



Amendment C168gshe and Amendment C224gshe

Part A Submission

June 2021

Prepared by Greater Shepparton City Council

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1.0 Introduction

This Part A submission is made on behalf of Greater Shepparton City Council (Council), which is the Planning Authority for Amendment C168gshe and Amendment C224gshe to the Greater Shepparton Planning Scheme (Planning Scheme).

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* into the Planning Scheme as an incorporated document.

Amendment C224gshe seeks to implement the *Toolamba Growth Plan 2020* and the *Toolamba Housing and Streetscape Typologies 2020* 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).

A total of 39 submissions were received by Council, most of which addressed both amendments, resulting in 34 submissions relating to each. 37 submissions were received by Council during the formal exhibition period. Two (2) late submissions were received.

Council has sought to engage with all stakeholders relevant to the Amendments and, where possible, to resolve all submissions. As not all objections could be resolved, Council referred the submissions to Planning Panels Victoria.

A Directions Hearing was held via videoconference on 4 June 2021. On 7 June 2021, the Panel issued written directions in relation to the proceedings.

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

- a) background to the Amendment including chronology of events;
- b) strategic context and assessment;
- c) a summary of the conditions of authorisation, and how each condition has been met;
- d) issues identified in submissions;
- e) submitter map indicating where submitters are located;
- f) details of community consultation undertaken and engagement with authorities undertaken in relation to both Amendments;
- g) any suggested changes to the Amendment in response to submissions;
- h) further information relating to strategic justification of the Amendments; and
- i) further justification and information about the proposed planning tools.

This submission should be read in conjunction with the *Toolamba Precinct Structure Plan 2018*, the *Toolamba Growth Plan 2020*, and the *Toolamba Housing and Streetscape Typologies 2020*.

2.0 Background to the Amendment

2.1 Land Subject to the Amendments

Amendment C168 applies to land identified in the *Toolamba Precinct Structure Plan 2018* (the PSP), being 19 Londregan Lane, Toolamba and part of 335 Rutherford Road, Toolamba (lots 4 and 5 on TP825016).

The Amendment applies to land identified in the *Toolamba Growth Plan 2020* (the Plan), being the township of Toolamba and a wider area that is generally bounded by the Public

Acquisition Overlay for the Goulburn Valley Highway Shepparton Bypass (PA07) to the west and south, the Shepparton Regional Park to the east, and Pogue Road to the north.

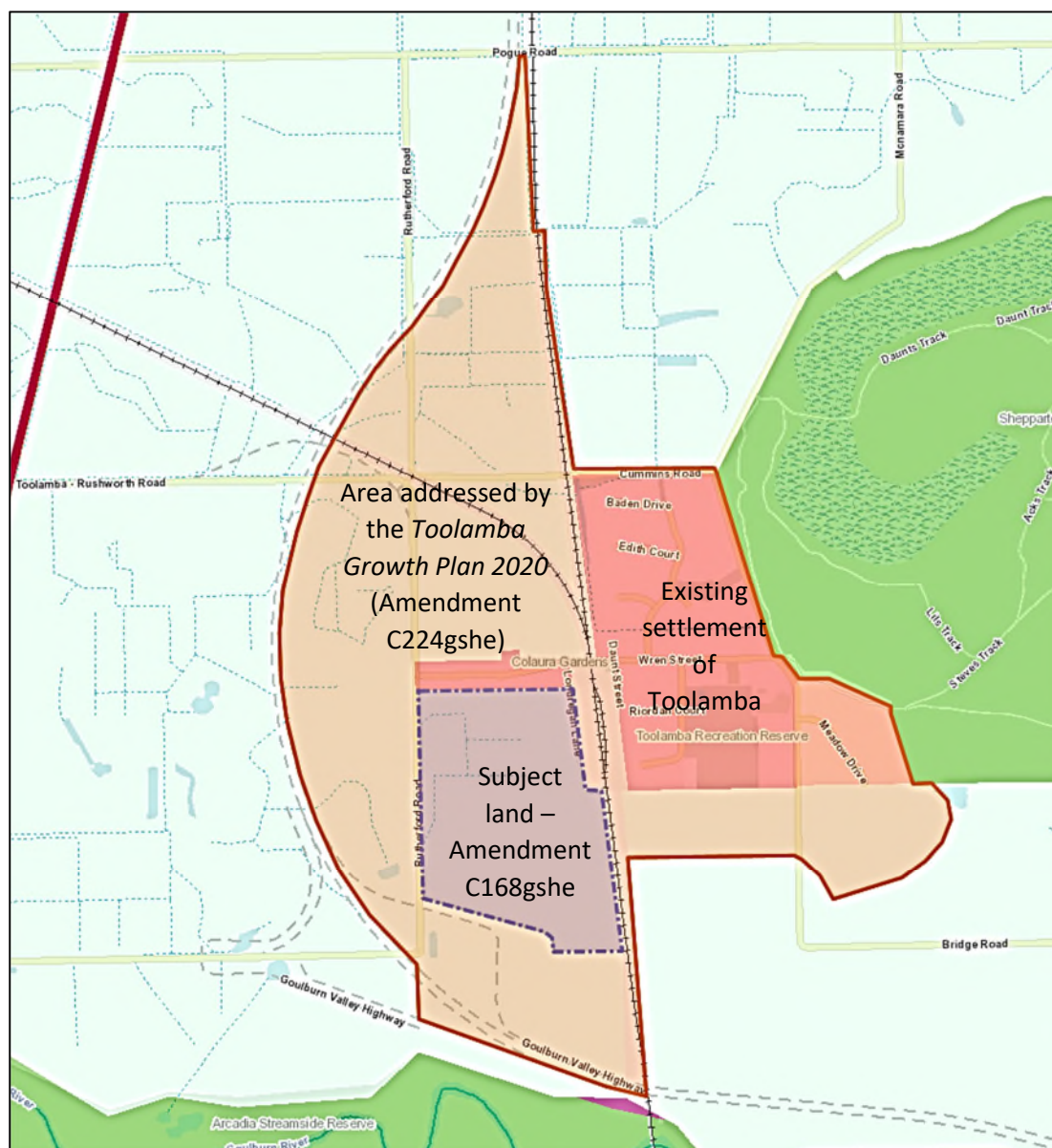


Figure 1: Map of Toolamba District, indicating *Toolamba Growth Plan 2020* area in orange, and *Toolamba Precinct Structure Plan 2018* area in purple. Existing settlement indicated in pink.

2.2 Chronology of Events

The following table provides a timeline of the relevant strategic planning work undertaken for Amendment C168gshe and Amendment C224gshe:

Table 1: Chronology of Events

Date	Event	Relevant document (if relevant)
December 2008	Amendment request received from Chris Smith & Associates Pty Ltd on behalf of Herdstown Pty Ltd, seeking to rezone land at 335 Rutherford Road, Toolamba. Council advised it was unable to support the request at that time, pending the completion of a housing strategy for the municipality. Council requested that further information be provided, including an indicative concept plan for the proposed development, formal responses from Goulburn Valley Water, VicTrack and VicRoads (now Regional Roads Victoria), and a response to the requirements of <i>Ministerial Direction No. 1 – Potentially Contaminated Land</i> . A preliminary meeting with Council officers was also recommended, to determine how to facilitate future progression of the proposal.	
August 2009	Council resolved to adopt the <i>Greater Shepparton Housing Strategy 2009</i> (the GSHS), including the identification of 335 Rutherford Road, Toolamba, as Investigation Area 6.	
March 2010	Request for Authorisation of Amendment C93gshe, which sought to implement the GSHS into the Planning Scheme.	
August 2010	Request to progress a rezoning amendment for the subject land received from Chris Smith & Associates Pty Ltd, advising work to provide previously requested information was underway. Council advised that Amendment C93gshe, which sought to implement the GSHS, would need to be completed to provide strategic justification to progress the rezoning request.	
16 September - 15 November 2010	Amendment C93gshe was exhibited, receiving 54 submissions, including one from Chris Smith & Associates Pty Ltd on behalf of Herdstown Pty Ltd.	
March 2011	Planning Panel Report for Amendment C93gshe. The Panel agreed with Council's submission to the Panel that it is appropriate to address residual parcels of land resulting from the construction of the Bypass through a future strategy / amendment process. The Panel did not make comment on the future development options for that land (see Figure 2 below Table 1).	Planning Panel Report for Amendment C93 (see background reports on Council's website)
June 2011	Council resolved to adopt an updated <i>Greater Shepparton Housing Strategy 2011</i> (GSHS) as part of the adoption of Amendment C93gshe.	Council Minutes for June 2011 Meeting (see background reports on

		Council's website)
May 2012	Request to progress a rezoning amendment for the subject land received from Chris Smith & Associates Pty Ltd, accompanied by a preliminary structure plan, draft cultural heritage management plan, flora and fauna assessment, supply and demand analysis, and environmental site assessment.	
June 2012	Amendment C93gshe approved by the Minister for Planning which implemented the GSHS into the Planning Scheme. The Amendment included identification of land at 335 Londregan Lane, Toolamba as Investigation Area 6 and applied a settlement boundary to land surrounding Toolamba and Old Toolamba.	<i>Greater Shepparton Housing Strategy 2011</i> (see background reports on Council's website)
June 2013	Council was requested by Chris Smith & Associates Pty Ltd to consider an application to rezone the land at 335 Rutherford Road, Toolamba from the Farming Zone to the Township Zone and to apply a Development Plan Overlay to the site. Council requested clarification on a number of issues, including but not limited to: <ul style="list-style-type: none"> the economic viability and whether there was sufficient demand for the proposed development, given the area proposed for development and local growth rates; and further information regarding infrastructure provision (namely reticulated services). 	
September 2015	A Draft Precinct Structure Plan was provided to Council by Chris Smith & Associates Pty Ltd.	
May 2016	Further Precinct Structure Plan documentation was received by Council from Chris Smith & Associates Pty Ltd.	
20 March 2018	Council resolved to endorse the <i>Draft Greater Shepparton Townships Framework Plan Review 2018</i> and release it for public comment from 26 March to 27 April 2018.	
March - April 2018	<p>Public consultation was undertaken the <i>Draft Greater Shepparton Townships Framework Plan Review 2018</i>.</p> <p>Council received 14 submissions, including one from Chris Smith & Associates Pty Ltd on behalf of Herdstown Pty Ltd.</p>	
April 2018	Combined Amendment C190gshe was approved by the Minister for Planning which rezoned part of 2 Bridge Road, Toolamba from the Farming Zone (Schedule 1) to the Low Density Residential Zone and applied the Bushfire Management Overlay to part of the land.	Amendment C190 Documentation (click this text for

