

Part A Submission to the Panel

Amendment C168 -Toolamba Precinct Structure Plan

Proponent: Mr Stuart Rea of Herdstown Pty Ltd

Address: 215 Rutherford Road, Toolamba

Submitter: Gary Steigenberger

Director / Manager Planning

Chris Smith & Associates Shepparton

1. Introduction

This Part A submission is prepared by Chris Smith & Associates on behalf of Mr Stuart Rea of Herdstown Pty Ltd, the proponent for Greater Shepparton Planning Scheme Amendment C168.

The Amendment seeks to rezone the land at 19 Londregan Lane and part of 335 Rutherford Road (lots 4 and 5 on TP825016W), Toolamba, from the Farming Zone to the Urban Growth Zone (UGZ3) and implements the *Toolamba Precinct Structure Plan, Sept. 2018* into the Greater Shepparton Planning Scheme as an incorporated document.

This Amendment is the culmination of a lengthy consultation process with the responsible planning authority, the community, service providers and other relevant stakeholders. Ministerial Authorisation for the Amendment was granted on 24 December 2018. It was conditional on the Council reaching agreement with the Department of Environment Land Water and Planning about the preparation of a Growth Plan for Toolamba, to be exhibited concurrently with this amendment. The Greater Shepparton City Council has prepared the Toolamba Growth Plan, July 2020, and Greater Shepparton Planning Scheme Amendment C224, that has been exhibited and is being considered in conjunction with this Amendment.

In accordance with the Panel's Directions of 14 May 2021, this Part A submission includes the following:

- a) background to the Amendment including chronology of events
- b) strategic context and assessment
- c) details of any community consultation and engagement with authorities undertaken in preparation of the Amendment
- d) issues identified in submissions
- e) any suggested changes to the Amendment in response to submissions
- f) further justification and information about the proposed planning tools, including: (i) reason for application of a Precinct Structure Plan rather than alternatives, such as a Development Plan Overlay

2. Background to the Amendment and Chronology of Events

2.1 Land Subject to the Amendment

The Amendment applies the portion of 335 Rutherford Road, Toolamba, that is north of the future Goulburn Valley Highway interchange (lot 4 and a major portion of lot 5 on TP825016) as well as 19 Londregan Lane.

Lots 4 and 5 on TP825016 is part of a larger property that is owned by Stuart & Suzie Rea – both from multi-generational Toolamba families. The Rea family runs a large dairy farming enterprise – Herdstown Pty Ltd – that expands across a number of properties, that extend westward from the Amendment site.

19 Londregan Lane is made up of five separate land parcels that are adjacent to the Toolamba railway line and accessed by an unmade laneway off Wren Street. There are sheds and the remains of a house (recently destroyed by fire) at the northern end of the property, the remainder of the land is vacant other than substantial stands of trees. Considering this land's juxtaposition to the former railway station and grounds, it is believed that these land parcels may have first been created to provide for housing or other amenities for the railways.

The Toolamba Precinct Structure Plan (PSP) applies to the above-described portion of the Rea property that is generally bounded by existing residences along Wren Street to its north, the railway line and 19 Londregan Lane to the east, the future Shepparton Bypass interchange to the south and Rutherford Road to the west.

2.2 Chronology of Events

The following is a timeline of the major events that have occurred in relation to the subject land throughout the Amendment process to date.

- **September 2004** – Draft of Greater Shepparton 2030 Strategy Plan (GS2030) is released to public, for comment. (see copy of relevant pages in Appendix A)
- **27 July 2005** – Earth Tech make a submission to Council declaring Mr. Rea's intent to seek rezoning of land at 335 Rutherford Road (the "subject land"), Toolamba, to facilitate residential development. (See attached, Appendix A)
- **October 2005** – Greater Shepparton Planning Scheme Amendment C69, which seeks to replace the Municipal Strategic Statement (MSS) in Clause 21 and the Local Planning Policies in Clause 22 of the Planning Scheme to give effect to the outcomes in the GS2030, is prepared and placed on public exhibition.
- **December 2005** – Earth Tech make a submission to Amendment C69 (including detailed report), seeking identification of the subject land for future residential development.
- **June 2006** – Council letter states support for Earth Tech submission. Council suggests a number of changes to the Toolamba Framework Plan including the identification of the subject land as "investigation for future residential if sewered". (See attached, Appendix A)
- **June 2006** - Earth Tech withdraws objection to Amendment C69 in a letter of support, based on suggested changes to the Toolamba Framework Plan satisfying Herdstown's concerns.

