

Any changes in traffic generation or management resulting from this proposed amendment will not have an adverse impact on the requirements of the *Transport Integration Act 2010*.

Resource and administrative costs

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

Any costs associated with the planning scheme amendment process, including the costs of an Independent Planning Panel if required, will be met by the proponent of this amendment.

The new planning provisions will not have a detrimental effect on the resource and administrative costs of the Council.

Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at the Greater Shepparton City Council's offices at 90 Welsford Street, Shepparton.

The proposed amendment can be inspected free of charge at:

- the Department of Transport, Planning, and Local Infrastructure's website at www.dpcd.vic.gov.au/planning/publicinspection; or
- the Greater Shepparton City Council's website at www.greatershepparton.com.au

Submissions

Any person who may be affected by the proposed amendment may make a submission to the planning authority. Submissions about the proposed amendment must be received by Monday, 4 August 2014.

Submissions must be sent to:

Greater Shepparton City Council
Locked Bag 1000
Shepparton VIC 3632

Panel hearing dates

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

- directions hearing: week starting 1 September 2014
- panel hearing: week starting 22 September 2014

Attachment 2

Submissions Recorder

AMENDMENT C98 – SUBMISSIONS RECORDER

Sub No.	Submitter	Content of Submission	
1	Goulburn Broken Catchment Management Authority	No objection	No changes re
2	VicRoads	No objection	No changes re
3	Goulburn Valley Water	No objection, but highlighting areas of concern regarding the Environmental Significance Overlay	Add notation t envelopes to l Significance O
4	Country Fire Authority Hume Region	No objection	No changes re
5	Department of Environment and Primary Industries	No objection	No changes re
6	Environment Protection Authority Victoria	No objection	No changes re
7	Bret & Leanne Dempster (Land owners)	Raised concerns regarding: <ul style="list-style-type: none"> - Public open space - Highway buffers - Traffic and access - Shared paths 	Add notation t along the Gou Minor change: Plan Overlay
8	Lance Gordon & Pauline Diamond (Land owners)	Raised concerns regarding: <ul style="list-style-type: none"> - Drainage and flooding - Location of access point on Verney North Road 	Refer to Indep
9	Stephen Hicks (Land owner)	Generally supports but requests further clarification regarding: <ul style="list-style-type: none"> - Subdivision layout - Infrastructure improvements - Location of access, roads, lighting, etc. - Public open space 	Clarification p available at th No changes re
10	Catholic Education Office, Sandhurst	Generally supports but objects to the following: <ul style="list-style-type: none"> - Construction of any shared path on the school's land - The potential closure of Grace Road 	Refer to Indep

Attachment 3 Post-Exhibition Changes to the Development Plan Overlay Schedule and Concept Plan

GREATER SHEPPARTON PLANNING SCHEME

~~1.20~~
Proposed
C98

SCHEDULE 21 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO21**.

VERNEY NORTH GROWTH CORRIDOR

1.0 Requirement before a permit is granted

~~1.20~~
Proposed C98

Before any new use, development or subdivision commences, a development plan must be prepared and approved by the Responsible Authority.

A permit may be granted before a development plan has been prepared for the purpose of:

- subdividing land into two allotments or re-subdividing existing allotments so as to not increase the number of lots;
- a single dwelling on a lot; or
- any buildings and works associated with the ongoing maintenance or operation of the subject site.

2.0 Conditions and requirements for permits

~~1.20~~
Proposed C98

An application for planning permit must include, as relevant:

- a stormwater management plan detailing how stormwater will be collected and treated within the development. The plan must be prepared in accordance with the Infrastructure Design Manual and consider ongoing maintenance of the stormwater management measures.

Conditions, as appropriate, must be included on any planning permit issued to subdivide or develop land with regard to recommendations made by the assessments and specialist reports submitted in support of the Development Plan.

3.0 Requirements for development plan

~~1.20~~
Proposed C98

A Development Plan may be prepared for all or any part of the growth corridor.

The Development Plan may be amended to the satisfaction of the Responsible Authority.

The Development Plan must demonstrate, as appropriate:

- General consistency with the *Verney North Growth Corridor Concept Plan - South*.
- The proposed subdivision layout of the proposed development of the land, including roads, areas of open space, drainage retention areas, treatment to the Goulburn Valley Highway that provides an active frontage and any staging of the development.
- The relationship of the land to the adjoining land and treatment(s) at the interface with existing ongoing and future land uses, particularly those with potential amenity impacts.
- The shared pathway network, including opportunities to link paths to any networks on abutting land, and any public transport services.
- The layout of major areas of public open space and the type of facilities, if any, to be provided for users of the open space.
- The location of any significant environmental, cultural, heritage and/or ecological (faunal and/or floral) features including fauna and remnant vegetation.
- Stormwater management methods, including the location of any on-site drainage retention facilities.
- Arrangements for the provision of all physical and any community infrastructure and services to the land.

Attachment 3 Post-Exhibition Changes to the Development Plan Overlay Schedule
and Concept Plan

GREATER SHEPPARTON PLANNING SCHEME

- In addition to the above requirements, must incorporate measures to address any potential amenity issues for any development on land in the vicinity of the Shepparton Distillery, such as lighting, noise and odour to avoid conflict with the continued operation of the distillery.

The Development Plan must include, where required by the Responsible Authority:

- An environmental assessment of the land, involving a flora and fauna survey, which, among other things, identifies the health and habitat value of all native vegetation.
- A preliminary survey of the area for aboriginal archaeological sites and preliminary cultural heritage assessment to determine whether a Cultural Heritage Management Plan, in terms of the Aboriginal Heritage Act 2006, is required.
- A preliminary soil assessment demonstrating the extent of any contaminated soils that may exist on the subject land and, if detected, a more detailed assessment outlining the location of the contaminated soil, the type of contaminants detected, and the strategies required to be undertaken to decontaminate the affected areas in accordance with the Minister's Direction No. 1 – Potentially Contaminated Land.
- A land capability assessment, unless the development will be connected to a reticulated sewerage network.
- A landscape and open space master plan outlining street tree plantings, areas of open space, stormwater management areas and areas of water sensitive urban design.
- A traffic impact assessment and management plan that identifies:
 - Appropriate access and circulation of vehicles on the existing and future road network, which minimises culs de sac. Access arrangements are to avoid conflict with existing accesses onto the Goulburn Valley Highway.
 - The identification of existing and proposed public transport routes, bus stops and associated infrastructure with appropriately dimensioned roads.
 - The identification of existing and proposed pedestrian and cycling networks including provision for safe and convenient access to public transport infrastructure.
 - The works necessary to accommodate traffic generated by the development and to mitigate any adverse impacts of the development.
 - The trigger points for any additional traffic infrastructure.
 - Access arrangements are to have regard to on-road cyclists.
- An infrastructure plan approved by the Responsible Authority, which identifies the anticipated staging and timing of the provision of infrastructure. The infrastructure plan should address, as appropriate:
 - The provision, staging and timing of stormwater drainage works.
 - The provision, staging and timing of roadworks (including bus stops and associated works) both internal and external in accordance with the approved traffic management plan.
 - The provision, staging and timing of landscaping works for local parks, stormwater drainage reserves and regional landscaping works.
 - The securing of the infrastructure and utility services as may be necessary by way of an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* ~~or by other means acceptable to the Responsible Authority.~~
 - Any other infrastructure related matter reasonably requested by the Responsible Authority associated with the subdivision of land.
 - Identification of any agency or person responsible for provision of particular items of infrastructure.

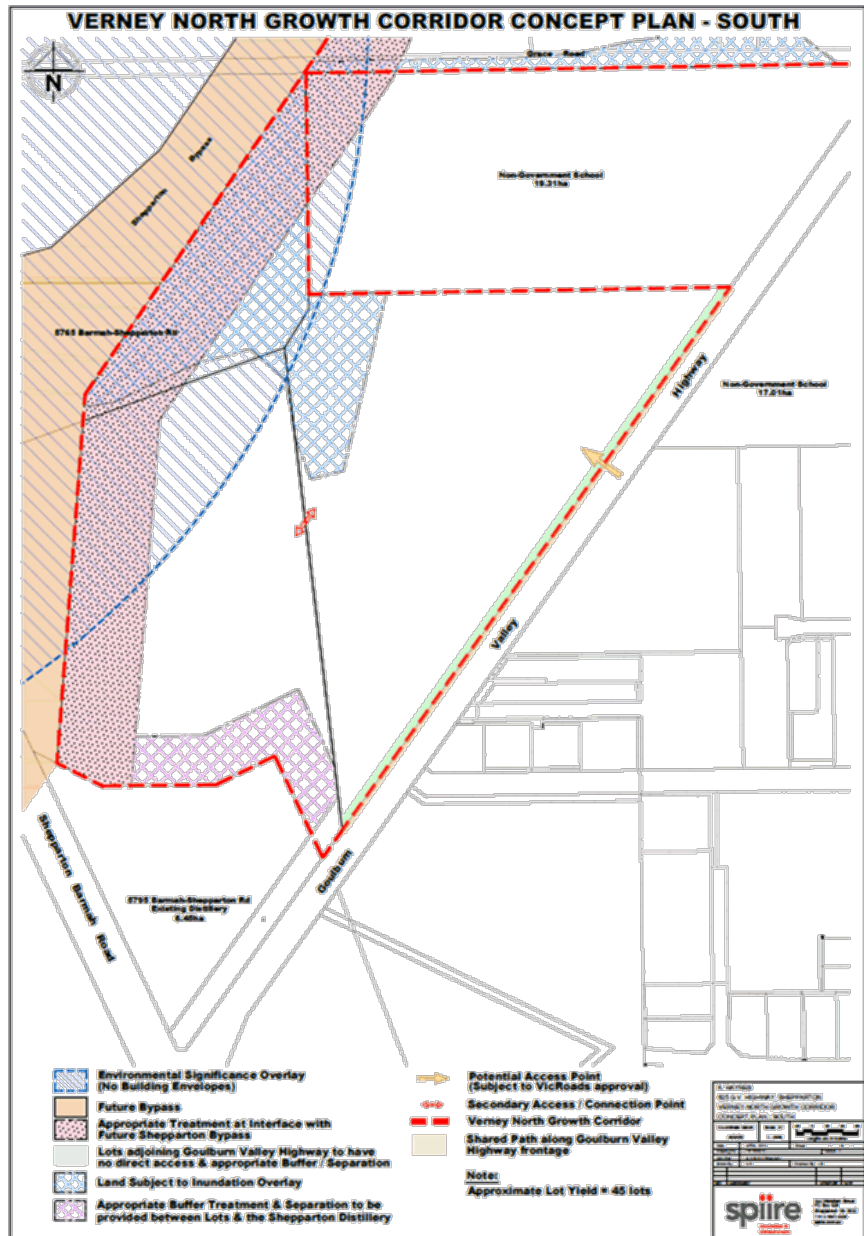
Before approving the Development Plan, the Responsible Authority must consider the following, and may include conditions where appropriate:

Attachment 3 Post-Exhibition Changes to the Development Plan Overlay Schedule
and Concept Plan

GREATER SHEPPARTON PLANNING SCHEME

- The environmental, ecological, landscape, archaeological, cultural heritage and historical values and features of the site.
- The comments and any requirements of Goulburn Murray Water and in particular any matters relevant to its policy regarding acceptance of urban and industrial water to Goulburn Murray Water Drains.
- The comments and requirements of VicRoads with particular regard to the following:
 - The need for the provision of a buffer between residential dwellings within the Development Plan area and the alignment of the proposed Goulburn Valley Highway (Shepparton Bypass).
 - The need for noise attenuation measures as a result of the proposed Goulburn Valley Highway (Shepparton Bypass).
- The need for any agreement to be made pursuant to the provisions of Section 173 of the *Planning and Environment Act 1987* with respect to matters arising from the proposed use and development, including the use of such agreements to reduce potential land use conflict at the residential and agricultural interface.
- Any requirements and/or views of the Greater Shepparton City Council and referral authorities regarding urban design and landscaping, traffic works, stormwater disposal, engineering works, environmental protections and enhancement, sewerage, drainage or flood mitigation works required to properly service the proposed use and development of the land.

GREATER SHEPPARTON PLANNING SCHEME



Attachment 3 - Table of Contents

1. Memo – Projects Department to Strategic Planning – Verney Road North Growth Corridor dated 20 September 2013.
2. Letter and accompanying drawings including 'Sheet 1 - Existing Conditions Conceptual Drainage Plan' and 'Sheet 2 - Proposed Drainage Conceptual Drainage Plan' from Chris Smith & Associates Pty Ltd to the Planning Department dated 14 August 2013.
3. Letter and accompanying 'Concept Development Plan – Drainage Flow Paths' from Spiire Pty Ltd to the Planning Department dated 16 August 2013. Additional Drainage Plan received January 2014.
4. Memo – Projects Department to Strategic Planning – Verney Road North Growth Corridor dated 26 September 2013.

GREATER SHEPPARTON
GREATER FUTURE



MEMO

To: Michael MacDonagh
From: Darren Buchanan
Date: 20 September 2013
Subject: **Verney Road North Corridor - Existing and Proposed Drainage**

Michael,

Two drainage issues became apparent following the significant flood event that occurred in March 2012:

1. Water remained in roadside table drains along Verney North Road and the Goulburn Valley Highway for a lengthy period of time.
2. Water from No. 775 Goulburn Valley Highway travels overland and floods residential properties to the east, in particular No. 40 Verney North Road.

