

Part B Submission to the Panel

**Amendment C168
Toolamba Precinct Structure Plan**

215 Rutherford Road, Toolamba

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1 Introduction

This submission has been prepared by Chris Smith & Associates, under the instruction of Mr Stuart Rea of Herdstown Pty Ltd.

This submission is Part B of our submission to Amendment C168, and seeks to address the matters directed by the Panel in its Directions of 14 May 2021.

Our Part A submission has been circulated and is - therefore – considered as having been read. It sets out a brief background to the amendment, beginning with the proponent's desire to create a new neighbourhood for Toolamba's future, that would generate a positive legacy for the town.

This Part B submission builds on Part A to provide greater detail as to how the years of background work – consisting of investigations, liaison with stakeholders and various land assessments – has informed the proposal and led to the preparation of the Toolamba Precinct Structure Plan. We understand that application of an Urban Growth Zone and Precinct Structure Plan (PSP) may seem daunting to residents and invoke thoughts of intensive urbanised development with a rapid take up. However, this is not the intention for the land or the town, nor does the PSP allow it.

1.1 The subject land

The subject land is located at 215 Rutherford Road, on the south-western periphery of Toolamba. The land is contiguous with the core of Toolamba with existing residential lots along Wren Street, the main street of Toolamba, adjoining its northern boundary. It abuts the Goulburn Valley Railway to the east and Rutherford Road to the west. Beyond Rutherford Road is land used for agriculture, including a number of large pivot irrigators.

The property extends south to the Goulburn River environs, which is Crown land. However, it is the northern part of this property that is the focus of Greater Shepparton Planning Scheme Amendment C168 and the Toolamba Precinct Structure Plan (PSP), that has a total area of approximately 43.99 hectares.

The land is conveniently located in the immediate proximity of the township centre; within a convenient walking distance (approximately 500 metres) from the township centre and services within such as the Toolamba Primary School, Shop, Hotel and recreational reserve. The former railway station is directly to the east, and the town's hotel is just opposite, on the north side of Wren Street.

Essential services such as reticulated water, electricity and telecommunications are available in the area and are available for connection to the future development on the land.

1.2 PSP Overview

Features of the PSP include:

- The streets will be wider than minimum requirements and footpaths will be provided along all lot frontages. Shared paths (2.5m wide) will be provided along connector streets and along desire lines through parks, to provide connectivity and promote healthy living. Access streets will be 20 metres wide, which provides a 4.5m wide landscape verge (plus 1.5m wide footpath) on each side for generous landscaping that will create a feeling of openness.
- The integrated green spaces within the development will accommodate urban drainage with retardation/wetland precincts but will also contain significant areas of un-encumbered land that will be available for passive and informal recreational space for use by the residents and the wider community.
- A 2.7-hectare Reserve, including 1 hectare of open recreation space with playground and incorporating existing mature trees will be provided at Stage 1 of the development. This will not only establish a high standard for this new neighbourhood, but it will also benefit the existing town.
- The 43.99-hectare PSP site is expectant to provide approximately 270 new housing lots for Toolamba. This equates to 6.2 lots per hectare, which is approximately half the density of the region's larger centres. The PSP will be developed over approximately 16 stages, which will take some time to complete.

These features are all set out as requirements of the PSP, which will become incorporated in the Greater Shepparton Planning Scheme when this Amendment is approved.

Stuart Rea has provided a written account of his family history, thoughts of the town and his motivation to provide for its advancement, that is attached herewith at Appendix A.

2 How Background Work has informed the Proposal

Our Part A submission provided a chronology of events in the lead up to the preparation of a PSP. The timeline record of correspondences and events that were carried out shows the duration and detail that has been gone through to get to the present day and the proposal under consideration by the Panel.