- **July 2006** – Earth Tech represents Mr. Rea at the C69 Panel Hearing to confirm support of the changes to the Toolamba Framework Plan as suggested by Council.
 - Following the Panel hearing changes were made to the proposed MSS to include specific statements about Toolamba as a “unique” small town and to include the subject land as “Direction for future township expansion” and “Direction for long term township expansion”. (See attached extract of MSS)
 - The Panel instructed Council to prepare a Housing Strategy with utmost priority.
- **8 March 2007** – Amendment C69 approval Gazetted.
- **15 March 2007** – Following the Gazettement of Amendment C69, Chris Smith & Associates (CS&A) submitted a request to rezone the subject land based on the strategic directions that were added to the MSS as part of the of the C69 Amendment. (See attached, Appendix A)
- **30 March 2007** – Initial Amendment application fee paid by Herdstown. (See attached, Appendix A)
- **May 2007** – email advice from Council that Leah Smith of DPCD concurs with the Planning Department insofar as the amendment cannot proceed until a Housing Strategy has been prepared. The March 2007 submission by CS&A is to be placed in a Housing Strategy folder for consideration.
- **June 2007** – CS&A submits a letter in response to the Council's emails dated April and May 2007 requesting Council to seek Ministerial Authorisation in a parallel time to the preparation of the Housing Strategy.
- **July 2007** – Council responds to CS&A's June 2007 letter to reiterate that the amendment cannot proceed until a Housing Strategy is prepared. Council has now invited tenders for the preparation of a Housing Strategy.
- **August 2007** – Council advice that the work with the preparation of the Housing Strategy has commenced and that a consultant is to be engaged.
- **5 September 2007**- CS&A write to GV Water to confirm discussions held as to the servicing requirements for future residential development in Toolamba. (See attached, Appendix A)
- **April 2008** - GV Water memorandum (See attached, Appendix A)
- **October 2008** – The Housing Strategy is placed on public exhibition. CS&A make a submission to seek identification of the subject land for future residential development.
- **15 December 2008** – a second formal application for Council to proceed with a rezoning is submitted to Council by CS&A, as the Growth Management Plan for Toolamba within the exhibited Housing Strategy is generally in line with the current Town Framework Plan insofar as it identifies the subject land for residential development. (See attached, Appendix A)
- **May 2009** – Council letter (See attached, Appendix A) sets out:
 - matters raised in CS&A submission have been incorporated into a revised strategy
 - additional information likely to be required at authorisation stage for the proposed amendment to rezone the land.
 - Suggests a meeting with CS&A and relevant Council departments to discuss how the Council can assist with the proposal.

- **June 2009** – Powercor consent to rezoning the land and provide conditional consent to a planning permit if/when issued. Copy of Powercor's consent is forwarded to Council. (See attached, Appendix A)
- **17 August 2009** – Housing Strategy is adopted by the Council.
- **January 2010** – CS&A meets with Colin Kalms and Greg Hughes to discuss way forward. Colin confirmed that DPCD is not considering any rezonings while Housing Strategy is not completed (introduced to the Planning Scheme via a Planning Scheme Amendment); however supports idea that Council should have everything ready to go so that Ministerial Authorisation can be obtained immediately upon Gazettal of the Housing Strategy Amendment.
- **March 2010** – verbal advice from Council that a request for Ministerial Authorisation for Amendment C93 (that will implement the Housing Strategy in to the Scheme) has been submitted to the Department of Planning and Community Development on 11 March. Council also advised that a Panel has been requested. Formal advise to be forwarded to CS&A shortly.
- **5 August 2010** – Vantage Environmental complete Environmental Site Assessment (See conclusion page attached, Appendix A)
- **27 August 2010** – Council letter to CS&A advising of progress of Am C93 and projected timeline. Also sets out basic parameters for seven subsequent Amendments that will be prepared and/or investigated to implement the recommendations of the Housing Strategy. (See attached, Appendix A)
- **11 November 2010** – CS&A and GV Water officers meet to discuss possible funding options for reticulated sewer for Toolamba and possible water upgrades required for proposed residential development.
- **19 April 2012** – Community Information Session at Toolamba Community Hall with approximately 80 residents in attendance. (See Powerpoint Presentation, Appendix A) Presentations were made by:
 - Jeremy Addison - Council Strategic Planning Team Leader
 - Lisa Eade - Council Environmental Health Team Leader
 - Steve Nash – Goulburn Valley Water Technical Services Officer
 - Chris Smith – CS&A Managing Director
 - Gary Steigenberger – CS&A Manager Planning
- **21 June 2012** – Amendment C93 approval Gazetted.
- **14 May 2013** – Council write to CS&A acknowledging receipt of documents in support of a rezoning request and payment of the initial fee. Council requests revised amendment documentation in draft form to ensure the timely progression of the planning scheme amendment. (See attached, Appendix A)
- **6 June 2013** – updated statutory amendment documents submitted to Council
- **24 June 2014** – Council write to CS&A stating that Council Officers are not satisfied that the application of the Township Zone ... is the most appropriate outcome. States that the Urban Growth Zone (UGZ) would be more suitable, based on stated reasons (see attached, Appendix A)
- **11 September 2015** – CS&A write to Council, setting out proposed form and content of a Precinct Structure Plan (PSP), in response to Council's direction to apply the Urban Growth Zone (UGZ) to the subject land.