A plan showing the existing drainage flows and proposed treatments is attached for information (TRIM M13/44809).

Roadside Drainage

Roadside drainage along Verney North Road flows south from a high point at the Goulburn-Murray Water channel located near No 60 Verney North Road towards the Goulburn Valley Highway. Water then flows in a south-west direction along the north side of the Goulburn Valley Highway into Goulburn-Murray Water Drain Shepparton Drain 4 at Grace Road then flows west. The flow of water relies on the water level of Drain 4 not being too high.

In high flow events such as the March 2013 event water from Drain 4 back flowed along the Goulburn Valley Highway holding water along Verney North Road table drain until the water level in Drain 4 subsided.

On the south side of the Goulburn Valley Highway water flows south-west along Goulburn-Murray Water Drain 2/4 to the Verney Road intersection then south along Verney Road into Goulburn-Murray Water Drain Shepparton Drain 4 at Grace Road then flows west.

A non-return flap gate has been installed on the downstream end of the existing Goulburn-Murray Water pipeline on the south-east corner of the intersection of the Goulburn Valley Highway and Verney Road.

A culvert crosses under the Goulburn Valley Highway just east of Verney North Road to allow balancing of regular flows. During high flow events water from the south side of the Goulburn Valley Highway would impede and contribute to roadside water along Verney North Road.

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A feature survey of the drainage in this area has been performed to determine drainage improvements.

The following roadside infrastructure improvements are proposed:

1. Re-grade the table drain on the north side of the Goulburn Valley Highway between Verney North Road and Grace Road to improve water flow. This work will include piping the section of drain adjacent to the left turn lane into Verney North Road due to VicRoads clear zone requirements and proliferation of underground services along this section.
2. Install a penstock at the table drain outfall into Drain 4 at Grace Road to allow high flow levels to be controlled so that high flows do not backflow up the Goulburn Valley Highway impeding water flow along Verney North Road. Closing of the proposed gate valve at Grace Road will allow emergency pumping of water into Drain 4.
3. Install a penstock at the north side of the culvert under the Goulburn Valley Highway, east of Verney North Road intersection to allow high flow levels to be controlled and not backflow up Verney North Road.

VicRoads have been consulted and had no objection to the preliminary design. Goulburn-Murray Water has also been consulted and had no objection to the proposed design.

Detailed design plans for the above works are expected to be completed in September 2013. Approval of the final detailed design plans will be required from Goulburn-Murray Water and VicRoads.

The above works will be funded from the Council's 2013/2014 rural drainage program. Subject to receiving approval from the above authorities it is anticipated the works will be delivered late 2013 or early 2014.

Residential Properties

A flood overlay plan provided by Goulburn Broken Catchment Management Authority has confirmed that the land including No. 775 Goulburn Valley Highway is not subject to flood inundation. However, water from 775 Goulburn Valley Highway travels overland and floods residential properties to the east, in particular No. 40 Verney North Road.

Following a complaint from the owner of No. 40 Verney Road regarding flooding of property, Council staff investigated drainage and prepared a design plan for the construction of a catch drain and raised bank was prepared. It was shown that water could be diverted behind the properties abutting Verney North Road and flow south to the Goulburn Valley Highway.

VicRoads have been consulted and had no objection to discharging into their table drain along the Goulburn Valley Highway. Goulburn Broken Catchment Management Authority has also been consulted and had no objection to the proposal.

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GREATER FUTURE



In accordance with the Section 15 and Section 16 of the Water Act 1989, a person who constructs works causing a flow is liable to pay damages to the other person to that other person in respect of injury, damage or loss. It is recommended that the Council does not preform the works on private property as it could expose the Council to potential litigation in the future.

It should be noted that development of No. 775 Goulburn Valley Highway would solve this issue. However, depending on development timeframes if an interim improvement is desired it is recommended that the Council provides a copy of the construction design plan to the property owner to undertake or arrange the works at their own cost.

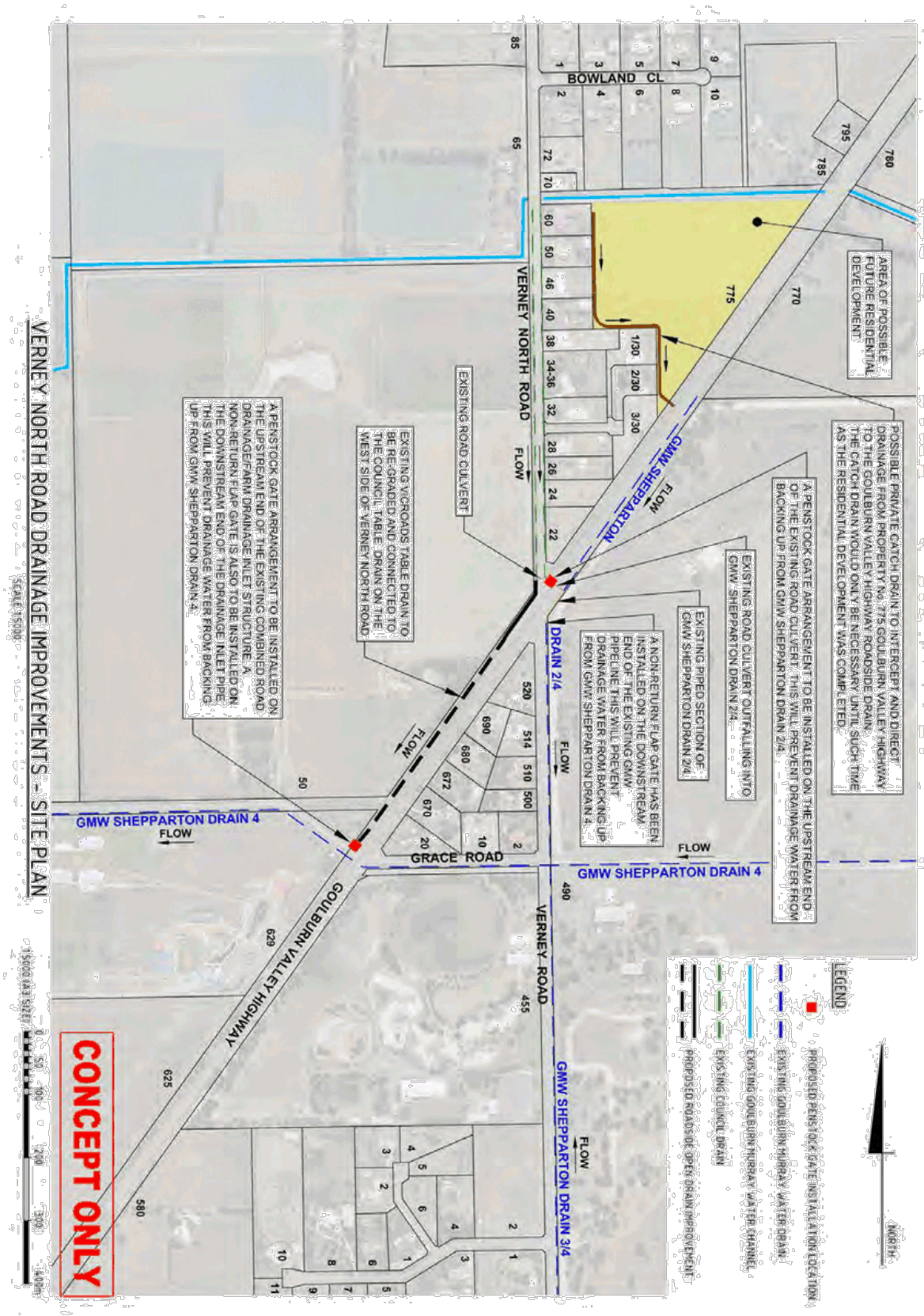
Yours sincerely,

Darren Buchanan
TEAM LEADER – INVESTIGATION & DESIGN

Trim Ref: M13/44409
Attach: Vemey North Road Drainage Improvements - Site Plan TRIM M13/44409
55/838/0009 & 03/652/0-1498

Attachment 4

Drainage Solution



Attachment 4

Drainage Solution



- CIVIL ENGINEERS
- LAND SURVEYORS
- URBAN & REGIONAL PLANNERS
- PROJECT MANAGERS

■ 11 Edward Street, Shepparton, VIC, 3630 ■ Ph: (03) 5820 7700 ■ Fax: (03) 5822 4878 ■ www.csmith.com.au

14 August 2013
Our Ref: 12085

Mr Michael MacDonagh
Principal Strategic Planner
Greater Shepparton City Council
Locked Bag 1000
SHEPPARTON VIC 3631

Dear Michael,

**Conceptual drainage solution
Verney North Growth Corridor**

We refer to our recent discussions in relation to the above rezoning application, which is being undertaken in conjunction with Spiire, and in particular, the meeting held on 8 August 2013 in relation to existing drainage in the area and potential impacts the residential development may have.

As you are aware, we act for Mr Jim Vasey and this submission relates to the part of the corridor that is north of Grace Road *only* and Spiire will make a submission in relation to the southern part of the corridor. Given that the two parts are separated by the Emmaus school site, we consider that it is practical and logical that each consultant deal with each respective part of the corridor.

As discussed at the meeting of 8 August, we rely on the observation that the development site is not within any active overland (drainage or flood) flow path and is not subject to inundation during a 100-year ARI flood event. We acknowledge the wider area may have a pre-existing surface drainage condition that has resulted in surface water remaining in drains and on properties after a significant storm event. Although our drainage strategy for the proposed development must ensure that the development caters for a 100-year ARI storm event.

Further, we submit that the drainage requirement for the development is a design issue that can be addressed at Development Plan, Planning Permit and detailed design phases of the project. Notwithstanding this, we provide the following to assist the rezoning application:

Existing Conditions:

Surface levels on a State Rivers and Rural Water Commission plan dated January 1980 shows that the wider area has a general planar fall toward the north west; however, the land south of G-MW channel 4/1/15 falls to the south and drains into G-MW drain No.4 (as shown on attached plan).

Currently the Vasey site has water supply from the Goulburn Murray Water Channel 4/1/15 and has been developed for irrigation and water reuse via a water storage dam located within the northern portion of the site. The entire site drains internally to the recycle dam. When the dam fills excess water is conveyed to the Goulburn Murray Water Drain No. 4 located on the southern side of Grace Road, via an internal farm drain and the legal point of discharge at the south-west corner of the land.

Proposed Drainage

It is proposed that the future development will utilise the existing reuse storage dam to be developed as a wetland for the purpose of stormwater treatment; however, additional capacity will be required to retain stormwater on site after a 100-year ARI storm event. It is proposed to locate



a retention basin in the northwest corner of the property, adjacent to the future Shepparton Bypass. This basin would empty via a pump and rising main that discharges at the appropriate rate to the existing Goulburn Murray Water drainage outfall (as shown on attached plan).

It is anticipated that this basin could be extended or conjoined to other future basins on adjacent land, when/if that land develops, essentially allowing the entire northern portion of the corridor to utilise the one outfall and associated infrastructure.

We trust this additional information allows you to now proceed with the rezoning approval process. However, if you have any questions, please contact the undersigned by one of the means provided below.

Yours sincerely,

A handwritten signature in black ink, appearing to be "G. Steigenberger", written over a horizontal line.