	Planning Permit No. 2015-360 granted the subdivision of the land into 16 lots.	hyperlink to DELWP website)
18 September 2018	<p>The <i>Greater Shepparton Townships Framework Plan Review 2018</i> was adopted by Council at the Ordinary Council Meeting. The Framework Plan Review proposed the following changes to the Toolamba and Old Toolamba Framework Plan, amongst other things:</p> <ul style="list-style-type: none"> <i>It is recommended that the arrow denoting 'Long Term Future Growth' within Investigation Area 6 be removed.</i> <i>The settlement boundary at the southern extent of Investigation Area 6 should be amended to remove land south of the Public Acquisition Overlay for the Goulburn Valley Highway Shepparton Bypass from the Investigation Area.</i> 	September 2018 Council Meeting Minutes (click this text for hyperlink to Council's meeting minutes website)
20 November 2018	Council resolved to note the completion of the investigation for Investigation Area 6, and to prepare and exhibit a planning scheme amendment to rezone land in (former) Investigation Area 6 to the Urban Growth Zone.	Council Minutes for November 2018 Meeting (click this text for hyperlink to Council's meeting minutes website)
24 December 2018	Authorisation for Amendment C168gshe received from DELWP, subject to the completion of a Growth Plan for Toolamba.	
February 2019	Council engaged Ethos Urban Pty Ltd to prepare the Toolamba Growth Plan.	
7 March – 8 April 2019	Public Exhibition on Amendment C212gshe, which received 14 submissions, one of which was from Chris Smith & Associates regarding the Subject Land on behalf of Herdstown Pty Ltd.	Amendment C212 documentation (click this text for hyperlink to DELWP website)
May 2019	Pre-draft community consultation undertaken on the <i>Toolamba Growth Plan</i> (see Section 7.2 of this submission).	
23 August 2019	<p>Planning Panel Report for Amendment C212gshe. The Panel recommended, amongst other things:</p> <ul style="list-style-type: none"> <i>Amend the Toolamba Framework Plan to show the southern boundary of the settlement boundary at 215 Rutherford Road (the subject land) to align with the boundary of the Goulburn Valley Highway Public Acquisition Overlay rather than Bridge Road.</i> <i>Work on the Toolamba Growth Plan should examine appropriate future land use for the southern portion of 215 Rutherford Road (the</i> 	Planning Panel Report for Amendment C212 (click this text for hyperlink to DELWP website)

	<p>subject land) <i>south of Bridge Road and north of the Goulburn Valley Highway Public Acquisition Overlay.</i></p> <ul style="list-style-type: none"> • <i>Subsequent changes may be required to the Toolamba Structure Plan as result of the recommendations of the Toolamba Growth Plan. Any changes should be implemented as part of the any amendment to introduce the findings of the Toolamba Growth Plan into the planning scheme.</i> <p>Council addressed these recommendations as part of the preparation of the <i>Toolamba Growth Plan 2020</i>.</p>	
December 2019	Council resolved to receive and note the <i>Draft Toolamba Growth Plan Conversation Report Pre-Draft Engagement May 2019</i> , and authorise the <i>Draft Toolamba Growth Plan</i> for exhibition for an eight week period. Council also noted that Council officers would report back to Council on all feedback received.	Council Minutes for December 2019 Meeting (click this text for hyperlink to Council's meeting minutes website)
June 2020	In response to community concerns regarding loss of local character and amenity from higher density development, the <i>Toolamba Housing and Streetscape Typologies 2020</i> was prepared by Mesh Planning Pty Ltd to provide a vision for the township's growth, and ensure that residential growth is cohesive and appropriately supported by service and infrastructure provision.	<i>Toolamba Housing and Streetscape Typologies 2020</i>
June 2020	Amendment C212gshe approved by the Minister for Planning which implemented the recommendations of the <i>Greater Shepparton Townships Framework Plan Review 2020</i> by revising the Framework Plans for all townships except Shepparton East in the Municipal Strategic Statement of the Planning Scheme.	Amendment C212 documentation (click this text for hyperlink to DELWP website)
11 March to 19 April 2021	Exhibition of Amendments C168gshe and C224gshe, with a total of 39 submissions were received.	
22 April 2021	Council officers, under delegation, request an Independent Planning Panel for the Amendments, to consider 24 unresolved submissions to C168gshe and 25 unresolved submissions to C224gshe.	
4 June 2021	Directions Hearing for Amendments C168gshe and C224gshe.	
28 and 29 June 2021	Planning Panel Hearing for Amendments C168gshe and C224gshe.	



Figure 2: Residual Parcel of land at 335 Rutherford Road, Toolamba.

2.3 Amendment C168gshe to the Planning Scheme

As specified in the Explanatory Report, Amendment C168gshe seeks to rezone the subject 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 Planning Scheme as an incorporated document. The 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.

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

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 the development of the precinct to accommodate approximately 270 new residential lots.

2.4 Amendment C224gshe to the Planning Scheme

As specified in the Explanatory Report, Amendment C224gshe seeks to implement the *Toolamba Growth Plan 2020* and the *Toolamba Housing and Streetscape Typologies 2020* into the Planning Scheme by amending the Municipal Strategic Statement, including both documents as Reference Documents to Clause 21.04, 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).

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

- Amends Clause 21.04 *Settlement* to include the objectives of the *Toolamba Growth Plan 2020*, noting that the *Toolamba Growth Plan 2020* and *Toolamba Housing and Streetscape Typologies 2020* have been included in the Planning Scheme as Reference Documents, and that the study of Investigation Area 6 has been completed;
- Inserts Schedule 10 to Clause 43.02 *Design and Development Overlay*. The schedule will set out development controls for the subject area with regards to the *Toolamba Housing and Streetscape Typologies 2020*;
- Applies Schedule 10 to Clause 43.02 *Design and Development Overlay* to 19 Londregan Lane, Toolamba, and part of 335 Rutherford Road, Toolamba (lots 4 and 5 on TP825016);
- Inserts Planning Scheme Map No. 33DDO;
- Amends the Schedule to Clause 72.03 *Schedule to What does this Planning Scheme consist of?* to include Planning Scheme Map 33DDO; and
- Amends the Schedule to Clause 21.09 *Reference Documents* to include the *Toolamba Growth Plan 2020* and the *Toolamba Housing and Streetscape Typologies 2020*.

Amendment C224gshe is required to provide an overarching vision for the township's growth, ensuring that residential development is cohesive. As the timeframe for construction of the proposed Bypass is as yet undetermined, it is important to ensure its impacts are accounted for by promoting a variety of housing opportunities to assist in accommodating the projected population growth, and promoting the provision of services and infrastructure that is

appropriately correlated with the needs of the expanding population, and coordinated across short- and long-term stages of development.

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

2.5 Public Exhibition

Amendment C168gshe and Amendment C224gshe were exhibited concurrently, in accordance with the *Planning and Environment Act 1987* (the Act), from 11 March 2019 to 18 April 2021, and the following notice was provided:

- Letters sent to land owners and occupiers on 5 March 2021;
- Letters sent to relevant referral authorities on 5 March 2021;
- Letters sent to prescribed ministers on 5 March 2021;
- Notice in the Shepparton News on 9 March 2021;
- Notice in the Victoria Government Gazette on 11 March 2021;
- Notice on Greater Shepparton City Council website;
- Notices on Council's various social media platforms;
- Notice on Department of Environment, Land, Water and Planning website; and
- A copy of the exhibition documentation was placed in the foyer of the Council offices at 90 Welsford Street, Shepparton.

2.6 Submissions Received in Response to the Amendment

A total of 39 submissions were received by Council, most of which addressed both amendments, resulting in 34 submissions relating to each amendment. 37 submissions were received by Council during the formal exhibition period. Two (2) late submissions were received by Council.

Amendment C168gshe

Submissions received that did not object

Eight of the submissions were received from referral authorities, which did not object to or request changes to the proposed Amendment:

- Submission 1 - Powercor;
- Submission 2 - Goulburn Broken Catchment Management Authority (GBCMA);
- Submission 3 - Environment Protection Authority (EPA);
- Submission 4 - Department of Environment, Land, Water and Planning (DELWP);
- Submission 5 - APA VTS Australia (APA Group);
- Submission 6 - Goulburn Valley Water (GVW);
- Submission 33 - Goulburn Murray Water (GMW); and
- Submission 34 - Country Fire Authority (CFA).

Submissions received that supported

Two submissions were received from members of the public in support of the Amendment:

- Submitter 12; and
- Submitter 17 (with drafting changes).

Submissions received that objected and/or requested changes

24 submissions (Submissions 7, 8, 9, 10, 11, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32) were received that objected to and/or requested changes to the proposed Amendment.

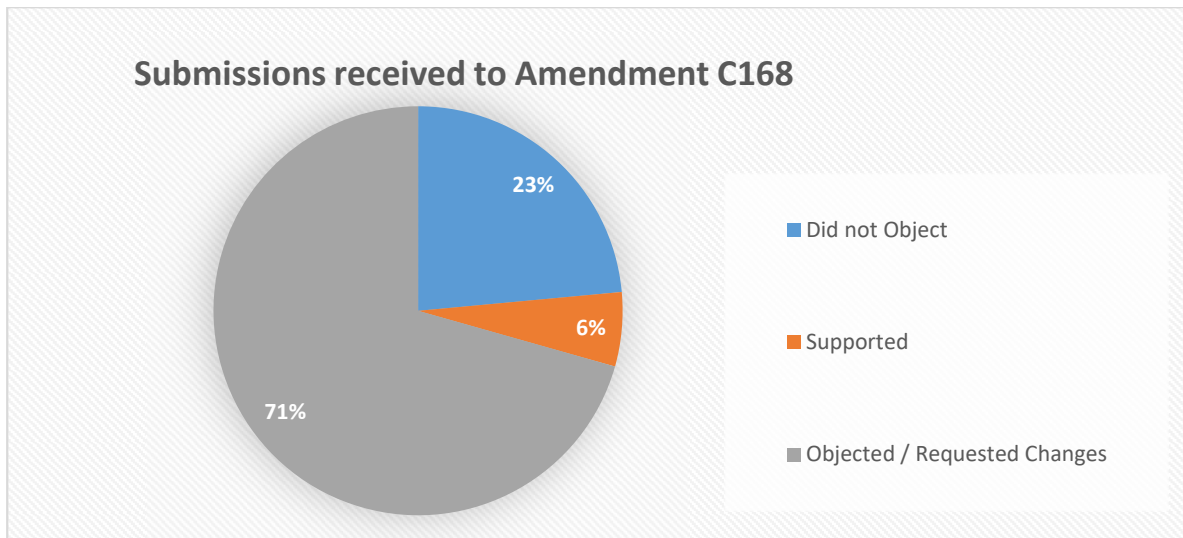


Figure 3: Submissions received to Amendment C168gshe

Amendment C224gshe

Submissions received that did not object

Seven of the submissions were received from referral authorities, which did not object to or request changes to the proposed Amendment. These referral authorities are:

- Submission 1 - Powercor;
- Submission 2 - Goulburn Broken Catchment Management Authority (GBCMA);
- Submission 3 - Environment Protection Authority (EPA);
- Submission 4 - Department of Environment, Land, Water and Planning (DELWP);
- Submission 5 - APA VTS Australia (APA Group);
- Submission 6 - Goulburn Valley Water (GVW); and
- Submission 34 - Country Fire Authority (CFA).

