

AMENDMENT C168GSHE AND AMENDMENT C224GSHE

Part C Submission

July 2021

Prepared by Greater Shepparton City Council



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1.0 Introduction

This Part C Submission is made on behalf of Greater Shepparton City Council (Council), which is the planning authority for Amendments C168gshe and C224gshe (the Amendments) to the Greater Shepparton Planning Scheme (Planning Scheme). This Part C Submission will address a number of matters discussed at the panel hearing held on 28 and 29 June 2021 and summarised in the Panel's letter of direction, dated 30 June 2021.

Amongst other things, the letter stated that Council is directed to provide a written submission by noon on Friday, 9 July 2021 providing the following:

- a summary of proposed post-exhibition changes and justification for these proposed changes;
- the preferred wording for the Planning Scheme ordinance, in Microsoft Word documents with tracked changes showing any post-exhibition changes;
- further information about the alignment of the proposed Toolamba Precinct Structure Plan, and the proposed Schedule 10 to Clause 43.02 Design and Development Overlay;
- the preferred applied zone in the proposed Schedule 3 to Clause 37.07 Urban Growth Zone and an explanation of any proposed post-exhibition change; and
- planning option/s to achieve a similar outcome to a covenant on title that limits further dwellings on land.

In addition, for the purposes of clarity, a copy of all proposed post-exhibition changes to the Amendments is appended to this Submission.

2.0 Amendments C168gshe and C224gshe

Amendment C168gshe seeks to rezone land at 335 Rutherford Road, Toolamba, and 19 Londregan Lane, Toolamba, from the Farming Zone – Schedule 1 to the Urban Growth Zone – Schedule 3 and implement the *Toolamba Precinct Structure Plan, September 2018* (Toolamba PSP) into the Planning Scheme as an incorporated document.

Amendment C224gshe seeks to implement the *Toolamba Growth Plan 2020* (Growth Plan) and the *Toolamba Housing and Streetscape Typologies 2020* (Typologies Report) into the Planning Scheme by amending the Municipal Strategic Statement, including both documents as Reference Documents, and applying a Design and Development Overlay to the area designated for short term residential development, being 19 Londregan Lane, Toolamba and part of 335 Rutherford Road, Toolamba (lots 4 and 5 on TP825016).

3.0 Proposed Post-exhibition Changes

Post-exhibition changes are proposed for the following amendment documentation, which are included at Appendix A:

1. Toolamba Precinct Structure Plan (Toolamba PSP);

2. Schedule 3 to Clause 37.07 Urban Growth Zone (UGZ3);
3. Schedule 10 to Clause 43.02 Design and Development Overlay (DDO10); and
4. Planning Scheme Map No. 33DDO.

The contents of this Submission and Appendix A satisfy the first two bullet points of the Panel's direction.

Council officers' approach in preparing post-exhibition changes is outlined as follows:

1. Proposed DDO10 was drafted and exhibited in a form that was intended to be applied to land identified for future residential development in the Growth Plan. As a result, DDO10 would be applied as part of planning scheme amendments seeking to rezone land for residential purposes. The first of these is proposed Amendment C168gshe.

Proposed DDO10, as exhibited, used the findings and recommendations of the Typologies Report in relation to low density, moderate density and higher density land, and proposed design and built form outcomes that would guide development for all three densities (see pages 13-15 of the Typologies Report).

Following the panel hearing, Council officers have further considered this approach and are proposing to make post-exhibition changes to DDO10 to apply it only to the Toolamba PSP as a site-specific DDO. This then allows for a greater alignment between the planning controls proposed to apply to the Toolamba PSP as a result of the Amendments. This is outlined in Part 4.0 of this Submission and satisfies the third bullet point of the Panel's direction.

Future planning scheme amendments seeking to rezone land for residential purposes within the Growth Plan area will have site-specific planning controls seeking to implement the design and built form outcomes adapted from the recommendations of the Typologies Report. These controls will seek to align with the densities outlined on the proposed Toolamba Framework Plan at Clause 21.04 Settlement of the Planning Scheme.

2. Following the review of the alignment of the Toolamba PSP and DDO10, minor changes were made to the proposed Toolamba PSP to include subdivision controls from the exhibited DDO10. Additional formatting and grammatical changes have been made to the proposed Toolamba PSP. The largest of these is that all requirements, guidelines and conditions have also been numbered sequentially to prevent the confusion experienced at the panel hearing when referring to similarly identified requirements. Given that the document was amended by Council, a new Toolamba PSP entitled *Toolamba Precinct Structure Plan July 2021* was created to differentiate it from the exhibited Toolamba PSP.
3. Amend the proposed UGZ3 to amend the applied zone provisions to remove those applied zones that are not relevant to the Toolamba PSP and amend the proposed applied zone from the General Residential Zone (GRZ) to the Neighbourhood Residential Zone (NRZ) to better align with *Planning Practice Note 91 – Reforms to Residential Zones (PPN91)*.

PPN91 stipulates that the NRZ should be “*applied to areas where there is no anticipated change to the predominantly single and double storey character*”. For this reason, Council officers consider that the NRZ is the most appropriate applied zone in the Toolamba PSP.

Additional formatting and grammatical changes have been made to proposed UGZ3. This satisfies the fourth bullet point of the Panel's direction.

4. Amend Planning scheme map 33DDO to remove 19 Londregan Lane, Toolamba from the DDO10. This was erroneously exhibited to apply to this land.
5. No longer propose to amend the Schedule to Clause 53.01 – Public Open Space Contribution and Subdivision to require a 5% contribution of the site value of the subject land as open space. This requirement is satisfied within the Section 173 Agreement that is already on the title for the land.

4.0 Proposed Precinct Structure Plan, and Design and Development Overlay Alignment

The majority of post-exhibition changes have been made to ensure the better alignment of the proposed Toolamba PSP and DD010 to satisfy the third bullet point of the Panel's direction. The justification for these post-exhibition changes to the amendment documentation are outlined in broad terms below:

- the removal of any controls relating to subdivision from proposed DDO10. The proposed UGZ3 and the Toolamba PSP will guide the initial subdivision assessment and design. These controls are now included in the relevant section of the proposed Toolamba PSP;
- despite the comments above, a requirement for a minimum lot size of 800m² is proposed for DDO10. This satisfies the fifth bullet point of the Panel's direction;
- the planning permit triggers in DDO10 now only relate to buildings and works/fencing. These are matters that would not normally trigger a permit under the NRZ and GRZ. The matters now included would normally be addressed via a schedule to the NRZ/GRZ; however, owing to the use of the UGZ with an applied zone, the use of such a schedule is not possible and DDO10 is being proposed instead; and
- all planning permit triggers and exemptions in proposed DDO10 have been drafted to align with the expectations outlined in the Typologies Report. This means that if a proposed dwelling generally complies with the Typologies Report, a planning permit is not triggered. The proposed planning permit triggers have been drafted to be unambiguous. The objectives, requirements and decision guidelines have been amended to performance measure guidance relating to design, siting and orientation of a dwelling, garage and fence.

5.0 Conclusion

This concludes Council's submission to the Planning Panel for Amendments C168gshe and C224gshe.

A handwritten signature in blue ink, reading "Michael MacDonagh".

Michael MacDonagh

on behalf of Greater Shepparton City Council

Appendix – Proposed Post-exhibition Changes

Amendment C168gshe

Proposed Toolamba PSP – *Toolamba Precinct Structure Plan, July 2021*

Proposed Schedule 3 to Clause 37.07 Urban Growth Zone (UGZ3)

Proposed Explanatory Report

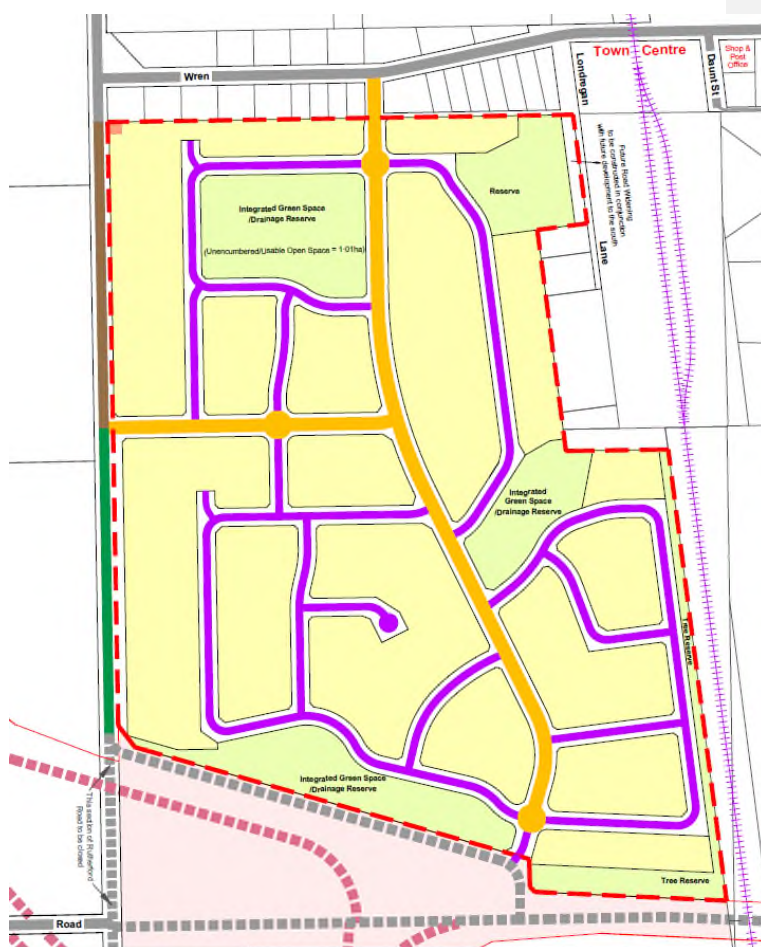
Proposed Instruction Sheet

Amendment C224gshe

Proposed Schedule 10 to Clause 43.02 Design and Development Overlay (DDO10)

Proposed Planning Scheme Map No. 33DDO

Toolamba Precinct Structure Plan



July 2021

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Toolamba Precinct Structure Plan

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1 Introduction

The Toolamba Precinct Structure Plan (PSP) has been prepared by ~~Chris Smith & Associates in consultation with the~~ Greater Shepparton City Council ~~in association with, Government referral authorities and~~ agencies, ~~service authorities~~ and major stakeholders.

The PSP:

- Is a strategic plan which guides the delivery of a quality township environment
- Sets a vision for how land should be developed and describes the outcomes to be achieved by the future development
- Details the form and conditions that must be met by future land use and development
- Provides a framework for the use and development controls that apply in the ~~Schedule 3~~ to ~~Clause 37.07~~ the Urban Growth Zone and planning permit which may be granted under the schedule to this zone
- Provides developers, investors and local community with guidance about future development

The PSP is informed by:

- The Planning Policy Framework set out in Clauses 10 to 19 (incl.) of the Greater Shepparton Planning Scheme;
- The Local Planning Policy Framework of the Greater Shepparton Planning Scheme;
- The Greater Shepparton Housing Strategy (May 2011) – GSHS;
- The Cultural Heritage Management Plan (2010) which sets out the requirements for the management and preservation of areas of archaeological sensitivity;
- The Flora and Fauna Assessment (May 2012) which sets out the requirements for the protection and management of native vegetation and fauna within the PSP area;
- The Traffic Impact Assessment (updated, May 2018) which considers the existing traffic volumes and movements and sets out recommendations in relation to road widths, intersection design and traffic calming devices;
- The Stormwater Management Plan (April 2016) by Stormy Water Solutions which considers the major drainage, flooding and water quality management issues of the subject site and provides for the site to be developed without adverse downstream drainage impacts;
- The Toolamba and District Community Plan (May 2011) which outlines the vision and aspirations of the community of Toolamba; and
- The Toolamba Precinct Structure Plan Background Report (updated, July 2016).

1.1 How to Read this Document

This precinct structure plan (PSP) guides use and development where a planning permit is required under the Urban Growth Zone, where this structure plan is referred to within a Schedule to the zone.