Gary Steigenberger
Director
Manager Planning

gary.steigenberger@csmith.com.au
Direct: (03) 5820 7709

cc:
enc:
Doc No.: 12085_L_Cou_Vasey_Drainage_140813

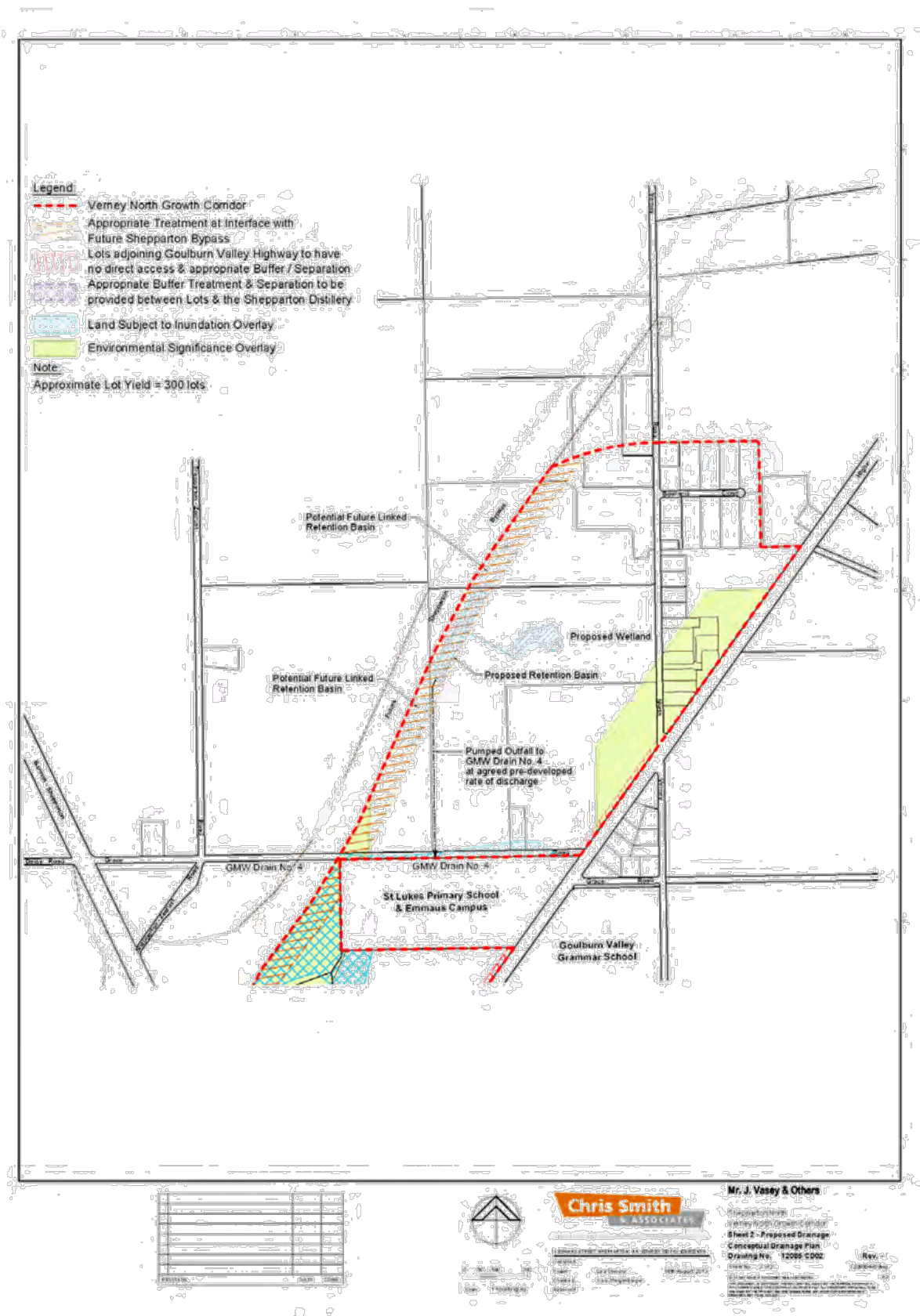
Attachment 4

Drainage Solution



Attachment 4

Drainage Solution



Attachment 4

Drainage Solution

Planning
Surveying
Landscape Architecture
Urban Design
Engineering Civil | Structural | Water
Project Management



Our Reference 131730 PL05

16 August 2013

Mr Colin Kalms
Manager Planning
Greater Shepparton City Council
Locked Bag 1000
Shepparton VIC 3632

Dear Colin

**625 Goulburn Valley Highway, Shepparton
Low Density Residential Rezoning Drainage Response**

As you are aware Spiire acts on behalf of Mr K. Haynes the landowner of the above mentioned property. Our client is seeking a rezoning of his land from the Farming Zone to the Low Density Residential Zone.

As requested at our meeting on Thursday 8th August 2013, this letter has been prepared to respond to drainage concerns raised by Councillors in relation to potential impacts of localised flooding and drainage from the future development of this land.

The design of the drainage for this proposed development will be in accordance with the Council's Infrastructure Design Manual (IDM), the relevant Australian Standards and known stormwater management principles.

Through the planning application and authority approval process, a Stormwater Management Strategy will be prepared outlining in detail the management of drainage for the proposed subdivision. This plan will be subject to approval from Goulburn Murray Water (GMW), Goulburn Broken Catchment Management Authority (GBCMA) and Council Engineers.

For this development, it is proposed to capture rainfall and direct these flows either overland or through an underground drainage network to a retardation basin, which caters for 1 in 100 year storm events. The basin will have a pump system to remove the collected water at 1.2 l/s/ha, as defined in the IDM and/or to the approval by Goulburn Murray Water (GMW). A rising main will be built to discharge the water at the approved rate to the legal discharge point, determined by Council and GMW, in this case, the existing Drain 1/4 at the south east corner of the site.

Spiire Australia Pty Ltd ABN 55 050 029 885 T 01 3 5831 4448 spiire.com.au
144 Welsford Street PO Box 828 Shepparton Victoria 3632 Australia

G:\131730\PL04 005 Council Spiire Drainage Response.doc

Page 1

Attachment 4

Drainage Solution

Planning
Surveying
Landscape Architecture
Urban Design
Engineering Civil | Structural | Water
Project Management



All flows captured within the site will be retained, treated and discharged in accordance with the relevant standards. Preliminary investigations, including a preliminary drainage plan and calculations, have been undertaken as shown on the concept plan attached. These investigations indicate the drainage can be designed in accordance with the relevant requirements.

If you have any queries in regard to this letter or the proposed rezoning, please call Jane Macey or myself on 5831 4448.

Yours sincerely

A handwritten signature in black ink, appearing to read "Jeremy Blight".

Jeremy Blight
Senior Associate - Engineering

Enclosure Concept Development Plan – Drainage Flow Paths

Copy to Mr K. Haynes
C/- 16 Dunkirk Avenue
Shepparton VIC 3630

Spiire Australia Pty Ltd ABN 55 050 029 885 T 01 3 5831 4448 spiire.com.au
144 Welsford Street PO Box 828 Shepparton Victoria 3632 Australia

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Page 2

Attachment 4

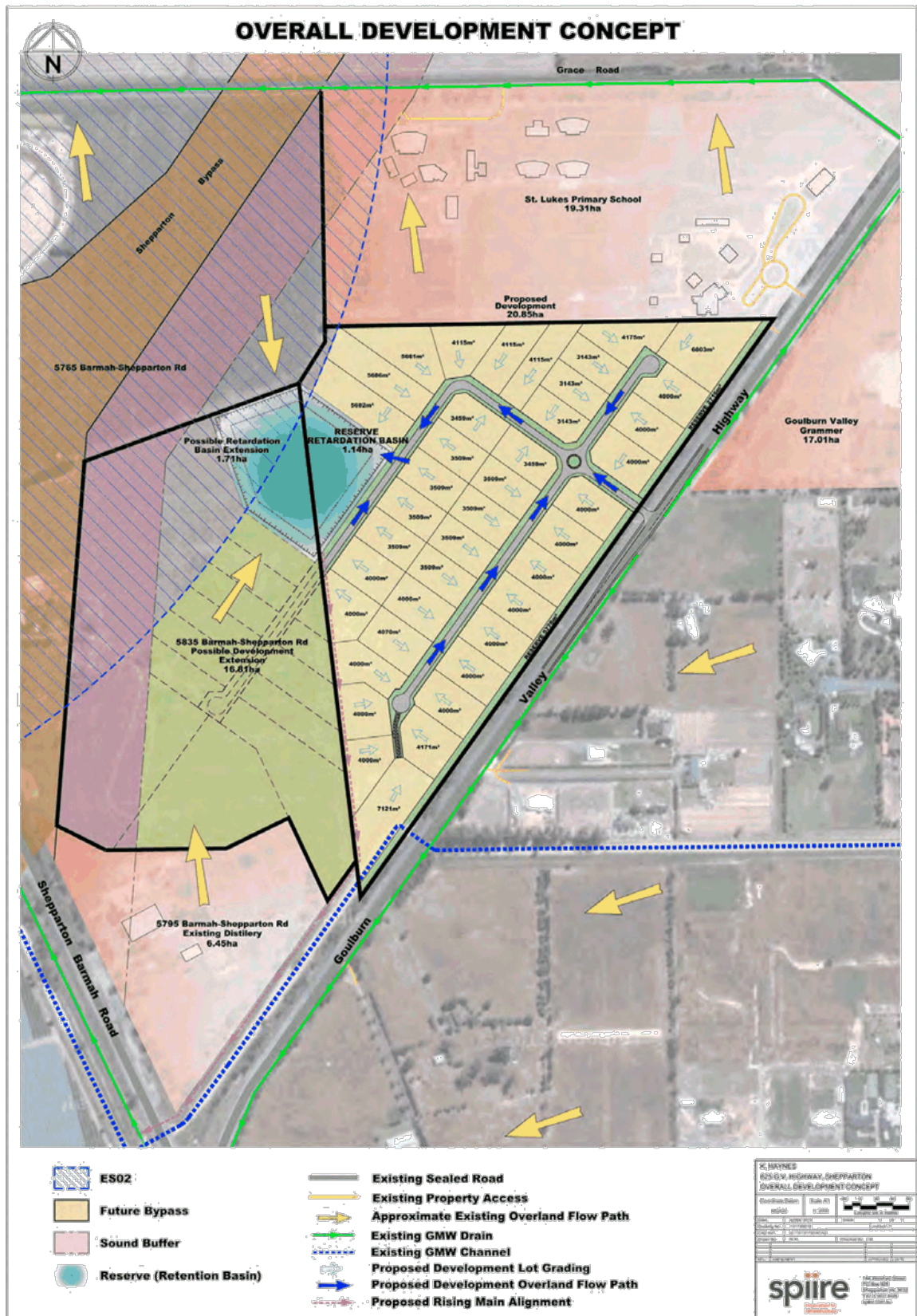
Drainage Solution



Attachment 4

Drainage Solution





G R E A T E R S H E P P A R T O N
G R E A T E R F U T U R E



MEMO

To: Michael MacDonagh
From: Jonathan Griffin
Date: 26 September 2013
Subject: **VERNEY ROAD NORTH GROWTH CORRIDOR**

Dear Michael

Further to your request for the provision of comments relating to the development of two sites along Verney Road North, I have assessed the plans and provide the following comments:

CONCEPTUAL DRAINAGE PLAN No 12085/CD01

This document relates to the Vasey and Others plan to develop the land north of Grace Road provided by CSA Consultants

The consultant has considered adjoining land in the area and has determined the overland flow path to discharge to a centrally located retardation basin in the location of an existing dam. The consultant has determined this site would not be large enough to cope with the total amount of volume required and so has allowed for more retardation within the encumbered land adjacent to the future by-pass. The location of the basin is appropriate as it is located at a low point on the land and so allows some fall within the new drainage system.

The outfall is shown as the current GMW Drain No 4 in Grace Road which flows to the west toward Barmah – Shepparton Road. The drainage is required to be pumped from the basin as there is not enough grade to allow for a gravity outfall solution. It is expected that GMW will not have any issues with this as it is common practice.

WSUD features have not been provided as yet however this item is usually dealt with at the design stage and so we can accept that this will be completed at a later stage in accordance with Clause 56

CONCEPTUAL DRAINAGE PLAN No 131730G11

This document relates to the Haynes plan to develop the land at 625 GV Highway Shepparton provided by SPIIRE

This is similar in detail to that provided by CSA Consultants and is not unusual at this stage of conceptual design.

The consultant has shown approximate location of existing overland flow path; this would normally be provided by speaking to land owners as well as investigating any documents showing surveys in the area.

Once again the basin has been shown at a low point on the land adjacent to an existing dam and discharges to GMW Drain No 1 /4 via a pump station. Although not

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shown on the plan the basin has the capacity to be increased in size to cater for adjoining Lots as part of their future development.

The land on the east side of the property is in the LSIO and so the design plans will need to show how this will be dealt with

WSUD features have not been provided as yet however this item is usually dealt with at the design stage and so we can accept that this will be completed at a later stage in accordance with Clause 56

It is my opinion that the plans provided showing the conceptual layout for the developments are of sufficient standard to progress to the next phase of design. The information provided gives me confidence that any drainage issues can be resolved as detail design progresses. I therefore confirm that the concepts can be supported in principle.

Before we approve any development plan we will be seeking more information in order for us to be confident the final design solution will meet the requirements of the infrastructure Design Manual, including:

- Levels demonstrating the direction of designed overland flow paths.
- Works to be performed relating to the land in general to ensure no adverse impact on other properties as a result in the development of the land.
- Computations demonstrating the appropriate design of the storm water drainage system
- Documents demonstrating appropriate size and depths of retardation basins in accordance with the IDM and also to include any future development of adjoining land.
- Longitudinal sections of the main storm water pipes showing sizes, depths, hydraulic grade lines etc
- Water treatment and discharge design into the legal point of discharge, in this case both developments are looking at discharging to GMW infrastructure and so will be required to meet their discharge rates.

The development branch always works closely with the consultants to ensure appropriate storm water solutions are catered for and overland flow and storage catering for a 1:100 year event are included in the final design solution as per the IDM

Both developments will be required to satisfy the overall development area with respect to drainage, flow paths, access road infrastructure etc, which will be reviewed in more detail once the concept designs are progressed to functional design.

In summary the concept plans are satisfactory but more information will be required before development branch officers endorse them as we need to have information to allow us to have confidence the final design will meet best practice.