During this time, there were countless meetings, discussions and site visits, that lead to design refinements and alterations along the way. In the first instance, the proposal included the entire site, with an estimated lot yield of 350 residential lots. Early on it was agreed to exclude the land south of the future Shepparton Bypass, that fronts the Goulburn River. This piece of land will become isolated by the freeway; its ultimate use will be determined when more certainty on the freeway is known.

Further along the design process, the 11.12-hectare piece of land that is north of the future Bypass but encircled by the Public Acquisition Overlay (PAO) for the future Bridge Road extension was also removed from the PSP.

Accordingly, the southern (remainder) of the property, is within Investigation Area 6 and remains inside the Settlement Boundary, although it is not included in the PSP. This matter was brought to the attention of the Panel to Amendment C212 – Townships Framework Plan Review. At the hearing, the Panel agreed with our submission that the land should remain inside the settlement boundary. This matter is further discussed in our submission to Amendment C224.

The lack of adequate infrastructure in the town has been a recurring criticism from local residents. The initial impetus for this proposal – in 2003 – was to attract growth in the town that would provide use and activity for the town's facilities (school, community hall, sporting facilities, etc) that would enable funding for upgrades and expansion.

The Council wanted to ensure that any future development includes adequate infrastructure as per the requirements of the Infrastructure Design Manual (IDM). Discussions were held with regard to the location, function and timing for delivery of parks and recreation spaces, road connections and traffic, as well as pedestrian and cycle connectivity between the proposed neighbourhood and activity nodes in the town.

The land to the east of the PSP area is within the Public Use Zone (PUZ4 Transport) and managed by VicTrack. In liaison with the VicTrack Property Group, we were advised by the Development Manager that parts of this land are leased, including the "park/open space" on the south side Wren Street that is leased to Council. An existing track along the western side of the railway line is leased for access purposes and currently provides physical access to 19 Londregan Lane. VicTrack warned that it should not be assumed that VicTrack land stays the same, as it could be sold, leased or used for transport or other purposes at any future time. Accordingly, the PSP makes no reliance on VicTrack land.

This matter was considered in parallel with investigations as to the preferred outcome for the treed land in the north-eastern corner of the PSP site. Ultimately, it has been designated as a 'tree reserve' to be vested to Council for its biodiversity

value. A site meeting was held to determine potential design solutions for this site that would include a pedestrian path without impacting biodiversity or cultural heritage values and enable future development of 19 Londregan Lane without impacting VicTrack land.

2.3 Pre-development Agreement

Having reached agreement with the Council as to the form and extent of the PSP, the proponent then agreed to enter into a pre-development agreement with the Council that sets out specific requirements for the proposed development. The Agreement was made under Section 173 of the Planning and Environment Act and has been recorded on the Certificate of Title to the PSP land.

A copy of the Agreement was appended to our Part A submission. It is also provided herewith, for convenience, as Appendix B.

It includes:

- **Provision of Sewerage** – every residential lot in the development must be connected to reticulated sewerage at the developer's cost.
- **Public Open Space** – details of the form, extent of public open spaces to be provided by the developer including a 1 hectare park with playground at Stage 1 of the development.
Compliance with these requirements fulfills any requirement for public open space and the Council will not seek a further payment under Clause 53.01 of the Scheme.
- **Specified roads and external intersections** to be constructed at the developer's cost, including street lighting.
- **Londregan Lane** – land to be vested to the Council to allow Londregan lane to be widened to 16 meters to enable future construction of an access street.
- **Shared Paths and Footpaths** – including a 2.5m wide shared path through the Tree Reserve and on to Wren Street as well as a cash contribution toward a footpath along the south side of Wren Street between Rutherford Road and the railway crossing (entirely external to the PSP site).

In his desire to see the town progress, the proponent has agreed to external upgrades that will benefit the whole town. Accordingly, the proposed development provides an opportunity for Toolamba to receive the upgrades and amenity improvements many residents have identified as lacking.