- The **Vision** must inform all the outcomes of the precinct.
- **Outcomes** are what development of the precinct must achieve.

The PSP is set out in a number of “elements”

- **Requirements** must be adhered to in developing the land. They will usually be demonstrated in an application for a planning permit for development of the land, including on plans submitted for endorsement.
- **Guidelines** express how discretion will be exercised by the responsible authority in certain matters that require a planning permit. An outcome may be achieved by more than one method, including an alternative to the guideline, to the satisfaction of the Responsible Authority.
- **Conditions** are to be achieved by the planning permit application process. They may be demonstrated on the endorsed plans and/or included as a condition on a permit, as relevant, to the satisfaction of the Responsible Authority.

Plans are a spatial expression of the outcomes. Development may take alternative forms from that described in plans, tables and figures provided it achieves the outcomes and meets the requirements in this structure plan.

Not every aspect of the land's use and development is addressed in this structure plan and the Responsible Authority may manage development and use and issue permits as relevant at its general discretion.

1.2 Land to which this applies

The land to which this PSP applies is approximately 44 hectares and is located directly to the southwest of the existing Toolamba township. The land is bounded to the north by existing township properties along Wren Street; to the east by the railway line; to the south by the Public Acquisition Overlay associated with the future Goulburn Valley Highway Shepparton Bypass; and to the west by Rutherford Road.

The PSP area is shown on Plan 1.

1.3 Background Information

Detailed background information on the PSP area - including its local and regional context, history, landform and topography – as well as greater detail of the PSP features and objectives – township character, community facilities, biodiversity and heritage values, drainage, open space and urban form are contained within the background report, which has informed the preparation of the PSP.

1.4 Pre-development Agreement

The landowner has entered into an Agreement with the Council under Section 173 of the Planning & Environment Act to set out certain matters pertaining to the development, specifically to set out certain infrastructure that is to be provided commensurate with development.

1.5 Development Staging

A Staging Plan has been prepared to assist interpretation of the Structure Plan and the preparation of the pre-development agreement. However, the Staging Plan does not mandate the staging for future residential development. The actual staging of development may change at any future point in time, subject to approval by the responsible planning authority under the planning permit approval process.

2 Outcomes

2.1 Vision

Toolamba is a small regional township serviced by a general store, community centre, primary school, kindergarten and local recreational facilities. The broader area features open farm land, the Goulburn River and adjoining river flats.

The future residential development of the PSP study area will retain and enhance the existing township character, with wide open streets, generous lots, public open spaces and links to the town's existing facilities. Increased community access to the area will be achieved through shared cycling and pedestrian paths along existing desire lines and new residential streets.

The PSP vision is for new and existing residents to share in a sustainable community that provides day to day services, enhances local connectivity and continues the established strong sense of identity of their township by retaining the township feel.

2.2 Objectives

The following points describe the desired outcomes of development of the precinct and guide the implementation of the vision:

- Recognise the character and history of the area by drawing on the existing identity of Toolamba;
- achieve a diversity of streetscape and open space outcomes to enhance local character and amenity, ensuring legible connections into the existing town;
- create a mixture of generous lots that retains the rural small town character by encouraging open front yards and generous house setbacks;
- utilise and incorporate the natural values of the precinct by retaining existing vegetation where it can be incorporated into the developed landscape (i.e. in parks and other locations where survival can be managed);
- promote the enjoyment and public use of the Goulburn River environs as a significant recreation feature of the region;
- deliver an integrated network of local parks that meets the needs and aspirations of the neighbourhood;
- healthy lifestyles are encouraged through the extensive network of open spaces, pedestrian and cycle linkages;
- provision of a central spine road that provides a priority connection route that enables logical and simplified navigation within the precinct, directing traffic to external movement corridors and activity nodes, while discouraging through movements by external traffic;
- promote greater housing choice through the delivery of a variety of lots – within the range expectant of a small regional town – that are capable of accommodating a variety of dwelling types;

Commented [MM1]: This effectively covers the design objectives in DDO10 about diversity of lot sizes, etc. There is no need to duplicate them in the DDO.

- deliver sufficient residential densities within a walkable catchment to support vibrant and viable town centre; and
- provide for the transition from larger residential properties to more conventional residential densities by the provision of reticulated sewer to all residential lots.

Commented [MM2]: This effectively covers the design objective in DDO10 about efficient use of land through good quality design. There is no need to duplicate them in the DDO.

Commented [MM3]: This addresses the design objective in DDO10 about providing reticulated services to the Toolamba PSP. There is no need to duplicate them in the DDO.

2.3 Structure

The PSP area is divided into the following areas:

- Residential areas –the land to be developed for residential lots.
- Integrated Public Open Space and drainage retardation/ wetland areas which are located within pre-existing drainage sub-catchments and make use of natural drainage flow paths through and from the site.
- Access network, which includes all internal collector and access streets contained within the PSP.

The balance of the land (located to the south of the future Bitcon Road extension) has an area of 35.38 hectares, is significantly affected by the Public Acquisition Overlay and does not form part of the PSP area.

2.4 Land Budget

Description	Area (hectares)	% of GDA
GROSS DEVELOPABLE AREA (GDA)	43.99	100
ROADS	10.94	
Rutherford Road widening	0.36	
Internal subdivision roads	10.48	
OPEN SPACE	7.40	16.82
Integrated Green Space	5.13	
Encumbered by drainage infrastructure	4.12	9.37
Unencumbered - Usable for passive recreation	1.01	2.30
Tree Reserves	2.27	
Reserve - Usable for passive recreation	1.17	2.66
Tree Reserve/buffer	1.10	2.50
Total Public Open Space (usable for recreation)	2.18	4.96
RESIDENTIAL LOTS	25.65	58.31

3 Implementation

3.1 Residential Area

The requirements and guidelines for the Residential Area are as follows:

Requirements	
R1	Lots must generally range between 800m ² and 1,200m ² in area
R2	Lots must be configured with full width frontages so that housing can be oriented towards the road to which it fronts
R3	Lots must be orientated and configured to encourage house design with a northern aspect
R4	Existing remnant native trees are to be retained and positioned within the urban layout wherever practicable. Trees retained within lots are deemed to have been lost and must be offset in accordance with Clause 52.17 of the planning scheme
R5	Fences forward of the building must not be more than 1.2 metres high
Guidelines	
G1	Design of dwellings should add to the precinct character by providing attractive street address that encourages passive surveillance and visual interest
G2	Dwellings opposite open space to facilitate passive surveillance via windows and access points.
G3	Front fences are strongly discouraged. Fencing on side road boundaries of corner lots should be kept to a minimum.
R5 G4	Fences forward of the building must <u>should not be more than 1.2 metres high</u>
G5	<u>Smaller lots should generally be located close to Wren Street.</u>
G6	<u>Driveways should be separated a minimum of 2m apart from one another, to support street tree and boundary planting.</u>
Conditions	
C1	Before subdivision that creates lots containing native vegetation, or the carrying out of any associated works, or removal of any native vegetation an offset credit must be obtained to the satisfaction of the responsible authority, in accordance with Clause 52.17 of the planning scheme. Any removed trees must be retained on site and/or made available to be positioned in reserves for habitat.

Commented [MM4]: This has been changed to a Guideline. The DDO provides performance measures for assessing a development proposal.

Commented [MM5]: Decision Guideline from DDO10 moved to PSP.

Commented [MM6]: Moved from DDO10. Only the smaller lot requirement has been included as it is not anticipated that larger lots will be constructed in the Toolamba PSP.

3.2 Public Open Space & Drainage Retardation/ Wetland Areas

The requirements and guidelines for Public Open Space and drainage retardation/wetlands are as follows:

Requirements	
R15	The area of native vegetation at the northeast corner of the PSP site must be retained in a reserve vested to the Council. The reserve must be retained and managed by the Council for its biodiversity values.
R26	The layout (including the design and width) of drainage infrastructure, including wetlands and retarding basins must be to the satisfaction of the Responsible Authority and Goulburn Murray Water.
R37	All open space, including that encumbered by drainage infrastructure, must – where practicable - abut a road. Where this cannot be achieved, a suitable interface and active frontage must be provided to the satisfaction of the responsible authority.
R48	All landscaped areas must be designed for low maintenance to the satisfaction of the Responsible Authority.
R59	All public landscaped areas must be planted to the satisfaction of the Responsible Authority.
R610	Appropriately scaled lighting must be installed along major pedestrian thoroughfares traversing public open space and cycling networks to the satisfaction of the Responsible Authority.
R711	Land designated for passive recreation must be designed, finished and maintained to the satisfaction of the Responsible Authority prior to its transfer.
R812	Fencing of parkland (if any) must be low scale and visually permeable to facilitate public safety and surveillance and only provided where it is deemed necessary to prevent indiscriminate vehicle access.
R913	The three (3) scarred trees – identified in the Rutherford Road Toolamba Cultural Heritage Management Plan (Heritage Insight Pty Ltd) 2010 - must be excluded from development, protected during construction with fencing and signage, and managed thereafter in accordance with an approved conservation plan, as set out in the recommendations of the Rutherford Road Toolamba Cultural Heritage Management Plan (Heritage Insight Pty Ltd) 2010.
R104	The first stage of the development must include a neighbourhood park with an area of at least one hectare and containing an activity node incorporating seating, exercise stations or other similar facilities to the reasonable satisfaction of the responsible authority

Guidelines	
G47	Where appropriate, the use of indigenous trees is encouraged along streets and wetlands in accordance with the Landscape Plan Guide for Developments in Campaspe Shire Council, City of Greater Shepparton and Moira Shire Council.
G28	Local parks should provide infrastructure to cater for a broad range of users and support informal recreational activities such as seating, rubbish bins, etc.
G39	Public open space landscaping should contribute to habitat for indigenous fauna species, in particular arboreal animals and birds to the satisfaction of the responsible authority.

3.3 Access Network

The requirements and guidelines for the access network – including roads, shared paths and pedestrian paths are as follows:

Requirements	
R15	The street layout for the subdivision must: <ul style="list-style-type: none"> Form a coherent network across the precinct, focussed around central connector streets that lead road users to Wren Street and Rutherford Road Be of a general grid formation, so as to provide access options and good connectivity between dwellings Ensure that no dwelling is disadvantaged by poor access to open space or facilities
R216	Access to Wren Street and Rutherford Road must be to the satisfaction of the Responsible Authority.
R317	Provide active frontage (lots facing) Rutherford Road.
R418	Provide land for a future widening of Londregan Lane, which may be required as part of any potential future development of 19 Londregan Lane.
R519	New residential access and collector streets as shown on the Structure Plan must be in accordance with the Infrastructure Design Manual, generally as shown on the Typical Cross Sections drawing within this report, or as otherwise agreed by the Responsible Authority.
R620	Staging of the subdivision is to provide for timely connection of road links between properties and to the connector and arterial road network and the off-road pedestrian and bicycle network to the satisfaction of the Responsible Authority.
R721	Pedestrian paths must be provided on all internal collector and access streets where fronted by lots.

