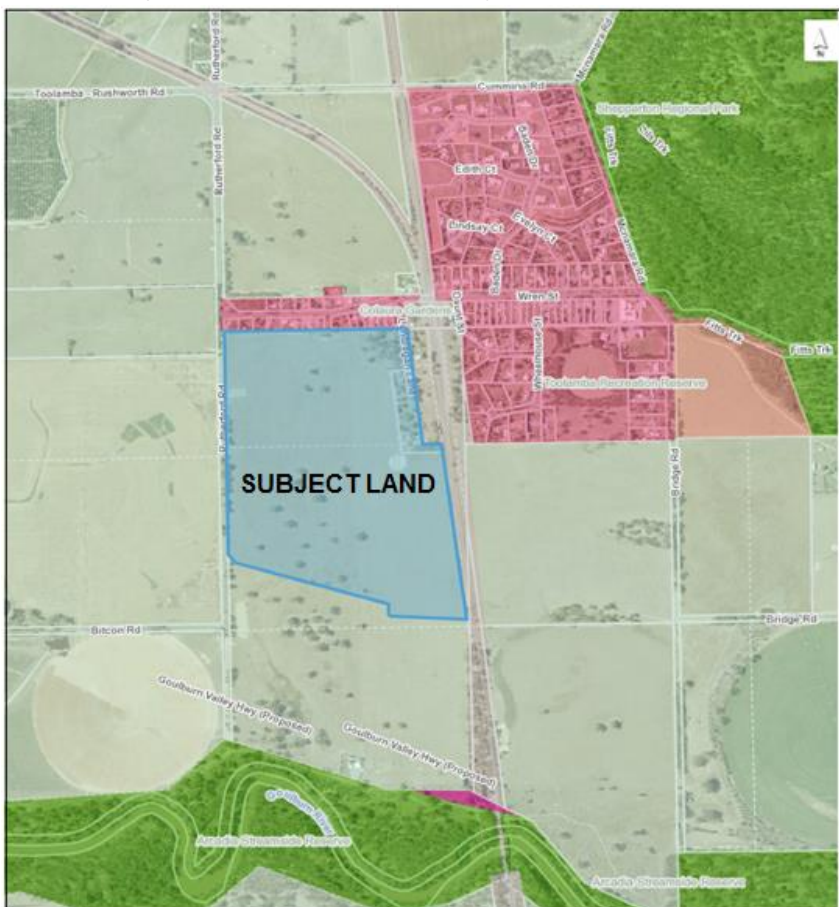


Delegate's Report

Consideration of Submissions:

Responsible Officer:	Kate Clarke
Amendment Number:	C168
Exhibition Period:	11 March to 19 April 2021
Land affected:	<p>The Amendment applies to land identified in the <i>Toolamba Precinct Structure Plan, September 2018</i> (the PSP), being 19 Londregan Lane, Toolamba and part of 335 Rutherford Road, Toolamba (lots 4 and 5 on TP825016).</p> 
Proposal:	The Amendment proposes to rezone land from the Farming Zone – Schedule 1 to the Urban Growth Zone – Schedule 3 and implements the <i>Toolamba Precinct Structure Plan, September 2018</i> into the Greater Shepparton Planning Scheme as an incorporated document.
Number of Submissions:	34
Number of Objections:	24
Panel Dates:	Directions hearing: 4 June 2021 Panel hearing: week commencing 28 June 2021

Background

Planning Scheme Amendment

At the Ordinary Council Meeting held on 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 Investigation Area 6 to the Urban Growth Zone.

Authorisation was received on 24 December 2018, with the stipulation that 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 a separate amendment to be exhibited concurrently with this amendment. As a consequence, Amendment C168 was placed on hold until March 2021. Amendment C224, which seeks to implement the *Toolamba Growth Plan 2020*, has been exhibited concurrently with Amendment C168.

Strategic Justification

The Amendment proposes to rezone land from the Farming Zone – Schedule 1 to the Urban Growth Zone – Schedule 3 and implements the *Toolamba Precinct Structure Plan, September 2018* (the PSP) into the Greater Shepparton Planning Scheme as an incorporated document.

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

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

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

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

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

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

The Amendment proposes a rezoning that will facilitate residential growth within the settlement boundary for Toolamba. The proposed Amendment will increase the supply and diversity of

housing, and will create a robust and well connected neighbourhood with good access to local facilities and services, which will implement objectives (a), (c), (f) and (g) of planning in Victoria in accordance with Section 4(1) of the *Planning and Environment Act 1987* (the Act).