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2.4 Strategic justification

Amendment C69 to the Greater Shepparton Planning Scheme (Gazetted 8 March 2007) amended the MSS to recognise that Toolamba is in a unique position as it is the only small township to have a dedicated freeway interchange, which provides opportunities for township expansion.

The C69 approved MSS included population forecasts to the year 2030 at Clause 21.04-1 Settlement and Housing, that recognised

“A key challenge for the Council is the facilitation of appropriate and timely release of residential land to meet this projected growth.”

Council is concerned to ensure that the demand for low density and rural living environments is tempered by greater concern to protect natural features, the productive capacity of soils, areas of native vegetation, provide services efficiently and reduce dependence on fossil fuels to access facilities.”

“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.” ... (see attached extract at Appendix C)

The completion of the Housing Strategy in 2009 and approval of Greater Shepparton Planning Scheme Amendment C93 in June 2012 further strengthened the strategic justification for residential development in Toolamba by including the subject land as an Investigation Area.

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

The Toolamba PSP implements these strategic directions by providing for a coordinated and sustainable development pathway for Toolamba's future. Furthermore, it implements State and local planning policies pertaining to managing growth, settlement, environmental risks and amenity as well as retention of productive agricultural land by making efficient use land as a finite resource.

Specifically, the PSP:

- Ensures a sufficient supply of land to meet forecast demand (Cl. 11.02-1S Supply of urban land);
- Includes wide streets, generous open spaces and neighbourhood facilities that responds to the established neighbourhood (township) character and landscape setting as well provides a more efficient use of land that manages the cost of providing infrastructure. (Cl. 11.02-1S Supply of urban land)
- Assists in the protection of biodiversity by setting aside and protecting areas with high biodiversity value. (Cl. 12.01-1S Protection of biodiversity)
- Implements best practice environmental management and risk management (Cl. 13 Environmental risks and amenity) by providing reticulated sewer that will avoid/minimise any potential human-made environmental hazards or environmental degradation caused by on-site effluent disposal. This is of particular importance, considering the town's juxtaposition to the Goulburn River – a heritage river – and significant tracts of State Forest (Shepparton Regional Park).
- Creates a neighbourhood that is safe, healthy and functional (Cl. 15.01-1S Urban design) by including lots facing onto streets and open spaces, footpaths and pedestrian/cycle connectivity that will promote healthy living.
- Implements the local policy for Urban Consolidation and Growth (Cl. 21.04-1) by contributing towards providing for the region's population growth in a manner that makes better use of available land in order to protect agricultural land.

3 Land Supply and Demand

Demand for housing opportunities in Toolamba is perennially high. When we began this process, it was based on an observation that, due to housing being tightly held, with people preferring to age in place, opportunities for new families to move into town were limited. People who grew up in the town and now wanted to raise their own family there were being held out through lack of availability. This was having a detrimental affect on the town, with school enrolments dwindling and services in decline. A lack of patronage was making it difficult to obtain funding for upgrades.

The Settlement clause within the MSS of the Scheme states any proposal must be supported by a supply and demand analysis. In 2010 HMC Valuers - Opteon (HMC) were engaged to review the historical supply of residential land in Toolamba and the potential demand for a new residential neighbourhood. The research included discussion with local real estate agents, review of recent sales and discussion on the propensity for the provision of reticulated sewer to influence desirability.

Historically, Toolamba has been through cycles of supply spurts and sustained periods of inactivity. The HMC report identifies that *"Toolamba over the years has been hindered by a lack of supply and in ironic fashion when supply has been present economic uncertainty or rising interest rates/other economic variable, has in some way impacted negatively upon the market. We see this quite clearly with the intersection of the Global Financial Crisis and drought in the Goulburn Valley with the release of Stage One of the Toolamba Forest Estate."*

"It also very reasonable to say that the lack of sewerage connection in Toolamba has had an impact on buyer psyche with land capability assessments and rising costs or septic systems impacting on perspective buyers."