<u>R822</u>	Pedestrian and cycling crossing points must be provided at all intersections and on key desire lines.
<u>R923</u>	Public lighting must be LED or equivalent high efficiency luminary
<u>R1024</u>	Where existing remnant native trees are to be retained and positioned within the road reserve – particularly along Rutherford Road - measures must be taken to ensure their survival, both during and after construction.
<u>R1425</u>	Remnant native scar trees must be protected during construction and retained thereafter as set out in the recommendations of the Rutherford Road Toolamba Cultural Heritage Management Plan (Heritage Insight Pty Ltd) 2010.
Guidelines	
<u>G10</u>	Intersections of internal connector streets with Wren Street and Rutherford Road should be designed to facilitate the safe and convenient movements of both vehicles and pedestrians.
<u>G211</u>	Use of culs-de-sac should be minimised and should not detract from convenient pedestrian or vehicle connections.
<u>G312</u>	Existing roadside trees are to be retained (as much as practicable) by providing a widened road reserve so that root zones are not disturbed by trenching and infrastructure and through careful consideration of vehicle access points
<u>G413</u>	Cycle connections should be designed to allow for safe and convenient transition between on-road and off-road network.
<u>G514</u>	Street trees should contribute to habitat for indigenous fauna species, in particular birds.
<u>G15</u>	<u>Street trees should be a mix of larger canopy trees and mid-level trees, with a minimum of 80% native or indigenous species.</u>
<u>G16</u>	<u>Street trees should be planted at a minimum ratio of one street tree per lot or every 20 metres, whichever is lesser.</u>

Commented [MM7]: Moved from DDO10 subdivision requirements

Commented [MM8]: Moved from DDO10 subdivision requirements

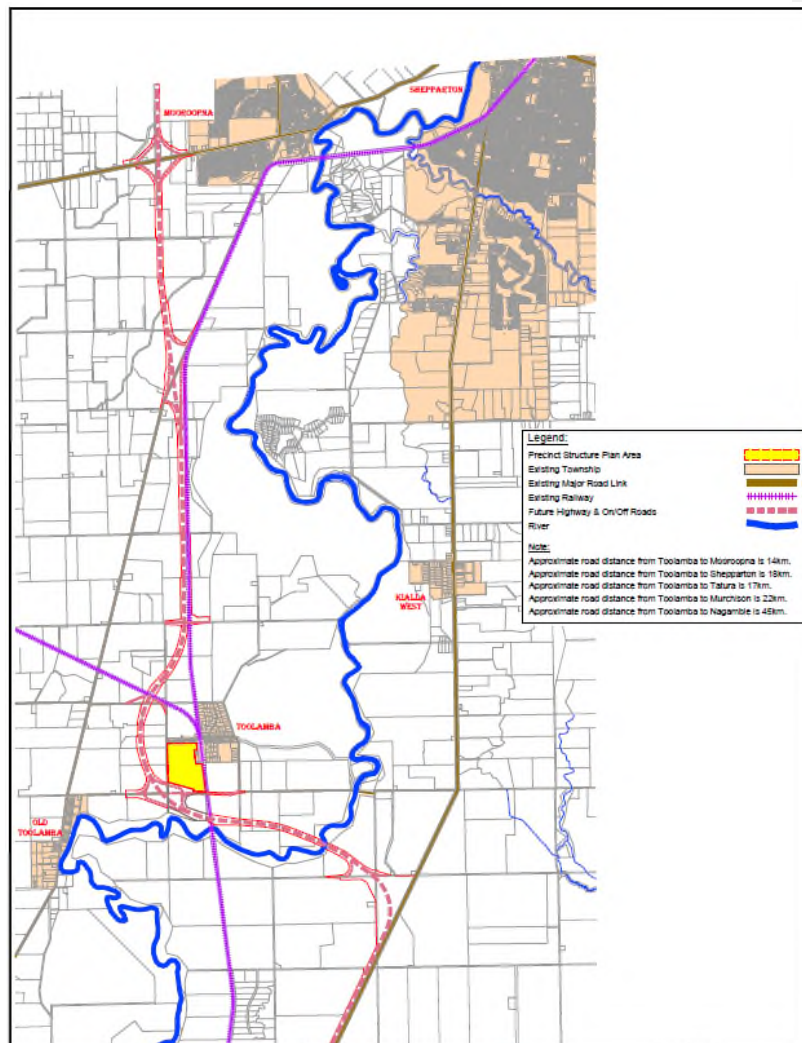
3.4 Utilities

The requirements and guidelines for provision of utility services are as follows:

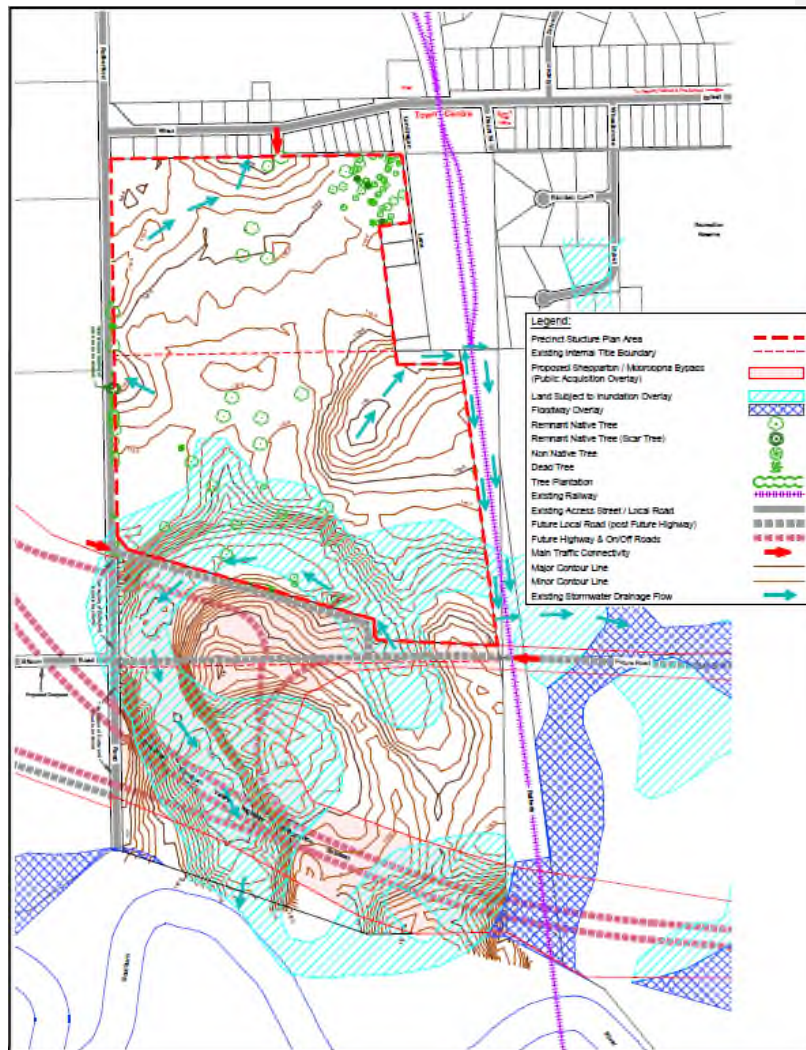
Requirements	
R26	All lots must be provided with reticulated potable water and reticulated sewer to the satisfaction of Goulburn Valley Water.
R27	All lots must be provided with electricity and telecommunications (including access to broadband network) to the satisfaction of the relevant service.
R328	All new electricity supply infrastructure (excluding substation and cables with a voltage greater than 66kv) must be provided underground.
R329	All lots and roads to be connected to an underground piped drainage system.
Guidelines	
G17	Any new electricity substations required to service the development should be located outside of key view lines or appropriately screened with vegetation.
G218	The design of subdivision electricity infrastructure must consider the practicality of removing any existing above ground electricity lines by re-routing lines underground through the subdivision.