- **6 November 2015** – Council provides written preliminary feedback on draft PSP, requesting certain design changes and refinements. (see attached, Appendix A)
- **26 May 2016** – Updated draft PSP documents submitted to Council for consideration.
- **8 September 2016** – CS&A letter to Council confirming outcomes of recent meeting in relation to extent and contents of PSP
- **16 November 2016** – Council letter to CS&A, including referral agency comments on draft PSP (See attached, Appendix A)
- **27 April 2017** – GBCMA consent to Amendment (See attached, Appendix A)
- **3 October 2017** – CS&A write to Council setting out responses to particular infrastructure and design matters pertaining to the draft PSP, that have been raised in recent discussions and meetings. (See attached, Appendix A)
- **30 October 2018** – Pre-development Agreement, signed by landholder (See attached, Appendix A)
- **24 December 2018** – Conditional Ministerial Authorisation to Amendment C168 obtained.

3. Strategic Context and Assessment

The following section provides a response to the relevant clauses of the Greater Shepparton Planning Scheme and ancillary overarching policies to demonstrate the strategic consistency of the submission.

HUME REGIONAL GROWTH PLAN

This regional growth plan provides a broad regional overview of the wider area that contains the municipality of Greater Shepparton. It recognises that the region – unlike many other regions - is made up of a number of smaller regional centres, as well as a range of other settlement types including townships and villages. It recognises that some smaller settlements may experience decline and this plan encourages an integrated approach to planning for and servicing these communities.

The growth plan acknowledges “*Some smaller settlements are experiencing demand for growth and development, but the lack of infrastructure in these locations, for example reticulated water and sewerage systems, may limit growth options. Providing infrastructure to support growth in such locations needs further consideration.*”

The proposed Amendment implements the Hume Regional Growth Plan, that includes “foster the sustainability of small settlements” by providing a considered approach to development, that includes plans for appropriate service and social infrastructure that will not only service the proposed PSP site, but will benefit Toolamba’s future as an attractive and livable settlement.

GREATER SHEPPARTON HOUSING STRATEGY

The Housing Strategy includes Growth Management Plans for the municipality’s larger centres and range of small towns. Managing the need for growth while retaining each setting’s unique identity is a key challenge.

The Strategy recognises:

- *The growth of towns outside the main urban areas of Shepparton, Mooroopna and Kialla is important in providing housing choice and diversity as well as supporting the growth of these smaller communities. Many of the towns outside of the urban area contain a number of commercial and community services and facilities such as schools and recreation and open space (including sporting) facilities. These communities also offer great potential for walkable neighbourhoods.*
- *A key determinant to the scale and density of township growth will be the availability of sewerage infrastructure. The sewered townships of Tatura, Merrigum and Murchison will need to provide standard residential densities as part of their mix of future housing. The potential to connect Toolamba to sewer is also being explored. Whilst higher densities are promoted, new residential densities will need to respect the character of townships in their design and layout.*

The proposed Amendment and PSP implement these strategic directions by providing a housing option that will contribute to the region’s growth. The provision of sewer enables a higher density of development, that should be supported, as it makes more efficient use of land as a finite resource and manages encroachment onto productive agricultural land.

The PSP recognises Toolamba as a smaller settlement and, accordingly, prescribes a larger lot configuration than currently provided in the larger centres, includes wide open roads and a very high percentage of open spaces that will provide recreational spaces as well as opportunities to retain native vegetation.

PLANNING POLICY FRAMEWORK

The proposal implements the objective of the State planning policy for **Settlement (Cl. 11.01S)**, that is:

- *To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

The proposal implements the strategies for Settlement, including:

- **Clause 11.01-1S Settlement.**
Strategies - *“Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.”*

“Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.

“Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.

Provide for growth in population and development of facilities and services across a regional or sub-regional network.

Plan for development and investment opportunities along existing and planned transport infrastructure.”

Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:

- *Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.*
 - *Developing settlements that will support resilient communities and their ability to adapt and change.*
 - *Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.*
 - *Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.*
 - *Encouraging an integrated planning response between settlements in regions and in adjoining regions and states in accordance with the relevant regional growth plan.*
 - *Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.*
- **Clause 11.01-1R Hume Regional Growth Plan.**
Strategy - *“Support growth and development in other existing urban settlements and foster the sustainability of small rural settlements.”*
- **Clause 11.02-1S Supply of urban land**
Objective: *“To ensure a sufficient supply of urban land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

Strategies: *“Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.*

“Ensure that sufficient land is available to meet forecast demand.

“Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis. “

- **Clause 11.02 – 2S Structure Planning**

Objective *“To facilitate the orderly development of urban areas.”*

Strategies: “Ensure effective planning and management of the land use and development of an area through the preparation of relevant plans. Undertake comprehensive planning for new areas as sustainable communities that offer high-quality, frequent and safe local and regional public transport and a range of local activities for living, working and recreation.”

- **Clause 11.02 – 3S Sequencing Development** outlines a strategy “To manage the sequence of development in areas of growth so that services are available from early in the life of new communities.

The proposal implements all of the above objectives and strategies for settlement insofar as it provides for the region’s continued growth in a manner that promotes the region’s growth, adds to the region’s housing choice in terms of location, setting and lot size as well as provides a sustainable outcome for Toolamba’s future/

- **Clause 13.03 -1S Floodplain Management** seeks “ to assist the protection of life, property and community infrastructure from flood Hazard”

Identify land affected by flooding, including land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority in planning schemes.

Avoid intensifying the impact of flooding through inappropriately located use and development.

The proposal has been developed in consultation with the floodplain manager to provide an outcome that achieves CMA support.

- **Clause 15.01 – 3S Subdivision Design** seek to “To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.”

Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.

Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.

Subdivision layouts that allow easy movement within and between neighbourhoods.

- **Clause 16.01 – 1S Housing Supply** seek to “To facilitate well-located, integrated and diverse housing that meets community needs.”

Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.

Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.

Identify opportunities for increased residential densities to help consolidate urban areas.

Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.

Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

- **Clause 19.03 -3S Development Infrastructure** seeks “To provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.”

Provide an integrated approach to the planning and engineering design of new subdivision and development.

Integrate developments with infrastructure and services, whether they are in existing suburbs, growth areas or regional towns.

LOCAL PLANNING POLICY FRAMEWORK

The Municipal strategic statement with Greater Shepparton Planning Scheme identifies Toolamba among one of the small centres that support urban centres like Shepparton (together with Mooroopna and Kialla).

Toolamba is within 20km catchment of Shepparton regional centre. The proximity to the regional centre shall enable facilitating future growth and development by accommodating additional population whilst creating diverse housing opportunities.

Toolamba is identified as one of the Growth Area under the Framework Plan - Investigation Area 6 – Density of residential development is to be determined subject to the provision sewerage infrastructure within the area.

CLAUSE 21.04 SETTLEMENT

Clause 21.04 – 1 Urban Consolidation and Growth outlines following objective to achieve the indented outcome

To encourage a variety of housing types, particularly in terms of tenure and price, to contribute to housing diversity and affordability.

To release land efficiently in terms of location, supply of services and infrastructure and in accordance with land capability.

To increase the supply of medium density housing in appropriate locations.

To provide land for small township expansion, subject to a supply and demand analysis.

Ensure that township growth is determined by infrastructure provision (including water supply) and a supply and demand analysis, with developers funding the extension of water and sewerage services.

Encourage the provision of smaller lots to meet the changing demographics structure.

Encourage new subdivision and developments to promote walking and cycling between homes and schools, open spaces and shops.

Clause 21.04-1 delineates key elements of the growth from the *Greater Shepparton Housing Strategy 2011* (GHS) including Toolamba stating,

“It is important that growth is maintained on a number of fronts, providing choice and variety in the housing market and accommodating projected population growth over at least a 15 year period”.

The policy for Urban Consolidation and Growth sets out the predicted population forecasts for the Greater Shepparton municipality and the methods for the region to accommodate it. the Toolamba Framework Plan recognises the subject land as “Investigation Area 6”. The investigation has now been completed by the PSP design process, that includes that the site is physically and viably capable of being serviced by reticulated sewer by a sewer rising main to Tatura.

4. Details - Community Consultation and Engagement with Authorities

The chronology of events at Section 2 of this Part A submission provides a timeline and documents that demonstrate the long and detailed design and consultation process carried out over a number of years, culminating in exhibition of Amendment C168.