Submissions received that supported

Two submissions were received from members of the public in support of the Amendment. These are:

- Submitter 12; and
- Submitter 17 (with drafting changes).

Submissions received that objected and/or requested changes

25 submissions (Submissions 7, 8, 9, 10, 11, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33) were received that objected to and/or requested changes to the proposed Amendment.

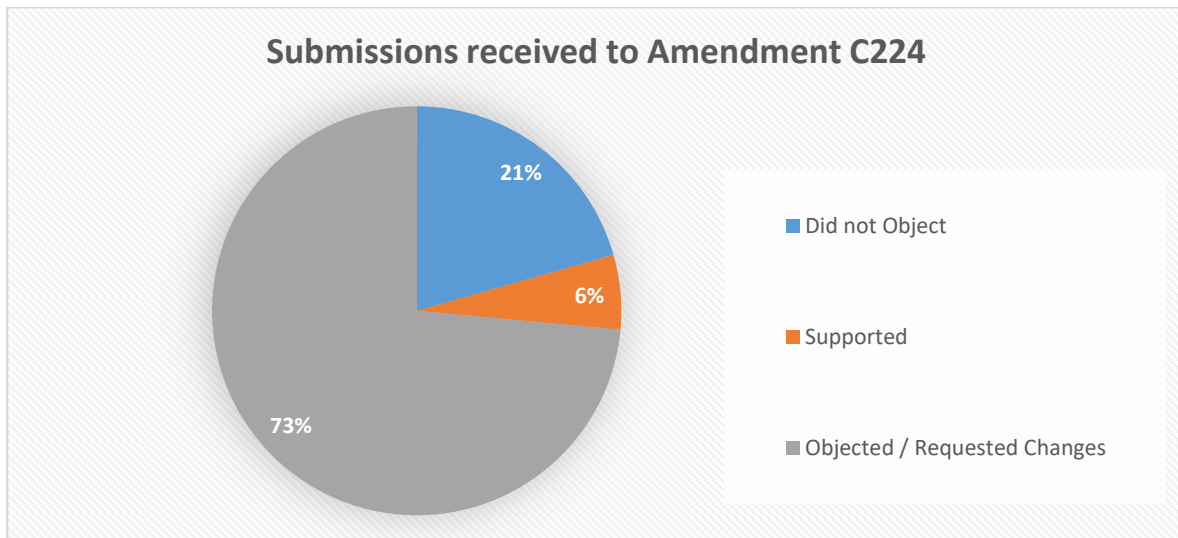


Figure 4: Submissions received to Amendment C224gshe

Council conducted meetings with joint submitters 9, 13, 14, 16, 17, 31, and 32 on 12 and 13 May 2021, and Submitter 33 to Amendment C224gshe on 17 May 2021. Issues identified during consideration of submissions to the Amendment are outlined in Section 5.0 of this submission.

After considering submissions to Amendment C168gshe and Amendment C224gshe, it was determined that an Independent Planning Panel would be required to resolve submissions and make recommendations to Council.

Council has provided a copy of all submissions received, and copies of letters of response to submitters, to the Panel prior to the Panel Hearing.

2.7 Formal Response to Submissions

A number of submissions made to the Amendment remain outstanding. As such, an Independent Planning Panel is required to consider submissions and make recommendations to the Planning Authority.

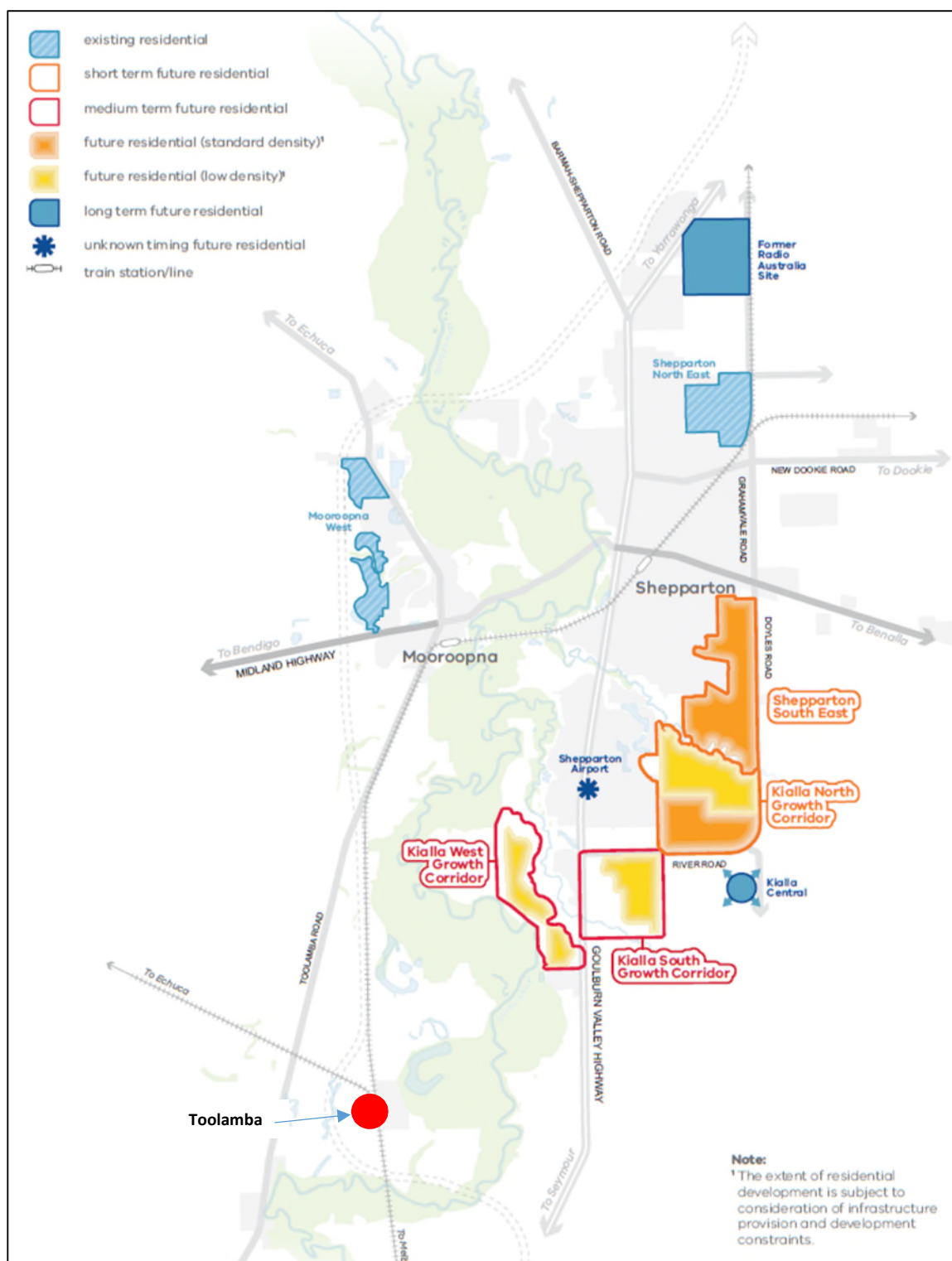
Letters of response were sent to all submitters to the Amendments in May and June 2021. Post-exhibition changes have been prepared by Council officers to respond to the concerns of Submitter 17. These are detailed in Section 8.0 of this submission.

3.0 Strategic context and assessment

3.1 Strategic Context

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. Council has prepared a number of strategic plans and strategies to guide appropriate and sustainable development, including the *Greater Shepparton 2030 Strategy 2006 (the 2030 Strategy)*, the *Housing Strategy*, and the *Townships Framework Plan Review 2019 (the Plan Review)*, which identify key growth corridors and outline Council's approach to housing delivery and growth in the municipality.

Although a significant portion of residential growth is expected to be met by five main growth corridors: Kialla North, Kialla West, South East, North East, and Mooroopna West, as shown below in Figure 5, growth is also expected in each of the townships across Greater Shepparton.



Growth within the townships is expected to be distributed throughout Tatura, Murchison, Merrigum, Dookie, Conqunpa, Katandra West, Tallygaroopna, Toolamba and Undera.

The GSHS recognised the unique character of each these small town settings, and their importance in providing for a variety of housing preferences and values. Further, the availability of sewerage infrastructure was noted as a key determinant to the scale and density of growth, acknowledging that the sewered townships of Tatura, Merrigum and Murchison would need to provide standard residential densities, along with Toolamba, if the

opportunities to assist in accommodating the projected population growth, and promoting provision of services and infrastructure that is appropriately correlated with the needs of the expanding population, and coordinated across short- and long-term stages of development.

Amendment C224gshe is required to provide overarching guidance for the planning decisions that will be required in coming years to achieve the desired planning outcomes in the township of Toolamba and maximise net community benefit.

3.2 Strategic Assessment

Planning Policy Framework

The Planning Policy Framework (PPF) ensures that the objectives of Section 4 of the Act are implemented through appropriate land use and development that addresses environmental, social and economic factors to achieve sustainable development. Tables 2 and 3 outline the State Planning Policy relevant to the Amendments.

Table 2: Relevant State Policy to Amendment C168gshe

Policy	Implementation of Objectives
Clause 11.02-1S Supply of Urban Land	The GSHS assessed the supply and demand for land in the Greater Shepparton municipality. The GSHS 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 subject site is located within a close proximity to the Township of Toolamba and future Goulburn Valley Highway Shepparton 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 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 Amendment facilitates a multiplicity of housing alternatives outside the Shepparton urban area and seeks to provide density options that are not readily available in Toolamba.