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I trust this assists you with the current status of the proposed developments if you would like to discuss further please contact me on extension 739

Regards

Jonathan Griffin
TEAM LEADER - DEVELOPMENT

Planning and Environment Act 1987

GREATER SHEPPARTON PLANNING SCHEME

PROPOSED AMENDMENT C98 (PART 2)

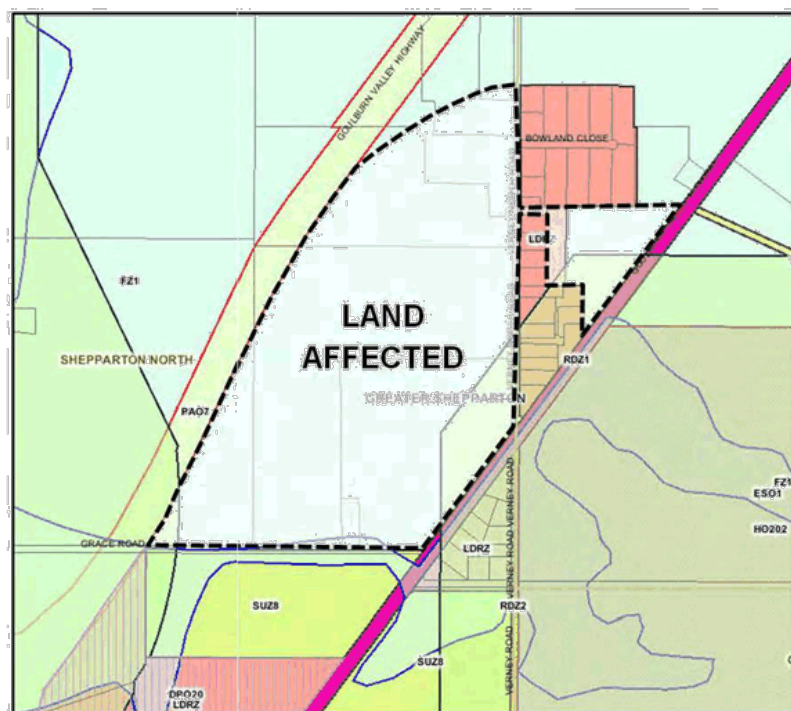
EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Greater Shepparton City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Chris Smith & Associates Pty Ltd on behalf of J & L Vasey, owners of land at 50 Grace Road, Shepparton North.

Land affected by the amendment



The proposed amendment applies to approximately 77ha of land in north Shepparton, generally bounded by Grace Road to the south, the Goulburn Valley Highway to the south east and the Public Acquisition Overlay for the proposed Goulburn Valley Highway – Shepparton Bypass to the north-west.

The land is currently within the Farming Zone (FZ) and is partially affected by the Environmental Significance Overlay Schedule 1 (ESO1) and the Land Subject to Inundation Overlay (LSIO). The land is adjacent to the Public Acquisition Overlay Schedule 7 (PAO7) for the Goulburn Valley Highway – Shepparton Bypass.

The land is already highly fragmented with lot sizes currently ranging from approximately 5ha to 50ha, occasionally used for limited agricultural purposes such as cattle grazing.

Address	Lot No	Plan No./Parish
775 Goulburn Valley Highway, Shepparton North	2	LP220804
50 Grace Road, Shepparton North	1, 2 & 3	LP221613
90 Shepparton-Zeerust Road, Shepparton North	3	LP140066
65 Verney North Road, Shepparton North	1 & 2	PS405637
85 Verney North Road, Shepparton North	2	LP123392
105 Verney North Road, Shepparton North	2	LP36320

What the amendment does

The amendment rezones land at Shepparton North from the Farming Zone (FZ) to the Low Density Residential Zone (LDRZ) and applies the Development Plan Overlay to the land with a site specific schedule (new DPO22).

Specifically, the amendment proposes the following changes to the Greater Shepparton Planning Scheme:

- Rezone land at 65, 85 and 105 Verney North Road, 775 Goulburn Valley Highway, 50 Grace Road and 90 Shepparton-Zeerust Road, Shepparton North from the Farming Zone to the Low Density Residential Zone;
- Amend Planning Scheme Map No. 11;
- Introduce a new Schedule 22 to the Development Plan Overlay at Clause 43.04 and apply this overlay to the land; and
- Amend Planning Scheme Map No. 11 DPO.

Strategic assessment of the amendment

Why is the amendment required?

The subject land is within the settlement boundary for Shepparton and has been identified for potential low density within the *Greater Shepparton Housing Strategy 2011* (GSHS). The current Farming Zone provisions applicable to the land prohibit it from being used for low density residential purposes. An amendment to rezone the land to Low Density Residential Zone is, therefore, necessary to implement the recommendations of the GSHS.

The subject area contains a number of allotments with a variety of landowners. It is therefore appropriate to also include the land within the Development Plan Overlay with a site specific schedule. This will guide the comprehensive development of the multiple properties across various land ownership boundaries.

The provisions of the Low Density Residential Zone will allow subdivision of the land to a minimum lot size of 2000m². This will complement the low density residential character of this area on the urban fringe of Shepparton.

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

The proposed amendment implements objectives a, c, e and g of Section 4 of the *Planning and Environment Act 1987* as it will facilitate the orderly, fair and economic development of low density residential land in the municipality.

The application of the Development Plan Overlay to the land will ensure that a fair, orderly and integrated development is achieved. The buffers to the future Shepparton Bypass, the tree reserves along the Goulburn Valley Highway and the proposed acoustic barriers will create a pleasant living environment for the low density residential development.

The public utilities in proximity to the site include the Broadcast Australia site. This proposal acknowledges the need to protect this utility from encroachment by excluding and limiting development within the areas that may be affected by any off-site impacts.

The environmental effects of the proposed amendment are further discussed below.

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

Environmental

Rezoning the subject land to the Low Density Residential Zone will allow it to be developed with serviced lots of a minimum subdivision size of 2000m². This will achieve an appropriate outcome for land that has been subject to significant environmental change in the past.

The large allotment areas and vegetation buffers will result in the landscape quality being improved. The landscape quality will continue to improve as the land is revegetated with public parks, tree reserves and private gardens.

Appropriate buffers along the Goulburn Valley Highway frontage and the future Shepparton Bypass alignment have been provided to minimise any acoustic impact on future residents.

An Environmental Significance Overlay applies to part of the land, along the Goulburn Valley Highway frontage of the land. This Overlay encourages the protection for the ongoing operation of Radio Australia, which is achieved by limiting development on the land affected by the overlay.

The displacement of irrigation farming land by urban expansion has been strategically addressed within the GSHS. A settlement boundary has been established with an overall strategy of containment for the regional city. The subject area is within the settlement boundary. The containment strategy is necessary to protect the significant agricultural base of the economy from the negative impact of scattered unplanned rural residential development. The subject area is a strategically important supply of rural residential land, as it can be seweraged and therefore achieve a higher number of lifestyle properties with a minimal loss of land.

Social

The proposed amendment will achieve a positive social outcome. It will facilitate new and unique housing opportunities at a density of which there is currently a limited supply in Greater Shepparton. It will result in the development of a new neighbourhood forming part of the established low density and rural residential community within the locality.

The land is in proximity to a number of educational facilities including being directly adjacent to St Luke's Primary School and the Emmaus Campus as well as being nearby Goulburn Valley Grammar School.

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

There are no significant adverse social implications associated with this proposed amendment.

Economic

It is not considered feasible that the land remain within the Farming Zone, due to the existing land uses and subdivision pattern of the subject area. The land is already highly fragmented with lot sizes currently ranging from approximately 5ha to 50ha, occasionally used for limited agricultural purposes such as cattle grazing. Therefore, the proposed amendment will not result in adverse impacts upon the local economy due to loss of any agricultural land.

New housing to be provided on the site will facilitate economic growth within the municipality by providing housing opportunities to cater for the growing population.

There are no significant adverse economic impacts associated with this proposed amendment.

Does the amendment address relevant bushfire risk?

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

The Country Fire Authority (CFA) was consulted in the preparation of the proposed amendment. The CFA is satisfied that the proposal has appropriately applied the principles of avoiding growth in areas of extreme risk, managing growth in areas of high risk and supporting growth in areas of low risk.

The proposed amendment is consistent with the Local Planning Policy Framework objectives and strategies that apply to bushfire risk. No local policy for bushfire risk management is required to support the proposed amendment as bushfire mitigation measures can be readily implemented and the risk can be reduced to an acceptable level.

The CFA will be provided with further opportunity to comment on this proposal during the formal exhibition process associated with this proposed planning scheme amendment.

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

Ministerial Direction No. 1 – Potentially Contaminated Land has been considered. The preliminary soil contamination assessment for the site was undertaken by Douglas Partners Pty Ltd. The report has detailed that additional testing will be required to be completed for each of the individual properties and this testing could form a condition of the permit. The assessment concluded that the site is suitable for the proposed low density residential development; which means the requirements of the Direction are complied with.

The proposed amendment has been prepared in accordance with Ministerial Direction No. 11 – Strategic Assessment of Amendments.

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

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

The proposed amendment is consistent with the State Planning Policy Framework (SPPF) and facilitates the orderly development of urban and rural areas in accordance with the goals and principles of SPPF.

The proposed amendment supports or implements the following relevant SPPF Clauses:

Clause 11.01-5 (Regional Settlement Networks)

The objective of this clause is *to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan*. Shepparton has been identified as a regional city. This proposal aims to implement the GSHS, which guides residential development in this regional city.

Clause 11.10 (Hume Regional Growth)

The objective for Planning for Growth (Clause 11.10-3) is 'to focus growth and development to maximise the strengths of existing settlements'. A policy of this clause is to consider the Hume Regional Growth Plan (HRGP). The amendment aims to implement the HRGP as the subject land has been identified as a 'Key residential growth front' on the Shepparton Urban Growth Framework plan within the HRGP.

Clause 13.04-1 (Noise Abatement)

The objective of this clause is *to assist the control of noise effects on sensitive land uses*. Acoustic barriers and buffer areas will be utilised to minimise any noise impact from surrounding roads.

Clause 15.01-3 (Neighbourhood and Subdivision Design)

The objective of this clause is *„to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods“*. The proposed amendment and future development plan will allow for staged subdivision in a location with access to existing physical and community infrastructure and will provide for a range of lot sizes, a convenient and safe road network, appropriate pedestrian and cycle links and sufficient useable public open space.

Clause 16.02-1 (Rural Residential Housing)

The objective of this clause is *„to identify land suitable for rural living and rural residential development“*. The subject land has been identified for low density purposes within the GSHS.

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

The proposed amendment is consistent with the Local Planning Policy Framework.

Clause 21.04-3 (Rural Residential Development)

This clause states that *„the Council is keen to ensure that the demand for low density residential development and rural living opportunities can be met through the supply of land in appropriate locations“*. This clause includes Framework Plans from the GSHS. The Shepparton North Framework Plan at Clause 21.04 identifies the land for potential low density development.

Clause 21.05-2 (Floodplain and Drainage Management)

The land is not within a designated floodway and is only partially affected by the Land Subject to Inundation Overlay. The Development Plan Overlay includes provisions to ensure that any stormwater is appropriately managed. The Development Plan must demonstrate *„appropriate stormwater management methods, including the location of any on-site drainage retention facilities“*.

Clause 21.07-3 (Urban Stormwater Management)

The objectives of this clause are *„To maintain and enhance stormwater quality throughout the municipality“* and *„To ensure that new development complies with the Infrastructure Design Manual“*. Strategies to achieve these objectives include *„Minimise off site discharge of stormwater through the use of porous pavements, on-site collection, water conservation and re-use“*. The development will include an internal urban stormwater system that will collect and treat urban water runoff. Discharge from the site will be retarded to pre-development rate via a predetermined point of discharge. The 'Conditions and requirements' for permits' at Section 2.0 of the schedule to the Development Plan Overlay requires an application for planning permit to include a stormwater management plan that details how stormwater will be collected and treated within the development. These measures will ensure the development will be designed so as to cause no adverse impacts due to stormwater on surrounding land.

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

The amendment proposes to use the Low Density Residential Zone with a Development Plan Overlay. The GSHS identifies the subject site for low density residential purposes. The site can be adequately serviced with reticulated sewerage and can provide allotments with a minimum subdivision size of 2000m² in accordance with the provisions of the zone. The minimum subdivision size allows the proposed amendment to respond to the constraints of the land. The Low Density Residential Zone is therefore the appropriate zone to allow for the low density residential development of the land.

The subject area contains multiple properties and is multiple land ownerships. The application of the Development Plan Overlay on the land will allow for a fair and integrated low density residential development.

The proposed amendment has made proper use of the Victorian Planning Provisions.

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

The most relevant authority for this proposed amendment is VicRoads. Vehicle access locations and appropriate buffers to the Goulburn Valley Highway and future Shepparton Bypass route have been discussed with VicRoads and included on a Concept Plan referred to in the Schedule to the Development Plan Overlay.

Referral authorities will be provided with the opportunity to comment during the formal amendment exhibition process.

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

The purpose of the *Transport Integration Act 2010* is to create a new framework for the provision of an integrated and sustainable transport system in Victoria. The vision statement recognises the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible state.

The objectives of the *Transport Integration Act 2010* relate to social and economic inclusion, economic prosperity, environmental sustainability, integration of transport and land use, efficiency, coordination and reliability, and safety and health and wellbeing.

This amendment does not conflict with the purpose, objectives or requirements of the *Transport Integration Act 2010*.