Negative impacts on the environment have been minimised through the preparation of the Amendment. As part of the preparation of the PSP, an Environmental Site Assessment, a Flora and Fauna Assessment, and a Cultural Heritage Management Plan were undertaken, and the recommendations of these reports have been incorporated into the requirements of the PSP.

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

There are no adverse economic effects associated with the Amendment. The Amendment enables the provision of reticulated sewerage infrastructure, which ensures that appropriate land can be made available for residential growth with minimal loss of viable agricultural land. In addition, it offers potential to remedy environmental concerns associated with existing non-sewered development in the township. The Amendment will achieve positive outcomes for housing affordability, create a mix of housing types, and generate local construction employment opportunities.

The proposed amendment supports the Planning Policy Framework by ensuring a sufficient supply of land for residential purposes while protecting primary production areas, locating growth close to transport corridors, and enabling efficient use of land.

The proposed Amendment supports the Municipal Strategic Statement and the Local Planning Policy Framework.

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

The Amendment supports Clause 21.07 by identifying necessary infrastructure required to provide net community benefit to any future community, supporting access to the Shepparton urban area and integration with the proposed Goulburn Valley Highway Shepparton Bypass.

All submissions currently received regarding the Amendment have been considered by Council officers and an Independent Planning Panel is required.

Exhibition

The Amendment was exhibited in accordance with the *Planning and Environment Act 1987* from Thursday, 11 March 2021 to Monday, 19 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;
- 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.

Submissions

34 submissions were received by Council.

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. These are:

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

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

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.

Concerns Raised in Submissions and Council Officers' Position

Concerns raised in submissions and Council officers' position relating to these concerns raised in submissions is outlined in this section. Council officers met or held teleconferences with a number of the submitters; the details of these meetings or calls are also detailed in this section.

Submission numbers	Comments made in submission	Council officers' response
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>	<p>The proposed 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 Precinct Structure Plan seeks to protect valued amenity and local character, and promote orderly development that supports the timely provision of infrastructure to ensure community benefit is maximised and shared.</p> <p>Council has concurrently prepared Amendment C224 to include Design and Development Overlay - Schedule 10, which promotes</p>

		<p>retention of key characteristics of Toolamba's existing built form in and new residential development. This includes direction regarding setbacks, landscaping, fencing, etc.</p> <p>The Urban Growth Zone is considered to be the most appropriate zone to achieve the required outcomes for the land.</p> <p>The lack of sewer infrastructure has prevented the supply of additional smaller blocks to date, so market demand may not be indicative of potential uptake.</p> <p>Perceived impacts on property values are outside of the scope of the Amendments.</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.	<p>The Greater Shepparton Planning Scheme provides a strategic overview of land use across Greater Shepparton. The <i>Greater Shepparton Housing Strategy 2011</i> (Amendment C93 to the Greater Shepparton Planning Scheme) manages municipal-wide residential growth. The proposed Amendments implement the recommendations of the <i>Greater Shepparton Housing Strategy 2011</i>.</p> <p>Council undertakes an analysis of the supply and demand for residential and industrial land every two to five years to monitor development needs and plan for future land supply.</p> <p>The proponent of the proposed Amendment has voluntarily included the provision of sewer infrastructure in the <i>Toolamba Precinct Structure Plan 2018</i>, to address environmental and social concerns relevant to their own development.</p>
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.	Concerns regarding an existing lack of infrastructure supporting the wider Toolamba Townships, such as public transport connections, education opportunities and

		<p>community facilities, are acknowledged in the <i>Toolamba Growth Plan 2020</i>. Council will monitor demand on an ongoing basis and advocate, as required, for infrastructure to be supplied by the responsible agencies, including education facilities.</p> <p>Concerns regarding shortfalls in existing infrastructure are outside the scope of the Amendments. The Toolamba Township Community Plan Steering Committee is the most appropriate avenue to advocate for improvements to a lack of existing infrastructure.</p> <p>The Precinct Structure Plan includes provision for infrastructure that will benefit the community, including reticulated sewer services, open space including an activity node, upgrades to Rutherford Road, and a contribution towards the construction of footpath on the south side of Wren Street.</p>
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.	<p>A Traffic Impact Assessment Report was undertaken as part of the preparation of the Amendment, which ensures the increase in traffic can be appropriately managed.</p> <p>Concerns regarding the provision of public transport in Toolamba are outside the scope of the Amendment, but are acknowledged in the <i>Toolamba Growth Plan 2020</i>. Council will monitor demand on an ongoing basis and advocate as required for the provision of public transport for the responsible external agencies.</p> <p>The Precinct Structure Plan includes upgrades to Rutherford Road and a contribution towards the construction of footpath on the south side of Wren Street to assist with pedestrian safety.</p>
8, 9, 10, 28	Capacity to evacuate larger population in event of flood or fire.	The Goulburn Broken Catchment Management Authority and the Country Fire Authority received