4 Plans

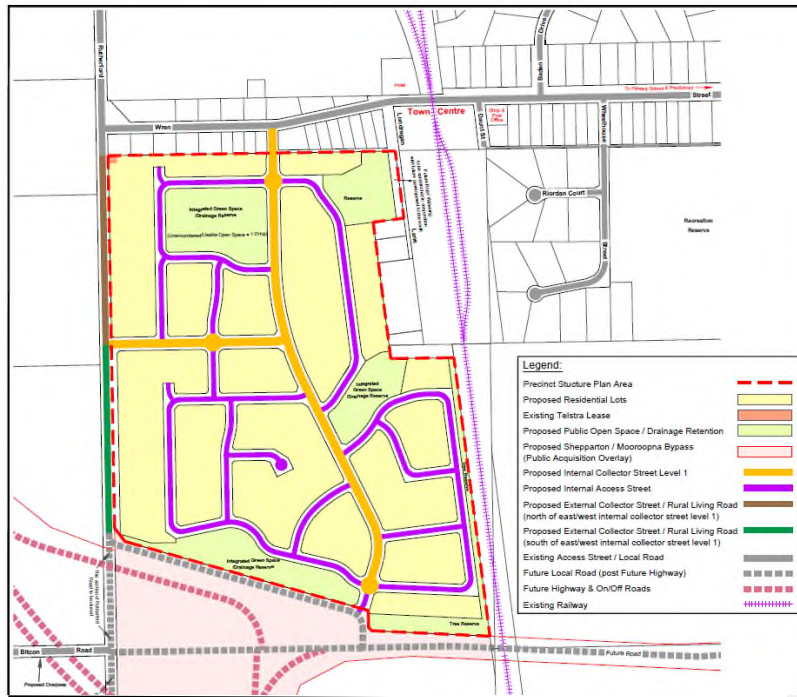
Plan 1 – Locality Context



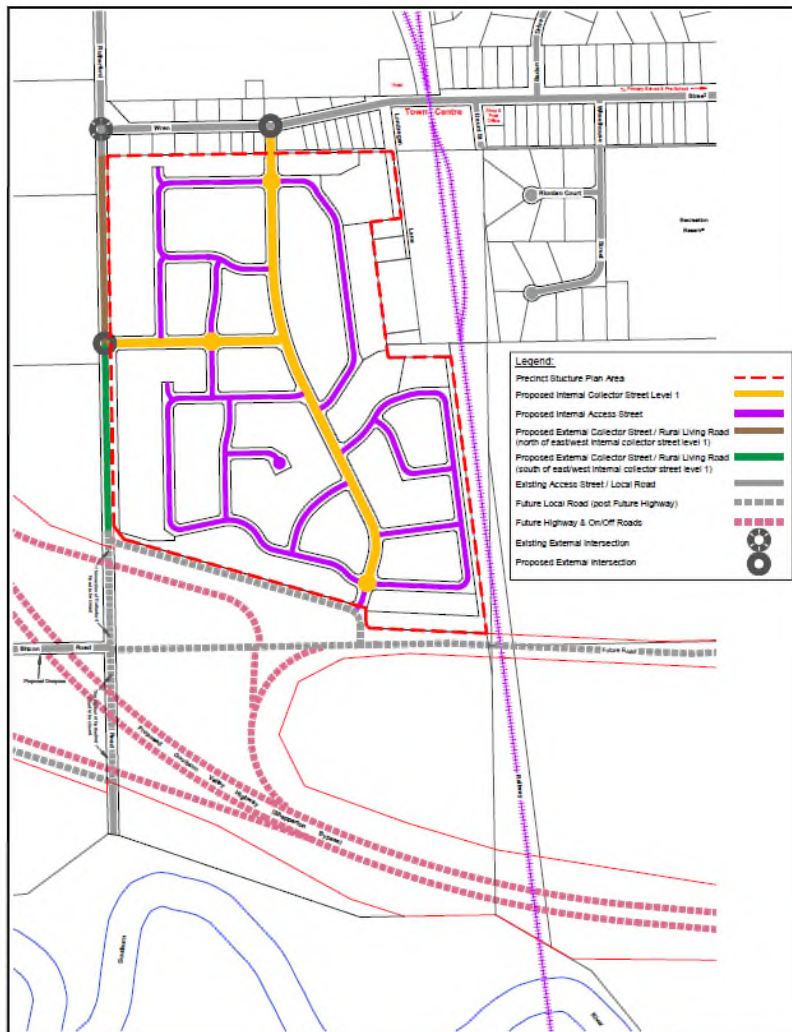
Plan 2 – Site Analysis



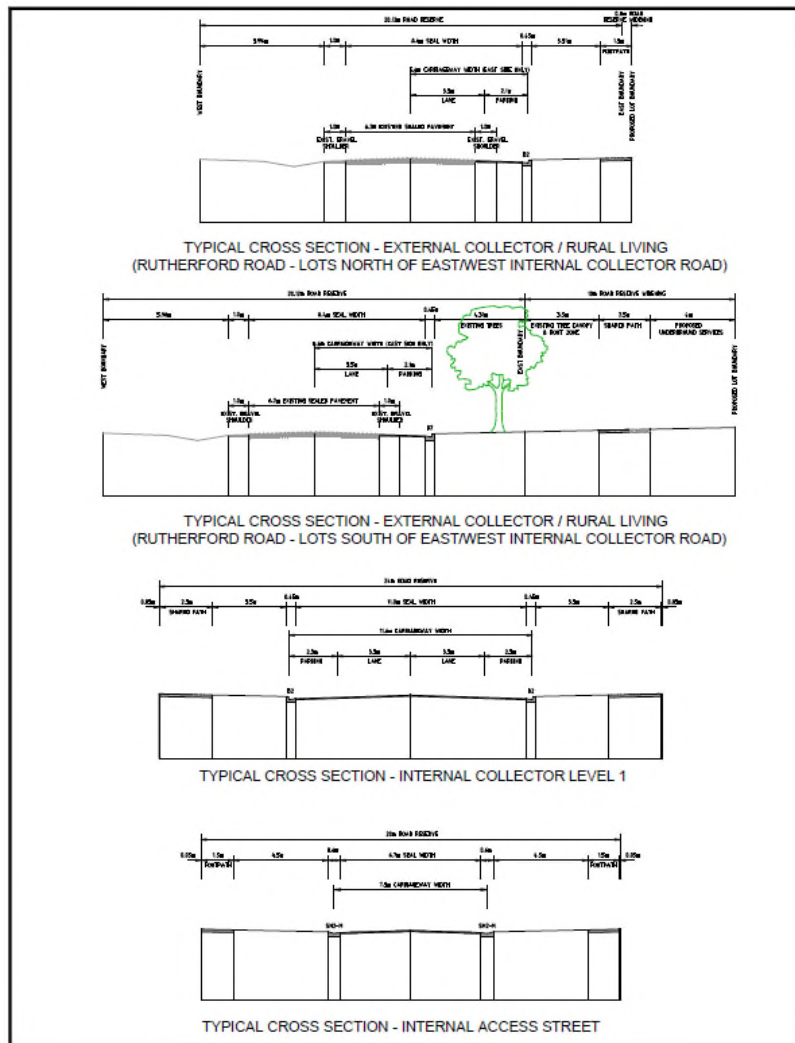
Plan 3 – Structure Plan



Plan 4 – Road Hierarchy



Typical Road Cross Sections



Precinct Structure Plan

GSCC Toolamba

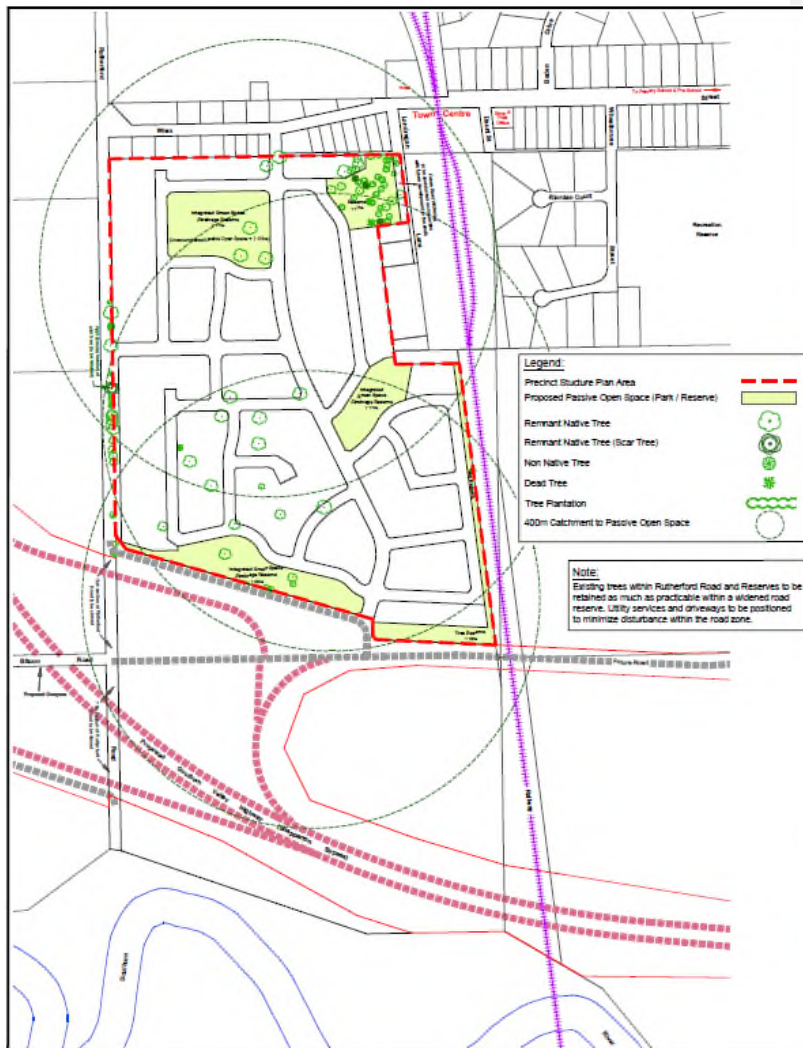
Legend:

- Precinct Structure Plan Area
- Proposed Shared Path within Road Reserve
- Proposed Shared Path within Public Open Space
- Proposed GSCC Toolamba Walking Track
- Existing On Road Toolamba Bicycle Circuit & Tatura-Toolamba Bicycle Circuit
- Future Local Road (post Future Highway)
- Future Highway & On/Off Roads

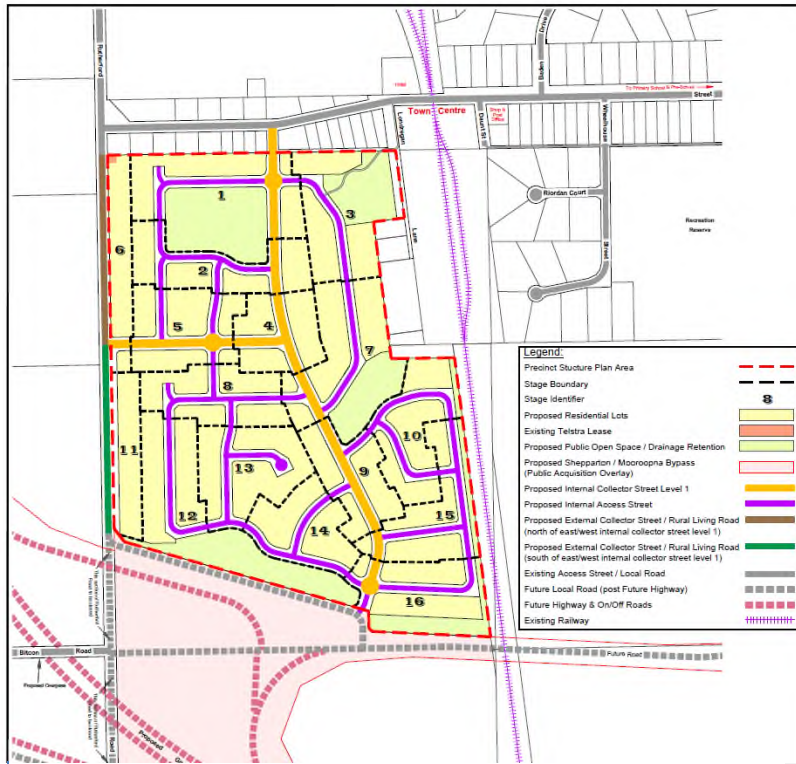
Notes:

- (1) All internal streets to have a pedestrian path where fronted by lots.
- (2) Footpaths and/or Shared paths are to be integrated into neighbourhood parks.

Plan 6 – Public open space and existing vegetation



Staging Plan



DD/MM/YYYY
Proposed C168

SCHEDULE 3 TO THE URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ3**

Toolamba Precinct Structure Plan

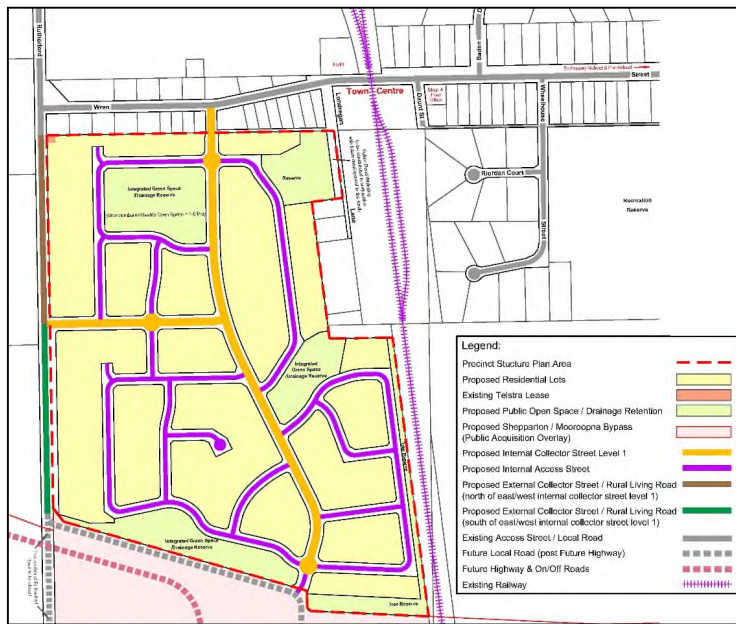
1.0

The Plan

DD/MM/YYYY
Proposed C168

Plan 1 shows the future urban structure proposed in the *Toolamba Precinct Structure Plan*.

Plan 1 to Schedule 3 to Clause 37.07



2.0

Use and development

2.1

The land

DD/MM/YYYY
Proposed C168

The use and development provisions specified in this schedule apply to the land as shown within the 'precinct structure plan area' on Plan 1 of this schedule and shown as UGZ3 on the planning scheme maps.

Note:

If land shown on Plan 1 is not zoned UGZ, the provisions of this zone do not apply.

2.2

Applied zone provisions

DD/MM/YYYY
Proposed C168

Table 1 allocates the land use/development shown on Plan 1 of this schedule with a corresponding zone from this scheme.

Where the use/development in the left column is carried out or proposed generally in accordance with the incorporated *Toolamba Precinct Structure Plan*, the use, subdivision, construction of a building and construction and carrying out of works provisions of the corresponding zone in the right column apply.

Note:

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule. e.g. The Commercial 2 Zone specifies 'Shop' as a Section 1 Use with the condition, 'The site must adjoin, or have access to, a road in a Road Zone.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Road Zone or an applied Road Zone in the Urban Growth Zone schedule applying to the land'.

Table 1: Applied zone provisions

Land shown on plan 1 of this schedule <u>Residential-All land</u>	Applied zone provisions Clause 32.08 9 – <u>General-Neighbourhood</u> Residential 4 -Zone
Land shown on plan 1 of this schedule <u>Mixed Use</u>	Applied zone provisions <u>Mixed use Clause 32.04 – Mixed Use Zone</u>
Land shown on plan 1 of this schedule <u>Industrial</u>	Applied zone provisions <u>Clause 33.01 – Industrial 1 Zone</u>
Land shown on plan 1 of this schedule <u>Business/Retailing/Commercial</u>	Applied zone provisions <u>Clause 34.01 – Commercial 1 Zone</u>
Land shown on plan 1 of this schedule <u>Employment/Commercial</u>	Applied zone provisions Industrial <u>Clause 34.02 – Commercial 2 Zone</u>
Land shown on plan 1 of this schedule <u>Arterial Road</u>	Applied zone provisions <u>Clause 36.04 – Road Zone 1 or 2</u>

2.3 Specific provision – Use of land

DD/MM/YYYY
Proposed C168

None specified.

2.4 Specific provisions – Subdivision

DD/MM/YYYY
Proposed C168

None specified.

2.5 Specific provisions – Buildings and works

DD/MM/YYYY
Proposed C168

A permit is not required to construct a building or carry out works on land shown in the *Toolamba Precinct Structure Plan* as a local park ~~park~~ provided the development is carried out generally in accordance with the incorporated *Toolamba Precinct Structure Plan* and with the prior written consent of the responsible authority.