A Traffic Impact Assessment Report (TIAR) was undertaken in 2009. The TIAR found:

- *The proposal would not adversely impact on the safety or operation of the surrounding road network, provided the recommended mitigating works are undertaken; and*
- *There would be no traffic management or operational grounds that would warrant refusal of this development.*

The Development Plan demonstrates a shared pathway network, including opportunities to link paths to any networks on abutting land, and any public transport services. The Development Plan must also include, where required by the responsible authority, a traffic impact assessment and management plan that identifies:

- Appropriate access and circulation of vehicles on the existing and future road network, which minimises culs de sac.
- The identification of existing and proposed public transport routes, bus stops and associated infrastructure with appropriately dimensioned roads.
- The identification of existing and proposed pedestrian and cycling networks including provision for safe and convenient access to public transport infrastructure.
- The works necessary to accommodate traffic generated by the development and to mitigate any adverse impacts of the development.
- The trigger points for any additional traffic infrastructure.

Any changes in traffic generation or management resulting from this proposed amendment will not have an adverse impact on the requirements of the *Transport Integration Act 2010*.

Resource and administrative costs

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

Any costs associated with the planning scheme amendment process, including the costs of an Independent Planning Panel if required, will be met by the proponent of this amendment.

The new planning provisions will not have a detrimental effect on the resource and administrative costs of the Council.

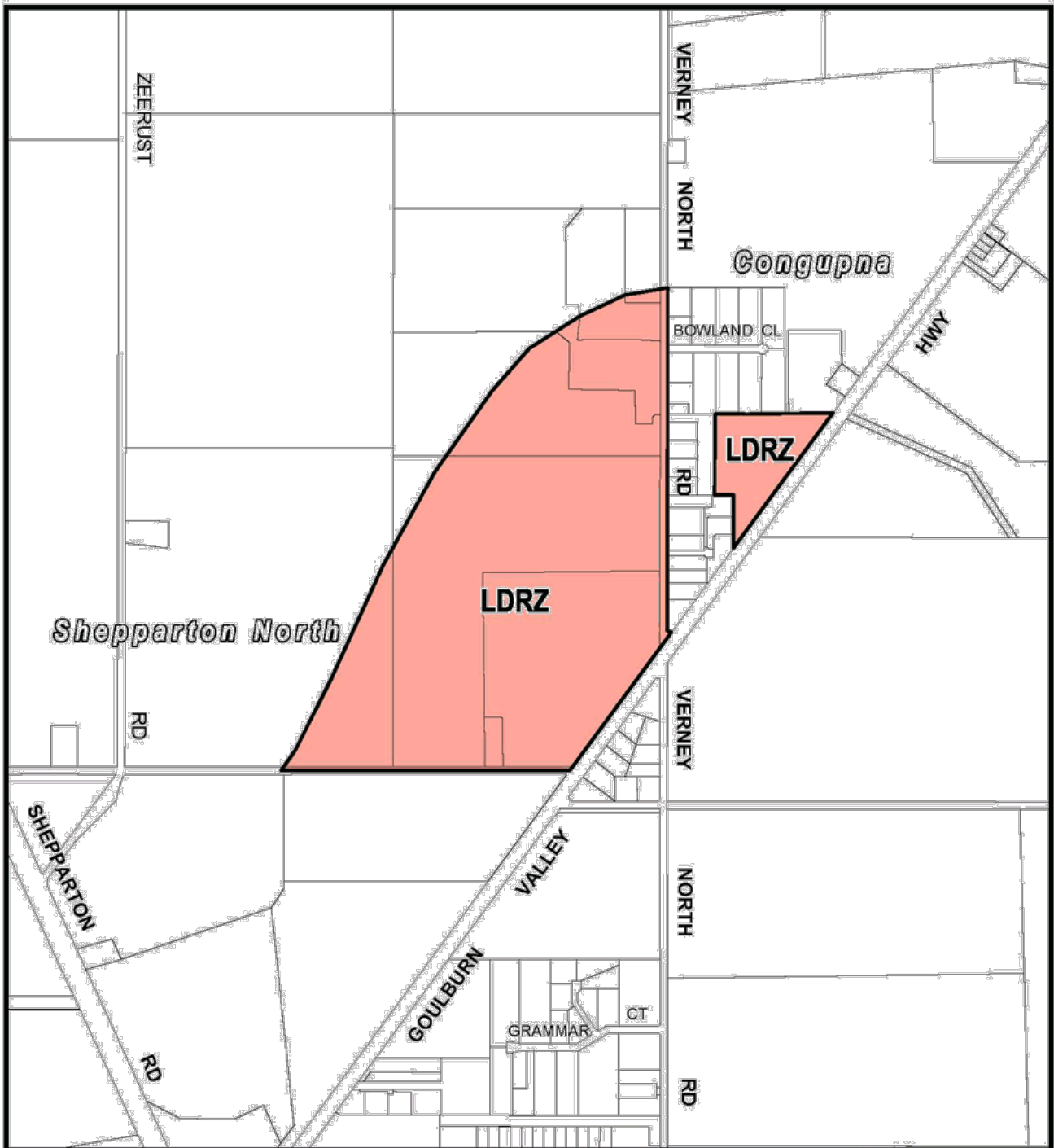
Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at the Greater Shepparton City Council's offices at 90 Welsford Street, Shepparton.

The proposed amendment can be inspected free of charge at:

- the Department of Environment, Land, Water and Planning's website at <http://planning.schemes.delwp.vic.gov.au/updates-and-amendments>; or
- the Greater Shepparton City Council's website at www.greatershepparton.com.au

GREATER SHEPPARTON PLANNING SCHEME LOCAL PROVISION



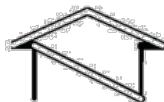
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	LDRZ Low Density Residential Zone
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Part of Planning Scheme Map 11

AMENDMENT C98 PART 2

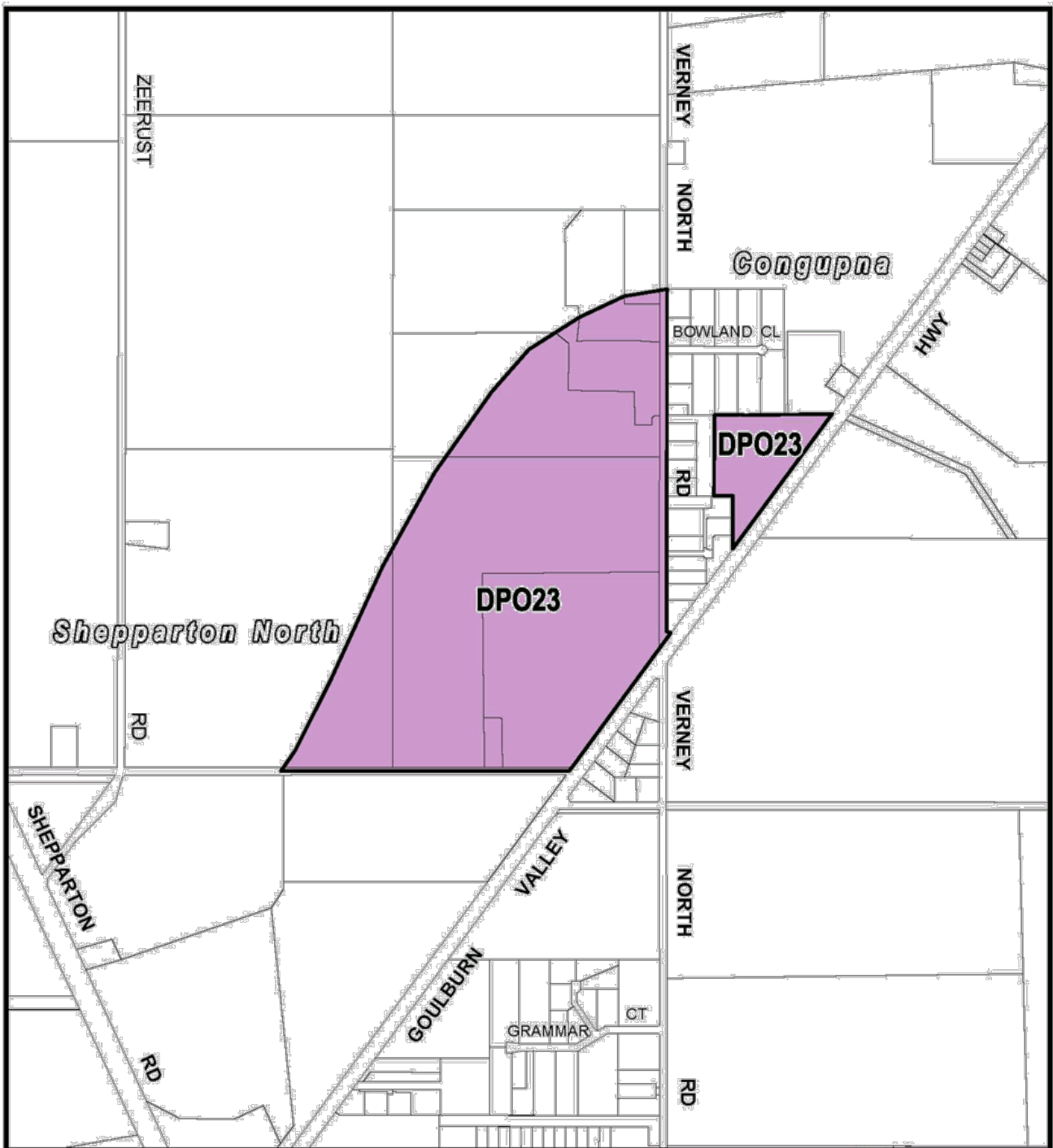
Planning Mapping Services
 Amendments Coordination Team
 Planning & Building Systems
 Planning, Building & Heritage



Department of
 Transport, Planning and
 Local Infrastructure



GREATER SHEPPARTON PLANNING SCHEME LOCAL PROVISION



LEGEND

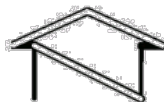


Development Plan Overlay - Schedule 23

Part of Planning Scheme Map 11DPO

AMENDMENT C98 PART 2

Planning Mapping Services |
 Amendments Coordination Team |
 Planning & Building Systems |
 Planning, Building & Heritage |



Department of
 Transport, Planning and
 Local Infrastructure



GREATER SHEPPARTON PLANNING SCHEME

--/20--
C98(Part 2)

SCHEDULE 2231 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO2231**.

VERNEY NORTH GROWTH CORRIDOR - NORTH**1.0**

--/20--
C98 (Part 2)

Requirement before a permit is granted

Before any new use, development or subdivision commences, a development plan must be prepared and approved by the Responsible Authority.

A permit may be granted before a development plan has been prepared for the purpose of:

- subdividing land into two allotments or re-subdividing existing allotments so as to not increase the number of lots;
- a single dwelling on a lot; or
- any buildings and works associated with the ongoing maintenance or operation of the subject site.

2.0

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C98(Part 2)

Conditions and requirements for permits

An application for planning permit must include, as relevant:

- a stormwater management plan detailing how stormwater will be collected and treated within the development. The plan must be prepared in accordance with the Infrastructure Design Manual ~~and consider ongoing maintenance of the stormwater management measures~~ and must include details of measures to prevent potential off site impacts, terms for cost sharing if the stormwater system must be up-sized to cater for stormwater from surrounding land and consider ongoing maintenance of the stormwater management measures.

Conditions, as appropriate, must be included on any planning permit issued to subdivide or develop land with regard to recommendations made by the assessments and specialist reports submitted in support of the Development Plan.

3.0

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C98(Part 2)

Requirements for development plan

A Development Plan may be prepared for all or any part of the growth corridor.

The Development Plan may be amended to the satisfaction of the Responsible Authority.

The Development Plan must demonstrate, as appropriate:

- General consistency with the *Verney North Growth Corridor Concept Plan - North*.
- The proposed subdivision layout of the proposed development of the land, including roads, areas of open space, drainage retention areas, and any staging of the development.
- The relationship of the land to the adjoining land and treatment(s) at the interface with existing ongoing and future land uses, particularly those with potential amenity impacts.
- The shared pathway network, including opportunities to link paths to any networks on abutting land, and any public transport services.

GREATER SHEPPARTON PLANNING SCHEME

- The layout of major areas of public open space and the type of facilities, if any, to be provided for users of the open space.
- The location of any significant environmental, cultural, heritage and/or ecological (faunal and/or floral) features including fauna and remnant vegetation.
- Stormwater management methods, including the location of any on-site drainage retention facilities and demonstration that there will be no adverse off site impacts through consideration of:
 - Designing the new access from Verney North Road to have a finished surface level at or below the lowest crown level of Verney Road North in the vicinity of 40 Verney Road North.
 - Designing the new access from Verney North Road so that it falls away from Verney North Road (i.e. falls toward the west)
 - Designing the underground drainage system for the development that includes side entry pits at the intersection of the new access road and Verney North Road.
 - Or other methods, as approved by the responsible authority.
- Arrangements for the provision of all physical and any community infrastructure and services to the land.
- ~~In addition to the above requirements, must incorporate measures to address any potential amenity issues for any development on land in the vicinity of the Shepparton Distillery, such as lighting, noise and odour so as to ensure the continued operation of the distillery.~~

The Development Plan must include, where required by the Responsible Authority:

- An environmental assessment of the land, involving a flora and fauna survey, which, among other things, identifies the health and habitat value of all native vegetation.
- A preliminary survey of the area for aboriginal archaeological sites and preliminary cultural heritage assessment to determine whether a Cultural Heritage Management Plan, in terms of the Aboriginal Heritage Act 2006, is required.
- A preliminary soil assessment demonstrating the extent of any contaminated soils that may exist on the subject land and, if detected, a more detailed assessment outlining the location of the contaminated soil, the type of contaminants detected, and the strategies required to be undertaken to decontaminate the affected areas in accordance with the Minister's Direction No. 1 – Potentially Contaminated Land.
- A land capability assessment, unless the development will be connected to a reticulated sewerage network.
- A landscape and open space master plan outlining street tree plantings, areas of open space, stormwater management areas and areas of water sensitive urban design.
- A traffic impact assessment and management plan that identifies:
 - Appropriate access and circulation of vehicles on the existing and future road network, which minimises culs de sac.
 - ~~Requirements for a new access onto the Goulburn Valley Highway that also provides for future access to Notre Dame College via Grace Road in accordance with the terms of the pre-development agreement between the parties.~~
 - The identification of existing and proposed public transport routes, bus stops and associated infrastructure with appropriately dimensioned roads.