The following subsections provide a brief overview of consultation carried out with the community and each relevant authority in relation to the Toolamba PSP and Amendment C168.

Community Consultation

In addition to the consultation processes carried out by the Council as part of the Greater Shepparton 2030 Strategy and Amendment C69, the Housing Strategy and Amendment C93, as well as the Townships Framework Plan Review and Amendment C212, CS&A and the proponent have continued to liaise with the community since inception of the development proposal.

The Rea's primary goal has been to provide for Toolamba's future in a sustainable and appropriate manner. At the time the proposal was conceived, Toolamba was in decline. With very limited new residential opportunities, and a preference for residents to 'age in place' housing opportunities were scarce. Therefore, the proposal was met with general support and enthusiasm.

In the period around 2010 to 2012, when the proposal was gaining traction due to adoption of GS2030 and support from Council and GV Water, Mr Rea held a list of the names of approximately 30 people who wanted to buy a residential lot in the proposed development. These were existing residents, former residents or family members of residents who wanted the opportunity for a new house in Toolamba. Most were especially attracted by the thought of being freed of the burden of on-site effluent disposal.

At this same time Mr Rea engaged with key community members to discuss the potential to bring sewered development to Toolamba and the environmental and community benefits it may bring. CS&A was advised at the time, that general support was received from the owner/manager of both the shop and the hotel, any plans for modernisation or expansion of both of these premises was constrained by a lack of adequate effluent disposal to cater for it.

Since 2012, community consultation has mostly consisted of informal discussions within the community. The proposed development had been deferred due to completion of GS2030, then again held over while the Housing Strategy was prepared, that had frustrated the community and created doubt. CS&A sought audience with the Toolamba and District Community Plan Steering Committee circa 2014/15, when the PSP and supporting documents were being prepared. A conversation was held with Bill McDonald (committee member) where an overview of the PSP was provided, however an offer to present to the committee at their next meet was declined. It was considered that further consultation was not warranted until a formal proposal was on the table.

Accordingly, the PSP was finalised and submitted to Council for notification to occur through the Amendment notice process.

Goulburn Valley Water (GVW)

Liaison with Goulburn Valley Water began at a very early stage of the process and has continued throughout. In the first instance – when the Rea family first approached Earth Tech – the desire was to provide an environmentally responsible outcome for the future advancement of Toolamba.

Being multi-generational Toolamba residents, the Reas were acuity aware of the environmental issues caused by on-site effluent disposal and did not want to see future development compound this situation. Accordingly, a desire to provide reticulated sewer to Toolamba was a foundation consideration from first inception of the proposal.

Informal discussions were held with relevant Goulburn Valley Water (GVW) officers throughout 2004 through to 2012. Throughout these discussions, GVW officers provided preliminary advice that it was most-likely physically possible to provide sewer to Toolamba via a rising main connection to the Tatura Waste Water Management Facility (WWMF). Further investigations confirmed that the Tatura WWMF has the capacity to accept waste water from Toolamba, including existing and projected future properties.

Joint discussions with GVW officers and Council Environmental Health officers established that there is no impetus to provide reticulated sewer to Toolamba to service existing properties, however, GVW provided support for a developer-funded proposal to provide reticulated sewer to a proposed development in Tatura.

This advice is set out in a letter from GVW dated 6 February 2012 (supplied). However, GVW were not prepared to further investigate the matter to the point of establishing timing or construction details, until the land was identified for residential in the planning scheme.

The Draft PSP was referred to GVW in 2016, where they again stated:

Goulburn Valley Water (GVW) makes the following comments:

- The development is currently outside the GVW water district boundary and can be serviced by extension to the Toolamba water network. The area would potentially be serviced by two existing water mains. However, based on the proposed size of the development, a detailed plan of subdivision including staging of the development is required prior to preparing a water servicing strategy.
- There is no sewer infrastructure in Toolamba. A Sewer Pumping Station and Sewer Gravity Network as well as Sewer Rising Main from the pump station to Tatura Wastewater Management Facility would be required for a sewer network in this area. Further details of the development including the staging of the development are required for preparing an appropriate sewer servicing strategy for this development area.
- All sewer and water infrastructure and services would be funded by the developer.

Amendment C168 was referred to GVW and a response was received. CS&A has again engaged with GVW officers, in light of the referral response received. It is understood that GVW will provide a written submission to the Panel as well make themselves available to present at the Panel Hearing, to clarify their position on the matter.