3.0 Application requirements

DD/MM/YYYY
Proposed C168

The following application requirements apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. If, in the opinion of the responsible authority, an application requirement listed below is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

Subdivision - residential development

In addition to any requirement in Clause 56.01-2, a subdivision design response must include:

A land budget table in the same format and methodology as those within the precinct structure plan applying to the land, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.

- A written statement, prepared to the satisfaction of the responsible authority, which sets out how the subdivision will contribute to the delivery of a diversity of housing.
- A written statement, prepared to the satisfaction of the responsible authority, which sets out how the subdivision will contribute to the achievement of the residential density outcomes in the *Toolamba Precinct Structure Plan* applying to the land.
- A plan that sets out how the local street and movement network integrates, or is capable of integrating, with existing or likely development of adjacent land parcels and the proposed Goulburn Valley Highway – Shepparton Bypass.
- A Site Management Plan that addresses bushfire risk during, and where necessary, after construction, which is approved by the Country Fire Authority. The plan must specify, amongst other things:
 - The staging of development and the likely bushfire risks at each stage;
 - An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-2009, where bushfire risk is managed;
 - The measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape and protect residents and property from the threat of fire; and
 - How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicles.

Public Infrastructure Plan

An application must be accompanied by a Public Infrastructure Plan which addresses the following:

- a stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of the relevant water authority;
- which segments of the land may be affected or required for the provision of infrastructure works;
- ~~the provision, staging and timing of stormwater drainage works;~~
- the provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- the landscaping of any land;
- what, if any, infrastructure set out in the Section 173 Agreement is sought to be provided as "works in lieu" by the developer subject to the written consent of the collecting agency;
- the provision of public open space; and
- any other matter relevant to the provision of public infrastructure required by the responsible authority.

Commented [MM1]: Duplicated two bullet points above.

Traffic Impact Assessment

An application that proposes to create or change access to an existing road or the proposed Goulburn Valley Highway – Shepparton Bypass must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility / concept road safety audit, must be to the satisfaction of Regional Roads Victoria or the responsible authority, as required.

4.0 Conditions and requirements for permits

DD/MM/YYYY
Proposed C168

Land required for community facilities

A permit for subdivision or buildings and works, where land is required for community facilities, public open space or road widening, must include the following conditions:

- The costs associated with effecting the transfer or vesting of land required for community facilities, public open space or road widening must be borne by the permit holder.
- Land required for community facilities, public open space or road widening must be transferred to or vested in the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant agency.

Public transport

Unless otherwise agreed by Public Transport Victoria, prior to the issue of Statement of Compliance for any subdivision stage, bus stop hard stands with direct and safe pedestrian access to a pedestrian path must be constructed:

- In accordance with the *Public Transport Guidelines for Land Use and Development*; and compliant with the *Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002*.
- At locations approved by Public Transport Victoria, at no cost to Public Transport Victoria, and to the satisfaction of Public Transport Victoria.

Road network

Any permit for subdivision or building and works must contain the following condition:

Prior to the certification of a plan of subdivision, the plan of subdivision must show the land affected by the widening of the road reserve which is required to provide road widening and/or right of way flaring for the ultimate design of any adjacent intersection.

Land required for road widening including right of way flaring for the ultimate design of any intersection within an existing or proposed arterial road must be transferred to or vested in council at no cost to the acquiring agency unless funded by the developer.

Precinct Infrastructure Plan

Any permit for subdivision must contain the following condition:

Prior to the certification of a plan of subdivision or at such other time which is agreed between Council and the owner, if required by the responsible authority or the owner, the owner must enter into an agreement or agreements under Section 173 of the *Planning and Environment Act 1987* which provides for:

- The implementation of the Public Infrastructure Plan approved under this permit.
- The purchase and/or reimbursement by the responsible authority for any provision of public open space in excess of the amount specified in the schedule to Clause 53.01.
- The timing of any payments to be made to the owner having regard to the availability of funds in the open space account.

Management of bushfire risk during subdivisional works

A permit for subdivision that contains a condition requiring a construction management or site management plan must ensure that the relevant plan addresses any potential bushfire risks arising from the land during construction and must include a statement from a suitably qualified professional that the proposed bushfire risk management measures are appropriate.

Environmental Site Assessment

Any permit for the use and development of land for a sensitive use (residential use, child care centre, pre-school centre or primary school) for a site that has been identified as contaminated land must contain the following conditions:

- Before the commencement of the development of the land, the recommendations of the Environmental Site Assessment submitted with the application must be carried out to the satisfaction of the responsible authority.

5.0 Exemption from notice and review not to apply to certain applications

DD/MM/YYYY
Proposed C168

None specified.

6.0 Decision Guidelines

DD/MM/YYYY
Proposed C168

None specified.

7.0 Signs

DD/MM/YYYY
Proposed C168

Sign requirements are at Clause 52.05. The sign category for the land is the category specified in the zone applied to the land at Clause 2.2 of this schedule. All other land is in Category 3.

GREATER SHEPPARTON PLANNING SCHEME

AMENDMENT C168

EXPLANATORY REPORT

Who is the planning authority?

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

The Amendment has been made at the request of Chris Smith and Associates Pty Ltd on behalf of the land owner of 335 Rutherford Road, Toolamba.

Land affected by the Amendment

The Amendment applies to land identified in the *Toolamba Precinct Structure Plan, September 2018* (the PSP), being 19 Londregan Lane, Toolamba and part of 335 Rutherford Road, Toolamba (lots 4 and 5 on TP825016).

The PSP area is generally bounded by existing township properties along Wren Street to the north, the railway line to the east, the Public Acquisition Overlay for the Goulburn Valley Highway Shepparton Bypass to the south and Rutherford Road to the west.

The PSP area is made up of approximately 54 hectares of land within the Farming Zone – Schedule 1 (see *Figure 1 – Zone Map*). Part of the land is affected by the Land Subject to Inundation Overlay (LSIO). The southern extent of the PSP area abuts the Public Acquisition Overlay (PAO7) for the Goulburn Valley Highway Shepparton Bypass (see *Figure 2 – Overlay Map*). The PSP area is known as Investigation Area 6 in the Greater Shepparton Planning Scheme.

Figure 1 – Zone Map

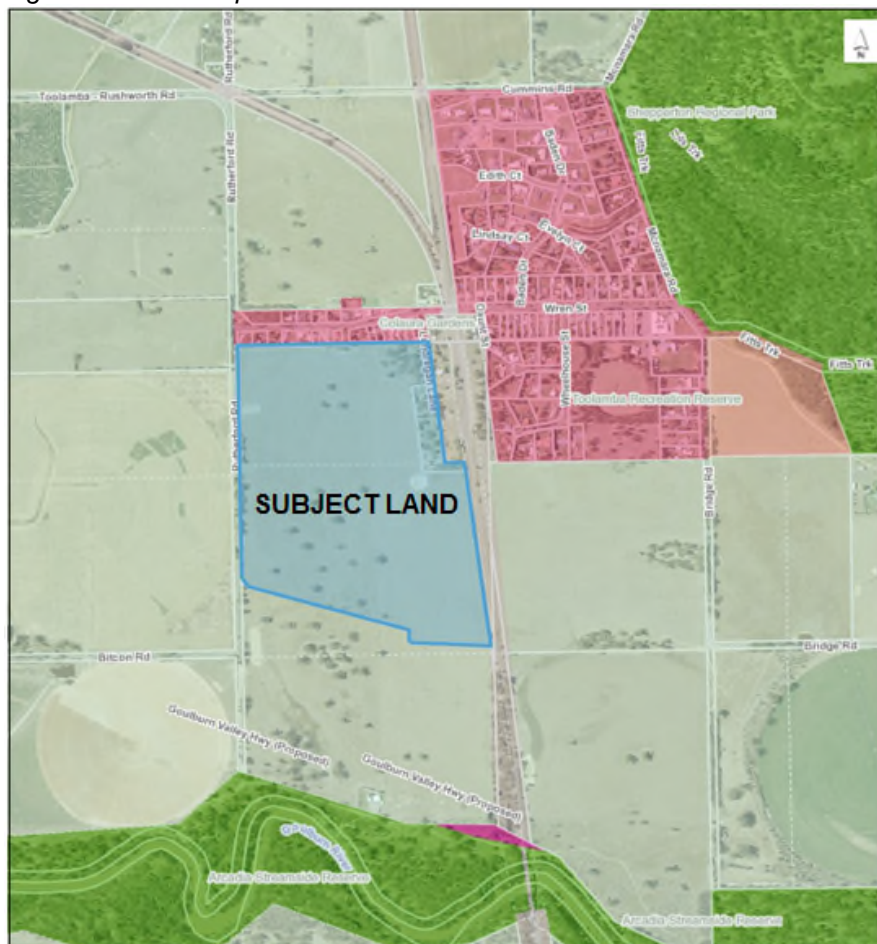
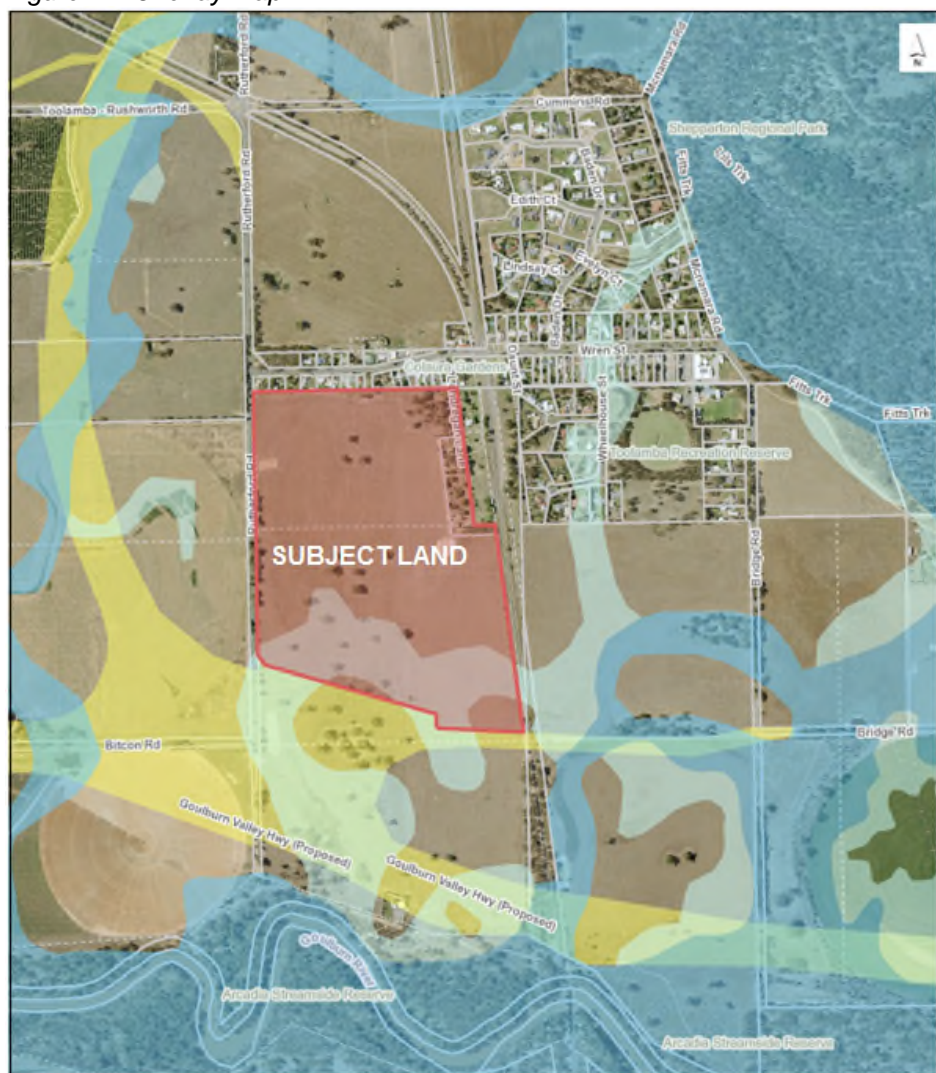


Figure 2 – Overlay Map



What the amendment does

The Amendment proposes to rezone land from the Farming Zone – Schedule 1 to the Urban Growth Zone – Schedule 3 and implements the *Toolamba Precinct Structure Plan, September 2018* into the Greater Shepparton Planning Scheme as an incorporated document. This Explanatory Report is to be read in conjunction with the *Toolamba Precinct Structure Plan, September 2018*.