		<p>notice of the Amendments through the exhibition process. Neither authority objected to or raised concerns regarding emergency management.</p> <p>The land is not highly flood affected, and is outside of the Bushfire Management Overlay. A desktop landscape risk assessment was undertaken as part of the <i>Greater Shepparton Townships Framework Plan Review 2019</i>. Bushfire risk was further considered in the preparation of the Amendment. These assessments concluded that the proposal will not result in a net increase in bushfire risk to existing and future residents, property or community infrastructure.</p>
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>	<p>Concerns regarding a lack of a sewerage strategy from the water authority, and for the feasibility of a single land owner providing a sewer connection for the township are noted. The Precinct Structure Plan and Section 173 Agreement that applies to the PSP area require connection to reticulated services prior to subdivision. It is Council's understanding that the infrastructure will be provided as per the Agreement.</p> <p>Rezoning requests for other land parcels can be considered on a case-by-case basis following the implementation of Amendment C224. The <i>Toolamba Growth Plan 2020</i> provides for flexibility regarding sewer connection by stating that connection must be provided "if available".</p>
9, 13, 26	<p>Loss of vegetation and mature trees through the provision of small lots, and consequent impacts on local fauna and birdlife.</p>	<p>The Precinct Structure Plan identifies all existing native vegetation on the land and seeks to conserve this, where possible. This includes incorporating native vegetation into public land, such as road reserves and public open spaces, as part of any new development. This process is the most appropriate way to conserve</p>

		native vegetation when land is identified for development, rather than attempting to retain vegetation on small house lots where exemptions to native vegetation removal would.
13	There will be significant detrimental amenity and privacy impacts on 15 Wren Street from the proposed 'internal collector street'.	The road reserve between 15 and 17 Wren Street already exists, this is not proposed as part of the amendments. It is noted that the road currently remains unconstructed. However, the land is not part of a designated park or open space and, as such, there should be no expectation that the land be kept for this purpose.

The following meetings were held with submitters:

- 10:00am on 12 May 2021 at Council offices. Submitter No. 14, Principal Strategic Planner and Graduate Strategic Planner Projects were in attendance.
- 10:30am on 12 May 2021 at Council offices/online. Submitter No. 13, Principal Strategic Planner and Graduate Strategic Planner Projects were in attendance.
- 1.30pm on 12 May 2021 at Council offices. Submitter No. 16, Principal Strategic Planner and Graduate Strategic Planner Projects were in attendance.
- 4.30pm on 12 May 2021 at Council offices. Submitter No. 9 and Submitter No. 31, Principal Strategic Planner and Graduate Strategic Planner Projects were in attendance.
- 9:00am on 13 May 2021 at Council offices/online. Submitter No. 32, Principal Strategic Planner and Graduate Strategic Planner Projects were in attendance.
- 10:00am on 13 May 2021 at Council offices. Submitter No. 17, Principal Strategic Planner and Graduate Strategic Planner Projects were in attendance.

Conclusion

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

The Amendment was exhibited in accordance with the *Planning and Environment Act 1987* from 11 March 2021 to 19 April 2021.

34 submissions were received by Council. Of these, 24 submissions are unresolved and must now be considered by an independent planning panel. Council officers have considered all submissions to the Amendment and engaged with all submitters in an attempt to resolve these concerns. Council officers will continue to engage with submitters; however, it is evident that a number of submissions will remain outstanding.

An Independent Planning Panel is required to consider all submissions.

Recommendation

Council officers request that an Independent Planning Panel be appointed to consider all submissions received for proposed Amendment C168 to the Planning Scheme.

Panel hearing dates

The following panel hearing dates have been set for this proposed Amendment:

- Directions hearing: 4 June 2021
- Panel hearing: week commencing 28 June 2021