Table 3: Relevant State Policy to Amendment C224gshe

Policy	Implementation of Objectives
Clause 11.02 Managing Growth	The GSHS assessed the supply and demand for land in the Greater Shepparton municipality. The GSHS identified an area within the Toolamba settlement boundary as being Investigation Area 6. The investigation for this land has now been completed, and has found that the land is suitable for residential development. The <i>Toolamba Growth Plan 2020</i> further consolidates the potential of the wider area surrounding Investigation Area 6, and

	implements the strategies within Clause 11.02-1S <i>Supply of urban land</i> , supporting the consideration of neighbourhood character and landscape, the limits of land capability and environmental quality, and the costs of providing infrastructure in planning for residential development in Toolamba.
Clause 11.02-2S Structure Planning	By implementing the <i>Toolamba Growth Plan 2020</i> and the <i>Toolamba Housing and Streetscape Typologies 2020</i> as a Background Document to inform decision guidelines, the Amendment supports effective planning and management of the land use and development of the Toolamba area, providing a broad framework to facilitate integrated planning for neighbourhoods and precincts over time, focusing the development of walkable neighbourhoods, and facilitating logical and efficient provision of reticulated sewerage, roads, open spaces, and public realm amenity while retaining the valued character of the township.
Clause 11.02-3S Sequencing of Development	The Amendment implements a high-level framework to define preferred development sequences and coordinate infrastructure planning and funding, identifying infrastructure requiring developer contributions and providing opportunities to improve the timely delivery of priority works such as reticulated sewerage.
Clause 11.03-6S Regional and local places	The Amendment facilitates the integration of relevant planning considerations to provide specific direction for Toolamba with regard to the township's distinctive characteristics and needs.
Clause 15.01-5S Neighbourhood character	The Amendment supports the retention of neighbourhood character by promoting development responses that reinforce the sense of spaciousness and dense tree coverage that is highly valued by the community. The application of the Design and Development Overlay seeks to maintain local character and enhance amenity while making efficient use of the land through good quality design.
Clause 15.02 Sustainable Development	The Amendment implements design and development guidelines that will support consolidated and efficient use of land and resources by providing increased housing densities in high-amenity areas, encouraging retention of existing vegetation and planting of new vegetation, and promoting low energy forms of transport such as walking and cycling through appropriate infrastructure provision.
Clause 16.01-1S Housing supply	The Amendment supports diversity in housing options by providing for a mix of lot sizes, enabling

	opportunities for a range of income groups to obtain housing in an area offering high natural amenity and proximity to the range of services available in Shepparton.
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Local Planning Policy Framework

The Amendment supports the Local Planning Policy Framework (LPPF) contained in the Municipal Strategic Statement (MSS). Tables 4 and 5 outline the Local Planning Policy relevant to the Amendment.

Table 4: Relevant Local Planning Policy to Amendment C168gshe

Policy	Implementation of Objectives
<u>Clause 21.04 Settlement</u> - This clause provides strategic directions for all anticipated development in the municipality, including guidance on rural residential living out skirting townships.	<p>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.</p> <p>This clause includes the <i>Toolamba & Old Toolamba Framework Plan</i>, 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.</p>
<u>Clause 21.07 Infrastructure</u> – This clause provides clear and consistent guidelines for the planning, design and construction of 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 Goulburn Valley Highway Shepparton 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.

Table 5: Relevant Local Planning Policy to Amendment C224gshe

Policy	Implementation of Objectives
<u>Clause 21.04 Settlement</u> - This clause provides strategic directions for all anticipated development in the municipality, including guidance on rural residential living in outskirt townships.	The <i>Toolamba Growth Plan 2020</i> identifies the predominant future land use as being residential development and recognises the importance of incorporating the necessary community infrastructure required to support any future population in the initial development stages. This will allow for an appropriate transition from farming land to land used primarily for urban development within the recognised Toolamba settlement boundary.

	<p>This clause recognises predicted needs for housing in Greater Shepparton, and the unique position of Toolamba as the only small town which will have a dedicated interchange as part of the Goulburn Valley Highway Shepparton Bypass. In addition, reticulated sewerage connection for the township has been demonstrated to be feasible, enabling increased concentration of housing without undue impact on agricultural land. The Amendment will enable orderly and sustainable development in Toolamba, maintaining choice and variety in the Greater Shepparton housing market.</p> <p>This clause includes the <i>Toolamba & Old Toolamba Framework Plan</i>, which identifies an area to the south of Wren Street as Investigation Area 6. The Amendment recognises that the investigation has been completed and that the land is suitable for residential development. The existing <i>Toolamba and Old Toolamba Framework Plan</i> will be updated to reflect the preparation of an integrated Growth Plan for the area.</p>
<u>Clause 21.05-1 Environment</u> – The policy aims to protect flora and fauna in the municipality as well as the protection and management of natural landscape features.	The Amendment supports this clause of the MSS by promoting enhancement of biodiversity, providing for the retention of existing native vegetation and the planting of new vegetation.
<u>Clause 21.07 Infrastructure</u> – This clause provides clear and consistent guidelines for the planning, design and construction of 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 Goulburn Valley Highway Shepparton 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.

Ministerial Directions

The Amendments comply with the following relevant Ministerial Directions.

Both Amendments are consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

Both Amendments comply with Ministerial Direction No. 11 – Strategic Assessment of Amendments. The purpose of this Direction is to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcome it seeks to produce. The evaluations are outlined in the Explanatory Report for each Amendment.

Amendment C168gshe further complies with the following relevant Ministerial Directions.

- Ministerial Direction No.1 – Potentially Contaminated Land.

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

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 11 - Strategic Assessment of Amendments

The Amendment has been strategically assessed in accordance with the assessment criteria set out in Ministerial Direction 11. The Amendment will implement the objectives of planning in Victoria by providing for the fair, orderly, economic and sustainable use of land identified for urban purposes.

The Amendment has addressed environmental effects, as the pattern of land use and development was guided by studies of the area relating to flora and fauna, flooding and drainage.

The Amendment has addressed the relevant social and economic effects. It is expected to have a positive social and economic effect through the provision of additional housing and community facilities, as well as the creation of local employment opportunities. The Amendment has considered the relevant social, environmental and economic effects, and the amendment will result in a net community benefit.

- 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, and how the Amendment accords with the Precinct Structure Planning Guidelines.

Amendment C224gshe further complies with the following relevant Ministerial Direction.

- Ministerial Direction No. 19 – Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health

The written views of the EPA were sought in the process of development of the *Toolamba Growth Plan 2020*. The EPA provided comments that were generally supportive of the Plan, and specifically noted support for the establishment of growth corridors which protect natural assets and provide guidance for areas suitable for development.

Infrastructure Design Manual

The Infrastructure Design Manual (IDM) is a joint initiative of regional Victorian councils working together to formulate and maintain a set of consistent requirements and standards for the design and development of infrastructure. The IDM is owned and maintained by the Local Government Infrastructure Design Association.

Amendment C112 to the Planning Scheme, which was gazetted on 6 April 2017, implemented the IDM into the Planning Scheme by making reference to the document in Clause 21.07 and Clause 21.09.

The IDM is the preferred guidance document for Council for infrastructure standards and design.

4.0 Summary of the Conditions of Authorisation

On 24 December 2018, Council received authorisation from DELWP to prepare Amendment C168gshe, subject to the following condition:

‘That prior to exhibition of the amendment council reach agreement with the department about the preparation of a Growth Plan for Toolamba, including amendment documentation, to be exhibited as part of this amendment or as separate amendment to be exhibited concurrently with this amendment.’

Council met the condition by preparing the *Toolamba Growth Plan 2020*, and associated amendment documentation, which was exhibited concurrently with Amendment C168gshe from 11 March to 19 April 2021.

Council received permission to proceed with preparation of Amendment C224gshe from DELWP on 11 December 2020, as the Minister for Planning did not determine to authorise the amendment within 10 business days.

5.0 Issues identified in submissions

Issues identified in submissions are listed in Tables 6 and 7.

Table 6: Issues identified in submissions to Amendment C168gshe.

Submission numbers	Comments made in submission
7, 8, 9, 10, 11, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31	Toolamba will triple in size, losing ‘village’ feel, valued amenity, and local character through provision of smaller blocks. Concerns regarding high-density development. Small blocks will not satisfy the market, and negatively impact property prices.
7, 8, 9, 10, 11, 15, 18, 19, 20, 21, 22, 24, 25, 27, 28, 29, 30, 31, 32	A lack of municipality-wide planning is forcing the proponent to provide inappropriate, high-density development in Toolamba to mitigate other issues e.g., lack of residential land supply in Shepparton/Mooroopna/Kialla, and existing sewerage issues in Wren Street.
7, 8, 9, 10, 14, 18, 19, 20, 21, 23, 24, 25, 28, 29, 30, 31	Capacity of existing infrastructure to accommodate proposed residential expansion. Investment in social infrastructure must be made prior to or in line with population growth. The <i>Toolamba Growth Plan</i> does not provide adequate specificity and timeframes to ensure social and community infrastructure development is matched to growth; investment in social infrastructure must be commensurate with growth.
7, 8, 10, 16, 18, 23, 28, 29	Concerns regarding increased traffic, and lack of public transport, particularly the safety of children where footpaths/pedestrian infrastructure is lacking. The Growth Plan should include the intention to join Bridge and Bitcon Roads, to reduce traffic in Wren Street.
8, 9, 10, 28	Capacity to evacuate larger population in event of flood or fire.
9, 15, 17, 31	Lack of clarity on how reticulated sewerage services will be funded and connected to service the town, and the likelihood of rapid expansion or stagnation rather than the orderly progression indicated in the PSP.

	<p>The Amendment may impede other landowners' plans to develop if sewer infrastructure is delayed or not provided.</p> <p>Connection to sewer infrastructure should be mandatory for all medium- and higher-density developments</p>
9, 13, 26	Loss of vegetation and mature trees through the provision of small lots, and consequent impacts on local fauna and birdlife.

Table 7: Issues identified in submissions to Amendment C224gshe

Submission numbers	Comments made in submission
7, 8, 9, 10, 11, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31	<p>Toolamba will triple in size, losing 'village' feel, valued amenity, and local character through provision of smaller blocks.</p> <p>Concerns regarding high-density development, and the use of the 'Urban Growth Zone'.</p> <p>Supports growth, if consistent with existing mix of block sizes, focusing on larger blocks to retain character.</p> <p>Small blocks will not satisfy the market and will negatively impact property prices.</p>
7, 8, 9, 10, 11, 15, 18, 19, 20, 21, 22, 24, 25, 27, 28, 29, 30, 31	A lack of municipality-wide planning is forcing the proponent to provide inappropriate, high-density development in Toolamba to mitigate other issues e.g. lack of residential land supply in Shepparton/ Mooroopna/Kialla, and existing sewerage issues in Wren Street.
7, 8, 9, 10, 14, 18, 19, 20, 21, 23, 24, 25, 28, 29, 30, 31	Capacity of existing infrastructure to accommodate proposed residential expansion. Investment in social infrastructure must be made prior to or in line with population growth.
7, 8, 10, 18, 23, 28, 29	Concerns regarding increased traffic, and lack of public transport, particularly the safety of children where footpaths/pedestrian infrastructure is lacking.
8, 9, 10, 28	Capacity to evacuate larger population in event of flood or fire.
9, 15, 31	<p>Lack of clarity on how reticulated sewerage services will be funded and connected to service the town, and the likelihood of rapid expansion or stagnation rather than the orderly progression indicated in the PSP.</p> <p>The Amendment may impede other landowners' plans to develop if sewer infrastructure is delayed or not provided.</p>
9, 13, 26	Loss of vegetation and mature trees through the provision of small lots, and consequent impacts on local fauna and birdlife.
13	There will be significant detrimental amenity and privacy impacts on 15 Wren Street from the proposed 'internal collector street'.

6.0 Submitter Maps

The following figures outline the location of submitters within Greater Shepparton, where supplied.

Submitters 10, 13, 19, 24, 25, 26, 28 and 32 did not supply addresses.

Submitters 3, 4, 5 and 34 are located outside Greater Shepparton, and are not shown.



Figure 7: Map of submitter locations in Greater Shepparton.