GREATER SHEPPARTON PLANNING SCHEME

- The identification of existing and proposed pedestrian and cycling networks including provision for safe and convenient access to public transport infrastructure.
- The works necessary to accommodate traffic generated by the development and to mitigate any adverse impacts of the development.
- The trigger points for any additional traffic infrastructure.
- Access arrangements are to have regard to on-road cyclists.
- An infrastructure plan approved by the Responsible Authority, which identifies the anticipated staging and timing of the provision of infrastructure. The infrastructure plan should address, as appropriate:
 - The provision, staging and timing of stormwater drainage works.
 - The provision, staging and timing of roadworks (including bus stops and associated works) both internal and external in accordance with the approved traffic management plan.
 - The provision, staging and timing of landscaping works for local parks, stormwater drainage reserves and regional landscaping works.
 - The securing of the infrastructure and utility services as may be necessary by way of an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* or by other means acceptable to the Responsible Authority.
 - Any other infrastructure related matter reasonably requested by the Responsible Authority associated with the subdivision of land.
 - Identification of any agency or person responsible for provision of particular items of infrastructure.

Before approving the Development Plan, the Responsible Authority must consider the following, and may include conditions where appropriate:

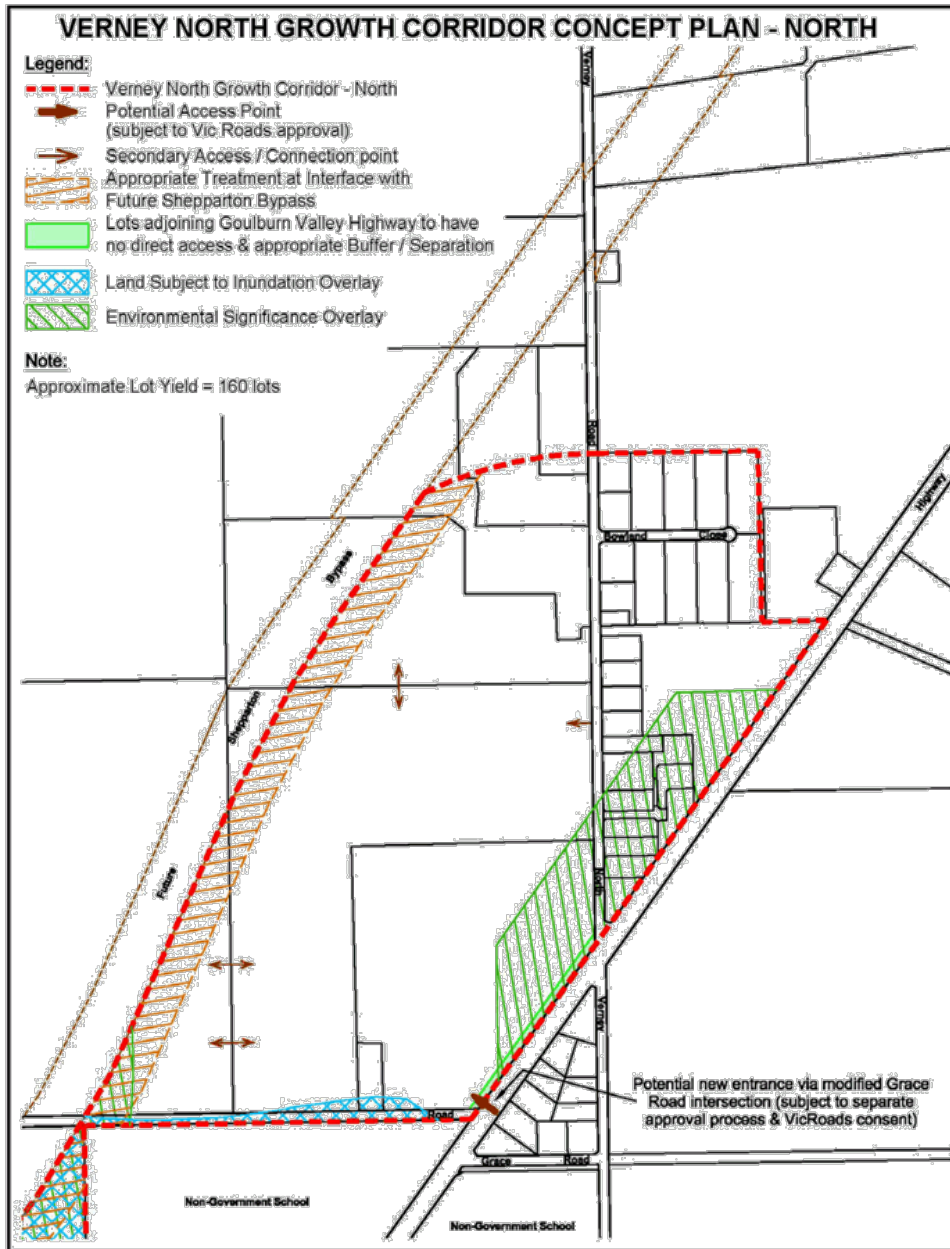
- The environmental, ecological, landscape, archaeological, cultural heritage and historical values and features of the site.
- The comments and any requirements of Goulburn Murray Water and in particular any matters relevant to its policy regarding acceptance of urban and industrial water to Goulburn Murray Water Drains.
- The comments and requirements of VicRoads with particular regard to the following:
 - Any requirement to upgrade and/or relocate the intersection of Grace Road with the Goulburn Valley Highway if it is to be used for access to the development site and Notre Dame College.
 - The need for the provision of a buffer between residential dwellings within the Development Plan area and the alignment of the proposed Goulburn Valley Highway (Shepparton Bypass).
 - The need for noise attenuation measures as a result of the proposed Goulburn Valley Highway (Shepparton Bypass).
- The need for any agreement to be made pursuant to the provisions of Section 173 of the *Planning and Environment Act 1987* with respect to matters arising from the proposed use and development, including the use of such agreements to:
 - reduce potential land use conflict at the residential and agricultural interface.
 - set out requirements for the stormwater system for the development including measures to prevent potential off site impacts and terms

GREATER SHEPPARTON PLANNING SCHEME

for cost sharing if the stormwater system must be up-sized to cater for stormwater from surrounding land.

- Any requirements and/or views of the Greater Shepparton City Council and referral authorities regarding urban design and landscaping, traffic works, stormwater disposal, engineering works, environmental protections and enhancement, sewerage, drainage or flood mitigation works required to properly service the proposed use and development of the land.

GREATER SHEPPARTON PLANNING SCHEME



1 General		10/2/16
REVISION	DATE	ZONE

Scale: 1:10,000 (approx)

Chris Smith
ASSOCIATES

Level 4 Engineering
1000 Lakeside Drive
Shepparton VIC 3630
Ph: 03 5337 7700 Fax: 03 5337 7701

Developed by: Chris Smith
Designed by: Chris Smith
Checked by: Chris Smith
Approved by: Gary Stanger-Dwyer

Mr. J. Vasey & Others

Verney North Growth Corridor
Concept Plan - North
Drawing No. 12085/03

Rev. 1
02/02/2016

Chris Smith & Associates Pty Ltd
Level 4, 1000 Lakeside Drive, Shepparton VIC 3630
ABN 62 628 628 628
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*Planning and Environment Act 1987***GREATER SHEPPARTON PLANNING SCHEME****AMENDMENT C98 (PART 2)****INSTRUCTION SHEET**

The planning authority for this amendment is the Greater Shepparton City Council.

The Greater Shepparton Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 2 attached map sheet.

Zoning Maps

1. Amend Planning Scheme Map No. 11 in the manner shown on the 1 attached map marked "Greater Shepparton Planning Scheme, Amendment C98 (Part 2)".

Overlay Maps

2. Amend Planning Scheme Map No. 11DPO in the manner shown on the 1 attached map marked "Greater Shepparton Planning Scheme, Amendment C98 (Part 2)".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In Overlays – Clause 43.04, insert a new Schedule 23 in the form of the attached document.

End of document

Planning and Environment Act 1987

Panel Report

Greater Shepparton Planning Scheme
Amendment C98 Part 2
Low Density Residential Zone Shepparton North

18 April 2016



Planning and Environment Act 1987

Panel Report pursuant to Section 25 of the Act

Greater Shepparton Planning Scheme Amendment C98 Part 2

Low Density Residential Zone Shepparton North

18 April 2016

A handwritten signature in black ink that reads "Nicholas Wimbrush". The signature is written in a cursive style and is surrounded by a faint, light-colored grid pattern.

Nick Wimbrush, Chair

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Executive Summary

Greater Shepparton Planning Scheme Amendment C98 Part 2 applies to land north of Grace Road in Shepparton North generally in an area between the Goulburn Valley Highway, Verney North Road¹ and the future Shepparton Bypass Public Acquisition Overlay.

The Amendment seeks to rezone the land to the Low Density Residential Zone and apply the Development Plan Overlay (DPO) with a schedule to guide and coordinate future development. The broader Amendment C98 included land further to the south and attracted a total of 11 submissions. Greater Shepparton City Council split the Amendment and Part 1 affecting land to the south has already been gazetted.

For Part 2 the Panel has considered two objecting submissions relating to drainage issues and access to Grace Road.

Having reviewed the Amendment and submissions, the Panel is satisfied that the Amendment is strategically justified and modifications to the DPO schedule as shown in Appendix B to this report should successfully address the concerns of objectors.

Based on the reasons set out in this Report, the Panel recommends:

Adopt Greater Shepparton Planning Scheme Amendment C98 Part 2 generally as exhibited but subject to the changes made to the Development Plan Overlay Schedule as shown in Appendix B of this report.

¹ There is some confusion in the material, and even within Council's planning scheme, as to whether this is 'Verney Road North' or 'Verney North Road'. The Panel has used 'Verney North Road' which seems to be the most common usage.

1 Background

1.1 The Amendment

Amendment C98 Part 2 (the Amendment) was prepared by the Greater Shepparton City Council as Planning Authority. As exhibited, the Amendment proposes to rezone approximately 90ha of land approximately 6.5km north of the Shepparton CBD to the Low Density Residential Zone (LDRZ) and apply the Development Plan Overlay (DPO) to the land.

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

- Rezone land at 65, 85 and 105 Verney North Road, 775 Goulburn Valley Highway, 50 Grace Road and 90 Shepparton-Zeerust Road, Shepparton North from the Farming Zone to the LDRZ
- Amend Planning Scheme Map No 11 accordingly
- Introduce a new Schedule to the DPO at Clause 43.04; and
- Amend Planning Scheme Map No 11DPO.

The proposed map changes are shown in Figures 1 and 2 below.