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

- amends Clause 21.04 *Settlement* to note that the study of Investigation Area 6 is now completed;
- rezones land from the Farming Zone – Schedule 1 to the Urban Growth Zone – Schedule 3;
- inserts Schedule 3 to Clause 37.07 *Urban Growth Zone*. The schedule will set out the land use and development controls for the subject site with regards to the *Toolamba Precinct Structure Plan, September 2018*;
- amends the Schedule to Clause 44.04 *Land Subject to Inundation Overlay* to exempt single dwellings that are above the 100-year ARI flood level;
- ~~amends the Schedule to Clause 53.01 *Public Open Space Contribution and Subdivision* to include land within the Urban Growth Zone – Schedule 3;~~
- amends the Schedule to Clause 72.04 *Schedule to the Documents Incorporated in this Scheme* to incorporate the *Toolamba Precinct Structure Plan, September 2018*; and
- amends Planning Scheme Map No. 33ZN.

Strategic assessment of the Amendment

Why is the Amendment required?

The Amendment is required to implement the findings and recommendations of the *Greater Shepparton Housing Strategy 2011*, the *Greater Shepparton Township Framework Plan Review 2019*, and Clause 21.04 *Settlement* of the Greater Shepparton Planning Scheme.

Greater Shepparton is experiencing increased population growth and changing demographic trends, resulting in demand for a greater amount of housing provision and a variety of housing types. The Amendment will allow the township of Toolamba to grow and become a community supported by a local town centre, community facilities, commercial facilities and a sports ground.

As stipulated in the authorisation of this Amendment, Greater Shepparton City Council has prepared the *Toolamba Growth Plan 2020* and the *Toolamba Housing and Streetscape Typologies 2020* to provide a vision for the township's growth, ensuring that residential growth is cohesive and appropriately supported by service and infrastructure provision. Amendment C224, which implements the *Toolamba Growth Plan 2020* and the *Toolamba Housing and Streetscape Typologies 2020* in the Greater Shepparton Planning Scheme, is intended to progress concurrently with this amendment to maximise net community benefit for present and future residents.

Amendment C168 implements the short-term objectives of the Toolamba Growth Plan 2020, providing necessary zoned residential land supply in response to the gap in supply identified in the *Greater Shepparton Township Framework Plan Review 2019*.

The subject site is identified as being entirely within Investigation Area 6 in the Toolamba and Old Toolamba Framework Plan at Clause 21.04 *Settlement* of the Greater Shepparton Planning Scheme. The land is designated as an Investigation Area primarily due to flooding constraints and the current absence of sewerage. The Planning Scheme provides the following information regarding Investigation Area 6:

Investigation Area 6 – Toolamba. The area is located to the south west of the existing township. The density of residential development will be dependent on the outcome of current investigations into the provision of sewerage to the land. In the absence of sewerage, the density of future residential development will be dependent on Land Capability Assessment.

The Amendment is required to acknowledge that the investigation for Area 6 has been completed. It is also required to facilitate growth by rezoning land within the settlement boundary of Toolamba that can be developed for residential purposes and provide supporting community facilities as directed by the PSP. The PSP is required as part of the Amendment to guide development in the precinct to accommodate approximately 270 new residential lots.

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

The Amendment seeks to implement objectives a, c, f and g of planning in Victoria in accordance with Section 4(1) of the *Planning and Environment Act 1987* (the Act). The Amendment proposes a rezoning that will facilitate residential growth within the settlement boundary for Toolamba. The proposed Amendment will increase the supply and diversity of housing, and will create a robust and well connected neighbourhood with good access to local facilities and services

The PSP seeks to provide greater certainty about the location and provision of services for the future residential development, and ensures that such development occurs in an orderly and sustainable manner.

The PSP provides for the retention of native vegetation in future open space areas and reserves, which minimises impacts on the environment and genetic diversity.

The Amendment proposes to facilitate residential development and provide a variety in housing opportunities to assist in accommodating the projected population growth of the municipality, including accompanying services and infrastructure.

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

Environmental effects

An Environmental Site Assessment was carried out by Vantage Environment Management Pty Ltd. The report concluded that all soil sampling locations exhibited contaminant concentration at less than the nominated criteria and that the site would likely be suitable for residential subdivision.

A Flora and Fauna Assessment was prepared by Water Technology Pty Ltd. The report identified a number of specific trees located within the subject site and made recommendations for these trees to be incorporated into the future development of the site.

The land is partially within an area of cultural heritage sensitivity. A Cultural Heritage Management Plan (CHMP) was undertaken by Heritage Insight Pty Ltd and approved by the Registered Aboriginal Party. The CHMP concluded that the remnant native scar trees are to be protected and retained during the development stages and thereafter. The CHMP further concluded that there were no identified areas of aboriginal cultural heritage located within the development site.

As part of the preparation of the PSP, the recommendations made in the above mentioned reports have been incorporated into the requirements of the PSP.

The southern portion of the subject site is affected by the LSIO. To prevent any detrimental flooding impacts on future residential properties, a network of retardation basins will be provided by the developer in the precinct to minimise any flooding impacts. A permit is not required to undertake buildings or works in the PSP, pending that the works are generally in accordance with the PSP. The PSP contains all relevant drainage requirements for the precinct, all buildings or works will need to be in accordance with the PSP to enable a permit to be issued.

Social effects

The Amendment will generate positive social benefits for the Toolamba Township by providing increased housing opportunities and variety of future housing options. The land is appropriately located near existing social and educational facilities and will benefit from existing transport linkages to the Shepparton urban area.

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

Economic effects

A Supply and Demand Analysis was prepared by Opteon Pty Ltd, which demonstrated that there is a strong market demand for lot sizes provided for in the PSP. The development of land for residential purposes will create additional employment opportunities during the construction phases.

The land is currently used for limited agricultural purposes. The subject site is located within the Toolamba settlement boundary which implements a 'boundary' for urban development to occur within. The containment strategy is necessary to prevent urban development encroaching too far onto land currently being used for agricultural purposes. The provision of sewerage will achieve a higher housing density with a minimal loss of viable agricultural land.

Reticulated sewerage is not available in Toolamba, with all existing development utilising septic tank type on-site effluent disposal. An in-principle agreement has been reached with Goulburn Valley Water to provide reticulated sewerage to the Toolamba PSP area via a rising main to the Tatura Wastewater Treatment Plant. Preliminary investigations have established that it is physically possible and that it would not only facilitate a more environmentally responsible development on the subject land, it also has potential for future augmentation to remedy existing environmental concerns associated with existing non-sewered development in the Toolamba and Old Toolamba townships.

Does the Amendment address relevant bushfire risk?

The land is entirely within a designated bushfire prone area and is not within the Bushfire Management Overlay.

The key overarching strategy at Clause 13.02 *Bushfire* is to "*prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire*".

The Amendment seeks to rezone land adjacent to an existing township to the Urban Growth Zone to facilitate the future development of approximately 270 new residential lots. The objective and strategies of Clause 13.02-1S *Bushfire Planning* have been considered in the preparation of this Amendment to ensure that the future development of the land is unlikely to result in a net increase in risk to existing and future residents, property and community infrastructure.

The landscape conditions and bushfire hazard have been assessed and it is considered that the location is a low risk site. The main areas of vegetation that could create a bushfire hazard are located along the Goulburn River corridor, which is approximately 350m south of the land, and approximately 800m east. The land is relatively flat, and the type and extent of vegetation is unlikely to result in neighbourhood-scale destruction of property in a bushfire event.

The land adjoins the Public Acquisition Overlay for the Goulburn Valley Highway Shepparton Bypass to the south, which, if constructed, will effectively provide a substantial perimeter road to act as a buffer between the nearest area of vegetation along the Goulburn River corridor and the proposed development.

Preliminary discussions were held with the Country Fire Authority (CFA) in 2016. The CFA made several comments and recommendations regarding the subdivision layout and extent of land to be rezoned.

The proposal is unlikely to result in a net increase in bushfire risk to existing and future residents, property or community infrastructure.

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

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

The Amendment further complies with the following provisions:

- Ministerial Direction No.1 – Potential Contaminated Land has been considered. An Environmental Site Assessment concluded that all soil sampling locations exhibited contaminant concentration at less than the nominated criteria and that the site would likely be suitable for residential subdivision.
- Ministerial Direction No. 11 – Strategic Assessment of amendments. The Amendment has been prepared in accordance with this direction. This Explanatory Report addresses the requirements outlined in this direction.
- Ministerial Direction No. 12 – Urban Growth Areas. Parts 4, 5, and 6 of Ministerial Direction 12 requires that when preparing an amendment to introduce or change provisions in a schedule to the UGZ, a planning authority must evaluate and include in the explanatory report a discussion about:

- How the amendment implements any Growth Area Framework Plan applying to the land?

The Greater Shepparton Housing Strategy 2011 states several broad strategic objectives to be achieved in any residential growth zone and reflects the strategic objectives outlined in the Hume Regional Growth Plan 2014.

- How does the Amendment accord with the precinct Structure Planning Guidelines?

The Amendment complies with the following relevant PSP guidelines:

Objective 1: To establish a sense of place and community.

The Amendment will build upon Toolamba's strong rural character allowing the town to grow to a well serviced community.

The PSP associated with the Amendment has envisaged that all open space is located within a walkable distance (>400 metres) from future residential housing. The street network associated with the Amendment has prioritised pedestrian and cyclist movements so as to provide access options and connectivity between dwellings.

Objective 2: To create greater housing choice, diversity and affordable places to live.

The PSP associated with the Amendment outlines provisions for different size allotments providing housing diversity at a range of dwelling densities. The Amendment will accommodate a modest dwelling density of 10 dwellings per net developable hectare which is consistent with this objective.

Objective 3: To provide better transport choices

The cycling and walking network catered for within the Amendment is designed to provide access to key existing local destinations such as educational and recreational facilities and future transport options such as the Shepparton highway bypass.

The Amendment will be well connected with the Toolamba Township and given its close proximity to the proposed Shepparton Highway Bypass, will facilitate vehicle movements traveling north to the Shepparton urban area and south towards metropolitan Melbourne.

Objective 7: To deliver accessible, integrated and adaptable community infrastructure

The subject site will be well connected to existing educational and community facilities to the west of the precinct and incorporate additional passive open space into the township.

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

Clause 11.02-1S Supply of Urban Land– The objective of this clause is “*to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses*”. The *Greater Shepparton Housing Strategy 2011* assessed the supply and demand for land in the Greater Shepparton municipality. The Housing Strategy identified the area as being within the Toolamba settlement boundary and located within Investigation Area 6. The investigation for this land has now been completed, and has found that the land is suitable for residential development.

Clause 11.03-2S Growth Areas – The objective of this clause is “*to locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas*”. The subject site is located within a close proximity to the Township of Toolamba and future Shepparton Highway Bypass. The land is appropriately located near existing social and educational facilities and will benefit from existing transport linkages to the Shepparton urban area.

Clause 15.02 Sustainable Development – The objective of the clause is “*to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions*”. The PSP implements high level urban design guidelines that will achieve a well-designed subdivision pattern and inter-connected transport network by establishing nodes outside the Shepparton urban area.

Clause 16.01-3S Housing Diversity – The objective of this sub-clause is “*to provide for a range of housing types to meet diverse needs*”. The Amendment facilitates a multiplicity of housing alternatives outside the Shepparton urban area and seeks to increase density that is not readily available in Toolamba.