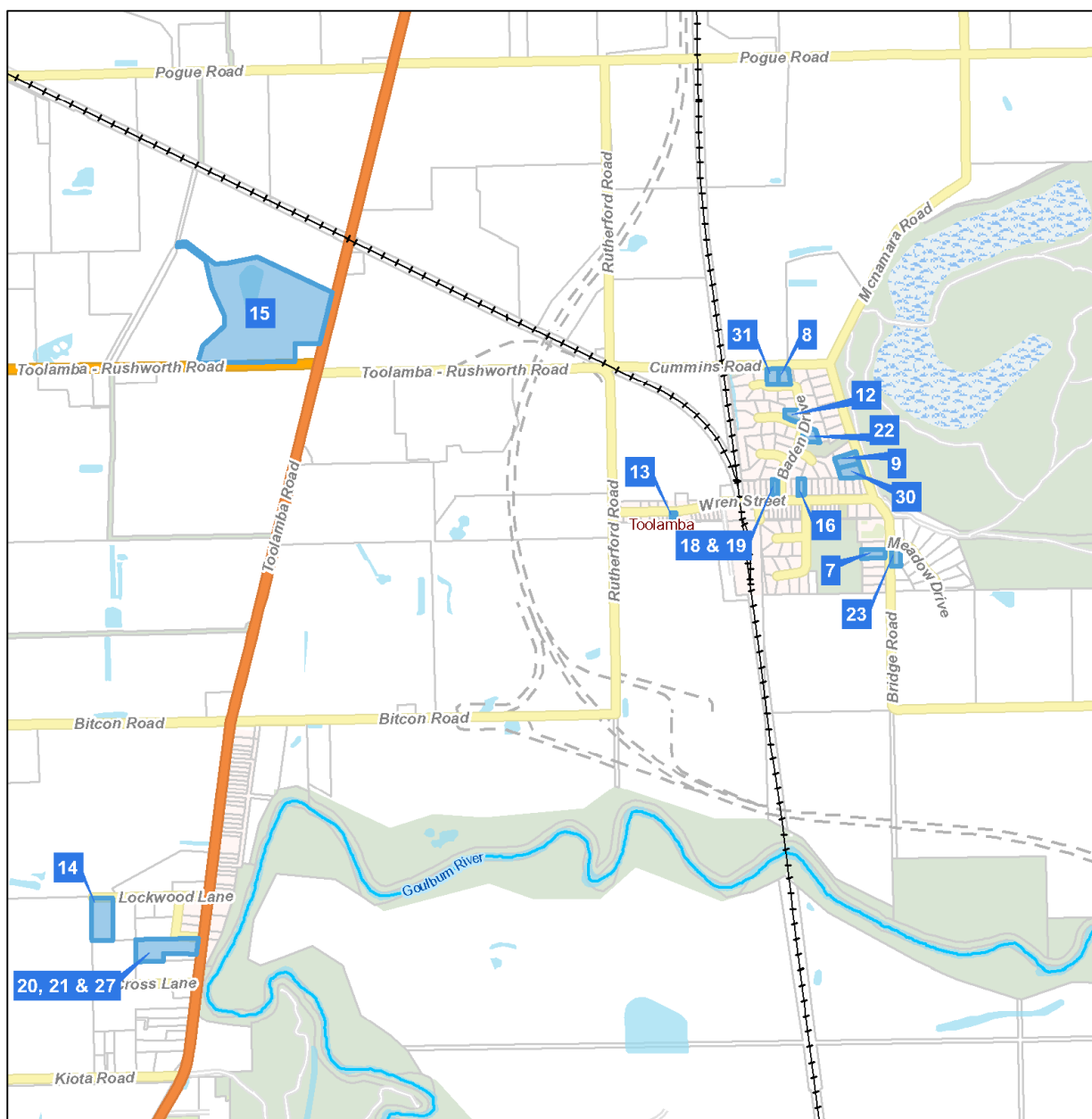


Figure 8: Map of submitter locations in Toolamba District.

7.0 Details of Community Consultation and Authority Engagement

7.1 Amendment C168gshe

In August 2016, following extensive internal review, Council sought preliminary comments on Amendment C168gshe from the Country Fire Authority, the Department of Economic Development, Jobs, Transport & Resources, Goulburn Broken Catchment Management Authority, Goulburn Murray Water, Goulburn Valley Water, VicRoads (now Regional Roads Victoria), and VicTrack.

In accordance with the Act, Council notified relevant referral authorities of the exhibition of Amendment C168gshe on 5 March, 2021. Eight formal submissions were received, from APA VTS Australia (APA Group), the Country Fire Authority, the Department of Environment, Land, Water and Planning, the Environment Protection Authority, Goulburn Broken Catchment Management Authority, Goulburn Murray Water, Goulburn Valley Water, and Powercor.

7.2 Toolamba Growth Plan 2020 (Amendment C224gshe)

Pre-draft Consultation

Council and Ethos Urban Pty Ltd undertook pre-draft consultation with the community and referral authorities in April-May 2019, to inform the preparation of the *Toolamba Growth Plan*.

The following consultation activities were undertaken:

Table 8: Pre-draft consultation activities

Activity	Purpose	Timing	Notes
<i>Project Webpage</i>	Provide project information/updates and contact details for the duration of the project.	3 May 2019 – Ongoing	Council recognises that Toolamba's progress may be of interest to the wider community of Greater Shepparton.
<i>Online submission form (on project webpage)</i>	To enable comments from the community.	3 May – 27 May 2019	Comments were also received via email and post.
<i>Flyer (see Appendix A)</i>	To ensure all residents were aware of the development of the growth plan and the opportunities to provide input.	Late April 2019	Posted to all residents of Toolamba, Old Toolamba and the surrounding areas. Also published in the Toolamba Primary School weekly newsletter.
<i>Referral Agencies Workshop</i>	To identify opportunities or concerns at an early stage of planning to gain support for the project.	9 May 2019	Held at the Greater Shepparton Council offices.
<i>Landowner and representative interviews</i>	To include prospective development plans in consideration for the Growth Plan.	9 May 2019, 4, 6 and 14 June 2019	Held at the Greater Shepparton Council offices and via teleconferences.
<i>Community Drop-in Session</i>	To enable community members to provide input to the draft Growth Plan. To enable discussion of issues between residents, Council and Ethos Urban.	9 May 2019	Advertised with media release and through Council's social media. Held at the Toolamba Community Hall between 3pm and 7pm. Attended by approximately 70 people. Included children's survey.

A number of key themes were identified, providing guidance to the Draft Growth Plan:

Table 9: Key themes from pre-draft consultation

Theme	Valued elements	Desired improvement
<i>Housing</i>	Small size, spaciousness, and 'rural' feel; sense of safety; larger block sizes.	<ul style="list-style-type: none"> Increased variation in housing supply.
<i>Open Space</i>	Proximity to Shepparton Regional Park and the Goulburn River; Daunt's Bend; local flora and fauna; tree-lined streets; recreation spaces.	<ul style="list-style-type: none"> Increased walking and cycling tracks; Improved recreation spaces.
<i>Access and Transport</i>	Easy access to Shepparton and Melbourne	<ul style="list-style-type: none"> Increased walking and cycling tracks; reduce traffic in Wren Street by connecting Bitcon Road and Bridge Road; More access points to/from residential estates; More public transport, including reopening train station; Retain connections between Toolamba and Old Toolamba.
<i>Facilities</i>	Toolamba Primary School and Kindergarten; the general store; the Junction Hotel; Sports precinct; Community Centre; Playground and barbeque pavilion	<ul style="list-style-type: none"> Provide skate park/activities for youth; Provide an aged care facility Increase meeting spaces
<i>Infrastructure</i>		<ul style="list-style-type: none"> Refurbished Bridge with increased load limit Improved drainage Paved roads and footpaths Access to natural gas and reticulated sewerage services Upgrades to water mains

Following the pre-draft consultation, Council prepared the *Toolamba Growth Plan Conversation Report – Pre-Draft Engagement May 2019*, which was published on Council's website.

Draft Consultation

At the Ordinary Council Meeting held on 17 December 2019, Council resolved to authorise the *Draft Toolamba Growth Plan* and place it on exhibition for a period of 8 weeks, later extended to 12 weeks to accommodate submitters.

The following consultation activities were undertaken:

Table 10: Draft Consultation activities

Activity	Purpose	Timing	Notes
<i>Project Webpage</i>	Provide project information/updates and contact details for the duration of the project.	20 December – Ongoing	Council recognises that Toolamba's progress may be of interest to the wider community of Greater Shepparton.
<i>Online submission form (on project webpage)</i>	To facilitate comments from the community.	20 December – 25 February	Comments were also received via email and post.
<i>Flyer (see Appendix A)</i>	To ensure all residents were aware of the opportunities to provide input into the finalisation of the Plan.	January 2020	Posted to all residents of Toolamba, Old Toolamba and the surrounding areas.
<i>Targeted email invitations to Referral Agencies</i>	To enable function specific feedback on specific technical aspects of the plan.	January 2020	A PDF copy of the Plan was provided to all agencies.
<i>Landowner and representative meetings</i>	To discuss implications of the Plan on development proposals.	December – February 2020	Supplemental to formal submissions
<i>Community Drop-in Session</i>	To enable community members to provide feedback on the draft Growth Plan. To enable discussion of issues between residents, Council and Ethos Urban Pty Ltd.	6 February 2020	Advertised with media release and through Council's social media. Held at the Toolamba Community Hall between 3pm and 7pm. Attended by approximately 30 people.

Council received 42 written submissions via email, post, or via the online submission form, and 18 informal submissions at the Community Drop-in session via post-it notes and completed hard-copy forms.

Six formal submissions were received from Referral Authorities, including GBCMA, DELWP, the Victorian School Building Authority (VSBA), the Department of Transport (DoT), VicTrack, GMW, and the EPA.

Council officers conducted meetings with two of the landowners who have development proposals in progress and their representatives. Both landowners subsequently made formal submissions.