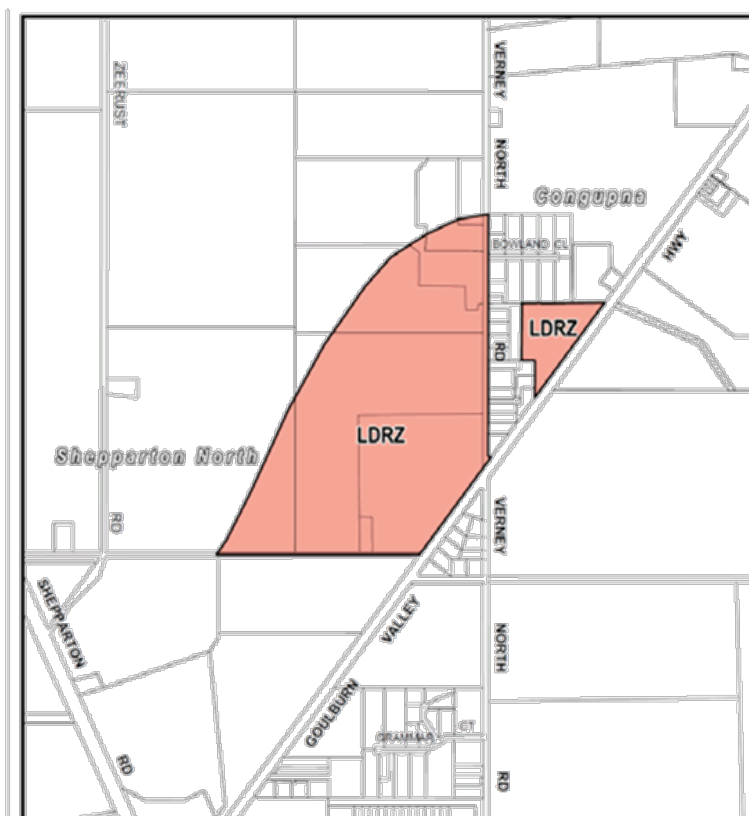


Figure 1: Proposed Zoning

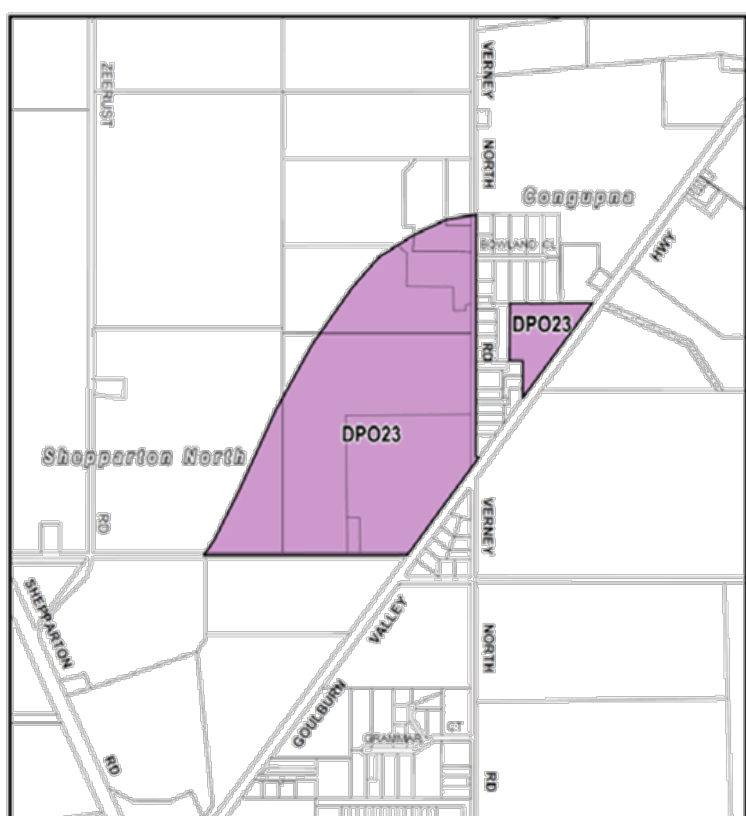


Figure 2: Proposed Development Plan Overlay

The Amendment was prepared at the request of Chris Smith and Associates Pty Ltd on behalf of landowners J & L Vasey (the Proponent). The Amendment was authorised by the Department of Environment, Land, Water and Planning (DELWP) on 2 May 2014.

1.2 Exhibition, submissions and splitting of the Amendment

The Amendment originally applied to 125ha of land, and encompassed two main portions of land (a northern portion and a southern portion) separated by Grace Road and the school campus within the Special Use Zone (SUZ).

Amendment C98 was placed on public exhibition between 19 June 2014 and 4 August 2014. Council received eleven submissions to Amendment C98. Of these, three objected to or requested changes to the Amendment. All concerns raised in submissions regarding the southern portion of the corridor were resolved by Council. Some of the concerns raised in submissions regarding the northern portion of the corridor could not be resolved, and these submissions were considered at the Ordinary Council Meeting on 17 February 2015. The Council resolution was to split the Amendment into two parts:

Part 1 being the land south of Grace Road, excluding Grace Road and excluding the school within Schedule 8 to the Special Use Zone; and

Part 2 being the land north of Grace Road, including Grace Road and excluding the school within Schedule 8 to the Special Use Zone.

Amendment C98 Part 1 (the land south of Grace Road) was adopted by Council and submitted to the Minister for Planning for approval. It was approved and gazetted on 6 August 2015.

Amendment C98 Part 2 (the land north of Grace Road) was referred to a Panel under delegation on 23 February 2015. The objecting submissions to be considered by the Panel were Number 8 from the owners of 40 Verney North Road, Congupna and Number 10 from the Catholic Education Office in relation to the property occupied by Notre Dame College and St Lukes Primary School.

The Panel notes the submission, explicitly stated as not an objection, of Goulburn Valley Water that the western part of the land is subject to the mapped buffer to the Shepparton Wastewater Management Facility; although not within the Environmental Significance Overlay Schedule 2 (ESO2) for that plant. This issue can be considered further if necessary through the amenity requirements in the Development Plan.

1.3 The Panel process

Mr Nick Wimbush was appointed as the Panel under delegation from the Minister for Planning on 25 February 2015 to consider Amendment C98 Part 2.

The Panel determined that a Directions Hearing was not required. A Hearing was scheduled to take place on 16 April 2015 with the only request to be heard from the Catholic Education Office (Submitter 10).

Council advised that they were negotiating outstanding issues with Submitter 10 and were confident that the issues could be agreed; but sought further time for discussions. On 11 February 2016 the Panel received correspondence from Spiire Consultants on behalf of Submitter 10 noting that their concerns had been addressed and they wished to withdraw their submission.

On 25 February 2016 the Panel convened a further Directions Hearing to seek an update and finalise matters in relation to the Amendment. At this Directions Hearing it was directed that further written submissions be made to the Panel in relation to the outstanding issues in Submission 8 (Mr and Mrs Diamond).

Written submissions were received from Council including correspondence from the Proponent on 29 March 2016.

1.4 Issues addressed in this report

This report deals with the issues under the following headings:

- Planning context
- Drainage issues.

2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report and its written submissions to the Panel.

2.1 Policy framework

(i) State Planning Policy Framework (SPPF)

Council submitted that the Amendment is supported by the following clauses in the SPPF:

Clause 11.01-5 Regional Settlement Networks – the objective of this clause is *to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan*. Council stated that Shepparton has been identified as a regional city and this proposal aims to implement the Greater Shepparton Housing Strategy (GSHS), which guides residential development in this regional city.

Clause 13.04-1 Noise Abatement – the objective of this clause is *to assist the control of noise effects on sensitive land use*. Council stated that acoustic barriers and buffer areas will be utilised to minimise any noise impact from surrounding land uses, particularly traffic.

Clause 15.01-3 Neighbourhood and Subdivision Design – the objective of this clause is *to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods*. Council submitted that the Amendment and future development plan will allow for staged subdivision providing for a range of lot sizes, a convenient and safe road network, pedestrian and cycle links and public open space.

Clause 16.02-1 Rural Residential Housing – the objective of this clause is *to identify land suitable for rural living and rural residential development*. Council noted that the subject land has been identified for low density use within the GSHS.

(ii) Local Planning Policy Framework (LPPF)

Council stated that the Municipal Strategic Statement (MSS) sets out the requirements for an increase in residential land to accommodate the projected future growth of Shepparton, whilst also protecting high quality, productive agriculture land. The MSS also notes that the demand for rural residential land exceeds supply.

Council submitted that the Amendment is supported by the following clauses in the LPPF:

Clause 21.04-3 Rural Residential Development – this clause, which incorporates Framework Plans from the GSHS, states that Council supports ensuring that the demand for low density residential development and rural living can be met through the appropriate supply of land. The Shepparton North Framework Plan identifies the land for potential low density residential development.

Clause 21.05-2 Floodplain and Drainage Management – Council stated that the land is not within a designated floodway and is only partially affected by the Land Subject to Inundation Overlay (LSIO). The Development Plan includes provisions to ensure that any stormwater is appropriately managed.

Clause 21.07-2 Urban and Rural Services – this clause includes the objective *to ensure that waste management facilities are protected from the encroachment of unsuitable development*. Council stated that the proposed development would not adversely impact the ESOs currently applying to a part of the land, as it has been designed to limit the number of allotments within these areas.

(iii) Greater Shepparton Housing Strategy (2011)

The GSHS was incorporated into the Planning Scheme in June 2012 through Amendment C93. The GSHS includes objectives, strategies and actions to guide housing delivery and sets a long-term direction for future residential growth. The subject land has been identified for potential low density residential development and is within the settlement boundary for Shepparton.

2.2 Discussion

None of the submissions to the Amendment considered by the Panel went to the planning context or strategic justification of the Amendment. The Panel has reviewed the strategic justification for the Amendment, including the GSHS directions for this area, and concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Frameworks.

A number of outstanding issues will need to be addressed prior to subdivision, and the Panel is satisfied that the DPO is the appropriate tool to use to ensure effective coordination of development and supports the wording as shown in Appendix B to this report.

3 Drainage issues

3.1 The issues

Submitters Mr Lance Gordon and Ms Pauline Diamond (Submission 8) raised issues in relation to drainage and flooding.

3.2 Evidence and submissions

The submitters enclosed a series of photographs of drainage and flooding issues in their area. In essence their submission was that the area, Verney North Road, Congupna, is already subject to flooding and the Amendment and development could make the situation worse. They suggested:

- The secondary access point shown on the conceptual plan be shifted further south away from their property as an access point opposite their house or further north would direct stormwater to their block.
- There is currently no formal stormwater drainage in the area and any plan to shift water towards the Goulburn Valley Highway would help.
- The Grace Road drain and inlet do not cater to existing stormwater flows and would not be adequate to handle additional stormwater flows from development.

In response, Council acknowledged that issues currently exist in relation to drainage in the area and that some upgrades have already been undertaken. They submitted that the proponent is required to demonstrate that drainage from the area can be successfully managed to prevent off-site impacts and the DPO schedule includes provisions accordingly; but that the developer is not required to resolve existing drainage issues.

Council outlined the process they have undertaken in relation to the submission including:

- Meetings on-site with the submitters
- Changes to the DPO schedule to further clarify drainage outcomes sought
- Commission of a drainage expert to further consider the issues raised in submission 8.

The drainage expert, Mr John Dunn provided the following recommendations:

- *Design the new access road to be located approximately opposite number 40 Verney Road North.*
- *Design the new access road to ensure the finished level of the new access road at the intersection with Verney Road North is at or below the lowest crown level of Verney Road North in the vicinity of 40 Verney Road North.*
- *Design the new access road to ensure that it falls away from Verney Road North i.e. falls to the west.*
- *Design the underground drainage system to ensure that side entry pits are installed at the intersection of the new access road and Verney Road North. The site (sic) entry pits must be connected to the drainage system required within the land to be developed on the west site of Verney Road North.*

Mr Dunn concluded that implementation of these recommendations could improve the existing drainage situation at 40 Verney North Road and that they be implemented via a section 173 agreement under the *Planning and Environment Act 1987*.

Council have included the recommendations in a revised DPO Schedule as shown in Appendix B to this report.²

In response to the proposed changes, Mr Steigenberger for the Proponent questioned the need for his client to pay for improvements to the existing stormwater system. As a way forward he suggested changes to the DPO Schedule to suggest the resolution of cost sharing if such upgrades were considered necessary.

Council accepted this approach and the DPO Schedule in Appendix B includes the requirements for cost sharing to be determined for stormwater upgrades to account for stormwater from surrounding land.

3.3 Discussion and conclusion

The Panel notes the evidence of Mr Dunn and is satisfied that there is a design solution that can successfully account for stormwater from the Amendment and development; and that there may be consequent opportunities to improve stormwater drainage in the area more broadly.

The Panel has carefully reviewed the proposed changes to the DPO Schedule and supports Council's recommended wording as shown in Appendix B to this report.

² The Panel has changed the road description to 'Verney North Road' in Appendix B.

Appendix A Submitters to the Amendment (Parts 1 and 2)

No.	Submitter	Part 1	Part 2
1	Goulburn Broken Catchment Management Authority	X	X
2	VicRoads	X	X
3	Goulburn Valley Water	X	X
4	CFA Hume Region	X	X
5	Department of Environment and Primary Industries	X	X
6	Environment Protection Authority Victoria	X	X
7	Brett and Leanne Dempster	X	
8	Lance Gordon and Pauline Diamond		X
9	Stephen Hicks	X	X
10	Catholic Education Office, Sandhurst	X	X
11	Goulburn Murray Water	X	X

Appendix B Recommended DPO Schedule

GREATER SHEPPARTON PLANNING SCHEME

--/20--
C98(Part 2)

SCHEDULE 23 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO23**.

VERNEY NORTH GROWTH CORRIDOR - NORTH**1.0 Requirement before a permit is granted**

--/20--
C98 (Part 2)

Before any new use, development or subdivision commences, a development plan must be prepared and approved by the Responsible Authority.

A permit may be granted before a development plan has been prepared for the purpose of:

- subdividing land into two allotments or re-subdividing existing allotments so as to not increase the number of lots;
- a single dwelling on a lot; or
- any buildings and works associated with the ongoing maintenance or operation of the subject site.

2.0 Conditions and requirements for permits

--/20--
C98(Part 2)

An application for planning permit must include, as relevant:

- a stormwater management plan detailing how stormwater will be collected and treated within the development. The plan must be prepared in accordance with the Infrastructure Design Manual and must include details of measures to prevent potential off site impacts, terms for cost sharing if the stormwater system must be up-sized to cater for stormwater from surrounding land and consider ongoing maintenance of the stormwater management measures.

Conditions, as appropriate, must be included on any planning permit issued to subdivide or develop land with regard to recommendations made by the assessments and specialist reports submitted in support of the Development Plan.

3.0 Requirements for development plan

--/20--
C98(Part 2)

A Development Plan may be prepared for all or any part of the growth corridor.

The Development Plan may be amended to the satisfaction of the Responsible Authority.