Goulburn Broken Catchment Management Authority (CMA)

With the Amendment site being adjacent to the Goulburn River, the CMA was consulted at a very early stage of the project. The CMA was referred the Draft PSP in 2016. CS&A consulted with the CMA Floodplain Manager to explain the stormwater management principles behind the development. The existing flood conveyance and storage functions of the land were also reviewed in light of the proposed development.

On 27 April 2017, the CMA Floodplain Manager wrote to the Council to confirm that the Authority had met with CS&A and was now satisfied that there will be no loss of flood storage on land, it has

no concerns with the principles of the proposed Stormwater Management Plan and, therefore, raises no objection to the proposed Planning Scheme Amendment.

The CMA was also notified of Amendment C168 and responded with 'no objection'.

CFA

Meetings and liaison with CFA Region 22 officers were held at a very early stage, where no particular concerns were raised. Liaison continued as State provisions for bushfire protection evolved as a result of the 2009 Victorian bushfires.

The CFA was referred the Draft PSP in 2016. It responded with comments pertaining to particular elements that should be designed to manage risk to fire and to allow access for emergency vehicles. These design elements could be incorporated into the detailed design.

The CFA was referred Amendment C168 and responded with 'no objection'.

VicRoads

VicRoads (now RRV) were consulted a number of times between 2008 and 2012, in particular about its plans for the Shepparton Bypass interchange. Although a Concept Plan - that shows truncation of existing roads and creation of new local roads – was made available, it had 'no official status'. VicRoads officers warned that the Concept Plan was only a concept and subject to funding and detailed design. To this end, they could not comment on the potential final form of the bypass.

We also enquired as to any particular requirements VicRoads may have for residential development in the vicinity of the bypass – setbacks, interface, etc.. VicRoads officers advised that the PAO should represent the full extent of land required for the proposed bypass and associated infrastructure, but did not have any particular requirements for land outside the PAO.

VicTrack

A Draft PSP was referred by Council to VicTrack in 2016, and a response was received that raised some concerns for specific notations on the Plan showing "connection to rail reserve that includes existing informal walking track" and the Stormwater Management Plan showing stormwater runoff to be directed to the existing culvert under the railway track. These matters were subsequently resolved in discussions with the VicTrack Planning Manager, Property Group.

Powercor

Powercor were consulted in 2009. At that stage, the proponent had become aware that Powercor were considering upgrading 'backbone' electricity network assets in the Toolamba area. CS&A wrote to Powercor on 1 April 2009, to make it aware of the planned development and to seek comment on Powercor's ability and preparedness to supply the proposed lots.

On 19 June 2009 Powercor provided written conditional consent to the proposed rezoning. The consent also included advise on existing assets within the area, the existing high voltage service to the land and potential servicing requirements for the development.

Aboriginal Affairs Victoria and Yorta Yorta Nation Aboriginal Corporation

Heritage Insight was engaged in 2010 to carry out a cultural heritage assessment of the land, culminating with a Cultural Heritage Management Plan (CHMP). Aboriginal Affairs Victoria and Yorta Yorta Nation Aboriginal Corporation (YYNAC) were notified of the intent to prepare this plan and the assessment process was carried out in consultation with YYNAC, who is the Registered Aboriginal Party for land including Toolamba.

Consultation with and ultimate approval from both these entities was carried out and obtained by Heritage Insight in accordance with the Victorian Aboriginal Heritage Regulations and YYNAC protocols.

5. Issues Identified in Submissions

Amendments C168 and C224 were referred and publicly notified as a single “package”. A number of submissions were received by the responsible authority and placed on display at the Council offices. We have attended the Council offices – when allowed under public health authority restrictions - and viewed the submissions and noted the common themes and key issues raised in the submissions. However, in the absence of being provided with full copies of the submissions, or a ‘submission recorder’ (should that be more appropriate to ensure personal information privacy requirements), it has been difficult to fully consider the entire contents of all submissions.

The following referral authorities responded:

- Goulburn Broken Catchment Management Authority (CMA) – no objection
- DELWP – no objection
- Goulburn Valley Water – no objection
- Goulburn Murray Water – no objection
- CFA - amendments will be able to achieve the objective and strategies of Clause 13.02S Bushfire Planning. The amendments as proposed do not appear to have implications relating to bushfire and/or service delivery for CFA.
- EPA – unlikely to pose an unacceptable risk to harm.

A Total of 23 submissions were received from residents, some being ‘duplicates’ of individual residents from the one property. A number have similar content and wording. A submission was received from Spiire on behalf of Toolamba Corp Pty Ltd, specifically in response to Amendment C224.

The resident submissions refer to aspects of the entire package of documents pertaining to both amendments. One provided support for the proposed PSP and identified the housing mix as providing an opportunity for local people wanting to downsize and also wanting to stay in town.