A number of key themes were identified in the Growth Plan:

Table 11: Key themes from draft consultation

Theme	Submission Content	Council Officers' Response
<i>Housing</i>	<ul style="list-style-type: none"> • Preferences for larger block sizes to maintain spaciousness, safety and character; • Growth and change are needed/inevitable, but should occur in accordance with existing character • Higher density housing will take away from the safe secure feeling of the town, it will no longer be safe for our kids to ride around, and go about our lives. • Insufficient demand for development proposals, may affect future growth of property value 	<ul style="list-style-type: none"> • The Growth Plan aims to provide a diversity of housing options to promote variety in the future 'lifestyles' offered in the township, and to accommodate changes in housing preferences and conditions. The community is expected to evolve over time; diversity of housing options will allow residents to remain part of the Toolamba community as their needs change over the life-course. • While more recent planning regulations prohibit blocks under 4000m², 31% of the existing housing stock within Toolamba's Township Zone are less than 2000m² in area, and 47.7% are less than 4000m². • The Growth Plan does not propose to redesign the existing features or style of the town, but rather seeks to guide its inevitable growth in ways that minimise negative impacts and mitigates issues that may arise in the future. The <i>Toolamba Streetscapes and Housing Typologies 2020</i> provides guidance for development at all densities to ensure a consistent and high-quality rural character is retained, reinforced by the implementation of a Development and Design Overlay. • The Growth Plan provides an overarching view of the long-term aspiration to accommodate potential growth. Development is staged to accommodate gradual population increase over a period of up to 30 years. Council will continue to monitor growth rates and assess requirements for social infrastructure in concert with residents' needs, assisted by the 5-yearly Community Planning process. • Higher density housing is not

		<p>directly correlated with crime or anti-social behaviour, and may provide increased security through enlarged capacity for passive surveillance ('eyes on the street'). The plan stipulates housing should face streets and open spaces to promote this.</p> <ul style="list-style-type: none"> Property values fluctuate according to a wide variety of factors, including influences at the national and even global levels. Property values are not a valid strategic planning consideration.
<i>Open Space</i>	<ul style="list-style-type: none"> Concern for proximity to bushland and consequent bushfire risk Need to protect remaining trees and native bushland. 	<ul style="list-style-type: none"> Council will continue to work with Parks Victoria and the Country Fire Authority to manage bushfire risk in Greater Shepparton. Council will undertake the preparation of a planning scheme amendment to implement a Vegetation Protection Overlay to protect remaining trees within the area. The <i>Toolamba Streetscapes and Housing Typologies 2020</i> provides guidance to promote the retention and replacement of trees to ensure Toolamba's greenery is protected and regenerated.
<i>Access and Transport</i>	<ul style="list-style-type: none"> Provision of pedestrian infrastructure must be in line with development Improve connections to Old Toolamba Connect Bridge Road and Bitcon Road Dates for the Bypass are unknown, development should not rely on its construction; Council should advocate for appropriate protection from amenity impacts of Bypass; Insufficient car parking near school and recreation reserve. 	<ul style="list-style-type: none"> Infrastructure such as footpaths are generally included as part of development contributions, and delivered in concert with project staging. Council will monitor development to align budgeting and works programs for other required infrastructure with growth. The Growth Plan includes provision for upgrades of local roads and the provision of walking/cycling paths between Toolamba and Old Toolamba. The connection of Bridge Road and Bitcon Road is expected to be undertaken as part of the construction of the southern section of the Bypass.

		<ul style="list-style-type: none"> Although timelines for construction of the Bypass are unknown, as a project expected to have major impacts on the region, its implications must be considered. It would not be financially responsible of Council to undertake works which may be duplicated or removed when the project gets underway. Nor are Council able to permit a use which may impact the future development of the land by establishing existing use rights. The timing of construction of the southern section of the Bypass is currently unknown. Council will advocate for appropriate measures to integrate the Bypass visually and minimise impacts on amenity in the district at the relevant planning stage. Future development will be required to incorporate assessment of car parking and traffic considerations, and provide appropriate improvements. The Growth Plan focuses on implementing the 20 minute neighbourhood concept to facilitate walking and cycling, which may alleviate demand for parking over time.
<i>Employment</i>	<ul style="list-style-type: none"> Higher density development is available in the Kialla Lakes area, closer to employment and services, which is more appropriate than in Toolamba. 	<ul style="list-style-type: none"> Kialla Lakes, like each locality within Greater Shepparton, has its own character and amenity which appeals to the segment of the population who choose to live there. Toolamba offers its own unique character, contributing to the diversity of lifestyle options available in the municipality.
<i>Services</i>	<ul style="list-style-type: none"> Support will be required from Council to extend the current facilities and services to accommodate growth; Development to the north of Wren Street should allow space for businesses and facilities; 	<ul style="list-style-type: none"> Council relies on ongoing interaction and consultation with the community for information regarding community needs. A number of factors impact whether projects can be undertaken as part of Council's capital expenditure program, or

	<ul style="list-style-type: none"> • A new park should be developed opposite the hotel; • Upgrades to Water supply should be included; • The cost of delivering reticulated sewerage infrastructure may be prohibitive for such a small population. 	<p>whether advocacy for external funding is required. Future projects will be assessed on a case-by-case basis.</p> <ul style="list-style-type: none"> • Land to the north of Wren Street may be the subject of a future amendment to enable uses not permitted in the current Farming Zone. A request for amendment must demonstrate strategic justification for rezoning, which may include demand for the businesses and services indicated. • Council would welcome a proposal from the community to develop the park to provide additional amenity to the town. This may be actioned through the Community Planning process. • Council will continue to work with Goulburn Valley Water to support provision of appropriate infrastructure to support essential services. Upgrades to supply infrastructure are expected to accompany future residential development. • The delivery of reticulated sewerage services is expected to be delivered under the terms of the Section 173 Agreement that forms part of the Toolamba Precinct Structure Plan. As such, the cost of delivery will be borne by the developer.
<i>Education</i>	<ul style="list-style-type: none"> • The Toolamba School cannot accommodate the projected growth. 	<ul style="list-style-type: none"> • The Growth Plan has been amended to reflect the feedback that school's capacity is 200 students. • In their submission, the Victorian School Building Authority indicated that there is unlikely to be a need for additional government schools in Toolamba over the next 10-15 years, however, they will work with Council to monitor growth.
<i>On the Plan</i>	<ul style="list-style-type: none"> • The Plan lacks specificity and timeframes for actions; 	<ul style="list-style-type: none"> • The <i>Toolamba Growth Plan</i> is a high-level strategic document; more detailed information on

	<ul style="list-style-type: none"> The potential number of blocks in each stage of residential is not provided. 	<p>numbers of blocks at various stages of development is ascertained and considered when rezoning amendments and planning permit applications are assessed on a site-by-site basis. These processes include notifications to the community and opportunities to make submissions as required under the <i>Planning and Environment Act 1987</i>.</p>
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Following the draft consultation, Council prepared the *Toolamba Growth Plan Conversation Report – Draft Consultation December 2019 – March 2020*, which was published on Council's website.

8.0 Any suggested changes to the Amendment in response to submissions

In response to Submitter 17, Council officers are recommending the following changes to Schedule 10 to Clause 42.03 Design and Development Overlay:

- Amend front setbacks to a minimum number rather than a range:

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

- Move the point regarding garage setbacks from 'Fences' to 'Building Setbacks'; and
- Amend the minimum kerb requirement for 800 – 2,000m² lots in Section 3.0 Subdivision from 'barrier' to 'semi-mountable' in accordance with the Infrastructure Design Manual.

9.0 Further information relating to strategic justification of the Amendments:

9.1 Greater Shepparton Housing Strategy 2011

The preparation of the GSHS was initiated in 2007, with final adoption in 2011, following panel recommendations arising from Amendment C93gshe. Its purpose is to provide the strategic basis and development framework for long term residential provision, ensuring cohesive development across the municipality to cater for a variety of needs and common housing goals.

Through extensive background research and consultation with a broad range of stakeholders, the GSHS identified key issues for future growth:

- Strong population growth, particularly through overseas immigration, and 'tree-change' internal migration;
- Demographic trends that impact housing demand, influence the type, style, location and size of the dwellings people prefer, and drive consequent demand for a broad range of housing options and choice, particularly a trend towards smaller household sizes brought about through declining fertility rates, an increased number of lone person households, and the ageing of the population;
- The increasing gap between median house value and average household incomes has restricted access to housing that is affordable, resulting in a number of significant social and economic impacts;
- Increasing disadvantage resulting from the reduced affordability of home-ownership and shortages of and price increases in rental housing, with increasing numbers of people needing assistance, placing an increased burden on government and community housing groups;
- The impacts of housing on a strong and diverse local economy, which includes significant dairy, fruit and manufacturing industries, including the need to protect productive agricultural land from urban expansion, and in providing accommodation for the necessary labour force;
- The need to utilise adaption strategies, such as creating more robust housing and infrastructure, to respond to the threat of long-term climate change;
- The significant pressure on the natural environment created by residential development, and the impacts relating to land, energy, water and waste, including cumulative impacts causing severe and sometimes irreversible damage to local ecosystems, and reduction of the ability of the natural environment to support human and non-human activity; and
- Substantial development pressures, especially for residential development that represents the status-quo and falls short of achieving sustainable development.

The GSHS noted that ensuring that all residents have access to adequate and appropriate housing will be a significant challenge in Greater Shepparton, particularly in regards to influencing housing delivery in the municipality to provide a diversity of housing options to respond to a diverse set of housing needs and preferences.

The GSHS identified six (6) investigation areas where further work was required on land conditions, servicing and development potential before future zoning options could be fully assessed and determined. The six investigation areas (*1 – Kialla Paceway and Shepparton Greyhound Racing environs, 2 – Raftery Road, Kialla, 3 – Adams Road area, 4 – east of Doyles Road, Grahamvale, 5 – Dhurringile Road, Tatura and 6 – Toolamba*) were all exhibited under Amendment C93gshe, with the panel recommending an extension of areas 1, 2, 3 and 5.

These areas represent land which has potential to be rezoned to a higher density residential use due to the proximity to services and/or growth areas. However, the areas have significant issues or constraints such as environmental, flooding, infrastructure and/or land use conflicts. Council is working with landowners to resolve the relevant issues on a site-by-site basis, undertaking detailed analysis to determine the potential for higher density development and any required changes to the Framework Plans developed for the GSHS. These plans were updated as appropriate by Amendment C212gshe, which implemented the *Townships Framework Plan Review 2019*.

To date, *Investigation Area 6 – Toolamba* is the third investigation area to be resolved, after *Investigation Area 1 – Kialla Paceway and Shepparton Greyhound Racing environs* and

Investigation Area 3 – Adams Road area, with other investigations continuing in accordance with Council's strategic work program.

9.2 Housing demand and supply analysis

An assessment of housing demand and supply was undertaken as part of the process of preparing the *Toolamba Growth Plan 2020*, building on Council's Urban Development Program (UDP) of industrial and residential land supply and demand program. The UDP, which identifies unzoned residential land stocks to ensure there is adequate ongoing land supply across the municipality, was conducted in 2011, 2016 and 2019.

The Plan also takes into account potential demand arising from the construction of the Goulburn Valley Highway Shepparton Bypass. Toolamba will be the only small town with its own interchange, once the southern section is constructed, and the provision of convenient road access to Shepparton and Melbourne could increase residential demand.

9.3 Rezoning to support the objectives of the Toolamba Growth Plan

The rezoning proposed by Amendment C168gshe supports the objectives of the *Toolamba Growth Plan 2020* by providing:

- diversity of housing to ensure ongoing affordability;
- capacity for residents to downsize without leaving the township, enabling social bonds to be maintained to benefit both individuals and the community as a whole;
- for population renewal and growth to support existing services and the provision of additional services and facilities; and
- potential to resolve existing issues with waste water disposal and associated amenity impacts in Wren Street, should affected property owners choose to connect to reticulated sewer once available. Further, property owners will gain use of land currently restricted by on-site waste disposal.