The Development Plan must demonstrate, as appropriate:

- General consistency with the *Verney North Growth Corridor Concept Plan - North*.
- The proposed subdivision layout of the proposed development of the land, including roads, areas of open space, drainage retention areas, and any staging of the development.
- The relationship of the land to the adjoining land and treatment(s) at the interface with existing ongoing and future land uses, particularly those with potential amenity impacts.
- The shared pathway network, including opportunities to link paths to any networks on abutting land, and any public transport services.
- The layout of major areas of public open space and the type of facilities, if any, to be provided for users of the open space.
- The location of any significant environmental, cultural, heritage and/or ecological (faunal and/or floral) features including fauna and remnant vegetation.
- Stormwater management methods, including the location of any on-site drainage retention facilities and demonstration that there will be no adverse off site impacts through consideration of:

GREATER SHEPPARTON PLANNING SCHEME

- Designing the new access from Verney North Road to have a finished surface level at or below the lowest crown level of Verney North Road in the vicinity of 40 Verney North Road.
- Designing the new access from Verney North Road so that it falls away from Verney North Road (i.e. falls toward the west).
- Designing the underground drainage system for the development that includes side entry pits at the intersection of the new access road and Verney North Road.
- Or other methods, as approved by the responsible authority.
- Arrangements for the provision of all physical and any community infrastructure and services to the land.

The Development Plan must include, where required by the Responsible Authority:

- An environmental assessment of the land, involving a flora and fauna survey, which, among other things, identifies the health and habitat value of all native vegetation.
- A preliminary survey of the area for aboriginal archaeological sites and preliminary cultural heritage assessment to determine whether a Cultural Heritage Management Plan, in terms of the Aboriginal Heritage Act 2006, is required.
- A preliminary soil assessment demonstrating the extent of any contaminated soils that may exist on the subject land and, if detected, a more detailed assessment outlining the location of the contaminated soil, the type of contaminants detected, and the strategies required to be undertaken to decontaminate the affected areas in accordance with the Minister's Direction No. 1 – Potentially Contaminated Land.
- A land capability assessment, unless the development will be connected to a reticulated sewerage network.
- A landscape and open space master plan outlining street tree plantings, areas of open space, stormwater management areas and areas of water sensitive urban design.
- A traffic impact assessment and management plan that identifies:
 - Appropriate access and circulation of vehicles on the existing and future road network, which minimises cul de sacs.
 - Requirements for a new access onto the Goulburn Valley Highway that also provides for future access to Notre Dame College via Grace Road in accordance with the terms of the pre-development agreement between the parties. The identification of existing and proposed public transport routes, bus stops and associated infrastructure with appropriately dimensioned roads.
 - The identification of existing and proposed pedestrian and cycling networks including provision for safe and convenient access to public transport infrastructure.
 - The works necessary to accommodate traffic generated by the development and to mitigate any adverse impacts of the development.
 - The trigger points for any additional traffic infrastructure.
 - Access arrangements are to have regard to on-road cyclists.
- An infrastructure plan approved by the Responsible Authority, which identifies the anticipated staging and timing of the provision of infrastructure. The infrastructure plan should address, as appropriate:
 - The provision, staging and timing of stormwater drainage works.
 - The provision, staging and timing of roadworks (including bus stops and associated works) both internal and external in accordance with the approved traffic management plan.
 - The provision, staging and timing of landscaping works for local parks, stormwater drainage reserves and regional landscaping works.

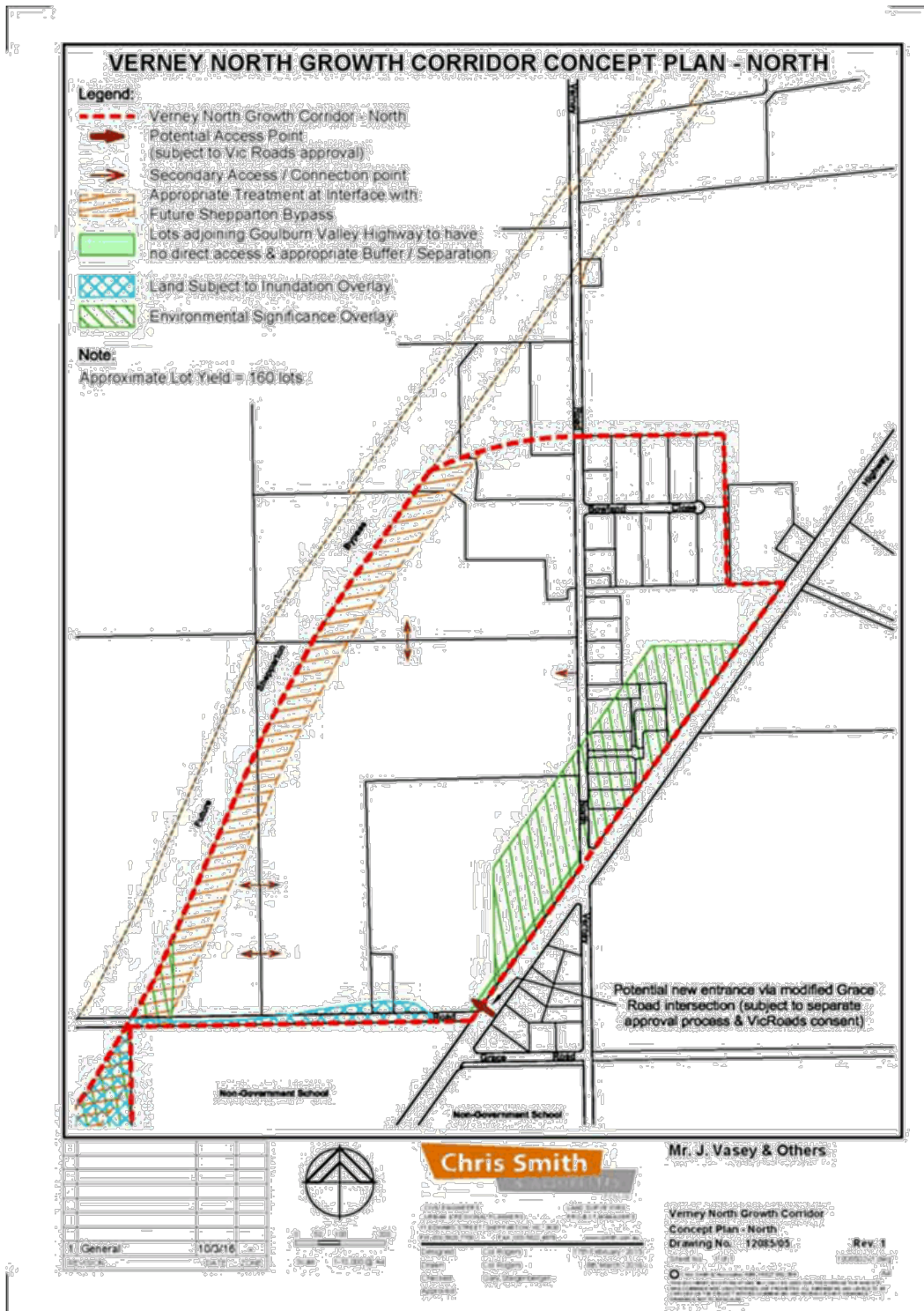
GREATER SHEPPARTON PLANNING SCHEME

- The securing of the infrastructure and utility services as may be necessary by way of an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* or by other means acceptable to the Responsible Authority.
- Any other infrastructure related matter reasonably requested by the Responsible Authority associated with the subdivision of land.
- Identification of any agency or person responsible for provision of particular items of infrastructure.

Before approving the Development Plan, the Responsible Authority must consider the following, and may include conditions where appropriate:

- The environmental, ecological, landscape, archaeological, cultural heritage and historical values and features of the site.
- The comments and any requirements of Goulburn Murray Water and in particular any matters relevant to its policy regarding acceptance of urban and industrial water to Goulburn Murray Water Drains.
- The comments and requirements of VicRoads with particular regard to the following:
 - Any requirement to upgrade and/or relocate the intersection of Grace Road with the Goulburn Valley Highway if it is to be used for access to the development site and Notre Dame College.
 - The need for the provision of a buffer between residential dwellings within the Development Plan area and the alignment of the proposed Goulburn Valley Highway (Shepparton Bypass).
 - The need for noise attenuation measures as a result of the proposed Goulburn Valley Highway (Shepparton Bypass).
- The need for any agreement to be made pursuant to the provisions of Section 173 of the *Planning and Environment Act 1987* with respect to matters arising from the proposed use and development, including the use of such agreements to:
 - reduce potential land use conflict at the residential and agricultural interface.
- set out requirements for the stormwater system for the development including measures to prevent potential off site impacts and terms for cost sharing if the stormwater system must be up-sized to cater for stormwater from surrounding land. Any requirements and/or views of the Greater Shepparton City Council and referral authorities regarding urban design and landscaping, traffic works, stormwater disposal, engineering works, environmental protections and enhancement, sewerage, drainage or flood mitigation works required to properly service the proposed use and development of the land.

GREATER SHEPPARTON PLANNING SCHEME



ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

21 June 2016

Agenda Item 9.3 Use of Land for a Dwelling and Car Restoration

Attachment 1 Clause 63 for Council Report 508

Attachment 2 2016-18 - Site Plan for Council Report..... 511

63
29/10/2015
VC101

EXISTING USES

63.01
19/01/2006
VC37

Extent of existing use rights

An existing use right is established in relation to use of land under this scheme if any of the following apply:

- The use was lawfully carried out immediately before the approval date.
- A permit for the use had been granted immediately before the approval date and the use commences before the permit expires.
- A permit for the use has been granted under Clause 63.08 and the use commences before the permit expires.
- Proof of continuous use for 15 years is established under Clause 63.11.
- The use is a lawful continuation by a utility service provider or other private body of a use previously carried on by a Minister, government department or public authority, even where the continuation of the use is no longer for a public purpose.

63.02
19/01/2006
VC37

Characterisation of use

If a use of land is being characterised to assess the extent of any existing use right, the use is to be characterised by the purpose of the actual use at the relevant date, subject to any conditions or restrictions applying to the use at that date, and not by the classification in the table to Clause 74 or in Section 1, 2 or 3 of any zone.

63.03
19/01/2006
VC37

Effect of definitions on existing use rights

The definition of a term in this scheme, or the amendment of any definition, does not increase or restrict the extent of any existing use right established prior to the inclusion of the definition or amendment.

63.04
19/01/2006
VC37

Section 1 uses

A use in Section 1 of a zone for which an existing use right is established may continue provided any condition or restriction to which the use was subject and which applies to the use in Section 1 of the zone continues to be met.

63.05
19/01/2006
VC37

Sections 2 and 3 uses

A use in Section 2 or 3 of a zone for which an existing use right is established may continue provided:

- No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.
- Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.
- The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.

- 63.06**
19/01/2006
VC37
- Expiration of existing use rights**
- An existing use right expires if either:
- The use has stopped for a continuous period of 2 years, or has stopped for two or more periods which together total 2 years in any period of 3 years.
 - In the case of a use which is seasonal in nature, the use does not take place for 2 years in succession.
- 63.07**
29/10/2015
VC101
- Compliance with codes of practice**
- A use for which an existing use right is established must comply with any relevant code of practice incorporated in this scheme if either:
- The code of practice has been incorporated or adopted in accordance with Section 39 of the Conservation Forests and Lands Act 1987.
 - The code of practice is approved or ratified by Parliament under an Act.
- 63.08**
19/01/2006
VC37
- Alternative use**
- If land is used for a use in Section 3 of a zone for which an existing use right is established, a permit may be granted to use the land for an alternative use which does not comply with this scheme. The responsible authority must be satisfied that the use of the land for the alternative use will be less detrimental to the amenity of the locality.
- 63.09**
19/01/2006
VC37
- Shop conditions**
- A permit must not be granted to:
- Construct or carry out a building or works under Clause 63.05 for a shop with a leasable floor area exceeding 500 square metres.
 - Use land under Clause 63.08 for a shop with a leasable floor area exceeding 500 square metres.
- 63.10**
19/01/2006
VC37
- Damaged or destroyed buildings or works**
- If at least 50 percent of the gross floor area of a building or at least 50 percent of the area of any works is damaged or destroyed so that the use cannot continue without the building or works being reconstructed, the land must be used in conformity with this scheme, unless a permit is granted to continue the use, and to construct or carry out buildings or works.
- 63.11**
19/01/2006
VC37
- Proof of continuous use**
- If, in relation to an application or proceeding under the Act or this scheme, including an application for a certificate of compliance under Section 97N of the Act, the extent of any existing use right for a period in excess of 15 years is in question, it is sufficient proof of the establishment of the existing use right if the use has been carried out continuously for 15 years prior to the date of the application or proceeding.
- An existing use right may be established under this clause even if the use did not comply with the scheme immediately prior to or during the 15 year period, unless either:
- At any time before or after commencement of the 15 year period the use has been held to be unlawful by a decision of a court or tribunal.

- During the 15 year period, the responsible authority has clearly and unambiguously given a written direction for the use to cease by reason of its non-compliance with the scheme.

63.12

19/01/2006
VC37

Decision guidelines

Before deciding on an application under Clause 63.05, 63.08 or 63.10, in addition to the decision guidelines in Clause 65 and any other requirements of the Act, the responsible authority must consider the extent to which compliance can be achieved with all scheme requirements that can reasonably be met.