Many of the submission raise concerns for failings of Council to provide adequate physical and social infrastructure to provide for the existing community, including a failing to provide (or compel developers to provide) footpaths, kerbing and car parking in more recently completed developments, that has created a potentially dangerous situation for pedestrians, especially children.

A number of the submissions raise concerns for large scale, high density development and consider it is not in keeping with the existing township character and will lead to problems with traffic, over-load the primary school and place further pressure on aging social infrastructure and sporting facilities.

Lots along Wren Street range from approximately 750m² (adjacent to the Amendment Site) up to approximately 2,200m². As development has progressed in Toolamba, so too has average lot areas increased, which, we submit, is a direct consequence of increasing environmental health requirements for on-site effluent disposal. To this end, the final stages of Toolamba Forest Estate and Meadow Wood Estate both have lots with areas in excess of 4,000m², with the majority in the vicinity of 5,000m², and some lots even larger.

It is submitted that implementation of the Toolamba PSP will address many of the resident concerns pertaining to a lack of facilities and will make a positive contribution to the continued growth of Toolamba.

In particular:

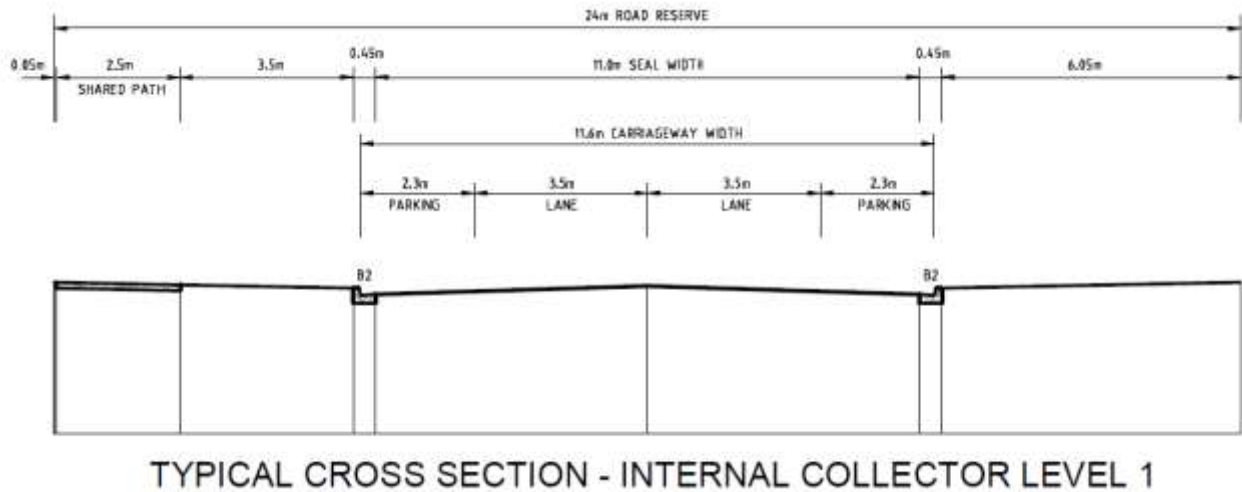
- The PSP prescribes wider than minimum width road reserves, so as to create a sense of openness and provide for generous landscaping in the public realm. The PSP area includes 58% lots, 16.8% open spaces and 24.8% roads and essential infrastructure.
- Existing vegetation is retained in areas of open space (tree reserves) with measures to protect biodiversity value. As well the PSP provides generous parks and usable open spaces. The development site is encumbered by an Agreement to provide – at Stage 1 of development – a park with an area in excess of 1 hectare that includes an activity node incorporating facilities such as seating and a playground.
- Footpaths will be provided on all internal streets that are fronted by lots and a 2.5m wide concrete shared path is to be provided between the development site and Wren Street, via Londregan Lane and the Reserve to connect the development site to other activity nodes in the town. Further, the developer is compelled to contribute a significant monetary contribution towards the construction of a footpath along the south side of Wren Street between Rutherford Road and the railway line.

One submitter raised concerns for the road connection to Wren Street, stating that the house at 15 Wren Street is located with a minimum setback to the side boundary of 3 metres and the planned connector road would impact the amenity of the dwelling.

The 20-metre-wide strip of land between 15 and 17 Wren Street was set aside as 'road' in the first Crown survey that created lots along Wren Street. It provides a connection between Wren Street and the rear lane along the rear of 17 – 31 Wren Street, that connects back to Londregan Lane. To this end, the land was always intended to be a road. It is not known whether a road was ever constructed there (i.e. pavement suitable for vehicles to pass), however, it appears as though it has not been used for public vehicle access for some time.