9.4 Social infrastructure needs assessment and infrastructure planning

An assessment of social infrastructure needs was undertaken as part of the process of preparing the *Toolamba Growth Plan 2020*, and the need for upgrades to existing facilities was noted. Such upgrades are considered to be beyond the scope of the amendments, and have been referred internally for more immediate consideration. Land on the western side of the township has been designated to accommodate future social infrastructure needs, when they become viable.

As stated in the *Toolamba Growth Plan 2020*, Council expects to monitor population growth in the township and apportion the majority of infrastructure needs to meet the town's growth to developers on a case-by-case basis via Section 173 agreements. Additional items will be provided under Council's Capital Works Program.

9.5 Assessment of bushfire risk and management

The land affected by Amendment C224gshe is almost entirely within a designated bushfire prone area, with the exception of two small areas to the north. Land on the eastern side of the township, bordering the Shepparton Regional Park, is within the Bushfire Management Overlay (BMO), however these properties have been previously subdivided with due consideration given to Clause 13.02-1. Small areas of land at the southern settlement boundary are also within the BMO; these are also within the Public Acquisition Overlay for the Goulburn Valley Highway Shepparton Bypass.

The land affected by Amendment C168gshe 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 objective and strategies of Clause 13.02-1S *Bushfire Planning* have been considered in the preparation of both Amendments to ensure that the future development of the land within the proposed settlement boundary will not result in a net increase in risk to existing and future residents, property and community infrastructure.

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 regarding Amendment C168gshe 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. In their submission to the amendments, the CFA advised that it is of the opinion that the amendments will be able to achieve the objectives and strategies of Clause 13.02S *Bushfire Planning*.

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

9.6 Meadow Wood Estate

Council prepared combined Amendment C190gshe in 2017, to rezone part of 2 Bridge Road, Toolamba from the Farming Zone (Schedule 1) to the Low Density Residential Zone, apply the Bushfire Management Overlay to this land, and approve Planning Permit Application 2015-360 for the land to be subdivided into 16 lots. Amendment C190gshe was gazetted on 19 April 2018.

The land was within the settlement boundary for Toolamba and had been identified as “potential low density” in the *Toolamba and Old Toolamba Framework Plan* at Clause 21.04 - Settlement of the Planning Scheme.

A Supply and Demand Analysis was undertaken by Chris Smith & Associates Pty Ltd in 2014 to support Amendment C190gshe, which identified that there is a strong market demand for low density residential lots.

The adjacent State forest land is affected by the Bushfire Management Overlay, indicating that a bushfire hazard exists and bushfire protection measures should be implemented. The Amendment applied the Bushfire Management Overlay to the land to ensure that bushfire

risk mitigation measures are appropriately implemented. Blocks 8-15 are sized to allow for appropriate buffering (see below).

A preliminary Environmental Site Assessment was undertaken by BM Consulting Engineers Pty Ltd. This assessment states that all lots are capable of providing on-site effluent disposal. The assessment also indicated that any contamination is significantly lower than the health-based levels for a sensitive use and concludes that the land is suitable for residential development.

A Section 173 Agreement instituted bushfire mitigation measures, and provided for the protection of the 'treed area', containing remnant Riverine Grassy Woodland vegetation, as well as decreeing that 'rural type' fencing on property boundaries to Lots 1-15, to Council's satisfaction. Further, Clause 4.3 places the following restrictions on use of the land to enable on-site waste water disposal:

- i) 'The Owner must allocate and maintain an area of not less than 1000m² solely for the purposes of effluent disposal on Lots 1-15, the location of which will generally be in accordance with the Effluent Disposal Field Envelopes;
- ii) No buildings, works, paths, driveways, service trenching or domestic facilities (e.g. water Tanks) or any other structures are permitted in the effluent Disposal Field Envelopes; and
- v) For Lots 8-12, the Effluent Disposal Field Envelopes must be located clear of the Tree Drip Line or to the satisfaction of Council.

The 15 available lots sold over a period of approximately three (3) years.

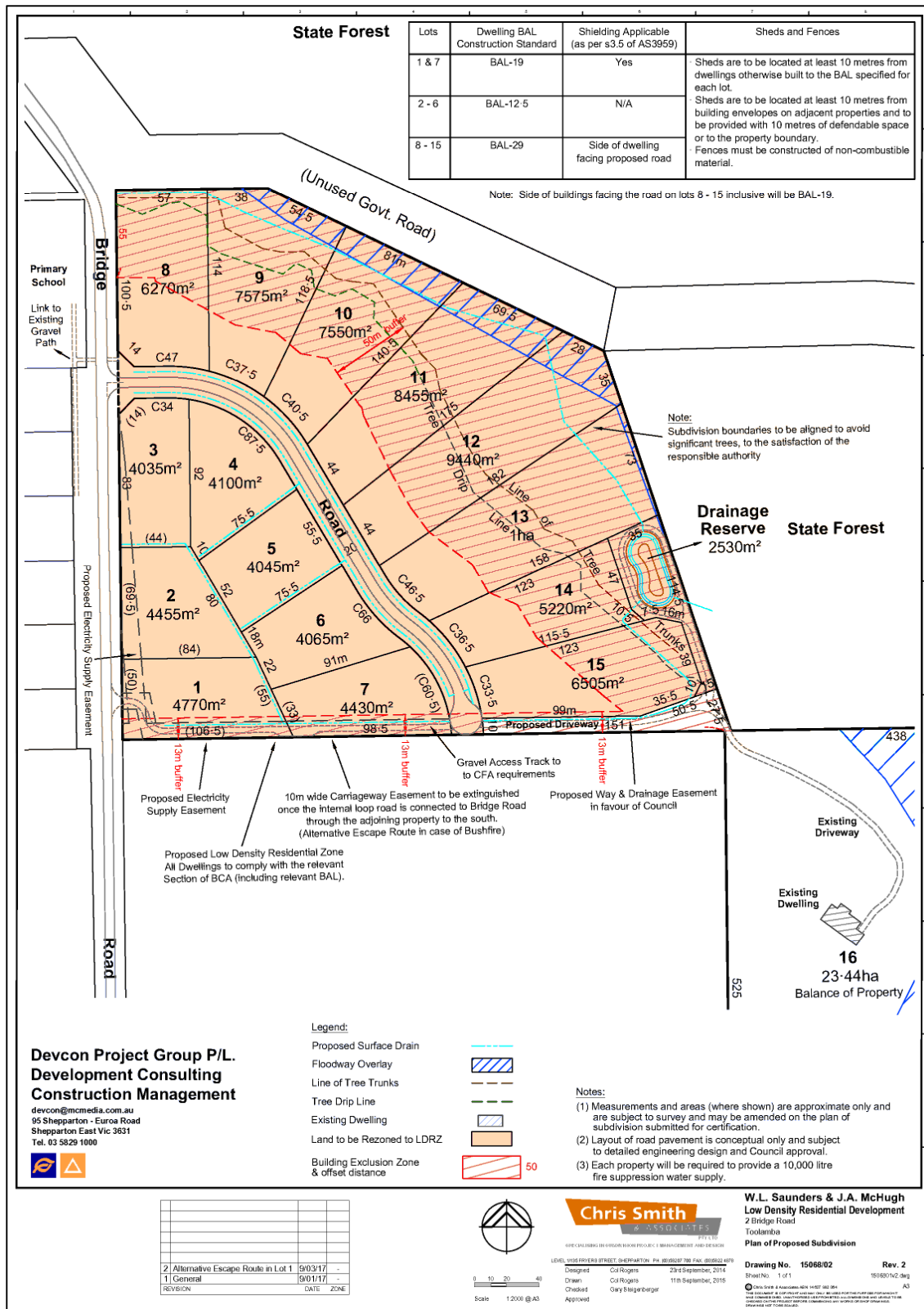


Figure 9: Plan of proposed subdivision of Meadow Wood Estate, 2 Bridge Road, Toolamba.

10. Further justification and information about the proposed planning tools

10.1 Urban Growth Zone (UGZ) and Precinct Structure Planning

Urban Growth Zone

On 7 October 2009, the former Minister for Planning released the *Precinct Structure Planning Guidelines*. The Guidelines provide a tool for designing and delivering better quality communities in growth areas. They set out the key objectives of growth area planning and include a step-by-step guide on how to achieve the identified objectives.

The overarching objectives for PSPs as set out in these guidelines are as follows:

- Establish a sense of place and community;
- Create greater housing choice diversity and affordable places to live;
- Create highly accessible and vibrant activity centres;
- Provide local employment and business activity;
- Provide better transport choices;
- Respond to climate change and increase environmental sustainability; and
- Deliver accessible, integrated and adaptable community infrastructure.

The UGZ applies to land that has been identified for future urban development within the Urban Growth Boundary. It may also be applied to land adjacent to regional cities and towns where a strategy has been prepared that clearly identifies that the land is suitable for future urban development. The UGZ sits within the suite of zones within the *Victoria Planning Provisions*. It has been specifically designed to implement an incorporated PSP and ensure that future development accords with the approved PSP.

The UGZ includes two parts:

- Part A, which applies to land when no PSP applies; and
- Part B, which applies to land when a PSP applies.

The UGZ includes zone provisions that seek to provide certainty about the nature of future development, streamline the approval process and ensure that any land use and/or development within a precinct does not prejudice its future growth.

A Schedule to the Urban Growth Zone is drafted for each PSP area and can include requirements for land use, buildings and works, application/advertising requirements, decision guidelines and any other conditions/requirements.

The proposed UGZ Schedule 3 has been designed to apply *Victoria Planning Provision* zones to guide future use and development of the land through the specification of permit triggers, application requirements, referral and/or notification requirements, and permit conditions so that land use and development of the land is generally in accordance with the PSP.

Schedule 3 to the UGZ is specific to the land as it includes certain permit triggers and requirements that respond to strategic assessment of the land as identified in the background reporting and planning for the precinct.

The design of the Schedule 3 to the UGZ promotes consistency in the manner that planning authorities deal with land use issues and ensures that the zone implements the SPPF and LPPF. It has been structured in such a way that the ultimate translation to conventional

Victoria Planning Provision zones can occur in a timely and efficient manner once the land has been developed.

Precinct Structure Planning

Precinct Structure Plans (PSPs) are master plans for local areas, providing a “blueprint” for localised development and investment that will occur over many years, and will incorporate relevant directions already outlined in a higher level Framework Plan (such as those in the GSHS).

PSPs provide more specific detail regarding how existing important features of local communities such roads, parks, and areas for housing and employment may evolve or transform over time and become better integrated.

PSPs will identify the need for new or additional infrastructure to support increased housing and employment, along with funding mechanisms such as council infrastructure contributions charges.

In regards to Amendment C168gshe, the Precinct Structure Plan is considered the most efficient and effective planning tool to:

- facilitate conversion of non-urban land to urban land;
- identify implementation provisions including requirements related to native vegetation and Cultural Heritage;
- assist in dealing with issues relating to the extent of land to be placed in an urban zone and the time frame/staging over which this may occur; and
- Provide a level of certainty for the developer and community, particularly given the developer’s commitment to potentially transformative infrastructure.