To further explore the potential influence of reticulated sewer HMC explored two 'case studies' – the small regional towns of Avenel and Bundalong, where the provision of reticulated sewer opened up new housing opportunities, that – in turn – generated local commercial activity. It noted that the Bundalong example proved that a thinly traded market in vacant land was primarily due to a lack of critical mass/supply and not necessarily a lack of demand. It also identified the momentum generated by a new estate and the implementation of sewer (in the case of Bundalong and Avenel) created new interest in a town as a good place to live, raise a family and contribute.

The HMC report concluded that the proposed development *"is seen by the writer as being a logical move by the township and council in order to facilitate future growth and take advantage of the pending infrastructure ..."*

In 2014, when we were advised by Council that a UGZ / PSP application is preferred, we engaged Opteon Property Advisors to undertake a further demand analysis for Toolamba, to update the 2010 investigations. This later report investigated land sales between 2008 and 2013 and concluded that there is still a strong demand for the proposed residential lots, that provide a unique lifestyle and locational option for the region that are in close proximity to the Goulburn River, bushland, walking trails as well as the township and the facilities it provides.

(A copy of each of these reports is provided herewith as Appendix D)

4 Site Considerations

4.1 Native Vegetation

The property at 215 Rutherford Road, Toolamba, is highly modified, with the majority of the area being replaced with introduced grasses as a result of agricultural activities which have taken place over many decades.

The entire property – that has a total area of ~80ha - contains a large number of indigenous trees both as scattered and isolated trees as well as clusters. Across the open paddocks, mid-storey vegetation is non-existent and ground cover species comprise of cropping species and exotic grasses.

The main clusters of trees are in north-eastern corner and the southern area that is to be acquired by Regional Rads Victoria. As set out in the Flora & Fauna Assessment by Water Technology, 2012, the majority of these tree species comprise of Yellow Box and Grey Box, and to a lesser extent River Red Gum, White Box and Sugar Gum (although Sugar Gum is not native to the local region and EVC). Exotic tree species such as peppercorn trees are also present on the site.

The consideration of existing trees on and adjacent to the land was an important part of the design process. The following design elements have been incorporated into the PSP in consideration of the biodiversity values on the land.

Tree Reserve (North-eastern corner, 1.17 hectares)

This land contains stands of trees with some patches of understorey. Based on this, Council's Sustainability and Environment Team expressed an interest in taking over its management for biodiversity reasons.

The proponent has agreed to create a 1.7 hectare reserve for these trees, that will be vested to the Council. The biodiversity value on the reserve will be preserved through an appropriate mechanism that also provides a first-party offset that will contribute against any vegetation losses as a consequence on other parts of the PSP.

Integrated Green Space/ Drainage Reserves (5.13 hectares)

These multi-function green spaces have been carefully designed, based on the site analysis and existing vegetation. Val Mag of Stormy Waters has carried out a functional design of the storm water retention and water quality improvement elements required to cater for the proposed development that avoids existing trees, so that they can be retained. This will be a key feature of the green spaces.

Rutherford Road - 10 metre road widening

Another key design element for the PSP is to create an active/open interface to Rutherford Road by providing for lots to facing onto the road. However parts of the roadside contain significant vegetation and the potential for impacts on tree root zones due to access and service trenching was a concern. To this end, the PSP prescribes a 10-metre-wide road widening along Rutherford Road that will set back the shared path and services from the root zone, as shown on the Typical Cross

Section for Rutherford Road – Lots South of East/West Internal Collector Road.

4.2 Cultural Heritage

A Cultural Heritage Assessment was carried out on the 79 hectare the property, however the PSP was subsequently reduced to the northern 43.99 hectares.

The Cultural Heritage Management Plan by Heritage Insight, 20 July 2012, was approved under the Aboriginal Heritage Act 2006, by the Yorta Yorta Nation Aboriginal Corporation on 27/07/2012.

