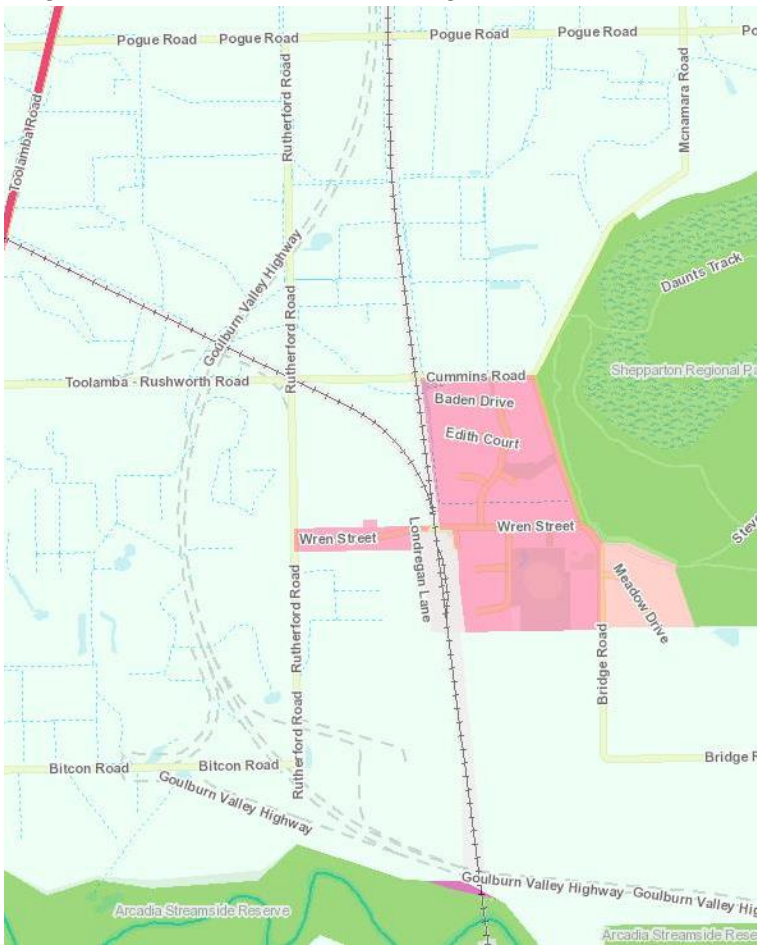


Delegate's Report

Consideration of Submissions:

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| Responsible Officer: | Kate Clarke |
| Amendment Number: | C224 |
| Exhibition Period: | 11 March to 19 April 2021 |
| Land affected: | <p>The Amendment applies to land identified in the <i>Toolamba Growth Plan, July 2020</i> (the Plan), being the township of Toolamba and a wider area that is generally bounded by the Public Acquisition Overlay for the Goulburn Valley Highway Shepparton Bypass to the west and south, the Shepparton Regional Park to the east, and Pogue Road to the north.</p>  |
| Proposal: | <p>The Amendment seeks to implement the <i>Toolamba Growth Plan 2020</i> and the <i>Toolamba Housing and Streetscape Typologies 2020</i> into the Greater Shepparton Planning Scheme by amending the Municipal Strategic Statement, including both documents as Background Documents, and applying a Design and Development Overlay to the area designated for short term residential development, being 19 Londregan Lane, Toolamba</p> |

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| | and part of 335 Rutherford Road, Toolamba (lots 4 and 5 on TP825016). |
| Number of Submissions: | 34 |
| Number of Objections: | 25 |
| Exhibited 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 21 July 2020, Council resolved to adopt the *Toolamba Growth Plan 2020* and the *Toolamba Housing and Streetscape Typologies 2020*, and to prepare and exhibit a planning scheme amendment to implement the findings.

Council received notice from Department of Environment, Land, Water and Planning (DELWP) to proceed without authorisation on 11 December 2020.

Strategic Justification

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, by implementing the recommendations of the *Toolamba Growth Plan 2020* and the *Toolamba Housing and Streetscape Typologies 2020* into 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. Toolamba is in a unique position as the only small town in the municipality which will have a dedicated freeway interchange as part of the construction of the Goulburn Valley Highway Shepparton Bypass.

Amendment C224 is required to provide an overarching vision for the township's growth, ensuring that residential development is cohesive. As the timeframe for construction of the proposed Bypass is, as yet, undetermined, it is important to ensure its impacts are accounted for by promoting a variety of housing opportunities to assist in accommodating the projected population growth, and promoting provision of services and infrastructure that is appropriately correlated with the needs of the expanding population, and coordinated across short- and long-term stages of development.