10.2 Underlying Zones (Applied Zones)

The Urban Growth Zone is considered to be the most appropriate zone to achieve the required outcomes for the land. The Amendment includes a variety of lots of approximately 800-1200m² in size. This is consistent with the existing house lots seen along Wren Street immediately to the north.

The Amendment has been prepared in accordance Planning Practice Note 91 – *Using the Residential Zones* – December 2019 (PPN91). PPN91 provides certainty and consistency about housing growth and built form outcomes by creating consistent and strengthened maximum building height controls, amongst other things.

Council officers submit that the appropriate applied zone for all residential areas identified in the PSP area is the General Residential Zone. Council submits this meets the requirements of PPN91.

10.3 Additional maps and diagrams

The diagrams and map below are intended to provide clarity regarding Submission 13, which objects to the construction of an ‘Internal Collector’ Road adjacent to 15 Wren Street, Toolamba.

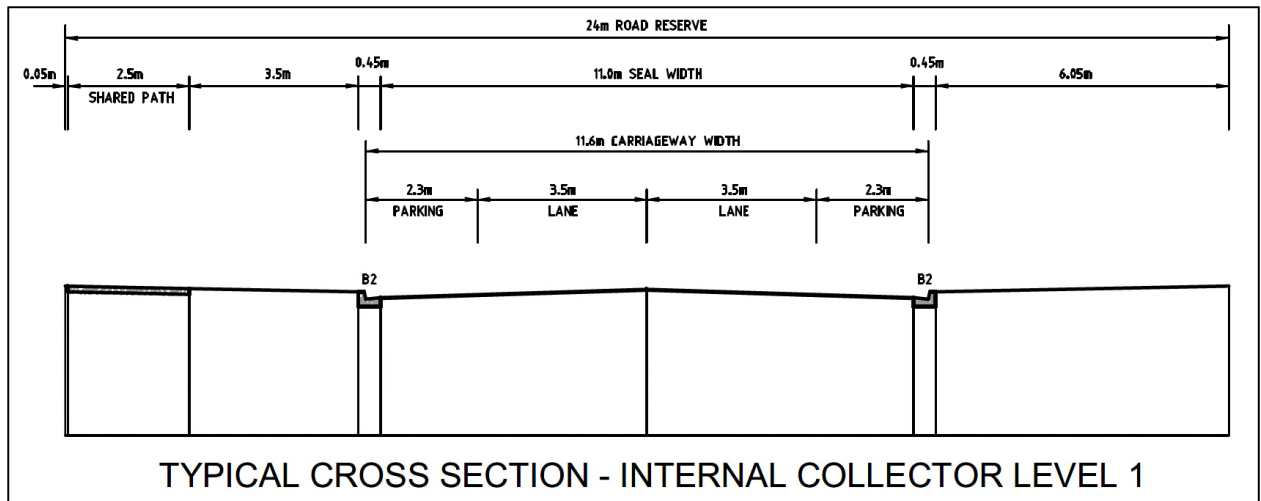


Figure 10: Detail, Typical Cross Sections – Road Reserve.

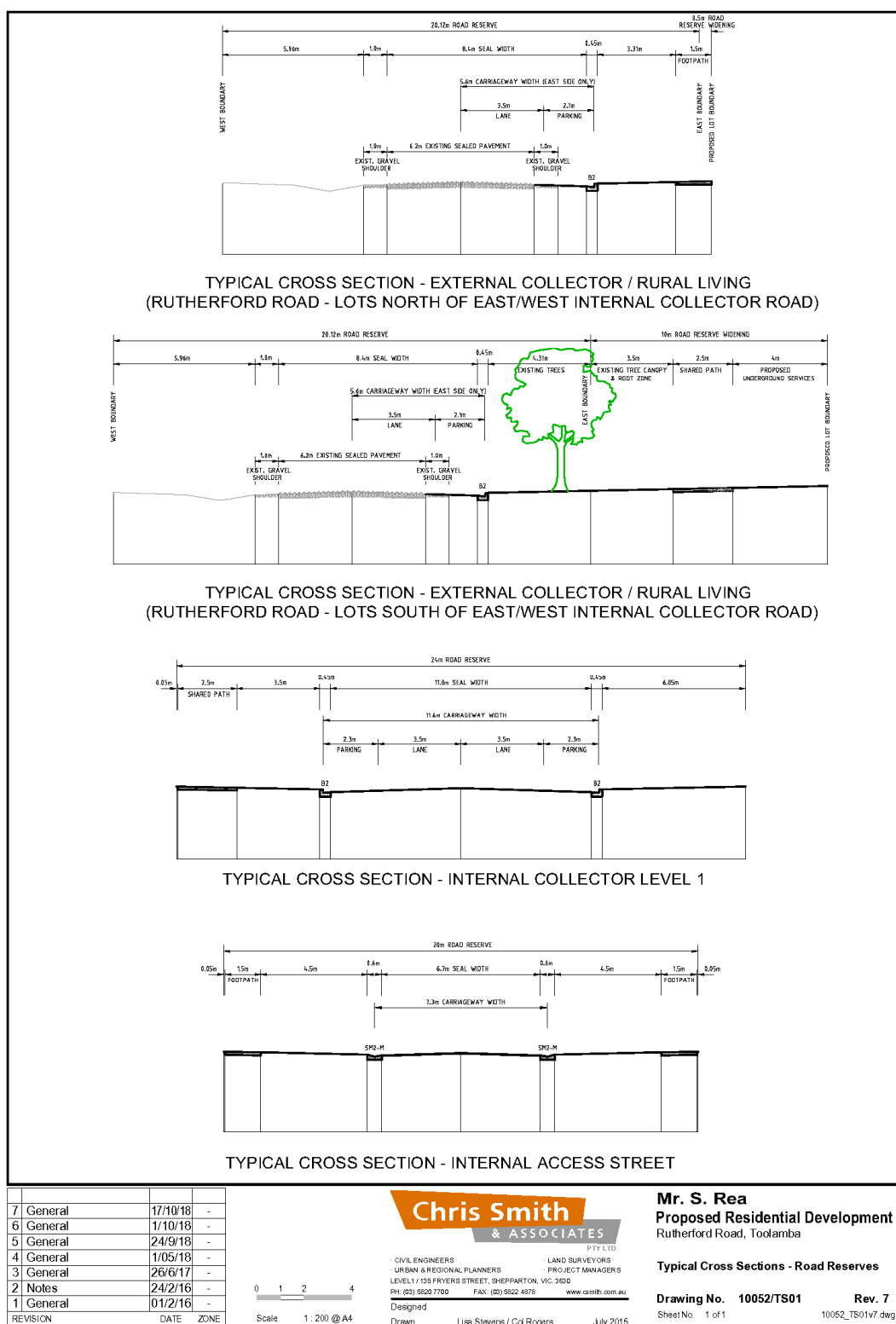


Figure 11: Typical Cross Sections – Road Reserve, from Toolamba Precinct Structure Plan 2018.

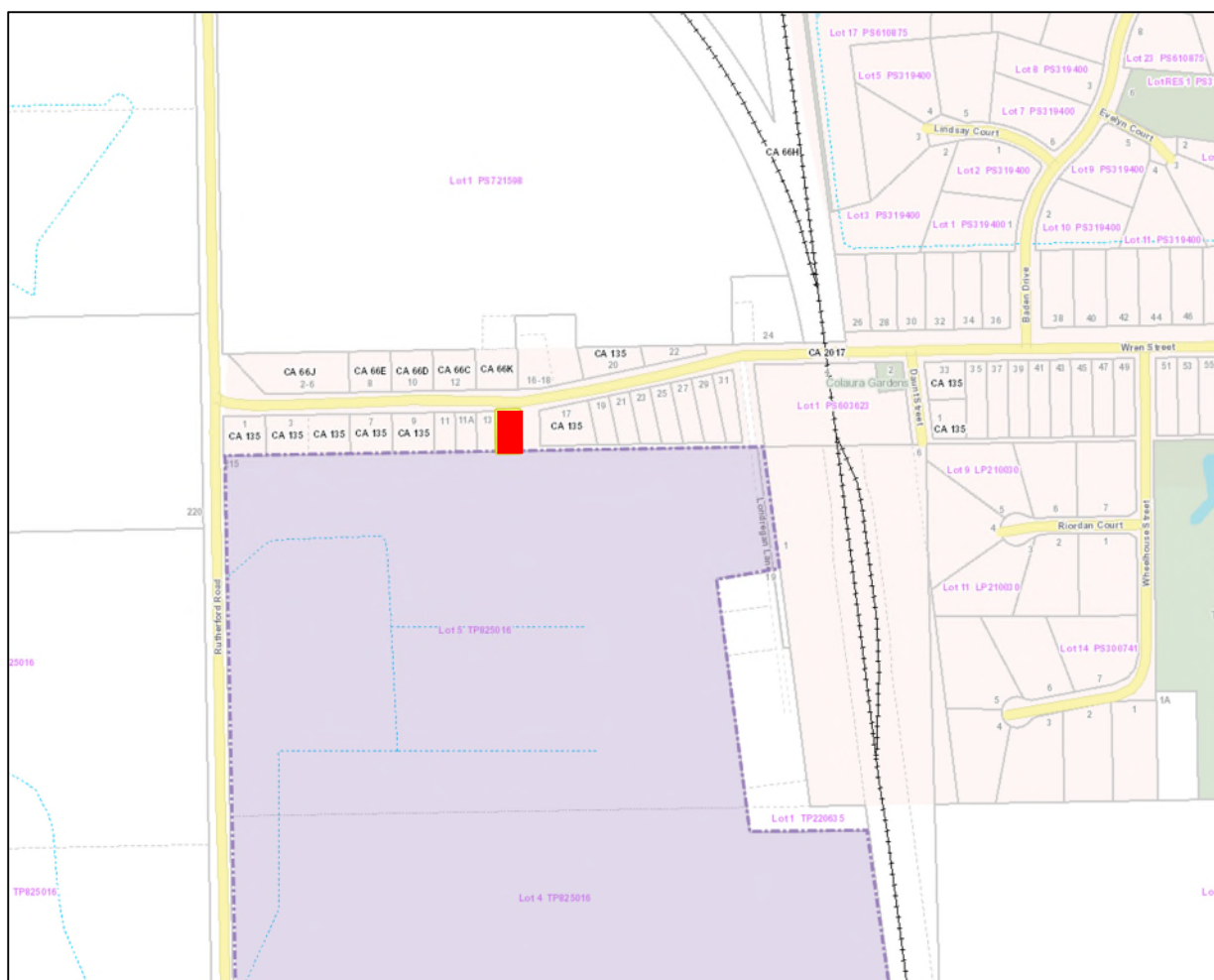


Figure 12: Location of 15 Wren Street (red) in relation to Amendment C168 subject land (purple).