The Heritage Insight assessment included desktop assessment, a standard assessment and complex assessment involving hand and machine excavations. However, no surface or subsurface cultural heritage sites were found. The test pit excavations revealed very shallow topsoil and underlying heavy clay, which – together with the extent of surface disturbance by prior clearing and agricultural practices reduced the likelihood of any sites being found.

All remnant trees on the land were assessed. Three scar trees were identified and recorded. These are all in the north-eastern corner of the site, within the proposed Tree Reserve that is to be vested to Council.

(An extract of the CHMP including the Recommendations, is provided herewith as Appendix E).

5 Infrastructure

The requirement to provide infrastructure commensurate with development has been mandated in the pre-development agreement, as set out on other parts of this report. A review of particular infrastructure provisions is provided in the below subheadings

5.1 Reticulated Sewer

The provision of reticulated sewer is a foundation requirement to the success of the Toolamba PSP. Over the years, various investigations and liaison with Goulburn Valley Water has progressed.

The attached ***Sewer Feasibility Strategy for Toolamba Precinct Structure Plan*** sets out the detailed investigations and feasibility work that has been carried by our engineers out to date.

It sets out an overview of the history and negotiations that have occurred as well as the concept design work that forms the basis of the feasibility. Two sewer rising main alignments have been investigated, that involved desk top investigations and 'windscreen survey' of both alignments to review site conditions and potential constraints.

It is Goulburn Valley Water's preference is for the most direct, and therefore most efficient, design option. The feasibility investigation concludes that a sewer rising main along Toolamba-Rushworth Road to Tatura provides this outcome. The total cost for the rising main and associated infrastructure is estimated at \$8,900 per lot. Adding an allowance of \$7,500 per lot for internal gravity sewer to the lots, makes a **sum total cost of \$16,400 per lot** for reticulated sewer to every lot.

The feasibility report concludes that reticulated sewer is a feasible option, as it is comparable to other sewer alternatives. Of particular note, we are advised that an on-site effluent disposal system is likely to cost a lot purchaser/home builder in the vicinity of \$10,000 to \$20,000, dependent on site conditions and the type of system required (septic/ treatment plant or other).

5.2 Transport network

The PSP is supported by a Traffic Impact Assessment Report (TIAR) by Paffrath Consulting, May 2018. The assessment reviewed the potential traffic movements within and leading into and out of the proposed development, with an expectant lot yield of 270 lots. The report investigated the proposal under two projection scenarios – one where the Shepparton Bypass is completed in parallel with development, and one where development is completed before the Shepparton Bypass is constructed.

The assessment reviewed the proposed external connections to the development and the ability for the existing road network to accommodate the projected traffic movements.

Considering the extensive pedestrian and cycle linkages and the closeness of the town's activity nodes (school, kindergarten, recreation and community facilities), vehicle movements are likely to be to outside the town – to work, retail or other facilities in the region's larger centres. To this end, the internal connector road

system and connection to Rutherford Road will provide safe and efficient access for these vehicle movements. Required upgrades to Rutherford Road and associated intersections is mandated in the pre-development agreement.

The proposed development also includes connection to Wren Street, that will provide an important connection between the neighbourhood and the town. In response to the submission raised by the occupant of 15 Wren St, our Part A submission included:

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.

5.3 Development Contributions

The PSP sets out that all required infrastructure will be provided by the developer. There is only one owner/ developer within the PSP area, therefore there is no reliance on contributions from other landholders. Similarly, there should be no requirement for the developer to contribute to any external infrastructure beyond that set out in the pre-development agreement.

6 Conclusion

We consider that our submissions set out that the pre-application and design process has been lengthy and thorough. The proposal has sound strategic support in the Greater Shepparton Planning Scheme and the Housing Strategy. Above this, it creates an environmentally responsible design outcome for Toolamba's advancement into the future.

For these reasons, we respectfully request the Panel's support for the implementation of the Toolamba PSP through Greater Shepparton Planning Scheme Amendment C168, in the form it has been prepared and exhibited.