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

The Amendment is consistent with the following clauses of the Municipal Strategic Statement:

Clause 21.04 Settlement - This clause provides strategic directions for all anticipated development in the municipality, including guidance on rural residential living out skirting townships. The PSP identifies the predominant future land use as being residential development whilst incorporating the necessary community infrastructure required to support any future population. This will allow for an appropriate transition from farming land to land used primarily for urban development within the recognised Toolamba settlement boundary.

This clause includes the *Toolamba & Old Toolamba Framework Plan*, which identifies the subject site as Investigation Area 6. The Amendment acknowledges that the investigation has been completed and that the land is suitable for residential development.

Clause 21.07 Infrastructure – The Amendment supports this clause of the planning scheme by identifying all necessary infrastructure required to provide a net benefit to any future community. The future development will integrate with the proposed Shepparton Highway Bypass giving future land owners ease of access to the Shepparton urban area and providing roads capable of facilitating bus movements. The future development will be undertaken in accordance with the Infrastructure Design Manual.

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

The amendment meets the form and content requirements of the Victorian Planning Provisions.

The Urban Growth Zone is the most appropriate zone to guide the future development of this land. The application of this zone will manage the transition of non-urban land into urban land and will provide for the development of a well-planned and well-serviced new urban community in accordance with the Precinct Structure Plan.

A Precinct Structure Plan (PSP) has already been prepared. The PSP will ensure that residents in the new development area have good access to services, transport, local amenities, open space and recreation facilities. Importantly, it will also give developers, investors and the local community greater certainty and confidence about future development in this area. This is of key importance, given the level of community interest received during the preparation of the Toolamba Growth Plan (Amendment C224 being exhibited concurrently). The PSP sets out the minimum lot sizes, servicing requirements and staging for the development area, and effectively “locks in” the overall layout of future land use, which cannot be easily achieved under any other zone.

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

The relevant referral agencies, including Goulburn Valley Water, Goulburn-Murray Water, VicTrack, VicRoads (Regional Roads Victoria), the Goulburn Broken Catchment Management Authority and the Country Fire Authority, have been included in preliminary discussions prior to the exhibition of this Amendment. Formal submissions from relevant agencies will be invited during the exhibition stage of this Amendment.

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

The Amendment will result in some impact on the transport system. A Traffic Impact Assessment Report (TIAR) has been undertaken. This TIAR considers the impact of the proposed development on the transport network and details any infrastructure upgrades required ensuring there is no resultant negative impact.

The proposed development will meet the transport system objectives by:

- enabling efficient access to existing and planned employment and services in and around the local area and region through connections to the arterial road network and planned extensions to bus services; and
- providing appropriate and efficient transport infrastructure as sufficient demand arises throughout the subdivision of the land.

Resource and administrative costs

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

The new planning provisions will not have any significant impact on the resource and administrative costs to Council.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at Greater Shepparton City Council, 90 Welsford Street, Shepparton.

The Amendment can also be inspected free of charge at:

- the Greater Shepparton City Council website at www.greatershepparton.com.au; and

- the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by Monday, 19 April, 2021.

A submission must be sent to:

Greater Shepparton City Council
Locked Bag 1000
SHEPPARTON VIC 3632

Or via e-mail to: council@shepparton.vic.gov.au

Panel hearing dates

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

- directions hearing: week commencing 31 May, 2021.
- panel hearing: week commencing 28 June, 2021.

Planning and Environment Act 1987

GREATER SHEPPARTON PLANNING SCHEME

AMENDMENT C168^{gshe}

INSTRUCTION SHEET

The planning authority for this amendment is 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 1 attached map sheet.

Zoning Maps

1. Amend Planning Scheme Map No. 33 in the manner shown on the attached map marked “Greater Shepparton Planning Scheme, Amendment C168”.

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

2. In Local Planning Policy Framework – Clause 21.04, replace the Clause with a new Clause in the form of the attached document.
3. In Zones – Clause 37.07, insert a new Schedule 3 to the Urban Growth Zone in the form of the attached document.
4. In Overlays – Clause 44.04, ~~replace~~ insert the a new Schedule 10 ~~with a new Schedule to the Design and Development Overlay~~ in the form of the attached document.
5. ~~In Particular Provisions – Clause 53.01, replace the Schedule with a new Schedule in the form of the attached document.~~
- 6.5. In Operational Provisions – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

End of document

04/10/2018

SCHEDULE 10 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAYShown on the planning scheme map as **DDO10**.**TOOLAMBA RESIDENTIAL DEVELOPMENT PRECINCT STRUCTURE PLAN AREAS****Design objectives**

- To ~~maintain-ensure~~ subdivision patterns, built form and fencing respects and contributes to the local rural village character of the existing Toolamba township. ~~and~~
- To ensure buildings are sited to provide space and separation for landscaping that will enhance amenity, ~~reduce the visual mass of buildings and reinforce the existing rural village character of the precinct.~~
- ~~while making efficient use of the land through good quality design.~~
- ~~To facilitate provision of reticulated services and other appropriate infrastructure in line with residential development.~~
- To support a sense of streetscape openness and safety through appropriate fencing treatments and garage design and siting.
- To support active and visually interesting interfaces with all streets through appropriate design, siting and orientation of dwellings and garages.
- To protect the environment from adverse impacts resulting from loss of vegetation ~~and inadequate waste water disposal.~~
- To promote diversity ~~of lot size, and dwelling type and size.~~
- To promote landscaping that reduces the visual mass of buildings and reinforces the existing rural village character of the precinct.

Commented [MP1]: To establish a basis for minimum lot sizes in Clause 3.0 below.

Commented [MP2]: This was previously 3 objectives in one dot point. Should be separated into three dot points for clarity.

However, it is recommended that the UGZ and PSP do the work related to the first subdivision design to avoid duplicating controls. As such, it is recommended that any objectives related to subdivision are deleted (other than objectives that will guide future subdivision potential – see dot point 1).

Commented [MM3]: The Section 173 Agreement, UGZ and Toolamba PSP all control the realisation of reticulated services. This duplication is not required.

Commented [MP4]: Most vegetation protection will be determined during subdivision design. A requirement for buildings to be sited to retain native vegetation has been included to ensure this objective remains relevant.

Commented [MP5]: As above re sewer. Deleted as it is covered by PSP.

Commented [MP6]: As above, lot size is determined at subdivision. PSP should be main mechanism for guiding lot size. Dwelling type is often a function of lot size. Note that the PSP includes objectives that cover these matters.

2.0 Buildings and works

A planning permit is not required to construct a building or carry out works where all the following conditions are met:

- The front setback of the building is between 5 and 10m from the street;
- The setback of the building from any side boundary is 2.5m or more;
- The setback of the front wall of any garage is 1m behind the façade of the main building;
- Any garage occupies 50% or less of the facade of the building; and
- The building, if it is a dwelling, is connected to a reticulated waste water system.

Commented [MP7]: This section sets the 'threshold test' for if a permit is required. A permit is not required if these tests are met. This will avoid excessive permit applications to Council for dwellings. If a permit is required, then the 'performance based' requirements set out below, in conjunction with the Objectives of the Overlay and the Decision Guidelines will apply.

Commented [MP8]: A side setback distance was not specified in the Housing typologies report. 2.5m was selected on the basis that it will provide a 5m spacing between dwellings, consistent with the minimum spacing noted in the existing Toolamba area in the Typologies report.

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- Buildings should be setback an appropriate distance from the front boundary so as to:
 - o provide space for landscaping, including canopy trees, and
 - o to provide a sense of spatial enclosure of the street.

- Garages should be designed and sited so as not to dominate the street frontage.
- Buildings should be setback from a side boundary to provide sufficient space for landscaping and pedestrian access.
- Buildings should be designed and sited to protect remnant native vegetation.

A permit is required to construct a fence unless:

- o The fence is a side fence forward of the building line and it is 1.2m or less in height.
- o The fence is behind the building line, and is not constructed of colourbond or similar material.

The following requirements apply to an application to construct a fence:

- Front boundary fencing should be avoided. If front fencing is proposed, it should be low, provide for passive surveillance of the street and be in keeping with the character of the neighbourhood.
- Side fencing forward of the front setback of the building should be low and allow for passive surveillance and a sense of openness.
- Use of colourbond, or similar material for fencing, including front and side fencing, should be avoided.

The maximum front fence height is 1.2 metres above natural ground level. On lots of less than 4,000m², side fencing must not exceed 1.2 metres in height for the first 5 metres of setback.

Lots of 4,000m² or more must use post and wire or post and beam fencing. On lots smaller than 4,000m², open fence construction is encouraged, including post and wire or post and beam.

Colorbond or similar materials must not be used for fencing at the front of a lot or for the first 5 metres of setback.

On lots smaller than 1200m², Colorbond or similar materials may be used for side or rear fencing. On lots larger than 1200m², a permit is required to use Colorbond or similar materials for side or rear fencing.
generally in accordance with the below:

- Each dwelling on a lot below 4,000m² must be connected to reticulated sewerage, if available.

Commented [MP9]: This will trigger a permit for a front fence, to give effect to G3 in the PSP (front fences strongly discouraged).

Commented [MP10]: While the typologies report states 1.2m or lower, the PSP strongly discourages front fences. As such, to reconcile the two, I have said front fencing should be low, with the planner to exercise discretion. It is noted that the PSP has been included as a Decision Guidelines, which will bring into effect the Guidelines of the PSP regarding fencing.

● Building setbacks

Lot size	Minimum Front setback	Side setback
800-2000m ²	5-10 metres	Enables rear access and space for landscaping between dwellings
2000-4000m ²	8-15 metres	Enables generous space for rear access and landscaping
4000m ² – 2ha	8-20 metres	Dwellings should be set away from boundaries to provide a sense of space and separation

Commented [MP11]: Given this is to identify whether a permit is required or not it must be completely unambiguous. Performance measures can be used only when a permit is triggered, and to guide decision making.

This has been converted into the new permit triggers and requirements above.

Only the 800-2000m² setbacks have been included, given the PSP only anticipates lots in this range.

Garages must not dominate the streetscape. The front wall of the garage should be set back a minimum of 1 metre behind the main house façade and must comprise less than 50% of the overall dwelling façade width.

● Fences

Garages must not dominate the streetscape. The front wall of the garage should be set back a minimum of 1 metre behind the main house façade and must comprise less than 50% of the overall dwelling façade width.

The maximum front fence height is 1.2 metres above natural ground level. On lots of less than 4,000m², side fencing must not exceed 1.2 metres in height for the first 5 metres of setback.

Lots of 4,000m² or more must use post and wire or post and beam fencing. On lots smaller than 4,000m², open fence construction is encouraged, including post and wire or post and beam.

Colorbond or similar materials must not be used for fencing at the front of a lot or for the first 5 metres of setback.

On lots smaller than 1200m², Colorbond or similar materials may be used for side or rear fencing. On lots larger than 1200m², a permit is required to use Colorbond or similar materials for side or rear fencing.

Commented [MP12]: Reworded above.

Exemption from notice and review

An application for construction of a building or to construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

3.0

Subdivision

A permit is required to subdivide land.

A permit to subdivide land must meet the following requirements:

- A lot must be no smaller than 800sqm.
- Street trees should be a mix of larger canopy trees and mid-level trees, with a minimum of 80% native or indigenous species. A minimum of one street tree per lot or every 20 metres, whichever is lesser, should be provided. For lots larger than 2000m², street trees should be planted in an informal manner in groups or irregular spacing, subject to the approval of the relevant authority.
- Access driveways of adjoining properties should be separated by the following minimum distances to promote boundary planting within the lot:

Lot size:	Minimum distance:
800-2000m ²	2 metres
2000-4000m ²	4 metres
Over 4000m ²	6 metres

The above minimum distances may be waived to allow retention of native vegetation.