The PSP includes a 24 metre wide north-south collector street through the centre of the PSP area. This street has a reserve width of 24 metres through the development, consisting of an 11.6 metre wide road carriageway - which accords with Infrastructure Design Manual (IDM) requirements – and 6.05 metre wide verges on each side, that provide for pedestrian paths, services and landscaping as well as create a sense of space and openness. (see typical cross section, below)

The connection to Wren Street is considered an important link between the planned neighbourhood and the town. The collector street can be accommodated within the 20 metre wide link by reducing the verge width, that will not compromise the safety or functionality of the road.



6. Suggested Changes to the Amendments in response to Submissions

The Amendment has been through a very lengthy and thorough process, that triggered a number of changes and refinements before Ministerial Authorisation was obtained and the Amendment was exhibited. There are no changes to the exhibited documents suggested as a result of the exhibition and submissions received.

7. Further Justification & Information

7.1 Application of Precinct Structure Plan

This Amendment is preceded by many years of discussion and liaison with the responsible authority and other stakeholders, including a number of written requests for the Council to consider a rezoning and more than one formal request for Council to proceed with a Planning Scheme Amendment, as set out in the chronology of events at Section 3 of this submission.

Early discussions with Council officers focussed on potential planning tools to be utilised, should the proposal proceed to an Amendment. Existing land in the town is on the Township Zone. Based in this, the proponent was happy to see the Township Zone extended across his land. It was suggested that the Township Zone be applied in conjunction with a Development Plan Overlay with a site specific schedule that would ensure appropriate and sequential residential development, with opportunity for complementary township uses such as commercial or industrial.

At the time of the first formal rezoning request to Council in June 2007, it had not been confirmed whether reticulated sewer would be made available or not. Preliminary investigations had been carried out and it had been established that it was potentially possible, but economic viability had not been proven. To this end, the Township Zone was considered as the most appropriate zone, as it provided for expansion of the existing township with or without reticulated sewer. The Development Plan Overlay was to include a requirement to further investigate the ability to provide reticulated sewer and, in the instance where it could not be provided, any development would need to proceed in accordance with the recommendations of a Land Capability Assessment.

Once it had been established that reticulated sewer could be provided to the land, on 24 June 2014, Council officers wrote to our office stating that they would no longer support application of the TZ and the UGZ is to be considered. Accordingly, the UGZ became the applicable/preferred zone and a combined Planning Scheme Amendment and PSP – in accordance with the Precinct Structure Guidelines, 2009, we prepared and submitted to the Council for its consideration.

2.1 Choice of Underlying Zones

The General Residential Zone is the underlying zone that is to be applied to the Toolamba PSP area. It is considered that this is the appropriate zone to apply, as the PSP seeks to provide for a residential outcome.

Previously, the Township Zone was contemplated, so as to be consistent with zoning in the existing town. However, Township Zone also provides for commercial, industrial and other uses that are required in a small town, which was considered as not appropriate in consideration of the PSP vision to create a pleasant, safe and sustainable residential neighbourhood.

8. Conclusion

The Toolamba PSP is the culmination of many years of background work that included detailed land assessments, supply and demand analyses, as well as stakeholder and authority consultation. The proposed Amendment has strong strategic justification, having been the focus of discussions and then provided with support through Greater Shepparton Planning Scheme Amendments C69 and C93 (Greater Shepparton Housing Strategy).

Clause 21.04 (Settlement) of the Greater Shepparton Planning Scheme states: *The Council recognises that Toolamba is in a unique position as it is the only small town in the municipality which will have a dedicated freeway interchange as part of the proposed Goulburn Valley Highway Bypass. This, together with the development of the Goulburn Valley Freight Logistics Centre at Mooroopna, will present a very attractive opportunity for future residential development of the town. Connection to a reticulated sewerage system will enable Toolamba to develop at a higher residential density.*

The Toolamba PSP land is legally bound to provide reticulated sewer. The owners knowingly and voluntarily agreed to enter the Agreement as it has been proven that it is physically possible and economically viable to provide sewer to the PSP area, albeit on a cashflow model that will see return on the upfront investment recovered over the full life of the development. Notwithstanding this, it is the owner's desire to provide the legacy of improved amenity and environmental outcomes for Toolamba's future.

To this end, the proponent wishes to proceed with Amendment C168 and the Toolamba PSP in the form that has been exhibited and respectfully requests the Paenl's consideration and recommendation of the same.