The implementation of the *Toolamba Growth Plan 2020* through Amendment C224 is required to facilitate provision of reticulated sewerage that benefits the maximum number of residential lots in Toolamba, by promoting coordination of infrastructure provision with other landowners.

The Amendment is required to implement a Design and Development Overlay to land designated for short-term residential development, 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.

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

The Amendment seeks to implement objectives a, c, e, f, and g of planning in Victoria in accordance with Section 4(1) of the *Planning and Environment Act 1987* (the Act).

The Amendment enables environmental benefits through the retention of native vegetation in future residential development and open space areas and reserves, which minimises impacts on the environment and genetic diversity, as well as increasing community amenity.

The Amendment supports the provision of reticulated sewerage to the township, offering potential to remedy existing environmental concerns associated with existing non-sewered development in the Toolamba township.

The Amendment will generate positive social benefits for the Toolamba Township by providing increased housing opportunities and a variety of future housing options in a community that is supported by a local town centre, recreational and educational facilities, natural amenity, and transport access.

There are no adverse economic effects associated with the Amendment. The Amendment enables the provision of land for residential growth with minimal loss of viable agricultural land. 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 State 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 Amendment implements a high-level framework to define preferred development sequences and coordinate infrastructure planning and funding, identifying infrastructure requiring developer contributions and providing opportunities to improve the timely delivery of priority works such as reticulated sewerage.

The Amendment supports the retention of neighbourhood character by promoting development responses that reinforce the sense of spaciousness and dense tree coverage that is highly valued by the community.

The Amendment supports the Municipal Strategic Statement and Local Planning Policy. The *Toolamba Growth Plan 2020* identifies the predominant future land use as being residential development and recognises the importance of incorporating the necessary community infrastructure required to support any future population in the initial development stages. This will allow for an appropriate transition from farming land to land used primarily for urban development within the recognised Toolamba settlement boundary.

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

Seven 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; 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

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

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 |
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| 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.</p> <p>Small blocks will not satisfy the market, and negatively impact property prices.</p> | <p>The proposed Amendment C224 allows for a variety of lots, from 800-4,000+m2 in size, consistent with the existing house lots. The <i>Toolamba Growth Plan 2020</i> 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><i>Design and Development Overlay - Schedule 10</i> promotes retention of key characteristics of Toolamba's</p> |

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| | | <p>existing built form in residential development. This includes direction regarding setbacks, landscaping, fencing, etc.</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, 32 | <p>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> | <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 proposed Amendment C168 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 | <p>Capacity of existing infrastructure to accommodate proposed residential expansion. Investment in social infrastructure must be made prior to or in line with population growth.</p> <p>The Toolamba Growth Plan does not provide adequate specificity and timeframes to ensure social and community infrastructure development is matched to growth; investment in</p> | <p>Concerns regarding shortfalls on 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>An existing lack of infrastructure supporting the wider Toolamba Townships, such as public</p> |

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| | social infrastructure must be commensurate with growth. | <p>transport connections, education opportunities and 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>The <i>Toolamba Growth Plan 2020</i> provides high-level strategic guidance for the provision of infrastructure that is matched to growth.</p> |
| 7, 8, 10, 16, 18, 23, 28, 29 | <p>Concerns regarding increased traffic, and lack of public transport, particularly the safety of children where footpaths/pedestrian infrastructure is lacking.</p> <p>The Growth Plan should include the intention to join Bridge and Bitcon Roads, to reduce traffic in Wren Street.</p> | <p>A Traffic Impact Assessment Report was undertaken as part of the preparation of Amendment C168, 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 Amendment C224, 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 connection of Bitcon Road and Bridge Road is expected to be undertaken as part of the development of the Goulburn Valley Highway Shepparton Bypass.</p> |
| 8, 9, 10, 28 | Capacity to evacuate larger population in event of flood or fire. | <p>The Goulburn Broken Catchment Management Authority and the Country Fire Authority received 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</i></p> |

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| | | <p><i>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, 17, 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>Connection to sewer infrastructure should be mandatory for all medium- and higher-density developments</p> | <p>Concerns regarding a lack of 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 Toolamba 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 <i>Toolamba Growth Plan 2020</i> identifies the existing native vegetation on the land as a valued amenity 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 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 apply.</p> |

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. 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. 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.
- 11:30am on 17 May 2021 at Council offices. Submitter No. 33, Principal Strategic Planner and Graduate Strategic Planner Projects were in attendance.

Conclusion

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

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, 25 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 C224 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