- The following footpath and kerb requirements apply:

Lot size:	Minimum requirements:
800-2000m ²	Sealed footpath adjacent to front boundary with barrier kerbs semi-mountable kerbs on both sides
2000-4000m ²	Sealed or unsealed footpath within the verge with semi-mountable kerbs or no kerbs on both sides
Over 4000m ²	Sealed or unsealed footpath to at least one side of the road with semi-mountable kerbs or no kerbs

An application to subdivide land into 2 lots is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Commented [MP13]: Recommend that UGZ and PSP do the main work related to subdivision design.

Commented [MP14]: Already specified in DDO head of power

Commented [MP15]: This is primarily to restrict future subdivision under the NRZ/GRZ applied zone. The first subdivision of the land would still be governed by the PSP, where a range of lot sizes is required. I note the PSP has a min. lot size of 800m².

Commented [MP16]: Better guided through PSP

Commented [MP17]: Better guided by PSP

Commented [MP18]: This is not required. R5 of the Access Network in the PSP requires streets to be constructed in accordance with IDM. R7 requires paths. Typical cross sections in PSP appear to show SM kerbs for internal access streets. As such, this has been deleted, and has not been moved to PSP.

Commented [MM19R18]: R5 and R7 are proposed to be R19 and R21 respectively in the July 2021 version of the Toolamba PSP.

Commented [MP20]: UGZ already provides this exemption for the meantime. For future potential 2 lot subdivisions, the minimum lot sizes will apply as noted above (800m²). It is recommended that if the UGZ is translated to GRZ (or other zone) in the future, that the DDO will continue to apply. In that case, Council should allow for an assessment of material detriment to be made, and allow for notification of subdivisions if considered appropriate

4.0

Signs

None specified

5.0 Application requirements

30/07/2018

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

~~The design response must explain how the proposed design contributes to the shared tree canopy of the town.~~

None specified

Commented [MP21]: This is not very clear about what is expected. It comes from the Typologies report, but that relates mostly to how trees are retained in the subdivision design. It is considered that the PSP already has requirements and guidelines that address vegetation and street tree planting to achieve shared canopy cover.

6.0 Decision guidelines

xx/xx/2018

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- ~~Whether the proposal is generally in accordance with the Toolamba Precinct Structure Plan, 2020. The proposal is consistent with objectives of the Toolamba Growth Plan 2020 and the Toolamba Housing and Streetscape Typologies 2020.~~
- ~~Subdivision design is in accordance with the Toolamba Framework Plan in Clause 21.04. A permit may be granted to subdivide land which is not in accordance with the Toolamba Framework Plan in Clause 21.04 where the provision of reticulated sewerage services is considered unfeasible by the relevant water authority.~~
- ~~Whether the proposed buildings, works and subdivision design and siting of new buildings and fencing will enhance the sense of spaciousness and rural character of the township.~~
- ~~The subdivision design and layout Whether the design and siting of new buildings provides for the retention or enhancement of vegetation.~~
- ~~Front setbacks may be increased by permit to retain mature trees.~~
- ~~Provision has been made for diversity of lot size within subdivisions and within the township, and for diversity of dwelling type and size. Smaller lots should generally be located close to Wren Street.~~
- ~~Lots should provide sufficient area and dimensions to enable appropriate siting and construction of a dwelling for solar access.~~
- ~~Whether the design, siting and orientation of dwellings should be oriented to maximise all maximise street frontages. Dwellings on corner lots smaller than 4,000m² should address both frontages.~~
-

Commented [MP22]: If controls are translated into the DDO, then it may be confusing to also call up the document that informed the DDO.

Decision Guidelines should only refer to Inc Docs, not background docs. As these are not proposed as Inc Docs, both have been deleted from this Guideline.

Commented [MP23]: As above re: subdivision

Commented [MP24]: Decision guidelines should be neutrally expressed and set a 'test'. They should not be directive (policy does that). All have been reworded accordingly.

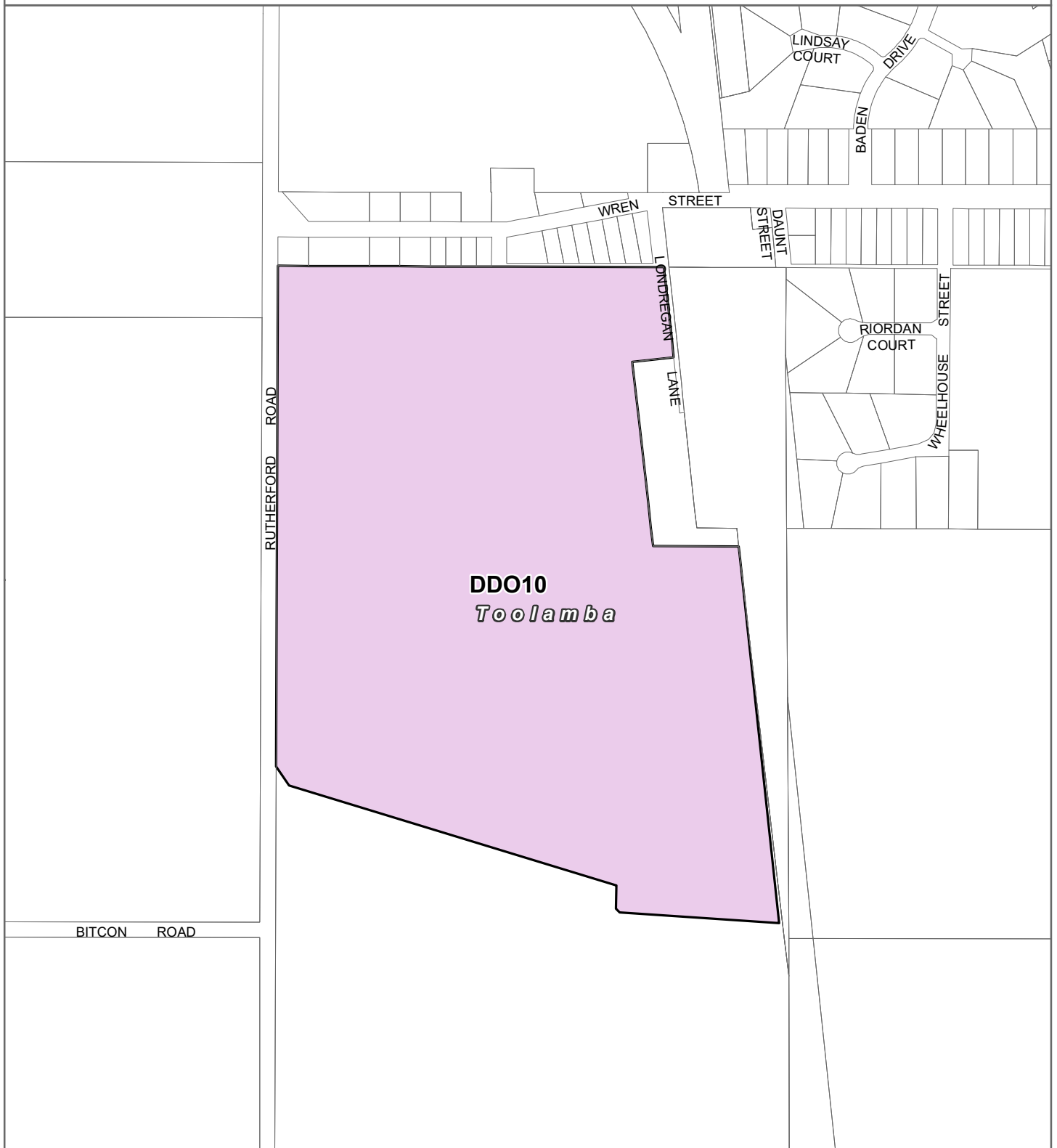
Commented [MP25]: Duplicates above.

Commented [MP26]: Included in PSP

Commented [MP27]: Covered by Clause 56 of the Planning Scheme.

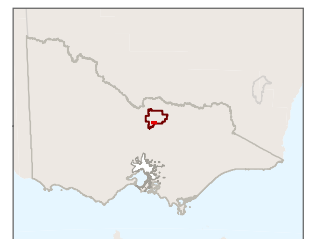
GREATER SHEPPARTON PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C224gshe



LEGEND

- DDO10 - Design and Development Overlay - Schedule 10
- Local Government Area



Part of Planning Scheme Map 33DDO

Disclaimer

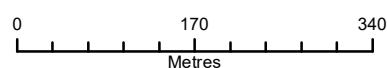
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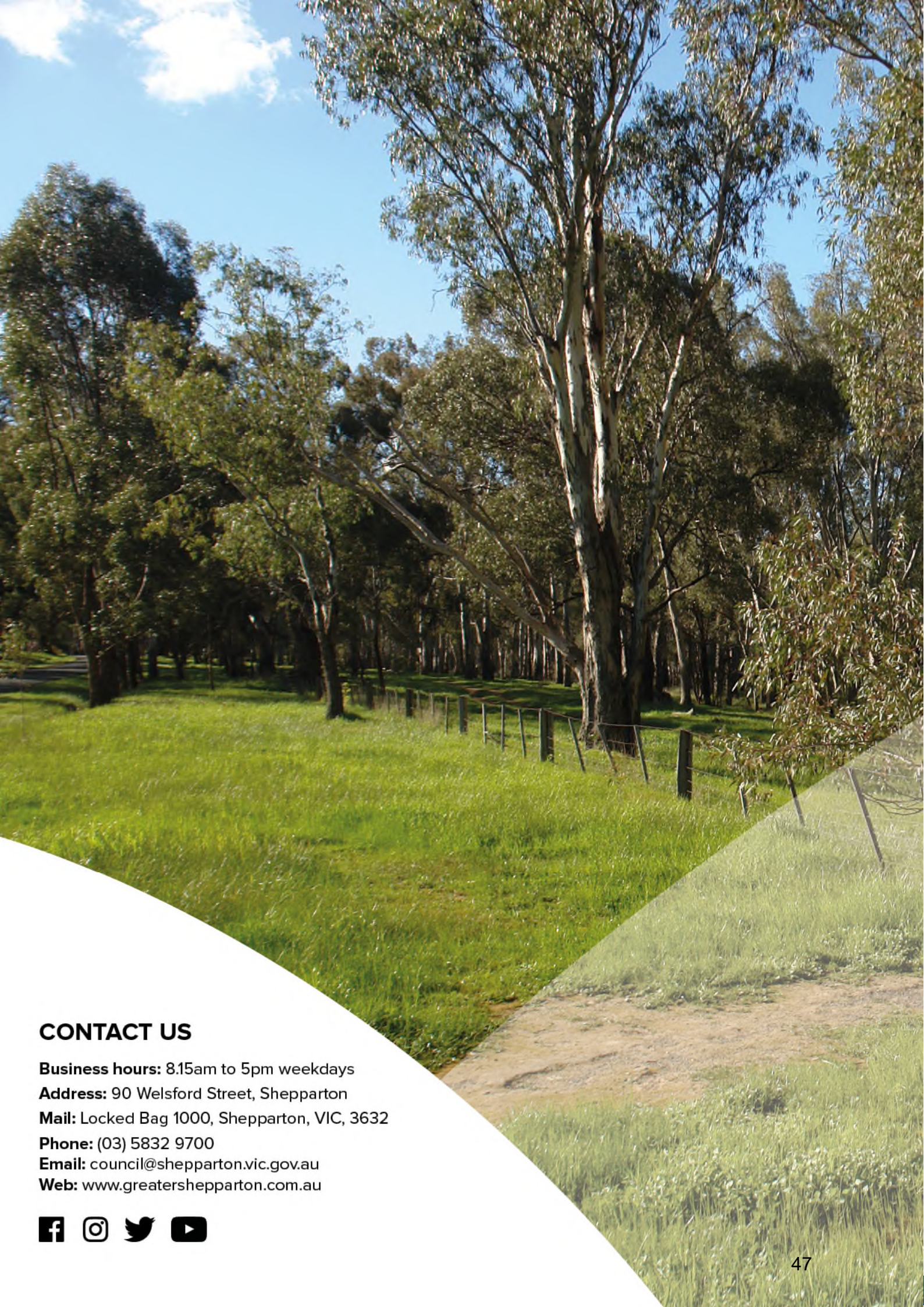
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